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Federal Register

Wednesday
August 19, 1981

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42060 **Banks and Banking** FRS clarifies rules on eligibility of depositors to maintain NOW accounts.

42059 FRS gives depository institutions greater access to Reserve Bank check collection services.

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42067 **Freedom of Information** Interior/Sec'y amends fee schedule for handling Freedom of Information Act requests.

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Highlights

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Rules and Regulations

Federal Register
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Wednesday, August 19, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL RESERVE SYSTEM

12 CFR Part 210

[Regulation J; Docket No. R-0357]

Collection of Checks and Other Items and Transfer of Funds

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board has amended Subpart A of Regulation J, governing the collection of checks and other items by Reserve Banks, to implement the Monetary Control Act of 1980. This amendment redefines the terms "sender" and "bank" so that each term includes "depository institutions" as defined in section 19(b) of the Federal Reserve Act, as amended by the Monetary Control Act.

EFFECTIVE DATE: August 12, 1981.

FOR FURTHER INFORMATION CONTACT: Lee S. Adams, Senior Counsel (202/452–3623), or Joseph R. Alexander, Attorney (202/452–2489), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980, Title I of Pub. L. No. 96–221, 94 Stat. 132, expands access to Reserve Bank check collection services to all depository institutions. The Board is amending Subpart A of Regulation J to bring this regulation into conformance with this expanded access by broadening the definition of "sender" in Subpart A to include a depository institution as defined in section 19(b) of the Federal Reserve Act.

The amendment also defines the term "bank" to include a depository institution as defined in section 19(b). The Consumer Checking Account Equity Act of 1980, Title III of Pub. L. No. 94–221, 94 Stat. 145, authorized depository institutions (as defined in 12 U.S.C. 1832(b)) to offer NOW accounts and credit unions to offer share draft accounts beginning December 31, 1980. The Board believes depository institutions (including credit unions) should be considered "banks" (as least to the extent that they offer third-party payment accounts equivalent to checking accounts), for purposes of Article 4 of the Uniform Commercial Code ("U.C.C.") and Subpart A of Regulation J.

The Board issued this amendment (along with several other amendments to Subpart A) for comment on April 27, 1981. The majority of those commenting on the proposals favored adopting this amendment. Some commentators did express concern that defining nonbank depository institutions (such as credit unions and savings and loan associations) as banks could foster public confusion regarding the differences between these institutions and commercial banks. Several comments, while favoring approval of the amendment, urged the Board to take steps to insure that the identification of nonbank depository institutions as banks be strictly limited to the cash item collection field.

The Board has considered these comments and has decided to adopt the amendments as proposed. Subpart A follows very closely the provisions of the U.C.C. and the Board believes that where possible the terminology used should be the same. Under the U.C.C., nonbank payors must pay or dishonor an instrument before the close of business on the day presentment is made. U.C.C. § 3–506(2). Payor banks, however, are given deferred posting rights by Article 4 of the U.C.C. The Board believes that the best way to implement the congressional intent that nonmember institutions be given access to Federal Reserve services on the same basis as member banks is to amend Regulation J to insure that nonmember institutions be accorded deferred posting and other rights and responsibilities associated with check clearing operations under Article 4. To avoid confusion between Article 4 and Subpart A, the Board has defined nonbank depository institutions as banks for purposes of Regulation J. With this action, however, the Board does not mean to suggest that there are no longer any differences between banks and nonbank depository institutions, and the Board does not intend by this amendment to affect any other laws or regulations which establish distinctions among the various types of depository institutions.

Final Regulatory Flexibility Act Analysis

The Board has considered the requirements imposed by the Regulatory Flexibility Act, 5 U.S.C. 601–612, with respect to the impact of the rulemaking on small financial institutions. The Board does not believe that the amended rule will impose additional reporting, recordkeeping, or other compliance burdens on such small businesses, and consequently the Board need not consider alternatives to the rule that would minimize its impact on small businesses. Finally, no other federal regulations duplicate, overlap, or conflict with the amended Regulation J.

Pursuant to its authority under section 13 of the Federal Reserve Act, as amended, 12 U.S.C. 342; section 16 of the Federal Reserve Act, 12 U.S.C. 248(o), 360; and section 11(i) of the Federal Reserve Act, 12 U.S.C. 248(i), the Board hereby amends Regulation J (12 CFR pt. 210) as follows:

In § 210.2, new paragraph (b) is added, and existing paragraphs (b) through (k) are redesignated paragraphs (c) through (l) and revised to read as follows:

§ 210.2 Definitions.

As used in this subpart, unless the context otherwise requires:

* * * * *

(b) "Bank" includes a depository institution as defined in section 19 of the Federal Reserve Act (12 U.S.C. 461(b)).

(c) "Bank draft" means a check drawn by one bank on another bank.

(d) "Banking day" means a day during which a bank is open to the public for carrying on substantially all its banking functions.

(e) "Cash item" means:

(1) A check other than one classified as a noncash item under this section; or

(2) Any other item payable on demand and collectible at par that the Reserve Bank of the District in which the item is payable is willing to accept as a cash item.

(f) "Check" means a draft, as defined in the Uniform Commercial Code, that is drawn on a bank and payable on demand.

(g) "Item" means an instrument for the payment of money, whether negotiable or not, that is:

(1) Payable in a Federal Reserve District [1] ("District");

(2) Sent by a sender to a Reserve Bank for handling under this subpart; and

(3) Collectible in funds acceptable to the Reserve Bank of the District in which the instrument is payable.

Unless otherwise indicated, "item" includes both cash and noncash items. "Item" does not include a check that cannot be collected at par,[2] or an "item" as defined in § 210.26 that is handled under subpart B.

(h) "Nonbank payor" means a payor of an item, other than a bank.

(i) "Noncash item" means an item that a receiving Reserve Bank classifies in its operating circulars as requiring special handling. The term also means an item normally received as a cash item if a Reserve Bank decides that special conditions require that it handle the item as a noncash item.

(j) "Paying bank" means:

(1) The bank by which an item is payable, unless the item is payable or collectible through another bank and is sent to the other bank for payment or collection; or

(2) The bank through which an item is payable or collectible and to which it is sent for payment or collection.

(k) "Sender" means any of the following that sends an item to a Reserve Bank: a depository institution, a clearing institution, another Reserve Bank, an international organization, a foreign correspondent, or a branch or agency of a foreign bank maintaining reserves under section 7 of the International Banking Act of 1978 (12 U.S.C. 347d, 3105).

(l) "Depository institution" means a depository institution as defined in section 19(b) of the Federal Reserve Act. (12 U.S.C. 461(b))

(2) "Clearing institution" means:

(i) An institution that is not a depository institution, but maintains with a Reserve Bank the balance referred to in the first paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342); or

(ii) A corporation that maintains an account with a Reserve Bank in conformity with section 211.4 of this chapter (Regulation K).

(3) "International Organization" means an international organization for which a Reserve Bank is empowered to act as depository or fiscal agent and maintains an account.

(4) "Foreign correspondent" means any of the following for which a Reserve Bank maintains an account: a foreign bank or banker, a foreign state as defined in section 25(b) of the Federal Reserve Act (12 U.S.C. 632), or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. 358).

(l) "State" means a State of the United States, the District of Columbia, Puerto Rico, or a territory, possession, or dependency of the United States.

By order of the Board of Governors August 13, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-24216 Filed 8-18-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 217

[Docket No. R-0356; Regulation Q]

Interest on Deposits; Depositors Eligible to Maintain NOW Accounts

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final interpretation.

SUMMARY: The Board of Governors has issued an interpretation of Regulation Q—Interest on Deposits (12 CFR Part 217) to clarify the rules concerning the class of depositors eligible to maintain NOW accounts at member banks. Under the interpretation, the class of depositors eligible to maintain NOW accounts at member banks will include: (1) all individuals, including sole proprietorships, and trust or fiduciary accounts in which the entire beneficial interest is held by individuals; (2) nonprofit organizations that are described in sections 501(c) (3) through (13) and (19), and 528 of the Internal Revenue Code; and (3) governmental units, if the funds are in the name of or are used for the purposes of schools, colleges, universities, libraries, hospitals or other medical facilities. However, businesses operated for profit organized as partnerships, corporations or other associations, and most governmental units will not be permitted to maintain NOW accounts. Depositors that established NOW accounts at member banks on or before August 31, 1981, that are eligible under existing criteria may continue to maintain those accounts even if they would no longer be eligible under the revised rules for eligibility. The Board believes that the eligibility criteria for NOW accounts will be more understandable as a result of this action and will reduce substantially the need for Board review of individual questions of eligibility.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), or Paul S. Pilecki, Senior Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96-221) ("Act") authorized depository institutions nationwide (except credit unions which are authorized to offer share draft accounts) effective December 31, 1980, to permit the owner of a deposit or account on which interest on dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties (12 U.S.C. 1832(a)(1)). Under the statute, NOW accounts are available only to individuals and to qualifying organizations (12 U.S.C. 1832(a)(2)). Qualifying organizations must meet two separate tests of eligibility. First, they must be operated primarily for "religious, philanthropic, charitable, educational, or other similar purposes;" second, they must not be operated for profit. The Federal Reserve previously has advised member banks that the class of depositors eligible to hold NOW accounts is virtually identical to the class of depositors eligible to hold savings deposits without limit (with the exception of governmental units).[1]

Since the passage of the Act, the Federal Reserve has received a significant number of requests from member banks and their customers for rulings and opinions concerning NOW account eligibility. In many instances these requests have required the consideration of subtle distinctions that are not altogther practical for application on a uniform basis by a large number of depository institutions. In order to alleviate problems that have arisen among member banks concerning the class of depositors eligible to hold NOW accounts, the Board on April 14,

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[1] For purposes of this subpart, the Virgin Islands and Puerto Rico are deemed to be in the Second District, and Guam and American Samoa in the Twelfth District.

[2] The Board publishes a "Memorandum on Exchange Charges" listing the banks that would impose exchange charges on cash items and other checks forwarded by Reserve Banks and therefore would not pay at par.

[1] Regulation Q explicitly permits fraternal organizations to maintain NOW accounts; however, the statute omits such group from the list of eligible NOW account depositors. Since the statutory provisions were based on Regulation Q, it is believed that the omission of the term "fraternal" was unintentional and without significance. The Board believes that such organizations are operated for purposes "similar" to "religious, philanthropic, charitable, [and] educational" organizations.

1981, requested public comment (46 FR 22600) on a proposed interpretation of Regulation Q to simplify and clarify the rules concerning NOW account eligibility.

Under the proposal, the class of depositors eligible to maintain NOW accounts at member banks would have included: (1) Individuals, if the funds are not used primarily for business purposes, (2) nonprofit organizations that are described in sections 501(c) (3) through (13) and (19) and 528 of the Internal Revenue Code, and (3) governmental units, if the funds are in the name of and used for the purposes of schools, colleges, universities, libraries, hospitals or other medical facilities. However, under the proposal, businesses that are operated for profit, including sole proprietorships, partnerships, corporations, and other organizations, and most governmental units would not have been permitted to maintain NOW accounts. In addition, all NOW accounts that met the current NOW account eligibility criteria but would not be eligible under the new criteria could have continued to have been maintained, but only until December 31, 1981.

The period for public comment on the NOW account proposal ended on June 15, 1981. Comments were received from more than 800 respondents, primarily depository institutions. Commentators generally agreed with the proposed treatment of nonprofit organizations and governmental units. However, the comments strongly opposed modifying the NOW account eligibility criteria to exclude the funds of individuals operating businesses as sole proprietors or individual farmers and slightly opposed the phaseout of existing NOW account holders that would no longer be eligible to maintain NOW accounts. After consideration of the comments received from the public, the Board has adopted an interpretation concerning eligibility of depositors to maintain NOW accounts at member banks, as discussed below, effective September 1, 1981.[2]

Under the Board's interpretation, all organizations, partnerships, corporations, and associations that are not operated for profit and are described in section 501(c) (3) through (13) and (19) and section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) 501(c) (3) through (13), (19) and § 528) will be eligible to maintain NOW accounts at a member bank. In this regard, the Act extends NOW account eligibility to organizations not operated for profit if they are operated primarily for religious, philanthropic, charitable, educational or for *other similar purposes.* The Board believes that virtually all nonprofit organizations described in the cited Internal Revenue Code provisions can be regarded as being operated primarily for purposes that are similar in nature to religious, philanthropic, charitable, or educational purposes and that such provisions are comprehensive with respect to describing such organizations. The Board believes that this interpretation will facilitate compliance by depository institutions and will reduce greatly the need for individual rulings on NOW account eligibility.

Prior to opening a NOW account for a nonprofit organization, a member bank will be required merely to establish that the organization opening the account is an entity described under one of the appropriate provisions of the Internal Revenue Code. This can be accomplished by direct reference to the Code provisions or through the presentation of an exemption determination obtained from the Internal Revenue Service (IRS) (or an opinion of counsel) indicating that the organization is described under section 501(c) (3) through (13) or (19), or section 528. An organization will not be required to actually have obtained an exemption determination from the IRS, but will be required only to be described in one of the designated Code provisions in order to qualify for a NOW account. In any event, significant numbers of organizations have obtained such determinations, and the Board believes that documentation of an organization's status under the Code should be conveniently available to the institution at which the NOW account is opened.

The Board has had a longstanding interpretation (1936 *Federal Reserve Bulletin* 120) which provides that deposits of funds of an individual used in his or her business, i.e., a sole proprietor, may be classified as savings deposits since the Board viewed it as impracticable to distinguish between funds of an individual used in a business and other funds of the individual. (However, funds of a corporation owned solely by an individual may not be held as NOW accounts since the corporation exists separate and apart from the individual.) This ruling has been extended to apply also to eligibility for NOW accounts and the automatic transfer service (ATS). The Board believes that continuation of the policy of permitting deposits of businesses owned by individuals to be held as NOW accounts is appropriate in light of the potential problems—discussed by those commenting on the proposal—that would occur if sole proprietors were prohibited from having NOW accounts. Consequently, all sole proprietorships and other businesses operated by individuals will continue to be eligible to maintain NOW and ATS accounts at member banks. However, the class of depositors eligible to hold NOW accounts will continue to exclude other entities organized or operated to make a profit regardless of whether they are corporations, partnerships, associations, or any other organization.

At present, certain governmental units are eligible for NOW accounts at member banks. These entities include independent school districts and state universities, redevelopment authorities, and public housing authorities. Because states and political subdivisions are regarded as primarily serving governmental purposes, the Board believes that governmental units generally should not be permitted to maintain NOW accounts. However, under the Board's interpretation, governmental units will be eligible to maintain NOW accounts if the funds are in the name of or are to be used exclusively by schools, libraries, colleges, universities, and hospitals or other educational or medical facilities. The Board believes that funds used for such purposes should be permitted to be placed in NOW accounts in order to accord equal treatment to public entities that perform functions similar to nonprofit entities in the private sector. Thus, if a governmental unit is organized for any one of the listed purposes or maintains an account exclusively for one of those purposes, such funds may be placed in a NOW account. All other governmental accounts will not be eligible for NOW accounts, including redevelopment authorities and public housing authorities. This approach will also eliminate the need for a determination of whether a particular governmental entity is independent or separately constituted as is required under current interpretations.

In order not to disadvantage any current NOW account customers that qualify under existing eligibility criteria but that would no longer be eligible under the Board's interpretation, the Board has determined to grandfather existing NOW accounts that will not qualify under the revised eligibility criteria. All NOW accounts that meet the current NOW account eligibility criteria may continue in effect if they were established on or before August 31,

[2] In accordance with section 604 of the Regulatory Flexibility Act (5 U.S.C. § 604; Pub. L. 96–354), a final regulatory flexibility statement is available from the Board's Freedom of Information Office (202/452–2407).

1981. After that date, NOW accounts will be limited solely to the new class of eligible depositors.

It should be noted that the Board has not changed the existing policy concerning eligibility for traditional passbook and statement savings accounts.

Effective September 1, 1981, pursuant to its authority under section 19(a) of the Federal Reserve Act (12 U.S.C. 461(a)), the Board amends Regulation Q (12 CFR Part 217) by adding a new § 217.157 as follows:

§ 217.157 Eligibility for NOW and ATS accounts.

(a) *Background.* (1) Effective December 31, 1980, the Consumer Checking Account Equity Act of 1980 (Title III of the Depository Institutions Deregulation and Monetary Control Act of 1980, P.L. 96-221; 94 Stat. 146) authorizes depository institutions nationwide to offer interest-bearing checking (NOW) accounts to depositors where the "entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit." (12 U.S.C. 1832(a)(2)). The purpose of the Act is to extend the availability of NOW accounts throughout the nation. Previously, as an experiment, NOW accounts were authorized to be offered by depository institutions only in New England, New York, and New Jersey.

(2) The NOW account experiment established by Congress in 1973 did not specify the types of customers that could maintain NOW accounts. As a result, the rules of the Federal Reserve and Federal Deposit Insurance Corporation specified the types of depositors eligible to maintain NOW accounts at member and insured nonmember banks. In enacting the NOW account provision in 1980, Congress adopted virtually the same language concerning NOW account eligibility that previously had been adopted by the Board and the Federal Deposit Insurance Corporation with regard to the types of customers permitted to maintain NOW accounts in institutions located in the NOW account experiment region. (12 CFR 217.1(e)(3) and 12 CFR 329.1(e)(2)). This definition was based upon longstanding regulatory provisions concerning eligibility criteria for savings deposits.

(3) In response to many requests for rulings since the new law was enacted, the Board has determined to clarify the types of entities that may maintain NOW accounts at member banks.

(b) *Individuals.* (1) Any individual may maintain a NOW account regardless of the purposes that the funds will serve. Deposits of an individual used in his or her business may be held in a NOW account, since it is impracticable to distinguish between funds used by an individual in his or her business and funds used for personal purposes. However, other entities organized or operated to make a profit may not maintain NOW accounts regardless of whether they are corporations, partnerships, associations, business trusts, or other organizations.

(2) Under current provisions, funds held in a fiduciary capacity (either by an individual fiduciary or by a corporate fiduciary such as a bank trust department), including those awaiting distribution or investment, may be held in the form of NOW accounts if the beneficiaries are individuals. The Board believes that such a classification should continue since fiduciaries are required to invest even temporarily idle balances to the greatest extent feasible in order to responsibly carry out their fiduciary duties. The availability of NOW accounts provides a convenient vehicle for providing a short-term return on temporarily idle trust funds of individuals.

(3) Pension funds, escrow accounts, security deposits, and other funds held under various agency agreements may also be classified as NOW accounts if the entire beneficial interest is held by individuals. The Board believes that these accounts are similar in nature to trust accounts and should be accorded identical treatment. Therefore, such funds may be regarded as eligible for classification as NOW accounts.

(c) *Nonprofit Organizations.* (1) Under the Act, a nonprofit organization that is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes may maintain a NOW account. The Board regards the following kinds of organizations as eligible for NOW accounts under this standard if they are not operated for profit:

(i) Organizations described in section 501(c) (3) through (13), and (19) of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954)) § 501(c) (3) through (13) and (19); and

(ii) Homeowners and condominium owners associations described in section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) 528), including housing cooperative associations that perform similar functions.

(2) All organizations that are operated for profit are not eligible to maintain NOW accounts at member banks.

(3) The following types of organizations described in the cited provisions of the Internal Revenue Code are among those not eligible to maintain NOW accounts:

(i) Credit unions and other mutual depository institutions described in section 501(c)(14);

(ii) Mutual insurance companies described in section 501(c)(15);

(iii) Crop financing organizations described in section 501(c)(16);

(iv) An organization created to function as part of a qualified group legal services plan described in section 501(c)(20);

(v) Farmers' Cooperatives described in section 521; or

(vi) Political organizations described in section 527.

(d) *Governmental Units.* Under the Act, governmental units generally may not maintain NOW accounts. The Board believes that some governmental units are operated primarily for philanthropic, educational, or charitable purposes, and that such entities should be regarded as eligible to maintain NOW accounts. Consequently, a Governmental unit, regardless of form of organization, may maintain a NOW account if the funds are in the name of or are used solely for schools, universities or colleges, libraries, hospitals, or other educational or medical facilities.

(e) *Grandfather Provision.* In order to avoid unduly disrupting account relationships, a NOW account established at a member bank on or before August 31, 1981, that represents funds of a nonqualifying entity that previously qualified to maintain a NOW account may continue to be maintained.

By order of the Board of Governors, August 13, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-24214 Filed 8-18-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Disability Insurance and Supplemental Security Income; Determinations of Disability

AGENCY: Social Security Administration, HHS.

ACTION: Final rule; Correction.

SUMMARY: This document corrects several errors in citations and an incorrect statement with regard to the time within which a State must appeal

an audit determination which are contained in final regulations implementing section 304 of Pub. L. 96–265, published May 29, 1981 (46 FR 29190).

FOR FURTHER INFORMATION CONTACT: Harry Short, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–7337.

The following corrections are made in FR Doc. 81–16049 appearing on page 29190 in the **Federal Register** of May 29, 1981:

1. On page 29211, in the center column "§§ 416.1001–416.1078 [redesignated as §§ 416.1801–416.1878 (Subpart R)] is corrected to read "§§ 416.1001–416.1081 [Redesignated as §§ 416.1801–416.1881 (Subpart R)]".

2. On page 29211, in the center column, action item number 3 "The section headings and the text of §§ 416.1001–416.1078 are redesignated as §§ 416.1801–416.1878 [Subpart R]. The title of Subpart R is "Relationship"." is corrected to read "The section headings and the text of §§ 416.1001–416.1081 are redesignated as §§ 416.1801–416.1881 [Subpart R]. The title of Subpart R is "Family Relationships".".

3. On page 239213, in the center column the cross-reference "§ 416.1072" in § 416.1015(c) is corrected to read "416.972".

4. On page 29214, in the third column the second to the last sentence in § 416.1027(b) is corrected by deleting the words "within 30 days of the date of the decision by the Commissioner".

Dated: August 12, 1981.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc 81–24239 Filed 8–18–81; 8:45 am]

BILLING CODE 4110–07–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 8H5 193/T72; PH–FRL 1901–7]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Aldicarb

Correction

On page 39828 in the issue of Wednesday, August 5, 1981, the document on the pesticide aldicarb was incorrectly cited in the heading as relating to Title 40 Part 193 of the Code of Federal Regulations. It should have been cited as Title 21 Part 193; therefore, in the heading, change "40 CFR Part 193" to read "21 CFR Part 193".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 808

Surface Coal Mining and Reclamation Operations Permanent Program Regulations; Performance Bonding

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of suspension of rule.

SUMMARY: OSM is suspending 30 CFR 808.12(c) pending the outcome of rulemaking which will result from granting a petition.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Russell Price, Civil Engineer, Division of Technical Services, Office of Surface Mining, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone (202) 343–4022.

SUPPLEMENTARY INFORMATION: For discussion of this document, see proposed rule section of this issue of the **Federal Register.**

Dated: August 14, 1981.

J. R. Harris,

Director.

§ 808.12 [Amended]

Accordingly, 30 CFR 808.12(c) as published on August 6, 1980, (45 FR 52324) is suspended.

(Secs. 509 and 519, Pub. L. 95–87, 91 Stat. 480, 501 (30 U.S.C. 1259 and 1269))

[FR Doc. 81–24142 Filed 8–18–81; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations: Authority To Enter Into Agreements With Designated Foreign Banks

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purpose of the amendment is to authorize the Federal Reserve Bank of New York, as fiscal agent of the United States, to enter into escrow and related agreements with designated foreign banks. These agreements are necessary to implement the terms of the Iran-U.S. Agreements of January 19, 1981.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376–0236.

SUPPLEMENTARY INFORMATION: Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date, are inapplicable.

Similarly, because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

31 CFR Part 535 is amended as follows:

Section 535.210 is amended by the revision of paragraph (a) as follows:

§ 535.210 Direction for establishing an escrow agreement.

(a) The Federal Reserve Bank of New York, as fiscal agent of the United States, is licensed, authorized, directed and compelled to enter into escrow and related agreements under which certain money and other assets shall be credited to escrow accounts by the Bank of England or the N.V. Settlement Bank of the Netherlands.

* * * * *

(Sec. 201–207, 91 Stat. 1626, 50 U.S.C. 1701–1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 28605; E.O. No. 12276, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; and E.O. No. 12294, 46 FR 14111)

Dated: August 17, 1981.

Susan M. Swinehart,

Acting Director.

Approved:

John M. Walker, Jr.,

Assistant Secretary.

[FR Doc. 81–24281 Filed 8–17–81; 12:47 pm]

BILLING CODE 4810–25–M

POSTAL RATE COMMISSION

39 CFR Part 3000

[Docket No. RM81-1; Order No. 393]

Standards of Conduct

August 14, 1981.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: To amend the Commission's outside employment rules to permit persons subject to the rules to offer their services on an unpaid, or *pro bono publico,* basis in conjunction with recognized organizations. The substantial need by such organizations for volunteer assistance has prompted the Commission to act in this regard. This action is intended to permit Commission staff personnel to volunteer their services, on a *pro bono* basis, to recognized organizations.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, Postal Rate Commission, Suite 500, 2000 L Street, N.W., Washington, D.C. 20268; Telephone (202) 254-3824.

SUPPLEMENTARY INFORMATION:

Classification: The Postal Rate Commission has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12291.

Regulatory Analysis: Not required for this rulemaking.

Environmental Impact Statement: This regulation does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

Summary of Rule Change

The Postal Rate Commission, pursuant to Executive Order 11570 (35 FR 1813, Nov. 28, 1970), and 5 U.S.C. 553 (Pub. L. 89-554 Sept. 6, 1966, 80 Stat. 383) amends certain provisions of its Standards of Conduct which deal with outside employment and professional practice. Currently, 39 CFR 3000.735-307 provides, in part, that Commission employees with an annual salary of $20,000 or more may not engage in any outside employment or professional practice, whether paid or unpaid, other than teaching, lecturing or writing. Furthermore, this section provides that outside professional work or practice is, as a matter of general policy, discouraged and to be approved only in unusual circumstances.

When read together, these two provisions effectively preclude Commission employees from furnishing professional representation or services, even when provided on a *pro bono publico* basis. The Commission believes that *pro bono publico* representation or services is appropriate and should be permitted. This is especially the case in view of the substantially increased need for *pro bono publico* services generally. For example, there is now a substantial need for the increased availability of legal services both in the District of Columbia and elsewhere. Appropriations to fund the various legal assistance programs are currently being reduced or eliminated and, recently, the Court of Appeals of the District of Columbia has precluded the D.C. Bar Asssociation from using membership dues to fund legal aid programs. These are just two examples indicating the substantial need that now exists for *pro bono* service. Therefore, the Commission has determined that *pro bono* activities by its employees, both of a legal nature and otherwise, should be permitted and actively encouraged if such practices are accomplished through the sponsorship of a recognized organization which provides such services.

This rule change does not affect the general question of outside employment by Commission members and staff. However, the Commission is presently taking under advisement various alternative rule changes which would substantially alter the outside employment prohibitions under § 3000.735-307 of the Commission's rules.

Accordingly, the accompanying rule change permits such *pro bono* practice or service, with the prescribed limitation.

Amended

Part 3000 of 39 CFR is amended by revising § 3000.735-307 (a) and (f) to read as follows:

§ 3000.735-307 Outside employment and other activity.

(a) An employee whose annual rate of basic compensation from the Commission is $20,000 or more shall not engage in any outside employment or professional practice, either on a paid or unpaid basis, other than

(1) teaching, lecturing, or writing as provided in paragraph (d) of this section;

(2) outside professional practice with or for a recognized organization which furnishes professional representation or services on a *pro bono publico* basis.

* * * * *

(f) An employee who wishes to engage in outside employment or activity, including teaching, lecturing, writing, or serving as an officer at a national, statewide, regional, or other responsible level of an organization described in paragraph (e)(3) of this section, shall obtain the prior written approval of the Counselor. A request for such approval shall be submitted to the Counselor in writing with sufficient description of the employment or activity to enable him or her to make an informed determination as to whether a conflict of interest or the appearance of a conflict of interest may be involved. A record of approval or disapproval made under this paragraph shall be filed in the employee's Official Personnel Folder. As a matter of general policy, outside or private professional work or practice (e.g., legal or accounting activities), except as permitted in paragraph (a) of this section, by employees is discouraged and only in unusual circumstances will it be approved.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 81-24225 Filed 8-18-81; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL-1879-4]

Approval and Promulgation of Implementation Plans; Approval of New Mexico State Variance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the State of New Mexico's request to revise its State Implementation Plan (SIP) to include a variance for Phelps Dodge Corporation. This action is based upon Phelps Dodge period of variance request for its Hidalgo Smelter in Playas, New Mexico. The intended effect will allow for the installation of a new scrubbing system without exceedance of the ambient air quality standard for particulate matter.

EFFECTIVE DATE: September 18, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., N.W., Washington, D.C. Rm. 8401

Environmental Protection Agency, Public Information Reference Unit,

EPA Library, 401 "M" Street, S.W., Washington, D.C. Rm. 2922

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On February 4, 1980, the New Mexico Environmental Improvement Division submitted to EPA an order granting a variance from Air Quality Control Regulation 506. The order allowed the Phelps Dodge Corporation until June 1, 1980 to achieve compliance with the requirements of Regulation 506.

On December 17, 1980, at 45 FR 82964, EPA proposed to approve the variance in a notice of proposed rulemaking. Public comments were solicited but none were received. Therefore, EPA approves the variance granted by the State as a revision to the New Mexico State Implementation Plan since, as explained in greater detail in the proposed rulemaking notice; it meets the requirements of the Clean Air Act.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory burden.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Environmental Protection Agency, State Implementation Plan Section, Air Program Branch, 1201 Elm St., Dallas, Texas 75270 and the Environmental Protection Agency, Public Information Reference Unit (PM–213), Library Systems Branch, 401 "M" St., S.W., Washington, D.C. 20460.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1980.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: August 8, 1981.

Anne M. Gorsuch,

Administrator.

Subpart GG of Part 52 of Chapter 1, Title 40 of the Code of Federal Regulation is amended as follows:

Section 52.1620 *Identification of Plan* is amended by adding a new paragraph (c)(18).

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(18) A variance to Regulation 506 for Phelps Dodge Corporation, Hidalgo Smelter in Playas, New Mexico was submitted by the Governor on February 4, 1980.

[FR Doc. 81–24085 Filed 8–18–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 180

[PP OE2414/R339; PH–FRL–1913–1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 3-(3,5-Dichlorophenyl)-N-(1-Methylethyl)-2,4-Dioxo-1-Imidazolidinecarboxamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide and its metabolites. This regulation was requested by Rhone-Poulenc Chemical Co. This regulation establishes the maximum permissible level for the combined residues of the fungicide and its metabolites in or on the raw agricultural commodity kiwifruit at 10 parts per million (ppm).

EFFECTIVE DATE: Effective on August 19, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 29, 1980 (45 FR 71678) that Rhone-Poulenc Chemical Co., Agrochemical Division, PO Box 125, Black Horse Lane, Monmouth Junction, NJ 08852, had filed pesticide petition OE2414 with the EPA.

The petition proposed that 40 CFR Part 180 be amended by establishing a tolerance of 7.0 ppm for residues of the combined residues of the fungicide 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl) 2,4-dioxo-1-imidazolidinecarboxamide and its metabolites 3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide and 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide in or on the raw agricultural commodity kiwifruit. No comments were received in response to this notice of filing.

The residue and chemistry data submitted with this petition for 7.0 ppm was inadequate because of the limited amount of data in support of the tolerance. The petitioner subsequently amended their request by increasing the requested tolerance from 7.0 ppm to 10.0 ppm. A notice was issued in the **Federal Register** of July 14, 1981 (46 FR 36239). No comments were received in response to the amended notice of filing.

The data submitted in this petition and all other relevant material have been evaluated. The scientific data considered in support of this tolerance were a 90-day dog feeding study with no-observed-effect-level (NOEL) of 2,400 ppm; a 24-month rat feeding study (NOEL of 1,000 ppm), an 18-month rat feeding oncogenicity study (NOEL of greater than 1,250 ppm, the highest dose tested); a teratogenicity study in rats with no evidence of teratogenicity at 400 mg/kg/day and a NOEL of 200 mg/kg/day for fetal toxicity); a supplementary teratogenicity study in rabbits with no evidence of teratogenicity at 400 mg/kg; a dominant lethal test in mice for mutagenicity which was negative, and a 3-generation reproduction study in rats (NOEL of 500 ppm). Based on the 90-day dog feeding study, the NOEL is 60.0 mg/kg/day. Using a 2,000 fold safety factor, the allowable daily intake (ADI) is 0.030 mg/kg/day and the maximum permissible intake (MPI) is 1.8 mg/day for 60-kg person. This tolerance results in a maximum theoretical exposure of 0.00315 mg/day for a 60-kg person and utilizes 0.175 percent of the ADI. Temporary tolerances (unpublished) for 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide and its metabolites were established for

almond nut meat at 0.05 ppm as a result of pre-harvest applications to almonds in California under an experimental use permit approved by EPA on February 19, 1981. Tolerances (unpublished) for this active ingredient and its metabolites were also established for stone fruits at 20.0 ppm as a result of pre-harvest applications to stone fruits. The exposure from these temporary tolerances and the subject tolerance for kiwifruit utilizes 20.98 percent of the ADI.

The metabolism of 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboximade is adequately understood and an adequate analytical method is available for enforcement purposes (gas chromatography with electron capture detection).

Based on the information cited above, the agency has determined that the establishment of a tolerance for residues of the fungicide 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide in or on the raw agricultural commodity will protect the public health. Therefore, the regulation is established by adding 40 CFR 180.399 as set forth below.

Any person adversely affected by this regulation may, on or before September 18, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on August 19, 1981.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(c)(1))

Dated: July 30, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by adding § 180.399 to read as follows:

§ 180.399 3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide.

Tolerances are established for residues of the fungicide 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide and its metabolites 3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide and 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide in or on the following raw agricultural commodity:

Commodity	Parts per million
Kiwifruit	10.0

[FR Doc. 81–24248 Filed 8–18–81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PP 7E1978/9E2242/R335; PH–FRL–1912–5]

Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 2–Chloroallyl Diethyldithiocarbamate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the herbicide 2–chloroallyl diethyldithiocarbamate in or on radishes and upland cress at 0.2 part per million (ppm). This regulation was requested by the Interregional Research Project No. 4 (IR–4). This regulation establishes the maximum permissible level for residues of the subject herbicide on radishes and upland cress.

EFFECTIVE DATE: Effective on August 19, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 22, 1981 (46 FR 27973) that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petitions numbers 7E1978 and 9E2242 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Tennessee and Florida.

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act establish tolerances for residues of the herbicide 2-chloroallyl-diethyldithiocarbamate in or on the raw agricultural commodities radishes and upland cress at 0.2 ppm.

The data submitted in the petitions and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded the tolerances will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before September 18, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: August 19, 1981.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: July 28, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.247 is revised to read as follows:

§ 180.247 2-Chloroallyl diethyldithiocarbamate; tolerances for residues.

Tolerances are established for residues of the herbicide 2-chloroallyl diethyldithiocarbamate in or on the following raw agricultural commodities:

Commodities	Parts per million
Beans, snap	0.2(N)
Bean vines	0.2(N)
Broccoli	0.2(N)
Brussels sprouts	0.2(N)
Cabbage	0.2(N)
Cantaloupes	0.2(N)
Cauliflower	0.2(N)
Celery	0.2(N)
Chicory	0.2(N)
Collards	0.2(N)
Corn (K+CWHR)	0.2(N)
Corn fodder	0.2(N)
Corn forage	0.2(N)
Corn grain	0.2(N)
Cucumbers	0.2(N)
Endive (escarole)	0.2(N)
Kale	0.2(N)
Lettuce	0.2(N)
Lima beans	0.2(N)
Mustard greens	0.2(N)
Okra	0.2(N)
Potatoes	0.2(N)
Radishes	0.2(N)
Soybeans	0.2(N)
Soybean forage	0.2(N)
Soybean hay	0.2(N)
Spinach	0.2(N)
Tomatoes	0.2(N)
Turnip greens	0.2(N)
Turnips	0.2(N)
Upland cress	0.2(N)
Watermelons	0.2(N)

[FR 81-24169 Filed 8-18-81; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. A-19]

Use of Contract Airline Service Between Selected City-Pairs

Correction

In FR Doc. 81-23321 appearing at 46 FR 40690, August 11, 1981, the following corrections should be made. In Attachment A, on page 40692, first column, the entry for San Francisco/Oakland, CA appears incorrectly in two places. The entries should read as follows:

City-pairs (between)	Contract airline (see note)
• • • • •	
Los Angeles, CA; and:	
• • • • •	
San Francisco/Oakland, CA	RW. OC, WA.[1]
• • • • •	
New York, NY; and:	
• • • • •	
San Francisco/Oakland, CA	WO. EA, NW.[1]
• • • • •	

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 435

Medicaid Program; Miscellaneous Corrections

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final rule.

SUMMARY: This document corrects an error caused by some incorrect technical wording in the final rule published on April 11, 1980 (45 FR 24878) on miscellaneous corrections to the Medicaid regulations. The words of issuance preceding 42 CFR 435.831 resulted in part of § 435.831(a) being erroneously deleted from the Code of Federal Regulations.

EFFECTIVE DATE: September 29, 1979.

FOR FURTHER INFORMATION CONTACT: Julie Brown, (301) 594-9636.

SUPPLEMENTARY INFORMATION: On April 11, 1980, we published final regulations to make miscellaneous corrections in the Medicaid regulations (42 CFR Chapter IV, Subchapter C). The amendatory language to one corrected section, 42 CFR 435.831, is incorrect, resulting in the deletion of three subparagraphs from § 435.831(a) of the codified regulations. Because the three subparagraphs that were deleted do not appear in the 1980 Code of Federal Regulations, we are printing 42 CFR 435.831(a) in its entirety in this document.

FR Doc. 80-10959, filed 4-10-80 and published 4-11-80 at 45 FR 24878, is corrected as follows:

PART 435—ELIGIBILITY IN THE STATES AND DISTRICT OF COLUMBIA

Subpart I—Financial Requirements for the Medically Needy

1. The authority citation for Subpart I reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302).

1. On page 24886, in the first column, item 21, § 435.831(a) is corrected to read as follows:

§ 435.831 Income eligibility.

The agency must determine income eligibility of medically needy individuals in accordance with this section. The agency must use a prospective period of not more than 6 months to compute income.

(a) *Determining countable income.* The agency must deduct the following amounts from income to determine the individual's countable income.

(1) For families and children, the agency must deduct amounts that would be deducted in determining eligibility under the State's AFDC plan.

(2) For aged, blind, or disabled individuals in States covering all SSI recipients, the agency must deduct amounts that would be deducted in determining eligibility under SSI. However, the agency must also deduct the highest amounts from income that would be deducted in determining eligibility for optional State supplements if these supplements are paid to all individuals who are receiving SSI or would be eligible for SSI except for their income.

(3) For aged, blind, or disabled individuals in States using income requirements more restrictive than SSI, the agency must deduct amounts that are no more restrictive than those used under the Medicaid plan on January 1, 1972 and no more liberal than those deducted in determining eligibility under SSI or an optional State supplement. However, the amounts must be at least the same as those that would be deducted in determining eligibility, under § 435.121, of the categorically needy.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: August 12, 1981.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 81-24240 Filed 8-18-81; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 2

Records and Testimony

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: The Department is amending for the first time in five years its fee schedule for handling Freedom of Information Act requests in order to depict the current costs of such services.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: John D. Trezise, (202) 343–5216.

SUPPLEMENTARY INFORMATION: The Department's uniform fee schedule for making records available to the public for copying and inspection under the Freedom of Information Act, published as Appendix A to 43 CFR Part 2, is being updated to reflect current costs. The last update of the fee schedule occurred on April 30, 1976, and no longer gives as accurate portrayal of the current costs of labor, materials, etc.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and does not require a small entity flexibility analysis under the Regulatory Flexibility Act (Pub. L. 96–354). Since these changes are strictly administrative in nature and pertain to this agency's organization, procedures, and practices, the proposed rulemaking process is determined to be unnecessary and impractical. Therefore, this rule will become effective September 18, 1981.

Dated: August 4, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

Pursuant to the authority contained in 5 U.S.C. 552(a)(4)(A), Appendix A to 43 CFR Part 2, is revised to read as follows:

Appendix A—Fees

The following uniform fee schedule is applicable to all constituent units of the Department. It states the fees to be charged to members of the public for services performed in locating and making available records of copies thereof in connection with requests made under the Freedom of Information Act. The fees are also applicable to services provided in duplicating and making available records in response to requests made under the Privacy Act. It also states the fees to be charged for certification of documents.

(1) *Copies, basic fee.* For copies of documents reproduced on a standard office copying machine in sizes up to 8 ½" x 14", other than documents requiring special handling because of their age or unusual dimensions: $0.10 for each page.

Examples: For one copy of a three-page document, the fee would be $0.30. For two copies of a three-page document, the fee would be $0.60. For one copy of a 60-page document, the fee would be $6.00.

(2) *Copies, documents requiring special handling.* For copies of documents which require special handling because of their age, size, etc., costs will be based on direct costs of reproducing the material.

(3) [Reserved].

(4) [Reserved].

(5) *Clerical searches.* For each quarter hour, or portion thereof, spent by clerical personnel in locating a requested record or records: $1.50.

(6) *Nonclerical searches.* For each quarter hour, or portion thereof, spent by professional or managerial personnel in locating a requested record or records where the search cannot be performed by clerical personnel: $3.00.

(7) [Reserved].

(8) *Certification.* For each certificate of verification attached to authenticated copies of records furnished to the public: $0.25.

(9) [Reserved].

(10) *Computerized records.* Charges for services in processing requests for records maintained in computerized form will be calculated in accordance with the following criteria:

(a) Costs for processing a data request will be calculated using the same standard direct costs charged to other users of the facility, and/or as specified in the user's manual or handbook published by the computer center in which the work will be performed.

(b) An itemized listing of operations required to process the job will be prepared (i.e., time for central processing unit, input/output, remote terminal, storage, plotters, printing, tape/disc mounting, etc.) with related associated costs applicable to each operation.

(c) Material costs (i.e., paper, cards, tape, etc.) will be calculated using the latest acquisition price paid by the facility.

(d) ADP facility managers must assure that all cost estimates are accurate, and if challenged, be prepared to substantiate that the rates are not higher than those charged to other users of the facility for similar work. Upon request, itemized listings of operations and associated costs for processing the job may be furnished to members of the public.

(11) *Postage, mailing costs.* Return postage/mailing fees may be added to charges for records if the postage mailing fee exceeds $1.00.

(12) [Reserved].

(13) [Reserved].

(14) *Other services.* When a response to a request requires services or materials other than those described in this schedule, the direct cost of such services or materials to the Government may be charged, but only if the requester has been notified of such cost before it is incurred.

(15) *Effective Date.* This schedule applies to all requests made under the Freedom of Information Act and Privacy Act after September 18, 1981.

[FR Doc. 81-24130 Filed 8-18-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Regulations Governing the Taking and Importing of Marine Mammals; Taking of Marine Mammals Incidental to Commercial Fishing Operations—Permits, etc.

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rules.

SUMMARY: On October 31, 1980, NOAA published its proposed final decision and rules (45 FR 72178–72196) concerning the taking of porpoises incidental to commercial tuna purse seine fishing in the eastern tropical Pacific Ocean (ETP). The regulations contained in that publication became effective on January 1, 1981, and provide in § 216.24(d)(2)(i)(D) that the Assistant Administrator may, upon receipt of new information which in his opinion is sufficient to require modification of the general permit or regulations, propose to modify such after consultation with the Marine Mammal Commission. In response to information received during the period made available for public comment concerning the Final Environmental Impact Statement (FEIS), the Assistant Administrator published proposed amendments to the regulations on January 7, 1981 (46 FR 1761–1763). These proposed amendments would modify the apportionment to individual porpoise stocks of the total allowable annual mortality limit for U.S. vessels of 20,500 animals for the years 1981–1985 and beyond. The Assistant Administrator, having consulted with the Marine Mammal Commission and having received no other comments concerning the proposed amendments, hereby publishes those amendments as final rules which are not major in that they have a negligible effect in the economy, costs, or prices and no impact on competition, employment, investment, or productivity. They will

not have a significant economic impact on a substantial number of small entities, and do not call for additional collection of information from the public.

DATES: These final rules become effective September 18, 1981.

ADDRESS: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species, NMFS, NOAA, Department of Commerce, Washington, D.C. 20235. Telephone (202) 634–7461.

SUPPLEMENTARY INFORMATION: On October 21, 1980, the Administrator of NOAA announced his proposed final decision in the formal rulemaking process to establish regulations to govern the taking of porpoises incidental to commercial tuna purse seine fishing in the ETP. That decision along with proposed regulations and a notice of availability of a final environmental impact statement (FEIS) were published on October 31, 1980 (45 FR 72178–72196 and 45 FR 72285, respectively, corrected at 45 FR 73486 and 45 FR 74040, respectively). The decision and proposed regulations became final on December 1, 1980, and effective on January 1, 1981.

During the period made available for public comment concerning the FEIS, comments were received from the American Tunaboat Association (ATA) which question the appropriateness of the individual stock quotas established in the Administrator's final decision. In particular, the matter of allowing flexibility between individual stock quotas within an annual aggregate limit, which was raised in the ATA's application for a general permit, was suggested as an alternative approach in the light of the possibility of mid-season closures under existing quotas for the southern offshore, southern whitebelly spinner, and northern tropical common stocks.

The Administrator's decision found that an annual total mortality limit of 20,500 available to the U.S. fleet is economically and technologically feasible and that the stock apportionments proposed therein would not be to the disadvantage of any of the affected stocks. Assuming no change to the total annual mortality limit of 20,500 and the finding of no disadvantage, the Marine Mammal Protection Act of 1972 as amended (MMPA), authorizes adjustments to individual stock quotas which allow the U.S. fleet to fish in a more productive and economic manner.

The approach to apportioning the 20,500 annual mortality limit taken in the proposed amendments to the regulations published on January 7, 1981 (46 FR 1761–1763) limits mortalities from any given target stock to a maximum of 50 percent of the current (1979) estimated maximum replacement yield of that stock. This approach would allow U.S. fishermen to tailor their fishing strategies to variations in the availability and location of yellowfin tuna without surrendering unfair advantage to the foreign fleet which is not subject to stock quotas. This approach is adopted herein. The individual stock quotas that result will not be to the disadvantage of the affected stocks and amend only the table appearing in § 216.24(d)(2)(i)(A)(3). The frequency with which mixed schools of southern offshore spotted and southern whitebelly spinner porpoise occur is reflected in these amendments. For example, coincidental mortalities of southern offshore spotted and southern whitebelly spinner dolphins would be expected to occur according to the known frequency of mixed schools involving these stocks.

These final rules are a mid-course correction under 50 CFR 216.24(d)(2)(i)(D). The MMPA requires that certain information on the stocks and the impact of contemplated takings on the optimum sustainable population (OSP) for each affected stock be published and made available to the public (16 U.S.C. 1373(d)). These procedural requirements are hereby complied with by the incorporation by reference of the table entitled "Impact of Quotas . . ." published on January 7, 1981 (46 FR 1762). In addition to this analysis, the other evidence or studies supporting these rules are the comments submitted by ATA on the FEIS supporting the Administrator's October 21, 1980 proposed final decision. These comments are available for review in the Office of Marine Mammals and Endangered Species, NMFS, NOAA, 3300 Whitehaven Street, NW., Washington, D.C. 20235. The Assistant Administrator for Fisheries has consulted with the Marine Mammal Commission on these rules.

It has been determined that these final rules do not have a significant environmental effect, and this determination may be found in the Environmental Assessment that is available on request from the Office of Marine Mammals and Endangered Species, NMFS, NOAA, Department of Commerce, Washington, D.C. 20235.

The Agency has reviewed these final rules in accordance with the specifications of Executive Order 12291, "Federal Regulation," and the Department guidelines implementing that order and determined that they do not constitute a major rule in that they have neglibile effect on the economy, costs, or prices, and no impact on competition, employment, investment, or productivity. Accordingly, no regulatory impact analysis is required.

The Assistant Administrator for Fisheries has certified that these amendments will not have a significant economic impact on a substantial number of small entities, as their purpose is to eliminate a potential element of unfair advantage to the foreign fleet that is not available to the U.S. fleet. The U.S. fleet numbers less than 130 vessels. Accordingly, no regulatory flexibility analysis is required. Finally, this action does not increase the Federal paperwork burden for individuals, small business, and other persons (Paperwork Reduction Act of 1980).

Dated: August 13, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

50 CFR Part 216 is amended by revising the table in § 216.24(d)(2)(i)(A)(*3*) to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

* * * * *

(d) * * *

(2) * * *

(i) * * *

(A) * * *

(*3*) * * *

Quotas for Each Calendar Year, 1981–85

Species/stock management unit	Take	Encirclement	Mortality[1]
Spotted dolphin (northern offshore)[2]	16,570,000	10,[illegible]000	20,500
Spotted dolphin (southern offshore)	[illegible]000	2,873,000	[illegible]
Spinner dolphin (northern whitebelly)	1,205,000	[illegible]000	5,321
Spinner dolphin (southern whitebelly)[3]	[illegible]000	[illegible]000	[illegible]
Common dolphin (northern tropical)[4]	[illegible]000	[illegible]000	[illegible]
Common dolphin (central tropical)	[illegible]000	845,900	8,112

Quotas for Each Calendar Year, 1981–85—Continued

Species/stock management unit	Take	Encirclement	Mortality [1]
Common dolphin (southern tropical)	1,306,000	421,000	4,045
Striped dolphin (northern tropical)	28,000	21,000	420
Striped dolphin (central tropical)	118,000	89,000	1,822
Striped dolphin (southern tropical)	255,000	199,000	4,095

[1] The U.S. allowable mortality in any of the years 1981–85 shall not exceed 20,500.
[2] Fifty percent of replacement yield for the northern offshore spotted dolphin is 42,898; however, the maximum allowable mortality in any year is 20,500.
[3] Includes allowance for mixed species take.
[4] Includes Baja neritic dolphin stock.

[FR Doc. 81-24007 Filed 8-18-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of determinations and modification of daily bag limit for Subarea B.

SUMMARY: The Director, Northwest Region, (Regional Director) National Marine Fisheries Service, (NMFS), has reviewed the most recent coho abundance and distribution information, ocean fishing effort and coho harvests to date by the ocean commercial and recreational fisheries. The review considered the portion of the Oregon Production Index area (OPI), from Cape Falcon, Oregon, southward. Based on this review, he has determined the accuracy of the preseason estimates of coho abundance and has predicted the total ocean harvests of coho for the area during 1981 season.

As a result of this latest determination the daily recreational bag limit for Subarea B is increased from 2 to 3 salmon. Notice also is given that a further assessment of the coho abundance levels in Subarea B and C will be made on August 24 and that modifications of commercial open seasons and catch limits may be made following that assessment.

This action is intended to maintain the historical harvest ratio between commercial and recreational fisheries south of Cape Falcon.

EFFECTIVE DATES: August 14, 1981 through September 20, 1981. Public comments on the final projection in this notice are invited until August 24, 1981.

ADDRESS: Comments should be sent to: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206–527–6150.

SUPPLEMENTARY INFORMATION: Emergency regulations implementing the 1981 FMP amendment to 50 CFR Part 661, were published in the **Federal Register** (46 FR 30633) and became effective on June 5, 1981. The emergency regulations were extended for an additional 45 days through September 3, 1981 (46 FR 37705). Those regulations specify at § 661.12(b)(2) that the Regional Director shall within 24 days of the opening of the commercial all-species season, based on catch data, make a preliminary projection of total ocean harvests of coho that will occur by the end of the commercial and recreational salmon fishing seasons in Subareas A, B, and C (Subarea A is the area from Cape Falcon to the U.S./Canada border; Subarea Bis from Cape Falcon south to the California/Oregon border, and Subarea C is from the California/Oregon border south to the U.S./Mexico border). The preliminary determinations for Subareas B and C appeared in the **Federal Register** August 4, 1981 (46 FR 39634).

These regulations also specify in § 661.12(b)(3) that within 40 days following the opening of the commercial all-species season in Subareas A or B, or the closest working day following, the Regional Director, following consultation with the Chairman of the Pacific Fishery Management Council, the Director of the Washington Department of Fisheries, and the Director of the Oregon Department of Fish and Wildlife, and taking into consideration information received, shall estimate coho stock abundance in the WPP and OPI Areas and make a final projection of fishing effort and total ocean harvests by the commercial and recreational fisheries that will occur by the end of the scheduled fishing seasons. The all-salmon species commercial season in Subarea B opened on July 1, 1981.

If, based on the final projection and any other relevant data received by that time, the Regional Director determines that (1) actual condition of abundance and distribution of coho salmon and of fishing effort and catches differ from conditions anticipated prior to the opening of the fishing season, or (2) inseason modifications are reasonably necessary to provide adequate escapement of coho salmon from the ocean fisheries for spawning of to maintain the historical harvest ratio between commercial and recreational coho fisheries (71 percent for commercial trollers, 29 percent for recreational fishermen) he may modify the open season or catch limits as necessary in Subarea B. Findings made by the Regional Director regarding these factors are as follows.

Coho Harvest to Date

An estimated 368,000 coho have been harvested by the ocean fisheries in Subareas B and C as of the end of July (the latest date for which data are available). Of these about 71,000 were caught by the recreational fishery, 65,000 of Oregon and 6,000 of California. Of the estimated 298,000 coho caught by the commercial trollers, 256,000 were caught off Oregon and 42,000 off California. The 298,000 caught by the troll fishery by the end of July compares with 200,447 and 652,564 by corresponding dates in 1980 and 1979. The 71,000 caught by the recreational fishery by the end of July compares with 245,208 and 110,344 caught to the corresponding date in 1980 and in 1979.

Effort Data

Troll effort to date in California is 14% below 1980 and 10% below 1979. For Oregon south of Cape Falcon, 1981 troll effort is 35% above 1980 because the all-species season opening was delayed in 1980 until July 15. Effort south of Cape Falcon is 32% less than effort to the corresponding date in 1979.

Recreational fishing effort in California is 27% below 1980 and 56% below 1979. Recreational effort off Oregon south of Cape Falcon also is below both 1980 (by 23%) and 1979 (by 7%).

Inseason Abundance Evaluation

Available information on coho

harvest and inseason stock assessment suggests that the pre-season estimate of OPI stock size is approximately correct. However, the distribution of catches during the season appears at this time to be somewhat different than anticipated when the total harvest guideline of 772,000 for the area south of Cape Falcon was established. This is due to three factors: (1) the distribution of catches in 1981 appears to be more northerly than in previous years, (2) Columbia River area catches appear higher than anticipated, and (3) the contribution of private hatchery origin coho to the fishery south of Cape Falcon to this point in the season is lower than anticipated. Based on these factors it appears that the harvest guideline of 772,000 may be too high for the area south of Cape Falcon and may need to be reduced to prevent overharvest of Oregon wild stocks.

However, because data substantiating this conclusion are incomplete, it is too early to determine whether and how much the total allowable ocean harvest of coho south of Cape Falcon should be lowered.

Updated Catch Projections for the Season

It still appears at this time that the recreational fishery in Subareas B and C will not reach its harvest guideline of 224,000 coho by the end of the regularly scheduled seasons. The best estimate, based on most recent catch and effort information and on catch and effort patterns for the fisheries in recent years, is a coho catch by the end of the 1981 season of about 140,000 for the recreational fishery.

Based on a harvest guideline of 548,000 coho for the troll fishery south of Cape Falcon it appears at this time that the fishery should be terminated on September 6, two days prior to the end of the regularly scheduled season. However, as noted above, several factors tentatively indicate that coho abundance south of Cape Falcon is lower than the preseason estimate of 772,000. If further information supports this conclusion, the resultant lowering of the troll harvest guideline would required reprojection of the date the troll fishery should close. Furthermore if, as presently projected, the troll harvest guideline for Subarea A is reached and the fishery in that area is closed on or about August 17, a shift of effort from north of Cape Falcon could greatly impact the catch and effort pattern for the remainder of the season south of Cape Falcon. The number of fishing days lost due to inclement weather, and the availability of albacore tuna as an alternative to salmon fishing, also could affect the performance of the troll salmon fishery for the remainder of the season. It appears safe to conclude at this time that the commercial harvest guideline of 548,000 coho for Subareas B and C will not be reached prior to August 24 when a reassessment of the situation will be made.

Pursuant to § 661.12(b), the daily bag limits set forth in § 661.11(d) are modified as follows:

Field Order, Comments and Subsequent Actions

Effective August 14, 1981 through September 20, 1981, the daily bag limit for the recreational fishery in Subarea B (Cape Falcon south to the California/Oregon border) is increased from 2 to 3 salmon of any species. This action is based primarily on the prediction that the recreational fishery south of Cape Falcon will achieve only about 62 percent of its harvest guidelines and on the need to attempt to maintain the historical coho salmon harvest ratio between the commercial and recreational fisheries (71:29 coho harvest ratio between the commercial and recreational fisheries, for the OPI area south of Cape Falcon). The ratio for 1981 based on the latest catch information for the two fisheries is approximately 81:19 between the commercial and recreational fisheries.

Because of the uncertainties still surrounding an assessment of the accuracy of the pre-season estimates of abundance and allowable ocean harvests and because of the several factors affecting commercial coho catches in Subareas B and C that cannot be predicted at this time, modifications to the regulations pertaining to the troll fishery in Subareas B and C are not justified. However, notice is here being provided, that on August 24, when a final determination is made by the Regional Director for Subarea A, a reassessment of abundance levels and distribution, allowable ocean harvests, and the possible need for additional field order action making changes in open seasons or catch limits, also will be made for Subarea B.

In accordance with § 661.12(b)(6) of the emergency regulations, the Regional Director finds that public comment on these projections and modifications, for a period ending August 24, 1981 would be in the best interest of the public and the resources. Comments will also be considered in relation to final regulations which are to be effective after September 3. Relevant data on which these projections and determinations were based may be reviewed at the office of the Regional Director (address above) during the comment period.

For the reasons set forth below, NOAA for good cause finds that further opportunity for public comment prior to the effective date of this modification of the daily bag limit is unnecessary and contrary to the public interest, and that there is good cause for this modification to take effect on the date specified herein. (see 5 U.S.C. 553 (b) and (d)).

1. Further public comment and further delay in implementing this modification is unnecessary because the public had advance notice of the impending action, insofar as it was contemplated in the emergency regulations (see 50 CFR 661.12(b)(1)), and the public was afforded a reasonable opportunity to review data and submit information relating to preliminary determinations within the procedures set forth at 50 CFR 661.12(b).

2. Delay in implementing and making effective this modification would be contrary to the public interest. Such delay would substantially increase the likelihood that the Salmon Plan's objective relating to a balance in the harvesting opportunity between commercial and recreational ocean fishermen would not be achieved.

In light of: (1) the Salmon Plan's objective of maintaining the historical coho harvest ratio between the commercial and recreational fisheries in Subareas B and C (71:29), (2) the current coho harvest ratio (81:19), and (3) the length of the remaining Subarea D recreational fishery season for coho (anticipated closing date: September 20, 1981), it would be impracticable to comply with the provisions of E.O. 12291. (see Section 8(a)(1) of E.O. 12291).

(16 U.S.C. 1801 *et seq.*, and 50 CFR 661.12)

Dated: August 13, 1981.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 81-24108 Filed 8-14-81; 12:05 pm]

BILLING CODE 3510-22-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the Mediterranean fruit fly quarantine and regulations which quarantines California and imposes restrictions on the movement of regulated articles from regulated areas in California, by adding portions of Santa Cruz and Stanislaus Counties to the list of regulated areas. This action is necessary as an emergency measure for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. The effect of this action is to impose restrictions on the interstate movement (movement from California into or through any other State, Territory, or District of the United States] of regulated articles from the portions of Santa Cruz and Stanislaus Counties added to the list of regulated areas.

DATES: Effective date of amendment August 19, 1981. Written comments concerning this interim rule must be received on or before October 19, 1981.

ADDRESSES: Written comments should be submitted to Thomas Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Shannon Wilson, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 610 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–6365.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule would have an estimated annual effect on the economy of less than $100,000; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Due to the possibility that the Mediterranean fruit fly could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

In addition, because of the need for immediate action, it is impracticable for the Department to follow the procedures established by Executive Order 12291.

Certification under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from portions of Santa Cruz and Stanislaus Counties in California. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the U.S. Department of Agriculture, it has been determined that fewer than 35 small entities move such articles interstate from such portions of Santa Cruz and Stanislaus Counties. Further, the overall economic impact from this action is estimated to be less then $100,000.

Background

The Mediterranean fruit fly, *Ceratitis capitata* Wiedeman, is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Because of infestations of the Mediterranean fruit fly found in areas in California, Mediterranean fruit fly quarantine and regulations were made effective on July 20, 1981 (46 FR 37706–37713), and amendments to the quarantine and regulations were made on August 7, 1981 (46 FR 40203–40205). The quarantine and regulations are set forth in 7 CFR 301.78 through 301.78–10.

For the purpose of preventing the artificial spread of the Mediterranean fruit fly to noninfested areas in the United States, the quarantine and regulations restrict the interstate movement (movement from California into or through any other State, Territory, or District of the United States) of articles designated as regulated articles from areas designated as regulated areas. For the reason explained below, it is necessary to amend the quarantine and regulations on an emergency basis by adding portions of Santa Cruz and Stanislaus Counties to the list of regulated areas. Regulated areas are listed in § 301.78–3 of the quarantine and regulations (7 CFR 301.78–3).

Prior to the effective date of this document, Alameda, San Mateo, and Santa Clara Counties were designated as regulated area. However, based on trapping surveys conducted by inspectors of the U.S. Department of Agriculture and State agencies of California, it has now been determined that the Mediterranean fruit fly has spread into portions of Santa Cruz and Stanislaus Counties. Therefore, in order to prevent the further spread of the Mediterranean fruit fly, it is necessary as an emergency measure to amend § 301.78–3(c) of the quarantine and regulations (7 CFR 301.78–3(c)) to add to the list of regulated areas the following areas in Santa Cruz and Stanislaus Counties in which the Mediterranean fruit fly now occurs:

Santa Cruz County. The portion of the county bounded by a line beginning at the intersection of State Highway 17 and

the Santa Clara-Santa Cruz County line, then southwesterly on State Highway 17 to its intersection with State Highway 1, then easterly on State Highway 1 to its intersection with Soquel Creek, then westerly along Soquel Creek to Soquel Bay and the Pacific Ocean, then northerly along the Santa Cruz County coastline to the Santa Cruz-San Mateo County line, then easterly along said line to the Santa Clara-Santa Cruz County line, and then southerly along said line to the point of beginning; and that portion of the city of Santa Cruz not included in the above description.

Stanislaus County. That portion of the county beginning at a point where the San Joaquin River intersects the San Joaquin-Stanislaus County line, then southerly along the San Joaquin River to Hills Ferry Road, then westerly along Hills Ferry Road to its intersection with State Route J 18, then westerly along State Route J 18 to its intersection with Interstate 5, then due west from the intersection of State Route J 18 and Interstate 5 along an imaginary line to its intersection with Orestimba Creek, then westerly 3 miles along Orestimba Creek, then due North along an imaginary line to its intersection with the San Joaquin-Stanislaus County line, then easterly along said line to the point of beginning.

Amendment To Regulations

Accordingly, the Mediterranean fruit fly quarantine and regulations (7 CFR 301.78 *et seq.*), which, as noted above, became effective on July 20, 1981, and were amended on August 7, 1981, (46 FR 37706–37713, 40203–40205), are further amended by revising § 301.78–3(c) to read as follows:

§ 301.78–3 Regulated areas.

* * * * *

(c) The areas described below are designated as regulated areas:

California

Alameda County. The entire county.
San Mateo County. The entire county.
Santa Clara County. The entire county.
Santa Cruz County. That portion of the county bounded by a line beginning at the intersection of State Highway 17 and the Santa Clara-Santa Cruz County line, then southwesterly on State Highway 17 to its intersection with State Highway 1, then easterly on State Highway 1 to its intersection with Soquel Creek, then westerly along Soquel Creek to Soquel Bay and the Pacific Ocean, then northerly along the Santa Cruz County coastline to the Santa Cruz-San Mateo County line, then easterly along said line to the Santa Clara-Santa Cruz County line, and then southerly along said line to the point of beginning; and that portion of the city of Santa Cruz not included in the above description.

Stanislaus County. That portion of the county beginning at a point where the San Joaquin River intersects the San Joaquin-Stanislaus County line, then southerly along the San Joaquin River to Hills Ferry Road, then westerly along Hills Ferry Road to its intersection with State Route J 18, then westerly along State Route J 18 to its intersection with Interstate 5, then due west from the intersection of State Route J 18 and Interstate 5 along an imaginary line to its intersection with Orestimba Creek, then westerly 3 miles along Orestimba Creek, then due North along an imaginary line to its intersection with the San Joaquin-Stanislaus County line, then easterly along said line to the point of beginning.

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); 37 FR 28464, 28477, as amended; 38 FR 19141).

Done at Washington, D.C., this 18th day of August 1981.

Murray T. Pender,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81–24405 Filed 8–18–81; 12:19 pm]

BILLING CODE 3410–34–M

Proposed Rules

Federal Register
Vol. 46, No. 160
Wednesday, August 19, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Proposed Temporary Revision of Diversion Limitation Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rules.

SUMMARY: This notice invites written comments on a proposal to temporarily relax for the months of September through November 1981 the limits on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to manufacturing plants and still be priced under the order. The action was requested by a cooperative association representing a substantial number of producers supplying the market to prevent uneconomic movements of milk.

DATE: Comments are due on or before August 26, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the potential need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the procedure in time to give interested parties timely notice that the limitation on the amount of milk that may be moved directly from producer farms to manufacturing plants for September 1981 would be modified. The initial request for the action was received August 7, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1065.13(d)(4) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is being considered for the months of September, October and November 1981.

All persons who desire to submit written data, views or arguments about the proposed revision should send two copies of their views to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 not later than August 26, 1981. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include September 1981 in the temporary revision period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27(b)).

The provisions proposed to be revised are the diversion limitation percentages set forth in § 1065.13(d) that are applicable during the months of September, October, and November 1981. The cooperative association requested that they be temporary increased 10 percentage points from the present 40 percent to 50 percent during each respective month.

Pursuant to the provisions of § 1065.13(d)(4) the diversion limitation percentages as set forth in § 1065.13(d) (2) and (3) may be increased or decreased up to 20 percentage points during any month to encourage additional needed milk shipments to pool distributing plants or to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Associated Milk Producers, Inc., representing a portion of the producers supplying the Nebraska-Western Iowa, market has requested that during September through November 1981 the diversion limits be relaxed 10 percentage points. The cooperative states that the relaxation of the diversion limits beginning in September will prevent unnecessary and uneconomic movements of milk solely for the purpose of assuring that producers who are regular suppliers of milk for the fluid market will continue to have their milk pooled and priced under the order.

Reserve milk supplies in this market, most of which are diverted from pool plants to nonpool manufacturing plants by the proponent cooperative and other handlers, usually decline during the fall months. However, current marketing information indicates that beginning in September this year reserve milk supplies are expected to exceed the quantity of milk that could be diverted to nonpool manufacturing plants under the present diversion limitations and still maintain producer status for all such milk.

The present buildup in the market's reserve milk supplies is largely due to a substantial increase in milk production by producers regularly supplying the market. At the same time, fluid milk sales have declined. Under these marketing conditions, relaxing the limits on the amount of milk not needed for fluid use that may be moved directly from farms to manufacturing plants and still be priced under the order may be appropriate. An increase in the diversion limits during September through November 1981 would tend to prevent the uneconomic handling and movements of reserve milk supplies merely for pooling purposes.

Signed at Washington, D.C., on: August 13, 1981.

H. L. Forest,

Director, Dairy Division.

[FR Doc. 81-24109 Filed 8-18-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 417

[Docket No. CAS-RM-81-405]

Wind Energy Technology Application Program

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Notice of proposed rulemaking; cancellation of public hearing.

SUMMARY: The Department of Energy hereby cancels the public hearing on the Wind Energy Technology Application Program scheduled for Tuesday, August 25, 1981, in Washington, D.C. The public hearing is cancelled due to a lack of public interest in making oral presentations at the hearing.

DATES: As stated in the notice of proposed rulemaking issued on June 29, 1981 (46 FR 35468, July 8, 1981), written comments on the Wind Energy Technology Application Program must be received by the Department by close of business, September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Peter R. Goldman, Wind Energy Technology Division, U.S. Department of Energy, 600 E Street, NW., Room 404, Washington, D.C. 20585, (202) 376-1953.

Issued in Washington, D.C., August 17, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81-24373 Filed 8-18-81; 10:32 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[PSDR-70A; Docket 38585; Dated: August 13, 1981]

Statements of General Policy; Joint Fares

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The CAB is extending for 2 weeks the period to file reply comments in its rulemaking proceeding concerning joint fares. The Commuter Airline Association of America (CAAA) requested a one month extension, which was opposed by American Airlines. A short extension is being granted because of the disruption caused by the air controllers' strike.

DATE: Reply Comments by: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Rules and Legislation, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In PSDR-70, 46 FR 29719, June 3, 1981, the Board proposed several possible changes in its rules concerning joint fares for flights using two or more carriers. Interested persons were invited to file comments by July 31, 1981, and reply comments by August 20, 1981.

On August 7, 1981, the Commuter Airline Association of America (CAAA) asked the Board to extend the date for filing reply comments one month, to September 21, 1981. CAAA stated that it did not begin to receive copies of comments filed by others until August 3, 1981, the day the air controllers began their strike. According to CAAA, the strike has required the full-time attention of carrier managements. CAAA stated that the strike has caused some disruption for commuter carriers because of their limited resources, their dependence on interline traffic, and media coverage indicating cancellation of short-haul flights.

American Airlines filed an objection to the CAAA request on August 11, 1981. It stated that it would not object to a one-week extension because of the strike, but that a longer extension was unnecessary because the comments did not raise new issues that had not already been considered in the proceeding.

The Board recognizes that the strike has caused some practical difficulties. Although the issues raised in the joint fare rulemaking should be addressed as soon as possible in order to set up a transitional program before the sunset of Board fare authority December 31, 1982, we want interested persons to have sufficient time to prepare their reply comments. Because the strike has diverted both the industry's and public's attention, and because a short delay will not cause significant harm, a 2 week extension will be granted.

Accordingly, good cause is found to extend the time for preparation of reply comments. Under authority delegated by the Board in 14 CFR 385.20(d), the time for filing reply comments is extended to September 3, 1981.

(Secs. 204, 403, 411, and 1002 of Pub. L. 85-726, as amended; 72 Stat. 743, 758, 769, 788; 49 U.S.C. 1324, 1373, 1381, 1482)

By the Civil Aeronautics Board:

Richard B. Dyson,

Associate General Counsel, Rules and Legislation.

[FR Doc. 81-24206 Filed 8-18-81; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL ENERGY REGULATORY COMMISSION

18 CFR Part 159

[Docket No. RM79-63]

Fees Applicable to Natural Gas Pipelines

Issued: August 12, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission gives notice that it proposes to amend prospectively its regulations regarding the collection of fees under the Natural Gas Act. Under the proposed new fee schedule, a fee would be assessed for the processing of applications for a wide variety of authorizations, including certificates of public convenience and necessity, abandonments, and import and export authorizations. The proposed rule would establish a separate procedure for the direct billing of processing costs to the sponsors of the Alaska Natural Gas Transportation System. The proposed fee schedule would apply prospectively to applications filed after October 1, 1981.

DATE: Written comments by September 4, 1981.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Reference Docket No. RM79-63.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Room 9310, 825 North Capitol St., NE., Washington, D.C. 20426, (202) 375-8400.

SUPPLEMENTARY INFORMATION:

I. Background

By this notice, the Federal Energy Regulatory Commission (Commission) proposes to amend Part 159 of its regulations which impose fees upon certain natural gas companies for the processing of applications filed under the Natural Gas Act (15 U.S.C. sections 717-717w.) This proposal would amend Part 159 to impose fees for a variety of

applications filed by interstate pipelines, including, but not limited to. applications for authorizations under the Natural Gas Act. In addition, a separate procedure for the direct billing of processing costs is established for the Alaska Natural Gas Transportation System (ANGTS). The purpose of the proposed amendments is to make the imposition of fee more equitable by spreading the burden of administrative costs attributable to the Commission's pipeline certificate activities among a wider variety of applicants and by basing the fee upon the degree of Commission attention required for processing the application, rather than on the size of the project as is currently done. The amendments are not expected to increase the total amount of fees collected each year under Part 159.

At present, Part 159 imposes fees upon interstate pipelines for a limited number of applications under the Natural Gas Act and related authorities. In § 159.1, a fifty dollar filing fee is assessed upon a number of applications that relate to jurisdictional pipeline activities. Section 159.2 specifies a flat rate fee based upon the projected construction cost for certificates authorizing the construction or acquisition of facilities. Projects which cost less than $7.000 are exempt from the fee.[1] In Order No. 317. promulgated in Part 159. the Commission took the position that a fee proportional to the size of a project is a fair and equitable method for apportioning processing costs. Accordingly. the present fee structure assesses a fee equal to sixty-five one-thousandths of 1% (0.0065) of the estimated cost of construction of new or acquired facilities, which fee is to be paid within 30 days following issuance of a certificate application notice. An issuance fee equal to one hundred and thirty one-thousandths of 1% (0.00130) of the estimated cost of construction is due within 30 days following the grant of a certificate. Applications for other authorization under the Natural Gas Act, section 5 of the Outer Continental Shelf Act, 43 U.S.C. § 1334, or Executive Order 10485 13 C.F.R. 970 (1949–1953 compilation), which do not involve construction, must be accompanied by a $50 filing fee.

On August 2, 1979, the Commission issued a notice of inquiry[2] in this docket to permit the Commission to reexamine the fees applicable to certificates of public convenience and necessity which authorized the construction of facilities pursuant to section 7(c) of the Natural Gas Act. After considering the comments filed in response to the notice of inquiry the staff has conducted a study of the Commission's certificate process. The new fee structure proposed here reflects the consideration of the issues raised in those comments and staff study

The Commission believes that the proposed rule would apportion the costs of the Commission's pipeline certificate operations more equitably between construction certificate proccedings and other applications not involving construction which also require substantial Commission attention. Under the proposed rule. fees would be assessed against applicants based upon the degree of Commission attention required for processing. In addition, a separate procedure is created to bill processing costs annually to the sponsors of the ANGTS in recognition of the unprecedented size and complexity of the ANGTS.

II. Summary of Proposal

The proposed rule would establish four categories of fees. The first involves applications that either do not require the Commission to incur substantial costs or. if substantial costs are incurred, do not confer substantially greater benefits on the applicant than on other members of the public. These applications would continue to be assessed a nominal $50 fee upon the filing of the application. This $50 fee is designed to recover docketing costs. The second includes routine applications which the Director of the Office of Pipeline and Producer Regulation can decide without Commission consideration. These applications would be assessed a $1,000 fee. The third includes more complex certificate cases which may be considered by the full Commission without an evidentiary hearing. These applications would be assessed a total fee of $4,000. The fourth category includes certificate applications which are set for evidentiary hearing. They would be assessed fee payable in four installments which total $18,500, if the proceeding goes to hearing.

III. Basis for Proposed Fee Schedule

A. *Legal standard.*

Title V of the Independent Offices Appropriation Act of 1952, (Title V) (65 Stat. 290, 31 U.S.C. section 483a) provides:

> [A]ny work, service, publication, report, document, benefit, privilege, authority, use, franchise, license permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency to or for any person shall be self-sustaining to the full extent possible. and the head of each Federal agency is authorized by regulation to prescribe therefor such fee. charge. or price. if any as he shall determine. in case none exists. or redetermine. in case of an existing one. to be fair and equitable taking into consideration direct and indirect cost to the Government. value to the recipient. public policy or interest served, and other pertinent facts and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts.

The most reliable guidelines issued by an agency on this section. Budget Circular A–25[3]. state that agencies should charge a fee for each measurable unit or amount of government service or property provided to an identifiable recipient if the recipient derives more substantial benefits than those that accrue to the general public.[4] Further interpretation by the Court of Appeals for the D.C. Circuit[5] indicates that agencies must justify the assessment of a fee (by identifying the particular service or benefit it reimburses) and calculate the fee on a cost basis. In light of the Commission's and the court's interpretation of Title V. the Commission has attempted in this proposal to:

1. identify. in units as small and discrete as practical, the services to be reimbursed;

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[1] 35 F.P.C. 30 (1966), *clarified on rehearing*, 35 F.P.C. 392 (1966).

[2] 44 FR 47348 (1979).

[3] Bureau of the Budget Circular A–25 (September 23, 1959). This interpretation has been quoted by the Supreme Court as "the proper construction of the Act" in *New England Power* v *FPC*, 415 U.S. 345, 351 (1974).

[4] Budget Circular A–25 at 1–2:

General Policy A reasonable charge should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which he derives a special benefit.

For example, a special benefit will be considered to accrue and a charge should be imposed when a Government-rendered service:

(a) Enables the beneficiary to obtain more immediate or substantial gains or values (which may or may not be measurable in monetary terms) than those which accrue to the general public (e.g., receiving a patent, crop insurance, or a license to carry on a specific business); or

(b) Provides business stability or assures public confidence in the business activity of the beneficiary (*e.g.*, certificates of necessity and convenience for airline routes, or safety inspections of craft).

[5] *Electric Industries Ass'n* v *FCC*, 554 F.2d 1009, 1117 (1976) states:

First, the Commission must *justify* the assessment of a fee by a clear statement of the particular service or benefit which it is expected to reimburse. Second, it must calculate the *cost basis* for each fee assessed. This involves (a) an allocation of the specific direct and indirect expenses which form the cost basis for the fee to the smallest practical unit; (b) exclusion of any expenses incurred to serve an independent public interest; and (c) a public explanation of the specific expenses included in the cost basis for a particular fee, and an explanation of the criteria used to include or exclude particular terms.

2. exclude expenses incurred to serve an independent public interest: and

3. identify and allocate the recoverable expenses on the basis of cost incurred for each unit of service.

B. *Identification of reimbursable units of services.*

As the Court of Appeals for the D.C. Circuit noted in *Electronic Industries Ass'n.*, in designing a fee schedule. the Commission must identify units of its regulatory activities that provide a service:

[W]e interpret the statute and the Supreme Court decisions to require an allocation of costs to the smallest unit that is practical. In most cases. we expect this unit will be the classes of carriers or applicants or guarantees or services which the [FCC] has already singled out for separate treatment in its 1975 fee schedule.

554 F.2d at 1116. Applying this principle to the pipeline certificate area, the Commission concludes that individual applications are in most cases, the smallest practical unit [6] of activity for assessing a fee. The pipeline certificate area processes ten categories of applications:

1. Municipalities or distributors requesting service under section 7(a) of the Natural Gas Act.

2. Pipelines seeking certificates for construction or acquisition of facilities under sections 7(c) and (e). (This category varies greatly in terms of complexity and amount of processing required.)

3. Pipelines seeking section 7(c) certificates which do not involve construction of facilities (*e.g.* sales for resale, transportation).

4. Pipelines applying for authorization under sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. sections 3371 and 3372), which require prior Commission approval.

5. Pipelines seeking abandonment authorizations under section 7(b) of the Natural Gas Act.

6. Pipelines filing curtailment plans under section 4 of the Natural Gas Act and Title IV of the NGPA.

7. Pipelines seeking declarations of exemption under section 1(c) of the Natural Gas Act.

8. Pipelines applying for authorization to import or export natural gas under section 3 of the Natural Gas Act and Executive Order 10485.

9. Pipelines seeking other declaratory orders and determinations pertaining to non-rate issues.

10. Parties to proceedings applying for rehearing of Commission orders issued in any of the above categories (Any party to a certificate proceeding, including the applicant. may seek rehearing.)

The present fee structure recovers significant processing costs only from applicants seeking certificates for construction or acquisition of facilities (the second category). The Commission proposes to expand the new fee schedule to recover processing costs from all categories of applications, except those that do not involve significant processing costs and those in which the value to the applicant is arguably much less than the costs to the government (categories 6 through 10).

The Commission clearly performs a service when it accepts and considers applications for approval or authorization of some activity Consideration of these applications affords the applicant significant and substantial benefits. For example. a certificate of public convenience and necessity under the Natural Gas Act permits an applicant to engage in the transportation and sale of natural gas for resale in interstate commerce. A pipeline holding such a certificate may exercise the emminent domain authority of section 7(h) of the Natural Gas Act. Such certificate regulation also protects the substantial investment required for pipeline construction, and determines, in part whether the construction investment will be eligible for recovery from the pipeline's ratepayers. under the terms of the certificate. The analysis and drafting performed by the Commission when processing a certificate application is the direct result of the applicant's decision to engage in the proposed transaction. But for the application, the Commission's efforts would not be performed. In each instance where an application fee is assessed under the proposed schedule, the applicant will derive a substantial benefit, and the Commission will incur expense in processing the application. The goal of the proposed rule is to enable the government to recover a portion of the costs incurred in processing applications for pipeline certificates and related authorizations.

Exclusion of certain activities. In certain applications, the applicant does not receive a significantly greater benefit than that received by other members of the public. In such cases, no fee is charged for processing cost under the proposed fee schedule. Thus, no fee is charged for processing curtailment plan tariffs, which allocate gas among the customers of a pipeline during times of shortage and serve to protect large categories of end-users. Similarily, declaratory orders. which relieve uncertainty or make jurisdictional determinations. in some instances benefit the public as a whole as well as the specific applicant. Even though the applicant has requested the Commission's services. the value to the applicant is arguably much less than the direct and indirect costs to the government. Therefore. only a $50 nominal fee is proposed to defray docketing costs.

A second area of costs which have been excluded from recovery is time and expenses devoted to policy coordination, case management and administration. The Commission's existing management information system allocates professional staff time between "docketed" and "non-docketed" activities. Non-docketed tasks include administrative responsibilities. answering inquiries from Congress and the general public, policy formulation, and personnel matters. Although certain efforts that benefit identifiable parties have been classified as a "non-docketed" cost, the Commission has elected to exclude all non-docketed staff activities from its determination of application processing times. As a result, the proposed fee structure does not recover any non-docketed certificate activities, even though these expenses represent indirect costs which may be lawfully recovered under Title V.

A third area of costs which have been excluded involve the expenses devoted to enforcement, curtailment, and rulemaking proceeding in the pipeline certificate area. None of these costs have been included in the proposed fee schedule and such proceedings have been excluded from the calculation of average processing times.

A fourth area receiving special treatment is the cost of applications set for formal evidentiary hearing. The cost of formal evidentiary hearings can be attributed to administrative law judges (ALJ), trial staff counsel and technical witnesses, and advisory staff which later evaluates the record. The treatment of hearing costs have varied under the fee schedules of other federal agencies, and the reviewing courts have taken the position that the recovery of some hearing costs are permissible under Title V.

The Nuclear Regulatory Commission (NRC) fee structure recovered the cost of "uncontested hearings" where the trial staff did not oppose the issuance of a license, but the costs of hearings where staff opposed a license were not recovered. (See 42 FR 22149, 22156 May 2, 1977). On appeal, Mississippi Power &

[6] In cases involving evidentiary hearings or Commission consideration on rehearing of an order, multiple payments will be collected.

Light claimed that this distinction was arbitrary, but the Fifth Circuit affirmed the NRC noting:

> Because [uncontested hearing] costs are necessarily incurred by the agency in providing a service to the applicant, they should be assessed against the applicant.

Mississippi Power & Light v. *NRC*, 601 F2d 223, 231 (1979).

The 1975 FCC fee structure, held to be invalid by *Electronic Industries Assn.*, averaged in the costs of cases which went to hearing with those which did not go to hearing. Although the 1975 fee structure was specifically challenged for failing to distinguish between the hearing and non-hearing cases, the D.C. Circuit did not view the distinction as a mandated part of an acceptable cost allocation. The Supreme Court in *National Cable Television Ass'n.* v. *United States*, 415 U.S. 336, 343 (1974), quoted with approval from the legislative history of Title V, which noted that in exchange for a radio license a license holder "should pay some of the cost of the hearings."

Accordingly, the proposed fee schedule will reflect the additional costs of applications set for formal hearing by imposing those cases a higher fee than for those not set for formal hearing. However, the Commission does not propose to collect the average full cost of an evidentiary hearing under the proposed fee structure. The calculations described below indicate that the Commission incurs an averge direct cost of $73,206.26 in certificate cases which are set for Formal evidentiary hearing. Rather than attempt to collect this amount in each case, the Commission has elected in its discretion to recover only the average additional advisory staff and ALJ costs which are associated with cases set for hearing, $18,500. In addition the Commission proposes to collect the fee in four payments, which will result in a lower fee in cases concluded by settlement or for which an initial decision was omitted.

C. *Allocating recoverable expenses on the basis of costs.*

The Commission's staff has analyzed the costs of processing applications which arise in the pipeline certificate area of the Commission's jurisdiction. The following analysis identifies the budgeted costs for processing applications in this area and derives an average cost of $16.57 per hour of staff effort. This cost factor is then applied against the average time to process three identifiable categories of applications to calculate the proposed fee structure. Finally, the projected revenue from the proposed fee structure is compared with the costs of the Commission's certificate operation to demonstrate that the proposed rule would recover only 36 percent of the Commission's operating costs in the certificate area.

Cost per workhour. A determination of the applicable direct and indirect costs for processing applications depends, in part, on an average hourly personnel cost. Rather than using a Commission-wide average personnel cost, the proposed fee schedule is based upon an hourly rate which reflects only those Commission offices which process certificate applications.

The Commission has divided its operations into several program areas for budgetary purposes. For the pipeline certificate area, the Commission has budgeted a total of $10,097,000 for personnel compensation and benefits costs ($9,834,000), and for travel and transportation costs ($263,000). This total does not reflect the $2,652,000 cost of office space rents, communication (such as telephones and postage), utilities, printing, services of outside contractors, supplies and equipment (such as word processors) in the pipeline certificate area. Although such costs could be properly recovered under Title V, for administrative ease, they have not been included in the calculation of expenses to be recovered under the proposed fee schedule. The $10,097,000 certificate area cost does not include the Alaska Gas Project Office which has been established to process the ANGTS applications.[7]

Two-hundred and ninety-three staff members are assigned to the pipeline certificate area. Assuming 2080 work hours in each year, the average cost of one hour of work is $16.57 for the pipeline certificate area.

Design of fee categories. The Commission's pipeline certificate processing costs must be allocated among the identifiable beneficiaries of these services. As noted above, the smallest practical unit of regulatory activity is the individual application. However, pipeline applications vary in complexity from the routine to the extreme complexity of the ANGTS. Such a spectrum of complexity is reflected in the sliding scale fees currently prescribed in § 159.2. The proposed rule would divide the Commission's certificate cases into three broad categories for the purposes of the proposed fee schedule. Delegated cases involve the least analysis and are signed by the Director of Pipeline and Producer Regulation without review by individual Commissioner offices.[8] Non-formal cases, which require Commission action, involve more effort because they are reviewed by the Commission and present more complex factual and legal issues. Formal hearing cases which undergo an evidentiary hearing under the Administrative Procedure Act (5 U.S.C. section 554), require considerably more staff time than the other two categories because of the depth of factual and legal investigation required to consider such a case.

The 293 staff members assigned to the pipeline certificate area divide their efforts between docketed and non-docketed tasks. According to the Commission's management systems, 106 work-years are devoted to non-docketed matters during fiscal year 1981. Approximately 187 work-years (2244 work-months) are devoted to processing docketed cases. This work is performed by the Commision's offices as follows:

Office	Work-months
Office of Pipeline and Prod. Regulation	1,621.5
Office of the General Counsel	283.6
Administrative Law Judges	85.5
Office of the Chief Accountant	6.0
Office of Opinions and Review	78.3
Office of Regulatory Analysis	68.2
Office of the Secretary	15.9
Commissioner's Offices	181.7

The following table summarizes the staff effort required for each category of applications. Only those hours allocated to docketed cases have been included.

Type case	Average time[1] hours
Delegation	80
Non-Formal	250
Formal hearing	4,418

[1] Average professional times to process cases in the pipeline certificate area are derived from studies of selected case processing times, excluding the ANGTS, enforcement curtailment and rulemaking proceedings.

The average processing cost for the three categories of applications can be calculated by multiplying the average processing time by the hourly staff cost.

Average cost to process 1 delegation case 80 hrs × $16.57 = $1,325.60

Average cost to process 1 non-formal case 250 × 16.57 = 4,142.50

[7] The Alaska Gas Project is a separate budget area in the 1981 fiscal year budget, but is combined with the certificate area budget for subsequent years.

[8] The staff analysis of processing times was based upon those items delegated to the Director of the Office of Pipeline and Producer Regulation prior to the adoption of Order No. 147 on May 22, 1981 (46 FR 29700 (1981).) Order No. 147 expanded the Director's authority to pass upon additional, and more time-consuming, applications. Since many of the items delegated to the Director under Order No. 147 are the subject of the blanket certificate proposal pending in Docket Nos. RM81-19 and RM81-29, the average processing time for delegated cases was not revised to reflect the items transferred in Order No. 147.

Average cost to process 1 formal case
4,418×16.57=73,206.26

The Commission has devoted considerable attention to the recovery of costs entailed in conducting evidentiary hearings. The Commission's budget allocated 40,136 hours of advisory staff and ALJ resources to formal certificate cases. This represents an average 892 work hours per case. At $16.57 per hour, an additional fee of $14,500 should be charged to recover these costs over and above the fee for informal cases. The following table shows a proposed schedule for collecting this additional time:

	Dele-gated	Statu-tory hearing	Formal hearing
Filing	$1,000	$1,000	$1,000
Hearing order issued			3,000
Issuance of initial decision			5,000
Issuance of Commission order		3,000	9,500
Total	1,000	4,000	18,500

The proposed fee structure would provide for fee payments at five stages in the processing of an application. At the time that a certificate application is filed, it could potentially qualify for any one of the three fees. Hence, a common $1,000 filing fee must accompany the application in all three fee categories. A second $3,000 fee payment is collected upon the issuance of the order indicating whether an evidentiary hearing will be held in the proceeding. In order to reflect the greater costs involved in Commission consideration of briefs on exception to initial decisions, the remaining fee for evidentiary hearing cases has been divided into two additional payments. A $5,000 payment is due 30 days after the issuance of an initial decision. If initial decision in the case is settled prior to an initial decision, or if the waived or omitted, then the $5,000 payment will not be collected. An additional $9,500 payment is collected 30 days after the issuance of a Commission opinion or order after an initial decision. Again, if a settlement is reached before this stage, or if no party filed exceptions to the initial decision, the $9,500 will not be collected.

Comparison of costs and projected fees revenues. As shown below, if the proposed fee schedule had been in effect during fiscal year 1981, at most $3,215,000 would have been collected. The proposed fee schedule would be expected to recover $3,179,150 in fiscal year 1982. These projections are based upon the staff's estimate of the number of new applications to be received during the two years. The estimate for possible total fees to be collected is calculated below by multiplying the proposed fee for each category times the dollar fee proposed. This calculation represents a maximum fee because it assumes that each formal certificate case will reach the Commission without a settlement.

Case categories	Fee		Fiscal year 1981 Cases	Fiscal year 1981 Rev-enues	Fiscal year 1982 Cases	Fiscal year 1982 Rev-enues
Delegation	$1,000	×	126	$126,000	124	$124,000
Non-formal	4,000	×	563	2,252,000	555	2,220,000
Formal	18,500	×	45	832,500	45	832,500
Rehearings	50	×	90	4,500	[1] 53	2,650,000
Projected total fee revenue				3,215,000		3,179,150

[1] Based upon actual count for fiscal year 1979.

These projected fee revenues should be compared against the personnel and travel costs of the pipeline certificate area. As noted above, the $10,097,000 budgeted for this area includes enforcement, rulemaking and curtailment personnel. If the $1,275,048 cost of the 37 work-years assigned to these functions are excluded, the projected fee revenue should be compared against the remaining $8,821,952. Therefore, the proposal could possibly recover 36% ($3,215,000/$8,821,952) of the personnel and travel costs budgeted for pipeline certificates in fiscal year 1981.

IV. Alaska Natural Gas Transportation System

On October 22, 1976, the Alaska Natural Gas Transportation Act (ANGTA) (15 USC § 719) was enacted to provide expedited processing of the authorization necessary for the construction of an ANGTS extending from the Prudhoe Bay Unit of Alaska to the lower 48 states. Prior to the enactment of ANGTA, the Commission conducted a protracted evidentiary proceeding between competing applicants seeking to construct the ANGTS. The Congress, through the enactment of ANGTA, shifted the final responsibility for selecting an ANGTS sponsor from the Commission to the President. In addition, the President, through Reorganization Plan No. 1 of 1979, 44 FR 33663, 93 Stat. 1373, shifted certain responsibilities for monitoring compliance with section 7 of the Natural Gas Act from the Commission to the Office of the Federal Inspector for the ANGTS. These changes create a unique role for the Commission in the certification of the ANGTS.

Size also makes the ANGTS unique among pipeline certificate cases. The ANGTS is the largest privately financed construction project ever undertaken. In addition, the project's magnitude and geographical diversity have raised unprecedented technical issues, whose mastery required a substantial investment of staff resources. The Congressional mandate for expedition has imposed further demands upon the level of staff resources which must be devoted to the processing of ANGTS certificate applications. Accordingly, the Commission has excluded the processing of certificates which are necessary or related to the construction and initial operation of the ANGTS from the scope of its certificate fee review and from the proposed fee schedule. Instead the proposed rule provides for the annual direct billing of the ANGTS processing cost to the project's sponsors.

V. Comments in Response to the Notice of Inquiry

The Notice of Inquiry issued August 2, 1979, requested suggestions regarding fees applicable to certification of the construction of pipeline facilities. Eight timely and two untimely comments were filed. Two challenged the basic framework of the fee structure on the grounds that an applicant should not be charged a fee for activities which serve an independent public interest. Other commenters urged that fees be determined on a case-by-case basis, while others simply suggested modification of the existing construction cost based fee structure. Additional issues raised in the comments involved proceedings for billing, and the effect any new rule issued by the Commission would have on pending applications.

A. *Fees for services which benefit the public interest.*

Two of the commenters insisted that no fee structure imposed by the Commission is valid unless it carefully distingishes between the cost incurred to benefit the public interest, and those incurred to benefit the particular applicant. They argued that fees should not reimburse the Commission for any cost incurred to discharge its public responsibilities, and would require that application processing costs be apportioned between the public and private interests. In the Commission's

view, these two commenters misconstrue both the statute and subsequent cases. The cost apportionment argument raised in these comments is identical to the challenge advanced by Mississippi Power and Light against the NRC fee schedule. The Fifth Circuit rejected that same argument in *Mississippi Power and Light* v. *NRC*, 601 F.2d 223, 229–30 (5th Cir. 1979), *cert. denied*, 444 U.S. 1102 (1980):

> [The NRC] takes the position that it is not required to segregate public and private benefits and that it may recover the full cost of providing a service to a private beneficiary, regardless of whether that service may also benefit the public. We agree with the Commission.
>
> Our position is consistent with the view of the IOAA taken by the Supreme Court in *New England Power*. There, the Court cited with approval a 1959 Bureau of the Budget Circular which the Court felt represented a proper construction of the IOAA. In interpreting the Act, the Bureau opined: "Where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover *the full cost* to the Federal Government of rendering that service." . . .
>
> It is true, as the petitioners point out, that the Court in *National Cable* criticized the FCC for assessing fees based upon a formula contrived to reimburse the Commission for its total cost of supervision. But here, the NRC does not attempt to recoup all of its regulatory costs; it seeks only to recover the total cost of providing services to private beneficiaries.
>
> The District of Columbia Circuit has also rejected the suggestion of an allocation requirement. In *Electronic Industries Association* v. *FCC*, 180 U.S. App. D.C. 250, 554 F.2d 1109 (1976), the Court found that the FCC was not prohibited from charging an applicant for the full cost of rendering services to him, even though some incidental public benefit might flow from the service provided.
>
> In addition to being supported by persuasive if not controlling precedent, this approach comports with the clear legislative intent that agency services be "self-sustaining to the full extent possible." 31 U.S.C.A. § 483a. To impose the petitioners' allocation requirement would saddle agencies with the impossible task of sorting out public from private benefits, with the likely result that most agency fees would be reduced to mere tokens. In conclusion, we hold that the NRC may recover the full cost of providing a service to an identifiable beneficiary, regardless of the incidental public benefits flowing from the provision of that service." [footnotes omitted].

B. *Suggested fee schedules.*

Two commenters proposed that fees be determined on a case-by-case basis for projects with a high level of complexity or size. In the alternative, one recommended a $195,000 limit on the filing fee due in any particular certificate proceeding.

In our view, assessing a unique fee in each of the thousands of certificate proceedings conducted by the Commission is administratively unworkable. Agencies have repeatedly grouped applications into fee categories and assessed a uniform fee applicable to the entire category. The proposed rule takes this approach.

Neither Budget Circular A–25 nor the courts anticipate a separately computed fee for each certificate application. "Costs shall be determined and established from the best available records in the agency, and new cost accounting systems will not be established solely for this purpose." Budget Circular A–25 at 3.

The courts have repeatedly recognized that approximations and averaging between similar beneficiaries is permissible. "To be valid, a fee need only bear a *reasonable* relationship to the cost of the services rendered by the agency." *National Cable II*, 554 F.2d at 1108. The accounting system and the very structure of the fee itself may take averaging and approximations into acount. "This is not to say that the Commission must calculate the exact cost of servicing each individual; that would be an impossible task. Any computation such as those must necessarily be based on numerous approximations and can only be expected to be accurate within reasonable limits." *National Cable II*, 554 F.2d at 1105; *accord, National Association of Broadcasters* v. *FCC*, 554 F.2d 1118, 1130 (D.C. Cir. 1976). "It should be stated that we are not requiring exact calculations, just reasonable approximations. The ability to recoup both 'direct and *indirect costs* to the Government' does allow for some range and latitude in effecting a reasonable attribution of costs." 554 F.2d at 1130.

Finally, two commenters recommend that the Commission retain with modifications a sliding scale fee based on construction costs. One suggested the Commission impose no fee for projects costs in excess of $100,000,000. The others suggested the Commission adopt a rate that decreases as investment levels increase. In this proposal, we have taken an entirely different approach by imposing processing fees on a much wider range of applications.

C. *Annual or quarterly billing.*

One commenter proposed that the annual increase in each natural gas company's gross jurisdictional plant be prorated and billed annually according the relative increases of each pipeline. The commenter argued that many companies find it burdensome to file fee checks approximately once every three days with each application or certificate order. Given the magnitude of the ANGTS, this proposal adopts the annual billing approach for the Alaskan sponsors.

D. *Retroactive application.*

Some commenters argued that the fee structure under consideration should be accorded retroactive application, especially when the new rule would impose less fees than the existing fee schedule. One commenter cited *National Association of Broadcasters* v. *F.C.C.*, 554 F.2d 1118 (D.C. Cir., 1976) as requiring that the Commission apply retroactively any modification in its fee schedule.

The proposed rule would apply the new fee schedule prospectively, and for the first time, establish significant processing fees for a variety of applications. Retroactive application of the proposed fee schedule would unfairly impose a substantial economic and administrative burden on those persons who, over the years, relied on the existing regulations. Moreover, because the existing fee structure is valid, justice does not require the proposed fee be applied retroactively to cure any injury suffered by the applicants.

In *National Ass'n of Broadcasters*, the Court of Appeals for the D.C. Circuit held that the Supreme Court's decision in *National Cable Television Association* v. *United States*, 415 U.S. 336 (1974), which invalidated the F.C.C.'s fee schedule, had retroactive effect. In proposing a new fee structure the Commission is making no implicit findings that the existing fee regulations are invalid. The Commission simply seeks to more equitably allocate the economic burden of processing certifcates among a wider variety of applicants.

VI. Summary of Proposed Rule

Section 159.1 currently specifies the $50 filing fee which must accompany applications. The scope of this fee would be expanded to include petitions for rehearing pursuant to section 19 of the Natural Gas Act, applications for declaratory orders, extraordinary relief from curtailment, and determinations under section 25 of the Outer Continental Shelf Lands Act.

Proposed § 159.1(b) would establish a new $1,000 filing fee payable upon the submission of an application in four categories of authorizations. The Commission believes that these four categories of applicants receive a special benefit from the commission

processing of their applications. In cases where the Director of Office of Pipeline and Producer and Regulation can dispose of the applications under his delegated authority, no further fees are due.

Section 159.1a provides for additional fees in cases where the certificate application cannot be issued by the Director. The majority of these cases are decided under § 1.32 of the Commission's regulations. For this category, an additional $3,000 fee would be due within 30 days following the issuance of the certificate order. Proposed paragraph (c) divides the $18,500 fee for certificate cases which are set for evidentiary hearing into four payments. The first payment of $1,000 would be made when the application is submitted. Paragraph (c)(1) prescribes an additional $3,000 to be paid within 30 days after the issuance of a hearing order. A third payment of $5,000 would be due within 30 days after the initial decision is issued by the presiding officer, and a fourth payment of $9,500 would be due within 30 days of the issuance of the Commission's certificate order. An additional $50 fee may become due should any of the parties to such a proceeding apply for rehearing. *See* proposed § 159.1(a)(8).

The annual charges assessed natural gas companies under § 159.2a has been discontinued in light of the United States Supreme Court's opinion of *New England Power* v. *FPC*, 415 U.S. 345 (1974). As a result, § 159.2a will be deleted.

Section 159.3 is proposed to be amended in order to clarify the Commission's practice toward waiver and refunds of fees. No fees will be refunded unless the payment of such fee is accompanied by a contemporaneous protest. This requirement is necessary because unprotested fees are deposited in the U.S. Treasury and pass beyond the Commission's jurisdiction. In contrast, fees paid under contemporaneous protest are deposited in a special suspense account in the U.S. Treasury and are subject to further Commission action.

Applications for certificates which are necessary or related to the construction or initial operation of ANGTS are subject to the annual billing procedure specified in proposed § 159.3(e). However, some applications may not be definitely related to ANGTS and uncertainity may surround whether the project is subject to the initial filing fee requirement or the annual billing procedure. In such cases, the application should be accompanied by a request for waiver. If a certificate is subsequently determined to be necessary or related to ANGTS, the fees paid upon filing would be refunded and the processing cost will be reflected in the annual billing procedure.

VII. Written Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before September 4, 1981. Each person submitting a comment should indicate that the comments are being submitted in Docket No. RM79–63, and should give reasons, including any supporting data, for any recommendations. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C., during business hours.

[Department of Energy Organization Act, 42 U.S.C. sections 7101 *et seq.*; E.O. 12009, 42 FR 46267; Independent Offices Appropriations Act, 31 U.S. section 483a; Natural Gas Act, 15 U.S.C. sections 717–717w]

In consideration of the foregoing, the Commission proposes to amend Part 159, Chapter I, Title 18, Code of Federal Regulations as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 159—FEES AND ANNUAL CHARGES UNDER THE NATURAL GAS ACT AND RELATED AUTHORITIES

1. The title of Part 159 shall be amended to read "Fees Under the Natural Gas Act and Related Authorities".

2. Section 159.1 is revised to read as follows:

§ 159.1 Filing fees to accompany application.

(a) A filing fee of $50 shall accompany each:

(1) Application for an exemption under section 1(c) of the Natural Gas Act;

(2) Application to import or export natural gas under section 3 of the Natural Gas Act;

(3) Application for a permit under Executive Order 10485;

(4) Application for permission and approval to abandon under section 7(b) of the Natural Gas Act;

(5) Application for a determination by the Commission under sections 5 or 25 of the Outer Continental Shelf Lands Act (43 U.S.C. sections 1334 and 1351);

(6) Application for a declaratory order, or extraordinary relief from curtailment under the Natural Gas Act;

(7) Application for rehearing pursuant to section 19 of the Natural Gas Act of any order acting upon any of the applications listed in this section;

(8) Amendment to any of the applications listed in this section and those referred to in § 159.3(c).

(b) A filing fee of $1,000 shall accompany each:

(1) Application or petition to intervene in a proceeding in which the applicant or petitioner is requesting an order under section 7(a) of the Natural Gas Act;

(2) Application filed by any person (other than an independent producer) for a certificate of public convenience and necessity under section 7(c) and (e) of the Natural Gas Act;

(3) Application for a transportation authorization under section 311(a) of the Natural Gas Policy Act of 1978, filed pursuant to § 284.107 or § 284.127 of this chapter.

(4) Applications for authorization of an assignment under section 312 of the Natural Gas Policy Act of 1978, filed pursuant to §284.165(a) of this chapter.

3. A new § 159.1a is added to read as follows:

§ 159.1a Other Processing Fees.

(a) *Applicability.* The fees prescribed by this section shall apply to the processing of applications or amendments, except for those filed by independent producers or which are determined by the Commission to be necessary or related to the construction and initial operation of the Alaska Natural Gas Transportation System.

(b) *Statutory hearing orders.* Within 30 days following the issuance of a certificate of public convenience and necessity, a $3,000 fee shall be paid, unless;

(1) the certificate was issued by the Director of the Office of Pipeline and Producer Regulation pursuant to § 375.307 of this chapter; or

(2) the proceeding was set for evidentiary hearing (in which case paragraph (c) of this section shall apply).

(c) *Evidentiary hearings.* The applicant for a certificate of public convenience and necessity which has

been set for full or limited evidentiary hearing shall pay:

(1) $3,000, within 30 days after the issuance of an order setting the matter for hearing;

(2) $5,000, within 30 days after the issuance of an initial decision by the presiding officer;

(3) $9,500, within 30 days after the issuance of an order by the Commission subsequent an initial decision.

4. Section 159.2 is amended by revising the introductory language, and adding a new paragraph (f), to read as follows:

§ 159.2 Applications involving construction or acquisition of facilities.

In addition to the fees prescribed by § 159.1, and except as provided in paragraphs (e) and (f) of this section, applicants for certificates of public convenience and necessity shall pay the following fees on applications or amendments filed prior to October 1, 1981;

* * * * *

(f) *Exclusions.* This section does not apply to facilities determined by the Commission to be necessary or related to the construction or initial operation of the Alaska Natural Gas Transportation System.

§ 159.2a [Removed].

5. Part 159 is amended by removing § 159.2a, in its entirety.

6. Section 159.3 is amended by revising paragraphs (a) and (b), and by adding new paragraph (e) and (f), to read as follows:

§ 159.3 Miscellaneous.

(a) *Method of payment.* Fee payments shall be made by check or money order payable to the Treasurer of the United States. The docket number of the proceeding should be indicated on the check or money order.

(b) *Exemptions.* The fees prescribed in §§ 159.1 and 159.1a do not apply to:

(1) authorizations sought by independent producers as defined in § 154.91(a) of this chapter, or

(2) applications for certificate of public convenience and necessity determined by the Commission to be necessary or related to the construction and initial operation of the Alaska Natural Gas Transportation System.

* * * * *

(e) *Alaska Natural Gas Transportation System.* The Secretary shall annually bill applicants for certiciates of public convenience and necessity which are necessary or related to the construction and initial operation of the Alaska Natural Gas Transportation System a fee which is fair and equitable taking into consideration the direct and indirect cost to the Government for the processing of the applications. The fee shall recover the annual direct costs of the Alaska Natural Gas Project Office, the Staff efforts of other offices devoted to the processing of such applications, and associated overhead costs.

(f) *Refunds and waivers.* (1) If an application or amendment is determined by the Commission to be necessary or related to the construction and initial operation of the Alaska Natural Gas Transportation System subsequent to the payment of a fee, the applicant may petition the Commission for a refund.

(2) No fee will be refunded unless the applicant submits a written protest of the assessment of the fee at the time that the fee is paid.

(3) At the time that an application is filed with the Commission, or a fee otherwise becomes due, the applicant may request a waiver of a fee prescribed in this part pursuant to § 1.7 of this chapter. The processing of the application shall be held in abeyance pending disposition of the waiver request. The acceptance by the Treasurer of a partial payment of a fee does not constitute waiver of the remainder.

[FR Doc. 81-24307 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-7-78]

Individual Retirement Plans and Simplified Employee Pensions

Correction

In FR Doc. 81-20595, published at page 36198, on Tuesday, July 14, 1981, make the following corrections:

(1) In § 1.219-2(h), example (4), in the line appearing at the bottom of the first column on page 36302, "breakpoint" should have read "changepoint". Also, seven lines from the top of the middle column, the equation for the compensation changepoint equal to $13,020 should have read as follows:

"1. Projected benefit = 20% × 13,020 + 10% (13,020 − 2,000) −45% × (.32 × 13,020 + 1,253) = 1,267."

(2) In § 1.408-4(h), in the first line in the third column "*contributions*" should be corrected to read "*distributions*".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 808

Surface Coal Mining and Reclamation Operations Permanent Program Regulations; Performance Bonding

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Announcement of acceptance of petition for rulemaking.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) has granted a petition for rulemaking related to the performance bonding requirements under the Surface Mining Control and Reclamation Act of 1977. Pending the outcome of rulemaking which will result from granting this petition, OSM is suspending 30 CFR 808.12(c). (See final rule section of this issue of the **Federal Register**.)

FOR FURTHER INFORMATION CONTACT: Mr. Russell Price, Division of Technical Services, Office of Surface Mining, Washington, D.C. 20240; telephone (202) 343-4022.

SUPPLEMENTARY INFORMATION: OSM received a letter dated January 13, 1981, from the President of the Mining and Reclamation Council of America presenting a petition from the council and the Surety Association of America for revision of the bonding regulation found at 30 CFR 808.12(c). Pursuant to the Surface Mining Act, section 201(g), 30 U.S.C. 1211(g), any person may petition for a change in the permanent program rules, 30 CFR Chapter VII. The Act allows for a period of 90 days within which to decide to grant or deny a petition. Section 201(g)(4); 30 U.S.C. 1211(g)(4). The Acting Director determined that the petition had a reasonable basis because the change it sought was consistent with the intent behind the regulation as it was originally proposed in the permanent program regulations. See 43 FR 41662, 41873 (September 18, 1978).

On March 12, 1981, OSM published notice in the **Federal Register** seeking public comments on the amendment proposed in the petition by no later than 5:00 p.m. on April 13, 1981. 46 FR 16276. The notice stated that if the decision was made to grant the petition, rulemaking proceedings would be initiated in which public comment would again be sought before a final rulemaking notice appeared. It also stated that a decision might be made to suspend the regulation pending final rulemaking.

Ten comments were received during the public comment period, all but one of which supported the petition. After carefully considering each of these comments, the Acting Director has decided to grant the petition and suspend the regulation pending final rulemaking. Rulemaking on the proposed amendment to 30 CFR 808.12(c) will be conducted as part of an overall review of 30 CFR Subchapter J, announced April 17, 1981, in the **Federal Register**. See 46 FR 22399.

Justification for Accepting the Petition and Suspending 30 CFR 808.12(c)

Nine of ten timely received comments supported the petition. One commenter, Westmoreland Resources, Inc., believes that the change would make the regulations more consistent with the Surface Mining Act and remove some of the uncertainties surrounding the forefeiture procedure.

The State of Illinois pointed out that 30 CFR 808.12(c) as currently drafted renders the concept of incremental bonding meaningless because "forfeiture is allowed independently of the site of bonded performance." Accordingly, bonding companies cannot know with certainty what performance they are insuring and where that performance will be required. The State of Missouri agreed with Illinois, calling the change a "mandatory and vital step" if its mine operators are to obtain reclamation bonds. Similar comments came from two attorneys, three coal companies, an insurer, a major surety association and a mining trade association.

The only opposition came from the State of West Virginia which asserted that the proposed rule directly jeopardizes the West Virginia bonding arrangement. It should be pointed out that OSM's action in suspending the regulation does not mean that West Virginia must modify its plan. State plans may vary from the Federal rules, so long as they are no less stringent than the Federal regulations and meet the applicable provisions. See 30 CFR 730.5.

The commenters provided numerous specific suggestions on the bonding rules, and they will be addressed in the preamble to be published in the **Federal Register** with the proposed revised rules.

The need to suspend the regulation is best set forth in a comment by the Surety Association of America which stated that the gravity of the current situation requires faster resolution than normal rulemaking procedures allow. This is so because many mine operators must, by this summer, re-permit and re-bond their mines in accordance with the federal or approved state programs. This regulation is currently a part of the federal program and is, or may be reflected in state programs as they seek approval or implementation in time to satisfy the strictures of the Act. The Surety Association of America and other commenters supported the proposal to suspend this rule.

If OSM's planned future rulemaking differs from the current statement of 30 CFR 808.12(c), state resources will have been needlessly expended. Imposition of such an unnecessary burden requiring states to implement this provision in their regulatory programs is not justifiable. Consequently, good cause exists for immediate suspension of this rule.

It has been determined that suspension of the regulation is not a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement is not required in order to comply with the National Environmental Policy Act, 42 U.S.C. 4332.

It has also been determined that suspension is not a major rule for which a regulatory impact analysis is required under Executive Order 12291. In addition, it has been determined that a significant number of small entities will not be substantially affected since the criteria of the Regulatory Flexibility Act, 5 U.S.C. § 601, are not met by the suspension of the regulation.

Dated: August 6, 1981.

J. R. Harris,

Director.

[FR Doc. 81-24143 Filed 8-18-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 210

[DoD Directive 5525.xx]

Enforcement of State Traffic Laws on DOD Installations

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: The Department of Defense proposes to publish a directive governing the enforcement on DoD installations of those state traffic laws that cannot be assimilated under the Assimilative Crimes Act. The proposal sets forth policies and standards under authority delegated to Secretary of the Defense by the Administrator, General Services Administration.

DATE: Written public comments must be received on or before September 18, 1981.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), the Pentagon, Room 3C980, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Colonel John L. Fugh, USA; telephone 202-697-9283.

SUPPLEMENTARY INFORMATION:

Inapplicability of Executive Order 12291 and the Regulatory Flexibility Act

The Office of the Secretary of Defense has determined that this proposed rule is not a "major rule" within the criteria specified in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is considered necessary. The provisions of the Regulatory Flexibity Act are not applicable to this proposal, because the proposed rulemaking, if issued as a final rule, will have no economic impact on small entities.

1. It is proposed to add Part 210 to 32 CFR, reading as follows:

PART 210—ENFORCEMENT OF STATE TRAFFIC LAWS ON DOD INSTALLATIONS

Sec.

210.1 Purpose and authority
210.2 Applicability and scope.
210.3 Policy.
210.4 Standards and penalties.
210.5 Responsibilities.

Enclosure 1, GSA's Delegation of Authority to the Secretary of Defense.

Authority: 63 Stat. 377, as amended, 18 U.S.C. 13; 40 U.S.C. 318a through d., 40 U.S.C. 612.

§ 210.1 Purpose and authority.

This Part establishes policies and standards pursuant to authority delegated to the Secretary of Defense by the Administrator of the General Services Administration in accordance with the terms of Enclosure I for the enforcement on military installations of the Department of Defense of those vehicular and traffic laws of the states which cannot be assimilated under 18 U.S.C. 13, the Assimilative Crimes Act.

§ 210.2 Applicability and scope.

(a) The provisions of this Part apply to: (1) The Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies; (2) all military and civilian personnel of the Department of Defense; and (3) all persons who operate or control a motor vehicle or otherwise use the streets of a military installation over which the United States exercises exclusive or concurrent legislative jurisdiction.

(b) Its provisions govern only vehicular and traffic offenses or infractions which cannot be assimilated pursuant to 18 U.S.C. 13, thereby precluding application of state laws to traffic offenses committed on military installations.

§ 210.3 Policy.

It is the policy of the Department of Defense that an effective, comprehensive traffic safety program be established and maintained at all military installations in accordance with the provisions of DoD Instruction 6055.4,[1] "Department of Defense Traffic Safety Program," November 7, 1978.

§ 210.4 Standards and penalties.

(a) State vehicular and traffic laws which are now or hereafter may be in effect are expressly adopted and made applicable on military installations to the extent provided by this Part. All persons on a military installation shall comply with the vehicular and traffic laws of the state in which the installation is located.

(b) A person found guilty of violating on a military installation any state vehicular and traffic law made applicable to the installation under the provisions of this Part is subject to a fine of not more than $50 or imprisonment for not more than thrity days, or both, for each violation (40 U.S.C. 318c).

(c) This Part does not limit the application of any federal law or regulation or, under 18 U.S.C. 13, any state law made applicable to offenses committed on military installations.

§ 210.5 Responsibilities.

(a) The Secretaries of the Military Departments shall ensure compliance with this Part.

(b) The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) is redelegated the authority to modify or amend the provisions of this Part as he or she considers appropriate.

Enclosure 1—General Services Administration; Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to assist in controlling vehicular and pedestrian traffic on military installations in the United States.

2. *Effective date.* This delegation became effective on March 20, 1981.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Defense to make all needful rules and regulations, and to attach to these rules and regulations such reasonable penalties, not to exceed those prescribed in 40 U.S.C. 318c, as will ensure their enforcement for governing vehicular and pedestrian traffic on military installations of the Department of Defense, as defined in U.S.C. 812, in the United States and over which the United States has exclusive or concurrent legislative jurisdiction.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts, and the policies, procedures, and controls prescribed by the General Services Administration.

4. *Effect on other directives.* FPMR Temporary Regulation D–28 is revoked.

Dated: June 24, 1981.

Donald P. Carmen,

Administrator.

August 13, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81–24112 Filed 8–18–81; 8:45 am]

BILLING CODE 3810–01–M

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code 301.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 57

[A–6–FRL 1902–6]

Conditional Approval of First Primary Nonferrous Smelter Order for the Chino Mines Co. (formerly known as Kennecott Copper Co.), New Mexico Smelter

AGENCY: Environmental Protection Agency [EPA].

ACTION: Notice of proposed conditional approval.

SUMMARY: EPA is proposing to conditionally approve the first Primary Nonferrous Smelter Order issued by the New Mexico Environmental Improvement Board on March 20, 1981 to the Chino Mines Company (formerly known as Kennecott Copper Company) copper smelter at Hurley, New Mexico. This order will suspend the State Implementation Plan sulfur dioxide emission limitation for this smelter until January 1, 1983. The ninety (90) day period for EPA review of this order will expire on August 5, 1981.

EPA has determined that this first Nonferrous Smelter Order contains deficiencies in reporting and recordkeeping of emission data which must be corrected for full EPA approval. However, EPA does not believe that the deficiencies are significant enough to warrant disapproval of the order and therefore solicits comment on proposed conditional approval of the order.

DATE: Comment must be received on or before September 18, 1981.

ADDRESSES: Copies of the order and supporting data are available for public inspection during normal business hours at the Environmental Protection Agency, Region VI, Library, First International Building, 1201 Elm Street, Dallas, Texas 75270; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and New Mexico Environmental Improvement Division, P.O. Box 968, Crown Building, Santa Fe, New Mexico.

Comments should be submitted to Carl Edlund, Chief, Air Enforcement Branch, Environmental Protection Agency, Region VI, First International Building, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Carl Edlund, Chief, Air Enforcement Branch, Environmental Protection Agency, Region VI, First International Building, 1201 Elm Street, Dallas, Texas 75270. Phone number (214) 767–2755.

SUPPLEMENTARY INFORMATION:

Background

Section 119 of the Clean Air Act [CAA], 42 U.S.C. 7419 provides for the issuance of Nonferrous Smelter Orders [NSOs] to those smelters that are unable to afford the cost of meeting sulfur dioxide [SO_2] emission limitations in State Implementation Plans (SIPs) by using adequately demonstrated constant control technology. On June 24, 1980 (45 FR 42536) EPA promulgated final rules for the implementation of Section 119 of the CAA.

Under the rules promulgated for the NSO,[1] a smelter is found eligible for an NSO if the Administrator determines, after review of the financial information submitted in the smelter owner's application, that the smelter cannot afford the control equipment necessary for it to meet its SIP emission limitation for SO_2.

Upon the submission of a letter of intent to apply for a NSO, the SIP SO_2 emission limitation for the smelter is suspended. This suspension continues through the ninety (90) day review period and, if the NSO is approved, until the expiration date of the order, which cannot extend (for a first order) beyond January 1, 1983.

[1] All references in this notice to NSO or NSOs refer to the first NSO period.

Certain minimum requirements are provided for in the regulations to insure that the emissions of a smelter subject to a NSO will not result in a violation of the National Ambient Air Quality Standards [NAAQS]. A smelter operating under a NSO must run its interim continuous emission reduction technology (acid plant) at an efficient level.[2] Furthermore, during the NSO the smelter must: use a supplementary control-system; evaluate and control fugitive emissions; assume legal liability for violations of the NAAQS in the designated liability are a [DLA];[3] and monitor and make reports to the issuing agency and conduct or participate in Research and Development [R&D] projects to develop improved means for meeting SIP requirements.

The Chino NSO contains provisions that meet the following requirements of the NSO regulations.

(1) The use of interim constant control systems (acid plant) at the maximum feasible efficiency. (40 CFR 57.302).

(2) The use of approved SCS to prevent all violations of the NAAQS in the smelter's DLA (40 CFR 57.402).

(3) The evaluation and control of fugitives (40 CFR 57.502–503).

(4) The carrying out of R&D to develop more effective means of compliance with the SO_2 requirements of the applicable SIP. (40 CFR 57.603).

The Agency, after a careful review of the financial information contained in the Chino NSO application, finds that the Chino Mines Company is eligible for a first NSO. This decision is based on the conclusion that Chino cannot afford to install a mile/limestone scrubbing system, which is the lowest cost adequately demonstrated means of SO_2 control as chosen by Chino.

II. Deficiencies

A. Reporting and Recordkeeping Requirements

Under the regulations, recipients of NSOs must maintain records and send reports to the issuing agency. Provisions of this nature are absent from the Chino NSO. The following discussion outlines the reporting and recordkeeping deficiencies in the Chino NSO.

1. Compliance monitoring and reporting, 40 CFR 57.305. The NSO regulations call for the continuous monitoring of SO_2 concentrations by the smelter. These regulations provide the means by which the issuing agency, the New Mexico Envorinmental Improvement Board [NM EIB], can monitor and assess the smelter's compliance with the NSO provisions.

Section 57.305(b)(1) of the NSO regulations requires the smelter to submit within fifteen (15) days after the end of each month a summarized report of the smelter SO_2 concentrations and "[t]he smelter owner shall retain a record of such measurements for the duration of the NSO and for as long thereafter as may be necessary for the purpose of including such records in an application for a second NSO."

Furthermore, the Chino NSO must contain provisions for reporting measurements derived from the enforcement of the emission limitations as required by 40 CFR 57.304(b). These reports shall be submitted at 6 month intervals and contain summarized monthly reports.

2. Measurements, records and reports, 40 CFR 57.404 (b) and (c). The NSO regulations, 40 CFR 57.404(b), require that smelters maintain records of "the air quality measurements made, meteorological information acquired, emission curtailment ordered (including the identity of the persons making such decisions), and calibration and maintenance performed on SCS monitors during the operations of the SCS."

The regulations, 40 CFR 57.404(c)(1), also require a provision mandating that the smelter submit monthly reports "indicating all places and times at which the NAAQS for SO_2 were violated in the smelter's DLA, and stating the SO_2 concentrations at such times." In addition the NSO must require that the smelter notify EPA and the state agency if the concentration of SO_2 in the ambient air in the smelter's DLA reaches .3 part per million (800 micrograms per cubic meter), or exceeds the warning stage in any more stringent emergency plan in the applicable SIP. (40 CFR 57.404(c)(2)).

Paragraph seven (7) of the Chino NSO, which covers continuous emission monitoring, does not meet above the mentioned requirements of the NSO regulations. EPA cannot give unconditional approval to the Chino NSO until the NM EIB amends the NSO to include reporting and recordkeeping provisions that satisfy the meaning and intent of 40 CFR 57.305(b) 57.404 (b) and (c).

B. Evaluation and Monitoring of Research and Development Plan

The CAA at Section 119(d)(1)(C)(ii) provides that the smelter "commit reasonable resources to research and development (R&D) of appropriate emission control technology" as a condition to the issuance of a NSO. To ensure that the R&D proposal is carried out the Agency promulgated NSO regulations to cover this area. The Chino NSO fails to comply with the specific provisions of 40 CFR 57.604.

When a proposed research and development proposal is to be conducted wholly by the smelter, which is the case here, the regulations at 40 CFR 57.604 require that the NSO contain provisions "for the employment of a qualified independent engineering firm to evaluate and prepare written reports at least annually and, in any case, in each significant stage of the program."

These reports are to be submitted to the EPA and to the issuing agency, NM EIB. The EPA in the preamble to the NSO regulations commented that the R&D provisions are included to "insure that research projects are not shams, but are 'reasonable' commitments that appear likely to produce significant pollution control gains for the smelter or the industry." (45 FR 42535, June 24, 1980). EPA must require the NM EIB to amend the Chino NSO to include provisions for the evaluation of the Chino R&D proposal.

II. Comments on the Chino NSO Emission Limitations

A. Emission Limitation

1. Plantwide Emissions. Each NSO must contain a provision limiting the amount of plantwide SO_2 emissions.

This figure is based on the maximum production capacity as of August 7, 1977. The Chino smelter's maximum plantwide SO_2 emission limit under the NSO is expressed in terms of percentage control of SO_2 discharge. Chino must capture at least 60 percent of all sulfur fed to the smelter.

The plantwide emission limitation for Chino is not expressed as units of mass per time as required by 40 CFR 57.303(e). EPA believes that this variance from the regulations is justified in this NSO and does not present a potential harm to the environment.

The Chino percentage emission limitation does not limit the total SO_2 emissions to the atmosphere to a specific amount. EPA does not consider that this has any real significance in this instance, however, since the smelter is operating at only sixty-five (65) percent of its capacity. Operation at a lower

[2] The criteria and procedures for applying for a waiver of the interim control are not applicable in this NSO because Chino is currently operating an acid plant.

[3] The DLA of any smelter area is the area within which the smelter's emissions may cause or significantly contribute to violations of the NAAQS for SO_2 when the smelter is operating at its maximum production capacity under any recorded or probable meteorological conditions. 40 CFR 57.402(c).

production rate will effectively reduce the amount of SO_2 emitted by the smelter to a level substantially below the level which reflects total SO_2 emitted at the maximum production capacity of the smelter, as provided for in EPA regulations. In addition, it should be noted that the Chino smelter is utilizing SCS and is required to assume all legal liability for any violations of the NAAQS.

Therefore EPA will not take any action to disapprove the use of the percentage control, based on the premise that no harm will result in this particular situation.

EPA by this decision does not endorse the use of the percentage control method as a means of stating a plantwide emission limitation. The Agency is simply stating a conclusion that in this particular case there is no reason to disapprove the method chosen.

2. Reverberatory Stack Emissions. The Chino NSO contains a reverberatory SO_2 stack limit of 29,592 pounds per hour. This figure was derived by calculating the total amount of SO_2 liberated during the maximum sulfur charging rate of the reverberatory stack.

Chino in arriving at a reverberatory stack limit included the fugitive SO_2 emissions that are liberated during the reverberatory furnace operation. EPA believes that the inclusion of these fugitives in the reverberatory stack limit is inappropriate. The Agency has calculated that a more appropriate reverberatory stack limit would be 26,600 pounds per hour. This Agency calculation does not include fugitive emissions.

The Agency can not accept the methodology that Chino employed in arriving at a reverberatory stack limit. The inclusion of fugitive emissions in the reverberatory stack limit is not permissible.

However, in the case of Chino NSO the Agency will not take any action to disapprove based on the practicalities of the situation. This decision is based on two factors. First, the fugitive emissions are small in comparison to the total reverberatory stack limit. Secondly, the reverberatory stack limit was calculated on the basis of the maximum production rate and maximum percentage of sulfur in the feed. The current production rate and the anticipated future production rate are well below the Chino reverberatory stack limit. Therefore, EPA believes that the disagreement over reverberatory stack limits has no practical significance in this particular case. The action taken by EPA in regards to the Chino reverberatory stack limit is based on source specific factors and should not be regarded as precedent for acceptance of the methodology used in the NSO calculation.

3. Acid Plant Tailgas Emission Limit. The regulation at 40 CFR 57.303(a) requires the NSO to include emission limitations for all control systems at the smelter. For Chino, the interim control system is an acid plant. The regulations require the NSO to state a maximum percentage SO_2 concentration of the tailgas. To arrive at a plantwide emission limit it is necessary to have the maximum SO_2 tailgas concentration figure. The regulations specify that the emission limitation be expressed in units of mass per time.

The Chino NSO contains a maximum SO_2 concentration emission limitation for the acid plant of 0.065% by volume, 12 hour running average. The Chino NSO makes no mention of a maximum gas flowrate. One may calculate a unit of mass per time emission figure by knowing the SO_2 concentration limit and the maximum gas flowrate. Without the flowrate figure, the Chino NSO fails to comply with the NSO regulations requiring a control system limitation expressed in units of mass per time. However, EPA believes the circumstances in this instance obviate against requiring New Mexico to withdraw the Chino NSO and resubmit it with an acid plant emission limitation expressed in units of mass per time.

The Agency reaches this conclusion based on the rationale that was expressed earlier in the discussion of the plantwide emission limit. The failure of the Chino NSO to include an acceptable emission limitation for the acid plant is not a practice that EPA endorses. Chino is cognizant of the fact that the emissions from the acid plant represent one part of their overall plantwide emissions. The smelter also recognizes that the assumption of liability for the NAAQS is based on entire plantwide emissions. Therefore although Chino is not restricted per se by an acid plant maximum gas flowrate, they are restricted by the assumption of legal liability for violations of the NAAQS in the DLA.

B. Concentrate Costs

Although Chino has not submitted adequate documentation of concentrate costs, the Administrator finds the plant financially eligible because any reasonable alternative concentrate cost would result in a finding of eligibility. Appendix A of the NSO regulation states:

"Applicants must attach as part of Exhibit B supporting schedules explaining the pricing policies established on affiliated party transactions incorporated in the financial reporting schedules . . . Affiliated party transactions should be restated at either (a) equivalent prices on comparable transactions with unaffiliated parties if such price quotations can be obtained or (b) prices that provide the selling entity with a normal profit margin above its cost of sales if a meaningful comparison with unaffiliated transaction prices can not be established."[4]

Chino chose option (a) for restating the affiliated transactions between mine and smelter, but did not supply any supporting evidence.

The concentrate costs provided by Chino correspond to a toll smelter change somewhat below what EPA believes to be a realistic market price. Strict adherance to the regulation would require documentation of the transfer price for smelting services either by supplying quotations or by using option (b).

However, because the smelter is eligible for a NSO at a concentrate price well above current contracts for custom and toll smelting, the Administrator believes that in this particular case further documentation of the toll smelter charge on affiliated transactions is unnecessary.

IV. Proposed Action

The Agency's action in today's notice is a conditional approval. The approval is conditioned upon the completion and submittal of the following action by November 1, 1981:

1. The inclusion in the Chino NSO of reporting and recordkeeping provisions as required by 40 CFR 57.305(b) and 57.404 (b) and (c).

2. The inclusion in the Chino NSO of Research and Development evaluation and reporting as required by 40 CFR 57.604.

EPA will evaluate the submission to determine if the conditions are fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find that the conditions have been met and approve the affected elements of the NSO, or to find the conditions have not been, withdraw the conditional approval, and disapprove the order.

1. If the required additional documentation is submitted according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

[4] 45 FR 42553 (June 24, 1980).

2. If the required materials needed to meet a condition are not submitted, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn and the NSO is disapproved. If the NSO is disapproved then the current SIP emission limit is reinstated.

This conditional approval of the Chino NSO is issued under the authority of section 119 of the CAA, as amended.

The effective date of the Chino NSO is March 20, 1980, the date the New Mexico Environmental Improvement Board gave its approval for the Chino NSO application. The expiration date for the first Chino NSO is January 1, 1983.

(Sec. 119 of the Clean Air Act (42 U.S.C. 7419))

Dated: August 8, 1981.

Anne M. Gorsuch,

Administrator.

The text of the proposed order is set forth below. The order will become part of subpart J in Part 57 of Title 40 of the Code of Federal Regulations.

State of New Mexico, Before the Environmental Improvement Board

In the matter of the application of Chino Mines Company for a Primary Nonferrous Smelter Order.

Order

This matter having come before the Board, at its special meeting on March 20, 1981, on the Application of Chino Mines Company ("Chino") for a Primary Nonferrous Smelter Order for its Hurley, New Mexico smelter pursuant to Section 74–2–15.1 NMSA 1978; the Board having considered such application and supporting documentation, the recommendation of the Environmental Improvement Division of the New Mexico Health and Environment Department ("Division"), and all other relevant information submitted at said meeting; and the Board having found that the requirements set forth in Section 74–2–15.1, *supra* for an initial Primary Nonferrous Smelter Order have been met;

It is therefore ordered that:

1. Chino is not required to comply with the provisions of the Air Quality Control Regulation ("AQC Reg.") 652.A.1 *Non-Ferrous Smelters-Sulfur,* during such period as this Order is in effect.

2. During the effective period of this Order, all converter offgases generated by Chino shall be treated by an acid plant except as provided by Paragraph 5 of this Order. Chino shall not permit, cause, suffer or allow sulfur emissions to the atmosphere in excess of forty (40) pounds of sulfur for every one hundred pounds of sulfur fed to the smelter, calendar quarterly average.

3. Except as provided by Paragraph 5 of this Order, the SO_2 in the acid plant tailgas shall not exceed 0.065% by volume, 12-hour running average as measured by the continuous monitoring equipment provided for in Paragraph 7 of this order. Chino may not use dilution air to meet this limitation.

4. Except as provided by Paragraph 5 of this Order:

(a) reverberatory stack SO_2 emissions from the smelter shall not exceed 29,592 pounds per hour, daily average, as measured by the continuous monitoring equipment provided for in Paragraph 7 of this Order; and

(b) fugitive SO_2 emissions from the smelter shall not exceed 6,350 pounds per hour, calendar quarterly average, to be measured by: (i) calculating the total amount of input sulfur for each quarter expressed as SO_2, (ii) subtracting the amount of SO_2 captured as sulfuric acid during that period, the amount of SO_2 emitted from the acid plant tailgas and reverberatory stacks, and the amount of sulfur in the slag produced during that period expressed as SO_2, and (iii) then dividing the result by the number of hours in the quarter.

5. Bypassing of the acid plant or emissions in excess of those set forth in paragraphs 3 and 4 above shall constitute violation of this Order, unless such emissions result from (a) equipment malfunctions; (b) the unavoidable startup and shutdown of process and air pollution control equipment; (c) the phasing in and out of process and air pollution control equipment; or (d) scheduled maintenance.

6. Chino shall report excess emissions to the Division in accordance with 40 CFR 57.304. The Division shall promptly transmit appropriate copies of said reports to the Board. To the extent that AQC Reg. 801 requires information which is identical to that required by 40 CFR 57.304, compliance with AQC Reg. 801 shall be deemed compliance with this paragraph.

7. Pursuant to the provisions of 40 CFR 57.305 and 57.404, Chino shall: (1) upon the effective date of this Order, begin continuous monitoring to measure SO_2 emissions in the acid plant tailgas and reverberatory furnace process off-gas, and (ii) by July 1, 1981, begin continuous monitoring of SO_2 emissions in the captured and vented fugitive gases from the reverberatory furnace and gases bypassed around the acid plant during conditions specified in Paragraph 5 of this Order. Certification of monitors meeting the performance specifications as provided in 40 CFR Part 52, Appendices D and E, shall take place, in the presence of a Division observer, within six (6) months of the dates specified above.

8. Upon the effective date of this Order, Chino shall operate its supplementary control system in accordance with the provisions of Chino's Supplementary Control System Operational Manual and 40 CFR 57.402. Certification of monitors meeting the performance specifications, of 40 CFR Part 53, shall take place, in the presence of a Division observer, within six (6) months of the entry of this Order. In addition to the requirements of 40 CFR 57.402, Chino shall:

(a) provide the Division with the name of the auditor (contractor) performing the quarterly audit. The 3-month primary calibration and quarterly audits shall be performed by different individuals. The audits shall be performed utilizing calibration equipment other than that used in the primary calibration,

(b) provide the Division with audit, calibration, and maintenance information upon request,

(c) consent to be audited by the Division, and

(d) provide the Division with the date of purchase of the instruments, and supporting documentation.

9. Pursuant to Section 74–2–15.1.D NMSA 1978, Chino shall prevent the standards contained in AQC Reg. 201, *Ambient Air Quality Standards* ("State Standards") and the National Ambient Air Quality Standards ("NAAQS"), for SO_2 from being exceeded within the smelter's Designated Liability Area ("DLA"), which shall be defined as a circle with a center point at the smelter reverberatory stack and a radius of 7.5 miles and shall exclude any company property lying therein. A violation of the State Standards or NAAQS within the smelter's DLA shall constitute a violation of this Order, unless Chino can demonstrate that such violations were caused by conditions excused as violations of this Order, as provided in paragraph 5 of this Order, and that it had taken all necessary and appropriate actions to avoid and minimize such violations, including the operation of its supplementary control system.

10. Chino shall conduct an active program to review the design and operation of its supplementary control system as provided in 40 CFR 57.402(f). During the term of this Order and as part of the program described above, Chino shall install and operate a minimum of two monitoring stations for SO_2 not tied to the supplementary control system in order to evaluate the effectiveness of the supplementary control system. The sites for the monitors, and a schedule for their installation, shall be agreed upon by Chino and the Division. Chino shall submit to the Board, with copies to the Division, quarterly reports of the data obtained detailing the results of this review. Such reports shall be due fifteen (15) days after the end of each calendar quarter.

The Division shall, if necessary, require Chino to relocate any of the SO_2 monitors and tie them into the SCS. The monitors not tied into the supplementary control system must meet the performance specifications of 40 CFR Part 53. Siting criteria for monitors described in this Paragraph shall conform to 40 CFR Part 58, Appendix E. Chino shall submit to the Board, with copies to the Division, the final report required by 40 CFR Section 57.405(b) no later than three (3) months following the termination of this Order.

11. Chino shall meet the fugitive emission control requirements of 40 CFR 57.501 through 57.503 through completion of the fugitive emission control requirements of the Schedule of Compliance Order, issued to Chino pursuant to AQC Reg. 510, *Fugitive Particulate Matter Emissions From Nonferrous Smelter.* Chino shall evaluate the impacts of the control measures required under the Schedule of Compliance Order on fugitive SO_2 and on ambient air quality in the smelter's DLA. Chino shall submit to the Board, with copies to the Division, a report of the data obtained detailing results of the

evaluation within six (6) months after the effective date of this Order. Chino shall either make the demonstration contemplated by 40 CFR 57.502(a) or shall submit the design and study work plan provided for in that section.

12. Chino shall conduct the research and development program set forth in its Application. Phase I of that program shall be completed within six (6) months after the effective date of this Order, Phase II within eighteen (18) months after the effective date, and Phase III within thirty (30) months after the effective date. Reports summarizing the results of Phase I and II shall be submitted to the Board, with copies to the Division, within fifteen (15) days after the completion of each phase, and a final report shall be submitted to the Board, with copies to the Division, within one month after the completion of Phase III.

13. At any time during which this Order is in effect, the Board may hold a public hearing respecting the availability of technology sufficient to meet AQC Reg. 652. This Order shall be terminated if the Board determines, after notice and public hearing, that the conditions upon which this Order was based no longer exist. If Chino demonstrates that prompt termination of this Order would result in undue hardship, the termination shall become effective at the earliest practicable date on which such undue hardship would not result, but in no event later than January 1, 1983.

14. The following documents are hereby incorporated as part of this Order:

A. Supplementary Control System Operating Manual entitled "Kennecott Minerals Company Chino Mines Division Supplementary Control System Operational Manual";

B. Written consent for Designated Liability Area signed by L G. Pickering, Senior Vice President—Operations—Kennecott Minerals Company.

C. Written Consent for Research and Development Program signed by L G. Pickering, Senior Vice-President—Operations—Kennecott Minerals Company; and

D. "Proposed Research and Development Program" submitted by Kennecott Minerals Company.

Signed this 20th day of March, 1981.

Environmental Improvement Board.

By: George H. Hensley,

Chairman.

[FR Doc. 81-24068 Filed 8-18-81; 8:45 am]

BILLING CODE 6560-25-M

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40 CFR Part 180

[PP 1E2523/P190; PH-FRL-1913-2]

Chlorpyrifos; Proposed Tolerance For Insecticide in or on Peppers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the combined residues of the insecticide chlorpyrifos and its metabolite in or on peppers at 1.0 part per million (ppm). This proposal was submitted by the Carmielit-Portnoy Industries, Ltd. This amendment will establish a maximum permissible level for residues of the subject insecticide and its metabolite on peppers.

DATE: Written comments must be received on or before September 18, 1981.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (703–557–7024).

SUPPLEMENTARY INFORMATION: Carmielit-Portnoy Industries, Ltd., Carmel, Israel, has submitted a pesticide petition (PP 1E2523) to the EPA. The petition proposes the establishment of a tolerance for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity peppers at 0.5 part per million (ppm).

The petitioner subsequently amended the petition by increasing the proposed tolerance from 0.5 ppm to 1.0 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance included a 2-year rat feeding/. oncogenicity study and a dog feeding study with a no-observed-effect level (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight (bw) per day; a mouse oncogenicity study which was negative at 15 ppm (highest dose); and a mouse teratology study which was negative at 25 mg/kg. Studies on delayed neurotoxicity and reproduction showed negative potential. Based on the 2-year chronic rat feeding study with a NOEL of 0.1 mg/kg of bw/day, and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.01 mg/kg of bw/day.

The theoretical maximum residue contribution (TMRC) in the human diet from this tolerance and previously established tolerances for residues of chlorpyrifos on a variety of raw agricultural commodities at levels ranging from 0.01 ppm to 1.5 ppm does not exceed the ADI.

The metabolism of chlorpyrifos is adequately understood for this use, and an adequate analytical method (gas chromatography) is available for enforcement purposes. No regulatory actions are currently pending against the continued registration of chlorpyrifos, nor are there any other relevant considerations involved in establishing this tolerance.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, it is proposed that 40 CFR Part 180 be amended as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rotenticide Act, which contains any of the ingredients listed herein, may request on or before September 18, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[PP 1E2523/P190]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Jay S. Ellenberger, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this propsal from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations proposing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2))).

Dated: August 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180.342 be amended by alphabetically inserting the raw agricultural commodity "peppers" to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Parts per million
Peppers	1.0

[FR Doc. 81-24187 Filed 8-18-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[PP OE2411/OE2412/P185; PH-FRL-1913-3]

Chlorpyrifos; Proposed Insecticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol. These proposals were submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for residues of the subject insecticide on Chinese cabbage at 2 parts per million (ppm), turnips (greens) at 1 ppm, and turnips (roots) at 3 ppm.

DATE: Written comments must be received on or before September 18, 1981.

ADDRESS: Written comments to: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions numbers OE 2411 and OE2412 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Colorado, Idaho, Michigan, New York, Oregon, Utah, Washington, and Wisconsin (OE2411) and Massachusetts (OE2412).

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities turnips (greens) at 1ppm and turnips (roots) at 3 ppm (OE2411) and Chinese cabbage at 2 ppm (OE2412).

The data submitted in the petitions and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances were a two-year rat feeding/oncogenicity study, which showed negative oncogenic potential with a no-observed-effect-level (NOEL) of 3 and 0.1 milligram (mg)/kilogram (kg) of body weight (bw)/day based on systemic and anticholinesterase effects, respectively; a two-year dog feeding study with a NOEL of 3 and 0.1 mg/kg of bw/day based on systemic and anticholinesterase effect, respectively; a three-generation rat reproduction study with a NOEL of 1 mg/kg of bw/day; a hen neurotoxicity study, negative at 100 mg/kg; mouse teratology study negative at 25 mg/kg/day (highest dose); and a two-year mouse oncogenicity study which was negative at 15 ppm (highest dose).

The acceptable daily intake (ADI), based on the anticholinesterase inhibition NOEL in the 2-year rat feeding study (NOEL of 0.1 mg/kg/day) and using a 10-fold safety factor, is calculated to be 0.01 mg/kg/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 0.6 mg/day. The theoretical maximum residue contribution (TMRC) from existing and proposed tolerances for a 1.5 kg daily diet is calculated to be 0.4689 mg/day. Published and proposed tolerances utilize 78.15 percent of the ADI.

The metabolism of chlorpyrifos is adequately understood and adequate analytical methods (gas chromatography and electron capture detection) are available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the agency, currently established tolerances for meat and milk are adequate to cover any residues resuling from turnip roots and tops used as animal feed. The tolerances established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before September 18, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP OE2411/OE2412/P185]." All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations estalishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))).

Dated: July 28, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.342 be amended by alphabetically inserting the raw agricultural commodities "Chinese cabbage", "turnips (roots)" and "turnips (greens)" to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Parts per million
• • • • •	
Cabbage, Chinese	2
• • • • •	
Turnips (roots)	3
Turnips (greens)	1
• • • • •	

[FR Doc. 81-24186 Filed 8-18-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-83; RM-3679]

FM Broadcast Station in Owenton, Ky.; Changes Made in Table of Assignments

Correction

FR Doc. 81-23315 was published on page 40698 in the issue of August 11, 1981. That action dismissed a request to assign FM Channel 288A to Owenton, Kentucky. It was incorrectly published as a rule and should have appeared in the Proposed Rule section of the **Federal Register**. Also, the Action line is corrected to read "Withdrawal of proposed rulemaking."

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 46, No. 160
Wednesday, August 19, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

Notice is hereby given in accordance with § 800.6(d)(3) of the regulations of the Advisory Council on Historic Preservation, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that a panel of five members of the Council will meet on September 1 and 2, 1981, to consider Phase II of the Canal Place development in New Orleans, Louisiana. Phase II, a 500 room hotel with retail space and a garage, is part of a larger development called Canal Place Development, located in an area bounded by Canal Street, North Peters Street, Conti Street, and the Mississippi River. It has been determined that this undertaking, for which the Department of Housing and Urban Development is providing an Urban Development Action Grant, will adversely affect the Vieux Carre Historic District, a National Historic Landmark.

Pursuant to § 800.6(d)(2) of the Council's regulations, the Chairman of the Council decided on August 11, 1981, that a panel should consider this project in accordance with Sections 106 and 110(f) of the National Historic Preservation Act (16 U.S.C. Sec. 470f and Sec. 470h–2(f)).

The Council was established by the National Historic Preservation Act to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Secretary of the Interior, the Architect of the Capitol, the Secretary of Agriculture, and the heads of four other Federal agencies appointed by the President, one Governor and one Mayor appointed by the President, the President of the National Conference of State Historic Preservation Officers, the Chairman of the National Trust for Historic Preservation, and eight non-Federal members appointed by the President.

The Council's regulations require that the panel be composed of five members, three from the private sector (with one chairing) and two Federal members. This panel will be chaired by Alexander Aldrich of Saratoga Springs, New York. The panel will meet in New Orleans. Place and time have yet to be set and may be obtained from the Executive Director.

The panel will consider written and oral statements from concerned parties. Written statements should be submitted to the Executive Director of the Council by August 24, 1981. Persons wishing to make oral statements should notify the Executive Director by August 28, 1981. Additional information concerning the meeting or the submission of statements is available from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005 (202–254–3967).

Dated: August 14, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81–24110 Filed 8–18–81; 8:45 am]
BILLING CODE 4310–10–M

Meeting

Notice is hereby given in accordance with § 800.6(d)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that the Advisory Council on Historic Preservation will meet on August 25, 1981, in Room 5160, U.S. Department of the Interior, 18th and E Streets, NW., Washington, D.C. The meeting will begin at 9:00 a.m. The meeting is open to the public.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. 470) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol; the Secretaries of the Interior; Agriculture; Housing and Urban Development; Treasury; Transportation; the General Services Administrator; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor, and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

Provisional Agenda, Advisory Council on Historic Preservation

Secretary's Conference Room, Room 5160,
U.S. Department of the Interior, 18th and E Streets, NW., Washington, D.C.
August 25, 1981

9:00 a.m.

Call to Order
Swearing-in Ceremony
Chairman's Welcome
Order of Business
Consideration of Minutes of June 26, 1981, Meeting
I. Statement by the Chairman
II. Executive Director's Report
  A. Council Budget
  B. Study of Tax Policies and Historic Preservation
  C. Council Operating Procedures
  D. Freedom of Information Act Regulations
  E. Historic Preservation Reviews for UDAG Projects
  F. International Centre Committee
III. Report of the Task Force on Regulations Review
IV. Implementation of National Historic Preservation Act Amendments: A Strategy for Council Action
V. Panel Report of the Consideration of Murrells Inlet, South Carolina, under Section 106
VI. Old Business
  A. Status Report on the Lockefield Gardens Section 106 Case
VII. New Business
  A. Termination of Trusteeship of Micronesia.

Due to controlled access to the Interior Building, those wishing to attend should have a Government Identification Card, or notify the Council prior to the meeting by calling 202–254–3967.

Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, NW., Washington, D.C. 20005, 202–254–3967.

Dated: August 11, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-24111 Filed 8-18-81; 8:45 am]

BILLING CODE 4310-10-M

CIVIL AERONAUTICS BOARD

[Agreement CAB 25852; Order 81-8-89]

Commuter Airline Association of America, Inc.

By order 76-11-89, November 16, 1976, we approved under section 412 of the Federal Aviation Act an agreement among the members of the Commuter Airline Association of America, Inc. (CAAA or the Association) establishing the bylaws of the Association.

In a motion filed on January 29, 1981, CAAA requests that we vacate order 76-11-89. The Association also requests that we issue a clarifying ruling that, absent our approval of its bylaws, CAAA will not be precluded from participating in our proceedings.[1]

In support of its requests, CAAA contends that under section 412 of the Act, as amended by the Airline Deregulation Act of 1978, the filing intercarrier agreements for Board approval is now permissive; that the filing requirement imposed by us in approving the Association's bylaws is no longer consistent with the currently effective statutory scheme; [2] and that similarly inconsistent is the requirement in our Regulations making carrier association participation in Board proceedings dependent upon our approval of an association's articles of association.

We have received no answers or comments on the motion.

We have decided to grant the Association's requests. Recognizing the statutory shift to a permissive regime for the filing and approval of intercarrier agreements since our approval of the Association's bylaws, we conclude that our approval of the bylaws is no longer necessary, and that any potentially anticompetitive effects arising from that agreement are best left subject to the operation of the antitrust laws. Thus, we will vacate our earlier approval of the Association's bylaws. Furthermore, since the filing of all intercarrier agreements is now optional, we interpret section 263.2 of our Regulations as applying only to those trade association articles of association that have been filed and approved.[3] Thus, section 263.2 of our Regulations will no longer apply to CAAA participation in Board proceedings.

Accordingly,

1. We vacate our approval of agreement CAB 25852 in Order 76-11-89; and

2. Except as granted above, we dismiss all other requests contained in the motion.

This order will be published in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-24205 Filed 8-18-81; 8:45 am]

BILLING CODE 6320-01-M

[1] Part 263 of our Regulations establishes the procedural requirements for participation of air carrier associations in Board proceedings. In pertinent part § 263.2 provides that an air carrier association created by an agreement subject to section 412 of the Act may not participate in Board proceedings unless its articles of association contain provisions approved by us authorizing such participation.

[2] See Order 76-11-89, *supra*, ordering paragraph 1a and footnote 5, in which we required that certain CAAA resolutions be filed under section 412 and referred to the applicability of the section 412 filing requirement for Association agreements.

[3] We are preparing an amendment of our Regulations that will reflect this interpretation.

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, by September 8, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00293. Applicant: NASA-Lewis Research Center, Energy Section, MS 500-305, 21000 Brookpark Road, Cleveland, Ohio 44135. Article: Organometallic Vapor-Phase Epitaxial Reactor System and Epitaxial Growth Process. Manufacturer: Cambridge Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used to produce GaAs epitaxial layers for fabrication into high efficiency solar cells and advanced microelectronic devices. Application received by Commissioner of Customs: July 7, 1981.

Docket No. 81-00295. Applicant: SRI International, Atmospheric Science Center, 333 Ravenswood Avenue, Menlo Park, CA 94025. Article: HF/DF Laser, Model TE 270 with Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for remote measurement of cloud density. Application received by Commissioner of Customs: July 8, 1981.

Docket No. 81-00296. Applicant: University of Idaho, Moscow, ID 83843. Article: NMR Spectrometer, Model JNM/FX-90Q with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by faculty and students in the Departments of Chemistry and Biochemistry in conducting a wide range of investigations. These investigations will include:

(1) The study of proton contact shifts on low spin cobalt (II) system.

(2) Research concerned with structure determination of sporogenic compounds produced by the fungi *Assochyta pisi, Nectria galagena* and *Sterium hirsutum.*

(3) Exploration of new approaches to conjugate addition or Michael-type reactions aimed at extending the utility and scope of this fundamental carbon-carbon bond forming process.

(4) Studies of the active center of diamine oxidase (DAO) consisting mainly of magnetic resonance investigations employing substrates, substrate analog inhibitors and water.

(5) Study of the chemistry of macrocyclic polyamines, focusing on phosphorus derivatives of these amines.

(6) Study of the fungi of the genus *Cytospora* as a source of novel antibiotic substances.

(7) Synthesis of new multimetallic complexes for use as homogeneous catalysts.

(8) Simple measurement of C-1 and C-2 to provide accurate relative electron densities for 7 at C-1 and C-2.

(9) Studies of the biochemical basis of aging using nematodes as model system.

In addition, the article is intended to be used for educational purposes in the courses: Organic Chemistry II Laboratory, Physical Chemistry Laboratory, Instrumental Analysis, and

Chemical Spectoscopy. Application received by Commissioner of Customs: July 8, 1981.

Docket No. 81-00297. Applicant: United States Geological Survey, 345 Middlefield Road, Menlo Park, CA 94025. Article: Seismometer. Manufacturer: Institute of Physics of the Earth, U.S.S.R. Intended use of article: The article is intended to be used to record ground motions with 3 sec. to 1/15 sec. period. The objective of the investigations is to make comparison of US and USSR earthquakes. Application received by Commissioner of Customs: July 9, 1981.

Docket No. 81-00298. Applicant: N.Y.S. Psychiatric Institute, Department of Neuropathology, 722 West 168 Street, New York, NY 10032. Article: Electron Microscope, Model JEM-100CX. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the ultrastructural constituents of the nervous system and platelets in the following conditions: (a) Short and long term effects of neuropsychotropic agents in experimental animals and humans, (b) chronic addiction of heroin in primates, and (c) degenerative disease processes of the nervous system in human biopsy (Huntington's chorea) and postmortem material. Application received by Commissioner of Customs: July 9, 1981.

Docket No. 81-00299. Applicant: Wesley Medical Center, 550 North Hillside, Wichita, Kansas 67214. Article: Automated Ultrasound Body Imager with Accessories. Manufacturer: Ausonics Ltd., Australia. Intended use of article: The article is intended to be used for patient examination in an automated fashion through a water path from beneath the patient. Pediatric exams as well as renal breast examinations will be evaluated for known and potential improvement in image quality and technical detail. Those areas of the body that cannot be scanned or are not as well scanned with contact scanners such as the testicle, will be evaluated by the newer modality for clinical usefulness. The article will also be used for educational purposes by medical students. Application received by Commissioner of Customs: July 16, 1981.

Docket No. 81-00300. Applicant: Methodist Hospitals of Memphis, 1265 Union Avenue, Memphis, Tenn. 38104. Article: Diagnostic Ultrasound Instrument with Accessories. Manufacturer: Ausonics Ltd., Australia. Intended use of article: The article is intended to be used for clinical and scientific research in the field of human ultrasonic diagnosis. The water path feature of the article is ideal for imaging certain organs not well studied by contact B-scanning techniques. For instance, high quality images of the human breast may be obtained for analysis of tissue characteristics and for the identification of pathological processes. The entire brain of the new born infant may also be imaged by the article in such a manner that the volume of the ventricular system can be evaluated and monitored during the critical neonatal period when the infant is at risk for intercranial hemorrhage. The article will also be used in extensive educational programs for both physicians and technologists in which trainees from multiple disciplines are exposed to the state of the art imaging capabilities of various instrumentation types. Application received by Commissioner of Customs: July 16, 1981.

Docket No. 81-00301. Applicant: National Aeronautics and Space Administration, Johnson Space Center, Houston, TX 77058. Article: Gas Chromatograph-Mass Spectrometer System, Model 7025H. Manufacturer: VG-Micromass, United Kingdom. Intended use of article: The article is intended to be used for studies of the toxicological properties of the trace contaminants of space craft environments with regard to crew performance and safety in the NASA manned space flight programs. Experiments will be conducted to: (1) provide analytical chemical information for toxicological assessment of space craft atmospheres, (2) provide analytical chemical information for materials evaluation and (3) provide analytical chemical assessment of the purity of solids, liquids and gases used in conjunction with the manned space flight program. Application received by Commissioner of Customs: July 16, 1981.

Docket No. 81-00303. Applicant: Washington State University, 103 Science Hall, Pullman, WA 99164. Article: Electron Microscope, Model H-300 with Accessories. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: The article is intended to be used in the following research projects:

(1) Study of binding of the hormone Auxin to plant cell membranes,

(2) Ultrastructure of the pharynx of the larval lamprey petromyzon,

(3) 3-methyol-indole-induced equine small airways disease,

(4) Studies of regeneration in the olfactory system of mice,

(5) Ultrastructure of the poison glands of the Northwestern Salamander *Ambystoma gracile*,

(6) Genetic transformation of plant protoplasts,

(7) Analysis of human diabetic arteries,

(8) Regeneration of the nervous system of a snail, Stacia Moffett,

(9) Electron Microscopy studies of sarcoplasmic reticulum and the filamentous phage f d,

(10) Effects of acute kepone treatment of mouse liver and kidney,

(11) Transmission electron microscopy of granular cell myoglastoma from a horse lung,

(12) Ultrastructure of *Sclerotium cepioorium* Berk, Porcine placental glycosaminoglycans, Sucrose density gradient examination,

(13) Cell junctions in the cell epithelium of *Artemia salina*, Quaternary structure of ribulose biphosphate carboxylase from Pseudomonas oxaliticus, Feline viral diseases, Characterization of IBV virus, White blood cell study of Gophar snake.

In addition, the article will be used for educational purposes in study and research courses to which students will progress to after being trained initially in a Zoology 506 (Electron Microscopy) on another instrument. Application received by Commissioner of Customs: July 16, 1981.

Docket No.: 81-00304. Applicant: Washington State University, 103 Science Hall, Pullman, WA 99164. Article: Electron Microscope, Model H-600-2 with Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is intended to be used in research projects which will include:

(1) A fungal study, describing gross morphological features allowing toxonomic identification, membrane studies which isolate enzymes relationships to the cell membrane as well as transport mechanisms of those enzymes.

(2) The study of shock damage of crystal coated with doping substances and profiling the doping substance with regards to the depth dopant penetrated into the matrix as well as shock induced damage of lithium crystals.

(3) The assessment of trace metals in coal conversion products with emphasis on toxic metals fate.

(4) Localizing diffusible ions in plant tissues with regards to transport mechanisms, food chain transmission of heavy metal sulfides to determine localization in aquatic animals organ system and concentration and excretion factors involved.

(5) Study of ion gradients between apicial and basalar parts of cells as well as gradients generated across cells, membranes as well as enzyme localization studies.

(6) Studies of oocytes looking for contractile elements and relationships of the follicle cell to oocyts projections.

(7) Studies of quench sensitivity of alloys through varying concentration of monor components and to study the migration of those elements in the matrix material.

Application received by Commissioner of Customs: July 16, 1981.

Docket No.: 81-00305. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: High-pressure Crystal Growth Furnace. Manufacturer: Metals Research, Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of compound semi-conductor growth. Application received by Commissioner of Customs: July 16, 1981.

Docket No.: 81-00306. Applicant: Washington University, Lindell and Skinker Blvds., St. Louis, MO 63130. Article: Capacitor Etalon Plates /200 flatness 50 mm diameter. Manufacturer: Queensgate Instruments, Ltd., United Kingdom. Intended use of article: The articles are intended to be used to stabilize a scanning Fabry-Perot interferometer which is used in the study of astrophysical sources of the Earth's upper atmosphere. When used in observations of the upper atmosphere, the article acquires spectral information which describes the temporal (diurnal) variation of radical species in the upper atmosphere. The analysis of this spectral data then allows conclusions to be drawn about the nature of galaxy evolution and the changes which occur daily in the Earth's atmosphere. Application received by Commissioner of Customs: July 16, 1981.

Docket No.: 81-00307. Applicant: Michigan Molecular Institute, 1910 West Street Andrews Road, Midland, MI 48640. Article: Index Vat for FICA 50 Light Scattering Photometer. Manufacturer: Applied Research Lab., France. Intended use of article: The article is an accessory to an existing photometer which is to be used to perform light scattering measurements that are crucial for the determination of molecular weight and, thereby, for characterization of polymeric materials. The article is also needed for thesis work on the phase equilibria in polymer solutions. Application received by Commissioner of Customs: July 16, 1981.

Docket No.: 81-00309. Applicant: University of California, Lawrence Berkely Laboratory, One Cyclostron Road, Berkeley, CA 94720. Article: Scattering Chamber with Accessories. Manufacturer: Institute of Physics, Poland. Intended use of article: The article is intended to be used for studies of atomic nuclei found in nature and as created in the scattering chamber by the collision of atomic nuclei in the particle beam from an accelerator and the atomic nuclei in the (Thin foil) target. Experiments will consist of investigations of the mechanisms which cause nuclei to fuse, to fission, and to transmute to form new elements. These experiments are conducted to establish the fundamental modes of motion of highly excited, hot nuclei. The article will also be used by graduate students in the laboratory as part of their research toward their Ph.D. degree. Application received by Commissioner of Customs: July 16, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-24138 Filed 8-18-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Fisheries; Modification of Permit

On July 10, 1981, Notice was published in the **Federal Register** (46 FR 35717) that a permit modification request was received at the National Marine Fisheries Service. Notice is hereby given that pursuant to provisions of § 222.25 of the Regulations Governing Endangered Species (50 CFR Part 222), Permit No. 213 issued to Normandeau Associates, 25 Nashua Road, Bedford, New Hampshire 03102, on November 25, 1977, is modified as follows:

Sec. A-2 is modified by adding:

e. Hudson River Estuary.

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: August 1, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-24236 Filed 8-18-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF ENERGY

National Petroleum Council, Coordinating Subcommittee of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Coordinating Subcommittee of the Committee on Environmental Conservation will meet in September 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its seventh meeting on Wednesday, September 30, 1981, starting at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, N.W., Washington, D.C.

The tentative agenda for the meeting follows:

1. Review of the draft report of the Coordinating Subcommittee.

2. Review of the schedule for the completion of the study effort.

3. Discussion of any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, and Shale Resources Development Division, Fossil Energy, 202/633-8395, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE-190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the

hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on August 6, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

August 6, 1981.

[FR Doc. 81-24210 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Coordinating Subcommittee of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Coordinating Subcommitte of the Committee on Environmental Conservation will meet in September 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its sixth meeting on Wednesday and Thursday, September 9 and 10, 1981, starting at 9:00 a.m. each day, in the Allen Room of the Bond Court Hotel, 777 St. Clair Avenue, Cleveland, Ohio.

The tentative agenda for the meeting follows:

1. Review of the draft report of the Coordinating Subcommittee.

2. Review of the schedule for the completion of the study effort.

3. Discussion of any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, and Shale Resources Development Division, Fossil Energy, 202/633-8395, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE-190, DOE, Forrestal Building, 1000 Independence Avenue, S. W., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on August 6, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 81-24209 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

North Central Oil Corp.; Action Taken on Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: July 28, 1981.
Comments By: September 18, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On July 28, 1981 the Office of Enforcement of the ERA executed a proposed Consent Order with North Central Oil Corp. of Houston, Texas. Under 10 CFR 205.199J(b) a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

North Central Oil Corporation (North Central) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of North Central the Office of Enforcement, ERA and North Central entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through January 27, 1981, North Central allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D and 6 CFR Part 150, Subpart L.

2. North Central and the DOE have agreed to a $750,000 settlement for all overcharges and interest. North Central will also pay $25,000 to the U.S. Treasury as a compromise for civil penalties. North Central has agreed to make payment within thirty (30) days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and North Central.

3. This Consent Order constitutes neither an admission by North Central that ERA regulations have been violated nor a finding by the ERA that North Central has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

In this Consent Order, North Central agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $750,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to

subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

II. Submission of Written Comments

A. Potential Claimants

Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the North Central Oil Corporation Consent Order". We will consider all comments we receive by 4:30 p.m., local time, September 18, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 5th day of August 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–24137 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–01–M

Cajun Energy, Inc.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Final Action taken on a Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces final action of a Consent Order.

EFFECTIVE DATE: August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTAL INFORMATION: On June 8, 1981 the ERA of the DOE executed a Proposed Consent Order with Cajun Energy, Inc. of Opelousas, Louisiana and a **Federal Register** Notice was published on June 29, 1981. Under 10 CFR 205.199I(c), a Proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the thirty-day comment period, the ERA has received one notice of claim against the refund amount of the Consent Order and one comment on the Proposed Order. The ERA has considered the comment and determined that the Proposed Order should be made final as executed. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Cajun Energy, Inc. is an appropriate resolution of the compliance proceeding which shall become final and effective as proposed, without modification, upon publication of this Notice. Procedures and requirements for documenting proof of claim are being developed. Refund overcharges received, if any, will remain in a suitable government escrow account pending the determination of their proper disposition.

Issued in Dallas, Texas on the 5th day of August, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–24096 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–01–M

[Docket Nos. 51100–0713–01–84 and 51100–0713–02–84]

Georgia Power Co. (McManus Generating Station, Units 1 and 2), Rescission of ESECA Prohibition Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Rescission of ESECA Prohibition Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE)[1] hereby gives notice that on August 7, 1981, it issued orders which rescinded the Prohibition Orders issued on June 30, 1975, to the Georgia Power Company, McManus Generating Station, Brunswick, Georgia, Units 1 and 2, Docket Nos. 51100–0713–01–84 and 51100–0713–02–84. The Prohibition Orders had been issued pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA)[2] and, if made effective by issuance of Notices of Effectiveness, would have prohibited the above-named powerplants from burning natural gas or petroleum products as their primary energy source. The Rescission Orders were issued pursuant to Section 2(f) of ESECA and in accordance with the implementing regulations 10 CFR Part 303, Subpart J ("Modification or Rescission of Prohibition Orders and Construction Orders").

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 303.130(b), ERA initiated the procedures for the issuance of these rescission orders by requesting the Georgia Power Company to provide

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*)

[2] Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93–319 (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94–163, Pub. L. 95–70, Pub. L. 95–91, Pub. L. 95–95 and Pub. L. 95–620; Federal Energy Administration Act of 1974, Pub. L. 93–275 (15 U.S.C. 761 *et seq.*), as amended by Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101 *et seq.*) as amended by Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620 and Pub. L. 95–621; Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620 (42 U.S.C. 8301 *et seq.*); E.O. 11790, 39 FR 23185 (June 25, 1974); E.O. 12009, 42 FR 46267 (September 13, 1977).

a system-wide dispatch analysis for the Southern Electric System in the year 1990 and a list of projected capacity factors for McManus Units 1 and 2 for each year from 1980 through 1990. Based on this information, ERA determined that these units would either not be operated at a sufficient capacity factor to warrant conversion to coal of if utilized at a capacity factor which would make coal conversion practicable, would back out electrical generation currently scheduled for newer existing coal units. Thus the conversion of McManus from petroleum products or natural gas to coal is not considered to be practicable by ERA and consistent with the purposes of ESECA (as required by Section 2(b)(1)(A) thereof).

ERA gave notice of its intention to rescind the Prohibition Orders issued to the above-named powerplants by publishing its "Intention to Rescind a Prohibition Order" in the **Federal Register** (46 FR 19973) on April 2, 1981, and by inviting written comments on the proposed action. No comments were received during the period allotted for submission of written comments and no issues were raised or called to ERA's attention which would have caused ERA to terminate the rescission procedures.

Based on the public record and ERA's determination that the requirements of ESECA would no longer be satisfied by requiring the McManus Station to convert to coal because of changed circumstances, ERA, in accordance with 10 CFR 303.130(b), rescinded the previously-issued Prohibition Orders. The Rescission Orders were served on Mr. W. E. Ehrensperger, Senior Vice President, Power Supply, Georgia Power Company, 270 Peachtree Street, Atlanta, Georgia 30303, by registered mail on August 7, 1981.

Copies of the Rescission Orders will be available for inspection by any interested person in Room B–110, 200, M Street, N.W., Washington, D.C. 20461, from 1:00 to 4:30 p.m., Monday through Friday of each week. Copies will also be available at the DOE Region V Office, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, Tel. (404) 257–4463 and in the Freedom of Information reading Room, Room IE–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:15 a.m. and 4:15 p.m., Monday through Friday.

Any person aggrieved by the Rescission Orders may file an appeal with the DOE Office of Hearings and Appeals (previously the Office of Exceptions and Appeals) in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after service of the Rescission Orders. Service by registered mail is complete upon mailing. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

FURTHER INFORMATION: Any questions regarding this rescission action should be directed to DOE as follows:

Steven A. Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Case Control Unit (ESECA), Mail Stop Room 3214, 2000 M Street, N.W., Washington, D.C. 20461, Tel. (202) 653–4184.

L. Dow Davis IV, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–178, Washington, D.C. 20885, Tel. (202) 252–2967.

Written questions should be identified on the envelope and in the correspondence with the designation "Rescission of McManus Generating Station Powerplants 1 and 2 Prohibition Orders, Docket Nos. 51100–0713–01–84, 51100–0713–02–84."

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

August 7, 1981.

[FR Doc. 81–24095 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. G–11564–000, et al.]

Amoco Production Company, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

August 13, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³		Pressure base
G-11564-000, Mar. 10, 1981[1]	Amoco Production Company, P.O. Box 3092, Houston, Texas 77001.	Northern Natural Gas Company, Prentice Gasoline Plant, Yoakum County, Texas.		(2)	14.65
CI76-646-002C, Aug. 3, 1981	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Tennessee Gas Pipeline Company, West Cameron Block 67 (OCS-G-3256), Well No. D-6, Offshore Louisiana.		(3)	15.025

[1] Amoco proposes to shut down the Prentice Plant and initiate the immediate temporary sale of gas through another delivery point pursuant to amendment.
[2] Applicant is filing under Gas Purchase Contract dated November 22, 1977, amended by amendment dated October 17, 1980.
[3] Applicant is filing under Gas Purchase Contract dated June 17, 1976, amended by amendment dated July 7, 1981.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene in timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24172 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-67-000]

Black Marlin Pipeline Co.; Technical Conference

August 13, 1981.

Take notice that on August 25, 1981, at 10:00 a.m., a technical conference of all interested parties will be convened concerning the above-captioned matter. The meeting will take place at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The conference is convened by agreement of the parties to discuss the status of the cost of service study undertaken by consultants for Black Marlin Pipeline Company and requests for data made by Commission Staff.

Customers and other interested persons will be permitted to attend the conference. However, if attendees have not previously been permitted to intervene by order of the Commission, the attendance will not be deemed to authorize intervention as a party to this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23173 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-538-000]

Carolina Power and Light Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motion To Reject, Granting Summary Disposition in Part, Granting Intervention, and Establishing Hearing and Price Squeeze procedures

Issued August 11, 1981.

On June 12, 1981, Carolina Power and Light Company (CP&L) tendered for filing revised rates for firm power service to eighteen electric cooperative customers, twenty-five municipal customers, and two private sale-for-resale customers.[1] The proposed rates would result in increased revenues of approximately $30,565,216 (13.62%) for the twelve-month period ending December 31, 1981. The company requests and effective date of August 11, 1981.

CP&L has filed increases under its two firm power rate schedules for rural electric cooperatives and for municipals and private distribution company. In addition, CP&L is proposing to establish

[1] *See* Attachment A for list of customers and rate schedule designations.

a new partial requirements rate which would be applicable to one customer, the City of Fayetteville, North Carolina.

Public notice of CP&L's filing was issued on June 23, 1981, with reponses due on or before July 10, 1981. On July 8, 1981, the North Carolina Electric Membership Corporation, which represents seventeen of CP&L's cooperative customers, and the Four County Electric Membership Corporation (Cooperatives) jointly filed a protest, petition to intervene, motion for summary disposition and request for hearing and five month suspension. The Cooperatives challenge CP&L's cost of service in a variety of respects and allege that the proposed rates will result in a price squeeze. In addition, the Cooperatives request summary disposition of the following issues: (1) CP&L's failure to deduct from rate base (a) accumulated deferred investment tax credit (ADITC) balances associated with cancelled projects and (b) reserves for injuries and damages and miscellaneous operating reserves; (2) inclusion of non-pollution control CWIP in rate base; and (3) understatement of investment tax credits utilized during the test period.

On July 9, 1981, French Broad Electric Membership Corporation (French Broad) filed a protest and petition to intervene. French Broad objects to the partial requirements rate proposed by CP&L in the instant filing on the grounds that CP&L developed the partial requirements rate to meet the unique load characteristics of the City of Fayetteville, thereby making the rate inappropriate for other customers who might install generating capacity in the future. Inasmuch as the proposed rate might apply to French Broad in the future, the customer challenges four specific elements of the rate: a 95% minimum billing demand ratchet; the stated demand charges; the designated delivery point charge; and the imposition of a full transmission charge for possible "backstanding" of generating resources.

On July 10, 1981, ElectriCities of North Carolina, which represents all non-generating municipalities in North Carolina operating their own electric systems, and the Cities of Bennettsville and Camden, South Carolina (ElectriCities) jointly filed a protest, motion for summary judgment, petition to intervene, and request for hearing and maximum suspension. In addition to raising a number of cost of service issues, ElectriCities moves for summary disposition with respect to CP&L's: (1) exclusion of ADITC from rate base in determining the interest expense deduction for purposes of Period II income tax calculations; (2) failure to synchronize the claimed rate of return and the discount rate used to develop decommissioning costs; (3) improper normalization of the tax effects of decommissioning expenses; and (4) improper treatment of spent nuclear fuel storage and disposal costs.

Also on July 10, 1981, the City of Fayetteville filed a protest, petition to intervene, motion for five month suspension and request for hearing. Fayetteville objects to CP&L's attempt, by means of the partial requirements rate schedule, to establish a separate rate class applicable only to Fayetteville. According to Fayetteville, this issue was litigated in Docket Nos. ER77–485 and ER77–551, wherein the presiding judge found that the company had not demonstrated sufficient cost of service differences to justify disparate rate treatment for Fayetteville *vis-a-vis* other municipal customers. [2] Fayetteville also raises several challenges to CP&L's cost of service, opposes the demand ratchet included in the partial requirements rate schedule, and alleges price squeeze.

On July 14, 1981, South River Electric Membership Corporation (South River) filed a protest requesting rejection of the proposed increase until CP&L's prior rate case is settled or, alternatively, suspension for the maximum period. South River alleges inaccuracies in CP&L's billing data and forecasts. While South River does not request intervenor status, we note that the Cooperative purport to represent, and have requested to intervene on behalf of, South River. [3]

The Cooperatives filed an addendum to their initial pleading on July 17, 1981, for the stated purpose of identifying additional facts which have occurred after the intervention deadline in this proceeding; namely, that CP&L now has a large nuclear unit out of service during peak season with the effect of dramatically increasing fuel adjustment charges to wholesale customers and magnifying price squeeze implications. Furthermore, the Cooperatives contend that downward revisions by CP&L of its peak-load forecast and an expected infusion of new capital will reduce the need for additional capital alleged in the company's case-in-chief.

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[2] We note that the Commission has not addressed this issue directly because the parties subsequently entered into a settlement agreement.

[3] *See* Cooperatives' July 8, 1981 petition to intervene at 2–3.

Over four hundred individual customers have also filed letters of protest, requesting either rejection of the filing or the maximum suspension period.

On July 22, 24 and 27, 1981, answers were filed by CP&L to the protests, motions and petitions to intervene. CP&L challenges the intervenors' pleadings on cost of service issues and opposes the motions for summary judgment and the request for a maximum suspension period.

Discussion

We find that participation in this proceeding by each of the petitioners is in the public interest. Accordingly, we shall grant the petitions to intervene.

Because we find that CP&L's submittal substantially complies with the Commission's filing requirements, we shall deny the requests to reject the filing.[4] However, we further conclude that summary disposition is appropriate with respect to one issue—CP&L's exclusion of ADITC from rate base in determining the synchronized interest expense deduction for income tax purposes. CP&L's treatment of this issue is contrary to established Commission precedent and results in an overstatement of the income tax expense component of the wholesale cost of service.[5] However, in view of the fact that this summary disposition will have a relatively small revenue impact in relation to the requested increase, we shall not require CP&L to refile its cost of service or rates at this time.

We believe that the remaining requests for summary disposition raise questions more appropriately resolved during an evidentiary hearing. Accordingly, the requests will be denied and these matters may be addressed at the hearing which we shall order to be convened. However, we further note that several of the issues raised by the intervenors are the subjects of litigation in Docket Nos. ER77–485 and ER80–344. We refer specifically to: (1) the proper amortization period for expenses associated with cancelled projects; (2) the appropriate coal stock inventory required by CP&L; and (3) the proper treatment of costs associated with storage and disposal of spent nuclear fuel. The presiding administrative law judge may wish to determine at an early stage whether relitigation of these issues in this docket is warranted.

Our analysis indicates that CP&L's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept the proposed rates for filing and suspend them as directed below.

In a number of suspension orders,[6] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permited by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates for a period of five months, permitting the rates to take effect subject to refund thereafter on January 12, 1982.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79–339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the intervenors. As noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If in the view of staff or the intervenors, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders:

(A) The requests for rejection of CP&L's filing are hereby denied.

(B) Summary disposition is hereby granted with respect to CP&L's exclusion of ADITC from rate base in determining the synchronized interest expense deduction for income tax purposes. This determination shall be reflected in CP&L's compliance cost of service at the conclusion of this proceeding. In all other respects, the requests for summary disposition are hereby denied.

(C) CP&L's revised rates are hereby accepted for filing and suspended for five months from 60 days after filing to become effective, subject to refund, on January 12, 1982.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR Chapter I], a public hearing shall be held concerning the justness and reasonableness of CP&L's rates and services.

(E) The petitions to intervene are hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) The Commission staff shall serve top sheets in this proceeding on or before August 12, 1981.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

[4] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

[5] *See New England Power Company*, Docket Nos. ER80–66, *et al.*, order issued December 31, 1979, wherein the Commission rejected precisely the same method as that utilized by CP&L. *See also Alabama Power Company*, Opinion No. 54 (August 1, 1979).

[6] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

By the Commission. Commissioner Holden dissented in part, with a separate statement attached.

Kenneth F. Plumb,

Secretary.

HOLDEN, Commissioner, *dissenting* (on one issue):

Consistently with my position in the *El Paso Electric* case, I would grant summary disposition on CWIP in the form as proffered here. My view might have been different if the Carolina Power and Light Company had made a case consistent with the existing policy or with CWIP notice of proposed rulemaking in Docket No. RM81–38, as far as that notice of proposed rulemaking concerns a clarification of the financial difficulty test.

Matthew Holden, Jr.,

Commissioner.

[FR Doc. 81–24162 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5022–000]

Salvatore R. Casella; Application for Preliminary Permit

August 14, 1981.

Take notice that Salvatore R. Casella (Applicant) filed on June 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 5022 known as the Lake Solitude Project located on the South Branch of the Raritan River in the Town of High Bridge, Hunterdon County, New Jersey. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Angelo J. Falciani, Esq., 45 S. Broad Street, Woodbury, New Jersey 08608.

Project Description—The proposed project would consist of the following existing facilities: (1) a 38-foot high, 100-foot long dam; (2) a reservoir with a storage capacity of 540 acre-feet; (3) a powerhouse containing a single turbine-generator with a total rated capacity of from 400 to 600 kW; (4) a 1,200-foot long transmission line; and (6) appurtenant facilities. Energy produced at the project would be sold to Jersey Central Power and Light Company. Applicant owns the project lands and facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include geologic investigation, economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $42,000.

Completing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 19, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24161 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5006–000]

Central Montana Electric Generation and Transmission Cooperative, Inc.; Application for Preliminary Permit

August 14, 1981.

Take notice that Central Montana Electric Generation and Transmission Cooperative, Inc. (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5006 known as the Yellowtail Afterbay Dam located on Big Horn River in Big Horn County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James H. Follensbee, Central Montana Electric G & T, 705 Lincoln Lane, Billings, Montana 59105.

Project Description—The proposed project would consist of: (1) a proposed powerhouse which would be located in the left earthen embankment of the existing Yellowtail Afterbay Dam, and which could contain generating units having a total installed capacity of 10 MW; (2) a proposed 1,000-foot, 69-kV transmission line; and (3) appurtenant facilities. Applicant estimates that the annual energy output for the project would be 58.5 GWh. Applicant would utilize an existing dam owned by the Bureau of Reclamation, and the Applicant's facilities would be located on U.S. lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months to perform the following studies: (1) hydraulic analysis; (2) environmental analysis; (3) social analysis; (4) turbine generator selection; (5) transmission line route; (6) cost estimates; (7) financing; and (8) power production. In addition, Applicant would consult Federal, State, and local government agencies concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $50,000.

Competing Applications—This application was filed as a competing application to the Yellowtail Afterbay Bay Dam Project No. 3749 filed on November 17, 1980, by Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980).

Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24174 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-52-000]

Citizens Utilities Co.; Supplemental Application

August 11, 1981.

Take notice that on August 6, 1981, Citizens Utilities Company (Applicant) filed an amendment to its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to continue to engage in negotiations as obligor and guarantor in connection with the proposed financing of pollution control facilities and other construction projects and to increase the authorization from $35 million to $47 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24163 Filed 8-18-81; 8:45 am]

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[Volume 46]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 11, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PRCE	PURCHASER
LOUISIANA OFFICE OF CONSERVATION							
-B & J CO			RECEIVED: 07/27/81 JA: LA				
8142635	81-1406	1711122843	108	J C ALLEN #1 SERIAL #171567	MONROE GAS	32.0	MID LOUISIANA GAS
-BETHLAN PRODUCTION CORP			RECEIVED: 07/27/81 JA: LA				
8142634	81-1407	1707321626	103	BENTZ NO 1	MONROE GAS FIELD	21.9	MID-LOUISIANA GAS
8142633	81-1408	1707321670	103	BENTZ NO 2	MONROE GAS FIELD	23.0	MID-LOUISIANA GAS
8142632	81-1409	1707321671	103	BENTZ NO 3	MONROE GAS FIELD	24.1	MID-LOUISIANA GAS
8142631	81-1410	1707321672	103	BENTZ NO 4	MONROE GAS FIELD	24.8	MID-LOUISIANA GAS
8142630	81-1411	1707321673	103	BENTZ NO 5	MONROE GAS FIELD	21.9	MID-LOUISIANA GAS
-CALPETCO V			RECEIVED: 07/27/81 JA: LA				
8142616	81-1412	1706721605	103	SPYKER 80-32	MONROE GAS ROCK	10.0	SOUTHERN NATURAL
8142615	81-1413	1706721606	103	SPYKER 80-33	MONROE GAS ROCK	10.8	SOUTHERN NATURAL
8142620	81-1414	1706721609	103	YOUNG 80-1	MONROE GAS ROCK	10.0	SOUTHERN NATURAL
-EXXON CORPORATION			RECEIVED: 07/27/81 JA: LA				
8142574	81-1479	1705721607	103	LA CIB 32A 7 RA SU SL 1450 LLE #11	LAKE MACCOURCI	500.0	COLUMBIA GAS TRAN
-GLENDA PETROLEUM CORP			RECEIVED: 07/27/81 JA: LA				
8142564	81-1498	1711122203	108	D ARBONNE CO 1 #2 S/N 170900	MONROE	12.5	MID LOUISIANA GAS
8142580	81-1496	1711122266	108	D ARBONNE CO 12 #14 S/N 170906	MONROE	12.6	MID LOUISIANA GAS
8142579	81-1497	1711121614	108	EXXON-ARCO 35 #12 S/N 161209	MONROE	12.6	MID LOUISIANA GAS
8142540	81-1475	1711122376	108	J D KENNEDY #1 S/N 168267	MONROE	14.0	MID LOUISIANA GAS
8142566	81-1470	1711122377	108	J D KENNEDY #2 S/N 168268	MONROE	14.4	MID LOUISIANA GAS
8142543	81-1472	1711122378	108	J D KENNEDY #3 S/N 168269	MONROE	19.0	MID LOUISIANA GAS
8142541	81-1474	1711122379	108	J D KENNEDY #4 S/N 168290	MONROE	13.7	MID LOUISIANA GAS
8142539	81-1476	1711122363	108	RABUN 1 #9 S/N 168194	MONROE	15.5	MID LOUISIANA GAS
8142542	81-1473	1711122381	108	STELL #2 S/N 168292	MONROE	13.7	MID LA GAS CO
8142565	81-1471	1711122382	108	STELL #3 S/N 168293	MONROE	13.6	MID LOUISIANA GAS
8142575	81-1478	1711122383	108	STELL #4 S/N 168294	MONROE	19.0	MID LOUISIANA GAS
8142538	81-1477	1711122380	108	STELL NO 1 S/N 168291	MONROE	13.7	MID LA GAS CO
-GODFREY & RILEY			RECEIVED: 07/27/81 JA: LA				
8142626	81-1485	1711122877	108	NASHAW-RABUN NO 6	MONROE	73.0	MID LOUISIANA GAS
-GRACE PETROLEUM CORPORATION			RECEIVED: 07/27/81 JA: LA				
8142535	81-1505	1701700000	108	E T CURRIE #1	LONGWOOD	17.0	ARKANSAS LOUISIAN
-HOOTKINS-SMITH LA LTD			RECEIVED: 07/27/81 JA: LA				
8142567	81-1459	1711121707	107-TF	EDWARDS # 2	MONROE	13.0	TEXAS GAS TRANSMI
8142578	81-1460	1711121709	107-TF	READ #1	MONROE	6.0	TEXAS GAS TRANSMI
-IMC EXPLORATION COMPANY			RECEIVED: 07/27/81 JA: LA				
8142601	81-1426	1707321503	108	ABE ARENT CT AL #7	MONROE	20.0	IMC PIPELINE CO I
8142608	81-1434	1707321720	103	COLE T #30	MONROE	11.0	IMC PIPELINE CO I
8142604	81-1436	1707321723	103	COLE T #33	MONROE	11.0	IMC PIPELINE CO I
8142599	81-1428	1707321716	103	COLE T #34	MONROE	6.0	IMC PIPELINE CO I
8142537	81-1503	1706120250	102-A	D M MCGEHEE NO 1.	TERRYVILLE	200.0	LOUISIANA GAS PUR
8142600	81-1427	1711122901	108	DEAN #3	MONROE	12.0	PETRO-LEWIS CORP

UMI 1 8 9 1 G A 6 4 V

JD NO	JA DAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROJ	PURCHASER
8142595	81-1432	1711123179	103	DEAN #4	MONROE	16.0	PETRO-LEWIS CORP
8142536	81-1504	1706120225	102-4	EUGENE TINSLEY ET AL NO 1	TERRYVILLE	791.0	LOUISIANA LAS FOR
8142603	81-1424	1706721619	108	J B MILES #F-333	MONROE	9.0	IMC PIPELINE CO I
8142598	81-1429	1707321602	103	MYHRE #2	MONROE	15.0	UNITED GAS PIPELI
8142621	81-1423	1711122906	108	RABUN #30	MONROE	7.0	PETRO-LEWIS CORP
8142602	81-1425	1711122905	108	RABUN #31	MONROE	7.0	PETRO-LEWIS CORP
8142609	81-1433	1711123166	103	RABUN #35	MONROE	0.0	PETRO-LEWIS CORP
8142596	81-1431	1711123167	103	RABUN #36	MONROE	16.0	PETRO-LEWIS CORP
8142607	81-1435	1711123173	103	SMITH #15	MONROE	16.0	PETRO-LEWIS CORP
8142597	81-1430	1707321708	103	UNION PRODUCING CO T #13	MONROE	23.0	IMC PIPELINE CO I
-JONES-O'BRIEN INCORPORATED			RECEIVED: 07/27/81 JA: LA				
8142617	81-1417	1703100523	108	CRANE SU 20 MCCANN-KEATCHIE INV #2	BETHANY-LONGSTREET	10.0	TEXAS EASTERN TRA
8142625	81-1418	1703100584	108	CRANE SU 21 MOSELEY GARLAND #1	BETHANY-LONGSTREET	10.0	TEXAS EASTERN TRA
8142624	81-1419	1703100591	108	CRANE SU 9 HOLMES-HUNT #1	BETHANY-LONGSTREET	18.0	TEXAS EASTERN TRA
-K D LANKFORD JR ET AL			RECEIVED: 07/27/81 JA: LA				
8142560	81-1502	1711121895	108	JARMON NO 1	MONROE	14.0	UNITED GAS PIPE L
-MID LOUISIANA GAS COMPANY			RECEIVED: 07/27/81 JA: LA				
8142613	81-1440	1711123024	103	MLGC FEE GAS # 1007	MONROE GAS FIELD	36.5	MID LOUISIANA GAS
8142571	81-1455	1711123061	103	MLGC FEE GAS # 1015	MONROE GAS FIELD	36.5	MID LOUISIANA GAS
8142570	81-1456	1711123062	103	MLGC FEE GAS # 1016	MONROE GAS FIELD	32.8	MID LOUISIANA GAS
8142569	81-1457	1711123063	103	MLGC FEE GAS # 1017	MONROE GAS FIELD	21.9	MID LOUISIANA GAS
8142568	81-1458	1711123064	103	MLGC FEE GAS # 1018	MONROE GAS FIELD	27.4	MID LOUISIANA GAS
8142611	81-1442	1711123071	103	MLGC FEE GAS # 1023	MONROE GAS FIELD	25.5	MID LOUISIANA GAS
8142604	81-1438	1711123050	103	MLGC FEE GAS # 1036	MONROE GAS FIELD	26.0	MID LOUISIANA GAS
8142562	81-1500	1711123146	103	MLGC FEE GAS # 1045	MONROE GAS FIELD	29.2	MID LOUISIANA GAS
8142561	81-1501	1711123147	103	MLGC FEE GAS # 1046	MONROE GAS FIELD	32.9	MID LOUISIANA GAS
8142612	81-1441	1711123025	103	MLGC FEE GAS #1008	MONROE GAS FIELD	36.5	MID LOUISIANA GAS
8142544	81-1454	1711123060	103	MLGC FEE GAS #1014	MONROE GAS FIELD	36.5	MID LOUISIANA GAS
8142605	81-1437	1711123072	103	MLGC FEE GAS #1024	MONROE GAS FIELD	21.9	MID LOUISIANA GAS
8142548	81-1450	1711123079	103	MLGC FEE GAS #1025	MONROE GAS FIELD	25.6	MID LOUISIANA GAS
8142547	81-1451	1711123081	103	MLGC FEE GAS #1027	MONROE GAS FIELD	29.2	MID LOUISIANA GAS
8142546	81-1452	1711123089	103	MLGC FEE GAS #1035	MONROE GAS FIELD	32.8	MID LOUISIANA GAS
8142545	81-1453	1711123051	103	MLGC FEE GAS #1037	MONROE GAS FIELD	29.2	MID LOUISIANA GAS
8142614	81-1439	1711123150	103	MLGC FEE GAS #1049	MONROE GAS FIELD	29.2	MID LOUISIANA GAS
8142563	81-1499	1707321344	103	MLGC-GTC-JOINT VENTURE #21	MONROE GAS FIELD	25.6	
-MILES OIL & GAS CO			RECEIVED: 07/27/81 JA: LA				
8142532	81-1513	1705921364	103	FLOWERS #1 SER #155469	OLLA	120.6	TEXAS GAS TRANSMI
8142533	81-1512	1705921449	103	J E HARRIS #1 SER #157642	OLLA	34.0	TEXAS GAS TRANSMI
-O B MOBLEY			RECEIVED: 07/27/81 JA: LA				
8142619	81-1415	1706120275	103	CV RA SUG LIVINGSTON NO 1	WEST SIMSBORO	0.0	TEXAS GAS TRANSMI
-PETER W HERBST			RECEIVED: 07/27/81 JA: LA				
8142552	81-1446	1706721596	108	FEE 80 - 3	MONROE GAS ROCK	1.2	MID LOUISIANA GAS
8142550	81-1448	1706721598	108	FEE 80 - 5	MONROE GAS ROCK	1.3	MID LOUISIANA GAS
8142551	81-1447	1706721599	108	FEE 80 - 6	MONROE GAS ROCK	1.3	MID LOUISIANA GAS
8142549	81-1449	1706721595	103	FEE 80 #2	MONROE GAS ROCK	10.8	MID LOUISIANA GAS
8142610	81-1445	1706721601	103	FEE 80 #8	MONROE GAS ROCK	10.8	MID LOUISIANA GAS
-RALPH H ROACH PETRO LTD #3			RECEIVED: 07/27/81 JA: LA				
8142629	81-1402	1709700275	103	6 FUTRAL	PT BARRE	0.0	
-RELIANCE TR-JV			RECEIVED: 07/27/81 JA: LA				
8142588	81-1482	1711122812	107-TF	D H MCVICKER #1	MONROE	11.0	TEXAS GAS TRANSMI
8142573	81-1480	1711122213	107-TF	H J JOHNSON #1	MONROE	11.0	TEXAS GAS TRANSMI
8142572	81-1481	1711122214	107-TF	H J JOHNSON #2	MONROE	11.0	TEXAS GAS TRANSMI
8142587	81-1483	1711122921	107-TF	HOPKINS #10	MONROE	11.0	TEXAS GAS TRANSMI

JD NO	JA EKT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8142589	81-1493	1711122167	107-TF	HOPKINS ESTATE #2	MONROE	12.0	TEXAS GAS TRANSMI
8142582	81-1494	1711122181	107-TF	HOPKINS ESTATE #3	MONROE	15.0	TEXAS GAS TRANSMI
8142553	81-1469	1711122835	107-TF	HOPKINS ESTATE #7	MONROE	13.0	TEXAS GAS TRANSMI
8142554	81-1468	1711122564	107-TF	J C BRIGHT #1	MONROE	11.0	TEXAS GAS TRANSMI
8142559	81-1463	1711121672	107-TF	OLINKRAFT # 30	MONROE	6.0	TEXAS GAS TRANSMI
8142555	81-1467	1711122164	107-TF	OLINKRAFT #1	MONROE	11.0	TEXAS GAS TRANSMI
8142594	81-1488	1711122190	107-TF	OLINKRAFT #11	MONROE	15.0	TEXAS GAS TRANSMI
8142583	81-1487	1711122191	107-TF	OLINKRAFT #12	MONROE	10.0	TEXAS GAS TRANSMI
8142584	81-1486	1711122192	107-TF	OLINKRAFT #13	MONROE	15.0	TEXAS GAS TRANSMI
8142585	81-1485	1711122285	107-TF	OLINKRAFT #15	MONROE	9.0	TEXAS GAS TRANSMI
8142586	81-1484	1711122286	107-TF	OLINKRAFT #16	MONROE	1.0	TEXAS GAS TRANSMI
8142557	81-1465	1711122609	107-TF	OLINKRAFT #17	MONROE	9.0	TEXAS GAS TRANSMI
8142556	81-1466	1711122165	107-TF	OLINKRAFT #2	MONROE	13.0	TEXAS GAS TRANSMI
8142558	81-1464	1711121675	107-TF	OLINKRAFT #33	MONROE	11.0	TEXAS GAS TRANSMI
8142581	81-1495	1711122159	107-TF	OLINKRAFT #4	MONROE	11.0	TEXAS GAS TRANSMI
8142592	81-1490	1711122673	107-TF	R L EDWARDS #2	MONROE	11.0	TEXAS GAS TRANSMI
8142590	81-1492	1711122705	107-TF	R L EDWARDS #3	MONROE	15.0	TEXAS GAS TRANSMI
8142591	81-1491	1711122617	107-TF	T BAKER #1	MONROE	11.0	TEXAS GAS TRANSMI
8142593	81-1489	1711122212	107-TF	T BAKER #2	MONROE	11.0	TEXAS GAS TRANSMI
-RELIANCE TRUSTS			RECEIVED: 07/27/81 JA: LA				
8142576	81-1462	1711121671	107-TF	OLINKRAFT #29	MONROE	18.0	TEXAS GAS TRANSMI
8142577	81-1461	1711121673	107-TF	OLINKRAFT #31	MONROE	2.0	TEXAS GAS TRANSMI
-TEXAS OIL & GAS CORP			RECEIVED: 07/27/81 JA: LA				
8142622	81-1422	1701320471	103	HOSS SUK CONTINENTAL CAN #1	DRISCOLL	191.0	DELHI GAS PIPELIN
8142623	81-1421	1703121395	103	HOSS SU29 STEWART L #1	BETHANY-LONGSTREET	91.0	ARKANSAS LOUISIAN
-TRANSCO EXPLORATION COMPANY			RECEIVED: 07/27/81 JA: LA				
8142534	81-1506	1703121301	103	HOSS SUX MCCOY NO 1	LOGANSPORT	350.0	TRANSCONTINENTAL
-TRITON OIL & GAS CORP			RECEIVED: 07/27/81 JA: LA				
8142618	81-1416	1704920182	102-A	L JAMES SUC SISEMORE #1	CLAY	300.0	UNITED GAS PIPELI
-VERNON E FAULCONER			RECEIVED: 07/27/81 JA: LA				
8142627	81-1404	17057000000 D	107-GB	BOWIE SUA BOWIE LUMBER CO	CHEGBY FIELL	161.5	TRANSCONTINENTAL
8142628	81-1403	1702302367 D	108	MA-6 SAND STURLESE SD #115973	PRICE LAKE	15.6	SUGAR BOWL GAS CO

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TENNESSEE OIL & GAS BOARD

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-BRADY ENERGY CORP			RECEIVED: 07/22/81 JA: TN				
8142741	A-689	4104920573	102-2	J W WINNINGHAM #1		21.9	UPPER CUMBERLAND
8142742	A-676	4112920071	102-A	LEWALLEN #1	BOONE CAMP NE	21.9	INTRASTATE ENERGY
8142748	A-677	4112920037	102-2	RALPH PEMBERTON #2	DOUGLAS BRANCH	21.9	INTRASTATE ENERGY
8142697	A-608	4112920598	102-A	WEAVER-MCNEIL ETAL UNIT #1	BOONE CAMP	21.9	INTRASTATE ENERGY
-CONTINENTAL ENERGY			RECEIVED: 07/22/81 JA: TN				
8142705	A-702	4114120047	102-2	A T SCANTLAND #1	W COOKVILLE	15.0	
8142710	A-701	4114120061	102-2	AT SCANTLAND #2	W COOKVILLE	15.0	
8142702	A-710	4114120010	102-2	ATTHEL STOVER #1	W COOKVILLE	15.0	
8142712	A-699	4114120004	102-2	HOBBY HILL #1	W COOKVILLE	15.0	
8142698	A-714	4115120183	102-2	CHAS LAWHORNE #1		18.0	
8142708	A-703	4114120016	102-2	EDGERT PIPPEN ETAL #1	W COOKVILLE	15.0	
8142706	A-705	4115120697	102-2	FROGG/CROSS #1		18.0	
8142718	A-694	4114120014	102-2	GAW ETAL UNIT	W COOKVILLE	15.0	
8142713	A-698	4114120022	102-2	GAW ETAL UNIT #2	W COOKVILLE	15.0	
8142715	A-696	4114120018	102-2	GAW-BILLINGSLEY #1	W COOKVILLE	15.0	
8142707	A-704	4114120042	102-2	GOMER C MOSS #1	W COOKVILLE	15.0	
8142699	A-713	4115120692	102-2	GRIFFITH/SMITH	NOT EST	18.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PRICE	PURCHASER
8142711	A-700	4114120028		102-2		LEROY HARKINS #2	W COOKVILLE	15.0	
8142700	A-712	4114120009		102-2		M MIGLIORE	W COOKVILLE	15.0	
8142714	A-697	4114120026		102-2		MATTIE JERNIGAN #1	W COOKEVILLE	15.0	
8142717	A-695	4114120024		102-2		MRS LEROY HARKINS #1	W COOKVILLE	15.0	
8142716	A-698	4115120694		103		ONEIDA WOOD #3	HUNTSVILLE	15.0	
8142703	A-708	4114120020		102-2		SHIRRELL ETAL #1	W COOKVILLE	15.0	
8142704	A-707	4114120025		102-2		SHIRRELL ETAL #2	W COOKVILLE	15.0	
8142701	A-711	4114120807		102-2		STITES-GOODWIN ETAL #1	W COOKVILLE	15.0	
8142705	A-706	4115120617		102-2		WEST/TATE/GRIFFITH #1		16.0	
-CUMBERLAND OIL PRODUCING CO INC		RECEIVED: 07/22/81 JA: TN							
8142689	A-691	4112920821		102-2		F SUSACK #1A	DOUGLAS BRANCH	75.0	EAST TENNESSEE NA
-DIXIE-SHAMROCK OIL & GAS INC		RECEIVED: 07/22/81 JA: TN							
8142695	A-686	4115120748		102-2		ALTON PAYNE #1	WILDCAT WELL	4.3	
8142681	A-680	4115120684		102-2		BRIMSTONE CO #8		2.0	
8142682	A-681	4104920557		102-2		BRUNO GERNT ESTATES #19	STOCKTON S W	3.7	
8142683	A-682	4104920568		102-2		ESTATE OF BRUNO GERNT #20	STOCKTON S W	3.4	
8142692	A-683	4104920599		102-2		ESTATE OF BRUNO GERNT #21	STOCKTON S W	3.9	
8142693	A-684	4104920567		102-2		ESTATE OF BRUNO GERNT #23	STOCKTON S W	3.0	
8142694	A-685	4104920590		102-2		ESTATE OF BRUNO GERNT #31	STOCKTON S W	4.1	
8142739	A-678	4104920558		102-2		GERNT - PLATEAU PROPERTIES #1	STOCKTON S W	4.5	
8142738	A-679	4104920556		102-2		GERNT - WHITEHEAD #1	STOCKTON S W	2.0	
8142696	A-687	4112920831		102-2		HUGH D FAUST III #1	WILLCAT WELL	5.4	
-HICKORY CREEK DEVELOPMENT CORP		RECEIVED: 07/22/81 JA: TN							
8142691	A-693	4103120054		102-2		ED HENLEY #2	HICKORY CREEK	75.0	
8142753	A-722	4110320003		102-2		J SMALL UNIT #1		75.0	
8142690	A-692	4103120055		102-2		LEROY USELTON UNIT #1	HICKORY CREEK	75.0	
8142754	A-721	4110320006		102-2		NORRIS REALTY CO #4		75.0	
8142757	A-718	4110320002		102-2		NORRIS REALTY CO INC #1		75.0	
8142756	A-719	4110320004		102-2		NORRIS REALTY CO INC #2		75.0	
8142755	A-720	4110320005		102-2		NORRIS REALTY CO INC #3		75.0	
8142751	A-724	4103120053		102-2		R H CARR #1	HICKORY CREEK	75.0	
8142750	A-725	4103120049		102-2		ROBERT CLARK #1	HICKORY CREEK	75.0	
8142752	A-723	4110320001		102-2		W BRADFORD UNIT #1		75.0	
-KOPPERS CO INC		RECEIVED: 07/22/81 JA: TN							
8142724	A-638	4112920654		102-2		KOPPERS CO INC #3	RUGBY	58.0	INTRASTATE ENERGY
8142723	A-639	4112920672		102-2		KOPPERS CO INC #4	RUGBY	0.0	INTRASTATE ENERGY
8142721	A-641	4112920673		102-2		KOPPERS CO INC #6	RUGBY	0.0	INTRASTATE ENERGY
8142722	A-640	4112920674		102-2		KOPPERS COMPANY INC #5	RUGBY	21.9	INTRASTATE ENERGY
8142720	A-642	4112920692		102-2		KOPPERS COMPANY INC #7	RUGBY	23.7	INTRASTATE ENERGY
8142719	A-643	4112920693		102-2		KOPPERS COMPANY INC #8	RUGBY	27.3	INTRASTATE ENERGY
-LELAND PETROLEUM PRODUCTION INC		RECEIVED: 07/22/81 JA: TN							
8142731	A-647	4112920628		103		COLE-CHABOT #1	UNION HILL SOUTHWEST	73.7	INTRASTATE ENERGY
8142729	A-644	4112920443		103		G C PEMBERTON #1	UNION HILL	0.0	INTRASTATE ENERGY
8142728	A-645	4112920551		103		PEMBERTON #2	UNION HILL	73.0	INTRASTATE ENERGY
8142730	A-646	4112920550		103		PEMBERTON #3	UNION HILL	84.0	INTRASTATE ENERGY
8142727	A-673	4112920631		103		R C HUTCHENS #1	GATEWOOD SCHOOL FIELD	82.1	
8142726	A-671	4115120461		103		ROBERT M THOMPSON #1	ONEIDA	182.5	
8142744	A-672	4115120470		103		ROBERT M THOMPSON #2	ONEIDA	21.9	
8142746	A-665	4115120585		103		ROBERT M THOMPSON #3	EAST ONEIDA	164.3	
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 07/22/81 JA: TN							
8142748	A-661	4115120385		102-4		BRIMSTONE-BOWLING UNIT #1	LOW GAP	21.9	INTRASTATE ENERGY
8142735	A-655	4115120319		102-4		BURRESS-BOWLING #1	LOW GAP	23.7	INTRASTATE ENERGY
8142732	A-659	4115120174		102-4		BURRESS-JEFFERS UNIT #1	LOW GAP	61.3	INTRASTATE ENERGY

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PRICE	PURCHASER
8142733	A-658	4115120175		102-4		BURRESS-JEFFERS UNIT #2	LOW GAP	61.3	INTRASTATE ENERGY
8142734	A-656	4115120318		102-4		BURRESS-JEFFERS UNIT #3	LOW GAP	61.3	INTRASTATE ENERGY
8142737	A-654	4115120320		102-4		BURRESS-JEFFERS UNIT #4	LOW GAP	61.3	INTRASTATE ENERGY
8142740	A-653	4115120321		102-4		BURRESS-JEFFERS UNIT #5	LOW GAP	61.3	INTRASTATE ENERGY
8142741	A-652	4115120322		102-4		BURRESS-JEFFERS UNIT #6	LOW GAP	61.3	INTRASTATE ENERGY
8142742	A-651	4115120323		102-4		BURRESS-JEFFERS UNIT #7	LOW GAP	61.3	INTRASTATE ENERGY
8142743	A-650	4115120324		102-4		BURRESS-JEFFERS UNIT #8	LOW GAP	61.3	INTRASTATE ENERGY
8142745	A-649	4115120325		102-4		BURRESS-JEFFERS UNIT #9	LOW GAP	61.3	INTRASTATE ENERGY
8142747	A-648	4115120326		102-4		BURRESS-JEFFERS UNIT #10	LOW GAP	61.3	INTRASTATE ENERGY
-SOUTHERN ENERGY CORP		RECEIVED: 07/22/81 JA: TN							
8142687	A-689	4115120744		102-2		ALTON PAYNE #2	WILDCAT WELL	4.3	
8142688	A-688	4115120745		102-2		ALTON PAYNE #3	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142685	A-690	4115120746		102-2		ALTON PAYNE #4	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142686	A-694	4115120747		102-2		ALTON PAYNE #5	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142697	A-696	4115120749		102-2		ALTON PAYNE #6	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142698	A-699	4115120750		102-2		ALTON PAYNE #7	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142699	A-701	4115120751		102-2		ALTON PAYNE #8	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142702	A-710	4115120752		102-2		ALTON PAYNE #9	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142710	A-709	4115120753		102-2		ALTON PAYNE #10	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142713	A-705	4115120754		102-2		ALTON PAYNE #11	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142715	A-704	4115120755		102-2		ALTON PAYNE #12	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142718	A-703	4115120756		102-2		ALTON PAYNE #13	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142719	A-702	4115120757		102-2		ALTON PAYNE #14	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142724	A-713	4115120758		102-2		ALTON PAYNE #15	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142727	A-714	4115120759		102-2		ALTON PAYNE #16	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142729	A-715	4115120760		102-2		ALTON PAYNE #17	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142731	A-716	4115120761		102-2		ALTON PAYNE #18	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142732	A-717	4115120762		102-2		ALTON PAYNE #19	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142733	A-726	4115120763		102-2		ALTON PAYNE #20	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142734	A-727	4115120764		102-2		ALTON PAYNE #21	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142735	A-728	4115120765		102-2		ALTON PAYNE #22	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142736	A-729	4115120766		102-2		ALTON PAYNE #23	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142737	A-730	4115120767		102-2		ALTON PAYNE #24	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142738	A-731	4115120768		102-2		ALTON PAYNE #25	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142739	A-732	4115120769		102-2		ALTON PAYNE #26	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142740	A-733	4115120770		102-2		ALTON PAYNE #27	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142741	A-734	4115120771		102-2		ALTON PAYNE #28	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142742	A-735	4115120772		102-2		ALTON PAYNE #29	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142743	A-736	4115120773		102-2		ALTON PAYNE #30	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142744	A-737	4115120774		102-2		ALTON PAYNE #31	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142745	A-738	4115120775		102-2		ALTON PAYNE #32	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142746	A-739	4115120776		102-2		ALTON PAYNE #33	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142747	A-740	4115120777		102-2		ALTON PAYNE #34	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142748	A-741	4115120778		102-2		ALTON PAYNE #35	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142749	A-742	4115120779		102-2		ALTON PAYNE #36	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142750	A-743	4115120780		102-2		ALTON PAYNE #37	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142751	A-744	4115120781		102-2		ALTON PAYNE #38	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142752	A-745	4115120782		102-2		ALTON PAYNE #39	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142753	A-746	4115120783		102-2		ALTON PAYNE #40	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142754	A-747	4115120784		102-2		ALTON PAYNE #41	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142755	A-748	4115120785		102-2		ALTON PAYNE #42	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142756	A-749	4115120786		102-2		ALTON PAYNE #43	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142757	A-750	4115120787		102-2		ALTON PAYNE #44	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142758	A-751	4115120788		102-2		ALTON PAYNE #45	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142759	A-752	4115120789		102-2		ALTON PAYNE #46	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142760	A-753	4115120790		102-2		ALTON PAYNE #47	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142761	A-754	4115120791		102-2		ALTON PAYNE #48	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142762	A-755	4115120792		102-2		ALTON PAYNE #49	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142763	A-756	4115120793		102-2		ALTON PAYNE #50	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142764	A-757	4115120794		102-2		ALTON PAYNE #51	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142765	A-758	4115120795		102-2		ALTON PAYNE #52	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142766	A-759	4115120796		102-2		ALTON PAYNE #53	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142767	A-760	4115120797		102-2		ALTON PAYNE #54	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142768	A-761	4115120798		102-2		ALTON PAYNE #55	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142769	A-762	4115120799		102-2		ALTON PAYNE #56	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142770	A-763	4115120800		102-2		ALTON PAYNE #57	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142771	A-764	4115120801		102-2		ALTON PAYNE #58	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142772	A-765	4115120802		102-2		ALTON PAYNE #59	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142773	A-766	4115120803		102-2		ALTON PAYNE #60	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142774	A-767	4115120804		102-2		ALTON PAYNE #61	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142775	A-768	4115120805		102-2		ALTON PAYNE #62	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142776	A-769	4115120806		102-2		ALTON PAYNE #63	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142777	A-770	4115120807		102-2		ALTON PAYNE #64	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142778	A-771	4115120808		102-2		ALTON PAYNE #65	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142779	A-772	4115120809		102-2		ALTON PAYNE #66	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142780	A-773	4115120810		102-2		ALTON PAYNE #67	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142781	A-774	4115120811		102-2		ALTON PAYNE #68	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142782	A-775	4115120812		102-2		ALTON PAYNE #69	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142783	A-776	4115120813		102-2		ALTON PAYNE #70	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142784	A-777	4115120814		102-2		ALTON PAYNE #71	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142785	A-778	4115120815		102-2		ALTON PAYNE #72	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142786	A-779	4115120816		102-2		ALTON PAYNE #73	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142787	A-780	4115120817		102-2		ALTON PAYNE #74	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142788	A-781	4115120818		102-2		ALTON PAYNE #75	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142789	A-782	4115120819		102-2		ALTON PAYNE #76	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142790	A-783	4115120820		102-2		ALTON PAYNE #77	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142791	A-784	4115120821		102-2		ALTON PAYNE #78	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142792	A-785	4115120822		102-2		ALTON PAYNE #79	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142793	A-786	4115120823		102-2		ALTON PAYNE #80	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142794	A-787	4115120824		102-2		ALTON PAYNE #81	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142795	A-788	4115120825		102-2		ALTON PAYNE #82	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142796	A-789	4115120826		102-2		ALTON PAYNE #83	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142797	A-790	4115120827		102-2		ALTON PAYNE #84	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142798	A-791	4115120828		102-2		ALTON PAYNE #85	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142799	A-792	4115120829		102-2		ALTON PAYNE #86	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142800	A-793	4115120830		102-2		ALTON PAYNE #87	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142801	A-794	4115120831		102-2		ALTON PAYNE #88	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142802	A-795	4115120832		102-2		ALTON PAYNE #89	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142803	A-796	4115120833		102-2		ALTON PAYNE #90	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142804	A-797	4115120834		102-2		ALTON PAYNE #91	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142805	A-798	4115120835		102-2		ALTON PAYNE #92	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142806	A-799	4115120836		102-2		ALTON PAYNE #93	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142807	A-800	4115120837		102-2		ALTON PAYNE #94	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142808	A-801	4115120838		102-2		ALTON PAYNE #95	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142809	A-802	4115120839		102-2		ALTON PAYNE #96	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142810	A-803	4115120840		102-2		ALTON PAYNE #97	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142811	A-804	4115120841		102-2		ALTON PAYNE #98	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142812	A-805	4115120842		102-2		ALTON PAYNE #99	WILDCAT WELL	4.3	
-TENNESSEE GAS PIPELINE CO		RECEIVED: 07/22/81 JA: TN							
8142813	A-806	4115120843		102-2		ALTON PAYNE #100	WILDCAT WELL	4.3	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8142743	A-675	4115120180		102-4		BURRESS-NEWPORT ETAL UNIT #1	LOW GAP	14.6	INTRASTATE ENERGY
8142734	A-657	4115120219		102-4		BURRESS-STEWART UNIT #2	LOW GAP	21.9	INTRASTATE ENERGY
8142745	A-663	4115120255		102-2		J W BAKER #2	GLENMARY	21.9	INTRASTATE ENERGY
8142733	A-658	4115120220		102-4		JEFFERS-BOWLING UNIT #1	LOW GAP	36.5	INTRASTATE ENERGY
8142736	A-654	4115120137		102-4		R BURRESS #2	LOW GAP	21.9	INTRASTATE ENERGY
8142725	A-653	4115120113		102-4		ROY BURRESS #1	LOW GAP	68.4	INTRASTATE ENERGY
8142749	A-660	4115120167		102-4		ROY BURRESS #3	LOW GAP	21.9	INTRASTATE ENERGY
8142747	A-664	4115120588		102-2		SEXTON ETAL #2	LOW GAP - REUBEN HOLLOW	7.3	INTRASTATE ENERGY
-TENNESSEE LAND & EXPLORATION CO		RECEIVED: 07/22/81 JA: TN							
8142737	A-648	4115120667		102-2		CROWLEY-RIDDELL #1 PERMIT #3503	WINCNA	0.0	
-TOWNER PETROLEUM CO		RECEIVED: 07/22/81 JA: TN							
8142685	A-652	4113320278		102-2		GEALY-PAYNE-HARGIS #1		3.0	
8142687	A-649	4113320255		102-2		GEALY-PICKETT-HARGIS #1		10.0	
8142688	A-674	4113320145		102-2		HABEGGER #2		0.0	
8142686	A-650	4113320120		102-2		HABEGGER-MAZELIN-HABEGGER #1		27.0	
8142684	A-651	4113320263		102-2		PAYNE-LAINE-WILSON #1		0.0	
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-CABOT OIL & GAS CORP		RECEIVED: 07/23/81 JA: WV							
8142650		4708100380		108		BEAVER COAL B-2	TRAP HILL	7.0	CABOT CORP
8142646		4706700370		108		C & H CORPORATION B-4	JEFFERSON	10.0	CABOT CORP
8142647		4706700383		108		HILL & LONG B-9	JEFFERSON	20.0	CABOT CORP
8142648		4707900958		107-DV		J L MCLEAN A-18	UNION	15.0	TENNESSEE GAS PIP
8142649		4708100361		108		POCAHONTAS LAND A-5	SLAB FORK	18.0	CABOT CORP
-CHASE PETROLEUM		RECEIVED: 07/23/81 JA: WV							
8142653		4708504930		102-3		AMOS #1	UNION DISTRICT	39.0	
8142651		4708504877		102-3		BALL #1-A	UNION DISTRICT	56.8	
8142672		4703504878		102-0		CLAYTON #1 - A	UNION DISTRICT	66.0	
8142654		4708504932		102-3		COX - RIDDLE #1	UNION DISTRICT	50.4	
8142652		4708504922		102-3		GREGG #1	UNION DISTRICT	56.4	
8142673		4702504904		102-0		PRUNTY #1	UNION DISTRICT	24.6	
-CITIES SERVICE COMPANY		RECEIVED: 07/23/81 JA: WV							
8142669		4710900842		103		BAILEY A NO 3	GILBERT	91.3	COLUMBIA GAS TRAN
8142668		4710900841		103		RAMSAY COAL CO A NO 5	GILBERT	106.9	COLUMBIA GAS TRAN
-GLENN W JOHNSON DBA JOHNSON PRODUCI		RECEIVED: 07/23/81 JA: WV							
8142676		4709722124		103		DEMARS #1	UNION	50.0	CONSOLIDATED GAS
8142677		4709722125		103		DEMARS #2	UNION	50.0	CONSOLIDATED GAS
8142678		4709722126		103		FORD BOOTH #1	UNION	50.0	CONSOLIDATED GAS
8142679		4709722127		103		R A CUNNINGHAM #2	MEADE	50.0	CONSOLIDATED GAS
8142680		4709722159		103		W L GODDIN #1	UNION	50.0	CONSOLIDATED GAS
-NRM PETROLEUM CORPORATION		RECEIVED: 07/23/81 JA: WV							
8142675		4709100190		103		CLEER A #1	GLADE RUN	0.0	
8142655		4709702188		103		KOON A #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
-PETRO-LEWIS CORPORATION		RECEIVED: 07/23/81 JA: WV							
8142637		4709701459		108		HINKLE C #2	UNION	0.6	PARTNERSHIP PROPE
8142636		4709701114		108		HUNTER-EDMISTON #2	UNION	2.2	PARTNERSHIP PROPE
8142640		4709701493		108		SMITH HEIRS #1	UNION	1.5	PARTNERSHIP PROPE
8142638		4709701457		108		THE HINKLE D #1	UNION	3.4	PARTNERSHIP PROPE
8142639		4709701472		108		YOAKUM A-1	UNION	1.0	PARTNERSHIP PROPE
-RAMCO OIL & GAS CORP		RECEIVED: 07/23/81 JA: WV							
8142674		4708504945		103		BURL DODD WELL NO 1	BURL DODD	7.3	CARNEGIE NATURAL
-SENECA-UPSHUR PETROLEUM CO		RECEIVED: 07/23/81 JA: WV							

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JD NO	JA DKT.	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PRED	PURCHASER
8142671		4708320400		102-4		J M HUBER #64	MIDDLE FORK	30.0	EQUITABLE GAS CO
8142670		4708300399		102-4		J M HUBER #65	MIDDLE FORK	0.0	EQUITABLE GAS CO
-UNION DRILLING INC				RECEIVED: 07/23/81 JA: WV					
8142644		4709702128		103		FRENCH W & LOIS ARMSTRONG #1 1605	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8142641		4709702136		103		LEO WILT #1 (1498)	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8142642		4709702137		103		LEO WILT #2 (1575)	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8142643		4709702138		103		MADELINE A CRAIG #1 (1598)	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8142645		4709702139		103		MADELINE A CRAIG #2 (1599)	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
-WILSON GAS COMPANY				RECEIVED: 07/23/81 JA: WV					
8142657		4709901730		108		FERGUSON #1	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142660		4709901733		108		FERGUSON #5	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142661		4709901734		108		FERGUSON #6	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142662		4709901735		108		FERGUSON #7	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142664		4709901737		108		FERGUSON 10	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142665		4709901738		108		FERGUSON 11	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142666		4709901739		108		FERGUSON 12	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142658		4709901731		108		FERGUSON 2	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142667		4709901740		108		FERGUSON 25	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142659		4709901732		108		FERGUSON 3	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142663		4709901736		108		FERGUSON 9	RICH CREEK	11.3	COLUMBIA GAS TRAN
8142656		4709901727		108		WILSON #2	RICH CREEK	5.4	COLUMBIA GAS TRAN

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before September 3, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24170 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
						ISSUED AUGUST 11, 1981			
TEXAS RAILROAD COMMISSION									
-ADA OIL EXPLORATION CORP						RECEIVED: 07/23/81 JA: TX			
8142829	F-03-029037	4237300000		102-4		T E DUKE #1	ECAY DUKE (WILCOX)	0.0	TENNESSEE GAS PIP
-ADJ CO						RECEIVED: 07/23/81 JA: TX			
8142762	F-04-021388	4250500000		102-4		J E FULBRIGHT NO 1 (72755)	HINNANT RANCH FIELD	54.0	
-AMERICAN QUASAR PETROLEUM CO						RECEIVED: 07/23/81 JA: TX			
8143045	F-08-037189	4247532065		102-4		MARSTON #1	MARSTON RANCH (CLEARFORK	0.0	
-AMOCO PRODUCTION CO						RECEIVED: 07/23/81 JA: TX			
8143037	F-06-037172	4234730523		102-4		E A BLOUNT III GU WELL #1	APPLEBY N/TRAVIS PEAK/	250.0	UNITED GAS PIPELI
8142968	F-06-036923	4240131113		102-4		ELIZABETH FITZGERALD GU WELL #1	DIRGIN/COTTON VALLEY/	200.0	LONE STAR GAS CO
8142968	F-06-036923	4240131113		107-TF		ELIZABETH FITZGERALD GU WELL #1	DIRGIN/COTTON VALLEY/	200.0	LONE STAR GAS CO
8142875	F-04-032564	4235531527		103		G H MCCANN #38	LUBY (6300) FIELD	7.3	VALLEY GAS TRANSM
-ARCO OIL AND GAS COMPANY						RECEIVED: 07/23/81 JA: TX			
8142967	F-08-036908	4200332291		103		EMMA COWDEN #84	EMMA (GRAYBURG)	20.0	EL PASO NATURAL G
8142965	F-08-036891	4200332652		103		EMMA COWDEN #94	EMMA (GRAYBURG)	20.0	EL PASO NATURAL G
8143053	F-78-037215	4208332435		103		J E RICHEY NO 1	JIM NED	16.0	VALERO TRANSMISSI
-ARIES PETROLEUM INC						RECEIVED: 07/23/81 JA: TX			
8142909	F-78-035267	4205900000		102-4		W L LAWRENCE #1 (92760)	J R G CANYON	300.0	SOUTHWESTERN GAS
-BARBOUR ENERGY CORP						RECEIVED: 07/23/81 JA: TX			
8142825	F-10-028770	4219500000		108		RAFFERTY WELL #1	MORSE (CLEVELAND)	5.0	PANHANDLE EASTERN
-BARRON KIDD						RECEIVED: 07/23/81 JA: TX			
8143083	F-08-037307	4231732251		103		S P REED ESTATE #1	SPRABERRY (TREND AREA)	17.0	PHILLIPS PETROLEU
-BASS ENTERPRISES PRODUCTION CO						RECEIVED: 07/23/81 JA: TX			
8143021	F-08-037133	4230130280		103		BASS STATE 2 TR 2 WELL NO 5	WHEAT (DELAWARE)	38.0	PHILLIPS PETROLEU
-BEN HOGAN						RECEIVED: 07/23/81 JA: TX			
8143002	F-78-037075	4209330819		103		GOLDIE HODGES #1 (16951)	MITTIE (MARBLE FALLS)	29.0	SOUTHWESTERN GAS
8143081	F-78-037300	4209330829		103		HAYNES #1 (16963)	MITTIE (MARBLE FALLS)	29.0	SOUTHWESTERN GAS
-BILL J GRAHAM						RECEIVED: 07/23/81 JA: TX			
8142958	F-08-036640	4200300000		108		KING B WELL NO 1	FUHRMAN - MASCO	3.7	PHILLIPS PETROLEU
8142959	F-08-036641	4200300000		108		KING B WELL NO 2	FUHRMAN - MASCO	2.9	PHILLIPS PETROLEU
8142957	F-08-036639	4200300000		108		KING B WELL NO 3	FUHRMAN - MASCO	5.1	PHILLIPS PETROLEU
-BLOCKER EXPLORATION CO						RECEIVED: 07/23/81 JA: TX			
8142951	F-04-036536	4250531215		102-4		ARMOUR L HINNANT 11-112 (ID #92935)	TAQUACHIE CREEK (WILCOX)	0.0	
-BORDER EXPLORATION CO						RECEIVED: 07/23/81 JA: TX			
8142828	F-04-028876	4247932292		102-2		YATES #1	BORDER (WILCOX)	369.0	VALERO ENERGY COR
-BRIGHT & COMPANY						RECEIVED: 07/23/81 JA: TX			
8142901	F-04-033538	4221531069		102-4		G FLORES JR NO 2-A	SULLIVAN CITY (VICKSBURG	100.0	TENNESSEE GAS PIP
8142901	F-04-033538	4221531069		103		G FLORES JR NO 2-A	SULLIVAN CITY (VICKSBURG	100.0	TENNESSEE GAS PIP
-BTA OIL PRODUCERS						RECEIVED: 07/23/81 JA: TX			
8143080	F-8A-037296	4211531301		103		WELCH #2	WELCH S E (SPRABERRY)	4.0	PHILLIPS PETROLEU
8143079	F-8A-037295	4211531362		103		WELCH #3	WELCH S E (SPRABERRY)	3.0	PHILLIPS PETROLEU
8143078	F-8A-037292	4211531361		103		WELCH S E (SPRABERRY) UNIT #1-6	WELCH S E (SPRABERRY)	18.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	DA DKT	API NO	D	SEC	CAT	WELL NAME
-CAL-TEX OIL CO						RECEIVED: 07/23/81 JA: TX
8142759	F-10-007357	4223300000		108		CARVER-C (02730) WELL NO 4
-CASHCO ENERGY CORPORATION						RECEIVED: 07/23/81 JA: TX
8142808	F-03-026816	4235130327		102-4		KIRBY LUMBER CORP NO 1
8142808	F-03-026816	4235130327		103		KIRBY LUMBER CORP NO 1
-CHALLENGER MINERALS INC						RECEIVED: 07/23/81 JA: TX
8142952	F-8A-036560	4211531473		103		H E HANCOCK NO 1
-CHALMERS OPERATING CO INC						RECEIVED: 07/23/81 JA: TX
8142760	F-7B-020225	4236332056		103		J B CURTIS B #1 RRC #83835
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 07/23/81 JA: TX
8142870	F-04-032013	4224930987		102-4		G P WARDNER NO 139
8142870	F-04-032013	4224930987		103		G P WARDNER NO 139
8142781	F-02-024090	4228531384		102-4		NEW UNIT NO 1
-CLAYTON W WILLIAMS JR						RECEIVED: 07/23/81 JA: TX
8142816	F-06-028141	4236500000		102-4		GILES UNIT #1
8142818	F-06-028143	4236500000		102-4		OSBORNE ESTATE UNIT #1
8142815	F-06-028128	4236500000		102-4		SEALEY #1
8142817	F-06-028142	4236500000		102-4		SMITH ESTATE NO 1
-CLERCO INC						RECEIVED: 07/23/81 JA: TX
8142804	F-06-026479	4220330521		103		CLEMENTS GAS NO 1
-COBRA OIL AND GAS CORPORATION						RECEIVED: 07/23/81 JA: TX
8142846	F-03-029808	4242130221		103		SHIROCKY #1
-COMMAND ENERGY CORP						RECEIVED: 07/23/81 JA: TX
8142867	F-7B-031495	4214300000		102-4		CLAYDE BAYS A #1 ID NO 90275
8142869	F-7B-031979	4214300000		102-4		S E KEITH B #1 ID NO 91236
8142866	F-7B-031494	4213300000		102-4		S E KEITH JR #1 ID NO 89812
-CONOCO INC						RECEIVED: 07/23/81 JA: TX
8143057	F-08-037220	4210931456		103		J C RUSSELL -4- #5 ID #23725
8142973	F-01-036957	4212732090		103		PENA CREEK UNIT NO 55
8143058	F-08-037221	4210931461		103		RAMSEY -16- #4 ID #26460
8142929	F-10-036037	4206500000		108		S B BURNETT - G NO 11
8143038	F-04-037176	4242700000		108		T B SLICK EST A-485 #137
-COTTON PETROLEUM CORPORATION						RECEIVED: 07/23/81 JA: TX
8142937	F-08-036315	4200530107		102-4		BROWN C NO 1
-DAMSON OIL CORPORATION						RECEIVED: 07/23/81 JA: TX
8142884	F-02-032892	4202500000		102-4		L D SUGAREK NO 2-C
8142882	F-02-032890	4202500000		102-4		L D SUGAREK WELL NO 1-C
8142883	F-02-032891	4202500000		102-4		L D SUGAREK WELL NO 1-T
-DAWSON EXPLORATION INC						RECEIVED: 07/23/81 JA: TX
8142918	F-03-035848	4224531437		102-4		NO 1 PETROVSEK-BURRELL
8142918	F-03-035848	4224531437		103		NO 1 PETROVSEK-BURRELL
-DELTA-GULF INC						RECEIVED: 07/23/81 JA: TX
8142888	F-7B-033272	4208300000		102-4		J W MCCLELLAN NUMBER 1
-DIAMOND SHAMROCK CORPORATION						RECEIVED: 07/23/81 JA: TX
8142868	F-7B-031506	4236731988		103		A J HUTCHESON NO 2
8142805	F-10-026623	4239330751		103		FRANK M CHAMBERS B NO 4
8142834	F-7B-029140	4239330806		103		NEWSOM NO 2
8142879	F-10-032733	4235730978		103		TIMOTHY FLOWERS NO 1
-DISCOVERY OPERATING INC						RECEIVED: 07/23/81 JA: TX
8143046	F-7C-037195	4241330887		102-4		BEARCE #2
8143046	F-7C-037195	4241330887		103		BEARCE #2
-DORCHESTER GAS PRODUCING CO						RECEIVED: 07/23/81 JA: TX
8142758	F-10-001307	4206500000		108-ER		DOWD #1 (24341)

FIELD NAME	PROD	PURCHASER
PANHANDLE HUTCHINSON COU	13.9	DIAMOND SHAMROCK
CLAY POINT SOUTH (WILCOX	102.0	
CLAY POINT SOUTH (WILCOX	102.0	
CMI (SPRABERRY)	8.0	PHILLIPS PETROLEU
FK CAM (CONGLOMERATE LI	100.0	LONE STAR GAS CO
STRATTON	1898.0	TENNESSEE GAS PIP
STRATTON	1898.0	TENNESSEE GAS PIP
S W HALLETTSVILLE	100.0	
PINEHILL SE (RODESSA GLO	0.0	VALERO TRANSMISSI
PINEHILL SE (RODESSA GLO	0.0	VALERO TRANSMISSI
PINEHILL SE (RODESSA GLO	0.0	VALERO TRANSMISSI
PINEHILL SE (RODESSA GLO	0.0	VALERO TRANSMISSI
LANSING NORTH (TRAVIS PE	350.0	TEJAS GAS CORP
GIDDINGS-AUSTIN CHALK	276.0	PHILLIPS PETROLEU
BYRNES (DUFFER)	1.3	CORONADO TRANSMIS
BYRNES (DUFFER)	1.5	CORONADO TRANSMIS
BYRNES (DUFFER)	1.3	CORONADO TRANSMIS
GERALDINE FORD	2.9	EL PASO NATURAL G
PENA CREEK (SAN MIGUEL-3	10.0	VALERO TRANSMISSI
FORD WEST (4100)	10.6	EL PASO NATURAL G
CARSON - HUTCHINSON	8.2	PHILLIPS PETROLEU
RINCON	21.0	TENNESSEE GAS PIP
RED LAND NORTH (TRAVIS P	230.0	UNITED GAS PIPE L
SLIVA SOUTHWEST (2650) F	0.0	VALERO TRANSMISSI
SLIVA SOUTHWEST (2970) F	0.0	VALERO TRANSMISSI
SLIVA SOUTHWEST (FRIO SU	0.0	VALERO TRANSMISSI
HILDEBRANDT BAYOU SE (HA	0.0	UNITED TEXAS TRAN
HILDEBRANDT BAYOU SE (HA	0.0	UNITED TEXAS TRAN
	100.0	LONE STAR GAS CO
RENO	65.0	SOUTHWESTERN GAS
MENDOTA NW	22.0	
RENO	161.0	SOUTHWESTERN GAS
DUTCHER	2.0	
GWYN WEST (CANYON)	28.8	NORTHERN NATURAL
GWYN WEST (CANYON)	28.6	NORTHERN NATURAL
W PANHANDLE	5.0	NORTHERN NATURAL

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8142946	F-10-036403	4217930773		103		SHERIDAN NO 1A (91903)	PANHANDLE WEST	60.0	NORTHERN NATURAL
-EL PASO NATURAL GAS COMPANY				RECEIVED: 07/23/81 JA: TX					
8142864	F-10-031345	4221131247		103		GENE HOWE #6	HOWE RANCH MORROW UPPER	365.0	EL PASO NATURAL G
-ENRE CORP				RECEIVED: 07/23/81 JA: TX					
8143004	F-7B-037078	4242932658		102-4		LILLIE BELLE THOMPSON #4 (90271)	LILLY BELL (CONGL)	159.0	WARREN PETROLEUM
-ENSERCH EXPLORATION INC				RECEIVED: 07/23/81 JA: TX					
8142833	F-7B-029128	4236331214		103		D R WOOD NO 1	DEATON	506.0	LONE STAR GAS CO
-EXPLORATION LTD				RECEIVED: 07/23/81 JA: TX					
8142873	F-02-032489	4225530801		102-4		WILTON JANSSEN #1	PENA SW (7420) FIELD	900.0	UNITED GAS PIPELI
-EXXON CORPORATION				RECEIVED: 07/23/81 JA: TX					
*8142767	F-04-023989	4227331423		102-4		BORREGOS ME-26-D (09440)	ESCONDIDO CREEK (20-H)	116.0	ARMCO STEEL CORP
*8142910	F-06-035328	4245930443		102-4		DELROSE GAS UNIT 5 #1	DELROSE (HAYNESVILLE)	657.0	ARMCO STEEL CORP
*8142910	F-06-035328	4245930443		107-TF		DELROSE GAS UNIT 5 #1	DELROSE (HAYNESVILLE)	657.0	ARMCO STEEL CORP
*8142911	F-06-035329	4245930449		102-4		DELROSE GAS UNIT 7 #1	DELROSE (HAYNESVILLE)	223.0	ARMCO STEEL CORP
*8142911	F-06-035329	4245930449		107-TF		DELROSE GAS UNIT 7 #1	DELROSE (HAYNESVILLE)	223.0	ARMCO STEEL CORP
8142880	F-08-032749	4200332561		103		FULLERTON CLEARFORK UNIT #1535	FULLERTON	5.0	PHILLIPS PETROLEU
8142938	F-08-036317	4200332000		103		FULLERTON CLEARFORK UNIT #1925	FULLERTON	20.0	PHILLIPS PETROLEU
*8142876	F-06-032572	4245930438		107-TF		GLADEWATER GAS UNIT 3 #1	GLADEWATER (HAYNESVILLE)	700.0	ARMCO STEEL CORP
*8142876	F-06-032572	4245930438		102-4		GLADEWATER GAS UNIT 3 #1	GLADEWATER (HAYNESVILLE)	700.0	ARMCO STEEL CORP
*8142890	F-06-033278	4245930461		102-4		GLADEWATER GAS UNIT 6 #1	GLADEWATER (HAYNESVILLE)	365.0	ARMCO STEEL CORP
*8142890	F-06-033278	4245930461		107-TF		GLADEWATER GAS UNIT 6 #1	GLADEWATER (HAYNESVILLE)	365.0	ARMCO STEEL CORP
*8142795	F-02-024651	4239131336		103		J F B HEARD #23-D 87924	GRETA (Q-1)	82.0	ARMCO STEEL CORP
*8142796	F-03-024732	4215730433		103		J H P DAVIS ESTATE NO 5B	THOMPSON (4400 SAND)	10.0	ARMCO STEEL CORP
8143065	F-04-037240	4204700000		108		K J HOCKER 3 (88430)	SCOTT & HOPPER (6400-C)	6.0	TENNESSEE GAS PIP
*8142797	F-04-024787	4227331351		102-4		K R ALAZAN 312	HINOJOSA N	55.0	ARMCO STEEL CORP
*8142791	F-04-024362	4227330573		103		K R BORREGOS 537-F (87634)	BORREGOS (ZONE R-9)	500.0	ARMCO STEEL CORP
*8143061	F-04-037230	4227331215		103		K R BORREGOS 543-C (06544)	BORREGOS (COMBINED ZONES	40.0	ARMCO STEEL CORP
*8143063	F-04-037232	4227331488		103		K R BORREGOS 557 (91152)	BORREGOS (ZONE R-25)	310.0	ARMCO STEEL CORP
*8142798	F-04-024788	4227331389		102-4		K R CHILTIPIN 71-F	HINOJOSA N	75.0	ARMCO STEEL CORP
*8142971	F-04-036955	4235531321		103		K R EAST LAURELES G-41-C (91171)	LAGUNA LARGA (M-6)	380.0	ARMCO STEEL CORP
*8142793	F-04-024365	4227331417		103		K R MORGAN M-70 (87370)	WEST BORREGOS (SEG B & G	500.0	ARMCO STEEL CORP
*8143012	F-04-037113	4224931218		102-4		K R MORGAN M-71 (09740)	EL PAR (F-40 W)	13.3	ARMCO STEEL CORP
*8142970	F-04-036954	4227331551		103		K R MORGAN M-72 (05154)	BORREGOS WEST (SEG F F-7	16.0	ARMCO STEEL CORP
*8142947	F-04-036471	4224931253		103		K R WEST BORREGOS PC-105 (08241)	EL PAR (F-07 E)	5.5	ARMCO STEEL CORP
*8142800	F-04-025051	4235531399		103		KING RANCH CHILTIPIN 67 (85344)	ARNOLD DAVID (9400 N)	940.0	ARMCO STEEL CORP
*8142788	F-04-024212	4227331413		103		KING RANCH EAST LAURELES G-42	LAGUNA LARGA	367.0	ARMCO STEEL CORP
*8142792	F-04-024364	4227331411		103		KING RANCH MORGAN M-68 (87371)	WEST BORREGOS (F-78)	360.0	ARMCO STEEL CORP
*8142787	F-04-024211	4227331314		103		KING RANCH SEELIGSON C-197-F	SEELIGSON	1424.0	ARMCO STEEL CORP
*8142775	F-04-024016	4227330574		102-4		KING RANCH STRATTON P-255	STRATTON	209.0	ARMCO STEEL CORP
*8142799	F-04-025059	4227331207		103		KING RANCH STRATTON P-259-D (79919)	STRATTON (R-4 W)	475.0	ARMCO STEEL CORP
*8142772	F-04-024013	4227330577		102-4		KING RANCH TIJERINA A-34 (77704)	TCB E	475.0	ARMCO STEEL CORP
*8142769	F-04-023991	4227331169		102-4		KING RANCH TIJERINA A-36-D	TCB E	20.0	ARMCO STEEL CORP
*8142770	F-04-023992	4227331171		102-4		KING RANCH TIJERINA A-37-D	TCB E	16.0	ARMCO STEEL CORP
*8142766	F-04-023988	4227331171		102-4		KING RANCH TIJERINA A-37-F	TCB E	18.0	ARMCO STEEL CORP
*8142771	F-04-024012	4227331182		102-4		KING RANCH TIJERINA A-38 (85821)	TCB E	400.0	ARMCO STEEL CORP
*8142780	F-04-024022	4227331177		102-4		KING RANCH TIJERINA A-39	TCB E	80.0	ARMCO STEEL CORP
*8142778	F-04-024019	4227331176		102-4		KING RANCH TIJERINA A-40	TCB E	16.0	ARMCO STEEL CORP
*8142784	F-04-024208	4227331183		102-4		KING RANCH TIJERINA A-41-F	TCB E	30.0	ARMCO STEEL CORP
*8142779	F-04-024020	4227331191		102-4		KING RANCH TIJERINA A-43	T-C-B E	18.0	ARMCO STEEL CORP
*8142777	F-04-024018	4227331267		102-4		KING RANCH TIJERINA A-46	TCB E	40.0	ARMCO STEEL CORP
*8142776	F-04-024017	4227331286		102-4		KING RANCH TIJERINA A-49	TCB E	70.0	ARMCO STEEL CORP
*8142774	F-04-024015	4227331319		102-4		KING RANCH TIJERINA A-51	TCB E	25.0	ARMCO STEEL CORP
*8142773	F-04-024014	4227331325		102-4		KING RANCH TIJERINA A-52	TCB E	12.3	ARMCO STEEL CORP

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8142790	F-04-024214	4227331326		102-4		KING RANCH TIJERINA A-56-D	T-C-B E	35.0	ARMCO STEEL CORP
*8142789	F-04-024213	4227331377		102-4		KING RANCH TIJERINA A-64-D	T-C-B E	14.0	ARMCO STEEL CORP
*8142768	F-04-023990	4227331169		102-4		KING RANCH TIJERNIA A-36-F	TCB E	18.0	ARMCO STEEL CORP
8143068	F-04-037243	4242700000		108		MARCOS JUAREZ 5 (80636)	KELSEY DEEP (ZONE 21-X W	11.0	TRUNKLINE GAS CO
8143067	F-04-037242	4204700000		108		MCGILL BROS 233-T (43568)	KELSEY DEEP (21-F)	4.0	TRUNKLINE GAS CO
8143042	F-04-037180	4242700000		108		MCGILL BROS 268 (54972)	KELSEY SOUTH (ZONE 21-A	6.0	TRUNKLINE GAS CO
8143041	F-04-037179	4204700000		108		MCGILL BROS 314-D (51506)	KELSEY DEEP (20-F C)	10.0	TRUNKLINE GAS CO
8143066	F-04-037241	4204700000		108		MCGILL BROS 367-D (72533)	KELSEY (K-14)	1.0	TRUNKLINE GAS CO
8143039	F-04-037177	4242700000		108		MRS A K EAST STATE 7-F (70016)	SAN ROMAN (8-D SAND)	19.0	TENNESSEE GAS PIP
8143014	F-04-037115	4224700000		108		MRS A M K BASS B 2-F (75249)	KELSEY DEEP (17-A SEG 1)	16.0	TRUNKLINE GAS CO
8143040	F-04-037178	4224900000		108		MRS A M K BASS 44 (80054)	KELSEY (21 E W)	9.0	TRUNKLINE GAS CO
8143069	F-04-037245	4224700000		108		MRS A M K BASS 7 (11069)	KELSEY (K-1)	12.0	TRUNKLINE GAS CO
8143013	F-04-037114	4242700000		108		N R MONTALVO 19-C (54462)	SUN (C-2)	8.0	TENNESSEE GAS PIP
8143064	F-04-037239	4242700000		108		N R MONTALVO 30-D (45745)	SUN (A-SAND)	7.0	TENNESSEE GAS PIP
8143047	F-04-037197	4242700000		108		N R MONTALVO 39 (54499)	SUN (C-3-B)	8.0	TENNESSEE GAS PIP
*8142794	F-04-024370	4235531474		102-4		PITA ISLAND GAS UNIT #2 WELL #3	PITA ISLAND	1825.0	ARMCO STEEL CORP
*8143068	F-04-037229	4204730820		102-4		R J K JR TR ZACH PASTURE STATE 6	VIBCRAS (K-50)	400.0	ARMCO STEEL CORP
8142939	F-8A-036321	4216532005		103		ROBERTSON CLFK UNIT #6903	ROBERTSON N (CLFK 7100)	20.0	PHILLIPS PETROLEU
8142935	F-8A-036187	4216532004		103		ROBERTSON CLFK UNIT #8101	ROBERTSON N (CLFK 7100)	20.0	PHILLIPS PETROLEU
*8142801	F-04-025970	4204730804		103		SANTA FE RANCH JULIAN PASTURE 22	JULIAN NORTH (1-92)	150.0	ARMCO STEEL CORP
*8142783	F-02-024159	4239131152		103		T J OCONNOR D-20-C 75979	WOODSBORO EAST (FO-40-1)	326.0	ARMCO STEEL CORP
*8142782	F-02-024158	4239131152		103		T J OCONNOR D-20-F 05515	MARY ELLEN OCONNOR (FT-8	4.0	ARMCO STEEL CORP
*8142786	F-04-024210	4204730615		103		VIBCRAS FIELD G U #1 G-81-D (77246)	VIBCRAS	713.0	ARMCO STEEL CORP
*8142785	F-04-024209	4204730615		103		VIBCRAS FIELD G U #1 G-81-F (77100)	VIBCRAS	475.0	ARMCO STEEL CORP
*8142927	F-06-035993	4236530864		107-TF		W R BANKS #2 (CFEC UNIT 558)	CARTHAGE (COTTON VALLEY)	500.0	ARMCO STEEL CORP
-F WILLIAM CARR				RECEIVED: 07/23/81 JA: TX					
8143087	F-02-037315	4229700000		108		GEORGE WEST ESTATE NO 1	WEST GEORGE WEST (7500 W	5.0	TEXAS EASTERN TRA
-GENERAL PRODUCTION CORP				RECEIVED: 07/23/81 JA: TX					
8143049	F-03-037209	4228730785		103		T K GANTT UNIT NO 1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-GETTY OIL COMPANY				RECEIVED: 07/23/81 JA: TX					
8142843	F-05-029567	4216100000		102-4		FRANKLIN SCURLOCK WELL #1	INGRAM TRINITY (RODESSA)	67.0	
8142893	F-06-033344	4236500000		107-TF		J T ROSS #2	CARTHAGE (COTTON VALLEY)	374.0	UNITED GAS PIPELI
8142949	F-7C-036523	4241330881		107-TF		JOHN H TREADWELL 70 WELL NO 1	FT MCKAVITT N (CANYON LO	35.0	ARCO OIL & GAS CO
8142899	F-06-033355	4236500000		107-TF		LAGRONE-JETER #2	CARTHAGE (COTTON VALLEY)	275.0	DELHI GAS PIPELIN
8142891	F-06-033342	4236500000		107-TF		O W ALEXANDER WELL #2	CARTHAGE (COTTON VALLEY)	176.0	DELHI GAS PIPELIN
8142897	F-06-033350	4236500000		107-TF		SHARP-SMITH #2	CARTHAGE (COTTON VALLEY)	364.0	TEJAS GAS CORP
8142898	F-06-033354	4236500000		107-TF		SOUTHLAND PAPER A #1	CARTHAGE (COTTON VALLEY)	770.0	DELHI GAS PIPELIN
8142896	F-06-033348	4236500000		107-TF		WERNER E #2	CARTHAGE (COTTON VALLEY)	250.0	DELHI GAS PIPELIN
8142892	F-06-033343	4236500000		107-TF		WERNER F #2	CARTHAGE (COTTON VALLEY)	85.0	DELHI GAS PIPELIN
8142904	F-06-034786	4236531144		103		WERNER G #2	CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8142904	F-06-034786	4236531144		107-TF		WERNER G #2	CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8142895	F-06-033346	4236500000		107-TF		WERNER-POPE WELL #2	CARTHAGE (COTTON VALLEY)	575.0	DELHI GAS PIPELIN
8142894	F-06-033345	4236500000		107-TF		WHITFIELD UNIT #2	CARTHAGE (COTTON VALLEY)	1642.0	UNITED GAS PIPELI
-GLENCAIR RESOURCES (USA) INC				RECEIVED: 07/23/81 JA: TX					
8143082	F-7B-037301	4208332195		102-4		HAROLD BRAGG #1 (92867)	HARRIS (JENNINGS)	383.0	LONE STAR GAS CO
-GOLD LAKE OIL CO INC				RECEIVED: 07/23/81 JA: TX					
8142889	F-7B-033276	4208300000		102-4		BRIGHT - KEPPLER WELL NO 1	CONTENT (ELLEN) FIELD	182.0	EL PASO NATURAL G
8142889	F-7B-033276	4208300000		103		BRIGHT - KEPPLER WELL NO 1	CONTENT (ELLEN) FIELD	182.0	EL PASO NATURAL G
-GULF ENERGY PRODUCING COMPANY				RECEIVED: 07/23/81 JA: TX					
8142854	F-7B-029968	4236300000		103		T W REILLY #1 (91305)	REILLY RANCH (CONGL)	0.0	TEXAS UTILITIES F
-GULF OIL CORPORATION				RECEIVED: 07/23/81 JA: TX					
8142936	F-08-036246	4237132428		103		EFFIE SIBLEY ET AL STATE NO 2	USM (QUEEN)	219.0	NORTHERN NATURAL
8143043	F-10-037182	4239330842		103		F M CHAMBERS #5-65	N W MENDOTA	60.0	

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROJ	PURCHASER
8143044	F-10-037183	4229530858			103	HAROLD PEERY #3-766	PEERY (MARMATON)	40.0	TRANSWESTERN PIPE
-H L BROWN JR						RECEIVED: 07/23/81 JA: TX			
8142812	F-10-027038	4248330614			103	V A LUNSFORD NO 1 WELL	LOTT RANCH (UPPER MORROW	73.0	MICHIGAN-WISCONSI
-HANLEY COMPANY						RECEIVED: 07/23/81 JA: TX			
8143005	F-7C-037081	4238331862			103	T R 6 MASTERSON WELL NO 3	SPRABERRY (TREND AREA)	26.0	EL PASO NATURAL G
-HARRISON INTERESTS LTD						RECEIVED: 07/23/81 JA: TX			
8142902	F-03-034097	4207131076			102-4	NO 2 GEORGE P MCNEIR	SMITH POINT E (14300) -	1000.0	HOUSTON PIPELINE
8142902	F-03-034097	4207131076			103	NO 2 GEORGE P MCNEIR	SMITH POINT E (14300) -	1000.0	HOUSTON PIPELINE
-HARWOOD EXPLORATION INC						RECEIVED: 07/23/81 JA: TX			
8142881	F-02-032809	4202531428			102-4	GEORGIE HEARD 2-T	GEORGIE HEARD/3700	180.0	TRUNKLINE GAS CO
-HENDERSON CLAY PRODUCTS INC						RECEIVED: 07/23/81 JA: TX			
8142926	F-06-035966	4240136678			103	HIGH -B- UNIT WELL #1 RRC #10045	CYRIL (TRAVIS PEAK 7650)	15.0	HENDERSON CLAY PR
8142948	F-06-036480	4240130910			103	TRUMAN LINCECUM WELL #1 RRC #10229	CYRIL (TRAVIS PEAK 7650)	12.0	HENDERSON CLAY PR
-HEXAGON OIL & GAS INC						RECEIVED: 07/23/81 JA: TX			
8142966	F-7B-036893	4214330547			102-4	WOFFORD NO 1	X-RAY SOUTH (MARBLE FALL	320.0	VALERO TRANSMISSI
-HNG OIL COMPANY						RECEIVED: 07/23/81 JA: TX			
8142950	F-04-036535	4250530981			103	ACELA MARTINEZ #1	J C MARTIN (LOBO)	424.0	HOUSTON PIPELINE
8142962	F-7C-036697	4243531972			103	FIELDS 15 #4	SAWYER (CANYON)	115.0	INTRATEX GAS CO
8142969	F-7C-036940	4243532083			103	GALBREATH 80 #1	SAWYER (CANYON)	21.0	INTRATEX GAS CO
8142912	F-02-035460	4202531003			102-4	HOLZMARK D #2 80416	RAGSDALE (1100)	22.0	HOUSTON PIPELINE
8142912	F-02-035460	4202531003			103	HOLZMARK D #2 80416	RAGSDALE (1100)	22.0	HOUSTON PIPELINE
8143022	F-7C-037152	4241330423			103	MEADOR D #2	SAWYER (CANYON)	16.6	INTRATEX GAS CO
8143030	F-7C-037160	4241330410			103	MEADOR 65 #2 72412	SAWYER (CANYON)	C.0	INTRATEX GAS CO
8142955	F-7C-036571	4243531924			103	SHANNON 52 #2	SAWYER (CANYON)	31.9	INTRATEX GAS CO
8142956	F-7C-036572	4243532154			103	SHURLEY 98 #2	SAWYER (CANYON)	49.0	INTRATEX GAS CO
8142954	F-7C-036568	4243532168			103	SHURLEY 98 #4	SAWYER (CANYON)	64.7	INTRATEX GAS CO
8142953	F-7C-036567	4243532094			103	SHURLEY 99 #3	SAWYER (CANYON)	53.8	INTRATEX GAS CO
8143023	F-7C-037153	4243532126			103	VANDERSTUCKEN 53 #2	SAWYER (CANYON)	75.5	INTRATEX GAS CO
8143026	F-7C-037156	4243531998			103	VANDERSTUCKEN 65 #2	SAWYER (CANYON)	103.1	INTRATEX GAS CO
8143025	F-7C-037155	4243532012			103	VANDERSTUCKEN 65 #3	SAWYER (CANYON)	122.1	INTRATEX GAS CO
8143024	F-7C-037154	4243532141			103	WADE 33 #2	SAWYER (CANYON)	122.7	INTRATEX GAS CO
8143032	F-7C-037162	4243531938			103	WADE 35 #1	SAWYER (CANYON)	37.3	INTRATEX GAS CO
8143031	F-7C-037161	4243532030			103	WALLACE 64 #2	SAWYER (CANYON)	27.5	INTRATEX GAS CO
8143036	F-7C-037166	4243532009			103	WALLACE 65 #1	SAWYER (CANYON)	56.6	INTRATEX GAS CO
8143035	F-7C-037165	4243532098			103	WALLACE 65 #2	SAWYER (CANYON)	8.2	INTRATEX GAS CO
8143034	F-7C-037164	4243532159			103	WALLACE 65 #3	SAWYER (CANYON)	64.1	INTRATEX GAS CO
8143029	F-7C-037159	4243532031			103	WALLACE 76 #1	SAWYER (CANYON)	21.9	INTRATEX GAS CO
8143033	F-7C-037163	4243532067			103	WALLACE 76 #2	SAWYER (CANYON)	9.5	INTRATEX GAS CO
8143028	F-7C-037158	4243532163			103	WALLACE 76 #3	SAWYER (CANYON)	94.0	INTRATEX GAS CO
8143027	F-7C-037157	4243532048			103	WALLACE 77 #3	SAWYER (CANYON)	53.6	INTRATEX GAS CO
-HOWARD KENNETH SANDERS						RECEIVED: 07/23/81 JA: TX			
8143054	F-04-037217	4213134964			103	SAENZ GAS UNIT #1 RRC I D NO 91575	SANTA CRUZ N (2450)	55.0	VALLEY GAS TRANSM
-HUGHES & HUGHES						RECEIVED: 07/23/81 JA: TX			
8142985	F-03-034799	4228730602			103	DUCKERY UNIT NO 1	GIDDINGS (AUSTIN CHALK)	33.0	CLAJON GAS CO
-HUNT OIL COMPANY						RECEIVED: 07/23/81 JA: TX			
8143020	F-06-037121	4221330298			103	FAIRWAY (JAMES LIME) UNIT #750-2	FAIRWAY (JAMES LIME) UNI	150.0	LONE STAR GAS CO
-J A LEONARD						RECEIVED: 07/23/81 JA: TX			
8142941	F-03-036381	4205130376			102-4	RUSSELL B NO 1	INEZ JAMESON (NAVARRO A)	33.0	FERGUSON CROSSING
8142942	F-03-036382	4205130395			102-4	RUSSELL B NO 2	INEZ JAMESON (NAVARRO A)	37.0	FERGUSON CROSSING
8142943	F-03-036383	4205130649			102-4	RUSSELL B NO 3	INEZ JAMESON (NAVARRO A)	46.0	FERGUSON CROSSING
-J-W OPERATING COMPANY						RECEIVED: 07/23/81 JA: TX			
8142861	F-02-030592	421233096H			102-4	ZENGERLE NO 2-C	ARNECKEVILLE	73.0	J-W OPERATING CO
8142860	F-02-030590	421233096A			102-4	ZENGERLE NO 2-T	ARNECKEVILLE	73.0	J-W OPERATING CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROJ	PURCHASER
8142860	F-02-030590	421233096A			103	ZENGERLE NO 2-T	ARNECKEVILLE	73.0	J-W OPERATING CO
-JACKSON & WALKER						RECEIVED: 07/23/81 JA: TX			
8142977	F-7C-036977	4243532106			103	MARY ANN 1	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142978	F-7C-036978	4243532107			103	MARY ANN 2	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142979	F-7C-036979	4243532108			103	MARY ANN 3	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142980	F-7C-036980	4243532109			103	MARY ANN 4	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142981	F-7C-036981	4243532110			103	MARY ANN 5	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142982	F-7C-036982	4243532111			103	MARY ANN 6	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142983	F-7C-036983	4243532112			103	MARY ANN 7	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142984	F-7C-036984	4243532113			103	MARY ANN 8	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142985	F-7C-036985	4243532114			103	MARY ANN 9	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142986	F-7C-036986	4243532115			103	MARY ANN 10	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142987	F-7C-036987	4243532116			103	MARY ANN 11	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142988	F-7C-036988	4243532117			103	MARY ANN 12	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142989	F-7C-036989	4243532118			103	MARY ANN 13	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142990	F-7C-036990	4243532119			103	MARY ANN 14	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142991	F-7C-036991	4243532120			103	MARY ANN 15	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142992	F-7C-036992	4243532121			103	MARY ANN 16	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142993	F-7C-036993	4243532122			103	MARY ANN 17	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142994	F-7C-036994	4243532123			103	MARY ANN 18	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142995	F-7C-036995	4243532124			103	MARY ANN 19	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142996	F-7C-036996	4243532125			103	MARY ANN 20	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142997	F-7C-036997	4243532126			103	MARY ANN 21	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142998	F-7C-036998	4243532127			103	MARY ANN 22	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8142999	F-7C-036999	4243532128			103	MARY ANN 23	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143000	F-7C-037000	4243532129			103	MARY ANN 24	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143001	F-7C-037001	4243532130			103	MARY ANN 25	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143002	F-7C-037002	4243532131			103	MARY ANN 26	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143003	F-7C-037003	4243532132			103	MARY ANN 27	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143004	F-7C-037004	4243532133			103	MARY ANN 28	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143005	F-7C-037005	4243532134			103	MARY ANN 29	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143006	F-7C-037006	4243532135			103	MARY ANN 30	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143007	F-7C-037007	4243532136			103	MARY ANN 31	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143008	F-7C-037008	4243532137			103	MARY ANN 32	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143009	F-7C-037009	4243532138			103	MARY ANN 33	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143010	F-7C-037010	4243532139			103	MARY ANN 34	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143011	F-7C-037011	4243532140			103	MARY ANN 35	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143012	F-7C-037012	4243532141			103	MARY ANN 36	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143013	F-7C-037013	4243532142			103	MARY ANN 37	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143014	F-7C-037014	4243532143			103	MARY ANN 38	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143015	F-7C-037015	4243532144			103	MARY ANN 39	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143016	F-7C-037016	4243532145			103	MARY ANN 40	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143017	F-7C-037017	4243532146			103	MARY ANN 41	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143018	F-7C-037018	4243532147			103	MARY ANN 42	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143019	F-7C-037019	4243532148			103	MARY ANN 43	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143020	F-7C-037020	4243532149			103	MARY ANN 44	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143021	F-7C-037021	4243532150			103	MARY ANN 45	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143022	F-7C-037022	4243532151			103	MARY ANN 46	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143023	F-7C-037023	4243532152			103	MARY ANN 47	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143024	F-7C-037024	4243532153			103	MARY ANN 48	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143025	F-7C-037025	4243532154			103	MARY ANN 49	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143026	F-7C-037026	4243532155			103	MARY ANN 50	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143027	F-7C-037027	4243532156			103	MARY ANN 51	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143028	F-7C-037028	4243532157			103	MARY ANN 52	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143029	F-7C-037029	4243532158			103	MARY ANN 53	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143030	F-7C-037030	4243532159			103	MARY ANN 54	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143031	F-7C-037031	4243532160			103	MARY ANN 55	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143032	F-7C-037032	4243532161			103	MARY ANN 56	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143033	F-7C-037033	4243532162			103	MARY ANN 57	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143034	F-7C-037034	4243532163			103	MARY ANN 58	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143035	F-7C-037035	4243532164			103	MARY ANN 59	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143036	F-7C-037036	4243532165			103	MARY ANN 60	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143037	F-7C-037037	4243532166			103	MARY ANN 61	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143038	F-7C-037038	4243532167			103	MARY ANN 62	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143039	F-7C-037039	4243532168			103	MARY ANN 63	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143040	F-7C-037040	4243532169			103	MARY ANN 64	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143041	F-7C-037041	4243532170			103	MARY ANN 65	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143042	F-7C-037042	4243532171			103	MARY ANN 66	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143043	F-7C-037043	4243532172			103	MARY ANN 67	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143044	F-7C-037044	4243532173			103	MARY ANN 68	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143045	F-7C-037045	4243532174			103	MARY ANN 69	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143046	F-7C-037046	4243532175			103	MARY ANN 70	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143047	F-7C-037047	4243532176			103	MARY ANN 71	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143048	F-7C-037048	4243532177			103	MARY ANN 72	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143049	F-7C-037049	4243532178			103	MARY ANN 73	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143050	F-7C-037050	4243532179			103	MARY ANN 74	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143051	F-7C-037051	4243532180			103	MARY ANN 75	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143052	F-7C-037052	4243532181			103	MARY ANN 76	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143053	F-7C-037053	4243532182			103	MARY ANN 77	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143054	F-7C-037054	4243532183			103	MARY ANN 78	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143055	F-7C-037055	4243532184			103	MARY ANN 79	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143056	F-7C-037056	4243532185			103	MARY ANN 80	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143057	F-7C-037057	4243532186			103	MARY ANN 81	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143058	F-7C-037058	4243532187			103	MARY ANN 82	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143059	F-7C-037059	4243532188			103	MARY ANN 83	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143060	F-7C-037060	4243532189			103	MARY ANN 84	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143061	F-7C-037061	4243532190			103	MARY ANN 85	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143062	F-7C-037062	4243532191			103	MARY ANN 86	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143063	F-7C-037063	4243532192			103	MARY ANN 87	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143064	F-7C-037064	4243532193			103	MARY ANN 88	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143065	F-7C-037065	4243532194			103	MARY ANN 89	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143066	F-7C-037066	4243532195			103	MARY ANN 90	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143067	F-7C-037067	4243532196			103	MARY ANN 91	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143068	F-7C-037068	4243532197			103	MARY ANN 92	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143069	F-7C-037069	4243532198			103	MARY ANN 93	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143070	F-7C-037070	4243532199			103	MARY ANN 94	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143071	F-7C-037071	4243532200			103	MARY ANN 95	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143072	F-7C-037072	4243532201			103	MARY ANN 96	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143073	F-7C-037073	4243532202			103	MARY ANN 97	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143074	F-7C-037074	4243532203			103	MARY ANN 98	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143075	F-7C-037075	4243532204			103	MARY ANN 99	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			
8143076	F-7C-037076	4243532205			103	MARY ANN 100	SAWYER (CANYON)	30.0	INTRATEX GAS CO
-JAMES E SMITH						RECEIVED: 07/23/81 JA: TX			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-JONES CO						RECEIVED: 07/23/81 JA: TX			
8143003	F-7B-037076	4205932375			102-4	DUGAN 110 #1 (85666)	HUTCHISON W (ELLEN)	631.0	DELHI GAS PIPELIN
-KEY PRODUCTION COMPANY						RECEIVED: 07/23/81 JA: TX			
8142934	F-06-036146	4236531114			103	JOHN SEARCY #1	CARTHAGE (6400 TRAVIS PE	255.0	ARKANSAS LOUISIAN
8143077	F-06-037288	4236531005			102-4	OXSHEER #1 42-365-31005 ID NO 91965	JOAQUIN (WIENER)	273.0	WESTERN GAS CORP
-KIM PETROLEUM CO INC						RECEIVED: 07/23/81 JA: TX			
8143087	F-10-037087	4217930889			103	KEITH #1	PANHANDLE GRAY COUNTY FI	72.0	CABOT PIPELINE CO
8143086	F-10-037086	4217930890			103	KEITH #3	PANHANDLE GRAY COUNTY FI	72.0	CABOT PIPELINE CO
-KLING INC						RECEIVED: 07/23/81 JA: TX			
8142865	F-02-031464	4217531399			102-4	H DORNBURG #1	DORNBURG (REKLAW I-E)	350.0	UNITED GAS PIPELI
-LADD & LUKOWICZ INC						RECEIVED: 07/23/81 JA: TX			
8142874	F-04-032546	4240900000			103	JOHN MCCAMPBELL NO 1	WILDCAT FIELD	0.0	
-LULING OIL AND GAS CO INC						RECEIVED: 07/23/81 JA: TX			
8142907	F-7B-034945	4208300000			103	WHITTINGTON NO 4	GLEN COVE E	67.0	UNION TEXAS PETRO
8142906	F-7B-034944	4208300000			103	WHITTINGTON NO 5	GLEN COVE E	67.0	UNION TEXAS PETRO
-MARTIN OIL & GAS CO						RECEIVED: 07/23/81 JA: TX			
8143089	F-03-037341	4205100000			102-2	FOJT UNIT #2	GIDDINGS (AUSTIN CHALK G	0.0	CLAJON GAS CO
8143090	F-03-037345	4205100000			102-2	KORENEK-FRITCHER UNIT #1	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
8143088	F-03-037348	4205100000			102-2	KRUEGER UNIT #1	CALDWELL (AUSTIN CHALK)	0.0	HASIN INC
-MCCORMICK OPERATING CO						RECEIVED: 07/23/81 JA: TX			
8142915	F-05-035836	4234931114			107-TF	BALCOM NO 1	CHENEYBORO (COTTON VALLE	110.0	LONE STAR GAS CO
8142923	F-05-035937	4234931305			107-TF	CHANDLER UNIT #1	CHENEYBORO (COTTON VALLE	180.0	LONE STAR GAS CO
8142924	F-05-035938	4234931309			107-TF	CUNNINGHAM UNIT NO 1	CHENEYBORO (COTTON VALLE	120.0	LONE STAR GAS CO
8142925	F-05-035939	4234931160			107-TF	GOWAN NO 1	CHENEYBORO (COTTON VALLE	240.0	LONE STAR GAS CO
8142921	F-05-035935	4234931322			107-TF	HARVARD UNIT NO 1	CHENEYBORO (COTTON VALLE	130.0	LONE STAR GAS CO
8142922	F-05-035936	4234931136			107-TF	MCGEHEE UNIT #1	CHENEYBORO (COTTON VALLE	150.0	LONE STAR GAS CO
8142917	F-05-035838	4234931064			107-TF	MILLIGAN #1	CHENEYBORO (COTTON VALLE	150.0	LONE STAR GAS CO
8142914	F-05-035835	4234930912			107-TF	NEWMAN #1	CHENEYBORO (COTTON VALLE	80.0	LONE STAR GAS CO
8142920	F-05-035934	4234931233			107-TF	OPAL #1	CHENEYBORO (COTTON VALLE	300.0	LONE STAR GAS CO
8142916	F-05-035837	4234931091			107-TF	ROBERT MCGEHEE #1	CHENEYBORO (COTTON VALLE	200.0	LONE STAR GAS CO
8142919	F-05-035933	4234931321			107-TF	YOUNG UNIT NO 1	CHENEYBORO (COTTON VALLE	150.0	LONE STAR GAS CO
-MESA PETROLEUM						RECEIVED: 07/23/81 JA: TX			
8143071	F-7C-037271	4210532052			108	HOOVER #3-44	OZONA	14.3	DELHI GAS PIPELIN
8142975	F-7C-036964	4210532006			108	MILLSPAUGH #4-38	OZONA (CANYON SAND)	20.0	DELHI GAS PIPELIN
8143072	F-7C-037272	4210532040			108	MOODY #2-45	OZONA	15.0	DELHI GAS PIPELIN
8143073	F-7C-037273	4210532015			108	MOODY #4-39	OZONA (CANYON SAND)	20.0	DELHI GAS PIPELIN
8143070	F-10-037270	4219530063			108	MORRISON #1-253	NW GROVER	5.0	NORTHERN NATURAL
8143075	F-10-037275	4219530624			108	ODC #2-38	HANSFORD	15.0	NATURAL GAS PIPEL
8143074	F-10-037274	4239303516			108	TALLEY #1-16	QUINCUNO	12.0	NATURAL GAS PIPEL
-NEWBOURNE OIL COMPANY						RECEIVED: 07/23/81 JA: TX			
8142806	F-10-026781	4235730815			108	TREGELLAS #1 ID #78558	NORTHRUP (CLEVELAND)	21.0	NORTHERN NATURAL
8142807	F-10-026782	4235730835			108	TREGELLAS A #1 ID #78557	NORTHRUP (CLEVELAND)	21.0	NORTHERN NATURAL
-MITCHELL ENERGY CORPORATION						RECEIVED: 07/23/81 JA: TX			
8142855	F-09-030028	4249731929			103	C P SMITH #4	BROWNSVILLE (BEND CONGL G	750.0	NATURAL GAS PIPEL
8142887	F-7B-033137	4236300000			108	ELIZABETH HEATH -49- #1	PALO PINTO SW (STRAWN)	0.0	SOUTHWESTERN GAS
8142763	F-09-022578	4223700000			108	EUGENE MOSER #2 51058	CRAFTON WEST (CONGL)	10.0	CITIES SERVICE GA
8142931	F-05-036055	4228900000			108	G GRESHAM #1 51535	BUFFALO SE (WOODBINE)	0.0	LONE STAR GAS CO
8142932	F-03-036057	4231300000			108	HENRIETTA STONE #1 31719	MADISONVILLE (SUB-CLARKS	0.0	LONE STAR GAS CO
8142872	F-7B-032091	4236330339			103	R M GAULDIN NC 8	RIFE (3900 CONGLOMERATE)	300.0	
8142964	F-09-036875	4249700000			108	W A BOBO #1 79031	BROWNSVILLE (BEND CONGL G	10.9	NATURAL GAS PIPEL
8142765	F-09-023930	4249700000			108	W A MALLOY #2 33392	BROWNSVILLE BEND CONG	21.3	NATURAL GAS PIPEL
8142930	F-05-036043	4228900000			108	W B STEVENS #1 15411	BUFFALO SOUTH (WOODBINE)	0.0	LONE STAR GAS CO
-MOBIL PROD TEXAS & NEW MEXICO INC						RECEIVED: 07/23/81 JA: TX			

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JD NO	JA DKT	API NO	L	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143062	F-04-037231	4206600000			108	DUVAL RANCH SEC 58 NO 21	LUNDELL/1380	8.1	NATURAL GAS PIPEL
8142871	F-10-032064	4229530900			103	OLIVE T JONES NO 14	HIGGINS SOUTH (MORROW)	1022.0	TRANSWESTERN PIPE
-MOBIL PRODUCING TEXAS & NEW MEXICO						RECEIVED: 07/23/81 JA: TX			
8142945	F-7B-036401	4215131224			102-4	SOJOURNER B NO 4	ALKALI CREEK SW (FLIPPEN	15.3	
-MOTE RESOURCES INC						RECEIVED: 07/23/81 JA: TX			
8143011	F-09-037111	4249732092			103	GREGG #3 RRC #20976	ALVORD (CADDO CONG)	12.0	NATURAL GAS PIPEL
-MUELLER ENGINEERING CORP						RECEIVED: 07/23/81 JA: TX			
8142908	F-02-035218	4224900000			108	BELLA S FREEBORN #5	RAMIRENA SW SEC D/A SAND	1.5	VALLEY GAS TRANSM
-NATOMAS NORTH AMERICA INC						RECEIVED: 07/23/81 JA: TX			
8143076	F-7C-037280	4245130697			102-2	JONES NO 1	STRAWN	483.0	
-NORTH AMERICAN ROYALTIES INC						RECEIVED: 07/23/81 JA: TX			
8142811	F-02-026987	4239131410			102-4	F B ROOKE & SONS WELL #1		365.0	LONE STAR GAS CO
-OCEAN MINERALS INC						RECEIVED: 07/23/81 JA: TX			
8142940	F-7C-036332	4210537367			107-TF	UNIVERSITY 24-29 WELL NO 1-AU	INGHAM (CANYON 6400)	22.0	SOUTHWESTERN GAS
-OJB INC						RECEIVED: 07/23/81 JA: TX			
8142822	F-7C-028352	4210532561			103	DOROTHY PIERCE 100-1	OZONA (CANYON SAND) FIEL	73.0	VALERO TRANSMISSI
8142822	F-7C-028352	4210532561			107-TF	DOROTHY PIERCE 100-1	OZONA (CANYON SAND) FIEL	73.0	VALERO TRANSMISSI
8142820	F-7C-028350	4210532559			103	DOROTHY PIERCE 7-1	OZONA (CANYON SAND) FIEL	0.0	VALERO TRANSMISSI
8142820	F-7C-028350	4210532559			107-TF	DOROTHY PIERCE 7-1	OZONA (CANYON SAND) FIEL	0.0	VALERO TRANSMISSI
8142819	F-7C-028349	4210532560			103	DOROTHY PIERCE 7-2	OZONA (CANYON SAND) FIEL	110.0	VALERO TRANSMISSI
8142819	F-7C-028349	4210532560			107-TF	DOROTHY PIERCE 7-2	OZONA (CANYON SAND) FIEL	110.0	VALERO TRANSMISSI
8142821	F-7C-028351	4210532644			103	J W HENDERSON 18-2	OZONA (CANYON SAND) FIEL	255.0	VALERO TRANSMISSI
8142821	F-7C-028351	4210532644			107-TF	J W HENDERSON 18-2	OZONA (CANYON SAND) FIEL	255.0	VALERO TRANSMISSI
-PANHANDLE PRODUCING COMPANY						RECEIVED: 07/23/81 JA: TX			
8142944	F-10-036393	4233300000			108	JAMESON 1-BC #700071	PANHANDLE WEST (RED CAVE	24.0	COLORADO INTERSTA
-PARAFFINE OIL CORP						RECEIVED: 07/23/81 JA: TX			
8142862	F-02-030623	4205731022			102-4	P H WELDER C NO 4	KATIE WELDER (I-5)	100.0	SEAGULL PIPELINE
8142862	F-02-030623	4205731022			103	P H WELDER D NO 4	KATIE WELDER (I-5)	100.0	SEAGULL PIPELINE
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 07/23/81 JA: TX			
8142835	F-10-029180	4217930843			103	CARROL A # 2	PANHANDLE GRAY	77.0	
8142832	F-10-029096	4217900000			103	CASSIE # 2	PANHANDLE GRAY	0.0	
8142836	F-10-029181	4223330865			102-4	IVY A # 3	HUTCHINSON N MISSISSIPPI	0.0	NORTHERN NATURAL
8142837	F-10-029320	4223300000			108	JOHNSON UU # 2	PANHANDLE HUTCHINSON	0.3	EL PASO NATURAL G
8142824	F-10-028547	4217900000			108	PHIL-PAMPA UNIT 1-81	PANHANDLE GRAY	0.3	GETTY OIL CO
8142838	F-10-029321	4223300000			108	WHITTENBURG 62-11	PANHANDLE HUTCHINSON	1.8	EL PASO NATURAL G
-QUINTANA PETROLEUM CORP						RECEIVED: 07/23/81 JA: TX			
8142886	F-01-033091	4228330652			103	SOUTH TEXAS SYNDICATE II-5	WASHBURN (EDWARDS)	1100.0	TRANSCONTINENTAL
-QUINTEX PETROLEUM CORP						RECEIVED: 07/23/81 JA: TX			
8142813	F-02-027049	4205730948			103	MARY E STOFER WELL NO 2	N COLOMA CREEK (8150)	144.0	DELHI GAS PIPELIN
-RANGER OPERATING CO						RECEIVED: 07/23/81 JA: TX			
8142858	F-7B-030360	4236731849			103	HARLIN UNIT NO 1 #91083	TOTO (STRAWN)	146.0	SOUTHWESTERN GAS
-ROCK & BACON						RECEIVED: 07/23/81 JA: TX			
8142844	F-03-029688	4220100000			103	SWILLEY #1	WEST VICTOR BLANCO (8800	73.0	HOUSTON PIPE LINE
-ROD OIL & GAS LTD						RECEIVED: 07/23/81 JA: TX			
8142850	F-03-029944	4214900000			103	ROD #3 HAYNIE LEASE	GIDDINGS CHALK FIELD	0.0	PHILLIPS PETROLEU
-SAGE ENERGY CO						RECEIVED: 07/23/81 JA: TX			
8142877	F-03-032638	4214930688			102-2	GINGER #1 RRC #13652	GIDDINGS (AUSTIN CHALK)	25.0	FALCON GAS CO
8142878	F-03-032639	4214930638			102-2	IVY #1 RRC #13655	GIDDINGS (AUSTIN CHALK)	33.0	FALCON GAS CO
8142903	F-08-034778	4213533399			103	TXL G #3 RRC #25740 #3	COWDEN NORTH	19.5	PHILLIPS PETROLEU
-SAN JUAN EXPLORATION CO						RECEIVED: 07/23/81 JA: TX			
8142885	F-06-032920	4220330573			102-4	COOK G U #1	WHELAN (COTTON VALLEY)	0.0	TEXAS EASTERN TRA
8142885	F-06-032920	4220330573			103	COOK G U #1	WHELAN (COTTON VALLEY)	0.0	TEXAS EASTERN TRA
-SENTINEL PETROLEUM CORP						RECEIVED: 07/23/81 JA: TX			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8142810	F-7B-026875	4213331326		102-2		AUTRY E-1 14554	MANGUM WEST (3100)	7.0	ODESSA NATURAL CO
8142809	F-7B-026849	4213331389		102-2		AUTRY F-1 14489	MANGUM WEST (3100)	4.8	ODESSA NATURAL CO
8142848	F-7B-029884	4213331780		102-4		FRANCES MCKINNEY NC I - 15255	MAGHUM WEST (3100)	73.0	ODESSA NATURAL CO
8142847	F-7B-029883	4213331509		102-4		HONEA AVA - 14876	MANGUM WEST (3450)	0.0	ODESSA NATURAL CO
8142849	F-7B-029885	4213331707		102-4		HONEA AVA #2 - 15481	MANGUM WEST (3100)	32.9	ODESSA NATURAL CO
-SEQUOIA FOSSIL FUELS INC				RECEIVED: 07/23/81 JA: TX					
8142913	F-7B-035754	4241733237		103		FITE (SEC 37) #1	SHACKELFORD COUNTY REGUL	37.0	LONE STAR GAS CO
-SHELL OIL CO				RECEIVED: 07/23/81 JA: TX					
8142997	F-08-037002	4210300000		108		BARNSLEY-B- NO 7	SAND HILLS (MCKNIGHT)	5.7	WARREN PETROLEUM
*8142995	F-8A-0370000	4216500000		108		BAUMGART GEORGE -C-NO 26	WASSON 72	2.1	SHELL OIL CO
*8142996	F-8A-037001	4216500000		108		BAUMGART GEORGE-C-NO 24	WASSON 72	1.1	SHELL OIL CO
*8142994	F-8A-036999	4216500000		108		BAUMGART GEORGE-D-NO 21	WASSON 72	1.9	SHELL OIL CO
*8142993	F-8A-036998	4216500000		108		BAUMGART GEORGE-D-NO 22	WASSON 72	2.0	SHELL OIL CO
*8142992	F-8A-036997	4216500000		108		BAUMGART GEORGE-D-NO 25	WASSON 72	2.5	SHELL OIL CO
*8142991	F-8A-036996	4216500000		108		BAUMGART GEORGE-E-NO 17-U	WASSON 72	4.1	SHELL OIL CO
8142857	F-04-030143	4221531023		102-4		WOODS CHRISTIAN NO 22	GUADALUPE (LOWER VICKSBU	396.0	TENNESSEE GAS PIP
8142841	F-04-029533	4221531022		102-4		WOODS CHRISTIAN NO 23	GUADALUPE (VICKSBURG L)	400.0	TENNESSEE GAS PIP
-SMACKOVER SHELL LIMITED				RECEIVED: 07/23/81 JA: TX					
8142863	F-05-031270	4221330065		102-4		L L COCKERELL EST GU #2 WELL #1	EUSTACE (SMACKOVER)	400.0	LONE STAR GAS CO
-SOUTHLAND ROYALTY CO				RECEIVED: 07/23/81 JA: TX					
8142972	F-08-036956	4210300000		103		EUDALY A #1	TROPORO N	210.0	PGP GAS PRODUCTS
8143015	F-08-037116	4246100000		103		ONEAL SAN ANDRES UNIT #64	MCELROY	2.0	PHILLIPS PETROLEU
8143016	F-08-037117	4246100000		103		ONEAL SAN ANDRES UNIT #65	MCELROY	2.0	PHILLIPS PETROLEU
-SPINDLETOP OIL & GAS CO				RECEIVED: 07/23/81 JA: TX					
8142831	F-7B-029073	4222130589		102-2		SKY HARBOR #1-C	GRANBURY NE (ATOKA)	50.0	EMPIRE PIPELINE C
8142831	F-7B-029073	4222130589		103		SKY HARBOR #1-C	GRANBURY NE (ATOKA)	50.0	EMPIRE PIPELINE C
8142830	F-7B-029068	4222130589		102-4		SKY HARBOR #1-T	GRANBURY NE (MARBLE FALL	35.0	EMPIRE PIPELINE C
8142830	F-7B-02906E	4222130589		103		SKY HARBOR #1-T	GRANBURY NE (MARBLE FALL	35.0	EMPIRE PIPELINE C
-SUBURBAN PROPANE GAS CORP				RECEIVED: 07/23/81 JA: TX					
8143050	F-7C-037210	4210532751		107-TF		DAVIDSON A NO 2	DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL
8143052	F-7C-037212	4210532750		107-TF		MEYBIN B NO 2	DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL
8143051	F-7C-037211	4210532884		107-TF		MEYBIN 34 NO 2	DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL
8143048	F-7C-037208	4210532885		107-TF		MEYBIN 4 NO 4	DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 07/23/81 JA: TX					
8142981	F-01-036983	4218700000		108		C KNOBLOCH NO 22	DARST CREEK (EDWARDS)	0.1	PHILLIPS PETROLEU
8142978	F-01-036980	4218700000		108		C KNOBLOCH NO 32	DARST CREEK (BUDA)	0.3	PHILLIPS PETROLEU
8142985	F-01-036987	4218700000		108		C KNOBLOCH NO 34	DARST CREEK (BUDA)	0.7	PHILLIPS PETROLEU
8142986	F-01-036988	4218700000		108		C KNOBLOCH NO 35	DARST CREEK (BUDA)	0.7	PHILLIPS PETROLEU
8142980	F-01-036982	4218700000		108		C KNOBLOCH NO 40	DARST CREEK (BUDA)	0.4	PHILLIPS PETROLEU
8142977	F-01-036979	4218700000		108		C KNOBLOCH NO 43	DARST CREEK (BUDA)	0.7	PHILLIPS PETROLEU
8142983	F-01-036985	4218700000		108		C KNOBLOCH NO 46	DARST CREEK (BUDA)	0.9	PHILLIPS PETROLEU
8142979	F-01-036981	4218700000		108		C KNOBLOCH NO 47	DARST CREEK (BUDA)	0.4	PHILLIPS PETROLEU
8142984	F-01-036986	4218700000		108		C KNOBLOCH NO 48	DARST CREEK (BUDA)	0.5	PHILLIPS PETROLEU
8142987	F-01-036989	4218700000		108		C KNOBLOCH NO 49	DARST CREEK (BUDA)	0.8	PHILLIPS PETROLEU
8142982	F-01-036984	4218700000		108		C KNOBLOCH NO 53	DARST CREEK (BUDA)	0.7	PHILLIPS PETROLEU
8142988	F-01-036990	4218700000		108		C KNOBLOCH NO 55	DARST CREEK (BUDA)	0.7	PHILLIPS PETROLEU
8142976	F-8A-036975	4221933060		103		CENTRAL LEVELLAND UNIT NO 257	LEVELLAND	3.2	AMOCO PRODUCTION
8142989	F-04-036992	4242700000		108		LABRISA L & C COMPANY NC 1	GARCIA	15.0	TRANSCONTINENTAL
8143056	F-04-037219	4242700000		108		MARRS MCLEAN NO 13-L	LOCKHART (COCKFIELD #2)	0.0	TENNESSEE GAS PIP
8143055	F-02-037218	4239100000		108		THOMAS OCONNOR NO 5-E	GRETA	20.0	UNITED TEXAS TRAN
8142990	F-04-036993	4242700000		108		WEIL BROTHERS NO 39	WEIL SOUTH	2.0	
-T G ANDERSON				RECEIVED: 07/23/81 JA: TX					
8142889	F-03-029463	4200100000		103		J A KITZMAN NO 1	CYPRESS (COCKFIELD A)	270.0	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-TAYLOR OPERATING COMPANY				RECEIVED: 07/23/81 JA: TX					
8142856	F-78-030094	4222100000		103		RAWLS NO 1 (82249)	MCINTOSH (STRAWN)	36.0	SOUTHWESTERN GAS
-TEE OPERATING CO				RECEIVED: 07/23/81 JA: TX					
8142845	F-03-029799	4215731127		102-2		WENZEL WELL NO 2	TAVENER (FRIO 5900) FIEL	0.0	LONE STAR GAS CO
8142845	F-03-029799	4215731127		103		WENZEL WELL NO 2	TAVENER (FRIO 5900) FIEL	0.0	LONE STAR GAS CO
-TEXACO INC				RECEIVED: 07/23/81 JA: TX					
8143059	F-08-037226	4247532208		103		STATE OF TEXAS FM #1	CAPRITO (DELAWARE MIDDLE	95.0	WESTAR TRANSMISSI
-TEXAS AMERICAN OIL CORP				RECEIVED: 07/23/81 JA: TX					
8142842	F-10-029545	4248330485		108		MILTBRUNER NO 1 - 76659	EAST PANHANDLE	18.2	EL PASO NATURAL G
8142840	F-10-029529	4248330542		108		J GLASSCOCK NO 1 - 78343	EAST PANHANDLE	1.2	EL PASO NATURAL G
-TEXAS OIL & GAS CORP				RECEIVED: 07/23/81 JA: TX					
8142827	F-02-028812	4202531026		102-4		KNIGHT B #1	GANNAN S	0.0	UNITED GAS PIPELI
8142802	F-03-026881	4208931084		102-4		MATTHEWS E #1 #88011	MATTHEWS E (WILCOX 9900)	0.0	UNITED GAS PIPELI
8142823	F-06-028403	4245939454		107-IF		PARRISH A #1	BETTIE (BOSSIER SAND)	0.0	DELHI GAS PIPELIN
8142826	F-02-028811	4202531404		102-4		ROBERTS A #4	CANNAN FIELD	0.0	UNITED GAS PIPELI
8142761	F-02-021141	4223931326		102-4		STAFFORD A-1	MORALES (3870)	145.0	TENNESSEE GAS PIP
-TEXLAN OIL CO INC				RECEIVED: 07/23/81 JA: TX					
8142859	F-06-030556	4241930319		102-2		W C SHARPTON WELL #1 ID 91555	MARTINSVILLE NE (COTTON	36.0	
8142859	F-06-030556	4241930319		103		W C SHARPTON WELL #1 ID 91555	MARTINSVILLE NE (COTTON	36.0	
-THE DOW CHEMICAL COMPANY				RECEIVED: 07/23/81 JA: TX					
8142933	F-08-036118	4247532128		103		J F LEE NO 1	SCOTT (DELAWARE)	90.0	TRANSWESTERN PIPE
-THOMAS D COFFMAN INC				RECEIVED: 07/23/81 JA: TX					
8143091	F-03-037359	4214930381		102-2		KIM NO 1 058364	GIDDINGS (AUSTIN CHALK)	73.0	SOUTH CEN-TEX GAS
-THUNDERBOLT OIL & GAS INC				RECEIVED: 07/23/81 JA: TX					
8142961	F-7C-036690	4239931788		103		FAYE EUBANKS NO 1	TOMCHUCK (MORRIS)	80.0	UNION TEXAS PETRO
-TOM L INGRAM				RECEIVED: 07/23/81 JA: TX					
8142974	F-08-036960	4200332582		103		THORNBERRY G #1	FUHRMAN-MASCHO	11.0	PHILLIPS PETROLEU
-TRIPLE L OIL CO INC				RECEIVED: 07/23/81 JA: TX					
8142814	F-04-028112	4224931231		102-4		OBDULIA PEREZ NO 1	MANUEL PEREZ (5140) PROP	72.0	NOE-WELLS PIPE LI
-U S OPERATING INC				RECEIVED: 07/23/81 JA: TX					
8142851	F-03-029954	4215130914		102-2		CHRISTY NO 1	GIDDINGS (AUSTIN CHALK A	466.0	PHILLIPS PETROLEU
8142852	F-03-029955	4205130961		102-2		MARCY NO 1	GIDDINGS (AUSTIN CHALK A	504.0	PHILLIPS PETROLEU
8142853	F-03-029956	4205130962		102-2		MERRIDONNA NO 1	GIDDINGS (AUSTIN CHALK A	522.0	PHILLIPS PETROLEU
-UNIT DRILLING & EXPLORATION CO				RECEIVED: 07/23/81 JA: TX					
8143084	F-10-037311	4229530767		103		BOOTH #639-3	BRADFORD (TONKAWA)	10.0	PHILLIPS PETROLEU
8143085	F-10-037313	4229530884		103		RANDALL #6	BRADFORD (TONKAWA)	16.0	PHILLIPS PETROLEU
-W A MONCRIEF JR				RECEIVED: 07/23/81 JA: TX					
8142999	F-05-037005	4239530030		108		C S ANCHICKS NO 1	CALVERT EAST	10.3	LONE STAR GAS CO
8142998	F-05-037004	4239530027		108		N R LUTZ 1-A	CALVERT EAST	0.3	LONE STAR GAS CO
-W L PENNINGTON INC				RECEIVED: 07/23/81 JA: TX					
8143019	F-10-037120	4208730152		103		EMMERT 1-100 ID #93035	PANHANDLE EAST	20.0	EL PASO NATURAL G
8143018	F-10-037119	4208730176		103		EMMERT 3-82 ID#93033	PANHANDLE EAST	20.0	EL PASO NATURAL G
8143017	F-10-037118	4208730154		103		EMMERT 4-99 ID#93034	PANHANDLE EAST	20.0	EL PASO NATURAL G
-W R EDWARDS JR				RECEIVED: 07/23/81 JA: TX					
8142960	F-10-036681	4223500000		103		BARNHILL 37-1	PANHANDLE HUTCHINSON	93.0	PANHANDLE PRODUCI
-W T SMITH				RECEIVED: 07/23/81 JA: TX					
8143000	F-10-037062	4217900000		108		MCLARTY ESTATE (44250) #2	EAST PANHANDLE	7.0	COLTEXO CORP
8143001	F-10-037063	4217900000		108		MCLARTY ESTATE (48252) #1	EAST PANHANDLE	15.0	COLTEXO CORP
-W T WAGGONER ESTATE				RECEIVED: 07/23/81 JA: TX					
8142900	F-09-033498	4223700000		108		SOUTHERLAND-RAMZY 72648	BOOKSVILLE BEND CONGLOME	5.0	SOUTHWESTERN GAS
-WAINOCO OIL & GAS COMPANY				RECEIVED: 07/23/81 JA: TX					
8142803	F-03-026209	4207130969		102-4		STATE TRACT 258 NO 2	SEABROOK EAST (9790 F-15	200.0	HOUSTON OIL & MIN
8142803	F-03-026209	4207130969		103		STATE TRACT 258 NO 2	SEABROOK EAST (9790 F-15	200.0	HOUSTON OIL & MIN

JD NO	JA DKT	API NO	E	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-WAYMAN W BUCHANAN				RECEIVED: 07/23/81 JA: TX					
8143086	F-03-037314	4214930874		103		J A MORGAN 6 NO 1	GIDDINGS (AUSTIN CHALK)	87.0	PHILLIPS PETROLEU
-WESSELY ENERGY CORPORATION				RECEIVED: 07/23/81 JA: TX					
8142764	F-06-022892	4200130924		103		J W BARTON NO 1	CAYUGA (COTTON VALLEY)	55.0	LONE STAR GAS CO
8142764	F-06-022892	4200130924		107-TF		J W BARTON NO 1	CAYUGA (COTTON VALLEY)	55.0	LONE STAR GAS CO
-WILSON ENERGY INC				RECEIVED: 07/23/81 JA: TX					
8143008	F-7C-037096	4210500000		103		MAGGIE NEAL #6	WEGER (NORTH)	209.0	BIG LAKE GASOLINE
8143010	F-7L-037098	4210500000		103		UNIVERSITY GULF STATE 20 A #4	FARMER (SAN ANDRES)	127.0	BIG LAKE GASOLINE
8142963	F-7C-036766	4210500000		103		UNIVERSITY 2 A #1	FARMER (SAN ANDRES)	419.0	BIG LAKE GASOLINE
8143009	F-7C-037097	4210500000		103		UNIVERSITY 2 B #5	FARMER (SAN ANDRES)	182.0	BIG LAKE GASOLINE
-WORLD PRODUCERS INC				RECEIVED: 07/23/81 JA: TX					
8142928	F-7B-036009	4236731970		102-A		LEONARD #2	EL CHICO (STRAWN)	180.0	SOUTHWESTERN GAS

Other Purchasers: JD81-42991 thru 81-42996 Coltexo Corp; all other control numbers preceeded by (*): E E Dupont DeNemours & Co.

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before September 3, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24171 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

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[Volume 483]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 4, 1981.

JD AG	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION							
-DON RIDER PRODUCTION			RECEIVED: 07/13/81 JA: KS				
8141405	K 80-0944-A	1500700000	108-ER	STERNBURGER #2	AETNA POOL	13.5	CITIES SERVICE GA
-THE MAURICE L BROWN COMPANY			RECEIVED: 07/13/81 JA: KS				
8141404	K 81-0080	1505520408	103	AEILTS GAS UNIT #5	HUGOTON	73.0	NORTHERN NATURAL
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-AMOCO PRODUCTION CO			RECEIVED: 07/13/81 JA: NM				
8141549		3002526115	103	SOUTH HOBBS (GSA) UNIT #120	HOBBS (GSA)	5.1	PHILLIPS PETROLEU
8141550		3002526118	103	SOUTH HOBBS (GSA) UNIT #123	HOBBS (GSA)	4.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY			RECEIVED: 07/13/81 JA: NM				
8141564		3002504613	108	M S BERRYMAN NO 1	EUMONT (YATES-7 RIVERS -	13.0	NORTHERN NATURAL
-BELCO PETROLEUM CORPORATION			RECEIVED: 07/13/81 JA: NM				
8141561		3002523377	103	JAMES RANCH 11	LOS MEDANOS	0.0	NATURAL GAS PIPEL
-EL PASO NATURAL GAS COMPANY			RECEIVED: 07/13/81 JA: NM				
8141547		3004524818	103	FARMINGTON A #1E	BASIN DAKOTA	125.0	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION			RECEIVED: 07/13/81 JA: NM				
8141563		3002500000	108	NEW MEXICO AA STATE NO 4	LANGLIE-MATTIX	7.9	EL PASO NATURAL G
8141554		3002508113	108	PARKS NO 8	DRINKARD	16.0	EL PASO NATURAL G
-HARRIS & WALTON			RECEIVED: 07/13/81 JA: NM				
8141560		3002500000	108-ER	CHARLES WHITTEN B #3	JALMAT	0.0	EL PASO NATURAL G
-JOHN R KNOTT			RECEIVED: 07/13/81 JA: NM				
8141548		3004523452	103	STP-STATE #1	KUTZ PICTURED CLIFFS	72.0	EL PASO NATURAL G
-KERN CO			RECEIVED: 07/13/81 JA: NM				
8141555		3002527035	103	M L GOINS #3	EUMONT YATES 7 RIVERS QU	50.0	EL PASO NATURAL G
8141551		3002526509	103	M L GOINS NO 2	EUMONT YATES 7 RIVERS QU	50.0	EL PASO NATURAL G
-MILLARD DECK			RECEIVED: 07/13/81 JA: NM				
8141557		3002522721	108	SHELL STATE NO 1	LANGLIE MATTIX	1.8	EL PASO NATURAL G
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 07/13/81 JA: NM				
8141556		3001520993	108	MISSOURI-NEW MEXICO LAND COMM #1	SOUTH CARLSBAD MORROW	18.1	GAS COMPANY OF NE
-PENROSE ZACHARY OPERATING CO			RECEIVED: 07/13/81 JA: NM				
8141559		3002500000	108	MARSHALL #1	EUMONT	16.0	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 07/13/81 JA: NM				
8141558		3002502862	108	EV GBSA UN 2335 #001	VACUUM GB/SA	0.9	EL PASO NATURAL G
8141565		3002524206	108	PHILLIPS-E STATE #15	MALJAMAR GB/SA	2.7	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO			RECEIVED: 07/13/81 JA: NM				
8141562		3004523413	108	ALBINO CANYON #2	ALBINO	0.0	NORTHWEST PIPELIN
-YATES PETROLEUM CORPORATION			RECEIVED: 07/13/81 JA: NM				
8141553		3001523512	103	GLASS KINCAID OS #1	PENASCO DRAW-SA-YESO ASS	0.0	TRANSWESTERN PIPE
8141552		3001523588	102-4	ROUTH NU DEEP COM #2	BOYD MORROW	0.0	TRANSWESTERN PIPE
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION							
-AURELIUS GAS CO INC			RECEIVED: 07/14/81 JA: NY				

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JD NO	JA DET	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8141420	794	3101104628		108		ARTHUR JELLINGHAUS #1 350395	WEST AUBURN	8.0	CONSOLIDATED GAS
8141408	781	3101104448		108		C J BACON #1 350035	WEST AUBURN	8.0	CONSOLIDATED GAS
8141419	793	3101104389		108		EDITH PATTERSON #1 350615	WEST AUBURN	8.5	CONSOLIDATED GAS
8141413	786	3101104068		108		F W SHOEMAKER #1 350720	WEST AUBURN	8.5	CONSOLIDATED GAS
8141424	799	3109904111		108		G C SCHAFFER #1 351705	WATERLOO	13.6	CONSOLIDATED GAS
8141406	779	3109904064		108		J A DEWALL #1 351180	WATERLOO	13.6	CONSOLIDATED GAS
8141417	791	3101104571		108		JOHN FABIAN #1 350235	WEST AUBURN	8.0	CONSOLIDATED GAS
8141414	788	3101106060		108		JOSEPH STAEHR #1 600315	WEST AUBURN	7.9	CONSOLIDATED GAS
8141421	795	3101104540		108		KARL M SHANK #1 350715	WEST AUBURN	8.5	CONSOLIDATED GAS
8141423	797	3101104453		108		KELLY BURTLESS 350061	WEST AUBURN	8.0	CONSOLIDATED GAS
8141416	790	3101106644		108		L W SCHENCK #1 600314	WEST AUBURN	8.5	CONSOLIDATED GAS
8141412	785	3101104651		108		MODERN TISSUE #1 600310	WEST AUBURN	7.3	CONSOLIDATED GAS
8141407	780	3109904230		108		PAUL SIGRIST #1 351715	WATERLOO	13.6	CONSOLIDATED GAS
8141422	796	3101104241		108		R R BURTLESS #1 350060	WEST AUBURN	8.5	CONSOLIDATED GAS
8141425	800	3101105794		108		STANLEY PETHYBRIDGE #1 600313	WEST AUBURN	8.5	CONSOLIDATED GAS
8141411	784	3109904590		108		T E LARSON #1 351450	ROSE HILL	13.6	CONSOLIDATED GAS
8141415	789	3101104112		108		VINCENT KLOCK #1 350420	WEST AUBURN	8.0	CONSOLIDATED GAS
8141410	783	3101106466		108		W W PATTERSON JR #1 600312	WEST AUBURN	8.5	CONSOLIDATED GAS
8141409	782	3101104142		108		WARD OHARA #1 350550	WEST AUBURN	8.0	CONSOLIDATED GAS
8141418	792	3101104216		108		WARD OHARA #2 350550	WEST AUBURN	8.0	CONSOLIDATED GAS
OKLAHOMA CORPORATION COMMISSION									
-ANR PRODUCTION CO						RECEIVED: 07/13/81 JA: OK			
8141520	10221	3515321144		102-2		HECKART #1	S W MUTUAL	474.0	
-AMOCO PRODUCTION CO						RECEIVED: 07/13/81 JA: OK			
8141502	09703	3507322601		103		TRINOLE NO 30-1	SE ALPHA	36.0	WARREN PETROLEUM
8141500	09701	3507322602		103		WROBBEL A NO 1 (HUNTON)	SE ALPHA - HUNTON	20.0	WARREN PETROLEUM
8141501	09702	3507322602		103		WROBBEL A NO 1 (MISSISSIPPI)	SE ALPHA-MISSISSIPPI	20.0	WARREN PETROLEUM
-AN-SON CORPORATION						RECEIVED: 07/13/81 JA: OK			
8141533	09739	3504520907		103		BLAKLEY #1	MOCANE LAVERNE	548.0	
-ANADARKO PRODUCTION COMPANY						RECEIVED: 07/13/81 JA: OK			
8141495	9687	3500721884		103		BECKER A NO 1	MOCANE	913.0	PANHANDLE EASTERN
-ANDOVER OIL COMPANY						RECEIVED: 07/13/81 JA: OK			
8141459	10437	3501721888		102-2		DAVIS #3-2		160.0	DELHI GAS PIPELIN
8141459	10437	3501721888		103		DAVIS #3-2		160.0	DELHI GAS PIPELIN
8141516	10535	3501721832		102-2		EVANS #12-4		125.0	DELHI GAS PIPELIN
8141516	10535	3501721832		103		EVANS #12-4		125.0	DELHI GAS PIPELIN
8141450	10462	3501721773		102-2		GLOBE LIFE I #35-4		175.0	DELHI GAS PIPELIN
8141450	10462	3501721773		103		GLOBE LIFE I #35-4		175.0	DELHI GAS PIPELIN
8141458	10372	3501721382		102-2		MATTHIES #30-1		175.0	DELHI GAS PIPELIN
8141458	10372	3501721382		103		MATTHIES #30-1		175.0	DELHI GAS PIPELIN
8141503	09652	3501721732		103		RHODYBACK #10-2		6.0	DELHI GAS PIPELIN
8141476	09711	3507322635		103		SCHWARZ #36-1		250.0	DELHI GAS PIPELIN
-ANTHEM ENERGY INC						RECEIVED: 07/13/81 JA: OK			
8141472	09589	3507322855		103		WATSON 30-1	WEST OF LOYAL	91.3	PHILLIPS PETROLEU
-APACHE CORPORATION						RECEIVED: 07/13/81 JA: OK			
8141446	10472	3512900476		102-2		MERRICK #5		1.5	MICHIGAN WISCONSI
-APOLLO PRODUCTION LTD						RECEIVED: 07/13/81 JA: OK			
8141515	10448	3507322717		102-4		DUFFY NO 14-8	NW OKARCHE	426.5	SID RICHARDSON CA
8141515	10448	3507322717		103		DUFFY NO 14-8	NW OKARCHE	426.5	SID RICHARDSON CA
-ARCO OIL AND GAS COMPANY						RECEIVED: 07/13/81 JA: OK			
8141437	09692	3500721887		103		ETHEL FRY UNIT WELL #2	MOCANE-LAVERNE	38.5	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BEARD OIL COMPANY						RECEIVED: 07/13/81 JA: OK			
8141465	09410	3511921323			103	BENTLEY #4	SOUTH EAST PARADISE	40.0	CITIES SERVICE GA
-BECK PRODUCTION CO						RECEIVED: 07/13/81 JA: OK			
8141489	09642	3503120711			103	RICARDO NO 1	NORTH NELLIE	0.0	ARKANSAS LOUISIAN
-BULLOCK ENGINEERING CO						RECEIVED: 07/13/81 JA: OK			
8141485	09684	3504722234			103	HENNEKE #1	SOONER TREND	55.0	PHILLIPS PETROLEU
-BUNKER EXPLORATION CO						RECEIVED: 07/13/81 JA: OK			
8141473	9471	3505120777			102-4	NEVIUS #1A-25	KNOX A	0.0	ARKLA EXPLORATION
-C F BRAUN & CO						RECEIVED: 07/13/81 JA: OK			
8141504	09885	3512920434			102-2	MCCLELLAN #1	N STRONG CITY	1000.0	DELHI GAS PIPELIN
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 07/13/81 JA: OK			
8141512	09719	3504721288			103	FRANK BIRD A-3	N E ENID	25.0	CHAMPLIN PETROLEU
8141511	09723	3507322242			103	INEZ JONES NO 2	DOVER-HENNESSEY	139.0	EXXON CORP
8141529	09722	3508300000			103	SARAH HAMMOND NO 4	CASHION	84.0	CITIES SERVICE GA
-CHARLES HILL JR						RECEIVED: 07/13/81 JA: OK			
8141525	10213	3506321211			102-2	NOEL #1	CITRA	100.0	ARKANSAS LOUISIAN
-CIG EXPLORATION INC						RECEIVED: 07/13/81 JA: OK			
8141457	10432	3503920382			102-4	MEACHAM 1-24	WEATHERFORD PROSPECT	1100.0	COLORADO INTERSTA
-CITIES SERVICE COMPANY						RECEIVED: 07/13/81 JA: OK			
8141474	09714	3513921312			103	STONEBRAKER A #109	W STONEBRAKER	30.0	NORTHERN NATURAL
-CLIFFORD RESOURCES INC						RECEIVED: 07/13/81 JA: OK			
8141534	09743	3509300000			103	HIEBERT #1-22	MENO	60.0	PANHANDLE EASTERN
-COBRA OIL AND GAS CORPORATION						RECEIVED: 07/13/81 JA: OK			
8141455	10344	3515321154			102-4	COMBS 11 #1		365.0	NORTHERN NATURAL
8141455	10344	3515321154			103	COMBS 11 #1		365.0	NORTHERN NATURAL
-COTTON PETROLEUM CORPORATION						RECEIVED: 07/13/81 JA: OK			
8141519	10215	3501521000			102-3	FLANIGIN A NO 1	SICKLES NORTH	600.0	ARKANSAS-LOUISIAN
-COURT PAPPE JR						RECEIVED: 07/13/81 JA: OK			
8141443	09748	3507322776			103	RITA NO 1	SOONER TREND	475.0	CONOCO INC
-D & G GAS & OIL CO						RECEIVED: 07/13/81 JA: OK			
8141496	09693	3504722383			103	JOHNSON #2	WILDCAT	160.0	AMINOIL USA INC
-DAWN ENERGY CO						RECEIVED: 07/13/81 JA: OK			
8141482	09675	3504520902			103	ELLIOTT #1-24	MOCANE-LAVERNE	730.0	PANHANDLE EASTERN
-DECK OIL CO						RECEIVED: 07/13/81 JA: OK			
8141435	09707	3504722373			103	PETERS #1	DOUGLAS WEST	0.0	OKLAHOMA NATURAL
-DON J LEEMAN						RECEIVED: 07/13/81 JA: OK			
8141539	07827	3511121973			103	CHARTEEN #1	BRITTON FIELD	25.0	SWAB CORP
-DOUBLE EAGLE EXPLORATION						RECEIVED: 07/13/81 JA: OK			
8141497	09511	3510320965			103	TUBBS #2	S W GANSELL	15.0	AMINOIL USA INC
-DOWNEY OIL CO						RECEIVED: 07/13/81 JA: OK			
8141486	09769	3508321278			102-4	BESC #1 083-60119	S E GUTHRIE	0.0	CITIES SERVICE GA
-E C YEGEN						RECEIVED: 07/13/81 JA: OK			
8141461	10281	3513121666			102-2	CRENSHAW #78-2		40.0	DIAMOND-S GAS SYS
-ENERGY SERVICES INC						RECEIVED: 07/13/81 JA: OK			
8141498	10097	3501721524			102-2	PHILLIPS #2-1	NORTH YUKON	0.0	DELHI GAS PIPELIN
-ERGON INC						RECEIVED: 07/13/81 JA: OK			
8141478	09616	3510321056			103	ZORBA E-1	EAST POLO	50.0	ARCO OIL & GAS CO
-F C D OIL CORP						RECEIVED: 07/13/81 JAI OK			
8141480	09544	3507322721			103	GRELLNER 1-21	SOONER TREND	25.0	DALCO PETROLEUM I
-FLYNN ENERGY CORPORATION						RECEIVED: 07/13/81 JA: OK			
8141432	09736	3507322692			103	AGNEW 13-1	WEST MARSHALL	10.0	EASON OIL CO
8141430	09738	3507322798			103	ALBERT GABRIEL 13-1	WEST MARSHALL	12.0	EASON OIL CO
8141431	09737	3508310214			103	PEDIGO 7-1	EAST HENNESSEY FIELD	200.0	EASON OIL CO

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JD NO	DA DKT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8141433	09735	3508321438	103	VOGEL 7-1	WEST MARSHALL	24.0	EASON OIL CO
-GEORGE RODMAN INC			RECEIVED: 07/13/81 JA: OK				
8141444	09752	3504721283	108	WEHLING NO 22-1	SOONER TREND	7.7	ONG WESTERN INC
-GETTY OIL COMPANY			RECEIVED: 07/13/81 JA: OK				
8141540	10380	3501520772	102-2	BENNIE LINDLEY NO 1-30	N E SICKLES	340.0	ARKANSAS LOUISIAN
-GOLD-UM OIL CO			RECEIVED: 07/13/81 JA: OK				
8141487	10144	3514320651	102-2	LONGAN #3		15.0	DIAMOND-S GAS SYS
-GREAT BASINS PETROLEUM CO			RECEIVED: 07/13/81 JA: OK				
8141538	09726	3512120268	108	LALMAN NO 5	FISH CREEK FIELD	15.1	ARKANSAS LOUISIAN
-HAMILTON BROTHERS OIL CO			RECEIVED: 07/13/81 JA: OK				
8141521	10261	3504520883	102-2	PARKER NO 1-11	WILDCAT	250.0	MICHIGAN WISCONSI
-HARPER OIL COMPANY			RECEIVED: 07/13/81 JA: OK				
8141460	09699	3500320797	103	BLOYD A-2	SOUTH ALINE	73.0	DELHI GAS PIPELIN
-INTERNATIONAL VENTURES INC			RECEIVED: 07/13/81 JA: OK				
8141436	09704	3511122425	103	STATE WILDLIFE #1-21	BEGGS	24.0	PHILLIPS PETROLEU
-J P INVESTMENT CO			RECEIVED: 07/13/81 JA: OK				
8141452	09360	3504700306	102-4	CULP NO 1	PRAIRIE CENTER	272.0	CRA INC
-JAMAR EXPLORATION INC			RECEIVED: 07/13/81 JA: OK				
8141527	09491	3502520433	103	MATHESON #1-30	N W SAMPSEL	0.0	PANHANDLE EASTERN
-JET OIL COMPANY			RECEIVED: 07/13/81 JA: OK				
8141508	09730	3508321448	103	KINDSCHI #1	ELKHORN	0.0	EASON OIL CO
8141528	09729	3510321066	103	STATE N #1	S TONKAWA	12.0	ARCO O & G CORP
-JI CO EXPLORATION INC			RECEIVED: 07/13/81 JA: OK				
8141429	10137	3507322632	103	JICO-LEISHER #1	SOONER TREND	150.0	PHILLIPS PETROLEU
-JIMMY GRAY INC 79-1 PROGRAM			RECEIVED: 07/13/81 JA: OK				
8141434	09710	3504921493	103	WILSON NO 2	ANTIOCH NORTH	0.0	WARREN PETROLEUM
-JIMMY W GRAY			RECEIVED: 07/13/81 JA: OK				
8141470	09590	3504921479	103	KIMBERLY NO 1	FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
-KETAL OIL PRODUCING CO			RECEIVED: 07/13/81 JA: OK				
8141467	09621	3513121652	103	HOGUE A NO 1	ODLOGAH	0.1	
8141475	09622	3513121627	103	MENDELL A NO 2	ODLOGAH	0.1	DIAMOND S GAS SYS
-L & W EXPLORATION INC			RECEIVED: 07/13/81 JA: OK				
8141509	10117	3508121122	102-2	CRAWFORD NO 1-22	E SPRON	335.0	
8141445	10114	3508321484	102-3	LOWE NO 3-24	W LAWRIE	1.0	
8141499	10197	3508121216	102-2	RICH NO 1-34	S E ARLINGTON	9.0	
-L G WILLIAMS OIL COMPANY INC			RECEIVED: 07/13/81 JA: OK				
8141523	10267	3501721627	102-2	ESSARY NO 13-1	E EL RENO	203.0	PHILLIPS PETROLEU
8141524	10269	3501721628	102-2	NICEK NO 13-1	E EL RENO	712.0	PHILLIPS PETROLEU
8141522	10268	3501721623	102-2	STAFFORD NO 13-1	E EL RENO	0.0	PHILLIPS PETROLEU
8141454	08112	3501721499	102-2	1 BANNER CO-OP (ESCO)	NW YUKON	0.0	DELHI GAS PIPELIN
-MACKELLAR INC			RECEIVED: 07/13/81 JA: OK				
8141468	09598	3510321177	103	WILLIAMS #1	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
-MARYMAC CO			RECEIVED: 07/13/81 JA: OK				
8141488	10272	3508520233	102-4	WESLEY #1	NORTH PIKE	75.0	AMINOIL USA INC
-NEVA ASSOCIATES			RECEIVED: 07/13/81 JA: OK				
8141492	9194	3507121866	103	GUYER #1		73.0	CITIES SERVICE GA
-NFC PETROLEUM CORP			RECEIVED: 07/13/81 JA: OK				
8141456	10424	3501820651	102-4	CRUSE 1-28	OLIVER	60.0	CITIES SERVICE GA
-PCX CORP			RECEIVED: 07/13/81 JA: OK				
8141531	09732	3505320618	103	GRANT FEELY #1	N W VINING	280.0	
8141532	09733	3507122048	102-2	PEEL DEAL #1	E WASHUNGA	250.0	CITIES SERVICE GA
8141537		3510920439	102-2	SCHOOLLANDS #1	WITCHER	182.0	
8141469	09594	3505120738	102-4	SMITH #1	NORTH ALEX	150.0	

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JD NO	DA DKT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 07/13/81 JA: OK					
8141439	08429	3513900000		108		NINA #1	GUYMON HUGOTON	17.0	PANHANDLE EASTERN
8141440	8409	3513900000		108		OLIVE NO 1	GUYMON HUGOTON	14.4	PANHANDLE EASTERN
8141506	10050	3501721851		102-0		WIEMELC #2	WIEMEL C #2	0.0	
-PORTS OF CALL OIL CO				RECEIVED: 07/13/81 JA: OK					
8141518	10564	3501721225		102-2		HINTON NO 28-2	NW YUKON	438.0	PHILLIPS PETROLEU
8141517	10563	3501721743		102-2		PORTS NO 24-2	RICHLAND	197.0	PHILLIPS PETROLEU
-PRODUCTION OIL CORP				RECEIVED: 07/13/81 JA: OK					
8141463	08220	3510521958		103		HALSELL NO LH-122-XI	EAST LENAPAN	0.0	CITIES SERVICE GA
-RED EAGLE OIL CO				RECEIVED: 07/13/81 JA: OK					
8141510	9725	3508321452		103		RYLAND NO 1	SOONER TREND	110.0	CONOCO INC
-RICKS EXPLORATION CO				RECEIVED: 07/13/81 JA: OK					
8141536	10138	3501520981		102-4		KING #1	WILDCAT	337.0	ARKANSAS LOUISIAN
8141536	10138	3501520981		103		KING #1	WILDCAT	337.0	ARKANSAS LOUISIAN
-SAMSON RESOURCES COMPANY				RECEIVED: 07/13/81 JA: OK					
8141505	10375	3507920480		102-4		GOULD NO 1	SOUTH BOKOSHE	158.4	ARKANSAS LOUISIAN
8141483	09681	3506120370		102-4		WOODMORE NO 1	KINTA	182.5	ARKANSAS LOUISIAN
8141483	09681	3506120370		103		WOODMORE NO 1	KINTA	182.5	ARKANSAS LOUISIAN
-SAXON OIL COMPANY				RECEIVED: 07/13/81 JA: OK					
8141493	09306	3504722350		103		TOWELL NO 2	NORTHEAST ELKHORN	288.0	AMINOIL USA INC
-SEARCH DRILLING CO				RECEIVED: 07/13/81 JA: OK					
8141481	09683	3500721894		103		BARNETT #1-7	S W BALKO	47.5	NORTHERN NATURAL
8141484	09682	3504520885		103		MOYER #1-19	N E GAGE	468.0	NORTHERN NATURAL
-SEELY OIL CO				RECEIVED: 07/13/81 JA: OK					
8141477	09697	3507322663		103		HENRY OLTMANNS #1	SOONER TREND FIELD	360.0	PANHANDLE EASTERN
-SENECA OIL CO				RECEIVED: 07/13/81 JA: OK					
8141479	09625	3509321948		102-2		FRAZER NO 1-26	S ORIENTA	75.0	PANHANDLE EASTERN
8141479	09625	3509321948		103		FRAZER NO 1-26	S ORIENTA	75.0	PANHANDLE EASTERN
-SENECA OIL COMPANY				RECEIVED: 07/13/81 JA: OK					
8141426	10153	3509321938		102-2		RITTER NO 2-25	DANE	200.0	PANHANDLE EASTERN
8141426	10153	3509321938		103		RITTER NO 2-25	DANE	200.0	PANHANDLE EASTERN
8141507	10092	3513921335		102-2		WEHMEIER NO 1-12	S W DOMBEY	180.0	PANHANDLE EASTERN
8141507	10092	3513921335		103		WEHMEIER NO 1-12	S W DOMBEY	180.0	PANHANDLE EASTERN
-SHELL OIL CO				RECEIVED: 07/13/81 JA: OK					
8141530	09577	3500721485		103		CALHOON NO 2-4	MOCANE LAVERNE	87.5	NORTHERN NATURAL
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 07/13/81 JA: OK					
8141513	07547	3509300000		108		R T RATZLAFF NO 1	RINGWOOD	11.0	UNION TEXAS PETRO
8141491	8666	3503700000		108		STEWART FEE #35	CUSHING	2.0	ARCO OIL & GAS CO
8141490	8665	3503700000		108		STEWART FEE #52	CUSHING	0.1	ARCO OIL & GAS CO
-TENNECO OIL COMPANY				RECEIVED: 07/13/81 JA: OK					
8141526	10173	3515121040		102-4		SEELEY 1-34	LOVEDALE NW	164.0	NORTHERN NATURAL
-TEXACO INC				RECEIVED: 07/13/81 JA: OK					
8141535	10182	3505121035		102-4		LUTHER GRAY NO 1	NORTHWEST CHITWOOD	180.0	
8141535	10182	3505121035		103		LUTHER GRAY NO 1	NORTHWEST CHITWOOD	180.0	
8141447	10480	3508520406		102-2		WARD UNIT #1	SIMON	27.0	AMINOIL USA INC
-THE GHK COMPANY				RECEIVED: 07/13/81 JA: OK					
8141449	10439	3500920326		102-2		#1-27 THURMOND	WEST CARPENTER FIELD	3.0	EL PASO NATURAL G
8141448	10438	3500920363		102-2		MERRICK 1-28	CARPENTER	310.9	
8141427	10500	3500920289		102-2		PARTAIN 1-6	CARPENTER	262.8	
-TRIPLEDEE DRILLING CO				RECEIVED: 07/13/81 JA: OK					
8141462	10056	3501900000		102-0		POLECAT #2		180.0	AMINOIL USA INC
-UNION OIL COMPANY OF CALIF				RECEIVED: 07/13/81 JA: OK					
8141514	10456	3505120898		102-4		MCKENNA #1-14	SOUTH TABLER	350.0	
8141514	10456	3505120898		103		MCKENNA #1-14	SOUTH TABLER	350.0	

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-W M & A P FULLER						RECEIVED: 07/13/81 JA: OK			
8141471	09380	3508320920			103	M A MCNEIL NO 2	NORTHEAST RUSSELL	0.0	EASON OIL CO
-WALLACE OIL & GAS INC						RECEIVED: 07/13/81 JA: OK			
8141451	05190	3513921202			103	WALLACE OIL & GAS INC #1 EN2	OKLAHOMA HUGOTON	0.0	NORTHERN NATURAL
-WESSELY ENERGY CORPORATION						RECEIVED: 07/13/81 JA: OK			
8141494	09698	3500721999			103	ONDRACEK NO 1-15	S W LOGAN	75.0	NORTHERN NATURAL
-WILLIS EXPLORATION INC						RECEIVED: 07/13/81 JA: OK			
8141438	09647	3501721334			103	BARGMAN #1	NORTH LAKEVIEW AIRPORT	60.0	CONOCO INC
8141442	09646	3501721484			103	JONNA #1	NORTH LAKEVIEW AIRPORT	140.0	CONOCO INC
-WM J OCONNOR						RECEIVED: 07/13/81 JA: OK			
8141464	07722	3504321058			102-4	TURNER #1	WEST VICI	186.0	
-WOHNLICH OIL CO						RECEIVED: 07/13/81 JA: OK			
8141453	09358	3509332178			103	FULLER TRUST NO 11-1	RINGWOOD	36.5	PANHANDLE EASTERN
-WOODS PETROLEUM CORPORATION						RECEIVED: 07/13/81 JA: OK			
8141428	10156	3505121045			102-2	NIGHTINGALE #14-1	CHICKASHA TOWNSITE	288.0	ARKANSAS LOUISIAN
8141466	10264	3504921470			102-4	PHAROAH #15-3-A	N ANTIOCH	75.0	BUCKEYE NATURAL G
8141441	09961	3504921318			102-4	SHIRLEY #29-1	SW ELMORE	47.0	WARREN PETROLEUM
**********									
UTAH DIVISION OF OIL,GAS, & MINING									
**********									
-AMERICAN QUASAR PETROLEUM CO						RECEIVED: 07/16/81 JA: UT			
8141546	K-131-1	4304530151			103	UPRR 3-9	PINEVIEW	0.0	MOUNTAIN FUEL SUP
-CIG EXPLORATION INC						RECEIVED: 07/13/81 JA: UT			
8141543	K 129-6	4304730885			103	CIGE 62D-36-9-22	NATURAL BUTTES	520.0	COLORADO INTERSTA
8141541	K-129-7	4304730865			103	CIGE 83D-7-10-22	NATURAL BUTTES	260.0	COLORADO INTERSTA
-CIG EXPLORATION INC						RECEIVED: 07/17/81 JA: UT			
8141567	K 129-8	4304730854			103	CIGE 81D-4-10-21	NATURAL BUTTES	287.0	COLORADO INTERSTA
-COASTAL OIL & GAS CORP						RECEIVED: 07/13/81 JA: UT			
8141542	K 136-1	4304730890			103	NATURAL BUTTES 54	NATURAL BUTTES	383.0	COLORADO INTERSTA
-TEXOMA PRODUCTION CO						RECEIVED: 07/14/81 JA: UT			
8141545	K-107-13	4301930201			102-4	STATE 913 #1-A	WILDCAT	280.0	NATURAL GAS PIPEL
-THE ANSCHUTZ CORPORATION						RECEIVED: 07/17/81 JA: UT			
8141566	K 126-4	4304330145			102-2	ANSCHUTZ RANCH EAST U14-20	ANSCHUTZ RANCH	2000.0	NATURAL GAS PIPEL
**********									
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM									
**********									
-TENNECO OIL COMPANY						RECEIVED: 07/13/81 JA: NM 4			
8141544	NM-1059-80	3004511720			106	HAMNER #8	BLANCO PICTURED CLIFFS	0.0	EL PASO NATURAL G

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.204, file a protest with the Commission on or before September 3, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23479 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 4, 1981.

JD NO	JA DKT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD							
-ENSERCH EXPLORATION INC			RECEIVED: 07/13/81 JA: AL				
8141242	7-2-813 PD	0105720188	102-4	A E PINKERTON NO 24-13	NORTH FAYETTE	216.0	CORONADO TRANSMIS
8141261	7-2-814PD	0105720202	102-4	A E PINKERTON NO 25-3	NORTH FAYETTE	182.0	CORONADO TRANSMIS
-GEORGE G ANDERMAN			RECEIVED: 07/13/81 JA: AL				
8141244	6-3-8110 PD	0105720221	102-4	AIRHART-WATKINS 6-16	SOUTHWEST FAYETTE	0.0	CORONADO TRANSMIS
-GRACE PETROLEUM CORPORATION			RECEIVED: 07/13/81 JA: AL				
8141247	5-1-8116PD-A	0107520241	102-4	AUSTIN 10-11	BEAVERTON	108.0	NORTHWEST ALABAMA
8141256	6-3-815PD-A	0105720012	108	BARNES 3-13	BANKSTON	11.0	WARRIOR DRILLING
8141253	5-1-8111PD-A	0107520083	102-4	CUMMINGS 36-15	BEAVERTON	42.0	NORTHWEST ALABAMA
8141252	5-1-8112PD-A	0107520071	102-4	DELANEY 1-6	BEAVERTON	213.0	NORTHWEST ALABAMA
8141248	5-1-8115PD-A	0107520286	102-4	DELANEY 11-5	BEAVERTON	240.0	NORTHWEST ALABAMA
8141255	6-3-819PD-A	0105720010	108	FOWLER 5-16	DAVIS CHAPEL	14.0	CORONADO TRANSMIS
8141254	5-1-8119PD-A	0105700000	108	HUBBERT 24-14	HUBBERTVILLE	7.0	CORONADO TRANSMIS
8141250	5-1-8110PD-A	0107520148	102-4	OGDEN 10-4	BEAVERTON	222.0	NORTHERN ALABAMA
-MORROW OIL & GAS CO			RECEIVED: 07/13/81 JA: AL				
8141246	5-1-8127PD	0105720225	102-4	FOWLER 8-12 NO 1	SOUTHWEST FAYETTE	0.0	CORONADO TRANSMIS
8141245	5-1-8128PD	0105720229	102-4	MCDAVID 7-1 NO 1	SOUTHWEST FAYETTE	0.0	CORONADO TRANSMIS
-PETROLEUM CORPORATION OF TEXAS			RECEIVED: 07/13/81 JA: AL				
8141243	7-2-811 PD	0107520301	103	DELANEY-LOGGINS UNIT 3-15 WELL NO 1	BEAVERTON	273.6	NORTHWEST ALABAMA
-PRUET PRODUCTION CO			RECEIVED: 07/13/81 JA: AL				
8141251	3-20-8113PD	0107520308	102-4	CUNNINGHAM-TAYLOR 20-13 NO 1	BEAVERTON (PRODUCTIVE EX	686.0	SOUTHERN NATURAL
8141249	7-2-8111PD	0107520338	102-4	ROGERS 10-8 NO 1	NORTH BLOWHORN CREEK	58.0	SOUTHERN NATURAL
-SOUTHLAND ROYALTY CO			RECEIVED: 07/13/81 JA: AL				
8141258	7-2-815PD	0107520298	103	S PRIDDY 30-8 #1	BEAVERTON	300.0	SOUTHERN NATURAL
8141259	7-2-816PD	0107520298	102-4	S PRIDDY 30-8 #1	BEAVERTON	300.0	SOUTHERN NATURAL
-TRIAD OIL & GAS CO INC			RECEIVED: 07/13/81 JA: AL				
8141257	7-2-818PD	0107520268	103	WALLACE 5-14 WELL NO 1	STAR FIELD	730.0	TENNESSEE GAS PIP
8141260	7-2-817PD	0107520268	102-2	WALLACE 5-14 WELL NO 1	STAR FIELD	730.0	TENNESSEE GAS PIP
OHIO DEPARTMENT OF NATURAL RESOURCES							
-ADOBE OIL & GAS CORPORATION			RECEIVED: 07/13/81 JA: OH				
8141292		3413322389	103	V PALEVIN #1	SUFFIELD	25.0	EAST OHIO GAS CO
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 07/13/81 JA: OH				
8141293		3411925582	103	ORA ANDERSON NO 1	JACKSON	18.0	
8141294		3412724900	103	PARKER WOODS NO 1	HOPEWELL	18.0	
-APPALACHIAN PETROLEUM CORP			RECEIVED: 07/13/81 JA: OH				
8141295		3412122599	107-DV	W JOHNSON #6	JACKSON	3.5	COLUMBIA GAS TRAN
-BAGLEY LAND IMPROVEMENT INC			RECEIVED: 07/13/81 JA: OH				
8141296		3403520879	103	BAGLEY LAND IMPROVEMENT INC #I WELL	OLMSTED	0.0	COLUMBIA GAS OF O
-BANDS COMPANY INC			RECEIVED: 07/13/81 JA: OH				

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JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8141297A		3411122243		103		F CHRISTMAN	MALAGA	2.0	COLUMBIA GAS
8141297B		3411122243	D	107-TF		F CHRISTMAN	MALAGA	2.0	COLUMBIA GAS
-BELDEN & BLAKE & CO L P NO 76		RECEIVED: 07/13/81 JA: OH							
8141304		3416120057		103		GEORGE E HURLESS #1-1009	HARRISON	36.5	
8141305		3416120058		103		KERMIT IMLER #1-1015	UNION	36.5	
8141307		3416120062		103		MARY LOUISE MOORE #1-1047	UNION	36.5	
8141306		3416120060		103		MERLYN W & RUBY A MACE #2-1045	UNION	36.5	
8141303		3416120056		103		PAUL W GERMANN #1-1019	HARRISON	36.5	
8141300		3412520054		103		ROSE ANN GLASS 3-B #1013	BENTON	36.5	
8141299		3412520055		103		ROSE ANN GLASS 4-B #1012	BENTON	36.5	
8141301		3412520056		103		ROSE ANN GLASS 5-B #1011	BENTON	36.5	
-BELDEN & BLAKE AND CO #77		RECEIVED: 07/13/81 JA: OH							
8141298		3401921403		103		E FRANK #5-341044	ROSE	36.5	
8141302		3415123496		103		T & S RANKIN COMM #1-341064	MARLBORO	36.5	
-CHANSE PETROLEUM CORPORATION		RECEIVED: 07/13/81 JA: OH							
8141310		3400721464		103		JAMES & WILMA HAMILTON #3	LENOX	3.4	
-CLINTON OIL CO		RECEIVED: 07/13/81 JA: OH							
8141311		3408322910		103		WILLIAM WELLS #1-641	JACKSON	20.0	
-DORAN & ASSOCIATES INC		RECEIVED: 07/13/81 JA: OH							
8141313A		3412724996		103		PAMELA SIDWELL #1	JACKSON	12.0	COLUMBIA GAS TRAN
8141313B		3412724996	D	107-TF		PAMELA SIDWELL #1	JACKSON	12.0	COLUMBIA GAS TRAN
8141312A		3412724983		103		PERRY WOLFE #1	JACKSON	12.0	COLUMBIA GAS TRAN
8141312B		3412724983	D	107-TF		PERRY WOLFE #1	JACKSON	12.0	COLUMBIA GAS TRAN
8141314A		3412725169		103		SNOOK-KING #1	HOPEWELL	12.0	NATIONAL GAS & OI
8141314B		3412725169	D	107-TF		SNOOK-KING #1	HOPEWELL	12.0	NATIONAL GAS & OI
-EDCO DRILLING & PRODUCING INC		RECEIVED: 07/13/81 JA: OH							
8141315		3403124822		103		BL-2A HOLESKI	WARSAW	18.0	
8141316		3403124320		103		ED-2A MILLER-CLARK	MONROE	18.0	
-ENTERPRISE GAS & OIL INC		RECEIVED: 07/13/81 JA: OH							
8141325		3405922325		108		B RAMAGE #2		3.8	COLUMBIA GAS TRAN
8141322		3405922223		108		HARRIS-BAY #1		3.5	COLUMBIA GAS TRAN
8141320		3405922127		108		HOWELL #2		3.6	COLUMBIA GAS TRAN
8141323		3405922228		108		NICHOLSON-THORLA #1		3.9	COLUMBIA GAS TRAN
8141324		3405922263		108		ORR #1		3.7	COLUMBIA GAS TRAN
8141318		3405921853		108		REED #2		3.7	COLUMBIA GAS TRAN
8141319		3405921918		108		ROSSITER-ORR #1-P		3.7	COLUMBIA GAS TRAN
8141326		3405922412		108		RYAN-MCELROY #1		3.6	COLUMBIA GAS TRAN
8141317		3405921827		108		SAKACH #2		3.7	COLUMBIA GAS TRAN
8141328		3405922562		108		STONEY #1		3.5	COLUMBIA GAS TRAN
8141327		3405922485		108		TURNER #1		3.7	COLUMBIA GAS TRAN
8141321		3405922193		108		WAGLER #2		3.8	COLUMBIA GAS TRAN
8141329		3411923651	D	108		WHITE #1-P		3.7	COLUMBIA GAS TRAN
8141330		3411923825		108		WHITE #3		3.7	COLUMBIA GAS TRAN
-FRANK BRENDEL OIL & GAS CO		RECEIVED: 07/13/81 JA: OH							
8141309		3415120455		108		DILLON ELECTRIC #1	CANTON	4.5	EAST OHIO GAS
8141308		3415120424		108		HOPPLE #1		3.7	EAST OHIO GAS
-H I SMITH OIL & GAS INC		RECEIVED: 07/13/81 JA: OH							
8141382		3407523056		103		J WEAVER-W MCKEE #2	RIPLEY	18.0	COLUMBIA GAS TRAN
-HILLTOP DEVELOPMENT CORP		RECEIVED: 07/13/81 JA: OH							
8141331		3411925648		103		#2 JOHN & LEONA MCCANN	JACKSON	2.0	NATIONAL GAS & OI
-K S T OIL & GAS CO INC		RECEIVED: 07/13/81 JA: OH							
8141333		3415320899		103		KORBA UNIT #1	BOSTON	210.0	
8141336		3415320983		103		NORTHAMPTON BAPTIST CHURCH #1	NORTHAMPTON	200.0	

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8141332		3415320874		103		REDER-STALKER UNIT #1	NORTHAMPTON	160.0	
8141334		3415320900		103		WEBER UNIT #1	NORTHAMPTON	210.0	
8141335		3415320901		103		WHARTON #1	BOSTON	220.0	
-MOHAWK OIL & GAS CORP				RECEIVED: 07/13/81 JA: OH					
8141337		3412122306	D	107	-DV	RUTH WEBER #4-21	HARRIETSVILLE	60.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 07/13/81 JA: OH					
8141339		3411122259	D	107	-DV	CHRISTENA VAN FOSSEN #1	BETHEL	10.0	
-PENN-OHIO ENERGY CORP				RECEIVED: 07/13/81 JA: OH					
8141340A		3407522986		103		DON HEIM #1 (HOOPS)	KILLBUCK	68.0	COLUMBIA GAS TRAN
8141340B		3407522986	D	107	-TF	DON HEIM #1 (HOOPS)	KILLBUCK	68.0	COLUMBIA GAS TRAN
-PENWIM JOINT VENTURE				RECEIVED: 07/13/81 JA: OH					
8141344		3411924584		108		MOORE #1		6.7	COLUMBIA GAS TRAN
8141342		3411924578		108		MOORE #2		6.7	COLUMBIA GAS TRAN
8141341		3411924576		108		MOORE #3		6.7	COLUMBIA GAS TRAN
8141343		3411924580		108		MOORE #4		6.7	COLUMBIA GAS TRAN
8141347		3411924631		108		MOORE #5		6.7	COLUMBIA GAS TRAN
8141346		3411924630		108		MOORE #6		6.7	COLUMBIA GAS TRAN
8141348		3411924634		108		MOORE #7		6.7	COLUMBIA GAS TRAN
8141351		3411924644		108		MOORE #8		6.7	COLUMBIA GAS TRAN
8141350		3411924642		108		WILSON #1		3.7	COLUMBIA GAS TRAN
8141349		3411924638		108		WILSON #2		3.7	COLUMBIA GAS TRAN
8141345		3411924595		108		WILSON #3		3.7	COLUMBIA GAS TRAN
-PETROLEUM SECURITIES FUND - 80				RECEIVED: 07/13/81 JA: OH					
8141352		3408322849		103		CRAWFORD WM #2	JEFFERSON	0.0	
-PREMIER ENERGY CORP				RECEIVED: 07/13/81 JA: OH					
8141353A		3401320357		103		PAUL E MILLER #2	SOMERSET	0.0	COLUMBIA GAS TRAN
8141353B		3401320357	D	107	-TF	PAUL E MILLER #2	SOMERSET	0.0	COLUMBIA GAS TRAN
-PRICE DRILLING CO				RECEIVED: 07/13/81 JA: OH					
8141354		3407522826		103		BERNER #1	KILLBUCK	0.0	
8141355		3407522827		103		BERNER #2	KILLBUCK	0.0	
-QUAKER STATE OIL REFINING CORP				RECEIVED: 07/13/81 JA: OH					
8141358		3407321542		108		NATCO #15		1.0	PARAMOUNT TRANSMI
8141356		3407321539		108		NATCO #16		1.0	PARAMOUNT TRANSMI
8141357		3407321540		108		NATCO #17		1.0	PARAMOUNT TRANSMI
8141359		3407321617		108		NATCO #20		1.0	PARAMOUNT TRANSMI
8141360		3407321655		108		NATCO #21		1.0	PARAMOUNT TRANSMI
8141361		3407321656		108		NATCO #22		1.0	PARAMOUNT TRANSMI
8141364		3407321686		108		NATCO #23		1.0	PARAMOUNT TRANSMI
8141362		3407321667		108		NATCO #24		1.0	PARAMOUNT TRANSMI
8141363		3407321668		108		NATCO #25		1.0	PARAMOUNT TRANSMI
8141367		3407322063		108		NATCO #26		1.0	PARAMOUNT TRANSMI
8141365		3407321889		108		NATCO #27		1.0	PARAMOUNT TRANSMI
8141366		3407321959		108		NATCO #28		1.0	PARAMOUNT TRANSMI
8141368		3407322064		108		NATCO #29		1.0	PARAMOUNT TRANSMI
8141369		3407322068		108		NATCO #30		1.0	PARAMOUNT TRANSMI
8141372		3407322184		108		NATCO #31		1.0	PARAMOUNT TRANSMI
8141370		3407322188		108		NATCO #32		1.0	PARAMOUNT TRANSMI
8141371		3407322183		108		NATCO #34		1.0	PARAMOUNT TRANSMI
-RELIANCE ENERGY				RECEIVED: 07/13/81 JA: OH					
8141373		3408322898		103		RALPH FLACK #1	PLEASANT	6.0	COLUMBIA GAS TRAN
-ROCK JOINT VENTURE				RECEIVED: 07/13/81 JA: OH					
8141374		3411924597		108		BETZ #1		8.9	COLUMBIA GAS TRAN
8141377		3411924643		108		BETZ #2		8.9	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8141376		3411924637		108		BETZ #3		8.9	COLUMBIA GAS TRAN
8141378		3411924645		108		BETZ #4		8.9	COLUMBIA GAS TRAN
8141375		3411924633		108		BETZ #5		8.9	COLUMBIA GAS TRAN
8141380		3411924699		108		BETZ #6		8.9	COLUMBIA GAS TRAN
8141379		3411924698		108		BETZ #7		8.9	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED: 07/13/81 JA: OH					
8141381		3416726264		107-DV		CECILE MILLS #2	GRANDVIEW	11.0	
-TALBOTT OIL & GAS CO				RECEIVED: 07/13/81 JA: OH					
8141383		3410521926		103		GEORGE L WRIGHT #3	RUTLAND	9.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 07/13/81 JA: OH					
8141338		3411122194		107-DV		R HINES M-1	FRANKLIN	10.0	COLUMBIA GAS TRAN
-TIGER OIL INC				RECEIVED: 07/13/81 JA: OH					
8141384		3412122450		103		V CUNNINGHAM #1	ELK	0.0	COLUMBIA GAS TRAN
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-ANDOVER OIL COMPANY				RECEIVED: 07/10/81 JA: OK					
8141403	10436	3505121032		102-2		BOYD #33-1		150.0	DELHI GAS PIPELIN
8141403	10436	3505121032		103		BOYD #33-1		150.0	DELHI GAS PIPELIN
8141389	10438	3501721765		102-2		COOKSEY #10-3		125.0	DELHI GAS PIPELIN
8141389	10438	3501721765		103		COOKSEY #10-3		125.0	DELHI GAS PIPELIN
8141397	10305	3512520973		102-2		IRONS #32-1		100.0	PUBLIC SERVICE CO
8141397	10305	3512520973		103		IRONS #32-1		100.0	PUBLIC SERVICE CO
-APOLLO PRODUCTION LTD				RECEIVED: 07/10/81 JA: OK					
8141388	10290	3507322746		102-4		FRANCIS SENN NO 14-6	SOONER TREND	550.4	SID RICHARDSON CA
8141388	10290	3507322746		103		FRANCIS SENN NO 14-6	SOONER TREND	550.4	SID RICHARDSON CA
8141385	10046	3507322652		102-4		LEMKE NO 25-4	SOONER TREND	766.0	SID RICHARDSON CA
8141385	10046	3507322652		103		LEMKE NO 25-4	SOONER TREND	766.0	SID RICHARDSON CA
-B M C OIL & GAS INC				RECEIVED: 07/10/81 JA: OK					
8141396	10302	3504921408		102-2		BLEVINS 1-18	N W TURKEY	107.0	WELLHEAD ENTERPRI
-DOME PETROLEUM CORP				RECEIVED: 07/10/81 JA: OK					
8141393	09899	3504921323		102-4		MONTGOMERY #1-6	FOSTER SE	113.0	SOHIO PETROLEUM C
-EL PASO NATURAL GAS COMPANY				RECEIVED: 07/10/81 JA: OK					
8141401	08049	3500935590		108		BLISS #1	ERICK SOUTH-BROWN DOLOMI	20.0	EL PASO NATURAL G
-GEORGE RODMAN INC				RECEIVED: 07/10/81 JA: OK					
8141402	09599	3507321783		108		ANNA NO 13-1	SOONER TREND	1.8	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 07/10/81 JA: OK					
8141394	2689	3505935234		108		LEWIS A #1	MOCANE LAVERNE	19.0	NORTHERN NATURAL
8141398	10311	3505121046		102-4		WHITING #2	WATONGA-CHICK	200.0	MISSISSIPPI RIVER
8141398	10311	3505121046		103		WHITING #2	WATONGA-CHICK	200.0	MISSISSIPPI RIVER
-MARYMAC CO				RECEIVED: 07/10/81 JA: OK					
8141395	10273	3508520284		102-4		ALNEER #1	NORTH PIKE	75.0	AMINOIL USA INC
8141392	10257	3508505000		102-4		BAKER #1	NORTH PIKE	75.0	AMINOIL USA INC
8141386	10275	3508500000		102-4		GALT B-1	NORTH PIKE	25.0	AMINOIL USA INC
8141391	10274	3508520385		102-4		KIRKPATRICK FOUNDATION #1	NORTH PIKE	0.0	AMINOIL USA INC
8141390	10276	3508520200		102-4		OAKMAN - VANSANT #1	NORTH PIKE	75.0	AMINOIL USA INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 07/10/81 JA: OK					
8141399	10342	3501721852		102-2		WILLIAMS PJ #2	W CONCHO	0.0	
-TEXACO INC				RECEIVED: 07/10/81 JA: OK					
8141387	10285	3507322518		102-4		S W TITLE & TRUST NO 1	OKARCHE NE	213.0	CONOCO INC
8141387	10285	3507322518		103		S W TITLE & TRUST NO 1	OKARCHE NE	213.0	CONOCO INC
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 07/10/81 JA: OK					
8141400	08854	3501721516		103		DONALD 1-25	SOUTHWEST PIEDMONT	310.3	PHILLIPS PETROLEU

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
WEST VIRGINIA DEPARTMENT OF MINES									
-BEREA OIL AND GAS CORPORATION		RECEIVED: 07/13/81 JA: WV							
*8141264		4700121048		108		EVERETT TURNER #2	VALLEY	15.0	CONSOLIDATED GAS
*8141283		4700121062	D	108		RALPH L VOWLS #2	VALLEY	13.0	CONSOLIDATED GAS
*8141263		4700111060		108		WM P MCCLAIN #1	VALLEY	11.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP		RECEIVED: 07/08/81 JA: WV							
8141207		4701500959		108		ANDERSON L SIZEMORE #1	PLEASANT	3.1	CABOT CORP
8141225		4707900782		108		C E ALBERTSON #2	POCATALICO	20.4	CABOT CORP
8141224		4706700322		108		C FOREMAN #1	JEFFERSON	11.2	CABOT CORP
8141206		4701500997		108		E R MORRIS #1	PLEASANT	1.3	CABOT CORP
8141210		4701501004		108		FRED G MORTON #1	PLEASANT	10.4	CABOT CORP
8141212		4701501007		108		FRED G MORTON #2	PLEASANT	19.2	CABOT CORP
8141216		4701501019		108		G W MORTON HEIRS #1	PLEASANT	3.8	CABOT CORP
8141209		4701501002		108		GEORGE SIZEMORE #1	PLEASANT	11.7	CABOT CORP
8141213		4701501016		108		GUY CALDWELL #1	PLEASANT	6.7	CABOT CORP
8141214		4701501017		108		GUY CALDWELL #2	PLEASANT	6.7	CABOT CORP
8141219		4701900221		108		H HILL #1	FALLS	7.0	CABOT CORP
8141217		4701501020		108		INIS MORRIS #1	PLEASANT	3.0	CABOT CORP
8141232		4707900996		103		J L MCLEAN A-16	UNION	32.0	TENNESSEE GAS PIP
8141202		4707900963		107-DV		J L MCLEAN A-25	UNION	19.0	TENNESSEE GAS PIP
8141203		4707900980		107-DV		J L MCLEAN A-26	UNION	30.8	TENNESSEE GAS PIP
8141227		4707900980		103		J L MCLEAN A-26	UNION	30.8	TENNESSEE GAS PIP
8141200		4707900975		107-DV		J L MCLEAN A-33	UNION	3.0	TENNESSEE GAS PIP
8141226		4707900976		103		J L MCLEAN A-35	UNION	17.5	TENNESSEE GAS PIP
8141201		4707900966		107-DV		J L MCLEAN A-41	UNION	10.5	TENNESSEE GAS PIP
8141230		4707900967		107-DV		J L MCLEAN A-42	UNION	9.5	TENNESSEE GAS PIP
8141231		4707900994		107-DV		J L MCLEAN A-44	UNION	1.8	TENNESSEE GAS PIP
8141205		4700501312		107-DV		LITTLE COAL C-1	WASHINGTON	26.5	TENNESSEE GAS PIP
8141199		4700501328		107-DV		LITTLE COAL C-3	WASHINGTON	33.7	TENNESSEE GAS PIP
8141215		4701501018		108		MAUDE MULLINS #1	PLEASANT	5.4	CABOT CORP
8141222		4706700315		108		MINNER GAS UNIT #1	JEFFERSON	2.2	CABOT CORP
8141221		4706700314		108		MORRIS GAS UNIT #1	JEFFERSON	8.6	CABOT CORP
8141233		4708100293		108		PINEY COKING A-2	SLAB FORK	5.3	CABOT CORP
8141234		4708100312		108		PINEY COKING A-8	SLAB FORK	13.2	CABOT CORP
8141235		4708100313		108		PINEY COKING A-9	SLAB FORK	13.2	CABOT CORP
8141236		4708100314		108		POCAHONTAS LAND CORP A-3	SLAB FORK	8.2	CABOT CORP
8141204		4707900993		107-DV		PUTNAM CO B-15	UNION	7.5	TENNESSEE GAS PIP
8141241		4710900701		108		RED ASH UNIT 102 #1	HUFF CREEK	9.7	CABOT CORP
8141211		4701501006		108		RUSSELL DORSEY #1	PLEASANT	18.4	CABOT CORP
8141198		4703903651		107-DV		SILER COAL AND LAND A-11	WASHINGTON	35.0	TENNESSEE GAS PIP
8141229		4703903615		107-DV		SILER COAL AND LAND A-7	WASHINGTON	17.0	TENNESSEE GAS PIP
8141228		4703903513		107-DV		SILER COAL AND LAND CO A-4	WASHINGTON	16.5	TENNESSEE GAS PIP
8141218		4701501021		108		T CRUIKSHANK #1	PLEASANT	5.0	CABOT CORP
8141208		4701501001		108		W B STONE A-1	PLEASANT	9.7	CABOT CORP
8141223		4706700316		108		W R JOHNSON #2	JEFFERSON	12.1	CABOT CORP
8141237		4709901696		103		WILSON COAL & LD A-2	LINCOLN	13.2	TENNESSEE GAS PIP
8141238		4709901697		103		WILSON COAL A-3	LINCOLN	20.5	TENNESSEE GAS PIP
8141239		4709901719		103		WILSON COAL A-5	LINCOLN	100.0	TENNESSEE GAS PIP
8141240		4709901720		103		WILSON COAL A-6	LINCOLN	21.5	TENNESSEE GAS PIP
-DEVON CORPORATION		RECEIVED: 07/07/81 JA: WV							
8141197		4705300240		103		KEM #29 NORINE BAILEY	PARCHMENT	106.0	KAISER ALUMINUM &

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-EARL HANDLEY				RECEIVED: 07/13/81 JA: WV					
8141267		4701100402		108		EARL HANDLEY #1	GRANT	1.2	PENNZOIL CO
-GULF OIL CORPORATION				RECEIVED: 07/13/81 JA: WV					
8141289		4702101273		108		TALBOTT #2	VADIS	0.3	CONSOLIDATED GAS
8141288		4702101302		108		TALBOTT #3	VADIS	0.3	CONSOLIDATED GAS
8141284		4702101330		108		TALBOTT #4	VADIS	0.3	CONSOLIDATED GAS
8141285		4702101352		108		TALBOTT #5	VADIS	0.3	CONSOLIDATED GAS
8141286		4702101374		108		TALBOTT #6	VADIS	0.3	CONSOLIDATED GAS
8141290		4702101390		108		TALBOTT #7	VADIS	0.3	CONSOLIDATED GAS
8141291		4702101549		108		TALBOTT #8	VADIS	0.3	CONSOLIDATED GAS
-H D WELLS OIL & GAS EXPL & DEVEL IN				RECEIVED: 07/08/81 JA: WV					
8141220		4703902778		108		ANNE BLAIR ALDERSON #1	MALDEN DISTRICT	7.2	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED: 07/13/81 JA: WV					
8141280		4700100855		108		B-102	ELK	5.8	CONSOLIDATED GAS
8141281		4704102162		108		B-105	HACKERS CREEK	6.2	CONSOLIDATED GAS
8141279		4704102166		108		B-107	HACKERS CREEK	14.0	CONSOLIDATED GAS
8141271		4709701813		108		B-109	UNION	7.7	CONSOLIDATED GAS
8141282		4704102159		108		B-110	FREEMANS CREEK	15.9	CONSOLIDATED GAS
8141278		4700100845		108		B-76	PHILIPPI	5.7	CONSOLIDATED GAS
-MURVIN OIL CORP				RECEIVED: 07/13/81 JA: WV					
8141270		4708523866		108		G P BARTLETT #2	UNION	2.0	CONSOLIDATED GAS
-NRM PETROLEUM CORPORATION				RECEIVED: 07/13/81 JA: WV					
8141266		4704102145		108		EARL SMITH #1	WHEELER FORK	3.3	CONSOLIDATED GAS
8141265		4704102156		108		R HARRIS #1	SMITHS RUN	8.0	CONSOLIDATED GAS
-PILOT OIL & GAS CORP				RECEIVED: 07/13/81 JA: WV					
8141269		4702103405		108		GERWIG & KARICKHOFF 1-A	GLENVILLE SOUTH	4.0	CONSOLIDATED GAS
-PILOT OIL & GAS CORPORATION				RECEIVED: 07/13/81 JA: WV					
8141268		4702103406		108		GERWIG & KARICKHOFF 2-A	GLENVILLE SOUTH	4.0	CONSOLIDATED GAS
-ROSS & BARKER GAS CO				RECEIVED: 07/13/81 JA: WV					
8141262		4703501364		108		ESTEL E SIMMONS NO 1		4.8	COLUMBIA GAS TRAN
8141272		4703501358		108		MELVIN L CASTO NO 1		3.0	COLUMBIA GAS TRAN
8141273		4703501363		108		ROLLAND WINTER NO 1		2.3	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO				RECEIVED: 07/13/81 JA: WV					
8141274		4706100356		108		LYNCH #1	MORGANTOWN	1.0	WEIRTON STEEL DI
8141275		4706100358		108		LYNCH #2	MORGANTOWN	0.5	WEIRTON STEEL
8141276		4706100359		108		WELTNER #1	MORGANTOWN	1.5	WEIRTON STEEL
8141277		4706100361		108		WELTNER #2	MORGANTOWN	1.6	WEIRTON STEEL
-UNITED STATES ENERGY CORP				RECEIVED: 07/13/81 JA: WV					
8141287		4702102444		108		O A BROWN - 1A		13.6	CONSOLIDATED GAS

OTHER PURCHASERS

8141263	Brookly Union Gas Co
8141264	Brookly Union Gas Co
8141283	Brookly Union Gas Co

BILLING CODE 6450-85-C

The above notices of determinations were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determiniation are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any these determinations may, in accordance with 18 CFR 275.204, file a protest with the Commission on or before September 3, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23478 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

V 4 6 A G 1 9 8 1 UMI

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 4, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-A F ROBERTS JR			RECEIVED: 07/10/81	JA: TX			
8140891	F-7C-001089	4210500000	108-ER	SHANNON V NO 1	TODD NW (SAN ANDRES)	18.6	EL PASO NATURAL G
-ADA OIL EXPLORATION CORP			RECEIVED: 07/10/81	JA: TX			
8140970	F-03-028999	4214900000	102-2	NEWMAN FARMS #1	GIDDINGS	25.9	PHILLIPS PETROLEU
8140976	F-03-029232	4214900000	102-3	NEWMAN FARMS #2	GIDDINGS	810.0	PHILLIPS PETROLEU
8140975	F-03-029231	4214900000	102-2	NEWMAN FARMS #3	GIDDINGS	939.0	PHILLIPS PETROLEU
8140966	F-03-028765	4205100000	102-2	WOLFF #1	GIDDINGS	273.0	PHILLIPS PETROLEU
-ADOBE OIL & GAS CORPORATION			RECEIVED: 07/10/81	JA: TX			
8141122	F-7B-036120	4213332521	102-4	SNEED E NO 1	MANGUM NORTH (3200)	31.0	ODESSA NATURAL CO
-AGOIL INC			RECEIVED: 07/10/81	JA: TX			
8140905	F-02-019341	4246931362	102-4	MCCAN NO 2	CRAIN (4000) FIELD	30.0	TENNESSEE GAS PIP
8140903	F-02-019341	4246931362	103	MCCAN NO 2	CRAIN (4000) FIELD	30.0	TENNESSEE GAS PIP
-ALPAR RESOURCES INC			RECEIVED: 07/10/81	JA: TX			
8141055	F-10-034150	4235731013	102-4	HARBAUGH 1-147	LONE BUTTE (CLEVELAND)	36.0	PHILLIPS PETROLEU
-AMERICAN PUBLIC ENERGY CO			RECEIVED: 07/10/81	JA: TX			
8141121	F-7C-036119	4243532456	103	HULL #3	SONORA (CANYON-UPPER)	0.0	EL PASO NATURAL G
8141121	F-7C-036119	4243532456	107-TF	HULL #3	SONORA (CANYON-UPPER)	0.0	EL PASO NATURAL G
-AMERICAN QUASAR PETROLEUM CO			RECEIVED: 07/10/81	JA: TX			
8141022	F-08-033253	4247532205	102-4	EDWARDS #1	MARSTON RANCH (CLEARFORK	0.0	
8140918	F-03-025214	4215731068	102-4	WALZEL GAS UNIT #1-C	ROSENBURG (FRIO 4620)	1825.0	UNITED GAS PIPE L
8140916	F-03-025214	4215731068	103	WALZEL GAS UNIT #1-C	ROSENBURG (FRIO 4620)	1825.0	UNITED GAS PIPE L
8141103	F-03-035655	4215731068	102-4	WALZEL GAS UNIT #1-T	ROSENBURG (FRIO-5340) FI	1825.0	UNITED GAS PIPE L
-AMMEX PETROLEUM INC			RECEIVED: 07/10/81	JA: TX			
8140926	F-03-026615	4205130635	102-2	DEBBIE UNIT #1	GIDDINGS (AUSTIN CHALK)	343.0	CLAJON GAS CO
8140928	F-03-026615	4205130635	103	DEBBIE UNIT #1	GIDDINGS (AUSTIN CHALK)	343.0	CLAJON GAS CO
8140990	F-03-030267	4205130824	102-2	DORA #1	GIDDINGS (AUSTIN CHALK)	316.8	CLAJON GAS CO
8140990	F-03-030287	4205130824	103	DORA #1	GIDDINGS (AUSTIN CHALK)	316.8	CLAJON GAS CO
8140978	F-03-029275	4205130996	102-2	HARVEY M SMITH #4	GIDDINGS (AUSTIN CHALK)	152.6	CLAJON GAS CO
8140978	F-03-029275	4205130996	103	HARVEY M SMITH #4	GIDDINGS (AUSTIN CHALK)	152.6	CLAJON GAS CO
8140994	F-03-030762	4205130684	102-2	JULIE UNIT #1	GIDDINGS (AUSTIN CHALK)	237.6	CLAJON GAS CO
8140994	F-03-030762	4205130684	103	JULIE UNIT #1	GIDDINGS (AUSTIN CHALK)	237.6	CLAJON GAS CO
8140923	F-03-025400	4205130484	102-2	MUTHER UNIT #1	GIDDINGS (AUSTIN CHALK)	12.0	CLAJON GAS CO
8140923	F-03-025400	4205130484	103	MUTHER UNIT #1	GIDDINGS (AUSTIN CHALK)	12.0	CLAJON GAS CO
8140987	F-03-030286	4205130997	102-2	NELLIE UNIT #1	GIDDINGS (AUSTIN CHALK)	250.2	CLAJON GAS CO
8140987	F-03-030286	4205130997	103	NELLIE UNIT #1	GIDDINGS (AUSTIN CHALK)	250.2	CLAJON GAS CO
8140931	F-03-027055	4205130741	102-2	NICK #1	GIDDINGS (AUSTIN CHALK)	180.0	CLAJON GAS CO
8140931	F-03-027055	4205130741	103	NICK #1	GIDDINGS (AUSTIN CHALK)	180.0	CLAJON GAS CO
8140995	F-03-030763	4205130970	102-2	NICK #2	GIDDINGS (AUSTIN CHALK)	39.6	CLAJON GAS CO
8140995	F-03-030763	4205130970	103	NICK #2	GIDDINGS (AUSTIN CHALK)	39.6	CLAJON GAS CO
8141076	F-03-034946	4205131234	102-2	ORALEE #1	GIDDINGS (AUSTIN CHALK)	187.2	CLAJON GAS CO
8141076	F-03-034946	4205131234	103	ORALEE #1	GIDDINGS (AUSTIN CHALK)	187.2	CLAJON GAS CO

JD NO	DA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8141043	F-03-033964	4205130889			102-2	PAULINE UNIT #1	GIDDINGS (AUSTIN CHALK)	230.4	CLAJON GAS CO
8141043	F-03-033964	4205130889			103	PAULINE UNIT #1	GIDDINGS (AUSTIN CHALK)	230.4	CLAJON GAS CO
8140941	F-03-027686	4205130453			102-2	RICKEY K #1	GIDDINGS (AUSTIN CHALK)	104.0	CLAJON GAS CO
8140941	F-03-027686	4205130453			103	RICKEY K #1	GIDDINGS (AUSTIN CHALK)	104.0	CLAJON GAS CO
-AMOCO PRODUCTION CO						RECEIVED: 07/10/81 JA: TX			
8141150	F-02-036551	4239130558			103	EL OSO CATTLE CO #21	MARY ELLEN OCONNOR/STRAY	3.7	LA ROSA CORP
8141065	F-08-034650	4222732261			103	MRS CORA LEE ECHOLS B #21	IATAN EAST (HOWARD)	365.0	GETTY OIL CO
8140977	F-10-029266	4235730996			103	R P ROBERTS NO 10	HORIZON	16.4	PHILLIPS PETROLEU
-ANDERSON PETROLEUM INC						RECEIVED: 07/10/81 JA: TX			
8140940	F-7C-027454	4210532327			103	BILL CLEGG A 3-55	OZONA (CANYON SAND)	10.0	ANDERSON PIPELINE
8140940	F-7C-027454	4210532327			107-TF	BILL CLEGG A 3-55	OZONA (CANYON SAND)	10.0	ANDERSON PIPELINE
8140946	F-7C-028029	4240532381			103	PAULINE FRIESS B 3-102	OZONA (CANYON SAND)	55.0	SUTTON COUNTY PIP
-ARCO OIL AND GAS COMPANY						RECEIVED: 07/10/81 JA: TX			
8141174	F-04-036616	4213133908			108	HAGIST RANCH 268 #1	HAGIST RANCH (750 SAND)	18.0	TENNESSEE GAS PIP
8140967	F-04-028859	4221531042			103	ROY C PAGE GAS UNIT 1 WELL #3	TABASCO (R)	365.0	TENNESSEE GAS PIP
8141176	F-10-036615	4229530913			102-4	SORENSON NO 4	KIOWA CREEK N (MORROW U)	50.0	TRANSWESTERN PIPE
8140956	F-04-028471	4221531043			103	SWALLOW GAS UNIT WELL #9-UT	DONNA (6850)	450.0	TENNESSEE GAS PIP
8140956	F-08-028489	4236931093			103	WAHLENMAIER - STATE NO 3	WORSHAM EAST (CHERRY CAN	18.3	NATURAL GAS PIPEL
-ARKANSAS LOUISIANA GAS CO						RECEIVED: 07/10/81 JA: TX			
8140919	F-06-025257	4236531084			103	CUMMINGS #3	CARTHAGE (TRAVIS PEAK)	300.8	ARKANSAS LOUISIAN
-BAR-MAC & HOLLUB DRILLING CO						RECEIVED: 07/10/81 JA: TX			
8141096	F-03-035575	4205131333			102-4	HARRELL #2 LEASE #13069	INEZ JAMESON (NAVARRO -A	42.0	FERGUSON CROSSING
-BEN J TAYLOR						RECEIVED: 07/10/81 JA: TX			
8141123	F-78-036126	4236731978			103	ELDERS NO 2	MOBY DICK (CONGL)	0.0	EMPIRE PIPELINE C
-BLACK ROCK OIL & GAS CO INC						RECEIVED: 07/10/81 JA: TX			
8141060	F-01-034477	4232330812			108	BAKER RANCH NO 6-4-61 71970	GENESIS (OLMOS1930)	12.2	WEBB INDUSTRIES I
-BRAZOS PETROLEUM CO						RECEIVED: 07/10/81 JA: TX			
8141193	F-08-036682	4232930903			103	SNELL NO 2 WELL #25921	SPRABERRY (TREND AREA)	36.5	PHILLIPS PETROLEU
8141106	F-7C-035755	4238331748			103	SUGG NO 2	CALVIN (DEAN)	26.0	
-BULLOCK OIL CO INC						RECEIVED: 07/10/81 JA: TX			
8141147	F-78-036544	4220730818			103	J A HERTEL # 2 (13362)	SAGERTON N E (STRAWN)	0.0	CITIES SERVICE CO
-BYS INC						RECEIVED: 07/10/81 JA: TX			
8141053	F-04-034092	4213131968			102-4	HUMBLE-DOWDY FEE NO 2 RRC NO 119837	SEVEN SISTERS FIELD	175.0	TENNESSEE GAS PIP
-C & K PETROLEUM INC						RECEIVED: 07/10/81 JA: TX			
8141182	F-08-036636	4243130952			103	FOSTER 34 NO 4	CONGER (PENN)	180.0	TEXAS UTILITIES F
-CARL P HANKINS						RECEIVED: 07/10/81 JA: TX			
8140981	F-78-029429	4214390221			102-2	SAUNDERS 1-A ID #90221	RAUDIO CONGLOMERATE	5.0	LONE STAR GAS CO
-CHALLENGER MINERALS INC						RECEIVED: 07/10/81 JA: TX			
8141076	F-8A-034940	4211531432			103	R A NORET NO 1	CMI (SPRABERRY)	14.0	PHILLIPS PETROLEU
-CLAYTON W WILLIAMS JR						RECEIVED: 07/10/81 JA: TX			
8141015	F-03-032606	4205100000			102-2	FORREST SMALL UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8141020	F-03-032942	4205131012			102-2	GEORGE JANCIK UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
-COLA PETROLEUM INC						RECEIVED: 07/10/81 JA: TX			
8141040	F-10-033896	4217930747			103	SHARKE-SMITH #2	EAST PANHANDLE	8.5	PHILLIPS PETROLEU
-COLUMBIA GAS DEVELOPMENT CORP						RECEIVED: 07/10/81 JA: TX			
8141130	F-03-036221	4205131359			102-2	C A LEDNICKY WELL NO 1	GIDDINGS (AUSTIN CHALK)	115.0	FERGUSON CROSSING
-COMANCHE RESOURCES INC						RECEIVED: 07/10/81 JA: TX			
8140942	F-78-027751	4204900000			102-4	D B GUNN A NO 1	DALE (CADDO)	30.0	SIOUX PIPELINE CO
-CONOCO INC						RECEIVED: 07/10/81 JA: TX			
8141094	F-05-035349	4246730475			102-2	C E ELLIOTT GAS UNIT #4	FRUITVALE EAST (SMACKOVE	650.0	DELHI GAS PIPELIN
8141175	F-08-036610	4238900000			108	FORD GERALDINE UNIT #36 ID #21021	GERALDINE FORD	3.4	EL PASO NATURAL G
8141176	F-08-036611	4238900000			108	FORD GERALDINE UNIT #38 ID #21021	GERALDINE FORD	3.5	EL PASO NATURAL G
8141170	F-08-036595	4222700000			108	G O CHALK-C- #17 ID #02687	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEU

JD NO	JA OR I	API NO	D SEC CAT	WELL NAME
8141166	F-06-036593	4222700000	108	H R CLAY-A-#14 ID #02691
8141169	F-08-036594	4222700000	108	H R CLAY-A-#9
8141166	F-08-036590	4213500000	108	L E WIGHT -18-7-#5 ID #25220
8141167	F-78-036592	4215100000	108	LUCIE MAE WILSON #19 ID #01915
8141173	F-08-036608	4210900000	108	RAMSEY -22- #4 ID #24217
8141174	F-08-036683	4210931455	103	RAMSEY-22-#12 ID #24217
8141171	F-08-036597	4238900000	108	TXL-19-#1 ID #12313
8141174	F-8A-036609	4216500000	108	W H MOORE-45- #9 ID #13789
8141172	F-08-036599	4200332598	103	W T FORD #64 ID #01665
-CPL EXPLORATION INC				
8140973	F-03-029106	4215731103	102-4	WHELESS NO 1-M RRC# 89596
				RECEIVED: 07/10/81 JA: TX
-CRB OIL & GAS INC				
8141064	F-03-034535	4214930651	102-2	BUSE NO 1
8141095	F-03-035603	4214930693	102-2	SCHUBERT NO 1
8141075	F-03-034906	4214930733	102-2	TRIANGLE K NO 1
8141061	F-03-03453	4214930651	102-2	VON ROSENBERG NO 1
-CRYSTAL OIL COMPANY				
8140986	F-02-030059	4229732174	102-4	EL PASO NATURAL GAS #1-B
8141006	F-06-031869	4236531085	103	MYERS A #1
8141006	F-06-031869	4236531085	107-TF	MYERS A #1
				RECEIVED: 07/10/81 JA: TX
-DERNICK RESOURCES INC				
8141120	F-78-036110	4214330402	102-2	ANDREWS NO 1
8141118	F-78-036108	4214330409	102-2	ARMSTRONG NO 1
8141119	F-78-036109	4214330407	102-2	CANTRELL NO 1
-DIAMEX CO				
8140969	F-02-028892	4212331021	102-4	F KUESTER #1
8140951	F-02-028077	4212331072	102-4	F KUESTER #2
-DILLEY PRODUCTION CO				
8141050	F-10-034035	4248330691	108	RICE #14
8141049	F-10-034034	4248330694	108	RICE #15
8141048	F-10-034033	4248330693	108	RICE #16
-DINERO OIL CO				
8141131	F-04-036282	4224931246	103	DUNN GAS UNIT #1
-DISCOVERY OPERATING INC				
*8141008	F-7C-031904	4241330856	103	JACKSON #1
*8140997	F-7C-031393	4241330831	102-4	RIC #1
*8140997	F-7C-031393	4241330831	103	RIC #1
-DIVERSE INC				
8140913	F-78-024147	4236300000	103	#1 EUBANKS
-DOWCO PETROLEUM INC				
*8140904	F-06-020138	4240130723	102-4	J G ANDERSON UNIT #2 WELL #1
-DYNAMIC PRODUCTION INC				
8141112	F-02-035911	4217500000	108	HEARD NO 1 #83326
-ECHO PRODUCTION INC				
8140896	F-09-008785	4249700000	108-ER	KEOWN UNIT WELL NO 1
-EL PASO NATURAL GAS COMPANY				
8141143	F-10-036504	4208726022	108	BETENBOUGH #2
8141144	F-10-036505	4208726041	108	BRYAN #2
8141155	F-10-036559	4248326141	108	LAYCOCK B #1
-ENSERCH EXPLORATION INC				
8140939	F-05-027418	4228930373	103	EFFIE MAE HULL NO 1
8140950	F-06-028076	4220330762	103	H A DUNN C NO 1
-EPX CO				

FIELD NAME	PROD	PURCHASER
HOWARD GLASSCOCK	0.2	PHILLIPS PETROLEU
HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEU
COWDEN N	3.0	AMOCO PRODUCTION
ROUND TOP	10.2	LONE STAR GAS CO
FORD WEST (4100)	1.1	EL PASO NATURAL G
FORD WEST (4100)	13.1	EL PASO NATURAL G
OLDS	1.7	EL PASO NATURAL G
WASSON	8.5	SHELL OIL CO
FULMAN-MASCHO	5.8	PHILLIPS PETROLEU
PECAN GROVE (8000)	900.0	HOUSTON PIPELINE
GIDDINGS (AUSTIN CHALK)	2.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK-3	5.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	66.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	500.0	CLAJON GAS CO
CLEGG (WILCOX 8900)	1091.4	VALERO TRANSMISSI
BETHANY N E (COTTON VALL	71.2	UNITED GAS PIPELI
BETHANY N E (COTTON VALL	71.2	UNITED GAS PIPELI
MORGAN MILL (MARBLE FALL	35.0	CORONADO TRANSMIS
MORGAN MILL (MARBLE FALL	35.0	CORONADO TRANSMIS
MORGAN MILL (MARBLE FALL	35.0	CORONADO TRANSMIS
KUESTER (WILCOX 8070) FI	144.0	TEXAS EASTERN TRA
KUESTER FIELD	36.0	TEXAS EASTERN TRA
PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
MARY (4700)	73.0	NUE-WELLS PIPELIN
ELDORADO (CANYON)	104.4	ARCO OIL & GAS CO
GWYN WEST (CANYON)	40.5	CRA INC
GWYN WEST (CANYON)	40.5	CRA INC
WILDCAT	90.0	SOUTHWESTERN GAS
HENDERSON SOUTH	320.0	UNITED GAS PIPE L
WEESATCHE S (YEGUA 4800)	1.9	UNITED GAS PIPELI
BOONESVILLE (BEND CONGL)	0.0	LONE STAR GAS CO
PANHANDLE EAST	19.0	EL PASO NATURAL G
PANHANDLE EAST	25.0	EL PASO NATURAL G
PANHANDLE EAST - BROWN D	15.0	EL PASO NATURAL G
BEAR GRASS	1082.0	
WHELAN	581.0	

UMI 1 8 9 1 G A 6 4 V

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8141163	F-76-036584	4210532826	103	ODESSA ET AL 1 #3	INGHAM QUEEN	45.0	EL PASO NATURAL G
8141164	F-76-036586	4210532916	000	ODESSA ET AL 2 #3	INGHAM QUEEN	45.0	EL PASO NATURAL G
-EXCELSIOR OIL CORP			RECEIVED: 07/10/81 JA: TX				
8141063	F-06-035137	4245900000	103	FENTON HEIRS GAS UNIT NO 1 89996	ROSEWOOD (HOSSTON-COTTON	150.0	WESTERN GAS CORP
8141063	F-06-035137	4245900000	107-TF	FENTON HEIRS GAS UNIT NO 1 89996	ROSEWOOD (HOSSTON-COTTON	150.0	WESTERN GAS CORP
-EXXON CORPORATION			RECEIVED: 07/10/81 JA: TX				
8141079	F-04-03494	4226130538	103	C M ARMSTRONG 57-D (ID PENDING)	CANDELARIA (J-10)	280.0	NATURAL GAS PIPEL
*8141177	F-04-036612	4226130577	102-4	C M ARMSTRONG 60 (92643)	CANDELARIA (M-77)	365.0	ARMCO STEEL CORP
8141127	F-08-036185	4200332576	103	FULLERTON CLEARFORK UNIT #1419	FULLERTON	25.0	PHILLIPS PETROLEU
*8141096	F-06-035560	4245930425	102-4	GLADEWATER GAS UNIT 2 WELL 1	GLADEWATER (HAYNESVILLE)	800.0	ARMCO STEEL CORP
*8141096	F-06-035560	4245930425	107-TF	GLADEWATER GAS UNIT 2 WELL 1	GLADEWATER (HAYNESVILLE)	800.0	ARMCO STEEL CORP
*8140915	F-03-024730	4215730915	103	J H P DAVIS #58	THOMPSON (4400 SAND)	51.0	ARMCO STEEL CORP
*8141073	F-04-034871	4227331414	102-4	K R ALAZAN 343-T (86787)	ALAZAN (J-37)	474.5	ARMCO STEEL CORP
*8141186	F-04-036650	4227331478	103	K R CHILTIPIN 87 (09513)	HINOJOSA NORTH (F-15)	14.6	ARMCO STEEL CORP
8140902	F-03-018726	4247330307	103	KATY GAS FLD CONSOL UNIT #4207D	KATY (1-A)	380.0	UNITED TEXAS TRAN
*8141035	F-04-033653	4227331261	102-4	KING RANCH RANCHO PLOMO 20-D (8065*	BIG CAESAR S (H-40)	50.0	ARMCO STEEL CORP
*8140944	F-03-027989	4215731023	103	LOCKWOOD & SHARP A #88	THOMPSON (MIOCENE 3-8)	140.0	ARMCO STEEL CORP
8141109	F-08-035847	4200332659	103	MEANS/SAN ANDRES/UNIT #9162	MEANS	30.0	PHILLIPS PETROLEU
*8141190	F-04-036674	4235531561	102-4	MRS JOSIE MILLER ROSCOE #7 #09699	FLOUR BLUFF (I-02)	51.0	ARMCO STEEL CORP
*8140996	F-06-031276	4242320280	107-TF	OVERTON GAS UNIT 21 #1	OVERTON (HAYNESVILLE)	657.0	ARMCO STEEL CORP
*8141110	F-04-035872	4204730845	103	R J K JR TR BARROSA PASTURE 22-D (*	PITA NW (G-66)	730.0	ARMCO STEEL CORP
*8141095	F-04-035482	4226130550	102-4	RJK JR TR STILLMAN PASTURE 46 (905*	STILLMAN (K-43)	550.0	ARMCO STEEL CORP
*8141191	F-04-036675	4213132910	102-4	TEMPLE D SMITH #52D ID #90065	SEVEN SISTERS WEST (WILC	815.0	ARMCO STEEL CORP
*8141188	F-04-036653	4213132910	102-4	TEMPLE D SMITH #52F ID #90063	WEST SEVEN SISTERS (WILC	457.0	ARMCO STEEL CORP
-FEAGAN ENERGY INC			RECEIVED: 07/10/81 JA: TX				
8141154	F-78-036558	4235330963	102-4	RICHARD GESIN #2	WITHERS (ELLENBURGER)	38.5	PALO DURO PIPELIN
8141154	F-78-036558	4235330963	103	RICHARD GESIN #2	WITHERS (ELLENBURGER)	38.5	PALO DURO PIPELIN
-FOREST OIL CORPORATION			RECEIVED: 07/10/81 JA: TX				
*8140980	F-04-029379	4221500000	103	A A MCALLEN NO 19	MCALLEN RANCH (VICKSBURG	1400.0	VALERO TRANSMISSI
8140960	F-04-029379	4221500000	107-TF	A A MCALLEN NO 19	MCALLEN RANCH (VICKSBURG	1400.0	VALERO TRANSMISSI
-FORTUNE PRODUCTION CO			RECEIVED: 07/10/81 JA: TX				
*8141180	F-76-086029	4223531701	103	#2 CRAWFORD	BAKER RANCH (CANYON)	277.9	CRA INC
-GENERAL PRODUCTION CORP			RECEIVED: 07/10/81 JA: TX				
8141023	F-03-033242	4205131221	103	JOHN PLASEK NO 1	WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING
-GETTY OIL COMPANY			RECEIVED: 07/10/81 JA: TX				
8140912	F-09-023671	4249700000	108	AUDREY BROWN NO 1	BOONESVILLE (BEND CONGLO	14.4	LONE STAR GAS CO
8141023	F-03-033353	4205131195	102-2	C J SEBESTA B #1	GIDDINGS (AUSTIN CHALK)	481.0	FERGUSON CROSSING
8141185	F-10-036648	4223331022	103	HERRING A TRACT 2 NO 105	PANHANDLE HUTCHINSON	1.1	PANHANDLE EASTERN
8141184	F-10-036647	4223331029	103	HERRING A TRACT 2 NO 106	PANHANDLE HUTCHINSON	1.8	PANHANDLE EASTERN
8141133	F-78-036390	4235331036	103	LAKE TRAMMEL UNIT #100	LAKE TRAMMEL W (CANYON)	7.0	WEST LAKE NATURAL
8141134	F-78-036391	4235331037	103	LAKE TRAMMEL UNIT #99	LAKE TRAMMEL W (CANYON)	4.0	WEST LAKE NATURAL
8140916	F-78-024828	4235300000	108	NORTH NENA LUCIA UNIT NO 70	NENA LUCIA (STRAWN REEF)	7.2	WEST LAKE NATURAL
8140998	F-03-031490	4205100000	102-2	SETTEGAST OPERATIONS #1	GIDDINGS (AUSTIN CHALK)	1.0	FERGUSON CROSSING
8140974	F-02-029041	4212300000	102-4	SMITH RANCH A #1	WILDCAT	0.0	ESPERANZA TRANSMI
8141009	F-08-031940	4249531206	107-UP	UNIVERSITY 40-21 WELL NO 1	LITTLE JOE	2203.0	INTRATEX GAS CO
8141024	F-03-033351	4205131125	102-2	W T ELSIK #1	GIDDINGS (AUSTIN CHALK)	0.4	FERGUSON CROSSING
8140951	F-06-028475	4236500000	103	WERNER-POWELL WELL #2	CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8140957	F-06-028475	4236500000	107-TF	WERNER-POWELL WELL #2	CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8141183	F-10-036646	4223331014	103	YAKE D NO 4	PANHANDLE HUTCHINSON	0.4	PANHANDLE EASTERN
-GOLDKING PRODUCTION COMPANY			RECEIVED: 07/10/81 JA: TX				
8141007	F-02-031675	4217531385	102-4	E P NELSON NO 1	ANGEL CITY	306.0	HOUSTON PIPE LINE
-GRACE PETROLEUM CORPORATION			RECEIVED: 07/10/81 JA: TX				
8141169	F-76-036655	4223500619	108	CHARLTON NO 1	BROOKS CANYON	13.0	CRA INC

JD NO	JA DKT	API NO	D	SEC	LAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-GULF OIL CORPORATION						RECEIVED: 07/10/81 JA: TX			
8140900	F-10-018015	4223300000		108		E COCKRELL TRACT /B/ #5	PANHANDLE HUTCHINSON	3.6	GETTY OIL CO
8140901	F-10-018016	4223300000		108		E COCKRELL TRACT /B/ #6	PANHANDLE HUTCHINSON	3.6	GETTY OIL CO
8141181	F-10-036632	4219500000		108		HARRIET BRANOVIK #1	SHAPLEY	14.0	TRANSWESTERN PIPE
8141146	F-08-036543	4247532241		103		HUTCHINGS STOCK ASSN NO 1119	WAGON WHEEL (PENN)	60.0	CABOT CORP
8140938	F-10-027410	4219500000		108		R L MCCLELLAN #2	HANSFORD	15.0	NORTHERN NATURAL
-H K STASNEY & SONS CO						RECEIVED: 07/10/81 JA: TX			
8141014	F-78-032576	4220730961		103		GRICE CLYDE (WELL #6) #02145	SAGERTON N W /STRAWN/	12.0	CITIES SERVICE CO
-H V RISIEN						RECEIVED: 07/10/81 JA: TX			
8141071	F-10-034781	4250731127		102-4		EARL MCCLENDON #1	LENT (OLMOS)	493.0	SUNCETT ENERGY IN
8141070	F-01-034780	4250731206		102-4		EARL MCCLENDON #2 RRC ID #88667	LENT (OLMOS)	128.0	SUNCETT ENERGY IN
-HANSON MINERALS CO						RECEIVED: 07/10/81 JA: TX			
8141129	F-02-036217	4226530806		102-4		GORDON TALK #1 WELL	MALO DOMINGO (WILCOX 108	750.0	VALERO TRANSMISSI
-HARRISON INTERESTS LTD						RECEIVED: 07/10/81 JA: TX			
8141072	F-7C-034865	4210533244		103		NO 3 JOE F BEAN B	PIKES PEAK DRAW (CANYON)	300.0	INTRATEX GAS CO
8141072	F-7C-034865	4210533244		107-TF		NO 3 JOE F BEAN B	PIKES PEAK DRAW (CANYON)	300.0	INTRATEX GAS CO
-HENDRIKS HOLDING U S A LTD						RECEIVED: 07/10/81 JA: TX			
8141195	F-02-036687	4217500000		108		GERTRUDE RIGGS NO 1	KAREN BEAUCHAMP	11.0	UNITED GAS PIPELI
8141160	F-02-036577	4217500000		108		GERTRUDE RIGGS NO 4	KAREN BEAUCHAMP	12.0	UNITED GAS PIPELI
8141159	F-02-036576	4217500000		108		PAUL BETHKE NO 3	KAREN BEAUCHAMP	47.0	UNITED GAS PIPELI
-HIGHLAND PRODUCTION CO						RECEIVED: 07/10/81 JA: TX			
8141139	F-7C-036468	4210500000		108		BAILEY NO 3 WELL #42794	OZONA NE (CANYON SAND 75	12.6	NORTHERN NATURAL
-HMH OPERATORS						RECEIVED: 07/10/81 JA: TX			
8141051	F-08-034054	4243100000		103		NO 2 GUNTER	CONGER PENN FIELD	73.0	ESPERANZA PIPELIN
-HNG OIL COMPANY						RECEIVED: 07/10/81 JA: TX			
8141113	F-04-035944	4235500000		102-4		CHAPMAN-HEIRS A 113-18	ARNOLD-DAVID (10400)	2078.0	HOUSTON PIPELINE
8141113	F-04-035944	4235500000		103		CHAPMAN-HEIRS A 113-18	ARNOLD-DAVID (10400)	2078.0	HOUSTON PIPELINE
8141145	F-04-036534	4250530869		103		EUDOXIO MARTINEZ #1	J C MARTIN (LOBO)	1240.0	HOUSTON PIPELINE
8141115	F-09-036074	4209731602		102-3		GOOCH #1	WILDCAT	127.7	LONE STAR GAS CO
8141115	F-09-036074	4209731602		103		GOOCH #1	WILDCAT	127.7	LONE STAR GAS CO
8141124	F-08-036150	4247531717		103		NEAL-DYER 135 #1 25065	RHODA WALKER (CANYON 590	27.4	CLAJON GAS CO
8141158	F-7C-036570	4243531925		103		SHANNON 52 #1	SAWYER (CANYON)	87.0	INTRATEX GAS CO
8141157	F-7C-036569	4243532171		103		SHURLEY 98 #3	SAWYER (CANYON)	63.9	INTRATEX GAS CO
-HORIZON OIL & GAS CO OF TEXAS						RECEIVED: 07/10/81 JA: TX			
8141132	F-10-036304	4219530779		103		RUTH THORNDYKE #2-8 - - RRC#	HORIZON (CLEVELAND)	36.5	NORTHERN NATURAL
-HOUSTON OIL & MINERALS CORPORATION						RECEIVED: 07/10/81 JA: TX			
8141084	F-03-035191	4228730770		103		DELBERT GERSH UNIT NO 1	GIDDINGS (AUSTIN CHALK)	22.0	PGP GAS PRODUCTS
8141114	F-03-036025	4228730605		103		RINEY SPACEK NO 1	GIDDINGS (AUSTIN CHALK)	0.0	
-HUMBLE EXPLORATION CO INC						RECEIVED: 07/10/81 JA: TX			
8140907	F-03-022374	4214930395		102-2		CARUL SIEGERT #1 - 12752	GIDDINGS (AUSTIN CHALK)	0.4	PHILLIPS PETROLEU
8140907	F-03-022374	4214930395		103		CAROL SIEGERT #1 - 12752	GIDDINGS (AUSTIN CHALK)	0.4	PHILLIPS PETROLEU
8140911	F-03-023370	4214930429		102-2		CLARA FREYTAG #1 - 13043	GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEU
8140911	F-03-023370	4214930429		103		CLARA FREYTAG #1 - 13043	GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEU
-J B HERRMANN						RECEIVED: 07/10/81 JA: TX			
8141196	F-10-036689	4223331049		103		LUCAS #5 ID #04565	PANHANDLE-HUTCHINSON COU	20.2	PHILLIPS PETROLEU
-J B PRODUCTION CO						RECEIVED: 07/10/81 JA: TX			
8141069	F-70-034692	4229931666		103		A F BOOK NO 1 WELL	URBAN (MILES)	0.0	ODESSA NATURAL CO
-J D BRUMMETT						RECEIVED: 07/10/81 JA: TX			
8141037	F-02-033820	4246931700		103		ELIZABETH STUBBLEFIELD NO 1	VICTORIA 4800 FOOT SAND	150.0	VALERO TRANSMISSI
-JACK M GRIGSBY						RECEIVED: 07/10/81 JA: TX			
8140914	F-06-024620	4236530986		102-3		WHITAKER NO 1	CARTHAGE (COTTON VALLEY)	240.0	UNITED GAS PIPE L
8140914	F-06-024620	4236530986		103		WHITAKER NO 1	CARTHAGE (COTTON VALLEY)	240.0	UNITED GAS PIPE L
-JOHN G MIDDLETON						RECEIVED: 07/10/81 JA: TX			

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JD NO	DA OKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8141074	F-03-034887	4208931170		102-4		ROSS E MILLER NO 1	ROCK ISLAND WEST (2300)	54.0	VALERO TRANSMISSI
8141074	F-03-034887	4208931170		103		ROSS E MILLER NO 1	ROCK ISLAND WEST (2300)	54.0	VALERO TRANSMISSI
-JOHN G VOIGHT				RECEIVED: 07/10/81 JA: TX					
8140965	F-03-028784	4206900000		102-4		E J GRACEY NO 1	GARWOOD EAST (4100)	625.0	TENNESSEE GAS PIP
-JOHN N LUFLIN				RECEIVED: 07/10/81 JA: TX					
8141111	F-02-035877	4223931570		102-4		ROBINSON RANCH NO 1	CHICOLETE 4050 FRIO) FIE	0.0	
-JONES CO				RECEIVED: 07/10/81 JA: TX					
8140962	F-78-028597	4205932348		102-4		PRUET 2276 WELL #1 ID #85660	MASK (CADDO)	1000.0	DELHI GAS PIPELIN
-K & A INC				RECEIVED: 07/10/81 JA: TX					
8141094	F-03-035468	4248132077		102-4		SORREL HOLESOVSKY UNIT NO 1	CANEY CREEK (4200 FRIO)	256.0	NATURAL GAS PIPEL
8141094	F-03-035468	4248132077		103		SORREL HOLESOVSKY UNIT NO 1	CANEY CREEK (4200 FRIO)	256.0	NATURAL GAS PIPEL
-KA-HUGH INTERNATIONAL INC				RECEIVED: 07/10/81 JA: TX					
8141056	F-02-034162	4223931408		103		LIONEL PASTOR NO 1	LAWARD NE (6700)	60.0	UNITED GAS PIPELI
-KAMLOK INC				RECEIVED: 07/10/81 JA: TX					
8141116	F-02-036096	4246931723		103		LAURA A FAGAN WELL NO 17	MCFADDIN (3100)	120.0	UNITED GAS PIPELI
-KEITH U GRAHAM				RECEIVED: 07/10/81 JA: TX					
8141102	F-03-036581	4205131021		102-2		RHODES UNIT A NO 1	GIDDINGS (AUSTIN CHALK -	78.6	CHAMPLIN PETROLEU
-KILROY CO OF TEXAS				RECEIVED: 07/10/81 JA: TX					
8141046	F-02-034018	4217531360		102-4		ALBRECHT HEIRS #1	SIGMAN (COOK MOUNTAIN) P	250.0	TRANSCONTINENTAL
8140963	F-01-028609	4231130581		102-4		HAYS & EZZELL #1	SAN CAJA (BLOCK 85-7000)	329.0	NATURAL GAS PIPEL
8141038	F-02-033821	4217500000		102-4		JOHN HOFF #1	PECK (2900 FRIO) PROPOSE	219.0	TRANSCONTINENTAL
8141102	F-03-035638	4203931593		102-4		TEXASGULF INC FEE UNIT WELL #1-L	OLD OCEAN N (10150)	550.0	HOUSTON PIPE LINE
8141101	F-03-035637	4203931593		102-4		TEXASGULF INC FEE UNIT WELL #1-U	OLD OCEAN N (9750)	434.0	HOUSTON PIPE LINE
-LA JUNTA ENTERPRISES INC				RECEIVED: 07/10/81 JA: TX					
8140896	F-09-008787	4249700000		108-ER		WAGGONER NO 1 29091	BOONSVILLE (BEND CONGL G	20.6	LONE STAR GAS CO
8140897	F-09-008786	4249700000		108-ER		WAGGONER NO 2 30436	BOONSVILLE (BEND CONGL G	19.8	LONE STAR GAS CO
-LA SALLE ENERGY CORP.				RECEIVED: 07/10/81 JA: TX					
8141064	F-01-034645	4217700000		102-2		KOHOLL #1	PEACH CREEK	0.0	TIPPERARY INC
-LACY & BYRD INC				RECEIVED: 07/10/81 JA: TX					
8141117	F-7C-036105	4246131622		103		ROSS #1	SPRABERRY (TREND AREA)	10.0	MOBIL PRODUCING T
-LADD PETROLEUM CORPORATION				RECEIVED: 07/10/81 JA: TX					
8140892	F-78-002157	4236731006		103		CAMPBELL UNIT #2-C	TOTO (LIME M-1)	250.0	LONE STAR GAS CO
8140893	F-78-002160	4236731064		103		DURHAM UNIT #2	TOTO	211.7	LONE STAR GAS CO
8141077	F-7C-034941	4210532900		103		W A CHILDRESS 140-1	OZONA (CANYON SAND)	199.2	
8141077	F-7C-034941	4210532900		107-TF		W A CHILDRESS 140-1	OZONA (CANYON SAND)	199.2	
-LEAR PETROLEUM CORPORATION				RECEIVED: 07/10/81 JA: TX					
8140947	F-05-028031	4216130560		103		YOUNG ESTATE #1	HUNTER (COTTON VALLEY)	550.0	DELMI GAS PIPELIN
8140947	F-05-028031	4216130560		107-TF		YOUNG ESTATE #1	HUNTER (COTTON VALLEY)	550.0	DELMI GAS PIPELIN
-LILLY OIL CO				RECEIVED: 07/10/81 JA: TX					
8140894	F-10-007677	4206500000		108		LILLY-BARNARD #3	WEST PANHANDLE CARSON CO	18.0	NORTHERN NATURAL
-LONGHORN OIL PROPERTIES INC				RECEIVED: 07/10/81 JA: TX					
8141058	F-09-034428	4223700000		103		ROBERT STIMPSON ET AL #1A	HANLON (CADDO)	0.0	SOUTHWESTERN GAS
8141059	F-09-034429	4223700000		103		ROBERT STIMPSON ET AL #2	HANLON (CADDO)	0.0	SOUTHWESTERN GAS
-LONGHORN RESOURCES INC				RECEIVED: 07/10/81 JA: TX					
8141041	F-78-033938	4236731986		103		NEWBERRY #2-C	MOBY DICK (CONGL)	109.5	SOUTHWESTERN GAS
-LYONS PETROLEUM INC				RECEIVED: 07/10/81 JA: TX					
8141081	F-05-03508	4221300000		102-4		JESSE RAMSEY UNIT WELL NO 1	NORTH ATHENS (JAMES 9000	110.0	TEXAS UTILITIES F
-M W EDDLEMAN				RECEIVED: 07/10/81 JA: TX					
8140964	F-10-028783	4239330766		102-4		M-S-C NO 1	KILLEBREW (MORROW LO)	730.0	NORTHERN NATURAL
8140964	F-10-028783	4239330766		103		M-S-C NO 1	KILLEBREW (MORROW LO)	730.0	NORTHERN NATURAL
-MAJOR PETROLEUM CORP				RECEIVED: 07/10/81 JA: TX					
8140910	F-04-023169	4224931121		103		MUMME-THOMAS WELL NO 1	HENSHAW (3900 SAND)	150.0	NUE WELLS PIPELIN
-MARGO INC				RECEIVED: 07/10/81 JA: TX					

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140899	F-02-014809	4228500000			102-4	STOVALL #1	SPEAKS SW (5230)	146.0	TEXAS EASTERN TRA
→MCCORMICK OPERATING CO						RECEIVED: 07/10/81 JA: TX			
8140993	F-04-030707	4204730846			102-4	CARTER RANCH NO 5	NORTH RUCIAS	800.0	TRANSCONTINENTAL
8140971	F-06-029017	4240130871			102-3	FORBUS ESTATE GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	350.0	HYDROCARBON TRANS
8140971	F-06-029017	4240130871			107-TF	FORBUS ESTATE GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	350.0	HYDROCARBON TRANS
→MEMBOURNE OIL COMPANY						RECEIVED: 07/10/81 JA: TX			
8141126	F-10-036164	4235731114			102-4	JUDICE #6 WELL RRC#	HARDY (MORROW UPPER)	20.0	TRANSWESTERN PIPE
→MGF OIL CORP						RECEIVED: 07/10/81 JA: TX			
8141063	F-08-034536	4231732299			103	BLOCKER B #1	SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
8141066	F-08-034685	4231732267			103	LINNEY A #1	SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
8141067	F-7C-034672	4246131669			103	MEYER #1	SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
→MITCHELL ENERGY CORPORATION						RECEIVED: 07/10/81 JA: TX			
8140948	F-78-028053	4236300000			108	C C MCCLURE #2 65178	PALO PINTO S W (STRAWN)	9.0	SOUTHWESTERN GAS
8141021	F-78-032995	4236700000			108	C H STENGER #1	DICEY N (BIG SALINE CONG	0.0	SOUTHWESTERN GAS
8140955	F-03-028988	4231300000			103	FIRST NATIONAL BANK UNIT #1	DAY (WOODBINE)	0.0	LONE STAR
8140968	F-09-028668	4249700000			108	J J LARGENT #2	MORRIS (CONSOLIDATE CONG	5.0	UPHAM OIL & GAS
8140952	F-78-028246	4236300000			108	LAVERNE HARRIS #1 54351	LONE CAMP (BEND CONGL)	0.2	SOUTHWESTERN GAS
8141008	F-09-031591	4249700000			108	R D GRANTHAM #2 79212	BOONSVILLE (BEND CONGL G	8.0	NATURAL GAS PIPEL
8140949	F-78-028056	4236300000			108	R H GAULDIN #4 66825	GRAFORD (BEND CONGL)	6.0	SOUTHWESTERN GAS
8140953	F-09-028249	4223700000			108	SHIELDS-PURSLEY #1 69892	BOLING CRUM	2.4	SOUTHWESTERN GAS
8140908	F-09-022419	4223700000			108	SPILLER BLANTON #1 16052	CRAFTON W (MARBLE FALLS)	3.2	CITIES SERVICE GA
8141029	F-05-033502	4229330522			103	VIVIAN TRUETT #1	WILDCAT	300.0	TEXAS UTILITIES F
8141029	F-05-033502	4229330522			107-TF	VIVIAN TRUETT #1	WILDCAT	300.0	TEXAS UTILITIES F
→MONSANTO COMPANY						RECEIVED: 07/10/81 JA: TX			
8141010	F-05-032030	4221330063			102-4	WALTER REYNOLDS WELL NO 1	EUSTACE (SMACKOVER) FIEL	0.0	LONE STAR GAS CO
→MOSBACHER PRODUCTION CO						RECEIVED: 07/10/81 JA: TX			
8141137	F-01-086432	4217730560			102-3	H G ROBASON WELL NO 1	PEACH CREEK (AUSTIN CHAL	255.0	VALERO TRANSMISSI
8141137	F-01-086432	4217730560			103	H G ROBASON WELL NO 1	PEACH CREEK (AUSTIN CHAL	255.0	VALERO TRANSMISSI
→MUELLER ENGINEERING CORP						RECEIVED: 07/10/81 JA: TX			
8141089	F-02-035219	4224900000			108	MARY DAVIDSON #3-C	RAMIRENA SW (JACKSON SAN	4.0	VALLEY GAS TRANSM
→NATOMAS NORTH AMERICA INC						RECEIVED: 07/10/81 JA: TX			
8140961	F-10-028595	4240330582			102-4	MOORE #1-A	WHEELER PAN (HUNTON NW)	1087.0	EL PASO NATURAL G
→NATURAL ENERGY PRODUCTION CO						RECEIVED: 07/10/81 JA: TX			
8140917	F-09-025089	4223700000			103	WELCH A #1		0.0	SOUTHWESTERN GAS
→NEUMIN PRODUCTION CO						RECEIVED: 07/10/81 JA: TX			
*8141026	F-02-033377	4212331104			102-4	DUESER UNIT #1	HENZE E ROEDER SD	365.0	ALUMINUM CO OF AM
→NEV-TEX OIL & GAS INC						RECEIVED: 07/10/81 JA: TX			
8141097	F-7B-035574	4208300000			103	SUZANNE #1	CONSER-MURPHY (CROSSCUT)	15.0	ODESSA NATURAL CO
→OCEAN MINERALS INC						RECEIVED: 07/10/81 JA: TX			
8140920	F-7C-025339	4210532567			103	UNIVERSITY 4 24-29	INGHAM/QUEEN	73.0	SOUTHWESTERN GAS
→ORBIT VENTURES INC						RECEIVED: 07/10/81 JA: TX			
8141039	F-05-033829	4216130431			103	C R LAW NO 1	SIMSBORO NO (COTTON VALL	0.0	DELHI GAS PIPELIN
8141039	F-05-033829	4216130431			107-TF	C R LAW NO 1	SIMSBORO NO (COTTON VALL	0.0	DELHI GAS PIPELIN
→ORIGINALA PETROLEUM CORP						RELEIVED: 07/10/81 JA: TX			
8141104	F-09-035683	4223732999			103	L DUERSON ETAL #2	JACK COUNTY REGULAR	30.0	TEXAS UTILITIES F
→OVERLY OPERATING CO						RECEIVED: 07/10/81 JA: TX			
8141156	F-01-036566	4231131375			102-4	MITCHELL MALYDALN WELL NO 1	COW CREEK (730)	200.0	VALERO TRANSMISSI
→PEND OREILLE OIL & GAS CO						RECEIVED: 07/10/81 JA: TX			
8141002	F-02-031605	4229732175			102-4	PEET OIL CO ET AL NO 1 90090	FANT (WILCOX 9500) FIELD	548.0	VALLEY GAS TRANSM
8141093	F-02-035397	4229732590			102-4	R J PROSEN GAS UNIT #1	FANT (WILCOX 9500) FIELD	912.5	VALLEY GAS TRANSM
8141001	F-02-031604	4229700000			102-4	STANLEY PAWLIK GAS UNIT NO 1 90620	FANT (WILCOX 9500) FIELD	1460.0	VALLEY GAS TRANSM
→PENNZOIL PRODUCING COMPANY						RECEIVED: 07/10/81 JA: TX			
8141100	F-04-035017	4235504747			108	J H HARVEY NO 1	AGUA DULCE (UPPER CONSTO	2.0	UNITED GAS PIPE L

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JD NO	DA DRI	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-PETRO-LEWIS CORPORATION			RECEIVED: 07/10/81 JA: TX			
*8141062	F-06-035130	4245930435	107-TF J R BEALL ET AL NO 1	DELROSE (HAYNESVILLE) FI	248.0	UNITED GAS PIPELI
-PETROTEX MANAGEMENT CO			RECEIVED: 07/10/81 JA: TX			
8141019	F-02-032931	4246931533	102-4 PHIL MARTHILJOHNI I D	ANAQUA (3000)	92.0	NATURAL GAS PIPEL
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 07/10/81 JA: TX			
*8140994	F-10-030346	4223300000	108 JOHNSON V V #1	PANHANDLE WEST	18.6	EL PASO NATURAL G
-PIERRE PETROLEUM CORP			RECEIVED: 07/10/81 JA: TX			
8140974	F-10-029151	4206500000	103 PICKENS #5	PANHANDLE	73.0	TUCO INC
-PIONEER PRODUCTION CORPORATION			RECEIVED: 07/10/81 JA: TX			
8140924	F-10-026025	4246300000	102-0 MIXON #1-11	SWEETWATER CREEK (HUNTON	185.8	PIONEER NATURAL G
-R C SLACK			RECEIVED: 07/10/81 JA: TX			
8140905	F-06-020102	4249500000	108-ER BROWN & ALTMAN A/C #16	EMPEROR	14.5	WEST TEXAS GATHER
-R L BURNS CORP			RECEIVED: 07/10/81 JA: TX			
8141107	F-76-035782	4243530412	108 MAYER 5 NO 1	SAWYER (CANYON)	19.0	VALERO TRANSMISSI
-R L ZINN			RECEIVED: 07/10/81 JA: TX			
8141105	F-03-035700	4232131058	102-4 PIERCE ESTATE #1	BAY PRAIRIE SOUTH (FRIO	60.0	
-R LACY INC			RECEIVED: 07/10/81 JA: TX			
8141026	F-06-033459	4236500000	108 J W COOKE WELL #2-C RRC# 29751	CARTHAGE (UPPER PETTIT)	14.0	NATURAL GAS PIPEL
8141027	F-06-033457	4236500000	108 TURNER WELL #1 RRC# 29764	CARTHAGE (UPPER PETTIT)	7.0	NATURAL GAS PIPEL
-REITA OIL CO			RECEIVED: 07/10/81 JA: TX			
8141125	F-76-036159	4236731937	103 WESTMORELAND # 1-C	WHISKEY FLAT (LOWER ATOK	237.0	SOUTHWESTERN GAS
-RESOURCES INVESTMENT CORPORATION			RECEIVED: 07/10/81 JA: TX			
8141153	F-01-036555	4246530298	103 ARLEDGE #1-B	WILL-O (ELLENBURGER)	0.0	VALERO TRANSMISSI
8141154	F-02-036554	4217530595	103 P A ALBRECHT #1-B	BOYES (RECKLAW)	0.0	VALERO TRANSMISSI
-RETAMA OIL CORP			RECEIVED: 07/10/81 JA: TX			
8141057	F-01-034235	4250731391	102-4 J E GORMAN NO 1-87	LEONA RIVER W	150.0	VALERO TRANSMISSI
-RUTHERFORD OIL CORP			RECEIVED: 07/10/81 JA: TX			
8141060	F-03-034961	4270630122	102-4 STATE TRACT 104-L #3	GALVESTON BLK 104-L (SD	120.0	DOW CHEMICAL CO
-SAGE ENERGY CO			RECEIVED: 07/10/81 JA: TX			
8141065	F-03-035195	4205131128	102-2 BIRCH CREEK A #1 RRC #13891	GIDDINGS (AUSTIN CHALK)	286.0	FALCON GAS CO
8141067	F-03-035196	4205131289	102-2 BIRCH CREEK A #4 RRC #13891 #4	GIDDINGS (AUSTIN CHALK)	281.0	FALCON GAS CO
8141066	F-03-035196	4205131329	102-2 BIRCH CREEK A #5 RRC #13891 #5	GIDDINGS (AUSTIN CHALK)	293.0	FALCON GAS CO
8141088	F-03-035201	4214930817	102-2 HAMLET #1 RRC #13986	GIDDINGS (AUSTIN CHALK)	26.0	FALCON GAS CO
-SAMEDAN OIL CORPORATION			RECEIVED: 07/10/81 JA: TX			
8141151	F-06-036552	4249930628	103 SENIOR GAS UNIT NO 1	YANTIS (SMACKOVER)	325.0	DELHI GAS PIPELIN
-SANCHEZ-OBRIEN OIL & GAS CORP			RECEIVED: 07/10/81 JA: TX			
8141066	F-04-034664	4235500000	102-4 WRIGHT TRUST NO 1	MINNIE BOCK NORTH (7900)	500.0	DELHI GAS PIPELIN
-SAVOY OIL CO			RECEIVED: 07/10/81 JA: TX			
8141148	F-76-036545	4220730887	103 CLYDE GRICE #4 (02144)	SAGERTON N E (STRAWN)	22.0	CITIES SERVICE CO
8141149	F-76-036546	4220730867	103 R E MATHIS #3 (07660)	SAGERTON N E (STRAWN)	15.0	CITIES SERVICE CO
-SENTINEL PETROLEUM CORP			RECEIVED: 07/10/81 JA: TX			
8140928	F-76-026714	4213331220	102-2 AUTRY B-1 14374	MANGUM WEST (3100)	38.8	ODESSA NATURAL CO
8140927	F-76-026713	4213331781	102-2 AUTRY C-1 15166	MANGUM WEST (3100)	48.0	ODESSA NATURAL CO
8140930	F-76-026876	4213331325	102-2 AUTRY D-1 14882	MANGUM WEST (3100)	18.0	ODESSA NATURAL CO
8140929	F-76-026850	4213331537	102-2 AUTRY G-1 14900	MANGUM WEST (3100)	17.5	ODESSA NATURAL CO
8140985	F-76-029835	4213332231	102-4 AUTRY J	MANGUM WEST 3100	0.0	ODESSA NATURAL CO
8140954	F-76-028377	4213332303	102-2 AUTRY 22-A 16304	MANGUM WEST (3100)	12.3	ODESSA NATURAL CO
8140984	F-76-029804	4213331604	102-4 AUTRY 22-1 16276	MANGUM WEST (3100)	76.7	ODESSA NATURAL CO
8140932	F-76-027182	4213331590	102-2 AUTRY 27-1	MANGUM WEST (3100)	38.2	ODESSA NATURAL CO
8140933	F-76-027183	4213331606	102-2 AUTRY 27-3 14873	MANGUM WEST (3100)	2.4	ODESSA NATURAL CO
8140934	F-76-027184	4213331590	102-2 AUTRY 27-A-2 15165	MANGUM WEST (3100)	28.3	ODESSA NATURAL CO
8140935	F-76-027185	4213331562	102-2 GEORGIA MILLER #1-80505	MANGUM WEST (3100)	61.8	ODESSA NATURAL CO
8140986	F-76-029911	4213332265	102-4 LOUISE HARLOW NO 1 - 16364	MANGUM WEST (3100)	73.0	ODESSA NATURAL CO

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SHANE OIL CORP							
8140962	F-01-029527	4233130893		RECEIVED: 07/10/81 JA: TX			
			103	CHARLES M ASHLEY NO 1	JORDAN (NAVARRO B)	55.0	PRODUCERS GAS CO
-SHELL OIL CO				RECEIVED: 07/10/81 JA: TX			
8141044	F-04-033974	4242731372	102-4	MARTINEZ-STATE NO 5	RINCON NORTH (VICKSBURG	300.0	LONE STAR GAS CO
8140937	F-08-027245	4213500000	108	SLATOR E #00004	TXL(SAN ANDRES)	4.6	SHELL ET AL
8140936	F-08-027244	4213500000	108	SLATOR E #6	TXL (SAN ANDRES)	12.7	SHELL
8141003	F-8A-031611	4216500000	103	SOUTH WASSON CLEARFORK UNIT #6508S	WASSON 72	0.0	SHELL
-SIOUX NATURAL GAS CORP							
8140921	F-03-025365	4248131875		RECEIVED: 07/10/81 JA: TX			
			103	SHOPPE-WEIGHAT #1	BERNARD EAST (7700)	0.0	TENNESSEE GAS PIP
-SOUTHLAND DRILLING CO INC				RECEIVED: 07/10/81 JA: TX			
8140893	F-01-007707	4231130580	102-4	RHODE-LINDHOLM GAS UNIT #1	JAKE HAMON (1725)	182.0	TENNESSEE GAS PIP
8140895	F-01-007707	4231130580	103	RHODE-LINDHOLM GAS UNIT #1	JAKE HAMON (1725)	182.0	TENNESSEE GAS PIP
-SOUTHLAND ROYALTY CO				RECEIVED: 07/10/81 JA: TX			
8141187	F-7C-036652	4210500000	108	IRA CARSON #2-54	OZONA	7.0	NORTHERN NATURAL
8141136	F-7C-036453	4238300000	108	O F BOYD A #1-44	CALVIN	3.4	UNION TEXAS PETRO
-SOUTHWESTERN GAS EXPLORATION				RECEIVED: 07/10/81 JA: TX			
8140909	F-7B-023148	4236331893	103	CLAYTON C #1	GRAYFORD (BEND CONGL)	370.0	SOUTHWESTERN GAS
-SPINDLETOP OIL & GAS CO				RECEIVED: 07/10/81 JA: TX			
8140985	F-7B-029654	4236731920	102-4	HUTCHESON 1-C	RENO (CONGL)	180.0	LONE STAR GAS CO
8140983	F-7B-029654	4236731920	103	HUTCHESON 1-C	RENO (CONGL)	180.0	LONE STAR GAS CO
8140906	F-7B-020476	4236731354	102-4	KELLY #1-C (84204)	WEATHERFORD (STRAHN)	22.0	BUCKNER GAS CO
8140987	F-7B-030056	4236731845	102-4	MATHIS-C	SPRINGTOWN (5500)	220.0	LONE STAR GAS CO
8140967	F-7B-030056	4236731845	103	MATHIS-C	SPRINGTOWN (5500)	220.0	LONE STAR GAS CO
-STORM PRICHARD CO				RECEIVED: 07/10/81 JA: TX			
8141091	F-02-035348	4202537451	103	ALLEN MANUS 1-T	TYNAN (FRIO 2800)	2.7	GULF STATES EQUIT
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 07/10/81 JA: TX			
8141142	F-06-036491	4242300000	108	MITTS LAKE UNIT NO 1-4	MITTS LAKE (PALUXY)	0.3	LONE STAR GAS CO
8141140	F-6E-036486	4218300000	108	J C GRAY NO 17	EAST TEXAS	4.4	UNITED GAS PIPE L
8141034	F-08-033562	4213532929	103	J L JOHNSON D NO 7	JOHNSON (HOLT)	3.0	AMOCO PRODUCTION
8141033	F-7C-03355	4206130875	103	JAMESON REEF UNIT #4-34	JAMESON	144.0	LONE STAR GAS CO
8141141	F-02-036490	4246900000	108	MCFADDIN NO 1-16	MCFADDIN/2500/	5.6	TENNESSEE GAS PIP
-SUPRON ENERGY CORPORATION				RECEIVED: 07/10/81 JA: TX			
8141017	F-7C-032902	4210532483	102-2	UNIVERSITY 51-6 #2	FARMER (SAN ANDRES)	30.0	NORTHERN NATURAL
8141016	F-7C-032903	4210532485	102-2	UNIVERSITY 51-6 #5	FARMER (SAN ANDRES)	10.0	NORTHERN NATURAL
-T E D ENTERPRISES INC				RECEIVED: 07/10/81 JA: TX			
8140959	F-03-028570	4220131025	103	PINE VILLAGE UNIT WELL NO 1 (Y-5)	DYERSDALE N (Y-5) FIELD	365.0	HOUSTON PIPE LINE
8140960	F-03-028571	4220131025	103	PINE VILLAGE UNIT WELL NO 1 (8100)	DYERSDALE N (8100) FIELD	365.0	HOUSTON PIPE LINE
-TAMOE OIL & CATTLE CO				RECEIVED: 07/10/81 JA: TX			
8141128	F-7C-036212	4206130974	103	SILVER BUFFALO NO 1	BLOODWORTH N (CANYON 565	17.0	SUN GAS CO
8141004	F-08-031753	4237110909	108	UNIVERSITY #3-8	LEON VALLEY E (OBRIEN)	33.0	LARCO GAS CORP
8141005	F-08-031754	4237111275	108	UNIVERSITY #4-8	LEON VALLEY E (OBRIEN)	33.0	LARCO GAS CORP
-TEKRA RESOURCES INC				RECEIVED: 07/10/81 JA: TX			
8141090	F-7C-035201	4232730324	102-2	CLARK PFLUGER #1	MENARD N (CROSS-CUT)	0.0	
-TEXACO INC				RECEIVED: 07/10/81 JA: TX			
8141036	F-8A-033754	4241936937	103	BOB SLAUGHTER BLOCK WELL #329	SLAUGHTER	0.6	EL PASO NATURAL G
8141016	F-10-032804	4235730902	103	C H KELLN #1	CREST (DES MOINES)	11.7	PHILLIPS PETROLEU
-TEXAS OIL & GAS CORP				RECEIVED: 07/10/81 JA: TX			
8140922	F-10-025382	4219500000	103	ABELL A #1	HANSFORD (MORROW LOWER)	400.0	NORTHERN NATURAL
8141045	F-06-034006	4207330374	102-4	DUPLICHAIN #1	WHITE OAK CREEK (TRAVIS	100.0	DELHI GAS PIPELIN
8140999	F-03-031514	4248132083	102-4	NEISWENDER #1	BONUS	100.0	TRUNKLINE GAS CO
8140979	F-05-029289	4228930331	107-1F	RUSSELL A #1	BEAR GRASS (COTTON VALLE	365.0	UNITED GAS PIPELI
8140945	F-06-028026	4245930403	102-4	WILCO GAS UNIT #1-2	GILMER (BOSSIER SAND)	500.0	DELHI GAS PIPELIN
8140945	F-06-028026	4245930403	103	WILCO GAS UNIT #1-2	GILMER (BOSSIER SAND)	500.0	DELHI GAS PIPELIN

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JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXLAN OIL CO INC			RECEIVED: 07/10/81 JA: TX			
8140992	F-06-030663	4249930740	102-4 DENTON WHITE WELL #1 ID 89155	COKE (BACON)	288.0	LONE STAR GAS CO
8140992	F-06-030663	4249930740	103 DENTON WHITE WELL #1 ID 89155	COKE (BACON)	288.0	LONE STAR GAS CO
-TRIPLE L OIL CO INC			RECEIVED: 07/10/81 JA: TX			
8141106	F-02-035828	4223931499	102-4 J M BENNETT WELL NO 1-T	LASALLE WEST (7200 FRIO)	602.3	DELHI GAS PIPELIN
-U S OPERATING INC			RECEIVED: 07/10/81 JA: TX			
8141052	F-034060	4228730776	102-2 MARGARET NO 1	GIDDINGS (AUSTIN CHALK)	70.0	PGP GAS PRODUCTS
-UNION TEXAS PETROLEUM			RECEIVED: 07/10/81 JA: TX			
8140925	F-10-026491	4248330712	107-UP YOUNG NO 1-32	WHEELER NE (MORROW)	840.0	
-UNITED PETROSEARCH INC			RECEIVED: 07/10/81 JA: TX			
8141030	F-10-033546	4248330793	103 ELIZABETH 10-02	EAST PANHANDLE FIELD	16.5	PHILLIPS PETROLEU
8141032	F-10-033548	4248330794	103 KATHY 10-01	EAST PANHANDLE GAS	9.0	PHILLIPS PETROLEU
8141031	F-10-033547	4217930827	103 KRISTEN 94-01	EAST PANHANDLE GAS	2.1	PHILLIPS PETROLEU
-W R EDWARDS JR			RECEIVED: 07/10/81 JA: TX			
8141054	F-10-034111	4223300000	103 BARNHILL WELL NO 13-1	PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
8141047	F-10-034025	4223300000	103 JOHN PAUL #1	PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
8141192	F-10-036680	4223300000	103 LITTLE RASCALS #26	PANHANDLE HUTCHINSON	94.0	PANHANDLE PRODUCI
-WALTER EXPLORATION INC			RECEIVED: 07/10/81 JA: TX			
8141136	F-78-036397	4236331992	108 ALEXANDER NO 1 RRC ID NO 76823	RINGO (STRAWN)	7.0	LONE STAR GAS CO
8141135	F-78-036396	4236331997	108 MCDANIEL NO 1 RRC ID NO 79170	RINGO (STRAWN)	14.0	LONE STAR GAS CO
-WALTER VON CLEMENEN			RECEIVED: 07/10/81 JA: TX			
8140943	F-7C-027753	4239900000	102-4 A S BRIGHT #1 (81620)	CANDICE (GARDNER)	200.0	UNION TEXAS PETRO
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED: 07/10/81 JA: TX			
8141165	F-08-036588	4210332476	103 P J LEA ET AL NO 118	LEA (TUBB)	19.0	EL PASO NATURAL G
8141161	F-08-036579	4210332478	103 STATE EB NO 12	DUNE	10.0	EL PASO NATURAL G
-WEST TEXAS OIL & GAS CORP			RECEIVED: 07/10/81 JA: TX			
8141012	F-08-032530	4231700000	103 ANDERSON #1	SPRAYBERRY TREND AREA	0.0	ADOBE OIL & GAS C
8141013	F-08-032531	4231700000	103 LEAFFER #1	SPRAYBERRY TREND AREA	44.9	ADOBE OIL & GAS C
-WORLD PRODUCERS INC			RECEIVED: 07/10/81 JA: TX			
8141011	F-09-032127	4223733389	102-4 MATLOCK #1		100.0	SOUTHWESTERN GAS
8141011	F-09-032127	4223733389	103 MATLOCK #1		100.0	SOUTHWESTERN GAS
-ZONERGY INC			RECEIVED: 07/10/81 JA: TX			
8141042	F-03-033960	4205100000	102-2 FALKENBURG #1	GIDDINGS	0.0	

OTHER PURCHASERS VOLUME NO: 481

OTHER PURCHASERS VOLUME NO: 481

8140904	Murphy Oil Corp
8140915	E I Dupont De Nemours & Co Inc
8140944	E I Dupont De Nemours & Co Inc
8140991	Panhandle Eastern P L Co
8140996	E I Dupont De Nemours & Co Inc
8140997	Northern Natural Gas Co
8141008	Northern Natural Gas Co
8141035	E I Dupont De Nemours & Co Inc
8141026	Valerio Transmission Co
8141073	E I Dupont De Nemours & Co Inc
8141082	Arkansas Louisiana Gas Co
8141095	E I Dupont De Nemours & Co. Inc
8141096	E I Dupont De Nemours & Co Inc
8141110	E I Dupont De Nemours & Co Inc
8141177	E I Dupont De Nemours & Co Inc
8141180	Lone Star Gas Co
8141186	E I Dupont De Nemours & Co Inc
8141188	E I Dupont De Nemours & Co Inc
8141190	E I Dupont De Nemours & Co Inc
8141191	E I Dupont De Nemours & Co Inc

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275–203 and 275.204, file a protest with the Commission on or before September 3, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–23477 Filed 18–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Volume 490]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

[Volume 490]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 13, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ADOBE OIL & GAS CORPORATION		RECEIVED: 07/27/81 JA: OH							
8143220		3413322453		103		CARTER-JONES LUMBER COMPANY #1-B	BRIMFELD	23.0	EAST OHIO GAS CO
8143219		3413322346		103		V PALEVIN #1-B	BRIMFIELD	23.0	EAST OHIO GAS CO
-CAMERON BROS		RECEIVED: 07/27/81 JA: OH							
8143221		3411925711		103		ROSS JOHNSTON #4	UNION	18.0	
-CLARENCE SHERMAN		RECEIVED: 07/27/81 JA: OH							
8143272		3415723574		103		F E AND K A HYKES #1	GOSHEN	20.0	
8143270		3405922850		103		MAYOR-KRAMER UNIT #1	LIBERTY	20.0	
8143271		3405922851		103		MAYOR - KRAMER UNIT #2	LIBERTY	20.0	
-EDCO DRILLING & PRODUCING INC		RECEIVED: 07/27/81 JA: OH							
8143223		3403124184		103		KB-1B CONNER	TIVERTON	18.0	
-EMERALD EXPLORATION ASSOCIATES III		RECEIVED: 07/27/81 JA: OH							
8143224		3416726591		103		DARRELL BARNES #3	LIBERTY	40.0	
-FOUTS DRILLING CO		RECEIVED: 07/27/81 JA: OH							
8143225		3400922240		103		HARVEY #2	HARVEY	16.0	COLUMBIA GAS
-HADDAD & BROOKS INC		RECEIVED: 07/27/81 JA: OH							
8143226		3416726221		103		BLANEY LUMBER COMPANY 13-1	LIBERTY	27.0	
8143228		3416726223		103		BLANEY LUMBER COMPANY 14-1	LIBERTY	30.0	
8143227		3416726222		103		BLANEY LUMBER COMPANY 15-1	LIBERTY	27.0	
8143229		3416726269		103		BLANEY LUMBER COMPANY 15-2	LIBERTY	32.0	
-JACOBSON EXPLORATION		RECEIVED: 07/27/81 JA: OH							
8143238		3407523174		103		CASTELL #2	WASHINGTON	0.0	COLUMBIA GAS T C
-KENOIL		RECEIVED: 07/27/81 JA: OH							
8143231		3403124013		103		GLEN KING #2	TIVERTON	5.0	COLUMBIA GAS TRAN
-MEGAS CORP		RECEIVED: 07/27/81 JA: OH							
8143232		3412724941		103		JAMES L MCLAIN WELL #1	THORN	4.0	NATIONAL GAS & OI
8143233		3412725176		103		JAMES L MCLAIN WELL #2	THORN	4.0	NATIONAL GAS & OI
-NATIONAL PETROLEUM CORP		RECEIVED: 07/27/81 JA: OH							
8143235		3400721602		103		SPANGLER-ZALA #1	LENOX	15.0	EAST OHIO GAS CO
8143235		3400721602		107-TF		SPANGLER-ZALA #1	LENOX	15.0	EAST OHIO GAS CO
8143236		3400721603		103		SPANGLER-ZALA #2	LENOX	15.0	EAST OHIO GAS CO
8143236		3400721603		107-TF		SPANGLER-ZALA #2	LENOX	15.0	EAST OHIO GAS CO
8143234		3400721521		103		WILLIAM SMITH #5	LENOX	15.0	EAST OHIO GAS CO
8143234		3400721521		107-TF		WILLIAM SMITH #5	LENOX	15.0	EAST OHIO GAS CO
-NUCORP ENERGY COMPANY		RECEIVED: 07/27/81 JA: OH							
8143248		3400721431		103		CORKREAN NO 1	DENMARK	73.0	OHIO FUEL GAS CO
8143248		3400721431		107-TF		CORKREAN NO 1	DENMARK	73.0	OHIO FUEL GAS CO
8143249		3400721441		103		EARLE NO 1	NEW LYME	91.0	OHIO FUEL GAS CO
8143249		3400721441		107-TF		EARLE NO 1	NEW LYME	91.0	OHIO FUEL GAS CO
8143242		3400721244		103		G R WEAVER NO 1	DENMARK	58.0	OHIO FUEL GAS CO
8143242		3400721244		107-TF		G R WEAVER NO 1	DENMARK	58.0	OHIO FUEL GAS CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143243		3400721347		103		GUTZMAN NO 1	NEW LYME	36.0	OHIO FUEL GAS CO
8143243		3400721347		107-TF		GUTZMAN NO 1	NEW LYME	36.0	OHIO FUEL GAS CO
8143251		3400721449		103		H L MOORE #1	NEW LYME	27.0	OHIO FUEL GAS CO
8143251		3400721449		107-TF		H L MOORE #1	NEW LYME	27.0	OHIO FUEL GAS CO
8143240		3400721242		103		HOMWAY NO 1	SHEFFIELD	54.0	OHIO FUEL GAS CO
8143240		3400721242		107-TF		HOMWAY NO 1	SHEFFIELD	54.0	OHIO FUEL GAS CO
8143244		3400721382		103		KRUPINSKI NO 1	NEW LYME	73.0	OHIO FUEL GAS CO
8143244		3400721382		107-TF		KRUPINSKI NO 1	NEW LYME	73.0	OHIO FUEL GAS CO
8143246		3400721418		103		MIDDLEBROOKS UNIT #1	DENMARK	36.0	OHIO FUEL GAS CO
8143246		3400721418		107-TF		MIDDLEBROOKS UNIT #1	DENMARK	36.0	OHIO FUEL GAS CO
8143250		3400721442		103		MILLS #1	CHERRY VALLEY	36.0	OHIO FUEL GAS CO
8143250		3400721442		107-TF		MILLS #1	CHERRY VALLEY	36.0	OHIO FUEL GAS CO
8143237		3400721109		107-TF		OLIN #1	SHEFFIELD	25.0	OHIO FUEL GAS CO
8143238		3400721170		107-TF		OLIN NO 2	SHEFFIELD	25.0	OHIO FUEL GAS CO
8143239		3400721239		103		OLIN NO 4	SHEFFIELD	12.0	OHIO FUEL GAS CO
8143239		3400721239		107-TF		OLIN NO 4	SHEFFIELD	12.0	OHIO FUEL GAS CO
8143245		3400721417		103		REZNAK NO 1	ROME	54.0	OHIO FUEL GAS CO
8143245		3400721417		107-TF		REZNAK NO 1	ROME	54.0	OHIO FUEL GAS CO
8143247		3400721430		103		SKLERES UNIT #1	NEW LYME	27.0	OHIO FUEL GAS CO
8143247		3400721430		107-TF		SKLERES UNIT #1	NEW LYME	27.0	OHIO FUEL GAS CO
8143241		3400721243		103		SPURLOCK-WEAVER NO 1	DENMARK	18.0	OHIO FUEL GAS CO
8143241		3400721243		107-TF		SPURLOCK-WEAVER NO 1	DENMARK	18.0	OHIO FUEL GAS CO
-ORION ENERGY CORP		RECEIVED: 07/27/81 JA: OH							
8143252		3415723592		103		NORTH AMERICAN REFRACTORIES CO #2	FRANKLIN	10.0	
-OXFORD OIL CO		RECEIVED: 07/27/81 JA: OH							
8143253		3407525038		103		R FORTUNE #1	MONROE	10.0	
-POI ENERGY INC		RECEIVED: 07/27/81 JA: OH							
8143254		3400721279		103		BOYD #1	ROME	27.0	
8143254		3400721279		107-TF		BOYD #1	ROME	27.0	
8143258		3400721650		103		BURNETT #1	ROME	30.0	
8143258		3400721650		107-TF		BURNETT #1	ROME	30.0	
8143261		3400721675		103		CARPER-GANIM #1	ROME	10.0	
8143261		3400721675		107-TF		CARPER-GANIM #1	ROME	10.0	
8143259		3400721671		103		CSEHI-BROWN #1	ROME	21.0	
8143259		3400721671		107-TF		CSEHI-BROWN #1	ROME	21.0	
8143260		3400721672		103		FERRY #1	ROME	30.0	
8143260		3400721672		107-TF		FERRY #1	ROME	30.0	
8143256		3400721575		103		H KAMPF #7		15.0	
8143256		3400721575		107-TF		H KAMPF #7		15.0	
8143255		3400721375		103		KASSEY #1	COLEBROOK	30.0	
8143255		3400721375		107-TF		KASSEY #1	COLEBROOK	30.0	
8143257		3400721644		103		LAMBERT #2	ROME	10.0	
8143257		3400721644		107-TF		LAMBERT #2	ROME	10.0	
8143262		3400721685		103		SANBORN-SERIN #1	COLEBROOK	18.0	
8143262		3400721685		107-TF		SANBORN-SERIN #1	COLEBROOK	18.0	
-RELIANCE ENERGY		RECEIVED: 07/27/81 JA: OH							
8143263		3416922504		103		ZOLA BLOSSER #1	SALT CREEK	15.0	COLUMBIA GAS TRAN
8143263		3416922504		107-TF		ZOLA BLOSSER #1	SALT CREEK	15.0	COLUMBIA GAS TRAN
-ROBERT L CRAIG SR		RECEIVED: 07/27/81 JA: OH							
8143222		3403124105		103		S & L LAUGHLIN #1	JEFFERSON	12.0	NATIONAL GAS & OI
-SANDHILL ENERGY INC (OH)		RECEIVED: 07/27/81 JA: OH							
8143264		3416726119		103		DONALD BROWN #1	WARREN	10.5	
8143265		3416726126		103		DONALD BROWN #2	WARREN	17.5	

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143268		3416726374		103		EDWARD RINARD #2	LUDLOW	14.0	
8143266		3416726127		103		MAXINE BARNETT #2	BARLOW	17.5	
8143267		3416726282		103		NORMAN RIDGEWAY #3	GRANDVIEW	5.2	
-SCHRINSHER OIL & GAS EXPLORATION				RECEIVED: 07/27/81 JA: OH					
8143269		3416922403		103		DONALD BARNES #1	WOOSTER	0.0	EAST OHIO GAS CO
8143269		3416922403		107-TF		DONALD BARNES #1	WOOSTER	0.0	EAST OHIO GAS CO
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AMOCO PRODUCTION CO				RECEIVED: 07/24/81 JA: OK					
8143295	12648	3513900000		108		SHARP GAS UNIT #1 (2ND FILING)	GUYMON-HUGOTON	16.5	PHILLIPS PETROLEU
-ANADARKO PRODUCTION COMPANY				RECEIVED: 07/22/81 JA: OK					
8143193	10773	3500721965		102-4		TRETBAR A NO 1	FLORIS	91.0	PANHANDLE EASTERN
-APACHE CORPORATION				RECEIVED: 07/22/81 JA: OK					
8143214	10732	3503920379		102-2		K C CATTLE #1-E		0.0	ARKANSAS LOUISIAN
-B & H EXPLORATION CO				RECEIVED: 07/24/81 JA: OK					
8143296	10936	3514321341		102-2		GAZAWAY #1-A		33.0	DIAMOND S GAS SYS
-BLUE QUAIL ENERGY INC				RECEIVED: 07/22/81 JA: OK					
8143190	09837	3501721605		103		ATWOOD #2	E YUKON - NW/4 SW/4 S25	216.0	PHILLIPS PETROLEU
-BOBBY J DARNELL				RECEIVED: 07/22/81 JA: OK					
8143196	09774	3508321325		103		DUNSMORE #6	SOUTH MULHALL	30.8	EASON OIL CO
8143197	09773	3507322508		103		KITTY #1	SOONER TREND	27.4	EASON OIL CO
-CACTUS ENERGY				RECEIVED: 07/24/81 JA: OK					
8143279	09715	3508321315		103		BURKHARDT #2	S MARSHALL	14.5	EASON OIL CO
-CITIES SERVICE COMPANY				RECEIVED: 07/22/81 JA: OK					
8143209	09880	3502520320		103		OYLER A #2	N E SAMPSEL	135.0	PANHANDLE EASTERN
-CITIES SERVICE COMPANY				RECEIVED: 07/24/81 JA: OK					
8143278	09863	3504520879		103		CORAM A #1	S E HARMON	365.0	
-CLARK RESOURCES INC				RECEIVED: 07/22/81 JA: OK					
8143200	09216	3507322773		102-4		MERCER #20-1 (MISSISSIPPI)	SOONER TREND	0.0	CITIES SERVICE GA
8143200	09216	3507322773		103		MERCER #20-1 (MISSISSIPPI)	SOONER TREND	0.0	CITIES SERVICE GA
8143199	09217	3507322773		102-4		MERCER 20-1 (HUNTON)	SOONER TREND	250.0	CITIES SERVICE GA
8143199	09217	3507322773		103		MERCER 20-1 (HUNTON)	SOONER TREND	250.0	CITIES SERVICE GA
-CLARK RESOURCES INC				RECEIVED: 07/24/81 JA: OK					
8143294	11033	3504722588		102-4		WELLS 13-1 (MISENER)	SOONER TREND	75.0	CRA INC
8143294	11033	3504722588		103		WELLS 13-1 (MISENER)	SOONER TREND	75.0	CRA INC
-CLIFFORD RESOURCES INC				RECEIVED: 07/22/81 JA: OK					
8143194	09764	3509300000		103		H H UNRUH #1-29	RENO	82.0	PANHANDLE EASTERN
-CNR RESOURCES INC				RECEIVED: 07/22/81 JA: OK					
8143192	12958	3505121079		107-OP		#1-17 ANDERSON	W CHICKASHA	1116.0	SOUTHERN NATURAL
-CONOCO INC				RECEIVED: 07/24/81 JA: OK					
8143292	10968	3501121474		102-2		WOODRUFF NO 1	OMEGA	69.0	
-COTTON PETROLEUM CORPORATION				RECEIVED: 07/22/81 JA: OK					
8143188	09867	3501520845		102-4		CORDER NO 1	S W HINTON	200.0	TRANSOK PIPE LINE
8143206	10216	3501520987		102-4		GARRETT NO 1	N SICKLES	1700.0	
8143206	10216	3501520987		103		GARRETT NO 1	N SICKLES	1700.0	
8143205	10217	3501520970		102-4		STEWART NO 1	N SICKLES	900.0	TRANSOK PIPE LINE
-COTTON PETROLEUM CORPORATION				RECEIVED: 07/24/81 JA: OK					
8143299	10928	3501520958		102-2		DIBONA NO 1	S W HINTON	150.0	TRANSOK PIPE LINE
8143299	10928	3501520958		103		DIBONA NO 1	S W HINTON	150.0	TRANSOK PIPE LINE
-DAVIS OIL COMPANY				RECEIVED: 07/22/81 JA: OK					
8143198	09797	3501721724		103		HENRY NO 1	FORT RENO	100.0	DELHI GAS PIPELIN
-ECC OIL CO				RECEIVED: 07/24/81 JA: OK					

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8143298	09497	3514721704		103		SUMPTER #4
-FUTURE RESOURCES LTD				RECEIVED: 07/22/81 JA: OK		
8143287	09884	3500320785		103		LECRONE NO 1
-GULF OIL CORPORATION				RECEIVED: 07/24/81 JA: OK		
8143273	09920	3507322644		103		JENNIE OPDENHOFF 1-31
8143274	09921	3507322526		103		MARY GAITHER #1-29
-GULFSTREAM PETROLEUM CORP				RECEIVED: 07/24/81 JA: OK		
8143289	09935	3509321841		103		BROOMFIELD WELL NO 1-14
-H & W OPERATING				RECEIVED: 07/22/81 JA: OK		
8143185	09929	3515320121		102-4		PEACH #1
-HUNT ENERGY CORPORATION ET AL				RECEIVED: 07/24/81 JA: OK		
8143298	10909	3501520944		102-4		LAVON EARP #1
8143298	10909	3501520944		103		LAVON EARP #1
-INEXCO OIL COMPANY				RECEIVED: 07/22/81 JA: OK		
8143217	10849	3512920543		102-4		CLYDE BOTTOM NO 1-27
-JOSEPH I ONEILL JR				RECEIVED: 07/24/81 JA: OK		
8143287	09793	3509321227		108		CAMPBELL 1-40
-LADD PETROLEUM CORPORATION				RECEIVED: 07/24/81 JA: OK		
8143275	09922	3509321959		103		REXROAT #2
-MAPCO PRODUCTION COMPANY				RECEIVED: 07/24/81 JA: OK		
8143297	10952	3501922211		102-4		WESTHEIMER-NEWSTADT A #1-18
8143297	10952	3501922211		103		WESTHEIMER-NEWSTADT A #1-18
-MCFARLAND ENERGY INC				RECEIVED: 07/22/81 JA: OK		
8143189	09869	3506321231		103		MEADORS 2-27
8143187	09870	3506321231		103		OSBORNE 1-31
-MORAN EXPLORATION INC				RECEIVED: 07/24/81 JA: OK		
8143277	09858	3501721613		103		H&F REALTY #2
-MUSTANG PRODUCTION CO.				RECEIVED: 07/22/81 JA: OK		
8143213	10727	3507720226		102-2		METCALF #1-34
-NATOMAS NORTH AMERICA INC				RECEIVED: 07/22/81 JA: OK		
8143183	10815	3504321204		102-2		GILCHRIST #2-5
-NATURAL GAS ANADARKO INC				RECEIVED: 07/24/81 JA: OK		
8143276	10770	3500722013		102-4		GROVE #1-27
-P-T LTD 88				RECEIVED: 07/22/81 JA: OK		
8143182	09168	3504721931		103		DAVIS #22-2
8143181	09163	3507201930		103		DAVIS #3
8143184	09159	3504722372		103		LINHART #2
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 07/22/81 JA: OK		
8143201	09836	3501721634		103		MACH D #1
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 07/24/81 JA: OK		
8143286	09787	3513900000		108		MCCALL B #1
8143283	09856	3501721780		103		STANDARD LIFE A #1
-R CLAY UNDERWOOD				RECEIVED: 07/24/81 JA: OK		
8143281	09838	3500721939		103		JESSIE S ADAMS ET AL B #8
-RAMBLER OIL CO				RECEIVED: 07/22/81 JA: OK		
8143204	10778	3501121485		102-2		COOKSEY #2-34
-RICK BUCK OIL & GAS INVESTMENTS				RECEIVED: 07/22/81 JA: OK		
8143210	10496	3501721843		102-4		MOSIER NO 1
8143210	10496	3501721843		103		MOSIER NO 1
-RICKS EXPLORATION CO				RECEIVED: 07/22/81 JA: OK		
8143211	10730	3502920183		102-2		MCENTIRE 11A
-SAMEDAN OIL CORPORATION				RECEIVED: 07/24/81 JA: OK		
8143280	09917	3508720443		103		GRAY NO 1

FIELD NAME	PROD	PURCHASER
OGLESBY GAS FIELD	16.4	OKAN GAS CO
CHANEY DALE POOL OF RING	90.0	UNION TEXAS PETRO
SOUTH OMEGA	40.0	ONG-WESTERN INC
ALTONA	6.0	ONG-WESTERN
NORTHEAST ISABELLA	0.0	OKLAHOMA NATURAL
WILDCAT	0.0	WESTERN FARMERS E
WILDCAT	475.0	MICHIGAN WISCONSI
WILDCAT	475.0	MICHIGAN WISCONSI
HAMMON	182.0	TRANSWESTERN PIPE
N E CEDARDALE	12.0	MICHIGAN WISCONSI
RINGWOOD	101.2	RINGWOOD GATHERIN
WEST HEWITT FIELD	6.8	AMINOIL USA INC
WEST HEWITT FIELD	6.8	AMINOIL USA INC
NORTH FUHRMAN	0.0	PUBLIC SERVICE CO
NORTH FUHRMAN	0.0	PUBLIC SERVICE CO
YUKON AREA	0.0	PHILLIPS PETROLEU
RED OAK	300.0	ARKANSAS LOUISIAN
FONDA	20.0	PHILLIPS PETROLEU
SOUTH BALKO	470.0	TRANSWESTERN PIPE
SOONER TREND	0.0	WELLHEAD ENTERPRI
SOONER TREND	50.0	WELLHEAD ENTERPRI
SOONER TREND	50.0	WELLHEAD ENTERPRI
	0.0	PANHANDLE EASTERN
GUYMON HUGOTON	21.0	MICHIGAN WISCONSI
	0.0	OKLAHOMA NATURAL
CIMARRON BEND	226.0	PANHANDLE EASTERN
SQUAW CREEK	0.0	TRANSOK PIPELINE
NORTHEAST OF PIEDMONT	0.0	OKLAHOMA NATURAL
NORTHEAST OF PIEDMONT	0.0	OKLAHOMA NATURAL
WARDVILLE	154.0	ARKANSAS LOUISIAN
	35.0	SUN GAS CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SCHICK OIL & GAS INC						RECEIVED: 07/22/81 JA: OK			
*8143212		3509321990		103		RUTH ENSZ 11-1	RINGWOOD	18.0	PIONEER GAS PRODU
-SEARCH DRILLING CO						RECEIVED: 07/24/81 JA: OK			
8143285	09741	3500721908		103		KLIEWER #1-25	E BOYD	102.8	
-SEELY OIL CO						RECEIVED: 07/24/81 JA: OK			
8143284	09689	3509321796		103		JAY LEIERER #1	RINGWOOD	90.0	PANHANDLE EASTERN
-SENECA OIL COMPANY						RECEIVED: 07/22/81 JA: OK			
8143216	10814	3513921385		102-2		ATKINS #1-28	WEST DOMBEY	123.0	PANHANDLE EASTERN
8143216	10814	3513921385		103		ATKINS #1-28	WEST DOMBEY	123.0	PANHANDLE EASTERN
-SERVICE DRILLING CO						RECEIVED: 07/24/81 JA: OK			
8143293	10998	3514722296		102-2		GRUVER #1		36.0	DIAMOND S GAS SYS
-SOUTHPORT EXPLORATION INC						RECEIVED: 07/22/81 JA: OK			
8143218	10883	3505121058		102-4		M DOUGLAS ADDY NO 1	EAST ALEX	365.0	
-SULLIVAN AND CO						RECEIVED: 07/22/81 JA: OK			
8143215	10755	3508121260		102-3		N I REEVES NO 2	W CARNEY	146.0	
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 07/24/81 JA: OK			
*8143288	09554	3512920175		108		ROBERTSON #1	REYDON	15.0	PANHANDLE EASTERN
*8143291	09553	3512920210		108		SCRIVNER #1-26	REYDON	4.6	PANHANDLE EASTERN
-TEXINIA CORP						RECEIVED: 07/22/81 JA: OK			
8143175	09863	3508720061		102-4		HARRYMAN #33-1	S W NEWCASTLE	0.0	LONE STAR GAS CO
-THE WIL-MC OIL CORP						RECEIVED: 07/22/81 JA: OK			
8143191	09853	3510720929		103		FREEZE #1	NE KEOKUK	500.0	
-THE WIL-MC OIL CORP						RECEIVED: 07/24/81 JA: OK			
8143282	09854	3508321511		103		COHEE #1		0.7	
-TRIGG DRILLING COMPANY INC						RECEIVED: 07/22/81 JA: OK			
8143186	09873	3502520451		103		LOUISE SPARKMAN 1-11	KEYES	0.0	COLO INTERSTATE G
-VULCAN ENERGY CORP						RECEIVED: 07/22/81 JA: OK			
8143203	09834	3507322621		103		CHARLES BRUEGGEN #1	SOONER TREND	91.3	CONOCO INC
8143208	09862	3504722227		103		SIMUNEK #1	S W BISON	10.0	PHILLIPS PETROLEU
8143202	09835	3504772222		103		SIMUNEK #2	SW BISON	720.0	PHILLIPS PETROLEU
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ADOBE OIL & GAS CORPORATION						RECEIVED: 07/23/81 JA: PA			
8143094	8371	3706325908		103		ARTHUR COCHRAN #1-A	BRUSHVALLEY	20.0	
8143095	8372	3706326179		103		CEROVICH & BONARRIGO #1-AA	BRUSH VALLEY	26.0	COLUMBIA GAS TRAN
8143093	8370	3706325880		103		JOHN ALWINE #1-A	BRUSH VALLEY	24.0	COLUMBIA GAS TRAN
8143092	8369	3706325987		103		W HORACE BENCE #1-B	CLYMER	22.0	COLUMBIA GAS TRAN
-AMOCO PRODUCTION CO						RECEIVED: 07/23/81 JA: PA			
8143096	8288	3711120102		102-4		RALPH N HEMMINGER GU WELL #1	LAVANSVILLE	315.0	
-ANGERMAN ASSOCIATES INC						RECEIVED: 07/23/81 JA: PA			
8143097	8095	3706325161		103		JOHN J WEYANDT (DICKIE) #7	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
-BOYD & SHRIVER						RECEIVED: 07/23/81 JA: PA			
8143099	8278	3700500000	D	103		100 - MCGREGOR	DISTANT QUADRANGLE	0.0	PEOPLES NATURAL G
-CASTLE GAS CO INC						RECEIVED: 07/23/81 JA: PA			
8143108	8385	3706324473		108		R&P COAL CO H BORELAND #1 (C-522)	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRAN
8143109	8386	3706324493		108		R&P COAL CO J R CARNAHAN #1(C-526)	WHITE TOWNSHIP	15.0	COLUMBIA GAS TRAN
-COMPASS DEVELOPMENT INC						RECEIVED: 07/23/81 JA: PA			
8143110	8336	3705320893	D	103		PASSAUER SPEECHLEY I	PASSAUER	0.0	
-CONSOLIDATED GAS SUPPLY CORPORATION						RECEIVED: 07/23/81 JA: PA			
8143119	8252	3702300000		108		B & O RR NO 1 WN-1686		3.1	GENERAL SYSTEM PU
8143120	8253	3702300000		108		B & O RR NO 2 WN-1687		2.5	GENERAL SYSTEM PU
8143113	6993	3703320916		108		H MCKENRICK WN-1781	BLOOM TOWNSHIP	5.4	GENERAL SYSTEM PU

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JD NO	dA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143111	5692	3706521535			108	HARRY E MCGEE WN-1612	OLIVEBURG 523959	20.0	GENERAL SYSTEM PU
8143115	8248	3704700000			108	PA DEPT OF FOREST & WATERS WN-1595		0.5	GENERAL SYSTEM PU
8143116	8249	3704700000			108	PA DEPT OF FOREST & WATERS WN-1597		13.0	GENERAL SYSTEM PU
8143117	8250	3702300000			108	PA DEPT OF FOREST & WATERS WN-1598		20.0	GENERAL SYSTEM PU
8143118	8251	3704700000			108	PA GAME COMMISSION WN-1645		2.2	GENERAL SYSTEM PU
8143114	8194	3710520127			108	PENN TRACT NO 81 WN-1589	STEWARDSON TOWNSHIP	10.8	GENERAL SYSTEM PU
8143112	6989	3703320936			108	R REITER WN-1788	BRADY TOWNSHIP	1.5	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC						RECEIVED: 07/23/81 JA: PA			
8143121	8269	3706325083			102-2	A BUTTERBAUGH #1 KA 25	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143132	8247	3706326060			103	C BUTERBAUGH #2 KA 60	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143131	8246	3706326061			103	C BUTERBAUGH #3 KA 61	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143134	7549	3706323995			108	C JOHNSON #1 K-A-4	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8143133	8277	3706326066			103	D J GABANY #1 KA 66	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143125	8273	3706325749			102-2	ENGLE-FLEMING KA 52	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143122	8278	3706325044			102-2	H DISHONG #2 KA 26	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143127	8275	3706325751			102-2	H SCOTT #1 KA 53	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143126	8274	3706325752			102-2	H SCOTT #2 KA 54	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143128	8276	3706325753			102-2	H SCOTT #3 KA 55	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143123	8271	3706325754			102-2	H SCOTT #4 KA 56	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143124	8272	3706325766			102-2	J JEFFERSON #1 KA 36	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143130	8245	3706326087			103	R HENRY #3 KA 68	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8143129	8244	3706326088			103	R HENRY #4 KA 69	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
-EARL M RICHARDS						RECEIVED: 07/23/81 JA: PA			
8143165	8279	3700521238			108	LYDIA M DITTY	SUNNY SIDE	0.0	PEOPLES NATURAL G
8143164	8240	3710500000			108	MARY SVANTNER #1	GURTY	0.5	PEOPLES NATURAL G
8143163	8239	3700500000			108	MARY SVANTNER #2	GURTY	0.5	PEOPLES NATURAL G
8143162	8238	3700522124			108	MARY SVANTNER #3	GURTY	0.5	PEOPLES NATURAL G
8143166	8280	3700521081			108	RICHARD L & FRED E ALTMIRE #2	SPRING CHURCH	5.5	PEOPLES NATURAL G
8143168	8282	3700520667			108	T E & B M TOWNSEND #1	SHADY PLAIN	5.0	PEOPLES NATURAL G
8143167	8287	3700520739			108	THOMAS MCILVAIN #1	SOUTH BEND	2.0	PEOPLES NATURAL G
-FELMONT OIL CORPORATION						RECEIVED: 07/23/81 JA: PA			
8143135	8237	3706325445			103	JOHN OFMAN #1 F-261	SOUTH PINE	0.0	COLUMBIA GAS TRAN
-G E BURGLY						RECEIVED: 07/23/81 JA: PA			
8143187	8261	3712920474	D		108	KAMERER #1 #5238	ARMBRUST	26.0	PEOPLES NATURAL G
-GEORGE A BURGLY JR						RECEIVED: 07/23/81 JA: PA			
8143100	8254	3712921459			108	BURGLY #1 #4602	BRAEBURN	1.1	PEOPLES NATURAL G
8143105	8259	3712920176			108	FATHER JOHN #1 #4948	BRAEBURN	3.8	PEOPLES NATURAL G
8143103	8257	3712920146			108	FRANK GRAFF #1 #4921	BRAEBURN	4.0	PEOPLES NATURAL G
8143102	8256	3712920375			108	KUNKLE #1 #5121	PINE RUN	6.5	PEOPLES NATURAL G
8143106	8260	3712920245			108	MARTIN #1 #5211	BRAEBURN	7.8	PEOPLES NATURAL G
8143104	8258	3712920444			108	MCGILLICK NO 1 #5179	BRAEBURN	2.1	PEOPLES NATURAL G
8143101	8255	3712920130			108	ROSE AND ELSIE GRAFF #2 #4920	BRAEBURN	6.4	PEOPLES NATURAL G
-GOAL DRILLING CO						RECEIVED: 07/23/81 JA: PA			
8143136	8220	3706321215			108	HAROLD A GOAL #1	ELDERTON	20.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC						RECEIVED: 07/23/81 JA: PA			
8143139	7147	3706324393			103	B M FRICK #1	SOUTH MAHONING	200.0	T W PHILLIPS GAS
8143138	7141	3706324651	D		103	H HEISTER #1	WASHINGTON	200.0	T W PHILLIPS GAS
8143137	7138	3706324425	D		103	MICHAEL B LAWER #1	WHITE	200.0	T W PHILLIPS GAS
8143140	7152	3706324078	D		103	R WOLFE #1	WHITE	200.0	T W PHILLIPS GAS
8143148	7424	3706324284	D		103	RAYMOND EVANS #1	WHITE	200.0	T W PHILLIPS GAS
-JAMES DRILLING CORP						RECEIVED: 07/23/81 JA: PA			
8143142	8236	3706320086			108	BLANCHE KENNEDY WELL #1		5.0	PEOPLES NATURAL G
8143141	8235	3706320094			108	W H GEMMELL WELL #1		8.0	PEOPLES NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-KEYSTONE ENERGY RESOURCES						RECEIVED: 07/23/81 JA: PA			
8143143	8110	3706522191		103		MINICH #2	DARL MINICH	52.9	INDUSTRIAL ENERGY
8143144	8115	3706522192		103		MINICH #3	DARL MINICH	48.4	INDUSTRIAL ENERGY
-MERIDIAN EXPLORATION CORP						RECEIVED: 07/23/81 JA: PA			
8143146	8310	3704921347		102-2		F WINDSOR #500-1	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
-MITCHELL ENERGY CORPORATION						RECEIVED: 07/23/81 JA: PA			
8143147	6702	3703920865		103		GESSNER #1-70	UNNAMED-MEDINA & WHIRLPO	45.0	
-PHILLIPS PRODUCTION CO						RECEIVED: 07/23/81 JA: PA			
8143150	8306	3706325852		103		CHARLES PATTERSON ET AL #1	BLACKLICK	30.0	
8143156	8377	3712921719		103		DONALD P ELLIOTT SR ET UX #1	DERRY	25.0	
8143160	8381	3706325968		103		GLENN O WRIGHT ET UX #1	BANKS	25.0	
8143152	8308	3706325734		103		JOHN E PENCOLA ET UX #1	YOUNG	35.0	
8143151	8307	3706325735		103		JOHN W SMITH ET AL #1	YOUNG	25.0	
8143149	8241	3703321087		103		NELLIE MULLIHEN AGENT #1	PENN	45.0	
8143159	8380	3706326070		103		PAUL WASS ET UX #1	MONTGOMERY	25.0	
8143153	8309	3706325854		103		RAYMOND SCHAFER ET UX #1	CONEMAUGH	25.0	
8143157	8378	3712921723		103		ROBERT HASLOP ET UX ET AL #1	LOYALHANNA	35.0	
8143154	8375	3706325772		103		STEVE BUCHAN #1	BRUSH VALLEY	30.0	
8143155	8376	3712921728		103		W EDWARD CULP ET UX #1	DERRY	25.0	
8143158	8379	3706326008		103		WILBUR D MCCLURE ET UX #1	W WHEATFIELD	30.0	
8143161	8382	3706326206		103		YANITY BROTHERS COAL COMPANY #1	CENTER	35.0	
-RICHARD A SMITH						RECEIVED: 07/23/81 JA: PA			
8143169	8230	3712920268		108		JOHN MILLEN #1	GREENSBURG	5.1	PEOPLES NATURAL G
8143170	8231	3712920332		108		THOMAS MCCLARREN #1	UNITY	9.4	PEOPLES NATURAL G
-RONALD MAXSON						RECEIVED: 07/23/81 JA: PA			
8143145	8341	3710500000		108		MAXSON GAS CO #79	OSWAYO	390.7	NATIONAL FUEL GAS
-TER-EX INC						RECEIVED: 07/23/81 JA: PA			
8143171	7986	3701920888		102-2		TER-EX #3	WILDCAT	8.0	T W PHILLIPS
-TURM OIL INC						RECEIVED: 07/23/81 JA: PA			
8143172	8320	3706322555		103		RALPH J MCGAUGHEY #1	BRYAN	35.0	T W PHILLIPS GAS
-UNION DRILLING INC						RECEIVED: 07/23/81 JA: PA			
8143173	8337	3706326041		103		JACK D BYERS #2 8709	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRAN
-WATSON & SWANSON INC						RECEIVED: 07/23/81 JA: PA			
8143174	8262	3703320948		103		J O CLARK JR ET AL BLOCK #1 #4	PATCHINVILLE	750.0	COLUMBIA GAS TRAN
8143180	8268	3703320949		103		J O CLARK JR ET AL BLOCK #3 #3	PATCHINVILLE	600.0	COLUMBIA GAS TRAN
8143176	8264	3703320988		103		J O CLARK JR ET AL BLOCK #4 #2	PATCHINVILLE	1.2	COLUMBIA GAS TRAN
8143179	8267	3703320989		103		J O CLARK JR ET AL BLOCK #5 #1	PATCHINVILLE	3.7	COLUMBIA GAS TRAN
8143178	8266	3703320959		103		J O CLARK JR ET AL BLOCK #6 #35	PATCHINVILLE	386.0	COLUMBIA GAS TRAN
8143177	8265	3703320938		103		J O CLARK JR ET AL BLOCK #7 #3	PATCHINVILLE	1.5	COLUMBIA GAS TRAN
8143175	8263	3703320946		103		J O CLARK JR ET AL BLOCK #8 #14	PATCHINVILLE	254.0	COLUMBIA GAS TRAN
-WAYLAND W BOWSER						RECEIVED: 07/23/81 JA: PA			
8143098	8384	3700500000		108		A C & W 5 BOWSER GU O E W 30997	WASHINGTON TOWNSHIP	2.0	PEOPLES NATURAL G

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before September 3, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24202 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

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[Volume 491]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 13, 1981.

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
ALASKA OIL & GAS CONSERVATION COMMISSION						
-CHEVRON U S A INC			RECEIVED: 07/23/81 JA: AK			
8143524		5028310008	102-4 IVAN RIVER UNIT 44-1	IVAN RIVER	0.0	PACALASKA LNG
CALIFORNIA DEPARTMENT OF CONSERVATION						
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 07/28/81 JA: CA			
8143509	81-6-0022	0411320606	102-2 CPC MONCKTON 1-5	HOWELLS POINT AREA	182.0	
-COASTAL OIL & GAS CORP			RECEIVED: 07/28/81 JA: CA			
8143506	81-6-0015	0401120158	102-4 MERIDIAN NO 1	SYCAMORE GAS	485.0	PACIFIC GAS & ELE
8143507	81-6-0008	0401120158	103 MERIDIAN NO 1	SYCAMORE GAS	485.0	PACIFIC GAS & ELE
-DEPCO INC			RECEIVED: 07/28/81 JA: CA			
8143505	81-6-0011	0401320165	102-4 MCLEOD 77-7	EAST BRENTWOOD	1095.0	DOW CHEMICAL CO
-HAMILTON BROTHERS OIL CO			RECEIVED: 07/28/81 JA: CA			
8143516	81-6-0016	0489520421	102-4 BELLEAIRE NO 1 U AND L	WEST MILLER	500.0	PACIFIC GAS & ELE
-JORDAN OIL & GAS COMPANY			RECEIVED: 07/28/81 JA: CA			
8143508	80-6-0042	0401120151	102-4 DAVIS RANCH 1-31	STEGMAN	100.0	PACIFIC GAS & ELE
-OXY PETROLEUM INC			RECEIVED: 07/28/81 JA: CA			
8143515	81-6-0009	0410320115	102-4 NARECO-SLADE #1	EAST RICE CREEK	182.5	
-SANCHEZ-OBRIEN OIL & GAS CORP			RECEIVED: 07/28/81 JA: CA			
8143512	81-6-0017	0402120175	102-4 MCELROY NO 1 API NO 02 120175	WILLOW BEEHIVE BEND FIEL	500.0	PACIFIC GAS & ELE
8143514	81-6-0019	0402120198	102-4 NYBERG GAS UNIT NO 3 WELL NO 1L	WILLOWS BEEHIVE BEND FIE	500.0	PACIFIC GAS & ELE
8143513	81-6-0018	0402120119	102-4 NYBERG NO 1 API NO 02 120119	WILLOWS BEEHIVE BEND FIE	500.0	PACIFIC GAS & ELE
8143510	81-6-0021	0402120180	102-4 WHYLER NO C-1 API NO 021-20180	WILLOWS-BEEHIVE BEND FIE	500.0	PACIFIC GAS & ELE
8143511	81-6-0020	0402120160	102-4 WHYLER NO 1 API NO 02 120160	WILLOWS BEEHIVE BEND FIE	500.0	PACIFIC GAS & ELE
-TEXACO INC			RECEIVED: 07/28/81 JA: CA			
8143504	81-6-0001	0409520425	102-4 DIXON EAST UNIT I WELL NO 3	MILLAR FIELD	85.0	PACIFIC GAS & ELE
8143503	80-6-0034	0409520416	102-4 DIXON EAST UNIT 1 WELL NO 4	MILLAR GAS FIELD	182.0	PACIFIC GAS & ELE
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-ARCO OIL AND GAS COMPANY			RECEIVED: 07/23/81 JA: NM			
8143494		3002503450	108 ENDURA DE STATE NO 2	EUMONT (YATES SEVEN RIVE	10.0	PHILLIPS PETROLEU
8143493		3002526873	108 W C ROACH WELL NO 7	EUMONT (QUEEN)	10.0	PHILLIPS PETROLEU
-ENSERCH EXPLORATION INC			RECEIVED: 07/23/81 JA: NM			
8143499		3004130580	103 COLLIER A NO 1	PETERSON N	0.0	TRANSWESTERN PIPE
-MESA PETROLEUM			RECEIVED: 07/23/81 JA: NM			
8143496		3001570344	108 CATCLAW STATE #1	GOPHER - ABO	15.0	NORTHERN NATURAL
8143495		3001522790	108 FRANK STATE #1	RUNYAN RANCH	8.6	NORTHERN NATURAL
-MINERALS INC			RECEIVED: 07/23/81 JA: NM			
8143500		3002526690	103 LLANO 3 STATE COM NO 1	UNDESIGNATED STRAWN	0.0	PHILLIPS PETROLEU
8143502		3002526690	102-4 LLANO 3 STATE COM NO 1	UNDESIGNATED STRAWN	0.0	PHILLIPS PETROLEU

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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 07/23/81	JA: NM			
8143497		3002526421		108	LEAMEX #20	MALJAMAR GRAYBURG/SAN AN	7.4	EL PASO NATURAL G
-V M WESTBROOK				RECEIVED: 07/23/81	JA: NM			
8143498		3002500000		102-4	STATE OF NEW MEXICO NO 1	WEST ARKANSAS JUNCTION	10.0	WARREN PETROLEUM
-YATES PETROLEUM CORPORATION				RECEIVED: 07/23/81	JA: NM			
8143501		3001523701		103	RIO PENASCO JX COM #2	BOYD MORROW	0.0	TRANSWESTERN PIPE
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TENNESSEE OIL & GAS BOARD								
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-B-J INC				RECEIVED: 07/27/81	JA: TN			
8143312	A-717	4115120770		102-2	ARLIE BAIRD E G I #1		125.6	INTRASTATE ENERGY
8143309	A-666	4115120725		102-2	DANNIE LUTHIE #7	REUBEN HOLLOW	77.0	INTRASTATE ENERGY
8143310	A-656	4115120179		102-2	LUTHIE-BOLES UNIT #1	REUBEN HOLLOW	21.9	INTRASTATE ENERGY
8143305	A-670	4104920597		102-2	NARVIS TURNER #1		26.6	INTRASTATE ENERGY
8143306	A-669	4104920604		102-2	NARVIS TURNER #2		23.7	INTRASTATE ENERGY
8143313	A-716	4112920865		102-2	PHILLIPS-TINCH-BROWN PFG-V-1 #1	INDIAN CREEK	201.8	INTRASTATE ENERGY
8143307	A-668	4115120735		102-2	SHOEMAKER - WALKER #1	LOW GAP-REUBEN HOLLOW	2.9	INTRASTATE ENERGY
8143311	A-715	4112920841		102-2	SMITH-DUNCAN E G I #1		142.4	INTRASTATE ENERGY
8143308	A-667	4104920618		102-2	WRIGHT & LEDBETTER #1		25.5	INTRASTATE ENERGY
-BRADY ENERGY CORP				RECEIVED: 07/27/81	JA: TN			
8143301	A-635	4115120555		102-2	W H BOLES #1-A	REUBEN HOLLOW	91.3	INTRASTATE ENERGY
-CONTINENTAL ENERGY				RECEIVED: 07/27/81	JA: TN			
8143300	A-709	4114120015		102-2	WHITSON ETAL #1	W COOKVILLE	15.0	
-PDC & EASTERN NATURAL GAS CO				RECEIVED: 07/27/81	JA: TN			
8143303	A-636	4115120240		102-2	J W BAKER #1	GLENMARY	182.5	INTRASTATE ENERGY
-PETROLEUM DEVELOPMENT CORP				RECEIVED: 07/27/81	JA: TN			
8143302	A-637	4115120299		102-2	JIMMIE YOUNG #1	GLENMARY	31.0	INTRASTATE ENERGY
-TARTAN OIL COMPANY				RECEIVED: 07/27/81	JA: TN			
8143304	A-634	4112920712		102-4	NITZSCHKE-BROYLES HRS UNIT #1	BURRVILLE SOUTH	15.0	
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WEST VIRGINIA DEPARTMENT OF MINES								
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-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED: 07/27/81	JA: WV			
8143360		4703903686		103	OHLEY TRUST #30	CABIN CREEK DISTRICT	20.0	COLUMBIA GAS TRAN
8143355		4703903687		107-DV	OHLEY TRUST #31	CABIN CREEK DISTRICT	20.0	COLUMBIA GAS TRAN
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 07/27/81	JA: WV			
8143358		4708900673		103	A-918	WINFIELD DISTRICT	0.0	CONSOLIDATED GAS
8143357		4708900678		103	A-911	WINFIELD DISTRICT	0.0	CONSOLIDATED GAS
8143362		4704102946		103	A-924	SKIN CREEK DISTRICT	0.0	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED: 07/27/81	JA: WV			
*8143397		4700121387		102-4	R L CARPENTER #1	BARKER	255.5	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED: 07/27/81	JA: WV			
8143380		4700701326		108	NO 2 FEENEY	HEATERS	15.0	CONSOLIDATED GAS
8143381		4700701430		108	PAUL STOUT NO 1	BURNSVILLE	10.0	CONSOLIDATED GAS
-BURDETTE OIL & GAS CO INC				RECEIVED: 07/27/81	JA: WV			
8143322		4707300765		107-DV	AUBRA GRACE THORN WELL #1	BENS RUN	0.0	COLUMBIA GAS CORP
8143321		4707300783		107-DV	AUBRA GRACE THORN WELL #3	BENS RUN	0.0	COLUMBIA GAS CORP
8143318		4707300784		107-DV	AUBRA GRACE THORN WELL #4	BENS RUN	0.0	COLUMBIA GAS CORP
8143314		4703501491		107-DV	DORIS HARPOLD WELL #1	WASHINGTON DISTRICT	0.0	COLUMBIA GAS CORP
8143315		4703501492		107-DV	DORIS HARPOLD WELL #2	WASHINGTON DISTRICT	0.0	COLUMBIA GAS CORP
8143316		4703501496		107-DV	REX CASTO WELL #1	WASHINGTON DISTRICT	0.0	COLUMBIA GAS CORP
8143317		4703514970	D	107-DV	REX CASTO WELL #2	WASHINGTON DISTRICT	0.0	COLUMBIA GAS CORP
8143319		4707307430		107-DV	WALDO WAGNER WELL #1	BENS RUN	0.0	COLUMBIA GAS CORP

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143320		4707300748		107-DV		WALDO WAGNER WELL #3	BENS RUN	0.0	COLUMBIA GAS CORP
-CARSON PETROLEUM CORP				RECEIVED: 07/27/81 JA: WV					
8143392		4701702902		107-DV		R SCHMIDT #5	ST CLAIR	38.0	COLUMBIA GAS TRAN
-CHASE PETROLEUM				RECEIVED: 07/27/81 JA: WV					
8143384		4704102897		103		HARDMAN #2	VANDALIA	30.0	
8143382		4701702573		103		T V SMITH #3	BENSON RUN	20.0	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 07/27/81 JA: WV					
8143361		4704102106		103		BEACH & ARNOLD 12278	FREEMANS CREEK	24.1	GENERAL SYSTEM PU
8143386		4703301257		108		BENJAMIN WILSON 12498	WEST VIRGINIA OTHER A-85	17.0	GENERAL SYSTEM PU
8143393		4701900297		103		GAULEY MOUNTAIN COAL CO 12241	FALLS	56.8	GENERAL SYSTEM PU
8143394		4701900299		103		GAULEY MOUNTAIN COAL 12242	FALLS	5.3	GENERAL SYSTEM PU
8143385		4704700625		108		MC DOWELL - POCAHONTAS COAL #1794	PINEVILLE FIELD AREA A 5	8.0	GENERAL SYSTEM PU
8143359		4704700719		103		POCAHONTAS LAND 12376	ADKIN	44.6	GENERAL SYSTEM PU
8143364		4704700707		103		ROSE L DENNIS 11921	SANDY RIVER	21.2	GENERAL SYSTEM PU
-CORNSTALK GAS CO				RECEIVED: 07/27/81 JA: WV					
8143411		4704322303		103		OSWALD CYFERS # 2	LAUREL HILL DISTRICT	0.0	COLUMBIA GAS TRAN
8143418		4704321776		103		OSWALD CYFERS #1	LAUREL HILL DISTRICT	0.0	COLUMBIA GAS TRAN
8143413		4704322325		103		OSWALD CYFERS #3	LAUREL HILL DISTRICT	0.0	COLUMBIA GAS TRAN
-CYFERS GAS CO				RECEIVED: 07/27/81 JA: WV					
8143412		4704322308		103		WAYNE CYFERS # 2	LAUREL HILL DISTRICT	0.0	COLUMBIA GAS TRAN
8143414		4704322336		103		WAYNE CYFERS #3	LAUREL HILL DISTRICT	0.0	COLUMBIA GAS TRAN
8143415		4704322447		103		WAYNE CYFERS #4	LAUREL HILL DISTRICT	0.0	COLUMBIA GAS TRAN
-D C MALCOLM INC				RECEIVED: 07/27/81 JA: WV					
8143356		4703903598		103		ALDERSON #1	BLUE CREEK	45.0	COLUMBIA GAS TRAN
8143354		4703903597		103		J L D PAYNE #1	BLUE CREEK	40.0	COLUMBIA GAS TRAN
-D G HANEY INC				RECEIVED: 07/27/81 JA: WV					
8143383		4708101245		103		HALLIE GRIMM #1	CLEMTOWN	40.0	CONSOLIDATED GAS
-DONALD CONNER				RECEIVED: 07/27/81 JA: WV					
8143418		4701301815		108		I B FOWLER WELL #1	I B FOWLER	15.6	CABOT CORP
-DORAN & ASSOCIATES INC				RECEIVED: 07/27/81 JA: WV					
8143351		4703322522		103		D M SHINN #1 K-L-140	CLAY	30.0	CONSOLIDATED GAS
8143352		4703322523		103		D M SHINN #2 K-L-185	CLAY	30.0	CONSOLIDATED GAS
8143343		4703322524		103		D M SHINN #3 K-L-191	CLAY	30.0	CONSOLIDATED GAS
8143353		4703322456		103		E HARBERT #1 K-Z-11	EAGLE	30.0	CONSOLIDATED GAS
8143337		4703322195		103		H LOWE #1 K-L-263	EAGLE	30.0	CARNEGIE NATURAL
8143349		4703322360		103		J BOWMAN #1 K-L-88	CLAY	30.0	CONSOLIDATED GAS
8143341		4703322363		103		J BOWMAN #3 K-L-116	CLAY	30.0	CONSOLIDATED GAS
8143339		4703322361		103		J BOWMAN #4 K-L-122	CLAY	30.0	CONSOLIDATED GAS
8143348		4703322241		103		J F DYE #1 K-L-127	SARDIS	30.0	CONSOLIDATED GAS
8143338		4703322337		103		J MCDONALD #2 K-L-192	CLAY	20.0	CONSOLIDATED GAS
-ENERGY UNLIMITED INC				RECEIVED: 07/27/81 JA: WV					
8143387		4710720584		103		JACK WILCOXEN #1	UNION	2.0	CONSOLIDATED GAS
-FOX DRILLING CO INC				RECEIVED: 07/27/81 JA: WV					
8143406		4708101362		107-DV		BARBOUR COUNTY BD OF ED #3	BELINGTON FIELD	10.0	COLUMBIA GAS TRAN
8143408		4708101439		107-DV		HILL #1	BELINGTON FIELD	12.0	COLUMBIA GAS TRAN
8143407		4708101434		107-DV		WILLSON #1-A	BELINGTON FIELD	8.0	COLUMBIA GAS TRAN
-HYDROCARBON ENERGIES INC				RECEIVED: 07/27/81 JA: WV					
8143350		4703302521		103		A E ROLLINS #1 (HE-1)	ELK DISTRICT	6.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED: 07/27/81 JA: WV					
8143325		4708108780		108		B-114	PHILIPPI	11.9	CONSOLIDATED GAS
8143323		4708108870		108		B-115	PLEASANT	5.6	CONSOLIDATED GAS
8143326		4708108880		108		B-116	PLEASANT	12.5	CONSOLIDATED GAS
8143324		4708108810		108		B-119	PHILIPPI	2.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143332		4701702904		103		J-110	WEST UNION	200.0	COLUMBIA GAS TRAN
8143330		4701702838		103		J-126	NEW MILTON	200.0	CONSOLIDATED GAS
8143329		4701728110		103		J-178	CENTRAL	200.0	CONSOLIDATED GAS
8143331		4701702855		103		J-285	WEST UNION	200.0	COLUMBIA GAS TRAN
8143346		4708504887		103		J-301	UNION	200.0	CONSOLIDATED GAS
8143340		4703302480		103		J-367	UNION	200.0	CONSOLIDATED GAS
8143342		4703302506		103		J-368	UNION	200.0	CONSOLIDATED GAS
8143336		4702103696		103		J-376	TROY	200.0	CONSOLIDATED GAS
8143327		4700101464		103		J-378	VALLEY	200.0	CONSOLIDATED GAS
8143333		4701702985		103		J-429	WEST UNION	200.0	COLUMBIA GAS TRAN
-JAMES F SCOTT		RECEIVED: 07/27/81 JA: WV							
8143334		4701702942		103		ARGIL FREEMAN #1 S 334	GREENBRIER	44.0	CONSOLIDATED GAS
8143335		4701702943		103		ARGIL FREEMAN #2 S-335	GREENBRIER	50.0	CONSOLIDATED GAS
8143328		4701702363		103		JAMES PEARCY S-331	GREENBRIER	28.0	CONSOLIDATED GAS
8143344		4704102985		103		SARA WITTE S-336	HACKERS CREEK	36.0	CONSOLIDATED GAS
-PENNZOIL COMPANY		RECEIVED: 07/27/81 JA: WV							
8143395		4702103303		108		EARL HARDMAN #5	DEKALB	0.0	CONSOLIDATED GAS
-R & B PETROLEUM INC		RECEIVED: 07/27/81 JA: WV							
8143374		4704700666	D	102-4		GEORGIA PACIFIC #1	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143365		4704700764		103		GEORGIA PACIFIC #2	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143375		4704700764	D	102-4		GEORGIA PACIFIC #2	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143366		4704700821		102-2		GEORGIA PACIFIC #3	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143377		4704700821	D	102-4		GEORGIA PACIFIC #3	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143367		4704700821		103		GEORGIA PACIFIC #3	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143368		4704700829		103		GEORGIA PACIFIC #4	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143378		4704700829	D	102-4		GEORGIA PACIFIC #4	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143369		4704700844		103		GEORGIA PACIFIC #5	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143379		4704700844	D	102-4		GEORGIA PACIFIC #5	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143370		4704700845		102-2		GEORGIA PACIFIC #6	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143371		4704700845		102-4		GEORGIA PACIFIC #6	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143372		4704700845		103		GEORGIA PACIFIC #6	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143373		4704700654	D	102-4		POCAHONTAS MINING CO #1	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143345		4704700798		103		POCAHONTAS MINING COMPANY #2	BIG CREEK	200.0	COLUMBIA GAS TRAN
8143376		4704700798	D	102-4		POCAHONTAS MINING COMPANY #2	BIG CREEK	200.0	COLUMBIA GAS TRAN
-RAMCO OIL & GAS CORP		RECEIVED: 07/27/81 JA: WV							
8143416		4705900943		103		U S STEEL WELL NO 23	U S STEEL	60.0	CONSOLIDATED GAS
8143417		4705900944		103		U S STEEL WELL NO 24	U S STEEL	50.0	CONSOLIDATED GAS
-SPARTAN GAS COMPANY		RECEIVED: 07/27/81 JA: WV							
8143363		4704302345		107-DV		CORA MCMELLON 1-S-210	JEFFERSON	7.0	COLUMBIA GAS TRAN
8143398		4701100609		108		JOHN SIMMS 1-S-205	GRANT	7.0	COLUMBIA GAS TRAN
8143399		4701100610		108		R L HARSHBARGER 1-S-206	GRANT	4.0	COLUMBIA GAS TRAN
-STERLING DRILLING & PROD CO INC		RECEIVED: 07/27/81 JA: WV							
8143427		4701501636		108		ALOI #10 SDP #119	BUFFALO DISTRICT	17.7	EQUITABLE GAS CO
8143430		4701501657		108		ALOI #11 SDP #139	BUFFALO DISTRICT	15.8	EQUITABLE GAS CO
8143431		4701501660		108		ALOI #15 SDP #142	BUFFALO DISTRICT	5.0	EQUITABLE GAS CO
8143432		4701501661		108		ALOI #16 SDP #143	BUFFALO DISTRICT	5.8	EQUITABLE GAS CO
8143423		4701501606		108		ALOI #3 SDP #101	BUFFALO DISTRICT	16.6	EQUITABLE GAS CO
8143424		4701501607		108		ALOI #4 SDP #102	BUFFALO DISTRICT	5.9	EQUITABLE GAS CO
8143425		4701516080		108		ALOI #5 SDP #103	BUFFALO DISTRICT	17.1	EQUITABLE GAS CO
8143426		4701501609		108		ALOI #6 SDP #104	BUFFALO DISTRICT	11.8	EQUITABLE GAS CO
8143428		4701501637		108		ALOI #7 SDP #116	BUFFALO DISTRICT	8.5	EQUITABLE GAS CO
8143429		4701501638		108		ALOI #9 SDP #118	BUFFALO DISTRICT	4.9	EQUITABLE GAS CO
8143422		4701501316		108		B C EAKLE #1 SDP #47	BUFFALO DISTRICT	3.7	EQUITABLE GAS CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143402		4701501863		103		BOGGS #382	OTTER DISTRICT	8.0	
8143404		4701501881		103		BOGGS #393	OTTER DISTRICT	60.0	
8143405		4701501882		103		BOGGS #395	OTTER DISTRICT	88.3	
8143401		4701501862		103		BOGGS #396	OTTER DISTRICT	42.9	
8143388		4701501883		103		BOGGS #397	OTTER DISTRICT	110.4	
8143403		4701500000		103		BOGGS #398	OTTER DISTRICT	9.5	
8143419		4701302961		108		CHENOWETH #106 SDP #106	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8143420		4701302962		108		CHENOWETH #107 SDP #107	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8143390		4701501888		103		D MULLINS #406	BUFFALO DISTRICT	12.6	
8143421		4701500000		108		ERIE BRAGG #1 SDP #38	BUFFALO DISTRICT	2.3	EQUITABLE GAS CO
8143389		4701501887		103		KING #405	BUFFALO DISTRICT	58.8	CONTRACT REQ - EQ
8143391		4701501897		103		KING #413	BUFFALO DISTRICT	3.8	
8143433		4708703198		108		ODELL #137 SDP #137	GEARY DISTRICT	0.0	COLUMBIA GAS TRAN
8143434		4708703199		108		SMITH #117 SDP #117	GEARY DISTRICT	0.0	COLUMBIA GAS TRAN
8143435		4708703200		108		WHITE #144 SDP #144	GEARY DISTRICT	0.0	COLUMBIA GAS TRAN
8143400		4701501843		103		WHITE #338	OTTER DISTRICT	4.5	
-STONEWALL GAS CO INC				RECEIVED: 07/27/81 JA: WV					
8143409		4704102955		103		ZELLA CURRY #1	FREEMANS CREEK	0.0	CONSOLIDATED GAS
-UNITED PETRO LTD				RECEIVED: 07/27/81 JA: WV					
8143396		4702100000		103		A N BAILEY #1	GLENVILLE SOUTH GAS FIEL	12.0	COLUMBIA GAS TRAN
8143347		4702103707		103		MOLLIE BAILEY #1	GLENVILLE SOUTH GAS FIEL	12.0	COLUMBIA GAS TRAN
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** U.S. GEOLOGICAL SURVEY - CASPER,WY									
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-MIDLANDS GAS CORPORATION				RECEIVED: 07/24/81 JA: MT 5					
8143485	M 198-1	2507121397		108		1113 #1 FEDERAL			
8143471	M 173-1	2507121660		103		1324 FEDERAL 1	BOWDOIN	18.0	KANSAS-NEBRASKA N
8143472	M 175-1	2507121275		108		1413 #1 FEDERAL		22.0	KANSAS-NEBRASKA N
-RAINBOW RESOURCES INC				RECEIVED: 07/24/81 JA: MT 5			WILDCAT	20.0	KANSAS-NEBRASKA N
8143478	M 172-1	2509921134		102-2		BLACKLEAF FEDERAL #1-8	BLACKLEAF CANYON PROSPEC	1862.0	
-SHELL OIL CO				RECEIVED: 07/24/81 JA: MT 5					
8143453	M 142-1	2508321376		102-4		USA 43-6	MONDAK WEST	5.0	MONTANA DAKOTA UT
-TRICENTROL UNITED STATES INC				RECEIVED: 07/24/81 JA: MT 5					
8143482	M192-1	2500521263		108		US 11-15-T25N-R18E	SHERARD UNIT	11.0	NORTHERN NATURAL
-JERRY CHAMBERS EXPLORATION CO				RECEIVED: 07/24/81 JA: ND 5					
8143459	ND 158-1	3300700454		102-2		T R FEDERAL NO 4-12	T R	21.0	WESTERN GAS PROCE
-SHELL OIL CO				RECEIVED: 07/24/81 JA: ND 5					
8143441	ND 70-1	3305301858		102-4		U S A 42-24A	BICENTENNIAL	365.0	MONTANA DAKOTA UT
8143480	ND190-1	3305301218		102-4		USA 14-25-111	MONDAK	34.0	MONTANA DAKOTA UT
8143487	ND 200-1	3305301226		102-4		USA 21-15-103	SQUAW GAP	4.5	MONTANA DAKOTA UT
8143450	ND 139-1	3305301068		102-4		USA 22-18-89	MONDAK	5.0	MONTANA DAKOTA UT
8143489	ND 205-1	3301100230		103		USA 23-13A-38R	CEDAR CREEK	28.0	
8143451	ND 140-1	3305301110		102-4		USA 24-15-95	MONDAK	3.5	MONTANA DAKOTA UT
8143452	ND 141-1	3305301020		102-4		USA 24-31-81	MONDAK	2.5	MONTANA DAKOTA UT
8143486	ND 199-1	3305301109		102-4		USA 31-21-90	MONDAK	3.0	MONTANA DAKOTA UT
8143462	ND 162-1	3305301150		102-2		USA 34-14-86	CARTWRIGHT	22.0	MONTANA DAKOTA UT
8143442	ND 72-1	3305301002		102-4		USA 44-8-52	MONDAK	5.0	MONTANA DAKOTA UT
-TENNECO OIL COMPANY				RECEIVED: 07/24/81 JA: ND 5					
8143458	ND 155-1	3300700566		102-2		STUART USA #5-19	BIG STICK	50.0	WESTERN GAS PROCE
-AMERICAN QUASAR PETROLEUM CO				RECEIVED: 07/28/81 JA: WY 5					
8143520	W 18-1	4900320527		102-4		DOBIE CREEK 13-2	DOBIE CREEK	0.0	MONTANA-DAKOTA UT
-AMOCO PRODUCTION CO				RECEIVED: 07/24/81 JA: WY 5					
8143455	W 151-1	4903721430		102-2		USA AMOCO V NO 1	ECHO SPRINGS - MESAVERDE	298.2	CITIES SERVICE GA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143456	W 152-1-T	4903721430		107-TF		USA AMOCO V NO 1	ECHO SPRINGS - MESAVERDE	298.2	CITIES SERVICE GA
8143454	W 150-1	4900720508		102-2		USA AMOCO W NO 1	ECHO SPRINGS	21.7	CITIES SERVICE GA
8143477	W 186-1	4902320384		103		WHISKEY BUTTES UNIT NO 45	WHISKEY BUTTES	18.0	CITIES SERVICE GA
8143478	W 187-1-T	4902320384		107-TF		WHISKEY BUTTES UNIT NO 45	WHISKEY BUTTES	18.0	CITIES SERVICE GA
-BURLINGTON NORTHERN INC				RECEIVED: 07/24/81 JA: WY 5					
8143440	W 68-1	4902720340		102-4		22-18 FEDERAL E	BUCK CREEK	18.0	PHILLIPS PETROLEU
8143437	W 65-1	4902720334		102-4		31-18 FEDERAL E	BUCK CREEK	36.0	PHILLIPS PETROLEU
8143438	W 66-1	4902720333		102-4		41X-18 FEDERAL C	BUCK CREEK	36.0	PHILLIPS PETROLEU
8143436	W64-1	4902720335		102-4		42-18 FEDERAL A	BUCK CREEK	75.0	PHILLIPS PETROLEU
8143439	W 67-1	4902720352		102-4		44-7 FEDERAL F	BUCK CREEK	36.0	PHILLIPS PETROLEU
-BURLINGTON NORTHERN INC				RECEIVED: 07/28/81 JA: WY 5					
8143522	W 62-1	4902720319		102-4		32-18 FEDERAL A	BUCK CREEK	36.0	PHILLIPS PETROLEU
8143523	W63-1	4902720320		102-4		33-18 FEDERAL B	BUCK CREEK	150.0	PHILLIPS PETROLEU
8143521	W 60-1	4902720301		102-4		43-18 FEDERAL	BUCK CREEK	100.0	PHILLIPS PETROLEU
-CITIES SERVICE COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143488	W 203-1	4903721687		107-TF		FEDERAL Z NO 1	SIBERIA RIDGE	36.5	CITIES SERVICE GA
-DAVIS OIL COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143481	W191-1	4903721018		103		HAY RESERVOIR IO	HAY RESERVOIR	26.0	COLORADO INTERSTA
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 07/24/81 JA: WY 5					
8143492	W 209-1	4900925412		103		DEVLIN FEDERAL 12-31	PORCUPINE	14.0	
8143491	W 208-1	4901920608		103		SCHOONOVER ROAD UNIT NO 3	INDIAN CREEK	0.0	
-ENERGY RESERVES GROUP INC				RECEIVED: 07/24/81 JA: WY 5					
8143465	W 167-1	4903721661		102-2		NICKEY UNIT #1-13A	WILDCAT	144.0	COLORADO INTERSTA
8143466	W 168-1T	4903721661		107-TF		NICKEY UNIT #1-13A	WILDCAT	144.0	COLORADO INTERSTA
8143469	W 171-1	4903721637		102-2		NICKEY UNIT #2-24	WILDCAT	91.4	COLORADO INTERSTA
8143464	W 166-1	4903721186		107-TF		RED DESERT #1-5	BATTLE SPRING	108.4	COLORADO INTERSTA
8143463	W165-1	4903721186		102-2		RED DESERT UNIT #1-5	BATTLE SPRING	108.4	COLORADO INTERSTA
8143467	W 169-1	4903721704		102-2		RED DESERT UNIT #2	BATTLE SPRING	43.2	COLORADO INTERSTA
8143468	W 170-1T	4903721704		107-TF		RED DESERT UNIT #2	BATTLE SPRING	43.2	COLORADO INTERSTA
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143490	W 207-1	4903721721		103		GOODSTEIN FEDERAL #1-35	NITCHIE GULCH	192.0	
-GREAT WESTERN OIL CO				RECEIVED: 07/28/81 JA: WY 5					
8143518	W 589-0	4900920009		102-4		#1 GOVT SHAWNEE	SHAWNEE	126.0	KANSAS-NEBRASKA N
-HUSKY OIL COMPANY				RECEIVED: 07/28/81 JA: WY 5				72.0	PANHANDLE EASTERN
8143517	W 496-0	4903721543		102-4		FEDERAL BAXTER #4-22			
-JOHN J CHRISTMANN				RECEIVED: 07/24/81 JA: WY 5					
8143483	W195-1-T	4903721691		107-TF		FEDERAL 1-6	FABIAN DITCH	700.0	NORTHWEST PIPELIN
-MARATHON OIL COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143449	W 186-1	4903721568		102-4		TIERNEY II UNIT #7-24	TIERNEY II UNIT	183.0	COLORADO INTERSTA
-MONSANTO COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143448	W 103-1	4901321050		102-4		CROSS #1-9	MADDEN	500.0	COLORADO INTERSTA
8143457	W 153-1	4901321028		107-DP		LONG BUTTE UNIT FEDERAL #4	LONG BUTTE	2000.0	MICHIGAN WISCONSI
-MOUNTAIN FUEL SUPPLY COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143479	W 189-1	4903721611		103		CHURCH BUTTES UNIT WELL #38	CHURCH BUTTES	58.0	MOUNTAIN FUEL SUP
-NATURAL GAS CORPORATION OF CALIF				RECEIVED: 07/24/81 JA: WY 5					
8143484	W197-1	4902320416		103		14-32 FEDERAL	FONTENELLE II	20.0	PACIFIC GAS TRANS
-PACIFIC TRANSMISSION SUPPLY COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143461	W 161-1	4902320409		103		PTS 14-1 FEDERAL	FONTENELLE II	630.0	PACIFIC GAS TRANS
8143444	W 82-1-T	4900720491		107-TF		PTS 3-10 FEDERAL	ECHO SPRINGS	100.0	PACIFIC GAS & ELE
8143445	W 83-1-T	4903721548		107-TF		PTS 3-10A FEDERAL	SIBERIA RIDGE	90.0	PACIFIC GAS & ELE
8143446	W 84-1-T	4900720492		107-TF		PTS 3-14 FEDERAL	ECHO SPRINGS	0.0	PACIFIC GAS & ELE
8143460	W 160-1	4903721672		102-2		PTS 3-2A FEDERAL	WILDCAT	90.0	PACIFIC GAS & ELE
8143447	W 86-1-T	4900720493		107-TF		PTS 3-22A FEDERAL	ECHO SPRINGS	200.0	PACIFIC GAS & ELE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143475	W 182-1-T	4903721431		107-TF		USA AMOCO V NO 2	ECHO SPRINGS - MESAVERDE	298.2	CITIES SERVICE GA
8143455	W 151-1	4900720509		102-2		USA AMOCO W NO 2	ECHO SPRINGS	21.7	CITIES SERVICE GA
8143476	W 185-1	4902320385		103		WHISKEY BUTTES UNIT NO 46	WHISKEY BUTTES	18.0	CITIES SERVICE GA
8143474	W 183-1-T	4902320385		107-TF		WHISKEY BUTTES UNIT NO 46	WHISKEY BUTTES	18.0	CITIES SERVICE GA
-BURLINGTON NORTHERN INC				RECEIVED: 07/24/81 JA: WY 5					
8143442	W 64-1	4902720338		102-4		22-7 FEDERAL E	BUCK CREEK	18.0	PHILLIPS PETROLEU
8143441	W 63-1	4902720337		102-4		31-7 FEDERAL E	BUCK CREEK	36.0	PHILLIPS PETROLEU
8143443	W 65-1	4902720339		102-4		41X-7 FEDERAL C	BUCK CREEK	36.0	PHILLIPS PETROLEU
8143435	W62-1	4902720336		102-4		42-7 FEDERAL A	BUCK CREEK	75.0	PHILLIPS PETROLEU
8143450	W 69-1	4902720354		102-4		44-18 FEDERAL F	BUCK CREEK	36.0	PHILLIPS PETROLEU
-BURLINGTON NORTHERN INC				RECEIVED: 07/28/81 JA: WY 5					
8143524	W 67-1	4902720321		102-4		32-7 FEDERAL A	BUCK CREEK	36.0	PHILLIPS PETROLEU
8143525	W64-1	4902720322		102-4		33-7 FEDERAL B	BUCK CREEK	150.0	PHILLIPS PETROLEU
8143526	W 65-1	4902720323		102-4		43-7 FEDERAL	BUCK CREEK	100.0	PHILLIPS PETROLEU
-CITIES SERVICE COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143487	W 202-1	4903721686		107-TF		FEDERAL Z NO 2	SIBERIA RIDGE	36.5	CITIES SERVICE GA
-DAVIS OIL COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143482	W191-1	4903721018		103		HAY RESERVOIR IO	HAY RESERVOIR	26.0	COLORADO INTERSTA
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 07/24/81 JA: WY 5					
8143494	W 211-1	4900925413		103		DEVLIN FEDERAL 12-32	PORCUPINE	14.0	
8143493	W 210-1	4901920609		103		SCHOONOVER ROAD UNIT NO 4	INDIAN CREEK	0.0	
-ENERGY RESERVES GROUP INC				RECEIVED: 07/24/81 JA: WY 5					
8143470	W 172-1	4903721662		102-2		NICKEY UNIT #1-13B	WILDCAT	144.0	COLORADO INTERSTA
8143471	W 173-1T	4903721662		107-TF		NICKEY UNIT #1-13B	WILDCAT	144.0	COLORADO INTERSTA
8143472	W 174-1	4903721638		102-2		NICKEY UNIT #2-23	WILDCAT	91.4	COLORADO INTERSTA
8143462	W 159-1	4903721187		107-TF		RED DESERT #1-4	BATTLE SPRING	108.4	COLORADO INTERSTA
8143485	W 198-1	4903721187		102-2		RED DESERT UNIT #1-4	BATTLE SPRING	108.4	COLORADO INTERSTA
8143486	W 199-1	4903721705		102-2		RED DESERT UNIT #3	BATTLE SPRING	43.2	COLORADO INTERSTA
8143473	W 175-1T	4903721705		107-TF		RED DESERT UNIT #3	BATTLE SPRING	43.2	COLORADO INTERSTA
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143489	W 206-1	4903721722		103		GOODSTEIN FEDERAL #1-34	NITCHIE GULCH	192.0	
-GREAT WESTERN OIL CO				RECEIVED: 07/28/81 JA: WY 5					
8143519	W 590-0	4900920010		102-4		#1 GOVT SHAWNEE	SHAWNEE	126.0	KANSAS-NEBRASKA N
-HUSKY OIL COMPANY				RECEIVED: 07/28/81 JA: WY 5				72.0	PANHANDLE EASTERN
8143516	W 495-0	4903721544		102-4		FEDERAL BAXTER #4-27			
-JOHN J CHRISTMANN				RECEIVED: 07/24/81 JA: WY 5					
8143482	W195-1-T	4903721692		107-TF		FEDERAL 1-7	FABIAN DITCH	700.0	NORTHWEST PIPELIN
-MARATHON OIL COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143450	W 187-1	4903721569		102-4		TIERNEY II UNIT #7-23	TIERNEY II UNIT	183.0	COLORADO INTERSTA
-MONSANTO COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143452	W 104-1	4901321051		102-4		CROSS #1-10	MADDEN	500.0	COLORADO INTERSTA
8143458	W 154-1	4901321029		107-DP		LONG BUTTE UNIT FEDERAL #5	LONG BUTTE	2000.0	MICHIGAN WISCONSI
-MOUNTAIN FUEL SUPPLY COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143480	W 190-1	4903721612		103		CHURCH BUTTES UNIT WELL #39	CHURCH BUTTES	58.0	MOUNTAIN FUEL SUP
-NATURAL GAS CORPORATION OF CALIF				RECEIVED: 07/24/81 JA: WY 5					
8143485	W198-1	4902320417		103		14-33 FEDERAL	FONTENELLE II	20.0	PACIFIC GAS TRANS
-PACIFIC TRANSMISSION SUPPLY COMPANY				RECEIVED: 07/24/81 JA: WY 5					
8143462	W 162-1	4902320410		103		PTS 14-2 FEDERAL	FONTENELLE II	630.0	PACIFIC GAS TRANS
8143453	W 163-1	4902320411		103		PTS 14-3 FEDERAL	ECHO SPRINGS	100.0	PACIFIC GAS & ELE
8143459	W 164-1	4902320412		103		PTS 14-4 FEDERAL	SIBERIA RIDGE	90.0	PACIFIC GAS & ELE
8143451	W 87-1-T	4900720494		107-TF		PTS 3-22B FEDERAL	ECHO SPRINGS	0.0	PACIFIC GAS & ELE
8143453	W 88-1-T	4900720495		107-TF		PTS 3-23A FEDERAL	WILDCAT	90.0	PACIFIC GAS & ELE
8143454	W 89-1-T	4900720496		107-TF		PTS 3-24A FEDERAL	ECHO SPRINGS	200.0	PACIFIC GAS & ELE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143443	W 80-1T	4900720462		107-TF		PTS 3-24 FEDERAL	ECHO SPRINGS	1000.0	PACIFIC GAS & ELE
-SOUTHLAND ROYALTY CO				RECEIVED: 07/24/81 JA: WY 5					
8143473	W 182-1	4901920605		103		REINAUER FEDERAL #1-34	HOLLEN DRAW	7.0	PHILLIPS PETROLEU
-TERRA RESOURCES INC				RECEIVED: 07/28/81 JA: WY 5					
8143519	W 709-0	4902920891		102-4		FEDERAL #1-33	MEETEETSE	0.0	
-TEXACO INC				RECEIVED: 07/24/81 JA: WY 5					
8143476	W 185-1	4903721843		103		TABLE ROCK UNIT NO 47	TABLE ROCK	5.5	COLORADO INTERSTA
-TOM BROWN INC				RECEIVED: 07/24/81 JA: WY 5					
8143474	W 183-1	4901321133		102-2		TRIBAL 12-23	MUDDY RIDGE	10.0	MONTANA-DAKOTA UT
8143475	W 184-1	4901321105		102-2		TRIBAL 19-23	MUDDY RIDGE	44.0	MONTANA-DAKOTA UT
				-2					

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before September 3, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24203 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–452–000]

Consolidated Gas Supply Corp.; Application

August 13, 1981.

Take notice that on August 4, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81–452–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of a limited term natural gas storage service for Connecticut Natural Gas Corporation (Connecticut), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an agreement dated July 15, 1981, Applicant proposes to store up to 300,000 dekatherms (dt) equivalent of natural gas for Connecticut and to withdraw and deliver up to 1,987 dt equivalent of gas per day on a best-efforts basis for a term commencing on the latter of the day following receipt of all regulatory approvals on September 1, 1981, and ending on the earlier of thirteen months following the effective date or the date when all of Connecticut's gas has been withdrawn from storage.

Applicant asserts that Connecticut has arranged with Tennessee Gas Pipeline Company, a Division of Tennaco Inc. (Tennessee) and Columbia Gas Transmission Corporation to provide the necessary transportation in accordance with Section 311 of the Natural Gas Policy Act of 1978. It is further stated that Applicant would receive gas and redeliver gas to Tennessee for Connecticut's account at the Petersburg Connection, an existing interconnection between the facilities of Applicant and Tennessee in Mahoning County, Ohio.

For such storage service, Applicant proposes to charge Connecticut a rate equivalent to that specified in its Rate Schedule GSS, FERC Gas Tariff, Third Revised Volume No. 1 applied on an average unit basis. Such rate, it is submitted, is currently 31.36 cents per dt equivalent of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of a certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24149 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–441–000]

Consolidated Gas Supply Corp.; Application

August 13, 1981.

Take notice that on July 30, 1981, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81–441–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a compressor station in their Storage Pool Area in Clinton County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that Consolidated owns an undivided one-fourth interest in the Leidy and Tamarack Gas Storage Pools located in Clinton and Potter Counties, Pennsylvania, and operated by Consolidated.

Applicants specifically propose to abandon a 440 horsepower Ingersoll-Rand gas compression engine, type KV–6, and related and appurtenant facilities, the Kettle Creek Station, located in Leidy Township, Clinton County, Pennsylvania. Such compressor station, it is stated, was constructed in 1971 to pump natural gas out of the shallow gas bearing sands which overlay the Leidy Storage Sand and to redeliver the gas into Consolidated's high pressure Line No. 280. The compressor station was required after damage to storage facilities in the southern end of the Leidy Storage Pool in 1969 released gas

from the Oriskany Sand into shallower sands, it is explained.

It is submitted, however, that the quantity of gas handled was substantially less than anticipated and only intermittent use of the Kettle Creek Station was required to adequately control the gas pressure in the shallower sands.

Applicants assert that due to alternate methods available to handle the subject gas the Kettle Creek Station is no longer required and accordingly propose to dismantle such facility salvaging any usable components for possible reuse.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24148 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP79-166-004; CP79-280]

El Paso Natural Gas Co. and Michigan Wisconsin Pipe Line Co.; Petition to Amend

August 13, 1981.

Take notice that on July 29, 1981, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-166-004 and Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-280 a joint petition to amend the order issued July 18, 1979, as amended, in the instant dockets pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas to an additional point of receipt to Mich Wis, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that they were authorized by order issued July 18, 1979, in the instant dockets to exchange quantities of natural gas available to Mich Wis in the Lincoln Road area, Wyoming, for natural gas available to El Paso underlying High Island Block A-309, in the East Addition, High Island area South Extension, Federal Domain, offshore Texas. It is asserted that natural gas from the Lincoln Road area is exchanged when natural gas from Block A-309 exceeds the quantity that Mich Wis has available for exchange with El Paso from the Creston Nose area, Wyoming.

Petitioners aver that the exchange of Lincoln Road and Block A-309 gas is accomplished pursuant to the terms and conditions of the Lincoln Road gas exchange agreement dated December 20, 1978. It is submitted that under the terms and conditions of the Lincoln Road gas exchange agreement if Mich Wis should deliver or cause to be delivered on any day to El Paso at the El Paso receipt points a volume of natural gas in excess of the volume delivered by El Paso at Mich Wis's measuring station in Cameron Parish, Louisiana, then El Paso would deliver a volume of natural gas equivalent to such excess at an existing point of interconnection between the pipeline systems of the parties in Roger Mills County, Oklahoma.

Petitioners now propose to use an existing point of delivery by El Paso to Mich Wis as an El Paso receipt point under the Lincoln Road gas exchange agreement. It is asserted that under an amendment to the Lincoln Road gas exchange agreement dated February 12, 1981, the parties have agreed to use El Paso delivery point No. 2 in Roger Mills County, Oklahoma, as an additional point to be designated as El Paso receipt point No. 8 for the receipt of gas by El Paso from Mich Wis should El Paso have quantities of natural gas available to it in excess of those quantities expected to be available to Mich Wis from the Lincoln Road area, Wyoming. Petitioners submit that this point of receipt would serve as the primary point for the delivery of balancing gas by Mich Wis to El Paso. Petitioners also contend that this proposed change would provide greater flexibility in the delivery of balancing gas under the Lincoln Road gas exchange agreement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24150 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP73-84]

El Paso Natural Gas Co.; Withdrawal of Proposed Accounting and Rate Treatment of Research and Development Expenditures

August 13, 1981.

Take notice that on August 4, 1981, El Paso Natural Gas Company ("El Paso"), a Delaware corporation, whose mailing address is Post Office Box 1492, El Paso, Texas 79978, filed pursuant to § 1.11(d) of the Federal Energy Regulatory Commission ("Commission") Rules of Practice and Procedure, a notice of withdrawal of its Proposed Accounting and Rate Treatment of Research and Development Expenditures filed February 16, 1973 at Docket No. RP73-84, all as more fully set forth in the document which is on file with the Commission and open to public inspection.

The notice of withdrawal states that El Paso filed a proposal to undertake a

research and development project through the installation and operation of a major facility designed to develop and test, for purposes of feasibility and reliability, certain proposed improvements in the coal gasification process designed by Lurgi Mineraloltechnik, GmbH of Frankfort, West Germany. The Development Coal Gasifier Project ("Development Project") was to be undertaken at the proposed site of El Paso's Burnham Coal Gasification Complex ("Burnham Complex"), which was proposed in El Paso's application filed with the Commission on November 15, 1972 at Docket No. CP73–131.

The notice of withdrawal also states that on May 19, 1975, El Paso filed a motion requesting that the Commission defer rendering a decision on the merits of the proceeding at Docket No. RP73–84 until such time as El Paso is able to further advise the Commission of the timing of the construction of the Burnham Complex and further, the impact such extended timing would have on the appropriateness of El Paso's proposed Development Project. By Commission order issued July 7, 1975, the proceedings at Docket No. RP73–84 were deferred until further order of the Commission.

The notice of withdrawal further states that El Paso has now determined that it will not pursue the Burnham Complex project at this time. In light of these new circumstances, El Paso has reconsidered the appropriateness of it undertaking the Development Project in view of the fact that the Burnham Complex project will not presently be built and requests that the Commission expressly authorize the withdrawal of the proposal at Docket No. RP73–84 regarding accounting and rate treatment of research and development expenditures made in connection with the Development Project plant.

Any person desiring to be heard or to make any protest with reference to said notice of withdrawal of proposed accounting and rate treatment of research and development expenditures should on or before August 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24162 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4720–000]

City of Farmington, New Mexico; Application for Preliminary Permit

August 14, 1981.

Take notice that the City of Farmington, New Mexico (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4720 known as the Navajo Project located on the San Juan River in San Juan and Rio Arriba Counties, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Bob Culpepper, P.O. Box 900, Farmington, New Mexico 87401.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Navajo Dam and Reservoir and would consist of: (1) a new power conduit 110 inches in diameter and 120 feet long before dividing into two penstocks each 72 inches in diameter and 30 feet long; (2) a new 40 by 90-foot powerhouse containing two 11.5-MW turbine/generator units; (3) a proposed switchyard; (4) a proposed tailrace; (5) a 1.0-mile long transmission line; and (6) appurtenant facilities. Applicant proposes to use the average annual generation of 102 million kWh for municipal purposes.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $275,000.

Competing Applications—This application competes with the application filed on November 10, 1980, by the Mitchell Energy Company for Project No. 3708 under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4720. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24175 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81-419-000]

Freeport Pipeline Co.; Application

August 13, 1981.

Take notice that on July 16, 1981, Freeport Pipeline Company (Applicant), P.O. Box 61520, New Orleans, Louisiana 70150, filed in Docket No. CP81-419-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to retain in place and continue to operate existing facilities for the transportation of natural gas for Freeport Sulphur Company (Freeport Sulphur), a division of Freeport Minerals Company, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it owns and operates two pipelines for transporting natural gas to Freeport Sulphur's offshore sulphur mine in Grand Isle Block 9 in the Gulf of Mexico (the Grand Isle Mine), an intrastate pipeline approximately twelve miles in length running from onshore Louisiana to the Grand Isle Mine, and a second pipeline approximately eleven miles in length which transports natural gas from Exxon Corporation's platforms in Grand Isle Block 16 Field L and Grand Isle Block 18 Field A, offshore Louisiana, in the Gulf of Mexico to the Grand Isle Mine.

Applicant states that pursuant to a gas transportation agreement between Applicant and Freeport Sulphur dated March 1, 1975, Applicant receives natural gas produced offshore Louisiana from Exxon Corporation and transports such gas to the Grand Isle Mine.

It is further stated that pursuant to a contract dated March 1, 1975, Exxon agreed to sell and Freeport Sulphur agreed to buy up to 14,000 Mcf of natural gas per day to be delivered by Exxon to Applicant at Exxon's platforms for transportation to the Grand Isle Mine and further that the Grand Isle Mine uses approximately 11,000 Mcf of gas per day but because of deliverability problems associated with the depletion of reservoirs dedicated to the contract, average daily deliveries from Exxon in 1980 amounted to 3,705 Mcf. Applicant expects daily deliveries from Exxon to decline to a level of 2,000 Mcf per day by December 1981 and to continue at that level until termination of the contract which Applicant expects to take place no later than December 1984.

It is submitted that pursuant to a third contract dated March 1, 1975, between Applicant and Exxon, Exxon agreed to operate and maintain the pipeline so long as it is selling gas to Freeport Sulphur under the March 1, 1975, gas sales contract.

Applicant submits that pursuant to the gas sales contract of March 1, 1975, Exxon is entitled to collect the highest of (a) the highest price for gas included in any contract between a producer and a bona fide pipeline in South Louisiana, or (b) the Btu equivalent of low sulphur No. 6 fuel oil, Exxon posting for consumer barge deliveries of Gulf Coast ports. However, it is asserted that actual collections by Exxon are subject to the maximum lawful price ceilings imposed by the Natural Gas Policy Act of 1978 (NGPA). It is also asserted that Freeport Sulphur is presently paying the price provided under Section 109 of the NGPA.

It is stated that Freeport Sulphur entered into a ten-year gas sales contract with Louisiana Intrastate Gas Corportation (LIG) pursuant to which contract maximum daily deliveries would be restricted to 8,000 Mcf until December 1981 at which time the maximum daily delivery would increase to 11,400 Mcf.

Such volumes, it is asserted, would be delivered by LIG to Applicant at a point onshore Louisiana for delivery to Freeport Sulphur via the intrastate line. It is further asserted that the base price of gas purchased pursuant to the LIG contract would be $2.25 per million Btu plus purchased gas cost and inflation adjustments.

It is submitted that the natural gas consumed at the Grand Isle Mine would be used to superheat and chemically treat seawater for the purpose of recovering sulphur.

Applicant asserts that on June 22, 1981, the Supreme Court of the United States entered a final decree in *United States* v. *Louisiana* (S. Ct. No. 9, Original) redrawing the boundary between Louisiana and the federal domain so as to encompass within state waters the Grand Isle Mine as well as some of the Exxon wells supplying the natural gas transported to the Grand Isle Mine. Such decree, it is further asserted, subjects the above described transportation and facilities to Commission jurisdiction.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24151 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-35-000]

GHR Pipeline Corp. and GHR Transmission Corp.; Application for Adjustment

August 13, 1981.

On May 5, 1981, GHR Pipeline Corporation, Formerly Southern Pipe Line Corporation and GHR Transmission Corporation, formerly Southern Gas Transmission Company, filed with the Federal Energy Regulatory Commission under section 502(c) of the Natural Gas Policy Act, seeking relief from the Commission's Regulations governing the transportation and sale by intrastate pipelines as set forth in 18 CFR 284.123(b)(1)(ii). Southern states that it is necessary for the Commission to grant this adjustment to remove uncertainties relating to Southern's transportation service for interstate pipelines under section 311(a)(2) and Southern's sales to an interstate pipeline under section 311(b) in Texas. Southern's application is on file with the Commission and is available for public inspection.

The procedures applicable to the conduct of this adjustment proceeding

are found in Section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979, as amended by Order 24–B issued March 24, 1980.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions § 1.41. All petitions to intervene must be filed on or before September 3, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24183 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ES81–66–000]

Interstate Power Co.; Application

August 12, 1981.

Take notice that on August 3, 1981, Interstate Power Company (Applicant) filed an application with this Commission seeking an order pursuant to section 204 of the Federal Power Act for authorization to issue short-term promissory notes and/or commercial paper, not to exceed an aggregate of $40 million outstanding at any one time, to be issued on or before December 31, 1982 and to mature not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24184 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–657–000]

Iowa Power & Light Co.; Filing

August 12, 1981.

The filing Company submits the following:

Take notice that on August 4, 1981, Iowa Power and Light Company (Iowa Power) tendered for filing a General Facilities Agreement, dated April 30, 1974 and Transmission Service Agreement, dated December 20, 1978, between Iowa Power and Central Iowa Power Cooperative (CIPCO). Iowa Power also tendered for filing revised and additional exhibits to the General Facilities Agreement executed on October 28, 1980.

The General Facilities Agreement relates to the coordinated development and joint usage of facilities in the common service areas of CIPCO and Iowa Power and provides specific for sharing use of facilities in the Otley-Pleasantville area and for joint construction of facilities in the Shenandoa-Hastings area, and rates for transmission, substation and distribution services, and for matters of ownership, installation, maintenance and testing, repair, metering, losses, and records.

The Transmission Service Agreement relates to utilization by CIPCO of 50 MW of transmission capacity in Iowa Power's existing 161 kV transmission system from Council Bluffs Power Station Unit 3 and points of interconnection between Iowa Power Systems and those of other parties to WAPA Creston Substation Bus, Creston, Iowa; Iowa Power Clarinda Substation Bus near Clarinda, Iowa; and Iowa Power Hastings Substation Bus near Hastings, Iowa.

The revised and additional exhibits to the General Facilities Agreement provide for construction of additional transmission lines and interconnections between Iowa Power and CIPCO's facilities.

Iowa Power requests that the Commission waive its prior notice requirements and proposes that the General Facilities Agreement be effective as of June 1, 1979, that the Transmission Service Agreement be effective as of January 1, 1979 and that the revised and additional rate schedules be effective as of October 28, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24165 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4487–000]

City of Kalispell; Application for Preliminary Permit

August 14, 1981.

Take notice that the City of Kalispell (Applicant) filed on April 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4487 known as the Ruby River Waterpower Project located at the U.S. Water and Power Resources Service Ruby River Dam on the Ruby River in Madison County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Robert Grisley, 1485 South 300 West, Salt Lake City, Utah 84115.

Project Description—The proposed project would utilize a U.S. Water and Power Resource Service Dam Project No. 4487 and would consist of: (1) a proposed penstock, leading from the existing dam to the powerhouse; (2) a proposed powerhouse and tailrace; and (3) appurtenant facilities. The proposed powerhouse would have an installed capacity of 5,000 kW. The Applicant estimates that the average annual generation would be 13,700,000 kWh. The proposed project would be located on Federal lands.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to investigate, analyze and evaluate all relevant aspects of the proposed project, including the preparation of an environmental assessment, consultation with the appropriate governmental agencies, preparation of engineering design and cost estimate and preparation of an application for FERC license. The cost of studies is estimated to be $47,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an

acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24178 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4052-000]

John H. Koyle; Application for Preliminary Permit

August 14, 1981.

Take notice that John H. Koyle (Applicant) filed on January 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4052 known as the Koyle Ranch Project located on the Malad River in Gooding County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John H. Koyle, Route 2, Gooding, Idaho 83330.

Project Description—The proposed project would consist of: (1) two 10-foot high diversion structures; (2) a 1,350-foot long canal; (3) a 1,000-foot long canal; (4) a headworks structure; (5) an outdoor-type enclosure containing one generating unit rated at 350 kW and two generating units, each rated at 175 kW; and (6) a transmission line. The average annual energy generation is estimated to be 3.75 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application.

The cost of the work to be done under the preliminary permit is estimated to be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 19, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above Address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24184 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-435-000]

Lone Star Gas Co., a Division of Enserch Corp.; Application

August 13, 1981.

Take notice that on July 29, 1981, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP81-435-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap, regulating and measuring facility for the delivery of natural gas to a main line customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a tap, regulating and measuring facility for the sale and delivery of natural gas to Bill B. Burris for irrigation. Applicant states that it would construct the tap on its Line E26 in McCurtain County, Oklahoma.

Applicant estimates that the cost of the facility would be $2,742 which costs would be financed from Applicant's working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance

with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take Further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24152 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4684-000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 13, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4684 known as the Hudson River/Champlain Canal Lock 4 Project located on the Hudson River in Saratoga and Rensselaer Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description—The proposed project would consist of: (1) the existing Lock 4 Dam, a concrete gravity structure 9 feet high and 1,400 feet long; (2) the existing Lock 4; (3) the Lock 4 reservoir having a surface area of 1,300 acres at a mean surface elevation of 82.5 feet (USGS datum); (4) a new intake structure; (5) a new power canal; (6) a new power house containing new turbine-generator units with a rated capacity of 5,200 kW; (7) a new tailrace; (8) a new transmission line; and (9) appurtenant works. The existing structures are owned by the New York State Department of Transportation. Project energy generated would be sold to the Niagara Mohawk Power Corporation. The Applicant estimates that the average annual energy output would be 28,900,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $110,000.

Competing Applications—Anyone desiring to file a competing application must sumit to the Commission, on or before October 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24153 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-15]

Michigan-Wisconsin Pipeline Co.; Protests and Request for Withdrawal Protests To Charge and Collect NGPA Prices

August 12, 1981.

In accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B [1] and Order on Rehearing of Order No. 23-B, [2] the Michigan-Wisconsin Pipeline Company (Michigan-Wisconsin) filed protests to assertions by natural gas producers of their contractual authority to charge and collect certain maximum lawful prices under the Natural Gas Policy Act of 1978 after the Initial Decision in Docket No. GP80-15. [3] The protests were filed as supplemental schedules to evidentiary submissions required to be filed under § 154.94(j) of the Commission's regulations. [4] Michigan-Wisconsin is

[1] Order Adopting Final Regulations and Establishing Protest Procedures, Docket No. RM79-22, issued June 21, 1979.

[2] Docket No. RM79-22, issued August 6, 1979.

[3] Michigan-Wisconsin Pipeline Company, Docket No. GP80-15, Initial Decision Dismissing Third Party Protest of Contracts Containing Area Rate Clauses, Granting Petitions Protesting Contracts Without Area Rate Clauses and Granting Petitions to Intervene, 12 FERC ¶ 63,006, issued July 17, 1980.

[4] Supplemental Schedule C-2 of Sixth Supplemental Evidentiary Submission, filed July 16,

Continued

located at 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Texas 77056.

Michigan-Wisconsin protests the contractual authority of certain prducers to charge and collect NGPA section 108 maximum lawful prices on the basis that the contracts are fixed price contracts, i.e., do not contain area rate clauses. Protests by Michigan-Wisconsin on this basis are under § 154.94(i)(3), to interim collection filings made by Phillips Petroleum Company and Champlin Petroleum Company pursuant to § 154.94(i)(1), and under § 154.94(h)(8), to the blanket affidavit filing made by ONG Exploration, Inc., now Oneok Exploration Company, purusant to § 154.94(h)(1), Michigan-Wisconsin protests the contractual authority of Shell Oil Company (Shell) to charge and collect NGPA section 108 prices on the basis that the contract cited by Shell specifically prohibits the collection of the maximum lawful prices under NGPA section 108. Specifically, Michigan-Wisconsin protests, under § 154.94(i)(3), the interim collection filing made by Shell pursuant to § 154.94(i)(1).

In a filing in this docket on July 13, 1981, Michigan-Wisconsin states that it now has evidence that the producer filings on which its protests were based have been revised, withdrawn, or otherwise resolved. As a result, Michigan-Wisconsin requests that the above-noted protests be withdrawn.

The actual language of the contracts at issue herein is contained in Michigan-Wisconsin's protests, copies of which are contained in the Commission's public files and available for inspection by any member of the public.

Any person desiring to be heard or to make any protests concerning Michigan-Wisconsin's protests filed in this docket should, on or before 30 days after publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein, but will not serve to make the protestants parties to this proceeding. Any person wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24106 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP81-408-000 and CP80-297]

Michigan Wisconsin Pipe Line Co.; Application and Petition To Amend

August 13, 1981.

Take notice that on July 10, 1981, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, filed pursuant to Section 7(c) of the Natural Gas Act in Docket No. CP81-408-000 an application for a certificate of public convenience and necessity and in Docket No. CP80-297 a petition to amend the order issued September 3, 1980, in said docket authorizing the construction and operation of facilities necessary to increase the daily deliverability from the Gageby Creek and Woodward Areas of Oklahoma, all as more fully set forth in the application and petition to amend which are on file with the Commission and open to public inspection.

Mich Wis states that it has annually acquired approximately 200,000,000 Mcf of new natural gas reserves in the trough area of the Anadarko Basin in the Panhandle area of Texas and Oklahoma and anticipates acquiring a like annual amount over the next several years. Applicant indicates that a majority of the reserve additions which were connected during 1978, 1979, and 1980 required extensions of its facilities located in the Gageby Creek and Woodward areas. Applicant explains that the successful acquisition of new reserves to offset declining deliverability of older reserves is contingent on the availability of sufficient capacity in these facilities to transport the newly acquired reserves. Translated into daily deliverability, over 80,000 Mcf of additional capacity would be required to sustain gas reserve additions at the 200,000,000 Mcf per year level, it is said.

Mich Wis states that to achieve the additional capacity necessary to continue to contract for newly developed reserves it proposes to construct and operate the following facilities:

(1) 40.5 miles of 16-inch O.D. pipeline connecting the facilities located in the Woodward area in Beckham County, Oklahoma, to the facilities located in the Gageby Creek area in Wheeler County, Texas.

(2) 20.2 miles of 16-inch O.D. pipeline looping an existing section of 10¾-inch O.D. lateral line (Trunk 485) between m.p. 80.1 and m.p. 109.3, Wheeler County, Texas.

(3) 6.9 miles of 20-inch O.D. pipeline looping an existing section of 16-inch O.D. line (Trunk 464) between m.p. 27.5 and m.p. 34.4, Dewey County, Oklahoma.

(4) 7.1 miles of 20-inch O.D. pipeline looping an existing section of 16-inch O.D. line (Trunk 461) between m.p. 27.6 and m.p. 34.7, Woodward and Harper Counties, Oklahoma.

(5) 9.7 miles of 20-inch O.D. pipeline looping an existing section of 20-inch O.D. line (Trunk 460) between m.p. 38.3 and m.p. 48.0, Comanche and Kiowa Counties, Kansas.

(6) 4,000 horsepower of additional compression to be installed at the Custer Compression Station, Custer County, Oklahoma.

Mich Wis indicates that the 20.2 miles of 12¾-inch O.D. pipeline described in No. (2) above was previously authorized by order issued September 3, 1980, in Docket No. CP80-297 and by the instant filing, it is requesting modification of the certificate to construct a 16-inch O.D. loop line in lieu of the 12¾-inch O.D. line.

Mich Wis states that the total cost of the pipeline and compressor facilities would be $29,550,480 which would be financed initially with treasury funds and other funds generated internally together with the borrowings from banks under short-term lines of credit as required. Mich Wis anticipates that any bank borrowings would subsequently be permanently financed as market conditions permit.

Any person desiring to be heard or to make any protest with reference to said application or petition should on or before September 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

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1980; Supplemental Schedule C-3 of Seventh Supplemental Evidentiary Submission, filed March 5, 1981; and Supplemental Schedule C-3 of Eight Supplemental Evidentiary Submission filed June 29, 1981.

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24156 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-15]

Michigan-Wisconsin Pipeline Co.; Protests To Charge and Collect NGPA Prices

August 12, 1981.

In accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B [1] and Order on Rehearing of Order No. 23-B,[2] the Michigan-Wisconsin Pipeline Company (Michigan-Wisconsin) filed protests to assertions by large and small natural gas producers of their contractual authority to charge and collect certain maximum lawful prices under the Natural Gas Policy Act of 1978 (NGPA) after the Initial Decision in Docket No. GP80-15.[3] All but one of the protests are filed as supplemental schedules to evidentiary submissions required to be filed under section 154.94(j) of the Commission's regulations.[4] Michigan-Wisconsin is located at 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Texas 77056.

Michigan-Wisconsin protests the contractual authority of two producers to charge and collect NGPA prices on the basis that the contracts are fixed price contracts, i.e., do not contain area rate clauses. Protests by Michigan-Wisconsin on this basis are under § 157.40(c)(1)(v)(B), to the interim collection filing made by Champlin Exploration, Inc., to charge and collect NGPA section 103 prices pursuant to § 273.202, and under § 154.94(h)(8), to the blanket affidavit filing made by Multistate Oil Properties, N.V., to charge and collect NGPA section 104 prices pursuant to § 154.94(h)(1).

Michigan-Wisconsin protests the contractual authority of two other producers to charge and collect NGPA section 108 prices on the basis that the contracts specifically prohibit the collection of the maximum lawful prices under section 108. Protests by Michigan-Wisconsin on this basis are under § 154.94(i)(3), to the interim collection filing made by Superior Oil Company pursuant to § 154.94(i)(1), and under § 157.40(c)(1)(v)(B), to the interim collection filing made by John F. Riddell, Jr. pursuant to § 273.202.

On October 17, 1980, Michigan-Wisconsin filed a protest under § 154.94(i)(3) to the interim collection filing made by TransOcean Oil, Inc. (TransOcean), now Mobil Oil Exploration and Producing Southeast, Inc., to charge and collect the NGPA section 107 maximum lawful price for sales from the Shadyside #10 Well in Patterson Field, St. Mary's Parish, Louisiana insofar as the filing pertains to Placid Oil Company Rate Schedule No. 40.[5] This protest was not filed as a supplemental schedule to the evidentiary submissions listed in footnote 4.

The actual language of the contracts at issue herein is contained in Michigan-Wisconsin's protests, copies of which are contained in the Commission's public files and available for inspection by any member of the public.

Any person desiring to be heard or to make any protest concerning Michigan-Wisconsin's protests filed in this docket should, on or before September 18, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein, but will not serve to make the protestants parties to this proceeding. Any person wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24167 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-457-002]

Mississippi River Transmission Corp.; Petition To Amend

August 13, 1981.

Take notice that on July 24, 1981, Mississippi River Transmission Corporation (Petitioner), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP79-457-002 a petition to amend the order issued April 18, 1980, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale of additional quantities of natural gas to Laclede Gas Company (Laclede), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued April 18, 1980, it was authorized to sell natural gas to Laclede pursuant to a winter service contract dated April 16, 1979. Petitioner avers that the service under the April 16, 1979, agreement was designed with recognition of Laclede's exploration and development activities in a specific producing area as well as its desire to use a portion of the production attributable to such activities for its own system uses. It is asserted that this service involves covered production which is defined as gas purchases made by Petitioner in the North Reydon field in Roger Mills County, Oklahoma, and Hemphill County, Texas, from Laclede and other producers. Petitioner states that those volumes of covered production which are actually delivered to Petitioner's pipeline are called net transported volume and the under the original agreement 50 percent of the net transported volume would be retained by Petitioner for its own system uses and the remaining 50 percent would be used to support deliveries by Petitioner to Laclede on eighty days of each winter period. Petitioner avers that on any day on which such winter service is being rendered to Laclede deliveries consist of volumes designated as transportation component gas and volumes designated as storage component gas. It is asserted

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[1] Order Adopting Final Regulations and Establishing Protest Procedure, Docket No. RM79-22, issued June 21, 1979.

[2] Docket No. RM79-22, issued August 6, 1979.

[3] Michigan-Wisconsin Pipeline Company, Docket No. GP80-15, Initial Decision Dismissing Third Party Protest of Contracts Containing Area Rate Clauses, Granting Petitions Protesting Contracts Without Area Rate Clauses and Granting Petitions to Intervene, 12 FERC ¶ 63,006, issued July 17, 1980.

[4] Supplemental Schedule C-2 of Sixth Supplemental Evidentiary Submission, filed July 18, 1980; Supplemental Schedule C-3 of Seventh Supplemental Evidentiary Submission, filed March 5, 1981; and Supplemental Schedule C-3 of Eighth Supplemental Evidentiary Submission, filed June 29, 1981.

[5] On November 4, 1980, the Commission noticed a petition for declaratory order filed by TransOcean on September 23, 1980, in Docket No. RI80-16, 45 FR 74557 (November 10, 1980). TransOcean there requested that the Commission determine whether TransOcean is contractually authorized to collect the maximum lawful price applicable to sales of its interest in gas produced from the Patterson Field, St. Mary's Parish, Louisiana.

that the winter service contract defines transportation component as a quantity of gas equal to all net transported volumes received by Petitioner on such a day and storage component is defined as a quantity of gas equal to 1/80 of 50 percent of the annual net transported volume for the preceding year less all deliveries of transportation component gas made during such preceding year and less all volume reductions associated with such quantities.

It is stated that in addition to its activities in the North Reydon field Laclede has also participated in exploration and development operations in the Erick Prospect area in Beckham County, Oklahoma. As a result of this participation, Laclede has acquired working interests in certain producing wells in this area in which Petitioner is presently purchasing gas, it is asserted. Petitioner submits that Laclede wishes to use its Erick Prospect production for its own system uses during the winter heating season and that Laclede and Petitioner have amended their April 16, 1979, agreement accordingly on May 6, 1981.

Petitioner proposes to sell to Laclede quantities of natural gas determined on the basis of gas purchased by Petitioner from Laclede in the Erick Prospect area pursuant to the May 6, 1981, amendment. It is asserted that no modification of present arrangements pertaining to production in the North Reydon field are proposed and that changes in the contract were made for the principal purpose of accommodating the addition of Laclede's Erick Prospect production.

It is stated that under the May 6, 1981, agreement the contract definition of covered production has been expanded to include Laclede's Erick Prospect gas but only production attributable to Laclede's own working interests is included therein. Furthermore, Petitioner submits that Laclede would purchase from Petitioner the entire net transported volume attributable to its own Erick Prospect production and the entire annual net transported volume is to be delivered to Laclede as storage component gas. It is stated that this differs from the terms covering the North Reydon field production in that Petitioner retains a portion of its purchases of that production for Petitioner's own system uses and Laclede receives a part of the net transported volume from North Reydon as transportation component gas which is consequently not considered in calculating volumes to be sold as storage component deliveries. Petitioner avers that charges to Laclede for winter period deliveries attributable to its Erick Prospect area are to be based upon Petitioner's weighted average cost of purchases from Laclede in that field while charges for deliveries attributable to the North Reydon production would continue to be based upon Petitioner's weighted average purchased gas costs for covered production in the North Reydon field.

Petitioner states that there are already certificated transportation and sale arrangements which could and would be used to effect deliveries of Laclede's Erick Prospect gas to Petitioner's system. Under these arrangements, the purchase by Petitioner is delivered to Natural Gas Pipeline Company of America (Natural) for the account of Panhandle Eastern Pipe Line Company (Panhandle). Natural redelivers equivalent volumes less fuel usage and line losses to Panhandle's system and Trunkline Gas Company then delivers equivalent volumes to Petitioner on Petitioner's East Line while concurrently reducing its own deliveries to Panhandle, it is asserted. For such transportation services, Petitioner submits that it pays Panhandle transportation charges and sells to Panhandle up to 20 percent of the volumes delivered by Petitioner to Natural at Petitioner's weighted average purchase price for the gas involved. Petitioner states that as under the original agreement of April 16, 1979, it would collect its unit average system transmission cost of service for winter period deliveries to Laclede.

Since the addition of Laclede's Erick Prospect production to the winter service arrangement would not cause Petitioner's sales to Laclede to exceed the volumetric limits contained in the April 18, 1980, order authorizing such sales, total revenues to be received by Petitioner would not exceed those contemplated at the time service under the original contract was authorized, it is asserted.

Petitioner contends that the proposed inclusion of Laclede's Erick Prospect production in Petitioner's existing winter service agreement would further enable Laclede to use gas it has discovered and developed through its own exploration program to serve its market area. Receipt of these additional deliveries during peak winter heating seasons would be of benefit to Laclede and its customers, it is asserted. Furthermore, Petitioner states that greater use of the offsystem storage capacity reserved to suport storage component deliveries to Laclede would effectively lower the unit costs of winterization for Laclede under the winter service contract.

Petitioner states that no new facilities are needed to implement the purchase and transportation of Laclede's Erick Prospect production. Petitioner further asserts that the additional sales proposed would have no direct impact or Petitioner's system gas supply.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24154 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-426-000]

Mississippi River Transmission Corp.; Application

August 13, 1981.

Take notice that on July 20, 1981, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP81-426-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon certain facilities in Lincoln Parish, Louisiana, which were installed and used to receive and transport gas purchased by Applicant in the Dubach area gas fields. Applicant states that the facilities to be abandoned which include 491 feet of 12-inch pipeline, meters, valves and other minor miscellaneous fittings and equipment are located between the outlet of facilities of Chevron U.S.A. (Chevron) at the former site of the Chevron Company Plant and

Applicant's West Line, a supply line which extends from northeast Texas to Perryville, Louisiana.

Applicant states that gas production from dedicated acreage in the Dubach area has declined substantially and many formerly productive wells have been plugged and abandoned because of the depletion of recoverable gas reserves. Applicant further states that considering principally the small gas quantities expected to be available to Applicant and that alternate means of handling the gas are readily available the incurring of further costs to reactivate and then to operate and maintain Applicant's separate facilities is unnecessary and would be uneconomic. Applicant, therefore, proposes to abandon the subject facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24155 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4409-000]

City of Portland, Oreg.; Application for Preliminary Permit

August 13, 1981.

Take notice that City of Portland, Oregon (Applicant) filed on March 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4409 known as the Upper Austin Point Hydroelectric Project located on Collwash River in Clackamas County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James L. Doane, Manager, Bureau of Hydroelectric Power, 1800 S.W. 6th Avenue, Portland, Oregon 97201.

Project Description—The proposed project would consist of: (1) a 400-foot high and 990-foot long dam; (2) a reservoir with surface area of 1,950 acres and capacity of 220,000 acre-feet at the normal maximum elevation of 1,885 feet above m.s.l.; (3) an 8-mile long concrete-lined diversion canal; (4) a 2,500-foot long, 96-inch diameter penstock; (5) a powerhouse with total installed capacity of 28 MW; and (6) a 2.5-mile long 500-kV transmission line interconnecting with an existing Portland General Electric Company transmission line. The Applicant estimates that the average annual energy output would be 248.28 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental, economic, hydrological, and geological studies; and prepare an FERC license application. No new roads are required for conducting these studies. The cost of conducting these studies is estimated by the Applicant to be $400,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 25, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 25, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTESTS," or " PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24147 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-659-000]

Public Service Co. of New Hampshire; Filing

August 12, 1981.

The filing Company submits the following:

Take notice that on August 7, 1981, Public Service Company of New

Hampshire (PSNH) tendered for filing a wholesale rate increase of $4,303,810, or 6.04 percent, for calendar year 1982. PSNH requests that the filing be permitted to become effective on October 6, 1981.

The affected customers are the Concord Electric Company, Town of Ashland, New Hampshire, The New Hampton (New Hampshire) Village Precinct, Exeter and Hampton Electric Company, New Hampshire Electric Cooperative, Inc. and Town of Wolfeboro, New Hampshire.

PSNH states that copies of this filing have been served on the affected wholesale customers, the New Hampshire Public Utilities Commission and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24168 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2114-007]

Public Utility District No. 2 of Grant County, Washington; Intent To Prepare Environmental Impact Statement and Notice of Scoping Meeting

August 13, 1981.

An application for amendment of license has been filed with the Federal Energy Regulatory Commission by Public Utility District No. 2 of Grant County, Washington for the proposed expansion of the Priest Rapids Project No. 2114, located on the Columbia River in Grant, Kittitas, and Yakima Counties, Washington.

Public notice of the filing of the application has been given. The application has been mailed out for agency review and comments. The commission's staff has determined that issuance of an amendment of license for the proposed expansion of the project would constitute a major Federal action significantly affecting the quality of the human environment. The staff therefore intends to prepare an environmental impact statement in accordance with the National Environmental Policy Act. Possible alternatives to the proposed action will be addressed.

Interested persons and agencies are invited to participate in a scoping meeting to discuss the environmental impacts expected from the proposed enlargement of the Priest Rapids Project. The scoping meeting will be convened by the Commission's staff at 2:00 p.m. on September 25, 1981 in the Ephrata Recreation Center, 112 Basin Street, Ephrata, Washington. Interested persons are encouraged to attend the session commencing at 2:00 p.m. so that they will have the opportunity to hear the comments of participating governmental agencies in addition to expressing their own views. For those persons unable to attend the scoping meeting during business hours, an additional session will be convened at the Mattawa School Auditorium, Mattawa, Washington at 7:00 p.m. on September 23, 1981, and interested persons will have an opportunity to express their views regarding significant environmental issues. Both sessions will be recorded by a stenographer.

The primary goal of this meeting is to encourage interested parties to assist the staff in determining the scope of significant issues to be analyzed in depth in the environmental impact statement; and identifying and eliminating from detailed study issues that are not significant or that have been covered by prior environmental review. It should be noted that the scoping meeting is not intended as a forum to consider the ultimate question of whether or not the Commission should approve the District's application for authority to construct, operate, and maintain the proposed expansion of the project, but rather as a vehicle to assist in the compilation and analysis of significant environmental issues to be considered by the Commission at a later stage in this proceeding.

If you are unable to send a representative to this meeting or if there is insufficient time during the scoping meeting for you to offer your comments verbally, you are encouraged to mail to the Commission's staff written comments detailing significant issues that should be addressed in the environmental impact statement. If we do not receive your comments by November 1, 1981, we will assume that you have no further comments concerning the issues to be discussed in depth in the environmental impact statement.

Questions concerning the proposed action and the environmental impact statement should be directed to: Mr. J. Graybill, Division of Environmental Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at (202) 376-1976.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24185 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4979-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 14, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4979 known as the Walker Creek, Siskiyou Project located on Walker Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 75-foot long, 5-foot high diversion structure; (2) a 6,000-foot long diversion conduit; (3) an 800-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 1,900 kW; and (5) a 0.5-mile long transmission line. The average annual energy generation is estimated to be 7.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Walker Creek, Siskiyou Project No. 4397 filed on March 23, 1981, by Consolidated Hydroelectric,

Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4979. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24177 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4960-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 14, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4960 to be known as the Eagle Creek, Trinity Power Project located on Eagle Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 91-foot long, 5-foot high rock and concrete diversion structure; (2) a 5,800-foot long conduit; (3) a 750-foot long, 36-inch diameter penstock; (4) a powerhouse to contain generating units with a combined rated capacity of 2,600 kW and associated electrical switch gear; and (5) a .5-mile long, 12.5-kV transmission line. The average annual energy output is 12.4 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $100,000.

Competing Applications—This application was filed as a competing application to the Eagle Creek Project No. 4390 filed on June 25, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24178 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4986-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 14, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 986 known as the Yellow Creek 1.5, Plumas Power Project located on Yellow Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high, 140-foot long diversion structure;

(2) a 59-inch diameter, 10,000-foot long diversion conduit; (3) a 40-inch diameter, 700-foot long penstock; and (4) a powerhouse containing generating units with a total rated capacity of 4,580 kW. The Applicant estimates that the average annual energy output would be 28.1 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—The application was filed as a competing application to the Yellow Creek 1.5, Plumas Project No. 4382 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24179 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4959-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 14, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4959 known as the Butter Creek, Trinity Power Project located on Butter Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert C. Lewis, City of Hohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Decription—The project would consist of: (1) a 139-foot long, 5-foot high diversion structure; (2) a 7,000-foot long diversion conduit; (3) a 1,000-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 4,000 kW; and (5) a 3.5-mile long transmission line. The averager annual energy generation is estimated to be 15.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Butter Creek Trinity Project No. 4396 filed on March 23, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1080). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4959. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24180 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4633-000]

Saranac Energy Corp.; Application for Preliminary Permit

August 13, 1981.

Take notice that Saranac Energy Corporation (Applicant) filed on May 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4633 known as the Rodman Dam located on the Ocklawaha River in Putnam County, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles B. Mierek, Saranac Energy Corporation, 838 Arlington Drive, Tucker, Georgia 30084.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' Dam and Reservoir. Project No. 4633 would consist of: (1) a proposed powerhouse with an estimated installed capacity of 2,600 kW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 16,000 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies will be made to determine the environmental, engineering, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments, and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 16, 1981.

Filing and Service of Responsive Documents—Any filings mut bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each respesentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24152 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP77-321-003, CP78-241-003, and CP79-73-002]

Southern Natural Gas Co.; Petition To Amend

August 13, 1981.

Take notice that on July 21, 1981, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket Nos. CP77-321-003, CP78-241-003, and CP79-73-002 a petition to amend the order isued March 22, 1979, as amended, in the instant dockets pursuant to Section 7(c) of the Natural Gas Act so as to remove the two-year term limitation on intermediate transportation of natural gas for Transcontinental Gas Pipe Line Corporation (Transco) as agent for its customers or in the alternative to extend the intermediate transportation of natural gas for Transco as agent for its customers for a additional two-year term without prejudice to its right to file for authorization to continue the service beyond such two-year term, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioner was authorized by order issued March 22, 1979, in Docket No. CP77-321 to transport up to 3,000 Mcf of natural gas per day on an interruptible basis for Transco individually and as agent for certain Transco customers from the Loisel area, Iberia Parish, Louisiana, to an existing point of interconnection between Petitioner and Transco near Jonesboro, Georgia. It is also stated that pursuant to a temporary certificate service commenced on August 22, 1977. Petitioner asserts that the March 22, 1979, order which limited Petitioner's intermediate transportation for Transco as agent for its customers to a two-year initial term was amended on August 28, 1979, to authorize a two-year extension commencing August 23, 1979, of the intermediate transportation service.

Petitioner asserts that it was authorized by order issued on March 22, 1979, in Docket No. CP78-241 to transport up to 12,000 Mcf of natural gas per day on an interruptible basis for Transco individually and as agent for certain Transco customers from m.p. 14.053 on Petitioner's 20-inch Main Pass-Franklinton Line in Plaquemines Parish, Louisiana, to an existing point of interconnection between Petitioner and Transco near Jonesboro, Georgia. It is also stated that pursuant to a temporary certificate service commenced July 14, 1978. Petitioner asserts that the March 22, 1979, order which limited Petitioner's intermediate transportation for Transco as agent for its customers to a two-year initial term was amended on July 16, 1980, to authorize commencing July 14, 1980, a two-year extension of the intermediate transportation service.

Petitioner states that it was authorized by order issued on March 22, 1979, in Docket No. CP79-73 to transport up to 2,000 Mcf of natural gas per day on an interruptible basis for Transco individually and as agent for certain Transco customers from the Popcorn Bayou field, Plaquemines Parish, Louisiana, to an existing point of interconnection between Petitioner and Transco near Jonesboro, Georgia. It is stated that the intermediate transportation for Transco as agent for its customers was limited to a two-year initial term. Service commenced on October 29, 1979, it is asserted.

Petitioner proposes herein that the Commission eliminate the two-year limitation in intermediate transportation services for Transco as agent for its customers in the order issued March 22, 1979, in Docket Nos. CP77–321, CP78–241, and CP79–73, as amended. Petitioner proposes in the alternative that the Commission grant a two-year extension for the intermediate transportation service in the same dockets. Petitioner avers that the terms for the intermediate transportation services under Docket Nos. CP77–321, CP78–241 and CP79–73 are due to expire on August 23, 1981, July 14, 1981, and October 29, 1981, respectively. It is stated that Transco filed in Docket No. CP77–421 a petition to amend the Commission's order issued March 22, 1979, to extend the term of natural gas transportation service for certain of its direct and indirect customers. It is also asserted that on behalf of its customers Transco has asked Petitioner to obtain an equivalent extension of the transportation service authorized in Docket Nos. CP77–321, CP78–241, and CP79–73. Petitioner submits that because the gas transported by Petitioner to Transco's customers is acquired as a result of the participation by Transco's customers in the Transmac drilling program, the Commission should delete the two-year limitation on intermediate transportation services pursuant to the Commission's order issued in *Natural Gas Pipeline Company of America, et al.* Docket Nos. CP77–71, *et al.* It is asserted that the Commission in its order issued in Docket No. CP77–71, *et al.* stated that gas acquired through exploration and development would also be considered for long-term transportation certificates for high priority uses.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not service to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24158 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ID–1978–000]

Robert P. Tassinari; Application

August 12, 1981.

The filing individual submits the following:

Take notice that on August 4, 1981, Robert P. Tassinari, filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Blackstone Valley Electric Company
Director and Vice President
Eastern Edison Company
Director and Vice President
Montaup Electric Company
Director

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24159 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–404–000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

August 13, 1981.

Take notice that on July 9, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81–404–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was authorized by order issued May 22, 1978, to transport up to 5,000 Mcf of natural gas per day for Transco. Applicant further states that such volumes were delivered by Transco to Applicant at a measurement platform owned by Applicant and Texas Eastern Transmission Corporation in Plaquemines Parish, Louisiana with equivalent volumes, less Applicant's fuel and use requirements, delivered to Transco at an existing point of interconnection of the facilities of Transco and Applicant near Kinder, Allen Parish, Louisiana. Applicant explains that it also retained the right to transport additional quantities above 5,000 Mcf per day if tendered by Transco.

It is said that on March 26, 1981, Transco informed Applicant that its producer would plug and abandon the well supplying the gas and that Transco had given Applicant six months written notice terminating the gas transportation agreement. Applicant asserts that by letter dated April 30, 1981, it agreed to terminate the gas transportation agreement and it presently seeks abandonement authorization effective as of September 26, 1981.

Applicant asserts that the abandonment of service proposed herein would not have a significant impact on Applicant's pipeline system or any of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is

filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24159 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-418-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

August 13, 1981.

Take notice that on July 16, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-418-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and appurtenant facilities in the West Delta area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 2.1 miles of 6-inch pipeline and appurtenant facilities originating at a production platform in West Delta area Block 63, offshore Louisiana, and extending in a westerly direction to Applicant's 12-inch pipeline in West Delta area Block 64.

Applicant asserts that the construction and operation of such facilities would make available to Applicant's system 7,900,000 Mcf of dry gas reserves having a maximum day deliverability of up to 10,000 Mcf and would aid Applicant in maintaining adequate and reliable gas service to its customers.

The total cost of the proposed facilities is estimated to be $2,158,999 which would be financed initially with general funds and/or borrowing under Applicant's revolving credit arrangements.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24160 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-20]

U-T Offshore System; Settlement Conference

August 13, 1981.

Take notice that on August 28, 1981, at 10:00 a.m., a settlement conference of all interested parties will be convened concerning the above-captioned matter. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend the informal conference, but if such persons have not previously been permitted to intervene by order of the Commisison, attendance will not be deemed to authorize intervention.

All parties will be expected to appear fully prepared to discuss any procedural matters and explore or make commitments with respect to any or all of the issues discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24166 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-440-000]

United Gas Pipe Line Co.; Application

August 13, 1981.

Take notice that on July 30, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-440-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new meter station to enable Norco Gas and Fuel Company, Inc. (Norco) to maintain adequate service to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct a new meter station so as to establish a new delivery point, the St. Rose Border Station No. 2 in St. Charles Parish, Louisiana, to Norco. Applicant explains that Norco is experiencing pressure problems on the eastern end of its St. Rose distribution system and is frequently unable to adequately service its customers at the existing St. Rose delivery point. It is said that the additional delivery point would aid in alleviating such pressure problems.

Applicant states that it and Norco entered into a letter agreement dated March 16, 1981, which provides that Applicant would acquire the surface rights for the site on which to construct the St. Rose Border Station No. 2 located at Station 3889 + 24 on its existing Baton Rouge-New Orleans Main Line in Section 45, Township 12 South, Range 9 East, St. Charles Parish, Louisiana. Applicant states that there would be no increase in Norco's maximum daily quantity of gas. Applicant further states that to effectuate gas service through the proposed facilities Norco would reallocate its present volumes in the St. Rose Service area.

Applicant indicates that it would construct, operate and maintain the meter station, however, construction costs of the new facilities would be at the expense of Norco. The estimated construction cost is $20,469.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24161 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2851-002]

Groveton Papers Co.; Application for Short-Form License (Minor)

August 14, 1981.

Take notice that the Groveton Papers Company filed on April 3, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for the continued operation of a constructed water power project known as the Natural Dam Project No. 2851. The project is located on the Oswegatchie River, a tributary to the St. Lawrence River, in St. Lawrence County, New York. Correspondence with the applicant should be directed to: Mr. Robert J. Ferero; Groveton Papers Company; Natural Dam Division; Gouverneur, New York 13642.

Project Description—The existing run-of-the-river project consists of : (1) the Natural Dam, a concrete structure 230 feet long and about 3 feet high with an overflow section approximately 152 feet long having a crest elevation of 394.0 feet (USGS datum) and surmounted by 2-foot flashboards; (2) a reservoir having a surface area of 57 acres and a usable storage capacity of 342 acre-feet at a normal pool elevation of 396.0 feet (USGS datum); (3) a headgate structure, 72 feet wide; (4) a headpond, 72 feet wide and 152 feet long; (5) an intake structure at the downstream end of the headpond containing a headrack; (6) a wooden power flume, 28 feet wide and 412 feet long; leading to; (7) a powerhouse containing three generators with a total rated capcacity of 1,020 kW at a net head of 24 feet and a flow of 740 c.f.s.; (8) electrical facilities to distribute power to the adjacent paper mill; and (9) appurtenant works.

Purpose of Project—Applicant would continue to operate the facility to provide power for the operation of a tissue mill which is one of the principal industries of southern St. Lawrence County, New York. Applicant estimates the annual generation would average about 6,630,000 kWh.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before Octoboer 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 16, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), *as amended*, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions To Intervene)—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before October 19, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24194 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-68-000]

Idaho Power Co; Application

August 14, 1981.

Take notice that on August 10, 1981, Idaho Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate the placement of up to $30 million of its Preferred Stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the

Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24195 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-67-000]

Iowa Power and Light Co.; Application

August 14, 1981.

Take notice that on August 3, 1981, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an application, pursuant to Section 204 of the Federal Power Act, for authorization for authority to negotiate privately with the County of Louisa, Iowa, for the purpose of financing the company's undivided interest in certain pollution control facilities at Louisa Power Station Unit 1 through the issuance of not more that $30 million of securities by the Company with respect to the Pollution Control Revenue Bonds to be issued by Louisa County, Iowa. A loan agreement between the County and the Applicant would commit the County to issue and sell to underwriters its Bonds in an aggregate principal amount equal to the cost of the Company's ownership interest in such facilities and to loan the proceeds from the sale of such Bonds to the Applicant. The repayment obligation of the Applicant would be evidenced by debt obligations bearing identical terms with, and pledged to support the payment of, such Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-24196 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-69-000]

Pacific Power & Light Co.; Application

August 14, 1981.

Take notice that on August 10, 1981, Pacific Power & Light Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate for the private placement of up to $50 million of its Serial Preferred Stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-24197 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-42-000]

Peterman-Sturlese Interests, et al.; Applications for Adjustment

August 14, 1981.

Take notice that on May 20, 1981, Peterman-Sturlese Interests, *et al.* (PSI), 2450 Pan American Life Center, 601 Poydras Street, New Orleans, Louisiana 70130, filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's regulations. PSI seeks an adjustment to §§ 270.102 and 271.204 of the Commission's regulations.

Specifically, PSI states that it filed for a well category determination for the No. 1 Jack E. Lawton Well (Well), Pine Ridge Field, Calcasieu Parish, Louisiana, with the Louisiana Office of Conservation (Louisiana). PSI states that it filed for a NGPA section 102(c)(1)(C) well determination (New Onshore Reservoir) and, alternatively, for a NGPA section 103 well determination (New Onshore Production Well). Louisiana made an affirmative determination qualifying the gas produced from the well under NGPA section 103, which determination became final pursuant to § 275.202 of the Commission's regulations.

PSI asserts that the denial of its application for a NGPA section 102 well determination resulted from a misapplication by Louisiana of the Commission's regulations relating to the behind-the-pipe exclusion found in §§ 270.102 and 271.204 of the Commission's regulations, all as more fully set out in PSI's application. PSI consequently seeks an adjustment so as to qualify the gas produced from the Well as new natural gas under section 102(c)(1)(C) of the NGPA.

The procedures applicable to this adjustment proceeding are set forth at 18 CFR 1.41. Any person desiring to participate shall file a petition to intervene in accordance with § 1.41(e). All such petitions must be on file on or before September 3, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24198 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4407-000]

City of Portland, Oregon; Application for Preliminary Permit

August 14, 1981.

Take notice that City of Portland, Oregon (Applicant) filed on March 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4407 known as the God's Valley Hydroelectric Project located on North Fork of Nehlam River in Clatsop County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James L. Doane, Manager, Bureau of Hydroelectric Power, 1800 S.W. 6th Avenue, Portland, Oregon 97201.

Project Description—The proposed project would consist of: (1) a 160-foot high and 500-foot long dam; (2) a reservoir with a capacity of 75,000 acre-feet and surface area of 400 acres at the normal maximum elevation of 400 feet above m.s.l.; (3) a 3.5-mile long concrete-lined diversion canal; (4) a 1500-foot long, 72-inch diameter penstock; (5) a powerhouse with total installed capacity of 16 MW; and (6) a 1.25-mile long 115 kV transmission line interconnecting with an existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy output would be 70.08 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental, economic, hydrological, and geological studies; and prepare FERC license application. No new roads are required for conducting these studies. The Applicant estimates the cost of conducting the studies to be $345,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or

before September 28, 1981, either the competing application itself [see 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [see 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before September 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24192 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4408-000]

City of Portland, Oreg.; Application for Preliminary Permit

August 14, 1981.

Take notice that City of Portland, Oregon (Applicant) filed on March 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4408 known as the Mill City Diversion Hydroelectric Project located on North Santiam River in Marion County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James L. Doane, Manager, Bureau of Hydroelectric Power, 1800 S.W. 6th Street, Portland, Oregon 97204.

Project Description—The proposed project would consist of: (1) a 13-mile long concrete-lined diversion canal diverting water from the existing Big Cliff reservoir created by the Big Cliff Dam, owned by the Corps of Engineers; (2) a 2,000-foot long, 108-inch diameter penstock; (3) a powerhouse with total installed capacity of 20 MW; and (4) a 0.5-mile long 230-kV transmission line interconnecting with an existing Portland General Electric Company transmission line. The Applicant estimates that the average annual energy output would be 264 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental, economic, hydrological, and geological studies; and prepare an FERC license application. No new roads are required for conducting these studies. The Applicant estimates the cost of conducting the studies to be $280,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing applicaiton. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24193 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4882-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

August 14, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on June 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4882 known as the Enlarged Bumping Lake Hydroelectric Project located on Bumping River in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V.

Myers, Vice President, Generation Resources. Puget Sound Power & Light Company. Puget Power Building, Bellevue. Washington 98009.

Project Description—The proposed project would utilize the U.S. Bureau of Reclamation's proposed 223-foot high, 3,300-foot long enlarged Bumping Lake Dam and reservoir with a storage capacity of 458,000 acre-feet and would consist of: (1) a 10-foot diameter, 1,400-foot long conduit; (2) a 10-foot diameter, 430-foot long penstock; (3) a power house containing two generating units with a total capacity of 14 MW; and (4) a 10-mile long transmission line. The average annual energy generation is estimated to be 37,500 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.The cost of the work to be performed under the preliminary permit is estimated to be $275,000.

Competing Applications—This application was filed as a competing application to the Bumping Lake Project No. 3606 filed on November 11, 1980, by Pacific Hydro, Inc. and The City of Yelm under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agnecy does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4882. Any commments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commisssion, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.c. 20426. A copy of any petiton to intervene must also be served upon each representative of the applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24199 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-43-000]

United Texas Transmission Co.; Application for Adjustment

August 13, 1981.

On May 26, 1980, United Texas Transmission Company (United Texas) filed with the Federal Energy Regulatory Commission an Application for Adjustment under Section 502(c) of the Natural Gas Policy Act (NGPA), wherein United Texas sought relief from the Commission's Regulations governing the sale by intrastate pipelines as set forth in 18 CFR 284.144(a)(i). United Texas states that it is necessary for the Commission to grant this adjustment to remove uncertainties relating to United Texas' sales rate to interstate pipelines under Section 311(b) of the NGPA. United Texas' application is on file with the Commission and is available for public inspection.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979, as amended by Order 24-B issued March 24, 1980.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of Section 1.41. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24200 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4536-000]

Utah Power & Light Co.; Application for Preliminary Permit

August 14, 1981.

Take notice that the Utah Power & Light Company (Applicant) filed on April 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-925(r)] for Project No. 4536 known as the Electric Lake Dam Project located on the Huntington Creek in Emery County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom; Executive Vice President and General Counsel; Utah Power & Light Company; 1407 West North Temple; Salt Lake City, Utah 84116.

Project Description—The proposed project would consist of: (1) the existing Electric Lake Dam, 223 feet high with a crest length of 1,000 feet; (2) an existing reservoir with a surface area of 476 acres at a mean surface elevation of 8,575.0 feet (USGS datum); (3) a new trash screen; (4) a new inlet valve; (5) a new powerhouse containing a generator with a rated capacity of 270 kW; (6) a new outlet valve; (7) a new tailrace; (8) a new substation; (9) 18 miles of new transmission line; and (10) appurtenant works. The Applicant estimates that the total annual energy generated from the proposed project would be 1,980,000 kWh. Project energy generated would be utilized by the Applicant for the beneficial use of its customers. The Electric Lake Dam and Reservoir are owned by the Applicant.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $15,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 19, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commision, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24201 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of July 13 Through July 17, 1981

During the week of July 13 through July 17, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Burnham & Kohutek Associates, Inc., July 13, 1981, BFA-0669

Burnham & Kohutek Associates, Inc. filed an Appeal from a denial by the Freedom of Information Officer of the DOE's Portland, Oregon Bonneville Power Administration of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain documents were correctly withheld pursuant to Exemption 4, and certain other documents, initially withheld pursuant to Exemption 4, were not exempt pursuant to that Exemption, but were exempt pursuant to Exemption 5. The DOE also found that the submitter of the information withheld pursuant to Exemption 4 did not object to the release of certain information and therefore released that information to the Appellant.

E-Z Serve, Inc., July 15, 1981, DEA-0396

E-Z Serve, Inc. filed an Appeal of a determination issued to the firm under the Buy/Sell Program by the Assistant Administrator of the Economic Regulatory Administration. In its Appeal, the firm sought to gain a greater allocation of Buy/Sell crude oil than the ERA originally granted the firm. In considering the request, the DOE found that E-Z Serve had failed to demonstrate that the determination issued to it by ERA was erroneous in fact or law or that it was arbitrary or capricious. E-Z Serve's Appeal was accordingly denied. The important issues discussed in the Decision and Order are (i) whether a firm should receive a Buy/Sell allocation based upon volumes of crude oil which it owned but did not process during the base period, and (ii) whether a firm's obligations under crude oil exchange agreements or time trades should be considered in determining the proper allocation of crude oil for the firm under the Buy/Sell Program.

Miller & Chevalier, July 13, 1981, BFA-0690

Miller & Chevalier filed a Freedom of Information Act (FOIA) Appeal in which the firm requested that the Office of Hearings and Appeals order the release of 83 documents withheld by the Deputy General Counsel for Regulation pursuant to Exemption 5. Specifically, these documents related to the department of Energy's "V" factor regulations and associated litigation.

In the Decision and Order, the Office of Hearings and Appeals found adequate the Deputy General Counsel's (i) search for responsive documents; (ii) description of the documents found to be responsive, (iii) justification for invoking Exemption 5, (iv) application of Exemption 5 to the withheld materials and; (v) conclusion that the public interest would not be served by releasing these 83 documents.

However, the Office of Hearings and Appeals found that portions of two documents contained reasonably segregable factual portions which were not withholdable pursuant to Exemption 5 and which therefore must be released to Miller & Chevalier. Accordingly, the firm's FOIA Appeal was partially granted.

Plateau, Inc., Young Refining Corporation, Laketon Asphalt & Refining, Inc., July 15, 1981, BFA-0692, BFA-0693, BFA-0694

Plateau, Inc., Young Refining Corp., and Laketon Asphalt Refining, Inc. filed Appeals from a denial by the Deputy Director of the Office of Hearings and Appeals of a Request for Information which the firms had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain portions of the documents which were initially withheld under exemption 5 were factual and not inextricably intertwined with deliberative material and should be released to the public. The remainder of the withheld documents were found to be properly exempt from disclosure under Exemption 5.

Remedial Order

Gray Goodnough d.b.a. Gateway Texaco, July 13, 1981, BRO-1188

Gray Goodnough d.b.a. Gateway Texaco objected to a Proposed Remedial Order which the Western District Office of Enforcement, Economic Regulatory Administration (ERA) issued to him on April 29, 1980. In the PRO, ERA found that Goodnough's outlet charged prices for motor gasoline in excess of those permitted under 10 CFR 212.93(a)(2), improperly charged for services by means of a fee computed on a cents per gallon basis in violation of 10 CFR 212.62(d), and improperly failed to make records available for inspection upon request by ERA pursuant to 10 CFR 210.92(a). The DOE concluded that the Proposed Remedial Order should be issued as a final Order. The DOE made some modifications of the remedial provisions of the PRO in light of the executive order decontrolling motor gasoline.

Petition for Special Redress

Industrial Fuel & Asphalt of Indiana, Inc., July 14, 1981, BEG-0054

Industrial Fuel & Asphalt of Indiana, Inc. filed a Petition for Special Redress in which the firm sought compensation for the allegedly improper handling by the DOE during 1979 and 1980 of the firm's requests for emergency allocations of crude oil. In considering the firm's present request, the Office of Hearings and Appeals concluded that the DOE had acted in a proper and appropriate manner with respect to the Firm's previous requests for emergency allocations. The Office also concluded that the firm had overstated the harm it suffered during the period in which the agency was determining the firm's eligibility to participate in the Buy/

Sell Program. Finally, the Office determined that there were strong public policy considerations which required that the firm's Petition be denied. Accordingly, the firm's Petition for Special Redress was denied.

Requests for Exception

Cibro Petroleum Products, Inc., July 13, 1981, DPI–0038

Cibro Petroleum Products filed an Application for Exception from the provisions of 10 CFR Part 213 in which the firm sought to be exempt from sanctions which could be applied to the firm in consequence of its having made certain sales of crude oil in violation of 10 CFR 213.22(a). In considering the request, the DOE found that the firm was not experiencing a gross inequity or serious hardship as a result of the manner in which the regulations operate in this case. Accordingly, exception relief was denied.

City of Long Beach, California, July 13, 1981, DEE–1951

The City of Long Beach, California filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D in which the city sought permission to sell at upper tier prices certain quantities of crude oil produced from the Upper Terminal Reservoir, Long Beach Unit without regard to the cumulative deficiency incurred at the property during the calendar year 1977. The relief sought by the city would have been effective for the period February 1977 through May 1979. In considering the request, the DOE found that Long Beach had failed to demonstrate that the current cumulative deficiency incurred by the property during 1977 was the result of an anomalous circumstance. Accordingly, exception relief was denied.

Continental Gas Transmission Company, July 12, 1981, BEE–1587

Continental Gas Transmission Company filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought to classify the crude oil produced from the No. 122 Harvey Well Lease during February and March 1980 as newly discovered crude oil. In considering the request, the DOE determined that in view of the firm's own failure to insure that the necessary certification forms were filed promptly, the denial of exception relief would not result in a gross inequity. The DOE also determined that the ownership interests would not experience a serious hardship or irreparable injury in the absence of exception relief. Accordingly, exception relief was denied.

Requests for Modification and/or Rescission

Kern County Refinery, Inc., July 15, 1981, BYR–0128

On May 5, 1981, Kern County Refinery, Inc. (Kern) filed a Motion for Reconsideration with the Office of Hearings and Appeals of the Department of Energy. In that application, Kern requested that the DOE amend the findings of a Supplemental Order issued to the firm on April 20, 1981. If Kern's motion for reconsideration were granted, the firm would receive additional entitlements exception relief for the final six months of its 1980 fiscal year. In considering the request, the DOE determined that Kern did not qualify for additional exception relief under the prospective *Delta* standards. The DOE also determined that the firm had not presented any compelling reasons that warranted the approval of additional exception relief under the retroactive relief standards. Accordlingly, Kern's Motion for Reconsideration was denied.

Office of Enforcement, July 14, 1981, BMR–0145

The DOE's Office of Enforcement of the Economic Regulatory Administration (ERA) filed a Motion for Modification of a Decision and Order issued to A's Auto Safety, Inc. (A's), a motor gasoline retailer. In that Decision and Order, the Office of Hearings and Appeals considered A's objections to a Proposed Remedial Order issued to the firm and determined that the PRO should be issued as a final Remedial Order. The OHA also determined that the interest rate on overcharges received by A's should be increased from six percent per year simple interest, as set forth in the PRO, to the prime rate compounded quarterly for the period April 10, 1981 until all overcharges have been repaid. In considering the Office of Enforcement's Motion for Modification, the OHA noted that the ERA's interest policy currently imposes interest on overcharges received by motor gasoline retailers at a rate of 12 percent per year simple interest. The OHA therefore granted the Motion and modified the Decision issued to A's to conform to the current ERA interest policy.

Young Refining Corporation, July 14, 1981, BYR–0134, BES–0160

Young Refining Corporation filed a Motion for Reconsideration and an Application for Stay relating to the provisions of 10 CFR 211.67 (the Entitlements Program) and to four Decisions and Orders issued to Young which require the firm to purchase a number of entitlements to account for excess entitlements exception relief received by the firm. In considering the request, the DOE determined that certain exception relief previously afforded Young had been improperly derived but that the firm had failed to lay a proper basis for the approval of stay relief. Accordingly, the Motion for Reconsideration was granted in part and the Application for Stay was denied.

Request for Stay

Barkett Oil Company, Anchor Distributors, Inc., Lawrence Oil Company, July 13, 1981, BRS–0167

On June 23, 1981, Barkett Oil Company and its wholly-owned subsidiaries, Anchor Distributors, Inc., and Lawrence Oil Company, filed an Application for Stay with the Office of Hearings and Appeals. In that Application, the Petitioners requested that OHA stay their obligation to reply to Notices of Probable Violation (NOPVs) that the DOE Office of Enforcement had issued to the firms until such time as the Office of Enforcement might determine not to refer the matters addressed in the NOPVs to the Department of Justice for possible criminal prosecution. After considering the Petitioners' arguments, the DOE determined that the requirement that the Petitioners respond to the NOPVs in the normal course of administrative proceedings violated neither the firms' officers' fifth amendment right against self-incrimination nor the firms' due process rights. Accordingly, the Application for Stay was denied.

Interlocutory Order

Public Systems, Atlantic Richfield Company, Gulf Oil Corporation, Marathon Oil Company, Inc., Standard Oil Company of California, Standard Oil Company (Ohio), Texaco Inc., July 17, 1981, BRZ–0099 through BRZ–0103, BRJ–0204 through BRJ–0209

Public Systems filed a Motion "for Unexpurgated Copies of Pleadings, and To Be Made Parties to Protective Orders" in enforcement proceedings against six major crude oil producers. In order to resolve the issues raised in this Motion, Public Systems and the six producers subsequently filed a Stipulation and a Motion for Protective Order. The Office of Hearings and Appeals approved the Stipulation and granted the Motion for Protective Order. Public Systems' Motion for Unexpurgated Copies of Pleadings was therefore dismissed.

Special Refund Procedures

Office of Enforcement: in the Matter of Vickers Energy Corporation, July 17, 1981, DFF–0006

The Office of Enforcement of the Economic Regulatory Administration (OE) filed a Petition for the Implementation of Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in which OE requested that the Office of Hearings and Appeals establish procedures for the distribution of funds obtained by the DOE through a consent order entered into by the agency and Vickers Energy Corporation. The Office of Hearings and Appeals accepted OE's Petition and determined to begin refund procedures by accepting applications for refund filed by purchasers of Vickers motor gasoline.

Dismissals

The following submissions were dismissed without prejudice:

Company name	Case No.
Gulfport Oil Co	BEE–1625.
Mayfield, M. L	DEE–1957.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: August 12, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81-24139 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of July 20 Through July 24, 1981

During the week of July 20 through July 24, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Larry v. Ellis, July 22, 1981, BFA-0675

Larry V. Ellis filed an Appeal from a partial denial by the DOE's Idaho Operations Office of a request for access to records filed pursuant to the provisions of the Privacy Act. In considering the Appeal, the DOE found that the Privacy Act exemption covering information compiled in reasonable anticipation of a civil action or proceeding extends to materials compiled in reasonable anticipation of litigation involving government contractors. The DOE further determined that each of the withheld documents was prepared in reasonable anticipation of a civil action or proceeding. Accordingly, the Appeal was denied.

Mobil Oil Corporation, July 22, 1981, BEA-0005

Mobil Oil Corporation filed an Appeal of an Assignment Order issued to Cantro Petroleum Corporation by the Office of Petroleum Operations on March 13, 1980. In its Appeal, Mobil requests that the Assignment Order be modified or rescinded because it does not follow the Guidelines or the Policy Guidance and because Mobil was not served with a copy of the initial Application for Assignment prior to the issuance of the proposed Decision. The DOE determined that the OPO is accorded considerable discretion in how it applies the Guidelines and the Policy Guidance and that its orders should be overturned on appeal only if they are arbitrary, capricious or erroneous in fact or law. The DOE also found that Mobil had been provided with an adequate opportunity to present meaningful comments with regard to the assignment proceeding and to request a copy of the Application for Assignment. Accordingly, Mobil's Appeal of the March 13 Assignment Order was denied.

Vinson and Elkins, July 24, 1981, BFA-0697

Vinson and Elkins filed an Appeal from a denial by the Director, Office of Enforcement, Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the matter should be remanded to the Director to issue a new determination.

Remedial Order

Rucci Oil Company, July 22, 1981, BRO-1378

Rucci Oil Company objected to a proposed Remedial Order which the Office of Enforcement, Region II issued to the firm on December 31, 1980. In analyzing the Proposed Remedial Order, the Office of Hearings and Appeals found that Rucci had failed to calculate its maximum lawful selling price for No. 2 heating oil, and consequently sold that product to its customers at prices which exceed those allowed by the petroleum price regulations. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include (i) the proper use of "netting" (ii) the application of the new item/new market rule and (iii) determination of classes of purchaser.

Requests for Exception

Chevron U.S.A., Inc., July 22, 1981, DEE-0848

Chevron U.S.A., Inc. filed an Application for Exception from the provisions of 10 CFR 211.67(a)(4) which were in effect during the period January through May 1978. The firm sought the issuance of additional entitlements equal in value to the reduction in entitlement benefits associated with the use of imported and Alaskan North Slope crude oil by California refiners during that five month period. In considering the request, the DOE found that although Chevron may have been more adversely affected than other California refiners, this result was intended by the regulations to provide economic incentives for the use of California heavy crude oil in place of foreign and ANS crudes. The DOE further determined that Chevron had failed to demonstrate that any temporary disadvantage it experienced during the five month period outweighed the other advantages which it enjoyed during the overall history of the Entitlements Program. Finally, the DOE found that Chevron's supply patterns were not distorted by the temporary reduction of entitlement benefits and that Chevron had not shown that it was unfairly burdened by an asserted inability to substitute California heavy crude oil for foreign and ANS crudes.

Johnny's Petroleum Products, Inc., July 20, 1981, BEE-1609

Johnny's Petroleum Products, Inc., filed an Application for Exception from the requirement that it submit Form EIA-9A, No. 2 Distillate Price Monitoring Report, to the Energy Information Administration of the Department of Energy. In considering the request, the DOE determined that the firm had failed to demonstrate that it would experience a serious hardship if it were required to submit the report. The DOE also rejected the firm's contention that any data the firm submits would be insignificant in light of the firm's small size. In this regard the DOE noted that it is necessary to collect data from firms of all sizes in order to ensure that the information collected is not biased toward larger firms. The firm's Application was therefore denied.

Laketon Asphalt Refining, Inc., July 23, 1981, BEE-0583, BXE-1260, BED-0583

Laketon Asphalt Refining, Inc. (Laketon) filed a Motion for Evidentiary Proceeding in connection with Statements of Objections to Proposed Decisions and Orders issued to the firm on February 22, 1980 and September 16, 1980. In a Decision and Order issued on July 23, 1981, the DOE determined that an evidentiary proceeding would not advance any arguments presented by Laketon in its requests of January 7, 1980 and July 1, 1980 for entitlements exception relief. Laketon's Motion for Evidentiary Proceeding was therefore denied. The DOE also determined in that decision that objections submitted by Exxon, Gulf, Texaco, and Cities Service were without merit. Accordingly, the firms' objections were denied. Consequently, the DOE ordered that the Proposed Decisions and Orders issued to Laketon on February 22, 1980 and September 16, 1980 be issued in final form.

Yousef Safiedine, July 24, 1981, DEE-3628

Yousef Safiedine (Safiedine) filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought the assignment of a base period supplier and allocation of motor gasoline for ten months of the base period year. In considering the request, the DOE found that Safiedine was experiencing a gross inequity in the absence of an assured source of supply under the DOE regulatory program. Accordingly, the DOE issued a proposed determination which tentatively established a base period volume of motor gasoline, assigned the Gulf Oil Corporation (Gulf) to supply this volume during July 1979, and ordered the Economic Regulatory Administration to choose a permanent supplier for Safiedine. In the final determination in this proceeding, the DOE considered and rejected Gulf's contention that it should not have been assigned to supply the applicant during July 1979. The DOE accordingly determined that the July 11, 1979 Proposed Decision and Order should be issued in final form.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: August 12, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81-24140 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of July 27 Through July 31, 1981

During the week of July 27 through July 31, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for

exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: August 12, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appeals

Jones, Day, Reavis & Pogue (Wilderotter), July 30, 1981, BFA–0702

James A. Wilderotter, Esq. of the law firm Jones, Day, Reavis & Pogue filed an Appeal from a denial by the Acting Deputy Administrator of the Economic Regulatory Administration of a Request for Information which he had submitted under the Freedom of Information Act (FOIA). In his request, Wilderotter sought access to the January 1981 Entitlements Notice prior to its issuance by the agency. In considering the Appeal, the DOE found that the Notice was a predecisional draft falling under the protection of 5 U.S.C. 552(b)(5) (Exemption 5). In particular, the draft Notice was held to be part of a deliberative process, culminating in the issuance of the Notice in final form, and therefore entitled to exemption from mandatory disclosure under the FOIA. The DOE also found that the premature disclosure of the data contained in the draft Notice would be contrary to the public interest in that it would mislead participating firms and be likely to interfere with the operation of the Entitlements Program.

Keystone Fuel Oil Company, July 29, 1981, BFA–0700

Keystone Fuel Oil Company filed an Appeal from a partial denial by the Office of Enforcement of the Economic Regulatory Administration of a Request for Information that the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the Office of Enforcement had inadequately justified its denial. In particular, the Office of Enforcement had not adequately explained why the withheld documents fell within Exemptions b(5) and b(7)(A) of the FOIA. Accordingly, the case was remanded to the Office of Enforcement. Important issues that were considered in the Decision and Order included the circumstances under which generic document descriptions and justifications are appropriate in responding to an FOIA Request for Information.

Request for Exception

L. S. Riggins Oil Company, July 27, 1981, BEE–1131

L. S. Riggins Oil Company (Riggins) filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased base period allocation of unleaded gasoline for the purpose of blending and marketing gasohol. The DOE initially informed Riggins that its Application might have become moot as a result of the President's Executive Order of January 28, 1981, which immediately exempted crude oil and refined petroleum products from price and allocation controls. In a request for continued consideration of its exception request, Riggins stated that the Validity of the President's January 28, 1981 Order was subject to question. In addition, Riggins stated that its Application should not be considered moot since the President will retain the authority to reimpose allocation controls until September 30, 1981. In considering the Riggins submission, the DOE determined that the limitations of Section 12 of the Emergency Petroleum Allocation Act no longer apply to the President's ability to exempt products from controls. In addition, the DOE held that Riggins' assertion that the President may still reimpose allocation controls prior to September 30, 1981 was speculative in nature. Accordingly, Riggins' Application was dismissed.

Request for Modification and/or Rescission

Marcum Oil Company, July 30, 1981, BRR–0138, BRS–0162

On May 15, 1981 Marcum Oil Company filed an Application for Modification or Rescission of the Remedial Order which had been issued to the firm on December 19, 1978. In considering the Application, the DOE determined that Marcum failed to meet the requirements of 10 CFR 205.135(b)(1) for the granting of an Application for Modification or Rescission. The Application for Modification or Rescission was therefore denied, and the firm's Application for Stay was dismissed as moot.

Motion for Evidentiary Hearing

Condor Operating Company, July 29, 1981, BRH–1287

Condor Operating Company filed a Motion for Evidentiary Hearing in connection with a Statement of Objections which Condor filed in opposition to a Proposed Remedial Order which was issued to the firm on July 18, 1980. In considering the Motion, the DOE determined that Condor had filed to establish that there were disputed issues of fact that could best be resolved at an evidentiary hearing. Accordingly, the Motion for Evidentiary Hearing was denied.

Remedial Order

Skokie and Main Shell (Rash), July 31, 1981, BER–0143, BRW–0096

The Office of General Counsel (OGC) of the Department of Energy submitted motions to modify and issue as a final Remedial Order a Proposed Remedial Order which the Central Enforcement District of the Economic Regulatory Administration (ERA) issued to the firm on July 7, 1980. In the Proposed Remedial Order, the ERA found that Skokie and Main Shell had overcharged its retail motor gasoline customers by a total of approximately $1,727. In its Motion for Modification, OGC requested the repayment of overcharges, plus interest, be made to the U.S. Treasury and not by a rollback of prices at the pump. The DOE concluded that the Proposed Remedial Order should be issued as a final Order with the modification sought by OGC.

Dismissals

The following submissions were dismissed without prejudice:

Name	Case No.
Independent Refining Corp	BEE–1598.
Little America Refining Co., Inc.	BED–0127.
Mobil Oil Corp	BES–0630.

[FR Doc. 81–24141 Filed 8–18–81; 8:45 am]

BILLING CODE 6450–01–M

Southeastern Power Administration

Proposed Power Marketing Policy; Cumberland System of Projects

AGENCY: Southeastern Power Administration (SEPA), DOE.

ACTION: Notice of proposed power marketing policy for Cumberland system of projects.

SUMMARY: SEPA has developed the following proposed power marketing policy for its Cumberland System of Projects pursuant to Notice published in the **Federal Register** of November 5, 1980, 45 FR 73537, and in accordance with Procedure for Public Participation in the Formulation of Marketing Policy published July 6, 1978, 43 FR 29186. The policy, when finalized, will constitute written guidelines for future disposition of power from the system. The policy is developed under authority of Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, and Section 302(a) of the Department of Energy Organization Act of 1977, 43 U.S.C. 7152. Interested persons are invited to submit written comment directly to SEPA and/or present written or oral views, data or arguments at the public comment forum on the proposed policy.

DATES: Written comments are due on or before December 7, 1981. A public comments forum will be held in Nashville, Tennessee, on November 5, 1981.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public comment forum will begin at 10:00 a.m. on

November 5, 1981, in Conference Room A–440, U.S. Courthouse, Federal Building Annex, 801 Broadway, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Mr. Harry F. Wright, Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635; 404–283–3261.

SUPPLEMENTARY INFORMATION: SEPA received seven responses to its solicitation for proposals and recommendations contained in its November 5, 1980, Notice of Intent to Formulate Power Marketing Policy. These responses were carefully considered as were facts gathered from those who consulted with SEPA. Major issues raised by the proposed policy are determination of marketing area, allocation of power among customers within the marketing area, extent and condition of sales to TVA, utilization of area utility systems for power integration, firming, wheeling and other essential relationships, wholesale rates, handling of resale rates, and conservation measures.

The following identifiable studies were used in the development of the proposed marketing policy:

Power Marketing Policy Considerations, October 1977
Preference Agency Loads in the Proposed Cumberland System Marketing Area
Capacity and Energy Sales by Customer for Present Cumberland System
Computer Printout of Simulated Project Operations for Cumberland System, August 1981
Cumberland System Rate and Repayment Study, March 1981

These studies are available for inspection or copying at the headquarters offices of Southeastern Power Administration in accordance with the Freedom of Information Act, 5 U.S.C. 552.

Additionally, an Environmental Assessment has been drafted indicating that the proposed power marketing policy will not have a significant effect upon the quality of the human environment. Comments upon this draft EA are invited through December 7, 1981. A copy may be obtained by contacting the Adminstrator at the address and telephone number listed above.

The public comment forum will not be adjudicative in nature. The Administrator shall act as or appoint a forum chairman. At the start of the forum the chairman shall briefly explain procedures and rules. Customers and the public shall be allowed to make oral statements and comments, introduce relevant documents, and ask questions regarding the proposal power marketing policy of SEPA representatives at the forum. Persons desiring to speak shall so notify SEPA at least three days before the forum is scheduled so that a list of forum participants can be prepared. If necessary, the chairman may establish time limitations for oral presentations by these participants to assure that all who register to speak shall have an opportunity to do so. Others will be permitted to speak if time allows. Those unable to speak because of time limitations and others who so desire many submit written comments. The chairman and SEPA representatives may question forum participants and, the chairman, at this discretion, may permit other participants a like privilege.

Questions not answered by SEPA representatives during the forum shall be subsequently responded to by SEPA in writing. All documents introduced and written answers to questions shall be available for inspection and copying at SEPA headquarters in accordance with the Freedom of Information Act. Forum proceedings shall be transcribed. Copies of the transcript may be purchased from the reporter.

Customers and the public may consult or file written comments and questions with SEPA regarding the proposed marketing policy on before December 7, 1981. All such questions shall receive expeditious response, and all such comments, questions and answers shall be available at SEPA headquarters for inspection or copying in accordance with the Freedom of Information Act. The forum transcript will likewise be available for inspection at SEPA headquarters in Elberton, Georgia.

Issued at Elberton, Georgia, August 12, 1981.

Harry F. Wright,
Administrator.

Proposed Power Marketing Policy, Cumberland System of Projects

General: The projects and power subject to this policy are:

Projects	Capacity (kw) (nameplate)	energy (mwh) [illegible]
Barkley	130,000	[1] 550,000
Center Hill	135,000	[illegible]
Cheatham	[illegible]	[illegible]
Cordell Hull	100,000	[illegible]
Dale Hollow	54,000	125,000
Laurel	61,000	[illegible]
Old Hickory	100,000	475,000
J. Percy Priest	[illegible]	[illegible]
Wolf Creek	270,000	[illegible]

[1] Does not include increased output resulting from Barkley-Kentucky Canal.

The policy for the Cumberland System of Projects will be implemented as existing contracts, or necessary extensions thereof, expire. Existing contracts will expire June 30, 1983.

The policy will be implemented through negotiated contracts for terms not to exceed 10 years.

SEPA will seek the use of transmission facilities owned by TVA and other utilities as may be required to carry out this marketing policy. Power deliveries may be made at the projects, at utility interconnections or at customer substations, as determined by SEPA. The projects will be hydraulically, electrically and financially integrated and will be operated to make appropriate contributions to the respective utility areas within the selected marketing area. Preference in the sale of power shall be given to public bodies and cooperatives.

Marketing Area. The marketing area shall be the TVA service area and the service areas of the following utilities: Big Rivers Electric Corporation; Carolina Power & Light Company, Western Division; East Kentucky Power Cooperative; Kentucky Power Company; Kentucky Utilities Company; Mississippi Power and Light Company; Nantahala Power Company and Southern Illinois Power Cooperative. the utilities other than TVA are those utilities either connected to the Cumberland projects, or to the TVA transmission system not now receiving or under consideration to receive power from other SEPA systems. The geographic marketing area will consist of approximately 150,000 square miles. Eligible public bodies and cooperatives located outside the TVA service area are listed on Appendix A attached hereto.

Allocation of Power. Power available under this policy for allocation from the Cumberland System will be peaking power only. The power will be divided into two categories: (1) power available for sale outside the TVA service area and (2) power sold to TVA for use within the TVA area. It is SEPA's goal to sell all power marketed outside the TVA area to public bodies and cooperatives on an equitable basis based on loads. Capacity sold outside the TVA area will amount to 15 to 20 percent of the 1978 peak load demands of eligible public bodies and cooperatives listed on Appendix A. The energy accompaniment of such capacity will be 1,500 to 2,500 kilowatt-hours per kilowatt per year. The specific amounts of capacity and energy to be allocated to these public bodies and cooperatives will be determined by SEPA after futher public input and consultation. all remaining power will be allocated to TVA.

Utilization of Utility Systems. In the absence of transmission facilities of its own, SEPA will seek the use of area generation and transmission systems to integrate the Government's projects, provide firming, wheeling, exchange and other functions as may be necessary to dispose of system power under reasonable and acceptable marketing arrangements. Utility systems providing such services shall be entitled to adequate compensation. SEPA will declare all energy available from the system and determine the magnitude of delivery from particular projects as it does with respect to its other systems. TVA will be asked to dispatch and integrate the power and to transmit such power to its interconnections where necessary to permit neighboring utilities to receive designated quantities of system power. Specific terms and conditions of arrangements between SEPA and TVA and SEPA and the other utilities will be the subject of negotiations. Distribution preference agerncies directly affected by negotiations with wheeling utilities shall stand in an advisory role to SEPA and shall be involved as determined by SEPA and otherwise kept currently advised as to the status and progress of negotiations.

Wholesale Rates. Rate schedules shall be drawn so as to recover all costs associated with producing and transmitting the power in accordance with then current repayment criteria. Production costs will be determined on a system basis and rate schedules will be related to the integrated output of the projects. Transmission costs may cause rate schedules to vary between utility areas. Rate schedules may be revised periodically.

Resale Rates. Resale rate provisions requiring the benefits of SEPA power to be passed on to the ultimate consumer will be included in each SEPA customer contract which provides for SEPA to supply more than 25 percent of the customer's total power requirements during the term of the contract.

Conservation Measures: Each customer pruchasing SEPA power shall agree to finance and take reasonable measures ot encourage the conservation of energy by ultimate consumers.

Appendix A—Preference Agencies in the Cumberland System Area

Kentucky

Big Rivers Electric Corporation

Member Cooperatives:

Green River EC
Henderson-Union REC
Meade County REC
Jackson-Purchase EC

Associated Utilities:
Henderson Municipal Power & Light

East Kentucky Power Cooperative, Inc.

Member Cooperatives:

Big Sandy REC
Blue Grass REC
Clark REC
Cumberland Valley REC
Farmers REC
Fleming-Mason REC
Fox Creek REC
Grayson REC
Harrison REC
Inter-County REC
Jackson County REC
Licking Valley REC
Nolin REC
Owen County REC
Salt River REC
Shelby REC
South Kentucky REC
Taylor County REC

Kentucky Power Company Area

Olive Hill
Vanceburg

Kentucky Utilities Company Area

Barbourville
Bardstown
Bardwell
Benham
Corbin
Falmouth
Frankfort
Madisonville
Nicholasville
Paris
Providence

Associated Utilities:
Owensboro Municipal Utilities

Mississippi

Mississippi Power & Light Company Area

Canton
Clarksdale
Durant
Greenwood
Itta Bena
Koscinsko
Leland
Yazoo City
Coahoma EPA
Delta EPA
Magnolia EPA
Southern Pine EPA
Southwest Mississippi EPA
Twin County EPA
Yazoo Valley EPA

North Carolina

Carolina Power & Light Company Area (Western Division)

Waynesville
French Broad EMC
Haywood EMC

Nantahala Power and Light Company Area

Highlands
Haywood EMC

Illinois

Southern Illinois Power Cooperative

Member Cooperatives:

Egyptian ECA
Southeastern Illinois EC
Southern Illinois EC

[FR Doc. 81-24208 Filed 8-18-81; 8:45 am]
BILLING CODE 6450-01-M

Western Area Power Administration

Rio Grande Project; Power Marketing Plan

AGENCY: Western Area Power Administration, DOE.

ACTION: Proposed plan.

SUMMARY: The Western Area Power Administration (Western) plans to market power generated by Rio Grande Project (Elephant Butte Powerplant) during the 1981–82 winter season which includes the period October 1, 1981, through March 31, 1982. Up to 24 megawatts of capacity will be made available with return of energy before September 30, 1982, at the existing Rio Grande Project capacity rate of $19.20/season.

FOR FURTHER INFORMATION CONTACT:
Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, Department of Energy, 438 East 200 South, Salt Lake City, UT 84147, (801) 524–5493.

SUPPLEMENTARY INFORMATION:

Regulatory Procedural Requirements

1. Determination Under Executive Order 12291. The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has received an exemption from sections 3, 4, and 7 of Executive Order 12291.

2. Regulatory flexibility Analysis. Pursuant to the Regulatory Flexibility Act of 1980 (Act) (5 U.S.C. 601, *et seq.*) each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. Western has determined that (1) this rulemaking is of particular applicability relating to services offered by Western and, therefore, is not a rule within the purview of the Regulatory Flexibility Act; (2) the marketing of this product will not result in a higher cost to a utility, thereby avoiding an impact on the involved small entities; and (3) the impacts of this action will not cause significant economic impact to a substantial number of small entities due to the limited duration of the offer. For the reasons cited above, the Administrator of Western hereby certifies that the Rio Grande Project power marketing plan is not a rule under the Regulatory Flexibility Act and will not, if promulgated, have a significant economic impact on a substantial number of small entities. Upon publication of this notice, this certification will be provided to the Chief Counsel for Advocacy of the Small Business Administration.

3. Environmental Assessment. This marketing plan is not a major Federal action which significantly affects the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

Statutory Basis

The marketing plan for power from the Rio Grande Project has been proposed by Western pursuant to the Department of Energy Organization Act

(91 Stat. 565) and the Act of Congress approved June 17, 1902 (32 Stat. 388).

Rio Grande Project

The Rio Grande Project is located in south-central New Mexico and extreme west Texas. Storage for the project is provided by the Elephant Butte and Caballo Reservoirs. Water used for winter generation of power at Elephant Butte Powerplant, located on the toe of Elephant Butte Dam, is reregulated by the Caballo Reservoir for irrigation use during the summer. Elephant Butte Dam and Powerplant, on the Rio Grande River, is about 125 miles north of El Paso, Texas. Caballo Dam and Reservoir, on the Rio Grande River, is 25 miles downstream from Elephant Butte Dam. The powerplant has an installed capacity of 24 megawatts.

Marketing Plan

Western's review of the Rio Grande Project indicates 24 megawatts of excess capacity is available for sale with return of energy for the 1981–82 winter season (October 1, 1981 to March 31, 1982), subject to the following conditions:

1. Capacity will be marketed on a seasonal basis at $19.20 per kilowatt, payable monthly at $3.20 per kilowatt.
2. Energy deliveries associated with excess capacity will be limited to 50-percent monthly load factor.
3. Capacity will be available only with return of energy at 1⅛ kilowatt hours for each kilowatt hour received.
4. All energy shall be returned at mutually agreeable rates and amounts at the points of delivery.
5. All energy must be returned by September 30, 1982.
6. Capacity offered hereunder may be available at all Rio Grande Project and Colorado River Storage Project designated or Equivalent Federal Points of Delivery and at established voltage associated therewith.
7. Excess capacity deliveries from the Rio Grande Project shall be used only for the customer's own system requirements.

Comments by Interested Parties: Western will accept comments and/or offers to purchase from all interested parties no later than September 4, 1981. Comments and/or offers should be sent to: Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147.

Issued in Golden, Colorado, August 3, 1981.

William H. Clagett,

Deputy Administrator.

[FR Doc. 81-24094 Filed 8-18-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50540 PH-FRL-1912-8]

Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

241-EUP-85. American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 248 pounds of the herbicide pendimethalin on peas to evaluate control of weeds. A total of 235 acres are involved. The program is authorized only in the States of California, Delaware, Idaho, Maryland, Minnesota, New York, Oregon, Pennsylvania, Washington, and Wisconsin. The experimental use program is effective from March 25, 1981 to March 25, 1982. A temporary tolerance for residues of the active ingredient in or on peas (succulent) has been established. (Robert Taylor, PM 25, Rm. 412E, CM#2, (703–557–7066))

464-EUP-56. Dow Chemical Company, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 28,492 pounds of the insecticide chlorpyrifos on citrus to evaluate control of aphids, black scale, brown soft scale, budmite, California red scale, citrus thrips, katydids, lepidopterous larvae, mealybugs, and rust mites. A total of 1,300 acres are involved. The program is authorized only in the States of California and Texas. The experimental use permit is effective from April 10, 1981 to April 10, 1982. Temporary tolerances for residues of the active ingredient in or on lemons and oranges and a food additive regulation for residues of the active ingredient in or on dried citrus pulp have been established. (Jay Ellenberger, PM 12, Rm. 400, CM#2, (703–557–7024))

1529-EUP-2. GAF Corporation, 140 West 51st Street, New York, NY 10020. This experimental use permit allows the use of 1,990 pounds of the growth regulator ethephon on cotton to evaluate the hastening effect on the opening of mature cotton bolls. A total of 795 acres are involved. The experimental use permit is effective from July 22, 1981 to July 22, 1982. The experimental use permit is issued with the limitation that all crops treated under this program will be destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 412E, CM#2, (703–557–7066))

1529-EUP-3. GAF Corporation, 140 West 51st Street, New York, NY 10020. This experimental use permit allows the use of 1,990 pounds of the growth regulator ethephon on cotton to evaluate the hastening effect of the opening of mature cotton bolls. A total of 795 acres are involved. This program and the one above are authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from July 22, 1981 to July 22, 1982. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established. The permits will use the same active ingredient, but different formulations. [Robert Taylor, PM 25, Rm. 412E, CM#2, [703–557–7066)]

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: July 31, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-24118 Filed 8-18-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50524A; [PH-FRL-1912-3]

ICI Americas Inc.; Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 10182–EUP–17, issued to ICI Americas Inc. for use of 45 pounds of the insecticide permethrin on livestock and livestock premises to evaluate the control of various insects.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of February 19, 1981 (45 FR 13036), announcing that ICI Americas Inc., Wilmington, DE 19897, had been issued an extension of an experimental use permit for use of 45 pounds of the insecticide permethrin on livestock and livestock premises. Since then ICI Americas Inc. has requested that the permit be amended to add the States of Delaware, Georgia, and Maryland. EPA has granted the request. All other conditions of the experimental use program remain the same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136)).

Dated: August 6, 1981.

Robert Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–24115 Filed 8–18–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50549; PH–FRL–1912–6]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below:

Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

11273–EUP–20. Sandoz, Inc., 480 Camino Del Rio South, Suite 204, San Diego, CA 92108. This experimental use permit allows the use of .0045 pound of the rodenticide 6 β-(acetyloxy)-3 β-(β-D-glucopyranosyloxy)-8,14-dihydroxybufa-4,20,22-trienolide in and around homes or farms, in commercial, industrial, and transportation areas, restaurants, and institutions to evaluate control of house mice. A total of 18 sites are involved. The program is authorized only in the States of California, Georgia, Louisiana, Missouri, New York, Ohio, Rhode Island, Texas, and Washington. The experimental use permit is effective from April 30, 1981 to April 30, 1983. (William Miller, PM 16, Rm. 403, CM#2, (703–557–77040))

11273–EUP–27. Sandoz, Inc., 480 Camino Del Rio South, Suite 204, San Diego, CA 92108. This experimental use permit allows the use of 4 pounds of the larvicide Bacillus thuringiensis Berliner var. *israelensis* on black fly breeding aquatic sites to evaluate control of black fly larvae. A total of 10.11 acres are involved. The program is authorized only in the States of Idaho, Maine, Maryland, New York, Pennsylvania, and West Virginia. The experimental use permit is effective from May 1, 1981 to May 1, 1982. This permit is being issued with the limitation that none of the material used will enter the food chain. (Franklin Gee, PM 17, Rm. 401, CM#2, (703–577–7028))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: August 5, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–24119 Filed 8–18–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50546, PH–FRL–1912–7]

Renewal of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below:

Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

35980–EUP–2. Atlantic & Pacific Research, Inc., P.O. Box 14545, North Palm Beach, FL 33408. The experimental use permit allows the use of 0.56 gram of the plant growth regular cytokinin on potatoes to evaluate gross marketable yield, potato size distribution, and observations of phytotoxicity. A total of 14 acres are involved. The program is authorized only in the States of New York, Texas, and Wisconsin. The permit was previously effective from March 30, 1979 to March 30, 1980. It is now effective from May 4, 1981 to May 4, 1982. A permanent exemption from the requirement of a tolerance for residues of the active ingredient in or on potatoes has been established (40 CFR 180.1042). (Robert J. Taylor, PM 25, Rm. 412E, CM#2, (703–557–7066))

241–EUP–93. American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 100 pounds of the insecticide tetrahydro-5, 5-dimethyl-2(1*H*)-pyrimidinone[3-[4-(trifluoromethyl)phenyl]-1-[2-[4-(trifluoromethyl)phenyl]ethenyl]-2-propenylidene) hydrazone on pastures and noncropland to evaluate control of imported fire ants. A total of 10,000 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Lousiana, Mississippi, North Carolina, South Carolina, and Texas. The permit was previously effective from October 15, 1980 to November 15, 1980. It is now effective from March 23, 1981 to March 23, 1982. A permanent tolerance for residues of the active ingredient and its metabolites in or on forage grasses has been established (40 CFR 180.395). (George T. LaRocca, PM 15, Rm. 403, CM#2, (703–557–7046))

677–EUP–19. Diamond Shamrock Corporation, 1100 Superior Avenue, Cleveland, OH 44114. This experimental use permit allows the use 1,605 pounds

of the fungicide tetrachloroisophthalonitrile on soybeans to evaulate control of anthracnose, diaporthe pod and stem blight, frogeye leaf spot, purple seed stain, septoria brown spot and downy mildew. A total of 1,100 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Georiga, Illinois, Indiana, Kentucky, Lousiana, Mississippi, Missouri, Ohio, Tennessee, and Texas. The permit was previously effective from July 24, 1980 to October 1, 1980. It is now effective from March 24, 1981 to October 1, 1981. This permit is being issued with the limitation that treated soybeans, soybean forage, and hay are not allowed to be used for food, feed, or oil purposes. Seed from treated soybean plants may be used for planting purposes, otherwise it must be destroyed. (Henry Jacoby, PM 21, Rm. 418, CM#2, (703–557–7060))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: August 5, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–24117 Filed 8–18–81; 8:45 am]

BILLING CODE 6560–37–M

[OPP–50506A; PH–FRL–1912–2]

USDA, Science & Education Administration; Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 42634–EUP–2, issued to the U.S. Department of Agriculture (USDA), Science & Education Administration, for use of 49.5 pounds of the insecticide 1-(8-methoxy-4,8-dimethylnonyl)-4-(1-methylethyl)benzene on noncrop areas to evaluate control of imported fire ants.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7028).

SUPPLEMENTARY INFORMATION: EPA gave notice that was published in the **Federal Register** of November 18, 1980 (45 FR 76243), that USDA, Science & Education Administration, Washington, DC 20250, had been issued a renewal of an experimental use permit for 49.5 pounds of the insecticide 1-(8-methoxy-4,8-dimethylnonyl)-4-(1-methylethyl)benzene. Since then the USDA, Science & Education Administration, has requested that the permit be amended to allow two thousand additional acres of non-agricultural land to be treated with 35 additional pounds of the active ingredient in Texas. EPA has granted the request. All other conditions of the experimental use program remain the same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: August 6, 1981.

Robert Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–24116 Filed 8–18–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–51301; PH–FRL–1912–4]

Substituted Phenyl Butenone; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATES: Written comments by: PMN 81–381, October 5, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–61301]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–381	[redacted] Berlin	202–426–8815	E–222

Mail address of notice manager: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81–381

Close of Review Period. November 4, 1981.

Manufacturer's Indentity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted phenyl butenone.

Use. The manufacturer states that the PMN substance will be used for metal finishing.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	20	75
2d year	40	200
3d year	50	600

Physical/Chemical Properties.

Appearance—Yellow, viscous liquid.

Boiling point ° C (10 Torr)—195–205.

Molecular weight—170–250.

pH—7.5–8.0.

Specific gravity—1.10–1.15.

Vapor pressure, mm Hg (60 ° C)—80–85.

Viscosity, cps—6,000–6,200.

Water solubility (estimated) S_w, m molar mg/l–<0.5.

Octanol/Water Partition—3.

Coefficient (estimated)-log K_{ow}.

Toxicity Data.

Acute oral (rat)—>5,000 mg/kg.

Acute dermal (rabbit)—>2,000 mg/kg.

Acute primary skin—Slightly irritating.

Acute ocular (rabbit)—Minimally irritating.

Environmental Test Data.

Muitagencity Salmonella Assay—Negative.

Chemical oxygen demand—2,800,000 mg/kg.

Biological oxygen demand, 5 and 10 days—120,000 mg/kg.

Ultimate (20 days)—160,000 mg/kg (at 17 mg Na/l); 400,000 mg/kg (at 12 mg Na/l).

Fathead minnow 96 hr. LC_{50}—15.3 mg/l.

Daphnia magna 48 hr. LC_{50}—8.6 mg/l.

Exposure. The manufacturer states that during manufacture and disposal 12 workers could experience dermal exposure for 1 hr./day, 5 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the chemical substance will be released to land and water. Wastewater from manufacture will be released to a publicly owned treatment works (POTW). The empty chemical substance drums will be sent to a landfill.

Dated: August 10, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-24114 Filed 8-18-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-128]

American Savings & Loan Assn.; Final Action; Approval of Conversion Applications

Dated: August 15, 1981.

Notice is hereby given that on July 27, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-421 approved the application of American Savings and Loan Association, Waterbury, Connecticut ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Boston, One Federal Street, 30th Floor, Boston, Massachusetts 02106

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-24145 Filed 8-18-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-126]

Citizens Savings & Loan Assn.; Final Action; Approval of Conversion Applications

Dated: August 15, 1981.

Notice is hereby given that on July 27, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-419 approved the application of Citizens Savings and Loan Association, Newton, North Carolina ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, N.W., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-24144 Filed 8-18-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-127]

Commonwealth Federal Savings & Loan Assn.; Final Action; Approval of Conversion Applications

Dated: August 15, 1981.

Notice is hereby given that on July 27, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-420 approved the application of Commonwealth Federal Savings and Loan Association, Lowell, Massachusetts ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Boston, One Federal Street, 30th Floor, Boston, Massachusetts 02106.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-24146 Filed 8-18-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10327; or may inspect the agreements at the Field Officers located at New York, N.Y.; New Orleans Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 8, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commere of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-3358-1.

Filing Party: Mr. H. H. Wittren, Assistant Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3358-1, between the Port of Seattle and Car Slip Company (CSC), modifies the basic agreement between the parties which provides for CSC's five (5) year lease of rail/barge loading facility at Pier 16. The purpose of the modification is to formalize the parties' exercise of the basic agreement's first option to extend the term of the lease for an additional five (5) years, increase the leased area by 204 square feet and to increase the lessee's rent.

Agreement No.: T-3894-1.

Filing Party: Mr. Randall V. Adams, Accounting/Traffic, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Summary: Agreement No. T-3894-1, between the Port of Palm Beach (Port) and Johnson's Shipping Agency, Inc. (JSA), modifies the basic agreement between the parties which provides for the Port's lease to JSA of certain warehouse space at the Port of Palm Beach Terminal. The purpose of the modification is to add 2680 sq. ft. of warehouse space to the original lease.

Agreement No.: T-3959-1.

Filing Party: Mr. Randall V. Adams, Accounting/Traffic, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Summary: Agreement No. T–3959–1, between the Port of Palm Beach District (District) and Kennelly & Sisman Company (KSC), amends the basic Agreement No. T–3959 by changing the amount of space KSC shall rent from the District in the original lease. KSC had agreed to lease from the District 18,940 sq. ft. of warehouse, 1,060 sq. ft. of office space and 8,000 sq. ft. of open area. Agreement No. T–3959–1 provides that KSC will lease only 17,400 sq. ft. of warehouse, 1,060 sq. ft. of office space and 7,434 sq. ft. of open area. KSC shall pay District a monthly rental of $4,985.32.

Agreement No.: T–3984.

Filing Party: Mr. H. H. Wittren, Assistant Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T–3984, between the Port of Seattle (Port) and Orient Overseas Container Line, Ltd. (OOCL), provides for the non-exclusive preferential assignment by Port to OOCL of approximately six acres of paved area within Terminal 18/20 at the Port of Seattle for container and/or chassis storage and other necessary functions of a marine container yard. The agreement also provides for OOCL's preferential use of Berths 3, 4, 5, or 6 of Terminal 18, as well as container crane(s) and appropriate container handling equipment on a common-user basis.

As compensation, OOCL agrees to pay Port an annual rental of $165,000, in addition to usage fees as per the Port's tariff for ships' berthage and apron areas as well as for container handling equipment.

Agreement No.: T–3985.

Filing Party: Mr. H. H. Wittren, Assistant Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington, 98111.

Summary: Agreement No. T–3985, between the Port of Seattle (Port) and Season Terminals, Inc. (Seacon), provides for the lease by Port to Seacon of certain premises at Port's Terminal 25, as well as preferential use of Port-owned cranes and straddle carriers, for the loading and discharging of vessels of Neptune Orient Lines, Evergreen Lines, Phoenix Container Lines, and other vessels approved by Port.

As compensation, Seacon agrees to pay Port a monthly rental of $51,715.53 per month during the first year and $77,020.67 per month during the next five years. Crane rental charges will be assessed in accordance with Port's tariff. The term of the agreement is for six years, with three additional five-year renewal options. Approval of the agreement will result in termination of Agreement No. T–3814 between the same parties.

Agreement No.: T–3986.

Filing Party: Mr. Gerald F. Swan, Deputy City Attorney, City of Los Angeles, Harbor Division, P.O. Box 151, San Pedro, California 90733.

Summary: Agreement No. T–3986 is a temporary berth assignment application and agreement form used at the Port of Los Angeles for routine day-to-day terminal operations involving the temporary assignment of berths and wharves. The assignment and privileges granted by this agreement are subject to the Charter of the City of Los Angeles, the then current Port of Los Angeles tariff and other orders, rules and regulations of the Board of Harbor Commissioners.

Agreement No.: T–3987.

Filing Party: Jerry A. Ganey, Director, Special Projects and Property Control, North Carolina State Ports Authority, P.O. Box 3248, Wilmington, North Carolina 28406.

Summary: Agreement No. T–3987, between the North Carolina State Ports Authority (Authority) and Sea-Land Service, Inc. (SLS) provides that the Authority will grant to SLS preferential berthing rights and preferential crane use at the Port of Wilmington, North Carolina. SLS will compensate the Authority for these preferential usages according to a formula as set forth in the agreement. The agreement will commence on the first day of the month following Commission approval and will run for three (3) years.

Agreement No.: 5200–39.

Filing Party: Mr. David C. Nolan, Graham & James, One Maritime Plaza, Suite 300, San Francisco, California 94111.

Summary: Agreement No. 5200–39 modifies the basic agreement of the Pacific Coast European Conference by empowering the parties to authorize the Conference Chairman or Counsel via a minute order to execute agreement modifications on behalf of the parties.

Agreement No.: 9214–29.

Filing Party: Mr. Howard A. Levy, Attorney at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 9214–29 modifies the basic agreement of the North Atlantic Continental Freight Conference by deleting authority for members to serve Amsterdam on a substituted service basis at the members' expense.

Agreements Nos.: 10045–6 and 10105–4.

Filing Party: Donald J. Brunner, Esquire, Ragan & Mason, 900 Seventeenth Street, N.W., Washington, D.C. 20006.

Summary. Agreements Nos. 10045–6 and 10105–4 will respectively, amend the U.S. South Atlantic and Gulf/Panama and Costa Rica Rate Agreement and the U.S. South Atlantic and Gulf/Guatemala, Honduras and El Salvador Rate Agreement to extend the term of the basic agreements, as amended, for an indefinite period beyond its present termination date of November 10, 1981.

Agreement No.: 10426.

Filing Party: Joseph J. Fanelli, Jr., Director, Pricing & Regulatory Affairs, Lorentzen Shipping Agency Inc., 2125 Biscayne Boulevard, Miami, Florida 33137.

Summary: Agreement No. 10426, between Mayan Line, Inc., The Northern Pan American Line A/S d/b/a Nopal Caribe Lines; Pan American Mail Line, Inc. d/b/a Pan Atlantic Lines; and Tropical Shipping Co., Ltd., provides for the establishment of a rate agreement, The Florida/Eastern Caribbean Rate Agreement, in the trade between U.S. Florida ports and ports in Barbados, Trinidad, Martinique and Guadeloupe. The Agreement authorizes the parties to discuss and agree on the matter of rates, charges, demurrage, classifications, practices and related tariff matters. Each party has reserved for itself the right of independent action subject to the notice requirement set forth in the agreement.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

Dated: August 12, 1981.

[FR Doc. 81–23980 Filed 8–18–81; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarded License No. 191]

Jacob P. Fleisig, d.b.a. The J. P. Fleisig Co.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Jacob P. Fleisig, d.b.a. The J. P. Fleisig Co., 140 Cedar Street, New York, NY 10006 was cancelled effective August 7, 1981.

By letter dated August 7, 1981, Jacob P. Fleisig, d.b.a. The J. P. Fleisig Co. was advised by the Federal Maritime Commission that Independent Ocean

Freight Forwarder No. 191 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Jacob P. Fleisig, d.b.a. The J. P. Fleisig Co. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 191 be and is hereby revoked effective August 7, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 191 issued to Jacob P. Fleisig, d.b.a. The J. P. Fleisig Co. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be publishing in the **Federal Register** and served upon Jacob P. Fleisig, d.b.a. The J. P. Flesig Co.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-24090 Filed 8-18-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Norman Krieger, 417 South Hill Street, Subway Terminal Bldg., Room 607, Los Angeles, CA 90013

Albrite Forwarding Inc., c/o Parcher & Herbert, 10 East 40th Street, 43rd Floor, New York, NY, Officers: Andre E. Wehbe, President, Shirley T. Mitchell, Vice President/Treasurer, Zdenka Shickmanian, Secretary

Dallas Forwarding Co., Inc., 1245 Minters Chapel Road, Grapevine, TX 76051, Officer: Charles A. Martinez, President

Mitrance Corp., One Park Avenue, Suite 920, New York, NY 10016, Officers: Yashinobu Kawanaka, President/Treasurer/Director, Toshifumi Ueki, Secretary, Masakazu Suganuma, Director

Dated: August 14, 1981.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-24088 Filed 8-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1921]

Norgen Custom Brokers, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The Bond issued in favor of Norgen Customs Brokers, Inc., 148-02 New York Blvd., Jamacia, NY 11434 was cancelled effective August 12, 1981.

By letter dated July 14, 1981, Norgen Customs Brokers, Inc., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1921 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Norgen Customs Brokers, Inc., has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(d) August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1921 be and is hereby revoked effective August 12, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1921 issued to Norgen Custom Brokers, Inc., be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Norgen Custom Brokers, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-24089 Filed 8-18-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-47]

Lease Agreement No. T-3753 Between Maryland Port Administration and Atlantic and Gulf Stevedores, Inc.; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by Maryland Port Administration asking the Commission to terminate a controversy between it and Atlantic and Gulf Stevedores, Inc. The dispute involves the question of whether the term "cargo" as used in Agreement No. T-3753 includes the weight of containers. Agreement No. T-3753 is a lease agreement between the parties.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Rm. 11101 or may inspect the petition at the Commission's Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Participation in this proceeding by persons not named in the petition will be permitted only upon grant of intervention pursuant to Rule 72 of the Commission's Rules of Practice (46 CFR 502.72).

Petitions to intervene shall be accompanied by intervenots' complete reply in the matter. Such petitions and any replies to the petition for declaratory order shall be filed with the Secretary on or before September 11, 1981. An original and fifteen copies shall be submitted and a copy served on all parties. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition for declaratory order.

Francis C. Hurney,

Secretary.

[FR Doc. 81-24215 Filed 8-18-81; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-11]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Energy Regulatory Commission (FERC) involving electric rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal

Government before the FERC involving the application of the Virginia Electric and Power Company (VEPCO) for an increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: August 3, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-24125 Filed 8-18-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF THE INTERIOR
Geological Survey

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Pacific Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Pacific OCS.

SUMMARY: The USGS, in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's), prepared by the USGS for the following oil and gas exploration activities proposed on the Pacific OCS. This listing includes all proposals for which environmental documents were prepared by the Pacific OCS Region in the 3-month period preceding this Notice.

Activity/operator	Location	FONSI date
Challenger Minerals, Inc., Exploration Plan	OCS-P 0248, OCS-P 0251 (45 miles S.S.W. of Santa Barbara, California).	May 7, 1981.
Chevron U.S.A. Inc., Exploration Plan	OCS-P 0335, OCS-P 0345, OCS-P 0355 (12 miles W. of Santa Barbara, California).	June 18, 1981.

Copies of the documents are available for inspection in the public information room at the Pacific OCS Region office. Persons interested in obtaining information about EA's and FONSI's proposed for activities on the Pacific OCS are encouraged to contact one of the USGS offices in the Pacific OCS Region.

FOR FURTHER INFORMATION CONTACT:

Deputy Conservation Manager, Pacific OCS Region, U.S. Geological Survey, 1340 West Sixth Street, Suite 160, Los Angeles, California 90017 (213) 688-2846

District Supervisor, Oil and Gas Office, Ventura District, Pacific OCS Region, U.S. Geological Survey, 145 No. Brent Street, Suite 202, Ventura, California 93003 (805) 648-5131

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Pacific OCS. The EA's examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA § 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitues the public notice of availability of environmental documents required under the NEPA regulations.

Reid T. Stone,

Acting Regional Conservation Manager Pacific OCS Region.

[FR Doc. 81-24127 Filed 8-18-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2919, Block 91, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 12, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-24128 Filed 8-18-81; 8:45 am]

BILLING CODE 4310-31-M

[AA-14015]

Bureau of Land Management

Alaska Native Claims Selection

On December 12, 1974, Sealaska Corporation filed selection application AA-14015, as amended, under the provisions of Sec. 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended (85 Stat. 688, 705; 43 U.S.C. 1601, 1613(h)(8) (1976) (ANCSA) and 1613(h)(8)(B) to include the surface and subsurface estates of certain lands withdrawn by Sec. 16(a) for the Native village of Hoonah.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following

described lands, selected pursuant to Sec. 14(h)(8) of ANCSA, aggregating approximately 2,600 acres, are considered proper for acquisition by Sealaska Corporation and are hereby approved for conveyance pursuant to Sec. 14(h)(8) of ANCSA as amended:

Copper River Meridian

T. 43 S., R. 60 E. (Partially Surveyed)
Secs. 15 and 16;
Sec. 22, N½, SE¼;
Sec. 23, N½, SW¼, W½SE¼;
Sec. 26, NW¼NE¼, NW¼, N½SE¼.
Containing approximately 2,600 acres.

There are no easements to be reserved within the area to be conveyed.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 715; 43 U.S.C. 1601, 1621(k)) that, until December 18, 1983, the portion of the above-described lands located within the boundaries of a national forest shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands.

Sealaska Corporation is entitled to conveyance of a minimum of 220,206 acres of land selected pursuant to Sec. 14(h)(8) of ANCSA, as amended. Together with the lands herein approved, approximately 200,180 acres of this entitlement have been approved for conveyance. The remaining entitlement will be conveyed at a later date.

There are no inland water bodies considered to be navigable within the above-described lands.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Southeast Alaska Empire (Juneau).

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 18, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-24113 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[AR 0368, etc.]

Arizona; Order Providing for Opening of Public Lands

August 7, 1981.

1. In exchanges of lands made under the provisions of Section 8 of the Act of June 28, 1934 (49 Stat. 1272, as amended, 43 U.S.C. 315g), the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

AR 0368, T. 22 N., R. 18 W.,
Sec. 19, E½W½, W½NE¼, SE¼,NE¼,
AR 0543, T. 13 N., R. 18 W.,
Sec. 27, W½W½, SE¼SW¼,
Sec. 29, NE¼, N½SE¼, SE¼SE¼,
T. 14 N., R. 18 W.,
Sec. 31, Lots 1, 2, 3, 4, E½W½, NE¼SW¼,
AR 01147, T. 12 N., R. 18 W.,
Secs. 5, 7, 9, and 17,
T. 12 N., R. 19 W.,
Sec. 1,
T. 13 N., R. 18 W.,
Sec. 33, E½E½,
Sec. 35,
T. 13 N., R. 19 W.,
Secs. 25 and 27,
Sec. 29, W½E½, SE¼SE¼,
Sec. 33, N½, SE¼,
Sec. 35, NE¼, NE¼NW¼,
AR 01182, T. 13 N., R. 19 W.,
Sec. 35, W½NW¼, SE¼NW¼, S½,
T. 14 N., R. 18 W.,
Sec. 25,
Sec. 31, E½, SE¼SW¼,
Secs. 33 and 35,
T. 14 N., R. 19 W.,
Sec. 3, Lots 1, 2, 3, 4, S½N½, SE¼,
T. 15 N., R. 20 W.,
Sec. 1,
Sec. 13, N½NE¼, SE¼NW¼,
AR 02021, T. 20 N., R. 15 W.,
Sec. 33, W½, W½SE¼,
AR 02424, T. 16 N., R. 10 W.,
Sec. 1, W½SE¼,
Sec. 3, Lots 3, 4, S½NW¼, SW¼,
Sec. 17,
Sec. 23, W½, W½NE¼,
T. 12 N., R. 14 W.,
Sec. 7,
T. 12 N., R. 15 W.,
Secs. 1, 3, 5, and 7,
Sec. 15, N½, N½SW¼, SW¼SW¼,
Sec. 19,
AR 02667, T. 6 S., R. 4 W.,
Sec. 28, NW¼, SE¼,
Sec. 34, N½,
AR 03240, T. 16 N., R. 15 W.,
Sec. 1, S½S½,
Sec. 25, E½NW¼, NW¼NE¼,
AR 03396, T. 3 N., R. 12 W.,
Sec. 27, NW¼,
T. 6 S., R. 12 W.
Sec. 15, W½SW¼,
T. 5 S., R. 9 W.,
Sec. 10, N½SW¼,
PHX 080748, T. 16 N., R. 10 W.,
Secs. 9, 15, and 21,
PHX 080823, T. 4 S., R. 4 W.,
Sec. 2, Lots 1, 2, S½NE¼, SE¼NW¼,
E½SW¼, SE¼,
Sec. 36,

PHX 081045, T. 24 N., R. 21 W.,
Sec. 21,
Sec. 33, N½, SE¼, E½SW¼, SW¼SW¼ and S½S½NW¼SW¼,
PHX 083307, T. 10 S., R. 27 E.,
Sec. 6, Lot 3,
T. 11 S., R. 27 E.,
Sec. 2, S½NE¼,
T. 11 S., R. 28 E.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½,
T. 11 N., R. 4 W.,
Sec. 36, W½W½,
PHX 085984, T. 23 N., R. 22 W.,
Sec. 1, S½,
Secs. 11 and 13,
Sec. 25, S½NW¼, SW¼,
T. 13 N., R. 17 W.,
Secs. 1, 3, 5, 7, and 9,
Sec. 11, W½, SE¼,
Secs. 15, 17, 19, 21, 29, and 31,
Sec. 33, N½, N½S½, S½SW¼,
T. 13 N., R. 18 W.,
Secs. 5, 7, 9, 11, 13, 15, 19, 21, 23, 25, and 27.

The areas described aggregate approximately 39,158 acres in Graham, Maricopa, Mohave, Yavapai and Yuma Counties.

2. The United States did not acquire the mineral rights in any of the lands described in paragraph 1 with the exception of the land described under Serial No. AR 0368.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 are hereby open to operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to September 15, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-24092 Filed 8-18-81; 8:45 am]

BILLING CODE 4310-84-M

Chevron Pipe Line Co.; Right-of-Way Application

August 12, 1981.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Chevron Pipe Line Company filed an application for a right-of-way to construct a cathodic protection unit as a necessary and proper appurtenance of the crude oil pipelines granted under Serial No. I–0802. The cathodic protection unit, as proposed, will lie within the following public lands:

T. 13 S., R. 28 E., B.M., Idaho,
Sec. 6, E½SE¼.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-24213 Filed 8-18-81; 8:45 am]

BILLING CODE 4310-84-M

District Advisory Council; Meeting

AGENCY: District Advisory Council.

ACTION: Notice of meeting.

SUMMARY: The Ely District Advisory Council will conduct a meeting on Friday, September 18, 1981. The meeting will convene at 10:00 a.m. in the Conference Room of the Ely District BLM office, Pioche Highway, Ely, Nevada. The following events and topics will be included on the agenda for September 18, 1981:

(1) Minutes of previous meeting.
(2) Committee reports.
(3) Status report on Egan Resource Area RMP Issues.
(4) Status report on Schell Resource Area Grazing EIS.
(5) Proposed Rangeland Management Policy.
(6) White Pine Power Project Presentation.
(7) Public comment period.
(8) Council Recommendations.
(9) Determination of future meeting date and agenda.

The meeting is open to the public. Written comments may be filed with the District Manager for the Council's consideration, and oral statements will be heard between 1:00 p.m. and 1:30 p.m., September 18, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be available for public inspection at the Ely District Office within 30 days following the meeting.

DATE: September 18, 1981, 10:00 a.m.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT: Ms. Cleone Jonas, 702–289–4865.

Dated: August 11, 1981.

George W. Cropper,

Acting District Manager.

[FR Doc. 81-24128 Filed 8-18-81; 8:45 am]

BILLING CODE 4310-84-M

Management of the East Mojave National Scenic Area; California Desert District

The California Desert Plan, adopted December 17, 1980, provided for the establishment of the East Mojave National Scenic Area. This was accomplished, January 16, 1981, (FR 46, No. 11).

The East Mojave National Scenic Area lies in Eastern San Bernardino County, California, generally between Interstate Highway 40 on the south, Interstate 15 on the north, the Nevada Stateline and the powerline on the east and a line on the west extending south from Baker, California, through the Devil's Playground, and down the west flank of the Kelso Sand Dunes and Granite Mountains.

The Desert Plan (page 128) provided for development of a Management Philosophy Statement for the National Scenic Area in lieu of an overall management plan. Implementing actions for the Desert Plan and detailed activity plans for specific programs will be undertaken under the general guidance of the statement which appears below.

The statement has been developed by the Bureau with input and advice from representatives of the broad range of users and landowners within the East Mojave region as well as interested citizens who are familiar with the area and its values. It has also had review by the Advisory Committee for the California Desert Conservation Area.

For information regarding the East Mojave National Scenic Area, contact, Area Manager, Needles Resource Area, P.O. Box 305, Needles, California 92363. Comments on the National Scenic Area and its Management may be sent to the District Manager, California Desert District, 1695 Spruce St., Riverside, California 92507. Information regarding the area and the access to it may also be obtained from the Desert District Office in Riverside, or by calling (714) 787–1462.

Management Philosophy, East Mojave National Scenic Area, California Desert District, Bureau of Land Management, U.S. Department of the Interior

The East Mojave National Scenic Area, an area of 1.4 million acres of public land administered by the Bureau

of Land Management (BLM) was established by the U.S. Department of the Interior as an integral part of the comprehensive Plan for the California Desert Conservation Area, adopted, December 17, 1980.

The region embraced within the East Mojave National Scenic Area was so designated because of its unique blend of human use (past and present) and genuinely unique natural features. Designation as a national scenic area, was adopted in the Plan so as to ensure continuation of the uses and occupation which gives the region its character; and yet give special emphasis to retain the area's natural scenic qualities in evaluating and permitting changes and new uses.

The area is, and will continue to be managed by the BLM under the framework of public land laws, regulations contained in Title 43 of the Code of Federal Regulations and the California Desert Plan. The designation applied only to public lands within its boundaries and will not affect either private or State lands nor valid existing rights such as under the U.S. Mining Laws, except to the extent they are already affected by law or regulations.

Special management of the national scenic area will be as reflected in the California Desert Plan. Ninety percent of the national scenic area was designated as Class "C" or "L," calling for limited use and/or wilderness protection, a much larger percentage in such categories than other parts of the California Desert Conservation Area. The National scenic area designation does not add a new layer of guidelines or regulations. It simply establishes a boundary around an area of high resource value and sensitivity, as reflected by the multiple use classes.

Special management of the national scenic area will be reflected in implementing actions for the Desert Plan. Activity plans for livestock grazing, wildlife habitat, recreation and other programs will reflect concern for the scenic values in the national scenic area and developments will be limited, made inobstructive, or mitigated so their impact on visual resources is minimal or not at all. Likewise, prescriptions for Areas of Critical Environmental Concern (ACEC) will emphasize protection and management techniques which do not intrude on scenery and will become part of the landscape.

Special management of the national scenic area will be reflected in authorizations for use. Permits involving construction will stipulate mitigating measures designed to reduce scenic intrusion, and will require reclamation and restoration.

Management goals for the East Mojave National Scenic Area will be to;

1. Make the region a demonstration showcase for multiple use management.
2. Assure retention of the balance between use and natural values.
3. Provide for public enjoyment and understanding of the region, its history and natural features.
4. Limit the region's "development" in the sense of more paved roads and large campgrounds on public lands; yet provide improved services and information and enhance resource values by adding appropriate improvements such as water.
5. Stablize, and as appropriate, rehabilitate or recreate important historic structures.
6. Manage uses in a manner that encourages dispersion so as to maintain the region's character and scenic values as well as to protect resources.

To accomplish these goals and the special management of the region envisioned in the California Desert Plan, the BLM will:

1. Give the Desert Plan implementation, especially ACEC protection, highest priority in the East Mojave National Scenic Area within the Needles Resource Area.
2. Assure adequate staffing in the Needles Resource Area to assure continuous BLM use supervision and compliance presence in the region. (The Needles Resource Area has already been established, located in the region in response to the public's desire for increased on-the-ground activity by BLM in the East Mojave region.)
3. Provide increased visitor services, especially visitor contact and interpretation, by signing, contact and patrol. Leave recreationists with a sense of discovery, but be sure they have opportunities to understand and appreciate what they see. As appropriate, provide visitor contact at mobile or fixed units at main entry points.
4. Provide boundary signing to call public atention to the national scenic area and the concerns within the region.
5. Establish a partnership with intermingled private landowners and users, emphasizing mitigation of impacts wherever they occur, land tenure adjustment, assurance of access and good stewardship of land and resources. Assure continued public involvement in planning and implementation.
6. Develop a vigorous program of pretection of the national scenic area's scenic qualities through contact, example and stipulation. Encourage restoration where feasible.
7. Assure, by management review, that scenic quality maintenance is reflected in all BLM initiated activity planning and implementing actions.

Gerald E. Hillier,

District Manager, California Desert District.

August 1, 1981.

[FR Doc. 81-24129 Filed 8-18-81; 8:45 am]

BILLING CODE 4310-84-M

[N-33501, et al.]

Nevada; Reality Action Sale of Public Land; Correction and Amendment

The Notice of Realty Action regarding the sale of public land is Las Vegas, published in the **Federal Register** on July 10, 1981 (Vol. 46, No. 132, p. 35795) erroneously stated that Public Law 96-586 was enacted on December 23, 1981. The correct date of enactment is December 23, 1980.

In addition, the notice is hereby amended by dividing Parcel 100 into two parcels; Parcel 99 which is comprised of Lots 25, 46, 47, 48, 49, 57, 58, and 59, and Parcel 100 which is now comprised solely of Lot 76. Since this amendment does not add land to or delete land from the proposed sale, the comment period provided in the original notice is not extended.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 81-24212 Filed 8-18-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; Alaska Regional Technical Working Group Committee; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-643.

The Alaska Regional Technical Working Group Committee of the National Advisory Board will hold a meeting on September 9-10, 1981, beginning at 1 p.m. in the Coast Guard Conference Room, 770 Federal Building, Juneau, Alaska.

The meeting will cover the following principal subjects:

—Phase I status report, joint Beaufort Sea sale
—Scoping, North Aleautian Shelf sale 75
—Results of public hearings on the proposed 5-year leasing schedule
—Stipulations, Norton Basin sale 57
—Presentation by the State/Federal Transportation Planning Organization on their activities

The meeting is open to the public. Public attendance may be limited by the space available. Summary minutes of the meeting will be available at the

Alaska OCS Office for public inspection and copying 3 weeks after the meeting.

For further information, contact Gordy Euler at the Alaska OCS Office, (907) 276–2955.

Dated: May 19, 1981.

Esther C. Wunnicke,

Manager, Alaska OCS Office.

[FR Doc. 81–24211 Filed 8–18–81; 8:45 am]

BILLING CODE 4310–84–M

[U–11730]

Utah; Termination of Classification of Public Lands for Multiple Use Management

1. On November 3, 1970 (FR Vol. 35 No. 214, pages 16945–16946) the public lands described in the notice, aggregating approximately 310,600 acres, were classified for multiple use management pursuant to the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws (43 U.S.C. parts 7 and 9, and 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). Paragraph 5 also segregated 740 acres of the lands from all forms of appropriation, entry, location, or selection under the public land laws, including the general mining laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(C)(2), the above classification is hereby terminated. At 10:00 a.m., on September 30, 1981, the lands described in said notice of November 3, 1970 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid application received at or prior to 10:00 a.m., on September 30, 1981 shall be considered as simultaneously at that time. Those received thereafter will be considered in the order of filing.

3. The lands described in paragraph 5 of above notice will also be open to location under the United States mining laws at 10:00 a.m. on September 30, 1981.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, 136 East South Temple, Salt Lake City, UT 84111.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–24091 Filed 8–18–81; 8:45 am]

BILLING CODE 4310–84–M

Lewistown District Advisory Council; Cancelled Meeting

AGENCY: Lewistown District Advisory Council.

ACTION: Meeting cancellation.

SUMMARY: The Lewistown District Advisory Council meeting scheduled for August 19 and 20, 1981 is cancelled.[1]

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown District, Airport Road, Lewistown, Montana 59457.

Glenn W. Freeman,

District Manager.

[FR Doc. 81–24298 Filed 8–18–81; 8:45 am]

BILLING CODE 4310–84–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–20330, appearing in the issue of July 13, 1981, on page 36005, column 3, paragraph 2, line 13, MC 74321 (sub-163), in the application of B. F. Walker, Inc., change "WA" to "WV".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions Decision-Notice

Correction

In FR Doc. 81–22618 at page 39694, in the issue for Tuesday, August 4, 1981, on page 39697, column 1, paragraph 6, line 1, the MC number "15152" for Tripp Landcruise Corporation should be corrected by inserting a 7 between the 5 and the 1 to read "MC 157152".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions; Decision—Notice

Correction

In FR Doc. 81–20330 appearing on page 36005 of the issue of July 13, 1981, in the third column, the sixteenth line of "MC 74321 (Sub 163)" insert "OR" between "OK" and "SD".

BILLING CODE 1505–01–M

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[1] Originally published at 46 FR 38146, July 24, 1981.

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81–20332, appearing on page 35992, of the issue of July 13, 1981, make the following correction:

On page 35996, column one, "MC 148202 (Sub-3–5TA)", eleventh line, "KS" was omitted in the list of states. As corrected the eleventh line should read:

"and east of ND, SD, NE, *KS*, OK, and TX, on".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified

statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombuolsman's Office, (202) 275–7326.

Volume No. OPY–4–311

Decided: August 10, 1981.

MC 297 (Sub-17), filed July 23, 1981. Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210 (503) 226–3755. Transporting (1) *building materials,* (2) *lumber and wood products,* and (3) *chemicals and related products,* between points in OR, WA, and CA, on the one hand, and, on the other, points in U.S.

MC 1977 (Sub-55), filed July 27, 1981. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264 (303) 861–4028. Transporting *general commodities* (except classes A and B explosives), between points in Spokane County, WA, on the one hand, and, on the other, points in the U.S. (except AZ, CA, MT, NV, NM, TX, UT, WY, AK and HI).

MC 63417 (Sub-309), filed July 27, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (Same address as applicant) (703) 342–1835. Transporting *insulating materials,* between the facilities of Rockwool Industries, Incorporated at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 99737 (Sub-3), filed July 29, 1981. Applicant: SUPERLINE TRANSPORTATION CO., INC., 111 Braley Rd., East Freetown, MA 02717. Representative: John DeGrazia (Same address as applicant) (1–800) 642–7558. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, NJ, NY, PA, and VT.

MC 111967 (Sub-13), filed July 27, 1981. Applicant: CADDELL TRANSIT CORPORATION, P.O. Box 146, Lawton, OK 73502. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73115. Transporting *general commodities* (except classes A and B explosives), between points in Commanche, Jackson and Stephens Counties, OK, on the one hand, and, on the other, points in AR, AZ, CO, LA, IA, IL, IN, KS, MO, NE, NM, TN, and TX.

MC 120737 (Sub-95), filed July 27, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602 (312) 236–5944. Transporting *machinery and transportation equipment,* between Lebanon, TN, on the one hand, and, on the other, points in OK, TX, IA, MO, AR, LA, MS, AL, GA, FL, SC, NC, TN, KY, VA, WV, MD, OH, IN, and IL.

MC 123797 (Sub-8), filed July 24, 1981. Applicant: ATLANTIC INTERSTATE MESSENGERS, INC., 200 Richmond Hill Ave., Stamford, CT 06904. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St., N.W., Washington, DC 20004 (202) 737–1030. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and DC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, AR, and TX.

MC 142697 (Sub-2), filed July 23, 1981. Applicant: R & M TRUCK LINE, INC., P.O. Box 422, Oskaloosa, IA 52577. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *plastic products,* between the facilities of Spartan Manufacturing Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155647, filed July 27, 1981. Applicant: TERRY L. BURDWELL, d.b.a. BURDWELL TRUCKING CO., Route 1, Box 206, Dumas, AR 76139. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting *sawdust,* between points in Desha County, AR, and points in Union and Quachita Counties, LA.

MC 156607, filed July 28, 1981. Applicant: R & L DELIVERY SERVICE, INC., 4411 W. Slauson Ave., Los Angeles, CA 90043. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, (213) 863–8883. Transporting *furniture and fixtures, antiques and objects of art,* of unusual nature or value, between points in the U.S.

Volume No. OPY–4–312

Decided: August 10, 1981.

MC 42487 (Sub-1044), filed July 30, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Champion International Corporation, of Stamford, CT.

MC 116227 (Sub-23), filed July 30, 1981. Applicant: POLMAN TRANSFER, INC., Rt. 3, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 456–6889. Transporting *scrap metal, metal products, and animal hides,* between points in Richland County, ND and points in MN, on the one hand, and, on the other, points in the U.S.

MC 143297 (Sub-3), filed July 30, 1981. Applicant: GARN TRUCKING CO., INC., 1083 Columbus Rd., Wooster, OH 44691. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *waste or scrap materials,* between points in FL, GA, IA, IN, IL, KY, MI, NJ, NY, OH, PA, VA, and WV.

MC 154447, filed July 31, 1981. Applicant: AAXON INDUSTRIAL, INC., 1017 St. George Ave., Colonia, NJ 07067. (Mailing Address: P.O. Box 93, Iselin, NJ 08830). Representative: Linda Paulin (Same address as applicant) (201) 636–1581. Transporting *waste materials and hazardous materials,* between all points on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN and extending

northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 151707 (Sub-13), filed July 31, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor. Wilmington, DE 19801. Representative: Dennis Kupchik (Same as applicant) (215) 985–6853. Transporting *general commodities (except classes A & B explosives)*, between points in the U.S., under continuing contract(s) with MTD Products, Inc., of Willard, OH, Amway Corporation, of Ada, MI, Paramount Industries, of Crosswell, MI, and the Korex Co., of Wixom, MI.

MC 157317, filed July 21, 1981. Applicant: THE GRAY LINE, INC., 4th Floor, 420 Taylor St., San Francisco, CA 94102. Representative: Armand S. Cohn (Same address as applicant) (415) 885–0100. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at points in Alameda, Contra Costa, El Dorado, Marin, Mariposa, Merced, Monterey, Placer, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislous, Tuolomne, and Yolo Counties, CA, and extending to points in the U.S.

MC 157407, filed July 27, 1981. Applicant: M.O.B. TRANSPORT COMPANY, P.O. Box 201, Marshall, MN 56258. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6889. Transporting *petroleum, natural gas and their products*, between points in Foster County, ND, Dubuque County, IA, Blue Earth, Swift Lyon and Dakota Counties, MN, on the one hand, and, on the other, points in Polk, Rusk, Sawyer, Vilas, Waupaca, and Oneida Counties, WI, Ramsey, Hennepin, Stearns, Meeker, Winona and Morrison Counties, MN and points in SD, ND, and IA.

MC 157467, filed August 3, 1981. Applicant: STACO TRANSIT, INC., Route 4, Box 20, Pine Bluff, AR 71602. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201 (501) 375–3022. Transporting (1) *such commodities* as are dealt in or used in the manufacture, sale, installation, and servicing of agricultural irrigation equipment, between points in NE, TX, CO, KS, OK, and NM, on the hand, and, on the other, points in AR, LA, MS, and TN, and (2) *cottonseed products*, between points in Jefferson County, AR, on the one hand, and, on the other, points in OK, TX, CO, NE, KS, and NM.

Volume No. OPY–4–314

Decided: August 10, 1981

MC 118457 (Sub-38), filed August 4, 1981. Applicant: BADGER FREIGHT SERVICE, INC., 11139 W. Becher St., West Allis, WI 53227. Representative: Jack Meyer, 111 E. Wisconsin Ave., Suite 1330, Milwaukee, WI 53202 (414) 272–8550. Transporting *food and related products*, between points in the U.S.

MC 128927 (Sub-10), filed August 4, 1981. Applicant: MARTIN TRUCKING COMPANY INC., Box 406, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719 (608) 273–1003. Transporting *malt beverages*, between points in Peoria County, IL, and points in WI.

MC 138627 (Sub 121), filed August 3, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397–7033. Transporting *metal products*, between the facilities of Nucor Corporation, on the one hand, and, on the other, points in the U.S.

MC 145997 (Sub-40), filed August 3, 1981. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702 (501) 521–8121. Transporting *food and related products*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 157497, filed August 3, 1981. Applicant: IVAN HABECK, Rt. 1, Box M–8, Ipswich, SD 57451. Representative: John T. Wirth, 2600 Energy Center, 717—17th St., Denver, CO 80202, (303) 892–6700. Transporting *metal articles*, between points in the U.S., under continuing contract(s) with Pittsburgh Pipe & Supply Corp., of St. Louis, MO.

Volume No. OPY–4–316

Decided: August 10, 1981.

MC 42487 (Sub-1043), filed July 31, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Esco Corporation, of Portland, OR.

MC 153907, filed July 31, 1981. Applicant: C.A.M. DISTRIBUTING, 150 South State, Lindon, UT 84062. Representative: Paul Gottfredson (Same address as applicant) (801) 785–3460. Transporting *new furniture*, between points in the U.S., under continuing contract(s) with Rustic Interiors, of Provo, UT

MC 157197, filed July 30, 1981. Applicant: HINTZ TRUCKING, INC., 1021 St. Charles St., Elgin, IL 60120. Representative: Larry Hintz (Same address as applicant) (312) 741–3581. Transporting *craft products*, between points in the U.S., under continuing contract(s) with LeeWards Creative Crafts, Inc., of Elgin, IL.

MC 157377, filed July 27, 1981. Applicant: LEON PHILLIPS, 1034 Wiley St., Bethlehem, PA 18015. Representative: Leon Phillips (Same address as applicant) (215) 866–1404. To operate as a broker, at Bethlehem, PA, in arranging for the transportation of *passengers*, between points in in Lehigh and Northampton Counties, PA, on the one hand, and, on the other, Atlantic City, NJ.

Volume No. OPY–4–320

Decided: August 13, 1981.

MC 60066 (Sub-33), filed July 24, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106 (402) 392–1220. Transporting *general commodities*, between points in the U.S., under continuing contract(s), with Kmart Corporation, of Troy, MI.

MC 147066 (Sub-4), filed July 30, 1981. Applicant: LUCKY THIRTEEN TRUCKING CO., INC., 15200 Hesperian Blvd., Suite 103, San Leandro, CA 94578. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111 (415) 986–1414. Transporting (1) *duplicating machines and parts*, (2) *paper products*, (3) *tools*, and (4) *print and related materials*, between points in the U.S., under continuing contract(s) with Xerox Corporation, of South San Francisco, CA.

MC 151446 (Sub-2), filed July 31, 1981. Applicant: CHARLES R. HEYL d.b.a. C.R.H. DELIVERY, 2539 Bremerton Rd., St. Louis, MO 63144. Representative: Joseph E. Rebman, 314 N. Broadway, St. Louis, MO 63102 (314) 421–0845. Transporting *pulp, paper and related products and printed matter*, between St. Louis, MO, on the one hand, and, on the other, Evansville, and Newburgh, IN.

MC 153656 (Sub-2), filed July 31, 1981. Applicant: KARNIL FUELS LTD., 11066 E. 53rd Ave., Vancouver, B.C. Canada V5X 1J6. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235–1111. Transporting (1) *building materials*, (2) *lumber and wood products*, and (3) *metal products*, between points in WA, OR, CA, on the

one hand, and, on the other, the ports of entry on the international boundary line between the U.S. and Canada located in WA.

MC 155546, filed July 30, 1981. Applicant: SNOWBIRD, INC., 244 Kelly Rd., Bellingham, WA 98225. Representative: Bruce A. Wolf, 2120 Pacific Bldg., Seattle, WA 98104 (206) 624–5370. Transporting *building materials,* between points in the U.S., under continuing contract(s) with Duke Lumber, Ltd., of Langley, B.C. Canada.

MC 155666, filed April 30, 1981, previously noticed in the **Federal Register** issue of May 15, 1981, and republished this issue. Applicant: ANTHONY P. LUONGO, d.b.a. LUONGO TRUCK LEASING, 704 Belleville Ave., Belleville, NJ 07109. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904 (201) 572–5551. Transporting *roofing and roofing products, materials and supplies* used in the installation of roofing products, and *equipment, materials, supplies, and machinery* used in the manufacture, distribution and packaging of roofing materials, between the facilities of Owen-Corning Fiberglas Corporation, at points in the U.S., on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, OK, and TS.

Note.—The purpose of this republication is to correctly state the requested authority.

MC 156376, filed July 31, 1981. Applicant: ADW, INC., 120 Tiffany Dr., Brandon, MS 39042. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205 (601) 355–3543. Transporting (1) *building materials and machinery,* between points in Ellis County, TX, Fulton County, GA, Wyandotte County, KS, Lauderdale County, MS and Mobile County, AL, on the one hand, and, on the other, points in AL, FL, LA, MS, and TX, (2) *lumber and wood products and machinery,* between points in Rankin and Simpson Counties, MS, on the one hand, and, on the other, points in AL, AR, GA, LA, MO, NE, NC, PA, TN, and TX, and (3)(a) *feed and feed ingredients and* (b) *chemicals and related products,* between points in AL, FL, GA, KY, LA, MS, and TX.

MC 157436, filed July 31, 1981. Applicant: W. W. TRANSPORT, INC., Buffalo Center, IA 50424. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting *petroleum and petroleum products,* between points in Cerro Gordo County, IA, on the one hand, and, on the other, points in Fairbault County, MN.

Volume No. OPY–4–321

Decided: August 13, 1981.

MC 141357 (Sub-10), filed July 14, 1981. Applicant: SHANUS, INC., 232 First St. North, Minneapolis, MN 55401. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting *metal products, and rubber and plastic products,* between Minneapolis, MN, on the one hand, and, on the other, points in IA, IL, ND, SD, and WI.

MC 157167 filed July 13, 1981. Applicant: LINCOLN COACH TRAVEL, INC., P.O. Box 369, Irwin, PA 15642. Representative: John C. Fudesco, 1333 New Hampshire Ave., NW, Suite 960, Washington, D.C. 20036 (202) 659–5157. To operate as a *broker,* at Pittsburgh and North Huntingdon, PA, in arranging for the transportation of *passengers and their baggage,* between points in the U.S.

[FR Doc. 81–24131 Filed 8–18–81; 8:45 am]
BILLING CODE 7535–01–M

[Volume No. 144]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: August 14, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2229 (Sub-277)X, filed August 3, 1981. Applicant: SPECTOR REDBALL, INC., 3177 Irving Boulevard, Dallas, TX 75247. Representative: John S. Ruscetta (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 24X certificate to (1) remove the exception of household goods from general commodities; and (2) remove the exceptions of AK and HI from its nationwide authority.

MC 15975 (Sub-52)X, filed July 31, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 48 certificate to replace the named facilities located at Detroit, MI, with Detroit, MI.

MC 115869 (Sub-3)X, filed July 31, 1981. Applicant: HENDRIE AND COMPANY LIMITED, 3 Peter Street, Toronto, Ontario, CN M5V 2G1. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. Applicant seeks to remove restrictions from its lead certificate to (1) change the commodity description from commodities, the transportation of which because of size or weight require the use of special equipment, and related machinery parts and related contractors' materials, equipment, and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, to (a) "commodities, the transportation of which because of size or weight requires the use of special equipment, (b) self-propelled articles, each weighing 15,000 pounds or more, (c) industrial and construction machinery and equipment, and (d) related parts, materials, equipment and supplies;" (2) remove "originating at or destined to points in Canada"; (3) allow service at all ports of entry on the International Boundary line between the U.S. and Canada, in NY and MI; and (4) change Buffalo and Niagara Falls, NY to Erie, Genesee and Niagar Counties, NY; and Port Huron and Detroit, MI to Wayne, St. Clair, Monroe, Washtenaw, Oakland, Macomb Counties, MI.

MC 119710 (Sub-34)X, filed July 22, 1981, previously noticed in the **Federal Register** of July 22, 1981, republished as follows: Applicant: SHUPE BROS. CO., P.O. Box 929, Greeley, CO 80631. Representative: Paul F. Sullivan, 711 Washington, Building, Washington, DC

20005. Applicant seeks to remove restrictions in its Sub-No. 32 permit to (A) broaden the commodity description in part (1) to "food and related products non-metallic minerals (except fuels), and chemicals and allied products" from salt and salt products; and, in part (2) eliminate the restrictive language "in mixed loads with salt and salt products"; and (B) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper. The purpose of this republication is to expand the requested commodity broadening.

MC 123476 (Sub-73)X, filed August 6, 1981. Applicant: CURTIS TRANSPORT, INC., 23 Grandview Industrial Ct., Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 25, 43F, 51F, 52F, and 57F certificates to (1) broaden its commodity descriptions (a) in Sub-No. 25, 43F, 51F, and 52F, remove the in bulk and in tank vehicles exceptions, (b) in Sub-No. 25 parts (1) and (2), add materials, equipment and supplies used in the manufacture or distribution of the named commodities, and (c) in Sub-No. 51F, from plastic bottles, plastic bottle cups, and accessories, to "plastic containers and accessories"; (2) replace facilities and cities with county-wide authority (a) in Sub-No. 25, Hammond and Griffith, IN, with Lake County, IN, and Bridgeview, IL, with Cook County, IL, (b) in Sub-No. 51F, Bedford Park, IL, with Cook County, IL, (c) in Sub-No. 52F, Stevens Points, WI, with Portage County, WI, and (d) in Sub-No. 57F, facilities at St. Louis, MO, Lewisville, AR, Philadelphia, PA, and El Paso, TX, with St. Louis, MO, Lafayette County, AR, Philadelphia, PA, and El Paso County, TX; (3) change one-way to radial authority in Sub-Nos. 25, 43F, and 52F.

MC 124576 (Sub-8)X, filed July 30, 1981. Applicant: WILLIAMS TRANSPORTATION, INC., P.O. Box 218, Belle Fourche, SD 57717. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 7 permit to (1) eliminate the restrictions prohibiting the transportation of (a) cement in bulk, and (b) cement in bags from and to specified points; and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 124813 (Sub-239)X, filed August 10, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions from its No. MC–118468 Sub-Nos. 40, 48, 50 and 57F permits to: (1) expand the territorial descriptions between points in the U.S. under continuing contract(s) with a named shipper; and (2) broaden the commodity descriptions from cement pipe containing asbestos fiber, asbestos wallboard, insulation board, roofing materials, insulation and plastic pipe to "building materials, insulation materials, pipe and wallboard" and remove the in bulk and size and weight restrictions.

MC 129484 (Sub-10)X, filed August 3, 1981. Applicant: RAMDO TRANSPORT, INC. d.b.a. MELVIN WANG TRUCKING, 80 29th Ave North, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 3, 4, and 7 permits to (1) broaden the commodity description from liquid fertilizer and liquid fertilizer ingredients, in bulk, to "chemicals and related products"; (2) remove the "intank vehicles" restriction; and (3) change the territory description to between points in the U.S. under continuing contract(s) with named shippers.

MC 135733 (Sub-6)X, filed July 24, 1981. Applicant: LETCO BULK CARRIERS, INC., 1751 Fuhrman Blvd., Buffalo, NY 14203. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3 and 5 certificates to: (1) broaden commodity description from cement to "clay, concrete, glass or stone products" in all subs; (2) remove plantsite limitation in lead certificate, and replace Buffalo, NY with Erie County, NY; (3) broaden named ports of entry in NY to include all ports of entry in NY, in Sub-Nos. 2, 3 and 5; (4) remove restriction against service to plantsites and storage facilities of Wyandotte Cement, Inc., and Penn-Dixie Corp., located at or near Buffalo, NY in Sub-No. 2; (5) remove restriction to transportation of shipments originating in Canada in Sub-No. 3; and destined to points in Canada in Sub-No. 5; (6) change one-way authority to radial authority in lead and Sub-Nos. 2, 3 and 5.

MC 136620 (Sub-3)X, filed July 30, 1981. Applicant: HUSKY TRUCKING CO., INC., 20 South River Street, Plains, PA 18705. Representative: Larry R. McDowell, 1200 Western Saving Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 2 permits to: (1) broaden commodity description to "textile mill products" from (a) quilted materials and linings, in both permits, and, (b) lining material and batting, in Sub-No. 1; and (2) broaden the territorial description to "between points in the United States", under continuing contract(s) with a named shipper, in both permits.

MC 138676 (Sub-18)X, filed August 3, 1981. Applicant: O–J TRANSPORT COMPANY, 10290 Gratiot, Detroit, MI 48213. Representative: Robert E. McFarland, Suite 201A, 2855 Coolidge Road, Troy, MI 48084. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 8F, 9F, 12F, 13F, 16F, and 17F certificates, to (A) broaden commodity descriptions to: lead certificate and Sub-No. 5, "food and related products" from malt beverages; Sub-Nos. 8, 12, 16, and 17(part 1), "transportation equipment" from automobile parts; Sub-No. 17(part 3), "such commodities as are dealt in and used by manufacturers of computers" from computer parts and components; Sub-Nos. 9 and 13, remove all restrictions in the general commodities authority "except classes A and B explosives"; and Sub-Nos. 8 and 12, remove the exception of "commodities in bulk"; (B) change one-way service to authorize radial service; and (C) replace the named facilities and points with county-wide or city-wide authority: Sub-No. 5, Lake County, IN (Hammond, IN), and Cook County, IL (Lansing and Berwyn, IL); Sub-No. 8, Chicago, IL (facilities at Chicago, IL); Sub-No. 9, Washtenaw and Monroe Counties, MI (facilities near Milan, MI); Sub-No. 13, Midland, Saginaw and Bay Counties, MI (Midland, MI); and Sub-No. 16, Allen County, IN (Ft. Wayne, IN).

MC 142370 (Sub-7)X, filed August 10, 1981. Applicant: SCRANTON TRANSFER, INC., 500 North 3rd Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; and (2) authorize service to all intermediate points along described regular routes in parts A(1) and (2).

[FR Doc. 81–24132 Filed 8–18–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate

Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

The following applications were filed in region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 157545 (Sub-1–1TA), filed August 6, 1981. Applicant: L & G TRUCKING, INC., 12 Smith Court, Danbury, CT 06810. Representative: Harold O. Orlofske, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier:* irregular routes: *Such commodities as are dealt in or used by: (1) Manufacturers or distributors of lawn and garden equipment or products* under a continuing contract with Melnor Industries, Inc. of Moonachie, NJ; *(2) Manufacturers or distributors of mattress padding* under continuing contract with Blocksom and Company of Poughkeepsie, NY; *(3) Manufacturers or distributors of extruded rubber or plastic products* under a continuing contract with Pawling Rubber Corp. of Pawling, NY; *(4) Manufacturers or distributors of rubber products* under a continuing contract with Arrow Rubber Company of Shelton, CT; *(5) Manufacturers or distributors of packaging material* under a continuing contract with Precision Plastic Industries, Inc., of Bridgeport, CT; *(6) Manufacturers or distributors of plastic products* under a continuing contract with Allen Molders, Inc. of Bethel, CT; *(7) Printers and lithographers* under a continuing contract with Danbury Printing and Litho of Danbury, CT; *(8) the displays and exhibits used by the manufacturers or distributors of medical operating room equipment and supplies* under a continuing contract with Davis & Geck, Subsidiary of Lederle Laboratories, Division of American Cyanamid of Danbury, CT, between points in the U.S. except AK and HI. Supporting shipper(s): There are eight statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 157038 (Sub-1–1TA), filed July 31, 1981. Applicant: CARL SHEEHY, d.b.a. SHEEHY TRANSPORT, 610 Long Hill Avenue, Shelton, CT 06484. Representative: John W. Sheehy, KAMCO Supply Corp. of New England, 246 Orange Avenue, West Haven, CT 06516. *Contract carrier:* irregular routes: *Building materials,* between points in the U.S., under continuing contract(s) with KAMCO Supply Corp. of New England of West Haven, CT, KAMCO Supply Corp. of Brooklyn, NY and KAMCO Supply Corp. of Boston of Woburn, MA. Supporting shipper: KAMCO Supply Corp. of New England, 246 Orange Avenue, West Haven, CT 06516.

MC 156428 (Sub-1–2TA), filed August 6, 1981. Applicant: MARSAN WAREHOUSING & TRANSPORTATION, P.O. Box 70, Jamesburg, NJ 08831. Representative: Andrew S. Soldini (same as applicant). *Contract carrier:* irregular routes: *Plastic bottles N.O.I. in cartons and pallets and parts, supplies and equipment used in the manufacturing of those bottles in truckloads* from South Brunswick, NJ, New Castle, DE, to all points in the States of ME, NH, VT, MD, MA, RI, CT, NY, NJ, PA, DE, and VA under continuing contract(s) with Hoover Universal, New Castle, DE. Supporting shipper: Hoover Universal, Route #2, Tri Port Road, Georgetown, KY 40324.

MC 157547 (Sub-1–1TA), filed August 6, 1981. Applicant: BELMONT ENTERPRISES, INC., 10203 Prospect Road, Forestville, NJ 14062. Representative: Jack A. Belmont, (same as applicant). *General commodities, grease and oil lubricants, (except hazardous waste)* from New York State to all points in the U.S. Supporting shipper: Battenfeld American, Inc., 1575 Clinton St., Buffalo, NY 14206.

MC 140869 (Sub-1–3TA), filed August 3, 1981. Applicant: KERRI TRUCKING, INC., 240 South River Street, Hackensack, NJ 07601. Representative: David Olsen, 19 Sturr Drive, Florida, NY 10920. *Contract carrier:* irregular routes: *Plastic materials other than expanded; flakes N.O.I., granules, lumps, pellets, powder, or solid mass, or synthetic rubber,* between points in the U.S. (except AK & HI), under continuing contract(s) with H. Muehlstein & Company, Inc., Greenwich, CT. Supporting shipper: H. Muehlstein & Co., Inc., 591 W. Putnam Ave., Greenwich, CT 06830.

MC 56324 (Sub-1–1TA), filed August 3, 1981. Applicant: ROBERT J. ARRINGTON d.b.a. R. J. ARRINGTON & SONS TRUCKING, 954 Main Street, Agawam, MA 01001. Representative: Patrick A. Doyle, Esq., 40 Sky Ridge Lane, Springfield, MA 01128. *Heavy equipment, including road construction equipment and building equipment, machinery, and road building and building supplies* between points in MA on the one hand, and, on the other, points in the U.S. Supporting shipper: L.E.C. Equipment Corp., 1786 Main Street, Agawam MA 01001.

MC 146379 (Sub-1–4TA), filed August 3, 1981. Applicant: AUTO EXPRESS, INC., 466 S. River St., Hackensack, NJ 07601. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Transportation equipment,* (1) between points in the U.S. (except AK, HI, CA, TX, NM, CO, AZ, UT, OK, LA, AR, KS, and MO); and (2) between points in ME, VT, NH, MA, CT, RI, NY, PA, NJ, DE, TN, KY, AL, MS, MD, VA, WV, NC, SC, GA, FL, and DC, on the one hand, and, on the other, points in CA, TX, NM, CO, AZ, UT, OK, LA, AR, KS, and MO. Supporting shipper(s): There are 7 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 157476 (Sub-1–1TA), filed August 3, 1981. Applicant: LAKEVIEW BOAT HAULERS, INC., 6223 Lake Street, Box 154, Cayuga, NY 13034. Representative: Murray J. S. Kirshtein, 118 Bleecker Street, Utica, NY 13501. *Contract carrier:* irregular routes: *Boats, in cradles, boats requiring transportation in vehicles with mechanically adjustable cradling devices, boat cradles, boat accessories and materials and supplies used in the manufacturing and marketing of powered and unpowered boats* between the following

points: AL, CT, DE, DC, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA and WV, under continuing contract(s) with American Challenger Corp., Auburn, NY. Supporting shipper: American Challenger Corp., 309 W. Genesee Street, Auburn, NY 13021.

MC 30111 (Sub-1–1TA), filed July 30, 1981. Applicant: SAL-SON TRUCKING COMPANY, INC., 248 South Street, New York, NY 10002. Representative: Carl L. Haderer, 18 Summit Ave., Montvale, NJ 07645. *General commodities (except items of unusual value, commodities in bulk in tank vehicles, household goods as defined by the Commission, Class A and B explosives and hazardous waste)* between Jersey City, NJ and New York, NY, on the one hand, and, on the other, New Haven, CT, Philadelphia, PA, and points in the NY counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester. Supporting shipper(s): Lifschultz Fast Freight Inc., 386 Park Ave., South, New York, NY 10016; Arrow-Lifschultz Freight Forwarders, Inc., 386 Park Ave., South, New York, NY 10016.

MC 155231 (Sub-1–1TA), filed July 29, 1981. Applicant: MAXAM TRUCKING, INC., R.D. #2, Bassette Road, Interlaken, NY 14847. Representative: Donald C. Carmien, Esq., Suite 501 Midtown Mall, P.O. Box 1922, Binghamton, NY 13902. *Contract carrier:* irregular routes: *Salt and salt products* between points and places in NY, PA, NJ, OH and VA under continuing contract(s) with the International Salt Company, Clarks Summit, PA. Supporting shipper: International Salt Co., Clarks Summit, PA 18411.

MC 138225 (Sub-1–2TA), filed July 29, 1981. Applicant: HEDRICK ASSOCIATES, INC., R.R. No. 2, Box 10A2, Douglas Road, Far Hills, NJ 07931. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *General commodities (except Classes A and B explosives and hazardous waste),* between the facilities of Vornado, Inc., at or near East Hanover and Edison, NJ, on the one hand, and, on the other, points in U.S. in and east of MN, IA, MO, OK, and TX. Supporting shipper: Vornado, Inc., 174 Passaic Street, Garfield, NJ 07026.

MC 156390 (Sub-1–2TA), filed July 31, 1981. Applicant: PROGRESSIVE PIER DELIVERY, INC., 1 Freeman St., Newark, NJ 07105. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410. *Such articles as are dealt in by retail department stores* between Carteret, NJ and points in CT, DC, DE, MA, MD, NJ, NY, PA, RI, VA and Hillsborough County, NH. Supporting shipper: Herman's World of Sporting Goods, Div. of W. R. Grace & Co., 2 Germak Drive, Carteret, NJ 07008.

MC 3328 (Sub-1–2TA), filed July 30, 1981. Applicant: A. D. McMULLEN, INC., 640 State Road, No. Dartmouth, MA 02747. Representative: Andrew S. Koczera, Esq., For Fairbanks and Silvia, 72 North Water Street, New Bedford, MA 02740. *Household goods* between points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV and WI. Applicant requests tacking with present docket. Supporting shipper(s): Acushnet Co., Belleville, Ave., New Bedford, MA 02740; Continental Screw, A Unit of Amca International, 459 Mt. Pleasant St., New Bedford, MA 02742; Southeastern Advertising Agency, Inc., 3 South Sixth St., New Bedford, MA 02740; Isotrinics, Inc., New Bedford Industrial Park, New Bedford, MA 02745.

MC 54534 (Sub-1–1TA), filed August 3, 1981. Applicant: GRAND ISLAND TRANSIT CORPORATION, 5355 Junction Road, Lockport, NY 14094. Representative: Ronald W. Malin and Gregory B. Fraser, Bankers Trust Bldg., 4th Floor, Jamestown, NY 14701. *Passengers and their baggage in charter and special operations,* beginning and ending at points in Buffalo, NY and extending to points in the U.S. (except HI). Supporting shipper(s): there are 18 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 105733 (Sub-1–2TA), filed July 29, 1981. Applicant: RITTER TRANSPORTATION, INC., 928 E. Hazelwood Avenue, P.O. Box 1064–A, Rahway, NJ 07065. Representative: Andrew R. Jeites, V.P. (same as applicant). *Contract carrier:* irregular routes: *Chemicals and solvents, in bulk, in tank vehicles* between Barbourville, KY, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with J. T. Baker Chemical Co., Phillipsburg, NJ. Supporting shipper: J. T. Baker Chemical Co., Phillipsburg, NJ 08865.

MC 154993 (Sub-1–2TA), filed July 29, 1981. Applicant: H. & W. ENTERPRISES, South Witham Road, Auburn, ME 04210. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg. Cleveland, OH 44114. *Contract carrier:* irregular routes: *Transportation equipment* from points in Middlesex County, NJ to shipper's facilities located in Androscoggin County, ME under continuing contract(s) with Kawasaki Country, Inc. of Auburn, ME. Supporting shipper: Kawaski Country, Inc., 558 Washington St., Auburn, ME 04210.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 153604 (Sub-II–2TA), filed August 5, 1981. Applicant: ATLANTIC COAST ENVIRONMENTAL, INC., P.O. Box 114, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *Industrial waste,* between points in PA, NJ, MD, VT, AL, VA, CT, NY, and DC, on the one hand, and, on the other, points in TX, LA, and AR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Resource Technology Services, Inc., Devon, PA 19333.

MC 151585 (Sub-II–5TA), filed August 10, 1981. Applicant: BEST TRUCKING CO., INC., 2913 Halstead Rd., Richmond, VA 23235. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract; irregular: general commodities (except classes A and B explosives, commodities in bulk and those requiring special equipment),* between points in the U.S. in and east of MN, IA, MO, AR, LA; Dallas, TX and Los Angeles, CA (and points in their commercial zones), under continuing contract(s) with Charlotte Freight Association, Inc., Charlotte, NC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Charlotte Freight Association, Inc., P.O. Box 8825, Charlotte, NC 28208.

MC 488 (Sub-II–18TA), filed August 10, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same as Applicant). *(1) Rubber tires, tubes, flaps, and related articles, and (2) materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above,* between the facilities of McCreary Tire & Rubber Co. in Allegheny and Indiana Counties, PA, on the one hand, and, on the other, points in the US in and east of MN, MO, OK, and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: McCreary Tire and Rubber Co., P.O. Box 949, 1600 W. Washington St., Indiana, PA 15701.

MC 151785 (Sub-II–4TA), filed August 10, 1981. Applicant: CONTRACT CARTAGE CORP., 1104 Merridale Blvd., Mount Airy, MD 21771. Representative: Alvin K. Quittner (same as applicant). *Electrical and non-electrical machinery, equipment and supplies,* between points in the US for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Comeq, Inc., P.O. Box 2193, Baltimore, MD 21203, Quality

Tool & Supply Co., Inc., Box 3152/Route No. 301 & Chew Rd., Upper Marlboro, MD 20870.

MC 145282 (Sub-II–4TA), filed August 10, 1981. Applicant: FALCON TRANSPORT, INC., P.O. Box K, Bird-in-Hand, PA 17505. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043. *Metal products and machinery and materials, supplies and equipment used in the manufacture or distribution of such commodities* between points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV and WI. Applicant intends to interline at all ports of entry on the US-Canadian Border within the scope of this application. An underlying ETA seeks 120 days authority. Supporting shipper(s): Edgcomb Metals, 555 State Rd., Bensalem, PA 19020, Birdsboro Corp., Furnace St., Birdsboro, PA 19508.

MC 144331 (Sub-II–1TA), filed August 5, 1981. Applicant: EDWARD F. MADEIRA, INC., 514 Island St., Hamburg, PA 19526. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. *Food and Kindred Products,* from points in CA; Asheville, NC; Clinton, MI; Denver, CO; Chicago, IL; Milwaukee, WI; Shreveport, LA and Prairie, AR to Bensalem, PA under a continuing contract(s) with Neshaminy Valley Natural Foods Distributor, Ltd. of Bensalem, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Neshaminy Valley Natural Foods Distributor, Ltd., 1428–D Ford Rd., Bensalem, PA 19020.

MC 143400 (Sub-II–2TA), filed August 10, 1981. Applicant: MICHEL PROPERTIES, INC., Stenerson Lane, Cockeysville, MD 21030. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses and agriculture feed business houses* from Hampden Township and Mechanicsburg, PA, to points in DC, MD and VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ralston-Purina Co., PO Box 1190, Mechanicsburg, PA 17055.

MC 136343 (Sub-II–23TA), filed July 22, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Pulp, paper and related products* between the facilities of Roosevelt Paper Co., Philadelphia, PA on the one hand, and, on the other, pts. in the U.S. in and east of MN, IA, MO, AR, and LA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Roosevelt Paper Co., 7601 State Rd., Philadelphia, PA 19136.

MC 136343 (Sub-II–25TA), filed August 10, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Cabinets without mechanism or electrical apparatus* from the facilities of Cabinet Industries, Inc., Danville, PA, to Portsmouth, VA for 120 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cabinet Industries, Inc., 400 Water St., Danville, PA 17821.

MC 150339 (Sub-2–48TA), filed August 10, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: Tires,* from Columbus, OH; Waco, TX and Mayfield, KY to Rockville, MD under continuing contract(s) with Market Tire Co. of MD. Inc., Rockville, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Market Tire Co. of MD., Inc., 5481 Randolph Rd., Rockville, MD 20852.

MC 138805 (Sub-II–4TA), filed August 10, 1981. Applicant: S & L SERVICES, INC., R. D. No. 1, Milton, PA 17847. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, DC 20006. *Egg cartons, cases, trays, boxes and packaging,* from (1) Lawrenceville and Macon GA to Lawrence, MA and points in PA, NJ, MD, NY; and (2) from Giffith and Hammond, IN to Lima, OH and points in PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bartlett's Egg Dispatch, Inc., 360 Merrimack St., Lawrence, MA 01843.

MC 157543 (Sub-II–1), filed August 5, 1981. Applicant: ROBERT WHITEHEAD, 160 Academy Lane, Upper Darby, PA 19082. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Chemicals and related products, and materals, equipment and supplies used in the manufacture and distribution of the above commodities,* between points in the Philadelphia, PA commerical zone, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, VA, and DC, under continuing contract(s) with Smithkline Corp. of Philadelphia, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Smithkline Corp., P.O. Box 7929, Phila., PA 19101.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 144503 (Sub-3–16TA), filed August 7, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601. *Rubber and plastic products* between Atlanta, GA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Prior Tire Company, 375 Highland Avenue, N.E., Atlanta, GA 30308.

MC 140484 (Sub-3–24TA), filed August 7, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same as applicant). *Non-exempt farm products* between Shelby County, TN and Passaic County, NJ. Supporting shipper: Nor-Am Agricultural Products, Inc., 350 West Shuman Blvd., Naperville, IL 60566.

MC 114848 (Sub-3–7TA), filed August 7, 1981. Applicant: WHARTON TRANSPORT CORPORATION, P.O. Box 13068, Memphis, TN 38113. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Alumina* between points in AR on the one hand, and, on the other, points in AL, CO, DE, FL, GA, IL, IN, IO, KA, KY, LA, MA, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV and WI. Supporting shipper: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

MC 157238 (Sub-3–1TA), filed August 7, 1981. Applicant: JUNIOUS O'NEAL TRAFTON, Route 1, Box 35A, Scotchland Road, Camden, NC 27921. Representative: Junious O'Neal Trafton (same address as applicant). *Passengers, without baggage* between Camden and Pasquotank Counties, NC and Newport News, VA. There are 15 statements of support attached to this application which may be examined at the Atlanta Regional Office.

MC 129712 (Sub-3–15TA), filed August 11, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract,* irregular, *Such commodities as are dealt in or used by manufacturers and distributors of lumber and wood products and building materials,* between all points in the US, under continuing contract(s) with Howard A. Davidson Lumber Co. Supporting Shipper: Howard A. Davidson Lumber Co., 11435 Schaefer Highway, Detroit, MI.

MC 157614 (Sub-3–1TA), filed August 10, 1981. Applicant: Charles E. Alexander d.b.a. BRUCE BUILDING

SUPPLY. Box 686, Bruce, MS 38915. Representative: Edward G. Grogan, 2000 First Tennessee Bank Building, Memphis, TN 38103. *Lumber products and building materials between states of AL, AR, LA, TN and TX.* Supporting shipper: Weyerhaeuser Company, P.O. Box 2288, Columbus, MS, 39701.

MC 682 (Sub-3–3TA), filed August 10, 1981. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, Esq., 1000 Connecticut, Avenue, N.W., Suite 1112, Washington, D.C. 20036. *Contract carrier:* irregular routes; *General commodities (except classes A and B explosives),* between points in the US under continuing contract(s) with Xerox Corporation of Rochester, NY. Supporting shipper: Xerox Corporation, Joseph C. Wilson Center of Technology, Rochester, NY 14644.

MC 140945 (Sub-3–1TA), filed August 10, 1981. Applicant: JAMES W. CROWE, INC., 307 Brennan Road, Columbus, GA 31903. Representative: C. E. Walker, P.O. Box 1085 Columbus, GA 31902. *Contract carrier:* irregular routes, *liquid fertilizer and liquid fertilizer materials,* in bulk in tank vehicles, from Santa Rosa County, FL, to Barbour County, AL, under continuing contract or contracts with USS Agri-Chemicals Division, United States Steel Corporation. Supporting shipper: USS Agri-Chemicals Division, United States Steel Corporation, 233 Peachtree St., N.E., Atlanta, GA 30301.

MC 154540 (Sub-3–3TA), filed August 10, 1981. Applicant: FREEDOM FREIGHT SYSTEMS, INC., 1797 Florida St., Memphis, TN 38109. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *Agricultural Chemicals, and products and supplies used in the manufacture, sale, and distribution thereof,* between points in GA, AZ, NM, TX, OK, AR, LA, MS, MO, TN, AL, GA, FL, SC, NC, VA, PA and NJ. Supporting shipper: Helena Chemical Company, Suite 3200, 5100 Poplar Ave., Memphis, TN 38137.

MC 151822 (Sub-3–4TA), filed August 10, 1981. Applicant: FREIGHT DIRECT, INC., P.O. Box 10707, 554 University Ave., S.W., Atlanta, GA 30310. Representative: J. David Odom, P.O. Box 10707, Atlanta, GA 30310. *Contract carrier,* irregular routes, *General Commodities (except household goods as defined by the Commission and Classes A and B explosives)* between points in the U.S., under continuing contracts with (a) United Freight, Inc., and its member/affiliates, and, (b) Distribution Services of America, Inc., and its member/affiliates. Supporting shippers: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260, and, Distribution Services of America, Inc., 666 Summer Street, Boston, MA 02210.

MC 154540 (Sub-3–2TA), filed August 10, 1981. Applicant: FREEDOM FREIGHT SYSTEMS, INC., 1797 Florida St., Memphis, TN 238109. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *Contract carrier,* irregular routes; *General commodities, (except commodities in bulk and Classes A & B explosives),* between points in the U.S. under continuing contract[s] with United Freight, Inc., of Morrow, GA and Distribution Services of America, Inc., of Boston, MA. Supporting shippers: (1) United Freight, Inc., 1260 Southern Road, Morrow, GA 30260; and (2) Distribution Services of America, Inc., 666 Summer St., Boston, MA 02210.

MC 105120 (Sub-3–5TA), filed August 10, 1981. Applicant: FREIGHTWAYS EXPRESS, INC., 222 E. Mallory Ave., Memphis, TN 38109. Representative: James N. Clay, III (same address as applicant). Common, regular; *General commodities, except classes A and B explosives,* between Memphis, TN and Louisville, KY, serving intermediate points in KY, from Memphis over I–40 to Nashville, then over I–65 to Louisville and return over the same route. Commercial zone authority is sought. Applicant requests tacking with authority in MC–105120 and interlining at Louisville, KY, Memphis, TN and Little Rock, AR. There are 10 statements of support which may be examined at the ICC Regional Office in Atlanta, GA.

MC 140902 (Sub-3–9TA) filed, August 10, 1981.

Applicant: DPD, Inc., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (Same address as applicant). *Contract:* irregular; *foodstuffs and such merchandise as is dealt in by restaurants* between Cincinnati, OH (and its commercial zone) on the one hand and on the other, points in the states of AL, FL, GA, LA, IN, KY, NC, SC, TN and VA. Supporting Shipper: Duff's Smorgasbord, 2964 U.S. Route 42, South Lebanon, OH 45036.

MC 153509 (Sub-3–14TA), filed August 10, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Road, Louisville, KY 40202. Representative: James B. Murphy, Suite 102, Interchange Building, 835 West Jefferson Street, Louisville, KY 40202. *Contract:* irregular: *general commodities (except household goods as described by the Commission, hazardous waste, commodities in bulk and class A & B explosives),* between points in the U.S. except AL and HI, under continuing contracts with Geneva Wheel & Stamping Corp., Industrial Electric Equipment, Inc., Atomaster-Division of Koehring Company, Unican Security Systems, Inc., Besco Products, Inc. and Certified Grocers of Il., Inc., supporting shippers: There are six (6) statements of support which can be examined at the ICC Regional Office in Atlanta, Ga.

MC 151348 (Sub-3–3TA), filed August 10, 1981. Applicant: J.D. TRANSPORTS, INC., Box 179, Memphis, TN 38101. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103. *Used aluminum cans for the purposes of recycling* (1) from AL, AR, IL, KY, LA, MS, MO, to Shelby County, TN; and (2) from Shelby County, TN to Vanderburg County IN, restricted to the facilities of Alcoa Recycling Company, Inc. Supporting shipper: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

MC 127135 (Sub-3–1TA), filed. August 10, 1981. Applicant: HERBERT O. KINDRICK, d.b.a. KINDRICK TRUCKING CO., Route 1, Box 432, Harriman, TN 37748 Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, TN 37219. *Contract:* irregular: *Metal products* between points in the U.S. under a continuing contract with Valley Joist, division of Ebsco Industries, Inc., Fort Payne, AL. Supporting shippers: Valley Joist, division of Ebsco Industries, Inc. P.O. Box 718, New Valley Road, Fort Payne, AL 35967.

MC 65419 (Sub-3–1TA), filed. August 11, 1981. Applicant: ARMORED CAR COMPANY, INC., 1031 South Sixth Street, P.O. Box 32930, Louisville, KY 40232. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Contract* carrier, irregular, *money, bullion, securities, bonds, and other commodities and articles of unusual value,* between Louisville KY, on the one hand, and, on the other, points in Daviess, Gibson, Knox, Martin, Pike, Posey, Vanderburgh and Warrick Counties, IN, under continuing contract(s) with the Louisville Branch of the Federal Reserve Bank of St. Louis, of Louisville, KY. Supporting shipper: Federal Reserve Bank of St. Louis, 411 Locust Street, St. Louis, MO 63102.

MC 157453 (Sub-3–2TA), filed August 11, 1981. Applicant: EMERGENCY MOTOR FREIGHT, INC., Route 5, Box 452, Simpsonville, SC 29681. Representative: Mitchell King, Jr., Esq., P.O. Box 5711, Greenville, SC 29606. *Contract,* Irregular; *General commodities (except classes A and B*

explosives) between points in the US (except AK and HI) under continuing contract(s) with Philips Industries, Inc. Supporting shipper: Philips Industries, Inc., P.O. Box 943, Dayton, OH.

MC 149011 (Sub-3–1TA), filed August 11, 1981. Applicant: RDR, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (Same Address as Applicant). *Contract, irregular; corrugated boxes and related materials equipment and supplies* between Cleveland, TN on the one hand and on the other points in the states of AR, AL, FL, GA, KY, MS, MO, NC, SC, TN and VA under continuing contract(s) with Westvaco Corporation. Supporting shipper: Westvaco Corporation, P.O. Box 196, Cleveland, TN 37311.

MC 67500 (Sub-3–3TA), filed August 10, 1981. Applicant: BLUE RIDGE TRUCKING COMPANY, P.O. Box 5118, Asheville, NC 28813. Representative: Ronald P. Goldstein (same address as applicant). *General commodities except household goods and classes a and b explosives and hazardous waste materials* between Mecklenburg, Gaston and Cleveland Counties, NC on the one hand and on the other, Buncombe County, NC. Applicant intends to tack with existing authority and to interline at Asheville, NC and Charlotte, NC. There are 10 supporting shippers accompanying this application which may be examined at the ICC regional office in Atlanta, GA.

MC 155115 (Sub-3–2TA), filed August 11, 1981. Applicant: ANDERSON ARMORED CAR SERVICE, INC., P.O. Box 244, Anderson, SC 29622. Representative: Richard C. Otter, P.O. Box 273, Anderson, SC 29622. *Non-negotiable commercial papers, checks, audit and accounting records and printed matter* between points in SC and Atlanta, GA. Supporting shippers: Southern Bank and Trust Company, 304 E. North Street, Greenville, SC 29601; Federal Reserve Bank of Atlanta, P.O. Box 1731, Atlanta, GA 30301.

MC 148490 (Sub-3–8TA), filed August 12, 1981. Applicant: C. & N. EVANS TRUCKING COMPANY, RFD 2, Box 39E, Stoneville, NC 27048. Representative: Archie B. Culbreth and John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Malt beverages, containers, container ends and materials, equipment and supplies used in the manufacture, sale and distribution of malt beverages, containers and container ends,* between points in the U.S. in and east of MN, IA, NE, KS, OK, and TX. Supporting shipper: Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53201.

MC 151916 (Sub-3–5TA), filed August 12, 1981. Applicant: BARON TRANSPORT, INC., One Perimeter Way, Suite 455, Atlanta, GA 30339. Representative: Eugene D. Anderson, 910 17th Street, N.W., Suite 428, Washington, D.C. 20006. *Margarine, Peanut Butter, and Shortening* from Birmingham, AL to points on and east of TX, OK, MO, and IL. Supporting Shipper: Sunnyland Refining Co., 3330 Tenth Avenue, North Birmingham, AL 35234.

MC 152987 (Sub-3–3TA), filed August 12, 1981. Applicant: MAGANN EQUIPMENT, INC., P.O. Box 1694, Highway 17–A, North, Summerville, SC 29483. Representative: Harold Alexander, A&B Trucking, Inc., P.O. Box 582, Summerville, SC 29483. *Shredded scrap, aluminum and aluminum products, steel coils, metal and metal products;* between Richmond County, GA; Georgetown, Berkeley, Charleston, Dorchester, Horry, Richland, Lexington, Orangeburg, Chester, Fairfield, Calhoun, Orange Counties, SC and points in the U.S., except AK and HI. Supporting shipper(s): Georgetown Steel Corp., Georgetown, SC, Automotive Recycling Co., P.O. Box 979, Charleston, SC 29402 and Alumax of South Carolina, P.O. Box 1000, Goose Creek, SC.

MC 157665 (Sub-3–1TA), filed August 12, 1981. Applicant: NATIONAL TRANSPORTATION SERVICES, INC., 10891 N. Military Trail, Suite 201, Palm Beach Gardens, FL 33410. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *General commodities (except Classes A and B explosives),* between points in FL restricted to traffic having a prior or subsequent movement by rail. Supporting shipper: National Piggyback Services, Inc., 10891 N. Military Trail, Palm Beach Gardens, FL 33410.

MC 153679 (Sub-3–2TA), filed August 12, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 201—25th Avenue North, Nashville, TN 37202. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, TN 37219. *Contract carrier,* irregular routes: *General commodities (except classes A & B explosives)* (1) between points in the U.S. under a continuing contract with Kenneth O. Lester Company, Lebanon, TN; (2) between points in the U.S. under a continuing contract with Robert Orr, division of Sysco Corporation, Nashville, TN. Supporting Shippers: Kenneth O. Lester Company, P.O. Box 340, Hartman Dr., Lebanon, TN 37087; Robert Orr, division of Sysco Corporation, Centennial Plaza, P.O. Box 1087, Nashville, TN 37202.

MC 136123 (Sub-3–21TA), filed August 12, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as above). *Foodstuffs and related products,* between the facilities of Richardson Corporation on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, TX. Supporting shipper: Richardson Corporation, 3268 Blue Heron View, Macedon, NY 14502.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 9291 (Sub-5–8TA), filed August 10, 1981. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS 66014. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Containers,* between Creek County, OK on the one hand and Joplin, MO; Harrison and Ft. Smith, AR; Omaha and Grand Island, NE; Dodge City, Hays, Wichita and Emporia, KS on the other hand. Supporting shipper: Beverage Products Corp., 510 W. Skelly Dr., Tulsa, OK 74105.

MC 123676 (Sub-5–3TA), filed August 10, 1981. Applicant: PRATT TRANSPORTATION CO., INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Cement, in bag and in bulk,* from Kingsport and Richard City, TN to pts. in WV, VA, NC, SC, TN, GA, AL and KY. Supporting shipper: Dixie Cement Company, Inc., P.O. Box 119, Hill Street, Kingsport, TN 37662.

MC 134134 (Sub-5–18TA), filed August 10, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Carbon paper and carbonized bond,* from Chicago, IL and Boston, MA (and pts in their commercial zones) to pts in the U.S. in and east of ND, SD, NE, CO, and NM. Supporting shipper: American Tara Corporation, 1335 West Lake Street, Chicago, IL 60607.

MC 134134 (Sub-5–19TA), filed August 10, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Such commodities as are used, dealt in, or distributed by manufacturers and distributors of home and garden supplies,* between pts in IA and NE, on

the one hand, and, on the other, pts in the U.S. in and east of MN, IA, and MO; and in and north of MO, KY and VA. Supporting shipper: May Seed & Nursery Co., 208 North Elm Street, Shenandoah, IA 51603.

MC 134547 (Sub-5–1TA), filed August 10, 1981. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Blvd., Dallas, TX 75212. Representative: Mark H. Fetzer (same as above). Contract; Irregular *Building Materials* from Houston, TX to Fort Worth, TX under a continuing contract with: Overhead Door Corporation, P.O. Box 400150, Dallas, TX 75240.

MC 140665 (Sub-5–73TA), filed August 10, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Ann Holcombe, P.O. Box 786, Ravenna, OH 44266. (1) *Lighting fixtures, and lights and (2) materials and supplies used in the manufacture of lighting fixtures and lights* between Americus, GA, and Eufala, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Metalux Corporation, P.O. Box 1227, Americus, GA 31709.

MC 148143 (Sub-5–6TA), filed August 10, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant). *Potato products,* from points in Clark County, SD and Hubbard County, MN to points in the U.S. in and east of SD, NE, KS, OK, and TX. Supporting shipper: Chef-Reddy Foods, Inc., P.O. Box 100, Clark, SD 57225.

MC 151435 (Sub-5–11TA), filed August 10, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Road, Raytown, MO 64133. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Contract, Irregular; *Paperboard containers or boxes* between Douglas County, KS, and points in AZ, AL, CA, CO, CT, ID, IL, IN, KY, MA, MN, MI, MO, MS, MT, OH, OK, PA, SD, TN, TX, UT, VA, WV, WA, NE and LA. Supporting shipper: The Lawrence Paper Company, 2801 Lakeview Road, Lawrence, KS 66044.

MC 152807 (Sub-5–3TA), filed August 10, 1981. Applicant: L. R. CONNELL, INC., Route 4, Box 152, Arkadelphia, AR 71923. Representative: Sarah Lea Connell (same as above). *Metal Products, Machinery, Lumber and Wood Products,* and *Building Materials* between Clark and Garland Counties, AR on the one hand, and on the other, points and places in LA, TN, OK, TX, MS, AR, GA, AL, FL, MO, KS, NC, SC, KY, and OH. Supporting shippers: Roberson Metals, Inc., P.O. Box 899, Arkadelphia, AR 71923; SiPlast, Inc., Hwy 67 S., Arkadelphia, AR 71923; Construction Machinery Co., Clark County Industrial Park, Arkadelphia, AR 71923.

MC 155053 (Sub-5–3 TA), filed August 10, 1981. Applicant: B & S TRANSPORTATION, A Division of Bryant's Trucking of Franklinton, Route 2, Box 175B, Franklinton, LA 70438. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Chemicals and plastics, the parts, materials, supplies and equipment used in the manufacture, sale and distribution of chemicals and plastics;* between all points in the U.S. under continuing contracts with Dow Chemical Corporation. Supporting shipper: Dow Chemical Corporation, Highway 1, Plaquemine, LA 70764.

MC 156960 (Sub-5–1 TA), filed August 10, 1981. Applicant: J. C. TRUCK, INC., 111 Halifax Cove, Jacksonville, AR 72076. Representative: Glen Clay (same as above). *Rubber covered printing and industrial rollers, new and old, worn out, materials, supplies and equipment used in the production of these roll coverings, except bulk in tank vehicles,* between the facilities of Samuel Bingham Co., at Searcy, AR and points in MO, TN, TX, OK, AL, MS, KY, and OH. Supporting shipper: Samuel Bingham Co., 300 Lincoln St., Searcy, AR 72143.

MC 157606 (Sub-5–1 TA), filed August 10, 1981. Applicant: PAUL POSTMAN, d.b.a. P & P DOZER SERVICE, Box 460, Maud, OK 74854. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Oilfield machinery (including heavy machinery), materials, supplies and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum,* between points in the States of CA, CO, IL, KS, MS, MO, MN, OK, LA, ND, SD, TX, WI and WY. Supporting shippers: M. L. Brown Company, Box 11320, Kansas City, MO 64112; Johnson-Bates Drilling Company, Inc., P.O. Box 128, Konawa, OK 74849; TransAmerican Company, Inc., 11500 South Meridian, Okla. City, OK 73173.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 115667 (Sub-6–2 TA), filed August 5, 1981. Applicant: ARROW TRANSPORTATION SYSTEMS, INC., 320 Seymour Blvd., North Vancouver, B.C., CD V7J 2J3. Representative: A. Wayne Anderson (same as applicant). *Lumber or Wood Products,* between points in MT and ID on the one hand, and, on the other, Ports of Entry on the International Boundary Line between the U.S. and CD located in WA, ID and MT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cascade Imperial Mills Ltd., Suite 401–4946 Canada Way, Burnaby, B.C., CD V5G 4H7.

MC 151546 (Sub-6–1TA), filed August 4, 1981. Applicant: CASCADE TRANSPORT, INC., P.O.B. 1128, Bend, OR 97701. Representative: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204. *Common carrier;* regular routes: *general commodities* (except classes A and B explosives), between Portland and Lakeview, OR, from Portland over U.S. Hwy. 26 to junction U.S. Hwy. 97, then over U.S. Hwy. 97 to junction OR Hwy. 31, then over OR Hwy. 31 to junction U.S. Hwy. 395, then over U.S. Hwy. 395 to Lakeview, and return over the same route, serving all intermediate points between U.S. Hwy. 97 and OR Hwy. 31 and Lakeview, and all off-route points in Lake County, OR, for 270 days. Supporting shippers: There are nine (9) supporting shippers. Their statements may be examined at the Regional Office listed.

MC 42487 (Sub-6–63TA), filed August 5, 1981. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Contract Carrier,* irregular routes: (A) *Sodium carbonate, sodium bicarbonate, cleaning, scouring and washing compounds;* and (B) *Materials and supplies* used in the manufacture of (A) above, between Sweetwater County, WY, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper(s): Church & Dwight Co., Inc., P.O.B. 369, Piscataway, NJ 08854.

MC 143570 (Sub-6–3TA), filed August 6, 1981. Applicant: D & G TRUCKING, INC., 4420 E. Overland Road, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Gypsum* from points in NV to points in ID and OR. An underlying ETA seeks 120 days authority. For 270 days. Supporting shippers: United States Gypsum Company, 101 South Wacker Drive, Chicago, IL, Art Wilson Company, Inc., P.O. Box 1160, Carson City, NV 89701, Last Chance Mines, Rt. 10, Box 293, Caldwell, ID 83605.

MC 157358 (Sub-6–1TA), filed August 5, 1981. Applicant: OTTIS D. HOLWEGNER TRUCKING, P.O. Box 147, Carson, WA 98610. Representative: David A. Holwegner (same address as applicant). *Contract Carrier,* Irregular Routes: *Petroleum Products,* from petroleum Bulk plants in Vancouver, WA and Portland, OR to points in Clark, Cowlitz, Klickitat, Skamania and Yakima Counties of WA on the one hand and points in Hood River, Wasco, Multnomah, Marion, Lane, and Eugene Counties, OR on the other hand, for 270 days. Supporting shipper: H.S.C. Logging, Inc., P.O. Box 306, Carson, WA 98610.

MC 144893 (Sub-6–2TA), filed August 4, 1981. Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 E. 800 North, St. George, UT 84770. Representative: J. Ralph Atkin, P.O.B. 339, St. George, UT 84770. *Contract carrier,* Irregular routes: (1) *Petroleum and Petroleum Products in Packages,* (2) *Vehicle Body Sealer* and *Sound-deadening compounds* and related products from Vernon, CA to St. George, Cedar City, and Salt Lake City, UT; Grand Junction and Durango, CO; and Battle Mountain, NV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pennzoil, 1630 W. Olympic Blvd., Los Angeles, CA 90019.

MC 145187 (Sub-6–2TA), filed August 3, 1981. Applicant: W. R. HURST, INC., P.O. Box 416, Blanding, UT 84511. Representative: Grant A. Hurst, 463 11th Ave, Salt Lake City, UT 84103. (1) *Coal* in bulk; (2) *Acid* in bulk; (3) *Salt* in bulk between points in CO, NM, AZ and UT for 270 days. An underlying ETA seeks 120-day authority. Supporting shippers. There are 5 shippers. Their statements may be examined at the Regional Office listed above.

MC 118516 (Sub-6–2TA), filed August 6, 1981. Applicant: MAMMOTH OF ALASKA, INC., 1048 Whitney Rd., Anchorage, AK 99501. Representative: Arthur R. Hauver, Suite 200, 750 W Second Ave., Anchorage, Ak 99501. *General commodities,* except Classes A and B explosives and hazardous waste, between points in WA and AK, for 270 days. Supporting shipper: Totem Ocean Trailer Express, P.O. Box 24908, WA 98124. Authority to interline is sought.

MC 157558 (Sub-6–1TA), filed August 5, 1981. Applicant: E. CLAYTON OWEN d.b.a. OWEN TRANSPORT, 3344 Good Hope Lane, Sparks, NV 89431. Representative: E. Clayton Owen (Address same as applicant). *Contract Carrier:* irregular routes: *Food and kindred products* between points in AZ, CA, ID, NV, OR, UT, and WA, under continuing contract with PYA Monarch Food Service, for 270 days. Supporting shipper: PYA Monarch Food Service, P.O. Box 1130, Reno, NV 89504.

MC 157583 (Sub-6–1TA), filed August 6, 1981. Applicant: NORMAN J. PERKINS d.b.a. PERKINS & SON TRUCKING, 433 W. Jefferson, Fresno, CA 93703. Representative: Norman J. Perkins (Same as applicant). *Contract Carrier;* Irregular routes: *General Commodities* (except Classes A & B explosives and household goods as defined by the Commission), between points in CA; RESTRICTED to the transportation of shipments having prior or subsequent movement by rail, for 270 days. Supporting shipper: Clipper Express Co., 1755 E. St., Suite 106, Fresno, CA 93778.

MC 140688 (Sub-6–3TA), filed July 30, 1981. Applicant: NICOLL TRUCKING [MED. HAT] LTD., P.O. Box 8009, Station F, Calgary, Alberta, CD T2J 4B4 Representative: John T. Wirth, 717–17th St., Ste. 2600, Denver, CO 80202. *Oilfield pipe,* between ports of entry on the International Boundary line between the U.S. and CD located in WA, ID and MT on the one hand, and, on the other, points in MT and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Toma Steel Supply, Inc., P.O.B. 27207, Denver, CO 80227.

MC 113703 (Sub-6–1TA), filed August 5, 1981. Applicant: TOTEM TRANSIT COMPANY, 6729 N. Richmond Ave., Portland, OR 97203. Representative: Robert G. Simpson, 1200 Standard Plaza, Portland, OR 97204. *Contract Carrier,* irregular routes: *Poles and piling* from Multnomah County, OR to all points in WA, except Benton, Clark, Cowlitz, King, Klickitat, Lewis, Skamania, Wakiakum and Yakima Counties, under continuing contracts with Pacific Power and Light Company and McCormick & Baxter Creosoting Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: McCormick & Baxter Creosoting Co., 6900 N. Edgewater, Portland, OR 97203.

MC 157500 (Sub-6–1TA), filed August 3, 1981. Applicant: PERCY M. RHINES d.b.a., P. RHINES & SONS TRUCKING, 3800 Cook St., Denver, CO. 80205. Representative: Percy M. Rhines (same as applicant). (1) *New furniture and bedding* from points in Los Angeles, San Bernardino, Orange and Riverside Counties, CA to points in Denver and Adams Counties, CO. (2) *lumber and wood frames* from points in OR and SD to points in Arapahoe, Jefferson and Boulder Counties, CO for 270 days. Supporting shipper(s): Kelly Furniture Corp, 2620 So. Zuni, Englewood, CO; Century Trend Inc, 8402 Cerritos Ave, Stanton, CA; Mountain States Waterbed Dist. Inc, 2024 Market St., Denver, CO; Dreamworld Inc, 5635 N. Broadway, Denver, CO. 80216.

MC 150021 (Sub-6–4TA), filed August 6, 1981. Applicant: JAMES DANIELS d.b.a., ZIP TRUCK LINES, P.O. Box 4237, FREMONT, CA. 94539. Representative: James Daniels (same as applicant). *Heaters, boilers, storage tanks, solar collectors, solar panels, and commodities used in the installation & production thereof,* from Newark CA. to CO; MT; WY; for 270 days, and underlying ETA seeks 120 day authority. Supporting shipper: A.O. Smith Corporation, 37171 Sycamore St., Newark CA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24133 Filed 8–18–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 410]

Loading and Unloading Study

AGENCY: Interstate Commerce Commission.

ACTION: Denial of request for extension of time for comments.

SUMMARY: By notice in the **Federal Register** of June 11, 1981 (46 FR 30905), the Commission requested comments on its loading and unloading study required by Section 15(e) of the Motor Carrier Act of 1980, Pub L. 96–296. Notice of intent to participate was due on July 13, 1981; comments by July 15, 1981; and reply statements by August 15, 1981. A subsequent notice served June 24, 1981, [46 FR 32684, June 24, 1981], extended the comment and reply dates to August 12 and September 11, 1981, respectively.

On July 8, 1981, the Commission's Office of Special Counsel requested an extension of time for filing comments. It states that the due dates in the June 11, 1981, notice do not leave enough time for owner-operators to learn of the proceeding and file their comments. As mentioned above, however, the Commission has extended the due dates for filing comments in this proceeding. There should be no undue burden resulting to owner-operators. In addition, the Commission has received notice of intention to participate from a national owner-operator association and an owner-operator magazine.

In view of the congressional requirement that the study be completed by December 31, 1981, a further

extension is not justified and is, therefore, denied.

FOR FURTHER INFORMATION CONTACT:
Lewis R. Teeple, (202) 275–7612;
John W. Fristoe, (202) 275–7868;
James W. Boyd, (202) 275–7818.

Decided: August 12, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24102 Filed 8–18–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absense of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–231

Decided: August 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 157520, filed August 3, 1981. Applicant: WILLIAM A. KNIGHT, d.b.a. KNIGHT BROKERS, P.O. Box 4004, Louisville, Ky 40204. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036, (202) 296–2900. As a *broker* of *general commodities* (except household goods) between points in the U.S.

MC 157570, filed August 3, 1981. Applicant: ROBERT J. TESCH, II, d.b.a. TESCH TRUCKING COMPANY, 106 N. Elm St., Black Creek, WI 54106. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956 (414) 722–2848. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157571, filed August 6, 1981. Applicant: ALLIANCE DISTRIBUTING, INC., 2115 W. State St., Alliance, OH 44601. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614)–464–4103. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–313

Decided: August 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 157427, filed July 30, 1981. Applicant: TRIANGLE DISTRIBUTING COMPANY, 257 Northland Boulevard, Cincinnati, Ohio 45246. Representative: Phillip G. Thomas, 8126 Candlelight Drive, Westchester, Ohio 45069, (513) 777–1434. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–315

Decided: August 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 157477, filed August 3, 1981. Applicant: DENNIS WOODS AND CAROLYN GASS, a Partnership d.b.a. D & C BROKERS, 319 East Osage, Pacific, MO 63069. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–319

Decided: August 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 157456, filed July 30, 1981. Applicant: GROVER W. LANGFORD, 4000 N. Freeway, Suite 102, Houston, TX 77022. Representative: Grover W. Langford (same address as applicant), (713) 691–7032. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157466, filed August 3, 1981. Applicant: JEAN F. BEACH, 7401 Richmond Place, St. Louis, MO 63143. Representative: Jean F. Beach (same address as applicant), (314) 781–8366. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone, and fertilizer, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24104 Filed 8–18–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance precedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–5–125

Decided: August 10, 1981.

MC 29328 (Sub-11), filed June 29, 1981, published initially in the **Federal Register** on July 23, 1981. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Ave., Joliet, IL 60432. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *metal and metal products,* between the facilities of Alumax, Inc., its divisions, subsidiaries and affiliates at points in the U.S. on the one hand, and, on the other, points in the U.S.

Note.—This application is republished to modify the authority as shown above.

MC 88088 (Sub-6) filed July 31, 1981. Applicant: 3B'S MOVING & STORAGE, INC., P.O. Box 358, Clarkston, WA 99403. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Sonoco Products Co., of Hartsville, SC.

MC 105269 (Sub-105), filed July 28, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper honeycomb products, between Cook County, IL, on the one hand, and, on the other, Milwaukee and Two Rivers, WI, Bradenton and Tarpon Springs, FL, Charlotte, NC., Grand Rapids and Detroit, MI, Hartford, CT, Chattanooga, TN and Chicago, IL, and points in Cook, Kane and Lake Counties, IL, Elkhart and Dubois Counties, IN, Columbia, Dodge and Rusk Counties, WI, Guilford, Davidson, Randolph and Forsyth Counties, NC, Erie and Montgomery Counties, PA, Habersham County, GA, Lenawee and Ottawa Counties, MI, Putnam County, FL, and Ashley County, AR.

MC 106509 (Sub-29), filed July 27, 1981. Applicant: YOUNGER TRANSPORTATION, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant), (713) 718–0100. Transporting *Mercer commodities* between points in LA, NM (except Lea and Eddy Counties), and TX.

MC 111848 (Sub-8), filed August 3, 1981. Applicant: LAP TRANSPORT, INC., R. D. #2, Eldred, PA 16731. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202, (716) 853–0200. Transporting (1) *clay, concrete, glass or stone products,* (2) *machinery,* (3) *metal products,* (4) *chemicals and related products,* and (5) *transportation equipment,* between points in the U.S. under continuing contract(s) with Felmont Oil Corporation, of Olean, NY.

MC 113459 (Sub-147), filed July 29, 1981. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: J. Michael Alexander, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237, (214) 339–4108. Transporting *lumber and wood products,* between points in the U.S.

MC 124408 (Sub-22), filed July 28, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *chemicals and related products* between the facilities used by Hilex, Division of Purex Corporation at Eagan and St. Paul, MN, on the one hand, and, on the other, points in ND, SD, WI, IA, IL, and MO.

MC 129808 (Sub-31), filed August 3, 1981. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with AIFP Trading Group of Portland, OR.

MC 136678 (Sub-1), filed July 30, 1981. Applicant: ALABAMA-TENNESSEE EXPRESS, INC., 50 East 29th St., P.O. Box 267, Chattanooga, TN 37401. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., 315 Union St., Nashville, TN 37201, (615) 244–2926. Transporting *general commodities* (except classes A and B explosives), (a)

between Birmingham, AL, on the one hand, and, on the other, points in TN, NC, SC, GA, MS, LA, and KY, and (b) between points in Hamilton and Bradley Counties, TN, on the one hand, and, on the other, points in NC, SC, GA, MS, LA, and KY.

MC 140159 (Sub-20), filed July 31, 1981. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *coal and coal products,* between points in PA and WV.

MC 140649 (Sub-1), filed August 3, 1981. Applicant: GREENLAWN TRANSIT LINE, INC., 1400 E. 5th Ave., Columbus, OH 43219. Representative: Gerald P. Wadkowski, 85 E. Gay St., Columbus, OH 43215, (614) 221–6771. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in OH, and extending to points in the U.S. (including AK but excluding HI).

MC 142779 (Sub-4), filed July 27, 1981. Applicant: WEIER AIR FREIGHT, INC., 4938 S. 2nd St., Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives), between points in Brown, Calumet, Dodge, Fond du Lac, Kenosha, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington, Waukesha, and Winnebago Counties, WI, on the one hand, and, on the other, Milwaukee, WI and Chicago, IL.

MC 148389 (Sub-4), filed July 29, 1981. Applicant: MILBAX TRUCKING, INC., 807 Rathbone Ave., Aurora, IL 60506. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Mazer Chemicals, Inc., of Gurnee, IL.

MC 148389 (Sub-5), filed July 29, 1981. Applicant: MILBAX TRUCKING, INC., 807 Rathbone Ave., Aurora, IL 60506. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of insulation materials, and bonding cement, between points in Kane County, IL, and Stark County, OH, on the one hand, and, on the other, points in the U.S.

MC 149378 (Sub-7), filed July 28, 1981. Applicant: KIRBY TRANSPORT, INC., 8023 East Slauson Ave., Montebello, CA 90640. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837, (201) 494–8765. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of plastic articles, between points in the U.S., under continuing contract(s) with Mobil Chemical Company, of Macedon, NY.

MC 151788 (Sub-8), filed July 31, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electric storage batteries, between the facilities of General Battery Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152098, filed July 29, 1981. Applicant: OAKHURST TRANSPORTATION, INC., 175 Oakhurst St., Lockport, NY 14094. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043, (716) 681–7190. Transporting *paint and related products,* between points in the U.S., under continuing contract(s) with the Sherwin-Williams Company, of Cleveland, OH.

MC 152098 (Sub-1), filed July 29, 1981. Applicant: OAKHURST TRANSPORTATION, INC., 175 Oakhurst St., Lockport, NY 14094. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14094, (716) 681–7190. Transporting *petroleum products* between points in the U.S., under continuing contract(s) with Wylie Lubricants, Inc., of Buffalo, NY.

MC 153328 (Sub-13), filed August 3, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 400 State St., Madison, IL 62060, (618) 451–2323. Transporting *ores and minerals* between points in Alexander County, IL, on the one hand, and, on the other, points in the U.S.

MC 153578, filed July 28, 1981. Applicant: ALPINE TRANSPORT, INC., High Way 10 West, Missoula, MT 59801. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, (406) 543–8369. Transporting (1) *building materials,* between points in CO, CA, IL, WA, ND, WY, ID, UT, OR, MT, MN, on the one hand, and, on the other, points in Oneida County, NY, and those points in the U.S., in and west of OH, KY, MO, AR, and TX, (2) *metal products,* between points in IL, IN, MN, IA, UT, ID, MT, OR, WA, and WY, on the one hand, and, on the other, points in the U.S., (3) *salted hides and pelts,* between points in ID, MT, OR, WA, and WY, on the one hand, and, on the other, points in ND, SD, UT, NV, CA, CO, ID, MT, OR, WA, and WY, and (4) *salt and salt products,* between points in UT, on the one hand, and, on the other, points in MT.

MC 154188 (Sub-1), filed July 29, 1981. Applicant: M. SCHLESSINGER TRUCKING COMPANY, INC., P.O. Box T, Glassport, PA 15045. Representative: Joseph E. Breman, 700 Fifth Avenue Bldg., Fifth Floor, Pittsburgh, PA 15219, (412) 281–1980. Transporting *metal products* between points in PA, OH, NY, MA, RI, CT, and NJ, on the one hand, and, on the other, points in the U.S.

MC 155888 (Sub-1), filed July 31, 1981. Applicant: TERRENCE J. HEMMERICH, SR., d.b.a. T. J. CARTAGE, 3855 West 70th St., Chicago, IL 60629. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236–0548. Transporting *meats, meat products, meat by products, and articles distributed by meat packing houses,* between points in Cook, Lake, Du Page, Will, McHenry and Kankakee Counties, IL, and Lake and Porter Counties, IN, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, MO, OH, and WI.

MC 156909, filed July 17, 1981. Applicant: MIDWEST CONSOLIDATORS, INC., 32934 Schoolcraft, Livonia, MI 48150. Representative: Robert E. McFarland, 2855 Coolidge Rd., Ste. 201A, Troy, MI 48084, (313) 649–6650. Transporting *automobile parts,* between the ports of entry on the international boundary line between the U.S. and Mexico in TX, on the one hand, and, on the other, points in DE, OH, PA, CA, IL, MO, and MI.

MC 156969, filed July 31, 1981. Applicant: JAMES E. WALLIS, d.b.a. JIM WALLIS TRUCKING, 1915 East 10th St., Shawnee, OK 74801. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603, (913) 232–0601. Transporting *restaurant equipment,* between points in the U.S., under continuing contract(s) with Topeka Hotel Supply, Inc., and Stevenson Restaurant Supply Company, Inc., of Topeka, KS.

MC 157428, filed July 30, 1981. Applicant: PIONEER WAREHOUSE CARRIERS, INC., P.O. Box 2087, Sebastian, FL 32958. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518, (215) 385–6086. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pioneer Warehouse Corp., of Pennsauken, NJ.

Volume No. OPY–5–127

Decided: August 11, 1981.

MC 989 (Sub-43), filed August 3, 1981. Applicant: IDEAL TRUCK LINES, INC., 418 East Holme, Norton, KS 67654. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203, (303) 861–8046. Transporting *general commodities* (except classes A and B explosives), between points in AR, AZ, CA, CO, IA, ID, IL, IN, KS, LA, MI, NM MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, and WY.

MC 989 (Sub-44), filed August 5, 1981. Applicant: IDEAL TRUCK LINES, INC., 418 East Holme, Norton, KS 67654. Representative: Ed J. Copenhaver, 6785 East 50th Ave., Suite 202, Commerce City, CO 80022, 303–287–5519. Transporting *food and related products*, between points in the U.S.

MC 8028 (Sub-8), filed August 3, 1981. Applicant: BARRIEAU EXPRESS, INC., 301 Murphy Rd., Hartford, CT 06114. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *household goods* between points in the U.S.

MC 35358 (Sub-63), filed August 3, 1981. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Dr. N.E., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Andersen Corporation, of Bayport, MN.

MC 55778 (Sub-25), filed August 3, 1981. Applicant: MOTORFRATE DISPATCH, INC., 18360 Broadway Ave., Maple Heights, OH 44137. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 97429 (Sub-10), filed August 3, 1981. Applicant: ELK VALLEY MOTOR EXPRESS, INC., 1533 Hansford St., Charleston, WV 25311. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B explosives), serving points in WV as off-route points in connection with applicants otherwise presently held operations.

MC 114098 (Sub-57), filed July 31, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 425 13th St., NW., Suite 1032, Washington, DC 20004, (202) 628–4600. Transporting (1) *metal products, fire brick, and machinery*, between points in the U.S., under continuing contract(s) with Clow Corporation, of Oak Brook, IL, and (2) *metal products, wood products, and machinery*, between points in the U.S., under continuing contract(s) with Associated Mechanical Erectors Co., Inc., of Rock Hill, SC.

MC 116099 (Sub-10), filed July 31, 1981. Applicant: WOODWORTH & SONS, INC., Tolono, IL 61880. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of asphalt, between points in the U.S., under continuing contract(s) with Emulsicoat, Inc., of Urbana, IL.

MC 124328 (Sub-144), filed August 3, 1981. Applicant: BRINK'S INCORPORATED, Thorndal Circle, Darien, CT 06820. Representative: Chandler L. van Orman, 1729 H St., NW., Washington, DC 20006, (202) 337–6500. Transporting *coin, currency, and securities* between points in SC, under continuing contract(s) with banks and banking and financial institutions.

MC 128338 (Sub-8), filed August 5, 1981. Applicant: RINGER TRUCKING, INC., Route No. 1, Box 54, Markleysburg, PA 15459. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Borg-Warner Chemicals, Inc., of Parkersburg, WV.

MC 128719 (Sub-1), filed August 3, 1981. Applicant: RAY LaCHAPELLE & SONS, INC., 210 Newel St., Brooklyn, NY 11222. Representative: Kenneth M. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting (1) *machinery* and (2) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in the U.S.

MC 135189 (Sub-2), filed August 3, 1981. Applicant: G. WYLIE BLUM, Richardson Ave., P.O. Box 197, Negley, OH 44441. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of clay and carbonaceous materials, between points in the U.S., under continuing contract(s) with Metrel, Inc., of Negley, OH.

MC 138308 (Sub-144), filed August 3, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Columbus, MS.

MC 145108 (Sub-53), filed July 28, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, 5600 First Ave., Brooklyn, NY 11220, (212) 492–7332. Transporting *liquors and wines*, between points in the U.S., under continuing contract(s) with Paul Masson Vineyards, of San Jose, CA.

MC 146689 (Sub-15), filed August 4, 1981. Applicant: RONALD DINNOCENTI, ANGELINE DINNOCENTI, ROBERT L. LIST AND CHARLES W. YETTER, III d.b.a. LARK LEASING COMPANY, 261 Maplewood Dr., Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (707) 236–9318. Transporting (1) *paper and paper products*, (2) *plastic products*, and (3) *steel drums*, between points in the U.S., under continuing contract(s) with Container Corporation of America, of Philadelphia, PA.

MC 147348 (Sub-15), filed August 3, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *such commodities* as are dealt in by wholesale, retail and variety discount stores, between Kansas City, KS, on the one hand, and, on the other, points in AR.

MC 147978 (Sub-7), filed August 3, 1981. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Ave., Cypress, CA 90630. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797–6060. Transporting *tires* and *tread rubber*, between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in Maricopa County, AZ.

MC 151248 (Sub-2), filed August 3, 1981. Applicant: JIMMIE D. OTT d.b.a. JIM OTT & SON TRUCKING, 3400 Wood Ln., Bakersfield, CA 93309. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (305) 872–1106. Transporting *building materials*, between points in Kern County, CA, on the one hand, and, on the other, points in Los Angeles County, CA.

MC 155838, filed August 3, 1981. Applicant: BETTY I. PATRICK and BOB J. TEMPLETON d.b.a. IRISH &

CHEROKEE TRANSPORTATION, 1306 Valjean, Simi Valley, CA 93065. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483–4700. Transporting (1) *sporting goods,* between points in the U.S., under continuing contract(s) with Bell Foundry, of South Gate, CA, (2) *sealant,* between points in the U.S., under continuing contract(s) with Essex Chemical Corp., of Compton, CA, (3) *foodstuffs,* between points in the U.S., under continuing contract(s) with Star-Kist Foods, Inc., of Terminal Island, CA, (4) *wheels,* between points in the U.S., under continuing contract(s) with W. C. Metal Polishing and Chrome Shop, of Los Angeles, CA, and (5) *light poles,* between points in the U.S., under continuing contract(s) with Western Lighting Standards, of Fountain Valley, CA.

MC 156469, filed July 29, 1981. Applicant: J & N TRUCKING, Route 1, Box 12x1 Diboll, TX 79541. Representative: Robert J. Birnbaum, 3636 Executive Center Drive, Suite 151, Austin, TX 78731, (512) 346–4800. Transporting (1) *adhesives* and (2) *chemicals,* between points in Angelina County, TX, on the one hand, and, on the other, points in the U.S.

MC 157368, filed August 3, 1981. Applicant: DURA FREIGHT, INC., P.O. Box 278, Fulton, MS 38843. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Ave., Memphis, TN 38103, (901) 527–2482. Transporting *such commodities* as are dealt in or used by manufacturers of appliances, (a) between points in Itawamba County, MS, on the one hand, and, on the other, points in Monroe County, IN, Cook County, IL, Jefferson County, KY, Howard County, MD, and Waukesha County, WI, and (b) between points in Monroe County, IN, Cook County, IL, Jefferson County, KY, Howard County, MD, and Waukesha County, WI, on the one hand, and, on the other, points in AL, AR, GA, KY, MS, and TN.

MC 157469, filed July 31, 1981. Applicant: HORTON TRUCKING, INC., R.R. No. 1, Tremont, IL 61568. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *steel pipe,* between points in the U.S., under continuing contract(s) with Excel Foundry and Machine, Inc., of Pekin, IL.

MC 157509, filed August 4, 1981. Applicant: DAN GLODOWSKI, d.b.a. DAN GLODOWSKI TRUCKING, 7747 Merryland Drive, Rosholt, WI 54473. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *carbonated beverages and malt beverages,* between Chicago, IL and points in St. Clair County, IL, on the one hand, and, on the other, points in WI.

[FR Doc. 81-24105 Filed 8-18-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB–6 (Sub-7)]

Western Maryland Railway Co.; Abandonment Near Cedarhurst and Westminster, in Carroll County, MD; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 2, has found that the public convenience and necessity permit abandonment by Western Maryland Railway Company of its 8.62 mile line of railroad between milepost 23.94 near Cedarhurst and milepost 32.56, near Westminster, MD subject to conditions. A certificate will be issued permitting the abandonment unless within 15 days from the date of this publication the Commission also finds that:

(1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) it is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance or an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days of the time an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-24103 Filed 8-18-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–90]

Certain Airless Paint Spray Pumps and Components Thereof; Commission Hearing on the Presiding Officer's Recommendation and on Relief, Bonding, and the Public Interest, and the Schedule for Filing Written Submissions

AGENCY: International Trade Commission.

ACTION: The scheduling of a public hearing and written submissions in investigation No. 337–TA–90, Certain Airless Paint Spray Pumps and Components Thereof.

SUMMARY: Notice is hereby given that the presiding officer has issued a recommended determination that there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the unauthorized importation into the United States and sale of certain airless paint spray pumps that are the subject of the Commission's investigation. Accordingly, the recommended determination and the record of the hearing have been certified to the Commission for review and a Commission determination. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

Commission Hearing: The Commission will hold a public hearing on September 17, 1981, in the Commission's Hearing Room 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that a violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond during the Presidential review period in the event

that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties.

Oral Arguments: Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officer's recommended determination. That portion of a party's or an agency's total time allocated to oral argument may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, Government agencies, and the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainant, Government agencies, and the Commission investigative attorney. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

Oral Presentations on Relief, Bonding, and the Public Interest: Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of relief, bonding, and the public interest. This portion of the hearing is quasi-legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer, and may include the testimony of witnesses. Oral presentations on relief, bonding, and the public interest will be heard in the same order as oral arguments on the recommended determination.

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has ocurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of the bond, in any, which should be imposed.

Time Limit for Oral Argument and Oral Presentations: Parties and Government agencies will be limited to a total of 30 minutes (exclusive of time consumed by questions from the Commission or its advisory staff) for making both oral argument on violation and oral presentations on remedy, bonding, and the public interest. Persons making only oral presentations on remedy, bonding, and the public interest will be limited to 10 minutes (exclusive of time consumed by questions from the Commission and its advisory staff). The Commission may in its discretion expand the aforementioned time limits upon receipt of a timely request to do so.

Written Submissions: In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. The complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or a proposed cease and desist order for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, bonding, and the public interest. Written submissions on the question of violation must be filed not later than the close of business on August 24, 1981; written submissions on the questions of remedy, bonding and public interest must be filed not later than the close of business on August 31, 1981. During the course of the hearing, the parties may be asked to file posthearing briefs.

Notice of Appearance: Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by August 24, 1981.

Additional Information: The original copy and 11 true copies of all briefs on violation must be filed with the Office of the Secretary not later than August 24, 1981; the original copy and 11 true copies of all briefs on remedy, bonding and public interest must be filed with the Office of the Secretary not later than August 31, 1981. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the Federal Register of November 21, 1980. 45 FR 77190.

FOR FURTHER INFORMATION CONTACT: Scott Daniels, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0480.

Issued: August 14, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–24229 Filed 8–18–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–104]

Certain Card Data Imprinters and Components Thereof; Grant of Leave to Review Order No. 4 and of Affirmance of Order No. 4

AGENCY: International Trade Commission.

ACTION: Grant of application for review of order No. 4 and affirmance of order No. 4.

SUMMARY: Notice is hereby given that on the basis of an application for interlocutory review filed by parties respondents National Business Systems, Inc. (Canada), and National Business Systems, Inc. (U.S.), the Commission has granted the application for review of

and affirmed the presiding officer's denial of a motion by those respondents to suspend the above-captioned investigation.

AUTHORITY: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.60(b) (19 CFR 210.60(b)) of the Commission's Rules of Practice and Procedure.

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by AM International, Inc., and Bartizan Corporation (collectively AM) the Commission instituted investigation No. 337–TA–104 on May 7, 1981, to determine whether there is a violation of section 337 of the Traiff Act of 1930 by reason of unfair methods of competition and unfair acts in the importation and sale of card data imprinters, alleged to infringe claim 7 of U.S. Letters Patent 3,272,120 (the '120 patent) and claim 12 of U.S. Letters Patent 3,340,800. Notice of the Commission's investigation was published in the **Federal Register** on June 12, 1981 (46 FR 31094).

Respondents National Business Systems, Inc. (Canada), and National Business Systems, Inc. (U.S.) (collectively NBS) moved (Motion No. 104–4) on June 15, 1981, to supend this investigation because (1) complainant AM had filed an application with the Patent and Trademark Office to reissue the '120 patent, and (2) all of the patent issues in the investigation were being litigated in Federal court cases in Illinois and Colorado. The presiding officer denied the motion (Order No. 4), but granted respondents leave to file an interlocutory appeal with the Commission.

FOR FURTHER INFORMATION CONTACT: Joann P. DiGennaro, Esq., Office of the General Counsel, U.S. International Trade Commission; telephone 202–523–0143.

By order of the Commission.

Issued: August 13, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–24230 Filed 8–18–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–75]

Certain Large Video Matrix Display Systems and Components Thereof; Modification of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Modification of exclusion order.

SUMMARY: On June 19, 1981, the Commission issued an Action and Order and Opinion in the above-captioned investigation. 46 FR 32694 (June 24, 1981). The Commission ordered that large video matrix display systems and components thereof, including spare parts, that infringe claims of U.S. Letters Patent Nos. 3,594,762; 3,941,926; or 4,009,335, and are manufactured by SSIH Equipment S.A., of Bienne, Switzerland, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, be excluded from entry into the United States for the remaining terms of said patents, except under license.

On July 16 and 17, 1981, the United States District Court for the Eastern District of Michigan held invalid U.S. Letters Patent Nos. 3,941,926 and 4,009,335 in the course of a patent infringement suit. Respondent SSIH Equipment S.A., of Bienne, Switzerland, has asked the Commission *inter alia* to stay the exclusion order in this investigation in its entirety. Motion Docket No. 75–33 (July 29, 1981). In accordance with its policy of deferring to the district courts in such situations, the Commission, on its own motion, is modifying its exclusion order to suspend that portion of the order referring to the '926 and '335 patents, pending resolution of the validity of those patents on appeal.

FOR FURTHER INFORMATION CONTACT: Michael B. Jennison, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION: Notice of institution of this investigation was published in the **Federal Register.** 44 FR 75242 (Dec. 19, 1979). On June 1, 1981, the Commission determined unanimously that there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the unauthorized importation and sale of certain large video matrix display systems and components thereof that infringe the claims of U.S. Letters Patent Nos. 3,594,762; 3,941,926; and 4,009,335, and that the appropriate remedy is an order directing that infringing articles manufactured by SSIH Equipment S.A., of Bienne, Switzerland, be excluded from entry into the United States for the remaining terms of the patents, except under license granted by the patent owner.

In the course of a collateral patent infringement suit, *Stewart-Warner Corp.* v. *City of Pontiac,* No. 79–73536 (E.D. Mich., unpublished order July 16–17, 1981), two of the three patents have been held invalid on the basis of their inventions having been on sale more than one year prior to the date of the application in the Patent Office. The question of the patents' enforceability was not reached by the court. Once a district court finds the two patents invalid, Stewart-Warner Corporation, the patentee and complainant in the Commission's investigation, is estopped from seeking to enforce them. *Blonder-Tongue Laboratories* v. *University of Illinois Foundation,* 402 U.S.C. 213 (1971). The Commission, therefore, is modifying its order so that it operates only as to the '762 patent, the validity of which was not at issue in the district court suit. The order now directs that articles infringing the '762 patent manufactured by SSIH Equipment S.A., of Bienne, Switzerland, be excluded from entry into the United States for the remaining life of the patent, except under license.

Copies of the Commission's modified Action and Order and all other nonconfidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

By order of the Commission.

Issued: August 10, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–24232 Filed 8–18–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation 337–TA–88]

Certain Spring Assemblies and Components Thereof, and Methods for Their Manufacture; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in connection with the importation or sale of certain spring assemblies and components thereof, and published notice thereof in the **Federal Register** of August 8, 1980 (45 FR 52945).

On July 14, 1981, the Commission unanimously determined that there is a violation of section 337 in the unauthorized importation and sale of certain spring assemblies and components thereof which infringe certain claims of U.S. Letters Patent 3,782,708 and which are the product of a process which, if practiced in the United

States, would infringe certain claims of U.S. Letters Patent 3,866,287. The Commission further determined that the appropriate remedy is an order directing that the articles in question be excluded from entry into the United States.

Copies of the Commission's Action and Order, the Commission's opinion, and all other public documents on the record are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1627.

By order of the Commission.

Issued: August 10, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-24229 Filed 8-18-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-103]

Certain Stabilized Hull Units and Components Therefore and Sonar Units Utilizing Said Stabilized Hull Units; Amendment of Complaint

AGENCY: International Trade Commission.

ACTION: Granting of motion to amend complaint.

SUMMARY: Notice is hereby given that on the basis of a motion filed by complaintant Western Marine Inc. (WESMAR) (Motion 103–1), the Commission has allowed amendment of the complaint in order to describe more clearly the allegedly infringing device of respondents' Furuno U.S.A. and Furuno Japan and to show how that device allegedly infringes certain claims of U.S. Letters Patent 3,553,638.

AUTHORITY: The authority for Commission disposition of the subject motion is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.22(a) (19 CFR 210.22(a)) of the Commission's *Rules of Practice and Procedure*

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by WESMAR, the Commission voted to institute investigation No. 337–TA–103 on June 1, 1981, in order to determine whether there is a violation of section 337 of the Tariff Act of 1930 by reason of the importation into and sale in the United States of certain stabilized hull units and components thereof and sonar units utilizing said stabilized hull units. Complainant WESMAR alleges that the accused stabilized hull units and components thereof infringe claims 1, 11, 12, and 14 of U.S.C Letters Patent 3,553,638 and that the components of the allegedly infringing device contribute to the infringement of said claims. Notice of the Commission's investigation was published in the **Federal Register** on June 10, 1981. (46 FR 30737.)

On July 7, 1981, WESMAR moved to amend the complaint (Motion 103–1) to describe more accurately the respondents' device and to show how that device allegedly infringes WESMAR's patent. Respondents opposed the motion to amend.

On July 15, 1981, the presiding officer issued and certified to the Commission a recommended determination (Order No. 3) that the motion to amend the complaint be granted.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1693.

Issued: August 13, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-24235 Filed 8-18-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-45 (Preliminary)]

Certain Steel Wire Nails From Japan; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of preliminary antidumping investigation.

EFFECTIVE DATE: August 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, (202) 523–0242.

SUPPLEMENTARY INFORMATION: On July 2, 1981, the Commission received advice from the U.S. Department of Commerce that it was initiating an antidumping investigation concerning imports of certain steel wire nails from Japan. Accordingly, the Commission instituted a preliminary antidumping investigation to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports from Japan of steel wire nails, provided for in items 646.25 and 646.26 of the Tariff Schedules of the United States, which are possibly sold at less than fair value.

On August 11, 1981, the Commision received advice from the Department of Commerce that it was terminating its investigation concerning certain steel wire nails from Japan because sales below trigger prices ceased substantially prior to the initiation of the investigation and because Commerce received assurances from the Japanese manufacturers that all sales of the product for a two year period will be at prices at or above the relevant trigger price. Accordingly, the Commission's investigation concerning these products from Japan is hereby terminated.

Issued: August 14, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-24234 Filed 8-18-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-95]

Certain Surface Grinding Machines and Literature for Promotion Thereof; Termination of Respondents

AGENCY: International Trade Commission.

ACTION: Termination of investigation as to respondents Bob's Machinery Sales and Cassiere Machinery Company.

SUMMARY: The Commission has terminated the above-captioned investigation as to respondents Bob's Machinery Sales and Cassiere Machinery Company based on written settlement agreements.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain surface grinding machines and literature for the promotion thereof. The complainant, Brown and Sharpe Mfg. Co., and respondents Bob's Machinery Sales and Cassiere Machinery Company jointly moved to terminate the investigation as to aforementioned respondents on the basis of written settlement agreements.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0155.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the

General Counsel, telephone 202–523–0148.

Issued: August 10, 1981.
By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81–24228 Filed 8–18–81; 8:45 am]
BILLING CODE 7020–02–M

[Investigation No. 731–TA–49 (Preliminary)]

Fireplace Mesh Panels From Taiwan

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–49 (Preliminary) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Taiwan of fireplace mesh panels which are allegedly sold, or likely to be sold, in the United States at less than fair value (LTFV). For the purpose of this investigation, fireplace mesh panels are defined as precut, flexible mesh panels, both finished and unfinished, which are constructed of interlocking spirals of steel wire and are of a kind used in the manufacture of safety screening by U.S. manufacturers of fireplace accessories and wood-burning stoves. Fireplace mesh panels are provided for either in item 642.87 or item 654.00 of the Tariff Schedules of the United States depending on their stage of processing.

EFFECTIVE DATE: August 13, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Vera A. Libeau, Office of Investigations, U.S. International Trade Commission, Room 339, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0368.

SUPPLEMENTARY INFORMATION: On August 11, 1981, petitions were simultaneously filed with the U.S. Department of Commerce and the U.S. International Trade Commission by International Management Service Associates, Inc. alleging that fireplace mesh panels from Taiwan are being sold in the United States at LTFV and that an industry in the United States is being materially injured, or threatened with material injury, by reason of such imports. Accordingly, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), the Commission is instituting preliminary antidumping investigation No. 731–TA–49 (Preliminary) to determine whether a reasonable indication of such injury exists. The Commission must make its determination within 45 days after the date on which the petition was received, or in this case by September 25, 1981. The investigation will be conducted according to the provisions of Part 207, Subpart B, of the Commission's Rules of Practice and Procedure (19 CFR 207).

Written Submissions: Any person may submit to the Commission a written statement of information pertinent to the subject of the investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before September 8, 1981. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR 207), and Part 201, Subparts A through E (19 CFR 201).

Conference: The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10 a.m., e.d.t., on Friday, September 4, 1981, at the U.S. International Trade Commission Building. Parties wishing to participate in the conference should contact the supervisory investigator for this investigation, Ms. Vera A. Libeau (202–523–0368). It is anticipated that parties in support of the petition for the imposition of antidumping duties and parties opposed to such petition will each be collectively allocated one (1) hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Inspection of the Petition: The petition filed in this case is available for public inspection at the office of the Secretary, U.S. International Trade Commission.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

By order of the Commission.
Issued: August 13, 1981.

Kenneth R. Mason,
Secretary.

[FR Doc. 81–24227 Filed 8–18–81; 8:45 am]
BILLING CODE 7020–02–M

Salmon Gill Fish Netting of Manmade Fibers From Japan; Commission Request for Comments Concerning Institution of Section 751(b) Review Investigation

AGENCY: International Trade Commisssion.

ACTION: Request for comments regarding institution of section 751(b) review investigation concerning affirmative determination in Investigation No. AA1921–85, Fish Nets and Netting of Manmade Fibers from Japan.

SUMMARY: The Commission invites comments from the public on whether changed circumstances exist which warrant the institution of an investigation pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)), to review the Commission's affirmative determination in investigation No. AA1921–85 regarding salmon gill fish netting of manmade fibers from Japan. The purpose of the proposed section 751(b) review investigation, if instituted, would be to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry would be materially retarded, by reason of imports of salmon gill fish netting of manmade fibers if the antidumping order regarding fish netting of manmade fibers from Japan is modified or revoked with respect to salmon gill fish netting of manmade fibers provided for in item 355.45 of the Tariff Schedules of the United States. Revocation or modification of the dumping finding as to salmon gill fish netting would not affect the Commission's affirmative determination as to other types of fish netting from Japan.

SUPPLEMENTARY INFORMATION: On April 18, 1972, the Commission determined that an industry in the United States was injured within the meaning of the Antidumping Act, 1921, by reason of imports of fish netting of manmade fibers from Japan determined by the Secretary of Treasury to be sold or likely to be sold at less than fair value (LTFV).

On June 1, 1972, the Department of the Treasury issued a finding of dumping (T.D. 72–158) and on June 9, 1972,

published notice of the dumping finding in the **Federal Register.**

On July 28, 1981, the Commission received a request to review its affirmative determination in investigation No. AA1921–85. The request was filed pursuant to section 751(b) of the Tariff Act of 1930 by the Law Offices of George R. Tuttle on behalf of Seattle Marine and Fishing Supply Co., Nordby Supply Co., Redden Net Co., Fisheries Supply Co., Lummi Fishery Supply Co., Nets, Inc., Tacoma Marine Supply, Astoria Marine Supply, and Englund Marine Supply, importers of salmon gill fish netting from Japan.

Written Comments Requested

Pursuant to § 207.45(b)(2) of the Commission's Rules of Practice and Procedure (46 FR 18023), the Commission requests comments on whether the following alleged changed circumstances are sufficient to warrant institution of a review investigation: (1) the likelihood that there has been no significant manufacturing of salmon gill netting in the United States comparable to that imported from Japan, since approximately 1974, and (2) the likelihood that the decline of salmon gill netting production in the United States is not a result of LTFV imports from Japan, but rather the inability of U.S. netting manfacturers to produce a commercially competitive product due to technology inferior to that in Japan. In addition, comments are invited on petitioners' request that the Commission's injury determination on salmon gill fish netting of manmade fibers be revoked retroactively to approximately 1974 and that the determination be made within sixty days of institution rather than the one hundred and twenty days provided for in § 207.45(b)(3).

The Request for Review of The Injury Determination

Copies of the request for review of the injury determination and any other public documents in this matter are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0161.

Additional Information

Under § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), the signed original and 19 true copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436. All comments must be filed no later than September 18, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request business confidential treatment under § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Such request should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Each sheet must be clearly marked at the top "Confidential Business Data." The Commission will either accept the submission in confidence or return it. All nonconfidential writtern submissions will be available for public inspection in the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: Dan Leahy, senior investigator, Office of Investigations, U.S. International Trade Commission (202–523–1369) or Jane Albrecht, Esq., U.S. International Trade Commission (202–523–1627).

Issued: August 11, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–24231 Filed 8–18–81; 8:45 am]

BILLING CODE 7035-02-M

[Investigation No. 104–TAA–5]

Ski-Lifts and Parts Thereof From Italy

AGENCY: International Trade Commission.

ACTION: Institution of a countervailing duty investigation.

SUMMARY: On November 22, 1968, the U.S. Department of the Treasury (Treasury) published in the **Federal Register** (33 FR 17291) a notice of final countervailing duty determination and suspension of liquidation of duties stating that it had determined that exports from Italy of ski-lifts and parts thereof benefited from bounties or grants within the meaning of section 303 of the Tariff Act of 1930. Accordingly, imports into the United States of such merchandise from Italy were subject to countervailing duties.

On January 1, 1980, the provisions of the Trade Agreements Act of 1979 became effective, and on January 2, 1980, the authority for administering the countervailing duty statute was transferred from Treasury to the U.S. Department of Commerce (Commerce). On May 13, 1980, Commerce published a notice in the **Federal Register** (45 FR 31455) of intent to conduct an annual administrative review of all outstanding countervailing duty orders.

On March 28, 1980, the U.S. International Trade Commission received a request from the Delegation of the Commission of the European Communities for an investigation under section 104(b)(1) of the Trade Agreements Act of 1979 with respect to ski-lifts and parts thereof from Italy. In accordance with section 104(b)(3) of the act, the Commission notified the Department of Commerce of its receipt of a request for an investigation.

As required by section 751(a)(1) of the Tariff Act of 1930, Commerce has conducted its first annual administrative review of the countervailing duty order on U.S. imports from Italy of ski-lifts and parts thereof. As a result, Commerce, in the **Federal Register** of June 5, 1981 (46 FR 30161), preliminarily determined that the net subsidy conferred on such merchandise ranges from 15–35 lire per kilogram depending upon the particular component as shown below:

Ski-lift components and countervailing duties in lire per kilogram

Stations	18
Electric motors	35
Gasoline engines	35
Panels	15
Towers	18
Sheaves	20
Chairs	15
Cables	20
Launching	20
Monorail	15
Other metal parts	15
Non-metallic parts	

On the basis of that determination, the United States International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act of 1979, is instituting an investigation to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports from Italy of the merchandise covered by the countervailing duty order if the order were to be revoked.

Commerce reported that it would issue a final determination in this case after analysis of issues received in written comments or at a hearing. However, no hearing was requested and no written comments had been received by the deadline for their submission to Commerce, July 6, 1981. Commerce's final determination as to the most current level of subsidies will be made as soon as possible.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Stephen Miller, Office of Investigations, (202–523–0305), Jim McElroy, Office of Industries, (202–523–0258), or John MacHatton, Office of Investigations, (202–523–0439).

SUPPLEMENTARY INFORMATION:

Public hearing

The Commission will hold a public hearing in connection with this investigation on October 21, 1981, in the Hearing Room of the U.S. International Trade Commission Building, beginning at 10 a.m., e.d.t. Requests to appear at the hearing should be filed in writing with the Secretary of the Commission not later than the close of business (5:15 p.m., e.d.t.) on October 16, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 3 p.m., e.d.t., on October 1, 1981, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed on or before October 16, 1981.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23). this rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing statements and to new information. The Commission will not receive prepared testimony for the public hearing, as would otherwise be provided for rule 201.12(d). All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing statements in accordance with rule 207.22. Posthearing briefs will also be accepted within a time specified at the hearing.

Written submissions

Any person may submit to the Commission on or before October 16, 1981, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen true copies of such statements must be submitted in accordance with § 201.8 of the Commission's Rules of Practice and Procedure, 19 CFR 201.8 (1980). All written submissions, except confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential business data." Confidential submissions must conform with the requirements of § 201.6 of the Rules of Practice and Procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR 207), and part 201, subparts A through E (19 CFR 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 FR 76458).

Issued: August 10, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-24233 Filed 8-18-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 75-81]

Privacy Act of 1974; New Routine Use

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) and (11), notice is hereby given that the Department of Justice proposes to add the routine use printed below to the Inmate Central Records System, JUSTICE/BOP-005, notice of which was most recently published in the **Federal Register** on January 10, 1980 (45 FR 2240).

Release of information to the Social Security Administration: Identifying data of inmates of the Bureau of Prisons (BOP) may be disclosed to the Social Security Administration (SSA), pursuant to Pub. L. 96-473, for the purpose of matching the data against SSA records. This matching process will enable SSA to determine eligibility of BOP inmates to receive disability benefits under the Social Security Act. SSA will destroy the BOP data after the match has been accomplished.

5 U.S.C. 552a(e)(4) and (11) require that the public be provided a 30-day period in which to comment. The Office of Management and Budget (OMB), which has oversight responsibility under the provisions of the Act, requires a 60-day period in which to review the new routine use before it is implemented. A waiver of this 60-Day period has been requested of OMB. The public, OMB, and the Congress are invited to submit written comments on the proposed routine use. Comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If OMB grants the requested waiver, the new routine use will be effective 30 days from the publication date of this notice. If OMB denys the requested waiver, the new routine use will be effective 60 days from the publication date of this notice. In either instance, the routine use will be adopted without further notice in the **Federal Register**. No oral hearings are contemplated. The amended system is reprinted below in its entirety.

A report of the proposed routine use has been provided to the Director, OMB, to the President of the Senate, and to the Speaker of the House of Representatives.

Dated: August 10, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/BOP-005

SYSTEM NAME:

Inmate Central Records System

SYSTEM LOCATION:

Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U.S. Bureau of Prisons; 320 First Street, N.W., Washington, D.C. 20534.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Computation of sentence and supportive documentation; (2) Correspondence concerning pending charges, and wanted status, including warrants; (3) Requests from other federal and Non-federal law enforcement agencies for notification prior to release; (4) Records of the allowance, forfeiture, withholding and restoration of good time; (5) Information concerning present offense, prior criminal background, sentence and parole from the U.S. Attorneys, the Federal Courts, and federal prosecuting agencies; (6) Identification data, physical description, photograph and fingerprints; (7) Order of designation of institution of original commitment; (8) Records and reports of work and housing assignments; (9) Program selection, assignment and performance adjustment/progress reports; (10) Conduct Records; (11) Social background; (12) Educational data; (13) Physical and mental health data; (14) Parole Board orders, actions and related forms; (15) Correspondence regarding release planning, adjustment and violations; (16) Transfer orders; (17) Mail and visit records; (18) Personal property records; (19) Safety reports and rules; (20) Release processing forms and certificates; (21) Interview request forms from inmates; (22) General correspondence; (23) Copies of inmate court petitions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained under authority of 18 U.S.C. 4003, 4042, 4082.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of this system are (a) to provide documented records of the classification, care, subsistence, protection, discipline and programs, etc., of persons committed to the custody of the Attorney General; (b) to provide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (c) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (d) to provide information source for disclosure of information that are matters solely of general public record, such as name, offense, sentence data, release date, and etc.; (e) to provide information source for disclosure to contracting or consulting correctional agencies that provide correctional services for federal inmates; (f) to provide informational source for responding to inquiries from federal inmates involved or Congressional inquiries; (g) Internal Users—Employees of the Department of Justice who have a need to know information in the performance of their duties; (h) External Users—State and Federal law enforcement officials for the purposes of investigation, possible criminal prosecution, civil court actions, and regulatory proceedings; state correctional agencies providing services to federal inmates; (i) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authjority of 44 U.S.C. 2904 and 2906.

Release of information to the Social Security Administration: Identifying data of inmates of the Bureau of Prisons (BOP) may be disclosed to the Social Security Administration (SSA), pursuant to Public Law 96–473, for the purpose of matching the data against SSA records. This matching process will enable SSA to determine eligibility of BOP inmates to receive disability benefits under the Social Security Act. SSA will destroy the BOP data after the match has been accomplished.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored on documents, magnetic tape, magnetic disk, tab cards, and microfilm.

RETRIEVABILITY:

(1) Documents, Tab Cards and Microfilm—Information is indexed by name and/or register number. (2) Magnetic Tape and Disk—Information is indexed by Name, Register Number, Social Security Number, and FBI Number.

SAFEGUARDS:

Information is safeguarded in accordance with Bureau of Prisons rule governing access and release.

RETENTION AND DISPOSAL:

Records *of a sentenced inmate* are retained for a period of thirty (30) years after expiration of sentence, then destroyed by shredding. *Records of an unsentenced inmate are retained for a period of ten (10) years after the inmate's release from confinement, then destroyed by shredding.*

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Information Systems Group; U.S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

NOTIFICATION PROCEDURE:

Address inquiries to: Director; Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a(j). Inquiries concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records in not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

(1) Individual inmate; (2) Federal law enforcement agencies and personnel; (3) State and federal probation services; (4) Non-federal law enforcement agencies; (5) Educational institutions; (6) Hospital or medical sources; (7) Relative, friends and other interested individuals or groups in the community; (8) Former or future employers; (9) Evaluations, observations, reports, and findings of institution supervisors, counselors, boards and committees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

[FR Doc. 81–24101 Filed 8–18–81; 8:45 am]
BILLING CODE 4410–05–M

Drug Enforcement Administration

Importer of Controlled Substances; Registration

By Notice dated June 10, 1981, and published in the **Federal Register** on June 17, 1981; (46 FR 31801), Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
Morphine-3-Gluronide (9329)	II

No comments or objections have been received. Therefore pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in

accordance with Title 21 Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic class of controlled substances listed above.

Dated: August 12, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-24106 Filed 8-18-81; 8:45 am]

BILLING CODE 4410-09-M

LIBRARY OF CONGRESS

Statement of Organization

AGENCY: Library of Congress.

ACTION: Notice.

SUMMARY: The Library is updating its organization statement published in the Federal Register March 29, 1972. This notice is necessary to provide members of the public and other interested parties with current information concerning the organization and functions of the Library of Congress.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Blancheri, Executive Officer, Office of the Associate Librarian for Management (287–5560).

SUPPLEMENTARY INFORMATION: The Library of Congress was established under the law approved April 24, 1800, appropriating $5,000 "for the purchase of such books as may be necessary for the use of Congress" (2 Stat. 56). The Library's scope of responsibility has been widened by subsequent legislation (2 U.S.C. 131–168d). Under the organic law, the Library's first responsibility is service to Congress. As the Library has developed, its range of service has come to include the entire governmental establishment in all its branches and the public at large, so that it has become a national library for the United States.

Statement of Organization

Section 1. *The Librarian of Congress.* The Librarian of Congress is the principal administrative officer of the Library with authority and responsibility for making rules and regulations for the government of the Library (see 2 U.S.C. 136). The Librarian's immediate staff consists of The Deputy Librarian of Congress, The Associate Librarian of Congress, and seven department heads: the Associate Librarian for Management, the Associate Librarian for National Programs, the Director of the Congressional Research Services, the Register of Copyrights (Assistant Librarian for Copyright Services), the Law Librarian, the Assistant Librarian for Processing Services, and the Assistant Librarian for Research Services.

Section 2. *Office of the Librarian.* In addition to the Offices of The Deputy Librarian of Congress and The Associate Librarian of Congress, the offices which are an integral part of the Office of The Librarian are the following: the Office of the General Counsel, the Internal Audit Office, the Center for the Book, the Council of Scholars, the Collections Development Office, the Legislative Liaison Office, the Library Environment Resources Office, the Office of Planning and Development, and the Equal Employment Opportunity and Special Programs Office.

Section 3. *Management Services.* The Office of the Associate Librarian for Management Services is responsible for the planning, directing, and coordinating of the many functions carried out by the major offices and divisions which provide administrative and support services for all Library operating programs. The department's activities are organized into three major areas: personnel, automated systems, and management services. The Personnel and Labor Relations Office is responsible for the offices which are engaged in directing and coordinating the Library's personnel and labor relations programs, including recruitment and training of staff, classification of positions, personnel relations, labor-management relations and appeals, and medical health programs. The Automated Systems Office is responsible for development and implementation of programs utilizing modern electronic equipment and techniques in furthering the Library's operations. This includes automation planning, computer support functions, and central and distributed data processing facilities. Financial services, buildings management services, protective services, contracting and procurement, supply distribution, property management, travel and transportation services, photoduplication services, and related aspects of administrative support are provided by the Financial Management Office, Buildings Management Division, Procurement and Supply Division, Central Services Division and the Photoduplication Service. In addition, the Office of the Associate Librarian for Management is responsible for the direction, management and coordination of the Library's safety program and for coordinating self-protection planning for Library staff and buildings in connection with civil defense emergencies or other disasters.

Section 4. *National Programs.* The Office of the Associate Librarian for National Programs is responsible, through its offices, for administering the Library's public programs, which include: developing exhibits based on the Library's collections; interpreting the Library's collections through publications; providing bibliographic and reference services on children's literature; preserving and presenting American folklife through the development of programs and projects which present and interpret America's folk culture; maintaining a center for stimulating public interest and research in the role of the book in society; providing library services (braille and recorded books) to blind and physically handicapped individuals; providing information to the general public and to the working press about the Library and its programs through publications such as; press releases, brochures, the *Calender of Events,* and the *Library of Congress Information Bulletin;* and providing tours for the general public and special visitors as well as administering the Library's special events activities and its volunteer intern program. The Federal Library Committee, whose secretariat is located administratively under the Associate Librarian for National Programs, coordinates Federal library and information resources. The Office of the Associate Librarian for National Programs also serves as liaison to other Library departments and other Federal agencies in providing Library-wide leadership for special events and is concerned with public relations and educational activities within the broader library community and the publishing and scholarly worlds. Organized under the Office of the Associate Librarian for National Programs are the American Folklife Center, the Center for the Book, the Children's Literature Center, the Education Liaison Office, the Exhibits Office, the Federal Library Committee, the Information Office, the National Library Service for the Blind and Physically Handicapped, and the Publishing Office.

Section 5. *The Congressional Research Service.* Administered by a Director, the Congressional Research Service is a separate department of the Library, specifically authorized by the Legislative Reorganization Act of 1970. The Service gathers, analyzes, and makes available to the Congress or to Committees or individual members thereof, data for or bearing on legislation. Congressional requests are assigned through the Office of the Director to: the American Law Division,

the Congressional Reference Division, the Economics Division, the Education and Public Welfare Division, the Environment and Natural Resources Policy Division, the Foreign Affairs and National Defense Division, the Government Division, the Library Services Division, and the Science Policy Research Division. The Congressional Research Service does not provide assistance or reference service directly to the public.

Section 6. *The Copyright Office.* Under the administrative direction of the Register of Copyrights (Assistant Librarian for Copyright Services), the Copyright Office is responsible for the administration of the copyright law (title 17 of the United States Code). The Office examines claims to copyright in a wide variety of works, registers those claims that meet the requirements of the law, and catalogs all registrations. It conducts correspondence about the claims and supplies general information concerning copyright law and registration procedures. It conducts legal research on copyright matters and is involved in current programs for specific modifications to the copyright law. In addition to the Office of the Register of Copyrights, which includes legal and administrative staffs, the Copyright Office has a Cataloging Division, Examining Division, Information and Reference Division, Acquisitions and Processing Division, Licensing Division, and Records Management Division.

Section 7. *The Law Library.* The Law Library is charged with responsibility for the development and service of the law collections of the Library of Congress. Administrative responsibility rests with the Law Librarian. The Law Library is comprised of the Office of the Law Librarian, the American-British Law Division, the European Law Division, the Far Eastern Law Division, the Hispanic Law Division, and the Near Eastern and African Law Division.

Section 8. *Processing Services.* The Office of the Assistant Librarian for Processing Services is responsible for the general administration of the department, the long-range planning and coordination of departmental activities, the formulation and presentation of policy recommendations to The Librarian of Congress, the coordination of work with other departments of the Library, and liaison with other libraries and organizations. The other activities of Processing Services are organized into three major areas: acquisitions and overseas operations; cataloging; and processing systems, networks and automation planning. Responsibility for each of these areas is assigned to the office of a director serving under the general policy direction of the Assistant Librarian for Processing Services. These are: (a) the Office of the Director for Acquisitions and Overseas Operations is responsible for all divisions and offices engaged in the acquisition of library materials and bibliographic information: the Cataloging in Publication Division, the Exchange and Gift Division, the Order Division, and the Overseas Operations Division; (b) the Office of the Director for Cataloging is responsible for all divisions and offices engaged in the cataloging operations of the department: the Cataloging Instruction Office, the Decimal Classification Division, the Descriptive Cataloging Division, the MARC Editorial Division, the Office for Descriptive Cataloging Policy, the Shared Cataloging Division, and the Subject Cataloging Division; and (c) the Office of the Director for Processing Systems, Networks and Automation Planning is responsible for all divisions and offices engaged in the bibliographic control and production activities of the department and in network development and automation planning: the Automation Planning and Liaison Office, the Catalog Management Division, the Catalog Publication Division, the Cataloging Distribution Service, the Network Development Office, and the Serial Record Division.

Section 9. *Research Services.* The Office of the Assistant Librarian for Research Services is responsible for the general administration of the department, the long-range planning and coordination of departmental activities, the formulation and presentation of policy recommendations to The Librarian of Congress, and the coordination of plans and activities with other departments in cooperative library-wide programs, and maintains liaison with other libraries, organizations, and institutions in national and international Library activities and programs. In addition, the Assistant Librarian for Research Services oversees the activities of the Preservation Office and the Performing Arts Library, a joint project of the Library and the John F. Kennedy Center for the Performing Arts. The program activities of Research Services are organized into the following reference and research mission areas: area studies, general reference, and special collections. Responsibility for each of these areas is assigned to the office of a director serving under the general direction of the Assistant Librarian for Research Services. These are: (a) the Office of the Director for Area Studies oversees all divisions which are immediately responsible for providing information, reference and research assistance in person, by correspondence, and by telephone to varied users of area studies collections: the African and Middle Eastern Division, the Asian Division, the European Division, and the Hispanic Division; (b) the Office of the Director for General Reference oversees the divisions which are immediately responsible for providing information, reference and research assistance in person, by correspondence, and by telephone to the varied users of the Library's general book and periodical collections: the Collections Management Division, the Federal Research Division, the General Reading Rooms Division, the Loan Division, the National Referral Center, the Science and Technology Division, and the Serial and Government Publications Division; and (c) the Office of the Director for Special Collections oversees the divisions which are immediately responsible for providing information, reference and research assistance in person, by correspondence, and by telephone to the varied users of the special collections: the Geography and Map Division, the Manuscript Division, the Motion Picture, Broadcasting and Recorded Sound Division, the Music Division, the Prints and Photographs Division, and the Rare Book and Special Collections Division.

Section 10. *Honorary Consultants.* The Library has the services of a group of specialists ("consultants" and "honorary consultants"), whose association with the Library is either voluntary or is made possible by gifts from nongovernmental sources and who are without administrative responsibility. The specialists assist the Library in the systematic development of the collections, furnish expert counsel in specialized fields of knowledge, and serve as liaison between the Library and investigators pursuing intensive research.

Section 11. *Use of the Library for reference.* For the purpose of reference, the use of the Library is free to adults. Credentials are required for the use of certain materials. Although some reference work is carried on by correspondence, priority must be given to service to the Congress and the other branches of the Federal Government. The Library is therefore compelled to decline many correspondents' requests and to suggest that libraries within the correspondents' reach can provide satisfactory assistance. The Library gives priority to inquiries pertaining to its holdings of special materials or to

subjects in which its resources are unique.

Section 12. *Extension of service.* The Library extends its service through (a) an interlibrary loan system (see 36 CFR 701.9); (b) the photoduplication, at reasonable cost (and subject to conditions of law, copyright, and deposit) of books, manuscripts, maps, newspapers, and prints in its collections, and the sale of sound recordings, which are released by its Recording Laboratory (see 36 CFR 701.12, 701.29); (c) the exchange of duplicates with other institutions (see 36 CFR 701.33); (d) the sale of printed catalog cards and magnetic tapes, and the publication in book form of cumulative catalogs, which make available the results of the expert bibliographical and cataloging work of its technical personnel (see 36 CFR 701.30); (e) a centralized cataloging program whereby the Library of Congress acquires material published all over the world, catalogs it promptly, and distributes cataloging information by printed cards and other means to the Nation's libraries (see 36 CFR 701.31); (f) a Cooperative Machine-Readable Cataloging (COMARC) program, a pilot study to test the feasibility of expanding Library of Congress bibliographic services by accepting the machine-readable cataloging records of other libraries and redistributing them through the MARC Distribution Service; (g) a cataloging-in-publication program in cooperation with American publishers for printing cataloging information in current books; (h) the National Serials Data Program, the national center that maintains a record of serial titles to which International Standard Serial Numbers (ISSN) have been assigned and serves, with this file, as the United States Register; (i) the development of scientific schemes of classification (Library of Congress and Dewey Decimal), subject headings, and cataloging, embracing the entire field of printed matter; (j) the preparation of bibliographical lists responsive to the needs of Government and research; (k) the maintenance of a National Union Catalog, and the publication of *The National Union Catalog*, a record of books acquired by American libraries; (l) the publication of catalogs, bibliographical guides, and lists, and of texts of original manuscripts and rare books in the Library of Congress (see 36 CFR 701.31); (m) the circulation in traveling exhibits of items from the Library's collections; and (n) the provision of books in raised type, on "talking book" records, as well as books on tape, for the blind and the physically handicapped through 160 cooperative libraries throughout the United States (see 36 CFR 701.10).

Effective date—This organizational statement is effective July 1, 1981.

Glen A. Zimmerman,

Associate Librarian for Management, Library of Congress.

[FR Doc. 81-24093 Filed 8-18-81; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Music Panel (Chamber Music Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Chamber Music Section of the Music Advisory Panel will be held on September 21-23, 1981 from 9:00 a.m.-6:00 p.m. and on September 24, 1981 from 9:00 a.m.-3:00 p.m. in Room 1426 of the Columbia Plaza Office Complex, 2401 E. Street, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on September 24, 1981 from 10:00 a.m.-12:00 noon to discuss Future Program Directions.

The remaining sessions of this meeting on September 21-23, 1981 from 9:00 a.m.-6:00 p.m. and on September 24, 1981 from 9:00 a.m.-10:00 a.m. and from 12:00 noon to 3:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register**, of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 13, 1981.

[FR Doc. 81-24123 Filed 8-18-81; 8:45 am]

BILLING CODE 7537-01-M

Music Panel (Jazz Organizations Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Jazz Organizations Section of the Music Advisory Panel to the National Council on the Acts will be held on September 14, 1981 from 9:00 a.m.-5:30 p.m. and on September 19, 1981 from 9:00 a.m.-12:00 noon in Room 1422 of the Columbia Plaza Office Complex, 2401 E. Streeet, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on September 19, 1981 from 9:00 a.m.-12:00 noon for guidelines discussion.

The remaining sessions of this meeting on September 14-18, 1981 from 9:00 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register**, of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 13, 1981.

[FR Doc. 81-24122 Filed 8-18-81; 8:45 am]

BILLING CODE 7537-01-M

Music Panel (Joint Meeting of New Music Performance and Chamber); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the New Music Performance and Chamber Music Sections of the Music Advisory Panel to the National Council on the Arts will be held on September 25, 1981 from 9:30 a.m.-5:30 p.m. in Room 1426 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National

Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 13, 1981.

[FR Doc. 81–24124 Filed 8–18–81; 8:45 am]

BILLING CODE 7537–01–M

Music Panel (New Music Performance Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the New Music Performance Section of the Music Advisory Panel to the National Council on the Arts will be held on September 8–10, 1981, from 9:00 a.m.–6:00 p.m. and on September 11, 1981, from 9:00 a.m.–3:00 p.m. in Room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on September 11, 1981 from 10:00 a.m.–12:00 noon to discuss Future Program Policies.

The remaining sessions of this meeting on September 8–10, from 9:00 a.m.–6:00 p.m. and on September 11, from 9:00 a.m.–10:00 a.m. and 12:00 noon to 3:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** on February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 13, 1981.

[FR Doc. 81–24120 Filed 8–18–81; 8:45 am]

BILLING CODE 7537–01–M

Music Panel (Solo Recitalists Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Solo Recitalists Section of the Music Advisory Panel will be held on September 14, 1981 from 9:00 a.m.–5:30 p.m. and on September 15, 1981 from 9:00 a.m.–5:00 p.m., in Room 1426 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on September 15, 1981 from 3:00 p.m.–5:00 p.m. for Guidelines Review.

The remaining sessions of this meeting on September 14, 1981 from 9:00 a.m.–5:30 p.m. and on September 15, 1981, from 9:00 a.m.–3:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 13, 1981.

[FR Doc. 81–24121 Filed 8–18–81; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress on abnormal occurrences (NUREG–0090, Vol. 4, No. 1). The release date is August 14, 1981.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the first calendar quarter of 1981. The report identifies the occurrences or events that the Commission determined were significant and the remedial action that was undertaken. The report indicates that the following incidents or events were determined by the Commission to be significant and reportable:

(a) There was one abnormal occurrence at the nuclear power plants licensed to operate. The event involved an inadvertent disconnection of station batteries.

(b) There were no abnormal occurrences at the fuel cycle facilities (other than nuclear power plants).

(c) There was one abnormal occurrence at other licensee facilities. The event involved occupational overexposures.

(d) There were no abnormal occurrences reported by the Agreement States.

The report to Congress also contains updating information on some abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW, Washington, D.C. or at any of the more than 120 local Public Document Rooms throughout the country. Single copies of the report, designated NUREG–0090, Vol. 4, No. 1, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, on or about August 28, 1981.

A year's subscription to the NUREG–0090 series publication, which consists of four issues, is available from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C. this 13th day of August 1981.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 81-24220 Filed 8-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-348 and 50-364]

Alabama Power Co.; Issuance of Amendments to Facility Operating Licenses

Pursuant to a "Decision" issued by the Atomic Safety and Licensing Appeal Board, dated June 30, 1981 (ALAB-646), the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. NPF-2 and Amendment No. 4 to Facility Operating License No. NPF-8 issued to Alabama Power Company (the licensee). The amendments revise license antitrust conditions for operation of the Joseph M. Farley Nuclear Plant, Units No. 1 and 2 (the facility) located in Houston County, Alabama. The amendments are effective as of the dates of issuance.

The amendments require the licensee to perform certain antitrust actions pursuant to the "Decision."

The amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the overall action involving the antitrust hearing and the issuance of the "Decision" was issued in the **Federal Register** on July 4, 1972 (37 F.R. 13201).

The issuance of these amendments is an administrative action to reflect the license modification ordered by the Atomic Safety and Licensing Appeal Board, and therefore pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental inpact apprisal need not be prepared.

For further details with respect to this action, see (1) the "Decision" by the Atomic Safety and Licensing Appeal Board dated June 30, 1981 (ALAB-646), (2) Amendment No. 22 to License No. NPF-2, and (3) Amendment No. 4 to license No. NPF-8. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303 or may be requested by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 5th day of August 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-24221 Filed 8-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-1257]

Exxon Nuclear Co., Inc.; Negative Declaration Regarding Renewal of License No. SNM-1227

The U.S. Nuclear Regulatory Commission (the Commission) is considering the renewal of Special Nuclear Material License SNM-1227 for the continued operation of Exxon Nuclear Company, Inc., at Richland, Washington.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the proposed renewal of License SNM-1227. On the basis of this appraisal, the Commission has concluded that the environmental impact created by the proposed license renewal action would not be significant and does not warrant the preparation of an environmental impact statement, and, accordingly, it has been determined that a negative declaration is appropriate. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Maryland this 13th day of August, 1981.

For the Nuclear Regulatory Commission.

W. T. Crow,

Section Leader, Uranium Process Licensing Section, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 81-24222 Filed 8-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389A]

Florida Power & Light Co., St. Lucie Plant, Unit No. 2; Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this antitrust proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Mr. Thomas S. Moore
Ms. Christine N. Kohl

Dated: August 13, 1981.

C. jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-24223 Filed 8-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

This amendment (1) authorizes a change to the Appendix A Technical Specifications to reflect modifications to the 125V DC power distribution system, and (2) updates station surveillance procedures to make them consistent with IEEE STD. 450.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 10, 1978 and August 11, 1980, and a modification thereto dated March 19, 1981, (2) Amendment No. 55 to License No. DPR-

16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of August, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-24224 Filed 8-18-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18031; File No. SR-Amex-81-14]

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 6, 1981, the American Stock Exchange, Inc., filed with the Secrities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. *Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change*—The American Stock Exchange, Inc. ("Amex") pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("the Act") hereby proposes to amend its policy relating to the minimum time duration until expiration for which the Exchange may introduce additional series of options. Specifically, the Exchange proposes to change its policy to provide that it will introduce additional series of options having an exercise price at the next appropriate interval with respect to all expiration months then the subject of trading, other than for options expiring in less than 45 days. Presently, the Exchange does not introduce new series for options expiring in less than 60 days.

II. A. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change*—The purpose of the proposed change is to allow the Exchange to add new options series provided at least 45 days remain to expiration ("the 45 day rule"). This Change is designed to ensure the existence of striking prices both in and out of the money in all expiration months, subject only to the 45 day limitation. This limitation is appropriate in that it is a reasonable reduction of the present "60 day rule" and will ensure that no new options series is introduced for trading unless at least 45 days remain to expiration. Further, it provides an adequate safefuard against any proliferation of new series as an expiration approaches.

The proposed change is consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that investors will be able to more effectively limit the risks of their options transactions.

Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade.

B. *Self-Regulatory Organization's Statement on Burden on Competition*—No burden on competition will be imposed by modifying the Exchange's present policy as described above.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*—In considering this matter, the Exchange has contacted and discussed the proposed change with members and representatives of member organizations. While no written comments were solicited or received, the consensus of opinion among those contacted was that the proposed change in policy is both reasonable, appropriate and in the public interest.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action*—Until September 23, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. *Solicitation of Comments*—Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All Submissions should refer to the file number in the caption above and should be submitted by September 9, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

August 13, 1981.

[FR Doc. 81-24136 Filed 8-18-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Docket No. 81-15]

Resumption of Processing Applications to Establish National Trust Companies

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice.

SUMMARY: This notice advises that the Office of the Comptroller of the Currency ("Office") will resume processing of applications submitted by bank holding companies or their subsidiaries to establish an out-of-state national trust company. Processing of all such applications was suspended pursuant to the moratorium effective March 5, 1980 (12 U.S.C. 27, 1842(d)).

DATE: The moratorium expires on October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Robert C. Criswell, Bank Structure

Analyst, Bank Organization and Structure Division, (202) 447–1830, or Jerome Edelstein, Attorney Legal Advisory Services Division, (202) 447–1880, Office of the Comptroller of the Currency 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION: Title 12 CFR Part 5 will govern the resumption of processing of applications for national trust company charters which were halted by the moratorium scheduled to end on October 1, 1981. However because information currently required by the Office through its application process may be outdated as a result of the delay caused by the moratorium in the processing of applications, and because the Office seeks to base its decisions on timely data, certain procedural modifications are necessary as follows:

The Office will notify all interested parties that the processing is resuming. All applicants will be advised that, if they deem it necessary, any information or other data contained in their applications may be updated. If no such changes in circumstances have occurred, the applicant should so inform the Office. Material revisions to any application may require that the Office conduct a new examination or investigation of the applicants as provided in 12 CFR Section 5.7.

Written comments regarding all applications 1) for which hearings were held prior to the effective date of the moratorium, or 2) for which no hearing was previously requested and for which the time for requesting a hearing had lapsed, will be limited to changes in circumstances which have occurred since the beginning of the moratorium. Such written comments may be submitted up to two weeks after the applicant updates or provides a statement explaining why an update is unnecessary. In the event that a hearing on an application was granted, but not held, prior to the beginning of the moratorium, such hearing will be rescheduled unless the request for a hearing is withdrawn. Processing of all other applications will resume at the point at which processing was halted by the moratorium and will be conducted as provided by Title 12 CFR Part 5. In those cases in which the 21-day public comment period commenced prior to March 5, 1980, but did not run completely due to the moratorium, the comment period will resume beginning the seventh day after the appearance of this notice in the **Federal Register.**

Dated: August 13, 1981.

Marie Giblin,

Office of the Comptroller of the Currency, Communications Division.

[FR Doc. 81-24099 Filed 8-18-81; 8:45 am]

BILLING CODE 4810-33-M

Office of the Secretary

Removal of Ban on Participation in Auction of Coupon Security

August 17, 1981

The Secretary announced on August 14, 1981, that, effective with the 2-year note to be issued August 31, 1981, the Treasury was removing the ban on participation in an auction of a coupon security by anyone who has contracted to purchase or sell the security prior to the deadline for receipt of tenders. The change is reflected in Department Circular—Public Debt Series—No. 26–81 governing the offering of Treasury Notes of August 31, 1983, Series U–1983.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 81-24397 Filed 8-18-81; 11:31 am]

BILLING CODE 4810-40-M

[Department Circular Public Debt Series—No. 26–81]

Treasury Notes of August 31, 1983; Series U–1983

Washington, August 17, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of approximately the Second Liberty Bond Act, as amended, invites tenders for approximately $4,750,000,000 of United States securities, designated Treasury Notes of August 31, 1983, Series U–1983 (CUSIP No. 912827 MF 6). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated August 31, 1981, and will bear interest from that date, payable on a semiannual basis on February 28, 1982, and each subsequent 6 months on August 31 and February 28 until the principal becomes payable. They will mature August 31, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, August 20, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, August 19, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in the multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g.,

7.11% Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4. must be made or completed on or before Monday, August 31, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 27, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the secirities presented, the assignment should be to " The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignmnent should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivey on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivey of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 81-24392 Filed 8-18-81; 11:31 am]

BILLING CODE 4810-40-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Certain Spring Assemblies and Components Thereof, and Methods for Their Manufacture; Request for Public Comments

On July 14, 1981, the United States International Trade Commission (the Commission), following an investigation, found a violation of section 337 of the Tariff Act of 1930 in the unauthorized importation and sale of certain spring assemblies and components thereof which were found to infringe the claims of a U.S. patent and to be produced by a process which, if practiced in the United States, would infringe a second U.S. patent. The Commission held that the infringement of the two patents had an effect or tendency to destroy or substantially injure an efficiently and economically operated U.S. industry. An order excluding imports of the product into the United States was found to be the appropriate remedy. On August 10, the Commission referred their determination and order for review in accordance with section 1337(g).

Under section 1337(g), the President may disapprove the determination of the Commission within 60 days for policy reasons, foreign or domestic, thereby terminating the Commission's order on the date the Commission is notified of his disapproval. The President also may approve the determination expressly, making the order final immediately, or he may take no action, allowing the order to become final following the 60 day period provided for review.

Interested parties are invited to submit comments and supporting information concerning foreign policy or domestic policy issues which should be considered by the President in making his decision.

The original and 19 copies of the comments should be delivered to the Secretary, Trade Policy Staff Committee, 600 17th St., N.W., Room 413, Washington, D.C. 20506, no later than close of business, September 10, 1981. For further information call Alice Zalik (202) 395-3432.

Alice Zalik,

Chairman, Section 337 Committee.

[FR Doc. 81-24219 Filed 8-18-81; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 160
Wednesday, August 19, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, August 28, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1286-81 Filed 8-17-81; 11:32 am]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, August 24, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,722-L (Amendment)—The Drovers' National Bank of Chicago, Chicago, Illinois

Case No. 44,739-SR (Amendment)—American Bank & Trust Company, New York, New York

Memorandum and Resolution re: Proposed Amendments to Part 308 of the Corporation's rules and regulations, entitled "Rules of Practice and Procedures," which would (1) implement the Equal Access to Justice Act, (2) enhance agency responsiveness and capability in the conduct of administrative proceedings by delegating certain responsibilities to the Corporation's Executive Secretary and by correcting certain procedural impediments to efficient operation, and (3) establish procedures and set standards for petitions for reconsideration of denials of requests submitted pursuant to section 19 of the Federal Deposit Insurance Act.

Recommendation regarding First Pennsylvania Corporation, Philadelphia, Pennsylvania.

Recommendation regarding Farmers Bank of the State of Delaware, Dover, Delaware.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re:

Reports Required Under Delegated Authority

Sale of Real or Personal Property

Report of the Director, Office of Corporate Audits:

Memorandum re: Status of Auditee Corrective Actions

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: August 17, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1288-81 Filed 8-17-81; 3:20 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, August 24, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay

increases, reassignments, retirements, separations, removals, etc.:
Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: August 17, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1289–81 Filed 8–17–81; 3:20 pm]

BILLING CODE 6714–01–M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, Date notice should be published, Tuesday, August 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Friday, August 21, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled Friday, August 21, 1981.

Merger: Increase of Accounts of an Insurable Type—Gulf Federal Savings & Loan Association, Fort Myers, Florida *into* Florida Federal Savings & Loan Association, St. Petersburg, Florida.

[No. 532, August 17, 1981]

[S–1287–81 Filed 8–17–81; 11:52 am]

BILLING CODE 6725–01–M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Thursday, August 20, 1981 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Thursday, August 20:*

10:00 a.m.
1. Discussion of Contested Issues for Diablo Canyon Low-Power Operating License (closed meeting) (as announced)

3:30 p.m.
1. Affirmation/Discussion Session (approximately 30 minutes, public meeting)

Items to be affirmed and/or discussed:
a. Revisions in Draft Bailly Show Cause Order and re Court Decision on Bailly Short Pilings Case
b. Policy on Proceeding with Pending Construction Permit and Manufacturing license Applications
c. Review of Director's Denial (In the Matter of Commonwealth Edison Company)
d. Advance Notice of Proposed Rulemaking to Reform Material Control and Accounting Regulation of Fuel Fabrication Facilities Involving Formula Quantities of Strategic Special Nuclear Material
e. Protection of Unclassified Safeguards Material
f. Proposed Order: Petition to Intervene in Export to Philippines (rescheduled from August 13)

ADDITIONAL INFORMATION: By a vote of 4–0, Commissioner Gilinsky not present, on August 13, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107(a) of the Commission's Rules that Commission business required that affirmation of Approval Under Section 145b of the Atomic Energy Act of 1954, as Amended, for the Employment of Ms. Katherine S. Powell as Administrative Assistant and Ms. Jessica H. Laverty as Staff Counsel to Commissioner Roberts and Access to National Security Information and Restricted Data, held that day, be held on less than one week's notice to the public. The affirmation session held on August 13 was partially closed. Briefing on Generic Issue of Safety Relief Valves, announced for August 20, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

August 13, 1981.

Walter Magee,

Office of the Secretary.

[S–1285–81 Filed 8–11–81; 4:29 pm]

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Wednesday, August 19, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA	MSPB/OPM		DOT/MA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of August 23 through August 29, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

39440 8-3-81 / Milk in the Tennessee Valley Marketing Area; extension of time for filing exceptions to the recommended decision on proposed amendments to tentative marketing agreement and to order; exceptions by 8-28-81

Animal and Plant Health Inspection Service—

38080 7-24-81 / Reduction in quarantine period for animals entering the U.S. through the Harry S Truman Animal Import Center; comments by 8-24-81

Farmers Home Administration—

33020 6-26-81 / Energy Impacted Area Development Assistance Program; eligibility; procedural changes; comments by 8-27-81

CIVIL AERONAUTICS BOARD

35936 7-13-81 / Elimination of rules tariffs and notice to passengers of conditions of carriage; comments by 8-24-81

COMMERCE DEPARTMENT

International Trade Administration—

32431 6-23-81 / Petroleum products under short supply export controls; interim regulations to increase efficiency of controls and administration of exports; comments by 8-24-81

National Oceanic and Atmospheric Administration—

35536 7-0-81 / Groundfish of the Gulf of Alaska; comments by 8-24-81

ENVIRONMENTAL PROTECTION AGENCY

38381 7-27-81 / Approval and promulgation of State implementation plans; Colorado; sulfur dioxide emission limitations for oil shale production; comments by 8-28-81

37911 7-23-81 / California; approval and promulgation of implementation plans for Imperial County and Monterey Bay Area; comments by 8-24-81

37912 7-23-81 / Colorado; approval and promulgation of State Implementation Plans, nonattainment area plans; comments by 8-24-81

38386 7-27-81 / Designation of areas for air quality planning purposes; attainment States designations, Ohio; comments by 8-26-81

38387 7-27-81/ Designation of areas for air quality planning purposes; Michigan; comments by 8-26-81

33502 6-29-81/ Disposal of certain containerized liquid ignitable wastes in landfills until 11-19-81; interim final rule; comments by 8-28-81

37913 7-23-81/ Florida, Georgia, Kentucky, South Carolina, and Tennessee; Set II volatile organic compounds regulations; comments by 8-24-81

28680 5-28-81/ Hazardous waste disposal facilities, availability of information; comments by 8-26-81

33058 6-26-81/ Kansas State implementation plan for lead; comments by 8-25-81

38730 7-29-81/ Maryland; proposed revision of State implementation plan; comments by 8-28-81

38731 7-29-81/ Pennsylvania; volatile organic compound (VOC) regulations; comments by 8-28-81

38386 7-27-81/ Proposed approval of two administrative orders issued by Michigan Department of Natural Resources to Sand & Stone, Inc., Bay Asphalt Paving Division and Valley Asphalt Co.; comments by 8-26-81

37915 7-23-81/ South Carolina; proposed plan revision for volatile organic compounds (VOC) compliance schedules; comments by 8-24-81

ENVIRONMENTAL QUALITY COUNCIL

38389 7–27–81/ Public meeting procedures; comments by 8–26–81

FARM CREDIT ADMINISTRATION

32450 6–23–81/ Funding and fiscal affairs, loan policies and operations, funding operations; comments by 8–24–81

40027 8–6–81/ Loan policies and operations; comments by 8–26–81

FEDERAL COMMUNICATIONS COMMISSION

39630 8–4–81/ Automatic aviation weather reporting systems at certain airports; comments by 8–27–81

32281 6–22–81/ Federal-State Joint Board; order inviting comments and suggested information requests, Appendix A; reply comments by 8–26–81

34609 7–2–81/ FM broadcast station in Canton, Ill.; proposed changes in table of assignments; comments by 8–25–81

34608 7–2–81/ FM broadcast station in DeRidder, La.; proposed changes in table of assignments; comments by 8–25–81

35130 7–7–81/ FM broadcast station in Emporia, Kansas; changes in table of assignments; reply comments by 8–27–81

35129 7–7–81/ FM broadcast station in Eureka Springs, Ark.; proposed changes in table of assignments; reply comments by 8–27–81

34605 7–2–81/ FM broadcast station in Leone, American Samoa; proposed changes in table of assignments; comments by 8–25–81

35132 7–7–81/ FM broadcast station in Lowville, N.Y.; changes in table of assignments; comments by 8–28–81

35133 7–7–81/ FM broadcast station in Midland, Texas; changes in table of assignments; comments by 8–28–81

34606 7–2–81/ FM broadcast station in Petal, Miss.; proposed changes in table of assignments; comments by 8–25–81

34603 7–2–81/ FM broadcast station in St. Johns, Arizona; proposed changes in table of assignments; comments by 8–25–81

34607 7–2–81 / FM broadcast station in Sidney, N.Y.; proposed changes in table of assignments; comments by 8–25–81

31695 6–17–81 / FM broadcast station, Madison, Minn.; changes in table of assignments; reply comments by 8–28–81

35127 7–7–81 / FM broadcast stations in Yuma, Ariz., proposed changes in table of assignments; comments by 8–28–81

39682 8–4–81 / Transmission of call signs by stations in the radiolocation service; reply comments by 8–28–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

38503 7–28–81 / Antibiotic drugs; cephalothin sodiam; comments by 8–27–81

38500 7–28–81 / Caramel color additive for general use in cosmetics; objections by 8–27–81

33053 6–26–81 / Reduced calorie labeling for bread; comments by 8–25–81

HISTORIC PRESERVATION ADVISORY COUNCIL

38379 7–27–81 / Freedom of Information Act; implementation regulations; comments by 8–26–81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

18868 3–25–81 / Proposed 1981–82 migratory game bird hunting regulations (preliminary); comments for late season proposals by 8–24–81

36056 7–13–81 / Supplemental proposals for early season migratory bird hunting regulations frameworks (late season); comments by 8–24–81

INTERSTATE COMMERCE COMMISSION

38488 7–27–81 / Motor carriers of property; minimum amounts of bodily injury and property damage liability insurance; comments by 8–26–81

NUCLEAR REGULATORY COMMISSION

35522 7–9–81 / Ionizing radiation measuring instruments exemption; Americium–241; comments by 8–24–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

38062 7–23–81 / Parts manufacturer approval; falsification of airworthiness certification documents; initial comments by 8–24–81

[*See also* 46 FR 3776, 1–15–81]

National Highway Traffic Safety Administration—

37952 7–23–81 / Motor vehicle safety standards; deletion of requirement for separate reservoir capable of releasing parking brakes; comments by 8–24–81

TREASURY DEPARTMENT

Internal Revenue Service—

32598 6–24–81 / Estate taxes; transfer certificates in nonresident estates; comments by 8–24–81

27968 5–22–81 / Income tax; consolidated return regulations; comments by 8–26–81

VETERANS ADMINISTRATION

38547 7–28–81 / Educational benefits; effective date for increase in educational assistance allowance; comments by 8–26–81

38540 7–28–81 / Health Services Review Organization; comments by 8–27–81

38539 7–28–81 / Income and net worth questionnaires; comments by 8–26–81

Deadlines for Comments on Proposed Rules for the Week of August 30 through September 5, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

39438 8–3–81 / Allocation of tobacco inspection service; eligibility for price support; comments by 9–2–81

40027 8–6–81 / Information on marketing orders for fruits, vegetables, and specialty crops; extension of time; comments by 9–1–81

[*See also* 46 FR 37054, 7–17–81]

Animal and Plant Health Inspection Service—

34805 7–6–81 / Payment of indemnity for breeding swine destroyed because of brucellosis; comments by 9–4–81

Food and Nutrition Service—

39153 7–31–81 / Food Stamp Program; AFDC/Food Stamp Consolidation Demonstration Project; comments by 8–31–81

Forest Service—

33533 6–30–81 / National forest timber sales, advertisement and bids; comments by 8–31–81

Rural Electrification Administration—

39164 7–31–81 / Equipment and construction contract requirements; proposed revision to REA Forms 198 and 200; comments by 8–31–81

COMMERCE DEPARTMENT

International Trade Administration—

29662 6–2–81 / Establishment of the defense priorities and allocations system and superseding the existing defense materials system and defense priorities system regulations; comments by 8–31–81

National Oceanic and Atmospheric Administration—

37059 7–17–81 / Ocean salmon fisheries off the coasts of Calif., Oreg. and Wash.; comments by 8–31–81

37716 7–22–81 / The St. Thomas National Marine Sanctuary; comments by 8–30–81

CONSUMER PRODUCT SAFETY COMMISSION

38931 7–30–81 / Flammability of clothing textiles and vinyl plastic film; interpretation, clarifications, and exemptions; comments by 8–31–81

DEFENSE DEPARTMENT

Office of the Secretary—

38538 7–28–81 / Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); comments by 9–1–81

38167 7–31–81 / Implementation of the Civilian Health and Medical Program of the Uniformed Service. (CHAMPUS); comments by 8–31–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

39846 8–5–81 / Establishment of fees relating to Freedom of Information Act requests; comments by 8–31–81

40044 8–6–81 / High cost gas produced from tight formations; Texas; comments by 8–31–81

40043 8–6–81 / High cost gas produced from tight formations; Virginia; comments by 8–31–81

ENVIRONMENTAL PROTECTION AGENCY

39168 7–31–81 / Air programs; delayed compliance order for Holyoke Water Power Company, Mass.; comments by 9–4–81

38939 7–30–81 / Air programs, energy-related authority; delayed compliance orders; Department of the Navy, Naval Ordnance Station, Indian Head, Md., Goddard Power Plant; comments by 8–31–81

39612 8–4–81 / Approval and promulgation of New York State Implementation Plan; comments by 9–3–81

37057 7–17–81 / Approval and promulgation of implementation plans; Ohio; comments extended to 9–3–81

[*See also* 46 FR 24966, 5–4–81; and 46 FR 30116, 6–5–81]

39456 8–3–81 / Coal mining point source category effluent limitations guidelines; pretreatment standards and new source performance standards; comments by 9–3–81

30300 6–5–81 / Dichloromethane, Nitrobenzene and 1,1,1-Trichloroethane; Proposed test rule; comments by 8–30–81

40058 8–6–81 / Hazardous waste management; extension of comment period; comments by 9–3–81

[*See also* 46 FR 27363, 5–19–81]

39863 8–5–81 / Proposed approval of revision to Vermont State Implementation Plan; comments by 9–4–81

39864 8–5–81 / Proposed rulemaking and solicitation of public comment on portions of Illinois' State Implementation Plan; comments by 9–4–81

39865 8–5–81 / Proposed tolerances for *N,N*–diethyl-2-(1-naphthalenyloxy) propionamide; comments by 9–4–81

FARM CREDIT ADMINISTRATION

35117 7–7–81 / Funding and fiscal affairs, loan policies and operations, and funding operations; comments by 8–31–81

35110 7–7–81 / Loan policies and operations; comments by 8–31–81

FEDERAL COMMUNICATIONS COMMISSION

30150 6–5–81 / Deregulation of customer premises inside wiring; reply comments by 8–31–81

35534 7–9–81 / FM broadcast station in Martin and Salyersville, Ky.; proposed changes in table of assignments; comments by 8–31–81

31693 6–17–81 / National implementation of Final Acts of 1979 World Administrative Radio Conference; reply comments by 8–30–81

[*See also* 46 FR 3060, 1–13–81]

40536 8–10–81 / Reallocation of UHF–TV broadcast Channel 17 for common carrier fixed relay and control operations in the State of Hawaii; comments by 8–31–81

FEDERAL RESERVE SYSTEM

32594 6–24–81 / Bank holding companies nonbanking activities; issuance of travelers checks; comments by 8–31–81

GENERAL SERVICES ADMINISTRATION

39593 8–4–81 / Licensing of Federally owned inventions; temporary regulations; comments by 9–3–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

29964 6–4–81 / Federal financial participation in costs of cooperative agreements with courts and law enforcement officials; comments by 8–3–81

INTERIOR DEPARTMENT

Geological Survey—

36212 7–14–81 / Exploration activities within the coastal plain of the Arctic National Wildlife Refuge; intent to propose regulations and prepare an environmental impact statement; comments by 9–1–81

Surface Mining Reclamation and Enforcement Office—

39854 8–5–81 / General requirements for backfilling and grading; comments by 9–4–81

34784 7–2–81 / Permanent and Interim Regulatory Programs; effluent limitations and sedimentation pond design criteria; comments by 9–3–81

JUSTICE DEPARTMENT

Drug Enforcement Administration—

39848 8–5–81 / Placement of alpha-methylfentanyl in Schedule I of the Controlled Substances Act; comments by 9–4–81

Parole Commission—

35635 7–10–81 / Paroling, recommitting, and supervising Federal prisoners (2 documents); comments by 8–31–81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

35943 7–13–81 / Contract cost principles and procedures; contract administration; availability of draft Federal Acquisition Regulation; comments by 9–4–81

SECURITIES AND EXCHANGE COMMISSION

25638 5–8–81 / Environmental proceedings disclosure (Regulation S–K); comments by 9–1–81

26789 5–15–81 / Proxy rules and shareholder communications provisions; comments by 9–1–81

33287 6–29–81 / Regulatory Flexibility Act; plan for periodic review of Commission rules; comments by 8–31–81

STUDENT FINANCIAL ASSISTANCE NATIONAL COMMISSION

38923 7–30–81 / Privacy Act; implementation; comments by 8–30–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

36032 7–13–81 / Metropolitan Washington Airports; policy to guide future operation and development and improvement of the quality of the environment; comments by 8–31–81

TREASURY DEPARTMENT

Internal Revenue Service—

34348 7–1–81 / Income tax provisions relating to mortgage subsidy bonds; comments by 8–31–81

Next Week's Meetings:

AGRICULTURE DEPARTMENT

Forest Service—

38735 7–29–81 / Nezperce National Forest Grazing Advisory Board, Grangeville, Idaho (open), 8–25–81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

40745 8–11–81 / Design Arts Panel (Design Communication Section), Washington, D.C. (closed), 8–25 and 8–26–81

40358 8–7–81 / Humanities Panel, Washington, D.C. (closed), 8–24 and 8–28–81

39259 7–31–81 / Humanities Panel, Washington, D.C. (closed), 8–26 and 8–28–81

40109 8–6–81 / Humanities Panel, Washington, D.C. (closed), 8–27–81

39709 8–4–81 / Music Advisory Panel, Jazz Section, Washington, D.C. (closed), 8–24 through 8–29–81

CIVIL RIGHTS COMMISSION

40549 8–10–81 / Georgia Advisory Committee, Atlanta, Ga. (open), 8–28–81

40549 8–10–81 / Michigan Advisory Committee, Detroit, Mich. (open), 8–27–81

39463 8–3–81 / North Carolina Advisory Committee, Atlanta Beach, N.C. (open) 8–27 and 8–28–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

36224 7–14–81 / Mid-Atlantic Fishery Management Council's, Scientific and Statistical Committee, Dover, Del. (open), 8–28–81

40064 8–6–81 / New England Fishery Management Council, Danvers, Mass. (open), 8–25 and 8–26–81

37956 7–23–81 / South Atlantic Fishery Management Council, Scientific and Statistical Committee, Charleston, S.C. (open), 8–24 through 8–27–81

DEFENSE DEPARTMENT

Engineer Corps, Army Department—

40555 8–10–81 / Pebble Creek and Elkhorn River proposed flood control project, Scribner, Neb. (open), 8–26–81

Office of the Secretary—

35719 7–10–81 / DOD Advisory Group on Electron Devices, Working Group C, Arlington, Va., (closed), 8–27–81

32303 6–22–81 / National Hydropower Study, Fort Belvoir, Va. (open), 8–23 through 8–26–81

31918 6–18–81 / Wage Committee, Washington, D.C. (closed), 8–25–81

EDUCATION DEPARTMENT

40249 8–7–81 / National Advisory Council on Bilingual Education, Washington, D.C. (open), 8–28 through 8–30–81

ENERGY DEPARTMENT

40249 8–7–81 / National Petroleum Council, Committee on Arctic Oil and Gas Resources, Transportation Task Group, San Francisco, Calif. (open), 8–27–81

Western Area Power Administration—

40721 8–11–81 / Mead-Phoenix Area Electrical Transmission Line; public scoping meetings:

Goodyear, Ariz., 8–24–81

Lake Havasu City, Ariz., 8–25–81

Kingman, Ariz., 8–26–81

Boulder City, Nev., 8–27–81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

36245 7–14–81 / Washington, D.C. (open), 8–27–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Disease Control Center—

38408 7–27–81 / Machine/Presence Sensing Device Performance Studies, Morgantown, W. Va. (open), 8–25–81

Food and Drug Administration—

40329 8–7–81 / Consumer participation; Santa Ana, Calif. (open), 8–19–81

37564 7–21–81 / Miscellaneous Internal Drug Products Panel, Rockville, Md. (open), 8–21 through 8–23–81

Health Services Administration—

33370 6–29–81 / National Health Service Corps National Advisory Council, St. Louis, Missouri (open), 8–27 and 8–28–81

HISTORIC PRESERVATION ADVISORY COUNCIL

40063 8–6–81 / Protection of Historic and Cultural Properties, Eureka, Calif. (open), 8–26–81

INTERIOR DEPARTMENT

40332 8–7–81 / Commission on Fiscal Accountability of the Nation's Energy Resources, Washington, D.C. (open), 8–27 and 8–28–81

Geological Survey—

36212 7–14–81 / Arctic National Wildlife Refuge Oil and Gas Exploration (open), Arctic Village and Barrow, Alaska, 8–20 through 8–27–81

36212 7–14–81 / Consideration of oil and gas exploration within the Coastal Plain of the Arctic National Wildlife Refuge, Barrow, Alaska (open), 8–24–81

[Corrected at 46 FR 40736, 8–11–81]

Land Management Bureau—

37789 7–22–81 / Arizona Strip District Multiple Use Council, St. George, Utah (open), 8–24 and 8–25–81

37982 7–23–81 / Henry Mountain Planning, Hanksville, Utah, 8–25 and Salt Lake City, Utah, 8–26–81 (open)

39480 8–3–81 / Multiple Use Las Vegas District Advisory Council, Las Vegas, Nev. (open), 8–27–81

38144 7–24–81 / Safford District Advisory Council, Safford, Ariz. (open), 8–27–81

LABOR DEPARTMENT

Office of the Secretary—

40745 8–11–81 / International Labor Standards, Tripartate Advisory Panel, Washington, D.C. (closed), 8–27–81

NATIONAL SCIENCE FOUNDATION

40615 8–10–81 / Ocean Sciences Advisory Committee, Ocean Sciences Research Subcommittee, Washington, D.C. (closed), 8–26 and 8–27–81

NUCLEAR REGULATORY COMMISSION

39920 8–5–81 / Reactor Safeguards Advisory Committee, Tokyo, Japan (closed), 8–22 through 8–28–81

40615 8–10–81 / Reactor Safeguards Advisory Committee, Emergency Core Cooling Systems Subcommittee, Monterey, Calif. (partially open), 8–28–81

STATE DEPARTMENT

40964 8–13–81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Washington, D.C. (open), 8–27–81

TRANSPORTATION DEPARTMENT

Coast Guard—

39073 7–30–81 / Towing Safety Advisory Committee, Washington, D.C. (open), 8–25 and 8–26–81

[Additions to agenda at 46 FR 40625, 8–10–81]

Federal Aviation Administration—

39537 8–3–81 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 147—Threat Alert and Collision Avoidance System/Active Beacon Collision Avoidance System (TCAS/BCAS), Washington, D.C. (open), 8–26 through 8–28–81

National Highway Traffic Safety Administration—

7123 1–22–81 / Safety Standards, International Harmonization; Group of Rapporteurs on Crashworthiness, Ninth Session; Geneva, Switzerland, 8–24 through 8–28–81

Next Week's Public Hearings

DEFENSE DEPARTMENT

Navy Department—

35141 7–7–81 / Navy Discharge Review Board, Chicago, Ill.; 8–24 through 9–4–81

ENERGY DEPARTMENT

Conservation and Renewable Energy Office—

35468 7-6-81 / Wind Energy Technology Application Program, Washington, D.C., 8-25-81

ENVIRONMENTAL PROTECTION AGENCY

39168 7-31-81 / Air programs; delayed compliance order for Holyoke Water Power Company, Mt. Tom Generating Station, Mass., Holyoke, Mass., 8-25-81

INTERNATIONAL TRADE COMMISSION

36778 7-15-81 / Bolts, nuts, and large screws of iron or steel; investigation, Washington, D.C., 8-25-81 (prehearing conference)

VETERANS ADMINISTRATION

40362 8-7-81 / Station Committee on Educational Allowances, St. Petersburg, Fla. 8-28-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

Deadlines for Comments on Proposed Rules

41456 8-11-81 / Labor/ESA/W&H—Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act); comments by 10-13-81

40764 8-11-81 / USDA/FNS—Food stamp administrative matching grants provisions; comments by 10-13-81

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41132 8-14-81 / DOE—Energy Extension Service and State Energy Conservation Regional Program Support Grants; New England; apply by 8-14-81

40966 8-13-81 / DOT/FAA—Airport Development Aid Program for Fiscal Year 1981; notify FAA of intent to apply by 8-20-81; preapply by 9-1-81

40806 8-12-81 /HUD/Fair Housing and Equal Opportunity, Office of Assistant Secretary—Fair housing assistance program; noncompetitive solicitation for funding; apply by 9-28-81

40585 8-10-81 / HHS/HRA—Graduate training in family medicine grants; apply by 9-8-81

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40579 8-10-81/HHS/ADAMHA—Alcohol Abuse and Alcoholism National Advisory Council, Bethesda, Md. (partially open), 9-24 through 9-25-81

40579 8-10-81/HHS/ADAMHA—Drug Abuse National Advisory Council, Bethesda, Md. (partially open), 9-22 and 9-23-81

40579 8-10-81/HHS/ADAMHA—Mental Health Small Grant Review, Committee, Washington, D.C. (partially open), 9-24 through 9-26-81

40579 8-10-81/HHS/ADAMHA—Mental Health National Council, Rockville, Md. (partially open), 9-14 through 9-16-81

40841 8-12-81 / NFAH—Museum Advisory Panel, Catalogue and Utilization Section, Washington, D.C. (closed), 9-2 and 9-3-81

40841 8-12-81 / NFAH—Museum Advisory Panel, Conservation Section, Washington, D.C. (closed), 9-1-81

40615 8-10-81 / NSF—Ocean Sciences Advisory Committee, Ocean Sciences Research Subcommittee, Washington, D.C. (closed), 8-26 and 8-27-81

OTHER ITEMS OF INTEREST

40511 8-10-81 / EPA—State and local assistance; grants for construction of wastewater treatment works

40686 8-11-81 / Justice—Redesignation and transfer of regulations on nondiscrimination on basis of handicap in federally assisted programs; effective 8-11-81

40687 8-11-81 / Justice—Suspension of handicap guidelines in mass transportation programs receiving Federal financial assistance; effective 8-11-81; comments by 10-13-81

41237 8-14-81 / Treasury—Final procedures for implementing the National Historic Preservation Act

41472 8-14-81 / USDA/FNS—Food Distribution Program

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42241 **President's Commission on Hostage Compensation** Executive order.

42237 **Responses to Environmental Damage** Executive order.

42235 **National Schoolbus Safety Week** Presidential proclamation.

42250, 42273 **"NOW" Accounts** FHLBB adopts rule on eligibility of individuals and organizations to hold accounts at member institutions and proposes to adopt rule on eligibility of partnerships to hold accounts at member institutions. (2 documents)

42256 **Aviation Safety** DOT/FAA provides notice of emergency air traffic regulations.

42275 **Mortgages** FHLBB proposes rules on treatment of gains and losses from sale of mortgage assets.

42316 **Steel** Commerce/ITA announces fourth quarter 1981 trigger price bases and extras for most products covered by the steel trigger price mechanism.

42323 Commerce/ITA determines that surge conditions exist in the product lines of structural shapes, sheet piling, plates and cold finished bars.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

42337 **Social Security** HHS/SSA proposes to revise 2 forms used by supplemental security income applicants and recipients.

42426 **Grant Programs—Urban Development Action** ACHP implements expeditious review and comment process on grant projects which affect properties listed in or eligible for the National Register of Historic Places. (Part II of this issue)

42261 **Gasoline** DOE/FERC amends gas supply reporting regulations for interstate pipeline companies.

42266 **Highways and Roads** DOT/FHWA removes requirement for preparation of special studies following implementation of certain growth center highway projects.

42274 **Savings and Loan Associations** FHLBB withdraws proposal on treatment of goodwill acquired in mergers.

42286, 42287 **Natural Resources** Interior/GS proposes amendments to regulations on leasing for operations in the Outer Continental Shelf. (2 documents)

42327 **Natural Gas** DOE/EIA publishes alternative fuel price ceilings and incremental price threshold.

42243 **Cotton** USDA/CCC provides specifications for bale packaging materials for wrapping 1981 cotton pledged for price support loans.

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42315 Clear sheet glass from Taiwan.
42315 Pig iron from Finland.
42316 Pig iron from West Germany.

42270 **Procurement** GSA issues temporary regulation on use of office furniture and furnishings.

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Presidential Documents

Title 3—

The President

Proclamation 4852 of August 14, 1981

National Schoolbus Safety Week

By the President of the United States of America

A Proclamation

Our country's greatest resource is its children; their education is our investment in the future.

Currently, more than 20 million students are transported by schoolbus to and from school each day. The safety of these students deserves the highest priority.

To remind all Americans of the importance of schoolbus safety, the Congress, by House Joint Resolution 141, has requested the President to proclaim the week beginning October 4, 1981, as "National Schoolbus Safety Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the period from October 4, 1981 through October 10, 1981, as National Schoolbus Safety Week. I call upon all Americans to recognize and contribute to the imperative of providing safe transportation for our schoolchildren.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of August, in the year of our Lord nineteen hundred and eight-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-24410
Filed 8-18-81; 1:22 pm]
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Presidential Documents

Executive Order 12316 of August 14, 1981

Responses to Environmental Damage

By the authority vested in me as President of the United States of America by Section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (94 Stat. 2796; 42 U.S.C. 9615), it is hereby ordered as follows:

Section 1. *National Contingency Plan.* (a) The National Contingency Plan, hereinafter referred to as the NCP and which was originally published pursuant to Section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321), shall be amended to contain the implementing procedures for the coordination of response actions to releases of hazardous substances into the environment.

(b) The NCP shall contain a concept of a national response team composed of representatives of appropriate Executive agencies for the coordination of response actions. The national response team shall, in addition to representatives of other appropriate agencies, include representatives of the following: Department of State, Department of Defense, Department of Justice, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Department of Health and Human Services, Department of Transportation, Department of Energy, Environmental Protection Agency, Federal Emergency Management Agency, and United States Coast Guard.

(c) The responsibility for the amendment of the NCP and all of the other functions vested in the President by Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, hereinafter referred to as the Act (42 U.S.C. 9605), is delegated to the Administrator of the Environmental Protection Agency.

(d) In accord with Section 111(h)(1) of the Act and Section 311(f)(5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(f)(5)), the following shall be among those designated in the NCP as Federal trustees for natural resources:

(1) Secretary of Defense.

(2) Secretary of the Interior.

(3) Secretary of Agriculture.

(4) Secretary of Commerce.

(e) Amendments to the NCP shall be coordinated with members of the national response team prior to publication for notice and comment. Amendments shall also be coordinated with the Federal Emergency Management Agency and the Nuclear Regulatory Commission in order to avoid inconsistent or duplicative requirements in the emergency planning responsibilities of those agencies.

(f) All amendments to the NCP, whether in proposed or final form, shall be subject to review and approval by the Director of the Office of Management and Budget.

Sec. 2. *Response Authorities.* (a) The functions vested in the President by the first sentence of Section 104(b) of the Act relating to "illness, disease, or

complaints thereof" are delegated to the Secretary of Health and Human Services who shall, in accord with Section 104(i) of the Act, perform those functions through the Public Health Service.

(b)(1) The functions vested in the President by Section 101(24) of the Act, to the extent they require a determination by the President that "permanent relocation of residents and businesses and community facilities" is included within the terms "remedy" or "remedial action" as defined in Section 101(24) of the Act, are delegated to the Director of the Federal Emergency Management Agency.

(2) The functions vested in the President by Section 104(a) of the Act, to the extent they require permanent relocation of residents, businesses, and community facilities or temporary evacuation and housing of threatened individuals not otherwise provided for, are delegated to the Director of the Federal Emergency Management Agency.

(c) The functions vested in the President by Section 104 (a) and (b) of the Act are delegated to the Secretary of Defense with respect to releases from Department of Defense facilities or vessels, including vessels owned or bareboat chartered and operated.

(d) Subject to subsections (a), (b), and (c) of this Section, the functions vested in the President by Sections 101(24) and 104 (a) and (b) of the Act are delegated to the Secretary of the Department in which the Coast Guard is operating, hereinafter referred to as the Coast Guard, with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(e) Subject to subsections (a), (b), (c), and (d) of this Section, the functions vested in the President by Sections 101(24) and 104 (a) and (b) of the Act are delegated to the Administrator of the Environmental Protection Agency, hereinafter referred to as the Administrator.

(f) The functions vested in the President by Section 104 (c), (d), (f), (g), and (h) of the Act are delegated to the Coast Guard, the Secretary of Health and Human Services, the Director of the Federal Emergency Management Agency, and the Administrator in order to carry out the functions delegated to them by subsections (a), (b), (d), and (e) of this Section. The exercise of authority under Section 104(h) of the Act shall be subject to the approval of the Administrator of the Office of Federal Procurement Policy.

(g) The functions vested in the President by Section 104(e)(2)(C) of the Act are delegated to the Administrator; all other functions vested in the President by Section 104(e) of the Act are delegated to the Secretary of Defense, the Secretary of Health and Human Services, the Coast Guard, the Director of the Federal Emergency Management Agency, and the Administrator of the Environmental Protection Agency, in order to carry out the functions delegated to them by this Section.

Sec. 3. *Abatement Action.* (a) The functions vested in the President by Section 106(a) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(b) Subject to subsection (a) of this Section, the functions vested in the President by Section 106(a) of the Act are delegated to the Administrator.

Sec. 4. *Liability.* (a) The function vested in the President by Section 107(c)(1)(C) of the Act is delegated to the Secretary of Transportation.

(b) The functions vested in the President by Section 107(c)(3) of the Act are delegated to the Coast Guard with respect to any release or threatened release involving the coastal zone, Great Lakes waters, ports, and harbors.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 107(c)(3) of the Act are delegated to the Administrator.

(d) The functions vested in the President by Section 107(f) of the Act are delegated to each of the Federal trustees for natural resources set forth in Section 1(d) of this Order for resources under their trusteeship.

Sec. 5. *Financial Responsibility.* (a) The functions vested in the President by Section 107(k)(4)(B) of the Act are delegated to the Secretary of the Treasury. The Administrator will provide the Secretary with such technical information and assistance as the Administrator may have available.

(b) The functions vested in the President by Section 108(a) of the Act are delegated to the Federal Maritime Commission. Notwithstanding Section 1(d) of Executive Order No. 12291, the regulations issued pursuant to this authority shall be issued in accordance with that Order. The Commission shall be responsible, in accord with Section 109 of the Act, for the enforcement of civil penalties for violations of the regulations issued under Section 108(a) of the Act.

(c) The functions vested in the President by Section 108(b) of the Act are delegated to the Secretary of Transportation with respect to all transportation related facilities, including any pipeline, motor vehicle, rolling stock, or aircraft.

(d) Subject to subsection (c) of this Section, the functions vested in the President by Section 108(b) of the Act are delegated to the Administrator.

Sec. 6. *Employee Protection and Notice to Injured.* (a) The functions vested in the President by Section 110(e) of the Act are delegated to the Secretary of Labor.

(b) The functions vested in the President by Section 111(g) of the Act are delegated to the Secretary of Defense with respect to releases from Department of Defense facilities or vessels, including vessels owned or bare-boat chartered and operated.

(c) Subject to subsection (b) of this Section, the functions vested in the President by Section 111(g) of the Act are delegated to the Administrator.

Sec. 7. *Management of the Hazardous Substance Response Trust Fund and Claims.* (a) The functions vested in the President by Section 111(a) of the Act are delegated to the Administrator, subject to the provisions of this Section and applicable provisions of this Order.

(b) The Administrator shall transfer, to transfer appropriation accounts for other agencies, from the Hazardous Substance Response Trust Fund, out of sums appropriated, such amounts as the Administrator may determine necessary to carry out the purposes of the Act. These allocations shall be consistent with the President's Budget, within the amounts approved by the Congress, unless a revised allocation is approved by the Director of the Office of Management and Budget.

(c) The Administrator shall chair a budget task force composed of representatives of agencies having responsibilities under this Order or the Act. The Administrator shall also, as part of the budget request for the Environmental Protection Agency, submit a budget for the Hazardous Substance Response Trust Fund which is based on recommended allocations developed by the budget task force. The Administrator may prescribe reporting and other forms, procedures, and guidelines to be used by the agencies of the Task Force in preparing the budget request.

(d) The Administrator and each agency head to whom funds are allocated pursuant to this Section, with respect to funds allocated to them, are authorized in accordance with Section 111(f) of the Act to designate Federal officials who may obligate such funds.

(e) The functions vested in the President by Section 112 of the Act are delegated to the Administrator for all claims presented pursuant to Section 111.

Sec. 8. *General Provisions.* (a) Notwithstanding any other provision of this Order, any representation pursuant to or under this Order in any judicial or quasi-judicial proceedings shall be by or through the Attorney General. The conduct and control of all litigation arising under the Act shall be the responsibility of the Attorney General.

(b) Notwithstanding any other provision of this Order, the President's authority under the Act to require the Attorney General to commence litigation is retained by the President.

(c) The functions vested in the President by Section 301 of the Act are delegated as follows:

(1) With respect to subsection (a), to the Administrator in consultation with the Secretary of the Treasury.

(2) With respect to subsection (b), to the Secretary of the Treasury.

(3) With respect to subsection (c), to the Secretary of the Interior.

(4) With respect to subsection (f), to the Administrator.

(d) The Attorney General shall manage and coordinate the study provided for in Section 301(e) of the Act.

(e) The performance of any function under this Order shall be done in consultation with interested agencies represented on the national response team, as well as with any other interested agency.

(f) Certain functions vested in the President by the Act which have been delegated or assigned by this Order may be redelegated to the head of any agency with his consent; those functions which may be redelegated are those set forth in Sections 2, 3, 4(b), 4(c), and 6(c) of this Order.

(g) Executive Order No. 12286 of January 19, 1981, is revoked.

Ronald Reagan

THE WHITE HOUSE,
August 14, 1981.

[FR Doc. 81-24611
Filed 8-18-81, 1:23 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12317 of August 14, 1981

President's Commission on Hostage Compensation

By the authority vested in me as President by the Constitution and statutes of the United States of America, in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and to give the President's Commission on Hostage Compensation additional time to prepare its report, it is hereby ordered that the first sentence of Section 1–202 of Executive Order No. 12285, as amended, is further amended to read: "The Commission shall submit a final report to the President no later than September 21, 1981.".

Ronald Reagan

THE WHITE HOUSE,
August 14, 1981.

[FR Doc. 81–24412
Filed 8–18–81; 1:24 pm]
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Rules and Regulations

Federal Register
Vol. 46, No. 161
Thursday, August 20, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 677]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 21–27, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: August 21, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on August 18, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to be slow.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 908.977 is added as follows:

§ 908.977 Valencia Orange Regulation 677.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 21, 1981, through August 27, 1981, are established as follows:

(1) District 1: 250,000 cartons;

(2) District 2: 250,000 cartons;

(3) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 19, 1981.

D. S. Kuryloski

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–24356 Filed 8–19–81; 11:54 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1427

Loans, Purchases, and Other Operations; Specifications for Bale Packaging Materials Used in Wrapping Cotton

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule provides the specifications governing cotton bale packaging materials used for 1981 crops cotton pledged for price support loans. This rule is needed in order that producers and others will know what materials are acceptable to the Commodity Credit Corporation (CCC). Bales of cotton will be acceptable for price support loans only if they conform to these specifications.

EFFECTIVE DATE: August 20, 1981.

ADDRESSES: Interested persons may send comments to the Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture, P. O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Commodity Loan Section, Price Support and Loan Division, ASCS, P. O. Box 2415, Washington, D.C. 20013, (202) 447–5187.

The Final Impact Statement containing the considerations in the development of this rule is available upon request from Charles V. Cunningham, Production Adjustment Division, P. O. Box 2415, Washington, D.C. 20013, 202/447–7873.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in

costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program that this Final Rule applies to is: Title—Commodity Loans and Purchases; Number—10.051; as found in the catalog of Federal Domestic assistance.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

On August 29, 1980, CCC published in the **Federal Register** (45 FR 57751) a notice that the Department proposed to make certain determinations concerning the 1981 crops of upland and extra long staple cotton. Such determinations included a determination of the specifications for bale packaging materials applicable to 1981-crop cotton pledged to CCC for price support loans. Interested persons were given until Octoer 28, 1980, to submit recommendations, views, and comments.

Three responses were received concerning the specifications. Two of the respondents recommended adopting the specifications as recommended by the Cotton Industry Bale Packaging Committee. One respondent favored an ongoing improvement program that will eliminate the present problems in packaging.

The Committee recommended: (1) That hot rolled steel ties and buckles be removed from the specifications, (2) an increase in wire testing specifications to assure wire tie reuseability, and (3) new tare weights that reflect a separate tare weight for wire ties and high tensile steel strapping.

After consideration of all responses and recommendations, it has been determined that the specifications will be revised in accordance with the Committee's recommendations. These revised specifications are designed to improve the quality and protection of the cotton bale.

Final Rule

Accordingly, (7 CFR Part 1427 is amended by revising Subpart §§ 1427. 1901–1427. 1905) Specifications for Bale Packaging Materials to read as set forth below, effective with the 1981 crop of cotton. The material previously appearing in these regulations remains in full force and effect as to the crop to which it was applicable.

Subpart—Specifications for Bale Packaging Materials

Sec.

1427.1901 Purpose.
1427.1902 Specifications for bale ties.
1427.1903 Specifications for bagging.
1427.1904 Official tare weights.
1427.1905 Test methods.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 (b) and (c); secs. 101, 103, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421)).

§ 1427.1901 Purpose.

This subpart is for the purpose of announcing the specifications applicable to bale packaging materials for packaging the 1981 crop of cotton tendered to CCC for loans, unless otherwise approved by the Executive Vice President, CCC, or his designee: *Provided, however,* That all bales of cotton packaged and identified with the testing programs of the Cotton Industry Bale Packaging Committee sponsored by the National Cotton Council of America will be exempt from the provisions of this subpart, bale packaging materials contracted prior to issuance of 1981 specifications based on 1980 specifications, and bale packaging materials carried over from 1980 which were eligible for packaging 1980-crop loan cotton also may be used to package 1981-crop cotton pledged for loans.

§ 1427.1902 Specifications for bale ties.

Any fixed length bale ties used on flat bales shall not exceed 10 feet, 3 inches in length, excluding overlap. All ties and buckles or fasteners must be coated or furnished with a rust inhibitor. All ties which are underneath the wrapping material shall be wire or cold rolled high tensile steel strapping.

(a) *General requirements.*—(1) *Number of ties required.*

(i) Flat bales (bales having densities of less than 20 pounds per cubic foot) must have not less than 6 ties.

(ii) Standard density bales (bales having densities of at least 20 pounds but less than 28 pounds per cubic foot) must have not less than 8 ties.

(iii) Universal density bales (bales having densities of 28 pounds or more per cubic foot) must have not less than 8 ties.

(2) *Flat bales packaged with nonreuseable ties.* Except for bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, if the ties on a bale are not suitable for reuse when the bale is compressed, the ties will not be deemed to meet these specifications unless the producer has prepaid any warehouse charge for furnishing new bale ties. If the bale is stored at a warehouse not having compress facilities and bales shipped from the warehouse are normally compressed in transit, the warehouse receipt must show that the bale ties are not suitable for reuse when the bale is compressed and the charge assessed by the nearest compress in line of transit for furnishing new bale ties will be deducted from the loan proceeds.

(b) *Cold rolled high tensile steel strapping.* The supplier's name or trademark must be printed or embossed on every 36 inches of strapping.

(1) *For use on flat bales and standard density and universal density bales compressed at a warehouse.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.025 inch with zero tolerance, minimum weight of 1 pound per 15.7 linear feet of strapping or 4 pounds per bale of cotton, minimum breaking strength of 2,400 pounds with a joint strength of not less than 2,040 pounds.

(2) *For use on gin standard density and gin universal density bales.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.031 inch with zero tolerance, minimum weight of 1 pound per 12.7 linear feet of strapping or 5 pounds per bale of cotton and minimum breaking strength of 3,200 pounds with a joint strength not less than 2,720 pounds for gin standard density bales or 4,000 pounds with a joint strength of not less than 3,400 pounds for gin universal density bales.

(3) *Keylock type fixed length tie for use on flat bales and universal density bales compressed at a warehouse.* The bale tie must have a minimum width of 0.74 inches and a minimum thickness of 0.025 inches, minimum weight of 4 pounds per bale of cotton, minimum breaking strength of 3,200 pounds with a joint strength of not less than 2,700 pounds. The tie shall be constructed so as not to disengage at the joint while tucking or while being handled with clamp trucks.

(c) *Wire ties.* Ties must be manufactured from wire which conform to ASTM–A–510 issued by the American Society for Testing Materials (ASTM). Each bundle of wire shall bear a certification that the wire ties have been manufactured according to the specifications for Bale Packaging Materials as published in Part 1427, Chapter XIV, Title 7 of the Code of Federal Regulations. The certification

shall also show the name and address of the wire tie manufacturer and contain a quality control code which will permit the ties to be identified to the 2,000 pound lot and/or wire carrier. Wire tie manufacturers shall follow a regular procedure of testing and inspection which involves a minimum of one break test on a sample from each 2,000 pound lot and/or wire carrier. Break tests shall be tested within a range from one-fourth inch to 5 inches per minute of elongation. Wire ties shall be fabricated within the United States.

(1) *For use on flat bales and bales compressed to standard density and universal density at a warehouse.*—(i) *Square knot type wire.* Ties shall not be smaller than 10 gauge or equivalent cross-sectional area in the portion of the wire in which the connections are formed. Ties must have a minimum strength of 1,850 pounds including the connection. For gin length wires manufactured with a reduced cross-sectional area (commonly referred to as waisted wire), the wire must be tested by the fabricator to assure reuseability by formation of new connections in that length of the wire having the reduced area. Furthermore, strength requirements must meet those set for original specifications of 1,850 pounds including the connection. Connections for testing reuseability shall be formed on equipment predominantly used by the cotton industry for reclaiming gin wires for reuse on compress bales. Frequency of tests shall be the same as that specified for original connections, i.e., a minimum of one break test for each 2,000 pound lot and/or wire carrier.

(ii) *Crosshead type wire.* The ties shall not be smaller than 10-gauge with a minimum joint strength of 1,650 pounds including the connection. The minimum elongation of the wire shall be 1 inch in 10-inch gauge length. Joints may be on side of bales. Wire from gin-length ties shall not be deemed useable for compress universal density or standard density if connections other than crosshead type are used on the recycled ties.

(2) *For use on gin standard density and gin universal density bales.* The ties shall be not smaller than 9-gauge. The breaking strength of the wire must not be less than 3,400 pounds with a joint strength of not less than 2,100 pounds with the joints placed on the tops of the bales. If the joints are placed on the sides of the bales, the breaking strength of the wire must not be less than 3,200 pounds with a joint strength of not less than 3,040 pounds.

§ 1427.1903 Specifications for bagging.

Except in cases where shrink-pack polyethylene bags, cotton bags, polypropylene half-bag panel combinations, or spiral sewn bags of burlap and/or polypropylene are used, each bale must be wrapped with a pattern of bagging consisting of two pieces (panels) of bagging material. All bagging material must be clean, in sound condition, and of sufficient strength to adequately protect the cotton. The material must not have salt or other corrosive material added and must not contain sisal or other hard fiber or any other material which will contaminate or adversely affect cotton as determined by the President or Executive Vice President, CCC.

(a) *New jute bagging used to wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) of new jute bagging used for wrapping must not be less than 96 inches or more than 100 inches in length for gin universal density bales and not less than 100 inches or more than 102 inches in length for gin standard density bales and must not be less than 40 or more than 48 inches in width. The bagging must contain not less than 150 warp yarns per 40 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 25 weft (filling) yarns per 12 inches of bagging and must weigh not less than 7½ and not more than 8½ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain). A marker warp yarn of the same size as the remaining warp yarns, made of jute or plied cotton, dyed dark green or blue with a colorfast, nonbleeding dye of a type which will not be subject to permanent staining of cotton fiber under normal weathering conditions must be placed in the center of each panel to distinguish the bagging from other types of jute bagging.

(b) *Compact center type new jute bagging.*—(1) *Used to wrap flat bales (24 ounces per linear yard).* Each one-half pattern (panel) of compact center type new jute bagging used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must not be less than 46 inches in width. The bagging must contain a center panel not less than 32 inches wide and contain not less than 110 warp yarns and an outer edge not less than 7 inches wide containing not less than 13 warp yarns including selvage. The outer edge may contain more than 13 warp yarns and the center panel may exceed 32 inches provided the bagging contains not less than 41 warp yarns per 12 inches and still meet these specifications provided all other requirements contained herein are met. The warp yarn must be a size equal to or larger than the weft (filling) yarns. The bagging must contain not less than 25 weft (filling) yarns per 12 inches of bagging with a minimum weft yarn weight of 40 pounds per spyndle (14,400 yards). The bagging must weigh not less than 8½ and not more than 9½ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain). A marker warp yarn of the same size as the other warp yarns, made of jute or a plied cotton yarn, dyed dark blue with a colorfast, nonbleeding dye of a type which will not be subject to permanent staining of cotton fiber under normal weathering conditions must be placed in the center of each panel to distinguish the difference from other types of jute bagging.

(2) *Used to wrap gin standard and universal density bales.* Compact center type new jute bagging (24 ounces per linear yard) meeting the same width and fabric construction requirements for compact center type new jute bagging as used on flat bales cut to a length of not less than 98 inches or more than 101 inches in length, weighing not less than 7½ and not more than 8½ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain) and containing a dark green or blue marker center yarn may be used to wrap gin standard and gin universal density bales.

(c) *Salvage jute (burlap) bagging—(1) General requirements.* Salvage jute (burlap) bagging must be processed specifically for cotton bale coverings from once-used, good quality, closely woven, heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. Each one-half pattern (panel) must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and not more than one lengthwise sewn seam when measured across any single width of the panel in any one-half pattern (seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams). Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the

adjoining piece in the seam. Sewing must be with strong thread with not larger than ⅜ inch stitching.

(2) *To wrap flat bales.* Each one-half pattern (panel) used to wrap flat bales must not be less than 108 inches or more than 116 inches in length and must be not less than 48 inches or more than 52 inches in width. The bagging must weigh not less than 8½ and not more than 10 pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(3) *To wrap modified flat bales.* Each one half pattern used to wrap modified flat bales must not be less than 106 inches or more than 116 inches in length and must not be less than 46 inches or more than 52 inches in width. The bagging must weigh not less than 8½ or more than 10 pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(4) *To wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) used to wrap gin standard and gin universal density must not be less than 40 inches or more than 48 inches in width and must be not less than 96 inches or more than 102 inches in length. The bagging must weigh not less than 7½ and not more than 10 pounds per pattern (two panels) at 13.75 moisture content (not moisture regain).

(d) *T2 type new jute bagging.*—

(1) *Used to wrap flat and modified flat bales.* Each one-half pattern of T2 type new jute bagging used to wrap flat and modified flat bales must be not less than 108 inches in length and must not be less than 46 inches in width. The bagging must contain not less than 108 two-ply warp yarns per 12 inches of bagging and not less than 48 weft (filling) yarns per 12 inches of bagging with a minimum weft yarn weight of 14 pounds per spyndle (14,400 yards). The bagging must weigh not less than 6.65 and not more than 7.75 pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

A marker warp yarn made of jute or cotton either plied or single of a size not less than the other warp yarns dyed red with a colorfast nonbleeding dye of a type which will not be subject to permanently staining of cotton fiber under normal weathering conditions must be placed in the center of each panel to distinguish the bagging from other types of jute bagging. The average tensile breaking strength shall not be less than 295 kilograms (650 pounds) in the warp way with a tolerance of minus 45 kilograms (100 pounds) and 60 kilograms (132 pounds) in the weft way with a tolerance of minus 10 kilograms (22 pounds) (10 centimeters by 20 centimeters) ravel strip method.

(2) *Used to wrap gin standard and universal density bales.* T2 type new jute bagging meeting the same fabric construction requirements for T2 type new jute bagging as used on flat and modified flat bales cut to a length of not less than 98 inches or more than 101 inches and not less than 40 inches in width, weighing not less than 5.2 pounds and not more than 6.3 pounds per pattern (two panels) at 13.25 percent moisture content (not moisture regain) may be used to warp gin standard and gin universal density bales.

(e) *Spiral sewn burlap bags used to warp gin standard and gin universal density bales and bales compressed to standard density and universal density at a warehouse.*—(1) *Material.* Spiral sewn burlap bags used to warp gin standard and gin universal density bales and bales compressed to standard density and universal density at a warehouse must be spiral sewn from new burlap which is not less than 60 inches wide before sewing and weighs not less than 13.25 ounces per linear yard (this corresponds to burlap weighing 8.9 ounces per 40-inch width). The material must have a true selvage on each side. Spiral sewn bags made from split burlap with raw edges will not be acceptable.

(2) *Bag size.* The bag size must be tailored to individual bale size at each location. Bags shall fit bales tightly, but must be large enough to minimize bursting and long enough to completely cover and secure heads of bales.

(3) *Seams.* Seams must be sewn with a type 401 stitch, minimum four stitches per inch, and 4/12 or 5/12 cotton thread, or 1,000 denier polypropylene thread meeting ultraviolet inhibitor concentration requirements of paragraph (h)(2)(iii) of this section, with breaking strength of 5 grams per denier.

(f) *Cotton bagging.*—(1) *General requirements.* Bagging made from 100 percent cotton must weigh not less than 7.7 ounces per square yard with a minimum weight of 4 pounds per pattern for flat and modified bales, 3.1 pounds for gin standard density bales, 3 pounds for gin universal density bales, and bales compressed at a warehouse at 8.5 percent moisture content (not moisture regain).

(i) *Panel requirements.* Each panel of bagging must not be less than 48 inches in width, and 112 inches in length for flat or modified flat bales, 100 inches in length and 42 inches in width for gin standard density bales and 96 inches in length and 42 inches in width for gin universal density bales and compressed at a warehouse. Each panel must be constructed with true selvages on each side.

(ii) *Bag requirements.* Sewn cotton bags may be used to wrap gin standard, gin universal density and bales compressed at a warehouse.

(A) *Material.* The bagging must be constructed of warp knitted cotton fabric as specified in subparagraph (f)(3). Bags may be constructed with two panels sewn on each side to form a bag or form a single folded pattern.

(B) *Bag size.* The bag size must be tailored to individual bale sizes at each location. Bags shall fit bales tightly but must be large enough to minimize bursting and long enough to completely cover and secure heads.

(C) *Seams.* Seams must be sewn with a type SSA–1 or LSA–1 seam, type 401 stitch, minimum 6 stitches per inch with 4/12 or 5/12 cotton thread.

(2) *Woven.* The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns and must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging.

(3) *Warp knitted.* The bagging must be constructed with not less than two guide bars. The bagging must contain not less than five wales per inch and not less than six courses per inch. All yarns (plied or single) must be form connected with each other. The bagging must have stabilized construction with elongation or stretch not less than 15 percent or more than 30 percent. Variation in tensile strength in wale and course direction must not exceed 20 percent. The bagging must have a minimum bursting strength of 75 pounds.

(g) *Polyethylene shrink-pack bags used to wrap gin standard density and gin universal density bales.* Polyethylene shrink-pack bags used to wrap gin standard and gin universal density bales must meet the following requirements:

(1) *Density.* The bag must be low density virgin polyethylene.

(2) *Color.* The bag must be clear.

(3) *Gauge.* The gauge shall be not less than 8 mil.

(4) *Gauge tolerance.* The average of any 20 evenly spaced points around the length and width of a bag must be within plus or minus 10 percent of 8 mil. Yield on any order of 2,000 pounds or more shall not vary more than plus or minus 3 percent from the nominal yield.

(5) *Tensile strength.* For machine (length) and transverse (cross) direction the tensile strength must be not less than 2,500 pounds per square inch, and for transverse (cross) direction, not less than 2,000 pounds per square inch.

(6) *Elongation.* For both machine (length) and transverse (cross) direction

the elongation must be not less than 400 percent.

(7) *Impact resistance.* The impact resistance must be not less than 450 grams.

(8) *Slip characteristics.* Bags must be low slip (coefficient of friction not less than 0.50) with no antiblock or slip additive included.

(9) *Tagging.* A piece of woven yarn scrim not less than 5 inches by 7 inches and laminated on each side with polyethylene must be placed inside the bag on the head of bale and heat welded to the cover, or some other suitable reinforcing material must be bonded to the bag.

(10) *Tare weight.* Tare weight shall be not less than 2 pounds per shrink-pack bag.

(11) *Sealing head of bales.* Extra precaution must be taken in sealing heads of bales to provide maximum coverage and protection.

(12) *Shrink ratio.* The ratio of machine (length) direction shrink to the transverse (cross) direction shrink must not exceed 1.5:1.

(13) *Total tare weight.* The total tare weight (i.e. bag and ties) shall be printed on the bag. Printing shall read "total tare = —lbs." and the bale tare weight shall be included in the appropriate space.

(14) *Bag size.* Each bag shall be not less than 87 inches in length when used on 54 inch by 20 inch presses and not less than 83 inches in length when used on 50 inch by 20 inch presses.

(h) *Polypropylene material—(1) General.* Polypropylene material used to wrap bales shall be new polypropylene fabric manufactured in the U.S. from yarn and resins produced in the U.S. and woven specifically for use on cotton bales. The bale covers shall be uniform in size and color, clean, unstained, and free of any extraneous material.

(2) *Yarns.* No scrap, reground, or reworked polymer shall be used, except that unoriented edge trim may be reground and directly recycled during operation of extruder.

(i) *Type.* The yarn shall be crystalline or isotatic polypropylene tape yarn.

(ii) *Dimension.* Yarn dimensions shall be 2.1 mils thick, plus or minus 0.2 mil and 95 mils wide, plus or minus 2 mils.

(iii) *Inhibitor concentration.* The yarn shall be stabilized by a system containing organo-nickel complex ultraviolet light inhibitor. The yarn shall contain organo-nickel complex at a concentration of not less than 0.1 percent nickel as metal from the inhibitor. The Cotton Industry Bale Packaging Committee will have samples checked periodically by a private laboratory at manufacturers' expense.

(3) *Fabric woven from stabilized yarns.*

(i) *Minimum weight.* The fabric must weigh an average of not less than 3 ounces per square yard and no test sample shall weigh less than 2.8 ounces per square yard.

(ii) *Yarn count.* There must be 12 warp yarns, plus or minus 1, per inch; and 10 weft yarns, plus or minus 1, per inch.

(iii) *Color.* The color of the fabric shall be translucent light gold, unless otherwise approved by the Cotton Industry Bale Packaging Committee. The center of each panel must be marked in the weft direction with a clearly visible line printed with white ink running across the entire width of the panel or with a series of three lines having a minimum of 12 inches on each edge and a minimum of 6 inches in the center. The lines must be within one inch of the true center of the length of the panel.

(iv) *Tensile strength.* Minimum tensile strength shall be 125 pounds per inch average in the warp direction and 100 pounds per inch average in the weft direction. Ten samples shall be tested in each direction for this determination and no single test shall be more than 10 pounds per inch below the specified average.

(v) *Elongation.* Fabric shall have an elongation to break of not less than 15 percent average in both warp and weft directions. Ten samples shall be tested in each direction for this determination and no single test value shall be below 12 percent.

(vi) *Selvage.* Each outer edge of the fabric shall be a tucked selvage or natural selvage containing not less than the number of warp ends prevalent in the body of the fabric. A heat cut selvage will not be acceptable. Ends of cut sheets and spiral sewn bags must be finished by heat cutting to give a pin test value of at least 40 pounds per inch.

(vii) *Air permeability.* The fabric in an unstressed state must permit not less than 5 cubic feet per minute per square foot, nor more than 50 cubic feet per minute per square foot of air flow.

(viii) *Weathering resistance.* The fabric shall retain not less than 70 percent of its original tensile breaking strength after 1,200 hours exposure to accelerated weathering.

(4) *Coatings.* Any coating added to the fabric to reduce gloss, fibrillation, slippage, or for other technical reasons, shall be as stable as the fabric to which it has been applied when exposed to accelerated weathering. Such coating must not adversely affect cotton which it is to contact.

(5) *Minimum panel size.* (i) Each panel of bagging must be not less than 52 inches in width and 114 inches in length for use on nonmodified flat presses (28 inch width bales).

(ii) Each panel of bagging must not be less than 49½ inches in width and 114 inches in length for use on modified flat presses (25 inch width bales).

(iii) Each panel of bagging must not be less than 44 inches in width and 100 inches in length for use on gin standard density bales.

(iv) Each panel of bagging must be not less than 44 inches in width and 96 inches in length for use on gin universal density bales.

(6) *Additional specifications for spiral sewn bags.* Spiral sewn polypropylene bags must meet the following requirements:

(i) Fabric shall conform to the specifications for woven polypropylene fabric specifications.

(ii) The fabric from which each bag is sewn shall be a minimum of 60 inches in width.

(iii) The bag size must be tailored to individual bale size at each location. Bags shall fit bales tightly, but must be large enough to minimize bursting and long enough to completely cover and secure heads of bales.

(iv) Seams must be sewn in accordance with the following: Type SSN–1, SSA–1, and LSA–1, Seam, type 401 stitch, minimum four stitches per inch, and 9/12 or 5/12 cotton thread, or 1,000 denier polypropylene thread meeting ultraviolet inhibitor concentration requirements of paragraph (h)(2)(iii) of this section, with breaking strength of 5 grams per denier. Sewn seams at bottom of bags must be a minimum of three-fourths inch from heat cut edges and be of type SSA–1.

Color of polypropylene sewing thread shall be white or natural color inherent in meeting ultraviolet inhibitor specs.

(7) *Additional requirements for half-bag panel combinations.* Half-bag panel combinations must meet the following requirements:

(i) Fabric shall conform to specifications for woven polypropylene fabric specifications.

(ii) The half-bag size must be tailored to individual bale size at each gin location.

(A) *Flat presses.* For flat presses each half-bag shall be not less than 36 inches in depth and each panel shall be not less than 48 inches in width and 112 inches in length.

(B) *Gin universal presses.* For 54 inch by 20 inch gin universal presses, each half-bag shall be not less than 32 inches in depth and each panel shall be not less than 40 inches in width and 98 inches in length. For 50 inch by 20 inch presses, each half-bag shall be not less than 34

inches in depth and each panel shall be not less than 40 inches in width and 96 inches in length.

(C) *Gin standard presses.* For gin standard presses, each half bag shall not be less than 40 inches in width and 100 inches in length.

(iii) Seams must be sewn in accordance with the following: Type SSN–1 seam, type 401 stitch, minimum four stitches per inch, and 4/12 or 5/12 cotton thread or 1,000 denier polypropylene thread meeting ultraviolet inhibitor concentration requirements of paragraph (h)(2)(iii) of this section, with breaking strength of 5 grams per denier. All cuts shall be heat cut or shall be rolled to prevent raveling.

(8) *Identification markings.* Each panel and/or spiral sewn bag must have the name or trademark of the fabric manufacturer (that is, the company weaving the material) suitably printed no more than 36 inches apart in the center of each panel. Each identification mark shall be at least three-fourths inch in height but not more than one inch in height. The identification markings shall be placed on record with the Cotton Industry Bale Packaging Committee and CCC. White ink shall be used for printing logos and centering marks.

(9) *Inspection and certification requirements—(i) Responsibility for inspection.* The fabric manufacturer and the supplier are both responsible for performance of all inspection requirements as specified herein. They may use their own or any other facilities suitable for the performance of such inspection requirements, unless such facilities are disapproved by the Cotton Industry Bale Packaging Committee or CCC.

(ii) *Right to perform inspection or testing.* Reasonable inspection or tests deemed necessary may be performed by the Cotton Industry Bale Packaging Committee and/or CCC to assure that materials conform to prescribed specifications.

(iii) *Inspection or testing expense.* Expense for such inspection or testing shall be borne by the fabric manufacturer or supplier.

(iv) *Certification required by the Cotton Industry Bale Packaging Committee.*—(A) *Submission of samples.* All manufacturers of polypropylene must submit samples to a private testing laboratory selected by the Cotton Industry Bale Packaging Committee or CCC for certification that materials meet all prescribed specifications.

(B) *Approved list.* Upon receipt of testing results, the Cotton Industry Bale Packaging Committee will publicize throughout the cotton industry a list of approved manufacturers and their trademarks.

(C) *Responsibility for components and materials.* The fabric manufacturer shall be responsible for insuring that fabrics are manufactured, examined and tested in accordance with approved specifications and standards. The bag fabricators shall be responsible for insuring that specifications for seams, cutting and sizes are met. Where spiral bags are fabricated by manufacturers other than the supplier of basic fabric, the fabricator's name or trademark shall appear on each pattern in addition to the fabric manufacturer's name or trademark. The bag fabricator, when other than the fabric manufacturer, shall register the the name or trademark with the National Cotton Council's Bale Packaging Committee and such list shall be furnished to ASCS.

(D) *Certification of fabric furnished.* Fabric manufacturers shall certify to customers that the fabric furnished has been manufactured in the United States from yarn and resins produced in the U.S. for use as cotton bale covers, and which meet the material specifications herein, and that the manufacturer is on the Cotton Industry Bale packaging Committee's approved list.

§ 1427.1904 Official tare weights.

The following table shows official CCC tare weights for various combinations of approved wrapping material. CCC will not accept any bales for loans which carry a tare weight different than the one shown below:

Tares for 1981 Crop

Wrapping Materials	Bale ties[6]	
	Wire	High tensile steel strapping
Woven polypropylene[1]	5	6
Polyethylene[2]	6	7
Burlap spiral bags, cotton[3]	7	8
T–2 jute[4]	10	11
Compact and selvage jute bagging[5]	12	13

[1] Woven polypropylene can be identified by its pale yellow color. This category includes all patterns of polypropylene including two sheets, half-bag/sheet combinations and spiral sewn bags. Such material must meet all other requirements in § 1427.1903(h).

[2] Polyethylene bags can be identified by the clear color. The total tare weight is printed on the bag. Such material must meet all other requirements in § 1427.1903(g).

[3] Burlap spiral bags can be identified by the lightweight burlap fabric sewn to form a bag which completely encloses a bale. Cotton bagging is any package material made from all cotton fiber. Bagging must meet all other requirements for that type of bagging set forth in § 1427.1903(e) and (f).

[4] T–2 jute bagging can be identified by the red marker yarn in the center of each pattern.

[5] Compact jute can be identified by the dark blue or green center marking yarns of each panel of bagging. Selvage jute is commonly referred to as sugar bagging and can be identified by seams and markings indicating that the material was previously used for other commodities. Such bagging must meet all other requirements as set forth in § 1427.1903(b) and (c).

[6] Wire or strapping includes all wire or high tensile steel strapping other than conventional hot rolled steel ties with buckles and must meet all applicable requirements in § 1427.1902 (b) and (c).

§ 1427.1905 Test methods.

The following testing methods will be used by CCC in determining whether bagging and bale ties and buckles or fasteners used to package cotton tendered for CCC loans beginning with the 1980 crop of cotton meet the above specifications. Except for polyethylene shrink-pack bags, spiral sewn burlap bags, cotton bags, and bagging manufactured from polypropylene material, each sample of bagging selected for testing will consist of one-half pattern. (Each sample of polyethylene shrink-pack bag and spiral sewn burlap bag and cotton bag will consist of one bag polypropylene material selected for testing and will consist of a minimum of ten randomly selected panels or spiral sewn bags or an equivalent amount of flat goods in cases where the material is tested before it is in panel or spiral sewn bag form.)

(a) *Weight and strength of bale ties and buckles.* For high tensile steel strapping, a given number of feet of strapping will be weighed to determine the number of feet of strapping per pound. Breaking strength and joint strength tests will be made only when determined to be necessary.

(b) *Length.* The length of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device. The sample will be laid out flat on a smooth horizontal surface and the length measured. Both selvages for jute and cotton panels will be measured and the length of each side of polyethylene shrink pack bags will be measured. The length of the sample will be the average of the two measurements rounded to the nearest inch. Jute and cotton measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in ASTM–D–1776–62–T.

(c) *Width.* The width of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device and will include the selvages. The sample will be laid out flat on a smooth horizontal surface and the measurements made perpendicular to the lengths (selvages in the case of jute and cotton). Three width measurements will be taken on each sample. One measurement will be made at the center of the sample and two other measurements will be made approximately 12 inches in from each end of the sample. The average of the three measurements, rounded to the nearest inch, will be the width. For compact center type new jute, the compact center shall be measured

between the outer edges of the outermost yarns in the more compact area. The loosely woven edges shall be measured from the outer edge of the outermost warp yarn of the compact area to the outside edge including selvage. Three width measurements will be taken at locations described above for other width measurements and averaged. Jute and cotton measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in ASTM–D–1776–62–T.

(d) *Warp yarn count.* For new jute (except for the compact center type new jute), T–2 jute and woven cotton bagging, the number of warp ends in the width of the sample including the selvages will be counted at each end of the sample. The average of the two counts will be divided by the width, as determined above. This figure will be multiplied by 12 to determine warp yarns per 12 inches of bagging or by 40 to determine warp yarns per 40 inches of bagging. For compact center type new jute bagging, the number of warp ends in the denser center area will be counted at each end of the sample and averaged. The average of the two counts will be the warp yarn count for the compact center section. The number of warp ends in the outer edges will be counted at each end and at each edge including selvages and averaged. The average of the two counts will be the warp yarn count for the outer edges. For polypropylene bagging, the number of warp ends in a 12 inch width of the sample will be counted. This figure will be divided by 12 to determine the warp yarns per inch of bagging.

(e) *Weft yarn count.* The number of weft (filling) yarns over a measured length of 36 inches on each sample of new jute, and woven cotton bagging will be counted. The number counted divided by 3 will be the weft yarn count per 12 inches. For polypropylene bagging, the number of weft ends in a 12 inch length of the sample will be counted. This figure will be divided by 12 to determine the weft yarns per inch of bagging.

(f) *Weight of bagging.* The weight of bagging, except for polypropylene material, will be determined by weighing on suitable accurate scales, and the weight per pattern will be determined to the nearest one-tenth pound. Several patterns (or bales of bagging patterns) may be weighed simultaneously and the weight averaged. The weight for jute bagging will be calculated on the basis of 13.75 percent moisture content (not moisture regain) and for cotton bagging on the basis of 8.5 percent moisture content (not moisture regain). (Polypropylene fabric weight will be determined as prescribed in subparagraph (k)(3) of this section.)

(g) *Wale count of warp knitted cotton bagging.* The number of wales or ribs running lengthwise of the sample from warp knitted cotton bagging will be counted over a measured width (relaxed state) of 12 inches on each sample. The number counted divided by 12 will be the wale count per inch.

(h) *Course count of warp knitted cotton bagging.* The number of courses or loops which form a line horizontal to the wales or ribs will be counted over a measured length (relaxed state) of 12 inches on each sample of warp knitted cotton bagging. The number counted divided by 12 will be the course count per inch.

(i) *Additional tests on warp knitted cotton bagging.* Elongation or stretch properties of warp knitted cotton bagging will be tested at one pound per inch static load using methods as specified in ASTM–D–2594. Bursting strength will be tested on an approved type of constant rate of traverse machine equipped with a bursting attachment (ball burst) as specified in ASTM–D–231.

(j) *Additional tests for polypropylene material.* The gauge and gauge tolerance of polypropylene material shall be tested in accordance with ASTM–D–374. The tensile strength and elongation shall be tested in accordance with ASTM–D–882–67. Impact resistance should be tested in accordance with ASTM Method B 1709–67 slip characteristics in accordance with ASTM–D–1894. The ratio of machine direction shrink to transverse direction shrink will be calculated in accordance with ASTM–D–2732.

(k) *Additional test procedures for polypropylene material.*—(1) *Yarn dimensions.* Polypropylene material shall also be tested as follows: Yarn dimensions will be tested as specified in ASTM–D–3218–73T.

(2) *Inhibitor concentration.* Yarn shall be removed from the warp direction of each test sample and analyzed for ultraviolet inhibitor concentration by following applicable analytical test procedure as specified in method Military—B 52472B (ME) paragraph 4.4.2.7.2.2. atomic absorption method. Specimen yarns shall likewise be removed from the weft or fill direction and tested for inhibitor concentration. Values obtained less than 0.1 percent nickel as metal for the inhibitor in either warp or weft direction of the fabric shall be deemed nonconformance and constitute failure of this test.

(3) *Fabric weight.* The fabric weight per square yard shall be determined as specified in Federal Test Method Standard No. 191, method 5041.

(4) *Tensile strength and elongation.* A minimum of ten randomly selected samples will be tested for tensile strength and elongation to break at standard conditions and in accordance with Federal Test Method Standard No. 191.

(5) *Accelerated weathering—(i) Preparation of specimens.* The sample unit will be one finished panel or spiral sewn bag or an equivalent amount of flat goods. Three swatches 4 inches by 12 inches shall be cut from each principal direction (warp and weft) of the fabric. Each swatch shall be cut into two 4 inch by 6 inch test specimens: One specimen to be used for initial break strength and the other specimen to be used for break strength after accelerated weathering. The specimens shall be marked to indicate which are cut with the long dimension in the warp direction and which have the long dimension in the weft direction.

(ii) *Initial tensile breaking strength.* The marked control specimens shall be conditioned for 24 hours at the standard condition specified in Federal Test Method Standard No. 191 and shall be tested for breaking strength in accordance with Federal Test Method Standard No. 191, method 5100.1. The result shall be averaged for specimens in warp direction and averaged for specimens in weft direction and the averages shall be recorded as the initial breaking strength in warp and weft directions. An average in warp of less than 125 pounds or less than 100 pounds in the weft direction shall constitute failure of this test.

(iii) *Breaking tensile strength after accelerated weathering.* The balance of the specimens shall be tested in accordance with Federal Test Method Standard No. 191, method 5804 for not less than 1,200 hours, except that the black panel temperature shall be maintained at 155 degrees fahrenheit (F), plus or minus 3 degrees F. The black panel temperature shall be read during the final 10 minutes of a cycle just before the water spray period starts. At the completion of 1,200 hours exposure to accelerated weathering, the specimens shall again be conditioned for 24 hours at the standard conditions specified in Federal Test Method Standard No. 191. After conditioning, the exposed specimens shall be tested for breaking strength in accordance with Federal Test Method Standard No. 191, method 5100.1. An average breaking strength of less than 70 percent of the

initial average breaking strength recorded for its respective warp or fill yarn direction shall constitute failure of this test.

(6) *Ends of heat cut sheets and/or spiral sewn bags.* Heat cut ends of cotton bale cover sheets and spiral tubing shall be evaluated for heat cut strength as specified in ASTM Method D 751. Pin test values of less than 40 pounds, as per this method, shall constitute failure of this test.

(7) *Air permeability.* The fabric shall be tested for air permeability as specified in ASTM D 737–46. Air permeability values of less than 5 or more than 50 cubic feet per minute per square foot will constitute failure of this test.

(l) *Additional test procedures for T2 type new jute bagging.* Tensile strength, breaking load shall be determined for T2 type new jute bagging by a ravel strip method. Strip tests shall be performed on a pendulum type strength tester (or equivalent) having a constant rate of traverse operated at 46 cm (18 inches) per minute, with test specimen dimensions between the grips of the tester being 20 cm by 10 cm.

Signed at Washington, D.C. on August 13, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

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FEDERAL HOME LOAN BANK BOARD

12 CFR Part 532

[No. 81-460]

Ownership of NOW Accounts; Interpretive Ruling

August 13, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final interpretive rule.

SUMMARY: The Federal Home Loan Bank Board is adopting an interpretive rule regarding the eligibility of individuals and organizations to hold NOW accounts at member institutions. The rule permits the following entities to own NOW accounts: (1) one or more individuals, even if the funds deposited in the account come from a sole proprietorship business or an unincorporated business owned by a husband and wife, and (2) all private and government organizations not operated for profit.

EFFECTIVE DATE: August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202–377–6444).

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation and Monetary Control Act of 1980 authorized depository institutions nationwide to offer NOW (negotiable order of withdrawal) accounts beginning December 31, 1980. (Sec. 303, Pub. L. 96–221, 94 Stat. 132 (1980), 12 U.S.C. 1832.) This statutory authority restricts NOW accounts to:

> Deposits or accounts which consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit. (12 U.S.C. 1832(a)(2).)

On September 30, 1980, the Board adopted regulations regarding NOW accounts which contain eligibility criteria substantially identical to those quoted above. (Res. No. 80–613, 45 FR 66781, Oct. 8, 1980.) Section 526.1(l) of the Board's Federal Home Loan Bank System regulations provides:

> The [NOW] account must consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit. (12 CFR 526.1(l).)

By Resolution No. 81–295 of May 29, 1981 (46 FR 30113, June 5, 1981), the Board expressed its intent to promulgate a clarifying interpretive rule regarding the scope of the above-quoted statutory and regulatory language. The Board solicited public comment to assist in determining the appropriate scope of the eligibility criteria, and outlined interpretive issues regarding the nature of a "beneficial interest," the definition of "organization," the meaning of the term "other similar purposes," and the eligibility of government entities.

The Board received 108 comment letters. Eighty-six were from member savings and loan associations, 8 from thrift trade associations, 4 from government entities, 3 from hospital trade associations, 2 from commercial bank trade associations, 2 from mutual savings banks, and 1 each from a commercial bank, a farmers' trade association, and a savings and loan service corporation. An analysis of these comments, together with the Board's response, follows:

1. "Beneficial interest." The threshold issue regarding eligibility to hold a NOW account is which individuals or organizations hold "the entire beneficial interest" in the deposited funds. In its request for comments, the Board noted that the Office of General Counsel has previously interpreted the term "beneficial interest" to include: (1) The interests of beneficiaries in fiduciary situations such as trusts and decedents' estates; (2) beneficial ownership interests arising under property law; and (3) interests in specific property arising out of a contract such as an escrow agreement.

One commenter suggested that the funds of a professional corporation should be deemed beneficially owned by the professional(s) who own(s) stock in the corporation. Although the Board does not necessarily disagree with the policy reasons underlying this suggestion, it notes that such an interpretation is precluded by legislative history indicating that 12 U.S.C. 1832(a)(2) is intended to permit only *nonprofit* corporations to hold NOW accounts.

Most of the commenters who addressed the issue agreed that previous interpretations by the Office of General Counsel adequately define the term "beneficial interest." Some commenters suggested that the term should include the interests of individuals under pension, profit-sharing, and retirement plans, and under escrow agreements; however, these interests are covered by the third category of beneficial interest described above. Since there appears to be no need for clarification of the term "beneficial interest," the Board has decided not to address this issue in its final interpretive rule.

2. "Individuals" vs. "organization." When applying the NOW account eligibility criteria, a member institution must determine whether the would-be account holder is an "organization." The distinction is important because an organization must also meet the nonprofit test. In accordance with common legal usage, the Board has previously interpreted the term "organization" to include "a corporation, government or governmental subdivision or agency, business trust, partnership or association, or any other legal or commercial entity." (Preamble, Res. No. 80–613, *supra; see* U.S.C. 1–201(28).)

a. Government entities. In response to the Board's specific request for comment, 23 commenters agreed with the Board's interpretation of the term "organization" to include government entities, while no commenters opposed such an interpretation. Accordingly, the Board has determined to adhere to its current interpretation.

b. Sole proprietorships. Sole proprietorships have not traditionally

been considered "organizations" with an existence independent of their sole proprietors. The Board has previously construed "organization" to exclude sole proprietorships on the basis of this traditional rule, and also because it would be impracticable for a member institution to determine whether funds in an individual's NOW account are funds used in his or her sole proprietorship business.

Seventy-five commenters concurred in the Board's previous interpretation, while only two disagreed. The dissenting commenters pointed to Congress' intent to keep business funds out of NOW accounts. However, the ultimate expression of Congressional intent is found in the explicit wording of 12 U.S.C. 1832(a)(2), which merely prohibits business *organizations* from opening NOW accounts. In keeping with the traditional legal treatment of sole proprietorships, and in the interest of avoiding a rule that would be difficult or impossible to enforce, the Board has decided to treat sole proprietorship funds as beneficially owned by an individual, not an organization.

c. Partnerships. Seven commenters suggested that a partnership should be eligible to hold a NOW account if all the partners are individuals. There is a split of authority regarding whether a partnership is a legal entity with an existence separate from its partners. The Board did not specifically request comment on the issue of partnership eligibility in its May 29 resolution, and it believes the issue warrants further consideration. Accordingly, by a separate resolution published in this issue of the **Federal Register**, the Board is soliciting comment on this question. Until a final interpretive rule is issued, the Board's present rule that for-profit partnerships are ineligible to hold NOW accounts remains in effect.

d. Husband and wife unincorporated businesses. An unincorporated business owned by a husband and wife might constitute a partnership in one state and a sole proprietorship in another, depending on marital property laws. Interpretation of the terms of a federal law is a question of federal law, and federal laws should be applied with a view to uniform results in the same fact situations. Thus, the Board has previously permitted funds of an unincorporated business owned by a husband and wife to be deposited in a NOW account without regard to whether state law treats the business as a sole proprietorship or a partnership.

Fifty-three of 54 commenters who addressed this issue endorsed the Board's approach. The other commenter suggested that the rule should not apply if a married couple have entered into a written partnership agreement. The Board has decided against adopting this suggested modification. A husband and wife in a community property state might have property interests in a sole proprietorship business comparable to those of a married couple in another state who have executed a partnership agreement; the Board believes the eligibility criteria should yield uniform results in both situations. Therefore, the Board has retained the existing husband and wife unincorporated business rule without modification.

3. Qualifying purposes for organizations. Organizations are eligible to hold NOW accounts if they are "operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and * * * not * * * for profit." (12 CFR 526.1 (l).) One possible interpretation of this language is that the term "other similar purposes" suggests those purposes usually served by nonprofit organizations. A more restrictive alternative is to treat the qualifying purpose language as imposing a separate criterion in addition to the nonprofit test.

Thirty-eight commenters recommended that all nonprofit organizations be eligible to hold NOW accounts. The Board believes this interpretation is desirable and appropriate, for three reasons. First, this approach seems most consistent with the Congressional intent expressed in the legislative history of 12 U.S.C. 1832(a)(2). Transcripts of floor debates and committee hearings reveal that the Federal legislators considering H.R. 4986 wished to limit NOW accounts to "individuals and nonprofit organizations," to the exclusion of commercial entities. This suggests that the vague phrase "religious, philanthropic, charitable, educational, or other similar purposes" was meant to refer to the types of purposes generally served by nonprofit entities, and may explain why Congress did not provide more explicit guidance regarding the meaning of that phrase. Second, this interpretation should prove easiest to apply in practice. Third, a broad interpretation is most consistent with the deregulatory purpose underlying the Depository Institutions Deregulation and Monetary Control Act of 1980. In light of these considerations and the benefits that will result to the industry and its customers, the Board has decided not to prohibit members from offering NOW accounts to any nonprofit organizations.

Nineteen commenters suggested that all organizations, including those operated for profit, should be eligible. The Board does not necessarily disagree with the policy reasons given by these commenters, but notes that such authority would be possible only if Congress amends 12 U.S.C. 1832(a)(2) to permit NOW accounts for business organizations.

Ten commenters recommended looking to income tax exemption language under 26 U.S.C. 501(c) (3)–(13), (19), and 528 as proof of eligibility, as proposed by the Federal Reserve Board for purposes of interpreting NOW account eligibility criteria in its regulations; *see* 46 FR 22600, April 20, 1981. The Board does not believe this presents an adequate solution to the interpretive problem. First, in adopting the eligibility criteria at 12 U.S.C. 1832(a)(2), Congress did not indicate an intent to make NOW account eligibility dependent upon tax exemption, much less restrict eligibility to the limited types of tax exempt organization cited above. Second, deeming the tax provisions cited as the exclusive criteria for NOW account eligibility is inconsistent with the clear language of 12 U.S.C. 1832(a)(2). Certain of the tax provisions in question apply only to organizations operated "exclusively" or "solely" for purposes stated therein; however, section 1832(a)(2) applies to any organization operated "primarily" for requisite purposes. Third, if the tax code provisions cited are not deemed the exclusive criteria for NOW account eligibility, member institutions will still have the problem of determining whether organizations not qualifying thereunder are nevertheless eligible as operated primarily for a requisite purpose. The Board has thus concluded that this suggested approach is inconsistent with Congressional intent and would not be easy to administer if given non-exclusive effect.

Three commenters opined that the Board's prior case-by-case interpretations of the eligibility criteria already give sufficient guidance to the industry and public. In addition, 6 commenters wrote to request that certain types of organizations, such as hospitals and condominium associations, be added to the list of eligible organizations. The Board believes, however, that a final interpretive rule stating general principles of eligibility is necessary to aid future interpretation by member

institutions, the public, and the Board, and that such an approach will be more useful than a "laundry list" of eligible organizations.

4. Government entities. The eligibility criteria have historically been interpreted to include at least some government entities as organizations operated for the requisite purposes and not for profit. The primary interpretive issue is whether the phrase "other similar purposes" includes all governmental purposes, or only certain types of governmental activities.

Forty-five commenters recommended that all government entities be eligible to hold NOW accounts. In addition, six commenters opined that the same eligibility criteria that apply to private organizations should be applied to government entities. The Board agrees with these comments and believes that all government entities that are not operated for profit fall within the intended scope of the eligibility criteria. Government entities, as "organizations," should be eligible to the same extent as private sector organizations. As discussed above, the Board has construed the qualifying purposes language to include all nonprofit organizations. There is no basis in the legislative history of 12 U.S.C. 1832(a)(2) for denying NOW accounts to nonprofit government entities; as mentioned earlier, the primary intent of Congress was to preclude commercial NOW accounts. Since Congress did not expressly restrict the term "other similar purposes" to exclude governmental purposes, an interpretation of the eligibility criteria to include government entities is both reasonable and consistent with the deregulatory intent underlying the 1980 amendment of 12 U.S.C. 1832(a)(2). The Board believes this interpretation will benefit member institutions, their public unit customers and taxpayers in general.

One commenter supported an interpretation of the eligibility language, proposed by the Federal Reserve Board, that NOW accounts may only hold those government funds used for schools, libraries, colleges, universities, or hospitals or other medical facilities. (*See* 46 FR 22600, April 20, 1981.) Another commenter expressly opposed this proposed interpretation. The Board believes such an interpretation is unduly restrictive. The qualifying purposes of the eligibility criteria include more than just educational and charitable purposes; there is no basis in the legislative history or the statutory language for applying the qualifying purposes test more restrictively to government organizations than to private organizations.

The Board notes that government organizations operaterd on a for-profit basis are precluded by 12 U.S.C. 1832 from owning NOW accounts. Thus, government and quasi-governmental entities such as the Federal Home Loan Banks and the Federal Home Loan Mortgage Corporation that are operated for profit must be deemed ineligible.

Because this is an interpretative rule, and because it relieves existing restrictions and serves the interest of prompt deregulation, it is exempt from the advance publication requirement of 5 U.S.C. 553(d). In accordance with Recommendation No. 76-2 of the Administrative Conference of the United States, this interpretive rule will be preserved in the *Code of Federal Regulations.*

Accordingly, the Board hereby amends Part 532, Subchapter B, Chapter V of Title 12, *Code of Federal Regulations,* as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 532—BOARD RULINGS

Add a new § 532.2, to read as follows:

§ 532.2 Ownership of NOW accounts.

Section 526.1(l) of this chapter authorizes member institutions to offer NOW accounts, which "must consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit." The Board has interpreted this language to permit the following types of funds to be deposited in a NOW account:

(a) funds beneficially owned by one or more individuals, including funds of a sole proprietorship business;

(b) funds of an unincorporated business owned by a husband and wife; and

(c) funds beneficially owned by any private or government organization that is not operated for profit.

(Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980); 12 U.S.C. 1437, 1464, 1724, 1725, 1726, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

Dated: August 13, 1981.

Malcolm Draper, Jr.,

Assistant to the Chairman.

[FR Doc. 81-24342 Filed 8-19-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-49-AD, Amdt. 39-41 94]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and repair of Boeing Model 727 series airplanes having cold bonded upper body skin tear straps. Airlines using the ultrasonic inspection techniques for detection of tear strap delamination recommended by the manufacturer have found a significant number of occurrences of such delamination. These straps act to arrest the progression of longitudinal skin cracks. Delamination degrades the tear strap function and could result in rupture of the fuselage skin due to fatigue cracks and subsequent rapid decompression of the cabin.

DATE: Effective date September 25, 1981.

ADDRESSES: Boeing Service Bulletins specified in this Airworthiness Directive may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents are also contained in the rules docket, Office of the Regional Counsel, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Don Gonder, Airframe Branch, ANW-120S, Seattle Aircraft Certification Area Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring inspection and repair of Boeing Model 727 series airplanes having cold bonded upper body skin tear straps was published in the **Federal Register** at 45 FR 74496, November 10, 1980.

The proposal was prompted by the following history. The 727 upper body tear straps are circumferential structural members which in the event of a crack developing in the upper body skin provide a fail-safe capability against pressure vessel rupture. Properly functioning straps stop the progression of longitudinal cracks in the upper body.

limiting the maximum possible rupture size. To function properly the straps must be continuously attached (within specified limits) to the upper body skin. This is accomplished with an adhesive bond. The 727's in which a cold bond manufacturing process has been used for attachment have had a history of adhesive bond degradation and skin/strap delamination. Recent inquiries made by the FAA show such delamination is a widespread problem and for some airplanes can be very extensive.

Boeing has published a service bulletin (No. 727–53–82) which recommends periodic ultrasonic inspection of tear straps and methods of repair if delamination is found. Some airplane operators have incorporated the ultrasonic inspection into their aircraft maintenance program. Those who do use the ultrasonic inspection have reported delamination requiring repair on roughly half of the airplanes inspected. One operator reported an aircraft having thirty delamination locations which required repair. Operators using inspection methods other than ultrasonic have had less success detecting delaminations.

For these reasons the FAA proposed making the ultrasonic inspection mandatory.

Interested persons have been afforded an opportunity to participate in the making of the amendment. In response the Air Transport Association of America (ATA) submitted comments on behalf of its member airlines. One commenter believes the AD action is not justified by the service experience. The FAA does not concur. Reports from operators who have inspected using the ultrasonic method show a substantial disbond problem justifying the AD action.

The majority of the airlines commented that the 6-month initial inspection compliance time was too restrictive and would place and undue burden on the airlines. Desired compliance times given by the airlines ranged from 12 to 18 months. The FAA finds, based on the Model 727 service history, and the manufacturer's recommendation a 14-month compliance time can be accommodated without degrading safety; and the rule, as adopted, permits this.

Most of the airlines also requested the repeat inspection interval be relaxed. Suggested intervals ranged from 15 months to 5 years. One commenter stated that the repeat inspection should not be required. Another commenter stated that the repeat inspection should not be required if no disbond is found during the initial inspection. Pending the accumulation of sufficient additional data to show that the disbonding is not a continuing problem after the initial inspection, the rule, as adopted, requires repeat inspections at intervals not to exceed 24 months.

Several commenters requested that the installation of blind fasteners to repair disbonded tear straps be changed from a temporary to a permanent method of repair. Boeing has revised their Service Bulletin No. 727–53–82 to allow this change. The FAA concurs; and the rule, as adopted, permits the use of blind fasteners as a permanent repair.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, the Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Boeing: Applies to all Model 727 series airplanes, certificated in all categories, listed as Group I and Group II in Boeing Service Bulletin No. 727–53–82, Revision 3, dated June 19, 1981, or later FAA approved revisions.

Compliance required as indicated.

To detect delamination of the upper body skin bonded tear straps from Fuselage Station 277 to Station 1130 and to correct the delaminated condition accomplish the following unless previously accomplished:

A. Within fourteen (14) months from the effective date of this AD, inspect the upper body skin bonded tear straps for delamination from the body skin in accordance with the ultrasonic inspection procedures of Boeing Service Bulletin No. 727–53–82, Revision 3, or later FAA approved revision.

B. Within 24 months from the initial inspection, reinspect as directed by paragraph A and in accordance with the following schedule:

1. Repeat inspections for Group I airplanes starting with Zone I, alternating between Zones I, II, and III at 24 month intervals in accordance with Boeing Service Bulletin No. 727–53–82, Revision 3, or later FAA approved revisions.

2. Repeat inspections for Group II airplanes alternating between Zones I and II at 24 month intervals in accordance with Boeing Service Bulletin No. 727–53–82, Revision 3, or later FAA approved revisions.

3. Any strap found delaminated, while inspecting a zone, must be inspected along its entire length. (e.g. stringer 14R to stringer 14L).

C. Bond delaminations outside the limits of Boeing Service Bulletin No. 727–53–82, Rev. 3, or later FAA approved revisions are to be repaired before further pressurized flight in accordance with the methods listed in Boeing Service Bulletin 727–53–82, Rev. 3, or later FAA approved revisions. Accomplishment of these repairs constitutes terminating action of this AD for the repaired area.

D. Bond delaminations within the limits of Boeing Service Bulletin No. 727–53–82, Rev. 3, or later FAA approved revisions are to be repaired as required by paragraph C of this AD or are to be ultrasonically reinspected for delamination growth at intervals not to exceed 24 months.

E. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and FAR 21.199.

F. Upon request of the operator, and subject to prior approval by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region, an FAA Principal Maintenance Inspector may adjust the compliance times if the request contains substantiating data to justify the change.

G. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective September 25, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on August 11, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-24244 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-32; Amdt. 39-4190]

Airworthiness Directives; Societe Nationale Industrielle; Aerospatiale (SNIAS) Models SA360C and SA365 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action makes effective for all persons an Airworthiness Directive (AD) that was previously made effective for all known United States owners and operators of the Aerospatiale Models SA360C and SA365 series helicopters by individual telegraphic AD T81-14-51 issued June 30, 1981. The AD requires initial and repetitive inspections and checks of the tail rotor fairing and hub body. Cracks may cause partial failure of the fairing and hub body and possible jamming or failure of the tail rotor.

DATES: Effective August 27, 1981, to all persons except those persons to whom it was made effective by telegraphic AD No. T81-14-51 issued June 30, 1981, which contained this amendment.

Compliance required as indicated in the AD.

ADDRESSES: The applicable service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

These documents may be examined at the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium. Telephone: 513.38.30 or J. H. Major, Helicopter Policy and Procedures Staff, ASW-211, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: On June 30, 1981, telegraphic AD T81-14-51 was issued and made effective immediately to all known United States owners and operators of Aerospatiale (SNIAS) Models SA360C and SA365 series helicopters. The AD required initial and repetitive inspections and checks for cracks in the tail rotor fairing and hub body. Cracks may cause partial failure of the fairing or hub body and possible jamming or failure of the tail rotor.

A modification is not presently available to eliminate the necessity for the repetitive inspections and checks. A cracked fairing or hub body must be removed before further flight.

Immediate corrective action was required. Notice and public procedure were impracticable, and good cause existed for making the AD effective immediately to all known United States owners and operators of Aerospatiale (SNIAS) Models SA360C and SA365 series helicopters by telegraphic AD T81-14-51 issued June 30, 1981. The conditions still exist and the AD, revised as noted, is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

The mandatory reporting requirement contained in the telegraphic AD has been eliminated since voluntary reporting will be sufficient. Editorial changes have been made for clarification. These changes between the telegraphic AD and this AD impose no additional burden on persons.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS). Applies to Models SA360C and SA365 Series Helicopters, certificated in all categories (Airworthiness Docket No. 81-ASW-32).

Compliance required as indicated.

To detect possible cracks in the tail rotor internal and external rotating fairing and in the tail rotor hub accomplish the following:

a. Within 5 hours' time in service after receipt of this AD for helicopters which have 45 hours' or more total time in service on the effective date of this AD, inspect in accordance with paragraphs (c) and (d) unless already accomplished, and thereafter at intervals not to exceed 50 hours from the last inspection.

b. Before reaching 50 hours' total time in service for those helicopters which have less than 45 hours' total time in service on the effective date of this AD, inspect in accordance with paragraphs (c) and (d), unless already accomplished, and thereafter at intervals not to exceed 50 hours from the last inspection.

c. Inspect visually for cracks in the tail rotor internal and external rotating fairings in the area of each blade clearance hole.

d. Inspect visually for cracks in the flange of the rotor hub body at the attaching points of the external fairing after removing the external fairing access door.

e. Following initial compliance with this AD, visually check the tail rotor internal and external rotating fairing for cracks before the first flight of each day. The pilot may conduct the check required by this paragraph.

Note.—For the requirements regarding the listing of compliance with the AD in the aircraft's permanent maintenance record, see FAR 91.173(a)(2)(V).

f. If a crack is found in the tail rotor fairing or in the rotor hub body, remove the affected part before further flight. Install a serviceable part and continue the inspections and checks.

g. Equivalent means of compliance must be approved by the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

Note.—Aerospatiale SA360/SA365 Service Bulletin No. 05.05 dated May 20, 1981, refers to these inspection and check requirements.

This amendment becomes effective August 27, 1981, to all persons except those persons to whom it was made immediately effective by telegraphic AD T81-14-51, issued June 30, 1981, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policy and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or by the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on August 6, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-24243 Filed 8-19-81; 8:45 am]

BILLING CODE 6910-13-M

14 CFR Part 71

[Airspace Docket Number 81-CE-6]

Designation of Transition Area—Atwood, Kans.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Atwood, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Atwood-Rawlins County Airport, Atwood, Kansas, utilizing the Atwood Non-Directional Radio Beacon (NDB) as a navigational aid. An editorial change is being made in the legal description to make it accurate.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Bumstead, Chief, Airspace and Procedures Section, Operations, Airspace and Procedures Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage a new instrument approach procedure to the Atwood-Rawlins County Airport, Atwood, Kansas, is being established utilizing the Atwood NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Atwood, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The last line of the legal description must be changed to read "8.5 miles north of the NDB facility" in order to coincide with the 360° radial bearing. Since this change is editorial in nature, notice and public procedure hereon are not considered necessary.

Discussion of Comments

On pages 27716 and 27717 of the **Federal Register** dated May 21, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Atwood, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rulemaking.

§ 71.181 [Amended]

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT November 26, 1981, by adding the following new transition area:

Atwood, Kansas

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Atwood-Rawlins County Airport, Atwood, Kansas (latitude 39°50'21" N, longitude 101°02'27" W), and within 3 miles each side of the 360° bearing from the Atwood NDB (latitude 39°50'23" N, longitude 101°02'30" W) extending from the 5.5-mile radius area to 8.5 miles north of the NDB facility.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on August 10, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-24279 Filed 8-19-81; 8:45 am]

BILLING CODE 6910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-8]

Alteration of Transition Area; Slidell, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Slidell, Louisiana. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Slidell Airport. This amendment is necessary to provide protection of aircraft executing a new instrument approach procedure using the Picayune VORTAC.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 4, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 24957) stating that the Federal Aviation Administration proposed to alter the Slidell, Louisiana, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, by the Administrator, § 71.181 of Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, November 26, 1981, as follows:

Slidell, Louisiana

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Slidell Airport (latitude 30°20'36" N., longitude 89°49'18" W.); and within 2 miles each side of the Picayune VORTAC 199° radial extending from the 5-mile radius area to 10 miles south of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant

preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-24273 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-9]

Designation of Transition Area; Devine, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Devine, Texas. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Devine Municipal Airport. This amendment is necessary to provide protection for aircraft executing approaches using the proposed nondirectional radio beacon (NDB) located on the airport.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 4, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 24960) stating that the Federal Aviation Administration proposed to designate the Devine, Texas, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, by the Administrator, § 71.181 of Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, November 26, 1981, as follows:

Devine, Texas

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Devine Municipal Airport (latitude 29°08'17" N., longitude 98°56'29" W.) and within 3 miles each side of the 184° bearing of the NDB (latitude 29°08'16.78" N., longitude 98°56'19.87" W.) extending from the 6.5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-24278 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 21022A; Reg. Notice No. 91-100]

Emergency Air Traffic Regulations; Update

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Update of emergency air traffic regulations.

SUMMARY: Section 91.100 of the Federal Aviation Regulations (14 CFR 91.100) requires aircraft operators to comply with emergency air traffic regulations issued under that section and covered by Notices to Airmen (NOTAMs) that are also issued under that section. This document is not itself regulatory, but provides notice of regulations already adopted and immediately effective under § 91.100, for which the FAA has also issued NOTAMs. It adds, to Notice 91-100, emergency regulations implementing Special Federal Aviation Regulation No. 44, that are necessary to respond to a shortage in air traffic control personnel.

EFFECTIVE DATE/TIME: As stated in each regulation listed.

ADDRESSES: Send comments on the listed regulations, in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21022A, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:

Comments Invited

The regulations issued under § 91.100 and listed herein are emergency final rules involving immediate air traffic requirements throughout the United States. The need for immediate regulatory response under § 91.100 is stated at 46 FR 16666, *et seq.* In issuing the regulations in this notice, the FAA has found that emergency conditions cited in § 91.100 exist or will exist and that the regulations are necessary in order to respond to those conditions in the public interest. Where necessary, these regulations may be supplemented or amended hourly, or even more frequently, as weather or other air traffic conditions change. Accordingly, good cause exists for making these regulations effective immediately, without prior notice and public procedure, other than the public notice already afforded on the draft National Air Traffic Control Contingency Plan (45 FR 75098; November 13, 1980), on the Contingency Plan adopted February 27, 1981 (46 FR 15402; March 5, 1981), and on the adoption of § 91.100 (46 FR 16666, March 13, 1981), and Special Aviation Regulation No. 44 (46 FR 39997; August 6, 1981). Comments were also invited on the emergency regulations previously published in the **Federal Register** in Notice 91-100.

Comments are invited on any aspect of the listed regulations, individually or cumulatively, and on any aspect of the emergency air traffic control conditions they respond to. When § 91.100 was issued, the FAA noted that it was an emergency regulation under Executive Order 12291 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and had no cost impact in itself since it was only procedural. However, the FAA also stated (at 46 FR 16669) that the regulations distributed in accordance with § 91.100 will be evaluated individually, as appropriate, to determine whether they have cost impacts. To assist the FAA in determining, as soon as practicable after issuance, the cost impacts of the regulations issued under § 91.100,

comments on economic impact are specifically invited.

Commenters wishing the FAA to acknowledge receipt of their comments in response to these rules must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21022A." The postcard will be date/time stamped and returned to the commenter.

Effect of Publication

When § 91.100 was issued (Amendment No. 91-175, March 9, 1981, published in the **Federal Register**, 46 FR 16666, on March 13, 1981), the FAA stated, at 46 FR 16667, that subsequent publication, in the **Federal Register**, of emergency air traffic regulations issued under that section, will provide constructive legal notice of those regulations to all persons who may not have received the NOTAMs concerning those regulations or who otherwise may not have legal notice of the adoption of those regulations. This document provides this constructive legal notice of immediately effective emergency regulations that have already been adopted. Additional emergency rules will be published periodically if the need for their adoption continues.

Availability Prior to Publication: Preflight Requirement

Since there is a necessary time lag between the issuance of emergency air traffice regulations and NOTAMs under § 91.100 and the publication of these regulations in the **Federal Register**, and since these regulations and NOTAMs respond to emergency conditions that exist, or will exist, relating to the FAA's ability to operate the Air Traffic Control System, this document also provides constructive notice that the NOTAMs concerning these regulations are available at operating air traffic facilities and Regional Air Traffic Division offices prior to **Federal Register** publication and as long as they remain effective. Under § 91.5 *Preflight Action* (14 CFR 91.5), each pilot in command is required to familiarize himself or herself with all available information concerning each flight.

Air Traffic Controller Shortage: SFAR No. 44

The emergency air traffic regulations listed in this amendment to Notice 91-100 follow the adoption, by the FAA, on August 3, 1981, of Special Federal Aviation Regulation (SFAR) No. 44 in response to the threat of a strike by Air Traffic Controllers Organization (PATCO), and subsequent organized controller action that in fact occurred. The emergency aspects of that action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To ensure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100. Emergency regulations adopted for the period August 10, 1981, through August 16, 1981, are included herein, and will be supplemented, for the indefinite future, with additional regulations until staffing levels improve.

Regulatory Impact

The FAA has determined that the regulations listed in this notice are emergency regulations under section 8(a)[1] of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to these regulations, since they are issued in response to existing or expected emergency conditions relative to FAA's ability to operate the Air Traffic Control System. It has been further determined that the listed regulations are emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If these regulations are later determined to be significant, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Notice of Adoption

Accordingly, pursuant to the authority delegated to me by the Administrator in § 91.100 of the Federal Aviation Regulations (14 CFR 91.100; 46 FR 16666, March 13, 1981) and that cited below, the following emergency air traffic regulations have been adopted, effective as stated therein, and covered by NOTAMs under that section.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)))

In consideration of the foregoing, section 2 of Notice 91-100 is hereby amended by adding the following emergency regulations following the regulation numbered FDC 1/1799.

Air Traffic Controller Shortage of 1981, and related emergency conditions (SFAR-44). Doc. No. 21022A

FDC FDC 1/1814 Emergency Flight Rules August 10, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective 101100Z to 110200Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

FDC 1/1838 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective immediately to 110400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibited are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. This cancels NOTAM FDC 1/1814.

FDC FDC 1/1843 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective 110700Z to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibited are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

FDC FDC 1/1841 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective 110700Z to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. This cancels NOTAM FDC 1/1838 FDC 1/1843.

FDC 1/1845 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective 111100Z to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. This cancels NOTAM FDC 1/1844.

FDC 1/1847 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective immediately to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/ Cleveland /ZOB/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. This cancels NOTAM FDC 1/1845.

FDC 1/1848 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective immediately to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. This change removes Cleveland /ZOB/ from FDC 1/1847. This cancels NOTAM FDC 1/1847.

FDC 1/1855 Reduction of Flight Operations Emergency Flight Rules August 11, 1981.

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100. The Director of Air Traffic Service has ordered pro rata reductions of flight operations effective at 051100 GMT as follows:

1. 50 percent at the following airports: ATL Hartsfield, BOS Logan, CIE Hopkins, ORD O'Hare, DAL Dallas-Ft. Worth Regional, DEN Stapleton, DET Metropolitan Wayne Co., FLL Hollywood International, IAH Houston Intercontinental, MCI Kansas City International, Las McCarran, LAX Los Angeles International, MIA Miami International, MSP WRID-Chamberlain, IGA Laguardia, JFK John F. Kennedy, EWR Newark, PIT Greater Pittsburgh, PHL Philadelphia International, STL Lambert, SFO San Francisco, DCA Washington National.

2. Precoordinated air carrier schedule reductions are required.

3. Exception may be issued or withdrawn by the Air Traffic Control Systems Command Center /ATCSCC/ as system capacity changes. Cancel FDC 1/1581.

FDC 1/1877 Emergency Flight Rules August 11, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service effective immediately to 120400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas: Chicago /ZAU/ New York /ZNY/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. Cancel FDC 1/1848.

FDC 1/1886 Emergency Flight Rules, August 12, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service, effective 121000Z to 130400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC area: New York /ZNY/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. Cancel FDC 1/1877.

FDC FDC 1/1888 Emergency Flight Rules, August 12, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service, effective 121000Z to 130400Z, has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC area: New York /ZNY/, Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code. Cancel FDC 1/1886.

FDC FDC 1/1892 Emergency Flight Rules, August 12, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service effective 121000Z to 130400Z has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC area: New York /ZNY/, Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air Taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. Cancel FDC 1/1888.

FDC 1/1906 Emergency Flight Rules, August 13, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 131000Z to 140400Z, Chicago /ZAU/ 131000Z to 140400Z, Fort Worth /ZFW/ 131300Z to 1401000Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. Cancel FDC 1/1892.

FDC FDC 1/1907 Emergency Flight Rules, August 13, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 131000Z to 140400Z, Chicago /ZAU/ 131000Z to 140400Z, Fort Worth /ZFW/ 131300Z to 140100Z, Denver /ZDV/ 131400Z to 131700Z, 132000Z to 140100Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. Cancel FDC 1/1906.

FDC 1/1908 Emergency Flight Rules, August 13, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 131000Z to 140400Z, Chicago /ZAU/ 131000Z to 140400Z, Fort Worth /ZFW/ 131300Z to 140100Z, Denver /ZDV/ 131400Z to 131700Z, 132000Z to 140100Z, Kansas City /ZKC/ 131300Z to 132100Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights.

Cancel FDC 1/1907.

FDC 1/1919 Emergency Flight Rules, August 13, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 132030Z to 140400Z, Chicago /ZAU/ 132030Z to 140400Z, Fort Worth /ZFW/ 132030Z to 140400Z, Denver /ZDV/ 132030Z to 140100Z, Kansas City /ZKC/ 132030Z to 140100Z, Houston /ZHU/ 132030Z to 140100Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights.

Cancel FDC 1/1908.

FDC 1/1931 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas until 140400Z. New York /ZNY/, Chicago /ZAU/. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights.

Cancel FDC 1/1919.

FDC 1/1932 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z, Chicago /ZAU/ 141000Z to 150400Z, Fort Worth /ZFW/ 141300Z to 150100Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights.

Cancel FDC 1/1931.

FDC 1/1933 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z, Chicago /ZAU/ 141000Z to 150400Z, Fort Worth /ZFW/ 141300Z to 150100Z, Houston /ZHU/ 141200Z to 150000Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations, carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. Cancel FDC 1/1932.

FDC 1/1934 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z, Chicago /ZAU/ 141000Z to 150400Z. Fort Worth /ZFW/ 141300Z to 150100Z. Houston /ZHU/ 141200Z to 150000Z. Denver /ZDV/ 141300Z to 141600Z and 142200Z to 150200Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. Cancel FDC 1/1933.

FDC 1/1936 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z, Chicago /ZAU/ 141000Z to 150400Z, Minneapolis /ZMP/ 141210Z to 141600Z, Houston /ZHU/ 141200Z to 150000Z, Denver /ZDV/ 141300Z to 141600Z and 142200Z to 150200Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. This NOTAM adds Minneapolis and deletes Ft. Worth from the list of centers with restricted operations. Cancel FDC 1/1934.

FDC 1/1937 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z. Chicago /ZAU/ 141000Z to 150400Z, Minneapolis /ZMP/ 141210Z to 141600Z, Denver /ZDV/ 141300Z to 141600Z and 142200Z to 150200Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. This NOTAM deletes Houston from the list of centers with prohibitions. Cancel FDC 1/1936.

FDC 1/1938 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or Less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 141000Z to 150400Z. Chicago /ZAU/ 141000Z to 150400Z, Minneapolis /ZMP/ 141210Z to 141900Z, Denver /ZDV/ 141300Z to 141600Z and 142200Z to 150200Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code.

3. Medical emergency flights. This NOTAM extends the effective time for Minneapolis Center. Cancel FDC 1/1937.

FDC 1/1953 Emergency Flight Rules, August 14, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Director of Air Traffic Service has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 142230Z to 150400Z. Chicago /ZAU/ 142230Z to 150400Z, Denver /ZDV/ 142230Z to 150200Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA issued call sign. Air taxi operators who do not have an FAA issued call sign shall use the authorized prefix code and shall file company name and FAA operating certificate number in the remarks section of the flight plan.

3. Medical Emergency Flights. Note . . . This NOTAM contains added flight plan filing provisions for those air taxi operators using the authorized prefix code under exclusion 2. Cancel FDC 1/1938

FDC 1/1956 Cancel FDC 1/1955

FDC 1/1957 Emergency Flight Rules, August 15, 1981

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Air Traffic Service Director has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: New York /ZNY/ 151000Z to 160400Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA-issued call sign. Air taxi operators who do not have an FAA-issued call sign shall use the authorized prefix code and shall file their company name in the remarks section of the flight plan.

3. Medical emergency flights. Note . . . This NOTAM contains added flight plan filing provisions for those air taxi operators using the authorized prefix code under exclusion 2.

FDC 1/1958 Emergency Flight Rules, August 15, 1981.

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Air Traffic Service Director has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: Chicago /ZAU/ 151000Z to 160400Z, New York /ZNY/ 151000Z to 160400Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA-issued call sign. Air taxi operators who do not have an FAA-issued call sign shall use the authorized prefix code and shall file their company name in the remarks section of the flight plan.

3. Medical emergency flights. Note . . . This NOTAM contains added flight plan filing provisions for those air taxi operators using the authorized prefix code under exclusion 2. This NOTAM adds Chicago to the list of centers with Prohibitions. Cancel FDC 1/1957.

FDC 1/1961 Cancel FDC 1/1956.

FDC 1/1962 Emergency Flight Rules, August 16, 1981.

Pursuant to Special Federal Aviation Regulation Number 44 and Federal Aviation Regulation Section 91.100, the Air Traffic Service Director has prohibited IFR operations for aircraft of 12,500 pounds or less maximum certificated takeoff weight within the following ARTCC areas during the times indicated: Chicago /ZAU/ 161000Z to 170400Z, New York /ZNY/ 161000Z to 170400Z. Excluded from the prohibition are:

1. ATC authorized tower en route control service operations.

2. Air taxi operations and commuter air carrier operations carrying passengers, mail, or cargo for revenue in accordance with FAR Part 121, 125, or 135. When filing flight plans, operators shall use their FAA-issued call sign. Air taxi operators who do not have an FAA-issued call sign shall use the authorized prefix code and shall file their company name in the remarks section of the flight plan.

3. Medical emergency flights. Note . . . This NOTAM contains added flight plan filing provisions for those air taxi operators using the authorized prefix code under exclusion 2.

FDC 1/1967 Cancel FDC 1/1962.

Issued in Washington, D.C., on August 17, 1981.

Ramon A. Alvarez,

Acting Director, Air Traffic Service.

[FR Doc. 81-24347 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket No. RM78-23]

Procedures for Refund of Louisiana First Use Tax by Primary Pipelines—Notice of Effective Date

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of effective date of interim rule.

SUMMARY: On July 17, 1981, the Commission issued Order 10–D (46 FR 38681; July 29, 1981) which amended paragraph (h)(3) of 18 CFR 154.38, effective immediately, contingent upon approval by the Fifth Circuit Court of Appeals for leave to amend Order Nos. 10, 10–A, 10–B and 10–C. Order 10–D provides procedures for the refund by primary pipelines of the Louisiana First Use Tax found invalid by the Supreme Court. The Fifth Circuit granted the Commission's leave to amend on July 31, 1981 and Order 10–D is effective as of that date.

EFFECTIVE DATE: Order No. 10–D is effective as of July 31, 1981.

FOR FURTHER INFORMATION CONTACT:

Fredrick L. Jaffe, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8150, or

John Cameron, Office of the Solicitor, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8469.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24284 Filed 8–19–81; 8:45 am]

BILLING CODE 6450–85–M

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18 CFR Parts 157 and 260

[Order No. 168; RM 80–69]

Interstate Pipeline's Annual Report of Gas Supply: Form No. 15

Issued: August 14, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) revises Form No. 15, "Interstate Pipeline's Annual Report of Gas Supply," for forms filed by April 1, 1982. The revisions include reducing the number of data elements in the form, clarifying accompanying instructions and definitions, changing the format of the statements and schedules in the form and revising the regulations which require the reporting of Form No. 15 data.

As a result of these changes, the respondent reporting requirements should be reduced by more than 50 percent.

DATE: The revisions are effective September 14, 1981 for the forms due April 1, 1982 and for the forms filed annually thereafter.

ADDRESS: Copies of Form No. 15 and the instructions for the form are available at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Wayne Thompson, Chief, Gas Supply Branch, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 4402–B, Washington, D.C. 20426, (202) 357–9077.

SUPPLEMENTARY INFORMATION:

In the matter of Interstate Pipeline's Annual Report of Gas Supply: Form No. 15.

The Federal Energy Regulatory Commission (Commission) revises Form No. 15,[1] "Interstate Pipeline's Annual Report of Gas Supply" (previously entitled, "Annual Report of Gas Supply for Certain Natural Gas Pipelines") and the related regulations at 18 CFR 157.14, 260.7 and 260.7a. These revisions are a part of the Commission's ongoing program to review and evaluate all of the data which are required by the Commission for its regulatory purposes and to eliminate unnecessary reporting requirements. The changes resulting from this rulemaking should reduce respondent burdens by more than 50 percent.

I. Background

A. Description and Uses of Form No. 15

Form No. 15 is prescribed in § 260.7 of the Commission's regulations, and is collected pursuant to the Commission's authority under section 10 of the Natural Gas Act (15 U.S.C. 717–717w).[2] The form prescribes information to be given on an annual basis concerning the total gas supply of each pipeline under the jurisdiction of the Commission.[3] The gas supply information includes a pipeline company's owned reserves, producer contracts for which the producer has received a certificate to sell the gas to the pipeline,[4] gas purchase contracts with other jurisdictional pipelines,[5] purchases of gas from foreign suppliers, purchases of Liquefied Natural Gas (LNG), Synthetic Natural Gas (SNG), coal gas, and short-term or other purchases over which the Commission has regulatory authority.

The data collected in Form No. 15 are used: (a) in considering gas supply issues in certificate applications and curtailment cases; (b) to perform depreciation analyses in rate cases; (c) to make determinations about new or increased sales of natural gas, extensions of facilities, or abandonment of service; and (d) as the basis for the annual publication, "Gas Supplies of Interstate Natural Gas Pipeline Companies."

B. History of Proceedings

The proceedings to revise Form No. 15 in this docket were initiated by a Notice of Proposed Rulemaking issued on August 7, 1980 (45 FR 54082, August 14, 1980). The notice proposed changes to Form No. 15 to: (1) delete data elements which are no longer necessary to the Commission's regulatory functions, (2) make the form more concise, (3) clarify the instructions, (4) clarify and update the definitions, and (5) modify the magnetic tape procedures. The notice also proposed revisions to the Commission's regulations at §§ 260.7 and 260.7a to clarify those regulations and to reflect the changes proposed for the form.

The majority of commenters to the notice[6] favored the proposed deletions of data elements contained in the notice. However, comments also stated that the proposed requirements for data submission, as well as some of the proposed instructions and definitions, would *increase* reporting burdens. Finally, the commenters suggested that a conference between Commission staff and interested persons should be held to discuss various other clarifications and revisions to the form.

As a result of these comments, the Commission issued an Interim Rule of November 6, 1980 (45 FR 75192, November 14, 1980). This Interim Rule deleted those items proposed for elimination in the August Notice of Proposed Rulemaking. (*See* Interim Rule, pp. 7–10 and Attachment A.) These data were not therefore, required in the next filing of Form No. 15 (due April 1, 1981). The Interim Rule also provided for a series of informal public meetings at which further changes to the form were to be discussed.[7] At the meetings, several suggestions were offered for

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[1] Form No. 15 is not being printed by the Federal Register. Copies of Form No. 15 and the instructions for the form are available at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

[2] The authority under section 10 of the Natural Gas Act pertaining to the collection of annual and periodic or special reports was transferred to the Secretary of Energy under the Department of Energy Organization Act. The Secretary of Energy delegated this section 10 authority to the Commission in Delegation Order No. 0204–1 (October 1, 1977).

[3] Form No. 15 was initially promulgated in Order No. 279 (29 FR 4874, April 7, 1964). It has been revised four times prior to this rulemaking: Order No. 337 (32 FR 3292, February 25, 1967); Order No. 339 (35 FR 6962, May 1, 1970); Order No. 476 (38 FR 6810, March 13, 1973); and Order No. 548 (41 FR 9868, March 8, 1976).

[4] Under section 601 of the Natural Gas Policy Act (NGPA) (15 U.S.C. 3301–3432), producers are no longer required to obtain certificates for sales in certain instances.

[5] Under the NGPA, pipelines may also purchase gas from intrastate pipeline companies.

[6] Fourteen comments were filed by sixteen parties. Of these, twelve were from interstate pipelines which are required to file the form, one was from a natural gas user and one was from a gas industry trade association.

[7] After public notice, the meetings were held on December 2, 9, and 16, 1980. *See* Notice of Public Meetings, issued on November 17, 1980 (45 FR 77043, November 21, 1980); Notice of Agenda Change, in Public Meetings, issued December 3, 1980 (45 FR 81062, December 9, 1980); and Notice of Cancellation of Public Meetings and Reopening of Comment Period, issued December 24, 1980 (46 FR 1744, January 7, 1981). Copies of transcripts of the meetings area available in the Commission's Office of Public Information.

improving the format, instructions and definitions for the form.

A Revised Notice of Proposed Rulemaking was issued April 2, 1981 (46 FR 21189, April 9, 1981). That notice incorporated the deletions to Form No. 15 which were described in the November, 1980 Interim Rule. In addition, the Commission proposed several other changes to Form No. 15. (*See* Revised Notice of Proposed Rulemaking, pp. 7–16 and Attachment A.) Most of the proposed revisions were made as a result of suggestions made at the public meetings and in written comments.

The most important changes proposed in this second notice were to: (1) eliminate from Form No. 15 the reporting of detailed reservoir data in Schedule II and to combine Schedules II and III into a new Schedule II entitled, "Committed Reserves and Deliverability Estimates for All Supply Sources"; (2) clarify the definitions and instructions accompanying the form and revise them to conform with other changes proposed in the form itself; (3) change the field map requirement in the form so that maps would be required only if there had been a "substantial" revision in such maps since the last filing; (4) revise the form's magnetic tape layout and instructions to correspond with the printed form and its instructions; and (5) revise § 157.14(a)(10)(vi) of the Commission's regulations to provide for the reporting of certain information respecting individual reservoirs in the certificate application.[8]

II. Summary and Analysis of Comments

In response to the Revised Notice of Proposed Rulemaking, the Commission received seven comments.[9] In general, the comments supported the proposed changes to Form No. 15. Additionally, INGAA and Transco estimated that the filing burden for Form No. 15 would be reduced by at least 90 percent, if the proposed changes were adopted.

The primary concern for many of the respondent pipeline companies and for INGAA was the proposed revision to § 157.14(a)(10)(vi) of the Commission's regulations requiring the reporting of individual reservoir data in an application for a certificate of public convenience and necessity. Columbia, El Paso, Northern and INGAA stated that the requirement to report reservoir data was simply "shifted" from the Form No. 15 to the certificate application. As a result, reporting burdens would probably be increased.

As a solution to this problem, the respondents offered three alternatives: (1) obtain information about individual reservoirs only through specific data requests; (2) require that individual reservoir data be reported either in Form No. 15 or in a certificate application, at the option of a respondent; or (3) require reports of field and reservoir data in certificate applications only as they pertain to new sources of natural gas or to sources in which there have been significant changes from the previously filed data.

The Commission has adopted the essence of the third alternative. The proposed requirement to report reservoir data as they pertain to "existing" supply sources has been eliminated from § 157.14(a)(10)(vi), and individual reservoir data are required only for *new* sources of supply not previously reported. This modification should cause no additional reporting burdens and will eliminate any potential burden attached to reports of data for existing supply sources.

In responses to the first of the other alternatives, the Commission believes that the reporting of these data is more appropriate in certificate applications than in response to specific requests. When new supply sources are at issue in a certificate application, the Commission must obtain certain information about such new sources before it can grant the application. In response to the other alternative, the Commission cannot grant the option of reporting individual reservoir data in either a Form No. 15 filing or in a certificate application because certificate applications are not usually filed at the same time as the Form No. 15. Thus, information in a certificate application does not relate to the same time period as a Form No. 15 filing. Because information about new supply sources is relevant to certificate applications, it should be prescribed for the same time frame as the other information in the application.

The only other problem area which was discussed by more than one commenter concerned the revisions to the magnetic tape instructions and layouts. Transco, Michigan Wisconsin and INGAA noted several areas where there was a lack of consistency between the magnetic tape instructions and layout and between the tape format and the printed form. They each offered suggestions to clarify the magnetic tape requirements and adapt the tape layouts and instructions to the printed form.

The Commission has changed the magnetic tape instructions and layout, where necessary, to correct errors and inconsistencies between tape instructions and layout and between the tape format and the printed format.

El Paso proposed amending the definitions of "reserve additions" and "revisions" so that extensions to a pipeline company's proved area would be included in the definition of "reserve additions," rather than in "revisions" as the revised notice proposed. In support of this suggestion, El Paso claimed that the natural gas industry normally reports extensions as reserve additions.

In its August 1980 Notice of Proposed Rulemaking, the Commission had proposed to expressly except extensions from the category of revisions. However, some industry representatives suggested that the definition of "revisions" include extensions.[10] Given these diverse views, the Commission has decided to include extensions as part of revisions. This alternative, rather than that offered by El Paso, seems more in accordance with industry preference. Furthermore, any changes in reserve estimates (positive or negative) made during the report year as a result of new information, logically includes the enlargement of the proved area (extensions).

El Paso also requested that the filing sequence (order) of Schedule II be defined in the instructions in order to clarify the organization of that schedule.

The Commission believes that it could not impose upon respondents the requirement of a specific filing sequence for Schedule II reports. There is currently no uniformity among pipeline companies in their bookkeeping practices respecting supply source data. In many cases, pipelines run into different supply areas and reporting companies maintain different systems for each area. The requirement for a filing sequence would, therefore, create an unnecessary reporting burden upon such companies. Furthermore, the Commission does not need a specific

[8] The changes proposed in the revised notice for the regulations at §§ 260.7 and 260.7a were essentially the same as the revisions proposed in the August, 1980 Notice of Proposed Rulemaking. *See* Revised Notice of Proposed Rulemaking, pp. 14–15.

[9] Five comments were submitted by natural gas pipeline companies—Columbia Gas Transmission Corporation (Columbia), El Paso Natural Gas Company (El Paso), Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), Northern Natural Gas Company, Division of InterNorth Incorporated (Northern), and Transcontinental Gas Pipe Line Company (Transco); one by a natural gas trade association which represents major long distance gas companies subject to Commission jurisdiction—Interstate Natural Gas Association of America (INGAA); and one by a natural gas user—General Motors Corporation (General Motors).

[10] At the December 9, 1980 meeting to discuss changes to Form No. 15, representatives of Natural Gas Pipeline Company of America, Tennessee Gas Pipeline Company, United Gas Pipe Line Company and INGAA suggested that "revisions" include extensions. *See* Transcript, at 74–76.

filing sequence to effectively utilize the data reported in Schedule II because the code system used therein makes it possible for information to be sorted in every relevant category (*e.g.*, by State, field, company).

El Paso also stated that the requirement to report "Approximate Heating Value (in BTU)" (Schedule II) is superfluous and that, if it is required at all, the instructions should be clarified respecting the manner in which such calculation should be made.

The Commission has retained the requirement to report approximate heating value in Btu. This information was previously required in Schedule III of the form; however, Schedule III was combined with Schedule II with the elimination of individual reservoir reporting. This requirement provides the only estimates in Form No. 15 of recoverable reserves that are salable at a particular point, in Btu's, after plant processing or treating. The data are also useful to isolate any unusually low Btu reserves. The Commission notes that it requires only an *approximation* of gross heating value of salable gas in Btu's because variations are expected to occur over a year's time depending, for example, on reservoirs produced.

El Paso also requested clarification of the term "non-producing reservoirs" respecting the requirement to report the numbers of non-producing reservoirs and the remaining total dry gas in non-producing reservoirs (Schedule II). El Paso was not sure whether non-producing reservoirs related to a respondent's or the entire industry's interest in the reservoir.

In response to EL Paso, the Commission has specifically defined "Non-producing reservoir" in Form No. 15 as a "reservoir in which oil and/or gas proved reserves have been identified, but which did not produce during the report year to the owned or contracted interest of the reporting company regardless of the availability and/or operation of production, gathering or transportation facilities" (Definition No. 21).

Finally, El Paso stated that the requirement to report "Group totals" in Schedule II is unclear and could result in "misuse" of data.

The Commission notes that it had already clarified the use of group totals in the revised notice. (*See* Revised Notice of Proposed Rulemaking, Attachment A in the instructions for Schedule II, Lines 206 to 226, columns (02) to (06). Following the instruction for Lines 206 to 221 is a sample Schedule II which includes an example for reporting group totals.)

Michigan Wisconsin expressed concern about the proposed requirement in the Gas Procurement Activity Statement for information from pending negotiations and agreements concerning anticipated gas supply additions. Michigan Wisconsin stated that it is essential that such negotiations remain confidential in order to protect their contract negotiations and the gas procurement process.

The Commission intended that only general information be reported respecting such negotiations. Accordingly, the instructions in the Gas Procurement Activity Statement have been clarified to require:

> * * * *a general statement concerning* current contract negotiations; producer option agreements; advance payment agreements; negotiations with foreign suppliers; construction of facilities to produce, or contracts for, supplies of LNG, SNG, or coal gas; or any other activity to add gas supplies. (Emphasis added.)

Michigan Wisconsin also stated that clarification was necessary respecting the definition and instructions for reporting underground natural gas storage reserves. In support of this view, Michigan Wisconsin argued that, in its case, natural gas in underground storage does not contribute to its annual gas supply and therefore could not be reported as part of the Annual Scheduled Volumes in Schedule II (lines 222–226).

The Commission agrees that clarification of this matter is necessary and has revised its instructions in Schedule I in accordance with a suggested amendment by Michigan Wisconsin to provide that gas in underground storage should be included in owned reserves. Schedule II instructions have been amended to provide that owned gas in underground storage may be reported by individual storage field or as a total source of supply. When underground storage gas is reported in this manner, the underground storage gas line items for Estimated Annual Scheduled Volumes (Schedule II, Lines 222 through 226) are to be left blank.

Northern objected to the Commission's continued requirement to attach field maps to Form No. 15. Northern insisted that the field map requirement was not of sufficient benefit to justify the undue burden placed upon companies that must file such maps.

The Commission will continue to require that maps be attached to Form No. 15. These maps are essential to the Commission's determination of field development and acreage dedication for individual fields. Because of the broad geographic areas covered by Form No. 15 filings, and the large number of respondents who file the form, it would be virtually impossible for the Commission to maintain reliable maps without the assistance of companies who file them regularly. Furthermore, the Commission proposed in the revised notice to eliminate the requirement to show reservoir outlines on each map and provided that previously-submitted maps need not be refiled unless "substantial revisions" have been made to the maps during the report year. As a result, the map filing burden could be greatly reduced. Northern was also the only commenter who filed objections to the map requirement. In light of its regulatory need for such maps, the Commission believes that this requirement is amply justified.

General Motors was the only natural gas user which filed comments in this proceeding. The comments it filed in the revised notice were similar to those which it filed in response to the August 1980 Notice of Proposed Rulemaking and to its application for rehearing of the November 1980 Interim Rule.[11] General Motors stated that the form provided important data on a regular basis respecting gas supply and future gas deliveries and that, any changes to the form could be detrimental to all gas consumers.

A specific topic of concern for General Motors was the proposed revision in Schedule I whereby annual requirements of natural gas would be reported for only one year instead of the twenty years previously required. General Motors stated that requirements estimates for at least ten years were necessary to the Commission for its assessment of the adequacy of the pipelines' future gas supplies. General Motors added that requirements estimates are used to evaluate the deliverability life of reserves and that such deliverability life is the most important measure of the adequacy of supply. Finally, General Motors alledged that pipeline companies would not suffer a significant increase in reporting burdens if they had to provide their requirements estimates for a ten-year period, because these data would be

[11] The application for rehearing of the Interim Rule was denied with respect to 1980 reports. The Commission, however, granted rehearing "solely for the purpose of further consideration with respect to all future reports." (*See* "Order Denying in Part and Granting in Part for Purposes of Further Consideration the Application for Rehearing of Interim Rule," issued January 7, 1981.) In formulating the final rule in this docket, the Commission considered the comments filed by General Motors in its application for rehearing and those filed in response to the revised notice and addressed those comments in the text of this rule.

gathered in the course of a company's ordinary business planning.

The Commission believes that the annual requirements provision in the new Form No. 15 is sufficient for the determination of the adequacy of a pipeline company's gas supplies. This form is not designed to gather long-term requirements or supplies data; rather, its purpose is to demonstrate a pipeline company's gas supply posture as of a precise date—the end of the report year. Moreover, if long-term increases or decreases in requirements were projected and gauged against deliverability from "currently-owned" and contracted gas supplies, the wrong conclusion could be reached concerning a company's future. This is because a pipeline company will probably acquire additional gas supplies each year in varying amounts, to meet its future requirement. A single-point-in-time estimate of supply and requirements is the best way to calculate such indices as the reserve life index, the deliverability life and the ratio of reserves to production. Furthermore, the data respecting "anticipated future supply additions" are required to be reported in the Gas Procurement Activity Statement of Form No. 15.

The respondent's burden of reporting annual requirements projections for ten or even five years would vary from company to company. As mentioned above, because their supply situations change frequently, not all respondents to the form are able to prepare long-term estimates of requirements. Furthermore, changeable economic conditions, consumer conservation and fuel switching make it difficult for many companies to accurately estimate their requirements for periods beyond one year. Therefore reliable short-term estimates are far more valuable to the Commission than long-term "guesses". For the type of information to be gathered on the new Form No. 15, the imposition of such a reporting burden is, in our opinion, not warranted.

A second objection raised by General Motors went to the Commission's proposed deletion of information about curtailments from Schedule I of Form No. 15 because it is reported in FERC Form No. 16, "Report of Gas Supply and Requirements". General Motors stated that data respecting the curtailments forced upon pipeline companies by their suppliers are important to the understanding of data concerning purchases from other pipelines. Furthermore, General Motors claimed that, contrary to Commission statements, this information is *not* reported in the Form No. 16.

The Form No. 16 was revised by Order No. 88 on May 30, 1980 (Docket No. RM80–20, 45 *Fed. Reg.* 37812, June 5, 1980). As a part of the Form No. 16 revisions, the term "curtailment" was changed to "net deficiency or surplus" to better describe curtailment: the difference between the net available for sale from the pipeline and pipeline requirements. The *actual* net deficiency or surplus is required to be reported in Schedule I of Form No. 16 and the *projected* deficiency or surplus for the following year is required in Schedule V of that form. Thus, Form No. 16 actually prescribes greater detail with respect to curtailments than did the previous Form No. 15. Form No. 16 must also be filed twice a year, so the data are more current than Form No. 15 data. The Commission has deleted the curtailment requirement from Schedule I of Form No. 15 to eliminate a duplication of data and because more frequent reporting of curtailments is required in Form No. 16.

A third concern for General Motors related to the instructions in Schedule I requiring a company's estimate of deliveries from its suppliers. While the Revised Notice of Proposed Rulemaking provided that pipelines shall explain their assumptions concerning pipeline supplies in a footnote, General Motors said that the instructions must also require an explanation of the basis for estimates of future deliveries from their sources, after curtailment. Without such a requirement, General Motors argued, pipeline companies might report deliveries of full contract quantities, even if such volumes may not be received.

The Commission agrees with this comment and suggested revision. Therefore, the instructions in Schedule I have been clarified to provide that pipelines shall report volumes contracted to be purchased from interstate pipelines and other supply contracts and "explain in a footnote how this data was derived".

Finally, General Motors requested that pipelines be required to attach to Form No. 15 copies of all long-term gas supply and service estimates which have been given to persons outside of the company. The data would complement Form No. 15 projections based on known reserves, according to General Motors, and would provide the company's own best estimates of its future supply and demand posture. The requirement would allegedly impose no additional reporting burden and would encourage pipelines to report only their best estimates to public officials and to the public.

For the same reasons that annual requirements and supply data need not be reported, the Commission does not require long-term service estimates to be reported in the Form No. 15. Because the Commission does not prescribe long-term service estimates it will not, therefore, require the attachment of such estimates which have been given to persons outside of the company. The additional reporting burden resulting from this requirement could be considerable, if each pipeline company were required to file *every* estimate given to each customer, public official, investor and any other person. Such information is best collected in individual proceedings rather than in an annual filing which is made by all pipeline companies.

III. Summary of Changes to the Revised Notice of Proposed Rulemaking

The Commission has adopted the changes to Form No. 15 and to §§ 157.14, 260.7 and 260.7a of the regulations which were proposed in the Revised Notice of Proposed Rulemaking.[12] In addition, the Commission has incorporated certain suggestions from the comments to the revised notice, all of which have been discussed in detail in Part II of the preamble to this final rule. These changes are:

(a) Addition of the general definition for "Non-producing Reservoir" (Definition No. 21);

(b) Clarification of the "Gas Procurement Activity Statement" to provide that only a "general statement" is required respecting current contract negotiations; producer option agreements; advance payment agreements; negotiations with foreign suppliers; construction of facilities to produce, or contracts for, supplies of LNG, SNG or coal gas; or any other activities to add gas supplies;

(c) Clarification of the instructions for Lines 101 and 102 of Schedule I to provide that gas in underground storage should be included in owned reserves;

(d) Clarification of the instructions for Lines 103 to 122 of Schedule I to require a footnote explanation of how volume scheduled data was derived with respect to "Other Supply Contracts and Interstate Pipeline Purchases;"

(e) Clarification of the instructions for Lines 201 to 205 of Schedule II to provide that owned gas in underground storage may be reported by individual storage field or as a total; and providing that Lines 222 to 226 which report "Estimated Annual Scheduled Volumes" are to be left blank when underground storage gas is reported by storage field or as a total;

[12] *See* Part I.B. of the preamble to this final rule for a discussion of the history of this proceeding.

(f) Correction and clarification of the magnetic tape layout and instructions to conform with the printed version of the form; and

(g) Revision of the regulations at § 157.14 to provide that reports of individual reservoir data in certificate applications are required only with respect to new sources of supply.

The Commission has made additional minor changes to the form in response to comments to the revised notice. These include the following:

(a) Instruction X of the General Instructions, regarding the resubmission of Form No. 15 has been revised, as suggested, to provide that the entire report and magnetic tape may be refiled when major changes warrant complete resubmission.

(b) The definition of "Certificate Requirement" (Definition No. 2) has been changed in response to a suggestion that it should specify whether "Total Certificate Requirement" should include current Commission approved curtailment plans or be independent of such plans. The definition has been revised to provide that the volume reported should be "without regard" to Commission approved curtailment plans.

Finally, the Commission has made certain non-substantive changes to the regulations at §§ 260.7 and 260.7a to clarify the requirements described therein.

IV. Public Procedure and Effective Date

The Office of Management and Budget (OMB) has not yet approved the revised Form No. 15 under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. §§ 3501–3520). The Commission is, nonetheless, issuing this final rule so that the respondents who file the revised form will have sufficient time to reprogram their computers to report the data in the new format. These companies will then be able to meet the April 1, 1982 deadline for the submission of the revised Form No. 15. Upon receipt of OMB approval for the collection of Form No. 15 data, the Commission will issue a notice in the **Federal Register** which states that such approval has been received.

The changes in this order will be effective on September 14, 1981, for reports to be filed on or before April 1, 1982 and for reports filed thereafter.

(Natural Gas Act, 15 U.S.C. 717–717w; Natural Gas Policy Act, 15 U.S.C. 3301–3432; Department of Energy Organization Act; 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142)

In consideration of the foregoing, the Commission amends Form No. 15 and Parts 157 and 260 of Chapter I, Title 18 of the Code of Federal Regulations as set forth below.

By the Commission. Commissioner Hughes dissented with a separate statement attached.

Kenneth F. Plumb,

Secretary.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

1. In § 157.14 paragraph (a)(10)(vi) is revised to read as follows:

§ 157.14 Exhibits.

(a) * * *

(10) * * *

(vi) Pipeline companies which have filed annual reports in conformity with § 260.7 of this chapter will be required to file additional information with regard to gas supply and deliverability in support of applications for certificates for authorization to increase existing sales, facilities or capacity; to construct new facilities to make new sales; to alter any type of gas service; and to attach new sources of supply except budget-type applications filed under paragraph (b) of § 157.7 of this chapter. In all other applications the pipeline company may rely on the information set forth in said annual report, by reference thereto, unless otherwise ordered by the Commission. When gas supply and deliverability information is required to be in the application and is not permitted to be incorporated by reference, such information need pertain only to supply and deliverability for that phase of the company operations which would be affected by the facility or sale for which authorization is sought. In those instances, the pipeline company may file only those portions of the annual report for which changes have been made or which are supplemental to the annual report then currently on file with the Commission. For each new source of supply which is reported, the pipeline company shall file detailed gas supply and deliverability information, including a summary of the remaining recoverable salable gas reserves in each reservoir, all factors used for the reserve estimate in each reservoir, a 10-year deliverability projection for each supply source and any other information that the Commission may require. Total system supply and deliverability information shall be included in all applications for authorization to serve major new markets or to serve major existing markets from new sources of gas supply over new routes. The receipt, maintenance, and consideration of any information received by the Commission staff for review under this section is subject to the requirements of paragraph (f) of § 1.36 and § 2.72 of this chapter and the laws of the United States.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

2. Section 260.7 is revised to read as follows:

§ 260.7 FERC Form No. 15, Interstate pipeline's annual report of gas supply.

(a) *Prescription.* The form of Interstate Pipeline's Annual Report of Gas Supply, designated herein as FERC Form No. 15, is prescribed for the year 1981 and thereafter.

(b) *Filing requirements.* (1) *Who must file.* (i) *General rule.* Except as provided in paragraph (b)(1)(ii) of this section, all interstate pipeline companies, as defined by section 2(15) of the Natural Gas Policy Act (15 U.S.C. 3302(15)), shall prepare and file, in accordance with the instructions in Form No. 15, either an original and four copies of the form, or a magnetic tape and accompanying printout of the form.

(ii) *Exceptions.* The following types of interstate pipelines shall prepare and file, in accordance with the instructions in Form No. 15, an original and four copies of only the Identification Schedule (with Certification), the "Synopsis of Gas Supply," and Schedule II of FERC Form No. 15:

(A) any interstate pipeline whose total year-end remaining recoverable gas reserves are owned by such pipeline or controlled by such pipeline pursuant to producer contracts, and which amount to less than 50 billion cubic feet of natural gas at the end of any reporting year; or

(B) any interstate pipeline purchasing its entire supply of natural gas from one or more interstate pipelines that are subject to the general rule in paragraph (b)(1)(i) of this section, or from foreign suppliers.

(2) *When to file.* Such reports shall be filed on or before April 1, for each calendar year ending December 31 of the previous year.

3. Section 260.7a is revised to read as follows:

§ 260.7a Annual statement of gas transported by interstate pipelines for other interstate pipelines.

Each interstate pipeline, as defined by section 2(15) of the Natural Gas Policy Act (15 U.S.C. 3302(15)), which acts only as a transporter of natural gas for another company in interstate

commerce, shall prepare and file, in accordance with the instructions in Form No. 15, an original and four copies of a statement which contains the name and address of each such company for which it transports the gas. Such statement shall be filed on or before April 1 for each calendar year ending December 31 of the previous year.

[FR Doc. 81-24287 Filed 8-19-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 490

Economic Growth Center Development Highways; Change in Requirement for Preparation of Special Studies

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amendment to final rule.

SUMMARY: As part of a continuing effort to reduce costs and paperwork burdens imposed on the States, the FHWA is amending the procedures that apply to Economic Growth Center Development Highways, 23 CFR Part 490, Subpart A, to delete the requirement for preparation of special studies following implementation of certain growth center projects.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Balek, Office of Program and Policy Planning (Attention: HPP-11), 202-426-0570, or Ms. Susan Goering, Office of the Chief Counsel (Attention: HCC-10), 202-426-0754, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: To demonstrate the role that highways can play in encouraging the social and economic development of rural and smaller communities, Congress established the Economic Growth Center Development Highway Program as part of the Federal-aid Highway Act of 1970 (Pub. L. 91-605). Congress thereby authorized the Secretary of Transportation to make grants to the States for demonstration projects that involved the construction, reconstruction, and improvement of development highways.

Since funding was specifically authorized for "demonstration projects," the FHWA's implementing regulation, 23 CFR Part 490A, required that the States perform studies of the growth centers before and after implementation of the development highway projects in order to test the effectiveness of the projects.

In 1973, Congress eliminated the "demonstration" feature of the program, thereby indicating congressional intent that the growth center projects become an element of the overall Federal-aid highway program (Pub. L. 93-87). In 1977, the regulation was amended to eliminate the requirements for studies before project implementation and to limit the requirements for studies after project implementation to growth centers that were approved prior to August 13, 1973, i.e., those projects that were included in the original demonstration phase of the program.

To date, 20 of the 62 studies required under the 1977 amendment have been completed. The results of the studies to date indicate that the process of economic development is far more dependent on other, larger economic forces, including national and regional economic trends, than on relatively small changes in local highway conditions. It is estimated that the remaining 42 studies would cost approximately $5,000 to $10,000 each. Because any additional studies are likely to yield results similar to those of the studies already completed, the FHWA has decided to relieve States of the burden of completing the remaining studies. No additional economic impacts are anticipated as a result of this action. It has also been determined that this action will not have a significant economic impact on a substantial number of small entities. For the foregoing reasons, neither a full regulatory evaluation nor a regulatory impact analysis is required.

Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation (DOT) because it is not anticipated that such action would result in the receipt of useful information. Because this amendment relieves a regulatory burden, the FHWA finds good cause to make this amendment effective in less than 30 days under DOT regulatory procedures. Accordingly, this amendment is effective upon publication.

Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2).

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures.

PART 490—SPECIAL PROGRAMS

§ 490.107 [Amended]

Accordingly, Chapter I of Title 23, Code of Federal Regulations, Part 490, Subpart A is amended by removing paragraph (e) of § 490.107 and redesignating paragraph (f) as (e).

(23 U.S.C. 143, 315; 49 CFR 1.48(b))

(Catalog of Federal Domestic Assistance Program Numbers 20.205, (Highway Research, Planning, and Construction), 23.003 (Appalachian Development Highway System), and 23.008 (Appalachian Local Access Roads). The provisions of OMB circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: August 6, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81-24247 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Parts 200, 231 and 270

Forms and Reports; Operating Regulations for Exploration Development, and Production; Geothermal Resources Operations on Public, Acquired and Withdrawn Lands

AGENCY: Geological Survey, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will remove some U.S. Geological Survey regulations that are not considered necessary to the effective administration of mineral operations. This action is being taken to fulfill, in part, the policies contained in Executive Order 12291. The intended effect is to reduce reporting requirements, minimize duplication, and remove unnecessary regulations.

EFFECTIVE DATE: September 21, 1981.

FOR FURTHER INFORMATION CONTACT: Stephen H. Spector, (703) 860-6259 (FTS) 928-6259, Branch of Onshore Rules and Procedures, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

SUPPLEMENTARY INFORMATION: The principal authors of this final rulemaking are Stephen H. Spector and Cecil R. Feeney of the Branch of Rules and Procedures, Office of the Deputy Division Chief for Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, Reston, Virginia.

Proposed rulemaking was published on pages 22901 and 22092 in the **Federal Register** of April 22, 1981, and invited comments for 30 days ending May 22, 1981. Only four letters of comment were received. Three of them supported the proposed amendments.

The fourth commenter suggested that the Department of the Interior slow down and give more consideration to its rule changing. Since the commenter did not request an extension of time for commenting nor make specific suggestions regarding the proposed amendments, we are proceeding with the final rulemaking.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

Under the authority of the Act of February 25, 1920 (30 U.S.C. 189), the Geothermal Steam Act of 1970 (30 U.S.C. 1023), and Executive Order 12291 (46 FR 13193), Parts 200, 231 and 270; Chapter II; Title 30 of the Code of Federal Regulations are amended as set forth below.

Dated: July 20, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 200—FORMS AND REPORTS

§ 200.1 [Amended]

1. Part 200 is amended by removing paragraph (g) of § 200.1.

PART 231—OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

§ 231.25 [Removed]

2. Part 231 is amended by removing § 231.25.

§ 231.30 [Removed]

3. Part 231 is amended by removing § 231.30.

PART 270—GEOTHERMAL RESOURCES OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

§ 270.76 [Removed]

4. Part 270 is amended by removing § 270.76.

[FR Doc. 81-24249 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 203

Treasury Tax and Loan Depositaries

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule; Technical Change.

SUMMARY: This technical change eliminates a reference in the regulations to a specific table number published in the Federal Reserve Bulletin. This change is necessary because the reference number of the table has been changed. The effect of this change is to refer to the table by title only which can be located in the Federal Reserve Bulletin table of contents.

DATES: This technical change is effective August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew F. Flott, Systems Accountant, Cash Management Operations Staff, Bureau of Government Financial Operations, Washington, D.C. 20226, 202/566-3025.

PART 203—TREASURY TAX AND LOAN DEPOSITARIES

31 CFR 203.2 is amended by revising § 203.2(d) to read as follows:

§ 203.2 Definitions.

* * * * *

(d) "Federal funds rate" means the weekly Federal funds rate as published in the Federal Reserve Bulletin in the table entitled "Interest Rates, Money and Capital Markets".

* * * * *

Dated: July 28, 1981.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-24304 Filed 8-19-81; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 581

Discharge Review Board (DRB) Procedures and Standards

AGENCY: Department of the Army, DOD.

ACTION: Amendment of Final Rule.

SUMMARY: This rule revises Department of the Army policy for the Army Discharge Review Board. Under the revised policy, certain former members of the inactive reserve components of the Army may be entitled to upgrade of their discharges. Discharge review applicants affected by this rule will be issued an honorable discharge unless the proper grounds exist for the issuance of a general or other than honorable (formerly undesirable) discharge.

Publication of this rule as a proposed rule for the purposes of public comment is considered unnecessary, impractical, and contrary to public interest in view of the Court Order requiring timely publication of the revised policy this rule sets forth.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Major Donald P. Fellers, Army Discharge Review Board, ATTN: SFRB, Washington, D.C. 20310 (202) 695-0086.

PART 581—PERSONNEL REVIEW BOARDS

Accordingly, 32 CFR 581.2, Appendix C; paragraph 2 is revised to read as follows:

§ 581.2 Army Discharge Review Board.

* * * * *

Appendix C—Discharge Review Standards

1. * * *

2. *Propriety.*

(i) A discharge shall be deemed to be proper unless, in the course of discharge review, it is determined that:

(a) There exists an error of fact, law, procedure, or discretion associated with the discharge at the time of issuance; and that the rights of the applicant were prejudiced thereby (such error shall constitute prejudicial error, if there is substantial doubt that the discharge would be remained the same if the error had not been made); or

(b) A change in policy by the Military Service of which the applicant was a member, made expressly retroactive to the type of discharge under consideration, requires a change in the discharge.

(ii) The following applies to applicants who received less than fully honorable administrative discharges because of their civilian misconduct while in an inactive reserve component and who were discharged or had their discharge reviewed on or after April 20, 1971: The DRB shall either recharacterize the discharge to honorable without any additional proceedings or complete a review to determine whether proper grounds exist for the issuance of a less than honorable discharge, taking into account that:

(a) An other than honorable (formerly undesirable) discharge can only be based upon civilian misconduct found to have affected directly the performance of military duties;

(b) A general discharge can only be based upon civilian misconduct found to have had an adverse impact on the overall effectiveness of the military, including military morale and efficiency.

* * * * *

Dated: August 13, 1981.

John O. Roach, II,

Department of the Army Liaison Officer with the Federal Register.

[FR Doc. 81-24282 Filed 8-19-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 1

[CGD 81-063]

Delegation of Authority Under Regulatory Flexibility Act

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: The Regulatory Flexibility Act requires agencies to prepare analyses describing the impact of their regulations on small businesses and other small entities unless the regulations are certified not to have a significant economic impact on a substantial number of small entities. Each Coast Guard District Commander and Captain of the Port is authorized to make this certification for regulations that they issue. This rule formalizes the authorization as a delegation of authority in Coast Guard regulations.

EFFECTIVE DATE: September 21, 1981.

FOR FURTHER INFORMATION CONTACT: William R. Register, Office of the Chief Counsel, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202) 426-1534.

SUPPLEMENTARY INFORMATION: Since this rule relates to management, organization, and procedure, notice and public procedure on it are not required and it may be made effective in less than 30 days after publication in the **Federal Register**. For the same reasons, it is not subject to the requirements of Executive Order 12291 on Federal Regulations. Also, the rule is considered to be nonsignificant under guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been prepared since, as in the case of most delegations of authority, the impact of the rule on the public is expected to be minimal. Its principal impact on the Coast Guard will be to promote greater efficiency in management.

The Regulatory Flexibility Act, Pub. L. 96-354, which became effective on January 1, 1981, requires agencies to consider the effect of proposed and final rules on small entities, i.e., small businesses, organizations, and governments. In connection with these considerations, agency heads are required to make certain findings and determinations as to matters set out in the Act. The Secretary of Transportation has formally delegated authority to the Commandant to make these findings and determinations. The delegation was published in **Federal Register** of April 20, 1981, beginning at page 22593.

Sections 603 and 604 of the Regulatory Flexibility Act require preparation of both an initial and final "regulatory flexibility analysis" for rules that are preceded by a general notice of proposed rulemaking. However, section 605(b) of the Act provides for an exemption from these requirements in cases where the head of the agency certifies that the rules will not have a "significant economic impact on a substantial number of small entities." Each District Commander and Captain of the Port is authorized to make the section 605(b) certification for rules that they issue. This document formalizes the authorization as a delegation of authority in Coast Guard regulations. Proposed and final rules to which this delegation relates include anchorage, drawbridge, and regatta regulations, and safety and security zone regulations. The delegations of authority to field commands to issue these regulations are published in §§ 1.05-1, 6.04-6, 100.35, 147.01-3, and 165.10 of Title 33, Code of Federal Regulations.

In consideration of the foregoing, Part 1 of Title 33, Code of Federal Regulations, is amended by adding a new paragraph (i) to § 1.05-1 to read as follows:

§ 1.05-1 General

* * * * *

(i) The Commandant redelegates to each Coast Guard District Commander and Captain of the Port the authority to make the certification in section 605(b) of the Regulatory Flexibility Act (Sec. 605(b), Pub. L. 96-354, 94 Stat. 1168 (5 U.S.C. 605)) for rules that they issue.

(80 Stat. 944 (49 U.S.C. 1657(e)(2)); 49 CFR 1.45 and 1.46.)

Dated: August 11, 1981.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 81-24350 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Parts 1, 114, 115, and 116

[CGD 80-099]

Issuance of Bridge Permits; Delegation of Authority

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: The Coast Guard is renumbering one section in its final rule delegating authority for the issuance of bridge permits. This action is necessary because the number found in the final rule has already been used for a section previously added to 33 CFR Part 1. Three cross references to the renumbered section are also being changed as part of this correction.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Bridge Administration Division (G-NBR/14), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION:

In consideration of the foregoing, the following corrections are made in FR Doc. 81-21856 published on July 27, 1981 (46 FR 38353):

1. On page 38353, § 1.01-50 *Delegations for issuance of bridge permits,* is redesignated § 1.01-60.

2. On page 38353, the last sentence of § 114.01(d) is corrected to read: "These delegations may be found in §§ 1.05-1 and 1.01-60 of this chapter."

3. On page 38354, the first clause in § 115.60(d)(1) is corrected to read: "The District Commander may issue the permit if authorized under § 1.01-60(b) of this chapter;".

4. On page 38355, the second sentence in § 115.60(e) is corrected to read: "The District Commander may approve amendments to any permits which that official is authorized to issue under § 1.01-60(b) of this chapter."

(5 U.S.C. 559; 14 U.S.C. 633; 33 U.S.C. 401, 491, 499, and 525; 49 U.S.C. 1655(g); and 49 CFR 1.46(c) and (q))

Dated: August 12, 1981.

Peter J. Rots,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 81-24349 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1885-7]

Approval and Promulgation of Implementation Plans; Wisconsin; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule and Correction Notice.

SUMMARY: This notice announces final rulemaking approving the deadlines by which the State of Wisconsin has committed itself to remedy certain deficiencies in conditionally approved portions of its ozone and carbon monoxide (CO) State Implementation Plan (SIP). EPA proposed rulemaking for the deadlines on May 6, 1981 (46 FR 25323). No public comments were received. EPA is approving the schedule as proposed. Additionally, EPA is correcting two errors in the notice of final rulemaking of May 6, 1981 (46 FR 25294).

EFFECTIVE DATE: This final rulemaking is effective as of September 21, 1981.

ADDRESSES: Copies of the Wisconsin SIP are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 886-6039.

SUPPLEMENTARY INFORMATION: On May 6, 1981, EPA took final rulemaking action on revisions to the Wisconsin ozone and carbon monoxide (CO) State Implementation Plan (46 FR 25294). This included the overall control strategies for ozone and CO, the transportation portion of the carbon monoxide SIP, and the vehicle emission inspection and maintenance (I/M) program.

Wisconsin had submitted these revisions to satisfy the requirements of Part D of the Clean Air Act (Act) as amended in 1977. As a part of this rulemaking, EPA conditionally approved the transportation control portion of the carbon monoxide SIP and the vehicle emission I/M program. A conditional approval requires the State to remedy identified deficiencies by specified deadlines.

A discussion of conditional approval and its practical effect appears in the July 2, 1979 Federal Register (44 FR 38583) and the November 23, 1979 Federal Register (44 FR 67182).

In a letter dated April 9, 1981, the State of Wisconsin committed itself to remedy the identified deficiencies in the conditionally approved portions of the SIP on a specific schedule. EPA proposed approval of the deadlines in that schedule on May 6, 1981 (46 FR 25323). No comments were received in response to EPA's proposed approval of the schedules. The schedules are listed below:

1. The State of Wisconsin committed itself to submit by January 1, 1982, if necessary, CO control strategies to address identified CO hotspots in the Milwaukee area. These strategies will be adopted from the 1982 Transportation Improvement Program (TIP) for the Milwaukee Urbanized Area.

2. The State of Wisconsin committed itself to submit by August 15, 1981, the funding/manpower resource commitment action taken by the State Legislature.

3. The State of Wisconsin committed itself to submit by August 15, 1981, a revised implementation schedule for its I/M program.

EPA believes that these final dates are necessary to ensure that deficiencies are timely and appropriately corrected so that the SIP will satisfy the requirements of the Act. Therefore, EPA approves the schedule which it had proposed.

In addition, EPA is taking this opportunity to correct two errors in the May 6, 1981 final rulemaking notice. On pages 25295, 25299, and 25300 in the body of the notice and on pages 25300 and 25301 in the codification of the rulemaking, Walworth County was incorrectly listed as a nonattainment county. Walworth County has never been designated nonattainment by the EPA.

Secondly, in section 52.2577, in the Southeastern Wisconsin Intrastate Air Quality Control Region (AQCR 239) the primary/secondary nonattainment area was incorrectly listed as "currently below secondary standards or unclassifiable" when it should have been listed as "attaining the primary standard by December 31, 1981." EPA is today correcting these errors. Because these errors do not affect EPA's final rulemaking in any way, the May 6, 1981 effective date of that rulemaking is not changed by today's action.

Pursuant to the provisions of 5 U.S.C. (605)(b), I hereby certify that this action which is being taken under sections 110 and 172 of the Act will not have a significant economic impact on a substantial number of small entities. Today's action only approves a schedule submitted by the State. It imposes no further conditions than those agreed to by the State.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. This regulation will not be "major" as defined by Executive Order 12291 because this action only approves the deadlines to which the State has committed itself to remedy deficiencies in the conditionally approved portions of its ozone and CO SIP.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Act the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Wisconsin was approved by the Director of the Federal Register on July 1, 1981.

This final rulemaking is issued under the authority of sections 110 and 172 of the Act as amended 42 U.S.C. 7410 and 7502.

Dated: August 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Accordingly, on page 46 FR 25300, § 52.2570(c) (16) and (17) are corrected to read as follows:

§ 52.2570 Identification of Plan.

* * * * *

(c) * * *

(16) On July 12, 1979, Wisconsin submitted its ozone and carbon monoxide plan. This included the plan for the Green Bay, Madison, and Milwaukee urban areas which include the ozone nonattainment counties of Brown, Dane, Kenosha, Milwaukee, Ozaukee, Racine and Waukesha. Supplemental materials and

commitments were submitted on September 4, 1979, February 28, 1980, August 12, 1980, September 25, 1980, November 4, 1980 and April 9, 1981.

(17) On July 12, 1979, Wisconsin submitted its vehicle inspection and maintenance program. Supplemental information and commitments were submitted on August 1, 1979, October 16, 1979, May 7, 1980, May 8, 1980, and April 9, 1981.

* * * * *

Also, title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

§ 52.2577 [Amended]

1. Section 52.2577, Attainment dates for National Standards, is amended by changing the "c" to an "e" under the CO column for the Primary/Secondary nonattainment areas in the Southeastern Wisconsin Intrastate (AQCR 239).

2. Section 52.2583 is revised as follows:

§ 52.2583 Control strategy: Carbon monoxide.

(a) Part D Conditional Approval—The Wisconsin plan for Milwaukee is approved provided that the following conditions are satisfied:

(1) The plan must if necessary, contain by January 1, 1982 carbon monoxide strategies for identified hotspots in Milwaukee.

(2) The plan must contain by August 15, 1981 a funding/manpower resource commitment for implementing Wisconsin's I/M program.

(3) The plan must contain by August 15, 1981 a revised schedule for implementing Wisconsin's I/M program.

[FR Doc. 81-23764 Filed 8-19-81; 8:45 am]
BILLING CODE 4510-28-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E-74]

Use Standards for Office Furniture and Furnishings

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation defines three levels of furniture assignment for individuals, including rank and grade limitations, and provides a suggested table of furniture allowances. The present regulation states only that executive type wood office furniture shall be limited to personnel in grades GS–15 and above (or the equivalent) and that agencies may develop additional use criteria for furniture and furnishings. This regulation provides uniform furniture use criteria on which agencies can base the development of these additional use standards.

DATES: Effective date: August 20, 1981.

Expiration date: July 30, 1982.

Comments due on or before: November 30, 1981.

Comments should be addressed to: General Services Administration (FM), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT: Mr. John M. Allen, Assistant Commissioner for Property Management (703–557–8600).

SUPPLEMENTARY INFORMATION: the General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is listed in the appendix at the end of Subchapter E to read as follows:

Federal Property Management Regulations Temporary Regulation E–74

Use Standards for Office Furniture and Furnishings

July 31, 1981.

1. *Purpose.* This regulation provides revised standards for the use of office furniture and furnishings.

2. *Effective date.* This regulation is effective August 20, 1981.

3. *Expiration date.* This regulation expires on July 30, 1982, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all executive agencies.

5. *Background.* An interagency Inspector General (IG) audit of Federal agency property management practices published in July 1980 disclosed that many agencies have not adhered to personal property use standards prescribed by the FPMR, specifically as they apply to furniture and to the development of additional use criteria for employees at all grade levels. This regulation will assist agencies that have not done so to establish uniform furniture standards required by the FPMR.

6. *Use standards for office furniture and furnishings.* a. Office furniture and related furnishings shall be assigned to individuals in accordance with the use standards prescribed in this regulation except as provided by subparagraphs b, e, and f, below. Standards, criteria, and allowances listed below represent limitations. Assignment of lower levels or lesser quantities than those listed is permissible. Compatible office furnishings as described in § 101–26.505–2 are subject to the same grade and rank limitations as office furniture, except that carpeting may be supplied for use by other than executive level personnel when it is determined to be justified in accordance with the provisions of § 101–25.302–5.

(1) *Level A—Executive.* The use of executive type office furniture, whether new, used, or rehabilitated, shall be limited to personnel in the Senior Executive Service and above or their equivalent including military rank. This type of furniture includes all items of executive wood furniture consisting of, or comparable to, the traditional and modern wood office furniture and related items illustrated in the GSA Supply Catalog and listed in Federal Supply Schedule FSC Group 71, Parts IIA and IIC (formerly FSC Group 71, Parts VI, XII, and XXXI).

(2). *Level B—Middle management.* The use of middle management type furniture, whether new, used or rehabilitated, shall be limited to personnel in grades GS–13 through 15 or their equivalent, including military rank. This type of furniture includes all items of unitized wood office furniture and related items illustrated in the GSA Supply Catalog and listed in, or comparable to, Federal Supply Schedule FSC Group 71, Part IIB (formerly FSC Group 71, Part VIII).

(3) *Level C—General.* The use of general office furniture, whether new, used, or rehabilitated, shall be authorized for personnel in grades GS–1 through GS–12 or their equivalent, including military rank. This type of furniture includes all items of contemporary steel, general steel, and general wood office furniture listed in the GSA Supply Catalog, and comparable items.

b. If it has been determined that executive and middle management

personnel are entitled to office furniture and furnishings on the basis of the criteria in subparagraph a, above, the agency head or a designee may authorize similar or matching office furniture to be assigned to secretaries and staff assistants whose duties are in direct support of these personnel and are located in contiguous areas. Staff support personnel in the space not contiguous to the executive or manager shall be provided furniture commensurate with their work assignment and grade.

c. When acquisition of additional or replacement furniture is required in accordance with the provisions of §§ 101–25.104–1, and 101–25.404, types of furniture shall be selected for assignment on the basis of subparagraphs a and b, above.

d. Each agency shall establish criteria and a table of allowances for the use of office furniture and furnishings in consonance with the provisions of § 101–25.104 and this regulation, or shall apply the suggested furniture allowances as shown in the following table:

Suggested Table of Furniture Allowances

Item	SES level A	GS–15 level B	GS–13 and 14 level B or C	GS–1 to 12 level C
Desk, conference	1(a)	1(b)	1(b)	
Desk, flat top	1(a)	1(c)	1(c)	1(a)
Desk, typist's				1(a)
Chair, desk	1	1	1	1
Chair, side	(d)	(d)	(d)	(d)
Credenza/ storage unit	1	1	1(a)	1(f)
Telephone stand	1	1	1(a)	1(b)
Bookcase	1	1	1	1
Table, conference	1	1(b)	1(b)	
Sofa	1	1(b), (e)		
Easy chair	2	1(b), (e)		
Coffee table	1	1(b), (e)		
End table	2	1(b), (e)		
Lamp, table	2	1(b), (e)		
Costumer	1	1	1	1(f)

Legend:
(a) Choice of one.
(b) Supervisory position.
(c) Nonsupervisory position.
(d) As many as required.
(e) Optional in place of table and four side chairs.
(f) When required.

e. The agency head or a designee may authorize exceptions to these use standards, provided that these exceptions are in writing, include adequate justification, and are reviewed at least every two years.

f. Office furniture and related furnishings not authorized for specific individuals, such as file cabinets, coat racks, and portable partitions, shall be considered organizational furniture and are not covered by these use standards.

7. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be consolidated at an appropriate agency level and submitted to the General Services Administration (FM), Washington, DC 20406, no later than November 30, 1981.

8. *Effect on other directives.* This regulation supersedes the provisions of § 101–25.302–1.

Ray Kline,

Acting Administrator of General Services.

July 31, 1981.

[FR Doc. 81–24306 Filed 8–19–81; 8:45 am]

BILLING CODE 6820–24–M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1069

Rescission of Interpretive Ruling and Rescission of Waiver of Special Conditions; Grantee Personnel Management

AGENCY: Community Services Administration.

ACTION: Notice of rescission of interpretive ruling and rescission of waiver of certain grantee special conditions.

SUMMARY: The Community Services Administration is publishing a rescission of an interpretive ruling issued by the General Counsel on January 12, 1981 and published in the **Federal Register** on January 19, 1981 (46 FR 4919). The interpretive ruling provided the Agency's legal position on the effect of certain lobbying prohibitions attached to CSA's appropriations acts for fiscal years 1980 and 1981 (Pub. L. 96–123, Pub. L. 96–369 and Pub. L. 96–536). The purpose of publishing this rescission of the January 19, 1981 interpretive ruling is to inform CSA grantees that the Agency has again decided to review the effect of the statutory lobbying prohibitions on present CSA regulations (45 CFR 1069.6). Thus, this notice rescinds the January 19, 1981 interpretive ruling and also rescinds the waiver of special conditions attached to CSA grantees' fiscal years 1980 and 1981 grants relating to lobbying prohibitions.

FOR FURTHER INFORMATION CONTACT: John Meyer, Deputy General Counsel, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506, Telephone (202) 254–6004, Teletypewriter (202) 254–6218.

(Sec. 602, 78 Stat. 530, 42 U.S.C. 2942)

Dwight Ink,

Director.

Notice of Rescission of Interpretive Ruling and Rescission of Waiver of Special Conditions.

1. *Rescission of Interpretive Ruling.* The Community Services Administration is currently preparing to revise its lobbying regulation, found at 45 CFR 1069.6, pursuant to a decision rendered on May 1, 1981, by the Comptroller General of the United States. According to the Comptroller General, there are two distinct legislative lobbying restrictions applicable to CSA appropriations. The first, Pub. L. 536, December 16, 1980, 94 Stat. 3166, continues the appropriation for fiscal year 1981 and incorporates by reference Section 407 of H.R. 4388, Department of Labor, Health and Human Services, Education, and Related Agencies Appropriations 1981, that passed the House of Representatives of August 2, 1980. Section 407 provides as follows:

"Sec. 407. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself. No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient to engage in any activity designed to influence legislation or appropriations pending before the Congress."

The Comptroller General, in his May 1, 1981 decision, concluded as follows:

"* * * that Section 407 is applicable to CSA and its recipients, notwithstanding an Interpretive Ruling and waiver of Special Conditions that CSA promulgated in 46 FR 4919, January 19, 1981, that purported to exempt CSA recipients from the effects of that section."

The Comptroller General stated in his opinion that it found no evidence in the legislative history or in the restriction itself that Congress intended to exempt CSA from its coverage. In his opinion of May 1, 1981, the Comptroller General maintained that Sec. 407 applies to *any* activities by grantees which could be construed as lobbying. Referring to Sec. 407, the Comptroller General stated:

"* * * The second sentence of this restriction prohibits grant or contract recipients from using Federal funds for salaries or expenses of employees or agents while they are engaging in *any* activity designed to influence legislation or appropriations pending before the Congress."

Additionally, the law which continued CSA's appropriation for fiscal year 1981, Pub. L. 96-536, *supra*, also incorporated by reference Section 607(a) of the Treasury, Postal Services and General Government Appropriations Act of 1981. Section 607(a) provides:

"* * * No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress."

The Comptroller General's May 1, 1981 opinion concluded that the above stated legislation applies to CSA:

"The prohibition of 607(a) applies to the use of any appropriation contained in this or any other Act."

Thus, *it is applicable to the use of appropriated funds by CSA.* (Emphasis Added)

The Comptroller General recommended that this agency take immediate action to "advise its recipients that appropriated funds may not be used for grass roots lobbying activities nor to pay the salary or expenses of recipient employees or agents while engaging in direct lobbying activities." Further, the Comptroller General stated that:

"* * * We recommend that the Interpretive Ruling and waiver of Special Conditions promulgated by CSA * * * be rescinded and a new ruling promulgated * * *"

Thus, based on the Comptroller General's opinion, CSA is rescinding its January 19, 1981 Interpretive Ruling found at 46 FR 4919. Until such time as CSA modifies its lobbying regulation, CSA grantees should be advised that 45 CFR 1069.6 is still in effect; in addition, CSA grantees must abide by the restrictions at Section 407 of H.R. 4309 and Section 607(a) of the Treasury, Postal Service and General Governmental Appropriations Act of 1981 as interpreted in the Comptroller General's decision B-202787 issued May 1, 1981.

2. *Rescission of Waiver of Special Conditions.* Based on the above rescission of Notice of Interpretive Ruling, the Director is rescinding the Waiver of Special Conditions (promulgated at 46 FR 4921) attached to CSA grantees' fiscal years 1980 and 1981 grants relating to grantee lobbying prohibitions. Instead, grantees are to comply with the provisions of the special conditions appended to their respective grant packages.

[FR Doc. 81-24283 Filed 8-19-81; 8:45 am]
BILLING CODE 6315-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 3

[OST Docket No. 11; Amdt. 3-4]

Delegation of Authority To Affix Official Seal; Maritime Administration

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: Pursuant to Public Law 97-31 the Maritime Administration was transferred from the Department of Commerce to the Department of Transportation. To permit continuity in operations, it is necessary that certain documents be sealed. This document authorizes the Maritime Administration to affix the official seal of the Department of Transportation.

DATE: This amendment becomes effective August 11, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert I. Ross, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

In consideration of the foregoing, Part 3 of Title 49, Code of Federal Regulations, is amended as follows:

§ 3.3 [Amended]

In § 3.3, paragraph (a) is amended by adding the words "the Maritime Administrator," immediately after the words "the National Highway Traffic Safety Administrator,".

Effective date: This amendment becomes effective on August 11, 1981.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C., on August 11, 1981.

Andrew L. Lewis, Jr.,
Secretary of Transportation.

[FR Doc. 81-24047 Filed 8-19-81; 8:45 am]
BILLING CODE 4910-62-M

Proposed Rules

Federal Register
Vol. 46, No. 161
Thursday, August 20, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 526 and 532

[No. 81-461]

Partnership NOW Accounts; Request for Comments

Dated: August 13, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Request for comments.

SUMMARY: The Federal Home Loan Bank Board intends to adopt an interpretive rule regarding the eligibility of partnerships to hold NOW accounts at member institutions, and solicits public comment on this issue.

DATE: Comments must be received by September 18, 1981.

ADDRESS: Comments should be sent to the Public Information Office, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Office of General Counsel, Federal Home Loan Bank Board (202-377-6444), at the above address.

SUPPLEMENTARY INFORMATION: By the Depository Institutions Deregulation and Monetary Control Act of 1980, Congress authorized depository institutions nationwide to offer NOW (negotiable order of withdrawal) accounts beginning December 31, 1980. (Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980), 12 U.S.C. 1832.) This statutory authority restricts NOW accounts to:

> deposits or accounts which consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit.
> (12 U.S.C. 1832(a)(2))

On September 30, 1980, the Board adopted regulations regarding NOW accounts which contain eligible criteria substantially identical to those quoted above. (Res. No. 80-613, 45 FR 66781, Oct. 8, 1980.) Section 526.1(l) of the Board's Federal Home Loan Bank system regulations provides:

> The [NOW] account must consist solely of funds in which the entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit. (12 CFR 526.1(l))

By Resolution No. 81-295 of May 29, 1981 (46 FR 30113, June 5, 1981), the Board expressed its intent to promulgate a clarifying interpretive rule regarding the scope of the above-quoted statutory and regulatory language. The Board solicited public comment to assist in determining the appropriate scope of the eligibility criteria, and outlined interpretive issues regarding the nature of a "beneficial interest," the definition of "organization," the meaning of the term "other similar purposes," and the eligibility of government entities.

By a separate resolution published in this issue of the **Federal Register**, the Board has promulgated an interpretive rule covering major issues of NOW account ownership. However, the Board did not specifically resolve the issue of the eligibility of a for-profit partnership to hold a NOW account. The Board resolution of May 29 requesting comment on eligibility questions did not specifically raise the issue of whether a *partnership* is an "organization" for purposes of the statutory eligibility criteria. There is a split of authority regarding whether a partnership constitutes a legal entity with an existence independent of the individual partners. Because the Board believes the issue warrants further consideration, it solicits comments on the following interpretive options as well as any other aspects of this issue upon which interested persons would like to comment.

1. Partnerships as "organizations." The eligibility criteria at 12 U.S.C. 1832(a)(2) prohibit any "organization" operated for profit from holding a NOW account. The Board has previously interpreted the term organization to include "a corporation, government or governmental subdivision or agency, business trust, partnership or association, or any other legal or commercial entity." (Preamble, Res. No. 80-613, *supra*; *see* U.C.C. § 1-201(28).) Thus, one option is to adhere to this previous interpretation and prohibit for-profit partnership NOW accounts.

2. Partnerships as non-organizations. On the other hand, there is also authority for the proposition that a partnership is not an organization within the meaning of the language of 12 U.S.C. 1832(a)(2). The term "organization" reasonably could be restricted to legal entities. Some courts have held that a partnership is not a legal entity under state law (*e. g.* Reed v. Industrial Accident Commission, 10 Cal. 2d 191, 192, 73 P. 2d 1212, 1213 (1937)), and a partnership is not deemed an intity for some federal law purposes such as diversity jurisdiction (Grynberg v. B. B. L. Associates, 436 F Supp. 564 (D. Colo. 1977)). Pursuant to this view, a partnership could be deemed a mere aggregate of its constituent partners rather than an organization for purposes of NOW account ownership. Thus, pursuant to this view, if a partnership consisted solely of individuals or other intities that qualify under 12 U.S.C. 1832(a)(2), it would be eligible to hold a NOW account notwithstanding the fact that it is a for-profit enterprise. However, if a business corporation is a general or limited partner in the enterprise, the partnership would not be able to maintain a NOW account at a member institution.

3. Other options. The Board also welcomes suggestions regarding criteria such as the number of partners in the partnership or the existence of a written partnership agreement that could be used to limit partnership eligibility in a manner consistent with the Congressional intent underlying 12 U.S.C. 1832(a)(2).

(Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980); 12 U.S.C. 1437, 1464, 1724, 1725, 1726, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

Malcom Draper, Jr.,

Assistant to the Chairman.

[FR Doc. 81-24431 Filed 8-19-81; 8:45 am]

BILLING CODE 6720-01-M

12 CFR Parts 546, 561, 563c, and 571

[No. 81-463]

Treatment of Goodwill Acquired in Mergers

Dated: August 13, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Withdrawal of proposed amendments.

SUMMARY: The Board has withdrawn its proposal to amend its statement of policy on mergers of savings and loan associations and related amendments with regard to goodwill. The proposal would have established benchmarks for the amount of goodwill that merging associations would have been permitted to include in assets with any excess deducted from their net worth, and would have required a matching of methods and periods for accretion of discounts on assets acquired in a merger with the amortization of goodwill. Upon further consideration, the Board has determined to allow the application of generally accepted accounting principles in this area without regulatory restriction.

EFFECTIVE DATE: August 13, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Moore, Office of Examinations and Supervision (202-377-6515), or Nancy L. Feldman, Office of General Counsel (202-377-6440), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By Federal Home Loan Bank Resolution No. 80-654, October 23, 1980, 45 FR 72681, November 3, 1980, the Board proposed for public comment revisions to its policy statement on mergers. That proposal provided benchmarks for the amount of goodwill that merging institutioins would be allowed to include in total assets. Any excess would be deducted from net worth for purposes of measuring compliance with the Board's statutory reserve and net-worth requirements. Related changes were also proposed to the regulations delegating merger approval authority. Lastly, the accounting treatment for goodwill contained in a staff memorandum (R31a) was proposed to be adopted as a regulation, requiring amortization of goodwill on a straight-line basis over a period not exceeding ten years; and the accounting rules were proposed to be amended further to require matching the method and periods of goodwill amortization and accretion of discounts on acquired assets.

Twenty-five comment letters were received from savings and loan associations, their affiliates and trade associations, public accounting firms, and Federal Home Loan Banks. Most of the respondents opposed adoption of the proposed changes and argued in favor of using generally accepted accounting principles ("GAAP") in accounting for goodwill.

Benchmark Approach

The Board's primary requirement for a merger approval is that the resulting institution have the managerial and financial resources to operate successfully, including the prospect of generating sufficient income to meet competition and otherwise conduct its affairs in a safe and sound manner. In reviewing the financial resources of merger applicants, the Board looks to the net worth of the proposed resulting institution (definined in 12 CFR 561.13 as the sum of all reserve accounts, except specific or valuation reserves; retained earnings; capital stock; and certain other accounts of an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation) with particular scrutiny given to intangible assets such as goodwill. *See* the last sentence of 12 CFR 571.5(d)(2). This net-worth review requires the assumption that the institution's recorded assets are realizable or will otherwise benefit future periods. Noting its concern that disproportionately large amounts of goodwill might indicate an asset which would not meet these criteria, the Board proposed, in lieu of its case-by-case review of capital adequacy, to establish limitations on the amount of goodwill to be included in the assets of the resulting institution. As proposed, the benchmarks would have allowed 30 percent of the resulting institution's net worth as the maximum amount of goodwill, both at the time of merger and thereafter. However, between 20 and 30 percent would be permitted only if substantiated, as determined by the Board; while up to 20 percent generally would be allowed without substantiation, unless the Board determined to reduce such amount due to an otherwise inadequate financial condition or other reasons.

Respondents generally opposed the benchmark approach on the grounds that the percentages were arbitrary, contrary to GAAP and lack objectivity in implementation because of the uncertainty of the 30-percent or even the 20-percent authorization. Respondents argued further that the proposed 30-percent maximum is inflexible and limits the Board's discretion in approving higher amounts where appropriate and capable of substantiation; it also would tend to discourage mergers because of the requirement to immediately charge to earnings goodwill from previous mergers. Finally, commenters pointed out that the benchmark approach embraces a "liquidation" concept rather than a "going concern" basis for assessing capital adequacy, implying overpayment for an institution rather than a fair arms'-length price with goodwill reflecting the value of unidentifiable intangible assets, as defined by Accounting Principles Board Opinion No. 17.

Upon consideration of the comment letters, staff review and further analysis of the possible effects that this proposal might have in discouraging beneficial mergers, the Board has determined to withdraw its proposed benchmark approach to inclusion of goodwill in an association's assets and to continue its case-by-case basis review of merger applications. Such review would still effectively have been required under the proposed amendments in order to determine adequate substantiation of up to a 30-percent calculation or acceptability of a 20-percent calculation. The Board is persuaded that given the continued necessity of the review, the benchmark approach does not offer sufficient objectivity or administrative timesaving to compensate for the loss of flexibility entailed. Furthermore, the Board believes that imposition of this new limitation could discourage potential merger partners from consummating necessary mergers, tend to set arbitrary prices for institutions, or otherwise operate as an inhibiting factor in an economic area that is particularly well-suited to the unrestricted play of market forces.

Delegation of Authority

The Board specifically requested comment on a proposed provision requiring that each Principal Supervisory Agent (generally the president of a Federal Home Loan Bank), in reviewing merger applications for approval under delegated authority, adjust the net worth of the resulting institution by deducting any amount attributed to goodwill and, if such adjusted net worth would not meet regulatory requirements, forward the merger application to the Board for review. Only one commenter addressed this issue, asserting that the approach was too restrictive; no objection was received from the Federal Home Loan Banks.

Because the nature of this change was a rearrangement of the Board's internal procedures, and, in addition, some confusion had arisen regarding appropriate review procedures during the period the proposal was outstanding, the Board on February 19, 1981, adopted the proposed change in connection with amendments broadening the delegation of merger review to the PSAs. FHLBB Resolution No. 81–90, effective February 27, 1981; 46 FR 14727, March 2, 1981. The regulatory provisions, as recodified in FHLBB Resolution No. 81–403, July 14, 1981, 46 FR 37628, July 22, 1981, Are 12 CFR 546.2(h)(6) and 563.22(e)(6). Accordingly, PSAs currently are required to deduct any amounts designated as goodwill from the resulting institution's net worth under delegated merger approval authority, and the Board reviews all merger applications that indicate an adjusted net worth less than that required by the Board's reserve requirements (12 CFR 563.13).

Accounting Rules

The proposal would have adopted, as a regulation, a staff memorandum providing that goodwill be charged to earnings at the time of acquisition or amortized over a period not exceeding ten years. Many commenters argued that GAAP, as expressed by APB Opinion No. 17, holds that goodwill may be amortized over its estimated life, not to exceed 40 years. This rule recognizes the variability of factors included in goodwill, and the differences in useful lives of such factors. It also was asserted that use of a ten-year period discourages mergers, especially by small acquiring associations, because of the large amount of goodwill which must be charged to earnings each year.

The Board also proposed to add a provision that concerns the accretion of discounts on assets acquired in a merger in which goodwill also results. Currently, discounts on acquired assets may be accreted using the straight-line, sum-of-the-years digits, or level-yield method. Goodwill, on the other hand, must be amortized using the straight-line method. Because of concern that the use of different methods might give rise to distortions in reported net income and resulting net worth, the proposal would have required that the discounts arising from an acquisition be accreted to income on the same method and over the same time period as goodwill is amortized. A substantial number of commenters opposed this "matching requirement", on the basis that discounts apply to specific acquired assets and their amortization thus should relate to the average life of such assets, while goodwill should be appropriately amortized on a different schedule to reflect the future period it benefits.

After reviewing the specific objections and considering other factors, such as an unnecessarily increased paperwork burden the proposed requirement would impose on institutions required to prepare financial statements in accordance with GAAP for other reporting purposes, the Board has determined to withdraw the proposed accounting rules and to direct amendment to R31a to conform that memorandum to GAAP and to provide staff guidance in reviewing the assigned life and amortization method associated with goodwill arising from business combinations.

By withdrawing its proposals in this area, the Board has signified its determination to continue application of GAAP in connection with the accounting for goodwill resulting from mergers of insured institutions, as provided generally in 12 CFR 563.23–3. Merger applicants are expected to describe fully the proposed treatment of goodwill, 12 CFR 571.5(f), substantiating in accordance with GAAP the reasonableness of amounts attributed to goodwill, the method and period of amortization and the adequacy of reserves. This information, together with experienced staff analysis, should enable the Board to review merger applications on a flexible basis.

Accordingly, the Board hereby withdraws its proposed amendments to Part 546 of Subchapter C and Parts 563, 563c and 571 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth at 45 FR 72687.

By the Federal Home Loan Bank Board.

Malcolm Draper, Jr.,

Assistant to the Chairman.

[FR Doc. 81–24355 Filed 8–19–81; 8:45 am]

BILLING CODE 6720–01–M

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12 CFR Parts 563 and 563c

[No. 81–462]

Treatment of Gains and Losses From the Sale of Mortgage Assets

Dated: August 13, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rules.

SUMMARY: The Federal Home Loan Bank Board proposes to (1) authorize institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("insured institutions") to defer and amortize gains and losses from the sale of mortgage loans and mortgage-related securities, subject to certain conditions, and (2) eliminate certain restrictions on the current exemption from net-worth requirements relating to losses arising from the sale of certain mortgage loans. The proposal is intended to encourage disposal of such mortgage assets consistent with sound portfolio management.

DATE: Comments must be received by: September 14, 1981.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W. Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: David J. Bristol, Office of General Counsel (202–377–6461), Michael S. Joseph, Office of Examinations and Supervision (202–377–6994), or Susan Kelsey, Office of Policy and Economic Research (202–377–6914), at the above address.

SUPPLEMENTARY INFORMATION: By Resolution No. 80–694 (45 FR 76111, November 18, 1980), the Board adopted 12 CFR 563.13(d), which reduced net-worth and statutory-reserve requirements for insured institutions that recognized losses from the sales of certain low-yielding mortgages when such sales complied with the terms of the regulation. That provision was adopted to provide institutions with increased flexibility to determine the best economic use of assets currently invested in low-yielding mortgages. In the period since § 563.13(d) was adopted, the rise in mortgage interest rates has increased the need institutions have to dispose of mortgages and mortgage-related securities in economically advantageous ways.

Because the typical savings and loan institution's balance sheet is characterized by primarily long-term, fixed-rate mortgage assets and short-term liabilities, during periods of rising interest rates, interest costs on liabilities increase at a faster pace than the interest earned on assets. During such periods, the effective maturity imbalance between assets and liabilities thus results in an earnings squeeze.

However, under certain circumstances, institutions in the above-described situation can improve their earnings and reduce future interest-rate risk through a well-planned mortgage disposition program. In order to sell a mortgage with a coupon below prevailing market rates, the price must be discounted from par (or book value) by an amount sufficient to yield the

purchaser a market rate of return. In an economic environment where investors do not have a strong preference for discount securities, and ignoring income tax considerations, an institution could reinvest the proceeds of the sale in an asset of similar risk at the same market rate of return and be in the same economic position. This is the case because the "loss" from the sale (the difference between part or book value and the proceeds) is exactly offset by the future increased earnings from the reinvested proceeds. However, taking into account certain investor preferences and the existence of tax benefits, the institution actually can improve its economic position through disposition and reinvestment.

One such source of improvement is the opportunity for recovering income taxes previously paid or to preclude their future payment. Because the difference between the book value of the loan and the price realized from its sale is considered a deductible loss for tax purposes, it can reduce current tax liability or be carried back (or carried forward) to reduce tax liability in prior (or future) years, thus producing a significant possible increase in future earnings and intrinsic value of the institution. The institution can invest the combination of the proceeds from the sale and the taxes recovered and increase its earnings even if reinvestment is at the same market rate at which the sold loan was discounted.

Improvement can also result from the ability of an institution to reinvest the sales proceeds at a higher yield than was required to sell the loan ("arbitrage" profits) or by acquiring an asset with less risk to the institution. In addition, if the institution originates new mortgages with the sales proceeds, it earns origination income, servicing fees and the potential earnings from the "float" associated with maintaining tax and insurance escrows. Finally, the institution can reduce its effective maturity imbalance and future interest-rate risk by reinvesting in instruments such as adjustable mortgage loans that more closely match the interest sensitivity of liabilities.

Despite the potential advantages of a mortgage disposition program, institutions are inhibited from undertaking such programs by current generally accepted accounting principles ("GAAP") and regulatory accounting principles ("RAP"). These accounting rules require the institution to record or recognize the full amount of the loss on a sale in the period of the sale. Section 563.23–3 of the Board's Insurance Regulations (12 CFR 563.23–3) requires use of GAAP except where other accounting practices are specifically authorized. Thus, should an institution desire to sell a significant portion of its low-yielding mortgages, it would be required to immediately report the resulting loss of income and erosion of its net worth resulting from the difference between the market value and book value of the sold assets.

The accounting requirement that institutions recognize the entire loss or gain on the sale of mortgages in the period of sale is predicated on the concept that such sale is a completed transaction, representing a termination of the value of the asset to the institution. It is the Board's view that these accounting rules disregard management intent to reinvest the proceeds so as to increase future profitability and reduce future interest-rate risk. Thus, by not considering the use of the proceeds from such sales, the present rules fail to account for the on-going nature of the institution's business and the fact that releasing funds currently invested in mortgages and mortgage-related securities permits improvement of a stream of future earnings and cash flows.

The Board believes that current accounting rules, by failing to reflect the true economic consequences of a sale and reinvestment of the proceeds, effectively inhibit institutions from selling mortgages and mortgage-related securities when it would be in their best interest to do so. Therefore, the Board is proposing to amend its accounting rules by adding a new § 563.14 (12 CFR 563c.14) to allow deferral of gains and losses on the disposition of mortgage loans and mortgage-related securities, in order to encourage institutions to obtain the economic benefits of a mortgage asset disposition program and reinvestment of the proceeds without incurring regulatory net-worth deficiencies. The term "mortgage-related securities" is defined at § 563.17–4(a)(4) (to be codified at 12 CFR 563.17(a)(4)) as "securities based on and backed by mortgages, including [mortgage pass-through] securities guaranteed by the Government National Mortgage Association ("GNMAs"), Mortgage Participation Certificates of the Federal Home Loan Mortgage Corporation, and similar obligations issued by the insured institution or in which the institution is authorized to invest." (FHLBB Resolution No. 81–380, July 2, 1981; 46 FR 36829, July 16, 1981.)

The proposed rule would require that if deferral of gains and losses are made with respect to the disposition of any mortgage loans and mortgage-related securities, such deferral must be made with respect to all such dispositions. The proposal also would require that the amount of gain or loss deferred in any accounting period be adjusted for any income tax liability or benefit attributed to it, computed in accordance with generally accepted accounting principles at the time of disposition. Further, the proposal would require an amortization schedule determined at the time of disposition. The schedule would require subsequent amortization of such adjusted amount over the estimated remaining life of the mortgages sold on a level-yield method with respect to the estimated principal balances of the sold mortgages. The amount deferred would be reported as an adjustment to the value of the institution's mortgage portfolio in subsequent reports to the Board.

Institutions electing to defer gains and losses pursuant to the proposed rule would be required to demonstrate an intent to reinvest sales proceeds so as to improve future profitability and/or reduce interest-rate risk. In the case of a state-chartered institution, the election could be made only if the appropriate state supervisory authority concurred in the use of this accounting treatment. "Disposition" of mortgages assets would include discounted prepayments of existing mortgages and mortgage-related securities, sales of mortgage participations, and exchanges of assets eligible for disposition under the proposed rule.

The Board believes that disposal of mortgage assets, when done in a manner consistent with sound portfolio management, will enable institutions to improve earnings potential and reduce overall interest-rate risk and that therefore, adoption of accounting rules designed to achieve such results is within the Board's discretion with regard to its statutory mandate to determine the calculation of reserve requirements under section 403(b) of the National Housing Act, as amended (12 U.S.C. 17126(b) (1980)).

In addition, the Board is proposing to eliminate certain restrictions currently imposed on the reduction in reserve requirements relating to the sale of low-yielding residential mortgages, as set forth in 12 CFR 563.13(d). The provision now permits institutions to meet lower standards than the current general requirements of (1) an amount equal to four percent of liabilities (for regulatory net worth) and (2) four percent of insured accounts (for the statutory reserve). The statutory reserve may be reduced to an amount equal to three percent of insured accounts, which also

is the statutory minimum, if such result occurs solely because of the sale of low-yielding mortgages, and certain other conditions are met.

The proposed amendments to § 563.13(d) would extend the exemption to sales of all mortgage loans and mortgage-related securities. It would eliminate: (1) the requirement that the mortgages sold have an original interest rate of no more than seven and one-half percent; (2) the current 10-percent-of-portfolio limit on mortgages sold; (3) the maximum amount of such loans that may be sold in any one year; (4) the five-year maximum remaining maturity requirement for such mortgages; (5) the "sunset" clause withdrawing the exemption with respect to mortgage sales after December 31, 1982; and (6) the five-year period after the sale, during which the exemption is effective. The Board believes that all of those provisions may unnecessarily hamper institution management in arranging financially advantageous sales of mortgage assets.

The Board believes that the proposed amendments to § 563.13(d) regarding reserve requirements and proposed new § 563c.14 authorizing optional referral of grains and losses on the disposition of mortgage assets would provide institutions with maximum flexibility to release funds invested in such mortgages. As a practical matter, the Board is aware that some institutions report under accounting principles that would limit use of the optional deferral accounting treatment in proposed § 563.14, but believes that such associations would still be able to utilize § 563.13(d) to enhance future earnings by reinvestment of funds currently invested in low-yielding mortgages.

This proposal addresses the treatment of sales of mortgages and mortgage-related securities because the Board believes that it is with respect to such assets that improved accounting procedures and reserve exemptions are most appropriate, considering the asset/liability imbalance of typical institutions. However, the Board specifically seeks comment on whether the proposed rules, if adopted, should also apply to disposition of other longterm securities, such as those which do not qualify as liquid assets under 12 CFR 523.10(g) of the Federal Home Loan Bank System regulations.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexiblility analysis.

1. *Reasons, Objectives, and Legal Basis Underlying the Proposed Rules.*

These matters have been discussed elsewhere in the supplementary information regarding this proposal.

2. *Small Entities to which the Proposed Rule will Apply.*

The proposed rule would apply only to institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

3. *Impact of the Proposal on Small Institutions.*

The proposal would permit more flexible accounting and maintenance of reserves for all insured institutions, regardless of size. Engaging in the practices authorized by the proposed rules is voluntary, and regulatory requirements are uniformly based upon the extent of participation.

4. *Overlapping or Conflicting Federal Rules.*

There are no known Federal rules that may duplicate, overlap of conflict with this proposal.

5. *Alternatives to the Proposed Rule.*

Use of the proposed practices is voluntary, and the proposal would allow institutions to continue to use current accounting and reserve rules.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposal.

Because there is a present need to afford institutions greater accounting flexibility in an adverse economic climate, the Board has limited the comment period to 30 days.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Parts 563 and 563c, Supchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS & LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. Revise paragraph (d) of § 563.13 to read as follows:

§ 563.13 Reserve accounts.

* * * * *

(d) *Exemption relating to the sale of mortgages.* An institution shall not be required to meet the minimum net-worth requirement set out in paragraph (b)(2) of this section or the statutory-reserve requirement set out in paragraph (a)(2) of this section, to the following extent and subject to the following conditions:

(1) failure to meet the minimum net-worth or reserve requirements shall result solely from losses recognized from the sale of mortgage loans and mortgage-related securities, as defined in § 563a.17-4(a)(4) of this subchapter;

(2) the institution intends to re-invest the proceeds of such sales so as to improve its future profitability and/or to reduce its interest-rate risk;

(3) the authority granted by paragraph (d) of this section shall not be used to reduce the institution's statutory reserve to less than 3 percent;

(4) the exemption shall be effective for no more than the estimated remaining life of the mortgage loans and mortgage-related securities sold;

(5) the institution establishes and maintains a plan setting forth (i) that all of the conditions set out above shall be met; (ii) the benefits, including cash-flow benefits, the institution expects to gain from the exemption; (iii) the institution's plan for building up its statutory reserve to the minimum amount required by paragraph (a)(2) of this section and its net worth to the minimum required by paragraph (b)(2) of this section, within the period described in paragraph (d)(4) of this section; and (iv) a summary of any prior sales made pursuant to this paragraph; and

(6) the institution shall maintain complete records of all transactions undertaken pursuant to this paragraph.

* * * * *

PART 563c—ACCOUNTING REQUIREMENTS

Subpart B—Other Accounting Requirements

2. Add new § 563c.14 to read as follows:

§ 563c.14 Accounting for gains and losses on the disposition of mortgage loans and mortgage-related securities.

(a) *Recognition of gains and losses.* Gains and losses (net of related income taxes) resulting from disposition of mortgage loans and mortgage-related securities (as defined in § 563.17-4(a)(4) of this subchapter) shall be recognized at the time such gains and losses are incurred: *provided*, that an institution may, at its option, elect to defer and amortize all gains and losses (net of related income taxes) resulting from such disposition as provided in paragraph (b) of this section.

(b) *Deferral.*

An institution making this election shall:

(1) demonstrate an intent to reinvest the sale proceeds so as to improve the institution's future profitability and/or reduce interest-rate risk;

(2) if it is a state-chartered institution, only exercise this election if its state supervisory authority has provided the

Corporation either specific or blanket concurrence for state law purposes in the use of this accounting treatment; and

(3) account for such gains and losses as follows:

(i) such gains and losses (net of related income taxes) shall be applied as an adjustment of the carrying value of the portfolio of mortgage loans or other mortgage-related securities, and

(ii) such gains or losses shall be amortized by the interest or level-yield method, as described in § 563.23–1(g)(10)(iii) of this subchapter, over a period not to exceed the estimated remaining life of the disposed mortgage loans or mortgage-related securities.

(c) For purposes of this section, "disposition" includes but is not limited to: (1) prepayments at a discount of an institution's mortgage loans by the existing borrowers; (2) sales of mortgage loans and mortgage-related securities and participation interests therein; and (3) exchanges of assets eligible for disposition under this section.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

Malcolm Draper, Jr.,

Assistant to the Chairman.

[FR Doc. 81-24124 Filed 8-19-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-12]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before: October 19, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. . , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for exmaination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on August 12, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
		DESCRIPTION OF PETITION
21369	Public Citizen Health Research Group, Aviation Consumer Action Project, Sidney Wolfe, MD, and Eve Bargmann, MD.	Amend 14 CFR 121.309 and Part 121 Appendix A to require air carriers to provide emergency medical equipment (both medications and diagnostic and lifesaving equipment) in addition to the rudimentary first aid kits now required.
		PETITIONER'S REASONS FOR AMENDMENT
	.....	Each day, unknown numbers of Americans develop serious medical problems while aboard an airplane. Many of these problems may be life-threatening if not promptly treated. Yet any doctor on board who is called to help will find that the plane carries no lifesaving medical equipment, no medications (other than burn compound)—not even a stethoscope. As a result, a person with severe ashtma or diabetic coma, for example, could die for want of treatment while the doctor stands helplessly by.
	.....	According figures from the Air Transport Association, it receives reports of approximately 100 passenger deaths per year. Many of these might be prevented if lifesaving equipment were available.
	.....	Many doctors have expressed their grave concern at this problem. In a survey of over 300 physicians, 88.9% thought that airlines should be required to carry basic medical equipment and medications aboard aircraft. 20% of the 300 doctors had answered calls for help on flights. "Working on passengers without benefit of medications or the bare essentials posed a real problem for many responding physicans," the survey found. (*American Medical News*, p. 9, July 25, 1980). Other doctors have reported in medical journals being called to assist passengers with heart problems, strokes, severe gastrointestinal problems, and diabetic coma. Almost all found the available medical equipment inadequate.
	.....	As the airlines carry more people, and more older persons fly, such problems become ever more likely. Especially on longer, overseas flights, medical assistance on the ground may be hours away.
	.....	Solving this problem should be feasible and fairly inexpensive. Both the American College of Surgeons and the Air Transport Medicine Committee of the Aerospace Medical Association have published lists of emergency medical equipment that airlines should provide. Several foreign air carriers (including SAS, Air France, and El Al) already carry in-flight emergency medical equipment, such as drugs to treat asthma, heart problems, and diabetic insulin shock. Requiring U.S. carriers to do the same should be no great burden, and it may make the difference between a passenger's life and death.
		DESCRIPTION OF PETITION
21779	Stuart O. Miller	Amended §§ 91.41 and 121.311(a) to require children age 4 or less, weighing less than 40 pounds, and less than 40 inches in height, to be seated in their own seats in an FAA-approved restraining device during takeoff, landing, and at the pilot's command.

Petitions for Rulemaking—Continued

Docket No.	Petitioner	Description of the rule requested
		Petitions for Rulemaking: Denied
None this period.		

[FR Doc. 81-24289 Filed 8-19-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 22093]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would require replacement of all clamps and most of the support brackets for fuel and hydraulic system lines in the engine pylons on Airbus Industrie Model A300 series airplanes. The AD is prompted by reports of fuel and hydraulic line attaching clamps breaking in service which could result in line breakage and a consequent fire hazard.

DATES: Comments must be received on or before October 19, 1981.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 22093, 800 Independence Avenue, SW., Washington, D.C. 20591; or delivered in duplicate to: Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 22093.

Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

The applicable service bulletin may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France.

A copy of the service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 22093." The post card will be date/time stamped and returned to the commenter.

There have been reports of fuel and hydraulic system line attaching clamps in the engine pylons breaking in service on Airbus Industrie Model A300 series airplanes. Any failure of these clamps, specifically fuel line clamp failures at engine pylon ribs 1 and 3, hydraulic clamp failures at stiffeners 4 and 5 and at ribs 18 and 20, could result in breakage of the fuel and hydraulic lines and cause a severe fire hazard to the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require replacement of all the clamps in the engine pylons with reinforced teflon-lined clamps, and replacement of most of the support brackets with new brackets due to the low resistance of the old clamps to fatigue on certain Airbus Industrie Model A300 series airplanes.

Since all Airbus Model A300 series airplanes on the U.S. aircraft registry were modified in accordance with Airbus Service Bulletin No. A300-54-007 prior to delivery to the United States, no immediate safety hazard exists, and time will permit promulgation of this AD by public notice to affect those airplanes that may enter the U.S. aircraft registry in the future.

The Proposed Amendment

§ 39.13 [Amended]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Airbus Industrie. Applies to Model A300 series airplanes, certificated in all categories.

Compliance is required within the next 750 hours time in service after the effective date of this AD, unless already accomplished.

To prevent breakage of the fuel and hydraulic line attaching clamps in the engine pylons, which could result in line breakage and a consequent fire hazard, accomplish the following:

(a) Remove the existing fuel and hydraulic line attaching clamps and brackets, and install new reinforced teflon-lined clamps and redesigned brackets in accordance with paragraph 2, "ACCOMPLISHMENT INSTRUCTIONS," of Airbus Industrie Service Bulletin A300-54-007, Revision 5, dated December 22, 1978, or an FAA-approved equivalent.

(b) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and repairs on only a few aircraft owned by small entities. A

[1] Service Bulletin filed as a part of original document.

draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on August 12, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-24235 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 22094]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections for cracks of rear cargo door frames and replacement of the frames as necessary on Airbus Industrie Model A300 series airplanes. This AD is needed to detect cracks which could result in failure of the frames causing depressurization, structural damage and possible loss of the airplane.

DATE: Comments must be received on or before October 19, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 22094, 800 Independence Avenue, SW., Washington, DC 20591; or delivered in duplicate to Room 916, 800 Independence Avenue, SW., Washington, DC 20691.

Comments delivered must be marked: Docket No. 22094.

Comments may be inspected at Room 916 between 8:30 am and 5:00 pm.

The applicable service bulletins may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France.

A copy of each service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Cristie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, telephone: 202-426-8192.

[1] Service Bulletin filed as a part of orginal document.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 22094." The postcard will be dated, time stamped and returned to the commenter.

There have been reports of cracks in the flanges of the rear cargo compartment door frames 67 and 69 found during routine inspections on Airbus Industrie Model A300 series airplanes. Closer examination revealed corrosion attributed to the stresses induced in the frames during installation of titanium rivets. These cracks could cause failure of the frames resulting in depressurization, structural damage, and possible loss of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require repetitive inspections of rear cargo door frames 67 and 69 for cracks in the external and internal flanges and replacement of the frames as necessary on Airbus Industrie Model A300 series airplanes.

Since all Airbus Model A300 series airplanes on the U.S. registry are currently being inspected in accordance with Airbus Service Bulletin No. A 300-53-108, or have been modified in accordance with Airbus Service Bulletin No. A 300-53-109, no immediate safety hazard exists, and time will permit promulgation of this AD by public notice to affect those airplanes currently on the registry as well as all future airplanes that may be entered on the U.S. aircraft registry.

The Proposed Amendment

§ 39.13 [Amended]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Airbus Industrie: Applies to Model A300 series airplanes, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the aft cargo door frames 67 and 69, accomplish the following:

(a) Within the next 550 hours time in service after the effective date of this AD, unless already accomplished within the last 1450 hours time in service, inspect the rear cargo compartment door frame external flanges in accordance with paragraph 2.B.(1) of Airbus Industrie A300 Service Bulletin A300-53-108, Revision 1, dated October 15, 1979 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(b) If no cracks are found during the inspection required by paragraph (a) of this AD:

(1) The airplane may be returned to service; and

(2) Repeat the inspection in paragraph (a) of this AD at intervals not to exceed 2000 hours time in service from the last inspection.

(c) If, during the inspection required by paragraph (a) of this AD, the total number of cracks found does not exceed 5, or the total length of all cracks found does not exceed 2 inches:

(1) The airplane may be returned to service; and

(2) Repeat the inspection in paragraph (a) of this AD at intervals not to exceed 550 hours time in service from the last inspection.

(d) If, during the inspection required by paragraph (a) of this AD, the total number of cracks found exceeds 5, or the total length of all cracks found exceeds 2 inches, inspect the adjacent internal flange on the forward side of frame 67 and the aft side of frame 69 in accordance with paragraph 2.B(2)(b) of the Service Bulletin, or an FAA-approved equivalent.

(e) If no cracks are found on the internal flanges during the inspection required by paragraph (d) of this AD:

(1) The airplane may be returned to service; and

(2) Repeat the inspections in paragraphs (a) and (d) of this AD at intervals not to exceed 550 hours time in service from the last inspection.

(f) If, during inspection of the internal flanges required by paragraph (d) of this AD, the total number of cracks found does not exceed 5, or the total length of all cracks does not exceed 2 inches:

(1) The airplane may be returned to service; and

(2) Repeat the inspections in paragraphs (a) and (d) of this AD at intervals not to exceed 200 hours time in service from the last inspection.

(g) If, during the inspection of the internal flanges required by paragraph (d) of this AD, the total number of cracks found exceeds 5, or the total length of all cracks exceeds 2 inches, before further flight, except as provided in paragraph (i) of this AD, replace the frame in accordance with paragraph 2, "Accomplishment Instructions," of Airbus Industrie A300 Service Bulletin A300–53–109, Revision 4, dated April 25, 1980, or an FAA-approved equivalent.

(h) The inspections and repetitive inspections required by this AD may be discontinued when rear cargo door frames 67 and 69 have been replaced in accordance with Airbus Industrie A300 Service Bulletin A300–53–109, Revision No. 4, dated April 25, 1980, or an FAA-approved equivalent.

(i) In accordance with FAR §§ 21.197 and 21.199 the airplane may be flown to a base where the maintenance required by this AD may be accomplished.

(j) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium.

(k) Upon submission of substantiating data, through an FAA Aviation Safety Inspector, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, may adjust the inspection intervals.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be major under the provisions of Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and repairs on only a few aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, DC on August 13, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81–24246 Filed 8–19–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 81–ANW–8]

Alteration of V–120 and Revocation of 4 Alternate Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend V–120 from Mullan Pass, ID, to Seattle, WA, and to revoke 4 alternate airway segments. This action would support objectives to eliminate alternate airways from the National Airspace System which do not justify continued designation as airways. Chart clutter would also be reduced.

DATE: Comments must be received on or before September 21, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81–ANW–8, FAA Building, Boeing Field, Seattle, WA. 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holiday, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ANW–8." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to:

1. Extend V–120 from Mullan Pass, ID, to Seattle, WA.
2. Revoke alternate airway V–2 south between Ellensburg, WA, and Moses Lake, WA, also between Spokane, WA, and Mullan Pass, ID, and revoking alternate airway V–2 north between Seattle, WA, and Spokane, WA, via Wenatchee, WA, Ephrata, WA, also between Spokane, WA, and Mullan Pass, ID.
3. Revoke alternate airway V–23 east between Fort Jones, CA, and Medford, OR.
4. Revoke alternate airway V–357 north between Moses Lake WA, and Wenatchee, WA.

Section 71.123 was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

The Proposed Amendment

§ 71.123 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the description of V–120 and revoke 4 alternate airway segments under § 71.123 of Part 71 of the Federal

Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) by:

1. Replacing the words "V–120 From Mullan Pass, ID" with the words "V–120 From Seattle WA; Wenatchee, WA; Ephrata, WA; Spokane, WA; INT Spokane 093°T(072°M) and Mullan Pass, ID. 311°T(291°M) radials; Mullan Pass"

2. Under V–2 replace the words between "V–2 From Seattle," and "Missoula, MT" with the words "WA; Ellensburg, WA; Moses Lake, WA; Spokane, WA; Mullan Pass, ID; 5 miles, 53 miles, 91 MSL."

3. Under V–23 after the words "Medfore, OR" eliminate the words", including an east alternate via INT Fort Jones 041° and Medford 157° radials"

4. Under V–357 after the words "to Wenatchee;" eliminate the words "including a N alternate from Moses Lake via Ephrata, WA. to Wenatchee."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on August 13, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–24276 Filed 8–19–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–SO–44]

Proposed Alteration of Control Zone and Transition Area, Jackson, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Jackson, Mississippi, Control Zone and Transition Area. In order to satisfy operational needs, changes have been made in instrument flight procedures at Allen C. Thompson Field, Hawkins Field and Bruce Campbell Field. It is necessary to alter the Control zone and Transition Area descriptions to reflect the changes and provide required controlled airspace protection for IFR aircraft operations.

DATE: Comments must be received on or before: October 5, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before October 5, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (MPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763–7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to alter the description of the Jackson, Mississippi, Control Zone and Transition Area as follows: (1) eliminate reference to the Hawkins RBN which has been decommissioned; (2) refine the geographic position of Allen C. Thompson Field, Bruce Campbell Field and Hawkins Field Airports; (3) designate a Control Zone extension north of Bruce Campbell Field to afford airspace protection for the instrument approach procedures; (4) increase the basic Control Zone radius at Allen C. Thompson Field to contain Category E aircraft instrument operations; (5) redesignate the Control Zone extension north of Hawkins Field to provide airspace protection for VOR–A instrument approach procedure; (6) increase the basic Transition Area radius at Bruce Campbell Field to provide airspace protection for the VOR–A instrument approach procedure; and (7) redesignate the Transition Area extension north of Hawkins Field to provide airspace protection for the VOR–A instrument approach procedure.

The Proposed Amendment

§§ 71.171 and 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subparts F and G of Part 71 of the Federal Aviation Regulations, as republished (46 FR 455 and 540, respectively), as follows:

1. By amending § 71.171 in the description of the Jackson, Mississippi, Control Zone by removing the present description and substituting therefor, "Within a 6-mile radius of Allen C. Thompson Field (lat. 32°18'40" N., long. 90°04'33" W.); within a 5-mile radius of Hawkins Field (lat. 32°20'04" N., long. 90°13'20" W.); within 2.5 miles each side of the Jackson VORTAC 194° radial, extending from the 5-mile radius zone to 1 mile south of the VORTAC; within a 5-mile radius of Bruce Campbell Field (lat. 32°26'17" N., long. 90°06'10" W.); within 3 miles each side of the 006° bearing from the Bruce RBN (lat. 32°26'24" N., long. 90°06'24" W.) extending from the 5-mile radius zone to 8.5 miles north of the RBN."

2. By amending § 71.181 in the description of the Jackson, Mississippi, Transition Area by deleting the present description and substituting therefor, "That airspace extending upward from 700 feet above the surface within a 10-mile radius of Allen C. Thompson Field (lat. 32°18'40" N., long. 90°04'33" W.); within an 8-mile radius of Hawkins Field (lat. 32°20'04" N., long. 90°13'20" W.); within 3 miles each side of the Jackson VORTAC 194° radial, extending from the 8-mile radius area to the VORTAC; within

a 6-mile radius of Bruce Campbell Field (lat. 32°26'17" N., long. 90°06'10" W.); within 3 miles each side of the 006° bearing from the Bruce RBN (lat. 32°26'24" N.; long. 90°06'24" W.), extending from the 6-mile radius area to 8.5 miles north of the RBN."

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on August 7, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-24273 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-46]

Proposed Designation of Transition Area, West Jefferson, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the West Jefferson, North Carolina, Transition Area. A standard instrument approach procedure has been developed for the Ashe County Airport. Controlled airspace is required to protect aircraft Instrument Flight Rule (IFR) operations and must be designated before IFR flight procedures can become effective.

DATE: Comments must be received on or before: October 5, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Eleanor J. Williams, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before October 5, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the West Jefferson, North Carolina, 700-foot Transition Area. This action will provide controlled airspace protection for aircraft executing the NDB RWY 27 standard instrument approach procedure at Ashe County Airport. The Toliver NDB (nonfederal, nondirectional radio beacon), which will support the approach procedure, is proposed for establishment in conjunction with the designation of the Transition Area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181, of Part 71 of the Federal Aviation Regulations, as republished (46 FR 540) by adding the following description:

West Jefferson, N.C.

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Ashe County Airport (Lat. 36°25'58"N., Long. 81°25'17"W.).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on August 7, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-24274 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-ANW-11]

Extension of High Altitude Route No. J-517

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend High Altitude Route J–517 from Boise, ID, VORTAC to Hayden, CO, VOR. The majority of aircraft departing or overflying Boise en route to Denver request routing direct Hayden. The proposed extension of J–517 from Boise to Hayden would reduce controller and pilot workload associated with vectoring and rerouting these aircraft by allowing flight paths to be filed along the new route.

DATE: Comments must be received on or before September 21, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81–ANW–11, FAA Building, Boeing Field, Seattle, WA. 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ANW–11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to extend J–517 from Boise, ID, to Hayden, CO. This proposed change is responsive to the current traffic flow. Most aircraft departing or overflying en route to Denver request routing direct to Hayden. The proposed extension would reduce controller and pilot workload associated with vectoring and rerouting these aircraft by allowing flight plans to be filed along the new route. Section 75.100 was republished in the **Federal Register** on January 2, 1981 (46 FR 834).

The Proposed Amendment

§ 75.100 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend J–517 under 75.100 of Part 75 of The Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) by replacing the entire description after the words "Jet Route No. 517" with the words, "From Hayden, CO, to Boise, ID, via Malad City, ID, to Cranbrook, BC, via Spokane, WA, excluding the portion which lies over Canadian territory."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on August 13, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–24277 Filed 8–19–81; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1204

Recordkeeping Requirement; Submission to the Office of Management and Budget

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has submitted an information collection request to the Office of Management and Budget (OMB). The purpose of this request is to require manufacturers and importers of omnidirectional CB base station antennas to keep records of certification tests and corrective actions that may be made necessary by a proposed consumer product safety standard applicable to these antennas.

DATE: The Commission submitted the information collection request to OMB on August 14, 1981.

FOR FURTHER INFORMATION CONTACT: Harleigh Ewell, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207 (202) 634–7770.

SUPPLEMENTARY INFORMATION: On August 14, 1981, the Commission published a proposed consumer product safety standard applicable to omnidirectional CB base station antennas to address the risk of injuries and deaths from electric shock caused by contact of these antennas with power lines while the antennas are being installed or taken down (16 CFR Part 1204; 46 FR 41081). The proposed standard would establish performance

tests to determine if the antenna can contact a 14,500 Volt power line without transmitting a harmful amount of current to a person holding the antenna's mast.

If the proposed standard is promulgated, manufacturers and importers of these antennas would be required by section 14 of the Consumer Product Safety Act, 15 U.S.C. 2063, to issue certificates that their products comply with the standard and to base the certificates upon a test of each item or upon a reasonable testing program. Subpart B of the proposed regulation describes the minimum features of a reasonable testing program and includes a requirement that records be kept of the qualification and production testing required by the testing program and of all corrective actions taken. Such records are needed in order to verify that manufacturers and importers are meeting their responsibilities under section 14 of the act and that the antennas being manufactured or imported comply with the standard.

Since the recordkeeping requirement may be subject to section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507, Public Law 96–511, 94 Stat. 2820), the Commission has submitted this information request to OMB for review.

Dated: August 14, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81–24238 Filed 8–19–81; 8:45 am]

BILLING CODE 6335–01–M

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16 CFR Part 1306

Information Collection Request for Certain Insulation Contractors; Submission to the Office of Management and Budget

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has submitted an information collection request to the Office of Management and Budget (OMB), as required by law. The purpose of this request is to obtain additional information from insulation contractors concerning the potential economic effects of a ban of urea-formaldehyde (U.F.) foam insulation.

DATE: The Commission submitted the information collection request to OMB on August 13, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Directorate for Economic Analysis, Consumer Product Safety Commission, Washington, D.C., 20207 (301) 492–6962.

SUPPLEMENTARY INFORMATION: On February 5, 1981 the Commission proposed a ban of U.F. foam insulation to address the unreasonable risks of chronic and acute injury associated with the product because of the potential release of formaldehyde gas (46 FR 11188). In the proposal, the Commission specifically solicited comments on a number of economic issues concerning the potential impact of a ban on insulation contractors. In order to gather more detailed information than that obtained in the public comments, the Commission staff intends to conduct a limited telephone survey of approximately 100 insulation contractors over a several week period. The survey will focus on present and past installers of U.F. foam insulation, and will seek information such as the number and type of installations, the revenues derived from these installations, the extent to which substitute insulation materials may be used, and the potential for firms no longer installing U.F. foam insulation to again enter the market. Responses to the survey will be voluntrary. The information obtained from the survey will assist the Commission in deciding whether to issue a final regulation that bans the product.

As required by section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507, Pub. L. 96–511, 94 Stat. 2820), the Commission has submitted this information request to OMB for review.

Dated: August 14, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81–24237 Filed 8–19–81; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Alpha-Methylfentanyl into Schedule I

Correction

In FR Doc. 81–22780, published at page 39848, on Wednesday, August 5, 1981, on page 39849, in the second column, in the fifteenth line from the bottom "August 5, 1981," should be corrected to read "the date of publication in the **Federal Register**."

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–133–78]

Books and Records of Foreign Corporations and Operations; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating generally to the books and records of a foreign organization, trade, or business.

DATES: The public hearing will be held on October 6, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by September 22, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–133–78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202–566–3935, not a tool-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 964(c) and 6001 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, January 23, 1981 (46 FR 7401).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by September 22, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-24290 Filed 8-19-81; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Parts 1 and 6a

[LR-10-81]

Mortgage Subsidy Bonds; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to mortgage subsidy bonds.

DATES: The public hearing will be held on November 5, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by October 23, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-10-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 103A of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Wednesday, July 1, 1981 (46 FR 34348).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by October 23, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-24291 Filed 8-19-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Oil and Gas and Sulphur Operations on the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this proposed amendment to 30 CFR 250.12 is to assure that Department of the Interior regulations are as simple and efficient as possible while protecting the Nation's interests as lessor of the lands of the Outer Continental Shelf (OCS) while encouraging the expeditious exploration, development, and production of the national resources of the OCS. The proposed rule would specifically authorize the Director, U.S. Geological Survey (USGS), to consider inordinate delays in obtaining governmental permits and consents when evaluating a lessee's request for a suspension of operations and extension of the primary term of a lease.

DATES: Written comments and recommendations on this proposal to amend 30 CFR 250.12 must be received on or before the close of business September 21, 1981.

ADDRESS: Comments and recommendations may be mailed to: Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860-7395, (FTS) 928-7395.

SUPPLEMENTARY INFORMATION: The proposed rulemaking is part of a Department of the Interior effort to review and streamline existing regulatory requirements, deleting or modifying those requirements found to be excessive, burdensome, and counterproductive. Comments and recommendations are solicited with respect to this proposed rule as well as comments and recommendations on any other regulatory requirements in 30 CFR 250.12.

This proposed rulemaking is intended to result in regulatory requirements that are the simplest and most efficient method for meeting DOI responsibilities on the OCS, thereby protecting the Nation's interests in valuable resource lands.

Discussion of Changes

Following lease sale of OCS tracts and prior to commencement of any operations, a number of Federal, State, and local permits and consents are required. In some instances, delays in obtaining the necessary permits and consents have been of such a duration as to jeopardize exploration and development of a lease within the lease term. Industry has voiced its opinion that such delays create a risk of having the lease term expire without opportunity to explore or develop the lease. To lessen this risk and encourage proper development of the Nation's resources, it is proposed that the Director be specifically authorized to grant suspensions of operations and extensions of the primary term of a lease when inordinate delays are encountered in obtaining governmental permits or consents.

Authors: Dana Ott, Solicitor's Office; Jane Roberts, Platte Clark, and Ron Prehoda, Geological Survey, U.S. Department of the Interior (202/343-

4325, 703/860–7541, 7395, and 6831 respectively).

Environmental Impact, Regulatory Impact Analysis and Impact On Small Entities

It has been determined that the proposed revision of 30 CFR Part 250 does not constitute a major Federal action that would significantly affect the quality of the human environment, and therefore an environmental impact statement is not necessary. It has also been determined that the revisions are not major and do not require a Regulatory Impact Analysis under Executive Order 12291. It has been further determined that there would not be a significant economic effect on a substantial number of small entities, therefore a small entity flexibility analysis is not required under the Regulatory Flexibility Act.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

July 16, 1981.

It is proposed that 30 CFR 250.12(b)(1) be amended by adding a provision (iv) to authorize a suspension if the Director determines that it is justified, because of inordinate delays imposed upon the lessee when attempting to obtain the permits or consents necessary to initiate exploration activities. Section 250.12(b)(1) of 30 CFR is amended by removing the word "or" that precedes subdivision (iii), by replacing the period at the end of (iii) with a comma, and by adding a new subdivision (iv), and revises (b)(3)(iii) to read as follows:

§ 250.12 Suspension of operations and lease cancellation.

* * * * *

(b) * * *

(1) * * *

or (iv) allow for inordinate delays encountered by the lessee, in obtaining any required permit or consent from a Federal, State, or local government authority, including administrative or judicial challenges or appeals.

* * * * *

(3) * * *

(iii) Whether, during the primary term, the lessee has beem prompt and efficient in the exploration of or in attempts to explore the lease.

* * * * *

(43 U.S.C. 1334.)

[FR Doc. 81–24337 Filed 8–19–81: 8:45 am]

BILLING CODE 4310–31–M

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed amendments to 30 CFR 250.50 are to delete the provisions that require the segregation of the portion of an OCS oil and gas lease that is not included in a unit agreement. This deletion is required by an opinion of the Solicitor of the Department of the Interior. This proposed amendment will allow the term of an entire lease to be extended if any part of the lease is included in a unit on which development or production activities justify the extension of the lease term.

DATE: Written comments on this proposal to amend the rule must be submitted on or before September 21, 1981.

ADDRESS: Comments may be mailed to: Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860–7395, (FTS) 928–7395.

SUPPLEMENTARY INFORMATION:

Background

This proposed rulemaking is undertaken to eliminate those regulatory requirements in the existing provisions of 30 CFR 250.50 which require the segregation of the portion of a lease outside a unit. This proposed change is also in keeping with the Department's announced policy to eliminate excessive, burdensome, or counterproductive regulations. In addition to comments on the proposed rulemaking, we welcome comment on all of the provisions of 30 CFR 250.50. It is not, however, the intention of this rulemaking to eliminate any statutory requirements, but rather to reduce as much as possible any additional regulatory burden imposed by the Department and to insure that its regulations are in conformity with the law.

Discussion of Changes

The current provisions of 30 CFR 250.50 contain language requiring the segregation of unitized OCS leases. A unit is formed when the lessees for adjoining leases agree, with the consent of the lessor, to treat an area above a common oil and gas reservoir as one unit. The separately owned lease interests are combined for the purpose of exploration and development of the reservoir, so as to maximize production, minimize costs, and protect correlative rights.

Segregation refers to the practice of separating that portion of a lease which is unitized from that portion which is not committed to the unit, essentially splitting a lease into two leases.

The Solicitor of the Department of the Interior, based upon a recent review of OCS Lands Act (43 U.S.C. 1331 *et seq.*), issued Solicitor's Opinion M–36927 concluding that the Secretary does not have legal authority to require that those portions of the lease not under the unit agreement be segregated from those portions of the lease which are within the unit.

The proposed amendments will remove all references to mandatory segregation to insure the departmental regulations conform with the Solicitor's opinion and are in agreement with law.

Authors: Jack Kelly, Office of the Solicitor, U.S. Department of the Interior (703/860–6736); Platte Clark and Jane Roberts, Geological Survey, U.S. Department of the Interior (703/860–7395 and 7541, respectively).

Environmental Impact, Regulatory Impact Analysis and Impact on Small Entities

The Department of the Interior has determined that this revision of the regulations in 30 CFR 250.50 does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. The Department has determined that this proposed rule is not a major action and does not require the preparation of a regulatory impact analysis under Executive Order 12291. The Department has also determined that this proposed rule will not have a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

William Perry Pendley,

Deputy Assistant Secretary of the Interior.

June 9, 1981.

Section 250.50 is amended as follows:

1. The first sentence of § 250.50(b) is amended by removing the words "* * * or segregated portions of leases * * *".

2. The first sentence of § 250.50(e) is amended by removing the words "* * * or segregated portion of leases * * *".

3. Paragraphs (g), (h), and (i) are revised.

4. Paragraph (j) is removed.

§ 250.50 Authority and requirements for unitization.

* * * * *

(b) [Amended]

* * * * *

(e) [Amended]

* * * * *

(g) If a lease is subject to unitization, the entire lease shall continue in force for the term provided in the lease and as long thereafter as the lease remains part of the unit area and as long as there are operations within the unit area which serve to continue the lease in effect.

(h) Upon the expiration or termination of a unit agreement or when there is an adjustment of a unit area that results in the elimination of a lease from the unit agreement, each lease that was, but is no longer, subject to the unit agreement shall expire unless (1) Its initial term has not expired, (2) drilling, production, or well reworking operations are underway on the lease, or (3) a suspension of production or operations has been ordered or approved for the lease pursuant to 30 CFR 250.12.

(i) When a lease subject to a unit agreement is beyond the initial fixed term of the lease and unitized substances are not being produced, the lease shall expire unless (1) The unit operator conducts a continuous drilling or well reworking program designed to develop or restore the production of unitized substances, or (2) a suspension of operations has been ordered or approved in accordance with 30 CFR 250.12

(j) [Removed]

[FR Doc. 81-24338 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 153 and 161

[CGD 78-098]

Notification of Marine Casualties

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of Advance Notice of Proposed Rulemaking.

SUMMARY: This action withdraws the Advance Notice of Proposed Rulemaking, Docket Number 78-098, published in the **Federal Register** on April 16, 1979 [44FR22476]. The advance notice invited public participation in the development of regulations which would have required notification whenever a collision, stranding, loss of propulsion or steering or other incident of navigation involving tank vessels could be reasonably expected to result in discharge of oil or hazardous substances. Casualty reporting requirements would have been developed to permit appropriate and timely response action while not being overly burdensome on marine traffic.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Gary L. Gregory, Prevention of Enforcement Division (G-WPE), Room 1611, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593 [[202] 426-9578].

SUPPLEMENTAL INFORMATION: The Intergovernmental Maritime Consultative Organization (IMCO) Secretariat presented to the 37th Session of the IMCO Legal Committee a study addressing notification issues arising from the AMOCO CADIZ incident. So IMCO LEG XXXVII/2 (22 Sep 1978). The study references the reporting requirement contained in the International Convention for the Prevention of Pollution from Ships (MARPOL) and notes that the Marine Environmental Protection Committee (MEPC) was considering recommending early implementation of the requirements. (see Resolution A.447 (XI)). After examining regional agreements and Law of the Sea (LOS) articles, the study surmises that "governments consider it desirable that there should be international regulations requiring the master of a vessel to make appropriate reports to the coastal State or States whose coastlines or related interests may be affected by incidents or casualties involving discharges or the probability of discharges." The proposed rulemaking received numerous comments from the affected public, many which expressed the opinion that the regulation was presently unneeded. Upon further review and because of the desirability of having international standards the Coast Guard does not consider unilateral action at this time appropriate. Discussions are continuing at meetings of IMCO and the Coast Guard will continue to cooperate in efforts to develop international standards concerning notification of casualties to coastal states by vessels not bound for that state.

The Advance Notice of Proposed Rulemaking, docket number 78-098, published in the **Federal Register** on April 16, 1979 [44FR22476], is hereby withdrawn.

Dated: August 13, 1981.

W. E. Caldwell,

RADM, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-24351 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 175

[CGD 78-163]

Exception From PFD Carriage Requirement for Sailboards

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The Coast Guard is withdrawing its proposal to exempt sailboard operators from the requirement to carry a personal flotation device. This results from a determination that sailboards should not be subject to Federal regulation. So that State and local governments may be free to regulate sailboards if the need arises, they are being exempted from a provision in the Federal Boat Safety Act of 1971 that would prohibit such action. As the Federal government will no longer be involved in the regulation of sailboards, an exemption previously granted to one sailboard manufacturer that allowed its products to be used without personal flotation devices is being terminated. These actions will allow the Coast Guard to withdraw from an area in which there was never a clearly established need for its involvement, while preserving the opportunity for such involvement at more appropriate levels of government.

FOR FURTHER INFORMATION CONTACT: Mr. Ray Franseen, Consumer Affairs and Administrative Staff, Office of Boating, Public, and Consumer Affairs, (G-BA-1), U.S. Coast Guard Headquarters Building, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone 202-426-1080.

SUPPLEMENTARY INFORMATION: On February 18, 1973 an exemption from the requirements of § 175.15, Title 33, Code of Federal Regulations was granted to Windsurfing International, Inc., allowing a craft it marketed as "Windsurfer" to be used without a personal flotation device. The "Windsurfer" is basically a surfboard with a triangular sail on a swivel mounted mast. There is no rudder nor any rigging or stays. The operator maneuvers the boat through the trim of the hand-held sail and distribution of body weight on the surfboard. In issuing the exemption, the Coast Guard described the "Windsurfer" as "in essence * * * more a novelty craft used as a swimming toy than a vessel used or capable of being used for transportation". At that time the "Windsurfer" was relatively new to the domestic market and the terminology "sailboard" was not in use. Since the granting of the exemption to Windsurfing International, Inc., many

manufacturers both foreign and domestic have manufactured surfboards with an attached free fall sail system and the term "sailboard" has come into common usage.

On March 29, 1979 the Coast Guard published an advance notice of proposed rulemaking at 44 FR 18765 soliciting comments to help it decide whether to withdraw the exemption from the Personal Flotation Device (PFD) carriage requirement issued to Windsurfing International, Inc., to extend the exemption to all other sailboard manufacturers or to develop alternative approaches. Based upon the comments received, the Coast Guard concluded that there would be no significant adverse effect on boating safety to continue to exempt operators of the "Windsurfer" from the PFD carriage requirement.

On July 19, 1980 the Coast Guard published a notice of proposed rulemaking at 45 FR 47876 that was directed at extending the treatment accorded to "Windsurfer" operators to the operators of all sailboards. If adopted, the proposed rule would have amended the regulations governing the carriage of PFD's to except sailboards from their coverage. The comments received on the proposed rule can generally be divided into two categories. The manufacturers of sailboards and most sailboard operators were in favor of granting an exception to all sailboards; however, State and local law enforcement agencies, a few sailboard operators, and other boat operators were generally in favor of terminating the existing exception and requiring all sailboard operators to carry PFDs.

Through the use of many thousand sailboards by both experienced and inexperienced sailboarders, it has become apparent that sailboarding has become a sport, similar to surfing or skiing and that sailboards are not normally being used as a means for transportation. There are differences of opinion as to whether they are practically capable of being used as a means for transportation on the water and thereby qualify as "vessels" subject to regulation under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.). The sailboarder must gain skill in balance and exhibit good dexterity to maintain the sailboard upright and moving. The sailboarder must exhibit some of the skills of a surfboarder, a sailor, and a skier to properly use the sailboard.

Many water sport items have evolved over the years which, although they may be capable of a limited use as a means of noncommercial transportation on the water, have not been subjected to regulation under the Federal Boat Safety Act of 1971. These water sport items include inner tubes, inflatable air mattresses, float boards, and surfboards. It has been determined by the Coast Guard that the sailboards should be treated in a manner similar to water sport items and that formal regulation of sailboards is not needed at this time. The exemption granted to Windsurfing International, Inc. is therefore being terminated and the notice of proposed rulemaking concerning PFD carriage on sailboards is being withdrawn. Although the Coast Guard does not intend to regulate sailboards under the Act, it plans to continue monitoring sailboard activities to determine whether regulatory action may be needed. The Coast Guard will not hesitate to consider imposing requirements on sailboards if it is determined that problems of safety exist.

Although the Coast Guard has determined that regulation of sailboards under the Federal Boat Safety Act of 1971 is not needed at this time, it recognizes that there might be State interest in doing so. The Federal preemption provision in section 10 of the Act (46 U.S.C. 1459) prohibits States from imposing safety standards or associated equipment requirements that are not identical to those issued by the Federal government. However, States may be exempted from this prohibition under Section 9 of the Act (46 U.S.C. 1458). Such an exemption is being granted as part of this action so that States that find it necessary to regulate sailboards may be free to do so. By eliminating Federal involvement in a matter that at present may be better addressed at the State and local level, this action is in furtherance of the Administration's efforts to achieve regulatory reform.

The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in this matter. The transcript of the meetings of the National Boating Safety Advisory Council at which this matter was discussed is available for examination in Room 4224, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, D.C. 20593. The minutes of the meetings are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G–BA/42), U.S. Coast Guard, Washington, D.C. 20593.

Drafting Information

The principal persons involved in drafting this document were Mr. Ray Franseen, project manager, Office of Boating, Public and Consumer Affairs, and Mr. Coleman Sachs, project attorney, Office of the Chief Counsel.

In consideration of its determination that sailboards should not be subject to Federal regulation under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.), the Coast Guard is taking the following actions:

1. Withdrawing the notice of proposed rulemaking docketed as (CGD 78–163) published on July 17, 1980 (45 FR 47876).

2. Exempting each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession over which the United States has jurisdiction and their political subdivisions from that portion of section 10 of the Federal Boat Safety Act of 1971 (Public Law 92–75) that would prohibit them from establishing and enforcing regulations governing the manner in which sailboards are used, operated, or equipped owing to the absence of identical Federal regulations.

3. Terminating the grant of exemption docketed as (CGD 73–29) issued to Windsurfing International, Inc. on February 18, 1973.

(46 U.S.C. 1454, 1458; 49 CFR 1.46(n)(1))

Dated: July 27, 1981.

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 81–24348 Filed 8–19–81; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–10–FRL–1914–6]

Approval and Promulgation of State Implementation Plans; Extension of Comment Period, State of Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period on proposed rules.

SUMMARY: The purpose of this notice is to extend the public comment period on the proposed EPA promulgation of the State of Idaho air program rules and regulations as proposed in the July 16, 1981 (46 FR 36869) Federal Register. This notice grants an additional 30-day comment period.

DATE: Comments are due by September 21, 1981.

ADDRESSES: The relevant materials in this rulemaking may be examined during normal business hours at the following locations:

Central Docket Section (10A–80–2), Environmental Protection Agency, West Tower Lobby, Gallery I, 401 M Street SW., Washington, D.C. 20460;

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, M/S 625, Seattle, Washington 98101–3188;

Idaho Operations Office, Environmental Protection Agency, 422 W. Washington Street, Boise, Idaho 83702.

Comments should be addressed to: Laurie M. Kral, Environmental Protection Agency, 1200 Sixth Avenue, M/S 625, Seattle, Washington 98101–3188.

FOR FURTHER INFORMATION CONTACT: Micahel J. Schultz, Coordination & Planning Section, Environmental Protection Agency, 1200 Sixth Avenue, M/S 625, Seattle, Washington 98101–3188, Telephone: (206) 442–1226, FTS 399–1226.

SUPPLEMENTARY INFORMATION: On July 16, 1981 (46 FR 36869), EPA proposed to promulgate as part of the Idaho State Implementation Plan certain rules which are necessary to operate an air pollution control program for the State of Idaho as well as the authority to issue certain permits associated wth such a program. Additionally, EPA proposed to rescind certain rules from the approved SIP and recognize certain permits which have been issued by the State. Public comment on the proposed changes were invited for a period of 30 days (ending August 17, 1981). EPA Region 10 has received several requests to extend the comment period for an additional 30 days.

In view of the requests for additional time to provide detailed comments, EPA is hereby extending the public comment period for 30 days to September 21, 1981. Comments on the proposed promulgation should be addressed to Laurie M. Kral at the address listed above. Comments received will be evaluated and a final determination published in the **Federal Register.**

(Sections 110, 307, of the Clean Air Act (42 U.S.C. 7410 and 7607)

Dated: August 12, 1981.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 81–24356 Filed 8–19–81; 8:45 am]

BILLING CODE 6560–30–M

40 CFR Part 52

[A–5–FRL–1908–4]

Approval and Promulgation of Implementation Plan; Revisions: Illinois

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On August 20, 1980, October 15, 1980, March 20, 1981 and April 1, 1981, the State of Illinois submitted to the U.S. Environmental Protection Agency (EPA) revisions to the Illinois State Implementation Plan. These revisions to the transportation control plans for the Northeast Illinois (Chicago) area, the Peoria Metropolitan area and the St. Louis Metropolitan area (Illinois portion), were submitted to meet the requirements set forth in the conditional approval published on February 21, 1980 (45 FR 11472). This notice solicits public comment on the revisions of EPA proposed rulemaking action.

DATE: Comments must be received on or before September 21, 1981.

ADDRESS: Written comments should be sent to the following address: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Please submit an original and three copies if possible. Copies of the materials submitted by the State and by the public during the comment period announced in this notice of proposed rulemaking may be examined during normal business hours at the following EPA offices:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein/Randy Cano, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 203 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6039/886–6035.

SUPPLEMENTARY INFORMATION: On February 21, 1980, (45 FR 11472) EPA announced final rulemaking on revisions to the Illinois SIP. The State submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977. In the notice of final rulemaking, EPA conditionally approved the transportation control plans for Northeast Illinois (Chicago) Area, the Peoria Metropolitan Area and the St. Louis Metropolitan (Illinois portion) Area. A discussion of conditional approval was published in the July 2, 1979 **Federal Register** (44 FR 38583) and the November 23, 1979 **Federal Register** (44 FR 67182). A conditional approval identifies deficiencies which the State has agreed to remedy by a certain date. The conditional approval status of the SIP continues until final action is taken and published in the **Federal Register.** Although EPA has not yet completed its rulemaking action on all aspects of the conditional approval, the State agrees to meet the deadlines they committed to in providing the schedules required by the plan approval conditions unless these schedules are disapproved by EPA in its final rulemaking action on Illinois transportation control plans.

On August 20, 1980 and March 20, 1981, the State submitted additional information on the transportation control plans (TCP's)for the Northeast Illinois (Chicago) Area. On October 15, 1980, the State submitted additional information for the St. Louis Metropolitan (Illinois Portion) Area in response to the requirements set forth in the conditional approval published February 21, 1980 (45 FR 11472).

EPA has completed its review of the submittal and finds that the State has satisfied all the requirements set forth in the conditional approval published in the February 21, 1980 **Federal Register** (45 FR 11472) for the transportation control plans for the Northeast Illinois Area, the Peoria Metropolitan and the St. Louis Metropolitan (Illinois portion) Areas.

This section of the notice discusses the plan approval conditions identified by EPA in the February 21, 1980 rulemaking notice (45 FR 11472); the State's responses of August 20, 1980, October 15, 1980, March 20, 1981, and April 1, 1981; and EPA's proposed rulemaking action.

Northeastern Illinois (Chicago) Area

1. *Condition:* EPA requested implementor commitments from the State of Illinois to meet the conditional approval requirements reference in the February 21, 1980, notice of final rulemaking.

State Action: On January 25, 1980, and March 20, 1981, the State submitted information to meet this requirement. In the March 20, 1981 submittal, the State indicated that the most appropriate context for securing implementor commitments was within the framework of the transportation planning process.

EPA's Proposed Action: In EPA's February 21, 1980 **Federal Register** one of the conditional approval items was the submission of the implementor

commitments by February 21, 1981. In clarification of that conditional approval requirement, IEPA submitted a letter to EPA on March 20, 1981 which stated that instead of obtaining implementor commitments by February 21, 1981, IEPA would obtain them within the framework of the existing transportation planning process. USEPA agrees with Illinois' approach because of the variable and complex nature of the transportation planning process and because of the large number of implementors involved. Therefore EPA proposes to allow the condition to be met through the annual transportation planning process under Section 176(c) of the Clean Air Act.

2. *Condition:* The State will submit an inventory identifying the location of carbon monoxide hotspots and a schedule for hotspot elimination.

State Action: On August 20, 1980, the State submitted an inventory and other information. This included correspondence, a referenced schedule and attachments from the Chicago Area Transportation Study.

EPA's Proposed Action: EPA proposes to approve this action.

Peoria Metropolitan Area

1. *Condition:* EPA requested a more detailed description of the transportation planning process.

State Action: On October 15, 1980, the State submitted a detailed description of the transportation air quality planning process.

EPA's Proposed Action: EPA proposes to approve this action.

2. *Condition:* The Tri-County Regional Planning Commission (Tri-County) was asked to provide a description of procedures which will be used to annually determine the consistency and conformity of the transportation control plan with the SIP.

State Action: On October 15, 1980, the State submitted a summary of procedures for an annual determination of consistency and conformity.

EPA's Proposed Action: EPA proposes to approve this action.

Condition: EPA requested details indicating how the emission impact of implemented transportation projects will be annually assessed and reported.

State Action: On October 15, 1980, the State submitted a description of responsible agencies, methodologies, and procedures for annually assessing, monitoring, measuring, and reporting of emission reduction.

EPA's Proposed Action: EPA proposed to approve this action.

4. *Condition:* EPA requested an assement of the social, economic, health, energy, air quality, and welfare impacts of transportation control measures.

State Action: On October 15, 1980, the State submitted a description of how the social, economic, environment, energy and health impacts of each TCM will be evaluated.

EPA's Proposed Action: EPA proposes to approve this action.

5. *Condition:* EPA requested an identification of all potential CO hotspots in the Peoria Metropolitan Area.

State Action: On October 15, 1980, the State submitted a description of a two-step procedure which TCRPC will use to address the identification and committed itself to the elimination of CO hotspots.

EPA's Proposed Action: EPA proposes approval of this condition because TCRPC and IEPA have committed themselves to the development of strategies for the elimination of hotspots. EPA will evaluate the completion of this action through the Section 176(c) Conformity Procedures which is an annual determination by the Federal, State and Local agencies.

6. *Condition:* EPA requested that the State identify a mechanism for informing elected officials and implementors of progress toward meeting emission reduction goals and projects needed to meet these goals.

State Action: On October 15, 1980, the State submitted TCRPC's procedures for informing local elected officials and implementors of the progress in meeting emission reduction goals.

EPA's Proposed Action: EPA proposes to approve this action.

The St. Louis Metropolitan (Illinois Portion) Area

1. *Condition:* EPA requested a more detailed description of the transportation planning process including the criteria used by the lead local agency to assess impacts of strategies.

State Action: The State submission of April 1, 1981, contained pages 35–39 of the section 175 grant application. These pages describe how transportation control measures (TCM) will be analyzed and commitments obtained.

EPA's Proposed Action: EPA proposes to approve this action.

2. *Condition:* EPA requested that implementor commitments be obtained and submitted.

State Action: The February 21, 1980, EPA final rulemaking on the Illinois SIP Plan indicates that information which partically satisfies this requirement had been received. The April 1, 1981, submittal from IEPA provided additional commitments for implementing specific transportation strategies.

EPA's Proposed Action: EPA proposes to approve this action with the exception to roads and highways. EPA proposes to take no action on these traffic flow improvements which can be categorized as construction of physical modifications to roads and highways. If these measures are to be incorporated into the SIP, EWGCC must provide a project-specific determination of the air quality emission benefits as a demonstration that these are an appropriate part of this control strategy. This project-specific evaluation may be submitted as part of the 1982 ozone SIP.

3. *Condition:* EPA requested the State to submit a schedule for conducting the analysis of the strategies in section 108 of the act.

State Action: On April 1, 1981, the State submitted pages 39 and 47 of the section 175 grant application. This submission contained a schedule for TCM analysis.

EPA's Proposed Action: EPA proposes to approve this action.

4. *Condition:* EPA requested that the State identify procedures for annually determining the consistency and conformity of the transportation control plan with the SIP.

State Action: On April 1, 1981, the State submitted applicable sections of the St. Louis Metropolitan Area Ozone Volume of the Illinois SIP. The submission indicates that specific projects will be reviewed during the transportation planning process to assess potential air quality impacts and checked for conformity with adopted regional goals and plans.

EPA's Proposed Action: This submission is acceptable; therefore, EPA proposes to approve these applicable sections of the Ozone SIP.

5. *Condition:* EPA requested additional information concerning a credit taken in the transportation control for a fifty percent increase in mass transit ridership. Further, EPA requested that EWGCC secure and submit the necessary implementor commitments.

State Action: On April 1, 1981, the State submitted information from East-West Gateway Coordinating Council (EWGCC). This submission decreased the credit from a 50 percent to a 30 percent increase in transit ridership and discussed the strategies which will achieve the increase in mass transit ridership. This goal is believed to be more realistic. The submittal includes commitments for ridesharing program promotion, increases in mass transit ridership, traffic flow improvements, promotion of bicycling and walking

trips, and promotion of alternative fuels. The Illinois State Legislature has recently authorized the formation of local transit districts. Three districts have been formed, and have set local tax levies to fund mass transit.

EPA's Proposed Action: EPA proposes to approve this action.

Pursuant to the provisions of the 5 U.S.C. Section 605(b), the Administrator certified on January 27, 1981 (46 FR 8709) that regulatory actions approving revisions to SIPs under § 110 and 172 of the Act will not, if promulgated, have a significant econimic impact on a substantial number of small entities. Today's action only proposes to approve State actions and therefore, imposes no new requirements.

Under Executive Order 122291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation, if promulgated, will not be "major" as defined by Executive Order 12291, because this action only approves a State action. This action only proposes for public comment additional information submitted by the State to satisfy certain SIP conditional approval items.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This proposed rulemaking is issued under the authority of sections 110 and 172 of the Act as amended (42 U.S.C. 7410 and 7502).

Dated: July 9, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-24352 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Parts 52 and 81

[A-1 FRL 1906-8]

Approval and Promulgation of Implementation Plans, Attainment Status Designations; New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The New Hampshire Carbon monoxide (CO) attainment plan for Manchester was approved at 45 FR 24871 (April 11, 1980) conditioned upon the submittal by May 1, 1980, of additional ambient CO monitoring data, and if detemined to be necessary by the date, a plan for meeting the CO standard by December 31, 1982. By letter dated April 23, 1980, Dennis Lunderville, Director, New Hampshire Air Resources Agency, sent a partial response to the condition documenting that the state could not develop a plan that would attain the CO standard by December 31, 1981, and the need for additional monitoring data before a final plan could be adopted. By letters dated January 12, 1981 and Februâry 18, 1981, Mr. Lunderville submitted a list of air quality improving projects in Manchester, a request for an extension of the attainment date beyond 1982, a schedule for developing an attainment plan which achieves standards no later than December 31, 1987, and a request to clarify the jurisdictional boundaries of the designated nonattainment area. EPA is proposing to delete the condition. EPA is also proposing to approve: (1) the request for an attainment date extension; (2) the schedule for developing a plan revision to be submitted in 1982; (3) the list of air quality improvement projects; and (4) the clarification of the boundaries of the nonattainment area.

DATE: Comments may be submitted to EPA at the addresses listed below on or before September 21, 1981.

ADDRESSES: Copies of the SIP revision and documents containing EPA's guidance are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, J.F.K. Federal Building, MA 02203; Public Information Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and the New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, New Hampshire 03301.

Comments should be submitted to Harley F. Laing, Chief, Air Branch, J.F.K. Federal Building, Room 1903, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: John L. Hanisch, Chief, Mobile Source Emissions Section, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, MA 02203, (617) 223–5630.

SUPPLEMENTARY INFORMATION: The approval of the New Hampshire State Implementation Plan (SIP) submitted by the state to meet the requirements of Part D of the Clean Air Act (45 FR 24800, April 11, 1980) contained a condition that New Hampshire submit an adopted carbon monoxide attainment plan for the city of Manchester, New Hampshire by May 1, 1980. The purpose of this notice is to propose to delete the condition and to approve the supplemental information submitted by the state as a revision to the SIP.

The 1979 SIP revision submitted by the New Hampshire Air Resources Agency (NHARA) stated that the Federal Motor Vehicle Emissions Control Program (FMVECP) was sufficient to demonstrate attainment of standards by 1982 based on ambient air quality monitoring conducted prior to the nonattainment designation. However, the state indicated that the monitoring data used to compute the necessary reductions required to attain the standards might be unreliable because of problems related to siting. Accordingly, the NHARA stated its intent to conduct monitoring at a permanent site during the 1979–1980 winter and to submit a revised plan by May 1, 1980, if necessary, based on the monitoring results. EPA approved the New Hampshire SIP revision conditioned upon the submittal by May 1, 1980 of this revised plan for meeting the carbon monoxide (CO) standard in Manchester by December 31, 1982, if monitoring data showed that control in addition to the FMVECP was needed to attain standards by 1982. As discussed in a letter dated April 23, 1980 from Dennis Lunderville, Director, New Hampshire Air Resources Agency, the NHARA conducted the monitoring program during the winter season, but because the long-term average temperature was 5° F above normal it was determined that the data should not be used for CO plan development. Although the monitored data did show violations of the 8-hour standard which would not be alleviated by the FMVECP alone by 1982, NHARA felt that the date under represented the severity of the problem because the weather was unseasonably mild and CO emissions increase as temperatures decrease.

As further support, the Southern New Hampshire Planning Commission modeled congested intersections to estimate 1982 CO levels. This study predicted 79 locations to be in violation of the 8-hour standard, with the highest value 2½ times the standard. Although the model used is conservative and can be expected to over-predict ambient levels, the study does indicate that Manchester will not attain standards by 1982, and also suggests CO problems are areawide and not just at the monitored site. The NHARA has committed to expand its monitoring program to sample intersections predicted to have the worst violations. The Southern New Hampshire Planning Commission has been awarded a planning grant under Section 175 of the Clean Air Act to analyze alternative strategies and, with assistance from NHARA, develop strategies to attain CO standards for areas where monitoring confirms violations.

By letter dated January 12, 1981, Mr. Lunderville submitted a list of three projects to be completed by 1982 which will contribute to improved air quality in Manchester. The projects are traffic signalization improvements in the central business district in the area with the recorded violation, the realignment of Granite Street to improve traffic flow in the central business district, and a commitment to increase the Manchester Transit Authority bus fleet by 10 percent. These projects are described in a letter dated December 3, 1980 from Mr. M. N. Sharma, Executive Director of the Southern New Hampshire Planning Commission to Mr. Lunderville.

Included in the January 12, 1981 and February 18, 1981 submittals is a schedule for developing a SIP revision containing a comprehensive CO attainment plan for the entire city of Manchester to be submitted to EPA by July 1, 1982. The schedule outlines the responsibilities of the Southern New Hampshire Planning Commission, the New Hampshire Department of Public Works and Highways, and the New Hampshire Air Resources Agency for activities leading to plan adoption and is consistent with designations made in accordance with Section 174 of the Clean Air Act, the Memorandum of Understanding of the Manchester region signed by the above agencies, and the Manchester Section 175 work program.

Based on the information provided by the state, EPA finds that the state has demonstrated that attainment by December 31, 1982 will not be possible despite implementation of all reasonably available measures.

Additionally, in the January 12, 1981 submittal Mr. Lunderville requested that the Section 107 designation be changed from "Metropolitan Manchester" to the "City of Manchester" since locations with violations are within the the city limits, and the original designation does not define official jurisdiction boundaries for "Metropolitan Manchester". Mr. Lunderville also reiterated his request for an extension of the attainment date beyond December 31, 1982 to no later than December 31, 1987.

Proposed Action: After reviewing the supplemental information submitted by the state, EPA finds that the condition imposed at 45 FR 24871 is no longer appropriate. EPA is proposing to delete the condition. EPA is also proposing to approve as revisions to the SIP:

1. The three air quality improving projects discussed above.

2. The schedule for developing a SIP revision to include a comprehensive carbon monoxide plan for the city of Manchester by July 1, 1982.

3. The request for extension of the attainment date beyond December 31, 1982 but no later than December 31, 1987.

4. The change in Section 107 designation from "Metropolitan Manchester" to "City of Manchester."

Under executive order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves a state action and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27, 1981 certification. The action only approves state actions. It imposes no new requirements.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7610))

Dated: June 18, 1981.

Leslie A. Carothers,

Acting Regional Administrator.

[FR Doc. 81-24957 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-10-FRL-1909-4]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this rulemaking is to invite public comment on EPA's proposed redesignation of the attainment status for the Puget Sound Air Quality Control Region as promulgated on March 3, 1978 (43 FR 9043). This action will redefine areas to better correspond with the most recent data information available. Additionally, this will allow the State and local planning agencies to more effectively manage the State and local air pollution control regulations.

DATE: Comments are due by September 21, 1981.

ADDRESSES: The information related to this redesignation may be examined during normal business hours at the following locations:

Central Docket Section (10A-81-11), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue M/S 625, Seattle, Washington 98101

State of Washington, Department of Ecology PV-11, Olympia, Washington 98504

Comments should be addressed to: Laurie M. Kral, Air Programs Branch (M/S 625), Enviromental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Air Programs Branch (M/S 625), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-1125, (FTS) 399-1125

SUPPLEMENTAL INFORMATION: The Seattle-Tacoma-Everett Federal-Aid Urban Area was designated nonattainment for carbon monoxide (CO) on March 3, 1978 (43 FR 9043). This area was designated as nonattainement because it included areas where CO violations were monitored and because it was a previously established transportation planning study area. Even though the selected area contained portions that had no data showing nonattainment of the CO National Ambient Air Quality Standards (NAAQS), the original area was chosen in order to match the planning boundaries of the local agencies responsible for both transportation planning and development of the Part D Nonattainment Plan.

Prompted in part by the recent decision in *Alabama Power v. Costle*, 606 F.2d 1068 (D.C. Cir. 1979) which highlighted the significance of nonattainment area boundaries in siting new stationary sources, the State of Washington submitted a State Implementation Plan (SIP) revision in July of 1980 containing a proposal to redefine the Puget Sound nonattainment area boundaries. Because of problems in defining attainment area boundaries the State of Washington agreed to re-evaluate their proposed SIP revision. EPA worked with the State, in conjunction with an outside contractor, on a modeling effort designed to provide information on the attainment status of areas where no monitoring data exist. Concurrently, the State of Washington offered explanation and received

comments on their proposal at several meetings with the local lead transportation planning agency and two local citizens' advisory groups. As a result of these efforts, the State of Washington submitted a SIP revision on June 19, 1981 containing a proposal to subdivide the original (March 3, 1978) nonattainment area into the smaller nonattainment areas, unclassifiable areas and attainment areas generally depicted in the figure on the next page. (More detailed maps are available for public inspection at the locations listed in the "Addresses" section.) The proposed nonattainment boundaries more accurately represent those sites for which there are monitored violations of the CO NAAQS.

The Clean Air Act Provides that a State, from time to time, may review and revise its list of attainment status designations and submit these revisions to the Administrator for promulgation (Section 107(d)(5) of the Clean Air Act). EPA is today proposing approval of these revisions.

BILLING CODE 6560-38-M

FIGURE SHOWING GENERAL RELATIONSHIPS BETWEEN THE AREAS DISCUSSED IN THIS ACTION

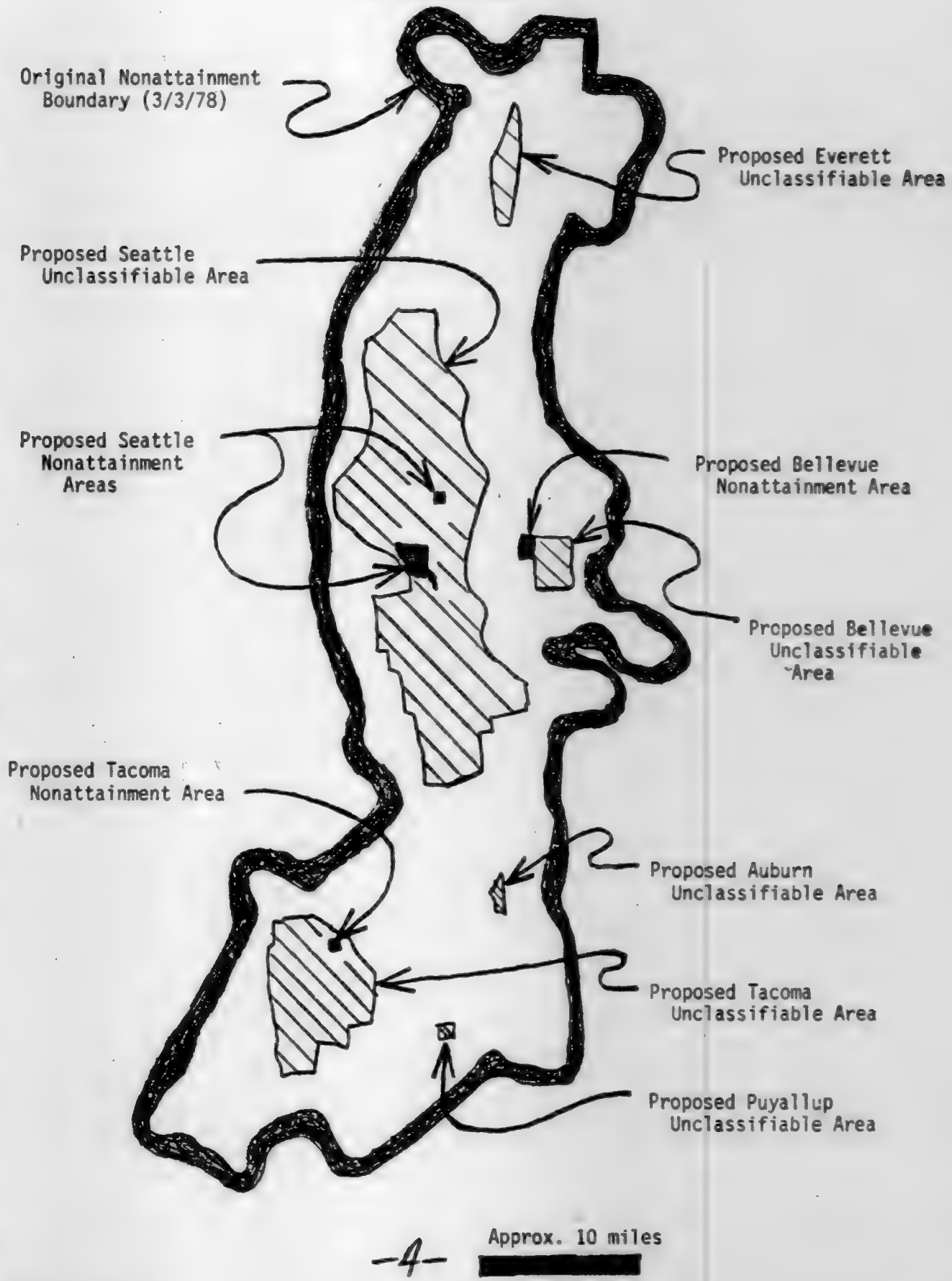

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Proposed CO Nonattainment Areas

The proposed nonattainment areas listed below are based on ambient monitoring data showing violations of the CO NAAQS, EPA guidelines for defining the spatial representativeness of monitoring sites, and local transportation patterns and planning areas.

Seattle—Central Business District (CBD). The area of the City of Seattle within the bounds: beginning at the intersection of Alaskan Way and Royal Brougham Street extending easterly along Royal Brougham Street to 6th Avenue S., thence, northerly-northwesterly along 6th Avenue N. to Jefferson Street, thence northeasterly along Jefferson Street to Broadway, thence northerly along Broadway to Pine Street, thence westerly along Pine Street to Melrose Avenue E., thence northerly on Melrose Avenue E. to Valley Street, thence west on Valley Street to Broad Street, thence southwest on Broad Street to Mercer Street, thence west on Mercer Street to W. Mercer Place, thence northwest on W. Mercer Place to Elliott Avenue W., thence southeast on Elliott Avenue W. to Broad Street, thence southwest on Broad Street to Alaskan Way, thence southeast thence southerly along Alaskan Way S. to the starting point.

Seattle—Dearborn Street and Rainer Avenue Corridor. The area of the City of Seattle bound two blocks either side of the corridor: beginning at the intersection of 4th Avenue S. and Dearborn Street extending easterly along Dearborn Street to Rainier Avenue S., thence southeast along Rainier Avenue S. to the intersection of Rainier Avenue S. and Empire Way S.

Seattle—University District. The area of the City of Seattle within the bounds: beginning at the intersection of N.E. 50th Street and 7th Avenue N.E. extending south along 7th Avenue N.E. to N.E. 43rd Street, thence easterly along N.E. 43rd Street to 15th Avenue N.E., thence northerly on 15th Avenue N.E. to N.E. 50th Street, thence westerly on N.E. 50th Street to the starting point.

Bellevue—CBD. The area of the City of Bellevue within the bounds: beginning at the intersection of 100th Avenue N.E. and Main Street extending easterly along Main Street to 116th Avenue N.E., thence northerly along 116th Avenue N.E. to N.E. 12th Street, thence westerly along N.E. 12th Street to 100th Avenue N.E., thence southerly along 100th Avenue N.E. to the starting point.

Tacoma—CBD. The area of the City of Tacoma within the bounds: beginning at the intersection of S. 9th Street and "C" Court, extending south along "C" Court to S. 13th Street, then easterly along S. 13th Street to "A" Street, thence northerly along "A" Street to S. 9th Street, thence westerly along S. 9th Street to the starting point.

Proposed CO Unclassifiable Areas

In addition to the above proposed nonattainment areas, there are portions of the original nonattainment area, without ambient monitoring data, where an attainment or nonattainment designation must be based on modeling results. The State of Washington and the EPA propose to designate these areas as either attainment or unclassifiable, depending on the modeling information. The model identified intersections with potential CO violations. High density areas of these potential "hot spot" intersections were then enclosed by boundaries to form the proposed unclassifiable areas listed below. (Not all of the identified potential "hot spot" intersections are included in proposed unclassifiable areas because of the isolated nature of each of these intersections) and because these intersections do not have significant potential for CO violations.

Everett Unclassifiable Area. The area of the City of Everett within the bounds: beginning at the intersection of Wetmore Avenue and 13th Street extending southerly along Wetmore Avenue to 21st Street, thence westerly along 21st Street to its termination, thence westerly along a line extending from 21st Street to Possession Sound, thence southerly along Possession Sound to a line parallel with and extending to 35th Street, thence easterly along 35th Street to Federal Avenue, thence southerly along Federal Avenue to Mukilteo Boulevard, thence westerly along Mukilteo Boulevard to Dogwood Drive, thence southerly along Dogwood Drive to Beverly Lane, thence southerly along Beverly Lane to Evergreen Way, thence southwesterly along Evergreen Way to S. Broadway, thence northeast along S. Broadway to Broadway Avenue, thence northerly along Broadway Avenue to 39th Street, thence easterly on 39th Street to McDougall Avenue, thence northerly on McDougall Avenue to 26th Street, thence easterly on 26th Street to Pine Street, thence northerly on Pine Street to 16th Street, thence westerly on 16th Street to Fulton Street, thence northerly on Fulton Street to 15th Street, thence westerly on 15th Street of Broadway, thence northerly on Broadway to 13th Street, thence westerly along 13th Street to the starting point.

Seattle Unclassifiable Area. The area of King and Snohomish Counties (excluding the above proposed nonattainment areas) within the bounds: beginning at the interesection of 196th Street S.W. and Poplar Way extending westerly along 196th Street S.W. to Puget Drive, thence westerly along Puget Drive to 9th Avenue N. thence southerly on 9th Avenue N. to Caspers Street, thence westerly along Caspers Street continuing westerly along a line parallel with Caspers Street extending to Puget Sound, thence southwesterly along Puget Sound to a line parallel with Pine Street and extending from Edwards Point to Pine Street, thence easterly along said line to intersection of Pine Street and Ballinger Road, thence southeasterly along Ballinger Road to the Snohomish County/King County boundary, thence westerly along the Snohomish County/King County boundary to Puget Sound, thence southerly along Puget Sound through the East Duwamish Waterway to S.W. Spokane Street, thence westerly along S.W. Spokane Street to S.W. Admiral Way, thence northerly thence easterly along S.W. Admiral Way to California Avenue S.W., thence southerly on California Avenue S.W. to S.W. Morgan Street, thence easterly along S.W. Morgan Street to 35th Avenue S.W., thence southerly along 35th Avenue S.W. to S.W. Roxbury Street, thence easterly on S.W. Roxbury Street to 16th Avenue S.W., thence southerly on 16th Avenue S.W. to Salmon Way S.W., thence southeasterly on Salmon Way S.W., to Ambaum Boulevard S.W., thence southerly on Ambaum Boulevard S.W. to 8th Avenue S.W., thence southerly on 8th Avenue S.W. to S.W. 160th Street, thence easterly on S.W. 160th Street to 1st Avenue S., thence southerly on 1st Avenue S. to 216th Street S., thence easterly on 216ths Street S. to 35th Avenue S., thence northerly on 35th Avenue S. to 37th Place S., thence southeasterly on 37th Place S. to 40th Place S., thence northeast on 40th Place S. to 42nd Avenue S., thence northerly on 42nd Avenue S. to Orillia Road S., thence northerly on Orillia Road S. to Interstate Highway 5, thence northerly on Interstate Highway 5 to S. 178th Street, thence easterly on S. 178th Street to S. 180th Street, thence easterly on S. 180th Street to Valley Road S., thence northerly on Valley Road S. to Interstate Highway 405, thence easterly on Interstate Highway 405 to Main Avenue S., thence northerly on Main Avenue S. to Bronson Way N., thence easterly on Bronson Way N. to Sunset Boulevard N.E., thence northerly on Sunset Boulevard N.E. to N.E. Park Drive, thence westerly on N.E. Park Drive to Interstate Highway 405, thence

northwest to Lake Washington, thence southwesterly following the west shore to the north end of Lake Washington to a line parallel with and extending from Ballinger Way, then northwesterly along Ballinder Way to N.E. 205th Street, thence easterly on N.E. 205th Street to 56th Avenue W., thence northerly on 56th Avenue W. to 220th Street S.W., thence easterly on 220th Street S.W. to 52nd Avenue W., thence northerly on 52nd Avenue W. to 212th Street S.W., thence easterly on 212th Street S.W. to 44th Avenue W., thence northerly on 44th Avenue W. to 204th Street S.W., thence easterly on 204th Street S.W. to Poplar Way, thence northerly on Poplar Way to the starting point.

Bellevue Unclassifiable Area. The area of the City of Bellevue and King County (excluding the above proposed nonattainment area) within the bounds: beginning at the intersection of 100th Avenue N.E. and Main Street extending easterly along Main Street to Lake Washington Boulevard S.E., thence southerly along Lake Washington Boulevard S.E. to Coal Creek Parkway S.E., thence southeasterly on Coal Creek Parkway S.E. to Newport Way S.E., thence northeast on Newport Way S.E. to 150th Avenue S.E., thence northerly on 150th Avenue S.E. to 156th Avenue S.E., thence northeasterly on 156th Avenue S.E. to S.E. 24th Street, thence easterly on S.E. 24th Street to 168th Avenue S.E., thence northerly on 168th Avenue S.E. to 165th Avenue N.E., thence northerly on 165th Avenue, N.E. to 166th Avenue N.E., thence northerly on 166th Avenue N.E. to 165th Avenue N.E., thence northerly on 165th Avenue N.E. to Northrup Way, thence westerly on Northrup Way to 163rd Avenue N.E., thence northerly on 163rd Avenue N.E. to 164th Avenue N.E., thence northerly on 164th Avenue N.E. to N.E. 24th Street, thence easterly on N.E. 24th Street to 124th Avenue N.E., thence southerly on 124th Avenue N.E. to N.E 12th Street, thence westerly on N.E. 12th Street and a line parallel to N.E. 12th Street to 100th Avenue S.E., thence southerly on 100th Avenue S.E. to the starting point.

Tacoma Unclassifiable Area. The area adjacent to and including part of the City of Tacoma (excluding the above proposed nonattainment area) within the bounds: beginning at the intersection of N. 30th Street and Pearl Street extending southerly along Pearl Street to Westgate Boulevard, thence westerly on Westgate Boulevard to Narrows Drive, thence southerly on Narrow Drive to Jackson Avenue to Bridgeport Way W., thence southerly on Bridgeport Way W. to Custer Road W., thence southwesterly on Custer Road W. to 68th Avenue S.W., thence south on 68th Avenue S.W. to Ardmore Drive, thence southeasterly on Ardmore Drive to Bridgeport Way, thence southerly on Bridgeport Way to Pacific Highway S.W., thence northeasterly on Pacific Highway S.W. to S. Tacoma Way, thence northeasterly on S. Tacoma Way to S. 84th Street, thence easterly on S. 84th Street to Pacific Avenue, thence northerly on Pacific Avenue to S. 72nd Street, thence easterly on S. 72nd Street to Portland Avenue, thence northerly on Portland Avenue to E. 44th Street, thence easterly on E. 44th Street to Roosevelt Avenue, thence northerly on Roosevelt Avenue to Sherman Street, thence easterly on Sherman Street to Granview Avenue, thence northerly along a line extending from Granview Avenue to the Puyallup River, thence northwesterly down the Puyallup River to E. 11th Street, thence southwesterly on E. 11th Street to the City Waterway, thence northerly along the City Waterway following the west shore of Commencement Bay to a line parallel with and extending to N. 30th Street, thence westerly along N. 30th Street to the starting point.

Puyallup Unclassifiable Area. The area of the City of Puyallup within the bounds: beginning at the intersection of 5th Avenue N.E. and 5th Street S.W. extending southerly along 5th Street S.W. to 9th Avenue S.W., thence easterly along 9th Avenue S.W. to 7th Street S.E. thence northerly along 7th Street S.E. to 4th Avenue N.E., thence westerly along 4th Avenue N.E. to 5th Street N.E., thence northerly along 5th Street N.E. to 5th Avenue N.E., thence westerly along 5th Avenue N.E. to 5th Avenue N.W. to the starting point.

Auburn Unclassifiable Area. The area of the City of Auburn within the bounds: beginning at the intersection of Harvey Road and Auburn Avenue extending southerly along Auburn Avenue to "A" Street S.E., thence southerly on "A" Street S.E. to 4th Street S.E., thence southeasterly on 4th Street S.E. to Auburn Way S., thence southerly on Auburn Way S. to "M" Street S.E., thence northerly on "M" Street S.E. to Harvey Road, thence northeasterly on Harvey Road to the starting point.

Proposed CO Attainment Areas

The State of Washington and EPA propose to designate as attainment for CO all portions of the original (March 3, 1978) Puget Sound CO nonattainment area that are not proposed to be designated as nonattainment or unclassifiable in this proposed rulemaking. These proposed attainment areas are areas with monitored attainment or areas without monitoring data but identified, by the screen-line modeling analysis, as lacking the potential for CO violations.

Impact Summary

The primary effect of these redesignations is to change the permit requirements for new major stationary sources and major modifications. Such sources proposing to locate in the current CO nonattainment areas must install the Lowest Achievable Emission Rate (LAER) levels of controls and obtain at least a one-for-one emission offset so that reasonable further progress (RFP) towards attainment is maintained. Such sources proposing to locate in the areas which are proposed to be redesignated as attainment or unclassifiable will have to apply the Best Available Control Technology (BACT) and ensure that the source's emissions will not cause or contribute to violations of the NAAQS for CO. Since LAER and BACT for CO are essentially the same, the only real impact of this redesignation is to eliminate the automatic requirement of a greater than one-for-one offsetting emission reduction. Rather, offsets will only be required to ensure attainment and maintenance of the CO standards.

An additional effect of these proposed redesignations is that a Part D (nonattainment area) plan is no longer required to bring the proposed unclassifiable areas into attainment with the CO standard. This result, however, will have no impact on the currently approved CO nonattainment plans since all the provisions included in those plans are still necessary in order to attain the NAAQS in the remaining CO nonattainment areas.

Pursuant to the provisions of 5 U.S.C. § 605(b) the Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This rule constitutes an attainment status redesignation under Section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Interested parties are invited to comment on all aspects of this proposed promulgation. Comments should be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by September 21, 1981 will be considered in

any final action EPA takes on this proposal.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. This regulation is not major because it is merely changing boundaries of a nonattainment area as requested by the State. There will be no additional regulatory burden.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 107(d), 171(2), 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d) and 7501(2), 7601(a)))

Dated: July 17, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81-24359 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PP OE2364/P184; PH-FRL-1914-7]

Paraquat; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium-ion) derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation). This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for residues of the subject chemical in or on rhubarb at 0.05 part per million (ppm).

DATE: Written comments must be received on or before September 21, 1981.

ADDRESS: Written comments to: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 0E2364 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Michigan, Oregon, and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act propose the establishment of a tolerance for residues of the desiccant, defoliant, and herbicide paraquat in or on the raw agricultural commodity rhubarb at 0.05 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance of 0.05 ppm in or on rhubarb were several rat acute oral feeding studies with the LD_{50} values of 112-150 milligrams (mg) paraquat cation/kilogram (kg) of body weight (bw); a 90-day rat feeding study with lowest level of paraquat producing signs of toxicity at 15 mg/kg/day; and lowest level of paraquat producing death at 17 mg/kg/day; a 2-year dog feeding study with a no-observed-effect level (NOEL) of 50 ppm paraquat dichloride (0.91) mg paraquat cation/kg of body weight); and a one-generation rat reproduction study with a NOEL of 100 ppm (10 mg/paraquat cation/kg, highest level tested); a mouse teratology study (not teratogenic at 10 mg paraquat cation/kg of bw, highest level tested); mutagenic studies with *Salmonella typhimurium* (paraquat was not mutagenic with the following histidine-requiring strains; TA 1535, TA 1537, TA 1538, TA 98, TA 100); and a mutagenic dominant lethal test (not mutagenic to CD-1 strain of mice).

Additional toxicology studies which are desirable include a six-month (minimum) dog feeding study; a rat chronic feeding/oncogenic and mouse oncogenic study; a teratology study in one additional mammalian species; a three-generation reproduction study; and additional mutagenic studies. According to the registration application, the missing studies have either been completed or are still in progress and will be submitted to the agency as soon as reports become available.

The acceptable daily intake (ADI), based on the 2-year dog feeding study (NOEL of 0.91 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.0091 mg/kg of bw/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.5460 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.1010 mg/day. The current action will utilize 0.007 percent of the ADI. The metabolism of paraquat is adequately understood and an adequate analytical method (spectrocolorimetry) is available for enforcement purposes.

Paraquat is a candidate for a rebuttal presumption against registration (RPAR) since it may exceed the risk criteria described in 40 CFR 162.11. However, the amount of paraquat added to the diet from this use on rhubarb, calculated to be 0.00004 mg/day for a 1.5 kg daily diet, is considered extremely unlikely to produce an increase in toxicological or pharmacological effects in humans. Thus, the tolerance that will be established by this proposed rule is considered to pose a negligible increment in risk.

Based on the above information considered by the agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein may request, on or before September 21, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number "[PP OE2364/P184]". All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346(e)))

Dated: August 4, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.205 be revised to read as follows:

§ 180.205 Paraquat; tolerances for residues.

Tolerances are estabished for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridiniumion) derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation) in or on the following raw agricultural commodities:

Commodities	Part per million
Alfalfa	5
Almond hulls	0.5
Apples	0.05(N)
Apricots	0.05(N)
Avocados	0.05(N)
Bananas	0.05(N)
Barley grain	0.05(N)
Beets, sugar	0.5
Beets, sugar (tops)	0.5
Birdsfoot trefoil	5
Cattle, fat	0.01(N)
Cattle, meat	0.01(N)
Cattle, mbyp	0.01(N)
Cherries	0.05(N)
Citrus fruit	0.05(N)
Clover	5
Coffee beans	0.05(N)
Corn, fresh (inc sweet corn) (K+CWHR)	0.05(N)
Corn fodder	0.05(N)
Corn forage	0.05(N)
Corn grain	0.05(N)
Cottonseed	0.5
Eggs	0.01(N)
Figs	0.05(N)
Goats, fat	0.01(N)
Goats, meat	0.01(N)
Goats, mbyp	0.01(N)
Grass, pasture	5
Grass, range	5
Guar beans	0.5
Guava	0.05(N)
Hogs, fat	0.01(N)
Hogs, meat	0.01(N)
Hogs, mbyp	0.01(N)
Hops, fresh	0.1
Hop vines	0.5
Horses, fat	0.01(N)
Horses, meat	0.01(N)
Horses, mbyp	0.01(N)
Lettuce	0.05(N)
Melons	0.05(N)
Milk	0.01(N)
Nectarines	0.05(N)
Nuts	0.05(N)
Oat grain	0.05(N)
Olives	0.05(N)
Papayas	0.05(N)
Passion fruit	0.2
Peaches	0.05(N)
Pears	0.05(N)
Peppers	0.05(N)
Pineapples	0.05(N)
Plums (fresh prunes)	0.05(N)
Potatoes	0.5
Poultry, fat	0.01(N)
Poultry, meat	0.01(N)
Poultry, mbyp	0.01(N)
Rhuberb	0.05(N)
Rye grain	0.05(N)
Safflower seed	0.05(N)
Sheep, fat	0.01(N)
Sheep, meat	0.01(N)
Sheep, mbyp	0.01(N)
Small fruit	0.06(N)
Sorghum forage	0.05(N)
Sorghum grain	0.05(N)
Soybeans	0.05(N)
Soybean forage	0.05(N)
Sugarcane	0.05(N)
Sunflower seeds	2
Tomatoes	0.05(N)
Wheat grain	0.05(N)

[FR Doc. 81-24339 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP OE2397/P183; PH-FRL-1914-4]

Hexakis; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the combined residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane and its organotin metabolites in or on papays at 2 parts per million (ppm). This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for the combined residues of the subject insecticide in or on papayas at 2 ppm.

DATE: Comments must be received on or before September 21, 1981.

ADDRESS: Written comments to: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number OE239/ to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane and its organotin metabolites calculated as the parent compound in or on the raw agricultural commodity papayas at 2 ppm.

The date submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance of 2 ppm were a two-year dog feeding study with a no-observed-effect level (NOEL) of 1,200 ppm (systemic); a two-year rat feeding study with a NOEL (systematic) of 100 ppm (600 ppm at the highest level fed, noncarcinogenic); an 18-month mouse feeding study (noncarcinogenic at 6,000 ppm, the highest level fed); a multigeneration rat reproduction study with a NOEL of 100 ppm, (the highest level fed); a dominant lethal assay (negative); a mouse bone marrow cytogentic assay (negative); and a rabbit teratology study (negative at 10 mg/kg of body weight (bw) at the highest level fed).

The acceptable daily intake (ADI), based on the two-year rat feeding study (NOEL of 5 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.05 mg/kg of bw/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 3 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.3961 mg/day. The current action will utilize .03 percent of the ADI. Published tolerances utilize 13.2 percent of the ADI.

A teratology study is lacking but the available toxicology data are adequate to support the establishment of the proposed tolerance.

The nature of the residue is adequately understood and adequate analytical methods (gas-liquid chromatography and thin layer chromatography) are available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical. Papaya is not a feed item; therefore, secondary residues are not expected in meat, milk, eggs, or poultry.

Based on the above information considered by the agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein may request, on or before September 21, 1981, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the

proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number "[PP OE2397/P183]." All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: August 4, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.362 be amended by alphabetically inserting the raw agricultural commodity "papayas" to read as follows:

§ 180.362 Hexakis (2-methyl-2-phenylpropyl) distannoxane; tolerances for residues.

* * * * *

Commodity	Parts per million
Papayas	2

[FR Doc. 81-24340 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-33-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 56, 73, and 74

[CGD 76–053]

Passenger Vessel Subdivison and Damage Stability; Alternative Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to amend the regulations for watertight subdivision and damage stability of passenger vessels by adopting parts of the Inter-Governmental Maritime Consultative Organization (IMCO) Resolution A.265 (VIII) as an alternative to the existing regulations. IMCO Resolution A.265 (VIII) contains a method of assessing damage stability based on the principles of probability, using actual damage statistics as a data base. This new method will allow more flexible subdivision design without diminishing the level of safety provided by the current regulations, which are based on a floodable length criteria. These proposed regulations would permit passenger vessel designers to use either the new or the existing method to evaluate the damage stability of their ships.

DATE: Comments must be received on or before October 5, 1981.

ADDRESSES: Comments may be mailed to Commandant (G–CMC/24) (CGD 76–053) U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426–1477, between the hours of 7 a.m. and 5 p.m., Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Perrini, Ship Characteristics Branch (G–MMT–5/12), Room 1206, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426–2187. Normal office hours are 7 a.m. to 5 p.m., Monday through Thursday.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person making them, identify this notice (CGD 76–053) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If an acknowledgement is desired, a stamped self-addressed postcard or envelope should be enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial.

IMCO Resolution A.265 (VIII), "Regulations on Subdivision and Stability of Passenger Ships as Equivalent to Part B of Chapter II of the International Convention for the Safety of Life at Sea, 1960" and explanatory notes to the regulations are reproduced in Volume IV of the U.S. Coast Guard's "Commandant's International Technical Series", (USCG CITS–74–1–1). This document may be obtained from the National Technical Information Service, Springfield, Virginia, 22151.

The interested reader desiring a more complete discussion of the IMCO Resolution is directed to "The New Equivalent International Regulations on Subdivision and Stability of Passenger Ships", which appears at page 344 of the 1974 "Transactions of the Society of Naval Architects and Marine Engineers". The "Transactions" can usually be found in the reference sections of technical libraries.

Drafting information

The principal persons involved in drafting this proposal are: Mr. Frank Perrini, Office of Merchant Marine Safety, Project Manager, and Lcdr. William B. Short, Office of the Chief Counsel, Project Counsel.

Discussion of Proposed Regulation

The current Coast Guard regulations concerning passenger vessel subdivision and damage stability (46 CFR Part 73, Watertight Subdivision and Part 74, Stability) are based on practical experience. The basic data was collected approximately forty years ago. Thus the empirical approach taken by these regulations does not fully evaluate the effects of some aspects of current design practice on passenger vessel damage stability. There are four particular factors which are not completely evaluated by the current regulations:

(1) Consideration is not given to the effect of the extent of damage on the probable extent of flooding;

(2) No consideration is given to how the ship's freeboard affects the probability of surviving damage;

(3) Inadequate consideration is given to possible variations in cargo space permeability; and

(4) Stability in the damaged condition (the probability of surviving damage in a seaway) is not given adequate consideration.

Since these important variables are not given full consideration under the current regulations, it is possible for two vessels having the same Factor of Subdivision to have widely differing

probabilities of survival in the event of equivalent damage.

In recognition of a similar problem regarding its own regulations, the Subcommittee on Subdivision and Stability of the Intergovernmental Maritime Consultative Organization (IMCO) proposed alternative regulations for passenger vessel subdivision and stability in 1971. The United States delegation supported this proposal and contributed to its development. The resulting Resolution, A.265 (VIII) "Regulations on Subdivision and Stability of Passenger Vessels as Equivalent to Part B of a Chapter II of the International Convention for the Safety of Life at Sea, 1960", was adopted by IMCO on November 20, 1973.

The Coast Guard proposes to adopt those portions of the IMCO Resolution which address the four factors mentioned above, as an alternative to the current standard of subdivision and damage stability. Consequently, Regulations 1 thru 8 and 19 of IMCO Resolution A.265 (VIII) would be incorporated into the Coast Guard regulations as an alternative to 46 CFR 73.10 and 74.10–15. Regulations 1 through 7 of the IMCO Resolution contain the subdivision and damage stability requirements, regulation 8 concerns stability information, and regulation 19 addresses bilge pumping arrangements. These provisions would be incorporated in §§ 56.50–57, 73.12–5, and 74.12–5. Subsequent to the comment period of this notice, but prior to the effective date of a final rule, this incorporation by reference material will be submitted to the Director of the Federal Register for his approval. The remaining regulations in the IMCO Resolution are not part of this proposal because they repeat existing Coast Guard Regulations.

These proposed rules would require that the alternative regulations be used as a whole. If a designer elected to follow the alternative subdivision requirements, he would also have to use the alternative damage stability standards and bilge piping and pumping requirements. he could not, for example, use the existing subdivision regulations with the proposed alternative damage stability standards, because the calculation methods employed are completely different. The designer would continue, however, to observe each existing Coast Guard subdivision and stability regulation for which no alternative regulation is prescribed.

Basis of the Proposed Regulations

The proposed alternative regulations use the mathematical techniques of statistical inference to assess the relative probability that a vessel will survive damage. This relative probability of survival, called the Attained Subdivision Index (A), is calculated by assuming that each outboard compartment and each group of two or more contiguous compartments is damaged to a depth of one-fifth the maximum beam. For each such damage condition, an individual probability of survival can be calculated considering three factors: (a) The probability of damage as related to longitudinal location, (b) the effect of longitudinal extent of damage, and (c) the effects of freeboard, stability, and heel. The product of these three factors yields the individual probability of survival for each damage case, and the sum of all the positive individual probabilities is the vessel's overall probability of surviving damage. An individual damage case probability will be positive if the vessel has sufficient stability in the damaged condition, thus positive individual probability indicates that the vessel will "survive" that damage condition. Unfortunately, two of the three factors which control individual damage case probability of survival cannot be determined precisely, so we must rely on damage statistics to provide the relative probabilities of both longitudinal location and the extent of longitudinal damage. Certain simplifications and approximations were necessary to make this method useful in a practical sense. Consequently, the individual damage case probabilities of survival, and their sum, the Attained Subdivision Index (A), cannot be considered to be the actual probability of survival. Rather, the Attained Subdivision Index (A), and its component parts, the individual damage case probabilities of survival, are measures of the assessable factors which affect the probability of survival, and (A) is proportional to the probability of survival.

The subdivision of the vessel under consideration must be such that the value of (A) exceeds the value of the Required Subdivision Index (R). The value of (R) represents the minimum acceptable value of (A) and is a function of the number of passengers carried and the length of the vessel. The philosophy used to determine the equation for (R) is similar to that which governs the relationships for the Factor of Safety and the Criterion of Service used in the current regulations: the higher the number of lives at stake and the greater the value of the vessel, the greater the degree of subdivision required. The stability calculation methods of the current regulations and of these alternative regulations were made equivalent by adjusting the coefficients of the equation for (R) so that it produced values equal to the mean (A) value attained by passenger vessels complying with the current regulations.

The alternative regulations place an additional restriction on the subdivision of passenger vessels by requiring a minimum level of subdivision (i.e. one or two compartment subdivision depending on the number of lives at risk) throughout the vessel. This prevents the possibility that a vessel could be designed with an acceptable (A) but still be particularily vulnerable in certain locations.

The specific regulations of IMCO Resolution A.265 (VIII) which the Coast Guard proposes to adopt as an acceptable alternative to current Coast Guard regulations are described below:

Regulation 1—Definitions; provides definitions of terms and symbols unique to the proposed alternative regulations.

Regulation 2—Subdivision Index; sets the requirements for subdivision and the Attained Subdivision Index (A) and defines the Required Subdivision Index (R).

Regulation 3—Special Rules Concerning Subdivision; places limits on the location of forepeak and adjacent bulkheads to assure a two compartment subdivision standard. It also describes the difference between a bulkhead recess and a bulkhead step, which are treated differently in the calculation of (A).

Regulation 4—Permeability; gives the values of permeability to be assumed for passenger accommodation, machinery, stores, and consumable liquid spaces and defines the relationship between cargo space permeability and draft.

Regulation 5—Subdivision and Damage Stability; is the heart of the regulation. It defines the assumed extent of damage longitudinally and vertically as well as the depth of penetration, the required compartmentation standard, and the required metacentric height. It sets limits on the angle of heel and the time of equalization.

Regulation 6—Attained Subdivision Index (A); defines the Attained Subdivision Index and gives the detailed procedure for calculating each of the individual damage case probability components a, p, and s; where:

a is a measure of the probability of damage as related to the position of the damage in the ship's length.

p is a measure of the effect of the variation in longitudinal extent of damage on the probability that only the compartment or group of compartments under consideration may be flooded.

s is a measure of the effect of freeboard, stability, and heel in the final flooded condition for the compartment or group of compartments under consideration.

Regulation 7—Combined Longitudinal and Transverse Subdivision; defines longitudinal bulkheads and decks which contribute to the value of the Attained Subdivision Index and provides the detailed procedure for including these bulkheads in the calculation of (A).

Regulation 8—Stability Information; contains a description of the information to be supplied to the Master of the vessel.

Regulation 9—Bilge Pumping Arrangements; delineates the specific requirements for bilge pumps and piping, and places some restrictions on tank arrangements. Compliance with these restrictions is necessary to assure consistency with the assumptions inherent in Regulations 1 through 7.

Comparison—Current and Proposed Regulations

There are many differences between the current Coast Guard regulations and those of IMCO Resolution A.265 (VIII). The major differences are summarized below.

1. Unlike the current regulations which are based on floodable length calculations, the proposed alternative regulations establish a measure of minimum acceptable damage survival probability and evaluate the safety of the vessel on the basis of this probability.

2. The margin line (an arbitrary line normally located three inches below the bulkhead deck at the side), used to define the limits of sinkage and heel in current regulations, is eliminated by the alternative regulations. The sinkage and heel limitations in the alternative regulations are based on the attainment of satisfactory damage stability (metacentric height, GM), taking into account effective freeboard, provided the undamaged portion of the bulkhead deck is not immersed. Therefore, damage stability parameters are accounted for without imposing an artificial freeboard limit.

3. The current Coast Guard regulations require the use of a uniform average permeability throughout all spaces forward and aft of the machinery space. The proposed alternative regulations, however, specify independent permeabilities to be used for passenger accommodation, machinery, stores, and liquid consumable spaces, thus producing a more accurate representation of the actual permeability distribution. This concept of realistically modeling the actual conditions is also carried over to cargo space permeability values by defining them as an inverse function of draft, as developed from operational data.

4. The current damage stability calculation requirements in 46 CFR 74.10–15(c)(6), permit a minimum freeboard after flooding of 3 inches (75 mm) and a metacentric height (GM) of 2 inches (50 mm), a combination which, while unlikely to occur in practice, is undesirable. IMCO Regulation 5(c)(i)(1) also permits a minimum GM of 2 inches. However, it prescribes higher and more realistic values of minimum GM for vessles which have low values of freeboard in the damaged condition.

5. The damage stability requirements in IMCO Regulations 5(c)(i)(2), 5(c)(i)(3), and 5(c)(ii), through 5(c)(iv) are equivalent to the damage stability standards in 46 CFR 74.10–15(c)(5), (c)(6), and (c)(7), with two exceptions. The maximum acceptable heel in the final stage of flooding is reduced from 15 to 12 degrees, and the assessment of effective freeboard replaces the arbitrary concept of margin line thus permitting sinkage and heel to the bulkhead deck at the side in the undamaged portion of the vessel. The first exception is a modest improvement, the second replaces one method of assessing freeboard with another while ensuring that the waterplane area in the undamaged portion of the vessel is not reduced.

The proposed regulations permit greater flexibility of bulkhead arrangement because they do not tie subdivision to floodable length calculations, and longitudinal bulkheads and decks are considered effective in contributing to the vessel's ability to survive damage. In certain cases, it should be possible for the designer to reduce the number of bulkheads and use longer compartments, which means that vessels can be built at a lower cost without a reduction in their ability to survive damage. Additionally, the designer will have a more flexible method of evaluating the ability to survive damage of unusual designs or novel hull forms.

The Coast Guard has evaluated this proposal under Executive Order 12291 and the Department of Transportation's "Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 dated 22 May 1980)" and has determined that it is neither a major nor a significant rule making. This proposal would amend the regulations for watertight subdivision and damage stability of passenger vessels by adopting parts of the Inter-Governmental Maritime Consultative Organization (IMCO) Resolution A.265 (VIII) as an alternative to the existing regulations. This new method will allow more flexible subdivision design without lowering the level of safety provided by the current regulations. There would be no additional cost, and may in fact reduce cost, but this choice would be with the ship designers. Because this proposal is an alternative to existing regulations, the rule will have no impact on small entities as defined by the Regulatory Flexibility Act Pub. L. 96–354, 19 September 1980 (5 U.S.C. 603). An Environmental Assessment has been prepared and a Finding of No Significant Impact has been made.

In consideration of the foregoing, the Coast Guard proposes to amend Parts 56, 73, and 74 of Title 46, Code of Federal Regulations to read as follows:

PART 56—PIPING SYSTEMS AND APPURTENANCES

1. By adding a new § 56.50–57 to read as follows:

§ 56.50–57 Bilge piping and pumps, alternative requirements.

(a) If a passenger vessel complies with Subparts 73.12 and 74.12 of this chapter, its bilge pumping and piping systems must meet §§ 56.50–50 and 56.50–55 except as follows:

(1) Each bilge pumping system must comply with—

(i) Regulation 19(b) of the Annex to IMCO Resolution A.265 (VIII) in place of § 56.50–55(a)(1), § 56.50–55(a)(3), and § 56.50–55(f);

(ii) Regulation 19(d) of the Annex to IMCO Resolution A.265 (VIII) in place of § 56.50–55(a)(2).

(2) Each bilge main must comply with Regulation 19(i) of the Annex to IMCO Resolution A.265 (VIII) in place of § 56.50–50(d) except—

(i) the nearest commercial pipe size may be used if it is not more than one-fourth inch under the required diameter; and

(ii) each branch pipe must comply with § 56.50–50(d)(2).

(b) The standards referred to in this section, which are contained in the Intergovernmental Maritime Consultative Organization (IMCO) Resolution A.265 (VIII), dated December 10, 1973, are incorporated by reference. This document is available from the National Technical Information Service, Springfield, Virginia, 22151, under the title "Regulations on Subdivision and Stability of Passenger Ships as Equivalent to Part B of Chapter II of the International Convention for the Safety of Life at Sea, 1960" (Volume IV of the U.S. Coast Guard's "Commandant's

International Technical Series", USCG CITS–74–1–1.)

PART 73—WATERTIGHT SUBDIVISION

2. By adding a new § 73.10–2 to read as follows:

§ 73.10–2 Alternative method.

Subpart 73.12 of this chapter may be used to determine the subdivision requirements of a passenger vessel in place of this subpart.

3. By adding a new Subpart 73.12 to read as follows:

* * * * *

Subpart 73.12—Rules for Subdivision; Alternative Method

Sec.
73.12–1 Application.
73.12–3 Definition.
73.12–5 Alternative subdivision requirements.
73.12–7 Incorporation by reference.
73.12–9 Additional requirements.

* * * * *

Subpart 73.12—Rules for Subdivision; Alternative Method

§ 73.12–1 Application.

This subpart applies to each vessel on an international voyage and each vessel of 150 gross tons and over in ocean or coastwise service, except a vessel on a short international voyage that is permitted under Subpart § 75.10–10(a)(6) to carry a number of persons on board in excess of the lifeboat capacity of the vessel, provided that the alternative subdivision requirements of § 73.12–5 are applied.

§ 73.12–3 Definition.

As used in the IMCO regulations, "Administration" means the Commandant, U.S. Coast Guard.

§ 73.12–5 Alternative subdivision requirements.

Regulations 1, 2, 3, 4, 6, and 7 of the Annex to Resolution A.265 (VIII) of the Intergovernmental Maritime Consultative Organization (IMCO) may be used as an alternative method of determining the subdivision requirements of a passenger vessel in place of Subpart 73.10.

§ 73.12–7 Incorporation by reference.

The standards referred to in this section, which are contained in the Intergovernmental Maritime Consultative Organization (IMCO) Resolution A.265 (VIII), dated December 10, 1973, are incorporated by reference. This document is available from the National Technical Information Service, Springfield, Virginia, 22151, under the title "Regulations on Subdivision and Stability of Passenger Ships as Equivalent to Part B of Chapter II of the International Convention for the Safety of Life at Sea, 1960" (Volume IV of the U.S. Coast Guard's "Commandant's International Technical Series", USCG CITS–74–1–1.)

§ 73.12–9 Additional requirements.

If this subpart is used to determine the subdivision requirements of a passenger vessel, Subpart 74.12 and § 56.50–57 of this chapter must also be used.

PART 74—STABILITY

4. By adding a new § 74.10–2 to read as follows:

74.10–2 Alternative damage stability standard.

(a) Subpart 74.12 of this chapter may be used as the damage stability standard for a passenger vessel in place of § 74.10–15.

5. By adding a new Subpart 74.12 to read as follows:

* * * * *

Subpart 74.12—Damage Stability Standards; Alternative Method

Sec.
74.12–1 Application.
74.12–3 Definition.
74.12–5 Alternative damage stability standards.
74.12–7 Incorporation by reference.
74.12–9 Additional requirements.
74.12–11 Stability information.

* * * * *

Subpart 74.12—Stability Standards; Alternative Method

§ 74.12–1 Application.

This subpart applies to each vessel on an international voyage and each vessel of 150 gross tons and over in ocean or coastwise service except a vessel on a short international voyage that is permitted under § 74.10–10(a)(6) to carry a number of persons on board in excess of the lifeboat capacity of the vessel, provided that the alternative subdivision requirements of § 74.12–5 are applied.

§ 74.12–3 Definition.

As used in the IMCO regulations, "Administration" means the Commandant, U.S. Coast Guard.

§ 74.12–5 Alternative damage stability standards.

Regulations 1 and 5 of the Annex to Resolution A.265 (VIII) of the Intergovernmental Maritime Consultative Organization (IMCO) may be used as an alternative method of determining requirements for the damage stability of a passenger vessel in place of § 74.10–15.

§ 74.12–7 Incorporation by reference.

The standards referred to in this section, which are contained in the Intergovernmental Maritime Consultative Organization (IMCO) Resolution A.265 (VIII), dated december 10, 1973, are incorporated by reference. This document is available from the National Technical Information Service, Springfield, Virginia, 22151, under the title "Regulations on Subdivision and Stability of Passenger Ships as Equivalent to Part B of Chapter II of the International Convention for the Safety of Life at Sea, 1960" (Volume IV of the U.S. Coast Guard's "Commandant's International Technical Series", USCG CITS.74.1.1.)

§ 74.12–9 Additional requirements.

If this subpart is used, Subpart 73.12 and § 56.50–57 of this subchapter must also be used.

§ 74.12–11 Stability information.

If this subpart is used, the master of the vessel must have the stability information of Regulation 8(b) of the Annex to IMCO Resolution A.265 (VIII) in addition to the information required under Subpart 74.20 of this chapter.

(49 Stat. 1384, (46 U.S.C. 369); R.S. 4405, (46 U.S.C. 375); R.S. 4462, 46 U.S.C. 416; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: August 11, 1981.

L. N. Hein,

Captain, U.S. Coast Guard. Acting Chief. Ofice of Merchant Marine Safety.

[FR Doc. 81–24341 Filed 8–19–81, 8:45 am]

BILLING CODE 4910–14–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 16

Types of Contracts

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of availability and request for comment on draft Federal acquisition regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding contract types and their selection.[1] Availability of additional

[1] Filed with the Office of the Federal Register as part of the original document.

announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before September 30, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place NW., Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see Federal Register, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following part of the draft Federal Acquisition Regulation is available upon request for public and Government agency review and comment.

PART 16—TYPES OF CONTRACTS

This part describes types of contracts that may be used in acquisitions other than small purchases under Part 13. It prescribes policies and procedures and provides guidance for selecting a contract type appropriate to the circumstances of the acquisition. Its subparts are as follows:

16.1 Selection of Contract Types
16.2 Fixed-Price Contracts
16.3 Cost-Reimbursement Contracts
16.4 Incentive Contracts
16.5 Indefinite-Delivery Contracts
16.6 Time-and-Materials, Labor-Hour, and Letter Contracts
16.7 Agreements

Dated: August 12, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-24356 Filed 8-19-81; 8:45 am]

BILLING CODE 3110-01-M

Notices

Federal Register
Vol. 46, No.161
Thursday, August 20, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Corp Insurance Corporation

Standard Reinsurance Agreement, and Amendment No. 1—Treaty Surplus Share

AGENCY: Federal Crop Insurance Corporation.

ACTION: Notice.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby gives notice to writers of multiple-peril crop insurance policies of an amendment to the Standard Reinsurance Agreement for 1982 and subsequent crop years. The initial agreement was published as a notice in the **Federal Register** on Monday, January 5, 1981 (46 FR 974–978). This notice is an offer to provide reinsurance coverage on such policies. the intended effect of this notice is to provide an explanation of the amendment. The terms of the Standard Reinsurance Agreement (Form FCIC 456), and Amendment No. 1—Treaty Surplus Share are set forth below to provide writers of multiple-peril crop insurance policies with as much information as possible.

EFFECTIVE DATE: This offer to provide reinsurance to multiple-peril crop insurance writers, as outlined below, is effective for the 1982 crop year.

ADDRESS: Written comments on this notice should be sent to Wayne A. Fletcher, President, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Alan S. Walter, Reinsurance Coordinator, Federal Crop Insurance Corporation, P.O. Box 293, Kansas City, Missouri 64141, telephone 816–926–7937.

The Draft Impact Analysis Statement describing the options considered in developing this notice and the impact of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION: Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*), as amended by Pub. L. 96–365 (September 26, 1980), authorizes and directs FCIC to offer reinsurance, to the maximum extent possible, to writers of multiple-peril crop insurance.

The purposes of this notice are:

1. To continue to offer publicly, to eligible insurers, reinsurance against excess aggregate loses accruing to writers of multiple-peril crop insurance resulting from adverse weather conditions and other unavoidable causes;

2. To provide the method by which the offer may be accepted; and

3. To set forth the terms and conditions of the amended Standard Reinsurance Agreement, and Amendment No. 1—Treaty Surplus Share.

The availability of reinsurance is generally necessary to insurance companies writing multiple-peril insurance. The terms and conditions of the amended Standard Reinsurance Agreement must appear in time for acceptance by eligible insurers in advance of when policies must be marketed, which is generally before planting.

The terms and conditions must be made known promptly so that such multiple-peril policies may be written for the 1982 crop year.

Offer to Provide Reinsurance

This ofer is made to all insurance companies licensed to conduct business in the United States, pursuant to the Federal Crop Insurance Act of 1938, as amended, and to all terms and conditions contained in the amended Standard Reinsurance Agreement.

Comments Requested

Any interested party is invited to comment on the provisions in this Agreement. FCIC will consider all suggestions and may choose to publicly offer an additional or amended agreement incorporating the suggested changes.

Method of Entering Into an Agreement

1. Any company desiring to enter into the Standard Reinsurance Agreement shall mail an application to FCIC enclosing a proposed plan of operation. The material should be mailed to Alan Walter, FCIC, P.O. Box 293, Kansas City, MO 64141. The proposed plan of operation shall include the crop year for which insurance will first be written under this Agreement, the crops to be covered, the States in which the insurance will be written, the use of other reinsurance for policies covered by this Agreement, copies of policy forms to be utilized, premium rates to be charged if different from those charged by FCIC, and the maximum amount of book premium to be covered for the first and subsequent crop seasons under this Agreement. The plan must also identify the legal entities who will be participating in the Agreement as an insurance pool, partnership joint venture, or other legal relationships other than reinsurance, and the legal relationship for these parties.

2. FCIC may ask for additional information, including but not limited to (1) the capability of the Company to underwrite and service the insurance covered by the Agreement and (2) to meet the financial commitments entailed. FCIC may also utilize other information available to it in evaluating the application.

3. Upon review of the application, including any supplementary information obtained by FCIC, FCIC will notify the Company in writing of its acceptance or rejection of the application and the plan of operation.

4. The items in the proposed plan of operation, as submited by the Company and approved by FCIC, become part of the Agreement and may be charged only with written permission of both parties.

5. FCIC reserves the right to limit participation in this program in accord with the funds available.

Accordingly, as outlined above, FCIC herewith publishes in their entirety the amended Standard Reinsurance Agreement, and Amendment No. 1—Treaty Surplus Share, as follows:

Standard Reinsurance Agreement

_____

(Name) _____

(Street or Mailing Address

(City and State) _____

(ZIP Code)_____

(Agreement Number——Tax I.D.) _____

Crop Year for Which Reinsurance Initated With FCIC_____

Section I. Business Reinsured

A. The Federal Crop Insurance Corporation (FCIC) hereby agrees to reinsure the excess liability which may accrue to the Company as a result of losses incurred during the period this Agreement is in force under policies, contracts and binders of multiple-peril crop insurance (hereinafter called "policies") issued or renewed on or after the effective date of this Agreement. This Agreement applies to the business written by the Company listed on the plan of operation as the lead entity (and whose name is listed on this Agreement) plus the business written by other companies listed on the plan of operation and reinsured by the lead entity.

B. The multiple-peril crop insurance subject to this Agreement shall be written exclusively on policy forms and at premium rates approved by FCIC, and the policies so approved shall only be issued on crops and in territories authorized by the FCIC. Such policy forms shall provide coverage identical to the coverage provided by FCIC policies at premium rates not less than those used by FCIC.

C. The plan of operation submitted by the Company and accepted by FCIC is incorporated into this Agreement, and may be changed only upon agreement in writing by both parties except for the maximum amount of book premium to which reinsurance shall apply, which may be limited in accordance with paragraph D of this section.

D. FCIC reserves the right to limit the amount of book premium subject to reinsurance. The maximum amount of book premium which can be written by the Company and reinsured by FCIC for the initial year of this Agreement will be indicated to the Company when the Agreement is approved by FCIC. For subsequent years, FCIC will notify the Company of the maximum amount of book premium to be covered by reinsurance for the next crop year within 30 days after the termination date for this Agreement. FCIC may require the Company to report, in a timely manner in advance of this date, information on expected carryover business and expected new sales so as to be able to administer this clause. The maximum may be raised by FCIC at a later date, in which case notice will be given to the Company. Notwithstanding any of the above, FCIC's ability to sustain the Agreement depends upon the availability of funds and all maximum amounts are subject to a reduction or cancellation within 30 days of the passage of FCIC's Congressional Appropriation.

E. Closing of sales—FCIC may require the Company to immediately refrain from accepting applications for insurance or otherwise accepting liability that could affect the financial situation of FCIC if FCIC closes sales due to adverse risk conditions for any geographic area or for any crop.

F. Refusal of risk—FCIC may require the Company to notify it of the name(s) and address(es) of any applicant(s) refused insurance or cancelled from insurance subject to this Agreement, and the reasons for the action(s). The Company will immediately comply with that requirement.

Section II. Commencement and Termination

A. This Agreement shall become effective upon signature of authorized officials for both the Company and FCIC unless specified otherwise in the plan of operation. FCIC will reinsure only liability accepted on or after the effective date.

B. Either party may terminate this Agreement effective at the end of the current crop year by giving notice to the other party before December 1 unless the Company has insurance in force with a cancellation date earlier than December 31, in which case notification must be not later than April 1. If notice is given after the above dates, the termination shall take effect at the end of the following crop year.

C. FCIC may require the Company to discontinue accepting any applications for insurance after the notice of termination is received.

D. The provisions of Section IV, pertaining to level and timing of expense reimbursement, may be renegotiated for subsequent crop seasons upon written request of either party. The provision as written shall apply if agreement cannot be reached.

Section III. Distribution of Underwriting Gains and Losses

A. An annual computation of underwriting gains or losses for the Company shall be made for each crop year with the gains or losses to be shared between the Company and FCIC according to the formula specified. The computation shall be based upon the loss ratio for the year. The loss ratio shall be computed to the nearest hundredth of a percent with the numbers 5 and above rounded upwards and numbers 4 and below rounded down in calculating the nearest hundredth of a percent.

1. If the loss ratio is over 100 percent but not over 160 percent, the Company's share of the loss is 10 percent of book premium multiplied by the difference between the loss ratio percent and 100 percent, or a maximum of 6 percent of book premium.

2. If the loss ratio is over 160 percent but not over 200 percent, the Company's share of underwriting losses shall be 6 percent of book premium plus 5 percent of book premium multiplied by the difference between the loss ratio percent and 160 percent, or a maximum of 8 percent of book premium.

3. If the loss ratio exceeds 200 percent, the Company's share of losses shall be 8 percent of book premium.

4. FCIC's share of underwriting losses (losses other than the Company's share) shall be charged against the Company reinsurance account maintained by FCIC, and which may show a negative balance.

5. If the loss ratio is less than 100 percent but not less than 76 percent for the crop year, the Company's share of the underwriting gains shall be 33 and ⅓ percent of the book premium multiplied by the difference between the loss ratio percent and 100 percent, or a maximum of 8 percent of book premium. FCIC's share of underwriting gains shall be credited to the Company's reinsurance account.

6. If the loss ratio percent is less than 76 percent for the crop year, the Company's share of underwriting gains shall be 8 percent of book premium. FCIC's share of underwriting gains shall be entered into the Company's reinsurance account.

7. The amount due either party under this paragraph shall be payable upon submission of the annual summary or amendments thereto for the crop season.

B. At the end of the extended period, the Company shall be entitled in 20 percent of the amount in the Company reinsurance account, but not more than 5 percent of the total book premium written by the Company during the extended period. Any premiums subject to a surplus share agreement with FCIC (FCIC share of the surplus) will be excluded in computing the total premium for the extended period. If the Company reinsurance account has a negative balance at the end of the extended period, the Company share shall be zero. The amount due shall be payable upon submission of the annual summary or amendments thereto for the last crop season in the extended period.

C. If the Agreement is terminated by FCIC, the extended period shall be considered to end at the end of the crop year when terminated and the Company shall be entitled to share in any positive balances in the Company reinsurance account according to the provisions in paragraph B.

D. If the Agreement is terminated by the Company to take effect prior to the end of an extended period, the Company share of any positive balance in the Company reinsurance account will be determined upon the basis of the following short term cancellation clause after any distribution for the final year of the Agreement is made in accordance with paragraph A of this section. The formula specified in paragraph B of this section will be computed. The Company will be entitled to an amount equal to:

1. 20 percent of the computed amount if the termination takes effect after the first year of an extended period;

2. 40 percent of the computed amount if the termination takes effect after the second year of an extended period;

3. 60 percent of the computed amount if the termination takes effect after the third year of an extended period;

4. 80 percent of the computed amount if the termination takes effect after the fourth year of an extended period;

Section IV. Expense Reimbursement

A. FCIC shall provide the Company an operating and administrative expense reimbursement allowance equal to 22 percent of the Company's earned book premium on the business covered by this Agreement for Company operating and agent commission expenses. An additional reimbursement of 5 percent of the book premium earned will be provided for new policies issued and for crops added to an existing policy. This additional reimbursement is provided for the purpose of covering the additional expense of selling a policy for the initial year of insurance. This additional reimbursement shall not be applicable to any policy for which the crop was insured the previous year under a multiple-peril policy issued by another company reinsured by FCIC or issued by the Federal Crop Insurance Corporation. FCIC will also reimburse the Company 4 percent of book premium earned and 3 percent of ultimate net losses for direct loss adjustment expenses.

B. It is expressly agreed that FCIC shall not be liable for any dividends, commissions or taxes, or any board, exchange or bureau assessments, or any other expenses of whatever nature incurred by the Company, except the expense reimbursements provided in this section.

C. The expense reimbursement shall be due and payable in accordance with the following schedule:

1. Eighty (80) percent of the estimated reimbursement for Company operating and agent expenses for the crop year shall be due the Company upon submission of its report (due not later than July 15) on the status of the reinsurance account as of the end of June.

2. The remaining reimbursement for operating and agent expenses shall be due upon submission of the end-of-September report.

3. Loss adjustment reimbursement in the amount of 4 percent of book premium shall be due upon submission by the Company of its end-of-July report.

4. Any adjustment in expense reimbursement due the Company or overpayment returnable to FCIC as a result of changes in book premium reported shall be due upon submission of each end-of-month report.

5. Loss adjustment reimbursement in the amount of 3 percent of ultimate netlosses paid under this reinsurance agreement shall be due upon submission of the annual summary report or amendment thereto.

6. FCIC may, at its option, reimburse the Company after each December 15 for up to 25 percent of estimated operating costs that will be due the Company on business sold or renewed with a sales closing date on or before November 1. This payment, if made, will be an advance of moneys otherwise paid in accordance with sub-paragraph C1, above, and will be made based upon the latest monthly report submitted to FCIC.

Section V. Applicability of Premium Subsidy

FCIC shall pay a portion of each producer's premiums on the policies reinsured by this Agreement as authorized by the Federal Crop Insurance Act of 1980. Any restrictions or conditions on eligibility for subsidy imposed on producers insured directly by the Federal Crop Insurance Corporation shall apply to this Agreement. The subsidy shall be considered as premium remitted to the Company and further remitted from the Company to FCIC upon submission of the annual report or amendments thereto for the crop year the subsidy is due.

Section VI. Hail and Fire Exclusion

The Company shall provide the insured the option of deleting the perils of hail and fire from the policies covered by this Agreement, as authorized by the Federal Crop Insurance Act of 1980. A premium credit for the deletion of hail and fire coverages shall be provided in the rates approved by FCIC. Any hail and/or fire losses to crops insured under policies from which hail and fire coverages have been deleted shall not be subject to coverage under this Agreement. The liability of the Company on such policies, if hail and/or fire losses are paid, will be reduced according to provisions in the policy issued to the insured, as approved by FCIC.

Section VII. Reports

A. Within 15 days after the end of each month the Agreement is in force, and on forms mutually acceptable, the Company shall report to FCIC the following statistics on the reinsured business as of the end of the previous month (end of month report):

1. Sales of crop insurance policies with separate totals for new policies for which the higher reimbursement allowance is applicable;

2. Cancellations of insurance contracts;

3. The known amount of book premiums earned for the crop year;

4. The portion of producer premium paid or payable by FCIC (subsidy) for the crop year as provided in Section V;

5. The expense reimbursement allowance earned for the crop year as provided in Section IV; and

6. Ultimate net losses paid to the insured and premiums collected from the insured.

The Company may, at its option if loss volume warrants, make a report indicating the above as of the middle of each month (referred to as an interim report).

B. Not later than April 15 of the calendar year following the crop year under consideration, the Company shall prepare and forward to FCIC an annual summary setting forth the information necessary to make a settlement for the year. The information will be on forms mutually acceptable to both parties to this Agreement and contain all information required by FCIC.

C. The Company shall submit an annual summary of experience for each insured in accordance with forms and at such time as mutually agreed to by both parties to this Agreement.

Section VIII. Retained Liability and Other Reinsurance

A. This Agreement shall apply only to that portion of any insurance which the Company retains net for its own account (except for other reinsurance permitted in paragraphs B and C of this section), and in calculating the amount of any loss hereunder and also in computing the amount on which this Agreement attaches, only loss or losses in respect to that portion of any insurance which the Company retains net for its own account shall be included. It is, however, understood and agreed that the amount of FCIC's liability hereunder with respect to any loss or losses shall not be

increased by reason of the inability of the Company to collect from any other reinsurers, whether specific or general, any amounts which may have come due from them, whether such inability arises from the insolvency of such other reinsurers or otherwise.

B. The Company shall have the right to reinsure the classes of business covered hereunder on a pro rata basis, and if it is agreed that such reinsurance is maintained by the Company, recoveries thereunder shall inure solely to the benefit of the Company and be totally disregarded for purposes of applying all the provisions of this Contract, including, but not by way of limitation, the provisions of Sections III, IV, and V. If the Company utilizes other reinsurance, such provisions will be specified in the plan of operation or amendments thereto.

C. FCIC may offer the Company surplus reinsurance as a supplement to this agreement. Such reinsurance terms will be specified in Amendment I to this Agreement. Liability assumed by FCIC under the surplus agreement will be considered the same as that written through the provisions of the Standard Agreement except with respect to the distribution of underwriting gains or loses, including but not limited to expense reimbursement and premium subsidy. Any underwriting gains or losses that accrue to FCIC as a result of the surplus agreement shall not be entered into the Company reinsurance account.

Section IX. Insolvency

A. In the event of insolvency of the Company, this reinsurance shall be payable directly to the Company or to its liquidator, receiver, conservator or statutory succesor on the basis of the liability of the Company without diminution because of the insolvency of the Company or because the liquidator, receiver, conservator or statutory successor of the Company has failed to pay all or a portion of any claim. It is agreed, however, that the liquidator, receiver, conservator or statutory successor of the Company shall give written notice to FCIC of the pendency of a claim against the Company indicating the policy or bond reinsured which claim would involve a posible liability on the part of FCIC within a reasonable time after such claim is filed in the conservation or liquidation proceeding or in the receivership, and that during the pendency of such claim, FCIC may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses that it may deem available to the Company or its liquidator, receiver, conservator or statutor succesor. The expense thus incurred by FCIC shall be chargeable, subject to the approval of the Court, against the Company as part of the expense of conservation or liquidation to the extent of a pro rata share of the benefit which may accrue to the Company solely as a result of the defense undertaken by FCIC.

Insolvency of one party in a multi-party plan of operation will not affect the liability of any of the other parties under this contract or under any other agreements or guarantees between the parties necessary for the performance of this agreement.

B. It is further understood and agreed that, in the event of the insolvency of the Company, the reinsurance under this Agreement shall be payable directly by FCIC to the Company or to its liquidator, receiver or statutory successor except (a) where the Agreement specifically provides another payee of such reinsurance in the event of the insolvency of the Company and (b) where FCIC with the consent of the direct insured or insureds has assumed such policy obligations of the Company as direct obligations of FCIC to the payees under such policies and in substitution for the obligations of the Company to such payees.

Section X. Arbitration

If any misunderstanding or dispute arises between the Company and FCIC with reference to the amount of premium due, the amount of loss, the amount of expense reimbursement, or to any other factual issue under any provisions of this Agreement, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by FCIC. The Company and FCIC may agree on and appoint an arbitrator who shall invesigate the subject of the misunderstanding or dispute and make a determination. If the Company and FCIC cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed one to be chosen by the Company and one by FCIC.

The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by FCIC.

The Company and FCIC shall bear equally all expenses of the arbitration. Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall upon objection by FCIC or the Company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

Section XI. Access to Books and Records

FCIC and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the Company that are pertinent to the business reinsured under this Agreement. The Company shall keep records which fully disclose all matters pertinent to the business reinsured, including premiums and claims paid or payable under this agreement. Records relating to premiums shall be retained and available for three (3) years after final adjustment of premiums, and to reinsurance claims three (3) years after final adjustment of such claims.

Section XII. Errors and Omissions

Inadvertent delays, errors or omissions made in connection with this Agreement or any transaction hereunder shall not relieve either party from any liability which would have attached had such delay, error or omission not occurred, provided always that such error or omission will be recified as soon as possible after discovery.

Section XIII. Salvage and Recoveries

With respect to any salvage or recovery in connection with any loss hereunder received subsequent to the payment of such loss, the loss shall be refigured on the basis on which it would have been settled had the amount of salvage or recovery been known at the time the loss hereunder was originally determined. Any amounts thus found to be due FCIC shall be immediately paid to FCIC by the Company.

Section XIV. Remittances

A. FCIC shall pay the Company the balance equal to the following after submission of each end of month or interim report:

1. Losses paid by the Company for the crop year (loss advances); less
2. Net prior loss advances during the crop year; less
3. Cash premiums collected by the Company for the crop year; plus
4. Unremitted amount due to date for operating expense reimbursements; plus
5. Unremitted amount due to date for loss adjustment expense; less
6. Any amounts due FCIC under any other part of this Agreement.

B. FCIC shall pay the Company any balance due upon submission of the annual summary report or amendments thereto.

C. FCIC shall pay the Company any balance due within 15 days after submission of an end of month, interim, or annual summary report or amendment thereto.

D. If the balance due the Company is negative, the Company shall remit to FCIC with the end of month, interim, annual summary report or amended annual summary report the amount equal to the negative balance.

E. FCIC retains a claim on any premium outstanding to the Company from their insureds on the policies of insurance covered under this Agreement to offset advance loss payments to the Company. The Company shall not encumber FCIC's claim on balances due from the insureds through pledging as collateral on debt or other obligations of the Company, except the company may pledge premiums outstanding as collateral in any amount equal to the amount by which loss payments exceeding the sum of premiums collected plus loss advances from FCIC.

Section XV. Miscellaneous Clauses

A. No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

B. The Company will not discriminate against any employee, applicant for employment, insured or applicant for insurance because of race, color, religion, sex, age, handicap, marital status or national origin.

C. The lead entity(ies) is(are) a guarantor(s) of any or all obligations to FCIC that may arise out of the business conducted under this Agreement. If more than one legal entity is designated as the lead entity, all shall be jointly and severally liable to FCIC under this agreement.

D. Upon execution by the Company and acceptance by FCIC, this agreement replaces and supercedes any previous reinsurance agreement between FCIC and the Company. The extended period under this agreement will terminate when it would have terminated under the previous agreement. Terms of the previous agreement are unchanged and terms of this agreement will not be given retroactive effect. However, the Company Reinsurance Account will contain the balance existing from the prior agreement. All distributions at the end of the extended period will be in accordance with this new agreement.

Section XVI. Sales by Agents

The Company shall sell the policies covered under this Agreement through licensed agents or brokers.

Section XVII. Loss Adjustment

A. The Company shall utilize loss adjustment procedures and methods consistent with those utilized by FCIC. FCIC may, at its own expense, cooperate with the Company in the adjustment of claims.

B. FCIC may require the Company to utilize an approved program for training and certifying loss adjusters. The Company program must be approved either by FCIC or by an organization accepted by FCIC to grant such approval. FCIC may put this clause into effect for the 1983 or later crop years by giving written notice to the Company prior to February 1 of such crop year.

C. FCIC has the right to participate in any action brought against the Company or any of its agents with respect to any policies reinsured under this Agreement.

D. The Company agrees to hold FCIC harmless for any loss FCIC may incur as a result of the Company's conduct in the investigation, negotiation, defense or handling of any claim or suit or in any dealing with its policyholder.

Section XVIII. Definitions

As used in this Agreement the term—

1. "Loss ratio" means the percentage computed by dividing the amount of ultimate net losses for the reinsurance period by the book premium for the reinsurance period, the result multiplied by 100.

2. "Book premiums" means gross premiums earned by the Company on the policies reinsured under the Agreement including the portion of producer premium subsidy paid or due from FCIC or other Governments in accordance with Section V.

3. "Crop year" means the calendar year within which the crops insured by the policies reinsured hereunder are normally harvested or mature for harvest.

4. "Ultimate net loss" means the sum or sums (excluding litigation expenses and all allocated and unallocated loss adjustment expenses incurred by or on behalf of the Company) paid or payable by the Company in settlement of claims and in satisfaction of judgments rendered on account of such claims, after deduction of all salvage, all recoveries and all claims on inuring reinsurances, if any. Liability of FCIC for any damages assessed against the Company arising out of its conduct in the investigation, negotiation, defense, or handling of any claims or suits or in any dealings with its policyholders is specifically excluded under the Agreement. Nothing herein shall be construed to mean that losses under this Agreement are not recoverable until the Company's ultimate net loss has been ascertained, it being understood and agreed that salvage recovered and/or recoveries received by the Company after a loss settlement hereunder shall be applied as if recovered or rceived before the said settlement, and all necessary adjustments shall be made by the parties hereto.

5. "Incurred" as applied to ultimate net losses incurred and to losses incurred shall mean losses happening to crops for the crop year under consideration.

6. "Company" means the party or parties indicated in Item Number 1 of the plan of operation who will participate in writing the reinsured business. At least one of the parties must be a firm authorized to engage in crop insurance business under the laws of the states in which the insurance is to be written. If more than one legal entity is involved, one or more must be designated in the plan of operation as lead entity(ies).

7. "Lead entity" means the party(ies) designated in the plan of operation to serve as quarantor for all the Company obligations to FCIC under this agreement.

8. "Extended period" means the period of time encompassing five crop years beginning with the crop year for which this Agreement is initiated and including the next four crop years with subsequent periods running from the expiration of an extended period through five crop years. If the Agreement is terminated by FCIC, the provisions of Section III, paragraph C shall apply to the timing of the end of the extending period.

9. "Company reinsurance account" means a balance maintained by FCIC for the Company party to this Agreement in accordance with Section III. A separate Company reinsurance account shall apply for each extended period.

Approved and Executed for the Corporation by:

_____

Title— _____

Date— _____

Accepted and Executed for the Company by:

_____

Title— _____

Date— _____

Amendment I—Treaty Surplus Share

(Agreement No. Tax I.D.)
(Name)
(Street or Mailing Address)
(City and State)
(Zip Code)

A. FCIC hereby agrees to provide a surplus reinsurance treaty to the Company as a supplement to the Standard Reinsurance Agreement.

1. For the purposes of this treaty the Company will annually establish, by state, a dollar limit for the book premium (hereinafter referred to as Company line limit). The Company line limit may vary from crop year to crop year and from state to state. Once established for a crop year the Company line limit cannot be changed without the approval of FCIC. The initial Company line limits are set forth in Attachment A hereto and are hereby incorporated into this treaty.

2. Where the book premium exceeds the Company line limit for a state, FCIC will assume a share of the ultimate loss in consideration of an equal proportional share of the book premium. The share is determined as follows:

(a) When the book premium is equal to or less than twice the Company line limit established for the crop year, the book premium in excess of the Company line limit is divided by the total book premium to determine the FCIC share of ultimate net losses and book premium.

(b) When the book premium exceeds twice the Company line limit established for the State, the Company line limit for the state is divided by the total book premium for the state to determine the FCIC share of ultimate net losses and book premium.

(c) The Company's share of the book premium and ultimate net losses will be treated in accordance with the provisions of the Standard Reinsurance Agreement in effect between FCIC and the Company.

B. The Company will report to FCIC, as a part of the monthly and annual summary reports required in Section VII of the Standard Reinsurance Agreement, FCIC's share of the premium and ultimate net losses under this treaty.

C. Responsibility of the Company for premium collection is not changed with this supplement. Premiums will be remitted to FCIC in accordance with the schedule provided for in the Standard Reinsurance Agreement.

D. Notwithstanding the terms of the supplement, FCIC will only reinsure the maximum amount of book premium set out in the Standard Reinsurance Agreement.

E. All terms of the Standard Reinsurance Agreement not inconsistent with this treaty remain in effect.

Approved and Executed for FCIC by:

Title
Date

Accepted and Executed for the Company by:

Title
Date

Wayne A. Fletcher, President, Federal Crop Insurance Corporation, has determined that this notice is exempt from the requirements of Executive Order No. 12291 as a matter dealing with agency management.

Issued in Washington, D.C., on August 20, 1981.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Approved by:
Wayne A. Fletcher,
President, Federal Crop Insurance Corporation.

Dated: August 12, 1981.

[FR Doc. 81-24258 Filed 8-19-81; 8:45 am]
BILLING CODE 3410-08-M

Forest Service

Modoc National Forest Grazing Advisory Board; Meeting

The Modoc Grazing Advisory Board will hold a fall meeting on September 17, 1981.

The Board will field review the Emerson Allotment Management Plan.

Board members will provide their own horses and can plan to assemble at the Patterson Guard Station on the Warner Mountain Ranger District at 10:00 a.m. For further information, contact William E. Britton at 916-233-3521.

G. Lynn Sprague,
Forest Supervisor.

August 12, 1981.

[FR Doc. 81-24251 Filed 8-19-81; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.)

Week Ended August 14, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
August 10, 1981	39692	Freedom Airlines, Inc., 19 Broome County Airport, Johnson City, New York 13790. Application of Freedom Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled air transportation of passengers, property and mail, as follows: "Between the terminal points Cleveland, Ohio, the intermediate points Flint, Michigan, Saginaw, Michigan, Lansing, Michigan, Grand Rapids, Michigan and the terminal point, Chicago, Illinois." Conforming Applications, motions to modify scope, and Answers may be filed by September 8, 1981.
August 11, 1981	39696	Avia International Airlines, Inc., 110 Giralda Avenue, Coral Gables, Florida 33134. Application of Avia International Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural regulations requests that the certificates of public convenience held by Challenge Air Transport, Inc. be transferred to it, and re-issued in the name Challenge Airlines, Inc. Answers may be filed by September 8, 1981.
August 11, 1981	39699	Jet Fleet Corporation, Inc., 8605 Lemmon Avenue, Dallas, Texas 75209. Application of Jet Fleet Corporation, Inc. pursuant to Section 401(h) of the Act and Subpart Q of the Board's Procedural Regulations requests that the certificates of public convenience and necessity to engage in charter transportation issued to Jet Fleet Corporation, Inc. be transferred and reissued by the Board to Jet Fleet International Airlines, Inc.; that the Board approve or exempt any control relationships resulting from this change under Sections 408 and 409 of the Act. Answers may be filed by September 8, 1981.

Date filed	Docket No.	Description
August 13, 1981	39908	U S Air, Inc., Washington National Airport, Washington, D.C. 20001. Application of U S Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a new certificate of public convenience and necessity or for an amendment of its certificate for Route 97F authorizing U S Air to engage in the scheduled air transportation of persons, property, and mail on an unrestricted basis between Cincinnati, Ohio and Toronto, Ontario, Canada. Answers may be filed by August 27, 1981.
August 14, 1981	39914	Balair Ltd., c/o Morris R. Garfinkle, Galland, Kharasch, Calkins & Short, 1054 Thirty-first Street, N.W., Washington, D.C. 20007. Application of Balair Ltd. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment and reissuance of its foreign air carrier permit to conduct charters in foreign air transportation and removal of the restrictions contained in ordering paragraph 3 of Order 77-1-66. Answers may be filed by September 11, 1981.
August 14, 1981	39924	The Flying Tiger Line Inc., 7401 World Way West, P.O. Box 92935, Los Angeles, California 90009. Application of The Flying Tiger Line Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its certificate for Route 205F be amended by (a) combining the two Transatlantic routes into a single segment; (b) eliminating the designation of specific domestic coterminals in conjunction with its authority between the United States and Belgium, the Netherlands, and Luxembourg; and (c) adding as additional points on its Transatlantic route the countries of Israel, Switzerland, Spain and Portugal. The route segment, as amended, would read as follows: Between a point or points in the United States (except Orange County, Cal.) and a point or points in Belgium, the Netherlands, Luxembourg, the Federal Republic of Germany, Switzerland, Spain, Portugal, and Israel. Conforming Applications, motions to modify scope, and Answers may be filed by September 11, 1981.
August 14, 1981	39926	Transportes Aereos Kantuta, Ltda. Trak Airlines, c/o Robert M. Hausman, Hausman and Rosenthal, Suite 300, 1747 Pennsylvania Ave., N.W., Washington, D.C. 20006. Application of Trak Airlines pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit authorizing it to engage in the nonscheduled transportation of property and mail between the terminal point Miami, Florida, intermediate points in Panama, and terminal points in Bolivia. TRAK also requests authority to engage in off-route charter flights of property between points in the United States, on the one hand, and points outside the United States, on the other hand. Answers may be filed by September 11, 1981

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-24318 Filed 8-19-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-8-85]

Blanket Exemption for Certain Charter Operations in Alaska

AGENCY: Civil Aeronautics Board.

ACTION: Blanket exemption for certain charter operations in Alaska—notice of commuter air carrier fitness determination—Order 81-8-85, order granting exemption.

SUMMARY: The Board has granted a blanket exemption from section 401 of the Act and the Board's regulations to any certificated air carrier to the extent necessary to allow it to engage in interstate charter air transportation of persons and property between two points in Alaska; provided that the carrier holds authority form the Alaska Transportation Commission to conduct its proposed operations and provided that continuous operations on behalf of a single charterer may not be provided for more than six months under the exemption.

FOR FURTHER INFORMATION CONTACT: Patricia N. Snyder, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5207.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-8-85 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-8-85 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 13, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-24316 Filed 8-19-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-8-91; Docket 38770]

Peninsula Airways, Inc.; Order Concerning Mail Rates

Order 81-8-91, August 14, 1981, Docket 38770, fixes temporary intra-Alaska service mail rates for Peninsula Airways, Inc. at the level proposed in Order 81-7-139 (46 FR 39463, August 3, 1981).

Copies of the order are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-24315 Filed 8-19-81; 8:45 am]

BILLING CODE 6320-01-M

[Order No. 81-8-86; Docket No. 35084 etc.]

United Air Lines Inc. et al.; Order

In the matter of applications of United Air Lines, Inc., for an exemption pursuant to section 403 of the Federal Aviation Act of 1958, Docket 35084; Transamerica Airlines, Inc., for an emergency exemption from sections 401 and 403 of the Act, Docket 39715; Emergency Air Transportation Requirements, Docket 39722; and Trans World Airlines, Inc., for an exemption pursuant to section 416(b) of the Act, Docket 39872.

On June 18, 1981, we issued a notice informing the airline industry and the public of the emergency measures we intended to take in the event of a strike or job action by the Professional Air Traffic Controllers Organization (PATCO).[1] In subsequent orders, we exempted certificated and commuter carriers from various requirements of the Federal Aviation Act and our rules and regulations.[1]

We have determined that it is consistent with the public interest to grant further exemptions from our essential air service requirements. In light of the civil air transportation emergency which has curtailed the operations of all carriers, we have decided to exempt temporarily all

[1] 46 FR 32057, June 19, 1981.

[2] Order 81-8-22, August 6, 1981; Order 81-8-148, June 19, 1981 (by Director, BDA, under delegated authority).

essential air service carriers from providing such service in accordance with our EAS determinations to a level that approximates the current cutback in permitted operations: (1) a minimum of one, instead of two, round trips per day will be required; (2) a reduction of up to 50 percent of the required number of available seats will be permitted; (3) service may be provided to any hub regardless of which hub was designated in the essential air service determination; and (4) service to only one hub will be required in cases in which we have required service to two hubs. We will also consider individual requests for waivers of our remaining essential air service requirements.

Consistent with our temporary exemption from the requirements of our essential air service definitions and with Orders 81–8–22 and 81–6–148, we will continue to exempt all certificated and commuter air carriers from sections 419 and 401(j) of the Act, section 37(c) of the Airline Deregulation Act, and appropriate Board orders to the extent that they would require 30-day, 60-day or 90-day notices of terminations, reductions, or suspensions of service, except that this exemption shall not apply to terminations, reductions, or suspensions of service of the last carrier serving a point. In such cases, the requirements of sections 401(j)(1) and 419(a)(3) shall apply for terminations and reductions of service below the reduced essential air service requirements authorized by this order. To the extent that carriers have already taken advantage of our previous exemption and reduced service below the essential level defined in this order, the minimum levels established by this order supersede our earlier order. Those carriers are required to reinstate service at the level required by this order. Affected carriers should contact our staff to arrange a schedule for the reinstitution of such service.

The current reduction in operations has apparently created cash flow problems particularly for commuter carriers providing essential air service. To ease these problems, we will order the Comptroller to pay each carrier currently operating under 419 subsidy rates its ceiling amount of subsidy for the first rate period effective on or after August 1, 1981.[3] These payments will be disbursed at the end of the applicable rate period subject to later adjustment based on actual operations.[4]

In addition, effective for the same rate periods mentioned above, and extending until further action by us, all 419 rates currently in effect will have their rate formulas revised so that 40 percent of each rate will be paid on lump-sum basis,[5] while the remaining 60 percent will be paid on the basis of actual operations. Our intention is to assume coverage of at least a portion of fixed expenses incurred by carriers that experience schedule disruptions. These revised formulas will also form the basis for any adjustments to the authorized ceiling payments discussed above.

In addition, we will entertain specific requests from carriers receiving subsidy under section 406 for permission to subcontract such service to commuter carriers. We will base the amount of such subsidy agreements on the costs of the commuter.

We are also aware that the service disruption may be causing financial difficulties for carriers providing essential air service at communities where subsidy would not normally be required. In such cases, carriers may be reluctant to file suspension notices because, although this could trigger hold-in payments, it would also require us to commence carrier selection proceedings without a guarantee that the incumbent would be selected. We have instructed the staff to accept these notices and consider immediate hold-in payments, but not invite proposals to provide replacement service for the duration of the emergency unless the filing is unrelated to it. If carriers desire such payments because of this emergency situation, they should indicate that the filing of the notice is for this purpose and that they intend to resume normal unsubsidized service. Consequently, no solicitations of proposals would be needed.

We will deny the informal request of various carriers that we exempt them from the requirement that they refund all credits due to customers' credit card accounts within seven business days.[6] We are required to enforce the requirements of Titles I and VII of the Consumer Credit Protection Act,[7] which includes the refund requirement described here. However, our authority to grant exemptions extends only to the requirements of Title IV of the Federal Aviation Act.[8] We therefore have no authority to exempt carriers from the requirements of the Consumer Credit Protection Act. If cases come before the Bureau of Compliance and Consumer Protection which arise out of this requirement they will take into consideration the unusual circumstances created by the air traffic control emergency and the question of whether the carrier made a good faith effort to refund promptly its customers' money in deciding whether to prosecute.

Finally, we will amend our exemptions from the provisions of Part 250 (oversales and denied boarding compensation) and Part 252 (smoking rules) to extend such exemption authority to commuters not designated as providing essential air service, as requested by letter by counsel for the Commuter Airlines Association of America (CAAA). We agree with CAAA that all carriers are facing the same operational problems and should be afforded the same degree of relief.[9] In addition, in this order we will extend our exemptions from DBC and tariff requirements to apply to foreign as well as U.S. air carriers.

We will authorize the exemptions and waivers described throughout this order through September 8, 1981. On that date, the Department of Transportation intends to issue a longer range plan for the operation of the air transportation system which should restore a higher level of air carrier operations. We will accept comments on our actions here from persons requesting modification or curtailment of these exemptions or commenting on the desirability of extending this authority beyond September 9, 1981. All comments should be filed in Docket 39722 by September 1, 1981.

Accordingly,

1. We exempt all U.S. and foreign air carriers and commuter air carriers from the provisions of Part 250 to the extent that they would require more than 100 percent compensation if the airline cannot arrange "alternate transportation" as defined in that Part;

2. We exempt all air carriers providing essential air service from the requirements of the essential air service determinations issued under section 419 of the Act in the following respects:

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[3] Hold-in periods consist of 30 days, while final rates are paid on a monthly basis.

[4] This does not relieve the carriers of their responsibility to file information documenting the actual amount of service operated. Actual payments due the carriers will be based on actual operations. Any adjustments will be made at a later date.

[5] This figure represents the approximate ratio of fixed to total expenses for those carriers operating under 419 rates.

[6] 12 CFR 226.12(e). *See* 14 CFR 374.

[7] 15 U.S.C. 1601 *et seq.*

[8] Section 416(b).

[9] In addition, CAAA pointed out that the exemption from the DBC rules granted in Order 81–8–22 relieved carriers only from the provisions of section 250.9, which describes the written notice that must be given to overbooked passengers who are denied boarding; and that the exemption should have also included relief from section 250.5, which contains the actual requirements for paying denied boarding compensation. We will make clear that the modification of Part 250 applies to the entire Part in the appropriate ordering paragraph to this order.

a. A minimum of one, instead of two, round trips per day will be required; [10]

b. A reduction of up to 50 percent of the required number of available seats will be permitted;

c. Service may be provided to any hub regardless of which hub was designated in the essential air service determination; and

d. Service to only one hub will be required in cases in which we have required service to two hubs;

3. We exempt all certificated air carriers and all commuter air carriers from the appropriate provisions of sections 419 and 401(j) of the Act, section 37(c) of the Airline Deregulation Act, and appropriate Board orders to the extent that they would (a) prohibit flight reductions, terminations, or suspensions of service required to comply with flight schedule plans established by the FAA for implementation by these carriers and (b) require 30-day, 60-day or 90-day notices of such terminations, reductions, or suspensions; except that this exemption shall not apply to terminations, reductions, or suspensions of the last carrier serving a point; in those cases, the requirements of sections 401(j)(1) and 419(a)(3) shall apply, and such notices shall be required for terminations or reductions below the reduced essential air service requirements authorized by ordering paragraph 2;

4. Effective for the monthly or 30-day rate period in effect for each carrier on the date of adoption of this order, 419 rate formulas will be revised so that 40 percent of the rate will be paid directly and 60 percent of the rate will be paid on the basis of actual operations. These formula revisions for each rate will be made by the Air Carrier Subsidy Need Division;

5. The Comptroller is authorized to make payments equal to subsidy ceiling amounts calculated pursuant to the provisions of all current 419 rate orders currently in effect for the monthly or 30-day rate period in effect on the date of adoption of this order. These payments will be subject to adjustment in the event that application of the rate formulas as revised pursuant to ordering paragraph 4 do not produce subsidy amounts equal to ceiling payments made under the provision of this paragraph;

We deny carriers' requests for exemptions from the seven-day refund requirement of 12 CFR 226.12(e);

7. We amend ordering paragraphs 2 and 3 of Order 81–8–22 by deleting in each the phrase "designated by the Board to provide essential air service;"

8. We amend ordering paragraph 3 of Order 81–8–22 by deleting the phrase "certificated" and inserting instead "U.S. and foreign;"

9. The exemptions and waivers granted here shall become effective immediately;

10. The exemptions, amendments and waivers permitted by this order and by Orders 81–6–148 and 81–8–22 shall expire on September 9, 1981; and

11. This order shall be served on all U.S. certificated and foreign carriers, all commuter air carriers, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation Administration, the Professional Air Traffic Controllers Organization, the Postmaster General, the Department of Defense, the Aviation Consumer Action Project, the Air Transport Association of America, the Commuter Airline Association of America, the aviation agency of each State, Territory and possession of the United States; and all eligible points with effective essential air service determinations.

A copy of this order will be published in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-24317 Filed 8-19-81; 8:45 am]

BILLING CODE 6320-01-M

[10] If any essential air service definitions are currently below this level, they are not affected by this order.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 10–81]

Proposed Foreign-Trade Zone, Baltimore, Md.; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Baltimore, Maryland (the City) requesting authority to establish a general-purpose foreign-trade zone on the Baltimore Harbor, within the Baltimore Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 17, 1981. The applicant is authorized to make this proposal under Article 23, Section 466–469, as amended, of the Annotated Code of Maryland.

The applicant proposes to establish a general-purpose zone project within Holabird Industrial Park, a new 170-acre industrial and commercial complex being developed by the City in southwestern Baltimore. The project is designed to help attract new manufacturing and retain established industries in accordance with City and State economic development plans. Covering 20 acres, the zone will be located within the complex on Holabird Avenue at Broening Highway. A developer/operator, will be selected by the City to construct a multi-user building and open space will be reserved for firms requiring their own facilities for processing and light manufacturing.

The application contains evidence of the need for zone services in the Baltimore area. Prospective tenants have indicated an interest in using the zone for processing, assembly, light manufacturing, storage and distribution of products such as machine parts, medical equipment, and electronic components and products.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Stuart S. Keitz (Chairman), Program Manager, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230; Carl W. Johnson, Program Analyst, U.S. Customs Service, Region III, 40 South Gay Street, Baltimore, Maryland 21202; and Colonel James W. Peck, District Engineer, U.S. Army Engineer District Baltimore, P.O. Box 1715, Baltimore, Maryland 21203.

As part of its investigation, the examiners committee will hold a public hearing on September 15, 1981, beginning at 10:00 a.m., in the Constellation Room, 2123 World Trade Center, 401 E. Pratt Street, Baltimore, Maryland 21202. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by September 11, 1981. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through October 15, 1981. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be

presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 415 U.S. Customshouse, Gay and Lombard Streets, Baltimore, Maryland 21202;

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2006, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: August 17, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-24321 Filed 8-19-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[A-588-055]

Acrylic Sheet From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on acrylic sheet from Japan. The review covers the 14 known manufacturers or exporters and 1 transshipper of this merchandise to the United States currently covered by the finding for various time periods up to July 31, 1980. This review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of this review the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value on each of their shipments during the period of review.

Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Crawford, Shelia Forbes or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2209/5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 30, 1976, a dumping finding with respect to acrylic sheet from Japan was published in the **Federal Register** as Treasury Decision 76-240 (41 FR 36497). The finding excluded one firm, Mitsubishi Rayon Co., Ltd. On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980 the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on acrylic sheet from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of acrylic sheet, which is made by polymerizing methyl methacrylate into a stiff, transparent, high molecluar weight polymer with resistance to ultraviolet radiation, and includes sheet, whether or not cast, extruded, drilled, milled, or ground on the edges. Acrylic sheet is currently classifiable under items 771.4100, 771.4500 and 771.5500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 14 Japanese firms and 1 transshipper engaged in the manufacture of exportation of acrylic sheet to the United States currently covered by the finding. This review covers separate time periods for each of the firms up to July 31, 1980.

The issue of the Department's obligation to conduct administrative reviews of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Eleven exporters stated they did not export acrylic sheet to the U.S. during the review period. The estimated deposit rate for these firms shall be the most recent information for each firm. Two exporters declined to respond to our questionnaire. For these non-responsive exporters we proceeded to use the best information available to determine the assessment and estimated deposit rates. For one firm which was investigated at fair value, the best information is the fair value rate, since the most recent rate (master list) for that firm is not higher than the rate for responding firms in the current period. The best information for the firm not investigated at fair value is the most recent rate (master list) for the firm, since it is higher than rates for responding firms in the current period.

United States Price

In calculating United States price the Department used purchase price as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate.

Purchase price was based either on the F.O.B. packed price to an unrelated purchaser in the United States, or to an unrelated Japanese trading company for export to the United States, as appropriate. Where applicable, deductions were made for inland freight and commissions to unrelated parties in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, or the price to a purchaser in a third country (United Kingdom) when sufficient sales did not exist in the home market, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act. The foreign market values were adjusted, where applicable, for inland freight, loading and handling charges and differences in credit costs, in accordance with § 353.15 of the Commerce Regulations and § 153.10 of the Customs Regulations. An adjustment was also made for differences in packing costs. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Mfr./exporter	Time period	Margin (percent)
Asahi Chemical Ind. Co./Talkyo Sangyo Co	4/1/79-7/31/80	[1] 13.15
C. Itoh & Co., Ltd	1/1/77-7/31/80	[1] 0
Kanase Industries Co., Ltd	4/1/78-7/31/80	[1] 1.36
Kanematsu Gosho	7/1/79-7/31/80	[1] 11.98
Kyowa Gas Chemical Ind., Ltd	4/1/79-7/31/80	48.9

Mfr./exporter	Time period	Margin (percent)
Kyowa Gas Chemical/K. Sakai & Co	9/1/78–7/31/80	7.5
Maruberni Corp	4/1/78–12/31/78	0
	1/1/79–7/31/80	[1] 0
Midorikawa Chemical Ind. Co./ Mitsubishi Corp	7/1/78–7/31/80	[1] 7.5
Nitto Juahi Kogyo Co	4/1/78–3/31/79	10.86
	4/1/79–7/31/80	10.86
S.P. International	4/1/78–12/31/78	0
	1/1/79–7/31/80	[1] 0
Sumitomo Chemical Co	4/1/79–7/31/80	[1] 28.5
Taikyo Sanyko Co., Ltd	4/1/79–7/31/80	[1] 13.15
Tsutsunaka/Toyo Menka Kaisha	4/1/78–3/31/79	30.29
	4/1/79–7/31/80	[1] 30.29
Tsutsunaka Plastic Ind. Co./K. Sakai & Co	4/1/78–3/31/79	30.29
	4/1/79–7/31/80	[1] 30.29
Transhipper/country:		
I. J. Langleb Ltd./Hong Kong	1/1/78–7/31/80	5.07

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results on or before September 21, 1981, and may request disclosure and/or a hearing on or before September 4, 1981. Any request for an administrative protective order must be made no later than August 25, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of acrylic sheet entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

(Section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations 919 CFR 353.53))

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 14, 1981.

[FR Doc. 81-24299 Filed 8-19-81; 8:45 am]

BILLING CODE 3510-25-M

[A-583-023]

Clear Sheet Glass From Taiwan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commercial.

ACTION: Notice of final results of administrative review of antidumping finding

SUMMARY: On April 24, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on clear sheet glass from Taiwan. The review covered the two known exporters to the United States for the period July 1, 1979 through July 31, 1980. Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3814/5289).

SUPPLEMENTARY INFORMATION:

Background

On August 21, 1971, a dumping finding with respect to clear sheet glass from Taiwan was published in the **Federal Register** as Treasury Decision 71–226 (36 FR 16508). On April 24, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (46 FR 23278). The Department has now completed its administrative review of the antidumping finding.

Scope of the Review

This review covers imports of clear sheet glass, which is currently classifiable under items 542.3120 through 542.4835 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only two Taiwanese exporters of clear sheet glass to the United States, Hsinchu Glass Works, Inc. and Taiwan Glass Corporation. The review covered the period July 1, 1979 through July 31, 1980. The Department received a request from the petitioner for a disclosure meeting which was denied in part since there were no known shipments to the United States during the period of review and therefore no calculations to disclose. The basis for the estimated deposit rate, prior appraisement instructions ("master lists"), was disclosed but not the master lists themselves or the calculations used by Treasury to derive the lists. There are no known unliquidated entries. Although the Department extended the comment period to June 19, 1981, we received no comments.

Final Results of the Review

The final results of our review are the same as those presented in the preliminary results of review.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit of 1.6 percent and 7 percent of the entered value for Taiwan Glass Corporation and Hsinchu Glass Works, respectively, shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This cash deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of August, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

August 14, 1981.

[FR Doc. 81-24298 Filed 8-19-81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Finland; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration; Commerce.

SUMMARY: On July 9, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from Finland. The review covered the one known exporter for the period September 1, 1971, through June 30, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Brian Kelly or David Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2923).

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1971, a dumping finding with respect to pig iron from Finland

was published in the **Federal Register** as Treasury Decision 71–194 (36 FR 13781). On July 9, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review for that finding (46 FR 35540–1). The Department has now completed the administrative review of that finding.

Scope of the Review

Imports covered by this review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of one Finnish firm which manufactured and exported pig iron to the United States during the review period. That firm was Oy Koverhar Ab, which has since merged with its parent company, OVAKO Oy Ab. The review period is from September 1, 1971 through June 30, 1980.

Final Results of the Review

The Department received no comments on the preliminary results of its administrative review. Therefore, the final results are the same as the preliminary results, and we determine that no margins exist.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent margin calculated shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. Since the most recent margin calculated is zero, the Department waives the deposit required for Finnish exports of pig iron. The waiver of deposit shall, remain in effect until publication of the final results of the next administration review. The Department intends to conduct the next administrative review by the end of July 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 14, 1981.

[FR Doc. 81-24267 Filed 8-19-81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From West Germany; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

SUMMARY: On July 6, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from West Germany. The review covered the three known exporters for various time periods through June 30, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Brian Kelly or David Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2923).

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1971, a dumping finding with respect to pig iron from West Germany was published in the **Federal Register** as Treasury Decision 71–192 (36 FR 13780). On July 6, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review for that finding (46 FR 34829–30). The Department has now completed the administrative review of that finding.

Scope of the Review

Imports covered by this review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the 3 known exporters of West German pig iron to the United States. They are listed below, together with the period of review for each exporter.

Final Results of the Review

The Department received no comments on the preliminary results of its administrative review. Therefore, the final results are the same as the preliminary results, and we determine that there were no shipments for the firms in the following periods:

Metallhuttanwerke G.m.b.H., 3/1/75–6/30/80
Rheinstahl, A.G., 1/1/73–6/30/80
Duisburger Kupferhutte, 8/1/79–6/30/80

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent margin calculated for each firm shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. Since in each case the most recent margin calculated was zero, the Department waives the deposit requirement for West German exports of pig iron. The waiver of deposit shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of July 1982.

(Section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53))

August 14, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-24270 Filed 8-19-81; 8:45 am]

BILLING CODE 3510-25-M

Imported Steel Mill Products Trigger Price Mechanism; Fourth Quarter 1981 Trigger Prices

AGENCY: International Trade Administration, Commerce.

ACTION: Announcement of Fourth Quarter 1981 Trigger Price Levels.

SUMMARY: The Department of Commerce announces that fourth quarter 1981 trigger price bases and extras for most steel mill products covered by the steel trigger price mechanism (TPM) will be unchanged from their third quarter levels; however, the interest component of the TPM delivery charges will increase, causing the total landed trigger prices to increase slightly. The Department uses trigger prices to monitor the prices of steel mill product imports for possible initiation of dumping investigations. Each quarter the Department reviews Japanese steel production and delivery costs and revises trigger prices accordingly. The fourth quarter trigger prices will apply to steel mill products exported to the United States on or after October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Spetrini, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377–3793.

SUPPLEMENTARY INFORMATION: On October 8, 1980 (45 FR 66833), the Department of Commerce published its intention to reinstate the TPM. The Department began its monitoring of all imported basic steel mill products entering the United States on October 21, 1980.

Fourth quarter 1981 trigger price bases and extras for those steel mill products manufactured principally by integrated steel producers will not change from

their third quarter 1981 trigger price levels. However, the interest component of TPM delivery charges increased due to higher U.S. interest rates. This caused the total landed trigger prices to increase about 1 to 2 percent (depending on the product and port of entry) over third quarter levels (see Table 3 for a list of fourth quarter trigger base prices and interest rates).

Base trigger prices and extras of those steel mill products manufactured principally by electric furnace producers will decline from 1.0 percent to 3.5 percent, depending on the product, from their third quarter levels: base trigger prices and extras for Group A (angles, channels, and I-beams) will be 1.8 percent lower than the third quarter levels; Group B (hot rolled merchant quality round, square, round cornered square and flat bars, bar size channels, and strip produced on bar mills) will decline 1.0 percent; and Group C (concrete reinforcing bars) will decline 3.5 percent. The base trigger prices for stainless steel wire products will be unchanged from their third quarter 1981 levels. Certain stainless steel wire extras will increase between 4.1 percent and 7.9 percent. Wire nail base prices and extras will decrease 0.6 percent from their third quarter 1981 levels.

For its calculation of trigger price levels, the dollar/yen exchange rate the Department uses to convert Japanese steel producers' yen-denominated production costs to dollars is the average of the 36 months preceding the calculation and publication of the quarter's trigger price levels. On this basis, the exchange rate used in the Department's fourth quarter 1981 production cost estimate is 217 yen to the dollar (the yen/dollar exchange rate average for August 1978 through July 1981). The Department used a 216 yen/dollar exchange rate average (the average for May 1978 through April 1981) for the third quarter 1981 trigger price calculation.

The Department is adding certain cold finished bar grades to published price coverage and will begin TPM monitoring of these additional grades on products exported to the United States on or after October 1, 1980. The Department is also adding various notes to the TPM Price Manual in order to clarify the existing product coverage (see Table 4 for a listing of coverage expansion and clarification actions).

Production Costs

Integrated Producers

The Department's fourth quarter estimate of Japanese steel production costs reflects an extensive updating of the production cost components. Previously, such a complete updating was done only once a year (for the second quarter production estimate); however, in its effort to assure that these estimates reflect current Japanese production costs, the Department is also doing the complete update for its fourth quarter estimate.

The average production cost for the six major Japanese integrated steel producers estimated for fourth quarter 1981 is about the same as the third quarter estimate and 0.3 percent above the second quarter estimate, the last quarter for which trigger price bases and extras were changed. The 0.3 percent increase does not justify a change in fourth quarter trigger prices from their second and third quarter levels (see Table 1 for a comparison of third and fourth quarter production costs).

Table 1.—*Japanese Production Cost Estimate: Integrated Steel Producers, Third and Fourth Quarters, 1981*

[U.S. dollars per metric ton of finished product]

	3d quarter	4th quarter
Basic raw materials	167.98	166.60
Other raw materials	84.56	86.90
Labor	100.70	100.62
Other expenses	30.54	26.01
Depreciation	33.13	35.86
Interest	27.88	29.67
Profit [1]	31.16	30.09
Yield Credit	(13.84)	(13.81)
Total cost ($/M.T.)	467.81	467.74
Total cost ($/N.T.)	424.39	424.33

[1] Profit—.08 (All raw materials plus labor plus "other expenses")

While third and fourth quarter production cost estimates differ by only $0.07 per metric ton, there were substantial changes in the various production cost components. Cost factors that lowered the estimate include an improvement in average raw steel to finished product yield from 86.0 percent to 86.6 percent, the depreciation of the Japanese yen relative to the U.S. dollar, a decrease in fuel oil usage, and a decrease in "other expenses." The decrease in "other expenses" results principally from an adjustment in this component for the value of blast furnace gas sold by the Japanese steel producers to electric utilities.

Offsetting these was about a one-half percentage point decrease in the five-year average capacity utilization, a slight increase in the price of coking coal (resulting from an adjustment in the Department's estimate of the fiscal 1981 price the Japanese producers would negotiate for the coking coal purchases and the actual negotiated price), and increases in "other raw materials," depreciation, and interest. The five-year average capacity utilization for the total Japanese steel industry for the second quarter of 1976 through the first quarter of 1981 (the period the Department used in its third quarter TPM estimate of Japanese steel production costs) was about 73.4 percent. Moving the five-year period forward one quarter decreases the capacity utilization average to 73.0 percent.

Electric Furnace Producers

The decreases in the production costs of the main Japanese electric furnace producers result largely from decreases in the cost of the purchased scrap component of basic raw materials. This decrease was enhanced somewhat by the slight depreciation of the yen relative to the dollar. In addition, improvements in labor productivity further lowered costs for Group A and C, while an increase in the scrap usage rate moderated the cost decrease for Group B (see Table 2 for a comparison of third and fourth quarter production costs).

Stainless Steel Wire Production Costs

The base trigger prices for stainless steel wire products for fourth quarter 1981 remain at their third quarter levels. The size extras will increase between 4.1 percent and 7.7 percent over their third quarter levels. The finish, straightening and cut length extras have increased 7.9 percent over their third quarter levels. These increases are mainly due to increases in labor and electricity costs.

Wire Nail Production Costs

Commerce's dollar-valued estimate of the current production costs of Japan's wire nail producers decreased 0.6 percent from the third quarter 1981 level. The fourth quarter 1981 production cost decrease is due mostly to the depreciation of the yen relative to the dollar.

Other Charges

TPM trigger prices are an estimate of the production costs of Japanese steel manufacturers plus the cost of transporting and landing the steel in the United States; hence, to the production costs described above and reflected in trigger price bases and extras must be added charges for freight, interest, handling and insurance. Freight and handling charges will not change from their third quarter 1981 levels. Interest charges have been adjusted for the fourth quarter 1981 to reflect the current level of the prime interest rate (see Table 3 for a listing of the new interest charges).

Product Coverage Changes

Coverage Expansion

The Department received a request in October, 1980 to expand the cold finished carbon steel round bar coverage on page 12–1 of the price manual to include AISI grades 1030 through 1060. The coverage had been limited to AISI grades 1008 through 1029. This request was published in the November 20, 1980 **Federal Register** (45 FR 76722) with a thirty day period for public comment. The Department, after analyzing the request and the comments, determined that the expansion of coverage is appropriate. This product coverage expansion will apply or products exported to the United States on or after October 1, 1981.

The Department continues to consider requests for expansion or deletion of coverage of certain products, as published in the **Federal Register** on October 21, 1980 (45 FR 69527); November 20, 1980 (45 FR 76722); and June 16, 1981 (46 FR 31461).

Coverage Clarification

The Department has also received various requests to clarify the existing published price coverage. A number of changes of this type have been made and are listed in Table 4.

Fourth Quarter 1981 Trigger Price Manual

The *Fourth Quarter 1981 TPM Price Manual* will be available in mid-September. Copies may be purchased from the Publications Sales Branch, Room 1617, U.S. Department of Commerce, Washington, D.C., 20230 for $10.00.

Japanese Steel Production Cost Estimates: Electric Furnance Products, Third and Fourth Quarters, 1981

	Groups A[1]		Group B[2]		Group C[3]	
	3d quarter	4th quarter	3d quarter	4th quarter	3d quarter	4th quarter
Basic Raw Materials	$186.12	$182.28	$196.97	$194.00	$187.45	$179.20
Other Raw Materials	41.94	41.27	44.70	43.79	39.76	38.90
Labor	33.00	32.05	36.10	35.37	29.27	29.26
Other Expenses	12.75	13.95	17.54	18.20	15.79	16.42
Depreciation	7.63	7.67	9.11	10.06	8.26	8.54
Interest	11.01	9.41	10.96	9.69	10.81	8.82
Profit[4]	21.00	21.56	23.63	23.46	21.78	21.10
Scrap Credit	(3.07)	(2.59)	(2.80)	(3.49)	(2.65)	(2.68)
Total $/M.T	311.28	305.60	336.23	332.94	310.47	290.56
Total $/N.T	282.59	277.24	305.02	302.04	281.66	271.76

[1] Group A products are angles, channels and I-beams.
[2] Group B products are hot rolled merchant quality round, square, round cornered square and flat bars; bar size channels; and hot rolled strip from bar mills.
[3] Group C products are concrete reinforcing bars, plain and deformed.
[4] Profit = .08 (Raw materials + labor + other expenses).

Produot Base Prices for Shipment Exported During 4th Quarter, 1981

[All figures in dollars per metric ton]

Page[1]	Product	4th quarter 1981 base prices	4th quarter interest			
			P.	S.	A.	L.
2–1	Wire Rods Commercial Quality	390	16	20	20	25
2–2	Wire Rods Welding Quality	398	16	21	21	25
2–3	Wire Rods High Carbon	429	18	22	22	28
2–4	Wire Rods Cold Heading Quality	448	18	24	24	29
2–5	Wire Rods Cold Finished Bar Quality	450	19	24	24	30
2–9	Mo Alloy Steel Wire Rod	642	26	36	36	43
2–11	Si-Mn-Cr High Carbon Steel Wire Rod	534	27	34	34	42
3–1	Wide Flange Beams and Bearing Piling	386	16	21	21	25
3–5	Standard Carbon Steel Channels[2]	311	13	17	17	21
3–6	Unequal Leg Carbon Steel Angles[2]	328	14	18	18	22
3–7	Equal Leg Carbon Steel Angles[2]	295	12	16	16	19
3–8	Standard Carbon Steel "I" Beams & Junior Beams[2]	359	15	19	19	24
4–1	Sheet Piling	405	17	22	22	27
5–1	Steel Plates	373	16	20	20	24
6–1	Heavy Carbon Steel Rails AREA 115, 132 or 136	421	18	23	23	28
6–2	Light Rail	414	17	22	22	27
6–3	Tie Plates	432	18	23	23	28
8–1	Plain and Deformed Carbon Steel Concrete Reinforcing Bars ASTM A615[6]	286	12	15	15	19
9–1	Hot Rolled Carbon Steel Bar Size Channel[2]	421	18	23	23	28
10–1	Hot Rolled Carbon Bars Special Quality	476	20	26	26	31
10–3	Merchant Quality Hot Rolled Carbon Steel Squares and Round Cornered Squares ASTM–36 or AISI 1020[2]	351	15	19	19	23
10–4	Merchant Quality Hot Rolled Carbon Steel Round Bar ASTM A36 or AISI 1020[2]	351	15	19	19	23
10–5	Merchant Quality Carbon Steel Flat Bars ASTM A36 or AISI 1020[2]	320	13	17	17	21
11–1	Hot Rolled Ni-Cr-Mo Alloy Steel Round Bar, Round Cornered Square Bar and Spring Steel Flat Bar	558	23	30	30	37
11–5	Spheroidize Annealed High Carbon Cr Steel Round Bar	621	26	33	33	41
12–1	Cold Finished Carbon Steel Round and Hexagonal Bar AISI 1008 through 1029	507	23	30	30	37
12–2	Cold Finished Round Steel and Hexagonal Bar AISI 1212 through 1215	629	26	34	34	41
12–3	Cold Finished Round Steel and Hexagonal Bar AISI 12L14 and 12L15	660	28	35	35	43
12–4	Cold Finished, Ni-Cr-Mo Alloy Steel Round Bar	556	23	30	30	37
12–5	Cold Finished Spheroidized Annealed, High Carbon Cr Steel Round Bar, AISI 52100, 50100, 51100	621	26	33	33	41
12–6	Round Stainless Steel Drawn Bar in Sizes under 0.703' Dia	(5)	(5)	(5)	(5)	(5)
14–1	ERW Carbon Steel Pressure Tubing for use in Boilers, Heat Exchangers, Condensers, Etc	621	26	33	33	41
14–6	Continuous Buttweld Pipe	472	20	25	25	31
14–8	ERW Pipe, Excluding Oil Well Casing	495	21	27	27	32
14–12	Submerged Arc Welded Pipe	537	22	29	29	35
14–14	ERW Structural Tubing, ASTM A500 Grades, A, B and C	452	19	25	25	30
14–17	ERW Standard Pipe	479	20	26	26	31
14–19	ERW Piling Pipe ASTM A252	417	17	22	22	27
14–22	SAW Piling Pipe	417	17	22	22	27
14–23	ERW Mechanical Tubing ASTM A513, Type 1—A.W.H.R	558	23	30	30	37

Product Base Prices for Shipment Exported During 4th Quarter, 1981—Continued

[All figures in dollars per metric ton]

Page [1]	Product	4th quarter 1981 base price	4th quarter interest			
			P.	G.	A.	L.
15–1	Seamless Carbon Steel Oil Well Casing, Not Threaded, up to 7" in Outside Diameter	567	24	30	[illegible]	[illegible]
15–2	Seamless Carbon Steel Oil Well Casing, Not Threaded 7 inches and over in Outside Diameter	566	24	30	[illegible]	[illegible]
15–4	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, 7 inches and over in Outside Diameter	649	27	35	[illegible]	[illegible]
15–6	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, up to 7 inches in Outside Diameter	657	27	35	[illegible]	[illegible]
15–7	Electric Resistance Welded Carbon Steel Oil Well Casing	518	22	[illegible]	[illegible]	[illegible]
15–9	Seamless Carbon Steel Pressure Tubing Suitable for use in Boilers, Superheaters, Heat Exchangers, Condensers, Refining Furnaces, Feed Water Heaters, Cold Finish	1014	42	[illegible]	[illegible]	[illegible]
15–27	Seamless Carbon Steel Oil Well Tubing	813	[illegible]	[illegible]	[illegible]	[illegible]
15–28	Seamless Carbon Steel Line Pipe	578	[illegible]	[illegible]	[illegible]	[illegible]
15–30	Hot Rolled High Carbon Cr Steel Tube Suitable for use in Manufacture of Ball or Roller Bearings AISI 52100	767	32	[illegible]	41	[illegible]
15–31	Cold Rolled High Carbon Cr Steel Tube Suitable for use in Manufacture of Ball or Roller Bearings AISI 52100	1126	47	[illegible]	[illegible]	74
15–32	Seamless Stainless Steel Round Ornamental Tube	2553	107	137	[illegible]	[illegible]
15–33	Seamless Stainless Steel Square Ornamental Tube	2783	116	[illegible]	[illegible]	[illegible]
16–1	Cold Heading Round Wire Hard Drawn	568	24	[illegible]	[illegible]	[illegible]
16–1	Cold Heading Drawn from Annealed Rods	644	27	35	[illegible]	[illegible]
16–1	Cold Heading Drawn from Spheroidized Annealed Rods	660	[illegible]	35	[illegible]	[illegible]
16–1	Cold Heading Anneal in Process	664	[illegible]	[illegible]	[illegible]	[illegible]
16–1	Cold Heading Spheroidize Anneal in Process	676	[illegible]	[illegible]	[illegible]	[illegible]
16–1	Cold Heading Anneal in Process and Drawn from Annealed Rods	717	[illegible]	[illegible]	[illegible]	[illegible]
16–1	Cold Heading Spheroidize Anneal in Process and Drawn from Annealed Rods	739	31	[illegible]	[illegible]	[illegible]
16–1	Cold Heading Anneal at Finish Size	644	27	35	[illegible]	[illegible]
16–1	Cold Heading Spheroidize Anneal at Finish Size	660	[illegible]	[illegible]	[illegible]	[illegible]
16–1	Cold Heading Anneal at Finished Size and Drawn from Annealed Rods	697	29	37	[illegible]	[illegible]
16–1	Cold Heading Spheroidize Anneal at Finished Size and Drawn from Annealed Rods	712	[illegible]	[illegible]	[illegible]	[illegible]
16–4	Bright and Annealed Basic Round Wire	467	[illegible]	[illegible]	[illegible]	[illegible]
16–5	Galvanized Iron Round Wire	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
16–7	Round Baling Wire 14½ Gauge	653	27	[illegible]	[illegible]	[illegible]
16–8	Cold Finished Si-Mn-Cr High Carbon Steel Wire	634	27	[illegible]	[illegible]	[illegible]
16–10	Cold Finished Mo Alloy Steel Wire	662	[illegible]	[illegible]	[illegible]	[illegible]
16–12	Upholstery Spring Wire Automatic Coiling and Knotting Type	584	24	[illegible]	[illegible]	[illegible]
16–13	Mechanical Spring Wire ASTM A227 and A648	816	[illegible]	[illegible]	33	[illegible]
16–14	Music Spring Quality Wire ASTM A228 (percent)	1360	4.2	5.4	5.4	6.6
16–16	Oil Tempered Steel Spring Wire ASTM A229	821	[illegible]	[illegible]	33	41
16–17	Carbon Steel Valve Spring Quality ASTM A230	1039	43	55	[illegible]	[illegible]
16–18	Automobile Tire Bead Wire 0.037"	722	[illegible]	[illegible]	[illegible]	[illegible]
16–19	Galvanized Core Wire for A.C.S.R. ASTM B498 Class "A"	771	[illegible]	[illegible]	41	[illegible]
16–20	Stainless Steel Wire	(*)	(*)	(*)	[illegible]	[illegible]
19–1	Galvanized Wire Field Fence ASTM A116	704	[illegible]	[illegible]	[illegible]	[illegible]
20–1	Wire Nails	478	20	[illegible]	[illegible]	[illegible]
21–1	Barbed Wire 2 Ply	741	31	[illegible]	[illegible]	[illegible]
22–1	Black Plate ASTM A625	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
23–1	Electrolytic Tin Plate	[illegible]	27	35	[illegible]	[illegible]
25–1	Hot Rolled Steel Sheets	331	14	[illegible]	[illegible]	[illegible]
25–2	Hot Rolled Steel Band	316	13	17	17	[illegible]
26–1	Electrical Steel Sheets—Grain Oriented, in Coil	[illegible]	[illegible]	[illegible]	71	[illegible]
26–2	Electrical Steel Sheets—Non Oriented, in Coil	718	30	[illegible]	[illegible]	47
26–3	Cold Rolled Sheets	416	17	[illegible]	22	[illegible]
27–1	Electro Galvanized Sheets	480	[illegible]	26	26	[illegible]
27–3	Hot Dipped Galvanized Sheets	484	[illegible]	26	26	[illegible]
29–1	Hot Rolled Carbon Steel Strip Produced on Bar Mills Cut Lengths [3]	[illegible]	15	[illegible]	[illegible]	[illegible]
29–2	Hot Rolled Carbon Steel Strip Produced on Sheet Mills Coils Only	[illegible]	13	17	17	[illegible]
32–1	Tin Free Steel Sheets	[illegible]	23	[illegible]	[illegible]	[illegible]

[1] Page references are to the Third Quarter, 1981 Trigger Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the ASSI product category of that product.
[2] Electric Furnace, Group A.
[3] Electric Furnace, Group B.
[4] Electric Furnace, Group C.
[5] See pages 16–20 to 16–30.

Table 4.—*4th Quarter, 1981 Trigger Price Manual Revised Pages*

Page reference [1]	Product description	Revision
2–2	Wire rods—welding quality	Correct error in size range.
4–1	Sheet piling	Correct listed grades to only reflect U.S. grades of this product.
6–1	Heavy carbon steel rail	Correct size parameters for freight rates.
10–2	Hot rolled carbon steel bars—special quality	Delete bar tolerance extra: All material is to bar tolerances.
12–1	Cold finished round and hexagonal bars	Expand coverage to include grades 1030–1060.
14–12	Submerged arc weld pipe	Clarify limitation of coverage to straight seam product. Does not include spiral weld pipe.
14–14	A500 square and rectangular tubing	Correct freight rates for square and rectangular tubing.
16–8 to 16–9	High carbon alloy wire	Correct identification of size and heat treatment extras.
16–10 to 16–11	Alloy wire	Correct identification of size and heat treatment extras. Clarify inclusion of cold heading quality product.
16–20 to 16–30	Stainless steel wire	Increase extras based on Japanese production cost changes.

[1] Pages refer to 3d quarter, 1981 TPM Price Manual.

Wire Rods—Welding Quality

[2-2—AISI Category 2—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—$393.			
Pacific coast	$34	$5	$16
Gulf coast	41	5	21
Atlantic coast	41	4	21
Great Lakes	62	4	26
Insurance 1 percent of base price + extras + ocean freight			
Extras ($/M.T.):			
1. Heat treatment—			
No heat treatment			Base
Regular anneal			55
Spheroidized anneal			86
2. Sizes 7/32" thru 35/64" (5.5 mm thru 14 mm)			Base
3. Grades 1006–1020			Base

Sheet Piling

[4-1—AISI Category 4—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—$405.			
Pacific coast	$36	$9	$17
Gulf coast	45	5	22
Atlantic coast	40	4	22
Great Lakes	66	4	27
Insurance 1 percent of base price + extras + ocean freight			
Extras ($/M.T.):			
1. Grade—			
A328			Base
A690 (Marine type)			121
2. Shape—			
Straight web—F, FA			14
Arch web—1A, U5, 5, 5L, 6L			14
Arch web—(Equivalent to PDA-27)			Base
Zee—Z14, Z25, Z32, Z38, Z45			14
H type			42
3. Length—			
3 meters to under 6 meters			14
6 meters and over			Base

Heavy Carbon Steel Rails—A.R.E.A. 115, 132, or 136

[6-1—AISI Category 6—Rev. August 1981]

Charges to CIF	Ocean freight			Handling	Interest
	Thru 40'	Thru 50'	Over 50'		
4th quarter base price per metric ton—$421.					
Pacific coast	$36	$39	$42	$10	$19
Gulf coast	42	45	46	5	23
Atlantic coast	50	53	56	4	23
Great Lakes	66	69	72	4	28
Insurance 1 percent of base price + extras + ocean freight					
Extras ($/M.T.):					
1. Quality—					
Carbon					Base
Heat treating (equivalent to head hardening)					[1] 95
End hardening					[2] 3
2. Quantity (per purchase)—					
200 M.T. and over					Base
Under 200 through 100 M.T.					[1] 4
Under 100 through 50 M.T.					[1] 7

[1] Per metric ton.
[2] Per rail.

Hot Rolled Carbon Steel Bars (Cut Length 4–12 Meters—Special Quality)

[10-2—Grade/Size—Rev. August 1981]

Grade AISI No.	Sizes					
	Over 35/64" to Under 3 5/64"	3 5/64" to under ¾"	¾" thru 1½"	Over 1½" to under 3"	3" thru 4½"	Over 4½"
Rimmed Steel						
1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023	18	[1]	[1]	[1]	[1]	[1]
Killed Steel						
1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1029, 1030, 1035, 1037, 1042, 1043, 1044, 1045, 1046, 1049, and 1050	19	[1]	[1]	[1]	[1]	[1]
1527, 1541	82	14	18	13	14	18
15B37	85	45	47	43	45	47
15B41	71	52	54	51	52	54
1117	88	41	41	37	38	42
1137	41	22	25	21	22	25
1212	31	13	16	10	13	16
1213, 1215	45	29	30	27	27	30
10L30	57	42	43	41	42	43
10L45	45	29	30	27	27	30
12L14, 12L15	89	50	52	49	50	52
15L22	96	65	67	61	63	67

[1] Base.

Cold Finished Carbon Steel Round and Hexagonal Bars—AISI 1008 Through 1060

[12-1—AISI Category 12—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—$557			
Pacific coast	$39	$9	$23
Gulf coast	50	5	30
Atlantic coast	55	4	30
Great Lakes	77	4	37
Insurance 1% of base price + extras + ocean freight			

	Shape	
	Round	Hexagon
Extras ($/M.T.):		
1. Size—		
Up to 5/16" inclusive	99	218
Over 5/16"" thru 5/16"	87	118
Over 5/16" thru 7/16"	47	72
Over 7/16" thru 5/8"	26	47
Over 5/8" thru 7/8"	Base	10
Over 7/8" thru 1 7/16"	10	25
Over 1 1/16" thru 1¾"	19	42
Over 1¾" thru 2 1/16"	25	57
Over 2 1/16" thru 3"	35	
Over 3" thru 3¾"	47	
Over 3¾" thru 4"	57	

Submerged Arc Welded Pipe

[14-12—AISI Category 14—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—see below.			
West coast	Use freight table on page 14-2.	$9	$20
Gulf coast		5	26
Atlantic coast		4	26
Great Lakes		4	36
Insurance 1% of base price + extras + ocean freight			

Outside diameter	API 5L and API 5LX grades						
	5L	X42	X46	X52	X56	X60	X65
1. Base prices including O.D. and grade extras							
16"	566	581	[illegible]	[illegible]	637	652	669
16"–24"	551	566	581	597	620	637	652
26"–48"	537	551	[illegible]	581	597	620	637

W.T.	Outside diameter										
	16	24	26	30	34	36	40	42	44	46	48
2. Galvanizing—1.8 to 2.0 oz. coating (percent of base price extra)											
.250	4.0	4.0	4.0	.....	.....	.....	.....	.....	.....	.....	.....
.281	4.1	4.1	4.1	4.1	4.1	4.1	.....	.....	.....	.....	.....
.312	4.1	4.1	4.1	4.2	4.2	4.1	3.9	3.9	.....	.....	.....
.344	4.2	4.2	4.2	4.2	4.2	4.2	3.9	3.9	3.9	[illegible]	.....
.375	4.2	4.2	4.2	4.3	4.2	4.2	4.0	4.0	3.9	[illegible]	[illegible]
.406	4.2	4.2	4.2	4.3	4.3	4.2	4.0	4.0	4.0	[illegible]	[illegible]
.438	4.2	4.2	4.2	4.3	4.3	4.2	.....	4.0	4.0	[illegible]	[illegible]
.469	4.2	4.2	4.2	4.3	4.3	4.2	.....	4.0	4.0	[illegible]	[illegible]
.500	4.2	4.2	4.2	4.3	4.3	4.2	4.0	4.0	4.0	[illegible]	3.9
.562	.....	.....	4.1	4.2	4.2	4.1	.....	3.9	3.9	[illegible]	[illegible]
.625	.....	.....	4.1	4.1	4.1	4.1	.....	3.9	3.8	3.8	[illegible]
.656	.....	.....	4.0	4.1	4.1	4.0	.....	3.8	3.8	[illegible]	[illegible]
.688	.....	.....	.....	.....	.....	.....	.....	3.7	3.7	3.7	3.6
.750	.....	.....	.....	.....	.....	.....	.....	3.7	3.6	[illegible]	3.6

NOTE.—This coverage applies only to straight seam weld pipe. Spiral weld product is not currently covered by published prices.

Electric Resistance Welded Square and Rectangular Structural Tubing—ASTM A500 Grades A, B, and C

[14-14—AISI Category 14—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—use pages 14–15 to 14–16.			
West coast	$40	$9	$19
Gulf coast	52	5	25
Atlantic coast	54	4	25
Great Lakes	81	4	30

Insurance 1% of base price+extras+ocean freight

Extras:
1. Base Prices Including O.D. and W.T. Extras.
2. Pickling.
3. Cold Strip.
4. ROPS (Roll-Over Protective Structure).

High Carbon Alloy Steel Wire—0.062"–0.999" Diameter

[16-8—AISI Category 16—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—$694.			
Pacific coast	$67	$9	$27
Gulf coast	84	5	34
Atlantic coast	87	4	34
Great Lakes	98	4	42

Insurance 1% of base price+extras+ocean freight

Extras ($/M.T.):
1. Grade.
2. Rod Size.
3. Rod Thermal Treatment.
4. Vacuum Degassed.
5. Drawing (An extra from this group must be used).

High Carbon Alloy Steel Wire

[16-9—Rev. August 1981]

AISI No.	Extra[1]
1. Grade:	
9254	Base
9260	[1] 25
5150, 5155, 5160	[1] 72
6150	13
Boron (Indicated by "B" in Grade Number)	[illegible]

High Carbon Alloy Steel Wire—Continued

[16-9—Rev. August 1981]

AISI No.	Extra
2. Size (of rod from which wire was made; if unknown, use base).	
5.5 mm through 13 mm	Base
Over 13 mm but less than 19 mm	[1] 35
19 mm and over	[1] 49
3. Thermal Treatment (of rod from which wire was made; if unknown, use base):	
Spheroidized annealed	Base
Regular anneal only	[1] 29
No heat treatment	[1] 95
4. Vacuum degassed	17
5. Drawing (an extra from this group must be used):	
Size (inches):	
0.812–0.999	[illegible]
0.688–0.811	186
0.625–0.687	[illegible]
0.562–0.624	[illegible]
0.500–0.561	[illegible]
0.438–0.499	241
0.375–0.437	241
0.312–0.374	241
0.250–0.311	[illegible]
0.188–0.249	341
0.125–0.187	[illegible]
0.094–0.124	456
0.062–0.093	525

[1] Minus.

Alloy Steel Wire—0.062"–0.999" Diameter

[16-10—AISI Category 16—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest
4th quarter base price per metric ton—$662.			
Pacific coast	$67	$9	$29
Gulf coast	84	5	39
Atlantic coast	87	4	39
Great Lakes	98	4	49

Insurance 1% of base price+extras+ocean freight

Extras ($/M.T.):
1. Grade.
2. Rod Size.
3. Rod Thermal Treatment.
4. Aircraft Quality.
5. Bearing Quality.
6. Vacuum Degassed.
7. Drawing (An extra from this group must be used).

NOTE.—This base coverage includes cold heading quality product.

Alloy Steel Wire

[16-11—Rev. August 1981]

	Extra
1. Grade—Use grade extra tables on page 2-8	
2. Size (of rod from which wire was made; if unknown, use base):	
5.5 mm through 13 mm	Base
Over 13 mm but less than 19 mm	[1] 35
19 mm and over	[1] 49
3. Thermal Treatment (of rod from which wire was made; if unknown, use base):	
Spheroidized annealed	Base
Regular anneal only	[1] 29
No heat treatment	[1] 95
4. Aircraft quality	35
5. Bearing quality	35
6. Vacuum degassed (This extra is not to be used when the aircraft or bearing quality extras are used)	
7. Drawing (An extra from this group must be used):	
Size (inches)—	
0.812–0.999	[illegible]
0.688–0.811	[illegible]
0.625–0.687	[illegible]
0.562–0.624	[illegible]
0.500–0.561	[illegible]
0.438–0.499	241
0.375–0.437	241
0.312–0.374	241
0.250–0.311	[illegible]
0.188–0.249	341
0.125–0.187	[illegible]
0.094–0.124	456
0.062–0.093	525

[1] Minus.

Stainless Steel Wire

[16-20—AISI Category 16—Rev. August 1981]

Charges to CIF	Ocean freight	Handling	Interest (percent)
4th quarter base prices per metric ton—see below.			
Pacific coast	$102	$9	[illegible]
Gulf coast	124	5	[illegible]
Atlantic coast	124	4	[illegible]
Great Lakes	161	4	[illegible]

Interest charge equals F.O.B. trigger base price including size extra times interest factor

Insurance 1% of base price+extras+ocean freight

Extras ($/M.T.):
1. Annealed wire—group I—pages 16–21 to 16–23:
   A. Base prices including grade extras.
   B. Size by grade group.
   C. Small lot.
2. Hard/spring wire—group II—pages 16–24 to 16–25:
   A. Base prices including grade extras.
   B. Size by grade group.
3. Soft/intermediate wire—group III—pages 16–26 to 16–27:
   A. Base prices including grade extras.
   B. Size by grade group.
4. Coating—pages 16–28.
5. Finish—pages 16–29:
   A. Centerless ground.
   B. Centerless ground and polished.
6. Diameter tolerance—pages 16–29.
7. Straightening and cut to length—pages 16–30:
   A. Size range.
   B. Length.
8. Packaging—pages 16–30.

1. Group I—Annealed Wire

Soft wire in which there is no further cold drawing after the last annealing treatment. This wire is made by annealing in open fired furnaces or molten salt followed by pickling, which produces a clean gray matte finish. It is also made with a bright finish by annealing wet, oil or grease drawn wire in a protective atmosphere, and is sometimes described as bright annealed wire.

A. Grades

[16-21—Rev. August 1981]

Grades	Base price
301	2,321
302	2,270
303	2,370
304	2,321
305	2,494
310	4,112
314	4,808
316	3,316
316–L	3,489
317	3,813
317–L	3,988
304–L	2,494
17–4PH [1]	2,644
308	2,470
308–L	2,644
309	3,017
309–L	3,191
321	2,644
302 HQ (18–19LW)[2]	2,445
347	2,967
384	2,917
409	1,634
410	1,335
416	1,306
420	1,385
430	1,385
430–F	1,584
434	1,683
434–A	1,484
446	1,932

[1] May also be designated as type 630 or as UNS 17400.
[2] May also be designated as type 302 CU and as 306.

B. Size [1]

[16-22—Rev. August 1981]

Size	Grade group: 300 series and 17–7PH	400 series	17–4PH—15–5PH
0.574" to 0.703"	218	556	218
.501" to .573"	218	556	218
.500"	234	556	234
.375" to .499"	254	556	254
.3125" to .374"	272	556	272
.250" to .312"	364	556	364
.234" to .249"	413	556	413
.216" to .233"	469	596	469
.200" to .215"	648	648	648
.185" to .199"	668	680	668
.170" to .184"	684	709	684
.155" to .169"	696	740	696
.142" to .154"	715	877	715
.128" to .141"	745	1,012	745
.113" to .127"	832	1,117	739
.099" to .112"	960	1,213	775
.086" to .098"	1,055	1,284	808
.076" to .085"	1,116	1,352	845
.067" to .075"	1,180	1,421	1,024
.058" to .066"	1,295	1,474	1,189
.051" to .057"	1,353	1,524	1,261
.044" to .050"	1,412	1,577	1,320
.038" to .043"	1,540	1,632	1,446
.033" to .037"	1,677	1,823	1,583
.030" to .032"	1,750	1,959	1,750
.027" to .029"	1,920	.....	2,111
.024" to .026"	2,078	.....	2,078
.021" to .023"	2,234	.....	2,239
.019" to .020"	2,389	.....	2,389
.018"	2,542	.....	2,542
.017"	2,575	.....	2,575
.016"	2,618	.....	2,618
.015"	2,739	.....	2,739
.014"	2,877	.....	2,877
.03"	2,999	.....	2,999
.012"	3,126	.....	3,126
.011"	3,247	.....	3,247
.010"	3,540	.....	3,540
.009"	3,671	.....	3,671
.008"	3,834	.....	3,834
.0075"	4,008	.....	4,008
.007"	4,190	.....	4,190
.0065"	4,622	.....	4,622
.006"	5,115	.....	5,115

B. Size [1]—Continued

[16-22—Rev. August 1981]

Size	Grade group: 300 series and 17–7PH	400 series	17–4PH—15–5PH
.00575"	5,606	.....	5,606
.0056"	6,099	.....	6,099
.00525"	7,084	.....	7,084
.005"	7,268	.....	7,268
.00475"	7,391	.....	7,391
.0045"	7,637	.....	7,637
.00425"	8,315	.....	8,315
.004"	8,930	.....	8,930
.00375"	18,775	.....	18,775
.0035"	22,406	.....	22,406
.00325"	25,607	.....	25,607
.003"	28,806	.....	28,806
.0027"	29,854	.....	29,854
.0025"	31,086	.....	31,086
.002"	40,315	.....	40,315

[1] All intermediate sizes to take next higher price.

C. Small Bar

Small cold drawn bar in wire gauges is to be trigger priced using above grade and size extras in conjunction with the following negative extras for the absence of annealing and pickling.

Size range	Extras
0.375" through 0.703"	[1] 77
.216" through .374"	[1] 81
.187" through .215"	[1] 104

[1] Minus.

2. Group II—Hard/Spring Wire

Wire drawn in several drafts as required to produce the high tensile strengths required for such products as spring wire.

A. Grades

[16-24—Rev. August 1981]

Grades	Base price
301	2,321
302	2,270
303	2,370
304	2,321
305	2,494
310	4,112
314	4,808
316	3,316
316–L	3,489
317	3,813
317–L	3,988
321	2,644
17–4PH [1]	2,644
17–7PH [3]	3,341
308	2,470
308–L	2,644
309	3,017
309–L	3,191
302 HQ (18–19LW) [2]	2,445
347	2,967
384	2,917
409	1,634
410	1,335
416	1,306
420	1,385
430	1,385
430–F	1,584
434	1,683
434–A	1,484
446	1,932

[1] May also be designated as type 630 or UNS 17400.
[2] May also be designated as type 302 CU or 306.
[3] May also be designated as type 631 or UNS 17700.

B. Size [1]

[16-25—Rev. August 1981]

Size	Grade group: 300 series and 17–7PH
Over .375"	725
.3125" to .374"	725
.2500" to .312"	725
.234" to .249"	725
.216" to .233"	725
.200" to .215"	725
.185" to .199"	725
.170" to .184"	725
.155" to .169"	725
.142" to .154"	701
.128" to .141"	701
.113" to .127"	701
.099" to .112"	738
.086" to .098"	816
.076" to .085"	874
.067" to .075"	951
.058" to .066"	1,055
.051" to .057"	1,270
.044" to .050"	1,458
.038" to .043"	1,537
.033" to .037"	1,688
.030" to .032"	1,776
.027" to .029"	2,139
.024" to .026"	2,332
.021" to .023"	2,564
.019" to .020"	2,860
.018"	3,467
.017"	3,767
.016"	3,861
.015"	3,949
.014"	4,135
.013"	4,283
.012"	4,589
.011"	5,867
.010"	6,020
.009"	6,258
.008"	6,467

[1] All intermediate sizes to take next higher price.

3. Group III—Soft/Intermediate Wire

Wire drawn one or more drafts after annealing as required to produce minimum strength or hardness. The properties can be varied between soft temper and those approaching spring temper wire. Wire in this temper is usually produced in a variety of dry drawn tempers. Cold heading wire belongs in this group.

A. Grades

[16-26—Rev. August 1981]

Grades	Base price
301	2,321
302	2,270
302 (302HQ, 18–9LW)	2,445
303	2,370
304	2,321
305	2,494
310	4,112
314	4,808
316	3,316
316–L	3,489
317	3,813
317–L	3,988
321	2,644
17–4PH [1]	2,644
308	2,470
308–L	2,644
309	3,017
309–L	3,191
347	2,967
384	2,917
409	1,634
410	1,335
416	1,306
420	1,385

A. Grades—Continued

[16-26—Rev. August 1981]

Grades	Base price
430	1,366
430-F	1,584
434	1,583
434-A	1,484
446	1,822

[1] May also be designated as type 630 or UNS 17400.

B. Size

[16-27—Rev. August 1981]

Size [1]	Grade group		
	300 series and 17-7PH	400 series	17-4PH, 15-5PH
Over 0.375"	498	346	493
.3125" to .374"	493	346	493
.2500" to .312"	493	360	493
.2340" to .249"	493	364	493
.2160" to .233"	493	408	493
.200" to .215"	493	443	493
.185" to .199"	612	473	612
.170" to .184"	642	498	642
.155" to .169"	676	541	676
.142" to .154"	696	611	696
.126" to .141"	753	728	753
.113" to .127"	904	812	904
.099" to .112"	991	924	991
.086" to .098"	1,050	953	1,050
.076" to .085"	1,171	1,008	1,171
.067" to .075"	1,290	1,103	1,290
.058" to .066"	1,409	1,339	1,409
.051" to .057"	1,461	1,563	1,461
.044" to .050"	1,519	1,630	1,519
.038" to .043"	1,652	1,692	1,652
.033" to .037"	1,755	1,894	1,756
.030" to .032"	1,877	2,020	1,877
.027" to .029"	2,048	.....	2,048
.024" to .026"	2,212	.....	2,212
.021" to .023"	2,361	.....	2,361
.019" to .020"	2,541	.....	2,541

[1] All intermediate sizes to take next higher price.

4. Coating

Material provided uncoated or coated with lime (or equivalent to lime) and/or soap will carry no extra. Other coatings require an appropriate extra where additional costs are involved. Metallic coatings include copper, nickel, and lead. Non-metallic coatings include plastics, molybdenum disulfide, etc.

Size

[16-28—Rev. August 1981]

Size range	Metallic		Non-metallic
	Copper	Nickel	
Over 0.154"	117	35	24
.099" to .154"	176	35	24
.063" to .098"	233	48	32
.041" to .062"	.....	76	50
.030" to .040"	.....	103	68
.025" to .029"	.....	103	68
.020" to .024"	.....	136	94
.015" to .019"	.....	177	125
.010" to .014"	.....	218	151

5. Finish

Size Ranges

[16-29—Rev. August 1981]

Size ranges [1]	Centerless ground	Centerless ground and polished
0.595" to 0.703"	542	684
0.501" to 0.594"	542	684
0.500"	599	757
0.375" to 0.499"	613	782
0.3125" to 0.374"	613	782
0.250" to 0.3124"	613	782
0.234" to 0.249"	943	1,143
0.216" to 0.233"	943	1,143
0.200" to 0.215"	1,041	1,271
0.185" to 0.199"	1,217	1,472
0.170" to 0.184"	1,435	1,705
0.155" to 0.169"	1,718	2,009
0.142" to 0.154"	2,002	2,294
0.126" to 0.141"	2,355	2,646
0.113" to 0.127"	2,900	3,266
0.093" to 0.112"	5,006	5,612

[1] Intermediate sizes to take next higher price.

These extras are applicable to all grades listed.

Straightening and cut to length extras are included in the above finish extras.

6. Diameter Tolerance

Standard: AISI or JIS Specification.

	Extra
Standard	Base
Not less than ½ standard	100
Closer than ½ to ¼ standard	125
Closer than ¼ standard	150

[1] Percent of size extra.

7. Straightening and Cut to Length

Use the sum of the appropriate extras from A and B below to form the total extra.

A. Size Range

[16-30—Rev. August 1981]

	Extras
A. Size Range.	
0.595" to 0.703"	113
0.501" to 0.594"	113
0.500"	113
0.375" to 0.499"	142
0.3125" to 0.374"	142
0.170" to 0.3124"	257
0.099" to 0.169"	541
0.051" to 0.098"	1,856
0.032" to 0.050"	2,142
b. Length:	
Under 12"	100
12" to under 18"	66
18" to under 24"	50
24" to under 30"	42
30" to under 36"	42
36" to under 48"	42
48" to under 60"	42
60" to under 72"	42
72" to under 120"	35
120" to under 168"	35
168" to under 192"	35
192" to under 216"	35
216" to under 240"	35
240" to under 264"	27
264" to under 288"	27
288" to 316"	27

8. Packaging

Bundle	28
Wooden boxes	97
Fibre drums	69
Coil carriers	28
Spools: sizes under .020"	178
Both spools and wooden boxes:	
Sizes .020" and greater	97
Sizes under .020"	269

Dated: August 14, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-24134 Filed 8-17-81; 9:41 am]

BILLING CODE 3510-25-M

Imported Steel Mill Products Trigger Price Mechanism; Carbon Steel Anti-Surge Provision

AGENCY: U.S. Department of Commerce, International Trade Administration.

SUMMARY: In monitoring carbon steel imports, on a product line basis, for surges possibly caused by dumping or subsidization, the Department of Commerce has determined that surge conditions exist in the following product lines: structural shapes, sheet piling, plates and cold finished bars.

FOR FURTHER INFORMATION CONTACT: Joseph A. Spetrini, Import Administration, U.S. Department of Commerce, Room 1001, Washington, D.C. 20230, (202) 377-3793.

SUPPLEMENTARY INFORMATION: On October 8, 1980 the Department of Commerce announced the reinstatement of the steel trigger price mechanism (TPM) and the addition of the anti-surge provision to the TPM (45 FR 66833). The announcement states the "Whenever aggregate imports exceed 15.2 percent of apparent domestic consumption, the U.S. industry is operating below 87 percent capability utilization, and there appears to be a surge in imports of one or more specific products from one or more specific countries, Commerce will examine the situation to ascertain whether the imports are apparently (1) being dumped on a cost or price basis, (2) the result of government subsidization, or (3) the result of fair competition." That notice also states that "in determining whether there has been a surge in the volume of imports of a particular product or products, Commerce will consider the amount of increase in those imports, the period in which this increase occurred, and the significance of the amount in light of prevailing market conditions and seasonal and recent representative patterns in trade." Starting today Commerce will begin examinations of the surges in the steel products described below. Discussions will be held with the governments of the countries involved, as provided for in the October 8, 1980 notice, and the domestic industry will be consulted.

Aggregate Surge Conditions

Surge conditions are reviewed by the Department of Commerce monthly. A three-month weighted average is calculated to determine whether imports have exceeded the 15.2 percent threshold and an arithmetic average of the domestic industry's capability utilization is calculated for the same three month period. For the three month period encompassing April, May and June 1981, imports accounted for 18.2 percent of domestic apparent consumption,[1] and the average capability utilization figure is 85.1 percent. Thus, the anti-surge provision of the TPM is now in effect. A summary of recent trends in each of the four product lines which the department is reviewing follows.

Individual Products

Surge conditions exist for the category of structural shapes (AISI import category 3). During the April-June 1981 three month period, imports accounted for 32.4 percent of U.S. apparent consumption. This is above the ten year weighted average of 23.1 percent as well as the 30.4 percent for April-June 1980 and the 25.0 percent for the same three month period in 1979. U.S. imports of structural shapes totalled 574,063 net tons during the April-June 1981 period, substantially above the 484,437 net tons imported during the same three month period in 1980 and the 431,353 net tons imported during the same period in 1979. U.S. imports of structural shapes from all countries reached 996,670 net tons during the first six months of 1981, a 5.0 percent increase over the 948,859 net tons from the same period last year.

Three countries accounted for these increases. Spanish structural shapes accounted for 4.1 percent of U.S. apparent consumption during the April-June 1981 period, which is above the 2.6 percent market share for the same period in 1980 and the 0.6 percent share for the same period in 1979. U.S. imports of Spanish structural shapes amounted to 73,098 net tons during the April-June 1981 period; this is well above the 41,933 net tons imported during the same three month period last year and the 10,777 net tons imported during the same period in 1979. U.S. imports of structural shapes from Spain reached 151,890 net tons during the first six months of 1981, which is 101 percent above the 75,618 net tons imported from Spain during the same period a year ago.

U.S. imports of structural shapes from the Republic of South Africa accounted for 2.6 percent of domestic apparent consumption during the April-June 1981 period, up from 1.2 percent during the same period last year and 0.8 percent during the same period in 1979. Imports of South African structural shapes amounted to 45,865 net tons during the April-June 1981 period, well above the 19,159 net tons for the same three month period in 1980 and the 14,501 net tons imported during the same period in 1979. U.S. imports of structural shapes from South Africa reached 54,374 net tons during the first six months of 1981, which is 22.9 percent above the 44,248 net tons imported from South Africa during the same period a year ago.

U.S. imports of structural shapes from the United Kingdom accounted for 2.4 percent of domestic apparent consumption during the April-June 1981 period. This is above the 0.4 percent of the same three month period last year and the 1.4 percent for the same period in 1979. U.S. imports of structural shapes from the United Kingdom reached 42,663 net tons during the April-June 1981 period; this is above both the 6,518 net tons imported during the same period in 1980 and the 25,223 net tons imported during the same three months in 1979. U.S. imports of structural shapes from the United Kingdom amounted to 77,311 net tons during the first six months of 1981, which is 195 percent above the 26,240 net tons imported from the United Kingdom during the same period a year ago.

The Department of Commerce is beginning to review trade in structural shapes from Spain, the Republic of South Africa and the United Kingdom.

Surge conditions exist for the category of sheet piling (AISI import category 4). During the April–June 1981 three months period, imports accounted for 40.3 percent of U.S. apparent consumption. This is above the ten year weighted average of 17.6 percent as well as the 26.3 percent for April–June 1980 and the 26.9 percent for the same period in 1979. U.S. imports of sheet piling totalled 39,088 net tons during the April–June 1981 period, substantially above the 29,427 net tons imported during the same three month period in 1980 and the 27,666 net tons imported during the same period in 1979. U.S. imports of sheet piling from all countries reached 57,233 net tons during the first six months of 1981, a 24.4 percent increase over the 46,025 net tons for the same period last year.

Imports from Canada and the United Kingdom accounted for these increases. Canadian sheet piling accounted for 5.7 percent of U.S. apparent consumption during the April–June 1981 period, which is above the 0.3 percent for the same period in 1979. U.S. imports of Canadian sheet piling amounted to 5,513 net tons during the April–June 1981 period; this is well above the 330 net tons for the same three month period in 1980 and the 773 net tons for the same period in 1979. U.S. imports of sheet piling from Canada reached 8,752 net tons for the first six months of 1981, which is 1,154 percent above the 698 net tons imported from Canada during the same period a year ago.

U.S. imports of sheet piling from the United Kingdom accounted for 9.6 percent of domestic apparent consumption during the April–June 1981 period, up from 2.2 percent during the same three month period last year and 1.4 percent during the same period in 1979. Imports of sheet piling from the United Kingdom amounted to 9,502 net tons during the April–June 1981 period; this is well above the 2,437 net tons for the same three month period in 1980 and the 1,457 net tons for the same period in 1979. U.S. imports of sheet piling from the United Kingdom reached 11,826 tons during the first six months of 1981, which is 136 percent above the 5,009 net tons imported from the United Kingdom during the same period a year ago.

The Department of Commerce is beginning to review trade in sheet piling from Canada and the United Kingdom.

Surge conditions exist for the category of steel plate (AISI import category 5). During the April–June 1981 three month period, imports accounted for 24.8 percent of U.S. apparent consumption. This is above the ten year weighted average of 17.9 percent as well as the 22.0 percent for the April–June 1980 period and the 14.8 percent for the same period in 1979. U.S. imports of steel plate totaled 631,352 net tons during the April–June 1981 period, substantially above the 525,927 net tons imported during the same three month period in 1980 and the 408,288 net tons imported during the same period in 1979. U.S. imports of plate from all countries reached 1,118,633 net tons during the first six months of 1981, a 12.4 percent increase over the 994,982 net tons for the same period last year.

Imports from Romania and Spain accounted for most of these increases. U.S. imports of Romanian plate accounted for 2.1 percent of domestic apparent consumption during the April–June 1981 period, up from 0.2 percent during the same three month period last year and 0.1 percent during the same period in 1979. U.S. imports of steel plate from Romania amounted to 53,042 net tons during the April–June 1981 period; this is up from the 4,306 net tons for the same three month period in 1980 and the 3,723 net tons for the same period in

[1] Apparent consumption equals domestic shipments plus imports minus exports.

1979. U.S. imports of steel plate from Romania reached 98,360 net tons during the first six months of 1981, which is 1,321 percent above the 6,922 net tons imported from Romania during the same period a year ago.

U.S. imports of steel plate from Spain accounted for 1.4 percent of apparent consumption during the April–June 1981 period, up from 0.7 percent for the same three month period in 1980 and 0.7 percent for the same period in 1979. U.S. imports of Spanish plate amounted to 34,502 net tons during the April–June 1981 period, well above the 16,355 net tons during the same three month period in 1980 and the 18,366 net tons for the same period in 1979. Imports of steel plate from Spain amounted to 50,963 net tons during the first six months of 1981, which is 24.3 percent above the 41,007 net tons imported from Spain during the same period a year ago.

The Department of Commerce is beginning to review trade in steel plate from Romania and Spain.

Surge conditions exist for the category of cold finished bars (AISI import category 12). During the April–June 1981 three month period, imports accounted for 12.8 percent apparent consumption. This is above the ten year weighted average of 7.3 percent as well as the 8.9 percent for the same three month period in 1980 and the 7.5 percent for the same period in 1979. U.S. imports of cold finished bars totaled 64,875 net tons during the April–June 1981 period, substantially above the 38,871 net tons imported during the same three month period in 1980 and the 46,597 net tons imported during the same period in 1979. U.S. imports of cold finished bars from all countries reached 107,686 net tons during the first six months of 1981, a 36.0 percent increase over the 79,156 net tons for the same period last year.

Imports from France, Spain and the United Kingdom accounted for most of these increases. U.S. imports of French cold finished bars accounted for 3.2 percent of domestic apparent consumption during the April–June 1981 period, up from 1.5 percent during the same three month period in 1980 and 2.4 percent during the same period in 1979. U.S. imports of cold finished bars from France amounted to 15,967 net tons during the April–June 1981 period, up from the 6,479 net tons during the same three month period in 1980 and the 14,700 net tons for the same period in 1979. U.S. imports of cold finished bars from France reached 23,202 net tons during the first six months of 1981, which is 69.1 percent above the 13,717 net tons imported from France during the same period last year.

U.S. imports of cold finished bars from the United Kingdom accounted for 1.7 percent of domestic apparent consumption during the April–June 1981 period, up from 0.3 percent during the same three month period in 1980 and 0.8 percent during the same period in 1979. U.S. imports of cold finished bars from the United Kingdom amounted to 8,389 net tons during the April–June 1981 period, up from the 1,312 net tons during the same three month period in 1980 and the 5,221 net tons for the same period in 1979. U.S. imports of cold finished bars from the United Kingdom reached 13,328 net tons during the first six months of 1981, which is 198 percent above the 4,480 net tons imported from France during the same period last year.

U.S. imports of cold finished bars from Spain accounted for 1.3 percent of domestic apparent consumption during the April–June 1981 period, up from 0.4 percent during the same three month period in 1980 and 0.4 percent for the same period in 1979. U.S. imports of cold finished bars from Spain amounted to 6,691 net tons during the April–June 1981 period, up from the 1,882 net tons during the same three month period in 1980 and the 2,408 net tons for the same period in 1979. U.S. imports of cold finished bars from Spain reached 11,482 net tons during the first six months of 1981, which is 117 percent above the 5,283 net tons imported from Spain during the same period last year.

The Department of Commerce is beginning to review trade in cold finished bars from France, the United Kingdom and Spain.

Dated: August 14, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-24135 Filed 8-17-81; 9:41 am]

BILLING CODE 3510-25-M

National Telecommunications and Information Administration

Performance Review Board; Individuals Eligible for Service

Correction

In FR Doc. 81-21783 appearing on page 38398 in the issue of Monday, July 27, 1981, make the following correction:

In the list of names, first line, "* * * Dale N. Ratfield * * *" should have read "* * * Dale N. Hatfield * * *".

BILLING CODE 1505-01-M

COMMUNITY SERVICES ADMINISTRATION

Senior Executive Service Performance Review Board; Update

AGENCY: Community Services Administration.

ACTION: To update listing of personnel serving as members of this Agency's Senior Executive Service Performance Review Board.

SUMMARY: Public Law 95-454 dated October 13, 1978 (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). The following is an updated listing of those individuals who may serve as members of this Agency's PRB.

1. Ivan Ashley, Regional Director, Region I, Boston, Massachusetts
2. David M. Cohen, Deputy Associate Director for Economic Development, Office of Economic Development
3. Ben T. Haney, Regional Director, Region VI, Dallas, Texas
4. Allen S. Gibson, Assistant Inspector General for Investigations, Office of Inspector General
5. Jerrold Speers, Director for Program Development, Office of Community Action
6. W. Astor Kirk, Regional Director, Region III, Philadelphia, Pennsylvania
7. Joseph E. Kratz, Assistant Inspector General for Auditing, Office of Inspector General
8. Frederick Freilicher, General Counsel, Office of Legal Affairs and General Counsel
9. Joe P. Maldonado, Deputy Assistant Director for Community Action, Office of Community Action
10. Josephine Nieves, Regional Director, Region II, New York, New York
11. Curtis Christensen, Controller, Office of Management
12. Alphonse Rodriguez, Regional Director, Region IX, San Francisco, California
13. Eileen Siedman, Deputy Inspector General, Office of Inspector General
14. Wayne Thomas, Regional Director, Region VII, Kansas City, Missouri
15. David E. Vanderburgh, Regional Director, Region VIII, Denver, Colorado
16. William S. Walker, Regional Director, Region IV, Atlanta, Georgia
17. Merrit Van Zant, Deputy Assistant Director for Policy, Planning and Evaluation
18. Rogers Davis, (Executive Secretary), Director of Personnel, Community Services Administration

FOR FURTHER INFORMATION CONTACT:
Rogers Davis (202) 254–6170.

Dwight Ink,
Director.

[FR Doc. 81-24038 Filed 8-19-81; 8:45 am]
BILLING CODE 6315-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Chief of Engineers Environmental Advisory Board; Meeting

ACTION: Notice of open meeting.

SUMMARY: Under Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), this notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Chief of Engineers Environmental Advisory Board (EAB) meeting. The meeting is to be jointly chaired by Dean Gerald J. McLindon, Chairman, EAB, and Lieutenant General J. K. Bratton, Chief of Engineers, U.S. Army. The meeting is open to the public.

DATE: The meeting will be held from 1300 Monday, September 21, 1981 to 0930 Thursday, September 24, 1981.

ADDRESS: The meeting will be held at the Camelot Hotel, 4956 South Peoria, Tulsa, Oklahoma 74105.

FOR FURTHER INFORMATION CONTACT:
Lieutenant Colonel Thomas H. Magness, or CPT Douglas M. Hoon, Assisant Director of Civil Works for Environmental Programs, Office of the Chief of Engineers, Washington, D.C. 20314 (202) 272–0103.

SUPPLEMENTARY INFORMATION: The schedule and proposed agenda of the Environmental Advisory Board meeting having a general theme of Water Conservation and Supply in the 80's is:

21 September—Monday—P.M. Session

1300—Meeting convened
1300–1545—Review of previous EAB reports
1545–1630—Public comments
1630—Meeting recesses

22 September—Tuesday—A.M. Session

0800—Meeting convened
0800–1130—Corps Water Conservation and Supply Policy
1130–1300—Lunch.

P.M. Session

1300–1645—Perspectives of Other Agencies
1645–1700—Public comments
1700—Meeting recessed.

23 September—Wednesday—A.M. Session

0800—Meeting convened
0800–0930—Issues for the 80's
0930—Meeting recessed
1130—Meeting convened
1130—1230—Working reports
1230—Meeting recessed.

24 September—Thursday—A.M. Session

0800—Meeting convened
0800–0915—EAB provides oral report to Chief of Engineers
0915–0930—Public comments
0930—Meeting adjourned.

Meeting room has limited seating capacity. Written statements, to be made part of the minutes, may be submitted prior or up to 10 days following the meeting.

John O. Roach II,
Department of the Army, Liaison Officer with the Federal Register.

[FR Doc. 81-24253 Filed 8-19-81; 8:45 am]
BILLING CODE 3710-92-M

Intent To Prepare Draft Supplement Environmental Impact Statement; Tennessee—Tombigbee Waterway, Ala. and Miss.

August 14, 1981.

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a DSEIS.

SUMMARY: 1. *Proposed Action:* The proposed action is to complete construction and to operate and maintain the TTW. A number of design changes for the waterway have taken place since the Final Environmental Impact Statement (EIS) was filed with the Council on Environmental Quality (CEQ) on 20 April 1971. Also, new information and projections are now available. The Fifth Circuit Court of Appeals has directed that the EIS be supplemented to cover certain of these changes. Specific changes which will be addressed in the DSEIS include:

a. Projected increases in waterway traffic;

b. Increase in the amount of project lands;

c. Modification of the design concept for the Canal Section;

d. The addition of cutoffs to the original River Section design;

e. An analysis of the effects of increased waterway traffic on the lower Black Warrior-Tombigbee waterway and Mobile Harbor.

Other significant changes and/or information identified during the scoping and evaluation process will also be addressed. The DSEIS will include an evaluation of the environmental, social, economic, and engineering impacts associated with the project changes and the alternatives to these changes.

2. *Alternatives:* The number of alternatives which can be addressed is limited since the overall project is approximately 57 percent complete and the navigation facilities are approximately 64 percent complete. The includes work in major segments of the waterway on which construction has advanced to such an extent as to effectively preclude practical future options to design and construction. Faced with these constraints only those alternatives which could be reasonably pursued, based on existing circumstances, will be evaluated in the DSEIS. These include, but may not be limited to, the following:

a. No Action. This alternative will consist of the cessation of all construction activities on the waterway and conduct efforts required to leave the existing waterway in a safe and environmentally acceptable condition.

b. Continue Construction as Planned. This alternative will consist of a continuation of existing construction activities on the waterway.

c. Stop Construction at Columbus. This alternative will assume that the waterway would be maintained to Columbus, Mississippi, with the remainder of the project dismantled and placed in a safe and environmentally acceptable condition.

d. Modify Channel Work in Columbus and Aberdeen Lakes. This alternative will investigate appropriate options to the existing navigation channel design since construction of the channel in these two lakes has not advanced to the extent that modification of the design could not reasonably be pursued.

e. Modify Design of Canal Section. As in the case of the previous alternatives, certain options are still available to the construction concept of the Canal Section since portions of this segment of the waterway are not complete.

f. Other alternatives. As additional feasible alternatives are developed they will be thoroughly evaluated and discussed in the DSEIS.

3. *Scoping Process:*

a. While the scoping process, as outlined by CEQ's Regulations published in the November 29, 1978 **Federal Register**, is not specifically required in the preparation of an EIS supplement, scoping will be utilized to further involve Federal, State, and local agencies and other interested persons in the preparation of the DSEIS. In addition to publication of the Notice of Intent in the **Federal Register**, a copy of this notice will be mailed to individuals, organizations, and agencies soliciting input in lieu of a formal scoping meeting. This will provide broad coverage since the TTW project mailing list is comprised of over 6,000 individual addressees. It should be noted that the

TTW has been discussed extensively in a number of forums including the Congress; the 1977 Presidential Water Resources Project Review; the Courts; Supplemental Environmental Reports; Section 404(b)(1) Evaluation reports as required by the 1977 Clean Water Act; and the media. Oponents, proponents, and other interested parties have presented their views on the TTW over the past decade. Therefore, these views and information, together with the directions of the Court, form the basis of scoping the DSEIS. Additional views and suggestions to be considered in the scoping process will be appreciated. All comments and suggestions on significant issues which should be addressed in the DSEIS should be provided to the Mobile District of the US Army Corps of Engineers at the address shown below by 10 September 1981.

b. Coordination with the US Fish and Wildlife Service as required by the Fish and Wildlife Coordination Act and the Endangered Species Act has been underway and will continue. Coordination required by other laws will also be conducted.

4. *DSEIS Preparation:* It is estimated that the DSEIS will be available to the public on 15 October 1981.

ADDRESS: Questions about the proposed action and DSEIS can be answered by: Mr. N. D. McClure, IV, SAMDL, US Army Engineer District, Mobile, PO Box 2288, Mobile, AL 36628.

Dated: August 14, 1981.

Ronald A. Krizman,

LTC, Corps of Engineers, Acting Commander and Acting District Engineer.

[FR Doc. 81-24252 Filed 8-19-81; 8:45 am]

BILLING CODE 3710-GR-M

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L., 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice in hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, October 6, 1981; Tuesday, October 13, 1981; Tuesday, October 20, 1981; and Tuesday, October 27, 1981 at 10:00 a.m. in Room 3D–321, The Pentagon, Washington, D.C.

The Committee's primary responsbility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency." (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D–364, The Pentagon, Washington, D.C.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

August 17, 1981.

[FR Doc. 81-24314 Filed 8-19-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective September 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Ave., N.W., Rm. 4121, Washington, D.C. 20461 (202) 633–8710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	3.52
Arizona [1]	3.48
Arkansas [1]	3.31
California [1]	3.48
Colorado [1]	3.41
Connecticut [1]	4.15
Delaware [1]	3.84
Florida	3.66
Georgia [1]	3.61
Idaho [1]	3.41
Illinois	3.53
Indiana [1]	3.77
Iowa [1]	3.69
Kansas	3.71
Kentucky [1]	3.77
Louisiana [1]	3.31
Maine	4.12
Maryland [1]	3.84
Massachusetts	4.13
Michigan [1]	3.77
Minnesota [1]	3.69
Mississippi [1]	3.81
Missouri	3.79
Montana [1]	3.41
Nebraska [1]	3.58
Nevada [1]	3.48

State	Dollars per million Btu's
New Hampshire [1]	4.15
New Jersey [1]	3.84
New Mexico [1]	3.31
New York	3.74
North Carolina [1]	3.81
North Dakota	3.76
Ohio [1]	3.77
Oklahoma	3.27
Oregon	3.28
Pennsylvania [1]	3.84
Rhode Island [1]	4.15
South Carolina [1]	3.81
South Dakota [1]	3.80
Tennessee [1]	3.81
Texas	3.20
Utah [1]	3.41
Vermont [1]	4.15
Virginia [1]	3.81
Washington [1]	3.40
West Virginia [1]	3.77
Wisconsin	3.37
Wyoming	2.84

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during June 1981 was $39.55 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective September 1, 1981, is $8.86 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 61, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of April 1981, May 1981, and June 1981.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective September 1, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, April 1981, May 1981, June 1981. Reported prices for sales of April 1981 were adjusted by the percent change in the nationwide volume-weighted average price from April 1981 to June 1981. Prices for May 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from May 1981 to June 1981. The volume-weighted 3-month average of the adjusted April 1981 and May 1981, and the reported June 1981 prices was then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publicaton are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending August 14, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of June 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or local) and the military are excluded.

Region A	Region B	Region C	Region D	Region E	Region F	Region G	Region H
Connecticut Maine Massachusetts New Hampshire Rhode Island Vermont	Delaware Maryland New Jersey New York Pennsylvania	Alabama Florida Georgia Mississippi North Carolina South Carolina Tennessee Virginia	Illinois Indiana Kentucky Michigan Ohio West Virginia Wisconsin	Iowa Kansas Missouri Minnesota Nebraska North Dakota South Dakota	Arkansas Louisiana New Mexico Oklahoma Texas	Colorado Idaho Montana Utah Wyoming	Arizona California Nevada Oregon Washington

Issued in Washington, D.C. on August 18, 1981.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 81-24448 Filed 8-19-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51299; TSH-FRL-1914-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of five PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-375 & 81-376, & 81-379—October 4, 1981.

PMN 81-380—October 5, 1981.

PMN 81-382—October 6, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51299]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-375	Rachel Diamond	202-426-2601	E-222
81-376	Rachel Diamond	202-426-2601	E-222
81-379	Rose Allison	202-426-8815	E-222
81-380	Rachel Diamond	202-426-2601	E-222
81-382	George Bagley	202-426-2601	E-210

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-375

Close of Review Period. November 3, 1981.

Manufacturer's Identity. Union Carbide Corporation, Old Ridgebury Road, Danbury, CT 06817.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl aluminum halide.

Use. The manufacturer states that the PMN substance will be used as a catalyst for polymerization.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Boiling point ° C—148-152 at 0.006 Torr.

Viscosity (estimated)—4 cps.

Water solubility—N/A material is reactive.

Octanol/Water Partition Coefficient—N/A material is reactive.

Toxicity Data. No useful means of testing the PMN substance.

Exposure. The manufacturer states that the opportunities for significant exposures by any routes during manufacture, processing, distribution and disposal either within Carbide operations or in customers applications are believed to be minimal in view of the enclosed equipment involved.

Environmental Release/Disposal. The manufacturer states that the new chemical substance is converted and incorporated in the polymer matrix during polymerization reaction. Occasionally rejected batches are rendered by appropriate hydroysis or neutralization procedures and then disposed of in approved landfill.

PMN 81-376

Close of Review Period. November 3, 1981.

Manufacturer's Identity. Union Carbide Corporation, Old Ridgebury Road, Danbury, CT 06817.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl aluminum halide.

Use. The manufacturer states that the PMN substance will be used as a catalyst for polymerization.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Boiling point ° C—>205 at 0.03 Torr.

Viscosity (estimated)—4 cps.

Water solubility—N/A material is reactive.

Octanol/Water Partition Coefficient—N/A material is reactive.

Toxicity Data. No useful means of testing the PMN substance.

Exposure. The manufacturer states that the opportunities for significant exposures by any routes during manufacture, processing, distribution and disposal either within Carbide operations or in customer applications are believed to be minimal in view of the enclosed equipment involved.

Environmental Release/Disposal. The manufacturer states that the new chemical substance is converted and incorporated in the polymer matrix during polymerization reaction. Occasionally rejected batches are rendered non-reactive by appropriate hydrolysis or neutralization procedures and then disposed of in approved landfill.

PMN 81-379

Close of Review Period. November 3, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Amine sulfide.

Use. No data were submitted. The manufacturer states that the PMN substance will be used as a site-limited captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Solubility—Miscible in hexane, toluene, cholorform, and acetonitrile. Insoluble in water.

Density—0.93 at 23° C.

Appearance—Viscous yellow liquid.

Toxicity Data.

Acute oral toxicity LD_{50} (rats)—>500 mg/l.

Acute dermal toxicity LD_{50} (rats)—>787 mg/l.

Dermal irritation—Mild-moderate.

Eye irritation—Minimal.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 81-380

Close of Review Period. November 4, 1981.

Manufacturer's Identity. Dow Corning, P.O. Box 1592, S. Sagniaw Road, Midland, MI 48640.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkylmethyl silicone glycol copolymer.

Use. The manufacturer states that the PMN substance will be used as an emulsifier.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

pH—6-7.

Viscosity—100,000-200,000 cps.

Solubility in Water—Insoluble.

Solubility in Hydrocarbons—Soluble.

Refractor Index—1.4397.

Residual SiH—<10 ppm.

Color—Hazy green.

Specific gravity—0.91.

Nonvolatiles—>95%.

Toxicity Data.

Acute oral toxicity LD_{50} (rat)—>5,000 mg/kg.

Dermal toxicity LD_{50} (rabbit)—>2,000 mg/kg.

Dermal irritation (rabbit)—Non-irritating.

Eye irritation (rabbit)—Slightly irritating.

Environmental Test Data.

Ames Salmonella Assay—Not mutagenic.

Fish 96 hr. LC_{50}—>100 ppm.

Daphnia magna 48 hr. LC_{50}—>100 ppm.

Exposure. The manufacturer states that minimum exposure to workers is expected during manufacture. A maximum of two workers could be exposed for a minimum of 8 hrs/day, 42 days/yr during the drumming off process.

Environmental Release/Disposal. The manufacturer states that during manufacture, there will be essentially no environmental release of this material to air, land or water.

PMN 81-382

Close of Review Period. November 5, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of disubstituted benzene, disubstituted benzene, and substituted acrylic acid.

Use. The manufacturer states that the new polymer will be incorporated as a minor constituent of an article for commercial use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	30	50
2d year	30	90
3d year	30	90

Physical/Chemical Properties.

Solubility:

Water—<0.1%.

Octanol—<0.1%.

Glass Transition Temperature—112° C.

Toxicity Data.

Acute oral LD_{50}—>3,000 mg/kg.

Acute dermal LD_{50}—>1,000 mg/kg.

Skin irritation—Slight.

Exposure. The manufacturer states that during manufacture and processing, dermal and inhalation exposure may occur for up to 15 workers for a maximum of 0.5 hr/day for up to 10 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that there will be no release of the new chemical substance to the land and essentially none to the air or water during manufacture and processing.

Most waste generated during manufacture will be incinerated in compliance with applicable regulations. Waste generated during processing and a small part of the waste generated during manufacture will be treated in a biological treatment system. The insolubles removed from this system will be incinerated.

Dated: August 11, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-24644 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-5132; TSH-FRL-1914-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by: PMN 81-383 & 81-384—October 9, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51302]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-383	Rachel Diamond.	202-426-2601	E-222
81-384	Rachel Diamond.	202-426-2601	E-222

Mail address of notice manager: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provideed by the manufacturer on the PMN's received by EPA:

PMN 81-383

Close of Review Period. November 9, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region.

Specific Chemical Identity. Sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'propanesulfonic acid)oxo) anthracene.

Use. Claimed confidential business information.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	300
2d year	100	300
3d year	100	300

Physical/Chemical Properties.

Water solubility—>10 grams per liter at 20° C.

Appearance—Purple, solid, odorless.

Melting point—>200° (392° F.).

Toxicity Data. No data were submitted.

Exposure. The manufacturer estimates that during manufacture and processing an average of 38 workers may have dermal and inhalation exposure for 19 hrs/day, 285 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air, land, and water. All liquids and solids wastes that will be generated by this process, apart from those waste-water streams which are approved for discharge into the publicly owned treatment works (POTW), will be drummed for destruction in a licensed thermal oxidizer or for disposal in a licensed chemically secure landfill, or for treatment or recovery.

PMN 81-384

Close of Review Period. November 9, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region

Specific Chemical Identity. 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'propanesulfonic acid)oxo) anthrecene, sodium salt.

Use. The manufacturer states that the PMN substance will be used as an intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	300
2d year	100	300
3d year	100	300

Physical/Chemical Properties.

Water solubility—10 grams per liter at 20° C.

Appearance—Purple, solid, odorless.

Melting point (° C.)—>200° (392° F.).

Toxicity Data. No data were submitted.

Exposure. The manufacturer estimates that during manufacture and processing an average of 26 workers may have dermal and inhalation exposure 16 hrs/day, 274 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air, land, and water. All liquid and solid wastes that will be generated by this process, apart from those waste-water streams which are approved for discharge into the POTW, will be drummed for destruction in a licensed thermal oxidizer or for disposal in a licensed chemical secure landfill, or for treatment or recovery.

Dated: August 13, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-24345 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59059 TSH-FRL-1914-6]

Certain Chemicals Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of applications for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by September 25, 1981. Persons should submit written comments on the applications no later than September 4, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M Street, SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substances that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of the availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives

interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Producers published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before September 4, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59058]". Comments received may be seen in Rm. E-107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81-27

Close of Review Period. September 25, 1981.

Manufacture's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$500,000,000.

Manufacturing site—Northeast region.

Specific Chemical Identity. Sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'-propanesulfonic acid)oxo) anthracene.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used in a way that will release less than 1 kg of the substance to the environment as an industrial waste stream to a publicly owned treatment works (POTW) and/or to a chemical landfill. The submitter states that plant processing and use will involve potential skin contact exposure to chemical industry employees. The end use will involve incorporating the chemical into an article.

Production Estimates

	Kilograms per year maximum
Year	2

Physical/Chemical Properties

Appearance and odor—Purple solid, odorless.

Melting point (°C)—< 200°.

Solubility in water—Very soluble at 20° C.

Percent Volatile by volume—Nil.

Evaportation rate (butyl acetate=1)—Nil.

Vapor pressure mm Hg—Nil at 20° C.

Toxicity Data. No data were submitted.

Exposure. The submitter states that at an average 18 workers may have dermal and inhalation exposure for 16 hr/day, 250 days/yr during manufacture and an average of 66 workers may have dermal and inhalation exposure at an average of 21 hr/day, 275 days/yr during processing. A maximum of 4 workers may have dermal exposure for 24 hr/day, 335 days/yr during disposal. There is a slight potential for direct exposure to this new chemical during manual transfer operations associated with drying and packaging and also during sampling, cleaning, and disposal operations. Skin and eye contact may be avoided by the use of protective clothing and equipment. The manufacturer states that the low volatility and solid particulate form of the new chemical substance, and the natures of the synthesis and application minimize the possibility of significant airborne concentrations of mist, vapor, or dust being present.

Environmental Release/Disposal. The submitter states that all liquid and solid wastes that will be generated by this process, apart from those waste-water streams which are applicable for discharge into the POTW, will be drummed for destruction in a licensed thermal oxidizer or for disposal in a licensed chemically secure landfill or for treatment or recovery.

Close of Review Period. September 25, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region.

Specific Chemical Identity. 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'-propanesulfonic acid)oxo) anthracene, sodium salt.

Use. The manufacturer states that the TME substance will be used as a site-limited, industrial intermediate.

Production Estimates

	Kilograms per year maximum
Test marketing	2

Physical/Chemical Properties

Appearance and odor—Purple solid, odorless.

Solubility in water—Very soluble at 20° C.

Melting point (° C)>200°.

Percent Volatile by Volume—Nil.

Evaporation rate (butylacetate=1)—Nil.

Vapor pressure mmHg—Nil at 20° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that a maximum of 18 workers may have dermal and inhalation exposure 16 hr/day, 250 days/yr during manufacturing and processing.

Environmental Release/Disposal. The manufacturer states that all liquid and solid wastes that will be generated by this process, apart from these waste-water streams which are approved for discharging into POTW, will be drummed for destruction in a licensed thermal oxidizer or for disposal in a licensed chemically secure landfill, or for treatment or recovery.

Dated: August 12, 1981.

Denise F. Swink,

Acting Director for Managemet Support Division.

[FR Doc. 81-24346 Filed 8-19-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Hudson Bay Mining and Smelting Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Hudson Bay Mining and Smelting Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Adobe Oil and Gas Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of

Justice in response to a request for early termination submitted by Hudson Bay. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24329 Filed 8-19-81, 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Seagram Co. Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Seaway Pipeline Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Seagram. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24328 Filed 8-19-81, 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. du Pont de Nemours & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pont de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Bishop Coal Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by DuPont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24331 Filed 8-19-81, 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. du Pont de Nemours & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pont de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Mathies Coal Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Du Pont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24332 Filed 8-19-81, 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. du Pont de Nemours & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pont de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Colonial Pipeline Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by DuPont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24334 Filed 8-19-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. du Pont de Nemours & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pont de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Clt-Con Oil Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Du Pont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24333 Filed 8-19-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. du Pont de Nemours & Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pond de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Platte Pipeline Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Du Pont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24335 Filed 8-19-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; E. I. duPont de Nemours and Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. duPont de Nemours & Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Conoco, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by DuPont. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvement Act of 1976, requires persons comtemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Resgister.**

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24336 Filed 8-19-81, 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Change to System of Records

AGENCY: General Services Administration.

ACTION: Change to system of records designator.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, Chief, Records Management Branch, telephone (202) 566-0673.

On August 5, 1981, GSA published in the **Federal Register** (46 FR 39895) a notice of a new system of records, Federal Parking Fees Claims GSA/PBS-4. As this notice covers parking records and claims information also being maintained by other agencies and departments, the system designator is changed from GSA/PBS-4 to GSA/GOVT-1.

Dated: August 13, 1981.

Bond R. Faulwell,

Acting Director of Administrative Services.

[FR Doc. 81-24303 Filed 8-19-81, 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Federal Council on the Aging; Cancellation of Meeting

Notice is hereby given that the **Federal Register** Notice concerning a meeting of the Federal Council on the Aging on August 31-September 1, 1981 is cancelled. The Notice was published in Volume 46, Wednesday, August 12, 1981, pages 40805-40806.

Further information may be obtained from the Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245-0441.

Dated: August 17, 1981.

Robert M. Foster,

Acting Staff Director, Federal Council on the Aging.

[FR Doc. 81-24319 Filed 8-19-81, 8:45 am]

BILLING CODE 4110-92-M

Public Health Service

Privacy Act of 1974

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of establishment of a new Privacy Act System of Records 09-25-0148, Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to establish a new Privacy Act System of Records 09-25-0148, Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS. We are also proposing routine uses for this system.

This system will be used to support (1) epidemiological, clinical and biometric investigations into the causes, nature, outcome, therapy, prevention and cost of neurological and communicative disorders and stroke, and (2) review and evaluation of the progress of these research projects, and identification and planning for improvements or for additional research.

PHS invites interested persons to submit comments on the proposed routine uses on or before September 21, 1981.

DATES: PHS has sent a Report of New System to the Congress and to the Office of Management and Budget on July 20, 1981. The system of records will be effective 60 days from the date submitted to OMB unless PHS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Comments should be addressed to the NIH Privacy Act Coordinator at the address listed below. Comments received will be available for inspection during office hours in Room 3B03, Building 31, at that address.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth Thibodeau, NIH Privacy Act Coordinator, Building 31, Room 3B07, 9000 Rockville Pike, Bethesda, MD 20205, or call 301-496-4606.

SUPPLEMENTARY INFORMATION: The proposed system of records will comprise records generated in research projects supported by the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS) in fulfilling its congressionally mandated responsibility for biomedical research on neurological and communicative disorders and stroke. NINCDS will use the records maintained in this system exclusively for biomedical research and for planning and review of such research.

Most of the research projects using records in the proposed system will be conducted under contracts awarded by NINCDS. In some cases, scientists on the staff of NINCDS will conduct investigations using the records collected under such contracts.

Records collected under this system will be organized and maintained according to the particular study in which they are collected. Records will not be entered into a general or comprehensive data base, nor will there be any general index identifying all persons who are subjects of records in the separate studies covered by this system. However, NINCDS is treating the separate sets of records as a single system under the Privacy Act (1) because all of the sets of records serve the same biomedical research purpose and contain similar types of data, (2) in order to apply consistent policies and practices in the maintenance of such records, and (3) to make it easier for subject individuals to obtain notification of or access to their records.

The records in this system will be maintained in a secure manner compatible with their content and use. Access to individually identified records will be given only to contractor and Institute employees or to collaborators for verification and coding or for statistical and evaluation purposes. Individually identifiable records will be kept in locked file cabinets or rooms under the direct control of the Project Director. Computerized records will be accessible to authorized individuals only through a series of code or keyword commands available from and under direct control of the Project Director or his/her delegated representatives. The computer terminals will be in secured areas; code words to access data files will be changed frequently. Contractors will be notified that they are subject to the provisions of the Privacy Act and the HHS Privacy Act Regulation. Safeguards are implemented in each project in accordance with chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf. 45-13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

The routine uses proposed for this system are consistent with the stated purposes of the system. Two of the routine uses (numbers 1 and 5) are essential to the achievement of the basic research purpose of the system. The proposed routine use number 2 will allow the Department to ensure that

these research activities are properly conducted.

A routine use for disclosure to independent researchers outside of the department is proposed to serve the same public good—improving the health of the American people through biomedical research—as motivates the establishment of this system.

A routine use for disclosure to the Department of Justice in Freedom of Information Act cases is proposed in order to ensure that disclosure of information from this system complies with the requirements of both the Privacy Act and the Freedom of Information Act.

The possibility of lawsuits in which individuals may claim to have been harmed mentally, physically or financially as a result of the research activities supported by this system motivates the proposal of a routine use to allow the Department of Justice to defend the Federal Government, the Department, or employees of the Department in case of such lawsuits.

Disclosure to a congressional office would not violate the privacy of any individual because such disclosure would be made only pursuant to a request of the individual.

Dated: August 14, 1981.

Alair Townsend,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-25-0148

SYSTEM NAME:

Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At National Institutes of Health facilities in Bethesda, Maryland, and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating Federal agencies. Inactive records may be retired to Federal Records Centers. A list of locations is available upon request from the respective System Managers of the subsystems included in this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with neurological diseases, communicative disorders, stroke, and related diseases; normal, healthy volunteers who serve as controls for comparison with patients; relatives of patients; and other individuals whose characteristics or conditions are suited for possible connections with the occurrence of the diseases under investigations. Subject individuals include both adults and children.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, biomedical, and epidemiological information resulting from or contained in direct observations, medical records and other histories, vital statistics reports, records on biological specimens (e.g., blood, urine, etc.), personal interviews, questionnaires, progress reports, correspondence, or research findings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 241, Research and Investigation, and 289a, Establishment of Institutes, of the Public Health Service Act (42 U.S.C. 301, 431).

PURPOSE OF THE SYSTEM:

This system will be used to support:

(1) contracted and contract-related epidemiological, clinical and biometric investigations into the causes, nature, outcome, therapy, prevention and cost of neurological and communicative disorders and stroke;

(2) review and evaluation of the progress of these research projects, and identification and planning for improvements or for additional research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to protect such records from improper disclosure.

2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

3. A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. The Department contemplates that it may contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such

individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, computer-accessible forms (e.g. tapes or discs), punched cards, bound notebooks, microfilm, charts, graphs and X-rays.

RETRIEVABILITY:

Information is retrieved by name and/or patient identification number.

SAFEGUARDS:

Access to or disclosure of information is limited to collaborating researchers, contractors and employees, and other authorized biomedical researchers who are involved in the conduct, support or review and evaluation of the research activities supported by this system. Contractors and collaborting or other researchers are required to comply with the provisions of the Privacy Act and with HHS Privacy Act regulations.

Data are kept in secured areas (e.g. rooms which are locked when not in regular use, buildings with controlled access). Data stored in computer-accessible form is accessed through the use of key words known only to principal investigators or authorized personnel; all other information is stored in locked files.

These and other appropriate safeguards are implemented in each project in accordance with chapter 45–13 of the HHS General Administration Manual, supplementary chapter PHS hf. 45–13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records at contractor facilities are retained and destroyed as specified in individual contracts. Records at NIH facilities are retained and destroyed in accordance with the NIH Records Control Schedule (HHS Records Management Manual, Appendix B–361), item 3000–G–3, which allows the records to be kept until the system manager determines that the data has no further value for scientific research. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGERS AND ADDRESSES:

NINCDS research activities are divided, functionally and administratively, into five programs and one office. In effect, there are six subsystems within this single umbrella system. System Managers have been designated for each subsystem as follows:

Chief, Office of Biometry and Field Studies
Federal Building, Room 7A12
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Communicative Disorders Program
Federal Building, Room 1C11
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Fundamental Neurosciences Program
Federal Building, Room 916
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Neurological Disorders Program
Federal Building, Room 716
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Stroke and Trauma Program
Federal Building, Room 8A08
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Intramural Research Program
NIH Building 36, Room 5A05
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to NINCDS Privacy Act Coordinator, Federal Building, Room 816, 7550 Wisconsin Avenue, Bethesda, MD 20205. and provide the following information:

1. system name,
2. complete name and home address at the time of the study,
3. birthdate,
4. facility conducting the study,
5. disease type (if known),
6. approximate dates of enrollment in the research study.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a 5,000 dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURE:

Same as notifications procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURE:

Write to the system manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction.

RECORD SOURCE CATEGORIES:

Information in these records is obtained directly from individual participants, and from physicians, research investigators and other collaborating persons, and from medical records and clinical research observations at hospitals, HHS agencies, universities, medical schools, research institutions, commercial institutions, state agencies, and collaborating Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–24330 Filed 8–19–81; 8:45 am]
BILLING CODE 4110–85–M

Social Security Administration

Federal Supplemental Security Income for the Aged, Blind and Disabled; Opportunity to Comment on Change in Forms

AGENCY: Social Security Administration, HHS.

ACTION: Notice and opportunity to comment on change in reconsideration and supplemental security income notification forms.

SUMMARY: We propose to revise the Social Security Administration Request for Reconsideration (SSA–561) and Supplemental Security Income Notice of Planned Action (SSA–L8155). The changes we propose would affect only

supplemental security income (SSI) applicants and recipients. We are doing this to explain in simpler language the types of appeal available at the reconsideration level, after an initial determination adverse to the applicant or recipient.

DATE: Your comments will be considered if we receive them no later than September 21, 1981.

ADDRESSES: Send your written comments to Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

Anyone can see copies of all comments we receive at the Office of Regulations, Social Security Administration, 3–A–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

FOR FURTHER INFORMATION CONTACT: Philip Berge, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–7452.

SUPPLEMENTARY INFORMATION: We propose to revise the Social Security Administration (SSA) Request for Reconsideration form and the Supplemental Security Income (SSI) Notice of Planned Action for two reasons. First, we are simplifying and improving operating forms and notices that are to be used by the public. We believe that the revised forms will increase SSI applicants' and recipients' awareness of administrative procedures so that they can make informed, knowledgeable and voluntary decisions in the critical area of SSI appeals. Second, we are revising these forms as a response to court cases which have questioned them.

For the convenience of those who wish to submit comments, we are also publishing the current Notice of Planned Action and Request for Reconsideration. There are, however, two versions of the Notice of Planned Action. One is computer generated (SSA–L8155C1) and the other (SSA–L8155U2) is manually prepared at the district office. The only difference between the two is that the manual notice contains a preprinted statement regarding continuation of benefits if an appeal is filed within 10 days of receipt. The computer generated notice does not have this statement preprinted on it but the statement is printed in the body of the notice by the computer. We are publishing the manual Notice of Planned Action since it contains all the preprinted information.

Publication of these forms does not imply that the Department intends to publish further changes to these or any other forms or notices in the **Federal Register** in the future.

SSI Reconsideration Process

Under our regulations (20 CFR 416.1336; 416.1336; 416.1407; 416.1413) SSI recipients whose benefits are being reduced or terminated for non-medical reasons receive an advance notice called a Supplemental Security Income Notice of Planned Action (SSA–L8155). Recipients being terminated for medical reasons receive a different notice (the SSA–L8156) and different appeal rights. The notice describes the action we intend to take and provides an explanation of the types of appeal and time limits. It also explains that if the receipient appeals within 10 days, he or she then has the right to have benefits continued through the first level of appeal, called reconsideration. SSI recipients (other than those whose benefits are being terminated for medical reasons) who wish to appeal their case must complete a Request for Reconsideration form (SSA–561).

Reconsideration is also the first step in the administrative appeals process for people who have applied for SSI and whose applications were disallowed. To appeal, these people also must fill out an SSA–561. Under SSA's regulations, there are three different types of reconsideration procedures: Case Review, Informal Conference and Formal Conference. Each of these types of reconsideration offers the recipient a different type of procedural rights. Case Review involves a file review and the opportunity for the individual to submit additional evidence. In a Case Review, the claimants do not meet with the decision maker. In addition to the procedures available in Case Review, the Informal Conference permits the individual to present witnesses and oral testimony at a "face-to-face" meeting with the decision maker. Finally, in addition to the Informal Conference procedures, the Formal Conference includes the recipient's right to have SSA issue subpoenas and to cross examine adverse witnesses. In all three procedures, the claimant can be represented during the appeal and a written reconsideration decision is rendered when the case is decided. For SSI applicants whose applications were disallowed on nonmedical grounds, only a Case Review or an Informal Conference is available. For applicants for SSI whose applications were disallowed on medical grounds, Case Review is the only method available. Formal Conference is not available to SSI applicants. For recipients (those receiving SSI benefits) whose benefits are being reduced, terminated or suspended for nonmedical reasons, Case Review, Informal Conference or Formal Conference is available.

Explanation of Changes

The notice of reconsideration procedure is an important step in the appeals process for a substantial number of SSI claimants. It is important that documents used in the reconsideration process describe the claimant's appeal rights in an accurate, clear and readable manner.

One of the law suits which challenges the adequacy of the Notice of Planned Action and the Request for Reconsideration form is *Wall* v. *Califano*, filed in the Northern District of California. As part of the proposed settlement the attorney representing the plaintiff commissioned a readability study of SSA's current and proposed forms. The following is a summary of the results and methodology of the study.

Summary of Plaintiff's Study

The plaintiff's study found, based on available data, that approximately 70 percent of the individuals in the SSI population have not completed the eighth grade. Of this percentage, about 30 percent had not finished the fourth grade. These figures, based upon an extrapolation from available SSA data, are consistent with those compiled by the U.S. Census Bureau on the formal education levels of households living within the general poverty population. (See Bendick and Cautu, The Literacy of Welfare Clients, Social Service Review, March 1978; see also Urban Institute Reprint No. 234–5902–3). These figures were also found to be consistent with spot surveys that have been conducted in other welfare programs. Additionally, based on accepted studies of educational achievement, it appears that individuals who do not complete high school actually function at literacy levels at least one year below the last grade attended (id. at 58–59). Therefore, if 70 percent of the SSI recipients dropped out of school at or below the eighth grade, it is farily safe to estimate their maximum functional literacy skills at between a sixth and seventh grade level. In fact, limited testing in other welfare programs reveals that the "literacy lag" is much greater among recipients than it is in the general population. In some tests, it approached a four year lag (id. at 59–60).

These literacy estimates for SSI recipients do not, of course, take into consideration other significant factors. For example, bilingual problems and gerontological factors may intensify

reading and comprehension difficulties within the population. However, because of the unquantifiable nature of these factors, they are difficult to compute in assessing the literacy levels of recipients. Thus, for purposes of analyzing, drafting and testing the existing and proposed SSI forms, the average literacy level was set at the sixth grade. Arguably, the level could be lower.

With this estimated recipient literacy level, the current SSI notice and appeal form were examined by plaintiff's consultants for "readability" consistency. Readability analysis measures the characteristics of the textual material based on such things as sentence length, syllabic count and word difficulty. Then, scientifically derived formulae were used to predict the grade level attainment necessary to understand the message. In testing the current SSI forms, as well as the new proposals, two techniques were used: The Dale-Chall and Fry tests.

Both techniques were scientifically validated and calibrated to specific grade levels. Under both testing techniques, the grade level at which one can correctly answer 50 percent of questions testing comprehension, is the grade assigned to the material for readability purposes. Based on this standard, a prediction formula was developed by experts to analyze other text material and to predict grade level readability. It should be noted that when narrative material achieves a sixth grade score, for example, it merely means that individuals functioning at that level can correctly answer 50 percent of the questions derived from the subject material. Therefore, readability assessment indicates the *minimum* necessary literacy level.

On the basis of these testing techniques, the plaintiff's study found the *current* SSI Notice of Planned Action (SSA–L8155) to have a readability level of *tenth to eleventh grade.* If special Dale-Chall testing rules were applied, which take into consideration the repetition of unfamiliar words, the notice achieved a ninth grade level. The text in the existing Request for Reconsideration form tests at an even higher grade level. Thus, the current notice and appeal form are beyond the reading and comprehension skills of most SSI recipients. The plaintiff's study concluded that approximately 70 percent of the SSI population would have significant difficulty in understanding these documents.

The study also found that the *proposed* SSI Notice of Planned Action has a readability level of *fifth to sixth grade.* And, if the "special repetition" rule was applied, the notice achieved a fourth to fifth grade level. Although the proposed reconsideration request (SSA–561) form tests at a slightly higher level, it is much simpler than the existing document. All of the revised notices and forms being published fall within the estimated average SSI recipient literacy level. Therefore, based upon these readability techniques, the proposed changes should greatly increase recipient understanding and help insure clear and voluntary decisions by recipients.

SSA Study

In addition to the readability study commissioned by the plaintiff's attorney, SSA conducted a field experiment in July 1980, to study the effectiveness of simplified SSI notices. A research team was sent to five major cities to perform interviews and comprehension tests with SSI recipients. In each city, Philadelphia, Toledo, Dallas, Little Rock and Tampa, approximately 60 recipients were tested using both the current and proposed forms. Questionnaires were completed, interviews tape recorded and test results placed in computers for review and analysis.

The conclusions in SSA's experiment confirmed the predicted results. The test results reveal a substantial increase in recipient awareness of appeal rights when simplified forms are used. In general, participants in the study were better able to explain to the testers the three reconsideration procedures, appeal deadlines, the right to benefit continuation, and overpayment possibilities when they read the simplified notices. On the other hand, they had significant difficulty reading and understanding the current forms.

Conclusion

Based on the expert readability testing by the plaintiff's attorney and the field study performed by SSA, the adoption of these revised forms should be a major step forward in effective communication with SSI recipients.

Other Changes

In addition to the simpler approach to communication, these proposed forms contain several other changes. For example, the front of the proposed Notice of Planned Action has been carefully redrafted to direct the recipient's attention to the back of the notice. This revision was intended to draw attention to the appeal rights of recipients which are set out in detail on the back, and to encourage them to obtain additional information. The back of the proposed Notice of Planned Action (SSA–L8155) makes significant changes in the description of the three available reconsideration procedures. Because the major difference between the Case Review and the Informal and Formal Conferences is the right to meet with the decision maker, this difference is carefully explained in the notice. Other aspects of these procedures are also explained. Additionally, the new notice specifies the administrative form that must be completed to obtain a reconsideration.

The proposed Request for Reconsideration form (SSA–561) also contains some vsubstantial changes which affect only the SSI program (the reconsideration form is used in both the Old Age Survivors and Disability Insurance Programs and the SSI program to request the first level of appeal). Although SSI applicants or recipients must select a Case Review, Informal Conference or Formal Conference on reconsideration, past forms have not contained a specific section to allow for this election. The front of the proposed form now will contain a place for this election. Also, the back of the form repeats the appeal information provided in the earlier Notice of Planned Action so that the recipient is reminded of the available procedures. It also explains to applicants and recipients the situations in which the different types of reconsideration do or do not apply. Finally, the back of the SSA–561 directs the individual's attention to the election section of the front of the form.

Dated: August 3, 1981.

John A. Svahn,

Commissioner of Social Security.

BILLING CODE 4110-07-M

CURRENT SSA-561-U2 (AGENCY COPY)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION

TOE 710

Form Approved
OMB No. 72-R0552

REQUEST FOR RECONSIDERATION

(Do not write in this space)

The information on this form is authorized by law (20 CFR 404.910 – 404.914). While your responses to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished.

NAME OF CLAIMANT	NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON *(If different from claimant.)*
SOCIAL SECURITY CLAIM NUMBER	SUPPLEMENTAL SECURITY INCOME CLAIM NUMBER
SPOUSE'S NAME AND SOCIAL SECURITY NUMBER *(Complete ONLY in Supplemental Security Income Case)*	
CLAIM FOR *(Specify type, e.g., retirement, disability, hospital insurance, supplemental security income, etc.)*	

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

NOTE: If the notice of the determination on your claim is dated more than 65 days ago, include your reason for not making this request earlier. Include the date on which you received the notice of the determination.

I am submitting the following additional evidence *(If none, write "None,")*:

Signature *(First name, middle initial, last name) (Write in ink)*	Date *(Month, day, year)*
SIGN HERE ➧	Telephone Number

Mailing Address *(Number and street, Apt. No., P.O. Box, or Rural Route)*

City and State	ZIP Code	Enter Name of County (if any) in which you now live

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses

1. Signature of Witness	2. Signature of Witness
Address *(Number and street, City, State, ZIP Code)*	Address *(Number and street, City, State, ZIP Code)*

FOR SOCIAL SECURITY OFFICE USE ONLY

SOCIAL SECURITY OFFICE ADDRESS

ROUTING INSTRUCTIONS *(Check one)*

- ☐ State Agency *(Route with disability folder)*
- ☐ Program Service Center
- ☐ BDI, Balto.
- ☐ District Office Reconsideration
- ☐ Division of International Operations, Balto.
- ☐ BDP, Attn: ACB, Balto.

Form SSA-561-U2 (4-80) (Formerly SSA-561)
Prior editions may be used until supply is exhausted

NOTE: Take or mail completed copies to your Social Security Office.

CURRENT SSA-561-U2 (CLAIMANT'S COPY)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION

TOE 710

Form Approved
OMB No. 72-R0552

REQUEST FOR RECONSIDERATION

(Do not write in this space)

The information on this form is authorized by law (20 CFR 404.910 – 404.914). While your responses to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished.

NAME OF CLAIMANT	NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON (*If different from claimant.*)
SOCIAL SECURITY CLAIM NUMBER	SUPPLEMENTAL SECURITY INCOME CLAIM NUMBER
SPOUSE'S NAME AND SOCIAL SECURITY NUMBER (*Complete ONLY in Supplemental Security Income Case*)	
CLAIM FOR (*Specify type, e.g., retirement, disability, hospital insurance, supplemental security income, etc.*)	

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

NOTE: If the notice of the determination on your claim is dated more than 65 days ago, include your reason for not making this request earlier. Include the date on which you received the notice of the determination.

I am submitting the following additional evidence (*If none, write "None,"*):

Signature (*First name, middle initial, last name*) (*Write in ink*)	Date (*Month, day, year*)
SIGN HERE ➧	Telephone Number

Mailing Address (*Number and street, Apt. No., P.O. Box, or Rural Route*)

City and State	ZIP Code	Enter Name of County (if any) in which you now live

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses

1. Signature of Witness	2. Signature of Witness
Address (*Number and street, City, State, ZIP Code*)	Address (*Number and street, City, State, ZIP Code*)

FOR SOCIAL SECURITY OFFICE USE ONLY

SOCIAL SECURITY OFFICE ADDRESS

Form **SSA-561-U2** (4-80) (Formerly SSA-561)
Prior editions may be used until supply is exhausted

CLAIMANT'S COPY

CURRENT SSA-L8155-U2 (FRONT)

Supplemental Security Income
Notice of Planned Action

From: Department of Health and Human Services
Social Security Administration

Date:

Social Security Number:

Your payments (or those of the individual named above) will be changed as follows:

Although we plan to take the action shown above, you may have your prior payment continued or reinstated if you request an appeal within 10 days of receiving this notice.

Important: See other side for an explanation of your appeal rights and other information. ▶

Form SSA-L8155-U2 (3-78) (Formerly SSA-8155A)
Prior editions may be used until supply is exhausted

V 4 6 A G 2 0 8 1 UMI

CURRENT SSA-L8155-U2 (BACK)

Please get in touch with social security if:

You believe the decision shown on the other side of this notice is wrong, or

You have any questions or need more information.

Most questions can be handled by phoning or writing any social security office. If you visit a social security office, please bring this notice with you. If the decision in your case is based on incorrect information, we'll be happy to make whatever change is necessary.

YOUR RIGHT TO APPEAL

If you still are not satisfied with the decision, you have the right to appeal. The first step in the appeals process is called reconsideration. **You must request reconsideration in writing within 60 days from the date you receive this notice.**

APPEAL WITHIN 10 DAYS IF YOU WANT THE PRIOR PAYMENT CONTINUED

If you want your prior payment continued while we reconsider our decision, you must request reconsideration within 10 days of receiving this notice. If you ask for reconsideration within 10 days, we will continue or reinstate the prior payment until a reconsideration determination is made, no matter how long it takes. Depending on the outcome of the reconsideration, you may have to pay back any money you were not entitled to receive. For this reason, you may want to waive continuation or reinstatement of the prior payment; then, if you are successful on reconsideration, any money due you will be paid.

If you cannot make a written request for reconsideration within the 10 and 60-day time limits, be sure to contact us by phone. **If you wait longer than 10 days, we will not reinstate the prior payment unless you have a good reason for the delay. And, if you wait longer than 60 days and do not have a good reason for the delay, we will not reconsider our decision.**

There are three different ways to present your case for reconsideration. If you request reconsideration, be sure to tell us which of these procedures you wish to be used in presenting your case. In each, reconsideration will be by a person who had nothing to do with the decision you are appealing. The three methods of reconsideration are:

1. **Case Review.** In a case review, you have the right to review the evidence relating to this decision and to submit any additional oral and written evidence you may have to any social security office.

2. **Informal Conference.** In addition to the rights you have in a case review, in the informal conference you also have the right to present your case to the person who will decide it, to have witnesses testify for you, and to have a summary record kept of the oral and written evidence presented.

3. **Formal Conference.** In the formal conference you have, in addition to the rights you have in a case review and an informal conference, the right to request that we subpoena unwilling witnesses to appear for cross-examination and to bring with them any evidence about your case.

In having your case reconsidered, you can represent yourself or be represented by a lawyer, a friend, or any other person. Contact your social security office for names of organizations that can help you.

PROPOSED SSA-561-U2 (FRONT OF AGENCY COPY)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION

TOE 710

Form Approved
OMB No. 0960-0063

REQUEST FOR RECONSIDERATION

The information on this form is authorized by law (20 CFR 404.907 – 404.921 and 416.1407 – 416.1421). While your responses to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished.

(Do not write in this space)

NAME OF CLAIMANT	NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON *(If different from claimant.)*
SOCIAL SECURITY CLAIM NUMBER	SUPPLEMENTAL SECURITY INCOME CLAIM NUMBER
SPOUSE'S NAME AND SOCIAL SECURITY NUMBER *(Complete ONLY in Supplemental Security Income Case)*	
CLAIM FOR *(Specify type, e.g., retirement, disability, hospital insurance, supplemental security income, etc.)*	

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

NOTE: If the notice of the determination on your claim is dated more than 65 days ago, include your reason for not making this request earlier. Include the date on which you received the notice of the determination.

I am submitting the following additional evidence *(If none, write "None,")*:

SUPPLEMENTAL SECURITY INCOME RECONSIDERATION ONLY (see reverse)

"I want to appeal your decision about my claim for supplemental security income. I've read the back of this form about the three ways to appeal. I've checked the box below."

☐ Case Review ☐ Informal Conference ☐ Formal Conference

Signature *(First name, middle initial, last name) (Write in ink)*	Date *(Month, day, year)*
SIGN HERE ➧	Telephone Number

Mailing Address *(Number and street, Apt. No., P.O. Box, or Rural Route)*

City and State	ZIP Code	Enter Name of County (if any) in which you now live

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses.

1. Signature of Witness	2. Signature of Witness
Address *(Number and street, City, State, ZIP Code)*	Address *(Number and street, City, State, ZIP Code)*

FOR SOCIAL SECURITY OFFICE USE ONLY

SOCIAL SECURITY OFFICE ADDRESS

ROUTING INSTRUCTIONS *(Check one)*

☐ State Agency *(Route with disability folder)*
☐ Program Service Center
☐ ODO, Balto
☐ District Office Reconsideration
☐ Division of International Operations, Balto.
☐ OCRO Balto

Form SSA-561-U2 TEST (4-81) (Formerly SSA-561)
Prior editions may be used until supply is exhausted

NOTE: Take or mail completed copies to your Social Security Office.

PROPOSED SSA-561-U2 (FRONT OF CLAIMANT'S COPY)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION

TOE 710 Form Approved OMB No. 0960-0063

REQUEST FOR RECONSIDERATION

The information on this form is authorized by law (20 CFR 404.907 – 404.921 and 416.1407 – 416.1421). While your responses to these questions is voluntary, the Social Security Administration cannot reconsider the decision on this claim unless the information is furnished.

(Do not write in this space)

NAME OF CLAIMANT	NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON *(If different from claimant.)*
SOCIAL SECURITY CLAIM NUMBER	SUPPLEMENTAL SECURITY INCOME CLAIM NUMBER
SPOUSE'S NAME AND SOCIAL SECURITY NUMBER *(Complete ONLY in Supplemental Security Income Case)*	
CLAIM FOR *(Specify type, e.g., retirement, disability, hospital insurance, supplemental security income, etc.)*	

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

NOTE: If the notice of the determination on your claim is dated more than 65 days ago, include your reason for not making this request earlier. Include the date on which you received the notice of the determination.

I am submitting the following additional evidence *(If none, write "None,")*:

SUPPLEMENTAL SECURITY INCOME RECONSIDERATION ONLY (see reverse)

"I want to appeal your decision about my claim for supplemental security income. I've read the back of this form about the three ways to appeal. I've checked the box below."

☐ Case Review ☐ Informal Conference ☐ Formal Conference

Signature *(First name, middle initial, last name) (Write in ink)* SIGN HERE ➧	Date *(Month, day, year)*
	Telephone Number

Mailing Address *(Number and street, Apt. No., P.O. Box, or Rural Route)*

City and State	ZIP Code	Enter Name of County (if any) in which you now live

Witnesses are required ONLY if this request has been signed by mark (X) above. If signed by mark (X), two witnesses to the signing who know the person requesting reconsideration must sign below, giving their full addresses

1. Signature of Witness	2. Signature of Witness
Address *(Number and street, City, State, ZIP Code)*	Address *(Number and street, City, State, ZIP Code)*

FOR SOCIAL SECURITY OFFICE USE ONLY

SOCIAL SECURITY OFFICE ADDRESS

Form SSA-561-U2 TEST (4-81) (Formerly SSA-561)
Prior editions may be used until supply is exhausted

CLAIMANT'S COPY

PROPOSED SSA-561 (BACK OF CLAIMANT'S COPY)

HOW TO APPEAL YOUR SUPPLEMENTAL SECURITY INCOME (SSI) DECISION

There are three different ways to appeal. You can pick the appeal that fits your case. The person who gave you this form can tell how these appeals work. You can have a lawyer, friend, or someone else help you with your appeal.

Here are the three ways to appeal:

1. **CASE REVIEW:**

   You can give us more facts about your case. Then we'll decide your case again. You don't meet with the person who decides your case.

   You can pick this kind of appeal in all cases.

2. **INFORMAL CONFERENCE:**

   You'll meet with the person who will decide your case. You can tell that person why you think you're right. You can give us more facts to help prove you're right. You can bring other people to help explain your case.

   You can pick this kind of appeal in all cases *except* two. You can't have it if we turned down your application for medical reasons or, because you're not blind. Also you can't have it if we're giving you SSI but you disagree with the date we said you became blind or disabled.

3. **FORMAL CONFERENCE:**

   This is a meeting like an informal conference. Plus, we can make people come to help prove you're right. We can make them bring important papers about your case. We can do this even if they don't want to help you. You can question these people at your meeting.

   You can pick this kind of appeal only if we're stopping or lowering your SSI check. You can't get it in any other case.

Now you know the three kinds of appeals. You can pick the one that fits your case. Then fill out the front of this form. We'll help you fill it out.

There are groups that can help you with your appeal. Some can give you a free lawyer. We can give you the names of these groups.

NOTE: DON'T FILL OUT THIS FORM IF WE SAID WE'LL STOP YOUR SSI DISABILITY CHECK FOR MEDICAL REASONS OR BECAUSE YOU'RE NO LONGER BLIND. WE'LL GIVE YOU THE RIGHT FORM (SSA-501) FOR YOUR APPEAL.

PROPOSED SSA-L8155 (FRONT)

Supplemental Security Income Notice of Planned Action

From: Department of Health and Human Services
Social Security Administration

Date:

Social Security Number:

Your payments (or those of the individual named above) will be changed as follows:

We won't change your check if you *appeal within 10 days* after getting this notice.

TURN THIS OVER if you think we're wrong ▶

Form SSA-L8155 (Test) (4-81)

PROPOSED SSA-L8155 (BACK)

YOUR RIGHT TO APPEAL

Do you think we're wrong? If so, you have the right to appeal. If you appeal, we'll review our decision. We'll change mistakes. Do you have other questions? If so, get in touch with us. Please bring this notice with you if you come to a social security office.

You have **60 DAYS TO APPEAL** after you get this notice. If you wait more than 60 days, you must have a good excuse.

APPEAL IN 10 DAYS TO KEEP GETTING YOUR SAME CHECK

We won't change your check if you appeal **within 10 days** after getting this notice. You'll keep getting your same check until we decide your appeal. If you lose your appeal, you *might* have to pay some or all of this money back.

HOW TO APPEAL

There are three different ways to appeal. You can pick the one you want. The people in our offices can explain how these appeals work. You can have a lawyer, friend, or someone else help you with your appeal.

Here are the three ways to appeal:

1. **CASE REVIEW:**

   You can give us more facts to add to your file. Then we'll decide your case again. You don't meet with the person who decides your case.

2. **INFORMAL CONFERENCE:**

   You'll meet with the person who will decide your case. You can tell that person why you think you're right. You can give us more facts to help prove you're right. You can bring other people to help explain your case.

3. **FORMAL CONFERENCE:**

   This is a meeting like an informal conference. Plus, we can make people come to help prove you're right. We can make them bring important papers about your case. We can do this even if they don't want to help you. You can question these people at your meeting.

To appeal, you must fill out a form at one of our offices. It is called a Request for Reconsideration, SSA-561. On the form, **YOU PICK THE KIND OF APPEAL YOU WANT.** We'll help you fill it out.

There are groups that can help you with your appeal. Some can give you a free lawyer. We can give you names of these groups.

[FR Doc. 81-23498 Filed 8-19-81; 8:45 am]
BILLING CODE 4110-07-C

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-9014-A]

Alaska Native Claims Selection

On November 20, 1974, Paimiut Corporation, for the Native village of Paimiut, filed selection application AA-9014-A under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Paimiut, including lands within Clarence Rhode National Wildlife Range (Public Land Order 4584).

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn from the National Wildlife Refuge System.

This decision approves approximately 56,214 acres of National Wildlife Refuge System lands for conveyance to Paimiut Corporation. This acreage does not exceed the 69,120 acres permitted under Sec. 12(a)(1).

Paimiut Corporation, in its November 20, 1974 application, excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2651.4 (b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. For these reasons, the water bodies which were improperly excluded in the November 20, 1974 application are considered selected by Paimiut Corporation.

As to the lands described below, the application submitted by Paimiut Corporation is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 62,224 acres, is considered proper for acquisition by Paimiut Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

Lands Outside the Clarence Rhode National Wildlife Range (PLO 4584)

Seward Meridian, Alaska (Unsurveyed)

T. 19 N., R. 91 W.
Secs. 29 to 32, inclusive, those portions outside the Clarence Rhode National Wildlife Range.
Containing approximately 160 acres.

T. 19 N., R. 92 W.
Sec. 6, excluding PLO 1813;
Sec. 7 (fractional), excluding PLO 1813;
Secs. 15 and 16;
Secs. 17 and 18 (fractional);
Secs. 20 and 21 (fractional);
Sec. 22;
Secs. 25 and 26;
Sec. 27 (fractional);
Secs. 35 and 36 (fractional).
Containing approximately 5,850 acres outside PLO 4584.
Aggregating approximately 6,010 acres outside PLO 4584.

Lands Within the Clarence Rhode National Wildlife Range (PLO 4584)

Seward Meridian, Alaska (Unsurveyed)

T. 18 N., R. 89 W.
Sec. 6.
Containing approximately 619 acres.

T. 19 N., R. 89 W.
Sec. 13, exlcuding Native allotments F-15021 Parcel A and F-14682 Parcel C;
Secs. 14 and 17;
Sec. 19, exlcuding Native allotment F-14694 Parcel A;
Secs. 20 to 23, inclusive;
Sec. 24, exlcuding Native allotment F-14976;
Sec. 29.
Containing approximately 5,904 acres.

T. 18 N., R. 90 W.
Sec. 1;
Secs. 3 to 9, inclusive;
Secs. 16 and 17;
Secs. 20 and 21;
Secs. 28 and 29;
Sec. 32, excluding Native allotment F-15946;
Sec. 33.
Containing approximately 8,065 acres.

T. 19 N., R. 90 W.
Sec. 1, exluding Native allotment F-19121 Parcel B;
Sec. 5;
Sec. 6, excluding Native allotments F-14760 Parcel B and F-14757 Parcel A;
Secs. 7, 8, and 10;
Sec. 11, excluding Native allotments F-14559 Parcel B and F-14965 Parcel A;
Sec. 12, excluding Native allotments F-14965 Parcel A, F-150211 Parcel D, F-14673 Parcel C and F-16586 Parcel A;
Sec. 15, excluding Native allotments F-14696 Parcel C;
Secs. 16 to 20, inclusive;
Sec. 21, excluding Native allotments F-19195 Parcel B;
Sec. 22;
Sec. 23, excluding Native allotments F-14672 Parcel B, F-14658 Parcel C, F-14520 Parcel A and F-14689 Parcel C;
Sec. 24, excluding Native allotments F-14689 Parcel C and F-14693 Parcel A;
Secs. 25 to 34, inclusive;
Sec. 36.
Containing approximately 15,875 acres.

T. 18 N., R. 91 W.
Secs. 1 and 2;
Secs. 3 to 9 (fractional), inclusive;
Secs. 10, 11 and 12.
Containing approximately 4,506 acres.

T. 19 N., R. 91 W.
Secs. 1 and 2;
Sec. 3, excluding Native allotments F-14702 Parcel D and F-14706 Parcel B;
Secs. 4 to 28, inclusive;
Secs. 29 to 32, inclusive, those portions within the Clarence Rhode National Wildlife Range;
Secs. 33, 34, and 35;
Sec. 36, excluding Native allotment F-14705 Parcel A.
Containing approximately 21,155 acres.
Aggregating approximately 56,214 acres within PLO 4584.
Total aggregated acreage approximately 62,224 acres.

Excluded from the above-described lands herein conveyed are the submerged lands beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade, and commerce, as depicted on the attached navigability maps, the origianal of which will be found in the easement case file AA-9014-EE.

Also excluded from the above-described lands herein conveyed are lands covered by tidal waters up to the line of mean high tide. Within the above-described lands, the following water bodies were estimated to be tidally influenced:

Ekasluktuli River from its mouth to Sec. 15, T. 19 N., R. 92 W., Seward Meridian;
Lithkealik River from its mouth to Sec. 3, T. 19 N., R. 91 W., Seward Meridian;
Kolimak River from its mouth to Sec. 16, T. 19 N., R. 90 W., Seward Meridian;
Kuttak River from its mouth to Sec. 17, T. 19 N., R. 89 W., Seward Meridian;
An unnamed slough from its mouth in Sec. 20, T. 19 N., R. 89 W., up to and including an unnamed lake in Secs. 26, 27, 28, 33, and 34, T. 19 N., R. 89 W., Seward Meridian;
Kokechik River from its mouth to the mouth of Chelunginik River, Sec. 15, T. 18 N., R. 89 W., Seward Meridian;
Komoiarak Slough in its entirety;
Kwecharak River from its mouth to Sec. 5, T. 17 N., R. 90 W., Seward Meridian.

Actual limits of tidal influence, for water bodies listed above and for any other water bodies within the lands to

be conveyed, if any, will be determined at the time of survey.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on available evidence, they were determined to be nonnavigable.

The lands excluded in the above desription are not being approved for conveyed at this time and have been excluded for one or more of the following reasons; Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Section 3(e) of ANCSA; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–9014–EE is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of users allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 3 D1) An easement for an existing access trail twenty-five (25) feet in width from the village of Scammon Bay in Sec. 10, T. 20 N., R. 90 W., Seward Meridian, southwesterly to the village of Hooper Bay in Sec. 26, T. 17 N., R. 93 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g)), that (a) the portion of the above-described lands which were within the boundaries of the Clarence Rhode National Wildlife Range on December 18, 1971, remains subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Paimiut Corporation is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 62,224 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 6,896 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above, excluding those lands which have been withdrawn by PLO 4584 and which are reserved thereby as a national wildlife refuge, will be granted to Calista Corporation, at the same time as conveyance is granted to Paimiut Corporation for the surface estate and shall be subject to the same conditions as the surface conveyance. Section 12(a)(1) provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region. The total amount of wildlife refuge lands which have been approved for conveyance to Paimiut Corporation is approximately 56,214 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the TUNDRA DRUMS.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13 Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 21, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served are:

Paimiut Corporation,
Paimiut, Alaska 99604;
and

Calista Corporation,
516 Dewnali Street,
Anchorage, Alaska 99501.
Ann Johnson,
Chief, Branch of Adjudication.
[FR Doc. 81-24307 Filed 8-19-81; 8:45 am]
BILLING CODE 4310-84-M

[AA-8104-1, AA-8104-2]

Alaska Native Claims Selection

On July 24, 1974, and July 29, 1975, AHTNA, Incorporated filed selection applications AA-8104-1 and AA-8104-2, respectively, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), for the surface and subsurface estates of certain lands withdrawn by Sec. 11(a)(1) of ANCSA.

As to the lands described below, the applications, as amended, submitted by AHTNA, Incorporated, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands selected pursuant to Sec. 12(c) of ANCSA, aggregating approximately 898,071 acres, are considered proper for acquisition by AHTNA, Incorporated and are hereby approved for conveyance pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act.

Fairbanks Meridian, Alaska

T. 17 S., R. 5 W. (Unsurveyed)
Secs. 1 to 32, inclusive, all;
Secs. 34 and 35, all.
Containing approximately 21,520 acres.

T. 19 S., R. 5 W. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,938 acres.

T. 19 S., R. 7 W. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,938 acres.

T. 17 S., R. 9 W. (Unsurveyed)
Secs. 35 and 36, excluding U.S. Survey 2177.
Containing approximately 375 acres.

Copper River Meridian, Alaska

T. 3 N., R. 1 E. (Unsurveyed)
Secs. 2 to 36, inclusive, all.
Containing approximately 22,237 acres.

T. 5 N., R. 1 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 23,007 acres.

T. 2 N., R. 2 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,942 acres.

T. 4 N., R. 2 E. (Unsurveyed)
Secs. 1 to 34, inclusive, all;
Sec. 35, excluding U.S. Survey 5700;
Sec. 36, all.
Containing approximately 22,808 acres.

T. 6 N., R. 2 E. (Unsurveyed)
Secs. 1 to 4, inclusive, all;
Secs. 9 to 16, inclusive, all;
Secs. 21 to 24, inclusive, all;
Sec. 28, all.
Containing approximately 10,880 acres.

T. 8 N., R. 2 E. (Unsurveyed)
Secs. 1 to 24, inclusive, all;
Sec. 25, excluding Native allotment AA-2627 Parcel A;
Secs. 26 to 35, inclusive, all.
Containing approximately 22,149 acres.

T. 1 N., R. 3 E. (Unsurveyed)
Secs. 1 to 25, inclusive, all;
Sec. 26, excluding U.S. Survey 5133;
Secs. 27 to 36, inclusive, all.
Containing approximately 23,002 acres.

T. 3 N., R. 3 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,877 acres.

T. 5 N., R. 3 E. (Unsurveyed)
Secs. 1 to 20, inclusive, all;
Sec. 21, excluding U.S. Survey 5184 and Trade and Manufacturing site application A-061989;
Secs. 22 to 27, inclusive, all;
Sec. 28, excluding U.S. Survey 5184 and Trade and Manufacturing site application A-061989;
Secs. 29 to 36, inclusive, all.
Containing approximately 22,969 acres.

T. 7 N., R. 3 E. (Unsurveyed)
Secs. 1 to 5, inclusive, all;
Secs. 6 and 7, excluding the Copper River;
Secs. 8 to 36, inclusive, all.
Containing approximately 22,405 acres.

T. 9 N., R. 3 E. (Unsurveyed)
Secs. 1 to 5, inclusive, all;
Secs. 7 to 22, inclusive, all;
Secs. 24 and 25, excluding the Copper River;
Secs. 27 to 34, inclusive, all;
Sec. 36, excluding the Copper River.
Containing approximately 19,956 acres.

T. 10 N., R. 4 E. (Partially Surveyed)
Secs. 1 to 4, inclusive, all;
Secs. 6 and 7, all;
Secs. 9 to 16, inclusive, all;
Secs. 18 and 19, all;
Secs. 21, 22, and 23, all;
Secs. 27, 30, and 32, all.
Containing approximately 13,991 acres.

T. 7 N., R. 5 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,875 acres.

T. 9 N., R. 5 E. (Unsurveyed)
Secs. 1 to 4, inclusive, all;
Sec. 7, all;
Secs. 10 to 13, inclusive, all;
Secs. 17 to 22, inclusive, all;
Secs. 28 to 36, inclusive, all;
Containing approximately 16,616 acres.

T. 11 N., R. 5 E. (Unsurveyed)
Secs. 1 to 24, inclusive, all;
Sec. 25, excluding Native allotment AA-7548;
Secs. 26 to 35, inclusive, all.
Containing approximately 22,177 acres.

T. 8 N., R. 6 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,809 acres.

T. 14 N., R. 6 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,938 acres.

T. 13 N., R. 7 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 23,006 acres.

T. 15 N., R. 7 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,871 acres.

T. 12 N., R. 8 E. (Unsurveyed)
Secs. 1 to 18, inclusive, all;
Secs. 20 to 29, inclusive, all;
Secs. 33, 34, and 35, all.
Containing approximately 19,714 acres.

T. 14 N., R. 8 E. (Unsurveyed)
Secs. 1 to 21, inclusive, all;
Sec. 22, excluding Native allotment F-12305 Parcel B;
Secs. 23 to 26, inclusive, all;
Sec. 27, excluding Native allotment F-17766 Parcel B;
Secs. 28 and 29, all;
Sec. 30, excluding Native allotment F-17744 Parcel B;
Secs. 32, 33, and 34, all.
Containing approximately 20,890 acres.

T. 11 N., R. 9 E. (Unsurveyed)
Secs. 1 to 4, inclusive, all;
Sec. 5, excluding U.S. Survey 3674;
Sec. 6, excluding U.S. Survey 3674 and Native allotment AA-5719;
Sec. 7, excluding U.S. Survey 5046 and the tract of land lying between U.S. Survey 5046 and the centerline of the Glenn Highway;
Secs. 8 to 36, inclusive, all.
Containing approximately 22,385 acres.

T. 15 N., R. 9 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,871 acres.

T. 14 N., R. 10 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,938 acres.

T. 2 N., R. 2 W. (Unsurveyed)
Secs. 1 to 30, inclusive, all;
Secs. 32 to 36, inclusive, all.
Containing approximately 22,314 acres.

T. 6 N., R. 2 W. (Surveyed)
Those portions of the township more particularly described as protracted:
Secs. 3 to 9, inclusive, all;
Secs. 17, 18, and 19, all;
Secs. 29 to 32, inclusive, all.
Containing approximately 8,061 acres.

T. 8 N., R. 2 W. (Partially Surveyed)
Sec. 1, lots 1 to 9, inclusive, SE¼NE¼, E½SE¼, those lands lying west of the Gulkana River, excluding the Gulkana River;
Secs. 2 to 11, inclusive, all;
Sec. 12, lots 1, 2, and 3, those lands lying south and west of the Gulkana River, excluding the Gulkana River;
Secs. 13 to 36, inclusive, all.
Containing approximately 22,778 acres.

T. 1 S., R. 3 W. (Unsurveyed)
Secs. 1 to 23, inclusive, all.
Containing approximately 14,564 acres.

T. 1 S., R. 1 E. (Partially Surveyed)
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, SE¼;
Sec. 3, lots 1 to 4, inclusive, S½NW¼, E½NE¼SW¼,S½SE¼;

Secs. 4 to 9, inclusive, all;
Sec. 10, lots 3 to 6, inclusive, N½NE¼, SW¼NE¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 11, NE¼SE¼;
Sec. 12, E½, N½SW¼, E½SW¼,SW¼, SE¼SW¼;
Sec. 13, lots 6 and 7, NE¼, E½E½SE¼;
Sec. 14, lot 3 excluding U.S. Survey 5735 and the tract of land lying between U.S. Survey 5735 and the centerline of the Richardson Highway; lots 4 and 5; lots 6 and 7, excluding the tract of land lying between U.S. Survey 4846 and the centerline of the Richardson Highway; lots 8 and 9, and W½SW¼;
Sec. 16 to 21, inclusive, all;
Sec. 23, E½NE¼, N½NW¼NE¼, SE¼NW¼NE¼, W½SW¼NW¼NE¼, SW¼NE¼, NW¼; S½, excluding Native allotments AA–5568 Tract 2 and AA–8112;
Sec. 24, excluding Native allotments A–053876 and AA–5568 Tract 2;
Sec. 25, N½N½, excluding Native allotments A–053876 and AA–5568 Tract 2; S½NE¼, E½SE¼NW¼, E½W½ SE¼NW¼, W½SW¼SE¼NW¼, NW¼NW¼SE¼NW¼, W½SW¼ NW¼, W½E½SW¼NW¼, E½SE¼ SW¼NW¼, NE¼NE¼SW¼NW¼, S½;
Sec. 26, excluding Native allotments AA–5503 Tract 2 and AA–8112;
Secs. 27 to 34, inclusive all;
Sec. 35, N½, SW¼, W½W½NW¼SE¼;
Sec. 36, E½, NW¼; and E½SW¼, E½NW¼SW¼, E½W½NW¼SW¼, excluding Native allotment AA–5692.
Containing approximately 18,756 acres.

T. 1 S., R. 3 E. (Partially Surveyed)
Secs. 1 to 15, inclusive, all;
Secs. 16, 17, and 18, excluding the Copper River;
Sec. 19, lots 1 to 6, inclusive, E½SW¼, SE¼;
Sec. 20, lots 1 to 4, inclusive, S½, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 21, lots 1, 2, and 3, SW¼SW¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Secs. 22, 23, and 24, all;
Sec. 25, excluding the Copper River;
Sec. 26, lot 1, and those lands lying north and east of the right bank of the Copper River excluding the Copper River;
Sec. 27, lots 1 to 5, inclusive, SW¼SW¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 28, lots 1 to 4, inclusive, W½, NW¼SE¼, S½SE¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 29, all;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, N½NE¼;
Sec. 32, lots 1, 2, and 3, N½, NE¼SW¼, SE¼;
Secs. 33 and 34, all;
Sec. 35, lots 1 to 4, inclusive, S½NW¼, SW¼, NW¼SE¼, S½SE¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 36, lots 1, 2, and 3, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River.
Containing approximately 20,408 acres.

T. 2 S., R. 4 E. (Partially Surveyed)
Secs. 1 to 5, inclusive, all;
Sec. 6, lot 1, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 7, lots 1 to 9, inclusive, SE¼SW¼, S½SE¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 8, lots 1, 2, and 3, lot 4 excluding Native allotment AA–6014 Parcel A; S½SW¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 9, excluding the Copper River;
Secs. 10 to 14, inclusive, all;
Secs. 15 and 16, excluding the Copper River;
Sec. 17, lots 1, 2, 3, and 4, NW¼NE¼ excluding Native allotment AA–6014 Parcel A; SW¼NE¼, W½, W½SE¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 18, lots 1 to 4, inclusive, NE¼, E½W½, SE¼;
Sec. 22, lot 2, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River;
Sec. 23, excluding the Copper River;
Sec. 24, all;
Sec. 25, excluding the Copper River;
Sec. 26, lots 1 to 8, inclusive, NW¼SW¼, S½NE¼SW¼SW¼, NW¼SW¼SW¼, S½SW¼SW¼, SE¼SW¼, and those lands lying north and east of the right bank of the Copper River, excluding the Copper River.
Containing approximately 12,912 acres.

T. 6 S., R. 4 E. (Unsurveyed)
Sec. 1, excluding the Copper River;
Secs. 2 to 8, inclusive, all;
Secs. 9 to 19, inclusive, excluding the Copper River;
Secs. 20 to 36, inclusive, all.
Containing approximately 20,827 acres.

T. 1 S., R. 5 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,816 acres.

T. 5 S., R. 5 E. (Unsurveyed)
Sec. 1, all;
Sec. 2, excluding the Copper River;
Secs. 3 to 10, inclusive, all;
Sec. 11, excluding the Copper River;
Secs. 12 and 13, all;
Sec. 14, excluding the Copper River;
Secs. 15 to 21, inclusive, all;
Secs. 22 and 23, excluding the Copper River;
Secs. 24 and 25, all;
Secs. 26 to 29, inclusive, excluding the Copper River;
Sec. 30, all;
Secs. 31, 32, and 33, excluding the Copper River;
Secs. 34, 35, and 36, all.
Containing approximately 21,790 acres.

T. 2 S., R. 6 E. (Unsurveyed)
Secs. 1 to 35, inclusive, all.
Containing approximately 22,240 acres.

T. 4 S., R. 6 E. (Unsurveyed)
Secs. 1 to 5, inclusive, all;
Secs. 6 and 7, excluding the Copper River;
Secs. 8 to 13, inclusive, all;
Secs. 14 to 17, inclusive, excluding the Chitina River;
Secs. 18 and 19, excluding the Copper and Chitina Rivers;
Secs. 20 to 25, excluding the Chitina River;
Secs. 26 to 29, inclusive, all;
Sec. 30 excluding the Copper and Chitina Rivers;
Secs. 31 and 32, excluding Mineral Survey No. 654;
Secs. 33 to 35, inclusive, all;
Sec. 36, excluding the Chitina River.
Containing approximately 20,226 acres.

T. 6 S., R. 6 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,882 acres.

T. 1 S., R. 7 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,816 acres.

T. 3 S., R. 7 E. (Unsurveyed)
Sec. 1, excluding Mineral Survey No. 566, Mineral Survey No. 658, Mineral Survey No. 659, and Mineral Survey No. 660A;
Sec. 2, excluding Mineral Survey No. 660A;
Secs. 3 to 8, inclusive, all;
Sec. 9, excluding Mineral Survey No. 2325;
Secs. 10 to 15, inclusive, all;
Sec. 16, excluding Mineral Survey No. 2325;
Secs. 17 to 22, inclusive, all;
Sec. 23, excluding Native allotment AA–7374;
Secs. 24 and 25, all;
Sec. 26, excluding Native allotment AA–7374;
Secs. 27 to 30, inclusive, all;
Secs. 32 to 36, inclusive, all.
Containing approximately 21,887 acres.

T. 5 S., R. 7 E. (Unsurveyed)
Secs. 1 to 36, inclusive, all.
Containing approximately 22,820 acres.
Aggregating approximately 898,071 acres.

The lands excluded in the above description are not being approved for conveyence at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are underlying water bodies determined to be navigable and/or tidally influenced; lands are pending a determination under Section 3(e) of ANCSA; or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

The conveyance issued for the surface and subsurface estates of the lands

described above shall contain the following reservations to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–10438, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading and unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

Site Easement (Airstrip)—The uses allowed for a site easement are: Aircraft landing, vehicle parking (i.e. aircraft, boats, ATV's snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

a. (EIN 2 D9) An easement for an existing access trail, twenty-five (25) feet in width, from Federal Aid Secondary highway designated as FAS 851 in Sec. 9, T. 6 S., R. 4 E., Copper River Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 2a C4) A one (1) acre site easement in Sec. 9, T. 6 S., R. 4 E., Copper River Meridian. The uses allowed are those listed above for a one (1) acre site easement.

c. (EIN 7 C5, D1 L) An easement for an existing access trail, twenty-five (25) feet in width, through Sec. 1, T. 5 S., R. 5 E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 8 D9) An easement for an existing access trail, twenty-five (25) feet in width, from trail EIN 9 D1, D9 in Sec. 5, T. 6 S., R. 6 E., Copper River Meridian, southwesterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 9 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from EIN 18 C5, D1, L on Chitina's selection in Sec. 32, T. 5 S., R. 6 E., Copper River Meridian, southeasterly along Canyon Creek to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

f. (EIN 14 D1) A one (1) acre site easement, upland of the ordinary high water-mark, in Sec. 7, T. 4 S., R. 6 E., Copper River Meridian, on the left bank of the Copper River near the Copper River bridge. The uses allowed are those listed above for a one (1) acre site.

g. (EIN 14a D1) An easement, sixty (60) feet in width, for an existing road from site EIN 14 D1 in Sec. 7, T. 4 S., R. 6 E., Copper River Meridian, southeasterly to the Chitina-McCarthy Road in Sec. 7, T. 4 S., R. 6 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

h. (EIN 16 C3, C5, D1, L) An easement for an existing access trail, twenty-five (25) feet in width, from public land in Sec. 1, T. 4 S., R. 7 E., Copper River Meridian, northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

i. (EIN 17 C3, C5, D1, L) An easement, fifty (50) feet in width, for an existing road from Sec. 36, T. 3 S., R. 7 E., Copper River Meridian, northerly along the Kotsina River to public land. The uses allowed are those listed above for a sixty (60) foot wide road easement.

j. (EIN 20 D1) An easement for an existing access trail, fifty (50) feet in width, from road EIN 17 C3, C5, D1, L in Sec. 2, T. 2 S., R. 6 E., Copper River Meridian, northerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

k. (EIN 23 D9) An easement for a proposed access trail, twenty-five (25) feet in width, from Sec. 1, T. 2S., R. 5E., northeasterly to Sec. 31, T. 1S., R. 6E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

l. (EIN 25 D9) An easement for a proposed access trail, twenty-five (25) feet in width, from Sec. 6, T. 2S., R. 5E., northwesterly to Sec. 36, T. 1S., R. 4E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

m. (EIN 29 D9) An easement for an existing access trail, twenty-five (25) feet in width, from the Copper River at site EIN 29b C4 in Sec. 36, T. 1S., R. 3E., Copper River Meridian, northeasterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

n. (EIN 29a L) An easement for an existing access trail, twenty-five (25) feet in width, from Chitina's site EIN 36 C5 adjacent to the Edgerton Highway in Sec. 15, T. 2S., R. 3E., Copper River Meridian, northeasterly along the east boundary of lot 37, U.S. Survey 4977 to the Copper River. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

o. (EIN 29b C4) A one (1) acre site easement, upland of the ordinary high water mark, in Sec. 36, T. 1S., R. 3E., Copper River Meridian, on the left bank of the Copper River at the terminus of trail EIN 29 D9. The uses allowed are those listed above for a one (1) acre site easement.

p. (EIN 29c C4) A one (1) acre site easement, upland of the ordinary high water mark, in Sec. 7, T. 2S., R. 4E., Copper River Meridian, on the right bank of the Copper River at the terminus of trail EIN 29a L. The uses allowed are those listed above for a one (1) acre site easement.

q. (EIN 32 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, in Sec. 18, T. 1N., R. 3E., Copper River Meridian, easterly, generally paralleling the Dadina River, to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

r. (EIN 33 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 34, T. 2N., R. 2E., Copper River Meridian, northeasterly, generally paralleling the Nadina River to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

s. (EIN 36 D9) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 33, T. 3N., R. 1E., Copper River Meridian, easterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

t. (EIN 37 C5, D9) An easement for an existing access trail, fifty (50) feet in width, from Sec. 31, T. 5N., R. 1E., Copper River Meridian, easterly thence southerly to public land in T. 4N., R. 1E., Copper River Meridian, thence northeasterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

u. (EIN 38 C3, C5, D1, D9, L) An easement, sixty (60) feet in width, for an existing road in Sec. 36, T. 2N., R. 2W., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

v. (EIN 44 C5, D9) An easement for an existing access trail, fifty (50) feet in width, from EIN 37 C5, D9 in Sec. 10, T. 4N., R 2E., Copper River Meridian, southerly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

w. (EIN 45 D9) An easement for an existing access trail, twenty-five (25) feet in width, from EIN 44 C5, D9 in Sec. 35, T. 4N., R. 2E., Copper River Meridian, easterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

x. (EIN 49 D1) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 31, T. 7N., R. 2E., through Sec. 24, T. 6N., R. 2E., Copper River Meridian, to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

y. (EIN 58 E) An easement for an existing access trail, fifty (50) feet in width in Sec. 3, T. 8N., R. 2W., Copper River Meridian, southwesterly to join the eastern terminus of Gulkana village trail EIN 30 E. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

z. (EIN 65 D1, D9) An easement for a proposed access trail, twenty-five (25) feet in width, from Sec. 1, T. 8N., R. 5E., northeasterly to Sec. 31, T. 9N., R. 6E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

aa. (EIN 67 D9) An easement for an existing access trail, twenty-five (25) feet in width,

from public land in Sec. 32, T. 10N., R. 5E., Copper River Meridian, southeasterly through the selection to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

ab. (EIN 69 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 17, T. 10N., R. 4E., Copper River Meridian, westerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

ac. (EIN 70a D9) An easement for an existing access trail, fifty (50) feet in width, from the northern terminus of Chistochina village trail EIN 4 D9 in Sec. 34, T. 10 N., R. 4 E., Copper River Meridian, northerly through the selection to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

ad. (EIN 71 D9) An easement for an existing access trail, fifty (50) feet in width, from approximately mile 47 of the Tok Cutoff in Sec. 25, T. 11 N., R. 5 E., Copper River Meridian northerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

ae. (EIN 71a C4) A one (1) acre easement in Sec. 25, T. 11 N., R. 5 E., Copper River Meridian, at approximate milepost 47 of the Tok Cutoff. The uses allowed are those listed above for a one (1) acre site.

af. (EIN 79 D1) An easement for an existing access trail, fifty (50) feet in width, crossing Sec. 6, T. 13 N., R. 7 E., and Sec. 36, T. 14 N., R. 6 E., Copper River Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

ag. (EIN 80 D9) An easement for an existing access trail, fifty (50) feet in width, from trail EIN 81 D9 in Sec. 9, T. 14 N., R. 6 E., Copper River Meridian, westerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

ah. (EIN 81 D9) An easement for an existing access trail, fifty (50) feet in width, from Mentasta Lake village northwesterly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

ai. (EIN 83 D9) An easement for an existing access trail, fifty (50) feet in width, Sec. 6, T. 15 N., R. 8 E., Copper River Meridian, westerly along Dry Tok Creek to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

aj. (EIN 84 D9) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 85 D9 in Sec. 31, T. 15 N., R. 9 E., Copper River Meridian, westerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

ak. (EIN 85 D9) A site easement, upland of the ordinary high-water mark, in Sec. 31, T. 15 N., R. 9 E., Copper River Meridian, on the west shore of Burnt Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

al. (EIN 86 D9) An easement for an existing access trail, twenty-five (25) feet in width, from site EIN 85 D9 in Sec. 31, T. 15 N., R. 9 E., Copper River Meridian, southerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

am. (EIN 87 D1) An easement for an existing access trail, twenty-five (25) feet in width, from public land in Sec. 13, T. 19 S., R. 8 W., Fairbanks Meridian, easterly along the Middle Fork Chulitna River and thence southeasterly through Caribou Pass to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

an. (EIN 89 C5, L) An easement, fifty (50) feet in width, for existing power and telephone lines, roughly paralleling the Richardson Highway in Secs. 3, 10, 11, 14, 15, 23, 24, 25, 35, and 36, T. 1 S., R. 1 E., Copper River Meridian, and those utility lines roughly paralleling the Tok Cutoff in Sec. 35, T. 8 N., R. 2 E., Sec. 24, T. 9 N., R. 3 E., Sec. 25, T. 11 N., R. 5 E., Secs. 19, 20, 21, 22, 23, and 24, T. 11 N., R. 7 E., and Secs 6, 7, and 18, T. 11 N., R. 9 E., Copper River Meridian. The uses allowed are those activities associated with the construction, operation and maintenance of power and telephone line facilities.

ao. (EIN 90 C5) A site easement, upland of the ordinary high water mark, in Sec. 33, T. 19 S., R. 5 W., Fairbanks Meridian, on the south shore of Soule Lake. The site is one (1) acre in size, with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

ap. (EIN 91 C5, L) An easement, fifty (50) feet in width, for existing powerlines and telephone lines roughly paralleling the Edgerton Highway and old Edgerton Highway, in Sec. 31, T. 1 S., R. 3 E., Copper River Meridian. The uses allowed are those activities associated with the construction, operation and maintenance of the power and telephone line facilities.

aq. (EIN 93 C5) An easement for an existing access trail, twenty-five (25) feet in width, from the Tok Cutoff in Sec. 6, T. 11 N., R. 9 E., Copper River Meridian, westerly along Carlson Creek to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

ar. (EIN 93a C4) A one (1) acre site easement located in Sec. 6, T. 11 N., R. 9 E., Copper River Meridian at the east terminus of trail EIN 93 C5 adjacent to Carlson Creek where it crosses the Tok Cutoff. The uses allowed are those listed above for a one (1) acre site easement.

as. (EIN 95 D9) An easement for an existing access trail, fifty (50) feet in width, from the northern terminus of Chistochina village trail EIN 6a D9 in Sec. 24, T. 10 N., R. 4 E., Copper River Meridian, northerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

at. (EIN 97 C4) An easement for an existing access trail, fifty (50) feet in width, crossing the northeast corner of Sec. 1, T 15 N., R. 9 E., Copper River Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

au. (EIN 99 C4) A site easement for an existing bush airstrip two hundred fifty (250) feet in width and three thousand (3,000) feet in length located in Secs. 16 and 21, T. 3 N., R. 3 E., Copper River Meridian. The uses allowed are those listed above for an airstrip site.

av. (EIN 100 C4) An easement for a proposed access trail, twenty-five (25) feet in width, from bush airstrip EIN 99 C4 in Secs. 16 and 21, T. 3 N., R. 3 E., Copper River Meridian, westerly to trail EIN 44 C5 D9 and public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

aw. (EIN 101 C4) A site easement for an existing bush airstrip two hundred fifty (250) feet in width and three thousand (3,000) feet in length located in Sec. 15, T. 7N., R. 5E., Copper River Meridian. The uses allowed are those listed above for an airstrip site.

ax. (EIN 102 C4) An easement for a proposed access trail, twenty-five (25) feet in width, from bush airstrip EIN 101 C4 in Sec. 15, T. 7N., R. 5W., Copper River Meridian, northeasterly to trail EIN 103 C4. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

ay. (EIN 103 C4) An easement for an existing access trail, twenty-five (25) feet in width, from Sec. 32, T. 8N., R. 5E., southeasterly to public lands.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Any right-of-way interest in the Denali Highway (FAP Route 52), extending one hundred fifty (150) feet on each side of the centerline of the Denali Highway, transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public law 86–70 (73 Stat. 141) located in Secs. 32 and 33, T. 17S., R. 5W., Fairbanks Meridian, Alaska;

4. An easement for highway purposes, including appurtenant protective, scenic and service areas, extending one hundred and fifty (150) feet on each side of the centerline of the Glenn Highway (Tok Cutoff), as established by Public Land Order 1613 (23 FR 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898)

and transferred to the State of Alaska pursuant to the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141), located in Sec. 35, T. 8N., R. 2E., Secs. 24 and 25, T. 9N., R. 3E., Sec. 25, T. 11N., R. 5E., and Secs. 6 and 7, T. 11N., R. 9E., Copper River Meridian, Alaska;

5. An easement for highway purposes, including appurtenant protective, scenic and service areas, extending one hundred fifty (150) feet on each side of the centerline of the Richardson Highway, as established by Public Land Order 1613 (23 FR 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898), and transferred to the State of Alaska pursuant to the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141), located in Secs. 3, 10, 14, 15, 23, 24, 25, and 36, T. 1S., R. 1E., and Sec. 1, T. 8N., R. 2W., Copper River Meridian, Alaska;

6. Any right-of-way interest in the Copper River Highway (FAS 851), transferred to the State of Alaska by quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Pub. L. 86–70 (73 Stat. 141), from T. 6S., R. 4E., Copper River Meridian to the village of Chitina located in T. 4S., R. 5E., Copper River Meridian.

7. Any right-of-way interest in the Chitina-McCarthy Road (FAS No. 850) transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Pub. L. 86–70 (73 Stat. 141) as to Secs. 7 and 8 and Secs. 13 to 18, inclusive, T. 4S., R. 6E., Copper River Meridian, Alaska;

8. Rights-of-way for Federal Aid Highways. Act of August 27, 1958, as amended (23 U.S.C. 317):

a. A–067759, located in Sec. 35, T. 8N., R. 2E., Copper River Meridian, Alaska;
b. A–059161, located in Secs. 24 and 25, T. 9N., R. 3E., Copper River Meridian, Alaska;
c. AA–5663, located in Sec. 3, T. 1S., R. 1E., Copper River Meridian, Alaska;
d. AA–2922, located in Secs. 7 and 18, T. 4S., R. 6E., Copper River Meridian, Alaska.
e. AA–6050, located in Secs. 7, 8, and 16, T. 4S., R. 6 E., Copper River Meridian, Alaska.

9. Rights-of-way for Federal Aid Material Sites. Act of August 27, 1958, as amended (23 U.S.C. 317):

a. A–056839 (PBP 52–024–62), located in Sec. 24, T. 9 N., R. 3 E., Copper River Meridian, Alaska;
b. A–058843, located in Secs. 13 and 24, T. 9 N., R. 3 E., Copper River Meridian, Alaska;
c. A–062256, located in Secs. 24 and 25, T. 1 S., R. 1 E., Copper River Meridian, Alaska;
d. AA–5865, located in Sec. 10, T. 1 S., R. 1 E., Copper River Meridian, Alaska;
e. AA–2866, located in Sec. 7, T. 4 S., R. 6 E., Copper River Meridian, Alaska;
F. AA–2858, located in Secs. 7 and 8, T. 4 S., R. 6 E., Copper River Meridian, Alaska;
g. AA–6088, located in Secs. 7 and 8, T. 4 S., R. 6 E., Copper River Meridian, Alaska;

10. A right-of-way, AA–38319, for a Federal Aid Highway, Act of August 27, 1958, as amended (23 U.S.C. 317), located in Secs. 3, 10, 11, 14, 15, 23, 24, 25 and 36, T. 1 S., R. 1 E., Copper River Meridian, Alaska;

11. An easement and right-of-way to operate, maintain, repair and patrol an overhead open wire and underground communication line or lines, and appurtenances thereto, in, on, over and across a strip of land fifty (50) feet in width, lying twenty-five (25) feet on each side of the centerline of the Alaska Communication System's open wire or pole line and/or buried communication cablelines, conveyed to RCA Alaska Communications, Inc. by Easement Deed dated January 10, 1971, AA–6188, pursuant to the Alaska Communications Disposal Act (81 Stat. 441; 40 U.S.C. 771 et seq.) located in Sec. 35, T. 8 N., R. 2 E.; Secs. 13, 24, 25, and 34, T. 9 N., R. 3 E.; Sec. 25, T. 11 N., R. 5 E.; Secs. 6, 7, and 18, T. 11 N., R. 9 E.; Secs. 3, 10, 14, 15, 23, 24, 25, 35, and 36, T. 1 S., R. 1 E., Copper River Meridian, Alaska;

12. A right-of-way, AA–9906, for an electrical transmission line granted to the Copper Valley Electric Association, Inc., under the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), located in Secs. 2, 11, 14, 23, 24, 25, and 36, T. 8 N., R. 2 W., Copper River Meridian, Alaska;

13. A right-of-way, AA–12692, for an electrical transmission line granted to the Copper Valley Electric Association, Inc., pursuant to the Act of October 21, 1976 (90 Stat. 2743), located in Secs. 3, 4, 10, 14, 23, 26 and 35, T. 1 S., R. 1 E., Copper River Meridian, Alaska;

14. Those rights for pipeline purposes and related facilities granted to Amerada Hess Corporation, ARCO Pipeline Comany, Exxon Pipeline Company, Mobil Alaska Pipeline Company, Phillips Petroleum Company, Sohio Pipeline Company and Union Alaska Pipeline Company, their successors and assigns, by the Agreement and Grant dated January 23, 1974, as modified April 27, 1979, pursuant to Section 28 of the Mineral Leasing Act (30 U.S.C. 185), as amended by Pub. L. 93–153 (87 Stat. 576), on November 16, 1973, serial No. AA–5847 and its related facilities more specifically identified as follows:

a. AA–5847, Oil transportation pipeline located in Secs. 2, 11, 14, 23, 24, 25 and 36, T. 8 N., R. 2 W., and Secs. 3, 4, 10, 14, 23, 25, 26 and 35, T. 1 S., R. 1 E., Copper River Meridian, Alaska;
b. AA–8619, Equipment Site, Block Valve Site No. 100, located in Sec. 14, T. 8 N., R. 2 W., Copper River Meridian, Alaska;
c. AA–8615, Mechanical Refrigeration Site No. 6, located in Sec. 11, T. 8 N., R. 2 W., Copper River Meridian, Alaska;
d. AA–8616, Mechanical Refrigeration Site No. 7, located in Sec. 25, T. 8 N., R. 2 W., Copper River Meridian, Alaska;
e. AA–8649, Communication Site, Stuck No. 2 Backbone, located in Sec. 8, T. 1 S., R. 1 E., Copper River Meridian, Alaska;
F. AA–8499, Communication Site, Block Valve Site No. 100, located in Sec. 14, T. 8 N., R. 2 W., Copper River Meridian, Alaska;

15. Access roads rights-of-way granted to the Trans-Alaska Pipeline pursuant to Sec. 28 of the Mineral Leasing Act, 30 U.S.C. 185, as amended by Pub. L. 93–153 (87 Stat. 576), on November 16, 1973 as to:

a. AA–8842, located in Sec. 10, T. 1 S., R. 1 E., Copper River Meridian, Alaska;
b. AA–8843, located in Sec. 3, T. 1 S., R. 1 E., Cooper River Meridian, Alaska.

To date, approximately 908,311 acres selected pursuant to Sec. 12(c) of ANCSA have been approved for conveyance to AHTNA Incorporated.

Within the above described lands, only the following inland water bodies are considered to be navigable:

Chitina River;
Copper River.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the TUNDRA TIMES and the ANCHORAGE TIMES.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board: *provided, however,* Pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 21, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 "C" Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

AHTNA, Incorporated, Drawer G, Cooper Center, Alaska 99573;
State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Forth Avenue, Anchorage, Alaska 99501.

Ann Johnson,

Chief, Branch of Adjudication.

FR Doc. 81-24300 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[A 17000-F (partial)]

Arizona, Classification of Public Lands for State Indemnity Selection

1. Pursuant to the Act of June 20, 1910 (the Enabling Act, as amended), the provisions of Section 7 of the Taylor Grazing Act and the regulations in 43 CFR Part 2400, the public lands described below are hereby classified for State Indemnity Selection. The State of Arizona has filed applications to acquire the described lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach, This application has been serialized as A 17000-F.

2. The lands involved in this classification notice were previously published as proposed classification A 7712; **Federal Register**, Vol. 38, No. 210, November 1, 1973, 30114-30113; and proposed classification A 7015; **Federal Register**, Vol. 46, No. 19, January 29, 1981, 9788. The proposed transfer was widely publicized. Nearly all comments received supported the proposed classification, and the land is being classified as proposed.

3. The lands lie in Pima county, Arizona in the Tucson vicinity. The lands are described as follows:

Gila and Salt River Meridian

[A 7712]

T. 13 S., R. 11 E.,
Sec. 4: Lots 3, 4.
T. 14 S., R. 12 E.,
Sec. 35: Lots 1, 2, N½NW¼, SW¼NW¼, NW¼SE¼NW¼, SW¼SE¼NW¼, W½SW¼.

The area described contains 382.73± acres.

Gila and Salt River Meridian

[A 7015]

T. 15 S., R. 12 E.,
Sec. 1, Lots 8, 9;
Sec. 3, Lots 1, 2;
Sec. 4, Lots 5 thru 8 incl., 11, 12, 29-38 incl.;
Sec. 5, Lots 53-69 incl.;
Sec. 9, N½NW¼, N½S½NW¼, S½SW¼NW¼;
Sec. 10, Lots 37, 38, 39, 40, 58, 59, 60;
Sec. 19, Lots 1, 2, 3, 4, E½, E½W½;
Sec. 20, W½, SE¼.
T. 16 S., R. 11 E.,
Sec. 6: Lots 3, 4, 5, SE¼NW¼.

The area described contains 1684.88± acres.

This classification decision is based on the following disposal criteria set forth in Title 43, Code of Federal Regulations, Part 2400. Transfer of the lands to the State will help fulfill the Federal Government's common school land grant to the State, and constitutes a public purpose use of the land. Lands found to be valuable for a public purpose use, will be considered chiefly valuable for pulbic purposes (43 CFR 2430.2b).

5. The subject lands are under Section 15 grazing leases to Wingfield Cattle Co., c/o Edward Wingfield, P.O. Box 1608, Nogales, AZ 85621, and Charles W. Reeves, Star Route, P.O. Box 33, Marana, AZ 85238. One range improvement, a fence, is on the Reeves allotment. In the event these lands are clearlisted, this grazing use will be terminated at the time title to the land is transferred to the state. Threatened and Endangered Species and Cultural Resources Evaluations have been performed and approved for subject classification. Any cultural resources on the above described parcels will be managed by the State of Arizona under the terms of the Memorandum of Agreement Regarding Cultural Resource Protection. A study has been made of the area which indicates little potential for mineral exploration. There are no mining claims recorded with BLM for these lands, nor was any evidence of mining activity found on the ground. Rights-of-way will transfer with the land to the state.

6. The public lands classified by this notice are shown on maps on file and available for inspection in the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon, Phoenix, Arizona 85017.

7. On or before September 21, 1981, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3 and 2462.3. Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

Dated: August 14, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-24301 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order NM-020-8101]

New Mexico Off-Road Vehicle Designations

August 10, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: ORV Designation.

SUMMARY: Notice is hereby given relating to the use of off-road vehicles on public lands, in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR 8340 to protect sensitive resources. The following described lands under the administration of the Bureau of Land Management are designated as limited or open:

The designation areas located in the Stallion Planning Area, which incorporates the old Stallion and Ladrone Planning Units. The open areas include the public land arroyo bottoms, east of the Rio Grande, in T. 2 S. and T. 3 S., R. 1 E. (except for the upper portion of Arroyo del Tajo, Section 13 and to the east). Approximately 1,230 acres are designated as open.

The limited designation areas include the remainder of public lands in Socorro and Valencia Counties within the Stallion/Ladrone Planning Units. Vehicles are limited to designated roads and trails presently maintained or used for public travel. Approximately 990,000 acres are designated as limited.

This decision was arrived at in 1977 following one and one-half years of public input in the Stallion/Ladrone planning processes. With the finalization of the designation procedures in 1980, the public was again polled and their comments utilized in

arriving at this decision. It is the intent of BLM to use a rule of reason in enforcing this designation: Flexible management to meet the intent of limited designation (while encouraging legitimate ranch, mining and recreation vehicle use) will be followed by the Authorized Officer. An environmental assessment of the decision has been completed and the public is encouraged to inspect it at the office below:

ADDRESS: For further information about these designations, contact the following Bureau of Land Management Office: District Manager, Socorro District Office, P.O. Box 1219, Socorro, NM 87801.

Charles W. Luscher,

State Director.

[FR Doc. 81-24254 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Release of Wilderness Inventory Units From Further Wilderness Consideration

August 12, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given of the release of the following New Mexico wilderness inventory units from further wilderness consideration:

BLM district	Name	Number	Total acreage
Socorro	Magdalena A	NM-020-048A	3,640
	Magdalena B	NM-020-048B	320
	Magdalena C	NM-020-048C	620

SUMMARY: The identified wilderness inventory units were contiguous to the Cibola National Forest's Ryan Hill RARE II Area. The final decision as to whether to designate the Magdalena inventory units WSA's or drop them from further wilderness consideration was, therefore, deferred pending Congressional action on Ryan Hill (Notice of Final Intensive Wilderness Inventory Decisions, pages 75590–75593). All three Magdalena inventory units are less than 5,000 acres in size and dependent upon the Ryan Hill area for wilderness characteristics.

The New Mexico Wilderness Act (Pub. L. 96–550), which was signed into law December 19, 1980, released the Ryan Hill RARE II Area from wilderness consideration.

Since BLM intensive wilderness inventory units NM–020–048A/B/C were dependent for wilderness characteristics upon the Ryan Hill RARE II Area, the Magdalena units are dropped from the BLM wilderness review process and are no longer protected by interim management restrictions. The final decision announced in this notice will become effective August 20, 1981. There is no public comment period on this decision.

FOR FURTHER INFORMATION CONTACT: Jornada Area Manager, Bob Cordell or District Wilderness Specialist, Kent Carlton, Socorro District, Bureau of Land Management, P.O. Box 1219, Socorro, NM 87801.

Larry L. Woodard,

Associate State Director.

[FR Doc. 81-24260 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Brothers Planning Area Grazing Management; Intent To Prepare Environmental Impact Statement and Conduct Scoping Meetings

The Department of the Interior, Bureau of Land Management, Prineville District Office will be preparing an Environmental Impact Statement (EIS) covering the grazing management program on 1,028,000 acres of public land in the Brothers Planning area which comprises the south half of the Prineville District. The final statement is to be completed by September 30, 1982. Various management alternatives for the grazing program have been developed from coordinated planning for all resources through the Bureau's land use planning system. The objectives of the proposed program are to enhance the vegetative resource, provide quality habitat for wildlife, provide a continuous supply of livestock forage, reduce soil erosion, maintain recreational resources, and protect visual and cultural resources.

The EIS will discuss alternatives to the proposed grazing management program. Two alternatives, no action and no livestock grazing, will be included in the EIS. Other alternatives being considered for discussion include at least a higher and lower level of livestock grazing than that in the proposal.

The EIS will identify the impacts that can be expected from implementation of either the proposed grazing management program or any of the alternatives discussed. The statement will be an analytical tool used in making final decisions for managing livestock grazing in the Brothers EIS area.

Three public scoping meetings will be held to identify the significant issues which will be discussed in detail in the EIS. Also to be discussed in the meetings are the various alternatives that could realistically be addressed in the EIS and the possible methods of obtaining public comment on the draft EIS after it is published next year. Input from the public will be sought in those areas. The meetings will be held September 21 at 7:30 p.m. in the basement conference room of the Oregon State Office of the Bureau of Land Management located at 729 N.E. Oregon Avenue in Portland, on September 22 at 7:00 p.m. in the Catholic Church Parish Hall located at 150 East First Street in Prineville, and at 7:00 p.m. September 23, in the Bend Riverhouse Motor Inn located at 3075 North Highway 97 in Bend.

Further information may be obtained from: Bureau of Land Management, Prineville District Manager, P.O. Box 550, Prineville, Oregon 97754, telephone: (503) 447–4115.

Dated: August 12, 1981.

James L. Hancock,

Assistant District Manager.

[FR Doc. 81-24255 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Termination of Disposal Classification

1. By Order of the Oregon State Director, Bureau of Land management, dated January 26, 1971, the following described public lands were classified for disposal through exchange pursuant to Section 2 of the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1412):

Willamette Meridian, Oregon

T. 8 S., R. 46 E., W.M.,
Sec. 34, S½NE¼, SW¼SW¼, E½SW¼, and SE¼.
T. 9 S., R. 46 E., W.M.
Sec. 1, S½SW¼ and SW¼SE¼;
Sec. 3, Lots 1, 2, and 3;
Sec. 12, NE¼ and E½NW¼.
T. 9 S., R. 47 E., W.M.,
Sec. 6, S½SE¼;
Sec. 7, Lots 1, 2, 3, 4, NE¼, E½NW¼, E½SE¼, and NW¼SE¼;
Sec. 8, SE¼SW¼ and SE¼SE¼;
Sec. 9, NE¼SW¼;
Sec. 17, NE¼NW¼.

The areas described aggregate 1,591.16 acres in Baker County, Oregon.

2. The above-described public lands have been eliminated from any exchange proposal; accordingly, pursuant to 43 CFR 2461.5(c)(2), the classification is terminated upon publication of this notice in the **Federal Register.**

3. At 10:00 a.m., on September 21, 1981, the above-described public lands will be relieved of the segregative effect

of the above-mentioned classification order.

Paul M. Vetterick,

Acting State Director.

August 14, 1981.

[FR Doc. 81-24252 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Meeting

August 13, 1981.

A meeting of the Prineville District Grazing Advisory Board will be held at 1:00 p.m., September 15, 1981 in the conference room of the District Office located at 185 East Fourth Street, Prineville, Oregon 97754.

The primary agenda item will be expenditure of range betterment fund for F.Y. 1982.

The meeting is open to the public and anyone wishing to comment personally or by written statement is asked to notify the District Manager prior to the meeting for a time allotment.

James L. Hancock,

Assistant District Manager.

[FR Doc. 81-24250 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Salmon District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Salmon District Advisory Council will be held on Wednesday, September 2, 1981 at 10 a.m., at the Salmon District Office in Salmon, Idaho.

Agenda for the meeting will include discussion of:

1. Range improvements and maintenance.
2. Bureau range program.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Salmon District Office by August 28, 1981.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: August 13, 1981.

Harry R. Finlayson,

District Manager.

[FR Doc. 81-24256 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Salmon District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATE: The meeting will be held at 10:00 a.m., Thursday, September 1, 1981.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management, Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Laws 92-463 and 94-579. The purpose of the meeting will be to discuss (1) Range improvement and maintenance; (2) Range Program.

The meeting is open to the public. Anyone may make oral statements to the Board or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467, by August 28, 1981.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection within 30 days following the meeting.

Dated: August 13, 1981.

Harry R. Finlayson,

District Manager.

[FR Doc. 81-24257 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Susanville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 (FLPMA) that a meeting of the Susanville District Grazing Advisory Board will be held on September 14, 1981.

The meeting will begin at 10:00 a.m. in the Susanville District Office of the Bureau of Land Management, Susanville, California.

The agenda for the meeting will include:

1. Signal Butte Well Funding.
2. Wild Horse Program Changes
3. RCD Participation in Range Projects.
4. Use of Range Improvement Dollars.
5. Update on Range Policy.
6. Update on District Matters.
7. Report on Stewardship Recommendations to District Manager.
8. Other Items as Appropriate.
9. Public Comments.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 p.m. and 4:30 p.m., or file a written statement for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California, 96130-1090, by September 11, 1981. Depending upon the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Ben F. Collins,

Acting District Manager.

[FR Doc. 81-24302 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[U-43018]

Land Outside Right-of-Way for Olmstead-Park City Transmission Line; Lifting of Segregative Effect of Withdrawals for Project No. 765 in Utah; Correction

In FR Doc. 81-7735, page 16336, March 12, 1981, the land description in paragraph No. 1 is amended to include Sec. 33, T. 2 S., R. 4 E., and Sec. 15, T. 3 S., R. 4 E. Paragraph No. 2, is amendd to include Sec. 27, T. 5 S., R. 3 E., Secs. 5, 6, and 7, T. 5 S., R. 4 E., and to delete Sec. 15, T. 3 S., R. 4 E.

Dated: August 13, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81-24295 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[W-71314]

Sweetwater County, Wyoming; Conveyance of Public Land

August 13, 1981.

Notice is hereby given that pursuant to Sec. 203 of the Act of October 21, 1976, (90 Stat. 2750; 43 U.S.C. 1712) the City of Green River, Wyoming, P.O. Box 1140, Green River, Wyoming 82935, has been issued a conveyance document for the following described land:

Sixth Principal Meridian, Wyoming

T. 18 N., R. 107 W.,
Sec. 34, N½NE¼NE¼, W½NE¼, and NW¼SE¼NE¼, S½SE¼NE¼.

Containing 130.00 acres.

The purpose of this notice is to inform the public and interested state and local

governmental officials of the conveyance.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-24297 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[W-15468]

Wyoming; Partial Termination of Classification for Multiple-Use Management and Partial Termination of Mineral Segregation

August 12, 1981.

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964, (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order dated December 1, 1970, (Serial No. W-15468), published in the **Federal Register** December 9, 1970, Vol. 35 No. 238, p. 18683, is hereby terminated insofar as it affects the public lands in the following described areas:

Sixth Principal Meridian, Wyoming

T. 55 N., R. 92 W.,
Secs. 4, 5, and 6.
T. 56 N., R. 92 W.,
Secs. 31, and 32.
T. 57 N., R. 92 W.,
Secs. 5, and 7;
Sec. 18, lot 1, NE¼, and NE¼SE¼.
T. 58 N., R. 92 W.,
Secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.
T. 55 N., R. 93 W.,
Secs. 1 to 6, inclusive.
T. 56 N., R. 93 W.
T. 57 N., R. 93 W.,
Secs. 1 to 3, inclusive;
Sec. 4, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 5, W½NE¼, SE¼NE¼, W½, and SE¼;
Secs. 6 to 8, inclusive;
Sec. 9, NE¼SW¼, and N½SE¼;
Sec. 10, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 11, E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 12;
Sec. 13, N½N½;
Sec. 14, N½NE¼;
Secs. 16 to 36, inclusive.
T. 58 N., R. 93 W.,
Sec. 19, lots 1, 2, S½NW¼, E½SW¼, and SE¼;
Sec. 20, lots 3, 4, 5, 6, and 8;
Sec. 21, lots 5, 6, and SE¼NE¼;
Secs. 22 to 28, inclusive;
Sec. 29, NE¼, W½W½, N½SE¼, and SE¼SE¼;
Secs. 30, and 31;
Sec. 32, W½, and SW¼SE¼;
Sec. 33, N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 34 to 36, inclusive.
T. 55 N., R. 94 W.,
Secs. 1, 2, 3, 5, and 6.
Tps. 56 and 57 N., R. 94 W.
T. 58 N., R. 94 W.,
Sec. 19;
Sec. 20, lots 1, 2, 7, 8, S½N½, and S½;
Secs. 21 to 23, inclusive;
Sec. 24, lots 3 to 6, inclusive, S½N½, and S½;
Secs. 25 to 27, inclusive;
Sec. 28, N½, SW¼, and N½SE¼;
Secs. 29 to 36, inclusive.
T. 56 N., R. 95 W.,
Secs. 4, 5, 6, and 12.
T. 57 N., R. 95 W.
T. 56 N., R. 96 W.,
Secs. 1, 2, 3, and 11.
T. 57 N., R. 96 W.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 26, and 35.
T. 58 N., R. 96 W.
T. 58 N., R. 97 W.,
Secs. 22, 24, 25, and 26.

The public lands within the area described above aggregates some 109,559.73 acres in Big Horn County.

2. The classification order segregated the public lands described above from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of Revised Statutes, 28 Stat. 687, (formerly 43 U.S.C. 1171). At 7:45 a.m. on September 29, 1981, the lands shall be open to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. The following described lands were further segregated from appropriation under the general mining laws (30 U.S.C. 21):

T. 57 N., R. 94 W.,
Sec. 23, SE¼;
Sec. 26, NW¼NE¼.

The lands described contains 200 acres in Big Horn County. At 7:45 a.m. on September 29, 1981, the lands will be open to location under the United States mining laws.

4. All of the lands have been and will continue to be open to the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-24294 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[W-71787]

Wyoming; Realty Action; Exchange of Public Lands in Park County for Private Lands in Big Horn County

August 13, 1981.

The following described lands have been determined to be suitable for disposal by exchange under Sec. 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Sixth Principal Meridian, Wyoming

T. 49 N., R. 100 W.,
Sec. 8, S½SE¼;
Sec. 10, S½SW¼, SW¼SE¼.
Containing 200.00 acres.

In exchange for these lands the United States will acquire from The Bar TL Ranch title to lands described as:

Sixth Principal Meridian, Wyoming

T. 49 N., R. 97 W.,
Sec. 4, N½SW¼, NW¼SE¼, SE¼, SE¼;
Sec. 9, NE¼NE¼.
Containing 200.00 acres.

The purpose of the exchange is to diminish private lands in the "Fifteen Mile Wild Horse Area." The value of the lands to be exchanged is equal and the public interest will be well served.

The terms and conditions applicable to the exchange are:

1. A reservation to the United States of the right to construct ditches or canals pursuant to the Act of August 30, 1890 (43 U.S.C. 945);

2. A reservation to the United States of all minerals in the lands to be disposed of. The mineral estate in the lands to be acquired by the United States belong to the United States by virtue of a reservation in the original patent.

Detailed information concerning the exchange including the planning documents and environmental assessment is available for review at the Worland District Office, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

On or before September 14, 1981 interested parties may submit comments to the State Director, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82001. Any adverse comments will be evaluated by the State Director who may vacate or modify this really action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-24296 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

[W-15948]

Wyoming; Termination of Classification of Public Lands for Multiple-Use Management

August 12, 1981.

1. On October 4, 1969, (FR Vol. 34 No. 191, pages 15492-15493), the public lands described in the notice aggregating approximately 387,348 were classified

for multiple use management under the Act of September 19, 1964, and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334) and from sales under Section 2455 of the Revised Statutes (43 U.S.C. 1171).

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph 1 above is hereby terminated. This action will restore the lands to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-24300 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Texas

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3937, Block A–22, Brazos Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 14, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-24259 Filed 8-19-81; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–152

Decided: August 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2512 (Sub-27), filed August 3, 1981. Applicant: CITY TRANSFER & STORAGE CO., 1152 Marine Dr., Astoria, OR 97103. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 59583 (Sub-186), filed August 3, 1981. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington,

DC 20014, (301) 986–1410. Transporting *general commodities*, between Summerfield, NC, on the one hand, and, on the other, points in the U.S.

Note.—(1) The purpose of this application is to substitute motor-carrier service for abandoned rail-carrier service, and (2) applicant intends to tack this authority with existing regular-route authority.

MC 157343, filed July 27, 1981. Applicant: GOLD TRANSIT SYSTEMS, INC., 501 Couch Dr., Suite 107, Oklahoma City, OK 73102. Representative: Dean McDaniel, P.O. Box 26203, Oklahoma City, OK 73026, (405) 232–1344. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157462, filed August 3, 1981. Applicant: DALLEY-MERRIAM & ASSOCIATES, 7927 Jones Branch Drive, Suite 400, McLean, VA 22102. Representative: Ron Dalley (same as applicant), (703) 556–0990. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157552, filed August 6, 1981. Applicant: GARY P. GUILLORY, d.b.a G & G TRUCKING, Route 2, Box 276, Mansura, LA 71350. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205, (601) 948–8820. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157573, filed August 6, 1981. Applicant: ATLANTIC-ILLINOIS-PACIFIC, INC., 248 South Gorden St., Kankakee, IL 60901. Representative: Patrick H. Smyth, 19 South LaSalle St., Suite 401, Chicago, IL 60603, 312–263–2397. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–5–126

Decided: August 10, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 141088 (Sub-6), filed July 27, 1981. Applicant: KEYSTONE DELIVERY SERVICE, INC., 60 NW 37th St., Miami, FL 33127. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53d St., Miami, FL 33166, (305) 592–0036. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156299, filed July 29, 1981. Applicant: Bill Hill, d.b.a. HILL TRUCKING, 104 Castle Ave., Paragould, AR 72450. Representative: Billy Gene Hill (same address as applicant), (501) 236–2953. Transporting *general commodities* between Hamburg, AR, on the one hand, and, on the other, points in the U.S.

Note.—The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service.

MC 157359, filed July 27, 1981. Applicant: ROBERT A. MacDONALD, d.b.a. BOB MacDONALD TRUCKING, Box 9694, Yakima, WA 98909. Representative: Robert A. MacDonald (same address as applicant), (509) 248–1340. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157398, filed July 29, 1981. Applicant: CONNIE "B" TRUCKING CO., INC., P.O. Box 1714, Norfolk, VA 23501. Representative: Arthur G. Blakey, 5433 Berry Hill Rd., Norfolk, VA 23502, (804) 461–0635. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157408, filed July 27, 1981. Applicant: SUBURBAN MESSENGER SERVICE, INC., S–4785 Lakeshore Rd., Hamburg, NY 14075. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, (716) 853–0200. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157429, filed July 31, 1981. Applicant: FEEL GOOD ENTERPRISES, INC., 223 West 3rd, Houston, TX 77018. Representative: C. W. Ferebee, 720 North Post Oak Rd., Suite 230, Houston, TX 77024, (713) 688–6110. Transporting (1) *shipments weighting 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–5–129

Decided: August 12, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 146019 (Sub-3), filed July 31, 1981. Applicant: ST PETERS TRANSPORTATION INC., 14 Heather Dr., St Peters, MO 63376. Representative: Robert E. Reeves (same address as applicant), (314) 441–3534. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157478, filed August 3, 1981. Applicant: W. BROWN HALL, 3161 Flower St., Huntington Park, CA 90225. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157518, filed August 4, 1981. Applicant: DONALD W. OVERCAST, SR., d.b.a. DOUBLE D TRUCKING, 1101 Hunter Drive, Mechanicsville, VA 23111. Representative: Barry Weintraub, 6133 Leesburg Pike, Suite, Vienna, VA 22180, (703) 442–8330. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24285 Filed 8–19–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request

and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–230

Decided: August 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 47171 (Sub-218), filed August 6, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant) (803)–879–2101. Transporting *general commodities* (except classes A and B explosives), (1) between points in CO, IA, KS, MN, NE, NM, ND, OK and SD; and (2) between points in CO, IA, KS, MN, NE, NM, ND, OK and SD, on the one hand, and, on the other, points in and east of WI, IL, MO, AR and TX.

MC 59570 (Sub-50), filed August 5, 1981. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Rd., Toms River, NJ 08753. Representative: Harry C. Maxwell, P.O. Box 887, 510 Arthur Dr., Cherry Hill, NJ 08003 (609) 428–4704. Transporting *general commodities* (except classes A and B explosives) between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 75281 (Sub-22) filed August 5, 1981. Applicant: BOOTHEEL TRANSPORTATION COMPANY, a Corporation, P.O. Box 511, Sikeston, MO 63801. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (404) 451–0401. Transporting *chemicals*, between points in Vigo and Marion Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 79550 (Sub-12) filed July 27, 1981. Applicant: ERSKINE TRUCKING, INC., 6210 Center Rd., Lowellville, OH 44436. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889–2531. Transporting (1) *ores and minerals*, (2) *clay, concrete, glass or stone products*, (3) *metal products*, (4) machinery, and (5) *building materials*, between points in IN, KY, MI, NY, OH, PA, and WV.

MC 117991 (Sub-6) filed August 3, 1981. Applicant: ZAVITZ BROTHERS LIMITED, R.R. No. 1, Wainfleet, Ontario, CD LOS 1VO. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202, (716) 853–0200. Transporting (1) *food and related products*, between those points in the U.S. east of ND, SD, NE, KS, OK, and TX, and (2) *metal products*, between ports of entry on the international boundary line between the U.S.-Canada in NY, on the one hand, and, on the other, points in NY.

MC 126660 (Sub-15) filed August 3, 1981. Applicant: G & G CARRIERS, INC., P.O. Box 102, 509 Cooper St., Camden, NJ 08101. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966 (215) 357–7220. Transporting (1) *coal and coal products*, between points in Northumberland and Schuylkill Counties, PA, on the one hand, and, on the other, points, in CT, MA, ME, NH, NJ, NY, PA, and VT, and (2) *waste or scrap materials* not identified by industry producing, between points in CT, DE, IL, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT, and WV.

MC 128290 (Sub-21) filed August 5, 1981. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434–3381. Transporting *packaging materials*, between points in Guilford and Caldwell Counties, NC, Somerset County, NJ, York County, PA, Marion County, IL and Pontotoc County, MS, on the one hand, and, on the other, points in SC, VA, PA, NJ, FL, GA, AL, TN, CT, MA, RI, VT, NJ, NY, OH, IL, IN, MN, WI, MI, IA, MO, KY, CO, KS, NB, OK, TX, MS, AR, MD, ME, NH, DE, NC, LA, WV, and DC.

MC 141870 (Sub-3), filed August 4, 1981. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401 (205) 578-2836. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Kinnet Dairies, Inc., of Columbus, GA.

MC 147570 (Sub-2), filed July 28, 1981. Applicant: KABAT EXPRESS, INC., 1944 Scranton Rd., Cleveland, OH 44113. Representative: Arthur E. Gogol, 7723 Greenwich Rd., Cleveland, OH 44254 (216) 948-2531. Transporting *such commodities* as are dealt in by a manufacturer and distributor of building materials, sealants, and adhesives, between Cleveland, OH, and points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 147681 (Sub-23), filed August 6, 1981. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. #2, West Middlesex, PA 16159. Representative: Michael P. Pitterich (same address as applicant) (412) 528–1200. Transporting *plastic products and food and related products*, between points in Worcester County, MA, on the one hand, and, on the other, points in CT, RI, NY, NJ, PA, OH, KY, TN, MI, IN, IL, MD, VA, WV, DE, and WI.

MC 153541, filed August 4, 1981. Applicant: TURLEY WHOLESALE & BUILDING SUPPLIES, 556 West Jones Creek Rd., Grants Pass, OR 97526. Representative: Dwayne D. Turley (same address as applicant) (503) 476–

2896. Transporting *lumber and wood products,* between points in CA, OR, and WA.

MC 154681 (Sub-2), filed August 3, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., Route #2, Box 83B, Fargo, ND 58102. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402 (612) 340–0808. Transporting *building materials,* between points in Hennepin and Ramsey Counties, MN, on the one hand, and, on the other, points in ND and SD.

MC 156800 (Sub-1), filed August 4, 1981. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (171) 344–8030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Macdermid, Incorporated of Waterbury, CT, and (2) Laticrete International, Inc., of Bethany, CT.

MC 156850, filed June 26, 1981, previously noticed in the **Federal Register** issue of July 20, 1981. Applicant: CHARLES MARKLE, d.b.a. MARKLE TRANSPORT, 12815 W. Carlisle Road, Frazeysburg, OH 43822. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889–2531). Transporting *general commodities* except classes A and B explosives), between points in Coshocton, Franklin, Licking, Knox and Muskingum Counties, OH, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to reflect Licking County, OH, in Lieu of Holmes County, OH.

MC 157530, filed August 3, 1981. Applicant: PLAINS EXPRESS, INC., 411 Dumas Ave., Dumas, TX 79029. Representative: Jeffrey S. Baird, 621 S. Fillmore, Amarillo, TX 79101 (806) 372–5805. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 157531, filed August 5, 1981. Applicant: FREEDOM TRUCKING, INC., 3181 Bankhead Hwy., Atlanta, GA 30318. Representative: Harry Hyaduck (same address as applicant) (404) 792–0834. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Volume No. OPY–2–151

Decided: August 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1783 (Sub-37), filed July 30, 1981. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Hwy, Nashua, NH 03060. Representative: Charles A. Webb, Suite 1111, 1828 L St. NW, Washington, DC 20036, 202–296–2929. Transporting *footwear,* between points in Hunterdon County, NJ, on the one hand, and, on the other, points in ME, VT, NH, MA, CT, RI, NY, and PA.

MC 16513 (Sub-27), filed July 31, 1981. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Ave., Pennsauken, NJ 08110. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, 703–750–1112. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Colgate Palmolive Company, of New York, NY.

MC 39973 (Sub-6), filed July 29, 1981. Applicant: STANDARD TRUCKING COMPANY, 225 East 16th St., Charlotte, NC 28230. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St. NW, Washington, DC 20036, 202–783–8131. Over *regular routes,* transporting *general commodities* (except classes A and B explosives) (1) between Raleigh and Tarboro, NC, over US Hwy 64, (2) between Smithfield and New Bern, NC, over US Hwy 70, (3) between Nichols, SC and Wilmington, NC, over US Hwy 76, (4) between junction NC Hwy 710 and US Hwy 74 and Wilmington, NC: from junction NC Hwy 710 and US Hwy 74 over US Hwy 74 to Wilmington, (5) between Goldsboro and Washington, NC, over US Hwys 13 and 264, (6) between Wilmington, NC and North Myrtle Beach, SC, over US Hwy 17, (7) between Kinston and Jacksonville, NC, over US Hwy 258, (8) between Clinton, NC and junction US Hwy 258: from Clinton over NC Hwy 24 to junction US Hwy 258, (9) between Goldsboro and Wilmington, NC, over US Hwy 117, (10) between Rocky Mount and Goldsboro, NC, over US Hwys 301 and 117, (11) between Wilmington and New Bern, NC, over US Hwy 17, (12) between Smithfield and Wilmington, NC: from Smithfield over US Hwy 301 to junction US Hwy 701, then over US Hwy 701 to junction US Hwy 421, then over US Hwy 421 to Wilmington, and return over the same route, (13) between Fayetteville and Goldsboro, NC: from Fayetteville over US Hwy 301 to junction US Hwy 13, then over US Hwy 13 to junction US Hwy 117, then over US Hwy 117 to Goldsboro, and return over the same route, (14) between Lizzie and Tarboro, NC, over US Hwys 13 and 258, (15) between Tarboro and Greenville, NC: from Tarboro over US Hwy 64 to junction US Hwy 13, then over US Hwy 13 to Greenville, and return over the same route, (16) between Newton Grove and Kinston, NC, over NC Hwy 55, (17) between Wilson and Kinston, NC, over NC Hwy 58, (18) between Wallace and Beulaville, NC, over NC Hwy 41, (19) between Kenansville and Kinston, NC, over NC Hwy 11, (20) between Washington and New Bern, NC, over US Hwy 17, (21) between Whiteville and Shallotte, NC: from Whiteville over US Hwy 701 to junction NC Hwy 130, then over NC Hwy 130 to Shallotte, and return over the same route, (22) between Wilmington and Southport, NC, over NC Hwys 133 and 87, (23) between Supply and Southport, NC, over NC Hwy 211, (24) between Elizabethtown and Delco, NC, over NC Hwy 87, and (25) between Whiteville and Elizabethtown, NC, over US Hwy 701, serving all intermediate points in routes (1) through (25) above.

MC 107162 (Sub-82), filed July 14, 1981. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 52701. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of salt and related products, between Chicago, IL, Milwaukee, WI and points in Brown County, WI, on the one hand, and, on the other, points in the Upper Peninsula of MI.

MC 108223 (Sub-44), filed July 24, 1981. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., P.O. Box 43050, St. Paul, MN 55164. Representative: Warren K. Wahoske (same address as applicant) 612–786–9650. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of steel rotary blowers and fans, between points in Ashland County, OH, on the one hand, and, on the other, points in the U.S.

Mc 118883 (Sub-9), filed July 31, 1981. Applicant: VAN E. HAMLETT, Osage St., Box 8009, Nashville, TN 37207. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, 615–244–8100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chemrock Corporation, of Nashville, TN.

Mc 128473 (Sub-25), filed July 8, 1981. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, MT 59701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208)343–3071. Transporting *talc and soap stone* between points in MT and CO, on the

one hand, and, on the other, points in AZ, CA, ID, NV, OR, UT and WA.

Mc 138073 (Sub-3), filed July 27, 1981. Applicant: BUF-AIR FREIGHT, INC., 495 Aero Dr., P.O. Box 588, Buffalo, NY 14221. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara St. Buffalo, NY 14202. Transporting (1) *Printed matter* and (2) *such commodities* as are dealt in or used in the manufacture, production and distribution of printed matter, between points in the U.S., under continuing contract(s) with Newsweek, Inc., of New York, NY.

Mc 14043 (Sub-15), filed July 30, 1981. Applicant: APPLE HOUSE, INC., 3726 Birney Ave., Scranton, PA 18505. Representative: Peter Wolff, 722 Pittson Ave., Scranton, PA 18505, 717–342–7595. Transporting *food,* between points in Lackawanna County, PA, on the one hand, and, on the other, points in FL, GA, NC, and SC.

Mc 144893 (Sub-4), filed July 24, 1981. Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 East 800 North, St. George, UT 84770. Representative: J. Ralph Atkin, P.O. Box 339, St. George, UT 84770 (801)628–2612. Transporting (1) *malt beverages,* and (2) *such commodities* as are used by or dealt in by breweries between points in Jeferson County, Co, on the one hand, and, on the other, points in AZ and CA.

MC 145353 (Sub-3), filed August 3, 1981. Applicant: NELSON TRANSPORT, INC., P.O. Box 251, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd. Suite 307, Edina, MN 55424, 612–927–8855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Willmar Manufacturing, Division of Waycrosse, and (b) Willmar Cookie Co., Inc., both of Willmar, MN.

MC 147553 (Sub-16), filed July 30, 1981. Applicant: DENNIS MOSS AND GARY MOSS d.b.a. MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transport *such commodities* as are dealt in by grocery and food business houses, between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 148142 (Sub-1), filed July 31, 1981. Applicant: GORDON PRIEST, INC., 10 Quarry Rd., Acton, MA 01720. Representative: Robert G. Parks, 20 Walnut St. Suite 101, Wellesley Hills, MA 02181, 617–235–5571. Transporting *petroluem products,* between points in the U.S., under continuing contract(s) with Schultz Lubricants, Inc., of West Boylston, MA.

MC 150053 (Sub-2), filed July 10, 1981. Applicant: JERRY BELL, R.R. #2, P.O. Box 6, Columbus Junction, IA 52738. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of salt and salt products, between points in Rice County, KS, on the one hand, and, on the other, points, IA, IL, MO, MN, and WI.

MC 153893, filed July 20, 1981: Applicant: CARLILE ENTERPRISES, INC., P.O. Box 10–805, Anchorage, AK 99511. Representative: Arthur R. Hauver, Suite 200, 750 West 2nd Ave., Anchorage, AK 99501, 907–276–6354. Transporting *food and other edible products (including edible by-products* but excluding alcoholic beverages and drugs), *intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* between points in AK.

Note.—This is *not* a fitness-related application.

Volume No. OPY–2–153

Decided: August 12, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF 563, filed August 3, 1981. Applicant: AMERICAN SHIPPERS, INC., P.O. Box 9313-Baer Field, Fort Wayne, IN 46899. Representative: Phillip A. Renz, Suite 200-Metro Bldg., Fort Wayne, IN 46802, 219–423–3595. As a *freight forwarder,* in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

MC 2232 (Sub-19), filed August 5, 1981. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Rd., and Corbin Lane, Morrisville, PA 19063. Representative: Bernard J. Kompare, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, 312–263–1600. Transporting *such commodities* as are dealt in by discount and variety stores, between points in the U.S., under continuing contract(s) with K-Mart Corporation, of Troy, MI.

MC 72423 (Sub-12), filed July 27, 1981. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 E. Chestnut St., Sterling, CO 80751. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203, (303) 861–8046. *General commodities* (except classes A and B explosives), between points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, PA, SC, SD, TX, UT, VA, WA, WV, WI and WY.

MC 107002 (Sub-590), filed July 31, 1981. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Southern Resins, Div. of Lawter International, of Moundville, AL, and (b) Ashland Chemical Co., Div., Ashland Oil, Inc., of Dublin, OH.

MC 112822 (Sub-491), filed July 13, 1981, published in the **Federal Register.** issue of July 24, 1981, and republished, as corrected, this issue. Applicant: BRAY LINES, INC., 1401 North Little St., Cushing, OK 74023. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264, 303–861–4028. Transporting *petroleum products,* between points in OK, on the one hand, and, on the other, points in the U.S. The purpose of this republication is to correct the commodity description.

MC 144503 (Sub-43), filed July 28, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Bldg., La Crosse, WI 54601, (608) 784–5860. Transporting *such commodities* as are dealt in or used by food business houses, between points in the U.S.

MC 151643, filed July 30, 1981. Applicant: LO–HI TRANSPORTATION, INC., 230 North Main St., P.O. Box 661, Fremont, NE 68025. Representative: Jack L. Shultz, 500 The Atrium, 1200 N St., P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *household furniture and home furnishings,* between points in the U.S., under continuing contract(s) with D & D Investment Co., Inc., d.b.a. Craftmatic Distributing, of Fremont, NE.

MC 155072, filed July 30, 1981. Applicant: TERRY W. JONES, d.b.a. TERRY W. JONES TRUCKING, 90289 Shore Ln., Eugene, OR 97402. Representative: Terry W. Jones (same address as applicant), (503) 689–3598. Transporting *malt beverages and wine,* between points in the U.S., Under continuing contract(s) with McDonald Candy Co., Inc., d.b.a. Western Beverage Co., of Eugene, OR.

MC 156003 (Sub-1), filed July 31, 1981. Applicant: BARRY FREIGHTWAYS, INC., Box 14786, Minneapolis, MN 55414. Representative: Ronald B. Sieloff, Ninth Floor Commerce Bldg., St. Paul, MN 55101, (612) 291–8044. Transporting, over

regular routes, *general commodities* (except classes A and B explosives), (1) between St. Paul and Isle, MN: from St. Paul over City streets to Minneapolis, then over U.S. Hwy 169 to junction MN Hwy 27, then over MN Hwy 27 to Isle, and return over the same route, (2) between Milaca and Foley, MN, over MN Hwy 23, and (3) serving all intermediate points on routes (1) and (2) above.

MC 157572, filed August 6, 1981. Applicant: W. H. KENT, INC., P.O. Box 317, Morrisonville, IL 62546. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with (a) Homa Distributors, of Taylor Springs, IL and (b) Sassatelli Distributing, Inc., of Taylorville, IL.

Volume No. OPY–5–124

Decided: August 7, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

W–9 (Sub-2), filed July 16, 1981. Applicant: SHERIDAN TRANSPORTATION COMPANY, 12, South 12th St., Philadelphia, PA 19107. Representative: Mark D. Russell, Suite 348 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004, (202) 737–2188. Transporting *sugar in bulk*, in tug and barge service, between points on the Atlantic Coast and Gulf Coast.

MC 141088 (Sub-7), filed July 28, 1981. Applicant: KEYSTONE DELIVERY SERVICE, INC., 60 NW. 37th St., Miami, FL 33127. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW. 53d St., Miami, FL 33166, (305) 592–0036. Transporting *such commodities* as are dealt in or distributed by a manufacturer of cosmetics, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Atlanta, GA.

MC 145359 (Sub-41), filed July 28, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Brunswick Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146758 (Sub-16), filed July 20, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie, (same address as applicant), (800) 533–6038. Transporting *meats and meat products*, between points in Anderson County, TX, on the one hand, and, on the other, points in the U.S.

MC 148079 (Sub-2), filed July 8, 1981, previously published in **Federal Register** (republication) on July 29, 1981. Applicant: FRYE TRUCKING COMPANY, INC., Middleton St., P.O. Box 835, Robbins, NC 27235. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting (1) *lumber and wood products* and (2) *forest products*,, (a) between points in AL, FL, GA, MD, NC, SC, TN, VA, and WV, (b) between points in CA and WA, on the one hand, and, on the other, points in FL, GA, NC, SC, TN, and VA, and (c) between points in FL, GA, NC, SC, and VA on the one hand, and, on the other, points in AR, CT, DE, IL, IN, KY, LA, MI, MS, NJ, NY, OH, PA, WI, and DC.

Note.—Purpose of republication is to correct part (c).

MC 148178 (Sub-3), filed July 27, 1981. Applicant: FORREST DALE BELVIN, d.b.a. DALE BELVIN TRUCKING, 277 West Sierra, Clovis, CA 93612. Representative: Dale Belvin (same address as applicant), (209) 292–2007. Transporting *air conditioner and heaters*, between points in the U.S., under continuing contract(s) with Luxaire, Inc., of Elyria, OH.

MC 149078 (Sub-10), filed July 21, 1981. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd., P.O. Box 3637, Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945–3002. Transporting (1) *general commodities* (except classes A and B explosives) between points in CA, AZ, WA, OR, NV, and ID, on the one hand, and, on the other, points in the U.S., (2) *such commodities* as are dealt in or used by manufacturers and distributors of sound recordings and radio receiving sets, between New York, NY, and points in Morris, Gloucester Counties, NJ, Carroll County, GA, Marion and Vigo County, IN, Santa Barbara, Los Angeles, Santa Clara, and Santa Cruz Counties, CA, Fairfield and New Haven Counties, CT Worcester County, MA, York County, ME, and Pinellas County, FL, on the one hand, and, on the other, points in the U.S., and (3) *building materials*, between points in Baltimore County, MD, Cuyahoga County, OH, and York County, PA, on the one hand, and, on the other, points in AR, CA, CO, IA, ID, KS, LA, MN, MO, NE, NM, OK, OR, TX, UT, WA, and WY.

MC 152378 (Sub-2), filed July 27, 1981. Applicant: RAIL-HIGHWAY TRANSPORTATION COMPANY, a division of AJF WAREHOUSE DISTRIBUTORS, INC., 11960 Westline Industrial Drive, Suite 330, St. Louis, MO 63141. Representative: Robert L. Cope, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Matchmaker, a division of AJF Distribution Systems, of St. Louis, MO. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 152609 (Sub-2), filed July 27, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., 4910 SW. Red Wing Way, P.O. Box 1248, Lake Oswego, OR 97034. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *paper and paper products*, between points in the U.S., under continuing contract(s) with the American Can Company, of Dale City, CA.

MC 152649 (Sub-7), filed July 24, 1981. Applicant: RIVERLAND TRUCKING CO., INC., West 10th Ave., P.O. Drawer BC, Reserve, LA 70084. Representative: Harry M. England, West 10th St., P.O. Drawer E, Reserve, LA 70084, (504) 536–1191. Transporting *sugar*, between points in the U.S. under continuing contract(s) with Godchaux-Henderson Sugar Company, Inc., of Reserve, LA.

MC 157108, filed July 7, 1981. Applicant: REVCO, INC., Rt. 1, Box 306–A, Amory, MS 38821. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Ave., Memphis, TN 38103, (901) 527–2482. Transporting (1) *forest products, lumber and wood products*, between the facilities of Weyerhaeuser Co., at points in MS and AL, and W. T. Vick Lumber Company, at points in Marion County, AL, on the one hand, and, on the other, points in AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, OH, OK, SC, TN, and TX; (2) *woodworking machinery*, between the facilities of Rose Machinery, Inc., at points in Leflore County, MS, or its vendors, at points in Guilford County, NC, Franklin County, PA, and Forest County, WI, on the one hand, and, on the other, points in AL, AR, KY, LA, and TN; (3) *dump vehicles and dump vehicle bodies*, between the facilities of Palmer Machine Works, Inc., at points in Monroe County, MS, on the one hand, and, on the other, points in AL, AR, LA,

and TN; (4) *nonmetallic minerals,* between the facilities of American Colloid Co., at points in Monroe County, MS, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NC, NE, ND, OH, OK, SC, SD, TN, and TX; and (5) *Mercer commodities,* between Houston, TX, on the one hand, and, on the other, points in IA, IL, LA, MO, MD, NM, OK, SD, and WY.

MC 157178, filed July 16, 1981. Applicant: J-WAY INC., Box 195, Sidney Winsor Road, Chepachet, RI 02814. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425—13th Street, NW., Washington, DC 20004, (202) 737-1030. Transporting *scrap metal,* between points in Providence County, RI, and Worcester County, MA, on the one hand, and, on the other, points in MA, RI, CT, ME, NH, NC, NY, PA, NJ, DE, MD, and VT.

Volume No. OPY-5-128

Decided: August 12, 1981.

By the Commission Review Board No. 3, members Krock, Joyce, and Dowell.

MC 5888 (Sub-66), filed August 6, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *chemicals and related products,* between points in Wayne County, MI, and Cook County, IL, on the one hand, and, on the other, points in the U.S.

MC 72069 (Sub-40), filed August 5, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street NW., Washington, DC 20005, (202) 296-3555. Transporting *meat and meat products,* between Richmond, VA, and points in Greensville County, VA, on the one hand, and, on the other, points in MA, RI, CT, MN, NJ, PA, NC, SC, GA, FL, AL, TN, KY, WV, OH, IN, and IL.

MC 114829 (Sub-28), filed August 5, 1981. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 61081. Representative: Bernard J. Kompare, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under contract(s) with All State Shippers Association, Inc., of Chicago, IL.

MC 115669 (Sub-207), filed August 6, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes, (same address as applicant.), (402) 762-3511. Transporting *such commodities* as are used or dealt in by manufacturers of irrigation systems, between points in Adams County, NE, on the one hand, and, on the other, points in the U.S.

MC 115669 (Sub-208), filed August 6, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes, (same address as applicant.), (402) 762-3511. Transporting *salt and salt products,* between point in KS, on the one hand, and, on the other, points in the U.S.

MC 118838 (Sub-89), filed August 6, 1981. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *machinery,* between point in Trumbull, Mahoning and Stark Counties, OH, and Westmoreland County, PA, on the one hand, and, on the other, points in CA, CO, IA, ID, IL, MN, MT, ND, NE, OR, SD, UT, WA, WI, and WY.

MC 118848 (Sub-29), filed August 6, 1981. Applicant: DOMENICO BUS SERVICE, INC., 71 New Hook Access Rd., Bayonne, NJ 07002. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838-0600. Transporting *passengers and their baggage,* between New York, NY, on the one hand, and, on the other, Atlantic City, NJ, under continuing contract(s) with Stateline Recreation Concepts, Inc., of stateline, NV.

MC 121759 (Sub-2), filed August 3, 1981. Applicant: KIMKRIS TRUCKING CO., INC., 1101 Wright Avenue, Richmond, CA 94804. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111, (415) 986-1414. Transporting *general commodities* (except classes A and B explosives) between points in CA and NV.

MC 140818 (Sub-2), filed August 3, 1981. Applicant: THE GRAYLINE OF SEATTLE, INC., 1218 Third Ave, Suite 400, Seattle, WA 98101. Representative: Clyde H. MacIver, 1415 Fifth Ave., Suite 1900, Seattle, WA 98171, (206) 344-2160. Transporting *passengers and their baggage,* in special or charter operations, beginning and ending at points in WA, and extending to points in the U.S. (except HI).

MC 142059 (Sub-176), filed July 20, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Illinois Drive, Channahon, IL 60410. Representative: Jack Riley, (same address as applicant), (815) 729-3808. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Georgia-Pacific Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153309, filed August 3, 1981. Applicant: MID-VALLEY TRANSPORTATION & DISPOSAL, P.O. Box 155, Victor, MT 59875. Representative: Dwane D. Clarke (same address as applicant), (406) 642-3375. Transporting *plastic containers,* between points in the U.S., under continuing contract(s) with Northwest Polymeric, Inc., of Hamilton, MT.

MC 153658, filed July 27, 1981. Applicant: GULF ENTERPRISES, INC., P.O. Box 1869, La Porte, TX 77571. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35020, (205) 426-1265. Transporting (1) *chemicals and plastics,* between points in the U.S., under continuing contract(s) with Dow Chemical U.S.A., of Freeport, TX, and (2) *polyvinyl chloride,* between points in the U.S., under continuing contract(s) with Shintech, Inc., of Freeport, TX.

MC 154578, filed July 31, 1981. Applicant: BIL-MAR, INC., 16 Shadowbrook Lane, Milford, MA 01757. Representative: Lawrence T. Sheils, 316 Summer St., Fifth Floor, Boston, MA 02210, (617) 482-3830. Transporting *general commodities* (except classes A and B explosives), (a) between points in ME, NH, VT, MA, CT, and RI, and (b) between points in ME, NH, VT, MA, CT, and RI, on the one hand, and, on the other, points in NJ, NY, and PA.

MC 155869 (Sub-1), filed August 5, 1981. Applicant: UNITED STATES SERVICE CORPORATION, 170 Main Street, Holyoke, MA 01040. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *general commodities* (except classes A and B explosives) between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, and VT, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 157039, filed August 4, 1981. Applicant: JORDAN TRUCKING, INC., R. D. 1, Box 97, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830, (814) 765-9611. Transporting

lumber and lumber products, between points in Clearfield County, PA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 157528, filed August 3, 1981. Applicant: TRAVEL/EASE, INC., 1245 E. Washington, Ave., Madison, WI 53703. Representative: John P. Butters (same address as applicant), (608) 257–5555. To operate as a *broker* at Madison, WI, arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Dane County, WI, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24284 Filed 8–19–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 19]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 140159 (Sub–14)F (republication), filed January 25, 1980, published in the **Federal Register** issue of April 8, 1980, and republished this issue. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. A Decision of the Commission, Review Board 2, decided October 31, 1980, and served December 16, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over inrregular routes, in the transportation of *salt and salt products* from the facilities of International Salt Company at Retsof, NY, to points in Pennsylvania, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24311 Filed 8–19–81; 8:45 am]

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[Volume No. 145]

Motor Carriers; Permanent Authority Decisions; Restriction Removals Decision

Decided: August 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF 430 (Sub-1)X, filed July 31, 1981. Applicant: MOLLERUP FREIGHT FORWARDING, NEVEDA INC., d.b.a. MOLLERUP FREIGHT FORWARDING COMPANY, Seattle, WA 98133. Representative: Alan F. Wohlstetter, 1700-K Street, N.W., Washington, DC 20006. Applicant seeks to remove the exclusion of service to AK in its permit No. FF–430 to allow service between points in the U.S.

MC 2788 (Sub-5)X, filed July 27, 1981. Applicant: GLOVER TRUCKING CORP. P.O. Box 2706, Holland Station, Suffolk, VA 23437. Representative: Charles Ephraim, 406 World Center Building, 918 Sixteenth Street, NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, and 4 certificates, and in its MC–134564 (Sub-No. 6) permit, and additionally in MC–115056 (Sub-Nos. 2, 13, 14, 15, 16, and 18), authority granted it in MC–PC–78777. It seeks to (1) broaden commodity descriptions as follows: lead certificate, to "clay, concrete, glass or stone products" from crushed rock: "farm products, food and related products, and chemicals and related products" from livestock, agricultural commodities, and fertilizer: and remove all restrictions in the general commodities authority "except classes A and B explosives"; Sub-No. 1, to "food and related products" from animal and poultry feed and feed ingredients; Sub-No. 2 and MC–115056 certificates, to "lumber and wood products" from lumber, from wooden boxes, box shooks, and wood pallets: "recreational products" from fiberglass swimming pools: "food and related products" from pickle products, from sugar, and from pickles: "metal products, and clay, concrete, glass or stone products" from glass jars and jar caps: "metal products, and pulp, paper and related products" from cans: and "lumber and wood products, pulp, paper and related products, and food and related products" from barrels and spices; Sub-No. 4, to "Lumber and wood products, and related materials" from wood fencing and fencing materials; and, in Sub-No. 6 permit, to "chemicals and related products" from agricultural pesticides and emulsifiers; (2) remove restrictions against the transportation of (a) "agricultural commodities between Richmond, VA, and Ahoskie, NC and points in NC within 55 miles of Ahoskie" in the lead, (b) "plywood, veneer, and other laminated wood" in Sub-No. 2 and MC–115056 certificates, and (c)

"commodities in bulk, in tank vehicles" in Sub-No. 6 permit; (3) remove the "origin" restriction in Sub-No. 1; (4) remove the restriction against serving that portion of the commercial zone of Washington, DC lying in VA and MD in Sub-No. 2; (5) change one-way authority to radial authority; and (6) broaden the cities and facilities to county-wide authority as follows: lead certificate, Greensville County, VA (Skippers, VA): points in NC in and east of Rockingham, Guilford, Randolph, Moore, Hoke and Robeson Counties, NC, and Points in Va in and east of Prince William, Fauquier, Culpepper, Madison, Greene, Albemarle, Nelson, Amherst, Bedford, Franklin and Henry Counties, VA (points within 150 miles of Ahoskie, NC, including Ahoskie): lead and Sub-No. 2, Warren, Nash, Wilson, Pitt, Beaufort, Hyde, Tyrrell, Washington, Martin, Edgecombe, Halifax, Northampton, Hertford, Gates, Camden, Currituck, Pasquotank, Perquimans, Chowan and Bertie Counties, NC (Ahoskie, NC and points in that part of NC within 55 miles of Ahoskie); Sub-No. 1, York County, PA (facilities at York, PA), and Pickaway County, OH (facilities near Circleville, OH); MC–115056 certificates, points in NC in and east of Vance, Franklin, Wake, Johnson, Wayne, Lenoir, Jones and Carteret Counties, NC (Sunbury, NC and points in NC within 100 miles thereof): Chowan County, NC (Edenton, NC): Hertford and Bertie Counties, NC (Ahoskie, NC); and, in Sub-No. 6 permit, broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 99653 (Sub-21)X, filed July 28, 1981. Applicant: VICTORY FREIGHT LINES, INC., P.O. Box 763, Pell City, AL 35125. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Applicant seeks to remove restrictions in its Sub-Nos. 3, 6, 7F, 8F, 10F, 11F, 15F, 16F, 17F, and 19F certificates to (A) broaden the commodity descriptions to (1) in Sub-No. 3, (a) "transportation equipment" from wrecked and disabled motor vehicles and replacement motor vehicles, (b) "furniture and fixtures", from new furniture, (c) "clay, concrete, glass or stone products, petroleum, natural gas and their products, lumber and wood products, metal products and transportation equipment," from culvert pipe, petroleum products, empty drums and automobile parts, (d) "metal products," from iron and steel articles, (e) "pulp, paper and related products," from paper and paper articles, and (f) "general commodities, except classes A and B explosives," from general commodities, with usual exceptions; (2) in Sub-No. 6, "machinery, metal products and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from fans, fanwheels, pollution control equipment and equipment, materials and supplies used in the manufacture of fans and fanwheels; (3) in Sub-No. 7F, "machinery and metal products and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from water treatment equipment, pollution control equipment, iron and steel articles, and materials and supplies used in the manufacture of the above commodities; (4) in Sub-No. 8F, "containers and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from containers and materials, equipment and supplies used in the manufacture of containers; (5) in Sub-No. 10F, "metal products, pipe, rubber and plastics products and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from cast iron pipe and hydrants, and valves, couplings, gaskets, and fittings for cast iron pipe and hydrants; (6) in Sub-No. 11F, "building and construction materials, lumber and wood products and parts, and materials, equipment, and supplies used in the manufacture, sale and distribution of the above commodities," from gypsum wall board, lumber, posts, poles, piling, cross ties, particleboard and asphalt and composition board sheets; (7) in Sub-No. 15F, "machinery, metal products, and parts, and materials, equipment and supplies used in the manufacture, sale, and distribution of the above commodities," from air and water pollution control equipment and materials, equipment and supplies used in the manufacture of the above commodities; (8) in Sub-No. 16F, "metal products, pipe and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from cast iron pipe, valves, couplings, gaskets and fittings; (9) in Sub-No. 17F, "metal products, pipe, rubber and plastic products and parts, and materials, equipment and supplies used in the manufacture, sale, and distribution of the above commodities," from cast iron pipe, valves, couplings, gaskets and fittings for pipe; and (10) in Sub-No. 19F, "forest products, building and construction materials and parts, and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities," from forest products, lumber, posts, piling, timber, cross ties, particleboard, insulation sheets, gypsum wallboard, laminated wood products, veneer and materials, equipment and supplies used in the manufacture and distribution of the above commodities; (B) eliminate the (1) "size or weight" restrictions, in Sub-No. 3, (2) "commodities in bulk" and/or "in tank vehicles" restriction, in Sub-Nos. 7F, 8F, and 19F, (3) "AK and HI" restriction, in Sub-Nos. 7F and 15F, (4) "originating at or destined to" restriction, in Sub-Nos. 11F and 19F, and (5) "facilities" restriction, in Sub-Nos. 6, 7F, 8F, 10F, 11F, 16F and 17F; (C) authorize county-wide authority to replace existing city-wide authority: (1) Jefferson, Tuscaloosa, Talladega, Montgomery and Tallapoosa Counties, AL, for Birmingham, Tuscaloosa, Sylacauga, Montgomery, and Alexander City, AL, in Sub-No. 3, (2) Jefferson and Winston Counties, AL, for Birmingham and Addison, AL, in Sub-No. 7F, (3) Jefferson County, AL, for Birmingham, AL in Sub-Nos. 8F and 10F, and Trussville, AL, in Sub-No. 8F, (4) Howard, Garland, Sevier and Pike Counties, AR, and McCurtain County, OK, for Briar, Dierks, Mountain Pine, DeQueen and Murphreesboro, AR, and Wright City and Craig, OK, in Sub-No. 11F, (5) Mobile County, AL, for Mobile, AL, in Sub-No. 15F; and (D) authorize radial authority to replace existing one-way between points in various combinations of states throughout the U.S., in Sub-Nos. 6, 7F, 10F, 11F, 15F, 16F and 17F.

MC 107544 (Sub–160)X, filed June 18, 1981, previously noticed in the **Federal Register** of July 10, 1981, republished as follows: Applicant: LEMMON TRANSPORT COMPANY, INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 20, 29, 31, 35, 37, 38, 41, 43, 47, 50, 55, 58, 71, 74, 76, 78, 86, 92, 95, 98, 102, 103, 104, 120, 122, 124, 127, 139, 141, 144, 146F, 147F, 150F, E–1, E–2 and E–7 to (A) broaden the commodity descriptions: to "commodities in bulk" from petroleum products, in bulk, in tank vehicles, petroleum and petroleum products, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, (except asphalt and asphalt products, and those commodities, other than naptha), as defined in Appendix XIII which are duplicated in Appendix XV to

Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, propane and butane, in bulk, in tank vehicles, anhydrous hydrazine, in bulk, in tank vehicles, unsymmetrical dimethylhydrazine, in bulk, in tank vehicles, unsymmetrical dimethylhydrazine and anhydrous hydrazine mixtures, in bulk, in tank vehicles, liquefied petroleum gas, in bulk, in tank vehicles, nitrogen tetroxide, in bulk, in tank vehicles, nitrogen tetroxide, in bulk, in tank vehicles, commodities in bulk, in tank vehicles, petroleum and petroleum products (except liquid chemicals), in bulk, in tank vehicles, lubricating oil, in bulk, in tank vehicles, petroleum products (except petro acids and chemicals and asphalt and asphalt products), in bulk, in tank vehicles, nitrogen fertilizer solutions, in bulk, in tank vehicles, plastic materials and synthetic latex, in bulk, carbon black, in bulk, in tank or hopper-type vehicles, natural latex, in bulk, in tank vehicles, dry carbon, in bulk, carbon, dry and spent carbon, in bulk, petroleum and petroleum products, except petrochemicals, acids, and asphalt, in bulk, in tank vehicles, fuel oil, in bulk, salt cake, in bulk, petroleum products (except petrochemicals) in bulk, in tank vehicles, sodium sulfate, in bulk, in tank vehicles, prophyllite, in bulk, in tank vehicles, and liquid coal treating compounds and liquid industrial water treating compounds, in bulk, in tank vehicles, in the lead certificate and in Sub-Nos. 20, 29, 31, 35, 37, 38, 41, 43, 47, 50, 55, 58, 71, 74, 76, 78, 86, 92, 95, 98, 102, 103, 104, 120, 122, 124, 127, 139, 141, 144, 146, 147, 150, E–1, E–2, and E–7 and to "chemicals and related products" from caustic soda, soda ash, bicarbonate of soda, and chlorine, dry or liquid, in bulk, in the lead certificate; (2) replace cities and facilities with city or county-wide authority: in the lead and Sub-No. 20, Knoxville, TN, with Knox, Anderson, Blount, and Sevier Counties, TN; in the lead, Abingdon, Bristol, Big Stone Gap, Norton, and Marion, VA, with Bristol and Norton, VA, Washington, Lee, Wise, Scott, and Smyth Counties, VA, and Sullivan County, TN; in the lead and Sub-No. 20, Warcer, TN, with Warcer, TN; Friendship, NC, with Forsyth and Guilford Counties, NC; in the lead, terminal near Greensboro, NC, with Rockinghan, Guilford, and Randolph Counties, NC; Marion and Wytheville, VA, with Smyth and Wythe Counties, VA; Dock and Boomer, WV, with Kanawha and Fayette Counties, WV; Boomer, WV, with Fayette and Kanawha Counties, WV; Saltville, VA, with Tazewell, Russell, Smyth, and Washington Counties, VA; Harriman and Knoxville, TN, Charleston and Huntington, WV, and Spartanburg and Rock Hill, SC, with Morgan, Roane, Knox, Anderson, and Sevier Counties, TN, Kanawha, Putnam, Wayne, and Cabell Counties, WV, Boyd County, KY, Lawrence County, OH, and Spartanburg, Cherokee, York, Chester, and Lancaster Counties, SC; in Sub-No. 31, Tyner, TN, with Chattanooga, TN; in Sub-No. 35, Thrift and Salisbury, NC, with Davidson and Rowan Counties, NC; in Sub-No. 37, terminal at or near Pineville, NC, with Mecklenburg County, NC, and York County, SC; in Sub-No. 38, Lake Charles, LA, and Saltville, VA, with Calcasieu Parish, LA, and Tazewell, Russell, Smyth, and Washington Counties, VA; Nimbus and Santa Susana, CA, and facilities at Denver, CO, with Nimbus, CA and Los Angeles and Ventura Counties, CA, and Boulder, Denver, Douglas, Jefferson, Arapahoe, and Adams Counties, CO; in Sub-No. 41, terminal near Apex, NC, with Wake County, NC; terminal near Cheraw, SC, with Chesterfield and Marlboro Counties, SC; in Sub-No. 43, Cape Canaveral, FL, with Brevard County, FL; in Sub-No. 47, missile sites in Pima, Cochise, Pinal, and Santa Cruz Counties, AZ, Conway, Faulkner, Van Buren, Cleburne, and White Counties, AR, and Sedgwick, Butler, Sumner, Cowley, Kingman, and Reno Counties KS, with the named counties; in Sub-No. 50, Friendship, NC, with Forsyth and Guilford Counties, NC; Sub-No. 55, Bluefield, WV, with Mercer County, WV, and Bland and Tazewell Counties, VA; facilities at or near Duty, Bartlick, Carbo, and Coeburn, VA, with Dickinson, Russell, and Wise Counties, VA; in Sub-No. 58, terminal at or near Montvale, VA, with Bedford, Botetourt, and Franklin Counties, VA; terminal at or near Roanoke, VA, with Roanoke, VA; in Sub-No. 71, Hercules, CA, with Contra Costa County, CA; Cape Kennedy, FL, with Brevard County, FL; facilities near Cleveland, OH, with Geauga,

Portage, Lake, Summit, Medina, Lorain, and Cuyahoga Counties, OH; facilities at or near Davis-Monthan Air Force Base, AZ, Little Rock Air Force Base, AR, and McConnell Air Force Base, KS, with Pima County, AZ, Pulaski, Lonoke, Saline, and Faulkner Counties, AR, and Sedgwick County, KS; Denver, CO, and points within 25 miles of Denver, with Denver, Douglas, Elbert, Arapahoe, Adams, Weld, Boulder, Clear Creek, Jefferson, Park and Gilpin Counties, CO; in Sub-No. 76, Hercules, CA, with Contra Costa County, CA; in Sub-No. 78, facilities at or near Perryville, MD, with Cecil and Harford Counties, MD; in Sub-No. 86, Vicksburg, MS, with Warren and Issaquena Counties, MS, and Madison Parish, LA; in Sub-No. 92, Toledo, OH, with Lucas, Wood, and Ottawa Counties, OH, and Monroe and Lenawee Counties, MI; in Sub-No. 95, Savannah, GA, with Chatham County, GA and Jasper County, SC; in Sub-Nos. 98 and E–7, Romeo, FL, with Marion County, FL, in Sub-No. 103, terminal at or near Montvale, VA, with Bedford and Botetourt Counties, VA; in Sub-No. 104, facilities at or near Piney Point, MD, with St. Mary's County, MD; facilities at or near Front Royal, VA, with Warren, Fauquier, and Rappahannock Counties, VA; facilities at or near Fredericksburg, VA, with Fredericksburg, VA; in Sub-No. 124, Bluefield, WV, with Mercer County, WV, and Bland and Tazewell Counties, VA; Hugheston, WV, with Kanawha County, WV; in Sub-No. 127, Charleston, SC, with Charleston, Berkeley, and Dorchester Counties, SC; in Sub-No. 139, Nitro, WV, with Kanawha and Putnam Counties, WV; in Sub-No. 141, Robbins and Glendon, NC, with Moore County, NC; in Sub-No. 146F, Vicksburg, MS, with Warren and Issaquena Counties, MS and Madison Parish, LA; Bogalusa, LA, with Washington Parish, LA and Pearl River County, MS; in Sub-No. 150F, Muscle Shoals, AL, with Colbert and Lauderdale Counties, AL; in Sub-No. E–1, Salisbury and Thrift, NC, with Rowan and Davidson Counties, NC; and in Sub-No. E–2, Toledo, OH, with Lucas, Wood and Ottawa Counties, OH, Monroe and Lenawee Counties, MI; (3) change one-way to radial authority in all of the above sub-numbers except Sub-Nos. 71, 86, and 102; and (4) eliminate: in the lead, the restriction precluding service at the facilities of Hercules, Incorporated; in Sub-No. 20, the restriction precluding service at Abingdon, Big Stone Gap, and Marion, VA, and points within three miles of Marion; in Sub-Nos. 78 and 104, the originating at and destined to restrictions; in Sub-No. 102, the AK and HI exception; and in Sub-No. 127, the restriction against service at named facilities at or near Canton, NC, and Marion, VA. The purpose of this republication is to (1) expand named points or include additional counties in their previously published expansion as follows: lead, include Scott County, VA (Big Stone Gap, VA); Sub-No. 31, Chattanooga, TN (Tyner, TN); Sub-No. 38, (a) include Boulder County, CO (facilities at Denver, CO) and (b) Nimbus, CA (Nimbus, CA); Sub-No. 47, Pima, Cochise, Pinal, and Santa Cruz Counties, AZ, Conway, Faulkner, Van

Buren, Cleburne, and White Counties, AR, and Sedgwick, Butler, Sumner, Cowley, Kingman, and Reno Counties, KS (missile sites at those named Counties); Sub-No. 58, include Botetourt County, VA (terminal at or near Montvale, VA); Sub-No. 71, include Geauga and Portage Counties, OH (facilities near Cleveland, OH); and Sub-No. E-7, Marion County, FL (Romeo, FL); (2) remove restrictions against service at named points as follows: lead, facilities of Hercules, Incorporated; and Sub-No. 20, Abingdon, Big Stone Gap, and Marion, VA, and points within three miles of Marion; and (3) remove the in tank vehicles restriction in Sub-Nos. 144 and 147.

MC 119631 (Sub-46)X, filed June 30, 1981 and published in the **Federal Register** of July 22, 1981, republished as corrected, this issue. Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 20, 22, 23, 24, 26F, 27F, 28F, 29F, 30F, 32F, 35F, 36F, 37F, 38F, and 39F certificates and its E-1, E-3, E-4, E-5, and E-6 letter notices as previously published, and to replace the following additional cities and facilities with county-wide authority: (1) in the lead, Parkersburg, WV with Wood County, WV (previously published as Ohio); (2) in Sub-No. 7, Alliance, OH and points within 5 miles thereof, with Stark, Columbiana, Mahoning, and Portage Counties, OH; and Liberty Township (Seneca County), OH with Seneca and Sandusky Counties, OH; (3) in Sub-No. 8, Alliance, OH with Stark, Mahoning, and Columbiana Counties, OH; New Cumberland, WV with Hancock County, WV and Jefferson County, OH; facilities at Curtis Bay, Baltimore, MD, with Baltimore, MD; Liberty Township, Seneca County, OH with Seneca and Sandusky Counties, OH; (4) in Sub-Nos. 16 and 30F, Pekin, OH with Carroll and Stark Counties, OH; (5) in Sub-No. 26F, facilities at or near Boston, MA with Suffolk, Norfolk, Plymouth, Middlesex, and Essex Counties, MA; (6) in Sub-No. 28F, Hammond, IN with Lake County, IN and Cook County, IL; (7) in Sub-No. 38F, Bettsville, OH with Seneca and Sandusky Counties, OH; and Luning, NV with Mineral County, NV. The purpose of this republication is to correct these inadvertent omissions.

MC 127976 (Sub-3)X, filed August 10, 1981. Applicant: J & J TRUCKING CO., INC., 114 North 12th Street, Brooklyn, NY 11211. Representative: Arthur J. Piken, Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description to "transportation equipment" from automobiles and motorcycle parts and accessories; (2) broaden the territory authority to between points in the U.S., under continuing contract(s) with a named shipper; and (3) remove the ex-water restriction.

MC 141512 (Sub-3)X, filed July 27, 1981. Applicant: HOMER'S INC., 10554 W. Donges Court, Milwaukee, WI 53224. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description to "transportation equipment" from wrecked or disabled motor vehicles, replacement motor vehicles, or parts; (2) remove the restriction which limits service to a tow truck or wrecker equipment; (3) remove the restriction to the replacement motor vehicles or parts which limits service to vehicles or parts dispatched to relieve wrecked, damaged, or disabled motor vehicles; and (4) substitute county-wide authority for named cities: Brown County for Green Bay, WE, Outagamie County for Appleton, WI, Winnebago County for Neenah, Menasha, and Oshkosh, WI, and Fond du Lac County for Fond du Lac, WI.

MC 142971 (Sub-4)X, filed August 3, 1981. Applicant: F & W TRANSPORT, CO. INC., 37th Street & River Road, P.O. Box 389, Camden, NJ 08101. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its Sub-No. 3F permit to (1) broaden the commodity description from wooden and plastic cabinets, and materials and supplies used in the manufacture, sale and installation thereof (except in bulk) to "furniture or fixtures and materials and supplies used in the manufacture, sale and installation thereof" and (2) broaden the territorial description to between points in the U.S. under to the continuing contract(s) with a named shipper.

MC 145702 (Sub-7)X, filed August 10, 1981. Applicant: TRANSURFACE CARRIERS, Inc., P.O. Box 271, Northboro, MA 01532. Representative: Alice M. Vogler, 31 Milk Street, Boston, MA 02109. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 4, and 6 permits to: (1) broaden the commodity descriptions in its lead from woodworking hand tools, automatic door-operating equipment, steel strapping, steel strip, builders hardward, industrial hardware, and drapery hardware, to "metal products, machinery, lumber and wood products, and furniture and fixtures"; (2) broaden the commodity description in Sub-No. 1 from medical products and health care products to "pulp, paper and related products, chemicals and related products, ores and minerals, clay, concrete, glass and stone products"; and in Sub-No. 6 from feed ingredients, animal health products, and pesticides to "food and related products and chemicals and related products"; and remove the "in-bulk" restrictions where they appear; (3) broaden the commodity description in Sub-No. 4 from buffing, polishing, cleaning, scouring and washing compounds, wax, soap and paints, to "chemicals and related products"; remove the "in-bulk" restrictions; and (4) expand the territorial descriptions in each of its permits to between points in the United States under a continuing contract(s) with a named shipper.

MC 146442 (Sub-1)X, filed July 30, 1981. Applicant: CLEARFIELD TRANSPORTATION CO., INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews, Suite 1100, 1660 L Street NW., Washington, DC 20036. Applicant seeks to remove restrictions in its lead permit to (1) broaden commodity descriptions to: (a) "food and related products" from cheese, cheese products and ingredients and additives, salt, corn meal, mush, olemargarine, salad dressing, fish bait, butter, and exempt commodities, and (b) "chemicals and related products" from cleaning compounds; (2) delete language limiting transportation of shipments only "when moving in the same vehicle" with other commodities; and (3) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with the Clearfield Cheese Company, Inc.,

MC 153328 (Sub-14)X, filed August 3, 1981. Applicant: RED K TRANSPORT, INC., 400 State Street, Madison, IL 62060. Representative: Harold Carrico (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-No. 5 certificates to (1) broaden the commodity descriptions from (a) lime and limestone products, iron and steel articles, and materials, equipment and supplies used in the manufacture and distribution thereof, to "clay, concrete, glass, or stone products, and metal and metal products, materials, equipment and supplies used in the manufacture and distribution thereof" in the lead; (b) packing house products and fresh meats

to "food and related products" in Sub-No. 5; (2) delete the exception of service to AK and HI in the lead; (3) authorize radial authority in lieu of existing one-way authority between described portions of MO and IL, in Sub-No. 5; and (4) broaden city to county; Taylorville, IL to Christian, IL, in Sub-No. 5.

[FR Doc. 81-24313 Filed 8-19-81; 8:45 am]
BILLING CODE 7035-01-M

[Second Revised ICC Order No. 80, Under Service Order No. 1344]

Rerouting Traffic

To: St. Louis Southwestern Railway Company; Little Rock & Western Railway Corporation; Cadillac & Lake City Railway Company; Oklahoma, Kansas and Texas Railroad Company; Keota Washington Transportation Company; Union Pacific Railroad Company, and [1] Chicago and North Western Transportation Company.

In the opinion of Joel E. Burns, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport promptly traffic offered for movement via its lines, because of an embargo of its lines.

Rerouting authority was granted in Reroute Order No. 63, and should be extended for those carriers which have indicated that tariff modifications cannot be completed by the expiration of Reroute Order No. 63 (June 30, 1981). This matter is considered to be outside the scope of a single railroad as provided by Ex Parte No. 376, and therefore requires this action by the Commission. This order is issued retroactively due to administrative error.

It is ordered:

(a) *Rerouting traffic.* The Chicago, Rock Island and Pacific Railroad Company (RI), being unable to transport promptly traffic offered for movement via its lines because of an embargo of its lines, that lines interim operators named below are authorized to reroute such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

St. Louis Southwestern Railway Company
Little Rock & Western Railway Corporation
Cadillac & Lake City Railway Company
Oklahoma, Kansas and Texas Railroad Company
Keota Washington Transportation Company
Union Pacific Railroad Company
Chicago and North Western Transportation Company

(b) Concurrence of receiving roads to be obtained. The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be rerouted, before rerouting.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted and shall furnish to such shipper the new routing provided for under this order, except when the disability requiring the rerouting occurs after the movement has begun.

(d) Inasmuch as the rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., July 1, 1981.

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 11, 1981.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 81-24286 Filed 8-19-81; 8:45 am]
BILLING CODE 7035-01-M

[1] Added.

[En Parte No. 387 (Sub-No. 42)]

Decision; Union Pacific Railroad Company Exemption for Contract Tariff ICC-UP-C-0002

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract and contract tariff can become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By petition filed August 5, 1981,a the Union Pacific Railroad Company (Union Pacific) has requested an exemption from the 30-day notice requirement of 49 U.S.C. 10713(e), in order that Union Pacific's addendum to its contract and contract tariff ICC-UP-C- 0002 may become effective on one day's notice. The contract itself already became effective July 21, 1981, in accordance with the notice requirements of section 10713(e).

The contract provides for the shipper to move a guaranteed percentage of its set up motor vehicle traffic between specified geographic locations on Union Pacific's lines. In exchange, Union Pacific is to provide payments to the shipper for each carload moving under the agreed-upon contract volume. The duration of the contract is six months from July 21, 1981. It will terminate on January 21, 1982. During the 30-day notice period between the date the contract was executed and the date it became effective, the payment amount agreed upon by the parties changed. This changes was in accordance with the terms of the contract. The change, however, made the amount specified in the contract incorrect. The contract addendum corrects the amount specified in the contract.

Union Pacific does not expect any protests concerning the contract addendum. It contends that a 30-day notice period is not required to protect the shipper from abuse of market power.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(i). However, we may address

the same relief under our section 10505. exemption authority and we do so here.

We believe this is the type of exceptional circumstance that warrants an exemption. This is a contract of only six months duration. It is desirable that the full terms agreed to by the parties be in effect for as much of that time as possible. So long as the addendum reflects the terms of the contract (which has become effective), a new notice period is unnecessary. The addendum to the contract and contract tariff can be made effective on one day's notice.

We will impose the following conditions:

If the Commission permits the contract addendum to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract addendum for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the addendum or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The addendum to the contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protects are filed within 15 days of publication in the **Federal Register.**

This action will not signfiicantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: August 17, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24212 Filed 8-19-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL CONVENTION ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Thursday, September 23, 1981, 9:30 a.m., Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C.

The Commission will consider a report on the CITES permit system, a report on trade in cactus, a blueprint for Federal activities on international wildlife trade: fiscal year 1982–1985 and miscellaneous other business.

For further information contact Mr. Gordon Brown, Executive Secretary, International Convention Advisory Commission, Suite 220, 1010 Wisconsin Avenue NW., Washington, D.C. 20007, telephone 202/343–7407. Opportunity will be given for oral or written presentations provided that appointments are made with Mr. Brown by 5:00 p.m., September 18, 1981.

Dated: August 14, 1981.

Gordon Brown,

Executive Secretary, International Convention Advisory Commission.

[FR Doc. 81-21266 Filed 8-19-81; 8:45 am]

BILLING CODE 4315-55-M

MERIT SYSTEMS PROTECTION BOARD

Privacy Act of 1974; Amendment of Notice of System of Records

AGENCY: Merit Systems Protection Board.

ACTION: Notice; amendment of notice of system of records.

SUMMARY: The purpose of this notice is to amend a previously published notice of a system of records through clarification of the description of the System Manager.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Kathy W. Semone, Office of the Secretary (202) 632–4525.

SUPPLEMENTARY INFORMATION: On June 23, 1981, the Merit Systems Protection Board published its notice of proposed revised and new systems of records (45 FR 32503). Included among the new systems of records announced by the notice was MSPB/GOVT–1, Appeal and Case Records. This system of records includes the administrative records of appeals and other matters adjudicated by the MSPB under its original and appellate jurisdiction, the records of appeals adjudicated by the Federal Employee Appeals Authority and the Appeals Review Board of the former Civil Service Commission, and the records of the foregoing appeals and other matters which are maintained by Federal agencies which are or were parties to the proceedings. In addition, the system includes the records of appeals maintained in Federal agencies regarding adverse actions initiated prior to September 9, 1974, and which were appealed solely within th agency.

The system notice stated that the system managers of MSPB/GOVT–1, were the Secretary of MSPB, the MSPB Field Offices or the Personnel Officer of the agency within which the appeal was made prior to September 9, 1974. It was not the intention of MSPB to recognize the agency Personnel Officer as the system manager only with respect to the records of appeals arising prior to September 9, 1974. Rather, MSPB recognizes the agency Personnel Officer as the system manager for those records within the system that are maintained by the agency Personnel Officer.

Therefore, the MSPB/GOVT–1 system notice is amended to read as follows:

MSPB/GOVT–1

SYSTEM NAME:

Appeal and Case Records

* * * * *

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N.W. Washington, D.C. 20419, the MSPB Regional Offices, or the Personnel Officer of the agency within which the appeal arose.

* * * * *

Dated: August 14, 1981.

For the Board.

Ersa H. Poston,

Vice-Chair.

[FR Doc. 81-24280 Filed 8-19-81; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL LABOR RELATIONS BOARD

Schedule for Awarding Senior Executive Service Performance Awards (Bonuses)

AGENCY: National Labor Relations Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

FOR FURTHER INFORMATION CONTACT: Ernest Russell, Director of Administration, National Labor Relations Board, 1717 Pennsylvania Ave. NW., Washington, D.C. 20570, (202) 254–9200.

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14

days prior to the date on which the awards will be paid.

SCHEDULE FOR AWARDING SENIOR EXECUTIVE SERVICE BONUSES: The National Labor Relations Board intends to award Senior Executive Service bonuses for the performance rating cycle of March 1, 1980 through December 31, 1980, with payouts scheduled by September 30, 1981.

Dated: Washington, D.C., August 4, 1981.

By direction of the Board.

John Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 81-24299 Filed 8-19-81; 8:45 am]

BILLING CODE 7545-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-34]

Reports, Recommendations, Responses; Availability

• **Aircraft Accident Reports:** *Brief Format, U.S. Civil Aviation, Issue No. 7, 1980 Accidents. (NTSB-BA-81-8).*

• **Marine Accident Report:** *Disappearance of U.S. Freighter SS POET in North Atantic Ocean about October 25, 1980 (NTSB-MAR-81-6).*—As a result of investigation, the Board on July 14 recommended that:

Federal Communications Commission: Monitor the failure rate of the MARTECH, Inc., Whaler EB-2BW Emergency Position Indicating Radiobeacon's (EPIRB) wateractivated switch, and require a design change if the present unacceptable failure rate continues **(M-81-52).** Initiate a design study to develop specifications for an EPIRB which, in addition to transmitting on 121.5 mHz and 243 mHz, will generate a signal that can be received by other ships and, together with the Coast Guard, establish national and propose international listening watch requirements on the selected frequency **(M-81-53).** Require commercial, land-based radio stations to notify the owner or operator of any U.S.-flag vessel over 1,000 gross tons that fails to respond to a traffic list after 48 hours regardless of the originator of the message **(M-81-54).**

U.S. Coast Guard: Establish national and propose international listening watch requirements, in conjunction with the Federal Communications Commission, that would enable the distress signal from an EPIRB to be received by other ships **(M-81-55).** Seek standby legislative authority at an early date to require satellite EPIRB on U.S. vessels as soon as a satellite system is operational **(M-81-56).** Modify the Automated Mutual-Assistance Vessel Rescue System so that Coast Guard search and rescue coordination centers are notified when U.S. ships fail to report as required by the U.S. Maritime Administration **(M-81-57).** Review the procedures contained in the National Search and Rescue Manual regarding unreported and overdue vessels required by the U.S. Maritime Administration to report every 48 hours; determine the adequacy of these procedures and make modifications if necessary **(M-81-58).** Revise its search an rescue procedures to provide that, when a U.S. ship is unreported or overdue, the search and rescue mission coordinator check with the U.S. Merchant Vessel Locator Filing System immediately regarding the regularity of the ship's reporting **(M-81-59).** Check the SS PENNY's Trim and Stability Booklet to determine if the ship's volumetric heeling moments were calculated correctly, and revise the ship's stability information if necessary **(M-81-60).** Conduct further studies to determine if synchronous rolling in quartering seas is a safety problem on ships similar to the POET, and promulgate operational guidance if necessary **(M-81-61).**

U.S. Coast Guard and the U.S. Maritime Administration: Consolidate the compilation of position data on U.S. ships so that it is not necessary for similar information to be coded and stored on separate computers and for two information systems to be accessed during an emergency situation **(M-81-62).** Extend the requirement that all U.S.-flag merchant vessels of 1,000 gross registered tons or more engaged on foreign voyages submit departure, arrival, and 48-hour position reports on domestic voyages; if the necessary legislative authority does not exist, seek such authority **(M-81-63).**

American Bureau of Shipping: Revise its rules to require that, when hull structural damage occurs between special surveys, permanent repairs be completed by the vessel's next special survey and not be deferred to subsequent special surveys as was permitted on the POET **(M-81-64).** By means of a circular letter to all surveyors, reemphasize that saltwater ballast tank survey inspections are required at intermediate surveys **(M-81-65).**

Hawaiian Eugenia Corporation and International Ship Management and Agency Services: Instruct the masters of all its ships of the company policy that the master is to report the ship's position every 48 hours **(M-81-66).** Provide the masters of all its ships with a copy of its standard operating manual and instruct them in the availability of the company's weather routing services **(M-81-67).**

Radio Officers Union of the United Telegraph Workers Union: Before a radio officer can be employed aboard a particular ship, require that the officer have current experience with the type of radio equipment aboard the ship **(M-81-68).**

National Aeronautics and Space Administration: Expedite the establishment of a satellite-assisted search and rescue system for the detection of U.S.-flag vessels in distress **(M-81-69).**

National Cargo Bureau, Inc.: Direct its field surveyors to observe the completion of loading each under-deck area on 'tween-deck-type ships to insure that the grain is trimmed properly and that no significant voids exist before issuing a Certificate of Loading **(M-81-70).**

• **Pipeline Accident Report:** *Colonial Pipeline Company, Petroleum Products Pipeline Failures, Manassas and Locust Grove, Virginia, March 6, 1980 (NTSB-PAR-81-2).*—Recommendations resulting from investigation were issued July 21 to—

Research and Special Programs Administration: Expedite, in cooperation with the American Petroleum Institute and the American Gas Association, the jointly sponsored program to determine the extent of pipe failures in existing pipeline systems with a diameter-to-thickness ratio of 70 or greater, due to fatigue cracks initiated during the rail shipment of the pipe **(P-81-13).** If it is determined that pipe failures in existing pipeline systems with a diameter-to-thickness ratio of 70 or greater due to fatigue cracks initiated during the rail shipment of the pipe are a continuing problem, develop operating and testing guidelines to assist pipeline operators in minimizing pipe failures **(P-81-14).**

Colonial Pipeline Company: Conduct an analysis of previous pipe failures throughout its entire system caused by cracking initiated during the rail shipment of the pipe and report to the Safety Board the results and the intended actions to minimize pipe failure **(P-81-15).**

American petroleum Institute and the American Gas Association: Work with appropriate industry groups and other pipeline companies to advance the state of the art in the development of internal pipeline inspection equipment for the detection of stress cracks in operating pipelines **(P-81-16).**

Recommendations M-81-53, -55,-61, and -62, above, are designated "Class III, Longer-Term Action." All other cited recommendations are "Class II, Priority Action."

• **Railroad Safety Recommendations:** "Class II, Priority Action," issued August 11 to:

Federal Railrood Administration: Initiate rulemaking to require trains which operate on common trackage to have compatible radio equipment which will permit emergency communication **(R-81-81).**

The Kansas City Southern Railway Company: In conjunction with the Missouri Pacific Railroad Company, require both ends of all trains while operating on Missouri Pacific trackage to be equipped with radios operable on a common frequency **(R-81-82).**

Missouri Pacific Railroad Company: In conjunction with The Kansas City Southern Railway Company and the St. Louis Southwestern Railway Company, require both ends of all trains while operating on Missouri Pacific trackage to be equipped radios operable on a common frequency **(R-81-83).**

• **Response to Recommendations:** *R-81-3 through -20. from Urban Mass Transportation Administration (July 17).* **R-81-3:** Aided by the American Public Transit Association, including personnel from individual rail rapid transit systems, and the U.S. Fire Administration (USFA), UMTA will produce emergency preparedness guidelines for improving capability of individual

systems to evacuate passengers under various load conditions. **R–81–4:** UMTA will actively encourage the diverse and numerous rail transit employee unions to work directly with their specific union local officials. **R–81–5:** UMTA's reorganization, to be completed by the end of 1981, will provide for more direct consideration of safety issues in formulating the Administration's rail rapid transit policies and priorities. **R–81–6:** UMTA disseminates guidelines for flammability and smoke emission specifications, developed and periodically improved by the Transportation Systems Center; UMTA will not issue mandatory requirements for applying these guidelines, but will solicit industry and public comment on latest guidelines via the **Federal Register.** **R–81–7:** UMTA will encourage individual rail rapid transit authorities assessment of need for modification or retrofit of cars, in cooperation with local fire officials. **R–81–8:** Capital assistance funds are available to transit properties for procuring new equipment; operational subsidy funds are also curently available for inspection, maintenance, and testing of equipment, although funding may become State, regional or local responsibilities. **R–81–9:** An UMTA rail transit safety program plan will be developed and published for public comment, if needed after reorganization. **R–81–10:** An R. & D. plan, published last September and disseminated to industry, may be revised. **R–81–11:** UMTA does not intend to establish either mandatory or minimum safety standards for specific products or materials used in constructing rail rapid transit cars, nor to establish either mandatory or minimum criteria for certification or identification of such products; UMTA will continue technical and funding assistance and cooperative efforts to achieve optimum safety of individual properties. **R–81–12:** Guidelines for review and evaluation of system safety plans and programs are being developed and will be published. **R–81–13:** UMTA has a program to identify methods to eliminate or control fire threat, develop fire countermeasures, and to maintain a materials information bank. **R–81–14:** UMTA has implemented mutual assistance and cooperative activities with USFA on training and related fire/life safety matters; an UMTA-funded interagency with the Federal Emergency Management Agency (FEMA) will strengthen these activities. **R–81–15:** UMTA's guidelines will be used in transit training/education courses that FEMA/USFA provide through the Federal Emergency Training Center and disseminated to rail transit properties for local training. **R–81–16:** UMTA intends to identify, in the emergency preparedness guidelines manual and related training/education programs, the most effective means of informing rail rapid transit passengers of actions to be taken in the event of an emergency; USFA survey report will be used as source material in identifying the means. **R–81–17:** UMTA in fiscal year 82 will evaluate the need, availability, reliability, maintainability, and benefit of installing fire suppression systems on new rail rapid transit vehicles, if funds are available. **R–81–18:** Without imposition of UMTA requirements, all new rail rapid transit authorities have developed working relationships and agreements with fire, police, and medical services during systems development; improvements may be developed after survey. **R–81–19:** UMTA will acquire participation in new system and future existing system onsite reviews performed by the Administration. **R–81–20:** UMTA does not plan comprehensive formal safety standards for rail rapid transit, since local safety accountability and decisionmaking would be preempted, but will publish guidelines and disseminate them as recommended practices: UMTA's current annual reports, providing statistical information on accidents, incidents, and casualties on rail rapid transit systems, may be expanded to include information on all UMTA program activities. (46 FR 17684, 3–19–81)

Note: Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C.1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

August 14, 1981.

[FR Doc. 81–24204 Filed 8–19–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Decay Heat Removal System; Meeting

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting on September 8, 1981 in Room 1046, 1717 H Street, NW., Washington, DC to continue its review of shutdown decay heat removal requirements.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statments should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, September 8, 1981

1:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m. EST.

Dated: August 17, 1981.

Samual J. Chilk,

Acting Advisory Committee, Management Officer.

[FR Doc. 81–24326 Filed 8–19–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–389A; DD–81–15]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 2); Issuance of Director's Decision

By petition dated June 22, 1981, Mr. George R. Kucik, Esq., on behalf of Parsons & Whittemore, Inc. and Resources Recovery (Dade County), Inc., requested that enforcement action be instituted against Florida Power & Light Co. (FP&L) for the asserted failure by FP&L to abide by an antitrust condition of the license FP&L holds for the St. Lucie Unit No. 2 nuclear power facility. Upon consideration of the information provided by the petitioners, I have determined not to institute the requested enforcement action. The reasons for this decision are set forth in a "Director's Decision Under 10 CFR 2.206", which is available for inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room for the St. Lucie Plant, Unit No. 2, located at Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

Dated at Bethesda, Maryland, this 7th day of August 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-24325 Filed 8-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment will become effective 90 days from the date of this issuance.

The amendment revises the Technical Specifications to implement the requirements of Appendix I of 10 CFR Part 50 based on the guidance provided by NUREG-0472 and NUREG-0133. The chance also assures that releases of radioactive materials in liquid and gaseous effluents are as low as reasonably achievable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 30, 1979 as revised May 21 and October 3, 1980, and January 19, 1981, (2) Amendment No. 72 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of August 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-24324 Filed 8-19-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

August 17, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal Budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and

Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D. C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Animal and Plant Health Inspection Service
Movement data for gypsy moth regulated articles
PPQ 541
On occasion
Individuals or households
Households in 10 Northeast States that are moving out of State
Agricultural research and services. 150,000 responses 7,500 hours; $240,300 Federal cost; $25,125 public cost; 1 form, not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

To prevent the spread of gypsy moths. Information obtained relative to planned movements of gypsy moths regulated articles will allow the PPQ inspector to determine the type of certificate or permit to be issued to allow interstate movement of such articles.

• Agricultural Marketing Service
Amendment of subpart—administrative rules and regulations, addition of rules for spearmint oil, marketing order No. 985
On occasion—annually
Farms/businesses or other institutions, producers and handlers of spearmint oil
SIC: 289
Agricultural research and services. 1,200 responses; 86 hours; $40,000 Federal cost; $405 public cost; 4 forms, not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Section 985.54, and 985.55 of the order authorizes the spearmint oil administrative committee to establish rules and regulations to implement those sections. The proposed rules and the forms applicable to these rules would facilitate issuance of annual allotments to producers by the committee and provide a method of identifying spearmint oil. The committee recommends regulations to the Department to make the program operational.

Reinstatements

• Agricultural Stabilization and Conservation Service
Application for review of farm marketing quota
MQ–53
Annually
Farms
Farm income stabilization, 25,000 responses; 4,167 hours; $12,000 Federal cost; $13,959 public cost; 1 form, not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

This form is used by a review committee authorized to settle appeal cases between farmers and county committee decisions involving marketing quota crops (Pub. L. 430).

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
Census of agriculture area sample pre-test
81A–0213
Nonrecurring
Individuals or households/farms
Households from area class. As places of less than 2,500 population
SIC: Multiple
Other advancement and regulation of commerce, 1,500 responses; 214 hours; $60,000,000 Federal cost; 1 form, not applicable under 3504(h)
Office of Federal Statistical Policy and Standard, 202–673–7974

The pre-test for 1982 census of agriculture area sample (CAAS) will be conducted to field test the screening methodology and provide a means to identify sections on the form which may need further review.

Extensions (Burden Change)

• Bureau of the Census
Quarterly survey of residential alterations and repairs
QHS 730 QHS 731
Quarterly
Individuals or households/businesses or other institutions
Owners or managers of residential rental properties
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 4,800 responses; 800 hours; $203,000 Federal cost; 2 forms, not applicable under 3504(h)
Office of Federal Statistical Policy and Standard, 202–673–7974

These statistics are used by economic analysts to assess the effect of construction activity on the economy and for direct input to the national income and product accounts. They are also used in marketing research conducted by manufacturers and distributors of building supplies and materials.

• Economic Development Administration
Public works application, including employment plan
ED–101A
On occasion
State or local governments
State and local government public authorities, non-professional organizations
SIC: 911, 913
Small businesses or organizations
Area and regional development, 400 responses; 46,000 hours; $500,000 Federal cost; 1 form, not applicable under 3504(h)
William T. Adams, 202–395–4814

Purpose is to make Federal economic development programs work better by linking them with employment and training programs the addendum will produce an employment plan that assures EDA-created jobs are made available to the long-term unemployed.

• International Trade Administration
Distribution license procedure
EAR 373.3(d) EAR 373.3(g)
On occasion
Businesses or other institutions
Commercial exporters
Other advancement and regulation of commerce, 281 responses; 447 hours; $130,000 Federal cost; 2 forms, not applicable under 3504(h)
William T. Adams, 202–395–4814

The distribution license is a "bulk type" license designed to facilitate the export of certain commodities under a large-scale international marketing program. This procedure is available for exporters to export to all countries in country groups T and V with certain limited exceptions. This procedure has helped to increase U.S. exports and has also had a favorable effect on the U.S. balance of payments. With a few exceptions, all commodities which normally

• International Trade Administration
Clearance of U.S. exports
EAR 386.2(d) EAR 386.3(j)
On occasion
Businesses or other institutions
Commercial exporters
SIC: Multiple
Other advancement and regulations of commerce, 600,000 responses; 40,000 hours; $72,000 Federal cost; 2 forms, not applicable under 3504(h)
William T. Adams, 202–395–4814

This reporting request requires that shipping information be entered on the reverse side of each export license. The amount in quantity and dollar value of each shipment made under the license must be entered. It also requires a destination control statement to be entered on commercial invoices and

bills of lading. The validated license No. or general license designation must also be entered on the shippers export declaration. These safety precautions are

DEPARTMENT OF DEFENSE

Extensions (Burden Change)

• Department of the Navy
Employment in private shipyards under cognizance of supships, conversion and repair
NAVSEA 4350/2 (form) and NAVSEA 4350–2 (report)
Monthly–quarterly
Businesses or other institutions
SIC: 373
Small business or organizations
Department of Defense—Military, 716 responses; 5,728 hours; $4,000 Federal cost; 1 form, not applicable under 3504(h)
Edward C. Springer, 202–395–4814

The purpose of the employment form is to extend and consolidate the collection of private shipyard data in order to provide more current and complete information concerning employment in the private shipyards.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

Revisions

• Office of Elementary and Secondary Education
Application for school assistance in federally affected areas instructions 4019
Annually
State or local governments
Local educational agencies
SIC: 941
Elementary, secondary, and vocational education, 3,500 responses; 17,500 hours; $15,500 Federal cost; 1 form, $175,000 Public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Pub. L. 81–874 provides that 16 separately identified categories of federally connected pupils are entitled to varying percentages of a rate of payment to their school district. Five basic tables are used to report pupils claimed.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

Extensions (Burden Change)

• Health Care Financing Administration
Inpatient admission and billing—Christian Science sanatorium
SSA–1486
On occasion
Businesses or other institutions
Participating Christian Science sanatoriums SIC: 805,806
Small businesses or organizations
Health, 4,700 responses; 1,566 hours; $28,775 Federal cost, 1 form, not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Institution provider claim for benefits rendered to medicare beneficiary in a Christian Science sanitorium. Generates interim payment to providers and data is used to update master utilization records.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

New

• Office of Justice Assistance, Research and Statistics
Equal employment opportunity program guidelines
OJARS (series) 7400
Annually
State or local governments
Criminal justice agencies with 50 or more employees
SIC: 922
Criminal justice assistance, 322 responses; 9,660 hours; $5,152 Federal cost; $96,600 public cost; 1 form, not applicable under 3504(h)
Andy Uscher, 202–395–4814

The equal employment opportunity program guidelines require certain recipients to develop an equal employment opportunity program (EEOP). The EEPO is a written document which contains an identification and analysis of the recipients employment practices and data collected and classified by race, national origin, and sex.

• Office of Justice Assistance, Research and Statistics
Complaint verification form
OJARS form 7400/1
Nonrecurring
Individuals or households
Individuals alleging they have been discriminated against
Criminal justice assistance, 180 responses; 90 hours; $1,466 Federal cost; $900 public cost; 1 form, not applicable under 3504(h)
Andy Uscher, 202–395–4814

The verification form is used to determine the basis on which the allegations of discrimination are based and to clarify the complainant's allegations.

Revisions

• Office of Justice Assistance, Research and Statistics
Multipurpose test of screening procedures adopted for telephone interviewing
BJS/3620
Nonrecurring
Individuals or households
Households in Peoria, Ill., and Hartford, Conn. SMSA's
Criminal justice assistance, 1,300 responses; 1,150 hours; $189,100 Federal cost; $11,500 public cost; 1 form, not applicable under 3504(h)
Andy Uscher, 202–395–4814

The accuracy and efficiency of the NCS depends on the ability of the screening interview to elicit accurate and complete reporting of criminal victimization. The survey will indicate the ability of combinations of screening procedures identified in small tests to reduce underreporting. Unlike the single purpose experiments, these tests will examine the effects of using procedures in combination rather than singly.

Extensions (Burden Change)

• Office of Justice Assistance, Research and Statistics
Financial status report (H–1)
OJARS 7160/1
Quarterly
State or local governments/businesses or other institutions, grant recipients including State agencies, units of local government education, etc.
SIC: 922
Criminal justice assistance, 4,000 responses; 6,000 hours; $67,100 Federal cost; $51,700 public cost; 1 form, not applicable under 3504(h)
Andy Uscher, 202–395–4814

This financial reporting form is prescribed by OMB circulars A–102 and A–110. This information provided is reviewed by the grantor agency to ensure proper use of Federal funds and to monitor grantee cash flow.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Urban Mass Transportation Administration
Section 3 urban discretionary financial reporting
Quarterly
State or local governments/businesses or other institutions, public mass transportation agencies
SIC: 411
Ground transportation, 1,000 responses; 2,000 hours; $100,000 Federal cost; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Final reporting is required by OMB circular A–102 and A–110 and UMTA C 5000.1A regional offices review.

• Urban Mass Transportation Administration
Section 5 urban formula financial reporting
Quarterly
State or local governments/businesses or other institutions, public mass transportation agencies
SIC: 411
Ground transportation, 1,400 responses; 2,800 hours; $140,000 Federal cost; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Financial reporting is required by OMB Circular A–110 and UMTA C 50001. A regional offices review.

• Urban Mass Transportation Administration
Section 16d(2) elderly and handicapped financial reporting
Semiannually
State or local governments
State mass transportation agencies
SIC: 411
Ground transportation, 100 responses; 200 hours; $10,000 Federal cost, 1 form, not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Financial reporting is required by OMB Circular A–102 and A–110 and UMTA C.5000. 1A regional offices review.

Extensions (Burden Change)

• Urban Mass Transportation Administration
Hazardous materials incident report
On occasion
Businesses or other institutions
Transportation carriers of hazardous materials
SIC: 401, 421, 441, 442, 443, 444, 445, 451
Small businesses or organizations
Other transportation, 15,900 responses; 15,900 hours; $300,000 Federal cost; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The Hazardous Materials Transportation Act (Pub. L. 93–633) requires DOT to collect information on hazardous materials transportation incidents to be used in evaluating the effectiveness of existing regulations so that modifications can be made if necessary. Also, reports must be filed on discharges of hazardous substances and incidents involving hazardous waste due to the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) and the Resource Conservation and Recovery Act (Pub. L. 94–580).

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Comptroller of the Currency
Hearing request letter
On occasion
Individuals or households/businesses or other institutions
Individuals and financial services institutions
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 204 responses; 408 hours; $40,800 Federal cost; $9,649 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used by interested party to request hearing.

• Comptroller of the Currency
Joint oath of national bank directors
CC 7029–06
Annually
Businesses or other institutions
All national banks
SIC: 602
Small Businesses or organizations
Other advancement and regulation of commerce, 4,450 responses; 2,225 hours; $22,250 Federal cost; $27,812 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To certify that directors have taken required oath.

• Internal Revenue Service
Statement for recipients (patrons) of taxable distributions received from cooperatives
1099–PATR
Annually
Businesses or other institutions
Form 1096 and instructions
SIC: 861, 514, 515
Small businesses or organizations
Central fiscal operations, 2,695,000 responses; 740,000 hours; $160,789 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1099–PATR is used to report patronage dividends paid by co-ops (IRC Section 6044). The information is used by IRS to verify reporting compliance on the part of the recipient.

• Internal Revenue Service
Statement for recipients of dividends and distributions (same title for both forms)
1099–DIV 1087–DIV
Annually
Farms/businesses or other institutions
Banks, savings and loan associations, corporations
SIC: All
Small businesses or organizations
Central fiscal operations, 74,633,000 responses, 5,851,646 hours; $1,091,296 Federal cost; 2 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1099–DIV is used to report the payment of dividends and distributions. Form 1087–DIV is used by nominees (who receive and distribute the payments to others) to report the actual owner of dividends and distributions reported to a recipient on Form 1099–DIV. The information is checked against the recipient's income tax return to verify compliance.

• Internal Revenue Service
Inquiry Received—return cannot be located
95C 95SC 95SP
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers (individual or business) who file tax returns
SIC: All
Small businesses or organizations
Central fiscal operations, 377 responses; 94 hours; $2,648 Federal cost; 3 forms not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6011 requires that a tax return be filed if the taxpayer is liable for any tax. It is necessary to have the original return before a change can be made to this return. If the original return has not been filed, an explanation from the taxpayer, as this letter requests, is required.

• Internal Revenue Service
Application for determination of employee stock ownership plan
5309
Nonrecurring
Businesses or other institutions
Corporations wishing to establish stock ownership plan
SIC: All
Central fiscal operations, 287 responses; 144 hours; $7,557 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 5309 is filed with Form 5301, 5303, or 5307 when applying for a determination letter as to a deferred compensation plans qualification status under Section 401(a) of the Internal Revenue Code. The information is used to determine whether the plan qualifies.

• Comptroller of the Currency
Oath of national bank director
CC 7029–07
Annually
Businesses or other institutions
National banks

SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 2,100 responses; 1,050 hours; $10,500 Federal cost; $13,125 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To certify that directors who were not available to take joint oath or who live in another State have taken oath.

• Internal Revenue Service
Penalties and interest explained
64C, 64SC, 64SP
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers requesting explanation of penalties/interest
SIC: All
Small businesses or organizations
Central fiscal operations, 34,004 responses; 11,334 hours; $240,071 Federal cost; 3 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. sections 6601 and 6671 authorize the assessment of interest and penalties on late or unpaid tax. If the taxpayer does not agree with the IRS, they may submit an explanation as explained by this letter, which will help IRS determine if the penalty can be reduced or eliminated.

• Internal Revenue Service
SSN verification requested
2C
Nonrecurring
Individuals or households
All individual taxpayers who file tax returns
Central fiscal operations, 1,277 responses; 319 hours; $4,487 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Correct social security numbers are required on tax returns by 26 U.S.C. 6109. When two taxpayers use the same number, verification is required from both to determine who should be using the number. This verification is necessary to process the tax returns.

• Internal Revenue Service
Required clarification regarding two taxpayers with similar names
441C
Nonrecurring
Individuals or households
Members recognized religious sect filing Form 4029
Central fiscal operations, 21 responses; 5 hours; $218 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 1402(g) states individuals may file for exemption from self-employment tax if they are members of a recognized religious sect that does not accept benefits from any private or public insurance. Letter 441C is used to clarify taxpayer's accounts, which have similar names who have filed for this exemption.

• Internal Revenue Service
843 claim, information requested
178C, 178SC, 178SP
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers (individual/business) filing Form 843 claims
SIC: All
Small businesses or organizations
Central fiscal operations, 1,016 responses; 339 hours; $7,156 Federal cost; 3 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6404 authorizes the IRS to make adjustments on tax liability per claims filed by the taxpayer. To properly process the claims and allow refunds (26 U.S.C. 6402) it is necessary to have complete information as requested by this letter.

• Comptroller of the Currency
Applications survey
Nonrecurring
Businesses or other institutions
National banks in the State of Illinois
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 400 responses; 100 hours; $175 Federal cost; $3,700 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Data on branching and holding company plans of national banks will help determine regional office staffing needs.

Extensions (Burden Change)

• Comptroller of the Currency
Supplement to application to organize
CC 7020–04
On occasion
Businesses or other institutions
National banks in organization
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 60 responses; 300 hours; $39,000 Federal cost; $6,210 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate an application to organize a national bank.

• Comptroller of the Currency
Certificate of increase in capital by change in par value
CC 7028–13
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 60 responses; 15 hours; $600 Federal cost; $133 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains certification of captioned capital increase.

• Comptroller of the Currency
Certificate of completed change in outstanding common stock
CC 7028–15
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 25 responses; 6 hours; $250 Federal cost; $55 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains certification of captioned capital changes.

• Comptroller of the Currency
Certificate of completed reductions in outstanding subordinated notes or debentures
CC 7028–18
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 50 responses; 13 hours; $1,000 Federal cost; $11 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains certification of captioned note reduction.

• Comptroller of the Currency
Certificate of declaration stock dividend
CC 7028–12
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 300 responses; 75 hours; $3,000 Federal cost; $665 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains certification of captioned declaration.

• Comptroller of the Currency
Notice of change of control of bank
CC 7028–36
On occasion
Businesses or other institutions

National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 85 responses; 1,700 hours; $85,000 Federal cost; $35,185 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate a change in control of a national bank as required by Federal law.

• Comptroller of the Currency
Secretary's certificate-shareholder's ratification of merger agreement
CC 7023–16
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 150 responses; 37 hours; $750 Federal cost; $444 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains verification of shareholders approval of agreement.

• Comptroller of the Currency
Secretary's certificate-publication completion
CC 7023–14
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 150 responses; 37 hours; $750 Federal cost; $333 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains verification that merger notice publication was completed.

• Comptroller of the Currency
Secretary's certificate-shareholders resolutions and amendments
CC 7028–31
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 300 responses; 150 hours; $6,000 Federal cost; $1,331 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains certification of shareholders actions.

• Comptroller of the Currency
Sample waiver of notice of first meeting of organizers
CC 7020–21
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 120 responses; 30 hours; $55,800 Federal cost; $444 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Needed to document adherence to procedures for establishing a national bank.

• Comptroller of the Currency
Certificate of payment of subordinated notes or debentures
CC 7028–10
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 70 responses; 17 hours; $700 Federal cost; $155 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains certification of captioned payment.

• United States Customs Service
Special customs invoice
CF5515
On occasion
Businesses or other institutions
Exporters, brokers, manufacturers
SIC: All
Small businesses or organizations
Federal law enforcement activities, 1,100,000 responses, 91,630 hours; $204,679 Federal cost; $1,665,000 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to ascertain duties.

• Comptroller of the Currency
Confidential biographical and financial report
CC 7020–03
On occasion
Businesses or other institutions
Officers, directors of national banks in organization
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 600 responses; 4,800 hours; $195,000 Federal cost; $141,923 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate an application to organize a national bank.

• Internal Revenue Service
Statement for recipients of medical and health care payments
1099-Med
Annually
Businesses or other institutions
Accident/health insurance companies/medical service plans
SIC: 632
Central fiscal operations, 5,100,000 responses; 442,000 hours; $187,665 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1099-Med is used to report payment of $600 or more during the year to a physician or other supplier or provider of services under health, accident, and sickness insurance plans or medical assistance programs. Form 1087-Med is used to report payments received as a nominee. IRS uses the information from both forms to verify reporting compliance.

• Internal Revenue Service
Statement for certain fishing boat crew members
1099–F
Annually
Businesses or other institutions
Commercial fishing boats
SIC: 091
Small businesses or organizations
Central fiscal operations, 77,002 responses; 87,700 hours; $28,055 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to report payments to crew members of proceeds from sale of catch or distributions in kind. IRS uses the information to verify that these payments are reported as income by the crew members.

• Internal Revenue Service
Employee representative's quarterly railroad tax return
CT–2
Quarterly
Individuals or households
Employee reps. of railway labor organizations
Central fiscal operations, 280 responses; 280 hours; $6,519 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Employee representatives file quarterly Form CT–2 to report compensation on which Railroad Retirement Tax Act taxes are due. IRS uses the information to ensure that the filer has paid the correct tax. Additionally, Form CT–2 transmits the tax payment.

• Internal Revenue Service
Annual summary and transmittal of U.S. information returns 1096
Annually
Individuals or households/State or local governments/farms/businesses or other institutions

Entity having issued series 1099/1087 forms during year
SIC: All
Small businesses or organizations
Central fiscal operations, 941,759 responses; 461,085 hours; $157,802 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1096 is used as a cover form to send information returns (Forms 1099 and 1087 Series) to the service center, under IRC Section 6041 and related sections. A separate Form 1096 is used for each type of return sent in by the payer. It is used by IRS to summarize and categorize the forms being sent in.

• Internal Revenue Service
Alternative minimum tax computation 6251
Annually
Individuals or households/businesses or other institutions
Individuals, estates, and trusts with tax preference items
SIC: 673
Central fiscal operations, 138,000 responses; 119,701 hours; $93,578 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 6251 is used by individuals, estates, and trusts having certain tax preference items or certain nonbusiness credits, who may be liable for the alternative minimum tax which is to be added to tax liability. The information is needed to see whether taxpayers are complying with the law.

• Internal Revenue Service
Statement for recipients of dividends and distributions
1099–DIV
Annually
Farms/businesses or other institutions
Banks, savings and loan associations, corporations
SIC: All
Small businesses or organizations
Central fiscal operations, 74,633,000 responses; 5,851,646 hours; $1,091,296 Federal cost; 2 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1099–DIV is used to report the payment of dividends and distributions. Form 1087–DIV is used by nominees (who receive and distribute the payment to others) to report the actual owner of dividends and distributions reported to a recipient on Form 1099–DIV. The information is checked against the recipient's income tax return to verify compliance.

• Bureau of Alcohol, Tobacco and Firearms
Brewer record of beer racked and bottled, or consumed at brewery
ATF REC 5130 /3
Other—See SF83
Businesses or other institutions
Brewery
SIC: 208
Small businesses or organizations
Federal law enforcement activities, 27,820 responses; 2,309 hours; $10 Federal cost, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Accounting tool, audit trail protection of the revenue. Gallonages ascertains maximum tax to be determined on removal from premises and amounts consumed on the premises, also for tax purposes.

Extensions (no change)

• Comptroller of the Currency
Sample resolutions and amendments to articles of association
CC7029–09
Nonrecurring
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 100 responses; 200 hours; $1,000 Federal cost; $4,140 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains language for amending articles

• Comptroller of the Currency
Sample by-law
CC7029–05
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 100 responses; 500 hours; $2,000 Federal cost; $10,349 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains language for preparing by-law.

• Comptroller of the Currency
Sample articles of association
CC7029–04
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 100 responses, 500 hours; $2,000 Federal cost $10,349 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Provides language for preparing articles.

• Comptroller of the Currency
Application to convert an existing office
CC 7030–02
On occasion
Businesses or other institutions
foreign bank branches in U.S.
SIC: 602
Other advancement and regulation of commerce, 20 responses; 800 hours; $50,000 Federal cost; $23,654 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate an application to convert to a Federal branch.

• Comptroller of the Currency
Certificate of conversion of subordinated notes or debentures
CC 7028–19
On occasion
Businesses or other institutions
National banks
Small businesses or organizations
Other advancement and regulation of commerce, 10 responses; 2 hours; $100 Federal cost; $23 public cost; 1 Form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains certification of captioned note conversion.

• Comptroller of the Currency
Application to establish an operating subsidiary
CC 7025–01
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 40 responses; 120 hours; $6,000 Federal cost; $1,419 public cost; 1 Form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate subject application.

• Comptroller of the Currency
Application for a change in corporate title
CC 7026–01
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 90 responses; 180 hours; $45,000 Federal cost; $2,129 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate subject application.

• Comptroller of the Currency
Sample minutes of first meeting of directors

CC 7020–36
On occasion
Businesses of other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 120 responses; 120 hours; $55,800 Federal cost; $2,484 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

Provides guidance for preparation of minutes which normal documentation of meeting.

• Comptroller of the Currency
Affidavit of publication of charter
CC 7020–40
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 120 responses; 120 hours; $55,800 Federal cost; $1,419 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

Required to document publication of a national bank charter.

• Comptroller of the Currency
Application to convert to a national banking association
CC 7022–01
On occasion
Businesses or other institutions
National banks
SEC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 10 responses; 200 hours; $25,000 Federal cost; $2,365 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

Contains data needed to evaluate subject application.

• Comptroller of the Currency
Organization certificate
CC 7020–20
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 120 responses; 120 hours; $55,800 Federal cost; $1,419 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Needed to assure organizers incorporate bank as required by Federal law.

• Comptroller of the Currency
Application to organize a national bank
CC 7020–02
On occasion
Businesses or other institutions
Persons organizing a national bank
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 120 responses; 6,000 hours; $546,000 Federal cost; $124,200 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate an application to organize a national bank.

• Comptroller of the Currency
Application to establish a Federal branch of agency
CC 7030–01
On occasion
Businesses or other institutions
Foreign
SIC: 602
Other advancement and regulation of commerce, 40 responses; 1,600 hours; $100,000 Federal cost; $47,232 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick 202–395–6880.

Contains data needed to evaluate proposal
Branch or agency.

• Comptroller of the Currency
Cashier's certification on adoption of amended by-laws
CC 7029–18
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 50 responses; 50 hours; $500 Federal cost; $591 public cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains certification on by-laws amendments adopted.

• Comptroller of the Currency
Legal notice application to organize a national bank
CC 7020–17
On occasion
Businesses of other institutions
National banks in organization
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 120 responses; 120 hours; $55,800 Federal cost; $1,774 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880
Contains data needed to evaluate an application to organize a national bank.

• Comptroller of the Currency
Capital equivalence agreement
CC 7030–10
On occasion
Businesses or other institutions
Foreign banks in U.S.
SIC: 602
Other advancement and regulation of commerce, 40 responses; 40 hours; $800 Federal cost; $1,183 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to verify capital position of a Federal branch or agency.

• Comptroller of the Currency
Purchase agreement
CC 7023–07
On occasion
Businesses of other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce, 20 responses; 600 hours; $18,000 Federal cost; $12,418 public cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains purchase agreement and terms.

CONSUMER PRODUCT SAFETY COMMISSION

Agency Clearance Officer—Charles Casper—301–634–7770

New

Questionnaire: insulation contractors
Nonrecurring
Businesses or other institutions
Insulation contractors
SIC: 174
Small Businesses or organizations
Education and training of health care work force, 100 responses; 25 hours; $3,100 Federal cost; 1 form, not applicable under 3504(h)
Mahesh Podar, 202–395–7340

The commission has proposed a ban on up foam insulation. Responses to telephone inquiries of insulation contractors will provide more information on the likely impacts of a ban on those firms, determining recent market trends, and assessing the extent to which substitute insulation materials may be used.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

Extensions (No Change)

• Application for new or modified radio station
Authorization under Part 5 of FCC rules experimental radio services (other than broadcast)
442

On occasion
State or local governments/businesses of other institutions
Experimental radio applicants and licensees
SIC: 481,482,489
Small Businesses or organizations
Other advancement and regulation of commerce, 800 responses; 2,400 hours; $60,000 Federal cost; 1 form, not applicable under 3504(h)
William T. Adams, 202–395–4814

Required for authorization. Data necessary for commission to make a determination as to if an authorization should be issued for an experimental radio station under Part 5 of FCC rules and regulations and what the interference potential to other services would be.

• Supplemental information for application in the experimental radio services involving government contracts
440–A
On occasion
State or local governments/businesses or other institutions
Applicants who have Federal contracts with the government
SIC: 481,482,489
Small Businesses or organizations
Other advancement and regulation of commerce, 900 responses; 450 hours; $48,000 Federal cost; 1 form, not applicable under 3504(h)
William T. Adams, 202–395–4814

Applicant needs to supply supplemental information when a Federal contract is involved with application. The data is used to confirm whether the Federal contract is valid and if an experimental authorization is required in accordance with the contract.

INTERNATIONAL DEVELOPMENT ASSISTANCE

Agency Clearance Officer—Ms. Melita Yearwood—202–632–0084

New

O• PIC investment mission information form
OPIC 78
On Occasion—Other—See SF83
Businesses or other institutions
U.S. Companies
SIC: All
Small businesses or organizations
Foreign economic and financial assistance, 160 responses; 40 hours; $1,829 Federal cost; 1 form, not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Information is needed to determine the appropriateness of respondents for participation in OPIC investment missions.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

New

Quarterly condensed balance sheet (CBS)
CBS
Quarterly
Businesses or other institutions
Class I line-haul railroads
SIC: 401
Ground transportation, 164 responses; 1,148 hours; $2,774 Federal cost; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Financial data showing carriers current assets and liabilities and expenditures for additions and betterments are essential to the proper administration of the Interstate Commerce Commission Act. Reports are used by the Commission to assess industry growth sudden changes in carrier financial stability and by the Commission and others to identify changes and Trends that may affect the national transportation system.

NATIONAL TRANSPORTATION SAFETY BOARD

Agency Clearance Officer—Mr. William H. Park—202–472–6158

Extensions (No Change)

• Aircraft accident report
NTSB6120.2
On Occasion
Businesses or other institutions
Aircraft operators
Other transportation, 300 responses; 600 hours; $15,000 Federal cost; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202–395–7340.

This form is made part of the official NTSB file of the accident, which is the board's public docket. It fullfills the air carriers' legal requirement for reporting. gives them the opportunity to state the official report of the accident and finally used in accident cause determination and also as a basis for making recommendations to prevent future similar accidents.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7737

Revisions

• Request for use of auditorium and examination facilities
CSC–855
On occasion
State or local governments/businesses or other institutions
Other than other Fed. Agen. we also rec. req. FR. edu., etc.
SIC: All
Central Personnel Management, 52 responses; 13 hours; $85 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

The office of personnel management extends to the general public the use of its aduitorium, conference rooms, and training and examination facilities, under the "living building program" sponsored by GSA. The form collects pertinent information needed by OPM to screen requestors for eligibility; to schedule rooms for use; to notify requestors; and to document action taken.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

• Regulation 12e: Registration and reporting (17 CFR 240.12b–1 through 240.12b–36)
On occasion
Businesses or other institutions
Per. fil. regis. stmts. or rep. purs. to secs. 12, 13, 15, etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 1 response; 1 hour; $3.290 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Regulations 12b (17 CFR 240.12b–1 through 240.12b–36) provides instructions and the procedures to be followed by persons filing registration statements and reports under the Securities Exchange Act of 1934. The proposed amendments are designed to implement the integrated disclosure program and to eliminate or revise out-moded or unnecessary regulations.

• Form 10–K, annual report form pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934
Sec 1673
Annually
Businesses or other institutions
Iss. w/sec. reg. under sec. 12(b) or (g) of sec. excg. act.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 7,712 responses; 16,195,200 hours; $545,046 Federal cost; $721,172,000 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 10–K elicits material information from issuers of publicly-traded securities concerning their financial condition and operations for each fiscal year in order that investors may make

informed and knowledgeable investment decisions. The Commission is proposing to amend from 10–K to include certain information relative to an issuer's fourth fiscal qtr, include 2 new instruc., clarify the signature requiremt. and make tech. amend. necessitated by other prop. in the integ. disclo. system.

- Form 10, registration statement pursuant to section 12(b) or (g) of the Securities Exchange Act of 1934

Sec 1396
On occasion
Businesses or other institutions
Iss. w/sec. listed on a nat'l sec. exchg. and iss. w/total
SIC: Multiple
Other advancement and regulation of commerce, 120 responses; 15,600 hours; $121,740 Federal cost; $846,000 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 10 elicits information concerning securities registered on national securities exchanges and certain other publicly-traded securities and the issuers thereof, in order that investors may make informed and knowledgeable investment decision concerning such securities. The Commission is proposing to amend the form to include certain uniform disclo. require, eliminate unnec. disclc. require. and make tech. amend. necessitated by other proposals in the integrated disclosure system.

- Securities Act of 1933 registration statement form S–1 (existing and proposed)

Sec 870
On occasion
Businesses or other institutions
Businesses wanting to sell securities publicly
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 585 responses; 1,550,250 hours; $1,262,577 Federal cost; 2 forms, not applicable under 3504(h)
Robert Veeder, 202–395–4814

To help insure that investors have the necessary information to make purchases of securities which are publicly offered for sale the Securities Act of 1933 requires the filing of a registration statement on such securities which makes publicly available the information necessary for informed investment decisions. Form S–1 is the general form prescribed for such a purpose.

- Form S–8, Securities Act registration form for securities to be offered to employees pursuant to certain plans

Sec 1398
On occasion
Businesses or other institutions
Registrants qualified to use form S–8
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 957 responses; 86,130 hours; $242,433 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

To help ensure that investors have the necessary information to make informed security purchases, the Securities Act of 1933 requires the filing of a registration statement making publicly available information regarding such securities. Form S–8 is the principal form used to register securities in connection with employee benefit plans.

- Form S–11, Securities Act registration form for registration of securities of certain real estate companies

Sec 907
On occasion
Businesses or other institutions
Real estate com. that seek to offer securities for sale
SIC. Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 84 responses; 75,600 hours; $175,371 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

To help ensure that investors have the necessary information to make informed security purchases, the Securities Act of 1933 requires the filing of a registration statement making publicly available information regarding such securities. Form S–11 is prescribed for registration of securities of certain real estate companies.

- Form 8–B, registration statement pursuant to Section 12(b) or (g) of the Securities Exchange Act of 1934 for certain successor issuers

Sec 1857
On occasion
Businesses or other institutions
Issuers w/sec. listed on a nat. securities exchange, et al.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 46 responses; 38 hours; $1,528 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 8–B elicits material information concerning securities to be registered on national securities exchanges or other publicly-traded securities in order that investors may make informed and knowledgeable investment decisions concerning such securities. The Commission is proposing to simplify the disclosure requirements of the form through consolidation of certain items and incorporation of certain uniform disclosure items.

- Guides for the preparation and filing of registration statements and reports under the Securities Act and Securities Exchange Act

On occasion—quarterly—annually
Businesses or other institutions
Issuers registering securities pursuant to sec. ex. acts
SIC: Multiple
Other advancement and regulation of commerce, 1 response; 1 hour; $13,891 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

The guides set forth the positions of the division of corporation finance of the Commission on particular disclosure and other requirements under the Securities Act and Exchange Act. These guides were promulgated to assist issuers and others participating in the preparation of registration statements and reports.

- Form 10–0, quarterly report form pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Sec 1296
Quarterly
Businesses or other institutions
Iss. w/sec. reg. under Sec. 12 (b) or (g) of the sec. exchg.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 21,894 responses; 4,444,482 hours; $362,018 Federal cost; $185,004,300 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 10–0 elicits material information from issuers of publicly-traded securities after the end of the issuers' first, second and third fiscal quarters concerning their financial condition and operations in order that investors may make investment decisions on the basis of current information. The Commission is proposing technical amendments to the form and a new instruction concerning integration of filings.

- Regulation S–K (standard instructions for filing forms under Securities Act and Exchange Act)

1892
On occasion—quarterly
Businesses or other institutions
Iss. reg. sec. purs. to the sec. act of 1933. etc.
SIC: Multiple
Other advancement and regulation of commerce, 1 response; 1 hour; $78,718 Federal cost; 1 form, not applicable under 3504(h)

Robert Veeder, 202–395–4814

Regulation S–K is the central repository of uniform disclosure provisions relating to the information which is required to be set forth in registration statements and reports required pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934. The provisions are not self operative but are triggered by the registration form and reports promulgated under both acts.

• Securities Act of 1933 proposed registration Form S–2
Sec 1380
On occasion
Businesses or other institutions
Short registration forms
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 564 responses; 513,240 hours; $661,832 Federal cost; $25,380,000 public cost; 1 form,not applicable under 3504(h)
Robert Veeder, 202–395–4814

To help insure that investors have the necessary information to make security purchases. The Securities Act of 1933 requires the filing of a registration statement on such securities which makes publicly available the information necessary for informed investing. Proposed Form S–2 would be one of the three basic forms prescribed for such a purpose.

• Securities Act of 1933 proposed registration Form S–3
Sec 1379
On occasion
Businesses or other institutions
Short registration forms
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 670 responses; 216,410 hours; $319,991 Federal cost; $12,730,000 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

To help insure that investors have the necessary information to make security purchases. The Securities Act of 1933 requires the filing of a registration statement on such securities which makes publicly available the information necessary for informed investing. Proposed Form S–3 would be one of the three basic forms prescribed for such a purpose.

• Regulation C—Registration (17 CFR 230.400 through 230.494)
1886
On occasion
Businesses or other institutions
Any per. who reg. w/the Commission under the sec. act 1933
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 1 response; 1 hour; $18,647 Federal cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

Regulation C provides standard instructions to guide persons when filing registration statements under the Securities Act of 1933. The proposed amendments to the rules comprising regulation C are necessary to correspond to revisions in the registration forms and disclosure requirements, as proposed, and to modify or eliminate out-moded and unnecessary regulations.

• Securities Act of 1933 registration form S–2 (existing)
Sec 905
On occasion
Businesses or other institutions
The per. required to submit this reg. stmt are bus., etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 49 responses; 52,920 hours; $145,325 Federal cost; $2,695,000 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

To help insure that investors have the necessary information to make security purchases the Securities Act of 1933 requires the filing of a registration statement on such securities which makes publicly available the information necessary for informed investing. Form S–2 is the registration prescribed for such a purpose for companies in the developmental stages which cannot use form S–18.

• Proposed revision of certain exemptions from the registration provisions of the Securities Act of 1933 for transactions involving limited offers and sales
Sec 1972
On occasion
Businesses or other institutions
Iss. who elect offer & sell sec. purs. to sec. 4(6), etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 5,840 responses; 35,040 hours; $235,589 Federal cost; $1,576,800 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

The proposed form will allow the Commission to elicit information necessary in assessing the effectiveness of Regulation D as a capital raising device for small business.

• Securities Act of 1933 registration Form S–16 (existing)
1379
On occasion
Businesses or other institutions
Short form registration
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 745 responses; 253,300 hours; $323,338 Federal cost; $14,900,000 public cost; 1 form, not applicable under 3504(h)
Robert Veeder, 202–395–4814

To help insure that investors have the necessary information to make security purchases the Securities Act of 1933 requires the filing of a registration statement on such securities which makes publicly available the information necessary for informed investing. Form S–16 is one of the three basic registration forms prescribed for such a purpose.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Extensions (no change)

• Application for designation as fee appraiser
26–6681 26–6681
On occasion
Individuals or households
Appraiser applicants
Veterans housing, 4,000 responses; 1,333 hours; $3,368 Federal cost; 1 form, not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is utilized to obtain information on professional experience from applicants. For evaluation by panels for possible VA fee appraiser designation. Fee appraisers recommend the value of properties proposed for VA financing under 38 U.S.C. 1810 and 1811. ascertain whether properties meet minimum property requirements, (38 U.S.C. 1804) and appraise lots for loans authorized by 38 U.S.C. 1819.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–24343 Filed 8–19–81; 8:45 am]
BILLING CODE 3110–01–M

OHIO RIVER BASIN COMMISSION

Availability of Adopted Cumberland River Basin Regional Water and Land Resources Plan and Environmental Impact Statement

Pursuant to Section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89–80), the Ohio River Basin

Commission has adopted the Cumberland River Basin Regional Water and Land Resources Plan and Environmental Impact Statement for transmittal to the President and the Congress through the Water Resources Council. This document also serves as the Cumberland River Basin Level B Study Report.

Copies are available on request from the Ohio River Basin Commission, 36 East Fourth Street, Suite 208, Cincinnati, OH 45202.

For the Ohio River Basin Commission.

Frank Kudrna,

Vice-Chairman.

[FR Doc. 81-24293 Filed 8-19-81, 8:45 am]

BILLING CODE 6310-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18037; File No. SR-Amex-81-12]

American Stock Exchange, Inc., Proposed Rule Change; Self-Regulatory Organizations

In the matter of: Proposed Rule Change relating to Amendment of Exchange Rule 421, Comments requested on or before September 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 27, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange proposes to amend Rule 421 governing discretionary accounts in order to streamline and simplify the Rule.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose or an basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. *Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change*

Purpose: Amex rule 421 regulates discretionary accounts carried by member organizations to provide proper supervision. However, certain of its procedural provisions have become outdated and unnecessary. The Amex therefore proposes that these provisions be deleted and that certain other supervisory requirements be added, in order to streamline and simplify the rule. As indicated in more detail below, the proposed amendments will give the Exchange and member organizations greater flexibility to develop effective internal surveillance systems that will provide appropriate investor protection and be best suited to the needs and resources of particular member organizations.

The following provisions are proposed to be deleted from Amex Rule 421:

Requirement of Approval of Discretionary Orders: Member organizations have adopted a variety of procedures to detect "churning" in discretionary accounts, which is perhaps the principal abuse that Rule 421 is designed to prevent. Many firms assign a special code designation to discretionary accounts, which enables the firm's computer to isolate discretionary accounts for monitoring pruposes. Such supervisory procedures are more efficient than the approval of a discretionary order ticket on the day of entry as required by Rule 421, so it would appear unnecessary to require member organizations to follow a procedure which is burdensome and less effective. Moreover, without this requirement member organizations will have greater flexibility to develop effective internal surveillance systems that are best suited to their needs and resources. Exchange field examinations will cover the member firms written statement of supervisory procedures, and should reflect whether the firm's system is satisfactory. In connection with such reviews, smaller member firms that do not have advanced monitoring capabilities will be required to retain their present order approval procedures as part of their internal surveillance system. The Amex therefore proposes to amend Rule 421 to delete the general requirement for initialing and approving orders on the day of entry.

Additional Supervisory Requirements: The Exchange also proposes to add certain requirements to rule 421, to augment the effectiveness of discretionary account supervision by member organizations.

First, it is proposed that registered personnel, after obtaining the required written discretionary authority, also be required to notify their firm of the discretionary authority and obtain approval from a supervisor. While approval for the opening of an account, discretionary or non-discretionary, authority and obtain approval from a supervisor. While approval for the opening account, discretionary or non-discretionary, is already required under Amex Rule 411 (with the approval ehcompassing the account's discretionary character), there may be times when a customer grants discretionary authority over an account after it has been opened. Approval under this circumstance is not now expressly required. Amending Rule 421 to require firm approval of discretionary authority will fill this gap.

Second, the provision of Rule 421 which requires the frequent review of discretionary accounts would be broadened by changing the category of person qualified to conduct such a review, from "regular or allied member" to "any qualified principal or employee delegated such responsiblity under Amex Rule 320." (Rule 320 relates to the supervision and control required with respect to a member's office.)

Finally, the Amex proposes to add a requirement that each member organization maintain a written statement of the specific supervisory procedures governing its discretionary accounts.

(b) *Basis:* The proposed amendment is consistent with Section 6(b) of the Exchange Act in general and furthers the objectives of Section 6(b)(5) of the Act in particular in that it is designed to facilitate transactions in securities and to protect investors and the public interest.

B. *Self-Regulatory Organization's Statement on Burden on Competition.*

The Exchange has determined that the proposed rule change will have no impact on competition.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal**

Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute Proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24364 Filed 8-19-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18033; File No. SR-Amex-81-13]

American Stock Exchange, Inc.; Proposed Rule Change; Self-Regulatory Organizations

In the matter of proposed rule change relating to Amendment of Commentary .05 under Rule 155. Comments requested on or before September 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 10, 1981, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

(a) The American Stock Exchange, Inc. (the "Exchange") proposes to amend Commentary .05 under Exchange Rule 155 as follows:[1]

Rule 155. Precedence Accorded to Orders Entrusted to Specialists.

* * * * *

Commentary

* * * * *

.05 (i) If a specialist elects to take or supply for his own account the securities named in an order entrusted to him by another member or member organization, [the specialist shall promptly notify] such member or member organization [to confirm the transaction, and the notified party or a member representing the notified party must repond promptly. The transaction must then be either confirmed or rejected with a member and not with a clerk. The notified party or the member representing the notified party must either initial the memorandum record of the specialist which shows the details of the trade and cause it to be returned to the specialist, or initial the trade in the specialist's trading book. The specialist must keep such records for a period of at least twelve months. The provisions of this Commentary .05 shall not apply when a specialist takes or supplies, for an account in which he has an interest, the securities named in an order stored in the Opening Automated Report Service pursuant to Rule 116.] *shall be so notified as follows:*

(a) If such securities were named in an order received by the specialist through the Post Execution Reporting ("PER") System or the Amex Options Switch ("AMOS") System, the Exchange shall furnish a report of the transaction; or

(b) If such securities were named in an order received by the specialist in any other manner, the specialist shall indicate on the copy of the order ticket to be returned to the member or member organization that he executed the order as principal.

(ii) A member or member organization may reject a transaction for which notice is required to be furnished pursuant to paragraph (i) above by so advising the relevant specialist in writing promptly after receiving such notice. Any such written rejection shall be given to the specialist by a member, not by a clerk. Any transaction not rejected in this manner shall be deemed accepted.

[1] [Brackets] indicate material to be deleted. Italics indicate material to be added.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the rule change and discussed any comments it received on the rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, as set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

(a) Purpose

Commentary .05 under Amex Rule 155 was adopted in response to concerns expressed in the Securities and Exchange Commission's 1963 *Special Study of the Securities Markets* concerning the conflict of interest whenever a specialist purchases from or sells to his "book"—i.e., from or to a customer whose order he represents as agent. The *Special Study* recommended that (1) whenever a specialist deals with the book, a floor member representing the firm which forwarded the order should initial the specialist's memorandum of the transaction, and (2) in its routine surveillance, an exchange should systematically review transactions covered by such memoranda in light of subsequent transactions by the specialist.

Commentary .05 provides that if a specialist elects to take or supply for his own account the securities named in an order entrusted to him by another member, the specialist must notify the member (the "notice requirement"), and the member must promptly either confirm or reject the transaction (the "confirmation requirement").

The proposed amendment of Commentary .05 would simplify the notice requirement and eliminate the confirmation requirement. The purposes of the proposal are to revise the procedures called for under Commentary .05 to make them more consistent with recent technological advances, and to increase the efficiency

with which orders are handled. As explained more fully below, the proposed new procedures would continue to address the concerns express in the *Special Study*.

PER and AMOS Orders

When Commentary .05 was adopted, the only means by which specialists received limit orders was from floor brokers. However, an Amex specialist may now also receive limit orders electronically routed directly to his post from the upstairs offices of member firms via the Post Execution Reporting ("PER") System and/or the Amex Options Switch ("AMOS") System. The requirements of Commentary .05 now apply whenever a specialist executes, as principal, a limit order received through either of these systems.

The Commentary .05 requirements run counter to two important objectives of the PER and AMOS systems, *viz.*, reducing paper flow on the Floor and permitting floor brokers of member firms to use most of their time to execute relatively complicated orders. The Commentary .05 requirements to add to paper on the Floor and involve floor brokers in transactions for which PER and AMOS were intended to relieve the responsibility.

Under the proposed amendment, specialists would no longer be required to provide special notices pursuant to Commentary .05 when they execute, as principal, limit orders received through PER and AMOS. They would be required only to furnish the normal execution report which follows the execution of any PER or AMOS order. A member organization would be permitted to reject a transaction in which a specialist has executed a PER or AMOS limit order as principal, provided that it acts promptly after receiving the execution report.

Execution reports returned to upstairs firms through the PER and AMOS Systems would not specify whether a specialist had executed a particular limit order as principal or agent. However, if a member organization had questions about an execution price and believed that it might wish to reject a transaction, it could inquire, through its floor broker, whether the specialist had acted as principal or agent. If the specialist advised the floor broker that he acted as principal, the floor broker could reject the transaction.

Broker-Delivered Orders

The Exchange is also proposing to amend Commentary .05 with respect to customers' limit orders that floor brokers have entrusted to specialists for execution, or which specialists have received directly from the floor booths of member firms ("broker-delivered orders").

The current notice and confirmation procedures now applicable to broker-delivered orders are more cumbersome than is necessary to achieve the objectives of Commentary .05; therefore, the Exchange proposes that the notice and confirmation requirements contemplated by Commentary .05 be amended with respect to broker-delivered orders as follows:

First, specialists would be relieved of the obligation to fill out special forms to give notice of transactions in which they act as principal. Instead, they would be permitted to give such notice by stamping each relevant order ticket with a uniform notation, such as "principal transaction". Since order tickets are returned to members immediately upon the execution of transactions, this approach would be an efficient method of providing the necessary notice and would not generate unnecessary paper.

Second, members would be relieved of the responsibility to specifically confirm or reject each transaction in which a specialist executes a broker-delivered order as principal. During the years that Commentary .05 has been in effect, only a few transactions by specialists have been rejected pursuant to the terms of the Commentary by the members who placed them. Therefore, to achieve greater efficiency, it seems appropriate to adopt a procedure whereby any transaction not specifically rejected shall be deemed confirmed.

(b) *Basis.*

The proposed rule change is consistent with the general purposes of the Act, and with Sections 6(b) (1) and (5) in particular. By increasing the efficiency with which orders are handled, the proposed new procedures will facilitate transactions in securities. At the same time, the proposed procedures will protect investors and the public interest by continuing to address the concerns expressed in the *Special Study* that were the basis for the original adoption of Commentary .05 as follows:

Conflict-of-Interest Concerns

The theory underlying Commentary .05 is that, due to the conflict of interest present whenever a specialist holding an order as agent elects to execute it as principal, the member who placed the order should have a special opportunity to evaluate the execution and decide whether to accept or reject the transaction. This purpose would continue to be served by permitting members to reject specialists' principal transactions under appropriate circumstances. Under the proposed procedures, a member who receives a report of a transaction in which a specialist executed, as principal, an order held as agent would be permitted to reject the transaction by notifying the specialist in writing. For PER and AMOS orders, the relevant report would be the execution report provided by the Exchange. For broker-delivered orders, the relevant report would be an order ticket indicating that the order had been filled by a specialist acting as principal.

Surveillance

The Exchange's Trading Analysis Department receives daily computer printouts indicating all of the principal transactions of each specialist in equities and options. These printouts contain sufficient information to permit the Trading Analysis Department to perform the surveillance activities contemplated by Commentary .05. Therefore, the written memoranda now called for under Commentary .05 are redundant as a surveillance tool and may be discontinued without adversely affecting the Exchange's surveillance efforts.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Exchange has determined that the rule change does not have an impact on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others.*

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before September 21, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street,

Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 10, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24386 Filed 8-19-81; 8:45 am]

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[Release No. 34-18035; File No. SR-CBOE-1981-15]

Chicago Board Options Exchange, Inc.; Proposed Rule Change

In the matter of; Proposed Rule Change Relating to GNMA Options

Comments requested on or before September 8, 1981

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 5, 1981, the Chicago Board Options Exchange, Incorporated, filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

[Changes from CBOE's existing rules are indicated by brackets for deletions and italics for new material.]

Margin Requirements

Rule 20.24

(a) [No change]

(b) [No change]

(c) The requirements set forth in paragraph (b) hereof are subject to the following exceptions, which in each case may be applied at the discretion of the Member Organization with which the account is maintained.

(1) Short call covered by long GNMA. No margin is required in respect of a GNMA call option contract carried in a short position which is covered by a long position in underlying GNMAs within the meaning of Rules 1.1(y) and 20.1(f).

(2) *Short option offset by long option where long option expires with or after short option.* [Spreads with same expiration date.] This subparagraph (c)(2) applies to accounts carrying positions in long call GNMA options (or *long* [short] put GNMA options) which are offset by positions in short call GNMA options (or *short* [long] GNMA options) for the same nominal principal amount of GNMAs, provided that the expiration date of the long calls (or *long* [short] puts) is the same as *or subsequent to* the expiration date of the offsetting short calls (or *short* [long] puts).

(A) When the exercise price of the long call GNMA option (or short put GNMA option) is less than or equal to the exercise price of the offsetting short call GNMA option (or long put GNMA option), no margin is required [, provided that the long option is paid in full].

(B) When the exercise price of the long call GNMA option (or short put GNMA option) is greater than the exercise price of the offsetting short call GNMA option (or long put GNMA option), margin is required equal to the difference in exercise prices multiplied by the appropriate multiplier factor set forth below. For purposes of this subparagraph (c)(2)(B), the multiplier factor to be applied shall depend on the then current highest qualifying rate as defined in Rule 20.1(i). If the then current highest qualifying rate is less than 8%, the multiplier factor shall be 1; if the then current highest qualifying rate is greater than or equal to 8% but less than 10%, the multiplier factor shall be 1.2; if the then current highest qualifying rate is greater than or equal to 10% but less than 12%, the multiplier factor shall be 1.4; and if the then current highest qualifying rate is greater than or equal to 12%, but less than or equal to 14%, the multiplier factor shall be 1.5. The multiplier factor or factors for higher qualifying rates shall be established by the Board (or the Committee designated by the Board) as required.

[(3) Other spreads. This subparagraph (c)(3) applies to accounts carrying positions in long call GNMA options (or short put GNMA options) which are offset by positions in short call GNMA options (or long put GNMA options) for the same nominal principal amount of GNMAs, provided that the expiration date of the long calls (or short puts), is different than the expiration date of the offsetting short calls (or long puts). For each put or call GNMA option contract carried in a short position in the account which is offset by a corresponding option contract carried in a long position in the account, margin must be maintained equal to at least 130% of the current market value of the short option contract plus $1,500, reduced by the current market value of the offsetting long option contract; provided, however, that the minimum margin required for a spread position subject to this subparagraph (c)(3) shall be $1,000.]

(*3*) [4] Short put and short call. This subparagraph (c)(*3*)[4] applies to account carrying positions in short put GNMA options which are offset by positions in short call GNMA options for the same nominal principal amount of GNMAs. The margin required for such a position shall be the margin required for the short put option contract or the margin required for the short call option contract (pursuant to paragraph (b) of this Rule), whichever is greater, plus the current market value of the other contract.

[Rule 20.24 supplements Rule 12.3.]

Determination of Value for Margin Purposes

Rule 20.25. For margin purposes, positions in GNMAs shall be valued at the current cash market price for GNMAs bearing the same stated rate of interest as those in the positions. [Notwithstanding anything to the contrary in Rule 12.5, GNMA options contracts, for] *For* purposes of Rule 20.24, [shall be deemed to have market value and] the term "current market value" as to any position in a particular GNMA option series (as used in that Rule) shall mean the closing price of that series on the Exchange on the day with respect to which a determination of current market value is made.

All long GNMA options must be paid in full.

[* * * Interpretations and Policies]

[.01. The last sentence of Rule 20.25 is intended solely to give meaning to the term "current market value" with respect to any position in a particular GNMA options series for purposes of Rule 20.24. GNMA options contracts, like other options contracts, however, remain governed by Rule 12.5 and shall not be deemed to have market value for purposes of Rule 12.3 (a)(1). As with other option contracts, the premium for a long GNMA option must be fully paid, and the proceeds received from selling a GNMA option may be applied toward satisfaction of the margin requiement.]

[Rule 20.25 supplements Rule 12.5.]

II. Self-Regulatory Organization's Statement of the Purpose of Proposed Rule Change

CBOE's proposed change in Rule 20.24 would eliminate the existing treatment of so-called "time spreads" in GNMA options, according treatment identical to that already accorded so-called "vertical spreads" to "time" spreads where the expiration date of long call GNMA options or long put GNMA options is subsequent to the expiration date of offsetting short call GNMA options or short put GNMA options. No special margin treatment would be accorded "time" spreads where the expiration date of short call GNMA options or short put GNMA options is subsequent to the expiration date of offsetting long call GNMA options or long put GNMA options. The proposed Rule change is intended to improve the CBOE's margin system for GNMA options by more appropriately providing for the risks associated with "time" speads in order to facilitate transactions in GNMA options and promote protection of investors and the public interest in the manner contemplated in Section 6 of the Securities Exchange Act of 1934. The proposed Rule change will eliminate disparate treatment of such spreads and simplify compliance with the margin rules.

The proposed change in Rule 20.25 is intended simply to remove a possible ambiguity that has been called to CBOE's attention. The GNMA option margin rules were intended to provide that the premium for a long option must be fully paid and that the proceeds received from selling an option (and thus acquiring a short option position) may be applied toward the satisfaction of margin requirements. This amendment clarifies that this is the intended result in respect of such rules. This proposed amendment thus eliminates the need for Interpretation and Policy 20.25.01, which would be deleted.

III. Self-Regulatory Organization's Statement on Burden on Competition

The purposed Rules change set forth herein would impose no burdens on competition.

IV. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed Rule change were neither solicited nor received.

V. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this Notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed Rule change, or

(B) Institute proceedings to determine whether the proposed Rule change should be disapproved.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 8, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

August 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24362 Filed 8-19-81, 8:45 am]

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[Release No. 34-18039; File No. SR-CBOE-80-8]

Chicago Board Options Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organizations

In the matter of Proposed Rule Change Relating to Amendment No. 2 to CBOE's Proposed Rules for Trading in Options on Government Securities.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)1, notice is hereby given that on August 12, 1981, the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission proposed rule changes as follows:

CBOE's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed amendments are a second set of amendments to the terms of the proposed rule change set forth in SR-CBOE-80-8, as filed July 1, 1980. The current amendment replaces in their entirety all rules previously proposed and in this regard the amendment would accomplish two principal objectives. First, the amendment would consolidate in a separate chapter of the CBOE Rules, to be designated Chapter XXI, all rules specifically applicable to options on securities issued or guaranteed by the U.S. Government (other than Government National Mortgage Association pass-through securities).[1] All rules of general applicability would be incorporated by reference. Second, the proposed rule change makes certain modifications to the rules originally proposed to, among other things, increase position and exercise limits, modify the options expiration cycle, eliminate the limit order book, require separate account approval for U.S. Government securities options trading, and require corporate affiliates of market makers in U.S. Government securities options to make all books and records pertaining to trading in Government securities, and options and futures thereon, available to the exchange for surveillance and investigation purposes. The substance of these changes is discussed in Section A.

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Purpose of Proposed Rule Change

The basis and purpose of CBOE's proposed rule changes remain the same

[1] The terms of substance of these rules submitted as Amendment No. 1 to SR-CBOE-80-8 were published in the **Federal Register** on December 1, 1980 (45 FR 59612).

as set forth in SR–CBOE–1980–8, Amendment No. 1. As noted, the amendments to these proposed rule changes, set forth above, are intended primarily to consolidate the rule changes contained in Amendment No. 1 into a single new chapter—Chapter XXI—of CBOE's rules. The introduction to Chapter XXI (which would contain all rules uniquely applicable to Government securities options) would make clear the limited application of the chapter and the general applicability of CBOE's other rules to Government securities options except as otherwise provided in the chapter. The rules in Chapter XXI closely parallel the rules contained in Chapter XX which are applicable to GNMA options.

In addition to this reorganization, Amendment No. 2 makes certain substantive changes in and additions to the rules as proposed in Amendment No. 1. Only those changes which are substantive changes from the rules as filed in Amendment No. 1 are described in the following paragraphs.

Rule 21.2. This proposed rule has been amended to give CBOE the authority to condition or terminate the use of a wire connection if necessary or appropriate to maintain a fair market, e.g., if a wire service not available to all Exchange members is deemed to give an unfair advantage to those members with access to it.

Rule 21.3. The two-tiered position limits proposed in Amendment No. 1 are replaced by a single limit of 2000 Government securities option contracts. Because Rule 21.7 is being amended (see below) to set a uniform, higher minimum amount of original issuance required for approval of both Government notes and Government bonds as underlying securities, the rationale for the two-tiered position limits no longer exists. CBOE reserves the right to waive position limits in extraordinary circumstances. Exercise limits (Rule 21.4) are set at the same level as position limits.

Rule 21.6. This rule is being amended to indicate that, in the case of the longest term option series, designation of the expiration year as well as the expiration month is necessary in order to distinguish between options expiring in the same month of different years. The example has been deleted.

Rule 21.7. The two-tiered system with respect to minimum size of initial issuance required for approval of Government securities as underlying securities has been eliminated. As to both Treasury note and Treasury bond options, the required size of initial issuance has been increased in proposed Interpretation and Policy 21.7.01 to $1 billion. Similarly, proposed Interpretation and Policy 21.7.02 is amended to increase to $750 million the minimum public issuance which must be maintained if approval of a security is not to be withdrawn. Proposed Interpretation and Policy 21.7.02 is also amended to reflect the fact that initial approval of an underlying security will extend for a 15 month period following the month when options on that security are opened. That period of initial approval corresponds to the maximum life of any given series of options. Because the setting of criteria for approval of underlying securities necessarily involves judgments which may be revised in the light of experience, CBOE reserves the right to change (e.g., to increase) the minimum size of issuance required for initial or continued approval.

Rule 21.9. Paragraph (a) is amended to change the cycle for Treasury securities options from a January cycle to a March cycle to correspond to the intended cycle for GNMA options. This increases spreading opportunities for investors who might wish to use Government securities options as one leg of a spread and GNMA options as the other. Further, it is made clear that a series may remain open for from 1 up to 15 months following the month when opened. Paragraph (b) is amended to increase the interval between exercise prices at which new series of Government bond options will be opened. Increased volatility of interest rates in recent experience and the consequent volatility in prices of Government bonds suggest that the smaller intervals would result in the opening of too many new options series.

Rule 21.10. Interpretation and Policy 21.10.01 is being added to provide a definite and ascertainable closing time for the Government securities options market. The particular hour (3:00 P.M.) was chosen, in part, to correspond to closing times for Government securities options trading on other Exchanges.

Rule 21.11. This amendment provides that opening rotations in Government securities options are to be overseen by a CBOE employee designated as a Post Coordinator for such options. Because there will not be board brokers or order book officials for Government securities options (as discussed below), this opening function is to be performed by the Post Coordinator. Further, the rule would establish general opening procedures differing from those used for stock options and would provide for changes in those procedures. The proposed rule is paralled to the rule which has been proposed for trading in GNMA options.

Rule 21.12. CBOE is amending this rule to make clear that inaccuracy as well as unavailability of current quotations for the underlying security is grounds for halting or suspending trading of Government securities options.

Rule 21.13. The two-tiered system previously proposed for Government notes and bonds is replaced in this amendment by a unitary system in which bids and offers for all Government securities options shall be expressed in thirty-seconds of a point. Many member firms already have computer programs designed to process Government securities transactions in which the bids and offers are expressed in thirty-seconds of a point. Conforming to this convention will eliminate the necessity for expensive changes in those programs.

Rule 21.14. This change reflects the elimination of a limit order book for Government securities options (as discussed below), and will clarify the priorities of bids and offers for Government securities options in the absence of such a book. Similarly, because of the elimination of the limit order book, paragraphs (ii) through (v) of Rule 6.54 do not apply to Government securities options as stated in Rule 21.15.

Rule 21.17. This rule would make clear that orders for Government securities options contingent upon prices other than those originating on the CBOE will be handled by floor brokers only on a "not-held" basis in view of the character of and relative lack of information concerning completed transactions in Government securities in other markets.

Rule 21.18. This rule would eliminate a limit order book for Government securities options and would transfer the regulatory functions normally performed by board brokers and order book officials to the Post Coordinator for Government securities options. This change reflects CBOE's judgment that, in view of the likely number of series of Government securities options and the anticipated sudden influxes of Government securities options orders upon announcements of Government actions or release of statistical information, the operational problems associated with administering a limit order book would significantly impede trading during periods when prompt trading responses are most vital. In addition, CBOE believes that given the composition of the group of anticipated participants in the planned Government securities options market and the fact

that simple limit order strategies are unlikely to be used as frequently as in CBOE's stock option market it would be neither appropriate nor administratively feasible to maintain a Government securities options limit order book. Finally, in view of the larger dollar amounts which will characterize Government securities options transactions CBOE does not believe that it should expose itself to the increased liabilities which would be associated with maintenance of a Government Securities options limit order book. (As changed, Rule 21.18 is precisely parallel to Rule 20 applying to GNMA options.)

Rule 21.19. This Rule would expand the maximum bid-ask differentials for Government securities options quotations to levels CBOE believes are appropriate in view of the significantly increased volatility of those securities in recent experience. Four categories of differentials geared to different premium levels (referenced to preceding bid prices) are substituted for the originally proposed three categories. These requirements parallel, in large part, those set forth in Rule 8.7(b) applicable to options on stocks and in Rule 20.18 applicable to options on GNMAs. In addition, Interpretation and Policy 20.19.02 would permit waiver of the maximum bid-ask differential in the interest of preserving a fair and orderly market as an alternative to initiating trading halts or suspensions in Government securities options when conditions are present which would otherwise cause such a halt or suspension. CBOE believes that this greater flexibility is appropriate to its proposed Government securities options market, particularly since conditions in the Government securities markets can become very uncertain immediately prior to announcements of pertinent Government action or release of statistical information.

Rule 21.24. This rule merely makes explicit the method by which accrued interest is calculated in determining the aggregate exercise price and follows the method described in Treasury Circular 300 and used in the market for the underlying Government securities.

Rule 21.25. [The proposed margin rules will be supplied in a future amendment.]

Rules 21.26–21.30. These proposed rules provide a supplemental framework for the supervision of Government securities options accounts, the opening of such accounts, and special qualifications of member personnel entitled to handle customers' accounts and orders relating to Government securities options. These rules are identical to Rules 20.26–20.30 applying to GNMA options and are made in order to conform CBOE's Government securities options rules to the requirements of Section 6(b) of the Securities Exchange Act of 1934. Rules 21.27–21.29 pertaining to members' sales practices are intended to insure that relations with customers in Government securities options are conducted and supervised only by personnel specially trained and qualified with respect to Government securities options. Rule 21.30 insures access by CBOE to information pertaining to transactions in Government securities options by members holding appointments as Government securities options market-makers and their corporate affiliates. This rule is intended to enable CBOE to provide surveillance of transactions in Government securities options, Government securities futures, and underlying Government securities which involve those members who are central to Government securities options trading on CBOE (i.e., Government securities options market-makers), whether directly or through a corporate affiliate.

B. Basis Under the Act for Proposed Rule Change.

The proposed rule change is adopted pursuant to Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, in that the rules proposed hereby are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest in connection with transactions in options covering underlying Government securities.

C. Comments Received From Members, Participants or Others on Proposed Rule Change.

Written comments on the proposed rule change have not been solicited or received.

II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) by order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 8, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 17, 1981.

[FR Doc. 81-24361 Filed 8-19-81; 8:45 am]

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[Release No. 34-18038; File No. SR-NASD-81-19]

National Association of Securities Dealers, Inc.; Proposed Rule Change; Self-Regulatory Organizations

In the matter of Proposed Rule Change Relating to Proposed Appendix F under Article III, Section 34 of the Rules of Fair Practice Comments requested on or before September 8, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 7, 1981, the National Association of Securities Dealers, Inc. ("Association") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association proposes to adopt Appendix F to Article III, Section 34 of its rules of Fair Practice ("Section 34") to prescribe standards of fairness and reasonableness for direct participation programs underwritten by members of persons associated with members or in which members or associated persons participate in the distribution thereof.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statement.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Appendix F is intended to implement the authority vested in the Board of Governors of the Association under Section 34 to prescribe standards of fairness and reasonableness relating to the distribution of direct participation programs. More specifically, Appendix F would prescribe certain requirements relating to suitability, disclosure, and organization and offering expenses in connection with the distribution of direct participation programs as well as definitions of relevant terms. Each such provision would be based upon specific authority contained in Section 34.

The statutory basis for Appendix F is found in Section 15A(b)(6) of the Securities Exchange Act of 1934, as amended.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will have an impact on competition to the extent that members or affiliates of members who participate in the distribution of or who sponsor direct participation programs will be subject to the requirements of Appendix F while other members of the Association and non-members will not be subject to such constraints. However, the Association believes the burden imposed is not unduly burdensome or inappropriate in light of the regulatory objectives sought to be achieved in furtherance of the Association's obligations under the Securities Exchange Act of 1934.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

The proposed rule change was published for comments on several occasions. The initial version of the proposed rule change was published as part of a comprehensive package of rules containing the original version of Section 34 and other rules on May 9, 1972. The association received a total of 109 comment letters relating to that version of Section 34 and Appendix F. A summary of those comments was previously filed with the Commission in connection with the submission of Section 34 (see File No. SR–NASD–77–8).

A revision to the May 9, 1972 version of Section 34 and Appendix F was published for member comment in Notice to Members 73–50 (July 13, 1973). All comments relating thereto were filed directly with the Commission. In this connection, attention is directed to Securities Exchange Act Release No. 10260 (July 2, 1973) which solicited public comment regarding certain policy questions relating to the jurisdiction of the Association to regulate issuers of securities.

Finally, the Association solicited comments from members on a revised version of Appendix F in Notice to Members 78–12 (March 10, 1978). The Association recieved a total of 12 comments relating to that rule proposal.

III. Date of Effectiveness of the Proposed Rule Change and timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) by order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 8, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–24369 Filed 8–19–81: 8:45 am]

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[Release No. 34–18036; File No. SR–NYSE–81–16]

New York Stock Exchange, Inc.; Proposed Rule Change by; Self-Regulatory Organizations

In the matter of Proposed Rule Change Relating to increasing ticker and ticker display rates. Comments requested on or before September 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 31, 1981, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Additions and deletions.

Monthly Charges

	Additions	Deletions
NYSE Bond Ticker:		
Cont'l USA First Unit[2 6]	$75.60 to $104.50	$75 to $96.
Additional Unit[6]	986.40	996.

Monthly Charges—Continued

	Additions	Deletions
NYSE Bond Ticker Display [1 2]		
Cont'l USA First Unit [2 4 6]	$85.40 to $78.90	$58 to $70.
Additional Unit [2 5]	$4.50	$4.
Delayed Prices Service: Continental USA [6]	$157.80	$140.

[1] Charges are "per location" and do not include one time installation, relocation and other miscellaneous charges where applicable, which are generally a direct pass through from communications common carriers to subscribers.
[2] Dependent upon geographical area.
[3] Charges by vendor furnishing equipment are in addition to these charges.
[4] Only one first unit charge applies in an office subscribing to units from two or more vendors.
[5] Plus charges, if any, for interconnecting facilities required in connection with additional units.
[6] *Plus a one-time charge applicable to units in service on August 1, 1981 equal to 21.9 percent of the monthly charge.*

The new rates are effective August 1, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the proposed rule change is to recover the incremental bond ticker network and delayed prices ticker network expenses resulting from Western Union rate increases recently approved by the Federal Communications Commission (the "FCC"). Three Western Union rate increases are involved. Two are "passthroughs" of rate increases granted to AT&T by the FCC. The third is an increase attributed by Western Union to its higher costs in providing service.

The proposed rule change will affect all subscribers to ticker and ticker display services in the same manner in that all rates are raised by the same percentage (12.7 percent). As the present fees apply equally to all members, non-member broker-dealers and others who subscribe to these services, the increases will likewise so apply.

The Western Union rate increases were effective on May 14, 1981 (13.1 percent), June 15, 1981 (12.3 percent) and June 28, 1981 (5.4 percent).

(2) *Statutory Basis.* The basis under the Act for the proposed rule change is the requirement under section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The proposed rule change also relates to section 6(b)(5) of the Act in that the Exchange's recovery of its costs with respect to its dissemination of bond last sale prices on a current basis and equity last sale prices on a delayed basis enables the Exchange to make available such prices. This serves to prevent fraudulent and manipulative acts, to remove impediments to and perfect the mechanism of a free and open market and to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition. As noted in response to Item II(A)(2), the price increases will, by enabling the Exchange to continue to make available bond last sale prices on a current basis and equity last sale prices on a delayed basis, serve to promote a free and open market and therefore a fair field of competition. By the same token, enabling the Exchange to continue such data dissemination will promote participation in the Exchange's markets and thereby promote competition among others, investors and members.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 8, 1981.

For the Division of Market Regulation, pursuant to delegated authority.

Dated: August 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–24365 Filed 8–19–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 769]

Availability of and Public Hearing on Draft Environmental Impact Statement for Modifications to the International Center, Washington, D.C.

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the National Environmental Policy Act (Pub. L. 91–190) this is a notice to make available a Draft Environmental Impact Statement for Modifications to the International Center, Washington, D.C.

A public hearing will be held by the Department of State on Wednesday, September 16, 1981, at 7:00 P.M., to receive public comments on the Draft Environmental Impact Statement. Oral statements will be received and considered at the public hearing which will be held in the meeting room of the Capital Memorial Seventh Day

Adventist Church, 3150 Chesapeake Street NW., Washington, D.C.

The Draft Environmental Impact Statement and 3-volume Technical Appendices will be available for inspection at most public libraries in Washington, D.C.; and at the Offices of the National Capital Planning Commission, 1325 G Street NW., 10th Floor, Washington, D.C.

ADDRESS: Written comments on the report will be received until 4:30 P.M., Monday, October 5, 1981. Address all comments or requests for copies of the Draft Environmental Impact Statement to Mr. James A. Edgins, Director, International Center Project, Room 1890, Department of State, 2201 C Street NW., Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Edgins, Director, International Center Project, Room 1890, Department of State, 2201 C Street NW., Washington, D.C. 20520; (202) 632–0540.

Dated: August 17, 1981.

James A. Edgins,

Director, International Center Project.

[FR Doc. 81-24305 Filed 8-19-81; 8:45 am]

BILLING CODE 4710-05-M

Office of the Secretary

[Public Notice 768; Delegation of Authority No. 148]

Under Secretary of State for Management; Delegation of Authority

By virtue of the authority vested in me as Secretary of State, including the authority of section 4 of the Act of May 26, 1949 (22 U.S.C. 2658) and Executive Order 12293 (46 FR 13969), the following functions are hereby delegated to the Under Secretary of State for Management:

General Delegation

Sec. 1. The functions vested in the Secretary of State by sections 1, 2, 3, 6(d) and 7 of Executive Order 12293;

Board of Examiners

Sec. 2. The functions of prescribing regulations for the appointment of members of the board of Examiners, of appointing of State Department and non-government members of the Board of Examiners and of designating the Chairman of the Board of Examiners under section 6(b) of Executive Order 12293.

General Provisions

(a) Notwithstanding any provision of this delegation of authority, the Secretary of State or the Deputy Secretary of State may at any time exercise any function delegated to any officer of the Department of State by this delegation of authority.

(b) Any officer to whom functions are delegated by this delegation of authority may redelegate such functions, except for such actions as may be required by law to be approved by higher authority.

(c) All previous determinations, authorizations, regulations, rulings, orders, directives, charters, contracts, agreements and other actions made, issued or entered into with respect to any function herein delegated and not heretofore revoked, suspended or otherwise made inapplicable shall continue in force and effect until modified, amended, or terminated by appropriate authority.

Dated: August 4, 1981.

Alexander M. Haig, Jr.,

Secretary of State.

[FR Doc. 81-24261 Filed 8-19-81; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-81-068]

National Boating Safety Advisory Council; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Thursday and Friday, October 1 and 2, 1981, in the Lincoln Room at the Kellogg Center, Michigan State University, East Lansing, Michigan, beginning at 9:00 a.m. on Thursday, October 1, 1981. The meeting is scheduled to recess at 4:00 p.m. on Thursday, October 1, 1981. On Friday, October 2, 1981, the meeting is scheduled to begin at 9:00 a.m. and adjourn in the early afternoon. The agenda for the meeting will be as follows:

1. Review of action taken at the 27th meeting of the Council.
2. Executive Director's Report.
3. Summary of the subcommittee's review of technical requirements and vote on need for regulation changes.
4. Summary of the subcommittee's review of regetta regulations and vote on need for regulation changes.
5. Summary of the subcommittee's review of visual distress signal regulations and vote on need for regulation changes.
6. Subcommittee discussions on personal flotation device, accident reporting, anti-siphon, ignition protection and natural ventilation regulations.
7. Briefing on research and use of test courses for determining horsepower rating for outboard boats.
8. Report on current status of preemption of State laws.
9. Report on current status of PFD exemption for sailboats.
10. Report on motorboat operators licensing.
11. Presentation on readily accessibility of fire extinguishers.
12. Presentation on deletion of owners date of birth and citizenship information from numbering requirement.
13. Briefing on deadweight calculations for level flotation requirements.
14. Discussion of Hull Identification Number (HIN) regulations and vote on need for amending.
15. Discussion and vote on need to require engine weight to be listed on capacity plate.
16. Subcommittee reports to the Council.
17. Member's items.
18. Chairman's session.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Commander Neal Mahan, Executive Director, National Boating Safety Council, U.S. Coast Guard, (G–BA), Washington, DC 20593, or by calling (202) 426–1080.

Issued in Washington, DC on August 17, 1981.

H. W. Parker,

Rear Admiral U.S. Coast Guard, Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 81-24327 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-81-23]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition

of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before September 9, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on August 17, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21982	Wright Air Lines, Inc	14 CFR 121.291(a)(2)(i)	To allow petitioner to increase the seating capacity of its Convair 600 series aircraft from 44 to 48 passenger seats without first conducting an emergency evacuation demonstration of the full passenger-seating capacity.
21351	Evergreen Helicopters	14 CFR 135.89(b)(3)	To allow petitioner to operate its Learjet Model 25 and 24B aircraft above flight level 350 up to and including flight level 410 without one pilot having to wear and use an oxygen mask.
21812	Mr. Geoffrey S. Avery	14 CFR 61.39	To permit petitioner to take the flight test for an airline transport pilot certificate although more than 24 months have elapsed since he passed the required written test for that certificate.
21989	Sundance International Airlines	14 CFR 121.291(a)(1)	To permit petitioner to introduce its B–727–100 series aircraft configured with 129 passenger seats into passenger-carrying service without first conducting a full-seating capacity emergency evacuation demonstration.
21999	Trans World Airlines, Inc	14 CFR 121.317(b)	To permit the addition of the wording "Fasten Seat Belt While Seated" to the existing single placard on the back side of the center armrest table between seat backs of each first-class double seat installed on TWA's aircraft.
21995	Transamerica Airlines, Inc	14 CFR 121.413(c)(1)	To permit petitioner to conduct inflight training of pilot check airmen in an FAA-approved simulator in lieu of actual inflight training conducted in an aircraft.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20299	Fishing Unlimited	14 CFR 135.243(b)(3)	To permit petitioner, and pilots employed by him, to serve as a pilot in command under VFR conditions without holding an instrument rating. Withdrawn no longer required. July 27, 1981
20772	Harbor Air Service	14 CFR 135.243(b)(3)	To allow a pilot in command to operate without an instrument rating. Petitioner further requests relief from the 120-day requirement of Section 11. Withdrawn no longer required. July 27, 1981
20811	Christensen Aviation	14 CFR 135.243(b)(3)	To allow a pilot in command to operate without an instrument rating. Withdrawn no longer required. July 27, 1981
21103	Tate's Greenbrier Airport, Inc.	14 CFR 121.291(a)(a)	To allow Mr. Moore to act as pilot in command without an instrument rating. Withdrawn no longer required. July 27, 1981
21301	Lake Mead Air, Inc. (LMA)	14 CFR 135.243(b)(3) and 135.39(b)(2)(i)	To allow Mr. Earl Leeberg to operate as pilot in command in LMA's Part 135 operations without an instrument rating during day visual flight rule conditions. Withdrawn no longer required. July 27, 1981.
21338	Trans-West Air Charter	14 CFR 135.297(b)	To delete the Non-Directional Beacon instrument approach procedure demonstration requirement for its company pilots during pilot-in-command proficiency checks. Withdrawn no longer required. July 27, 1981.
21336	Macy's Flying Servcie	14 CFR 135.243(b)(3)	To allow pilots employed by petitioner to operate as pilots in command without having instrument ratings. Withdrawn no longer required. July 27, 1981.
18901	James R. Payne	14 CFR 135.243(b)(3)	To permit petitioner to operate as airplane as pilot in command under Part 135 without holding an instrument rating or an airline transport pilot certificate with an airplane category rating. Withdrawn no longer required. July 27, 1981.
21297	Joe Ware Flying Service	14 CFR 135.243(b)(3)	To allow petitioner to operate as pilot in command in petitioner's Part 135 operation during day visual flight rule condition without an instrument rating. Withdrawn no longer required. July 27, 1981
21352	Bohman Airways Number 2, Inc.	14 CFR 135.243(b)(3)	To permit petitioner's pilots in command to operate an airplane under Part 135 without holding an instrument rating or an airline transport pilot certificate with an airplane category rating. Withdrawn no longer required. July 27, 1981.
21487	Tyee Airlines, Inc.	14 CFR 135.243(b)(3)	To permit petitioner's pilots in command to operate an airplane under Part 135 without holding an instrument rating or an airline transport pilot certificate with an airplane category rating. Withdrawn no longer required. July 27, 1981.
21362	Bird's Seaplane Service	14 CFR 135.243(b)(3)	To allow petitioner to operate without meeting the requirement that their pilots have an instrument rating. Withdrawn no longer required. July 27, 1981.

Dispositions of Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21558	Todd's Air Service	14 CFR 135.243(b)(3)	To permit Mr. Terry R. Willis to operate as pilot in command in petitioner's Part 135 operations without having an instrument rating. The operation would be limited to day visual flight rule conditions. Withdrawn no longer required. July 27, 1981
21405	Warroad Airways, Inc.	14 CFR 135.243(b)(3)	To allow petitioner to use pilots in command in Part 135 operations without having instrument ratings when operating in day visual flight rule (VFR) conditions. Withdrawn no longer required. July 27, 1981.
21423	Salmon Air Taxi	14 CFR 135.243(b)(3)	To allow petitioner to use pilots in command, who do not have instrument ratings, when operating in day visual flight rule conditions into remote or isolated areas. Withdrawn no longer required. July 27, 1981
21421	John P. Bussanich	14 CFR 135.243(b)(3)	To allow petitioner to fly as a pilot in command for Southeast Alaska Airlines in their Part 135 operation without having an instrument rating when operating in day visual flight rule conditions in remote areas. Withdrawn no longer required. July 27, 1981
21397	Flight Safety Int'l (FSI)	14 CFR 135.303	To permit FSI's employed instructor pilots, seeking FAA approval for check pilot status, to take the flight test in an FAA-approved simulator in lieu of the aircraft. Granted, Aug. 5, 1981.
21985	Zenair Ltd.	14 CFR 91.27	To permit petitioner to operate a French-Registered Cricket Mc 12 ultra light aircraft without an airworthiness certificate at the Oshkosh Fly-in. Partial grant, July 31, 1981.
21774	Finnair	14 CFR Parts 21 & 91	To permit petitioner to operate a U.S.-registered DC-10-30 using an FAA-approved master minimum equipment list and to maintain the aircraft under a continuous airworthiness maintenance program. Granted, Aug. 4, 1981.
21979	Valentin GmbH Gerate und Maschinenbau	14 CFR 91.27	To permit operation of a German-registered Tailun 17E aircraft without an airworthiness certificate at the Oshkosh Fly-in. Granted, July 31, 1981
21813	Piedmont Airlines	14 CFR 121.291	To permit petitioner to introduce B-727-200 airplanes into service carrying 150 passengers on or about August 1, 1981, without first conducting a full-scale demonstration of emergency evacuation procedures. Granted, Aug. 4, 1981.
21145	Air Transport Association	14 CFR 121.424	To eliminate the night landing and takeoff requirements for SIC pilots upgrading to PIC in the same airplane type and for SIC pilots transitioning to another type airplane. Granted Aug. 4, 1981
21303	Ozark Air Lines, Inc.	14 CFR 121.391(a)(3)	To permit petitioner to utilize two flight attendants aboard its DC-9-30 airplanes configured with 110 passenger seats when 10 seats are blocked from use. Denied, July 31, 1981
21445	Golden Gate Airlines	14 CFR 135.261(b)	To permit petitioner and its flight crewmembers to substitute the flight crewmember rest requirements of Subpart O of Part 121 for those contained in Part 135. Denied, Aug. 4, 1981
21444	Flying Tiger Line	14 CFR 121.391(a)	To allow transport of up to nine passengers on the upper deck of B-747 freighter aircraft without a flight attendant when the aircraft are in a 12-20 seat configuration. Denied Aug. 4, 1981.
21605	Alaska Airlines	14 CFR 121.574	To permit petitioner to carry and operate oxygen storage and dispensing equipment for medical use by patients being carried as revenue passengers. Granted July 31, 1981.
21629	Wien Air Alaska	14 CFR 121.291(a)(1)	To allow petitioner to place Boeing 727-100 aircraft in passenger/cargo service using 96 passengers and 2 flight attendants or 86 passengers/2 cargo pallets and 2 flight attendants without first conducting a full-seating capacity emergency evacuation demonstration. Granted July 31, 1981
21632	California Amphibious Transport (CAT)	Portions of 14 CFR Parts 91 and 135	To permit petitioner to conduct visual flight rule day operations under its Part 135 certificate in the uncontrolled airspace between Long Beach, Calif., and Pebbly Beach, Santa Catalina Island, Calif., with a minimum ceiling and visibility of 500 feet and 1 mile and when the ceiling is at or near 500 feet and the operation is conducted with a seaplane or amphibian down to a minimum overwater altitude of 300 feet above the surface. Relief was also requested for operations of CAT's Grumman airplanes without thunderstorm detection equipment over these same routes. Denied July 31, 1981.
21015	Ransome Airlines (RAN)	14 CFR 135.63(c)(8)	To correct a misunderstanding on the conditions of Exemption 3159 which allows operations without identifying the crew on the load manifest. Specifically RAN wants Condition No. 1 to read: "Each flight must be dispatched through the Ransome Airlines Part 121 dispatch system." Granted Aug. 6, 1981.
21757	Scheduled Skyways, Inc.	14 CFR 135.261(b)	To permit assignment of a flight crewmember and for flight crewmembers to accept flight duty time without having had at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the flight assignment. Denied Aug. 7, 1981.
21337	Falcon Jet Corp.	14 CFR 21.195(a)	To permit issuance of Special Airworthiness Certificates-Experimental to Dassult/Sud Fan Jet Falcon, for aircraft which are not U.S. Manufactured Aircraft and used for market surveys. Granted Aug. 6, 1981
21178	Mr. Anton Digrolamo	14 CFR 61.73	To allow petitioner to add Boeing 707 and North American Rockwell 265 type ratings to his pilot certificate without taking a flight test in those aircraft. Denied Aug. 7, 1981.
22041	Arrow Airways, Inc.	14 CFR 121.291(a)(b)	To permit petitioner to introduce its B-707-327C airplane into passenger-carrying operations using four flight attendants and configured with 178 passenger seats without first conducting a full-seating capacity emergency evacuation demonstration and a simulated ditching demonstration conducted in accordance with Part 121 Appendix D. Granted Aug. 7, 1981.
21557	Altair Airlines, Inc.	14 CFR 121.411, .413, .433	To permit petitioner to use foreign airmen who possess U.S. ATP airmen certificates as F-28 simulator and flight instructors but who have not satisfactorily completed petitioner's FAA-approved ground and flight training program on the Fokker F-28 airplane. Granted Aug. 7, 1981
21606	Sierra Academy of Aeronautics (SAA)	14 CFR 61.153	To allow petitioner's Algerian National Airline students, who have completed SAA's commercial/instrument course, to take the Airline Transport Pilot (ATP) written test without having met the aeronautical experience requirements. Granted Aug. 10, 1981

Dispositions of Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20090	Sierra Academy of Aeronautics	14 CFR 61.63(d) (2) and (3) and 61.57(d)(1)	Amendment to Exemption No. 2963A to include students enrolled in the B-707, B-747, DC-8, DC-9, DC-10, Lockheed L1011, Lockheed Hercules, and BAC 1-11 training courses in addition to the B-727 and B-737 courses presently included in the exemption. The present exemption allows its trainees to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing in an airplane simulator as set forth in Appendix A of Part 61 although SAA does not have an operating certificate issued under Part 21. Granted Aug. 10, 1981
21994	West Air Holding, Inc	14 CFR 91.307	To amend Exemption No. 3080 to add 2 aircraft. The present exemption allows operation in the United States under a service to small communities. Exemption specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows. The new exemption would cover until not later than January 1, 1988: 7 BAC-1-111. Granted Aug. 3, 1981.
21972	Kodiak Western Alaska Airlines, Inc.	14 CFR 91.39 and 121.157	To permit operation of two restricted category C-119L aircraft in commercial transportation of 8,000,000 pounds of building supplies from Anchorage, Alaska to various sites in the Kotzebue area. Denied Aug. 11, 1981.
20163	Gene E. Humphrey	14 CFR 135.243	To permit petitioner to serve as pilot in command under VFR and IFR conditions without meeting the minimum total flying hour requirements. Denied Aug. 7, 1981

[FR Doc. 81-24358 Filed 8-19-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 136—Installation of Emergency Locator Transmitters (ELT) in Aircraft; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of Special Committee 136 on Installation of Emergency Locator Transmitters (ELT) in Aircraft to be held on September 24-25, 1981 in RTCA Conference Room 267, 1717 H Street NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Tenth Meeting Held on June 2-3, 1981; (3) Consideration of Comments Received on the Fourth Draft of Committee Report on Installation and Performance of Emergency Locator Transmitter Systems; (4) Review Committee Comments on RTCA Document DO-166—Minimum Performance Standards for Emergency Locator Transmitters; and (5) Other Business.

Attendance is open to the Interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on August 12, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-24268 Filed 8-19-81; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 146—Airborne Automatic Direction Finding Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 146 on Airborne Automatic Direction Finding Equipment to be held on September 15-16, 1981 in RTCA Conference 267, 1717 H Street, N.W., Washington, D.C. commencing at 8:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Third Meeting Held on July 29-30, 1981; (3) Review of Draft Minimum Operational Performance Standards for Airborne Automatic Direction Finding Equipment; (4) Assignment of Tasks; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on August 12, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-24262 Filed 8-19-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-81-10]

St. Lawrence Railroad Co.; Petition for Exemption From Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the St. Lawrence Railroad (St. L) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the St. L be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a ge period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption form this twelve hour limitation.

The St. L seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–10, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before September 11, 1981 will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49 (d)).

Issued in Washington, D.C. on August 6, 1981.

[FR Doc. 81–24012 Filed 8–19–81; 8:45 am]

BILLING CODE 4910–06–M

[FRA Waiver Petition Docket HS–81–9]

Wisconsin and Southern Railroad Co.; Petition of Exemption From Hours of Service Act

In accordance with CFR 211.41 and 211.9, notice is hereby given that the Wisconsin and Southern (W&S) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the W&S be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The W&S seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–9, and must be submittted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before September 11, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on August 6, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81–24011 Filed 8–19–81; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administration

[Docket No. IP81–17; Notice 1]

General Motors Corp.; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

General Motors Corporation of Warren, Michigan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.101–80, Motor Vehicle Safety Standard No. 101–80, *Controls and Displays*. The basis of the petition is that the noncompliance is inconseqential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2.3 of Standard No. 101–80 requires, by reference to Table 2, that the speedometer display be identified with the words "MPH" and "Km/h." In more than 30,000 1981 model Cadillac Sevilles, General Motors used the word "SPEED" in its informational readout display, a technical noncompliance with Standard 101–80. The company argues that the noncomplying word clearly indicates the function of the display, and that the behavior of the display is obvious also, reading, "0" when the vehicle is stationary and increasing as the vehicle velocity increases. The digital instrument cluster incorporates a two-position switch marked METRIC/ENGLISH which displays speeds in kilometers per hour or miles per hour depending on its setting. For these reasons the petitioner argues that the noncompliance is inconsequential as it relates to safety.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corporation described above. Comments should refer to the docket number be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials will be filed, and all comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

Comment closing date: September 21, 1981.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 13, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–24272 Filed 8–19–81; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. EX81–1; Notice 2 and Docket No. IP81–16; Notice 1]

Vintage Reproductions, Inc.; Petitions for Determinations of Inconsequential Noncompliance and Temporary Exemption From Certain Federal Motor Vehicle Safety Standards

On February 5, 1981, the National Highway Traffic Safety Administration (NHTSA) publiched notice of receipt of a petition by Vintage Reproductions,

Inc. of Opa Locka, Fla., for temporary exemption of its Gazelle model from four Federal motor vehicle safety standards, on grounds that compliance would cause it substantial economic hardship (46 FR 11087).

During the pendency of the petition the agency was given reason to believe that Vintage might have understated its requests, and initiated an investigation of the matter (agency file CIR 2399). Examination of a Gazelle revealed additional areas of questionable compliance. NHTSA has secured an understanding from Vintage that it will provide statutory notification and remedy with respect to several of the problem areas. The remaining areas of apparent noncompliance are those which cannot be immediately corrected without causing substantial economic hardship and for which prospective relief, in the form of a temporary exemption, has been requested for periods running from 6 months to 3 years. For the same reason, vehicles already manufactured cannot be easily conformed and Vintage has requested retrospective relief, in the form of a determination that the noncompliances involved are inconsequential as they relate to motor vehicle safety. Because of the substantial identity of the subject matter, the agency had decided to consider these petitions simultaneously. Vintage has withdrawn its earlier petition for temporary exemption and the agency will make no decision with regard to it.

This notice of receipt of petitions for a determination of inconsequentiality and for temporary exemption are published in accordance with 49 CFR 556.7 and 49 CFR 555.7, respectively, the NHTSA regulations on the subject, and do not represent any agency decision or other exercise of judgment concerning the merits of the petitions.

Vintage Reproductions has manufactured less than 100 of its Gazelle model since April 1979 when it began production of the vehicle, which had previously been sold in kit form. The Gazelle is an open passenger car vaguely resembling a 1929 Mercedes SSK. The company had an unaudited net loss of $12,767 in its fiscal year ending April 30, 1981, and a cumulative net loss for the three previous fiscal years. Its primary alternative product line is the "Series 1900 Horseless Carriage" intended to resemble turn-of-the-century machines. It intends to manufacture other replica-type vehicles in the future. To require it to comply with the eight Federal motor vehicle safety standards for which it requests exemption, and to remedy vehicles presently in noncompliance with these standards, would cause it substantial economic hardship. A summary of its request and explanation follow:

Standard No. 101–80, Controls and Displays

Vintage seeks a 1-year exemption from paragraphs S5.3.1 and S5.3.3. The former section requires in essence that the identification of controls located on the dashboard be illuminated whenever the headlamps are activated. No independent lighting is currently provided for this requirement. Vintage argues that ambient light from gauges and other sources may provide sufficient lighting for the controls. It is also considering adding a light external to the panel. The second referenced paragraph requires that light intensities for the controls, gauges, and identification be continuously variable. Vintage provides only an on-off switch. Initial investigation indicates that replacement switches known to it to date are larger in size and would cause interference with the existing electrical harness and auto frame. It will continue its search for a suitable switch or relocate it. It intends to comply within a year but cannot do so immediately without substantial economic hardship.

Vintage argues that its noncompliances with Standard No. 101–80 are inconsequential because the ambient light from the gauges may provide sufficient lighting for identification of the controls. It believes that because of the open nature of the vehicle, it is not likely to be used extensively for driving in darkness or inclement weather.

Standard No. 107, Reflective Surfaces

Although the specular gloss of the inside windshield moulding has not been measured, it would appear to exceed the maximum permitted by the standard. Vintage asks a 6-month exemption to exhaust its inventory of windshield frames, which cost it approximately $100 each. Upon exhaustion of inventory, it will install mouldings whose compliance is not in doubt.

Vintage argues that the apparent noncompliance is inconsequential because of the narrowness of the windshield frame (1 inch), believing that the possibility of hazardous reflection is minimal.

Standard No. 114, Theft Protection

Petitioner seeks a 1-year exemption from paragraph S4.4 which requires means to warn the driver that the ignition key has been left in the locking system. To require immediate compliance would entail reworking a "large inventory of electrical harnesses" in order to incorporate a "buzzer," at financial hardship to it. During the year's exemption, it will redesign its system to meet paragraph S4.4.

This noncompliance is said to be inconsequential because the limited number of vehicles and the price of each ($20,000 to $25,000) necessarily will result in a very low incidence of vehicles being left with keys in the locking system.

Standard No. 201, Occupant Protection in Interior Impact

A 3-year exemption is requested from the requirement of paragraph S3.4 that sun visors be provided, as there is no adequate structure above the windshield frame upon which to install them. In its earlier petition, Vintage stated that the Gazelle "has a padded roll along the entire perimeter of the compartment and dashboard" and in a collision a belted passenger "will not * * * be pitched forward in an area beyond the padded dash."

As there is no header above the windshield, there is no occupant protection function to be served by sun visors, and their absence is a noncompliance with an inconsequential relationship to safety.

Standard No. 202, Head Restraints

Vintage requests an exemption of 6 months in which to complete design and tooling of a new seat design. Immediate compliance with the standard "would cost no less than $400 per vehicle, exclusive of engineering and procurement costs."

In the meantime, equivalent protection is offered in that "the seat design of the Gazelle requires full leg extention and a body angle in excess of ninety-five degrees, thereby creating almost total body immersion within the padded and rolled seat," and for this reason the noncompliance is inconsequential.

Standard No. 206, Door Locks and Door Retention Components

Vintage considers that it complies with this standard with the exception of paragraph S4.1.3 for which it requests an exemption of 3 years. This paragraph requires a locking device with mechanism in the interior of the vehicle. To install the locking device would "entail the engineering of a door of greater depth."

Because the Gazelle "is an open roadster with no windows or permanent side curtains," a locking device would not be anti-theft in nature; its inclusion "would in no way enhance vehicle

performance or passenger safety," therefore failure to provide it is an inconsequential noncompliance.

Standard No. 208, Occupant Crash Protection

There are three aspects of this standard that are not met and Vintage requests 1 year in which to comply. The company has equipped Gazelles with off-the-shelf belts which complied with Standard No. 209 when manufactured but which do not meet current requirements of Standard No. 208 for passenger cars. They do not incorporate emergency locking or automatic locking retractors (S7.1) nor does the latch release at a single point by a push button action (S7.2(c)). Petitioner states that the envelope size of retractors presently available makes installation "extremely difficult" because of interference with the body and the proximity of the retractor to the side. During the exemption it will redesign the frame so that automatic locking retractors can be used. The current assemblies utilize a flip-type lock release, previously acceptable, and a year's exemption will allow Vintage to exhaust its inventory. Vintage has also failed to install the warning system requested by S7.3 and, at the time it is reworking its wiring harness to meet Standard No. 114, it will incorporate a complying seat belt warning system. Effecting these changes at two different times would involve extra expenditures and create a hardship.

Vintage argues that these noncompliances are inconsequential as they relate to motor vehicle safety. The belts themselves meet the same performance standards as current ones and hence, when in place, afford the same means of protection. Because the belts do not have automatic retractors, they lie on the seat when not in use and must be removed if the seat is to be occupied, thus serving the same warning function as a buzzer.

Standard No. 214, Side Door Strength

To require conformance with the side door strength standard would result in a cost increase of $300 per vehicle, but, in the petitioner's view, passengers are protected from side impacts because of the rearward location of the seat, and its placement parallel with the all steel main frame. Vintage asks for a 3-year exemption. Because Vintage believes its current design offers adequate protection, it believes its noncompliance is not significant.

In addition, Vintage acknowledges a noncompliance with Standard No. 205, *Glazing Materials*, in that the AS–1 marking on the windshield is partially obscured by the windshield frame. It has also failed to mark the auxiliary wind deflectors. Current production now complies. Vintage will provide owners of noncomplying vehicles with letters verifying the conformity of the glazing with the performance requirements of Standard No. 205 but has asked to be excused from the requirement to literally mark it, arguing that the noncompliance is inconsequential because the glazing does meet all performance requirements.

In support of its exemption petition Vintage Reproductions argued that a grant would be in the public interest by adding "to the American labor force and economy" the "cost of direct labor" rising from $50,000 in 1979 to $210,000 in 1980. A denial would result in a reduction of labor costs to $94,000 and in a projected net loss of $101,000 in its next fiscal year. As a vehicle of limited appeal, the petitioner believes that the Gazelle ought not to present a hazard to traffic safety since its use will be occasional and limited, rather than used extensively as a family car.

Interested persons are invited to submit comments on the petitions for exemption and inconsequentiality submitted by Vintage Reproductions. Comments should refer to "Docket EX81–1" and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the **Federal Register**.

Comment closing date: September 21, 1981.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 13, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-24271 Filed 8-19-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Performance Review Board

AGENCY: Treasury Department.

ACTION: This is a new publication of the Office of the Secretary Performance Review Board (PRB), cancelling the publications of November 1, 1979, Volume 44 FR 62988; and April 30, 1980, Volume 45 FR 28850; in accordance with 5 U.S.C. 4314(c)(4).

SCOPE: This notice applies to all components within the Office of the Secretary, except the Legal Division.

PURPOSE: The purpose of the Board is to review performance appraisals, ratings, recommendations for performance awards, and other personnel actions, and to make recommendations to the Deputy Secretary who is the Appointing Authority.

COMPOSITION OF PRB: Each session of the Performance Review Board will be attended by the Chairperson or her designee and at least two of the members listed below. The Board will be composed of more than 50 percent career appointees in cases involving the appraisal of an SES career appointee. The names and titles of the PRB members are as follows:

Cora P. Beebe, Chairperson, Assistant Secretary (Administration)
John Garmat, Deputy Director, Office of Budget and Program Analysis
Angela Marie Buchanan, Treasurer of the United States
Diane C. Hermann, Director, Office of Equal Opportunity Program
David S. Burckman, Director of Personnel
Paul T. Weiss, Deputy Director of Personnel
Roger W. Mehle, Assistant Secretary (Domestic Finance)
Francis X. Cavanaugh, Director, Office of Government Financing
Robert W. Rafuse, Deputy Assistant Secretary for State and Local Finance
Marc E. Leland, Assistant Secretary (International Affairs)
James A. Griffin, Senior Policy Advisor
Charles Schotta, Deputy Assistant Secretary (Commodities and Natural Resources)
John M. Walker, Jr., Assistant Secretary (Enforcement and Operations)
John P. Simpson, Deputy Assistant Secretary (Operations)
John E. Chapoton, Assistant Secretary (Tax Policy)
David Glickman, Deputy Assistant Secretary, Tax Policy
John G. Ballentine, Deputy Assistant Secretary, Tax Analysis
John G. Wilkins, Director, Office of Tax Analysis
Paul H. Taylor, Fiscal Assistant Secretary
Gerald Murphy, Deputy Fiscal Assistant Secretary

John A. Kilcoyne, Assistant Fiscal Assistant Secretary for Banking
Bruce E. Thompson, Jr., Deputy Assistant Secretary (Legislative Affairs)
John F. Kelly, Assistant Secretary (Public Liaison and Consumer Affairs)
Paul Craig Roberts, Assistant Secretary (Economic Policy)
Manuel H. Johnson, Jr., Deputy Assistant Secretary (Policy Coordination)
John H. Auten, Director, Office of Financial Analysis

FOR FURTHER INFORMATION CONTACT:

Charlene J. Robinson, Executive Secretary, PRB, Room 1306, Main Treasury Building, 15th & Pennsylvania Avenue, NW., Washington, D.C. 20220, Telephone: (202) 566–5468.

This notice does not meet the Department's criteria for significant regulations.

Cora P. Beebe,
Assistant Secretary (Administration).

[FR Doc. 81–24322 Filed 8–19–81; 8:45 am]
BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 161
Thursday, August 20, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., August 25, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Enforcement Matter/Consideration of an order designating persons to administer oaths, issue subpoena and take testimony.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6374.

[S-1271-81 Filed 8-18-81, 10:21 am]
BILLING CODE 6351-01-M

2

FEDERAL ELECTION COMMISSION.

[FR No. 1231]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, August 20, 1981 at 10 a.m.

CHANGE IN MEETING: Add Executive Session at the close of the Open Meeting for the purpose of consideration of Compliance Matters continued from August 18, 1981.

* * * * *

DATE AND TIME: Tuesday, August 25, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance. Litigation. Audits. Personnel. FOIA Appeals.

* * * * *

DATE AND TIME: Thursday, August 27, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:
Setting of dates for future meetings
Correction and approval of minutes
Pending legislation:
  Legislative Recommendations in connection with petition for a writ of certiorari in *FEC v. Machinists Non-Partisan Political League*, and *FEC v. Citizens for Democratic Alternatives in 1980*
Appropriations and budget:
  1983 Budget Report (continued from August 20)
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-1274-81 Filed 8-18-81, 4:02 pm]
BILLING CODE 6715-01-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., August 26, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 9355-8: Modification of the Atlantic and Gulf American-Flag Berth Operators Agreement to add intermodal authority.

2. Agreement No. 10408: Cooperative working arrangement among Northern Pan America Line A/S, Nopal Star Line Limited, Nopal Venezuela Line, Ltd., Rocargo, C.A., Lorentzen Shipping Agency, Inc., Oivind Lorentzen A/S Sobral, and DFDS A/S, to establish Lorentzen Shipping Agency, Inc., as agent, manager and administrator for each of the parties.

Portion closed to the public:

1. Docket No. 79-72: Cargill, Inc. v. Waterman Steamship Corporation—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1273-81 Filed 8-18-81; 3:53 pm]
BILLING CODE 6730-01-M

4

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m. Wednesday, August 26, 1981.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: August 18, 1981.

William W. Wiles,
Secretary of the Board.

[S-1272-81 Filed 8-18-81; 3:14 pm]
BILLING CODE 6210-01-M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Week of August 24, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, August 25:*

2:00 p.m.:
  Briefing on Pending Adjudicatory Proceedings (closed meeting)

Wednesday, August 26:

10:00 a.m.:
  Discussion of Management-Organization and Internal Personnel Matters (closed meeting)

Thursday, August 27:

10:00 a.m.:
  Discussion of Implementation of Early Notification Systems (public meeting)
3:30 p.m.:
  Affirmation/Discussion Session (public meeting)
  Items to be affirmed and/or discussed:
  a. Proposed Rulemaking to Implement the Age Discrimination Act of 1975, as Amended, to Prevent Discrimination on the Basis of Age in Federally Assisted Commission Programs

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary M. Gilbert, (202) 634–1410.

Dated: August 18, 1981.

Gart M. Gilbert,

Office of the Secretary.

[S–1275–81 Filed 8–18–81; 4:06 pm]

BILLING CODE 7590–01–M

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of August 24, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, August 25, 1981, at 10:00 a.m. and on Thursday, August 27, 1981, following the 10:00 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, and Longstreth determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 25, 1981, at 10:00 a.m., will be:

Litigation matter.
Formal orders of investigation.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Regulatory matter regarding financial institution.
Freedom of Information Act appeals.

The subject matter of the closed meeting scheduled for Thursday, August 27, 1981, following the 10:00 a.m. open meeting, will be:

Opinion.

The subject matter of the open meeting scheduled for Thursday, August 27, 1981, at 10:00 a.m., will be:

1. Consideration of whether to grant the request of the law firm of Skadden, Arps, Slate, Meagher & Flom for the return of its records voluntarily submitted to the Commission during the course of the Commission's inquiry into the Firestone Tire & Rubber Co. For further information, please contact Theodore Bloch at (202) 272–2454.

2. Consideration of whether to (1) affirm the decision of the FOIA Officer to release a letter from the Commission's file on the National Kinney Corp., and (2) treat the request for confidential treatment of the appeal letter as part of the FOIA appeal of Bud G. Holman, Esq. For further information, please contact Christina Pfirrman at (202) 272–2432.

3. Consideration of whether to propose for comment Rule 17a–8 under the Securities Exchange Act of 1934 which would require brokers and dealers to make and retain reports and records pursuant to the Currency and Foreign Transactions Reporting Act of 1970. For further information, please contact Elizabeth S. York at (202) 272–2376.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

August 17, 1981.

[S–1270–81 Filed 8–17–81; 4:51 pm]

BILLING CODE 8010–01–M

federal register

Thursday
August 20, 1981

Part II

Advisory Council on Historic Preservation

Urban Development Action Grant Program; Historic Preservation Requirements

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 801

Historic Preservation Requirements of the Urban Development Action Grant Program

AGENCY: Advisory Council on Historic Preservation.

ACTION: Final regulations.

SUMMARY: These final regulations implement the historic preservation review provisions of Section 110 of the Housing and Community Development Act of 1980 (Pub. L. 96–399, 94 Stat. 1614) and Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470). Section 110(c) of Pub. L. 96–399 requires, among other things, the Council to prescribe regulations for expeditious review and comment on Urban Development Action Grant projects which affect properties listed in or eligible for the National Register of Historic Places. The proposed regulations establish this required expedited Council commenting process.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Peter H. Smith, Special Assistant for Urban Affairs, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005; 202–254–3974.

SUPPLEMENTARY INFORMATION: The Council was established by the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and consists of the Secretary of the Interior, the Secretary of Housing and Urban Development, the Administrator of the General Services Administration, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Transportation, the Architect of the Capitol, the Chairman of the National Trust for Historic Preservation, the President of the National Conference of State Historic Preservation Officers, four members from the general public appointed by the President, four historic preservation experts appointed by the President, and a governor and a mayor. The Act generally charges the Council with advising the President and the Congress on historic preservation matters. Section 106 of the Act is designed to protect properties listed in or eligible for inclusion in the National Register of Historic Places through review and comment by the Council on Federal undertakings that affect such properties. The Section 106 process is a public interest process in which the Federal agency sponsoring the project, the State Historic Preservation Officer, the Council, local governments, and interested organizations and individuals participate. The review process is established by the Council's regulations (36 CFR Part 800). For programs authorized by Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), applicants legally assume the status of a responsible Federal official for the purposes of the National Historic Preservation Act. This is authorized by Section 104(h) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)). The Section 106 process is designed to assure that alternatives to avoid or mitigate an adverse effect on a property listed in or eligible for inclusion in the National Register are adequately considered in the planning process.

These regulations are required by Section 110(c) of the Housing and Community Development Act of 1980, (42 U.S.C. 5320(c)) and apply only to projects proposed to be funded by the Urban Development Action Grant (UDAG) program of the Department of Housing and Urban Development. The purpose of these proposed regulations is to expedite the Council's commenting process for such applications. Under the provisions of Section 110 of the Housing and Community Development Act of 1980 the State Historic Preservation Officer has a 45 day period to comment on properties listed in the National Register of Historic Places or which meet the Criteria and which will be affected by the proposed UDAG project as determined by the applicant. The Secretary of the Interior, likewise, has a 45 day period in which to make a determination whether the affected properties are eligible for inclusion in the National Register. For the sake of clarity the comment period of the State Historic Preservation Officer is referred to as a "review period" in these proposed regulations. This has been done in order to avoid confusion between comments of the Council required by Section 106 of the National Historic Preservation Act and the comments of the State Historic Preservation Officer required by Section 110(c) of the Housing and Community Development Act of 1980.

The process established by the proposed regulations is basically similar to the existing Section 106 process set forth in 36 CFR Part 800, "Protection of Historic and Cultural Properties." However, the proposed regulations re-structure the normal Section 106 process to better reflect the UDAG program and the legal responsibilities of the applicant and most importantly to expedite the Council's commenting role.

In preparing the final regulation staff members of the Council met with representatives of the Department of Housing and Urban Development.

Comments and the Council's Response

The Council received 11 comments prior to the close of the comment period on February 18, 1981. An additional three comments were received between February 19, 1981, and the Council meeting on June 12, 1981. All comments were submitted to the Council members for review prior to the meeting. Comments were received from two Federal agencies, six cities, the National Conference of State Historic Preservation Officers, and six private organizations.

A number of commentors felt that the regulations were not necessary or that the exiting review process was sufficient for the UDAG process. These regulations were specifically required by the Congress as part of the Housing and Community Development Act of 1980 (Pub. L. 96–399, 94 Stat. 1614). The Council believes that the regulations are responsive to the Congressional mandate to expedite Council review of projects proposed to be funded through the UDAG program of the Department of Housing and Urban Development (HUD).

1. Section 801.1 *Purpose and Authorities.* This section reflects the changes in Council responsibilities as a result of the Housing and Community Development Act of 1980. No changes were made to this section.

2. Section 801.2 *Definitions.* This section includes definitions that are additions to those contained in 36 CFR 800.2 and which reflect the special requirements of the UDAG program. The definition of the "State Historic Preservation Officer Review Period" has been expanded in response to comments to more accurately reflect the role of the State Historic Preservation Officer in providing information to the applicant to assist in making judgments regarding historic and cultural properties and determinations of effect. A number of commentors suggested expansion of the term "Project" defined in § 801.2(c). The Council has rejected these comments as going beyond the scope of the Act. The definition set forth at § 801.2(c) is consistent with the project as defined by HUD at 24 CFR 570.451(g).

3. Section 801.3 *Applicant Responsibilities.* This is a new section that is not contained in 36 CFR Part 800 and reflects the assumption of Federal historic preservation review

requirements by UDAG applicants. There were many comments on this section. The section on identification has been re-worked to more clearly state the methods that should be used to identify National Register properties and properties which meet the Criteria for listing in the National Register. A number of commentors objected to the Executive Director making a final determination on the effect of a proposed project. The Council has rejected these comments because these regulations do not establish a new review process but merely expedite the Council's review process that is set forth at 36 CFR Part 800. As such, the responsibilities of the Executive Director are consistent with statutory mandates and regulations currently in place. One commentor objected to setting a time limit after which the Executive Director cannot raise objections to an applicant's determination of effect. In cases where an applicant makes an earnest effort to comply with the provisions of these regulations, the Council believes that it is in keeping with the Congressional mandate to establish such a deadline. However, if an applicant does not comply with the provisions of these regulations, the Executive Director will, of course, not be bound by the deadline established in § 801.3(c)(2)(i).

4. Section 801.4 *Council Comments.* This section specifies how the Council will respond to an applicant's request for Council comments. While it is similar in process to that specified in 36 CFR 800.6, a number of substantive changes have been made. For example, there is a time limit of 45 days within which to prepare a Memorandum of Agreement in cases of adverse effect determinations. If no agreement is reached by the close of that period, the Executive Director will have 15 days to refer the matter to the Chairman. Based upon the recommendation of the Executive Director, the Chairman will make a decision as to what action the Council will take. If the matter is referred to the Council members, there will be a meeting of either the full Council or a panel of members within 30 days. If the matter is referred to a panel, the panel's comments will be considered the comments of the full Council for the purposes of commenting on a particular UDAG project. This will considerably reduce the time that is required to obtain the comments of the Council and also provide a fixed time limit, no more than 90 days, in which the process will be completed.

This section also provides for the designation of a lead agency for a UDAG project if another Federal agency is involved and for the applicant to accept previous compliance with Section 106 by a Federal agency for the project.

A number of commentors suggested an expanded role for Council members in determining whether or not a proposed project should be heard at a meeting of a panel of Council members or the full Council. An opportunity for Council members to object to the Chairman's decision not to schedule the matter for a hearing before the Council has been provided at § 801.4(e)(1)(ii). This is similar to existing procedure. A new subsection (a) has been added to clarify the Council's responsibilities when the Executive Director objects to an applicant's Determination of No Effect. In reaching such a decision, the Executive Director will evaluate both the validity of the objection and the documentation of the applicant for the determination.

5. Section 801.5 *State Historic Preservation Officer Responsibilities.* This section is basically similar to 36 CFR 800.5, but reflects the State Historic Preservation Officer participation required by other provisions of Section 110. This section reflects the statutory period of 45 days within which the State Historic Preservation Officer may formally comment on an applicant's determination of effect on properties which are listed in the National Register or which may meet the Criteria for listing in the National Register. The time limitation does not preclude the applicant from earlier obtaining information from the State Historic Preservation Officer which will assist the applicant in reaching its conclusions. In response to comments, the manner in which the State Historic Preservation Officer should participate in the process has been more fully defined.

6. Section 801.6 *Coordination with Requirements Under the National Environmental Policy Act.* This is similar to 36 CFR 800.9. A minor change was made in this section in response to a comment.

7. Section 801.7 *Reports to the Council.* This section specifies how an applicant may utilize relevant portions of a completed UDAG application to meet information needs of the Section 106 process. The remainder of the section sets forth report requirements for various stages of the process.

In response to comments and to clarify an applicant's responsibility in a Determination of No Effect, a new subsection (a) has been added defining the documentation necessary to substantiate an applicant's Determination of No Effect.

8. Section 801.8 *Public Participation.* This is a new section which has been added in response to a number of comments stressing the importance of early and continuing involvement of the general public in UDAG projects. This new section encourages UDAG applicants and the Council to fully involve the public throughout the review process. The Council notes that its process is advisory and does not constitute formal administrative hearings. The section is consistent with public participation requirements of the Department of Housing and Urban Development and sets forth a means of informing the public of an opportunity to participate in the process. While a number of commentors felt that the Council should take specific action to ensure that the views of the public were solicited during the process, the Council believes that this section will be sufficient to ensure that the public is fully informed and involved in the process.

9. *Appendices.* An appendix has been added specifically to provide guidance for UDAG applicants in identifying properties listed in the National Register of Historic Places or which meet the Criteria. In addition, a section is included which deals with archeology in an urban context. In response to a number of comments for greater clarity, the appendix has been slightly re-worked and more information added concerning identification of historic and cultural properties. In addition, for more ease in use the appendix has been subdivided into two major sections.

The Council has determined that these regulations are not "major rules" within the meaning of Executive Order 12291. Because these regulations expedite the normal commenting process under Section 106 of the National Historic Preservation Act, they will not cause major increases in costs for local government agencies and will not have significant adverse effects on competition, employment, or investment. Consequently, these regulations have been submitted to the Office of Management and Budget 10 days prior to publication.

Pursuant to 36 CFR 805, "National Environmental Policy Act Implementation Procedures," the Council has determined that an Environmental Impact Statement is not required.

Until the Council completes compliance with the Paperwork Reduction Act of 1980 (Public Law 96-511) concerning applicant reporting requirements in these regulations, applicants are not required to meet the

information requirements set forth in § 801.7(a), (b) and (c). In the interim, applicants should continue to follow the existing provisions governing reports to the Council set forth at 36 CFR 800.13 when supplying information to the Council. The Council is undertaking a review of its information collection requirements, including those in 36 CFR 800.13, to be completed prior to December 31, 1981, as required by the Paperwork Reduction Act.

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Executive Director.

36 CFR is amended by adding Part 801 to read as follows:

PART 801—HISTORIC PRESERVATION REQUIREMENTS OF THE URBAN DEVELOPMENT ACTION GRANT PROGRAM

Sec.

801.1 Purpose and authorities.
801.2 Definitions.
801.3 Applicant responsibilities.
801.4 Council comments.
801.5 State historic preservation officer responsibilities.
801.6 Coordination with requirements under the National Environmental Policy Act.
801.7 Reports to the Council.
801.8 Public participation.

Authority: Pub. L. 89–665, 80 Stat. 915 (16 U.S.C. 470); Pub. L. 94–422, 90 Stat. 1320 (16 U.S.C. 470(i)); Pub. L. 96–399, 94 Stat. 1619 (42 U.S.C. 5320).

§ 801.1 Purpose and authorities.

(a) These regulations are required by Section 110(c) of the Housing and Community Development Act of 1980 (HCDA) (42 U.S.C. 5320) and apply only to projects proposed to be funded by the Department of Housing and Urban Development (HUD) under the Urban Development Action Grant (UDAG) Program authorized by Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301). These regulations establish an expedited process for obtaining the comments of the Council specifically for the UDAG program and, except as specifically provided, substitute for the Council's regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800).

(b) Section 110(c) of the HCDA of 1980 requires UDAG applicants to: (1) identify all properties, if any, which are included in the National Register of Historic Places and which will be affected by the project for which the application is made; (2) identify all other properties, if any, which will be affected by such project and which, as determined by the applicant, may meet the Criteria established by the Secretary of the Interior for inclusion in the National Register (36 CFR 60.6); and (3) provide a description of the effect, as determined by the applicant, of the project on properties identified pursuant to (1) and (2). If the applicant determines that such properties are affected, the Act requires that the information developed by the applicant must be forwarded to the appropriate State Historic Preservation Officer (SHPO) for review and to the Secretary of the Interior for a determination as to whether the affected properties are eligible for inclusion in the National Register.

(c) Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), requires the head of any Federal agency with jurisdiction over a Federal, federally assisted or federally licensed undertaking that affects a property included in or eligible for inclusion in the National Register of Historic Places to take into account the effect of the undertaking on such property and afford the Council a reasonable opportunity to comment. Under the UDAG program, applicants assume the status of a Federal agency for purposes of complying with Section 106.

§ 801.2 Definitions.

The terms defined in 36 CFR 800.2 shall be used in conjunction with this regulation. Furthermore, as used in these regulations:

(a) "Urban Development Action Grant (UDAG) Program" means the program of the Department of Housing and Urban Development (HUD) authorized by Title I of the Housing and Community Development Act (HCDA) of 1977 (42 U.S.C. 5318) to assist revitalization efforts in distressed cities and urban counties which require increased public and private investment.

(b) "Applicant" means cities and urban counties or Pocket of Poverty Communities which meet the criteria at 24 CFR 570.453. Except as specifically provided below, applicants, rather than the Secretary of HUD, must comply with these regulations.

(c) "Project" means a commercial, industrial, and/or neighborhood project supported by the UDAG program of the Department of HUD, as defined in 24 CFR 570.451(g). A project includes the group of integrally related public and private activities described in the grant application which are to be carried out to meet the objectives of the action grant program and consists of all action grant funded activities together with all non-action grant funded activities. A project is an "undertaking" as defined in 36 CFR 800.2(c).

(d) "State Historic Preservation Officer Review Period" is a 45 day period provided to the appropriate State Historic Preservation Officer by Section 110(c) of the Housing and Community Development Act (HCDA) of 1980 for comment on the formal submission by the applicant of data on properties listed in the National Register or which may meet the Criteria and which will be affected by the proposed UDAG project. This period does not include any period during which the applicant seeks information from the State Historic Preservation Officer to assist the applicant in identifying properties, determining whether a property meets the Criteria for listing in the National Register of Historic Places and determining whether such property is affected by the project.

(e) "Secretary of the Interior Determination Period" is a 45 day period provided by Section 110(c) of the HCDA of 1980 for a determination as to whether the identified properties are eligible for inclusion in the National Register.

§ 801.3 Applicant responsibilities.

As early as possible before the applicant makes a final decision concerning a project and in any event prior to taking any action that would foreclose alternatives or the Council's ability to comment, the applicant should take the following steps to comply with the requirements of Section 106 of the National Historic Preservation Act and Section 110 of the HCDA of 1980.

In order to facilitate the commenting process the applicant should forward to the Council information on the proposed project at the earliest practicable time if it appears that National Register properties or properties which meet the Criteria for inclusion will be affected. This will allow the Council to assist the applicant in expeditiously meeting its historic preservation requirements and facilitate the development of the Council's comments.

(a) *Information Required.* It is the primary responsibility of the applicant requesting Council comments to conduct the appropriate studies and to provide the information necessary for a review of the effect a proposed project may have on a National Register property or a property which meets the Criteria, as well as the information necessary for adequate consideration of modifications or alterations to the proposed project that could avoid, mitigate, or minimize any adverse effects. It is the responsibility of the applicant to provide

the information specified in § 801.7, to make an informed and reasonable evaluation of whether a property meets the National Register Criteria (36 CFR 60.6) and to determine the effect of a proposed undertaking on a National Register property or property which meets the Criteria.

(b) *Identification of properties.* Section 110 of the HCDA of 1980 makes UDAG applicants responsible for the identification of National Register properties and properties which may meet the Criteria for listing in the National Register that may be affected by the project. An appendix to these regulations sets forth guidance to applicants in meeting their identification responsibilities but does not set a fixed or inflexible standard for such efforts. Meeting this responsibility requires the applicant to make an earnest effort to identify and evaluate potentially affected historic properties by:

(1) consulting the National Register of Historic Places to determine whether the project's impact area includes such properties;

(2) obtaining, prior to initiating the State Historic Preservation Officer Review Period, relevant information that the State Historic Preservation Officer may have available concerning historic properties, if any are known, in the project's impact area;

(3) utilizing local plans, surveys, and inventories of historic properties prepared by the locality or a recognized State or local historic authority;

(4) utilizing other sources of information or advice the applicant deems appropriate;

(5) conducting an on-the-ground inspection of the project's impact area by qualified personnel to identify properties which may meet the Criteria for evaluation taking into consideration the views of the State Historic Preservation Officer as to the need for and methodology of such inspections;

(6) applying the Department of the Interior Criteria for Evaluation (36 CFR 60.6) to properties within the project's impact area.

(c) *Evaluation of effect.* Applicants are required by Section 110(a) of the HCDA of 1980 to include in their applications a description of the effect of a proposed UDAG project on any National Register property and or any property which may meet the Criteria.

(1) Criteria of Effect and Adverse Effect. The following criteria, similar to those set forth in 36 CFR 800.3, shall be used to determine whether a project has an effect or an adverse effect.

(i) Criteria of Effect. The effect of a project on a National Register or eligible property is evaluated in the context of the historical, architectural, archeological, or cultural significance possessed by the property. A project shall be considered to have an effect whenever any condition of the project causes or may cause any change, beneficial or adverse, in the quality of the historical, architectural, archeological, or cultural characteristics that qualify the property to meet the Criteria of the National Register. An effect occurs when a project changes the integrity of location, design, setting, materials, workmanship, feeling or association of the property that contributes to its significance in accordance with the National Register Criteria. An effect may be direct or indirect. Direct effects are caused by the project and occur at the same time and place. Indirect effects include those caused by the undertaking that are later in time or farther removed in distance, but are still reasonably foreseeable. Such effects involve development of the project site around historic properties so as to affect the access to, use of, or significance of those properties.

(ii) Criteria of Adverse Effect. Adverse effects on National Register properties or properties which meet the Criteria may occur under conditions which include but are not limited to:

(A) Destruction or alteration of all or part of a property;

(B) Isolation from or alteration of the property's surrounding environment;

(C) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;

(D) Neglect of a property resulting in its deterioration or destruction;

(iii) Special Considerations. If rehabilitation is a project activity, such components of the project may be considered to have no adverse effect and need not be referred to the Council if they are undertaken in accordance with the Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of the Interior, Heritage Conservation and Recreation Service, Washington, D.C., 1979) and the State Historic Preservation Officer concurs in the proposed activity. Additionally, the following types of project components or elements will be considered to not normally adversely affect properties listed in the National Register or which meet the Criteria.

(A) Insulation (except for the use of granular or liquid injected foam insulation in exterior walls or other vertical surfaces);

(B) Caulking;

(C) Weatherstripping;

(D) Replacement of Heating, Ventilating and Air Conditioning (HVAC) equipment, provided that such equipment is not historic and that replacement equipment is screened from public view and that the State Historic Preservation Officer and the applicant agree the equipment will not affect those qualities of the property which qualify it to meet the 36 CFR 60.6 Criteria;

(E) In-kind refenestration (for example, replacement of deteriorated windows of a similar configuration, color and material);

(F) Lowering of ceilings, provided the ceilings will not be visible from outside of the building or from an interior public space and that the State Historic Preservation Officer and the applicant agree it will not affect a quality which qualified the building to meet the 36 CFR 60.6 Criteria;

(G) Replacement in-kind of substantially deteriorated material, provided that the State Historic Preservation Officer and the applicant agree;

(H) Installation of machinery, equipment, furnishings, fixtures, etc., in the interior of existing buildings, provided that the State Historic Preservation Officer and the applicant agree such installations will not affect a quality which qualified the building to meet the 36 CFR 60.6 Criteria.

(I) Site improvements such as sidewalk paving and landscaping, provided that the State Historic Preservation Officer and the applicant agree that the site improvement will not affect those qualities of the property which qualify it to meet the 36 CFR 60.6 Criteria.

(iv) Special considerations for archeological sites. Under certain conditions, alteration of land containing archeological resources in the project area may have no adverse effect on those resources. Procedures for determining whether such conditions exist were published by the Council in the **Federal Register** on November 26, 1980 (45 FR 78808), as Part X of the "Executive Director's Procedures for Review of Proposals for Treatment of Archeological Properties." Because the identification of archeological sites in an urban context, and consideration of appropriate treatment methods, present special problems, further guidance is provided in Appendix 2.

(2) Determinations of effect. Prior to submitting an application to HUD, the applicant shall apply the Criteria of Effect and Adverse Effect to all properties which are listed in the National Register or which may meet the Criteria in the area of the project's potential environmental impact. The determination of the Secretary of the

Interior shall be final with respect to properties which are eligible for listing in the National Register. The Council will not comment on affected properties which are not either listed in or eligible for listing in the National Register. In order to facilitate the process, information to be requested from the State Historic Preservation Officer under Section 801.3(b)(2) should include advice on applying the Criteria of Effect and Adverse Effect provided that this period shall not be included in the 45 day State Historic Preservation Officer Review Period. Special attention should be paid to indirect effects, such as changes in land use, traffic patterns, street activity, population density and growth rate. While some aspects of a project may have little potential to adversely affect the significant qualities of a historic property, other project components may meet the Criteria of Effect and Adverse Effect. If any aspect of the project results in an effect determination, further evaluation of the effect shall be undertaken in accordance with these regulations. The resulting determination regarding the effect shall be included in the application.

(i) No Effect. If the applicant determines that the project will have no effect on any National Register property and/or property which meets the Criteria, the project requires no further review by the Council unless a timely objection is made by the Executive Director. An objection may be made by the Executive Director at any time during the UDAG application process prior to the expiration of the period for receiving objections to HUD's release of funds as specified in 24 CFR 58.31. The manner in which the Executive Director shall make an objection is set forth in § 801.4(a).

(ii) Determinations of No Adverse Effect. If the applicant finds there is an effect on the property but it is not adverse, the applicant after receiving the comments of the State Historic Preservation Officer during the State Historic Preservation Officer Review Period shall forward adequate documentation (see § 801.7(a)) of the Determination, including the written comments of the State Historic Preservation Officer, if available, to the Executive Director for review in accordance with § 801.4.

(iii) Adverse Effect Determination. If the applicant finds the effect to be adverse or if the Executive Director objects to an applicant's no adverse effect determination pursuant to § 801.4(a), the applicant shall proceed with the consultation process in accordance with § 801.4(b).

§ 801.4 Council comments.

The following subsections specify how the Council will respond to an applicant's request for the Council's comments required to satisfy the applicant's responsibilities under Section 106 of the Act and Section 110 of the HCDA of 1980. When appropriate, an applicant may waive the Council time periods specified in these regulations.

(a) *Executive Director's Objection to No Effect Determination.* If the Executive Director has reason to question an applicant's determination of no effect, he shall notify the applicant and HUD. If the Executive Director does not object within 15 days of such notification, the project may proceed. If the Executive Director objects, he shall specify whether or not the project will have an adverse effect on National Register property and/or property which meets the Criteria. Normally, the Executive Director will object to a determination of no effect when the record does not support the applicant's determination (see § 801.7(a)). The applicant must then comply with the provisions of subsection (b) if the Executive Director determines that the project will have no adverse effect or subsection (c) if the Executive Director has determined that the project will have an adverse effect.

(b) *Response to Determinations of No Adverse Effect.* (1) Upon receipt of a Determination of No Adverse Effect from an applicant, the Executive Director will review the Determination and supporting documentation required by § 801.7(a). Failure to provide the required information at the time the applicant requests Council comments will delay the process. The Executive Director will respond to the applicant within 15 days after receipt of the information required in § 801.7(a). Unless the Executive Director objects to the Determination within 15 days after receipt, the applicant will be considered to have satisfied its responsibilities under Section 106 of the Act and these regulations and no further Council review is required.

(2) If the Executive Director objects to a Determination of No Adverse Effect, the consultation process pursuant to § 801.4(c) shall be initiated.

(c) *Consultation Process.* If any aspect of the project is found to have adverse effects on National Register property or property which has been determined by the applicant or the Secretary of the Interior to meet the Criteria, the applicant, the State Historic Preservation Officer and the Executive Director shall consult to consider feasible and prudent alternatives to the project that could avoid, mitigate, or minimize the adverse effect on the affected property.

(1) Parties. The applicant, the State Historic Preservation Officer and the Executive Director shall be the consulting parties. The Department of HUD, other representatives of national, State, or local units of government, other parties in interest, and public and private organizations, may be invited by the consulting parties to participate in the consultation process.

(2) Timing. The consulting parties shall have a total of 45 days from the receipt by the Executive Director of the information required in § 801.7(a) to agree upon feasible and prudent alternatives to avoid, mitigate, or minimize any adverse effects of the project. Failure of an applicant to provide the information required in § 801.7(b) will delay the beginning of the time period specified above.

(3) Information Requirements. The applicant shall provide copies of the information required in § 801.7(b) to the consulting parties at the initiation of the consultation process and make it readily available for public inspection.

(4) Public Meeting. An onsite inspection and a Public Information Meeting may be held in accordance with the provisions of 36 CFR 800.6(b). Public hearings or meetings conducted by the applicant in the preparation of the application may, as specified below, substitute for such Public Information Meetings. Upon request of the applicant, the Executive Director may find that such public meetings have been adequate to consider the effect of the project on National Register properties or properties which meet the Criteria, and no further Public Information Meeting is required.

(5) Consideration of Alternatives. During the consultation period, the consulting parties shall, in accordance with the policies set forth in 36 CFR 800.6(b) (4) and (5), review the proposed project to determine whether there are prudent and feasible alternatives to avoid or satisfactorily mitigate adverse effect. If they agree on such alternatives, they shall execute a Memorandum of Agreement in accordance with § 801.4(c) specifying how the undertaking will proceed to avoid or mitigate the adverse effect.

(6) Acceptance of Adverse Effect. If the consulting parties determine that there are no feasible and prudent alternatives that could avoid or satisfactorily mitigate the adverse effects and agree that it is in the public interest to proceed with the proposed

project they shall execute a Memorandum of Agreement in accordance with § 801.4(c) acknowledging this determination and specifying any recording, salvage, or other measures associated with acceptance of the adverse effects that shall be taken before the project proceeds.

(7) Failure to Agree. Upon the failure of the consulting parties to agree upon the terms for a Memorandum of Agreement within the specified time period, or upon notice of a failure to agree by any consulting party to the Executive Director, the Executive Director within 15 days shall recommend to the Chairman whether the matter should be scheduled for consideration at a Council meeting. If the Executive Director recommends that the Council not consider the matter, he shall simultaneously notify all Council members and provide them copies of the preliminary case report and the recommendation to the Chairman. The applicant and the State Historic Preservation Officer shall be notified in writing of the Executive Director's recommendation.

(d) *Memorandum of Agreement.* (1) Preparation of Memorandum of Agreement. It shall be the responsibility of the Executive Director to prepare each Memorandum of Agreement required under this part. As appropriate, other parties may be invited by the consulting parties to be signatories to the Agreement or otherwise indicate their concurrence with the Agreement. In order to facilitate the process, the applicant may provide the Executive Director a draft for a Memorandum of Agreement. At the applicant's option, such draft may be prepared at the time the applicant makes its determinations that properties listed in the National Register or which may meet the Criteria for listing in the National Register may be adversely affected. The applicant must provide the State Historic Preservation Officer an opportunity to concur in or comment on its draft Agreement.

(2) Review of Memorandum of Agreement. Upon receipt of an executed Memorandum of Agreement, the Chairman shall institute a 15 day review period. Unless the Chairman notifies the applicant that the matter has been placed on the agenda for consideration at a Council meeting, the Agreement shall become final when ratified by the Chairman or upon the expiration of the 15 day review period with no action taken. Copies will be provided to signatories. A copy of the Memorandum of Agreement should be included in any Environmental Assessment or Environmental Impact Statement prepared pursuant to the National Environmental Policy Act.

(3) Effect of Memorandum of Agreement. (i) Agreements duly executed in accordance with these regulations shall constitute the comments of the Council and shall evidence satisfaction of the applicant's responsibilities for the proposed project under Section 106 of the Act and these regulations.

(ii) If the Council has commented on an application that is not approved by HUD and a subsequent UDAG application is made for the same project, the project need not be referred to the Council again unless there is a significant amendment to the project which would alter the effect of the project on previously considered properties or result in effects on additional National Register properties or properties which meet the Criteria.

(iii) Failure to carry out the terms of a Memorandum of Agreement requires that the applicant again request the Council's comments in accordance with these regulations. In such instances, until the Council issues its comments under these regulations the applicant shall not take or sanction any action or make any irreversible or irretrievable commitment that could result in an adverse effect with respect to National Register properties or properties which are eligible for inclusion in the National Register covered by the Agreement or that would foreclose the Council's consideration of modifications or alternatives to the proposed project that could avoid or mitigate the adverse effect.

(4) Amendment of a Memorandum of Agreement. Amendments to the Agreement may be made as specified in 36 CFR 800.6(c)(4).

(5) Report on Memorandum of Agreement. Within 90 days after carrying out the terms of the Agreement, the applicant shall report to all signatories on the actions taken.

(e) *Council Meetings.* Council meetings to consider a project will be conducted in accordance with the policies set forth in 36 CFR 800.6(d).

(1) Response to Recommendation Concerning Consideration at Council Meeting. Upon receipt of a recommendation from the Executive Director concerning consideration of a proposed project at a Council meeting, the Chairman shall determine whether or not the project will be considered. The Chairman shall make a decision within 15 days of receipt of the recommendation of the Executive Director. In reaching a decision the Chairman shall consider any comments from Council members. If three members of the Council object within the 15 day period to the Executive Director's recommendation, the project shall be scheduled for consideration at a Council or panel meeting. Unless the matter is scheduled for consideration by the Council the Chairman shall notify the applicant, the Department of HUD, the State Historic Preservation Officer and other parties known to be interested of the decision not to consider the matter. Such notice shall be evidence of satisfaction of the applicant's responsibilities for the proposed project under Section 106 of the Act and these regulations.

(2) Decision to Consider the Project. When the Council will consider a proposed project at a meeting, the Chairman shall either designate five members as a panel to hear the matter on behalf of the full Council or schedule the matter for consideration by the full Council. In either case, the meeting shall take place within 30 days of the Chairman's decision to consider the project, unless the applicant agrees to a longer time.

(i) A panel shall consist of three non-Federal members, one as Chairman, and two Federal members. The Department of HUD may not be a member of such panel.

(ii) Prior to any panel or full Council consideration of a matter, the Chairman will notify the applicant and the State Historic Preservation Officer and other interested parties of the date on which the project will be considered. The Executive Director, the applicant, the Department of HUD, and the State Historic Preservation Officer shall prepare reports in accordance with Section 801.7(b). Reports from the applicant and the State Historic Preservation Officer must be received by the Executive Director at least 7 days before any meeting.

(3) Notice of Council Meetings. At least 7 days notice of all meetings held pursuant to this Section shall be given by publication in the Federal Register. The Council shall provide a copy of the notice by mail to the applicant, the State Historic Preservation Officer, and the Department of Housing and Urban Development. The Council will inform the public of the meeting through appropriate local media.

(4) Statements to the Council. An agenda shall provide for oral statements from the Executive Director; the applicant; the Department of HUD; parties in interest; the Secretary of the Interior; the State Historic Preservation Officer; representatives of national,

State, or local units of government; and interested public and private organizations and individuals. Parties wishing to make oral remarks should notify the Executive Director at least two days in advance of the meeting. Parties wishing to have their written statements distributed to Council members prior to the meeting should send copies of the statements to the Executive Director at least 5 days in advance.

(5) Comments of the Council. The written comments of the Council will be issued within 7 days after a meeting. Comments by a panel shall be considered the comments of the full Council. Comments shall be made to the applicant requesting comment and to the Department of HUD. Immediately after the comments are made to the applicant and the Department of HUD, the comments of the Council will be forwarded to the President and the Congress as a special report under authority of Section 202(b) of the Act and a notice of availability will be published in the **Federal Register**. The comments of the Council shall be made available to the State Historic Preservation Officer, other parties in interest, and the public upon receipt of the comments by the applicant. The applicant should include the comments of the Council in any final Environmental Impact Statement prepared pursuant to the National Environmental Policy Act.

(6) Action in Response to Council Comments. The comments of the Council shall be taken into account in reaching a final decision on the proposed project. When a final decision regarding the proposed project is reached by the applicant and the Department of HUD, they shall submit written reports to the Council describing the actions taken by them and other parties in response to the Council's comments and the impact that such actions will have on the affected National Register properties or properties eligible for inclusion in the National Register. Receipt of this report by the Chairman shall be evidence that the applicant has satisfied its responsibilities for the proposed project under Section 106 of the Act and these regulations. The Council may issue a final report to the President and the Congress under authority of Section 202(b) of the Act describing the actions taken in response to the Council's comments including recommendations for changes in Federal policy and programs, as appropriate.

(f) *Suspense of Action.* Until the Council issues its comments under these regulations and during the State Historic Preservation Officer Review Period and the determination period of the Secretary of the Interior, good faith consultation shall preclude the applicant from taking or sanctioning any action or making any irreversible or irretrievable commitment that could result in an adverse effect on a National Register property or property which may meet the Criteria or that would foreclose the consideration of modifications or alternatives to the proposed project that could avoid, mitigate, or minimize such adverse effects. In no case shall UDAG funds be used for physical activities on the project site until the Council comments have been completed. Normal planning and processing of applications short of actual commitment of funds to the project may proceed.

(g) *Lead Agency.* If the project proposed by the applicant involves one or more Federal agencies, they may agree on a single lead agency to meet the requirements of Section 106 of the National Historic Preservation Act and Section 110 of the Housing and Community Development Act of 1980 and notify the Executive Director. If the applicant is the designated lead agency, these regulations shall be followed. If a Federal agency is designated lead agency, the process in 36 CFR Part 800 shall be used.

(h) *Compliance by a Federal Agency.* An applicant may make a finding that it proposes to accept a Federal agency's compliance with Section 106 of the Act and 36 CFR 800 where its review of the Federal agency's findings indicate that:

(1) The project is identical with an undertaking reviewed by the Council under 36 CFR Part 800; and

(2) The project and its impacts are included within the area of potential environmental impact described by the Federal agency;

The applicant shall notify the State Historic Preservation Officer and the Executive Director of its finding of compliance with Section 106 of the Act and 36 CFR Part 800 and provide a copy of the Federal agency's document where the finding occurs. Unless the Executive Director objects within 10 days of receipt of such notice the Council need not be afforded further opportunity for comment. If the Executive Director objects to the finding of the applicant, the applicant shall comply with § 801.4.

§ 801.5 State historic preservation officer responsibilities.

(a) The State Historic Preservation Officer shall have standing to participate in the review process established by Section 110(c) of the HCDA of 1980 whenever it concerns a project located within the State Historic Preservation Officer's jurisdiction by the following means: providing, within 30 days, information requested by an applicant under § 801.3(b); responding, within 45 days, to submittal of a determination by the applicant under Section 110 of the HCDA of 1980 that National Register property or property which meets the Criteria may be affected by the proposed project; participating in a Memorandum of Agreement that the applicant or the Executive Director may prepare under this part; and participating in a panel or full Council meeting that may be held pursuant to these regulations. Pursuant to Section 110(c) of the HCDA of 1980, the State Historic Preservation Officer has a maximum period of 45 days in which to formally comment on an applicant's determination that the project may affect a property that is listed in the National Register or which may meet the Criteria for listing in the National Register. This period does not include the time during which the applicant seeks information from the State Historic Preservation Officer for determining whether a property meets the Criteria for listing in the National Register and whether such property is affected by the project.

(b) The failure of a State Historic Preservation Officer to participate in any required steps of the process set forth in this part shall not prohibit the Executive Director and the applicant from concluding the Section 106 process, including the execution of a Memorandum of Agreement.

§ 801.6 Coordination with requirements under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

The National Historic Preservation Act and the National Environmental Policy Act create separate and distinct responsibilities. The National Historic Preservation Act applies to those aspects of a project which may affect National Register properties and those which are eligible for listing in the National Register.

The requirements for the National Environmental Policy Act apply to the effect that the project will have on the human environment. To the extent that the applicant finds it practicable to do so, the requirements of these two statutes should be integrated. Some projects, for reasons other than the effects on historic properties, may require an Environmental Impact Statement (EIS) subject to the time requirements for a draft and final EIS, in which case the applicant may choose to separately relate to the State Historic

Preservation Officer, the Department of the Interior, and the Council for purposes of Section 110(c) of the HCDA of 1980. In that event, information in the draft EIS should indicate that compliance with Section 106 and these regulations is underway and the final EIS should reflect the results of this process. Applicants are directed to 36 CFR 800.9, which describes in detail the manner in which the requirements of these two acts should be integrated and applies to all UDAG applicants under these regulations.

In those instances in which an Environmental Impact Statement will be prepared for the project, the applicant should consider phasing compliance with these procedures and the preparation of the Statement.

§ 801.7 Information requirements.

(a) *Information To Be Retained by Applicants Determining No Effect.*

(1) Recommended Documentation for a Determination of No Effect. Adequate documentation of a Determination of No Effect pursuant to Section 801.3(c)(2)(i) should include the following:

(i) A general discussion and chronology of the proposed project;

(ii) A description of the proposed project including, as appropriate, photographs, maps, drawings, and specifications;

(iii) A statement that no National Register property or property which meets the Criteria exist in the project area, or a brief statement explaining why the Criteria of Effect (See Section 801.3(c)) was found inapplicable;

(iv) Evidence of consultation with the State Historic Preservation Officer concerning the Determination of No Effect; and

(v) Evidence of efforts to inform the public concerning the Determination of No Effect.

(2) The information requirements set forth in this section are meant to serve as guidance for applicants in preparing No Effect Determinations. The information should be retained by the applicant, incorporated into any environmental reports or documents prepared concerning the project, and provided to the Executive Director only in the event of an objection to the applicant's determination.

(b) *Reports to the Council.* In order to adequately assess the impact of a proposed project on National Register and eligible properties, it is necessary for the Council to be provided certain information. For the purposes of developing Council comments on UDAG projects the following information is required. Generally, to the extent that relevant portions of a UDAG application meet the requirements set forth below it will be sufficient for the purposes of Council review and comment.

(1) Documentation for Determination of No Adverse Effect. Adequate documentation of a Determination of No Adverse Effect pursuant to Section 801.3(c)(1) should include the following:

(i) A general discussion and chronology of the proposed project;

(ii) A description of the proposed project including, as appropriate, photographs, maps, drawings and specifications;

(iii) A copy of the National Register form or a copy of the Determination of Eligibility documentation for each property that will be affected by the project including a description of each property's physical appearance and significance;

(iv) A brief statement explaining why each of the Criteria of Adverse Effect (See § 801.3(c)(1)) was found inapplicable;

(v) Written views of the State Historic Preservation Officer concerning the Determination of No Adverse Effect, if available; and,

(vi) An estimate of the cost of the project including the amount of the UDAG grant and a description of any other Federal involvement.

(2) Preliminary Case Reports. Preliminary Case Reports should be submitted with a request for comments pursuant to § 801.4(b) and should include the following information:

(i) A general discussion and chronology of the proposed project;

(ii) The status of the project in the HUD approval process;

(iii) The status of the project in the National Environmental Policy Act compliance process and the target date for completion of all the applicant's environmental responsibilities;

(iv) A description of the proposed project including as appropriate, photographs, maps, drawings and specifications;

(v) A copy of the National Register form or a copy of the Determination of Eligibility documentation for each property that will be affected by the project including a description of each property's physical appearance and significance;

(vi) A brief statement explaining why any of the Criteria of Adverse Effect (See § 801.3(c)(1)(b)) apply;

(vii) Written views of the State Historic Preservation Officer concerning the effect on the property, if available;

(viii) The views of Federal agencies, State and local governments, and other groups or individuals when known as obtained through the OMB Circular A–95 process or the environmental review process, public hearings or other applicant processes;

(ix) A description and analysis of alternatives that would avoid the adverse effects;

(x) A description and analysis of alternatives that would mitigate the adverse effects; and,

(xi) An estimate of the cost of the project including the amount of the UDAG grant and a description of any other Federal involvement.

(c) *Reports for Council Meetings.* Consideration of a proposed project by the full Council or a panel pursuant to § 801.4(b) is based upon reports from the Executive Director, the State Historic Preservation Officer and Secretary of the Interior. Requirements for these reports are specified in 36 CFR 800.13(c). Additionally, reports from the applicant and the Department of HUD are required by these regulations. The requirements for these reports consist of the following:

(1) Report of the Applicant. The report from the applicant requesting comments shall include a copy of the relevant portions of the UDAG application; a general discussion and chronology of the proposed project; an account of the steps taken to comply with the National Environmental Policy Act (NEPA); any relevant supporting documentation in studies that the applicant has completed; an evaluation of the effect of the project upon the property or properties, with particular reference to the impact on the historical, architectural, archeological, and cultural values; steps taken or proposed by the applicant to avoid or mitigate adverse effects of the project; a thorough discussion of alternate courses of action; and an analysis comparing the advantages resulting from the project with the disadvantages resulting from the adverse effects on National Register or eligible properties.

(2) Report of the Secretary of Housing and Urban Development. The report from the Secretary shall include the status of the application in the UDAG approval process, past involvement of the Department with the applicant and the proposed project or land area for the proposed project, and information on how the applicant has met other requirements of the Department for the proposed project.

§ 801.8 Public participation.

(a) The Council encourages maximum public participation in the process established by these regulations. Particularly important, with respect to the UDAG program, is participation by the citizens of neighborhoods directly or

indirectly affected by projects, and by groups concerned with historic and cultural preservation.

(b) The applicant, in preparing and following its citizen participation plan called for by 24 CFR 570.456(c)(11)(i)(A), should ensure that adequate provision is made for participation by citizens and organizations having interests in historic preservation and in the historic and cultural values represented in affected neighborhoods. 24 CFR 570.431(c) sets forth criteria for citizen participation plans. These should be carefully considered with specific reference to ensuring that local concerns relevant to historic preservation are fully identified, and that citizens are provided with full and accurate information about each project and its effects on historic properties. The applicant should ensure that potentially concerned citizens and organizations are fully involved in the identification of properties which may meet the National Register Criteria, and that they are fully informed, in a timely manner, of determinations of No Effect, No Adverse Effect, and Adverse Effect, and of the progress of the consultation process. Applicants are referred to 36 CFR 800.15 for Council guidelines for public participation.

(c) The Council welcomes the views of the public, especially those groups which may be affected by the proposed project, during its evaluation of the applicant's determination of effect, and will solicit the participation of the public in Council and panel meetings held to consider projects.

APPENDICES

Appendix 1—Identification of Properties: General

A. Introduction

Because of the high probability of locating properties which are listed in the National Register or which meet the Criteria for listing in many older city downtowns, this appendix is designed to serve as guidance for UDAG applicants in identifying such properties. This appendix sets forth guidance for applicants and does not set a fixed or inflexible standard for identification efforts.

B. Role of the State Historic Preservation Officer

In any effort to locate National Register properties or properties which meet the Criteria, the State Historic Preservation Officer is a key source of information and advice. The State Historic Preservation Officer will be of vital assistance to the applicant. The State Historic Preservation Officer can provide information on known properties and on studies which have taken place in and around the project area. Early contact should be made with the State Historic Preservation Officer for recommendations about how to identify historic properties. For UDAG projects, identification of National Register properties and properties which meet the Criteria is the responsibility of the applicant. The extent of the identification effort should be made with the advice of the State Historic Preservation Officer. The State Historic Preservation Officer can be a knowledgeable source of information regarding cases wherein the need for a survey of historic properties is appropriate, recommended type and method of a survey and the boundaries of any such survey. Due consideration should be given to the nature of the project and its impacts, the likelihood of historic properties being affected and the state of existing knowledge regarding historic properties in the area of the project's potential environmental impact.

C. Levels of Identification

1. The area of the project's potential environmental impact consists of two distinct subareas: that which will be disturbed directly (generally the construction site and its immediate environs) and that which will experience indirect effects. Within the area of indirect impact, impacts will be induced as a result of carrying the project out. Historic and cultural properties subject to effect must be identified in both subareas, and the level of effort necessary in each may vary. The level of effort needed is also affected by the stage of planning and the quality of pre-existing information. Obviously, if the area of potential environmental impact has already been fully and intensively studied before project planning begins, there is no need to duplicate this effort. The State Historic Preservation Officer should be contacted for information on previous studies. If the area has not been previously intensively studied, identification efforts generally fall into three levels:

a. *Overview Study:* This level of study is normally conducted as a part of general planning and is useful at an early stage in project formulation. It is designed to obtain a general understanding of an area's historic and cultural properties in consultation with the State Historic Preservation Officer, by:

(1) assessing the extent to which the area has been previously subjected to study;

(2) locating properties previously recorded;

(3) assessing the probability that properties eligible for the National Register will be found if the area is closely inspected, and

(4) determining the need, if any, for further investigation.

An overview study includes study of pertinent records (local histories, building inventories, architectural reports, archeological survey reports, etc.), and usually some minor on-the-ground inspection.

b. *Identification Study:* An identification study attempts to specifically identify and record all properties in an area that may meet the criteria for listing in the National Register. In conducting the study, the applicant should seek the advice of the State Historic Preservation Officer regarding pertinent background data. A thorough on-the-ground inspection of the subject area by qualified personnel should be undertaken. For very large areas, or areas with uncertain boundaries, such a study may focus on representative sample areas, from which generalizations may be made about the whole.

c. *Definition and Evaluation Study:* If an overview and/or an identification study have indicated the presence or probable presence of properties that may meet the National Register Criteria but has not documented them sufficiently to allow a determination to be made about their eligibility, a definition and evaluation study is necessary. Such a study is directed at specific potentially eligible properties or at areas known or suspected to contain such properties. It includes an intensive on-the-ground inspection and related studies as necessary, conducted by qualified personnel, and provides sufficient information to apply the National Register's "Criteria for Evaluation" (36 CFR Part 60.6).

2. An overview study will normally be needed to provide basic information for planning in the area of potential environmental impact. Unless this study indicates clearly that no further identification efforts are needed (e.g., by demonstrating that the entire area has already been intensively inspected with negative results, or by demonstrating that no potentially significant buildings have ever been built there and there is virtually no potential for archeological resources), and identification study will probably be needed within the area of potential environmental impact. This study may show that there are no potentially eligible properties within the area, or may show that only a few such properties exist and document them sufficiently to permit a determination of eligibility to be made in accordance with 36 CFR Part 60. Alternatively, the study may indicate that potentially eligible properties exist in the area, but may not document them to the standards of 36 CFR Part 60. Should this occur, a definition and evaluation study is necessary for those properties falling within the project's area of direct effect and for those properties subject to indirect effects. If a property falls within the general area of indireot effect, but no indirect effects are actually anticipated on the property in question, a definition and evaluation study will normally be superfluous.

Appendix 2—Special Procedures for Identification and Consideration of Archeological Properties in an Urban Context

A. Archeological sites in urban contexts are often difficult to identify and evaluate in advance of construction because they are sealed beneath modern buildings and structures. Prehistoric and historic sites within cities may be important both to science and to an understanding of each city's history, however, and should be considered in project planning. Special methods can be used to ensure effective and efficient consideration and treatment of archeological sites in UDAG projects.

1. If it is not practical to physically determine the existence or nonexistence of archeological sites in the project area, the probability or improbability of their existence can be determined, in most cases, through study of:

a. Information on the pre-urban natural environment, which would have had an effect on the location of prehistoric sites;

b. Information from surrounding areas and general literature concerning the location of prehistoric sites;

c. State and local historic property registers or inventories;

d. Archeological survey reports;

e. Historic maps, atlases, tax records, photographs, and other sources of information on the locations of earlier structures;

f. Information on discoveries of prehistoric or historic material during previous construction, land levelling, or excavation, and

g. Some minor on-the-ground inspection.

2. Should the study of sources such as those listed in Section (1)(a) above reveal that the following conditions exist, it should be concluded that a significant likelihood exists that archeological sites which meet the National Register Criteria exist on the project site:

a. Discoveries of prehistoric or historic material remains have been reliably reported on or immediately adjacent to the project site, and these are determined by the State Historic Preservation Officer or other archeological authority to meet the Criteria for the National Register because of their potential value for public interpretation or the study of significant scientific or historical research problems; or

b. Historical or ethnographic data, or discoveries of material, indicate that a property of potential cultural value to the community or some segment of the community (e.g., a cemetery) lies or lay within the project site; or

c. The pre-urbanization environment of the project site would have been conducive to prehistoric occupation, or historic buildings or occupation sites are documented to have existed within the project site in earlier times, and such sites or buildings are determined by the State Historic Preservation Officer or other archeological authority to meet the Criteria of the National Register because of their potential value for public interpretation or the study of significant scientific or historical research questions, and

d. The recent history of the project site has not included extensive and intensive ground disturbance (grading, blasting, cellar digging, etc.) in the location, or extending to the depth at which the remains of significant sites, buildings, or other features would be expected.

B. Where review of sources of information such as those listed in Section (1)(a) above reveals no significant likelihood that archeological resources which meet the National Register Criteria exist on the project site, no further review is required with respect to archeology provided the State Historic Preservation Officer concurs.

C. Where review of sources of information such as those listed in Section (1)(a) above, reveals that archeological resources which meet the National Register Criteria are likely to exist on the project site, but these resources are so deeply buried that the project will not intrude upon them, or they are in a portion of the project site that will not be disturbed, a determination of "No Effect" is appropriate in accordance with § 801.3(c)(2)(i).

D. Where review of sources of information such as those listed in Section (1)(a) above, reveals that archeological resources which meet the Criteria exist or are likely to exist on the project site, and that the project is likely to disturb them, a determination of "No Adverse Effect" may be made in accordance with § 801.3(c)(2)(ii) if:

1. The applicant and/or developer is committed to fund a professionally supervised and planned pre-construction testing program, and to modification of the project in consultation with the State Historic Preservation Officer to protect or incorporate within the project the archeological resources discovered with a minimum of damage to them, or if:

2. The applicant and/or developer is committed to fund a professionally supervised and planned archeological salvage program, coordinated with site clearing and construction, following the standards of the Secretary of the Interior issued pursuant to the Archeological and Historic Preservation Act (16 U.S.C. 469) and the applicant finds that this program negates the adverse effect, in accordance with the standards set forth in Section X of the Council's "Supplementary Guidance for Review of Proposals for Treatment of Archeological Properties" (45 FR 78806).

E. When archeological sites included in the National Register or which meet the Criteria are found to exist on the project site or in the area of the project's environmental impact, and where the project is likely to disturb such resources, and where the adverse effect of such disturbance cannot be negated by archeological salvage, a determination of "Adverse Effect" is appropriate in accordance with § 801.3(a)(2)(iii).

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA	MSPB/OPM		DOT/MA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Last Listing August 10, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 1104/Pub. L. 97–33 To amend the International Investment Survey Act of 1976 to provide an authorization for further appropriations, to avoid unnecessary duplication of certain surveys, and for other purposes (Aug. 7, 1981; 95 Stat. 170) Price: $1.50.

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Washington: **202-523-5022**

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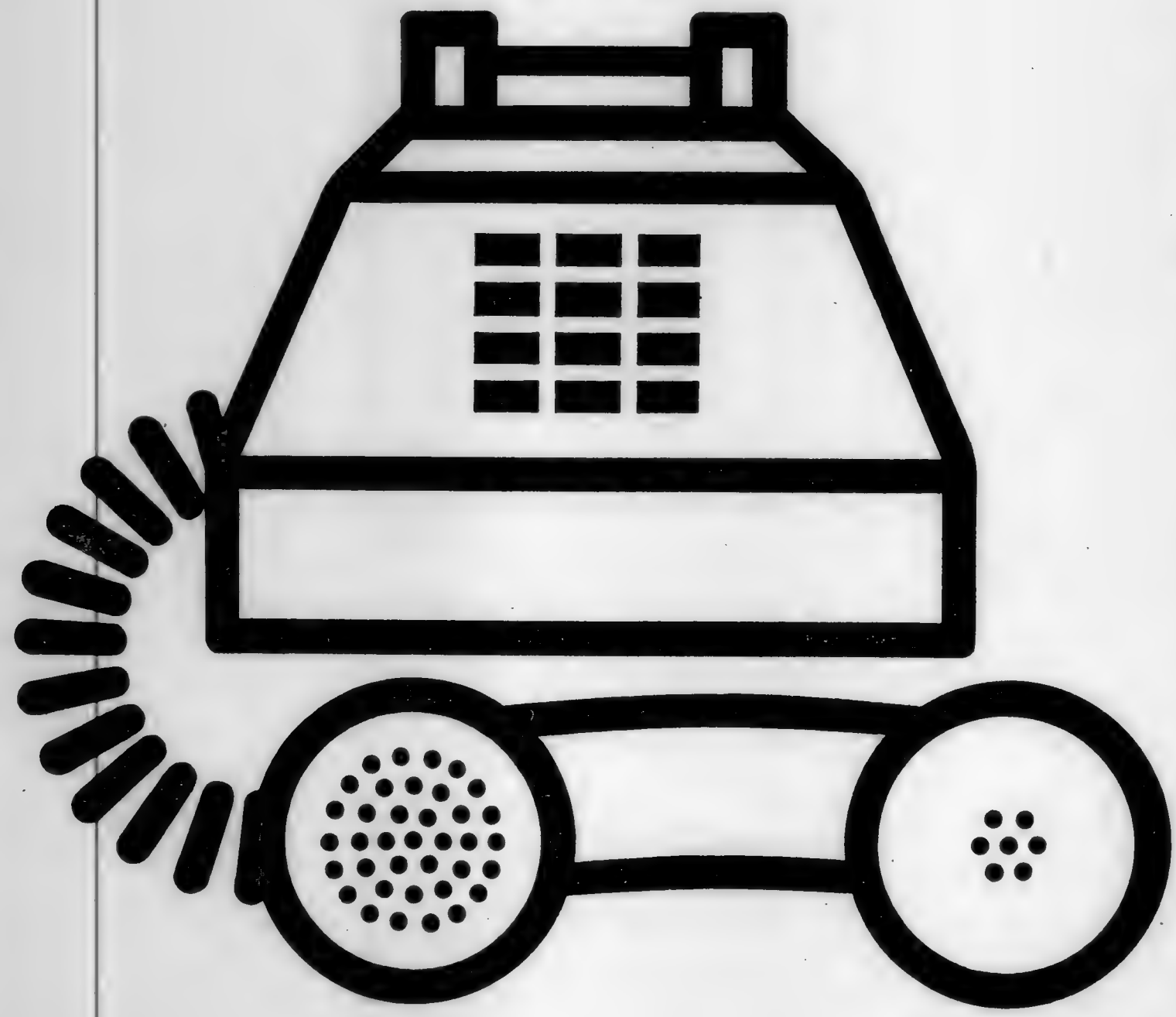

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42438 **Mediterranean Fruit Fly** USDA/APHIS imposes restrictions on interstate movement of regulated articles from additional areas in Hillsborough County in Florida.

42622, 42639 **Occupational Noise Exposure** Labor/OSHA partially lifts administrative stay and requests comments on hearing conservation amendment. (Part III of this issue) (2 documents)

42495 **Food Stamps** USDA/FNS intends to reduce number of work registration referrals made by State welfare agencies to State Employment Security Agencies (SESA).

42470 **Prescription Drugs** HHS/FDA requests comments on patient package insert program.

42533 **Housing** HUD requests comments on division of President's Commission on Housing into four reporting committees.

42498 **Grant Programs—Minority Business** Commerce/MBDA seeks applications to operate two New York Region projects.

42472 **Grant Programs—Water Pollution Control** EPA announces availability of draft regulatory reform paper on municipal wastewater treatment works construction grants.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

42472 **Chemicals** EPA makes available certain health effects testing guidelines for mutagenicity, neurotoxicity and reproduction developed by the Organization for Economic Cooperation and Development.

42442 **Air Carriers** CAB excludes operations with 60-seat and smaller aircraft from oversales and denied boarding compensation rules.

42515 **Telephone** FCC institutes investigation into American Telephone and Telegraph and associated Bell System Companies' tariffs.

42478 **Television** FCC seeks comment on additional technical standards for TV translators and low-power stations.

42642 **Hunting** Interior/FWS prescribes seasons, hours, areas, and daily bag and possession limits of certain migratory game birds. (Part IV of this issue)

42485 **Fisheries and Fishing** Commerce/NOAA makes preliminary projection of total ocean harvests of coho salmon for Subarea A during 1981 season.

42463 **Commodity Futures** CFTC proposes to discontinue routine filing of series '03 reports by all large traders.

42439 **Tobacco** USDA/ASCS announces 1980–81 average market price and 1981–82 penalty rate for certain minor kinds of tobaccos.

42487 **Canned Celery** USDA/AMS/FSQS proposes voluntary standards.

42446 **Customs Duties and Inspection** Treasury/Customs announces tariff classification for ornamented and not ornamented wearing apparel.

42584 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

42564 **Regulatory Flexibility Review Plan** SBA

42550 **Privacy Act Document** MSPB

42570 **Sunshine Act Meetings**

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 752

Adverse Actions; Republication of Regulations; Correction

AGENCY: Office of Personnel Management.

ACTION: Final rule; correction.

SUMMARY: This document corrects a paragraph contained in the republication of OPM's regulations on adverse actions which appeared in the **Federal Register** on July 11, 1980 (45 FR 46778; FR Doc. 80–20816). Through an oversight, OPM failed to incorporate a revision of the paragraph which had been published on April 11, 1980 (45 FR 24855), into the republished regulations. The revised paragraph, which specifies an exclusion to coverage under the adverse action regulations, is reprinted below.

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Beverly McCain Jones (202) 254–7086.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager

Accordingly, the Office of Personnel Management is correcting 5 CFR 752.401(c)(8) to read as follows:

§ 752.401 Coverage.

* * * * *

(c) * * *

(8) An action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay in accordance with § 335.102(g).

* * * * *

(5 U.S.C. 7504,7514; 5 U.S.C. 1302, Pub. L. 95–494)

[FR Doc. 81–24403 Filed 8–20–81; 8:45 am]

BILLING CODE 6325–01–M

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Change in Titles of Adjudicating Offices

AGENCY: Merit Systems Protection Board.

ACTION: Notice of change in titles of MSPB adjudicating offices.

SUMMARY: Effective July 13, 1981, the Merit Systems Protection Board field offices have been designated as regional offices and the heads of those offices will be titled regional directors rather than chief appeals officers.

EFFECTIVE DATE: July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Secretary, Merit Systems Protection Board, 1717 H Street, NW, Washington, DC, 20419, (202) 632–4525.

SUPPLEMENTARY INFORMATION: The term "field offices" was given to the first-level adjudicating offices of the former Civil Service Commission in 1974, when the Commission removed its appeals function from the supervision of its regional offices. The use of that term was intended to distinguish appellate offices from the Commission's regional offices which were responsible for other Commission functions. Because the Board's only organizations outside Washington (other than those under the Special Counsel) are its first-level adjudicating offices, each serving a standard Federal region, the Board has concluded that "regional office" is a more appropriate title than "field office" and is consistent with Office of Management and Budget instructions to Federal departments and agencies to adopt a uniform field structure.

The title "chief appeals officer" is no longer accurate, since the Board's regional offices no longer have appeals officers and assistant appeals officers. In addition, the responsibilities of the heads of those offices include all of the managerial and administrative functions performed by the regional director of an independent agency. Accordingly, the title "regional director" is consistent with their role as managers of the Board's regional offices.

Further, the title "appeals officer" is corrected to read "attorney-examiner."

PART 1201—PRACTICES AND PROCEDURES

§§ 1201.182 and 1201.183 [Nomenclature Change]

Accordingly, 5 CFR Part 1201 is amended by removing the words "Chief Appeals Officer" and inserting, in their place, the words "Regional Director" in the following places:

(a) §1201.182; and

(b) §1201.183.

§ 1201.4 [Nomenclature Change]

In addition, 5 CFR Part 1201 is amended by removing the words "appeals officer" and inserting, in their place, the words "attorney-examiner" in the following place:

(a) §1201.4(a).

§§ 1201.4, 1201.22, 1201.26, 1201.181 and 1201.191 [Nomenclature Change]

In addition, 5 CFR Part 1201 is amended by removing the words "field office" and inserting, in their place, the words "regional office" in the following places:

(a) §1201.4(e);

(b) §1201.22 (a) and (b) and (c);

(c) §1201.26(a);

(d) §1201.181(a); and

(e) §1201.191(c).

In addition, 5 CFR Part 1201—Appendix II is amended by removing the words "Chief Appeals Officer" and "field office" and inserting, in their place, the words "Regional Director" and "regional office" and by correcting the Chicago, St. Louis, and Washington, D.C., Regional Office addresses. As revised, 5 CFR Part 1201—Appendix II reads as follows:

Appendix II to Part 1201—Appropriate Regional Office for Filing Appeals [Revised]

All submissions shall be addressed to the Regional Director, Merit Systems Protection Board, at the below-listed addresses, according to geographic region of the employing agency.

Address of Appropriate Regional Office and Area Where Agency is Located

1. Atlanta Regional Office, Third Floor, North Wing, 1776 Peachtree Street N.E., Atlanta, Georgia 30309 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee).

2. Boston Regional Office, 100 Summer Street, Room 1736, Boston, Massachusetts 02110 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont).

3. Chicago Regional Office, 31st Floor, 230 South Dearborn Street, Chicago, Illinois 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin).

4. Dallas Regional Office, 1100 Commerce Street, Room 6F20, Dallas, Texas 75242 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Swan Island).

5. Denver Regional Office, Denver Federal Center, Building 46, Box 25025, Denver, Colorado 80225 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming).

6. New York Regional Office, New Federal Building, 26 Federal Plaza, Room 2341, New York, New York 10278 (New Jersey, New York, Puerto Rico, Virgin Islands).

7. Philadelphia Regional Office, U.S. Customhouse, Room 501, Second and Chestnut Street, Philadelphia, Pennsylvania 19106 (Camden County (New Jersey), Delaware, Maryland, Pennsylvania, Virginia, West Virginia).

8. St. Louis Regional Office, 1740 Federal Building, 1520 Market Street, St. Louis, Missouri 63103 (Iowa, Kansas, Missouri, Nebraska).

9. San Francisco Regional Office, Room 2400, 525 Market Street, San Francisco, California 94105 (Arizona, California, Hawaii, Nevada, Pacific Ocean area).

10. Seattle Regional Office, Federal Building, Room 1840, 915 Second Avenue, Seattle, Washington 98174 (Alaska, Idaho, Oregon, Washington).

11. Washington, D.C. Regional Office, Skyline Place 2, Suite 1109, 5203 Leesburg Pike, Falls Church, Virginia 22041 (Washington, D.C. Metropolitan area, all overseas areas not otherwise covered).

Dated: August 14, 1981.

Merit Systems Protection Board.

Ersa H. Poston,

Vice Chair.

[FR Doc. 81-24282 Filed 8-20-81; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 331

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Emergency rule and notice of public hearing.

SUMMARY: Pursuant to the Federal Plant Pest Act, this document amends the Mediterranean fruit fly emergency regulations which impose restrictions on the movement of regulated articles from regulated areas in Florida, by expanding the regulated areas to include additional areas in Hillsborough County in Florida. This action is necessary as an emergency measure for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. The effect of this action is to impose restrictions on the interstate movement (movement from Florida into or through any other State, Territory, or District of the United States) of regulated articles from the areas in Hillsborough County added to the list of regulated areas.

DATES: Effective date of amendment August 21, 1981. Written comments concerning the addition of areas in Hillsborough County to the list of regulated areas must be received on or before October 20, 1981. A public hearing concerning the designation of additional areas in Hillsborough County as regulated areas will be held on September 15, 1981.

ADDRESSES: Written comments should be submitted to Thomas Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. A public hearing concerning the designation of additional areas in Hillsborough County as regulated areas will be held at the Curtis Hixon Convention Hall, Ybor Room, 600 Ashley Drive, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Shannon Wilson, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 610 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6365.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This emergency rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this emergency rule would not have a significant effect on the economy: would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this emergency rule because of the possibility that the Mediterranean fruit fly could be spread artificially to noninfested areas of the United States. This situation requires immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency rule are impracticable and contrary to the public interest; and good cause is found for making this emergency rule effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

In addition, because of the need for immediate action, it is impracticable for the Department to follow the procedures established by Executive Order 12291.

Certification under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small

entities. This action affects the interstate movement of regulated articles from areas in Hillsborough County in Florida. There are thousands of small entities that move such articles interstate from Florida and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the U.S. Department of Agriculture, it has been determined that no small entities move such articles interstate from such areas in Hillsborough County.

Public Hearing

Emergency Mediterranean fruit fly regulations imposing restrictions on the movement of regulated articles from regulated areas in Florida were made effective on August 12, 1981 (46 FR 41021–41029). The **Federal Register** document which promulgated the emergency regulations also provided that a public hearing will be held on September 15, 1981, at the Curtis Hixon Convention Hall, Ybor Room, 600 Ashley Drive, Tampa, Florida, concerning a proposal to quarantine Florida and to establish final regulations to restrict the interstate movement of regulated articles from regulated areas. Since this document amends the emergency regulations by adding areas to the list of regulated areas the public hearing is expanded to include the designation of these areas as regulated areas.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. Also, at the hearing, a representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of the rule. Any interested person may appear and be heard in person, by attorney, or other representative. Also, any interested person, his attorney, or other representative will be afforded an opportunity to ask relevant questions.

The hearing will commence at 10 a.m. and end at 5 p.m., local time, unless the presiding officer otherwise specifies during the course of the hearing. Persons who wish to be heard are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9 a.m. to 10 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to be heard or ask questions at the hearing will be afforded such opportunity, after the registered persons have presented their views. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may, if it becomes necessary, limit the time for each presentation in order to allow any one wishing to present a statement the opportunity to be heard.

Background

The Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Because of infestations of the Mediterranean fruit fly found in areas in Florida, emergency Mediterranean fruit fly regulations were made effective on August 12, 1981 (46 FR 41021–41029). The regulations are set forth in 7 CFR 331.1 through 331.1–10.

For the purpose of preventing the artificial spread of the Mediterranean fruit fly to noninfested areas in the United States, the emergency regulations restrict the interstate movement (movement from Florida into or through any other State, Territory, or District of the United States) of articles designated as regulated articles from areas designated as regulated areas. For the reasons explained below, it is necessary to amend the regulations on an emergency basis by adding areas in Hillsborough County to the list of regulated areas. Regulated areas are listed in § 331.1–3(c) of the regulations (7 CFR 331.1–3(c)).

Prior to the effective date of this document the following areas in Hillsborough County were designated as regulated areas: Township 29 South, Range 19 East, *except* Seddon Island and Davis Island; and the West ⅓ of Township 29 South, Range 20 East. However, based on trapping surveys conducted by inspectors of the U.S. Department of Agriculture and State agencies of Florida, it has now been determined that the Mediterranean fruit fly has spread into additional portions of Hillsborough County. Therefore, in order to prevent the further spread of the Mediterranean fruit fly, it is necessary as an emergency measure to amend § 331.1–3(c) of the regulations by expanding the regulated areas to comprise the following areas in Hillsborough County in which the Mediterranean fruit fly now occurs: Township 29 South, Range 19 East (including Seddon Island); the West ⅓ of Township 29 South, Range 20 East; that portion of Range 18 East and Township 29 South, located east of Hillsborough River; and that portion of Davis Island not included in the above description.

Amendment to Regulations

Accordingly, the Mediterranean fruit fly emergency regulations (7 CFR 331.1 *et seq.*), which, as noted above, became effective on August 12, 1981 (46 FR 41021–41029), are amended by revising § 331.1–3(c) to read as follows:

§ 331.1–3 Regulated areas.

* * * * *

(c) The areas described below are designated as regulated areas:

Florida

Hillsborough County. Township 29 South, Range 19 East (including Seddon Island); the West ⅓ of Township 29 South, Range 20 East; that portion of Township 29 South, Range 18 East located east of Hillsborough River; and including all of Davis Island.

(Secs. 8 and 9, 37 Stat. 316, as amended (7 U.S.C. 161, 162); sections 105 and 106, 71 Stat. 32 and 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 19th day of August 1981.

Munay T. Pender,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-24551 Filed 8-20-81; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Stabilization and Conservation Service

7 CFR Part 724

[Amendment 1]

Tobacco Allotment and Marketing Quota Regulations, 1973–74 and Subsequent Marketing Years; 1980–81 Average Market Price and 1981–82 Penalty Rate

AGENCY: Agricultural Stabilization and Conservation Service Department of Agriculture.

ACTION: Final rule.

SUMMARY: This final rule sets forth the average market price received by producers for their 1980–81 marketings of certain minor kinds of tobaccos and the penalty rate per pound that applies to excess marketings of these tobaccos during the 1981–82 marketing year. Marketing quota penalties are imposed in accordance with Section 314 of the

Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Harry D. Millner, Agricultural Program Specialist, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7935. The Final Impact Statement covering this final rule is available on request from Harry D. Millner.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures implementing Executive Order 12291, and Secretary's Memorandum No. 1512–1, and has been classified as "not major." This final rule has been classified as "not major" since it will not have an annual effect on the economy of $100 million or more. This action will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local government are informed of this action.

Section 314 of the Agricultural Adjustment Act of 1938, as amended, requires that marketing quota penalties be assessed whenever tobacco is marketed in excess of the marketing quota established for the farm on which the tobacco is produced. Section 314 of the 1938 Act further provides that the rate of penalty shall be 75 percent of the average market price for the preceding marketing year. This final rule sets forth the average market price for the 1980–81 marketing year and the penalty rate for the 1981–82 marketing year.

Since the 1980–81 average market price and the rate of penalty for the 1981–82 marketing year merely reflect mathematical computations prescribed by statute and do not involve administrative decisionmaking, it is hereby determined that public comment is not required with respect to this rule. Accordingly, this rule shall become effective August 21, 1981.

The regulations at 7 CFR Part 724 are amended by revising § 724.88(c) to read as follows:

§ 724.88 Rate of penalty.

* * * * *

(c)(1) *1975–81 average market price.* The average market prices for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture, for the 1975–81 marketing years were:

Average Market Price

Marketing year	Kinds of tobacco	Cents per pound
1975–76	Fire-cured (type 21)	89.0
	Fire-cured (type 22, 23, 24)	104.7
	Dark air-cured	89.8
	Virginia sun-cured	95.5
	Cigar-filler and binder (types 42, 43, 53, 54, and 55).	73.1
	Cigar-binder (types 51 and 52)	92.7
1976–77	Fire-cured (type 21)	118.0
	Fire-cured (types 22, 23, 24)	142.2
	Dark air-cured	116.6
	Virginia sun-cured	105.0
	Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).	72.8
	Cigar-binder (types 51 and 52)	89.6
1977–78	Fire-cured (type 21)	96.3
	Fired-cured (types 22, 23, 24)	125.6
	Dark air-cured	116.6
	Virginia sun-cured	105.0
	Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).	82.8
	Cigar-binder (types 51 and 52)	121.3
1978–79	Fire-cured (type 21)	94.5
	Fire-cured (types 22, 23, 24)	113.6
	Dark air-cured	100.5
	Virginia sun-cured	90.5
	Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).	96.1
	Cigar-binder (types 51 and 52)	144.9
1979–80	Fire-cured (type 21)	107.9
	Fire-cured (types 22, 23, 24)	115.2
	Dark air-cured	111.7
	Virginia sun-cured	90.5
	Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55).	114.9
	Cigar-binder (types 51 and 52)	155.5
1980–81	Fire-cured (type 21)	128.1
	Fire-cured (types 22, 23, 24)	139.4
	Dark air-cured	126.4
	Virginia sun-cured	127.1
	Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55).	123.5
	Cigar-binder (types 51 and 52)	160.0

(2) *1976–82 rate of penalty per pound.* The penalty rate per pound for marketings of excess tobacco subject to maketing quotas during the 1976–82 marketing years shall be:

Rate of Penalty

Marketing year	Kinds of tobacco	Cents per pound
1976–77	Fire-cured (type 21)	70
	Fire-cured (types 22, 23, 24)	79
	Dark air-cured	67
	Virginia sun-cured	64
	Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).	55
	Cigar-binder (types 51 and 52)	(1)
1977–78	Fire-cured (type 21)	89
	Fire-cured (types 22, 23, 24)	107
	Dark air-cured	87
	Virginia sun-cured	79
	Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).	55
	Cigar-binder (types 51 and 52)	(2)
1978–79	Fire-cured (type 21)	72
	Fire-cured (types 22, 23, 24)	94
	Dark air-cured	87
	Virginia sun-cured	75
	Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).	62
	Cigar-binder (types 51 and 52)	(3)
1979–80	Fire-cured (type 21)	71
	Fire-cured (types 22, 23, 24)	85
	Dark air-cured	76
	Virginia sun-cured	67
	Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).	72
	Cigar-binder (types 51 and 52)	(4)
1980–81	Fire-cured (type 21)	81
	Fire-cured (types 22, 23 and 24)	86
	Dark air-cured	84
	Virginia sun-cured	68
	Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).	86
	Cigar-binder (types 51 and 52)	117
1981–82	Fire-cured (type 21)	96
	Fire-cured (types 22, 23 and 24)	105
	Dark air-cured	95
	Virginia sun-cured	95
	Cigar-filler and binder (types 42, 43, 44, 53, 54 and 55).	93
	Cigar-binder (types 51 and 52)	135

[1] Quotas terminated for 1976 crop.
[2] Quotas terminated for 1977 crop.
[3] Quotas terminated for 1978 crop.
[4] Quotas terminated for 1979 crop.

(Sec. 301, 313, 314, 316, 317, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65–66, as amended, 72 Stat. 995, sec. 401, 63 Stat. 1505, as amended, sec. 106, 122, 125, 70 Stat. 191, 195, 198, as amended, sec. 16 (e), 76 Stat. 606 (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372–1375, 1377, 1378, 1421, 1813, 1824, 1836) (16 U.S.C. 590p(e)))

Signed at Washington, D.C. on August 13, 1981.

C. Hoke Leggett,

Acting Administrator, Agricultural Stabilization and Conservation Service

[FR Doc. 81–24360 Filed 8–20–81; 8:45 am]

BILLING CODE 3410–05–M

Federal Grain Inspection Service

7 CFR Part 801

Grain Inspection Equipment Tolerances

Correction

In FR Doc. 81–23336 appearing on page 40676 in the issue of Tuesday, August 11, 1981, make the following corrections:

On page 40677, center column, in the table for § 801.5, the tolerance for "Riddle separation" now reading "±10.10" should have read "±0.10".

Also on page 40677, third column, in § 801.7(b), in the table for "All other than FGIS Master/Standard meters", the "Direct comparison" tolerance for the dial setting of 50 now reading "±10.10" should have read "±0.10".

BILLING CODE 1505–01–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 319]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period August 23–29, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: August 23, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Finding.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on August 18, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Section 910.619 is added as follows:

§ 910.619 Lemon Regulation 319.

The quantity of lemons grown in California and Arizona which may be handled during the period August 23, 1981, through August 29, 1981, is established at 235,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 20, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–24673 Filed 8–20–81; 8:45 am]

BILLING CODE 3410–02–M

Agricultural Marketing Service[1]

Food Safety and Quality Service

7 CFR Part 2856

[Docket No. 80–025F]

Revision of Shell Egg Standards and Grades

Correction

On page 40678 in the issue of Tuesday, August 11, 1981, a correction appeared to the regulation on shell egg standards and grades which was published August 4, 1981 on page 39566. The correction, however, contained some errors, and for the convenience of the reader, it is being reprinted below.

The correction document appearing in the middle column of page 40678 in the issue of Tuesday, August 11, 1981 should have read as follows:

In FR Doc. 81–22537 appearing on page 39566 in the issue for Tuesday, August 4, 1981, make the following corrections:

1. On page 39566, four lines from the bottom of the center column, ". . . definition or origin . . ." should have read ". . . definition of origin . . .".

2. On page 39571, first column, in the 12th line of § 2856.203, ". . . wattery . . ." should have read ". . . watery . . .".

3. On page 39572, first column, in the 15th line of paragraph (a)(2) on § 2856.216, ". . . Leaders . . ." should have read ". . . Leakers . . .".

4. On page 39572, center column, in § 2856.217, Table I, add the following between "Grade B" and "Grade AA":

U.S. consumer grade [Illustration]	Quality required[1]	Tolerance permitted*	
		Percent	Quality

5. Also in Table I of § 2856.217, in the ninth line from the top of the third column of page 39572, ". . . (due to mead or blood spots) . . ." should have read ". . . (due to meat or blood spots) . . .".

6. On page 39572, third column, in the heading marked "§§ 2856.221, 2856.222, 2856.223" insert the word "and" between "2856.222" and "2856.223".

7. On page 39572, third column, in the fifth line of paragraph (c) in § 2856.226, ". . . stated in grade name. * * *" should have read ". . . stated in the grade name. * * *".

8. On page 39573, first column, in the amendment to § 2856.231, the last two lines from the bottom of the page should have read as follows:
". . . marks[5] and blood stains" and by changing the figure "2" to "5" under the . . .".

BILLING CODE: 1505-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R–0365]

Delegation of Authority of Federal Reserve Banks To Enter Into Written Agreements to Correct Violations of Law or Regulation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has expanded the delegated authority of the

[1] The Commodity Services program of the Food Safety and Quality Service, USDA was transferred to the Agricultural Marketing Service, USDA by USDA Secretary's Memorandum 1000–1, issued June 17, 1981. A notice detailing the Agency's reorganization is being drafted for later publication.

Federal Reserve Banks to enter into written agreements to correct violations of law, rule or regulation. In addition, the Board has extended delegated authority to the Board's Director of Banking Supervision and Regulation to refer violations of the Employee Retirement Income Security Act by State member banks to the Department of Labor. These delegations were made in order to expedite and facilitate the performance of certain of the Board's supervisory and regulatory functions over bank holding companies and State member banks.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Mary Ann Gadziala, Legal Division (202/452–3786), or Herbert A. Biern, Division of Banking Supervision and Regulation (202/452–2620), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Board of Governors has amended its Rules Regarding Delegation of Authority to delegate to the Federal Reserve Banks the authority to enter into written agreements with bank holding companies or their nonbank subsidiaries, State member banks, or any person subject to the Board's supervisory authority concerning the correction of violations of law, rule, or regulation. In addition, the Board has delegated authority to Reserve Banks to enter into written agreements with any person subject to the Board's supervisory authority in connection with such bank's or company's participation in an unsafe or unsound practice. The Board has further amended these Rules to delegate authority to the Board's Director of Banking Supervision and Regulation to refer violations of the Employee Retirement Income Security Act by State member banks to the Department of Labor.

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute substantive rules subject to the requirements of such section.

Effective August 10, 1981, Part 265 is amended as follows:

Section 265.2(c)(31) is added and § 265.2(f)(28) is revised as set forth below:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(c) * * *

(31) to provide to the Department of Labor written notification of possible significant violations of the Employee Retirement Income Security Act ("ERISA") by State member banks, in accordance with section 3004(b) of ERISA and the Interagency Agreement adopted to implement the provisions thereof.

* * * * *

(f) * * *

(28) With the prior approval of both the Director of the Board's Division of Banking Supervision and Regulation and the General Counsel of the Board: (a) to enter into a written agreement with a bank holding company or any nonbanking subsidiary thereof, with a State member bank, or with any other person or entity subject to the Board's supervisory jurisdiction under 12 U.S.C. § 1818(b) concerning the prevention or correction of an unsafe or unsound practice in conducting the business of such bank holding company, nonbanking subsidiary or State member bank or other entity, or concerning the correction or prevention of any violation of law, rule or regulation, or any condition imposed in writing by the Board in connection with the granting of any application or other request by the bank or company or any other appropriate matter; and (b) to stay, modify, terminate or suspend an agreement entered into pursuant to subdivision (a) of this paragraph. Any agreement authorized under this paragraph may, by its terms, be enforceable to the same extent and in the same manner as an effective and outstanding cease-and-desist order that has become final pursuant to 12 U.S.C. §§ 1818 (b) and (k).

* * * * *

Board of Governors of the Federal Reserve System, August 10, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81–23881 Filed 8–20–81; 8:45 am]

BILLING CODE 6210–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 250

[Economic Regulations Amdt. No. 17; Docket 38108; Reg. ER–1237]

Small Aircraft Operations; Oversales and Denied Boarding Compensation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Civil Aeronautics Board amends its rules governing oversales and denied boarding compensation to exclude operations with 60-seat and smaller aircraft. This amendment is designed to relieve a burden on small aircraft operators. The change is made at the CAB's initiative.

DATES: Adopted: August 6, 1981.

Effective: September 21, 1981.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Krevor, Legal Processing Division, Bureau of Domestic Aviation, Civil Aeronautics Board, Washington, D.C. 20428; (202) 673–5333 or Joanne Petrie, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5442.

SUPPLEMENTARY INFORMATION:

Introduction

On May 1, 1980, we issued EDR–401, 45 FR 31413, May 13, 1980, an Advance Notice of Proposed Rulemaking (ANPRM) in which we solicited comments from passengers, carriers, civic parties and other interested individuals and groups regarding whether, and in what form, our oversales and denied boarding rules (14 CFR Part 250) should apply to commuter air carriers and to certificated carriers operating 60-seat and smaller aircraft (hereafter referred to as small aircraft). The rule now applies to all certificated carriers, including those initially certificated through award of unused authority under section 401(d)(5) of the Federal Aviation Act of 1958, as amended, regardless of the size of aircraft the carrier operates. We have granted temporary exemptions from Part 250 to more than 20 certificated carriers operating small aircraft pending the outcome of this rulemaking. See, *e.g.*, Order 80–5–9, May 1, 1980. Noncertificated carriers (commuters and other air taxis) are outside the scope of the current rule. Carriers operating under dual commuter and certificate authority must conform to Part 250 in both their certificated and noncertificated operations.

Based on our review of the comments submitted in response to EDR–401, and other data developed by the staff, we issued EDR–401A, a Notice of Proposed Rulemaking (NPRM), to amend Part 250 to exclude carriers operating 60-seat and smaller aircraft from regulation of their oversales and denied boarding practices except in any market in which the carrier also operates larger than 60-seat aircraft.[1] As discussed below, however, we are now convinced that the clearest and fairest rule will depend only on the size of the aircraft used in the flight in

[1] EDR–401A, January 21, 1981, 46 FR 8561, January 27, 1981.

question and have incorporated that approach in our final rule.

Comments on the proposed rule were filed by Aloha Airlines, the American Society of Travel Agents (ASTA), Cal Sierra Airlines, the Commuter Airline Association of America (CAAA), Delta Airlines, Lineas Aereas Paraguayas, Miles Travel, the New York State Department of Transportation (NYSDOT), Republic Airlines, USAir, and one individual.

Background

14 CFR Part 250 sets forth the Board's rules governing oversales and denied boarding compensation. An oversale occurs when there are more passengers holding confirmed reservations than there is space to accommodate them on a particular flight. When a flight is oversold, a carrier is required to solicit volunteers who will accept compensation in exchange for giving up their confirmed reserved seats. If a passenger is denied boarding involuntarily, a certificated carrier is required to pay that passenger (in addition to the ticket itself, which the passenger keeps) the value of the remaining ticket, with a minimum of $37.50 and a maximum of $200. If the carrier cannot arrange acceptable alternative transportation scheduled to arrive within 2 hours of the arrival time of the original flight (4 hours for foreign air transportation), the payment is raised to twice the ticket value, with a minimum of $75 and a maximum of $400. The purpose of this rule is to provide on-the-spot compensation for the damages incurred by passengers whose travel plans are disrupted. The rule sets carriers' minimum obligations toward passengers, but the passenger may seek other compensation from the carrier directly or through court action.

With the transition to deregulation, commuters have been assuming an increasingly important role in the national air transportation system. A number of former commuter carriers have become certificated while the nature of their operations remains largely unchanged. Other carriers have been granted dual operating authority to allow them to experiment as commuter carriers in new markets outside of their certificated route systems in response to changing market demand. Thus carriers operating 60-seat and smaller aircraft, in predominantly short-haul and feeder markets, may be operating under different regulatory authorities despite the similarity of their fleets, route structure and operating practices. This blurring of the former differences between types of carriers was a major factor in our initial decision to investigate whether Part 250 should apply to operations with small aircraft.[2]

The impact of the current oversales rule on carriers operating small aircraft has been well established in this proceeding. If a passenger is denied boarding on a typical small aircraft short-haul flight and subsequently misses a connection on a long-haul flight, the short-haul carrier must usually pay twice the value of the passenger's remaining ticket coupons. For example, if the short-haul fare is $50 and the connecting long-haul fare is $400, the carrier must pay the passenger the maximum denied boarding compensation of between $200 and $400, depending on whether alternative transportation can be arranged to arrive within a short time. Such a penalty can easily be greater than the entire revenue from that flight. The carrier may have to operate a number of very profitable flights in order to merely break even with the compensation it was required to pay. The problem is exacerbated by the fact that small turboprop and piston engine aircraft are often subject to weight limitations in high temperature/humidity conditions which may require bumping even when the carrier does not book beyond the usual capacity of the aircraft. Finally, the appearance of "no record" passengers may impose a more severe hardship on these carriers than those operating large aircraft since there is little margin for unanticipated increases in traffic on individual flights.

Scope of Part 250

Most of the commenters favored some limitation in the application of Part 250, although there were differences in how far the change should go. Two commenters opposed it on the basis that Part 250 should apply to the system-wide operations of all scheduled air carriers. The American Society of Travel Agents (ASTA) asserted that we should not exclude carriers operating small aircraft from the rule and argued that passengers that are bumped from small aircraft suffer greater hardship than other passengers. According to ASTA, those passengers are more likely to interline with other carriers. In addition, they are likely to be traveling from small communities where alternate means of transportation or accommodations are difficult to obtain.

NYSDOT noted that the roles and nature of commuter aircraft have changed markedly, and argued that the fact that commuters have not been regulated in the past does not mean that they should not be regulated now. It argued that all scheduled air carriers should be subject to overbooking penalties, but that the amount of compensation should depend on the size of the aircraft flown. It further proposed that the rule be expanded to address what it perceived to be the heart of the problem, "no shows". NYSDOT recommended that the Board adopt a rule requiring advance payment for confirmed reservations, with all other reservations considered standby. If a confirmed passenger does not show up, the passenger would be assessed 25 percent of the full-cost price of the ticket as a penalty, unless the passenger missed the flight because of cancellation or delay of a connecting flight. Finally, the NYSDOT concluded that the Board inadequately analyzed the overbooking problem, and that the Board should collect more data on commuter carriers, make detailed cost estimates, thoroughly investigate other options, and do an analysis of the correlation between market pairs, time of day and overbooking.

We appreciate the point made by several commenters (ASTA, Miles Travel, NYSDOT) that denied boarding on a small-plane flight may work at least as much hardship as it does with large aircraft. The distinction drawn by this amendment is not based on lesser hardship to passengers, but on the conclusion that the cost of application to small-aircraft operators is relatively greater, and outweighs the benefits to the public. The disproportionate size of the penalty relative to the typical short-haul fare has already been discussed. That could, of course, justify modifying the scheme to reduce these payments for operators of small aircraft. But other considerations enter in. Small aircraft are typically operated by businesses with less sophisticated reservations equipment and operating methods than those operating large aircraft. The viability of the small-aircraft segment of the industry, which competes most directly with ground transportation, depends partly on its ability to minimize its costs, respond flexibly to consumer demand, and maintain high load factors. The Board is seeking to minimize the regulatory load as it moves toward sunset, and has additional Congressional mandate to do this (The Regulatory Flexibility Act, 5 U.S.C. 604) with respect to small businesses. The rule has never applied to commuter air carriers, and we find no need for expansion of it. Tailoring the rule for certificated carriers operating small aircraft would thus require new regulatory inquiries, while perpetuating an outmoded distinction between certificated and uncertificated carriers

[2] ER–1123, 44 FR 30080, May 24, 1979.

flying similar routes and equipment. For these reasons, we reject the suggestions for applying the rule to commuter carriers or modifying its application to small certificated carriers.

Delta also submitted comments opposing the proposed rule on grounds that the oversales rule should be eliminated for all carriers, rather than for just one group. It argued that small aircraft operators would not have any better record of customer treatment than would large aircraft operators if they were excluded from the rule, and that the proposal creates an unfair competitive advantage for excluded carriers who will then be able to tailor their oversales and denied boarding compensation rules to suit market demands.

The Delta suggestion that we eliminate the denied boarding rule entirely is beyond the scope of this rulemaking. The question whether Part 250 should be continued, modified, or rescinded with regard to carriers operating large aircraft has never been an issue here. The future of the rule is, however, under consideration in conjunction with our review of all rules preparatory to sunset.

Aloha Airlines, an operator of large aircraft, submitted comments favoring the proposed rule but stating that it does not go far enough. It commented that Part 250 has the same disproportionate impact on feeder carriers like itself that it has on operators of small aircraft. It suggested that application of Part 250 be based not only on aircraft size, but also take into account the nature of the carrier's operations, route system, and ticket revenues.

With respect to Aloha's argument, we agree that factors other than aircraft size affect the impact of the oversales rules on carriers. However, we conclude that aircraft size is the most important and easily quantified distinction. Analysis of a carrier's operation, route system, and revenue would be too complex, costly, and variable to be workable.

Mixed Fleet

In EDR–401A, we specifically requested comments on alternative proposals regarding how Part 250 should apply to carriers operating both larger and smaller than 60-seat aircraft. The proposed rule incorporated the approach we used in granting Altair Airlines a temporary exemption from Part 250, *i.e.*, the carrier's operations with small aircraft would be exempted from the rule except in any market in which it also operated large aircraft.[3] However, we also requested suggestions and comments on other approaches that might be less confusing for passengers or more easily administered by carriers. For example, Part 250 could apply only to flights on which the carrier uses large aircraft, or carriers operating large aircraft and small aircraft could be required to comply with the rule in their entire operations.

We received comments from only two parties on this issue. Republic believed the proposed rule placed it at a competitive disadvantage since it would have to comply with Part 250 for small aircraft operations in some markets, while carriers operating only small aircraft would not have to comply. The Commuter Airline Association of America (CAAA) stated that it did not believe undue consumer confusion could possibly result from our proposed approach, but that we should reduce the denied boarding compensation payable to passengers bumped from small aircraft flights. It also commented that excluding all operations with small aircraft from the rule would be equally acceptable.

After consideration of the comments, and the experience of the last few years under the rule, we have decided that the best resolution of the problem of application of the rule to small aircraft is to except from the rule all operations with aircraft of 60 seats or less, regardless of the nature of a carrier or its general fleet configuration. Requiring all mixed-fleet operations in one market to conform to the rule, as proposed, would probably confuse most passengers and impose an unnecessarily complex rule. We believe that passengers will more easily understand the application of the rule only to over-60-seat aircraft. Certificated operators of small aircraft will be treated in the same manner as commuter carriers. The proposed rule would have raised difficult factual issues in some instances of what is the relevant "market" (e.g., whether each leg of a multi-stop trip is considered separately), and what constitutes operating a large aircraft in a market, (e.g., whether seasonal operation triggers the rule).

The scheme proposed in the NPRM was slightly different, in that small-plane operations by carriers that also operated large planes in the same market would have been included. We find, however, that the variation from the proposal is relatively insignificant, and that the proposal satisfies the notice requirements of 5 U.S.C. 553(b), in light of the facts that the variation consists of removing the application of the rule from a small number of carriers and markets, that all parties subject to the rule have had full notice of the type of rule now issued, and that this application option was proposed in both the notice of proposed rulemaking and the advance notice.

While small-aircraft operations will not be subject to Part 250, all carriers will continue to be covered by the prohibition on unfair and deceptive practices in Section 411 of the Act. Furthermore, as noted in the proposal, EDR–401, the Board will not allow carriers to have on file tariffs governing oversales and denied boarding compensation for their small-aircraft operations, unless they voluntarily comply with all the requirements of Part 250 in those operations. Carriers who choose not to adopt the Part 250 procedures in their small-aircraft operations will be left to their own discretion as to how to advise the public of their practices. We expect that, given this opportunity to operate without regulations, carriers will devise reasonable methods of dealing with oversold passengers. Passengers who believe they have been unfairly treated by an airline, in that they have been denied boarding despite confirmed reservations, can take private legal action as well as filing a complaint with the Board.

"No-Record" Passengers

Lineas Aereas Paraguayas (LAP) commented that a regulatory solution is required to reduce overbooking resulting from "no-record" passengers—those holding a confirmed reservation that is not recorded in the carrier's reservation system. Typically, a "no-record" passenger is one who has a "confirmed reservation" from a travel agent or interlining carrier that, in fact, has not confirmed the reservation. LAP suggested amending Part 399 to make it an unfair and deceptive practice for a travel agent or interlining carrier to confirm a reservation without first checking with the transporting carrier, and amending Part 250 to require a travel agent or interlining carrier who erroneously confirms a reservation to be liable for DBC for any passenger bumped as a result. The carrier disagreed with our proposed decision in EDR–401A ruling out a regulatory solution to this problem in operations with small aircraft, arguing that a regulatory solution is required so long as we continue to comprehensively regulate involuntary bumping.

[3] Order 80–5–9, May 1, 1980. *See also*, EDR–401A at 10 and Order 81–5–25, May 18, 1981.

ASTA also mentioned the problem of "no record" passengers. Unlike LAP, however, it suggested that additional regulation in this area would be unnecessary and contrary to the efforts to deregulate the industry.

We have decided that the problem described does not justify new regulatory action. By excluding carriers operating small aircraft from the requirements of Part 250 we are no longer regulating their denied boarding practices, and thus are eliminating the requirement that they pay denied boarding compensation. We continue to believe that carriers and other sellers of air transportation can arrange by contract suitable methods for avoiding the problem of no-record passengers or allocating liability among themselves.

Allegheny Commuters

In Order 79–2–108, the Board conditioned approval of agreements between USAir and three of its Allegheny Commuters upon the observance of Part 250 by the Allegheny Commuters. Although Part 250 does not by its terms apply to commuter carriers, the franchise agreements between USAir and the Allegheny Commuters provided that the commuters would provide denied boarding compensation in order to ensure systemwide quality uniformity. In its comments to the NPRM, USAir requested that we make a specific finding that adoption of the proposed rule will relieve the Allegheny Commuters of that obligation. This rulemaking action does not change the terms of the agreement filed with and approved by us. USAir and the Allegheny Commuters are free, however, to petition us to remove that condition.

Foreign Route Carriers

The NPRM proposed that foreign air carriers holding permits under section 402 of the Act and operating small aircraft be excluded from the duty to comply with Part 250. A number of foreign airlines have recently been granted exemption authority to conduct passenger operations pending final decision on their section 402 applications. The proposed amendments to the definition of "carrier" in 14 CFR 250.1 inadvertently failed to include those carriers operating under an exemption from section 402. These exemptions are granted only for a temporary period pending Board decision on whether a permit will be granted. Thus, we will prospectively require carriers operating under an exemption from section 402 with large aircraft to comply with the rule. (Only §§ 250.10, 250.11, and 250.12 are mandatory on flights from a foreign country to the United States by a foreign air carrier.) No carrier now operating under an exemption will be subject to Part 250. We therefore find that notice and public procedure on this conforming change are unnecessary and the rule as issued includes this group in the definition.

Deletion of Proviso

Since the rule has been modified to exclude all small aircraft operations, the proviso in the rule excepting small aircraft operators in Alaska is removed as unnecessary.

Final Regulatory Flexibility Analysis

The discussion above constitutes the Board's final regulatory flexibility analysis of this rule, pursuant to 5 U.S.C. 604. Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673–5432, by referring to the "ER" number at the top of the document.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 250, *Oversales*, as follows:

1. The authority for Part 250 is:

Authority: Secs. 204, 403, 404, 407, 411, Pub. L. 85–726, as amended; 72 Stat. 743, 758, 760, 766, 769; 49 U.S.C. 1324, 1373, 1374, 1377, 1381.

2. In § 250.1, the definition of "Carrier" is revised to read:

§ 250.1 Definitions.

* * * * *

"Carrier" means (a) a direct air carrier, except a helicopter operator, holding a certificate issued by the Board pursuant to section 401(d)(1), 401(d)(2), 401(d)(5), or 401(d)(7) of the Act, or an exemption from section 401(a) of the Act, authorizing the transportation of persons, or (b) a foreign route air carrier holding a permit issued by the Board pursuant to section 402 of the Act, or an exemption from section 402 of the Act, authorizing the scheduled foreign air transportation of persons.

* * * * *

3. In § 250.1, a definition of "Large aircraft" is added, in alphabetical order, so that the section reads:

§ 250.1 Definitions.

* * * * *

"Large aircraft" means any aircraft that has a passenger capacity of more than 60 seats.

* * * * *

4. Paragraph (a) of § 250.2 *Applicability* is revised to read as follows:

§ 250.2 Applicability.

(a) This part applies to every carrier, as defined in § 250.1, with respect to its operation of flights with large aircraft originating or terminating at, or serving, a point within the United States or its territories or possessions, insofar as it denies boarding to a passenger on a flight, or portion of a flight, for which the passenger holds confirmed reserved space and which is covered by a flight coupon naming any such point.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–24499 Filed 8–20–81; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 399

[Policy Statements Amdt. No. 80; Reg. PS–104]

Statements of General Policy; Editorial Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB removes from the Code of Federal Regulations a temporary provision about fare flexibility that has already expired by its own terms.

DATES: Adopted: August 17, 1981. Effective: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: In PS–101, 46 FR 11809, February 11, 1981, Board adopted a temporary increase in domestic fare flexibility that expired by its own terms on February 28, 1981. This action removes that provision from the Code of Federal Regulations. Since this amendment is editorial in nature, making no substantive change and merely removing an absolete provision, the Board finds that notice and public procedure are unnecessary.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 399, *Statements of General Policy*, as follows:

1. The authority for Part 399 is:

Authority: Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 763, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504.

§ 399.32a [Removed]

2. The Table of Contents is amended by removing § 399.32a, *Additional fare flexibility from February 4 to February 28, 1981.*

3. Section 399.32a is removed.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-24496 Filed 8-20-81; 8:45 am]

BILLING CODE 4910-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

[T.D. 81-214]

Tariff Classification; Ornamented and Not Ornamented Wearing Apparel

AGENCY: Customs Service, Treasury.

ACTION: Notice announcing the application of a court decision to the tariff classification of certain merchandise.

SUMMARY: this notice advises the public of the manner in which the Customs Service will apply the principles announced by the U.S. Court of Customs and Patent Appeals in *The Ferriswheel* v. *United States* to certain specified garments. The rejection by the court of the so-called "traditional feature" doctrine will result in the classification by Customs of certain western-style shirts as ornamented. Certain raincoats having epaulets will continue to be classified as not ornamented. Certain shirts with hanger loops, previously classified as ornamented because of the presence of such loops, will hereafter be classified as not ornamented. The classification of military-style and bush/safari garments with epaulets will be determined on a case-by-case basis.

EFFECTIVE DATES: The change in classification with respect to western-style shirts, military style and bush/safari garments with epaulets, described below, will be effective December 21, 1981. The change in classification with respect to shirts with hanger loops, as described below, will be effective August 21, 1981.

FOR FURTHER INFORMATION CONTACT:

Philip Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

In classifying wearing apparel for Customs purposes, the question often arises whether or not such apparel is ornamented or not ornamented. Generally, ornamented wearing apparel is subject to a higher rate of duty than not ornamented wearing apparel.

On February 21, 1980, the United States Customs Court issued its decision in *The Ferriswheel* v *United States*, C.D. 4844, concerning the ornamentation of certain wearing apparel. The court held that Scottish Highland ceremonial jackets with traditional (but primarily decorative) epaulets, and braid which simulates buttonholes, were ornamented wearing apparel. In view of this decision, Customs published a notice in the **Federal Register** on August 14, 1980 (45 FR 54085), advising the public that Customs was reviewing its uniform and established practices of classifying certain garments with traditional, but primarily decorative, features as not ornamented wearing apparel and of classifying garments with simulated functional features also is not ornamented. The notice requested comments from interested parties on whether the *Ferriswheel* case required Customs to change its practice. Final action on the notice was postponed pending the decision of the U.S. Court of Customs and Patent Appeals on the appeal of the *Ferriswheel* case.

On March 12, 1981, the U.S. Court of Customs and Patent Appeals issued its decision in *The Ferriswheel* v *United States*, C.A.D. 1260, the court (1) reaffirmed its previously stated rule that in order for a feature to constitute ornamentation for tariff purposes, that feature must be primarily decorative as opposed to being primarily functional; (2) rejected the idea that a clearly ornamental feature on a garment did not constitute ornamentation because it was traditional to the garment; and (3) held that functional capability, together with the appropriateness of that function to the garment, determines whether or not a feature is functional.

In rejecting the "traditional feature" doctrine of classification, the court expressly rejected the premise that garments with clearly ornamental features were classifiable as not ornamented because those features were necessary to make the garments authentic. Such garments, according to the court, must be judged by the same standards as other garments.

It has been the practice of Customs to classify certain western-style shirts with traditional but, in Customs view, primarily decorative, overlaid front and back shoulder yokes as not ornamented on the basis that the overlaid yokes were necessary to create an "authentic" western shirt. This premise has been clearly invalidated by the U.S. Court of Customs and Patent Appeals in the *Ferriswheel* case. Therefore, Customs believes it is required to apply to western-style shirts the principle expressed by the court that garments with traditional features "must be judged by the same standards as other articles of wearing apparel." That standard or test, as expressed in *Ferriswheel* and previously in numerous other court decisions, is whether the ornamental or decorative aspect of a feature on a garment outweighs the functional or utilitarian nature of that feature—whether the feature is primarily decorative or primarily functional.

In this regard, Customs has expressed the view in a number of rulings that the overlaid yokes on western-style shirts are usually primarily decorative and only incidentally functional. Accordingly, those yokes would, except for the practice of classification that developed by reason of their being traditional on that type of shirt, normally be considered ornamentation.

All of the comments received in response to the notice published by Customs in the **Federal Register** on August 14, 1980, were completely reviewed. Several of the comments received relating to overlaid yokes on western-style shirts concerned factors which Customs could not legally consider, *e.g.*, the economic impact of classifying the shirts under the ornamented provisions of the tariff schedules. On the other hand, some of the commenters presented arguments which dealt with the legally relevant question of the various functions which the overlaid yokes serve and the utility of overlaid yokes generally

After thoroughly considering all of the views expressed, it is Customs position that while there are some functional purposes served by the overlaid yokes, they do not appear to be sufficient to overcome the highly visible impact, which is decidedly ornamental, that overlaid yokes usually present on garments.

In view of the principles set forth in the court decision, western-style shirts will be classified in accordance with the same standards as other garments and all western-style shirts with *primarily decorative* overlaid fabric yokes entered, or withdrawn from warehouse, for consumption after (120 days from the date of publication of this notice), will be classified under the ornamented wearing apparel provisions in the Tariff

Schedules of the United States (19 U.S,C. 1202). All prior administrative rulings issued by Customs concerning the classification of western-style shirts with decorative overlaid yokes which are not in accordance with the principles stated in *Ferriswheel,* are, pursuant to § 177.9(d)(1), Customs Regulations (19 CFR 177.9(d)(1)), hereby revoked. The classification of such garments will, (120 days from the date of publication of this notice), be determined on the characteristics of each garment.

As a result of this action, Customs anticipates that most western-style shirts with overlaid yokes will be classified as ornamented because the utility of the overlaid yokes is usually incidental to the decorative appearance they present. However, due to styling and construction differences, Customs recognizes that some overlaid yokes may, in fact, be primarily functional and, therefore, would not constitute ornamentation.

In the *Ferriswheel* case, the U.S. Court of Customs and Patent Appeals stated that a functional feature does not cease to be functional because it is not used by most wearers. Customs believes that an overly broad interpretation and application of that principle is neither reasonable nor intended by the court. Where a feature, once functional, has virtually ceased to have any utility on a garment except in a few isolated instances, that feature is subject to the same standards as traditional features—whether it is primarily decorative or primarily functional. In making this determination, Customs will consider such a feature to be primarily functional on a garment if (1) the feature has a functional capability which is appropriate to the garment, and (2) there is credible evidence the feature is actually used and that such use is more than a fugitive use.

It has been Customs practice to classify certain types of garments with epaulets (raincoats, certain bush/safari jackets, and certain military-style garments) as not ornamented, even though in the view of Customs, the epaulets were primarily decorative. This practice was based on the idea that epaulets were traditional features on those garments. Because that premise is no longer valid, those garments must now be classified in accordance with the same standards as other garments.

Customs does not believe that the decision in the *Ferriswheel* case should affect the existing practice of classification of raincoats with functional epaulets. After reviewing the submissions received in response to the notice of August 14, 1980, Customs now believes that all prior rulings stating that any functional use of epaulets on raincoats constituted a "fugitive use", were in error. The submissions make it clear that the epaulets are actually used by a significant number of wearers of those raincoats. Therefore, raincoats with epaulets will continue to be classified as not ornamented barring other features on the garments which would cause a contrary classification.

Few of the comments received dealt with, or even mentioned, the classification of military-style and bush/safari garments with epaulets. In view of the invalidation of the "traditional feature" doctrine, the same principles of classification that apply to other garments will apply to military-style and bush/safari garments entered, or withdrawn from warehouse, for consumption after December 21, 1981. From that date, the classification of those and all other garments with epaulets will be determined on a case-by-case basis based on the individual characteristics of each garment. Those characteristics will include, but not be limited to, the construction of the fabric comprising the garment (knit or woven), the weight of that fabric, and the styling and intended purpose of the garment. For example, knit garments or ones made from loosely woven fabrics would not normally have primarily functional epaulets. Further, garments designed for formal or dress wear or for sleeping would usually not have epaulets which are primarily functional. All prior administrative rulings by Customs classifying military-style and bush/safari garments with epaulets as either ornamented or not ornamented, which are not in accordance with the principles stated in *Ferriswheel,* are, pursuant to § 177.9(d)(1), Customs Regulations (19 CFR 177.9(d)(1)), hereby revoked.

The U.S. Court of Customs and Patent Appeals in the *Ferriswheel* case did not decide the question of whether garments with simulated features should be classified as ornamented. Therefore, Customs, at this time, will not change its existing practice of classifying garments with simulated features which are located where the real features would normally be found and are no more decorative than the real features normally are, as not ornamented.

The *Ferriswheel* case has prompted Customs to review other aspects of the ornamentation question, one of which involves the classification of shirts with hanger loops located on the center of the back areas. It does not appear that such loops, if made from the same fabric as the garments on which they are located, are primarily decorative. Rather, it appears that loops of this nature are actually used to hang the garment. Accordingly, pursuant to § 177.9(d)(1), Customs Regulations (19 CFR 177.9(d)(1)), all prior rulings classifying shirts as ornamented due solely to the presence of hanger loops in the center of the back areas, are revoked. Customs will classify shirts with such loops as not ornamented, provided that no other features of the garment would cause a contrary classification.

Authority

This notice is being published in accordance with section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d), and § 177.10(c)(1), Customs Regulations (19 CFR 177.10(c)(1)).

Drafting Information

The principal authority of this notice was Robert J. Pisani, Regulations and Information Division, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: August 17, 1981.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 81-24508 Filed 8-20-81; 8:45 am]

BILLING CODE 0974-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 444

[Docket No. 81N-0082]

Neomycin Sulfate Antiperspirants and Deodorants; Termination of Postponement of Effective Date of Final Rule Revoking Certification Provisions

Correction

FR Doc. 81-23902 was published on page 41814 in the issue of Tuesday, August 18, 1981. The document terminated the postponement of an effective date, the effect of which was the revocation of certain regulations. It was published in the Proposed Rules section of the **Federal Register**. It should have appeared in the Rules section.

Also, in the second column on page 41814, change the heading now reading "§ 444.426 [Removed]" to read "§ 444.42b [Removed]".

BILLING CODE 1505-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Roxarsone Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) sponsored by Salsbury Laboratories which provides for use of roxarsone tablets in the drinking water of swine and in a drench as an aid in the treatment of swine dysentery. The regulations are also amended to indicate those conditions of use which were found effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC) evaluation of the product.

EFFECTIVE DATE: August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Salsbury Laboratories, Charles City, IA 50616, is sponsor of an NADA (8-274) which originally became effective December 5, 1981, providing for use of roxarson tablets in the drinking water and in a drench for swine. The NADA is one of several for drug products containing 3-nitro-4-hydroxy-phenylarsonic acid (roxarsone) that were the subject of a NAS/NRC evaluation published in the **Federal Register** of September 10, 1970 (35 FR 14273). The NAS/NRC evaluation concluded, and the agency concurred, that the drug is effective for swine for improved feed efficiency and treatment of swine dysentery, probably effective for faster weight gains, and not effective for necrotic enteritis.

The NAS/NRC evaluation required a caution statement on the labeling stating that excessive consumption may cause leg weakness and nerve damage, and treated animals must consume enough medicated water to provide a therapeutic dose under the prevailing conditions. Also, the NAS/NRC evaluation stated that the desired oral dose per unit of animal body weight per day should be on the label.

The NAS/NRC evaluation considered only the drug's effectiveness and safety for the treated animal and did not consider the safety of food derived from the treated animal.

Salsbury Laboratories responded to the NAS/NRC evaluation by submitting a supplemental NADA providing revised labeling, updated manufacturing and controls, and other information.

The supplement is approved. The regulations are amended to reflect the approval and to indicate that approval of identical products for the same conditions of use need not include certain types of effectiveness data required by 21 CFR 514.1(b)(8)(ii) of 514.111(a)(5). In lieu of those data, approval of such products may require submission of bioequivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC reviewed generic drugs. The guideline is available from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above), from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(2)(ii)), may be seen in the Dockets Management Branch (address above).

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.2088 by adding new paragraph (b) to read as follows:

§ 520.2088 Roxarsone tablets.

* * * * *

(b)(1) *Specifications.* Each tablet contains 400 milligrams of roxarsone (3-nitro-4-hydroxyphenylarsonic acid).

(2) *Sponsor.* See No. 017210 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.60 of this chapter.

(4) *NAS/NRC status.* These conditions are NAS/NRC reviewed and found effective. NADA's for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(5) *Conditions of use*—(i) *Swine*—(*a*) *Amount.* 1 tablet (400 milligrams) per gallon of drinking water for no more than 6 days, or 1 tablet (400 milligrams) per 2 fluid ounces of warm water per 50 pounds of body weight as a drench once daily for 1 to 2 days.

(*b*) *Indications for use.* As an aid in the treatment of swine dysentery (hemorrhagic enteritis or bloody scours).

(*c*) *Limitations.* Treatment may be repeated after 5 days off medication. If no improvement is observed, consult a veterinarian. Treated animals must consume enough medicated water to provide a therapeutic dose. Withdraw 5 days before slaughter. Use as sole source of organic arsenic.

(ii) [Reserved]

Effective date. This regulation is effective August 21, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: August 7, 1981.

David P. Ducharme,

Acting Associate Director for Scientific Evaluation, Bureau of Veterinary Medicine.

[FR Doc. 81-24191 Filed 8-20-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 680

[Docket No. 79N-0097]

Allergenic Products; Antigen E Potency Test; Additional Standards for Miscellaneous Products

Correction

In FR Doc. 81-22365, at page 39129, in the issue of Friday, July 31, 1981, on page 39133, in the first column under the heading **"Labeling"**, the first paragraph, designated as item "25.", line 5, correct "of" to read "or" and in the second paragraph under "25.", line 4, correct "or" to read "on" and "of" to read "or".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 222

Grazing and Livestock Use on the National Forest System; Amendments To Improve Clarity and Correct Codification

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The Forest Service issues final rule incorporating amendments to 36 CFR Part 222, Range Management. These amendments improve clarity and correct codification. The amendments do not represent policy addition or major changes in policies which have applied to the administration of grazing permits on the National Forest System beyond that prescribed by law.

EFFECTIVE DATE: September 21, 1981.

ADDRESS: Chief R. Max Peterson (2200), Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert M. Williamson, Assistant Director, Range Management, Staff, USDA, Forest Service, P.O. Box 2417, Room 610 RPE, Washington, D.C. 20013, Telephone: (703) 235–8139.

SUPPLEMENTARY INFORMATION: This amendment makes minor changes in the regulations for clarity and to correct codification. These regulations were substantially changed on November 28, 1977, to implement provisions of the Federal Land Policy and Management Act of 1976, Pub. L. 94–579, **Federal Register**, Vol. 42, No. 208, Friday, October 28, 1977, pages 56430–56737. This act was amended by the Public Rangelands Improvement Act of 1978 with minor changes made in the regulations **Federal Register**, Vol. 44 No. 208, Thursday, October 25, 1979, pages 61345–61346. Minor changes in this amendment are to: (1) Clarify what National Forest System lands will be managed for livestock grazing; (2) provide for suspension of permit and charging of unauthorized use rate when fees are not timely paid; (3) clarify who paid term permits will be issued to; (4) correct definition of Animal Month; and (5) make codification corrections. It has been determined that publication of these amendments, in accordance with the Administration Procedures Act, 5 U.S.C. 533, is unnecessary. The amendments do not represent policy additions, or major changes in policy which have applied to the administration of grazing permits on the National Forest System beyond that prescribed by law.

The rule is not a major rule within the meaning of Executive Order 12291 because the rule will have a negligible effect on the economy, will not result in increased costs for consumers, individual industries, Federal, State, or local government agencies and will have no adverse effects on competition, employment, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Assistant Secretary for Natural Resources and Environment has determined that this action will not have a significant economic impact on a substantial number of small entities because it imposes no direct or indirect costs on small entities except for the possibility that the unauthorized grazing use rate will be charged when livestock are grazed under an unvalidated permit, it requires no paperwork or recordkeeping, it does not affect the competitive position of small entities in relation to large entities, it does not affect the cash flow or liquidity of small entities, it does not affect the ability of a small entity to stay in the market, and it does not require that small entities obtain professional assistance to meet regulatory requirements.

The minor changes being made by the amendment are explained as follows:

1. § 222.2 is changed to provide that forage producing National Forest System lands will be managed for livestock grazing consistent with land management plans.

2. § 222.3 clarifies conditions under which paid term permits will be issued.

3. § 222.4 is expanded to clarify that a permit can be suspended when fees are not paid within time limits.

4. § 222.29 makes codification correction.

5. § 222.50(c) clarifies definition of Animal Month for purpose of grazing fee charges.

6. § 222.50(h) provides that the unauthorized use rate can be charged when livestock are grazed under an unvalidated permit.

Therefore 36 CFR is amended as follows:

PART 222—RANGE MANAGEMENT

Subpart A: Grazing and Livestock Use on the National Forest System

1. The Authority for Subpart A reads as follows:

Authority: 92 Stat. 1803, as amended (43 U.S.C. 1901), 85 Stat. 649, as amended (16 U.S.C. 1331–1340) sec. 1, 30 Stat. 35, as amended (18 U.S.C. 551) sec. 32, 50 Stat. 522, as amended (7 U.S.C. 1011).

2. Section 222.2(c) is revised as follows:

§ 222.2 Management of the range environment.

* * * * *

(c) Forage producing National Forest System lands will be managed for livestock grazing and the allotment management plans will be prepared consistent with land management plans.

3. Section 222.3(c)(1)(i) is revised as follows:

§ 222.3 Issuance or grazing and livestock use permits.

* * * * *

(c) * * *

(1) * * *

(i) Except as provided for by the Chief, Forest Service, paid term permits will be issued to persons who own livestock to be grazed and such base property as may be required, provided the land is determined to be available for grazing purposes by the Chief, Forest Service, and the capacity exists to graze specified numbers of animals.

* * * * *

4. Section 222.4 is amended by revising paragraphs (a) (3) through (7) and by adding paragraph (a)(8) to read as follows:

§ 222.4 Changes in grazing permits.

(a) * * *

(3) Cancel or suspend the permit if the permittee fails to pay grazing fees within established time limit.

(4) Cancel or suspend the permit if the permittee does not comply with provisions and requirements in the grazing permit or the regulations of the Secretary of Agriculture on which the permit is based.

(5) Cancel or suspend the permit if the permittee knowingly and willfully makes a false statement or representation in the grazing application or amendments thereto.

(6) Cancel or suspend the permit if the permit holder is convicted for failing to comply with Federal laws or regulations or State laws relating to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit.

(7) Modify the terms and conditions of a permit to conform to current situations brought about by changes in law, regulation, executive order, development or revision of an allotment management plan, or other management needs.

(8) Modify the seasons of use, numbers, kind, and class of livestock allowed or the allotment to be used under the permit, because of resource condition, or permittee request. One year's notice will be given of such modification, except in cases of emergency.

* * * * *

Subpart B—Management of Wild Free-Roaming Horses and Burros

5. The Authority citation for Subpart B reads as follows:

Authority: 85 Stat. 649, as amended (16 U.S.C. 1331–1340); sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); sec. 32, 50 Stat. 522; as amended (7 U.S.C. 1011); 92 Stat. 1803 (43 U.S.C. 1901 note).

6. Section 222.29(e) is revised as follows:

§ 222.29 Relocation and disposal of animals.

* * * * *

(e) The applicants must make written application for title and/or adoption and must be of legal age in the State in which they reside. Humane conditions, treatment and care must have been provided for no less than one year preceding the filing of the application for title. Unless waived in writing, the application for title shall include a written statement by a licensed veterinarian attesting that the animal is in good condition.

Subpart C—Grazing Fees

The authority citation for Subpart C reads as follows:

Authority: Sec. 1, 30 Stat. 35 as amended (16 U.S.C. 551; sec. 501, 65 Stat. 290, 31 U.S.C. 483a; 92 Stat. 1803, 43 U.S.C. 1901, note).

8. Section 222.50 (c) and (h) are revised.

§ 222.50 General procedures.

* * * * *

(c) A grazing fee shall be charged for each animal month of grazing or livestock use. An animal month, except for sheep or goats, is a month's use and occupancy of range by one animal. A full animal month's fee is charged for a month of grazing by adult animals; if the grazing animal is weaned or 6 months of age or older at the time of entering National Forest System lands; or will become 12 months of age during the permitted period of use. For fee purposes 5 sheep or goats, weaned or adult, are equivalent to one cow, bull, steer, heifer, horse, or mule.

* * * * *

(h) Unauthorized grazing use rate will be determined by establishing a base value without giving consideration for those contributions normally made by the permittee under terms of the grazing permit. The base will be adjusted annually by the same indexes used to adjust the regular fee. This rate will also apply to excess number of livestock grazing by permittees; to livestock grazed outside the permitted grazing season; or to livestock grazed under an unvalidated permit.

* * * * *

John B. Crowell, Jr.,
Assistant Secretary for Natural Resources & Environment.
August 3, 1981.

[FR Doc. 81-24393 Filed 8-20-81; 8:45 am]
BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1861-6]

Approval and Promulgation of Implementation Plans; San Joaquin Valley Air Basin, Calif., Nonattainment Area

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Rulemaking.

SUMMARY: On September 15, 1980 (45 FR 60931), the Environmental Protection Agency (EPA) published a notice of proposed rulemaking concerning the San Joaquin Valley Air Basin nonattainment area plan (NAP). The September 15, 1980 notice addressed the Kern County nonattainment area for ozone, carbon monoxide (CO), and sulfur dioxide (SO_2) and the San Joaquin Valley Air Basin nonattainment area for particulate matter (PM). The September 15, 1980 notice proposed to conditionally approve the NAP for both of these areas because it contained only minor deficiencies with respect to Part D of the Clean Air Act, "Plan Requirements for Nonattainment Areas." The State has initiated the process to submit the material to correct these minor deficiencies. Therefore, EPA is conditionally approving the San Joaquin Valley Air Basin NAP for the Kern County nonattainment area and portions of the NAP for the San Joaquin Valley Air Basin nonattainment area for PM. This action removes the prohibition on construction of major new or modified sources in Kern County.

This notice also provides a brief summary of the proposed rulemaking notice, describes recent revisions which supplement the NAP, discusses public comments received, specifies deadlines by which the State is required to submit the materials to correct the minor deficiencies, and describes EPA's final actions on the NAP.

DATE: This action is effective August 21, 1981.

ADDRESS: A copy of today's revision to the California State Implementation Plan (SIP) is located at: The Office of the Federal Register, 1100 "L" Street NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT:
Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano, (415) 556–2938.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act, as amended in 1977, requires states to revise their SIPs for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). On October 11, 1979, the Executive Officer of the California Air Resources Board (ARB), the Governor's official designee, submitted revisions to the California SIP for the San Joaquin Valley Air Basin consisting of a control strategy and regulations for ozone, CO, SO_2, and PM. These revisions, which comprise the San Joaquin Valley Air Basin NAP, are intended to provide for the attainment of the ozone, CO, SO_2, and the PM NAAQS in the San Joaquin Valley Air Basin.

On September 5, 1980 (45 FR 58897), EPA published a proposed rulemaking notice for Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties, which are part of the San Joaquin Valley Air Basin. That notice proposed, among other things, to conditionally approve the NSR rules for each of these seven counties.

On September 15, 1980 (45 FR 60931), EPA published a notice of proposed rulemaking for the Kern County nonattainment area for ozone, CO, and SO_2 and the San Joaquin Valley Air Basin nonattainment area for PM. That notice should be used as a reference in reviewing today's notice. The September 15, 1980 notice provided a description of the NAP for these two areas, summarized the applicable Clean Air Act requirements into 14 criteria, compared that portion of the NAP for these two areas to those criteria, and proposed to approve and conditionally approve portions of the NAP for these two areas. EPA's proposed actions in the September 15, 1980 notice are described below.

EPA proposed to approve the following portions of the NAP for the Kern County nonattainment area for ozone, CO, and SO_2 and the San Joaquin Valley Air Basin nonattainment area for PM because they were found to be consistent with Part D of the Clean Air Act.

Kern County Nonattainment Area

Ozone: Emissions growth, annual reporting, public and government involvement, and public hearing requirements.

Carbon Monoxide: Emissions inventory, modeling, reasonable further progress (RFP), annual reporting, public and government involvement, and public hearing requirements.

Sulfur Dioxide: Emissions inventory, legally adopted measures, resources, annual reporting, public and government involvement, and public hearing requirements.

San Joaquin Valley Air Basin Nonattainment Area

Particulate Matter: Emission reduction estimates, emissions growth, public and government involvement, and public hearing.

EPA also proposed to conditionally approve the following portions of the NAP for the Kern County nonattainment area for ozone, CO and SO_2 and the San Joaquin Valley Air Basin nonattainment area for PM because they were found to contain minor deficiencies with respect to Part D. These portions of the NAP were proposed to be approved with the condition that each deficiency be corrected by a specified deadline.

Kern County Nonattainment Area

Ozone: Emission inventory, modeling, emission reduction estimates, attainment, RFP, legally adopted measures, resources, and permit program.

Carbon Monoxide: Emission reduction estimates, attainment, legally adopted measures, resources, and permit program.

Sulfur Dioxide: Modeling, emission reduction estimates, attainment, RFP, emissions growth, and permit program.

San Joaquin Valley Air Basin Nonattainment Area

Particulate Matter: Emission inventory, modeling, attainment, RFP, legally adopted measures, annual reporting, permit program, and resources.

As noted in the September 15, 1980 notice, approval or conditional approval of all portions of the NAP is sufficient to lift the current prohibition on construction of major new or modified sources. Therefore, EPA proposed to conditionally approve the Kern County portion of the San Joaquin Valley Air Basin NAP and remove the construction ban in the September 15, 1980 notice.

Public Comments

During the public comment period, EPA received several comments. The comments are specific to Kern County's NSR rules and to certain proposed conditions of approval. In addition, EPA has received national comments which may apply generally to this action. Each of the points raised by the commenters and EPA's responses follow.

I. Comments Specific to NSR

The California Air Resources Board (ARB) submitted comments on EPA's assessment of the New Source Review (NSR) rules addressed in several rulemaking notices on Nonattainment Plans (NAP's). ARB asked EPA to consider the comments when taking final rulemaking action on those NAP's, including this one. In its comments ARB referred in some cases to EPA's new NSR regulations issued on August 7, 1980. Local rules are required to meet these new requirements by May 7, 1981. This makes the comments somewhat confusing, because EPA's evaluation of the NSR rules was done based on the existing criteria from 1979, rather than the ones which are taking effect for new rules. In responding, EPA has noted where its new criteria differ from those the local rules were evaluated against *and* has pointed out other new requirements relevant to the issues addressed here.

Comment: ARB commented that EPA has looked too closely at specific provisions of rules and should have looked at the rules' overall stringency, instead. It claims that considered in whole the rules are at least as stringent as EPA requires.

Response: EPA does consider that more stringent criteria than EPA calls for in one area can compensate to some extent for weaker provisions in other areas. And there are some aspects of these local rules which are excellent in regulating stationary sources. However, EPA has only limited discretion under the Clean Air Act and its own regulations. Part D of the Clean Air Act sets forth a preconstruction review procedure for nonattainment areas that is relatively detailed and mandatory in significant aspects. As a result, the governing Part D NSR rules clearly limit the approvability of State NSR programs that offer overall program equivalency and equal or greater capture of emissions, but which differ from 40 CFR Part 51 on individual components of the rule. Notably, the nonattainment provisions require that SIPs contain individual definitions that are as stringent as those in the federal regulations, 40 CFR 51.18(j)(1). Once these definitions are included, important issues such as applicability are fixed. The preamble emphasizes this approach, requiring that State plans be identical to or individually more stringent than the corresponding 40 CFR 51.18 regulations (45 FR 52726). While the Act limits State flexibility in terms of permit applicability, some flexibility exists as to who must offset and to what extent. That is, States can opt to exempt certain sources from the offset requirements provided the plan can accommodate the new emissions within its demonstration of RFP and attainment. The limits of EPA's discretion are reflected in the responses to other comments.

Comment: In its Evaluation Report, EPA pointed to the definition of "stationary source" as a deficiency. EPA requires that the rules restrict use of emission reductions from within a plant to avoid NSR requirements. Where a major unit is modified and will increase emissions significantly, reductions from other units may not be used to avoid exceeding the significance levels which trigger NSR. As ARB acknowledges, these rules do not satisfy EPA's criteria. However, ARB argues that other provisions in the rules compensate for this less stringent provision. ARB points out that the rules regulate some new sources which fall below EPA's new minimum criteria and some modifications to existing sources which are below EPA's minimum cut-off.

Response: EPA does not accept ARB's argument. EPA's regulations state that "Deviations from the following wording will be approved only if the state specifically demonstrates that the submitted definition is more stringent or at least as stringent" (40 CFR 51.18 (j)(1); August 7, 1980). ARB has not shown that its definition is as stringent or more stringent. ARB has instead discussed cut-offs for applicability and not directly addressed the concern that the definition used in the local rules would allow many modifications to avoid NSR requirements entirely. It should be noted that on March 12, 1981, EPA proposed to make the definition of "stationary source" less stringent.

Comment: In its Evaluation, EPA indicated that a series of exemptions from LAER was not allowable and that exempting the same types of sources from offsets was allowable only in some cases. ARB commented as follows (Comments 2 through 6 only apply to exemptions from offsets):

1. Exemptions from LAER were not intended and should be revised accordingly.

2. The innovative control technology exemption is intended to encourage

development of new technology which will enhance air pollution control. The Clean Air Act provides similar exemptions in other cases. For specific sources which have been permitted under this provision strict limits have been imposed to protect air quality.

3. The exemption of particulate sources from offsets when built in areas with low population and little industrial development is a reasonable way to alleviate the effects of NSR requirements which would otherwise be brought into effect by windblown dust occurrences anywhere in the air basin.

4. The exemption of sources from offset requirements when they install air pollution control equipment is reasonable, since installation of it is required by other regulations.

5. "ARB strongly supports the exemption from offset requirements for the specified sources . . ." ARB states that the Nonattainment Plan contains an allowance for future growth of sources not providing offsets and that the allowance will cover the excess emissions from the offset exemptions. The exemptions referred to were not justified individually as were those mentioned under 2, 3 and 4 above.

Response: 1. As stated in the September 15 notice, EPA found certain deficiencies in the Kern County NSR rules and invited comment on EPA's proposal that these were minor deficiencies and should be conditionally approved. EPA has reevaluated the NSR rules with respect to Part D and EPA policy. EPA agrees with the ARB that the exemptions from LAER provided in Rule 210.1 (3)(E) should be removed. Further, EPA has determined that these exemptions are not authorized by the Clean Air Act and that an NSR permit program cannot be approved or conditionally approved under Part D with these exemptions (similar determinations are found at 45 FR 74481 and 80280, November 10 and December 4, 1980). Therefore, EPA is disapproving those portions of Rule 210.1 (3)(E) which allow new sources to be exempt from LAER.

2. The intended effects of the innovative control technology exemption are laudable, but the limits placed on sources using it are not sufficient to protect air quality. The permit conditions required in the cases described by the ARB are discretionary and are not required by the rule and are therefore not enforceable under the Clean Air Act. If the rules referred to in this notice were modified to explicitly include safeguards similar to those referred to in ARB's comment with regard to specific cases, then this provision would be approvable.

3. EPA agrees that the exemption from offsets is reasonable for certain particulate sources, since LAER and statewide compliance requirements will have to be met and NAAQS's will be protected. EPA could approve it if a demonstration is made that it will not interfere with reasonable further progress toward attainment of the NAAQS.

4. EPA does not understand how application of control equipment could lead to an emissions increase large enough to trigger offset requirements. An exemption clause appears unnecessary based on the justification and explanation given.

5. EPA agrees that the other exemptions from offset requirements could be approved with some changes. Where the NAP provides for a growth increment for those sources that would be exempted from offset requirements, and if the NSR rule prevented use of the exemptions for any pollutant when the growth increment had been exhausted, EPA could approve the exemptions.

Comment: EPA cited as a deficiency in the rules the exemption of modifications and reconstructions which will cause net emission increases of less than 200 lbs/day. ARB argues that these thresholds are at least as effective in protecting air quality as those EPA requires and should be approved. The main justification ARB uses is that the thresholds EPA requires are generally not much more stringent and that the lower thresholds for new sources in the local rules catch more sources and modifications than EPA's would overall.

Response: The local rules do not fully satisfy either EPA's old or new criteria. But EPA's August 7, 1980, regulations did relax the significance levels for modifications substantially from those previously proposed. So the rules do now have thresholds more stringent than EPA's new regulations in some cases and generally equivalent in others. However since the local rules use a threshold of 200 pounds per day for particulates they are clearly not consistent with EPA's significance level of 25 tons per year (approx. 140 pounds per day).

ARB has also failed to recognize that EPA has made the basis for calculating emission changes more stringent and that these rules do not satisfy the new EPA requirement. EPA will now require that any increases above *actual* existing emissions be considered in using the thresholds, while these rules consider only increases above legally permitted levels. So that even where the numeric criteria are the same the different basis of calculation means they are not necessarily as stringent.

In addition, ARB has not addressed the failure to regulate reconstructions in accord with EPA criteria. These criteria stipulate that when sources are reconstructed (i.e., where the cost of new construction is 50% or more of the cost of an entirely new emission unit) LAER is to be applied to the entire rebuilt source and the applicant is to be required to demonstrate compliance of all statewide sources and provide offsets in all cases. The failure of these rules to do so remains a deficiency. Note that on March 12, 1981, EPA proposed to eliminate this requirement.

Comment: EPA cited Section 4.E. as a deficiency in the Kern County rules. That section allows existing oil production sources to ignore any increases in emissions they made between 1976 and September, 1979, in determining whether they have to obtain NSR permits and how much offsetting emission reductions are required if they do have to get permits. ARB states that there are other, non-NSR, rules which are as effective as EPA's regulations in requiring emission reductions to attain NAAQS's for ozone, particulates and sulfur dioxide. ARB gives as an example an NO_x control rule.

Response: ARB has not shown that the other local rules require *LAER* and *statewide compliance* for all the same sources that would be covered using EPA's criteria for counting emission increases. This remains a deficiency to be corrected unless ARB does demonstrate that other rules will require the sources to which its provision would apply to meet requirements equivalent to NSR.

ARB has argued that there are other rules in effect which require emission reductions equivalent to what EPA stipulates. But it has not provided evidence of those rules for the pollutants which EPA considers nonattainment: CO, SO_2, O_3 and TSP. EPA would only allow a provision such as this for emissions reductions if ARB demonstrates that the other rules will generate emission reductions consistent with EPA's criteria and sufficient to represent RFP. Such reductions must be enforceable by EPA.

Comment: In the Evaluation Report EPA cited as a deficiency a provision of the Kern County rules which would exempt sources from LAER and offset requirements if violations of NAAQS were of the annual standard and the annual standard for a pollutant had been met in any one of the preceding three years. ARB indicated that this was an oversight and that it would seek to remedy the situation.

Response: EPA appreciates ARB's commitment to help remedy this problem and thereby satisfy this condition of NAP approval.

Comment: In the Evaluation Report EPA stated that the provisions of these rules which would exempt CO sources from LAER and offsets unless they would directly cause violations of NAAQS's do not satisfy EPA approval criteria. ARB objected. It stated that mobile sources are the main cause of CO violations and that other control requirements make it unlikely that stationary sources would contribute to worsening existing violations of the standards. Therefore, ARB said that it does not see a need for requiring CO offsets. ARB did not indicate any opinion on the exemption from LAER.

Response: EPA is not able to accept this provision where it would exempt sources from LAER. But, this type of approach could be acceptable for offsets, since LAER and Statewide compliance are still required. However, the State would have to show that sufficient reductions would be generated to represent RFP. The rules would also have to: 1) restrict the exemptions to cases when the applicant could demonstrate no NAAQS violations for a significant period of time in the area; 2) require sources to show that they would not cause or *contribute* to violations of NAAQS; and 3) specify how the permitting agency will determine whether a source is expected to cause or contribute to a violation of a NAAQS. EPA approved models would be required for any modeling.

ARB submitted one very complicated comment to EPA arguing that the basic offset requirements in these rules satisfy EPA's criteria. This comment has been split into two different comments, as seen below.

Comment: EPA's Evaluation Report noted as a deficiency the offset requirements in the rules. They allow the same 1.2:1 ratio of emission offsets to increases to be used over very large areas. This fails to satisfy EPA's criteria for ensuring that offsets will improve air quality in the areas affected by the new or modified source and contribute to attaining the NAAQS's. EPA indicated that it requires offsets to be from as close to the source increasing its emission as possible. Its criteria stipulate that for offsets of CO, TSP and SO_x emission sources, modeling should be done to determine an offset ratio sufficient to ensure a net air quality benefit, unless the source providing offsets is in the immediate vicinity of the new source or modification. ARB objected to EPA's evaluation and stated that it believes these rules are "as stringent as EPA criteria." Specifically, in defending its broad claim of equivalency, ARB argued with a number of the statements in EPA's Evaluation Report on the rules and with EPA's interpretation of the EPA criteria. ARB stated:

1. These rules do not routinely allow offsets at a fixed ratio over very large areas, as EPA stated, partly because if more than 15 miles away from the source of increased emissions they must be "upwind".

2. That EPA only requires an offset ratio greater than 1:1, which would be less than the 1.2:1 in these rules. Therefore these rules are more stringent than EPA's criteria.

3. That these rules are consistent with EPA's stipulation that offsets for CO, SO_2 and TSP are to be based on modeling to determine a ratio sufficient to provide a net air quality benefit, unless the offsets are within "the immediate vicinity" of the source increasing emissions. Specifically, ARB argues that "in the immediate vicinity" can reasonably be interpreted to mean "upwind in the same or adjoining counties or within 15 miles".

Response: EPA disagrees with ARB. It does not find ARB's arguments sufficient to justify approving the offset portion of these rules for stable pollutants. ARB has not shown that the rules satisfy EPA's criteria nor that they will improve air quality.

In response to ARB's specific points:

1. The distances which can be reached within "adjoining counties" in the San Joaquin Valley range up to 150 miles or more and can cover 15,000 or more square miles. In addition, the definition of "upwind" on which ARB relies is extremely vague and perhaps meaningless and can be disregarded on a discretionary basis by the District. EPA therefore believes that the area within which the 1.2:1 ratio can be used is very large, contrary to ARB's claim.

2. EPA's criteria stipulate that for CO, TSP and SO_x a net air quality benefit be shown by modeling. This specifies a method to determine an offset ratio that will improve air quality, with no upper limit. In some cases it is likely that this would be less than the 1.2:1 used in these rules but in other cases it would be much greater. ARB has erred in believing that EPA only requires an offset ratio greater than 1:1 and these rules have not been shown to satisfy EPA's criteria.

3. EPA does not accept ARB's argument that the very large areas in "adjoining counties" (see #1) can be considered to be in the "immediate vicinity" of a source increasing its emissions. Nor does within 15 miles mean "in the immediate vicinity" (an area of about 700 square miles.)

Though these rules fail to satisfy EPA's specific offset criteria in several major respects, there are ways that ARB could justify to EPA approval of such offset provisions. For any given pollutant, ARB could demonstrate that the offsets which the rules would require will improve air quality throughout the area where they apply, given the permit applications likely to be received, and that they would be consistent with RFP. If this can be demonstrated to EPA's satisfaction, then the rules could be approved for any pollutant for which such a demonstration is made.

Comment: In previous comment and response EPA discussed the failure of these rules to satisfy EPA's offset criteria for stable pollutants. Some of the specific issues raised by ARB in that comment and one other issue raised by ARB relate to offsets for sources of HC, which leads to ozone formation. The local rules apply the same requirements to HC emissions as to emissions of stable, non-reactive pollutants. Offsets of 1.2 times the amount of increased emissions are required if they are within 15 miles or within the same or adjoining counties as that of the source which is increasing its emissions. EPA criteria stipulate that for HC (and NO_x) sources the ratio of offsets should increase as the distance separating the two sources does so. ARB argued with EPA's criteria as stated in the Evaluation Report and claimed that the offset portion of these rules should be approved. Specific issues raised by ARB were:

1. The claim (as in the previous Comment) that these rules do not allow offsets at a fixed ratio over very large areas.

2. The argument that EPA only requires that the offset ratio be greater than 1:1 and that the local rules are more stringent in that they require offsets at 1.2:1.

3. The claim that for HC sources EPA's criteria allow offsets to be anywhere in the broad vicinity of the source and that these rules are consistent with the criteria.

Response: EPA does not agree with any of ARB's three specific claims regarding offsets for HC sources. The rules clearly do not meet EPA's specific criteria. However, just as explained at the end of the previous *Response*, ARB does have the option to try to demonstrate to EPA that the rules will require offsets sufficient to reduce ozone concentrations throughout the nonattainment area and provide for reasonable progress toward attainment

of NAAQS's. In response to ARB's specific arguments:

1. As explained under #1 in the previous Response, EPA does consider that the area in which offsets at a 1.2:1 ratio are allowed is very large (up to 150 or more miles away and over areas of as much as 15,000 square miles or more).

2. EPA's criteria call for an offset ratio not just greater than 1:1, as ARB claims, but a ratio that increases as the distance between the two sources increases. A ratio of 1.2:1 is not adequate at a distance of 150 miles.

3. ARB used an incomplete quote from EPA's criteria stated in the **Federal Register** to argue that EPA allows offsets for HC sources from anywhere within the same AQCR. The rest of the relevant section states that though offsets for ozone *may* be obtained from the broad vicinity of the proposed source, they should be as close to the new source as possible and if at greater distances, "the reviewing authority should increase the ratio of offsets and require a showing that nearby offsets were investigated and . . . not available" (40 CFR 51.18(j)(3)(ii)(f) and Appendix S, Section IV. D, as amended to September 11, 1980). These rules are not consistent with that stipulation.

Comment: ARB objects to EPA's statement that it will not approve provisions of the rules which allow reductions of one pollutant to be offset against increases of another pollutant. ARB has argued that the rules only allow such credit where both the pollutants are precursors of the same criteria pollutant and that EPA should allow that. ARB argues further than since these local rules require offsets of precursors in cases where EPA does not and are therefore more stringent in that respect it is "reasonable that . . . interprecursor offsets should be allowed."

Response: The local rules allow interprecursor offsets for two different cases: precursors to ozone and precursors to particulates. EPA has reexamined the rules and found that contrary to previous impressions they do not allow precursors to TSP to be offset against direct TSP emissions. The provisions allowing different precursors to TSP to be offset against each other are therefore approved.

The situation with ozone is somewhat different. The local rules allow HC emissions to be offset with NO_x emission reductions, which EPA normally does not allow. However, EPA believes that the overall effect of the rule will be to offset HC emissions as much as EPA requires while additionally getting NO_x reductions. This is because the rule requires offsets for both pollutants, not just HC as in EPA's regulations. Therefore this concept is approvable.

For the actual rules to be approved, however, they would have to define a specific method for determining ratios of offsets to increases which will provide for reasonable progress toward attainment of the ozone NAAQS.

Comment: In the Evaluation Report EPA indicated that the provision of the rules which exempts CO, TSP, SO_x (and NO_x) sources from offset requirements if they will not cause or contribute to NAAQS violations is not approvable in areas where NAAQS's for those pollutants are violated. ARB objected, stating that it believes such a provision is reasonable, since these rules require offsets if there are violations of NAAQS's anywhere in the same air basin, not just the county where the rules apply.

Response: EPA agrees that this type of approach could be acceptable, since the rules still require application of LAER and statewide compliance requirements. However, the State would have to show that sufficient reductions would be generated to represent RFP and to make other changes. The rules would have to specify that this exemption could be used only if the applicant can demonstrate that there have been no violations of the relevant NAAQS for a significant period of time. In addition, an explanation of how it will be judged whether sources are expected to cause or contribute to violations of NAAQS's would be required. EPA approved models must be used for any modeling.

Comment: EPA's Evaluation Report noted as a deficiency a provision of the rules that allows sources to claim credit for emission reductions which the rules would not normally allow and which EPA does not allow. ARB responded by stating that it does not believe the provision provides a loophole because a net air quality benefit must be demonstrated for this waiver to be used and by arguing that this provides valuable flexibility.

Response: EPA believes that this provision does create a significant loophole in the offset requirements, though discussions with ARB prior to the proposed rulemaking indicated that it was by oversight rather than intention. The requirement to demonstrate a net air quality benefit is not an adequate safeguard because the rule would allow reductions which are *already* required by local permits or local, state or federal laws and regulations to be used in making the demonstration. This would allow a source which is violating air quality requirements to get credit for reducing emissions which are illegal to begin with. It appears that this provision would also allow offset credit for shutdowns of sources in the distant past and perhaps for reductions which would not occur until after the applying source has already increased its emissions. ARB has not shown that the flexibility allowed by this section of the rules is sufficient justification for such a large loophole and it therefore remains a condition of NAP approval that this provision be eliminated.

II. Comments Specific to EPA's Proposed Conditions of Approval

1. Ozone, CO, SO_x, and PM:

Comment: The ARB commented that the September 15, 1980 notice requires considerable corrective work on the 1979 NAP but allows insufficient time for this work to be completed. The ARB further commented that EPA's proposed conditions of approval require that a re-analysis of the control strategy be done in a piecemeal fashion and in an unreasonable time frame.

Response: EPA is revising the dates for the proposed conditions of approval to these recommended by the ARB and Kern County APCD for each condition of approval. However, EPA is extending certain dates so that there will be fewer deadlines.

Comment: The ARB commented that the condition of approval requesting information identifying (1) the personnel and financial resources needed to implement the control measures and (2) the commitments which identify the resources necessary to implement the NAP should be deleted. The ARB requested that this condition of approval be deleted because it is not legally possible for California agencies to make multi-year budget commitments. The ARB further commented that EPA's concerns regarding this issue can be addressed in the Annual Reports.

Response: EPA agrees that it is not legally possible for California to provide multi-year budget commitments. Therefore, the commitments which identify resources necessary to implement the NAP for the Kern County nonattainment area and the San Joaquin Valley Nonattainment Area in the future must be submitted by the State to EPA when the local budgets are adopted. The condition of approval is changed to require that the NAP include a commitment to provide this information annually.

2. Ozone and CO:

Comment: The ARB commented that EPA has often placed unreasonable priority on its Control Techniques

Guideline (CTG) categories while ignoring other state adopted reasonably available control measures (RACM). The ARB further commented that EPA did not propose any action on Rule 411.1, "Control of Volatile Organic Emissions from Steam Drive Wells" and Rule 425, "Control of NO_x Emissions From Steam Drive Wells," which are extremely important RACMs for the Kern County nonattainment area.

Response: As discussed in EPA's General Preamble (44 FR 20372, April 4, 1979) and in the September 15, 1980 notice (45 FR 60931), the 1979 NAP must, at a minimum, include rules which reflect Reasonably Available Control Technology (RACT) for the CTG source categories. However, the State must also adopt other measures as needed to provide for attainment. EPA will incorporate these measures into the SIP when submitted by the State. Rules 411.1 and 425 were not included in the September 15, 1980 notice because the ARB submitted these rules six months after the submittal of the NAP and EPA was unable to complete and fully coordinate the review for publication on September 15, 1980. These rules, submitted on April 2 and 15, 1980, and revised on December 15, 1980 will be addressed in the **Federal Register** in the near future.

Comment: The ARB and the Kern County Air Pollution Control District (APCD) commented that they agreed with EPA's finding that the design value is 0.20 ppm for the Kern County nonattainment area. The ARB also commented that they did a reanalysis using the 0.20 ppm value and found that due to a change in the ozone aloft transport value, the estimated emission reduction needed to demonstrate attainment changed from 60.7 percent in the NAP to 58 percent. The ARB further commented that the condition of approval should be deleted because the estimated emission reduction contained in the NAP is more stringent.

Response: EPA agrees with the ARB and this condition of approval is being deleted in today's notice.

Comment: The ARB recommended that EPA's proposed condition of approval concerning the development of control measures to replace I/M for CO should be changed to require a work program for the development of control measures needed to demonstrate attainment of the CO NAAQS. The ARB further commented that the control strategies for attaining the ozone, SO_2, and PM NAAQS are based upon the control of emissions from oil industry operations which are the dominant source of emissions in Kern County. The ARB also commented that, at this time, I/M should not be considered a reasonably available control measure for these three pollutants because it may not significantly affect future air quality if adopted. The Kern County APCD commented that the attainment demonstration for ozone did not inlcude emission reductions from I/M and therefore substitute control measures should not be required.

Response: Since the CO plan demonstrates that attainment is possible by 1982 with reasonably available control measures, including I/M, sufficient legally adopted control measures must be submitted in the plan to implement the control strategy and to attain the national standards. Thus, for CO, legal authority to implement I/M or other measures to replace I/M must be provided and EPA cannot approve the submittal of a work program to develop, at a later date, the needed control measures. EPA agrees with the ARB that substitute control measures need not be developed for ozone. Therefore, this condition of approval no longer applies to ozone. EPA also agrees with the ARB that I/M is not a reasonably available control measure for PM and SO_2.

Comment: The ARB and the Kern County APCD recommended that EPA delete the condition of approval concerning Rule 410.3, "Organic Solvent Degreasing Operations," because it is currently applicable to only those sources not covered by Rule 410, "VOC Emissions From Degreasing Operations Which Use Organic Solvents Exempted From Rule 410," which is more stringent than Rule 410.3.

Response: EPA disagrees with the ARB and the Kern County APCD because neither has provided the necessary documentation to support their position. Further, EPA believes that Rule 410.3 is not RACT with this exemption. Therefore, this condition of approval is not deleted.

Comment: The ARB commented that the condition of approval concerning Rule 410.4, "Surface Coating of Manufactured Metal Parts and Products" should be deleted because there is only one source covered by this Rule and it is in compliance. The Kern County APCD commented that the rule is enforceable because noncomplying sources would have to apply to the Hearing Board of the Air Pollution Control District to have a compliance schedule adopted on a case-by-case basis. The Kern County APCD further commented that procedures for petitioning for a compliance schedule can be found in Regulation V of the APCD's regulations.

Response: EPA agrees with the ARB in that compliance schedules should not be required for this rule. Therefore, this condition of approval is being deleted in today's notice.

Comment: EPA proposed to conditionally approve the NAP based upon the submittal of commitments and schedules for implementing I/M and two transportation control measures that were found to be reasonably available. These two measures include transit improvements and bikeways plan. The Kern County APCD commented that commitments should only be submitted for transit improvement because I/M is subject to action by the State Legislature and there are no emission reduction credits claimed for bikeways plan.

Response: EPA agrees with the Kern County APCD.

3. *Sulfur Dioxide:*

It should be noted that the ARB submitted to EPA on February 19, 1981, a revision to the Kern County CO_2 plan control strategy. That revision is not addressed in today's final rulemaking notice, but will be considered in a future notice of proposed rulemaking.

Comment: WOGA commented that emission reductions required by current EPA and Kern County permits are sufficient to assure attainment of the CO_2 NAAQS without reference to Rule 424 and therefore Rule 424 should not be included in the NAP for CO_2.

Response: The NAP's demonstration of attainment is being conditionally approved due to certain deficiencies which are being corrected by the ARB and the Kern County APCD. Thus, it is not yet possible to rely on this demonstration to determine whether Rule 424 provides for maintenance only or also attainment of the SO_2 NAAQS. Further, at this time Rule 424 is not included in the NAP for SO_2. However, the Rule is being approved and incorporated into the SIP for the PM control strategy in today's notice. Therefore, since Rule 424 is part of the California SIP, the emission reduction from Rule 424 can be used to demonstrate attainment for SO_2.

Comment: WOGA disagreed with EPA's finding that the NAP does not demonstrate attainment of the SO_2 NAAQS in the Kern County nonattainment area by December 31, 1982 because it does not consider modeled violations. WOGA commented that EPA should not rely on theoretical modeling studies when actual monitored data show that the ambient SO_2 levels are decreasing in Kern County.

WOGA also pointed out that the report prepared for EPA by SRI International, "Modeling of Stationary Air Pollution Sources in the Central and

Western Kern County Oil Fields" (January 1979), predicts no violations of the Federal short term or annual average NAAQS for existing or future sources in the Midway-Sunset area. They further commented that this report does predict a slight exceedance (81 $\mu g/m^3$ vs an annual average standard of 80 $\mu g/m^3$) in one small area in the center of the Kern River Oil Field and that this area is not accessible to the public and therefore this should not be considered a predicted violation. Also, WOGA commented that the SRI report did not take into account the Getty shutdown of 62 steam generators on December 27, 1978 in accordance with permit conditions which also require permanent SO_2 offsets which will significantly reduce the model SO_2 concentrations.

Response: EPA believes that modeling studies are useful for SO_2 for determining whether an area is attaining the NAAQS because monitored data usually is not available for places of expected maximum concentration. Modeling is needed to determine the effectiveness of a control strategy and is essential in demonstrations of attainment. The NAP did not contain sufficient monitoring data for SO_2 to show that decreases in ambient concentrations were due to other than meteorological variations occurring from day-to-day and year-to-year. The monitoring data provided by WOGA appears sufficient for the Oildale area to support a successful demonstration of attainment, however, the ambient data for western Kern County appears to be insufficient in the same regard. The assertion by WOGA that the small area in the center of the Kern Oil Field, where violations are predicted by SRI International, is not accessible to the public, has not been adequately supported. No such assertion has been made for the Midway-Sunset predicted violation area.

Although the SRI International study did not predict violations in the Midway-Sunset area, WOGA and EPA are aware that another modeling study, by SAI, did predict both annual and short term violations in the area. Further, the SRI International study did not take into account the December 1978 Getty steam generator shutdown, as indicated by WOGA, because the study was completed prior to the December 1978 violations and Getty shutdown. Therefore, EPA concluded that the NAP inadequately demonstrated that the violations identified in the various modeling studies have been or will be eliminated. This is just one of several deficiencies cited in EPA's proposed rulemaking notice, which together result in EPA's determination that the attainment demonstration is deficient.

4. Particulate Matter:

Comment: The ARB commented that the condition of approval concerning the PM emission inventory should be deleted because they committed to work with the San Joaquin Valley Air Basin APCDs to develop an appropriate inventory.

Response: EPA disagrees. An adequate inventory must be provided as part of the 1979 SIP. EPA is, however, revising the condition of approval deadline so that it is consistent with the ARB's schedule for submittal of a SIP revision by December 31, 1981 that will demonstrate attainment of the PM NAAQS.

Comment: The ARB recommended that the condition of approval concerning the submittal of a schedule and work program to study nontraditional control measures be deleted because they committed to study and adopt all measures found to be reasonably available and effective in reducing emissions from sources of precursors of secondary particulates and because schedules for studying these measures were submitted to EPA. The ARB further commented that the condition of approval for RFP and legally adopted measures should be deleted for the same reasons.

Response: Certainly, EPA agrees that the ARB should study additional measures for control of precursor emissions from both traditonal as well as nontraditional sources. The ARB should adopt such measures as improved technology becomes reasonably available. At present, EPA only requires that the State plan contain legally adopted, reasonable measures for traditional sources, to the extent necessary for attainment of all national standards. The implementation of legally adopted measures for nontraditional sources can be extended until December 31, 1982, but such measures must be submitted in the near future for EPA approval.

EPA has determined that a commitment and schedule leading to the adoption and submittal of all measures found to be reasonably available and effective in reducing emissions from sources of precursors of secondary particulates only partially satisfies the conditions of approval which the ARB recommended be deleted. The TSP conditions of approval, recommended for deletion by the ARB (i.e., attainment provision, reasonable further progress, and legally adopted measures), all regard sufficient additional reasonable emission reduction measures. The precursor control commitment is not sufficient since the ARB failed to provide a detailed inventory of nontraditional source emissions. Without a complete inventory of emission sources, the amount of emission reduction needed to affect a predetermined air quality improvement cannot be determined accurately. Thus, precursor emission control has not been shown to have sufficient potential for the attainment of the national TSP standards. EPA is therefore requiring that all nontraditional sources be included in the commitment so that a sufficient emission base is available from which reductions (determined to be most reasonable) can be implemented for attainment of the national TSP standards. EPA requires that all RACT and RACM's necessary for attainment be implemented. Therefore, the three conditions of approval recommended for deletion by the ARB are being retained.

Comment: The ARB commented that they intended to provide annual reports to EPA each year. The ARB further commented that they published joint guidance with EPA for the California APCDs which indicated what should be provided in the annual reports.

Response: EPA feels that this is adequate and is therefore deleting the condition of approval concerning annual reporting.

III. National Comments

One commenter submitted extensive comments and requested that they be considered part of the record for each state plan. Another commenter, a national environmental group, discussed EPA action on permit fee systems and the composition of state boards. Although some of the issues raised are not relevant to provisions in the San Joaquin Valley Air Basin NAP, the November 10, 1980 **Federal Register** (45 FR 74480) should be referenced for a discussion of these comments and EPA's responses.

EPA Actions

It is important for reviewers of this notice to understand the overall nature of NAPs and EPA's review and approval role. Central to such an understanding is recognition that action may be taken on a portion of a NAP for a specific pollutant or rule. Therefore, a portion of a NAP may be adequate for one pollutant but inadequate for others. Further, a rule may be adequate under Section 110, but inadequate under Part D of the Act. It is EPA's policy to take final action on all portions of a NAP for each pollutant.

Therefore, a final rulemaking notice contains a series of actions for each pollutant and for each portion of the NAP rather than a single action. One of the following three actions may be taken for each portion of a NAP:

1. Disapproval where the State does not agree to correct minor deficiencies or where deficiencies are of such magnitude as to significantly interfere with the basic objective; or

2. Approval where the portion of the NAP under consideration meets all requirements; or

3. Approval with conditions where deficiencies exist, but where the effect of the deficiency is not judged to be major and where the State has agreed to take those steps necessary to correct the deficiency. In this case, it is EPA's intent that the State proceed expeditiously to correct the noted deficiency by certain dates.

EPA's final actions on the NAP for the Kern County nonattainment area for ozone, CO, and SO_2 and the San Joaquin Valley Air Basin nonattainment area for PM are described below and are based on the proposed rulemaking notice and public comments received by EPA.

Kern County APCD Rules

EPA is taking action under Section 110 of the Clean Air Act to approve all of the rules listed in the September 15, 1980 notice, with the exception of Rule 412.1, "Transfer of Gasoline into Vehicle Fuel Tanks." No action is being taken on Rule 412.1 at this time, because it was superceded by a latter submittal by the State. EPA will propose action on the revised Rule 412.1 in a separate **Federal Register** action.

EPA is taking action under Part D of the Act to approve Rules 410.4, 412, 414.2, and 414.3 since they fully satisfy the requirement for RACT.

As stated in the PUBLIC COMMENTS section, EPA has determined that the LAER exemptions provided for in subparagraph (3)(E) of Rule 210.1, "Standard for Authority To Construct" cannot be approved or conditionally approved under Part D. Therefore, EPA disapproves those portions of subparagraph (3)(E) which allow new sources to be exempt from LAER.

Similar to the September 15 proposal notice, today's notice takes action on the Kern County NSR rules (permit program portions of the NAP), but does not take action on the NSR rules for the other seven counties in the San Joaquin Valley. Those rules will be addressed in a future notice.

Approved Portions of the San Joaquin Valley Air Basin NAP

As proposed in the September 15, 1980 notice and as discussed in the PUBLIC COMMENTS section of this notice, EPA has determined that the following portions of the NAP are consistent with Part D of the Clean Air Act. Therefore, EPA is taking final action to approve these portions.

Kern County Nonattainment Area

Ozone: Modeling, emissions growth, annual reporting, public and government involvement, and public hearing requirements.

Carbon Monoxide: Emissions inventory, modeling, reasonable further progress (RFP), emissions growth, annual reporting, public and government involvement, and public hearing requirements.

Sulfur Dioxide: Emission inventory, legally adopted measures, resources, annual reporting, public and government involvement, and public hearing requirements.

San Joaquin Valley Air Basin Nonattainment Area

Particulate Matter: Emission reduction estimates, emissions growth, annual reporting, public and local government involvement, and public hearing.

Conditionally Approved Portions of the San Joaquin Valley Air Basin NAP

The State and the Kern County APCD have assured EPA that they will submit the material to correct the minor deficiencies noted in the September 15, 1980 notice. EPA therefore takes final action to conditionally approve the following portions of the NAP:

Kern County Nonattainment Area

Ozone: Emissions inventory, emission reduction estimates, attainment, RFP, legally adopted measures, resources, and permit program.

Carbon Monoxide: Emission reduction estimates, attainment, legally adopted measures, resources, and permit program.

Sulfur Dioxide: Modeling, emission reduction estimates, attainment, RFP, emissions growth, and permit program.

San Joaquin Valley Air Basin Nonattainment Area

Particulate Matter: Emission inventory, modeling, attainment, RFP, legally adopted measures, and resources.

To satisfy the conditions of approval, the State must submit the following material by the following dates:

Kern County Nonattainment Area

Ozone, Carbon Monoxide, Particulate Matter, and Sulfur Dioxide.

1. By (90 days from the date of this notice), the NSR rules must be revised and submitted as a SIP revision. The rules must satisfy Section 173 and 40 CFR 51.18, "Review of new sources and modifications." In revising the Kern County APCD's NSR rules, the State/APCD must address all the requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the APCD rules do not currently satisfy, including those deficiencies cited in EPA's Evaluation Report which still apply despite new EPA NSR requirements (contained in Document File NAP–CA–9 at the EPA Library in Washington, D.C. and the Region IX Office). As EPA noted on August 7, 1980 in promulgating the revised NSR requirement [See 45 FR 52687], if the revised NSR rules have not been submitted and approved by November 7, 1981, a construction moratorium will take effect in those areas of the San Joaquin Valley Air Basin for which the revised rules have not been approved.

2. By October 1, 1981, a commitment to submit annual implementing agency fiscal and personnel commitments to implement the NAP for the Kern County nonattainment area.

Ozone: 1. By October 1, 1981, emission estimates and adequate documentation of base year and projected emissions from tertiary oil production operations for VOC emission sources.

2. By October 1, 1981, a revised emission reduction estimate for each year for control tactic SS1, "Steam Drive Controls" which is based upon the refined emission inventory estimates.

3. By October 1, 1981, a revised control strategy demonstrating attainment of the ozone NAAQS by December 31, 1982.

4. By October 1, 1981, a revised demonstration of RFP.

5. By October 1, 1981, the State must provide an adequate demonstration that the following regulations represent RACT, amend the regulations so that they are consistent with the CTGs, or demonstrate that the regulations will result in VOC emission reductions which are within five percent of the reductions which would be achieved through the implementation of the CTG recommendations:

Rule 414 "Effluent Oil Water Separators"

Rule 410.5 "Cutback Asphalt Paving Materials"

Rule 411 "Storage of Petroleum Distillates or Light Crude Oil"
Rule 410.3 "Volatile Organic Compound Emissions from Degreasing Operations Which Use Organic Solvents Exempted from Rule 410"

6. By October 1, 1981, written evidence of local adoption of legally enforceable commitments, implementation schedules, and monitoring procedures for transit improvement consistent with reasonable further progress for the transportation control measures.

Carbon Monoxide: 1. By October 1, 1981, further documentation of the emission reduction estimate for each year for emissions from petroleum refineries.

2. By October 1, 1981, a revised control strategy demonstrating attainment of the CO NAAQS by December 31, 1982.

3. By October 1, 1981, written evidence of local adoption of legally enforceable commitments, implementation schedules, and monitoring procedures for transit improvement consistent with reasonable further progress for the transportation control measures.

4. By October 1, 1981, legally adopted control measures that replace I/M.

Sulfur Dioxide: 1. By October 1, 1981, the results of an air quality analysis giving the quantification of the total emission reductions needed to attain the SO_2 NAAQS.

2. By October 1, 1981, revised emission reduction estimates for each year for Rule 424, "Control of Sulfur Compounds from Oil Field Steam Generators" which take into account the cogeneration exemption.

3. By October 1, 1981, a revised control strategy demonstrating attainment of the SO_2 NAAQS for Kern County.

4. By October 1, 1981, a revised demonstration of RFP.

5. By October 1, 1981, evidence that the emissions growth increment is consistent with the revised demonstration of attainment, or a revised growth increment.

San Joaquin Valley Air Basin Nonattainment Area

Particulate Matter: 1. By December 31, 1981, a refined emission inventory which includes estimates of emissions from traditional and nontraditional (secondary aerosols and windblown dust) sources for the San Joaquin Valley Air Basin.

2. By December 31, 1981, documentation for the PM design value used to determine the allowable PM emission level, and a modeling analysis using the new emissions inventory data which shows the emission reductions necessary to provide for attainment of the PM NAAQS by December 31, 1982.

3. By October 1, 1981, a commitment and schedule to study and adopt non-traditional PM control measures, and a commitment to implement those control measures necessary to provide for attainment.

4. By October 1, 1981, a commitment to submit annual implementing agency fiscal and personnel commitments to implement the NAP for the San Joaquin Valley Air Basin.

Final Action on the NAP

EPA is taking final action under Part D of the Clean Air Act to conditionally approve the San Joaquin Valley NAP for the Kern County nonattainment area. As a result, the prohibition on construction of major new or modified sources in Kern County is no longer in effect.

EPA is also taking final action under Part D to conditionally approve all portions of the San Joaquin Valley Air Basin NAP for PM, except the permit program portion. EPA will take final action on the NSR rules for the other counties in the San Joaquin Valley Air Basin in a separate **Federal Register** notice.

EPA has a responsibility to take final action as soon as possible in those areas for which the State of California has submitted approvable or conditionally approvable NAPs in accordance with the requirements of Part D in order to lift the construction prohibition. Since the State has submitted a conditionally approvable NAP for the Kern County nonattainment area for ozone, CO, and SO_2, EPA finds that good cause exists for making this action immediately effective.

Under Section 307(b)(1) of the Clean Air Act, judicial review of today's action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Conditional Approval Procedure

A discussion of conditional approval and its practical effect appears in two supplements to the General Preamble [44 FR 38583 (July 2, 1979) and 44 FR 67192 (November 23, 1979)]. Conditional approval requires the State to submit additional material by the deadlines specified in today's notice. There will be no extensions granted to the conditional approval deadlines being promulgated today. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submittal.

2. EPA will evaluate the State's submittal to determine if the conditions are fully met. After EPA's review is completed, a **Federal Register** notice will be published proposing or taking final action to either (1) find the conditions have been met and approve the NAP or (2) find the conditions have not been met, withdraw the conditional approval, and disapprove the NAP. If the NAP is disapproved, the Section 110(a)(2)(I) restrictions on construction would be reimposed.

3. If the State fails to submit the required materials to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the deadline.

The notice will announce that the conditional approval is withdrawn, the NAP is disapproved and the Section 110(a)(2)(I) restrictions on construction are in effect.

Certain deadlines for satisfying conditions have been changed from those proposed and are being promulgated today without further notice and comment. EPA finds that for good cause additional notice and comment on these deadlines are unnecessary (See 5 U.S.C. Section 553(b)(B), Administrative Procedure Act). The State is the party responsible for meeting the deadlines and the State has agreed to the deadlines. In addition, the public has had an opportunity to comment generally on the concept of conditional approval and on what deadlines should apply for these conditions (44 FR 38583, July 2, 1979 and 45 FR 21297, April 1, 1980).

40 CFR Part 52 Rescissions

EPA is taking final action as proposed to rescind certain Federally promulgated regulations from 40 CFR Part 52. No supplemental revisions or public comments were received regarding EPA's proposed rescissions.

NSR Requirements

It should be noted that EPA has published two final rulemaking notices on the September 5, 1979 proposed amendments to EPA's NSR regulations and the Emission Offset interpretative

Ruling. These notices, published on May 13, 1980 (45 FR 31307) and August 7, 1980 (45 FR 52676), amend EPA's Interpretative Ruling and set out new EPA requirements for NSR under Section 173.

The State is required to comply with the August 7, 1980 requirements by (90 days from the date of this notice). In revising the Kern County APCD's NSR rules, the State/APCD must address all the requirements in EPA's amended regulations for NSR (May 13, 1980, 45 FR 31307, and August 7, 1980, 45 FR 52676) which the APCD rules do not currently satisfy, including those deficiencies cited in EPA's *Evaluation Report Addendum* which still apply despite EPA's new NSR requirements. As EPA noted on August 7, 1980 in promulgating the revised NSR requirement [See 45 FR 52687], if the revised NSR rules have not been submitted and approved by November 7, 1981, a construction moratorium will take effect in those areas of the San Joaquin Valley Air Basin for which the revised rules have not been approved.

VOC RACT Requirements

The April 4, 1979 General Preamble (44 FR 20376) describes the requirements for agencies to submit VOC RACT regulations for certain sources located in ozone nonattainment areas. The first set of RACT regulations were required for sources covered by the Group I CTG documents published before January 1978. Regulations for sources covered by the Group I documents were to have been submitted by January 1, 1979. A second set of RACT regulations are required for sources covered by the Group II CTG documents, published between January 1978 and January 1979. Regulations for sources covered by the Group II documents were to have been submitted January 1, 1981 (45 FR 78121, November 5, 1980). Regulations must be submitted in order for the Part D requirements of the ozone portions of the San Joaquin Valley Air Basin NAP to continue to be fully approvable. Further, these requirements have been set forth in 40 CFR 52.223. Action on the Group II RACT regulations will be in a separate **Federal Register** notice.

Attainment Dates

The 1979 edition of 40 CFR Part 52 lists, in the Subpart for California, the applicable deadlines for attaining the NAAQS [attainment dates] required by Section 110(a)(2)(A) of the Clean Air Act. For each nonattainment area where a NAP provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on California's attainment date chart in 40 CFR Part 52. The earlier attainment dates will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as the new Section 172 requirements. Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements, and to permit previously uncontrolled sources to comply with the newly applicable emission limitations. These new deadlines were not included to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As noted by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable," but not later than three years after approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear Congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the National Ambient Air Quality Standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D (123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond the attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions, even though a NAP with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment [44 FR 20373–74, (April 4, 1979)].

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a NAP imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not major because they only approve state actions. The disapprovals are also not major because they preserve the status quo. Certain sources will remain subject to NSR requirements rather than become exempt.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Note.—Incorporation by reference of the SIP for the State of California was approved by the Director of the Federal Register on July 1, 1980.

(Secs. 110, 129, 171–178, and 301(a) of the Clean Air Act, as amended [42 U.S.C. § 7410, 7429, 4501–7508, and 7601(a)])

Dated: August 7, 1981.

Anne M. Gorsuch,

Administrator.

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. In § 52.220(c), subparagraphs (47)(iii)(B), (51)(i)(B), (52)(i)(B), (71), (75), and (76) are added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(47) * * *

(iii) * * *

(B) Rule 412.

* * * * *

(51) * * *

(i) * * *

(B) Rules 410.1 and 424.

* * * * *

(52) * * *

(i) * * *

(B) Rules 410.4, 410.5, and 414.2.

* * * * *

(71) The *San Joaquin Valley Air Basin Control Strategy* (Chapter 16 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards) submitted on October 11, 1979, by the Governor's designee. Those portions of the *San Joaquin Valley Air Basin Control Strategy* identified by Tables 16–1a, 1b and 1c (Summary of Plan Compliance with Clean Air Act Requirements) and which pertain to Kern County or Total Suspended

Particulates, comprise the submittal plan. The remaining portions are for information purposes only.

* * * * *

(75) Revised regulations for the Kern County APCD, submitted on January 8, 1980, by the Governor's designee.

(i) Rules 210.2, 410.3, 411, 414, 414.1, and 414.3.

(76) Revised regulations for the following APCD's, submitted on April 15, 1980, by the Governor's designee.

(i) Kern County APCD.

(A) Amended Rule 210.1

* * * * *

2. Section 52.222 is amended by adding paragraph (b)(4) as follows:

§ 52.222 Extensions.

* * * * *

(b) * * *

(4) Kern County nonattainment area for ozone, CO, SO_2, and PM.

* * * * *

3. Section 52.223 is amended by adding paragraph (b)(5) as follows:

§ 52.223 Approval status.

* * * * *

(b) * * *

(5) San Joaquin Valley Air Basin.

(i) Kern County nonattainment area for ozone, CO, SO_2, and PM.

* * * * *

4. Section 52.232 is amended by adding paragraphs (a) (5) and (6) as follows:

§ 52.232 Part D conditional approval.

(a) * * *

(5) The Kern County APCD.

(i) For ozone, CO, PM and SO_2:

(A) By November 19, 1981, the NSR rules must be revised and submitted as an SIP revision. The rules must satisfy Section 173 of the Clean Air Act and 40 CFR 51.18, "Review of new sources and modification." In revising Kern County's NSR rules, the State/APCD must address all the requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the APCD rules do not currently satisfy including those deficiencies cited in EPA's Evaluation Report Addendum which still apply despite EPA's new NSR requirements (contained in Document File NAP-CA-07 at the EPA Library in Washington, D.C. and the Regional Office).

(ii) For ozone, CO, PM, and SO_2:

(A) By October 1, 1981, a commitment to submit annual implementing agency fiscal and personnel commitments to implement the NAP for the Kern County nonattainment area.

(iii) For ozone:

(A) By October 1, 1981, emission estimates and adequate documentation of base year and projected emissions from tertiary oil production operations for VOC emission sources.

(B) By October 1, 1981, a revised emission reduction estimate for each year for control tactic SSI, "Steam Drive Controls" which is based upon the refined emission inventory estimates.

(C) By October 1, 1981, a revised control strategy demonstrating attainment of the ozone NAAQS by December 31, 1982.

(D) By October 1, 1981, a revised demonstration of RFP.

(E) By October 1, 1981, the State must provide an adequate demonstration that the following regulations represent RACT, amend the regulations so that they are consistent with the CTGs, or demonstrate that the regulations will result in VOC emission reductions which are within five percent of the reductions which would be achieved through the implementation of the CTG recommendations:

Rule 414 "Effluent Oil Water Separators"
Rule 410.5 "Cutback Asphalt Paving Materials"
Rule 411 "Storage of Petroleum Distillates or Light Crude Oil"
Rule 410.3 "Volatile Organic Compound Emissions From Degreasing Operations Which Use Organic Solvents Exempted From Rule 410"

(F) By October 1, 1981, written evidence of local adoption of legally enforceable commitments, implementation schedules, and monitoring procedures for transit improvement consistent with reasonable further progress for the transportation control measures.

(iv) For CO:

(A) By October 1, 1981, further documentation of the emission reduction estimates for each year for emissions from petroleum refineries.

(B) By October 1, 1981, a revised control strategy demonstrating attainment of the CO NAAQS by December 31, 1982.

(C) By October 1, 1981, written evidence of local adoption of legally enforceable commitments, implementation schedules, and monitoring procedures for transit improvement consistent with reasonable further progress for the transportation control measures.

(D) By October 1, 1981, legally adopted control measures that replace I/M.

(v) For SO_2:

(A) By October 1, 1981, the results of an air quality analysis giving the quantification of the total emission reductions needed to attain the SO_2 NAAQS.

(B) By October 1, 1981, revised emission reduction estimates for each year for Rule 424, "Control of Sulfur Compounds from Oil Field Steam Generators" which take into account the cogeneration exemption.

(C) By October 1, 1981, a revised control strategy demonstrating attainment of the SO_2 NAAQS for Kern County.

(D) By October 1, 1981, a revised demonstration of RFP.

(E) By October 1, 1981, evidence that the emissions growth increment is consistent with the revised demonstration of attainment, or a revised growth increment.

(6) The San Joaquin Valley Air Basin Nonattainment Area.

(i) By December 31, 1981, a refined emission inventory which include estimates of emissions from traditional and nontraditional (secondary aerosols and windblown dust) sources for the San Joaquin Valley Air Basin.

(ii) By December 31, 1981, documentation for the PM design value used to determine the allowable PM emission level, and a modeling analysis using the new emissions inventory data which shows the emission reductions necessary to provide for attainment of the PM NAAQS by December 31, 1982.

(iii) By October 1, 1981, a commitment and schedule to study and adopt non-traditional PM control measures, and a commitment to implement those control measures necessary to provide for attainment.

(iv) By October 1, 1981, a commitment to submit annual implementing agency fiscal and personnel commitments to implement the NAP for the San Joaquin Valley Air Basin.

* * * * *

5. Section 52.233 is revised by adding paragraph (a)(4) as follows and removing and reserving paragraphs (d)(7) and (g)(1)(vii):

§ 52.233 Review of new sources and modifications.

(a) * * *

(4) Kern County APCD.

(i) Those portions of paragraph (3)(E) of Rule 210.1, submitted on April 15, 1980, which allow new sources and modifications to be exempt from LAER.

* * * * *

6. In § 52.238, the entries for the San Joaquin Valley Intrastate are revised as follows:

§ 52.238 Attainment dates for national standards.

* * * * *

(d) * * *

(4) [Reserved]

* * * * *

Air Quality Control Region and Nonattainment Area	Pollutants						
	TSP		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
San Joaquin Valley Intrastate—except Kern County.	July 1975	July 1975	(e)	(e)	(e)	May 31, 1977	May 31, 1977.
Kern County nonattainment area	(h)	(c)	(h)	(h)	(d)	(h)	(h).

* * * * *

7. Section 52.253 is amended by adding paragraph (b)(3) to read as follows:

§ 52.253 Metal surface coating thinner and reducer.

* * * * *

(b) * * *

(3) In the following portions of the San Joaquin Valley Intrastate Region, this section is rescinded for certain sources subject to the conditions specified:

(i) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Kern County Rule 410.4, submitted on October 15, 1979.

* * * * *

8. In § 52.254 paragraphs (a)(1) and (a)(1)(ii) are revised as follows:

§ 52.254 Organic solvent usage.

(a) * * *

(1) In the following portions of the San Joaquin Valley Region, only the hourly emission limitations contained in paragraphs (b), (c), and (d) of this section are in effect; the following paragraphs, needed for interpretation are also in effect: paragraphs (e) through (l) and (o) through (q) of this section. In addition, this section is entirely rescinded for specific operations for some of the counties noted below:

* * * * *

(ii) Kern County APCD. This section is rescinded entirely for metal parts and product coaters which are subject to and in full compliance with Rule 410.4.

* * * * *

9. Section 52.255 is amended by removing and reserving paragraph (b)(1)(ii) and by adding paragraph (b)(3)(ii) to read as follows:

§ 52.255 Gasoline transfer vapor control.

* * * * *

(b) * * *

(1) * * *

(ii) [Reserved]

* * * * *

(3) * * *

(ii) Kern County APCD.

* * * * *

§§ 52.226 and 52.231 [Reserved]

10. Sections 52.226(a) and 52.231(a) are removed and reserved.

[FR Doc. 81-23557 Filed 8-20-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 95

Editorial Amendment of the Commission's Technical Regulations in the Citizens Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; editorial amendment.

SUMMARY: This document corrects an editorial omission in Part 95, Subpart E, Technical Regulations for the Personal Radio Services.

DATE: Effective August 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Stephanie M. Spernak, Private Radio Bureau, Washington, D.C. 20554, 202-632-4964.

Adopted: August 6, 1981.

Released: August 10, 1981.

1. The Commission is correcting an editorial error in Rule § 95.617 of its Technical Regulations, Part 95, Subpart E, governing emission limitations for Citizens Band (CB), Radio Control (R/C), and General Mobile (GMRS) Radio Service transmitters.

2. Technical Regulation § 95.617(c)(3) is amended to include an express reference to R/C transmitters. The inadvertent omission of a reference to R/C transmitters in Rule § 95.617(c)(3) occurred during the revision of rules in Part 95 into Subparts A, C, D and E, as part of the proceedings in Docket 20120 (42 FR 8326; February 9, 1977). The harmonic emission limitation set forth in Rule § 95.617(c)(3) formerly was contained in Rule § 95.49(d)(3), which applied to all transmitters authorized for operation in the personal radio services under Part 95.

3. The authority for this amendment is contained in Section 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's Rules. Because the amendment is editorial in nature, the prior notice and effective date provisions of 5 U.S.C. 553 do not apply.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

Richard D. Lichtwardt,

Executive Director.

1. Part 95, Subpart E of Title 47 of the Code of Federal Regulations is amended as follows:

Section 95.617 is amended by revising subparagraph (c)(3) to read as follows:

§ 95.617 Emission limitations.

* * * * *

(c) * * *

(3) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: at least 43 + 10 $\log_{10}$ (mean power in watts) decibels, for CB transmitters type accepted before September 10, 1976 and all Radio Control (R/C) and General Mobile Radio Service transmitters.

* * * * *

[FR Doc. 81-24510 Filed 8-20-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-163]

Federal Railroad Administrator; Delegation of Authority

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This amendment clarifies the delegation of authority to the Federal Railroad Administrator (Administrator) to exercise the powers of the Secretary with respect to supplemental

transactions under the Regional Rail Reorganization Act of 1973 (3R Act). Recent amendments to that Act require prompt administrative action to effect certain transfers of rail property.

EFFECTIVE DATE: August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, DOT, 400 Seventh St., S.W. Washington, D.C. 20590 (202–426–4723).

SUPPLEMENTARY INFORMATION: Pursuant to an existing delegation (49 CFR 1.49(t)), the Administrator exercises the powers of the Secretary under section 305 of the 3R Act ("Continuing Reorganization; Supplemental Transactions"). This amendment is intended to clarify the scope of this delegation so that the Administrator can go forward with expedited supplemental transactions required by amendments to section 305 which were effected by section 1155 of the Northeast Rail Service Act of 1981 (Title XI, Pub. L. No. 97–35; August 13, 1981).

The existing delegation references section 610 of the Railroad Revitalization and Regulatory Reform Act of 1976, which added the original text of section 305 to the 3R Act. The delegation is silent on subsequent amendments to section 305, such as those contained in the recent legislation. This regulatory amendment will eliminate any ambiguity concerning the scope of relevant delegations. The existing reference to section 610 of the 1976 legislation is left in place, since section 610 also enacted certain other provisions for which a separate delegation should be retained.

Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary; and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

In consideration of the foregoing, § 1.49 of Part 1, Title 49, Code of Federal Regulations, is amended by adding at the end thereof a new paragraph (w) to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to—

* * * * *

(w) Carry out the functions vested in the Secretary by section 305 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 745).

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C. on August 19, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81–24621 Filed 8–20–81; 10:31 am]

BILLING CODE 4910–62–M

Proposed Rules

Federal Register
Vol. 46, No. 162
Friday, August 21, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service [1]

9 CFR Parts 318 and 381

[Docket No. 81-010P]

Phosphates and Sodium Hydroxide

Correction

In FR Doc. 81-22917 in the issue of Friday, August 7, 1981, at page 40208, column 1, line 29, the word "Maine" should be corrected to read "Mainz".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 15, 17, and 18

Reporting Requirements for Futures Commission Merchants, Clearing Members and Large Traders

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to amend § 18.00 of its regulations to discontinue the routine filing of series '03 reports by all large traders. This will eliminate the filing and processing of approximately 367,000 reports per year or about 49 percent of the total reports that the Commission receives concerning large traders' positions. The proposed amendments will, however, require that traders file series '03 reports within 24 hours of a call by the Commission or its designee.

If series '03 reports are eliminated, the Commission will base its routine needs for trader information on the series '01 reports and Forms 40 and 102. In view of this, the Commission is now proposing the following amendments which it considers necessary in order to perform its market surveillance function without benefit of the series '03 reports:

1. Require that futures accounts currently reported only on '03 reports be reported on the series '01 reports. This occurs, for example, with the house accounts of FCMs and clearing members;

2. Set the reporting levels for series '03 reports the same as '01 reports in order to make special calls on any trader whose position is reported to the commission on '01 reports;

3. Specify the manner, net or gross, in which positions should be reported on the '01 reports;

4. Except under specific circumstances, eliminate the practice of clearing members mailing series '01 reports to the Commission;

5. Add certain information which must be provided on the Forms 102 and 40; and

6. Require that Form 102s be updated if information relating to financial interest in or control of an account previously reported to the Commission is no longer accurate.

In addition, the Commission has reviewed its other reporting requirements and has determined to propose certain amendments in order to reflect more accurately current practices. These amendments include designating '01 forms by exchange rather than commodity; deleting the requirement that '01 forms be postmarked if the forms are mailed; requiring that '01 reports be filed by 9:00 a.m. local time rather than 30 minutes prior to the opening of a market as currently required; and revise Rule 18.05 concerning information required to be maintained by traders to reflect trading in new types of futures markets.

DATE: comments must be received on or before October 20, 1981.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Associate Director, Market Surveillance Section, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

SUPPLEMENTARY INFORMATION: The Commission has previously annnounced that it was considering the elimination of its requirement that large traders file series '03 reports.[1] In making this proposal, the Commission noted that it would have to "obtain essential information which is now collected on that report from other sources that can provide the data in a more useful form and in a more timely manner."[2] In this respect, the Commission has amended its reporting requirements to provide that FCMs and foreign brokers report delivery information and information concerning exchanges of futures of physicals (EFPs) on series '01 forms.[3] Previously, such information was reported to the Commission only by large traders on series '03 reports. In addition, the Commission amended its regulations to obtain information from Forms 102 and 40 which would identify commercial traders who use the futures market for hedging.[4] The purpose of this amendment was to replace the speculative and hedging classification of positions reported by traders on the '03 report with a system for classifying traders as commercial or noncommercial.

It is the Commission's opinion that the above changes together with those proposed below will allow the Commission to discontinue the routine filing of series '03 reports by large traders.[5] The Commission believes that

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's Memo 1000-1, issued June 17, 1981, the Food Safety and Quality Service has become the Food Safety and Inspection Service. A notice detailing the Agency's reorganization is now being drafted for later publication.

[1] The series '03 reports are required to be filed with the Commission by any trader who owns or controls a reportable futures position. A reportable futures position is a futures position in any one future of a commodity on any one contract market which equals or exceeds certain levels as set forth in Commission Rule 15.03(c). See 46 FR 15132 (March 4, 1981) and 45 FR 18529 (March 25, 1981). Once traders have obtained a reportable position, they must report trades, positions, exchanges of futures for physicals and delivery information on series '03 reports and classify such positions as speculative or hedging. See 46 FR 18528 (March 25, 1981).

[2] 41 FR 30352 (July 23, 1976).

[3] Under Commission Rule 17.00, FCMs and foreign brokers must report daily each reportable position as well as delivery information and EFPs. See 46 FR 18528 (March 25, 1981).

[4] See 43 FR 60146 (December 28, 1978). Form 102 is filed with the Commission by FCMs and identifies accounts which are reported to the Commission on series '01 reports. 17 CFR 17.01 (1980). Form 40 is provided by a reportable trader and gives certain background information on the trader. 17 CFR 18.04 (1980).

[5] In conjunction with eliminating the series '03 reports, the Commission also previously proposed changing the position levels at which persons are required to report the activities of traders on series '01 reports. The Commission proposed that new levels be set with regard to the differences in the Commission's need for information in the delivery

eliminating the routine filing of these reports is also in conformance with the spirit and intent of the Paperwork Reduction Act, Pub. L. 95–511, 94 Stat. 2812, 44 U.S.C. 3501, *et. seq.*

If the Commission adopts its present proposal it will rely on the series '01 reports and Forms 102 and 40 for its routine needs for information on large traders.[6] However, as noted below, the Commission's proposal would require that series '03 reports be filed by large traders within one business day of a special call by the Commission.

Requirement for Series '03 Reports on Call

Generally, more complete information concerning a trader's futures position is reported on the series '03 reports than on the series'01 reports. Commission Rule 18.00(a), requires large traders to report the quantity of all open contracts that they own or control regardless of size by contract market in each future of a commodity in which the transfer owns or controls a reportable position.[7] By contrast, Commission Rule 17.00 requires FCMs and foreign brokers to file information only on reportable positions of traders.[8] Since positions which are below the reporting levels will not be reported by FCMs, the Commission may underestimate the true size of traders' positions particularly if traders make futures transactions through more than one FCM. This may adversely affect the Commission's ability to enforce its speculative limits and to gauge the potential for disruption during delivery month of a maturing future.

In view of the above, the Commission is proposing to amend Rule 18.00, 17 CFR 18.00 (1980), to require that individual traders file series '03 reports within 24 hours after a call by the Commission or its designee. The Commission intend that series '03 reports required on call shall be filed for the period of time specified in the call during which the trader owned or controlled a reportable position.[9]

In order to make special calls on any trader whose position is reported on series '01 forms, the Commission is proposing to amend Rules 15.00(b) and 15.03 to make the reporting levels for series '03 reports the same as '01 reports. Currently reporting levels for series '03 reports in certain commodities are substantially higher than the levels for series '01 reports.[10]

FCM and Clearing Member Reporting on Series '01 Forms

Currently, Rule 17.00(d) permits FCMs to omit from series '01 reports any accounts in which the FCM has a financial interest and for which the FCM files a series '03 report.[11] In addition, futures positions owned or controlled by clearing members which are not FCMs and positions of officers or employees of such clearing members are reported only on series '03 reports and not series '01 reports.

In order to obtain the information required under Part 17 for all large traders on series '01 reports, the Commission is proposing to remove § 17.00(d) of the regulations and amend Part 17 to require clearing members to file series '01 reports. Clearing members would be required to report the information required under Part 17 for the firm and for officers or employees of the firm who own or control reportable positions. The proposed amendments provide, however, that an FCM or clearing member shall not report positions which the firm owns or controls that are carried fully disclosed on the books of another FCM.[12]

Specification of the Manner in Which To Report Accounts on the Series '01 Reports

The Commission is proposing to amend Rule 17.00 to specify more fully the manner in which positions should be reported on series '01 reports. The proposed amendments generally parallel requirements currently set forth in Part 18 for traders reporting on '03 reports. These include the following:

1. A requirement that positions shall be reported net long or net short in each future of a commodity, except in the following cases, for which reports shall show gross long and gross short positions:

a. If positions which the exchange uses for calculating total open interest in each future of a commodity are reported to an exchange or the clearinghouse of an exchange on a gross basis (e.g., positions on the New York Mercantile Exchange, the Chicago Mercantile Exchange or the New Orleans Commodity Exchange);[13]

b. If positions are carried in multiple accounts subject to trading control by the same trader;[14]

c. If positions are carried in accounts owned or held jointly with another person or persons.[15]

Circumstances under which positions held in a customer trading program of an FCM should be combined with other positions of the FCM for reporting purposes.[16]

3. A provision that when combining accounts for reporting purposes, financial interst in an account shall mean "an interest of 10 percent or more in ownership or equity of an account."[17]

In addition, the Commission is proposing to add a provision to Rule 17.00 that would require persons reporting on series '01 reports to obtain instructions from the Commission concerning the manner in which to report accounts, if combining such

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month as opposed to nondelivery months. 41 FR 30352 (July 23, 1976). The Commission intends to further explore the feasibility of this proposal after it has had experience conducting surveillance without the benefit of the series '03 reports.

[6] In addition to market surveillance and enforcement of speculative position limits, large trader data provides the basis for the Commission's monthly report on commitments of large traders. The Commission intends to continue publishing this report using information received on the series '01 reports and the Form 40 as a basis for the publication.

[7] 17 CFR 18.00(a) (1980).

[8] 17 CFR 17.00(a) (1980).

[9] In view of its proposed amendments to Rule 18.00, the Commission is proposing to remove Rule 18.07, 17 CFR 18.07 (1980). Rule 18.07 currently exempts foreign traders from filing series '03 reports for any commodity regulated under the Act but not specifically set forth in section 2(a) of the Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974. Such reports are, however, required on call by the Commission. In addition, since the Commission in the call letter will instruct traders on the time and place of filing reports, the Commission is proposinbg to remove Rule 18.03, 17 CFR 18.03 (1980).

[10] Effective March 15, 1981, the Commission adopted amendments to its reporting requirements setting the reporting levels for '03 reports higher than the levels for '01 reports and Forms 40 and 102 in a number of commodities. The purpose of this action was to alleviate an unnecessary reporting burden on the public. 46 FR 15132 (March 14, 1981). Since under the current proposal series '03 reports will be required only on call, the Commission does not believe that lowering the reporting level will result in a significant burden on the public. The Commission's proposed rules would lower the reporting levels for series '03 reports in wheat, corn and soybeans from 1,000,000 bushels to 500,000 bushels, in soybean meal, soybean oil, copper and gold from 200 contracts to 100 contracts, in live hogs, sugar, long term U.S. T-bonds and GNMAs from 100 contracts, to 50 contacts, in platinum and foreign currencies from 100 contacts to 25 contracts and 90–day and 1–year T–bill contracts from 50 contracts to 25 contracts.

[11] 17 CFR 17.00(d) (1980).

[12] House or customer positions carried on an omnibus basis with another FCM would be reported by the FCM or clearing member originating the omnibus account.

[13] Currently, Rules 18.00(h)(2) (i) and (ii) of the Commission's regulations specify that positions carried on the New York Mercantile Exchange and the Chicago Mercantile Exchange be reported on a gross basis. 17 CFR 18.00(h) (1980). The Commission is proposing to generalize this requirement as shown above to apply to new exchanges and to allow for changes in existing exchange practices. The Commission is also proposing to amend Rule 18.00(h) to reflect this change.

[14] Currently set forth in Rule 18.00(h), 17 CFR 18.00(h) (1980).

[15] *Ibid.*

[16] Currently set forth in Rule 18.01(b). 17 CFR 18.01(b) (1980).

[17] Currently set forth in rule 18.01(a). 17 CFR 18.01(a) (1980).

accounts according to the requirements in proposed Rule 17.00(b) would result in reporting the same position more than once.[18] The purpose of this proposal is to obtain only once information on a trader's position.

Updates to Form 102

Commission Rule 17.00(b) requires FCMs and foreign brokers to combine all accounts held or controlled by the same person and treat such accounts as a single account for reporting purposes. Through Form 102, the Commission can learn the identity of individual accounts which have been combined for reporting purposes.[19] the Commsission has observed on a number of instances, however, that information available on Form 102 concerning the identity of individual accounts combined for reporting purposes had become inaccurate. This can occur because at the present time there is no explicit obligation for an FCM or foreign broker to update a Form 102 once it has been filed.

If series '03 reports are eliminated as the Commission is proposing, this practice could seriously undermine the Commission's efforts to properly combine positions held or controlled by the same trader at different FCMs. The ability to combine all postions which the trader controls or in which the same trader has a financial interest is necessary in order for the Commission to enforce speculative limits and conduct market surveillance. Accordingly, the Commission is proposing that Form 102 be updated if the information concerning financial interest in, or control of an account changes.

Place and Time of Filing Reports

Rule 17.02(a)(1) requires that series '01 reports and Forms 102 be filed with the Commission's office in the city in which is located the contract market involved in the reported transactions.[20] Rule 17.02(a)(2) further provides that such reports will be filed at the appropriate Commission office on the business day following the day for which the reports are filed and not later than 30 minutes before the official opening of the contract market involved in the reported transactions. FCMs not located in such city may mail their reports to the appropriate office.[21]

The Commission is proposing amendments to Rule 17.02(a), 17 CFR 17.02(a) (1980), which will bring clearing members under the provisions of this section. However, the proposed amendments do not provide for clearing members to mail reports concerning transactions involvng contract markets with which they are associated as clearing members, unless the Commission does not maintain an office in which the clearing member and contract market are located.

It is the Commission's understanding that clearing members associated with a particular contract market maintain an office in the city in which such contract market is located. If the Commission also maintains an office in the same city, clearing members should be able to provide their reports to the Commission on the business day following that for which the reports are filed. If the Commission does not maintain an office in the city in which the contract market and the clearing member are located, reports required by Rules 17.00 and 17.01 can be filed in accordance with instructions from the Commission as provided for in Rule 17.02(a)(1).[22]

In addition, the Commission is proposing to revise the language in Rule 17.02(a)(2) to read that reports shall not be filed later than 9:00 a.m. local time for the city in which the appropriate contract market is located or at such other time as specified by the Commission. At the present time, a number of contract markets open trading prior to normal business hours for Commission offices.

Changes to the Forms 102 and 40

In December 1978, the Commission substantially revised the information required to be provided by Rules 17.01(b) and 18.04 on CFTC forms 102 and 40 respectively. Experience with these forms suggests that certain further revisions are desirable.

Date and Place of Birth

Rule 18.04(b)(3) currently requires that traders provide the date and place of birth to the Commission on the Form 40. The Commission has determined that this data is only incidentally used in its market surveillance program and, therefore, is proposing to delete this requirement.

Telephone Number

Currently, Rules 17.01(b)(3) and 17.01(b)(7) require that the telephone number of an account owner and controller be reported to the Commission on the Form 102. In addition, Rule 18.04(b)(2) requires that traders provide their telephone number to the Commission on the Form 40. The Commission is proposing to revise these rules to specify that the business phone number be provided.

The Commission is also proposing to revise Rule 17.01(b)(10) to require that FCMs provide the business phone number of the person preparing the Form 102. In a number of instances it is necessary to contact the person filing the Form 102 to confirm information, to obtain omitted information or to instruct the persons to combine certain accounts for reporting purposes. This process becomes more efficient if the telephone number of the person filing the Form 102 is readily available.

Proposed amendments to Rule 18.04(a)(6) would require traders to provide on the Form 40 the business phone number of persons controlling their trading. The proposed amendments to Rule 18.04(a)(6) reflect the Commission's need generally to contact persons controlling futures positions.

Business and Occupation

The Commission is proposing to revise Rules 17.01(b)(4) and 18.04(a)(2) of the regulations which require that the "principal business or industry and occupation of the trader" be reported to the Commission on the Forms 102 and 40 respectively. Responses to this question indicate that the wording is confusing to the trade. The Commission is therefore proposing to simplify the language of these Rules by only requiring that business or occupation be provided.

In addition, the Commission is proposing to further revise Rule 18.04(a)(2) by requiring traders to indicate whether their futures trading is for, on behalf of, or in association with a customer trading program of an FCM, a commodity pool, a producer cooperative, any business activities in which the trader is commercially engaged or personal use. This added information will aid the Commission in

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[18] This may occur, for example, with partnership accounts where each partner also trades futures in a personal account. Under proposed Rule 17.00(b), the FCM would combine the accounts held by each of the partners separately with the partnership account. This could result in multiple reporting of the partnership account since each partner account reported to the Commission would also reflect postions of the partnership.

[19] The FCM provides information concerning financial interest in or control of all accounts on the Form 102. See for example Rules 17.01(b)(6), 17.01(b)(7) and 17.01(b)(8), 17 CFR 17.01(b)(6), 17.01(b)(7) and 17.01(b)(8) (1980).

[20] 17 CFR 17.02 (1980). The rule further provides that if there is no such Commission office, reports are filed in accordance with instructions from the Commission.

[21] Rule 17.02(a)(2), 17 CFR 17.02(a)(2) (1980), further specifies that reports which are mailed "must be postmarked not later than midnight of the day covered by the report." Since mail is no longer postmarked, the Commission is proposing to revise rule 17.02(b) to read "not later than the day covered by the report."

[22] This would apply, for example, to clearing members on the New Orleans Commodity Exchange.

gauging the potential market impact of commodity fund operations by identifying traders associated with such operations and in classifying traders' positions as commercial or noncommercial.

Employer and Job Title

The Commission is proposing to further revise Rule 17.01(b)(4) and to add a new Rule 18.04(b)(2) to require FCMs and traders to report the name of the trader's employer and the trader's job title if the trader is an individual. The Commission uses this information in its market surveillance program to relate the positions held by various traders. At present, however, there is no systematic means of collecting this information.

Financial Interest in Futures Trading Accounts

Current Rules 17.01(b)(8) and 18.04(a)(8) require FCMs and traders to report on the Forms 102 and 40 respectively the names and locations of other persons who have a financial interest of 10 percent or more in the futures trading accounts for which the respective forms are filed. Commission experience over the last several years indicates that the companion question, "Does this trader or account have a 10 percent or more financial interest in any other futures trading account?", is necessary in order to adequately relate accounts for market surveillance and enforcement of speculative position limits. Accordingly, the Commission is proposing to amend Rules 17.01(b) and 18.04(a) by adding new paragraphs 17.01(b)(9) and 18.04(a)(9) respectively, to require that FCMs and traders provide the following information on Forms 102 and 40 if the trader or account for which a form is filed has a 10 percent or more financial interest in the futures trading of another account or trader:

1. The names of the accounts or traders;
2. The names of owners of the accounts; and
3. The names and locations of the brokerage firms at which the accounts are carried.

Names and Business Telephone Numbers of Account Executives

On a number of occasions, it has been necessary to contact an FCM concerning positions or transactions in a special account.[23] Considerable delays, however, have been encountered in obtaining referrals to the appropriate account executives managing the accounts in question. Since in most instances contact with such persons will be for information on positions in an expiring future, delays in obtaining the required information become important. Accordingly, in order to make direct contact with the appropriate persons, the Commission is proposing to add a new Rule 17.01(b)(11) requiring FCMs to provide the name and business telephone number of the account executive responsible for the account that is reported.

Address and Signature of the Trader and Date of Signing the Report

Currently Rule 18.04(b)(1) requires that the trader provide a mailing address. In addition, Rule 18.04(d) requires the signature of the reporting trader and the date of signing the form. Since this is a requirement for all traders, the Commission is proposing to include this information as a requirement in Rule 18.04(a). Accordingly, the Commission is proposing to revise Rule 18.04(a)(1) to include the address of the trader and add a new Rule 18.04(a)(11) requiring the signature of the trader and the date of signing the report. The Commission is proposing to remove current Rules 18.04(b)(1) and 18.04(d).

Listing Commodities for Which a Trader Is Responsible

Rule 18.04(c)(4) requires corporations, associations, trusts, and other types of traders to give the name, address and business telephone number of persons actually controlling futures trading for the firm. In a number of instances, different persons are responsible for different commodities at a firm. In order to be able to contact the proper person, the Commission is proposing to revise Rule 18.04(c)(4) by requiring a list of the commodities for which each controller is responsible.

Reporting the Names and Locations of FCMs Through Whom Persons Trade

Currently, Rule 18.04(a)(7) requires traders who own or control accounts carried through more than one FCM or foreign broker to provide the names and locations of all such FCMs and foreign brokers at the time of filing a Form 40. The Commission is proposing to revise this paragraph to apply to traders if they own or control futures positions at more than one office of the same FCM or foreign broker. For Commission purposes, the Commission's need for this information from traders with positions at different offices of the same FCM are identical to its needs for the information from traders with positions at different FCMs. In addition, the Commission is proposing to require that traders provide the names of their account executives at each office. This will expedite obtaining information on such positions if the Commission must contact the FCM or foreign broker.

Updating Reports

Currently, Rule 18.04(e) provides that "a trader who has filed a Form 40 with the Commission at any time during the period February 1, 1977, to January 31, 1979, shall not be required to file the trader's first updated Form 40 under this section until the anniversary date of the filing of the most recent Form 40 filed during that period." Since this provision is no longer applicable, the Commission is proposing to remove it from Rule 18.04(e).

Maintenance of Books and Records

Rule 18.05 requires reportable traders to maintain books and records of futures positions and transactions in the commodity in which they are reportable and all positions and transactions in the cash commodity and its products or byproducts. During the course of Commission investigations, this rule allows the Commission to verify not only the amounts of a cash commodity that a trader has accumulated, but also whether futures positions are hedging or speculative. Changes in the Commission's hedging definition, however, and growth in new types of futures contracts such as financial interest futures have allowed traders to hedge risks associated with their commercial activities which are not reflected per se in transactions or positions in the cash commodity underlying a futures contract.

In view of the above, the Commission is proposing to revise Rule 18.05 to require that, in addition to books and records of positions or transactions in a cash commodity, a reportable trader must also maintain records of commercial activities which the trader hedges.

In addition, the Commission is making clear that the requirements of Rule 18.05 apply to traders who hold or control a reportable position, not just to traders who are required to file reports with the Commission. Accordingly, this rule will apply to traders if the routine filing of series '03 reports is eliminated as the Commission is proposing.

Designation of Series '01 Reports

Currently, Rule 15.02 designates series '01 reports by commodity, 17 CFR 15.02 (1980). Traders' positions in commodities traded on the same exchange, however, are reported on the same form. In view of this, the

[23] Rule 15.00(e) defines special account as "any commodity futures account in which there is a reportable position."

Commission is proposing to designate the series '01 reports by exchange rather than commodity.

Certification Under Regulatory Flexibility Act

The Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164 5 U.S.C. 601 *et seq.* ("RFA"), requires agencies to consider whether proposed rules will have a significant economic impact on a substantial number of small entities. The Commission does not believe that these proposed reporting changes will have a significant adverse economic impact on the parties affected. With respect to large traders, the proposal will, for the most part, operate to alleviate a reporting burden. With respect to FCMs, foreign brokers and clearing members, the Commission believes that the proposal will not add substantially to existing costs of reporting. Accordingly, pursuant to Section 3(a) of the RFA, 5 U.S.C. 605(b), the Chairman, on behalf of the Commission, certifies that these rules, if promulgated will not have a significant economic impact on a substantial number of small entities. However, the Commission particularly invites comment from any small firms which believe that promulgation of these rules will have a significant economic impact upon them.[24]

In consideration of the foregoing and pursuant to its authority under Section 4g, 4i, 5(b) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, 7(b), and 12a(5) (1976 and Sup. III 1979), the Commission proposes to amend Parts 15, 17 and 18 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 15 REPORTS—GENERAL PROVISIONS

1. That § 15.00 be amended by revising paragraph (b)(1) as follows:

§ 15.00 Definition of terms used in Parts 15–21 of this chapter.

* * * * *

(b) "Reportable Position" means:

(1) For purpose of reports required by Parts 17 and 18, any open contract position in any one future of any commodity on any one contract market, which at close of the market on any business day equals or exceeds the quantity fixed in § 15.03(a) for reporting purposes for the particular commodity, excluding positions against which notices of delivery have been stopped by a trader or issued by the clearing organization of a contract market.

* * * * *

2. That § 15.01 be amended by revising paragraph (b) as follows:

§ 15.01 Persons required to report.

* * * * *

(b) Futures commission merchants, clearing members and foreign brokers—as specified in Part 17 of this chapter.

* * * * *

3. That § 15.02 be revised to read as follows:

§ 15.02 Reporting forms.

Forms on which to report may be obtained from any office of the Commission. Reporting forms are identified by number as to the exchange or commodity and class of person. Forms to be used for the filing of reports are as follows:

Commodity	Traders who hold or control reportable positions (series '03 forms)	All hedgers and merchants, processors and dealers in cotton (series '04 forms)
Grains (including oil seeds)	203	204
Cotton	303	304
Butter	403	None
Eggs	503	504
Potatoes	603	604
Rice	703	None
Wool	803	None
Edible Oil	1103	None
Meal	1103	None
Cattle	1203	None
Cattle Products	1303	None
Hogs and Hog Products	1403	None
Frozen Concentrated Orange Juice	1503	None
Poultry	1703	None
Petroleum and Petroleum Products	1803	None
Lumber and Lumber Products	1903	None
Metals	2003	None
Coffee and Sugar	2103	None
Cocoa and Rubber	2203	None
Foreign Currency	2303	None
Silver Coins	2403	None
Not Otherwise Specified	2503	None
Financial Instruments	2603	None

Futures commission merchants, clearing members and foreign brokers file series '01 forms as follows:

Series '01 forms	Exchange
01–60	Board of Trade of the City of Chicago.
01–61	Board of Trade of Kansas City, Missouri, Inc.
01–62	Minneapolis Grain Exchange.
01–63	MidAmerica Commodity Exchange.
01–64	Chicago Mercantile Exchange.
01–65	New York Mercantile Exchange.
01–66	Ney York Cotton Exchange and Associates.
01–69	Commodity Exchange, Inc.
01–73	Coffee, Sugar & Cocoa Exchange
01–74	International Monetary Market
01–77	New York Futures Exchange
01–78	New Orleans Commodity Exchange

4. Section 15.03 of the regulations is amended by removing paragraph (c) and by revising paragraph (a) as follows:

§ 15.03 Quantities fixed for reporting.

(a) The quantities fixed for the purpose of reports filed under Parts 17 and 18 of this chapter are as follows:

Commodity	Quantity
Wheat (bushels)	500,000
Corn (bushels)	900,000
Soybeans (bushels)	600,000
Oats (bushels)	200,000
Rye (bushels)	100,000
Barley (bushels)	200,000
Flaxseed (bushels)	100,000
Soybean Oil (contracts)	100
Soybean Meal (contracts)	100
Live Cattle (contracts)	50
Hogs (contracts)	5,000
Cotton (bales)	50
Sugar (contracts)	100
Copper (contracts)	100
Gold (contracts)	250
Silver Bullion (contracts)	50
Silver coins (contracts)	50
Long-Term U.S. T-Bonds (contracts)	50
GNMA (contracts)	25
All other commodities (contracts)	

* * * * *

5. That the title to Part 17 be revised to read as follows:

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS, CLEARING MEMBERS AND FOREIGN BROKERS

6. That § 17.00 be amended by redesignating paragraph (c) as paragraph (f), by removing current paragraph (d), by adding new paragraphs (c), (d) and (e), by changing the title, and by revising paragraphs (a) (1) and (b) as follows:

§ 17.00 Information to be furnished by futures commission merchants, clearing members and foreign brokers.

(a) Special Accounts—Reportable Positions, Delivery Notices, and Exchanges of Futures for Cash.

(1) Each futures commission merchant, clearing member and foreign broker shall submit a report to the Commission for each business day with respect to all Special Accounts carried by the futures commission merchant, clearing member or foreign broker, except for accounts carried on the books of another futures commission merchant on a fully disclosed basis. Such report shall be made on the appropriate series '01 form and shall show each reportable position, separately for each contract

[24] The RFA permits each agency to establish its own definition of small entities for the purposes of compliance with the procedures specified in the RFA. 5 U.S.C. 601(3). In a **Federal Register** release of April 29, 1981, 46 FR 23940, the Commission published for comment its proposed definition in compliance with the RFA. At tht time the Commission proposed that FCMs and large traders subject to the reporting requirements of Part 15, 18 and 19 of the Commission's rules not be considered "small entities" for purposes of the RFA. These proposals are still pending.

market and for each future, in such account as of the close of the market on the day covered by the report. In addition, for each Special Account, as of the close of the market on the day covered by the report, a futures commission merchant, clearing member or foreign broker shall show, separately for each contract market and for each future in the commodity for which a report is filed, the quantity of exchanges of futures for physicals and the number of delivery notices issued for the account by the clearing organization of a contract market and the number stopped by the account.

* * * * *

(b) Interest in or control of several accounts. If any person holds or has a financial interest in or controls more than one account, all such accounts shall be considered by the futures commission merchant, clearing member or foreign broker as a single account for the purpose of determining Special Account status and for reporting purposes; *provided that*: if combining accounts for purposes of this paragraph would result in reporting the same position more than once, such accounts shall be combined and reported as instructed by the Commission. For the purpose of Part 17, except for the interest of a limited partner or shareholder (other than the commodity pool operator) in a commodity pool, the term financial interest shall mean an interest of 10 percent or more in ownership or equity of an account.

(c) Customer trading programs and discretionary accounts of traders who are futures commission merchants. For the purpose of paragraph (b) of this section, positions held in a discretionary account, or held in an account, which is part of, participates in, or receives trading advice from a customer trading program of a futures commission merchant, or any of the officers, partners, or employees of such futures commission merchant, shall be considered positions controlled by such futures commission merchant unless:

(1) A trader other than the futures commission merchant directs trading in such an account;

(2) The futures commission merchant maintains only such minimum control over the trading in such an account as is necessary to fulfill its duty to supervise diligently trading in the account; and

(3) Each trading decision of the discretionary account or the customer trading program is determined independently of all trading decisions in other accounts that the futures commission merchant holds, has a financial interest in, or controls.

(d) Net positions. Futures commission merchants, clearing members and foreign brokers shall report positions net long or short in each future of a commodity in all special accounts, except as specified in paragraph (e) of this section.

(e) Gross positions. In the following cases, the futures commission merchant, clearing member or foreign broker shall report gross long and short positions in each future of a commodity in all special accounts:

(1) Positions which are reported to an exchange or the clearinghouse of an exchange on a gross basis, which the exchange uses for calculating total open interest in each future of a commodity (e.g., Positions on the New York Mercantile Exchange, the Chicago Mercantile Exchange and the New Orleans Commodity Exchange);

(2) Positions in accounts owned or held jointly with another person or persons;

(3) Positions in multiple accounts subject to trading control by the same trader.

* * * * *

7. That § 17.01 be amended by redesignating paragraphs (b)(9) and (b)(10) as (b)(10) and (b)(12) respectively, by adding new paragraphs (b)(9), (b)(11) and (d) and by revising paragraphs (a), (b)(3), (b)(4), (b)(7) and (b)(12) as follows:

§ 17.01 Special account designation and identification.

(a) Designation of Special Account. For the purpose of reporting, each futures commission merchant, clearing member and each foreign broker shall assign a number to each special account and shall report such account only by such number. An account number shall not be changed or assigned to another account without the prior approval of the Commission.

(b) Identification of Special Account. When a Special Account is reported for the first time, the futures commission merchant, clearing member or foreign broker shall identify the account to the Commission on Form 102 showing the information requested thereon, including:

* * * * *

(3) Business telephone number of account owner.

(4) Business or occupation of the account owner, including the name of the person's employer and the person's job title if type of account is individual.

* * * * *

(7) The name, address, business telephone number and business or occupation of other person(s), if any, who controls the trading of this account.

* * * * *

(9) Information concerning other accounts in which the account for which the Form 102 is filed has a 10 percent or more financial interest including, the names of such accounts, the principal owners of such accounts and the names and locations of offices at which such accounts are carried.

* * * * *

(11) The name and business telephone number of the account executive handling the account.

(12) Name and address of the futures commission merchant or the foreign broker carrying the account, the signature, title and business phone of the authorized representative of the firm filing the report, and the date of signing the Form 102.

* * * * *

(d) Form 102 Update. If at the time an account is in special account status and a Form 102 filed by a futures commission merchant, clearing member or foreign broker is then no longer accurate because there has been a change in the information required under paragraphs (b)(6), (b)(7), (b)(8), or (b)(9) of this section since the previous filing, the futures commission merchant, clearing member or foreign broker shall file an updated Form 102 within 24 hours after such change occurs.

8. That § 17.02 be amended by revising paragraph (a) as follows:

§ 17.02 Place and time of filing reports.

(a) Futures Commission Merchants and Clearing Members—(1) Place of filing reports. The reports required to be filed by futures commission merchants and clearing members under §§ 17.00 and 17.01 on series '01 forms and Form 102, respectively, must be filed at the Commission office in the city in which is located the contract market involved in the reported transactions; except that if there is no Commission office in such city, the reports shall be filed in accordance with instructions from the Commission.

(2) Time of filing reports. The reports on series '01 forms and Form 102 shall be filed by futures commission merchants and clearing members with the appropriate Commission office on the business day following the day for which the reports are filed and not later than 9:00 a.m. local time for the city in which the reports are filed or at such other time as instructed by the Commission. If a futures commission merchant, other than a clearing member associated with the contract market

involved in the reported transaction, does not have an office in the city in which the appropriate Commission office is located, such reports may be transmitted to such Commission office by mail. Each report trasmitted by mail must be mailed not later than the day covered by the report.

* * * * *

9. That § 17.03 be revised to read as follows:

§ 17.03 Use of data processing media.

Any futures commission merchant or clearing member may provide the required series '01 information on compatible data processing punch cards, magnetic tapes, magnetic discs, or updated Commission supplied computer printouts: Provided, that the format and coding structure used thereon have been approved in writing by the Commission. Information provided by means of data processing media must also be accompanied by a complete and accurate printout of information, which shall be submitted by the futures commission merchant or clearing member if a sole proprietorship, by a general partner of a futures commission merchant or clearing member which is a partnership, by the chief executive officer of a futures commission merchant or clearing member which is a corporation, or by a person designated by the futures commission merchant or clearing member for such purpose provided such designee has been identified as such in writing to the Commission.

10. That § 17.04 be amended by revising paragraphs (a) and (b) as follows:

§ 17.04 Reporting omnibus accounts to be carrying futures commission merchant or foreign broker.

(a) Any futures commission merchant, clearing member or foreign broker who establishes an omnibus account with another futures commission merchant or foreign broker shall report to that futures commission merchant or foreign broker the total open long positions and the total open short positions in each future of a commodity in the account at the close of trading each day in the applicable futures contract. The information required by this section shall be reported in sufficient time to enable the futures commission merchant or foreign broker with whom the omnibus account is established to comply with Part 17 of these regulations and reporting requirements established by the contract markets.

(b) In determining open long and open short positions in an omnibus account for purposes of complying with § 17.00(c) and § 1.37(b) of this chapter, a futures commission merchant, clearing member or foreign broker shall total the open long positions of all traders and the open short positions of all traders in each futures of a commodity. The futures commission merchant, clearing member or foreign broker shall, if both long and short positions are carried for the account of the same trader, compute open long or short positions as instructed below.

* * * * *

PART 18—REPORTS BY TRADERS

11. That § 18.00 be amended by removing current paragraphs (h)(2)(i) and (h)(2)(ii), by revising the introductory paragraph, and by adding a new paragraph (h)(2)(i) as follows:

§ 18.00 Information to be furnished by traders.

Every trader who owns, holds or controls or has held or controlled a reportable position in a commodity shall within one business day after a special call upon such trader by the Commission or its designee file reports to the Commission concerning transactions and positions in such commodities. Reports shall be filed over such period of time the trader held or controlled a reportable position as instructed in the call. Each such report shall be prepared on the appropriate series '03, on a separate sheet for each commodity, and shall show for the day covered by the report the following information, separately for each future and for each contract market:

* * * * *

(h) *Reporting of positions net or gross.* * * *

(2) * * *

(i) Positions which are reportd to an exchange or the clearinghouse of an exchange on a gross basis, which the exchange uses for calculating total open interest in each future of a commodity (e.g., positions on the New York Mercantile Exchange, the Chicago Mercantile Exchange and the New Orleans Commodity Exchange).

* * * * *

12. That § 18.00 be further amended by redesignating paragraphs (h)(2)(iii), (h)(2)(iv), (h)(2)(v) and (h)(2)(vi) as (h)(2)(ii), (h)(2)(iii), (h)(2)(iv) and (h)(2)(v) respectively.

§ 18.03 [Removed]

13. That § 18.03 be removed.

§ 18.04 [Amended]

14. That § 18.04 be amended by revising paragraphs (a)(1), (a)(2), (a)(6) and (a)(7), by redesignating paragraphs (a)(9) and (d) as (a)(10) and (a)(11) respectively and by adding a new paragraph (a)(9) respectively as follows:

* * * * *

(a) Information to be furnished by all traders in Part A of the Form 40 shall include:

(1) Name and address of reporting trader.

(2) Principal business and occupation of the reporting trader and, in addition, whether the trader's futures transactions are made for, on behalf of, or in association with a customer trading program of a futures commission merchant, a commodity pool, a producer cooperative, any business activities in which the trader is commerically engaged for personal use.

* * * * *

(6) The name, address and business phone of each person who controls the trading of the reporting trader.

(7) The names and locations of all futures commission merchants and foreign brokers through whom accounts owned or controlled by the reporting trader at the time of filing a Form 40 are carried if such accounts are carried through more than one futures commission merchant or foreign broker or through more than one office of the same futures commission merchant or foreign broker and the name of the reporting trader's account executive at each firm or office of the firm.

* * * * *

(9) The following information concerning futures trading accounts which the reporting trader guarantees or in which the trader has a financial interest of 10 percent or more if such accounts are in a name other than that of the reporting trader:

(i) The names of the accounts;

(ii) The names of the owners of the accounts; and

(iii) The names and locations of the brokerage firms at which the accounts are carried.

(10) Information concerning ownership or control by a foreign government, agent of a foreign government entity specially acknowledged by a statute or regulation of a foreign jurisdiction or entity financed by a foreign government either through ownership of capital assets or provision of operating expenses.

(11) Signature of the trader and date of signing the report. If the reporting trader is an organization, the signature must be that of a partner, officer or trustee authorized to sign on behalf of that organization.

15. That § 18.04 be amended by removing paragraph (b)(3) and by

revising paragraphs (b)(1) and (b)(2) to read as follows:

* * * * *

(b) Information to be furnished in Part B of the Form 40 shall include:

(1) Business telephone number of the reporting trader.

(2) Employer and job title if the reporting trader is an individual.

* * * * *

16. That § 18.04 be further amended by redesignating paragraphs (b)(4), (b)(5) and (b)(6) as (b)(3), (b)(4) and (b)(5) respectively.

17. That § 18.04 be amended by revising paragraph (c)(4) as follows:

* * * * *

(c) Information to be furnished in Part C of the Form 40 shall include: * * *

(4) Name, address, and business telephone number of person(s) actually controlling futures trading and if different persons are responsible for different commodities, the commodities for which each controller has responsibility.

* * * * *

18. That § 18.04(d) be removed.

19. That § 18.04(e) be redesignated as § 18.04(d) and be revised as follows:

* * * * *

(d) Updating reports. If at the time a trader holds or controls a reportable position and (1) the trader has not filed a Form 40 during the previous twelve months or (2) a Form 40 previously filed by the trader is then no longer accurate because since the previous filing there has been a change in the information required under paragraphs (a)(1), (a)(2), (a)(3), (a)(5), (a)(6), (a)(8), (a)(9), (a)(10), (b) or (c) of this section, the trader shall file an updated Form 40 with the Commission not later than 10 calendar days after the expiration of such twelve month period or after such change occurs respectively.

20. That § 18.05 be revised as follows:

§ 18.05 Maintenance of books and records.

Every trader who holds or controls a reportable position shall keep books and records showing all details concerning all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts and commercial activities that the trader hedges in the futures commodity in which the trader is reportable, and shall upon request furnish to the Commission any pertinent information concerning such positions, transactions or activities.

§ 18.07 [Removed]

21. That § 18.07 be removed.

Issued in Washington, D.C., on August 11, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-24450 Filed 8-20-81; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 201, 230 and 240

[Release Nos. 33-6333, 34-18009, and IC-11889; File No. S7-895]

Proposed Revision of Regulation C, Registration and Regulation 12B, Registration and Reporting

Correction

In FR Doc. 81-23440, appearing at page 41971, in the issue of Tuesday, August 18, 1981, make the following changes:

1. On page 41999, in the third column, change the heading now reading "§ 230.3b-2" to read "§ 240.3b-2".

2. On page 41999 in the third column change the heading now reading "§ 230.3b-4" to read "§ 240.3b-4".

BILLING CODE 1501-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 203

[Docket No. 79N-0186]

Prescription Drug Products; Patient Package Insert Requirements; Public Meeting and Request for Comments

AGENCY: Food and Drug Administration.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces that a public meeting will be held to receive information and views from interested persons on the agency's patient package insert program. The agency will accept written comments containing information anf views not already available to the agency about patient package inserts. The agency is taking this action to provide a basis for determining to what extent that program should be implemented.

DATES: Written notice of participation by September 16, 1981. The public meeting will be held on September 30, 1981, beginning at 9:30 a.m. Written comments by October 15, 1981.

ADDRESSES: The meeting will be held in the auditorium, HHS North Bldg., 330 Independence Ave. SW., Washington, D.C. 20201. Written notice of participation and written comments should be sent to the Dockets management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Louis A. Morris, Bureau of Drugs (HFD-175), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4893.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs will hold a public meeting to permit persons to present new information and views to FDA about further implementation of its patient package insert program. The meeting will be held on September 30, 1981, beginning at 9:30 a.m., in the auditorium, HHS North Bldg., 330 Independence Ave. SW.,Washington, D.C. 20201. The meeting is open to the public and will be held under § 10.65(b) of FDA's administrative practices and procedures regulations (21 CFR 10.65(b)).

In the **Federal Register** of July 6, 1979 (44 FR 40016, FDA proposed general patient package insert regulations for prescription drug products. FDA provided 4 months for public comment on the proposal and held three public hearings. The final regulations, published in the **Federal Register** of September 12, 1980 (45 FR 60754), require manufacturers and distributors of prescription drug products to provide patient package inserts for their products to dispensers (generally pharmacists and physicians). Dispensers are then required to provide the inserts to patients when each drug product is dispensed under a new prescription. Although the final regulations established general requirements applicable to all prescription drugs, the agency intended, during an initial implementation period, to require the distribution of inserts for only 10 drugs (most marketed in several different drug products and under several different brand names).

In the **Federal Register** of September 12, 1980 (45 FR 60785), the agency also published 10 draft guideline patient package inserts for the drugs to which it intended to apply the regulations initially. After soliciting comments on the draft guidelines, the agency published three final guidelines and announced the applicability of the regulations to three drugs (cimetidine, clofibrate, and propoxyphene) effective May 25, 1981 (45 FR 78516; November 25, 1980). FDA then published two final guidelines and announced the

applicability of the regulations to two more drugs (ampicillin and phenytoin) effective July 1, 1981 (46 FR 160; January 2, 1981). FDA also substituted another drug for one of the 10 original drugs in the implementation program (Bendectin for warfarin) (45 FR 80740; December 5, 1980).

In the **Federal Register** of April 28, 1981 (46 FR 23739 and 23815), the agency stayed the effective dates of its patient package insert program to permit further review of questions that continue to be raised about the program and to review the rulemaking with respect to Executive Order 12291 (46 FR 13193; February 19, 1981). A legal challenge to that stay has resulted in a judicial opinion that upholds the stay, but rules that it may not be indeterminate (*Public Citizen* v. *HHS*, No. 81–0820 (D.D.C., July 31, 1981)). Consequently, FDA believes it imperative to conclude this review at the earliest possible time. To meet this objective, the agency has scheduled the proceedings described in this notice in shorter times than usually provided.

Because of the continuing controversy surrounding the agency's patient package insert program, the Commissioner of Food and Drugs is personally reviewing the program thoroughly to determine to what extent it should be implemented. As part of this process he has reviewed the administrative record of the rulemaking proceeding. In addition, representtives of private groups have, consistent with FDA's administrtive practices and procedures regulations in § 10.65(d), asked to meet privately with the Commissioner on the issue. Copies of the requests have been placed on file in the Dockets Management Branch (address above). The Commissioner believes it would be preferable, however, to proceed in reevaluating FDA's patient package insert program through a public meeting at which persons holding competing views can submit them to the agency in a public forum. The public meeting is intended to permit persons to make presentations and comments that contain information and views not already part of the administrative record. Therefore, FDA asks that presentations at the meeting, and comments submitted during or following it, address the following issues:

1. *Existing and planned patient information systems.* The Commissioner will determine the extent to which the agency's patient package insert program should be implemented after reviewing existing and planned programs for providing patients with information about prescription drugs. Answers to the following questions will be useful in that review:

a. What patient information systems have been used since the agency's rulemaking proceeding, what systems are now in use, and what systems are planned for future use? Will these systems be evaluated for their benefits and costs and, if so, how will the results of the evaluations be made publicly available?

b. Would data that are now available, or that become available under studies now being conducted or planned by private parties, permit an evaluation of the benefits and costs of a patient package insert program of the kind contemplated under the agency's existing final rule? Would the data collected on existing or planned patient information systems, or the evaluations of them, permit a comparison of such systems with the kind of program contemplated under the agency's rule?

2. *Benefits.* FDA believes that both supporters and critics of its patient package insert program agree in principle that providing information about prescription drugs to patients can benefit them. Answers to the following questions will help to define and measure the degree of benefit different systems might provide:

a. How many patients will benefit from each patient information system? What is the probability that the patient will acutally be exposed to the information under each system? What percentage of prescriptions come to the patient without direct contact with the prescriber or pharmacist—for example, by telephone prescription or third party pick-up—and how does that affect the flow of information to the patient? What other barriers may prevent the patient from obtaining information under each system? What other specific kinds of data are needed from studies of patient information systems to measure and evaluate the benefits of each patient information system?

b. How can the benefits of alternative systems be compared to each other and to the costs of each system?

3. *Costs.* FDA believes that costs attributed to patient information systems are more easily identified and measured than the benefits of a system. Nevertheless, the agency believes the accurate identification and measurement of costs in a way that permits comparisons between alternative patient information systems is essential to the evaluation of its patient package insert program. Answers to the following questions will help to define and measure the costs of different systems:

What are the costs of implementing each alternative patient information system to manufacturers, distributors, pharmacies, health care institutions, physicians, patients, and others; for example, costs of printing, shipping, and storing printed information, and costs of professional time? To what extent are these cost figures based on objective data or subjective estimates?

4. *Use of FDA's final rule to obtain data.* When publishing the patient package insert final rule, the agency intended to make it effective for 10 drugs or drug classes during an initial implementation period of approximately 3 years. It was designed to help FDA study patient package inserts as well as provide information to patients. As a practical matter, the extent to which the existing rule serves as a basis for further study will bear on the pace at which that study can occur, as the agency will be able to borrow on work already done. Answers to the following questions will be useful in determining the extent to which the existing rule serves as a basis for further study:

a. If FDA implements its patient package insert program, should the proposed list of drugs be changed to provide data to evaluate better the benefits and costs of the program? Should the agency require the dissemination of patient information only for certain drugs; for example, drugs with known serious side effects, drugs that are generally considered elective with the patient, newly marketed drugs, or drugs that are subject to public controversy because of widespread abuse or misuse?

b. What data should FDA collect before and during the implementation of the program, how should the data be evaluated, and what criteria should be applied to determine whether the benefits and costs of the program justify its continuation, expansion, or elimination?

c. Is an initial limited implementation of the final rule actually necessary to evaluate the benefits and costs of FDA's patient package insert program? Can the agency obtain reliable information that builds upon and adds to existing knowledge in some other way; for example, from a smaller scale or a voluntary implementation of the program? (The Institute of Medicine has already concluded, however, that additional small-scale studies would be of little value to FDA decisionmaking.)

Among the information and data the Commissioner will review that are not already part of the agency's administrative record of the patient package insert program is the final

report of FDA's major experimental study, conducted by the Rand Corporation, of Santa Monica, California. That study is designed to obtain information on how communication may be affected by variations in selected features of patient package inserts; for example, the amount and type of information, complexity of language, and organization of material. The agency expects to receive the final report on the study in early September and will place a copy of it in the administrative record of the public meeting and make it available to the public under the public information regulations in 21 CFR Part 20. In addition, FDA is planning baseline evaluation studies that will solicit data from physicians, pharmacists, and patients. Questionnaires are being developed to measure relevant issues to patient package inserts.

Individuals and organizatons will be allotted time for presentations at the meeting. Persons wishing to make a presentation should file a written notice of participation with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, by September 16, 1981. The envelope containing the notice of participation should be prominently marked: **"Patient Package Insert Meeting."**

The notice of participation should be identified with Docket No. 79N–0186 and contain the following information:

1. Name, address, and telephone number of the person wishing to make a presentation;
2. Business affiliation, if any;
3. A summary of the presentation; and
4. The approximate amount of time requested for the presentation (no more than 15 minutes unless more time can be justified).

Individuals and organizations with common interests are urged to consolidate or coordinate their presentations. The agency may require joint presentations by persons with common interests. The time available for the meeting will be allocated among the persons who properly file a notice of participation, and a schedule of the meeting will be made available to them. Arthur Hull Hayes, Jr., M.D., Commissioner of Food and Drugs, will preside at the meeting. At his discretion, and as time permits, any person in attendance may be heard on issues under consideration.

Formal written statements, extensions of remarks, or comments may be submitted by October 15, 1981, to the Dockets Management Branch (address above). Two copies are to be submitted, except that individuals may submit one copy.

Submissions are to be identified with Docket No. 79N–0186. Received submissions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 18, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81–24511 Filed 8–20–81; 8:45 am]

BILLING CODE 4110–03–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[WH–FRC 1917–2]

Municipal Wastewater Treatment Works; Construction Grants Regulations; Availability of Draft Regulatory Reform Paper

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability.

SUMMARY: EPA has published a draft paper recommending revisions to the construction grants regulations, 40 CFR Part 35. The paper, developed as part of the Agency's regulatory reform effort, recommends that the portions of the regulations which dictate the detailed procedures applicants are required to follow in carrying out the process would be replaced with basic statements of the requirements of the Clean Water Act. This new approach would give State administrators of the program and local government grantees far greater flexibility in managing and carrying out the program.

DATES: Comments should be received on or before: September 15, 1981.

ADDRESS: Comments on the draft regulatory reform paper are encouraged. Comments and requests for the document may be sent to: Director, Office of Water Program Operations (WH–546), Environmental Protection Agency, 401 M. St., S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jane Magee (202) 755–8253.

Dated: August 18, 1981.

Henry L. Longest II,

Deputy Assistant Administrator for Water Program Operations.

[FR Doc. 81–24437 Filed 8–20–81; 8:45 am]

BILLING CODE 6560–29–M

40 CFR Part 796

[TSH–FRL–1915–4]; OPTS–40008]

Organization for Economic Cooperation and Development Chemicals Programme; Health Effects Testing Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: This notice announces the availability of certain health effects testing guidelines for mutagencity, neurotoxicity and reproduction which have been developed by the Organization for Economic Cooperation and Development (OECD). Interested persons are requested to review these guidelines and provide comments to the EPA. Comments will be used in redrafting the proposed guidelines into final OECD guidelines.

DATE: Comments should be recieved by November 9, 1981.

ADDRESSES: Written comments should be addressed to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Comments should bear the identifying Document Control Number OPTS–40008. All written comments filed in response to this notice will be available for public inspection at the OPTS Reading Room, E–107, at the above address, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–511, 401 M St., SW., Washington, DC 20460, Toll-free: (800–424–9065). In Washington: (554–1404), Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: An initial goal of the Chemicals Program was the mutual acceptability of testing data, which depends on consistency in testing methodology or agreed-upon testing guidelines. Already an initial series of guidelines have been agreed upon as developed by OECD Expert Groups and a national review process. Approximately 51 of the first series were adopted by Council Decision on May 12, 1981 on Mutual Acceptance of Data. This decision means that data developed in one country in accordance with OECD Test Guidelines and good laboratory practices will be acceptable in other OECD member states for assessment purposes. The Test

Guidelines can be purchased from the OECD Publications Centre, suite 1207, 1750 Pennsylvania Ave., NW., Washington, DC, 20006 (Telephone: 202–724–1857).

This is the second series of guidelines to be distributed for national comment. The guidelines now available are: acute delayed neurotoxicity; subchronic neurotoxicity: 90-day study; one-generation reproduction toxicity study, two-generation reproduction toxicity study; genetic toxicity: *Salmonella typhimurium*, reverse mutation assay; genetic toxicology: *Escherichia coli* wp2, reverse mutation assay; genetic toxicology: *in vitro* mammalian cytogenetics test; genetic toxicology: *in vivo* mammalian bone marrow cytogenetics test (chromosomal analysis); genetic toxicology: micronucleus test; genetic toxicology: *in vitro* mammaliam cells gene mutation test; genetic toxicology: sex-linked recessive lethal test in *Drosophila melanogaster;* and genetic toxicology: rodent dominant lethal test.

U.S. participants to the OECD expert group were drawn primarily from various Federal agencies and industry. Future guidelines (including these announced today) and revisions to previous guidelines are to be managed via the OECD Update Programme. U.S. input is coordinated by an ad hoc Coordinationg Group composed of representatives from government (the Interagency Regulatory Liaison Group), industry, and public interest groups.

This Coordinating Group is responsible for assuring that the guidelines are distributed for comment to their constituencies in the United States. It will also review and summarize the comments into a report to the OECD, a copy of which will be filed in the public record. Similar reviews will take place in other countries. Based on the national comments, the OECD ad hoc Expert Groups will conduct a final revision and resubmit to the Update Programme in early 1982. If necessary, further public reviews can be held. When considered ready, guidelines will then be submitted to the Chemicals Programme, and OECD Council for adoption. [Finalization of these is expected in early 1982.]

EPA headquarters, in Washington, DC, and the following locations in the EPA Regional Offices will have copies of the guidelines available for public inspection.

Environmental Protection Agency, Region I, John F. Kennedy Federal Bldg., 22nd Floor, Government Center, Boston, MA 02203
Environmental Protection Agency, Region II, Federal Bldg., 10th Floor, 26 Federal Plaza, New York, NY 10007
Environmental Protection Agency, Region II, GSA—Raritan Depo Bldg. 209, Woodbridge, NJ 08817
Environmental Protection Agency, Region III, Curtis Bldg., 2nd Floor, Sixth & Walnut Sts., Philadelphia, PA 19106
Environmental Protection Agency, Region IV Library, 2nd Floor, Courtland Street Entrance, 345 Courtland St., NE, Atlanta, GA 30308
Environmental Protection Agency, Region V Library, Kluczynski Bldg., 14th Floor, 230 Dearborn St., Chicago, IL 60604
Environmental Protection Agency, Region VI Library, First International Bldg., 1201 Elm St., Dallas, TX 75207
Environmental Protection Agency, Region VII Library, 1st Floor, 324 East Eleventh St., Kansas City, MO 64106
Environmental Protection Agency, Region VIII Library, 1st Floor, 1860 Lincoln St., Denver, CO 80295
Environmental Protection Agency, Region IX Library, 6th Floor, The Fremont Center, 215 Fremont St., San Francisco, CA 94105
Environmental Protection Agency, Pacific Islands Contract Office, PJK Federal Bldg., Rm. 1302, 300 Ala Moana Blvd., Honolulu, HI 96813
Environmental Protection Agency, Region X Library, 11th Floor, Park Place Bldg., 1200 Sixth Ave., Seattle, WA 98101.

(Sec. 4, 90 Stat. 2006 (15 U.S.C. 2603))

Dated: August 12, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81–24445 Filed 8–20–81; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 23, and 94

[Gen. Docket No. 80–603; Filed No. DBS 81–01]

Development of Regulatory Policy in Regard To Direct Broadcast Satellites for the Period Following the 1983 Regional Administrative Radio Conference; Satellite Television Corporation; Application for a Satellite-to-Home Subscription Television Service; Order Extending Time for Replies to Oppositions to Petition to Deny

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period to oppositions.

SUMMARY: The Commission is extending the deadline for replies to the opposition to petitions to deny the application of Satellite Television Corporation (STC) for authorization of a Direct Broadcast Satellite System. This action is in response to a motion filed by the National Association of Broadcasters.

DATE: Replies to STC's opposition must be received on or before August 28, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Florence Setzer or Bruce Franca, Office of Plans and Policy (202) 653–5940.

SUPPLEMENTARY INFORMATION:

Adopted: August 10, 1981.

Released: August 11, 1981.

In the matter of an inquiry into the development of regulatory policy in regard to direct broadcast satellites for the period following the 1983 Regional Administrative Radio Conference and Satellite Television Corp., Application for a satellite-to-home subscription television service; Gen. Docket No. 80–603; Filed No. DBS 81–01; (46 FR 39185; 7–31–81); order.

1. On August 4, 1981, the National Association of Broadcasters (NAB) submitted a "Motion for Extension of Time" requesting a fifteen-day extension of the deadline for filing replies to the "Opposition of Satellite Corporation to Petitions to Deny" filed July 31, 1981. Granting the motion would extend the deadline to August 28, 1981. The Commission has received comments in support of the motion from the Manufacturers Radio Frequency Advisory Committee and the Aerospace Flight Test Radio Coordinating Council, American Broadcasting Companies, Inc., The Utilities Telecommunications Council, and a group of television licensees.[1] The Commission has also received a statement from Satellite Television Corporation (STC) opposing NAB's motion.

2. It has been our policy not to grant extensions in this proceeding in order to avoid unnecessary delay. The extension requested here will not delay our consideration of the issues related to STC's application, however, so we feel that it is appropriate to grant the extension.

[1] This group consists of Forward Communications Corporation, Futura Communications Corporation, Guaranty Broadcasting Corporation, John H. Phipps Broadcasting, May Broadcasting Company, Ralph C. Wilson Industries, Inc., Southern Television Corporation, WICS–TV, Inc., WIXT Television, Inc., and WKRG–TV, Inc.

3. Accordingly, IT IS ORDERED that the deadline for filing replies to the Opposition to petitions to deny STC's application is extended to and including August 28, 1981.

4. The Secretary shall cause this order to be published in the **Federal Register.**

Peter K. Pitsch,

Chief, Office of Plan and Policy.

[FR Doc. 81-24444 Filed 8-20-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-515; RM-3850]

FM Broadcast Station in Hilo, Hawaii; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 234 to Hilo, Hawaii, in response to a petition filed by Hawaii Broadcasting Company, Inc. The assignment would provide Hilo with a third FM allocation.

DATES: Interested parties must file comments on or before October 13, 1981, and reply comments on or before November 2, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 5, 1981.

Released: August 13, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast stations (Hilo, Hawaii).

1. A petition for rule making [1] was filed by Hawaii Broadcasting Company, Inc. ("petitioner"), licensee of AM Station KPUA, Hilo, Hawaii, proposing the assigment of Class C FM Channel 234 to Hilo, as that community's third assignment. A statement in opposition to the petition was filed by Mauna Kea Broadcasting ("Mauna Kea"), licensee of FM Station KKBG (Channel 250), in Hilo, to which the petitioner responded. Petitioner states that it will apply for the channel, if assigned as proposed. The assignment can be made in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Hilo (population 26,353),[2] located on the Island of Hawaii (population 63,468), is approximately 336 kilometers (210 miles) southeast of Honolulu, Hawaii. It is currently served by three full-time AM stations (KHLO, KIPA, KPUA), and two FM stations (KFSH, Channel 246 (CP), and KKBG, Channel 250). Petitioner states that the city of Hilo is the largest one on the island, and that its population accounts for 42% of the island's total inhabitants. However, the proponent has not supplied economic and demographic data to demonstrate that the community needs an additional assignment, and it should provide such information by the date set forth herein for filing supporting comments.

3. In its opposition, Mauna Kea, in essence, asserts that the instant proposal would result in an anti-competitive concentration of the mass communications media in Hilo accruing to the petitioner, as a result of its corporate owner's other media interests, including AM Station KPUA, Hilo, and the television cable system that serves Hilo. This system is said to carry five FM stations from Honolulu but does not carry Mauna Kea's local FM Station KKBG. However, it states that if petitioner were to carry its Station KKBG on its affiliated cable system, which serves Hilo, it would withdraw its opposition.

4. It appears that Mauna Kea's fundamental concern is with the possible economic impact a potentially competitive assignment could have on its station. If so, it must be pointed out that such an issue is misplaced at this stage of the proceeding. Concentration of control is a matter which may be more appropriately considered at the application stage where it would be feasible to investigate and consider the merits of such an allegation rather than in a rule making proceeding.[3] *See, Beaverton, Michigan,* 44 RR 2d 55 (Broadcast Bureau, 1978).

5. Petitioner's Engineering Exhibit reveals that the assignment of Channel 234 of Hilo will cause preclusion to occur on Channel 231 within 65 miles; Channel 232A within 65 miles; Channel 233 within 150 miles; Channel 234 within 180 miles; and Channel 237A within 65 miles. Petitioner lists alternate channels that are available for those precluded areas.

6. The request for a third commercial FM assignment to Hilo exceeds the population guidelines which limit a city of its size to an allotment of two FM channels. However, as the Commission has stated on numerous occasions, the population guidelines are not applied inflexibly, and assignments exceeding the guidelines have been made when the preclusive impact of the assignment is considered insignificant. As noted above, alternate channels are available for assignment to the precluded communities. Therefore, the population guidelines are not an obstacle to the proposed assignment. *See, Poplar Bluff, Arkansas,* BC Docket No. 78-188, 45 FR 21636, published April 2, 1980; *North Platte, Nebraska,* BC Docket No. 79-114, 44 FR 67666, published November 27, 1979; and *St. Simons Island, Ga.,* BC docket No. 79-149, 45 FR 25806, published April 16, 1980.

§ 73.202 [Amended]

7. In view of the fact that the proposed FM channel assignment would provide Hilo with a third FM and fourth local nighttime aural service which could provide an additional broadcast voice to the community, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as follows for the community listed below:

City	Channel No.	
	Present	Proposed
Hilo, Hawaii	246, 250	234, 246, 250

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before October 13 1981, and reply comments on or before November 2, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

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[1] *Public Notice* of the petition was given on March 9, 1981, Report No. 1273.

[2] Population figures are extracted from the 1970 U.S. Census.

[3] In its reply comments, petitioner cites the following FM channel assignment cases in support of the Commission's longstanding policy with respect to the fact that the assignment stage of the allocation process is not an appropriate vehicle for considering issues unrelated to the question of a particular community's need for additional broadcast service: *Jacksonville, Florida,* 41 RR 2d 773 (1977); *Wisconsin Dells, Wisconsin,* 24 RR 2d 1964 (1972); *Ponce, Puerto Rico, et al.,* 47 RR 2d 210 (1980); *Staunton, Virginia,* 46 RR 2d 1571, 1573 (1980); and *Adrian, Michigan,* 25 RR 2d 1731, 1733 (1972).

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, 202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropirate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81–24418 Filed 8–20–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–504; RM–3749]

FM Broadcast Station in Petosky, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Class C FM Channel 242 for Channel 244A at Petosky, Michigan, and to modify the Class A license accordingly, in response to a petition filed by the licensee, MacDonald Broadcasting Corporation.

DATES: Comments must be filed on or before October 13, 1981, and reply comments on or before November 2, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 4, 1981.

Released: August 13, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Petosky, Michigan).

1. The Commission herein considers a petition for rule making[1] filed by MacDonald Broadcasting Corp. ("petitioner"),[2] which seeks to substitute Class C FM Channel 242 for Channel 244A at Petosky, Michigan, and modify the license on Channel 244A to specify operation on the Class C channel. Petitioner stated it will apply for the Class C channel, if assigned. No oppositions to the proposal were received.

2. Petosky (population 6,432)[3] the seat of Emmet County (population 18,331), is located on the shores of Lakes Michigan, approximately 368 kilometers (230 miles) northwest of Detroit. It is served locally by daytime only AM Station WJML, fulltime AM Station WMBN, FM Station WMBN (Channel 244A), and FM Station WJML (Channel 255).

3. Petitioner claims that the population of Petosky increased to more than 10,000 in 1979, as compared to the 1970 population of 6,342, and the population of Emmet County increased to approximately 20,000 in 1979. The population of the city and county are sufficiently large to warrant a Class C channel that would adequately serve the northernmost portions, particularly in light of hilly terrain intervening between Petosky and the northern extremity of the county, according to petitioner. MacDonald also contends that the substitution of Channel 242 for Channel 244A would further the Commission's policy of avoiding intermixture of classes of channels in the same community, see *Rome, New York,* 43 FR 10343, published March 13, 1978. It could also eliminate the unfair and disproportionate commercial advantage now maintained by its Class C competitor, in addition to expanding the service area.

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[1] Public Notice of the petition was given on September 19, 1980, Report No. 1248.

[2] MacDonald is the licensee of Stations WSAM(AM) and WKCQ(FM), Saginaw, Michigan; WMBN(AM), Petosky, Michigan; and WATT(AM), Cadillac, Michigan.

[3] Population figures are taken from the 1970 U.S. Census.

4. According to the preclusion study submitted by the petitioner, assigning Channel 242 to Petosky would cause preclusion on Channel 240A within 65 miles. Five communities without AM or FM service would be affected by the proposal (Harbor Springs, Elk Rapids, Mancelona, East Jordan and Onaway, Michigan). Petitioner should indicate whether alternate channels are available for assignment to these communities.

5. Petitioner has demonstrated that the Class C channel would provide a first service to 2,711 square kilometers (1,059 square miles) for 6,000 persons and a second service to 1,024 square kilometers (400 square miles) for 4,150 persons. Thus we find that petitioner has shown a need for the proposed assignment at Petosky, inasmuch as it would provide expanded service to the area, and remove the intermixture that presently exists at Petosky. The transmitter site is restricted to 25 kilometers (16 miles) north of the city to avoid short spacing to Station WHNN, Bay City, Michigan. In accordance with established policy, we shall propose to modify the license of Station WMBN (Channel 244A) to specify operation on Channel 242. However, if another party should indicate an interest in the Class C assignment, then the modification could not be implemented. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). Instead an opportunity for filing of a competing application must be provided.

6. Canadian concurrence in this assignment is required since Petosky, Michigan, is located within 402 kilometers (250 miles) of the U.S. Canadian border.

§ 73.202 [Amended]

7. In view of the apparent need for a wide coverage area station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as it pertains to Petosky, Michigan, as follows:

City	Channel No.	
	Present	Proposed
Petosky, Mich.	244A, 255	242, 255

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before October 13, 1981, and reply comments on or before November 2, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-24419 Filed 8-20-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-514; RM-3826]

FM Broadcast Station in Redding, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 247 to Redding, California, in response to a petition filed by The Waterland Group. The assignment would provide Redding with a third local FM service.

DATES: Interested parties must file comments on or before October 13, 1981, and reply comments on or before November 2, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 5, 1981.

Released: August 13, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast station (Redding, California).

1. A petition for rule making [1] was filed by the Waterland Group ("petitioner"), proposing the assignment of Class C FM Channel 247 to Redding, California, as that community's third allocation. Opposing comments were filed by Redding FM,[2] to which the petitioner responded. Petitioner states that it will apply for the channel, if assigned to Redding.

2. Redding (population 16,659),[3] the seat of Shasta County (population 77,640), is located approximately 304 kilometers (190 miles) north of San Francisco, California. It is served locally by two daytime-only AM stations (KCLM and KVIP), three full-time AM stations (KQMS, KRDG, and KSXO), and by two FM stations (KVIP, Channel 251, and KSHA, (CP), Channel 282).

3. Petitioner submitted an extensive community profile compiled by the Greater Redding Chamber of Commerce to demonstrate its need for the proposed assignment. Among other things, it indicates that Redding is the regional center of northern California and is a crossroads for transportation, linking north, south, east and west. Further, petitioner states that it is the commercial hub for shopping, entertainment and employment for a large area. Additionally, it notes that Redding has grown over 52% during the past decade, and it expects this trend to continue into the foreseeable future.

4. Redding FM argues that the assignment request should be denied because it would exceed our population criteria. It argues that the community's growth does not justify another channel, that the preliminary 1980 census data lists the population at 42,950. As for preclusion, Redding FM argues that Weaverville (population 2,745 (1980 Census)) is an affected community that was ignored by petitioner.

5. *Preclusion Considerations:* According to petitioner, the assignment of Channel 247 at the proposed site will cause preclusion on the following channels within the specified distances:

Channel	Required mileage separation
244A	65
246	150
247	180
248	150
249A	65

Petitioner lists the communities containing a population in excess of 2,500 persons which would be precluded by the proposed assignment of Channel 247 to Redding, and states that all but one (Fortuna-Rohnerville) presently has a channel assigned to it. Petitioner is required to list alternate channels for all precluded communities without local service. This information should be supplied in its supporting comments. A third assignment to Redding exceeds the Commission's population guidelines. Generally, an exception to these guidelines requires a demonstration that significant preclusion would not occur. The importance of Redding as a crossroads for regional transportation and as a regional leader in industrial development has been established.

6. *Additional Considerations:* Petitioner did not demonstrate that its proposal would cover any unserved and underserved areas. *See, Roanoke Rapids, N.C.*[4] and *Anamosa, Iowa.*[5] If petitioner wishes us to consider such supporting information, it should submit a study in its comments; otherwise since there are already two FM assignments, we would assume that no first or second service would be provided.

7. *Technical Considerations:* The assignment of Channel 247 to Redding requires a site restriction of approximately 17 kilometers (10.6 miles) northwest of the community to avoid short-spacing to Station KKBC in Carson City, Nevada. Petitioner's Engineering Statement indicates that it proposes to locate the transmitter approximately 12 miles west of Redding.

§ 73.202 [Amended]

8. In light of the foregoing considerations, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules as follows:

City	Channel No.	
	Present	Proposed
Redding, Calif	251, 282	247, 251, 282

9. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before October 13, 1981, and reply comments on or before November 2, 1981.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignements, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] *Public Notice* of the petition was given January 27, 1981, Report No. 1267.

[2] Redding FM is the permittee of a new FM station at Redding, California.

[3] Population figures are extracted from the 1970 U.S. Census, unless otherwise indicated.

[4] 9 FCC 2d 672 (1967).

[5] 46 FCC 2d 520 (1974).

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-24417 Filed 8-20-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 78-253; FCC 81-369]

Inquiry Into Future Role of TV Translators and Low-Power Television Broadcasting in National Telecommunications Systems

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rule making.

SUMMARY: This document seeks comment on additional technical standards for TV translators and low-power television stations. In view of the great numbers of applications that have been and probably will continue to be filed, the Commission finds it necessary to adopt a mode of exclusivity and interference analysis that easily may be automated. A prohibited contour overlap approach is proposed herein.

DATES: Comments must be filed on or before September 15, 1981, and reply comments must be filed on or before October 15, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-7792, or Gordon Godfrey, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: July 30, 1981.

Released: August 18, 1981.

Background

In the matter of an inquiry into the future role of TV translators and low-power television broadcasting in the National Telecommunications System.

1. On August 8, 1978, the Commission adopted a *Notice of Inquiry* (68 F.C.C. 2d 1525) initiating this proceeding. The *Notice* addressed a range of issues concerning the operation of television translators and their potential for use as low-power TV broadcast stations.

2. The analysis of the record accumulated in response to the *Notice of Inquiry*, along with the results of research and studies sponsored by the Commission, led to the adoption of a *Notice of Proposed Rulemaking* on September 9, 1980 (45 FR 69178, October 17, 1980). This *Notice* proposed rules for a low-power television service. This service would be provided by sophisticated TV translators operating on a secondary noninterference basis to full-service TV stations.

3. The *Notice* indicated that during the pendency of the rulemaking proceeding, translator applicants, justifying waiver of the necessary rules, could be granted authority to operate with low-power features. Between the adoption of the *Notice of Proposed Rulemaking* and April 9, 1981, over 5,000 translator applications were filed. Many, if not most of these applications, were accompanied by waiver requests to permit operation with low-power features rather than as translators. In order to permit the staff to begin processing the number of applications on file, the Commission voted to discontinue accepting further translator applications (except in special circumstances) on April 9, 1981. *See* F.C.C. 81-173.

4. The Commission's technical review of translator applications has in the past focused on two areas: the secondary nature of the service provided by the translator (translators must not cause interference to service furnished by full-service stations)[1] and the relationship of one translator station to another (translators must not cause interference to service furnished by another

[1] Our present rules contain assignment standards for VHF and UHF translators that are designed to protect the service provided by full-service TV stations. Mileage separations are specified for UHF-TV translators in relation to full-service stations (*see* § 74.702(c) and (d)). No minimum distances are specified for VHF-TV translators. They are permitted on any VHF channel provided co-channel and adjacent channel interference is not caused to full-service stations. *See* § 74.702(b).

translator)[2]. Previously, this review has been accomplished through a combination of manual and machine (computer) effort. Much has been left to engineering judgment in processing applications, including the standard for determining interference between translators.

5. For small numbers of applications in predominantly rural areas, the present examination procedure is adequate. Where thousands of applications (and the resulting exclusivities) are concerned, however, the burden of the examination process must be borne by a computer if the staff resources of the Commission are not to be overtaxed. In light of the apparent demand for low-power service, we believe it is essential that we remove as much of the engineering judgment from the processing of applications as is possible. Greater reliance upon specific quantitative criteria for determining the presence or absence of interference will facilitate our ability to employ greater automation in the processing of applications.

Proposal

6. Since the adoption of the April 9th *Order*, the Commission's staff has considered a number of different means of processing the 5000 translator applications now on file. The purpose of this *Further Notice of Proposed Rulemaking* is to solicit comment on the method described herein. The proposal is not intended to be and will not be used as an interim standard.

7. The Commission is proposing to prohibit the overlap of certain signal strength contours. These contours would be calculated using the horizontal radiation pattern of the antennas, the maximum effective radiated power (ERP) and the radiation center height above average terrain (HAAT) along the radial of interest. Processing applications using the contour overlap method is somewhat less flexible than case-by-case analysis, which permits engineering judgment on specific claims and is thus most spectrally efficient. However, the proposed system does offer advantages in that it easily can be automated, and it offers a means by which the technical acceptability of a proposal easily can be predicted. Its chief disadvantage is that low-power assignments, once made, may be "locked-in" to their initial operating facilities by other low-power assignments made at a later date. This occurs because only the existing protected contour (determined using existing power, antenna height, antenna directivity characteristics, etc.) is afforded protection. No room for future growth is provided as it is with regular TV anf FM assignments through the respective Tables of Assignment.[3] In addition, low-power stations established on the basis of providing protection to a nearby full-service station operating with less than maximum facilities may find themselves receiving additional interference should the full-service station decide to increase its operating facilities. Also, because of the uncertainties inherent in propagation predictions and their secondary status, it should be recognized that some low-power stations granted licenses by the Commission might be forced to shut down in the event that their operation results in interference to a full-service station that otherwise cannot be eliminated. The Commission recognizes these aspects of the processing procedure being proposed and specifically calls them to the attention of applicants and other interested parties. Despite these seeming shortcomings, the process being proposed has the fewest entry barriers for applicants and permits the greatest number of low-power stations to be established in a given area while providing full protection to full-service stations. However, the Commission welcomes comments concerning other automated processing schemes that would accomplish the same goals and that could be implemented in a timely fashion instead of or in addition to the proposed procedure. Comments also should address the possibility of increasing the total number of assigned stations by optimum selection of frequency and ERP for each assigned station and/or establishing one or more classes of stations with fixed minimum separation distances from full-service stations and other low-power stations.

Protection to Full-Service Stations

8. Full-service UHF–TV prohibited overlap standards were proposed in the *Notice*. In view of the other prohibited overlap proposals herein, we believe it would be desirable to apply the UHF overlap criteria without requiring a showing that there is no channel on which the full-service distance separations are met. We request comments on whether or not Part 74 of our Rules should be amended to delete the mileage requirements and incorporate the prohibited overlap criteria. With respect to low-power VHF applications, in the *Notice*, we did not suggest any changes in the unstructured manner in which VHF translators have been processed. Currently, the processing guideline is in § 74.703(a) of the Rules: "An application for a new television translator station or for changes in the facilities of an authorized station will not be granted where it is apparent that interference will be caused." We now propose technical assignment standards to permit automated VHF application processing. Accordingly, we request comments on the following guidelines for determining where it is "apparent that interference will be caused."

9. For the full-service VHF and UHF television station protected contour we propose to use the predicted Grade B. This concept has proved extremely useful in that it affords a measure of certainty in our allocation scheme that could not otherwise be achieved. However, in view of the fact that this proceeding has given rise to unprecedented demand for traditional translator service, as well as for the proposed new low-power service, in the interest of compiling a complete record, we request comments on the desirability and feasibility of attempting to protect service received from full-service stations outside the Grade B contour, either on an *ad hoc* basis or otherwise. For the first adjacent channel VHF desired-to-undesired signal ratio (D/U ratio), we propose to use –6dB for determining interference from a lower adjacent channel and –12dB for an upper adjacent channel. These values are taken from a staff report entitled *A Review of the Technical Planning Factors for VHF Television Service*, F.C.C. OST/RS 77–01, by Gary S. Kalagian (1977), National Technical Information Service No. 266341. For the co-channel interference ratio two values were proposed in the *Notice* for UHF showings, 45dB for non-offset or 28dB for stations with carrier frequencies offset by 10 or 20 kHz. For full-service VHF station protection, use of the same ratios is proposed.

10. Two factors have not been included in previous protection ratio considerations. We request comments on incorporating a receiving antenna

[2] The rules contain only broad restrictions concerning the protection of one translator's service area from interference caused by another translator. § 74.702(e) merely states that translator assignments that obviously would result in interference will not be made.

[3] While not a great concern to low-power applicants at this stage of growth of a new service it may later become one. Educational FM stations are authorized on a similar basis to that being proposed for low-power stations. Many of these licensees now are unable to increase their coverage areas due to the number of assignments made since they were initially authorized. To relieve this situation somewhat, the Commission, in Docket 20735, removed the protection previously afforded Class D educational stations to permit other educational assignments to increase their facilities.

front-to-back ratio, and a nonstandard offset factor, or both, into the protection ratios. Receiving antenna front-to-back ratios traditionally have been treated as a "safety factor" which would permit the antenna adjustments needed to minimize interference coming from several directions, and generally would allow the actual interference to be no worse than the prediction. We believe it is reasonable to assume that people located near a station's Grade B contour will be using outdoor, directional receiving antennas. Some recent studies have helped define average front-to back ratios for currently available antennas. Values for low VFH channels are 14.9dB,[4] 13.7dB[5] and 11.6dB,[6] Values for high VFH channels are 14.2dB,[4] 16.7db [5] and 10.6dB.[6] Values for UFH antennas are 11.6dB,[4] 13.4dB [5] and 15.6dB.[6] Commenting parties are requested to take these studies into account, as well as CCIR Recommendation 419 [7] and any other available studies to provide support for particular values.[8]

11. Offset carriers result in a stationary fine pattern of interference, which is, to most people, less objectionable than the moving bars or flickering pictures that are characteristic of non-offset co/channel interference. Sutides have shown that the effectiveness of offset carriers depends on the relationship between the offset frequency (the difference between stations' carrier frequencies) and the TV system line frequency.[9] For the U.S. television system, 525 lines per frame and 30 frames per second are transmitted. The line frequency is therfore, nominally 15,750 lines per second (15.75kHz). Offset carrier operation works best when the offset frequency is equal to an odd number times one-half the line frequency (7.9 kHz, 23.6 kHz, 39.4 kHz etc.). Offset carriers offer little advantage over non-offset operation when the offset frequency is an even multiple of one half the line frequency (0 kHz, 15.8 kHz, 31.5 kHz, etc.) This relationship may be illustrated as follows:

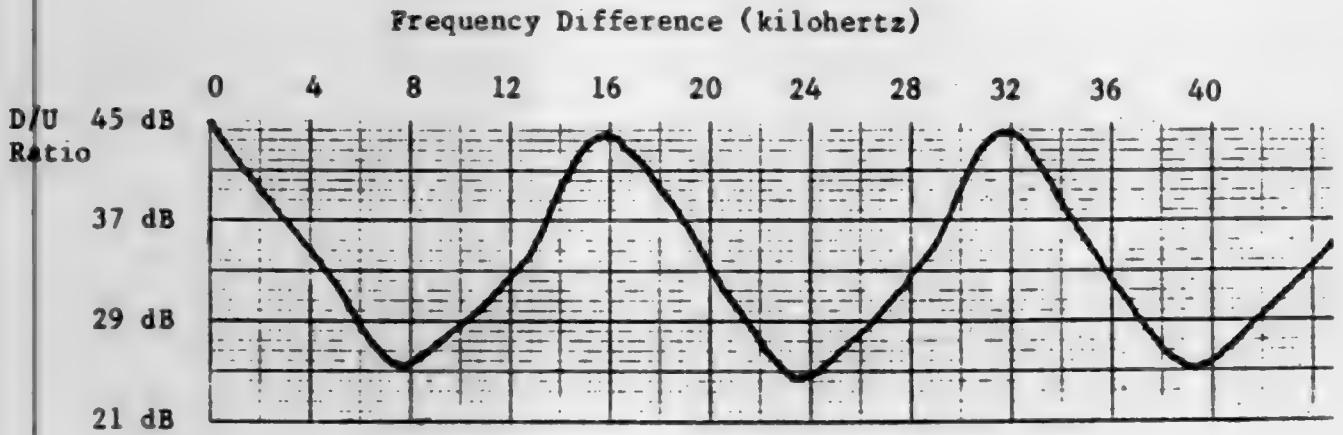

It can be seen from the above that 10 kHz and 20 kHz frequency offsets provide some of the advantages of carrier offset operation. However, in situations where an offset to only one station is needed, an offset frequency from 5 to 11 khz from 20 to 26 kHz or from 36 to 42 kHz, etc., would be equally effective.

12. If a low-power station is set up without concern for the offset frequency, there is a chance that it would still fall into an effective range, *i.e.*, one that would minimize interference. If it does not, and interference results, it should be possible to reduce the problem significantly if the low-power carrier frequencies can be altered by 5-to-6 kHz. However, we note that the frequency, tolerance for most translator stations, 0.02% of the carrier frequency, ranges from 11 kHz on Channel 2 to 160 kHz on Channel 69. If a low-power frequency tolerance of 2-to-3 kHz can be maintained, the co-channel iterference might be eliminated permanently. Because it is a secondary service, a low-power station is responsible for eliminating interference to the reception of full-service stations. Comments addressing the ability of low-power stations to utilize this situation, appropriate adjustments to the nonoffset co-channel protection ratio and the feasibility of these carrier adjustments and frequency tolerances would be very helpful in our consideration of this factor.

Proposed Low-Power and Translator Protection

13. We now address standards for determining when two low-power or translator applications are mutually exclusive. Logically, these criteria also must be used for protecting existing translators and low-power stations. In light of the past practice of processing applications without specific standards for protecting existing translator stations, we wish to be careful to avoid declaring mutually exclusive two applications that, in fact, would result in stations that could co-exist. Basically, we propose to do this be establishing a relatively high value for the protected field strength.

14. We begin by examining the situation where two full-service,

[4] *Television Receiving Antenna System Component Measurements*, by R. G. FitsFerrell, R D. Jennings and J. R. Juroshek; NTIA Report 79–22, June, 1979.

[5] *Program to Improve UHF Television Reception*, by W. R. Free, J. A. Woody and J. K. Daher, Georgia Institute of Technology, Engineering Experiment Station, Project No. A.-2475, September, 1980.

[6] *Engineering Aspects of Television Allocations;* Report of the Television Allocation Study Organization (TASO) to the Federal Communications Commission, March 16, 1959.

[7] Recommendation 419 *Directivity of Antennas in the Reception of Broadcast Sound and Television;* CCIR XIIIth Plenary Assembly Volumne XI, Geneva, 1978, specifies front-to-back ratios of 6dB for low VHF reception, 12dB for high VHF reception and 16dB for VHF reception.

[8] Other studies the Commission is aware of are *Performance of VHF–TV Receiving Antennas*, by A. C. Wilson, NBS Report 6099, National Bureau of Standards, Boulder, Colorado, May 26, 1960; and *Measurement of UHF Television Receiving Antennas*, by W. R. Free and R. S. Smith, Georgia Institute of Technology, Engineering Experiment Station, Project Number A–2066, February, 1978.

[9] For example, see the RCA report entitled *A study of Co-channel and Adjacent Channel Interference of Television signals, Part 1*, January, 1950. A copy of this report will be placed in the Docket of this proceeding.

maximum power, maximum height stations are located at the minimum required co-channel separations (and using an interference ratio of 28dB–F(50,50) desired to F(50, 10) undesired), the following protected field strengths result:

	Channels 2-6(dBu)	Channels 7-13(dBu)	Channels 14-69(dBu)'s
Zone 1	62.0	67.6	[illegible]
Zone 2	63.8	[illegible]	80.1

For a 500 foot antenna height, 20kW ERP UHF low-power station in Zone 1, the protected contour would extend approximately seven miles. For 100 watt ERP, 500 foot HAAT VHF low-power stations the protected contours would extend approximately six miles for Channels 7 to 13 and seven miles for Channesl 2 to 6.

15. If a low-power station protects a full-service co-channel station located at a distance of less than about 120 miles, interference from the full-service station will limit service from the secondary low-power station to less than the above distances. This situation is typical for VHF channels in general and for UHF channels in eastern and mideastern regions (also for southern California) where many of the current applications request authorization. In the regions outside Zone 1, the density of authorized full-service UHF stations is moderate in the south and very low in the western mountain States (where translators usually have had noise-limited service areas). Where full-service stations are not prevalent, the relative need to obtain a wider service area and prospects for obtaining it are greater. We propose the following protected signal contours in an effort to strike an equitable balance among the above considerations: 62 dBu for Channel 2 to Channel 6 stations, 68 dBu for Channel 7 to Channel 13 stations, 84 dBu for Channel 14 to Channel 69 stations located within Zones 1 and 1A and 74 dBu for Channel 14 to Channel 69 stations located elsewhere.[10] We encourage comments upon appropriate zone definitions and protected contour values. Comments are welcome on the use of zones to deal with the anomolous propagation in southern California and along the Gulf coast. For full-service television, the Commission established zone 3 along the Gulf of Mexico and requires greater milage separations between stations there.

16. For UHF low-power to low-power permitted desired-to-undesired ratios, we propose to use many of the values for protecting full-service stations contained in the table in Paragraph 56 of the *Notice*. Of course, we would use alternate values if comments persuade us to use different values for full-service protection. We intend to use the adjacent channel, sound image and picture image ratios from the table (–15dB, –23dB and –6dB D/U respectively). for determining mutual exclusivity between applications, we feel we should apply the image overlap criteria 14 and 15 channels below the application channel as well as 14 an 15 channels above it. Similarly, we would apply the oscillator requirement 7 channels above and below the application channel. We propose to use non-overlapping protected contours (0 dB D/U ratio) for the oscillator requirement. We recognize that one out of each pair of applications separated by 7, 14 or 15 channels only would receive interference, and would not cause it. We request comments on other ways to deal with this situation (for example, should we have no mutual exclusivity criteria for applications 7, 14 and 15 channels apart and only require that applicants not cause interference to existing translators and low-power stations on relevant channels?). We propose to use no intermodulation protection standards; translators have been engineered to operate successfully on second adjacent channels for years, and we expect applicants to continue to exercise care in selecting a channel and choosing operating parameters.

17. For our proposed co-channel D/U ratio, we believe use of the full-service ratios is reasonable. However, we are currently inclined to incorporate some receiving antenna fromt-to-back ratio and random carrier offset factors into the low-power to low-power protection. *See* Paragraphs 10–12, *supra*. We invite comments on appropriate values as well as on the question of whether or not low-power protection values should be the same as full-service protection values.

18. For VHF low-power to low-power ratios, we propose to use the same ratios as those proposed for protecting full-service VHF stations, with their derivation in Paragraph 9 above.

Proposed Land Mobile Protection

19. In 1970, the Commission adopted a *First Report and Order* in Docket 18261, 43 F.C.C. 2d 325, permitting stations in the Land Mobile Radio Service to operate on specified UHF television channels between 14 and 20 in the ten largest urban areas in the country. In 1974 (*Fifth Report and Order* in Docket 18261, 48 F.C.C. 2d 360) the sharing was extended to three additional urban areas. The land mobile channel assignments are as follows:

City	Channels	Community reference coordinates (degrees, minutes, seconds, N./W.)
Boston, Massachusetts	14, 16	42-21-24/71-03-24
Chicago, Illinois	14, 15	41-52-28/87-38-22
Cleveland, Ohio [1]	14, 15	41-29-51/81-41-50
Dallas, Texas	16	32-47-09/96-47-37
Detroit, Michigan [1]	15, 16	42-19-48/83-02-57
Houston, Texas	17	29-45-26/95-21-37
Los Angeles, California	14, 20	34-03-15/118-14-28
Miami, Florida	14	25-46-37/80-11-32
New York, New York	14, 15	40-45-08/73-58-39
Philadelphia, Pennsylvania	19, 20	39-56-58/75-09-21
Pittsburgh, Pennsylvania	14, 18	40-26-19/80-00-00
San Francisco, California	16, 17	37-46-39/122-24-40
Washington, D.C.	17, 18	38-53-51/77-00-33

[1] No agreement has been reached with Canada regarding land mobile stations in these cities.

The Commission decided that no new full-service TV station would be permitted on the same channel as a land mobile assignment within 212 miles of the land mobile city coordinates. No new full-service TV station would be permitted on a first adjacent channel within 140 miles of the land mobile city coordinates. Where existing television stations were closer than those distances, the land mobile stations were required to protect them.

20. Where the land mobile channel assignment is not limited to protect a full-service TV station, the base station may be located up to 50 miles from the reference point of the land mobile city. The mobile stations must operate within 30 miles of the associated base. These distances, plus desired-to-undesired signal ratios, were used to derive the 212-mile and 140-mile distances to protect an assumed TV station Grade B contour.

21. The 212- and 140-mile distances establish a maximum television field strength that land mobile operations must tolerate. Normally, the land mobile protected contour will be 80 miles from the land mobile city coordinates. Assuming that a full-service station would be allowed to operate with 5 Megawatts ERP and an antenna height of 2,000 feet above average terrain, the permitted F(50,10) field strength at the protected contour is 52 dBu for a co-channel station and 78 dBu for a station on a first adjacent channel. Low-power stations would not be permitted to exceed these values at the protected contour.

22. In 1970, when land mobile UHF sharing began, several full-service television stations were operating near co-channel or adjacent channel land mobile allocations. The new land mobile stations were required to protect the existing full-service TV stations by

[10] *See* §§ 73.205 and 73.609 of the Commission's Rules.

locating base stations at least 90 miles from adjacent channel TV stations and 120 miles from co-channel TV stations (New York and Cleveland Channel 15 and Detroit Channel 16 were considered special cases, where base stations were to be permitted less than 120 miles but at least 90 miles from co-channel TV stations). Because mobile stations must operate within 30 miles of their associated base, they may not be closer than 60 miles to an adjacent channel television station or 90 miles to a co-channel TV station.

23. The land mobile protected contour, normally 80 miles from the city coordinates, will be less than 80 miles in the directions of protected full-service television stations. The protected contour should include only those areas where mobile stations may be located, that is, more than 60 miles from adjacent channel protected stations and 90 miles from co-channel protected stations. As an example, Channel 16 is a land mobile assignment in Boston. Television Station WHED–TV operates on Channel 15 in Hanover, New Hampshire, approximately 109 miles northwest of Boston. Land mobile stations must protect Station WHED–TV by not operating within 60 miles of it. Therefore, they may not be more than 49 miles northwest of Boston along the radial toward WHED–TV, and the land mobile protected contour would only extend that far in that direction.

24. In Docket 20368 (*Report and Order*, 60 F.C.C. 2d 463 (1976)), the Commission decided to allow use of UHF television Channel 17 in the Gulf of Mexico for an Offshore Radio Telecommunications Service (ORTS). This service, to provide communications for offshore oil rigs, is restricted to a zone that extends from West Longitude 87° 45′ to West Longitude 94° 00′. Shore stations are permitted in this service, but they are restricted, as are offshore base and mobile stations, to provide protection to two television allocations, Channel 17 in Bude, Mississippi, and Channel 18 in Lake Charles, Louisiana.

25. All ORTS stations are required to locate at least 120 miles from Bude (coordinates 31° 22′ 19″ N. and 90° 45′ 05″ W.) and 80 miles from Lake Charles (coordinates 30° 13′ 45″ N. and 93° 12′ 52″ W). Connected arcs, south of the communities, 120 miles from Bude and 80 miles from Lake Charles, form most of the northern ORTS protected contour. North-south lines at longitudes 87° 45′ and 94° 00′ form the east and west protected contours respectively. The eastern segment of the northern protected contour is not defined by these four lines. We propose to draw a line due west from coordinates 30° 25′/ 87° 45′ to the intersection with the 120 mile Bude arc. This latitude was chosen to be between two and ten miles north of the shore line in order to protect permitted shore stations that may locate in that area (a search of a recent frequency list revealed no currently authorized ORTS stations there).

26. The low-power permitted field strength at the protected contour will be based on the Bude, Mississippi, station for the co-channel and the Lake Charles, Louisiana, station for the first adjacent channel situation. A 5 Megawatt ERP, 2,000 foot HAAT UHF television station would have an F(50,10) 55 dBu signal at 120 miles and an F(50,10) 68 dBu signal at 80 miles. Low-power channel 17 stations will be limited to 55 dBu F(50,10) field strength at the protected contour and Channel 16 and 18 stations will be limited to 68 dBu F(50,10) field strength at the protected contour.

27. In general, low-power Channel 17 applicants need not be concerned if they are located more than 45 miles from the ORTS protected contour and Channel 16 and 18 applicants need not be concerned if they are located more than 30 miles from the ORTS protected contour. Also, Channel 14–21 applicants more than 130 miles from any co-channel land mobile assignment city and more than 100 miles from any adjacent channel land mobile assignment city should be clear. Somewhat larger distances may be required if an ERP of more than 30 kW or an effective antenna height of more than 1000 feet is anticipated.

28. We request comment upon whether the values proposed for land mobile protection are appropriate.

Procedural Matters

29. *Regulatory Flexibility Act-Initial Analysis.* a. *Reason for action.* In view of the unexpectedly great numbers of TV translator and low-power applications currently on file and those additional applications anticipated when the present moratorium is lifted, additional technical standards are necessary to facilitate low-power application processing.

b. *The objective.* The Commission's present rules do not contain precise standards for determining mutual exclusivity between proposed TV translator stations. The present mode of processing, which leaves much to engineering judgment, is not feasible for use with large numbers of competing applications, particularly in major markets. The standards proposed in this *Further Notice* would make automated processing possible.

c. *Legal basis.* Action as proposed is pursuant to Section 303(f) of the Communications Act of 1934, as amended, which charges the Commission to make regulations to prevent interference between stations.

d. *Description, potential impact and number of small entities affected.* The technical standards proposed will provide guidelines for all potential applicants in preparing their applications as to the circumstances in which their proposed operations would be considered mutually exclusive with full-service TV stations, existing translator stations and other applications. An engineering analysis currently is required as part of all translator applications. The proposed standards would establish criteria for the engineering analysis; however, it is not anticipated that this would increase the burdens attendant on preparation of the engineering section of the application.

The entities affected would include all present and potential low-power and TV translator applicants. However, the categories of present and potential small-entity applicants that would be required to comply with the proposed technical standards include small communications businesses and entrepreneurs, small nonprofit organizations, educational institutions and community groups, local tax districts desiring to establish low-power facilities and consulting engineers. Consulting engineers often are employed to prepare the engineering analyses for applicants. Presumably, the fee charged for this service would reflect the cost of preparing the engineering proposal in conformity with the technical standards. It is not anticipated that the standards will increase the expense of the engineering study, however.

In sum, adoption of technical standards for determining mutual exclusivity is expected significantly to ease the application processing burdens for this agency. In turn, this could greatly reduce the time it takes to process each application, which would benefit all applicants. The engineering analysis required under the proposal is not significantly more burdensome than that currently required of all translator applicants.

e. *Recording, record keeping and other compliance requirements:* None.

f. *Federal rules that overlap, duplicate or conflict with this rule:* None.

g. *Any significant alternatives minimizing impact on small entities and consistent with stated objective.* The Commission's present translator processing mode or use of mileage separations are the alternatives to these proposals. As stated, it is not efficient to

continue our present mode of processing, in light of the great numbers of new applications being filed, and this mode of processing is inconsistent with the objective of automated processing. Mileage separations would result in inefficient spectrum allocation in a service in which many licensees do not use maximum facilities.

30. Comments must be filed on or before September 15, 1981. Reply comments must be filed on or before October 15, 1981. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments and reply comments by the dates indicated. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and five copies of all statements, briefs or comments filed shall be furnished the Commission. Responses shall be available for public inspection during business hours in the Commission's Public Reference Room, Room 239, in its headquarters in Washington, D.C.

31. The contact people for further information regarding this proceeding are Molly Pauker, Broadcast Bureau (202) 632-7792 and Gordon Godfrey, Broadcast Bureau (202) 632-9660. However, members of the public should note that for purposes of this nonrestricted notice and comment rule making proceeding, *ex parte* contacts are permitted from the time that the Commission adopts a notice of proposed rule making until the time a public notice issued indicating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff that addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any perviously-filed written comments for the proceeding must prepare a written summary of that presentation on the day of the oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

32. Authority for the above action is contained in Section 303(f) of the Communications Act of 1934, as amended, and § 1.421 of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A.—*Co-Channel and Adjacent Channel Full-Service Television Stations To Be Protected by Land Mobile Stations Using UHF Channels 14 to 20*

TV call	Channel	City and State	Protected coordinates (latitude/longitude)
KPBS-TV	15	San Diego, CA	32°41'48"/116°56'10"
WATR-TV	20	Waterbury, CT	41°31'02"/73°01'00"
WFAN-TV	14	Washington, DC	38°57'17"/77°00'17"
WDCA-TV	20	Washington, DC	[illegible]
WICD	15	Champaign, IL	40°04'11"/87°54'45"
WJJY-TV	14	Jacksonville, IL	[illegible]
WANE-TV	15	Ft. Wayne, IN	41°05'35"/85°10'42"
WNDU-TV	16	South Bend, IN	41°36'20"/86°12'44"
WBOC-TV	16	Salisbury, MD	38°24'15"/75°34'45"
WQMU-TV	14	Mt. Pleasant, MI	43°34'24"/84°46'21"
WHED-TV	15	Hanover, NH	[illegible]
WJAN	17	Canton, OH	40°51'04"/81°16'37"
WCTF	19	Cleveland, OH	41°21'19"/81°44'24"
WMUB-TV	14	Oxford, OH	[illegible]
WHIZ-TV	18	Zanesville, OH	[illegible]
WSYE-TV	18	Elmira-Corning, NY	42°06'20"/76°52'17"
WHP-TV	21	Harrisburg, PA	40°20'44"/76°52'09"
WJNL-TV	19	Johnstown, PA	40°19'47"/78°53'45"
WLYH-TV	15	Lancaster, PA	[illegible]
WPHL-TV	17	Philadelphia, PA	40°02'30"/75°14'24"
WQEX	16	Pittsburgh, PA	40°26'48"/79°57'51"
WNEP-TV	16	Scranton, PA	41°10'58"/75°52'21"
WTAP-TV	15	Parkersburg, WV	39°20'50"/81°33'56"
WMTV	15	Madison, WI	43°03'01"/89°29'15"

[FR Doc. 81-24420 Filed 8-20-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR PART 73

[BC Docket No. 81-502; RM-3873]

FM Broadcast Stations in Truth or Consequences, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C FM Channel 254 for Channel 244A at Truth or Consequences, New Mexico, in response to a petition filed by Sierra Industries, Inc.

DATES: Comments must be filed on or before October 13, 1981, and reply comments on or before November 2, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 4, 1981.

Released: August 13, 1981.

In the matter of an amendment of § 73.202(b), table of assignments, FM broadcast stations, (Truth or Consequences, New Mexico), BC Docket No. 81-502, RM-3873 notice of proposed rule making.

1. The Commission herein considers a petition for rule making,[1] filed by Sierra Industries, Inc. ("petitioner"), proposing the substitution of Class C FM Channel 254 for Channel 244A, at Truth or Consequences, New Mexico. Petitioner states that it will apply for authority to construct and operate on Channel 254, if assigned. No comments to the proposal were received.

2. Truth or Consequences (population 4,656),[2] seat of Sierra County (population 7,189), is located approximately 216 kilometers (135 miles) south of Albuquerque. It is served locally by full-time AM Station KCHS, FM Channel 244A (unoccupied) and educational FM Channel 220 (unoccupied).

3. Petitioner states that Truth or Consequences, the commercial banking

[1] *Public Notice* of petition was given on April 7, 1981, Report No. 1279.

[2] Population figures are taken from the 1970 U.S. Census.

center for Sierra County, has been known for many years as a resort center famous for its hot mineral baths, game fishing and hunting opportunities, and combined with the wholesale, retail and manufacturing trade in the county, the area is considered to have a stabilized economy. Petitioner claims that Channel 244A (assigned to Truth or Consequences), has not been applied for since it was assigned in 1963, primarily because of the inability of a Class A facility to reach the sparsely populated areas surrounding the community. Sierra contends that the proposed assignment would serve portions of the surrounding counties of Catron, Socorro, Lincoln, Otero, Dona Ana, Luna, and Grand, providing a first FM service to 11,145 persons in an area of 9,684 square kilometers (3,783 square miles). Petitioner claims that Truth or Consequences is in need of a broadcast facility with broad coverage capabilities able to survive economically, while serving the needs of the community.

4. *Preclusion consideration:* According to the study submitted by the petitioner, the assignment of Channel 254 to Truth or Consequences will cause preclusion on Channel 251 within 65 miles, Channel 252A within 65 miles, Channel 253 within 150 miles, Channel 254 within 180 miles, Channel 255 within 150 miles and Channel 257A within 65 miles. Petitioner claims that alternate channels are available for assignment to most of the precluded area.

5. Although it has been general Commission policy to assign Class C channels only to large communities, exceptions have been made where, as here, the assignment would provide substantial first or second service (see para. 3, *supra*) to the outlying area. The Class C channel can be assigned in compliance with the minimum distance separation requirements.

6. Since Truth or Consequences, New Mexico, is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican Government.

§ 73.202 [Amended]

7. In view of the above, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with regard to the following community:

City	Channel No. Present	Proposed
Truth or Consequences, New Mexico	244A	254

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE*: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before October 13, 1981, and reply comments on or before November 2, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Attachment: Appendix.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-24402 Filed 8-20-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington; Preliminary Determinations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of preliminary determinations.

SUMMARY: The Director, Northwest Region, (Regional Director) National Marine Fisheries Service, (NMFS), has reviewed coho harvests to date by the ocean commercial and recreational fisheries in Subarea A (from Cape Falcon, Oregon, northward to the U.S./Canada border). Based on this review he has made a preliminary projection of the total ocean harvests of coho for Subarea A during the 1981 season. This review is required by the 1981 amendment to the fishery management plan (FMP) for the Ocean Salmon Fisheries off the Coasts of California, Oregon, and Washington and the emergency regulations that implement the 1981 amendment.

DATES: Public comments on the preliminary projections in this notice are invited until August 30, 1981.

ADDRESS: Comments should be sent to: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206–527–6150.

SUPPLEMENTARY INFORMATION: The emergency regulations that implement the 1981 FMP amendment at 50 CFR Part 661, were published in the **Federal Register** (46 FR 30633) and became effective on June 5, 1981. The emergency regulations were extended for an additional 45 days through September 3, 1981 (46 FR 37705). Those regulations specify at § 661.12(b)(2) that within 24 days following the opening of the commercial all-salmon species season in Subarea A, or the closest working day following, the Regional Director shall, based on current catch data, make a preliminary projection of the total ocean harvests that will occur by the end of the commercial and recreational salmon fishing seasons. The commercial all-salmon species season in Subarea A opened on July 15, 1981.

Within 40 days following the opening of the commercial all-salmon species season in Subarea A, or on or before August 24, additional data concerning ocean coho fisheries will be considered in reviewing the preseason estimates of coho salmon abundance estimates in relation to the catch data available at that time and the projected catches in Subarea A during the remainder of the season. On August 24, the Regional Director, after consulting with the Chairman of the Pacific Fishery Management Council, the Director of the Washington Department of Fisheries, and the Director of the Oregon Department of Fish and Wildlife, shall consider all information received at that time, shall estimate coho stock abundance in Subarea A, and shall make a final projection of fishing effort and total coho harvests at the end of the scheduled fishing seasons.

If, based on the final projections and any other relevent data received by that time, the Regional Director determines that (1) actual conditions of abundance and distribution of coho salmon and of fishing effort and catches differ from conditions anticipated prior to the opening of the fishing season, or (2) in-season modifications are reasonably necessary to provide adequate escapement of coho salmon from the ocean fisheries for spawning, to meet treaty Indian allocation requirements, or to maintain the historical harvest ratio between commercial and recreational coho fisheries (60 percent for commercial trollers, 40 percent for recreational fishermen), he may modify the open seasons or catch limits as necessary in Subarea A. Such action will be taken by publication of a field order in the **Federal Register** as soon as practicable after August 24, and by dissemination to the public news media.

Preliminary findings and projections by the Regional Director under 50 CFR 661.12 (b)(2) are as follows:

Coho Harvest to Date

An estimated 382,000 coho have been harvested by the ocean fisheries in Subarea A as of July 26, 1981 (the latest date for which catch data are available). About 152,000 coho were caught by the recreational fishery, of which, 127,000 were caught off Washington and 25,000 off Oregon north of Cape Falcon. Of 229,000 caught by the commercial trollers, about 207,000 were caught off Washington and almost 22,000 off northern Oregon. The 229,000 caught by the commercial troll fishery to July 26, compares with 222,032 and 391,827 caught by corresponding dates in 1980 and 1979. The 1979 commercial troll season opened two weeks earlier than the 1980 and the 1981 seasons which accounts for the larger catches in 1979. The 152,000 coho caught by the recreational fishery compares with 284,397 and 163,781 caught by corresponding dates in 1980 and 1979.

Effort Data

Commercial fishing effort this season off Washington is abut 11 percent above 1980 but about 27 percent below 1979. The 1979 effort was higher primarily because the season opened on July 1 rather than July 15. Commercial effort in Oregon, north of Cape Falcon, this season is 68 percent above 1980 and 6 percent above 1979.

Recreational effort off Washington is down considerably from both 1980 (24%) and 1979 (24%). Recreational effort off northern Oregon is 18% below 1980 and about comparable to 1979.

Preliminary Projections for the 1981 Season

Based on current catch and effort information and on catch and effort patterns for the fisheries in recent years, it appears that the commercial harvest in Subarea A will exceed the harvest guideline of 372,000 coho for the commercial fishery, prior to the regularly scheduled season closing date of September 1. Best estimates at this time indicate the harvest guidelines for the commercial fishery will be met about August 20. The recreational quota of 248,000 coho may not be taken before August 30. These projections are based on the assumption that the preseason prediction of coho abundance are valid and that catch and effort for the remainder of the season will follow historical patterns. There is insufficient information at this time to determine the accuracy of these assumptions. Other factors that could affect the harvest of coho during the remainder of the season, such as fishing days lost due to inclement weather and the availability of albacore tuna as an alternative to salmon fishing, were not considered in the above projections. Another assessment will be made on August 19 when later information becomes available.

Comments and Subsequent Actions

In accordance with § 661.12 (b)(6) of the emergency regulations, the Regional Director finds that public comments on these preliminary projections for a period ending 10 days following filing with the **Federal Register** would be in the best interest of the public and the resource. Relevant data on which these preliminary projections are based may be reviewed at the office of the Regional Director (address above) during the comment period.

As a result of comments received and updated information available on August 23, the Regional Director will consider the need for inseason modifications of the Subarea A open fishing seasons and catch limits and will, as soon as practicable, publish in the **Federal Register** either (a) a notice of inseason modifications, or (b) a notice of no change in the regulation.

In the meantime, the fisheries will be closely monitored, and if it appears, as presently projected for the commercial fishery, that one or both of the harvest guidelines will be met prior to August 23, the Regional Director will act in accordance with § 661.12 (a)(4), and will, by publication of a field order in the **Federal Register**, close the fishery as of the date the harvest guideline will be reached. If such action occurs prior to the end of the comment period mentioned above, interested persons may submit comments relative to these actions, to the Regional Director from the date of filing any required notices with the **Federal Register** through the 15th day following any closure of fishing.

(16 U.S.C. 1801 et seq.)

Dated: August 18, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-24490 Filed 8-20-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 102

Marketing Transactions; Notice of Reopening of Time for Filing Comments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice reopens the time for filing comments to proposed rulemaking published Tuesday, June 9, 1981, pages 30620, 30621, and 30622, Vol. 46, No. 110, **Federal Register**, concerning the regulation of marketing transactions engaged in by a warehouseman subject to the terms and provisions of the United States Warehouse Act. Interested persons were invited to submit written comments not later than August 10, 1981. The Department has received a reasonable request, in writing, from an interested party requesting additional time to file comments and is therefore reopening the comment period for all persons.

DATE: Comments now are due on or before August 28, 1981.

ADDRESS: Comments should be filed in triplicate with the Hearing Clerk, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202-447-3616).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the time for filing comments to the above-listed proposed rulemaking is hereby extended to August 28, 1981.

This notice is given in accordance with the administrative procedure provisions in 5 U.S.C. 553.

Done at Washington, D.C., August 18, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-24472 Filed 8-20-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1004

[Docket No. AO-160-A57]

Milk in the Middle Atlantic Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider industry proposals to amend the Middle Atlantic Federal milk order. The proposals would allow any type of pool plant which meets the pooling performance requirements during the period September through February to be automatically pooled in the following months of March through August, and would reduce the Class I disposition requirement for pool distributing plants from 40 percent to 30 percent of receipts. Other proposals would increase the amount of milk that may be diverted to nonpool plants during the months of September through February. The proponents contend that the changes are necessary to assure the continued association of producer milk supplies with the market at a time when production is increasing and Class I use is declining, without incurring unnecessary movements of milk solely for pool qualification purposes.

DATE: September 15, 1981.

ADDRESS: Holiday Inn—Midtown, 1305—11 Walnut Street, Philadelphia, Pennsylvania 19107.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-6273.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Holiday Inn—Midtown, 1305—11 Walnut Street, Philadelphia, Pennsylvania 19107, beginning at 9:30 a.m. on September 15, 1981, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Middle Atlantic marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as small businesses. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Michaels Dairies, Inc.:

Proposal No. 1

Revise paragraph (e) of § 1004.7 to read as follows:

§ 1004.7 Pool plant.

* * * * *

(e) Subject to the conditions of this section, a plant that was qualified pursuant to this section during each of the immediately preceding months of September through February shall remain so qualified during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month of such period during which it does not otherwise qualify pursuant to this section:

* * * * *

Proposal No. 2

Revise paragraph (a) of § 1004.7 to read as follows:

§ 1004.7 Pool plant.

* * * * *

(a) A plant from which during the month a volume not less than 30 percent of its receipts described in paragraph (a)(1) or (2) of this section is disposed of as Class I milk (except filled milk) and a volume not less than 15 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area;

* * * * *

Proposal No. 3

Revise paragraph (d)(2) of § 1004.12 to read as follows:

§ 1004.12 Producer.

* * * * *

(d) * * *

(2) Not morer than 21 days production during any month of September through February unless all of the diversions of member and nonmember milk, as the case may be, are pursuant to paragraph (d)(2)(i) or (ii) of this section, respectively, and they fall within the limits prescribed thereunder. If a handler diverting milk pursuant to this subparagraph diverts milk of any dairy farmer in excess of the limits prescribed such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant.

* * * * *

Produced by Inter-State Milk Producers Cooperative:

Proposal No. 4

Revise paragraph (d)(2)(i) and (ii) of § 1004.12 to read as follows:

§ 1004.12 Producer.

* * * * *

(2) * * *

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 30 percent of the volume of milk of all members of such cooperative association received at all pool plants during such month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 30 percent of the total of such nonmember milk delivered to such handler during the month.

Proposed by the Diary Division, Agricultural Marketing Service:

Proposal No. 5

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market administrator, P.O. Box 710, Alexandria, Virginia 22313, or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units.

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of the General Counsel.
Dairy Division, Agricultural Marketing Service (Washington Office only).
Office of the Market Administrator, Middle Atlantic marketing area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on August 18, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-24470 Filed 8-20-81; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service[1]

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Canned Celery; [2] Proposed Establishment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to establish voluntary U.S. Standards for Grades of Canned Celery. The proposed rule was developed by the U.S. Department of Agriculture at the request of the Florida celery industry. Its effect would be to promote orderly and efficient marketing.

DATE: Comments must be received on or before: October 20, 1981.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Graesanto V. Berbano, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6193.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this proposed rule is not major. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete

[1] The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service of USDA by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the agencies' reorganization is being drafted for later publication

[2] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

Currently, there are no U.S. grade standards for canned celery. A petition from the Florida celery industry to develop grade standards for canned celery precipitated this proposed rule. The proposed standards would be based on a numerical score point system (0–100 points) of quality grading, similar to the system used for many other fruit and vegetable items.

The adoption of these proposed standards would provide incentive for using fresh celery which is customarily wasted. The main sources of this celery are surplus acreage and edible portions which are lost during sorting for the fresh market.

The grade standards would expedite purchasing canned celery for school lunch programs. The standards provide for two (2) types of pack—acidified and brine cooked. The acidified celery is used mainly in salads and other similar items, while the brine cooked celery is used mainly in the formulation of soups, vegetable mixes and casseroles.

The Department proposes three (3) styles of canned celery—sliced (cut), diced, and chopped. The grade standard specifies two (2) quality levels—U.S. Grade A and U.S. Grade B because available data indicate two quality levels are needed in marketing canned celery.

The factors of quality under consideration for canned celery in the proposed standards are: similar varietal characteristics; brightness; flavor and ordor; color; character (e.g., uniformity of texture and freedom from coarseness, stringiness, or toughness); and defects (e.g., freedom from blemishes, basal portions, extraneous vegetable material, celery leaf material, and mechanical damage).

The standards would provide canners and commercial users with uniform guidelines for marketing canned celery.

In consideration of the foregoing, it is proposed that U.S. Standards for Grades of Canned Celery be established and codified as 7 CFR 2852.6571 through 2852.6580, and the Table of Contents would be established, to read as follows:

PART 2852—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

Subpart—United States Standards for Grades of Canned Celery

Sec.

2852.6571 Product description.
2852.6572 Types of pack.
2852.6573 Styles.
2852.6574 Definitions of terms.
2852.6575 Recommended sample unit size.
2852.6576 Grades.
2852.6577 Factors of quality.
2852.6578 Requirements for grades.
2852.6579 Sample size.
2852.6580 Lot quality requirements.

§ 2852.6571 Product description.

Canned celery is the product represented as defined in the applicable Standards of Identity for Certain Other Canned Vegetables (21 CFR 155.200) issued under the Federal Food, Drug, and Cosmetic Act.

§ 2852.6572 Types of pack.

(a) Canned salad celery (acidified).
(b) Canned cooked celery.

§ 2852.6573 Styles.

(a) *Diced* means canned celery consisting of stalks that have been cut into approximately cube-shaped units.

(b) *Sliced or cut* means canned celery consisting of stalks that are cut transversely into units approximately 19 mm (¾ in) or less in length. Sliced may be one of the following sub-styles:

(1) *Straight cut* means canned celery stalks that are cut at approximately right angles to the length of the stalk.

(2) *Bias cut* means canned celery stalks that are cut at approximately 45° angle to the length of the stalk.

(c) *Chopped* means canned celery consisting of stalks that have been randomly chopped into units of varying sizes and shapes.

§ 2852.6574 Definitions of terms.

As used in these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean;

(a) *Basal portion* means the objectionable, fibrous material from the base of the celery plant or roots from below the base of the celery plant which affect the appearance or eating quality.

(b) *Blemished* means any unit of celery which is affected internally or externally by discoloration, insect injury, pathological damage or any other cause to the extent that the appearance or eating quality is affected:

(1) materially; or

(2) seriously.

(c) *Brightness* means the extent that the overall appearance of the sample unit as a mass is affected by dullness from improper processing or any other cause.

(1) Canned celery which has a good characteristic bright appearance typical of the type of pack may be assigned a score of 18 to 20 points.

(2) Canned celery which has a reasonably good characteristic bright appearance typical of the type of pack may be assigned a score of 16 or 17 points and shall not be graded above U.S. Grade B, regardless of the total score for the product.

(3) Canned celery that fails to meet the requirements for reasonably good characteristic bright appearance may be assigned a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product.

(d) *Character* refers to the uniformity of texture and freedom from coarseness, stringiness, or toughness, with consideration given to the type of pack.

(1) *Canned salad celery.*—(i) *Good character* means celery which is uniform in texture, and is practically free from coarse, stringy, or tough units. The celery units are crisp and firm. Canned salad celery which has a good character may be assigned a score of 27 to 30 points.

(ii) *Reasonably good character* means celery which lacks uniformity in texture, and is reasonably free from coarse, stringy, or tough units. The celery units lack crispness and firmness. Canned salad celery which has a reasonably good character may be assigned a score of 24 to 26 points and shall not be graded above U.S. Grade B, regardless of the total score for the product.

(iii) Canned salad celery that fails to meet the requirements for reasonably good character may be assigned a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product.

(2) *Canned cooked celery.*—(i) *Good character* means celery which is uniform in texture, practically free from coarse, stringy, or tough units, and is pliable and tender but not soft. Canned cooked celery that has a good character may be assigned a score of 27 to 30 points.

(ii) *Reasonably good character* means celery which lacks uniformity in texture, is reasonably free from coarse, stringy, or tough units, and is lacking pliability and tenderness, and may be soft but not mushy. Canned cooked celery that falls into this classification may be assigned a score of 24 to 26 points and shall not be graded above U.S. Grade B,

regardless of the total score for the product.

(iii) Canned cooked celery that fails to meet the requirements for reasonably good character may be assigned a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product.

(e) *Chip* means any unit in diced style that has a volume that is less than one-half of a normal full size unit.

(f) *Color.*—(1) *Good color* means canned celery color which is uniform in the range between green to white units characteristic of the type of pack. Canned celery which has a good color may be assigned a score of 18 to 20 points.

(2) *Reasonably good color* means canned celery color which lacks uniformity in the range between green to white units characteristic of the type of pack. Canned celery which has a reasonably good color may be assigned a score of 16 or 17 points and shall not be graded above U.S. Grade B, regardless of the total score for the product.

(3) Canned celery that fails to meet the requirements for reasonably good color may be assigned a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product.

(g) *Defects* refer to the freedom from extraneous vegetable material, mechanical damage, celery leaf material, blemished units, and basal portions.

(1) *Practically free from defects* means celery which conforms with the applicable tolerances as specified in Table I. Canned celery which is practically free from defects may be assigned a score of 27 to 30 points.

(2) *Reasonably free from defects* means celery which conforms with the applicable tolerances as specified in Table I. Canned celery which is reasonably free from defects may be assigned a score of 24 to 26 points and shall not be graded above U.S. Grade B, regardless of the total score for the product.

(3) Canned celery that fails to meet the requirements for reasonably free from defects may be assigned a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product.

(h) *Extraneous vegetable material (EVM)* means any objectionable vegetable material from other than the celery plant which is harmless.

(i) *Flavor and odor* means the freedom from objectionable flavor and odor of any kind.

(j) *Large piece* means any unit in diced style that is larger than a normal full size unit to the extent that it materially affects the appearance of the sample.

(k) *Leaf* means the celery leaf which is normally removed during processing and exceeds 0.64 cm (0.25 in) in the greatest dimension.

(l) *Mechanical damage* means any unit of celery which is adversely affected by harvesting or processing equipment and includes sizing imperfections.

(m) *Unit* means any individual slite, dice, cut, chop, heart, or piece of canned celery.

(n) *Varietal characteristics* mean the appearance, stalk characteristics and any other indicator of the variety of celery.

§ 2852.6575 Recommended sample unit size.

The requirements for all factors of quality are based on evaluation of: 900 g of drained product or the entire drained contents of a container, whichever is lesser.

§ 2852.6576 Grades.

(a) *U.S. Grade A* is the quality of canned celery that:

(1) Meets the applicable requirements of Table I; and

(2) Scores not less than 90 points.

(b) *U.S. Grade B* is the quality of canned celery that:

(1) Meets the applicable requirements of Table I; and

(2) Scores not less than 80 points.

(c) *Substandard* is the quality of canned celery that fails to meet the requirements for *U.S. Grade B.*

§ 2852.6577 Factors of quality.

The grade of a lot of canned celery is based on meeting the requirements for the following quality factors:

(a) Varietal characteristics;
(b) Flavor and odor;
(c) Brightness;
(d) Color;
(e) Character; and
(f) Defects.

§ 2852.6578 Requirements for grades.

Table I.—*Canned Celery*

Factors of quality	Grade A	Grade B
Varietal characteristics.	Similar	Similar.
Flavor and odor	Normal	Normal.
Brightness	Good (18–20 points).	Reasonably good (16–17 points).[1]
Color	Good (18–20 points).	Reasonably good (16–17 points).[1]
Character	Good (27–30 points).	Reasonably good (24–26 points).[1]
Defects: (Drained weight basis) [2].	(27–30 points)	(24–26 points).[1]
	Tolerance	Tolerance.

Table I.—*Canned Celery*—Continued

Factors of quality	Grade A	Grade B
1. [illegible]:		
a. Materially	5 percent millimeter.	10 percent millimeter
b. Seriously	2 percent millimeter.	4 percent millimeter.
2. Basal Portion:		
a. Fibrous material.	2 percent millimeter.	4 percent millimeter
b. w/roots attached.	1 percent millimeter.	2 percent millimeter
3. EVM	1 piece/900 grams (31.7 ounces).	2 pieces/900 grams (31.7 ounces)
4. Leaf:		
Diced; chopped	20 pieces/900 grams (31.7 ounces).	40 pieces/900 grams (31.7 ounces)
Sliced	10 pieces/900 grams (31.7 ounces).	20 pieces/900 grams (31.7 ounces)
5. Mechanical damage:		
a. Diced (chips plus large pieces).	40 percent millimeter.	50 percent millimeter
b. Bias or straight cut [crushed units but not discolored plus units less than 3 mm (1/8 in.)].	10 percent millimeter	15 percent millimeter
6. Other defects not specifically defined.	Slightly affect appearance or eating quality.	Materially affect appearance or eating quality

[1] Shall not be graded above U.S. Grade B

[2] m/m indicates percentage by weight. Example: 10 percent m/m blemished material means 40 g in total 400 g drained celery.

Note—Chips in diced style may be separated by using the sieve method. All units that pass through the meshes of a 5/16 in. (8 mm) sieve are counted as chips. The sieve to be used is a five-sixteenths (5/16 in.) sieve as listed in Table 1 of "Standard Specifications for Sieve," published March 1, 1940, in L.C. 584 National Bureau of Standards, U.S. Department of Commerce.

§ 2852.6579 Sample size.

The sample size to determine the requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1–2852.83).

§ 2852.6580 Lot quality requirements.

A lot of canned celery is considered as meeting the requirements for quality if:

(a) The requirements specified in § 2852.6578 are met; and

(b) The sampling plans and acceptance procedures in 7 CFR 2852.38 are met.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C., on: August 14, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-24241 Filed 8-20-81; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Ch. 60

Government Contractors; Affirmative Action

AGENCY: Office of Federal Contract Compliance Programs (OFCCP), Labor.

ACTION: Amendment of advance notice of proposed rulemaking.

SUMMARY: On July 14, 1981, the Department of Labor published an advance notice of proposed rulemaking regarding non-discrimination and affirmative action requirements for government contractors (see 46 FR 36213). The advance notice invited the public to comment upon certain issues affecting the contract compliance program. The advance notice was in addition to proposed rulemaking which the Department of Labor anticipates proposing on or before August 26, 1981. Since publication of the advance notice, an additional item has arisen upon which the Department would like to request public comment. Therfore, this amendment is being made to the advance notice.

DATES: Comments will be received until September 14, 1981.

ADDRESS: Comments should be sent to James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C–3324, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523–9426.

SUPPLEMENTARY INFORMATION: On July 14, 1981, the Department of Labor published an advance notice of proposed rulemaking (at 46 FR 36213). The advance notice requested that the public comment upon four areas: (1) Methods for determining availability of miniorities and women, the "8-factor analysis" (41 CFR 60–2.11(b)); (2) whether the Department should continue to seek back pay as a remedy and whether to use it in some special way to induce compliance; (3) Exeuctive Order coverage of a construction contractor's nonfederally funded construction projects; (4) female and minority utilization goals for construciton contractors.

The advance notice is in addition to anticipated proposed rulemaking to take place on or before August 26, 1981. The planned proposed rulemaking is a revision of final regulations published on December 30, 1980, the effective date of which has been postponed until August 26, 1981. (For details of the postponements see 46 FR 36215.)

By this document the Department amends the July 14 advance notice of proposed rulemaking to solicit comments with respect to 41 CFR 60–2.11(b). In developing an affirmative action program, paragraph (b) currently requires as follows for job groups:

§ 60–2.11 [Amended]

* * * * *

(b) An analysis of all major job groups at the facility, with explanation if minorities or women are currently being underutilized in any one or more job groups ("job groups" herein meaning one or a group of jobs having similar content, wage rates and opportunities). * * *.

* * * * *

OFCCP is asking the public to comment on this issue, and is publishing the following questions. Please provide a rationale with your answers. In commenting upon this revision to the advance notice, please identify this notice by date.

1. Should the current regulation on job groups be changed? If so, in what ways?

2. If a new regulation is developed, should it be expressed in general terms similar to the current regulation or should it specifically detail how job groups must be formulated?

3. Should job groups be formulated by some means other than content, wage rate and opportunity, e.g., wage levels or categories utilized in Standard Form 100 (the EEO–1 required by 41 CFR 60–1.7 of OFCCP's regulations)? In formulating job groups, should higher level jobs be grouped with those which serve as a promotional pool? If so, how should this be accomplished?

4. Should a standard be set that would establish a minimum or optimum number of incumbents for a job group? If so, what should those numbers be? Further, what should be done if in one or a number of job groups the minimum number cannot be met?

5. Should separate standards for job grouping be established for small contractors? Should standards be established for each industry group? If so, what should these standards be?

Signed at Washington, D.C., this 19th day of August 1981.

Robert B. Collyer,

Deputy Under Secretary for Employment Standards.

Ellen M. Shong,

Director, OFCCP.

[FR Doc. 81–24623 Filed 8–20–81; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF AGRICULTURE

Agricultural Maketing Service

7 CFR Parts 27, 28, and 61

Cotton and Cottonseed; Revision in Fees

AGENCY: Agricultural Marketing Service.

ACTION: Proposed rulemaking.

SUMMARY: A revision in fees is proposed due to the increased costs of providing cotton classing and related services, and supervision of cottonseed grading. Cotton standards price increases proposed are due to the requirements of the Omnibus Reconciliation Act of 1981.

DATE: Comments by September 10, 1981.

ADDRESS: Comments may be mailed to Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, AMS, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Loyd R. Frazier, (202) 447–2147.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under the USDA procedure established in accordance with Executive Order 12291 of February 17, 1981, and has been classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations, has determined that this action will not have a significant impact on a substantial number of small business entities because (i) use of the services is voluntary; and (ii) further, if there is any impact, the Secretary is required by statute to make the services available and to recover the costs of the services from the users of the services.

Due to the requirement contained in the Omnibus Reconciliation Act of 1981 for implementation of its provisions concerning cotton standards, it is necessary to make this regulatory action comply with an effective date of October 1, 1981. The increases are also being proposed for the classing of cotton linters and for cottonseed grading which are authorized by the Agricultural Marketing Act of 1946. Since these services are directly related to the marketing of cotton, it is desirable that all fee increases have a uniform effective date of October 1, 1981. Due to the nearness of such effective date, a 60-day comment period on this proposed rule is impractical. The comment period for this proposed rule will be 20 days.

The United States Cotton Standards Act (7 U.S.C. 51–65), United States Cotton Futures Act (7 U.S.C. 15b), and Agricultural Marketing Act of 1946 (7

U.S.C. 1621–1627) authorize the Secretary of Agriculture to provide cotton classing and related services and supervision of cottonseed grading to the public on a fee basis. The Secretary is further directed to set such fees for these services as will allow USDA to recover the costs of providing the services.

The services provided include cotton classing and cottonseed grading. Due to increases of USDA costs in providing these services since the last adjustment in fees on August 1, 1979 (44 FR, 40481–40494), an average increase in fees of about 20 percent is proposed.

Many factors are considered in calculating the cost of providing services. Increases in personnel costs, rent, utilities and communications have the most significant impact on these costs. Federal salaries have increased 16 percent and expenditures for rent, utilities, and communications have gone up 25 percent since August 1979. A significant amount of travel is involved in performing these services also, and the standard daily per diem rate has increased over 40 percent since the last fee adjustment. These increases, along with increased costs for supplies and materials, are responsible for an overall increase in the costs of providing services of approximately 20 percent.

An amendment to the Cotton Standards Act (7 U.S.C. 55) contained in the Omnibus Reconciliation Act of 1981 directs the Secretary of Agriculture to assess such prices for cotton standards that will fully recover the costs of providing standards including development, administrative and supervisory costs. Heretofore, only costs of producing and distributing the standards were included in the prices. Standards development, related research, supervisory and administrative costs were not previously included in the calculations for establishing the prices. This requirement, and the increases in costs of providing the services since the last adjustment in prices on August 1, 1979 (44 FR, 40481–40494), result in a substantial increase in the prices proposed for cotton standards.

Therefore the following amendments are proposed:

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

1. Sections 27.80 and 27.81 are revised to read as follows:

§ 27.80 Fees; classification, micronaire, and supervision.

For services rendered by the Cotton Division pursuant to this subpart, whether the cotton involved is tenderable or not, the person requesting the services shall pay fees as follows:

(a) Initial classification and certification—90 cents per bale.

(b) Review classification and certification—$1.10 per bale.

(c) Micronaire determination and certification—20 cents per bale.

(d) Combination service—$2 per bale. (initial classification, review classification, and Micronaire determination covered by the same request and only the review classification and Micronaire determination results certified on cotton class certificates.)

(e) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any or more of these operations are performed together—$1.10 per bale.

(f) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any one of these operations is performed individually—$1.10 per bale.

(g) Supervision, by a supervisor of cotton inspection, of transfer of cotton to a different delivery point, including issuance of new cotton class certificates in substitution for prior certificates—$2.10 per bale.

(h) Supervision, by a supervisor of cotton inspection, of transfers of cotton to a different warehouse at the same delivery point, including issuance of new cotton class certificates in substitution for prior certificates—$1.45 per bale.

§ 27.81 Fees; certificates.

For each new certificates issued in substitution for a prior certificate at the request of the holder thereof, for his business convenience, or when made necessary by the transfer of the cotton under the supervision of an exchange inspection agency as provided in § 27.73, the person making the request shall pay a fee of 45 cents for each certificate issued.

(90 Stat. 1841–1846; (7 U.S.C. 15b))

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

2. Sections 28.116, 28.117, 28.120, 28.122, 28.123, 28.148, 28.149, and 28.151 are revised to read as follows:

§ 28.116 Amounts of fees for classification; exemption.

(a) For the classification of any cotton or samples, the person requesting the services shall pay a fee, as follows, subject to the additional fee provided in paragraph (c) of this Section;

(1) Grade, staple, and micronaire reading—$1 per sample.

(2) Grade and staple only—85 cents per sample.

(3) Grade only or staple only—60 cents per sample.

(4) Micronaire reading only—20 cents per sample.

(b) When a comparison is requested of any samples with a type or with other samples, the fees prescribed in paragraph (a) of this section shall apply to every sample involved, including each of the samples of which the type is composed.

(c) An additional fee of 25 cents per sample shall be assessed for services described in paragraphs (a)(1), (2), and (3), and (b) of this section unless the request for service is so worded that the samples become Government property immediately after classification.

(d) For any review of classification or comparison of any cotton, the fees prescribed in paragraph (a) of this section shall apply. The additional fee prescribed in paragraph (c) of this section is not applicable to review of classification if made on the same sample as the original class or comparison.

§ 28.117 Fee for new memorandum or certificate.

For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder, thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of $1.80 per sheet.

§ 28.120 Expenses to be borne by party requesting classification.

For any samples submitted for Form A or Form D determinations, the expenses of inspection and sampling, the preparation of the samples, and the delivery of such samples to the classification room of the board or other place specifically designated for the purpose by the Director or by the chairman of such board, shall be borne by the party requesting the classification. For samples submitted for Form C determinations, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $14 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

§ 28.122 Fee for practical classing examination.

The fee for the complete practical classing examination for cotton or cotton linters shall be $90. Any applicant who passes both parts of the examination may be issued a certificate indicating this accomplishment. Any person who passes one part of the examination, either grade or staple, and fails to pass the other part, may be reexamined for that part that was failed. The fee for this partial reexamination is $50.

§ 28.123 Costs of practical forms of cotton standards.

The cost of practical forms of the cotton standards of the United States shall be as follows:

Grade standards	Domestic shipments f.o.b. Memphis, Tenn.	Foreign shipments surface delivery
	Dollars each box	
America Upland:		
12-sample official boxes:		
(Universal Standards)	150.00	170.00
5-sample guide boxes	80.00	95.00
American Pima:		
6-sample guide boxes	110.00	125.00
Standard for length of staple		
American Upland (prepared in one pound rolls for each length)	11.00	13.00
American Pima (prepared in one pound rolls for each length)	12.00	14.00

§ 28.148 Fees and costs; classification reviews; other.

The fee for the classification, comparison, or review of linters with respect to grade, staple, and character or any of these quantities shall be at the rate of 90 cents for each bale or sample involved. The provisions of §§ 28.115 through 28.126 relating to other fees and costs shall, so far as applicable, apply to services performed with respect to linters.

§ 28.149 Fees and costs; Form C determination.

For samples submitted for Form C determination, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $14 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

§ 28.151 Cost of practical forms for linters; period effective.

Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.05; Provided, that no practical form of any of the official cotton linters standards of the United States for grade shall be considered as representing any of said standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The cost of the official standards for grade shall be at the rate of $80 each, f.o.b. Memphis, Tennessee, for shipments within the continental United States, and $95 each, delivered to destination, for shipments outside the United States. The cost of the official standards for staple be at the rate of $15 each, f.o.b. Memphis, Tennessee, for shipments within the continental United States, and $17 each, delivered to destination, for shipments outside the continental United States.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61; and the Omnibus Reconciliation act of 1981)

3. Section 28.184 is revised to read as follows:

§ 28.184 Cotton linters; general.

Request for the classification or comparison of cotton linters pursuant to this subpart and the samples involved shall be submitted to the Board of Cotton Linters Examiners. All samples classed shall be on the basis of the official cotton linters standards of the United States. The fee for classification or comparison and the issuance of a memorandum showing the results of such classification or comparison shall be 90 cents per sample.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION SAMPLING AND CERTIFICATION)

6. Sections 61.43, 61.44, 61.45, and 61.46 are revised to read as follows:

§ 61.43 Fee for sampler's license.

In the examination of an applicant for a license to sample and certificate official samples of cottonseed the fee shall be $14, but no additional charge shall be made for the issuance of a license. For each renewal of a sampler's license the fee shall be $12.

§ 61.44 Fee for chemist's license.

For the examination of an applicant for a license as a chemist to analyze and certificate the grade of cottonseed the fee shall be $290, but no additional charge shall be made for the issuance of a license. For each renewal of a chemist's license the fee shall be $95.

§ 61.45 Fee for certificates to be paid by licensee to Service.

To cover in part the cost of administering the regulations in this part each licensed cottonseed chemist shall pay to the Service $1.10 for each certificate of the grade of cottonseed issued by him. Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA."

§ 61.46 Fees for the review of grading of cottonseed.

For the review of the grading of any lot of cottonseed, the fee shall be $36. Remittance to cover such fee, in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA" shall accompany each application for review. Of each such fee collected, $12 shall be covered into the Treasury and $12 disbursed to each of the two licensed chemists designated to make reanalysis of such seed.

(Secs. 203 and 205, 60 Stat. 1087 and 1090, as amended; 7 U.S.C. 1622–1624.)

Dated: August 19, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-24629 Filed 8-20-81; 9:27 am]

BILLING CODE 3410-02-M

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7 CFR Part 28

Implementation of User-Fees for Cotton Classification Service to Producers

AGENCY: Agricultural Marketing Service.

ACTION: Proposed Rulemaking.

SUMMARY: This action is proposed to implement a user fee for cotton classification services to producers as required by the Omnibus Reconciliation Act of 1981. The Omnibus Reconciliation Act contains amendments to the Cotton Statistics and Estimates Act of 1927 (7 U.S.C. 471–476) which direct the Secretary of Agriculture to provide cotton classification services to producers and recover as nearly as practicable, the costs of providing such service through the imposition of a user fee.

DATE: Comments by September 10, 1981.

The effective date for this rulemaking to become final is October 1, 1981, as required by the Omnibus Reconciliation Act of 1981.

ADDRESS: Comments may be mailed to Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, AMS, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, AMS, USDA, Washington, D.C. 20250, (202) 447–2147.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under the USDA procedure established in accordance with Executive Order 12291 of February 17, 1981, and has been classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations has determined that this action will not have a significant impact on a substantial number of small business entities as (i) cotton classification services will continue to be provided to producers; (ii) the fee will be imposed upon the producers who receive the service; and (iii) cotton classification is not mandatory.

The Omnibus Reconciliation Act of 1981 requires the user fee for cotton classification to be imposed on October 1, 1981. Due to the nearness of such effective date, 60-day comment period on this proposed rule is impractical. Comment period for this proposed rule will be 20 days.

The 1937 Smith-Doxey Amendment to the Cotton Statistics and Estimates Act of 1927 (7 U.S.C. 471–476) directed the Secretary of Agriculture to provide free cotton classification and market news services to producers organized to promote the improvement of cotton. Actually, the classing service has not been entirely free because the samples submitted by producers become Government property after classing and are sold as baled loose cotton. The free services began in 1937 primarily as an incentive to producers to improve the quality of cotton and to place them in a better bargaining position in the marketplace by furnishing quality information on each bale produced. The Omnibus Reconciliation Act of 1981 includes amendments to the statute which direct the Secretary to provide cotton classification services to producers on a user fee basis. The Secretary is further authorized to set the user fee at a level that when combined with the proceeds from the sale of samples submitted for classification will recover, as nearly as practicable, the cost of the Service provided, including the administrative and supervisory costs. The Secretary is also directed to take necessary action to insure that the universal cotton standards system is preserved and that the Government cotton classification system continues to operate to provide an official quality description for the United States cotton crop.

The proposed fee for classification will be 60 cents per sample. Since we have no experience charging fees under this type of service, the fee of 60 cents may be adjusted, downward or upward, based on experience gained in operating the program.

Under the proposed regulations, receipt of a properly drawn and identified sample of the producer's cotton by the USDA classing facility serving the area where it is ginned will constitute a request for classification service from the producer. Classing facilities will maintain separate accounts for each participating producer and periodic billings will be scheduled to coincide as closely as possible with a monthly statement cycle. No action is required of producers who do not wish to participate in the classification program since only those producers from whom samples were received by USDA will receive classification services.

Cotton samples for official USDA classification must be drawn by licensed cotton gins or warehouses. Requirements for licensing and approved procedures for the drawing and handling of cotton samples are not altered under this proposed rule.

Therefore the following amendments are proposed:

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

1. Subpart D is amended by revising the subpart title and authority to read as follows:

Subpart D—Cotton Classification and Market News Services for Producers

Authority: Sec. 10, 42 Stat. 1519, sec. 3c, 50 Stat. 62; 7 U.S.C. 61, 473c, and The Omnibus Reconciliation Act of 1981, unless otherwise noted.

2. Section 28.901 is amended by revising paragraphs (a), (c), and (e), and adding (f) to read as follows:

Definitions

§ 28.901 Definitions.

When used in the regulations in this subpart:

(a) "Act" means the applicable provisions of the act of Congress of March 3, 1927 (44 Stat. 1372), as amended by the act of Congress of April 13, 1937 (50 Stat. 62) (7 U.S.C. 471–476), the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U.S.C. 51 et seq.) and The Omnibus Reconciliation Act of 1981, unless otherwise noted.

* * * * *

(c) "Administrator" means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act for the Administrator.

* * * * *

(e) "Director" means the Director of the Cotton Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act for the Director.

(f) "Producer" means any individual, partnership, corporation, association, trust, estate, or other legal entity, a state or political subdivision thereof, or any agency of such state or political subdivision producing American Upland or American Pima cotton in the capacity of landowner, landlord, tenant, or sharecropper.

* * * * *

3. Sections 28.903 and 28.904 are revised to read as follows:

Classification and Market News Services

§ 28.903 Classification of samples.

The Director, or an authorized representative, upon the receipt of a producer's cotton sample which complies with the regulations in this subpart shall, as hereinafter provided, furnish to such producer or to an agent designated by the producer the classification in accordance with the official cotton standards of the United States.

§ 28.904 Market news.

The Director shall cause to be distributed to producers of cotton and to others on request, timely information on prices for various qualities of cotton.

§ 28.905 [Removed]

4. Section 28.905 is removed.

5. Sections 28.906 and 28.907 are revised to read as follows:

Sampling

§ 28.906 Sampling arrangements.

(a) Cotton must be sampled by a gin or warehouse that holds a valid license to sample cotton issued pursuant to §§ 28.20–28.22.

(b) The Director, or an authorized representative may direct that sampling

be performed by employees of the Department of Agriculture for the purpose of appraising the sampling procedures at cotton gins or warehouses, or for the purpose of providing service to producers in special cases where a licensed gin or warehouse is not available.

(Sec. 2, Pub. Res. 72–73, 47 Stat. 1621 (7 U.S.C. 51b))

§ 28.907 Responsibilities of licensed gins or warehouses.

Each licensee shall be primarily responsible for drawing, identifying, handling, and shipping samples of cotton in accordance with this subpart and with instructions furnished by the Director or an authorized representative from time to time.

(Sec. 2, Pub. Res. 72–73, 47 Stat. 1621 (7 U.S.C. 51b))

6. Section 28.908 is amended by revising paragraphs (a), (c), and (e), and adding (g) to read as follows:

§ 28.908 Samples.

(a) *Only one sample to be submitted.* Only one sample from each bale of eligible cotton shall be submitted for classification under this subpart. This does not prohibit the submission of an additional sample from a bale for review classification if the producer so desires.

* * * * *

(c) *Mechanical sampling.* Samples may be drawn in gins equipped with mechanical samplers approved by the Division and operated according to sampling instructions furnished by the Director or an authorized representative. Such samples shall not be less than 6 ounces in weight.

* * * * *

(e) *Handling samples.* Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Samples shall be handled only by employees of the licensee prior to shipment or delivery to the cotton classing office of the Division

* * * * *

(g) Request for classification. Samples received from a licensed gin or warehouse with the identification tag required in sec. 28.908(f) shall constitute a request for classification service by the producer.

7. Sections 28.909, 28.910, and 28.911 are revised to read as follows:

§ 28.909 Costs.

(a) Costs incident to sampling, tagging, and identification of samples and transporting samples to points of shipment shall be assumed by the producer, but tags and containers for the shipment of samples and shipping charges via U.S. Postal Service or duly authorized common carrier will be furnished by the Service. After classification the samples shall become the property of the Government. The proceeds of the sale of cotton samples shall be used to defray the costs of providing the services under this subpart.

(b) The Division will periodically bill producers or the agents designated by the producers for the cost of classification. The cost for cotton classification service to producers is 60 cents per sample.

Classification

§ 28.910 Classification of samples and issuance of memoranda.

(a) The samples submitted as provided in this subpart shall be classified by employees of the Division and classification memoranda showing the official quality determinations of each sample according to the official cotton standards of the United States will be mailed or made available to the producer whose name appears on the tag accompanying the samples, or to an agent designated by the producer to receive the classification memoranda.

(b) Upon the request of an owner of cotton for which classification memoranda have been issued under this subpart, a new memorandum shall be issued for the business convenience of such owner without the reclassification of the cotton. Such rewritten memorandum shall bear the date of its issuance and the date or inclusive dates of the original classification. The fee for a new memorandum shall be $1.80 per sheet.

§ 28.911 Review classification.

A producer may request one review classification for each bale of eligible cotton. The fee for review classification is $1.00 per sample. Samples for review classification must be drawn by gins or warehouses licensed pursuant to §§ 28.20–28.22, or by employees of the United States Department of Agriculture. Each sample for review classification shall be taken, handled, and submitted according to § 28.908 and to supplemental instructions issued by the Director or an authorized representative of the Director. Costs incident to sampling, tagging, identification, containers, and shipment for samples for review classification shall be assumed by the producer. After classification the samples shall become the property of the Government. The proceeds of the sale of such samples shall be used to defray the costs of providing the services under this subpart.

8. Sections 28.912, 28.913, 28.914, 28.915, and 28.916 are removed.

9. Section 28.917 is revised to read as follows:

Limitation of Services

§ 28.917 Limitation of services.

The Director, or an authorized representative, may suspend, terminate, or withhold cotton classing and market news services to any producer upon any failure of the producer to comply with the act or these regulatins. Failure to remit fees for classification services shall result in loss of service.

Dated: August 19, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81–24830 Filed 8–20–81; 9:27 am]

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Notices

Federal Register
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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Stamp Program; Adjustment in the Number of Work Registration Referrals

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This action is in regard to the Food Stamp Program and announces the intention of the Food and Nutrition Service to adjust the number of work registration referrals made by State welfare agencies to State Employment Security Agencies (SESA). This action reflects a change in the amount of funds available for SESAs to carry-out certain work registration and job search activities required under current regulations. This action will reduce the workload of SESAs to enable them to continue to participate in work registration and job search activities consistent with the funds available.

FOR FURTHER INFORMATION CONTACT: Joan McAndrew, Supervisor, Analysis Section, Program Policy and Analysis Branch, State Operations Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250; 202–447–8137.

SUPPLEMENTARY INFORMATION: This action has been reviewed under Executive Order No. 12291 and Secretary's Memorandum No. 1512–1. While there will be a very small implementation cost, this action would not result in an annual effect on the economy of $100 million or more or a major increase in cost or price for consumers, industries, Federal, State or local governments, or geographical regions. Additionally, this action would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this action has been classified "not major."

This action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Mr. G. William Hoagland, Administrator, Food and Nutrition Service, has certified that this action has no economic impact on small entities. The action simply adjusts a previous estimated workload.

Regulations published jointly by the Department of Labor and the Department of Agriculture, January 16, 1981 (46 FR 4622) provide for work registration and job search activities for work eligible food stamp participants who by law must register for work as a condition of receipt of benefits. Section 273.7(d) states, in part:

> State Employment Security Agency (SESA) responsibility (1) Funding. Each SESA shall participate in the work registration and job search activities for food stamp registrants to the extent that the funds necessary for proper and efficient administration are made available. Each year the Employment and Training Administration of the Department of Labor and the Food and Nutrition Service will negotiate funding levels based on available appropriations and on agreed upon projections of workload levels and the types of services to be provided.

There has been an adjustment in the amount of funds available for the Department of Agriculture to transfer to the Department of Labor for the added work registration activities described in the January 1981 joint regulations. Therefore, it has become necessary to make adjustments in the particular responsibilities of State welfare agencies and SESAs defined in those regulations. Currently all work eligible participants are referred to SESAs. After consultation with the Department of Labor, it has been determined that work registration referrals made by State welfare agencies to SESAs will be made on a selective basis. This action will substantially reduce the workload of SESAs and consequent cost without altering the types of service to be provided to Food Stamp Program participants at these offices.

In addition, the Departments are continuing with demonstration projects to determine the most effective and efficient methods of providing work registration and job search assistance to work eligible food stamp recipients. These projects may help to determine future funding and workload allocations for these or similar activities.

Current regulations (7 CFR 273.7(d)) require that SESAs shall provide added work registration and job search activities for food stamp registrants to the extent that funds necessary for proper and efficient administration are available. Accordingly, the Food and Nutrition Service, USDA, announces its intention to adjust the number of work registration referrals made by State welfare agencies to SESAs. SESAs will provide full service as described in § 273.7 to these selective referrals.

Instructions to State welfare agencies and SESAs shall be issued as to how this adjustment in the number of referrals is to be accomplished and when the procedures will take effect.

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: August 10, 1981.

G. William Hoagland,

Administrator.

[FR Doc. 81–24323 Filed 8–20–81; 8:45 am]

BILLING CODE 3410–30–M

Rural Electrification Administration

Mid-Georgia Telephone Corp., Commerce, Georgia; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974 (Vol. 39 No. 180, pages 33228–33229), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $11,000,000 to Mid-Georgia Telephone Corporation, Commerce, Georgia. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and

servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Thomas L. Johnson, President, Mid-Georgia Telephone Corporation, P.O. Box 439, Commerce, Georgia 30529.

To assure consideration, proposals must be submitted on or before September 21, 1981 to Mr. Johnson. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Mid-Georgia Telephone Corporation and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

Dated at Washington, D.C., this 17th day of August 1981.

Harold Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81–24439 Filed 8–20–81; 8:45 am]
BILLING CODE 3410–15–M

San Miguel Electric Cooperative, Inc., Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare a supplemental environmental impact statement in connection with proposed financing assistance by REA for San Miguel Electric Cooperative, Inc., (San Miguel) of Jourdanton, Texas. The proposed financing assistance will be used by San Miguel for the completion of the San Miguel Unit No. 1 lignite-fired power plant (Project).

The environmental effects of the Project are discussed and evaluated in the Final Environmental Impact Statement (FEIS) issued in August 1978, the Borrower's Environmental Report (BER) dated March 1981, and the Environmental Assessment which was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the Project are adequately considered in the FEIS, San Miguel's BER and the REA Environmental Assessment.

REA's independent evaluation of the Project leads it to conclude that its proposed financing assistance does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on the REA Environmental Assessment, and a review of the FEIS and San Miguel's BER, a Finding of No Significant Impact was reached in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20–21:320–21, Part I.

Various alternatives were considered by San Miguel and REA. The alternatives include no action (resulting in termination of the project), alternative sources of power, and completion of the existing project. After considering these alternatives, REA determined that the proposed action of providing additional financing assistance to San Miguel for completion of the Project is the best alternative.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and the BER may be obtained from or reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, or may be reviewed at the office of San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78570.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 17th day of August 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81–24432 Filed 8–20–81; 8:45 am]
BILLING CODE 3410–15–M

Soil Conservation Service

Bois d'Arc East RC&D Measure, Texas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76501, telephone 817–774–1214.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bois d'Arc East RC&D Measure, Fannin County, Texas.

The environmental assesment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include shaping, smoothing and vegetation gulled areas, constructing and vegetating grade stabilization structures, and fencing.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks. The FNSI has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 21, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted program and projects is applicable).

Dated: August 11, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–24443 Filed 8–20–81; 8:45 am]
BILLING CODE 3410–16–M

Clove Brook Watershed, New Jersey; Authorization of Federal Assistance in the Installation of Works of Improvement

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of authorization of federal assistance in the installation of works of improvement.

FOR FURTHER INFORMATION CONTACT: Mr. Plater T. Campbell, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, P.O. Box 219, Somerset, New Jersey 08873, telephone 201–246–1205.

NOTICE: Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1008) has been authorized for the Clove Brook Watershed, New Jersey.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83–566, 16 U.S.C. 1001–1008)

Dated: August 13, 1981.

Cletus J. Gillman,

Deputy Chief for State and Local Operations.

[FR Doc. 81-24440 Filed 8-20-81; 8:45 am]

BILLING CODE 3410-16-M

Little Shenango River Watershed, Pennsylvania; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture..

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building and U.S. Courthouse, Box 985, Federal Square Station, Harrisburg, Pennsylvania 17108, telephone (717) 782–2202.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Shenango River Watershed, Mercer and Crawford Counties, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement, as supplemented, include accelerated land treatment measures, five floodwater retarding dams, one multipurpose dam with a recreation facility, and 4,460 feet of dike.

To date, 60 percent of the accelerated land treatment, three floodwater retarding dams, and one multipurpose dam have been installed. The accelerated land treatment program installed in the watershed adequately meets an acceptable level of treatment needed to protect the soil and water resources.

The environmental assessment findings determined that completion of the project measures would not cause significant impacts on the environment. The environmental evaluation was based upon constructing the remaining two floodwater retarding dams, the recreation facility, and the 4,460 feet of concrete and earthen dike.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 21, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 12, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-24442 Filed 8-20-81; 8:45 am]

BILLING CODE 3410-16-M

Pleasant Valley Creek Watershed, Washington; Authorization of Federal Assistance in the Installation of Works of Improvement

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of authorization of federal assistance in the installation of works of improvement.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, 360 U S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, telephone 509–456–3711.

NOTICE: Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1008) has been authorized for the Pleasant Valley Creek Watershed, Washington.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: August 13, 1981.

Cletus J. Gillman,

Deputy Chief for State and Local Operations.

[FR Doc. 81-24441 Filed 8-20-81; 8:45 am]

BILLING CODE 3410-16-M

Wolf River Watershed, Montana; Authorization of Federal Assistance in the Installation of Works of Improvement

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of authorization of federal assistance in the installation of works of improvement.

FOR FURTHER INFORMATION CONTACT: Mr. Van K. Haderlie, State Conservationist, Soil Conservation Service, 32 E. Babcock, P.O. Box 970, Bozeman, Montana 59715, telephone 406–587–5271.

NOTICE: Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1008) has been authorized for the Wolf Creek Watershed, Montana.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83–566, 16 U.S.C. 1001–1008)

Dated: August 13, 1981.

Cletus J. Gillman,

Deputy Chief for State and Local Operations.

[FR Doc. 81-24439 Filed 8-20-81; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION OF CIVIL RIGHTS

Iowa, Kansas, Missouri, and Nebraska Advisory Committees; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a regional planning conference of the Iowa, Kansas, Missouri, and Nebraska Advisory Committees to the Commission will convene at 1:00 p.m. and will end at 5:00 p.m. on September 25, 1981; they will also convene at 9:00 a.m. and will end at 3:00 p.m. on September 26, 1981, at the Airport Inn—Best Western, Eppley Airfield, Omaha, Nebraska. The purpose of this regional planning conference is to discuss program plans for FY 1982.

Persons desiring additional information or planning a presentation to the committee, should contact either the Iowa Chairperson, Mr. Lee B. Furgerson, 1225 Stephenson Way, Des

Moines, Iowa 50307, (515) 282–8696, the Kansas Chairperson, Mr. Benjamin H. Day, 313 Prospect, Leavenworth, Kansas 67201, (913) 682–1762, the Missouri Chairperson, Mrs. Joanne M. Collins, 4030 Bellefontaine, Kansas City, Missouri 64114, (816) 444–0253, the Nebraska Chairperson, Mrs. Shirley M. Marsh, 2701 S. 34th Street, Lincoln, Nebraska 68509, (402) 486–2871, or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 374–5253.

The planning conference will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 17, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-24463 Filed 8-20-81; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 4:30 p.m., on September 17, 1981, at the Capital Plaza Hotel, 240 W. State Street, Trenton, New Jersey. The purpose of this meeting is to hear presentation by various state, local and private organizations regarding issues of discrimination.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde C. Allen, 620 Sheridan Avenue, Plainfield, New Jersey 07060, (212) 572–7577, or the Eastern Regional Office, 26 Federal Office Building, Room 1639, New York, New York 10007, (212) 264–0543.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 17, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-24464 Filed 8-20-81; 8:45 am]

BILLING CODE 6335-01-M

Utah Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Utah Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 10:00 p.m., on September 10, 1981, at Howard Johnson Motor Lodge, the Lisa Room, 122 W. South Temple Street, Salt Lake City, Utah 84101. The purpose of this meeting is to discuss the current project, Affirmative Action in the Energy Industry in Utah.

Person desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Fred Oswald, 1827 Princeton Avenue, Salt Lake City, Utah 84105, (801) 335–6929, or the Rocky Mountain Regional Office, Brook Towers, Suite 2235, 1020 15th Street, Denver, Colorado 80202, (303) 837–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 14, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-24462 Filed 8-20-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces replacement of Project 02–10–80007–01 (New York State) and 02–10–80008–01 (New Jersey State) with that described below.

The Minority Business Development Agency announces that it is seeking applications under its program to operate two New York Region projects for a twelve month period beginning September 30, 1981. The aggregate total cost of the projects is $346,500.

Funding Instrument: It is anticipated that the funding instruments, as defined by the Federal Grant and Cooperative Agreements Act of 1977, will be grants.

Program Description: The General Business Services Program of the Minority Business Development Agency (MBDA) provides technical assistance without charge to eligible minority business persons and minority-owned firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not for profit" or commercial entities). These firms must be capable of providing such services as preparation of business plans, financial analysis, industrial management assistance, personnel management services, marketing planning and a broad range of other business services excluding legal services. Applications are invited for the following two projects:

1. One grant for a management and technical assistance project to operate in the entire State of New York. Only construction contractors will be served under this project. The Project will operate at a cost not to exceed $198,000. The Project I.D. Number is 02–10–80021–01.

2. One grant for a management and technical assistance project to operate in the entire State of New Jersey. Only construction contractors will be served under this project. The Project will operate at a cost not to exceed $148,500. The Project I.D. Number is 02–10–80022–01.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for these projects may be requested by writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 26 Federal Plaza, Room #3707, New York, New York 10278.

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, Federally recognized Indian tribal units, educational institutions, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of September 14, 1981. Applications received after that date will not be considered. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development
(Catalog of Federal Domestic Assistance)

(This program is not subject to the requirements of IME Circular A–95)

R. Allen Walls,

Acting Regional Director.

[FR Doc. 81–24436 Filed 8–20–81; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Application for Permit; To Take Marine Mammal, Dolphins

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Point Defiance Zoo and Aquarium (P284).

b. Address: 5402 North Shirley, Tacoma, Washington 98407.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Pacific bottlenose dolphins (Tursiops spp.), 5.

4. Type of Take: Hold permanently in captivity.

5. Location of Activity: Catalina and San Clemente Islands, California.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 and

Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Dated: August 17, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–24488 Filed 8–20–81; 8:45 am]

BILLING CODE 3510–22–M

Application for Permit to Take Marine Mammals; Seals

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Dr. Donald B. Siniff (P5E), Department of Ecology and Behavioral Biology.

b. Address: 108 Zoology Building, University of Minnesota, Minneapolis, Minnesota 55455.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals:

Weddell seal (Leptonychotes weddelli), 2,418.

Crabeater seal (Lobodon carcinophagus), 90.

Leopard seal (Hydrurga leptonyx), 90.

Ross seal (Ommatophoca rossi), 90.

Southern elephant seal (Mirounga leonina), 90.

Southern fur seal (Arctocephalus gazella), 90.

4. Type of Take: Up to 2,400 Weddell seals will be captured, tagged and released, 240 of these will also be instrumented with radio frequency and/or sonic tags. Up to 18 Weddell seals will be taken by killing. The other species will be taken, tagged, and released.

5. Location of Activity: McMurdo Sound, Antarctica.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following office:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.

Dated: August 17, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–24489 Filed 8–20–81; 8:45 am]

BILLING CODE 3510–22–M

National Telecommunications and Information Administration

Frequency Management Advisory Council; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet from 9:30 a.m. to 3:30 p.m. on September 11, 1981, in the Aspen Room at the National Telecommunications and Information Administration, 1325 "G" Street NW., Washington, D.C. (Public entrance to the building is on "G" Street, between 13th Street and 14th Street, N.W.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 15 members whose knowledge of telecommunications is balanced in the

functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The agenda items for the meeting will be:

(1) Briefing on INTELPOST—Mr. Helmo Raag Director, Electronic Mail Systems—COMSAT General Corp.

(2) FMAC Views on Issues for the 1982 ITU Plenipotentiary Conference.

(3) Preparation for ITU Conferences—Mr. Richard D. Parlow—NTIA.

(4) Discussion of NTIA Electromagnetic Compatibility Capabilities and Activities—Mr. Robert J. Mayher—NTIA.

(5) Any Procedural Business of the Council.

(6) Scheduling of the next meeting.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before September 9, 1981. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 15 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Council Control Officer, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 288, 1325 "G" Street NW., Washington, D.C. 20005, telephone 202–724–3301.

Dated: August 18, 1981.

Cloyd C. Dodson,

Committee Liaison Officer, National Telecommunications and Information Administration.

[FR Doc. 18-24499 Filed 8-20-81; 8:45 am]

BILLING CODE 3510-60-M

Office of the Assistant Secretary

Membership of Departmental Performance Review Board; Announcement of Revision

This notice announces the revised membership of the Departmental Performance Review Board (PRB) in the Department of Commerce and the appointment of its members. The Departmental PRB will review the performance of appointing authorities and their immediate deputies who are in the SES and other SES members whose ratings are initially prepared by their respective appointing authorities.

The following members of the Departmental PRB are appointed for a period of approximately 24 months which officially begins September 1, 1981.

Guy W. Chamberlin, Jr., Director, Office of Administrative and Information Systems, National Bureau of Standards

Clifford J. Parker, Deputy Assistant Secretary for Resources Management, Office of the Secretary

Joseph C. Brown, Deputy Director for Personnel Administration, Office of the Secretary

Daniel Levine, Deputy Director, Bureau of the Census, Office of the Chief Economist

Shirley Kallek, Associate Director, Economic Fields, Bureau of the Census, Office of the Chief Economist

Lorin Goodrich, Director, Office of Management and Administration, Economic Development Administration

Anthony DeAngelo, Director, Office of Program Operations, Economic Development Administration

William Skidmore, Director, Office of Export Administration, International Trade Administration

John B. Roose, Deputy to the Deputy Assistant Secretary for Export Development, International Trade Administration

Peter Hale, Director, Office of Country Marketing, International Trade Administration

Allan A. Stephenson, Deputy Director, Minority Business Development Agency

James W. Brennan, Deputy General Counsel, National Oceanic and Atmospheric Administration

Dale N. Hatfield, Deputy Assistant Secretary for Communication and Information

Lucy Falcone, Deputy Assistant Secretary for Domestic Economic Policy, Office of Policy

Edward L. Brady, Associate Director, International Affairs, National Bureau of Standards, Office of Science and Technology

Herbert C. Wamsley, Director, Trademark Examining Operation, Patent and Trademark Office

Frederic A. Heim, Assistant Inspector General for Audits, Office of Inspector General

Persons desiring any further information about the Departmental PRB or its membership may contact Mr. Raymond D'Antonio, Executive Secretary to the Departmental Performance Review Board, Office of Personnel, Main Commerce Building, Room 5119, Washington, D.C. 20230, (202) 377–4534.

Dated: August 13, 1981.

Raymond D'Antonio,

Executive Secretary, Departmental Performance Review Board, U.S. Department of Commerce.

[FR Doc. 81-24478 Filed 8-20-81; 8:45 am]

BILLING CODE 3510-BS-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: August 21, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On May 8, 1981 and May 15, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 25679 and 46 FR 26808) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodity and service are hereby added to Procurement List 1981:

Class 8415

Apron, Impermeable 8415–00–082–6108

SIC 7349

Janitorial Service, Spokane, Washington at the following FAA Facilities:

Air Traffic Control Tower Building and Adjacent TRACON Building including connecting enclosed walkway, Spokane International Airport;
Felts Field for the following Buildings:

Air Traffic Control Tower, Flight Service Station, General Aviation District Office.

C. W. Fletcher,
Executive Director.

[FR Doc. 81-24434 Filed 8-20-81; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: September 23, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed, additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 7210

Sheet, Bed, 7210-00-081-0878, 7210-00-884-9113.

Class 8340

Line, Tent, Cotton, Twisted, 8340-00-263-0255.

SIC 7349

Janitorial/Custodial, Naval Supply Center, Buildings 321 and 322, Oakland Army Base, California.

SIC 7369

Commissary Shelf Stocking and Custodial Services, Edwards Air Force Base, California.

SIC 0782

Grounds Maintenance, Combat Systems Technical School Command, Mare Island Naval Shipyard, California.

(This supersedes the portion of the notice published in the **Federal Register** on August 7, 1981 (46 FR 40248) proposing the addition of Grounds Maintenance, Command Systems Technical School Command to Procurement List 1981.)

C. W. Fletcher,
Executive Director.

[FR Doc. 81-24435 Filed 8-20-81; 8:45 am]
BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB)
Dates of meeting: 31 August 1981; 1 September 1981
Time: 0830-1700 hours, 31 August 81; 0830-1430 hours, 1 September 81
Place: The Pentagon, Washington, DC
Proposed agenda: The Army Science Board Ad Hoc Sub-Group on Manning Army Systems will meet to present and receive briefings. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The Army Science Board Administrative Staff, (202) 697-9703/695-3039, may be contacted for further information and specific meeting locations.

Roger W. Mickelson,
Colonel, GS, Executive Director.

[FR Doc. 81-24398 Filed 8-20-81; 8:45 am]
BILLING CODE 3710-08-M

United States Army Medical Research and Development Advisory Panel; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Viral & Rickettsial Diseases
Date of meeting: 6 and 7 October 1981
Time and place: 0900 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC
Proposed agenda: This meeting will be open to the public on 6 October 1981 from 0900 to 1000 hours to discuss the scientific research program of the Viral & Rickettsial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1000-1200 hrs and from 1300 hrs to close of business on 6 October and from 0900-1200 hrs on 7 October for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

For the Commander.

Harry G. Dangerfield,
Colonel, MC, Deputy Commander.

[FR Doc. 81-24399 Filed 8-20-81; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-CERT-018]

Consolidated Edison Co. of New York, Inc.; Certification of Eligible Use of Natural Gas to Displace Fuel Oil

On July 31, 1981, Consolidated Edison Company of New York, Inc. (Con Edison), filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for certification of an eligible use of approximately 1.38 billion cubic feet of natural gas until October 31, 1981, which is estimated to displace approximately 196,000 barrels of residual fuel oil (0.3 precent sulfur), approximately 28,000 barrels of kerosene (0.05 percent sulfur), and approximately 10,000 barrels of No. 2 fuel oil (0.2 percent sulfur) between August 1, 1981, and October 31, 1981, at its Astoria, East River, Narrows, Ravenswood, Waterside, and 60th Street steam and electric generating facilities in New York City. The eligible seller of the natural gas is Connecticut Natural Gas Corporation, 233 Pearl Street, Hartford, Connecticut 06103. The gas will be transported by Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001, and

Tennessee Gas Pipeline, P.O. Box 2511, Houston, Texas 77001.

Con Edison has requested that the certification be issued expeditiously in order that Con Edison may be in a position to purchase all of the natural gas and to displace the full volumes of imported fuel oil.

The ERA has carefully reviewed Con Edison's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Con Edison's application satisfies the criteria enumerated in 10 CFR Part 595. We are therefore granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

The requested certification is being issued prior to the 10-day public comment period because it involves the displacement of large volumes of imported fuel oil, and it is in the public interest to maximize the displacement of imported fuel oil. The application also states that the use of this natural gas will be available to displace fuel oil only for a limited period ending October 31, 1981. Given the limited availability of the gas and the authority of the Administrator to terminate a certification for good cause (10 CFR 595.08) if public comments show that the certificate was improperly granted, it is not in the public interest to permanently lose this opportunity to displace large volumes of imported fuel oil while public comments are being solicited. Based upon the applicant's representations as to the limited availability of the gas and because they form the basis for our granting expedited treatment, the certificate will expire on October 31, 1981.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Lynne H. Church, on or before August 31, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Con Edison and any persons filing comments and will be published in the Federal Register.

Issued in Washington D.C., on August 17, 1981.

T. Wendell Butler,

Acting Deputy Administrator, Economic Regulatory Administration.

[FR Doc. 81–24447 Filed 8–20–81; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–81–019; ERA Case No. 51518–0672–21–22]

Acceptance of Exemption Request Pursuant to Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance of exemption request pursuant to the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On July 14, 1981, the City of Kissimmee, Florida (City) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in new powerplants. A final rule setting forth the procedure for petitioning and the criteria for an exemption was published in the Federal Register on June 6, 1980 (45 FR 38276 and 45 FR 38302), 10 CFR Part 500. This rule became effective August 5, 1980.

The peakload powerplant for which the petition was filed is an oil- and/or natural gas-fired 29,000 kilowatt combustion turbine unit to be installed at City's generating plant at Kissimmee, Florida. City certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant. Under 10 CFR 503.41, City has requested a permanent exemption to permit construction of the unit and operation using oil and/or natural gas as a primary energy source. ERA's decision in this matter will determine whether the proposed powerplant qualifies for the requested exemption.

ERA has accepted this petition pursuant to 10 CFR 501.3 and 501.63. In accordance with section 701 (c) and (d) of FUA, and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before October 5, 1981. A request for public hearing must be made by any interested person within this same 45 day period.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Economic Regulatory Administration, Case Control Unit (FUA), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA–FC–81–019 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055

Louis T. Krezanosky, New Powerplants Branch, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3012B, Washington, D.C. 20461, Phone (202) 653–4208

Christina Simmons, Office of General Counsel, Department of Energy, 6B–178 Forrestal Bldg., 1000 Independence Avenue NW., Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. City has filed a petition for a permanent peakload powerplant exemption to use petroleum or natural gas as a primary energy source in its proposed Roy Hansel Unit No. 21 combustion turbine. The unit will have a fuel heat input rate of 347 MM Btu per hour at peak capacity.

To qualify for the peakload powerplant exemption under 10 CFR 503.41, a petitioner must certify to ERA that the powerplant will be operated solely as a peakload powerplant and to

meet peakload demand for the life of the powerplant.

City submitted a certified statement by a duly authorized officer, Mr. Jack Danforth, Utility Director of City, to the effect that the proposed oil-and/or gas-fired combustion turbine will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant.

Mr. Danforth also certified that the maximum design capacity of the powerplant is 29,000 kilowatts and that the maximum generation that will be allowed during any 12-month period is the design capacity times 1,500 hours or 43,500,000 Kwh.

City states that it intends ultimately to convert this unit to a combined cycle unit by adding waste heat recovery boilers and steam turbine generators and that prior to such conversion it intends to petition for an exemption which will be applicable to the combined cycle unit. City is petitioning for a permanent peakload powerplant exemption at this time so that it can commence construction and operation of the combustion turbine to meet the needs of its system.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for peakload powerplants, is among the classes of actions that DOE has proposed be categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. City has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. DOE's Office of Environment, in consultation with the Office of the General Counsel, will review the completed Environmental checklist submitted by City pursuant to 10 CFR 503.15(b)(2), together with other relevant information. Unless it appears during the proceeding on City's exemption that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

ERA hereby accepts the filing of the petition for a permanent peakload exemption as adequate for filing. ERA retains the right to request additional relevant information from City at any time during the pendency of this proceeding. As set forth in 10 CFR 501.3(d), the acceptance of the petition by ERA does not constitute a determination that City is entitled to the exemption requested.

The public file containing documents on these proceedings and supporting material is available for inspection upon request at: ERA, Room B–110, 2000 M Street NW., Washington, D.C. 20461, Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on August 7, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–24374 Filed 8–20–81; 8:45 am]

BILLING CODE 6450–01–M

CN Operating Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces an action taken to execute a Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

Comments by: September 21, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374–5932.

SUPPLEMENTARY INFORMATION: On August 6, 1981, the Office of Enforcement of the ERA executed a Consent Order with CN Operating Co. of Tulsa, Oklahoma. Under 10 CFR §205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

CN Operating Co., with its home office located in Tulsa, Oklahoma, is a firm engaged in the production and sale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of CN Operating Co. the ERA Office of Enforcement and CN Operating Co. entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the production and sales of crude oil by CN Operating Co. during the period August 1, 1978 through January 28, 1981.

2. The reason for the overcharges was CN Operating Co. sold crude oil at prices in excess of the applicable ceiling price, as defined at 10 CFR 212.73(a) and 212.74(a).

3. It is understood that CN Operating Co. does not, by entering into the Consent Order, admit that is has violated any regulations of the DOE.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, CN Operating Co. agrees to refund, in full settlement of any civil liability with respect to action which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $325,000, plus interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made in monthly installments and completed within 36 months from the effective date of the Consent Order. Such refund will be made to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refund overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67.

In fact, the adverse effect of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a).

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or in the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on CN Operating Consent Order." We will consider all comments we receive on or before September 21, 1981, of this notice. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri, on the 10th day of August 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-24605 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2790]

Boott Mills and Proprietors of the Locks and Canals on Merrimack River; The Massachusetts Municipal Wholesale, Electric Co.; Application for Major License

August 14, 1981.

Take notice that an application was filed on December 17, 1979, as revised on May 20, 1980, under the Federal Power Act, 16 U.S.C. 791(a)—825(r), by the Boott Mills and Proprietors of the Locks and Canals on Merrimack River for a major license for the Lowell Hydroelectric Project. On April 30, 1981, the application was modified to include the Massachusetts Municipal Wholesale Electric Company as a co-Applicant. The proposed project would be located on the Merrimack River in Middlesex County, Massachusetts. Correspondence with the Applicant on this matter should be addressed to: Mr. Melvin G. Lezberg, President, Boott Mills and Proprietors of the Locks and Canals on Merrimack River, Foot of John Street, Lowell Massachusetts 01852, and Rodney O. Thorson, Skadden, Arps, Slate, Meagher and Flom, 1775 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Project Description—The proposed project would consist of the Pawtucket Dam Development and four existing smaller developments located along the Lowell Canal System. The project would have a total installed capacity of 22,915 kW.

The Pawtucket Dam Development would utlize: (1) an existing 15-foot high, 1,092-foot long masonry dam; (2) the first 2,000 feet of the existing Northern Canal; (3) a new powerhouse containing turbines and generators having a total installed capacity of 15 MW; (4) a new, 1,000-foot long tailrace channel to be excavated in the existing river bed; (5) fish passage facilities; and (6) appurtenant works.

The four existing hydroelectric developments would be: (1) the 795–kW Assets Power Station Development, which draws water through an intake structure located at the Merrimack Canal and discharges into the Lower Pawtucket Canal; (2) the 3,440–kW Bridge Street Power Station Development which draws water from two separate locations on the Eastern Canal and discharges into the Merrimack River and the Concord River; (3) the 2,500–kW John Street Power Station Development which draws water from the Eastern Canal and discharges into the Merrimack River; and (4) the 1,180–kW Hamilton Power Station Development which draws its water from the Hamilton Canal and discharges into the Lower Pawtucket Canal.

The Applicant proposes to provide recreational facilities at the Pawucket Dam Development, consisting of viewing areas and interpretive materials.

Project power would be used by the Applicant for industrial purposes or would be sold to local public utilities.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Persons who have made filings in response to an earlier public notice of this application will retain their standing before the Commission and need not resubmit their filings. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intevene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before September 25, 1981. The Commission's address is: 825 North Capitol, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24377 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4611-000]

Calleguas Municipal Water District; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 14, 1981.

Take notice that on April 30, 1981, Calleguas Municipal Water District (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 4611) would be located in the Applicant's Conejo Pump

Station in Ventura County, California. Correspondence with the Applicant should be directed to: Frances B. Kimball, Manager, Calleguas Municipal Water District, 2100 Olsen Road, Thousand Oaks, California 91360.

Project Description—The power generated by the proposed project would be sold to the local utilities.

Purpose of Project—The proposed project would consist of: (1) an existing 48-inch pipeline; (2) an existing 750 kW turbine generating unit; and (3) a surge tank.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 25, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining all appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 25, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24378 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-662-000]

Central Power & Light Co.; Notice of Filing

August 17, 1981.

The filing Company submits the following:

Take notice that on August 7, 1981, Central Power and Light Company (Central) tendered for filing a transmission services agreement between Central and the Public Utilities Board of the City of Brownsville, Texas. Central states that the agreement shall be effective from the date of its acceptance for filing by the Commission and shall remain in effect until December 31, 1990 or thereafter according to the further terms of the agreement. Central requests that the effective date of agreement coincide with the filing date and requests waiver of the sixty-day notice requirements under § 35.11 of the regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24379 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2762]

Central Vermont Public Service Corp.; Application for Major License

August 14, 1981.

Take notice that an application was filed on September 28, 1979, and revised on December 17, 1979, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by the Central Vermont Public Service Corporation for major license for the East Georgia Project. On July 16, 1981, the application was modified to include Vermont Hydro Associates as a co-Applicant. The proposed project would be located on the Lamoille River in Franklin County, Vermont. Correspondence with the Applicant on this matter should be addressed to: Mr. Donald L. Rushford, Vice President and General Counsel, Central Vermont Public Service Corporation, 77 Grove Street, Rutland, Vermont 05701, and Julie Meck Hamlin, Vermont Hydro Associates, c/o Essex Development Associates, Inc., 110 Tremont Street, Boston, Massachusetts 02108.

Project Description—The proposed project would consist of: (1) a concrete gravity dam founded on rock with earth abutments, having a maximum height of 80 feet above the river and a length of 715 feet; (2) a 380-acre reservoir having a total gross storage capacity of 7,500 acre-feet at elevation 340 feet m.s.l; (3) a powerhouse adjacent to the south abutment of the dam, containing two turbines and two generators having a total installed capacity of 14,000 kW; (4) an approximately 3.5-mile long 33-kV

overhead transmission line extending from the powerhouse to a tower at the northern corner of the project boundary area adjacent to Highway 104A, and then extending to the St. Albans 33-kV line located northwest of the project; and (5) appurtenant works.

The Applicant proposes to provide recreational facilities at the East Georgia Project consisting of an unlighted boat launching ramp and a canoe portage path.

Project power would be used by the Applicant for public utility purposes either within its distribution or for sale to other public utilities.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Persons who have made filings in response to an earlier public notice of this application will retain their standing before the Commission and need not resubmit their filings. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before September 25, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24380 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4675-000]

Borough of Charleroi, Pa.; Application for Preliminary Permit

August 14, 1981.

Take notice that the Borough of Charleroi, Pennsylvania (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4675 known as the Monongahela Lock and Dam No. 4 Project located on the Monongahela River in Washington County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ronald G. Halkias, Borough Manager, 4th and Fallowfield, Charleroi, Pennsylvania 15022.

Project Description—The proposed project would utilize the existing Corps of Engineers' Monongahela Lock and Dam No. 4 and would consist of a powerhouse containing one or more generating units with a rated capacity between 10–13.5 MW, a penstock, a switchyard, transmission facilities, and all other appurtenant facilities. The Applicant estimates that the average annual energy output would be approximately 50 to 60 GWH.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $65,000.

Competing Applications—This application was filed as a competing application to the Monongahela Lock and Dam No. 4 Project No. 3522 filed on October 2, 1980 by Atlantic Power Development Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 25, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4675. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24378 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-668-000]

Gulf States Utilities Co.; Notice of Filing

August 17, 1981.

The filing Company submits the following:

Take notice that Gulf States Utilities Company (Gulf States) on August 10, 1981, tendered for filing a proposed amendment to its FPC Rate Schedule 82. The proposed amendment would decrease the Diversity Base Amount as set forth in Service Schedule E of the Interconnection Agreement between Gulf States, Central Louisiana Electric Company, Inc. (CLECO), and Louisiana Power and Light Company, such Interconnection Agreement being dated September 1, 1951.

Gulf States indicates that CLECO and Gulf States have received notice from Middle South Services, Inc., Agent for Louisiana Power and Light Company, that the Diversity Base Amounts are to be decreased from 158,000 KW to 100,000 KW as to Gulf States, and from 37,000 KW to 23,000 KW as to CLECO, pursuant to the terms of the

Interconnection Agreement, and pursuant to the four-year notice given. Gulf States requests waiver of the prior notice requirements to permit an effective date of November 15, 1980.

Copies of the filing were served upon the Public Utility Commission of Texas, the Louisiana Public Service Commission, Central Louisiana Electric Company, Inc., and Middle South Services, Inc., Agent for Louisiana Power and Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24382 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4660-000]

Independence County, Ark.; Application for Preliminary Permit

August 14, 1981.

Take notice that Independence County, Arkansas (Applicant) filed on May 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4660 known as the White River Lock and Dam No. 2 located on the White River in Independence County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jim Pearson, Independence County Judge, County Courthouse, Batesville, Arkansas 72501.

Project Description—The proposed project would consist of: (1) the existing Lock and Dam No. 2 (the dam is 31 feet high with a crest length of 658 feet, the lock is 147 feet long and 36 feet wide); (2) a reservoir of negligible storage capacity; (3) a new powerhouse, adjacent to Lock No. 2, containing new generators with a rated capacity of 10,000 kW; (4) new switchyard equipment; (5) a new transmission line; and (6) appurtenant facilities. The Lock and Dam No. 2 is owned by the White River Investment Corporation. The Applicant estimates that the average annual energy output would be 37,668,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $45,000.

Competing Applications—This application was filed as a competing application to that of Arkansas Power and Light Company's Project No. 4015 filed on January 11, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 25, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4660. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24383 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-661-000]

Interstate Power Co.; Notice of Filing

August 17, 1981.

The filing Company submits the following:

Take notice that Interstate Power Company (Interstate) on August 6, 1981, tendered for filing, a proposed amendment to its FERC Electric Service Rate Schedule, Number 107. Interstate indicates that the rate schedule involved is an electric service agreement between Interstate and the Public Utilities Commission of the City of Truman, Minnesota. Interstate further indicates that the proposed amendment expands the scope of service available to the City of providing firm power service to the City.

Interstate states that the Public Utilities Commission of the City of Truman, Minnesota, requested firm power service from Interstate to supplement the existing capacity of the City's Municipal utility system. Interstate further states that it is able to provide the requested firm power service from its system and consequently, an amendment to the electric service agreement with the Public Utilites Commission of the City of Truman Minnesota, was executed to reflect the applicable firm power service provisions.

Interstate proposes an effective date of June 15, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a peition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,

D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24384 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. OR81-4-000]

LOCAP, Inc.; Order Initiating Investigation

Issued: August 14, 1981.

The Commission understands that on or about May 5, 1981, LOOP, Inc. (LOOP), the country's first deepwater port, began to receive oil and transport that oil from the port through 47 miles of offshore and onshore pipelines to a connecting pipeline LOCAP, Inc. (LOCAP). We understand also that LOCAP transports the oil to the CAPLINE Pipeline system and, via intermediate storage tanks owned by LOCAP, to a pipeline going to Convent, Louisiana (Texas Pipe Line) and a pipeline going to Garyville, Louisiana (Marathon Pipe Line). LOCAP has characterized its activities as a "pre-operating test period" in documents provided to the Commission's Staff.[1] There is not in force and filed with the Commission any tariff showing all of the rates and charges for transportation of this oil by LOCAP.[2] In its submission to the Commission, LOCAP admits it "is subject to the jurisdiction of the Commission pursuant to the Interstate Commerce Act, 49 U.S.C. 1(1)(b) and 1(3)(a)."[3] The only question before the Commission is when LOCAP becomes jurisdictional.

Section 1 of the Interstate Commerce Act provides that all oil pipeline companies engaged in transportation of oil by pipeline in interstate or foreign commerce are subject to the provisions of Part I of the Interstate Commerce Act. 49 U.S.C. 1. The facts alleged in documents LOCAP and LOOP have supplied to the Commission Staff present the question whether or not LOCAP is now engaged in transportation of oil as a common carrier subject to the provisions of Part I of the Interstate Commerce Act. The licensing of LOOP by the Secretary of Transportation under the Deepwater Port Act may bear this question in addition, of course, to oil pipeline jurisdictional precedent under the Interstate Commerce Act.

We will initiate an investigation under Section 13 of the Interstate Commerce Act and pursuant to Sections 1 and 6 of the Interstate Commerce Act, 49 U.S.C. 1 and 6, to determine whether or not LOCAP is presently engaged in transportation subject to regulation and must file a tariff in accordance with the Interstate Commerce Act. The documents LOCAP and LOOP have supplied the Commission's Staff, cited in footnote 1, shall become the record in this investigation. We will also give LOCAP the opportunity to submit comments with additional facts or argument for the record on the issues stated on or before September 23, 1981. Any other interested person may file a petition to intervene in accordance with the Commission's regulations and may file comments on these issues on or before September 23, 1981.

The Commission may, by order, determine subsequently to hold an evidentiary hearing, an oral presentation or both in pursuing this investigation.

The Commission Orders:

(A) This investigation is initiated under Section 13 of the Interstate Commerce Act and pursuant to the authority of Section 1 of the Interstate Commerce Act to determine: (a) whether or not LOCAP is presently engaged in transportation of oil as a common carrier subject to regulation under the Interstate Commerce Act, and (b) whether or not LOCAP should have a tariff on file with the Commission in accordance with Section 6 of the Interstate Commerce Act.

(B) To the extent they are inconsistent with the procedures contained in this order, the Rules of Practice of the Interstate Commerce Commission contained in 49 CFR 1100.1 *et seq.* are hereby waived and the procedures specified herein shall govern this proceeding.

(C) The documents provided by LOCAP and LOOP identified in footnote 1 are hereby placed in the record of this investigation.

(D) LOCAP is invited to submit comments, on or before September 3, 1981, with additional facts or argument on the issues in this investigation.

(E) Interested persons other than LOCAP are invited to file petitions to intervene and comments on the issues in this investigation on or before September 23, 1981.

(F) Persons filed petitions to intervene on or before September 23, 1981, are permitted to intervene in this investigation subject to the rules and regulations of the Commission: *Provided, however* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this investigation.

(G) The Secretary shall publish and serve this order on LOCAP.

By the Commission.

Kenneth F. Plumb, —

Secretary.

[FR Doc. 81-24385 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. OR81-3-000]

LOOP, Inc.; Order Initiating Investigation

Issued: August 14, 1981.

The Commission understands that on or about May 5, 1981, LOOP, Inc. (LOOP), the country's first deepwater port, began to receive oil and transport that oil from the port throught 47 miles of offshore and onshore pipelines to a connecting pipeline LOCAP, Inc. (LOCAP). We understand also that LOCAP tranports the oil to the CAPLINE Pipeline system and, via intermediate

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[1] The documents supplied by LOCAP include the following: letter from H. L. Reed and William G. Hougland to Jerome Nelson, April 2, 1981; letter from James F. Bell to Charles E. Bullock (including attachments); and letter from J. Gordon Arbuckle to David A. Leckie, Charles E. Bullock, Jerome Nelson and Andrew Battese (including attachments), April 14, 1981. LOOP has similarly provided documents to the Staff: letter from Thomas P. James and James F. Bell to Jerome Nelson, March 31, 1981; letter from J. Gordon Arbuckle to David A. Leckie, Charles E. Bullock, Jerome Nelson and Andrew Battese (including attachments), April 8, 1981; letter from James F. Bell to David A. Leckie (including attachments) April 13, 1981; letter from Thomas P. James to David A. Leckie (including attachments), May 15, 1981; letter from Thomas P. James to David A. Leckie, June 11, 1981; letter from Thomas P. James to Lonell Johnson, Department of Transportation, with copy to William Topping, June 17, 1981; and letter from Robert R. Johnson to Raymond B. Murr, July 29, 1981 (with attachments). *See also,* for context, letter from David A. Leckie to James F. Bell, May 1, 1981.

[2] However, Texas Pipe Line and Marathon Pipe Line have filed tariffs with the Commission for the transportation of this oil. Texas Pipe Line Company, Tariff No. 1717; Marathon Pipe Line Company, Tariff No. 1468.

[3] Letter from H. L. Reed and William G. Hougland to Jerome Nelson, April 2, 1981, at 1.

storage tanks owned by LOCAP, to a pipeline going to Convent, Louisiana (Texas Pipe Line) and a pipeline going to Garyville, Louisiana (Marathon Pipe Line). LOOP has characterized its activities as a "preoperating test period" in documents provided to the Commission's Staff.[1] There is not in force and filed with the Commission any tariff showing all of the rates and charges for transportation of this oil by LOOP.[2] In its submission to the Commission, LOOP admits it "is subject to the jurisdiction of the Commission 'as a common carrier in accordance with the Interstate Commerce Act' pursuant to the provisions of the Deepwater Port Act, 33 U.S.C. 1507 * * *" [3] The only question before the Commission is when LOOP becomes jurisdictional.

Section 8(a) of the Deepwater Port Act provides that a deepwater oil port licensed under that act "shall be subject to regulation as a common carrier in accordance with the Interstate Commerce Act." 33 U.S.C. 1507(a). The facts alleged in documents LOOP and LOCAP have supplied to the Commission Staff present the question whether or not LOOP is now engaged in transportation of oil as a common carrier subject to the provisions of Part I of the Interstate Commerce Act. The answer may turn on the unique circumstances of LOOP's licensing by the Secretary of Transportation under the Deepwater Port Act; it may involve oil pipeline jurisdictional precedent under the Interstate Commerce Act.

We will initiate an investigation under Section 13 of the Interstate Commerce Act and pursuant to the authority of Section 8(A) of the Deepwater Port Act, 33 U.S.C. 1507(A) and Sections 1 and 6 of the Interstate Commerce Act, 49 U.S.C. 1 and 6 to determine whether or not LOOP is presently engaged in transportation subject to regulation and must file a tariff in accordance with the Interstate Commerce Act. The documents LOOP and LOCAP have supplied the Commission's Staff, cited in footnote 1, shall become the record in this investigation. We will also give LOOP the opportunity to submit comments with additional facts or argument for the record on the issues stated on or before September 3, 1981. Any other interested person may file a petition to intervene in accordance with the Commission's regulations and may file comments on these issues on or before September 23, 1981.

The Commission may, by order, determine subsequently to hold an evidentiary hearing, an oral presentation or both in pursuing this investigation.

The Commission Orders

(A) This investigation is initiated under section 13 of the Interstate Commerce Act and pursuant to the authority of Section 8(a) of the Deepwater Port Act and Section 1 of the Interstate Commerce Act to determine: (a) whether or not LOOP is presently engaged in transportation of oil as a common carrier subject to regulation under the Interstate Commerce Act, and (b) whether or not LOOP should have a tariff on file with the Commission in accordance with Section 6 of the Interstate Commerce Act.

(B) To the extent they are inconsistent with the procedures contained in this order, the Rules of Practice of the Interstate Commerce Commission contained in 49 CFR 1100.1 *et seq.* are hereby waived and the procedures specified herein shall govern this proceeding.

(C) The documents provided by LOOP and LOCAP identified in footnote 1 are hereby placed in the record of this investigation.

(D) LOOP is invited to submit comments, on or before September 3, 1981, with additional facts or argument on the issues in this investigation.

(E) Interested persons other than LOOP are invited to file petitions to intervene and comment on the issues in this investigation on or before September 23, 1981.

(F) Persons filing petitions to intervene on or before September 23, 1981, are permitted to intervene in this investigation subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this investigation.

(G) The Secretary shall publish and serve this order on LOOP.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24388 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

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[1] The documents supplied by LOOP include the following: letter from Thomas P. James and James F. Bell to Jerome Nelson, March 31, 1981; letter from J. Gordon Arbuckle to David A. Leckie, Charles E. Bullock, Jerome Nelson and Andrew Battese (including attachments), April 8, 1981; letter from James F. Bell to David A. Leckie (including attachments), April 13, 1981; letter from Thomas P. James to David A. Leckie (including attachments), May 15, 1981; letter from Thomas P. James to David A. Leckie, June 11, 1981; and letter from Thomas P. James to Lonell Johnson, Department of Transportation, with copy to William Topping, June 17, 1981; and letter from Robert R. Johnson to Raymond B. Murr, July 29, 1981 (with attachments). LOCAP has similarly provided documents to the Staff: letter from H. L. Reed and William G. Hougland to Jerome Nelson, April 2, 1981; letter from James F. Bell to Charles E. Bullock (including attachments); and letter from J. Gordon Arbuckle to David A. Leckie, Charles E. Bullock, Jerome Nelson and Andrew Battese (including attachments), April 14, 1981. *See also,* for context, letter from David A. Leckie to James F. Bell, May 1, 1981.

[2] However, Texas Pipe Line and Marathon Pipe Line have filed tariffs with the Commission for the transportation of this oil. Texas Pipe Line Company, Tariff No. 1717; Marathon Pipe Line Company, Tariff No. 1468.

[3] Letter from Thomas P. James and James F. Bell to Jerome Nelson, March 31, 1981, at 1.

[Project No. 2833-002]

Public Utility District No. 1 of Lewis County, Wash.; Intent To Prepare Environmental Impact Statement; Scoping Meeting

August 14, 1981.

An application for license has been filed with the Federal Energy Regulatory Commission by Public Utility District No. 1 of Lewis County for the construction, operation and maintenance of the proposed Cowlitz Falls Hydroelectric Project, FERC No. 2833, to be located on the Cowlitz and Cispus Rivers in Lewis County, Washington.

Public notice of the filing of the application was given on July 15, 1981. The application has been mailed out for agency review and comment. The Commission's staff has determined that issuance of a license for the proposed hydroelectric project would constitute a major federal action significantly affecting the quality of the human environment. The staff therefore intends to prepare an environmental impact statement in accordance with the National Environmental Policy Act. Possible alternatives to the proposed action will be addressed.

Interested persons and agencies are invited to participate in a scoping meeting to discuss the environmental impacts expected from the proposed Cowlitz Falls Hydroelectric Project. The scoping meeting will be convened by the Commission's staff at 1:00 p.m. on September 30, 1981 in the meeting room of the Lewis County Health Building, 345 West Main Street, Chehalis, Washington. Interested persons are encouraged to attend the session commencing at 1:00 p.m. so that they will have the opportunity to hear the comments of participating governmental agencies in addition to expressing their own views. For those persons unable to

attend the scoping meeting during business hours, an additional session will be convened in Randle, Washington, at 6:00 p.m., tentatively at the White Path School on Kendle Road and interested persons will have an opportunity to express their views regarding significant environmental issues. Both sessions will be recorded by a stenographer.

The primary goal of this meeting is to encourage interested parties to assist the staff in determining the scope of significant issues to be analyzed in depth in the environmental impact statement, and identifying and eliminating from detailed study issues that are not significant or that have been covered by prior environmental review. It should be noted that the scoping meeting is not intended as a forum to consider the ultimate question of whether or not the Commission should approve the application for authority to construct, operate and maintain the proposed project, but rather as a vehicle to assist in the compilation and analysis of significant environmental issues to be considered by the Commission at a later stage in this proceeding.

If you are unable to send a representative to this meeting or if there is insufficient time during the scoping meeting for you to offer your comments verbally, you are encouraged to mail to the Commission's staff written comments detailing significant issues that should be addressed in the environmental impact statement. If we do not receive your comments by October 30, 1981, we will assume that you have no further comments concerning the issues to be discussed in depth in the environmental impact statement.

Questions concerning the proposed action and the environmental impact statement should be directed to: Mr. Peter Foote, Division of Environmental Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 at (202) 376-4195.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24387 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4886-000]

Quincy-Columbia Basin Irrigation District, et al.; Application for Preliminary Permit

August 14, 1981.

Take notice that Quincy-Columbia Basin Irrigation District, East Columbia Basin Irrigation District, South Columbia Basin Irrigation District (Applicant) filed on June 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4886 to be known as the Sand Hollow Hydroelectric Project located on Royal Branch Canal Wasteway in Grant County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Tom Cotton, Manager, Quincy-Columbia Basin Irrigation District, P.O. Box 188, Central Avenue South, Quincy, Washington 99848.

Project Description—The proposed project would consist of: (1) an 8-foot high, 30-foot long diversion structure; (2) a 14,400-foot long, 14-foot wide diversion canal; (3) an 800-foot long, 36-inch diameter penstock; (4) a powerhouse with an installed capacity of 1,700 kW; and (5) a 5-mile long, 13.8-kV transmission line which would connect the powerhouse to the existing distribution system at the Jericho Substation. The Applicant estimates that the average annual energy production would be 8.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new or temporary access roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $42,100.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petiton to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before October 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICANT", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petiton to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24389 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4887-000]

Quincy-Columbia Basin Irrigation District, et al.; Application for Preliminary Permit

August 14, 1981.

Take notice that Quincy-Columbia Basin Irrigation District, East Columbia Basin Irrigation District, South Columbia Basin Irrigation District (Applicant) filed on June 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4887 to be known as the CCL4 Hydroelectric Project located on Crab Creek Lateral #4 and DCC1 Wasteway in Grant County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Tom Cotton, Manager, Quincy-Columbia Basin Irrigation District, P.O. Box 188, Central Avenue South, Quincy, Washington 99848.

Project Description—The proposed project would consist of: (1) two diversion structures—a 7-foot high, 13-foot long CCL4 diversion and a 10-foot high, 20-foot long DCC1 diversion; (2) two diversion canals—a 0.2-mile long CCL4 canal and a 2.5-mile long DCC1 canal; (3) a 36-inch diameter, 120-foot long penstock; (4) a powerhouse with total installed capacity of 600 kW; and (5) a 3-mile long, 13.8-kV transmission line which would connect the powerhouse to the existing distribution system at the Royal Substation. The Applicant estimates that the average annual energy production would be 3.1 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new or temporary access roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $42,100.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 16, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or, petitions to intervene must be received on or before October 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24366 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4960-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 14, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4960 to be known as the Eagle Creek, Trinity Power Project located on Eagle Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 91–foot long, 5–foot high rock and concrete diversion structure; (2) a 5,800–foot long conduit; (3) a 750–foot long, 36-inch diameter penstock; (4) a powerhouse to contain generating units with a combined rated capacity of 2,600 kW and associated electrical switch gear; and (5) a .5-mile long, 12.5-kV transmission line. The average annual energy output is 12.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $100,000.

Competing Applications—This application was filed as a competing application to the Eagle Creek Project No. 4390 filed on June 25, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24391 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4883-000]

United American Hydropower Group; Application for Preliminary Permit

August 14, 1981.

Take notice that United American Hydropower Group (Applicant) filed on June 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4883 known as the Little Pine Creek Project located on Little Pine Creek in Lycoming County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Goodman, United American Hydropower Group, 1775 Broadway, Suite 2404, New York, New York 10019.

Project Description—The proposd project would utilize the existing facilities owned by the Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Operations, consisting of: (1) a 1,123-foot long and 113-foot high earth embankment dam with a 300-foot long ogee-type spillway at the left abutment having crest elevation 780.0 m.s.l.; (2) a gated intake structure; (3) a 15-foot diameter concrete conduit inclosing an 8.5-foot diameter steel penstock through the dam; and (4) a reservoir having a surface area of 634 acres and a storage capacity of 24,800 acre-feet at pool elevation 780.0 feet m.s.l. Applicant proposes to: (1) construct a new powerhouse containing a generating unit having a rated capacity of 2,300-kW at the existing outlet structure; (2) upgrade the inlet structure; and (3) upgrade an existing 3.5-mile-long 12-kV transmission line owned by West Penn Power Company. The Applicant estimates that the average annual energy output would be 15,400 MWh. Project energy would be sold to West Penn Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform a study to determine the technical, economic, and financial feasibility of the project, including an environmental assessment, would consult with Federal, State and local agencies, and would prepare an application for FERC license. Applicant estimates the cost of the work under the permit to be $130,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protest, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24390 Filed 8-20-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[A-1-FRL-1910-7]

Prevention of Significant Deterioration Vicon Recovery Associates

Notice is hereby given that on June 22, 1981, the Environmental Protection Agency rescinded the Prevention of Significant Deterioration (PSD) permit issued to Vicon Recovery Associates on January 25, 1980 for their Pittsfield Resource Recovery Facility. The permit has been rescinded under 40 CFR 52.21(w) because the source is no longer subject to the PSD regualtions which were amended on August 7, 1980 at 45 FR 52735.

In accordance with Section 307(b)(1) of the Clean Air Act, a petition for review of this action may be filed only in the United States Court of Appeals for the First Circuit on or before October 20, 1981.

Copies of the materials considered in support of the company's request for rescission are available for public inspection upon request at the following location: Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203.

Dated: August 7, 1981.

Lester A. Sutton,

Regional Administrator, Region I.

[FR Doc. 81-24438 Filed 8-20-81; 8:45 am]

BILLING CODE 6560-38-M

[ER-FRL-1914-4]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISS), which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the council on environmental quality's regulations (40 CFR part 1506.9) during the week of August 10, 1981 to August 14, 1981.

REVIEW PERIODS: The 45-day review period for draft EISS listed in this notice

is calculated from August 21, 1981 and will end on October 5, 1981. The 30-day review period for final EISS, as calculated from August 21, 1981 will end on September 21, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the office of Federal activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209 (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 245-3006.

Dated: August 18, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Draft—Lake Tahoe Basin Land Acquisition Plan, Nevada and California (EIS Order No. 810641).

FS: Draft—Adam's Rib National Recreation Area, White River National Forest, Eagle County, Colorado; the review period for this EIS has been extended until October 23, 1981 (EIS Order No. 810642).

Army Corps of Engineers

Final—Little Colorado River Flood Control, Navajo County, Arizona (EIS Order No. 810653).

Final—Crown Bay Channel Navigation Improvement, Virgin Islands (EIS Order No. 810651).

Draft Supplement—Corpus Christi Ship Channel, Nueces and San Patricio Counties, Texas (EIS Order No. 810648).

Final Supplement—Santa Ana River Main and Santiago Creek Flood Control, Orange, Riverside and San Bernardino Counties, California (EIS Order No. 810658).

Department of Commerce

NOAA: Final—Florida Coastal Management Program, CZM, Florida (EIS Order No. 810652).

Department of Energy

Reestablishment of Review Period: Draft—Jonesboro-Hergett 161 kV Transmission Line, Craighead County, Arkansas—published FR August 7, 1981—based on the actual availability of this EIS the review period has been reestablished and will terminate on September 28, 1981 (EIS Order No. 810602).

Department of Housing and Urban Development

Final—Battlement Mesa Development, Mortgage Insurance, Garfield County, Colorado (EIS Order No. 810647).

Final—Sunnyview Farms Development, Mortgage Insurance, Delaware County, Ohio; the review period for this EIS has been extended until September 28, 1981 (EIS Order No. 810657).

104H: Final—West Marion Revitalization Project, CDBG, McDowell County, North Carolina; pursuant to 40 CFR 1506.10 a reduction has been granted for the 30 and 90 day minimum requirements. The review period for this EIS will terminate on September 4, 1981 (EIS Order No. 810655).

104H: Final—Times Square Hotel, UDAG, New York City, New York (EIS Order No. 810645).

Department of State

Draft—Antarctic Mineral Resources, International Regime, Antarctica (EIS Order No. 810644).

Draft—International Center Modification, District of Columbia (EIS Order No. 810650).

Department of Transportation

FHWA: Draft—Alton Parkway/I-5 and Irvine Center Drive/I-405 Interchanges, Orange Country, California (EIS Order No. 810643).

FHWA: Draft—CA-126/Telegraph Road Improvement, Ventura and Los Angeles Counties, California (EIS Order No. 810649).

FHWA: Final—Campbell Corridor Highway Improvements, Pima County, Arizona (EIS Order No. 810640).

FHWA: Final—Great Falls South Arterial, Great Falls, Cascade County, Montana (EIS Order No. 810639).

Environmental Protection Agency

EPA1: Final—Nantucket Wastewater Treatment and Collection Facilities, Nantucket County, Massachusetts (EIS Order No. 810656).

EPA6: Final—Limestone Generating Station, NPDES Permit, Limestone, Freestone and Leon Counties, Texas (EIS Order No. 810646).

General Services Administration

Draft—Ten-Year Space Acquisition Program, District of Columbia (EIS Order No. 810659).

Missouri River Basin Commission

Final—Upper Missouri River Basin, Level B Study, Montana (EIS Order No. 810654).

[FR Doc. 81-24696 Filed 8-20-81; 8:45 am]
BILLING CODE 6560-37-M

EPA Comments on Environmental Impact Statements and Other Actions Impacting the Environment; Availability of Report

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

SUMMARY OF NOTICE: A report which identifies EPA's comments on EIS's and other actions impacting the environment which were released during July 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Ms. Kathi L. Wilson, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

CONTENTS OF REPORT: The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing the document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comments is given for final EIS's and other actions.

Dated: August 18, 1981.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 81-24695 Filed 8-20-81; 8:45 am]
BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1304]

Petitions for Reconsideration of Actions in Rule Making Proceedings

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed by September 8, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: An inquiry relating to the Commission's Radio Operator Licensing Program (Docket No. 20817)
Filed by: F. M. Gamer on 8–3–81. Erwin G. Krasnow for National Association of Broadcasters on 8–4–81. John C. Quale & David E. Hilliard, Attorneys for Cedar Rapids Television Company (KCRG–AM–TV), on 8–7–81. Louis Schwartz, Robert A. Woods & Lawrence M. Miller, Attorneys for Eastern Broadcasting Corporation on 8–7–81. Louis Schwartz, Robert A. Woods & Lawrence M. Miller, Attorneys for Board of Regents for Education, State of Rhode Island and Providence Plantations (WSBE–TV), et al. on 8–7–81.

William J. Tricarico,

Secretary.

Federal Communications Commission.

August 14, 1981.

[FR Doc. 81–24404 Filed 8–20–81; 8:45 am]

BILLING CODE 6712–01–M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee); Meeting

August 14, 1981.

The General Services Administration has approved the Charter of the Advisory Committee on Preparations for the ITU 1985 World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing it. This Advisory Committee was established as a result of a Notice of Inquiry, General Docket No. 80–741 requesting comment on the need for, and uses of, such a committee.

The Committee will consider a broad range of topics—technical, economic and legal, including among others, estimation of demand for communication services through the year 2000, determination of the parameters of each service and development of planning alternatives. The first meeting of the Committee will be held as follows:

Date: September 14, 1981
Place: COMSAT Theater, off the Lobby, 950 L'Enfant Plaza, SW, Washington, D.C.
Time: 9:30 a.m.–5:00 p.m.
1. Approval of Agenda
2. Introductions
3. Brief History of Docket 80–741
   A. WARC–79
   B. Current Activities
4. Presentation of Committee Charter
   A. General
   B. Tasks
5. Open Discussion of Committee Activities—Organization and structure of the Committee
6. Nominating Committee
7. Other Business
8. Selection of Next Meeting Date
9. Adjournment.

All interested parties are invited to participate and may submit comments to Mr. Thomas S. Tycz, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, (202) 653–8102.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–24414 Filed 8–20–81; 8:45 am]

BILLING CODE 6712–01–M

Advisory Committee on Radio Broadcasting; Meeting

August 12, 1981.

The Commission believes that it will be desirable to convene a meeting of the Advisory Committee on Radio Broadcasting at Rio de Janeiro, during the Second Session of the I.T.U. Administrative Conference on AM Radio Broadcasting in Region 2. The Second Session is scheduled to convene on November 9, 1981, and continue for six weeks until mid December to complete the drafting of an Agreement and Plan for AM broadcasting in the Western Hemisphere.

It is desired to afford to all of the Advisory Committee participants an opportunity to receive briefings on the progress of the Conference and its constituent bodies, and to provide comment to the United States Delegation on developments as they arise. To this end, a meeting of the Advisory Committee on Radio Broadcasting will be convened at Rio de Janeiro at a date, hour and place to be announced in a subsquent notice.

The Agenda for the meeting will be:

1. Reports to the Committee on the full range of matters decided, discussed, recommended, or projected for consideration at the Second Session by the Plenary Conference and by its committees and working parties.
2. Explanation of the schedule and anticipated Conference developments.
3. Other business.

Because of the continuing nature of this agenda, each session of the Committee meeting will be recessed for resumption at the call of the Committee Chairman. These further sessions will be held at times and places in Rio de Janeiro as deemed appropriate by the Chairman to accomplish the objective of keeping the Committee participants at Rio de Janeiro informed of Conference developments and to afford them opportunity of comment. Accordingly, the continuing Committee meeting will be resumed as frequently as practicable, taking into account the necessity for attendance by the members of the United States delegation at Conference sessions, and their need to perform other preparatory work. It is expected that some Committee meetings may be closed.

All participants in the work of the Advisory Committee are free to attend, at their own expense, the sessions of the continuing Advisory Committee meeting at Rio de Janeiro. The times and places of all sessions after the first will be announced, as practicable, by the Chairman at the conclusion of previous sessions, by public notices posted where subsequent sessions are to be held, or by notification to individual participants. The chairman of the Advisory Committee at the Rio Conference will be Louis C. Stephens. Those interested in participating in the Advisory Committee in Rio should contact Mr. Stephens at the FCC by October 1, 1981. (202) 632–7792.

The Commission is aware of the expense and time involved in participating in the Advisory Committee in Rio. Therefore, should there be an expression of interest the Commission intends to hold Advisory Committee meetings here in Washington during the Conference. The purpose of such meetings will be to provide information concerning the Conference and accept recommendations and comments from the public. Those interested in participating in the Advisory Committee in Washington should contact Henry L. Baumann at the FCC no later than October 1, 1981. (202) 632–6460.

Federal Communications Commission.

William J. Tricarico,

Secretary,

[FR Doc. 81–24415 Filed 8–20–81; 8:45 am]

BILLING CODE 6712–01–M

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

August 14, 1981.

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on September 3, 1981 at 10:00 a.m. in Room 856, of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group will deal with U.S. Government aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex,

new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT meetings. This meeting of Study Group A will examine the questions and contributions relating to upcoming meetings of CCITT Study Groups I, III and Mobile Maritime Service (SMM).

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Earl S. Barbely, Chief, Conference Staff, Federal Communications Commission, Washington, D.C., telephone (202) 632-3214.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-24416 Filed 8-20-81; 8:45 am]

BILLING CODE 6712-01-M

[FCC 81-286; CC Docket No. 81-412; Transmittal Nos. 13703, et al.]

American Telephone and Telegraph Co. and Associated Bell System Companies; Revisions to Tariff; Memorandum Opinion and Order Instituting Investigation

In the matter of American Telephone and Telegraph Company (Transmittal Nos. 13703-13708, *et al.;* Transmittal No. 13775, *et al.*) Revisions to Tariff FCC Nos. 258, 259, 260, 262, 263, 265, 266, 267 and 268 and The Associated Bell System Companies (Transmittal Nos. 638, *et al.*).

Adopted: June 25, 1981.

Released: June 25, 1981.

By the Commission: Chairman Fowler concurring and issuing a separate statement; Commissioner Fogarty dissenting in part and issuing a statement.

1. Before the Commission are proposed revisions to the American Telephone and Telegraph Company's (AT&T) Tariff F.C.C. Nos. 258, 259, 260, 262, 263, 265, 266, 267, and 268, and to the tariffs of the nineteen associated Bell System Operating Companies (BSOCs) under which facilities are provided to other common carriers (OCCs). For reasons explained below, we shall suspend their effectiveness for one day, impose an accounting order, and institute an investigation. We also grant AT&T's application for special permission to make the proposed tariff revisions effective on not less than one day's notice.[1]

Background

2. *AT&T's Filings.* On April 6, 1981, the Commission decided that AT&T's overall rate of return should be increased from 10.5 percent to 12.75 percent.[2] On April 10 and April 13, AT&T and the BSOCs, respectively, filed rate revisions to reflect the new rate of return. They proposed a 16 percent across-the-board increase in rates for virtually all of their interstate services. The filings were made on 90 days' notice to become effective on July 9, 1981, and July 12, 1981. *See* 47 C.F.R. § 61.58. On the same day it filed the revisions, however, AT&T also applied for special permission to make these rate increases effective five days after the effective date of the Commission's Rate of Return decision. *See* AT&T Application No. 1577 for special permission.[3]

3. On April 23, 1981, the Common Carrier Bureau granted Application No. 1577 as to the tariff revisions affecting Wide Area Telecommunications Service (WATS) and private line services, allowing the rate increases for those services to become effective on 30 days' notice (or 5 days after release of the Rate of Return decision, whichever was later).[4] The Bureau, however, expressed concern that the proposed rate increases for long distance telephone rates, referred to in AT&T's tariffs as Message Telecommunications Service (MTS), might cause the MTS category to exceed the 12.75 percent rate of return authorized by the Commission. Thus, it refused to grant special permission with respect to MTS. The Bureau also asked AT&T to provide documentation demonstrating that the proposed 16 percent increase in MTS rates would not result in an MTS service category rate of return in excess of the 12.75 percent allowable under the Commission's Interim Cost Allocation Manual (ICAM).[5] On April 29, 1981, AT&T provided information purportedly demonstrating that the MTS rate increase would not cause the rate of return for that category to exceed 12.75 percent.[6] AT&T also stated that it planned to file rate reductions for Overseas MTS (OMTS).

4. On May 7, 1981, AT&T filed another request for special permission to make the technical tariff changes necessary to show that the 16 percent general rate increase would be applied on top of an already filed 16.4 percent rate increase for private line services which the Commission had by order allowed to become effective on May 14, 1981.[7] At that time AT&T also filed a proposed 35 percent rate decrease for OMTS and requested special permission to allow these OMTS rate reductions to become effective on May 14, 1981. On May 8, 1981, the Common Carrier Bureau granted the requests for special permission. *See* letter of Acting Chief, Common Carrier Bureau, to W. E. Albert (Reference No. 61610). On the same day and by separate letter, the Bureau Chief noted that AT&T had satisfied earlier concerns that a 16 percent increase of MTS rates might exceed the authorized 12.75 percent level, and amended his earlier grant of Special Permission No. 81-177 to include MTS. Thus, AT&T was allowed to advance the effective date of the proposed MTS rate increase and

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[1] The American Broadcasting Companies, Inc., CBS Inc., and the National Broadcasting Company, who filed jointly, the Executive Agencies of the United States and the Press Parties (the American Newspaper Publishers Association, United Press International, and the Associated Press) have filed oppositions to AT&T's June 12 request for special permission to advance the effective date of the instant tariff revisions, and AT&T has replied. The petitioners' contentions have been fully addressed in American Telephone and Telegraph Company (Special Permission No. 81-177), FCC 81-214, released June 12, 1981 and we adopt that analysis here.

[2] American Telephone and Telegraph Company, FCC 80-215, released May 7, 1981 (hereafter "Rate of Return Decision" or Docket No. 79-63).

[3] In addition to requesting permission to make the tariff filing effective on less than ninety days notice, AT&T also requested a waiver of Sections 61.59 and 61.116 of the Rules, 47 C.F.R. §§ 61.59, 61.116. The former requires generally that new tariff provisions remain in effect for 30 days before they may be changed, while the latter provides generally that supplements to a looseleaf tariff may not be filed.

[4] *See* letter from Acting Chief, Common Carrier Bureau, to W. E. Albert, April 23, 1981. (Special Permission No. 81-177.) As noted above, the Rate of Return decision was released on May 7, 1981. A number of applications for review of the Bureau's grant of special permission were filed. On May 5, 1981, the Commission affirmed the Acting Chief's grant of special permission, American Telephone and Telegraph Company order FCC 81-214, released June 12, 1981. The American Broadcasting Companies, Inc., CBS Inc., and the National Broadcasting Company (hereafter the Networks) have petitioned for judicial review of the Commission's action. ABC *et al.* v. FCC, Case No. 81-1498 (D.C. Cir., filed May 7, 1981).

[5] The ICAM allocates AT&T investment and expenses among four broad categories of AT&T services: MTS, WATS, ENFIA and private line services. The ENFIA category is miniscule compared with the other three. For a more complete explanation of the ICAM, *see* American Telephone and Telegraph Company (Docket No. 79-245), FCC 80-776, released January 6, 1981, *review pending sub nom.* MCI Telecommunications Corporation *et al.* v. FCC, Case No. 81-1052, (D.C. Cir. filed January 16, 1981) (hereafter, ICAM order).

[6] *See* letter of William R. Stump to Acting Chief, Common Carrier Bureau, April 29, 1981.

[7] *See* American Telephone and Telegraph Company, FCC 81-222, released May 11, 1981, *review pending sub nom.* Ad Hoc Telecommunications Users Committee, *et al.* v. FCC, No. 81-4062, (2d Cir., filed May 13, 1981) (hereafter FCC 81-222).

OMTS rate decreases to become effective at the same time as the WATS and private line rate increases.[8] The Acting Chief also noted that the ICAM order had required AT&T to file tariff revisions by May 6, 1981 equalizing the rates of return for the major interstate reporting categories, but that due to the fact that Docket No. 79-63 had been decided as well as the pendency of other proceedings, an extension of the May 6 deadline until October 31, 1981 was justified.

5. AT&T then filed tariff revisions implementing the various grants of special permission, the result of which was that a 16 percent general rate increase for most AT&T services and a 35 percent decrease for OMTS were scheduled to become effective on May 14, 1981. On May 13, however, the Bureau, under instruction by the Commission, effectively withdrew the earlier grants of special permission, ordering AT&T and the BSOCs to defer the effective dates of the proposed GRI and OMTS tariff revisions to July 9, 1981 (*i.e.* the original effective date of the April 10 filing.)[9]

6. The Acting Chief's May 13 letter also raised questions about some of the economic support data AT&T had filed. He requested additional information from AT&T, which the carrier submitted on June 1, 1981. In its response AT&T stated for the first time that a 16 percent WATS rate increase would result in excessive WATS earnings, and thus proposed to reduce the proposed WATS rate increase from 16 percent to 10.5 percent. AT&T also showed the following rates of return under the proposed rates for the service categories established by the ICAM:

	Per-cent
MTS	12.62
[illegible]	12.33
[illegible]	18.93
WATS	14.78
Private Line	12.50
ENFIA −4.23 percent	
Total Interstate	12.75

Finally, on June 19, 1981, the Bureau requested further information concerning AT&T's forecasting procedures for MTS. The carrier responded to this request on June 23.

7. *Contentions of the Parties.* In toto, sixteen interested persons have filed formal petitions to suspend or reject the proposed tariff revisions, and AT&T has replied. A summary of the contentions may be found in Appendix A to this order.

8. Because the Acting Chief's May 13 letter allowed interested parties until May 22, 1981 to present their views, a number of pleadings have been submitted in addition to the many petitions which have been duly filed with respect to the April tariff filing. The Public Utilities Commission of the Territory of Guam (Guam) has submitted a petition and comments, and the Guam Telephone Authority (GTA) submitted comments on AT&T's proposed OMTS reductions. Western Union International, Inc. (WUI) asks for an extension of time. The Aerospace Industries Association (AIA) submitted comments directed to WATS. The Networks submitted preliminary views and recommendations concerning AT&T's program transmission offerings.[10] The Bureau in a clarifying order adopted June 8, 1981[11] ruled that these views should have been directed only towards the proposed OMTS rate reductions, but accepted the Networks' pleading as a supplement to their previously filed petitions to suspend or reject.[12] AT&T has filed a reply to Guam, the letter submitted by WUI, AIA's comments on WATS, and the Networks' preliminary views and recommendations. We will accept AT&T's reply as well.

Discussion

9. The filings before us present many of the same issues that arose in conjunction with AT&T's recent 16.4 percent private line rate increase. FCC 81-222, *supra.* Since we responded to those issues at length in that order, we incorporate them by reference and do not repeat ourselves here. Thus, we discuss petitioners' contentions in detail only where the points raised are novel or where it is necessary to expand upon our previous discussion of similar contentions.

10. We first address the Networks' procedural contention that under the provisions of Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. § 553(d), the Commission's Rate of Return decision, and hence the general rate increase, may not lawfully become effective until 30 days following publication in the **Federal Register.**[13] The short answer is that whatever impact the requirements of the APA may have on the effectiveness of Commission orders, they do not govern carrier-initiated tariff filings, which become effective of their own accord absent rejection or suspension of the Commission. *See* 47 U.S.C. §§ 201-205.[14]

11. Several petitioners object to AT&T's across-the-board method of raising its rates for private line services in order to earn the newly-authorized 12.75 percent rate of return. We addressed this procedure at length in our order denying petitions against AT&T's recent 16.4 percent private line

[8] *See* letter of Acting Chief, Common Carrier Bureau to W. E. Albert (Reference No. 9700), May 8, 1981.

[9] *See* letter of Acting Chief, Common Carrier Bureau to W. E. Albert, May 13, 1981.

[10] Ad hoc and the Tele-Communications Association (TCA) have jointly filed a motion requesting the Commission to declare that the rate filings referenced in a letter from AT&T to the Acting Chief, June 1, 1981, constitute a new rate filing and/or that AT&T not be permitted to implement those rates on less than 90 days' public notice. AT&T opposes the motion. Since the Acting Chief on the same day that Ad Hoc and TCA filed granted AT&T's request to file lower rate increases for WATS on short notice to become effective July 9, their requests are dismissed as moot.

[11] *See* American Telephone and Telegraph Company, Mimeo No. 001406, released June 8, 1981.

[12] The Networks have filed an emergency application for review of that order. AT&T opposes the application. The Networks also filed a brief in support of their application. To the extent the Networks ask the Commission to accept their preliminary views, their application is moot. To the extent they contend that the 90-day statutory notice period for tariff filings implementing the new rate of return may not begin to run earlier than the effective date of the Rate of Return decision, the request is without merit. Neither the Act nor the Commission's Rules requires carriers to obtain Commission approval before filing tariff changes. American Telephone and Telegraph Company, 487 F.2d 864 (2d. Cir. 1973). Finally, insofar as they contend that interested parties should have at least 25 days following AT&T's submission of the additional data requested to file further petitions to suspend or reject, we affirm the Bureau's interpretation that the Rules do not provide for additional pleadings following carrier submission of data at the staff's request. The Commission has a limited period of time in which to consider tariff filings and may under Sections 4(i) and 4(j) of the Act establish reasonable procedures. We therefore deny the application for review.

[13] Networks at 2-4. Section 553(d) provides, with respect to rulemaking proceedings that, with certain enumerated exceptions,

> The required publication or service of a substantive rule shall be made not less than 30 days before its effective date.

[14] The Rate of Return decision was published in the Federal Register on June 11, 1981, 46 FR 30818; the tariff revisions are scheduled to become effective on July 9, 1981. Assuming, without deciding, that Docket No. 79-63 was a rulemaking proceeding, we think that Section 552(a)(1) of the Administrative Procedure Act, 5 U.S.C. § 552(a)(1), is dispositive of the Networks' contention. That section provides in part:

> Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published.

It is clear beyond doubt that the Networks have had actual notice of the Rate of Return decision. The Networks' "Motion for Immediate Procedural Clarification and Relief" which they filed on May 20, 1981 discloses that they possess a copy of that decision. *See* Motion at 9, n. 11. Thus, the Networks may not raise the nonpublication of the Rate of Return decision as a bar to the effectiveness of rates filed in response to it. *See, e.g., Whelan, et al. v. Brinegar,* 538 F.2d 924 (2d Cir. 1976); *Yassini v. Crosland,* 618 F.2d 1356 (9th Cir. 1980.)

rate increase,[15] and direct interested persons to our discussion there. Nevertheless, some additional comments on this matter are in order. In our rate of Return decision, we emphasized the "volatile economic and financial conditions which have occurred during the course of the [rate of return] proceeding." Rate of Return decision at para. 81. We also stated that "[I]t is imperative that AT&T be permitted to realize the new rate of return *as soon as possible.*" (*Id.*, emphasis in original). No petitioner disputes that AT&T may properly raise rates to earn its revenue requirements.[16] Nor is there argument that the application of a general rate increase is the fastest way for it to satisfy its urgent need for additional revenues.[17]

12. A number of petitioners contend that certain individual AT&T private line services are already earning at too high a rate of return, making these services inappropriate candidates for further rate increases. As with AT&T's 16.4 percent private line rate increase, we approach the instant tariff revisions on a broad, overall basis since they are designed to put the company as a whole in the position of earning its authorized return while maintaining existing rate relationships between individual private line services.[18]

13. Thus, we do not intend to focus on such individual private line services, relying instead on ongoing proceedings, to ultimately determine the lawfulness of service-by-service rates, *see, e.g., American Telephone and Telegraph Company—Private Line Rate Structure and Volume Discounts* (Docket No. 79–246), 74 FCC 2d 226 (1979), as well as investigations of individual tariff filings, *see, e.g., American Telephone and Telegraph Company* (Series 7000), FCC 81–254, released June 3, 1981, and finally, the complaint provisions of the Act. *See,* 47 U.S.C. §§ 206–209. We shall, however, briefly address the petitioners' contentions as to some private line services.

14. The National Association of Broadcasters (NAB) and the Networks assert that AT&T's series 6000 audio program transmission and Series 7000 television program transmission services are already earning in excess of the newly authorized rate of return of 12.75 percent without any rate increase.[19] The Networks attach to their pleading an affidavit by Mr. John J. Renner in support of their petition.

15. Although we have already addressed the Networks' contention on Series 6000 in order FCC 81–222, *supra,* some additional comments should be made. In arriving at their assertion that Series 6000 is already earning too much, the Networks have simply eliminated certain investment from the book cost for this service. *See* Networks, Appendix A at 4–5. For example, the Networks identify an alleged $7 million in excess investment for Series 6000 due to an "inappropriate" increase in interexchange mileage in service. The Networks fail to identify why this increase is inappropriate. The Networks also identify an alleged $4 million excess in investment resulting from the use of "ES/PL" which in turn resulted in purportedly inflated unit costs, *Id.* Assuming that the Networks are referring to AT&T's Exchange Study/ Private Line calculations, they provide no support or documentation whatsoever for the proposition that AT&T's use of the study is improper or that it has produced excessive unit costs.[20] As to their contentions on Series 7000, we have recently suspended a Series 7000 tariff filing which proposed a major restructuring of that service offering and designated a number of issues for hearing, including some which the Networks have raised in their petitions and in their preliminary views filed on May 22.[21] Under the circumstances, we think the prudent course is to address these Series 7000 issues in that proceeding.

16. The OCCs once again argue that AT&T is forbidden by the *Sierra-Mobile*[22] doctrine from unilaterally altering tariff rates which were established by the Settlement Agreement in Docket No. 20099.[23] These same arguments were discussed in our recent order (FCC 81–222, *supra*), and that analysis is adopted here.

17. Western Union argues that if the 16 percent rate increase is applied to the private line category, the return on investment for that category as a whole would rise to approximately 14 percent.[24] Western Union has developed its projection by taking AT&T's estimates of operating results (*i.e.* expenses, investment, tariffic and revenues, etc.) associated with its recent 16.4 percent rate increase for private line service[25] and extrapolating new operating results for the private line catgegory based on an additional 16 percent rate increase. AT&T responds that for the purposes of the GRI filing, the data originally provided have been updated for the instant filing by using actual financial management budget data. Absent some indication that the more recent data may be unreliable or otherwise flawed, we have no reason to accord greater weight to the Western Union projections. Moreover, a number of major rate changes which were not reflected in the cost data accompanying its 16.4 percent private line filing have been accounted for in the GRI support material. These changes include AT&T's attempts to quantify, albeit imperfectly, the impact of the time-of-day WATS rates which became effective on June 1, 1981;[26] the effect of a further 16 percent increase on private line; a 16 percent increase for domestic MTS; a 10.5 percent rate increase for WATS; and the proposed 35 percent OMTS rate reduction.

18. Since Western Union does not demonstrate specific reasons why the Commission should not look to AT&T most recent operating results and also assumes that demand repression for private line is linear,[27] we see no reason to suspend or reject on the basis of Western Union's assertion that, based on these older forecasts, the private line category will earn a rate of return in excess of 12.75 percent.

Alleged Shortcomings in AT&T's Section 61.38 Data

19. A number of petitioners contend that AT&T's Section 61.38[28] data is inadequate because it is overly

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[15] FCC 81–222, *supra.*

[16] *See, e.g.,* Aeronautical Radio, Inc. (ARINC) at 13.

[17] *See,* AT&T Reply, May 8, 1981 at 7.

[18] To repeat the point we made in our Rate of Return decision, "The [Supreme] Court has stressed the interest that all groups, including consumers, have in an adequate rate of return which maintains the financial health of utilities." Rate of Return decision at para. 7, citing the Permian Basin Area Rate Cases, 390 U.S. 747, 791–92 (1968); United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103, 113–114 (1958).

[19] *See e.g.,* Networks at 9, NAB at 2.

[20] In American Telephone and Telegraph Company (CCSA), Mimeo No. 04135, released November 21, 1980, the Chief, Common Carrier Bureau noted that AT&T had used this study in developing costs for CCSA access lines, and rejected Ad Hoc's contention that AT&T was required to furnish investment tables underlying the study.

[21] *See* American Telephone and Telegraph Company (Series 7000), FCC 81–351, released June 3, 1981 (Docket No. 81–351).

[22] *See* FPC v. Sierra Pacific Power Company, 350 U.S. 348 (1956); United Gas Pipe Line Co. v. Mobile Gas Corp., 350 U.S. 332 (1956).

[23] American Telephone and Telegraph Company, 52 FCC 2d 727 (1975).

[24] *See* Western Union at 5, 7–9.

[25] *See* FCC 81–222, *supra.*

[26] The earlier cost data only took into account the tapered rate structure which AT&T filed on September 15, 1980. A time-of-day feature in the WATS rates was not included.

[27] In other words, Western Union assumes that the extent of demand repression that will take place with a further 16 percent rate increase for private line is approximately equal to the repression that AT&T estimated would take place with the 16.4 percent private line rate increase.

[28] Section 61.38 of the Rules details the type of economic information a carrier must provide in support of its tariff filings. *See* 47 C.F.R. § 61.38.

aggregated, unauditable, confusing, or fails to take into account subsequent developments such as the termination of AT&T's TELPAK offering and the new, time-of-day WATS rate structure. [29] They argue that AT&T's cost support data cannot be considered reliable in view of the "massive inter-service demand and revenue effects certain to result from the imminent termination of TELPAK, two separate 16 percent private line rate increases, and a further 16 percent increase in the substantial WATS rate revisions already proposed in Docket No. 80–765." *See* Executive Agencies at 7. The Conference contends that AT&T should have provided reporting category investment so as to allow calculation of the rates of return for the major ICAM service categories. AT&T's failure to do so, it says, is a violation of the ICAM. *See* Conference at 12. A number of petitioners focus on AT&T's allegedly inadequate cost support material for WATS. [30] As we explain below, we agree with some of these criticisms and for these reasons and others, have decided to investigate aspects of the MTS and WATS filings as well as AT&T's capital recovery calculations.

20. Some petitioners reiterate the points raised by the Bureau in its April 16, 1981 letter to AT&T (Reference No. 61610). There, the Bureau questioned certain apparent inconsistencies between the support material in AT&T's recent 16.4 percent private line rate increase and that submitted for the GRI filing. On April 20, 1981 AT&T responded at length to this letter. [31] We find that AT&T's response adequately explains the discrepancies in operating results. Moreover, AT&T's June 1, 1981 data submission submitted in response to the Bureau's May 13 letter addresses many questions which the petitioners have raised. [32] Thus, AT&T has now calculated rates of return for the ICAM categories, and has attempted to take into account the effectiveness of the 16.4 percent private line rate increase, the termination of TELPAK, the effectiveness of the new time-of-day WATS rate structure, the Commission's action suspending the effectiveness of AT&T's February 13, Series 7000 tariff filing, [33] and the effect of the proposed OMTS rate reduction. More to the point, the additional information submitted by AT&T satisfies most of the questions raised by staff and by the petitions. Our remaining areas of concern over AT&T's Section 61.38 data in this filing are discussed at length below.

21. A number of petitioners [34] object to the proposed rate increases on the grounds that they would, among other things, be inflationary, hinder the efficiency of the trucking industry, or impede the expansion of public broadcasting. The short answer to these petitioners is that these arguments were implicitly rejected in the Rate of Return decision and that the carrier is entitled to rates that allow it, under honest, economical, and efficient management, to achieve a fair overall return. *Nader v. FCC*, 520 F. 2d 182 (D.C. Cir. 1975) *citing Bluefield Water Works and Improvement Co. v. Public Service Commission*, 262 U.S. 679 (1923). The proper forum for these issues, however, is Docket No. 79–63. [35]

22. We have, however, identified a number of discrete problems with the filing that mandate an investigation and imposition of an accounting order. [36] While we do not propose to suspend the filing for more than one day because of the carrier's urgent need for additional revenue, we nonetheless think that these problems warrant imposition of an accounting order on all rate increases to facilitate possible refunds.

MTS Forecasting

23. AT&T in its June 1, 1981 submission asserts that MTS would as a category earn a 12.62 percent rate of return after a 16 percent rate increase for domestic MTS and a 35 percent decrease for OMTS. [37] AT&T's rate of return figures for MTS are of particular concern to us for two reasons. First, MTS is the largest interstate service provided by AT&T; indeed, AT&T predicts that in 1981, the MTS rate base will be about $20.7 billion, WATS, predicts that in 1981, the MTS rate base will be about $20.7 billion. WATS, by comparison, is expected to have a rate base of $5.8 billion, and the private line rate base is even smaller. [38] Thus, even a small percentage increase in AT&T's rate of return for MTS will have significant revenue effects. Second, as we stated recently, our concern with MTS is a long-standing one that stems in part from a belief that MTS ratepayers should not be unreasonably burdened with the costs of other services solely because they often have neither the individual financial incentive nor the expertise to participate fully in Commission proceedings. [39] That concern was evidenced by the Bureau's June 19 letter to AT&T requesting further information regarding AT&T's MTS forecasting procedures. [40]

24. We are concerned that AT&T's forecast procedures for MTS may have overstated the price elastic nature of demand of MTS. [41] If the company has overestimated the price elasticity of MTS demand, its predictions as to demand for the service will be understated. Understating demand for MTS also results, *inter alia*, in understating the revenue that MTS will generate, and ultimately this discrepancy in revenue affects the earnings ratio for MTS and the firm.

25. The forecasting procedures which are employed by AT&T to estimate demand for MTS, and ultimately the facilities necessary to provide the service, are complex and extensive. AT&T's domestic MTS forecasts for the instant filing are based on two econometric models—the FIRM (Forecasting Interstate Revenues and Messages) model and the RES (Rate Evaluation System) model. Our

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[29] *See e.g.*, ARINC at 9–13; Networks at 24–33; Conference at 9–12. For more background about the termination of TELPAK, *see* Aeronautical Radio, Inc. v. FCC, Nos. 77–1333, *et al.*, (D.C. Cir. November 5, 1980), *cert. den.* U.S. L.W. 3789, 3825, April 20 and May 4, 1981. For further information about the new, time-of-day WATS rate structure, see American Telephone and Telegraph Company (WATS) (hereafter Docket No. 80–765), FCC 81–242, May 20, 1981, *review pending sub nom.* Aeronautical Radio, Inc. v. FCC, No. 81–1553 (D.C. Circuit, filed May 22, 1981).

[30] *See, e.g.*, ARINC at 12, AIA at 2–3 (Transmittal No. 13704), Conference at 19.

[31] *See* letter from W.R. Stump to Chief, Tariff Division, April 20, 1981.

[32] In comments filed on June 22, 1981, the Networks argue that AT&T's June 1, 1981 additional data submission does not justify its method of developing investment information which formed the basis for the April 10, 1981 rate escalations. As explained above, the Commission's Rules do not provide for additional pleadings following carrier submission of data in response to staff request. We also emphasize that we are not determining the lawfulness of individual rates at this time. Additionally, the arguments presented by the Networks were considered in the ICAM proceeding, and are not at issue here.

[33] American Telephone and Telegraph Company (Series 7000), *supra*.

[34] *See, e.g.*, Executive Agencies at 7, Conference at 19–23, NPR at 3.

[35] The Executive Agencies filed an opposition to AT&T's request for special permission to file its proposed rate increases on short notice, and urged a 24 month phase-in of the new rates. This course would, in effect, require us to reverse our previous action prescribing a 12.75 percent rate of return for the carrier as just and reasonable and therefore should be raised in Docket No. 79–63. Thus, we will deny their motion.

[36] We see no reason why AT&T's commitment to equalize earnings ratios for MTS, WATS and private line service on October 31, 1981 should preclude this investigation.

[37] *See* letter from W.R. Stump to Acting Chief, Common Carrier Bureau, June 1, 1981.

[38] *See* AT&T June 1, 1981 date submission, appendix 5 at 7.

[39] *See* FCC 81–222 at 10, n. 36.

[40] *See* letter from Acting Deputy Chief, Common Carrier Bureau, to W. E. Albert, June 19, 1981.

[41] Briefly, price elasticity of demand is a measure of the degree of responsiveness of demand for a good in response to a change in its price.

independent analysis of the implementation and interaction of these models has led us to question the reliability and appropriateness of the MTS forecasting methods.

26. FIRM is a dynamic model (*i.e.* one that contains variables observed at different times) in which the variables are measured in terms of annual rates of change. It uses time-series data only. The RES model by contrast is a static one in which the variables are measured as levels and all variables relate to the same time period. RES uses pooled cross-section and time-series data. Both models are divided into two estimating equations, one for messages (for the FIRM model) or messages per telephone (for the RES model), and the other for average revenue per message (ARPM). Although differences exist in the independent variables used in each model, all four (both equations in both models) include income and own price variables,[42] which can be used to obtain income and price elasticity estimates.

27. AT&T's forecasting procedure begins with developing a baseline forecast based on utilization of the FIRM model under the assumption that rates will remain at current levels. The message forecast is determined by summing the forecasts from each of the message equations for each of the market segments. Segmentation is by type of customer (business, residence, or coin) and by length of haul (mileage band groups). The revenue forecast is obtained by multiplying the message forecast of each market segment by the corresponding average revenue per message forecast and then summing across market segments. In order to estimate the impact of the proposed rate change, the estimated price elasticities from the RES model are then employed. This latter process adjusts the baseline projections and produces forecasts assuming that the proposed rates are in effect.

28. The main problem we perceive with this procedure is that by taking the price elasticity estimates out of the context of the RES model and using them in conjunction with forecasts obtained from the application of the FIRM model, the basic economic assumptions under which they were estimated appear compromised. Specifically, the regression coefficients are estimates of the effects (mathematically, partial derivatives) of the independent variables, holding other factors constant.[43] The other factors which are being held constant are the other independent variables in the RES model regression equation. However, when the RES price elasticities are utilized in concert with forecasts derived from the FIRM model, these *ceteris paribus* assumptions appear violated, since the factors held constant in the FIRM model are not the same as the factors held constant in the RES model. Significantly, the FIRM model includes its own price elasticity estimates (which are generally lower than those of the RES model). Since those estimates are available, it would appear economically and statistically more valid to use the FIRM elasticity estimates in the context of producing forecasts with the FIRM model. In its initial submission, AT&T did not provide any explanation for its use of the RES price elasticity estimates rather than the seemingly more appropriate FIRM estimates. It has, however, in its letter of June 23, offered more explication. We expect AT&T to comment more fully on these matters in the investigation, with particular emphasis on the questions we raise now.

29. Since the FIRM price elasticity estimates are generally lower than the RES price elasticity estimates, the estimated additional revenues from the proposed MTS rate increase would be greater if the FIRM elasticity estimates are used.[44] The precise magnitudes of the changes in revenues, costs and rate of return that would occur as a result of substituting FIRM elasticities for the RES elasticities are not possible to compute without the voluminous data used by AT&T to generate the forecasts.[45] However, we are concerned that an excessive rate of return could result from such a substitution. With this in mind, the Bureau's letter of June 19, 1981 requested AT&T to submit revised forecasts using only the FIRM model and FIRM elasticities.[46] AT&T's response[47] seems to verify our tentative conclusion that both the MTS and overall company rates of return would increase as a consequence of using the FIRM elasticities. The MTS rate of return increases from 12.62 to 12.95 percent and the overall rate of return increases from 12.72 percent to 12.88 percent. Given these results, we will investigate AT&T's MTS forecasting methodologies. However, we do not judge the differences to be so substantial as to warrant rejection or lengthy suspension. Rather, we expect that the investigation will determine the most appropriate procedures for MTS forecasting and, to the extent our findings may result in a determination that these rates are excessive ratepayers will be protected by the accounting order. In connection with the forecasted results provided in AT&T's June 22 letter, we will order AT&T to submit in detail the projected MTS revenues, message volumes, and costs supporting the results shown there.

30. The discussion thus far has dealt with questions of how the RES elasticities were used in the instant filing. We also have concerns about the stability and reliability of the RES elasticities. The following table shows the aggregate net price elasticities developed by the RES model and reported by AT&T in the instant filing and in the General Rate Increase of March 1980:[48]

Price Elasticities

Source	Business	Residence
Messages per Telephone		
Instant filing	-0.46	-0.53
GRI, March 1980	-.25	-.45
Average Revenue per Message (ARPM)		
Instant filing	0.97	0.83
GRI, March 1980	.89	.77

The problem we see with the elasticities reported here is that they were computed using the same technique, the same data base, and the same sampling period, yet the price elasticities vary markedly. Apparently, the main reason for this variation may be traced to slight revisions in some of the data series.[49] For the residence market, the change in the elasticity estimates for messages per telephone is compensated for by an opposite change

[42] The "own price variable" is the independent variable which reflects the degree to which the price of MTS determines demand for MTS.

[43] Economists use the Latin phrase *ceteris paribus* (meaning "other things being equal") to describe this.

[44] In general, the lower the price elasticity, the less the quantity sold will decline in response to a price increase, and hence the greater the increase in revenue. In the extreme case of zero price elasticity, quantity sold remains unchanged and price and revenue increase proportionately.

[45] Preliminary staff estimates indicate additional AT&T interstate revenues of over $300 million for 1981.

[46] Since AT&T's forecasts are statistically based, it should be recognized that their forecasts are point estimates subject to random statistical error. For this reason, in the past, AT&T has provided a 95% confidence interval for their forecasts. Since such information is useful, and since no confidence interval forecast is provided in the instant filing, we will require that standard error and confidence intervals of 95% be provided for all forecasts submitted with future tariff filings.

[47] *See* letter from W. R. Stump to Acting Deputy Chief, Common Carrier Bureau, June 22, 1981.

[48] *See* AT&T (GRI), *supra*.

[49] Economic cost support, Volume 14, p. C-175.

of almost equal magnitude in the ARPM price elasticity, leaving the net effect on revenues almost unchanged. However, for the business market, the change in the messages per telephone price elasticity is much greater than the change in the ARPM price elasticity. The fact that the elasticity coefficients vary to such a degree with such minor changes in data illustrates that the process used may not be very stable and possibly not very reliable. The importance of the process is magnified, of course, since it is these RES elasticities that are subsequently used to develop the forecasts. In contrast to the instability of the RES elasticity estimates between the 1980 GRI filing and the instant filing, the reported FIRM price elasticities in the two filings are very similar to each other, thus showing greater stability.

31. In its letter of June 22, AT&T provided *ex post* forecasts for the purpose of showing that the company's forecasting is statistically reliable. Although we are still not persuaded that the forecasting methods used here are sound enough for general use, we have been sufficiently reassured by AT&T's answers that we no longer see a need to invoke our special powers under Section 204(b) of the Act to allow only a partial increase of MTS rates.[50] Rather, we will allow the proposed MTS rate increases to become effective as proposed subject in an accounting order. In addition to the information requested above in connection with our investigation of the proposed rates, we are ordering AT&T to supply the staff with all the documentation analysis used to perform the *ex post* forecasts shown in AT&T's letter of June 22.

Capital Recovery

32. The second major area of AT&T's filing we plan to investigate is that of AT&T's capital recovery calculations. The amount of capital recovery ultimately affects the rates for all AT&T customers. Yet AT&T has submitted almost no data on point. We turn now to our specific reasons for concern.

33. Capitol recovery is the process by which the original cost of assets, offset by any salvage, is recovered from ratepayers. This recovery entails various accounting concepts such as depreciation expense, which may be calculated using a number of methods, the expensing of an asset, investment tax credits, rate of return and income tax effects.

34. In developing the 1981 baseline financial view of its interstate operations, AT&T has incorporated various assumptions regarding the recovery of its capital expenditures.[51] The effect of these assumptions is to increase the 1981 revenue requirements by approximately $500 million relative to what it would be if it was computed using current capital recovery procedures.

35. The assumptions incorporated by AT&T in this filing include: a) estimating remaining life depreciation rates using the theoretical reserve for each category of plant; [52] b) using service lives proposed by AT&T for the BSOCs which are due for represcription by the Commission in 1981 in determining Straight Line Equal Life Group (SLELG) depreciation rates for outside plant added during 1981; c) expensing of the inside wiring portion of new station connections; and d) assuming that the Commission will adopt AT&T's proposed service lives for terminal equipment and service plant accounts of the BSOCs due for represcription by the Commission in 1981. (Capital recovery for BSOCs not due for represcription in 1981 is based on currently prescribed service lives.) AT&T has calculated its capital recovery requirements on the basis that all of the above-noted assumptions were in effect as of January 1, 1981. The overall effect of the capital recovery program is to reduce interstate earnings by 0.76 percent.[53]

36. Our concern with the data submitted by AT&T on the proposed capital recovery program centers on two specific areas. First, given the magnitude of the additional interstate capital recovery requirement for 1981 (approximately one-half billion dollars), there appears to be no information showing the effect of each of AT&T's assumptions on the capital recovery revenue requirement. Instead, AT&T has lumped into one number the effect of all its assumptions and has not shown capital recovery effects by account or demonstrated that the accounts sum to the totals. Nor has AT&T shown the effect of the changed service lives on the capital recovery requirement for particular accounts (*e.g.*, Station Apparatus, Large PBXs, Accounts 231 and 234, respectively), the before-and-after effect on the capital recovery requirement, by account, of its assumptions (*e.g.*, application of SLELG), or the methodology used to calculate the capital recovery requirement.

37. Second, many of AT&T's assumptions appear to be somewhat speculative. Capital recovery for the BSOCs due for represcription is based on service lives proposed by AT&T instead of on currently prescribed service lives. AT&T has not demonstrated the impact on capital recovery of using currently prescribed service lives instead of the proposed but unadopted service lives. We will require AT&T to provide this information for each BSOC and for total interstate operation by account. AT&T will also be required to provide such information with respect to its 1982 and 1983 capital recovery programs as well.[54]

WATS Rate of Return

38. The third area of AT&T's filing which causes us concern is the carrier's assertion that even with a 10.5 percent increase in WATS rates rather than a 16 percent increase, WATS will earn 14.87 percent.[55] On its face the filing is objectionable because of AT&T's failure to target the WATS category to earn the 12.75 percent system wide rate of return, *see* ICAM order at para. 68. However, we think that the earnings ratio that AT&T projects for WATS is uncertain at best and probably too high. Accordingly, we have determined not to reject the filing, but to investigate instead.

39. The Conference filed a separate petition to suspend or reject the WATS tariff revisions proposing a 10.5 percent rate increase for that service. The Conference asserts that because of the 14.78 percent earnings ratio that AT&T projects, WATS will cross-subsidize other AT&T services. We address this assertion later in our order. The Conference also criticizes generally the methodology AT&T used to justify a 10.5 percent proposed rate increase for WATS. The Conference, however, does not demonstrate how or to what extent the methodology results in unreasonably high rates.

40. The Conference also criticizes AT&T's reliance upon a November, 1980 "Economic Outlook". It argues that the actual economic activity which has taken place since this forecast was made undermines its credibility. The Conference thus concludes that since the WATS filing is based upon false economic assumptions, the demand, cost

[50] The Bureau's June 19 letter tentatively found that a uniform MTS rate increase of 13 percent would raise no questions of lawfulness, and invited comment from AT&T and interested persons on this issue.

[51] *See* AT&T cost support data, Vol. 2, Section [illegible].

[52] AT&T recognizes that actual remaining life depreciation rates will be determined by Docket No. [illegible].

[53] *See* AT&T cost support data, Vol. 2, Workpaper 2L (p. A156).

[54] Aggregate 1981, 1982 and 1983 capital recovery requirements for the entire Bell system are $1.9 billion, $3.3 billion, and $4.4 billion, respectively. See AT&T cost support data, Vol. 4, Appendix B.

[55] *See* letter of W. R. Stump to Acting Chief, Common Carrier Bureau, June 1, 1981.

and investment data upon which the support material is based are fatally flawed. Given an improved economic outlook, the Conference argues that WATS will earn substantially more than 14.78 percent.

41. Assuming, without deciding, that the Conference's assumptions about the economy will prove to be more accurate than AT&T's for the entire year, the Conference again fails to demonstrate how or why or to what extent AT&T's outlook causes the proposed rates to be unlawful. In any event, as we discuss below, we think that the impact of resale and sharing and time of day pricing for WATS, are much more likely to affect demand, cost and investment for that service than the generalized economic factors raised by the Conference.

42. WATS has recenlty been the subject of both judicial [56] and extensive administrative proceedings.[57] On June 1, 1981, new WATS rates and a significantly different time-of-day WATS rate structure became effective. While AT&T has, as noted above, attempted to predict the effects of the new rates and new rate structure, it acknowledges that there are significant uncertainties with its predictions. *See* letter from W. R. Stump to Acting Chief, Common Carrier Bureau, June 1, 1981 at 4.

43. AT&T notes specifically that the ability and willingness of WATS customers to shift traffic to the lower, off-peak rates for WATS is presently unknown. It further states that the predicted 14.78 percent earnings ratio does not take into account uncertainties resulting from the unlimited resale and shared use of WATS. *Id.* To the extent the resale and sharing take place,[58] it is possible and even likely that the WATS rate of return will be driven down somewhat. For example, under the new rate structure, the total revenue AT&T receives from twenty Outward WATS customers, each using the service for three hours a month, is greater than if one customer resold the service to twenty small users and generated the same sixty hours of usage.[59]

44. The costs assigned to WATS under each of the scenarios, however, are the same because usage determines the allocation factor for assigning costs and sixty hours are used in each case. Because of the lower revenues associated with the customer who resells, the rate of return is also less under the circumstances just described.

45. Furthermore, in connection with the possible effects of time-of-day pricing, AT&T has performed only a rudimentary analysis with the time-of-day adjustment limited basically to a repricing of traffic data.[60] Under certain scenarios, time-of-day pricing could result in traffic shifts tending to reduce the WATS rate of return. One such scenario would have customers shift their usage from the business day to one of the two other rate periods where rates are lower. However, since the amount of WATS usage would not change, there would be no comparable reduction in WATS costs, which are allocated on the basis of messages, minutes and mileage. The latter are insensitive to the rate structure. Hence, the rate of return for WATS could well be lower given any such traffic shift.

46. Finally, the Commission has recently expressed concern over the rate differentials between WATS and MTS, which we have found to be like services under Section 202(a) of the Act, 47 U.S.C. § 202(a).[61] *See* Docket No. 80–765, 84 FCC 2d at 199. Notwithstanding the existence of the ICAM, we continue to question how WATS calls, which offer substantial discounts vis-a-vis MTS calls made between the same two points at the same time of day, can nevertheless yield higher earnings for AT&T. This matter is to be investigated in the forthcoming second phase of the Docket No. 80–765 investigation, and is yet another reason why we question the purported 14.78 percent rate of return that AT&T predicts for WATS even with a 10.5 percent rate increase.

47. In its June 12 filing proposing a 10.5 percent rate increase for WATS, AT&T furnished purported 1979 operating results allocating costs to the ICAM service categories and providing rate of return figures for those categories in accordance with the Commission's order on reconsideration of the ICAM.[62] Except for a minor discrepancy, AT&T claims to have followed the ICAM as set forth in Appendix B of that order. The results shown by AT&T for 1979 indicate that the rates of return for MTS and WATS were 11.25 percent and 11.13 percent, respectively. Taking into account the proposed rate increases plus all other known changes in revenues and costs, AT&T, as noted above, estimates the annualized 1981 rates of return for MTS to be 12.62 percent and 14.78 percent for WATS. The ICAM allocates significant amounts of costs between MTS and WATS on the basis of message, minute and mileage data. Thus, the major difference in MTS and WATS costs per unit of usage comes from average differences in these traffic parameters. For example, if MTS messages are longer than WATS messages, MTS would be assigned greater costs per unit of usage where minutes have formed the basis of the allocator. Our own analysis shows that revenue per minute is greater for MTS than for WATS. If this is the case, then the 1979 results showing approximately equal rates of return for the two services mean that WATS costs per minute would be less than for MTS. The projected 1981 results—*i.e.* 12.62 percent for MTS and 14.78 percent for WATS—based upon an increase of 16 percent for domestic MTS and a smaller increase of 10.5 percent for WATS raise questions of whether projected costs have been established on a basis comparable to projected revenues. Differences in the elasticity of demand between MTS and WATS would not have such a profound effect on the relationship between revenues and costs allocated on the basis of some combination of messages, minutes and miles. Other unknown factors must therefore account for the sharply increased difference in the projected 1981 rates of return for MTS and WATS compared to the actual 1979 rates of return calculated on the same (*i.e.* post-reconsideration ICAM) basis.

48. In order that we may have all the information required to determine if the proper allocations are being made between MTS and WATS, we are requiring the additional set out in Appendix B. Since the 1980 Annual Report is to be released in the near future, the requested data should be for actual 1980 operations plus the annualized estimate provided with the instant filings.

49. In sum; we do not consider the projected rate of return of 14.78 percent to be very meaningful at this time. After the marketplace has had sufficient time to stabilize we will be in a better position to determine the WATS rate of return and take any action necessary to correct anomalies. Additionally, and as noted elsewhere, our accounting order will provide protection to customers if we find WATS rates to be unreasonably

[56] *See* MCI v. FCC (WATS), *supra.*

[57] *See, e.g.,* Docket No. 80–765, *supra.*

[58] Judging from the large volume of recent inquiries to the Commission, it appears that significant interest exists in the resale and sharing of WATS.

[59] In OutWATS Rate Step 1, for example, the day rate is $15.13 per hour for each of the twenty customers, but is $11.79 per hour for the one customer who resells a total of sixty hours of service to twenty small users. *See* AT&T Tariff F.C.C. No. 259, Section 3.2.6 (c).

[60] *See* letter of W. R. Stump to Acting Chief, Common Carrier Bureau, June 1, 1981 at 4.

[61] *See* Docket No. 21402, American Telephone and Telegraph Company, 70 FCC 2d 593, *recon. den.* 79 FCC 2d 10 (1980), *review pending sub nom.* Aeronautical Radio, Inc. *et al.* v. FCC, No. 80–1870 (D.C. Cir. filed July 31, 1980).

[62] *See* American Telephone and Telegraph Company, FCC 81–224, released May 15, 1981.

high. We intend, however, to track closely the actual performance of WATS. We also plan to investigate the reason why the WATS rate of return is projected at 14.78 percent. We will order AT&T to submit on October 1, 1981, revised WATS rate of return data under the ICAM utilizing only data which reflect the implementation of the new WATS rates and rate structure which became effective on June 1, 1981.

Overseas Message Telecommunications Service (OMTS)

50. We now turn to a consideration of the proposed rate decreases for OMTS, which we also believe warrant investigation. Here, AT&T proposes to selectively reduce rates for OMTS billed in the United States. Unlike a general, across-the-board reduction, AT&T would reduce the initial period (three minute) charge for direct dialed calls by 35 percent, but would not change present operator assisted initial period charges. Additional per minute charges for all service classifications would be reduced by 35 percent. Where night and/or weekend rates are available, the same pattern of rate reductions is proposed.

51. The particular proposal to reduce OMTS rates filed by AT&T causes us some concern with the incentives inherent in the proposal.[63] Initially, we expect that the proposal, if implemented, may tend to stimulate additional calls at the lower prices and also lead to calls of longer duration because charges for additional minutes would be reduced. For example, if the price elasticity of demand for OMTS is unity, direct dial calling will increase by 35 percent and all calls will be 35 percent longer. Thus, the need for new circuits to meet stimulated demand may be substantial.

52. Such an increase in demand may lead to a supply constraint, that is, increased usage caused by the proposed rate reduction may result in inadequate capacity to meet forecasted demand at an earlier date than previously anticipated. To alleviate a potential supply constraint, investment in new transmission capacity and other equipment may be required. The additional investment may be justified if lower prices are warranted by earnings significantly in excess of the allowed rate of return and prices are closely aligned with costs. However, where rates do not reflect costs and a rate reduction does not lead to this result, the rate reduction may lead to investment that is enefficient and could be avoided or postponed. We will take this opportunity to discuss our concerns with AT&T's proposal in more detail.

Peak/Off-Peak Pricing of OMTS [64]

53. As background, our concern with peak/off-peak usage patterns arises because OMTS, like other communication services, is not storable. *See* Peter O. Steiner, "Peak Loads and Efficient pricing," *Quarterly Journal of Economics*, No. 71 (November, 1957), pp. 585–610. Telephone plant must be constructed to meet performance specifications at peak. Thus, the amount of plant constructed is, in part, a function of peak usage of the OMTS facilities. *See* FCC 81–242 at 12–13. Simply put, higher peak usage of OMTS results directly in a requirement for more plant. Since the utility is permitted to recover the costs of providing the additional plant, customers will be required to pay higher rates than necessary if inefficient construction is encouraged.[65] It follows that the marginal costs of providing telephone services are generally highest at peak periods, since peak usage has produced the need for plant which remains idle during off-peak periods and thus would not be required in the absence of the peak.[66]

54. Accordingly, the equitable principle favoring peak/off-peak pricing for OMTS is simply that such rates more accurately reflect the costs of providing services. *See, e.g.*, John K. Hopley, "The Response of Local Telephone Usage to Peak Pricing," *Assessing New Pricing Concepts in Public Utilities*, ed. by Harry Trebing, MSU Public Utility Papers (East Lansing, Mich.: Michigan State Univ., 1978), 12–26 at 15. This principle clearly accords with our long-standing position that the cost of providing service is at the heart of the statutory requirements under Sections 201–205 of the Act for just, reasonable, and non-discriminatory rates and that costs are to be directly controlling in the fixing of rates. *American Telephone and Telegraph Co.* (Docket No. 19989), 59 F.C.C. 2d 671, 678 (1976); *see also* Docket No. 80–765, 84 F.C.C. 2d at 170; FCC 81–242 at 17.

55. Not only are peak/off-peak rates based on marginal costs more equitable, but they promote economic efficiency. As we have previously observed, "marginal cost pricing, as a theoretical matter, and as applied in many practical business situations as well, is desirable because it promotes the efficient allocation of resources. FCC 81–242 at 18–19.[67] *(But see* n. 63, *supra.)*

56. Finally, peak/off-peak rates for OMTS may be expected to reduce the effect on peak usage of the surge in demand stimulated by the proposed OMTS rate reductions, since lower off-peak rates would create incentives to use OMTS facilities at off-peak periods. Alternatively, since the reduction of peak rates under a peak/off-peak structure would be less than under the proposed tariff filing, stimulation of usage at the peak would be minimized, other things being equal. Thus, less capacity would be required, facilities could be used more efficiently, and construction costs over time could be reduced. Growth of the utility's rate base would slow, and charges to consumers would be correspondingly lower.[68]

57. The above considerations are pertinent to OMTS. We have, in fact, examined certain AT&T Centralized Message Data System (CMDS) statistics for OMTS. Although this analysis is not conclusive, preliminary results tend to confirm that the daily distribution of OMTS usage exhibits pronounced peaking characteristics in at least some instances. For example, a majority of the telephone calls from the United States to the United Kingdom tend to cluster around a four hour interval on an average business day. This interval

[63] The Public Utilities Commission of the Territory of Guam and the Guam Telephone Authority seem to argue that rates for service from Guam to the contiguous states, provided by RCA Global Communications, would be too high if RCA Globcom does not match AT&T's rate decreases. This in essence strikes us as a claim that RCA Globcom's rates are unlawfully high, rather than one that AT&T's rates are unlawfully low. Such a claim is more properly addressed in a complaint proceeding under Section 208 of the Act, 47 U.S.C. 208.

[64] For a more lengthy treatment of peak/off-peak pricing of telephone services, see our decision in American Telephone and Telegraph Company (Docket No. 80–765), FCC 81–242, released May 20, 1981, at 10–31. We view our discussion there as equally applicable to OMTS.

[65] It may be in the utility's interest to overcapitalize since it may then under certain circumstances be able to retain excess revenue which could otherwise be forfeited. See FCC 81–242 at 13 n. 15 and 26–27; *cf.* Harvey Averch and L. L. Johnson, "Behavior of the Firm Under Regulatory Constraint," *American Economic Review* (December, 1962), 1052–69.

[66] The Commission has approved the use of marginal costing principles when considering issues of peak load pricing, although it has recognized the unauditability of marginal costs for purposes of inter-service comparisons. *See* American Telephone and Telegraph (Docket No. 18128), 61 F.C.C. 2d 587, 628 (1976); *recon. denied*, 64 F.C.C. 2d 971 (1977), *further recon.*, 64 F.C.C. 2d 1441 (1978), *aff'd in part sub nom.* Aeronautical Radio, Inc. v. FCC, No. 77–1333 (D.C. Cir. June 24, 1980); FCC 81–242 at 18–21.

[67] Indeed, such pricing techniques have been used for many years in the electrical utility industry, (*see* FCC 81–242 at n. 23) and were a major rationale for our decision prescribing a peak/off-peak rate structure for WATS. *Id.* at 18–21.

[68] This effect has been well documented in the electric utility industry. *See* our discussion in FCC 81–242 at 22–23.

coincides with the overlapping business hours in the two countries.

58. AT&T's OMTS filing, if implemented, would provide insufficient incentives for achieving the potential benefits possible from peak load pricing. There are no peak/off-peak rates. Instead, AT&T has day rates and night rates to many countries. In general, day rates include the peak usage period but also a substantial portion of the off-peak period. Also, within a given service classification, the proposed rate reduction is applied equally to day and night rates. As a result, relative prices are unchanged so there is little incentive for users to shift their calls from peak to off-peak usage periods.[69]

59. Accordingly, we will investigate AT&T's failure to include a peak/off-peak rate structure element in its OMTS tariffs. This investigation will be somewhat broader than the expedited investigation we plan to conduct above, and will focus on two basic issues. Initially, comments are invited on the lawfulness of OMTS rate structures which do not incorporate incentives reducing peak usage. Specifically, we shall consider whether the failure of the OMTS rate structure to recognize the higher costs of usage at peak is just and reasonable under Section 201(b).[70] Further, as we see it, the day/night rate structure presently in place may contribute to inefficient use of international facilities by exaggerating the peaks, thus causing unnecessary construction. Since this would seem contrary to the public interest, we seek comment on this aspect of the rate structure as well. Finally, it is apparent that the marginal cost of usage is higher at peak periods than off-peak periods. Under both the present and proposed tariff, however, peak users pay the same rates as off-peak (day) users. We seek comment on whether this is an unlawful discrimination between peak and off-peak (day) users under Section 202(a) of the Act.[71] Additionally, if a peak/off-peak rate structure element is necessary for just, reasonable and fair OMTS rates, should we prescribe such a rate structure element for OMTS.[72] Parties commenting on this question may wish to review our extensive discussion of peak/off-peak pricing with regard to the WATS tariff in FCC 81-242 at 11-13.

60. Lastly, we seek comment on appropriate OMTS peak/off-peak rate structure elements. By this, we mean that rates at peak should more closely reflect the full costs of providing service to peak users. In this regard, we will direct AT&T to file as part of its comments proposed peak/off-peak rate structure elements for its OMTS tariff, or to justify, with documentation, why such rate structure elements are not appropriate.[73] However, we recognize the lack of data concerning relevant demand elasticities and other important parameters. Thus, we are not attempting to obtain peak/off-peak rates purportedly achieving optimum economic efficiency. We will, however, expect peak rates to be in effect for periods which clearly reflect peak usage patterns in the OMTS markets involved.

Refunds

61. If we determine that AT&T has overestimated the price elasticity of demand for domestic MTS because of miscalculations in its econometric models, we of course retain the option to order refunds to the MTS ratepayers as a class. *Compare Las Cruces TV Cable, et al. v. FCC,* No. 77-1915, (D.C. Circuit, decided February 23, 1981). Likewise, if AT&T's actual experience demonstrates that WATS rates are unreasonably high, we may do the same. Finally, if we find AT&T has overstated the extent of its revenue requirement for capital recovery, we may order, in addition to any refunds which may be ordered for domestic MTS and for WATS, further refunds for all of AT&T's services. However, our principal concern is with the performance of the firm overall since this is a general rate increase, and we do not expect precision insofar as individual service earnings are concerned.

Ordering Clauses

62. Accordingly, it is ordered, that the petitions to suspend or to reject the above-captioned tariff revisions filed by the American Telephone and Telegraph Company and its associated Bell System Operating Companies ARE GRANTED to the extent indicated and are otherwise DENIED.

63. It is further ordered, that, pursuant to Section 204(a) of the Communications Act, 47 U.S.C. 204(a), the above-captioned tariff revisions ARE SUSPENDED for one day.

64. It is further ordered, that, pursuant to Sections 4(i), 4(j), 201-205 and 403 of the Communications Act, 47 U.S.C. 154(i), (j), 201-205 and 403, an investigation is instituted into the lawfulness of the proposed revisions of the American Telephone and Telegraph Company's Tariff F.C.C. Nos. 259 (Wide Area Telecommunications Service) and 263 (Message Telecommunications Service), into the lawfulness of that carrier's proposed capital recovery program, and into the proposed rate structure for OMTS.

65. It is further ordered, that, pursuant to Section 204 of the Act, 47 U.S.C. 204, the burden of proof shall be upon AT&T.

66. It is further ordered, that AT&T shall submit the data on MTS forecasts and capital recovery as well as the responses to the questions set out in Appendix B of this order by July 31, 1981. Interested persons may file their comments on the material submitted by August 14, 1981.

67. It is further ordered, that AT&T shall submit to this Commission on October 1, 1981 a revised projection of the estimated rate of return for WATS.

68. It is further ordered, that comments in the OMTS investigation shall be filed by August 10, 1981. Reply comments may be filed by September 1, 1981.

69. It is further ordered, that AT&T's application for special permission to make the above-captioned tariff revisions effective on not less than one day's notice is granted, effective immediately. For this purpose, special permission No. 81-283 is assigned.

70. It is further ordered, that the Emergency Application for Review filed by the American Broadcasting Companies, Inc., CBS Inc. and the National Broadcasting Company is denied.

71. It is further ordered, that, pursuant to 47 U.S.C. 204, the American Telephone and Telegraph Company shall, until further order of the Commission, keep accurate account by class of all amounts received by reason of the above-captioned revisions.

72. It is further ordered, that, the Secretary shall cause a copy of this order to be published in the **Federal Register.**

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[69] It is true that the proposed reduction in initial period IDDD charges changes the relative prices of this service and operator assisted calls. This in turn creates an incentive for users to shift from operator assisted calls to dial calls which may reduce the average holding time and have some effect on the need for circuits. However, it does not encourage a shift to off-peak usage periods in the same way as an appropriately designed rate structure might and, therefore, does not have the same potential for delaying a possible capacity shortage. *Cf.* Docket No. 80-765, 84 FCC 2d at 178-180; FCC 81-242 at 10.

[70] Section 201(b) of the Act, 47 U.S.C. 201(b) makes unlawful any charge, classification or regulation which is unjust and unreasonable.

[71] Section 202(a) of the Act, 47 U.S.C. 202(a), provides in part that it is unlawful for a carrier to give any undue or unreasonable preference or advantage to users or classes of users.

[72] Under Section 205 of the Act, 47 U.S.C. § 205, the Commission may, after hearing, determine and prescribe just, reasonable and fair charges or practices.

[73] AT&T in its cost support material indicates that it plans to restructure its OMTS tariffs later this year. Cost Support Material Vol. 1 at 2-1. We would expect such a filing to take into account the concerns we have expressed.

Federal Communications Commission.[74]
William J. Tricarico,
Secretary.

Appendix A—Contentions of the Parties

1. For the sake of convenience and comprehensibility, the petitions that were filed against the proposed tariff revisions may be divided into three broad categories: petitions filed by or on behalf of end users against the proposed increases for AT&T's domestic services, petitions filed by OCCs who utilize AT&T services in providing their own communications services, and petitions filed against the proposed 35 percent IMTS rate reduction.

2. Petitioners in the first category were Aeronautical Radio, Inc. (ARINC), the Aerospace Industries Association (AIA), the American Broadcasting Companies, Inc., CBS Inc., and the National Broadcasting Company, who filed jointly (hereafter the Networks), Citicorp, the Common Carrier Conference-Irregular Route [1] (The Conference), the Executive Agencies of the United States (Executive Agencies), the International Communications Association (ICA), the National Association of Broadcasters (NAB), National Public Radio (NPR), United Press International, Inc., the American Newspaper Publishers Association, the Associated Press, Dow Jones and Company Inc., and Reuters, Ltd., who file fointly (Press Parties), and the Public Service Commission of West Virginia (West Virginia).

3. Several of these petitioners [2] object to AT&T's proposal to apply a uniform, 16 percent rate increase to virtually all of its interstate services. These petitioners contend that AT&T has the burden of demonstrating the lawfulness of applying a uniform rate increase to each individual AT&T offering. Such action by AT&T is also, in their view, a violation of the ICAM.

4. Other petitioners [3] asserts that many of AT&T's tariffs have either been found unlawful or are the subject of ongoing Commission proceedings, so that it is inappropriate to impose an additional rate increase upon these tariffs. In this regard, some petitioners object only to the application of the proposed rate increase to individual services. ARINC and AIA, for example, object to the proposed rate increases for WATS, as does the Conference. The Networks and NAB object to the proposed rate increases for Series 6000 and Series 7000 program transmission services. The Press Parties and West Virginia object to the proposed MTS increases.

5. The reasons the petitioners ask for rejection or suspension are varied. ARINC and the Press Parties object to AT&T's failure to provide the cost support material required by Section 61.38 of the Commission's rules and regulations for each AT&T service. ARINC also criticizes generally the 61.38 data that AT&T submitted. AIA, the Networks, and Citicorp argue that AT&T did not use consistent figures in calculating its rate base, revenues and expenses for the instant filing and other recent filings. Citicorp, among others contends that AT&T in its cost support material did not adequately consider the recent termination of TELPAK private line service, the recent restructuring of WATS, [4] and the effectiveness of the 16.4 percent private line rate increase. [5] In a similar vein, the Conference asserts that the summary data filed in support of the rate increase cannot be replicated from the detailed data provided by AT&T, that AT&T failed to submit earnings ratios for the four broad categories of AT&T services established by the ICAM, and that a general rate increase of the type proposed by AT&T violates the spirit and the purpose of the ICAM.

6. A number of parties focussed on the proposed WATS rate increases. ARINC, for example, contends that WATS has been earning substantially above the previously authorized rate of return, while AIA and the Conference argue that AT&T has failed to show that a 16 percent increase in WATS rates will result in a rate of return for WATS equal to or lower than 12.75 percent when applied to the now effective time-of-day WATS rate structure. The Conference further contends that the proposed WATS rates would, if they became effective, cross-subsidize other AT&T services.

7. The Networks and NAB object to the proposed rate increases for AT&T's audio (Series 6000) and television (Series 7000) program transmission services. NAB argues that the existing rates for Series 6000 and Series 7000 already exceed AT&T's allowable rate of return, [6] and AT&T does not show that the program transmission services need a rate increase. The Networks also contend that the Commission's Rate of Return decision may not lawfully become effective until 30 days after that decision is published in the **Federal Register**. The Networks further object to AT&T's cost support material, pointing to seeming inconsistencies and discrepancies between its February 13, 1981 16.4 percent private line rate increase and the instant filing. They argue that these discrepancies warrant rejection or, at the least, suspension of the instant filing.

8. A number of petitioners [7] argue that AT&T has not adequately estimated the cross-elastic effects of the proposed rate increases between AT&T's own offerings as well as between AT&T's services and services provided by the OCCs, or has not adequately estimated the degree of demand repression that will take place if the rate increases become effective. The Executive Agencies, for example, argue that AT&T's assumption of no cross-elasticity among services ignores the impact of other rate increases which have either been proposed or have become effective. ICA contends that the very magnitude of demand repression that will take place necessitates investigation of these effects.

9. West Virginia asserts that a 16 percent increase in MTS rates will result in continued cross-subsidization of WATS and private line service (PLS) by MTS. The Press Parties likewise object to an increase for MTS, West Virginia contends that the rate of return for MTS should be lower than that for WATS and PLS, and that an across-the-board increase in MTS rates will result in intensifying the already great pressure for Extended Area Service on short-haul interstate routes. West Virginia argues that MTS rate increases should be limited to medium and long-haul routes.

10. There were a number of miscellaneous contentions. ARINC contends that the proposed rate increases will adversely affect the air transport industry. The Conference contends that the impact of the proposed rate increases for WATS will adversely impact the trucking industry. NAB makes similar arguments with respect to the broadcasting industry. NPR contends that the proposed rate increases will hinder the expansion of public broadcasting. The Executive Agencies state that the proposed rate increases would be inflationary, and also object to proposed rate increases for the intra-Digital Serving Area

[74] Statements of Chairman Fowler and Commissioner Fogarty to be released at a later date.

[1] The Conference is composed of more than 600 regulated motor carriers operating throughout the United States.

[2] *See, e.g.*, Networks, ARINC at 5–9, NAB at 1–3, Press Parties at 7.

[3] *See, e.g.*, Citicorp at 4–6, ICA at 4.

[4] AT&T (WATS), *Supra.*

[5] AT&T (PLS), *Supra.*

[6] The Networks argue that even without the proposed rate increase, Series 6000 is earning at 13.3 percent while Series 7000 is earning at 16 Percent. They submitted an affidavit by a consultant, Mr. John Renner, in support of this assertion.

[7] *See, e.g.*, Citicorp at 7–8, Conference at 7–8, Executive Agencies at 5–8, ICA at 8–9.

Washington Metropolitan Area 1.544 Mbps Dataphone Digital Service and the 3.152 Mbps service between Ft. Leavenworth, Kansas and Hall Beach, Canada. ICA contends that reductions of a few pennies in long distance (*i.e.*, MTS) rates may translate into disastrous effects for users of services of WATS and PLS. A number of users [8] objected to AT&T's willingness to file further rate changes by October 31, 1981, if necessary, in order to equalize the rates of return for the major interstate reporting categories.[9]

11. Petitioners in the second category are the MCI Telecommunications Corporation (MCI), Southern Pacific Communications Company (SPCC), United States Transmission Systems, Inc. (USTS), and the Western Union Telegraph Company (Western Union). These petitioners object to AT&T's proposal to raise rates for facilities used by the OCCs and tariffed at this Commission by the BSOCs. The primary argument raised by this group of petitioners is that any rate increases to these rates would be in violation of the Settlement Agreement in Docket No. 20099, *American Telephone and Telegraph Company*, 52 FCC 2d 727 (1975) and the holdings in *FPC* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956) and *United Gas Pipe Line Co.*, v. *Mobile Gas Corp.*, 350 U.S. 332 (1956). MCI, for example, asserts that the rate levels for the facilities used by the OCCs were established by reference to state rates and that by raising the OCC rates, the parity between the FCC and state rates established by the Settlement Agreement in Docket No. 20099 is destroyed. SPCC adds that allowing AT&T to raise the OCC facility rates would also undermine SPCC's confidence that any other agreement reached in the current ENFIA III negotiation will be enforced by the Commission. USTS adds that equitable considerations lie in favor of the OCCs.

12. In addition, Western Union objects to AT&T across-the-board approach in implementing this rate increase; it argues that AT&T's neglected to supply the separate cost/revenue data for major services categories and that the private line category as a whole would earn at a rate of 14.1 percent if the proposed increases are allowed to become effective. Western Union also filed a motion requesting acceptance of a reply to AT&T's opposition. AT&T opposed Western Union's motion. We will accept Western Union's reply.

[8] *See, e.g.*, Press Parties at 8.

[9] *See* letter of Acting Chief, Common Carrier Bureau to W. E. Albert.

Western Union in its reply argues that AT&T has failed to rebut its contentions.

13. The third group of petitions relates to the proposed 35 percent decrease in IMTS rates. The Guam Public Utilities Commission (Guam) requests this Commission to approve the proposed rate reductions but to order such decreases applied to telephone calls originating in Guam to the contiguous states so that rates will be reciprocal for reciprocal service.[10] Otherwise, it asserts, rate for calls between Guam and the contiguous 48 states will differ depending upon whether the call originates in Guam or in the contiguous 48 states. Guam asserts that this would be unlawful. The Guam Telephone Authority (GTA) submitted a letter echoing Guam's position, adding that this imbalance would result in a possible substantial revenue loss for the GTA. Western Union International, Inc. submitted a letter requesting additional time to respond to the data submitted by AT&T in response to the Acting Chief's May 13, letter.[11]

14. AT&T responded to all three groups of petitions separately, in some cases replying to one group of petitions in more than one pleading. Although this type of pleading is not contemplated by the rules, *see* 47 C.F.R. § 1.773, we will accept AT&T's several replies.

15. In its May 4, 1981 reply ot USTS, AT&T argues that the Commission has previously considered and rejected USTS's contentions in *American Telephone and Telegraph Company (GRI)*, 78 FCC 2d 661 (1980), *review pending sub nom. MCI v. FCC*, No. 80–1624, (D.C. Circuit, filed June 5, 1980), where the Commission allowed AT&T to raise rates to the OCCs.

16. In its May 8, reply to certain large users of its services, AT&T argues that the 12.75 percent rate of return is the only return found reasonable by the Commission under existing conditions and that AT&T's financial condition would suffer if the petitions to suspend or to reject are granted. It argues that the consuming public has a vital stake in the financial health of the carrier and that more than a month after the Commission's Rate of Return decision AT&T still continues to earn a patently unjust and grossly inadequate rate of return while the cost of capital continues to rise.

17. AT&T also contends that the application of a uniform rate increase was justified because it was the only means by which the urgent need for rate relief could be met and it was the most equitable means of achieving the required rate of return because it treats all users equally. It also points out that the purpose of the present filing is based upon sharply increased costs of capital for all services. With respect to the private line category, AT&T states that this filing will move the private line category earnings ratio closer to, but not over, the 12.75 percent objective and that further finetuning of the rates will follow by October, 1981.

18. AT&T also asserts that the Commissions's power to reject is limited and its power to suspend is discretionary. The carrier argues that rejection is inappropriate and that suspension is also inappropriate since none of the petitioners denies that the increases are necessary or fail to achieve the overall interstate rate of return. Moreover, it contends that AT&T is irreparably injured each day it may not collect the revenues to which it is entitled.

19. It further notes that the reasonableness of employing the uniform price increase is supported by the fact that the additional revenues results largely from increases in the cost of capital which affect the provision of all services generally. Moreover, AT&T asserts that the prompt effectiveness of the proposed rates does not preclude the rights of any party to challenge the lawfulness of the rates for any individual services. AT&T also argues that there are a number of other pending proceedings such as Docket No. 79–246, the private line rate structure rulemaking and Docket No. 80–765, the WATS proceeding, and that petitioners can express their views in those proceedings as well.

20. With respect to individual private line services, AT&T points out that the Commission recently denied petitions to suspend or reject a 16.4 percent uniform rate increase for private line services in spite of claims that rates for individual services are already too high. Responding to the TV Networks, AT&T contends that under the Interim Cost Allocation Manual (ICAM), about which the Networks complain, there is no requirement that the televisions and audio program transmission services, which are competitive, be limited to the authorized rate of return. Moreover, it asserts, the Networks' computation of earnings ratios overlooks the costing

[10] Service to Guam from the contiguous 48 states is provided by AT&T and its concurring and connecting carriers. Service from Guam to the contiguous 48 states is provided by RCA Global Communications, Inc. and its concurring carriers.

[11] FTC Communications, Inc. filed a petition to suspend or reject the proposed reductions in IMTS rates on June 5, 1981, accompanied by a motion to accept their late pleading, which we will deny. FTCC does not present adequate reasons for its failure to file in a timely fashion.

procedures mandated by the ICAM and arbitrarily excludes substantial costs.

21. Responding to the Executive Agencies, AT&T argues that the 3.152 Mbps Hall Beach-Fort Leavenworth channel was provided on a competitive procurement basis and that under such circumstances, the fact that the authorized earnings ratio may exceed the overall rate of return does not render the rate of return unjust or unreasonable. It also adds that the Executive Agencies do not show why this service should be exempted from bearing its fair share of the needed overall increase in rates. AT&T also contends that the Executive Agencies objection to the proposed rate increase for 1.544 Mbps DDS is unfounded since there is no showing that DDS is earning an excessive ratio under the ICAM.

22. With respect to WATS, AT&T contends that until it can be certain of the type of WATS rate and rate structure which would be implemented on June 1, 1981, it is not possible to estimate what the WATS earnings ratio would be. In the meantime, however, it contends that exclusion of WATS from the requested rate increase would only foreclose AT&T from earning the rate of return authorized by the Commission.

23. In its May 13 Reply responding to the petitions of the OCCs, AT&T references its earlier Reply to USTS. Responding to Western Union's contention that a 16 percent rate increase would result in excessive earnings for the private line category, AT&T argues that Western Union failed to take into account data which has become avaiable only recently.

24. In its May 19 supplemental reply, AT&T repeated its contention that its investors have already suffered irreparable losses due to an indequate rate of return. It argues that West Virginia's contention that MTS should earn less than the WATS and private line categories is squarely inconsistent with the ICAM. Responding to Citicorp, AT&T argues the Citicorp offers no proof for its allegation that the proposed rate increases will place private line networks in jeopardy and have a significant impact on corporate information services throughout the country. With respect to ICA and Citicorp, who both contended that the many recent and significant changes to AT&T's rates—*e.g.*, the termination of TELPAK and the WATS restructure-make the cumulative effect of all these matters, including the instant filing, unclear, AT&T argues that such broad allegations do not show that the combination of rate changes will result in AT&T's exceeding a 12.75 percent rate of return overall. In any event, it adds, AT&T must make required adjustments to target the earnings ratios for the ICAM categories at the interstate rate of return by October 31, 1981.

Appendix B—Interim Cost Allocation Manual Data Request *

1. Compile a list of each investment and expense category as indicated in the ICAM appended to the order on reconsideration of the ICAM.

2. Show the total dollar amount for each category and the amounts allocated to MTS and WATS separately. Also show the allocators used to make the allocation, their source and derivation. Identify any amounts directly assigned to MTS or WATS and the basis for such assignment.

3. Provide total interstate revenues for MTS and WATS and the revenues broken down by major rate-elements such as WATS access lines, DDD calls, operator assisted calls, off-peak calls, etc.

4. Provide total interstate minutes of use, messages and interexchange miles for each service and for each of the major rate elements in item 3.

5. To the extent any of the requested data has been furnished to the Commission previously, please cite the source, extract the appropriate information, and formulate it in the format indicated above.

[FR Doc. 81-24413 Filed 8-20-81; 8:45 am]
BILLING CODE 6712-01-M

[CC Docket No. 81-412]

American Telephone & Telegraph Co.; Order

Adopted: July 21, 1981.
Released: July 23, 1981.

By the Acting Deputy Chief (Operations), Common Carrier Bureau:

1. Before the Bureau is a motion for extension of time filed by the American Telephone and Telegraph Company (AT&T) in the above captioned matter.

2. In *American Telephone and Telegraph Company*, FCC 81-286, released June 25, 1981 and published in this issue of the **Federal Register**, *review pending sub nom. American Broadcasting Companies, et al.* v. *FCC*, No. 81-4106, 2d Circuit, filed June 26, 1981, the Commission required AT&T to submit certain cost allocation data by July 31, 1981. AT&T states that because the Commission has recently made changes to the Interim Cost Allocation Manual,[1] AT&T must revise the programming and testing for its Network Prospective Cost System which produces the requested data to reflect these changes; AT&T states that this is a complex task. Thus, AT&T requests that it be allowed to submit this information on August 14 and August 28, 1981 instead of on July 28, 1981.

3. It appearing that good cause has been shown to justify a grant of this short extension of time, it is ordered that the American Telephone and Telegraph Company's motion for extension of time is granted.

Federal Communications Commission.
Jack D. Smith,
Acting Deputy Chief (Operations).

[FR Doc. 81-24491 Filed 8-20-81; 8:45 am]
BILLING CODE 6712-01-M

[CC Docket No. 81-412]

American Telephone and Telegraph Co.; Order

Adopted: August 7, 1981.
Released: August 11, 1981.

1. In an order, released July 23, 1981 and published in this issue of the **Federal Register**, we stated in paragraph 2 that AT&T requested to be allowed to submit the cost allocation data on August 14 and August 28, 1981 instead of on July 28, 1981. "July 28" should have read "July 31."

2. In the same order, we inadvertently failed to extend the dates for filing comments on the submitted data. In this regard, we note that AT&T filed its data on MTS forcasts and capital recovery on July 31, 1981. Thus, the date for filing comments on these data remains August 14, 1981. However, fairness requires that we revise the schedule for filing comments on AT&T's cost allocation data so that parties will have an opportunity to respond.

3. Accordingly, it is ordered, that interested persons may file comments on the cost allocation data submitted by AT&T by September 11, 1981.

4. It is further ordered, that this Order shall be published in the **Federal Register.**

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* The data is to be provided for 1980 and 1981, annualized, under both present and proposed rate levels. Both cases are to include all known changes as was presented in the GRI support material.

[1] *See* American Telephone and Telegraph Company, FCC 80-776, released January 6, 1981, *recon.* FCC 81-224, released May 15, 1981, *review pending sub nom.* MCI Telecommunications Corp. et al. v. FCC, No. 81-1052, D.C. Cir., filed January 16, 1981.

Federal Communications Commission.

Jack D. Smith,

Acting Deputy Chief (Operations), Common Carrier Bureau.

[FR Doc. 81-24492 Filed 8-20-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of facts that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than September 12, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. **First National Boston Corporation,** Boston, Massachusetts (Factoring, commercial financing and personal property leasing, Alabama, Arkansas, Kentucky, Mississippi, Missouri, North Carolina, Tennessee, Virginia, and West Virginia): To engage, through its indirect subsidiary, FNB Financial Company, in factoring, commercial financing, and personal property leasing activities. These activities would be conducted from an office in Nashville, Tennessee, serving the States of Alabama, Arkansas, Kentucky, Mississippi, Missouri, North Carolina, Virginia, and West Virginia.

2. **Industrial National Corporation,** Providence, Rhode Island (finance and insurance activities; Georgia): To engage through it indirect subsidiary, Southern Discount Company of Georgia, in the activities of making extensions of credit such as would be made by a consumer finance company, and acting as agent for the sale of credit life, credit accident and health, and credit property insurance directly related to its extensions of credit. The credit life and credit accident and health insurance would be reinsured by an affiliate, Consumer Life Insurance Company. These activities would be conducted from an office in Snellville, Georgia, serving Gwinnett and Walton counties in Georgia.

3. **Industrial National Corporation,** Providence, Rhode Island (finance and insurance activities; Georgia): To engage through its indirect subsidiary, Southern Discount Company of Georgia, in the activities of making extensions of credit such as would be made by a consumer finance company, and acting as agent for the sale of credit life, credit accident and health, and credit property insurance directly related to its extensions of credit. The credit life and credit accident and health insurance would be reinsured by an affiliate, Consumer Life Insurance Company. These activities would be conducted from an office in Martinez, Georgia, serving the following counties in the State of Georgia: Lincoln, Wilkes, Warren, McDuffie, Columbia, Richmond, and Burke.

B. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. **The Chase Manhattan Corporation,** New York, New York (industrial loan company and insurance activities; California): To engage *de novo*, through its subsidiary Chase Manhattan of California Thrift Corporation, in operating an industrial loan company as authorized by California law, including the making and acquiring, for its own account and the account of others, secured and unsecured loans and other extensions of credit, such as consumer and business lines of credit, and installment loans; acting as insurance agent for credit life and disability insurance directly related to such lending activities; and offering thrift accounts and investment certificates. These activities would be conducted from an office of the subsidiary located in Newport Beach, California, serving the State of California.

2. **The Chase Manhattan Corporation,** New York, New York (industrial banking, insurance, and travelers check activities; Colorado): To engage *de novo*, through its subsidiary Chase Manhattan Industrial Bank, in operating an industrial bank as authorized by Colorado law, including the making and acquiring, for its own account and the account of others, secured and unsecured loans and other extensions of credit, such as consumer and business lines of credit, and installment loans; acting as insurance agent for credit life and disability insurance directly related to such lending activities; the sale of travelers checks at retail; and the acceptance of savings deposits and the issuance of certificates of deposit and similar instruments. These activities would be conducted from an office of the subsidiary located in Denver, Colorado serving the State of Colorado.

3. **Manufacturers Hanover Corporation, New York, New York** (insuranace; New Jersey, Pennsylvania and Virginia): To engage through its subsidiary Ritter Life Insurance Company in acting as reinsurer of credit accident and health insurance directly related to extensions of credit in the State of New Jersey by Ritter Finance Company, Inc. of New Jersey, in the State of Pennsylvania by Ritter Consumer Discount Company, Inc. of Pennsylvania, and in the State of Virginia by Ritter Finance Company, Inc. of Virginia. Ritter Life Insurance Company will engage in this activity from an office in Pennsylvania serving New Jersey, Pennsylvania, and Virginia. Comments on this application must be received not later than September 9, 1981.

C. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

Citizens Fidelity Corporation, Louisville, Kentucky (leasing activities: North Carolina, South Carolina, Virginia): To engage, through its subsidiary, Citizens Fidelity Leasing Corporation, in the leasing of personal property and equipment and acting as agent, broker or advisor, in the leasing of such property, in a manner such that the leasing would serve as a functional equivalent of an extension of credit. These activities would be conducted from an office in Charlotte, North Carolina, serving the States of North Carolina, South Carolina and Virginia. Comments on this application must be

received not later than September 4, 1981.

D. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

United Missouri Bancshares, Inc., Kansas City, Missouri (mortgage banking activities; Missouri): To expand the geographic scope of the mortgage banking activities conducted by its subsidiary, United Missouri Mortgage Company. These activities would be conducted from an office in Ferguson, Missouri, serving the additional counties of Franklin, Warren, and Lincoln, Missouri.

E. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

U.S. Bancorp, Portland, Oregon (industrial loan and insurance activities; California): To engage *de novo,* through its subsidiary U.S. Thrift & Loan, in operating an industrial loan company as authorized by California law, including the making, acquiring, and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or the account of others, including, but not limited to, commercial, rediscount and installment sales contracts; issuing thrift certificates and passbooks; and acting as agent with regard to the sale of credit life and disabililty insurance solely in connection with extensions of credit by U.S. Thrift. These activities will be conducted from an office of the subsidiary located in the City of Sunnyvale, Santa Clara County, California, serving the Santa Clara County SMSA.

F. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, August 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24430 Filed 8-20-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they related, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than September 16, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Barclays Bank Limited and its subsidiary, **Barclays Bank International Limited,** each a bank holding company whose principal office is in London, England (lease financing and insurance activities; North Carolina, South Carolina and Tennessee): To engage through their subsidiary, BarclaysAmerican/Credit, Inc. ("BACI"), in (i) lease financing of personal property by means of leases that meet the standards of Section 225.4(a)(6) of Regulation Y and (ii) acting as agent for the sale of related credit life, credit accident and health and credit property insurance with respect to such leases. These activities will be conducted from existing consumer finance offices of BACI located in North Carolina (in the cities of Charlotte, Wilmington, Winston-Salem, Greensboro, Raleigh and Durham), South Carolina (in the cities of Columbia, Charleston and Spartanburg) and Tennessee (in the city of Knoxville), except that the credit property insurance activities will not be conducted from the Tennessee office. Each office will serve customers in the county where such office is located and, in certain cases, in contiguous counties.

B. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W, Atlanta, Georgia 30303:

First Railroad & Banking Company of Georgia, Augusta, Georgia (insurance premium financing; Texas): To engage, through its subsidiary, Capitol Premium Plan, Inc., Charlotte, North Carolina, in the making or acquiring for its own account or for the account of others, loans and extensions of credit principally consisting of insurance premium financing. This proposal involves the solicitation of business by salesmen in the State of Texas and will be operated out of offices in Charlotte, North Carolina. Comments on this application must be received not later than September 9, 1981.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24421 Filed 8-20-81; 8:45 am]

BILLING CODE 6210-01-M

Chouteau Bancshares, Inc.; Formation of Bank Holding Company

Chouteau Bancshares, Inc., Chouteau, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.77 per cent of the voting shares of The Bank of Commerce, Chouteau, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24428 Filed 8-20-81; 8:45 am]

BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc.; Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquiring 100 per cent of the voting shares of The Jackson Bank of Lake Jackson, Lake Jackson, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24425 Filed 8-20-81; 8:45 am]

BILLING CODE 6210-01-M

First Granite Bancorporation, Inc.; Formation of Bank Holding Company

First Granite Bancorporation, Inc., Granite City, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First Granite City National Bank, Granite City, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24429 Filed 8-20-81; 8:45 am]

BILLING CODE 6210-01-M

KenBancorp; Formation of Bank Holding Company

KenBancorp, Kentland, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Kentland Bank, Kentland, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24423 Filed 8-20-81; 8:45 am]

BILLING CODE 6210-01-M

Merchantile Texas Corp.; Acquisition of Bank

Merchantile Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent, less directors' qualifying shares, of the voting shares of Garland Bank & Trust Co., Garland, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24424 Filed 8-20-81; 8:45 am]

BILLING CODE 6210-01-M

Montgomery County Bancshares, Inc.; Formation of Bank Holding Company

Montgomery County Bancshares, Inc., Paris, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares, less directors' qualifying shares of Montgomery County Bank, Paris, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24422 Filed 8-20-81; 8:45 am]

BILLING CODE 6210-01-M

Prairie Bancshares Corp.; Formation of Bank Holding Company

Prairie Bancshares Corporation, Shelby, Montana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99.4 percent or more of the voting shares of The First State Bank of Shelby, Shelby, Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of

Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24429 Filed 8-20-81; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Farmers Branch Bank, Farmers Branch, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24427 Filed 8-20-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F-0233]

Petrolite Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Petrolite Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of synthetic wax polymer as a component of articles in contact with food.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3318) has been filed by Petrolite Corp., 6910 E. 14th St., P.O. Drawer K, Tulsa, OK 74112, proposing that § 175.105 *Adhesives* (21 CFR 175.105), § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170), and § 178.3850 *Reinforced wax* (21 CFR 178.3850) be amended to provide for the safe use of synthetic wax polymer prepared by the polymerization of high molecular weight alpha olefins for use on, and as a component of, articles in contact with food and as a component of adhesives used in articles in contact with food.

FDA has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. FDA's finding of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 11, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-24485 Filed 8-20-81; 8:45 am]

BILLING CODE 4110-03-M

Science Advisory Board: Request for Nominations of Members

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) requests nominations for membership on the Science Advisory Board. Twelve vacancies exist.

DATE: Nominations are requested as soon as possible, but no later than October 1, 1981.

ADDRESS: Nominations should be submitted to the Executive Secreatry, Science Advisory Board, National Center for Toxicological Research, Jefferson, AR 72079.

FOR FURTHER INFORMATION CONTACT: Lawrence Fishbein, National Center for Toxicological Research, Jefferson, AR 72079, 501-541-4390

SUPPLEMENTARY INFORMATION: The function of the Science Advisory Board is to advise the Director, National Center for Toxicological Research, in establishing and implementing a research program that will assist the Commissioner of Food and Drugs and the Administrator of the Environmental Protection Agency in fulfilling their regulatory responsibilities. The Board provides the extra-agency review to ensure that research programs and methodology development at the National Center for Toxicological Research are scientifically sound and pertinent to environmental problems.

Six members will be appointed for terms ending June 30, 1983, and six for terms ending June 30, 1984. Members shall have diversified experience in biomedical research and toxicology. Current needs are in teratology, microbiology, data information systems, animal husbandry and diet preparation, statistics, chemistry, and quality assurance.

FDA wants to ensure that women, minority groups, and the physically handicapped are adequately represented on advisory committees and therefore extend particular encouragement to nominations for appropriately qualified female, monority, and handicapped candidates.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the committee, and appears to have no conflict of interest. FDA will ask potential candidates to provide detailed information concerning financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflict of interest.

Dated: August 14, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-24467 Filed 8-20-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0161]

Springborn Institute for Bioresearch, Inc.; Filing of Food Additive Petition; Correction

Correction

In FR Doc. 81-22447 appearing on page 39681, in the issue Tuesday, August 4, 1981, make the following changes:

1. In line eight, the word now reading "benzendedicarboxylic" should be changed to read "benzenedicarboxylic".

2. In line nine, change the word now reading "butanedoil" to read "butanediol", and change the word now reading "o-hydro" to read "α-hydro".

3. In the fourteenth line change the word now reading "o-hydro" to read "α-hydro".

4. In the seventeenth line change the word now reading "Polmer" to read "Polymer".

5. In the heading the Docket No. should be changed to read "81F-0161".

BILLING CODE 1505-01-M

Advisory Committees: Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA) This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Neurological Device Section of the Respiratory and Nervous System Devices Panel

Date, time, and place. September 18, 9 a.m., Rm. 1813, 200 C St. SW., Washington, DC.

Type of meeting and panel section leader. Closed committee deliberations, 9 a.m. to 11 a.m.; open committee discussion, 12 m. to 1 p.m.; open public hearing, 1 p.m. to 2 p.m.; Robert F. Munzner, Bureau of Medical Devices (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who want to make formal presentations should notify the panel section leader before September 4, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the safety and effectiveness of an implantable neurological device to relieve pain for which a premarket approval application (P810033) has been received. This portion of the meeting is open to the public. Public attendees may not participate except at the specific request of the panel chairperson and the FDA section coordinator.

Closed committee deliberations. The committee will discuss the details of a premarket approval application for an implantable neurological device to relieve pain. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by September 1, 1981.

Microbiology Device Section of the Immunology and Microbiology Devices Panel

Date, time, and place. September 22 and 23, 9 a.m., Silver Room South, Holiday Inn, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Open public hearing, September 22, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; closed committee deliberations, September 23, 9 a.m. to 5 p.m.; Thomas M. Tsakeris, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who want to make formal presentations should notify the panel section leader before August 31, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On September 22, the committee will discuss a premarket approval application (P810024) for a new bacterial identification system.

Closed committee deliberations. On September 23, the committee will discuss a premarket notification. The meeting will be convened in closed session under 21 CFR 807.95(b). This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursemet. Must be received by September 4, 1981.

General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel

Date, time, and place. September 24 and 25, 9 a.m., Rm. 1137, 300 Independence Ave. SW., Washington, DC.

Type of meeting and panel section leader. Open public hearing, September 24, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 a.m.; closed presentation of data, 1 p.m. to 2 p.m.; closed committee deliberations, 2 p.m. to 4:30 p.m.; open public hearing, September 25, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 a.m.; closed presentation of data, 1 p.m. to 2 p.m.; closed committee deliberations, 2 p.m. to 4:30 p.m.; Mark Parrish, Bureau of Medical Devices (HFK-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7156.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information or views, orally or in writing, on issues pending before the committee. Those who want to make formal presentations should notify the panel section leader before September 17, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the

names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for absorbable hemostatic agents (P810006 and P810040) and surgical sutures (P810028).

Closed presentation of data. The committee will discuss data presented by sponsors of premarket approval applications for absorable hemostatic agents and surgical sutures. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Closed committee deliberations. The committee will review premarket approval applications for absorbable hemostatic agents and surgical sutures. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by September 4, 1981.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commission, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketing drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: August 12, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81–24199 Filed 8–20–81; 8:45 am]

BILLING CODE 4110–03–M

Office of the Assistant Secretary for Health

Intent To Remove Restrictions on Royalty Distribution to Inventors

Pursuant to section 202(c)(7)(c) of Pub. L. 96–517 and Senate Report No. 96–480 by the Committee on the Judiciary of the United States Senate on S. 414, notice is hereby given of the intent to amend Section VI(f) of the Departments's Institutional Patent Agreements and all determinations previously made pursuant to 45 CFR 8.2(b) to remove the limitation on the share of royalty income that nonprofit organizations are permitted to share with their employee-inventors.

Senate Report 96-480 notes that 35 U.S.C. 202(c)(7)(c) gives special recognition to the equity of inventors and requires that nonprofit organizations share royalties with them, and that it is not intended that Federal agencies establish sharing ratios. Accordingly, the Department of Health and Human Services proposes to amend Section VI(f) of its Institutional Patent Agreements and all determinations previously made pursuant to 45 CFR 8.2(b) to remove the limitation on the share of royalty income that the inventor(s) may receive.

The Department is today soliciting public comment on the proposed amendment. Written comments must be made by October 20, 1981, and should be addressed to Mr. Leroy B. Randall, Chief, Patent Branch, Office of the General Counsel, Department of Health and Human Services, c/o National Institutes of Health, Room 5A03, Westwood Building, Bethesda, MD 20205, setting forth the reasons why it would not be in the best interest of the United States to remove present restrictions on royalty distribution to inventors.

(5 U.S.C. 301; 42 U.S.C. 241)

Dated: August 14, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81-24400 Filed 8-20-81; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1087]

The President's Commission on Housing; Request for Comments

AGENCY: Department of Housing and Urban Development/Office of the Secretary.

ACTION: Notice of request for comments.

SUMMARY: The President's Commission on Housing has been divided into four reporting committees. This notice outlines the respective areas of concern for each of those committees and invites the public to submit ideas, information, and recommendations that might assist the committees in their joint mission to advise the President and the Secretary on options for developing a national housing policy and for determining the role and objectives of the Federal Government in the availability of future housing.

COMMENT DUE DATE: Comments should be submitted on or before September 1, if possible.

ADDRESSES: Comments should be submitted in triplicate to: Kent W. Colton, Staff Director, President's Commission on Housing, 730 Jackson Place, N.W., Washington, D.C. 20503. Telephone: (202) 395-5832 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The President's Commission on Housing was recently established to advise the President and the Secretary on options for the development of a national housing policy and the role and objectives of the federal government in the availability of future housing. The Executive Order directs the Commission to:

- Analyze the relationship of homeownership to political, social, and economic stability within the nation.
- Review all existing federal housing policies and programs.
- Assess those factors which contribute to the cost of housing as well as the current housing finance structure and practices in the country.
- Seek to develop housing and mortgage finance options which strengthen the ability of the private sector to maximize opportunities for homeownership and provide adequate shelter to all Americans.
- Detail program options for basic reform of federally-subsidized housing.

In order to accomplish its work, the Commission has been divided initially into four reporting committees: The Committee on Housing and the Economy, the Committee on Federal Housing Programs and Alternatives, the Committee on Private Sector Financing of Housing, and the Committee on Government Regulation and the Cost of Housing. Other reporting committees, subcommittees and task forces may be established as the work of the Commission proceeds.

The Commission plans to build on the experience and research of the past, but it is especially interested in new ideas, information, and recommendations from interested people throughout the country. Under the direction of Chair William McKenna and Vice Chair Carla Hills, the Commission has requested that the public be invited to provide input. While it is hoped that a wide range of ideas is received, it would be particularly helpful if they related to the various reporting committees which are already underway. The areas identified by the committees at meetings held on July 7 and 8, 1981 are:

The Committee on Housing and the Economy

- The need and supply of housing and the share of housing as a portion of the GNP.
- The demographic picture as it relates to housing.
- The affordability of housing and the concerns of the first-time buyer in the housing market.
- Tax policy as it relates to housing.
- The proper role of government toward housing.
- Social policy issues related to housing, including neighborhood concerns.

The Committee on Federal Housing Program and Alternatives

- Review and analysis of existing Federal housing policies and programs, and program options for basic reform of federally-subsidized housing.
- Analysis of the needs for federally-assisted housing and the current impacts and beneficiaries of our housing programs.
- Analysis of the experience with housing vouchers.
- Analysis of Federal block grant programs for housing.
- Effects of neighborhood environment on conditions in assisted housing.
- Analysis of federally-owned land in urban and rural areas.

The Committee on Private Sector Financing of Housing

- The history and evolution of the U.S. system of housing finance.
- Alternative mortage instruments for the financing of housing.
- The secondary market for housing finance.
- Federal credit programs and private sector alternatives to these programs.
- The role of specialized institutions for housing finance.
- Tax issues as they relate to housing finance and financial institutions.

The Committee on Government Regulations and the Cost of Housing

- The impact of Federal regulations on the cost of housing.
- The impact of State regulations on the cost of housing.
- The impact of local regulations on housing structures and land.

These issues represent only a preliminary view of the concerns the Commission will address. If there are specific ideas or recommendations in these or other areas, the Commission would welcome them. Written comments submitted in triplicate by September 1st will be especially helpful

since they can be disseminated to the members of the Commission in time for their early consideration. Materials so submitted in reponse to this request will become part of the written record of the Commission.

It would be helpful if a brief summary, highlighting those items considered to be of greatest importance, were attached to each submission. A cover sheet sould also be attached which clearly identifies the different subject areas addressed by the submission. Unfortunately, materials submitted cannot be returned.

Submissions should be directed to Kent W. Colton, Staff Director, at the above address. The ideas and recommendations received will be forwarded to the appropriate Committee. The Commission appreciates the interest and assistance of ther public in its efforts.

Issued at Washington, D.C., August 14, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-24488 Filed 8-20-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications; Chinese Alligator

Applicant: New York Zoological Society
Bronx, NY

The applicant requests a permit to import one male Chinese alligator *(Alligator Sinensis)* from the Peking Zoo, People's Republic of China, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8342. Interested persons may comment on this application on or before September 21, 1981, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: August 13, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-24367 Filed 8-20-81; 8:45 am]

BILLING CODE 4310-55-M

Marine Mammal Protection; Application for Permit To Take Sea Otters

Notice is hereby given that an applicant has applied in due form for a permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR 18).

1. Applicant:

a. Name: Chief, Marine Mammal Section.

b. Address: Denver Wildlife Research Center, U.S. Fish and Wildlife Service, Denver, CO.

2. Type of permit: Scientific Research.

3. File Number: PRT 2-6669.

a. Name and number of animals: Sea otters (*Enhydra lutris*)—100

b. Type of Activity: The applicant is currently authorized to take up to 50 sea otters per year during 1981 and 1982 as part of a tagging project. The amendment would allow for the taking of 20cc blood samples for genetic research. Otters would be temporarily immobilized with fentanyl or fentanyl and azaperone. Narcan would be used to revive drugged animals.

c. Location of Activity: California coast from Ragged Point to Cambria.

d. Period of Activity: Until August 21, 1982.

e. The purpose of this amendment is to determine the degree of genetic diversity existing in California and Alaska populations of sea otters which is necessary to a basic understanding of the relationship between them.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, on or before September 21, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: August 14, 1981.

R. K. Robinson,

Chief, Branch of Permits Federal Wildlife Permit Office.

[FR Doc. 81-24368 Filed 8-20-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[Serial Number A-16420]

Arizona; Realty Action; Noncompetitive Sale; Public Land in Maricopa County

The following described land has been determined to be suitable for disposal by non-competitive public sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Township 2 North, Range 7 East, G&SRM

Section 43, SW¼SW¼SW¼SW¼ SW¼SW¼.

Containing .15625 acre.

Purpose of the sale is to legalize an encroachment on public land that dates back many years. Purchaser will be Donald W. Nichols.

Management of the parcel by the Bureau is considered to be uneconomic and difficult. No URA-MFP for the area has been completed. In this case, the analysis required by 43 CFR 1600 has been done in reports prepared specifically for this action.

Provisions in 43 CFR 2711.3-2(b) provide for non-competitive sale when, in the opinion of the authorized officer, the public interest would be best served by a direct sale.

The lands are not critical to any BLM program. No other agency or group has expressed interest in acquisition of the parcel. The parcel was part of Patent No. 02-72-0022 to Maricopa County Board of Supervisors for Usery Mountain Park. Maricopa County Board of Supervisors quitclaim deeded the subject parcel back to the United States on May 4, 1981.

An appraisal will be completed and a fair-market value will be charged for the land.

There will be reserved to the United States right-of-way for ditches and canals pursuant to the Act of August 30, 1980, 26 Stat. 391, 43 U.S.C. 945. Mineral

estate will be reserved to the United States per 43 CFR 2711.5–1.

Detailed information concerning this public sale, including the environmental assessment and the record of public input is available for review at the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona.

For a period of 45 days, interested parties may submit comments to the Phoenix District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department of the Interior and the required payment plus the cost of publishing this notice will be requested of Donald W. Nichols. Such payment in full is in accordance with 43 CFR 1822.1–2.

Dated: August 13, 1961.

William K. Barker,

District Manager.

[FR Doc. 81–24306 Filed 8–20–81; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. A–15961]

Arizona; Realty Action; Noncompetitive Sale; Public Land in Yavapai County

The following described land has been determined to be suitable for disposal by non-competitive public sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Township 14 North, Range 2 West, G&SRM

Section 9, Lot 2.

Containing 3.57 acre.

Purpose of the sale is to legalize an encroachment on public land that dates back about 17 years. Purchaser will be Charles E. Sheppard.

Management of the parcel by the Bureau is considered to be uneconomic and difficult. No URA–MFP for the area has been completed. In this case, the analysis required by 43 CFR 1600 has been done in reports prepared specifically for this action.

Provisions in 43 CFR 2711.3–2(b) provide for non-competitive sale when, in the opinion of the authorized officer, the public interest would be best served by a direct sale.

The lands are not critical to any BLM program. No other agency or group has expressed interest in acquisition of the parcel. The lands involved are an integral part of a long-established ranchette-type home.

An appraisal will be completed and a fair-market value will be charged for the land.

There will be reserved to the United States right-of-way for ditches and canals pursuant to the Act of August 30, 1980, 26 Stat. 391, 43 U.S.C. 945. Mineral estate will be reserved to the United States per 43 CFR 2711.5–1.

Detailed information concerning this public sale, including the environmental assessment and the record of public input is available for review at the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona.

For a period of 45 days, interested parties may submit comments to the Phoenix District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any Adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department of the Interior and the required payment plus the cost of publishing this notice will be requested of Charles E. Sheppard. Such payment in full is in accordance with 43 CFR 1822.1–2.

Dated: August 13, 1981.

William K. Barker,

District Manager.

[FR Doc. 81–24395 Filed 8–20–81; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. A–16421]

Arizona; Realty Action; Noncompetitive Sale; Public Land in Yavapai County

The following described land has been determined to be suitable for disposal by non-competitive public sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Township 13 North, Range 1 East, G&SRM

Section 4, Lot 13.

Containing .17 acre.

Purpose of the sale is to the legalize an encroachment on public land that dates back about 17 years. Purchaser will be Kenneth H. Edinger.

Management of the parcel by the Bureau is considered to be uneconomic and difficult. No URA–MFP for the area has been completed. In this case, the analysis required by 43 CFR 1600 has been done in reports prepared specifically for this action.

Provisions in 43 CFR 2711.3–2(b) provide for non-competitive sale when, in the opinion of the authorized officer, the public interest would be best served by a direct sale.

The lands are not critical to any BLM program. No other agency or group has expressed interest in acquisition of the parcel. The lands involved are an integral part of a long-established ranchette-type home.

An appraisal will be completed and a fair-market value will be charged for the land.

There will be reserved to the United States right-of-way for ditches and canals pursuant to the Act of August 30, 1980, 26 Stat. 391, 43 U.S.C. 945. Mineral estate will be reserved to the United States per 43 CFR 2711.5–1.

Detailed information concerning this public sale, including the environmental assessment and the record of public input is available for review at the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona.

For a period of 45 days, interested parties may submit comments to the Phoenix District Manage, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments will be evaluted by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department of the Interior and the required payment plus the cost of publishing this notice will be requested of Kenneth H. Edinger. Such payment in full is in accordance with 43 CFR 1822.1–2.

Dated: August 13, 1981.

William K. Barker,

District Manager.

[FR Doc. 81–24394 Filed 8–20–81; 8:45 am]

BILLING CODE 4310–84–M

[INT FEIS 81–31]

Northern Idaho Grazing Management Final Environmental Impact Statement; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public availability of Northern Idaho Grazing Management FEIS.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement (FEIS) for a proposed grazing management

program for the Coeur d'Alene District in northern Idaho. The FEIS contains changes to the draft EIS, distributed in June 1981, and includes comment letters and responses. Approximately 121,000 acres of public lands are involved. Copies of the draft and/or final environmental impact statements are available for inspection at the following locations:

Coeur d'Alene District, Bureau of Land Management, 1808 North Third, Coeur d'Alene, Idaho 83814. Telephone: (208) 667–2561 (Ext. 356).

Cottonwood Resource Area Headquarters, Bureau of Land Management, Route 3, Box 181, Cottonwood, Idaho 83522. Telephone (208) 962–3245.

Idaho State Office, Bureau of Land Management, Federal Building, 500 W. Fort Street, Boise, Idaho 83724. Telephone (208) 334–1770.

Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street, NW., Washington, D.C. 20240.

A limited number of single copies may be obtained from the Idaho State Director, the Coeur d'Alene District Manager, or the Cottonwood Resource Area Manager, Bureau of Land Management, at the address noted above.

Notice is hereby given that the final environmental impact statement is available to the public. No action can be taken for at least 30 days following filing of the final statement with the Environmental Protection Agency and distribution to the public.

FOR FURTHER INFORMATION CONTACT: Dick Todd or Richard Harms, Bureau of Land Management, Cottonwood Resource Area Headquarters, (208) 962–3245.

Dated: August 14, 1981.

Robert O. Buffington,

State Director, Idaho.

[FR Doc. 81–24391 Filed 8–20–81; 8:45 am]

BILLING CODE 4310–84–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket Nos. 29330 and 29485]

Modern Handcraft, Inc.—Abandonment in Jackson County, Mo.; Kansas City Public Service Freight Operation—Abandonment in Jackson County, Mo.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission has found that the public convenience and necessity permit abandonment by Kansas City Public Service Freight Operation of its line of railroad located in Kansas City, MO, extending from Westport Road and Mill Street to 85th and Prospect Streets, a distance of approximately 8 miles, subject to conditions. A certificate of abandonment will be issued authorizing this abandonment unless within 15 days from the date of this publication the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will become effective. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24574 Filed 8–20–81; 8:45 am]

BILLING CODE 7035–01–M

[Section 5b Application No. 11]

Canadian Railroads—Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of proposed agreement and request for comment.

SUMMARY: The Canadian National Railway Company and Canadian Pacific Limited have filed an application for approval of a ratemaking agreement under 49 U.S.C. 10706(a). Because this agreement raises new and complex questions, especially as to Commission jurisdiction, it will be severed from the *Section 5b Application No. 2, Western Railroads—Agreement* proceeding and handled expeditiously. Interim approval is not granted. The Commission seeks comments on the proposed agreement.

DATE: Comments of interested persons will be due on or before September 21, 1981.

ADDRESS: An original and fifteen copies of comments should be sent to: Interstate Commerce Commission, Room 5356, 12th and Constitution Avenue NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 10706 the Commission has the authority to grant antitrust immunity for certain activities performed under an approved ratemaking agreement. On April 6, 1981, Canadian National Railway Company and Canadian Pacific Limited (Canadian Railroads or Applicants) filed an application for the approval of such an agreement. The Department of Justice (DOJ) filed a motion to sever that application from the ongoing proceeding in *Western Railroads—Agreement, Section 5b Application No. 2 et. al. (5b Application No. 2).* The Canadian Railroads replied. The Commission's Office of Special Council (OSC) filed comments. On July 16, 1981, the United States Department of State filed a motion requesting the Commission approve the application without delay or, alternatively, grant interim approval of the application pending our consideration. The Canadian Railroads filed a reply on July 29, 1981. Because of the reasons enunciated below, we are severing the Canadian Railroads—Agreement application from the other proceeding. Due to the serious jurisdictional questions involved, interim approval of the Agreement will not be given.

In our *5b Application No. 2* decision of January 21, 1981, we directed the American carriers who are parties to the Western, Southern and Eastern Agreements to file amended Agreements which comport with our findings in that proceeding. The carriers have complied with that order and these Amended Agreements are currently being considered. On May 19, 1981, we extended interim approval of the three Agreements pending a decision on the merits.

However, the Canadian Railroads also filed a new Agreement (none

existed before) for our approval. Traditionally, the Canadian Railroads have received their antitrust immunity as parties to the Western and Eastern Agreements. It was under these Agreements that the applicants collectively set international joint through rates with American rail carriers.

The filing of the new Canadian Railroads—Agreement was an unexpected response to our January 21, 1981 decision. In that decision, we held that for the purposes of 49 U.S.C. 10706(a)3(A)(ii) and (iii) Canadian carriers shall be considered one integrated enterprise. It had been assumed that the Canadian Railroads would continue to derive their antitrust immunity from the amended Western and Eastern Agreements. Instead, we have been presented with an Agreement solely between Canadian Railroads.

As pointed out by DOJ And OSC, this new Agreement contains many issues which were not addressed in our January 21, 1981, decision. Those findings as to international through rates were exclusively within the context of the three American Agreements at issue there. The Canadian Railroads—Agreement raises complex questions, especially as to our jurisdiction to approve such an Agreement, in whole or in part. It is for this reason we are severing the Canadian application from the *5b Application No. 2* consideration and seek public comments on these questions. It is also for this reason we do not grant interim approval for the Agreement. The Commission specifically requests the position of DOJ.

The thrust of the submitted Agreement is that the Commission should grant antitrust immunity for the collective consideration of all international through rates regardless of the involvement of American rate bureaus. These rate bureaus are organizations created pursuant to approved ratemaking Agreements filed by American carriers. Canadian Railroads seek antitrust immunity for a variety of entities including other Canadian railroads, American carriers, shippers and the Canadian Freight Association. They also seek immunity for a variety of "traffic matters" including contract rates, rates on 49 U.S.C. 10505 exempt commodities and services, and multimodal rates.

We have serious doubts as to our jurisdiction to consider such an Agreement. Are these applicants rail carriers subject to our jurisdiction under 49 U.S.C. 10501? Is it within our authority under 49 U.S.C. 10706 to approve an Agreement when the application states that the Agreement is not intended to result in the establishment of an organization within the meaning of 49 U.S.C. 10706a(3)? If so, are the provisions of 49 U.S.C. 10706(a)(3)(A)(ii) and (iii) applicable, These provisions deal with permissible activities allowed by organizations such as rate bureaus.

We also have reservations as to the scope of this Agreement. Does the Commission have the statutory authority to grant antitrust immunity to commodities and services which we do not regulate? [1] Additionally, if we have the authority, would the Commission's extension of the "one integrated enterprise" treatment to beyond the rate bureau setting be sufficient antitrust immunity?

The Canadian Railroads state they will handle "traffic matters" granted immunity either unilaterally or collectively or through the Canadian Freight Association (CFA). The CFA serves as both a forum for rate considerations and as a clearing house and tariff publishing agent. Applicants contend that since no organization is established or continued under the proposed Agreement the requirements of Section 10706(a)(3)(D) do not apply. This provision requires any organization created pursuant to an approved Agreement to provide the Commission and other federal agencies with transcripts or sound recordings of meetings and votes taken. Canadian law appears to prohibit the removal of documents from the country. Are transcripts of meetings and sound recordings to be considered documents for the purposes to this law? Also, are the applicants, in effect, creating an organization or continuing one (CFA) pursuant to this proposed Agreement?

We are concerned that the prohibitions of the Staggers Rail Act could be circumvented through consideration of international joint rates by domestic carriers meeting in Canada. It is our understanding, however, that the antitrust laws would still apply to the extent United States interests are involved. The Canadian Railroads seek antitrust immunity from the Commission while also claiming to be free from our regulations governing the American rate bureaus. They contend that the record and accounting provisions of 49 CFR 1211 and 1253 are inapplicable. What are the legal ramifications of such unequal treatment?

49 U.S.C. 10706(a)(2)(A) directs the Commission to approve an Agreement only when we find that the making and carrying out of the Agreement will further the transportation policy section of that title. In *Lower Lakes Coal Demurrage—Agreement*, 359 I.C.C. 363, 368 (1978), we found that this standard or review includes the resolution of whether the Agreement is necessary or whether the objectives of the parties could be accomplished instead by some other means. The Canadian Railroads contend that the American carriers are not meeting with more than one Canadian carrier at a time to set international through rates outside the American rate bureau setting. We seek comments from the American carriers on these issues especially regarding the alleged problems the Canadian Railroads are experiencing.

Finally, in light of these questions, we believe a reconsideration of the existing American rate bureau framework with regard to international through rates may be desirable. We have noted that historically the Canadian Railroads have worked under the Eastern and Western Agreements. It appears that the Applicants perceive this method as no longer viable for many of the international through rates. In the public interest, we seek to ensure that the flow of commerce between our countries is not unduly restrained. Accordingly, we request Applicants and other interested parties to comment on the adequacy of the existing American rate bureaus to handle these specific rates. Suggestions as to how the existing frame work may be modified to remedy these concerns also will be entertained.

The Commission requests the public and interested sister agencies to comment on the issues addressed here as well as any other issues deemed relevant, including international comity and foreign policy considerations. A copy of this notice shall be served on the Federal Trade Commission, the United States Departments of State, Justice, and Transportation, and all parties to the *Section 5b Application No. 2, Western Railroads—Agreement et al.* proceeding.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10706a.)

Decided: August 14, 1981.

[1] In Ex Parte No. 230 (Sub-No. 5), *Improvement of TOFC/COFC Regulation*, served February 19, 1981, we stated that we were unwilling to consider exempting this service and continuing antitrust immunity for the setting of rates. A grant of antitrust immunity under 49 U.S.C. 10706 requires a finding that the immunity is necessary to further the goals of the national transportation policy. An exemption can only be granted if regulation is not necessary to further the national transportation policy. A grant of immunity may be incompatible with a grant of exemption. *Rail General Exemption Authority*, 361 I.C.C. 374 (1979).

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24406 Filed 8-20-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Hydrite Chemical Co., 2655 North Mayfair Road, Milwaukee, WI 53226.

2. Wholly-owned subsidiaries which will participate in the operations and addresses of their respective principal offices:

A. United States Chemical Corporation of Wisconsin, Inc., 316 Hart Street P.O. Box 366, Watertown, WI 53094

B. Overton Chemical Sales, Inc., 701 North Railroad Street, P.O. Box 297, Sumner, IA 50674

1. Parent corporation and address of principal office: Monolith Portland Coment Company, 1025 North Brand Blvd., Suite 201, P.O. Box 4595, Glendale, CA 91202.

2. Wholly-owned subsidiary which will participate in the operations, and state of incorporation: Wyoming Construction Company, incorporated in the State of Wyoming.

3. Division of the parent corportion, and its address, which will participate in the operations, is: Monolith Portland Cement Company, Midwest Division, P.O. Box 40, Laramie, WY 82070.

1. Parent corporation: Rich Products Corporation, address of principal office: P.O. Box 245, 1150 Niagara Street, Buffalo, NY 14240.

2. Participating wholly-owned subsidiaries and states of incorporation:

L. K. Baker & Company (Ohio)
Genesee Valley Cold Storage (Delaware)
Palm Beach National (Florida)
Rich Pik'd Rite Corporation (Delaware)
Rich Products of Canada, Ltd. (Province of Ontario)

1. Parent corporation and address of principal office: Wal-Mart Stores, Inc., 702 SW 8th, P.O. Box 116, Bentonville, AR 72712.

2. Wholly-owned subsidiaries which will participate in the operations, addresses of their principal offices and States of incorporation:

(a) Arkansas Import and Distribution Co., Inc., an Arkansas corporation, 702 SW 8th, P.O. Box 116, Bentonville, AR 72712

(b) NADCO, Inc., an Arkansas corporation, 702 SW 8th, P.O. Box 116, Bentonville, AR 72712

(c) North Arkansas Wholesale Co., Inc., an Arkansas corporation, 702 SW 8th, P.O. Box 116, Bentonville, AR 72712

(d) Kuhn's-Big K stores Corp., a Tennessee corporation, 702 SW 8th, P.O. Box 116, Bentonville, AR 72712

(e) Big K/Edwards, Inc., a South Carolina corporation, 702 SW 8th, P.O. Box 116, Bentonville, AR 72712

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24407 Filed 8-20-81; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55 (Sub-52F)]

Seaboard Coast Line Railroad Company—Abandonment—Between Johns Island and Croghan, SC; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission has issued a certificate authorizing Seaboard Coast Line Railroad Company to abandon its rail line between Johns Island (milepost AM-399.17) and Crogham (milepost AM-407.99) in Charleston County, SC, a total distance of 8.82 miles, subject to certain conditions. The abandonment certificate will become effective after this publication unless the Commission also finds that:

(1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) it is likely that:

(a) if a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) if a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will become effective. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24310 Filed 8-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-5-101]

Correction

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In FR Doc. 81-20772, appearing at page 36772 in the issue for Wednesday, 156699, filed for Gene Owens, d.b.a. O&B Transportation Co., line 17, "VA" should be changed to "WA".

BILLING CODE 1505-01-M

[Volume No. OPY-2-154]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: August 13, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issure of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common

control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier (Member Parker not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

MC 153003 (Sub–2), filed August 4, 1981: Applicant: OKLAHOMA INTERSTATE LINES, INC., 1508 North 32nd St., P.O. Box 1372, Muskogee, OK 74401. Representative: Jack E. Wilcox (same as applicant), (918) 687–0630. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81–24406 Filed 8–20–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–150

Decided: August 11, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 44913 (Sub-22), filed August 3, 1981. Applicant: KOSKI TRUCKING, INC., P.O. Box 116, Secretary, MD 21664. Representative: Walter T. Evans, 7961 Eastern Avenue, Silver Spring, MD 20910, (301) 587–8656. Transporting *general commodities* (except classes A and B explosives), between points in the U. S., under continuing contract(s) with Black & Decker (U.S.) Inc., of Towson, MD.

MC 115793 (Sub-40), filed July 31, 1981. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620, Lenoir, NC 28645. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th Street, NW., Washington, DC 20006, 202–833–1170. Transporting *general commodities* (except classes A and B explosives), between points in AR, GA, IL, KY, MO, NC, SC, and TN.

MC 139973 (Sub-91), filed August 3, 1981. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, MO 65251. Representative: Ronald R. Adams, 600 Hubbell Building, Des Monies, IA 50309. Transporting *electrical machinery, equipment and supplies* between points in the U.S.

MC 140033 (Sub-101) (correction), filed July 16, 1981, published in the **Federal Register** issue of August 4, 1981, and republished, as corrected, this issue. Applicant: COX REFRIGERATED EXPRESS, INC., P.O. Box 20235, Dallas, TX 75220. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *such commodities* as are dealt in by wholesale, retail, chain discount and

grocery stores, and food brokerage houses, between points in the U.S.

Note.—The purpose of this republication is to correct the commodity description.

MC 149563 (Sub-12), filed August 3, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2881. Transporting *lumber and wood products,* between points in the U.S.

MC 154943 (Sub-1), filed August 3, 1981. Applicant: CLOVER, INC., P.O. Box 1431, Los Lunas, NM 87031. Representative: James C. Ash, 2524 Vermont NE, Albuquerque, NM 87110, 505–298–7511. Transporting (1) *iron and steel articles* and (2) *electric motors,* between points in the U.S., under continuing contract(s) with U.S. Electrical Motor Division, Emerson Electric Company, of Prescott, AZ.

MC 155942, filed August 3, 1981. Applicant: WILLIAM M. LAWSON, d.b.a. OVERLAND CONSTRUCTION SERVICES, 28634 Hampden, Madison Heights, MI 48071. Representative: Robert E. McFarland, 2855 Coolidge Rd., Suite 201A, Troy, MI 48084, (313)649–6650. Transporting *such commodities* as are dealt in and used by manufacturers of sheet metal duct work between points in the U.S., under a continuing contract(s) with J. Brodie & Son, Inc., of Oak Park, MI.

MC 157492, filed August 3, 1981. Applicant: J.P. RYAN SERVICE, INC., 12300 Farmington Rd., Livonia, MI 48150. Representative: Robert E. McFarland, 2855 Coolidge Rd., Ste. 201A, Troy, MI 48084, 313–522–8150. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Volume No. OPY–2–155

Decided: August 13, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 2962 (Sub-77), filed August 5, 1981. Applicant: A. & H. TRUCK LINE, INC., 1111 E. Louisiana St., Evansville, IN 47711. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602, 502–223–8244. Over *regular routes,* transporting *general commodities* (except classes A and B explosives) (1) between Nashville and Chattanooga, TN, over Interstate Hwy 24, (2) between Fort Smith, AR and Knoxville, TN, over Interstate Hwy 40, (3) between St. Louis and Joplin, MO, over Interstate Hwy 44, (4) between Chicago, IL and St. Louis, MO, over Interstate Hwy 55, (5) between Memphis, TN and Jackson, MS, over Interstate Hwy 55, (6) between Chicago and Cairo, IL, over Interstate Hwy 57, (7) between East St. Louis, IL and Ashland, KY, over Interstate Hwy 64, (8) between Indianapolis and Fort Wayne, IN, over Interstate Hwy 69, (9) between Kansas City and St. Louis, MO, over Interstate Hwy 70 (10) between Terre Haute, IN and Zanesville, OH, over Interstate Hwy 70, (11) between Cincinnati and Cleveland, OH, over Interstate Hwy 71, (12) between Indianapolis, IN and Galesburg, IL, over Interstate Hwy 74, (13) between Chattanooga, TN and Toledo, OH, over Interstate Hwy 75, and (14) serving all intermediate points in routes (1) through (13) above in AR, IL, KY, MO, MS, OH, and TN, and serving as off-route points all points in AR, IL, KY, MO, MS, OH, and TN.

Note.—Applicant intends to tack with its existing authority.

MC 58973 (Sub-9), filed July 27, 1981. Applicant: ABLER TRANSFER, INC., 1006 South 8th Street, Norfolk, NE 68701. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. *General commodities* (except classes A and B explosives), between points in Madison County, NE on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, LA, MI, MN, MO, MT, ND, NE, OH, OK, SD, TX, UT, WI, and WY.

Note.—Applicant intends to tack with its existing authority.

MC 73533 (Sub-22), filed August 6, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 South Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same address as applicant), (301) 327–5800. Transporting *sheet metal containers,* between points in the U.S., under continuing contract(s) with Grafco Pak Division of The Sheet Metal Coating and Litho Company, of Baltimore, MD.

MC 136123 (Sub-28), filed August 3, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant), (813) 722–0506. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of skin care products, between points in Erie County, NY, on the one hand, and, on the other, points in the U.S.

MC 133932 (Sub-5), filed August 5, 1981. Applicant: CATAWBA VALLEY MOTOR LINE, INC., P.O. Box 547, Conover, NC 28613. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *furniture and fixtures,* between points in Catawba County, NC, on the one hand, and, on the other, points in OH, MI, KY, TN, IN, VA, NJ, PA, NY, MA, RI, CT, NH, SC, IL, MO, KS, IA, NE, MN, WI, OK, and TS.

MC 141742 (Sub-16), filed August 3, 1981. Applicant: FLOWERS TRANSPORTATION, INC., P.O.B. B, Station A, Auburn, CA 95603. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting (1) *metal products,* and (2) *chemicals and related products,* between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY, TX, KS, NE, and MO.

MC 146962 (Sub-1), filed August 3, 1981. Applicant: MULDER TRUCKING COMPANY, Prinsburg, MN 56281. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612)542–1121. Transporting (1) *chemical and related products* between points in IA, MN, ND, SD, and WI, and (2) *food and related products* between points in Pierce County, WI, on the one hand, and, on the other, points in MN.

MC 147712 (Sub-32), filed August 5, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Santa Fe Springs, GA 90650. Representative: Joseph Fazio (same address as applicant), (213) 921–7674. Transporting *such commodities as* are dealt in or used by manufacturers and distributors of carpeting, between points in Fresno County, CA, on the one hand, and, on the other, points in the U.S.

MC 154463, filed August 3, 1981. Applicant: CARPET CARRIERS, INC., d.b.a. VIKING FREIGHT SERVICE, 9144 King Arthur, Dallas, TX 75247. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *textile mill products* between points in GA and CA, on the one hand, and, on the other, points in TX, OK and NM.

MC 154782, filed July 31, 1981. Applicant: AMERICAN WEST TOURS, INC., P.O. Box 693, Albuquerque, NM 87103. Representative: Rex D. Borough, 610 Espanola, NE, Albuquerque, NM 87107, (505) 247–8262. Transporting *passengers and their baggage* in the same vehicle with passengers, limited to the transportation of not more than eleven (11) passengers (excluding the driver) in one vehicle at one time, in special operations, between points in NM, AZ, CO, NV, and UT.

MC 156003, filed July 31, 1981. Applicant: BARRY FREIGHTWAYS, INC., Box 14786, Minneapolis, MN 55414. Representative: Ronald B. Sieloff, Ninth Floor, Commerce Bldg., St. Paul, MN 55101, (612) 291–8044. Transporting (1) *new school, office, and store fixtures and furniture,* between Princeton, MN,

on the one hand, and, on the other, points in the U.S., and (2) *grain elevator equipment*, between points in the U.S.

MC 157302, filed August 3, 1981. Applicant: OLD SOUTH FREIGHT SERVICE, INC., 2805 Foster Avenue, Suite 202, Nashville, TN 37210. Representative: Stephen L. Edwards, 315 Union St., 806 Nashville Bank & Trust Bldg., Nashville, TN 37201, (615) 244–2926. Transporting (1) *metal products* between Chicago, IL, St. Louis, MO, and points in Crittenden and Pulaski Counties, AR, Putnam County, IL, Stark County, MO, Beaver County, PA, and Davidson and Shelby Counties, TN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) *lumber and wood products* between points in Jefferson and Grant Counties, AR, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 157563, filed August 4, 1981. Applicant: R.P.M.S. TRUCKING, 3 Amherst Rd., South Hadley, MA 01075. Representative: Robert Silvain (same address as applicant), 413–533–2752. Transporting *industrial supplies and related products*, between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT, and DC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24409 Filed 8–20–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 81–15]

Jess B. Caderao, M.D.; Hearing

Notice is hereby given that on May 15, 1981, the Drug Enforcement Administration, Department of Justice, issued to Jess B. Caderao, M.D., Bellevue, Washington, an Order To Show Cause as to why the DEA Certification of Registration AC8982488 issued to him pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m., on Tuesday, August 25, 1981, in the GSA Hearing Room, Room 3086, New Federal Building, 915 2nd Avenue, Seattle, Washington.

Dated: August 17, 1981.

Francis M. Mullen, Jr.,

Acting Administrator,

Drug Enforcement Administration.

[FR Doc. 81–24407 Filed 8–20–81; 8:45 am]

BILLING CODE 4410–09–M

Manufacture of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 15, 1981, Mallinckrodt Inc., Dept. CB, Mallinckrodt and Second Streets, St. Louis, MO 63147, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance Hydromorphone (9150).

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than September 22, 1981.

Dated: August 14, 1981.

Marion W. Hambrick,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81–24498 Filed 8–20–81; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: David O. Williams, Administrator, U.S. Employment Service, Room 8000 Patrick Henry

Building, Employment & Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C., this 14th day of August 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending August 15, 1981

Name of applicant and location of enterprise	Principal product or activity
Washington Industries, Inc. and First National Industries, Inc. Herbert Springs, Tyronza, Arizona; Kennett, Missouri; Glasgow, Dew City, Elkton, Kentucky; Yazoo City, Mississippi; Monterey, Fayetteville, Columbia, Gainsboro, Linden, Lebanon, McEwen, McMinnville, Hohenwald, Goodlettsville, Milan, Dover, Tennessee.	Manufacture of men's & women's wearing apparel.
Barrett Fuel Corporation, Barrett, West Virginia.	Deep mining—coal
Miller Enterprises, Inc., InterLanchen, Deland, Palatka, Orange City, Mims, Florida.	Supermarkets and convenience stores.

[FR Doc. 81-24288 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 10–14, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met:

(1) That a significant number or proportion of the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met; a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,250; May Knitting Co., Inc., New York, NY

TA–W–10,580; Springfield Mfg. Co., Div. of Wohlert Corp., Springfield, OH

TA–W–10,676; Columbus Auto Parts Co., Columbus, OH

TA–W–11,022 & 11,023 Dohler Jarvis Casting Div., N.L. Industries, Inc., Toledo, OH

TA–W–11,074; Louisiana-Pacific corp., Ridgeway, PA

TA–W–11,163; Brighton Metal Products, Inc., Caseville, MI

TA–W–11,312; O&S Mfg. Div., Whitmore Lake, MI

TA–W–11,764; Riverside Metal Products, Inc., Port Huron, MI

TA–W–11,811; Federal American Partners, Riverton, WY

TA–W–11,868; Kent-Moore Stamping & Fabricating Co., Detroit, MI

TA–W–11,955; Hanna Furnace Corp., Buffalo, NY

In the following case the investigation revealed that criterion (3) has not been met; increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,361; Elan Shoe Corp., Brooklyn, NY

In the following case the investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA–W–11,642; Parima Sportswear, Brooklyn, NY

I hereby certify that the aforementioned determinations were issued during the period August 10–14, 1981. Copies of these determinations are available for inspection in Room 10,322, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, during normal working hours or will be mailed to persons who write to the above address.

Dated: August 17, 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-24458 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 3–7, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met; a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,988; Monogram Industries, Inc., Chandler Products Div., Euclid, OH

TA–W–10,899; American Synthetic Rubber Corp., Louisville, KY

TA–W–10,917; Mid-Continent Spring Co., Hopinsville, KY

TA–W–10,474; Metro Stamping & Mfg. Co., Detroit, MI

TA–W–10,723; Prestige Shoe Co., Wilkes-Barre, PA

TA–W–12,557; Tapemark Co., St. Paul, MN

TA–W–12,658; Bobbie Brooks Corp., New York, NY

TA–W–10,615; Harshaw Chemical Co., Gloucester, NJ

TA–W–10,895; Plastic Molding Corp., East Enterprise, IN

TA–W–10,297; Crew Products Co., Au Gres, MI

TA–W–10,371; Harrisburg Mfg. Co., Harrisburg, AR

TA–W–11,102; Clayton Shoe Co., Corning, AR

TA–W–11,415; Vogue Rattan Mfg. Co., Inc., Lexington, KY

TA–W–9,089; Otis Elevator Co., Harrison, NJ

TA–W–10,623; DAJ, Inc., Minneapolis, MN

TA–W–10,859; American Biltrite, Inc., Hohenwald, IN

TA–W–11,153; Teledyne Ohio Steel, Lima, OH

TA–W–10,562; Jones & Laughlin Steel Corp., Vestaburg, PA

TA–W–10,520; Sealed Power Corp., Tappet Div., Muskegon, MI

TA–W–11,087; Irvin Industries, Inc., Richmond, KY

TA–W–10,939; Barnum Brothers Fibre Co., Detroit, MI

TA–W–11,558; Barnum Brothers Fibre Co., Petoskey, MI

TA–W–11,548; Detroit Drop Die Co., Belleville, MI
TA–W–11,497; Abex Corp., Amsco Div., Chicago Heights, IL
TA–W–11,268; Jomac Products, Inc., Murphysboro, IL
TA–W–11,251; Pricilla Dress, Inc., Bronx, NY
TA–W–11,828; High Q Mfg., Lakeview, MI
TA–W–11,873; Armco, Inc., Houston, TX
TA–W–11,110; Kolk Ind., Inc., Eden, NY
TA–W–10,882; Eaton Corp., Cleveland, OH
TA–W–10,907; Eaton Corp., Humboldt, TN
TA–W–11,360; Trolley Car, Inc., New York, NY
TA–W–9,610; Douglas & Lomason Co., Cleveland, MS
TA–W–9,628; Douglas & Lomason Co., Carrollton, GA

In each of the following cases the investigation also revealed that criterion (3) has not been met for the reason(s) specified.

TA–W–11,882; Bethlehem Steel Corp., Department #850, Bethlehem, PA

None of the workers engaged in steel making operations at Bethlehem Steel Corporation facilities, which the subject facility services, are currently certified eligible to apply for adjustment assistance benefits.

TA–W–10,152, 10,153, & 10,158; Wood and Hyde Leather Co., and Framglo Tannery, Gloversville and Hagaman, NY

Aggregate U.S. imports of tanned and finished sheepskins did not increase as required for certification.

TA–W–11,928; American Brush Co., Inc., Brockton, MA

Aggregate U.S. imports of paint and varnish brushes, including paint rollers are negligible.

TA–W–12,591; Baxter Clothes, Inc., Trenton, NJ

Aggregate U.S. imports of mens' and boys' tailored suits and dress coats did not increase as required for certification.

TA–W–11,587; Vakko Leather, New York, NY

Aggregate U.S. imports of leather apparel did not increase as required for certification.

TA–W–10,364; Leeds-Dixon Laboratories, Inc., Moonachie, NJ

Aggregate U.S. imports of vitamins, nutrients and hematric preparations are negligible.

TA–W–12,186; Columbus Products Co., Columbus, OH

Aggregate U.S. imports of refrigerators (9.5 cubic feet and over) did not increase as required for certification, U.S. imports of dishwashers are negligible.

TA–W–11,479; Endicott Johnson Corp., Forest City, PA

Aggregate U.S. imports of work footwear did not increase as required for certification.

TA–W–9,513; Monsanto Co., Nitro, WV

Aggregate U.S. imports of accelerators, activators, and vulcanizing agents did not increase as required for certification.

TA–W–10,706; E. I. Du Pont De Nemours & Co., Newark, NJ

Aggregate U.S. imports of pigments did not increase as required for certification.

TA–W–12,268; Marine Iron Ship Building Co., Duluth, MN

Aggregate U.S. imports of fabricated platework are negligible.

TA–W–11,283; Birmingham Bolt Co., Nitro, WV

Aggregate U.S. imports of mine roof support bolts are negligible.

TA–W–11,208; National Mines Corp., Wayland, KY

Aggregate U.S. imports of metallurgical coal which includes metallurgical grade coal are negligible.

TA–W–11,201 & 11,202; Borg Textile Corp. and Borg Consumer Products, Delavan, WI

Aggregate U.S. imports of finished fabric did not increase as required for certification. Additionally, U.S. imports of tufted carpets and rugs are negligible.

TA–W–11,649 & 11,650; AMF, Inc., Bowling Products Group and Bowling Div., Fairview Park, OH and Westbury, NY

Aggregate U.S. imports of bowling lanes and automatic pinsetters are negligible.

TA–W–10,313; Owens Corning Fiberglass Corp., Jackson, TN

Aggregate U.S. imports of glass fiber roving did not increase as required for certification. Imports of glass yarn and strand are negligible.

TA–W–11,966; Tyson Bearing Co., Massillon, OH

Aggregate U.S. imports of tapered roller bearings did not increase as required for certification.

TA–W–11,574; Nicholson File Co., Anderson, IN
TA–W–12,040; D.A.B. Ind., Inc., Troy, MI
TA–W–9,305; Jones & Laughlin Steel Corp., McMurray, PA
TA–W–11,677; Erie Mining Co., Hoyt Lake, MN

Increased imports did not contribute importantly to worker separations at the above four firms.

TA–W–9,382; Jones & Laughlin Steel Corp., Campbell Works, Youngstown, OH

Increased imports of coke did not contribute importantly to worker separations at the firms; also, with respect to pipe and tubing, the investigation revealed that criterion (2) has not been met.

TA–W–9,234; Revere Copper Products, Detroit, MI

A survey of customers indicated that increased imports of copper and copper alloy strip and copper alloy shapes declined absolutely and relatively compared to domestic shipments in 1979 compared to 1978 and 1980 compared to 1979.

TA–W–10,973; Aliquippa & Southern Railroad Co., Aliquippa, PA

A survey of customers indicated that increased imports did not contribute importantly to worker separations.

In the following case, the investigation revealed that criterion (2) has not been met.

TA–W–12,068; Miller Brewing Co., Fulton, NY

In each of the following cases the investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA–W–10,395; Tonawanda Engineering, Inc., Tonawanda, NY
TA–W–10,398; Civic Ford, Inc., Canton, OH
TA–W–11,032; McBain Lincoln-Mercury Ltd., Milwaukee, WI
TA–W–11,279; Jim Gunning Ford, Inc., Xenia, OH

Affirmative Determinations

TA–W–11,239; Jodie Dress, Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after September 26, 1979.

TA–W–10,167; Stan Kinnaman, Copalis Crossing, WA

A certification was issued covering all workers of the firm separated on or after May 12, 1979.

I hereby certify that the aforementioned determinations were issued during the period August 3–7, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213, during normal working hours or will be mailed to persons who write to the above address.

Dated: August 13, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-24460 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,239]

Jodie Dress, Inc., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein present the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on October 14, 1980 in response to a petition which was filed on behalf of workers at Jodie Dress, Incorporated, New York, New York.

U.S. imports of women's and misses' dresses increased absolutely in 1980 compared with 1979.

Prior to 1980, Jodie Dress, Incorporated worked primarily for one manufacturer which reduced contracts with Jodie Dress, Incorporated, in 1979 compared with 1978 and discontinued all contracts with Jodie Dress, Incorporated in 1980.

That manufacturer increased imports of dresses absolutely and relative to domestic production of dresses in 1979 compared with 1978 and in the first quarter of 1980 compared with the first quarter of 1979. In a previous determination, workers at the manufacturing concern were certified as eligible to apply for trade adjustment assistance.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with dresses produced at Jodie Dress, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Jodie Dress, Incorporated, New York, New York who became totally or partially separated from employment on or after September 28, 1979, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of August 1981.

Bert Lewis,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-24461 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,167]

Stan Kinnaman Cedar Products, Copalis Crossing, Wash.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 18, 1980 in response to a petition which was filed on behalf of workers at Stan Kinnaman Cedar Products, Copalis Crossing, Washington. The workers produced red cedar shakes.

U.S. imports of red cedar shakes, shingles, hips and ridges increased absolutely and relative to domestic production in 1979 compared with 1978.

A Department of Labor survey of Stan Kinnaman Cedar Products' customers revealed that surveyed customers reduced purchases from Stan Kinnaman Cedar Products in 1979 compared to 1978 while increasing their purchases of imported red cedar shakes.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with red cedar shakes produced at Stan Kinnaman Cedar Products, Copalis Crossing, Washington contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Stan Kinnaman Cedar Products, Copalis Crossing, Washington who became totally or partially separated from employment on or after May 12, 1979 and before March 31, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of August 1981.

Bert Lewis,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-24459 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-28-M

Mine Safety and Health Administration

[Docket No. M-81-29-M]

Magma Copper Co.; Petition for Modification of Application of Mandatory Safety Standard

Magma Copper Company, P.O. Box M, San Manuel, Arizona 85631 has filed a petition to modify the application of 30 CFR 57.19-24 (rope attachment; requirements) to its San Manuel and Magma Mines located in Pinal County, Arizona. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that rope be attached to the load by the thimble-and-clip method, the socketing method, or other approved method.

2. Petitioner states that the short coupled thimble manufactured by Lake Shore, Inc. provides equivalent or greater safety than that required by the standard. It has the added feature of readily calling attention to any slippage by the shortening of the excess loop on the dead side of the cable. The load transmitted to the rope is along the straight section of the cable where the structure and integrity of the rope are undisturbed.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 21, 1981. Copies of the petition are available for inspection at that address.

Dated: August 11, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-24455 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-30-M]

Magma Copper Co.; Petition for Modification of Application of Mandatory Safety Standard

Magma Copper Company, P.O. Box M, San Manuel, Arizona 85631 has filed a petition to modify the application of 30 CFR 57.19-22 (hoist rope requirements) to its San Manuel and Magma Mines located in Pinal County, Arizona. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the rope at the drum shall make one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and shall be fastened securely by means of rope clips or clamps

2. Petitioner states that with wire ropes of 2⅛" in diameter (and greater) it is not desirable to distort the lays, strands and wires in a way that would be required to bend such a rope about a spoke or shaft. With such a short radius bend, the entire rope structure is disturbed and the strength of the rope greatly reduced. Petitioner further states that to distort such a rope presents special handling hazards to rope handling (rigger) personnel.

3. Petitioner states that a safer method for fastening large ropes has been developed by Nordberg, the rope's manufacturer. These rope clamping devices have six bolts, three on a side. There are always two clamps; the clamps are located either on the web or on the spokes of the drum. Each bolt is one inch in diameter.

4. Petitioner further states that the dangers of trying to distort a two inch diameter (or larger) rope about a spoke or shaft and then clamping the rope back on itself, would provides less safety (damaged rope structure) than Nordberg's design. If possible to so distort a rope, petitioner claims the procedure would endanger the riggers.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. all comments must be postmarked or received in that office on or before September 21, 1981. Copies of the petition are available for inspection at that address.

Dated: August 11, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-24456 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-32-M]

Unimin Corp.; Petition for Modification of Application of Mandatory Safety Standard

Unimin Corporation, P.O. Box 109, Crystal City, Missouri 63019 has filed a petition to modify the application of 30 CFR 57.4-61B (fire doors) to its Unimin Mine and Mill located in Jefferson County, Missouri. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fire doors be installed in each opening to an underground shop.

2. As an alternative method, petitioner proposes to build four walls to control the movement of air in the shop area. One of the walls will be built at the perimeter of the mine, constructed of concrete blocks with an enclosed 5 H.P. exhaust fan installed. The other three walls will be built inside the mine to reduce the openings so that only two openings will remain.

3. Petitioner states that in the event of a shop area fire, the fan can be turned on and exhaust air routed directly to the surface to discharge toxic gases.

4. Petitioner further states that there is no history of mine fires in this wet and humid mine.

5. Petitioner states that the alternative method outlined above will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 21, 1981. Copies of the petition are available for inspection at that address.

Dated: August 11, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-24457 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Indiana State Standards; Approval

1. **Background.** Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the **Federal Register** (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated June 23, 1981, from the Commissioner, Indiana Division of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted a State standard comparable to: 29 CFR 1910.423 Commercial Diving, as published in the **Federal Register** (45 FR 41634) dated Friday, June 20, 1980. This standard, which is contained in the Indiana Occupational Safety and Health Standard, was promulgated after public comment was requested on February 5, 1981, by a notice published in a newspaper of general circulation within the State. A public hearing was held on March 27, 1981, at which time the standard was adopted. The Attorney General approved its legality on May 12, 1981, the Governor approved it on June 7, 1981, it was filed with the Secretary of State on June 17, 1981, and it was registered with the Legislative Council on June 17, 1981, pursuant to the Indiana Administrative Adjudication Act.

2. **Decision.** Having reviewed the State submission in comparison with the

Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly should be approved.

3. **Location of supplement for inspection and copying.** A copy of the Indiana standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of the Directorate of Federal Compliance and State Programs, Room N3619, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. **Public participation.** Under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard and is therefore deemed to be at least as effective.

2. The standard was adopted in accordance with the procedural requirements of the State law and further participation would be unnecessary.

This decision is effective August 21, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Ill., this 7th day of August 1981.

Alan C. McMillan,

Acting Regional Administrator.

[FR Doc. 81-24462 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-26-M

Indiana State Standards; Approval

1. **Background.** Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the **Federal Register** (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated August 12, 1980, from the Commissioner, Indiana Division of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted a State standard comparable to: 29 CFR 1910.217 Mechanical Power Presses, as published in the **Federal Register** (45 FR 8593) February 8, 1980. This standard, which is contained in the Indiana Occupational Safety and Health Standard, was promulgated after public comment was requested on June 5, 1980, by a notice published in a newspaper of general circulation within the State. A public hearing was held on April 1, 1980, at which time the standard was adopted. The Attorney General approved its legality on July 30, 1980, the Governor approved it on August 4, 1980, it was filed with the Secretary of State on August 8, 1980, and it was registered with the Legislative Council on August 8, 1980, pursuant to the Indiana Administrative Adjudication Act.

2. **Decision.** Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly should be approved.

3. **Location of supplement for inspection and copying.** A copy of the Indiana standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of the Directorate of Federal Compliance and State Programs, Room N3619, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. **Public participation.** Under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretry finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard and is therefore deemed to be at least as effective.

2. The standard was adopted in accordance with the procedural requirements of the State law and further participation would be unnecessary.

This decision is effective August 21, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Ill., this 7th day of August 1981.

Alan C. McMillan,

Acting Regional Administrator.

[FR Doc. 81-24463 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-26-M

Indiana State Standards; Approval

1. **Background.** Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the **Federal Register** (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated August 12, 1980, from the Commissioner, Indiana Division of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted a State standard comparable to: 29 CFR 1910.177 Servicing Multi-Piece Rim Wheels, as published in the **Federal Register** (45 FR 6706) January 29, 1980. This standard, which is contained in the Indiana Occupational Safety and Health Standard, was promulgated after public comment was requested on June 5, 1980, by a notice published in a newspaper of general circulation within the State. A

public hearing was held on June 27, 1980, at which time the standard was adopted. The Attorney General approved its legality on July 30, 1980, the Governor approved it on August 4, 1980, it was filed with the Secretary of State on August 8, 1980, and it was registered with the Legislative Council on August 8, 1980, pursuant to the Indiana Administrative Adjudication Act.

2. **Decision.** Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly should be approved.

3. **Location of supplement for inspection and copying.** A copy of the Indiana standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of the Directorate of Federal Compliance and State Programs, Room N3619, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. **Public participation.** Under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard and is therefore deemed to be at least as effective.

2. The standard was adopted in accordance with the procedural requirements of the State law and further participation would be unnecessary.

This decision is effective August 21, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Ill., this 7th day of August, 1981.

Alan C. McMillan,

Acting Regional Administrator.

[FR Doc. 81-24464 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-26-M

Indiana State Standards; Approval

1. **Background.** Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the **Federal Register** (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated March 19, 1979, from the Commissioner, Indiana Division of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted a State standard comparable to: 29 CFR 1910.19(b), (c) Acrylonitrile, Vinyl Cyanide, as published in the **Federal Register** (43 FR 28473) October 3, 1978. This standard, which is contained in the Indiana Occupational Safety and Health Standard, was promulgated after public comment was requested on December 15, 1978 by a notice published in a newspaper of general circulation within the State. A public hearing was held on January 26, 1979, at which time the standard was adopted. The Attorney General approved its legality on March 1, 1979, the Governor approved it on March 5, 1979, it was filed with the Secretary of State on March 6, 1979, and it was registered with the Legislative Council on March 6, 1979, pursuant to the Indiana Administrative Adjudication Act.

2. **Decision.** Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly should be approved.

3. **Location of supplement for inspection and copying.** A copy of the Indiana standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn, Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of the Directorate of Federal Compliance and State Programs, Room N3619, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. **Public participation.** Under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard and is therefore deemed to be at least as effective.

2. The standard was adopted in accordance with the procedural requirements of the State law and further participation would unnecessary.

This decision is effective August 21, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois this 7th day of August 1981.

Alan C. McMillan,

Acting Regional Administrator.

[FR Doc. 81-24465 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-26-M

Indiana State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the **Federal Register** (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated June 23, 1981, from the

Commissioner, Indiana Division of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted a State standard comparable to: 29 CFR 1910.156 thru .165 Fire Protection; Means of Egress and Hazardous Materials, as published in the **Federal Register** (45 FR 60656) dated September 12, 1980. this standard, which is contained in the Indiana Occupational Safety and Health Standard, was promulgated after public comment was requested on February 12, 1981, by a notice published in a newspaper of general circulation within the State. A public hearing was held on March 27, 1981, at which time the standard was adopted. The Attorney General approved its legality on May 14, 1981, the Governor approved it on June 7, 1981, it was filed with the Secretary of State on June 17, 1981, and it was registered with the Legislative Council on June 17, 1981, pursuant to the Indiana Administrative Adjudication Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the Indiana standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of the directorate of Federal Compliance and State Programs, Room N3619, 200 Constitution Ave., NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procecures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard and is therefore deemed to be at least as effective.

2. The standard was adopted in accordance with the procedural requirements of the State law and further participation would be unnecessary.

This decision is effective August 21, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois this 7th day of August, 1981.

Alan C. McMillan,

Acting Regional Administrator.

[FR Doc. 81–24466 Filed 8–20–81; 8:45 am]

BILLING CODE 4510–26–M

Indiana State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the **Federal Register** (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated June 23, 1981, from the Commissioner, Indiana Division of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted a State standard comparable to: 29 CFR 1910.1043 Occupational Exposure to Cotton Dust, as published in the **Federal Register** (45 FR 67339) October 10, 1980. This standard, which is contained in the Indiana Occupational Safety and Health Standard, was promulgated after public comment was requested on February 13, 1981, by a notice published in a newspaper of general circulation within the State. A public hearing was held on March 27, 1981, at which time the standard was adopted. The Attorney General approved its legality on May 12, 1981, the Governor approved it on June 7, 1981, it was filed with the Secretary of State on June 17, 1981, and it was registered with the Legislative Council on June 17, 1981, pursuant to the Indiana Administrative Adjudication Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the Indiana standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of the Directorate of Federal Compliance and State Programs, Room N3619, 200 Constitution Ave., NW, Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard and is therefore deemed to be at least as effective.

2. The standard was adopted in accordance with the procedural requirements of the State law and further participation would be unnecessary.

This decision is effective August 21, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois this 7th day of August, 1981.

Alan C. McMillan,

Acting Regional Administrator.

[FR Doc. 81–24462 Filed 8–20–81; 8:45 am]

BILLING CODE 4510–26–M

Indiana State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant

Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the **Federal Register** (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated June 23, 1981, from the Commissioner, Indiana Division of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted a State standard comparable to: 29 CFR 1926.500 Guarding of Low Pitched Roof Perimeters, as published in the **Federal Register** (45 FR 75618), November 14, 1980. This standard, which is contained in the Indiana Occupational Safety and Health Standard, was promulgated after public comment was requested on February 13, 1981, by a notice published in a newspaper of general circulation within the State. A public hearing was held on March 27, 1981, at which time the standard was adopted. The Attorney General approved its legality on May 12, 1981, the Governor approved it on June 7, 1981, it was filed with the Secretary of State on June 17, 1981, and it was registered with the Legislative Council on June 17, 1981, pursuant to the Indiana Administrative Adjudication Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the Indiana standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of the Directorate of Federal Compliance and State Programs, Room N3619, 200 Constitution Ave., NW, Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard and is therefore deemed to be at least as effective.

2. The standard was adopted in accordance with the procedural requirements of the State law and further participation would be unnecessary.

This decision is effective August 21, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois, this 7th day of August 1981.

Alan C. McMillan,

Acting Regional Administrator.

[FR Doc. 81-24468 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-26-M

Indiana State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 USC 667) (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the **Federal Register** (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated March 13, 1979, from the Commissioner, Indiana Division of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted a State standard comparable to: 29 CFR 1910.19(g) and the addition of § 1910.1025 Lead, as published in the **Federal Register** (43 FR 52952) November 14, 1978. This standard, which is contained in the Indiana Occupational Safety and Health Standard, was promulgated after public comment was requested on December 15, 1978, by a notice published in a newspaper of general circulation within the State. A public hearing was held on December 1, 1978, at which time the standard was adopted. The Attorney General approved its legality on March 1, 1979, the Governor approved it on March 5, 1979, it was filed with the Secretary of State on March 6, 1979, and it was registered with the Legislative Council on March 6, 1979, pursuant to the Indiana Administrative Adjudication Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the Indiana standard supplement, along with approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of the Directorate of Federal Compliance and State Programs, Room N3619, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard and is therefore deemed to be at least as effective.

2. The standard was adopted in accordance with the procedural requirements of the State law and further participation would be unnecessary.

This decision is effective August 21, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois this 7th day of August, 1981.

Alan C. McMillan,

Acting Regional Administrator.

[FR Doc. 81-24469 Filed 8-20-81; 8:45 am]

BILLING CODE 4510-26-M

MERIT SYSTEMS PROTECTION BOARD

Privacy Act of 1974; Amendment of Notice of System of Records

Note.—This document originally appeared in the **Federal Register** for Thursday, August 20, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Merit Systems Protection Board.

AGENCY: Merit Systems Protection Board.

ACTION: Notice; amendment of notice of system of records.

SUMMARY: The purpose of this notice is to amend a previously published notice of a system of records through clarification of the description of the System Manager.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Kathy W. Semone, Office of the Secretary (202) 632–4525.

SUPPLEMENTARY INFORMATION: On June 23, 1981, the Merit Systems Protection Board published its notice of proposed revised and new systems of records (45 FR 32503). Included among the new systems of records announced by the notice was MSPB/GOVT–1, Appeal and Case Records. This system of records includes the administrative records of appeals and other matters adjudicated by the MSPB under its original and appellate jurisdiction, the records of appeals adjudicated by the Federal Employee Appeals Authority and the Appeals Review Board of the former Civil Service Commission, and the records of the foregoing appeals and other matters which are maintained by Federal agencies which are or were parties to the proceedings. In addition, the system includes the records of appeals maintained in Federal agencies regarding adverse actions initiated prior to September 9, 1974, and which were appealed solely within the agency.

The system notice stated that the system managers of MSPB/GOVT–1, were the Secretary of MSPB, the MSPB Field Offices or the Personnel Officer of the agency within which the appeal was made prior to September 9, 1974. It was not the intention of MSPB to recognize the agency Personnel Officer as the system manager only with respective to the records of appeals arising prior to September 9, 1974. Rather, MSPB recognizes the agency Personnel Officer as the system manager for those records within the system that are maintained by the agency Personnel Officer.

Therefore, the MSPB/GOVT–1, system notice is amended to read as follows:

MSPB/GOVT–1

SYSTEM NAME:

Appeal and Case Records

* * * * *

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419, the MSPB Regional Offices, or the Personnel Officer of the agency within which the appeal arose.

* * * * *

Dated: August 14, 1981.
For the Board.

Ersa H. Polston,

Vice-Chair.

[FR Doc. 81–24280 Filed 8–19–81; 8:45 am]

BILLING CODE 1505–02–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81–61)]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Aerodynamics.

DATE AND TIME: September 9, 1981, 8:30 a.m. to 5 p.m.; September 10, 1981, 8 a.m. to 12 noon.

ADDRESS: National Aeronautics and Space Administration, Langley Research Center, Headquarters Building #1219, Room 225, Hampton, VA.

FOR FURTHER INFORMATION CONTACT: Mr. Clinton E. Brown, National Aeronautics and Space Administration, Code RTF–6, Washington, DC 20546 (202/755–3280).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Aerodynamics was established to provide advice and coordination of NASA Aerodynamics research programs with efforts in other agencies, universities, and industry. The Subcommittee, chaired by Dr. Joseph Cornish, is comprised of seven members. The meeting will be open to the public up to the seating capacity of the room (approximately 20 persons including the Subcommittee members and participants).

Type of meeting: Open

Agenda

September 9, 1981

8:30 a.m.—Aerodynamic Program Overview.
9 a.m.—Langley Research Center Aerodynamics Programs.
11 a.m.—National Transonic Facility Status.
1 p.m.—National Transonic Facility Tour.
2 p.m.—National Transonic Facility Research Program.
4 p.m.—NASA Viscous Drag Reduction Program.
5 p.m.—Adjourn.

September 10, 1981

8 a.m.—The Langley Research Center laminar flow control experiment.
9:30 a.m.—Discussion of Turbulent Drag Reduction Progress.
10:30 a.m.—Subcommittee member remarks on research needs and directions.
11:30 a.m.—Recommendations and plans for the next meeting.
12 noon—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

August 17, 1981.

[FR Doc. 81–24401 Filed 8–20–81; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL LABOR RELATIONS BOARD

Appointments of Individuals To Serve as Members of Performance Review Boards

5 U.S.C. 4314(c)(4) requires that the appointments of individuals to serve as members of performance review boards be published in the **Federal Register**. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of performance review boards in the National Labor Relations Board for the rating year beginning March 1, 1980 and ending December 31, 1980.

Name and Title

Robert E. Allen—Acting Associate General Counsel, Enforcement Litigation
William C. Baisinger—Chief Counsel to Board Member
Frederick Calatrello—Chief Counsel to Board Member
Willie L. Clark, Jr.—Solicitor
Harold J. Datz—Associate General Counsel, Advice
Joseph E. DeSio—Associate General Counsel, Operations Management
David Dunn—Chief Counsel to Board Member
John E. Higgins, Jr.—Deputy General Counsel

Harry M. Leet—Chief Counsel to Board Member
Eugene D. Orza—Executive Assistant to the Chairman
Eugene L. Rosenfeld—Deputy Associate General Counsel, Operations Management
Ernest Russell—Director of Administration
Berton Subrin—Director, Office of Representation Appeals
Robert Volger—Deputy Executive Secretary
Melvin J. Welles—Chief Administrative Law Judge

Dated: Washington, D.C., August 13, 1981.

By direction of the Board.

John Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 81-24471 Filed 8-20-81; 8:45 am]

BILLING CODE 7545-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published July 21, 1981 (46 FR 37573). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the September 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Visit of ACRS Members to Japan, August 22–28, 1981, Tokyo, Japan. Visit by ACRS members to research and test facilities in and around Tokyo and discussions with representatives of Japanese nuclear agencies, vendors and nuclear plant operators regarding safety-related items including seismic design of nuclear facilities. Notice of this meeting was published August 5.

**Emergency Core Cooling Systems,* August 28, 1981, Monterey, CA. The Subcommittee will discuss various topics related to Emergency Core Cooling Systems licensing matters and General Electric's proposed revisions to their Emergency Core Cooling System licensing model. Notice of this meeting was published August 10.

**Waste Management,* September 2 and 3, 1981, Washington, D.C. The Subcommittee will discuss the proposed rule on Technical Criteria for Disposal of High-Level Radioactive Wastes in Geological Repositories (10 CFR Part 60) and the Licensing Requirements for Land Disposal of Radioactive Waste (10 CFR Part 61). Notice of this meeting was published July 21.

**Decay Heat Removal Systems,* September 8, 1981, Washinton, D.C. The Subcommittee will continue review of the proposed NRC action plan for Task A-45, "Shutdown Decay Heat Removal Requirements."

**Evaluation of Licensee Event Reports,* September 9, 1981, Washington, D.C. The Subcommittee will discuss recent developments in NRC's LER sequence coding and search procedure. Notice of this meeting was published July 21.

**Regulatory Activities,* September 9, 1981, Washington, D.C. The Subcommittee will review Proposed Regulatory Guides and Regulations. Notice of this meeting was published July 21.

**Working Groups Re Nuclear Safety Research, Development, and Demonstration Act of 1980,* September 9, 1981, Washington, D.C. The Working Groups will discuss the Department of Energy's response to Pub. L. 96-567, "Nuclear Safety Research, Development, and Demonstration Act of 1980", including the assessment of the need for and feasibility of establishing a national reactor engineering simulator facility, a study as to the desirability and feasibility of creating a federal nuclear operations corps, and a program management plan for the conduct of a research, development, and demonstration program for improving the safety of nuclear power plants.

**Reliability and Probabilistic Assessment,* September 9, 1981, Washington, D.C. The Subcommittee will discuss NRC's effort to develop Quantitative Safety Goals.

**Advanced Reactors,* September 17 and 18, 1981, Argonne National Laboratory. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria.

**Metal Components,* September 25, 1981, Washington, D.C. The Subcommittee will discuss proposed criteria regarding failure modes/mechanisms for primary system piping and the performance of high strength bolts.

**Shoreham Nuclear Power Station Unit 1,* September 30, 1981, Washington, D.C. The Subcommittee will discuss the application of the Long Island Lighting Company for an Operating License. Notice of this meeting was published July 21.

**Anticipated Transients Without Scram,* Date to be Determined, Washington, DC. The Subcommittee will discuss the probabilistic risk assessment based proposed Rule for resolution of ATWS. This Rule was drafted by F. Rowsome (NRC/Division of Risk Analyses) at then NRC Chairman J. Hendrie's request.

**Grand Gulf Nuclear Station Units 1 and 2,* Date to be Determined, near Vicksburg, MI. The Subcommittee will discuss the application of the Mississippi Power and Light Company for an Operating License.

**Shippingport,* Date to be Determined, Washington, DC. The Subcommittee will review the extention of LWBR operation from 24,000 EFPH to 30,000 EFPH.

**Transportation of Radioactive Materials,* October 1 and 2, 1981, Oak Ridge, TN. The Subcommittee will review the package certification procedures used by the Transportation Certification Branch of NRC.

**Floating Nuclear Plant,* October 14, 1981, Washington, DC. The Subcommittee will review Supplement 4 of FNP Manufacturing License (ML) SER, as well as remaining ACRS outstanding issues of this project.

**Regulatory Activities,* October 14, 1981 (TENTATIVE), Washington, DC. The Subcommittee will review Proposed Regulatory Guides and Regulations.

**Human Factors,* October 14, 1981, Washington, DC. The Subcommittee will be briefed by the Division of Human Factors Safety, Office of the Nuclear

Reactor Regulation on the developments and programs that have been initiated within the Division over the past year. Items for discussion will include the final version of the control room design evaluation guidelines, operator qualifications, and emergency procedures guidelines.

**Comanche Peak Steam Electric Station Units 1 and 2,* Date to be Determined, Washington, DC. The Subcommittee wil continue the review of the application by the Texas Utilities Generating Company for an Operating License.

**Sequoyah Nuclear Plant,* Date to be Determined, Washington, DC. The Subcommittee will review operating experience, response to ACRS requests, status of hydrogen control measures.

**AC/DC Power Systems,* Date to be Determined, Washington, DC. The Subcommittee will review the status of the activities associated with NUREG–0666, "A Probabilistic Safety Analysis of DC Power Supply Requirements for Nuclear Power Plants" and the status of the work on the availability of AC Power.

**Advanced Reactors,* Date to be Determined, Chicago, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria.

**Three Mile Island Unit 2 Action Plans,* Date to be Determined, Washington, DC. The Subcommittee will meet to discuss the proposed rules for TMI–2 requirements for operating license applications and for operating reactors. These rules, if approved, would basically incorporate the set of requirements in NUREG–0737 into 10 CFR Part 50.

ACRS Full Committee Meetings

September 10–12, 1981: Items are tentatively scheduled.

*A. *Pub. L. 96–567, The Nuclear Safety Research, Development and Demonstration Act of 1980*—discuss proposed plan for implementation of the provisions of this act.

*B. *Reactor Pressure Vessel Integrity When Subjected to Thermal Shock and Subsequent Repressurization During an Overcooling Transient*—discuss related NRC and industry activities.

*C. *Proposed NRC Rules (10 CFR Part 60 and Part 61) re Low Level Waste Management and Geologic Criteria for Disposal of Radioactive Wastes*—discuss proposed rules.

*D. *Proposed Changes in NRC Systems for Reporting/Evaluating Licensee Event Reports*—discuss proposed changes in this system including LER sequence coding and search procedures.

*E. *Proposed NRC Rule (10 CFR Part 100) re Reactor Siting Criteria*—discuss proposed changes in NRC policy re siting of nuclear facilities.

*F. *Control of Combustible Gasses Resulting from Nuclear Power Plant Accidents with Degraded Core Cooling*—report by NRC Staff regarding research program on generation and control of combustible gasses. Discuss provisions for combustible gas control in BWR nuclear plants with low-pressure, dynamic containment systems.

*G. *Provisions for Decay Heat Removal from Nuclear Power Plants*—discuss proposed NRC Action Plan (Task A–45) to evaluate alternate decay heat removal systems. Report on proposed improvements in decay heat removal systems proposed by PWR nuclear steam supply system vendors.

*H. *Quantitative Safety Goals for Nuclear Power Plants*—discuss comments received on NUREG–0739, An Approach to Quantitative Safety Goals for Nuclear Power Plants.

*I. *NRC Safety Research Program*—discuss scope and timing of ACRS annual report to NRC re the safety research program budget. Discuss proposed Long-Range Research Program Plan for Gas-Cooled Reactors. Briefing by NRC Staff regarding NRC SUPPLEMENTAL BUDGET REQUEST (FY 82) for LMFBR research program.

*J. *NRC Regulations and Regulatory Guides*—discuss proposed revisions to NRC Regulatory Guides and Regulations (10 CFR Part 50, Appendix G and Appendix H).

*K. *NRC Regulatory Procedures*—discuss report of Nuclear Safety Oversight Committee dated July 23, 1981 on NRC licensing process. Discuss alternate procedures for ACRS participation in NRC rulemaking proceedings.

*L. *Implementation of TMI–2 Lessons Learned*—discuss proposed ACRS position/comments re application of TMI–2 Lessons Learned to DOE nuclear facilities. Discuss proposed NRC rule (10 CFR Part 50) regarding licensing requirements for pending operating license applications.

*M. *Status of Safety Related Activities*—reports by ACRS subcommittee chairmen re activities of designated subcommittees. Discuss items proposed for future ACRS meetings/activities.

October 15–17, 1981: Agenda to be announced.

November 12–14, 1981: Agenda to be announced.

Dated: August 17, 1981.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 81-24473 Filed 8-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Evaluation of Licensee Event Reports; Meeting

The ACRS Subcommittee on Evaluation of Licensee Event Reports will hold a meeting on September 9, 1981, Room 1167, 1717 H Street, NW., Washington, D.C. to discuss Licensee Event Report (LER) reporting requirements, evaluation procedures, and recent developments in NRC's LER sequence coding and search procedure. Notice of this meeting was published July 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Wednesday, September 9, 1981, 8:45 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Gary Quittschreiber

(telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: August 18, 1981.

Samuel J. Chilk,

Acting Advisory Committee, Management Officer.

[FR Doc. 81–24476 Filed 8–20–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Activities; Meeting

The ACRS Subcommittee on Regulatory Activities will hold a meeting on September 9, 1981 in Room 1046, 1717 H Street, NW, Washington, DC.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Wednesday, September 9, 1981, 8:45 a.m. until 2:00 p.m.*

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Regulatory Guide 1.33, Revision 3, "Quality Assurance Program Requirements (Operation)" (post comment).

(2) General Revisions to Appendix G, "Fracture Toughness Requirements," and Appendix H, "Reactor Vessel Material Surveillance Program Requirements" (post comment).

(3) Proposed Regulatory Guide (Task No. MS–901–4), "Identification of Valves For Inclusion in Inservice Testing Program" (pre comment).

(4) Proposed Regulatory Guide 1.105, Revision 2, "Instrument Set Points" (pre comment).

(5) Regulatory Guide 1.13, Revision 2, "Spent Fuel Storage Facility Design Basis" (pre comment).

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guide 1.33, Revision 3, and General Revisions to Appendices G and H, may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Sam Duraiswamy, the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, DC 20555 or telecopy them to the Designated Federal Employee (202/634–3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington DC 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Sam Duraiswamy, (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., Eastern Time.

Dated: August 18, 1981.

Samuel J. Chilk,

Acting Advisory Committee, Management Officer.

[FR Doc. 81–24475 Filed 8–20–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Meeting

The ACRS Subcommittee on the Reliability and Probabilistic Assessment will hold a meeting on September 9, 1981, room 1046, at 1717 H Street, NW, Washington, DC. The purpose of the meeting will be to discuss NRC Staff efforts to develop a quantitative safety goal. Notice of this meeting was published July 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Wednesday, September 9, 1981, 6:00 p.m. until 8:00 p.m.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and their consultants.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Cognizant Federal Employee, Mr. J. Michael Griesmeyer (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Gary Quittschreiber.

Dated August 18, 1981.

Samuel J. Chilk,

Acting Advisory Committee, Management Officer.

[FR Doc. 81–24474 filed 8–20–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Working Groups Re Nuclear Safety Research, Development, and Demonstration Act of 1980; Meeting

The ACRS Working Groups addressing the Nuclear Safety Research, Development, and Demonstration Act of 1980 will hold a combined meeting on September 9, 1981 in Room 1046, 1717 H Street, NW, Washington, DC. The Working Groups will discuss the Department of Energy's response to Public Law 96–567, "Nuclear Safety Research, Development, and Demonstration Act of 1980", including the assessment of the need for an feasibility of establishing a national reactor engineering simulator facility, a study as to the desirability and feasibility of creating a federal nuclear operations corps, and a program management plan for the conduct of a research, development, and demonstration program for improving the safety of nuclear power plants.

In accordance with the procedures outlined in the **Federal Register** on

October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the entent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Wednesday, September 9, 1981, 2:00 p.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Department of Energy, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major (telephone 202/634–1414) or Mr. Sam Duraiswany (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)94).

Dated: August 18, 1981.

Samuel J. Chilk,

Acting Advisory Committee, Management Officer.

[FR Doc. 81–24477 Filed 8–20–81; 8:45 am]

BILLING CODE 7590–01–M

Applications for Licenses To Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before September 21, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, The Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day August 17, 1981, at Bethesda, Md.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, and application number	Material type	Material in kilograms		End-use	Country of destination
		Total [illegible]	total isotope		
Exxon Nuclear, July 23, 1981, July 28, 1981, XSNM01863.	3.4 pct enriched uranium	2,260.0	76.9	Reload fuel for Unterweser	West Germany.
Marubeni America, Aug. 3, 1981, Aug. 6, 1981, XSNM01868.	2.92 pct enriched uranium	3,723	97	Reload fuel for Shimane Unit 1	Japan.
Transnuclear, Inc., Aug. 10, 1981, Aug. 11, 1981, ISNM81016.	89 pct enriched uranium	30.714	27.180	For reprocessing at SR00	United States (from France).
	Plutonium	0.006			
Transnuclear, Inc., Aug. 10, 1981, Aug. 11, 1981, ISNM81017	93 pct enriched uranium	241.252	160.130	For reprocessing at SR00	United States (from France).
	Plutonium	5.746			
Transnuclear, Inc., Aug. 7, 1981, Aug. 11, 1981, ISNM81018.	1.10 pct enriched uranium	20,000	220.0	For use as feed material for uranium enrichment contracts EU/13 and EU/39.	United States (from France).
Transnuclear, Inc., Aug. 7, 1981, Aug. 11, 1981, ISNM81019.	1.10 pct enriched uranium	12,500	137.5	For use as feed material for uranium enrichment contract EU/41.	United States (from France).

[FR Doc. 81–24500 Filed 8–20–81; 8:45 am]

BILLING CODE 7590–01–M

Appointment to Performance Review Board Roster

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: The Nuclear Regulatory Commission (NRC) has announced the following appointments to the NRC Performance Review Board roster, to replace persons no longer available:

Clemens J. Heltemes, Deputy Director, Office for Analysis and Evaluation of Operational Data;

Edson G. Case, Deputy Director, Office of Nuclear Reactor Regulation.

Mr. Heltemes will replace Norman M. Haller and Mr. Case will replace Harold R. Denton on the PRB roster published in **Federal Register** Volume 46, No. 30739, Wednesday, June 10, 1981. These appointments are made pursuant to Section 4314 of Chapter 43 of Title 5 of the U.S. Code.

EFFECTIVE DATE: August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel J. Donoghue, Chairman, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301–492–7335.

Dated at Bethesda, Maryland, this 17th day of August, 1981.

For the Nuclear Regulatory Commission.

E. Kevin Cornell,

Chairman, Executive Resources Board.

[FR Doc. 81-24501 Filed 8-20-81:8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the license for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida.

The amendment was authorized by telephone on July 24, 1981, and was confirmed by handwritten letter dated July 24, 1981. The amendment extends the effective date of Amendment No. 41 to Facility Operating Licensing No. DPR-72 issued on July 21, 1981. Amendment No. 41 will become effective upon notification that the facility's Reactor Coolant Pump Power Monitors are operable and the operability has been verified by the Commisison's Office of Inspection and Enforcement. This amendment permits the licensee to operate the facility in accordance with the license in effect prior to the issuance of Amendment No. 41 and was issued on an expedited basis to prevent a facility shutdown.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commisison's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuiance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 27, 1981, which confirms the licensee's verbal request of July 24, 1981, (2) the Commission's handwritten letter to the licensee dated July 24, 1981, (3) Amendment No. 42 to License No. DPR-72, and (4) the Commisison's related Safety Evaluation. All of these items are available for public inspection at the Commisison's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of August 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-24502 Filed 8-20-81: 8:45 am]

BILLING CODE 7590-01-M

[License No. 45-09963-01 EA 81-51]

Met Lab, Inc.; Order Imposing Civil Monetary Penalties

I

Met Lab, Inc., 605 Rotary Street, Hampton, VA 23661 (the "licensee") is the holder of License No. 45-09963-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). License No. 45-09963-01 authorizes industrial radiographic operations.

II

An inspection of the licensee's activities under the license was conducted on March 25 and April 10, 1981, at the licensee's facility located in Hampton, Virginia. As a result of this inspection, it appears that the licensee has not conducted its activities in full compliance with the conditions of its license and with the requirements of NRC regulations. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated June 3, 1981. This Notice stated the nature of the violations, the provisions of the Nuclear Regulatory Commission regulations and license conditions which the licensee had violated, and the amount of civil penalties proposed for each violation. An answer dated July 3, 1981, to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for mitigation or cancellation contained therein, as set forth in the enclosure to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed, except for Violation IB which has been mitigated from Two Thousand Dollars to One Thousand Dollars.

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295) and 10 CFR 2.205, It is hereby ordered that:

The licensee pay civil penalties in the total amount of Three Thousand Dollars within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement.

IV

The licensee may, within thirty days of the date of this Order, request a hearing. A request for hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

V

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee violated NRC regulations and license conditions as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties, as amended by this Order; and,

(b) whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 14 day of August 1981.

For the Nuclear Regulatory Commission.

R. C. De Young Jr.,

Deputy Director, Office of Inspection and Enforcement.

Evaluations and Conclusions

For each violation and associated civil penalty identified in the Notice of Violation (dated June 3, 1981) the original violation in contention is restated and the Office of Inspection and Enforcement evaluation and conclusion regarding the licensee's response (dated July 3, 1981) to each item is presented.

Item 1A

Statement of Noncompliance

10 CFR 20.101(b)(1) restricts the total occupational radiation dose to the whole body of each individual to three rems during any calendar quarter.

Contrary to the above, one individual received a total occupational radiation dose to the whole body of approximately 3.39 rems in the calendar quarter ending March 31, 1981.

This is a Severity Level III Violation (Supplement IV.) Civil Penalty—$2,000

Evaluation and Conclusion

The licensee denied the violation and based his denial on analyses of the following assertions:

The largest increment of exposure resulted from a malfunction of a radiographic device. The radioactive source was trapped in a bend of the source guide tube. The radiographer in question freed the source by straightening the tube and unbinding the drive cable. He retracted the source into the exposure device but failed to conduct a survey to assure that the source was safely lodged in the exposure device. Without certain knowledge that the source was adequately shielded, he and his assistant spent several minutes in the vicinity of the source preparing for the next radiographic exposure. He then discovered that his pocket dosimeter had exceeded its range of 200 millirems. However, the assistant radiographer's dosimeter had not exceeded its range.

The licensee conducted a re-enactment of the event, following procedures recommended by the NRC. Based on the re-enactment, discussions with the involved radiographers, the licensee's knowledge of radiography, and the assistant radiographer's statement that his dosimeter had not exceeded its range, the licensee concluded that the radiographer's exposure was from 0.6 to 1.2 rems lower than reported by the film badge supplier.

The licensee elicited a statement of the accuracy claimed by the film badge supplier. The supplier informed the licensee that his results were consistently well within 30% of the delivered dose and usually within 20%.

The licensee identified an NRC study which reported the possibility that an individual dosimeter could be in error by more than 50% when analysis was performed in accordance with current standards. The licensee stated that these facts and reasons supported his contention that the alleged overexposure did not take place.

An individual's exposure must be determined by the most reliable and accurate method available to the licensee. In this instance, the film badge provided the optimum means available. Its accuracy, which is expressed in terms of positive and negative percentages, indicates that the true value may be above or below the average in any given instance. One may not assume, without substantial basis, that the true value is other than the average. The licensee's re-enactment did not provide such a basis. Re-enactments described in NUREG–0495 are based on both physical radiation measurements and time-and-distance calculations. In the absence of relevant personnel dose measurements made at the time of occupational exposure, re-enactment, after the fact, may be the most reliable and accurate method available to a licensee. In this instance, relevant personnel dose measurements made at the time of occupational exposure were available. Their reliability and accuracy may not be effectively challenged by time-and-distance calculations based on the recall of interested parties, participating in re-enactment which was conducted three months after the incident.

The item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Item 1B

Statement of Noncompliance

10 CFR 34.33(d) requires that if an individual's pocket dosimeter is discharged beyond its range, his film badge or TLD shall be immediately sent for processing.

Condition 16 of your license requires that licensed material be used in accordance with statements and procedures contained in your application dated March 29, 1974, as amended May 16, 1974. One procedure contained in your license amendment dated May 16, 1974, requires that if an individual discovers his dosimeter has gone off scale, he shall immediately leave the radiation area and notify the Radiation Safety Officer.

Contrary to the above, during January 1981, a radiographer, after discovering his dosimeter was off scale, failed to notify the Radiation Safety Officer and continued to work in a radiation area. Aa a result, the radiographer's film badge was not immediately sent for processing.

This is a Severity Level III Violation (Supplement VII.) (Civil Penalty—$2,000).

Evaluation and Conclusion

The licensee admitted the violation but requested remission of the proposed civil penalty on the following grounds:

1. The violation was a clear breach of the licensee's standard practices and procedures.

2. The violation involved total withholding and active concealment of the facts by an employee without any knowledge of the RSO or management.

3. Management took immediate steps to correct the violation and its recurrence and had monitored the individual in question.

Violations by a licensee's employee, when the employee is acting within the scope of his employment and in furthering the employer's interest, are chargeable to the licensee itself. It is the responsibility of management to assure that its employees comply with the Commission's requirements. However, the lack of management culpability in a violation may be considered in assessing the amount of any penalty imposed. In this case, the apparent concealment of facts of an incident by an employee from licensee management contributed to the failure to promptly process the film badge. Consequently, the licensee's response provides a basis for some mitigation of the proposed penalty. Accordingly, the civil penalty is mitigated by fifty percent.

(Note—Items IIA, IIB and IIC, for which no penalties were proposed, were admitted by the licensee.)

Item IID

Statement of Noncompliance

10 CFR 34.11(d) requires that records of the licensee's internal inspections be retained for a period of two years.

Contrary to the above, such records were not retained for 1979 or 1980.

This is a Severity Level VI Violation (Supplement VII.)

Evaluation and Conclusion

The licensee denied the violation. The licensee provided a copy of those parts of his procedures where the scope of the internal inspection system was delineated. The licensee stated:

"Inspections are documented by initialling or signing utlilzation logs which have been retained by the licensee for its existence of twelve years. Any violation or failure to comply is noted on the licensee's form, an example of which is attached as Appendix G. These forms have also been retained by the licensee. These items comprise the licensee's internal inspection report file and were on hand when the inspection was made."

Based on the information provided, the violation is withdrawn.

[FR Doc. 81-24503 Filed 8-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275OL and 50-323OL]

Pacific Gas & Electric Co. Diablo Canyon Nuclear Power Plant, Units 1 and 2; Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR §2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board which will consider and decide the appeal taken by the intervenor San Luis Obispo Mothers for Peace from certain aspects (dealing with the adequacy of the applicant's security plan for the plant) of Part IV of the Atomic Safety and Licensing Board's September 27, 1979 partial initial decision in this operating license proceeding. As reconstituted, it will consist of the following members: Thomas S. Moore, Chairman and Dr. W. Reed Johnson.

Dated: August 17, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-24504 Filed 8-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2), Receipt of Application for Facility Operating Licenses; Consideration of Issuance of Facility Operating Licenses; Availability of Applicant's Environmental Report; and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating licenses from Philadelphia Electric Company (the applicant), to possess, use, and operate the Limerick Generating Station, Units 1 and 2, two boiling water nuclear reactors (the facilities), located on the applicant's site on the Schuylkill River, near Pottstown, in Limerick Township, Montgomery County, Pennsylvania. Each of the reactors is designed to operate at a core power level of 3440 megawatts thermal, with an equivalent net electrical output of approximately 1055 megawatts.

The applicant also submitted, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, which discusses environmental considerations related to the proposed operation of the facilities. The report is being made available at the Delaware Valley Regional Planning Commission, Penn Towers Building, 1819 John F. Kennedy Boulevard, Philadephia, Pennsylvania 19103.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register**.

The Commission will consider the issuance of facility operating licenses to Philadelphia Electric Company, which would authorize the applicant to possess, use and operate the Limerick Generating Station, Units 1 and 2, in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulation in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facilities was authorized by Construction Permit Nos. CPPR-106 and CPPR-107, issued by the Commission on June 19, 1974. Construction of Unit 1 is anticipated to be completed by October 1, 1984, and Unit 2 by October 1, 1986.

Prior to issuance of any operating licenses, the Commission will inspect the facilities to determine whether they have been constructed in accordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set-forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By September 21, 1981, the applicant may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitoner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his or her petition without prior approval of the presiding officer at an time up to fifteen (15) days prior to the first prehearing conference; thereafter, a petition may be amended only with approval of the presiding officer. Any amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter and the bases for each contention set forth with reasonable specificity. A petitioner who fails to include a valid contention in his or her original petition or in the supplement will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by September 21, 1981. A copy of the petition should also be sent to the Executive Legal Director,

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., Esq., Conner & Wetterhahn, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006, attorney for the applicant. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses and the applicant's environmental report, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464. As they become available, the following documents may be inspected at the abvove locations: (1) the safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Maryland, this 12th day of August 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-24505 Filed 8-20-81; 8:45 am]

BILLING CODE 7590-01-M

Schedule for Awarding Senior Executive Service Performance Awards (Bonuses)

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the bonuses will be paid. Notice is hereby given that the Nuclear Regulatory Commission intends to award Senior Executive Service bonuses for the performance rating period October 1, 1980 through June 30, 1981, with payouts scheduled by September 30, 1981.

EFFECTIVE DATE: August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel J. Donoghue, Chairman, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301–492–7335.

Dated at Bethesda, Maryland, this 17th day of August, 1981.

For the Nuclear Regulatory Commission.

E. Kevin Cornell,

Chairman, Executive Resources Board.

[FR Doc. 81-24506 Filed 8-20-81; 8:45 am]

BILLING CODE 7590-01-M

Docket No. 50-238

Maritime Administration and State of South Carolina Patriots Point Development Authority, Issuance of Amendment to Amended Facility License and Negative Declaration

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Amended Facility License No. NS–1 issued to the Maritime Administration (the licensee) for the pressurized water nuclear reactor facility located aboard the NUCLEAR SHIP SAVANNAH. The amendment is effective as of its date of issuance.

The amendment adds the State of South Carolina Patriots Point Development Authority as co-licensee with the Maritime Administration to possess-but-not operate the N.S. SAVANNAH. The Authority will put the N.S. SAVANNAH on display as a part of their Maritime and Naval Museum in Mt. Pleasant, South Carolina.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action.

For further details with respect to this action, see (1) the application for amendment dated June 16, 1981, as supplemented July 16 and 29, and August 5, 1981, (2) Amendment No. 9 to License No. NS–1, (3) the Commission's related Safety Evaluation and (4) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of August 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-24507 Filed 8-20-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC78-3]

Electronic Mail Classification Proposal, 1978

August 18, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice of Prehearing Conference", dated August 18, 1981, a Prehearing Conference is scheduled to be held on September 9, 1981, at 9:00 a.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268., to

consider the proper scope of the remanded proceedings in this docket and to consider establishing a procedural schedule.

Copies of the Presiding Officer's Notice are available to all interested parties in the Commission's Docket Room at the above-listed address, or by calling the Docket Room at Area Code 202–254–3800.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 81–24451 Filed 8–20–81; 8:45 am]

BILLING CODE 7715–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22162; 70–6629]

Connecticut Light & Power Co.; Proposal To Issue and Sell First and Refunding Mortgage Bonds

In the Matter of the Connecticut Light and Power Company Selden Street Berlin, Connecticut 06037.

Connecticut Light and Power Company, ("CL&P"), an electric utility subsidiary of Northeast Utilities, a registered holding company, has filed an application-declaration pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

CL&P proposes to issue and sell not later than June 30, 1982 up to $80,000,000 in principal amount of its first and refunding mortgage bonds having a term of not less than five nor more than thirty years. The terms will be determied by competitive bidding unless market conditions at the time of the offering are unfavorable, in which case CL&P may request by amendment to be excepted from the competitive bidding requirements of Rule 50 of the Act. The bonds are to be issued under CL&P's Indenture of Mortgage and Deed of Trust dated as of May 1, 1921 as heretofore supplemented and amended and as proposed to be further supplemented.I11CL&P intends to use the net proceeds from the sale of the bonds to repay a portion of its short term borrowings, to finance in part its construction program and for other corporate purposes.I11The application-declaration and any amendments thereto are available for public inspection throught the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 8, 1981 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–24462 Filed 8–20–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18034; SR–DTC–81–3]

Depository Trust Co.; Order Approving Proposed Rule Change

In the Matter of The Depository Trust Company ("DTC") 55 Water Street, New York, New York 10041.

On July 2, 1981, DTC filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change that would establish a program for the deposit and withdrawal of the bearer form of debt securities issued by state and local governments.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–17917, July 6, 1981) and by publication in the **Federal Register** (46 FR 36025, July 13, 1981). No written comments were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies and, in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–24463 Filed 8–20–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11909; 812–4771]

Golden Corral Pooling Group; Filing of Application for an Order Exempting Applicant From all Provisions of the Act

In the matter of The Golden Corral Pooling Group, 5151 Glenwood Avenue, Raleigh, North Carolina 27612.

Notice is hereby given that the Golden Corral Pooling Group ("Applicant"), a North Carolina joint venture, filed an application on November 28, 1980, and an amendment thereto on April 17, 1981, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that is was organized as a joint venture in 1976 to implement an employee incentive plan for Golden Corral Corporation ("Golden Corral"). Golden Corral is a North Carolina corporation formed in 1971 that operates a chain of approximately 150 restaurants under the Golden Corral name. Its business philosphy is that the corporation's business is best served by allowing those employees who are involved in the operation of Golden Corral and its restaurants and who are most responsible for its success to share in the ownership of the restaurants.

In accordance with this philosophy, each of Golden Corral's restaurants is organized as a separate Restaurant Joint Venture ("RJV") in which Golden Corral retains a 50% ownership interest, while, generally, selling a 20% interest to the manager of the RJV and a 5% interest to the area supervisor. These ownership interests in RJVs are called Restaurant Interests, each one representing a 5% interest in a particular RJV and selling for a fixed price of $5,000. The remaining 25% ownership interest in each RJV is sold to Applicant, which, in turn, sells its own Pooling Group Units ("PG Units") to its members. These PG Units are generally offered to Applicant's members on a rotation basis at a fixed price of $5,000 per PG Unit whenever a Restaurant Interest becomes available for sale to Applicant. The PG Unit represents a proportional interest in the Applicant and entitles its owner to a proportional share of the earnings distributed to Applicant from the Restaurant Interests which it owns. Earnings from RJVs are distrubuted monthly to holders of Restaurant Interests (including Applicant), and Applicant, in turn, makes monthly

distributions to its members. Applicant distributed $3,306 per PG Unit in 1980.

By investing in PG Units, Applicant's members are able to share indirectly in the ownership of a number of RJVs. Applicant's membership of 110 persons, as of December 31, 1980, comprises directors, Golden Corral officers, district managers, two former employees, and a number of managers and area supervisors admitted under an earlier, now discontinued, incentive plan. Applicant states that it anticipates a net decrease in its membership over the next few years, as some current members who are area supervisors and managers leave Golden Corral's employ through normal attrition and concurrently have their PG Units repurchased by Golden Corral, as described below. At the same time, Applicant states that few new members are anticipated because of the more restrictive nature of the membership. Membership is now restricted to Golden Corral directors, officers, district managers, and senior level employees at or above the level of district manager. Both the Restaurant Interests and the PG Units are the subjects of an effective registration statement under the Securities Act of 1933 and all members will be given a copy of the final prospectus. Furthermore, Applicant states that all of its members, by reason of their employment positions and the information available to them, are able to evaluate the relative merits and risks of purchasing PG Units.

Each new member of Applicant is treated as a general partner of Applicant and will sign and be bound be the Pooling Group Joint Venture Agreement (the "Agreement"). The Agreement provides that all members have the right to free access to the books and records of Applicant, including Applicant's quarterly statement of operations, as well as to copies of the audited annual financial statements and Annual Report of the Applicant. The Agreement also provides that Golden Corral has the right to repurchase all nonvested PG Units upon any attempted transfer or upon termination of the owner's employment with Golden Corral. Applicant's members may not transfer PG Units during their lifetime and may transfer them upon death only under certain circumstances based on duration of employment. For example, after 15 years of continuous employment with Golden Corral, the member may hold his or her PG Units until death, and his or her heirs or persons designated by will may hold the PG Units thereafter forever. Such PG Units thereafter may be transferred only by will, the laws of descent and distribution or gift, and may not be transferred for value under any circumstances. Heirs or other persons receiving PG Units are not to be considered as Pooling Group members, however, until they have executed a copy of the Agreement.

Upon attempted transfer or, in the case of an employee, upon termination of employment with Golden Corral for any reason, Golden Corral has the right to repurchase the PG Units. Upon repurchase, Golden Coral is required to pay in cash an amount equal to the original purchase price ($5,000 per PG Unit), plus an amount equal to a 6% annual return on such purchase price to the extent that prior distributions have not produced a 6% annual return. Applicant states that the purpose of this repurchase right is to limit ownership of PG Units to active employees of Golden Corral who have an interest in the success of the RJVs. Accordingly, to date, Golden Corral states that is has exercised this right on all except two occasions when employees left Golden Corral. In those two instances, the individuals have a continuing affiliation with Golden Corral and Golden Corral has allowed them to retain ownership of their PG Units. Applicant states that in the future Golden Corral expects to exercise its right of repurchase whenever possible, but reserves the right not to do so. For example, Golden Corral may elect not to repurchase PG Units should it be financially disadvantageous to do so.

In order to shelter its members from possible exposure to any losses for which Applicant, as a joint venturer/general partner in various RJVs, might be liable, Applicant retains as a loss reserve an amount equal to Applicant's proportional share of any RJV losses for the prior month. Applicant states that this loss reserve (which amounted to $101,835 as of December 31, 1980) is currently held as a cash asset but may in the future be invested in short-term, low-risk securities, such as government securities, certificates of deposit or money market accounts, in order to realize earnings on those funds. If a previously unprofitable RJV achieves a net profit position, the amount in the loss reserve attributable to the losses of that RJV would be distributed in the following month to Applicant's members.

Golden Corral has administrative control over the mechanics of operating the Applicant, which it currently administers at no charge. No fees, commissions, or sales loads are charged on any of Applicant's transactions. However, the Agreement permits Golden Corral to charge Applicant a reasonable fee for administering its affairs and Golden Corral reserves the right to do so in the future. Applicant states that Golden Corral has discretion to decide in which RJVs Applicant will invest, but limits the investment of proceeds from sale of PG Units to investment in Restaurant Interests. Golden Corral has no authority to change the character of the Applicant's investments or its method of operation. According to Applicant, Applicant's members have complete discretion as to whether or not they choose to participate on the terms described above.

Applicant states that any order granted by the Commission on its application may be subject to the follow conditions:

(1) That Applicant will continue to offer its PG Units only to directors, officers and other senior level employees of Golden Corral Corporation and not to the general public.

(2) That Applicant will continue to invest the proceeds of the sale of PG Units only in Golden Corral Corporation Restuarant Interests and will invest that portion of its earnings which is retained as a loss reserve only in government securities, certificates of deposit and similar short-term, low-risk securities.

(3) That information concerning the financial operations of Applicant will be furnished to offerees and holders of PG units in the following manner:

(a) A copy of the final prospectus included in Applicant's registration statement under the Securities Act of 1933 will be given to each current holder of PG Units and to all future members, should there be any, of Applicant; and

(b) A copy of Applicant's annual report, including audited annual financial statements, will be provided to each holder of PG Units.

(4) That the final prospectus relating to Applicant's registration statement under the Securities Act of 1933 contained the following paragraph:

"Because the Pooling Group (i.e. Applicant) engages in investment activities involving primarily investments in Golden Corral Corporation's Restaurant Interests, the Pooling Group is considered to be an "investment company" as defined in the Investment Company Act of 1940 (the "1940 Act"). The Pooling Group has not registered under the 1940 Act, but believes that it has at all times been a private company of a type which the 1940 Act was not intended to regulate. The Pooling Group has filed an application with the Securities and Exchange Commission for an order

which would exempt the Pooling Group from compliance with all provisions of the 1940 Act, subject to compliance by the Pooling Group with certain conditions set forth in the application. There is, of course, no assurance that such an exemptive order will be granted. If an exemptive order is not granted, compliance with the 1940 Act would be required, and such compliance would cause modifications to the Pooling Group's structure and operation which could be disadvantageous to the Pooling Group. In addition, the Pooling Group could be subject to claims under the 1940 Act as a result of operating as an unregistered investment company."

This paragraph will be appropriately modified in future prospectuses offering PG Units to Applicant's members if and when an exemptive order is issued.

Applicant submits that its requested exemptive order should be granted pursuant to Section 6(c) of the Act, because it is not the type of company to which the provisions of the Act were intended to apply. Applicant also states that its structure and method of operation insulate it from many of the abuses to which the Act is directed and, therefore, its members do not need the safeguards afforded by the Act. Furthermore, Applicant states that since virtually all of its members are intrinsically involved with the business operations of Golden Corral, and will be provided with all information necessary to allow them to evaluate the merits and risks of investing in PG Units, its members do not need the protections afforded by the Act. Applicant also argues that it is an essentially private company since its membership is limited to persons who are directly or indirectly affiliated with Golden Corral, and since the PG Units are not offered to the public nor is there any trading market for the PG units. Applicant notes that trnasferability of the PG Units is severely restricted, and except in two cases Golden Corral has historically always exercised its right to repurchase a member's PG Units upon attempted transfer or upon termination of employment. Applicant submits that it is similar to other companies which, although technically ineligible because of their size for the exclusion for private companies under Section 3(c)(1) of the Act, have been exempted from all provisions of the Act pursuant to Section 6(c) in recognition of their private nature.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities, or transactions from any provision of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applciant submits that for the reasons stated above granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purpose intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 9, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–24480 Filed 8–20–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18032; SR–NYSE–81.17]

New York Stock Exchange Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

In the matter of New York Stock Exchange, Inc., Eleven Wall Street, New York, New York 10005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), notice is hereby given that on August 3, 1981 the New York Stock Exchange, Inc. ("NYSE") filed with the Commission copies of a proposed rule change which would amend paragraph .40 of the NYSE's Rule 103A, the "sunset" provision, to extend the rule's effectiveness from August 15, 1981 to October 31, 1981.[1] Rule 103A provides for the evaluation of specialist performance and establishes a non-disciplinary procedure for the reallocation of stocks due to substandard specialist performance. The NYSE previously filed with the Commission a proposal [SR–NYSE–81–11] to delete the "sunset" provision of Rule 103A in order to make the rule permanent.[2] This proposal is now under consideration by the Commission.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SR–NYSE–81–17.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those whch may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspoection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the

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[1] Rule 103A was approved by the Commission as a two-year pilot program, terminating on May 15, 1981. Securities Exchange Act Release No. 15827 (May 15, 1979), 44 FR 100 (May 22, 1979). On May 8, 1981, the Commission approved an amendment to Rule 103A (SR–NYSE–1–12) which extended the rule's effectiveness to August 15, 1981. Securities Exchange Act Release No. 17779 (May 8, 1981), 46 FR 26981 (May 15, 1981).

[2] Notice of publication of this filing was given by a Commission release (Securities Exchange Act Release No. 17750, April 23, 1981) and by publication in the **Federal Register** (46 FR 24351, April 30, 1981).

requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the two-year pilot program under Rule 103A expires on August 15, 1981, unless extended. The Commission believes that it is appropriate to continue the program on a pilot basis while it considers the NYSE's proposal (SR–NYSE–81–11) to make Rule 103A permanent.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24179 Filed 8-20-81; 9:45 am]

BILLING CODE 8010-01-M

[Release No. 11906; 812-4923]

Pennsylvania Money Fund, Inc.; Application for an Order Granting Exemptions

In the matter of Pennsylvania Money Fund, Inc., Route 23 and Davis Road, Valley Forge Office Colony, No. 2, Box 707, Valley Forge, Pennsylvania 19481.

Notice is hereby given that Pennsylvania Money Fund, Inc. ("Applicant") filed an application on July 20, 1981, for an order of the Securities and Exchange Commission ("Commission") pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. Applicant has filed with the Commission a Registration Statement on form N–1 under the Securities Act of 1933, as amended, and Section 8(b) of the Act. The 1933 Act Registration Statement on Form N–1 has not been declared effective. Thus, Applicant has not yet commenced a public distribution of its shares.

Applicant states that it intends to operate its portfolio of investment securities as a "money market" fund, offering to investors a convenient means to invest in high-quality money market instruments which mature in one year or less. Applicant's investments may include: (1) obligations, such as notes, bills or bonds issued by or guaranteed as to principal and interest by the government of the United States or its agencies or instrumentalities; (2) commerical paper, negotiable certificates of deposit and banker's acceptances of the 200 largest (in terms of assets) U.S. banks and the U.S. branches of the 50 largest (in terms of assets) foreign commerical banks, and in the 50 largest (in terms of assets) savings and loan associations; (3) short-term corporate debt instruments (commerical paper or variable amount master demand notes), with maturities not exceeding nine months, which at the time of purchase (a) will be rated "A–1" or "A–2" by Standard & Poor's Corporation ("Standard & Poor's") or "Prime-1" or "Prime 2", by Moody's Investors Service, Inc. ("Moody's"), or (b) if not rated, issued by a company which at the date of investment has an outstanding debt issue rated at least "A" by Standard & Poor's or by Moody's and as to which the board of directors has made an independent determination that the instrument presents minimum credit risks and is of "high quality"; (4) corporate bonds and debentures, which at the time of purchase have a rating of at least "AA" by Standard & Poor's or "Aa" by Moody's and have one year or less until maturity; (5) certificates of deposit or other instruments issued by small banks or savings and loan associations located in the Commonwealth of Pennsylvania that are members of the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC). Such investments will be limited to $100,000 per institution (except that not more than 10% of the value of Applicant's total assets may be invested in obligations of small banks and savings and loan institutions which are not readily marketable). The principal amount of these types of investments shall be insured in full by either the FDIC or the FSLIC; and (6) certain repurchase agreements with respect to obligations which it is authorized to accept. Applicant will not enter into repurchase agreements of more than one week's duration, and then only with the Custodian of Applicant. All of the investments of Applicant will consist of obligations maturing within one year from the date of acquisition, and the dollar-weighted average portfolio maturity of all of its investments will be 120 days or less. Shares of Applicant will be sold without a sales charge. The minimum initial investment will be $500 with additional investments accepted in any amount.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant's assets to be valued according to the amortized cost valuation method. Under the amortized cost valuation method, portfolio instruments are valued at their cost as of the date of acquisition and thereafter assuming a constant rate of amortization to maturity of any discount or premium, regardless of the impact of fluctuating interest rates on the market value of such instruments.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be

inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that sophisticated professional and institutional investors, as well as investors in similar circumstances, represent an important source of potential investments to Applicant. Applicant contends that in order to attract and retain such investors Applicant must have a stable net asset value (preferably at $1.00 per share) and a constant and steady flow of investment income. Applicant believes that the valuation of its portfolio securities on the amortized cost basis will benefit sharesholders by enabling it to maintain a constant $1.00 per share purchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which reflect Applicant's net income as earned.

Applicant states that its board of directors has determined in good faith that in light of the characteristics of Applicant as described above and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities. Applicant maintains that with respect to securities maturing within one year or less, there is normally a negligible discrepancy between market value and the amortized cost of such securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 8, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–24461 Filed 8–20–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[AS–FRL 1855–8]

Plan for Periodic Review of Regulations

AGENCY: Small Business Administration.

ACTION: Plan for periodic review of regulations.

SUMMARY: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires that SBA periodically review its existing regulations that have a significant economic impact on a substantial number of small entities, such as small businesses. This plan describes how SBA will perform this review.

DATE: Comments solicited in this plan are due by October 20, 1981.

ADDRESS: Comments should be submitted to the following address: U.S. Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, Room 700, Attn: Martin D. Teckler, Assistant General Counsel for Legislation.

FOR FURTHER INFORMATION CONTACT: For information on SBA's implementation of the Regulatory Flexibility Act, please contact Martin D. Teckler.

SUPPLEMENTARY INFORMATION:

Background

On September 19, 1980, the Regulatory Flexibility Act, Pub. L. No. 96–354, 5 U.S.C. 601 *et seq.*, became law. This law requires that Federal agencies take into account how their proposed and final regulations affect "small entities," including small businesses, small governmental jurisdictions and small organizations. For regulations proposed after January 1, 1981, an agency must either prepare a Regulatory Flexibility Analysis or certify that the regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Section 602 of the Act requires that SBA issue an Agenda of Regulations identifying rules the Agency is developing that are likely to have a significant economic impact on a substantial number of small entities. SBA published its most recent Agenda on May 4, 1981, at 46 FR 24955.

Section 610 of the Regulatory Flexibility Act mandates that Federal agencies review existing regulations. It requires that SBA publish a plan in the **Federal Register** explaining how it will review those of its existing regulations which have or will have a significant economic impact on a substantial number of small entities. Regulations in effect on January 1, 1981, must be reviewed within ten years of that date.

Regulations that become effective after January 1, 1981, must be reviewed within ten years of their publication date as final rules. Section 610(c) requires that SBA publish annually in the **Federal Register** a list of rules it will review during the succeeding 12 months. The list must describe the rule, explain the need for it, give the legal basis for it, and invite public comment.

Criteria for Review of Existing Regulations

The purpose of the review is to determine whether existing rules should be left unchanged, or whether they should be revised or rescinded in order to minimize significant economic impacts on a substantial number of small entities. In deciding whether change is necessary, the Regulatory Flexibility Act establishes several factors that SBA must consider:

(1) Whether the rule is still needed;

(2) What type of complaints or comments were received concerning the rule from the public;

(3) The complexity of the rule;

(4) How much the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) How long it has been since the rule has been evaluated or how much the technology, economic conditions, or other factors have changed in the area affected by the rule.

Plan for Periodic Review of Rules

SBA will screen its existing regulations during the remainder of 1981 to identify the regulations that may have a significant economic impact on a substantial number of small entities. In deciding whether a regulation imposes significant impacts, SBA will look at such factors as the extent of reporting or recordkeeping burden, the relationship of compliance costs to benefit to be received and the anticompetitive effects of a regulation on small businesses.

After identifying the regulations that may have significant impacts on a substantial number of small entities, SBA will review these regulations based on available information. The result of the review will be a decision (1) to revise the regulation, (2) to rescind the regulation, or (3) to leave the regulation unchanged.

To help us select the regulations which should be reviewed first, we welcome any suggestions from the public. If any member of the public thinks that specific existing regulations have a significant impact on a substantial number of small entities (especially if the regulation has a disproportionately negative effect on small relative to large entities), we would appreciate receiving suggestions that we review those regulations. We would also welcome any additional detailed comments or data.

When SBA promulgates new regulations for which it prepares a Regulatory Flexibility Analysis because of significant economic impact on a substantial number of small entities, it will indicate in the preamble to the final regulation when it will review the regulation.

The mechanics of SBA's periodic review are as follows:

—Starting in October 1981, SBA will list regulations to be reviewed during the succeeding 12 months under the Regulatory Flexibility Act in a special section in its Agenda of Regulations and will ask for public comment on the need to revise each regulation listed.

—After considering public comments and other available data, the Agency will announce the result of its review in the subsequent April Agenda or no later than the next October Agenda. The result will consist either of a decision not to change the regulation, to revise the regulation or to rescind the regulation. SBA will explain the basis of its decision.

—Regulations to be revised will enter the normal SBA process of regulation development.

Dated: August 17, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-24370 Filed 8-20-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5176]

Tennessee Venture Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Tennessee Venture Capital Corporation (TVCC), 170 Fourth Avenue North, Nashville, Tennessee 37219, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by Section 107.1004 of the SBA Rules and Regulations, governing Small Business Investment Companies (13 CFR 107.1004 (1980)) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, TVCC proposes to provide funds to Alpha Financial Services, Inc. (AFS) for the purpose of establishing a business to help smaller rural area commercial banks in servicing existing commercial and Government guaranteed loans.

The Proposed financing is brought within the purview of § 107.1004(b)(1) of the Regulations because Mr. Bob L. Logue, owner of AFS, is an officer of the Third National Bank of Nashville, a shareholder of TVCC, and therefore is considered an Associate of Tennessee Venture as defined by § 107.3 of the Regulations.

Notice is hereby given that any interested person may, not later than August 31, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 11, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-24371 Filed 8-20-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Nos. RFA-305-81-1 and RFA-305-81-2; Notice No. 1]

Consolidated Rail Corporation; Expedited Supplemental Transaction Proposals

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Public notice of informal conference and of intent to initiate discussions and negotiations regarding the transfer of Consolidated Rail Corporation (Conrail) lines in the States of Connecticut and Rhode Island and certain Conrail lines in the Commonwealth of Massachusetts to other railroads in the region. Solicitation of initial expressions of interest and views on significant issues.

SUMMARY: Legislation recently signed into law requires that the Secretary of Transportation (Secretary) initiate negotiations for the transfer of all Conrail rail properties and freight service obligations in the States of Connecticut and Rhode Island, and certain rail lines in the Commonwealth of Massachusetts, to another railroad or railroads. This notice (1) announces two informal conferences that will be convened by the Federal Railroad Administrator (Administrator), as delegate of the Secretary, to assist in structuring the negotiations and discussions for the development of expedited supplemental transaction proposals (STPs) and (2) requests prospective purchasers and other parties of serious interest to become participants in this process.

DATES: The informal conferences will be convened on August 31, 1981 at 1:00 p.m., in the Ballroom of the Park Plaza Hotel, 155 Temple Street, New Haven, Connecticut, and on September 1, 1981, at 9:30 a.m., in the College Rooms of the Springfield Civic Center, Dwight and Court Streets (Dwight Street Entrance), Springfield, Massachusetts. Requests to be informed of future proceedings, initial written expressions of views, and declarations of interest concerning purchase of particular properties, should be submitted by September 11, 1981.

ADDRESSES: Five copies of written materials must be submitted to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Room 8211, 400 Seventh Street, S.W., Washington, D.C. 20590. Submissions should identify the docket number and notice number to which they respond. (RFA-305-81-1 for Connecticut/Rhode Island properties; RFA-305-81-2 for Massachusetts properties.) Written submissions other than privileged material will be available for public examination at the above address between 8:30 a.m. and 5 p.m., EST, Monday through Friday, with the exception of Federal holidays. Those desiring notification of receipt should include a self-addressed stamped postcard.

For the convenience of the public and potential purchasers, Conrail and potential purchasers should provide one duplicate of each submission of nonprivileged material to each of the following State agencies, where those materials will be available for public inspection as indicated:

Connecticut Department of Transportation, Rail Planning Division, Room 214, Department of Transportation, Administration Building, 24 Wolcott Road, Wethersfield, Connecticut 06109, Monday through Friday, 8:30 a.m. to 4 p.m. EST

Executive Office of Transportation, Commonwealth of Massachusetts, Room 1610, One Ashburton Place, Boston, Massachusetts 02108, Attn.: Paul A. McBride, Assistant Secretary, Monday through Friday, 9 a.m. to 5 p.m. EST

Rhode Island Department of Transportation, Planning Division, Room 369, State Office Building, Providence, Rhode Island 02903, Monday through Friday, 8:30 a.m. to 4:30 p.m. EST

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, FRA, (202) 472-7180.

SUPPLEMENTARY INFORMATION: This notice is issued in response to amendments to section 305 of the Regional Rail Reorganization Act of 1973 (3R Act)(45 U.S.C. Section 745) which were effected by section 1155 of the Northeast Rail Service Act of 1981. The President signed that legislation into law on August 13, 1981, as a part of the Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35. Section 1155 amends section 305 of the 3R Act in two significant respects.

First, it requires the Administrator (as delegate of the Secretary) to initiate, within 10 days of enactment, discussions and negotiations for the transfer of "some or all of (Conrail's) rail properties and freight service obligations in the States of Connecticut and Rhode Island to one or more parties under a plan which provides for continued rail freight service on all lines operated by (Conrail) on the date of

enactment for at least four years", on a financially self-sustaining basis. Within 120 days of enactment, the Administrator is required to petition the Special Court established under the 3R Act for an order to transfer the properties. The Special Court is expected to rule on the petition within 180 days, providing in its final order for a purchase price and divisions of joint rates that are fair and equitable. Conrail may be designated by the Administrator to retain certain lines, but only if Conrail agrees to maintain service over those lines for the four-year period. Branch lines and other non-mainline properties located in adjoining States that connect with those lines subject to transfer may also be considered for transfer under this provision if they are necessary to permit efficient operation of the Connecticut and Rhode Island properties.

The second amendment requires the Administrator, within 20 days of enactment, to initiate discussions and negotiations for the transfer of five designated Conrail lines in Massachusetts (including short segments of two lines that extend several miles into Connecticut) to a financially self-sustaining railroad (or railroads) that guarantees continuous service for at least four years. The Administrator is required to transfer the lines, without approval of any court or other body, within 120 days of enactment, having determined a fair and equitable price for the properties and fair and equitable divisions of joint rates (unless the parties have agreed upon the divisions). The Administrator may also transfer up to 5 miles of trackage rights on other Conrail lines for each line designated in the law, on fair and equitable terms, if trackage rights are necessary to operate the transferred lines in an efficient manner.

The Connecticut and Rhode Island properties of Conrail that are subject to transfer under the first of the above-described provisions (amending subsection 305(f) of the 3R Act) are described in Appendix A to this notice (hereafter Appendix A properties). The Massachusetts properties that are subject to transfer under the second provision (adding a new subsection (g) to section 305) are described in Appendix B (hereafter Appendix B properties). Connecting non-mainline properties identified by prospective purchasers as appropriate for transfer with Appendix A properties will be classified as Appendix C properties. Trackage rights identified by prospective purchasers as necessary to operate Appendix B lines will be classified as Appendix D properties. Neither Appendix C nor Appendix D lines have been identified at this time. A map of all Conrail properties in the three-State area is appended to this notice.

The proposed transfer of Appendix A properties (and certain of the Appendix B properties) was the subject of a previous FRA proceeding. Prospective purchasers may wish to review public docket materials describing the properties and indicating the type of data that FRA required in the previous proceeding. FRA will contact prospective purchasers concerning data requirements for these proceedings. *See* Docket No. RFA–305–80–1; 45 FR 85542 (Dec. 29, 1980); 46 FR 22300 (April 16, 1981); 46 FR 30019 (June 4, 1981).

Informal Conferences

The Administrator will convene an informal conference on August 31, 1981, at 1:00 p.m. in the Ballroom of The Park Plaza Hotel, 155 Temple Street, New Haven, Connecticut, to elicit the views of prospective transferees and other interested parties concerning the procedures and criteria that should be adopted to effect the Connecticut/Rhode Island transaction. A second conference will be held on September 1, 1981, at 9:30 a.m. in the College Rooms of the Springfield Civic Center, Dwight and Court Streets (Dwight Street Entrance), Springfield, Massachusetts, to consider the Massachusetts transfer.

Participants in the conferences are particularly requested to address the following issues:

1. Conrail data that will be required by prospective purchasers.

2. Data that will be necessary for the Administrator to evaluate purchase proposals against the requirements of section 305 and competing proposals.

3. Appropriate standards for the Administrator to apply in determining whether particular proposals meet the requirements of section 305, as amended.

4. Labor transfer and labor protection issues.

5. Identification of connecting non-mainline properties or trackage rights that should be associated with the principal transfers.

6. Data requirements and standards related to the establishment or recommendation of joint rates.

7. Data requirements and standards related to the establishment or recommendation of purchase price.

8. Appropriate deadlines for production of data and submission of proposals.

9. Relationship, if any, between the two expedited supplemental transfer proposals.

Written Submissions by Interested Parties

Persons interested in receiving further information on the development of STPs should submit their names, addresses, and a statement regarding the nature of their interest to the Docket Clerk at the address shown above by September 11, 1981, to ensure their inclusion on the FRA mailing list. It is requested that each submission specifically indicate whether the person's interest pertains to the Connecticut/Rhode Island properties (Docket No. RFA–305–81–1) or the Massachusetts properties (Docket No. RFA–305–81–2), or both.

The FRA requests that initial statements of position by members of the public regarding the issues listed above for consideration at the informal conferences also be submitted to the docket by September 11, 1981, to the extent those statements are not provided at the particular conference.

Future Federal Register Publication

To the extent practicable, the FRA will endeavor to publish in the **Federal Register** major documents relating to the expedited STPs described above. However, due to the extremely tight deadlines imposed by law and the lead time customarily required for publication, significant communications may have to be made by direct correspondence with interested parties. Therefore, it is imperative that parties having a serious interest in these matters indicate that interest to the Docket Clerk as requested above.

Issued in Washington, D.C. on August 19, 1981.

Richard J. Schiefelbein,

Deputy Federal Railroad Administrator.

Appendix A.—Rail Freight Properties of the Consolidated Rail Corporation (Conrail) in the States of Connecticut and Rhode Island

The following is a list of the rail freight properties owned, leased, or otherwise controlled by Conrail within the States of Rhode Island and Connecticut (Appendix A Rail Properties). These properties, and/or Conrail's freight service obligations over these properties, are eligible for transfer to another railroad or railroads in a STP. The lines in the States of Rhode Island and Connecticut over which Conrail is a designated operator pursuant to Section 5 of the Department of Transportation Act (Local Rail Service Assistance Program) are not included as Appendix A Rail Properties since Conrail neither owns, leases, nor otherwise controls such lines. The lines in the States of Connecticut that are also part of the lines included in Appendix B Rail Properties are not included as Appendix A Rail Properties.

State	Line name	Between	M.P. to M.P.[1]	CR code	Owner
		CONRAIL NEW ENGLAND DIVISION—NORTHEAST REGION			
CT	Main Line (Shore Line)	New Heaven and New London	73.0 to 122.8	41-4209	Amtrak
CT	Main Line (Shore Line)	New London and State Line (RI)	122.8 to 141.1	41-4215	Amtrak
RI	Main Line (Shore Line)	State Line (CT) and Cranston	141.1 to 178.9	41-4215	Amtrak
RI	Main Line (Shore Line)	Cranston and State Line (MA)	178.9 to 190.8	41-4116	Amtrak
CT	Avon Secondary	Plainville and Avon	0.0 to 9.7	41-4248	Conrail
CT	Belle Dock Industrial Track	Belle Dock and Cedar Hill	0.0 to 1.6	41-4275	Conrail
CT	Berlin Secondary	Berlin and New Britain	0.0 to 2.6	41-4261	Conrail
RI	Bristol Secondary	Providence and Red Bridge	0.0 to 1.9	41-4165	Conrail
CT	Canal Secondary	New Haven (Fair St.) and Plainville	0.0 to 27.8	41-4247	Conrail
RI	East Junction Secondary	State Line (MA) and Red Bridge	3.7 to 6.9	41-4164	Conrail
CT	East Windsor Secondary	East Windsor and East Hartford	18.0 to 29.1	41-4255	Conrail
CT	Griffins Industrial Track	Hartford	0.0 to 2.0	41-4259	Conrail
RI	Harbor Junction Industrial Track	Cranston and South Providence	0.0 to 3.4	41-4166	Conrail
CT	Hartford Line	New Haven and State Line (MA)	0.0 to 55.8	41-4217	Amtrak
CT	Laurel Secondary	Middletown and Laurel	0.0 to 5.5	41-4253	Conrail
CT	Manchester Industrial Track	Manchester and South Manchester	0.0 to 1.9	41-4256	Conrail
CT	Maybrook Branch	State Line (NY) and Derby Junction	71.2 to 104.8	41-4223	Conrail
CT	Middletown Industrial Track	Cromwell and Middletown	13.7 to 16.2	41-4263	Conrail
CT	Middletown Secondary	Airline Junction and Middletown	0.0 to 22.3	41-4251	Conrail
CT	New Britain Secondary	Plainville and Hartford	0.0 to 12.9	41-4244	Conrail
CT	New Milford Secondary	Berkshire Junction and New Milford	0.0 to 13.6	41-4220	Conrail
RI	Newport Secondary	State Line (MA) and Portsmouth	14.2 to 21.5	41-4192	Conrail
CT	Portland Industrial Track	Middletown and Portland	0.0 to 1.0	41-4254	Conrail
RI	Slatersville Secondary	Woonsocket and Slatersville	0.0 to 3.4	41-4170	Conrail
CT	Suffield Industrial Track	Windsor Locks and Suffield	0.0 to 4.2	41-4260	Conrail
RI	Terryville Secondary	Waterbury and Plainville	0.0 to 17.2	41-4252	Conrail
CT	Torrington Secondary	Highland Junction and Torrington	0.0 to 20.7	41-4243	Conrail
CT	Valley Falls Industrial Track	Valley Falls and Cumberland Mills	0.0 to 0.8	41-4128	Conrail
RI	Washington Secondary	Providence and Washington	0.0 to 16.9	41-4166	Conrail
CT	Watertown Secondary	Highland Junction and Watertown	0.0 to 1.6	41-4258	Conrail
CT	Wethersfield Secondary	Hartford ("Hart") and Spring Brook	0.0 to 7.0	41-4260	Conrail
CT	Willimantic Secondary	Hartford ("Hart") and Manchester	0.0 to 9.6	41-4262	Conrail
		CONRAIL METROPOLITAN REGION			
CT	New Haven Line	State Line (NY) and New Haven	26.1 to 73.0	31-9108	Penn Central[2]
CT	Danbury Branch	South Norwalk and Danbury	41.3 to 64.9	31-9110	Penn Central[2]
CT	New Canaan Branch	Stamford and New Canaan	0.0 to 7.9	31-9116	Penn Central[2]
CT	Waterbury Branch	Devon and Waterbury	0.0 to 26.9	31-9121	Penn Central[2]

[1] Mile Post to Mile Post.
[2] Connecticut DOT leases these lines from the Penn Central Company. Conrail provides freight service over them through trackage rights agreements.

Appendix B.—Rail Freight Properties of the Consolidated Rail Corporation (Conrail) in the State of Massachusetts With Extensions Into Connecticut Which are Eligible for Transfer

The following is a list of the rail freight properties owned, leased, or otherwise controlled by Conrail within the State of Massachusetts, and extending into Connecticut, which are specified in Section 305(g) of the Regional Rail Reoganization Act of 1973, as amended, as eligible for transfer to another railroad or railroads under an Expedited STP (Appendix B Rail Properties).

State	Line name	Between	M.P. to M.P.[1]	CR code	Owner
		Conrail New England Division—Northeastern Region			
CT	Canaan Secondary	Canaan and State Line (MA)	47.2 to 50.0	41-4220	Conrail
MA	Canaan Secondary	State Line (CT) and Pittsfield	50.0 to 85.9	41-4220	Conrail
MA	North Adams Secondary	North Adams Junction to North Adams	0.0 to 18.5	41-4141	Conrail
MA	East Longmeadow Secondary	Springfield to State Line (CT)	0.0 to 8.8	41-4255	Conrail
CT	East Longmeadow Secondary	State Line (MA) to Hazardville	8.8 to 12.5	41-4255	Conrail
MA	Florence Secondary	Westfield to Easthampton	0.0 to 11.9	41-4249	Conrail
MA	Holyoke Secondary	Westfield to Holyoke	33.3 to 43.5	41-4248	Conrail

[1] Mile post to mile post.

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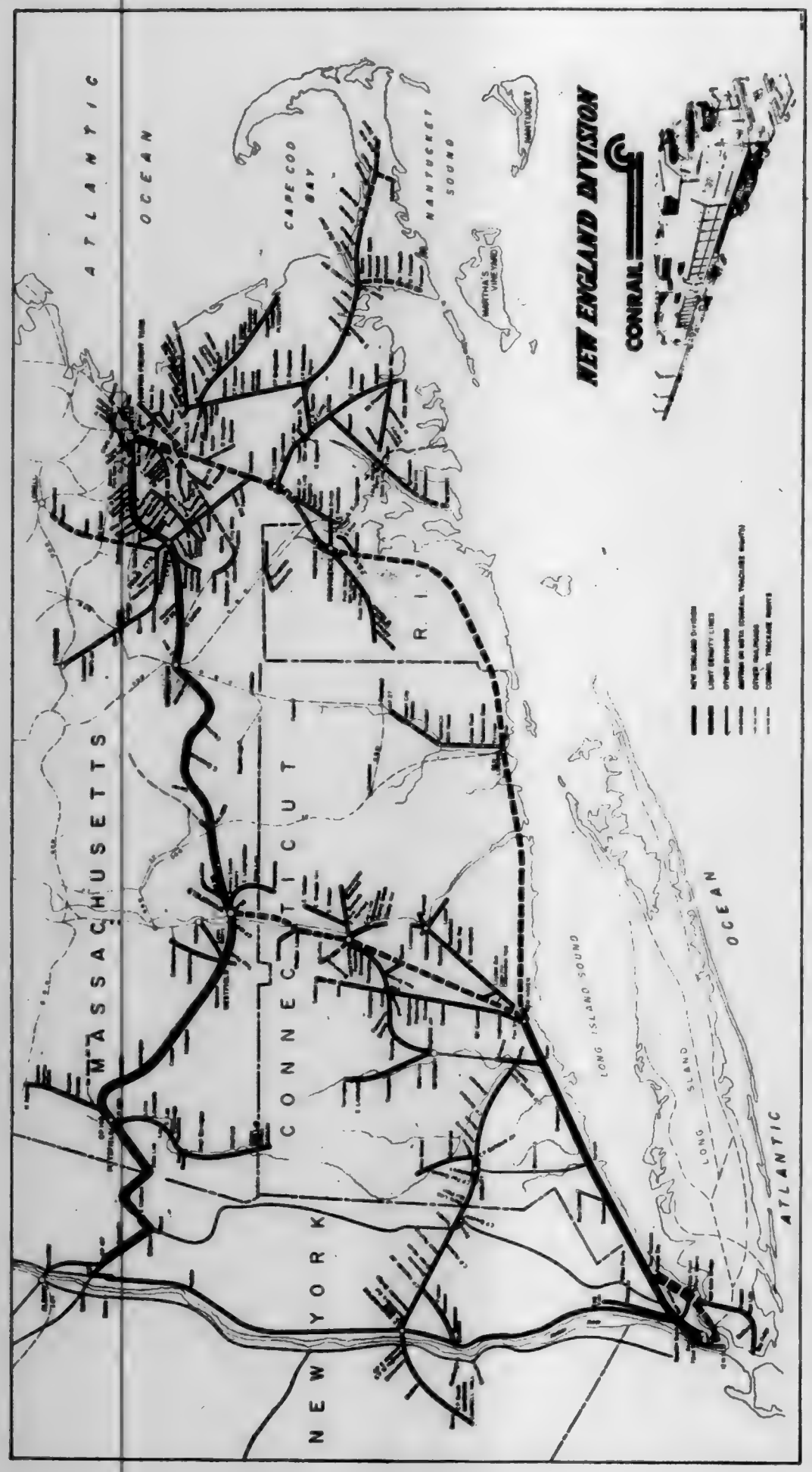

[FR Doc. 81-24561 Filed 8-20-81; 8:45 am]
BILLING CODE 4910-06-C

Sunshine Act Meetings

Federal Register
Vol. 46, No. 162
Friday August 21, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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Postal Rate Commission.....	2

1

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 41898, August 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, August 25, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report:* D&J Transportation Company, Commuter Bus Run-Off-Road, Interstate 95, Near Triangle, Virginia, February 18, 1981.
2. *Special Investigation Report:* Flight Service Station Weather Briefing Inadequacies and *Recommendations* to the Federal Aviation Administration.
3. *Safety Report:* Aircraft Icing—Weather Parameters, Forecasting, and Aircraft Certification and *Recommendations* to the Federal Coordinator for Meteorological Services and Supporting Research, and the Federal Aviation Administration.
4. *Marine Accident Report:* Collision of the Liberian Chemical Tankship COASTAL TRANSPORT and the U.S Offshore Supply Vessel SALLEE P., Mississippi River, Near Venice, Louisiana, November 24, 1980.
5. *Safety Effectiveness Evaluation:* The Use of Insurance Data In Highway Safety Research.
6. *Letter* to Federal Aviation Administration regarding Recommendations A–81–10 and –11.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

August 19, 1981.

[S–81–127 Filed 8–19–81 4:34 pm]

BILLING CODE 4910–58–M

2

POSTAL RATE COMMISSION.

TIME AND DATE: 2 p.m. Wednesday, August 26, 1981.

PLACE: Conference Room, Room 500, 2000 L St., N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Reconsideration of Opinion and Recommended Decision in Docket No. R80–1.

CONTACT PERSON FOR MORE INFORMATION: Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–1276–81 Filed 8–19–81, 11:37 am]

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federal register

Friday
August 21, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Georgia:	
GA81–1191	Mar. 6, 1981
GA81–1192	Mar. 6, 1981
GA81–1193	Mar. 6, 1981
GA81–1196	Mar. 20, 1981
Oregon:	
OR81–5127	July 6, 1981
Idaho:	
ID81–5125	June 5, 1981
Kentucky:	
KY80–1096	Aug. 22, 1980.
KY80–1089	Aug. 15, 1980.
KY80–1094	Aug. 22, 1980.
KY80–1101	Aug. 29, 1980.
KY80–1095	Aug. 22, 1980.
Michigan:	
MI81–2032	July 6, 1981
Oklahoma:	
OK81–4051	July 10, 1981
OK81–4054	July 10, 1981
OK81–4056	July 17, 1981
Tennessee:	
KY80–1098	Aug. 22, 1980.
Washington:	
WA81–5126	July 6, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

California:	
CA81–5118 (CA81–5143)	May 5, 1981.
Georgia:	
GA77–1031(GA81–1278)	Mar. 25, 1977
Illinois:	
IL79–2076(IL81–2054)	Sept. 14, 1979.
Kansas:	
MO80–4092(MO81–4065)	Nov. 21, 1980.
Kentucky:	
KY80–1090(KY81–1277)	Aug. 22, 1980.
Michigan:	
MI78–2061(MI81–2056)	May 26, 1978.

Mississippi:
MS81-1176(MS81-1280)..... Jan. 30, 1981.
Missouri:
MO80-4092(MO81-4065)..... Nov. 21, 1980.
North Carolina:
NC80-1018(NC81-1279) ..... Jan. 4, 1980.
Oklahoma:
OK80-4063(OK81-4066) ..... July 18, 1980.
OK80-4064(OK81-4067)..... July 18, 1980.
Rhode Island:
RI81-2054(RI81-3042)..... July 18, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 14th day of August 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

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DECISION #GA81-1191 - Mod. #4 (46 FR 15645 - March 6, 1981) Clayton, DeKalb, & Fulton Counties, Georgia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
GROUP A	$11.99	.78	.75		.10
GROUP A-1	11.99	.78	.75		.10
GROUP B	11.64	.78	.75		.10
GROUP B-1	11.53	.78	.75		.10
GROUP C	9.21	.78	.75		.10
GROUP D-1	10.01	.78	.75		.10
GROUP D-2	8.40	.78	.75		.10
GROUP E	8.62	.78	.75		.10
GROUP F	7.42	.78	.75		.10

GROUP A - Crane operator (truck, tower, crawler, or locomotive);

GROUP A-1 - Backhoe operator, clamshell operator, concrete mix operator - mix plant, concrete pump operator - Ridley or similar type, derrick operator, dragline operator, drill operator - caisson foundation type, elevator operator - temporary construction elevator used to haul building material and personnel, elevating grader operator, hoisting engine operator, locomotive operator, mechanics - heavy duty, concrete paving mixer operator, pile driver operator, rock crusher operator, shovel operator, trenching machine operator over 6 feet depth capacity, tugger hoist operator, well drill operator - performing foundation work, winch truck operator - hoisting material, air compressor operator - 365 C.F.M. and over, furnishing air simultaneously for more than one contractor;

GROUP B - Bulldozer operator, dewatering system operator - where multiple pumps are used, dozer shovel operator, drill operator - Quarry Master type, fireman - stationary or portable, forklift operator, generator operator - 75 K.V.A. and over, motor grader operator, motor scraper operator (pans), oilers on cranes with earth boring drill attached with a separate power source, pusher dozer operator, self propelled compactor operator with blade, tractor operator with special equipment, trenching machine operator - up to and including 6 feet depth capacity, well point system operator (including the operation of all pumps on project operated by the contractor;

GROUP B-1 - Elevator operator - inside electric permanent house elevator used to haul building materials and personnel;

GROUP C - Air compressor - 600 Cubic feet and over, air compressor operator - battery of two, 300 cubic feet and over, hydrohammer operator, concrete batch plant operator;

GROUP D-1 - Oiler-grease truck, truck or locomotive crane;

GROUP D-2 - Oiler - unspecified, pump operator - over 4", up to 4 batteries, welding machine operator - 4 or more batteries, portable, gas, or diesel drive:

DECISION #GA81-1191 - Mod. #4(Cont'd):

GROUP E - Concrete mixer operator - skip types except paving mixers, concrete finishing machine operator, concrete paving machine operator, roller operator - asphalt type, well drill operator - not performing foundation work;

GROUP F - Air compressor operator - over 150 CFM but less than 600 Cubic feet, conveyor operator - chain or belt type, sand blasting machine operator, water pump operator 4 inches and over, up to and including three welding machines do not require an operator.

DECISION #GA81-1192 - Mod. #5 (46 FR 15647 - March 6, 1981) Richmond County, Georgia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Cranes, derricks, draglines, side booms, cherry pickers, mechanics, piledrivers, crawlers, backhoes (3/4 cy. & up), concrete pumps, clam shells, drill operators, concrete mixer plants, locomotives, two-drum hoists, shovels, generators (250KW & UP), and hydraulic cranes over 10 tons, and finish motor graders;	$12.43	.85	.70		.02
Bulldozers, hydraulic boom trucks (10 tons & Under), scrapers, end loaders, fork tractors, one drum hoists, air compressors (600 CFM & Over), tuggers, rollers, plain tractors, fireman, rubber tired backhoes (less than 3/4 cy.), push dozers, and trenching machines;	11.00	.85	.70		.02
Oilers, pump operators (over 4" diameter), air compressors under 600 CFM;	9.36	.85	.70		.02
Mechanics' tenders, servicing welding machines, and pumps (up to 4" diameter).	7.29	.85	.70		.02

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DECISION #GA81-1193 - Mod. #5 (46 FR 15648 - March 6, 1981) Chatham County, Georgia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Cranes, derricks, draglines, side booms, cherry pickers, mechanics, piledrivers, crawlers, backhoes (3/4 cy. & up), concrete pumps, clam shells, drill operators, concrete mixer plants, locomotives, two-drum hoists, shovels, generators (250KW & UP), and hydraulic cranes over 10 tons, and finish motor graders;	$12.43	.85	.70		.02
Bulldozers, hydraulic boom trucks (10 tons & Under), scrapers, end loaders, fork tractors, one drum hoists, air compressors (600 CFM & Over), tuggers, rollers, plain tractors, fireman, rubber tired backhoes (less than 3/4 cy.), push dozers, and trenching machines;	11.00	.85	.70		.02
Oilers, pump operators (over 4" diameter), air compressors under 600 CFM;	9.36	.85	.70		.02
Mechanics' tenders, servicing welding machines, and pumps (up to 4" diameter).	7.29	.85	.70		.02

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DECISION #GA81-1196 - Mod. #1 (46 FR 17987 - March 20, 1981) DeKalb & Fulton Counties, Georgia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Ironworkers	$12.90	.70	.97		.07
Plumbers & Pipefitters	13.60	1.00	1.10		.14
Power Equipment Operators:					
Backhoe, Crane, Mechanic, & Mucker	11.99	.78	.75		.10
Bulldozer, Front end loader, & Motor grader	11.64	.78	.75		.10
Oiler/Greaser, & Pump	8.40	.78	.75		.10
Sheet metal workers	13.85	.70	.91		.12
DECISION NO. OR81-512 - Mod #1 (46 FR 35019 - July 6, 1981) Statewide Oregon					
CHANGE:					
BRICKLAYERS:					
Area 2	$17.13	1.00	1.15		.12
ELECTRICIANS:					
Area 2:					
Electricians	18.61	.95	3% + 1.30		.10
Lead Cable Splicers	19.36	.95	3% + 1.30		.10
PLASTERERS:					
Area 1	15.23	1.15	2.00		
TILE SETTERS	15.43	1.10	.95		.10

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DECISION NO. ID81-5125 - Mod. #5 (46 FR 30250 - June 5, 1981) Statewide Idaho	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS as issued in Mod #4 to read "Area 2"					
OMIT:					
PAINTERS:					
Area 1:					
Brush	$13.43	.69	1.10		.02
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10" handle); Finish Drywall Taper	13.93	.69	1.10		.02
Swing Stage, over 30 ft. high	14.13	.69	1.10		.02
Bitumastic; Sand Blast; Bridge; Towers; Stacks; Steeples; Tanks on Legs	14.23	.69	1.10		.02
Tapers	13.28	.69	1.10		.02
ADD:					
PAINTERS:					
Area 1:					
Brush	14.98	.84	1.20		.02
Spray; Steel; Steam Cleaning	15.48	.84	1.20		.02
Swing Stage or High Work over 30'	15.68	.84	1.20		.02
Bitumastic; Sand Blast; Bridge; Towers; Stacks; Steeples; Tanks on Legs	15.78	.84	1.20		.02
Tapers	15.23	.84	1.20		.02
IRRIGATION AND LANDSCAPE CONSTRUCTION:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties					
Laborers	8.66	1.10	1.40		
Plumbers	10.62	.90	.30	1.00	.11
Power Equipment Operators	10.96	1.20	1.75		

DECISION NO. KY80-1098 - MOD. #5 (45 FR 56285 - August 22, 1980) Fort Campbell (located in Christian County, Ky. & Montgomery County, Tn.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Asbestos Workers	$14.05	.75	1.25		.06
Bricklayers, Stone Masons, Marble Masons, Tile Setters Terrazzo Workers, Cement Masons & Plasterers	11.05	.60	.55		
Plumbers & Pipefitters	13.14	.85	.80		.09
POWER EQUIPMENT OPERATORS					
Kentucky Portion					
Class A	14.27	.65	1.20		.08
Class B	11.53	.65	1.20		.08
Class C	10.76	.65	1.20		.08
Tennessee Portion					
Class A	11.90	.50	.50		.20
Class B	11.23	.50	.50		.20
Class C	10.55	.50	.50		.20
Class D	10.01	.50	.50		.20
Roofers	9.95	.65	.50	.31	
Sheet Metal Workers	14.03	.53	.54		.07
DECISION NO. KY80-1089 - MOD. #7 (45 FR 54613 - August 15, 1980) Warren County, Kentucky					
Change:					
Asbestos Workers	$14.05	.75	1.25		.06
Plumbers	16.22	1.05	1.60		.15
POWER EQUIPMENT OPERATORS					
Class A	14.27	.65	1.20		.15
Class B	11.53	.65	1.20		.15
Class C	10.76	.65	1.20		.15
Roofers	9.95	.65	.50	.31	
Sheet Metal Workers	15.60	1.651	1.66		.16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1094 - MOD. #7 (45 FR 46278-46280 - August 22, 1980) Henderson County, Ky. Change: Power Equipment Operators:					
Class A	$14.27	.65	1.20		.08
Class B	11.53	.65	1.20		.08
Class C	10.76	.65	1.20		.08
DECISION NO. KY80-1101 - MOD. #7 (45 FR 57919-57921 - August 29, 1980) McCracken County, Ky. Change:					
Bricklayers, Stone Masons, Marble Masons, Tile Setters & Terrazzo Workers	11.59	.60	.40		
POWER EQUIPMENT OPERATORS					
Class A	14.27	.65	1.20		.08
Class B	11.53	.65	1.20		.08
Class C	10.76	.65	1.20		.08
Sheet Metal Workers	15.60	1.651	1.66		.16
DECISION NO. KY80-1095 - MOD. #6 (45 FR 56276-56278 - August 22, 1980) Boyd County, Ky. Change:					
POWER EQUIPMENT OPERATORS					
Class A	14.27	.65	1.20		.08
Class B	11.53	.65	1.20		.08
Class C	10.76	.65	1.20		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION # MI81-2032 Mod # 1 (46 FR 34998 dated July 6, 1981) Macomb, Monroe, Oakland, Washtenaw and Wayne Counties Michigan					
CHANGE:					
ASBESTOS WORKERS:					
Remainder of Counties & the Remainder of Washtenaw County	$16.46	1.59	1.97		.07
BRICKLAYERS & STONEMASONS:					
Washtenaw County	18.47		1.50		.02
Remainder of Counties & East of Hwy #23 in Monroe County	17.28	1.50	1.84		.06
CARPENTERS & PILEDRIVERS:					
Washtenaw County	15.64	.85	1.00		.05
CEMENT MASONS:					
Washtenaw County	18.47		1.50		.02
Remainder of Counties & North of Hwy #151 in Monroe County	15.46	1.50	2.02		.02
ELECTRICIANS:					
Remainder of Counties:					
Building	17.80	1.85	3% + 1.45		.06
Residential	17.80	1.85	3% + 1.45		.06
ELEVATOR CONSTRUCTORS:					
Remainder of Counties:					
Constructors	17.00	1.345	.95	a	.035
Helpers	70%JR	1.345	.95	a	.035
LATHERS:					
Monroe County; excluding s/w corner-eastern portion of Washtenaw County & Remainder of Counties	16.32	2.13	1.71		.04
MILLWRIGHTS:					
Washtenaw County	15.64	.85	1.00		.05
MARBLE MASONS:					
Washtenaw County	18.47		1.50		.02
Remainder of Counties:					
Marble Mason	15.93	1.00	2.25		
PLASTERERS:					
Washtenaw County	18.47		1.50		.02
PLUMBERS & STEAMFITTERS:					
Washtenaw County	14.23	1.30	.85		.05
SOFT FLOOR LAYERS:					
Washtenaw County	15.64	.85	1.00		.05

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DECISION # MI81-2032 Mod #1 cont.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTER:					
Remainder of Counties	$ 18.435	1.55	1.40		.10
TILE & TERRAZZO WORKERS:					
Washtenaw County	18.47		1.50		.02
Remainder of Counties:					
Terrazzo Workers	14.77	1.00	2.25		
Tile Setters	15.32	1.00	2.25		
LABORERS - BUILDING, RESIDENTIAL & HEAVY					
Washtenaw County:					
GROUP 1	12.23	.75	.65	1.25	.04
GROUP 2	12.43	.75	.65	1.25	.04
GROUP 3	12.55	.75	.65	1.25	.04
LINE CONSTRUCTION:					
Wayne, Macomb & Remainder of Washtenaw, Monroe & Oakland Cos.					
Lineman - Technicians	17.38	1.70	11%		½%
Cable Splicers	18.12	1.70	11%		½%
Combination Equipment Oprs. & Groundman	13.94	1.70	11%		½%
Combination Driver-Groundman	13.12	1.70	11%		½%
Groundman	12.09	1.70	11%		½%

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DECISION #OK81-4051-Mod. #2 46FR35886 - July 10, 1981 Pittsburg County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers	$15.19	.75	1.00		.03
DECISION #OK81-4054-Mod. #1 46FR35888 - July 10, 1981 Muskogee, Adair, Cherokee & Okmulgee Counties, Oklahoma					
CHANGE:					
BRICKLAYERS:					
Muskogee, Adair & Cherokee Counties	14.00	.70	.70		.05
AREA I:					
Carpenters	11.28	.65	.75		.08
Millwrights-Piledrivermen	11.78	.65	.75		.08
ELEVATOR CONSTRUCTORS	13.54	1.345	.95	a+b	.035
ELEVATOR CONSTRUCTORS HELPER	70%JR	1.345	.95	a+b	.035
DECISION #OK81-4056-Mod. #1 46FR37209 - July 17, 1981 Tulsa, Delaware, Creek, Craig, Ottawa, Mayes and Roger Counties, Oklahoma					
ADD:					
BRICKLAYERS-STONEMASONS:					
Creek County	12.49	.70	.40	.33	.06
LATHERS:					
Delaware & Ottawa Counties	11.42	.60	.50		
CHANGE:					
Carpenters (Area I)	12.78	.65	.85		.07
Carpenters (Area II)	10.38	.60	.50		
MILLWRIGHTS-PILEDRIVERMEN:					
Area I	13.08	.65	.85		.07
Area II	10.63	.60	.50		
ELEVATOR CONSTRUCTORS	13.54	1.345	.95	a+b	.035
ELEVATOR CONSTRUCTORS HELPERS	70%JR	1.345	.95	a+b	.035

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SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego

DATE: Date of Publication

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DECISION NO. WA81-5126 - Mod. #4
(46 FR 35029 - July 6, 1981)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Area 2:					
Electricians	$18.61	.95	3%+1.30		.10
Cable Splicers	19.36	.95	3%+1.30		.10
Area 3:					
Electricians	18.45	.95	3%+1.85		.05
Cable Splicers	20.29	.95	3%+1.85		.05
Area 8:					
Electricians	19.55	.90	3%+1.95		.04
Cable Splicers	21.51	.90	3%+1.95		.04
ELEVATOR CONSTRUCTORS:					
Area 1	18.06	1.345	.95	a	.035
GLAZIERS:					
Area 2	14.05	.84	.65	.88	
PAINTERS:					
Area 1:					
Drywall Tapers	15.23	.84	1.20		.02
Brush	14.98	.84	1.20		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10" handle	15.48	.84	1.20		.02
Swing Stage or High Work over 30'	15.68	.84	1.20		.02
Bitumastic; Sandblasting; Bridge; Tanks on Legs; Tower; Stacks; Steeples	15.78	.84	1.20		.02
TV, Radio, and Electrical Transmission Towers	16.48	.84	1.20		.02
ROOFERS:					
Area 5:					
Roofers and Waterproofers	14.05	.95	.60		.01
Slate and Tile Roofers	14.55	.95	.60		.01
TERRAZZO WORKERS: TILE SETTERS					
Area 1	15.10	1.05	2.00		
Area 6	16.75	.90	.80		
IRRIGATION AND LANDSCAPE CONSTRUCTION (STATEWIDE)					
Laborers	8.66	1.10	1.40		
Plumbers	10.62	.90	.30	1.00	.11
Power Equipment Operators	10.96	1.20	1.75		

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA81-5141 DATE: Date of Publication
Supersedes Decision No. CA81-5118 dated May 5, 1981, in 46 FR 25904
DESCRIPTION OF WORK: Building Projects (including Residential Projects consisting of single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$17.74	$1.30	$1.45		.07
BOILERMAKERS	17.61	1.275	1.25	1.00	.04
BRICKLAYERS; Stonemasons	17.59	1.20	1.75		.14
BRICK, BLOCK and STONEMASONS' TENDERS	13.92	.87	2.57	1.00	
CARPENTERS:					
Carpenters	16.31	.91	1.55		.07
Piledirver	16.44	.91	1.55		.07
Millwrights; Pneumatic Nailer; Hardwood Floor-layers	16.56	.91	1.55		.07
CEMENT MASONS:					
Cement Masons	12.76	1.15	2.05	2.50	.07
Color Work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	13.06	1.15	2.05	2.50	.07
DIVERS:					
Divers	37.62	.91	1.55		.07
Stand-by Divers	18.81	.91	1.55		.07
Tender	17.81	.91	1.55		.07
DRYWALL INSTALLERS	16.60	.91	1.55		.07
DRYWALL FINISHERS	15.31	1.23	1.43	.75	.07
ELECTRICIANS:					
Electricians; Technicians	18.43	1.08	3%+2.04		.13
Cable Splicers	18.88	1.08	3%+2.04		.13
ELEVATOR CONSTRUCTORS	16.62	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (Prob.)	50%JR				
GLAZIERS	14.63	1.10	1.45		
IRONWORKERS:					
Fence Erectors	14.46	1.44	3.81	2.50	.12
Reinforcing	15.35	1.44	3.81	2.50	.12
Ornamental; Structural	15.35	1.44	3.81	2.50	.12
IRRIGATION And LAWN SPRINKLERS	13.52	10%	16%	13%	1%
LATHERS	18.08	.91	1.55		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Groundman	$13.21	.88	3%+2.04		.13
Lineman	17.15	.88	3%+2.04		.13
Cable Splicers	17.45	.88	3%+2.04		.13
MARBLE SETTERS	11.27	1.00	1.79	1.24	.12
PAINTERS:					
Brush, Paint Burner	15.26	1.23	1.43	.75	.07
Brush (Swing Stage), Spray	15.51	1.23	1.43	.75	.07
Paperhanger, Spray (swing stage)	15.76	1.23	1.43	.75	.07
Sandblaster (swing stage); Iron, steel and bridge painters (swing stage); Iron, steel and bridge painter, Spray (swing stage)	16.26	1.23	1.43	.75	.07
Sandblaster; Iron, steel and bridge painter (groundwork); Iron, steel and bridge painters, Spray (groundwork); Riggers, climbing steel; Brush, climbing steel and bridge; Spray, climbing steel and bridge	16.01	1.23	1.43	.75	.07
Steeplejack	16.91	1.23	1.43	.75	.07
PARKING LOT WORK And/Or Highway MARKERS:					
Traffic delineating device applicator	11.22	.90	.55	b	
Wheel stop installer; Traffic surface sandblaster	11.22	.90	.55	b	
Striper	10.83	.90	.55	b	
SLURRY SEAL OPERATION:					
Mixer Operator	10.83	.90	.55	b	
Squeege Man	9.64	.90	.55	b	
Applicator Operator	9.64	.90	.55	b	
Shuttleman	9.64	.90	.55	b	
Top Man	8.10	.90	.55	b	
PLASTERERS	17.41	.65	2.50		.12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS	$15.96	.87	$2.57	$1.00	
PLUMBERS; Pipefitters; Steamfitters; Air Condition, Refirgeration	18.85	1.69	2.70	2.19	.08
ROOFERS	14.29	1.02	1.20	1.88	
SHEET METAL WORKERS	18.24	1.20	2.76		.04
SOFT FLOOR LAYERS	15.28	.99	1.70		.15
SPRINKLER FITTERS	20.03	.95	1.45		.08
TERRAZZO WORKERS	14.24	1.00	1.80		.30
TILE SETTERS	14.24	1.00	1.80		.30
TILE and MARBLE FINISHERS	11.59	1.00	1.00	1.00	.30

RIGGERS; WELDERS - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.34 per hour to Holiday Fund plus $.24 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.45 per hour to Vacation, 5 years but less than 10 years $.60 per hour to Vacation Fund, over 10 years $.80 per hour to Vacation Fund.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS:					
Group 1	$12.60	.87	$2.26	$1.00	.13
Group 2	12.90	.87	2.26	1.00	.13
Group 3	13.10	.87	2.26	1.00	.13

LABORERS

Group 1: Laborer (general construction); Asphalt Ironer - Spreader; Boring Machine Tender; Caulker; Cesspool Digger and and Installer; Chucktender (except tunnels); Concrete Curer (Impervious Membrane and Form Oiler); Concrete Water curing, Cutting Torch Operator (demolition); Driller's Tender (Caisson) including Bellowers, Dri Pak-it Machine, Concrete Cutting Torch, Dry packing of concrete, plugging, filling of Shee Bolt Holes, Fine Grader on highways, streets and airport paving (sewer and drainage lines when employed); Form Blower; Gas and Oil Pipeline Laborer; Guinea Chaser; Jet Man; Landscape Gardener and Nursery Man; Laser Beam in connection with Laborers work; Packing Rod Steel and Pans; Pipelayer's Backup Man (coating, grouting, making of Joints, sealing, caulking, diapering and including Rubber Gasket Joints and pointing); Railroad work Laborer; Rigging and Signaling, Riprap Stonepaver; Sandblaster (Pot Tender); Scaler, Septic Tank Digger and Installer; Tank Scaler and Cleaner, Tool Shed Checker; Window Cleaner; Rebound Man (gunite industry); Housemover

Group 2: Asphalt Raker; Buggymobile Man; Cement Dumper (on 1 yard or larger mixers and handling bulk cement); Concrete Saw Man (excluding tractor type, Roto-scraper, Chipping Hammer, Concrete Core Cutter and Concrete Grinder and Sander); Cribber - Shorer, Lagging and Trench Bracing, Hand-guided Lagging Hammer; Driller - All power Drills, including Jackhammer, whether Core, Diamond, Wagon, Track, Multiple Unit, and all types of Mechanical Drills without regard to the form of motive power; Driller (all other where drilling is for use of explosives); Gas and Oil Pipeline Wrapper (Pot Tender and Form Man); Gas and Oil Pipeline Wrapper (6 inch pipe and over); Operator and Tenders of pneumatic, gas and electric tools; Concrete Pumps; Vibrating Machines; Multi-plate Impact Wrench and similar mechanical tools not separately classified herein; Pipelayer (performing all services in the laying and installation of pipe from the point of receiving pipe until completion of the operation, including any and all forms of tubular material, whether Pipe, Metallic or Non-metallic, Conduit and any other stationary type of tubular device used for the conveying of substance or element, whether water, sewage, solid, gas, air or other products what-so-ever and without regard to the nature of material from which the tubular material is fabricated; Powderman; Blasters' Tenders; Prefabricated Manhole Installer; Rock Slinger; Sandblaster and Waterblaster (Nozzleman); Scaler (using Bos'n Chair, Safety Belt); Steel Headerboard Man; Tree Climber, using mechanical tools; Welding in connection with Laborer's work; Gun Man (gunite industry)

Group 3: Fence Erector; Nozzleman and Rod Man (gunite industry)

TUNNEL LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.10	.87	$2.57	$1.00	.13
Group 2	12.90	.87	2.57	1.00	.13
Group 3	13.35	.87	2.57	1.00	.13

Group 1: Blasters; Drillers; Powdermen; Cherry Pickerman; Grout Gunmen; Kemper and other pneumatic Concrete Placer Operator Miners in short dry tunnels under streets, highways and similar places; Miners - tunnel (hand or machine); Powderman (tunnel work); Steel Form Raisers and Setters; Timbermen; Retimbermen - wood or steel

Group 2: Bull Gang Muckers (Trackman); Chucktender; Cabletender; Concrete Crew (includes Rodders and Spreaders); Dumpmen; Grout Crew; Tender for Steel Form Raisers and Setters; Muckers - Tunnel (hand or machine); Nipper; Swamper (Breakman and Switchman) on tunnel work; Vibratormen; Jackhammer; Pneumatic tools (except Driller); Mutli-plate Impact Wrench

Group 3: Powdermen - Primer House (Licensed on tunnel work); Shaft and Raise Miner; Shifters; Blasters (licensed) all work of loading holes, placing and blasting all powder and explosives of whatever type regardless of method used for such loading nad placing

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$15.35	$1.15	$2.80	$1.17	.14
Group 2	15.65	1.15	2.80	1.17	.14
Group 3	15.92	1.15	2.80	1.17	.14
Group 4	16.06	1.15	2.80	1.17	.14
Group 5	16.28	1.15	2.80	1.17	.14
Group 6	16.39	1.15	2.80	1.17	.14
Group 7	16.51	1.15	2.80	1.17	.14
Group 8	16.68	1.15	2.80	1.17	.14
Group 9	16.81	1.15	2.80	1.17	.14

POWER EQUIPMENT OPERATORS: (Cont'd)

Group 1: Brakeman; Compressor Operator; Engineer Oiler; ~~Generator; Pump; Signalman; Switchman; Ditchwitch;~~ Elevator Operator (inside); Forklift (under 5 tons);

Group 2: Concrete Mixer (skip type); Conveyor; Fireman; Hydrostatic Pump; Plant Operator; Generator, Pump or Compressor; Rotary Drill Tender (oilfield); Skiploader - wheel type up to 3/4 yd. without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Concrete Pump Oiler (truck mounted)

Group 3: Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power driven Jumbo Form Setter; Stationary Pipe Wrapping and Cleaning Machine; Gradall Oiler; Surge Tank and Weight Master (Hot Plant); Trencher Oiler (foundations); Truck Crane Oiler

Group 4: Asphalt Plant Fireman; Boring Machine; Chip Spreading Machine; Concrete Pump Operator; Dinkey Locomotive or Motorman (10 ton); Helicopter Hoist; Highline Cableway Signalman; Power Sweeper; Trenching Machine (up to 6 ft.); Concrete Pump Operator, truck mounted; Rodman and Chainman; Helicopter Radioman

Group 5: A-frame Winch Truck Operator; Asphalt Plant or Concrete Batch Plant Operator (where commercial power is not used, no less than one Generator Operator is required); Asphalt Spreading Machine Operator (Spreader Bar and similar); Bit Sharpener; Boxman or Mixerman (asphalt or concrete); Concrete Joint Machine Operator (canal and similar type); Concrete Planer Operator; Derrickman (oilfield type); Drilling Machine Operator (including water wells); Equipment Greaser (Mobile and Grease Rack); Forklift Operator (over 5 ton capacity); Hydro-hammer - Aero Stomper; Hydrographic Seeder Machine Operator (straw, pulp, or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Finisher Operator (Concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker Operator (truck mounted, oiler required); Road Oil Mixing Machine Operator; Roller Operator; Ross Carrier Operator (jobsite); Self-propelled Tar Pipelining Machine Operator; Skiploader Operator (wheel or track type over 3/4 yd. up to and including 1½ yds.); Skiploader - Ford Ferguson up to 3/4 yd. with drag attachments; Slip Form Pump Operator (power driven hydraulic lifting device for concrete forms); Screed Operator; Stinger Crane (Austin-Western or similar type); Traveling Pipe Wrapping, Cleaning and Bending Machine Operator; Truck type Loader; Tugger Hoist (1 drum)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Plant Engineer; Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Operator (Barber Green or similar type); Automatic Curb Machine; Belt Splicer or Vulcanizer; BHL Lima Road Pactor; Wagner Pactor or similar Operator; Bridge Crane Operator; Bridge type Unloader and Turntable Operator; Cast-in-place Laying Machine; Combination Mixer and Compressor Operator (Gunite work); Concrete Mixer; Concrete Mixer Operator - paving (Oiler required); Crane Operator (up to and including 25 ton capacity)(Oiler required)(Long Boom Pay applicable); Crushing Plant Operator (Oiler required)(where commercial power is not used, no less than one Generator Operator is required); Deck Engine Operator; Drill Doctor; Elevating Grade Operator; Gradall Operator (Oiler required); Grade Checker; Grouting Machine Operator; Guard Rail Post Driver Operator; Heavy Duty Repairman; Hoist Operator (single drum - Buck Hoist - Chicago Boom and similar type); Hoist Operator (2 or 3 drum); Kolman Belt Loader and similar type (when two or more are working together an additional employee shall be required); LeTourneau Blob Compactor or similar type; Lift Mobile Operator (Oiler required); Lift Slab Machine Operator (Vagtborg and similar types); Material Hoist Operator (1 drum); Mucking Machine Operator (1/4 yd.) (Oiler required)(rubber-tired, rail or track type); Pile Driver Operator (Oiler required); Pneumatic Concrete Placing Machine Operator (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun Operator; Polar Gantry Crane Operator; Rotary Drill Operator (excluding Caisson type)(Oiler required); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon - Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired Scraper Operator (self-loading paddle wheel type - John Deere 104 and similar single unit); Skiploader Operator (wheel or track type, over 1½ yds. up to and including 6½ yds.); Stinger Crane (Austin-Western-Pettibone or similar type) (over 5 tons); Surface Heaters and Planer Operator; Tractor Compressor Drill Combination Operator; Tractor Operator (Bull Dozer, Tamper, Scraper, and Push Tractor, single engine); Trenching Machine Operator (over 5 ft. depth capacity - manufacturers rating) (Oiler required); Tunnel Locomotive Operator (10 to 30 tons); Universal Equipment Operator (Shovel, Backhoe, Dragline, Clamshell, up to and including 1 cu. yd. M.R.C.) (Oiler required) (Long Boom Pay applicable); Welder (general)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Automatic Lineau Tension Machine (2 Operator required); Crane Operator (over 25 tons, up to and including 100 ton M.R.C.) (Long Boom Pay applicable) (Oiler required); Derrick Barge Operator (Oiler required, up to 100 tons) (over 100 tons, Fireman or Oiler required); Dual Drum Mixer (Oiler required); Hoist Operator (2 or 3 drum with boom attachment); Hoist Operator (Stiff Leg, Guy Derrick or similar type up to 100 ton capacity) (Oiler required, Long Boom pay applicable); Loader Operator (Athey, Euclid, Sierra or similar type); Monorail Locomotive Operator (diesel, gas, or electric); Motor Patrol - Blade Operator; Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Pre-stressed Wrapping Machine Operator (2 Operators required); Rubber-tired Earth Moving Equipment Operator (multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor Loader Operator (Crawler and wheel type over 6¼ yds.); Tractor Operator (boom attachments) (over 40 ft. boom, Oiler required); Tower Crane Operator (two Operators required); Tower Crane Repairman; Universal Equipment Operator (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. M.R.C.); Welder - certified; Welder-Heavy Duty Repairman Combination; Woods Mixer Operator and other similar Pugmill Equipment

Group 8: Auto Grader Operator (one Grade Checker and one additional employee required); Automatic Slip Form Operator (Grade Checker and one additional employee required); Crane Operator (over 100 tons, two Operators required, Long Boom Pay applicable); Mass Excavator Operator (two or more Operators and Oiler required, less than 750 cu. yds.); Mechanical Finishing Machine Operator; Mobile Form Traveler Operator; Motor Patrol Operator (multi-engine); Pipe Mobile Machine Operator (two Operators required); Rubber-tired Earth Moving Equipment Operator (multi-engine, Euclid, Caterpillar, and similar type over 50 cu. yds. struck); Rubber-tired Scraper Operator (pushing one another without Push Cat, Push Pull - $.50 per hour additional to base rate); Rubber-tired Self Loading Scraper Operator (paddle wheel - Auger type Self Loading, 2 or more units); Polar Crane Operator; Tandem Equipment Operator (2 units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Mole Boring Machine Operator

Group 9: Canal Liner or Trimmer Operators (not less than four (4) employees required - Oiler, Welder - Mechanic and Grade Checker); Helicopter Pilot; Highline Cableway Operator; Remote Controlled Earth Moving Equipment Operator (no one Operator shall operate more than two pieces of earth moving equipment at one time) ($1.00 per hour additional to base rate); Wheel Excavator Operator (over 750 cu. yds. per hour, two Operators and one Oiler and two Heavy Duty Repairmen required)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: DREDGING (Hydraulic Suction Dredge)					
LEVERMAN	$15.45	$1.10	$2.80	.92	.04
WATCH ENGINEER; Welder	14.87	1.10	2.80	.92	.04
DECKMATE	14.87	1.10	2.80	.92	.04
WINCHMAN (Stern Winch or Dredge)	14.32	1.10	2.80	.92	.04
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	13.78	1.10	2.80	.92	.04
(Clamshell Dredges)					
LEVERMAN	15.48	1.10	2.80	.92	.04
WATCH ENGINEERS	14.87	1.10	2.80	.92	.04
DECKMATE	14.87	1.10	2.80	.92	.04
BARGEMATE	14.37	1.10	2.80	.92	.04
BARGEMAN; Deckhand; Fireman; Oiler	13.78	1.10	2.80	.92	.04

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr Tr
Group 1	$13.91	$1.35	$1.65	$1.00	.10
Group 2	14.11	1.35	1.65	1.00	.10
Group 3	14.31	1.35	1.65	1.00	.10
Group 4	14.51	1.35	1.65	1.00	.10
Group 5	16.51	1.35	1.65	1.00	.10
Group 6	13.61	1.35	1.65	1.00	.10

Group 1: 2 axle Dumps; 2 axle Flatbed; Bunkerman; Concrete Pumping; Industrial Lift; Warehouseman; Forklift, under 15,000 lbs.

Group 2: 3 axle Dump; 3 axle Flatbed; 2 axle Water Trucks; Erosin Control Nozzleman; Dumpcrete, less than 6½ yds.; Forklift 15,000 lbs. and over; Prell; Pipeline working Truck Driver; Road Oil Spreader; Cement Distributor or Slurry Driver; Bootman; Russ Carrier

Group 3: Off-road Dump, under 35 tons; 4 axle but less than 7 axle; Lowbed and Trailer; Transit Mix, under 8 yds.; 3 axle Water Trucks; Erosin Control; Grout Mixer; Dumpcrete 6½ yds. and over; Dumpsters; DW 10's, 20's and over; Fuel Truck and Dynamite; Winch, 2 axle; Truck Greaser

Group 4: Off-road Dump, 35 tons and over; 7 axle or more; Transit Mix, 8 yds. and over; A-frame or Swedish Cranes; Tireman; Water Pull Pull Tankers; Welder; Winch Truck, 3 axle or more

Group 5: Truck Repairman

Group 6: Traffic Control, also Swampers and Pickups

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: GEORGIA
COUNTIES: BAKER, CALHOUN, CLAY, DECATUR, DOUGHERTY, EARLY, GRADY, LEE, MILLER, MITCHELL, QUITMAN, RANDOLPH, SEMINOLE, & TERRELL.
DECISION NUMBER: GA81-1278 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA77-1031, dated March 25, 1977, in 42 FR 16355.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 5.00				
BRICKLAYERS	7.00				
CARPENTERS	5.87				
CEMENT MASONS	5.00				
DRYWALL FINISHERS	6.08				
DRYWALL HANGERS	7.85				
ELECTRICIANS	5.00				
INSULATION INSTALLERS	4.58				
LABORERS:					
Unskilled	3.85				
Mason tenders	4.08				
Asphalt rakers	4.50				
PAINTERS	5.54				
PLASTERERS	7.13				
PLUMBERS & PIPEFITTERS	6.00				
ROOFERS	5.00				
SHEET METAL WORKERS	5.74				
TILE SETTERS	6.25				
TRUCK DRIVERS	4.25				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Front end loader	4.55				
Motor grader	6.00				
Roller	4.50				
Scraper - pan	4.75				
Spreader - screed	4.83				
Tractor	4.75				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: *See Below
DECISION NO.: IL81-2054 DATE: Date of Publication
Supersedes Decision No. IL79-2076, dated September 14, 1979 in 44 FR 53638
DESCRIPTION OF WORK: Heavy and Highway Construction Projects (Including Dredging Projects)

*Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler, & Scott

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS; Piledrivermen:					
Adams Co.	$13.56	.75	.60		.06
Brown, Cass, Morgan, Pike, Schuyler, & Scott Cos.	13.71	.75	.45		.06
Christian, Menard, & Sangamon (Except Illiopolis) Cos.	14.45	.75	.55		.06
Logan Co.	13.74	.75	1.25		.07
Mason Co.:					
Carpenters	14.51	.75	1.50		.07
Piledrivermen	15.01	.75	1.50		.07
Sangamon Co. (Illiopolis):					
Carpenters	15.005	.75	1.00		.08
Piledrivermen	15.505	.75	1.00		.08
CEMENT MASONS:					
Adams, Brown, & Pike Cos.	13.05		1.50		
Cass, Menard & Sangamon Cos.	13.80		.75		.05
Christian Co.	13.55		1.00		
Logan Co.	14.55				
Mason Co.	14.35	1.20	1.30		.05
Morgan & Scott Cos.	13.09	.85	.56		.05
Schuyler Co.	13.70	.85			
ELECTRICIANS:					
Adams, Brown, Pike, & Schuyler Cos.	16.00	.35	3%+1.00		3/4%
Cass, Logan, Mason (Lynchburg, Bath, Kilbourne, Crane Creek, Salt Creek, & Mason), Menard, Morgan, Sangamon & Scott Cos.	15.92	.55	3%+.70		.1%
Christian Co.	16.10	.55	3%+.55		.35%
Mason Co. (Rem. of Co.)	16.00	.55	3%+1.00		4%
IRONWORKERS:					
Adams (Kingston & Vic.), Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler (E. ½ of Co.), & Scott Cos.	13.10	.55	1.05		.08
Adams (Rem. of Co.) & Schuyler (Rem. of Co.) Cos.	14.95	.80	1.08		.06

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DECISION NO. IL81-2054

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$15.80	.45	3%		.5%
Groundman Equipment Operators	14.74	.45	3%		.5%
Groundmen Truck Drivers:					
W/Winch	11.20	.45	3%		.5%
WO/Winch	10.54	.45	3%		.5%
Groundmen	10.05	.45	3%		.5%
PAINTERS:					
Adams Co.:					
Brush	11.00				
Spray	13.00				
Brown, Cass, Christian, Logan, Menard, Morgan, Sangamon, & Scott Cos.:					
Brush; Roller	12.45	.60	.50		25.00p/yr
Spray	13.20	.60	.50		25.00p/yr
Mason & Schuyler Cos.:					
Brush	14.37	.70	.70		.03
Bridge Work & Spray	15.22	.70	.70		.03
Pike Co.:					
Industrial	13.89	.60	.35		
Bridges	14.14	.60	.35		

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams Co.:					
Unskilled	$13.11	.55	.60		.05
Semi-Skilled	13.31	.55	.60		.05
Skilled	13.46	.55	.60		.05
Brown, Cass, Mason, Morgan, Pike, Schuyler, & Scott Cos.:					
Unskilled	13.16	.65	.45		.05
Semi-Skilled	13.36	.65	.45		.05
Skilled	13.51	.65	.45		.05
Christian Co.:					
Unskilled	12.71	.65	.90		.05
Semi-Skilled	12.91	.65	.90		.05
Skilled	13.06	.65	.90		.05
Logan & Menard (S ½ of Co.) Cos.:					
Unskilled	13.21	.65	.40		.05
Semi-Skilled	13.41	.65	.40		.05
Skilled	13.56	.65	.40		.05
Menard (N ½ of Co.) & Sangamon Cos.:					
Unskilled	12.71	.65	.90		.05
Semi-Skilled	12.91	.65	.90		.05
Skilled	13.06	.65	.90		.05

UNSKILLED - Common Laborers
SEMI-SKILLED - Blade Grade Op.; Concrete Saw Op.; Asphalt Saw Op.; Chain Saw Op.; Form Tamper; Sandblasting; Form Setters other than Highway Paving Forms; Rubbing of Concrete; Sewer Tile & Pipe Layer; Shoring & Bracing in Sewer & Tunnels; Hopper Men; Power Tool Op.; Spotters & Dumpmen on Dry Batch Concrete Trucks; Hot Tar & Kettle Men; Puddlers behind Paving Mixers & on Walls over 10 ft. high; Pipe Wrapper; Taper Coater & Torchmen on Pipeline; Stringline Man & Batter Board Setters on Sewer; Hydraulic Trench Jacks; & Setting & Making of Joints for Well Points on Dewatering System
SKILLED - Paving Breakers & Air Tampers; Asphalt Rakers; Cement & Rock Dust Handlers; Handling Creosote; Hot Dope Men; Vibrator Men, Cutters & Burners on Wrecking Jobs or Torchmen; Concrete Burners; Men Working in Caissons Below Water Level; Boring Machine; & Jackhammers

DECISION NO. IL81-2054

POWER EQUIPMENT OPERATORS Mason County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$15.92	.75	.80		.05
GROUP 2	15.72	.75	.80		.05
GROUP 3	14.77	.75	.80		.05
GROUP 4	14.50	.75	.80		.05
GROUP 5	13.06	.75	.80		.05

GROUP 1: Cranes; Hydro Crane; Shovels; Crane type Backfiller; Tower Cranes, Mobile & Crawler & Stationary; Derricks & Hoist (3-drum); Dragline; Drott Yumbo & similar Types considered as Cranes; Backhoe; Derrick Boats; Pile Driver & Skid Rigs; Clam Shells; Locomotive Cranes; Road Pavers, Single Drum, Dual Drum & Tri Batcher; Motor Patrols & Power Blades, Dumore, Elevating & Similar types; Mechanics; Central Concrete Mixing Plant Op.; Blacktop Plant Ops. & Plant Engineers; Gradall; Caisson Rigs, requires Oiler; Skimmer Scoop, Koehring Scooper; Dredges (all types); Hoptoe, Crane type (require Oiler); Escalated rate on Crane & Derricks Booms, $.01 per hour, per ft., over 80' incl. jib; All Cherry Pickers; Cherry Pickers (Over 15 ton require Oiler); Work Boat; Ross Carrier; Helicopter; Dozer & Tournadozer

GROUP 2: Asphalt Heater & Planer Combination (used to plane streets); Trench Machines; Pump Crete; Belt Crete; Squeeze Crete; Screw type Pumps & Gypsum; Bulker & Pump; Dinkeys; Tournapulls, all, & similar types; Multiple Unit Earth Movers, $.25 per hour for each scoop over one; Scoops (all sizes); Pushcats; End Loaders (all types); Side Booms; P-H One Pass Soil Cement Machines & similar types; Wheel Tractors (industrial or farm type with Dozer, Hoe, End Loader or other attachments; Back-fillers; Asphalt Surfacing Machine; Euclid Loader; Fork Lifts; For-less Finishing Machine; Jeep with Ditching Machine or other attachments; Tune-luger; Rockerbeamer; Automatic Cement & Gravel Batching Plants; Mobile Drills (Soil Testing); & Similar types; Pugmill with Pump; Flaherty Spreader & similar types (require Oiler); Heavy Equipment Greaser (Top Greaser on Spread); Power Launches; Boring Machine & Pipe Jacking Machine; C.M.I. & similar types (require Oiler); All (1) & (2) Drum Hoists; Dewatering System; Straw Blower; Hydro-seeder; Boring Machine; Hydro-broom; Starting Engineer on Pipeline; F.W.D. & similar types

GROUP 3: Apsco Spreader or similar types; Tractors (track-type) without Power Units pulling Rollers; Rollers on Asphalt-brick or Macadam; Concrete Breakers; Concrete Spreaders; Center Stripper; Cement Finishing Machines; Vibro Tampers (all similar types) self-propelled; Mechanical Bull Floats; Mixers, over 3 bag to 27E; Winch & Boom Trucks; Tractor, pulling Power Blade or Elevating Grader; Porter Tex Rail; Clary Screed; Mule, pulling Rollers; Pugmill without Pump; Barber Greene or similar Loaders; Track-type Tractors with Power unit attached (minimum); Fireman; Screed Man on Laydown Machine; & Spray Machine on Paving

POWER EQUIPMENT OPERATORS (CONT'D):

GROUP 4: Power Subgrader; Oil Distributor; Straight Tractor; Tracsir (without attachments); Curb Machines; Paved Ditch Machines; Truck Crane Oiler; & Truck type Hoptoe Oilers

GROUP 5: Herman Nelson Heater, Dravo, Warner, Silent Glo & Similar types: One Engineer will operator 1 - 5 & after 5, two Operators will be required; Self-propelled Concrete Saws; Assistant Heavy Equipment Greaser; Crawler Crane & Skid Rig Oilers; Rollers, 5 tons & under on Earth & Gravel; Form Graders; Pump (1) or (2); Light Plant (1) or (2); Generator (1) or (2); Conveyor (1) or (2); Mixer, 3 bags & under; Bulk Cement Plant; Air Compressor (1) or (2); & Welding Machine (1) or (2)

POWER EQUIPMENT OPERATORS: Remaining Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$14.75	.85	.95		.05
CLASS II	13.10	.85	.95		.05
CLASS III	11.50	.85	.95		.05

CLASS I: Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableways; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps; Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist w/two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Wrapping & Painting Machines; Push Dozers, or Push Cats; Rock Crushers; Ross Carriers or Similar Machines; Scoops; Skimmers 2 cu. yds., cap. & under; Sheep Foot Roller (Self-propelled); Shovels; Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track type Fork Lifts or High Lifts; Track Jacks & Tampers; Tractors; Sidboom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Snoops (All or Tournapull)

CLASS II: Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactor; Well Drill Machines; & Mud Jacks (Hwy & Hwy only)

CLASS III: Air Compressor*; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors*; Concrete Mixers (except plant, paver, tower); Firemen; Generators*; Greasers; Light Plants*; Mechanical Heaters*; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operation; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments Regardless of size or type; Truck Crane Oiler & Driver 1 (man); Vibratory Hammer; Water Pumps*; Welding Machines (one 300 amp. or over*); Welding Machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mason County					
GROUP 1	$13.65	1.00	46.00a		
GROUP 2	14.05	1.00	46.00a		
GROUP 3	14.25	1.00	46.00a		
GROUP 4	14.50	1.00	46.00a		
Remaining Counties					
GROUP 1	13.30	1.00	46.00a		
GROUP 2	13.70	1.00	46.00a		
GROUP 3	13.90	1.00	46.00a		
GROUP 4	14.15	1.00	46.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

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DREDGING CONSTRUCTION Mason County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appn Tr.
GROUP 1	13.07	.45	.80		.05
GROUP 2	12.87	.45	.80		.05
GROUP 3	12.495	.45	.80		.05
GROUP 4	12.22	.45	.80		.05
GROUP 5	11.61	.45	.80		.05

GROUP 1 - Operators on Hydraulic Dipper or Clamshell Dredges, Engineers and Repairmen, Operators on Work Boats
GROUP 2 - Power Winches 1-2-3 Drums
GROUP 3 - Security Engineer
GROUP 4 - Cranemen on Dipper Dredges, Operators on Launches or Power Boats
GROUP 5 - Firemen & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: Hardin, Jefferson & Meade

DECISION NUMBER: KY81-1277 DATE: Date of Publication

Supersedes Decision Number KY80-1090, dated August 22, 1980 in 45 FR 56280-56283

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$14.45	.60	1.75		
Boilermakers	14.50	1.275	1.20		.04
Bricklayers & Stonemasons	13.84	.75	.75		.01
Carpenters:					
Carpenters & Lathers	13.35	.80	.80		.05
Piledrivermen	13.60	.80	.80		.05
Cement Masons	12.64	1.00	1.00		.08
Electricians	16.14	1.00	3%+1.61		½ of 1%
Elevator Constructors:					
Mechanic	14.61	1.345	.95	a + b	.035
Helper	10.23	1.345	.95	a + b	.035
Ironworkers	13.45	1.00	2.85		.10
Line Construction:					
Linemen, line truck, operators & hole diggers	16.14	1.00	3%+1.61		½ of 1%
Groundmen	10.02	1.00	3%+1.25		½ of 1%
Marble, Tile & Terrazzo Workers	11.10	.50	.40		
Marble, Tile & Terrazzo Finishers	10.75				
Millwrights	13.85	.70	.85		.05
Painters:					
AREA I - within a 35 mile radius from the Jefferson County Courthouse in Louisville, Kentucky					
Brush, roller, drywall painting, taping & finishing	11.07	.55	.60		.03
Steeple jack work, boatswain chairs, safety-belt work, steamcleaning sandblasting, exterior stage work & window jack work over 50' in height	11.42	.55	.60		.03
Spray	11.52	.55	.60		.03

KY81-1277 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters (cont.)					
AREA I					
Repaint work - Brush, roller, drywall painting, taping, finishing & paperhanging	10.32	.55	.60		.03
Repaint work - Spray	10.77	.55	.60		.03
AREA II - over a 35 mile radius from Jefferson County Courthouse					
Brush, roller, drywall painting, taping, finishing & paperhanging	11.42	.55	.60		.03
Steeple jack work, boatswain chairs, safety-belt work, steamcleaning sandblasting, exterior stage work & window jack over 50' in height	11.77	.55	.60		.03
Spray	11.87	.55	.60		.03
Repaint work - Brush, roller, drywall painting, taping, finishing, & paperhanging	10.67	.55	.60		.03
Repaint Work - Spray	11.12	.55	.60		.03
Plasterers	11.85				
Plumbers & Pipefitters					
AREA I - Jefferson County					
Plumbers	16.22	1.05	1.60		.15
Pipefitters	15.46	.85	1.59		.12
AREA II - Hardin (northern portion of County up to but not including Elizabethtown) & Meade					
Plumbers	16.77	1.05	1.60		.15
Pipefitters	15.96	.85	1.59		.12

KY81-1277 cont.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers cont.					
AREA III - Hardin (remainder of county)					
Plumbers	17.02	1.05	1.60		.15
Pipefitters	16.21	.85	1.59		.12
Roofers:					
Roofers	8.80	.65	.45		
Slate, tile, & precast concrete slabs	9.20	.65	.45		
Sheet Metal Workers	15.60	1.651	1.66		.16
Sprinkler Fitters	15.31	.95	1.40		.08
Welders - Rate for craft					
TRUCK DRIVERS:					
Truck Helper & warehousemen	8.86	.525c	.50c	d	
Driver, 3 tons & under, greaser, tire changer & mechanic helper	8.98	.525c	.50c	d	
Driver, over 3 tons, semi-trailer or pole trailer, dump trucks, tandem axle, farm tractor when used to pull building material or equipment	9.09	.525c	.50c	d	
Driver, concrete mixer, trucks (all types, hauling only on job sites)	9.16	.525c	.50c	d	
Driver, Euclid & other heavy earth moving equipment & low-boy, winch truck & A-frame & monorail truck when used to transport building materials	9.26	.525c	.50c	d	

KY81-1277 cont.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$10.00	.45	.80		.03
Group 2	10.70	.45	.80		.03
Group 3	10.90	.45	.80		.03
Group 4	11.05	.45	.80		.03
Group 5	11.20	.45	.80		.03
Group 6	11.90	.45	.80		.03

LABORERS CLASSIFICATIONS

Group 1 - Flagman, Traffic
Group 2 - Laborers, general (tool room checkers when required; concrete forms stripping & wrecking in accordance with the October 3, 1949 Memorandum of Understanding between the Carpenters & Laborers; carpenter tenders; cement finisher tenders; placing of concrete; wrecking on building by laborers; hand digging & hand backfilling of ditches where the signatory Employer controls the work assignments; hand clearing or rights of way & building sites; curing of concrete & application of hardner; handling of chemically treated lumber; installing of wood sheeting & shoring; signal laborers concrete bucket & masonry work; cleaning & moving of general purpose materials in accordance with the October 3, 1949 Memorandum of Understanding between the Carpenters & Laborers; & general cleanup of all scrap & debris). Mobile sweeper
Group 3 - Power driven Georgia Buggy, chain saw, vibrator operator, mesh handler, power tools (air diesel, electric, gasoline), wagon drill, pipe layer, wall man, treatment of exposed concrete (chip, bush hammer & rub) concrete saw, gasoline tamper machine, walk behind trenching machine, burner man, joint maker, asphalt raker
Group 4 - Air track driller, mason tender, side rail setter (metal), stackman fork lift operators - masonry & plastering contractors only
Group 5 - Powderman, introflax burning rod, gunnite nozzle man operator sewer, tunnel laborers (free air), sand hog or mucker (free air)
Group 6 - Holeman drilled piers, augured caissons, sand miner (tunnel free air), caisson workers

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$14.27	.65	1.20		.08
Class B	11.53	.65	1.20		.08
Class C	10.76	.65	1.20		.08

CLASSIFICATION DEFINITIONS

Class A - Auto Patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction) all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, Kecal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader; tunnel mining machines including moles, shields or similar types of tunnel mining equipment

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor board, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and endloader, elevator (regardless of ownership when used for hoisting any building material) hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day

b. Employer contributes 2% of the basic hourly rate for 5 years or more of service, or 6% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit

c. Employer contribution to employees whose names appear on the payroll & have been employed a minimum of 20 work days within any 90 consecutive day period

d. Vacation pay equal to 40 hours to any employee who has been regularly employed on a project for one year & who has worked a minimum of 1200 hours during the year

UNLISTED CLASSIFICATIONS needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: Michigan
COUNTY: Lenawee
DECISION NUMBER: MI81-2056
DATE: Date of Publication
Supersedes Decision No. MI78-2061 dated May 26, 1978 in 43 FR 22865
DESCRIPTION OF WORK: Residential Construction consisting of Single Family Homes and Apartments up to and including 4 Stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$10.54	.86	.55		.05
CARPENTERS	7.90				
CEMENT MASONS - Finishers	9.18				
HEATING/AIR CONDITIONING MECHANICS	6.00				
LABORERS	5.61				
PAINTERS	6.00				
PLUMBERS	7.00				
SHEET METAL WORKERS	7.00				
TRUCK DRIVERS	9.38	a14.00	a22.00	b	
POWER EQUIPMENT OPERATORS:					
Backhoe	10.61	.80	1.00	10%	.05
Bulldozer	10.61	.80	1.00	10%	.05
Front End Loader	10.61	.80	1.00	10%	.05
Roller	10.61	.80	1.00	10%	.05
WELDERS - Rate for Craft					

FOOTNOTES:
a - Per Week, Per Employee
b - 2%, 4% or 6% of previous year's earnings depending on length of service.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI
COUNTIES: Attala, Calhoun, Carroll, Grenada, LaFlore, and Montgomery
DECISION NUMBER: MS81-1280
DATE: Date of Publication
Supersedes Decision No.: MS81-1176, January 30, 1981 in 46 FR 10094
DESCRIPTION OF WORK: Building Construction (exoluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$7.20				
CARPENTERS	6.29				
CEMENT MASONS	5.00				
DRYWALL FINISHERS	6.35				
DRYWALL HANGERS	6.45				
ELECTRICIANS	6.00				
GLAZIERS	5.16				
LABORERS	4.35				
LATHERS	6.20				
PAINTERS, Brush	6.50				
PLASTERERS	6.35				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.50				
Bulldozer	5.92				
Front End Loader	4.50				
Motor Patrol	5.50				
Scraper	5.25				
PLUMBERS & PIPEFITTERS	8.52				
ROOFERS	4.50				
SHEET METAL WORKERS	6.10				
SOFT FLOOR LAYERS	5.70				
TRUCK DRIVERS	4.35				
WELDERS - Rate for Craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

SUPERSEDEAS DECISION

STATE: Missouri & Kansas COUNTIES: Cass, Clay, Jackson, Platte & Ray Missouri; Johnson & Wyandotte, Kansas

DECISION No. M081-4065 DATE: Date of Publication

Supersedes Decision No. M080-4092 dated November 21, 1980 in 45 FR 77281

DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.74	1.05	1.75		.06
BOILERMAKERS	14.97	1.375	1.15		.05
BRICKLAYERS & STONEMASONS	14.89	1.00	.95		
CARPENTERS	13.55	.65	.75		.07
CEMENT MASONS	13.925	.80	.85		
ELECTRICIANS:					
Up to and including 3 stories:					
ZONE 1 - Johnson County, Kansas (that portion of Johnson County west of Aubry, Oxford & Shawnee Twps.) Cass, Clay, Jackson, Platte & Ray Counties, Missouri; & Wyandotte County, Kansas; & remainder of Johnson County, Kansas	[illegible]	[illegible]	3%+.90	[illegible]	[illegible]
ELECTRICIANS (4 stories);					
ZONE 1- Western half of Clay & Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County; Northwestern portion of Cass County, Missouri; not including Pleasant Hill	14.68	.69	3%+.90	7%	.12
ZONE 2 -Remainder of Cass, Clay, Jackson & Platte Counties, Missouri:					
Electricians (contracts exceeding 2000 man hours)	14.68	.69	3%+.90	7%	.12

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (4 stories): (Cont'd)					
ZONE 3 - Electricians (contracts not exceeding 2000 man hours	$13.68	.69	3%+.90	7%	.12
ZONE 4 - Ray County, Missouri.					
Electricians (contracts exceeding 2000 man hours	14.68	.69	3%+.90	7%	.12
Electricians (contracts not exceeding 2000 man hours	13.08	.69	3%+.90	7%	.12
ELEVATOR CONSTRUCTORS'	15.42	1.345	.95	8%+a	.03%
ELEVATOR CONSTRUCTORS HELPERS	70%JR	1.345	.95	8%+a	.035

FOOTNOTES: - a-Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 paid holidays.

GLAZIERS	12.35	.90	1.10	17.1%	.05
IRONWORKERS	13.85	.80	1.50	1.00	.05
LABORERS:					
Building Construction:					
ZONE I					
GROUP I	12.25	.60	.60		.10
GROUP II	12.40	.60	.60		.10
GROUP III	12.55	.60	.60		.10

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CLASSIFICATION DEFINITIONS

LABORERS (ZONE 1)
GROUP I - General labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects).
GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; georgie buggies (self-propelled) fork lift; hosemen; insulation man.
GROUP III - Fork lift (masonry); brick tender; plaster tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar man and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; power men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Site Preparation & Grading ZONE 2 - Johnson & Wyandotte Counties, Kansas; Site preparation, incidental paving & utilities Clay, Jackson, Platte & Ray Counties, Missouri					
GROUP I	$11.20	.60	1.00	1.05	.10
GROUP II	11.35	.60	1.00	1.05	.10
GROUP III	11.50	.60	1.00	1.05	.10
GROUP IV	11.70	.60	1.00	1.05	.10
GROUP V	12.00	.60	1.00	1.05	.10

CLASSIFICATION DEFINITIONS

LABORERS: (ZONE 2)
GROUP I - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagman; loading trucks under bins, hoppers and conveyors track men and all other general laborers.
GROUP II - Air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checker on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only).
GROUP III - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow [illegible] on river work; all laborers working [illegible].
GROUP IV - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline man on concrete paving, curbs, gutters and etc.; hot mastic kettleman; hot tar application; hand blade operator; manhole builders tenders and mortar men on brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels.
GROUP V - Manhole Builder (Brick or Block); dynamite and powder man.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$12.55	.40			
TILE SETTERS	15.20	5%	5%		
TILE SETTERS FINISHERS	13.20				
PAINTERS:					
Brush & roller	13.09	.55	.75		
Spray	14.09	.55	.75		
PLASTERERS	15.80				
PIPEFITTERS	14.54	.72	1.60		.10
PLUMBERS	16.16	1.20	1.30		.15
POWER EQUIPMENT OPERATORS:					
Building Construction (Zone 1)					
GROUP I	14.11	1.00	1.25	1.05	.20
GROUP II	13.76	1.00	1.25	1.05	.20
GROUP III:					
(a)	9.80	1.00	1.25	1.05	.20
(b)	11.86	1.00	1.25	1.05	.20
(c)	11.00	1.00	1.25	1.05	.20
(d)	12.11	1.00	1.25	1.05	.20
GROUP IV	14.36	1.00	1.25	1.05	.20
GROUP V	14.01	1.00	1.25	1.05	.20
GROUP VI	14.61	1.00	1.25	1.05	.20
GROUP VIII:					
(a)	13.86	1.00	1.25	1.05	.20
(b)	13.61	1.00	1.25	1.05	.20
(c)	11.61	1.00	1.25	1.05	.20
GROUP VIII	15.11	1.00	1.25	1.05	.20
GROUP IX	14.61	1.00	1.25	1.05	.20

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

GROUP II Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies; sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tandem; compressors single, truck mounted; elevator; finishing machine

Group III -
(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systers, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.

Group IV -
Clamshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft. of boom or over (incl. jib)

Group V
Hoists-each additional drum over 1 drum

Group VI
Crane or rigs, over 200 ft. of boom

Group VII
Ready Mixed Concrete Plants:
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor Operator

Group VIII
Master Mechanic

Group IX
Crane-tower or climbing

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS: Site preparation & grading Johnson & Wyandotte Counties, Kansas; Site preparation, incidental paving & utilites Clay, Jackson, Platte & Ray Counties, Missouri					
(ZONE 2)					
GROUP I	$13.10	1.05	1.25	1.05	.15
GROUP II	12.85	1.05	1.25	1.05	.15
GROUP III	12.15	1.05	1.25	1.05	.15
GROUP IV					
(a)	9.03	1.05	1.25	1.05	.15
(b)	11.15	1.05	1.25	1.05	.15
GROUP V	13.35	1.05	1.25	1.05	.15
GROUP VI	13.10	1.05	1.25	1.05	.15

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; [illegible]; bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drill-cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader-fork lift; hoistline engine-2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; push cat operator; quad-track; scoop operator-all types; scoops in tandem; self-propelled rotary drill (leroy or equal-not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operater; slip-form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator-2.

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS-Zone 2 Cont'd
GROUP II - A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator elevating grader; greaser; hoisting engine-1 drum; letourneau rooter; multiple compactor; pavement breaker, self propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator, tractor operator over 50 h.p..
GROUP III - Boilers-1; chip spreader (front man); churn drill operator; compressor maintenance operator-1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor, 50 h.p. or less, without [illegible]; welding machine maintenance operator-1.
GROUP IV
(a) Oiler
(b) Oiler drivers, all types
GROUP V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over
GROUP VI - Hoists (each additional drum over 1 drum)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS: Site preparation & grading Johnson & Wyandotte Counties, Kansas; Site preparation, incidental paving & utilites Clay, Jackson, Platte & Ray Counties, Missouri					
(ZONE 3)					
GROUP I	$13.10	1.05	1.25	1.05	.15
GROUP II	12.85	1.05	1.25	1.05	.15
GROUP III	12.15	1.05	1.25	1.05	.15
GROUP IV					
(a)	9.03	1.05	1.25	1.05	.15
(b)	11.15	1.05	1.25	1.05	.15
GROUP V	13.35	1.05	1.25	1.05	.15
GROUP VI	13.10	1.05	1.25	1.05	.15

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; [illegible]; bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drill-cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader-fork lift; hoistline engine-2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; push cat operator; quad-track; scoop operator-all types; scoops in tandem; self-propelled rotary drill (leroy or equal-not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operater; slip-form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator-2.

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS-Zone 3 Cont'd
GROUP II - A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator elevating grader; greaser; hoisting engine-1 drum; letourneau rooter; multiple compactor; pavement breaker, self propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator, tractor operator over 50 h.p..
GROUP III - Boilers-1; chip spreader (front man); churn drill operator; compressor maintenance operator-1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor, 50 h.p. or less, without [illegible]; welding machine maintenance operator-1.
GROUP IV
(a) Oiler
(b) Oiler drivers, all types
GROUP V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over
GROUP VI - Hoists (each additional drum over 1 drum)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	$13.05	.75	.75		.14
SHEET METAL WORKERS	15.42	.75	1.44		.17
SOFT FLOOR LAYERS	11.26	.60	1.00	1.00	1%
SPRINKLER FITTERS	14.83	.85	1.20		.06
TERRAZZO WORKERS	14.31	5%	5%		
TERRAZZO FINISHERS	11.76				
TERRAZZO BASE MACHINE OP.	12.11				
TRUCK DRIVERS:					
Building Construction:					
Zone 1					
GROUP I	10.925	.75	1.00		
GROUP II	10.975	.75	1.00		
GROUP III	11.05	.75	1.00		
GROUP IV	11.175	.75	1.00		
GROUP V	11.075	.75	1.00		
GROUP VI	11.275	.75	1.00		
GROUP VII	11.125	.75	1.00		
GROUP VIII	11.025	.75	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - Zone 1
GROUP I - Warehousemen and stock man.
GROUP II - Flat beds; pick-ups; dump trucks, under 10 yds.
GROUP III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers.
GROUP IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, A-frame winch and fork lifts; heavy excavating (dumpster, euclid, etc.); double bottom units (20 tons capacity and over).
GROUP V - Distributor truck drivers and operators; oilers, greasers and mechanics' tenders.
GROUP VI - Mechanics.
GROUP VII - Transit mix, 5 yds. and over.
GROUP VIII - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Site preparation & grading Johnson & Wyandotte Counties, Kansas; Site preparation, Incidental paving & utilities Clay, Jackson, Platte & Ray Counties, Missouri					
Zone 2					
GROUP I	$11.75	1.00	1.50	.75	
GROUP II	11.95	1.00	1.50	.75	
GROUP III	12.26	1.00	1.50	.75	
GROUP IV	12.41	1.00	1.50	.75	
GROUP V	11.53	1.00	1.50	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - Zone 2
GROUP I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle.
GROUP II - Material trucks, tandem; two teams; semi-trailers; winch trucks-fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers; single axle; tank wagon [illegible] trailers; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment.
GROUP III - A-frame, lowboy, and boom truck driver.
GROUP IV - Mechanics and welders.
GROUP V - Mechanics tender, oilers and greasers.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)."

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SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: Brunswick, New Hanover, and Pender

DECISION NUMBER: NC81-1279 DATE: Date of Publication

Supersedes Decision No.: NC80-1018 dated January 4, 1980 in 45 FR 1374

DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$6.31				
BRICKLAYERS	7.25				
CARPENTERS	5.00				
CEMENT MASONS	5.00				
DRYWALL FINISHERS	7.00				
DRYWALL HANGERS	6.00				
ELECTRICIANS	6.63				
GLAZIERS	6.38				
INSULATION INSTALLERS	3.88				
LABORERS	3.80				
PAINTERS, Brush	5.26				
POWER EQUIPMENT OPERATORS:					
Backhoe	6.25				
Bulldozer	4.75				
Grader	5.00				
Loader	4.50				
Tractor	4.00				
PLUMBERS &PIPEFITTERS	6.35				
ROOFERS	5.00				
SHEET METAL WORKERS	5.00				
TILE SETTERS	6.88				
TRUCK DRIVERS	3.82				
WELDERS - Rate for Craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Garfield

DECISION NO. OK81-4066 DATE: Date of Publication

SUPERSEDES DECISION #OK80-4063 dated July 18, 1980 in 45FR48441

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.63	.70	1.50		.04
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS-STONEMASONS	12.65				
CARPENTERS:					
Carpenters	10.10	.55	.25		.05
Millwrights-Filedrivermen	11.45	.55	.80		.09
CEMENT MASONS	9.10				
ELECTRICIANS:					
ZONE I	13.35	.70	8%+.10		1%
ZONE II	13.60	.70	8%+.10		1%
ZONE III	13.85	.70	8%+.10		1%
CABLE SPLICERS:					
ZONE I	13.60	.70	8%+.10		1%
ZONE II	13.85	.70	8%+.10		1%
ZONE III	14.10	.70	8%+.10		1%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITIONS

ZONE I - The area within the twelve mile radius of the main Post Office located in the City of Enid.

ZONE II - The area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area.

ZONE III - the area outside zone 1 and 2 within the local union area.

ELEVATOR CONSTRUCTORS	13.94	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.345	1.085	a+b	.035
GLAZIERS	11.10		.30		
IRONWORKERS	13.35	.80	1.15		.12
LABORERS:					
GROUP I	7.15	.25	.40		
GROUP II	7.40	.25	.40		
GROUP III	8.00	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials all cleaning, including cleaning of windows; wrecking & razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tenders; and common laborers.

GROUP II -All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; highwork over 30 ft. from the ground or floors; cement finisher tenders;work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping teating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete, handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating and sand blaster, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
MARBLE SETTERS	$13.52		.90		
PAINTERS:					
GROUP I	11.65	.50	.50	.50	.03
GROUP II	12.15	.50	.50	.50	.03
GROUP III	12.65	.50	.50	.50	.03
GROUP IV	12.15	.50	.50	.50	.03
GROUP V	12.15	.50	.50	.50	.03

PAINTERS CLASSIFICATION DEFINITIONS

GROUP I - Brush or roller, bedding and taping
GROUP II - Spray and sandblasting under 30 feet
GROUP III - Spray and sandblasting over 30 feet
GROUP IV - Tapers using machine tools
GROUP V - Hazardous work

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS-PIPEFITTERS	$14.99	.85	.85		.12
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	14.90	.88	1.53		.11
SOFT FLOOR LAYERS(RESILIENT FLOOR LAYERS & CARPET LAYER)	12.10	.60		1.20	.03
SPRINKLER FITTERS	13.71	.85	1.20		.08
TERRAZZO WORKERS	13.52		.90		
TILE LAYERS	13.52		.90		
LINE CONSTRUCTION:					
Linemen	$12.50		3%		1/2%
Cable splicers	13.25		3%		1/2%
Hole digger operator	11.33		3%		1/2%
Heavy equipment operator(or pole cat equivalent)	11.33		3%		1/2%
Line truck driver (winch op)	10.27		3%		1/2%
Jack hammerman	9.35		3%		1/2%
Powderman	11.33		3%		1/2%
Groundman	8.34		3%		1/2%
Truck driver (flat bed, ton and half and under)	8.91		3%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 300' of boom or over (including jib)

GROUP II
All crane type equipment with 200-300' of boom (including jib)

GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more

GROUP IV
Sideboom (booms 30' and over); Guy Derrick

GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)

GROUP VI
Fork lift (35' and over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machine

GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck crane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
GROUP I	$ 9.70				
GROUP II	9.70				
GROUP III	9.40				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUPS I
Truck drivers for heavy equipment such as lowboys, heavy winch and floats

GROUP II
Heavy earth moving equipment such as dump trucks and euclids

GROUP III
Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks

PAID HOLIDAYS:
A-New years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksfiving; G-Christmas Day

FOOTNOTES:
a - 1st 6 mos. to 5 yrs. 6%; over 5 yrs. 8% of basic hourly rate plus 2½% of hourly rate.
b - Paid Holidays, A through G

WELDERS -- receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Oklahoma

COUNTIES: Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Lincoln, Logan, McClain, Grady, Seminole and Pottawatomie

DECISION NO. OK81-4067

DATE: Date of Publication

SUPERSEDEAS DECISION #OK80-4064 dated July 18, 1980 in 45FR48444

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.63	.70	1.50		.04
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Canadian, Logan and McClain Cos.	13.80	.88	1.05		.13
Linclon, Pottawatomie and Seminole Counties	12.53	.88	1.00		.20
Kingfisher County					
Caddo and Grady Counties	12.42	.62	1.00		.10
CARPENTERS - ZONE I					
Carpenters	10.05	.55	.60		.05
Power saw operator	10.30		.60		.05
Millwrights-Piledrivermen	13.05	.65	.80		.09
CARPENTERS - ZONE II					
Carpenters	12.55	.65	.80		.09
Millwrights-Piledrivermen	13.05	.65	.80		.09
Power saw operator	13.05	.65	.80		.09
CARPENTERS - ZONE III					
Carpenters	13.45				
Power saw operator	13.70				
Millwrights-Piledrivermen	13.70				
CARPENTERS - ZONE IV					
Carpenters	9.75	.55	.50		
Millwrights-Piledrivermen	10.575	.55	.50		
MILLWRIGHTS-PILEDRIVERMEN:					
Caddo and Grady Counties	13.05	.65	.80		.09

CARPENTERS AREA DEFINITIONS

ZONE I
Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99

ZONE II
Pottawatomie County and part of Lincoln County south of Turner Turnpike; all of Oklahoma, Canadian, Kingfisher and Logan Counties

ZONE III
McClain and Cleveland Counties

ZONE IV
Seminole County

DECISION OK81-4067

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Lincoln, Oklahoma, McClain, Caddo, Grady, Cleveland, Canadian, Logan and Kingfisher Counties	12.03	.60			
ELECTRICIANS:					
Zone I	13.35	.70	8%+.10		1%
Zone II	13.60	.70	8%+.10		1%
Zone III	13.80	.70	8%+.10		1%
CABLE SPLICERS:					
Zone I	13.60	.70	8%+.10		1%
Zone II	13.85	.70	8%+.10		1%
Zone III	14.10	.70	8%+.10		1%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITIONS

ZONE I
The area within the twelve mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City.

ZONE II
The area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 post office, except where 2 intercepts another zone 1 area

ZONE III
The area outside zones 1 and 2 within the local union area

ELEVATOR CONSTRUCTORS	13.94	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS HELPER	70%JR	1.345	1.085	a+b	.035
GLAZIERS	11.10		.30		
IRONWORKERS	13.35	.80	1.15		.12
LABORERS:					
ZONE I					
Group I	8.85	.25	.40		
Group II	9.10	.25	.40		
ZONE II					
Group I	7.30	.25	.40		
Group II	7.55	.25	.40		
ZONE III					
Group I	7.45	.25	.40		
Group II	7.75	.25	.40		
ZONE IV					
Group I	7.15	.25	.40		
Group II	7.40	.25	.40		

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LABORERS CLASSIFICATION DEFINITION

GROUP I - Unskilled laborers
GROUP II - Air tool operator (jackhammer-vibrator), mason tenders, mortar mixers, pipelayers (concrete and clay)

AREA COVERED BY LABORERS ZONES

ZONE I
Oklahoma, Canadian, Logan, Pottawatomie, Lincoln and Cleveland Counties
ZONE II - McClain, Caddo and Grady Counties
ZONE III - Seminole County
ZONE IV - Kingfisher County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$12.55	.55	.80		.09
MARBLE MASONS	13.52		.80		
PAINTERS:					
Brush	11.65	.50	.50	.50	.03
Spray under 30 feet	12.15	.50	.50	.50	.03
Spray over 30 feet	12.65	.50	.50	.50	.03
Paperhanging	12.65	.50	.50	.50	.03
Tapers using machine tools	12.15	.50	.50	.50	.03
PLASTERERS	14.20				.01
PLUMBERS-PIPEFITTERS	14.99	.85	.85		.12
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	14.80	.88	1.53		.11
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	12.10	.60		1.00	.01
SPRINKLER FITTERS	13.71	.85	1.20		.08
TERRAZZO WORKERS	13.52		.80		
TILE SETTERS	13.52		.80		
TRUCK DRIVERS:					
GROUP I	9.70				
GROUP II	9.70				
GROUP III	9.40				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I
Truck drivers for heavy equipment such as lowboys, heavy winch and floats
GROUP II
Heavy earth moving equipment such as dump trucks and Euclids
GROUP III
Truck drivers and swampers, such as dump trucks, flat beds, stake bodies, and 3/4 & 1/2 ton pick-up trucks

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor DAy; E-Thanksgiving Day; F-Day After Thanksgiving; G-Christmas Day

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 years 6%; over 5 years 8% of basic hourly rate. Plus 2½% of hourly rate.
b - PAID HOLIDAYS A through G

WELDERS --receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(ii).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$12.50		3%		1/2%
Cable splicers	13.25		3%		1/2%
Hole digger operator	11.33		3%		1/2%
Heavy equipment operator (or pole cat equivalent)	11.33		3%		1/2%
Line truck driver (winch op)	10.27		3%		1/2%
Jack hammerman	9.35		3%		1/2%
Powderman	11.33		3%		1/2%
Groundman	8.34		3%		1/2%
Truck driver (flat bed, ton and half and under)	8.91		3%		1/2%
POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 300' of boom or over (including jib)
GROUP II
All crane type equipment with 200-300' of boom (including jib)
GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more
GROUP IV
Sideboom (booms 30' and over); Guy Derrick
GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)
GROUP VI
Fork lift (35' and over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type
GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machines
GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck crane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: RHODE ISLAND COUNTIES: STATEWIDE
DECISION NO. RI81-3042 DATE: DATE OF PUBLICATION
Supersedes Decision No. RI81-2054 dated July 18, 1980 in 45 FR 48451
DESCRIPTION OF WORK: Building (including Residential), Heavy, Highway, and Marine Construction Projects

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.18	1.45	1.63		
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS; STONEMASONS:					
Cities, Towns or Towhships of Charlestown, Hopkinton, Peace Dale, Richmond, South Kingstown, Wakefield, & Westerly	12.30	1.25	1.35		.02
Remainder of State	12.30	1.25	1.35		.02
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; & SOFT FLOOR LAYERS:					
Cities of Providence, Pawtucket, East Providence, Central Falls, Cranston, Warwick, Woonsocket; Towns of Barrington, Burrillville, Warren, Bristol, West Warwick, East Greenwich, West Greenwhich, North Providence, Johnston, Cumberland, Lincoln, Smithfield, North Smithfield, Foster, Scituate, Gloucester, Coventry, North Kingstown, South Kingstown, Exeter, Narragansett, Westerly, & Charlestown:					
Building	13.00	.80	1.50		.05
Millwrights	13.25	.80	1.50		.05
City of Newport; Towns of Middletown, Portsmouth, Jamestown, Tiverton, Little Compton, New Shoreham (Block Island), & Prudence Island:					
Carpenters; Soft Floor Layers	12.23	.85	1.00		.03

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DECISION NO. RI81-3042	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (CONT'D)					
Millwrights (except cities of Tiverton & Little Compton); Pile-drivermen	12.83	.85	1.00		.03
Millwrights (Cities of Tiverton & Little Compton)	12.15	.95	1.00		.10
CEMENT MASONS; PLASTERERS:					
Woonsocket, N. Smithfield, Burrillville, Chepachet, Cumberland (N 1/3), & Lincoln	12.30	1.25	1.35		.02
Westerly, Hopkinton, South Kingstown, Charlestown, Richmond, Wakefield, & Peace Dale	12.30	1.25	1.35		.02
Remainder of State:					
Cement Masons	12.35	1.15	.75		
Plasterers	10.85	.90	.45		
ELECTRICIANS:					
Tiverton & Little Compton	11.30	7%	3%+1.00	6%	½%
Westerly Township	13.05	1.50	3%+1.60		½%
Remainder of State	13.85	.73	3%+2.05		.02
ELEVATOR CONSTRUCTORS	12.42	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.95	a+b	.035
GLAZIERS	11.03	.62	1.60		.01
IRONWORKERS:					
Ornamental; Reinforcing; & Structural	12.33	1.15	2.35		.05
LABORERS:					
Laborers; Carpenter Tenders; Cement Finisher Tenders; Mason Teners; Scaffold Erectors & Wrecking Laborers	10.55	.75	1.10		.10
Asphalt Rakers; Adzemen; Pipe-Trench Bracers; Demolition Burners; Chain Saw Ops.; Fence & Guard Rail Erectors; Setters of Metal Forms for Roadways; Pipelayers; Riprap & Dry Stonewall Builders; Highway Stone Spreaders					
Pneumatic Tool Ops.; Wagon Drill Ops.; Tree Trimmers; Barco Type Jumping Tampers; Mechanical Grinder Ops.; Plasterers' Tenders; Scaffold Builders; & Mortar Mixers	10.80	.75	1.10		.10
Pre-cast Floor and Roof Plank Erectors	11.05	.75	1.10		.10
Pumping Machine Operator	11.15	.75	1.10		.10
Air Track Ops.; Block Pavers; Rammers; & Curb Setters	11.30	.75	1.10		.10
Blasters; Powdermen	11.55	.75	1.00		.04
LATHERS:					
Newport Co. (Southern ½)	11.65	.70	1.00		.04
Remainder of State	10.19	.65	.85		.01
MARBLE SETTERS: TERRAZZO WORKERS; & TILE SETTERS	11.50	1.10	1.15		
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS FINISHERS; & TILE SETTERS' FINISHERS	10.00		1.99		
PAINTERS:					
Adamsville, Compton, Little Compton, North Tiverton, Sakonnet, & Tiverton:					
Brush; Tapers:					
New Construction	11.71	.82	1.40		.04
Repaint	9.96	.82	1.40		.04
Sanblasting; Spray	12.71	.82	1.40		.04
Steel	13.83	.82	1.40		.04
Remainder of State:					
Brush; Roller; Tapers	11.65	.70	1.05		
Structural Steel; Steam-cleaning	11.90	.70	1.05		
Air Powder Brush	12.15	.70	1.05		
Spray & Sand or Water Blasting	12.65	.70	1.05		

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DECISION NO. RI81-3042	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt Plant Operators; Boilermen; Compressor Operators; Concrete Pump Operators; Crane Operators; Dragline Operators; Elevator Operators; Fireman; Forklift Operators; Hoist Operators; Mechanics; Oilers; Power Shovel Operators; Pump Operators; Roller Operators; Tractor Operators; Trenching Machine Operators; Truck Drivers	11.30	.75	1.10		.10
Bulldozer Operators; Motor Grader Operators	11.55	.75	1.10		.10
ROOFERS:					
Tar & Gravel	11.50	.75	1.00		.04
Slate & Tile	11.50	.75	1.00		.04
Remainder of State	10.19	.65	.85		.01
SHEETMETAL WORKERS	11.50	1.10	1.15		
TRUCK DRIVERS:					
Single Axle	10.55	.75	1.10		.10
Tandem Axle	10.80	.75	1.10		.10
Three Axle	11.05	.75	1.10		.10
Four Axle	11.15	.75	1.10		.10
Five Axle	11.30	.75	1.10		.10
Six Axle	11.55	.75	1.10		.10
Seven Axle	11.65	.75	1.10		.10
Eight Axle	11.90	.75	1.10		.10
Nine Axle	12.15	.75	1.10		.10
Ten Axle	12.65	.75	1.10		.10

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DECISION NO. RI81-3042	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS, SIGN:					
Bristol, Kent, & Providence Cos.	8.80	.64	.40	c+d	.04
PLUMBERS	13.30	1.03	2.95		.10
ROOFERS:					
Composition, Waterproofers	12.15	.75	.70		
Slate, Tile, Precast Concrete	12.35	.75	.70		
SHEET METAL WORKERS	11.28	.96	1.55		.12
SPRINKLER FITTERS	14.81	.95	1.40		.01
STEAMFITTERS	14.70	.83	1.78		.07
HEAVY AND HIGHWAY CONSTRUCTION					
BRICKLAYERS: STONEMASONS:					
Catch Basins; Manhole Builders	12.30	1.25	1.60		.02
CARPENTERS; PILEDRIVERMEN:					
Bristol, Kent, Providence & Washington (excluding Block Island) Cos.	13.05	.80	1.50		.05
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; & WHARF;					
BRIDGE & DOCK CARPENTERS:					
Newport County & Block Island	12.83	.85	1.00		.03
Marine Divers	20.50	.05	1.00		.03
CEMENT MASONS & FINISHERS	9.85	.50	.35		
ELECTRICIANS:					
Little Compton & Tiverton	11.30	7%	3%+1.00	6%	½%
Westerly Township	13.05	1.50	3%+1.60		½%
Remainder of State	13.85	.73	3%+2.05		.02
IRONWORKERS:					
Ornamental; Reinforcing; & Structural	12.33	1.15	2.35		.05
LABORERS:					
Laborers; Carpenter & Cement Finisher Tenders & Wrecking Laborers	9.55	.75	1.10		.10
Adzeman; Asphalt Rakers; Barco-type Jumping Tampers; Chain Saw Ops.;					

DECISION NO. RI81-3042	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Concrete & Power Buggy Ops.; Concrete Saw Ops.; Demolition Burners; Fence & Guard Rail Erectors; Highway Stone Spreaders; Mason Tenders; Mechanical Grinder Ops.; Mortar Mixers; Pipelayers; Pipe-Trench Bracers; Pneumatic Tool Ops.; Riprap & Dry Stonewall Builders; Scaffold Erectors; Setters of Metal Forms for Roadways; Wagon Drill Ops.; Wood Chipper Ops.	9.80	.75	1.10		.10
Air track drill ops.; Brick Pavers; Block Pavers; Rammers; Curb Setters	10.30	.75	1.10		.10
Blasters & Powdermen	10.55	.75	1.10		.10
Open Air Caisson, Underpinning and Boring Crew:					
Bottom man	10.30	.75	1.10		.10
Laborer, Top Man	9.55	.75	1.10		.10
Driller	10.42	.75	1.10		.10
LINE CONSTRUCTION:					
Linemen	13.50	.70	3%+.50	c	3/8%
Cable Splicer; Driver Equipment Operator	12.06	.70	3%+.50	c	3/8%
Groundman	8.82	.70	3%+.50	c	3/8%
PAINTERS:					
Adamsville, Compton, Little Compton, North Tiverton, Sakonnet, & Tiverton:					
Brush; Tapers:					
New Construction	13.71	.82	1.90		.04
Repaint	12.29	.82	1.90		.04
Sandblasting; SPray	14.71	.82	1.90		.04
Steel	16.21	.82	1.90		.04
Remainder of State:					
Brush; Roller; tapers	11.65	.70	1.05		
Structural Steel; Steamcleaning	11.90	.70	1.05		

DECISION NO. RIU1-3042	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
Air Power Brush	12.15	.70	1.05		
Spray & Sand or Water Blasting	12.65	.70	1.05		
PAINTERS, SIGN:					
Bristol, Kent & Providence Cos.	8.80	.64	.40	c+d	.04
PLUMBERS	13.10	1.03	2.95		.10

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. 7 paid holidays: A through F, plus Day after Thanksgiving
b. Employer contributes 8% basic hourly rate for 5 years or more of service; 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit
c. 9 paid holidays: A through F, plus V. J. Day; Columbus Day; & Veterans Day
d. One year's seniority - one week's paid vacation; 2 years' seniority - 2 weeks' paid vacation
e. 7 paid holidays: A through F, plus Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

DECISION NO. RIU1-3042	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
Digging Machine; Ross Carriers; Cranes; Pile Drivers; Lighters; locomotives; Derricks; Hoists; Pavers; and Front End Loaders 3 yds. and over	13.765	.95	1.30		.15
Economobile Type Equipment	13.54	.95	1.30		.15
Fork Lift	13.34	.95	1.30		.15
Firemen and Oilers	10.04	.95	1.30		.15
Bulldozers; Graders; Spreaders; Tractors; Scrapers and Rollers	12.34	.95	1.30		.15
Front-end Loaders less than 3 yards	12.84	.95	1.30		.15
Pipping Type Backhoe	12.69	.95	1.30		.15
Well-point Installation	12.415	.95	1.30		.15
Gas or electric Driven Pumps; Heaters; Concrete Mixers; Concrete Pumps; Stone Crushers; Air Compressors; Welding Machines and Generators for Light Plants	10.59	.95	1.30		.15
BRIDGES, CAISSONS, DOCKS, MARINES PIERS, SUB-BASEMENT SUBTERRANEAN, TUNNELS, AND HEAVY CONSTRUCTION					
Digging Machine; Cranes; Pile Drivers; Lighters; Locomotives; Derricks; Hoists; Pavers; & Front End Loaders, 3 Yds. & Over	14.49	.95	1.30		.15
Firemen and Oilers	10.615	.95	1.30		.15
Bulldozers; Graders; Spreaders; Scapers; Rollers	13.04	.95	1.30		.15
Front-end Loaders, less than 3 yds.	13.54	.95	1.30		.15
Well-point Installation Crews	13.215	.95	1.30		.15

DECISION NO. MI81-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Gas or Electric Driven Pumps; Heaters; Concrete Mixers; Concrete Pumps; Stone Crushers; Air Compressors; Welding Machines; and Generators for Light Plants	11.04	.95	1.30		.15
Boat and Tug Operators	14.11a	.95	1.30		.15
WATER AND SEWERLINE PROJECTS, HIGHWAY AND BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION PROJECTS					
CLASS 1	13.595	.95	1.30		.15
CLASS 2	12.745	.95	1.30		.15
CLASS 3	12.125	.95	1.30		.15
CLASS 4	9.375	.95	1.30		.15
CLASS 5	12.075	.95	1.30		.15
CLASS 6	12.575	.95	1.30		.15
CLASS 7	12.195	.95	1.30		.15
CLASS 8	12.175	.95	1.30		.15
CLASS 9	10.195	.95	1.30		.15
CLASS 10	11.175	.95	1.30		.15
CLASS 11	10.975	.95	1.30		.15
CLASS 12	11.645	.95	1.30		.15
CLASS 13	11.375	.95	1.30		.15
CLASS 14	12.025	.95	1.30		.15

DECISION NO. MI81-3042

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

CLASS 1 - Digging Machines; Cranes; Pile Drivers; Lighters; Locomotives; Derricks; Hoists; Front End Loaders (3 to 4 yds.); Economobiles; Ross Carriers; and Pavers

CLASS 2 - Forklifts

CLASS 3 - Firemen

CLASS 4 - Oilers

CLASS 5 - Bulldozers; Spreaders; Rollers; Tractors

CLASS 6 - Front End Loaders, less than 3 yards

CLASS 7 - Scrapers; Graders; Dozer Pusher Operators

CLASS 8 - Pipping Type Backhoe Operators

CLASS 9 - Gas and Electric Driven Heaters; Pumps; Concrete Mixers; Stone Crushers; Air Compressors; Light Plants; Welding Machines; Concrete Pumps

CLASS 10 - Mechanical and Welders (Inside)

CLASS 11 - Bulldozers in Pits

CLASS 12 - Shovel Operators; Front End Loaders, 3 cu. yds. and over; Dragline and Crane Operators in Material yards

CLASS 13 - Test Boring Machine Operators

CLASS 14 - Well Point Installation Crews

DECISION NO. RI81-3042

~~HEAVY AND HIGHWAY CONSTRUCTION~~	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	9.97	1.0925	1.20	a+b	
CLASS II	10.12	1.0925	1.20	a+b	
CLASS III	10.17	1.0925	1.20	a+b	
CLASS IV	10.27	1.0925	1.20	a+b	
CLASS V	10.37	1.0925	1.20	a+b	
CLASS VI	10.62	1.0925	1.20	a+b	
CLASS VII	10.87	1.0925	1.20	a+b	

TRUCK DRIVERS CLASSIFICATIONS

CLASS I - Pick-up Trucks; Station Wagons and Panel trucks
CLASS II - Two Axle, Tenders on Low Beds
CLASS III - Three Axle Equipment
CLASS IV - Four and Five Axle Equipment
CLASS V - Low Bed Trailers; Special Earth Moving Equipment under 35 Tons; Mechanics; Paving Restoration Vehicle and Vac Haul
CLASS VI - Special Earth Moving Equipment over 35 Tons
CLASS VII - Trailers when used on a double Hook-up (pulling 2 Trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day, V-J Day, providing Employee has worked at least One Day in the Calendar Week in which the Holiday falls.

b. Employee who has been on the Payroll for 1 year or more but less than 5 years and has worked 150 Days during the last Year of Employment shall receive 1 week's paid Vacation; 5 to 10 years - 2 Weeks' paid Vacation; 10 or more years - 3 weeks' paid vacation

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

federal register

Friday
August 21, 1981

Part III

Department of Labor

Occupational Safety and Health Administration

Occupational Noise Exposure; Hearing Conservation Amendment; Rule and Proposed Rule

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Noise Exposure; Hearing Conservation Amendment

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Partial lifting of administrative stay; request for comments; clarification and interpretation of rule; corrections.

SUMMARY: On January 16, 1981 OSHA published an amendment to its occupational noise exposure standard (46 FR 4078) requiring hearing conservation programs for all employees whose noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels (dB). The amendment was to become effective on April 15, 1981, with various provisions being phased in over a two year period. OSHA deferred the effective date of the amendment until August 22, 1981 in order to give the Agency time to evaluate numerous requests for clarification and petitions for administrative stay.

By its action today, OSHA is (1) lifting the administrative stay as to many portions of the amendment, (2) making certain technical corrections, (3) inviting public comment on the continuation of the stay for other provisions, (4) inviting new information and comments on the merits of many provisions in the hearing conservation amendment and (5) clarifying various provisions of the amendment.

DATES: Except for those provisions that continue to be stayed, the amendment is effective August 22, 1981. See Supplementary Information for details. Comments on the continuation of the stay must be received by September 22, 1981. Comments on the provisions which are reopened must be received by November 23, 1981.

ADDRESSES: Written comments should be submitted to the OSHA Docket Office, Docket No. H–011, Room S–6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone 202–523–7894.

FOR FURTHER INFORMATION CONTACT: Dr. Alice Suter, Office of Physical Agents Standards, Occupational Safety and Health Administration, Room N–3718, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 523–7151.

SUPPLEMENTARY INFORMATION:

I. Background

On January 16, 1981 (46 FR 4078) OSHA promulgated an amendment to its occupational noise exposure standard (29 CFR 1910.95 (a) and (b)).[1] The new hearing conservation amendment requires employers to provide an effective hearing conservation program for all employees exposed to an 8 hour TWA of 85 dB.[2] This amendment supplements the existing standard and specifies the essential elements of an effective hearing conservation program. Briefly, the amendment contains requirements for monitoring employee noise exposure, annual audiometric testing for those employees exposed at or above a TWA of 85 dB, the proper selection of hearing protectors such as ear plugs, education and training of employees, warning signs and the keeping of records pertaining to exposure monitoring and audiometric testing.

The amendment covers all employees who work for employers covered by the Act except those engaged in construction or agriculture. OSHA estimated that at least 5.1 million employees in as many as 300,000 establishments have noise exposures above 85 dB and are therefore covered by the amendment. The amendment was estimated to cost approximately $254 million per year[3] or $53 per worker per year.

Employers were given 90 days in which to become familiar with the standard. Various provisions of the standard were to be phased in over a two year period. For example, employers were given 6 months from the effective date of the standard to do initial determinations and to monitor the employee exposures (originally this was to be done by October 15, 1981). Baseline audiograms had to be completed within a year of the effective date of the standard (April 15, 1982) and employers were given an additional year in which to obtain certain equipment such as audiometric test booths and dosimeters meeting the requirements of the standard.

After the amendment was promulgated the Agency received numerous requests for clarifications and interpretations of various provisions of the standard. A number of objections based on misunderstandings of certain portions of the standard or preamble were also received. In addition, there were petitions for administrative stay and a number of requests that the entire amendment be reconsidered pursuant to Executive Order 12291 (46 FR 13193) which was issued on February 17, 1981. Over 250 comments, petitions, and requests for clarification were received and it was necessary for the Agency to defer the effective date of the standard several times (see 46 FR 21365, 4/10/81, 46 FR 28845, 5/29/81 and 46 FR 39137, 7/31/81) in order to evaluate the merits of the numerous petitions and comments. Petitions for judicial review under section 6(f) of the Act have been filed by the Chocolate Manufacturers Association, Chamber of Commerce, American Iron and Steel Institute, Fleck Industries, Inc., and the AFL–CIO.

OSHA has very carefully reviewed and analyzed all of the comments, petitions, and requests for clarifications in light of the lengthy preamble to the amendment and consistent with the requirements of E.O. 12291 to evalute the cost-effectiveness of agency regulations. Based on this review, OSHA has decided that major portions of the amendment which are outlined below should be allowed to go into effect. The underlying rationale for these requirements can be found in the preamble to the January 16, 1981 rule (see 46 FR 4078 *et seq.*), which is hereby reaffirmed for those portions going into effect. A Regulatory Impact Analysis conforming to the requirements of Executive Order 12291 has been prepared and is summarized briefly below. The petitions for administrative stay are therefore denied insofar as they relate to the portions of the amendment which are being put into effect. More detailed reasons for denying these parts of the petitions will be sent to the petitioners shortly. OSHA concludes that the provisions which are going into effect on August 22 constitute a coherent and protective hearing conservation amendment.

Many of the petitions, comments and objections were based on misinterpretations of the meaning and

[1] The existing standard sets a permissible exposure level for noise of 90 dB as an 8 hour time weighted average and requires the employer to reduce employee exposure to within this level by the use of feasible engineering controls or administrative controls. In addition, the existing standard requires that a "continuing effective hearing conservation program" be implemented when employee exposure exceeds 90 dB without regard to the use of hearing protectors, but the standard does not spell out the elements of such a hearing conservation program.

[2] Assuming an exchange rate of 5 dB, a TWA of 85 dB is approximately half a TWA of 90 dB.

[3] The actual cost of the amendment was estimated to be about $270 million per year, but this figure was adjusted to $254 million per year in recognition of the ongoing hearing conservation programs some employers have established. Therefore, the $254 million dollar estimate contained in the Regulatory Analysis represents the amount of new cost that would be incurred by industry as a result of the amendment. This cost has subsequently been recalculated, based on new information, to $234.6 million.

purpose of certain portions of the amendment. Where this was the case, the discussion below provides explanations and clarifications in response to these comments. In addition, in some instances comments pointed out clear errors in the standard. These errors in the standard are also discussed and corrected below.

As to certain other provisions, the Agency is reopening the record for additional comment. Generally, the record has been reopened for substantive comment where there is reason to believe, based on the comments received to date, that there may be a more cost effective way of accomplishing the desired result of saving employee hearing, or where new information as to the feasibility or desirability of a requirement has been submitted which deserves further evaluation.

For most of the provisions on which the record is being reopened, comments are also requested on whether these provisions should continue to be stayed while the public is given an opportunity to submit their substantive comments and these comments are evaluated. A short period of time (30 days) is being given in which to comment on whether these provisions should continue to be stayed. In the meantime, these provisions are stayed. After considering all timely public comments on whether the interim stays should be allowed to remain in effect pending consideration of the substantive comments, the Assistant Secretary will make a decision on the stays which will be published in the **Federal Register.**

This procedure is considered to be the most practical way of resolving the stay matter and to comply with all procedural requirements which may apply. The alternative of allowing these provisions to go into effect for the brief period of time necessary to solicit public comment and then possibly reinstituting the stay would be confusing to employers and employees. In addition such a course of action would not result in any increased employee protection since essentially no action need be completed within the time period given for comments on the stay. Where public comment has been requested as to whether the stay should continue, substantial questions have been raised concerning the extent to which these provisions contribute to occupational safety and health and whether their inclusion in the standard is necessary or appropriate. Therefore, at least until the public comments on the stay can be evaluated, it is inappropriate to allow these provisions to go into effect. Good cause is therefore found for continuing the administrative stay of these provisions whil epublic comments on the stay can be considered.

To assist the public in determining which portions of the standard are in effect and which portions are stayed, a copy of the amendment, with only those portions which are in effect, has been reprinted below.

II. Public Participation

A. Interim Stays

Interested persons are invited to submit written views and arguments as to whether the interim stay of any of the paragraphs discussed below should be allowed to continue pending reconsideration of the substantive requirements contained in these paragraphs. These comments must be submitted in quadruplicate to the Docket Officer, Docket H–011, Room S–6212, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 and must be received in the Docket Office no later than September 22, 1981. Comments on the stays should be marked "stay" at the top of the first page. All submissions will be available for public inspection and copying at the above address.

B. Substantive Provisions

Interested persons are requested to submit written data, views and arguments on the provisions that are reopened below. Any hearing requests submitted will be given appropriate consideration. These comments must be submitted in quadruplicate to the Docket Officer, Docket H–011, Room S–6212, Department of Labor, 200 Constitutions Avenue, N.W., Washington, D.C. 20210. These submissions must be received in the Docket Office no later than November 23, 1981. The submissions will be available to the public for inspection and copying at the above address. All timely submissions received, as well as all post-promulgation comments and petitions which have already been submitted to the Agency, will be made part of the record of this proceeding and will be considered by the Assistant Secretary in making any modifications to the hearing conservation amendment.

III. Summary and Explanation of Actions Taken

The material below details and discusses the provisions of the hearing conservation amendment for which the interim stay is continuing. Several non-substantive or technical amendments and corrections are included. Also, specific questions are posed and substantive comments requested on the various provisions on which the record is being reopened. In addition, clarifications and interpretations which are responsive to comments received are given for many of the provisions which are going into effect.

Permissible Exposure Limit

The subject of the permissible exposure limit (PEL) was mentioned frequently in the comments and petitions. Many commenters confused the action level concept with the PEL and interpreted the amendment as lowering the PEL to 85 dB. The amendment does not lower the PEL to 85 dB; the PEL is still 90 dB (see 29 CFR 1910.95 (a) and (b)). The 85–dB TWA referred to in the amendment is an *action level* which triggers the initiation of hearing conservation programs. The issue of the appropriate PEL, including the appropriate exchange rate, will be considered in the near future when 29 CFR 1910.95 (a) and (b) are reviewed. This review will include consideration of the appropriate method of compliance with the permissible exposure level.

Hearing Conservation Program—Paragraph (c).

Paragraph (c) will be corrected by inserting the words "slow response" after "an 8-hour time-weighted average sound level measured on the A scale", in the first sentence. These words were inadvertently left out of the amendment and have been added to conform paragraph (c) with § 1910.95(a) and with the original intention as expressed in the preamble (see 46 FR 4137, 1/16/81).

Exposure Monitoring—Paragraphs (d)–(h).

The hearing conservation amendment required that employers make an initial determination concerning the need for monitoring. If the initial determination was positive, employers were required to measure *personal* noise doses for representative employees using equipment meeting minimum specifications and calibrated to ensure accuracy. This monitoring was required to be conducted at least every two years and within 60 days of a change of process which changed noise exposures to the extent that employees previously exposed below 85 dB would be exposed above 85 dB, or if the change was such that it rendered inadequate the hearing protectors issued.

The Agency received a number of requests to administratively stay and to reconsider the requirements for noise exposure monitoring. Probably the most serious objection came from employers who believed that personal exposure monitoring was unnecessary for

purposes of hearing conservation programs. They stated that area monitoring is sufficient to identify the employees who need to be included in the program, and that area monitoring is simpler and less costly. The adequacy of hearing protector attenuation would be computed from sound levels obtained for the various areas in which employees worked.

Some employers maintained that the requirement for initial determination was unnecessary, and that the specific bases from which a positive determination could result were unnecessarily complicated and might lead to labor-management conflict. Other commenters objected to the requirement that the employee with the highest exposure be selected (if one employee was to represent the others), saying that the effect of such a requirement was to force employers to monitor all employees. In addition, comments objected to the periodic remonitoring requirement, stating that remonitoring every two years was costly and unnecessary, and that remonitoring when there was a change in process or equipment should be sufficient. Objections were raised to requiring employee exposure notification; also to the idea of notifying workers of their measured exposure levels since exposure levels might vary considerably for day-to-day. Moreover, notifying workers of their actual exposure levels would be difficult for employers using area monitoring. Commenters believed that individual notification was unnecessary and that posting a notice of exposure should suffice.

OSHA received many adverse comments on the requirements of paragraph (g), *Method of measurement.* Commenters questioned the accuracy of noise dosimeters, especially in impulsive noise conditions, and objected to setting the dosimeter's lower threshold at 80 dB. Some questioned the technical feasibility of dosimeters meeting the crest factor test specified in the standard. Rather than requiring the ANSI S1.25, Section 7.5 test for measuring a crest factor capability as high as 30 dB, it was suggested that the frequency, duration and repetition of the test signal be stated. Many comments were opposed to the inclusion of Appendix B, *Temporal Sampling Procedures for Use with a Sound Level Meter.* They stated that it was unnecessarily complex and rigorous. The sampling strategy outlined in Appendix B would be unnecessarily stringent if area monitoring procedures were to be used. The requirements for microphone placement would also be incompatible with the concept of area monitoring. The Agency also received comments objecting to the calibration requirements, stating that they were unnecessary.

The many objections to specific noise exposure monitoring requirements have persuaded OSHA to reconsider these provisions and seek further comment on their appropriateness. In the meantime, OSHA will require employers to monitor noise exposure where employees are exposed at or above an 8-hour time-weighted average of 85 dB, and the stay of all of the detailed monitoring requirements published in January will continue. Paragraphs (d) through (h) therefore are being stayed for further comment, with the exception of parts of paragraph (e) and paragraph (g)(2)(ii)(*b*). Thus, the monitoring obligation will consist of two sentences:

(e)(1) When information indicates that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels, the employer shall obtain measurements for employees who may be exposed at or above that level.

(g)(2)(ii)(*b*) All continuous, intermittent, and impulsive sound levels from 80 dB to 130 dB shall be integrated into the computation.

As it now reads, the requirement for monitoring is a performance requirement. This change allows employers to use an area monitoring or a personal monitoring approach, with whatever measurement procedure they consider appropriate. While monitoring must be completed within 6 months, remonitoring may be done as often or as seldom as employers consider to be warranted by the circumstances. All continuous, intermittent and impulsive sounds between 80 dB and 130 dB must be included in the measurement, although the employer is free to use any instruments or measurement technique that will do this. While the standard which is going into effect does not require the employer to calculate each employee's noise dose, the standard does require all employees exposed at or above a TWA of 85 dB to be included in a hearing conservation program. Therefore, when enforcing the standard, OSHA will inspect to determine whether employers have failed to include in the hearing conservation program all employees whose exposures equal or exceed a TWA of 85 dB.

Comments are requested on whether the interim stay of the monitoring provisions should continue. In addition, in order to evaluate the monitoring provisions, OSHA is requesting comments, information, and data on the following:

1. The need for monitoring to achieve a successful hearing conservation program.
2. The need for an initial determination, to help focus on whether monitoring is necessary, in addition to general monitoring requirements.
3. The advantages and disadvantages of area monitoring or personal exposure monitoring for hearing conservation purposes.
4. Criteria for selecting a representative employee to monitor.
5. The circumstances under which remonitoring is necessary.
6. The need for notifying employees of their actual exposures.
7. The appropriateness of requiring measuring instruments to conform with consensus standards such as ANSI.
8. The ability of sound level meters and dosimeters to measure impulsive, intermittent, and continuous noise accurately, including criteria for determining accuracy.
9. The need for specifying a test for dosimeter crest factor capability, and if so, suggestions as to the content of such a test.
10. The availability and cost of dosimeters with a dynamic range of 80 dB to 130 dB.
11. Appropriate sampling procedures for use with a sound level meter for purposes of area monitoring or personal monitoring, and the need for requiring such procedures.
12. The need for standardized microphone placement for purposes of area monitoring or personal monitoring, and if so, suggestions as to appropriate microphone placement.
13. The need for field and laboratory calibration requirements for noise measuring instruments.
14. The need for requiring specific monitoring practices that employees must be allowed to observe, and if so, the nature of these practices.

Observation of Monitoring— Paragraph (i).

Employees must be able to observe the monitoring process since the right to observe monitoring is mandated by section 8(c)(3) of the Occupational Safety and Health Act. Paragraph (i)(1), which merely restates the observation right given by the Occupational Safety and Health Act, will go into effect.

Some comments expressed concern that allowing employees to observe monitoring would disrupt production because employees would leave their work stations en masse to watch the procedure. It has not been OSHA's experience that employee observation of monitoring is disruptive since in most cases a representative of the employees acts as an observer. The stay is being continued on paragraph (i)(2) which specifically entitles observers to receive an explanation of the measurement procedures, observe all steps related to the noise exposure measurements and record the results obtained. Comments indicated confusion as to the amount of explanation necessary. Therefore, the stay of paragraph (i)(2) will continue on

an interim basis and comments are solicited as to whether paragraph (i)(2) is necessary to assure that employees are afforded a meaningful opportunity to exercise their statutory right to observe monitoring, or whether the performance language of paragraph (i)(1) is sufficient.

Audiometric Testing Program—Paragraph (j).

Qualifications of personnel administering audiometric tests. One commenter interpreted the amendment to provide that only audiologists or medical doctors can test employees' hearing. The standard, however, in paragraph (j)(3) allows trained technicians to perform audiometric tests if they demonstrate competency in administering tests and in the use and care of audiometers. Questions were also raised as to whether nurses could do audiometric testing. All persons who can demonstrate competency in administering tests and in the use of audiometers may administer audiometric tests required by the standard.

Another request was to clarify the requirement that a technician must have "satisfactorily demonstrated competence" in audiometric testing. The proof of competence is left up to the professional who supervises the technician. A certificate of the satisfactory completion of a recognized training program would be one way of meeting the requirement; the Agency believes that on-the-job training may also be effective and technicians may also qualify by this route.

Qualifications of supervisors. One comment addressed the statement in the preamble that the amendment requires certain functions to be carried out by an audiologist, otolaryngologist, "or in the absent of one of these specialists, a qualified physician." However, the standard does not use the words "in the absence of one of these specialists". Therefore, for compliance purposes, the audiologist, otolaryngologist, and other physician are on an equal footing. While the Agency believes that audiologists and otolaryngologists will be in the best position to make judgments about testing procedures and about the validity and interpretation of audiograms, physicians with specialities other than otolaryngology may be quite capable of making these judgments. Also, as explained below, OSHA is considering deleting the word "qualified" as it applies to physicians, since in this context it adds nothing to the meaning or effectiveness of the standard.

Paragraph (j)(3) and paragraph (j)(7)(iii). In the first sentence of paragraph (j)(3) the amendment requires that audiometric tests be performed by a licensed or certified "audiologist, otolaryngologist, or other qualified physican * * *." The same words are used in paragraph (j)(7)(iii), which specifies the qualifications of personnel who review audiograms. Comments to the Agency have requested a clarification of the word "qualified" which precedes "physician". OSHA intended the word "qualified" to mean any licensed physician who believes that he or she has adequate training or knowledge to administer audiometric tests and interpret the results. The Agency believes that the word "qualified" is unnecessary and that adequate professional judgment and responsibility can be assumed. Therefore the Agency is considering deleting the word "qualified" in paragraphs (j)(3) and (j)(7)(iii), and requests comments on the issue.

Also in paragraph (j)(3), the Agency is changing "a *person* who is certified by the Council of Accreditation in Occupational Hearing Conservation" to "a *technician* who is certified by the Council of Accreditation in Occupational Hearing Conservation * * *." This substitution conforms the wording to a sentence later in the same paragraph that reads, "A technician who performs audiometric tests must be responsible to an audiologist, otolaryngologist or qualified physician." It was suggested that one might interpret this paragraph as meaning that a *person* who is certified by the Council to perform audiometric tests need not be responsible to a professional. OSHA's intent was that all non-professionals engaging in audiometric testing must be responsible to a professional. Therefore non-professionals will be referred to a "technicians" for purposes of the amendment. In addition, the Agency is deleting the words "by an audiometric technician" which precede "who has satisfactorily demonstrated competence * * * ", since these words are now redundant. This deletion does nothing to change the meaning of the requirement.

Baseline audiogram—Paragraph (j)(5). Paragraph (j)(5)(i) required employers to perform baseline audiograms (after the initial phase-in period) within 4 months of an employee's first exposure to noise at or above the action level. Ideally, the baseline audiogram should be conducted before employment, or before exposure to hazardous noise levels in order to avoid contamination by threshold shifts. Any hearing loss, temporary or permanent, that is caused by an employee's work in a noisy area would contaminate the baseline audiogram, making it appear as though the worker had a preexisting hearing loss. Such losses can occur in a matter of months or even days depending on the susceptibility of the individual to noise and the level of exposure. This could result in measuring future losses against a false baseline. Thus the true extent of hearing threshold shifts that have been caused by noise exposure would not be detected.

Pre-employment audiometric testing would be generally feasible for large companies that carry out their own audiometric test programs, or for small companies that send employees to local clinics or doctors' offices for testing. Although the Agency was aware of the need for prompt baseline testing, the principal reason for selecting the 4-month period was that it allowed employers to exclude most seasonal and temporary workers, for whom continued testing and follow-up would be extremely difficult. This 4-month provision took into account the need to take audiograms as soon as possible to reflect the employee's true hearing ability before exposure to workplace noise, and the problems of requiring baseline audiograms on a pre-employment basis. However, such a requirement would probably result in added expenditures for companies that generally rely on mobile test services that come to the plant once a year since these employers would have to send new employees who need baseline audiograms to a local clinic or physician, where the cost per employee would be higher.

In order to investigate more thoroughly the feasibility of obtaining baseline audiograms relatively soon after an employee's initial exposure, the Agency will continue the stay of paragraph (j)(5)(i) insofar as the 4-month period is concerned. Specifically OSHA requests data and information on:

1. Factors precluding baseline testing within 4 months of initial exposure to noise.
2. Whether the requirement to obtain baseline audiograms within 4 months of the initial exposure is unnecessarily stringent.
3. Recommended time periods within which baseline audiometric testing should be conducted for specified TWA's between 85 dB and 110 dB.

Paragraph (j)(5)(ii) requires employers to perform baseline audiograms after employees have been away from workplace noise for at least 14 hours. Paragraph (j)(5)(ii) (*a*) prohibits employers from using hearing protectors as a substitute for the 14 hours without exposure to workplace noise. The reason for the prohibition was that hearing protectors are often fitted and worn improperly, allowing the worker to

be exposed to levels of noise that could cause a temporary hearing loss. As discussed above, any temporary hearing loss caused by an occupational noise exposure would contaminate the baseline audiogram; the baseline would be misleading in that the worker would appear to have less hearing ability than he or she actually does have. Since the first test might not be truly representative of the employee's hearing ability, this could result in measuring future losses against a false yardstick; actual future hearing loss would therefore be understated. OSHA received many objections to the prohibition on the use of hearing protectors for this purpose. Comments stated that many companies would experience a significant hardship, trying to schedule all baseline audiograms before the workshift or paying employees overtime for coming in for testing on days when they were not scheduled to work. Some comments suggested that if the wearing of ear protectors was particularly well supervised on the day of the baseline audiogram (and especially if employees wore ear muffs, which are clearly visible to the supervisor), employees could work in noise for a few hours before being tested without incurring temporary threshold shift. While this is still an open issue, OSHA has decided to stay the prohibition against using hearing protectors to satisfy the 14 hour quiet rule before the baseline audiogram is taken. In addition, the Agency is considering adding language to the standard that explicitly allows the use of hearing protectors to provide the required quiet. The Agency is reopening the record on this issue and requests data, evidence and comments on:

1. Whether hearing protectors will be effective in preventing temporary threshold shift before baseline audiograms.
2. Any steps that are necessary to ensure hearing protector effectiveness on the day of baseline audiometry.
3. The level of quiet and the length of the quiet period before the baseline audiogram which is necessary to insure the integrity of the baseline audiogram.
4. Any experience on the part of those administering or evaluating audiometric examinations that indicates that some baselines may contain temporary threshold shift.

Paragraph (j)(5)(ii)(*b*) requires employers to notify employees of the need to avoid high levels of non-occupational noise exposure during the 14-hour period preceding their baseline audiogram. This requirement was included because the Agency acknowledges the fact that employers cannot be held responsible for hearing loss that is incurred away from the workplace. However, employers could help to minimize the contribution of non-occupational noise exposure to the baseline audiogram by counseling workers ahead to time as to the need for avoiding such exposures. It has been suggested, however, that paragraph (j)(5)(ii)(*b*) may be unnecessary because this kind of notification would normally occur during training which is already required by the standard. Since the paragraph may constitute an unnecessary and redundant requirement, OSHA has decided to continue the stay of this requirement, and to request any comments and information that would justify retaining it in the standard.

Grandfathering of pre-existing baseline and audiograms. Many commenters asked whether or not OSHA would accept the validity of baseline audiograms taken before the effective date of the amendment. Most comments urged the acceptability of audiometric tests that were performed using hearing protectors as a substitute for 14 hours away from workplace noise. Since the prohibition against the use of hearing protectors to achieve the quiet hours is being stayed, OSHA will accept baseline audiograms that were taken using hearing protectors as a substitute for 14 quiet hours. The Agency will continue to accept these audiograms in the future as valid baseline audiograms regardless of the outcome of the stay, and will accept or "grandfather" older baseline audiograms that reflect substantial compliance with the audiometric test requirements of the amendment. For example, to be acceptable, baseline audiograms should be administered by a trained technician, taken at the required test frequencies (500, 1000, 2000, 3000, 4000 and 6000 Hz), in a reasonably quiet room, and with calibrated equipment. The Agency is prepared to be flexible in accepting or grandfathering old baseline audiograms because in most cases this would be more protective of the employee since old baselines will allow the true extent of the hearing loss over the years to be evaluated. Obtaining a new baseline audiogram after many years of noise exposure might be less protective since the new audiogram might show higher thresholds and the true extent of future losses would appear smaller than when compared with the original baseline.

Evaluation of audiogram—Paragraph (j)(7). Paragraph (j)(7)(ii) of the amendment states that audiogram evaluation must be performed by an audiologist, otolaryngologist, or qualified physician. The Agency has combined this section with paragraph (j)(7)(iii), so that it now reads "An audiologist, otolaryngologist, or qualified physician shall review the audiograms to determine whether there is a need for further evaluation." The original first sentence in paragraph (j)(7)(ii) will be deleted since it suggests that a professional must review each audiogram. Professionals do not need to review *every* audiogram. Some comments assumed that the amendment prohibited technicians from reviewing a routine audiogram. Technicians may review audiograms and give only problem audiograms to the professionals for review. The preamble did state that computers could be used to compute shifts shown on audiograms so long as an appropriate professional provided input in the development of the computer program. Although the text of the amendment may have been unclear, it was the Agency's intention that technicians, once they have been adequately trained, could pe form the same function, and let the professional review audiograms where the audiogram's validity was in question, or where there might be a medical problem or other problem that would indicate a need for further evaluation.

The Agency has decided that the requirement for the reviewer to determine work relatedness of a significant threshold shift, which is contained in paragraph (j)(7)(iii), should be stayed pending further public comment. A number of comments objected to the requirement, stating that occupational and non-occupational hearing loss can appear to be identical on the audiogram. In some cases it may be very difficult even for an audiologist or physician to determine the cause, or work relatedness, of a threshold shift. This objection also applies to two other portions of the amendment. In paragraph (j)(8)(iv)(*b*), which requires referral for further evaluation as necessary, the words "to determine the cause of the permanent significant threshold shift" will be stayed pending further consideration. Also, paragraph (j)(8)(iv)(*d*) will be stayed pending further public comment. The latter paragraph requires employers to record the existence of a permanent significant threshold shift on the OSHA Form 200 when the professional reviewer determines that the shift is work related. In addition to difficulties in making the determination, the need for such a requirement is questionable since it duplicates the requirements for reporting occupational illnesses and injuries set forth in 29 CFR 1904.2. With respect to these provisions, OSHA is

requesting comments and information on the following:

1. Whether it is necessary to determine the cause of a significant threshold shift in order to protect a worker's hearing.
2. Methods or guidelines for distinguishing between occupational and non-occupational hearing loss.

Paragraph (j)(7)(iv) requires that where annual audiometric testing reveals the presence of a significant threshold shift, a new audiogram shall be given within 60 days to determine if the shift is permanent. There were objections to this provision on the basis that it is extremely difficult to discern if a significant threshold shift is permanent; that the definition of significant threshold shift used in the amendment might result in as many as 30–40% of those tested showing significant threshold shifts and having to be re-tested, and that the burdens of re-testing would be substantial for those employers using mobile audiometric test services. Some of the provisions included in paragraph (j)(7)(iv), such as the requirement that hearing protectors not be used to obtain the necessary quiet hours before re-testing, are inconsistent with the continued stays of other parts of the amendment (see, for example, discussion of paragraph (j)(5)(ii)(*a*)). Moreover, it might not be worthwhile to require retesting without including the requirement for 14 hours away from workplace noise, in that in most cases without this requirement the retest results would be the same. Any benefit that the retest requirement might have is further clouded by the continuing stay of the significant threshold shift definition discussed below. The stay of all the requirements contained in paragraph (j)(7)(iv) will therefore continue. Comments and data are requested on the following issues:

1. Whether retesting within a short period of time to confirm the presence of a significant threshold shift is necessary to the protection of employee hearing.
2. If retesting is necessary, is the requirement that such retesting be accomplished within 60 days appropriate?

Follow-up procedures—Paragraph (j)(8). Paragraph (j)(8)(iv)(*b*) required that employees be referred for a clinical audiological evaluation or an otological examination, as appropriate, under certain circumstances. Some commenters wanted to know who pays for audiometric test referrals. Since employers are responsible for providing employees with a safe and healthful working environment, they must pay for examinations to discover whether or the extent to which a harmful agent in the workplace is affecting employees' health or safety. In addition, they must pay for examinations to discover whether a protective device, which is worn to mitigate adverse effects, is in itself having an adverse health effect. Consequently, employers must bear the expense of referral in cases where the validity or the significance of the test results is questionable or when a pathology of the ear is caused or aggravated by wearing hearing protection. This requirement that employers pay for medical examinations is mandated by section 6(b)(7) of the Act. When the reviewer suspects a medical problem that is not related to the wearing of ear protection (such as an upper respiratory infection), the employer need not assume the cost of further testing or treatment.

Employees who refuse follow-up examination or treatment. Where the standard requires referral for further evaluation, some commenters were concerned that employers would be held responsible for the worker's refusal to go. However, the requirement was phrased in terms of "refer" rather than "require." As long as the employee is referred for further evaluation, the employer has carried out his or her responsibility even if the employee refuses the medical treatment. This is consistent with all OSHA requirements for medical surveillance, which only require that employers make medical examinations available to employees.

Employee notification of significant threshold shift—(STS). Paragraph (j)(8)(iv)(*a*) requires notification of employees within 21 days of the determination of the existence of a significant threshold shift. A number of commenters wanted to know from what point the 21-day period began. The amendment specifies 21 days *from the determination.* For companies with in-house testing capabilities, the determination of STS could occur at the time of testing or at the time the annual audiogram is compared to the baseline. In cases where the company sends its test results to a professional reviewer, the determination would occur when the employer receives the results of the review. Employers should not delay the review of audiograms, since the existence of an STS should be identified as quickly as possible so that protective measures may be initiated.

Revised baseline: Paragraph (j)(9). This paragraph requires baseline audiograms to be revised when subsequent testing reveals either a significant threshold shift, or an improvement in hearing at two or more test frequencies. Some comments requested further guidance on the amount of improvement in hearing thresholds needed to trigger a revision of the baseline. Other questions were submitted concerning whether a revision should be done where an annual audiogram shows improvements at some frequencies and losses at others. The Agency has determined that this section needs to be stayed to be consistent with the stay of the retest requirement. If retests are not performed, professional reviewers will not be able to tell whether a hearing loss is temporary or permanent. If baselines are revised on the basis of a temporary hearing loss, future comparisons would be invalid, and baselines might continually need to be revised, resulting in confused recordkeeping and insufficient protection of employees because of invalid audiogram comparisons. Therefore any requirement for revision of baseline audiograms will be stayed until a decision is made on the subject of retesting.

Consequently the Agency is requesting comments on the following:

1. The need for revising baseline audiograms, when either improvement in hearing or a significant threshold shift occurs.
2. The amount of improvement needed before baseline audiograms should be revised.

Significant threshold shift—Paragraph (j)(10). This paragraph defines significant threshold shift in a manner that becomes progressively more stringent as an employee's hearing loss becomes greater. Unlike the proposal, the amendment allows employers to make a specified correction to the audiogram for aging in determining whether a significant threshold shift has occurred. The Agency received a number of comments requesting that OSHA reconsider the definition of significant threshold shift. Most commenters agreed that a definition of significant threshold shift is necessary. However, many commenters objected to the complexity of the definition chosen, asserting that it would be difficult to evaluate audiograms using the complicated multi-part criteria without a computer and asserting that it would not function as intended. Specifically, some commenters felt that the definition was so stringent that it would result in identifying "normal people" as having significant threshold shifts; others felt that the definition was too lenient to adequately protect young workers with good hearing. OSHA did not intend to require that computers be used to evaluate audiograms. This might place an undue burden on small or medium-sized companies that have their own testing programs. OSHA agrees that the

definition of STS should be reevaluated in light of these comments. For these reasons the Agency has stayed the paragraph defining significant threshold shift, and is reopening the record on this issue. For many employers, this stay will have little effect since it is contemplated that the rulemaking will be completed and that there will be a definition of significant threshold shift in the standard before the first annual audiogram needs to be compared with the baseline. Employers who have ongoing hearing conservation programs with established employee baselines, and who may be taking annual audiograms in this interim period may use any reasonably protective definition. The Agency in its enforcement activities will rely on the definition currently used in its Industrial Hygiene Field Operations Manual, which is 20 dB at any frequency.

Paragraph (j)(10)(v) allows a correction for presbycusis, (hearing loss from aging), when making the determination of significant threshold shift. Non-mandatory Appendix F contains tables of presbycusis values and instructions on how to use them in the determination of significant threshold shift. The effect of allowing these corrections is to reduce the amount of threshold shift. OSHA believes that paragraph (j)(10)(v) and Appendix F should be stayed until the final decision is made on the definition of significant threshold shift. Since employers will be using various interim definitions, corrections for presbycusis may be inappropriate for use with certain definitions. Also, OSHA's final decision on the best definition of significant threshold shift may preclude corrections for presbycusis.

To help resolve the question of the appropriate definition of significant threshold shift, OSHA is requesting the following data and information:

1. The need for any standardized definition of significant threshold shift.
2. Audiograms of noise exposed employees taken over a period of years showing individual hearing histories.
3. Explanations and evidence as to why the amendment's definition of significant threshold shift is too stringent or too lenient.
4. Suggestions of simpler definitions of significant threshold shift that are as protective as the one in paragraph (j)(10).
5. The necessity and appropriateness of presbycusis corrections in combination with definitions of significant threshold shift.
6. The appropriateness of statistical trend analysis in assessing threshold shift of individual employees, as suggested in post promulgation comment number 213.

Audiometric Test Requirements—Paragraph (k).

Audiometer specifications. One comment questioned why references to manual type and computer audiometers were not contained in Appendix C. Use of these types of audiometers is permitted under the standard.

Appendix C was included specifically for pulsed-tone and self-recording audiometers because the ANSI standard S3.6–1969 which is referenced in the amendment does not contain requirements for these instruments. The ANSI standard which is referenced in the amendment does prescribe performance specifications for manual audiometer so there was no need to refer to the manual audiometers in Appendix C. Microprocessor audiometers are allowed by the amendment if they meet the requirements of ANSI S3.6–1969. In order to clarify this point, OSHA is considering adding specific language allowing the use of microprocessor audiometers.

Paragraph (k)(4) states that audiometric examinations must be given in a room meeting the requirements listed in Appendix D, *Audiometric Test Rooms.* In order to obtain accurate audiograms, it is necessary to use a quiet booth or room for testing. Appendix D contains tables that list maximum allowable sound pressure levels in audiometric test rooms. Table D–1 is essentially the same as the current ANSI standard, with a relaxation of 5 dB at 500Hz. Table D–2, taken from the 1960 ANSI standard, contains requirements that are considerably less stringent than those of Table D–1. The amendment allowed background sound pressure levels to be within the limits listed in Table D–2 until April 15, 1983, at which time audiometric test rooms would have to meet the more stringent levels in Table D–1. The reason for the requirement was to enable employers to test employees' hearing to at least 0 dB (referenced to ANSI 1969 audiometric zero) at all test frequencies except 500 Hz.

The Agency received a variety of comments on the issue of whether or not the sound levels in Table D–1 are necessary or feasible for industrial audiometric test programs. Some comments stated that the requirement meant that large rooms with double walls would need to be used, which would take up a considerable amount of space and would be very costly. Others said that compliance with Table D–1 would be extremely difficult for mobile test units, because of the occasional need to park in noisy locations. Some comments also maintained that the levels specified in Table D–1 were appropriate for clinical testing but not for industrial testing. For these reasons OSHA is staying the requirement for complying with Table D–1 in Appendix D. However, employers wishing to purchase audiometric test booths in the near future should bear in mind that the issue of the appropriate background sound pressure levels has not been finally decided. Therefore, in order to avoid potentially costly retrofit or replacement, new purchasers may wish to come as close to meeting the levels in Table D–1 as is practical. With respect to audiometric test rooms, OSHA is requesting information and comments on:

1. Octave band sound pressure levels in existing test rooms used for industrial audiometry.
2. Feasibility of retrofitting rooms not meeting the levels in Table D–1.
3. Criteria for establishing differences between clinical and industrial audiometric test programs, including rationale for selecting the lowest non-masked threshold test levels.

Audiometer calibration—Paragraph (k)(5). Paragraphs (k)(5)(i) and (k)(5)(ii) contain requirements for more extensive calibrations when an audiometer's output deviates from its stated level by more than a certain amount (5 dB or 10 dB). Comments pointed out that the phrase "deviations of more than 5 dB" could literally mean a deviation of only 6 dB, which is a very stringent requirement for triggering an acoustic calibration. Likewise, "deviations of more than 10 dB" could literally mean that a deviation of only 11 dB would trigger an exhaustive calibration. In establishing these requirements, the Agency assumed the use of manual audiometry, which is conducted in 5-decibel increments. Therefore the phrases "deviations of more than 5 dB" or "deviations of more than 10 dB" as used in the above paragraphs were intended to mean deviations of 10 dB and 15 dB respectively. It was pointed out, however, that when self-recording audiometry is used, thresholds can be calculated in 1-decibel increments, in which case 6 dB or 11 dB deviations may appear. Therefore, in order to treat both types of audiometers equally, OSHA will, as an interim measure, interpret the words "more than 5 dB" in these paragraphs to mean 10 dB or greater, and "more than 10 dB" to mean 15 dB or greater. In addition, OSHA requests comments on whether the language of the standard should be changed to explicitly incorporate this interpretation.

One comment interpreted the procedure prescribed in the preamble for checking the functional operation of

the audiometer to preclude use of the electroacoustic ear. The standard's requirement for a daily functional check is twofold; a person with known stable hearing must be tested, and a listening check must also be performed. The electroacoustic ear can be used in place of the testing requirement, but the listening check still must be performed to make sure that the signal is free of unwanted sounds or distortion, and that the general functioning of the audiometer is satisfactory.

Performance Criteria. Post promulgation comment #266a recommended that OSHA consider the analysis of audiometric data as an indicator of the effectiveness of the hearing conservation program. The Agency is interested in exploring this kind of approach, and requests data, information, and comments on the following:

1. Methods of evaluating the effectiveness of hearing conservation programs.
2. Criteria for judging program effectiveness through audiometric test data.
a. Where hearing threshold shift is the criterion, the amount of threshold shift deemed to be acceptable, the length of time over which the shift occurs, and the percentage of the population exhibiting such shifts.
b. Where hearing level is the criterion, the amount of occupational hearing loss deemed to be acceptable in a population, the non-occupational hearing loss data used for comparison purposes, and the duration of exposure.

Hearing Protectors—Paragraph (1).

Hearing protectors above 85 dB. One commenter mentioned that his company requires the use of hearing protectors by all employees exposed to sound levels of 85 dB regardless of the duration of the exposure. Similarly, others believed that OSHA should require the use of protectors for all employees exposed to a TWA of 85 dB or greater. Under the standard, the wearing of protectors is mandatory for workers whose exposures exceed 90 dB and for workers who have experienced a significant threshold shift, but only voluntary for other workers whose exposures exceed 85 dB. This combination of requirements is designed to provide necessary protection, but not require hearing protector use where the risk of material impairment is relatively small.

If an employer finds it more efficient and easier to promote employee use of hearing protectors by requiring hearing protector use by all employees exposed to levels of 85 dB or greater, this is permissible since it is more protective than the OSHA requirement. OSHA considers its requirement to be a minimum, and employers are free to require measures that are more protective than those specified in the standard.

Hearing protector replacement—Paragraph (1)(i). One comment interpreted the amendment's requirement that "hearing protectors shall be replaced as necessary," to mean that employers have to pay for lost or mutilated protectors. The Agency believes that employers should not have to pay for an unlimited supply of protectors or replace protectors that have been lost due to employee negligence. Employers may formulate their own reasonable policies as to how many free replacement protectors to supply. Although employers must replace worn out protectors, they should not have to bear the expense in cases where employees have been irresponsible.

Hearing protector attenuation—Paragraph (m). The amendment requires employers to evaluate hearing protector attenuation for the specific noise environments in which the protector will be used. Employers may use any of the methods listed in Appendix G to do this. The easiest method involves the use of the Noise Reduction Rating (NRR) which is printed on the hearing protector package.

One comment expressed concern that employers who wish to use the NRR because of its simplicity would be penalized because of its conservative correction factors. Others, however, noted that the NRR may not be nearly conservative enough. Research has shown that hearing protectors are not as effective in real life conditions as they are in the laboratory. OSHA believes that because of its simplicity the NRR is the best method available at this time, and employers are encouraged to use it. The Agency does, however, caution employers that the NRR values may be unrealistically high. Employers should use extra care in fitting and supervising the use of hearing protectors when the full amount of the NRR is needed. Some recent information submitted to the Agency suggests that only about half the attenuation predicted by the NRR is actually obtained in field use (see post-promulgation comment 266).

In addition, OSHA has recently learned that the Environmental Protection Agency's Office of Noise Abatement, which required the labelling of hearing protectors with the NRR, will soon be abolished. OSHA does not know at this time whether the EPA labelling regulation will be rescinded, and if so whether hearing protector manufacturers will continue to use the NRR voluntarily. Therefore the Agency may need to amend Appendix G so that estimations of hearing protector attenuation more adequately predict the attenuation received in actual use. Consequently the Agency is reopening the record and is requesting data and information on:

1. Ear muff and ear plug attenuation in field conditions.
2. Simple field methods for evaluating hearing protector attenuation.
3. Suggested corrections to the NRR.

Certain portions of Appendix G (which gives various methods of determining the attenuation of hearing protectors) have been stayed insofar as they make reference to Appendix B, which has also been stayed. After evaluating the comments, the Agency may delete the second part of Appendix G's paragraph (iii)(A), the second part of paragraph (iv)(A) and its accompanying footnote, and paragraph (iv)(B), all of which refer to Appendix B, or identified time segments which are described in Appendix B. In addition, procedures for estimating attenuation using sound level meters and area monitoring may be added to Appendix G. For example, the following types of provisions may be added:

(v) When using area monitoring procedures and a sound level meter set to the A-weighting network:
(A) Obtain a representative sound level for the area in question.
(B) Subtract 7 dB from the NRR and subtract the remainder from the A-weighted sound level for that area.
(vi) When using area monitoring procedures and a sound level meter set to the C-weighting network:
(A) Obtain a representative sound level for the area in question.
(B) Subtract the NRR from the C-weighted sound level for that area.

Comments are invited on the above and similar suggestions.

Hearing protector selection—Paragraph (1)(3). Some comments reflected a misunderstanding of the intent of the requirement for giving employees an opportunity to choose hearing protectors from a variety of protectors. Some suggested that the requirement entailed providing employees with a shopping list of different brands and types of protectors. The intent of the requirement is that workers should have more than one type of device, more than one size (where the devices come in different sizes), and preferably three or more devices to choose from. The reason for this requirement is that ear canals come in many shapes and sizes, and even the same person can have two differently sized ear canals. Characteristics of the noise environment, such as temperature,

humidity, and presence of dust, grease, or metal particles, also have a bearing on the choice of protectors. A protector that is suitable for a hot environment may not be the best one in a greasy environment. Once employers and employees have settled on the types and sizes of protectors that will be worn, there is no need to keep a varied selection always available.

One commenter interpreted the requirement as meaning that employees alone would make the hearing protector selection. This was not the intention of the Agency. The Agency believes that the employee and the employer (who should have some knowledge of the fundamentals of hearing protection) should work together in selecting the right protector. While the employer may know about attenuation values and other technical considerations, the employee is the best person to judge the protector's comfort. If the protector is uncomfortable, it is not likely to be worn properly, and may not be worn at all.

Training Program—Paragraph (n).

The Agency received a number of requests to reconsider the training requirements. Comments objected to the specificity of the requirements, saying that it would impede the employer's flexibility to conform the program to the needs of his own employees. Some pointed out that some of the training requirements exceed the information that employees need to know to protect their hearing. Therefore OSHA has made effective only those requirements for training that it believes are essential to the success of the hearing conservation program. The remaining requirements are stayed pending consideration of further comments on their necessity.

Paragraph (n)(3)(i) has been stayed because the Agency believes that the requirements may be redundant. Employees have access to the noise standard under paragraph (o)(1), concerning access to information and training materials.

Paragraphs (n) (3) (iii), (n) (3) (iv), and (n) (3) (v) are stayed since information about engineering and administrative controls and the employer's compliance plan may not be relevant to the employee's understanding of or cooperation in the hearing conservation program. In light of these stays, employers may be able to avail themselves of pre-prepared training materials such as pamphlets or films, which are professionally prepared and which may be more effective and less expensive than individually developed programs.

OSHA requests comments and information on the necessity of the above stayed training requirements for effective hearing conservation programs. In addition, comments are requested on whether there are any *disadvantages* in including such provisions in a regulation for hearing conservation programs.

Warning Signs—Paragraph (p).

Comments objected to the requirements for warning signs, stating that the signs would be costly and inconvenient, and that confusion would result as to whether hearing protection was advisory or mandatory in certain areas. In light of these comments, the requirements for warning signs will be stayed pending further comment.

OSHA is requesting information on the following:

1. Educational value of warning signs.
2. Necessity of requiring warning signs to have an effective hearing conservation program.

Recordkeeping—Paragraph (q).

OSHA received numerous requests to reconsider the amendment's recordkeeping requirements. Comments objected to the detailed nature of the provisions, the burden on small and medium-sized companies, and the redundancy of some of the requirements. OSHA has therefore decided to reduce the extent of the recordkeeping requirements in the interim by staying certain provisions. Comments are invited on whether these provisions are necessary for the hearing conservation amendment or whether they should be deleted.

Exposure measurements—Paragraph (q)(1). The Agency is staying and seeking comment on all of paragraph (q)(1) except for the general requirement in paragraph (q)(1)(i) to " maintain an accurate record of all employee exposure measurements required by * * * [paragraph (e) of] this section". The bracketed words in paragraph (q)(1)(i), as well as all of paragraph (q)(1)(ii) are also being stayed to be consistent with the interim stays affecting most of the specific monitoring requirements in paragraphs (e) through (h). These paragraphs require the retention of detailed information such as names of persons whose exposures were actually measured, date of last laboratory calibration, the type of measuring equipment used, and the date and location of measurements. Comments are requested on whether any of the information required by the paragraphs covered by the interim stay is necessary to achieve a successful hearing conservation program.

Audiometric tests—Paragraph (q)(2).

OSHA is also staying and inviting further comments on the second part of paragraph (q)(2)(ii)(*c*), which requires records of the qualifications of the person who administered the audiometric test, and paragraph (q)(2)(ii)(*d*), which requires records of the manufacturer and model of the audiometer. While employers may wish to keep this information to help them to evaluate various aspects of their own programs, the Agency believes that it may not be necessary for the standard to require that such information be kept.

In addition, OSHA is staying and inviting comment on the possible deletion of paragraph (q)(2)(ii)(*g*), which requires a statement as to whether the sound pressure levels in the test room meet those specified in Tables D–1 or D–2 of Appendix D. This is consistent with the stay of Table D–1. In addition, this provision is redundant with the requirement in paragraph (q)(3) to record the background sound pressure levels in audiometric test rooms. Some envisioned that employers would have to list background sound pressure levels on each and every audiogram. The Agency's intention was merely that the background sound pressure levels be kept with the audiometric test record, not necessarily *on* each record. The stay of this provision will focus attention on the similar requirement in paragraph (q)(3) and clarify the issue.

Audiometric test rooms—Paragraph (q)(3).

OSHA is staying and considering the deletion of paragraph (q)(3)(ii), which specifies the audiometric frequencies for which sound pressure level measurements are to be kept, and requires noting the date of the measurement. OSHA has stayed these requirements because they are not believed to be necessary in view of the fact that Table D–2 in Appendix D already gives the pertinent frequencies. In addition, the Agency believes that employers will note the date of measurement as a matter of course. The Agency requests comments on the necessity of retaining such a provision.

Calibration of audiometers—Paragraph (q)(4).

Similarly, since the date of the last acoustic or exhaustive calibration of the audiometer also must be kept with the employee's audiometric test record, keeping a separate record of calibration results is unnecessary. OSHA is therefore considering deleting paragraph (q)(4) in its entirety.

Record retention—Paragraph (q)(5).

The Agency is staying and is considering deleting paragraphs (q)(5)(iii) and (q)(5)(iv), requiring that records of test room sound pressure levels and audiometer calibrations be kept for 5 years, to be consistent with

the deletion of the requirement that such information be kept as a separate record. The provisions for record retention in paragraph (q)(5)(i) requiring the retention of noise exposure measurement records for 2 years are going into effect. Paragraph (q)(5)(ii) is being partially stayed insofar as employers have to retain such records for 5 years after termination of employment. Employers will, however, be required to retain audiometric test records for the length of employment. OSHA invites comments on whether the retention period for audiometric test records (length of employment plus 5 years) in paragraph (q)(5)(ii) is necessary for a successful hearing conservation program. Since audiometric test records can be valuable to employees after they have left a company, OSHA also invites comments on whether employers should be required to offer a departing employee his or her audiometric test records.

Recordkeeping Clearance. As noted above, this standard contains recordkeeping requirements, some of which are going into effect now and some of which are being stayed pending receipt and review of further comments on the necessity of the requirements. The recordkeeping requirements in the amendment have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Public Law 96–511, 44 U.S.C. Chapter 35. The OMB approval number is 1218–0048.

Custody of Records. The question was raised as to whether the amendment requires employers to keep records at the workplace. The Agency recognizes that some employers, especially small companies, may prefer to hire contractors to fulfill their hearing conservation requirements, and may choose to have the contractors keep the records. This is acceptable to OSHA as long as all records are readily available in case they are needed by the employer, employees, designated representatives, or by OSHA.

Appendices—Paragraph (r).

In paragraph (r)(2) reference to Appendix B (Temporal Sampling Procedures for Use With a Sound Level Meter) and Appendix F (Calculations and Application of Age Corrections to Audiograms) has been stayed to be consistent with the stays of Appendix B and Appendix F.

Effective dates—Paragraph (s).

Since the amendment will become effective on August 22, 1981 instead of April 15, 1981, the start-up dates contained in paragraphs (s)(2) and (s)(3) for completion of monitoring and baseline audiograms are being adjusted to reflect the same amount of time given in the January 16, 1981 amendment. Accordingly, monitoring must be completed by February 22, 1982, and baseline audiograms must be completed by August 22, 1982. In paragraph (s)(2), references to the initial determination and to paragraph (d) have been stayed to be consistent with the stay of paragraph (d), requiring initial determinations.

Paragraphs (s)(4) concerning the effective date for the more stringent requirements for background sound pressure levels in audiometric test rooms and (s)(5), concerning the effective date for the more stringent requirements for noise dosimeters, are being stayed to be consistent with the staying of these substantive requirements in Table D–1 of Appendix D and paragraph (g) respectively.

Other Alternatives. Possible alternatives to the hearing conservation standard have been suggested to the Agency. These alternatives might include the following provisions:

1. Employers shall conduct audiograms annually of every employee exposed to noise in excess of an 8-hour time weighted average sound level (TWA) of 85 dBa,[1] according to standards on audiometers and audiometric test rooms established by the American National Standards Institute,[2] and under the supervision of a qualified technician;
2. Such audiograms shall be reviewed annually by a qualified audiologist, otolaryngologist or physician to identify employees whose hearing acuity has diminished more than normal;
3. Employers shall instruct all employees identified under paragraph 2 in the proper use of hearing protection when working in noisy areas and shall take appropriate measures to enforce the use of suitable protective devices for those employees when they are exposed to noise levels in excess of an 8-hour time weighted average sound level (TWA) of 85 dBa.

The purpose of this suggestion is to determine whether the goal of hearing conservation could be achieved by a performance standard that does not contain detailed compliance requirements but rather leaves implementation to physicians and other experts in the field. One of the benefits of the suggestion, for example, may be that more employees would read and fully understand the standard. In addition, small employers whose resources may be limited might themselves be better able to comply because of the brevity and simplicity of this alternative. As a result of a greater understanding on the part of both employees and employers, more effective compliance with the standard may be encouraged.

OSHA invites comments on the above alternative, especially with respect to the following points:

1. Do the above provisions constitute an adequate hearing conservation program? Would the protection provided to workers against noise-induced hearing loss by the above provisions be comparable to the protection provided by the hearing conservation amendment as issued? What evidence supports the conclusions of comparability or non-comparability?
2. How would the employer's compliance with the above provisions differ from the actions necessary for compliance with the hearing conservation amendment? What would be the impact of these differences on costs of compliance?
3. How would OSHA enforcement of the above provisions differ from enforcement of the hearing conservation amendment?

OSHA will consider the comments submitted on these alternative provisions and the responses to the questions listed in deciding whether any further rulemaking activity on the matters included in the alternative is warranted.

IV. Summary of Regulatory Impact Analysis

A Regulatory Impact Analysis, consistent with the requirements of Executive Order 12291 has been prepared. The document discusses, *inter alia*, the costs of the hearing conservation provisions published in January and the costs of the provisions going into effect on August 22, presents information on relative cost-effectiveness between the two sets of provisions, and describes the impact on small business, consistent with the Regulatory Flexibility Act.

As mentioned in the background section of this **Federal Register** notice, the total cost of the amendment published in January was estimated to be $269 million or an average of $53 per worker included in hearing conservation programs mandated by the amendment. The Regulatory Impact Analysis also presents recalculated costs of $234.6 million for the January amendment. This adjustment was based on new information. The provisions going into effect on August 22 are considerably less costly: these provisions are estimated to result in total costs of $181.5 million or an average of $36 per worker per year. After adjusting for current compliance activities, the

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[1] See Appendix A.

[2] American National Standards Institute (ANSI) Specification for Audiometers, S3.6–1969, and the Institute's Specification for Audiometric Test Rooms, ANSI S3.1–1977. Audiometers shall be calibrated annually to ensure the standard is met. ANSI S3.1–1977 must be followed for testing performed at frequencies of 1,000 Hz and above; for testing below Hz, ANSI S3.1–1960 may be used.

provisions going into effect on August 22 will result in $170.6 million in new costs.

The Regulatory Impact Analysis relies on the benefits calculations of the Regulatory Analysis which was prepared for the amendment published in January 16, 1981. OSHA estimated that hearing conservation programs for all employees exposed above 85 dB would eliminate 212,000 cases of material impairment of hearing after 10 years, 696,000 after 30 years and 898,000 cases at equilibrium. Even assuming full compliance with the present standard which requires hearing conservation programs for all employees exposed over 90 dB, the amendment would prevent 38,000 additional impairments within 10 years, 143,000 within 30 years, and 189,000 at equilibrium. Therefore the standard would significantly reduce the risk of hearing impairment present in many workplaces. The original benefits estimates assumed that the provisions in the amendment formed a system of checks and balances to assure that employees who were highly susceptible to noise would be identified and prevented from incurring material impairment by intervening at an early stage with counseling, training, retesting and professional evaluation where necessary. Because of the interrelated nature of the hearing conservation provisions, it is very difficult to predict what effect the relaxation of any requirement or group of requirements will have on the benefits predicted.

Copies of the Regulatory Impact Analysis can be obtained from the Docket Office, at the address listed in the "Address" section at the beginning of this Federal Register document. Comments, including analysis and data to support any conclusions drawn, are invited on the following issues:

1. Whether it is appropriate to assume that the provisions going into effect on August 22 will be adequate to achieve the benefits predicted.
2. Whether the continued stay of certain provisions has lowered the costs and simultaneously diminished the benefits likely to be realized.
3. Whether general performance requirements for noise exposure monitoring are sufficient to identify all employees who need to be included in hearing conservation programs so that they will receive the benefits of such programs.
4. Whether the provisions going into effect August 22 represent a cost-effective alternative to the January 16 amendment.

V. Environmental Impact

On February 19, 1974 OSHA announced in the **Federal Register** its intention to prepare an Environmental Impact Statement assessing the impact of a standard that would be proposed for occupational noise exposure (See 39 FR 6119). Information was solicited from the public on a variety of environmentally related issues including possible environmental impacts of the recommended standard and any irreversible commitments of resources which would be involved if the standard should be implemented.

A draft Environmental Impact Statement was made available to the public on June 16, 1975 (40 FR 25525) and environmental impact was specifically an issue at the first hearing held in 1975.

A Final Environmental Impact Statement was prepared in accordance with the Council on Environmental Quality (CEQ) Guidelines (40 CFR 1500 *et seq.*) and the Department of Labor's regulations setting out procedures to be used by Department of Labor agencies to insure compliance with the National Environmental Policy Act (29 CFR Part 11). The final Environmental Impact Statement was made available to the public at the time the final rule was published. The Final Environmental Impact Statement concluded that the hearing conservation amendment would beneficially impact the workplace environment by reducing both the incidence and the degree of hearing loss among workers. It also concluded that the incidence of other adverse health effects associated with noise exposure might also be reduced.

OSHA does not believe that staying various provisions of the amendment will have any significant environmental impact. Therefore, no revised Environmental Impact Statement is necessary. Comments and data are requested on whether the Agency's action today will have any significant environmental impact.

VI. Conclusion

Comments and data are hereby requested in response to the specific questions posed in the discussion above. In addition, interested persons are invited to submit any other relevant comments and data on any of the provisions which have been reopened for comment. These substantive comments must be submitted in accordance with the procedures outlined in the Public Participation section (see section II. B), and be received by November 23, 1981.

The stay is still in effect for all or part of the paragraphs listed below. Comments are specifically requested as to whether the interim stay of these provisions should remain in effect pending the submission and evaluation of substantive comments on these provisions. Comments on the interim stays must be submitted in accordance with the procedures outlined in the Public Participation section (see section II. A), and must be received by September 22, 1981.

A. Provisions Stayed

Paragraph (d).
Paragraph (e), except for part of (e)(1).
Paragraph (f).
Paragraph (g), except for part of (g)(2)(ii)(*b*).
Paragraph (h).
Paragraph (i), except for part of (i)(1).
Part of paragraph (j)(5)(i).
Paragraph (j)(5)(ii)(*a*).
Paragraph (j)(5)(ii)(*b*).
Part of paragraph (j)(7)(i).
Part of paragraph (j)(7)(ii).
Part of paragraph (j)(7)(iii).
Paragraph (j)(7)(iv).
Part of paragraph (j)(8).
Paragraph (j)(8) (iii) and (iv).
Part of paragraph (j)(8)(iv) (*a*) and (*b*).
Paragraph (j)(8)(iv)(*d*).
Paragraph (j)(9).
Paragraph (j)(10).
Part of paragraph (1)(2)(i).
Paragraph (n)(3) (i), (iii), (iv) and (v).
Paragraph (p).
Part of paragraph (q)(1)(i).
Paragraph (q)(1)(ii).
Part of paragraph (q)(2)(ii)(*c*).
Paragraph (q)(2)(ii)(*d*).
Paragraph (q)(2)(ii)(*g*).
Paragraph (q)(3)(ii).
Paragraph (q)(4).
Part of paragraph (q)(5)(ii).
Part of paragraph (q)(5) (iii) and (iv).
Part of paragraph (r)(2).
Part of paragraph (s)(2).
Paragraph (s)(4).
Paragraph (s)(5).
Appendix B is stayed in its entirety.
Part of appendix D, including Table D–1.
Appendix F.
Part of Appendix G.

B. Technical Amendments

§ 1910.95 [Amended]

For the reasons set out in the preamble, Part 1910 of Title 29, Code of Federal Regulations, is amended as set forth below.

1. Paragraph (c) of § 1910.95 is amended by inserting the words "slow response" after "85 decibels measured on the A scale".

2. Paragraph (j)(3) of § 1910.95 is amended by deleting the word "person" in the first sentence and inserting the word "technician" in its place. Also in the first sentence, the words "by an audiometric technician" are removed.

3. Paragraph (j)(7)(ii) of § 1910.95 is amended by removing the first sentence which states "such evaluation shall be performed by an audiologist, otolaryngologist, or qualified physician"

and inserting in its place paragraph (j)(7)(iii) as amended below.

4. Paragraph (j)(7)(iii) of § 1910.95 is amended by removing the word "the" before "audiologist" and inserting the word "an" in its place; in addition, the word "also" is removed.

5. Paragraph (k)(5)(iii) of § 1910.95 is amended by inserting the words "and above 6000 Hz" after the words "below 500 Hz" in the second sentence.

6. Paragraph (r)(2) of § 1910.95 is amended by removing the words "appendices B, F and" before "H"; the word "are" which appears twice in the sentence is removed and the word "is" is inserted in its place.

7. Paragraph (s)(1) of § 1910.95 is amended by removing the words "April 15, 1981" and inserting "August 22, 1981" in its place.

8. Paragraph (s)(2) of § 1910.95 is amended by removing the words "October 15, 1981" and inserting "February 22, 1982" in its place.

9. Paragraph (s)(3) of § 1910.95 is amended by removing the words "April" 15, 1982" and inserting "August 22, 1982" in its place.

10. Paragraph I. (1)(ii) in Appendix A of § 1910.95 is corrected by removing "C_nT_n" and inserting "C_n/T_n" in its place.

11. Table E–2 in Appendix E of § 1910.95 is corrected by changing "TDH–39" in the middle column heading to read "TDH–49".

12. In Appendix H of § 1910.95, the address given for the Superintendent of Documents in the right hand column of the chart is corrected by changing the zip code from "20404" to "20402".

C. Provisions Going Into Effect August 22

The text of the hearing conservation amendment contained in § 1910.95(c)–(s) and appendices A–I to § 1910.95 currently in effect is shown below.

§ 1910.95 Occupational noise exposure.

* * * * *

(c) *Hearing conservation program.* The employer shall administer a continuing, effective hearing conservation program, as described in paragraphs (c) through (s) of this section whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels measured on the A scale slow response or, equivalently, a dose of fifty percent. For purposes of the hearing conservation program, employee noise exposures shall be computed in accordance with Appendix A and Table G–16a, and without regard to any attenuation provided by the use of personal protective equipment.

(e) *Monitoring.* (1) When information indicates that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels, the employer shall obtain measurements for employees who may be exposed at or above that level.

(g)(2)(ii)(*b*) All continuous, intermittent and impulsive sound levels from 80 dB to 130 dB shall be integrated into the computation.

(i) *Observation of monitoring.* (1) The employer shall provide affected employees or their representatives with an opportunity to observe any measurements of employee noise exposure which are conducted pursuant to this section.

(j) *Audiometric testing program.* (1) The employer shall establish and maintain an audiometric testing program as provided in this paragraph by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels.

(2) The program shall be provided at no cost to employees.

(3) Audiometric tests shall be performed by a licensed or certified audiologist, otolaryngologist, or other qualified physician, or by a technician who is certified by the Council of Accreditation in Occupational Hearing Conservation, or who has satisfactorily demonstrated competence in administering audiometric examinations, obtaining valid audiograms, and properly using, maintaining and calibrating audiometers. A technician who performs audiometric tests must be responsible to an audiologist, otolaryngologist or qualified physician.

(4) All audiograms obtained pursuant to this section shall meet the requirements of Appendix C: *Audiometric Measuring Instruments.*

(5) *Baseline audiogram.* (i) The employer shall establish for each employee so exposed a valid baseline audiogram against which subsequent audiograms can be compared.

(ii) Testing to establish a baseline audiogram shall be preceded by at least 14 hours without exposure to workplace noise.

(6) *Annual audiogram.* (i) At least annually after obtaining the baseline audiogram, the employer shall obtain a new audiogram for each employee exposed at or above a time-weighted average of 85 decibles.

(ii) Annual audiometric testing may be conducted at any time during the workshift.

(7) *Evaluation of audiogram.* (i) Each employee's annual audiogram shall be compared to that employee's baseline audiogram to determine if the audiogram is valid and if a significant threshold shift has occurred.

(ii) An audiologist, otolaryngologist, or qualified physician shall review the audiograms to determine whether there is need for further evaluation. The employer shall provide to the person performing this evaluation the following information:

(*a*) A copy of the requirements for hearing conservation as set forth in paragraphs (c) through (r) of this section;

(*b*) The baseline audiogram and most recent audiogram of the employee to be evaluated;

(*c*) Measurements of background sound pressure levels in the audiometric test room as required in Appendix D: *Audiometric Test Rooms.*

(*d*) Records of audiometer calibrations required by paragraph (k)(5) of this section.

(8) *Follow-up procedures.* If a comparison of the annual audiogram to the baseline audiogram indicates a significant threshold shift the employer shall ensure that the following steps are taken:

(i) Employees not using hearing protectors shall be fitted with hearing protectors, trained in their use and care, and required to use them.

(ii) Employees already using hearing protectors shall be refitted and retrained in the use of hearing protectors and provided with hearing protectors offering greater attenuation if necessary.

(iv)(*a*) Inform the employee in writing, within 21 days of the determination, of the existence of a significant threshold shift;

(*b*) Refer the employee for a clinical audiological evaluation or an otological examination, as appropriate, if additional testing is necessary or if the employer suspects that a medical pathology of the ear (as defined in Appendix I) is caused or aggravated by the wearing of hearing protectors;

(*c*) Inform the employee of the need for an otological examination if a medical pathology of the ear which is unrelated to the use of hearing protectors is suspected.

(k) *Audiometric test requirements.* (1) Audiometric tests shall be pure tone, air conduction, hearing threshold examinations, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000, and 6000 Hz. Tests at each frequency shall be taken separately for each ear.

(2) Audiometric tests shall be conducted with equipment that meets the specifications of, and is maintained

and used in accordance with, American National Standard Specification for Audiometers, S3.6–1969.

(3) Pulsed-tone and self-recording audiometers, if used, shall meet the requirements specified in Appendix C: *Audiometric Measuring Instruments.*

(4) Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix D: *Audiometric Test Rooms.*

(5) *Audiometer calibration.* (i) The functional operation of the audiometer shall be checked before each day's use by testing a person with known, stable hearing thresholds, and by listening to the audiometer's output to make sure that the output is free from distorted or unwanted sounds. Deviations of more than 5 dB shall require an acoustic calibration.

(ii) Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix E: *Acoustic Calibration of Audiometers.* Test frequencies below 500 Hz and above 6000 Hz may be omitted from this check. Deviations of more than 10 dB necessitate an exhaustive calibration.

(iii) An exhaustive calibration shall be performed at least every two years in accordance with sections 4.1.2; 4.1.3; 4.1.4.3; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6–1969. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this calibration.

(l) *Hearing protectors.* (1) Employers shall make hearing protectors available to all employees exposed to a time-weighted average of 85 decibels or greater at no cost to the employees. Hearing protectors shall be replaced as necessary.

(2) Employers shall ensure that hearing protectors are worn by all employees:

(i) Who are exposed to a time-weighted average of 85 decibels or greater and who have experienced a significant threshold shift; or

(ii) Who are required by paragraph (b)(1) of this section to wear personal protective equipment.

(3) Employees shall be given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer.

(4) The employer shall provide training in the use and care of all hearing protectors provided to employees.

(5) The employer shall ensure proper initial fitting and supervise the correct use of all hearing protectors.

(m) *Hearing protector attenuation.* (1) The employer shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used by one of the methods described in Appendix G: *Methods for Estimating the Adequacy of Hearing Protector Attenuation.*

(2) Hearing protectors must attenuate employee exposure at least to a time-weighted average of 90 decibels as required by paragraph (b) of this section.

(3) For employees who have experienced a significant threshold shift, hearing protectors must attenuate employee exposures to a time-weighted average of 85 decibels or below.

(4) The adequacy of hearing protector attenuation shall be re-evaluated whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation. The employer shall provide more effective hearing protectors where necessary.

(n) *Training program.* (1) The employer shall institute a training program for all employees who are exposed to noise at or above a TWA of 85 dB, and shall ensure employee participation in such program.

(2) The training program shall be repeated annually for each employee included in the hearing conservation program. Information provided in the training program shall be updated to be consistent with changes in protective equipment and work processes.

(3) The employer shall ensure that each employee is informed of the following:

(ii) The effects of noise on hearing;

(vi) The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions on selection, fitting, use, and care; and

(vii) The purpose of audiometric testing, and an explanation of the test procedures.

(o) *Access to information and training materials.* (1) The employer shall make available to affected employees or their representatives copies of this standard and shall also post a copy in the workplace.

(2) The employer shall provide to affected employees any informational materials pertaining to this standard that are supplied to the employer by the Assistant Secretary.

(3) The employer shall provide, upon request, all materials related to the employer's training and education program pertaining to this standard to the Assistant Secretary and the Director.

(q) *Recordkeeping.* (1) *Exposure measurements.* (i) The employer shall maintain an accurate record of all employee exposure measurements required by this section.

(2) *Audiometric tests.* (i) The employer shall retain all employee audiograms obtained pursuant to paragraph (j) of this section;

(ii) This record shall include:

(*a*) Name and job classification of the employee;

(*b*) Date of the audiogram;

(*c*) The examiner's name;

(*e*) Date of the last acoustic or exhaustive calibration of the audiometer;

(*f*) Employee's most recent noise exposure assessment;

(3) *audiometric test rooms.* (i) The employer shall maintain accurate records of the measurements of the background sound pressure levels in audiometric test rooms.

(5) *Record retention.* The employer shall retain records required in this paragraph (q) for at least the following periods:

(i) Noise exposure measurement records shall be retained for 2 years.

(ii) Audiometric test records shall be retained for the duration of the affected employee's employment.

(6) *Access to records.* All records required by this section shall be provided upon request to employees, former employees, representatives designated by the individual employee and the Assistant Secretary. The provisions of 29 CFR 1910.20(a)–(e) and (g)–(i) apply to access to records under this section.

(7) *Transfer of records.* If the employer ceases to do business, the employer shall transfer to the successor employer all records required to be maintained by this section, and the successor employer shall retain them for the remainder of the period prescribed in paragraph (q)(5) of this section.

(r) *Appendices.* (1) Appendices A, C, D, E, G, and I to this section are incorporated as part of this section and the contents of these Appendices are mandatory.

(2) Appendix H to this section is informational and is not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

(s) *Effective dates.* (1) Paragraphs (c)–(r) of this section shall become effective August 22, 1981 unless otherwise noted below.

(2) Monitoring conducted pursuant to paragraph (e) of this section shall be completed by February 22, 1982.

(3) Baseline audiograms required by paragraph (j) of this section shall be completed by August 22, 1982.

Appendix A: Noise Exposure Computation

This Appendix is Mandatory

I. Computation of Employee Noise Exposure

(1) Noise dose is computed using Table G–16a as follows:

(i) When the sound level, L, is constant over the entire work shift, the noise dose, D, in percent, is given by: $D=100\ C/T$ where C is the total length of the work day, in hours, and T is the reference duration corresponding to the measured sound level, L, as given in Table G–16a or by the formula shown as a footnote to that table.

(ii) When the workshift noise exposure is composed of two or more periods of noise at different levels, the total noise dose over the work day is given by:
$D=100\ (C_1/T_1+C_2/T_2+\ldots+C_n/T_n)$,
where C_n indicates the total time of exposure at a specific noise level, and T_n indicates the reference duration for that level as given by Table G–16a.

(2) The eight-hour time-weighted average sound level (TWA), in decibels, may be computed from the dose, in percent, by means of the formula: $TWA=16.61\ \log_{10}\ (D/100)+90$. For an eight-hour workshift with the nose level constant over the entire shift, the TWA is equal to the measured sound level.

(3) A table relating dose and TWA is given in Section II.

Table G–16a

A-weighted sound level, L (decibel)	Reference duration, T (hour)
80	32
81	[illegible]
82	24.3
83	21.1
84	18.4
85	16
86	13.9
87	12.1
88	10.6
89	9.2
90	8
91	7.0
92	6.2
93	5.3
94	4.6
95	4
96	3.5
97	3.0
98	2.6
99	2.3
100	2
101	1.7
102	1.5
103	1.4
104	1.3
105	1
106	0.87
107	0.76
108	0.66
109	0.57
110	0.5
111	0.44
112	[illegible]
113	0.33
114	[illegible]
115	0.25
116	*0.22*
117	*0.19*
118	*0.16*
119	*0.14*
120	*0.125*
121	*0.11*
122	[illegible]
123	[illegible]
124	*0.072*
125	0.063

Table G–16a—Continued

A-weighted sound level, L (decibel)	Reference duration, T (hour)
126	*0.054*
127	*0.047*
128	*0.041*
129	[illegible]
130	*0.031*

In the above table the reference duration, T, is computed by

$$T=\frac{8}{2^{(L-90)/5}}$$

where L is the measured A-weighted sound level.

II. Conversion Between "Dose" and "8-Hour Time-Weighted Average" Sound Level

Compliance with paragraphs (c)–(r) of this regulation is determined by the amount of exposure to noise in the workplace. The amount of such exposure is usually measured with an audiodosimeter which gives a readout in terms of "dose." In order to better understand the requirements of the amendment, dosimeter readings can be converted to an "8-hour time-weighted average sound level" (TWA).

In order to convert the reading of a dosimeter into TWA, see Table A–1, below. This table applies to dosimeters that are set by the manufacturer to calculate dose or percent exposure according to the relationships in Table G–16a. So, for example, a dose of 91 percent over an eight hour day results in a TWA of 89.3 dB, and, a dose of 50 percent corresponds to a TWA of 85 dB.

If the dose as read on the dosimeter is less than or greater than the values found in Table A–1, the TWA may be calculated by using the formula: $TWA=16.61\ \log_{10}\ (D/100)+90$ where TWA = 8-hour time-weighted average sound level and D = accumulated dose in percent exposure.

Table A–1.—*Conversion From "Percent Noise Exposure" or "Dose" to "8-Hour Time-Weighted Average Sound Level" (TWA)*

Dose or percent noise exposure	TWA
10	73.4
15	[illegible]
20	[illegible]
25	[illegible]
[illegible]	81.3
[illegible]	[illegible]
40	83.4
45	84.2
50	85.0
55	85.7
60	86.3
65	86.9
70	[illegible]
75	87.9
80	[illegible]
81	88.5
82	88.6
83	88.7

Table A–1.—*Conversion From "Percent Noise Exposure" or "Dose" to "8-Hour Time-Weighted Average Sound Level" (TWA)*—Continued

Dose or percent noise exposure	TWA
84	[illegible]
[illegible]	[illegible]
86	[illegible]
87	[illegible]
88	[illegible]
89	[illegible]
90	[illegible]
91	[illegible]
92	[illegible]
93	[illegible]
94	[illegible]
95	[illegible]
96	[illegible]
97	[illegible]
98	[illegible]
99	[illegible]
100	[illegible]
101	[illegible]
102	[illegible]
103	[illegible]
104	[illegible]
105	[illegible]
106	[illegible]
107	[illegible]
108	[illegible]
109	[illegible]
110	[illegible]
111	[illegible]
112	[illegible]
113	[illegible]
114	[illegible]
115	[illegible]
116	[illegible]
117	[illegible]
118	[illegible]
119	[illegible]
120	[illegible]
125	[illegible]
130	[illegible]
135	[illegible]
140	[illegible]
145	[illegible]
150	[illegible]
155	[illegible]
160	[illegible]
165	[illegible]
170	[illegible]
175	[illegible]
180	[illegible]
185	[illegible]
190	[illegible]
195	[illegible]
200	[illegible]
210	[illegible]
220	[illegible]
230	[illegible]
240	[illegible]
250	[illegible]
260	[illegible]
270	[illegible]
280	[illegible]
290	[illegible]
300	[illegible]
310	[illegible]
320	[illegible]
330	[illegible]
340	[illegible]
350	[illegible]
360	[illegible]
370	[illegible]
380	[illegible]
390	[illegible]
400	[illegible]
410	[illegible]
420	[illegible]
430	[illegible]
440	[illegible]
450	[illegible]
460	[illegible]
470	[illegible]
480	[illegible]
490	[illegible]
500	[illegible]
510	[illegible]
520	[illegible]
530	[illegible]
540	[illegible]
550	[illegible]

Table A-1.—*Conversion From "Percent Noise Exposure" or "Dose" to "8-Hour Time-Weighted Average Sound Level" (TWA)*—Continued

Dose or percent noise exposure	TWA
[illegible]	102.4
570	102.6
580	102.7
590	102.8
600	102.9
610	103.0
620	103.2
630	103.3
640	103.4
650	103.5
660	103.6
670	103.7
680	103.8
690	103.9
700	104.0
710	104.1
720	104.2
730	104.3
740	104.4
750	104.5
760	104.6
770	104.7
780	104.8
790	104.9
800	105.0
810	105.1
820	105.2
830	105.3
840	105.4
850	105.4
860	105.5
870	105.6
880	105.7
890	105.8
900	105.8
910	105.9
920	106.0
930	106.1
940	106.2
950	106.2
960	106.3
970	106.4
980	106.5
990	106.5
999	106.6

Appendix C: Audiometric Measuring Instruments

This Appendix is Mandatory

1. In the event that pulsed-tone audiometers are used, they shall have a tone on-time of at least 200 milliseconds.

2. Self-recording audiometers shall comply with the following requirements:

(A) The chart upon which the audiogram is traced shall have lines at positions corresponding to all multiples of 10 dB hearing level within the intensity range spanned by the audiometer. The lines shall be equally spaced and shall be separated by at least ¼ inch. Additional increments are optional. The audiogram pen tracings shall not exceed 2 dB in width.

(B) It shall be possible to set the stylus manually at the 10-dB increment lines for calibration purposes.

(C) The slewing rate for the audiometer attenuator shall not be more than 6 dB/sec except that an initial slewing rate greater than 6 dB/sec is permitted at the beginning of each new test frequency, but only until the second subject response.

(D) The audiometer shall remain at each required test frequency for 30 seconds (±3 seconds). The audiogram shall be clearly marked at each change of frequency and the actual frequency change of the audiometer shall not deviate from the frequency boundaries marked on the audiogram by more than ±3 seconds.

(E) It must be possible at each test frequency to place a horizontal line segment parallel to the time axis on the audiogram, such that the audiometric tracing crosses the line segment at least six times at that test frequency. At each test frequency the threshold shall be the average of the midpoints of the tracing excursions.

Appendix D: Audiometric Test Rooms

This Appendix is Mandatory

Rooms used for audiometric testing shall not have backgound sound pressure levels exceeding those in Table D-$_2$ when measured by equipment confoming at least to the Type 2 requirements of American National Standard Specification for Sound Level Meters, S1.4–1971 (R1976), and to the Class II requirements of American National Standard Specification for Octave, Half-Octave, and Third-Octave Band Filter Sets, S1.11–1971 (R1976).

Table D-2.—*Maximum Allowable Octave-Band Sound Pressure Levels for Audiometric Test Rooms*

Octave-band center frequency (Hz)	500	1000	2000	4000	8000
Sound pressure level (dB)	40	40	47	57	62

Appendix E: Acoustic Calibration of Audiometers

This Appendix is Mandatory

Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerances permitted by American Standard Specification for Audiometers, S3.6–1969.

(1) Sound Pressure Output Check

A. Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.

B. Set the audiometer's hearing threshold level (HTL) dial to 70 dB.

C. Measure the sound pressure level of the tones at each test frequency from 500 Hz through 6000 Hz for each earphone.

D. At each frequency the readout on the sound level meter should correspond to the levels in Table E–1 or Table E–2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

(2) Linearity Check

A. With the earphone in place, set the frequency to 1000 Hz and the HTL dial on the audiometer to 70 dB.

B. Measure the sound levels in the coupler at each 10-dB decrement from 70 dB to 10 dB, noting the sound level meter reading at each setting.

C. For each 10-dB decrement on the audiometer the sound level meter should indicate a corresponding 10 dB decrease.

D. This measurement may be made electrically with a voltmeter connected to the earphone terminals.

(3) Tolerances

When any of the measured sound levels deviate from the levels in Table E–1 or Table E–2 by ±3 dB at any test frequency between 500 and 3000 Hz, 4 dB at 4000 Hz, or 5 dB at 6000 Hz, and exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than 10 dB at any test frequency.

Table E-1.—*Reference Threshold Levels for Telephonics—TDH–39 Earphones*

Frequency, Hz	Reference threshold level for TDH–39 earphones, dB	Sound level meter reading, dB
500	11.5	81.5
1000	7	77
2000	9	79
3000	10	80
4000	9.5	79.5
6000	15.5	85.5

Table E-2.—*Reference Threshold Levels for Telephonics—TDH–49 Earphones*

Frequency, Hz	Reference threshold level for TDH–49 earphones, dB	Sound level meter reading, dB
500	13.5	83.5
1000	7.5	77.5
2000	11	81.0
3000	9.5	79.5
4000	10.5	80.5
6000	13.5	83.5

Appendix G: Methods for Estimating the Adequacy of Hearing Protector Attentuation

This Appendix is Mandatory

For employees who have experienced a significant threshold shift, hearing protector attenuation must be sufficient to reduce employee exposure to a TWA of 85 dB. Employers must select one of the following methods by which to estimate the adequacy of hearing protector attenuation.

The most convenient method is the Noise Reduction Rating (NRR) developed by the Environmental Protection Agency (EPA). According to EPA regulation, the NRR must be shown on the hearing protecter package. The NRR is then related to an individual worker's noise environment in order to assess the adequacy of the attenuation of a given hearing protector. This Appendix describes four methods of using the NRR to determine whether a particular hearing protector provides adequate protection within a given exposure environment. Selection among the four procedures is dependent upon the employer's noise measuring instruments.

Instead of using the NRR, employers may evaluate the adequacy of hearing protector attenuation by using one of the three methods developed by the National Institute for Occupational Safety and Health (NIOSH), which are described in the "List of Personal Hearing Protectors and Attenuation Data," HEW Publication No. 76–120, 1975, pages 21–37. These methods are known as NIOSH methods #1, #2 and #3. The NRR described below is a simplification of NIOSH method #2. The most complex method is NIOSH method #1, which is probably the most accurate method since it uses the largest amount of spectral information from the individual employee's noise environment. As in the case of the NRR method described below, if one of the NIOSH methods is used, the selected method must be applied to an individual's noise environment to assess the adequacy of the attenuation. Employers should be careful to take a sufficent number of measurements in order to achieve a representative sample for each time segment.

Note.—The employer must remember that calculated attenuation values reflect realistic values only to the extent that the protectors are properly fitted and worn.

When using the NRR to assess hearing protector adequacy, one of the following methods must be used:

(i) When using a dosimeter that is capable of C-weighted measurements:

(A) Obtain the employee's C-weighted dose for the entire workshift, and convert to TWA (see Appendix A, II).

(B) Subtract the NRR from the C-weighted TWA to obtain the estimated A-weighted TWA under the ear protector.

(ii) When using a dosimeter that is not capable of C-weighted measurements, the following method may be used:

(A) Convert the A-weighted dose to TWA (see Appendix A).

(B) Subtract 7 dB from the NRR.

(C) Subtract the remainder from the A-weighted TWA to obtain the estimated A-weighted TWA under the ear protector.

(iii) When using a sound level meter set to the A-weighting network:

(A) Obtain the employee's A-weighted TWA.

(B) Subtract 7dB from the NRR, and subtract the remainder from the A-weighted TWA to obtain the estimated A-weighted TWA under the ear protector.

(iv) When using a sound level meter set on the C-weighting network:

(A) Obtain a representative sample of the C-weighted sound levels in the employee's environment.

(C) Subtract the NRR from the C-weighted average sound level to obtain the estimated A-weighted TWA under the ear protector.

Appendix H: Availability of Referenced Documents

Paragraphs (c) through (s) of 29 CFR 1910.95 and the accompanying appendices contain provisions which incorporate publications by reference. Generally, the publications provide criteria for instruments to be used in monitoring and audiometric testing. These criteria are intended to be mandatory when so indicated in the applicable paragraphs of Section 1910.95 and appendices.

It should be noted that OSHA does not require that employers purchase a copy of the referenced publications. Employers, however, may desire to obtain a copy of the referenced publications for their own information.

The designation of the paragraph of the standard in which the referenced publications appear, the titles of the publications, and the availability of the publications are as follows:

Paragraph designation	Referenced publication	Available from—
§ 1910.95(g)(1)(i)	"Specification for Personal Noise Dosimeters," ANSI S1.25–1978. (ASA 25–1978).	Back Numbers Department, Dept. STD, American Institute of Physics, 333 E. 45th St., New York, NY 10017. American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
§ 1910.95(g)(1)(ii)	"Specification for Sound Level Meters," S1.4–1971 (R1976).	American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
§ 1910.95(k)(2), appendix E.	"Specifications for Audiometers," S3.6–1969.	American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
Appendix D	"Specification for Octave, Half-Octave and Third-Octave Band Filter Sets," S1.11–1971 (R1976).	Back Numbers Department, Dept. STD, American Institute of Physics, 333 E. 45th St., New York, NY 10017; American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
Appendix G	"List of Personal Hearing Protectors and Attenuation Data," HEW Pub. No. 76–120, 1975.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The referenced publications (or a microfiche of the publications) are available for review at many universities and public libraries throughout the country. These publications may also be examined at the OSHA Technical Data Center, Room N2439, United States Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210, (202) 523–9700 or at any OSHA Regional Office (see telephone directories under United States Government—Labor Department).

Appendix I: Definitions

These definitions apply to the following terms as used in paragraphs (c) through (r) of 29 CFR 1910.95.

Audiogram—A chart, graph, or table resulting from an audiometric test showing an individual's hearing threshold levels as a function of frequency.

Audiologist—A professional, specializing in the study and rehabilitation of hearing, who is certified by the American Speech, Hearing, and Language Association or licensed by a state board of examiners.

Baseline audiogram—The audiogram against which future audiograms are compared.

Crest factor—Absolute value of the ratio of the peak value and the root-mean-square value measured over a specified time interval where both values are measured in reference to the arithmetic mean value of the wave.

Criterion sound level—A sound level of 90 decibels.

Decibel (dB)—Unit of measurement of sound level.

Hertz (Hz)—Unit of measurement of frequency, numerically equal to cycles per second.

Medical pathology—A disorder or disease. For purposes of this regulation, a condition

or disease affecting the ear, which should be treated by a physician specialist.

Noise dose—The ratio, expressed as a percentage, of (1) the time integral, over a stated time or event, of the 0.6 power of the measured SLOW exponential time-averaged, squared A-weighted sound pressure and (2) the product of the criterion duration (8 hours) and the 0.6 power of the squared sound pressure corresponding to the criterion sound level (90 dB).

Noise dosimeter—An instrument that integrates a function of sound pressure over a period of time in such a manner that it directly indicates a noise dose.

Otolaryngologist—A physician specializing in diagnosis and treatment of disorders of the ear, nose and throat.

Representative exposure—Measurements of an employee's noise dose or 8-hour time-weighted average sound level that the employers deem to be representative of the exposures of other employees in the workplace.

Sound level—Ten times the common logarithm of the ratio of the square of the measured A-weighted sound pressure to the square of the standard reference pressure of 20 micropascals. Unit: decibels (dB). For use with this regulation, SLOW time response, in accordance with ANSI S1.4–1971 (R1976), is required.

Sound level meter—An instrument for the measurement of sound level.

Time-weighted average sound level—That sound level, which if constant over an 8-hour exposure, would result in the same noise dose as is measured.

VII. Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599, [29 U.S.C. 653, 655, 657]; 5 U.S.C. 553; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C. this 18th day of August, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–24448 Filed 8–19–81; 12:00 pm]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Noise Exposure; Hearing Conservation Amendment

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comments.

SUMMARY: In the Rules section of this issue, the Occupational Safety and Health Administration is publishing a document partially lifting an administrative stay of the hearing conservation amendment. As explained more fully in the Rules section document, certain provisions of the amendment are being reopened for comment and comments are also being requested on whether many of the provisions which have been reopened for comment should be stayed in the interim. Refer to this document for further details.

FOR FURTHER INFORMATION CONTACT: Dr. Alice Suter, Telephone (202) 523–7151.

Signed at Washington, D.C. this 18th day of August, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–24449 Filed 8–19–81: 12:00 pm]

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federal register

Friday
August 21, 1981

Part IV

Department of the Interior

Fish and Wildlife Service

Early Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Early Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits of mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, common snipe, gallinules, and teal in September, in the contiguous United States; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Iowa, Tennessee, Kentucky, and Florida; sandhill cranes in designated portions of North Dakota and South Dakota; and migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands during 1981–82. The taking of these migratory birds is prohibited unless hunting seasons are specifically provided. The rules will permit the hunting of these species within specified periods of time beginning as early as September 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

DATE: Effective on August 21, 1981.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Room 555, Matomic Building, 1717 H Street NW., Washington, D.C., telephone 202–254–3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On March 25, 1981, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (46 FR 18666) proposals to amend 50 CFR Part 20, with comment periods ending July 16 and August 24, 1981, respectively, for the 1981–82 early and late hunting frameworks. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. On July 6, 1981, the Service published in the **Federal Register** (46 FR 35316) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 13, 1981, the Service published for public comment in the **Federal Register** (46 FR 35056) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early migratory bird hunting regulations. On July 29, 1981, the Service published in the **Federal Register** (46 FR 38868) a fourth document consisting of a final rulemaking for the early season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1981–82 season. On August 17, 1981, the Service published for public comment in the **Federal Register** (46 FR 41736) a fifth document consisting of proposed rulemaking dealing specifically with frameworks for late season migratory bird hunting regulations. This document is the sixth in this year's regulatory cycle and consists of final rulemaking amending Subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Iowa, Tennessee, Kentucky, and Florida; sandhill cranes in designated portions of North Dakota and South Dakota; and migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Nontoxic Shot Regulations

On June 12, 1981, the Service published in the **Federal Register** (46 FR 31010) proposed rules describing nontoxic shot zones for waterfowl hunting. When eaten by waterfowl, spend lead pellets can have a toxic effect. Nontoxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas. The final regulations on nontoxic shot zones were published on August 13, 1981 (46 FR 40879).

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 24241). The final environmental assessment on shooting hours (42 FR 36495; July 15, 1977) supplemented the discussion on shooting hours in FES 75–54. Likewise, an environmental assessment on September dove hunting (42 FR 37552; July 22, 1977) supplemented the discussion on dove hunting in FES–75–54.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical."

Consequently, the Service reviewed all regulations frameworks being contemplated this year for season lengths, limits, shooting hours, and outside dates within which States may select seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasons; for sea ducks in certain defined areas of the Atlantic Flyway; for experimental September duck seasons in four States; for sandhill cranes in designated portions of North Dakota and South Dakota; and special falconry regulations. As a result of intra-Service Section 7 consultation, the Chief, Office of Endangered Species, stated in a biological opinion dated June 15, 1981, "* * * your action, as proposed, is not likely to jeopardize the continued existence of the above listed species [Aleutian Canada goose, Everglade kite, bald eagle, American peregrine falcon, Arctic peregrine falcon, and whooping crane] and the Critical Habitat of the American peregrine falcon and the whooping crane." As reported in the **Federal Register** dated July 13, 1981 (at 46 FR 36060), Section 7 consultation for the proposed frameworks for Alaska, Puerto Rico, and the Virgin Islands was concluded on May 15, 1981, with a satisfactory biological opinion.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for inspection in the Office of Endangered Species and the Office of Migratory Bird Management, Department of the Interior.

Regulatory Flexibility Act and Executive Order 12291

Pursuant to Executive Order 12291, the Department has determined that this rule is a major rule, and has significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq). In the **Federal Register** dated March 25, 1981 (at 46 FR 18669), the Service described measures it was taking to comply with new requirements on Federal agencies in developing new rules. A summary of an initial regulatory impact analysis was included in the same **Federal Register**

The Service subsequently completed a final regulatory impact and flexibility analysis on June 30, 1981. The abstract of the final analysis follows.

A Final Regulatory Impact Analysis (FRIA) of the U.S. Fish and Wildlife Service's annual hunting regulations frameworks for migratory game birds was undertaken to fulfill requirements of the Regulatory Flexibility Act and Executive Order 12291. The FRIA initially reviews legal, biological, administrative, sociolgical, and other considerations which have been utilized by the Service since 1918 in establishing the annual migratory bird hunting regulations. These regulations are developed under the authority of the Migratory Bird Treaty Act, which implements the four migratory bird treaties which the United States shares with other nations (Canada, Mexico, Japan, and the U.S.S.R.).

Analytical emphasis was placed on daily bag limits for ducks and season length alternatives, assuming that only a predetermined harvest could be extracted from the fall flight of ducks. Data used in the analysis were derived from national waterfowl harvest surveys, the 1975 Waterfowl Hunter Attitudes Survey, and the 1975 National Hunting and Fishing Survey. Inasmuch as changes in season length and bag limit usually change together, neither can be analyzed independently. Consequently, a Regulations Index or RI (the product of days of season times daily bag limit) was developed to facilitate the analysis. RI's were found to vary markedly by flyway, as did hunter participation and harvests in relation to the RI's. In some flyways (e.g., Pacific Flyway), regulations appeared to be at or beyond their capabilities in generating additional hunting pressure and harvest. Conversely, in the Mississippi Flyway, relatively small regulatory changes resulted in substantial changes in hunting activity and success. Hunters availed themselves of only about 4 percent of the hunting opportunity theoretically affored by the Federal regulations. Other factors had more influence on hunting activity, and consequently hunter expenditures, than the regulations themselves.

Two major alternatives to the basic hunting regulations effective in 1975 were studied by conventional economics procedures. In Alternative 1 the daily bag limit was increased by one duck while the season length was appropriately reduced to ensure that the same theoretical harvest would be achieved. From the analysis, it was estimated that the $193 million expended by hunters under the basic regulations in effect in 1975 would have been reduced 4.7 percent, or $9.05 million, had this alternative been in effect. Under Alternative 2, a decrease in the daily bag limit of 1 duck and a compensating season length increase to ensure that the same harvest would be achieved resulted in a theoretical economic gain of 8.6 percent, or $16.7 million. Most of the gain was in the Mississippi Flyway, which already accounts for about 40–42 percent of the nationwide hunting activity and harvest.

In view of the relatively small changes in the two options, and the fact that one would represent increased economic benefits while the other would impact negatively suggests that the Federal hunting regulations have been relatively effective in achieving optimum economic benefits even though they were not primarily set with that objective in mind. Under both options, some redistribution of hunting opportunity and hence hunter expenditures would result. Economic gains would materialize in some areas while others would experience economic losses. The potential problems resulting from such changes would outweigh the relatively small economic gains they might achieve.

Furthermore, an intention to embark upon a cooperative study of stablized season lengths and bag limits for ducks in conjunction with a similar investigation being conducted in Canada was announced in August 1979. The 1980 duck hunting regulations and those being proposed for the 1981–82 season are based on this concept. To alter season lengths and bag limits at this time would force termination of the study, which has broad support in both nations; and in the United States among the States, waterfowl flyway councils, hunters, and the public. The aim of this study is to measure and evaluate variations in hunter participation and harvest while regulations are unchanged but other factors are allowed to fluctuate normally. The study should provide important information on relationships between regulations and other variable factors on hunting activity, harvests, and waterfowl populations.

A diligent search for additional economics information relating to the benefits of migratory bird hunting upon small and other entities was unsuccessful. A special survey designed to gather presently unavailable information on hunter expenditures, impacts upon small and other entities, and additional hunter activity and harvest information would cost an estimated $382,500. Any additional economic benefits which might result from an expanded effort would be minor. Also, regulatory changes necessary for economic gains would likely impact adversely upon other considerations involved in the migratory bird management and regulations setting process. The expanded survey would place a new burden on the public and would be counterproductive in terms of the Federal and State conservation agencies' limited resources.

Finally, the annual migratory bird hunting regulations obviously are permissive rather than restrictive in nature inasmuch as the Migratory Bird Treaty Act provides that no hunting of migratory birds may occur unless regulations are expressly established.

The Service's FRIA was planned so that it would suffice for both the early and late season final regulations. Copies of the final analysis are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Street, NW., Washington, D.C. 20240.

Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Regulations Promulgation

After analysis of migratory game bird survey data obtained through investigations conducted by the Service, State conservation agencies, and other sources, and consideration of all comments received on the early proposals (46 FR 18666, March 25, 1981; 46 FR 35316, July 8, 1981, and 46 FR 36056, July 13, 1981), the Service published in the **Federal Register** on July 29, 1981 (46 FR 38868) final early season frameworks for contiguous United States, Alaska, Puerto Rico, the Virgin Islands, and Hawaii. Copies of the final frameworks were also sent to the officials of the State conservation agencies and to conservation agency officials in Puerto Rico and the Virgin Islands who were invited to submit recommendations for hunting seasons which complied with the season times and lengths, hours, areas, and limits specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The following amendments will permit taking of the designated species within specified time periods beginning as early as September 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the

regulations. Thus, when proposed rulemakings were published on March 25, July 8, and July 13, 1981, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States would have insufficient time to select their season dates, shooting hours, hunting areas, and limits; to communicate those selections to the Service; and to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) (Administrative Procedure Act), and these regulations will, therefore, take effect immediately upon publication.

Accordingly, each State conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of Title 50, Chapter I, Subchapter B, Part 20, Subpart K, are amended as follows:

1. Section 20.101 is revised to read as follows:

§ 20.101 Seasons, limits and shooting hours for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Puerto Rico.*

	Doves	Pigeons
Daily bag limit	10 singly or in the aggregate of all permitted species.	5
Possession limit	10 singly or in the aggregate of all permitted species.	5
Season dates	September 5 to November 2, 1981.	
Shooting hours	One-half hour before sunrise to sunset daily.	

Restrictions: Only the following species of doves and pigeons may be hunted during the open season: Zenaida dove (*Tortola cardosantera*); white-winged dove (*Tortola aliblanca o cubanita*); mourning dove (*Tortola rabilarga o rabiche*); and scaly-naped pigeon (*Paloma turca o torcaz*).

Closed Areas.

No season is prescribed for doves and pigeons on Mona Island in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as "Paloma cabeciblanca," a chance to recover.

No season is prescribed for doves and pigeons in the Municipality of Culebra and on Desecheo Island.

No season is prescribed in El Verde Closure Area consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) all lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

No season is prescribed for doves and pigeons of any species in all of Cidra Municipality and in portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavata, west along the Rio Guavata to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning.

Check Commonwealth regulations for additional restrictions.

(b) *Puerto Rico.*

	Ducks	Coots	Common gallinules	Common snipe
Daily bag limits	4	6	6	6
Possession limits	8	12	12	12

Season dates—December 5, 1981, through January 27, 1982.

Shooting hours—One-half hour before sunrise until sunset daily.

Restrictions: No season is prescribed for waterfowl in the Municipality of Culebra and on Desecheo Island. The season is closed on the ruddy duck (*Oxyura jamaicensis*); Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*); masked duck (*Oxyura dominica*); and purple gallinule (*Prophyrula martinica*).

Check Commonwealth regulations for additional restrictions.

Note.—Local names for game birds: Ruddy duck (*Oxyura jamaicensis*)—Pato rojo (protected); purple gallinule (*Porphyrula martinica*)—Gallareta azul (protected); and Puerto Rican plain pigeon (*Columba inornata wetmorei*)—Paloma sabanera (protected).

(c) *Virgin Islands.*

	Zenaida dove	Scaly-naped pigeon	Ducks
Daily bag limits	10	5	4
Possession limits	10	5	8

Season dates:

Zenaida dove and scaly-naped pigeon—September 1 through October 30, 1981.

Ducks only—December 6, 1981, through January 29, 1982.

Shooting hours—One half-hour before sunrise until sunset daily.

Restrictions: No open season is prescribed for ground or quail doves, or other pigeons in the Virgin Islands. The season is closed on the ruddy duck (*Oxyura jamaicensis*); Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*); masked duck (*Oxyura dominica*), and purple gallinule (*Porphyurula martinica*).

Check Commonwealth regulations for additional restrictions.

Note.—Local names for game birds: Zenaida dove (*Zenaida aurita*)—mountain dove; bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected); ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected); and scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

2. Section 20.102 is revised to read as follows:

§ 20.102 Seasons, limits, and shooting hours for Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Shooting hours: One-half hour before sunrise to sunset daily.

Check State regulations for additional restrictions, including area descriptions.

Open Seasons—Ducks, Geese, Cranes and Common Snipe

Area		
Northern	State Game Mgmt. Units: 11–13 and 17–26.	Sept. 1–Dec. 16.
Gulf Coast	State Game Mgmt. Units: 5–7, 9, 14–16, and Unimak Island.	Sept. 1–Dec. 16.

Open Seasons—Ducks, Geese, Cranes and Common Snipe—Continued

Area		
Southeast	State Game Mgmt. Units: 1–4	Sept. 1–Dec. 16.

Open Seasons—Ducks, Geese, Cranes and Common Snipe—Continued

Area		
Pribilof and Aleutian Islands	State Game Mgmt. Unit 10 except Unimak Island.	Oct. 6–Jan 22
Kodiak	State Game Mgmt. Unit 8	Oct. 6–Jan 22

Daily Bag and Possession Limits

Area	Ducks[1]	Geese[2]	Emperor geese[2]	Brant	Common snipe	Sandhill cranes
Northern	10–30	6–12	6–12	4–8	8–16	2–4
Gulf Coast	5–30	6–12	5–12	4–8	8–16	2–4
Southeast	7–21	6–12	6–12	4–8	8–16	2–4
Pribilof and Aleutian Islands	7–21	[3]6–12	6–12	4–8	8–16	2–4
Kodiak	7–21	6–12	6–12	4–8	8–16	2–4

[1] In addition to the basic daily bag and possession limits, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: scoter, eider oldsquaw, harlequin, and American and red-breasted mergansers.
[2] The daily bag and possession limits may not include more than 4 daily and 8 in possession of white-fronted and Canada geese, singly or in the aggregate. In addition to the daily bag and possession limits on other geese, the daily bag limit is 6 and the possession limit is 12 on emperor geese.
[3] No Canada geese may be taken in the Pribilof and Aleutian Islands west of Unimak Pass.

3. Section 20.103 is revised to read as follows:

§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Mourning Doves—Eastern Management Unit.*

Daily bag limit	12
Possession limit	24

Shooting hours: One-half hour before sunrise until sunset daily except as noted otherwise.

Check State regulations for additional restrictions, including area descriptions.

Seasons in:	
Alabama: (Limits—12 daily and in possession)	
North Zone:[1]	
All of Autauga, Barbour, Bullock, Butler, Crenshaw, Dallas, Elmore, Lee, Lowndes, Macon, Marengo, Montgomery, Pike, Russell and Wilcox Counties, and that area north of U.S. Highway 84 in Choctaw, Clarke, Conecuh, and Monroe Counties	
One-half hour before sunrise to sunset.	Sept. 19–Oct 18.
12 noon to sunset	Oct. 19–Nov. 5 and Dec 20–Jan. 10.
Remaining counties in North Zone	
12 noon to sunset	Sept. 19–Nov. 4 and Dec. 18–Jan. 9.
South Zone:[1]	
12 noon to sunset	Oct. 10–Oct. 19.
One-half hour before sunrise to sunset.	Oct. 20–Nov. 29 and Dec. 22–Jan. 9.
Connecticut	Closed.
Delaware (12 noon to sunset)	Sept. 5–Sept. 26 and Oct. 12–Oct 31 and Dec. 17–Jan. 13.
Florida:	
12 noon to sunset	Oct. 3–Nov. 1
One-half before sunrise to sunset.	Nov. 14–Nov. 29 and Dec. 12–Jan. 4
Georgia.	
North Zone[2]	Sept. 5–Oct. 10 and Dec. 12–Jan. 14.
South Zone[2]	Oct. 3–Nov. 7 and Dec. 12–Jan. 14
Illinois (12 noon to sunset)	Sept. 1–Nov. 9.
Indiana	Closed.
Kentucky (12 noon to sunset)	Sept. 1–Oct. 31 and Nov. 26–Dec. 4.
Louisiana:	
North Zone[3]	Sept. 5–Sept. 20 and Oct. 10–Nov. 8 and Dec. 12–Jan 4.
South Zone[3]	Oct. 10–Nov. 29 and Dec. 19–Jan 6.
Maine	Closed.
Maryland (12 noon to sunset)	Sept. 1–Oct. 10 and Nov. 11–Nov. 27 and Dec. 21–Jan 8.
Massachusetts	Closed.
Michigan	Closed.
Mississippi	Sept. 5–Oct. 4 and Oct. 17–Nov 8 and Dec. 26–Jan 11.
New Hampshire	Closed.
New Jersey	Closed.
New York	Closed
North Carolina:	
12 noon to sunset	Sept. 5–Oct. 10.
One-half hour before sunrise to sunset.	Dec. 14–Jan 15.
Ohio	Closed.
Pennsylvania (12 noon to sunset)	Sept. 1–Nov. 9.
Rhode Island: (12 noon to sunset):	
Black Hut, Buck Hill, Durfee Hill, Arcadia, Carolina, Great Swamp, Indian Cedar Swamp, and Woody Hill State Management Areas only.	Sept 9–Sept. 13
Statewide	Sept. 14–Sept. 30 and Oct. 17–Nov. 8 and Dec. 17–Jan. 10.
South Carolina	Sept. 5–Oct. 10 and Nov. 21–Nov 28 and Dec 21–Jan. 15.
Tennessee[4]	Sept. 1–Sept 30 and Oct. 10–Oct 25 and Dec. 19–Jan 11
Vermont	Closed
Virginia.	
12 noon to sunset	Sept. 5–Oct 24
One-half hour before sunrise to sunset.	Dec. 19–Jan. 7
West Virginia	Sept. 1–Oct 31 and Dec. 23–Dec 31
Wisconsin	Closed.

[1] In Alabama, the South Zone is defined as that area south of U.S. Highway 84 running east from the Mississippi State Line to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.
[2] In Georgia, the North Zone is defined as that area lying north of a division line as follows: U.S. Highway 280 from Columbus east to the Ocmulgee River, along the Ocmulgee River to the Altamaha River south to the western boundary of Tattnall County, north along the western boundary of Tattnall and Emanuel Counties, and east along the northern boundary of Jenkins and Screven Counties to the South Carolina State line. The South Zone consists of the remainder of Georgia.
[3] In Louisiana, the North Zone is defined as that area lying north of Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line. The South Zone consists of the remainder of Louisiana.
[4] In Tennesse, shooting hours on opening day (Sept 1) are 12 noon to sunset.

(b) *Mourning Doves—Central Management Unit.*

In Missouri, Nebraska, North Dakota, and South Dakota	
Daily bag limit	10
Possession limit	30
In Kansas, New Mexico, Oklahoma, and Texas	
Daily bag limit	12
Possession limit	24
In Arkansas, Colorado, and Wyoming	
Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise until sunset daily except as noted otherwise.

Check State regulations for additional restrictions, including area descriptions.

Seasons in	
Arkansas	Sept. 1–Oct. 4 and Dec. 19–Dec. 29
Colorado	Sept. 1–Oct. 15.
Iowa	Closed.
Kansas	Sept. 1–Oct. 30
Minnesota	Closed.
Missouri	Sept. 1–Oct 30

Montana	Closed.
Nebraska	Sept. 1–Oct. 15.
New Mexico (1)	Sept. 1–Sept. 30 and Nov. 21–Dec. 20.
North Dakota (sunrise to sunset)	Sept. 5–Oct. 19.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Sept. 1–Sept. 20.
Texas: (2)	
North Zone: Counties of Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso.	
Shooting hours:	
12 noon until sunset	Sept. 5, 6, 12, 13.
½ hour before sunrise until sunset.	Sept. 1–4 and Sept. 7–11 and Sept. 14–Oct. 30.
Remainder of North Zone: Shooting hours: ½ hour before sunrise until sunset.	Sept. 1–Oct. 30.
South Zone: Counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Webb, and Maverick.	
Shooting hours:	
12 noon until sunset	Sept. 5, 6, 12, 13.
½ hour before sunrise until sunset.	Sept. 20–Oct. 29 and Jan. 2–Jan. 17.
Remainder of South Zone: Shooting hours: ½ hour before sunrise until sunset.	Sept. 20–Nov. 2 and Jan. 2–Jan. 17.
Wyoming	Sept. 1–Oct. 15.

(1) In New Mexico, the daily bag limit is 12 and the possession limit is 24 white-winged and mourning doves, singly or in the aggregate of these species.

(2) In Texas, the North Zone consists of the counties of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby and all counties north and west thereof. The South Zone consists of all counties south and east of the North Zone.

(c) *Mourning Doves—Western Management Unit.*

Daily bag limit (except as noted)..... 10
Possession limit (except as noted)..... 20

Shooting hours: One-half hour before sunrise until sunset.

Check State regulations for additional restrictions, including area descriptions.

Seasons in:	
Arizona (1)	Sept. 1–Sept. 27 and Nov. 27–Jan. 8.
California (2)	Sept. 1–Sept. 30 and Nov. 21–Dec. 10.
Idaho	Sept. 1–Oct. 20.
Nevada (2)	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30.
Utah	Sept. 1–Sept. 30.
Washington	Sept. 1–Sept. 15.

(1) In Arizona during September 1 through 27 the daily bag limit is 12 mourning and white-winged doves in the aggregate of which no more than 6 may be white-winged doves. The possession limit is 24 mourning and white-winged doves in the aggregate of which no more than 12 may be white-winged doves. During November 27 through January 8, the bag and possession limits are 12 and 24 mourning doves, respectively.

(2) In those counties of California (Imperial, Riverside, and San Bernardino) and Nevada (Clark and Nye) having a season on white-winged doves, the daily bag limit is 10 and the possession limit is 20 mourning and white-winged doves, singly or in the aggregate of these species.

Notice.—Hawaii—Subject to the applicable provisions of the preceding sections of this part, mourning doves may be taken in accordance with the State regulations.

(d) *White-winged Doves.*

Shooting hours: One-half hour before sunrise until sunset except as noted otherwise.

Check State regulations for additional restrictions, including area descriptions.

	Season dates	Limits: Bag	Limits: Possession
Seasons in:			
Arizona (Statewide)	Sept. 1–Sept. 27.	6 (1)	12 (1)
California: (2)			
Counties of Imperial, Riverside, and San Bernardino.	Sept. 1–Sept. 30 and Nov. 21–Dec. 10.		
Remainder of State	Closed		
Nevada: (2)			
Counties of Clark and Nye.	Sept. 1–Oct. 20		
Remainder of State	Closed		
New Mexico (3)	Sept. 1–Sept. 30 and Nov. 21–Dec. 20.		
Texas: (4)			
In the North Zone counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Val Verde and Kinney, and South Zone counties of Maverick, Webb, Zapata, Starr, Hidalgo, Cameron, and Willacy.	Sept. 5, 6, 12, and 13.	10	20
Remainder of State	Closed		

(1) In Arizona during September 1 through 27 the daily bag limit is 12 mourning and white-winged doves in the aggregate of which no more than 6 may be white-winged doves. The possession limit is 24 mourning and white-winged doves in the aggregate of which no more than 12 may be white-winged doves.

(2) In designated counties of California and Nevada, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both species.

(3) In New Mexico the daily bag limit is 12 and the possession limit is 24 white-winged and mourning doves, singly or in the aggregate of both species.

(4) In Texas, the shooting hours are 12 noon until sunset.

(e) *Band-tailed Pigeons.*

Shooting hours: One-half hour before sunrise until sunset.

Check State regulations for additional restrictions, including area descriptions.

	Season dates	Limits: Bag	Limits: Possession
Seasons in:			
Arizona (1)	Oct. 9–Nov. 7	5	10
California:			
Counties of Alpine, Butte, Del Norte, Glen, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.	Sept. 26–Oct. 25.	5	5
Remainder of State	Dec. 12–Jan. 10.	5	5
Colorado (1)	Sept. 1–Sept. 30.	5	10
Nevada: (1) Carson City, Douglas, and Lyon Counties only.	Sept. 26–Oct. 25.	5	5
New Mexico: (1)			
North Zone (2)	Sept. 1–Sept. 20.	5	10
South Zone (2)	Oct. 3–Oct. 22	5	10
Oregon	Sept. 12–Oct. 11.	5	5
Utah (1)	Sept. 1–Sept. 30.	5	10
Washington	Sept. 1–Sept. 30.	5	5

(1) Every hunter must have been issued and carry on his person while hunting band-tailed pigeons a properly validated special band-tailed pigeon hunting permit issued by the State conservation agency of each respective State for the open season in that State. Such a special band-tailed pigeon hunting permit will be issued upon application to the State conservation agency of the State in which hunting is to be done. Permits issued by any State will be valid in that State only. This season shall be open only in the areas described, delineated, and designated as such by Arizona, Colorado, Nevada, New Mexico, and Utah in their respective hunting regulations.

(2) In New Mexico the *North Zone* is defined as that area lying north and east of a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and then south along Interstate Highway 25 to the Texas State line. The *South Zone* is defined as that area lying south and west of the North Zone.

4. Section 20.104 is revised to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are as follows:

	Rails (sora and Virginia)	Rails (clapper and king)	Woodcock	Commonsnipe
Daily bag limit	25(1)	See footnote (2)	5	8.
Possession limit	25(1)	See footnote (2)	10	16.
Shooting Hours: One-half hour before sunrise until sunset daily on all species, except as noted otherwise.				
Atlantic Flyway				
Connecticut	Sept. 1–Nov. 7	Sept. 1–Nov. 7	Deferred	Deferred.
Delaware	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 12–Oct. 31 and Nov. 16–Dec. 30.	Oct. 12–Oct. 31 and Nov. 16–Dec. 30.
Florida	Sept. 2–Nov. 10	Sept. 2–Nov. 10	Dec. 5–Feb. 7	Nov. 7–Feb. 21.
Georgia	Sept. 10–Nov. 18	Sept. 10–Nov. 18	Nov. 20–Jan. 23	Nov. 20–Feb. 28.
Maine	Sept. 1–Nov. 7	Closed	Sept. 25–Nov. 28	Sept. 1–Dec. 15.
Maryland	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 12–Nov. 27 and Dec. 14–Dec. 31.	Sept. 14–Dec. 29.
Massachusetts	Sept. 1–Nov. 7	Closed	Deferred	Sept. 1–Dec. 16.
New Hampshire	Closed	Closed	Sept. 19–Nov. 22	Sept. 19–Nov. 22.

	Rails (sora and Virginia)	Rails (clapper and king)	Woodcock	Commonsnipe
New Jersey: (3)				
North Zone	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 3–Nov. 26	Oct. 2–Oct. 31 and Nov. 9–Jan. 23.
South Zone	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 24–Dec. 5 and Dec. 18–Dec. 25.	Oct. 2–Oct. 31 and Nov. 9–Jan. 23.
New York: (3)				
Northern Zone including Lake Champlain	Sept. 1–Nov. 9	Closed	Sept. 20–Nov. 23	Sept. 1–Nov. 23
Long Island	Closed	Closed	Oct. 1–Nov. 23	Closed.
Remainder of State	Sept. 1–Nov. 9	Closed	Sept. 20–Nov. 23	Sept. 1–Nov. 23
North Carolina	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Nov. 13–Jan. 16	Nov. 13–Feb. 27
Pennsylvania	Sept. 1–Nov. 9	Closed	Oct. 17–Dec. 19	Oct. 17–Dec. 19.
Rhode Island	Sept. 16–Nov. 24	Sept. 16–Nov. 24	Oct. 17–Dec. 4 and Dec. 14–Dec. 29.	Sept. 16–Dec. 4 and Dec. 14–Dec. 31
South Carolina	Oct. 6–Dec. 14	Oct. 6–Dec. 14	Nov. 27–Jan. 30	Nov. 13–Feb. 27.
Vermont	Sept. 26–Nov. 29	Closed	Sept. 26–Nov. 29	Sept. 26–Nov. 29
Virginia	Sept. 12–Nov. 20	Sept. 12–Nov. 20	Nov. 9–Jan. 12	Oct. 17–Jan. 31
West Virginia	Sept. 7–Nov. 14	Closed	Oct. 17–Dec. 19	Sept. 7–Dec. 22.
Mississippi Flyway				
Alabama	Nov. 10–Jan. 18	Nov. 10–Jan. 18	Nov. 28–Jan. 31	Nov. 14–Feb. 28
Arkansas	Sept. 1–Nov. 9	Closed	Nov. 1–Jan. 4	Nov. 21–Feb. 28.
Illinois	Sept. 1–Nov. 9	Closed	Oct. 1–Dec. 4	Sept. 12–Dec. 27
Indiana	Sept. 1–Nov. 9	Closed	Sept. 19–Nov. 22	Sept. 1–Dec. 16.
Iowa (4)	Sept. 5–Nov. 13	Closed	Sept. 19–Nov. 22	Sept. 5–Dec. 20
Kentucky	Deferred	Closed	Oct. 3–Dec. 6	Oct. 3–Dec. 6.
Louisiana	Sept. 19–Nov. 27	Sept. 19–Nov. 27	Dec. 12–Feb. 14	Nov. 7–Feb. 21.
Michigan (5)	Sept. 15–Nov. 14	Closed	Sept. 15–Nov. 14	Sept. 15–Nov. 14
Minnesota	Sept. 1–Nov. 4	Closed	Sept. 1–Nov. 4	Sept. 1–Nov. 4.
Mississippi	Oct. 24–Jan. 1	Oct. 24–Jan. 1	Dec. 26–Feb. 28	Nov. 14–Feb. 28.
Missouri	Sept. 1–Nov. 9	Closed	Oct. 1–Dec. 4	Oct. 1–Dec. 4.
Ohio	Sept. 1–Nov. 9	Closed	Sept. 18–Nov. 21	Sept. 1–Nov. 28 and Dec. 7–Dec. 24
Tennessee	Deferred	Closed	Oct. 17–Nov. 22 and Feb. 1–Feb. 28.	Nov. 19–Feb. 28
Wisconsin	Deferred	Closed	Sept. 12–Nov. 15	Deferred
Central Flyway				
Colorado (6)	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 2
Kansas	Sept. 12–Nov. 20	Closed	Oct. 3–Dec. 6	Sept. 12–Dec. 27
Montana (6)	Closed	Closed	Closed	Deferred
Nebraska (7)	Sept. 1–Nov. 9	Closed	Sept. 15–Nov. 18	Sept. 1–Dec. 15.
New Mexico (6)	Sept. 12–Nov. 20	Closed	Closed	Sept. 12–Dec. 13
North Dakota	Closed	Closed	Closed	Sept. 12–Nov. 29
Oklahoma	Sept. 1–Nov. 8	Closed	Nov. 20–Jan. 23	Oct. 20–Feb. 3
South Dakota (8)	Closed	Closed	Closed	Sept. 1–Oct. 31
Texas	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Deferred	Deferred
Wyoming (6)	Sept. 26–Dec. 4	Closed	Closed	Sept. 26–Jan. 10
Pacific Flyway				
Colorado (6)	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 2
Montana (6)	Closed	Closed	Closed	Deferred
New Mexico (6)	Sept. 12–Nov. 20	Closed	Closed	Sept. 12–Dec. 13
Wyoming (6)	Sept. 26–Dec. 4	Closed	Closed	Sept. 26–Dec. 27

NOTE.—No seasons are prescribed for woodcock. Snipe seasons have been deferred by all other States in the Pacific Flyway. Consult waterfowl regulations to be published later for information concerning these seasons.

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

(2) In addition to the limits on sora and Virginia rails, in Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species, except that the season is closed on king rails in New Jersey by State regulation. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these two species.

(3) For description of zones or management units within a State, see State regulations.

(4) In Iowa, shooting hours are sunrise to sunset. Rail limits are 15 daily and 25 in possession.

(5) In Michigan, in the counties of Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne, and adjacent Great Lakes and connecting waters, the rail and snipe seasons shall open concurrently with the duck season and run continuously in all areas through November 14.

(6) The Central Flyway portion consists of: *Colorado* and *Wyoming*—the area lying east of the Continental Divide; *Montana*—the area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties; *New Mexico*—the area lying east of the Continental Divide but outside the Jicarilla Apache Indian Reservation. The remainder portions of these States are in the Pacific Flyway.

(7) In Nebraska the rail limits are 10 daily and in possession.

(8) In South Dakota, the snipe limits are 5 daily and 15 in possession.

NOTE.—Some States may select rail, woodcock and snipe seasons at the time they select their duck seasons in August. Consult waterfowl regulations to be published later for information concerning these seasons.

5. Section 20.105 is revised to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 15, 1981, and January 20, 1982, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running • between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are

separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

Check State regulations for additional restrictions.

Seasons in:	
Connecticut	Sept. 25–Jan. 9
Delaware	Sept. 26–Jan. 9
Georgia	Deferred.
Maine	Oct. 1–Jan. 15
Maryland	Oct. 6–Jan. 20
Massachusetts	Deferred.
New Hampshire	Sept. 15–Dec. 30
New Jersey	Oct. 6–Jan. 20
New York (Long Island only)	Sept. 23–Jan. 7
North Carolina	Deferred.
Rhode Island	Deferred.
South Carolina	Deferred.
Virginia	Deferred.

(4) Notwithstanding the provisions of this Part 20, the shooting of *crippled* waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

Note.—States with deferred seasons may select sea duck seasons at the time they select their waterfowl seasons in August. Consult waterfowl regulations to be published later for information concerning these later seasons.

(b) *Teal.* September season: An open season for teal ducks (blue-winged, green-winged and cinnamon) is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the following States:

Daily bag limit	4
Possession limit	8

Shooting hours: Sunrise until sunset daily.

Check State regulations for additional restrictions.

Seasons in the Mississippi Flyway:	
Alabama[1]	Sept. 12–Sept. 20
Arkansas	Sept. 12–Sept. 20.
Illinois[2]	Sept. 12–Sept. 20
Indiana[3]	Sept. 1–Sept. 9
Louisiana	Sept. 19–Sept. 27
Mississippi	Sept. 12–Sept. 20.
Missouri	Sept. 12–Sept. 20.
Ohio	Sept. 11–Sept. 19.
Seasons in the Central Flyway:	
Colorado[4,5]	Sept. 5–Sept. 13.
Kansas	Sept. 12–Sept. 20.
New Mexico[5]	Sept. 12–Sept. 20.
Oklahoma	Sept. 19–Sept. 27
Texas	Sept. 12–Sept. 20.

[1] In Alabama, shooting hours in Mobile Bay north of the causeway and south of the L&N Railroad are sunrise to 12 noon.
[2] In Illinois the shooting hours are from 7 a.m.–4 p.m. local time by State regulation.
[3] The Kankakee and LaSalle Fish and Wildlife Areas, and portions of Atterbury, Hovey Lake, Jasper-Pulaski, and Pigeon River Fish and Wildlife Areas are closed to teal hunting by State regulations.
[4] Only in Lake and Chaffee Counties, and that portion of Colorado east of U.S. Highway-Colorado State Highway 85 from the Wyoming State line to its intersection with U.S. Interstate Highway 25 to the New Mexico State line.
[5] Central Flyway portion only.

(c) *Gallinules.*

Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise to sunset.

Check State regulations for additional restrictions.

Seasons in the Atlantic Flyway:	
Connecticut	Deferred.
Delaware	Sept. 1–Nov. 9.
Florida[1]	Sept. 2–Nov. 10.
Georgia	Deferred.
Maine	Sept. 1–Nov. 7
Maryland	Sept. 1–Nov. 9
Massachusetts	Sept. 1–Nov. 7
New Hampshire	Closed.
New Jersey	Sept. 1–Nov. 9
New York:	
Long Island	Closed.
Remainder of State	Sept. 1–Nov. 9
North Carolina	Sept. 1–Nov. 9
Pennsylvania	Sept. 1–Nov. 9
Rhode Island	Sept. 16–Nov. 24
South Carolina	Oct. 6–Dec. 14
Vermont	Sept. 26–Nov. 29
Virginia	Deferred.
West Virginia	Deferred.
Seasons in the Mississippi Flyway:	
Alabama	Nov. 10–Jan. 18
Arkansas	Nov. 7–Jan. 15.
Illinois	Closed.
Indiana	Sept. 1–Nov. 9
Iowa	Closed.
Kentucky	Deferred.
Louisiana	Sept. 19–Nov. 27
Michigan	Deferred.
Minnesota	Deferred.
Mississippi	Sept. 12–Sept. 20 and Oct. 24–Dec. 23
Missouri	Closed.
Ohio	Sept. 1–Nov. 9
Tennessee	Deferred.
Wisconsin	Deferred.
Seasons in the Central Flyway:	
Colorado[2]	Closed.
Kansas	Closed.
Montana[2]	Deferred.
Nebraska	Closed.
New Mexico[2]	Deferred.
North Dakota	Closed.
Oklahoma	Sept. 1–Nov. 8
South Dakota	Closed.
Texas	Sept. 1–Nov. 9
Wyoming[2]	Closed.
Seasons in the Pacific Flyway:	
All States and portions thereof	Deferred.

[1] The gallinule season in Florida applies to the common gallinule only. There is no open season on the purple gallinule in Florida.
[2] Seasons apply to Central Flyway portion of State only.

NOTE.—States with deferred seasons may select gallinule seasons at the time they select their waterfowl seasons in August. Consult waterfowl regulations to be published later for information concerning these later seasons.

(d) *Waterfowl and coots in Atlantic, Mississippi, Central and Pacific Flyways.*

Atlantic Flyway

Flywaywide Restrictions

Shooting (including hawking) hours: One half hour before sunrise to sunset daily except as otherwise restricted:

* * * * *

	Season dates	Limits: Bag	Limits: Possession
• • • • •			
Florida: Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit.	Sept. 26–Sept. 30.	4	8
• • • • •			
Mississippi Flyway: Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise restricted.			
• • • • •			
Iowa: Ducks	Sept. 19–Sept. [illegible].	(1)	(1)
• • • • •			
Kentucky: Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag [illegible].	Sept. 19–Sept. [illegible].	4	8
• • • • •			
Tennessee (2): Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit.	Sept. 19–Sept. 28	4	8
• • • • •			

[1] Limits to conform to those set for the regular season.
[2] In Tennessee, no canvasbacks may be taken on Kentucky Lake north of I–40.

6. Section 20.106 is amended by revising the introductory paragraph, (d), and (g) to read as follows:

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking sandhill cranes with a daily bag limit of three and a possession limit of six, and with shooting hours from one-half hour before sunrise until sunset in the following areas for the dates indicated:

* * * * *

(d) In North Dakota, in the counties of Benson, Burleigh, Emmons, Kidder, McHenry, Pierce, and Stutsman the inclusive season dates are September 5 through September 13 and in the

counties of McLean and Sheridan, the inclusive season dates are September 5 through September 20, 1981. In the South Dakota counties of Campbell, Walworth, Potter, Dewey, and Corson the inclusive season dates are September 20 through September 28, 1981.

* * * * *

(g) Each hunter participating in the sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

* * * * *

7. Section 20.109 is amended as follows:

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of this part, the areas open to hunting, the respective open seasons (dates inclusive), the hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Daily bag limit.....3 singly or in the aggregate
Possession limit.....6 singly or in the aggregate

These limits apply during both regular hunting seasons and extended falconry seasons.

Hawking hours: One-half hour before sunrise until sunset daily.

Check State regulations for additional restrictions.

Florida:	
Mourning doves	Oct. 3–Jan. 17.
Rails and gallinules	Sept. 2–Dec. 17.
Woodcock	Oct. 31–Feb. 14.
Common snipe	Nov. 7–Feb. 21.
Ducks, mergansers, and coots	Oct. 17–Dec. 6 and Dec. 12–Jan. 17.
Maryland:	
Mourning doves	Sept. 1–Oct. 10 and Nov 11–Jan. 15.
Rails and gallinules	Sept. 1–Dec. 16.
Woodcock	Oct. 12–Nov 27 and Dec. 3–Jan. 11.
Common snipe	Sept. 14–Dec. 29.
Sea ducks only	Oct. 6–Jan. 20.
Pennsylvania:	
Mourning doves	Sept. 1–Dec. 12.
Woodcock and snipe	Oct. 17–Jan. 8.
Ducks, mergansers, and coots	Oct. 3–Jan. 8.
Virginia:	
Mourning doves, rails, and woodcock.	Sept. 21–Dec. 7 and Dec. 19–Jan. 31.
Snipe	Oct. 17–Jan. 31.
Illinois:	
Mourning doves, rails, and woodcock.	Sept. 1–Dec. 16.
Snipe	Sept. 12–Dec. 27.
Teal	Sept. 12–Sept. 20.
Ducks, mergansers, and coots	Oct. 1–Jan. 6.
Michigan:	
Rails, woodcock, and snipe	Sept. 1–Dec. 16
Ducks, mergansers, coots, and geese.	Oct. 3–Jan. 17
Minnesota: Woodcock, rails, and snipe	Sept. 1–Dec. 16
Mississippi: Mourning doves only	Oct. 5–Oct. 16 and Nov. 14–Dec. 6
Missouri: Mourning doves only	Sept. 1–Dec. 16
New Mexico:	
Daily bag and possession limits in New Mexico are 2 and 4, respectively, singly or in the aggregate of migratory species named below and resident game species.	
Mourning doves, white-winged doves, and band-tailed pigeons.	Sept. 1–Nov 16 and Nov 21–Dec 20.
Sandhill cranes only in Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.	Oct 17–Jan. 17
Ducks, mergansers, coots, and gallinules.	Oct. 17–Jan. 17
Geese	Oct 31–Jan. 17
Texas: Mourning doves, white-winged doves, rails, and gallinules.	Sept 1–Dec 16
Wyoming (Statewide): (1)	
Mourning doves	Sept. 1–Oct. 15
Rails and Snipe	Sept. 26–Dec. 4
Idaho:	
Mourning doves only	Sept. 1–Oct. 20
Snipe, ducks, mergansers, and coots.	Oct. 3–Jan. 17.

(1) In Wyoming, the limits for rails and snipe are 2 daily and in possession, singly or in the aggregate.

Dated: August 5, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-24541 Filed 8-20-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA	MSPB/OPM		DOT/MA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing August 20, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office. Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 4242 / Pub. L. 97-34 Economic Recovery Tax Act of 1981. (Aug. 13, 1981; 95 Stat. 172) Price $4.50.

H.R. 3982 / Pub. L. 97-35 Omnibus Budget Reconciliation Act of 1981. (Aug. 13, 1981; 95 Stat. 357) Price $7.50.

H.J. Res. 141 / Pub. L. 97-36 Authorizing and requesting the President to issue a proclamation designating the period from October 4, 1981, through October 10, 1981, as "National Schoolbus Safety Week". (Aug. 14, 1981; 95 Stat. 934) Price $1.50.

H.R. 1100 / Pub. L. 97-37 Former Prisoner of War Benefits Act of 1981. (Aug. 14, 1981; 95 Stat. 935) Price $1.50.

S. 547 / Pub. L. 97-38 To enable the Secretary of the Interior to erect permanent improvements on land acquired for the Confederated Tribes of Siletz Indians of Oregon. (Aug. 14, 1981; 95 Stat. 938) Price $1.50.

S. 694 / Pub. L. 97-39 Department of Defense Supplemental Authorization Act, 1981. (Aug. 14, 1981; 95 Stat. 939) Price $1.50.

S. 640 / Pub. L. 97-40 To amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans. (Aug. 14, 1981; 95 Stat. 944) Price $1.50.

S. 675 / Pub. L. 97-41 To authorize the generation of electrical power at Palo Verde Irrigation District Diversion Dam, California. (Aug. 14, 1981; 95 Stat. 945) Price $1.50.

S. 1278 / Pub. L. 97-42 Saccharin Study and Labeling Act Amendment of 1981. (Aug. 14, 1981; 95 Stat. 946) Price $1.50.

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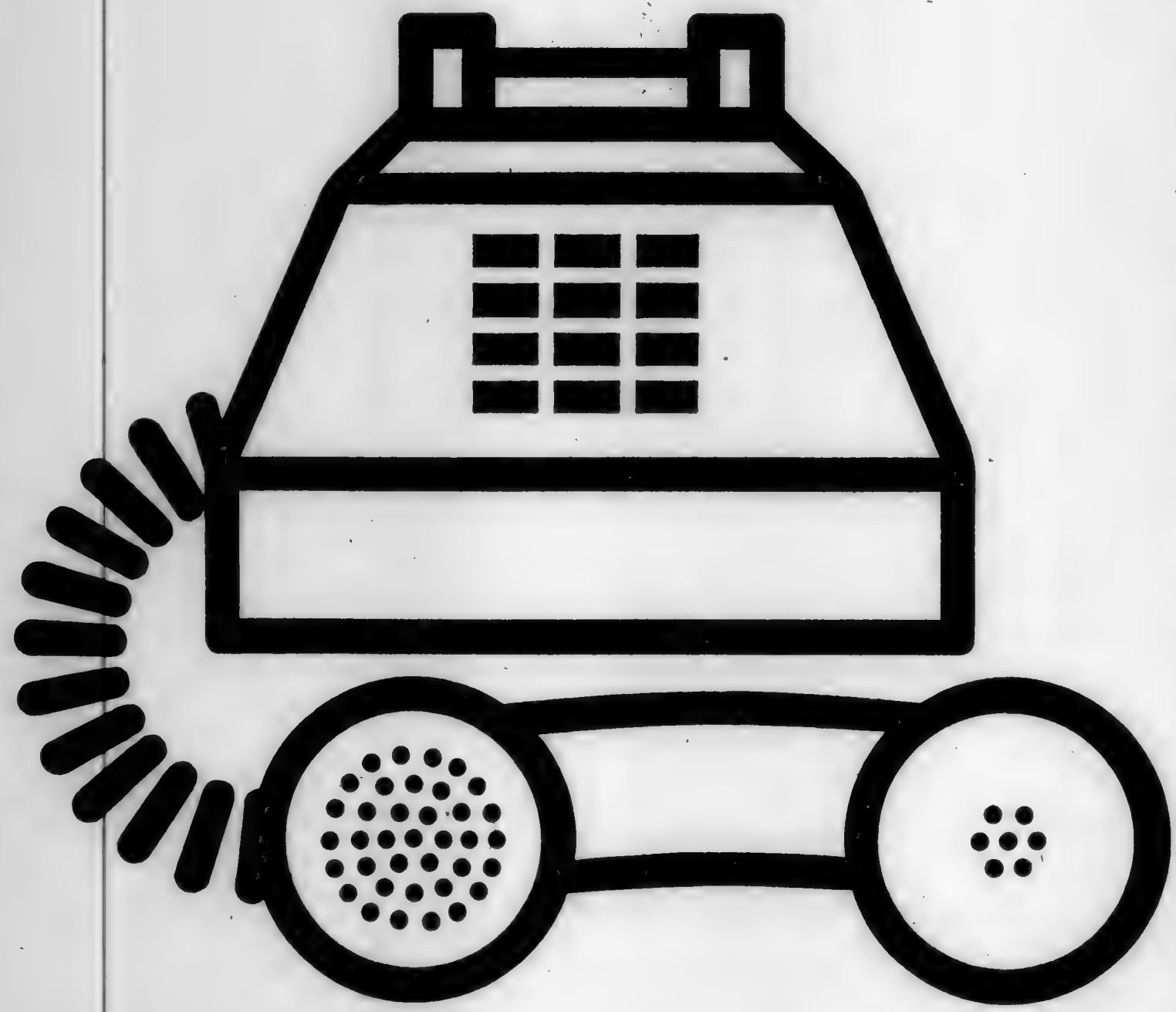

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federal register

Monday
August 24, 1981

Highlights

42669 **Medicare and Medicaid Programs** HHS/HCFA implements reimbursement criteria for clinical laboratory services.

42698 HHS/HCFA proposes rules on extended phase out provisions of intermediate care facilities for Mentally Retarded Correction Plans.

42681 **Small Businesses** SBA solicits applications for management and technical assistance services.

42760 **Civil Disorders** FEMA offers to provide reinsurance against excess aggregate loss resulting from riots or civil disorders.

42750 **Mediterranean Fruit Fly** EPA receives application for specific exemption for acephate use in California eradication program.

42651 **"NOW" Account** FHLBB postpones effective date on eligibility of individuals and organizations to hold accounts at member institutions.

42656 **Customs** Treasury/Customs amends rules on personal declarations and exemptions for crewmembers of vessels, vehicles, and aircraft.

42674 **Flood Insurance** FEMA increases flood insurance premium rates for federally subsidized flood insurance coverage.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

42798 **Radionavigation** DOT/RSPA invites comments on current Federal Radionavigation Plan.

42679 **Wildlife** Interior/FWS removes migratory bird import and export permit requirement.

42828 **Public Lands** Interior/BLM establishes procedures for prevention of wildfires. (Part II of this issue)

42673 Interior/BLM amends bonding provisions for timber sale contracts.

42804 **Sunshine Act Meetings**

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Rules and Regulations

Federal Register
Vol. 46, No. 163
Monday, August 24, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 532

[No. 81-472]

Ownership of NOW Accounts; Postponement of Effective Date

Dated: August 20, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of postponement of effective date by judicial order.

SUMMARY: On August 13, 1981 the Board issued a final rule regarding the eligibility of various types of depositors to maintain negotiable order of withdrawal (NOW) accounts at member institutions (12 CFR 532.2), which was published at 46 FR 42250, August 20, 1981. The rule was to take effect on August 19; however, the effective date has been postponed by judicial order.

DATE: The judicial order postponing the effective date of the Final Rule was effective August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552 (202-377-6444).

By the Federal Home Loan Bank Board.

Ira L. Tannenbaum,

Deputy General Counsel.

[FR Doc. 81-24704 Filed 8-21-81; 10:12 am]
BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-27; Amdt. 39-4192]

Airworthiness Directives; Bell Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which imposes a finite retirement life on the main rotor trunnions installed on Bell Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 helicopters. The AD is needed to prevent in-flight failure of the main rotor trunnion which could result in loss of the helicopter.

DATES: Effective September 22, 1981. Compliance required as prescribed in body of AD.

ADDRESSES: The applicable service information may be obtained from Product Support Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Tom Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 517.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive imposing a finite retirement life on the main rotor trunnions installed on Bell Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 helicopters was published in the **Federal Register** on June 22, 1981 (46 FR 32265). The proposal was prompted by the FAA's determination that a retirement life should be imposed on the main rotor trunnions to prevent in-flight failure of the main rotor trunnion which could result in loss of the helicopter. This determination was based on additional fatigue testing, fatigue analysis, and service experience. Interested persons have been afforded an opportunity to participate in the making of the amendment. In response to the proposal, one letter was received from the National Transportation Safety Board, supporting the proposed airworthiness directive. No other comments were received. Accordingly, the proposal is adopted without change.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to be by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

§ 39.13 [Amended]

Bell: Applies to Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 helicopters, equipped with main rotor trunnions, P/N 206-010-104-3, 206-011-113-001, 206-011-120-001, 206-011-113-103, and 206-011-120-103, certificated in all categories (Airworthiness docket No. 81-ASW-27).

Compliance required as indicated.

To prevent possible failure of the main rotor trunnion, P/N's 206-010-104-3, 206-011-113-001, 206-011-120-001, 206-011-113-103, and 206-011-120-103, due to fatigue cracks, accomplish the following, unless already accomplished:

a. Main rotor trunnions, P/N 206-011-120-001, with 1,100 or more hours' time in service on the effective date of this AD must be retired from service within the next 100 hours' time in service.

b. Main rotor trunnions, P/N 206-011-120-001, with less than 1,100 hours' time in service on the effective date of this AD must be retired from service prior to or on attaining 1,200 hours' time in service.

c. Main rotor trunnions, P/N 206-010-104-3, 206-011-113-001, and 206-011-120-103, with 2,300 or more hours' time in service on the effective date of this AD must be retired from service within the next 100 hours' time in service.

d. Main rotor trunnions, P/N 206-010-104-3, 206-011-113-001, and 206-011-120-103, with less than 2,300 hours' time in service on

the effective date of this AD must be retired from service prior to or on attaining 2,400 hours' time in service.

e. Main rotor trunnions, P/N 206-011-113-103, with 4,700 or more hours' time in service on the effective date of this AD must be retired from service within the next 100 hours' time in service.

f. Main rotor trunnions, P/N 206-011-113-103, with less than 4,700 hours' time in service on the effective date of this AD must be retired from service prior to or on attaining 4,800 hours' time in service.

g. The helicopter may be flown in accordance with FAR 21.197 to a base where compliance with this AD can be performed.

h. The retirement times, for the main rotor trunnions, established by this AD, are as follows:

Part No.	Service life-hours
206-011-120-001	1,200
206-010-104-3	2,400
206-011-113-001	2,400
206-011-120-103	2,400
206-011-113-103	4,800

(Bell Helicopter Textron Alert Service Bulletins 206-80-7, Rev. B, dated October 15, 1980, and 206-80-9, Rev. B, dated October 15, 1980, pertain to this subject.)

This amendment becomes effective September 22, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. A final regulatory evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Tex., on August 10, 1981.

C. R. Melugin,

Director, Southwest Region.

[FR Doc. 81-24514 Filed 8-21-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 22105; Amdt. 39-4197]

Airworthiness Directives; British Aerospace, Aircraft Group, Model BAC 1-11, Series 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to certain British Aerospace, Aircraft Group, Model BAC 1-11, series 200 airplanes, by revising crack length limits on both single and multiple cracks in the nose landing gear sustaining ram. This AD is needed to prevent failure of the nose landing gear ram.

DATES: Effective September 8, 1981.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041.

A copy of the service bulletin[1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-2303 (40 FR 32815), AD 75-17-05, which currently requires replacement of the nose landing gear sustaining ram on certain British Aerospace, Aircraft Group, Model BAC 1-11, series 200 airplanes, if any cracks in the ram are found which individually exceed a certain length. After issuing Amendment 39-2303, the FAA determined that replacement of the ram is necessary for cases where the total length of multiple, as well as single cracks, exceed a certain limit. New revised crack limits are necessary to prevent a part with a blended crack which is not capable of carrying required loads from being continued in service. Therefore, the FAA is amending Amendment 39-2303 (AD 75-17-05) by establishing crack length limits for multiple cracks and single cracks in the nose landing gear sustaining ram on certain British Aerospace, Aircraft Group, Model BAC 1-11, series 200 airplanes. A new paragraph has also been added concerning an FAA-approved equivalent to the manufacturer's service instructions.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-2303 (40 FR 32815), AD 75-17-05, as follows:

§ 39.13 [Amended]

(1) By revising paragraph (a) by deleting the reference ". . . British Aircraft Corporation Alert Service Bulletin No. 32-A-PM-5070, Issue 1, dated March 14, 1972 . . ." and inserting in place thereof the reference ". . . paragraph 2.1.1 of British Aerospace, Aircraft Group, Alert Service Bulletin 32-A-PM5070, Issue No. 3, dated March 29, 1979 (hereinafter referred to as the Service Bulletin). . ."

(2) By deleting paragraph (b) and adding a new paragraph (b) to read: "If cracks are found during an inspection required by paragraph (a) of this AD which exceed the limits specified in paragraph 2.1.7 of the Service Bulletin, before further flight, replace the nose landing gear sustaining ram, P/N AB44A-1399, with a serviceable part of the same part number."

(3) By revising paragraph (c) by deleting "If cracks are found during an inspection required by paragraph (a) which are 2½ inches in continuous length or less around the circumference of the ram, . . ." and insert in place thereof "If cracks are found during an inspection required by paragraph (a) of this AD which do not exceed the limits specified in paragraph 2.1.7 of the Service Bulletin,. . ."

(4) By deleting paragraph (c)(2) and adding a new paragraph (c)(2) to read: "Remove the cracks in accordance with the instructions in paragraph 2.1.4 of the Service Bulletin, or an FAA-approved equivalent, and reprotect the ram in accordance with the instructions in either paragraph 2.1.5 or 2.1.6 of the

[1] Service Bulletin filed as a part of original document.

Service Bulletin, or an FAA-approved equivalent.

(5) By adding a new paragraph (e) to read: "If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041. These documents may be examined at FAA Headquarters, Room 916, 800 Independence, SW., Washington, D.C. 20591.

This amendment amends Amendment 39–2303, (AD 75–17–05).

This amendment becomes effective September 8, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on August 14, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81–24513 Filed 8–21–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 81–SO–37; Amdt. No. 39–4200]

Airworthiness Directives; Piper Model PA–31 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Piper Model PA–31 series airplanes by revising the airplane serial number applicability as published in Amendment 39–4155, AD 81–15–04. This amendment is needed because the FAA has determined that corrective action was taken on production airplanes earlier than originally planned.

DATE: August 25, 1981.

Compliance as prescribed in body of AD.

ADDRESSES: Piper Service Bulletin #687, dated March 20, 1981, may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lockhaven, Pennsylvania 17745.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: Charles L. Perry, Aerospace Engineer, ASO–212, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763–7407.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment No. 39–4155, AD 81–15–04, which currently requires inspection, and if cracks are found, reinforcement of the horizontal stabilizer rear spar, and replacement of the existing elevator outboard hinges on certain Piper Model PA–31 series airplanes. After issuing Amendment No. 39–4155, the FAA has determined that the corrective action was taken on production airplanes earlier than originally planned. Therefore, the FAA is amending Amendment No. 39–4155 by correcting the airplane serial number applicability.

Since the amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment No. 39–4155 as follow:

§ 39.13 [Amended]

By revising applicable paragraphs in Amendment No. 39–4155 to read as follows:

"**Piper Aircraft Corporation:** Applies to certain PA–31 series airplanes certificated in all categories:

Models affected	Serial numbers affected
PA–31, PA–31–300, PA–31–325	31–2 through 31–8012068.
PA–31–350	31–5001 through 31–8052151."

This amendment becomes effective August 25, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1978, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

The FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it relieves a restriction of aircraft owners and operators and imposes no additional burden on any person.

Issued in East Point, Georgia, on August 12, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81–24516 Filed 8–21–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 22086; Amdt. No. 1197]

Air Traffic and General Operating Rules; Standard Instrument Approach Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain

airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendement to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

. . . *Effective October 1, 1981*

Deadhorse, AK—Deadhorse, VOR Rwy 4, Amdt. 2
Deadhorse, AK—Deadhorse, VOR/DME Rwy 4, Original
Kodiak, AK—Kodiak, VOR Rwy 25, Original, cancelled
Kodiak, AK—Kodiak, VOR or TACAN Rwy 25, Amdt. 3
Ontario, CA—Ontario Intl, VOR or TACAN Rwy 26R, Amdt. 8
Palmdale, CA—Palmdale Prodn Flt/Test Instln AF Plant 42, VOR/DME or TACAN Rwy 25, Amdt. 4
San Jose, CA—San Jose Muni, VOR–A, Amdt. 3, cancelled
San Jose, CA—San Jose Muni, VOR/DME Rwy 30L/R, Amdt. 3, cancelled
Hayden, CO—Yampa Valley, VOR–A, Orig
Hayden, CO—Yampa Valley, VOR Rwy 10, Amdt. 2, cancelled
Ormond Beach, FL—Municipal Airport-Ormond Beach, VOR Rwy 8, Amdt. 9
Decorah, IA—Decorah Muni, VOR Rwy 29, Original
Emporia, KS—Emporia Muni, VOR–A, Amdt. 10
Tewksbury, MA—Tew-Mac, VOR Rwy 21, Amdt. 6
Duluth, MN—Duluth Intl, VOR or TACAN Rwy 3, Amdt. 16
Duluth, MN—Duluth Intl, VOR/DME or TACAN Rwy 21, Amdt. 11
Jamestown, NY—Chautauqua County, VOR Rwy 25, Amdt. 6
Jamestown, NY—Chautauqua County, VOR/DME Rwy 7, Amdt. 1
Oneonta, NY—Oneonta Muni, VOR Rwy 6, Amdt. 3
Reidsville, NC—Rockingham County, N.C. Shiloh, VOR/DME–A, Amdt. 3
Salisbury, NC—Rowan County, VOR–A, Amdt. 1
Oklahoma City, OK—Will Rogers World, VOR Rwy 12, Amdt. 19
Charleston, SC—Charleston AFB/International, VOR/DME or TACAN Rwy 21, Amdt. 9
Charleston, SC—Charleston AFB/International, VOR/DME or TACAN Rwy 3, Amdt. 10
Charleston, SC—Charleston AFB/International, VOR/DME or TACAN Rwy 15, Amdt. 11
Charleston, SC—Charleston Executive, VOR–A, Amdt. 4
Longview, TX—Gregg County, VOR or TACAN Rwy 13, Amdt. 15
Longview, TX—Gregg County, VOR/DME or TACAN Rwy 31, Amdt. 2
Longview, TX—Gregg County, VOR/DME or TACAN Rwy 35, Amdt. 2

. . . *Effective September 3, 1981*

Albion, NJ—Albion, VOR–A, Amdt. 1, cancelled
Berlin, NJ—Camden County, VOR–B, Original

Wellsville, NY—Wellsville Muni Arpt, Tarantine Fld, VOR–A, Amdt. 3

. . . *Effective August 7, 1981*

Van Nuys, CA—Van Nuys, VOR–A, Amdt. 1
Van Nuys, CA—Van Nuys, VOR/DME–B, Amdt. 1

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

. . . *Effective October 1, 1981*

Deadhorse, AK—Deadhorse, LOC/DME BC Rwy 22, Amdt. 4
Oklahoma City, OK—Will Rogers World, LOC BC Rwy 17L, Amdt. 3
Oklahoma City, OK—Will Rogers World, LOC BC Rwy 35L, Amdt. 7
Tyler, TX—Pounds Field, LOC BC Rwy 31, Amdt. 14

. . . *Effective September 3, 1981*

Wichita, KS—Wichita Mid-Continent, LOC BC Rwy 1L, Amdt. 1
New York, NY—LaGuardia, LOC Rwy 31, Original
Wellsville, NY—Wellsville Muni Arpt, Tarantine Fld, LOC Rwy 28, Original

. . . *Effective August 7, 1981*

Van Nuys, CA—Van Nuys, LDA–C, Amdt. 1
Van Nuys, CA—Van Nuys, LOC/DME–D, Amdt. 1

. . . *Effective August 6, 1981*

Newport, RI—Newport State, LOC Rwy 22, Amdt. 1

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

. . . *Effective October 1, 1981*

Kodiak, AK—Kodiak, NDB Rwy 25, Amdt. 1
Oakland, CA—Metropolitan Oakland Intl, NDB Rwy 29, Amdt. 9, cancelled
Duluth, MN—Duluth Intl, NDB Rwy 9, Amdt. 20
Ortonville, MN—Ortonville Muni, NDB Rwy 34, Original
Red Wing, MN—Red Wing Muni, NDB Rwy 8, Original
Wheaton, MN—Wheaton Muni, NDB Rwy 34, Original
Newburgh, NY—Stewart, NDB Rwy 9, Amdt. 4
Reidsville, NC—Rockingham County, NC Shiloh, NDB Rwy 31, Amdt. 1
Oklahoma City, OK—Will Rogers World, NDB Rwy 17L, Amdt. 2
Oklahoma City, OK—Will Rogers World, NDB Rwy 17R, Amdt. 21
Oklahoma City, OK—Will Rogers World, NDB Rwy 35L, Amdt. 1
Oklahoma City, OK—Will Rogers World, NDB Rwy 35R, Amdt. 3
Charleston, SC—Charleston AFB/International, NDB Rwy 15, Amdt. 17
Charleston, SC—Charleston Executive, NDB Rwy 9, Amdt. 3
Longview, TX—Gregg County, NDB Rwy 13, Amdt. 9
Yap Island, Trust Territory, YAP, NDB Rwy 7, Amdt. 3

. . . *Effective September 3, 1981*

Wellsville, NY—Wellsville Muni Arpt, Tarantine Fld, NDB Rwy 28, Amdt. 3

Note.—The FAA published an amendment in Docket No. 21983, Amdt NR. 1195 to part 97 of the **Federal Register** Regulation (Vol 46 No 143 Page 38347 dated July 27, 1981) under § 97.27 effective October 1, 1981 which is hereby amended as follows: Sioux Falls, SD—Joe Foss Field, NDB Rwy 3 Amdt 9: Change effective date to: September 3, 1981.

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

. . . *Effective October 1, 1981*

Deadhorse, AK—Deadhorse, ILS/DME Rwy 4, Amdt. 4
Ontario, CA—Ontario Intl, ILS Rwy 26L, Amdt. 2
Ontario, CA—Ontario Intl, ILS Rwy 26R, Amdt. 33
Palmdale, CA—Palmdale Prodn Flt/Test Instln AF Plant 42, ILS Rwy 25, Amdt. 6
Duluth, MN—Duluth Intl, ILS Rwy 27, Amdt. 4
Jamestown, NY—Chautauqua County, ILS Rwy 25, Amdt. 4
Oklahoma City, OK—Will Rogers World, ILS Rwy 17R, Amdt. 7
Oklahoma City, OK—Will Rogers World, ILS Rwy 35R, Amdt. 4
Charleston, SC—Charles AFB/International, ILS Rwy 15, Amdt. 18
Longview, TX—Gregg County, ILS Rwy 13, Amdt. 5
Tyler, TX—Pounds Field, ILS Rwy 13, Amdt. 14

. . . *Effective September 3, 1981*

Boston, MA—General Edward Lawrence Logan Intl, ILS/DME Rwy 15R, Amdt. 5
Kansas City, MO—Kansas City Intl, ILS Rwy 19, Amdt. 6

. . . *Effective August 7, 1981*

Van Nuys, CA—Van Nuys, ILS Rwy 16R, Amdt. 1

Note.—The FAA published an amendment in Docket No. 21983, Amdt NR. 1195 to part 97 of the **Federal Register** Regulation (Vol 46 No 143 Page 38347 dated July 27, 1981) under § 97.29 effective October 1, 1981 which is hereby amended as follows: Sioux Falls, SD—Joe Foss Field, ILS Rwy 3 Amdt 22: Change effective date to: September 3, 1981. Sioux Falls, SD—Joe Foss Field, ILS Rwy 21 Amdt 3: Change effective date to: September 3, 1981.

5. By amending § 97.31 RADAR SIAPs identified as follows:

. . . *Effective October 1, 1981*

Kodiak, AK—Kodiak, RADAR–1, Amdt. 2
Ormond Beach, FL—Municipal Airport-Ormond Beach, RADAR–1, Amdt. 2
Duluth, MN—Duluth Intl, RADAR–1, Amdt. 16
Oklahoma City, OK—Will Rogers World, RADAR–1, Amdt. 18
Longview, TX—Gregg County, RADAR–1, Amdt. 1
Milwaukee, WI—General Mitchell Field, RADAR–1, Amdt. 21

6. By amending § 97.33 RNAV SIAPs identified as follows:

. . . *Effective October 1, 1981*

Muscle Shoals, AL—Muscle Shoals, RNAV Rwy 18, Original, cancelled
Palmdale, CA—Palmdale Prodn Flt/Test Instln AF Plant 42, RNAV Rwy 25, Amdt. 1, cancelled
Emporia, KS—Emporia Muni, RNAV Rwy 18, Amdt. 4
North Platte, NE—Lee Bird Field, RNAV Rwy 12R, Amdt. 2, cancelled
Reidsville, NC—Rockingham County, NC Shiloh, RNAV Rwy 31, Amdt. 2
Longview, TX—Gregg County, RNAV Rwy 22, Amdt. 3

. . . *Effective September 3, 1981*

Wichita, KS—Wichita Mid-Continent, RNAV Rwy 1L, Amdt. 2

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Issued in Washington, D.C., on August 14, 1981.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 81–24515 Filed 8–21–81; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33–6340]

Small Offering Exemption From Registration Requirements

Correction

In FR Doc. 24029, appearing at page 41766, in the issue of Tuesday, August 18, 1981, make the following change:

On page 41770, in the first column, change the section heading now reading "§ 230.26 Suspension of Exemption." to read "§ 230.261 Suspension of exemption."

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 148

[T.D. 81—218]

Personal Declarations and Exemptions

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide that a crewmember will not be considered a returning resident qualifying for the personal exemptions from the payment of duties and taxes allowed under the Tariff Schedules of the United States, unless the crewmember permanently leaves the vessel, vehicle, or aircraft in which he arrived from a foreign port, without the intention of resuming employment on the same or any other carrier engaged in international traffic. The change will ensure uniform treatment of crewmembers nationwide, and conform the regulations with a headnote of the Tariff Schedules of the United States.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: James F. Bartley, Entry Procedures and Penalties Division, (202–566–5765). Operational Aspects: Dennis Hazelton, Inspection and Control Division, (202–566–5607), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

On October 24, 1980, a notice was published in the **Federal Register** (45 FR 70476) of a proposal to amend § 148.65, Customs Regulations (19 CFR 148.65), relating to the qualification of crewmembers for the personal exemptions from the payment of duties and taxes allowed under the Tariff Schedules of the United States, (TSUS), (19 U.S.C. 1202). The personal exemptions from the payment of duty and taxes imposed on imported merchandise to which residents and nonresidents of the United States are entitled are set forth in Schedule 8, Part 2A, TSUS. Headnote 3 of Schedule 8, Part 2A, TSUS, provides that a person arriving on duty as an employee of a vessel, vehicle, or aircraft engaged in international traffic, or arriving from a trip during which he was so employed shall not be entitled to any of the personal exemptions other than those in item 814.00, TSUS, relating to articles for bona fide personal use which will be taken out of the United States, unless he is permanently leaving such employment without the intention of resuming it on the same or another carrier.

Under § 148.65(a), Customs Regulations (19 CFR 148.65(a)), a crewmember may qualify as a returning resident and be entitled to the exemptions allowed under Schedule 8, Part 2A, TSUS, in two situations. Section 148.65(a)(1) reflects the provisions of headnote 3, Schedule 8, Part 2A, TSUS, and provides that a crewmember may qualify as a returning resident if he permanently leaves the carrier without the intention of resuming his employment on the same or another carrier engaged in international traffic. Under § 148.65(a)(2), a crewmember may also qualify as a returning resident if he remains on or transfers to a vessel which is to proceed to another port of the United States in a movement in which entry of the vessel will not be required.

Section 148.65(a)(2) apparently conflicts with the criteria set forth in headnote 3, of Schedule 8, Part 2A, TSUS, and Customs believes that the headnote must take precedence over the Customs Regulations. To resolve this discrepancy, Customs proposed to amend § 148.65(a) by including subparagraph (1) in the text of paragraph (a) and removing subparagraph (2).

As a conforming change, Customs proposed to remove the reference to subparagraphs (1) and (2) of § 148.65(a) from § 148.65(b). The notice of October 24, 1980, erroneously stated that comments on the proposal were to have been submitted by November 23, 1980. By notice published in the **Federal Register** on November 26, 1980 (45 FR 78704), interested persons were advised that December 23, 1980, was the correct closing period to submit comments regarding the proposal.

Discussion of Comment

Only one comment was received in response to the notice of proposed rulemaking. The commenter expressed concern regarding the effect of removing § 148.65(a)(2), and requested clarification as to what personal duty exemption benefits, if any, would be lost to crewmembers by removal of the section.

Customs believes that the removal of § 148.65(a)(2) will ensure uniform treatment of crewmembers, and will not result in the loss of any personal duty exemption benefits to crewmembers to which they are legally entitled. Rather, it is anticipated that the removal of the section will prevent the bestowal of returning resident duty exemptions on those crewmembers who do not qualify for them.

In this regard, the treatment of crewmembers by Customs pursuant to § 148.65(a)(2) has not been uniform. For example, aircraft crewmembers returning to the United States as passengers on board commercial flights from a trip abroad on which they were employed as crewmembers (commonly referred to as "deadheading") frequently travel in civilian clothes and, in the ordinary course, are indistinguishable from other passengers on board. In some cases, "deadheading" crewmembers who did not permanently leave such employment and who did not remain on or transship to an aircraft which was to proceed to another port of the United States in a movement in which entry of the aircraft was not required, were treated as passengers and granted returning resident duty exemptions pursuant to § 148.65(a)(2), to which they were not entitled. In these instances the "deadheading" crewmembers did not lose their status as crewmembers simply because they were not actively employed on the return flight to the United States.

The clear intent of headnote 3 of Schedule 8, Part 2A, TSUS, is to require that a crewmember permanently leave employment on a vessel, vehicle, or aircraft engaged in international traffic in order to qualify for returning resident duty exemptions. Because § 148.65(a)(2) conflicts with the headnote, and because the headnote takes precedence over the regulation, Customs believes that the removal of § 148.65(a)(2) will conform the regulations to the headnote and ensure uniform treatment of crewmembers.

In view of the above, Customs is amending § 148.65 as proposed.

Executive Order 12291 and Regulatory Flexibility Act

It has been determined that this amendment does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analyses were required, and none have been prepared for this regulatory project.

In addition, the provisions of section 3 of the "Regulatory Flexibility Act" (5 U.S.C. 603, 604) are not applicable to the amendment because, as noted above, a notice document was published in the **Federal Register** before January 1, 1981, the effective date of the Act.

Drafting Information

The principal author of this document was Robert Joseph Pisani, Regulations and Information Division, Office of

Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Section 148.65, Customs Regulations (19 CFR 148.65), is amended as set forth below.

George C. Corcoran, Jr.,
Acting Commissioner of Customs.

Approved:

John P. Simpson,
Acting Assistant Secretary of the Treasury.
July 24, 1981.

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

Section 148.65, Customs Regulations (19 CFR 148.65), is amended to read as follows:

§ 148.65 Exemption for resident crewmembers.

(a) *Status as returning resident.* A crewmember arriving in a vessel, vehicle, or aircraft from a foreign port who is a resident of the United States shall be considered a returning resident qualifying for the exemptions allowed under Schedule 8, Part 2A, Tariff Schedules of the United States (19 U.S.C. 1202), and Subpart D of this part if he permanently leaves the carrier without the intention of resuming his employment on the same or any other carrier that is engaged in international traffic.

(b) *Statement of declaration.* A resident crewmember who claims that articles declared by him are entitled to be passed free of duty and tax under the returning resident's exemption, shall include a legible statement on the declaration, Customs Form 5129, of the basis for his claim for entitlement to the resident's exemption.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

[FR Doc. 81-24024 Filed 8-21-81; 8:45 am]
BILLING CODE 4810-22-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-81-09]

Chicago Venetian Night

AGENCY: Coast Guard, DOT.
ACTION: Final rule.

SUMMARY: This final rule establishes a restricted zone in and around Chicago's Monroe Street Harbor, Lake Michigan. Activities in conjunction with the Chicago Venetian Night Festival include a fireworks display and a boat parade.

EFFECTIVE DATE: This final rule will be effective from 1600 until 2200 on August 28, 1981.

FOR FURTHER INFORMATION CONTACT: Lt(jg) P. D. Jewell, Boating Safety Office, (216) 522-3995.

SUPPLEMENTARY INFORMATION: 1. This regulation is published as a final rule. The rule is effective in less than 30 days after publishing since there is insufficient time to publish a proposed rule before the date of the event. In addition, this regulation is needed in order to protect life and property during the event.

2. It is not considered a major rule under the terms of Executive Order 12291 since it will involve minimal costs and will have insignificant impact on recreational and commercial vessels and other marine interests in the area affected by the rule. This conclusion follows from the fact that commercial facilities will not be interfered with and the restriction may be lifted periodically to allow for the passage of recreational vessel traffic. The rule is necessary to insure the protection of life and property in the area during the event.

3. For the reasons stated in paragraph 2, the District Commander has determined that the rule will not have a significant impact on a substantial number of small entities.

4. In accordance with DOT Order 2100.5, economic impact from this rule will be minimal for the reasons stated in paragraph 2. Consequently, an economic evaluation is not required.

Drafting Information: The principal persons involved in drafting this notice are Lt (jg) P. D. Jewell, USCGR, CCGD9 Boating Safety Office and Lt. M. Eric Reeves, USCGR, Project Attorney, CCGD9 Law Specialist.

Discussion of Final Rule

5. The Chicago Park District will sponsor the annual Venetian Night Festival on the Monroe Street Harbor from 1600 until 2200 on August 28, 1981. A fireworks display, a boat parade, and approximately 400 spectator craft will cause congestion in the area.

6. By the authority contained in Title 46, U.S. Code, Section 454, as implemented by Title 33, Part 200, U.S. Code of Federal Regulations, a Special Local Regulation controlling navigation on the waters described is promulgated. By the same authority, the waters involved will be patrolled by vessels of the U.S. Coast Guard. Coast Guard Officers and/or Petty Officers will enforce the regulation and cite persons and vessels in violation.

Final Regulations:

In consideration of the foregoing, the Coast Guard is amending Part 100 of Title 33 Code of Federal Regulations, by adding the following new § 100.35-0908:

§ 100.35-0908 Lake Michigan/Monroe Street Harbor.

(a) The patrol of the described area will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels in the area before, during, and after the events for such time as he finds it necessary for the safe and orderly conduct of the events. (b) The specific area restricted to general navigation or anchorage is: (1) The area in and around the Monroe Street Harbor off Grant Park bound by the breakwater extending eastward from the U.S. Naval Reserve Center for a distance of 1,200 feet thence south for a distance of 5,800 feet thence west to the shoreline. In addition, the area within 500 feet of the two fireworks barges positioned just inside the harbor entrance will be restricted from 1600 until 2200 on August 28, 1981.

(c) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the Patrol Vessel; Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) This § 100.35-0909 will become effective at 1600 on August 28, 1981 and will no longer be effective after 2200 on August 28, 1981.

Henry H. Bell,
Rear Admiral, U.S. Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 81-24042 Filed 8-21-81; 8:45 am]
BILLING CODE 4910-14-M

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33 CFR Parts 100 and 165

[CGD81-066]

Safety and Security Zones

AGENCY: Coast Guard, DOT.
ACTION: Notice of Final Rules Issued.

Periodically the Coast Guard must issue safety and security zones for limited periods of time in limited areas. These zones are established, for example, around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested

area. The local Captain of the Port (COTP) has been delegated authority to issue these zones. The affected public is informed by means of local notice to mariners, press releases or other means. Actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity.

The local COTP must be immediately responsive to the safety needs of the area. Since these events usually take place without advance notice, this precludes timely publication of notice in the **Federal Register**. Because most mariners are notified by the local notice to mariners and Coast Guard officials on scene, **Federal Register** notice is not required to place the security zone or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of temporary security and safety zones which have been established throughout the United States. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking.

Non-major safety zones, security zones, and regatta regulations have been exempted from the OMB review requirements because of their emergency nature and temporary effectiveness.

DATES: The following list includes zones that were established for the period of April 17, 1981 to July 30, 1981.

ADDRESS: The complete text of any of these regulations may be examined at, and is available upon request from: Executive Secretary, Marine Safety Council (G–CMC), U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593.

Docket No.	Location	Type	Date
1. CGD 2–81–02	Ohio River, Vicinity of Mile 598–604	Safety Zone	June 15, 1981.
2. CGD 3–81–07R	Newark Bay, New York Harbor, NJ and NY	Safety Zone	Do.
3. CGD 3–81–06R	Newark Bay, New York Harbor, NJ and NY	Safety Zone	Apr. 17, 1981.
4. CGD 3–81–09R	Newark Bay, New York Harbor, NJ and NY	Safety Zone	Apr. 24, 1981.
5. CGD 3–81–10R	New York Harbor, Upper New York Bay, NY	Safety Zone	July 4, 1981.
6. CGD 3–81–11R	New London Harbor, New London, CT	Safety Zone	July 10, 1981.
7. CGD 5–81–3R	Willoughby Bay, Norfolk, VA	Safety Zone	Apr. 25, 1981.
8. CGD 5–81–4R	Long Bay, Southport, NC	Safety Zone	May 12, 1981.
9. CGD 5–81–5R	Chesapeake Bay, Severn River, MD	Safety Zone	May 25, 1981.
10. CGD 7–81–03	St. Johns River, Jacksonville, FL	Safety Zone	June 6, 1981.
11. CGD 8–814	Vicinity of Lower 12 mile Point, Mississippi River	Safety Zone	Apr. 16, 1981 and Apr. 17, 1981.
12. CGD 9–81–01	Detroit River, Detroit, MI	Regatta Regulation	June 24, 1981 through June 30, 1981.
13. CGD 17–81–01	Fritz Cove, Juneau, AK	Safety Zone	May 1, 1981.
14. CGD 17–81–02	Gastineau Channel, Juneau, AK	Safety Zone	July 23, 1981.

A. D. Utara,

Commander, U.S. Coast Guard Regulations Officer.

[FR Doc. 81–24509 Filed 8–21–81; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF EDUCATION

34 CFR Part 614

College Housing Program

AGENCY: Department of Education.

ACTION: Final regulations; correction.

SUMMARY: This document corrects final regulations for the College Housing Program published in the **Federal Register** on Wednesday, July 29, 1981, page 38880. This document is necessary to correct the Catalog of Federal Domestic Assistance number.

FOR FURTHER INFORMATION CONTACT: Charles I. Griffith, Acting Chief, College Housing Branch, U.S. Department of Education, (Room 3717, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202, Telephone: (202) 245–9868.

SUPPLEMENTARY INFORMATION: The following correction is made in the final regulations for the College Housing Program published in the **Federal Register** on Wednesday July 29, 1981. On page 38882, column one, "(Catalog of Federal Domestic Assistance No. 84.183, College Housing Program)" is corrected to read: (Catalog of Federal Domestic Assistance No. 84.142, College Housing Program).

Dated: August 17, 1981.

William C. Clohan, Jr.,

Acting Secretary of Education.

[FR Doc. 81–24672 Filed 8–21–81; 8:45 am]

BILLING CODE 4000–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–4–FRL 1875–5]

Approval and Promulgation of Implementation Plans; Alabama: Approval of Alternate VOC Compliance Schedules

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: After a public hearing on June 3, 1980, the Alabama Air Pollution Control Commission adopted alternative schedules of compliance under Parts 6.14 and 6.15 of the Commission's Rules and Regulations on June 24, 1980, for nine sources. The revision was formally submitted to EPA on July 3, 1980. After review of these schedules for achieving compliance with emission limits for volatile organic compounds (VOC), EPA today is approving the revision.

EFFECTIVE DATE: This action is effective September 23, 1981.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following EPA offices:

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

In addition, the Alabama revision may be examined at the offices of the

Alabama Air Pollution Control Commission, Division of Air Pollution Control, 645 South McDonough Street, Montgomery, Alabama 36130.

FOR FURTHER INFORMATION CONTACT: Jerry Preston, EPA, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, 404–881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: After a public hearing, the Alabama Air Pollution Control Commission adopted regulations on April 3, 1979 pertaining to control of volatile organic compounds (VOC) which apply statewide. After reviewing the submitted regulations, EPA on November 26, 1979, approved Alabama's VOC strategies and regulations (44 FR 67376). It was EPA's interpretation of the Clean Air Act and relevant regulations that if alternative control strategies (i.e., compliance schedules) were allowed which were not part of the SIP approval process, then these individual alternative compliance schedules must undergo the full SIP revision process.

EPA received alternative compliance schedules from the Alabama Air Pollution Control Commission on July 3, 1980 for nine companies: 3–M Corporation, Guin, Alabama; Reynolds Metals, Listerhill, Alabama; Hunt Oil Company, Tuscaloosa, Alabama; Murphy Oil Company, Mobile, Alabama; Steel-Case, Athens, Alabama; Plantation Patterns, Texaco, Cities Service Company and Chevron, Birmingham, Alabama. For each of the above companies, except Reynolds Metals and 3–M Corporation, the State of Alabama approved alternative compliance schedules extending to December 31, 1982, pursuant to Section 6.15.4 of their approved regulations.

The rules and regulations adopted by the Alabama Air Pollution Control Commission also contains a Section 6.15.6 which allows a source to apply for an alternative compliance schedule extending beyond December 31, 1982, if they are proposing to install innovative technology in controlling their emissions.

Reynolds Metals and 3–M Corporation have met the criteria set forth in 6.15.6 of the Alabama air pollution regulations. These sources have also demonstrated conservation of energy and cost implementation with their innovative technology proposal. These extended schedules, which show compliance by August 1985 (3–M) and December 1985 (Reynolds), have been thoroughly discussed and evaluated and do not prevent attainment of the ambient air quality standard by December 31, 1982. EPA proposed approval of the alternate schedules on January 6, 1981 (46 FR 1317). No comments were received on the proposal.

Action

Based on the previous information, EPA is today approving the alternative compliance schedules for VOC emitting sources. This action is effective September 23, 1981.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. In addition, this action only applies to nine facilities.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation in not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available only by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today. Under 307(b)(2) of the Clean air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brough by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Alabama was approved by the Director of the Office of the Federal Register on July 1, 1980.

(Secs. 110, 172, of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: August 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart B—Alabama

1. In § 52.50, paragraph (c) is amended by adding subparagraph (27) as follows:

§ 52.50 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the date specified.

* * * * *

(27) Alternative compliance schedules for nine sources of volatile organic compounds, submitted by the Alabama Air Pollution Control Commission on July 3, 1980.

[FR Doc. 81-24588 Filed 8-21-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PH-FRL-1916-3; PP OF2312/R347]

Ethephon; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the residues of the plant regulator ethephon [(2-chloroethyl) phosphonic acid] in or on the raw agricultural commodity cottonseed at 0.75 part per million (ppm). This regulation was requested by Union Carbide Agricultural Products Company. The petitioner subsequently amended the petition by submitting a revised Section F petition increasing the tolerance to 2.0 parts per million. This regulation establishes the maximum permissible level for residues of the plant regulator in or on cottonseed.

EFFECTIVE DATE: Effective on August 24, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A–110), 401 M. St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of February 4, 1980 (45 FR 7622) that Union Carbide Agricutural Products Company, Ambler, PA 19002, had submitted pesticide petition OF2312 to the EPA. The petition proposed that a tolerance be established for the residues of the plant regulator ethephon [(2-chloroethyl) phosphonic acid] in or on the raw agricultural commodity cottonseed at 0.75 ppm. This residue level was subsequently changed to 2.0 ppm.

No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance included in acute oral LD_{50} study with an LD_{50} of 4.2 gm/kg for rats; an acute dermal LD_{50} study with an LD_{50} of 5.73 gm/kg; an acute inhalation LC_{50} with an LC_{50} greater than 2 mg/liter for rats; an eye irritation study (rabbits) (with product) (corrosive); a dermal irritation study (irritant based on acute dermal LD_{50} study); a 90-day feeding study with dogs (0, 200, 1000, 7500 ppm) with no-observed-effect levels (NOEL) less than 200 ppm (cholinesterase (ChE)) and equal to or greater than 1000 ppm (systemic); a 90-day feeding study with rats (0, 200, 1000, 7500 ppm) with a NOEL of 200 ppm (ChE) and no systemic effects; a 3-generation reproduction study (rats) with a NOEL greater than 1500 ppm (reproductive effects); a teratology study (rats) with a NOEL greater than 800 mg/kg; a neurotoxicity study (hens) negative at 1000 mg/kg/day; a 2-year chronic feeding/oncogenicity study with rats (0, 30, 300, 3000 ppm) with a NOEL of 30 ppm (ChE effects) and 3000 ppm for systemic effects and no oncogenic effects noted; a 2-year chronic feeding study (dogs) with NOEL's less than or equal to 50 ppm (ChE) and 300 ppm (systemic effects); and a 3-week dermal application study (no systemic toxicity, dermal effects only).

Desirable data that are lacking from the petition are a teratology study with a second species, a mouse oncogenicity study and a screening battery of mutagenicity tests. The company has agreed to perform the studies listed above and to remove the use from the label should be results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11 of the regulations.

The acceptable daily intake (ADI) is calculated to be 0.075 mg/kg/day based on a NOEL of 300 ppm and using a safety factor of 100. For 60-kg person, the maximum permissible intake (MPI) is 4.5 mg/day. The theoretical maximum residue contribution (TMRC) for the existing tolerances (several commodities from 0.1 ppm to 30.0 ppm) is 0.4051 mg/day for a 1.5 kg diet. The tolerance on cottonseed (2.0 ppm) will utilize 0.10 percent of the ADI and add 0.00450 mg/kg to the TMRC to give a total TMRC of 0.4096 mg/day which represents 9.1 percent of the ADI.

No actions are currently pending against the continued registration of ethephon and no rebuttable presumption against registration (RPAR) criteria have been exceeded. The nature of the residues in plants and animals is adequately understood. An adequate analytical method (gas chromatography using a phosphorous-specific alkali thermionic detector) is available for enforcement purposes. Secondary residues are not expected in milk, meat, poultry, or eggs (§ 180.6(a)(3)).

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may on or before September 23, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective date: August 24, 1981.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(e))

Dated: August 12, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.300 is amended by alphabetically inserting the raw agricultural commodity "cottonseed" to read as follows:

§ 180.300 Ethephon; tolerances for residues.

* * * * *

Commodity	Parts per million
Cottonseed	2.0

[FR Doc. 81-24560 Filed 8-21-81; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

[FPMR Amendment G-52]

Standard Carrier Alpha Codes; Standard Form 1203, U.S. Government Bill of Lading—Privately Owned Personal Property; and Nomenclature Changes

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends Part 101-41 to make permanent the requirement for each commercial carrier or forwarder to include the Standard Carrier Alpha Code (SCAC) identifier in the appropriate block on the Standard Form 1113, Public/Voucher for Transportation Charges, for billing purposes and to prohibit Federal executive agencies from paying charges billed on any Standard Form 1113 that lacks the SCAC identifier. The use of the standardized identifiers on Standard Form 1113 will benefit both the Government and the commercial carrier industry by permitting greater use of computer and other mechanized data systems in transportation transactions. It further amends Part 101-41 to incorporate authority for the use of Standard Form 1203, U.S. Government Bill of Lading—Privately Owned Personal Property, when shipping privately owned personal property, unaccompanied baggage, and mobile homes for the account of the United States. Standard Form 1203 is designed to provide uniformity in the placement of unique personal property shipment information and simplifies the verification of carrier services furnished. This regulation also updates organizational symbols, U.S. Code citations, and U.S. General Accounting Office (GAO) agency action references

as contained in Part 101–41. This amendment is required to make nomenclature changes as a result of reorganization and redesignation of certain functions within GSA and GAO, and changes in the U.S. Code citations applicable to the transportation audit function. It will allow for faster and more accurate processing of administrative actions and responses thereto, thereby increasing efficiency.

EFFECTIVE DATE: August 24, 1981.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Reports and Procedures Branch, Office of Transportation Audits (202–275–0664).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

FPMR Temporary Regulation G–40 and Supplement 1 to G–40 and FPMR Temporary Regulation G–44 are canceled and removed from the appendix at the end of Subchapter G in 41 CFR Chapter 101.

1. The table of contents for Part 101–41 is amended by adding or revising the following entries:

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

Subpart 101–41.49—Illustrations of Forms

Sec.

* * * * *

101–41.4901–1203 Standard Form 1203, U.S. Government Bill of Lading—Privately Owned Personal Property (Original).

101–41.4901–1203–A Standard Form 1203–A, U.S. Government Bill of Lading—Privately Owned Personal Property (Memorandum Copy).

101–41.4901–1203–B Standard Form 1203–B, U.S. Government Bill of Lading—Privately Owned Personal Property (Memorandum Copy-Consignee).

101–41.4901–1204 Standard Form 1204, U.S. Government Bill of Lading—Privately Owned Personal Property (Shipping Order).

101–41.4901–1205 Standard Form 1205, U.S. Government Freight Waybill—Privately Owned Personal Property (Original).

101–41.4901–1206 Standard Form 1206, U.S. Government Freight Waybill—Privately Owned Personal Property (Carrier's Copy).

* * * * *

101–41.4902–7931–1 GSA Form 7931, Certificate of Settlement (Claimant's Notice).

101–41.4902–7931–2 GSA Form 7931, Certificate of Settlement (Claimant's Notice in Advance of Payment).

* * * * *

2. The prescribing authority for this Federal Property Management Regulation is revised as follows:

Authority: Sec. 322 of the Transportation Act of 1940, as amended, (31 U.S.C. 244); and sec. 205(c) of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 486(c)).

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

3. Sections 101–41.001, 101–41.002, and 101–41.003 are revised to read as follows:

§ 101–41.001 Applicability of part.

The provisions of this part are applicable to all agencies whose payments for transportation services are subject to audit as provided by section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 244).

§ 101–41.002 Definitions.

(a) "Agency," as used in this Part 101–41, means any department, agency, or establishment of the United States Government whose payments for transportation services are subject to the transportation audit provisions of section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 244).

(b) "Carrier" means any carrier or forwarder, or duly authorized agent of either, subject to the provisions of section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 244), offering to provide transportation services for the account of the United States.

§ 101–41.003 Exceptions to regulations.

Exceptions to the regulations in this Part 101–41 shall be granted only by the Administrator of General Services or his designee. Requests for exceptions shall be made in writing to the General Services Administration (TA), Washington, DC 20406. A copy of the authorizing statement for each deviation, including the nature of the deviation, the reasons for such special action, and the Administrator's approval, will be made available for public inspection in accordance with Subpart 105–60.3 of this title.

4. Section 101–41.004(a) is revised to read as follows:

§ 101–41.004 Agency implementation.

(a) Agencies shall issue new or revise existing regulations and procedures to conform to the provisions of this Part 101–41 and shall forward two copies of such new or revised regulations and procedures to the General Services Administration (TACP), Washington, DC 20406.

* * * * *

Subpart 101–41.1—General

5. Sections 101–41.100, 101–41.101 introductory paragraph, and introductory text of paragraph (a) are revised to read as follows:

§ 101–41.100 Scope of subpart.

This subpart provides guidance concerning the audit of transportation payments. The provisions shall be enforced and implemented by each head of an agency who has been delegated authority by the Administrator of General Services to perform, as his designee, the audit for which the General Services Administration has responsibility under 31 U.S.C. 244, as amended, consistent with the delegation.

§ 101–41.101 Examination of payments, settlement of claims, and review of requirements.

Section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 244), requires payment of carrier bills, in general, upon presentation and prior to audit by the Administrator of General Services or his designee. Further, provisions of Pub. L. 77–560, 56 Stat. 306 (31 U.S.C. 82g), relieve certifying and disbursing officers of liability for overpayments made for transportation furnished on U.S. Government bills of lading and U.S. Government transportation requests when such overpayments are due to the use of improper transportation rates or classifications or to the failure to deduct proper amounts under agreements.

(a) The authority vested in the Administrator of General Services by 31 U.S.C. 244, as amended, enables the Administrator, or his designee, to:

* * * * *

6. Section 101–41.102(e) is revised to read as follows:

§ 101–41.102 GSA responsibilities and functions.

* * * * *

(e) Carrier accounting and traffic officials are welcome to visit the GSA transportation audit facilities to discuss

transportation audit matters. These facilities are located in the Chester A. Arthur Building, 425 I Street N.W., Washington, DC. The mailing address is General Services Administration (TA), Washington, DC 20406. Notice of an intended visit and, when necessary, an outline or a list of subjects for discussion should be furnished in advance so that necessary internal arrangements can be made and the required records assembled.

Subpart 101–41.2—Passenger Transportation Services Furnished for the Account of the United States

7. Section 101–41.202–5 is revised to read as follows:

§ 101–41.202–5 Procurement of standard forms by agencies and carriers.

(a) Agencies may obtain supplies of SF 1169 and SF 1170 assemblies from GSA by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. With respect to the GTR assemblies, the National Capital Region, regional Federal Supply Service, maintains a record of the serial numbers imprinted on the forms and the names and mailing addresses of the receiving agencies. Where feasible, agencies should request that the name and address of the office to be billed for payment of charges be preprinted on each SF 1169 and that the name and address of the office to receive the refund be preprinted on each SF 1170. No other overprinting on SF 1169 or SF 1170 is permitted unless specifically approved in writing by the Assistant Commissioner for Transportation Audits (TA), GSA.

(b) Carriers may purchase SF 1113, SF 1113–A, and SF 1172 from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or have them printed commercially. When printing these forms commercially, carriers shall ensure that the forms conform to the exact size, wording, and arrangement of the approved standard forms and, while no minimum grade of paper is set, carriers shall provide a reasonable grade of paper stock. Carriers may have SF 1113 and SF 1113–A printed also in continuous-feed format for machine billing by adding pin-feed strips on the margins. The tear-off slip may be moved from the bottom to the right edge of SF 1113, to aid in machine use of the form, but it must be perforated on all edges to measure 8½ by 3⅝ inches when detached from the body of the SF 1113 and from the pin-feed strips. The forms must conform in all other respects to the exact size, wording, color, and arrangement of the approved standard forms. Any deviations must be approved in writing by the Assistant Commissioner for Transportation Audits (TA), GSA.

8. Sections 101–41.204–1 and 204–2 are revised to read as follows:

§ 101–41.204–1 Contracts.

With the exception of contracts for intracity bus service and contracts entered into by the Military Airlift Command and the Military Sealift Command, a copy of each contract, negotiated or otherwise, providing rates or charges for passenger transportation services shall be forwarded by agencies, promptly upon execution, to the General Services Administration (TAD), Washington, DC 20406.

§ 101–41.204–2 Tenders.

Two copies of each tender or quotation of special rates, fares, charges, or concessions for common or contract carrier passenger transportation services, including those made under section 10721 of the Revised Interstate Commerce Act (49 U.S.C. 10721), formerly section 22 of the Interstate Commerce Act, shall be promptly submitted by the negotiating agencies to the General Services Administration (TAD), Washington, DC 20406.

9. Section 101–41.205–1(a)(2) is revised to read as follows:

§ 101–41.205–1 Use of teletype ticketing equipment.

(a) * * *

(2) GSA has entered into a master contract with passenger-carrying members of the air transportation industry for teleticketing service. Copies of the contract, as well as information on agency procedures and responsibilities and GSA reporting requirements, may be obtained from the appropriate GSA regional office. Additional information and assistance is available from General Services Administration (TT), Washington, DC 20406. Under this teleticketing system, the contractor airline furnishes prenumbered teletype ticket stock and a validating stamp to the agency. The issuance of a ticket on that stock is accomplished by activation of the teletype equipment by the ticketing airline in response to a request from the agency. Each agency shall be responsible for establishing procedures and facilities for effectively maintaining accountability, control, and security of the teleticket receiver, ticket stock, validating stamp, tickets and ticket copies, and GTR's.

* * * * *

10. Section 101–41.205–2(a)(1) is revised to read as follows:

§ 101–41.205–2 Use of preprinted rail ticket stock.

(a) *Stocking of preprinted rail ticket stock.* (1) Passenger transportation ticket stock, preprinted for rail travel between designated cities only, and other material essential to the preparation and issuance of the tickets are available to agencies under a master contract concluded between GSA and the National Railroad Passenger Corporation (Amtrak). Agencies desiring to adopt this system may procure a copy of the master contract and a ticket service agreement for execution by the agency and Amtrak, as well as information on agency procedures and responsibilities and GSA reporting requirements, from the appropriate GSA regional office. Additional information is available from General Services Administration (TT), Washington, DC 20406.

* * * * *

11. In § 101–41.206 the introductory text of paragraph (c) is revised to read as follows:

§ 101–41.206 Special procedures for automatic payment of carrier charges for passenger transportation services.

* * * * *

(c) The accounting activity shall send to the General Services Administration (TADS), Washington, DC 20406:

* * * * *

12. Section 101–41.210–1 is revised to read as follows:

§ 101–41.210–1 SF 1170, Redemption of Unused Tickets.

Agencies shall not revise carrier bills or require carriers to rebill items, except as provided in § 101–41.210–6 of this subpart, to recover from carriers the value of unused or unfurnished transportation services or accommodations but shall make demand on the carriers through the use of SF 1170. A separate SF 1170 must be used for each GTR, though more than one ticket or adjustment transaction may be related to that GTR and listed on the redemption form. Automation of certain phases of the ticket redemption procedure will be considered by GSA (TA) upon request of agencies having computer capabilities, where such automation offers potential savings.

13. Sections 101–41.210–4 and 210–5 are revised to read as follows:

§ 101–41.210–4 Agency processing of refunds.

(a) Upon return of the original SF 1170 with the refund, the agency shall record and deposit the refund in conformity with its procedures and promptly forward the original SF 1170, together with any advice from the carrier regarding the basis of the refund, to the General Services Administration (TADS), Washington, DC 20406.

(b) Agencies receiving voluntary refunds from carriers for a difference in class of service furnished to travelers or for a transportation service not furnished shall report such refunds on SF 1170 to GSA (TADS), showing the amount of the refund and other essential information in the spaces provided.

§ 101–41.210–5 Report of carrier failure to make refund for unused transportation services or accommodations.

If, within 3 months from the time of issuance of SF 1170, the carrier has failed to make refund for unused transportation or accommodations or to furnish satisfactory explanation as to why no refund is due, or has refused to make an adjustment, the agency shall transmit the triplicate copy of the SF 1170 and all related correspondence to the General Services Administration (TADS), Washington, DC 20406, for appropriate action.

14. Section 101–41.211–3(b) is revised to read as follows:

§ 101–41.211–3 Billing charges for GTR's lost by carrier.

* * * * *

(b) Disbursing officers shall certify on the SF 1172 that the services specified thereon have been furnished, that payment has not been made to any claimant, and that the record has been annotated to prevent duplicate payment. The carrier may transmit its bill (SF 1113 and SF 1172) to the General Services Administration (TACA), Washington, DC 20406, if the paying agency is unknown.

15. Section 101–41.211–4 is revised to read as follows:

§ 101–41.211–4 Disposition of GTR's previously certified lost by carrier.

An original GTR that is located after issuance of an SF 1172, together with a reference to the carrier's bill on which charges for the lost GTR were paid, shall be forwarded promptly to the General Services Administration (TADS), Washington, DC 20406.

16. Section 101–41.211–5 (b) and (c) are revised to read as follows:

§ 101–41.211–5 Billing charges for air excess baggage coupons lost by carrier.

* * * * *

(b) Excess baggage charges supported by a certified statement instead of a lost GEBAT shall be billed separately from other types of transportation charges. Where the paying agency cannot be determined, the carrier may submit its bill to the General Services Administration (TACA), Washington, DC 20406, for forwarding to the responsible agency.

(c) An original GEBAT that is located after issuance of the certified statement instead of the lost GEBAT, together with a reference to the carrier's bill on which charges for the lost GEBAT were paid, shall be forwarded promptly to GSA (TADS).

17. Section 101–41.214–2(a) is revised to read as follows:

§ 101–41.214–2 Factual support of charges billed.

(a) Documentary evidence of facts other than those shown on the GTR or other authorized procurement document, necessary to support or explain charges billed shall refer to the number of the GTR or other document involved, be associated therewith, and made a part of the billing record. Certifications or affidavits, section 10721 quotations, charter orders, air ferry or live mileage supports, bus deadhead mileage supports, transfer checks, and authorizations are examples of such documents.

* * * * *

18. Section 101–41.214–5 is amended to add new paragraph (e) to read as follows:

§ 101–41.214–5 Preparation of carrier billing form.

* * * * *

(e) Each carrier shall insert in the appropriate block on SF 1113 (and SF 1113–A), the Standard Carrier Alpha Code (SCAC) assigned to that carrier in the National Motor Freight Traffic Association, Inc., Agent, Directory of Standard Multi-Modal Carrier and Tariff Agents Codes (SCAC and STAC), ICC NMF 101–C, applicable supplements thereto, or subsequent reissues thereof.

Subpart 101–41.3—Freight Transportation Services Furnished for the Account of the United States

19. Section 101–41.302 is revised to read as follows:

§ 101–41.302 Standard forms relating to shipment, transportation, and delivery of property.

(a) The standard forms in this subpart are prescribed to accomplish the shipment, transportation, and delivery of all property, except as covered in § 101–41.304 of this subpart, by transportation companies for the account of the United States and the billing and payment of charges therefor.

(b) This subpart further authorizes the use of Standard Form 1203, U.S. Government Bill of Lading—Privately Owned Personal Property, when shipping privately owned personal property, unaccompanied baggage, and mobile homes for the account of the United States. Its use is mandatory for the Department of Defense and optional on the part of other Federal agencies.

20. Section 101–41.302–1 is amended to add new paragraphs (u) through (z) to read as follows:

§ 101–41.302–1 Listing of forms.

* * * * *

(u) SF 1203, U.S. Government Bill of Lading—Privately Owned Personal Property (Original).

(v) SF 1203–A, U.S. Government Bill of Lading—Privately Owned Personal Property (Memorandum Copy).

(w) SF 1203–B, U.S. Government Bill of Lading—Privately Owned Personal Property (Memorandum Copy-Consignee).

(x) SF 1204, U.S. Government Bill of Lading—Privately Owned Personal Property (Shipping Order).

(y) SF 1205, U.S. Government Freight Waybill—Privately Owned Personal Property (Original).

(z) SF 1206, U.S. Government Freight Waybill—Privately Owned Personal Property (Carrier's Copy).

21. Section 101–41.302–2 is amended to redesignate current paragraphs (c) and (d) as paragraphs (d) and (e) respectively, and to add a new paragraph (c) to read as follows:

§ 101–41.302–2 Description and distribution of bills of lading.

* * * * *

(c) The U.S. Government bill of lading, privately owned personal property, is a nine-part form available in either snap-out or computer pin-feed formats. This set (SF 1203 through SF 1206) is arranged in the same order as the GBL set and distribution of the individual parts of SF 1203 is the same as that for SF 1103 except for the memorandum copy—consignee (property owner) which is furnished to the consignee (property owner) by the origin carrier or its agent at the time of pickup of the shipment.

(d) The GBL continuation sheets (SF 1109 through SF 1112) are also available in seven- or nine-part sets and are arranged in order corresponding to the GBL sets. The continuation sheets are

for use with the regular GBL, the transit GBL, and the personal property GBL.

(e) Separate sheets of the memorandum copies (SF 1103–A, SF 1109–A, SF 1131–A, and SF 1203–A) are available to Government agencies for addition to the respective seven- or nine-part sets.

22. Section 101–41.302–3(e) is revised to read as follows:

§ 101–41.302–3 Terms and conditions governing acceptance and use of GBL's.

* * * * *

(e) The shipment is made at the restricted or limited valuation specified in the tariff or classification or established under section 10721 of the Revised Interstate Commerce Act (49 U.S.C. 10721), formerly section 22 of the Interstate Commerce Act, or to another equivalent contract, arrangement, or exemption from regulation at or under which the lowest rate is available, unless otherwise indicated on the face of the GBL.

* * * * *

23. Section 101–41.303–4 is revised to read as follows:

§ 101–41.303–4 Lost original commercial bills of lading subsequently recovered.

When the original commercial bill of lading or commercial express receipt is recovered after conversion of an authentic copy of the commercial document to a GBL, the original commercial document shall be forwarded to the paying office of the agency concerned, with an appropriate reference to the previous conversion. If the transportation charges on the GBL converted from the copy of the commercial document have already been paid, the recovered original commercial bill of lading or commercial express receipt shall be marked "VOID"; annotated with the disbursing office (D.O.) symbol number, the D.O. voucher number (or the GSA certificate of settlement number), and payment date; and transmitted to the General Services Administration (TADS), Washington, DC 20406.

24. Sections 101–41.304–2 (b)(1) and (e)(2) are revised to read as follows:

§ 101–41.304–2 Limited authority to use commercial forms and procedures.

* * * * *

(b) * * *

(1) Upon determination that commercial forms and procedures are to be used, the agency shall establish administrative regulations and procedures clearly defining the particular shipping circumstances and conditions for their use. Notice of adoption and of any subsequent cancellation of the small shipment procedure prescribed in this § 101–41.304–2 shall be sent to the General Services Administration (TACP), Washington, DC 20406.

* * * * *

(e) * * *

(2) Supplemental transportation claims arising after payment of the original bills should ordinarily be settled by agencies direct with the carriers. However, claims involving a doubtful question of fact or law, or a question regarding the amounts properly due, may be forwarded to GSA (TACA) for direct settlement as prescribed in Subpart 101–41.6. The complete record shall be furnished including a reference to the appropriation or fund to be charged.

* * * * *

25. Sections 101–41.305–2(a) and the introductory text of paragraph (c) are revised to read as follows:

§ 101–41.305–2 Transit records; processing and distribution.

(a) *Section 10721 quotation and tariff requirements.* Transit shipments shall be handled in accordance with the provisions of the applicable quotations issued under section 10721 of the Revised Interstate Commerce Act (49 U.S.C. 10721), formerly section 22 of the Interstate Commerce Act, or the provisions of the carriers' tariffs providing the transit privileges.

* * * * *

(c) *Furnishing transit certificates.* Transit certificates (record of transit tonnage and application) need not be prepared and furnished to GSA (TADS) when the paying office normally verifies or enters the inbound billing information in the "Transit Reshipping Certificate—Inbound Billing References" section of the transit GBL. If the paying office does not verify or provide inbound billing information, the certificates shall be furnished to the General Services Administration (TADS), Washington, DC 20406, as follows:

* * * * *

26. Section 101–41.305–5 is revised to read as follows:

§ 101–41.305–5 Paying office action on transit billings.

The paying office shall verify and, if necessary, correct the information in the "Transit Reshipping Certificate—Inbound Billing References" section of the transit GBL. When the required information is not shown, the paying office shall enter the disbursing office (D.O.) voucher number, bureau voucher number, if any, the date of payment, and the D.O. symbol number of the inbound billing on the transit GBL before forwarding the SF 1113 and notice of any refunds to GSA (TADS). Free or surrendered transit GBL vouchers shall be transmitted to GSA (TADS) separate from other types of transportation vouchers.

27. Section 101–41.307–5 is revised to read as follows:

§ 101–41.307–5 Lost original GBL's recovered after settlement.

When a lost original GBL is recovered, after settlement is effected on the basis of the freight waybill, the original GBL shall be forwarded to the paying office of the agency concerned for cancellation. The original GBL shall be inscribed with the disbursing office (D.O.) symbol number, the D.O. voucher number (or the GSA certificate of settlement number), and the payment date of the freight waybill settlement voucher and shall be forwarded to GSA (TADS).

28. Section 101–41.310–1 is revised to read as follows:

§ 101–41.310–1 Carrier billing forms.

Charges for freight or express transportation services furnished for the account of the United States, except those furnished under procedures set forth in § 101–41.304 of this subpart, shall be billed on SF 1113. Carrier bills for transportation charges shall be subject to the standards for payment prescribed in Subpart 101–41.4 of this part. Charges for freight or express transportations services shall be billed separately from passenger transportation charges. The SF 1113 (original) and one SF 1113–A (memorandum copy) shall be submitted to the billing office specified on the GBL. The carrier shall not be required to furnish more than one memorandum copy to the agency billed unless otherwise specifically authorized in advance by GSA. Also, a memorandum copy (SF 1113–A) shall not be substituted for the tear-off slip which shall be properly executed by the carrier preparing the SF 1113.

29. Section 101–41.310–2 is amended to add paragraph (d) to read as follows:

§ 101–41.310–2 Preparation of carrier billing forms.

* * * * *

(d) Each carrier shall insert in the appropriate block on SF 1113 (and SF 1113–A), the Standard Carrier Alpha Code (SCAC) assigned to that carrier in the National Motor Freight Traffic Association, Inc., Directory of Standard Multi-Modal Carrier and Tariff Agents Codes (SCAC and STAC), ICC NMF

101–C, applicable supplements thereto, or subsequent reissues thereof.

30. Section 101–41.310–3 is revised to read as follows:

§ 101–41.310–3 Separate billing for household goods shipments.

Except for domestic shipments of crated household goods, charges for each household goods shipment shall be billed on a separate SF 1113, Public Voucher for Transportation Charges. Services rendered on SF 1103 and SF 1203 shall not be billed on the same SF 1113.

31. Section 101–41.311 is amended to revise the introductory paragraph to read as follows:

§ 101–41.311 Reporting of carrier voluntary refunds.

Agencies shall report voluntary refunds (other than those described in § 101–41.305–3 of this subpart) of excess payments for freight or express charges to the General Services Administration (TADS), Washington, DC 20406. Each report shall include the:

* * * * *

32. Section 101–41.312(c)(3) is revised to read as follows:

§ 101–41.312 Exception to usual billing and payment procedures.

* * * * *

(c) * * *

(3) Payments made under the provisions of this section are subject to adjustment, if otherwise proper, when the cargo is lost, damaged, or not delivered to the destination specified in the bill of lading contracts. Agencies shall make a diligent effort to collect all agency claims arising under the provisions of this section and shall report uncollected debts to the Claims Group, Accounting and Financial Management Division, U.S. General Accounting Office, Washington, DC 20548.

33. Sections 101–41.313–1, 101–41.314–1, and 101–41.314–2 are revised to read as follows:

§ 101–41.313–1 GBL forms.

(a) Agencies may obtain supplies of the individual snapout GBL sets by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Agencies having facilities for computer preparation of GBL's may order them in continuous fanfold format with pin-feed strips attached to the sides, but such forms must conform to all other specifications of the GBL, including overall size, wording, arrangement, color, construction, and grade of paper. Minor adjustments in spacing to accommodate differences in alignment of computer line printing are permissible, but all copies in the GBL set must register from part to part. Agency orders for continuous fanfold GBL's shall be executed and processed in accordance with § 101–26.302 of this chapter. The National Capital Region, regional Federal Supply Service of GSA maintains records of the serial numbers of all GBL, transit GBL, and personal property GBL assemblies furnished and the names and mailing addresses of the receiving agencies.

(b) An agency may order overprinting on the GBL forms to the extent of identifying the name, bureau or service, and address of the payment office; appropriation or fund chargeable; and name and title of the issuing officer and place of issue. No other overprinting on the GBL forms is permitted unless specifically approved in writing by the General Services Administration (TA), Washington, DC 20406.

§ 101–41.314–1 Contracts.

With the exception of contracts for local storage, drayage, and haulage (see § 101–41.304 of this subpart) and contracts entered into by the Military Sealift Command or the Military Airlift Command, a copy of each contract for freight or express transportation services, negotiated or otherwise, providing rates or charges shall be transmitted by agencies promptly upon execution to the General Services Administration (TAD), Washington, DC 20406.

§ 101–41.314–2 Quotations and tenders.

Quotations or tenders made by or on behalf of common or contract carriers for freight or express transportation rates or services, including those authorized by section 10721 of the Revised Interstate Commerce Act, (49 U.S.C. 10721), formerly section 22 of the Interstate Commerce Act, shall be in written form. Two copies of each quotation or tender shall be promptly transmitted by administrative or negotiating agencies to GSA (TAD).

Subpart 101–41.4—Standards for the Payment of Charges for Transportation Services Furnished for the Account of the United States

34. Section 101–41.401 is revised to read as follows:

§ 101–41.401 Payment upon presentation of bills.

(a) Section 322(a) of the Transportation Act of 1940, as amended (31 U.S.C. 244), provides that payment for the transportation of persons or property for or on behalf of the United States by any carrier or forwarder shall be made upon presentation of bills therefor and prior to audit by the Administrator of General Services or his designee. The payment of these bills shall, however, be contingent upon their timely presentation as required by the statute of limitations set forth in 31 U.S.C. 244.

(b) Each military disbursing office and civilian paying office shall ensure during its administrative examination of carriers' bills that the Standard Carrier Alpha Code (SCAC) identifier is entered on each Standard Form 1113, Public Voucher for Transportation Charges, and SF 1113–A, Memorandum Copy. If the code is omitted, the forms and all supporting papers shall be returned to the carrier unpaid with a request that the SCAC be added to the forms.

(c) Provisions of Pub. L. 77–560, 56 Stat. 306 (31 U.S.C. 82g) relieve certifying and disbursing officers of liability for overpayments made for transportation furnished for the account of the United States on GBL's and GTR's when such overpayments are due to the use of improper transportation rates or classifications or to the failure to deduct proper amounts under agreements. However, agencies are not relieved of responsibility for:

(1) Making an administrative determination that the transportation services for which payment is claimed were duly authorized, that such services represent a legal obligation under the appropriation or fund involved, that the carrier's bill is complete and supported with required documentation, and that all extensions and computations of charges are correct; and

(2) Establishing procedures and controls to prevent duplicate payments, to recover any duplicate payments that may be made, and to perform an annual review of the effectiveness of those procedures.

(d) Carrier bills deemed proper for payment as set forth in the foregoing paragraph shall be paid upon presentation and before confirmation of service satisfactorily performed, provided:

(1) For freight transportation (other than that excepted under § 101–41.312 of this part), the "Certificate of Carrier Billing of Charges" on the GBL has been properly executed by the carrier; and

(2) For passenger transportation, the proper ticket, coupon, or equivalent document covering the involved service has been furnished by the carrier in exchange for the GTR.

35. Section 101–41.402–1 is amended by revising the introductory paragraph to read as follows:

§ 101–41.402–1 Joint standards for advance payment of charges for transportation services.

Standards issued jointly by the Comptroller General of the United States and the Secretary of the Treasury (4 CFR Part 56) under the authority of 31 U.S.C. 244(a) prescribe the payment of carrier or forwarder charges for transportation services in advance of completion of service subject to limitations prescribed by the Administrator of General Services or his designee: *Provided,* the carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved. The joint standards also place responsibility upon each agency that adopts procedures for the payment of charges for transportation services prior to Government confirmation of the satisfactory completion of such services to ensure that advance payments are not made to:

* * * * *

Subpart 101–41.5—Claims by the United States Relating to Transportation Services

36. Section 101–41.501(a) is revised to read as follows:

§ 101–41.501 Time limitations.

(a) A 3-year limitation applies on deductions of overcharges from amounts subsequently found due any carrier or forwarder. The term "overcharges" means charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with Federal or State transportation regulatory agencies or under rates, fares, and charges established under section 10721 of the Revised Interstate Commerce Act, (49 U.S.C. 10721), formerly section 22 of the Interstate Commerce Act, or other equivalent contract, arrangement, or exemption from regulation. (See 31 U.S.C. 244.)

* * * * *

37. In § 101–41.502 the introductory text of (a)(1) and paragraph (b)(2) are revised to read as follows:

§ 101–41.502 Examination of payments and initiation of collection action.

(a) *Examination of payments.*

(1) Carrier bills and supporting documents that represent payments made by agency disbursing officers for freight and passenger transportation services shall be forwarded to the General Services Administration (TADS), Washington, DC 20406, for audit examination in consideration of:

* * * * *

(b) * * *

(2) Carriers are requested to promptly refund amounts due the United States. Checks shall be made payable to the "General Services Administration" and mailed to the General Services Administration (TACA), Washington, DC 20406.

38. Section 101–41.503 is revised to read as follows:

§ 101–41.503 Protests to notices of overcharge.

A carrier that disagrees with a notice of overcharge may protest by letter to the General Services Administration (TACA), Washington, DC 20406. Since each notice of overcharge is processed as a separate account receivable, the carrier shall use a separate letter for each overcharge notice being protested. The carrier shall present the basis for its protest and submit either the original or a legible copy of all documents substantiating its position. If the carrier believes that an amount less than that claimed on the notice of overcharge is properly due, it should promptly submit a check for the amount admittedly due, together with a full explanation of the reasons for believing the balance is not due. GSA will acknowledge receipt of each letter containing a substantive protest and upon completion of consideration will notify the carrier whether the overcharge determination has been sustained, amended, or canceled. Repetitious letters of protest will not serve to preclude the collection of overcharges found properly due.

39. Section 101–41.506 is revised to read as follows:

§ 101–41.506 Transportation debts administratively determined to be due the United States.

(a) Under the Federal Claims Collection Act of 1966 (31 U.S.C. 951–953), the Comptroller General of the United States and the Attorney General have joint responsibility for promulgating standards for the collection, compromise, termination, or suspension of collection action on any debts determined to be due the United States. However, overcharges for unused passenger transportation services are subject to § 101–41.210 of this part. Regulations defining agency responsibilities for collecting amounts determined to be due the United States, establishing principles governing agency collection procedures for reporting uncollectible debts to the General Accounting Office (GAO) or the Justice Department are found in 4 CFR Parts 101 through 105 and in Title 4, Debt Claims-General Policies and Procedures of the GAO Policy and Procedures Manual for Guidance of Federal Agencies.

(b) Agencies shall refer all administratively determined transportation debts involving loss and/or damage to property to: Claims Group, Accounting and Financial Management Division, U.S. General Accounting Office, Washington, DC 20548.

(c) Agencies shall refer all administratively determined overcharges involving unused passenger transportation services (see § 101–41.210 of this part) to: General Services Administration (TADS), Washington, DC 20406.

Subpart 101–41.6—Claims Against the United States Relating to Transportation Services

40. Sections 101–41.602(a), (b)(4), and (c) are revised to read as follows:

§ 101–41.602 Statutory limitations on filing of claims.

(a) 31 U.S.C. 244, as amended, imposes a limitation, generally 3-years, on the filing of claims cognizable by GSA when such claims involve charges for transportation within the purview of 31 U.S.C. 244, as amended. Claims in this category are those which involve transportation charges based on tariffs lawfully on file with Federal and State transportation regulatory agencies or which involve rates, fares, and charges established under section 10721 of the Revised Interstate Commerce Act, (49 U.S.C. 10721), formerly section 22 of the Interstate Commerce Act, or other equivalent contract, arrangements, or exemption from regulation.

(b) * * *

(4) Deduction made under 31 U.S.C. 244, as amended.

(c) It is imperative that each claim of a carrier or forwarder, whether filed with GSA or with its designee (the agency out of whose activities the transaction arose), be clearly stamped with the month, day, and year of receipt by GSA or the designee agency so that there will be no question regarding the filing date when the determination of compliance with the 3-year limitation imposed thereon by 31 U.S.C. 244 is made.

41. Section 101–41.603–2(b) is revised to read as follows:

§ 101–41.603–2 Form of claims.

* * * * *

(b) Each supplemental bill shall cover charges relating to bills of lading or transportation requests paid on one original bill. However, if supplemental

bills (claims) arise from asserted retroactive increases in charges or from currency fluctuations, GSA (TA) will consider a carrier's written request for the single billing of such charges applicable to multiple original bills, if such request bears the concurrence of the agency's paying office.

42. Section 101–41.603–4 is revised to read as follows:

§ 101–41.603–4 Where to file transportation claims.

(a) Claims involving collection actions resulting from the transportation audit performed by the General Services Administration must be filed direct with GSA (TACA). All other transportation claims generally shall be filed with the agency out of whose activities they arose; if that is not feasible (e.g. where the responsible agency cannot be determined or is no longer in existence) they may be sent to GSA (TACA) for forwarding to the responsible agency or for direct settlement by GSA's transportation audit office. Claims for GSA processing shall be addressed to the General Services Administration (TACA), Washington, DC 20406.

(b) A claimant who disagrees with the action taken on his claim by the agency's payment office may request reconsideration or review of that action, provided he meets applicable time limitations. (See § 101–41.602 of this subpart and Subpart 101–41.7 of this part.) The levels for progression of claims not disposed of to the satisfaction of the claimant are as shown in the following table.

Progressive Steps Available to Claimants Requesting Reconsideration or Review of Disputed Claims

Disputed claims involving—	Applicable to disputed claims filed with—	Agency action for reconsideration by—	Agency dispositive action for reconsideration or review by—
Deductions for loss or damage to property	Agencies out of whose activities the claims arose.	Claims Group, Accounting and Financial Management Division, U.S. General Accounting Office [1].	Comptroller General of the United States.[2]
Other than loss or damage to property	Agencies delegated authority to perform audit as GSA's designee. (See note.).	Head of agency delegated authority	Comptroller General of the United States.[2]
	Agencies not delegated authority to perform audit as GSA's designee.	General Services Administration (TAD) [3]	Administrator of General Services [4] or Comptroller General of the United States.[2]

NOTE.—Authority to audit transportation bills was delegated effective Oct. 12, 1975, to the Department of State for bills paid at overseas offices and to the Department of Defense for bills paid at certain overseas offices and for bills paid by the Military Airlift Command for contract airlift services. Mailing addresses for those specifically named above as responsible for the reconsideration or review of transportation claims upon request of claimants are:

[1] Claims Group, Accounting and Financial Management Division, U.S. General Accounting Office, Washington, DC 20548.
[2] Comptroller General of the United States, U.S. General Accounting Office, Washington, DC 20548.
[3] General Services Administration (TACA), Washington, DC 20406.
[4] Administrator of General Services, General Services Administration (TA), Washington, DC 20406.

43. In section 101–41.604–1, the introductory text and paragraph (d) are revised to read as follows:

§ 101–41.604–1 Transportation claims payable by agencies.

Unless GSA (TA) determines that GSA prepayment audit is necessary generally or in special cases, each agency or department shall pay any properly documented supplemental bill (claim) for freight or passenger transportation charges that is not barred by a statute of limitations, that does not involve a doubtful question, or that is not excepted by the provisions of § 101–41.604–2 of this supart, provided the following guidelines are observed:

* * * * *

(d) Claims paid in accordance with this section shall be transmitted to GSA (TADS) separately from other paid transportation documents submitted for audit.

44. Sections 101–41.604–2(a), introductory text of (c), and paragraph (d) are revised to read as follows:

§ 101–41.604–2 Transportation claims not payable by agencies.

(a) Agencies shall not pay supplemental claims for amounts which have been administratively deducted from transportation payment vouchers in connection with loss and/or damage to property but shall forward such claims to: Claims Group, Accounting and Financial Management Division, U.S. General Accounting Office, Washington, DC 20548.

* * * * *

(c) The transportation claims described in paragraph (b) of this section, as well as any claims subject to doubt as to the propriety of payment, will be handled by GSA under the provisions of § 101–41.605 of this subpart and shall be forwarded separately from other types of transportation documents to the General Services Administration (TACA), Washington, DC 20406. Agencies shall support each claim forwarded to GSA with:

* * * * *

(d) Agencies shall notify claimants of the dates on which their claims are forwarded to GSA but shall not inform them of administrative recommendations. Agencies need not take further administrative action but shall forward to GSA (TACA) any materials subsequently received which relate to forwarded claims and shall furnish supplemental reports to GSA when requested.

45. Sections 101–41.605–2(b), the introductory text of (c), (c)(1), and (d) are revised to read as follows:

§ 101–41.605–2 Processing claims certified for payment.

* * * * *

(b) An agency shall not revise or alter any GSA certificate of settlement except to indicate the appropriation symbol number applicable at the time of payment or to correct subsidiary accounting references relating to the stated appropriation or fund account. Alterations which will result in payment from a different appropriation or fund account or payment in an amount other than that originally stated on the certificate of settlement are not permitted. Any certificate of settlement that cannot be processed shall be immediately returned to GSA (TACA) with an explanation of the nonpayment.

(c) GSA forwards the original and four copies of each certificate of settlement to the agency by GSA Form 7933, Certificate of Settlement Transmittal, a copy of which shall be promptly receipted and returned to GSA (TACA). When a setoff amount is to be credited to the accounts of other agencies, GSA supplies additional copies of the certificate for the agencies whose accounts are to be credited. The agency shall take action to effect issuance of the check or checks and shall distribute the certificate of settlement as follows:

(1) Forward the original of the certificate, with the D.O. voucher number and date of payment stamped in the upper right corner, to GSA (TACA). (The agency shall be responsible for

preparing any required SF 1096, Schedule of Voucher Deductions.)

* * * * *

(d) When the full amount certified for payment is setoff, GSA forwards both the advance copy and the notice copy of the certificate to the claimant and forwards the original and fiscal copies to the agency for processing and return of the annotated original certificate to GSA (TACA). However, when the setoff amount is to be charged and credited to the same appropriation or fund account, GSA retains the original of the certificate and sends only the fiscal copies to the agency.

Subpart 101–41.7—Reconsideration and Review of General Services Administration Transportation Claim Settlements

46. Section 101–41.700(a) is revised to read as follows:

§ 101–41.700 Protest to settlement action.

(a) A claimant who disagrees with the action taken upon his claim in GSA's transportation audit may write to the Administrator of General Services, General Services Administration (TA), Washington, DC 20406, requesting reconsideration of the action. The letter shall identify the transaction and set forth in detail the legal, technical, or factual data or other information or documentation relied upon by the carrier to raise substantive doubt as to the correctness of the claim settlement.

* * * * *

47. Section 101–41.701(b) is revised to read as follows:

§ 101–41.701 Review by the Comptroller General of the United States.

* * * * *

(b) A request for review shall be forever barred unless received in the General Accounting Office within 6 months (not including time of war) from the date the settlement action was taken or within the periods of limitation specified in 31 U.S.C. 244, as amended, whichever is later. The request should be addressed to the Comptroller General of the United States, U.S. General Accounting Office, Washington, DC 20548.

Subpart 101–41.8—Transportation Disbursement Procedures

48. Section 101–41.800 is revised to read as follows:

§ 101–41.800 Scope and applicability of subpart.

This subpart sets forth procedures for processing documents to request issuance of checks covering freight and passenger transportation services furnished for the account of the United States, and related forms, and for forwarding disbursing officers' paid transportation accounts to the General Services Administration for audit in accordance with section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 244).

49. Section 101–41.802(b) is revised to read as follows:

§ 101–41.802 Standard forms for scheduling transportation vouchers for payment.

* * * * *

(b) The procedures prescribed for preparation of SF 1166, Voucher and Schedule of Payments (voucher-schedule), are applicable to all Federal agencies using the disbursing facilities of the Department of the Treasury. Other agencies may adopt these procedures following notification to General Services Administration (TAD), Washington, DC 20406. The procedures prescribed for the use of SF 1166 apply also to SF 1166–A, SF 1167, and SF 167–A.

* * * * *

50. Section 101–41.803(a) is revised to read as follows:

§ 101–41.803 Scheduling procedures.

(a) Agencies shall prepare a voucher-schedule (SF 1166) for all basic vouchers covering transportation services furnished for the account of the United States submitted by carriers in accordance with §§ 101–41.214 and 101–41.310 of this part. Transportation vouchers (SF 1113) shall be listed separately from all other types of payment vouchers. All information required for check issuance purposes must be included on the SF 1166. After certification by the authorized certifying officer, the voucher-schedule shall be transmitted to the appropriate disbursing office. The transportation vouchers shall be retained by the agency for later transmittal to GSA (TADS) in accordance with § 101–41.807 of this subpart.

* * * * *

51. Section 101–41.805–1(b) is revised to read as follows:

§ 101–41.805–1 No-check vouchers.

* * * * *

(b) Vouchers which do not require the processing of an accounting transaction by the disbursing or accounting office for inclusion in the agency's SF 1220 or SF 1221, or other approved reporting form, shall be scheduled separately. Such voucher-schedules shall be plainly marked "No-check vouchers." They shall not be submitted to disbursing officers for processing but shall be submitted with other transportation voucher-schedules to GSA (TADS) for audit.

52. Section 101–41.806–3 is revised to read as follows:

§ 101–41.806–3 Disposition of forms after payment.

The disbursing office shall forward the payment check to the carrier-payee with pertinent tear-off slips (or punched cards bearing all information shown on the tear-off slips), return the original and two copies of the voucher-schedule to the issuing agency, and retain one copy of the voucher-schedule to support its statements of accountability. In distributing the accomplished voucher-schedule, the issuing agency shall use the original to support its statement of transactions (SF 1220 or SF 1221), retain a copy in its files, and forward a copy to GSA (TADS) with the related basic transportation vouchers. (See § 101–41.807 of this subpart)

53. Sections 101–41.807–2 (a) and (d) are revised to read as follows:

§ 101–41.807–2 Submission of transportation vouchers.

* * * * *

(a) Each month, after the statement of transactions (SF 1220 or SF 1221) has been accomplished, the basic transportation vouchers and supporting documents, with the carbon copies of related voucher-schedules placed on top, shall be securely bound with cord or tape and forwarded promptly to the General Services Administration (TADS), Washington, DC 20406.

* * * * *

(d) The cover or container of each package shall include the following information.

From: Name and address of transmitting office. Period of account.
Disbursing office symbol number. Package number ——— of ———.
To: General Services Administration (TADS), Washington, DC 20406.

54. Section 101–41.808–1 is revised to read as follows:

§ 101–41.808–1 New or discontinued agency stations.

Agencies shall notify the General Services Administration (TACA), Washington, DC 20406, whenever a new or existing agency station is authorized to prepare voucher-schedules for transportation services or when an agency station is no longer so authorized. This notice shall show the name and station location of the bureau or office and the date on which its authority to schedule payments for

transportation services was granted or discontinued.

Subpart 101–41.49—Illustrations of Forms

55. Sections 101–41.4901–1203 through 1206 are added; 101–41.4902–7931 through 7932 are revised; and the following note is added immediately below the subpart heading to read as follows:

Subpart 101–41.49—Illustrations of Forms

Note.—The forms illustrated in §§ 101–41.4901 and 101–41.4902 of this subpart are filed with the original document and do not appear in the Code of Federal Regulations.[1]

§ 101–41.4901–1203 Standard Form 1203, U.S. Government Bill of Lading—Privately Owned Personal Property (Original).

(a) Page 1 of Standard Form 1203.

(b) Page 2 of Standard Form 1203.

§ 101–41.4901–1203–A Standard Form 1203–A, U.S. Government Bill of Lading—Privately Owned Personal Property (Memorandum Copy).

§ 101–41.4901–1203–B Standard Form 1203–B, U.S. Government Bill of Lading—Privately Owned Personal Property (Memorandum Copy-Consignee).

(a) Page 1 of Standard Form 1203–B.

(b) Page 2 of Standard Form 1203–B.

§ 101–41.4901–1204 Standard Form 1204, U.S. Government Bill of Lading—Privately Owned Personal Property (Shipping Order).

§ 101–41.4901–1205 Standard Form 1205, U.S. Government Freight Waybill—Privately Owned Personal Property (Original).

§ 101–41.4901–1206 Standard Form 1206, U.S. Government Freight Waybill—Privately Owned Personal Property (Carrier's Copy).

§ 101–41.4902–7931 GSA Form 7931, Certificate of Settlement (Original).

§ 101–41.4902–7931–1 GSA Form 7931, Certificate of Settlement (Claimant's Notice).

§ 101–41.4902–7931–2 GSA Form 7931, Certificate of Settlement (Claimant's Notice in Advance of Payment).

§ 101–41.4902–7932 GSA Form 7932, Settlement Certificate.

(31 U.S.C. 244 and 40 U.S.C. 486(c))

Dated: July 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–24309 Filed 8–21–81; 8:45 am]

BILLING CODE 6820–AM–M

[1] Forms filed with the Office of the Federal Register as part of the original document.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405, 440 and 447

Medicare and Medicaid Programs; Reimbursement for Clinical Laboratory Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: These regulations implement section 918 of Public Law 96–499, the Omnibus Reconciliation Act of 1980, which establishes the payment criteria for laboratory services billed by physicians under the Medicare and Medicaid programs. Specifically, these amendments provide that: (1) laboratory tests performed by a physician, or personnel under his or her supervision, will be paid on the basis of the reasonable charge for the service (determined under the usual Medicare rules on reasonable charges); (2) laboratory tests performed by an independent laboratory, but billed by a physician who identifies the laboratory and the amount the laboratory charged him or her, will be paid on the basis of the lesser of (a) the laboratory's reasonable charge for the service, or (b) the amount the laboratory charged the physician for the service; and (3) if the physician does not identify the laboratory and the amount it charged him or her for the test, payment will be based on the lowest amount at which the Medicare carrier estimates the test could have been obtained by the physician from a laboratory serving the physician's locality.

These rules should result in lower Medicare and Medicaid payments since they limit recognition of markups of bills from physicians for services performed by independent clinical laboratories and enable the programs to benefit from discounted rates obtained by physicians.

We are publishing final regulations, rather than a notice of proposed rulemaking followed by a final rule, because the law is explicit in its requirements, and in order to implement these provisions as expeditiously as possible. However, we are providing a comment period for public response and will make any revisions we find necessary based upon the comments received. (See Waiver of Proposed Rulemaking below.) Instructions on how to implement the Medicare provisions have been forwarded to all Medicare carriers.

EFFECTIVE DATES: For Medicare, these rules apply to bills submitted or requests for payment made on or after April 1, 1981. For Medicaid, these rules apply to services provided under a State plan on or after July 1, 1981. However, if the Secretary determines that State legislation is necessary so that a State plan can be revised to meet the limitations on the amount of reimbursement contained in these rules, the State plan will not be regarded as failing to comply with these requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after December 5, 1980.

Although these regulations are effective as indicated, we will consider any comments mailed by October 23, 1981 and revise the regulations if necessary.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

In commenting please refer to BPP–152–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., SW., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION, CONTACT: Paul Riesel, Health Care Financing Administration, Bureau of Program Policy, 1–A–3, East Low Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301–597–1843).

SUPPLEMENTARY INFORMATION:

Background

It is a common practice for physicians to bill their patients for laboratory tests that have not been performed in their own offices or under their personal supervision, but which are acquired for their patients from independent laboratories. In these instances, the physician forwards the specimen to the outside laboratory which, in turn, bills the physician directly for the services performed. As a rule, independent

laboratories use lower price schedules when they bill physicians for tests than they charge to the general public for similar services. These lower prices to physicians often reflect volume discounts and lower laboratory billing costs resulting from periodic billings.

In recent years, evidence accumulated by the General Accounting Office (GAO), the Congress, and the Department has indicated that there are frequently substantial markups in bills submitted by physicians for these services. For example, in June 1976, the Special Senate Committee on Aging Subcommittee on Long-Term Care published a report on fraud and abuse resulting from clinical laboratory services reimbursed under various health insurance programs (*Fraud and Abuse Among Clinical Laboratories*, Senate Report 94–944). It estimated that approximately 10 percent of Medicaid and Medicare funds for laboratory services in 1975 involved fraudulent or abusive practices. Among the major problems cited in the report were excessive physician markups of independent laboratory bills and inconsistent and often exorbitant sample handling charges. In addition, the report indicated that bills submitted by physicians often did not identify the laboratory actually performing the tests.

A GAO report of August 4, 1976 (*Tighter Controls Needed Over Payments for Laboratory Services under Medicare and Medicaid*, HRD–76–121) substantiated and further documented excessive markups in three States and the District of Columbia. According to GAO, physician markups of clinical laboratory services performed outside their offices are often in excess of 100 percent of the amount which the physician was charged by the laboratory.

Reimbursement Practices Prior to the Reconciliation Act

The reimbursement methods for Medicare and Medicaid have represented differing approaches for paying physicians for laboratory services performed by others.

Medicare: Current regulations (42 CFR 405.502), implementing section 1842 of the Social Security Act, provide that, in determining the reasonable charges for Medicare services, carriers will consider, among other criteria, the physician's or supplier's customary charges for similar services, as well as the prevailing charges for similar services in the locality. In addition, the reasonable charges for certain commonly performed laboratory procedures specified by the program may not exceed the lowest charges at which these tests are widely and consistently available in the locality (42 CFR 405.511). In accordance with the inherent reasonableness criteria in 42 CFR 405.502(a)(7), a further limit is applied to independent clinical laboratory services billed by physicians. Under this limit, program payment will not be made in excess of the 75th percentile of laboratory price list charges to the physicians in the same locality (*Medicare Carriers Manual*, section 5114.2).

Under Medicare, payments for clinical laboratory services furnished to program beneficiaries may be made to physicians, to independent laboratories or directly to the beneficiary. The physician may bill both for laboratory tests performed in his or her own office, and for services performed by an outside laboratory which bills the physician for the work. (In the latter situation, in addition to receiving the reasonable charge for the laboratory test, the physician is permitted a nominal charge for the drawing of the specimen and the handling expenses in shipping them to the laboratory. (*Medicare Carriers Manual*, section 5114.2B.))

Allowing physicians to bill for services performed by an independent laboratory has permitted physicians to gain the advantages of volume discounts and other competitive inducements offered by laboratories. However, this practice has also allowed the physician, in some instances, to add an unnecessary "middleman's" markup to the service.

Medicaid: Medicaid payments for practitioner services and for noninstitutional items or services may ordinarily not exceed the reasonable charge established by Medicare (42 CFR 447.341, 447.351, and 447.352).

With respect to who can receive payment for laboratory services, Medicaid regulations (42 CFR 447.10) have provided that payment for any care or service to an individual by a health care provider can be made only to that provider. A physician who bills for a laboratory test performed by others could, therefore, be reimbursed by Medicaid only for collecting and handling the specimen. While the Medicaid policy avoids the possibility of physician markups, this approach does not enable the program to take advantage of the reductions and discounts physicians can obtain for purchasing services in volume directly from outside laboratories.

Changes in Reimbursement for Clinical Laboratory Services

Congress, in enacting Section 918 of Public Law 96–499, changed the ways Medicare and Medicaid reimburse for certain clinical laboratory services. Specifically, these amendments limit Medicare recognition of a physician's markup for services performed by outside laboratories and enable the Medicare and Medicaid programs to benefit directly from discounted rates obtained by physicians. This legislation contains specific provisions on physician billing that preclude reimbursement for markups that physicians add when billing for services by independent laboratories, and encourage the inclusion of certain information in a physician's bill so that appropriate third party reimbursement determinations can be made.

While preserving the States' authority under Medicaid to pay independent laboratories directly for services they perform, the amendments permit the States to pay a physician for outside laboratory services. If a State chooses to allow payment under its plan to a physician in this instance, payment may not exceed the payment authorized for such services under Medicare.

The usual Medicare deductible and coinsurance requirements will continue to apply.

We are implementing section 918 through the following amendments to the regulations:

1. *Laboratory tests performed by a physician or personnel under the physician's supervision.* If a bill submitted by a physician indicates that a particular laboratory service was performed by (a) that physician, (b) another physician with whom the physician shares his or her practice, or (c) an individual under the physician's supervision, the reimbursement allowed will be based on the reasonable charge for that service.

2. *Laboratory tests performed by an independent laboratory and billed by a physician, who identifies both the laboratory and the amount it charged.* If a physician bills for a laboratory procedure that was performed by an independent clinical laboratory and identifies the laboratory and the amount he or she was charged for that service, payment will be based on the lower of (a) the laboratory's reasonable charge for the service (i.e., based on its customary charges and other criteria, as applicable under 42 CFR 405.502) or (b) the amount the laboratory actually charged the physician. In either case, the physician is also allowed a nominal

amount for his or her collection and handling of the specimen if he or she bills for such services. (Currently, *Medicare Carriers Manual,* section 5114.2B provides that the nominal handling fee should not exceed $3. This amount may be revised as is necessary based on program experience.) The payment of this fee recognizes that, when a physician or a member of the physician's staff extracts a specimen from a patient, various small expenses may be incurred for collecting, preparing, and shipping the sample to a laboratory.

3. *Laboratory tests performed by an independent laboratory and billed by a physician who does not identify both the laboratory and the amount it charged.* If the physician does not indicate that he or she performed the test, and does not identify both the laboratory and the amount charged to him or her for the test, payment is to be based on the lowest amount at which the Medicare carrier estimates the test could have been obtained from a laboratory serving the physician's locality. A nominal specimen collection and handling fee will be paid to the physician only if the physician's bill indicates that the test was performed by an independent laboratory and not by the physician or personnel under his or her supervision.

The carrier will estimate this "lowest amount" twice a year by (a) obtaining price lists of charges laboratories make to physicians from as many commercial laboratories serving its area as possible (including laboratories in other States from which tests may be obtained by physicians in the carrier's service area) and (b) establishing a schedule of lowest prices based on this information.

Physician Billing Under Medicaid

As indicated earlier, Medicaid rules have prohibited payments to physicians who bill the program for services which they did not perform or directly supervise. Bills for laboratory services could be submitted only by the practitioner or entity performing the service. Under these new provisions, however, State agencies may either continue this approach, or they may allow billing by physicians who obtain laboratory services from an outside source. In either case, the payment is not to exceed the amount that would be allowed under Medicare for similiar services.

For States that choose to amend their State plan to permit physician billing for tests performed by outside laboratories, this provision is effective for services provided on or after July 1, 1981 or such latter date as the State chooses. If a State elects to use the option to pay physicians directly for services performed by independent laboratories, but the Department determines that State legislation is required in order for the State plan to comply with the reasonable charge limitations set forth in this provision, the State will not be considered to be out of compliance with these limitations before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after December 5, 1980.

Report to Congress

While it acted to curtail reimbursement of excessive physician markups on laboratory services, Congress also recognized the financial consequences that may redound on beneficiaries. As a result, in an effort to assess the Medicare experience under the new provisions, Congress has directed the Department to report within two years on the impact of these provisions, particularly on how frequently the reduction in the amounts reimbursable under the program has resulted in lower payments to the patient rather than to the physician. Additionally, the Department is required to report on the savings in expenditures for laboratory services which have resulted from these provisions. This information would allow Congress to detrmine whether further legislative change is needed to protect the beneficiary.

Waiver of Proposed Rulemaking

In enacting section 918 of Public Law 96–499, Congress set forth a clear approach for curtailing excessive program payments for physician markups. Since the law is explicit both in its requirements and its implementation dates, with virtually no room for policy discretion on our part, we believe it is impractical and unnecessary in this instance to publish a notice of proposed rulemaking and request public comments before issuing final regulations. While we are waiving proposed rulemaking procedures as noted in the summary, we are providing for a comment period so that interested parties may raise any comments or suggestions. If appropriate, we will make changes resulting from those comments.

Regulatory Burden Analysis

We have determined that these final regulations do not meet the criteria for a major rule as specified by section 1(b) of Executive Order 12291. Under those criteria, a rule is classified as major if it would have an annual effect on the economy of $100 million or more; cause a major increase in costs of prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effects on business competition, investment or employment. The intent of section 918 of Pub. L. 96–499 is to limit Medicare recognition of a physician's markup for services performed by outside laboratories and to enable the Medicare and Medicaid programs to benefit directly from discounted rates obtained by physicians. While we plan to assess the Medicare cost experience under this provision in a report to Congress, we currently estimate that implementation of these regulations should result in an overall cost savings of $7 million for Medicare and $1 million for Medicaid for the remainder of fiscal year (FY) 1981.

We have also determined that this provision does not meet the criteria set forth in section 605(b) of Pub. L. 96–354 (the Regulatory Flexibility Act of 1980) for preparing a regulatory flexibility analysis, since we do not believe that it will result in a significant economic impact on a substantial number of small business entities. As indicated above, this amendment affects the way in which physicians are reimbursed for services performed by outside independent laboratories. Independent clinical laboratories, regardless of size, will continue to receive reimbursement based on existing program policies, not to exceed the reasonable charge criteria under Medicare. The provision will not have a significant economic impact on physicians, who will continue to be entitled to cover their costs associated with clinical laboratory services.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED.

A. 42 CFR Part 405 is amended by revising the table of contents of Subpart E and § 405.502, and by adding a new § 405.515 as set forth below:

1. The table of contents for subpart E is revised as set forth below:

Subpart E—Criteria for Determination of Reasonable Charges; Reimbursement for Services of Hospital Interns, Residents, and Supervising Physicians

* * * * *

405.515 Reimbursement for clinical laboratory services bill by physicians.

* * * * *

Authority: Secs. 1102, 1614(b), 1833(a), 1842(b) and (h), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395f, 1395l, 1395u, 1395hh)

2. § 405.502 is amended by adding a new paragraph (a)(8) as follows:

§ 405.502 Criteria for determining reasonable charges.

(a) *Criteria.* The law allows for flexibility in the determination of reasonable charges to accommodate reimbursement to the various ways in which health services are rendered and charged for. The criteria for determining what charges are reasonable include:

* * * * *

(8) In the case of laboratory services billed by a physician but performed by an outside laboratory, the payment levels established in accordance with the criteria stated in § 405.515.

* * * * *

3. A new § 405.515 is added to read as follows:

§ 405.515 Reimbursement for clinical laboratory services billed by physicians.

This section implements section 1842(h) of the Social Security Act, which places a limitation on reimbursement for markups on clinical laboratory services billed by physicians. If a physician's bill, or a request for payment for a physician's services, includes a charge for a laboratory test for which payment may be made under this part, the amount payable with respect to the test shall be determined as follows (subject to the coinsurance and deductible provisions at §§ 405.240 and 405.245):

(a) If the bill or request for payment indicates that the test was personally performed or supervised either by the physician who submitted the bill (or for whose services the request for payment was made), or by another physician with whom that physician shares his or her practice, the payment will be based on the physician's reasonable charge for the test (as determined in accordance with § 405.502).

(b) If the bill or request for payment indicates that the test was performed by an outside laboratory, and identifies both the laboratory and the amount the laboratory charged, payment for the test will be based on the lower of—

(1) The laboratory's reasonable charge for the service (as determined in accordance with § 405.502), or

(2) The amount that the laboratory charged the physician for the service.

(c) If the bill or request for payment does not indicate that the conditions specified in paragraph (a) of this section were met, and does not identify both the laboratory and the amount the laboratory charged, payment will be based on the lowest charge at which the carrier estimates the test could have been secured from a laboratory serving the physician's locality. The carrier will estimate this lowest amount twice a year by (i) obtaining lists of charges laboratories make to physicians from as many commercial laboratories serving the carrier's area as possible (including laboratories in other States from which tests may be obtained by physicians in the carrier's service area) and (ii) establishing a schedule of lowest prices based on this information. The carrier will take into consideration specific circumstances, such as a need for emergency services that may be costlier than routine services, in making the estimate in a particular case. However, in no case may this estimate be higher than the lowest customary charge for commercial laboratories, or when applicable to the laboratory service, the lowest charge level determined in accordance with § 405.511, in the carrier's service area.

(d) When a physician bills, in accordance with paragraph (b) or (c) of this section, for a laboratory test and indicates that it was performed by an independent laboratory, a nominal payment will also be made to the physician for collecting, handling, and shipping the specimen to the laboratory, if the physician bills for such a service.

PART 440—SERVICES: GENERAL PROVISIONS

B. 42 CFR Part 440 is amended as set forth below:

1. § 440.1 is revised to read as follows:

§ 440.1 Basis and purpose.

This subpart interprets section 1905(a) of the Act, which lists the services included in the term "medical assistance," and sections 1905 (c), (d), (f)–(i), and (l), which define some of those services, and implements sec. 1902(a) (43) with respect to laboratory services (see also §§ 447.10 and 447.342).

2. § 440.30 is revised to read as follows:

§ 440.30 Other laboratory and X-ray services.

"Other laboratory and X-ray services" means professional and technical laboratory and radiological services—

(a) Ordered and provided by or under the direction of a physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law or ordered and billed by a physician but provided by an independent laboratory;

(b) Provided in an office or similar facility other than a hospital outpatient department or clinic; and

(c) Provided by a laboratory that meets the requirements for participation in Medicare.

PART 447—PAYMENTS FOR SERVICES

C. 42 CFR Part 447 is amended by revising the table of contents of Subpart C, by revising §§ 447.10 and 447.250, and by adding a new § 447.342 as set forth below:

1. The table of contents for Subpart C is revised as set forth below:

Subpart C—Payment Methods and Upper Limits for Specific Services

* * * * *

Individual Practioners

447.341 Individual practitioners: Upper limits of payment.
447.342 Physician billing for clinical laboratory services: Upper limits of payment.

* * * * *

Authority: Secs. 1102, 1902(a) and 1903(i)(1) of the Social Security Act (42 U.S.C. 1302, 1396a(a), 1396b(i)(1))

2. § 447.10(a) and (g)(1) to (g)(4) are revised to read as follows:

§ 447.10 Prohibition against reassignment of provider claims.

(a) *Basis and purpose.* This section implements section 1902(a)(32) of the Act which prohibits State payments for Medicaid services to anyone other than a provider or recipient, except in specified circumstances; and implements, in part, section 1902(a)(43) concerning payments to physicians for laboratory services (see also § 447.342).

* * * * *

(g) *Individual practitioners.* Payment may be made to—

(1) A physician who bills for outside laboratory services that the physician orders and pays for, but that he or she did not personally perform or supervise, or which were not performed or supervised by another physician with whom he or she shares a practice.

(2) The employer of the practitioner, if the practitioner is required as a condition of employment to turn over his fees to the employer;

(3) The facility in which the service is provided, if the practitioner has a contract under which the facility submits the claim; or

(4) A foundation, plan, or similar organization operating an organized health care delivery system, if the practitioner has a contract under which the organization submits the claim.

* * * * *

3. § 447.250 is amended by adding a new sentence as follows:

§ 447.250 Basis and purpose.

Section 447.261 of this subpart implements section 1902(a)(13)(D) of the Act, which requires that the State plan provide for payment of the reasonable cost of inpatient hospital services. Sections 447.272 through 447.311 implement section 1902(a)(13)(E) of the Act, which requires that the State plan provide for payment for long-term care facility services on a reasonable cost-related basis. Sections 447.251, 447.252, 447.262, 447.315 through 447.341, and 447.351 through 447.361 implement section 1902(a)(30) of the Act, which requires that payments must not exceed reasonable charges consistent with efficiency, economy and quality of care.

Section 447.342 of this subpart implements section 1902(a)(43) of the Act, which permits the State plan to provide for payment to a physician for laboratory services which the physician did not personally perform or supervise. Section 447.371 implements section 1902(a)(13)(F) of the Act, which requires that the Sate plan provide for payment for rural health clinic services in accordance with regulations prescribed by the Secretary.

4. A new § 447.342 is added to read as follows:

§ 447.342 Physician billing for clinical laboratory services: Upper limits of payment.

(a) This section applies when a State plan provides for payments to physicians for clinical laboratory services. For rules on the upper limits or payment made directly to laboratories, see §§ 447.351 and 447.352.

(b) For clinical laboratory services performed personally by a physician, or under the supervision of the physician, the plan must provide that the agency will not pay the physician more than the reasonable charge established for that service in accordance with §§ 447.351 and 447.352.

(c) A state plan may provide for payment to a physician who bills for clinical laboratory services performed by an outside laboratory. Under these circumstances, the plan must provide that the agency will not pay the physician more than the amount that would be authorized under Medicare in accordance with § 405.515 (b), (c), and (d) of this chapter.

(Catalog of Federal Assistance Program, No. 13.714, Medicaid—Medical Assistance Program, No. 13774; Medicare—Supplementary Medical Insurance Program)

Dated: June 16, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: July 27, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-24695 Filed 8-21-81; 8:45 am]
BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 5440 and 5450

[Circular No. 2489]

Timber Sales: Conduct of Sale; Advertised Sale and Award of Contract; Bonds

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking amends the existing bonding provisions for timber sale contracts to broaden the kinds of bonding instruments acceptable for bid deposits, performance bonds, and payment bonds. The new provisions will provide greater flexibility in complying with bonding requirements for Bureau of Land Management timber sale contracts.

EFFECTIVE DATE: August 24, 1981.

ADDRESS: Any suggestions or inquiries should be sent to: Director (230), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Joseph C. Dose at the above address or call (202) 343-6988.

SUPPLEMENTARY INFORMATION: The principal author of this final rulemaking is David Estola, Division of Forestry, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management, Department of the Interior.

Under existing regulations, purchasers of Bureau of Land Management timber sales report that it has become increasingly difficult to qualify for bonds of corporate sureties or to meet the other specific bonding arrangements provided for under 43 CFR Parts 5440 and 5450. To alleviate this problem, this final rulemaking provides that any guaranteed remittance, approved by the authorized officer, may be accepted for timber sale deposits, performance bonds, and payment bonds.

This rulemaking makes no substantive change in Title 43 of the Code of Federal Regulations. It is in the public interest that this regulation be published as a final rulemaking to be effective immediately. Although proposed rulemaking and public participation of this final rulemaking are considered unnecessary, comments or suggestions regarding bonding instruments for timber sale contract provisions are welcomed.

There is no information collection requirement contained in this rulemaking. Therefore, approval for information collection under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) is not required by the Office of Management and Budget.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354).

It is hereby determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332 (2)(C)) is required.

Under the authority of the Act of July 31, 1947, as amended (30 U.S.C. 601), Subpart 5441, Part 5440 and Subpart 5451, Part 5450, Group 5400, Subchapter E, Chapter II, Title 43 of the Code of Federal Regulation is amended as set forth below.

Frank A. DuBois,

Acting Assistant Secretary of the Interior.

July 28, 1981.

PART 5440—CONDUCT OF SALES

§ 5441.1-1 [Amended]

1. Section 5441.1-1 is amended by revising the fourth sentence as follows:

* * * "Deposits may be in the form of cash, money orders, bank drafts, cashiers' or certified checks made payable to the Bureau of Land Management, bid bonds of a corporate surety shown on the approved list of the United States Treasury Department or any guaranteed remittance approved by the authorized officer." * * *

PART 5450—AWARD OF CONTRACT

2. Section 5451.1(a) is amended by adding a new paragraph (5) as follows:

§ 5451.1 Minimum performance bond requirements; types.

(a) * * *

(5) Any guaranteed remittance approved by the authorized officer.

§ 5451.4 [Amended]

3. Section 5451.4 is amended by revising the third sentence as follows:

* * * "The payment bond may be a bond of a corporate surety shown on the approved list issued by the United States Treasury Department and executed on an approvd form, negotiable securities of the United States, or any guaranteed remittance approved by the authorized officer." * * *

[FR Doc. 81-24823 Filed 8-21-81; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

[Docket No. FEMA-FIA]

Insurance Coverage and Rates; National Flood Insurance Program Emergency Phase

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule revises the National Flood Insurance Program regulations to increase the flood insurance premium rates charged for federally subsidized flood insurance coverage as to all insurable buildings and personal property located in communities participating in the emergency phase of the National Flood Insurance Program.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Emergency Management Agency, Federal Insurance Administration, Donohoe Building, Washington, D.C. 20472, telephone number (202) 755-7355.

SUPPLEMENTARY INFORMATION: On June 1, 1981, FEMA published for comment in the **Federal Register** (Vol. 46, page 29292) a proposed rule to increase the subsidized rates charged for insurance under the program's emergency phase, pursuant to 42 U.S.C. 4015, as follows:

Type of structure	Rate per year per $100 coverage on	
	Structure	Contents
(1) Residential	$0.40	$0.50
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.50	1.00

For comparision, the current subsidized rates are as follows:

Type of structure	Rate per year per $100 coverage on	
	Structure	Contents
(1) Residential	$0.25	$0.35
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.40	.75

As discussed in the proposed rulemaking, except for a $20 expense constant charge added to all policies (both under the Emergency and Regular National Flood Insurance Programs) to defray the operating costs attendant the issuance and servicing of flood insurance policies, the emergency program rates had never, in over a decade of operations, been increased. In addition, the rates had been decreased twice, in 1972 and in 1974 when the rates for residential structures, for example, were decreased from $.35 per year per $100 of building coverage to $.25 per annum. The proposed increase would return this rate to $.05 above the pre-1974 rate.

The comments received (eleven) presented a division of opinion. While two citizens viewed the subsidized rate increase as impacting on their ability to maintain their homes—one favoring, instead, stricter construction standards in flood plains—another citizen favored the rate increase on the basis that she "should not have to subsidize the insurance for people who build and rebuild homes in areas we all know are prone to disaster in storms."

Two national environmental organizations echoed the sentiments of the citizen quoted above and called for higher subsidized rates for new construction in communities participating in the emergency, or subsidized, program. A State Department of National Resources, Division of Environmental Quality, expressed the views that the National Flood Insurance Program was helpful as "an alternative to disaster recovery payments," that the "rates should stay the same," and that "increased emphasis should be placed on relocation efforts . . . to clear the flood plains of damaged and vulnerable structures."

A state bankers association supported the proposed increase on the ground that it will result "in a decreased cost in taxpayers' dollars into this program." Also, in favor of an increase was a county regional planning commission which found merit in the proposal in terms of removing the incentive to unwise development in flood plains engendered by "artificially low" rates. On the other hand, a state flood control advisory commission, while being understanding of "the reasoning behind FEMA's proposal to increase the rates associated with the program" could not "agree with the degree of the increase" due to the adverse economic conditions of the majority of the citizens in the state.

One Member of the Congress expressed opposition to the rate increase for the reasons that:

1. the increases might force present policyholders to discontinue coverage; and

2. the proposed increase will discourage participation by property owners who have not yet elected to purchase coverage.

Regarding the reasons given, the possibility is always there. However, in view of the program's steady growth since the enactment of the Flood Disaster Protection Act of 1973, Pub. L. 93-234, which conditions the availability of certain Federal financial benefits upon purchase of flood insurance in connection with the acquisition or construction of buildings located in the special flood hazard areas of participating communities, it is not believed that the number of policyholders insured under the program—which provides valuable insurance benefits not generally available in the private insurance market—will diminish.

Lastly, a state department of transportation expressed the view that the rate increase was too high and offered some thoughtful comments for imporving the program and reducing costs, dealing with issues ranging from flood insurance study guidelines and flood plain management considerations to insurance availability matters.

Review of the emergency program subsidy situation coupled with considerations relative to the National Flood Insurance Program's need to move closer to fiscal self-sufficiency compels the determination that the subsidized rates must be increased, effective October 1, 1981, as proposed.

Regarding the subsidy, 62% of the two million policies sold annually are rated on the basis of subsidized rates. The data compiled over the life of the program reflects that an average of $125 per policy has been borrowed annually to meet the costs of subsidizing the emergency program business, which figure is over and above the $86 average annual premium paid for the insurance. Even with the recently added $20

expense constant, subsidies of about $105 per policy issued on a subsidized basis must be lowered if the annual $120 million drain on the Treasury and, perforce, the taxpayers in the aggregate is to be significantly abated. One of the National Flood Insurance Program's immediate goals being the attainment of fiscal self-sufficiency in the near term, it is imperative that the subsidy be reduced. Barring unusually heavy flooding next year, the rate increase should reduce the subsidy by about $60 million.

FEMA has prepared in conjunction with this rule a Final Regulatory Flexibility Analysis, pursuant to Pub. L. 96-354, which is available for inspection at the above address.

Accordingly, Subchapter B of Chapter 1 of Title 44 is amended at Part 61 as follows:

PART 61—INSURANCE COVERAGE AND RATES

Section 61.9 is revised to read as follows:

§ 61.9 Establishment of chargeable rates.

(a) Pursuant to section 1308 of the Act, chargeable rates per year per $100 of flood insurance are established as follows for all areas designated by the Administrator under Part 64 of this subchapter for the offering of flood insurance:

Rates for New and Renewal Policies

Type of structure	Rates per year per $100 coverage	
	Structures	Contents
(1) Residential	$0.40	$0.50
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.50	1.00

(b) The contents rate shall be based upon the use of the individual premises for which contents coverage is purchased.

(42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. 329) and Executive Order 12127 (44 FR 19367))

(Catalog of Federal Domestic Assistance Number 83.100 National Flood Insurance Program)

Issued: August 14, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-24525 Filed 8-21-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-38; RM-3602 and RM-3661]

FM Broadcast Stations in Glendale and Phoenix, Arizona; Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 278 to Glendale, Arizona, as that community's second FM assignment, at the request of Charles Eyanson, and denies the alternative proposal of Donald C. Jerome, Francis M. Blythe and Erwin W. Speakman to assign Channel 278 to Phoenix, Arizona, as that community's eighth FM assignment.

DATE: Effective October 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steven A. Bookshester, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 5, 1981.

Released: August 14, 1981.

By the Chief, Policy and Rules Division.

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Glendale and Phoenix, Arizona); BC Docket No. 81-38 RM-3602 RM-3661.

1. Presently before the Commission is a *Notice of Proposed Rule Making*, 46 FR 10963, published February 5, 1981, proposing the assignment of Class C FM Channel 278 to Glendale, or, in the alternative, to Phoenix, Arizona. The Glendale assignment was requested by Charles Eyanson ("Eyanson"). Donald C. Jerome, Francis M. Blythe, and Erwin W. Speakman ("JBS") jointly petitioned for the Phoenix assignment. The requested assignments are mutally exclusive, as Glendale and Phoenix are adjacent communities. (The minimum allowable separation for co-channel Class C stations under the Commission's rules is 288 kilometers [180 miles].) Studies by the Commission staff, Eyanson and JBS indicate that Channel 278 is the only FM frequency presently available for assignment in the Phoenix area. Comments and reply comments in response to the *Notice* were filed by Eyanson, JBS, and Los Compadres Broadcasting Company ("Los Compadres").

2. Phoenix (population 581,562)[1] and Glendale (population 36, 228) are located in Maricopa County in the south central part of Arizona. Phoenix is Arizona's state capital, and the state's largest city. Glendale, which borders the west side of Phoenix, is the state's fifth largest city. Glendale presently receives local aural service from one full-time AM station and one Class C FM station. Phoenix receives local aural service from six FM stations and twelve AM stations. Additionally, a construction permit application for a seventh FM station on Channel 260 has recently been granted.

3. In the *Notice*, the Commission observed that both Eyanson and JBS has submitted economic, demographic and other data sufficient to justify assignment of an additional FM channel to either community. We also noted that either assignment would be consistent with the Commission's assignment population criteria. We asked for submission of additional information in support of each proposal so that we would be more able to assess the comparative strengths and weaknesses of each.

4. Eyanson's comments stress that Glendale "is a veritable community in and of its own right, and has needs and desires separate and distinct from the nearby city of Phoenix." Eyanson argues that priority number five of the Commission's FM assignment criteria, set forth in the *Further Notice of Proposed Rule Making* in Docket No. 14185, FCC 62-867 (1962), favors the Glendale assignment. That priority is to provide all communities which appear to be large enough to support two local stations with two local FM stations, particularly where the community in question is outside of an urbanized area.[2] Eyanson states that as Phoenix already has seven FM assignments, while Glendale has only one, "it is evident that Glendale is more deserving of, and necessarily warrants, an additional FM channel assignment."

5. JBS states in its comments that Glendale is a Phoenix suburb and is located within the Phoenix SMSA. JBS contends that Glendale "has no distinct complexion of its own but is simply an extension of the Phoenix metropolitan area," and that Glendale has reached its present size primarily as a "bedroom community" for Phoenix. JBS argues that it is really FM priority seven which

[1] Population figures are taken from the 1970 U.S. Census. Eyanson reports the preliminary 1980 U.S. Census figure for Glendale as 92,808, while JBS states that the 1980 Phoenix population was 781,443.

[2] The seven priorities were reiterated in *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974).

applies to the instant matter. That priority states that channels unassigned under priorities one through six "will be assigned to the various communities on the basis of their size, location with respect to other communities, and the number of outside services available." Further, JBS states, assignment of Channel 278 to Phoenix would be consistent with the Commission's policy of generally assigning Class C channels to larger communities.

6. Los Compadres observes in its comments that Glendale has, during the past decade, experienced a growth rate of 156.1%, while the growth rate for Phoenix over the decade was only 32.7%. Further, states Los Compadres, projections by the Maricopa Association of Governments ("MAG") indicate that Glendale will grow to 170,000 by the year 2,000. Additionally, Los Compadres contends, "Glendale is the dominant city in the rapidly growing 'Westside' of the Salt River Valley (urbanized Maricopa County)" and "serves as the hub and trade center for the several smaller communities located in the vicinity." Los Compadres comments that the "Westside" area, excluding Glendale, had a 1980 population of 113,400, and that the only local FM service in the area, other than the existing Glendale Class C, is a Class A station at Sun City. This portion of the "Westside," Los Compadres further states, is projected to reach 383,820 by the year 2000. Thus, Los Compadres concludes, Glendale and the "Westside" community are deserving of another assignment in accordance with the mandates of Section 307(b) of the Communications Act regarding "equal distribution of available radio facilities."

7. In his reply comments, Eyanson also pursues the argument of an underserved "Westside." He argues that JBS' statement that Glendale is really a Phoenix "bedroom community" is a demonstrably false allegation, and contends that the fact that Glendale is not a separate SMSA is irrelevant.

8. JBS emphasizes in its reply comments that its proposed Phoenix allocation will serve the entire Phoenix metropolitan area, including Glendale. Additionally, the Phoenix allocation, as proposed by JBS, would provide some first aural service. JBS argues that Glendale is an integral part of the Phoenix "urbanized area," and thus FM assignment priority five does not apply. JBS also contends that Los Compadres has "conjured up" the "Westside" region.

9. In its initial petition, JBS proposed to use an antenna site in the White Tank Mountains, 27.1 miles west of the geographic center of Phoenix, and the use maximum facilities (83 kW–2,112 feet HAAT). This plan would provide first aural service and first FM service to an area of 3,227 square miles and "a little less than 1,670 people," and would provide, according to JBS, "first aural service" and "first FM service" to 54,360 people each day traveling certain rural highways in the Phoenix area. Eyanson's petition calls for a transmitter site to the west of Glendale in the same area as JBS proposes, but the Eyanson proposal does not indicate any first or second service to be provided.[3]

10. Los Compadres notes in its comments in response to the *Notice* that a Class C assignment at Glendale would also permit a "maximum facility" such as that specified by JBS to be utilized, assuming site availability, and therefore the first service as the Phoenix proposal. However, Los Compadres questions whether, even with maximum facilities, a city-grade signal could be placed over all of Phoenix from the proposed JBS site. JBS argues in response that the Commission has found in the *Notice* that use of maximum facilities at the proposed site "would provide" a 70 dBu signal over the Phoenix metropolitan area, and that the issue is therefore moot "since the proposed transmitter site is already recognized as appropriate for the allocation of Channel 278 to Phoenix."

11. JBS and Eyanson have both submitted studies regarding the preclusionary impact of the assignment. JBS' study indicates that there will be preclusion in 30 communities as a result of the assignment. Nine of the communities involved have current assignments and also have additional channels available. There are channels available for eight other communities with no current assignments. Thirteen small Phoenix suburbs have no assignments and no channels available.[4] All of these communities presently receive service from Phoenix area stations.

12. Having fully evaluated the pleadings of the various parties to this proceeding, the Commission is of the view that Channel 278 should be assigned to Glendale, Arizona, as that community's second FM channel assignment. While Glendale is adjacent to Phoenix, and is located in the Phoenix SMSA, this does not negate the fact that it is also a rapidly growing community with its own distinct needs, which can only be adequately served by its own local aural facilities. The Phoenix allocation sought by JBS would, necessarily, have its primary obligation to its city of license, and could not be expected to provide additional local aural service to Glendale to the same degree as a second FM assignment at that community. See *St. Paul, Minnesota*, 4 R.R. 2d 1509 (1965).

13. In reaching this conclusion, the Commission did not determine that assignment of an additional FM channel to Phoenix would be inappropriate, were such a channel available, but only that, as between the two communities, the equities favor a second Glendale FM assignment have allocation of an eighth FM channel to Phoenix. While the FM assignment priorities "were never intended to be applied rigidly or in mechanical fashion," *Anamosa and Iowa City, Iowa, supra*, at 585, we are guided in our determination by the fifth priority, favoring assignment of two local FM stations to communities of enough size to support them.[5] We believe that Eyanson and Los Compadres have submitted sufficient information regarding the nature of Glendale and its surrounding area to bring this case well within priority five. While JBS correctly observes that the Commission generally favors assigning Class C channels to larger communities, Glendale was previously recognized as sufficiently large to receive a Class C channel when it received the assignment in the original Table in 1962. Furthermore, we note that no Class A channels were shown to be available for assignment to this area nor had any interest in a Class A channel been expressed.

14. It is also more likely, in our opinion, that the Glendale assignment would provide more localized service to other communities on the west side of the city of Phoenix, regardless of whether we should recognize a distinct area known as "Westside." This area does contain numerous small communities without local service. In approving an additional assignment to this suburban community, we reject Eyanson's contention that Glendale has a "right" to an additional channel on the basis of its population. Clearly, given the numerous communities clustered around central cities, it would be impossible to allocate as many channels to every community as might be

[3] The Commission erroneously stated in the *Notice*, at para. 5, n. 6, that both petitions specified a site 33 kilometers (21 miles) west of Phoenix and 22 kilometers (13.5 miles) west of Glendale. These are, in fact, the site restrictions necessary in each case to comply with minimum mileage separation requirements to the Channel 280A assignment at Coolidge and the Channel 278 allocation at Nogales, Sonora, Mexico.

[4] The largest of the Phoenix area communities, Peoria, had a 1980 population of 12,223.

[5] In applying this priority, we also recognize that Glendale is not "outside of an urbanized area."

permissible under our present population criteria.[6] The Commission's finding is only that, on the facts of the present case, Glendale appears to be in greater need of additional local service than Phoenix.

15. The Commission will expect that any applicant for Channel 278 at Glendale specify facilities sufficient to provide first aural and first FM service at least equivalent to that proposed by JBS (excluding JBS' proposed "first service" to highway travelers). We believe that this requirement is consistent with, and strongly suggested by, FM assignment priority two, which is "provision of a first FM service to as much of the population of the United States as possible; particularly that portion of the population which receives no primary AM service nighttime."[7]

16. In view of the alternative channels or existing local service available to all precluded communities other than those in the Phoenix/Glendale area, which would suffer preclusion as a result of any use of Channel 278 in the area, we find the preclusionary impact of the assignment to be, to that extent, insignificant.

17. Mexican concurrence in the assignment has been obtained. As indicated in footnote 3, *supra*, the transmitter site must be located no less than 22 kilometers (13.5 miles) west of Glendale, in order to comply with minimum spacing requirements.

18. Accordingly, it is ordered, That effective October 13, 1981, the FM Table of Assignments § 73.202(b) of the Commission's Rules, is amended with respect to Glendale, Arizona, as follows:

City	Channel No.
Glendale, Arizona	222, 278

19. It is further ordered, That this proceeding is terminated.

20. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

21. For further information concerning this proceeding, contact Steven A. Bookshester, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–24577 Filed 8–21–81; 8:45 am]

BILLING CODE 6712–01–M

[6] We do not here reach the comments of the parties addressed to the pending proposed revisions of our assignment criteria (BC Docket No. 80–130).

[7] We do not hold that the same site or facilities proposed by JBS must be utilized. We further observe that JBS had incorrectly characterized the Commission's *Notice*, in its comments, as having found that the site "would provide" a 70 dBu signal over Phoenix, and that it had been "recognized as appropriate" for a Phoenix assignment. The Commission actually stated that the suggested facilities "should provide" 70 dBu service to Phoenix but did not, and need not here, reach any final determination on that issue. Our decision to make the assignment to Glendale does not in any way rest on whether coverage of the entire City of Phoenix could be provided from the proposed site.

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47 CFR Part 81

Stations on Land in the Maritime Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Correction.

SUMMARY: this document corrects an inadvertent omission of an amendment of Part 81, relating to FCC's regulations on stations on land in the maritime services and Alaska—public fixed stations, in an Order editorially amending various Sections of Parts 81 and 83 of the Commission's Rules.

FOR FURTHER INFORMATION CONTACT: Charles D. Fisher, Private Radio Bureau (202) 632–7175.

SUPPLEMENTARY INFORMATION:

In the matter of editorial amendment of Parts 81 and 83 of the Commission's Rules and Regulations.

On March 12, 1981, the Commission adopted an Order editorially amending Parts 81 and 83 of its Rules. The Order was published in the **Federal Register** on March 27, 1981 at 46 FR 18982.

An amendment affecting § 81.361 was inadvertently omitted. The amendment should have appeared on page 18982 in column three after § 81.133. This document corrects that error and the amended portion of § 81.361 is shown in the attached Appendix.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Accordingly, on page 18982 of the issue of March 27, 1981, column three, insert the following after paragraph 4.

4a. In § 81.361, the table in paragraph (a) is revised to read as follows:

§ 81.361 Frequencies available.

(a) * * *

Carrier Frequency (kHz)	
2065.0	12429.2
2079.0	12432.3
2096.5	12435.4
4125.0	16587.1
4143.6	16590.2
4419.4	16593.3
6218.6	22124.0
6221.6	22127.1
6521.9	22130.2
8291.1	22133.3
8294.2	22136.4

* * * * *

[FR Doc. 81–24628 Filed 8–21–81; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

49 CFR Part 1

[OST Docket No. 1; Amdt. 1–163]

Delegation to the Federal Railroad Administrator

AGENCY: Office of the Secretary, DOT.

Note.—This document originally appeared in the **Federal Register** for Friday, August 21, 1981. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment clarifies the delegation of authority to the Federal Railroad Administrator (Administrator) to exercise the powers of the Secretary with respect to supplemental transactions under the Regional Rail Reorganization Act of 1973 (3R Act). Recent amendments to that Act require prompt administrative action to effect certain transfers of rail property.

EFFECTIVE DATE: August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Officer of the General Counsel, DOT, 400 Seventh St., SW., Washington, D.C. 20590 (202–426–4723).

SUPPLEMENTARY INFORMATION: Pursuant to an existing delegation (49 CFR 1.49(t)), the Administrator exercises the powers of the Secretary under section 305 of the 3R Act ("Continuing Reorganization; Supplemental Transactions"). This amendment is intended to clarify the scope of this

delegation so that the Administrator can go forward with expedited supplemental transactions required by amendments to section 305 which were effected by section 1155 of the Northeast Rail Service Act of 1981 (Title XI, Pub. L. No. 97–35; August 13, 1981).

The existing delegation references section 610 of the Railroad Revitalization and Regulatory Reform Act of 1976, which added the original text of section 305 to the 3R Act. The delegation is silent on subsequent amendments to section 305, such as those contained in the recent legislation. This regulatory amendment will eliminate any ambiguity concerning the scope of relevant delegations. The existing reference to section 610 of the 1976 legislation is left in place, since section 610 also enacted certain other provisions for which a separate delegation should be retained.

Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary; and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

In consideration of the foregoing, § 1.49 of Part 1, Title 49, Code of Federal Regulations, is amended by adding at the end thereof a new paragraph (w) to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to—

* * * * *

(w) Carry out the functions vested in the Secretary by section 305 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 745).

(Section 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Issued in Washington, D.C. on August 19, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81-24621 Filed 8-20-81; 10:31 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Part 172

Flammable Solid Placard and Flammable Solid W Placard

CFR Correction

In Title 49, (Parts 100 to 177) Code of Federal Regulations, revised as of Dec. 1, 1980, at page 291, the placards appearing in § 172.546 and § 172.548 should be interchanged.

BILLING CODE 1505-01-M

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49 CFR Part 179

[Docket No. HM–174; Amdt. No. 179–27A]

Specifications for Tank Cars

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule; response to petitions for reconsideration and resulting amendment.

SUMMARY: The Materials Transportation Bureau (MTB) received petitions for reconsideration from the Association of American Railroads (AAR), the Compressed Gas Association (CGA), the National LP–Gas Association and the Railway Progress Institute. All petitioners request that MTB rescind the specifications for safety valves for specification 105 tank cars used for the transportation of flammable gases and ethylene oxide. As an alternative to rescinding the safety valve requirements, the AAR proposed that the compliance date be postponed to April 1, 1982, to provide the AAR Tank Car Committee an opportunity to study the question of safety valve sizing for flammable gases.

MTB and the Federal Railroad Administration (FRA) have reviewed the safety valve requirement and still believe that the safety valve must be sized to provide protection in rail accident environments, including accidents involving overturned cars and fire. MTB and FRA believe that the safety valve discharge capacity requirement in the final rule provides an appropriate level of safety. Therefore, MTB denies petitioners' request to rescind the safety valve requirement. However, MTB and FRA have reconsidered the safety valve requirement for specification 105 tank cars which transport ethylene oxide and will extend the compliance date for the safety valve requirement for this hazardous material to September 1, 1982. The extension of the compliance date to September 1, 1982, will permit the full AAR Tank Car Committee and other interested parties adequate time to consider safety valve sizing for specification 105 tank cars that transport ethylene oxide.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Leavitt A. Peterson (Office of Safety), Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–0897.

SUPPLEMENTARY INFORMATION: MTB received four petitions for reconsideration of the final rule issued in Docket HM–174 (46 FR 8005, January 26, 1981). While each petition contained its own views, the primary area of reconsideration concerned the safety valve sizing requirements. The petitioners did not submit any new information to support their views on the adequacy of the safety valve sizing methods presently used for specification 105 tank cars. MTB and FRA have reviewed the supporting material contained in Dockets HM–144 and HM–174 for flammable gases. Several petitioners recommended that MTB continue to use the CGA–AAR type valve sizing equations which had been used for 40 years prior to the adoption of the safety valve sizing requirement of HM–144. One petitioner pointed out that MTB used this "traditional" formula in Docket HM–167, Intermodal (IM) Portable Tank Specifications. IM portable tanks, which are generally transported as single units, are used to transport hazardous materials that are liquids at ambient temperatures and pressures. This is quite different from a flammable gas that is compressed to liquefy it for transportation and storage. Additionally, it is not uncommon to find several tank cars involved in a train derailment thereby increasing the opportunity for one damaged tank car to supply fuel for a fire that could cause other tank cars to rupture. Therefore, MTB and FRA believe that the safety valve sizing method used for 105 tank cars should not be the same as the method used for IM portable tanks.

One petitioner took exception to the requirements for head and thermal protection. The commenter contends that the application of top and bottom shelf couplers affords sufficient protection to jacketed/insulated 105A tank cars. The commenter provided no new information to support this view beyond the factors which were previously considered during the HM–174 rulemaking proceeding. Therefore, no change in the head and thermal protection requirements is being adopted.

One petitioner expressed concern over the inclusion of ethylene oxide in the same category as propane. Although ethylene oxide does not meet the DOT definition for a flammable gas, MTB included ethylene oxide in the final rule because of its similar properties. Ethylene oxide is so close to being a flammable gas that the UN Recommendations and the IMCO Dangerous Goods Code classify it as a flammable gas. The petitioner suggested

that the use of a larger safety valve may decrease the level of safety by reducing the effectiveness of the protective inert gas blanket and also expressed the view that, once auto-ignition occurs, the internal pressure of the tank car makes little difference.

The final rule added ethylene oxide as an additional commodity to the list of commodities previously covered in HM-144. Although the notice of proposed rulemaking in HM-174 proposed to require the larger safety valve on all newly constructed-105 tank cars and, hence, on cars built to carry ethylene oxide, the special focus on ethylene oxide as a commodity subject to the requirement did not occur until the final rule stage. It appears to MTB that once the focus turned to ethylene oxide, genuine concerns, albeit speculative ones at this point, began to develop about the impact of the larger valve for ethylene oxide because of its unique characteristics. Ethylene oxide is a flammable liquid which is toxic and corrosive. Once ignited, ethylene oxide will burn inside a tank car without additional oxygen.

MTB and the FRA are not persuaded by the scant information in petitions that the larger safety valve for ethylene oxide is less safe. Neither is MTB nor FRA persuaded that the safety benefits attributable to a larger valve are irrelevant for cars carrying ethylene oxide. However, MTB is extending the compliance date for the safety valve sizing requirement on specification 105 tank cars used to transport ethylene oxide to September 1, 1982, to afford the full AAR tank car committee and other interested parties an opportunity to study the question of safety valve sizing for ethylene oxide and to submit the results of any studies for review and consideration. MTB requests that any new information relating to this matter be submitted no later than June 1, 1982.

Findings and Amendment

In consideration of the foregoing, MTB hereby denies the requested modifications contained in all petitions for reconsideration under Docket HM-174 except to the extent relief is provided by the delay of the compliance date for safety valve sizing for specification 105 tank cars used to transport ethylene oxide.

In consideration of the foregoing, 49 CFR 179.102-12(a)(9) is revised to read as follows:

§ 179.102-12 Ethylene oxide.

(a) * * *

(9) Each tank built after August 31, 1981, shall be constructed in accordance with class 105J, except that the safety relief valve requirements of § 179.106-2(c)(4) shall not apply. Each tank built after August 31, 1982, shall be constructed in accordance with class 105J.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). I certify that this document will not have a significant economic impact of a substantial number of small entities. A regulatory evaluation and an environmental assessment for the actions taken in HM-174 are available for review in the docket.

Issued in Washington, D.C., on August 20, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-24731 Filed 8-21-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 and 21

Deletion of the Permit Requirement To Import or Export Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service amends 50 CFR Part 21, which is promulgated under authority of the Migratory Bird Treaty Act, to delete the import and export permit requirement found at 50 CFR 21.21. Importers and exporters of lawfully possessed migratory birds, including parts and products, no longer are required to obtain a permit from the Service, but still have to comply with other applicable provisions of State and Federal law. The import and export permit requirement was established in 1961, before a number of statutes were enacted which collectively restrict or prohibit the importation or exportation of most migratory birds. Also, the possession of migratory birds remains highly regulated. The combined effect on migratory birds of the other import and export controls and the Service's own enforcement of the possession prohibitions enables the Service to maintain effective enforcement of the Migratory Bird Treaty Act without the import and export permit requirement.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343-9242.

SUPPLEMENTARY INFORMATION:

Background.

On May 29, 1981 (46 FR 28881), under authority of the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703-712, the Service proposed to amend 50 CFR Part 21 wherever necessary to allow the importation or exportation of lawfully possessed migratory birds (as defined by 50 CFR 10.12) without an import or export permit issued by the Service under 50 CFR 21.21. For the reasons stated in the preamble to the proposal, the migratory bird import/export permit was specifically targeted for review by the Department in its effort to eliminate excessive, unnecessary, burdensome, or counterproductive rules.

Summary and Analysis of Comments and Actions Taken

The proposed rule invited comments for 30 days ending June 29, 1981. The Service received 3 comments from the following sources: American Association of Zoological Parks and Aquariums (Paul S. Chaffee, President), Fort Worth Zoological Park (Elvie Turner, Jr., Director), and North American Falconers Association (Roger Thacker, President). Each of the commenters, in brief responses, supported the proposal as a way to reduce paperwork, expenses, and delays without affecting the conservation of migratory birds.

After reviewing the comments, the Service has decided that the comments indicate there is no need for any substantive changes. However, the Service has made one change on its own initiative. Section 21.14(a) has been revised to allow captive-reared and properly marked migratory waterfowl to be lawfully acquired outside of the United States from persons other than holders of valid waterfowl sale and disposal permits. Once the waterfowl are imported, they are subject to the same conditions and restrictions as other migratory waterfowl covered by that section.

Effect of the Final Rule

Except for the deletion of the import/export permit requirement in 50 CFR Part 21, all other prohibitions, restrictions, or conditions which are applicable to the importation or exportation of certain species or types of migratory birds remain in effect. Sources of these remaining prohibitions,

restrictions or conditions include the Endangered Species Act, Eagle Protection Act, Convention on International Trade in Endangered Species of Wild Fauna and Flora, Tariff Classification Act of 1962, 9 CFR Parts 92 and 94, and 50 CFR Part 20 (relating to migratory game birds taken while hunting).

In addition, a permit is still required in most instances to lawfully possess a migratory bird. It should also be noted that § 21.2(d), which now allows lawfully possessed migratory birds to be imported or exported without a Federal migratory bird permit, refers to lawful possession within the United States and not in the foreign country where the birds are acquired. A condition of both importation and exportation is that the migratory birds must be lawfully possessed in the United States.

Determinations of Effects

The Department of the Interior has determined that this is not a major rule under Executive Order 12291.

The Department has also certified that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act and 43 CFR Part 14. These findings are discussed in more detail in the preamble to the proposed rule (46 FR 28882).

National Environmental Policy Act

The service also solicited comments on the draft environmental assessment prepared in conjunction with the proposal. No comments were received. The final assessment is on file in the Service's Division of Law Enforcement, 1375 K Street, N.W., Washington, D.C., and may be examined during regular business hours. This assessment forms the basis for the decision that this final rule is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Regulation Promulgation

For the reason set out in the preamble, Subchapter B, Chapter I of Title 50, Code of Federal Regulations is amended as follows:

PART 13—GENERAL PERMIT PROCEDURES

Authority Citation

1. Revise the authority citation for Part 13 to read as follows:

Authority: Lacey Act, 62 Stat. 687, as amended, 63 Stat. 89, 74 Stat. 753, and 83 Stat. 281 (18 U.S.C. 42–44); Black Bass Act, sec. 5, 44 Stat. 576, as amended, 46 Stat. 846 (16 U.S.C. 852c); Migratory Bird Treaty Act, sec. 3, 40 Stat. 755 (16 U.S.C. 704); Bald Eagle Protection Act, sec. 2, 54 Stat. 251 (16 U.S.C. 668a); Tariff Classification Act of 1962, 19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States," 76 Stat. 72, Endangered Species Act of 1973, sec. 11(f), 87 Stat. 884; Fish and Wildlife Act of 1956, sec. 13(d), 86 Stat. 905 amending 85 Stat. 480 (16 U.S.C. 742j–1); Marine Mammal Protection Act of 1972, sec. 112(a), 88 Stat. 1042 (16 U.S.C. 1382); Act of August 31, 1951, Ch. 376, Title 5, sec. 501, 65 Stat. 290 (31 U.S.C. 483a).

§ 13.12 [Amended]

2. Amend § 13.12(b) by deleting the entry "Import or export . . . 21.21" under Migratory bird permits on the list of types of permits.

PART 21—MIGRATORY BIRD PERMITS

Authority citation [Revised]

3. Revise the authority citation for Part 21 to read as follows:

Authority: Migratory Bird Treaty Act, Sec. 3, Pub. L. 65–186; 40 Stat. 755 (16 U.S.C. 704); Sec. 3(h)(3), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712).

Table of contents [Amended]

4. Amend the Table of Contents by deleting the entry "Import and export permits" after § 21.21 and replacing it with the entry "[Reserved]."

§ 21.1 [Amended]

5. Amend § 21.1 by deleting the words "export, import" immediately after the word "barter" and immediately before the word "banding."

§ 21.2 [Amended]

6. Amended § 21.2(a) by deleting the words "imported, exported" immediately after the word "be" and immediately before the word "purchased."

7. Amend § 21.2 by adding a new paragraph (d) to read as follows:

§ 21.2 Scope of regulations.

* * * * *

(d) Migratory birds, their parts, nests or eggs which are lawfully possessed may be imported or exported without a Federal migratory bird permit.

§ 21.11 [Amended]

8. Amend § 21.11 by deleting the words "export or import" immediately after the word "barter" and immediately before the word "any."

§ 21.13 [Amended]

9. Amend the introductory paragraph of § 21.13 by deleting the words "exported (but not imported)" immediately after the word "transported" and immediately before the words "and disposed."

10. Amend § 21.14 by revising paragraph (a) to read as follows:

§ 21.14 Permit exceptions for captive-reared migratory waterfowl other than mallard ducks.

* * * * *

(a) Such birds, alive or dead, or their eggs may be lawfully acquired only from holders of valid waterfowl sale and disposal permits, unless lawfully acquired outside of the United States, except that properly marked carcasses of such birds may also be lawfully acquired as provided under paragraph (c) of this section.

* * * * *

§ 21.21 [Removed]

11. § 21.21 is removed and reserved.

Dated: August 7, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81–24634 Filed 8–21–81; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 46, No. 163
Monday, August 24, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Hearings on Minority Small Business and Capital Ownership and Development Assistance

AGENCY: Small Business Administration.

ACTION: Notice of Public Hearings.

SUMMARY: On Monday, June 1, 1981, SBA published in the **Federal Register** (46 FR 29276) the proposed amendment to the current regulations of the Minority Small Business and Capital Ownership Development Assistance Program to establish a fixed period of time for every participant concern to remain in the Program. Because of the unusually great interest shown, the SBA will hold public hearings.

DATES: See "Supplementary Information" for dates of public hearings.

ADDRESSES: See "Supplementary Information" for locations of public hearings.

FOR FURTHER INFORMATION CONTACT: Bettye Bolden, Special Assistant to the Associate Administrator for Minority Small Business, 1441 L Street, NW, Washington, D.C. 20416, Telephone (202) 653–6851.

SUPPLEMENTARY INFORMATION: The particular areas covered in the Proposed Amendments are contained in the Supplementary Information published in the **Federal Register** on June 1, 1981 (46 FR 29276). The Proposed Amendments to the current regulations of the Minority Small Business and Capital Ownership Business Development Assistance Program are intended to implement the provisions of Public Law 96–481 (October 21, 1980) which require SBA to establish a fixed period of time for every participant concern to remain in the Program.

To assure the widest possible public participation, SBA will hold public hearings on this proposal on each of the following four regions. The dates, time and places of these hearings are as follows:

Region, Place, Date and Time

IX. Major's Conference Room, City Hall, Third Floor, 200 North Spring Street, Los Angeles, CA 90071; Sept. 16, 1981 (Wednesday), 8:30 am–12:00 Noon

IV. Peachtree Banker's Bldg., 275 Peachtree Street, Room 556, Atlanta, GA; Sept. 18, 1981, (Friday), 9:00 am–1:00 pm

V. Everett McKinley Dirksen Building, Ceremonial Courtroom #2525, 219 South Dearborn St., Chicago, Ill. 60604; Sept. 21, 1981, (Monday), 9:00 am–1:00 pm

III. Departmental Auditorium, Conference Room B, 12th and 14th Streets, N.W., Washington, D.C. 20203; Sept. 23, 1981, (Wednesday) 9:00 am–1:00 pm

These hearings are factfinding in nature. The hearings will be Chaired by Robert L. Wright, Jr., Associate Administrator for MSB/COD. Interested parties will be given a reasonable time for an oral presentation and may submit written statements of their oral presentation in advance, if they wish. If a large number of participants desire to make statements, a time limitation on each presentation will be imposed. In order that appropriate arrangements can be made, those wishing to attend should contact Ms. Bolden in Washington, D.C. at least five days prior to the meeting.

Members of the hearing panel may ask questions of the speaker, but speakers will not be allowed to question each other. Questions may be submitted in writing in advance, if possible to the Chair. If he determines them to be relevant, the Chair will direct them to the appropriate panel member.

Dated: August 19, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81–24703 Filed 8–21–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25 and 121

Advisory Material for Flight Attendant Seats

Correction

In FR Doc. 81–22978, appearing at page 40527, in the issue of Monday, August 10, 1981, make the following change : on page 40528, in the second column, paragraph b. *Extent Possible:* change the eighth line to read "current fleet, the intent is not to require".

BILLING CODE 1505–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 812 3062]

Tomy Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Carson, California corporation to cease, in connection with the advertising, distribution and sale of any doll house, accessory, or other toy product, misrepresenting that any collection of products is a set, unless all the products depicted are available for purchase as a set. The firm would be prohibited from misrepresenting the availability of any product; describing two or more toys in any advertisement which cannot be purchased as a set, unless accompanied by a disclosure that such products are sold separately; and failing to distribute a copy of the order to all operating divisions, including any entity engaged in the preparation of the firm's advertising.

DATE: Comments must be received on or before October 23, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/P, James H. Sneed, Washington, D.C. 20580, (202) 523–3727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by

the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America, Before Federal Trade Commission

File No. 812–3062

Agreement Containing Consent Order To Cease and Desist

In the Matter of Tomy Corporation, a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Tomy Corporation, a corporation, hereinafter referred to as proposed respondent, and it now appearing that Tomy Corporation, a corporation, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between Tomy Corporation, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, that:

1. Proposed respondent Tomy Corporation, is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with an office and principal place of business located at 901 E. 233rd Street, Carson, California.

2. Proposed respondent admits all the jurisdictional facts set forth in the proposed complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not consitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceedings and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this Order, each of the terms listed below is defined as follows:

1. The term "set" shall mean any collection of products that is available for purchase as a unit by consumers or that may reasonably be inferred to be available for purchase as a unit by consumers.

2. With regard to television advertising, the term "clearly and conspicuously disclosed" shall mean a disclosure which complies with the following requirements: (a) the disclosure shall be presented simultaneously in both the audio and video portions of the television advertisement; (b) the video portion of the disclosure shall contain letters of sufficient size so that it can be easily seen and read on all television sets, regardless of picture tube size; (c) the video portion of the disclosure shall contain letters of a color or shade that readily contrast with the background, and the background shall consist of only one color or shade; (d) no other sounds, including music, shall occur during the audio portion of the disclosure; (e) the video portion of the disclosure shall appear on the screen for a sufficient duration to enable it to be completely read by the viewer; and (f) the audio and video portions of the disclosure shall immediately follow the specific sales representations to which they relate and shall occur each time the representation is presented during the advertisement; in cases where a disclosure is required, but is not linked to a specific representation, it shall appear in immediate conjunction with the major sales theme of the advertisement. In wording the disclosure the audience to whom the disclosure is directed shall be considered in order to assure that viewers (such as children) can understand the full meaning of the disclosure.

I

It is ordered that respondent Tomy Corporation, a corporation, its successors and assigns, and respondent's officers, agents representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any dollhouse, furniture, accessories or other toy product in or affecting commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or by implication:

(A) Representing, in any manner, that any collection of products is a set, if any product in the collection is not included in a set available for purchase by consumers;

(B) Depicting or describing in any advertisement, or other printed material disseminated to consumers, two or more non-identical products which are not available for purchase by consumers as a set, unless respondent clearly and conspicuously discloses that the products must be purchased separately;

(C) Representing, in any manner, that a product or set is generally or widely available for purchase by consumers in any market area, if the product or set is not substantially available in that market area; provided, however, in those instances in which the product or set is not substantially available in that market area, respondent shall be be permitted to advertise that the product is available on a limited basis, if the advertisement clearly and conspicuously discloses that the product or set is only available on a limited basis.

II

It is further ordered that respondent shall maintain written records and retain:

(A) All materials that were relied upon or utilized in making any representation in advertisements, sales materials, promotional materials or post-purchase materials concerning the availability of any dollhouse, furniture and accessories or other toy product;

(B) All material relating to the distribution of advertisements, sales materials, promotional materials or post-purchase materials for the above named products;

(C) All material relating to the distribution of the above named products.

Such records and materials shall be retained by respondent for a period of at least three years from the date of such advertising, sales materials, promotional materials, or post-purchase materials are last disseminated. Such records may be inspected by staff of the Commission upon reasonable notice.

III

It is further ordered that respondent shall forthwith distribute a copy of this Order to each of its operating divisions and to any consultant or agency which engages or shall engage in the preparation or dissemination of respondent's advertising.

IV

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

V

It is further ordered that respondent shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Tomy Corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The proposed complaint charges the company with disseminating and causing the dissemination of certain unfair and deceptive television advertisements for the Smaller Home and Garden Deluxe Set (dollhouse). The proposed complaint alleges that the televised ads for the Smaller Home and Garden Deluxe Set represent falsely that there is, readily available for purchase by consumers, a Deluxe Set which contains a modern dollhouse and numerous pieces of furniture and accessories. In fact, the Smaller Home and Garden Deluxe Set is not readily available for purchase. The dollhouse, furniture and accessories, depicted and referred to in the ads as being included in the Deluxe Set, must in fact be purchased separately.

The proposed consent order contains the following provisions designed to remedy the advertising violations charged.

I (a) prohibits the representation that any collection of products is a set if, in fact, any product in the collection is not included in a set available for purchase by consumers. This provision prohibits advertising a product as a "set" not only in the circumstances when a set containing the depicted items is not available for purchase but also if the only "set" available for purchase contains fewer items than depicted.

I (b) prohibits depicting or describing in any advertisement or other printed material disseminated to consumers, two or more non-identical products (such as two different toys) which are not available for purchase as a set, unless the company clearly and conspicuously discloses that the products are sold separately.

I (c) prohibits representing that a product is generally or widely available for purchase if the product is not substantially available in the market areas where the representation is disseminated. However, in those instances where the product is not substantially available the advertiser may advertise in more markets than it sells in, if there is a clear and conspicuous disclosure in the advertisement that the product is only available on a limited basis.

The order's preamble contains a definition section. "Set" is defined as any collection of products that is available for purchase as a unit by consumers or that may reasonably be inferred to be available for purchase as a unit "Clearly and conspicuously disclosed" in a television advertising context is defined to include these requirements: (1) the audio and visual disclosure shall be presented simultaneously; (2) the words used in the video disclosure must be large enough to be easily seen and read on all size television screens; (3) the disclosure must be of a color and shade to contrast with a required solid background and it must be on the screen long enough to be read by a viewer; (4) the audio disclosure must be presented with no other sounds or music; and (5) the audio and video disclosure must immediately follow the sales representation to which they relate or, if it is not linked to a specific representation, the disclosure must be presented in conjunction with the major sales theme. In wording the disclosure, the audience to whom the disclosure is directed must be considered in order that viewers, such as children, can understand the full meaning of the disclosure.

II (a)-(c) requires the company to maintain written records and retain all materials relied upon in making advertised claims about the availability of any of Tomy's products, all materials relating to distribution of the advertisements for these products and all materials relating to the promotion and sale and distribution of these products. The company must keep the records for a period of at least three years from when the advertising, sales, promotional, or post-purchase materials were last disseminated.

III–IV requires the company to distribute a copy of the Commission's Order to all divisions of its company as well as to any agency it engages to handle its advertising; to notify the Commission at least thirty (30) days prior to any structural change in the corporation which change affects compliance with the Consent Order; and file an initial compliance report within sixty (60) days of the effective date of the Consent Order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an offical interpretation of the agreement and proposed order or to modify in any way their terms.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24620 Filed 8-21-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors and Disability Insurance Benefits; Benefits for Remarried Widowers and Surviving Divorced Husbands

Correction

In FR Doc. 81-21262, appearing at page 37521, in the issue of Tuesday, July 21, 1981, make the following change:

(1) On page 37522, first column, under "Effective Date", second paragraph, fifth line, the word "hushands" should be corrected to read "husbands".

(2) On page 37522, third column, paragraph (a) of § 404.336, the comma in between the words "surviving" and "divorced" should be removed.

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[PH-FRL-1915-7; FAP 3E1367/P75]

Captan; Proposed Feed Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes to establish a feed additive regulation for residues of the fungicide captan remaining in or on corn seed after detreatment for use as cattle and hog feed. This proposal was requested by the American Seed Trade Association, Inc.

DATE: Written comments must be received on or before September 23, 1981.

ADDRESS: Written comments to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418 CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby (703-557-7060).

SUPPLEMENTARY INFORMATION: On March 2, 1971, the American Seed Trade Association, Inc. (ASTA), 1030 15th St., NW, Washington, DC 20005, submitted a petition (PP 3E1367) to the Environmental Protection Agency (EPA). This petition requested that the Administrator, pursuant to section

408(e) of the Federal Food, Drug, and Cosmetic Act, propose that 40 CFR 180.103 be amended by establishing a tolerance of 100 parts per million (ppm) for residues of the fungicide captan (*N*-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) in or on the raw agricultural commodity detreated corn seed intended as feed for cattle and hogs and a tolerance of 0.05 ppm for negligible residues of captan in or on the fat, meat, and meat byproducts of cattle and hogs fed detreated corn seed. ASTA subsequently amended their petition by deleting the request for tolerances for cattle and hogs; however, this tolerance proposal was later reinstated by the petitioner. The agency has determined that corn seed treated with captan and then detreated does not meet the strict definition of a raw agricultural commodity. Therefore, this action is designated as a feed additive regulation.

In petitioning the agency, ASTA states that the establishment of the requested regulation will permit the use of 10 percent of the total corn seed supply (approximately 1,750,000 to 2,000,000 bushels) discarded by the seed corn industry each year for cattle feed. Presently, much of the corn can only be disposed of through burying in an approved area. This practice consumes valuable disposal land and is wasteful. Consequently, ASTA feels there is an urgent need within the seed industry for a legal, practical, and economically sound method of disposing of this low quality surplus seed. A captan regulation for detreated corn seed would permit the surplus seed to be used as a high-quality feed for cattle and hogs.

The data submitted in the petition and other relevant material have been evaluated. All required testing has been performed with regard to this pesticide chemical and is adequate to support this regulation. The proposed regulation is adequate to cover residues in or on detreated corn intended for feed to cattle and hogs.

The sale of detreated corn seed is controlled by members of ASTA. As such, the company or individual who detreats the corn seed is obligated to notify all persons to whom he transfers possession or control of such seed that detreated corn seed can be used only for feed to cattle and hogs. The use of detreated corn seed for feed purposes must be discontinued at least 14 days prior to slaughter. Given these restrictions, it has been concluded that a tolerance of 0.05 ppm for residues of captan in the fat, meat, and meat byproducts of cattle and hogs (PP 3E1367/P188 which appears elsewhere in this issue of the **Federal Register**) is appropriate and therefore 40 CFR 180.6(a)(2) applies. Since the corn will not be fed to dairy animals or poultry there will not be a problem of secondary residues in milk, poultry, and eggs.

The agency has issued a Rebuttable Presumption Against Registration (RPAR) for captan. The basis for this action was positive oncogenic and mutagenic effects demonstrated by captan in laboratory studies. Questions have also arisen concerning the toxicological significance of the metabolities of captan that might be present. The use of detreated corn seed with captan as feed for cattle and hogs will not present a significant increase (less than 0.07 percent of the TMRC) in the dietary exposure of these metabolites relative to the possible exposure from existing uses. Through the RPAR process, the agency will consider whether the use of captan poses unreasonable adverse effects on the environment. At that time, the agency will also make a determination on the inclusion of the captan metabolities in all the captan tolerances.

The data submitted in the petition and all other relevant material have been evaluated. Based on the information considered by the agency, it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) *et seq.*). Therefore, the feed additive regulation is established as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[FAP 3E1367/P75]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Henry M. Jacoby from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 346(c)(1)))

Dated: August 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, it is proposed that 21 CFR Part 561 be amended by adding § 561.65 to read as follows:

§ 561.65 Captan.

A regulation permitting residues of the fungicide captan (*N*-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) 100 ppm remaining on corn seed from its intended use as a seed protectant after detreatment is established. Detreated corn can be used only as feed for cattle and hogs up to 14 days prior to slaughter.

[FR Doc. 81-24570 Filed 8-21-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program

AGENCY: Office of Surface Mining, Interior.

ACTION: Notice of availability of summary of meeting and request for comments on meeting.

SUMMARY: On July 7, 1981, OSM met with representatives of the Commonwealth of Virginia, industry associations and several coal companies, at the request of these groups, to discuss issues relating to the two-acre exemption and haul roads. A copy of the summary of this meeting is available from the address below. OSM is reopening the Administrative Record on the two-acre exemption rulemaking to place the summary of this meeting on file, and is requesting comments from the public on the summary of the meeting.

DATE: Comments on the summary of the meeting must be submitted to OSM by September 23, 1981.

ADDRESS: Written comments submitted in response to OSM's solicitation and requests for copies of the meeting summary must be mailed or hand delivered to: Regulations and Correspondence Control Office of Surface Mining, Department of the Interior, Room 153, 1951 Constitution Ave. NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Bruce Fye, Regulatory and Correspondence Control, (202) 343–5241.

SUPPLEMENTARY INFORMATION: The two-acre exemption rule has been the subject of several **Federal Register** notices on suspension and effective dates as follows: Notice of Suspension of Certain Regulations, 44 FR 67942 (November 27, 1979); Notice of Suspension, 44 FR 77454 (December 31, 1979); Extension of Effective Dates for Final Rules, 46 FR 10707 (February 4, 1981); Notice of Suspension of Certain Rules, 46 FR 18023 (March 23, 1981); Cancellation of Prior Notice and Deferral of Effective Dates for Final Rules, 46 FR 20211 (April 3, 1981); Continued Suspension of Final Rules, 46 FR 23924 (April 29, 1981) and 46 FR 31258 (June 15, 1981).[1]

On July 7, 1981, representatives of the Commonwealth of Virginia, coal industry associations and coal companies met, at their request, with representatives of OSM to discuss Virginia's proposed State program resubmission relating to haul roads and the two-acre exemption. A written summary of this meeting has been prepared and placed in the administrative record of the two-acre exemption rulemaking. Copies are available from the address listed above under "ADDRESSES". To allow the public to comment on this meeting, in particular its possible impact on the two-acre exemption rulemaking, OSM is soliciting public comments on the meeting. Comments must be submitted by September 23, 1981.

Dated: August 14, 1981.

James R. Harris,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 81-24615 Filed 8-21-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF EDUCATION

34 CFR Part 614

College Housing Program

AGENCY: Department of Education.

ACTION: Notice of Proposed Rulemaking, Correction.

SUMMARY: This document corrects the notice of proposed rulemaking for the College Housing Program published in the **Federal Register** on Wednesday, July 29, 1981, page 38889. This document is necessary to correct the Catalog of Federal Domestic Assistance number.

FOR FURTHER INFORMATION CONTACT: Charles I. Griffith, Acting Chief, College Housing Branch, U.S. Department of Education, (Room 3717, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202: Telephone: (202) 245–9888.

SUPPLEMENTARY INFORMATION: The following correction is made in the notice of proposed rulemaking for the College Housing Program published in the **Federal Register** on Wednesday, July 29, 1981. On page 38889, column three, "(Catalog of Federal Domestic Assistance No. 84.183, College Housing Program)" is corrected to read: (Catalog of Federal Domestic Assistance No. 84.142, College Housing Program).

Dated: August 17, 1981.

William C. Clohan, Jr.,

Acting, Secretary of Education.

[FR Doc. 81-24573 Filed 8-21-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PH-FRL-1915-6; PP 3E1367/P188]

Captan; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the fungicide captan (*N*-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) in or on the fat, meat, and meat byproducts of cattle and hogs at 0.05 part per million (ppm). This proposal was submitted by the American Seed Trade Association, Inc. This amendment to the regulation will establish the maximum permissible level for residues of the fungicide in or on the fat, meat, and meat byproducts of cattle and hogs

DATE: Written comments must be received on or before September 23, 1981.

ADDRESS: Written comments to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby (703–557–7060).

SUPPLEMENTARY INFORMATION: On March 2, 1971, the American Seed Trade Association, Inc. (ASTA), 1030 15th St., NW., Washington, D.C. 20005, submitted a petition (PP 3E1367) to the Environmental Protection Agency (EPA). This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose that 40 CFR 180.103 be amended by establishing a tolerance of 100 parts per million (ppm) for residues of the fungicide captan (*N*-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) in or on the raw agricultural commodity detreated corn seed intended as feed for cattle and hogs and a tolerance of 0.05 ppm for negligible residues of captan in or on the fat, meat, and meat byproducts of cattle and hogs fed detreated corn seed. ASTA subsequently amended their petition by deleting the request for tolerances for cattle and hogs; however, these tolerance proposals were later reinstated by the petition. The agency has determined that detreated corn seed is a feed item and a separate notice (FAP 3E1367/P75) proposing establishment of a feed additive regulation for captan in or on detreated corn seed appears elsewhere in this issue of the **Federal Register**. The reader is directed to review that notice for a discussion of the particulars in reaching this decision.

The proposed tolerances are adequate to cover residues in or on the meat, fat, and meat byproducts of cattle and hogs when feeding of detreated corn is discontinued 14 days before slaughter.

Based on the above information considered by the agency, it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health. Therefore, it is proposed that the regulation be established as set froth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before September 23, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments

must bear a notation indicating both the subject and the petition and document control number "[PP 3E1367/P188]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Henry M. Jacoby from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 409(e) 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: August 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.103 be revised to read as follows:

§ 180.103 Captan; tolerances for residues.

(a) Tolerances are established for residues of the fungicide captan (*N*-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) from preharvest and postharvest uses or combinations of such uses in or on the following raw agricultural commodities:

Commodities	Part per million
Apples	25
Apricots	50
Avocados	25
Beet, greens	100
Beet (roots)	2
Blackberries	25
Blueberries (huckleberries)	25
Broccoli	2
Brussels sprouts	2
Cabbage	2
Cantaloups	25
Carrots	2
Cattle, fat	0.05
Cattle, meat	0.05
Cattle, mbyp	0.05
Cauliflower	2
Celery	50
Cherries	100
Collards	2
Corn, sweet (K+CWHR)	2
Cottonseed	2
Crabapples	25
Cranberries	25
Cucumbers	25
Dewberries	25
Eggplants	25
Grapes	50
Garlic	25
Hogs, fat	0.05
Hogs, meat	0.05
Hogs, mbyp	0.05
Honeydew melons	25
Kale	2
Leeks	50
Lettuce	100
Mangoes	50
Muskmelons	25
Mustard greens	2
Nectarines	50
Onions, dry bulb	25
Onions, green	50
Peaches	100
Pears	25
Peas, dry	2
Peas, succulent	2
Plums (fresh prunes)	100
Peppers	25
Pimentos	25
Pumpkins	25
Quinces	25
Raspberries	25
Rhubarb	25
Rutabegas (roots)	2
Shallots	50
Soybeans, dry	1
Soybeans, succulent	2
Spinach	100
Squash, summer	25
Squash, winter	25
Strawberries	25
Taro (corm)	0.25
Tomatoes	25

(b) The following tolerances for residues of captan are established on an interim basis pending evaluation of captan under the Rebuttable Presumption Against Registration (RPAR) review on the transmission of residues to meat, milk, and eggs from feeding cattle or poultry with raw agricultural commodities or their byproducts when such commodities have been treated with captan:

Commodities	Parts per million
Almonds	2
Almond hulls	100
Beans, dry	25
Beans, succulent	25
Grapefruit	25
Lemons	25
Limes	25
Oranges	25
Pineapples	25
Potatoes	25
Tangerines	25

[FR Doc. 81-24569 Filed 8-21-81; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

Revision of U.S. Government Bill of Lading, Standard Form 1103

AGENCY: Transportation and Public Utilities Service, General Services Administration.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: General Services Administration (GSA) proposes to change the content and format of Standard Form (SF) 1103, U.S. Government Bill of Lading, SF 1131, U.S. Government Transit Bill of Lading, and SF 1109, U.S. Government Bill of Lading Continuation Sheet. The major revisions are to SF 1103 and SF 1131 and are meant to make these transportation documents more efficient and more responsive to data information systems.

DATE: Writen comments will be considered if received on or before October 8, 1981.

ADDRESS: Written comments should be sent to General Services Administration (TACP), Chester A. Arthur Building, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Reports and Procedures Branch, Office of Transportation Audits (202-275-0664).

SUPPLEMENTARY INFORMATION: As a result of several suggestions submitted to it, GSA offers for comment the redesigned SF 1103, U.S. Government Bill of Lading. GSA revised the GBL by adding and deleting informational blocks to make the document more viable as a transportation and computer-source document. In addition to the forms specifically illustrated in this document, 41 CFR 101-41.4901.1131 through 101-41.4901.1134, illustrating the parts of the U.S. Government Transit Bill of Lading set, will be amended with revisions identical to SF 1103 except that the Transit Reshipping Certificate will remain in its present form and location.

41 CFR 101-41.4901-1109 through 101-41.4901-1112, U.S. Government Bill of Lading Continuation Sheet, will also be revised to the extent listed below:

(1) A column headed "HM" will be added in the same location as block 17 or 101-41.4901-1103.

(2) The column "Numbers on Packages" will be deleted.

(3) The "Weights" column will be changed to conform with block 19 on 101-41.4901-1103.

(4) The heading "For Use of Destination Carrier Only" will be

changed to "For Use of Billing Carrier Only."

(5) The column headed "Class" will be changed to read "Services."

Any party desiring copies of the proposed revised SF 1109 or SF 1131 sets should write to the address shown. The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

GSA proposes to amend 41 CFR Part 101–41 as follows:

PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

Subpart 101–41.49—Illustration of Forms

1. Section 101–41.4901–1103 is revised as follows:

BILLING CODE 6820-AM-M

§ 101-41.4901-1103 Standard Form 1103, U.S. Government Bill of Lading (Original).

(a) Page 1 of Standard Form 1103.

U. S. GOVERNMENT BILL OF LADING — ORIGINAL B/L NO. ▶

1. TRANSPORTATION COMPANY TENDERED TO	2. SCAC	3. DATE B/L PREPARED	4. ROUTE ORDER / RELEASE NO.

5. SHIPPER (Name, address and ZIP Code)	6. ORIGIN (Name, address and ZIP Code)	7. LOCATION CODE (Orgn.)

8. CONSIGNEE (Name, address and ZIP Code of installation)	9. DESTINATION (Name, address and ZIP Code)	10. LC (Consig.)
		11. LC (Dest.)

12. APPROPRIATION CHARGEABLE	13. BILL CHARGES TO (Address of Dept./Agency, bureau/office, include ZIP Code)
14. VIA (Route shipment when advantageous to the Govt.)	

15A. MARKS AND ANNOTATIONS (If extra services are ordered, see Administrative Directions, No. 2 on reverse)	15B. AGENCY STA. NO.

NOTE: Show also cubic measurements for shipments via air, truck or water carrier in cases where required in Item 19A.

16. PACKAGES NO.	KIND	17. HM	18. DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible; otherwise use a clear nontechnical description)	19A. WEIGHT (Pounds Only)	19B. FOR USE OF BILLING CARRIER ONLY SERVICES	RATE	CHARGES

(CLASSIFICATION ITEM NO.) — 19C. TOTAL CHARGES ▶

20. TARIFF/SPECIAL RATE AUTHORITY	21A. CHECK APPLICABLE BOX(ES) AND INITIAL ITEM 21B ☐ PICKUP SVC. FURNISHED ☐ VEHICLE FULLY LOADED	21B. SHIPPER'S INITIALS	22. CARRIER WAY / FREIGHT BILL NO.

23 FURNISH INFORMATION ON CAR/TRUCKLOAD/CONTAINER SHIPMENTS

A. LENGTH/CUBE ORDERED	A. LENGTH/CUBE FURNISHED	B. MARKED CAPACITY ORDERED	B. MARKED CAPACITY FURNISHED	C. DATE FURNISHED	D. INITIALS	E. NO.	F. SEAL NUMBERS

24A. STOP THIS SHIPMENT AT	24B. FOR:

25. CARRIER'S PICKUP DATE (Year, Month, Day)	26A. SIGNATURE OF AGENT	26B. PER	26C. B/L NO.

27. KIND	28. ESTIMATE	29. NO. OF CL'S/TL'S	30. TYPE RATE	31. PSC	32. REASON

Received by the transportation Company named above, subject to conditions named on the reverse hereof, the property hereinafter described in apparent good order and condition (contents and value unknown), to be forwarded to destination by the said company and connecting lines, there to be delivered in good order and condition to said consignee.

(FOR USE OF ISSUING OFFICE)

33A. ISSUING OFFICE (Name, address and ZIP code)

33B. GB LOCATION

33C. ISSUING OFFICER

33D. CONTRACT / PURCHASE ORDER NO. OR OTHER AUTHORITY

33E. FOB POINT NAMED IN CONTRACT

CERTIFICATE OF CARRIER BILLING (Consignee MUST not pay any charges)

34A. DELIVERED ON (Yr, Mo, Day)	34B. AT (Actual delivery point)

34C. BY (Name of delivering carrier)

34D. DELIVERED THIS CONSIGNMENT COMPLETE AND IN APPARENT GOOD ORDER, EXCEPT AS INDICATED:
☐ SHORTAGE ☐ DAMAGED

34E. THE FOLLOWING HAVE BEEN FURNISHED OR ATTACHED
☐ CARRIER CSPD REPORT ☐ DELIVERY AT DESTINATION
☐ ACCESSORIAL SERVICES CERTIFICATION

34F. NAME OF BILLING CARRIER

34G. SIGNATURE OF CARRIER'S AGENT

STANDARD FORM 1103 (Rev.)
PRESCRIBED BY GSA-FPMR (41 CFR) 101-41.3

BILLING CODE 6820-AM-C

(b) Page 2 of Standard Form 1103.

TERMS AND CONDITIONS

It is mutually agreed and understood between the United States and carriers, including forwarders, who are parties to this bill of lading that:

This bill of lading is governed by the regulations relating thereto as published in Title 41, Subpart 101-41.3 of the Code of Federal Regulations.

Except as provided in 41 CFR 101 or as otherwise stated hereon, this bill of lading is also subject to the same rules and conditions as govern commercial shipments made on the usual forms provided therefor by the carrier.

Prepayment of charges shall in no way be demanded nor shall carrier make any collection of charges at time of delivery.

GENERAL INSTRUCTIONS AND ADMINISTRATIVE DIRECTIONS

1. Continuation sheets of the prescribed form should be used and attached hereto when space under "Description of Articles" on the face of this bill of lading is inadequate.

2. Where accessorial or special services, such as exclusive use of a car or truck, expedited service, protective service, reconsignment, etc., are ordered incident to the line-haul transportation, the bill of lading shall be endorsed to show the name of the carrier upon which the request was made and the kind and scope of the special services ordered. The endorsement may be placed on the face hereof in the "Marks and Annotations," block 15a, or in the space provided on this page for "Special Services Ordered," and shall be signed by or for the person who ordered the services. If such an endorsement is impractical, the same information may be set forth in a statement bearing the number of the covering bill of lading, which shall be signed by or for the person who ordered the services and, if possible, attached to the bill of lading. If the bill of lading is not available, the original and one copy of the statement shall be surrendered to the carrier from which the services were ordered, the original to be transmitted to the last line-haul carrier for presentation in connection with the bill for line-haul transportation charges. Where accessorial or special services are shown as ordered but were not furnished, the bill of lading shall be so annotated.

3. Shortage or damage reports shall be made on agency-designated forms, not on the bill of lading. Consignees shall observe the instructions on the reverse of the Consignee's Copy of the bill of lading.

4. Instructions for billing charges on Standard Form 1113, Public Voucher for Transportation Charges, are found in GSA's Federal Property Management Regulations 101-41 (41CFR) which may be purchased form Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. SF 1113 may be purchased from the Superintendent of Documents or reporduced in accordance with 41 CFR 101-41.313-2.

5. American-flag carriers must be used for U.S. Government-financed carriage of personal property (household goods, personal effects, or privately owned vehicles) as prescribed by 46 USC 1241 and for U.S. Government-financed movement of freight as prescribed by 49 USC 1517. Statement by authorizing official justifying used of foreign-flag carrier must accompany appropriate voucher. See General Accounting Office standards in 4 CFR 52.2.

6. Contractor will return unused or canceled bills of lading to the Government office from which received.

IMPORTANT- Regulations require Original, Shipping Order, and Freight Waybill Original and Carrier's Copy to be surrendered to carrier after signature. Memorandum Copy SF 1103-B must be sent to consignee.

SPECIAL SERVICES ORDERED

STANDARD FORM 1103 BACK (Rev.)

BILLING CODE 6820-AM-C

2. Section 101–41.4901–1103A is revised as follows:

§ 101–41.4901–1103–A Standard Form 1103–A, U.S. Government Bill of Lading (Memorandum Copy).

U. S. GOVERNMENT BILL OF LADING — MEMORANDUM B/L COPY NO. ▶

1. TRANSPORTATION COMPANY TENDERED TO	2. SCAC	3. DATE B/L PREPARED	4. ROUTE ORDER / RELEASE NO.

5. SHIPPER (Name, address and ZIP Code)	6. ORIGIN (Name, address and ZIP Code)	7. LOCATION CODE (Origin)

8. CONSIGNEE (Name, address and ZIP code of installation)	9. DESTINATION (Name, address and ZIP Code)	10. LC (Consig.)
		11. LC (Dest.)

12. APPROPRIATION CHARGEABLE	13. BILL CHARGES TO (Address of Dept./Agency, bureau; include ZIP Code)
14. VIA (Route shipment when advantageous to the Govt.)	

15A. MARKS AND ANNOTATIONS (If extra services are ordered, see Administrative Directions, No. 2 on reverse)	15B. AGENCY STA. NO.

NOTE: Show also cubic measurements for shipments via air, truck or water carrier in cases where required in Item 19.

16. PACKAGES NO.	16. PACKAGES KIND	17. HM	18. DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description, if possible; otherwise use a clear nontechnical description)	19A. WEIGHT (Pounds Only)	19B. FOR USE OF BILLING CARRIER ONLY SERVICES	RATE	CHARGES
			(CLASSIFICATION ITEM NO.)		19C. TOTAL CHARGES ▶		

20. TARIFF/SPECIAL RATE AUTHORITY	21A. CHECK APPLICABLE BOX(ES) AND INITIAL ITEM 21B ☐ PICKUP SVC. FURNISHED ☐ VEHICLE FULLY LOADED	21B. SHIPPER'S INITIALS	22. CARRIER WAY / FREIGHT BILL NO.

23 FURNISH INFORMATION ON CAR/TRUCKLOAD/CONTAINER SHIPMENTS

A. LENGTH/CUBE ORDERED	A. LENGTH/CUBE FURNISHED	B. MARKED CAPACITY ORDERED	B. MARKED CAPACITY FURNISHED	C. DATE FURNISHED	D. INITIALS	E. NO.	F. SEAL NUMBERS

24A. STOP THIS SHIPMENT AT

24B. FOR:

25. CARRIER'S PICKUP DATE (Year, Month, Day)	26A. SIGNATURE OF AGENT	26B. PER	26C. B/L NO.

27. KIND	28. ESTIMATE	29. NO. OF CL'S/TL'S	30. TYPE RATE	31. PSC	32. REASON

Received by the transportation Company named above, subject to conditions named on the reverse hereof, the property hereinafter described in apparent good order and condition (contents and value unknown), to be forwarded to destination by the said company and connecting lines, there to be delivered in good order and condition to said consignee.

(FOR USE OF ISSUING OFFICE)

33A. ISSUING OFFICE (Name, address and ZIP code)

33B. GB LOCATION

33C. ISSUING OFFICER

33D. CONTRACT / PURCHASE ORDER NO. OR OTHER AUTHORITY

33E. FOB POINT NAMED IN CONTRACT

34D. DELIVERED THIS CONSIGNMENT COMPLETE AND IN APPARENT GOOD ORDER, EXCEPT AS INDICATED:

☐ SHORTAGE ☐ DAMAGED

STANDARD FORM 1103-A (Rev.
PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

TERMS AND CONDITIONS

It is mutually agreed and understood between the United States and carriers, including forwarders, who are parties to this bill of lading that:

This bill of lading is governed by the regulations relating thereto as published in Title 41, Subpart 101-41.3 of the Code of Federal Regulations.

Except as provided in 41 CFR 101 or as otherwise stated hereon, this bill of lading is also subject to the same rules and conditions as govern commercial shipments made on the usual forms provided therefor by the carrier.

Prepayment of charges shall in no way be demanded nor shall carrier make any collection of charges at time of delivery.

GENERAL INSTRUCTIONS AND ADMINISTRATIVE DIRECTIONS

1. Continuation sheets of the prescribed form should be used and attached hereto when space under "Description of Articles" on the face of this bill of lading is inadequate.

2. Where accessorial or special services, such as exclusive use of a car or truck, expedited service, protective service, reconsignment, etc., are ordered incident to the line-haul transportation, the bill of lading shall be endorsed to show the name of the carrier upon which the request was made and the kind and scope of the special services ordered. The endorsement may be placed on the face hereof in the "Marks and Annotations," block 15a, or in the space provided on this page for "Special Services Ordered," and shall be signed by or for the person who ordered the services. If such an endorsement is impractical, the same information may be set forth in a statement bearing the number of the covering bill of lading, which shall be signed by or for the person who ordered the services and, if possible, attached to the bill of lading. If the bill of lading is not available, the original and one copy of the statement shall be surrendered to the carrier from which the services were ordered, the original to be transmitted to the last line-haul carrier for presentation in connection with the bill for line-haul transportation charges. Where accessorial or special services are shown as ordered but were not furnished, the bill of lading shall be so annotated.

3. Shortage or damage reports shall be made on agency-designated forms, not on the bill of lading. Consignees shall observe the instructions on the reverse of the Consignee's Copy of the bill of lading.

4. Instructions for billing charges on Standard Form 1113, Public Voucher for Transportation Charges, are found in GSA's Federal Property Management Regulations 101-41 (41CFR) which may be purchased form Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. SF 1113 may be purchased from the Superintendent of Documents or reporduced in accordance with 41 CFR 101-41.313-2.

5. American-flag carriers must be used for U.S. Government-financed carriage of personal property (household goods, personal effects, or privately owned vehicles) as prescribed by 46 USC 1241 and for U.S. Government-financed movement of freight as prescribed by 49 USC 1517. Statement by authorizing official justifying used of foreign-flag carrier must accompany appropriate voucher. See General Accounting Office standards in 4 CFR 52.2.

6. Contractor will return unused or canceled bills of lading to the Government office from which received.

IMPORTANT- Regulations require Original, Shipping Order, and Freight Waybill Original and Carrier's Copy to be surrendered to carrier after signature. Memorandum Copy SF 1103-B must be sent to consignee.

SPECIAL SERVICES ORDERED

STANDARD FORM 1103-BACK (Rev.)

BILLING CODE 6820-AM-C

3. Section 101–41.4901–1103–B is revised as follows:

§ 101–41.4901–1103–B Standard Form 1103–B, U.S. Government Bill of Lading (Memorandum Copy—Consignee).

(a) Page 1 of Standard Form 1103–B.

U. S. GOVERNMENT BILL OF LADING — MEMORANDUM COPY — B/L NO. ▶

1. TRANSPORTATION COMPANY TENDERED TO	2. SCAC	3. DATE B/L PREPARED	4. ROUTE ORDER / RELEASE NO.

5. SHIPPER (Name, address and ZIP Code)	6. ORIGIN (Name, address and ZIP Code)	7. LOCATION CODE (Origin)

8. CONSIGNEE (Name, address and ZIP Code of installation)	9. DESTINATION (Name, address and ZIP Code)	10. LC (Consig.)
		11. LC (Dest.)

12. APPROPRIATION CHARGEABLE	13. BILL CHARGES TO (Address of Dept./Agency, bureau/office include ZIP Code)
14. VIA (Route shipment when advantageous to the Gov't.)	

15A. MARKS AND ANNOTATIONS (If extra services are ordered, see Administrative Directions, No. 2 on reverse) — 15B. AGENCY STA. NO.

NOTE: Show also cubic measurements for shipments via air, truck or water carrier in cases where required in Item 19A.

16. PACKAGES NO.	16. PACKAGES KIND	17. HM	18. DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible; otherwise use a clear nontechnical description)	19A. WEIGHT (Bunds Only)	19B. FOR USE OF BILLING CARRIER ONLY SERVICES	RATE	CHARGES

(CLASSIFICATION ITEM NO.) — 19C. TOTAL CHARGES ▶

20. TARIFF/SPECIAL RATE AUTHORITY	21A. CHECK APPLICABLE BOX(ES) AND INITIAL ITEM 21B ☐ PICKUP SVC. FURNISHED ☐ VEHICLE FULLY LOADED	21B. SHIPPER'S INITIALS	22. CARRIER WAY / FREIGHT BILL NO.

23 FURNISH INFORMATION ON CAR/TRUCKLOAD/CONTAINER SHIPMENTS

A. LENGTH/CUBE ORDERED	A. LENGTH/CUBE FURNISHED	B. MARKED CAPACITY ORDERED	B. MARKED CAPACITY FURNISHED	C. DATE FURNISHED	D. INITIALS	E. NO.	F. SEAL NUMBERS

24A. STOP THIS SHIPMENT AT

24B. FOR:

25. CARRIER'S PICKUP DATE (Year, Month, Day)	26A. SIGNATURE OF AGENT	26B. PER	26C. B/L NO.

27. KIND	28. ESTIMATE	29. NO. OF CL'S/TL'S	30. TYPE RATE	31. PSC	32. REASON

Received by the transportation Company named above, subject to conditions named on the reverse hereof, the property hereinafter described in apparent good order and condition (contents and value unknown), to be forwarded to destination by the said company and connecting lines, there to be delivered in good order and condition to said consignee.

(FOR USE OF ISSUING OFFICE)

33A. ISSUING OFFICE (Name, address and ZIP code)

33B. GB LOCATION

33C. ISSUING OFFICER

33D. CONTRACT / PURCHASE ORDER NO. OR OTHER AUTHORITY

33E. FOB POINT NAMED IN CONTRACT

MEMORANDUM COPY - CONSIGNEE

34D. DELIVERED THIS CONSIGNMENT COMPLETE AND IN APPARENT GOOD ORDER, EXCEPT AS INDICATED:

☐ SHORTAGE ☐ DAMAGED

STANDARD FORM 1103-B (Rev.)
PRESCRIBED BY G.S.A. FPMR (41 CFR) 101-41.3

BILLING CODE 6820-AM-C

(b) Page 2 of Standard Form 1103-B.

INSTRUCTIONS TO CONSIGNEE

1. The consignee, upon receipt of the shipment, shall sign the carrier's delivery receipt or freight bill, as well as the consignee's copy therof which he shall retain as evidence of receipt. The consignee shall make certain that the Government bill of lading number is shown on the delivering carrier's documents and on the consignee's copy. If the number is not shown, the consignee shall write it on said documents. If the number is not known, the consignee shall receipt for the shipment and add the number to his copy when it becomes available.

2. If the consignee discovers an apparent loss or damage or other discrepancy in the quantity or condition of property while said property is in process of being unloaded from carrier's equipment, he shall note such loss, damage, or other discrepancy on the delivering carrier's documents and on the consignee's copy of those documents. Both the consignee and the carrier's driver or representative must sign the notations.

3. Should the consignee not discover the loss, damage, or discrepancy until after delivery of the shipment and receipt therefor, he shall, as soon as such loss, etc., is known, notify the nearest office of the last delivering carrier and extend privilege of examining the shipment. This information is to be conveyed by telephone if the office is located within the vicinity, with written confirmation, including the name and title of the contacted carrier representative, sent to the carrier and copy of the confirmation made a part of the official record.

4. The consignee shall forward an appropriate loss or damage report to the administrative office as soon as possible but no later than 30 days after receipt of the shipment or discovery of the loss or damage. In case of nondelivery of an entire shipment, the consignee shall file a written report of all the facts with the administrative office as soon as possible but no later than 30 days after date of anticipated delivery. In case of rejection of an entire shipment, the consignee shall immediately file a written report of all the facts with the administrative office.

5. The consignee shall make every effort to resolve overages or shortages within 10 working days after their detection. Upon detection of such overages or shortages, the consignee must notify the delivering carrier or its agent so that the carrier may investigate the matter. When overages or shortages are resolved after a loss and damage report has been filed, the consignee shall immediatel notify the administrative office.

6. Where accessorial or special services are shown as ordered but have not been furnished, the consignee must immediately notify the administrative office responsible for payment of the charges.

IMPORTANT- Issuing office is to send this copy to consignee immediately after surrender of original to initial carrier.

NOTICE

Contractors will return unused or canceled bills of lading to the Government office from which received.

SPECIAL SERVICES ORDERED

STANDARD FORM 1103-B BACK (Rev.)

BILLING CODE 6820-AM-C

4. Section 101–41.4901–1104 is revised as follows:

§ 101–41.4901–1104 Standard Form 1104, U.S. Government Bill of Lading (Shipper Order).

U. S. GOVERNMENT BILL OF LADING — SHIPPING ORDER B/L NO. ▶

1. TRANSPORTATION COMPANY TENDERED TO	2. SCAC	3. DATE B/L PREPARED	4. ROUTE ORDER / RELEASE NO.
5. SHIPPER (Name, address and ZIP Code)	6. ORIGIN (Name, address and ZIP Code)		7. LOCATION (Origin)
8. CONSIGNEE (Name, address and ZIP code of installation)	9. DESTINATION (Name, address and ZIP Code)		10. LC (Consig.) / 11. LC (Dest.)
12. APPROPRIATION CHARGEABLE	13. BILL CHARGES TO (Address of Dest./Agency, bureau office, include ZIP code)		
14. VIA (Route shipment when advantageous to the Gov't.)			
15A. MARKS AND ANNOTATIONS (If extra services are ordered, see Administrative Directions, No. 2 on reverse)			15B. AGENCY STA. NO.

NOTE: Show also cubic measurements for shipments via air, truck or water carrier in cases where required in Item 19A.

16. PACKAGES NO.	KIND	17. ITEM	18. DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible; otherwise use a clear nontechnical description) (CLASSIFICATION ITEM NO.)	19A. WEIGHT (Pounds Only)	19B. FOR USE OF BILLING CARRIER ONLY SERVICES	RATE	CHARGES

19C. TOTAL CHARGES ▶

20. TARIFF/SPECIAL RATE AUTHORITY	21A. CHECK APPLICABLE BOX(ES) AND INITIAL ITEM 21B ☐ PICKUP SVC. FURNISHED ☐ VEHICLE FULLY LOADED	21B. SHIPPER'S INITIALS	22. CARRIER WAY / FREIGHT BILL NO.

23 FURNISH INFORMATION ON CAR/TRUCKLOAD/CONTAINER SHIPMENTS

A. LENGTH/CUBE ORDERED	A. LENGTH/CUBE FURNISHED	B. MARKED CAPACITY ORDERED	B. MARKED CAPACITY FURNISHED	C. DATE FURNISHED	D. INITIALS	E. NO.	F. SEAL NUMBERS

24A. STOP THIS SHIPMENT AT

24B. FOR:

25. CARRIER'S PICKUP DATE (Year, Month, Day)	26A. SIGNATURE OF AGENT	26B. PER	26C. B/L NO.

27. KIND	28. ESTIMATE	29. NO. OF CL'S/TL'S	30. TYPE RATE	31. PSC	32. REASON

Received by the transportation Company named above, subject to conditions named on the reverse hereof, the property hereinafter described in apparent good order and condition (contents and value unknown), to be forwarded to destination by the said company and connecting lines, there to be delivered in good order and condition to said consignee.

(FOR USE OF ISSUING OFFICE)

33A. ISSUING OFFICE (Name, address and ZIP code)

33B. GB LOCATION

33C. ISSUING OFFICER

33D. CONTRACT / PURCHASE ORDER NO. OR OTHER AUTHORITY

33E. FOB POINT NAMED IN CONTRACT

IMPORTANT

*THE ORIGIN CARRIER OR ITS AGENT IS TO RECEIVE:
Original Government Bill of Lading, SF1103
This Shipping Order, SF 1104
Government Freight Waybill-Original, SF 1105
Government Freight Waybill-Carriers Copy, SF 1106

*THE ORIGIN CARRIER OR ITS AGENT IS NOT TO RECEIVE THE CONSIGNEE'S MEMORANDUM COPY, SF 1103-b

STANDARD FORM 1104 (REV.
PRESCRIBED BY GSA-FPMR (41 CFR) 101-41.3

TERMS AND CONDITIONS

It is mutually agreed and understood between the United States and carriers, including forwarders, who are parties to this bill of lading that:

This bill of lading is governed by the regulations relating thereto as published in Title 41, Subpart 101-41.3 of the Code of Federal Regulations.

Except as provided in 41 CFR 101 or as otherwise stated hereon, this bill of lading is also subject to the same rules and conditions as govern commercial shipments made on the usual forms provided therefor by the carrier.

Prepayment of charges shall in no way be demanded nor shall carrier make any collection of charges at time of delivery.

GENERAL INSTRUCTIONS AND ADMINISTRATIVE DIRECTIONS

1. Continuation sheets of the prescribed form should be used and attached hereto when space under "Description of Articles" on the face of this bill of lading is inadequate.

2. Where accessorial or special services, such as exclusive use of a car or truck, expedited service, protective service, reconsignment, etc., are ordered incident to the line-haul transportation, the bill of lading shall be endorsed to show the name of the carrier upon which the request was made and the kind and scope of the special services ordered. The endorsement may be placed on the face hereof in the "Marks and Annotations," block 15a, or in the space provided on this page for "Special Services Ordered," and shall be signed by or for the person who ordered the services. If such an endorsement is impractical, the same information may be set forth in a statement bearing the number of the covering bill of lading, which shall be signed by or for the person who ordered the services and, if possible, attached to the bill of lading. If the bill of lading is not available, the original and one copy of the statement shall be surrendered to the carrier from which the services were ordered, the original to be transmitted to the last line-haul carrier for presentation in connection with the bill for line-haul transportation charges. Where accessorial or special services are shown as ordered but were not furnished, the bill of lading shall be so annotated.

3. Shortage or damage reports shall be made on agency-designated forms, not on the bill of lading. Consignees shall observe the instructions on the reverse of the Consignee's Copy of the bill of lading.

4. Instructions for billing charges on Standard Form 1113, Public Voucher for Transportation Charges, are found in GSA's Federal Property Management Regulations 101-41 (41CFR) which may be purchased form Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. SF 1113 may be purchased from the Superintendent of Documents or reproduced in accordance with 41 CFR 101-41.313-2.

5. American-flag carriers must be used for U.S. Government-financed carriage of personal property (household goods, personal effects, or privately owned vehicles) as prescribed by 46 USC 1241 and for U.S. Government-financed movement of freight as prescribed by 49 USC 1517. Statement by authorizing official justifying used of foreign-flag carrier must accompany appropriate voucher. See General Accounting Office standards in 4 CFR 52.2.

6. Contractor will return unused or canceled bills of lading to the Government office from which received.

SPECIAL SERVICES ORDERED

STANDARD FORM 1104 BACK (Rev.)

BILLING CODE 6820-AM-C

5. Section 101–41.4901–1105 is revised as follows:

§ 101–41.4901–1105 Standard Form 1105, U.S. Government Freight Waybill (Original).

U. S. GOVERNMENT FREIGHT WAYBILL — ORIGINAL B/L NO. ▶

1. TRANSPORTATION COMPANY TENDERED TO	2. SCAC	3. DATE B/L PREPARED	4. ROUTE ORDER / RELEASE NO
5. SHIPPER (Name, address and ZIP Code)	6. ORIGIN (Name, address and ZIP Code)		7. LOCATION CODE (Orgn)
8. CONSIGNEE (Name, address and ZIP code of installation)	9. DESTINATION (Name, address and ZIP Code)		10. LC (Consig.) / 11. LC (Dest.)
12. APPROPRIATION CHARGEABLE	13. BILL CHARGES TO (Address of Dest./Agency, bureau, office, include ZIP code)		
14. VIA (Route shipment when advantageous to the Govt.)			
15A. MARKS AND ANNOTATIONS (If extra services are ordered, see Administrative Directions, No. 2 on reverse)			15B. AGENCY STA. NO.

NOTE: Show also cubic measurements for shipments via air, truck or water carrier in cases where required in Item 19A.

16. PACKAGES NO.	KIND	17. HM	18. DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description, if possible; otherwise use a clear nontechnical description)	19A. WEIGHT (Pounds Only)	19B. FOR USE OF BILLING CARRIER ONLY SERVICES	RATE	CHARGES
			(CLASSIFICATION ITEM NO.)				19C. TOTAL CHARGES ▶

20. TARIFF/SPECIAL RATE AUTHORITY	21A. CHECK APPLICABLE BOX(ES) AND INITIAL ITEM 21B ☐ PICKUP SVC. FURNISHED ☐ VEHICLE FULLY LOADED	21B. SHIPPER'S INITIALS	22. CARRIER WAY / FREIGHT BILL NO.

23 FURNISH INFORMATION ON CAR/TRUCKLOAD/CONTAINER SHIPMENTS

A. LENGTH/CUBE ORDERED	A. LENGTH/CUBE FURNISHED	B. MARKED CAPACITY ORDERED	B. MARKED CAPACITY FURNISHED	C. DATE FURNISHED	D. INITIALS	E NO.	F. SEAL NUMBERS

24A. STOP THIS SHIPMENT AT

24B. FOR:

25. CARRIER'S PICKUP DATE (Year, Month, Day)	26A. SIGNATURE OF AGENT	26B. PER	26C. B/L NO.

27. KIND	29. ESTIMATE	29. NO. OF CL'S/TL'S	30. TYPE RATE	31. PSC	32. REASON	Received by the transportation Company named above, subject to conditions named on the reverse hereof, the property hereinafter described in apparent good order and condition (contents and value unknown), to be forwarded to destination by the said company and connecting lines, there to be delivered in good order and condition to said consignee.

(FOR USE OF ISSUING OFFICE)

33A. ISSUING OFFICE (Name, address and ZIP code)

33B. GB LOCATION

33C. ISSUING OFFICER

33D. CONTRACT / PURCHASE ORDER NO. OR OTHER AUTHORITY

33E. FOB POINT NAMED IN CONTRACT

OUTBOUND JUNCTION AGENT (Show junction stamps in space and order provided. Additional junction stamps and all yard stamps are to be placed on back.)

FIRST JUNCTION	SECOND JUNCTION	THIRD JUNCTION
FOURTH JUNCTION	FIFTH JUNCTION	DESTINATION AGENT (Stamp herein station name and date reported)

BILLING CODE 6820-AM-M

STANDARD FORM 1105 (REV.)
PRESCRIBED BY GSA-FPMR (41 CFR) 101-41.5

6. Section 101–41.4901–1106 is revised as follows:

§ 101–41.4901–1106 Standard Form 1106, U.S. Government Freight Waybill (Carrier's Copy).

U. S. GOVERNMENT FREIGHT WAYBILL — CARRIER'S COPY — B/L NO. ▶

1. TRANSPORTATION COMPANY TENDERED TO	2. SCAC	3. DATE B/L PREPARED	4. ROUTE ORDER / RELEASE NO

5. SHIPPER (Name, address and ZIP Code)	6. ORIGIN (Name, address and ZIP Code)	7. LOCATION CODE (Origin)

8. CONSIGNEE (Name, address and ZIP code of installation)	9. DESTINATION (Name, address and ZIP Code)	10. LC (Consig.)
		11. LC (Dest.)

12. APPROPRIATION CHARGEABLE	13. BILL CHARGES TO (Address of Dest./Agency, bureau, office include ZIP code)
14. VIA (Route shipment when advantageous to the Gov't.)	

15A. MARKS AND ANNOTATIONS (If extra services are entered, see Administrative Directions, No. 2 on reverse)	15B. AGENCY STA. NO.

NOTE: Show also cubic measurements for shipments via air, truck or water carrier in cases where required in Item 19.

16. PACKAGES NO.	16. PACKAGES KIND	17. HM	18. DESCRIPTION OF ARTICLES (Use carrier's classification or tariff description if possible; otherwise use a clear nontechnical description)	19A. WEIGHT (Pounds Only)	19B. FOR USE OF BILLING CARRIER ONLY SERVICES	RATE	CHARGES

(CLASSIFICATION ITEM NO.) — 19C. TOTAL CHARGES ▶

20. TARIFF/SPECIAL RATE AUTHORITY	21A. CHECK APPLICABLE BOX(ES) AND INITIAL ITEM 21B ☐ PICKUP SVC. FURNISHED ☐ VEHICLE FULLY LOADED	21B. SHIPPER'S INITIALS	22. CARRIER WAY / FREIGHT BILL NO.

23 FURNISH INFORMATION ON CAR/TRUCKLOAD/CONTAINER SHIPMENTS

A. LENGTH/CUBE ORDERED	A. LENGTH/CUBE FURNISHED	B. MARKED CAPACITY ORDERED	B. MARKED CAPACITY FURNISHED	C. DATE FURNISHED	D. INITIALS	E. NO.	F. SEAL NUMBERS

24A. STOP THIS SHIPMENT AT	24B. FOR:

25. CARRIER'S PICKUP DATE (Year, Month, Day)	26A. SIGNATURE OF AGENT	26B. PER	26C. B/L NO.

27. KIND	28. ESTIMATE	29. NO. OF CL'S/TL'S	30. TYPE RATE	31. PSC	32. REASON

Received by the transportation Company named above, subject to conditions named on the reverse hereof, the property hereinafter described in apparent good order and condition (contents and value unknown), to be forwarded to destination by the said company and connecting lines, there to be delivered in good order and condition to said consignee.

(FOR USE OF ISSUING OFFICE)

33A. ISSUING OFFICE (Name, address and ZIP code)

33B. GB LOCATION

33C. ISSUING OFFICER

33D. CONTRACT / PURCHASE ORDER NO. OR OTHER AUTHORITY

33E. FOB POINT NAMED IN CONTRACT

BILLING CODE 6820-AM-C

STANDARD FORM 1106 (REV. PRESCRIBED BY GSA, FPMR (41 CFR) 101-41.3

(31 U.S.C. 244; 40 U.S.C. 486(c))

Dated: July 29, 1981.

Allan W. Beres,

Commissioner.

[FR Doc. 81-24308 Filed 8-21-81; 8:45 am]

BILLING CODE 4820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 442

Medicaid Program; Extended Phase Out Provisions of Intermediate Care Facilities for the Mentally Retarded (ICFs/MR) Correction Plans

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This regulation would authorize intermediate care facilities for the mentally retarded (ICFs/MR) to negotiate revisions to their 1977 plans of correction for Life Safety Code, living, dining, and therapy area deficiencies under certain circumstances. Under this proposed regulation, the Secretary would be authorized to approve revised plans of correction from facilities which have completed at least 25 percent of their original plans of correction under 42 CFR 442.115 (c) and (d) and which propose to phase out an increased number of previously certified beds not already scheduled for phase out under the existing plan of correction. The timetable for the phase out and the actual number of beds to be phased out will be negotiated with target figures established for each six-month period of the plan, with the total time for the plan not to exceed five years from the effective date of the final rule. Facilities would still be required to meet the July 18, 1982 deadline currently established in 42 CFR 442.115(b) for those aspects of existing plans of correction which include construction or renovation of units which will remain in use after planned phase out is completed. The intent of this regulation is to stimulate an overall reduction in the number of certified beds in large residential facilities, while forestalling further expenditures of capital funds for the renovation of existing facilities or the construction of new units where an expanded phase out of units is feasible.

DATES: Consideration will be given to written comments or suggestions received by October 23, 1981.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17082, Baltimore, Maryland 21235.

In commenting, please refer to HSQ 98-P. We request agencies and organizations to submit their comments in duplicate. Comments will be available for inspection, beginning approximately two weeks after publication, in Room 309G of the Department's offices at the Hubert H. Humphrey Building, 200 Independence Avenue, Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202) 245-7890.

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

FOR FURTHER INFORMATION CONTACT: Wayne Smith, Ph. D., Health Care Financing Administration, Health Standards and Quality Bureau, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, (301) 594-7651.

SUPPLEMENTARY INFORMATION:

Background

In 1972, Congress passed legislation (Pub. L. 92-223) that, for the first time, provided coverage and Federal Financial Participation (FFP) for services in intermediate care facilities for the mentally retarded (ICFs/MR) under the Medicaid program. Interim and final standards to implement the ICF/MR program were published on January 17, 1974 (45 CFR §§ 249.12 and 249.13, now 42 CFR 442, Subpart G). The interim standards gave facilities until March 1977 to achieve full compliance with all of the final standards.

The standards promulgated in 1974 were part of an effort to upgrade the quality and scope of services provided by institutions for mentally retarded persons. The regulations emphasized the fundamental principles of the "habilitation process," namely individualized active treatment in minimally restrictive settings.

In developing the regulations, the Department received the views of numerous consumer, provider, and professional associations and State Governments. In addition, the Department considered various court decisions which established the right of institutionalized individuals to active treatment and which set forth the details of an acceptable treatment regimen. The adoption of active treatment principles in the 1974 regulations was intended to give mentally retarded persons the type of care and services that would enable them to attain maximum independent living capabilities and to return to the community at the earliest possible time. The regulations adopted were predicated in a large part on the voluntary standards for residential services for mentally retarded persons published by the Accreditation Council for Facilities for the Mentally Retarded, which at that time was a part of the Joint Commission on Hospitals, and which is now an independent accrediting organization known as the Accreditation Council for Services to Mentally Retarded and Other Developmentally Disabled Persons.

The 1974 regulations provided an important new direction for the treatment of mentally retarded persons. The regulations also rendered many existing buildings unsuitable for the delivery of care without substantial renovation because of new physical environment requirements (e.g., stricter fire safety standards and bedrooms housing no more than four persons rather than large open wards). Many States planned to build new, less restrictive facilities rather than upgrade old buildings. Since nearly all ICFs/MR were State owned and operated, legislative appropriations were required for renovation and new construction. Other States decided to phase out parts of their institutions and relocate residents in other settings.

Since the Department recognized that some institutions for retarded persons could not meet the new structural requirements or relocate residents within a one-year survey cycle, the deadline for full compliance with the new requirements was set for March 1977. Facilities were allowed to participate in the new program under the interim regulations published in 1974 (45 CFR 249.12).

As a result of serious problems experienced by most States participating in the ICF/MR program in meeting the March 1977 deadline, a coalition of State Governments requested that the Department consider an extension of the deadline. Some States that were attempting to phase out certain beds and place the residents in alternative care settings did not want to renovate buildings which were no longer going to be used, but they found that alternative care settings were not developing rapidly enough to meet phase out goals.

After extensive consultation, the Department decided to extend the March 1977 deadline for meeting Life Safety Code and physical environment provisions. We published 42 CFR 442.113 to provide that the State survey agency

could certify an ICF/MR with deficiencies even though correction of the deficiencies under the facility's plan of correction would take more than 12 months to complete. (Normally, under Federal regulations, deficiencies must be corrected within a 12-month period for a long term care facility to qualify for certification.) Section 442.115, which was published at the same time, required that the plan provide for completion of corrections in Life Safety Code, living, dining, and therapy areas by July 18, 1980. However, if at the time of the first survey after July 17, 1977, the facility was unable to develop a plan for the completion of deficiencies by July 18, 1980, the State survey agency could request that the Secretary approve a plan to complete corrections (for construction/renovation and/or phase out of beds) by July 18, 1982, if certain additional requirements were satisfied. At that time, most of the uncorrected deficiencies involved failure to meet the limit of four persons to a bedroom and Life Safety Code deficiencies that were certified by the State to be non-threatening to the residents' health and safety (42 CFR 442.105). The extensions to 1980 and 1982 did not apply to those provisions of the Life Safety Code, which, if not followed, would result in conditions threatening the health and safety of the residents.

The majority of States responded to the 1977 regulation by moving forward with their constuction/renovation, and/or phase out programs. Most facilities completed their plans of correction prior to July 18, 1980. A recent survey indicated that States had expended or appropriated almost $1 billion since July 1977 for capital expenditures in mental retardation facilities, of which approximately three-fourths was devoted to correcting ICF/MR deficiencies, indicating a strong commitment by most States to meet the ICF/MR regulations.

Most States have invested heavily in capital improvements to upgrade their public facilities. However, throughout the 1970s and into the 1980s, there has been a steady, linear decrease in the populations of public residential facilities for mentally retarded persons and, at the same time, a rapid increase in the number of small facilities serving 15 or fewer persons, with an average of six to eight residents. Consequently, many States have also been moving toward a greater emphasis on community-based residential programs which depend heavily upon generic program services in the community.

As the July 18, 1980 deadline for compliance approached, we learned that there were approximately 36 facilities in the Nation which were not going to meet the deadline and which had not previously requested an extension to 1982. We determined that the reasons why the facilities failed to meet the deadline were largely not of their making, and we believed that those facilities could complete the needed corrections by July 18, 1982.

In order to respond to the needs of these facilities which would be unfairly harmed if the provisions of the existing regulations were applied, the Department published a new regulation in the **Federal Register** on January 6, 1981 (46 FR 1268). The new regulation provided facilities which did not meet the July 18, 1980 deadline and which had not requested an extension to 1982 the opportunity to apply for the 1982 extension if they had completed at least 25 percent of the needed construction/renovation and/or phase out necessary to comply with their original plans of correction written in 1977. Thus, the regulation simply permitted facilities meeting the requirements of the regulation the opportunity to gain an extension to the same date (July 18, 1982) as those facilities which had secured the extension in 1977 when it was first possible to do so.

During the development of the regulation, we considered revising the rule further to provide what we termed an "expanded phase out option." Under this option, if an ICF/MR would commit itself to a larger depopulation effort than was contained in the original plan of correction, the facility could negotiate a revised plan of correction which would extend for a period of up to five years from the date of the revised plan, depending upon the size of the facility and the extent of the projected phase out to occur. Facilities would have been permitted to renegotiate their plans if they would commit themselves to a greater phase out program. We rejected this option at the time mainly because we were concerned that the provision might promote the inappropriate placement of residents into less adequate living arrangements simply so the facility could avoid the loss of FFP for those residents who remained in the facility above the agreed to ceiling during the life of the revised plan of correction. We also believed that at this late date, few facilities would be able to find it to their benefit to commit themselves to a greater phase out program because of the commitments they had already made for renovations and new construction.

The regulation was published as a final rule with a comment period. We received few formal comments on the published regulation, and we understand that those facilities which failed to meet the 1980 compliance deadline have responded to this regulation by seeking the extension to 1982. However, the State of New York and the Commonwealth of Pennsylvania argued strongly in behalf of the inclusion of the expanded phase out option. These States (and California, we understand) in particular are apparently at a critical point in decisionmaking as to whether or not to renovate additional units or seek an additional phase out program.

The National Association of State Mental Retardation Program Directors (among other groups), has argued that the fiscal incentives built into the ICF/MR program favor large institutions. Advocacy groups insist that our regulations have had the effect of prepetuating large facilities because once the renovations and construction are finished, there is the implicit commitment to use the facilities. Since there may be other States in situations similar to those faced by New York, California, and Pennsylvania, and because advocacy groups continue to raise concerns about whether our rules provide sufficient incentives for the development of alternatives to large institutions, we have decided to issue this notice of proposed rulemaking. In soliciting comments on this proposed rule we are particularly interested in information on the following questions:

- How many facilities will take advantage of the provisions of this regulation?
- How many certified beds will phased out under the plan?
- How much expenditure for capital improvements will be avoided by increasing the facility's phase out program?
- How much operating cost will be saved under an expanded phase out program?
- What, if any, impact will this regulation have on inappropriate placements of retarded people leaving the ICF/MR as a result of publishing this regulation?
- What has been the effect of prior phase out programs on the inappropriate placements of former residents of ICFs/MR?

Provisions of the Regulation

The regulation will extend the Secretary's current authority under 42 CFR 442.115 to approve a facility's plan of correction which must include:

(1) A schedule of increased phase out goals, which means that the facility is

willing to add to the total number of certified beds previously scheduled for phase out;

(2) Phase out targets set at six-month intervals, a time frame which was chosen that would give the facility sufficient opportunity to achieve targeted goals before it would be subject to a loss of FFP for failure to meet targeted goals;

(3) An overall period of time for the completion of the plan, not to exceed five years from the effective date of the final rule, such time period to be negotiated with the Regional Office based upon the size of the facility and the extent of the phase out to be achieved;

(4) Documentation that the facility has already met at least 25 percent of its original plan of correction under § 442.115 (c) and (d); and

(5) Assurances that no new residents will be admitted to units slated to be phased out and that the health and safety of the residents in units to be phased out are not endangered.

Non-certified beds may not be added to the revised plan of correction. This provision would prevent the inclusion of beds not previously certified in order to gain FFP while phasing them out.

The intent of this regulation is to stimulate the overall reduction in the number of certified beds in public residential facilities by requiring a facility applying for approval of a revised plan of correction under this provision to *increase* the total number of beds it will phase out over existing phase out plans or by adding a phase out program where none had previously existed. At the same time, the facility could forestall further expenditures of capital funds for the renovation of existing facilities or the construction of new units. This regulation does not extend the time in a facility's 1977 plan of correction to complete needed construction/renovation for units not affected by the phase out plans because we believe that granting more time for construction/renovation removes the incentive to opt for an expanded phase out program.

Remaining Concerns

1. In developing this proposed rule, we considered (at the suggestion of one large State) whether a facility should be permitted to renegotiate its plan of correction each year. This option was based on the view that it was unrealistic to ask facilities to commit themselves to a five-year plan with automatic cut-off points every six months. The exigencies of economic, social, litigative, and programmatic forces militate against a hard and fast commitment without the opportunity to make alterations. Under this option a facility could develop an overall plan, targeted to six-month goals, but it could alter the targets each year. In other words, the facility would be bound by the first two six-month goals; if they were not met, reimbursement for the beds above the agreed to limits would not be provided, but based on the experience of the first year, the next two six-month goals contained in the plan could be altered, and so on.

We did not include this suggestion in the proposal because we believe that the ability to renegotiate the numbers each year might have the effect of maximizing the facility's participation in the program while minimizing its commitment either to reduce the number of beds or renovate the units in which they are contained (e.g., they would not have to renovate the units since theoretically the beds will be phased out). The original intention of allowing a period of time for compliance with the Life Safety Code, living, dining, and therapy area requirements of the ICF/MR program was to enable facilities to participate while the needed changes (including planned phase out) occurred. We always envisioned that there would be an end point to this unusual provision, though certainly not an end point to the ongoing process of change and flux in the life and structure of individual facilities. Allowing facilities to renegotiate their phase out plans every year for the next five years would provide little incentive to increase the rate at which beds in large facilities are phased out.

2. We are also concerned about the possibility of the inappropriate placement of residents as a result of a phase out plan under this regulation though the problem must be viewed from several perspectives. First of all, most advocacy and special interest groups agree that inappropriate placements (including *into* a large facility) occur fundamentally as a result of a lack of available suitable alternatives, such as adult foster care, support mechanisms to maintain a retarded family member in the natural family setting, semi-independent and independent apartment living, small group homes (ICFs/MR particularly), and other such community-based alternatives to large, public institutions. The Association for Retarded Citizens deplores the practice in some States of placing mentally retarded persons in nursing homes which often results from the improper manipulation of diagnoses of essentailly healthy mentally retarded persons who are not yet elderly in order to gain general ICF level-of-care classifications. The National Association of State Mental Retardation Program Directors has argued for a number of years that the Federal Government has never articulated a coordinated national policy regarding the development of residential alternatives to large institutions which would have the effect of promoting a spectrum of service alternatives, rather than continuing a major fiscal bias in favor of large institutions funded through the ICF/MR program.

Secondly, from the standpoint of individual facility certifications, there is no clear legal authority for making the facility's certification contingent upon the location and suitability of placements of residents being discharged or transferred from the facility whether as a part of a phase out plan or as a part of the natural course of population turnover in the facility. The ICF/MR regulations provide that the facility must provide some follow up of the resident in his/her "new environment," and discharge planning must take place in preparation for leaving the facility (see § 442.424 and § 442.425), but these regulations do not expressly make the facility responsible for securing an "appropriate" alternative placement.

Thirdly, while Inspection of Care (IoC) teams and PSROs are responsible for determining level of care and appropriateness of placement, there are still large numbers of essentially healthy, middle-aged retarded persons who are classified for general ICF or SNF care, and many argue that this practice is inappropriate. More importantly, though, is that many retarded persons leaving an ICF/MR leave the Medicaid intermediate care facility program and enter facilities which are outside of any "quality" assurance mechanism (e.g., a board and care home which relies on SSI and State supplements and which is subject to few State and no Federal controls). In practice, outside of State-operated case management systems, there is little control in any given situation over whether or not the individual will enter a better, more normalizing, more productive, less restrictive, more "appropriate" environment.

Advocacy and special interest groups have suggested that one immediate step that could be taken would be for HCFA to distribute the recently completed interpretive guidelines for ICFs/MR serving 15 or fewer persons prior to or at least in the same time frame as the effective date of this regulation. We agree and plan to issue the guidelines

within this timeframe. This action would enable States to stimulate the development of suitable alternatives to large facilities during the period when they are phasing out units in their larger ICFs/MR.

The Department is currently studying the entire role of the Federal government in the support of services to mentally retarded persons with the view toward the development of a more rational, balanced mix of support for these services which will allow States greater flexibility in determining how their service systems will be structured without biasing the system in favor of one alternative over another. It is our view that this regulation will not exacerbate the problem of inappropriate placements of former residents of ICFs/MR. The decrease in large institutional populations has continued unimpeded for the last 10 years, even after the ICF/MR program was introduced. This regulation will probably have less impact on depopulation of large institutions than litigation has had in recent years.

Determination Concerning Impact of the Proposed Rule

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that the regulation proposed in this notice of proposed rulemaking will not have a significant impact on a substantial number of small entities. The reason for the Secretary's certification is that the regulation will affect only large institutions for mentally retarded persons. Small business entities are likely to benefit from this regulation to the extent that it stimulates the growth of small community based facilities as large institutions scale down in size.

The Secretary has also determined, in accordance with Executive Order 12291, that the proposed rule does not constitute a "major rule" because it will not have an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, any industries, any Government agencies or any geographic regions; or have significant effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This regulation would provide an incentive for reducing the population of a facility at the facility's option. It provides no new requirements. As the number of beds is reduced, FFP would go down. We anticipate that cost savings would be used to develop more community-based residential settings, some of which may qualify as ICFs/MR, which may have the net effect of increasing costs overall. We believe that the potential impact of this regulation will not meet the criteria for a "major rule" and therefore a regulatory impact analysis is not required.

PART 442—STANDARDS FOR PAYMENT FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITY SERVICES

42 CFR § 442.115 is amended by revising paragraph (a)(4) and adding a new paragraph (g) to read as follows:

§ 442.115 Correction plans.

(a) The ICF/MR's plan required by § 442.113 must provide for completion of corrections by:

* * * * *

(4) the date approved by the Secretary, if authorized by the Secretary under paragraph (g) of this section, where corrections of units to be retained are completed within the appropriate time period as set forth in this paragraph.

* * * * *

(g) An ICF/MR may choose to engage in a significant or complete phase out of beds in certified units of the facility as part of its plan of correction under the provisions of this section.

(1) The ICF/MR may extend the period for the phase out process for a period of one to five years from [effective date of the final regulation] if the facility:

(i) Provides documentation that it has completed at least 25 percent of the provisions of the original plan of correction under paragraphs (c) and (d) of this section;

(ii) Increases the total number of beds in certified units being phased out;

(iii) Agrees to a rate of decline in resident population, with target dates for the phasing out of a specific number of beds established at 6-month intervals;

(iv) Assures the health and safety of the residents until the buildings or units are phased out;

(v) Ensures that it will admit no new residents to the buildings or units being phased out after the plan has been approved.

(2) The survey agency must ensure that the facility has met all the provisions of this regulation (42 CFR 442, Subpart G), or have approved plans of correction for those certified buildings and units in use and to be retained after the phase out plan is completed; and

(3) FFP will not be provided for any beds which remain above the targeted phase out goals for each 6-month target date.

(Sections 1102, 1905(c), and 1905(d) of the Social Security Act (42 U.S.C. 1302, 1396(c), 1396(d)))

Catalog of Federal Domestic Assistance Program No. 13.714 Medical Assistance Program.

Dated: June 16, 1981.

Carolyne K. Davis,

Administrator.

Approved: July 31, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-24636 Filed 8-21-81; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-476; RM-3601]

FM Broadcast Stations in Hudson and Adrian[1], Michigan, and Swanton, Ohio, Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule and Order to Show Cause.

SUMMARY: This action proposes alternative assignment plans. Alternative I would assign FM Channel 249A to Hudson, Michigan, as that community's first FM assignment at the request of E. Eugene McCoy, Jr. Alternative II would assign FM Channel 237A to Swanton, Ohio, as that community's first FM assignment, and substitute Channel 249A for Channel 237A at Adrian, Michigan, at the request of Robert H. Saxer. The licensee of Station WQTE, Adrian, Michigan, is ordered to show cause why its license should not be modified to specify operation on Channel 249A.

DATES: Comments must be filed on or before October 13, 1981, and reply comments on or before November 2, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Hudson and Adrian[1], Michigan, and Swanton, Ohio[1].

[1] This community has been added to the caption.

Further Notice of Proposed Rulemaking and Order to Show Cause

Adopted: August 5, 1981.
Released: August 13, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 63302, published September 24, 1980, proposing the assignment of FM Channel 249A to Hudson, Michigan, as that community's first FM assignment at the request of E. Eugene McCoy, Jr. ("petitioner"). A timely filed counter-proposal was submitted by Robert B. Saxer ("Saxer"), who seeks the assignment of Channel 237A to Swanton, Ohio, as that community's first FM assignment. Placing Channel 237A in Swanton requires the substitution of Channel 249A for Channel 237A at Adrian, Michigan. Because spacing restrictions preclude assigning Channel 249A to both Hudson and Adrian, the two proposals are mutually exclusive.

2. Saxer lists three main arguments in support of his counterproposal. First, Saxer states that the assignment of Channel 237A to Swanton will provide additional service to more people than the proposed assignment to Hudson. Second, Saxer avers that Swanton has a greater potential for economic growth than Hudson because, among other things, Swanton shares in the economic growth of Toledo. Saxer's third reason to favor the assignment to Swanton over Hudson concerns spectrum efficiency. According to Saxer, substituting Channel 249A for Channel 237A in Adrian, Michigan, will solve an interference problem which exists between WQTE–FM (Channel 237A), Adrian, and superpowered Station WCZY (Channel 238B), Detroit. Also, Saxer calls our attention to the fact that when the Commission assigned Channel 251 at Definance, Ohio, a site restriction was necessary to avoid short spacing to the then proposed Channel 249A at Hudson. Saxer notes that by not assigning Channel 249A to Hudson, the site restriction in Defiance would be lessened.

3. In its response to Saxer's arguments, petitioner agrees that a station in Swanton would serve more people than a station in Hudson, but argues that most of the people who would be served by the Swanton station live in Toledo. In response to the allegation that Hudson has little or no growth potential, petitioner states that Saxer's statements have no basis in fact and that both Hudson and Lenawee County have shown a steady growth in population since 1980. Regarding the spectrum efficiency issue, petitioner opines that because the original petitioner for an Adrian assignment was satisified with its potential coverage area, and because all separation requirements are presently met, the argument of Saxer has little merit.

4. Hudson (pop. 2,618),[2] in Lenawee County (pop. 81,951), is located approximately 99 kilometers (62 miles) south of Lansing. Hudson currently has no local aural service. The assignment of Channel 249A to Hudson requires a site restriction of 10.3 kilometers (6.4 miles) southeast. Swanton (pop. 2,927), in Fulton County (pop. 33,071), is located approximately 32 kilometers (20 miles) west-southwest of Toledo, Ohio. Swanton currently has no local aural service.

5. In order to receive comment from all affected parties, particularly Station WQTE–FM who has not been ordered to show cause why its license should not be modified (see Section 316 of the Communications Act of 1934, as amended), and to compile a more comprehensive record upon which to reach our decision, we are issuing this *Further Notice and Order to Show Cause*. We are particularly interested in comments concerning the alleged interference problems for Station WQTE, Adrian, and WCZY, Detroit. Our engineering analysis indicates that the 60 dBu contour of Station WQTE and the interfering signal contour of Station WCZY overlap by approximately 2.4 miles. Therefore, depending on the terrain, there may be some interference to the WQTE signal at the edge of its 60 dBu contour in the direction of WCZY. However, Station WQTE has not commented in this proceeding and we have no indication whether an interference problem actually exists. Also, it appears from our maps that no communities lie within the area of potential interference. Station WQTE should take this opportunity to express its thoughts on this matter as well as to the proposal to modify its license to specify operation on Channel 249A in response to this *Order to Show Cause*. Furthermore, depending on the proposed transmitter site of Saxer, the same interference problems may be present if Channel 237A is assigned to Swanton. Therefore, Saxer should indicate, to the extent presently possible, its proposed transmitter site for Channel 237A should it be assigned to Swanton.

6. In their comments, petitioner and Saxer should indicate their continued interest in the proposed assignments. Additionally, any new material which might assist the Commission in making its decision between the two communities should be submitted. However, we urge the parties to refrain from repeating information contained in prior pleadings.

7. Canadian concurrence in both assignment plans has been obtained.

8. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, according to one of the two listed alternative assignment plans below:

City	Channel No.	
	Present	Proposed
Alternative I		
Hudson, Michigan		249A
Alternative II		
Adrian, Michigan	237A	249A
Swanton, Ohio		237A

9. It is ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Southeastern Michigan Broadcasting, Inc., licensee of Station WQTE at Adrian, Michigan, Shall Show Cause why its license Should Not Be Modified to specify operation on Channel 249A as proposed herein instead of the present Channel 237A.

10. Pursuant to § 1.87 of the Commission's Rules, Southeastern Michigan Broadcasting, Inc. ("Southeastern") may, not later than October 13, 1981, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Southeastern may, not later than October 13, 1981, file a written statement showing with particularity why its license should not be modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Southeastern to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Southeastern will be deemed to have consented to the modifications as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the above-mentioned channel modifications are ultimately found to be in the public interest.

11. It is further ordered, That the Secretary of the Commission Shall Send by Certified Mail, Return Receipt Requested, a copy of this *Order* to: Southeastern Michigan Broadcasting, Inc., 121 West Maumee, Adrian, Michigan 49221.

[2] All population figures are taken from the 1970 U.S. Census.

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

13. Interested parties may file comments on or before October 13, 1981, and reply comments on or before November 2, 1981.

14. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

15. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, It is Proposed to Amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterporposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedure set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Porposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81–24552 Filed 8–21–81; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–503; RM–3823]

FM Broadcast Stations in Greenfield and Springfield, Missouri; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the deletion of FM Channel 228A from Greenfield, Missouri, and reassignment of that channel to Springfield, Missouri, at the request of John A. Watkins. The assignment of Channel 228A to Springfield would provide that community with its fifth FM channel.

DATES: Comments must be filed on or before October 13, 1981; reply comments on or before November 2, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 4, 1981

Released: August 14, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Greenfield and Springfield, Missouri).

1. A petition for rule making [1] has been filed by John A. Watkins ("petitioner"), President of the Watkins Investment Company, which is the licensee of FM Station KRFG (Channel 228A) in Greenfield, Missouri. Petitioner seeks to have Channel 228A deleted from Greenfield, Missouri, and reassigned to Springfield, Missouri, as that community's fifth FM assignment. An opposition to the petition was filed by Salina Broadcasting, Inc. ("Salina") licensee of radio Stations KWTO and KWTO–FM in Springfield. Petitioner replied to Salina's opposition.

2. In support of his proposal, petitioner states that because of intense radio service competition in the southwest Missouri area, Station KRFG has been forced into adopting a narrow specialty format emphasizing album oriented rock music. Petitioner asserts that this format does not attract sufficient audiences in the Greenfield area to support the

[1] *Public Notice* of the petition was given on January 27, 1981, Report No. 1287.

station. However, petitioner claims that the station has attricted a substantial audience in the Springfield area.[3] Petitioner opines that "* * * KRFG has become an inadvertent servant of the public interest within the City of Springfield while at the same time being unable to generate advertising revenues sufficient to maintain operations * * *". Petitioner therefore asks that Channel 228A be reassigned from Greenfield to Springfield so that Station KREG may serve the community which has an interest in its programming. Petitioner states that the City of Greenfield can be adequately served by an FM translator and pledges to make every effort to replace the primary KRFG signal with such a translator. Petitioner states that if the channel reassignment is adopted, it will apply for the channel at Springfield.

3. Salina opposes the petition on several grounds. First, Salina notes that Springfield already has eleven radio stations and that depriving Greenfield of its only local station to provide a twelfth station in Springfield does not constitute a "fair, efficient and equitable distribution of radio service" as required by the Communications Act of 1934. Salina further contends that petitioner has failed to show a need in Springfield for an additional assignment. Regarding petitioner's claim that KRFG's format is very popular in Springfield, Salina retorts that the Commission does not make allocation decisions based on the entertainment format of a potential licensee. Concerning petitioner's assertion that KRFG has been losing money in Greenfield, Salina points out that, to the extent economic hardship is relevant, the issue is not whether KRFG has lost money under its current management, but whether Greenfield is inherently incapable of supporting a station. Salina suggests that no evidence has been submitted to support such a proposition. Finally, Salina states that assigning a Class A channel to Springfield would violate the Commission's policy of discouraging intermixture. Procedurally, Salina contends that if Channel 228A is reassigned to Springfield, the channel must be open to competing applications, and the license of Station KRFG should not be automatically modified to specify Springfield as its city of license.

4. In his reply to Salina's opposition, petitioner avers that Salina is opposing the petition in order to retain its competitive advantage among young Springfield listeners. Petitioner states that the need for an additional Springfield outlet is evidenced by the fact that KRFG, with its limited facilities, garners more of the Springfield audience than five stations licensed to Springfield. In response to allegations that Greenfield would be deprived of service if Station KRFG moved to Springfield, petitioner notes that Greenfield currently has a plethora of receivable signals from which to choose, including nine of the Springfield stations.

5. Greenfield (population 1,172) [3], seat of Dade County (population 6,850), is located approximately 192 kilometers (120 miles) southeast of Kansas City, Missouri, and approximately 51 kilometers (32 miles) northwest of Springfield, Missouri. Station KRFG, licensed to petitioner, is presently the only local aural service in Greenfield. Springfield (population 120,096), seat of Green County (population 152,929), is located approximately 224 kilometers (140 miles) southeast of Kansas City, Missouri. Springfield is currently served locally by two daytime-only AM stations, four full-time AM stations, four FM stations, and one noncommercial FM station.

6. Although we have several misgivings about the proposal, we have decided to seek comment on petitioner's request to reassign Channel 228A to Springfield. We do not take lightly any proposal which has the effect of removing the sole local aural outlet from a community. On the other hand, forcing a licensee to serve a community which cannot or will not support a local station may disserve the public interest to an even greater degree if our action results in the station going off the air. A staff engineering study indicates that no other channels are available as "drop-ins" to either Greenfield of Springfield. Thus, our final action in this docket could affect radio service in the Greenfield area for a considerable period of time. Petitioner should indicate in his comments whether he is willing to continue operations in Greenfield if we decide to deny his petition. Also, other entities having an interest in operating a station at Greenfield should express such interests in this proceeding. If we determine that, in fact, no entity desires to operate a station in Greenfield, the public interest may be better served by reassigning the channel to Springfield, where it will be utilized.

7. As Salina points out, assigning a Class A channel to Springfield violates the Commission's policy against intermixing different classes of FM channels in the same community. However, as we have pointed out on many occasions, in situations such as this, where the proponent of the assignment indicates its willingness to compete with higher class stations, we have not been inclined to deny an assignment based on intermixture. *See, e.g., Yakima, Washington,* 42 F.C.C. 2d 548 (1973).

8. Should the Commission ultimately decide to reassign Chanel 228A to Springfield, Commission policy requires that the channel be open to competing applications. *See, e.g., Riverside and Santa Ana, California,* 65 F.C.C. 2d 920 (1977), *reconsid. denied,* 68 F.C.C. 2d 557 (1978). Permitting all interested parties to apply for the channel at Springfield allows the Commission to select the applicant which would best serve the public interest. Thus, if we decide to reassign Channel 228A, the license of Station KRFG will not be modified to specify Springfield as its city of license.[4]

9. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Greenfield, Missouri	228A	----
Springfield, Missouri	234,247, 254, 268	228A, 234, 247, 254, 268

10. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before October 13, 1981, and reply comments on or before November 2, 1981.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 Fed. Reg. 11549, published February 9, 1981.

[2] The signal of KRFG is rebroadcast by an independently owned FM translator Station located in Springfield.

[3] Population figures are taken from the 1970 U.S. Census.

[4] If petitioner does not wish to risk a comparative application proceeding for Channel 228A at Springfield, we would be inclined to act favorably toward a request from petitioner to withdraw his petition.

For further information concernng this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communnications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, It is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Require.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-24562 Filed 8-21-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 311 (Sub-No. 4)]

Modification of the Motor Carrier Fuel Surcharge Program

AGENCY: Interstate Commerce Commission.

ACTION: Notice of oral hearing on proposed policy change.

SUMMARY: The Commission is proposing to modify its fuel surcharge for all motor carriers and freight forwarders by implementing procedures as outlined in documents published at 45 FR 26399, April 18, 1980 and 46 FR 40221, August 7, 1981. Modification of the fuel surcharge program is proposed because circumstances which led to the adoption of the program no longer exist, and continuation in its present form is no longer warranted.

Because of the extensive interest expressed in this proceeding and its importance, the Commission will afford interested persons an opportunity to make oral representations for the purpose of further supplementing the record. An oral argument has been scheduled for Tuesday, September 22, 1981, in Hearing Room A at the Interstate Commerce Commission Building, 12th and Constitution Ave., NW., Washington, DC, commencing at 9:30 a.m. Oral representations are not intended to substitute for written comments which are now due on or before September 8, 1981.

DATES: The hearing has been scheduled for Tuesday, September 22, 1981 at 9:30 a.m.

Notification (by letter or phone call) of intent to participate must be received by the Office of the Secretary on or before September 1, 1981.

Oral representations are not intended to substitute for written comments, which are not due on or before September 1, 1981.

ADDRESSES: The hearing will be held in: Hearing Room A, Interstate Commerce Commission Building, 12th and Constitution Avenue, NW., Washington, DC.

Notification of intent should be addressed to: James H. Bayne, Assistant Secretary, Room 2215, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: James H. Bayne, (202) 275-7428.

SUPPLEMENTARY INFORMATION: The Commission is determined to reach an equitable and practical solution to the motor carrier fuel surcharge problem on or before October 8, 1981. We have decided to afford interested parties one last opportunity to supplement the record before a final decision is made. Oral argument related to any of the five outstanding proposals or any version of them will be accepted. To review, these five proposals are:

(1) Mileage based surcharge using averages or receipts.

(2) Mileage based surcharge with extended phase out.

(3) simple phase out of revenue based surcharge.

(4) Modifying the leasing rules to make carriers responsible for fuel, the cost of fuel to be calculated by:

(a) actual fuel use (receipts or credit cards)

(b) mileage formula

(5) Negotiated separate fuel agreements to compensate owner operators for fuel costs in excess of 62.5 cents per gallon.

Any organization or individual interested in making an oral presentation to the Commission must notify (by letter or phone call) the Secretary of the Commission on or before September 1, 1981. The communication should indicate both (1) the interest represented (e.g., shipper, consumer, owner-operator, trade or business organization, or other) and (2) the individuals or organizations, if any, represented. To maximize the opportunity to participate, we urge individuals or organizations with similar interests to designate a single spokesperson to advance their commonly held views or arguments. Time for oral argument will be allocated in consideration of the number of individuals or organizations to be represented. A schedule of appearances will be prepared and distributed by the Office of the Secretary prior to September 15, 1981. We do not anticipate that more than a day will be necessary for oral argument and questions.

Decided: August 17, 1981.

By the Commissioner, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24557 Filed 8-21-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 163
Monday, August 24, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Members of Performance Review Board

AGENCY: ACTION.

SUMMARY: ACTION publishes the names of members of the Performance Review Board established by ACTION under the Civil Service Reform.Act.

FOR FURTHER INFORMATION CONTACT: Thomas R. Hyland, Acting Director of Personnel, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525 (202) 254–6060.

SUPPLEMENTARY INFORMATION: The Civil Service Reform Act of 1978 (CSRA), which created the Senior Executive Service (SES), requires that each agency establish one or more performance review boards to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the appointing authority concerning the performance of the Senior Executive.

The persons named below have been selected to serve on the ACTION Performance Review Board.

ACTION Senior Executive Service Performance Review Board:

1. Winifred A. Pizzano, Deputy Director Designate, ACTION, Chairperson.
2. Edward Jon Guss, Deputy Assistant Director for Administration and Finance, ACTION, Vice Chairman.
3. Lawrence Davenport, Ph. D., Associate Director for Domestic and Anti-Poverty Operations, ACTION.
4. Betty Brake, Deputy Associate Director for Older Americans Volunteer Programs, ACTION.
5. Leo Palensky, Director, Accounting Division, ACTION.
6. Robert Knisely, Deputy Executive Director, Consumer Product Safety Commission.
7. Joseph A. Mottola, Director, Office of Management Services, Office of Human Development Services, Department of Health and Human Services.
8. George Carey, Professor of Government, Georgetown University.

Issued in Washington, D.C. on August 19, 1981.

Thomas W. Pauken,
Director, ACTION.

[FR Doc 81–24598 Filed 8–21–81: 8:45 am]
BILLING CODE 6050–01–M

Schedule for Awarding Senior Executive Service Performance Awards; (Bonuses)

AGENCY: ACTION.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service Bonuses.

FOR FURTHER INFORMATION CONTACT: Thomas R. Hyland, Acting Director of Personnel, ACTION, 806 Connecticut Avenue, NW Washington, D.C. 20525 (202) 254–6060.

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

SCHEDULE FOR AWARDING SENIOR EXECUTIVE SERVICE BONUSES: ACTION intends to award Senior Executive Service bonuses for the performance rating cycle of August 1, 1980, through July 31, 1981, with payouts scheduled by September 30, 1981.

Issued in Washington, D.C. on August 19, 1981.

Thomas W. Pauken,
Director, ACTION.

[FR DOC. 81–24601 Filed 8–21–81: 8:45 am]
BILLING CODE 6050–01–M

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Committee of Nine; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the Cooperative State Research Service, announces the following meeting:

Name: Committee of Nine
Date: September 16, 1981
Time: 9:30 a.m.
Place: Conference Room, Washington State University, Irrigated Agricultural Research and Extension Center, Prosser, Washington
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit
Comments: The public may file written comments before or after the meeting with the contact person listed below
Purpose: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations
Contact person for agenda and more information: Dr. Estel H. Cobb, Recording Secretary, U.S. Department of Agriculture, Cooperative State Research Service, Washington, D.C. 20250, telephone: 202/447–4329.

Done at Washington, D.C., this 19th day of August 1981.

W. I. Thomas,
Acting Administrator, Cooperative State Research Service.

[FR Doc. 81–24600 Filed 8–21–81: 8:45 am]
BILLING CODE 5410–03–M

CIVIL AERONAUTICS BOARD

Petition of Sky West Aviation, Inc. for Establishment of Subsidy Mail Rate Under Section 406; Correction [1]

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81–8–81, establishing final subsidy mail rate for service to Cedar City, Utah, and Page, Arizona, Docket 36243.

SUMMARY: The Board is proposing to set the subsidy mail rate for service to Cedar City and Page at $664,703 for the period June 1, 1979 through September 30, 1980 and $504,557 for annual periods commencing October 1, 1980.

DATES: Persons filing objections to the order must file notice by August 24, 1981, and, if notice is filed, written answer and supporting documents shall be filed by September 23, 1981.

ADDRESS: Objections should be filed in Docket 26243, Docket Section, Civil Aeronautics Board, Washington, D.C.

[1] Corrects the notice published at 46 FR 41637, August 18, 1981.

20428, and served on all parties listed in paragraph 5 of Order 81–8–81.

FOR FURTHER INFORMATION CONTACT:
John R. Hokanson, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5368.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–8–81 is available from our Distribution Section. Persons outside the metropolitan area may send a postcard request for the order to the Distribution Section, B–22b, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 13, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–24633 Filed 8–21–81; 8:45 am]

BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

Oklahoma Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Oklahoma Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 9:00 p.m. on September 11, 1981; they will also convene at 9:00 a.m. and will end at 6:00 p.m. on September 12, 1981, at the Holiday Inn West, Interstate 40 and South Meridian Oklahoma City, Oklahoma 73108. The purpose of this meeting is to do program planning and to orient new members to the Committee.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Earl D. Mitchell, 3 Summit Circle, Stillwater, Oklahoma 74074, (405) 624–6212, or the Southwestern Regional Office, Heritage Plaza, 418 Main Street, San Antonio, Texas 78204, (512) 229–5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 18, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–24636 Filed 8–21–81; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Receipt of Application for Permit; Zoological Center, Tel-Aviv, Ramat Gan

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name: Zoological Center Tel-Aviv Ramat Gan (P287).

b. Address: National Park, Ramat Gan 52100 Israel.

2. Type of Permit: Public Display.

3. Name and Number of Animals: California sea lions *(Zalophus Californianus)*, 3.

4. Type of Take: Beached and stranded rehabilitated sea lions.

5. Location of Activity: Marineland California.

6. Period of Activity: 2 years.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 F.R. 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) it is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Through the appropriate agency of the foreign government;

(b) includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Ministry of Agriculture Veterinary Services and Animal Health, State of Israel, have been found appropriate and sufficient to allow consideration of this permit application.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed verterinarian, who has certified that such arrangements and facilities are adquate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 19, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–24632 Filed 8–21–81; 8:45 am]

BILLING CODE 3510–22–M

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Agency Recommendation on Claim Filed Under Title IV, Outer Continental Shelf Lands Act Amendments of 1978 (Title IV).

SUMMARY: Notice is given that the Agency intends to recommend to the NOAA Office of Administrative Law Judges, which will decide the matter, that Title IV Claim No. FCF–59–79 be denied. Interested persons have until September 4, 1981, to request the

Administrative Law Judge (ALJ) to conduct an oral hearing concerning the claim or to request to be admitted as parties to any hearing on the claim.

DATE: Requests for oral hearing or to be admitted as a party must be received on or before September 4, 1981.

ADDRESS: Send requests to: NOAA Office of General Counsel (GCEL), Room 275, Page One Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan (address above). Telephone: (202) 254–8350.

SUPPLEMENTARY INFORMATION: Title IV, 43 USC 1841, established the Fishermen's Contingency Fund (Fund) to compensate commercial fishermen for vessel and gear damage and lost profits caused by items associated with oil or gas activities on the Outer Continental Shelf (OCS). On July 13, 1979, Claim No. FCF–59–79 was filed. The claim seeks compensation from the Fund of $12,062.03, of which $9,452.53 is for damage, $2,064.50 is for lost profits, and $545.00 is for expenses caused by Claimant's catching his gear on an obstruction on June 6, 1979, at coordinates 29°00.2'N and 92°17.'W. As required by the 50 CFR Part 296 regulations implementing Title IV, notice of the claim was published on September 2, 1980 (45 FR 58176). This notice gave interested persons, as defined in 50 CFR 296.2, 30 days to advise the Chief of the National Marine Fisheries Service's Financial Services Division, (FSD) that they wished to submit evidence concerning the claim or to be admitted as parties at any hearing held in respect to the claim. No response was received. This notice also advised that FSD may forward to NOAA General Counsel a proposed agency recommendation concerning the claim. FSD has done so in this case, with the proposal that the Agency recommend to the ALJ that the claim be paid in an amount agreed upon between Claimant and FSD. This was $9,105.95, consisting of $7,924.95 for damage to fishing gear, $636.00 for lost profits, and $545.00 for expenses (these to be determined by and ALJ). The proposed settlement of a claim between a claimant and FSD is authorized by 50 CFR 296.8(c).

As provided by 50 CFR 296.8(d)(3), the Agency published notice in the **Federal Register** on February 12, 1981, that it had determined that this proposal would be the official Agency recommendation in this matter (46 FR 12041). However, since then, the Agency has obtained additional information which required reconsideration of the recommendation. This has led the Agency to the conclusion that Claimant's damage was caused by an item not associated with oil and gas activities on the OCS.

Accordingly, pursuant to 50 CFR 296.8(d)(3), notice is given that NOAA General Counsel has determined that the claim should be denied, and will so recommend to the ALJ.

Any interested person who objects to this recommendation, or Claimant, may request that the ALJ who will be assigned to the case conduct an oral hearing concerning the claim. Any interested person may also request to be admitted as a party to any hearing concerning the claim. In either event, the request must be in writing and must be filed with General Counsel at the address and by the date set out above. If the request is for an oral hearing, the request must state the reasons why an oral hearing should be held. If the request is to be admitted as a party, the request must state why it was not filed in a timely manner under 50 CFR 296.8(a)(3)(v). The AJL will rule on all such requests under 50 CFR 296.10(a)(3). Any interested person may obtain a copy of such portions of the claim as are disclosable by law by writing General Counsel at the above address.

No sooner than September 4, 1981, General Counsel will refer the claim, together with the agency recommendation and any requests received in response to this notice, to the NOAA Office of Administrative Law Judges for adjudication. It is the present intention of the General Counsel to request the ALJ to decide this claim without oral hearing; but the General Counsel does not expect to have objection to a hearing if one is requested by Claimant or any interested party.

Final regulations governing the Title IV Program were published on January 24, 1980 (45 FR 6062), and July 2, 1980 (45 FR 44942).

Signed at Washington, D.C., this 19th day of August 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–24539 Filed 8–21–81; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Cancelled Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice of Cancellation of Meeting.

SUMMARY: This notice cancels the August 28–30, 1981 meeting of the National Advisory Council on Bilingual Education published on page 40240 of the Friday, August 7, 1981 **Federal Register.**

Dated: August 19, 1981.

Gilbert Chavez,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 81–24614 Filed 8–21–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for EURATOM to terminate safeguards on the DR–2 research reactor in Denmark. Equipment which is unique to nuclear reactor use will be dismantled and utilized as spare parts for other safeguarded reactor facilities. Equipment which is unique to nuclear reactor use which is no longer serviceable will be destroyed and discarded as scrap. All other parts, which are not unique to nuclear reactor use will be sold.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 19, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs International Programs.

[FR Doc. 81–24622 Filed 8–21–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[Docket No. ERA-FC-79-006; OFC Case Numbers 61005-9021-01 through 03-11]

Consolidated Rail Corp.; Acceptance of Petition for Extension of Temporary Exemptions; Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration DOE.

ACTION: Notice of acceptance of petition for extension of temporary exemptions; Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has accepted a petition from the Consolidated Rail Corporation (ConRail), requesting the extension of the temporary public interest exemptions issued on July 22, 1980 to units at its Cos Cob, Connecticut, facility under the Powerplant and Industrial Fuel Use Act of 1978.

DATE: Written comments and any requests for a public hearing are due no later than October 8, 1981.

ADDRESSES: Fifteen copies of written comments or public hearing requests are to be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA-FC-79-006 should be printed clearly on the outside of the transmittal envelope and on the documents therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Banch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4226

Robert Goodie, Case Manager, New MFBI Banch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128-J, Washington, D.C. 20461, Phone (202) 653-4257

Marya Rowan, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

The public file containing a copy of all documents and supporting materials relating to the initial exemption proceeding and to this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: On July 22, 1980, ERA issued an order to ConRail granting temporary public interest exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act) for three new major fuel burning installations (MFBI's) at ConRail's Cos Cob, Connecticut, generating facility (45 FR 50381, July 29, 1980).

The units had been installed and put into use in accordance with a Consent Judgment entered by the U.S. District Court for the District of Connecticut in Civil Action No. B76-282 on May 2, 1979. The terms of the Consent Judgment required that the coal-fired operation at the Cos Cob facility be immediately curtailed for violations of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, and that all operations at the facility be permanently terminated upon full conversion of the rail line's signal control and traction systems from 25- to 60-cycle electricity, enabling ConRail to use electricity purchased from a local utility thereon.

Following notice and public procedures required by 10 CFR Part 501,[1] ERA granted the requested temporary public interest exemptions under § 211(c) of FUA and 10 CFR 505.15.

The exemptions permit the use of petroleum or natural gas as the primary energy source in the units until August 1, 1981. The date approved by the United States District Court in the Consent Judgment as the date for completion of the conversion project and the shut down of the Cos Cob Powerhouse.

On July 21, 1981, ConRail filed a request with ERA for extension of the temporary public interest exemptions for one year, until August 1, 1982, for the reasons set forth in detail below. After examination of the petition for extension, ERA has reopened Docket No. ERA-FC-79-006 (OFC Case Nos. 61005-9021-01-11, 61005-9021-02-11 and 61005-9021-03-11) for the purpose of determining whether the extension of the Cos Cob MFBI exemptions is warranted. Accordingly, all materials previously submitted in connection with ConRail's initial exemption request are hereby fully incorporated into the extension proceeding by reference.

ERA has found ConRail's petition of July 16, 1981 (filed July 22, 1981) adequate for the purposes of (1) requesting a one-year extension of the three temporary public interest exemptions held by the Cos Cob units and (2) modifying the Revised Compliance Plan, submitted in connection with the original proceeding, to reflect the final shut-down date of the Cos Cob Powerhouse as August 1, 1982. ConRail has been notified of the acceptance of the petition by letter dated August 14, 1981, and a copy of the petition has been transmitted to the Federal Trade Commission. ERA retains the right to request additional relevant information from ConRail at any time while this proceeding is pending, as circumstances or procedural requirements may require. ConRail's petition is reviewed below. The acceptance of the petition by ERA does not constitute a determination that ConRail is entitled to the requested extensions.

Petition for Extension of Exemptions

Title II of FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's unless an exemption permitting such use has been granted. The order granting the temporary public interest exemptions to the Cos Cob MFBI's (45 FR 50381, July 29, 1980) was based on ERA's findings that (1) the use of oil or natural gas as the primary energy source for those units would be in the public interest and consistent with the purposes of FUA; and (2) upon the expiration of the temporary exemptions, ConRail would be in compliance with the applicable FUA prohibitions. These findings were based on ERA's analysis of the record of the proceeding, which included consideration of ConRail's obligation to operate commuter passenger service between New Haven, Connecticut, and New York City; of the immediate need to abate the air pollution problems stemming from the coal-fired operations at the Cos Cob Powerhouse; and of ConRail's need to improve the operational reliability of rail service which had been experiencing frequent interruptions due to breakdowns of the Cos Cob coal-fired units. ERA also considered that, as ConRail had only a short-term need for use of the Cos Cob Powerhouse pending conversion of the signal and traction systems to permit the use of purchased electric power, neither modification of the coal-fired units to meet emission standards nor replacement of those units with new alternate fuel-fired units would be practicable.

Since the temporary exemptions were granted, ConRail has reported a number of traction power test failures on the new 60-cycle electrical system in its monthly status reports filed with the U.S. District Court under the terms of

[1] At the time the ConRail orders were issued, ERA's interim regulations implementing the new facility exemption provisions of FUA were 10 CFR Parts 500 *et seq.*, 44 FR 28530 and 28950. The final regulations implementing these sections are 10 CFR Parts 500, 501, and 503, 45 FR 38276 and 38302, respectively, June 6, 1980.

the Consent Judgment (copy to ERA, as required by the Terms and Conditions of the FUA order.) After noting these problems, ConRail states in its petition that major design improvement of the system is now required, and, that upon the recommendation of the Court-appointed Administrator, the Metropolitan Transportation Authority, and the Connecticut Department of Transportation, it had in January 1981 entered into a contract with Power Technologies, Inc. of Schenectady, New York for the performance of this service. A computer analysis of the entire 60-cycle electrical traction system will be undertaken to resolve the existing fault protection problem; to determine whether the system as designed will have sufficient voltage to permit rail operations; to determine if a resonance problem exists which could cause catastrophic failure of the system; and to determine whether any inherent flaws, not yet identified, are present.

Power Technologies, Inc.'s preliminary findings and report are due for distribution in late July 1981. With this information, ConRail's engineers, in cooperation with engineers of the Connecticut Department of Transportation and the Metropolitan Transportation Authority, will be able to estimate the completion date for the conversion project. In view of the fact that the conversion cannot be completed by August 1, 1981, the date that the temporary exemptions are due to expire, ConRail requests that the exemptions be extended by a period of one year. In determining that this proceeding should be re-opened, ERA has considered the fact that ConRail appears to have made good faith efforts to comply with the terms of the Consent Judgment and the FUA order and has been prevented from doing so by unforeseen circumstances. ERA notes that the Court-appointed Administrator, who recommended that ConRail contract for remedial design analysis, has exercised and continues to exercise full power over all matters associated with the conversion project, reporting periodically to the Court. ERA accepts this as evidence of ConRail's past good faith efforts at compliance and of the Court's continuing and active interest in the timely accomplishment of the conversion and the shut down of Cos Cob Powerhouse. Accordingly, ERA will neither take nor recommend enforcement action against ConRail for the operation of the three units on oil or natural gas until a final order granting or denying the requested exemption is issued.

Environmental Analysis

In accordance with § 763(1) of FUA, the granting or denial of a temporary exemption is not deemed to be a major Federal action for the purposes of § 102(2)(C) of the National Environmental Policy Act of 1969. An environmental analysis was not required in the initial ConRail proceeding and will not be required for ERA's decision on the extension request.

Procedures

As provided by § 701(c) and (d) of FUA and 10 CFR § 501.31(a), interested persons are invited to submit written comments regarding ConRail's extension petition within 45 days from the date of publication of this notice. Requests for a public hearing may also be submitted during this time period.

Following the comment period, ERA will prepare a Tentative Staff Analysis, recommending the granting or denial of ConRail's request. The public will be notified by **Federal Register** publication of the availability of this document and interested parties will be given an opportunity to submit written comments and to request a hearing thereon.

Issued in Washington, D.C. on August 17, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-24617 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-014; OFC Case Number 55056-3787-10-12]

Chesapeake Corp.; Order Granting an Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting an exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On June 8, 1981, the Chesapeake Corporation (Chesapeake) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. The procedure for petitioning and criteria for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500, 501 and 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Chesapeake requested a permanent fuels mixture exemption in order to burn petroleum (No. 6 fuel oil) or natural gas in a mixture with wood waste in a new field-erected boiler (designated as No. 10 power boiler by Chesapeake) under construction at its kraft pulp and paper mill at West Point, Virginia. Chesapeake states that under normal operation the new No. 10 power boiler (hereafter, No. 10 P.B.) will burn 100 percent wood waste with supplement petroleum or natural gas used only as necessary for flame stabilization or to meet mill process demands.

Pursuant to section 212(d) of the Act, and 10 CFR 503.38, and subject to specified terms and conditions stated herein, ERA hereby issues this order granting a permanent fuels mixture exemption to Chesapeake to permit the use of petroleum (No. 6 fuel oil) or natural gas in a mixture with wood waste in the No. 10 P.B. As specified in the terms and conditions, the amount of petroleum or natural gas used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the unit.

In accordance with section 702(a) of FUA, this order shall take effect on October 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4226;

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4257;

Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Under the authority of section 212(d) of the Act, 10 CFR 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a

mixture with alternate fuels. Under 10 CFR 503.38(d), a certification alternative is available for MFBI's which will not burn more than 25 percent petroleum or natural gas in a mixture with an alternate fuel. Chesapeake utilized the certification alternative in its permanent fuels mixture exemption petition.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published the notice of its acceptance of Chesapeake's petition in the **Federal Register** on June 26, 1981, at 46 FR 33082. Simultaneously, pursuant to 10 CFR 501.64, ERA published the notice of availability of the Tentative Staff Analysis after the ERA staff had reviewed and analyzed the information contained in the record of the proceeding to that date. The analysis recommended that ERA issue an order granting Chesapeake a permanent fuels mixture exemption for its No. 10 P.B. permitting the use of petroleum (No. 6 fuel oil) or natural gas in a mixture with wood waste, with the proviso that the amount of petroleum and natural gas used in the unit not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the unit.

The combined notice provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption or the Tentative Staff Analysis and could request that a public hearing be convened. The period expired on August 10, 1981. No comments were received nor was a public hearing requested.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of Chesapeake's petition to the Environmental Protection Agency (EPA) and the Federal Trade Commission (FTC) for their comment. The Acting Regional Administrator, EPA, Region III, Philadelphia, Pennsylvania, filed written comments stating that the proposed exemption is not expected to result in any significant adverse environmental effects as long as operations comply with the provisions of Chesapeake's prevention of significant air quality deterioration (PSD) permit. Accordingly, EPA has no objection to granting the exemption. No comments were received from FTC.

Decision and Order

Based upon review of the entire record of this proceeding, ERA has determined that Chesapeake has satisfied the certification requirements of 10 CFR 503.38(d). Therefore, pursuant to section 212(d) of the Act, and subject to the terms and conditions stated below, ERA hereby grants Chesapeake a permanent fuels mixture exemption to permit the use of petroleum (No. 6 fuel oil) or natural gas in a mixture with wood waste in the new No. 10 P.B. The total amount of petroleum and natural gas used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit. In granting this exemption, ERA has taken into account the purposes for which the minimum percentage of petroleum and natural gas provided by a fuels mixture exemption is to be used., i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Accordingly, ERA will not exclude from the definition of primary energy source any fuel used in the No. 10 P.B. for the purposes of unit ignition, startup, testing, flame stabilization and control.

Terms and Conditions: Section 214(a) of FUA and 10 CFR 503.38(e) provide ERA the authority to attach terms and conditions to any order granting an exemption. Accordingly, this order is granted subject to the following terms and conditions:

(1) The amount of petroleum (No. 6 fuel oil) or natural gas used in mixture with an alternate fuel in the No. 10 P.B. will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the unit.

(2) The quality of any petroleum to be burned in the No. 10 P.B. will be the lowest grade available, which is technically feasible and capable of being burned consistent with applicable environmental requirements.

(3) Prior to operating the No. 10 P.B., Chesapeake will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements: In addition to the above standard terms and conditions, pursuant to 10 CFR 503.38(g), Chesapeake will submit to ERA the following:

(a) A certification of the date on which No. 10 P.B. commenced operation under the provisions of this order and,

(b) Within 30 days of each anniversary date of commencement of operation of No. 10 P.B., a certified statement of the percentage of petroleum and natural gas used in the No. 10 P.B. during the preceding year.

Such certifications shall be executed by a duly authorized representative of Chesapeake. Cite OFC Case Number 55056–3787–10–12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55056–3787–10–12, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

NEPA Categorical Exclusion Guidelines: On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, is among the classes of actions that DOE has proposed be categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significanly affect the quality of the human environment. Chesapeake has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by Chesapeake pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environmental Protection, Safety, and Emergency Preparedness in consultation with the Office of the General Counsel. Chesapeake's responses to the questions contained therein indicate that the operation of the No. 10 P.B. will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments during this proceeding which raise questions regarding the application of the categorical exclusion in this instance. Therefore, no additional environmental review is deemed to be required.

Effectiveness of Order

This order shall take effect on October 23, 1981.

Judicial Review

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review at any time before the 60th day after the date of publication of this order in the **Federal Register.**

Issued in Washington, D.C. on August 17, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-24618 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-013; OFC Case Number 67017-9205-02-12]

Transamerica Delaval, Inc.; Order Granting Exemption From Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting an exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On May 19, 1981, Transamerica Delaval, Inc. (Delaval) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order which would exempt a new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Delaval requested a permanent exemption from the prohibitions of Title II of FUA for a new oil/gas-fired boiler (designated as boiler No. 2 by Delaval) to be installed at its Trenton, New Jersey, plant based upon a lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

Pursuant to section 212(a)(1)(A)(ii) of the Act, and 10 CFR 503.32, and subject to specified terms and conditions stated herein, ERA hereby issues this order granting a permanent exemption to Delaval to permit the use of petroleum and natural gas in boiler No. 2.

In accordance with section 702(a) of FUA, this order shall take effect on October 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4226;

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4257;

Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

The public file containing documents on this proceeding, supporting materials and the Tentative Staff Analysis is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Under the authority of section 212(a)(1)(A)(ii) of the Act, 10 CFR 503.32 sets forth eligibility criteria and evidentiary requirements governing the permanent exemption for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. Under subsection (c) of 10 CFR 503.32, a certification alternative is available for MFBI's which will be operated less than 600 hours on an annual basis, providing simplified evidentiary requirements for such facilities. Delaval utilized the certification alternative provided for in 10 CFR 503.32(c) in its petition.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published the notice of its acceptance of Delaval's petition in the **Federal Register** on June 22, 1981, at 46 FR 32309. Simultaneously, after the ERA staff had reviewed and analyzed the information contained in the record of this proceeding, ERA published a notice of availability of the Tentative Staff Analysis pursuant to 10 CFR 501.64. The analysis recommended that ERA issue an order which would grant Delaval the requested permanent exemption for its boiler No. 2. The combined notice provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption and the Tentative Staff Analysis and could request that a public hearing be convened. The period expired on August 6, 1981. No comments were received and no person requested a public hearing.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of Delaval's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from these agencies.

Decision and Order

Based upon review of the entire record of this proceeding, ERA has determined that Delaval has satisfied the certification requirements of 10 CFR 503.32(c). Therefore, pursuant to section 212(a)(1)(A)(ii) of the Act, and subject to the terms and conditions stated below, ERA hereby grants Delaval a permanent exemption to permit the use of petroleum and natural gas in boiler No. 2.

Terms and Conditions

Section 214(a) of FUA and 10 CFR 503.32(d) provide ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. Accordingly, such terms and conditions, as enumerated below, are attached to this order granting the requested exemption.

(1) Boiler No. 2 will be operated less than 600 hours annually at its maximum design heat input rate or equivalent. Based upon the boiler's design fuel heat input rate of 203 million Btu's per hour × 600 hours, the amount of natural gas or petroleum consumed in boiler No. 2 under the provisions of this exemption shall not, in the aggregate, exceed 121,800,000,000 Btu's annually.

(2) The quality of any petroleum to be burned in boiler No. 2 will be the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Delaval shall report annually the hours of use, the total amount of fuels consumed, and the total Btu value of such fuels, for boiler No. 2 in the previous calendar year. The report, to be executed by a duly authorized representative of Delaval, shall be filed with ERA at the address provided below not later than January 31 of each following year and shall be in the following format:

Annual Fuel Consumption

Hours of operation	Natural gas		Petroleum		
	Mcf	Btu value	Grade	Bbls	Btu value

(4) Delaval will, prior to operating boiler No. 2 under the provisions of this exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal

Zone Management Act and the Resource Conservation and Recovery Act.

Report Address

The annual report required by this order shall be sent to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

OFC Case Number 67017–9205–02–12 shall be cited on each report.

NEPA Categorical Exclusion Guidelines: On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, for a MFBI that will be operated less than 600 hours on a annual basis, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Delaval has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by Delaval pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environmental Protection, Safety, and Emergency Preparedness in consultation with the Office of the General Counsel. Delaval's responses to the questions therein indicate that the operation of boiler No. 2 under this exemption will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments during this proceeding which raise questions regarding the application of the categorical exclusion in this instance. Therefore, no additional environmental review is deemed to be required.

Effectiveness of Order

This order shall take effect on October 23, 1981.

Judicial Review

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review at any time before the 60th day after the date of publication of this order in the **Federal Register.**

Issued in Washington, D.C. on August 17, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-24619 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. ER81-665-000]

Arkansas Power & Light Co.; Filing

August 17, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, Arkansas Power and Light Company (AP&L) tendered for filing a letter from Middle South Services, Inc., Agent for AP&L, to Southwestern Electric Power Company (SEP) providing for the reduction of the Diversity Base Amount during Summer and Winter Exchange Periods pursuant to Service Schedule E of the Interconnection Agreement between AP&L and SEP, FPC Rate Schedule No. 20. The Diversity Base Amount is to be reduced to 150,000 kW from 234,000 kW.

AP&L requests that the Commission waive the advance notice requirements to allow an effective date of the end of the Exchange Year that ends in November 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24602 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-447-000]

Consolidated Gas Supply Corp.; Application

August 18, 1981.

Take notice that on July 31, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-447-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to West Lake Arthur Distribution Company (West Lake) pursuant to a sale agreement dated July 29, 1981, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 180,000 dekatherms (dt) equivalent of natural gas per day and no more than 15,000,000 dt equivalent during the term of the agreement on an interruptible basis to West Lake. Applicant requests authorization for a term ending on October 31, 1981.

Applicant states that for the gas delivered by Applicant West Lake would pay Applicant its "E" rate which is currently $2.7050 per dt equivalent including all adjustments as specified in its Rate Schedule E, Volume No. 1 to its FERC Gas Tariff.

Applicant states that the natural gas covered by the proposed sale would become a part of West Lake's system supply. It is asserted that West Lake sells up to approximately 325,000 Mcf of natural gas per day to industrial companies in Louisiana for process, feedstock, cogeneration, and power generation uses. Applicant submits that it would deliver the subject gas to existing interconnections between Applicant's facilities and those of the East Ohio Gas Company (East Ohio). Applicant avers that West Lake would be responsible for the transportation of the gas from the points of delivery to West Lake's distribution area. It is stated that East Ohio, Panhandle Eastern Pipe Line Company, and Trunkline Gas Company have agreed to provide the necessary transportation.

Applicant submits that the source of the gas proposed to be sold is Applicant's general system supply. It is stated that the proposed sale would not impair service to Applicant's existing customers. No facilities need be constructed to effectuate the proposed sale, it is asserted.

Applicant avers that it would treat revenues from the sale in accordance with the provisions of the settlement agreement in Docket Nos. RP79–22 and

RP80–61 as approved by the Commission. It is stated that the agreement provides that future certificated sales quantities and revenues would be included in the determination of Applicant's sales refund obligation.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24584 Filed 8–21–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA81–2–23–000; (PGA81–2, DCA81–2, IPR81–2)]

Eastern Shore Natural Gas Co.; Tariff Filing

August 17, 1981.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on August 7, 1981, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff:

To Be Effective September 1, 1981

Nineteenth Revised Sheet No. 5
Nineteenth Revised Sheet No. 6
Fourth Revised Sheet No. 7
Nineteenth Revised Sheet No. 10
Nineteenth Revised Sheet No. 11
Nineteenth Revised Sheet No. 12

Eastern Shore states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment, to reflect a Demand Charge Adjustment, to reflect a Deferred Gas Cost Adjustment, to report the Projected Incremental Pricing Surcharges, and to reflect a Transportation Surcharge Adjustment. This filing is being made in accordance with Sections 20, 21 and 23 of Eastern Shore's FERC Gas Tariff and provisions of the Stipulation and Agreement approved by letter order issued March 27, 1981 in Docket No. RP80–84. The Purchased Gas Cost Adjustment reflects rates payable to Eastern Shore's supplier during the period September 1, 1981 through February 28, 1982.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Aug. 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24603 Filed 8–21–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ID–1676–000]

James E. Griffin; Application

August 17, 1981.

The filing individual submits the following:

Take notice that on August 5, 1981, James E. Griffin filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Position and Name of Corporation

Pres., Ch. Exec. Officer and Director; Central Vermont Public Service Corporation
Chairman and Director; Vermont Electric Power Company, Inc.
Pres., Ch. Exec. Officer, Chairman and Director; Connecticut Valley Electric Company, Inc.
Chairman, Ch. Exec. Officer and Director; Vermont Yankee Nuclear Power Corporation
Director; Maine Yankee Atomic Power Company
Director; Yankee Atomic Electric Company
Director; Connecticut Yankee Atomic Power Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24604 Filed 8–21–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–557–000]

Lake Superior District Power Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Intervention, and Establishing Procedures

Issued: August 14, 1981.

On June 17, 1981, Lake Superior District Power Company (Lake Superior) filed proposed revised rates for firm power service to two municipal customers and one investor-owned electric utility.[1] The proposed rates would result in an increase in revenues of $450,119, or 20.93%, based on the twelve months ended December 31, 1980. Lake Superior requests an effective date of August 16, 1981, for the revised rates.

[1] The affected customers are the City of Medford, Wisconsin, the City of Wakefield, Michigan and North Central Power Company, Inc. See Attachment A for the applicable rate schedule designations.

Notice of Lake Superior's filing was issued June 26, 1981, with protests or petitions to intervene due on or before July 17, 1981. On July 15, 1981, the City of Medford, Wisconsin (Medford) filed (1) a motion to dismiss which it subsequently withdrew on July 17, 1981,[2] and (2) a petition to intervene, and request for a five month suspension, investigation and hearing.

On July 17, 1981, Medford filed an amended petition to intervene. In support of its request for a five-month suspension, Medford objected to a number of items included in Lake Superior's cost of service.

On July 15, 1981, the Public Service Commission of Wisconsin (PSCW) filed a notice of intervention without comment on Lake Superior's submittal. On July 20, Arthur Salzwedel, Mayor of Medford, filed an untimely protest requesting that the commission deny Lake Superior's application.

On July 31, 1981, Lake Superior filed an answer to the petitions to intervene of Medford and PSCW. In its answer, Lake Superior disputes the adjustments in its cost of service proposed by Medford except for one,[3] the effect of which Lake Superior considers immaterial.

Discussion

The Commission finds that participation in this proceeding by Medford is in the public interest. Accordingly, Medford will be permitted to intervene in this proceeding. Further, the timely notice filed by PSCW is sufficient to initiate its participation as an intervenor.

The Commission finds that the issues raised by Medford are appropriate issues for further consideration in the evidentiary hearing ordered below.

Our analysis indicates that Lake Superior's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, and suspend them as ordered below.

Our analysis also indicates that Lake Superior's proposed power factor adjustment clause for service to North Central Power Company (North Central) has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed power factor adjustment clause filing, and suspend its effectiveness as ordered below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspensions for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Our preliminary analysis suggests that the proposed rates may not yield substantially excessive revenues; accordingly, we do not believe that a maximum suspension is necessary or appropriate. A nominal suspension and a refund obligation should provide adequate protection to the affected customers pending the outcome of a hearing. Accordingly, we shall exercise our discretion to suspend the rates for only one day, permitting the rates to take effect subject to refund thereafter on August 17, 1981.

With respect to the proposed power factor adjustment clause for service to North Central, no circumstances have been presented to show that suspension for the maximum period would lead to harsh and inequitable results. A five-month suspension is appropriate in order to give North Central adequate time to install the capacitance equipment necessary to avoid paying charges under that clause.[5] Lake Superior suggests that a five-month suspension period would be appropriate for the same reasons. Accordingly, we shall exercise our discretion to suspend the power factor adjustment clause for five months, to become effective January 16, 1982, subject to refund.

The Commission Orders:

(A) Lake Superior's revised rates are hereby accepted for filing and suspended for one day, to become effective on August 17, 1981, subject to refund.

(B) Lake Superior's power factor adjustment clause for service to North Central is hereby suspended for five months, to become effective January 16, 1982.

(C) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(2) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I (1979)], a public hearing shall be held concerning the justness and reasonableness of Lake Superior's rates, including the power factor adjustment clause for service to North Central.

(D) The City of Medford is hereby permitted to intervene in this proceeding subject to rules and regulations of the Commission; *Provided however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) The Commission Staff shall serve top sheets in this proceeding on or before August 17, 1981.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capiol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

[2] On July 17, 1981, Medford filed a withdrawal of its motion to dismiss stating that the motion was based on an incorrect assumption that Lake Superior was filing an abbreviated study under § 35.13(a)(2) (18 CFR 35.13) without meeting the criteria of that section.

[3] Lake Superior states that Medford correctly points out that the allocation factor used for allocation of transmission substation investment did not reflect wheeling loads. Lake Superior states that the error was inadvertent, and that the revenue effect of this correction is considerably less than Medford asserts.

[4] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket No. ER80-56, *et. al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-468 (August 22, 1980) (one day suspension).

[5] Statement BL of Lake Superior's submittal states that the proposed clause is expected to result in the immediate purchase and installation by the customers of the necessary capacitance equipment. Thus, the company states that there would be no additional revenues produced by the clause.

By the Commission.

Kenneth F. Plumb,

Secretary.

Lake Superior District Power Company; Docket No. ER81-557-000

Filed: June 17, 1981
Effective: August 17, 1981, subject to refund [6]

Designation and Other Party

(1) Supplement No. 1 to Rate Schedule FERC No. 27; City of Medford, Wisconsin
(2) Supplement No. 1 to Rate Schedule FERC No. 28; City of Wakefield, Michigan
(3) Supplement No. 1 to Rate Schedule FERC No. 29; North Central Power Company

[FR Doc. 81-24605 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP81-416-000 and ST81-361-000]

Louisiana Intrastate Gas Corp.; Application for Approval of Transportation Agreement and Petition for Approval of Rates

August 18, 1981.

Take notice that on July 14, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O Box 1352, Alexandria, Louisiana 71301, filed in Docket No. CP81-416-000 an application pursuant to § 284.127 of the Commission's Regulations for approval of a transportation agreement providing for the transportation of natural gas for Columbia Gas Transmission Corporation (Columbia) and in Docket No. ST81-361-000 a petition for approval of rates pursuant to § 284.123(b)(2) of the Commission's Regulations, all as more fully set forth in the application and petition which are on file with the Commission and open to public inspection.

Applicant states that on June 29, 1981, it entered into an agreement with Columbia, as amended July 1, 1981, pursuant to which Applicant would provide transportation service for Columbia for a minimum of fifteen years following approval of such term by the Commission. Applicant further states that such agreement also provides for transportation service for a period of two years from the date of initial deliveries until and unless the longer term is approved.

It is submitted that under the terms of such agreement Applicant would transport natural gas from various points of delivery in Pointe Coupee Parish, Louisiana, and redeliver thermally equivalent volumes, less Columbia's *pro rata* share of compression fuel and customary losses, to points in Evangeline, Iberville, Rapides, Vermilion and Lafayette Parishes, Louisiana.

Applicant anticipates that the above-described transportation service would be initiated under the two-year limited term provisions of the agreement with Columbia and that such service would commence during July 1981.

Applicant asserts that once commenced the proposed transportation service would continue for two years from the date of initial deliveries until such time as the fifteen-year term is approved.

For such service, Applicant proposes to charge Columbia 27.0 cents per million Btu of gas redelivered which rate includes the cost for constructing the new facilities needed to transport the gas from the points at which Columbia is required to receive gas under its gas purchase contracts to Applicant's then existing system.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24606 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-439-000]

Mississippi River Transmission Corp.; Application

August 18, 1981.

Take notice that on July 30, 1981, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63214, filed in Docket No. CP81-439-000 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction, and for permission and approval to abandon during the 12-month period commencing October 16, 1981, and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under § 157.7(g) would not exceed $2,000,000 and the cost of any single project would not exceed $500,000. Such costs, it is asserted, would be financed from cash on hand and funds from operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

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[6] Note.—The use of the power factor adjustment clause in Rate Schedule FERC No. 29 is suspended for 5 months until January 16, 1982, subject to refund.

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[Doc. 81-24587 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-434-000]

Montana-Dakota Utilities Co.; Application

August 25, 1981.

Take notice that on July 29, 1981, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP81-434-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of the jurisdictional portion of Applicant's Sheridan System facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue to operate the jurisdictional portion of the facilities known as the Sheridan System consisting of the following:

1. Approximately 5.337 miles of 12¾-inch O.D. and 46.186 miles of 8⅝-inch O.D. natural gas transmission line beginning at the Billy Creek Compressor Station in Johnson County, and terminating in Sheridan County, Wyoming;

2. The Billy Creek Storage Field and associated well lines located in Sections 17, 20 and 21, Township 48 North, Range 82 West, Johnson County, Wyoming, and all of the gas presently stored therein;

3. City gate stations to serve the communities of Sheridan, Buffalo, and Kaycee, Wyoming;

4. Approximately 6.685 miles of 3½-inch O.D. transmission line and an associated metering and regulating station to serve Shell Oil Company in the Reno Field. This line extends from the facilities of Northern Utilities, Inc. (Northern Utilities) in Johnson County, Wyoming;

5. The Billy Creek Compressor Station consisting of two Ingersoll-Rand 6XVG, 247 horsepower compressors and related facilities located in Johnson County, Wyoming; and,

6. Miscellaneous transmission line taps providing farm-tap type service along Applicant's transmission lines from Billy Creek to Sheridan (approximately 46 taps) and along Northern Utilities' transmission line from Salt Creek to Billy Creek (approximately 5 taps).

Applicant states that is currently operates its Sheridan System, the system serving Sheridan, Buffalo, and Kaycee, Wyoming, and nearby areas pursuant to the laws of the State of Wyoming. Applicant states that in its order issued June 1, 1981, in Docket Nos. CP75-157 and CP75-154 the Commission authorized Applicant to transport gas in interstate commerce through its Powell II pipeline. The Commission further ordered Applicant either to apply for a certificate for the jurisdictional portions of its Sheridan System or show that it qualifies for an exemption from Commission jurisdiction under Sections 1(b) or 1(c) of the Natural Gas Act. Applicant states that is purchases gas from the Powell II area in Wyoming which flows through its jurisdictional Powell II pipeline to an interconnection with the facilities of Northern Utilities in Natrona County, Wyoming. Applicant further states that from there Northern Utilities transports some of the gas north and delivers it to Applicant at Billy Creek and transports the other portion of the gas south for delivery to Kansas-Nebraska Natural Gas Company, Inc. which delivers equivalent quantities by displacement to Applicant.

Applicant submits that its Sheridan System contains facilities which would be subject to the Commission's jurisdiction under Section 7(c) of the Natural Gas Act and is hereby applying for a certificate for its continued operation as ordered.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own reveiw of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24586 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-305-001]

Northern Natural Gas Co., Division of InterNorth, Inc.; Amendment to Application

August 18, 1981.

Take notice that on July 22, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-305-001 an amendment to the application filed in the instant docket by Northern and Natural Gas Pipeline Company of America (Natural) pursuant to Section 7(c) of the Natural Gas Act so as to revise the facilities necessary to attach natural gas reserves underlying West Delta Blocks 137 and 138, offshore Louisiana, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Northern states that in the application filed jointly with Natural on April 24, 1981, Applicants requested authorization to construct and operate 9.5 miles of 10-inch pipeline, metering facilities and appurtenances necessary to attach natural gas reserves underlying West Delta Blocks 137 and 138, offshore Louisiana. Applicants proposed to extend the facilities from the producer's platform in West Delta Block 138 to a subsea valve in Grand Isle area Block 82 on Trunkline Gas Company's (Trunkline) existing 16-inch pipeline and provide a capacity based on the estimated deliverability of 39,000 Mcf per day.

Northern states that by letter dated July 13, 1981, Northern was informed by Natural of its decision not to purchase the West Delta Block 137 gas reserves and consequently to withdraw from the construction of the proposed pipeline. As a result, Northern proposes to purchase the reserves attributable to West Delta Block 137 and to construct and operate 100 percent of the necessary lateral pipeline.

Northern further states that updated reserve data indicate that a sustained production rate of 39,000 Mcf per day, as

originally proposed, would result in severe well damage and ultimately in the loss of reserves. Based on this updated information, Northern proposes to sustain a production rate of 15,000 Mcf per day to avoid well damage and allow a more complete recovery of the available reserves. Northern asserts that the new deliverability estimates dictate a reduction in the pipeline size from 10-inch pipeline to the revised 8-inch pipeline. Northern states that the estimated total cost of the proposed facilities would be $6,492,700.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24588 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-432-000]

Northern Utilities, Inc.; Application

August 18, 1981.

Take notice that on July 27, 1981, Northern Utilities, Inc. (Applicant), P.O. Box 2800, Casper, Wyoming 82601, filed in Docket No. CP81-432-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline and compression facilities and the transportation of natural gas for Kansas-Nebraska Natural Gas Company, Inc. (K-N), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that the only activity in which it is engaged that is subject to the jurisdiction of the Commission is the transportation of natural gas on behalf of K-N pursuant to a transportation agreement dated September 14, 1965, as amended.

Applicant proposes herein to abandon by sale to K-N Applicant's interstate pipeline facilities between Riverton Dome, Wyoming, and Applicant's Sand Draw Compression facilities and between mile post 84.1 and K-N's Casper Plant, 38.4 miles of Applicant's interstate pipeline facilities between Sand Draw facilities and mile post 84.1, and 960 horsepower of compression at Sand Draw. Applicant proposes to abandon by dedication to intrastate service 45.7 miles of Applicant's interstate pipeline facilities between the Sand Draw Compression facilities and mile post 84.1. Applicant further proposes to abandon its transportation service for the account of K-N under the transportation agreement dated September 14, 1965.

Applicant states that by a companion application filed with the Commission concurrently herewith, K-N seeks authority, *interalia*, to acquire the interstate facilities to be sold to K-N by Applicant and Northern Gas Company (NGC). Applicant avers that the use of these facilities in conjunction with other intrastate facilities of Applicant which are to be sold to K-N under the agreement would provide K-N with pipeline transmission facilities from Riverton Dome to Casper, Wyoming.

Applicant further seeks authority herein to abandon the transportation service on behalf of K-N and to cancel First Revised Volume No. 1 of Applicant's FERC Gas Tariff which provides for this service.

Specifically, Applicant proposes to abandon the following facilities:

(a) Approximately 15.8 miles of 8-inch pipeline commencing at Riverton Dome and extending to the Sand Draw Compression facilities by sale to K-N;

(b) Segments of the South Line totaling approximately 38.4 miles of 16-inch pipeline and appurtenant facilities by sale to K-N. These segments of the South Line would ultimately be used to provide intrastate service upon completion of the corresponding segments of the North Line as more fully detailed in K-N's companion application;

(c) Segments of the South Line totaling approximately 45.7 miles of 16-inch pipeline and appurtenant facilities by dedication to intrastate service;

(d) Approximately 20.0 miles of 20-inch pipeline and appurtenant facilities commencing at mile post 84.1 and extending to mile post 104.1 by sale to K-N;

(e) Approximately 1.3 miles of 16-inch pipeline and appurtenant facilities extending from mile post 104.1 to K-N's Casper Plant by sale to K-N; and

(f) 960 horsepower of compression, a desulfurization plant, and appurtenant facilities at Sand Draw by sale to K-N.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24606 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-668-000]

Oklahoma Gas and Electric Co.; Filing

August 17, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, Oklahoma Gas and Electric Company (OG&E) tendered for filing a letter of notification from OG&E to Kansas Gas and Electric Company (KG&E) regarding a reduction in the Diversity Base Amount available to KG&E pursuant to

Service Schedule E of the Interconnection Agreement between OG&E and KG&E, FPC Rate Schedule No. 32. The Diversity Base Amount made available during the Summer and Winter Exchange Periods is to be reduced to 47,000 KW from 73,000 KW.

OG&E requests that the Commission waive the advance notice requirement to allow the reduced Diversity Base Amount to be placed in effect at the end of the Exchange year that ends in November 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24607 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-663-000]

Oklahoma Gas and Electric Co.; Filing

August 17, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, Oklahoma Gas and Electric Company (OG&E) tendered for filing a letter of notification from Arkansas Power and Light Company by Middle South Services, Inc., Agent (AP&L) to OG&E regarding a reduction in the Diversity Base Amount available to OG&E pursuant to provisions of the Interconnection Agreement between AP&L and OG&E, dated July 12, 1954, FPC Rate Schedule 21A. The Diversity Base Amount made available during the Summer and Winter Exchange Periods are to be reduced to 208,000 KW from 326,000 KW.

OG&E requests a waiver of the notice requirements to allow the reduced Diversity Base Amount to become effective at the end of the Exchange Year that ends in November, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24608 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-437-000]

Panhandle Eastern Pipe Line Co.; Application

August 18, 1981.

Take notice that on July 29, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-437-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to make sales of natural gas for domestic, grain drying, and irrigation purposes either directly or for resale through authorized local gas distribution companies pursuant to obligations contained in right-of-way easements or other agreements, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities required to make thirty-nine direct sales of natural gas to right-of-way grantors or their successors-in-interest in the states of Oklahoma, Kansas, Missouri and Texas. Applicant further proposes to construct and operate one new delivery point to Town gas Company, three new delivery points to Indiana Gas Company, and eight new delivery points to Ohio Gas Company, existing resale customers of Applicant in the states of Illinois, Indiana and Ohio, respectively. Applicant states that the new delivery points would enable the said companies to provide natural gas service to right-of-way grantors of Applicant.

Applicant states that 16 of the 39 direct sales would be for irrigation fuel purposes at a total cost of $52,000 with an average sales level of 3,750 Mcf of natural gas per year. Applicant further states that the remaining 23 direct sales would be for domestic purposes with a total cost of $34,500 and with an average sales level per tap of 150 Mcf per year. Applicant asserts that the total projected costs of $91,900 would be financed from cash on hand.

Applicant proposes to construct and operate taps for the following right-of-way grantors:

State and county	Customer	Use
Texas: Hutchinson	Austell Burrus	Irrigation.
Oklahoma:		
Alfalfa	Dennis D. Kerr	Domestic.
Beaver	Marvin E. Amen	Domestic.
Beaver	Earl Semmel	Irrigation.
Beckham	F. M. McAdams	Domestic.
Blaine	Elmer L. Kirk	Domestic.
Blaine	Alva C. Shaw	Domestic.
Cimarron	Julius W. Cox	Irrigation.
Dewey	Russell L. Cox	Domestic.
Dewey	Eythel G. Johnson	Domestic.
Ellis	Loyd L. Collar	Domestic.
Ellis	Loyd L. Collar	Domestic.
Major	Fred E. Martin	Domestic.
Major	Donald L. Turner	Domestic.
Texas	Warren Bowker	Irrigation.
Texas	Clifton R. Decker	Irrigation.
Texas	Helen V. Huddleston	Irrigation.
Texas	Helen V. Huddleston	Irrigation.
Texas	L. C. Sleeper, Jr.	Irrigation.
Woods	Peter A. Bergner	Domestic.
Woods	Edna Boewell	Domestic.
Woodward	Reuben H. Kirkwood	Domestic.
Kansas:		
Franklin	Tim W. Burkdoll	Domestic.
Franklin	Tim W. Burkdoll	Irrigation.
Kiowa	Ray C. Price	Irrigation.
Kiowa	Helen B. Healy	Irrigation.
Meade	Genevieve A. Hayden	Irrigation.
Miami	Miami County	Domestic.
Pratt	Arlie D. Stonestreet	Irrigation.
Seward	Darrell D. Langhofer	Domestic.
Seward	Larry L. Louderback	Domestic.
Seward	Ronald Seaman	Domestic.
Stevens	Gordon H. Bane	Irrigation.
Stevens	Alfred M. Brecheisen	Irrigation.
Stevens	R. Jefferson Grant	Irrigation.
Missouri:		
Audrain	John H. Lamberson	Domestic.
Boone	Harold L. Elliott	Domestic.
Boone	William D. Saunders	Domestic.
Moniteau	Harold Joseph Allen	Domestic.
Illinois, Pike	Charles L. Bannerman.	Grain drying
Indiana:		
Grant	Paul G. Fisher	Domestic.
Hendricks	Wilburn L. Reynolds	Domestic.
Wells	Rodney W. Mounsey	Domestic.
Ohio:		
Defiance	Roger Shock	Domestic.
Fulton	William R. Strauss	Domestic.
Fulton	Lewis A. Johnson	Domestic.
Fulton	Herbert McQuillin	Grain drying.
Fulton	Carl Fryberger	Domestic and grain drying.
Lucas	Edward J. Vanderhorst.	Domestic.
Lucas	Loretta Langendorfer	Grain drying.
Paulding	Loren G. King	Grain drying.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act

(18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to interven is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24589 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-451-000]

Panhandle Eastern Pipe Line Co.; Application

August 18, 1981.

Take notice that on August 4, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-451-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certifcate of public convenience and necessity authorizing a change in service to Indiana Gas Company (Indiana Gas) and the construction and operation of a new delivery point necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to add a new delivery point in Hamilton County, Indiana, the Allisonville Road delivery point, for the delivery of natural gas to Indiana Gas, one of its existing resale customers, pursuant to a gas sales contract dated June 1, 1981. Applicant also proposes to install this new delivery point so as to effectuate the proposed service change.

Applicant submits that pursuant to the June 1, 1981, gas sales contract it would have a 2,500 Mcf maximum daily delivery obligation at the Allisonville Road delivery point. It is further submitted that Applicant would reduce its maximum daily delivery obligation at the existing Anderson No. 1 delivery point to Indiana Gas. Applicant states that the proposed change in service woud not result in any change in entitlements to Indiana Gas.

Applicant's cost of installing the Allisonville Road delivery point to effectuate the proposed change in service is estimated to be $1,200 which would be reimbursed by Indiana Gas.

It is asserted that the requested change in service world enable Indiana Gas to serve 130 residential customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18. CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24590 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-142-001]

Sea Robin Pipeline Co.; Petition To Amend

August 18, 1981.

Take notice that on July 31, 1981, Sea Robin Pipeline Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-142-001 a petition to amend the order issued February 21, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Commission's Regulations (18 CFR 157.7(b)) so as to authorize a waiver of the single project cost limitation of $3,500,000 for a single offshore gas-supply project, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued February 21, 1980, in the instant docket, Petitioner was authorized to construct and operate facilities to enable it to take into its certificated main pipeline system natural gas supplies. No single offshore project was to exceed $3,500,000, it is stated.

Petitioner asserts that due to delays and other problems beyond Petitioner's control the actual cost of construction of 1.8 miles of 10-inch pipeline to connect East Cameron Block 335-C platform to East Cameron Block 335-A platform exceeds the single project limit of $3,500,000 by $332,000. Petitioner states that the project cost was estimated for late-summer construction but because the Bureau of Land Management permit was not received until November 1980 the project was built during the winter and was thereby subject to a 50 percent increase over the estimated cost of $1,872,000. Petitioner alleges that the completion of the project was delayed further by six days of weather standby and six days of heavy seas. Petitioner submits that the project would be completed by mid-1981. The actual cost of the project would be reported in the budget report of 1981 as $3,832,000, it is asserted. Petitioner therefore requests a waiver of the $3,500,000 limitation to the extent required to authorize the construction of the project explained herein at a cost not to exceed $4,000,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before

September 8, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24591 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-142-002

Sea Robin Pipeline Co.; Petition To Amend

August 18, 1981.

Take notice that on July 31, 1981, Sea Robin Pipeline Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-142-002 a petition to amend the order issued February 21, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Commission's Regulations (18 CFR 157.7(b)) so as to authorize a waiver of the single project cost limitation of $3,500,000 for a single offshore gas-supply project, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued February 21, 1980, in the instant docket Petitioner was authorized to construct and operate facilities to enable it to take into its certificated main pipeline system natural gas supplies. No single offshore project was to exceed $3,500,000, it is stated.

Petitioner asserts that due to delays and other problems beyond Petitioner's control the actual cost of constructing 1.4 miles of 10-inch pipeline to connect East Cameron Block 231-B to East Cameron Block 231-A exceeds the single project limit of $3,500,000 by $235,800. Petitioner states that the project cost was estimated for late summer construction but construction was delayed by producers involved in workover of wells on the "A" platform. It is asserted that the project was therefore built during the winter and was thereby subject to a 40 percent increase over the estimated cost of $1,806,800. Petitioner alleges that additional expenses were charged by the primary contractor during thirteen days of standby time due to bad weather. It is also stated that it was necessary to sandbag the coflexip pipe during that time.

Petitioner, therefore, requests a waiver of the $3,500,000 limitation to the extent required to authorize the construction of the project explained herein at a cost not to exceed $4,000,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24592 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-450-000]

Texas Gas Transmission Corp. and Texas Eastern Transmission Corp.; Application

August 18, 1981.

Take notice that on August 3, 1981, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-450-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that pursuant to a gas purchase contract dated May 13, 1980, as amended, between Texas Gas and Gulf Oil Corporation (Gulf) Gulf retains a right to recall a portion of the gas committed to Texas Gas thereunder for sale to Texas Eastern pursuant to a separate contract between Gulf and Texas Eastern dated January 6, 1964. Applicants state that after Gulf indicated its desire to exercise its right to recall Texas Gas entered into a transportation agreement with Gulf to fulfill its obligation under the May 13, 1980, purchase agreement. Applicants aver that under said transportation agreement Texas Gas would cause High Island Offshore System (HIOS) to transport on a firm service basis in Texas Gas's allocated capacity such recall gas and associated liquefiables from the point of receipt at the interconnection of Gulf's line and a sub-sea valve on HIOS's system in the High Island area, offshore Texas, to a point of delivery at the terminus of HIOS in the West Cameron area, offshore Louisiana. It is stated that Texas Gas would cause Gulf's gas to be delivered to Texas Gas for Texas Eastern's exchange account. Applicants submit that Texas Gas has entered into an exchange agreement with Texas Eastern whereby Texas Gas would exchange those volumes delivered at the terminus of HIOS in the West Cameron area by delivery of equivalent volumes of gas to Texas Eastern near Eunice, Evangeline Parish, Louisiana.

It is stated that for the proposed transportation service Gulf would pay Texas Gas a transportation charge determined by multiplying the HIOS 100 percent load factor rate during that month times the volumes received from Gulf by Texas Gas in HIOS and transported thereunder, the HIOS rate per barrel for handling of associated liquids to be billed by Texas Gas to Gulf in accordance with HIOS's billing to Texas Gas, and the HIOS charge applicable to separation facilities. It is further asserted that there would be no charge for the exchange service.

Applicants state that no new facilities are necessary to effectuate either the proposed transportation service or the proposed exchange service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it

in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24593 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP80-101-005, et al.]

Texas Gas Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

August 17, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 1, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing	Company	Docket No.	Type filing
6/22/81	Texas Gas Transmission Corporation	RP80-101-005	Report.
7/31/81	Great Lakes Gas Transmission Company.	RP79-10-007	Report.
8/3/81	Transcontinental Gas Pipe Line Corporation.	RP77-108	Report.
8/3/81	Arkansas Louisiana Gas Company	RP81-101-000[1]	Report.
8/5/81	Texas Gas Transmission Corporation	RP81-102-000[1]	Report.
8/10/81	Columbia Gas Transmission Corporation	RP78-20-013	Report.
8/10/81	Columbia Gas Transmission Corporation	RP78-20-014	Report.

[1] All future LFUT flow-through refunds will retain the above individual docket numbers.

[FR Doc. 81-24609 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-444-000]

Transcontinental Gas Pipe Line Corp.; Application

August 18, 1981.

Take notice that on July 31, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81-444-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas on behalf of Con Ed which Con Ed has arranged to purchase from Columbia Gas Transmission Corporation (Columbia). Applicant states that Columbia would make available to Texas Eastern Transmission Corporation (Texas Eastern) quantities of gas which Texas Eastern would transport and deliver to Applicant at the existing Skippack Interconnection in Montgomery County, Pennsylvania. Applicant proposes to receive up to 51,750 dekatherms (dt) equivalent per day and would redeliver equivalent quantities, less quantities retained for compressor fuel and line loss make-up, to Con Ed at Applicant's existing delivery points to Con Ed in the New York metropolitan area. Applicant states that the proposed transportation service is for a term beginning on the date of initial deliveries and ending on October 31, 1981, or on the expiration of the "fuel shortage emergency period" as defined in Section 284.201(e) of the Commission's Regulations whichever occurs first. Applicant asserts that the transportation would be interruptible and would be subordinate to existing transportation arrangements on Applicant's system and to Applicant's deliveries to Con Ed under Applicant's Rate Schedules CD, PS, GSS and WSS. Applicant further states that such transportation service is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Applicant states that for such transportation service, Con Ed would initially pay Applicant 7.0 cents per (dt) equivalent delivered and Applicant initially would retain 0.7 percent of the quantities received for compressor fuel and line loss make-up. Applicant proposes to retain all revenues received for the subject transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public

convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24594 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1977-000]

UGI Corp.; Petition

August 17, 1981.

The filing company submits the following:

Take notice that on August 4, 1981, UGI Corporation (UGI) filed a petition seeking waiver of Part 45 of the Commission's regulations with respect to officers and directors of UGI, given UGI's unique characteristics, its local character, pervasive state regulation, a *de minimis* connection with interstate commerce, and a lack of any adverse effects.

Any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24610 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-403-000]

United Gas Pipe Line Co.; Application

August 18, 1981.

Take notice that on July 8, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-403-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of a tap to enable Louisiana Gas Service Company (Louisiana Gas) to provide gas service for the residence of Mrs. Ada G. Womack, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposed to activate an existing tap on its Agua Dulce-Perryville to Bistineau Storage 24-inch line in Red River Parish, Louisiana, so as to provide residential gas servcice, through Louisiana Gas, to Mrs. Womack, a right-of-grantor.

Applicant asserts that to activate the tap in question would require no increase in Louisiana Gas' maximum daily quantity nor in Louisiana Gas' allocation under Applicant's curtailment program and no new facilities would be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accorance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24595 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-215-001]

Utah Power & Light Co.; Filing

August 17, 1981.

The filing company submits the following:

Take notice that on July 21, 1981, Utah Power and Light Company (Utah) tendered for filing a new letter agreement, executed by the Western Area Power Administration, CP National Corporation and Utah. The new agreement is an extension of the original letter agreement dated January 9, 1981, permitting Utah to use the United States' Glen Canyon Switchyard facilities to deliver power and energy to Garkane Power Association for the account of CP National through June 30, 1981. The new agreement calls for an extension of the original agreement, on a month-by-month basis to and including, but not to exceed, March 31, 1982.

Copies of this filing are being severed on CP National Corporation; Western Area Power Administration; Garkane Power Association, Inc.; and the Utah Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 4, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24611 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4718-000]

Mr. John N. Webster; Application for Short-Form License (Minor)

August 14, 1981.

Take notice that Mr. John N. Webster (Applicant) filed on May 22, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Cocheco Falls Dam Project No. 4718 and would be located on the Cocheco river in Strafford County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. John N. Webster, P.O. Box 1073, dover, New Hampshire 03820.

Project Description—The proposed project would consist of: (1) an existing 150-foot long 8.75-foot high split granite gravity dam. The structure is owned by the city of Dover, New Hampshire; (2) a new 150-foot long penstock with a diameter of 8 feet; (3) an existing powerhouse, which would be refurbished to have a total installed generating capacity of 700 kW; and (4) appurtenant works. The Applicant estimates the average annual generation to be 3,600,000 kWh.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archaeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the commission, on or before October 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 16, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 F.R. 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the commission's Rules. Any comments, protest, or petition to intervene must be filed on or before October 19, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24596 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-406-000]

Western Transmission Corp.; Application

August 18, 1981.

Take notice that on July 9, 1981,[1] Western Transmission Corporation (Applicant), 3000 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP81-406-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Colorado Interstate Gas Company (CIG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas for CIG that CIG has acquired in an area in Carbon County, Wyoming, in which Applicant is currently transporting gas for Northwest Pipeline Corporation (Northwest). It is stated that CIG's gas would be delivered to Applicant in a commingled stream with gas currently being transported for Northwest at a point located in Carbon County, Wyoming.

Applicant proposes to transport natural gas that CIG purchases or controls from three wells—Creston Nose Unit No. 1–26, Creston Nose Unit No. 1–27, and Creston Nose Unit No. 1–28 located in Sections 26, 27, and 28 of Township 18 North, Range 92 West, Carbon County, Wyoming, and that it purchases or controls from additional wells subsequently completed within the area of interest to an existing point of interconnection between CIG's and Applicant's pipeline in Sweetwater County, Wyoming. Applicant asserts that no new facilities would be required by Applicant to effectuate the proposed transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the

[1] The application was initially tendered for filing on July 9, 1981; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until July 15, 1981; thus, filing was not completed until the latter date.

certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 24597 Filed 8-21-81; 8:45 am]
BILLING CODE 6450-85-M

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[Volume 492]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 17, 1981.

JD NO	JA DKT	API NO.	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-WELLS ENERGY CO				RECEIVED: 07/27/81 JA: KS					
8143526	K-81-0161	1503320370		103		SCHUETTE #1	PERRY RANCH	50.0	KANSAS GAS SUPPLY
8143525	K81-0162	1503320374		103		SCHUETTE #2	PERRY RANCH	75.0	KANSAS GAS SUPPLY
OKLAHOMA CORPORATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED: 07/27/81 JA: OK					
8143546	09561	3504321056		103		DENNIS FOX UNIT NO 1	PUTNAM	54.0	MOBIL OIL CORP
-ANADARKO PRODUCTION COMPANY				RECEIVED: 07/27/81 JA: OK					
8143551	11039	3500721945		102-4		BARNES D NO 1	SOUTH LORENA	91.0	PANHANDLE EASTERN
8143537	11002	3500722008		102-4		FRANZ C NO 1	FLORIS	91.0	PANHANDLE EASTERN
*8143578	11122	3508721987		102-4		JOHNSON A NO 1	FLORIS	0.0	PANHANDLE EASTERN
8143596	11132	3500721924		102-4		LYNCH C NO 1	FLORIS	91.0	PANHANDLE EASTERN
8143588	11131	3500722029		102-4		WHISENANT A NO 1	FLORIS	91.0	PANHANDLE EASTERN
8143567	11223	3515321159		102-2		WYMAN B NO 1-28	RICHMOND N W	766.0	PANHANDLE EASTERN
-ANDOVER OIL COMPANY				RECEIVED: 07/27/81 JA: OK					
8143597	11241	3501721782		102-2		DAVIS #3-4		175.0	DELHI GAS PIPELIN
8143597	11241	3501721782		103		DAVIS #3-4		175.0	DELHI GAS PIPELIN
-APOLLO PRODUCTION LTD				RECEIVED: 07/27/81 JA: OK					
8143552	10959	3507322598		102-4		TUTTY NO 25-10	NE OKARCHE	200.0	SID RICHARDSON CA
8143552	10959	3507322598		103		TUTTY NO 25-10	NE OKARCHE	200.0	SID RICHARDSON CA
-ARCO OIL AND GAS COMPANY				RECEIVED: 07/27/81 JA: OK					
8143583	11133	3504722216		102-4		EARL FRANKE NO 1	SOUTH DOUGLAS	73.0	
8143578	11189	3504722217		102-4		MARVIN LEGRAND NO 1	SOUTH DOUGLAS	73.0	
-BEARD OIL COMPANY				RECEIVED: 07/27/81 JA: OK					
8143600	09897	3510920397		103		HOWARD #1	CHOCTAW	140.0	OKLAHOMA NATURAL
-CANADIAN EXPLORATION CORP				RECEIVED: 07/27/81 JA: OK					
8143602	09850	3501721857		103		TAYLOR NO 7-1	NORTHWEST MUSTANG	244.0	DELHI GAS PIPELIN
-CANADIAN VALLEY RECOURCES				RECEIVED: 07/27/81 JA: OK					
8143569	11190	3510900000		102-2		SHARPE #1	SOUTHEAST YUKON	180.0	MOBILE OIL CORP
-CARSON PETROLEUM CORP				RECEIVED: 07/27/81 JA: OK					
8143534	09913	3512120677		103		BLACK #1	SOUTH PINE HOLLOW FIELD	18.0	ARKANSAS LOUISIAN
-CITIES SERVICE COMPANY				RECEIVED: 07/27/81 JA: OK					
8143549	13020	3505121034		107-DP		SCHWARTZ A #1	W BRADLEY	500.0	MICHIGAN WISCONSI
-CLARK RESOURCES INC				RECEIVED: 07/27/81 JA: OK					
8143591	11175	3507323022		102-4		MARCUS 6-2 (MISSISSIPPI)	SOONER TREND	75.0	CITIES SERVICE GA
8143590	11176	3507323022		102-4		MARCUS 6-2 (PRUE)	SOONER TREND	75.0	CITIES SERVICE GA
-COTTON PETROLEUM CORPORATION				RECEIVED: 07/27/81 JA: OK					
8143554	09373	3505120884		102-4		DOVER A NO 1	WATONGA	800.0	TRANSOK PIPE LINE
8143554	09373	3505120884		103		DOVER A NO 1	WATONGA	800.0	TRANSOK PIPE LINE
8143598	11295	3515321138		102-4		LOVE B NO 1	S W SHARON	300.0	NORTHERN NATURAL
8143598	11295	3515321138		103		LOVE B NO 1	S W SHARON	300.0	NORTHERN NATURAL

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-DAVIS OIL COMPANY						RECEIVED: 07/27/81 JA: OK			
8143558	09634	3512920504		103		LEROY NO 1	CHEYENNE	821.0	EL PASO NATURAL G
8143557	09633	3507322661		103		PENKE NO 1	NORTHEAST ALTONA	547.0	WARREN PETROLEUM
-EL PASO NATURAL GAS COMPANY						RECEIVED: 07/27/81 JA: OK			
8143574	13021	3512920567		107-DP		GOODWIN #1	UNDESIGNATED ROGER MILLS	365.0	EL PASO NATURAL G
-GULFSTREAM PETROLEUM CORP						RECEIVED: 07/27/81 JA: OK			
8143603	09792	3500320773		103		ARTHUR ECK #1-18	UNALLOCATED POOL	0.0	
-HADSON PETROLEUM CORP						RECEIVED: 07/27/81 JA: OK			
8143571	11126	3506120396		102-4		GARTEN #1-33	KINTA	109.0	DELHI GAS PIPELIN
8143571	11126	3506120396		103		GARTEN #1-33	KINTA	109.0	DELHI GAS PIPELIN
-HAMILTON BROTHERS OIL CO						RECEIVED: 07/27/81 JA: OK			
8143550	11311	3514920101		102-2		SEGAR INDIAN SCHOOL #1-23	SOUTH COLONY	1950.0	
-HARRISON L TOWNES INC						RECEIVED: 07/27/81 JA: OK			
8143579	09894	3505120768		103		BROWN #1	NORTH BRADLEY	19.0	TRANSOK PIPELINE
-HAWKINS OIL & GAS INC						RECEIVED: 07/27/81 JA: OK			
8143555	09630	3500721907		103		PEMBERTON 1-32	FLORIS	50.0	WESTERN GAS INTER
8143556	09632	3500721957		103		STICKLER 1-24	LORENA	150.0	WESTERN GAS INTER
-HELMERICH & PAYNE INC						RECEIVED: 07/27/81 JA: OK			
8143548	11050	3509322139		102-2		STAMBAUGH NO 4-33	EAST SEILING	75.0	MICHIGAN WISCONSI
-JAKE L HAMON						RECEIVED: 07/27/81 JA: OK			
8143604	09757	3504321124		103		SANDERS NO 1-5	CESTOS (MORROW)	274.0	DELHI GAS PIPELIN
8143605	09756	3504321124		103		SANDERS NO 1-5	CESTOS (CHESTER)	274.0	DELHI GAS PIPELIN
-JIMMY W GRAY						RECEIVED: 07/27/81 JA: OK			
8143535	09910	3504921486		103		JUNE NO 1	GOLDEN TREND	0.0	WARREN PETROLEUM
-K P EXPLORATION INC						RECEIVED: 07/27/81 JA: OK			
8143563	07764	3513921250		102-4		ENSTEN NO 1-28		540.0	NATURAL GAS PIPEL
8143564	07765	3513921250		102-4		ENSTEN NO 1-28		72.0	NATURAL GAS PIPEL
8143545	07757	3513921179		102-4		GARDNER NO 1-9		36.0	NATURAL GAS PIPEL
8143553	07769	3513921251		102-4		HOEME NO 1-1		72.0	NATURAL GAS PIPEL
8143538	07758	3513921256		102-4		LONG NO 1-4		540.0	NATURAL GAS PIPEL
8143539	07759	3513921256		102-4		LONG NO 1-4		72.0	NATURAL GAS PIPEL
8143540	07760	3539212350		102-4		STATE NO 1-36		360.0	NATURAL GAS PIPEL
8143560	07766	3513921271		102-4		WACKER NO 1-27		90.0	NATURAL GAS PIPEL
8143561	07767	3513921271		102-4		WACKER NO 1-27		90.0	NATURAL GAS PIPEL
8143562	07768	3513921271		102-4		WACKER NO 1-27		180.0	NATURAL GAS PIPEL
8143541	07761	3513921265		102-4		WACKER NO 1-35		36.0	NATURAL GAS PIPEL
8143542	07762	3513921265		102-4		WACKER NO 1-35		9.0	NATURAL GAS PIPEL
8143543	07763	3513921265		102-4		WACKER NO 1-35		9.0	NATURAL GAS PIPEL
-LADD PETROLEUM CORPORATION						RECEIVED: 07/27/81 JA: OK			
8143587	09925	3504722359		103		BADGER #2	NORTHEAST ENID	232.6	CITIES SERVICE GA
8143589	09923	3509321921		103		COPPOCK B #2	RINGWOOD	41.0	RINGWOOD GATHERIN
8143586	09926	3504722028		103		TOEWS #2	NORTHEAST ENID	98.5	CITIES SERVICE GA
8143588	09924	3509321960		103		WEBB-GLIDEWELL NO 4	RINGWOOD	0.0	PIONEER GAS PRODU
-LRF CORP						RECEIVED: 07/27/81 JA: OK			
8143581	09762	3505920935		103		JARRAD #1	KINTA	365.0	DELHI GAS PIPELIN
-MACK OIL CO						RECEIVED: 07/27/81 JA: OK			
8143599	09906	3501700000		103		#1 LOOSEN		36.0	PHILLIPS PETROLEU
8143536	09824	3507300000		103		ROHWER #1		75.0	PHILLIPS PETROLEU
-MAGIC CIRCLE ENERGY CORP						RECEIVED: 07/27/81 JA: OK			
8143533	09919	3515121107		103		LOGES UNIT #1	W ALINE	180.0	OKLAHOMA NATURAL
-MAPCO PRODUCTION COMPANY						RECEIVED: 07/27/81 JA: OK			
8143527	10951	3501922084		102-4		J L WRIGHT #1-18	WEST HEWITT FIELD	20.4	AMINOIL USA INC
8143527	10951	3501922084		103		J L WRIGHT #1-18	WEST HEWITT FIELD	20.4	AMINOIL USA INC

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143585	10587	3504520746		103		THORNTON TRUST NO 1	WEST SHATTUCK	0.0	TRANSWESTERN PIPE
-MAYLON ENERGY				RECEIVED: 07/27/81 JA: OK					
8143575	09859	3503520492		108		HOOD #3 OIC NO 03555805	NW WELCH	0.0	CITIES SERVICE GA
-MULTISTATE OIL PROPERTIES NV				RECEIVED: 07/27/81 JA: OK					
8143544	10981	3515100117		102-4		DEGEER A #1	AVARD NW	274.0	CITIES SERVICE GA
-MUSHROOM OIL CO				RECEIVED: 07/27/81 JA: OK					
8143529	10943	3514721192		102-2		MOORE A NO 1	BARTLESVILLE-DEWEY	10.8	CITIES SERVICE GA
8143528	10944	3514790090		102-2		MOORE A NO 1-A	BARTLESVILLE-DEWEY	0.0	CITIES SERVICE GA
8143530	10942	3514721767		102-2		MOORE A NO 7	BARTLESVILLE-DEWEY	21.6	CITIES SERVICE GA
-NATURAL GAS ANADARKO INC				RECEIVED: 07/27/81 JA: OK					
8143573	11120	3500721980		102-4		ALMA #1-15	BALKO	750.0	TRANSWESTERN PIPE
8143584	10874	3500592095		102-2		VAUGH #1-22	WILDCAT	270.0	TRANSWESTERN PIPE
-NOVA ENERGY CORPORATION				RECEIVED: 07/27/81 JA: OK					
8143593	09337	3505121066		102-4		DOWTY #1-29	S E MINCO	0.0	
8143593	09337	3505121066		103		DOWTY #1-29	S E MINCO	0.0	
8143592	09580	3505121054		102-4		KOERNER #1-24		0.0	DELHI GAS PIPELIN
8143592	09580	3505121054		103		KOERNER #1-24		0.0	DELHI GAS PIPELIN
8143547	06165	3505120943		102-4		WEAVER #1-19	WATONGA CHICKASHA TREND	0.0	DELHI GAS PIPELIN
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 07/27/81 JA: OK					
8143601	09855	3501721674		103		BUTCHER B #1	YUKON	0.0	
8143576	09877	3501721035		108		MACH C #1		0.0	PANHANDLE EASTERN
8143577	09878	3501721241		108		SCHROEDER L #1		0.0	PANHANDLE EASTERN
-RICKS EXPLORATION CO				RECEIVED: 07/27/81 JA: OK					
8143582	11173	3507323013		102-2		ROTHER 30A	S ALTONA	540.0	PHILLIPS PETROLEU
-RODMAN PETROLEUM CORP				RECEIVED: 07/27/81 JA: OK					
8143532	09931	3508321510		103		STARNS 27-1		72.0	CITIES SERVICE GA
-SEARCH DRILLING CO				RECEIVED: 07/27/81 JA: OK					
8143559	09718	3501121499		103		STATE-REX #1-16	W GEARY	249.0	ARKANSAS-LOUISIAN
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 07/27/81 JA: OK					
8143572	11228	3506120381		102-2		FITZER #1	BROOKEN	4.4	
8143565	11227	3506120417		102-2		MCKINNEY #1	BROCKEN	1.6	
8143566	11226	3506120418		102-2		WENDELL #1	BROOKEN	1.6	
-TEXAS OIL & GAS CORP				RECEIVED: 07/27/81 JA: OK					
8143568	11214	3512120747		102-2		CRABTREE C #1	SO BREWER	1084.0	DELHI GAS PIPELIN
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 07/27/81 JA: OK					
8143531	09932	3508321463		103		TOWLE 1-18	S W HULHALA	36.5	EASON OIL CO
-VAN HORN OIL & GAS INC				RECEIVED: 07/27/81 JA: OK					
8143594	8785	3507322216		103		MARSHALL #12-1	SOONER TREND	180.0	EASON OIL CO
-VM J OCONNOR				RECEIVED: 07/27/81 JA: OK					
8143595	7704	3515120889		102-4		CRAWFORD A-1	S HARMON	185.0	NORTHERN NATURAL
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED: 07/29/81 JA: WV					
8143628		4703903687		103		OHLEY TRUST #31	CABIN CREEK DISTRICT	20.0	COLUMBIA GAS TRAN
8143690		4701302623		108		W A STALNAKER #2	WASHINGTON DISTRICT	13.0	CABOT CORP
8143691		4701302624		108		W A STALNAKER #3	WASHINGTON DISTRICT	13.0	CABOT CORP
8143692		4701302626		108		W A STALNAKER #4	WASHINGTON DISTRICT	13.0	CABOT CORP
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 07/29/81 JA: WV					
8143740		4709702163		103		A - 955	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8143742		4709702186		103		A - 967	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8143660		4708300385		103		A - 971	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8143741		4709702181		103		A - 977	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143738		4709702155		103		A-922	BUCKHANNON DISTRICT	0.0	CONSOLIDATED GAS
8143739		4709702162		103		A-930	WASHINGTON DISTRICT	0.0	CONSOLIDATED GAS
-ALLEN M ANDERSON				RECEIVED: 07/29/81 JA: WV					
8143634		4707301001		103		ROBERT BUCK NUMBER ONE	ROBERT BUCK LEASE	5.0	CONSOLIDATED GAS
-ALLSTATE ENERGY CORP				RECEIVED: 07/29/81 JA: WV					
8143721		4701303201		103		GOODNIGHT #1	ARTHUR GOODNIGHT	25.0	COLUMBIA GAS TRAN
-ALPHA DRILLING FUND 1979 LTD				RECEIVED: 07/29/81 JA: WV					
8143662		4708524793		103		LAYTON B LAW H-630	UNION DISTRICT	0.0	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED: 07/29/81 JA: WV					
*8143719		4700121374		102-4		B FINDLEY #1	BARKER	0.0	CONSOLIDATED GAS
*8143720		4700101374		103		B FINDLEY #1	BARKER	0.0	CONSOLIDATED GAS
8143642		4710721097		103		C DAVIS #5	UNION	1.0	CONSOLIDATED GAS
8143701		4710701114		107-DV		DAVID MORRIS #2	UNION	8.0	
8143694		4710721094		107-DV		DAVIS #2	UNION	24.1	
8143641		4710721096		103		DAVIS #4	UNION	2.5	
8143700		4710721096		107-DV		DAVIS #4	UNION	4.9	
8143640		4710701050		103		DORNON NO 1 BEREA ONLY	UNION DISTRICT	17.0	
*8143736		4700121348		103		E GAINER #1	BARKER	0.0	CONSOLIDATED GAS
8143745		4710721000		103		LIVINGSTON #1	UNION	9.1	CONSOLIDATED GAS
8143636		4710721113		103		LOCKHART #1	UNION	5.8	CONSOLIDATED GAS
*8143725		4700121511		103		MATKINS #1	BARKER	0.0	CONSOLIDATED GAS
8143643		4710721101		103		MCCALE #2	UNION	2.7	CONSOLIDATED GAS
8143638		4710720970		103		MORRIS #1 BEREA ONLY	UNION	1.3	
8143698		4710720970		107-DV		MORRIS NO 1 GORDON ONLY	UNION	2.5	
*8143728		4700121387		103		R L CARPENTER #1	BARKER	0.0	CONSOLIDATED GAS
8143702		4710701018		107-DV		TANNER #1	UNION	12.4	
8143695		4710701019		107-DV		TANNER #2	UNION	12.4	
*8143727		4700121426		103		W T GEORGE #2	VALLEY	0.0	CONSOLIDATED GAS
8143639		4710701021		103		WELLS #1	UNION	6.5	
8143696		4710701021		107-DV		WELLS #1	UNION	13.1	
8143644		4710701112		103		WILKINSON #3	UNION	3.9	
8143697		4710701112		107-DV		WILKINSON #3	UNION	7.8	
*8143726		4700121502		103		WOLFORD #1	VALLEY	0.0	CONSOLIDATED GAS
-BIG NINE OIL CO INC				RECEIVED: 07/29/81 JA: WV					
8143637		4710301228		108		MINOR SNODGRASS #1	GRANT	7.1	PENNZOIL CO
-C W RIGGS INC				RECEIVED: 07/29/81 JA: WV					
8143623		4707300742		103		GREEN-R-119		5.5	COLUMBIA GAS
-CABOT OIL & GAS CORP				RECEIVED: 07/29/81 JA: WV					
8143712		4703903507		107-DV		SILER COAL & LAND CO A-2	WASHINGTON	10.0	TENNESSEE GAS PIP
8143713		4703903649		107-DV		SILER COAL LAND CO A-15	WASHINGTON	16.0	TENNESSEE GAS PIP
-CALTEK MINERALS CORP				RECEIVED: 07/29/81 JA: WV					
8143654		4707300787		103		A P ALLEN HEIRS #4 WELL		18.3	UNION CARBIDE COR
8143656		4707300818		103		BLANEY LUMBER #1 WELL		21.8	UNION CARBIDE COR
8143655		4707300789		103		JAMES RENNER #1 WELL		18.3	UNION CARBIDE COR
8143657		4707300819		103		JOHN & JUNE RENNER #1 WELL		19.8	UNION CARBIDE COR
8143658		4707300822		103		MINNIE WELLS #1 WELL		19.8	UNION CARBIDE COR
8143672		4709500760		103		NORMAN TODD #1 WELL		20.3	UNION CARBIDE COR
8143671		4709500739		103		RALPH HAUGHT #4 WELL		19.2	UNION CARBIDE COR
-CARBONIT EXPLORATION INC				RECEIVED: 07/29/81 JA: WV					
8143746		4710701038		103		#1 HOBLITZELL		0.0	CONSOLIDATED GAS
-CITIES SERVICE COMPANY				RECEIVED: 07/29/81 JA: WV					
8143614		4701702754		103		LONGACRE A NO 4	SMITHBURG	29.2	CONSOLIDATED GAS
8143612		4701702692		103		MAXWELL A NO 66	SMITHBURG	116.8	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143611		4701702691		103		MAXWELL B NO 29	SMITHBURG	21.9	CONSOLIDATED GAS
8143613		4701702747		103		MAXWELL B NO 30	SMITHBURG	94.2	CONSOLIDATED GAS
8143615		4701702759		103		MAXWELL D NO 26	SMITHBURG	71.2	CONSOLIDATED GAS
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 07/29/81 JA: WV							
8143743		4709901543		107-DV		COL GAS MINERAL TR #1 809479	WEST VIRGINIA FIELD AREA	65.5	COLUMBIA GAS TRAN
8143744		4709901607		103		F D CALDWELL 820299	WEST VIRGINIA FIELD AREA	42.0	COLUMBIA GAS TRAN
-COMMERCE ENERGY RESOURCES		RECEIVED: 07/29/81 JA: WV							
8143663		4708504858		103		F O PRUNTY #4		25.0	COLUMBIA GAS TRAN
8143665		4708504952		103		F O PRUNTY #9		25.0	COLUMBIA GAS TRAN
8143664		4708504939		103		PEGGY COFFMAN #10		25.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 07/29/81 JA: WV							
8143724		4700501074		103		A C CANTERBERRY 12420	WASHINGTON	4.1	GENERAL SYSTEM PU
8143629		4704102132		103		A C SIMMONS 12404	FREEMANS CREEK	21.2	GENERAL SYSTEM PU
8143645		4700100577		108		AGNES H HALLER 11453	COVE DISTRICT	6.1	GENERAL SYSTEM PU
8143730		4700100577		103		AGNES H HALLER 11453	COVE	6.5	GENERAL SYSTEM PU
8143734		4700100906		103		C M HICKMAN 12346	ELK	9.1	GENERAL SYSTEM PU
8143651		4700501055		108		CHARLESTON NATIONAL BANK 12102	CROOK DISTRICT	13.0	GENERAL SYSTEM PU
8143652		4700501060		108		CHARLESTON NATIONAL BANK 12202	CROOK DISTRICT	20.7	GENERAL SYSTEM PU
8143706		4704700642		108		CONSOLIDATION COAL 11979	PINEVILLE FIELD AREA A-5	1.0	GENERAL SYSTEM PU
8143682		4703301077		108		E F ROGERS 12282	EAGLE DISTRICT	4.4	GENERAL SYSTEM PU
8143673		4709701773		103		ELMER O WILSON 12407	BANKS	4.4	GENERAL SYSTEM PU
8143733		4700100903		103		FLINT-SIMPSON ET AL 12442	PHILIPPI	15.0	GENERAL SYSTEM PU
8143678		4703300895		108		FRANK J MAXWELL 11956	UNION DISTRICT	15.1	GENERAL SYSTEM PU
8143680		4703300961		108		GEORGE W POST 12062	UNION DISTRICT	2.5	GENERAL SYSTEM PU
8143649		4700100900		108		GLADLYN MCDERMITT 12317	PHILIPPI DISTRICT	21.7	GENERAL SYSTEM PU
8143679		4703300904		108		HARRIET M JARVIS 11576	ELK DISTRICT	6.9	GENERAL SYSTEM PU
8143723		4700701199		103		I N BROWN 12285	SALT LICK	4.4	GENERAL SYSTEM PU
8143722		4700701204		103		I N BROWN 12288	SALT LICK	8.5	GENERAL SYSTEM PU
8143683		4703301213		108		J B GUSMAN 12467	GRANT DISTRICT	18.8	GENERAL SYSTEM PU
8143647		4700100724		108		J DAUGHERTY 12001	PHILIPPI DISTRICT	7.6	GENERAL SYSTEM PU
8143676		4701900301		108		KANAWHA HOCKING COAL & COKE 12112	FALLS DISTRICT	21.9	GENERAL SYSTEM PU
8143670		4709500485		103		LILLIE M MAPLE 12386	CENTERVILLE	12.2	GENERAL SYSTEM PU
8143635		4709500481		103		M V B GEORGE 12274	MCELROY	24.5	GENERAL SYSTEM PU
8143648		4700100806		108		MARLAND KETCHEM 12173	PHILIPPI DISTRICT	21.7	GENERAL SYSTEM PU
8143650		4700501048		108		MARY DICKINSON 11741	SHERMAN DISTRICT	0.3	GENERAL SYSTEM PU
8143684		4704700639		108		MCDOWELL POCA COAL CO 11994	SANDY RIVER DISTRICT	7.5	GENERAL SYSTEM PU
8143703		4704700614		108		MCDOWELL-POCAHONTAS COR-11684	PINEVILLE FIELD AREA A-5	10.0	GENERAL SYSTEM PU
8143704		4709701738		108		O C MESSENGER 12269	WEST VIRGINIA OTHER A-85	10.0	GENERAL SYSTEM PU
8143711		4705500019		108		POCA LAND CORP 11514	PINEVILLE FIELD AREA A-5	8.0	GENERAL SYSTEM PU
8143685		4704700678		108		POCAHONTAS LAND CORP 12156	ELK HORN DISTRICT	13.3	GENERAL SYSTEM PU
8143709		4705500028		108		POCAHONTAS LAND 11759	PINEVILLE FIELD AREA A-5	8.0	GENERAL SYSTEM PU
8143705		4704700634		108		POCAHONTAS LAND 11774	PINEVILLE FIELD AREA A-5	16.0	GENERAL SYSTEM PU
8143710		4705500037		108		POCAHONTAS LAND 12158	PINEVILLE FIELD AREA A-5	12.0	GENERAL SYSTEM PU
8143707		4704700686		108		POCAHONTAS LAND 12204	PINEVILLE FIELD AREA A-5	9.0	GENERAL SYSTEM PU
8143708		4704700728		108		POCAHONTAS LAND 12364	PINEVILLE FIELD AREA A-5	9.0	GENERAL SYSTEM PU
8143732		4700100876		103		VIRGINIA C TRIMBLE 12342	UNION	12.6	GENERAL SYSTEM PU
8143677		4703300884		108		VIRGINIA RAYMOND 11935	ELK DISTRICT	9.5	GENERAL SYSTEM PU
8143693		4701702442		108		W B MAXWELL 12259	SOUTHWEST DISTRICT	13.2	GENERAL SYSTEM PU
8143646		4700100686		108		W C STALNAKER 11856	PLEASANTS DISTRICT	20.2	GENERAL SYSTEM PU
8143681		4703301031		108		WALDO BROWN 12253	UNION DISTRICT	1.5	GENERAL SYSTEM PU
8143675		4701900250		108		WILLIAM R JOHNSON 11801	FALLS DISTRICT	19.3	GENERAL SYSTEM PU
8143731		4700100805		103		WOODROW FLINT 12318	PHILIPPI	21.2	GENERAL SYSTEM PU
-EASTERN AMERICAN ENERGY CORPORATION		RECEIVED: 07/29/81 JA: WV							
8143606		4780700000		107-DV		SUMMERS #2	BURNSVILLE NORTH	40.0	CONSOLIDATED GAS
-GLENN L HAUGHT & SONS		RECEIVED: 07/29/81 JA: WV							
8143717		4707300897		107-DV		CHARLES PETHTEL H-1019	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
8143718		4707300891		107-DV		CHARLES PETHTEL H-1020	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-HAUGHT INC				RECEIVED: 07/29/81 JA: WV					
8143716		4708504819	D	107-DV		DANIEL DONNELLY & H-999	GRANT DISTRICT	20.0	CONSOLIDATED GAS
8143714		4709520769		107-DV		E G BEEM H-838	CENTERVILLE DISTRICT	15.0	COLUMBIA GAS TRAN
-HAYS & CO AGENT				RECEIVED: 07/29/81 JA: WV					
8143633		4707300589		108		GALE EVERETT #3		0.0	CONSOLIDATED GAS
-INTERSTATE DRILLING INC				RECEIVED: 07/29/81 JA: WV					
8143630		4704102468		108		LONG #3	BERLIN	4.0	CONSOLIDATED GAS
-JAMES W MAYLE				RECEIVED: 07/29/81 JA: WV					
8143729		4700101385		103		JAMES W MAYLE #3	HACKERS CREEK	36.0	CONSOLIDATED GAS
-L & M EXPLORATION INC				RECEIVED: 07/29/81 JA: WV					
8143624		4707320981		107-DV		BILLY ELDER #1		12.0	COLUMBIA GAS TRAN
-LAUDERMAN OIL & GAS DRILLING				RECEIVED: 07/29/81 JA: WV					
8143659		4707300954		103		JAMES & SHIRLEY GREENWOOD #1		350.0	CONSOLIDATED GAS
-OLD HICKORY GAS CO				RECEIVED: 07/29/81 JA: WV					
8143631		4704321746		108		R H ADKINS SWEETLAND LAND & MIN #1	LAUREL HILL DISTRICT	6.5	COLUMBIA GAS TRAN
-PETROLEUM DEVELOPMENT CORP				RECEIVED: 07/29/81 JA: WV					
8143735		4700100994		103		DOVE SHAFFER #1	TAYLOR DRAIN	43.0	CONSOLIDATED GAS
-R & R ASSOCIATES LTD				RECEIVED: 07/29/81 JA: WV					
8143661		4708504365		103		JUNIOR RIDDLE H-662	CLAY DISTRICT	18.0	CONSUMERS GAS UTI
-RAINBOW 1 2 & 3-1979				RECEIVED: 07/29/81 JA: WV					
8143699		4701722565		107-DV		D B ADAMS H-925	SOUTHWEST DISTRICT	36.0	COLUMBIA GAS TRAN
-RALPH WILSON GAS CO				RECEIVED: 07/29/81 JA: WV					
8143715		4708504879		107-DV		RALPH WILSON H-1071	GRANT DISTRICT	20.0	CONSOLIDATED GAS
-RAMCO OIL & GAS CORP				RECEIVED: 07/29/81 JA: WV					
8143618		4702103613		103		C B SNYDER WELL NO 1	C B SNYDER	7.3	COLUMBIA GAS TRAN
-REEL ENERGY CORP				RECEIVED: 07/29/81 JA: WV					
8143653		4701302605		108		E G KNOTTS #1	WASHINGTON DISTRICT	13.0	CABOT CORP
8143625		4701302607		108		E G KNOTTS #2	WASHINGTON DISTRICT	13.0	CABOT CORP
8143626		4701302612		108		E G KNOTTS #3	WASHINGTON DISTRICT	13.0	CABOT CORP
8143627		4701302616		108		E G KNOTTS #4	WASHINGTON DISTRICT	13.0	CABOT CORP
8143686		4701302617		108		E G KNOTTS #5	WASHINGTON DISTRICT	13.0	CABOT CORP
8143687		4701302618		108		E G KNOTTS #6	WASHINGTON DISTRICT	13.0	CABOT CORP
8143688		4701302621		108		E G KNOTTS #7	WASHINGTON DISTRICT	13.0	CABOT CORP
8143689		4701302622		108		E G KNOTTS #8	WASHINGTON DISTRICT	13.0	CABOT CORP
-RUSSELL V JOHNSON JR				RECEIVED: 07/29/81 JA: WV					
8143610		4701702688		107-DV		E J NICHOLSON #1-E	LITTLE INDIAN FORK NEW M	0.0	COLUMBIA GAS TRAN
8143607		4701702465		107-DV		EVERETT J NICHOLSON #1	LITTLE INDIAN FORK NEW M	0.0	COLUMBIA GAS TRAN
8143608		4701700000		107-DV		HOWARD HINTERER #1	TOMS FORK NEW MILTON DIS	0.0	COLUMBIA GAS TRAN
8143617		4702103565		107-DV		JAMES A REED #1	BIG RUN OF LEADING CREEK	0.0	COLUMBIA GAS TRAN
8143619		4702103619		107-DV		JAMES A REED #2	BIG RUN OF LEADING CREEK	0.0	COLUMBIA GAS TRAN
8143609		4701702687		107-DV		O J HERROD #1	ROBERTS FORK	0.0	COLUMBIA GAS TRAN
8143620		4702103620		107-DV		S A MCCARTNEY #2	BIG RUN OF LEADING CREEK	0.0	COLUMBIA GAS TRAN
8143616		4702103564		107-DV		SULL A MCCARTNEY #1	BIG RUN OF LEADING CREEK	0.0	COLUMBIA GAS TRAN
-STERLING DRILLING & PROD CO INC				RECEIVED: 07/29/81 JA: WV					
8143669		4708703380		103		ALLEN #423	GEARY DISTRICT	11.4	
8143666		4708703307		103		HALL #276	SMITHFIELD DISTRICT	1.2	
8143667		4708703385		103		JARVIS #437	GEARY DISTRICT	117.9	COLUMBIA GAS TRAN
8143668		4708703343		103		WHITE #339	GEARY DISTRICT	8.0	
-STONEWALL GAS CO INC				RECEIVED: 07/29/81 JA: WV					
8143621		4703302491		103		CUMBERLEDGE NO 1	FREEMAN CREEK	0.0	CONSOLIDATED GAS
8143622		4704102699		103		ZELLA CURRY #1A	FREEMANS CREEK	0.0	CONSOLIDATED GAS
-SUSANNA SNIDER				RECEIVED: 07/29/81 JA: WV					
8143632		4706100617		108		MINNIE E BELL #1	CLAY	6.0	PENNZOIL CO
-UNITED PETRO LTD				RECEIVED: 07/29/81 JA: WV					
8143737		4709702146		103		BRADLEY LIGGETT #1	ABBOT-FRENCH CREEK AND C	22.0	COLUMBIA GAS TRAN
8143674		4709702145		103		ONITA C LARAMEY #1	ABBOT-FRENCH CREEK AND C	22.0	COLUMBIA GAS TRAN
-WACO OIL AND GAS CO INC				RECEIVED: 07/30/81 JA: WV					
8143747		4702136360		107-DV		JONES 4A	STEWART CREEK	40.0	COLUMBIA GAS TRAN

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinatons are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24612 Filed 8–21–81; 8:45 am]

BILLING CODE 6450–85–M

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
COLORADO OIL & GAS COMMISSION									
-AMOCO PRODUCTION CO			RECEIVED: 07/31/81 JA: CO						
8143857	80-567	0512309942		103		CARL H ADLER NO 2	WATTENBERG	465.0	PANHANDLE EASTERN
8143858	80-566	0500107339		103		CHAMPLIN 125 AMOCO J NO 1	WATTENBERG	46.0	PANHANDLE EASTERN
8143867	80-573	0512309781		103		HERMAN WAGNER G U NO 2	WATTENBERG	403.0	PANHANDLE EASTERN
8143859	80-575	0500107530		103		R HORTH NO 1		73.0	PANHANDLE EASTERN
8143885	81-29-H	0512308242		108-ER		RAYMOND H PRESTON #1	WATTENBERG	0.0	PANHANDLE EASTERN
8143860	80-572	0500107553		103		STATE OF COLORADO AN NO 1	WATTENBERG	28.0	PANHANDLE EASTERN
8143861	80-568	0512309965		103		UPRR 22 PAN AM A NO 2	WATTENBERG	248.0	PANHANDLE EASTERN
8143862	80-570	0512309904		103		UPRR 22 PAN AM D NO 2	WATTENBERG	248.0	PANHANDLE EASTERN
8143863	80-569	0512309966		103		UPRR 22 PAN AM J NO 2	WATTENBERG	248.0	PANHANDLE EASTERN
8143864	80-571	0512309963		103		UPRR 38 PAN AM E #2	WATTENBERG	230.0	PANHANDLE EASTERN
8143865	80-576	0500107521		103		UPRR 48 PAN AM D NO 1		11.0	PANHANDLE EASTERN
8143866	80-574	0500107606		103		UPRR 48 PAN AM H NO 1	QUAIL	73.0	PANHANDLE EASTERN
-WWAB INC			RECEIVED: 07/31/81 JA: CO						
8143868	80-497	0500506420		103		STATE #16-11	POLLEN	206.1	SUN GAS CO
-ENERGY MINERALS CORPORATION			RECEIVED: 07/31/81 JA: CO						
8143870	80-333	0512308103		108		#1 STANLEY		11.0	PANHANDLE EASTERN
-EXECUTIVE PROPERTIES INC			RECEIVED: 07/31/81 JA: CO						
8143871	81-383	0500905146		108		WATKINS 1-A	W GREENWOOD	9.0	COLORADO INTERSTA
-J-W OPERATING COMPANY			RECEIVED: 07/31/81 JA: CO						
8143847	80-551	0512506303		102-2		F LETT #1	ROCK CREEK	100.0	KANSAS NEBRASKA N
8143848	80-560	0512506337		102-2		F LETT #2	ROCK CREEK	150.0	KANSAS NEBRASKA N
8143849	80-559	0512506454		102-2		F LETT #3	ROCK CREEK	100.0	KANSAS NEBRASKA N
8143872	81-360	0512506251		108		J BROPHY #2	WAVERLY	16.0	KANSAS-NEBRASKA N
8143873	81-361	0512506249		108		J BROPHY #4	WAVERLY	15.1	KANSAS-NEBRASKA N
8143876	81-364	0512506190		108		K D FARMS #1	MILDRED	12.8	KANSAS-NEBRASKA N
8143846	80-552	0512506331		102-2		KELLER CATTLE COMPANY NC 10	MILDRED	100.0	KANSAS NEBRASKA N
8143878	81-366	0512506313		108		O LUEKING #5	ROCK CREEK	18.1	CITIES SERVICE GA
8143877	81-362	0512506173		108		ROBERT KORF #1	WAVERLY	7.8	KANSAS-NEBRASKA N
8143874	81-358	0512506183		108		T E BROPHY #4	WAVERLY	14.8	KANSAS-NEBRASKA N
8143875	81-359	0512506203		108		T E BROPHY #8	WAVERLY	10.6	KANSAS-NEBRASKA N
8143850	80-558	0512506403		102-2		USA #4	MILDRED	100.0	KANSAS NEBRASKA N
8143851	80-553	0512109501		102-2		VORCE #1	WILDCAT	10.0	NATURAL GAS PIPEL
-KANSAS-NEBRASKA NATURAL GAS CO INC			RECEIVED: 07/31/81 JA: CO						
8143879	80-390	0512506053		108		B I 10-CRANMER 1	BEECHER ISLAND	22.0	
-LADD & LUKOWICZ INC			RECEIVED: 07/31/81 JA: CO						
8143852	79-533	0507508719		102-4		#1 CLIFF	STUBBLE	188.0	CITIES SERVICE CO
-MGF OIL CORP			RECEIVED: 07/31/81 JA: CO						
8143880	81-342	0512309171		108		JOHNSTON #23-24	SPINDLE	1.7	PANHANDLE EASTERN
-NORMAC OIL & GAS CO			RECEIVED: 07/31/81 JA: CO						
8143869	80-561	0512506443		103		HELM #1-23	ROCK CREEK	56.0	CITIES SERVICE GA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143853	80-562	0512506442		102-0		KIRCHENSCHLAGER #1-23	WILDCAT	36.0	CITIES SERVICE GA
-NORTHWEST EXPLORATION COMPANY				RECEIVED: 07/31/81 JA: CO					
8143882	81-312	0508906345		108		BRUDER #1	GREAT DIVIDE LEWIS	42.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 07/31/81 JA: CO					
8143881	81-382	0506700000		108		BONDAD 33-9 #32	IGNACIO MESAVERDE	17.0	NORTHWEST PIPELIN
-SOHIO PETROLEUM CO				RECEIVED: 07/31/81 JA: CO					
8143883	81-381	0500106956		108		MUEGGE 6-1	BEAR GULCH	4.0	PANHANDLE EASTERN
-TENNECO OIL COMPANY				RECEIVED: 07/31/81 JA: CO					
8143884	81-371	0510307631		108		STEELE #1-26	FOUNDATION CREEK	20.0	NORTHWEST PIPELIN
-VESSELS OIL & GAS COMPANY				RECEIVED: 07/31/81 JA: CO					
8143854	81-328	0500506409		102-2		VESSELS AMOCO UPRR #11-5%	FAIRWAY	0.0	AMOCO PRODUCTION
8143855	80-564	0500506417		102-2		VESSELS PRITCHETTE GREEN #1	POLLEN	73.0	AMOCO PRODUCTION
8143856	81-104	0500506435		102-2		VESSELS PRITCHETTE GREEN #2	POLLEN	0.0	AMOCO PRODUCTION
**********									
KANSAS CORPORATION COMMISSION									
**********									
-AJAX OIL & GAS CORP INC				RECEIVED: 07/30/81 JA: KS					
8143808	K 81-0527	1503700000		108		CLUGSTON 3		0.6	UNION GAS SYSTEM
8143807	K 81-0528	1503700000		108		CLUGSTON 4		0.6	UNION GAS SYSTEM
8143806	K 81-0529	1503700000		108		MC GEE 2		0.7	UNION GAS SYSTEM
8143804	K 81-0531	1503700000		108		MC KEE 5		0.5	UNION GAS SYSTEM
8143805	K 81-0530	1503700000		108		MCKEE 4		0.5	UNION GAS SYSTEM
-AURORA INC				RECEIVED: 07/30/81 JA: KS					
8143836	K 81-0506	1509521070		103		FAIRCHILD GAS UNIT NO 1	PRATHER	50.0	KANSAS GAS SUPPLY
-BEREN CORPORATION				RECEIVED: 07/30/81 JA: KS					
8143764	K 81-0240	1518720312		102-4		ANNIE #1-25	WEST SPARKS	274.0	COLORADO INTERSTA
8143753	81-0485	1504720823		103		ELLEDGE #4	TROUSDALE NE	69.0	PANHANDLE EASTERN
8143810	K 81-0241	1518720322		102-4		HUME #1-35	WEST SPARKS	91.0	COLORADO INTERSTA
8143839	K 81-0503	1509720697		102-4		KELTON #1	EMMA	113.0	PANHANDLE EASTERN
8143809	K 81-0242	1518720309		102-4		KILGORE #1-36	WEST SPARKS	183.0	COLORADO INTERSTA
8143838	K 81-0504	1509720632		102-4		LAURA #1	EMMA	119.0	PANHANDLE EASTERN
8143813	K 81-0549	1500721112		103		STERLING #4	HARDTNER	6.2	KANSAS GAS SUPPLY
-BURNETT CORPORATION				RECEIVED: 07/30/81 JA: KS					
8143784	K 81-0523	1517520449		103		CARLISLE 4-26	UNNAMED FIELD LOWER MORR	219.0	NORTHERN NATURAL
-CARL TODD				RECEIVED: 07/30/81 JA: KS					
8143767	K 81-0416	1500721134		102-2		LEVENS NO 3-1	SAWYER SOUTH	219.0	CENTRAL STATES GA
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 07/30/81 JA: KS					
8143757	K-81-0476	1509320482		108		CLAYPOOL D1-21	COUNCIL GROVE	16.0	NORTHERN NATURAL
-CHARLES E MCCLURKIN				RECEIVED: 07/30/81 JA: KS					
8143776	K 81-0368	1501920350		108		NO A-6 ALLAN	PERU-SEDAN	2.7	UNION GAS SYSTEM
8143775	K 81-0369	1501900000		108		NO B-2 ALLAN	PERU-SEDAN	2.7	UNION GAS SYSTEM
-CITIES SERVICE COMPANY				RECEIVED: 07/30/81 JA: KS					
8143828	K 81-0539	1512920364		103		BENTLEY A #2	PANOMA	91.0	NORTHERN NATURAL
8143827	K 81-0540	1508100000		108		BLAIR C NO 4	VICTORY	1.3	NORTHERN NATURAL
8143829	K 81-0538	1512920502		102-3		WEATHERFORD B NO 3	WINTER MIDDLE MORROW OIL	9.0	COLORADO INTERSTA
-DAKOTA RESOURCES INC				RECEIVED: 07/31/81 JA: KS					
8143844	K 81-0509	1518521196		103		HEVEN #74-4	HITZ	73.8	KANSAS POWER & LI
-DAMSON OIL CORPORATION				RECEIVED: 07/30/81 JA: KS					
8143752	81-0486	1511500000		108		CARPENTAR #1-A	E ANTELOPE	1.2	CITIES SERVICE GA
8143750	K 81-0488	1511500000		108		G RICHMOND A1	E ANTELOPE	9.8	CITIES SERVICE GA
8143751	K 81-0487	1511500000		108		H BATT #1	E ANTELOPE	6.2	CITIES SERVICE GA
8143749	K-81-0489	1511500000		108		K V UNIT #1	EAST ANTELOPE	3.5	CITIES SERVICE GA
8143748	K 81-0490	1511500000		108		TJACHMAN #1	E ANTELOPE	6.6	CITIES SERVICE GA

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-DIAMOND SHAMROCK CORPORATION						RECEIVED: 07/30/81 JA: KS			
8143826	K 81-0542	1511900000		108		BORCHERS UNIT NO 1	BORCHERS	0.5	PANHANDLE EASTERN
-EARL M KNIGHTON OIL & GAS PROPERTIE						RECEIVED: 07/30/81 JA: KS			
8143780	K 81-0154	1515120750		103		POLAND NO 1	HARDING WEST	146.0	CENTRAL STATES GA
-ENERGY EXPLORATION & PRODUCTION INC						RECEIVED: 07/30/81 JA: KS			
8143786	K 81-0521	1505520441		103		INGALLS FEED YARD #1	HUGOTON	72.0	NORTHERN NATURAL
8143787	K 81-0520	1506920095		103		IRSIK #1	HUGOTON	36.0	NORTHERN NATURAL
8143785	K 81-0522	1506920096		103		WITT IRSIK #1		36.0	NORTHERN NATURAL
-ENERGY PRODUCTION INC						RECEIVED: 07/30/81 JA: KS			
8143811	K 81-0553	1509521067		103		SALE NO 1	WILDCAT	100.0	CENTRAL STATES GA
-ENERGY RESERVES GROUP INC						RECEIVED: 07/30/81 JA: KS			
8143840	K 81-0502	1504720766		103		E WOOD #3	WIL	216.0	PANHANDLE EASTERN
-F & M OIL CO INC						RECEIVED: 07/30/81 JA: KS			
8143832	K 81-0499	1512088300		103		#2 GEE NE SE SW SECTION 7-26S-13W	FRISBIE SOUTHWEST	40.2	CENTRAL STATES GA
-GULF OIL CORPORATION						RECEIVED: 07/30/81 JA: KS			
8143793	K 80-1039	1509320673		103		RATZLAFF 2-NO 2-10	PANOMA	73.0	COLORADO INTERSTA
8143800	K 81-0494	1500721026		103		SCHOOL TRUST #11-4	HARDTNER	10.0	CITIES SERVICE GA
8143799	K 81-0495	1500721108		103		SCHOOL TRUST #13-4	HARDTNER	9.0	CITIES SERVICE GA
8143802	K 81-0492	1500721110		103		SCHOOL TRUST #7-5	HARDTNER	5.0	CITIES SERVICE GA
8143801	K 81-0493	1500721106		103		SCHOOL TRUST #8-4	HARDTNER	17.0	CITIES SERVICE GA
-HASADA INDUSTRIES						RECEIVED: 07/30/81 JA: KS			
8143825	K 81-0543	1517520458		103		WARDEN #1	EVALYN - CONDIT	108.0	ANADARKO PRODUCTI
-HAWKINS OIL & GAS INC						RECEIVED: 07/30/81 JA: KS			
8143835	K 81-0496	1500721143		103		MONTGOMERY #2-26	ROUNDUP SOUTH	182.5	PEOPLES NATURAL G
-HI GAR PETRO INC						RECEIVED: 07/30/81 JA: KS			
8143803	K 81-0491	1512910164		108		HANNA UNIT WELL NO 2	GREENWOOD (TOPEKA)	2.0	CITIES SERVICE GA
-HINKLE OIL COMPANY						RECEIVED: 07/30/81 JA: KS			
8143782	K 81-0525	1515520353		108		SNOOK #1	STERLING-C S/2 NW SW SEC	12.0	PEOPLE NATURAL GA
-IMPERIAL OIL COMPANY						RECEIVED: 07/30/81 JA: KS			
8143766	K 81-0419	1509720658		102-2		BURTSFIELD #3-19	VOD	36.5	KANSAS-NEBRASKA N
8143770	K 81-0473	1509720421		108		CLARK #1-13	VOD	4.7	KANSAS-NEBRASKA N
8143834	K 81-0497	1504720278		108		CURTIS #1-11	BRITTON WEST	9.0	KANSAS-NEBRASKA N
8143833	K 81-0498	1504720435		108		EDWARDS LAND #1-18	MCCARTY NORTH	3.4	KANSAS-NEBRASKA N
8143779	K 81-0296	1509720719		103		GRIMM UNIT #2-2	FRUIT	36.5	PANHANDLE EASTERN
8143765	K 81-1054	1502520216		102-4		SCHEIB #1-18	GRANGER CREEK	82.0	KANSAS POWER & LI
8143768	K 81-0413	1504700000		108		SMITH #1	NORTH BELPRE	11.0	KANSAS-NEBRASKA N
-JAY ENERGY DEVELOPMENT CORP						RECEIVED: 07/30/81 JA: KS			
8143777	K 81-0363	1511520694		103		VINDUSKA #1	LOST SPRINGS	1.8	CLOVER PIPELINE C
-KAISER-FRANCIS OIL COMPANY						RECEIVED: 07/30/81 JA: KS			
8143783	K 81-0524	1511900000		108		JOHANNSEN-BARBY #1	JOHAN	15.0	NORTHERN NATURAL
-KANSAS OIL CORP						RECEIVED: 07/30/81 JA: KS			
8143815	K81-0547	1500720948		103		CARTER TRUST NO 1	TRAFFAS MISSISSIPPI GAS	82.0	PEOPLES NATURAL G
8143818	K 81-0544	1500720908		103		ROOT NO 1	MEDICINE LODGE BOGGS	91.0	KANSAS POWER & LI
8143816	K 81-0546	1500720976		103		STEWART NO 1	CANEMA MISSISSIPPI GAS F	109.0	PEOPLES NATURAL G
8143817	K 81-0545	1500721144		103		STEWART NO 1-A	CANEMA MISSISSIPPI GAS P	64.0	PEOPLES NATURAL G
-KBW OIL & GAS CO						RECEIVED: 07/30/81 JA: KS			
8143756	81-0478	1500720881		103		PLATT #1	HARDTNER	36.0	KANSAS GAS SUPPLY
-LEAR PETROLEUM EXPLORATION INC						RECEIVED: 07/30/81 JA: KS			
8143830	K 81-0537	1503320412		102-2		FITZWATER #1-9	WILDCAT	100.0	MICHIGAN WISCONSI
-MCCOY PETROLEUM CORP						RECEIVED: 07/30/81 JA: KS			
8143771	K 81-0461	1507720542		103		DORA MILLER #3	SPIVEY-GRABS	20.0	KANSAS POWER & LI
8143774	K 81-0424	1507720665		103		LONG #2	SPIVEY-GRABS	20.0	
8143773	K 81-0425	1509521056		103		MARK #1	SPIVEY-GRABS-BASIL	30.0	PEOPLES NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143772	K 81-0460	1507720543		103		MORRIS #3	SPIVEY-GRABS	9.0	KANSAS POWER & LI
-MOBIL OIL CORP				RECEIVED: 07/30/81 JA: KS					
8143831	K 81-0501	1509320716		103		TATE-WHITE UNIT NO 2	PANOMA COUNCIL GROVE	70.0	CITIES SERVICE GA
-OIL LIFT INC				RECEIVED: 07/30/81 JA: KS					
8143755	K 81-479	1512523021		102-2		SMITH #1 (API NO 15-125-23 021)	JEFFERSON SYCAMORE	47.5	PELICAN PIPELINE
-OIL PROPERTIES CO INC				RECEIVED: 07/30/81 JA: KS					
8143824	K 81-0810	1504720707		103		MAYHEW NO 1	WIL	35.0	PANHANDLE EASTERN
8143778	K 81-0356	1504720752		103		NO 1 NORRIS	WIL	127.8	CENTRAL STATES GA
8143769	K 81-0380	1504720786		103		WOOD E NO 1	WIL	109.5	CENTRAL STATES GA
-QUINQUE OIL & GAS PRODUCING CO				RECEIVED: 07/30/81 JA: KS					
8143814	K81-0548	1517520527		103		BIG E #1-16	WILDCAT	219.0	PANHANDLE EASTERN
-R J PATRICK OPERATING CO				RECEIVED: 07/30/81 JA: KS					
8143754	81-0480	1512920524		103		LENDCUT #2	INTERSTATE	25.6	PANHANDLE EASTERN
-RAYMOND OIL COMPANY INC				RECEIVED: 07/30/81 JA: KS					
8143790	K 81-0483	1515100000		108		CHITWOOD-HARDESTY NO 1	CHITWOOD	5.0	KANSAS GAS SUPPLY
8143789	K 81-0484	1515100000		108		GOODYEAR G NO 2	CHITWOOD	5.0	KANSAS GAS SUPPLY
8143791	K 81-0482	1515100000		108		MEGAFFIN NO 1	CHITWOOD	8.4	KANSAS GAS SUPPLY
-RINCON OPERATING CO				RECEIVED: 07/30/81 JA: KS					
8143796	K 80-0435	1517520418		103		JACOBS #1	HUGOTON	385.8	NORTHERN NATURAL
8143797	K 80-0433	1517520419		103		JAYHAWK #1	HUGOTON	151.1	NORTHERN NATURAL
-ROBERT F WHITE				RECEIVED: 07/30/81 JA: KS					
8143812	K 81-0550	1518500000		108		SMITH A #1	GRUNDER	18.0	PANHANDLE EASTERN
-SEARCH DRILLING CO				RECEIVED: 07/30/81 JA: KS					
8143837	K 81-0505	1517520480		103		WEBB #1-1	CONDIT	139.0	CIMARRON RIVER-GU
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 07/31/81 JA: KS					
8143845	K 81-0507	1502500000		108		R S SHUPE NO 1	HARPER	15.0	NORTHERN NATURAL
-TEGO INC				RECEIVED: 07/30/81 JA: KS					
8143819	K 81-0124	1512521920		103		BARNETT NO 3		35.0	SENOCO INC
8143798	K 81-0125	1512521922		103		BARNETT NO 9		43.8	SENOCO INC
8143821	K-81-0120	1520520542		103		C HANSEN #1	VILAS	18.0	SENOCO INC
8143820	K 81-0121	1520520560		103		C HANSEN #2	VILAS	18.0	SENOCO INC
8143823	K 81-0117	1520520540		103		K NELSON #1		18.0	SENOCO INC
8143822	K 81-0119	1520520559		103		K NELSON #3	VILAS	18.0	SENOCO INC
-TEXAS OIL & GAS CORP				RECEIVED: 07/30/81 JA: KS					
8143795	K 80-0909	1500720615		103		ANTRIM UNIT #3	GEMINI	365.0	PEOPLES NATURAL G
8143794	K 80-0910	1507720616		103		KINNARD UNIT #3	GEMINI	292.0	NORTHERN GAS PROD
-TOMLINSON OIL CO INC				RECEIVED: 07/30/81 JA: KS					
8143759	K 81-0474	1509521025		103		YOUNG #1	GARLISH SOUTHWEST	109.5	KANSAS GAS SUPPLY
8143758	K 81-0475	1509521069		103		ZOELLER #1	SIMON	11.0	KANSAS GAS SUPPLY
-VEGA OIL AND GAS MANAGEMENT INC				RECEIVED: 07/30/81 JA: KS					
8143781	K 81-0515	1512920423		103		KAISER UNIT NO 1-12	HUGOTON FIELD	35.0	PEOPLES NATIONAL
-VILAS OIL & GAS PRODUCTION GROUP				RECEIVED: 07/30/81 JA: KS					
8143762	K 81-0533	1520521015		103		CAMPBELL #2	VILAS	30.0	CITIES SERVICE GA
8143761	K 81-0535	1520521687		103		CAMPBELL #4	VILAS	12.0	CITIES SERVICE GA
8143760	K 81-0536	1520522022		103		CAMPBELL #5	VILAS	0.0	CITIES SERVICE GA
8143763	K 81-0532	1520520371		103		CAMPBELL 1-28	VILAS	24.0	CITIES SERVICE GA
-W B OSBORN JR (OPERATOR)				RECEIVED: 07/30/81 JA: KS					
8143788	K 81-0519	1509320661		102-2		JOHN 1-A	PANOMA (COUNCIL GROVE)	0.0	PANHANDLE EASTERN
-WAYNE E WALCHER				RECEIVED: 07/30/81 JA: KS					
8143792	K 81-0481	1515120847		103		NO 2 ROBERT	IUKA-CARMI	60.0	CENTRAL STATES GA
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED: 07/31/81 JA: KS					
8143843	K 81-0611	1501922530		103		PEARCE #2	PERU SEDAN	18.3	COOKSON HILLS GAS
8143842	K 81-0512	1501922531		103		PEARCE #3	PERU SEDAN	18.3	COOKSON HILLS GAS

UMI 1 8 4 2 G A 6 4 V

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143841	81-0513	1501922532		103		PEARCE #4	PERU SEDAN	18.3	COOKSON HILLS GAS
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-ALERT OIL & GAS COMPANY INC		RECEIVED: 08/03/81 JA: KY							
8143953	500033	1619500000		107-DV		A-1 MIMS	HURRICANE CREEK	0.2	COLUMBIA GAS TRAN
8143961	500044	1619500000		107-DV		A-2 KING DAMRON	HURRICANE CREEK	0.2	COLUMBIA GAS TRAN
8143956	50024	1619500000		107-DV		A-8 ADKINS WELL	HARLESS CREEK	0.8	COLUMBIA GAS TRAN
8143948	502236	1615900000		107-DV		BLACKLOG WELL #1	BLACKLOG FORK OF ROCK CA	0.6	COLUMBIA GAS TRAN
8143950	502238	1615900000		107-DV		BLACKLOG WELL #2	BLACKLOG FORK OF ROCK CA	0.6	COLUMBIA GAS TRAN
8143951	502239	1615900000		107-DV		BLACKLOG WELL #3	BLACKLOG FORK OF ROCK CA	0.6	COLUMBIA GAS TRAN
8143947	502235	1615900000		107-DV		BLACKLOG WELL #4	BLACKLOG FORK OF ROCK CA	0.6	COLUMBIA GAS TRAN
8143949	502237	1615900000		107-DV		BLACKLOG WELL #5	BLACKLOG FORK OF ROCK CA	0.6	COLUMBIA GAS TRAN
8143954	500035	1619500000		107-DV		BOW 2	ROBINSON CREEK AREA	0.3	COLUMBIA GAS TRAN
8143957	502245	1619500000		107-DV		DAMRON FORK #5	ESCO AREA	0.7	COLUMBIA GAS TRAN
8143962	500042	1619500000		107-DV		DAMRON FORK #7	ESCO AREA	0.3	COLUMBIA GAS TRAN
8143978	502266	1619500000		107-DV		DAMRON FORK #8	ESCO AREA	0.3	COLUMBIA GAS TRAN
8143959	500037	1619500000		107-DV		DAMRON FORK DEVELOP #1	ESCO AREA	0.4	COLUMBIA GAS TRAN
8143958	500039	1619500000		107-DV		DAMRON FORK DEVELOP #4	ESCO AREA	0.4	COLUMBIA GAS TRAN
8143977	502265	1619500000		107-DV		DAMRON FORK DEVELOPMENT #6	GREASY CREEK AREA	0.4	COLUMBIA GAS TRAN
8143964	500045	1619500000		107-DV		ELSWICK DEVELOP #1	VIRGIE AREA	0.4	COLUMBIA GAS TRAN
8143965	502253	1619500000		107-DV		ELSWICK DEVELOP #2	VIRGIE AREA	0.4	COLUMBIA GAS TRAN
8143966	502254	1619500000		107-DV		ELSWICK DEVELOP #3	VIRGIE AREA	0.4	COLUMBIA GAS TRAN
8143943	502223	1619500000		108		KEEL #1	PIKEVILLE	4.3	COLUMBIA GAS TRAN
8143974	502262	1619500000		107-DV		KEEL #1	PIKEVILLE	0.4	COLUMBIA GAS TRAN
8143944	502224	1619500000		108		KEEL #2	PIKEVILLE	4.3	COLUMBIA GAS TRAN
8143975	502263	1619500000		107-DV		KEEL #2 (GRANT PHILLIPS)	PIKEVILLE	0.4	COLUMBIA GAS TRAN
8143945	502225	1619500000		108		KEEL #3	PIKEVILLE	4.3	COLUMBIA GAS TRAN
8143969	502257	1619500000		107-DV		LANGLEY WELL	PIKEVILLE AREA	0.7	COLUMBIA GAS TRAN
8143955	502243	1619500000		107-DV		PICKLESEIMER	ROBINSON CREEK AREA	0.3	COLUMBIA GAS TRAN
8143960	502248	1619500000		107-DV		POTTER #1	ROBINSON CREEK AREA	0.3	COLUMBIA GAS TRAN
8143952	500031	1619500000		107-DV		POTTER #2	ROBINSON CREEK AREA	0.4	COLUMBIA GAS TRAN
8143963	500032	1619500000		107-DV		POTTER DAMRON	ROBINSON CREEK AREA	0.3	COLUMBIA GAS TRAN
8143970	502258	1619500000		107-DV		R P CHLL WELL	PIKEVILLE AREA	0.7	COLUMBIA GAS TRAN
8143972	502260	1619500000		107-DV		SHELBY CREEK DEVELOP #1	VIRGIE AREA	0.6	KENTUCKY WEST VIR
8143973	500055	1619500000		107-DV		SHELBY CREEK DEVELOP #2	VIRGIE AREA	0.6	KENTUCKY WEST VIR
8143967	502255	1619500000		107-DV		W C H JOHNSON #2	VIRGIE AREA	0.2	KENTUCKY WEST VIR
8143976	502264	1619500000		107-DV		W CH JOHNSON #1	VIRGIE AREA	0.2	KENTUCKY WEST VIR
8143968	502256	1619500000		107-DV		W H C JOHNSON #3	VIRGIE AREA	0.2	KENTUCKY WEST VIR
8143971	502259	1619500000		107-DV		WORDEN & HAGANS WELL	PIKEVILLE AREA	0.7	COLUMBIA GAS TRAN
-ASHLAND EXPLORATION INC		RECEIVED: 08/03/81 JA: KY							
8143980	502268	1611531984		103		IRA LESTER #2 - 078691	MARTHA	16.4	ASHLAND PETROLEUM
8143979	502267	1611532512		103		L P FERGUSON #1 - 080921	MARTHA	36.5	ASHLAND PETROLEUM
8143946	502234	1619503076		108		MASON COAL & COKE #2 - 010400	EASTERN KENTUCKY	20.0	COLUMBIA GAS TRAN
8143981	502269	1611533985		103		SKAGGS-KELLY UNIT #3 - 081981	MARTHA	3.7	ASHLAND PETROLEUM
8143982	502270	1611531305		103		WRIGHT-RAMEY UNIT #1 - 071991	MARTHA	54.8	ASHLAND PETROLEUM
-BOB HURT DRILLING CO		RECEIVED: 08/03/81 JA: KY							
8143935	502213	1619500000		107-DV		COMPEN LAND CO WELL #4	EASTERN KY	7.0	COLUMBIA GAS TRAN
8143936	502214	1619500000		107-DV		COMPEN LAND CO WELL #5	EASTERN KY	7.0	COLUMBIA GAS TRAN
-COMPASS PETROLEUM INDUSTRIES INC		RECEIVED: 08/03/81 JA: KY							
8143984	502272	1608500000		108		CITY WELL #1 14774	SHREWSBURY	3.4	EQUITABLE LIFE AS
8143985	502273	1608500000		108		CITY WELL #2 (DINWIDDIE LEASE)	SHREWSBURY	3.4	EQUITABLE LIFE AS
8143986	502274	1608500000		108		CITY WELL #3 PERMIT 15166	SHREWSBURY	3.4	EQUITABLE LIFE AS

JD NC	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8143983	502271	1608500000		108		HILLYFIELD (DINWIDDIE LEASE)	SHREWSBURY	3.4	EQUITABLE LIFE AS
8143987	502275	1608500000		108		JOE DINWIDDIE	SHREWSBURY	3.4	EQUITABLE LIFE AS
8143988	502276	1608500000		108		NEW GROUND 7985	SHREWSBURY	3.4	EQUITABLE LIFE AS
-CRACKER OIL & GAS CO				RECEIVED: 08/03/81 JA: KY					
8143989	502277	1607100000		107-DV		#1 STURGILL		0.0	COLUMBIA GAS TRAN
-EQUITABLE LIFE ASSURANCE SOCIETY				RECEIVED: 08/03/81 JA: KY					
8143938	502218	1608537839		103		EQUITABLE/JOE CLAGETT #1	SHREWSBERRY GAS FIELD	24.0	MIDWESTERN GAS TR
8143937	502217	1608540442		103		EQUITABLE/L COY #2	SHREWSBERRY GAS FIELD	60.0	MIDWESTERN GAS TR
8143939	502219	1608540198		103		EQUITABLE/NOVAL SEATON #2	SHREWSBERRY GAS FIELD	30.0	MIDWESTERN GAS TR
-EUREKA GAS CO				RECEIVED: 08/03/81 JA: KY					
8143990	502277	1615900000		107-DV		J H HARDIN #1		9.0	COLUMBIA GAS TRAN
-KEPCO INC				RECEIVED: 08/03/81 JA: KY					
8143941	502221	1613300000		103		ELKHORN COAL CO - NO K305-1744	KY EAST	7.8	KENTUCKY WEST VIR
8143940	502220	1611900000		103		GOODLOE BROS CO INC-K82-1723	KENTUCKY EAST	15.0	KENTUCKY WEST VIR
8143942	502222	1619500000		103		J M TAYLOR - K79-1730	KENTUCKY EAST	0.0	KENTUCKY WEST VIR
-MEADE OIL & GAS CO				RECEIVED: 08/03/81 JA: KY					
8143991	502279	1607100000		107-DV		MART WICKER #1		20.0	COLUMBIA GAS TRAN
**********									
OHIO DEPARTMENT OF NATURAL RESOURCES									
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-ANDREW JAMES & ALEXANDER INC				RECEIVED: 08/03/81 JA: OH					
8143887		3408322879		103		DAWSON #1	UNION	30.0	
-ENERGY RECOVERY CO				RECEIVED: 08/03/81 JA: OH					
8143888		3411925481		103		TURNER #2	LICKING	10.0	
-FRANK W HOOVER PROD				RECEIVED: 08/03/81 JA: OH					
8143889		3403124323		103		RUSSELL SWARTZ #1	BETHLEHEM	35.0	COLUMBIA GAS TRAN
-GREAT NATIONAL CORP				RECEIVED: 08/03/81 JA: OH					
8143910		3411522115		103		A YERIAN NO 1	MALTA	15.0	
8143911		3411522116		103		A YERIAN NO 4	MALTA	15.0	
8143907		3411522117		103		BYLER NO 1	MALTA	15.0	
8143894		3411522067		103		DAVIS NO 1	MALTA	15.0	
8143906		3411522093		103		DAVIS NO 2	MALTA	15.0	
8143895		3411522068		103		DAVIS NO 3	MALTA	15.0	
8143893		3411522053		103		E GIBSON NO 1	MALTA	15.0	
8143892		3411522052		103		E GIBSON NO 3	MALTA	15.0	
8143904		3411522084		103		J EPPLEY NO 1	MALTA	15.0	
8143905		3411522085		103		J EPPLEY NO 2	MALTA	15.0	
8143908		3411522113		103		J PEYTON NO 1	MALTA	15.0	
8143909		3411522114		103		J PEYTON NO 3	MALTA	15.0	
8143900		3411522080		103		R FOUTS NO 2	MALTA	15.0	
8143901		3411522081		103		R FOUTS NO 4	MALTA	15.0	
8143902		3411522082		103		R FOUTS NO 5	MALTA	15.0	
8143903		3411522083		103		R FOUTS NO 8	MALTA	15.0	
8143896		3411522070		103		R WISEMAN NO 1	MALTA	15.0	
8143897		3411522071		103		R WISEMAN NO 3	MALTA	15.0	
8143898		3411522072		103		R WISEMAN NO 5	MALTA	15.0	
8143899		3411522073		103		R WISEMAN NO 7	MALTA	15.0	
8143890		3411521950		103		W CLEMENS NO 2	MALTA	15.0	
8143891		3411521952		103		W CLEMENS NO 4	MALTA	15.0	
-J D DRILLING CO				RECEIVED: 08/03/81 JA: OH					
8143912		3405320580		103		MELVIN J STOVER #1	CHESHIRE	3.0	COLUMBIA GAS TRAN
-JAMES ADCOCK				RECEIVED: 08/03/81 JA: OH					
8143886		3407322292		103		#1 ADCOCK-TIOPA	FALLS GORE	72.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-JONSU CORP			RECEIVED: 08/03/81 JA: OH						
8143913		3403124027		103		HELEN OAKES #1	PIKE	10.0	
8143914		3408924134		103		KENT #1	PERRY	5.0	
-K S T OIL & GAS CO INC			RECEIVED: 08/03/81 JA: OH						
8143916		3415320962		103		HENDROCK #1	BOSTON	210.0	
8143915		3415320961		103		HOSTERMAN UNIT #1	BOSTON	200.0	
8143917		3415320965		103		RAMSEY-ROOSE UNIT #1	BOSTON	190.0	
-KENOIL			RECEIVED: 08/03/81 JA: OH						
8143918		3416922040		103		JAMES FOLLOWAY #2	CANAAN	4.0	COLUMBIA GAS TRAN
-NATIONAL PETROLEUM CORP			RECEIVED: 08/03/81 JA: OH						
8143919		3411122073		103		HAROLD SHIPP #1	SUMMIT	15.0	TEXAS EASTERN TRA
-ORION ENERGY CORP			RECEIVED: 08/03/81 JA: OH						
8143920		3415723593		103		MCFADDEN UNIT #1	FRANKLIN	10.0	
-PETROLEUM SECURITIES FUND - 80			RECEIVED: 08/03/81 JA: OH						
8143924		3408322850		103		CRAWFORD WILLIAM #3	JEFFERSON	30.0	
8143923		3407322432		103		EMENS MARY #3	WASHINGTON	30.0	
8143921		3403124055		103		HAINES ALBERT #1	TIVERTON	30.0	
8143922		3403124244		103		HAINES ALBERT #6	TIVERTON	30.0	
-QUAKER STATE OIL REFINING CORP			RECEIVED: 08/03/81 JA: OH						
8143925		3404520693		103		B MCCAFFERTY #1	RICHLAND	10.3	COLUMBIA GAS TRAN
8143926		3404520694		103		BAKER #1	RICHLAND	10.3	COLUMBIA GAS TRAN
8143927		3412725140		103		PROBASCO #1	READING	10.3	
8143928		3412725141		103		WINEGARDNER #1	READING	10.3	
-SANDHILL ENERGY INC (OH)			RECEIVED: 08/03/81 JA: OH						
8143932		3416726167		103		WILLIAM CLEGG #2 SEC 15	GRANDVIEW	10.0	
8143930		3416725976		103		WILLIAM CLEGG #2 SEC 33	GRANDVIEW	15.0	
8143931		3416726076		103		WILLIAM CLEGG #3 SEC 33	GRANDVIEW	20.0	
8143929		3416725905		103		WILLIAM CLEGG #4 SEC 15	GRANDVIEW	20.0	
-TIGER OIL INC			RECEIVED: 08/03/81 JA: OH						
8143933		3412122408		103		V CUNNINGHAM #2	ELK	0.0	COLUMBIA GAS TRAN
-TIME ENERGY INC			RECEIVED: 08/03/81 JA: OH						
8143934		3403124056		103		R & M MIKESELL #1	PIKE	45.0	NATIONAL GAS & OI

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24613 Filed 8–21–81; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF ENERGY

Action on Consent Order With The Charter Company

AGENCY: Department of Energy (DOE).

ACTION: Adoption of proposed consent order as final.

SUMMARY: The Office of Special Counsel (OSC) hereby gives the notice required by 10 CFR 205.199J that is has adopted the Consent Order with The Charter Company (Charter), executed on January 16, 1981 and published for comment in 46 FR 8094 on January 26, 1981, as a final order of DOE. The Consent Order resolves all issues of compliance with the DOE. Petroleum Price and Allocation Regulations, with the exception set forth in the Consent Order, for the period August 1973 through November 1980. To remedy any violations that may have occurred during the period, Charter has agreed to refunds exceeding $28 million.

As required by the regulations cited above, OSC received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Five comments were received. OSC has considered those comments and determined that the Consent Order should be made final without modification. Pursuant to paragraph 404 of the Consent Order authorizing OSC to direct disbursal of the $3.2 million escrow account at The First National Bank of Boston, OSC has directed that the funds be distributed in accordance with the claims procedures specified in 10 CFR Part 205, Subpart V. The Consent Order is effective as an order of the DOE on the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT:

Leslie Wm. Adams, Deputy Solicitor, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633–9165.

Copies of the Consent Order may be received free of charge by written request to: Charter Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 3109, Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E–190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 26, 1981, OSC published notice in the **Federal Register** at page 8094, announcing the execution of a Consent Order between Charter and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 21, 1981, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Charter's compliance with the Mandatory Petroleum Price and Allocation Regulations, including the entitlements and mandatory oil import programs, for the period August 1973 through November 1980 (the audit period). With the exception of the matters excluded from the settlement in the Consent Order, the Consent Order resolves all civil issues not previously resolved concerning the allocation and sale of covered products during the audit period.

2. Charter will make refunds totalling $15,000,000 to certain purchasers of residual fuel oil from New England Petroleum Company, a Charter sudsidiary. Several of those purchasers previously obtained their refunds through settlements with NEPCO.

3. Charter shall issue credit memoranda of $3,333,333 each quarter for three quarters to its current utility customers.

4. An escrow account of $3,200,000 held at the First National Bank of Boston shall be distributed by OSC. OSC will file a petition with the Office of Hearings and Appeals for distribution in accordance with the claims procedures specified in 10 CFR Part 205, Subpart V.

5. Charter will reduce its banks of unrecouped increased costs for motor gasoline to $40,880,000, which represents a bank reduction of approximately $67 million.

6. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Charter's obligation under DOE record keeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Charter. The Consent Order also provides that Charter has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Charter nor a finding by OSC of a violation of any federal petroleum price and allocation statutes or regulations.

Comments Received

OCS received five comments including two from organizations, the Transportation Group and the National Consumer Law Center, which were addressed to all nine Consent Orders published for comment on January 26, 1981. In addition, comments were received from a law firm representing two independent marketers and from a Charter shareholder.

The Transportation Group is an organization representing four trade associations—the Air Transport Association of America, Inc., the American Bus Association, the American Trucking Association, Inc., and the Association of American Railroads—whose members are major

consumers of refined petroleum products. The Transportation Group expressed its approval of OSC's enforcement efforts and the settlement process which resulted in the Consent Orders announced in the January 26, 1981 Federal Register notices. The organization also expressed the following concerns regarding the nine Consent Orders: OSC should try to identify overcharged purchasers of categories of purchasers in order to provide for direct refunds or payments based volumetrically on the amount of petroleum products pruchased; transportation firms should receive a larger share of the refunds than they have heretofore; and OCS should provide additional information concerning refund amounts and methods of refund computation.

The Department's aim in structuring remedies is to achieve some form of restitution. In its enforcement actions, the Department attempts to identify individual purchasers or classes or types of purchasers, to the maximum extent possible, and to implement restitutionary remedies.

The audits do not ordinarily result in the identification of specific customers who may have been overcharged for several reasons. First, audits are necessarily conducted on a sample basis and, as such, may not focus on specific purchasers, even where they generally identify aggregate violations regarding specific products to classes of purchasers. Second, these audits focus predominantly on "cost violations" and because of the nature of the regulations, would require tracing the violation to specific product sales, a difficult task. Third, these violations occurred as much as seven years ago, and given the mobility within the distribution chain, it would be extremely difficult to identify and locate injured customers. Finally, purchasers of products from a major refiner may have resold those products to others, passing on the consequences of any violation to their customers. However, as stated previously, the Department's priority is to seek remedies which achieve some form of restitution, wherever possible. In order to achieve an equitable distribution of monies, the refunds have generally been determined according to a volumetric allocation based on the amount of product purchased by the recipient.

The Transportation Group accurately notes that OSC has previously determined that the refunds received by regulated transportation firms will not constitute a "windfall" to the recipients. OSC's review of the operation of the agencies which regulate transportation companies and their applicable regulations indicate that refunds are factored into the fuel cost aspects of their rate making systems. Similarly, OSC is examining the passthrough of refunds by utilities to end users. To that end, OSC contacted the public service commissions for the states in which the recipient utilities are located as well as a number of utilities themselves. The commissions have assured OSC that utilities receiving refunds will be required to pass those refunds through to their customers. It has been determined that the utility customers will receive the benefit of the refunds by operation of fuel adjustment clauses in which the refund would appear as an offset to fuel costs in the computation of any fuel adjustment factor, or in the reconciliation of current costs or, finally, as a direct credit to customers. OSC also obtained assurances that the passthrough will be documented either in public records or through the assistance of the staffs of the various utilities and commissions.

The Transportation Group's comment with regard to the bank reduction remedy, that it is compromised and rendered meaningless with the advent of decontrol, has been dealt with below.

The National Consumer Law Center (NCLC), a non-profit legal organization representing low-income individuals and groups, submitted comments that, while generally addressing all nine Consent Orders published for comment on January 26, 1981, raised several issues that are pertinent to this Consent Order.

Although the NCLC initially recognizes that the "limited flow of information * * * is admittedly somewhat inherent in the nature of the private settlement/public comment process," the NCLC nevertheless complains that the Consent Orders and Federal Register notices are "extremely skimpy on relevant detail * * *." The DOE regulations, at 10 CFR 205.199J(a), require that a Consent Order "set forth the relevant facts which form the basis for the Order." The Consent Order itself indicates that, with the exception of the matters explicitly excluded from the settlement in the Consent Order, it settles and finally resolves "all civil and administrative disputes, claims and causes of action by DOE * * * against Charter * * * relating to Charter's compliance with the federal petroleum price and allocation regulations * * *." Because the Consent Order constitutes neither an admission by the company nor a finding by DOE that Charter has violated any federal petroleum price or allocation regulation, it would not be appropriate, as the NCLC suggests, to detail and quantify in the Consent Order the preliminary claims and issues that arose in the course of the settlement negotiations and to relate those claims and issues to the terms and conditions of the Consent Order. Further, to reveal how OSC and the company arrived at the dollar figures for the various components of the settlements would breach the confidentiality necessarily accorded to the negotiation process and would impinge upon OSC's prosecutorial discretion. Thus, OSC believes that it has provided the necessary information in the Consent Order and Federal Register notice to enable the public to comment meaningfully upon this settlement.

The NCLC also maintains that the Consent Orders do not provide adequate benefits, focusing particularly on the bank reduction provisions, and the "heavy reliance" placed on them in these settlements. The NCLC seeks renegotiation of the agreements to convert the Bank reductions to some cash value.

In the process that leads to settlement, OSC determined the potential liability of a refiner based on its audit of that refiner. That audit addresses all areas of dispute under the price regulations. As a result, the disputes focus on issues of the determination, recognition, allocation and carry over of costs, which form the basis for the determination of maximum lawful selling prices. Because of the carry over or banking provision, a refiner may have lawful costs available from previous periods to offset disputes in later months. The existence of those legitimate costs militates against the existence of overcharges. In litigation, a refiner is likely to argue that those banks obviate the possibility of overcharge. Thus, in determining a firm's potential liability, two factors are addressed: The legitimacy of the costs claimed and banked and the potential for overcharges, given the existence of banks and a firm's pricing practices. In reaching settlements, OSC has determined the amount of cash refund necessary to reasonably settle any possible overcharges, and the amount of bank reduction appropriate to settle the cost disputes.

Bank reductions are appropriate to remedy certain types of disputes resulting from the audit. OSC intended bank reductions to serve the dual purpose of satisfying the alleged cost violations and of placing some limitations on the refiner's prospective pricing of covered products. Accordingly, in negotiating the bank reduction, OSC sought a reduction to the

lowest level consistent with allowing the refiner to maintain, but not increase, prices as a result of the existence of banks. That reduction may have even exceeded the reduction in costs necessary for a satisfactory resolution of the outstanding cost issues. As the NCLC and the Transportation Group point out, decontrol prevents the reduction from having any prospective impact on pricing. However, the bank reduction has been implemented prior to the close of the audit period. The refiner's pricing practices will be reviewed to determine that no overcharge has occurred as a result of reliance on the banks available before the reduction was implemented. In any event, the amount of refund remedies stands on its own in each case as the result of our negotiation of an appropriate refund, given the disputes raised.

In addition to its comments on the bank reduction components of the settlements, the NCLC also raises several points concerning the settlements' cash components. The NCLC expresses concern that the refunds to many of the refiners' immediate purchasers may not be passed through to ultimate consumers. Each of these settlements utilizes "conduits" for passing a substantial portion of the refunds through to ultimate consumers. OSC chose as conduits regulated industries, such as the utility and transportation industries, for which some mechanism exists to assure a passthrough of benefits to their customers, and state and local government entities that purchased petroleum products in their proprietary capacities. Refunds to these conduits are, therefore, intended to provide general restitution to those unidentifiable ultimate consumers who, through their utility, transportation, or tax bills, may have borne any overcharges that might have occurred.

The law firm representing two independent marketers submitted virtually identical comments for each company asserting that OSC should have included more information about the settlement in the Consent Order. The types of information suggested for inclusion, however, involve either confidential or proprietary commercial or financial data or information concerning confidential aspects of the settlement process. These comments allege that OSC's failure to include more information in the Consent Order violated the provision in DOE's regulations, 10 CFR 205.199J(a), requiring that a Consent Order "set forth the relevant facts which form the basis for the Order." In *U.S. Oil Company, Inc.* v. *Department of Energy*, No. 81–C–198 (E.D. Wisc., March 27, 1981), in which the court refused to enjoin the proposed Consent Order with Koch Industries, Inc. (*see* 46 FR 8100 (January 26, 1981)), the court considered the issue of the sufficiency of the information provided in the Consent Order and held that "as a matter of law, the information set forth by DOE in * * * the proposed Consent Order compl[ies] with its own regulations requiring the setting forth of relevant facts upon which the order is based." Slip Op. at 10. These comments also assert that DOE's failure to disclose the audit data on which it relied in reaching the settlement violates fundamental fairness and the Fifth Amendment to the Constitution. Neither the Administrative Procedure Act, nor any other statute, however, requires DOE to provide the public with notice of, or set forth relevant facts regarding, agency Consent Orders.[1] Nor do persons who are not parties to a Consent Order have a "property" or "liberty interest" sufficient to invoke rights to procedural due process under the Fifth Amendment to the Constitution. *See Action on Safety and Health* v. *FTC*, 498 F.2d 757 (D.C. Cir. 1974). In short, the information set forth in the Consent Order complies with all applicable legal requirements.[2]

The law firm's comments also express concern that the Consent Order "permits the destruction of all records relevant to Charter's violations * * * [and that] the exemption to the recordkeeping requirement would make it impossible for * * * [an] overcharged purchaser to discover evidence necessary to support its claims and to prosecute a potential action for damages pursuant to Section 210 of the ESA." In paragraph 601, which relieves Charter of its duty to comply with the recordkeeping requirements of 10 CFR 210.92 for the period covered by the Consent Order, OSC has simply exercised the authority conferred by 10 CFR 210.92(d)(2)(B) to remove a requirement, the need for which no longer exists. With the completion of OSC's audit and the settlement of all disputes and claims for the period covered by the Consent Order, the records which were maintained by the company to demonstrate to DOE its compliance with the pricing and allocation regulations are no longer needed. Moreover, as the court in *U.S. Oil, supra*, noted, "[t]he recordkeeping provisions established by DOE were never intended to assist private litigants. They were designed and created to assist the DOE in determining whether the * * * major oil refiners and producers were complying with the price regulations." Slip Op. at 6.

The Charter shareholder contended that Charter could not afford the remedies provided by the Consent Order.

Authorized representatives of Charter negotiated the terms of the Consent Order with representatives of OSC. It was the position of both parties to this agreement that, taking into account the alternative of costly litigation, the Consent Order was an appropriate way to resolve the disputes arising from OSC's audit. Concerns over Charter's decision to enter into the Consent Order should be directed to the company.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Charter should be made final without modification, effective upon publication of this notice.

Issued in Washington, D.C., August 18, 1981.

Avrom Landesman,

Acting Special Counsel.

[FR Doc. 81-24681 Filed 8-21-81; 8:45 am]

BILLING CODE 6450-01-M

[1] To the extent that the Notice adopting as final the DOE's Consent Order with Koch Industries, Inc. implies that the Administrative Procedure Act imposes any procedural requirements on DOE regarding the publication of notice of Consent Orders, the Notice is incorrect. The APA is inapplicable to this question.

[2] Moreover, neither case cited in the comments, [*Armstrong* v. *Manzo*, 380 U.S. 545 (1965) and *U.S. Lines* v. *Federal Maritime Commission*, 584 F.2d 519 (D.C. Cir. 1978)], supports the commenters' position. In *Armstrong*, the Supreme Court held that in a situation involving an adjudicative hearing concerning a step-father's adoption of his step-daughter, the court must give the natural father prior notice of the hearing so that he may object to the adoption and demonstrate his compliance with the applicable state law. A Consent Order is not analogous to an adjudicative hearing, and, in any event, DOE has provided interested persons with notice before taking any final action. In *U.S. Lines*, there was a statutory requirement that the agency hold a hearing before taking any final action, and the court determined that agency action resulting from that hearing must be based upon substantial evidence on the record of that hearing. There are no similar requirements for DOE Consent Orders.

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $631,093 in consent order

funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Office of Enforcement. The firms involved are Worldwide Energy Corporation ($49,400), Perry Gas Processors, Inc. ($38,000), Upham Oil and Gas Company ($315,293), Gas Engine and Compressor Service ($51,400), and Ozona Gas Processing Plant ($177,000).

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register**, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461. All comments should conspicuously display a reference to case number BEF–0049.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order relates to five consent orders entered into by Worldwide Energy Corporation, 45 FR 18430 (1980); Perry Gas Processors, Inc., 44 FR 52863 (1979); Upham Oil and Gas Company, 44 FR 61993 (1979); Gas Engine and Compressor Service, 44 FR 52860 (1979); and Ozona Gas Processing Plant, 44 FR 70538 (1979).

The Proposed Decision and Order sets forth procedures and standards that the DOE has tentatively formulated in order to distribute the contents of the five escrow accounts funded by the firms listed above. The DOE has tentatively decided that Applications for Refund should be accepted from the initial purchasers of natural gas liquids and products (NGLs) from the gas processing plants involved during the periods covered by the consent orders. The initial purchasers include Liquid Petroleum Corp., Pontotoc Oil Co., Shell Oil Co., Tesoro Crude Oil Co., Permian Corp., Pedigo Oil Co., Petroleum Industries, T-LOK Corp., Odessa LPG Transport, LP Gas Marketing, Culbertson Oil and Gas, Wanda Petroleum Co., Martin Gas Sales Co., and the Suburban Propane Gas Corp. Applications for Refund will also be accepted from downstream customers who purchased the NGLs covered by the consent orders.

The refund process suggested in the Proposed Decision and Order would take place in two separate stages. In the first stage, all meritorious claims for refunds by persons such as the initial purchasers listed above would be paid. For the second stage, which would take place after the claims procedure is completed, the Proposed Decision and Order suggests two alternative courses of action. Under the first alternative, the remainder of the consent order funds would be distributed through the initial purchasers to persons who are likely to have been injured by the alleged overcharges. The DOE therefore solicits proposals from those firms concerning the most appropriate mechanisms which could be used for returning these moneys to downstream customers and ultimate consumers of the NGLs involved. As a second alternative, the DOE proposes to deposit all remaining funds directly into the United States Treasury. The Proposed Decision emphasizes that no procedure for the second stage will be adopted until the claims process is completed.

It should be pointed out that until final procedures are adopted for the first stage, no claims for refunds can be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be given when the submission of claims is authorized. No less than 90 days from publication of such notice in the **Federal Register** will be provided for the filing of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, located in Room B–120, 2000 M Street, N.W., Washington, D.C., between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: August 18, 1981.

Thomas O. Mann,

Acting Deputy Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Worldwide Energy Corporation, Perry Gas Processors, Inc., Upham Gas and Oil Company, Gas Engine and Compressor Service, and Ozona Gas Processing Plant.

Dates of Filing:
May 13, 1981
May 13, 1981
May 18, 1981
May 26, 1981
June 1, 1981

Case Numbers:
BEF—0049
BEF—0048
BEF—0051
BEF—0054
BEF—0056

Under the regulations of the Department of Energy, the Economic Regualtory Administration's Office of Enforcement (OE) may request the Office of Hearings and Appeals (OHA) to fomulate and implement procedures for distributing funds received as a result of an enforcement proceeding in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with these regulatory provisions, the OE recently filed Petitions for the Implementation of Special Refund Procedures in connection with the consent Orders entered into with Worldwide Energy Corporation (Worldwide), Perry Gas Processors, Inc. (Perry), Upham Oil and Gas company (Upham), Gas Engine and Compressor Service (Gas Engine), and Ozona Gas Processing Plant (Ozona). Pursuant to the five Consent Orders, these firms agreed to make refunds for alleged violations of the DOE price regulations in the amounts of $49,400 (Worldwide), $38,000 (Perry) $315,293 (Upham), $51,400 (Gas Engine) and $177,000 (Ozona). The funds have been paid to the Department of Energy and are now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the OHA regarding their distribution.

1. Background

Worldwide, Perry, Upham, Gas Engine, and Ozona are "gas plant operators" with the meaning of 10 CFR 212.162. During the relevant time periods, they were therefore subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR Part 150, Subpart L and 10 CFR Part 212, Subparts E and K. Those regulations governed the maximum prices that could lawfully be charged in the first sales of natural gas liquids and products (NGLs). The funds invovled in these proceedings were obtained as a result of the Consent

Orders agreed to in settlement of alleged overcharges in the sales of NGLs by the five firms identified above.

In its audit of Worldwide's Rattlesnake Creek Gas Processing Plant, which was previously owned by Worldwide's predecessor firm, Central States Gas Company, the OE found possible violations with respect to first sales of NGLs during the period April 1, 1975 through April 30, 1977. Central States sold the output from that plant to Liquid Petroleum Corporation (Liquid Petroleum) during the months of April and May 1975, and continued to sell butane and natural gasoline to that firm during June 1975. During the period June 1975 through April 1977, Central States sold all of the propane obtained at the Rattlesnake Creek plant to Pontotoc Oil Company, and sold butane and natural gasoline to the same firm from July 1975 through April 30, 1977. In order to settle all claims and disputes between the parties, Worldwide agreed to pay $49,400 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to 10 CFR Part 205, Subpart V. On March 21, 1980, the DOE published notice of the Worldwide Consent Order in the Federal Register and requested that persons believing that they had a claim to all or a portion of the refund amount file written notification of such a claim with ERA within 30 days. 45 FR 18430 (1980). No claim was field.

In its audits of Perry's Antelope Ridge plant, OE found possible violations of DOE price regulations with respect to first sales of NGLs and plant condensate during the period September 1973 through August 1975. The OE therefore alleged that Perry had overcharged the initial purchasers of products sold from these plants. The initial purchasers were identified as Shell Oil Company, Tesoro Crude Oil Company, and the Permian Corporation. In order to settle all claims and disputes between the parties regarding the firm's first sales of NGLs, Perry and the OE entered into a consent order on August 13, 1979. Notice of the Consent Order was published by the DOE in the Federal Register on September 11, 1979, and the DOE requested that persons believing they had a claim to all or a portion of the refund amount file written notification of such a claim with ERA within 30 days of publication. 44 FR 52863 (1979). A claim was filed by Tesoro Petroleum Corporation on behalf of Tesoro Crude Oil Company; Shell and Permian did not submit claims.

The OE audit of Upham's Chico gas processing plant revealed possible overcharges with respect to first sales of NGLs during the period September 1973 through December 1975. In order to settle all claims and disputes between the parties regarding the firm's first sales of NGLs, Upham and the OE entered into a consent order in which the firm agreed to refund a total of $500,000 including interest. Of that amount, $184,707 has been refunded to the firm's customers by price reductions made prior to the initiation of Subpart V proceedings. Consequently, $315,293, which is deposited in an escrow account under the control of the DOE, is available for distribution through a Subpart V proceeding. Notice of the Consent Order was published in the Federal Register on October 29, 1979, 44 FR 61993 (1979), and interested persons were invited to submit written notification of potential claims. No claims were received. However, the OE has identified a number of first purchasers from Upham during this time period, including Pedigo Oil Company, Petroleum Industries, the Permian Corporation, T–LOK Corporation-Marketing Division, Odessa LPG Transport, LP Gas Marketing, and Culbertson Oil and Gas.

In its audit of Gas Engine's Freestone gas processing plant, the OE found possible price violations with respect to first sales of NGLs during the period September 1973 through December 1976. Gas Engine sold NGLs from this plant to Wanda Petroleum and Martin Gas Sales Company. On August 28, 1979, the OE and Gas Engine entered into a consent order under which the firm agreed to pay $51,400 to the DOE in settlement of all disputes between the parties arising from the OE's audit of the Freestone plant. The parties stipulated that the funds were to be distributed by the DOE pursuant to a Subpart V proceeding. The terms of the final consent order were published in the Federal Register on September 11, 1979. *See* 44 FR 52860 (1979). Interested parties were given an opportunity to submit written notice of potential claims against the refund account, and the Consumer Energy Council of America submitted comments identifying itself as a potential claimant.

The OE's audit of Ozona's gas plant in Crockett County, Texas revealed possible pricing violations with respect to Ozona's first sales of covered NGL products during the period January 1, 1975 through February 28, 1978. In order to settle these matters, Ozona agreed to pay $177,000 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to Subpart V. The terms of the final consent order were published in the Federal Register on December 7, 1979. *See* 44 FR 70538 (1979). At that time, interested persons were told to submit written notice of potential claims against the settlement funds. In response, Suburban Propane Gas Corporation (Suburban) identified itself as a first purchaser of products from Ozona and submitted a claim for refunds. In addition, Growth Energy, Inc. (GEI) identified itself as a downstream purchaser of NGLs from the Ozona plant through Suburban.

The names of the five gas plant operators, the amounts involved in the consent orders, and the identities of the first purchasers are summarized in the Appendix to this Proposed Decision and Order.

II. Jurisdiction

The procedural regulations of the Department of Energy set forth guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process is intended to be used in situations where the Department of Energy is unable to readily identify persons who are entitled to refunds or to readily ascertain the amounts that such persons are entitled to receive as a result of enforcement proceedings. 10 CFR 205.280. For a more detailed discussion of Subpart V, *see Office of Special Counsel for Compliance*, No. DFF–0003 (March 13, 1981) (proposed decision), 46 FR 17643 (1981); *Office of Enforcement*, No. BEF–0021 (March 13, 1981) (proposed decision), 46 FR 17639 (1981). After reviewing the records developed in each of the five cases involved in this proceeding, we have concluded that the implementation of Subpart V proceedings in each case is appropriate. In each of the cases, there is a significant degree of difficulty inherent in identifying the persons who were injured by the alleged overcharges. Moreover, even in cases where an injured person can be identified, it is difficult to ascertain the level of refunds that such persons should receive. Until recently, NGLs were subject to a comprehensive price regulation scheme which could be utilized to facilitate the channeling of refunds to ultimate consumers. However, on January 28, 1981, the President exempted crude oil and all refined petroleum products from the DOE regulatory program. Exec. Order No. 12287, 46 FR 9909 (1981). As a result of decontrol, price rollbacks are an ineffective means of making restitution to purchasers who were overcharged in the past. Therefore, to

effect restitution to the parties actually affected by the overcharges, a determination must be made regarding the extent to which the higher costs were passed through to downstream customers. As a result, the persons entitled to refunds are not readily identifiable, and the amounts of the refunds that persons should receive are not readily ascertainable. Under these circumstances, we believe that Subpart V provides the most useful mechanism for devising a procedure to effect restitution to persons who were actually injured by alleged pricing violations. The Office of Hearings and Appeals therefore has decided to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceedings underlying the five Petitions for Implementation of Special Refund Proceedings filed by the OE in this matter.

III. Authority to Fashion Refund Procedures

In several recent decisions we have considered Petitions for the Implementation of Special Refund Procedures under 10 CFR Part 205, Subpart V. *See, e.g., Office of Enforcement,* 8 DOE Paragraph ———, No. DFF–0006 (July 17, 1981), 46 FR 38132 (July 24, 1981) (hereinafter referred to as *Vickers*); *Office of Enforcement,* No. BEF–0021 (March 13, 1981) (proposed decision), 46 FR 17639 (1981) (hereinafter referred to as *Alcoa*); *Office of Enforcement,* No. BEF–0030 (May 1, 1981), 46 FR 25535 (1981) (hereinafter referred to as *Fagadau*). The July 17, 1981 *Vickers* Decision was the most recent determination issued by the Office of Hearings and Appeals pursuant to Subpart V which established final procedures for the filing of applications for refunds from the fund received by the DOE under a Consent Order similar in many respects to those involved here. Subpart V authorizes the Office of Hearings and Appeals, upon request by the appropriate enforcement official, to fashion special procedures to distribute refunds obtained as part of settlement agreements, 10 CFR 205.281, 205.282. The special refund procedures are part of an overall regulatory program and are intended to implement several different statutes. Congress provided for mandatory price controls on crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 (1976). Natural gas liquids are included within the definition of petroleum products and were therefore subject to the provisions of the DOE price regulations during the periods covered by the consent orders. *Mobil Oil Corp.* v. *FEA,* 566 F.2d 87 (Temp. Emer. Ct. App. 1977).

The authority to enforce the regulations governing the pricing of petroleum products such as NGLs was first exercised by the Cost of Living Council under the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note (1970), then delegated in turn to the Federal Energy Office, the Administrator of the Federal Energy Administration, and finally, in 1977, to the Secretary of Energy. Federal Energy Administration Act (FEAA) section 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act), section 301(a), 42 U.S.C. 7151(a) (1979). To carry out these statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

As we have noted in previous Subpar V Decisions, the DOE's enforcement process is designed to accomplish two independent purposes: disgorgement of the fruits of a regulatory violation from the wrongdoers, and restitution to persons injured by the regulatory violations. *Vickers; see Sauder* v. *DOE,* 648 F. 2d 1341 (Temp. Emer. Ct. App. 1981). The latter objective—restitution to overcharged persons—furthers the specific goal in Section 4(b)(1)(F) of the EPAA of providing for the "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users." 15 U.S.C. 753(b)(1)(F).

IV. Proposed Refund Procedures

To fulfill the objectives expressed in the statutes and regulations discussed above, and the Consent Orders themselves, the procedures to be implemented in these five cases should, to the maximum extent practicable, provide for the distribution of the refund amounts to the parties who bore the effects of the alleged overcharges.

As we have stated before, restitution to the overcharged persons is the primary focus of Subpart V. 10 CFR 205.280; *see Alcoa, Vickers.* It offers a means of a compensating many individuals who, because they either lack the resources or do not have a substantial financial stake in the outcome to institute their own private lawsuits under Section 210 of the ESA, have suffered injuries which would otherwise go unredressed. The Subpart V process is also an efficient administrative mechanism for returning overcharges to injured parties because it eliminates the need for long and costly court actions.

Based on our experience with Subpart V cases, we believe that the distribution of funds to overcharged persons should generally take place in two stages. In the first stage of the process, payment should be made to persons and firms who file applications for refund and demonstrate they are entitled to a portion of the funds received by the DOE. After meritorious claims are paid to firms and individuals in the first stage a second stage may be necessary. In the second stage, there are a number of alternative procedures which could be adopted. Under one alternative, payments for the benefit of injured persons could be made to entities which are in a position to devise and implement measures which effectuate the restitutionary purposes discussed above. *Fagadau,* slip op. at 6; *Alcoa,* slip op. at 6; *Vickers,* slip op. at 6. As a second alternative, or in the event that implementation of the methods discussed above would not accomplish its intended objectives or fails to exhaust all of the settlement fund, § 205.288(c) provides that "any remaining funds * * * shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in § 205.282(c)." 10 CFR 205.288(c).

A. Refunds to Identifiable Purchasers

As a first stage in the refund process, the consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by the alleged overcharges in sales of NGLs by Worldwide, Perry, Upham, Gas Engine and Ozona. To the extent that the first purchasers of NGLs from these five firms can establish that they absorbed the overcharges rather than passed them on to their customers, they will be entitled to a *pro rata* share of the consent order funds. In order to qualify for a refund a first purchaser should logically be required to demonstrate that during the period covered by the relevant Consent Order it would have kept its prices at the same level had the alleged overcharges not occurred. By making such a showing, a firm will establish it absorbed the cost increases itself. While there are a variety of means by which a claimant could make this showing, generally a reseller must demonstrate that at the time it purchased covered products from its

supplier it had unrecovered product costs which were at least equal to the amount of the refund claimed, and that market conditions would not permit it to increase its prices to pass through additional costs. In addition, the firm must have maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The amount of the refund will be limited to the amount of unrecovered costs available to the claimant for recovery through price increases. If the initial purchasers are able to make these showings, it is possible that the entire amount of the funds at issue in this proceeding might be disbursed to them. In the event they are unable to make a satisfactory showing, the next group of persons who will be entitled to receive a portion of these funds are those firms and individuals who purchased NGLs from the first purchasers.

In order to establish entitlement to a refund, any person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity of products which were produced with or from the NGLs sold by Worldwide, Perry, Upham, Gas Engine, or Ozona. Privity with either the natural gas plant operator or one of its first purchasers need not be established; evidence need only be presented that the products purchased by the claimants flowed through a chain of distribution leading back to one of the natural gas processors. In addition, unless the purchaser is an ultimate consumer, it should generally be able to demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. For example, purchasers who resold the identified product should be in a position to show that market conditions did not permit them to raise prices charged to downstream customers, and that consequently they were forced to absorb the cost increases that are represented by the alleged overcharges. In the absence of that showing, we could conclude that the claimant was not injured in a monetary sense by the alleged overcharge. However, in the *Vickers* decision, we noted that the nature of the showing required could be too complicated for those smaller individuals and firms who might otherwise be entitled to apply for refunds. We also observed that many smaller purchasers might lack the type of records required to support such a showing. *Id.*, slip op. at 9. In that case, we therefore established a threshold level of purchases under which applicants, primarily smaller firms and individuals, were not required to make a detailed showing of actual injury. For those applicants who were claiming less than that level of purchases, we required only proof of the amount of products purchased by the applicant during the Consent Order period. However, the *Vickers* decision did require applicants whose purchases exceeded the threshold level to provide detailed information which would establish that they did not pass through the price increases to their customers. *Id.* This Proposed Decision is being published in the **Federal Register** so that interested parties may have an opportunity to submit comments on the tentative distribution scheme. We will consider using the same type of treatment for smaller claimants in this proceeding, and we specifically request comments from the public on this issue. *See Vickers*, slip. op. at 8–10; *Office of Special Counsel for Compliance*, 4 DOE ¶ 82,511 at 85,043–44.

Refunds to persons who establish their entitlement to a refund will be made on a volumetric basis—*i.e.* based on the proportion of NGLs purchased by the applicant to the total amount of NGLs sold by its supplier from the particular plant involved during the relevant period.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs, and the extent of any injury alleged. Detailed procedures for filing applications will be provided in a final Decision and Order. *See Vickers*. Before disposing of any of the funds received as a result of the consent orders involved int his proceeding, we intend to widely publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing notice in the **Federal Register**, notice will be provided in varied publications in the areas in which the first purchasers identified in the Appendix marketed their respective products during the period covered by the Consent Orders. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Such applications will be evaluated on a case-by-case basis.

B. Distribution of the Remainder of the Refund Amount

After all of the claims of parties identifying themselves as adversely affected purchasers of the NGLs sold by Worldwide, Perry, Upham, Gas Engine and Ozona have been filed and the share of the settlement fund to which they are entitled has been determined, the settlement fund provided by each firm pursuant to its consent order, while diminished, may not be exhausted.

During the second stage of the refund process, the remainder of the funds should be distributed in accordance with the goals set forth in the DOE's enabling legislation and implementing regulations. In this Decision, we are proposing several alternatives for the second-stage refund procedure. However, we wish to emphasize that any consideration of the second-stage procedure at this point in time involves a number of uncertainties. As we noted in *Vickers:*

> [such] a step would be difficult to justify before the analysis and processing of Applications for Refund filed in the first stage of the distribution of the Consent Order funds to claimants, since the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme.

Vickers, slip op. at 11. As in that case, we intend to set forth a number of second-stage alternatives in this Proposed Decision, consider the comments received after publication in the **Federal Register**, and then issue a final Decision and Order establishing procedures for the first stage. In that Decision, we will summarize and address briefly the comments received concerning the proposed second-stage procedure, and solicit another round of comments on the distribution of the funds remaining after payment of claims in the first stage. In this way, we will have several opportunities to resolve the outstanding issues before reaching a final decision on the second stage.

Since restitution is the primary concern of Subpart V, we believe that the remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by Worldwide, Perry, Upham, Gas Engine, and Ozona. In view of the relatively small sums of money likely to be involved in many ultimate consumer claims, and the improbability that members of this class will possess records sufficient to establish their claims, we anticipate that only a limited number of ultimate consumers who were

actually injured by the alleged overcharges will be able to prove that they are entitled to refunds. *See Vickers.* The fact that claims to specific refunds may not have been proved, however, does not mean that injuries to ultimate consumers have not occurred. Rather, the absence of claims for the full amount of the settlements would tend to reflect the difficulty such parties encounter in establishing a valid claim for a portion of the Consent Order funds.

In *Alcoa* and *Fagadau* we observed that the first purchasers of NGLs are in the best position to assist the DOE in identifying and distributing refunds to those persons who are likely to have been injured by the alleged overcharges. *Alcoa,* slip op. at 9; Fagadau, slip op. at 9. In this case as well, we believe that the first purchasers of NGLs from Worldwide, Perry, Upham, Gas Engine, and Ozona can most effectively assist the DOE in channeling the remaining consent order funds to persons who are most likely to have been injured by the alleged overcharges. Consequently, one alternative we propose is that after payments are made to successful claimants, any remaining funds be distributed through the first purchasers listed in the Appendix. We invite those firms to develop and submit to this Office a plan for returning these funds to the parties who likely paid increased prices as a result of the alleged overcharges. The plans should identify the end-users, or groups of end-users, who were most likely to have been adversely affected by the alleged overcharges made by the five gas plant operators in these proceedings. Each firm should take into account its distribution and marketing system and its method of calculating prices during the relevant period. To the extent that product purchases from particular gas plants can be isolated in the appropriate distribution system, the plans should limit the proposed refunds to customers who were downstream purchasers of the NGLs covered by the Consent Orders. The plans should also be designed to exclude from participation in this stage of the refund proceeding any purchasers who recovered a portion of the consent order funds during the prior distribution to successful claimants. In developing the plans, first purchasers should give paramount consideration to the cost efficiency and administrative ease of any proposed refund plan. For example, to the extent that the NGLs were used by agricultural producers, the plan may propose to distribute funds through agricultural cooperatives in the affected areas rather than to individuals. *See Fagadau,* slip op. at 10; *Alcoa,* slip op. at 9.

Although the primary aim of the Subpart V process is to distribute the consent order funds to the parties who were injured as a result of alleged overcharges, we recognize that in some cases a firm would not be inclined to spend the time or resources necessary to develop and implement an effective restitutionary plan and thus, in several instances injuries may go unredressed. For example, the funds to be distributed by a particular firm may be so small in relation to the number of parties entitled to share in the proceeds that the costs to the firm would outweigh the benefits of the plan. In this regard, we note that in *Office of Enforcement,* No. BEF–0014 (May 22, 1981) (proposed decision), 46 FR 28929 (1981), preliminary data supplied by the OE indicated that four of one firm's first purchasers would have available for distribution the following amounts: $56.25, $43.75, $518.75, and $537.50. *Id.,* slip op. at 10. In these instances, it appears that the costs associated with administering a refund plan would be out of proportion to the fund available for distribution. Therefore, it is likely that a first purchaser with such a small claim would not be inclined to develop and implement a restitutionary plan.

In view of these considerations, we propose that the portion of the settlement fund which, because of administrative costs, would go undistributed, be deposited in the United States Treasury. We also propose as an alternative to the type of general downstream distribution scheme discussed above that any funds remaining after the first stage claims procedure be deposited directly into the United States Treasury. Subpart V regulations specifically sanction this course of action, *see* 10 CFR 205.288(c), and direct payments to the Treasury may well be appropriate in those cases where other remedies would be ineffectual or administratively burdensome. *See Citronelle-Mobile Gathering, Inc. v. O'Leary,* 499 F. Supp. 871 (S.D. Ala. 1980); *Golden Eagle Oil Company,* 6 DOE ¶ 83.005 at 86,065 (1980); *cf. Chana's Auto Service Center,* 8 DOE ¶ 83,002 (1981). However, as noted above we will not be in a position to decide what should be done with any remaining funds until after the first stage refund procedure is completed. Only then will we know the amount of money available for the second stage of the refund process. This factor, as noted above, will strongly influence the ultimate dispostion selected for those funds.

Although we believe that the first purchasers of Worldwide, Perry, Upham, Gas Engine, and Ozona are, in the present cases, uniquely situated to develop and implement an effective plan for distributing the settlement funds to the parties who absorbed the overcharges, nothing contained herein should be interpreted to suggest that we are discouraging the submission by other parties of proposals containing alernative distribution schemes. We will fully consider any plan submitted and we encourage any party interested in submitting such a plan to do so.

It Is Therefore Ordered That:

The $49,000 refund amount supplied by Worldwide, the $38,000 Perry settlement, the $315,293 Upham settlement amount remaining undistributed, the $51,400 Gas Engine refund amount, and the $177,000 refund amount provided by Ozona will be distributed in accordance with the foregoing Decision.

Appendix

Name of firm	Amount of consent order funds	First purchasers
Worldwide Energy Corporation (Worldwide).	$49,400	Liquid Petroleum Corporation, Ponototoc Oil Company.
Perry Gas Processors, Inc. (Perry).	38,000	Shell Oil Company, Tesoro Crude Oil Company, Permian Corporation.
Upham Oil and Gas Company (Upham).	315,293	Pedigo Oil Company, Petroleum Industries, Permian Corporation, T-LOK Corporation-Marketing Division, Odessa LPG Transport, LP Gas Marketing, Culbertson Oil and Gas.
Gas Engine and Compressor Service (Gas Engine).	51,400	Wanda Petroleum Company, Martin Gas Sales Company.
Ozona Gas Processing Plant (Ozona).	177,000	Suburban Propane Gas Corp.

[FR Doc. 81–24637 Filed 8–21–81; 8:45 am]
BILLING CODE 6450–01–M

Southeastern Power Administration

Proposed Rate Adjustment, Public Hearing, and Opportunities for Public Review and Comment

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice of proposed rate adjustment for a portion of the Georgia-Alabama System, notice of public hearing and opportunity for review and comment.

SUMMARY: Southeastern proposes a new Wholesale Power Rate Schedule CAR–1–C to replace the existing CAR–1–B

rate schedule. The new rate schedule will be applicable to Southeastern power sold to existing preference customers in the Duke Power Company service area.

Opportunities will be available for interested persons to review the present rates, the proposed rate, and the supporting studies, to participate in a hearing and to submit written comments. Southeastern will evaluate all comments received in this process.

DATES: Written comments are due on or before October 9, 1981. A public information and public comment forum will be held in Spartanburg, South Carolina, on September 24, 1981.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public comment forum will begin at 1:00 p.m, on September 24, 1981, in the Orton Room of Howard Johnson's Motor Lodge, I–85, at Hearon Circle, Spartanburg, South Carolina.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635, (404) 283–3281.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission by order issued April 3, 1981, in Docket No. EF79–3011 confirmed and approved Wholesale Power Rate Schedules applicable to Georgia-Alabama System power for a period ending September 30, 1983. However, Southeastern has developed a new written power marketing policy and is in process of negotiating contracts consistent with the new power marketing policy as present contracts expire.

The contracts between Southeastern and Duke Power Company and between Southeastern and preference customers located in the Duke service area are the first contracts to expire since the Power Marketing Policy became effective.

Discussion

Existing rate schedules are supported by a March 1979 repayment study and other supporting data all of which are contained in FERC Docket EF79–3011. A repayment study prepared in March of 1981 also shows that the existing rates are adequate under current contracts through the year 1983. However, implementation of the new power marketing policy will result in changes in quantities of power sold and in transmission costs from the figures used in the preparation of either the 1979 or the 1981 repayment studies.

In the proposed rate schedule CAR–1–C, the capacity charge has been increased to a level which will pass the increased Southeastern wheeling cost on to the customers. The charge was developed to allocate the present costs assigned to capacity plus the increased wheeling costs to the 118,500 kw of capacity that is available for sale to the preference customers. The monthly rate so computed is approximately $2.50 per kilowatt. The energy rate of 3.65 mills per kilowatt hour will remain unchanged. Southeastern proposes that this new rate remain in effect until September 30, 1983. It is anticipated that by that time new rates will be designed for the entire Georgia-Alabama System of Projects.

In developing the rate adjustment, Southeastern considered revenue requirements as determined by the March 1981 system repayment study. The study is available for examination at the Samuel Elbert Building, Elberton, Georgia 30635, as is the 1979 repayment study and the proposed rate schedule.

Issued in Eberton, Georgia, August 14, 1981.

Harry F. Wright,

Administrator.

[FR Doc. 81–24617 Filed 8–21–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PP OG2390/T318; PH–FRL–1916–7]

Establishment of Temporary Tolerances; Acephate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that temporary tolerances have been established for the combined residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite methamidophos (*O,S*-dimethyl phosphoramidothioate) in or on corn grain and fresh corn (kernels plus cob with husk removed) at 0.02 ppm of which not more than 0.01 ppm is methamidophos; and 0.1 ppm in or on corn forage and fodder of which not more than 0.02 ppm is methamidophos.

DATE: These temporary tolerances expire June 15, 1983.

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 403, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7040).

SUPPLEMENTARY INFORMATION: Chevron Chemical Co., Ortho Agricultural Chemicals Div., 940 Hensley St., Richmond, CA 94804, has submitted pesticide petition OG2390 to the EPA, requesting that temporary tolerances be established for the combined residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite methamidophos (*O,S*-dimethyl phosphoramidothioate) in or on corn grain and fresh corn (kernels plus cob with husk removed) at 0.02 part per million (ppm) of which not more than 0.01 ppm methamidophos; and in or on corn forage and fodder at 0.01 ppm of which not more than 0.02 ppm is methamidophos.

These temporary tolerances will permit marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (239–EUP–97) which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other revelant material have been evaluated and it has been determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Chevron Chemical Co., will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire June 15, 1983. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of an in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j))).

Dated: August 3, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office Pesticide Programs.

[FR Doc. 81-24566 Filed 8-21-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180597; PH-FRL-1916-1]

Application for Specific Exemption for Use of Acephate in California; Department of Agriculture

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received an application from the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (hereafter referred to a the "Applicant"), for the use of acephate in an eradication program to elimination the Mediterranean fruit fly in Santa Clara and San Mateo Counties of California. EPA is soliciting public comments before making the decision whether or not to grant the specific exemption.

DATE: The comment period closes on September 8, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Rm. E–401, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: The Mediterranean fruit fly is one of the world's most important agricultural pests. According to the Applicant, the infestation which began in July 1980 poses an extremely serious economic threat to the California fruit and vegetable industry and, if not eradicated, to other susceptible parts of the United States.

The Applicant is considering the use of acephate as a possible replacement for malathion in the eradication program. According to the Applicant, acephate is reported to provide a better residual of effective bait than malathion and is not known to damage car finishes as does malathion. The Applicant reports that tests are currently underway in California to determine field efficacy of the bait formulation proposed to be used in the request for a specific exemption. The Applicant states that should these tests prove the efficacy of the treatment, acephate will become the material of choice for the conditions encountered in California.

The Applicant proposes to use a mixture of 1.6 ounces of actual acephate (75S formulation) in 10.4 ounces of Staley's protein bait per acre. The mixture will be applied at no less than 10-day intervals for a total of approximately 9 applications. Treatment will be made by or under the direct supervision of certified pesticide applicators of the Applicant, the California Department of Food and Agriculture, and/or the County Agriculture Commissioner's office. The Applicant anticipates no unreasonable adverse effects from this program.

This notice does not constitute a decision by EPA on the application itself. It has been determined that this application raises questions of such importance that public notice and opportunity for public comment should be given. Accordingly, interested persons may submit written views on this subject to the Document Control Officer at the address given above. Three copies of the comments should be submitted to facilitate the work of the agency and others interested in inspecting the comments. The comments must be received on or before September 8, 1981 and should bear the identifying notation OPP–180597. All written comments filed in reference to this notice will be available for public inspection in Rm. E–107, 401 M St. SW., Washington, D.C., from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

In addition, the application is on file in the Registration Division, Office of Pesticide Programs, in the office of the contact person given above. Interested persons may review this application from 8 a.m. to 4 p.m. daily.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: August 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-24558 Filed 8-21-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51289A; PH-FRL-1916-2]

Certain Chemicals; Premanufacture Notices, Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the PMN number on a premanufacture notice (PMN) submitted by Crompton and Knowles Corporation, as required by section 5(a)(1) of the Toxic Substances Control Act (TSCA).

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–210 401 M Street, SW., Washington, DC 20460 (202) 426–2601).

SUPPLEMENTARY INFORMATION: In the **Federal Register** on August 5, 1981 (46 FR 39887), EPA issued a notice of receipt of a PMN submitted by Crompton and Knowles Corporation, P.O. Box 341, Reading, PA 19603.

In the FR Doc. 81–22769 appearing at page 39887 under "PMN", second column, the number "PMN 81–254" is corrected to read "PMN 81–354."

Dated: August 14, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-24559 Filed 8-21-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51304; TSH-FRL-1916-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are

discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 81–389 and 81–390, October 10, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51304]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–389	Carrie Berlin	202–426–8815	E–222
81–390	Carrie Berlin	202–426–8815	E–222

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–389

Close of Review Period. November 9, 1981.

Importer's Identity. C. Itoh and Company, Inc., 270 Park Avenue, New York, NY 10017.

Specific Chemical Identity. Alkylphenol modified xylene-formaldehyde resins.

Use. The importer states that the PMN substance will be used in coating compositions, printing inks, and additives for synthetic rubber.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	100,000
2d year	10,000	150,000
3d year	10,000	250,000

Physical/Chemical Properties

Appearance—Pale yellow to brown solid.

Odor—Nil.

Specific gravity—1.05–1.10.

Volatiles, %, 80°C, 3 hr.—NA.

Melting point—40–100°C.

Softening point—70–135°C.

Acid Value—<35.

Molecular weight—1,000–1,300.

Chemical incompatability—Contact with strong minimal acids and organic peroxides has to be avoided.

Formation of persistent transformation products—NA.

Toxicity Data

Acute oral LD_{50} (rat)—>1500 mg/kg.

Skin irritation (rabbit)—Nil.

Ames mutagenicity—With salmonella TA–100, TA–98, TA–1535, TA–1537, TA–1538, and colon bacillus WP2UVrA.

Urinary assay—Negative.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 81–390

Close of Review Period. November 9, 1981.

Importer's Identity. C. Itoh and Company, Inc., 270 Park Avenue, New York, NY 10017.

Specific Chemical Identity. Phenol-modified xylene-formaldehyde resins.

Use. The importer states that the PMN substance will be used in industrial molding compositions, molding compounds and coating compositions.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	100,000
2d year	10,000	150,000
3d year	10,000	250,000

Physical/Chemical Properties

Appearance—Fine, brown powder, (or solution in organic solvents such as methanol, n-butanol, or xylene).

Melting point—30–85°C.

Acid value—<35.

Molecular weight—400–800.

Chemical incompatibility—Contact with strong mineral acids and organic peroxides has to be avoided.

Volatiles, %, 80°C, 3 hr.—NA.

Formation of persistent transformation products—NA.

Toxicity Data

Acute oral LD_{50} (rat)—>1500 mg/kg.

Skin irritation (rabbit)—Nil.

Urinary assay—Negative.

Ames mutagenicity—With salmonella TA–100, TA–98, TA–1535. TA–1537, TA–1538, and colon bacillus WP2UVrA.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

Dated: August 17, 1981.

Linda K. Smith,

Acting Director for Management Support Division.

[FR Doc. 81–24504 Filed 8–21–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51303; TSH–FRL–1916–4]

Copper Phthalocyaninetrisulfonic Acid, Salt; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and november 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATES: Written comments by: PMN 81–385—October 10, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51303]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–385	George Bagley	202–426–2601	E–210

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81–385

Close of Review Period. November 10, 1981.

Manufacturer's Identity. American Color and Chemical Corporation, Mt. Vernon Street, Lock Haven, PA 17745.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Copper Phthalocyaninetrisulfonic Acid, Salt.

Use. The manufacturer states that the PMN substance will be used in an industrial paper.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	7,500	7,500
2d year	7,500	7,500
3d year	7,500	7,500

Physical/Chemical Properties

Appearance—Dark blue
pH—8.5–10

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 2 workers will have exposure from cleaning clarification press, handling liquid and transfer of the liquid in a closed pumping system for 2 hr/day, 2 days/yr. Concentration levels will average 0–10 parts per million (ppm) and peak at 1–10 ppm.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air, land and water during manufacture. Effluent from manufacture will be sent to the Reading Municipal Treatment Plant. All waste stream solutions will be confined within internal transfer lines for pretreatment prior to transmission to the city publicly owned treatment works (POTW). Pretreatment consists of collection, equalization, oxidation and reduction treatment steps approved by the City Treatment Plant.

Dated: August 14, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-24583 Filed 8-21-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-00027; TSH-FRL-1916-6]

Interagency Toxic Substances Data Committee; Cancellation of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The September meeting of the Interagency Toxic Substances Data Committee has been cancelled.

FOR FURTHER INFORMATION CONTACT: Nan Fremont (TS–777), Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460 (202–755–8040).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee take place on the first Tuesday of alternate months at 9:30 a.m. and are open to the public. The meetings are held in: Rm. 2010, New Executive Office Building, 17th St. and Pennsylvania Ave., NW., Washington, D.C. 20006.

The September meeting has been cancelled. The next meeting of the Interagency Toxic Substances Data Committee will take place on October 6, 1981.

Dated: August 14, 1981.

Nan Fremont,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 81-24565 Filed 8-21-81; 8:45 am]

BILLING CODE 6560-31-M

[WH-6-FRL-1916-8]

Petition for Determination on Aquifers of the Delaware Basin in Western Texas and Southeastern New Mexico Under Section 1424(e) of the Safe Drinking Water Act; Reopening Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Notice extending public comment period.

SUMMARY: In response to a previous notice, (45 FR 68756, Thrusday, October 16, 1980), several persons stated that the comment period was insufficient to fully evaluate the significance of an Environmental Protection Agency (EPA) sole source designation of the Delaware Basin Aquifers. Others stated that EPA should make a decision only after holding public hearings in the affected area. Therefore, EPA is reopening the public comment period. Also, EPA will hold a public hearing in the affected area on a date and at a location to be announced in a future notice.

The League of Women Voters of Odesa, Texas, petitioned the Administrator to determine that the aquifers of the Delaware Basin in western Texas and southeastern New Mexico (Cenozoic Alluvium, Rustler, Capitan, and Santa Rosa) are the sole or principal drinking water source for that area. Our previous notice summarized the significance of EPA designation of an aquifer as a sole or principal drinking water source, reprinted the petition in part, and listed specific types of comments, data, and references to additional sources of information that EPA is seeking. To supplement EPA studies and information submitted by the public, we have asked the United States Geological Survey (USGS) to study area ground water, hydrology, and geology.

DATES: Comments will be accepted until after a public hearing is held. The public hearing and the closing date for submitting comments will be announced in the **Federal Register** and in newspapers of general circulation in the affected area at least 30 days before the hearing date. Any hearing will be held only after the USGS study is completed, late in 1981.

ADDRESS: Written comments and data should be sent to Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270. ATTN: 6W–S Delaware Basin Aquifer Designation.

FOR FURTHER INFORMATION CONTACT: Ronald Van Wyk, Environmental Engineer, at the above address or telephone (214) 767–2774.

Dated: June 16, 1981.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 81-24567 Filed 8-21-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-549 and 81-550; File Nos. BPH-791203AD and BPH-800731AE]

Beckham Broadcasting Co. and Ronca Broadcasting Co. Inc.; Applications for FM Station Construction Permits; Hearing Designation Order

In the matter of applications of Beckham Broadcasting Company, Elk City, Oklahoma, Req: 96.5 MHz; Channel 243, 100 kW (H&V), 631 feet (BC Docket No. 81–549, File No. BPH–791203AD) and Ronca Broadcasting Company, Inc. Elk City, Oklahoma, Req: 96.5 MHz; Channel 243, 100 kW (H&V) 500 feet (BC Docket No. 81–550, File No. BPH–800731AE) for construction permit for a new FM station.

Adopted: July 22, 1989.

Released: August 18, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Beckham Broadcasting Company (Beckham) and Ronca Broadcasting

Company, Inc. (Ronca).

2. *Beckham.* Applicants for new broadcast stations are required by Section 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in Section 73.3580(h) of the Rules. It appears that Beckham published its local public notice once a week for two weeks instead of the required twice a week. To remedy this deficiency, Beckham will be required to republish local notice of its application and to file a statement with the presiding Administrative Law Judge.

3. *Ronca.* Analysis of the financial data submitted by Ronca reveals that $212,098.16 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$148,444
Loan interest (five months)	13,854
Miscellaneous	22,000
Operating costs (three months)	27,800
Total	212,098

Ronca plans to finance construction and operation with $500 cash on hand, a $34,500 stockholder subscription, a $90,000 bank loan and a personal loan of $100,000 from one of the corporation's officers, Mr. Ronald Sewell. However, analysis of the balance sheet of Mr. Sewell reveals that current liabilities exceed current liquid assets. Consequently, we find both the stockholder subscription and personal loan unavailable. Since the applicant has only shown $90,500 available, an amount insufficient to meet proposed costs of $212,098.16, a financial issue will be specified.

4. Data submitted by the applicants indicate that there would be a signficiant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Beckham: (a) the source and availability of funds over and above the $90,500 indicated; and (b) whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

7. It is further ordered, that Beckham file a statement of publication of local notice of its application with the presiding Administrative Law Judge in accordance with § 73.3580(f) of the Commission's Rules.

8. It is further ordered, that grant of the application of Beckham is subject to the condition that in the event the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Beckham will divest itself of either KAOS or the FM in accordance with the guidelines established in such rulemaking proceedings.

9. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, filed with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the matter prescribed in such Rule and shall advise the Commission of the publication of such notices as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-24542 Filed 8-21-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-542 and 81-543; File Nos. BPCT-800918KE and BPCT-801208KI]

Carolina Christian Broadcasting, Inc. and National Group Telecommunications of Burlington, Inc.; Applications for Construction Permit; Hearing Designation Order

In the matter of applications of Carolina Christian Broadcasting, Inc., Burlington, North Carolina (BC Docket No. 81-542, File No. BPCT-800918KE) and National Group Telecommunications of Burlington, Inc., Burlington, North Carolina (BC Docket No. 81-543, File No. BPCT-801208KI) for construction permit.

Adopted: August 5, 1981.

Released: August 18, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 16, Burlington, North Carolina.

Carolina Christian Broadcasting, Inc.

2. Applicant has estimated expenditures as follows:

Equipment	$77,025
Land	(1)
Buildings	[illegible]
Legal costs	1,000
Engineering and installation costs	5,300
Miscellaneous	2,500
Operating costs	[illegible]
Total	152,605

[1] To be leased.

3. The applicant's estimate of costs appears to be unrealistically low. Although the application is being designated for hearing, the applicant has estimated legal costs to be $1,000. Three months' operating costs are estimated to be $21,780 (approximately $7,110 per month), but it proposes to operate 7 hours per day 7 days per week with a fill-time staff of five persons and a part-time staff of two. It has made no provision for normal expenses such as taxes and insurance. An issue will be specified, therefore, to determine the basis for the estimate of costs and whether the estimate is reasonable.

4. The applicant indicated that the tower site is to be leased, but it has made no provision for the leasing costs and we are, therefore, unable to determine the applicant's costs of operation. An appropriate issue will be specified.

5. To finance its proposal, applicant relies upon (1) a net loan of $70,000 from Mrs. Sarah Burch; (2) net credit from Global Video Communications

Corporation of $47,273 for equipment; (3) net deferred credit of $15,200 from an unspecified tower installer presumably for tower erection; and (4) net deferred credit of $36,000 from an unspecified contractor presumably for the construction of buildings. With respect to (3) and (4), the applicant has not furnished balance sheets or financial statements of the entities who are to extend credit and has not provided agreements containing the terms of credit. Consequently, the applicant appears to have available $117,273 consisting of the Burch loan and the Global Video deferred credit. Therefore, a financial issue will be specified to determine the source and availability of sufficient funds in excess of $117,273 to construct and operate for three months.

National Group Telecommunications of Burlington, Inc.

6. Since no determination has been reached that the tower height and location proposed by National Group Telecommunications of Burlington, Inc. would not constitute a hazard to air navigation, an issue regarding this matter is required.

Conclusion and Order

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Carolina Christian Broadcasting, Inc.:

(a) the basis for the applicant's estimates of costs and whether the estimates are reasonable;

(b) the costs of leasing the proposed tower site for five months;

(c) the source and availability of sufficient funds in excess of $117,273 to construct and operate for three months;

(d) whether, in light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

2. To determine with respect to National Group Telecommunications of Burlington, Inc., whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding with respect to issue 2.

10. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. It is further ordered, that the applicants herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-24543 Filed 8-21-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-547 and 81-548; File Nos. 22141-CD-P-79 and 21626-CD-P-79]

Omni Communications Inc. and Summit Mobile Radio Co.; Applications for Construction Permits; Hearing Designation Order

In the matter of applications of Omni Communications, Inc. for construction permit to add an additional location on frequency 158.70 MHz for one-way signaling Station KSV954 in the Domestic Public Land Mobile Radio Service at Rochester, New Hampshire (CC Docket No. 81-547, File No. 22141-CD-P-79) Summit Mobile Radio Company for a construction permit to add an additional channel on frequency 158.70 MHz for one-way signaling Station KWU411 in the Domestic Public Land Mobile Radio Service at Falmouth, Maine (CC Docket No. 81-548, File No. 21626-CD-P-79).

Memorandum Opinion and Order

Adopted: August 10, 1981.

Released: August 14, 1981.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Omni Communications, Inc. (Omni), and Summit Mobile Radio Company (Summit). These applications are electrically mutually exclusive;[1] therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the application of Omni Communications, Inc., File No. 22141-CD-P-79, and Summit Mobile Radio Company, File No. 21626-CD-P-79, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 43 dBu contours,[2] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[3] and to determine and compare the need for the proposed services in said area; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

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[1] We note that while Omni is applying to add a new location on its existing frequency KSV954, Summit is seeking to add an additional frequency for its existing Station KWU411. A grant of either application would preclude a grant of the other.

[2] For the purposes of this proceeding, the interference-free area is defined as that area within the 43 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is always equal to or greater than R in F.C.C. Report No. R-6406, equation 8.

[3] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibles above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult the Bureau counsel in an effort to submit joint technical exhibits.)

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. The Secretary shall cause a copy of this Order to be published in the Federal Register.

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-24544 Filed 8-21-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-513; File No. 20756-CD-P-1-81]

Paul Bunyan Rural Telephone Cooperative; Application for Construction Permit; Hearing Designation Order

In the matter of application of Paul Bunyan Rural Telephone Cooperative for a construction permit for an additional frequency 152.51 MHz for Station WSI709 in the Domestic Public Land Mobile Radio Service near Bermidji, Minnesota (CC Docket No. 81-513, File No. 20756-CD-P-1-81)

Memorandum Opinion and Order

Adopted Augst 4, 1981.

Released August 14, 1981.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, is the captioned application of Paul Bunyan Rural Telephone Cooperative. This application has not been protested and is not electrically mutually exclusive with any other application. However, our review of this application has raised a question concerning whether Paul Bunyan has demonstrated a need for an additional frequency for Station WSI709. We find the applicant to be otherwise qualified.

2. The application includes a traffic loading study pursuant to Section 22.516 of our Rules in an attempt to demonstrate a need for the additional two-way frequency it requests. However, the loading study does not show sufficient traffic to justify an additional frequency. The traffic loading study shows a probability of blocking of .27 for two channels. As a result, we will designate an issue as to whether the application has adequately demonstrated a need for an additional frequency.

3. Accordingly, it is ordered, that the application of Paul Bunyan Rural Telephone Cooperative, File No. 20756-CD-P-1-81, is designated for hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issue:

(a) To determine whether the applicant has demonstrated a need for an additional frequency.

4. It is further ordered, that the hearing shall be held at the Commission Offices at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to this proceeding.

6. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for a hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. The Secretary shall cause a copy of this Order to be published in the Federal Register.

Sheldon M. Guttmann,

Chief, Mobile, Services Division, Common Carrier Bureau.

[FR Doc. 81-24545 Filed 8-21-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-518, File No. 20977-CD-P-2-81, et al.]

Rogers Radio Communication Services, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In the matter applications of Rogers Radio Communication Services, Inc., for a construction permit to add additional locations for Station KTS204 to operate on frequency 152.24 MHz at Ross Township and Woodstock, Illinois (CC Docket No. 81-518, File No. 20977-CD-P-2-81), for a construction permit to add an additional location for Station KTS204 to operate on frequency 152.24 MHz at Gilbert, Illinois (CC Docket No. 81-519, File No. 21171-CD-P-1-81) and Rockford Communications Company, Inc., for a construction permit to add an additional location for Station KQZ744 to operate on frequency 152.24 MHz at Rockford, Illinois (CC Docket No. 81-520, File No. 21030-CD-P-1-81).

Memorandum Opinion and Order

Adopted August 6, 1981.

Relased August 14, 1981.

By the Common Carrier Bureau:

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Rogers Radio Communication Services, Inc. and Rockford Communications Company, Inc. These applications are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Rogers Radio Communication Services, Inc. File Nos. 20977-CD-P-2-81 and 21171-CD-P-1-81 and the application of Rockford Communications Company, Inc., File No. 21030-CD-P-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interferences-free area within the 43 dbu contours, [1] based upon the standards set forth in § 22.504(a) of the Commission's Rules, [2] and to determine and compare the need for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

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[1] For the purpose of this proceeding, the interference-free area is defined as that area within the 43 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6406, equation 8.

[2] Section 22.504(a) of the Commission's Rules and regulations describes a field strength contour of 43 decidels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

5. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-24536 Filed 8-21-81; 8:45 am]

BILLING CODE 6712-01-M

[DC Docket Nos. 81-540, 81-541; File Nos. BPCT-801106KF, 810121KG]

TV-8, Inc. and John R. Powley; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: August 3, 1981.

Released: August 18, 1981.

In re Applications of TV-8, Inc., Iron Mountain, Michigan, BC Docket No. 81-540, File No. BPCT-801106KF, John R. Powley, Iron Mountain, Michigan, BC Docket No. 81-541, File No. BPCT-8010121KG; for Construction Permit.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 8, Iron Mountain, Michigan.

TV-8, Incorporated

2. The applicant estimates that $155,900 will be required to construct and operate for three months. Although the tower site is to be leased, the applicant has made no specific provision for this expense. Consequently, we are unable to ascertain the full costs of construction and operation and an appropriate issue will be specified.

3. To finance its proposal, applicant relies upon: (1) existing capital of $30,000; (2) a net loan of $96,000 from the State Bank of Kewaunee; and finally, (3) $54,750 from the Christian Broadcasting Company for the purchase of air-time, totalling $180,750.

4. With respect to (1) above, applicant has only $23,900 available, based on $30,000 (cash on hand and in banks) less $6,100 (account payable). With respect to (3) above, no contracts have been submitted in support. Consequently, we do not know if these revenues will be available. In light of the above, it appears that the applicant will have $23,900 in net liquid assets and the net loan of $96,000 from the State Bank of Kewaunee. Consequently, applicant will be required to show the source and availability of sufficient additional funds in excess of $119,900 and an appropriate financial issue will be specified.

5. FAA approval of applicant's tower height and location has expired. Consequently, grant of TV-8's application shall be conditioned upon revalidation of the FAA clearance.

John R. Powley

6. The applicant estimates that he will require $263,259 for construction and operating costs for three months. Of this amount, the applicant indicates that $5,000 has already been paid, $127,150 in equipment is on hand, and engineering and installation services valued at $16,000 will be available without cost. Thus, $115,109 will be required in cash to meet the remaining costs.

7. To meet these remaining costs, the applicant relies upon existing capital of $109,435 and a net loan of $282,000 from Central Counties Bank, Altoona, Pennsylvania. Since the applicant has not filed a copy of the letter by which the bank agrees to make the loan, the loan cannot be considered to be available. This leaves the applicant with $109,435 to meet estimated costs of $115,109, or a shortfall of $5,674. The personal financial statements submitted by the applicant make it apparent that this shortfall can be met with no difficulty and we will not, therefore, specify a financial issue.

8. Both applicants have submitted engineering proposals which may result in adverse effects upon the radiation pattern of AM station WMIQ, Iron Mountain, Michigan. Therefore, any construction permit grant will be appropriately conditioned.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, It Is Ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications Are Designated for Hearing in a Consolidated Proceeding to be held before an Administrative Law Judge at a time and place to specified in subsequent Order, upon the following issues:

1. To determine with respect to TV-8, Incorporated:

(a) The rental costs of the tower site;

(b) In light of the evidence adduced pursuant to the foregoing, the total costs of construction and operation for three months;

(c) Whether it has sufficient funds in excess of $119,900 available to construct its proposed station and operate it for three months;

(d) Whether, in light of the evidence adduced pursuant to (a), (b), and (c) above, applicant is financially qualified.

2. To determine, on a comparative basis, which of the applications would better serve the public interest, convenience and necessity.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That, in the event of a grant of the application of TV-8, Incorporated, the grant shall be subject to the condition that construction shall not be commenced until FAA approval of the tower height and location has been revalidated.

12. It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM station WMIQ, Iron, Michigan, so that that station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the aforementioned AM station. Subsequent to construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antenna shall be made and sufficient field strength measurements, obtained at least 10 locations along each of eight equally spaced radials, shall be made to establish that the AM radiation pattern is essentially omnidirectional and, the results submitted to the Commission in application for the AM station to return to the direct method of power determination. Thereafter the TV station may commence *Limited Program Test.*

13. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate a written appearance stating

an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-24547 Filed 8-21-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-506, 81-507; File Nos. 5883-CM-P-80, I0404-CM-P-80]

Unimel, Inc. and Microband Corp., of Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: July 31, 1981.

Released: August 13, 1981.

In re Applications of Unimel, Inc.; CC Docket No. 81-506, File No. 5883-CM-P-80, and Microband Corp. of America; CC Docket No. 81-507, File No. 10404-CM-P-80; for construction permits in the Multipoint Distribution Service for a new station at Eau Claire, Wisconsin.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Eau Claire, Wisconsin. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, It is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Unimel, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the commission's rule.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-24548 Filed 8-21-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-510, 81-511, 81-512; File Nos. 5882-CM-P-80, 10506-CM-P-80, 10510-CM-P-80]

Unimel, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: July 31, 1981.

Released: August 13, 1981.

In re Applications of Unimel, Inc., CC Docket No. 81-510, File No. 5882-CM-P-80; Microband Corp. of America, CC Docket No. 81-511, File No. 10506-CM-P-80; and Multi-Point Communications Corp., CC Docket No. 81-512, File No. 10510-CM-P-80; for construction permits in the Multipoint Distribution Service for a new station at Waukegan, Illinois.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Waukegan, Illinois. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *See* Application for Transfer of Control *Memorandum Opinion, Order and Authorization*, File Nos. 11-76-CM-TC-(69)-80, 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the rules, 47 CFR § 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in Frank K. Spain, 77 FCC 2d 20 (1980).

[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arther Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *See* Application for Transfer of Control *Memorandum Opinion, Order and Authorization*, File Nos. 11-76-CM-TC-(69)-80, 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the rules, 47 CFR § 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in Frank K. Spain, 77 FCC 2d 20 (1980).

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Unimel, Inc., Microband Corporation of America, Multi-Point Communications Corp. and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

James R. Keegan,

Chief, Domestic Facilities Division Common Carrier Bureau.

[FR Doc. 81-24549 Filed 8-21-81; 8:45 am]

BILLING CODE 6712-01-M

[Gen. Docket No. 80-741; FCC 81-317]

Inquiry Relating to the Preparation for the International Telecommunication Union World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order; establishment of advisory committee.

SUMMARY: The Commission is establishing an advisory committee to assist in preparation for the 1985 Space World Administrative Radio Conference (WARC). The committee will provide advice and guidance in formulating Commission plans for the WARC.

FOR FURTHER INFORMATION CONTACT: Anthony Rutkowski, Office of Science and Technology (202) 653-8102.

Released: August 4, 1981.

By the Commission: Commissioner Dawson abstaining from voting.

In the matter of an inquiry relating to preparation for the International Telecommunication Union World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It, gen docket no. 80-741, memorandum opinion and order.

Adopted: July 16, 1981.

Background

1. The purpose of this *Memorandum Opinion and Order* is to establish a federal advisory committee to prepare for the International Telcommunication Union (ITU) World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC). This Conference will be held in two sessions in 1985 and 1987. A commission proceding has been established to accomplish preparations for the space WARC, and the maintenance of an advisory committee would be an adjunct to that proceeding.[1]

2. Although the detailed agenda for the Space WARC has not been decided by the ITU, the Conference is expected to have the jurisdiction to consider and alter the international arrangements whereby nations and organizations make use of the geostationary-satellite orbit for radiocommunication. Thus, a thorough assessment of these questions and an appropriate and effective U.S. assessment of U.S. options for the Conference is essential.

3. There are several means whereby the Commission and the Federal government develop policies for international organizations considering communication issues. One means is the creation of an advisory committee consisting of members of the public having a knowledge of and interest in the subject matter. Such committees generally meet at regular intervals with advance notice of meetings given in the **Federal Register**, affording an opportunity for members to research and discuss the relevant issues, and to ultimately produce findings or recommendations. All these activities are governed by the Federal Advisory Committee Act of 1972.[2]

4. In view of the utility of advisory committees in complex areas of policy, the Commission solicited comments regarding the desirability of creating an advisory committee for the Space WARC and its terms of reference in the first *Notice of Inquiry* in this proceeding.[3] Nine of the eleven parties filing comment addressed this matter. Eight of the parties supported the creation of such a committee and one felt the committee might be redundant with respect to the activities of existing committees.

5. Most of the supporting parties noted the general utility of an advisory committee for considering Space WARC issues. The Committee "* * * would enlarge the spectrum of input and would provide the benefit of coordinated consideration of various issues and distilled recommendations." Comments of the Public Service Satellite Consortium (PSSC) at 3-4; Reply comments of SBS at 3-4; Reply Comments of Comsat at 5. "(T)he formation of an Advisory Committee is fundamental to the effectiveness of any subsequent policy considerations." Comments of the GTE Satellite Corporation (GTE) at 2. "(T)he most productive and useful method of developing positions on the important subjects involved here is through the face-to-face, give-and-take discussions permitted by the advisory committee process." Comments of Western Union (WU) at 1. In response to a query in the first *Notice*, one party compared the relative utility of different policy development methods. "An Advisory Committee would be more advantageous and more cost efficient than a contracted study." Comments of PSSC at 3.

6. The only part to question the efficacy of such a committee conveyed "* * * reservations about the creation of another committee." Comments of the American Telephone and Telegraph Company (AT&T) at 11. "The substantial duplication of effort that would inevitably be involved in matters of substance as well as the administrative and participatory overhead outweighs the value to be derived." *Ibid.* This concern, however, was specifically addressed by several of the other parties who reached a different conclusion. "Although a considerable amount of technical preparatory work is underway through a number of U.S. Study Groups of the International Radio Consultative Committee (CCIR), the mandate and interest area of each of those groups is by design specific and limited. An important need still exists for a knowledgeable coordinating and review group not only to integrate and advise on the results of the multiple specialized efforts underway, but also to review and advise on the fundamental policy issues which will determine the framework in which the technical material is used." Comments of Satellite Business Systems (SBS) at 9-10. *See also*, Comments of PSSC at 3-4.

Discussion

7. It is clear that most of those filing comments on this subject strongly support the creation of an advisory committee. There are, indeed, other domestic advisory committees focussing upon the issues presented by the Space WARC. The Inter-department Radio Advisory Committee (IRAC) has created a special sub-committee, Ad-Hoc 178,

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[1] *See Notice of Inquiry* (in Gen. Doc. No. 80-741), FCC 80-697, 45 FR 85126 (released 25 Nov. 1980).

[2] Pub. L. No. 92-463. Oct. 6, 1972, 86 Stat. 770, as amended Pub. L. No. 94-409, sec. 5(c), Sept. 13, 1976, 90 Stat. 1247 at sec. 3(c).

[3] *See Notice of Inquiry, supra* at 15-16.

for this task. It is, however, an inter-agency committee under the Department of Commerce's National Telecommunication and Information Administration (NTIA), and the public has no direct access to or involvement in its activities. It is also a body which primarily focuses on Federal agency spectrum management interests. Ad-Hoc 178 is expected to provide valuable analysis and recommendations within its area of expertise. The other committee considering Space WARC issues is known as USSG Ad Hoc 4/1 within the U.S. National Committee for the CCIR. This committee, under the aegis of the Department of State, does involve private-sector participants but is largely technically-oriented in its approach. In addition to these activities, a variety of other independent Commission proceedings may also deal with matters relevant to the Space WARC preparatory process. For example, a proceeding will be initiated shortly to consider ". . . new or modified policies and criteria . . . likely to be required to insure that . . . consumer demand is satisfied within the limits of the available orbit-spectrum resource." [4] Similarly, the Inquiry into the Policies to be Followed in the Authorization of Common Carrier Facilities to Meet North Atlantic Telecommunications Needs During the 1985–1995 Period is relevant to Space WARC preparations.[5]

8. As suggested by SBS, a "knowledgeable group to integrate and advise on the results of the multiple specialized efforts underway, and advise on the fundamental policy issues" could usefully assist the Commission in preparing for the Space WARC. It is such an advisory committee that the Commission now establishes by the *Order* below. This committee is intended to bring together a broad and multidisciplinary range of individuals who are knowledgeable about and interested in the issues presented by the Space WARC. Although the committee cannot formally exercise any power over the advisory committees of other agencies, it is expected to usefully interact and share appropriate information with them.

[4] *Memorandum Opinion and Order* (in the Matter of Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service), FCC 80-711, —— FCC 2d ——, (4 Dec. 1980) at para. 93.

[5] *See Notice of Proposed Rule Making* (in CC Docket No. 79-184), FCC 80-653, —— FCC 2d ——, (6 Nov. 1980).

Work of the Space WARC Advisory Committee

9. The Space WARC is of a clearly different character tham most ITU administrative radio conferences. Its mandate is broad and potential impact on global satellite radiocommunication great. The dynamic nature of the telecommunications environment, the subtle influence and constraints imposed by political and institutional processes, and the difficulty in devising and assessing alternative arrangements are particularly pronounced with respect to the Space WARC. In addition, the perceptions, values, and needs of the anticipated participants in the conference are not well understood.

10. The work of the advisory committee is intended to be broad and comprehensive. It is expected to proceed incrementally to consider the myriad factors relevent to the Space WARC.

Factors Relevant to the Space WARC [6]

A. Environment: The Context of the Space WARC

1. Present and Future Conditions in Telecommunication and Information
- Networks
- Technology
- User Needs
- Institutional Arrangements

2. Associated Interests of Relevant Parties
- The United States
- International Telecommunications Union
- Other International Organizations
- Other Nations

3. Institutional Constraints and Operational Realities
- The ITU Conference Process
- Global Politics, Law and Economics

B. Strategy
1. Alternative Scenarios
2. Available U.S. Options
3. Post-Conference Assessment and Remedies

11. The above outline serves to portray the many factors within the purview of the Committee. The precise activities of the committee are set forth in the Charter attached as Appendix A. It delineates the work product which will be expected in the course of the committee's existence. It should be noted that any new ITU arrangements which the Conference may devise for use of the geostationary orbit will be applicable for the late 1980's and early 1990's. The advisory commitee would be expected, therefore, to estimate the demand for communications services during this timeframe and to examine the kinds of facilities necessary to provide those services. Equipment and network technology is expected to evolve rapidly during this same period. Thus the committee can also indicate the impact of this technology on the communications environment. In conjunction with examining these developments, the Committee must consider the potential effects of various Space WARC outcomes.

12. Because the Space WARC may require difficult policy choices to be made by the U.S., the Committee's role will be particularly valuable in delineating the factors to be considered in judging the various kinds of ITU arrangements possible for satellite communication. It would seem that not only must the interests of the U.S. and other nations be taken into account, the constraints of the conference process itself and global political-economic environment must be considered.

13. The above activities of the committee provide an important background and sense of what is being dealt with and affected by the Space WARC. However, it is the committee's assessment of U.S. options for the Conference which may ultimately be the most valuable product. Here, much of the work produced in the environmental work sections will be integrated with the material of other advisory committees addressing the Conference, to produce a comprehensive analysis to support the U.S. Space WARC effort. The information provided must necessarily become more focussed and detailed. Which radio frequency bands, if any, may be planned? Are other ITU arrangements able to be pursued? If a plan or planning process is to be pursued, what is to be its nature; what details are to be specified; on what basis? How should the U.S. react towards these various developments? What are the optimum ways to influence a desired result? How is harm to U.S. interests to be gauged and what kinds of remedies are appropriate? The answers to these kinds of questions will offer an invaluable guide for the conduct of U.S. strategy for the Conference.

14. The entire committee would be expected to meet no less than quarterly over the next thirty months, producing a final report by 31 December 1983. Membership on the committee will not be constrained, although regular dissemination of materials may be

[6] This outline has been adapted from recent materials on strategic management approaches to complex, dynamic environments. *See* R. Eward, Alternative Strategies for Frequency Management Conferences: A Strategic Management Context (Unpublished Report of MarTech Strategies, Indialantic, Florida) (March 1981). *See also*, J. Quinn, Strategies for Change: Logical Incrementalism (1980); A. Chandler, Strategy and Structure (1962).

limited to regular participants in the committee's activities. It is expected that the committee will attempt to reach a consensus on as many matters as possible. Where that does not occur, dissenting members are encouraged to prepare separate comments presenting their view. The committee will be created, conducted, and terminated pursuant to the Federal Advisory Committee Act of 1972, *Supra.* Advance notice of all meetings will be given to the public through publication in the **Federal Register.** Because funds for the conduct of this committee are extremely limited, private-sector (i.e., non-government) members of the committee must cover all their participatory expenses.

15. Accordingly, it is ordered That an advisory committee be established to assist the Commission in preparations for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Spaces Services Utilizing It. The staff IS INSTRUCTED to take the necessary steps to obtain the prompt approval of the Charter of the Advisory Committee, attached as Appendix A.

16. The point of contact on this matter is A. M. Rutkowski, International Staff, Office of Sceince and Technology, 202–632–7019 or 653–8102.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Charter

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It

A. Official Designation of the Advisory Committee

The Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It. The short-form reference for the Committee will be the Space WARC Advisory Committee.

B. Names of the Subcommittees

None.

C. Committee's Objectives and Scope of Activity

(1) Objective: to advise the staff of the Federal Communications Commission concerning preparations for the 1985 ITU World Administrative Radio Conference on the use of the Geostationary-Satellite Orbit and the Planning of Space Services Utilizing It.

(2) Scope of activity: all steps necessary to assemble information and provide advice concerning the following matters:

a. Initial work product:

- an indication of the kinds and quantities of services which geostationary radiocommunication satellites may be expected to provide during the 1988–2000 timeframe. Although the emphasis should be on domestic services, regional and global services must also be addressed to the extent that they affect U.S. interests.
- an examination of the equipment and network developments likely to appear during the next twenty years and the effect of these developments on service requirements.
- an indication of the scope of U.S. interests seen affected by the Space WARC, and the potential impact on those interests by the Space WARC.

b. Intermediate work product:

- an examination of the institutional and polticial constraints and dynamics which may be associated with the Space WARC.
- a consideration of the kinds of international institutional arrangements appropriate for fostering the anticipated developments in networks and equipment.
- a consideration of the interests of other nations and international organizations in shaping the results of the Space WARC.

c. Final work product:

- a portrayal of the many alternative approaches including regulatory procedures which may arise or be introduced at the conference, including which radio frequency bands may be affected and the kinds of ITU arrangements which may be effected.
- an assessment of the impact on satellite radiocommunication services by the various envisioned Conference outcomes including, to the extent determinable, economic effects.
- recommendations concerning available U.S. options and strategies designed to bring about a result most favorable to U.S. interests under the constraints of the Conference and international environment.
- ways which the U.S. may employ to assess the impact of Conference developments after the first session, and limit significant adverse consequences which may be concluded.

D. Period of Time Necessary for the Committee to Carry Out Its Purposes

Final written reports of the Committee must be completed by 31 December 1983; the Committee may be tasked for additional work thereafter, pending review of proposals of other nations.

E. Official to Whom the Committee Reports

Chief Scientist, Federal Communications Commission.

F. Agency Responsible for Providing Necessary Support

The FCC will furnish necessary administrative support, including the facilities needed for conducting meetings of the Committee.

G. Description of the Duties for which the Committee is Responsible

The duties of the Committee will be to assemble data and prepare analyses and recommendations concerning the matters set out in Part C above and to furnish them to the FCC staff.

H. Estimated Operating Costs in Dollars and Staff-Years

The estimated annual operating costs are $17,000 for the FCC. Estimated staff-years are .5 for the FCC and 5.0 for private and other government participants.

I. Estimated Number and Frequency of Committee Meetings

The full Committee will meet at least 4 times a year.

J. Charter Submitted

July 16, 1981.

K. Committee's Termination Date

August 4, 1983.

[FR Doc. 81–24598 Filed 8–21–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration; Reinsurance

AGENCY: Federal Emergency Management Agency/Federal Insurance Administration.

ACTION: Notice of Offer to Provide Reinsurance Against Excess Aggregate Loss Resulting from Riots or Civil Disorders.

SUMMARY: The Federal Insurance Administrator is publishing in this Notice the terms and conditions of the Standard Reinsurance Contract for 1981–82 governing reinsurance under the Federal insurance program reinsuring against excess aggregate losses resulting from riots or civil disorders to eligible insurers for the contract year from October 1, 1981, to September 30, 1982. In addition, this Notice sets forth the offer to provide reinsurance to eligible insurers and the method for accepting the offer. This offer and the contract set forth are authorized by law.

In accordance with the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended, (the Act) this offer is effective only in a state which has a FAIR Plan in compliance with the statutory or regulatory criteria and in which appropriate State legislation is effective and in compliance with the Act and regulations.

As of August 1, 1981. the States of Delaware, Georgia, Illinois, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, North Carolina, Pennsylvania, Rhode Island, Washington, and Wisconsin, and the District of Columbia were in compliance with the statutory requirements.

The Federal Riot Reinsurance will not be available under this offer in other

States unless they are in compliance with the statutory and regulatory requirements in effect as of October 1, 1981.

The basic reinsurance premium rate of 0.025 per $100 under the contract expiring September 30, 1981, has been increased to a rate of 0.25 per $100 of direct premium earned on lines reinsured. This increase is necessary because the accrued premiums and interest, generated by the National Insurance Development Fund, which in previous years produced 7 million dollars per year on the average is no longer available. It is estimated that the basic reinsurance premiums from all companies will produce approximately 6 million dollars at the new rate.

The increments of additional premium which would be payable in the event that all excess aggregate losses exceed the reinsurance premiums have been changed to provide not in excess of an amount equal to four times the basic premium. The additional premium would be triggered to produce eight increments each of which is equal to one half the basic reinsurance premium.

The net retention, the amount of aggregate losses that a Company must stand before the Reinsurer's liability attaches has been increased from .025 to an amount equal to a factor of five percent (.05) of the specified percentage of the Company's direct premiums earned in the State for the calendar year 1981 on those lines of insurance reinsured subject to a maximum retention of $3,000,000.00 per State. This increase in the retention is less than the inflation factor since the date on which the factor or two and one half percent (.025) was first established.

DATES: The offer is effective August 24, 1981. The Contract is effective 12:01 a.m., e.s.t., October 1, 1981 for all acceptances dispatched before 12:00 p.m. (midnight), September 30, 1981. The Contract is effective 12:01 a.m., e.s.t., of the day following dispatch of the acceptance for acceptances dispatched after September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Federal Riot Reinsurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, Telephone number, (202) 755–6555.

SUPPLEMENTARY INFORMATION: The purposes of this Notice are:

(1) To offer publicly Federal reinsurance against excess aggregate losses resulting from defined riots or civil disorders to insurers eligible for such reinsurance for the contract year which ends September 30, 1982;

(2) To provide the method by which the offer may be accepted; and

(3) To set forth the terms and conditions of the Standard Reinsurance Contract (1981–82).

Since the offer to provide reinsurance and the terms and conditions of the Standard Reinsurance Contract for the October 1, 1981, to September 30, 1982 contract year must appear in time for acceptance by eligible insurers on or before September 30, 1981, this notice of offer to provide reinsurance against excess aggregate losses resulting from riots or civil disorders is effective upon publication of this Notice in the **Federal Register.**

The Standard Reinsurance Contract (1981–82) provides for an aggregate basic premium rate of $0.25 per $100 of direct premiums earned on lines reinsured.

Both the aggregate basic premium and the additional premium, if any, are payable on an advance estimated basis as specified in the contract. Interest shall accrue at nine percent (9%) per annum on any portion of any amount due the reinsurer which is not paid to the reinsurer within 30 days from its due date.

The offer to provide reinsurance is as follows:

Offer to Provide Reinsurance

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended (12 U.S.C. 1749bbb–1749bbb–21), subject to all regulations promulgated thereunder and, to the terms and conditions set forth in the Standard Reinsurance Contract (1981–1982) as printed below, the Federal Insurance Administrator (hereinafter referred to as the "Reinsurer") offers to enter into the Standard Reinsurance Contract (1981–82), the terms and conditions of which are as printed hereinbelow, with any eligible insurer which accepts this offer. This offer is effective only in a state which has in effect a FAIR Plan in compliance with the Reinsurer's statutory or regulatory criteria and in which appropriate state legislation is effective and complies with the Reinsurer's statutory or regulatory criteria. The Reinsurer's offer to provide reinsurance is effective upon publication in the **Federal Register.**

Method of Acceptance of Offer

(1) Acceptance of this offer shall be by telegraphed or mailed notice of acceptance to the Reinsurer. If the date and time of dispatch of the notice of acceptance are not later than midnight, e.s.t., September 30, 1981 reinsurance coverage shall be in effect from 12:01 a.m., e.s.t., October 1, 1981. If the date and time of dispatch of the notice of acceptance are later than midnight, e.s.t., September 30, 1981, reinsurance coverage shall be in effect from 12:01 a.m., e.s.t., on the day after such notice of acceptance is dispatched. The date and time of dispatch of the notice of acceptance must be clearly shown either by telegraph dispatched notation or postmark, and such notation or postmark shall be conclusive proof of the date and time of dispatch.

(2) The telegram or letter accepting this offer of reinsurance shall indicate the States in which reinsurance on lines of mandatory coverage is to be provided and shall specifically designate for each such State the lines of optional coverage, if any, for which reinsurance is to be provided. The notice of acceptance shall be in substantially the following form:

The (name and insurer or insurers) hereby accepts the offer, as filed with the Office of the Federal Register, of the Standard Reinsurance Contract (1981–82), pursuant to the Urban Property Protection and Reinsurance Act of 1968, as amended, for the mandatory and (specify) optional lines in the following states: (specify).

(3) Any eligible insurer accepting this offer of reinsurance shall be supplied copies of the Standard Reinsurance Contract (1981–82), for execution and return to the Reinsurer.

Terms and Conditions of The Standard Reinsurance Contract (1981–82)

(At this point in the contract, the insurance company or companies reinsured are required to list the names and addresses of the principal company and all property insurance companies under common or related ownership or control as defined in the contract, and space is provided for the execution of the contract by the parties.)

This Contract, made by and between the Federal Insurance Administrator (hereinafter referred to as the "Reinsurer") and the company or companies specified above (hereinafter referred to as the "Company").

Witnesseth:

Subject to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended, and to the terms and conditions herein set forth, the Reinsurer hereby obligates itself to pay, as reinsurance of the company, the amount of the Company's excess aggregate losses resulting from riot or civil disorders in such lines of mandatory and optional coverage as are designated separately for each State by the Company in its notice of acceptance and confirmed under section XVII.

Section I. Policies reinsured. This Standard Reinsurance Contract applies to:

(A) All policies or contracts of direct property insurance issued by the Company to any property owner, except for policies for which the business is handled for or through any State pool or any other continuing organization, pool, or association of insurers, and

(B) The Company's participations in State pools and, as may be approved by the Reinsurer, in other continuing organizations, pools, or associations of insurers, which policies, contracts, or participations are in force on the effective date hereof or which commence or are renewed on or after such effective date in all the mandatory and in such optional standard lines of property insurance listed below as are designated separately for each State by the Company in its notice of acceptance and confirmed under section XVII.

Lines of Mandatory Coverage

(A) Fire and extended coverage;
(B) Vandalism and malicious mischief;
(C) Other allied lines of fire insurance;
(D) Burglary and theft; and
(E) Those portions of multiple peril policies covering similar perils to those provided in (A), (B), (C), (D);

Lines of Optional Coverage

(F) Inland marine;
(G) Glass;
(H) Boiler and machinery;
(I) Ocean marine;
(J) Aircraft physical damage.

Section II. Premiums. The aggregate basic premium due the Reinsurer for the reinsurance coverage provided under this contract shall be computed by applying an annual rate of twenty-five hundreds of one per centum (.25%) to an aggregate premium base consisting of the sum of the products of the Company's direct premiums earned in each State for each reinsured line for the calendar year 1981 multiplied by the specified percentage of such earned premium, as defined in section XVI of this contract.

If the total amount of all excess aggreate losses paid by the Reinsurer under this contract and all like Standard Reinsurance Contracts issued for the period between October 1, 1981, and September 30, 1982, exceeds the total amount of all aggregate basic premiums paid or payable to the Reinsurer under all such contracts, the Company shall be obligated to pay the Reinsurer, at or subsequent to adjustment, an additional premium determined on the basis of the amount of the remainder derived by subtracting the total amount of all aggregate basic premiums paid or payable to the Reinsurer under all such contracts from the total amount of all excess aggregate losses paid by the Reinsurer under all such contracts. The amount of the additional premium shall be equal to the product of the Company's aggregate basic premium multiplied:

By a factor of one-half, if the remainder is equal to or less than one-half of the total amount of all aggregate basic premiums under all such contracts;

By a factor of one, if the remainder is greater than one-half the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to one times that amount;

By a factor of one and one-half, if the remainder is greater than one times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to one and one-half times that amount;

By a factor of two, if the remainder is greater than one and one-half times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to two times that amount;

By a factor of two and one-half, if the remainder is greater than two times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to two and one-half times that amount;

By a factor of three, if the remainder is greater than two and one-half times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to three times that amount;

By a factor of three and one-half, if the remainder is greater than three times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to three and one-half times that amount;

By a factor of four, if the remainder is greater than three and one-half times the total amount of all aggregate basic premiums under all such contracts.

An advance premium, which shall be an estimated premium only, shall be computed by the Company on the basis of its direct premiums earned in the calendar year 1980 in the manner required for the computation of the aggregate basic premium. If any line of insurance is added during the term of this contract for which the Company had no premium writings in 1980, the premium base for the advance premium shall be estimated by State for the period from the date of attachment of coverage to the expiration date of this contract. In no event shall the advance premium be less than $25.00 for each State in which reinsurance is provided under this contract. The advance premium shall be paid to the Reinsurer without demand within 30 days from the effective date of coverage.

At the option of the Reinsurer and prior to adjustment, the Company shall pay the additional premium on an estimated basis. An estimated additional premium payment equal to the amout of the Company's advance premium shall be payable to the Reinsurer if the total amount of all excess aggregate losses paid by the Reinsurer under this contract and all like Standard Reinsurance Cotracts issued by the Reinsurer for the period between October 1, 1981, and September 30, 1982, exceeds the total amount of all estimated premiums collected by the Reinsurer under all such contracts (the total amount of all advance premiums plus the total amount of estimated additional premium payments). The total amount of estimated additonal premium payments, whether required separately or concurrently, shall not exceed four times the amount of the Company's advance premium. The actual amount of the additonal premiums shall subsequently be computed and adjusted in accordance with the provisions of the preceding paragraphs and section VI.

With the exception of the advance premium which is due without demand of the Reinsurer within 30 days from the effective date of coverage, premium amounts shall be due 30 days after the demand of the Reinsurer. Interest shall accrue at nine per centum (9%) per annum on any portion of any premium amount which is not received on or before 30 days from its due date.

The aggregate basic premium, together with any additional premium which may be due the Reinsurer in accordance with the preceding paragraphs, shall be deemed fully earned on the date that such reinsurance coverage attaches, except as otherwise provided in section V.

Section III. Claims. The Company shall advise the Reinsurer by letter (A) of all losses from a single occurrence which exceed $50,000 and (B) whenever it appears that aggregate losses have been incurred in an amount equal to 90 percent (90%) of the Company's net retention in any State, on the basis of its direct premiums earned and reported to the Reinsurer for the calendar year 1980.

When the Company incurs aggregate losses which exceed its net retention in an State, the Company may make claim upon the Reinsurer for the payment of excess aggregate losses in that State by filing a certification of loss and thereafter such supporting documentation of such losses as may be

required by the Reinsurer, and following the receipt of such certifications and documentation the Reinsurer shall, as promptly as possible, in such installments and on such conditions as may be determined by the Reinsurer to be appropriate (including advance payments made on the basis of preliminary certifications of loss filed in advance of the final determination of the ultimate amount of losses paid), pay to the Company the amount of such excess aggregate losses subject to adjustments on account of underpayments or overpayments.

If the ultimate amount of losses to be paid by the Company has not been finally determined when the certification of loss is filed, the Company shall, in due course, file one or more supplementary certifications of loss and thereafter the Reinsurer or the Company, as the case may be, shall pay the balance due.

Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year 1980 shall be recomputed and adjusted at the termination of the coverage provided by this contract on the basis of direct premiums earned in reinsured lines for the calendar year 1981.

Section IV. Inception and expiration dates. Provided the Company has requested reinsurance by States and lines of coverage on or before September 30, 1981, this Standard Reinsurance Contract shall be in effect from 12:01 a.m., e.s.t. on October 1, 1981, and shall expire at 12:00 p.m., (midnight) e.s.t. on September 30, 1982, unless sooner terminated.

If the Company applies for coverage on or after October 1, 1981, this contract shall be effective from 12:01 a.m., e.s.t. or the day after such acceptance is dispatched, as determined by the date of postmark or telegram, provided the offer is effective in any State for which the Company requests coverage specifying by State and line and providing the Company otherwise complies with the eligiblilty requirements of this contract.

This contract applies only to losses occurring during the term hereof, as follows:

(A) If at the inception of this contract any riot or civil disorder is in progress, no coverage shall be provided for losses resulting therefrom unless this contract is a continuation of coverage from the previous year's contract.

(B) If this contract terminates while a riot or civil disorder covered hereby is in progress, no coverage shall be provided for any losses resulting therefrom which occurred after the date and time of termination of this contract.

Section V. Cancellations. Reinsurance under this contract may be cancelled by the Company in its entirety or with respect to any State upon written notice by the Company to the Reinsurer stating that it desires to cancel the reinsurance coverage specified and that it will pay any premium due the Reinsurer in accordance with the provisions of this contract, subject to any adjustments which may be required under section VI; provided, however, that no coverage shall attach under this contract if the Company has willfully concealed or misrepresented any material fact with respect thereto.

Reinsurance under this contract may be cancelled by the Reinsurer in its entirely or with respect to any State upon 30 days written notice by certified mail to the Company of such cancellation, stating one of the following reasons for cancellation: fraud or misrepresentation subsequent to the inception of the contract, nonpayment of premium or any other amount due the Reinsurer, and the grounds set forth in the second paragraph of section XI.

Reinsurance under this contract may be cancelled by Certified mail by the Reinsurer in its entirely or with respect to any State for one of the grounds set forth in the first paragraph of section XI and such cancellation shall be effective immediately upon written notice to the company.

Whenever the Reinsurer determines, in his discretion, that any cancellation of reinsurance is involuntary and without fault on the part of the Company, the premium due the Reinsurer for the coverage afforded under this contract shall be prorated in the ratio of—

(A) The number of days for which coverage was provided prior to the cancellation of such coverage plus thirty, to

(B) The total number of days of coverage provided under this contract from the inception of coverage up to and including September 30, 1982.

In the event of any cancellation of reinsurance coverage under this section, the net retention and assessment of such Company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year 1981. Refunds of premiums, if any, due the Company upon cancellation may, at the discretion of the Reinsurer, be deferred until after final adjustments have been made in accordance with the provisions of section VI hereof.

Section VI. Adjustments. The Company shall report to the Reinsurer within 60 days after request its direct premiums earned for the calendar year 1981 in all reinsured lines in all States for which reinsurance was provided under this contract, for the purpose of computing and adjusting the reinsurance premium due to the Reinsurer with respect to the coverage provided. The direct premium earned to be reported for any line of insurance added during the contract term for any State in which the company had no premium writings in such line in 1981 shall be the direct premiums earned for the first nine months of 1982 as estimated by the Company, subject to audit by the Reinsurer.

In no event shall the adjusted amount of direct premiums earned by the Company result in a basic premium to the Reinsurer in an amount less than $25 for each State during the contract year, which shall constitute the minimum adjusted reinsurance premium for any state under this contract.

On or before December 31, 1982, or such later date as may be permitted at the option of the Reinsurer, the Company shall report to the Reinsurer its aggregate losses.

Any overpayment or underpayment between the Reinsurer and the Company shall be adjusted and paid in accordance with the obligations assumed herein under.

Section VII. Insolvency. In the event of insolvency of the Company the reinsurance under this contract shall be payable by the Reinsurer to the Company or to its liquidator, receiver, or statutory successor on the basis of the liability of the Company under all policies, contracts, or participation shares reinsured without diminution because of the insolvency of the Company.

It is further agreed that the liquidator, or receiver, or statutory successor of the Company shall give written notice to the Reinsurer of the pendency of any claim against the Company on the policies, contracts, or participation shares reinsured within a reasonable time after such claim is filed in the insolvency proceeding, and that during the pendency of such claim the Reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which may be deemed available to the Company or its liquidator, receiver, or statutory successor. The expense thus incurred by the Reinsurer shall be chargeable, subject to court approval, against the Company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the Company solely as a result of the defense undertaken by the Reinsurer.

Section VIII. Errors and omissions. Inadvertent delays, errors, or omissions made in connection with any transaction under this contract shall not relieve either party from any liability which would have attached had such delay, error, or omission not occurred, provided always that such delay, error or omission is rectified as soon as possible after discovery.

Section IX. Restriction of benefits. No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

Section X. Participation in statewide plans. No reinsurance shall be offered or be effective under this contract in any State unless there is in effect in such State, on the date coverage commences, a continuing statewide plan to make essential property insurance more widely available which is in compliance with the Reinsurer's statutory or regulatory criteria, and the Company is fully participating in such plan on a risk-bearing basis and is certified by the State insurance authority as meeting the requirements of this section. Except with respect to its runoff business after ceasing to do business within a State, the Company shall not be eligible for reinsurance under this contract in any State in which it is not engaged in the direct writing or property insurance at the time coverage is requested, or in which it is writing business on a nonadmitted basis, unless it reports such nonadmitted business to the State insurance authority and participates in the statewide plan of such State on the basis of such reported business. The Company shall file and maintain with the State insurance authority in each State in which it is participating in the statewide plan a statement pledging its full participation and cooperation in carrying out the plan and shall file a copy of each such statement with the Reinsurer. The Company shall not direct any agent, broker, or other producer not to solicit business through such plans and shall not penalize in any way any agent, broker, or other producer for submitting applications for insurance under such plans. The Company shall also establish and carry out an education and public information program to encourage agents, brokers, and other producers to utilize the programs and facilities available under such statewide plans.

In the event that the Company after the inception of this contract voluntarily withdraws from any State plan, pool, or other facility required by the provisions of this section, such withdrawal shall be deemed to constitute cancellation by the Company with respect to that State as of the effective date of the withdrawal.

Section XI. Limitations on reinsurance. The Reinsurer shall cancel this contract upon written notice to the company: (A) if legislation to reimburse the Reinsurer, as necessary, for the portion of the aggregate losses specified in section 1223(a)(1) of the National Housing Act, as amended (12 U.S.C. 1749bbb–9(a)), paid by the Reinsurer under this contract, has not been enacted by the state or has expired or been repealed, or has otherwise ceased to be effective; or (B) following a merger, acquisition, consolidation, or reorganization involving the Company and one or more insurers with or without such reinsurance, unless the surviving insurer meets all criteria for eligibility for reinsurance and within 10 days pays any reinsurance premium due. The Reinsurer shall cancel coverage, in accordance with the provisions of this contract, with respect to any State in which—

(A) the Reinsurer has found (after consultation with the State insuring authority) that (1) it is necessary to have a suitable program adopted, in addition to required statewide plans, to make essential property insurance available without regard to environmental hazards and that such a program has not been adopted, or (2) the Company is not fully participating in the Statewide plan; and, where it exists, in a State pool or other facility; and, where it exists, in any other program found necessary to make essential property insurance more readily available in the State; or

(B) the Reinsurer has found (after consultation with the State insurance authority) that a statewide plan is not complying with the Reinsurer's regulatory or statutory criteria, including Sections 1211 and 1223 of the National Housing Act, as amended (12 U.S.C. §§ 1749bbb–3 and 1749bbb–9), or has become inoperative.

Notwithstanding the foregoing provisions, reinsurance may at the election of the Reinsurer be continued, up to and including September 30, 1982, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this section, provided the Company pays the reinsurance premiums in such amounts as may be required. For the purposes of this section, the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged, shall be deemed to be a policy or contract written on the date such change was made effective.

Reinsurance under this contract shall be subject to all of the provisions of the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb–1749bbb–21, as amended, and to all regulations duly promulgated by the Reinsurer pursuant thereto.

Section XII. Arbitration. If any misunderstanding or dispute arises between the Company and the Reinsurer with reference to the amount of premium due, the amount of loss, or to any other factual issue under any provisions of this contract, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by the Reinsurer. The Company and the Reinsurer may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make his determination. If the Company and the Reinsurer cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the Company and one by the Reinsurer.

The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the Reinsurer. The Company and the Reinsurer shall bear equally all expenses of the arbitration.

Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall, upon objection by the Reinsured or the Company, be inadmissible as evidence in any subsequent proceedings in any court or competent jurisdiction.

Section XIII. Access to books and records. The Reinsurer and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the Company that are pertinent to the business reinsured under this contract. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities. The Company shall keep records which fully disclose all matters pertinent to the business reinsured, including premiums and claims paid or payable under this contract. Records relating to premiums shall be retained and available for three (3) years after final adjustment of

premiums, and to reinsurance claims three (3) years after final adjustment of such claims.

Section XIV. Information and annual statements. The Company shall furnish to the Reinsurer such summaries and analyses of information in its records as may be necessary to carry out the purposes of the Urban Property Protection and Reinsurance Act of 1968, as amended, in such form as the Reinsurer, in cooperation with the State insurance authority, shall prescribe; and the Company shall file with the Reinsurer a true and correct copy of the Company's Fire and Casualty annual statement, or amendment thereof, as filed with the State insurance authority of the Company's domiciliary State, at the time it files such statement or amendment with the State insurance authority. The Company shall also file with the Reinsurer an equivalent of page 14 of such annual statement for each State in which reinsurance is provided under this contract.

Section XV. Exclusions. Reinsurance under this contract shall not be applicable with respect to any claim for:

(A) All or any part of a loss which is the direct or indirect result of controlled or uncontrolled nuclear reaction, radiation, or radioactive contamination; or

(B) Any loss to any aircraft while the aircraft is in flight, including that period between the time when power is turned on for the purpose of taxiing connected to takeoff until the time when the landing run has ended, taxiing has been completed, and power has been turned off; or

(C) Any loss to any aircraft, or resulting from collision with aircraft, which is precipitated or caused by hijacking of any aircraft or attempt thereat, including loss from wrongful seizure, wrongful diversion from course of flight pattern, or wrongful exercise of command or control, of an aircraft, by any person or persons, through the use of force or violence or the threat of force or violence.

Section XVI. Definitions. As used in this contract the term—

(1) "Aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in a State and allocable to a State in which reinsurance is provided;

(2) "Company" means any company authorized to engage in the insurance business under the laws of any State, except that if there are two or more companies within a State in which reinsurance is to be provided under this contract which, as determined by the Reinsurer:

(A) Are under common ownership and ordinarily operate on a group basis; or

(B) Are under single management direction; or

(C) Are otherwise determined by the Reinsurer to have substantially common or interrelated ownership, direction, management, or control; then all such related, associated, or affiliated companies, excluding nonadmitted companies, which are not specifically included by endorsement to this contract, shall be reinsured only as one aggregate entity;

(3) "Continuing organization, pool, or association of insurers" means an industry pool created to provide direct insurance to meet special problems of insurability, such as for a particular class or type of business;

(4) "Direct premiums earned" means direct premiums earned as reported in columns 2 on page 14 of the Company's Fire and Casualty annual statement for the specified calendar year in the form adopted by the National Association of Insurance Commissioners, subject to (A) adjustment as approved by the Reinsurer for cessions to pools, facilities, and associations, and for the inclusion of participations in such pools, facilities, and associations, and (B) such other appropriate adjustments as may be approved or required by the Reinsurer, which shall include adjustments for dividends paid or credited to policyholders and reported in column 3 on page 14, subject to a maximum credit of 20 percent (20%) of direct premiums earned for any one line of insurance;

(5) "Excess aggregate losses" means that part of aggregate losses which is equal to the sum of—

(A) Ninety percent of the Company's aggregate losses in excess of its net retention, until the Company's 10 percent share of aggregate losses under this provision (A) equals the amount of its net retention;

(B) Ninety-five percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A)) in excess of twice its net retention, until the Company's 5 percent share of aggregate losses under this provision (B) equals the amount of its net retention; and

(C) Ninety-eight percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A) and (B)) in excess of an amount equal to three times its net retention;

(6) "Losses" means all claims proved, approved, and paid by the Company under reinsurance policies, resulting from riots or civil disorders occurring in a State during the period of this contract after making proper deduction for salvage and for recoveries other than reinsurance, together with an allowance for expense in connection therewith, hereby agreed to equal an amount per claim of 8 percent (8%) of the first $25,000 of any such claim, plus 3 percent (3%) of the amount by which such claim exceeds $25,000 but is less than $100,000, plus 1 percent (1%) of the amount by which the claim exceeds $100,000; it does not mean any claim excluded under section XV.

(7) "Net retention" means the amount of aggregate losses that the Company must stand before the Reinsurer's liability hereunder attaches. The net retention shall be one aggregate figure for each State determined by applying a factor of five percent (.05) to the specified percentage of the Company's direct premiums earned in the State for the calendar year 1981 on those lines of insurance hereby reinsured. The retention amount is subject to a minimum figure of $1,000.00 for each State, and to a maximum figure of $3,000,000.00 per State.

(8) "Loss resulting from riot" means loss of or damage to property actually and immediately resulting from an overt and tumultuous disturbance of the public peace by three or more persons mutually assisting one another, or otherwise acting in designed concert, in the execution of a common purpose through the unlawful use of force and violence.

"Loss resulting from civil disorders" means

(A) Loss of or damage to property actually and immediately resulting from any pattern of unlawful incidents taking place within close proximity both as to time and place and involving damage to property intentionally caused by persons apparently having the primary motivation of disturbing the public peace through civil disruption, civil disobedience, or civil protest; provided that at least two of such related incidents result in property damage in excess of $1,000 each; or

(B) Loss of or damage to property actually and immediately resulting from any occurrence involving property damage in excess of $2,000 caused by persons whose unlawful conduct in so causing the occurrence manifest their primary purpose of disturbing the public peace through civil disruption, civil disobedience, or civil protest.

(9) "Specified percentage" means 100 percent (100%) of the direct premiums earned for each line of insurance reinsured under this contract except that the specified percentage of homeowners multiple peril shall be 85 percent (85%)

and that of Commercial of multiple peril shall be 65 percent (65%);

(10) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions, and the Trust Territory of the Pacific Islands; and

(11) "State pool" means any State Fair Plan pool or insurance placement facility which is intended to meet the requirements of Part A of the Urban Property Protection and Reinsurance Act of 1968 (82 Stat. 558, 84 Stat. 1791, 12 U.S.C. 1749bbb–3—1749bbb–6a).

Section XVII. Schedule of coverage. The Company shall indicate with an (X) in the appropriate column and line those States in which the mandatory lines are to be reinsured under this contract. Coverage of mandatory lines may be designated only for those States in which the Company is eligible for reinsurance in accordance with section X of this contract.

The Company shall also indicate by State with an (X) in the appropriate column and line any optional lines which are to be reinsured under this contract. Coverage of optional lines is available only for those States in which the mandatory lines are reinsured.

(The schedule of mandatory and optional coverage by State and line is set forth at this point in the Contract.)

Issued at Washington, D.C. on August 14, 1981.

Donald L. Collins,

Acting Federal Insurance Administrator.

[FR Doc. 81–24521 Filed 8–21–81; 8:45 am]

BILLING CODE 6718–03–M

[Docket No. FEMA–REP–4–NC–2]

North Carolina Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear powerplants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of North Carolina has submitted its radiological emergency plans to the FEMA Regional office. These plans support nuclear powerplants which impact on North Carolina, and include those of local governments near the Carolina Power and Light Company's Brunswick Plan located in Brunswick County, North Carolina.

DATE: Plans received: February 10, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Major P. May, Regional Director, FEMA Region IV, 1375 Peachtree Street, N.W., Atlanta, Georgia 30309, (404) 881–2400.

Notice

In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Response Plan for the State of North Carolina was received by the Federal Emergency Management Agency Region IV Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Brunswick Plant, plans are included for Brunswick and New Hanover Counties.

Copies of the Plan are available for review at the FEMA Region IV Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 392 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Major P. May, Regional Director, at the above address on or before September 23, 1981.

FRMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of this meeting will be announced in the Wilmington Morning Star at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

Major P. May,

Regional Director.

August 10, 1981.

[FR Doc. 81–24522 Filed 8–21–81; 8:45 am]

BILLING CODE 6718–07–M

FEDERAL HOME LOAN BANK BOARD

Senior Executive Service; Performance Review Board Updated Membership

In accordance with Title IV of the Civil Service Reform Act of 1978, the Federal Home Loan Bank Board hereby gives notice of new memberships on the SES Performance Review Board. Current members are John S. Buchanan (Chairman), D. James Croft, Bobby L. Hughes, Douglas P. Faucette, and Francis M. Dorer.

For Further Information Contact: Doris H. McGhee, Director of Personnel, Federal Home Loan Bank Board, (202) 377–6050.

J. J. Finn,

Secretary to the Board, Federal Home Loan Bank Board.

[FR Doc. 81–24524 Filed 8–21–81; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

Rosario Jimenez, 15463 Turnbull Drive, Miami Lakes, FL 33014

Ward A. Thompson Enterprises, Inc., 2712 Maine Avenue, Long Beach, CA 90806, Officers:
- Leon Ackopiantz, Chairman of the Board
- Ward A. Thompson, President & CEO
- Lyla N. Thebald, Vice President
- Kenneth L. Vellon, Executive Vice President
- Eunice L. Vellon, Secretary/Treasurer

Romeo Chapa, d.b.a. R. C. Shipping Company, 609 Fannin Street, Suite 1819, Houston, TX 77002

Amiad Shipping Co., Inc., 351 East 84th Street, 5A, New York, NY 10028
Officers:
- Neal M. Rosenberg, President
- Jill B. Miller, Vice President/ Secretary.

Dated: August 19, 1981.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81–24561 Filed 8–21–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Securities, Inc.; Acquisition of Bank

Bank Securities, Inc., Alburquerque, New Mexico, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Mimbres Valley Bank, Deming, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(e)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24528 Filed 8-21-81; 8:45 am]

BILLING CODE 6210-01-M

CB&T Bancshares, Inc.; Acquisition of Bank

CB&T Bancshares, Inc., Columbus, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 per cent or more of the voting shares of Coastal Bankshares, Inc., St. Simons Island, Georgia, and The Coastal Bank of Georgia, St. Simons Island, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24533 Filed 8-21-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bancorporation of Colorado; Acquisition of Bank

Commercial Bancorporation of Colorado, Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Century Bank North, Denver, Colorado, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24529 Filed 8-21-81; 8:45 am]

BILLING CODE 6210-01-M

Jacinto City Bancshares, Inc.; Formation of Bank Holding Company

Jacinto City Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Jacinto City Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 16, 1981. Any comment on an application that request a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24532 Filed 8-21-81; 8:45 am]

BILLING CODE 6210-01-M

Middle States Bancorporation, Inc.; Acquisition of Bank

Middle States Bancorporation, East Moline, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 0.0078 percent or more of the voting shares of Colona Avenue State Bank, East Moline, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24540 Filed 8-21-81; 8:45 am]

BILLING CODE 6210-01-M

Reagan Bancshares, Inc.; Formation of Bank Holding Company

Reagan Bancshares, Inc., Big Lake, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Reagan State Bank, Big Lake, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in

writing to the Reserve Bank to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24535 Filed 8-21-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bankshares, Inc.; Formation of Bank Holding Company

Southwest Bankshares, Inc., Rio Rancho, New Mexico, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent of the voting shares of Bank of The Southwest, Rio Rancho, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24530 Filed 8-21-81; 8:45 am]

BILLING CODE 6210-01-M

St. Francisville Bancshares, Inc.; Formation of Bank Holding Company

St. Francisville Bancshares, Inc., St. Francisville, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Bank of St. Francisville, St. Francisville, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24534 Filed 8-21-81; 8:45 am]

BILLING CODE 6210-01-M

Western Bancshares of Las Cruces, Inc.; Formation of Bank Holding Company

Western Bancshares of Las Cruces, Inc.; Las Cruces, New Mexico, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares, less directors' qualifying shares, of Western Bank, Las Cruces, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questons of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24531 Filed 8-21-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Line of Business Reports Program; Notice of Intention to Publish 1974 Line of Business Annual Report

AGENCY: Federal Trade Commission.

ACTION: Authorization to Publish 1974 Line of Business Annual Report on or after September 11, 1981.

FOR FURTHER INFORMATION CONTACT:

Line of Business Program, ESL-G-LL01, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. Telephone: (202) 254-8170.

The Federal Trade Commission has authorized publication of the 1974 Line of Business ("LB") Annual Report, which contains aggregates of data reported by individual companies, but which does not contain any information by which individual company data can be identified.

The Commission authorized release of the report not less than 20 days after August 6, 1981, when a statement explaining its publication policies was issued and placed on the public record. In a letter to reporting companies the LB Program Manager stated that publication would not take place prior to September 11, 1981, in order to assure that all reporting companies received adequate notice.

Copies of the Commission's statement on LB publication policy may be obtained by contacting the LB Program at the address or phone number above and requesting the *Statement of the Federal Trade Commission Concerning Publication of the 1974 Line of Business Annual Report.* Before the Annual Report is published, the LB Program will also supply on request a redacted copy of its setting forth the categories of information to be published, but from which the actual aggregated LB data have been temporarily deleted.

A notice will be published in the **Federal Register** when the complete Annual Report is publicly available.

By direction of the Commission, dated August 11, 1981.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24625 Filed 8-21-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee
Dates: October 14–15, 1981
Place: Auditorium A, Centers for Disease Control, 1600 Clifton Road, NE, Atlanta, Georgia 30333
Time: 8:15 a.m.
Type of Meeting: Open
Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2035, Centers for Disease Control, 1600 Clifton road, NE, Atlanta, Georgia 30333; Telephones: FTS: 236–3703, Commercial: 404/329–3703
Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.
Agenda: The Committee will initiate review and updating of its recommendations on polio, rabies, and plague vaccines; continue discussion of ways to portray the importance of adult immunization; examine current patterns of use of smallpox vaccine; review data on the developmental hepatitis B vaccine and begin formulation of recommendations for its use; and consider other matters of relevancy among the Committee's objectives.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: August 17, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81–24727 Filed 8–21–81; 8:45 am]

BILLING CODE 4110–86–M

National Institutes of Health

Board of Scientific Counselors, NLM; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Library of Medicine, October 5 and October 6, 1981, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

The meeting will be open to the public from 8:30 a.m. to 3:00 p.m. on October 5, and from 8:30 a.m. to 12:30 p.m. on October 6, for the review of research and development programs of the Lister Hill National Center for Biomedical Communications and the National Medical Audiovisual Center. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on October 5 from approximately 3:00 p.m. to 5:00 p.m. for the consideration of personnel qualifications and performance of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Lionel Bernstein, Director, Lister Hill National Center for Biomedical Communications, NLM, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone (301) 496–4441, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: August 17, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–24520 Filed 8–21–81; 8:45 am]

BILLING CODE 4110–08–M

National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council; Meeting

Pursuant to Public Law 92–462, notice is hereby given of a meeting of the National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council and its subcommittees on September 23, 24, and 25, 1981 in Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on September 24 at 8:30 a.m. to approximately 12:00 noon, to discuss administration, management, and special reports. Attendence by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, on September 23 the meeting of the following subcommittees will be closed to the public from 8:30 a.m. to recess: Arthritis, Bone and Skin Diseases; Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research. The full Council meeting will be closed to the public for approximately four hours on September 24, from 1:00 p.m. to recess, and approximately four hours on September 25, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council meeting may be obtained from Dr. George T. Brooks, Executive Secretary, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Westwood Building, Room 637, Bethesda, Maryland 20205, (301) 496–7277.

A summary of the meeting and roster of the members may be obtained from the office of the Committee Management Assistant, NIADDKD, Building 31, Room 9A46, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5765.

(Catalog of Federal Domestic Assistance Program No. 13.846–849, Arthritis, Bone and Skin Diseases; Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: August 17, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–24519 Filed 8–21–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DEIS 81–34]

Proposed Wilderness Designation of El Malpais Area, Cibola County, Socorro District, New Mexico; Availability of Draft Environmental Impact Statement and Draft Wilderness Study Report, and Notice of Wilderness Act Public Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft environmental impact statement and draft wilderness study report, and Notice of Wilderness Act public hearings.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared

a draft environmental impact statement (DEIS) on the proposed wilderness designation of the El Malpais Area, Cibola County, New Mexico, and has made copies of the document available for public review and comment.

Pursuant to section 3(d) of the Wilderness Act of 1964, notice is also given that public hearings will be held on the draft wilderness suitability recommendation for the area.

DATES: Written comments on the proposed wilderness designation of El Malpais and on the content of the DEIS, will be accepted up to and including October 19, 1981.

Oral and written comments will also be received at public hearings on September 29, 1981, at the Holiday Inn in Grants, New Mexico, and September 30, 1981, at the Albuquerque Convention Center (Navajo Room) in Albuquerque, New Mexico. Both hearing sessions will begin at 7 p.m.

SUPPLEMENTARY INFORMATION: The DEIS analyzes the environmental impacts that would result from the designation of 98,369 acres of El Malpais lava field as wilderness. Two alternatives to the proposed action are also presented and analyzed. Alternative 1, represents designation and management of the 98,369 acres as an outstanding natural area. Alternative 2, the No Action Alternative, provides for retaining the existing "outstanding natural area" and "natural environment area" designations while managing the remaining undesignated public lands for multiple use.

Persons wishing to testify may preregister by submitting a written request (registration form available at the Socorro District Office) or by notifying the El Malpais EIS Team Leader at the following address, prior to close of business (4:30 p.m., MST), on September 8, 1981: Bureau of Land Management, P.O. Box 1219, Socorro, New Mexico 87801.

The registration form should identify the organization represented by the individual (if appropriate); should be signed by the prospective witness; and should state the approximate time for testifying. Individuals who do not preregister may register at the hearing location prior to each session.

Copies of the DEIS may be obtained upon request at the above address.

All comments on the proposed El Malpais Wilderness recommendation and on the content of the DEIS will receive equal consideration in preparation of a final environmental impact statement.

Dated: August 16, 1981.

Garrey E. Carruthers,

Assistant Secretary for Land and Water Resources.

[FR Doc. 81-24640 Filed 8-21-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

[FES 81-32]

Availability of Final Environmental Impact Statement on General Management Plan and Development Concept Plan; Shiloh National Military Park, Tennessee

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a Final Environmental Impact Statement, in abbreviated form as provided for in the CEQ Regulations published in 36 CFR 1503.4(c), on the proposed General Management Plan and Development Concept Plan for Shiloh National Military Park, Tennessee.

The proposal involves resource protection, visitor use and interpretation of Shiloh National Military Park.

The 11 alternatives considered are pertaining to visitor contact station and new entry, battlefield tour route and circulation, access control, trails, resource management, land classification, land proposals, park concession, utilities and protection of the river bank.

A limited number of copies are available upon request to:

Superintendent, Shiloh National Military Park, Shiloh, Tennessee 38376, (Telephone—(901) 689-5275/76)

Regional Director, Southern Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, (Telephone (404) 221-5835) (FTS) 242-5835

Public reading copies will be available for review at the following location as well as the two above locations: Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240 (Telephone (202) 343-6843).

Dated: August 13, 1981.

Neal G. Guse, Jr.,

Acting Regional Director, Southeast Region.

[FR Doc. 81-24512 Filed 8-21-81; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Availability for Public Review of Finding of No Significant Impact (FONSI) for Reclamation Activities Proposed for U.S. Highway No. 119 Abandoned Mine Land Reclamation Project, Pike County, Ky.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Availability for public review of finding of no significant impact (FONSI) for reclamation activities proposed for an abandoned mine land project.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement has determined that reclamation activities proposed for the U.S. Highway No. 119 Abandoned Mine Land Reclamation Project, Pike County, Kentucky, will not result in significant impacts on the quality of the human environment. Therefore, a more detailed and comprehensive analysis of the possible effects of the proposed reclamation, in the form of an environmental impact statement, will not be necessary.

ADDRESS: The FONSI, along with the Environmental Assessment (EA) from which this decision was made, will be made available for public inspection and review at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining, Region II, 530 Gay Street SW., Suite 500, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Ralph H. Cox, Assistant Regional Director, AML (Telephone: (615) 971-5287) at the location given in "ADDRESS." The Office is not soliciting comments on the FONSI or the EA. Persons wishing to submit statements may, however, forward their views to Mr. Cox at the above address.

Dated: August 19, 1981.

Charles A. Beasley,

Assistant Director, AML.

[FR Doc. 81-24616 Filed 8-21-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Decision; Expedited Procedures for Recovery of Fuel Costs

Decided: August 18, 1981.

In recent decisions, an 18.0-percent surcharge was authorized on all owner-operators traffic, and on all truckload traffic whether or not owner-operators

were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 17.9-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 10.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.7-percent surcharge for the bus carriers, or the 2.0-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by depositing a copy to the Director, Office of the **Federal Register** for publication herein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., August 21, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base Date and Price Per Gallon (including tax)

Jan. 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

Aug. 17, 1981 ..... 130.8¢

	Transportation performed by—			
	Owner Operator [1]	Other [2]	Bus Carriers	UPS
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	17.9	3.1	6.7	[3] 2.8
Percent surcharge allowed	18.0	3.1	6.7	[4] 2.0

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-24563 Filed 8-21-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-232

Decided: August 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 9291 (Sub-20), filed August 10, 1981. Applicant: CARROLL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS 66014. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *Mercer commodities*, between St. Louis, MO, Iola and Kansas City, KS, Tulsa, Oklahoma City, and Port of Catoosa, OK, Clinton, IA, Shreveport and New Orleans, LA, Wichita Falls, Electra, Bowie, Houston, Forney, Dallas, Lone Star, Crowley and Abilene, TX, Columbus and Lorain, OH, Evansville, IN, Deshler, NE, and Alton and Olney, IL, on the one hand, and, on the other, points in NE, TX, OK, KS, AR, IN, LA, OH, MS, MN, MO, IL, CO, WY, NM, SD, IA and UT.

MC 75840 (Sub-171), filed August 10, 1981. Applicant: MALONE FREIGHT LINES, INC., 3400 3rd Avenue South, P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 93840 (Sub-64), filed August 7, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting (1) *ores and minerals;* and (2) *clay, concrete, glass or stone products*, between points in IA and IL, on the one hand, and on the other, points in MI, IN, MO, IL, and WI.

MC 138861 (Sub-40), filed August 7, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Sr., NW., Suite 501, Washington, D.C.

20036, (201) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Acushnet Company, of Bedford, MA.

MC 145481 (Sub-23), filed July 14, 1981, previously noticed in **Federal Register** issue of August 3, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202, (303) 892–6700. Transporting *furniture and fixtures,* and *such commodities* as are dealt in by home furnishing, department and appliance stores, between points in the U.S. Note: The purpose of this application is to convert applicant's existing contract carrier authority in MC–136318 Sub-Nos. 1, 2, 3, 5, 9, 10, 13, 14, 19, 21, 30, 31, 34, 35, 36, 43, 48, 51, 54, 60, 63, 64, and 66 to common carrier authority. This republication clarifies the commodity description and gives notice that applicant is seeking a conversion of its contract carrier authority to common carrier authority. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its permits in MC–136318 Sub-Nos. 1, 2, 3, 5, 9, 10, 13, 14, 19, 21, 30, 31, 34, 35, 36, 43, 48, 51, 54, 60, 63, 64, and 66.

MC 146401 (Sub-3), filed August 7, 1981. Applicant: NEU WAY TRANSPORT, INC., 23720 72nd Ave., Langley, B.C. Canada V3M 4P9. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. In foreign commerce only, transporting *lumber and wood products, food and related products, and clay, concrete, glass or stone products,* between ports of entry on the international boundary line between the United States and Canada in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, UT, NV, AZ, CO, WY, and NM.

MC 150800 (Sub-3), filed August 10, 1981. Applicant: BAY'S TEXACO SERVICE & SUPPLY, INC., 116 E. Osage St., Pacific, MO 63069. Representative: Miles E. Bay, 407 N. First St., Pacific, MO 63069, (314) 257–3373. Transporting (1) *lumber and wood products,* and (2) *materials, equipment, and supplies* used in the manufacture of baby carriages, between points in MO, on the one hand, and, on the other, points in AL, AR, IA, IL, IN, KS, LA, MA, MO, NH, NJ, NY, OK, TN, and TX.

MC 150930 (Sub-1), filed August 7, 1981. Applicant: WRIGHT TRUCKING, INC., Route 1, Chatfield, MN 55923. Representative: Stanley C. Olsen, Jr., 5200 Wilson Road, Suite 307, Minneapolis, MN 55424, (612) 927–8855. Transporting *hides,* between points in Blue Earth, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Mower, Olmsted, Ramsey and Wabasha Counties, MN and Allamakee and Mitchell Counties, IA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 152950 (Sub-2), filed August 10, 1981. Applicant: CENTURY TRANSPORTATION CORPORATION, P.O. Box 207, Columbus, OH 39701. Representative: Lloyd R. Pate, (same address as applicant), (601) 328–1771. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Columbian Art Works, of Milwaukee, WI; (2) Continental Conveyor and Equipment Company, Inc., of Winfield, AL; (3) Georgia-Pacific Corporation of Farmingdale, NY; (4) Hancock Textile Company, Inc., of Topelo, MS; (5) Klayman Pants Co., of St. Louis, MO; (6) Lawrin Lamp Company, of Kosciusko, MS; and (7) Plastilite Corporation, of Omaha, NE.

MC 153121 (Sub-2), filed July 30, 1981. Applicant: CALIFORNIA WESTERN EXPRESS, INC., 1315 D N.E. 134th, Vancouver, WA 98665. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *food and related products,* between points in OR, WA, and CA.

MC 153711, filed August 10, 1981. Applicant: G & A TRUCKING, INC., 127 W. College, Los Angeles, CA 90012. Representative: W. G. Reese III, P.O. Box 7000–438, Redondo Beach, CA 90277, (213) 538–3622. Transporting *general commodities,* between points in Los Angeles County, CA, on the one hand, and, on the other, Seattle, WA, Phoenix, AZ, Portland, Salem and Eugene, OR, El Paso, TX, Sparks, NV, and Ogden and Salt Lake City, UT.

MC 154971, filed August 7, 1981. Applicant: JERRY HAMMANN TRANSPORTATION, INC., 12828 River Rd., Grand Rapids, MN 55744. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848.Transporting *commodities dealt in, used and sold by grocery stores,* between points in the U.S., under continuing contract(s) with Twin Ports Grocery of Superior, WI.

MC 157590, filed August 7, 1981. Applicant: SOUTHWEST CONTRACT CARRIER CORP., P.O. Box 2171, Muskogee, OK 74401. Representative: Milton R. Snelson (same address as applicant), (918) 687–8004. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Southwest Steel and Pipe, Inc., of Muskogee, OK.

MC 157601, filed August 7, 1981. Applicant: RICHARD HILL, d.b.a. HILL GRAIN CO., Route 1, Klondike, TX 75448. Representative: Richard Hill (same address as applicant), (214) 886–2381. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Volume No. OPY–2 158

Decided: August 14, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 52793 (Sub–80), filed August 7, 1981. Applicant: BEKINS VAN LINES CO., 333 S. center St., Hillside, Il 60162. Representative: David A. Gallagher (same address as applicant), 312–547–2184. Transporting *household goods,* between points in the U.S., under continuing contract(s) with J.C. Penney Corporation, of New York, NY.

MC 114362 (Sub–21), filed August 3, 1981. Applicant: ECKLUND TRUCKING, P.O. Box 568, Kiester, MN 56051. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul MN 55101, (612) 291–1215. Transporting *store displays, racks or stands,* between points in Freeborn County, MN, on the one hand, and, on the other, points in the U.S.

MC 124673 (Sub-65), filed August 6, 1981. Applicant: FEED TRANSPORT, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768, 512–476–6083. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 128502 (Sub-2), filed August 6, 1981. Applicant: JIMMY R. SHRUM and BOBBY SHRUM, d.b.a. SHRUM BROS. TRUCKING, P.O. Box 260, Lafayette, TN 37083. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, TN 37219. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with Lafayette Manufacturing Company, Inc., of Lafayette, TN.

MC 142603 (Sub-52), filed August 7, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, 716–265–9510. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S., in and east of MN, IA, MO, AR, and TX.

MC 144902 (Sub-3), filed August 3, 1981. Applicant: RUDY LEBLANC, d.b.a. RULE TRUCKING COMPANY, Drawer 609, 1807 N. Strevell, Miles City, MT 59301. Representative: Charles A. Murray, Jr., 2822 Third Ave., N., Billings, MT 59101, (406) 252–4165. Transporting *malt beverages and wine* between points in Multnomah County, OR, King County, WA, and Milwaukee County, WI, on the one hand, and, on the other, points in MT, WY, and CO.

MC 151422 (Sub-6), filed August 5, 1981. Applicant: MINN–DAK TRANSPORT, INC., P.O. Box N, 40 1st Ave. NW., Pelican Rapids, MN 56572. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126, 701–235–4487. Transporting *food and related products,* between points in the U.S.

MC 151703 (Sub-8), filed August 6, 1981. Applicant: NORSUB, INC., R.D. #1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wheeling-Pittsburgh Steel Corporation, of Pittsburgh, PA.

MC 151802, filed August 6, 1981. Applicant: JOSEPH R. NEWSOME, d.b.a. TRAIL-CON TRANSPORT, 22638 Nichols Drive, Saulk Village, IL 60411. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, WI, and MI.

MC 152232 (Sub-1F), filed August 6, 1981. Applicant: TYLER TRANSPORTATION, INC., 2020 Old State Rd. 31–E, Jeffersonville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. *Such commodities* as are dealt in by manufacturers or distributors of alcoholic beverages, between points in the U.S., under contracts with (1) Glazer's Wholesale Drugs Co., Inc., of Dallas, TX, (2) Little Rock Distributing Co., of Little Rock, AR, (3) Glazer Wholesale Drug Co., Inc., of Harahan, LA, and (4) Cactus Beverage Distributing Co. of Arizona, of Phoenix, AZ.

MC 154283, filed August 10, 1981. Applicant: ELGIN MILK SERVICE, INC., Rte. 1, Elgin, MN 55932. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 6th St., Minneapolis, MN 55402, 612–333–1341. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Elgin Cooperative Creamery, of Elgin, MN.

MC 157212, filed August 6, 1981. Applicant: DES MOINES PIGGYBACK SERVICES, INC., 4551 Delaware Ave., Des Moines, IA 50313. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *general commodities* (except classes A and B explosives), between Kansas City, KS, on the one hand, and, on the other, points in IL, IA, KS, MN, MO, NE, and WI, restricted to traffic having a prior or subsequent movement by rail trailer-on-flatcar service.

MC 157543, filed August 6, 1981. Applicant: ROBERT WHITEHEAD, 160 Academy Lane, Upper Darby, PA 19082. Representative: Barry D. Kleban, 1430 Land Title Building, Philadelphia, PA 19110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with SmithKline Corporation of Philadelphia, PA.

MC 157623, filed August 10, 1981. Applicant: TURNING POINT TRANSPORATION, INC., 3410 Highway 98 North, Lakeland, FL 33805. Representative: M. Craig Massey, 215 East Lime St., P.O. Drawer 1109, Lakeland, FL 33802, 813–628–1178. Transporting *General commodities* (except classes A and B explosives),between points in the U.S., under continuing contract(s) with Sikes Corporation, of Lakeland, FL.

Volume No. OPY–4–325

Decided: August 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 35807 (Sub-117), filed August 3, 1981. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION; P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (same address as applicant), (404) 256–0540. Transporting *articles of unusual value,* between points in the U.S., under continuing contract(s) with banks and banking institutions.

MC 142257 (Sub-3), filed August 3, 1981. Applicant: STYER TRANSPORTATION CO., 20445 Iberia Ave., Lakeville, MN 55044. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402, (612) 339–4546. Transporting *furniture and fixtures,* between points in Dakota County, MN and Winnebago County, IA.

MC 150187 (Sub-3), filed August 3, 1981. Applicant: D & L TRUCKING SERVICES, INC., 1419 S. Clark Blvd., Clarksville, IN 47130. Representative: James B. Murphy, 835 W. Jefferson St., Louisville, KY 40202, (502) 584–5519. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., undr continuing contract(s) with MC Sales and Service, Inc., of Louisville, KY.

MC 151667 (Sub-7), filed August 3, 1981. Applicant: J. F. LOMMA, INC., 125 Adams St., South Kearny, NJ 07032. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting (1) *machinery,* (2) *chemicals,* and (3) *materials, equipment, and supplies* used in plating systems, between points in the U.S., under continuing contract(s) with Napco, Inc., of Terryville, CT.

MC 153557 (Sub-2), filed August 3, 1981. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY 40213. Representative: William L. Willis, Suite 708 McClure Bldg. Frankfurt, KY 40601, (502) 227–7384. Transporting *such commodities* as are dealt in by manufacturers and distributors of textile products, between the facilities utilized by Union Underwear Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155447, filed August 3, 1981. Applicant: NEENAH FOUNDRY TRANSPORT, INC., 2121 Brooks Ave., Neenah, WI 54956. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *food and related products,* and (2) *pulp, paper and related products,* between points in Outagamie and Winnebago Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 155447 (Sub-1), filed August 3, 1981. Applicant: NEENAH FOUNDRY TRANSPORT, INC., 2121 Brooks Ave., Neenah, WI 54956. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *machinery,* (2) *transportation equipment,* and (3) *metal products,* between points in WI, on the one hand, and, on the other, points in the U.S.

MC 157527, filed August 3, 1981. Applicant: RICHARD W. SMITH, P.O. Box 118, Danboro, PA 18916.

Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting (1) *coal and coal products,* between points in Northumberland and Schuylkill Counties, PA, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT, and (2) *waste or scrap materials* not identified by industry processing, (a) between points in CT, DE, IL, MA, MD, MI, NH, NJ, NY, PA, OH, RI, VA, VT, and WV, and (b) between points in Bucks County, PA, on the one hand, and, on the other, points in DE, IL, IN, MA, MD, ME, NC, NJ, NY, OH, SC, VA, WV, and DC.

Volume No. OPY–4–326

Decided: August 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 59957 (Sub-68), filed August 3, 1981. Applicant: MOTOR FREIGHT EXPRESS, Arsenal Rd. and Toronita St., P.O. Box 1029, York, PA 17405. Representative: Walter M. F. Neugebauer (same address as applicant), (717) 854–1550. Transporting *general commodities* (except classes A and B explosives), serving points in Allegan, Bay, Clinton, Eaton, Genesee, Ingha, Ionia, Jackson, Kent, Lapeer, Livingston, Macomb, Midland, Muskegon, Oakland, Ottawa, Saginaw, St. Clair, Shiawassee, Washtenaw, and Wayne Counties, MI, Cheshire and Strafford Counties, NH, and Jefferson, Lewis, and St. Lawrence Counties, NY, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 60887 (Sub-7), filed August 3, 1981. Applicant: HARRY H. LONG MOVING-STORAGE & EXPRESS, INC., 1631 S. Lynndale Dr., Appleton, WI 54811. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in WI.

MC 99597 (Sub-6), filed August 5, 1981. Applicant: BETTER TRUCK LINE CO., 1945 W. 112th St., Cleveland, OH 44102. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (215) 228–1541. Transporting *general commodities* (except classes A and B explosives), between Cleveland, OH, on the one hand, and, on the other, points in MI, IL, IN, KY, NY, and PA.

MC 105407 (Sub-19), filed July 28, 1981. Applicant: HANNIBAL-QUINCY TRUCK LINES, INC., 2816 Market St., Hannibal, MO 63401. Representative: L. F. Blackstun, 3820 Wisman Lane, Quincy, IL 62301, (217) 222–2685. Transporting *insulating materials and related articles,* between Pauline, KS, on the one hand, and, on the other, points in IA, IL, and MO.

MC 115667 (Sub-19), filed August 3, 1981. Applicant: ARROW TRANSPORTATION SYSTEMS, INC., 320 Seymour Blvd., North Vancouver, BC, Canada V7J 2J3. Representative: Clyde H. MacIver, 1415 Fifth Ave., Suite 1900, Seattle, WA 98171, (206) 344–2160. Transporting (1) *lumber and wood products,* (2) *forest products,* (3) *chemicals and related products,* (4) *metals products,* (5) *machinery,* (6) *commodities* which because of their size and weight require the use of special equipment, (7) *building materials,* and (8) *Mercer commodities,* between points in WA, OR, CA, ID, MT, WY, NV, UT, CO, AZ, NM, TX, OK, KS, NE, SD, ND, MN, LA, IL, and IA.

MC 141867 (Sub-29), filed July 27, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *such commodities as are dealt in or used by manufacturers, retailers or wholesalers of building and construction products* between points in King County, WA, on the one hand, and, on the other, points in WA, CA, ID, MT, NV, OR, and UT.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24555 Filed 8–21–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP5–97]

Motor Carriers; Permanent Authority Decisions; Decision

Decided: August 12, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents with be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

MC 154279, filed February 6, 1981. Published initially in the **Federal Register** on March 20, 1981. Applicant: S & S SERVICES, INC., East Pier, Port of Gulfport, Gulfport, MS 39501. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112,

Washington, DC 20036. Transporting (1) *food and related products,* between points in MS, AL, and TX, on the one hand, and, on the other, points in AL, GA, FL, TN, MS, LA, TX, OK, AR, and MO, and (2) *lumber and wood products,* between points in MS and AL, on the one hand, and, on the other, points in AL, GA, FL, TN, MS, LA, TX, OK, AR, and MO.

Note.—This application is being republished to add MS to, and delete MA from, the base of the authority in part (2).

[Doc. 81-24456 Filed 8-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 146]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision

Decided: August 18, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 6992 (Sub-20)X, filed July 31, 1981. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., P.O. Box 1127, Indianapolis, IN 46206. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos. 10 and 16 certificates to (1) broaden the commodity description from household goods, as defined by the Commission, to "household goods, and furniture and fixtures", and (2) remove "except AK and HI" restriction in Sub-No. 16.

MC 30045 (Sub-10)X, filed July 30, 1981. Applicant: KITCHELL TRUCK LINES, INC., P.O. Box 391, Ipswich, SD 57451. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2,4, 5, 8 and 9F certificates to (1) broaden the commodity descriptions (a) in paragraph one of the lead certificate from livestock, agricultural commodities, emigrant movables, farm machinery, automobile accessories, oil, grease, culverts, paper, linotype metal, egg cases, nursery stock, binder twine and poultry to "general commodities (except classes A and B explosives)"; (b) in paragraph two and three of the lead from livestock, farm machinery and farm implements, livestock and poultry feeds, building materials, plumbing and electrical equipment and plumbing and electrical fixtures, and livestock and poultry medicines and tonics to "farm products; machinery, food and related products, building materials, metal products, rubber and plastic products, instruments and photographic goods and chemicals and related products"; (c) in paragraph one of Sub-No. 2, from livestock, agricultural commodities, building materials, farm machinery, farm implements and parts and feed to "farm products, building materials, machinery, food and related products and such commodities as are dealt in or used by manufacturers or producers of agricultural commodities"; (d) in paragraph two of Sub-No. 2, from brick, tile, livestock, farm products, farm machinery and implements, feed, tankage, hog tonic and household goods to "clay, concrete, glass or stone products, farm products, machinery, food and related products, chemicals and related products and household goods"; (e) in paragraph three of Sub-No. 2, from livestock to "farm products"; (f) in paragraph one of Sub-No. 4, from livestock and emigrant movables to "farm products and household goods"; (g) in paragraph two of Sub-No. 4, from farm machinery, farm implements and parts, hardware, seeds, farm produce, fruits and vegetables to "machinery, metal products, farm products and food and related products"; (h) in Sub-No. 5, from petroleum products in containers and empty petroleum products containers to "petroleum, natural gas and their products, and containers"; (i) in Sub-No. 8, from petroleum products, in containers (except in bulk), to "petroleum, natural gas and their products" and (j) in Sub-No. 9, from agricultural machinery, and agricultural implements and attachments to "machinery and attachments"; (2) replace facilities or other points with county-wide authority as follows: in paragraphs two and three of the lead certificate, Woodbury, Pottawattamie and Mills Counties, IA, Washington, Douglas and Sarpy Counties, NE, Winona, Hennepin, Ramsey, Carver, Scott, Dakota, Washington, and Anoka Counties, MN, and Buffalo County, WI for Sioux City, IA, Omaha, NE, Winona, MN and points in the Minneapolis-St. Paul Commercial Zone; in paragraphs one and two of Sub-No. 2, Murray, Cottonwood, Jackson and Nobles Counties, MN for Fulda, MN, and points within 15 miles thereof; in paragraph three of Sub-No. 2, Minnehaha, Lincoln, Moody and Brookings Counties, SD, Sioux, Lyon, O'Brien, Osceola, Clay and Dickinson Counties, IA and Rock, Nobles, Jackson, Martin, Watonwan, Cottonwood, Murray, Pipestone, Brown, Redwood, Lyon, Yellow Medicine and Lincoln Counties, MN for Sioux Falls, SD and points within 50 miles of Fulda, MN; in Sub-No. 4, Hand, Hyde, Faulk, Beadle, Spink, Jerauld, Buffalo, Hughes and Sully Counties, SD for Ree Heights, SD and points within 30 miles thereof; in Sub-No. 5, Washington, Douglas, Sarpy and Dakota Counties, NE, Woodbury, Pottawattamie and Mills Counties, IA; Hennenpin, Ramsey, Scott, Carver, Washington, Anoka, and Dakota Counties, MN, and Union County, SD for Omaha, NE, Sioux City, IA and Minneapolis, MN; in Sub-No. 8, Washington, Douglas and Sarpy Counties, NE and Pottawattamie and Mills Counties, IA for facilities at or near Omaha, NE and in Sub-No. 9F, Rock Island, Henry and Fulton Counties, IL and Scott County, IA for Rock Island, Canton, and East Moline, IL; (3) in the lead and Sub-Nos. 2, 4, 5, 8, and 9F, replace one way with radial authority; (4) in Sub-No. 8, remove restrictions (a) in containers and (b) except in bulk.

MC 36473 (Sub-81)X, filed June 25, 1981, published in the **Federal Register** of July 15, 1981, republished as corrected this issue: Applicant: CENTRAL TRUCK LINES, INC., 3825 Henderson Blvd., P.O. Box 18464, Peninsula Station, Tampa, FL 33679. Representative: John C. Bradley, 1600 Wilson Blvd., Suite 1301, Arlington, VA 22209. Applicant seeks to remove restrictions in its lead and Sub-Nos. 35, 36, 37, 38, 41, 42, 44, 45, 46, 49, 50, 51, 52, 54, 56, 57, 59, 62, 63, 64, 65, 68, 69, 71, 76,

77, 80, certificates to (1) broaden the commodity description from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all of the above authorities except Sub-No. 46; (b) feed, pecans, groceries, frozen citrus juices, frozen citrus juice concentrates, and frozen citrus fruits to "food and related products" in the lead and Sub-No. 46; (c) paper and paper proucts to "pulp, paper, and related proucts" in Sub-No. 56; (2) authorize service to all intermediate points along described regular routes in the lead and Sub-Nos. 35, 38, 41, 44, 49, 54, 57; (3) delete joinder only restriction in Sub-No. 51, 52, 56, 59, 62, 64, 65, and 76; (4) eliminate the restriction limiting service to pick-up only in Sub-No. 46; (5) remove restriction limiting service to transportation of shipments moving to or from points west of Marianna, FL, in its authorized intermediate point service in Sub-No. 57; (6) delete restriction limiting service to the transportation of shipments between named points in GA and OH in Sub-No. 76; (7) broaden off route points to counties: Avondale, GA with DeKalb County, GA; Kathleen, Galloway, Conway, Gay, Felicia, Carney Grove, Sand Gully, Inglis, Montverde, and Silver Springs, FL with Polk, Orange, Hernando, Citrus, Levoy, Lake, and Marion Counties, FL; Winter Haven, FL, with Polk County, FL; points on highways south of Waldo and north of Ocala with Alachua, Clay, Dixie, Flagler, Gilchrist, Levy, Marion, Putnam, St. Johns and Volusia Counties, FL; portions of Marion, Lake, Orange, Pasco, Hernando, Sumter, Citrus, Hillsborough and Pinellas Counties with the full county designation; points within 3 miles of U.S. Hwy 92 between Haines City, FL and Tampa, FL with Hillsborough and Polk Counties, FL and between Haines City and Winter Park with Orange, Osceola, Polk, and Seminole Counties, FL; Valdosta, GA, and two miles thereof Lowndes and Brooks Counties, GA; Jacksonville, FL, and five miles thereof, with Jacksonville, FL and Baker, Clay, Nassau, and St. Johns Counties, FL; Ocala, FL, and five miles thereof, with Marion County, FL, Orlando, FL, and three miles thereof, with Lowndes County, GA and Orange County, FL; Tampa, FL, and five miles thereof, with Hillsborough County, FL; Plant City, Lakeland, Auburndale, and Haines City, FL, with Hillborough, and Polk Counties, FL; Peoria, Doctors Inlet, Camp Blanding and Kingsley Park, FL, with Clay County, FL; Miami Beach and Palm Beach with Dade and Palm Beach Counties, FL; Fruitland Park, Howey in the Hills, and Montverde, FL, with Lake County, FL all in the lead; Merritts Island and Cocoa Beach, FL, with Brevard County, FL, in Sub-No. 37; Brooker, FL, with Bradford County, FL, in Sub-No. 42; Bunnell, FL, with Flagler County, FL, in Sub-No. 45; Forest City, FL, with Orange County, FL, in Sub-No. 46; Arles, Clyattsville, and Moody Field, GA, with Sumter and Lowndes Counties, GA, in Sub-No. 49; Angel City, FL, with Brevard County, FL, in Sub-No. 54; Bayou La Bayre, Coden, and Mobile, AL, and seven miles within Mobile, with Mobile, and Baldwin Counties, AL; New Orleans, LA, and seven miles thereof, with Orleans, Jefferson, Plaquemines, and St. Bernard Parishes, LA; Robertsdale, Lillian, Daphne, Fairhope, Silverhill, and Foley, AL, with Baldwin County, AL; Goulding, New Warrrington, Fort Barrancas, and Pensacola, FL, with Escambia County, FL; Graceville and Vernon, FL, with Jackson and Washington Counties, FL, in Sub-No. 57; Miami and West Palm Beach, FL, with Dade and Palm Beach Counties, FL, and plantsite at Woodbine, GA with Camden County, GA in Sub-No. 62; West Palm Beach, Orlando, and Edgar, FL, with Palm Beach, Orange, and Putnam Counties, FL, in Sub-No. 65; plantsite at Hancock County, MS and St. Tammany Parish to the respective county designation in Sub-No. 71; Albany, Columbus, Fort Benning, GA, with Chattahoochee, Dougherty, Muscogee Counties, GA and Russell and Lee Counties, AL; Akron, OH, and 25 miles thereof with Summit, Medina, Portage, Stark, Columbiana, Lorain, Geauga, Mahonieg and Wayne Counties, OH, in Sub-No. 76; Cuyahoga County, OH, except Cleveland with Cuyahoga County, OH; Kent, OH, and five miles thereof, with Portage County, OH; Akron, OH, and 10 miles thereof with Summit County, OH, in Sub-No. 77; and 15 miles of Chattanooga, TN with Bradley, Hamilton, Marion and Sequatchie Counties, TN; and points within 100 miles of Atlanta, GA with GA points in and north of Chattahoochee, Marion, Schley, Macon, Houston, Twiggs, Wilkinson, Washington, Glascock, McDuffie and Lincoln Counties, GA in Sub-No. 76, sheets 2 and 3. The purpose of this republication is to provide notice of proposed county or territory broadening omitted in the off-route point section the original notice.

MC 73533 (Sub-21)X, filed July 29, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8F, 9F, 10F, 11, 12F, and 13 certificates and MC–146656 Sub-Nos. 5F, 6F, 9F, 59F, 60F, and 61F permits to (1) broaden the commodity descriptions in certificates (a) in the lead and Sub-Nos. 9F, and 11, from general commodities with exceptions, to "general commodities (except classes A and B explosives"), (b) in the lead, from newspapers and rejected shipments of newspapers to "printed matter," (c) in Sub-No. 10F, from alcoholic beverages (except in bulk), to "food and related products," (d) in Sub-No. 12F, from limestone and limestone products (except commodities in bulk), to "ores and minerals, clay, concrete, glass, and stone products, and waste or scrap materials not identified by industry producing," (e) in Sub-No. 13, from books and printed matter, to "printed matter, and pulp, paper, and related products," (2) broaden the commodity descriptions in permits: (a) in Sub-No. 5F, from polyurethane foam, to "chemicals and related products," and remove the except commodities in bulk restriction from "such commodities as are dealt in by retail department stores," (b) in Sub-Nos. 6F and 59F, from general commodities with exceptions, to "general commodities (except classes A and B explosives"), (c) in Sub-No. 9F, from plastic bottles, containers and closures, ethylene oxide, and laxative preparations, to "rubber and plastics products, and chemicals and related products," (d) in Sub-No. 60F, from polyurethane foam, to "chemicals and related products," and (e) in Sub-No. 61F, from part (1), alcoholic beverages, malt beverages, and non-alcoholic beverages, and (2) materials, equipment, and supplies used in the distribution of the commodities in (1) above, to "(1) food and related products," and (2) materials, equipment, and supplies used in the distribution of those commodities"; (3) replace city-wide with county-wide authority in certificates: (a) off route points of Maryland, Broadway, and Timberville, VA with Rockingham County, VA, and Brunswick, MD with Frederick County, MD, in lead; (b) Westminster, MD with Carroll County, MD, in Sub-No. 9F; (c) Albany, NY, with Albany County, NY, Boston, MA, with Suffolk, Norfolk, Plymouth, Middlesex and Essex Counties, MA, and Somerset, NJ, with Somerset County, NJ in Sub-No. 13F; (4) broaden the territorial scope to between points in the U.S. under continuing contract(s) with named shippers in all Sub-numbered permits; (5) replace one-way with radial authority in lead and Sub-Nos. 12F, and 13 certificates; (6) remove the restriction limiting transportation to traffic having prior or subsequent movement by water,

in Sub-No. 8F certificate; and (7) allow service at all intermediate points in regular routes between Baltimore, MD, and Harrisonburg, VA in lead certificate.

MC 106956 (Sub-9)X, filed July 28, 1981. Applicant: SYLVESTER TRUCKING CO., 7901 Sylvania Avenue, Sylvania, OH 43560. Representative: Wilhemina Boersa, 1600 First Federal Building, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 5 and 7 certificates to (1) broaden the commodity description to "clay, concrete, glass or stone products" from sand, gravel, earth, building blocks, crushed stone, and roadbuilding materials (except cement), stone, mortar, cinders, brick, vitrified clay tile, and agricultural lime in Sub-No. 1 and from precast, prestressed concrete components and structures in Sub-No. 3; to "scrap materials" from scrap metal in Sub-No. 5; and, to "coal and coal products" from coke, in bulk in Sub-No. 7, (2) remove "in dump-type vehicles" restriction in Sub-Nos. 5 and 7, (3) remove facilities limitation in Sub-No. 3 and replace Toledo, OH, with Lucas County, OH, (4) change city to county-wide authority from Toledo, OH, to Lucas County, OH in Sub-Nos. 5 and 7, and (4) change one-way to radial authority in Sub-Nos. 1, 3 and 7.

MC 118883 (Sub-10)X, filed July 23, 1981. Applicant: VAN E. HAMLETT, Osage St., P.O. Box 8009, Nashville, TN 37207. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant seeks to remove restrictions in its lead MC–118883 and Sub-No. 6F certificates and in its MC–116204, Sub-Nos. 9 and 10 permits to (1) broaden its commodity descriptions from (a) rough lumber to "forest products, lumber and wood products" in lead MC–118883, (b) fertilizer and fertilizer materials (except commodities in bulk, in tank vehicles) to "such commodities as are used by or dealt in by manufacturers and distributors of fertilizer and fertilizer materials" and from pesticides, in containers, in mixed loads with fertilizer to "chemical and related products" in MC–118883, Sub-No. 6F, and (c) perlite products and mineral wool, in bags, batts and tubes, to "such commodities as are dealt in or used by manufacturers and distributors of perlite products and mineral wool" in MC–116204, Sub-Nos. 9 and 10; (2) eliminate the (a) "other than crude" restriction, in MC–116204, Sub-No. 10, and (b) facilities restriction, in MC–118883, Sub-No. 6F (parts 1–3); (3) substitute city-wide authority with county-wide authority: Shelby County, TN, for Woodstock, TN, in MC–118883, Sub-No. 6F; (4) authorize radial authority to replace existing one-way authority between points in several eastern States, in lead MC–118883 and Sub-No. 6F (parts 3 and 4), and (5) broaden the territorial description to "between points in the U.S.," under continuing contract(s) with a named shipper, in MC–116204 Sub-Nos. 9 and 10.

MC 119710 (Sub-35)X, filed August 7, 1981. Applicant: SHUPE BROS. CO., P.O. Box 929, Greeley, CO 80631. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 33X permit so as to (A) broaden the commodity description in part (1) from food and related products (broadened from former commodity description authorities encompassing salt, salt products, pepper, mineral mixtures, and packaged servings of jams, jellies, honey, syrups, sugar, condiments, sauces and salad dressings and animal and poultry feeds, and feed ingredients), to "food and related products, non-metallic minerals (except fuels), and chemicals and related products", in connection with its authority to serve between points in the U.S. under continuing contract(s) with named shippers.

MC 121649 (Sub-10)X, filed July 30, 1981. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, TN 38358. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 5 certificate to (A) broaden the commodity description to "general commodities, except Classes A and B explosives," from general commodities, with usual exceptions; (B) authorize service at all intermediate points to replace authority to serve no, or specified intermediate points on its described regular routes between (1) Atwood and Memphis, TN, (2) Jackson and Milan, TN, and (3) Jackson, TN, and Tupelo, MS; (C) eliminate the restriction prohibiting (1) the handling of traffic originating or interlined at and destined to named points, in parts 2, 3, and 4, (2) tacking and interchange of traffic with named shippers, or other motor carriers at specified points, in part 3, (3) the transportation of traffic having prior or subsequent movement by rail, in part 3, (4) service at named points, in parts 3 and 4; (C) broaden off-route point authority to county-wide authority: Savannah, TN, to Hardin County, TN, in parts 3 and 4; and (D) authorize two-way authority to replace existing one-way authority between Milan and Jackson, TN in part 2.

MC 129207 (Sub-6)X, filed August 6, 1981. Applicant: SOUTHERN MISSOURI FREIGHT, INC., P.O. Box 1091 CSS, Springfield, MO 65803. Representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Applicant seeks to remove restrictions in its Sub-No. 5 certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)," (2) remove restrictions against service at the intermediate point of Aurora, MO under its regular route authority on route (10), and (3) in the irregular route portion, remove the exception of Aurora, MO from its authority to serve Lawrence County and expand Springfield, MO to Greene and Christian Counties, MO.

MC 129537 (Sub-58)X, filed July 27, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5, Dew's Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 North Morgan St., Tampa, FL 33602. Applicant seeks to remove restrictions in its Sub-No. 49F certificate to (1) remove the restriction against the transportation of "commodities in bulk," in part (1) of its commodity description authorizing "paper and paper products, plastic and plastic products, and chemicals"; (2) remove the limitation requiring transportation of traffic from a named shipper's facilities; (3) eliminate the exception of AK and HI; and (4) change one-way service to radial service, to authorize: between Savannah, GA (facilities near Savannah, GA), on the one hand, and, on the other, points in the U.S.

MC 143236 (Sub-54)X, filed August 7, 1981. Applicant: WHITE TIGER TRANSPORTATION COMPANY, INC., 40 Hackensack Avenue, Kearny, NJ 07032. Representative: Joseph R. Drewer, 5004 Fox Street, College Park, MD 20740. Applicant seeks to remove restrictions in its Sub-No. 53F certificate to delete all exceptions to its general commodities authority, except classes A and B explosives and household goods as defined by the Commission.

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BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application; Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These

rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–147

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 95603 (Sub-1–1TA), filed August 10, 1981. Applicant: VOCELL BUS CO., INC., 52 Mooney Street, Cambridge, MA 02138. Representative: Arthur M. White, Esq., Bikofsky, Walker and Tuttle, 281 Pleasant Street, Framingham, MA 01701. *Contract carrier:* irregular routes: *Passengers and their baggage in the same vehicle in charter operations* beginning and ending at Pawtucket, RI, Providence, RI, Worcester, MA, Springfield, MA and Hartford, CT and extending to points in the U.S. (except AK and HI) under contract with Collette Travel Service, Inc. of Pawtucket, RI. Supporting shipper: Collette Travel Service, Inc., 124 Broad Street, Pawtucket, RI 02860.

MC 3252 (Sub-1–5TA), filed August 12, 1981. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04104. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Solvents, in bulk* from Delaware City and Wilmington, DE and Follansbee, WV to Bangor, ME. Supporting shipper: Chute Chemical Company, Bldg. 97, B.I.A., Bangor, ME 04401.

Republication

MC 151610 (Sub-1–2TA), filed July 16, 1981. Applicant: BUCKLEY O. CARPENTER and THOMAS C. CARPENTER, d.b.a. B. CARPENTER & SON, 368 Webb Circle, Monroe, CT 06468. Representative: Mr. Rick Testani, Bridgeport Machines Div. of Textron, Inc., 500 Lindley St., Bridgeport, CT 06606. *Contract carrier:* irregular routes: *Manufacturing machinery and related parts* between points in the U.S. but mainly from Bridgeport, CT to Richmond, VA, Charlotte, NC, Atlanta, GA, and Orlando, FL, under continuing contract(s) with Bridgeport Machines, Div. of Textron, Inc., Bridgeport, CT. Supporting shipper: Bridgeport Machines, Div. of Textron, Inc., 500 Lindley St., Bridgeport, CT 06606. (Previously published in **Federal Register** on Page 39500, Vol. 46, No. 148, Monday, August 3, 1981.)

MC 154631 (Sub-1–2TA), filed August 11, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier:* irregular routes: (1) *Swimming pool equipment, materials and supplies,* from Mendon, MA to points in the U.S. (except AK & HI), and (2) *Materials, equipment and supplies used in the manufacture, distribution and sale of swimming pools,* from the above named destinations to the above named origin, under continuing contract(s) with Whitten Corp. of Mendon, MA. Supporting shipper: Whitten Corporation, 55–57 Cape Road, Mendon, MA 01756.

MC 151941 (Sub-1–4TA), filed August 10, 1981. Applicant: DELMONT E. HARTT, INC., U.S. Route 2, P.O. Box 26, Etna, ME 04435. Representative: John C. Lightbody, Esq., 30 Exchange Street, Portland, ME 04101. *Building materials* from points in OH, PA, NY, NJ, CT, MA, VT, NH, and RI to points in ME. Supporting shipper: R. Leon William Lumber Co., R.F.D. #1, Box 12, East Eddington, ME 04428; Haskell Lumber, Inc., Lincoln Center, ME 04458.

MC 154612 (Sub-1–2TA), filed August 7, 1981. Applicant: ROBERT T. LEVESQUE, d.b.a. R. J. LEVESQUE & SONS, 9 Mayhill Road, Monson, MA 01057. Representative: Patrick A. Doyle, Esq., 40 Sky Ridge Lane, Springfield, MA 01128. *Heavy equipment, crushing equipment, sand, gravel, trap rock, bituminous concrete, lime, scrap metal, recycled glass, lumber, wood chips and coal* between AL, AR, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NM, NC, ND, OH, OK, SC, SD, TN, TX, VA, WV, WI, and International Boundary Line and points of entry at ME, VT, NY, MI, TX and NM. Applicant requests tacking to present docket. Supporting shipper: Blanford Land Clearing Corp., 720 64th St., Brooklyn, NY 11220; Joseph C. Liquore, Jr., d.b.a. Liquore's, Moody Rd., Enfield, CT 06082.

MC 155236 (Sub-1–2TA), filed August 10, 1981. Applicant: POTTLE'S TRANSPORTATION, INC., Odlin Road, Bangor, ME 04401. Representative: Clifton E. Pottle, P.O. Box 164, Carmel, ME 04419. *General commodities (except hazardous waste),* between points in NH, MA, VT, RI, CT, NY, NJ, and PA, on the one hand, and, on the other hand, between points in the remaining U.S. Supporting shipper(s): Paul's Distributors, Inc., 323 Turnpike St., Route 138, Canton, MA 02021; Allen's Blueberry Freezer, Inc., 248 Main St., Ellsworth, ME 04605; Stratham Tire, Inc., 17 Portsmouth Ave., Stratham, NH; New England Wheel and Rim, Inc., 290 North Beacon St., Brighton, MA.

MC 157611 (Sub-1–1TA), filed August 10, 1981. Applicant: CHARLES A. GARLAND, 562 Main Street, Watertown, MA 02172. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Paintings, statues, cultural artifacts, antiques, tapestries, objects of art, and materials, supplies and equipment used in the display or distribution of the foregoing,* between Boston, MA and points in its Commercial Zone, on the one hand, and, on the other, New York, NY and points in its Commercial Zone. Supporting shipper(s): Institute of Contemporary Art, 955 Boylston Street, Boston, MA 02115; Sotheby Parke Bernet, 332 Clarendon Street, Boston, MA 02116; and Hayden Gallery and M.I.T. Committee on the Visual Arts, 77 Massachusetts Avenue, Cambridge, MA 02139.

MC 1485 (Sub-1–2TA), filed August 7, 1981. Applicant: SCHROLL TRANSPORTATION, INC., 360 Governor Street, East Hartford, CT 06108. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. *Food products* between the New York and Albany, NY Commercial Zones, Suffolk and Saratoga Counties, NY, Mercer County, NJ, Hartford County, CT, and Boston and Worcester

County, MA, on the one hand, and, on the other, CT, MA, RI, VT, ME, and NH. Supporting shipper: Connecticut Cold Storage, 241 Park Ave., East Hartford, CT 06108; Coco Line Chocolates Co., Inc., 689 Myrtle Ave., Brooklyn, NY 11205.

MC 145614 (Sub-1–2TA), filed August 10, 1981. Applicant: TRIPLE A TRANSPORT, INC., 193 Main Street, Springvale, ME 04083. Representative: John C. Lightbody, Esq., 30 Exchange Street, Portland, ME 04101. *Frozen and dry foodstuffs* from points in ME to points in TX, LA, AR, MO, IL, TN, MS, AL, GA, FL, SC, NC, VA, KY, OH, IN, MI, VA, WV, PA, MD, NJ, DE, NY, and DC. Supporting shipper: McCain Foods, Inc., Box 218, Washburn, ME 04786.

MC 156428 (Sub-1–3TA), filed August 10, 1981. Applicant: MARSAN WAREHOUSING & TRANSPORTATION, P.O. Box 70, Jamesburg, NJ 08831. Representative: Andrew S. Soldini (same as applicant). *Contract carrier:* irregular routes: *Metals N.O.I. or Metal Alloys N.O.I.,* from New Brunswick, NJ and all points in AL, CT, DE, FL, GA, MA, MD, ME, NJ, NY, NC, NH, PA, RI, SC, VA, VT, under continuing contract(s) with New Brunswick Nickel & Chromium Plating, Inc., of New Brunswick, NJ. Supporting shipper: New Brunswick Nickel & Chromium Plating, Inc., Jersey Ave., New Brunswick, NJ.

MC 138861 (Sub-1–26TA), filed August 10, 1981. Applicant: C–LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, DC 20036. *Contract carrier:* irregular routes: *Sporting goods,* between New Bedford, MA, on the one hand, and, on the other, Escondido, CA, Dallas, TX, and Newark, OH, under continuing contract(s) with Acushnet Company of New Bedford, MA. Supporting shipper: Acushnet Company, P.O. Box B965, New Bedford, MA 02741.

MC 35882 (Sub-1–2TA), filed August 7, 1981. Applicant: BRANDER BUS LINES, INC., 20 Slater Street, Rehoboth, MA 02769. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Passengers and their baggage in charter operations,* beginning and ending at Quincy, Boston, Worcester and Springfield, MA, and Hartford, CT, and extending to points in the U.S., restricted to a service performed for Collette Travel Service, Inc. of Pawtucket, RI. Supporting shipper: Collette Travel Service, Inc., 124 Broad St., Pawtucket, RI 02860.

MC 141758 (Sub-1–1TA), filed August 7, 1981. Applicant: LYDALL EXPRESS, INC., 615 Parker Street, Manchester, CT 06040. Representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. *Contract carrier:* irregular routes: *Plastic products, primary metal products, machinery and supplies, lumber or wood products, wearing apparel and other finished textile products, display racks and paper or allied products* between the New York, NY Commercial Zone and Tipton and Shelby Counties, TN, under continuing contract(s) with Clopay Corporation of Cincinnati, OH. Supporting shipper: Clopay Corporation, Clopay Square, Cincinnati, OH 45214.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 157668 (Sub-II–1TA), filed August 13, 1981. Applicant: B & S HAULING COMPANY, Rt. 1, P.O. Box 268, Wapakoneta, OH 45895. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Plastic articles, water and materials, equipment and supplies used in the manufacture, processing, sale and distribution of plastic articles and water,* between points in the U.S. Restricted to movements originating at or destined to facilities used by Absopure/Plastipak Div., Beatrice Foods Co. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Absopure/Plastipak Div., Beatrice Foods Co., 2411 Fourteenth St., Detroit, MI 48216.

MC 138438 (Sub-II–35TA), filed August 13, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *General commodities,* between all points in the U.S. restricted to the transportation of shipments originating at or destined to the facilities of Sun Chemical Corp., for 270 days. Supporting shipper: Sun Chemical Corp., 222 Bridget Plaza South, Fort Lee, NJ 07024.

MC 157690 (Sub-II–1TA), filed August 13, 1981. Applicant: COMMERCIAL MOTOR, INC., 445 Earlwood Ave., Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Contract irregular transporting: *Liquid argon, liquid oxygen, liquid nitrogen, and liquid hydrogen,* in specially designed trailers furnished by the shipper, between points in the U.S. (except AK and HI), under continuing contract(s) with Union Carbide Corporation for 270 days. Supporting shipper: Union Carbide Corporation, 270 Park Ave., New York, NY 10017.

MC 157621 (Sub-II–1TA), filed August 10, 1981. Applicant: D & M EXPRESS, INC., 1665 East Market St., Akron, OH 44305. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. *Scrap metal in dump vehicles,* from Lorain, OH to Taylor, MI for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Huron Valley Steel, Fritz Interprizes, 4100 Huron River Drive, Belleville, MI 48111.

MC 157621 (Sub-II–2TA), filed August 13, 1981. Applicant: D & M EXPRESS, INC., 1665 East Market St., Akron, OH 44305. Representative: Mr. John A. Wilson, 1655 East Market St., Akron, OH 44305. *Lime and limestome products* from Woodville and Gibsonburg, Ohio to all points in the Detroit, MI Commerical Zone for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Ohio Lime Company, 128 E. Main St., Woodville, OH 43469.

MC 157608 (Sub-II–1TA), filed August 10, 1981. Applicant: DANIEL W. LANG, d.b.a., DANDY INTERMODAL SERVICE, 601 E. General Robinson St., Pittsburgh, PA 15212. Representative: David W. Donley, 610 Smithfield St., Suite 400, Pittsburgh, PA 15222. *General commodities (except used household goods and Class A or B explosives) having immediately prior or subsequent movement by rail* between Alexandria, VA; Chicago, IL; Cincinnati, OH; and Pittsburgh, PA on the one hand, and on the other, points in and east of KS, ND, NE, OK, SD, TX for 270 days. Applicant intends to interline with railroads serving Alexandria, VA; Chicago, IL; Cincinnati, OH; and Pittsburgh, PA. Supporting Shipper(s): General Nutrition Co., 3125 Preble Ave., Pittsburgh, PA 15233; Giant Eagle Markets, Inc., 101 Kappa Dr., Pittsburgh, PA 15238; Universal-Cyclops Specialty Steel Div., Cyclops Corp., 650 Washington Rd., Pittsburgh, PA 15228; Tri-State Consolidators, Inc., 601 E. General Robinson St., Pittsburgh, PA 15212.

MC 126320 (Sub-II–3TA), filed August 12, 1981. Applicant: DETTINBURN TRUCKING, INC., Rte 3, Box 24, Petersburg, WV 26847. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20814. *Fuel oil* from Newington, VA; Baltimore, MD and Washington, DC to Grant County, WV for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Intercontinental Petroleum, 7856 Mt. Holly Road, Charlotte, NC 28130.

MC 155529 (Sub-II–2TA), filed August 14, 1981. Applicant: G & D TRANSPORT, INC., 14763 Oyster Rd., Alliance, OH 44601. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215.

General commodities, except classes A and B explosives, between Ashland, Delaware, and Stark Counties, OH, and Columbus and Cleveland, OH, on the one hand, and on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Morgan Engineering, Oil Products Div., A Unit of AMCA International Corp., 947 E. Broadway, Alliance, OH 44601; Grumman Flexible Corp., 970 Pittsburgh Dr., Delaware, OH 43015; Scioto Ceramic Products, Inc., 1996 Longwood Ave., Grove City, OH 43123; Mayfield Builders Supply Co., 190 Broadway, Cleveland, OH 44146; Hershey Mold Co., 24000 Mercantile Rd., Unit #13, Beachwood, OH 44122.

MC 157609 (Sub-II–1TA), filed August 12, 1981. Applicant: JODAN TRANSPORT, INC., P.O. Box 7645, Richmond, VA 23231. Representative: Edward D. Greenberg, 1054 31st St., N.W., Washington, D.C. 20007. *Contract; irregular: General commodities (except Class A and B explosives),* between points in the U.S. under continuing contracts with Environmental Equipment Engineering, Inc., Ashland, VA; Deepwater Marine Systems, Inc., Richmond, VA; and the Continental Group, Inc., Greenwich, CT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Environmental Equipment Engineering, Inc., 103 S. Leadbetter Rd., Ashland, VA 23005; Deepwater Marine Systems, Inc., P.O. Box 7695, Richmond, VA 23231; The Continental Group, Inc., Office Park II, Greenwich, CT 06830.

MC 134616 (Sub-II–R–1), filed August 10, 1981. Applicant: KEARNEY'S TRUCKING SERVICE, INC., P.O. Box 264, Portland, PA 18351. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Contract, irregular: *General commodities (except Class A and B explosives, hazardous waste and household goods),* between points in the U.S. (except HI), under a continuing contract(s) with Whittaker Corporation and its Divisions and Subsidiaries, Los Angeles, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Whittaker Corp., 10880 Wilshire Blvd., Los Angeles, CA 90024.

MC 136343 (Sub-II–26TA), filed August 13, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Plastic and plastic articles and materials and supplies* used in the manufacture and distribution of plastic and plastic articles between the facilities of St. Regis Paper Co., at Dallas, TX, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA for 270 days. Supporting shipper: St. Regis Paper Co., West Nyack Rd., West Nyack, NY 10994.

MC 157619 (Sub-II–1TA), filed August 10, 1981. Applicant: N.E.B. TRANSPORTATION & ASSOCIATES, INC., 27883 Aberdeen Road, Bay Village, OH 44140. Representative: National Carrier Service, 2000 Santa Cruz Street, Anaheim, CA 92805. Contract irregular: *general commodities:* (except hazardous materials, Classes A and B explosives, commodities in bulk, commodities which because of their size require use of special handling or equipment and household goods), between points in the United States, excluding AK and HI under continuing contract with National Carrier Service of Anaheim, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): National Carrier Service, Inc., 2000 Santa Cruz St., Anaheim, CA 92805.

MC 107012 (Sub-II–181TA), filed August 11, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (Same as applicant). *General commodities (except classes A and B explosives)* between points in the U.S. Restricted to traffic originating at or destined to the facilities of or utilized by Foremost-McKesson, Inc., San Francisco, CA for 270 days. Supporting shipper: Foremost-McKesson, Inc., 1 Post Street, Crocker Plaza, San Francisco, CA 94104.

Note.—Common control may be involved.

MC 107012 (Sub-II–182TA), filed August 11, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Direct printing plates and parts, materials, and supplies for direct printing plates* from San Marcos, CA to points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Napp Systems U.S.A., Inc., 360 S. Pacific, San Marcos, CA 92069.

Note.—Common control may be involved.

MC 107012 (Sub-II–183TA), filed August 11, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *General commodities (except class A & B explosives)* between points in the U.S. under continuing contract(s) with Franklin Electric, Inc., Programmed Power Division, Sunnyvale, CA, for 270 days. Supporting shipper: Franklin Electric, Inc., Programmed Power Division, 995 Benicia Avenue, Sunnyvale, CA 94086.

Note.—Common control may be involved.

MC 107012 (Sub-II–184TA), filed August 12, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Appliances* from Memphis, TN to points in AL, AR, CA, CO, FL, GA, IA, ID, KS, KY, LA, MN, MS, NC, NM, NV, OK, SC, SD, TX, UT, VA, and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sunbeam Appliance Co., 5400 West Roosevelt, Chicago, IL 60650.

Note.—Common control may be involved.

MC 107012 (Sub-II–185TA), filed August 12, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Such commodities as are dealt in or used by manufacturers of packaging products* from Los Angeles County, CA; Cook County, IL; and Gloucester County, NJ to points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ekco Products, Inc., 777 Wheeling Road, Wheeling, IL 60090.

Note.—Common control may be involved.

MC 147313 (Sub-II–2TA), filed August 11, 1981. Applicant: JOHN PFROMMER, INC., Box 307, Douglassville, PA 19518. Representative: Theodore Polydoroff, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101. *Cryolite,* in bulk, in dump vehicles, from Sebree, KY to Bowmanstown, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: KBI, Div. of Cabot Corp., County Line Rd., Boyertown, PA 19512.

MC 151707 (Sub-II–19TA), filed August 11, 1981. Applicant: PIONEER TRUCKING, INC., 1105 No. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (Same address as applicant). *Contract:* Irregular: *Paper and Paper Products, Materials and Supplies used in the manufacture thereof* between West Point, VA, on the one hand, and, on the other, points in the U.S. east of the Mississippi River under continuous contact(s) with Chesapeake Corp. An underlying ETA seeks 120 days authority. Supporting shipper: Chesapeake Corp., P.O. Box 311, West Point, VA 23181.

MC 151707 (Sub-II–20TA) filed August 11, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St.,

15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (Same address as applicant). *Contract:* Irregular: *Electric Motors, Motor Parts, Iron or Steel Stampings, Laminations, and Materials and Supplies used in the manufacture thereof* between Owosso, MI; Chicago, IL; Altavista, VA; Ripley, TN; Prairie Grove, AR; Kosciusko, MS on the one hand, and, on the other, points in the U.S. in and east of CO, MT, NM, and WY under continuous contract(s) with Universal Electric Corp. An underlying ETA seeks 120 days authority. Supporting Shipper: Universal Electric Corp., 300 E. Main St., Owosso, MI 48867.

MC 152640 (Sub-II–7TA), filed August 10, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. *Contract,* irregular: *general commodities* (except classes A & B explosives), between Portland, OR; Lewiston, ID; Jacksonville, FL; El Paso, TX, and St. Louis, MO, on the one hand, and, on the other, points in the U.S., for the account of Seaport Cooperative, for 270 days. Supporting shipper: Seaport Cooperative, Portland, OR 97209.

MC 157620 (Sub-II–1TA), filed August 10, 1981. Applicant: BARRY TOTH, R.D. 2, Box 10, Honesdale, PA 18431. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Such commodities as are used or dealt in by retail ice cream and confectionary stores* between Westchester County, NY and Bergen County, NJ, on the one hand, and, on the other, points in FL, NC, SC and GA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Carvel Corp., 201 Sawmill River Rd., Yonkers, NY 10701.

MC 136511 (Sub-II–12TA), filed August 12, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP, 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *(1) Electronic equipment, appliances and parts, (2) Model airplane parts* between San Diego County, GA on the one hand, and, on the other, points in Champaign County, IL and Autuaga County, AL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kraft Systems, Division of Carlisle Corp., 450 W. California Ave., Vista, GA 92083.

MC 52861 (Sub-II–6TA), filed August 13, 1981. Applicant: WILLS TRUCKING, CO., INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: James W. Moore (same address as applicant). *General commodities (except classes A & B explosives)* between Wayne County, MI, on the one hand, and, on the other, points in WI, MN, MO, IL, KY, IN, OH, WV, PA, NY and IA for 270 days. Supporting shipper: Container Marine Terminal, 1930 E. Atwater St., Detroit, MI 48207.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, Ga 30357.

MC 148976 (Sub-3–2TA), filed August 13, 1981. Applicant: H & W TRANSFER AND CARTAGE SERVICE, INC., 611 South Main St., Cedartown, GA 30125. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. *Contract carrier:* irregular routes: *new furniture, fixtures, materials, equipment, and supplies used in the manufacture, production or distribution of such commodities* between the facilities of Hon Company at or near Cedartown, GA on the one hand, and, on the other, points in the U.S. under contract or continuing contract(s) with Hon Company, a division of Hon Industries. Supporting shipper: Hon Company, P.O. Box 1000, Cedartown, GA 30125,

MC 157302 (Sub-3–2TA), filed August 14, 1981. Applicant: OLD SOUTH FREIGHT SERVICE, INC., 2805 Foster Avenue, Suite 202, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, 315 Union Street, Nashville, TN 37201. *Metal products* between: (1) Chicago, IL, and St. Louis County, MO, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX; and (2) Putnam County, IL, on the one hand, and, on the other, points in AL, AR, GA, KY, LA, MS, NC, OK, SC, TN and TX. Supporting shippers: Welded Tube Co. of America, 1855 E. 122nd St., Chicago, IL 60655; Fluor Pipe & Piling Co., 18445 Centaur Rd., P.O. Box 387, Chesterfield, MO 63017; Jones & Laughlin Steel Corporation, P.O. Box 325, Hennepin, IL 61327.

MC 153085 (Sub-3–2TA), filed August 14, 1981. Applicant: DUSTY BULLOCK, INC., Route 1, Box 207, Caryville, TN 37714. Representative: Peter A. Greene, 1920 N Street, N.W., Suite 700, Washington, D.C. 20036. *Meat, meat products, meat byproducts* between Caryville, TN, on the one hand, and, on the other, Philadelphia, PA; Sherman, TX; Chicago, IL; Davenport, IA; Madison, WI; Kansas City, KS; and Tampa, FL. Supporting shipper: Powell Valley Foods, Inc., Elkins Road, P.O. Box 55, Caryville, TN 37714.

MC 148240 (Sub-3–1TA), filed August 17, 1981. Applicant: SHELBY WILLIAMS INDUSTRIES, INC.–MADISON FURNITURE INDUSTRIES DIVISIONS, P.O. Box 111, Canton, MS 39046. Representative: Fred W. Johnston, Jr., P.O. Box 1291, Jackson, MS 39205. *Contract carrier:* irregular routes: *General commodities (except classes A and B explosives)* between points in the U.S. under a continuing contract or contracts with Jay-Zee, Inc., Maryland Heights, MO. Supporting shipper: Jay-Zee, Inc., 58 Progress Parkway, Maryland Heights, MO.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 155798 (Sub-4–1), filed June 1, 1981. Applicant: HENRY J. RIPP, d.b.a. TUMBLEWEED TRUCKING, 10317 HY Y, Mazomanie, WI 53560. Representative: Henry J. Ripp, Box 235, Waunakee, WI 53597. *Chemicals, Non-Hazardous, in Barrels, Boxes, Bags or Packages.* Between Madison, WI and points in the U.S. (except AK and HI). Supporting shipper: Gibco Diagnostics Inuendex Div., The Dexter Corp., 2801 Industrial Drive, Madison, WI 53713.

MC 157565 (Sub-4–1TA), filed August 7, 1981. Applicant: BUD MEYER TRUCK LINES, INC., P.O. Box 97, Theilman, MN 55987. Representative: John B. Van de North, Jr., Briggs and Morgan 2200 First National Bank Building, St. Paul, MN 55101. *Cleaning compounds and toilet preparations,* between points in Carver County, MN on the one hand, and, on the other, points in the United States. Supporting shipper: Minnetonka, Inc., Minnetonka, MN 55343.

MC 152194 (Sub-4–3TA), filed August 12, 1981. Applicant: NECOMA TRANSPORT, INC., 11 South 360 Madison St., Hinsdale, IL 60521. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602. *Contract,* irregular: *Liquid waste products, in bulk, in shipper owned trailers,* from points in IA, IN, KY, MI, MN, MO, OH, and WI to the facilities of Liqwacon Corporation at Harvey, IL. Supporting shipper: Liqwacon Corporation, Norristown and Narcissa Streets, Blue Bell, PA 19422.

MC 145213 (Sub-4–1TA), filed August 12, 1981. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Stanley C. Olsen, Jr., 5200 Willson road, Suite 307, Edina, MN 55424. *Food and related products,* between points in FL, OR, WA, ID and CA, on the one hand, and, on the other, points in Waukesha, Dane, Sauk, and Kenosha Counties, WI. Supporting

shipper: Baraboo Sysco Food Services, 901 Sauk Ave., Baraboo, WI 53913.

MC 157219 (Sub-4–1TA), filed August 12, 1981. Applicant: AMERICAN WESTERN CORPORATION, 355 Boyce Greeley Bldg., Sioux Falls, SD 57102. Representative: Claude Stewart, 5301 North Cliff Ave., P.O. Box 480, Sioux Falls, SD 57101. *General Commodities* (except those of unusual value, Class A and B Explosives, Household goods as defined by the Commission, Commodities in bulk and those requiring special equipment), between points in SD on the one hand and points in the U.S. (except AK and HI) on the other hand. Supporting shippers: Lewis Drug Stores, 309 S. Phillips Ave., Sioux Falls, SD, 57102, Raven Industries Inc., 205 E. Sixth St., Sioux Falls, SD 57102, Business Resources, LTD, 312 S. Minnesota Ave., Sioux Falls, SD 57102, N-Rich Food Plant Foods Inc., Humboldt, S.D., 57035.

MC 156499 (Sub-4–4TA), filed August 12, 1981. Applicant: CIRCLE C TRUCKING, INC., 3711 28th St., Grandville, MI 49418. Representative: Robert D. Eklund, 175 West Apple Ave., P.O. Box 766, Muskegon, MI 49443. *Contract* irregular: *dog food* from the facilities of Dog Life Corp. in Hamilton, MI to all points in CA and *building materials* from the facilities of Leigh Products, Inc. in Coopersville, MI to all points in CA. Supporting shippers: Dog Life Corp., Rte. M–40, Hamilton, MI; Leigh Products, Inc., 411 64th Ave., Coopersville, MI.

MC 157273 (Sub-4–4TA), filed August 11, 1981. Applicant: LB&B CONTRACT CARRIERS, INC., 832 Seventh Street, Menasha, WI 54952. Representative: William F. Mix, 1775 Massachusetts Ave., Lexington, MA 02173. *Contract* irregular: *Chemicals* and materials, supplies and equipment used in the sale, distribution and handling thereof (except class A & B explosives) between Appleton, WI and points in IL, IN, MA, MI, MN, NH, NJ, NY, OH, and PA. Restricted to traffic moving under continuing contract with Santek Chemicals Inc. Supporting shipper: Santek Chemicals Inc., 2901 North Conkey St., Appleton, WI.

MC 157273 (Sub-4–5TA), filed August 11, 1981. Applicant: LB&B CONTRACT CARRIERS, INC., 832 Seventh Street, Menasha, WI 54952. Representative: William F. Mix, 1775 Massachusetts Ave., Lexington, MA 02173. *Contract* irregular: *Paper and related products* and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except class A & B explosives) between Menasha, WI and points in the U.S. in and east of the states of ND, SD, NE, KS, and TX. Restricted to traffic moving under continuing contract with Rosenow Paper Co. Supporting shipper: Rosenow Paper Co., 1415 Richards Drive, Menasha, WI.

MC 157273 (Sub-4–3TA), filed August 11, 1981. Applicant: LB&B CONTRACT CARRIERS, INC., 832 Seventh Street, Menasha, WI 54952. Representative: William F. Mix, 1775 Massachusetts Ave., Lexington, MA 02173. *Contract* irregular: *Plastic products* and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except class A & B explosives) between Menasha, WI and points in the U.S. in and east of the states of ND, SD, NE, KS, and TX. Restricted to traffic moving under continuing contract with XYZ Corporation. Supporting shipper: XYZ Corporation, 1415 Richards Drive, Menasha, WI.

MC 157273 (Sub-4–2TA), filed August 11, 1981. Applicant: LB&B CONTRACT CARRIERS, INC., 832 Seventh Street, Menasha, WI 54952. Representative: William F. Mix, 1775 Massachusetts Ave., Lexington, MA 02173. *Contract* irregular: *Perlite,* other than crude, and materials, equipment and supplies used in the sale, distribution, and manufacture thereof, between Appleton, WI and Gilbert, MN, Minneapolis, MN, and Kalamazoo, MI. Restricted to traffic moving under continuing contract with Midwest Perlite, Inc. Supporting shipper: Midwest Perlite Inc., 4280 Parkway Blvd., Appleton, WI.

MC 157646 (Sub-4–1), filed August 11, 1981. Applicant: WYVERN TRUCKING, INC., 1427 Laurel Street, Elkhart, IN 46514. Representative: John F. Wickes, Jr., Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Plastic and rubber articles and materials, equipment, and supplies* used in the manufacture, distribution and sale thereof, between Marshall County, IN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restricted to service provided pursuant to contracts with Win-Tec, Inc. Supporting shipper: Win-Tec, Inc., P.O. Box 294, 1215 West Dewey Street, Bremen, IN 46506.

MC 40978 (Sub-4–15TA), filed August 10, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. (1) *Office furniture and office equipment,* and (2) *Parts and supplies for the commodities in* (1), between points in Dodge and Washington Counties, WI, on the one hand, and, on the other, points in VA and WV. Supporting shipper: Tab Products Company, 605 Fourth Street, Mayville, WI, 53050.

MC 157644 (Sub-4–1), filed August 11, 1981. Applicant: JAMES L. PARRETT, Rt. #1 Box 247, Wallace, MI 49893. Representative: (Same as applicant). Common—*Regular: Steel and aluminum bar and hexagon stock and finished product* between points in MI, WI and IL. Supporting shipper: Santo Industries, Inc., 5400 13th Street, Menominee, MI 49858.

MC 146896 (Sub-4–1), filed August 10, 1981. Applicant: SERVICE CARTAGE COMPANY, INC., 426 Talcott Avenue, Lemont, IL 60439. Representative: Patrick H. Smyth, Smyth & Guth, P.C., 19 South LaSalle Street, Suite 401, Chicago, IL 60603. *Contract* Irregular: *General Commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with Trinty Midwest Corporation of Plainfield, IL. Supporting shipper: Trinity Midwest Corporation, P.O. Box 301, Plainfield, IL 60544.

MC 105159 (Sub-4–17TA), filed August 10, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 W Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 S 8th St., Minneapolis, MN 55402. *Plastic scrap* from Baton Rouge and Marksville, LA and Houston, TX and points in its commercial zone to Minneapolis, MN, Chicago, IL and Kansas City, MO and points in their commercial zones. An underlying ETA seeks 120 days authority. Supporting shipper: M & S Supply, Inc., 6106 Excelsior Blvd., Minneapolis, MN 55416.

MC 147323 (Sub-4–17TA), filed August 10, 1981. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: Norman A. Cooper, 145 W. Wisconsin, Neenah, WI 54956. *Metal products, machinery and materials and supplies used in their manufacture and distribution* between points in the U.S. Supporting shippers: There are 10 supporting shippers.

MC 154121 (Sub-4–8TA), filed August 11, 1981. Applicant: TRAILINER CORP., 5367 West 86th St., Indianapolis, IN 46268. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. *General Commodities* (except Classes A&B Explosives, Hazardous Waste, Household Goods and Commodities in bulk). Between points in the U.S. Restricted to the transportation of shipments originating at, and destined to facilities of, or for the account of International Nu-Way Shippers Association, its members, affiliates and co-loaders. An underlying ETA seeks

120 day authority. Supporting shipper: International Nu-Way Shippers Association, 3333 South Iron St., Chicago, IL 60608.

MC 50935 (Sub-4-4TA), filed August 10, 1981. Applicant: WOLVERINE TRUCKING COMPANY, 1020 Doris Rd., Pontiac, MI 48057. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Contract* irregular: *automobile parts, rubber insulation and moldings, and window parts,* between points in the U.S. under a continuing contract or contracts with Standard Products Co. An ETA seeks 120 days authority. Supporting shipper: Standard Products Co., 2401 S. Gulley Rd., Dearborn, MI 48124.

MC 126140 (Sub-4-3TA), filed August 10, 1981. Applicant: TRANS-PETRO, INC., Box 124, Wood River, IL 62905. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Aviation gas and jet fuel,* from East St. Louis, IL to points in IN, MO and KY. Restricted to traffic moving under continuing contract with Riverside Oil, Inc. Supporting shipper: Riverside Oil, Inc. of P.O. Box 3087, Evansville, IN 47730.

MC 135410 (Sub-4-34 TA), filed August 10, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Attorney At Law, 205 West Touhy Ave., Park Ridge, IL 60068. *Cookies and crackers* from the facilities of Midwest Biscuit Company at or near Burlington, IA to points in CT, IL, IN, KY, MA, MI, MN, NY, OH, PA, and WI. Supporting shipper: Midwest Biscuit Company, Burlington, IA.

MC 154127 (Sub-4-2 TA), filed August 10, 1981. Applicant: A. LUURTSEMA PRODUCE, INC., 5367 School St., P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract,* irregular: *Such commodities as are dealt in or used by food services distributors,* From points in IL, IN, OH, and WI, to points in Kent County, MI, under a continuing contract(s) with Gordon Food Services, Grand Rapids, MI. Supporting shipper: Gordon Food Services, 333 50th St. S.W., Grand Rapids, MI 49508.

MC 148705 (Sub-4-10 TA), filed August 10, 1981. Applicant: TWIN CONTINENTAL TRANSPORT CORPORATION, 5730 Olson Highway, Minneapolis, MN 55422. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Contract,* irregular: *Meat, meat products, meat byproducts and articles distributed by meat packing houses* from Sioux City, IA; South St. Paul and Buffalo Lake, MN and Mitchell, SD to points in the U.S. under a continuing contract(s) with Iowa Pork Industries, 915 E. Havens, Mitchell, SD 57301.

MC 157459 (Sub-4-1 TA), filed August 7, 1981. Applicant: LEWIS C. HOWARD, 760 E. Vine St., Kalamazoo, MI 49001. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *General commodities (except in bulk, Classes A and B explosives, and household goods as defined by the Commission)* between Kalamazoo County, MI and Elkhart, IN; restricted to traffic having a prior or subsequent movement by rail. Supporting shippers: Clark International Marketing S.A., 6677 Beatrice Dr., Kalamazoo, MI 49003; Permafit Div. Colonial Plumbing Prods., 6700 Sprinkle Rd., Kalamazoo, MI 49001; Fuller's Div. Eaton Corp., P.O. Box 4013, Kalamazoo, MI 49003; and The Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001.

MC 151899 (Sub-4-12 TA), filed August 7, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main St., Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *Contract* irregular: *wire and cable and materials, equipment and supplies used in the manufacture and distribution of wire and cable* between Jewett City, CT, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Wyre Wynd, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Wyre Wynd, Inc., Antohony St., Jewett City, CT 06351.

MC 142423 (Sub-4-2TA), filed August 7, 1981. Applicant: BIG D CARTAGE, INC., 28091 Kingsberry Dr., Mt. Clemens, MI 48045. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. *Malt beverages and materials, equipment and supplies used in the manufacture and production of malt beverages* from Detroit, MI, Milwaukee, WI, Peoria, IL, Newark, NJ, Allentown, PA, and Perry, GA, to Buffalo, NY and the commercial zone thereof. An underlying ETA seeks 120 days authority. Supporting shipper: Lake Erie Distributors, Inc., 22 Simon Ave., Lakawanna, NY.

MC 157274 (Sub-4-2TA), filed August 6, 1981. Applicant: AMERICAN CONCORD LINES, INC., 620 Sugar Tree, Crawfordsville, IN 47933. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Passengers and their baggage in charter and special operations,* between IN and Kent, Ingham, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, St. Joseph and Branch Counties, MI on the one hand, and, on the other, points in the U.S. Applicant has applied for corresponding ETA authority. Supporting shippers: There are 9 supporting shippers to the application.

MC 148175 (Sub-4-4TA), filed August 7, 1981. Applicant: ROBERT W. DENTON, d.b.a., SPIRIT TRUCKING, 8700 South Wolf Road, Hinsdale, IL 60521. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *General commodities (except Classes A and B explosives),* from points in NJ to Chicago, IL. Support shipper: Direct Shippers Association, 560 60th Street, West New York, NJ 07093.

MC 147636 (Sub-4-5), filed August 6, 1981. Applicant: Larry E. Hickox, d.b.a., LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular, *Automotive parts,* between Casey, IL on the one hand, and on the other, points in the U.S. Restricted to traffic moving under continuing contracts with McQuay-Norris, Inc. Supporting shipper: McQuay-Norris, Inc., 3850 Delor, St. Louis, MO 63116.

MC 140184 (Sub-4-1TA), filed August 10, 1981. Applicant: CITY WIDE DELIVERY SERVICE, INC., 1610 West Mich. St. (Mailing Box 61 ZIP 55801), Duluth, MN 55806. Representative: Thomas E. Mahai (address—same as applicant). *Contract:* Irregular. *Drilling equipment, pumps, motors, parts-new & used, and associated supplies,* between Duluth, MN, and points in WI, MI, ND, SD, WY, MT, ID, WA, IA, IL, NE, CO, UT, NV, AZ, KS, MO, and MN, under continued contract(s) with Gardner-Denver/Cooper Industries, Duluth, MN. Supporting shipper: Gardner Denver/ Cooper Ind., 7602 Venture Ave. (Mailing P.O. Box 6596), Duluth, MN 55806.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 34027 (Sub-5-2TA), filed August 14, 1981. Applicant: Greetings, Inc., P.O. Box 82, Pella, IA 50219. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Rubber tires or inner tubes,* between Chicago, IL; Oklahoma City, OK; Hancock County, OH; Macon County, IL; Nashville and Memphis, TN; Natchez, MS; and Bridgeport, CT, on the one hand, and, on the other, Marion

County, IA. Supporting shipper: K. B. Tire, Inc., 201 Franklin Street, Pella, IA 50219.

MC 138104 (Sub-5–11TA), filed August 13, 1981. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street; Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Contract: irregular; *(1) primary metal products, (2) fabricated metal products, and (3) machinery and supplies,* between points in Tarrant County, TX, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Crist Steel Fabrication & Tank, Inc. Supporting shipper: Crist Steel Fabrication & Tank, Inc., P.O. Box 12776, Fort Worth, TX 76116.

MC 139843 (Sub-5–3TA), filed August 14, 1981. Applicant: VERNON G. SAWYER, P.O. Drawer B, Bastrop, LA 71220. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, LA 71203. *(1) Malt beverages and related advertising materials. (2) Empty used beverage containers and materials and supplies used in and dealt with by breweries.* (1) From Jefferson County, CO to TX, LA, MS and TN and (2) From TX, LA, MS and TN to Jefferson County, CO. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 142384 (Sub-5–13TA), filed August 13, 1981. Applicant: KENNETH SAGELY TRUCKING COMPANY, P.O. Box 368, Van Buren, AR 72956. Representative: George Spencer, 7 North Block, No. 204, Fayetteville, AR 72701. *Containers and Parts and Accessories Used in the Manufacture Thereof*—From Tulsa County, OK—To points in AR. Supporting shipper: Kerr Glass Manufacturing Corp., Post Office Box 97, Sand Springs, OK 74063.

MC 145154 (Sub-5–6TA), filed August 13, 1981. Applicant: YOUNG'S TRANSPORTATION CO., P.O. Box 7200, 1230 West 17th St., Houston, TX 77008. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, D.C. 20005. *Foodstuffs, and materials and supplies used in the manufacture and distribution thereof,* between points in Hidalgo County, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Monte Alto Foods, Inc., Route 1, Box 320, Monte Alto, TX 78538.

MC 145384 (Sub-5–12TA), filed August 14, 1981. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Metal articles,* between points in IN and CA. Supporting shipper(s): IRECO Aluminum Inc., 1433 Western Avenue, Plymouth, IN 46563.

MC 149553 (Sub-5–8TA), filed August 14, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 70572. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Food and related products* between Hidalgo, TX on the one hand, and on the other, points in CA. Supporting shipper: Itex Corp., 220 South Bridge Street, Hidalgo, TX 78557.

MC 151435 (Sub-5–12TA), filed August 14, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Road, Raytown, MO 64133. Representative: Arthur J. Cerra, 2100 CharterBank Center, Kansas City, MO 64141. Contract, Irregular, *corrugated fibreboard partitions* between points in the U.S. Supporting shipper: Four M Corporation, 600 East 18th Avenue, Kansas City, MO 64116.

MC 152599 (Sub-5–4TA), filed August 13, 1981. Applicant: SOUTHERN CARRIERS, INC., P.O. Box 631, Galena Park, TX 77547. Representative: Clayte Binion, 623 South Henderson, 2nd Floor; Forth Worth, TX 76104. *General commodities, in containers, having a prior or subsequent movement by water,* between Houston, TX, and points in its commerical zone, on the one hand, and on the other, points in LA, MO, AR, OK, CO, NM and KS. Supporting shippers: 24.

MC 157066 (Sub-5–1TA), filed August 13, 1981. Applicant: GIFFORD TRUCKING, Route 1, Box 68–A, Huntsville, AR 72740. Representative: Kent L. Tharel, P.O. Box 334, Fayetteville, AR 72701. *Machinery, farm implements and farm equipment. (Specific items-fork lifts, backhoes, tractors, rakes, bailers, hay processors, stack arms, other farm equipment and implements)* between points in Wayne, Oakland, Macomb, Ottawa, and Kent Counties, MI, Harvey County, KS, Tarrant and Dallas Counties, TX, and Shelby County, TN, on the one hand, and on the other, Madison County, AR, and their commerical zones. Supporting shipper: B & B Implement Company, Inc., P.O. Box 460, Huntsville, AR 72740.

MC 157066 (Sub-5–2TA), filed August 13, 1981. Applicant: GIFFORD TRUCKING CO., Route 1, Box 68–A, Huntsville, AR 72740. Representative: Kent L. Tharel, P.O. Box 334, Fayetteville, AR 72701. *Metal products, machinery, those commodities which because of their size or weight require the use of special handling or equipment and building materials (specific items are: ultra span fiberglass laminated products, feeder equipment; milking equipment; electrical contractor materials and supplies; steel buildings; wood stoves)* between points in Hamilton and Wayne Counties, OH, Cook County, IL, Greene County, MO, Shelby County, TN, on the one hand, and, on the other, points in AR, OK, TN and LA, and their commercial zones. Supporting shipper: Huntsville Service and Supply, Inc., Box 798, Huntsville, AR, 72740.

MC 157591 (Sub-5–1TA), filed August 14, 1981. Applicant: WALTER M. NICKELS, d.b.a. Nickels Farm, Raymondville, MO 65555. Representative: Walter M. Nickels (same address as applicant). *(1) Charcoal and charcoal briquettes, and (2) materials and supplies used in the production or distribution of charcoal and charcoal briquettes,* between Dent County, MO, on the one hand, and, on the other, points in the U.S. except AK, HI, ID, ME, MT, NV, NH, ND, OR, RI, UT, VT, WA, and WY. Supporting shipper: Imperial Products, Inc., P.O. Box 549, Salem, MO 65560.

MC 157607 (Sub-5–1TA), filed August 14, 1981. Applicant: MILES K. BROWN, d.b.a. BROWN'S LODGING AND LIMOUSINE SERVICE, 525 Armour Blvd., Kansas City, MO 64141. Representative: Arthur J. Cerra, 2100 CharterBank Center, Kansas City, MO 64141. Contract, Irregular, *railroad train and engine crews and their baggage,* in limousines of not more than ten passengers, not including the driver. Supporting shipper: Missouri-Kansas-Texas Railroad Company, 2015 Crawford Street, P.O. Box 287, Parsons, KS 67357.

MC 157681 (Sub-5–1TA), filed August 13, 1981. Applicant: DOUBLE E REFRIGERATED TRUCK LINE, INC., 5905 Lamar, Kansas City, KS 66202. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068, (816) 781–6000. *Such commodities as are dealt in by wholesale, retail and chain stores,* between Kansas City, MO on the one hand, and on the other, points in AL, AR, AZ, CA, CO, FL, GA, IA, IL, KS, LA, MI, MN, MO, MS, NC, ND, NE, NM, NY, OH, OK, SC, TN, TX, UT, WI and WY. There are six supporting shippers.

MC 157682 (Sub-5–1TA), filed August 13, 1981. Applicant: STAR TRUCKING COMPANY, Route 3, Box 92, Tuttle, OK 73089. Representative: Daniel O. Hands, Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068. Contract Irregular; *Food and related products* between Horseheads, NY, on the one hand, and, on the other, points in the U.S. in and south of CA, NV, UT, CO, KS, MO, IL, IN, OH, WV and VA under a continuing

contract with Star Candy Company of Tuttle, OK.

MC 157683 (Sub-5–1TA), filed August 14, 1981. Applicant: ERATH CARRIERS, INC., P.O. Box 62, Stephenville, TX 76401. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. Contract, Irregular; (1) *Pipe fittings,* from the plantsite of FMC Corporation (Fluid Control Division) at Stephenville, TX to points in the United States; and (2) *materials and supplies* used in the manufacture of those commodities specified in (1) from points in the United States to the plantsite of FMC Corporation (Fluid Control Division) at Stephenville, TX. Supporting shipper: FMC Corporation (Fluid Control Division), P.O. Box 1377, Stephenville, TX 76401.

MC 157693 (Sub-5–1TA), filed August 13, 1981. Applicant: A & J TRUCKING, INC., 2739 12th Street, S.W., Cedar Rapids, IA 52404. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. (1) *Waste or scrap materials not identified by Industry Producing* (a) from points in IL to Marion, IA and (b) from Cedar Rapids and Palo, IA to Chicago, IL, and its commercial zone, and (2) *Hides, machinery and metal products* between points in IL, IN, IA, KS, MI, MN, MO, NE, OH and WI. There are eight supporting shippers.

MC 157697 (Sub-5–1TA), filed August 13, 1981. Applicant: C. H. (SKEET) SMITH TRUCKING CO., INC., P.O. Box 350, Ringling, OK 73456. Representative: Stephen D. Colbert, 214 Stanley, Ardmore, OK 73401. *Mercer Commodities* between points in OK, TX, NM, CO, KS, AR, MO, LA, and WY. Supporting shipper(s): Ratliff Drilling Co., Oklahoma City, OK; Armstrong Tool & Supply, Healdton, OK; Aztec Drilling Corp., Ardmore, OK.

MC 157702 (Sub-5–1TA) filed August 14, 1981. Applicant: L. E. BLANCHARD, 804 North Haley, Pine Bluff, AR 71602. Representative: Lewis Coffey, 26 Kingspark Drive, Maumelle, AR 72118. *Lumber products, Cross ties, and Switch ties* from Sheridan and Pine Bluff, AR to points in TX. Supporting shipper: Smith Lumber and Building Co., Route 2, Box 81, Granbury, TX 76048.

MC 31879 (Sub-5–5TA), filed July 13, 1981. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 West 10th Avenue, North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *General commodities (except Classes A and B explosives and hazardous wastes),* (1) between points in IA and Rock Island County, IL and (2) between points in IA and Rock Island County, IL, on the one hand, and, on the other, points in MO, KS, NE, points in Boone and Carroll Counties, AR; Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Benton, Prowers and Baca Counties, CO; Laramie and Goshen Counties, WY; Bond, Calhoun, Christian, Clinton, Cook, Du Page, Fayette, Greene, Jersey, Kane, Macon, Macoupin, Madison, Marion, Monroe, Montgomery, Morgan, Perry, Pike, Randolph, St. Clair, Sangamon, Scott, Shelby, Washington and Will Counties, IL; and Bernalillo, Colfax, Curry, De Baca, Guadalupe, Harding, Las Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties, NM, restricted against the transportation of any single piece that exceeds 100 pounds in weight. Applicant intends to interline this traffic at Coffeeville, Wichita and Dodge City, KS; Vandalia, IL, points in Rock Island County, IL; Cape Girardeau, MO and Denver, CO. Supporting shipper: There are approximately 265 statements of support which may be reviewed at the Fort Worth, TX Regional Office.

MC 119211 (Sub-5–1TA), filed August 12, 1981. Applicant: MAU TRUCKING, INC., 90 Jacob's Addition, Ida Grove, IA 51445. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Machinery and transportation equipment,* between Ida County, IA, on the one hand, and, on the other, Pts in the U.S. (including AK but excluding HI). Supporting shipper: Midwest Industries, Highway 59 & 175, P.O. Box 235, Ida Grove, IA 51445.

MC 139923 (Sub-5–8TA), filed August 12, 1981. Applicant: MILLER TRUCKING CO., INC., 105 South 8th Street, Stroud, OK 74079. Representative: Edward Handlin (same address as applicant). *Such commodities as are dealt in or used by wholesale and retail grocery stores and food business houses,* from points in the U.S. to Allegheny and Butler Counties, PA. Supporting shipper: Giant Eagle Markets, Inc., 101 Kappa Drive, Pittsburg, PA 15238.

MC 139973 (Sub-5–9TA), filed August 12, 1981. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, Fulton, MO 65251. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *(1) Electrical machinery, (2) fabricated metal products, and (3) equipment, materials, and supplies used in the manufacture, distribution, or sale of the commodities named in (1) and (2),* between points in Nassau County, NY, on the one hand, and, on the other, points in IA, MN, ND, SD, WI, NE, RI, MA, NJ, DC, MI, OH, IN, IL, MD, DE, PA, KS, MO, CO, MT, CT, VA, and WV. Supporting shipper: Slant/Fin Corporation, 100 Forest Drive, Greenvale, NY 11548.

MC 139973 (Sub-5–10TA), filed August 12, 1981. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, Fulton, MO 65251. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *(1) Chemicals and allied products, and (2) materials, equipment, and supplies used in the manufacture, distribution, or sale of the commodities in (1) above,* between Baltimore, MD, on the one hand, and, on the other, points in the U.S. Supporting shipper: Jotun B.C.P. Marine Coatings, 501 Key Highway, Baltimore, MD 21230.

MC 139973 (Sub-5–11TA), filed August 12, 1981. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, Fulton, MO 65251. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *(1) Chemicals and allied products, (2) electrical machinery, and (3) equipment, materials, and supplies used in the manufacture, distribution, or sale of the commodities in (1) and (2),* between points in Harford County, MD, on the one hand, and, on the other, points in the U.S. Supporting shipper: Cello Chemical Co., Executive Plaza #One, Suite 305, Hunt Valley, MD 21031.

MC 140665 (Sub-5–74TA), filed August 12, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Ann Holcombe, P.O. Box 786, Ravenna, OH 44266. *Carpet, carpet cushion, vinyl floor covering and vinyl composition tile* from Marcus Hook, PA, Dalton, GA area and Houston, TX to Springfield, MO. Supporting shipper: C & C Floor Covering, Inc. 524 College, Springfield, MO 65806.

MC 140665 (Sub-5–75TA), filed August 12, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *(Welding equipment and welding supplies and (2) supplies used in the production of commodities in (1) above,* between the facilities utilized by Hobart Brothers, Inc., in Miami and Montgomery Counties, OH, on the one hand, and, on the other, points in the U.S. Supporting shipper: Hobart Brothers Company, Inc., 600 W. Main St. Troy, OH 45373.

MC 140665 (Sub-5–76TA), filed August 12, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Ann Holcombe, P.O. Box 786, Ravenna, OH 44266. *General commodities, (except commodities in bulk, and Classes A and B explosives and hazardous materials),* between points in the U.S. (except AK and HI). Supporting shipper: TG&Y Stores Company, 4815 N. Santa Fe, Oklahoma City, OK 73125.

MC 140665 (Sub-5–77TA), filed August 12, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *General Commodities (except Classes A and B explosives and commodities in bulk),* between the facilities of Philips Industries Inc., and its Divisions, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Philips Industries Inc., P.O. Box 943, Dayton, OH 45401.

MC 150812 (Sub-5–6TA), filed August 11, 1981. Applicant: FROST TRANSPORTATION, INC., P.O. Box 3400, Shreveport, LA 71103. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Contract irregular; *General commodities (except Classes A & B Explosives & Hazardous Waste),* between points in the U.S. (except AK & HI) under a continuing contract(s) with Marathon Carey-McFall Company, Montoursville, PA. Supporting shipper(s): Marathon Carey-McFall Company, 205 Loyalsock Ave., Montoursville, PA 17754.

MC 150812 (Sub-5–7TA), filed August 11, 1981. Applicant: FROST TRANSPORTATION, INC., P.O. Box 3400, Shreveport, LA 71103. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *General Commodities* (except Classes A & B Explosives and hazardous waste) having a prior or subsequent move via rail and water, between Philadelphia, PA and Chicago, IL on the one hand, and, on the other, NY, NJ and PA. Supporting shipper(s): Liberty Shippers, Inc., 2209 E. Farragut Ave., Bristol, PA 19007.

MC 152649 (Sub-5–8TA), filed August 12, 1981. Applicant: RIVERLAND TRUCKING CO., INC., P.O. Drawer BC, Reserve, LA 70084. Representative: Harry M. England, P.O. Drawer E, Reserve, LA 70084. Contract; irregular. *Carriers, bottle or can, in rolls on reels in packages,* between Charleston, IL, on one hand, and, points in LA, TX, AL, MS, TN, NC, GA, OK, SC, AR, on the other hand. Supporting shipper: Hi-Cone, a Division of Illinois Tool Works, Inc., 1140 W. Bryn Mawr, Itasca, IL 60143.

MC 153913 (Sub-5–4TA), filed August 12, 1981. Applicant: MISSOURI ALCOHOL FUEL, INC., 408 Thompson Bldg., Tulsa, OK 74103. Representative: Richard S. Brownlee, III, P.O. Box 1069, Jefferson City, MO 65102. *Petroleum, natural gas, and their products* between points in IL, MO, and KS. Supporting shipper(s): 7.

MC 155595 (Sub-5–14TA), filed August 11, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in or used by discount and variety stores,* between the facilities of Wal-Mart Stores, Inc. and its affiliates in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WV and WI, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WV and WI. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 155595 (Sub-5–15TA), filed August 12, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. (1) *Furniture or fixtures* and (2) *fabricated metal products,* between the facilities of Leggett & Platt Incorporated in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WV and WI, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WV and WI. Supporting shipper: Leggett & Platt Incorporated, 18th Road, P.O. Box 757, Carthage, MO 64836.

MC 156141 (Sub-5–1TA), filed August 12, 1981. Applicant: DINDE TRUCKING COMPANY, 14 North 7th Street, Keokuk, IA 52632. Representative: W. R. Mudd, 601 Main Street, Keokuk, IA 52632. Contract; Irregular: *Commodities as dealt in by distributors of corn starch and syrup* (except in bulk) between points in the U.S., except AK and HI restricted to transportation originating at or destined to the facilities of the Industrial Energy Corp. and is under a continuing contract or contracts with the Industrial Energy Corp. Supporting shipper: Industrial Energy Corp., Keokuk, IA.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413. San Francisco, CA 94120.

MC 124679 (Sub-6–46TA), filed August 10, 1981. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same as applicant). *Such commodities as are dealt in or used by manufacturers and distributors of photographic products* (except commodities in bulk) between CA, OR, WA, and UT, for 270 days. Supporting shipper: Eastman Kodak Company, 2400 Mt. Read Boulevard, Rochester, NY 14650.

Note.—Applicant holds motor contract carrier authority in number MC–128813 and sub numbers thereunder, therefore dual operations may be involved.

MC 151678 (Sub-6–4TA), filed August 10, 1981. Applicant: NEU–WAY TRANSPORT, INC., 23720 72nd Ave., Langley, B.C. CD V3M 4P9. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes, *General Commodities* (except class A and B explosives and hazardous materials), from Los Angeles, CA to Ports of Entry on the International Boundary Line between the U.S. and CD in WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: B.C. Forwarding Co. Ltd., Suite 1, 14231 Burrows Rd., Richmond, B.C. CD V6V 1K9.

MC 144572 (Sub-6–29TA), filed August 10, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. *Food and related products,* between the facilities utilized by Banquet Foods Corp. located at Carrollton, Macon, Marshall, and Moberly, MO, on the one hand, and, on the other, points in CO, IA, IL, IN, NE, and OH, for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: Banquet Foods Corp., 100 N. Broadway, St. Louis, MO 63102.

MC 153714 (Sub-6–4TA), filed August 10, 1981. Applicant: WILLIAM A. MURRAY, d.b.a. FREDDY'S TRUCKING, 2200 S.E. 45th #49, Hillsboro, OR 97123. Representative: William A. Murray (same as above). *Malt beverages* and *advertising materials* from Los Angeles County, CA

to Washington County, OR for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Miller Brands Inc., 10100 S.W. Allen Blvd., Beaverton, OR 97005.

MC 157626 (Sub-6–1TA), filed August 7, 1981. Applicant: FREIGHT FORWARDER TRANSPORT, INC., 9 Sunset Dr., Englewood, CO 80110. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203. *Contract carrier,* irregular routes, *General commodities, except Classes A and B explosives and used household goods,* between points in the United States, for the accounts of Acme Fast Freight, Inc. and Freight Forwarder, Inc., for 270 days. Supporting shippers: Acme Fast Freight, Inc., 2110 Alhambra Ave., Los Angeles, CA 90031, and Freight Forwarder, Inc., P.O.B. 5088 TA, Denver, CO 80217.

MC 92633 (Sub-6–5TA), filed August 7, 1981. Applicant: ZIRBEL TRANSPORT, INC., 420 28th St. North, Lewiston, ID 83501. Representative: William E. Seehafer (same as applicant). *Talc, in containers having immediate prior or subsequent movement by water,* between the facilities of Pfizer, Inc., in Beaverhead County, MT, on the one hand, and, on the other, port facilities in Asotin County, WA; and Nez Perce County, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pfizer, Inc., 235 East 42 St., New York, NY 10017.

MC 154184 (Sub-6–1TA), filed August 11, 1981. Applicant: AMERICAN PACIFIC POWER APPARATUS, INC., P.O.B. 515, Aurora, OR 97002. Representative: Steven Bates (same address). *General Commodities,* except household goods, and Classes A and B explosives, between points in the U.S. under continuing contract with FMS, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: FMS, Inc, 1000 Connecticut Ave., Washington, DC 20036.

MC 148840 (Sub-6–1TA), filed August 7, 1981. Applicant: SHANE INDUSTRIES, INC., 2724 E. Annandale Ave., Fresno, CA 93706. Representative: John Paul Fischer, 256 Montgomery St., Fifth Fl., San Francisco, CA 94104. *Contract Carrier,* irregular routes: *Such commodities as are dealt in or used by department or food stores and materials and supplies used in conducting such business,* between points in CA and NV under a continuing contract(s) with K–MART Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: K-Mart Corporation of Sparks, NV.

MC 157598 (Sub-6–1TA), filed August 7, 1981. Applicant: JACK BRACH, d.b.a. J. BRACH & SONS TRUCKING, Box 189, Loma, CO 81524. Representative: Nancy P. Bigbee, 1600 Sherman St., Suite 445, Denver, CO 80203. *Iron and steel articles,* between points in the Counties of Adams, Denver, Moffat, Rio Blanco, Garfield, Mesa, Montrose, San Miguel, Dolores and Montezuma, CO; San Juan, McKinley and Rio Arriba, NM; and Wasatch, Sanpete, Sevier, Emery, Grand and Carbon, UT. Restricted to shipments originating or terminating at the facilities of Pioneer Steel & Tube Distributors, Inc., Henderson and Grand Junction, CO, for 270 days. Supporting shipper: Pioneer Steel & Tube Distributors, Inc., 9520 E. 104th Avenue, Henderson, CO 80640.

MC 157574 (Sub-6–1TA), filed August 7, 1981. Applicant: DENVER DELIVERY, INC., 6000 So. Ulster St., Suite 206, Englewood, CO 80111. Representative: Kenny Cunningham (same as Above). *Contract carrier;* irregular routes: *Household appliances* between Cincinnati, OH and points in KY, and IN, under continuing contract with Steinbergs, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Steinberg's, Inc., 14 Sunnybrook Dr., Cincinnati, OH 45237.

MC 148445 (Sub-6–4TA), filed August 10, 1981. Applicant: WLD TRUCKING COMPANY, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. *Contract Carrier,* Irregular routes: *Printed matter,* from the facilities of Ingram Book Company in Jessup, MD, to Nashville, TN, and City of Industry, CA, for 270 days, for the account of Ingram Book Company. An underlying ETA seeks 120 days authority. Supporting shipper: Ingram Book Company, 347 Reedwood Dr., Nashville, TN 37217.

MC 157640 (Sub-6–1TA), filed August 10, 1981. Applicant: GRUMPY'S SERVICES, LTD., 2848 19th Street NE., Calgary, Alberta, CD. T2E6Y9. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068. *Oilfield equipment, materials and supplies and parts for off-the-road motor vehicles.* Between the ports of entry along the United States Canadian International Boundry Sweetgrass and Raymond, MT and fortuna and Portal, ND, on the one hand, and, on the other, points in the U.S. in and west of ND, SD, NE, KS, OK, AR and LA, for 270 days. Supporting shipper(s): Tracked Vehicle Supply Co., Ltd., 815 Highfield Ave., S.E., Calgary, Alberta; Drill Systems, 115–58 Ave., SW., Calgary, Alberta.

MC 148458 (Sub-6–1TA), filed August 10, 1981. Applicant: MOTOR TRUCK TRANSPORT CO., 695 E 27th St., Long Beach, CA 90806. Representative: Richard V. Stanton (same as above). *General commodities* (except classes A & B explosives and commodities in bulk) between points in Los Angeles and Orange Counties, CA and points in AZ, CA, NV, OR, TX and WA., for 270 days. Supporting shippers: There are five supporting shippers. Their statements may be examined at the Regional Office listed.

MC 157596 (Sub-6–1TA), filed August 7, 1981. Applicant: VANGUARD CONTRACT CARRIER, INC., 25 North Via Monte, Walnut Creek, CA 94596. Representative: Alfred G. Krebs (same address as Applicant). *Contract Carrier:* Irregular Routes: *General commodities,* except Classes A and B explosives, between points in the U.S. (except AK and HI), under a continuing contract with Rockwell International located at York, SC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rockwell International, P.O. Box 886, York, SC 29745.

MC 141742 (Sub-6–3TA), filed August 10, 1981. Applicant: FLOWERS TRANSPORTATION, INC., P.O.B. B, Station A, Auburn, CA 95603. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Metal products,* between points in Box Elder County, UT, on the one hand, and on the other hand, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY, for 270 days. Supporting shipper: Nucor Corporation, 4425 Randolph Road, Charlotte, NC 28211.

MC 154467 (Sub-6–2TA), filed August 11, 1981. Applicant: KENNETH KONTRATH AND DAVID L. ENNIS d.b.a. KONTRATH TRANSPORTATION, P.O.B. 2187, Livermore, CA 94550. Representative: Kenneth Kontrath (Same as applicant). *Contract carrier,* Irregular Routes: (1) *Lumber and Wood products* and (2) *Materials, parts, and supplies, except commodities in bulk, used in manufacture, sale, and distribution of the commodities named in (1)* and *(2)* above between the facilities of Semans Moulding Co., Inc., Sacramento, CA on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX. For 270 days. Supporting shipper: Semans Moulding Co., Inc., 7400 San Joaquin, Sacramento, CA 95820.

MC 144981 (Sub-6–1TA), filed August 10, 1981. Applicant: JOHN DAY–PORTLAND AUTO FREIGHT, INC., P.O.B. 5, John Day, OR 97845.

Representative: Lawrence V. Smart, Jr., 419 NW 23rd Av., Portland, OR 97210. *Common carrier,* regular route: *General commodities* (except class A and B explosives), (1) between Portland and John Day, OR, over U.S. Hwy 26, (2) between Portland, OR, and junction OR Hwy 19 and U.S. Hwy 26, at or near Dayville, OR, from Portland over Interstate Hwy 84 to Biggs, then over U.S. Hwy 97 to Wasco, then over Hwy 206 to Condon, then over OR Hwy 19 to junction U.S. Hwy 26, and then over the same route, and (3) between John Day and Hines, OR, over U.S. Hwy 395, serving all intermediate points in routes (1)–(3) above, for 270 dyas. An underlying ETA seeks 120 days authority. Supporting shippers: Western Equipment Co., POB 400, John Day, OR; Garrett Freightlines, Inc. 2055 Garrett WY, Pocatello, ID; John Day Rigging Service, Inc., 429 W Main St., John Day, OR.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24571 Filed 8-21-81; 8:45 am]

BILLING CODE 7035-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

August 19, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96–511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register,** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearnace (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

- Agricultural Marketing Service

Food Facility Survey
MRD–1 and MRD–2
Nonrecurring
Businesses or other institutions
Food wholesalers, processors, and distributors
SIC: 514
Agricultural research and services; 625 responses; 375 hours; $30,000 Federal cost; 2 forms; $6,900 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The data will be used to evaluate the present wholesale food marketing facilities and methods used and to plan any new facilities needed. Such new facilities will be besiged to increase food marketing efficiency through improved handling and distribution methods.

extensions (Burden Change)

- Agricultural Stabilization and Conservation Service

Tobacco Regulations Title 7 Parts 723–726
Regs. 723–726
Weekly, annually
Farms/businesses or other institutions
Tobacco marketing quota regulations
SIC: 013 515
Farm income stabilization: 1,679 responses; 317 hours; $2,250,000 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

These regs. contain the recordkeeping and reporting requirements that are necessary to properly administer the tobacco mktg. quota regs. (P.L. 430)

DEPARTMENT OF COMMERCE

Agency Clearance Offering—Edward Michals—202–377–3627

Extensions (Burden Change)

- National Telecommunications and Information Administration

Public Telecommunication Facilities Program Grant Application
Annually
State or local governments/businesses or other institutions
Public telecommunications stations
SIC: 366
Small businesses or organizations
Research and general education aids: 825 responses; 6,050 hours; $475,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

The Public Telecommunications Financing Act of 1978 authorizes grants to be awarded for the planning and construction of public telecommunications facilities. In order to monitor the use of grant funds, grantees are required to submit certain reports annually. Grant funding.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

Extensions (Burden Change)

• Departmental and Others
Department of Defense Industrial Facility Survey—Mobilization Production Planning and Program
DOD 1519–2
Biennially
Businesses or other institutions
Plans for the procure. & product. of sel. mil. equip., etc.
SIC: 970
Small businesses or organizations
Department of Defense-military: 5,000 responses; 5,000 hours; $200,000 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

The Defense Production Act of 1950, as amended, and specifically Executive Order 11490, October 28, 1969, reguires the Secretary of Defense, interalia, to "develop with indus., plans for the procure. & production of sel. military equip. and supplies needed to fulfill emergency requirements & identify potent. deficien. in production capacity. the DD form is essen. for carrying out these funct. DOD agen. (Army, Navy, AF & DLA) will use data to determine where spec. produc. cap. is available.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Postsecondary Education
Financial Status and Performance Report, State Student Incentive Grant Program
1288–1 1288–2
Annually
State or local governments
State education agencies
SIC: 941
Higher education; 57 responses; 171 hours; $50,000 Federal cost; 2 forms; $1,800 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This annual report fulfills the statutory requirement of Sec. 415c(B)(8), HEA. The collected data is used to provide fiscal information about use of allotments and determine the nature of program accomplishments. The analyzed data is used for program evaluation, various budget/policy decisions, and to assist States in program development.

Extensions (Burden Change)

• Office of Special Education and Rehabilitation Services
Case Service Report: Federal-State Program of Vocational Rehabilitation
CHDS–RSA–300
Annually
State or local governments
State VR Agencies
SIC: 944
Social services: 681,000 responses; 606,090 hours; $100,000 Federal cost; 1 form; $5,454,810 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The RSA–300 is the most comprehensive reporting document in the RSA statistical reporting system, calling for approximately four dozen items of information on cases closed by State agencies. The data compiled are used in every facet of RSA management activity, encompassing planning, budget, program management, program evaluation and legislation.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

New

• Federal Energy Regulatory Commission
Fuel Purchase Environmental Constraints
FERC–564
Nonrecurring
Businesses or other institutions
Public or utilities (electrical)
SIC: 491
Energy information, policy, and regulation: 20 responses; 3,000 hours; $2,600 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

This information is needed to comply with the requirements of section 208 of Public Law 95–617 (Public Utility Regulatory Policies Act of 1978) for a review "Not less frequently than every two years" of "practices . . . to insure efficient use of resources". The information will be used to review generic practices and the practices of individual utilities.

• Economic Regulatory Administration
Tertiary Incentive Annual Report of Prepaid Expenses
ERA–424D
Annually
Businesses of other institutions
Oil and gas extraction (producers)
SIC: 131
Energy information, policy, and regulation; 423 responses; 16,920 hours; $10,103 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Under 10 CFR 212.78 (H) (S), it is mandatory that a qualified producer identify which of the previously reported allowed expenses were prepaid. A producer must continue to file these reports annually until they have reported the actual use of all the goods on services claimed on prepaid expenses.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Human Development Services
Financial Status Report Quarterly
State or local governments/businesses or other institutions
Non-profit organizations
SIC: All
Education, Training, Employment, and social services: 11,744 responses; 17,616 hours; $8,808 Federal cost; 2 forms; $176,160 public cost; not applicable under 3504(h)
Gwendolyn, Pia, 202–395–6880

Office of Management and Budget prescribes and requires this standard form to report the status of funds for all nonconstruction projects or programs. The form summarizes expenditures made and Federal funds unexpended for each award.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor–202–426–1887

Extensions (burden change)

• Federal Highway Administration
Test program for driver's log alternatives
Other-see SF83
Businesses or other institutions

Certain carriers and drivers oper. Comm. Mot. Vehicles, etc.
SIC: 962
Ground Transportation: 528,500 responses; 88,083 hours; $250,000 Federal cost; 3 forms; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

This data collection is necessary in order to prepare the final report on the test program.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

• Internal Revenue Service
Letter Requesting Reason for Late Filing
841C, 841SC
On occasion
Businesses or other institutions
Religious, charitable, scientific, literary educ. purposes.
SIC: 131, 201, 211, 231, 283, 421, 511, 631, 763, 801
Small businesses or organizations
Central fiscal operations: 2,066 responses; 1,033 hours; $1,703 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information is needed to complete or substantiate items required on an exempt organization return. It is used to administer exempt organization reporting requirements established in 26 U.S.C. 6652(D).

• Internal Revenue Service
Southeast Region Qualified Appraisers Checklist
500–5–808
Annually
Businesses or other institutions
Self-employed individuals and businesses (large/small)
SIC: 653, 739
Small businesses or organizations
Central fiscal operations: 300 responses; 225 hours; $8,360 Federal cost; 1 form; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

Form 500–5–808 is filled out by appraisers desiring to be on our qualified appraisers source list (QASL) for procurement of appraisal services. The information given on the form is used by the examination staff to certify appraisers for the QASL.

• Internal Revenue Service
To Employee Re: W–2/W–2P Requested From Employer 62C 62SC
On occasion
Individuals or Households
Employees/payees receiving wages or pension payments
Central fiscal operations: 97,246 responses; 48,623 hours; $83,584 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6051 requires all employers/payers to furnish a form W–2/W–2P to an employee/payee providing wage (payment) and tax information. Letter 62(C) or 62(SC) is sent to the employee/payee after they have notified the IRS that they have not received this form furnishing instructions on how to file their return if the form W–2 or W–2P is not received prior to the filing due date.

• Internal Revenue Service
Transit Time Data Card
500–5–587
Annually
Individuals or households/farms/businesses or other institutions
General public
SIC: all
Small businesses or organizations
Central fiscal operations: 2,000 responses; 33 hours; $534 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The transit time data card is designed to help improve the service of providing tax forms. It allows the monitoring of transit time of tax forms by U.S. mail or united parcel service. Package condiiton can also be checked and "trouble" areas can be corrected easier.

• Internal Revenue Service
Magnetic Media Contact Report
5144
Nonrecurring
State or local governments/farms/businesses or other institutions
Filers of IRS requiring income information returns
SIC: all
Small businesses or organizations
Central fiscal operations: 61,000 responses; 20,130 hours; $103,780 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 5144 is used to record the results of contacts with filers of information returns required by 26 U.S.C. 6041–6043, 6047 and 6109 to determine their capability and willingness to convert from paper to magnetic media filing.

Revisions

• Internal Revenue Service
U.S. Life Insurance Company Income Tax Return
1120L SCH D 1120L 1120M
Annually
Businesses or other institutions
Life insurance companies
SIC: 631, 632, 637
Small businesses or organizations
Central fiscal operations: 1,800 responses; 33,210 hours; $106,387 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Life insurance companies are required to file an annual return of income and compute and pay any tax due. The data is used to ensure that companies have correctly reported taxable income and paid the correct tax.

Extensions (burden change)

• Internal Revenue Service
US Annual Return of Income Tax To Be Paid at Source (Under Chapter 3, Internal Revenue Code)
1042, 1042S
Annually
Businesses or other institutions/individuals or households
Withholding agents
SIC: All
Small businesses or organizations
Central fiscal operations: 568,000 responses; 382,000 hours; $465,132 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used by withholding agents to report tax withheld at source of payment on certain income paid to nonresident alien individuals, foreign partnerships, or corporations not engaged in a trade or business in the U.S. The Service uses this information to verify that the correct amount of tax has been withheld and paid to the U.S.

• Bureau of Alcohol, Tobacco and Firearms
Neighborhood Investigation
8600.14
On occasion
Individuals or households
Current and former neighbors
Federal law enforcement activities: 58 responses; 15 hours; $166 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

E.O. 10450 sets forth standards for the conduct of personnel security investigations, to ensure employment or retention of an employee is consistent with the interests of national security. Information collected is used to determine suitability for employment.

• Bureau of Alcohol, Tobacco and Firearms
Reference Inquiry
ATF F 8600.2
On occasion
Individuals or households
Individuals having knowledge of employee/applicant
Federal law enforcement activities: 286 responses; 71 hours; $666 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

E.O. 10450 sets forth standards for the conduct of personnel security investigations, to ensure the employment, or retention of an employee is consistent with the interests of national security. Information collected is used to determine suitability for employment.

• Internal Revenue Service
Employee Business Expenses
2106
Annually
Individuals or households
Employees incurring bus. Expenses in connection with work central fiscal operations: 6,342,000 responses; 13,127,940 hours; $452,316 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC section 162 requires employees to itemize allowable employee business expenses. Form 2106 is used to itemize deductions for travel, transportation, outside salespersons, or educational expenses. The data is used to verify that the deductions are proper.

• Bureau of Alcohol, Tobacco and Firearms
Credit Record
ATF F 8600.18
On occasion
Businesses or other institutions
Credit Bureau, Inc.
Small businesses or organizations
Federal law enforcement activities: 143 responses; 36 hours; $360 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

E.O. 10450 sets forth standards for the conduct of personnel security investigations to ensure the employment or retention of an employee is consistent with the interests of national security. Information collected is used to determine suitability for employment.

• Bureau of Alcohol, Tobacco and Firearms
Brewers monthly Report of Operations
ATF F 103 (5130.9)
Monthly
Businesses or other institutions
Breweries
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,212 responses; 1,212 hours; $23,800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This is a monthly summary report of a brewery's operations. It accounts for the beer produced, processed, packaged, and shipped. The form is used for statistical purposes and also to account for the beer itself, which is a taxable commodity.

• Bureau of Alcohol, Tobacco and Firearms
Pre-payment Return Wine Tax
ATF F 2052 (5120.37)
On occasion
Businesses or other institutions
Permittees who must pay excise taxes
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,920 responses; 900 hours; $218 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Some wineries are not permitted to defer payment of the excise on wine. Those wineries file their tax returns on this form. The wine tax is therefore paid before the wine is physically removed from the winery.

• Bureau of Alcohol, Tobacco and Firearms
References
ATF F 8600.17
On occasion
Individuals or households
References listed by employee/applicant close assoc.
Federal law enforcement activities: 286 responses; 72 hours; $682 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

E.O. 10450 sets forth standards for the conduct of personnel security investigations to ensure the employment or retention of an employee is consistent with the interests of national security. Information collected is used to determine suitability for employment.

Extensions (No Change)

• Bureau of Alcohol, Tobacco and Firearms
Education/Personal History
ATF F 8600.25
On occasion
Individuals or households/businesses or other institutions
High school/univ. colleges
SIC: 971
Small businesses or organizations
Federal law enforcement activities: 163 responses; 41 hours; $518 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

E.O. 10450 sets forth standards for the conduct of personnel security investigations to ensure the employment or retention of an employee is consistent with the interests of national security. Information collected is used to determine suitability for employment.

• Bureau of Alcohol, Tobacco and Firearms
Police and Criminal Records
ATF F 8600.16
On occasion
State of local governments
State and local police departments
SIC: 971
Federal law enforcement activities: 286 responses; 71 hours; $682 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

E.O. 10450 sets forth standards for the conduct of personnel security investigations, to ensure the employment or retention of an employee is consistent with interests of national security. Information collected is used to determine suitability for employment.

• Bureau of Alcohol, Tobacco and Firearms
Report of tax-free alcohol user
ATF F 1451 (5150.28)
Annually
State or local governments/businesses or othe institutions
Hospitals, Med. Labs, and educational organizations
Small businesses or organizations
Federal law enforcement activities, 5,047 responses; 5,047 hours; $10,500 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This report serves as an accounting by the permittee of all tax free alcohol received and disposed of during the year. It is used for statistical purposes and to monitor the permittee's use of alcohol.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–287–0793

New

• Health and safety data reporting, submission of lists and copies of health and safety studies
Semiannually
Businesses or other institutions
Mfgr., process., and distri. of chemical substances and mixtures
SIC: 281, 282, 283, 284, 285, 286, 287, 289, 291
Small businesses or organizations
Pollution control and abatement, 653 responses; 18,088 hours; $175,000 Federal cost; 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

A rule to require submission of health and safety studies on specified chemicals by chemical manufacturers, processors, and distributors. The chemicals subject to the rule have been recommended for testing by the interagency testing committee or were otherwise selected by EPA. EPA will use the studies to assess health and

environmental effects of the chemicals and the need for testing under section 4(a) of TSCA.

- Effluent toxicity testing services questionnaire

Nonrecurring
Businesses or other institutions
Effluent toxicity testing
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 150 responses; 75 hours; $30,000 Federal costs; 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Establish availability of commercial toxicity testing facilities, identify potential sources for permittees with biomonitoring requirements, estimate availability of sources within geographic areas, and identify types of testing available.

Extensions (No Change)

- National pollutant discharge elimination system compliance inspection report form

EPA 3320–1
Other—See SF83
State or local governments
State environmental agencies
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 6,112 responses; 518,336 hours; $8,100,000 Federal cost; 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Form used by the states and EPA regional offices to record information gathered during compliance inspections. The form records data that is used to verify compliance with NPDES permit effluent limitations, construction schedules and record keeping requirements.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—
—202–452–2983

Extensions (Burden Change)

- Report of assets of money market mutual funds

FR 2051A, FR 2051B
Weekly
Businesses of other institutions
Money market mutual funds
SIC: 672
Unassigned, 8,064 responses; 953 hours; $1,700 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

These reports provide information of the investment assets of money market mutual funds which is used in the construction of the monetary aggregate statistics. These statistics are the basic to the monetary policy actions of the Federal Reserve.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

New

- Uniform Federal transportation and utility system application

OP–3
On occasion
State or local governments/businesses or other institutions
Privately owned surface transportation entities
SIC: Multiple
Ground transportation, 5 responses; 200 hours; 1 form, not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Transportation entities proposing pipeline, rail, motor, broker, or freight forwarder operations in interstate, for-hire, service across Federal lands that lie within conservation system units as defined in the Alaska National Interest Land Conservation Act must apply for approval on this application developed by numeous Federal agencies. The information provides portions of the minimum factual basis to decide whether the ICC may authorize the transaction.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

New

- Loose-part detection system for light water cooled nuclear reactors

Nonrecurring
Businesses or other institutions
NRC licensees
SIC: 483
Energy information, policy, and regulation, 40 responses; 3,200 hours; $40,000 Federal cost; $128,000 public cost; 1 form, not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

In order to perform safety evaluation NRC is requesting data on loose part detection systems from NRC licensees.

Arnold Strasser,

Acting Assistant Administrator for Reports Management.

[FR Doc. 81–24639 Filed 8–21–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–6662]

Louisiana General Services, Inc.; Order Granting Application To Withdraw From Listing and Registration

August 18, 1981.

In the Matter of Louisiana General Services, Inc. Common Stock, $1 Par Value.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Louisiana General Services, Inc. (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8–A which became effective on April 24, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

The Commission, having considered the facts stated in the application and having due regard for the public interest and protection of investors, orders that said application be, and it hereby is, granted, effective at the opening of business on August 19, 1981.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–24578 Filed 8–21–81; 8:45 am]

BILLING CODE 8010–01–M

Midwest Stock Exchange, Inc.; Application For Unlisted Trading Privileges in Certain Securities

August 18, 1981.

The above named national securities exchange has filed applications with the

Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Cameron Iron Works, Inc., Common Stock, $0.208 1/3 Par Value (File No. 7-6026)

Cenvill Development Corp., Common Stock, $.01 Par Value (File No. 7-6027)

Computer Consoles, Inc., Common Stock, $.10 Par Value (File No. 7-6028)

Ensource Incorporated, Common Stock, $.01 Par Value (File No. 7-6029)

Safeguard Scientifics, Inc., Stock Purchase Warrants (File No. 7-6030)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 8, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24580 Filed 8-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22163; 70-6631]

Ohio Power Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

August 18, 1981.

In the Matter of Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44701.

Ohio Power Company, ("Ohio Power"), a public-utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

Ohio Power proposes to issue and sell, at competitive bidding, up to $30,000,000 aggregate principal amount of its first mortgage bonds of a new series, with a maturity of not less than five years and not more than 30 years. The terms will be determined by competitive bidding. The bonds will be issued under Ohio Power's Mortgage and Deed of Trust dated as of October 1, 1938, as supplemented and amended and as to be further supplemented and amended. The application states that if market conditions should not be propitious for the sale of the bonds on a competitive bidding basis, Ohio Power proposes, subject to authorization by this Commission, to place the bonds privately with institutional investors or to negotiate with underwriters for the sale of the bonds. The proceeds from the sale of the bonds will be used to pay maturing long-term obligations of Ohio Power or to repay unsecured short-term debt of the company, or both, and for other corporate purposes.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 11, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-24579 Filed 8-21-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0059]

Chicago Equity Corp.; License Surrender

Notice is hereby given that Chicago Equity Corporation, One IBM Plaza, Suite 2424, Chicago Illinois 60611, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Chicago Equity Corporation was licensed by the Small Business Administration on May 18, 1964.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on June 30, 1981, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-24582 Filed 8-21-81; 8:45 am]

BILLING CODE 8025-01-M

Minority Small Business and Capital Ownership Development; Management and Technical Assistance Application Announcement

Summary

The Small Business Administration, Bureau of Minority Small Business and Capital Ownership Development (MSB&COD), announces that it is soliciting applications under its 7(j) Program to provide management and technical assistance services nationally to cover *110* separate geographical areas. Projects for each area are to operate for a 12 month period beginning October 1, 1981, and will range from approximately $20,000.00 to $350,000.00, with a total cost not to exceed $7,500.00. The announcement number is *MSB-82-001-00.*

Funding instrument: The funding instruments, as defined by the Federal Contracts Grants and Cooperative Agreements Act of 1977 (Public Law 95-224) will be cooperative agreements.

Program description: The SBA provides management and technical assistance services to eligible small businesspersons under two Programs, 7(j)(1-9) and 7(j)(10). Cooperative agreements awarded under both programs will be on a competitive basis to consulting firms (either not-for-profit or commercial entities). Existing or potential businesspersons who are economically or socially disadvantaged or who are located in areas of high concentration of unemployed, or who are participants in activities authorized by Section 7(i) of the Small Business Act, as amended, are eligible to receive services offered under 7(j)(1-9). All applicants responding to any one of the

geographical areas listed in the announcement must have had an office physically located within that geographical area for a period of one year prior to the release date of the announcement. Applicants applying for 7(j)(1–9) awards must be capable of providing assistance in such areas as accounting, production, engineering and technical assistance, feasibility studies, market analyses, specialized services, government contracts, and advertising assistance. Small businesspersons certified by the SBA as 8(a) are eligible to receive assistance under the 7(j)(10) Program. Applicants responding to one of the geographical areas under 7(j)(10) must be capable of providing services in such areas as loan packaging, the development of business plans, financial counseling, surety bond and construction management assistance, and areas of specialized assistance particularly germane to a specific 8(a) firm.

Eligible applicants: There are no restrictions on who may be funded under this program. Educational institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for awards under this announcement.

Application materials: Applications will be forwarded to interested participants upon telephone request (202/653–6374), or upon written request to the Office of Minority Small Business and Capital Ownership Development, ODA, Room 317, 1441 L Street, NW., Washington, D.C. 20416. All awards will be announced in the **Federal Register** and the Commerce Business Daily.

Closing date: All applications must be submitted on or before the closing date of September 11, 1981, 5:00 p.m. Local Time. Detailed submission procedures are outlined in each application kit.

Evaluation and award process: All proposals received as a result of this announcement will be evaluated by an SBA review panel. The Awarding of MSB/COD Cooperative Agreements is descretionary. Generally projects are supported in order of merit to the extent permitted by available funds.

Disposition of proposals: Notification of awards will be made by the awards officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer. Nothing in this solicitation shall be construed as committing MSB&COD to divide available funds among all qualified applicants.

(59.007 Management and Technical Assistance for Disadvantaged Businesspersons)

Michael Cardenas,

Administrator.

[FR Doc. 81–24583 Filed 8–21–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Nos. RFA–305–81–1 and RFA–305–81–2; Notice No. 1]

Consolidated Rail Corporation; Expedited Supplemental Transaction Proposals

Note.—This document originally appeared in the **Federal Register** for Friday, August 21, 1981. It is reprinted in this issue to meet requirements for publication on the Monday–Thursday schedule assigned to the Department of Transportation.

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Public notice of informal conference and of intent to initiate discussions and negotiations regarding the transfer of Consolidated Rail Corporation (Conrail) lines in the States of Connecticut and Rhode Island and certain Conrail lines in the Commonwealth of Massachusetts to other railroads in the region. Solicitation of initial expressions of interest and views on significant issues.

SUMMARY: Legislation recently signed into law requires that the Secretary of Transportation (Secretary) initiate negotiations for the transfer of all Conrail rail properties and freight service obligations in the States of Connecticut and Rhode Island, and certain rail lines in the Commonwealth of Massachusetts, to another railroad or railroads. This notice (1) announces two informal conferences that will be convened by the Federal Railroad Administrator (Administrator), as delegate of the Secretary, to assist in structuring the negotiations and discussions for the development of expedited supplemental transaction proposals (STPs) and (2) requests prospective purchasers and other parties of serious interest to become participants in this process.

DATES: The informal conferences will be convened on August 31, 1981 at 1:00 p.m., in the Ballroom of the Park Plaza Hotel, 155 Temple Street, New Haven, Connecticut, and on September 1, 1981, at 9:30 a.m., in the College Rooms of the Springfield Civic Center, Dwight and Court Streets (Dwight Street Entrance), Springfield, Massachusetts. Requests to be informed of future proceedings, initial written expressions of views, and declarations of interest concerning purchase of particular properties, should be submitted by September 11, 1981.

ADDRESSES: Five copies of written materials must be submitted to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Room 8211, 400 Seventh Street, S.W., Washington, D.C. 20590. Submissions should identify the docket number and notice number to which they respond. (RFA–305–81–1 for Connecticut/Rhode Island properties; RFA–305–81–2 for Massachusetts properties.) Written submissions other than privileged material will be available for public examination at the above address between 8:30 a.m. and 5 p.m., EST, Monday through Friday, with the exception of Federal holidays. Those desiring notification of receipt should include a self-addressed stamped postcard.

For the convenience of the public and potential purchasers, Conrail and potential purchasers should provide one duplicate of each submission of nonprivileged material to each of the following State agencies, where those materials will be available for public inspection as indicated:

Connecticut Department of Transportation, Rail Planning Division, Room 214, Department of Transportation, Administration Building, 24 Wolcott Road, Wethersfield, Connecticut 06109, Monday through Friday, 8:30 a.m. to 4 p.m. EST

Executive Office of Transportation, Commonwealth of Massachusetts, Room 1610, One Ashburton Place, Boston, Massachusetts 02108, Attn.: Paul A. McBride, Assistant Secretary, Monday through Friday, 9 a.m. to 5 p.m. EST

Rhode Island Department of Transportation, Planning Division, Room 369, State Office Building, Providence, Rhode Island 02903, Monday through Friday, 8:30 a.m. to 4:30 p.m. EST

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, FRA, (202) 472–7180.

SUPPLEMENTARY INFORMATION: This notice is issued in response to amendments to section 305 of the Regional Rail Reorganization Act of 1973 (3R Act)(45 U.S.C. Section 745) which were effected by section 1155 of the Northeast Rail Service Act of 1981. The President signed that legislation into law on August 13, 1981, as a part of the

Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97–35. Section 1155 amends section 305 of the 3R Act in two significant respects.

First, it requires the Administrator (as delegate of the Secretary) to initiate, within 10 days of enactment, discussions and negotiations for the transfer of "some or all of (Conrail's) rail properties and freight service obligations in the States of Connecticut and Rhode Island to one or more parties under a plan which provides for continued rail freight service on all lines operated by (Conrail) on the date of enactment for at least four years", on a financially self-sustaining basis. Within 120 days of enactment, the Administrator is required to petition the Special Court established under the 3R Act for an order to transfer the properties. The Special Court is expected to rule on the petition within 180 days, providing in its final order for a purchase price and divisions of joint rates that are fair and equitable. Conrail may be designated by the Administrator to retain certain lines, but only if Conrail agrees to maintain service over those lines for the four-year period. Branch lines and other non-mainline properties located in adjoining States that connect with those lines subject to transfer may also be considered for transfer under this provision if they are necessary to permit efficient operation of the Connecticut and Rhode Island properties.

The second amendment requires the Administrator, within 20 days of enactment, to initiate discussions and negotiations for the transfer of five designated Conrail lines in Massachusetts (including short segments of two lines that extend several miles into Connecticut) to a financially self-sustaining railroad (or railroads) that guarantees continuous service for at least four years. The Administrator is required to transfer the lines, without approval of any court or other body, within 120 days of enactment, having determined a fair and equitable price for the properties and fair and equitable divisions of joint rates (unless the parties have agreed upon the divisions). The Administrator may also transfer up to 5 miles of trackage rights on other Conrail lines for each line designated in the law, on fair and equitable terms, if trackage rights are necessary to operate the transferred lines in an efficient manner.

The Connecticut and Rhode Island properties of Conrail that are subject to transfer under the first of the above-described provisions (amending subsection 305(f) of the 3R Act) are described in Appendix A to this notice (hereafter Appendix A properties). The Massachusetts properties that are subject to transfer under the second provision (adding a new subsection (g) to section 305) are described in Appendix B (hereafter Appendix B properties). Connecting non-mainline properties identified by prospective purchasers as appropriate for transfer with Appendix A properties will be classified as Appendix C properties. Trackage rights identified by prospective purchasers as necessary to operate Appendix B lines will be classified as Appendix D properties. Neither Appendix C nor Appendix D lines have been identified at this time. A map of all Conrail properties in the three-State area is appended to this notice.

The proposed transfer of Appendix A properties (and certain of the Appendix B properties) was the subject of a previous FRA proceeding. Prospective purchasers may wish to review public docket materials describing the properties and indicating the type of data that FRA required in the previous proceeding. FRA will contact prospective purchasers concerning data requirements for these proceedings. *See* Docket No. RFA–305–80–1; 45 FR 85542 (Dec. 29, 1980); 46 FR 22300 (April 16, 1981); 46 FR 30019 (June 4, 1981).

Informal Conferences

The Administrator will convene an informal conference on August 31, 1981, at 1:00 p.m. in the Ballroom of The Park Plaza Hotel, 155 Temple Street, New Haven, Connecticut, to elicit the views of prospective transferees and other interested parties concerning the procedures and criteria that should be adopted to effect the Connecticut/Rhode Island transaction. A second conference will be held on September 1, 1981, at 9:30 a.m. in the College Rooms of the Springfield Civic Center, Dwight and Court Streets (Dwight Street Entrance), Springfield, Massachusetts, to consider the Massachusetts transfer.

Participants in the conferences are particularly requested to address the following issues:

1. Conrail data that will be required by prospective purchasers.

2. Data that will be necessary for the Administrator to evaluate purchase proposals against the requirements of section 305 and competing proposals.

3. Appropriate standards for the Administrator to apply in determining whether particular proposals meet the requirements of section 305, as amended.

4. Labor transfer and labor protection issues.

5. Identification of connecting non-mainline properties or trackage rights that should be associated with the principal transfers.

6. Data requirements and standards related to the establishment or recommendation of joint rates.

7. Data requirements and standards related to the establishment or recommendation of purchase price.

8. Appropriate deadlines for production of data and submission of proposals.

9. Relationship, if any, between the two expedited supplemental transfer proposals.

Written Submissions by Interested Parties

Persons interested in receiving further information on the development of STPs should submit their names, addresses, and a statement regarding the nature of their interest to the Docket Clerk at the address shown above by September 11, 1981, to ensure their inclusion on the FRA mailing list. It is requested that each submission specifically indicate whether the person's interest pertains to the Connecticut/Rhode Island properties (Docket No. RFA–305–81–1) or the Massachusetts properties (Docket No. RFA–305–81–2), or both.

The FRA requests that initial statements of position by members of the public regarding the issues listed above for consideration at the informal conferences also be submitted to the docket by September 11, 1981, to the extent those statements are not provided at the particular conference.

Future Federal Register Publication

To the extent practicable, the FRA will endeavor to publish in the **Federal Register** major documents relating to the expedited STPs described above. However, due to the extremely tight deadlines imposed by law and the lead time customarily required for publication, significant communications may have to be made by direct correspondence with interested parties. Therefore, it is imperative that parties having a serious interest in these matters indicate that interest to the Docket Clerk as requested above.

Issued in Washington, D.C. on August 19, 1981.

Richard J. Schiefelbein,

Deputy Federal Railroad Administrator.

Appendix A.—Rail Freight Properties of the Consolidated Rail Corporation (Conrail) in the States of Connecticut and Rhode Island

The following is a list of the rail freight properties owned, leased, or otherwise controlled by Conrail within the States of

Rhode Island and Connecticut (Appendix A Rail Properties). These properties, and/or Conrail's freight service obligations over these properties, are eligible for transfer to another railroad or railroads in a STP. The lines in the States of Rhode Island and Connecticut over which Conrail is a designated operator pursuant to Section 5 of the Department of Transportation Act (Local Rail Service Assistance Program) are not included as Appendix A Rail Properties since Conrail neither owns, leases, nor otherwise controls such lines. The lines in the States of Connecticut that are also part of the lines included in Appendix B Rail Properties are not included as Appendix A Rail Properties.

State	Line name	Between	M.P. to M.P.[1]	CR code	Owner
		CONRAIL NEW ENGLAND DIVISION—NORTHEAST REGION			
CT	Main Line (Shore Line)	New Haven and New London	73.0 to 122.8	41-4209	Amtrak.
CT	Main Line (Shore Line)	New London and State Line (RI)	122.8 to 141.1	41-4215	Amtrak.
RI	Main Line (Shore Line)	State Line (CT) and Cranston	141.1 to 178.9	41-4215	Amtrak.
RI	Main Line (Shore Line)	Cranston and State Line (MA)	178.9 to 190.8	41-4116	Amtrak.
CT	Avon Secondary	Plainville and Avon	0.0 to 9.7	41-4248	Conrail.
CT	Belle Dock Industrial Track	Belle Dock and Cedar Hill	0.0 to 1.6	41-4275	Conrail.
CT	Berlin Secondary	Berlin and New Britain	0.0 to 2.6	41-4261	Conrail.
RI	Bristol Secondary	Providence and Red Bridge	0.0 to 1.9	41-4165	Conrail.
CT	Canal Secondary	New Haven (Fair St.) and Plainville	0.0 to 27.8	41-4247	Conrail.
RI	East Junction Secondary	State Line (MA) and Red Bridge	3.7 to 6.9	41-4164	Conrail.
CT	East Windsor Secondary	East Windsor and East Hartford	18.0 to 29.1	41-4255	Conrail.
CT	Griffins Industrial Track	Hartford	0.0 to 2.0	41-4259	Conrail.
RI	Harbor Junction Industrial Track	Cranston and South Providence	0.0 to 3.4	41-4168	Conrail.
CT	Hartford Line	New Haven and State Line (MA)	0.0 to 55.8	41-4217	Amtrak.
CT	Laurel Secondary	Middletown and Laurel	0.0 to 5.5	41-4253	Conrail.
CT	Manchester Industrial Track	Manchester and South Manchester	0.0 to 1.9	41-4256	Conrail.
CT	Maybrook Branch	State Line (NY) and Derby Junction	71.2 to 104.8	41-4223	Conrail.
CT	Middletown Industrial Track	Cromwell and Middletown	13.7 to 16.2	41-4263	Conrail.
CT	Middletown Secondary	Airline Junction and Middletown	0.0 to 22.3	41-4251	Conrail.
CT	New Britain Secondary	Plainville and Hartford	0.0 to 12.9	41-4244	Conrail.
CT	New Milford Secondary	Berkshire Junction and New Milford	0.0 to 13.6	41-4220	Conrail.
RI	Newport Secondary	State Line (MA) and Portsmouth	14.2 to 21.5	41-4192	Conrail.
CT	Portland Industrial Track	Middletown and Portland	0.0 to 1.0	41-4254	Conrail.
RI	Slatersville Secondary	Woonsocket and Slatersville	0.0 to 3.4	41-4170	Conrail.
CT	Suffield Industrial Track	Windsor Locks and Suffield	0.0 to 4.2	41-4260	Conrail.
RI	Terryville Secondary	Waterbury and Plainville	0.0 to 17.2	41-4222	Conrail.
CT	Torrington Secondary	Highland Junction and Torrington	0.0 to 20.7	41-4243	Conrail.
CT	Valley Falls Industrial Track	Valley Falls and Cumberland Mills	0.0 to 0.8	41-4126	Conrail.
RI	Washington Secondary	Providence and Washington	0.0 to 16.9	41-4166	Conrail.
CT	Watertown Secondary	Highland Junction and Watertown	0.0 to 1.6	41-4258	Conrail.
CT	Wethersfield Secondary	Hartford ("Hart") and Spring Brook	0.0 to 7.0	41-4263	Conrail.
CT	Willimantic Secondary	Hartford ("Hart") and Manchester	0.0 to 9.6	41-4262	Conrail.
		CONRAIL METROPOLITAN REGION			
CT	New Haven Line	State Line (NY) and New Haven	26.1 to 73.0	91-9100	Penn Central[2].
CT	Danbury Branch	South Norwalk and Danbury	41.3 to 64.9	91-9119	Penn Central[2].
CT	New Canaan Branch	Stamford and New Canaan	0.0 to 7.9	91-9118	Penn Central[2].
CT	Waterbury Branch	Devon and Waterbury	0.0 to 26.9	91-9121	Penn Central[2].

[1] Mile Post to Mile Post.
[2] Connecticut DOT leases these lines from the Penn Central Company. Conrail provides freight service over them through trackage rights agreements.

Appendix B—Rail Freight Properties of the Consolidated Rail Corporation (Conrail) in the State of Massachusetts With Extensions Into Connecticut Which are Eligible for Transfer

The following is a list of the rail freight properties owned, leased, or otherwise controlled by Conrail within the State of Massachusetts, and extending into Connecticut, which are specified in Section 305(g) of the Regional Rail Reoganization Act of 1973, as amended, as eligible for transfer to another railroad or railroads under an Expedited STP (Appendix B Rail Properties).

State	Line name	Between	M.P. to M.P.[1]	CR code	Owner
		Conrail New England Division—Northeastern Region			
CT	Canaan Secondary	Canaan and State Line (MA)	47.2 to 50.0	41-4220	Conrail.
MA	Canaan Secondary	State Line (CT) and Pittsfield	50.0 to 85.9	41-4220	Conrail.
MA	North Adams Secondary	North Adams Junction to North Adams	0.0 to 18.5	41-4141	Conrail.
MA	East Longmeadow Secondary	Springfield to State Line (CT)	0.0 to 8.8	41-4255	Conrail.
CT	East Longmeadow Secondary	State Line (MA) to Hazardville	8.8 to 12.5	41-4255	Conrail.
MA	Florence Secondary	Westfield to Easthampton	0.0 to 11.9	41-4249	Conrail.
MA	Holyoke Secondary	Westfield to Holyoke	33.3 to 43.5	41-4248	Conrail.

[1] Mile post to mile post.

BILLING CODE 4910-06-M

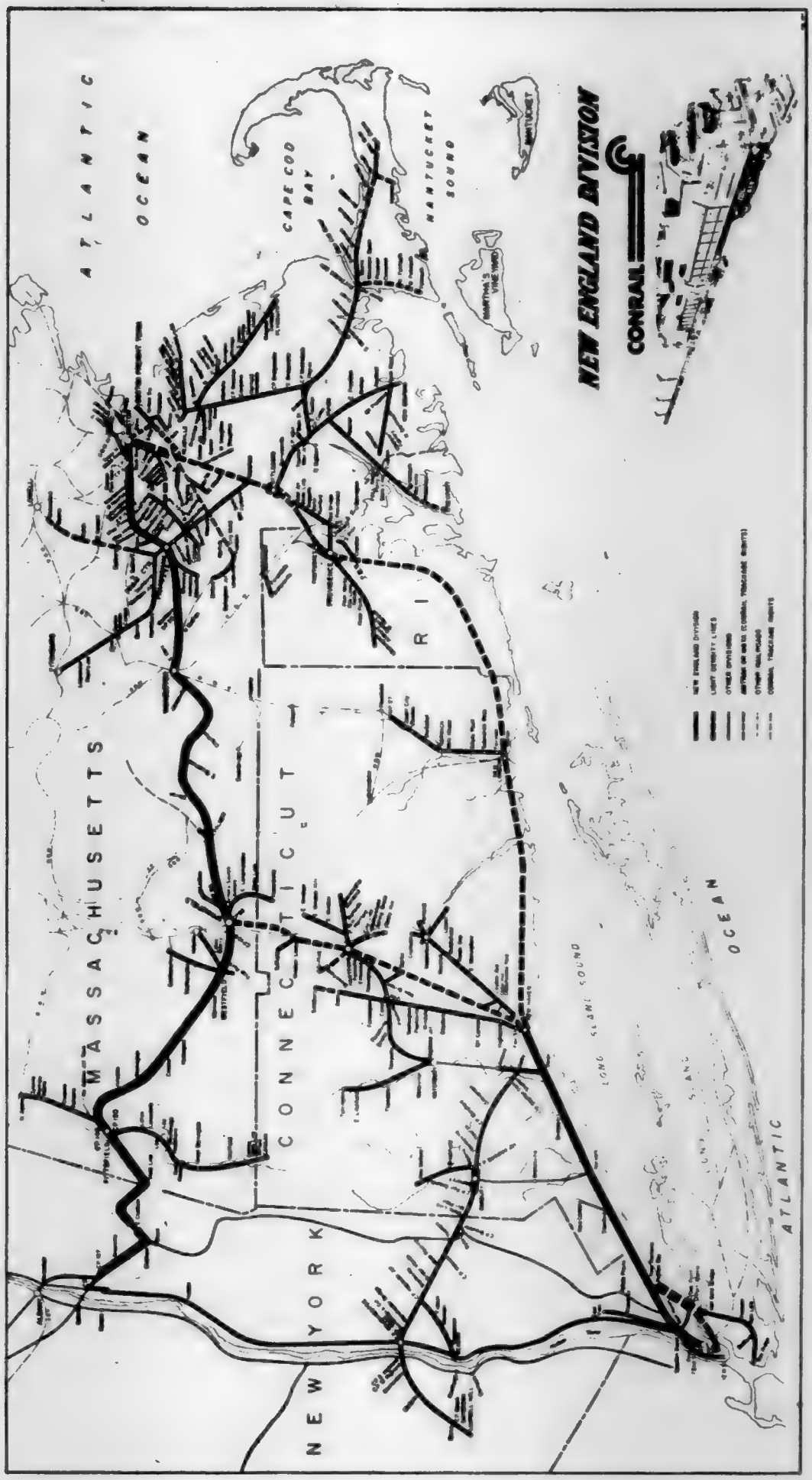

[FR Doc. 81-24561 Filed 8-20-81; 8:45 am]
BILLING CODE 4910-06-C

Maritime Administration

[Docket No. S-698]

Lykes Bros. Steamship Co., Inc.; Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc. has filed an application dated July 31, 1981, to amend its present Operating-Differential Subsidy Agreement, Contract No. MA/MSB-451, so as to increase its maximum sailing limitation from 24 subsidized sailings to 36 subsidized sailings for calendar year 1981 only on its subsidized Trade Route No. 15-B—Freight Service (Line E—Africa Line) between U.S. Gulf ports and ports in South and East Africa.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Any person, firm, or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230 by the close of business on August 31, 1981.

Note.—Maritime Administration was transferred from the Department of Commerce to the Department of Transportation by Pub. L. 97-31, Aug. 6, 1981.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By order of the Acting Maritime Administrator.

Dated: August 14, 1981.

Georgia Pourpras Stamas,

Assistant Secretary.

[FR Doc. 81-24107 Filed 8-18-81; 8:45 am]

BILLING CODE 3510-15-M

Research and Special Programs Administrations

Availability of the Federal Radionavigation Plan

AGENCY: Department of Transportation, Research and Special Programs Administration (RSPA).

ACTION: Notice of Availability for Comment.

SUMMARY: The Federal Redionavigation Plan is undergoing its periodic update process. The Federal Radionavigation Plan is joint Department of Defense/Department of Transportation management planning document for those radionavigation systems that are used in common by the military and civilian communities. It supports planning, programming and implementation of air, maritime, and terrestial radionavigation systems. The Plan is the official source of common civil/military radionavigation policy and planning for both the Department of Defense and the Department of Transportation. This notice invites interested parties to comment on the current version of the Plan which is dated July, 1980. All comments which are received by October 1, 1980, will be considered in preparing the next periodic update.

DATE: Comments must be received by October 1, 1981.

ADDRESS: Comments for consideration by the Department of Transportation Navigation Working Group should be forwarded to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, D.C. 20590. Comments should be submitted in two copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: David Scull, Office of Systems Engineering, Transportation Programs Bureau, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-9520.

SUPPLEMENTARY INFORMATION: A copy of the Federal Radionavigation Plan is available for inspection in the Dockets Branch.

Additionally, copies are available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, and only from that source. Stock numbers and prices are as follows:

VOL 1, ADA 093774, $9.50
Radionavigation Plans are Policies
VOL 2, ADA 093775, $6.50 Requirements
VOL 3, ADA 093776, $6.50
Radionavigation System Characteristics
VOL 4, ADA 093777, $14.00
Radionavigation Research, Engineering and Development

Issued in Washington, D.C., on August 19, 1981.

Gregory T. Haugan,

Director, Transportation Programs Bureau.

[FR Doc. 81-24627 Filed 8-21-81; 8:45 am]

BILLING CODE 4910-60-M

Research and Special Programs Administration, Materials Transportation Bureau

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in June 1981. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Applicaton No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2000-P	DOT-E 2000	Los Alamos Scientific Laboratory, Los Alamos, NM.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To become a party to Exemption 2000. (Mode 1.)
3095-X	DOT-E 3095	Dow Chemical Company, Midland, MI	49 CFR 173.119(b), 173.245, 173.263	To authorize use of a non-DOT specification cargo tank motor vehicle for shipment of certain corrosive and flammable liquids. (Modes 1 and 3.)
3109-Z	DOT-E 3109	U.S. Department of Defense, Washington, DC.	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT specification pressure vessels for shipment of a non-flammable, nonliquefied compressed gas. (Modes 1, 2, 3, and 4.)
3569-P	DOT-E 3569	NL Basin Surveys, Inc., Buckhannon, WV	49 CFR 173.246, 172.101 column 4, 175.3.	To become a party to Exemption 3569. (Modes 1, 2, and 4.)
3630-X	DOT-E 3630	Allied Corporation, Morristown, NJ	49 CFR 177.839(a), 177.839(b)	To authorize the use of a DOT Specification 33A polystyrene case to contain four 5-pint glass bottles of nitric acid. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5248-X	DOT-E 5248	Rockwell International Corporation, Anaheim, CA.	49 CFR 173.389(g), 175.3	To authorize shipment of a certain quantity of polonium-210 in any DOT approved outer Type A packaging. (Modes 1, 2, 4, and 5.)
5263-P	DOT-E 5263	3M, St. Paul, MN	49 CFR 173.245(a)	To become a party to Exemption 5263. (Mode 1.)
5413-P	DOT-E 5413	SunOlin Chemical Company, Claymont, DE.	49 CFR 172.101, 173.315(a)(1)	To become a party to Exemption 5413. (Mode 1.)
5600-X	DOT-E 5600	Amoco Oil Company, Whiting, IN	49 CFR 175.3, Part 178	To authorize shipment of certain flammable and nonflammable gases, flammable or corrosive liquids in a cylinder made to DOT-3A specifications except monel metal may be used rather than steel. (Modes 1, 2, and 4.)
5896-X	DOT-E 5896	Explosive Technology, Fairfield, CA	49 CFR 173.100(cc), 173.1040(b), 175.3	To authorize use of non-DOT specification inner container overpacked in a DOT Specification 12H fiberboard box, or a wooden box for shipment of class C explosives. (Modes 1, 2, 3, and 4.)
6045-P	DOT-E 6045	Stauffer Company, Westport, CT	49 CFR 179.121	To become a party to Exemption 6045. (Modes 1, and 3.)
6253-X	DOT-E 6053	Contrans, Hamburg, West Germany	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Brostrom Shipping Company, Gothenberg, Sweden.	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Bacardi International Limited, Hamilton, Bermuda.	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	IBEX Industrienwerke Braunschweig, Braunschweig, Germany.	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Eurotainer, Paris, France	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365.	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6267-X	DOT-E 6267	Coastal Industries, Incorporated, Carlstadt, NJ.	49 CFR 173.217(a)	To authorize the transportation of certain oxidizing materials in non-DOT specification double-faced fiberboard boxes. (Modes 1, 2, and 3.)
6267-X	DOT-E 6267	Hill Brothers Chemical Company, Orange, CA.	49 CFR 173.217(a)	To authorize the transportation of certain oxidizing materials in non-DOT specification double-faced fiberboard boxes. (Modes 1, 2, and 3.)
6518-X	DOT-E 6518	Union Carbide Corportion, New York, NY	49 CFR 172.101, 172.302, 173.119, 173.134, 173.154.	To authorize the shipment of specified pyrophoric liquids and solids, water reactive solids and certain other flammable liquids in steel portable tanks or cylinders. (Modes 1, and 3.)
6530-P	DOT-E 6530	Big Three Industries, Inc., Houston, TX	49 CFR 173.302(c)	To become a party to Exemption 6530. (Modes 1, and 2)
6531-X	DOT-E 6531	Tavco, Inc., Chatsworth, CA	49 CFR 173.302(a)(1), 175.3	To authorize the use of a non-DOT specification pressure vessel for the shipment of a nonflammable compressed gas. (Modes 1, 2, 4 and 5.)
6694-P	DOT-E 6694	Eurotainer, Paris, France	49 CFR 173.315	To become a party to Exemption 6694. (Modes 1, 2, and 3.)
6695-P	DOT-E 6695	Eurotainer, Paris, France	49 CFR 173.315	To become a party to Exemption 6695. (Modes 1, and 3.)
6738-X	DOT-E 6738	El Paso Products Company, Odessa, TX	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied ethylene in DOT specification cargo tanks. (Mode 1.)
6762-X	DOT-E 6762	Lever Brothers Company, New York, NY	49 CFR 173.286(b)(2), 175.3	To authorize the transportation of chemical kits in plastic inside packaging and fiberboard outside packaging. (Modes 1, 2, 3, and 4.)
6793-P	DOT-E 6793	Trafpak Limited, Aylesbury, England	49 CFR 172.101, 173.119, 173.125, 173.154, 173.245, 173.247, 173.346, 173.347, 46 CFR 90.05-35, 46 CFR 98.35-1.	To become a party to Exemption 6793. (Modes 1, 2, and 3.)
6826-X	DOT-E 6826	McDonnell Douglas Astronautics Company, Huntington Beach, CA.	49 CFR 173.92(b), 175.3	To authorize use of DOT Specification 15A wooden boxes for shipment of a class B explosive. (Modes 1, and 4.)
6858-X	DOT-E 6858	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.119, 173.125, 173.245, 173.346, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for the transportation of certain flammable, combustible, combustible and class B poison liquids. (Modes 1, 2, and 3.)
6874-P	DOT-E 6874	Degussa Corporation, Teterboro, NJ	49 CFR 172.101, 173.370(a)(13)	To become a party to Exemption 6874. (Modes 1, and 3.)
6923-X	DOT-E 6923	El Paso Products Company, Odessa, TX	49 CFR 172.101, 173.315(a)(1)	To authorize the use of non-DOT specification insulated cargo tanks for shipment of a flammable gas. (Mode 1.)
6932-P	DOT-E 6932	Eurotainer, Paris, France	49 CFR 173.264(b)(4)	To become a party to Exemption 6932. (Modes 1, and 3.)
6939-X	DOT-E 6939	Warren Petroleum Company, Tulsa, OK	49 CFR 173.315(a)(1), 173.315(c)(1)	To authorize use of an insulated DOT Specification MC-331 cargo tank for shipment of a flammable gas. (Mode 1.)
6984-X	DOT-E 6984	Deupree Distributing Co., Inc., Oklahoma City, OK.	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i).	To authorize the packaging of 1000 or less electric blasting caps in IME 22 containers. (Mode 1.)
6984-P	DOT-E 6984	Miller's Blasting Service, Inc., Chana, IL	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i).	To become a party to Exemption 6984. (Mode 1.)
6984-P	DOT-E 6984	Civil Constructors Incorporated, Freeport, IL.	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i).	To become a party to Exemption 6984. (Mode 1.)
7005-P	DOT-E 7005	Itel Container Division, San Francisco, CA	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 7005. (Modes 1, 2, 3, 4, and 5.)
7010-X	DOT-E 7010	Ameribrom, Inc., New York, NY	49 CFR 173.252(a)(4)	To authorize the transportation of bromine in non-DOT specification lead lined portable tanks. (Modes 1, 2, and 3.)
7052-X	DOT-E 7052	Electrochimica Corporation, Mountain View, CA.	49 CFR 172.101, 175.3	To authorize the shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7060-P	DOT-E 7060	Cheshire Airways, Inc., Keene, NH	49 CFR 175.702(b), 175.75(a)(3)(ii)	To become a party to Exemption 7060. (Mode 4.)
7060-P	DOT-E 7060	Alpha Airlines, Incorporated, New Castle, DE.	49 CFR 175.702(b), 175.75(a)(3)(ii)	To become a party to Exemption 7060. (Mode 4.)
7060-P	DOT-E 7060	Aerotransit, Incorporated, Danvers, MA	49 CFR 175.702(b), 175.75(a)(3)(ii)	To become a party to Exemption 7060. (Mode 4.)
7078-X	DOT-E 7060	Carroll Air Service, Inc., Kingston, NY	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize shipment of radioactive materials with a transport index in excess of the authorized limits specified in Part 175 and/or the separation criteria can not be met. (Mode 4.)
7082-X	DOT-E 7082	Born Free Plastics Incorporated, Gardena, CA.	49 CFR 173.119(a)(b), 173.245(a)(26), 173.249(a)(1), 173.250(a)(1), 173.257(a)(1), 173.263(a)(26), 173.265(d)(6), 173.266(b)(6), 173.272(i)(9), 173.276(a), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.346, 178.19.	To authorize use of non-DOT specification polyethylene container of 55 gallon capacity for use in transportation of certain corrosive liquids, class B poisonous liquids, flammable liquids and oxidizers. (Modes 1, 2, and 3.)
7235-X	DOT-E 7235	Luxfer U.S.A., Limited, Riverside, CA	49 CFR 173.302(a)(1), 175.3	To authorize the manufacture, mark and sale of non-DOT specification seamless aluminum cylinders for the transportation of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)

Applicaton No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7269-X	DOT-E 7269	U.S. Department of Energy, Washington, DC.	49 CFR 2173.65(a)	To authorize use of sift-proof paper or plastic bags overpacked in DOT Specification 21C fiber drums for transportation of certain class A explosives. (Mode 1).
7440-X	DOT-E 7440	Roux Laboratories, Inc., Jacksonville, FL	49 CFR 173.1200(a)(8)(ii)(A), 173.1200(a)(8)(ii)(E) 173.306(a)(3)(i) 173.306(a)(3)(v).	To authorize the shipment of a nonflammable gas in non-DOT specification aluminum cylinders. (Modes 1, 2, and 3.)
7455-X	DOT-E 7455	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 176.177(g), 176.177(h), 176.177(n), 176.177(q), 176.177(r), 176.177(e),.	To authorize handling and stowage of explosive material in an anchored and unmanned barge. (Mode 3.)
7489-X	DOT-E 7489	Micor Company, Inc., Milwaukee, WI	49 CFR 172.312, 173.249	To authorize the shipment of a corrosive liquid in specified non-DOT specification container having a capacity of 1 quart or less in a DOT Specification 37A metal drum. (Modes 1, 2, and 3.)
7520-X	DOT-E 7520	Dow Chemical Company, Midland, MI	49 CFR 173.119, 173.125(a)(1), 173.126(a)(1), 173.129(a)(1), 173.131(a)(1), 173.132(a)(1), 173.135(a)(9), 173.144(a)(1), 173.145(a)(7), 173.147(a)(1), 173.148(a)(5), 46 CFR 90./05-35.	To authorize the use of non-DOT specification steel portable tanks for transportation of certain combustible and flammable liquids. (Modes 1, and 3.)
7520-X	DOT-E 7520	Puerto Rico Maritime Shipping Authority, Puerto Rico.	49 CFR 173.119,173.125(a)(1), 173.128(a)(1), 173.129(a)(1), 173.131(a)(1), 173.132(a)(1), 173.135(a)(9), 173.144(a)(1), 173.145(a)(7), 173.147(a)(1), 173.148(a)(5), 46 CFR 90.05-35.	To authorize the use of non-DOT specification steel portable tanks for transportation of certain combustible and flammable liquids. (Modes 1, and 3.)
7628-X	DOT-E 7628	Chemtech Industries, Incorporated, Saint Louis, MO.	49 CFR 173.264(a)(11), 173.265(b)(3),	To authorize the use of DOT Specification 111A100W-5 tank cars equipped with a safety relief valve instead of a vent for shipment of certain combustible and flammable liquids. (Mode 2.)
7721-X	DOT-E 7721	Applied Environments Corporation, Van Nuys, CA.	49 CFR 173.302(a)(4), 175.3	To authorize the manufacture, marking, and sale of non-DOT specification steel cylinders for use in the transportation of certain nonflammable, nonliquefied compressed gases. (Modes 1, 2, and 4).
7770-P	DOT-E 7770	Logemafer, Paris, France	49 CFR 173.143, 173.264(b)(4)	To become a party to Exemption 7770. (Modes 1, 2, and 3.)
7770-P	DOT-E 7770	Eurotainer, Paris, France	49 CFR 173.143, 173.264(b)(4)	To become a party to Exemption 7770. (Modes 1, 2, and 3.)
7820-P	DOT-E 7820	Compagnie Generale Maritime, Paris, France.	49 CFR 173.119, 173.125, 173.128(a), 173.131(a), 173.132(a), 173.245(a), 173.346(a), 46 CFR 90.05-35.	To become a party to Exemption 7820. (Modes 1, 2, and 3.)
7822-X	DOT-E 7822	Air Products and Chemicals, Incorporated, Allentown, PA.	49 CFR 172.101, 173.315(a)	To authorize the shipment of liquid helium in specifically insulated non-DOT specification portable tanks. (Modes 1, and 3.)
7835-X	DOT-E 7835	Airco Industrial Gases, Murray Hill, NJ	49 CFR 177.848, Part 107 App. B(1)	To authorize the transportation of compressed gas cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same motor vehicle. (Mode 1.)
7840-P	DOT-E 7840	Weber Aircraft, Burbank, CA	49 CFR 173.87, 175.3, 176.83	To become a party to Exemption 7840. (Modes 1, 2, 3, 4, and 5.)
7891-P	DOT-E 7891	Fisher Scientific Company, Fair Lawn, NJ	49 CFR 172.400,172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504, Table 1, 173.25(a).	To become a party to Exemption 7891. (Modes 1, and 2.)
7938-P	DOT-E 7938	Logemafer, Paris, France	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To become a party to Exemption 7938. (Modes 1,2, and 3.)
7938-X	DOT-E 7938	Tankcargo Container Leasing, Geneva, Switzerland.	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of various hazardous materials in non-DOT specification portable tanks. (Modes 1,2, and 3.)
7943-P	DOT-E 7943	Action Chemical Company, Phoenix, AZ	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To become a party to Exemption 7943. (Mode 1.)
7946-X	DOT-E 7946	Westinghouse Electric Corporation, Horseheads, NY.	49 CFR 173.306(b)(4), 175.3	To authorize the shipment of nonflammable gases in non-DOT specification non-DOT specification packagings. (Modes 1,2,3,4, and 5.)
7959-X	DOT-E 7959	Woods Hole, Marthas Vineyard & Nantucket Steamship, Woods Hole, MA.	49 CFR 172.101, 176.76(g)(3), 176.78(k)	To authorize the stowage of transport vehicles and motor vehicles containing compressed gases on the vehicle deck of ferries and passenger vessels. (Mode 3.)
7966-X	DOT-E 7966	The Enterprise Companies, Wheeling, IL	49 CFR 173.245(a)(12)	To authorize the use of DOT Specification 12B fiberboard boxes having inside steel containers for the transportation of a corrosive material. (Modes 1, and 2).
7985-X	DOT-E 7985	Process Engineering, Incorporated, Plaistow, NH.	49 CFR 173.315(a)	To manufacture, mark arid sell non-DOT specification portable tanks for shipment of non-flammable gases. (Modes 1,and 3.)
8005-X	DOT-E 8005	United Tank Containers, Incorporated New York, NY.	49 CFR 173.266	To authorize the shipment of hydrogen peroxide in non-DOT specification portable tanks. (Modes 1,2,and 3.)
8009-P	DOT-E 8009	Production Services, Inc., Oklahoma City, OK.	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To become a party ot Exemption 8009. (Mode 1.)
8012-X	DOT-E 8012	Catu Containers, S.A., Geneva, Switzerland.	49 CFR 173.266	To authorize the shipment of hydrogen peroxide in non-DOT specification portable tanks. (Modes 1,2,and 3.)
8016-X	DOT-E 8016	U.S. Department of Agriculture, Washington, DC.	49 CFR 175.3, 175.30, 175.35, 175.40, 175.75, 175.85.	To authorize the transport of detonating cord and exploding bridge wire detonators in passenger-carrying aircraft and helicopters. (Mode 5.)
8035-P	DOT-E 8035	NL Basin Surveys, Inc., Buckhannon, WV	49 CFR 172.101, 173.93	To become a party to Exemption 8035. (Modes 1, 2, 3, and 4.)
8047-X	DOT-E 8047	Tankcargo Container Leasing, Geneva, Switzerland.	49 CFR 173.119, 173.125, 173.127, 173.128, 173.129, 173.131, 173.132, 173.136, 173.141, 173.144, 173.147, 173.148, 173.245, 173.247, 173.276, 173.280, 173.346(a), 173.347, 173.349, 173.361, 173.362, 173.362a, 173.510, 173.605, 173.645, 173.655.	To authorize the use of non-DOT specification ISO portable tanks for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8047-X	DOT-E 8047	Compagnie des Containers Reserviors, Paris, France.	49 CFR 173.119, 173.125, 173.127, 173.128, 173.129, 173.131, 173.132, 173.136, 173.141, 173.144, 173.147, 173.148, 173.245, 173.247, 173.276, 173.280, 173.346(a), 173.347, 173.349, 173.361, 173.362, 173.362a, 173.510, 173.605, 173.645, 173.655.	To authorize the use of non-DOT specification ISO portable tanks for the transportation of various hazardous materials. (Modes 1, 2, and 3.)

Applicaton No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8047-X	DOT-E 8047	Eurotainer, Paris, France	49 CFR 173.119, 173.125, 173.127, 173.128, 173.129, 173.131, 173.132, 173.136, 173.141, 173.144, 173.147, 173.148, 173.245, 173.247, 173.276, 173.280, 173.346(a), 173.347, 173.349, 173.361, 173.362, 173.362a, 173.510, 173.605, 173.645, 173.655.	To authorize the use of non-DOT specification ISO portable tanks for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8047-X	DOT-E 8047	Hugonnet, S. A., Paris, France	49 CFR 173.119, 173.125, 173.127, 173.128, 173.129, 173.131, 173.132, 173.136, 173.141, 173.144, 173.147, 173.148, 173.245, 173.247, 173.276, 173.280, 173.346(a), 173.347, 173.349, 173.361, 173.362, 173.362a, 173.510, 173.605, 173.645, 173.655.	To authorize the use of non-DOT specification ISO portable tanks for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8108-X	DOT-E 8108	Allied Corporation, Morristown, NJ	49 CFR 173.24(c)(6), 173.245(a)(27)	To authorize shipment of certain corrosive liquids in non-DOT specification 33A expanded polystyrene cases. (Modes 1, 2, and 3.)
8116-P	DOT-E 8116	Shell Oil Company, Houston, TX	49 CFR 100-199	To become a party to Exemption 8116. (Modes 1, 2, 3, 4, and 5.)
8116-P	DOT-E 8116	New York State Department of Health, Albany, NY.	49 CFR 100-199	To become a party to Exemption 8116. (Modes 1, 2, 3, 4, and 5.)
8116-P	DOT-E 8116	U.S. Department of Defense, Washington, DC.	49 CFR 100-199	To become a party to Exemption 8116. (Modes 1, 2, 3, 4, and 5.)
8127-X	DOT-E 8127	Societe Nationale Des Poudres et Explosifs, Bergerac, France.	49 CFR 173.127, 173.184, 178.224	To authorize the use of a non-DOT specification fiberboard drum for shipment of wet nitrocellulose. (Modes 1, 2, and 3.)
8144-P	DOT-E 8144	ICI Americas Inc., Wilmington, DE	49 CFR 173.133	To become a party to Exemption 8144. (Mode 1.)
8151-X	DOT-E 8151	Ropak West, Inc., La Mirada, CA	49 CFR 178.19, Part 173, Part 173, Subpart D, Subpart F.	To authorize shipment of liquid hazardous materials in five-gallon capacity removable head polyethylene drums. (Modes 1, 2, and 3.)
8152-X	DOT-E 8152	Allied Corporation, Morristown, NJ	49 CFR 177.824(b), 178.343-2	To authorize the shipment of hydrofluoric acid, solution, in an unlined DOT Specification MC-312 cargo tank. (Mode 1.)
8156-X	DOT-E 8156	Air Products and Chemicals, Incorporated, Allentown, PA.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To authorize the transportation of certain flammable or nonflammable compressed gases and carbon bisulfide in a DOT Specification 39 cylinder up to 225 cubic inches in volume. (Modes 1, and 2.)
8167-X	DOT-E 8167	Manostat Corporation, New York, NY	49 CFR 173.287, 175.3	To authorize the shipment of a chromic acid solution in composite packaging consisting of a non-DOT specification fiberboard outer box and expanded polystyrene/glass bottle inner packaging. (Modes 1, 2, 3, and 4.)
8168-X	DOT-E 8168	Container Corporation of America, Wilmington, DE.	49 CFR 173.217, 173.245b, 178.19	To authorize the use of non-DOT specification fully removable head polyethylene drums of 30- and 57-gallon-rated capacity for the shipment of certain corrosive solids and solid oxidizers. (Modes 1, 2, and 3.)
8181-X	DOT-E 8181	Labelmaster, Chicago, IL	49 CFR 173, subpart F, 175.3, 178.150	To authorize the use of expanded polystyrene cases complying with DOT Specification 33A except case has six compartments instead of four, for shipment of certain corrosive liquids. (Modes 1, 2, 3, and 4.)
8188-X	DOT-E 8188	Owens-Illinois (Plastic Products Division), Toledo, OH.	49 CFR 173.128(a), 178.19	To authorize the use of a DOT Specification 34 reusable polyethylene container of 30-gallon capacity for the shipment of a liquid paint product. (Mode 1.)
8203-X	DOT-E 8203	Pennwalt Corporation, Philadelphia, PA	49 CFR 173.119, 173.154, 173.245, 173.247, 173.268, 173.346, 46 CFR 90.05-35.	To authorize the shipment of certain hazardous materials in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8203-X	DOT-E 8203	Eastern Mediteranean (Containers) Company, Ltd., London, England.	49 CFR 173.119, 173.154, 173.245, 173.247, 173.268, 173.346, 46 CFR 90.05-35.	To authorize the shipment of certain hazardous materials in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8208-X	DOT-E 8208	Jet Propulsion Laboratory, Pasadena, CA	49 CFR 173.145, 173.276, 173.336	To authorize the shipment of liquid propellant samples, frozen, in non-DOT specification plywood boxes. (Mode 1.)
8217-P	DOT-E 8217	Compagnie des Containers Reservoirs, Paris, France.	49 CFR F, H, J, & K, Part 173 Subpart D	To become a party to Exemption 8217. (Modes 1, 2, and 3.)
8218-X	DOT-E 8218	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.93	To authorize the shipment of certain indentified solid propellant explosives, Class B, in non-DOT specification polyethylene-lined Typar bags or polyethylene-lined woven polypropylene bags. (Mode 1.)
8222-X	DOT-E 8222	M1 Engineering, Limited, Bradford, England.	49 CFR 173.245a	To authorize the use of a non-DOT specification portable tank for the transportation of a corrosive material. (Modes 1 and 3.)
8236-X	DOT-E 8236	Talley Industries of Arizona, Incorporated, Mesa, AZ.	49 CFR 173.153, 173.154, 175.3	To authorize the shipment of a passive restraint system, and the inflator therefor, containing a Class B explosive as a flammable solid. (Modes 1, 2, 3, and 4.)
8244-P	DOT-E 8244	Otis Engineering Corporation, Dallas, TX	49 CFR 173.119, 173.125, 173.245, 173.263, 173.264, 173.289, 46 CFR 64.9.	To become a party to Exemption 8244. (Modes 1, and 3.)
8273-X	DOT-E 8273	Hamill Manufacturing Company, Washington, MI.	49 CFR 173.153, 173.154, 175.3	To authorize the transportation of a passive restraint module, and the inflator therefor, containing a Class B explosive as a flammable solid. (Modes 1, 2, 3, and 4.)
8308-X	DOT-E 8308	Caspersen, Inc., Glencoe, IL	49 CFR 177.842(a), 177.842(b)	To authorize the carriage of radioactive materials aboard highway vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met. (Mode 1.)
8308-X	DOT-E 8308	United States Priority Transport Corporation, Huntington Station, NY.	49 CFR 177.842(a), 177.842(b)	To authorize the shipment of radioactive material aboard highway vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met. (Mode 1.)
8465-P	DOT-E 8465	Bemis Company, Inc., Chicago, IL	49 CFR 173.182	To become a party to Exemption 8465. (Modes 1 and 2.)
8521-P	DOT-E 8572	Independent Explosives Company, Cleveland, OH.	49 CFR 172.101, 172.406, 172.504, 173.114a.	To become a party to Exemption 8572. (Mode 1.)
8522-P	DOT-E 8522	Foamco, Oakland, CA	49 CFR 178.150, Part 173 Subpart F	To become a party to Exemption 8522. (Modes 1, 2, and 3.)
8523-P	DOT-E 8523	Dehon Services, Paris, France	49 CFR 173.304, 173.315	To become a party to Exemption 8523. (Modes 1, 2, and 3.)
8581-X	DOT-E 8581	U.S. Environmental Protection Agency, Research Triangle Park, NC.	49 CFR Parts 100-199	To authorize the transport of small quantities of reagent chemicals in specially designed packagings. (Modes 1, 2, 3, 4, and 5.)
8613-P	DOT-E 8613	Cosden Oil & Chemical Company, Dallas, TX.	49 CFR 173.131(a)(2)	To become a party to Exemption 8613. (Mode 1.)
8618-X	DOT-E 8618	Alaska International Air, Inc., Anchorage, AK.	49 CFR 172.101 column (6)(b), 173.119(a)(3), 175.30(a).	To authorize the transportation of a flammable liquid in drums having capacity exceeding the net quantity limitation for cargo only aircraft. (Mode 4.)

Applicaton No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
			New Exemptions	
[illegible]-N	DOT-E 8569	General Dynamics Corporation, Fort Worth, TX.	49 CFR 172.101(6)(b), 173.276, 175.3	To authorize shipment of 6.6 gallons of hydrazine, aqueous solution in non-DOT specification F-16 emergency fuel tanks. (Modes 1, 3, and 4.)
8570-N	DOT-E 8570	Snyder Industries, Incorporated, Lincoln, NE.	49 CFR 173 Subpart F	To manufacture, mark and sell non-DOT rotationally molded, cross-linked polyethylene portable tank for shipment of corrosive liquids and an oxidizer. (Modes 1 and 2.)
8576-N	DOT-E 8576	Crown Zellerbach Corporation, San Francisco, CA.	49 CFR 173.28(m)(1)	To authorize reuse without thorough cleaning, of DOT 17H drums which had been previously used to ship a flammable liquid and to refill with the same or similar material. (Mode 1.)
8577-N	DOT-E 8577	Micor Company, Inc., Milwaukee, WI	49 CFR 172.312, 173.249	To authorize the shipment of certain alkaline corrosive liquids n.o.s., in a two quart polyethylene bottle, placed in a molded polyethylene liner, overpacked in a DOT-37C steel drum. (Modes 1, 2, and 3.)
8580-N	DOT-E 8580	Priority Air, Incorporated, Sanford, FL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 Appendix B.	To authorize the carriage of class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8585-N	DOT-E 8585	Bergen Barrel and Drum Company, Demarest, NJ.	49 CFR Part 173 Subpart F	To manufacture, mark and sell a non-DOT specification reusable, tight-head polyethylene drum not to exceed 30 gallon capacity for shipment of those corrosives presently authorized in a DOT Specification 34. (Modes 1, 2, and 3.)
[illegible]-N	DOT-E 8586	Bennett Paper Corporation, Maryland Heights, MO.	49 CFR 172.400, 172.402(a)(2)(3)(4), 172.504(a), 173.345(a), 173.364(a), 175.30.	To manufacture, mark and sell a packaging for the shipment of certain small quantities of class B poisonous liquids and solids, to be excepted from labeling requirements and flammable solids from placarding requirements. (Modes 1, 2, and 4.)
8587-N	DOT-E 8587	Thatcher Chemical Company, Salt Lake City, UT.	49 CFR 173.256	To authorize the shipment of a compound, cleaning, liquid, (containing hydrofluoric acid), classed as a corrosive liquid in 5 gallon DOT Specification 2U polyethylene containers overpacked in a DOT Specification 12P fiberboard box. (Mode 1.)
[illegible]-N	DOT-E 8630	Cowboy Oil Company, Pocatello, ID	49 CFR 173.315, 173.33	To authorize shipment of liquefied petroleum gas in non-DOT specification cargo tanks constructed in accordance with the ASME Code. (Mode 1.)
8596-N	DOT-E 8596	Southeastern Plastic Container Company, Arlington, TN.	49 CFR 173.359	To manufacture, mark and sell DOT Specification 34 polyethylene containers not to exceed 5 gallon capacity for shipment of ethyl parathion and methyl parathion mixture, classed as a class B poisonous liquid. (Modes 1, 2, and 3.)
8597-N	DOT-E 8597	McDonnell Douglas Corporation, St. Louis, MO.	49 CFR 173.268, Part 172 Subpart C	To transport nitric acid in non-DOT specification stainless steel portable tanks within plant premises over public road. (Mode 1.)
8601-N	DOT-E 8601	ACME Barrel Company, Chicago, IL	49 CFR 173.28(o), 178.118-10(a)	To authorize conversion of non-DOT specification 55 gallon steel drum to an open-head DOT Specification 17H drum for shipment of certain hazardous materials. (Modes 1, 2, 3, and 4.)
8603-N	DOT-E 8603	Westinghouse Electric Corporation, Orrville, OH.	49 CFR 173.860(a)(1)	To authorize shipment of mercury in non-DOT specification corrugated fiberboard boxes. (Modes 4 and 5.)
[illegible]-N	DOT-E 8615	Harbison Brothers, Inc., Buffalo, NY	49 CFR 173.28(m)(3), 175.3, 178.118-10(a).	To authorize the conversion of a non-DOT specification 55 gallon steel drum to an open-head DOT Specification 17H drum for shipment of certain hazardous materials. (Modes 1, 2, 3, and 4.)
8608-N	DOT-E 8617	Western NY Barrel & Drum Company, Tonawanda, NY.	49 CFR 173.28(m)(3), 175.3, 178.118-10(a).	To authorize the conversion of a non-DOT specification 55 gallon steel drum to an open-head DOT Specification 17H drum for shipment of certain hazardous materials. (Modes 1, 2, 3, and 4.)
[illegible]-N	DOT-E 8608	Feldman Barrel & Drum Co., Inc., Buffalo, NY.	49 CFR 173.28(o), 178.118-10(a)	To authorize conversion of non-DOT specification 55 gallon steel drum to an open-head DOT Specification 17H drum for shipment of certain hazardous materials. (Modes 1, 2, 3, and 4.)
8608-N	DOT-E 8616	Hyman Drum & Barrel Corporation, Buffalo, NY.	49 CFR 173.28(m)(3), 175.3, 178.118-10(a).	To authorize the conversion of a non-DOT specification 55 gallon steel drum to an open-head DOT Specification 17H drum for shipment of certain hazardous materials. (Modes 1, 2, 3, and 4.)
8623-N	DOT-E 8623	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.352(a)(5)	To authorize shipment of sodium cyanide solution in DOT Specification MC-304, MC-307 or MC-312 cargo tanks. (Mode 1.)
[illegible]-N	DOT-E 8625	Airco, Inc., Madison, WI	49 CFR 173.314	To authorize shiment of nitrous oxde, classed as a nonflammable gas, in DOT Specification 105A500W and 105A600W tank cars. (Mode 2.)
9630-N	DOT-E 8630	Cal Gas Corporation, Sacramento, CA	49 CFR 173.315, 173.33	To authorize shipment of liquefied petroleum gas in non-DOT specification cargo tanks constructed in accordance with the ASME Code. (Mode 1.)
			Emergency Exemptions	
EE 7060-P	DOT-E 7060	Charles R. Wall, d.b.a. HZm RAM Air, Cornelius, OR.	49 CFR 175.702(b), 175.75(a)(3)(ii)	To become a party to Exemption 7060. (Mode 4.)
EE 8666-N	DOT-E 8666	Transamerica Airlines, Inc., Oakland, CA	49 CFR 172.101 Column (6)b, 173.86, 173.92, 175.3, 175.30.	To authorize the one time shipment of a rocket motor, class B explosive, which exceeds the weight limitation authorized for cargo only aircraft. (Mode 4.)

Application No	Applicant	Regulation(s) affected	Nature of exemption thereof
		[illegible]	
6904-X	Aldrich Chemical Company, Incorporated, Milwaukee, WI.	49 CFR 173.246(a), 175.3	To authorize the shipment of a corrosive material in DOT Specification 12A fiberboard boxes having inside glass acid resistant bottles not exceeding 1 pint capacity. (Modes 1, 3, and 4.)
8590-P	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.119, 173.125, 173.245, 173.346(a), 173.505.	To become a party to Exemption 8590. (Modes 1, 2, and 3.)

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8590–N	Hugonnet, S.A., Paris, France	49 CFR 173.119, 173.125, 173.245, 173.346(a), 173.505.	To authorize shipment of certain flammable, corrosive, poison B liquids and ORM–A materials in non-DOT specification IMCO Type I portable tanks with gravity discharge and bottom openings. (Modes 1, 2, and 3.)
8591–P	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.119, 173.125, 173.245, 173.346(a), 173.505.	To become a party to Exemption 8591. (Modes 1, 2, and 3.)
8591–N	Hugonnet, S.A., Paris, France	49 CFR 173.119, 173.125, 173.245, 173.346(a), 173.505.	To authorize shipment of certain flammable, corrosive, poison B liquids and ORM–A materials in non-DOT specification IMCO Type I portable tanks with pressure discharge and no bottom outlets. (Modes 1, 2, and 3.)
8604–P	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.118a, 173.119, 173.125, 173.245, 173.346(a), 173.505.	To become a party to Exemption 8604. (Modes 1, 2, and 3.)
8604–N	Hugonnet, S.A., Paris, France	49 CFR 173.118a, 173.119, 173.125, 173.245, 173.346(a), 173.505.	To authorize shipment of various flammable, combustible, corrosive, and poison B liquids, and ORM–A materials in non-DOT specification IMCO Type I portable tanks without bottom openings. (Modes 1, 2, and 3.)
8605–N	Hugonnet, S.A., Paris, France	49 CFR 173.118a, 173.119, 173.125, 173.245, 173.346(a), 173.505.	To authorize shipment of various flammable, combustible, corrosive, and poison B liquids, and ORM–A materials in non-DOT specification IMCO Type I portable tanks having gravity discharge. (Modes 1, 2, and 3.)
8605–P	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.118a, 173.119, 173.125, 173.245, 173.346(a), 173.505.	To become a party to Exemption 8605. (Modes 1, 2, and 3.)

Denials

6616–X Request by C. A. Sabah and Company, Inc., Concord, CA to authorize the shipment of certain hazardous material mixtures in non-DOT specification portable tanks denied June 5, 1981.

Issued in Washington, D.C., on August 14, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81–24626 Filed 8–21–81; 8:45 am]

BILLING CODE 4910–60–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 163
Monday, August 24, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:00 p.m. on Wednesday, August 12, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Modification of an order granting Federal deposit insurance and consent to establish a detached teller facility (branch) to First Western Bank, Houston, Texas, a proposed new bank.

A personnel matter.

In calling the meeting, the Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: August 12, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1279–81 Filed 8–20–81; 10:09 am]

BILLING CODE 6714–01–M

2

FEDERAL ELECTION COMMISSION.

[FR 1231]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, August 20, 1981 at 10 a.m.

CHANGE IN MEETING: Discussion of Personnel has been added to the closed portion of the meeting.

* * * * *

[FR 1274]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, August 27, 1981 at 10 a.m.

CHANGE IN MEETING: The following matter has been added to the agenda:

Notice of proposed rulemaking for 11 CFR 114.3 and 114.4
Communications by Corporations and Labor Organizations

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–1280–81 Filed 8–20–81; 10:44 am]

BILLING CODE 6715–01–M

3

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, August 27, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility lending rate.
2. Interpretive Ruling setting forth NCUA authority to examine independent companies providing accounting and Electronic Data Processing (EDP) Services to federally insured credit unions.
3. Pilot Program under Section 120(f)(2)(A) of the Federal Credit Union Act and Section 721.3 of NCUA Rules and Regulations which will allow Credit Union Service Corporations to originate mortgage loans in their own name.
4. Reports of actions taken under delegations of authority.
5. Applications for charters, amendments to charters, bylaw amendments, mergers that may be pending at that time.

RECESS: 10:30 a.m.

TIME AND DATE: 10:45 a.m., Thursday, August 27, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action pursuant to Section 120(b)(1), and 207(a)(1) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (10).
2. Modifications to Delegations of Authority under Section 208(a)(1), (2) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A).
3. Requests from federally insured credit unions for special assistance to prevent liquidation under Section 208(a)(1) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A).
4. Administrative Actions under Section 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A).
5. Charter application. Closed pursuant to exemption (8).
6. Liquidation Policy Recommendations. Closed pursuant to exemption (9)(B).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1281–81 Filed 8–20–81; 3:32 pm]

BILLING CODE 7535–01–M

4

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 40981, August 13, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, August 10, 1981.

CHANGES IN THE MEETING: Additional meeting/items. The following item was considered at a closed meeting held on Monday, August 17, 1981, at 4:30 p.m.

Institution of injunctive action.

The following additional item was considered at a closed meeting scheduled for Tuesday, August 18, 1981, at 10:00 a.m.

Consideration of *amicus* participation.

The following additional items will be considered at a closed meeting scheduled for Thursday, August 20, 1981, following the 10:00 a.m. open meeting.

Institution of injunctive actions.

Chairman Shad and Commissioners Loomis, Evans and Longstreth determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

August 18, 1981.

[S–1278–81 Filed 8–19–81; 5:12 pm]

BILLING CODE 8010–01–M

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federal register

Monday
August 24, 1981

Part II

Department of the Interior

Bureau of Land Management

Wildfire Prevention

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 9210

[Circular No. 2490]

Wildfire Prevention

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will establish procedures for the prevention of wildfires on the public lands. The rulemaking is needed to enable the Bureau of Land Management to exercise control over the entry onto, and uses of, the public lands during periods of fire danger. The intended effects of these regulations are to increase human safety and lower the incidence of wildfires on the public lands.

EFFECTIVE DATE: September 23, 1981.

ADDRESS: Any suggestions or inquiries should be sent to: Director (740), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Fred E. McBride (202) 343–7864.

SUPPLEMENTARY INFORMATION: The principal author of this proposed rulemaking is Fred E. McBride of the Division of Fire and Aviation Management, Bureau of Land Management, Washington, D.C., assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

Proposed rulemaking was published in the **Federal Register** on July 17, 1980, (45 FR 48054) and invited comments for 60 days ending September 15, 1980. Comments were received from 15 sources representing individuals, business, environmentalists, and Federal and local government agencies. The following summarizes the comments, suggestions and actions taken.

Definitions

"Branding fires" have been added to the definition of "Campfire" under § 9212.0–5(e) as a result of a number of comments.

One comment suggested that the rulemaking should contain a definition of "Restricted area". This term has been added to the definition section as paragraph (i).

Prohibited Acts

It was suggested that appropriate air quality regulatory authorities be given the authority to permit normally prohibited acts on the public lands. Air quality is usually only one factor that an authorized officer must consider before permitting an activity which is normally prohibited. Therefore the permitting authority will remain with the authorized officer.

It was also suggested that the flaring of gas on onshore Federal leases be exempted from prohibited acts. Sections 9212.1(a) has been amended to incorporate this suggestion.

A number of comments suggested that the words "fireman" and "firemen" in § 9212.1(f) be changed to "firefighter(s)". This suggestion has been adopted.

One commenter suggested that § 9212.1(b) would be illegal if it allowed a person to leave a fire before extinguishing it. The wording of this section has been changed so that a person may leave an unextinguished fire only to report it if it is out of control.

Fire Prevention Orders

It was suggested that the final rulemaking specify the conditions under which an authorized officer may issue a fire prevention order. Most closures or restrictions are based on a fire danger rating system which is technical and complex and belongs in a manual rather than a regulation.

It was suggested that incinerators and sanitary land fills used in conjunction with mining and milling operations be exempt from fire prevention orders. Where deemed appropriate by the authorized officer, such exemptions would be included in fire prevention orders as provided under § 9212.1(b)(3).

Several comments suggested that the publicizing of fire prevention orders as required in § 9219.1(b)(4)(5) was too limited, and that a family could drive over 100 miles for recreational use of the public lands only to find them closed. No change has been made as a result of these comments. It is recommended that the recreationist call the local Bureau of Land Management office to find out about possible closures and restrictions on distant public lands.

Some comments indicated that closures should not be placed in effect without first notifying or obtaining the concurrence of elected local officials. As stated in § 9212.0–6, action of the Bureau of Land Management is to complement and support State and local fire prevention actions. Therefore, it is highly unlikely that a Bureau of Land Management closure would be contrary to local needs. In addition fire prevention decisions are sometimes so urgent that extensive consultation is impractical.

Permits

A suggestion was made that a person should be able to obtain a permit to enter and use public lands from a Bureau of Land Management office even though the office does not have direct jurisdiction over the lands involved. The Bureau of Land Management can accomplish this by use of its internal communication system, but it should be remembered that an authorized officer can cancel a permit at any time as provided in § 9212.3(c).

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant effect on a substantial number of small entities under P.L. 96–354.

While this rulemaking contains no information collection requirement, closure of an area under its authority because of the danger of fire will require a user of the public lands in the closed area to obtain a permit to enter and use those lands under other applicable regulations. Under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Group 9200, Subchapter I, Chapter II, Title 43 of the Code of Federal Regulations is amended by adding a new Part 9210 consisting of Subpart 9212 as follows:

Frank A. DuBois,

Acting Assistant Secretary of the Interior.

August 3, 1981.

PART 9210—FIRE MANAGEMENT

Subpart 9212—Wildfire Protection

Sec.

9212.0–1 Purpose.
9212.0–2 Objective.
9212.0–3 Authority.
9212.0–5 Definitions.
9212.0–6 Policy.
9212.1 Prohibited acts.
9212.2 Fire prevention orders.
9212.3 Permits.
9212.4 Penalties.

Authority: 43 U.S.C. 1701 et seq.

Subpart 9212—Wildfire Prevention

§ 9212.0–1 Purpose.

The purpose of this subpart is to set forth procedures to prevent wildfires on the public lands.

§ 9212.0–2 Objective.

The objective of this subpart is to prevent wildfires on the public lands.

§ 9212.0–3 Authority.

This subpart is issued under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

§ 9212.0–5 Definitions.

As used in this subpart, the term:

(a) "Person" means individuals, corporations, companies, associations, firms, partnerships, societies or joint stock companies.

(b) "Authorized officer" means any employee of the Bureau of Land Management to whom has been delegated the authority to perform the duties described in this subpart.

(c) "Public lands" means any lands and interest in lands owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except—

(1) Lands located on the Outer Continental Shelf; and

(2) Lands held for the benefit of Indians, Aleuts, and Eskimos.

(d) "fire" means the burning of timber, trees, slash, brush, tundra, grass or other flammable material such as, but not limited to, petroleum products, trash, rubbish, lumber, paper, cloth or agricultural refuse occurring out of doors and includes "campfire" as defined in this section.

(e) "Campfire" means a controlled fire occurring out of doors used for cooking, branding, personal warmth, lighting, ceremonial or esthetic purposes.

(f) "Permit" means authorization in writing by the authorized officer.

(g) "Closed area" means public lands closed to entry by a Bureau of Land Management fire prevention order.

(h) "Wildlife" means any wildland fire that requires a suppression response.

(i) "Restricted area" means public lands restricted as to use(s) by a Bureau of Land Management fire prevention order.

§ 9212.0–6 Policy.

It is the policy of the Bureau of Land Management to take all necessary actions to protect human life, the public lands and the resources and improvements thereon through the prevention of wildfires. Wherever possible, the Bureau of Land Management's actions will complement and support State and local wildfire prevention actions.

§ 9212.1 Prohibited acts.

Unless permitted in writing by the authorized officer, it is prohibited on the public lands to—

(a) Cause a fire, other than a campfire, or the industrial flaring of gas, to be ignited by any source;

(b) Fire a tracer or incendiary device;

(c) Burn, timber, trees, slash, brush, tundra or grass except as used in campfires;

(d) Leave a fire without extinguishing it, except to report it if it has spread beyond control;

(e) Build, attend, maintain or use a campfire without removing all flammable material from around the campfire adequate to prevent its escape;

(f) Resist or interfere with the efforts of firefighter(s) to extinguish a fire;

(g) Enter an area which is closed by a fire prevention order, or

(h) perform any act restricted by a fire prevention order.

§ 9212.2 Fire prevention orders.

(a) To prevent wildfire or facilitate its suppression, an authorized officer may issue fire prevention orders that close entry to, or restrict uses of, designated public lands.

(b) Each fire prevention order shall—

(1) Identify the public lands, roads, trails or waterways that are closed to entry or restricted as to use;

(2) Specify the time during which the closure or restriction shall apply;

(3) Identify those persons who, without a written permit, are exempt from the closure or restrictions;

(4) Be posted in the local Bureau of Land Management office having jurisdiction over the lands to which the order applies; and

(5) Be posted at places near the closed or restricted area where it can be readily seen.

§ 9212.3 Permits.

(a) Permits may be issued to enter and use public lands designated in fire prevention orders when the authorized officer determines that the permitted activities will not conflict with the purpose of the order.

(b) Each permit shall specify—

(1) The public lands, roads, trails or waterways where entry or use is permitted;

(2) The person(s) to whom the permit applies;

(3) Activities that are permitted in the closed area;

(4) fire prevention requirements with which the permittee shall comply; and

(5) An expiration date.

(c) An authorized officer may cancel a permit at any time.

§ 9212.4 Penalties.

Any person who knowingly and willfully violates the regulations at § 9212.1 of this title shall, upon conviction, be subject to a fine of not more than $1,000 or to imprisonment of not more than 12 months, or both.

[FR Doc. 81–24550 Filed 8–21–81; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
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DOT/MA	MSPB/OPM		DOT/MA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing August 21, 1981

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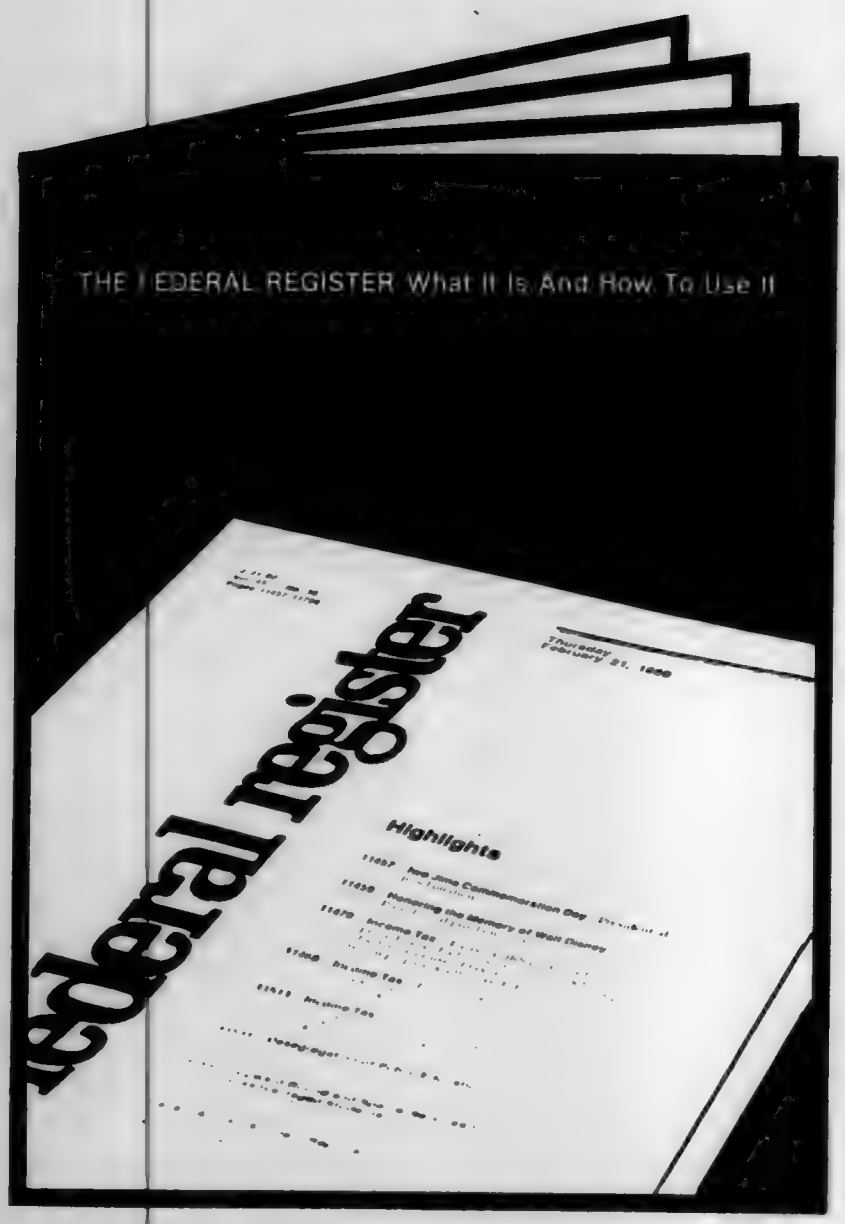

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42833 **Statistical Policy Functions** Executive Order.

42831 **Commodore John Barry Day** Presidential proclamation.

42968 **Labor—Federal Contracts** Labor/FCCPO proposes affirmative action requirements for government contractors. (Part II of this issue)

43020 **Food Stamps** USDA/FNS modifies student Food Stamp Program eligibility requirements. (Part III of this issue)

42891 **Food Assistance Programs—Children** USDA/FNS announces payment rates for child care centers and family day care homes.

42848 **Veterans Benefits** VA increases maximum interest rate on guaranteed, insured and direct loans for homes and condominiums.

42849 VA increases maximum permissible interest rate on guaranteed mobile home loans.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

43029 Education ED issues interim procedures for listing of accrediting and State approval agencies. (Part IV of this issue)

42853 Government Procurement NASA amends rules on patent rights of small business firms and nonprofit organizations for inventions under contract work.

42872 Air Transportation CAB extends comment period for proposed regulations on disclosure of airline responsibilities to passengers.

42880 Toxic Substances EPA proposes to reinstate fully halogenated chlorofluorocarbon rule exemption for spinnerette release agents.

42947 Railroad Retirement RRB determines quarterly rate of excise tax for annuity program.

42919 Marine Mammals Interior/FWS announces availability of annual report.

42887 Endangered and Threatened Wildlife Interior/FWS corrects proposed revision to African elephant ivory trade rules.

42897 Antidumping Commerce/ITA issues notice on optic liquid level sensing systems from Canada imports.

42847 Privacy Act Document DOD

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Federal Register
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Tuesday, August 25, 1981

Presidential Documents

Title 3—

The President

Proclamation 4853 of August 20, 1981

Commodore John Barry Day

By the President of the United States of America

A Proclamation

Commodore John Barry, hero of the American Revolution and holder of the first commission in the United States Navy under the Constitution, was born in 1745, in County Wexford, Ireland. Commodore Barry was commissioned to command the brig Lexington, one of the first ships bought and equipped for the Revolution, and became a national hero with the engagement and capture of the British warship Edward on April 7, 1776. He distinguished himself throughout the Revolution and again shortly thereafter in the Quasi-War with France as a fighter and seaman.

In 1797, with the advice and consent of the Senate, President Washington appointed Commodore Barry Captain in the Navy of the United States and Commander of the Frigate United States. In so doing, the President said that he placed "special Trust and Confidence in (Commodore Barry's) Patriotism, Valour, Fidelity, and Abilities".

Commodore Barry was honored by the United States Congress in 1906, when a statue was commissioned and later placed in Lafayette Park, Washington, District of Columbia, and honored again some fifty years later when President Eisenhower caused a statue of Commodore Barry to be presented on behalf of the people of the United States to the people of Ireland, at County Wexford, Ireland.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate September 13, 1981, as "Commodore John Barry Day", as a tribute to one of the earliest and greatest American Patriots, a man of great insight who perceived very early the need for American power on the sea. I call upon Federal, state, and local government agencies and the people of the United States to observe such day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of August, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-24846
Filed 8-21-81, 3:06 pm]
Billing code 3195-01-M

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Presidential Documents

Executive Order 12318 of August 21, 1981

Statistical Policy Functions

By virtue of the authority vested in me as President by the Constitution and statutes of the United States, including Reorganization Plan No. 2 of 1970 (5 U.S.C. App. II), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), Section 3(a) of the Paperwork Reduction Act of 1980 (Public Law 96–511, 94 Stat. 2825, 44 U.S.C. 3503 note), and Section 301 of Title 3 of the United States Code, and in order to transfer, redelegate, and reassign certain statistical policy functions from the Secretary of Commerce to the Director of the Office of Management and Budget, and to require redelegation of certain functions to the Administrator for the Office of Information and Regulatory Affairs, it is hereby ordered as follows:

Section 1. Sec. 1(c) of Executive Order No. 11541 of July 1, 1970, as amended, is amended by deleting the last phrase "is terminated on October 9, 1977" and substituting therefor "shall be implemented in accord with Section 3(a) of the Paperwork Reduction Act of 1980 (94 Stat. 2825; 44 U.S.C. 3503 note), to the extent that provision is applicable".

Sec. 2. Executive Order No. 10253 of July 11, 1951, as amended, is further amended as follows:

(a) "Secretary of Commerce" is deleted in Section 1 and "Director of the Office of Management and Budget" is substituted therefor.

(b) "Secretary" is deleted wherever it appears in Sections 1, 2, 4, 5, and 6 and "Director" is substituted therefor.

(c) "Department of Commerce" is deleted in Section 6 and "Office of Management and Budget" is substituted therefor.

(d) Section 7 is deleted and a new Section 7 is substituted therefor as follows:

"Sec. 7. As required by Section 3(a) of the Paperwork Reduction Act of 1980 (94 Stat. 2825; 44 U.S.C. 3503 note), the Director shall redelegate to the Administrator for the Office of Information and Regulatory Affairs, Office of Management and Budget, all functions, authority, and responsibility under Section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b) which have been vested in the Director by this Order.".

(e) Section 8 is revoked.

Sec. 3. Executive Order No. 10033, as amended, is further amended as follows:

(a) "Secretary of Commerce, hereinafter referred to as the Secretary,", is deleted in Section 1 and "Director of the Office of Management and Budget, hereinafter referred to as the Director,", is substituted therefor.

(b) "Secretary" is deleted wherever it appears in Sections 2(a), 2(b), 2(c), 3, 4, and 5 and "Director" is substituted therefor.

(c) Section 7 is revoked.

Sec. 4. (a) Executive Order No. 12013 is revoked.

(b) Section 4 of Executive Order No. 11961, as amended, is further amended by deleting "the Secretary of Commerce shall perform the functions set forth in Sections 4(a)(3) and 5(c) of the Act", and substituting therefor "the Secretary of Commerce shall perform the function of making periodic reports to the Committees of the Congress as set forth in Section 4(a)(3) of the Act".

Sec. 5. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned from the Secretary of Commerce to the Director of the Office of Management and Budget by the delegations made in this Order, are hereby transferred to the Director of the Office of Management and Budget.

Sec. 6. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all steps necessary or appropriate to ensure or effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

Sec. 7. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred or reassigned from the Secretary of Commerce to the Director of the Office of Management and Budget by the delegations made in this Order, shall remain in effect until amended, modified, or revoked pursuant to the delegations made in this Order.

Sec. 8. This Order shall be effective August 23, 1981.

Ronald Reagan

THE WHITE HOUSE,
August 21, 1981.

[FR Doc. 81-24849
Filed 8-21-81; 3:44 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 164
Tuesday, August 25, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement; Recovery of Indebtedness Owed by Former Federal Employees

AGENCY: Office of Personnel Management.

ACTION: Interim regulations.

SUMMARY: The Office of Personnel Management (OPM) is publishing interim regulations consistent with recent revisions in the joint General Accounting Office-Justice Department Federal Claims Collection Standards on recovering an indebtedness to a Federal agency by setoff. These interim regulations prescribe the procedure by which a Federal agency may recover an indebtedness owed by a former Federal employee who was subject to the Civil Service Retirement law, by means of a setoff against amounts due and payable to the former Federal employee from the Civil Service Retirement and Disability Fund (Fund). The interim regulations facilitate collection of debts owed by former Federal employees and provide due process to former Federal employees.

DATE: Interim rule effective August 1, 1981; comments must be received on or before October 26, 1981.

ADDRESS: Send written comments to Mr. Craig B. Pettibone, Director, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, Washington, D.C. 20044, or delivered to Room 4351, 1900 E Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Patricia A. Rochester, (202) 632–4634.

SUPPLEMENTARY INFORMATION: Pursuant to section 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately in order to provide continuity of operations and to give immediate and timely effect to the appropriate provisions of the Federal Claims Collection Standards, 4 CFR Part 101 et seq.

Recent court decisions have emphasized the need for Government agencies to provide due process procedures to debtors prior to initiating offset actions. Since the Office of Personnel Management is frequently requested to collect indebtedness owed other Federal agencies when the debtor is entitled to payment from the Fund, we are prescribing these regulations consistent with recent changes in the Federal Claims Collection Standards which added certain due process procedures for debtors whose accrued pay, compensation, accrued benefits or lump sum retirement credit will be setoff to recover an indebtedness. The regulations are necessary to permit OPM to continue to process agency requests under the revised collection standards.

These regulations propose to have OPM accept a request for recovery of an indebtedness from a Federal agency as a valid request only after the agency has (1) certified that it has offered and completed so far as possible, the procedures prescribed by the Federal Claims Collection Standards, 4 CFR Chapter II, Part 102; or (2) notified the debtor of his/her rights and obtained his/her consent to the collection; or (3) obtained a court judgment against the debtor for the amount of the recovery. Payment of the requested amount where there is neither consent nor a court judgment will be delayed further while the debtor is provided notice of OPM's receipt of the agency's request and certification and of our intent to honor the request unless the debtor did not receive the due process which was certified to by the agency. When the debtor denies receiving the due process certified, the agency will have 60 days to submit proof of the required due process. The agency's failure to comply with the prescribed procedures will result in the release of the monies to the debtor in the case of a refund applicant. In the case of an annuity recipient, no action is ever taken against the debtor's annuity until the necessary procedures have been completed. The minimum amount requested for setoff is being raised to $100.00. The cost of complying with Federal Claims Collection Standards and OPM's processing costs make collection of smaller amount impractical. These regulations do not apply to debts of employees of the District of Columbia. E.O. 12291 Federal Regulation.

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with Foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM is adding a new Subpart R to Part 831 of Title 5 of the Code of Federal Regulations to read as follows:

PART 831—RETIREMENT

* * * * *

Subpart R—Requests for Recovery of an Indebtedness From the Civil Service Retirement and Disability Fund

Sec.

831.1801 Purpose.
831.1802 Scope.
831.1803 Definitions.
831.1804 When setoff may be requested.
831.1805 Agency processing.
831.1806 OPM processing.
831.1807 Limits on withholding from annuity.

Authority: 5 U.S.C. 8347.

§ 831.1801 Purpose.

This subpart prescribes the procedures to be followed by Federal agencies when they seek to recover an indebtedness owed to the agency by a former employee subject to the Civil Service Retirement law, 5 U.S.C. 8331 *et seq.*, by means of setoff against amounts due and payable to that individual from the Civil Service Retirement and Disability Fund (Fund). This subpart also prescribes the procedures which the Office of Personnel Management shall follow with regard to any such request for setoff of indebtedness.

§ 831.1802 Scope.

This subpart applies to:

(a) Agencies defined by § 831.1803.

(b) Employees defined by § 831.1803.

§ 831.1803 Definitions.

"Agency" shall mean any Executive department, Military department, Government corporation or independent establishment as defined in Chapter I of title 5, United States Code, and the U.S. Postal Service, which is seeking recovery of an indebtedness through set-off against money due and payable to an employee or former employee from the Fund.

"Annuity claim" shall refer to a situation where a former employee has met all requirements for title to annuity under Sections 8336, 8337 or 8338 of title 5, United States Code, and has filed application for a monthly civil service annuity payment.

"Compromise" shall have the same meaning as in 4 CFR Chapter II, Part 103.

"Debtor" means an employee or former employee against whom recovery of an indebtedness through setoff against money due and payable from the Fund is sought by an agency.

"Employee" shall have the same meaning as in Sec. 8331 of title 5, United States Code.

"Fund" means the Civil Service Retirement and Disability Fund.

"Reconsideration" shall have the same meaning as in 4 CFR Chapter II, Part 102.

"Refund claim" shall refer to a situation where a former employee has filed an application under Sec. 8342(a) of title 5, United States Code, for a lump sum credit as defined in Sec. 8331(8) of title 5, United States Code.

"Waiver" shall mean a decision not to recover an overpayment under circumstances specified by the statute authorizing the waiver action.

§ 831.1804 When setoff may be requested.

Money payable from the Fund may be setoff to effect recovery of any valid indebtedness to the United States if all of the following conditions are met:

(a) The employee has been separated.

(b) The debt amounts to $100 or more.

(c) The creditor agency has exhausted all other means of recovery.

(d) The creditor agency has offered and completed the procedures prescribed by 4 CFR Chapter II, Part 102.

(e) The debtor has filed an application for his/her lump sum credit or for a monthly civil service annuity benefit.

§ 831.1805 Agency processing.

(a) If the creditor agency is also the debtor's former employing agency and the employee has just separated from his/her position in the agency, the agency shall submit Standard Form 2806, "Individual Retirement Record" within 30 days of the employee's separation. If a debt exists, a notation shall be made either in column 8 (Remarks) under "Fiscal Record" on the Standard Form 2806 or on an attachment to the Standard Form 2806, indicating that a debt is in existence, the basis for the debt, and the amount, if known.

(b) Every agency which intends to request recovery of indebtedness against a debtor through setoff against money due and payable from the Fund must first issue notice to the debtor as described in 4 CFR Chapter II, Part 102.

(c) The agency may adjudicate the claim of indebtedness solely on the basis of documentary evidence and any written submission submitted by the debtor unless the employee is entitled to a hearing on waiver or another aspect of the claim, and the employee requests a hearing.

(d) If there is entitlement to a hearing, the agency must grant the debtor a hearing under § 102.3 of 4 CFR Chapter II, before the agency can adjudicate the claim of indebtedness.

(e) If the debtor fails to respond to a notice issued under paragrqph (b) of this section, and there is no reason to believe that the debtor has not received the notice, the agency may adjudicate the claim of indebtedness upon evidence already in its possession.

(f) Upon completion of all procedures, the agency shall forward to OPM a certification of the amount of the indebtedness claimed, the basis for the claim, and that the procedures prescribed by 4 CFR Chapter II, Part 102 have been followed by the agency in adjudicating the claim. If the debtor failed to respond to the notice of the proposed action, and there is no reason to believe that the debtor has not received the notice, this fact must also be certified by the agency. Certification shall be made on Standard Form 2805, "Request for Recovery of Indebtedness Due the United States."

(g) If the agency has obtained a court judgment against the debtor specifying the amount of the indebtedness, the agency may submit a copy of the court judgment in place of the additional certification.

(h) If the debtor received the notice and agrees to the collection, the agency shall send a copy of his/her consent to the collection along with the Standard Form 2805.

§ 831.1806 OPM processing.

(a) *Refund claims.* (1) If an agency submits only Standard Form 2806 with a notation of pending adjudication of a claim of indebtedness or Standard Form 2805 without the necessary certification, OPM shall not make any payment to the creditor agency. OPM shall notify the agency that procedures under 4 CFR Chapter II, Part 102 must be completed and received within OPM within 120 days of the date of our notice to the agency. At the request of the agency, one extension of time, of no more than 60 days will be granted by OPM.

(2) during the period allotted the agency for the submission of its claim of indebtedness, OPM shall handle the former employee's request for his/her lump sum credit under Sec. 8342(a) of title 5, United States Code in one of two ways:

(i) If the amount of the indebtedness is known, OPM shall notify the former employee of the claim against his/her lump sum credit, withhold the amount of the indebtedness and pay the balance to the former employee.

(ii) If the amount of the indebtedness is not known, OPM shall not pay any amount to the former employee until the agency submits its Standard Form 2805 with the required certification, or the time limit for the agency submission of the claim expires, whichever comes first.

(b) *Annuity claims.* In the event an incomplete claim of indebtedness is submitted against a former employee who is receiving a monthly civil service annuity, OPM shall take no action to reduce the former employee's monthly annuity in response to the creditor agency's incomplete claim. OPM shall notify the agency that procedures under 4 CFR Chapter II, Part 102 must be completed and received within OPM within 120 days of the date of our notice to the agency. At the request of the agency, one extension of time, of no more than 60 days will be granted by OPM. Failure to supply the certification required within the time period (including any extensions granted by OPM) will preclude the agency from

later seeking recovery by offset of the same debt against the individual's annuity payments.

(c) *Complete claims of indebtedness.* (1) In any case in which the agency has submitted all required certification of the indebtedness and of the procedures, no payment to the agency shall be made for at least 30 days. A copy of all certifications submitted by the agency shall be mailed to the debtor by OPM, along with notice of the intended collection.

(2) When a debtor who has been given notice under paragraph (c)(1) of this section responds to OPM with information that he/she has not been accorded the due process rights as certified by the agency under § 831.1805 of this part, OPM shall suspend any payments to the agency for the period of 60 days. Within that period, the agency must submit to OPM proof that the due process rights certified to were in fact granted to the debtor. Failure to supply such proof will result in a voiding of the agency's certification and release of any suspended funds to the debtor.

(3) If a debtor who is receiving a monthly civil service annuity which has been subjected to setoff informs OPM, after the expiration of the 60-day period set forth in paragraph (c)(2) of this section, that he/she did not receive the due process rights certified under § 831.1805 of this part, further setoff from annuity payments shall be suspended, and the procedures set forth in paragraph (c)(2) of this section shall be followed.

(d) In no case will OPM review—

(1) The merits of any decision by an agency with regard to reconsideration, compromise or waiver; or

(2) The determination by an agency that a hearing was not required in any particular proceeding.

§ 831.1807 Limits on withholding from annuity payments.

(a) Unless the creditor agency and the debtor agree in writing to withhold a larger percentage, or fraud or misrepresentation have been established, no more than twenty-five percent (25%) of the net amount of any monthly annuity payment will be withheld in any setoff action.

(b) A claim of indebtedness may be setoff in full against a lump sum refund payable to the debtor.

[FR Doc. 81-24672 Filed 8-24-81; 8:45 am]
BILLING CODE 4325-01-M

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 417

Sugarcane Crop Insurance Regulations; Extension of Sales Closing Date

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extention of the closing date for accepting applications for sugarcane crop insurance in all parishes in Louisiana, effective for the 1982 crop year only. This action is necessary because of a delay in completion of sales agents agreements in that State which could extend beyond the closing date, thereby having an adverse effect on applicants.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: Under the provisions of 7 CFR Part 417, Sugarcane Crop Insurance Regulations, the closing date for accepting applications for such insurance in Louisiana parishes, and filing in the FCIC office for the county, is August 31. Because of a delay in completing agents agreements under the agents contract with FCIC to sell sugarcane crop insurance, it is possible that there will not be sufficient time before the August 31 date to allow such agents to properly contact potential policyholders. Under the authority contained in 7 CFR 417.7(b) of the Sugarcane Crop Insurance Regulations, such closing date may be extended by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result during the period of such extention. If adverse conditions should develop during such period, FCIC will immediately discontinue the acceptance of applications.

Accordingly, under the authority contained in 7 CFR 417.7(b), FCIC herewith gives notice that the closing date for accepting applications for sugarcane crop insurance in all Louisiana parishes is hereby extended until the close of business on September 15, 1981, to be effective for the 1982 crop year only.

Done in Washington, D.C., on August 17, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

President and Acting Chairman of the Corporation.

Dated: August 17, 1981.

[FR Doc. 81-24830 Filed 8-24-81; 8:45 am]
BILLING CODE 3410-05-M

Agricultural Stabilization and Conservation Service

7 CFR Part 730

Farm Marketing Quotas and Acreage Allotments; Rice; 1980–81 Marketing Year

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this document is to delete from the Code of Federal Regulations certain regulations regarding rice acreage allotments. The national acreage allotment for rice, as well as the apportionment of such allotments to farms and producers and the State reserves, are published each year in the **Federal Register** and later codified in the Code of Federal Regulations. In order to avoid having to amend the Code of Federal Regulations annually, the proclamation of the national allotment, the apportionment of such allotment to farms and producers, and State reserves will no longer be codified in the Code of Federal Regulations beginning with the 1981 crop, but will be published in the **Federal Register** in the notice section.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT: George H. Schaefer, Agricultural Program Specialist; USDA/ASCS, Production Adjustment Division, P.O. Box 2415, Washington, D.C. 20013, (202) 447–8480.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures required by Executive Order 12291, and has been classified "not major." It has been determined that this deletion of these regulations from the Code of Federal Regulations will not result in (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local Government

agencies, or geographic regions; or, (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the federal assistance program that this final rule applies to are: Title: Rice Production Stabilization; Number 10.065, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

I have determined that it is impracticable to follow the public rulemaking requirements of Secretary's Memorandum 1955 and 5 U.S.C. 553 with respect to this rule since this action makes no substantive change but deletes the proclamation of the national acreage allotment for rice, the apportionment of such allotments to farms, and producers, and the State reserves which were previously published in the Code of Federal Regulations. Previously, the proclamation of the national acreage allotment for rice, the apportionment of such allotment to farms and producers, and the State reserve were published in the **Federal Register** and codified in the Code of Federal Regulations. Effective with respect to the 1981 crop of rice, such proclamations and determinations will appear only as notices in the **Federal Register**. The regulations previously published at 7 CFR 730.1502–730.1504 relating to these proclamations and determinations shall remain applicable to the marketing year to which each refers.

Final Rule

PART 730 [AMENDED]

Accordingly, the following portions of 7 CFR Part 730 are hereby deleted fron the Code of Federal Regulations:

Subpart—1980–1981 Marketing Year, Proclamations and Determinations with respect to Marketing Quota and National Acreage Allotment for 1980 Crop Rice, and Apportionment of 1980 National Acreage Allotment of Rice Among the Several States; Section 730.1502, National acreage allotment for the 1980 crop of rice; Section 730.1503 Apportionment of the 1980 national acreage allotment of rice to farms and producers; and Section 730.1504, State reserve acreages.

Signed at Washington, D.C. on August 20, 1981.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81–24702 Filed 8–24–81; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7 CFR Parts 907, 908 and 910

Navel Oranges, Valencia Oranges and Lemons Grown in Arizona and California; Handling Exemption

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends rules and regulations governing the exemption of the handling of California-Arizona Navel oranges, Valencia oranges and lemons for commercial processing into by-products. This action is designed to clarify the basis for such exemption and specify safeguards to prevent oranges and lemons shipped under exemption from entering regulated fresh markets.

DATES: Amendments to §§ 907.100 and 907.131 become effective September 24, 1981. Amendments to §§ 908.100, 908.131, and 910.180 become effective August 25, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

On January 19, 1981, notice was published in the **Federal Register** (46 FR 4936) inviting written comments on proposed amendment of the rules and regulations (Subpart—Rules and Regulations; §§ 907.100–907.166, and §§ 908.100–908.142) currently effective under the marketing agreements, as amended, and Order Nos. 907 and 908, as amended (7 CFR Parts 907 and 908), regulating the handling of Navel oranges and Valencia oranges grown in Arizona and designated parts of California. The notice provided that comments be submitted by February 3, 1981. None were received.

On January 30, 1981, notice was published in the **Federal Register** (46 FR 9956) inviting written comments on proposed amendment of the rules and regulations (Subpart—Rules and Regulations; §§ 910.100–910.180) currently effective under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The notice provided that comments be submitted by February 17, 1981. None were received. These marketing agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These amendments are based upon recommendations and information submitted by the Navel Orange Administrative Committee, the Valencia Orange Administrative Committee and the Lemon Administrative Committee, established under these marketing orders, and other information.

These amendments are necessary to prevent oranges and lemons shipped under marketing order exemption provisions from entering into commerical channels of trade, and are designed to clarify criteria by which the committee determines eligibility for exemption. Under the amended rules and regulations, applicants who desire to acquire oranges and lemons for commerical processing into by-products would need to provide specified information relating to their manufacturing operations and the intended disposition of the oranges and lemons, and have their names placed on the list of "approved by-products manufacturers" by the committee.

After consideration of all relevant matters presented, including the proposals in the notices and other available information, it is hereby found that amendment of said rules and regulations is in accordance with these marketing agreements and orders and will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of the amendments to §§ 908.100, 908.131, and 910.180 until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) the handling of Valencia oranges and lemons is now in progress subject to regulated weekly allotment provisions of the orders, (2) the recommendations of the committees were made at public meetings at which all interested parties were afforded an opportunity to express their views, (3) no objections were received about the terms of the amendments in response to the notices published in the **Federal**

Register, and (4) the amendments will not require any special preparation by handlers which cannot be completed by the effective time.

Information collection requirements (reporting or recordkeeping) under these parts are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Therefore, 7 CFR Part 907; Subpart—Rules and Regulations, is amended by revising paragraph (d) of § 907.100, by removing current paragraph (a)(2) and redesignating current (a)(3) as (a)(2) in § 907.131, and by revising paragraph (b) of § 907.131 to read as follows:

§ 907.100 Definitions.

* * * * *

(d) "Handle oranges to commercial processors for processing into products, including juice" means the handling of oranges to a person on the list of approved by-product manufacturers, as provided in § 907.131(b).

* * * * *

§ 907.131 By-product oranges.

(a) *Notice to committee.* No person shall handle oranges for commerical processing into by-products unless (1) such oranges are, or have been, handled pursuant to an allotment therefor; or (2) the processor is an approved by-product manufacturer, as prescribed in paragraph (b) of this section.

(b) *Approved by-products manufacturer.* (1) Any person who desires to acquire oranges as an approved by-products manufacturer for commercial processing into by-products exempt from regulation pursuant to § 907.67(b) must first apply to and obtain approval from the committee. Applicants for such exemption shall submit to the committee an application on NOAC Form No. 14 containing the following information: (i) The name and address of applicant; (ii) the proposed type of by-product(s) to be made or derived from oranges; (iii) the approximate quantity of oranges to be used annually; (iv) a description of the by-product(s) to be manufactured and the equipment to be used in manufacturing such by-products and the capacity per hour thereof; (v) the intended disposition of unused components of the oranges; (vi) a statement describing the manner in which the by-product(s) will be sold, whether at wholesale, retail, or both; (vii) a statement whether orange juice will be pasteurized and, if so, a description of the manner in which such pasteurization will be accomplished; (viii) the location of the plant(s); (ix) a statement that the exempt oranges acquired hereunder will be used for by-products manufacturing only and will not be resold or disposed of in fresh fruit channels; and (x) an agreement to submit such reports as may be required by the committee.

(2) Such application shall be referred to the committee's Compliance Department for investigation and reported back to the committee. The committee shall approve the application if, in its opinion: (i) The applicant's principal occupation is manufacturing food by-products, including orange by-products, except those applicants providing oranges or by-products for animal feeding purposes; (ii) all orange by-products, including juice, will be sold at wholesale only or will be used for animal feeding; (iii) the applicant agrees to submit such reports as may be required by the committee; (iv) the oranges obtained under this exemption will not be resold or disposed of in fresh fruit channels; and (v) approval of the application will not be contrary to the purposes of this part. If an application is denied, the committee shall within a reasonable time inform the applicant in writing of the facts and reasons therefor, and afford the applicant an opportunity, either orally or in writing, to present opposing facts and reasons. If the application is approved, the applicant's name shall be placed on the list of approved by-products manufacturers. The applicant shall be informed of the committee's determination in a timely manner.

(3) A commercial processor on the list of approved by-products manufacturers who: (i) Fails to commercially process oranges into by-products for a period of one year or more; (ii) sells or otherwise disposes of any orange by-product(s) manufactured from oranges at the retail level other than for animal feeding; (iii) sells or otherwise disposes of oranges obtained under this exemption in fresh fruit channels; (iv) fails or refuses to submit reports required by the committee, may be determined by the committee to be ineligible to acquire oranges under this exemption and the committee may suspend or remove its name from the list of approved by-products manufacturers for such time as the committee deems appropriate in the circumstances. Prior to making such determination the committee shall give the processor reasonable advance notice in writing of its intention, the facts and reasons therefor; and afford the processor an opportunity, either orally or in writing, to present opposing facts and reasons. After a processor's name has been removed from the list of approved by-products manufacturers, it must submit a new application and secure approval of the committee in order to acquire exempt oranges pursuant to § 907.67(b).

* * * * *

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

2. Therefore, 7 CFR Part 908; Subpart—Rules and Regulations, is amended by revising paragraph (d) of § 908.100, by removing current paragraph (a)(2) and redesignating current (a)(3) as (a)(2) in § 908.131, and by revising paragraph (b) of § 908.131 to read as follows:

§ 908.100 Definitions.

* * * * *

(d) "Handle oranges to commercial processors for processing into products, including juice" means the handling of oranges to a person on the list of approved by-product manufacturers, as provided in § 908.131(b).

* * * * *

§ 908.131 By-product oranges.

(a) *Notice to committee.* No person shall handle oranges for commercial processing into by-products unless (1) such oranges are, or have been, handled pursuant to an allotment therefor; or (2) the processor is an approved by-product manufacturer, as prescribed in paragraph (b) of this section.

(b) *Approved by-products manufacturer.* (1) Any person who desires to acquire oranges as an approved by-products manufacturer for commercial processing into by-products exempt from regulation pursuant to § 908.67(b) must first apply to and obtain approval from the committee. Applicants for such exemption shall submit to the committee an application on VOAC Form No. 14 containing the following information: (i) The name and address of applicant; (ii) the proposed type of by-product(s) to be made or derived from oranges; (iii) the approximate quantity of oranges to be used annually; (iv) a description of the by-product(s) to be manufactured and the equipment to be used in manufacturing such by-products and the capacity per hour thereof; (v) the

intended disposition of unused components of the oranges; (vi) a statement describing the manner in which the by-product(s) will be sold, whether at wholesale, retail, or both; (vii) a statement whether orange juice will be pasteurized and, if so, a description of the manner in which such pasteurization will be accomplished; (viii) the location of the plant(s); (ix) a statement that the exempt oranges acquired hereunder will be used for by-products manufacturing only and will not be resold or disposed of in fresh fruit channels; and (x) an agreement to submit such reports as may be required by the committee.

(2) Such application shall be referred to the committee's Compliance Department for investigation and reported back to the committee. The committee shall approve the application if, in its opinion: (i) The applicant's principal occupation is manufacturing food by-products, including orange by-products, except those applicants providing oranges or by-products for animal feeding purposes; (ii) all orange by-products, including juice, will be sold at wholesale only or will be used for animal feeding; (iii) the applicant agrees to submit such reports as may be required by the committee; (iv) the oranges obtained under this exemption will not be resold or disposed of in fresh fruit channels; and (v) approval of the application will not be contrary to the purposes of this part. If an application is denied the committee shall within a reasonable time inform the applicant in writing of the facts and reasons therefor, and afford the applicant an opportunity, either orally or in writing, to present opposing facts and reasons. If the application is approved, the applicant's name shall be placed on the list of approved by-products manufacturers. The applicant shall be informed of the committee's determination in a timely manner.

(3) A commercial processor on the list of approved by-products manufacturers who: (i) Fails to commercially process oranges into by-products for a period of one year or more; (ii) sells or otherwise disposes of any orange by-product(s) manufactured from oranges at the retail level other than for animal feeding; (iii) sells or otherwise disposes of oranges obtained under this exemption in fresh fruit channels; (iv) fails or refuses to submit reports required by the committee, may be determined by the committee to be ineligible to acquire oranges under this exemption and the committee may suspend or remove its name from the list of approved by-products manufacturers for such time as the committee deems appropriate in the circumstances. Prior to making such determination the committee shall give the processor reasonable advance notice in writing of its intention, the facts and reasons therefor, and afford the processor an opportunity, either orally or in writing, to present opposing facts and reasons. After a processor's name has been removed from the list of approved by-products manufacturers, it must submit a new application and secure approval of the committee in order to acquire exempt oranges pursuant to § 908.67(b).

* * * * *

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

3. Therefore, paragraph (b) of § 910.180 (7 CFR Part 910; Subpart — Rules and Regulations) is revised to read as follows:

§ 910.180 Lemons not subject to regulation.

* * * * *

(b) *Approved by-products manufacturer.* (1) Any person who desires to acquire lemons as an approved by-products manufacturer for commercial processing into by-products, pursuant to § 910.80, must first apply to and obtain approval from the committee. Applicants for such exemption shall submit to the committee an application on LAC Form No. 104 containing the following information: (i) The name and address of applicant; (ii) the proposed type of by-product(s) to be made or derived from lemons; (iii) the approximate quantity of lemons to be used annually; (iv) a description of the product(s) to be manufactured and the equipment to be used in manufacturing such by-products and the capacity per hour thereof: (v) the intended disposition of unused components of the lemons; (vi) a statement describing the manner in which the by-product(s) will be sold, whether at wholesale, retail, or both; (vii) a statement whether lemon juice will be pasteurized and, if so, a description of the manner in which such pasteurization will be accomplished; (viii) the location of the plant(s); (ix) a statement that the lemons acquired hereunder will be used for by-products manufacturing only and will not be resold or disposed of in fresh fruit channels; and (x) an agreement to submit such reports as may be required by the committee. (2) Such application shall be referred to the committee's Compliance Department for investigation and reported back to the committee. The committee shall approve the application if, in its opinion: (i) The applicant's principal occupation is manufacturing food by-products, including lemon by-products; (ii) all lemon by-products, including juice, will be sold at wholesale only; (iii) the applicant agrees to submit such reports as may be required by the committee; (iv) the lemons obtained under this exemption will not be resold or disposed of in fresh fruit channels; and (v) approval of the application will not be contrary to the purposes of this part. If an application is denied, the committee shall within a reasonable time inform the applicant in writing of the facts and reasons therefor, and afford the applicant an opportunity, either orally or in writing, to present opposing facts and reasons. If the application is approved, the applicant's name shall be placed on the list of approved by-products manufacturers. The applicant shall be informed of the committee's determination in a timely manner. (3) A commercial processor on the list of approved by-products manufacturers who: (i) Fails to commercially process lemons into by-products for a period of one year or more; (ii) sells or otherwise disposes of any lemon by-products manufactured from lemons at the retail level; (iii) sells or otherwise disposes of lemons obtained under this exemption in fresh fruit channels; (iv) fails or refuses to submit reports required by the committee, may be determined by the committee to be ineligible to acquire lemons under this exemption and the committee may suspend or remove its name from the list of approved by-products manufacturers for such time as the committee deems appropriate in the circumstances. Prior to making such determination the committee shall give the processor reasonable advance notice in writing of its intention, the facts and reasons therefor; and afford the processor an opportunity, either orally or in writing, to present opposing facts and reasons. After a processor's name has been removed from the list of approved by-products manufacturers, it must submit a new application and secure approval of the committee in order to acquire exempt lemons pursuant to § 910.80.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: August 20, 1981.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-24976 Filed 8-24-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Dexamethasone Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Carter-Glogau Laboratories, Inc., providing for safe and effective use of a dexamethasone injection in dogs for its anti-inflammatory effect and for supportive therapy.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Carter-Glogau Laboratories, Inc., 5160 W. Bethany Home Rd., Glendale, AZ 85301, filed an NADA (110–350) providing for intravenous (IV) injection in dogs of a solution containing 2 milligrams of dexamethasone per milliliter (mg/mL). The drug is indicated as an anti-inflammatory agent and may also be used as supportive therapy for certain other conditions. The firm currently holds approval for IV use of a 4-mg/mL dexamethasone sodium phosphate injection in dogs for the same indications.

The formulation of the subject product is identical to that of Schering Corp.'s dexamethasone sterile injection, the approval of which is codified in 21 CFR 522.540. The section provides that since the conditions of use are NAS/NRC reviewed and found effective, applications for these uses need not include certain effectiveness data as specified by 21 CFR 514.111. The product is an IV solution; therefore, the requirement for bioequivalency data is waived under 21 CFR 320.22(b)(1). The product is approved on the basis of generic equivalency, and the regulation is amended appropriately.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.540 by revising paragraph (b)(2)(ii) to read as follows:

§ 522.540 Dexamethasone injection.

* * * * *

(b) * * *

(2) * * *

(ii) No. 000381 for use of 2.0 milligrams dexamethasone or 4.0 milligrams dexamethasone sodium phosphate injections.

* * * * *

Effective date. This amendment is effective August 25, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: August 14, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–24518 Filed 8–24–81; 8:45 am]

BILLING CODE 4110–03–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 220

Personnel; Foreign Service

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: The Agency for International Development is amending the regulations to provide two exceptions to the general rule that a vacant position designated Foreign Service may only be filled by Foreign Service employees. The first exception is to avoid a reduction in force of non-Foreign Service employees. The second exception would allow up to 15 Foreign Service-designated positions to be occupied by non-Foreign Service employees on a time-limited appointment basis.

EFFECTIVE DATE: August 5, 1981.

FOR FURTHER INFORMATION CONTACT: Jan W. Miller, Office of the General Counsel, (202) 632–8218.

SUPPLEMENTARY INFORMATION: The purpose of parts 220, 221 and 222 is to extend the Foreign Service personnel system to all employees of the Agency for International Development ("AID") who are responsible for planning and implementing AID's overseas development programs and activities. Section 220.04(c) currently provides that a position designated as a Foreign Service position which becomes vacant may be occupied only by a Foreign Service employee; provided, however, that at any time when the number of non-Foreign Service employees filling positions in AID'S headquarters office in the United States which are designated as Foreign Service positions does not exceed 10 per centum of the number of such positions, a Foreign Service designated position may be filled by a non-Foreign Service employee. This rule would amend § 220.04(c) to add two more exceptions with respect to the filling of Foreign Service positions.

Regulatory Flexibility Act

The agency has determined that this final rule will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Rule Making Under the Administrative Procedure Act

This rule is not a rule under 5 U.S.C. 553 since it involves a matter relating to agency personnel.

Executive Order 12291

This rule is not a rule for purposes of Executive Order 12291 since it amends regulations related to agency personnel.

Accordingly, § 220.04 of Part 220 of Chapter II of Title II of the Code of Federal Regulations is amended to read as set forth below:

1. The authority citation for Part 220 reads as follows:

Authority: Section 401, International Development and Food Assistance Act of 1978, Pub. L. 95–424, 92 Stat. 956, as amended by section 503, International Development

Cooperation Act of 1979, Pub. L. 96-53, 93 Stat. 1378.

2. Section 220.04, paragraph (c) is revised to read as follows:

§ 220.04 Position management.

* * * * *

(c) A position designated as a Foreign Service position in accordance with paragraph (b) of this section which becomes vacant may be occupied thereafter only by a Foreign Service employee: Provided, however, that

(1) At any time when the number of non-Foreign Service employees filling positions in AID's headquarters office in the United States which are designated as Foreign Service positions does not exceed 10 per centum of the number of such positions, such a position, when it becomes vacant, may, at the discretion of the Administrator be filled by a non-Foreign Service employee;

(2) In order to avoid a reduction in force, the director of the Office of Personnel Management, AID, is authorized to assign a General Schedule employee to a vacant position which has been designated as a Foreign Service position;

(3) Up to fifteen Foreign Service designated positions may be filled on a time-limited appointment basis by non-Foreign Service personnel. These exceptions will be approved personally by the Administrator on a case-by-case basis.

* * * * *

Dated: August 14, 1981.

Edna A. Boorady,

Director, Office of Personnel Management.

[FR Doc. 81-24665 Filed 8-24-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Correction of final rule.

SUMMARY: The Parole Commission is correcting a clerical error in its final rule revising its Paroling Policy Guidelines, 28 CFR 2.20 published on July 14, 1981, at 46 FR 36138.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Toby Slawsky, (301) 492-5959.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-20569, July 14, 1981, page 36139, third column, the word "sale" was omitted from the opiate offense example in the Greatest II category. This example is corrected to read:

§ 2.20 [Corrected]

Opiates, possession with intent to distribute/sale [managerial or proprietary interest and very large scale (e.g., offense involving more than 1 kilogram (1000 grams) of 100% pure heroin or equivalent amount)]

Dated: August 19, 1981.

Benjamin J. Malcolm,

Acting Chairman, U.S. Parole Commission.

[FR Doc. 81-24755 Filed 8-24-81; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Correction of final rule.

SUMMARY: The Parole Commission is correcting a clerical error in its final rule on Regional Appeal, 28 CFR 2.25, published on July 10, 1981 at 46 FR 35639.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Toby Slawsky, (301) 492-5959.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-20279, July 10, 1981, page 35639, third column, 28 CFR 2.25(b), the words "or reverse" were omitted in the first sentence. This subsection is corrected to read as follows:

§ 2.25 Regional appeals.

(a) * * *

(b) The Regional Commissioner may affirm the decision, order a new institutional hearing on the next docket, order a regional appellate hearing, or reverse or modify the decision. The following actions, whether based on the record or following a regional appellate hearing, require the concurrence of two out of three Regional Commissioners:

* * * * *

Dated: August 19, 1981.

Benjamin J. Malcolm,

Acting Chairman, U.S. Parole Commission.

[FR Doc. 81-24754 Filed 8-24-81; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Correction of final rule.

SUMMARY: The Parole Commission is correcting a clerical error in its final rule revising its salient factor score published on July 10, 1981 at 46 FR 35637.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Toby Slawsky, (301) 492-5959.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-20266, July 10, 1981, page 35638, second column, the date in the first sentence of the implementation section is incorrectly listed as "September 1, 1981." This date is corrected to "August 31, 1981."

Dated: August 19, 1981.

Benjamin J. Malcolm,

Acting Chairman, U.S. Parole Commission.

[FR Doc. 81-24756 Filed 8-24-81; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners; Correction

AGENCY: Parole Commission, Justice.

ACTION: Correction to final rule.

SUMMARY: The Parole Commission is correcting a clerical error in its final rule published on January 16, 1979 (44 FR 3408) relating to paroling, recommitting and supervising Federal prisoners.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT: Toby Slawsky, (301) 492-5959.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-1343 published on January 16, 1979, the Commission omitted a conforming amendment to 28 CFR 2.48(c) when the subsections of 28 CFR 2.50 were renumbered changing 28 CFR 2.50(e) to 28 CFR 2.50(d). This omission is corrected by changing the reference to 28 CFR 2.50(e) in 28 CFR 2.48(c) to 28 CFR 2.50(d).

Dated: August 19, 1981.

Benjamin J. Malcolm,

Acting Chairman, U.S. Parole Commission.

[FR Doc. 81-24803 Filed 8-24-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approval of Supplements to Nevada State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This notice approves the completion of several developmental and State-initiated changes under the State of Nevada's occupational safety and health plan. The changes include Rules of Occupational Safety and Health Recordkeeping Requirements (Rule 67), Rules of Procedures of Occupational Safety and Health Review Board (Rules 60–66), Rules of Practice for Variances (Rule 69), Rules for Inspections, Citations, and Proposed Penalties (Rule 68), Public Employee Program, Public Employer Poster, Legislation, and the Field Operations Manual (FOM).

EFFECTIVE DATE: August 13, 1981.

FOR FURTHER INFORMATION CONTACT: Marjorie N. Sauber, Office of State Programs, Occupational Safety and Health Administration, Room N–3613, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–6021.

SUPPLEMENTARY INFORMATION:

Background

The Nevada occupational safety and health plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter called the Act) and Part 1902 of this Chapter on December 28, 1973 (39 FR 1008). Under the plan, the State made commitments to complete certain developmental steps by January 1, 1977. Part 1953 of this Chapter provides procedures for the review and approval of State-initiated and developmental change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary).

Description of Plan Supplements

1. *Rules of Occupational Safety and Health Recordkeeping Requirements (Rule 67):*

On September 16, 1976, the State of Nevada submitted a supplement to its plan on Rules of Occupational Safety and Health Recordkeeping Requirements. These regulations are comparable to Part 1904 of this Chapter, the Federal regulations on reporting and recordkeeping. The regulations were revised and the final version became effective on January 9, 1981.

2. *Rules of Procedures of Occupational Safety and Health Review Board (Rules 60–66):*

On June 24, 1975, the State submitted a supplement to its plan on Rules of Procedures of Occupational Safety and Health Review Board. These regulations are comparable to Part 2200 of this Chapter, the Federal Rules of Procedure of the Occupational Safety and Health Review Commission. The regulations were revised and the final version became effective on January 9, 1981.

3. *Rules of Practice for Variances (Rule 69):*

On June 24, 1975, the State submitted a supplement to its plan on Rules of Practice for Variances which is comparable to Part 1905 of this Chapter, the Federal regulations on variances. The regulations were revised and the final version became effective on January 9, 1981.

4. *Rules for Inspections, Citations and Proposed Penalties (Rule 68):*

On June 24, 1975, the State submitted a supplement to its plan on Rules for Inspection, Citations, and Proposed Penalties which is comparable to Part 1903 of this Chapter, the Federal regulations on enforcement. The regulations were revised and the final version became effective on January 9, 1981.

5. *Public Employee Program:*

On June 24, 1975, the State submitted a supplement to its plan on the Public Employee Program. State legislation includes provisions for public employees that are as effective as those for private employees. These provisions parallel those of the Federal Act. State legislation also established a comprehensive voluntary compliance program for employers of the public sector. The program's provisions include:

1. Development of a Nevada Department of Occupational Safety and Health (DOSH) program for enforcement in the public sector.

2. Development of a safety plan for public employers to include a program of self-administration and voluntary compliance with OSHA standards in cooperation with DOSH.

DOSH will conduct inspections of both the public and private employers using the same criteria in regard to format. The primary differences between a public employer and a private employer are as follows:

1. Penalties are proposed to public employers for serious violations only. Penalties will be calculated using the same formula as is used for private employers with one exception. To avoid a problem as to whether responsibility is department-wide, division-wide or divided by sections, credit for size will be based on the number of employees frequently exposed to a violation.

2. Any hazard which has been identified by a public employer and for which abatement has been scheduled will be included in the citation; however, the abatement date may be as suggested by the employer.

6. *Public Employer Poster:*

On May 13, 1976, the State submitted a supplement to its plan on the Public Employer Poster. It was subsequently resubmitted to cover both public and private workplaces in the State. The Private Employer Poster was approved on December 14, 1977 (42 FR 64626, December 27, 1977).

Among other things, the poster contains provisions notifying employees of their obligations and protections under the Nevada Occupational Safety and Health Act, their right to request workplace inspections and their right to remain anonymous, and their right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program. The poster also informs private employees of their protection against discharge and discrimination under both Federal and State laws for the exercise of their rights under these laws and informs public employees of this same right under State law only.

7. *Legislation:*

Amendments to the State's legislation were enacted on May 17, 1975, and became effective on July 1, 1975. The revised statute as submitted on June 24, 1975 and includes:

1. Establishment of a six-month time limit for temporary standards (N.R.S. 618.295);

2. The requirement that employers notify employees or former employees of their exposure to toxic materials (N.R.S. 618.625);

3. The strengthening of provisions for enforcing and prosecuting cases involving discrimination against employees for exercising their rights under the plan (N.R.S. 618.445);

4. Amendment of the definition of employer to remove the possibility that sanctions could be imposed against supervisory employees (N.R.S. 618.095);

5. Provisions to allow the review board to issue orders to protect the confidentiality of trade secrets (N.R.S. 618.365).

Subsequent amendments were adopted in the 1977 legislative session and became effective on July 1, 1977. They include:

1. Clarification of the jurisdictional boundaries of the Department of Occupational Safety and Health (N.R.S. 618.315);

2. Clarification of permanent and temporary variances and the criteria to be met in applying for each (N.R.S. 618.415).

8. *Field Operations Manual (FOM):*

On June 24, 1975, the State submitted its Field Operations Manual, which structures the procedures used by

Compliance Officers. Subsequently, the FOM was revised to include changes in the Nevada program and to reflect those made in the Federal FOM through March 1981.

Issues

Review of the legislation revealed two issues which needed to be resolved prior to approval of the supplement. The first issue concerns the criteria for temporary and permanent variances. The Nevada legislation (N.R.S. 618.415) allows for temporary variances from other than new standards as well as for temporary variances from new standards (N.R.S. 618.419). In the Federal program, temporary variances are allowed only if an employer cannot comply with a new standard by its effective date. According to both the Federal and State laws, approval of a permanent variance requires that an employer provide for his employees an alternate means of protection equivalent to that afforded by the standard. Approval of a temporary variance requires only that the employer provide interim protection for his employees while coming into compliance with the standard. The Nevada provision requiring only interim protection for temporary variances from other than new standards was found to be less effective than the Federal legislation. The State has corrected this problem by specifying in its variance regulations (Rule 69.090) that any variance granted under N.R.S. 618.415 must meet the requirements for permanent variances, including the requirement that the alternative practices used must provide employment as safe and healthful as those provided by the standard.

The second issue concerns the confidentiality of the names of employees who make witness statements during inspections and investigations. The Nevada legislation (N.R.S. 618.367) provides that an employer is entitled to access to records in the possession of the Department of Occupational Safety and Health which concern the employer, with the exception of the names of employees who have submitted complaints and requested anonymity. On the Federal level, the names of employees who have made witness statements during inspections and investigations are also kept confidential. It is felt that this is necessary to allow employees to discuss working conditions freely without fear of retaliation. This procedure has been upheld by the District Court of the District of Columbia in "T.V. Towers, Inc. v. Marshall" 444 F. Supp. 1233 (1978). Therefore, the Nevada provision, which did not ensure anonymity for employees who made statements, was found to be less effective than the Federal provision. The State has corrected this problem by including in its enforcement regulations (Rule 68.110) a provision that the name of any employee who provides information will be held confidential unless the employee is called to testify in an administrative or judicial hearing.

Location of the Plan and Its Supplements for Inspection and Copying

A copy of the plan and its supplements may be inspected and copied during normal business at the following locations: Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N–3613, 200 Constitution Avenue, NW, Washington, D.C. 20210; Regional Administrator, 450 Golden Gate Avenue, Room 11321, San Francisco, California 94102, and Department of Occupational Safety and Health, Nevada Industrial Commission, Room 311, 515 East Musser Street, Carson City, Nevada 89701.

Public Participation

A notice was published on March 26, 1976 (41 FR 12716) announcing the submission of the 1975 Legislation, Field Operations Manual (FOM), Rules of Procedures of Occupational Safety and Health Review Board, Rules of Practice for Variances, and the Public Employee Program. Interested persons were afforded thirty days to submit written comments or request a hearing concerning the supplements. No public comments or requests for a hearing were received.

With regard to the remaining changes, under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review or for other good causes consistent with applicable law. The Assistant Secretary finds that these changes are consistent with Federal requirements and with commitments contained in the plan and previously made available for public comment. Therefore, further public comment and notice is unnecessary.

Decision

PART 1952 APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

After careful consideration, the Nevada plan changes described above are hereby approved under Part 1953 of this Chapter. This decision incorporates the requirements of the Act and the implementing regulations applicable to State plans generally. Accordingly, 29 CFR 1952.294 is hereby amended by adding new paragraphs (g) through (l) to read as follows:

§ 1952.294 Completed developmental steps.

* * * * *

(g) Regulations concerning the Rules of Occupational Safety and Health Recordkeeping Requirements were submitted on September 16, 1976, revised effective January 9, 1981, and approved by the Assistant Secretary on August 13, 1981.

(h) Regulations concerning the Rules of Procedures of Occupational Safety and Health Review Commission; Rules of Practice for Variances; and Rules for Inspections, Citations, and Proposed Penalties were submitted on June 24, 1975, revised effective January 9, 1981, and approved by the Assistant Secretary on August 13, 1981.

(i) Regulations concerning the Public Employee Program were submitted on June 24, 1975, revised effective February 15, 1979, and approved by the Assistant Secretary on August 13, 1981.

(j) In accordance with the requirements of § 1952.10, the revised poster was submitted on April 7, 1980, and approved by the Assistant Secretary on August 13, 1981.

(k) Amendments to the State's legislation were submitted on June 24, 1975 and July 1, 1977, became effective on July 1, 1975 and July 1, 1977, and approved by the Assistant Secretary on August 13, 1981.

(l) The Nevada Field Operations Manual was submitted on June 24, 1975, revised to reflect those changes made in the Federal Field Operations Manual through March, 1981, and approved by the Assistant Secretary on August 13, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Washington, D.C., this 13th day of August, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–24757 Filed 8–24–81; 8:45 am]

BILLING CODE 4510–26–M

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29 CFR Part 1952

Certification of Completion of Developmental Steps for Nevada State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: Nevada on or before January 1, 1977, submitted documentation

attesting to the completion of all structural, developmental aspects of its approved State occupational safety and health plan. After extensive review and opportunity for State correction, all developmental plan supplements have now been approved. This notice certifies this completion and the beginning of the 18(e) evaluation phase of State plan development. This certification attests only to the fact that Nevada now has in place those structural components necessary for an effective program. It does not render judgment, either positively or negatively, on the adequacy of the State's actual performance. In addition, although State plan commitments on staffing and resources have been met, these initial commitments may not be interpreted as meeting the ultimate requirements of the Occupational Safety and Health Act of 1970 for "sufficient staff" as redefined by the U.S. Court of Appeals decision in "AFL–CIO v. Marshall," 570 F. 2d 1030 (1978).

EFFECTIVE DATE: August 13, 1981.

FOR FURTHER INFORMATION CONTACT:

Marjorie N. Sauber, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N–3613, Washington, D.C. 20210 (202) 523–6021.

SUPPLEMENTARY INFORMATION:

Background

Section 18 of the Occupational Safety and Health Act of 1970 (the "Act," 29 U.S.C. 667) provides that States which desire to assume responsibility for the development and enforcement of occupational safety and health standards shall submit for Federal approval a State plan for such development and enforcement. Part 1902 of Title 29, Code of Federal Regulations, sets forth procedures under which the Assistant Secretary of Labor for Occupational Safety and Health ("Assistant Secretary") shall approve such plans. Under the Act and regulations, plan approval is essentially a two-step procedure. A State must first submit its plan for an initial determination under section 18(b) of the Act. If the Assistant Secretary, after reviewing the State's submission, determines that the plan satisfies or will satisfy the criteria set forth in section 18(c) of the Act, a decision of "initial approval" is issued and the State may begin enforcement of its safety and health standards in accordance with the plan and with concurrent enforcement by the Occupational Safety and Health Administration (OSHA).

A State plan may receive initial approval even though at the time of submission not all essential components of the plan are in place. As provided at 29 CFR 1902.2(b), the Assistant Secretary may initially approve the submission as a "developmental plan," and a schedule within which the State must complete specified "developmental steps" is issued as part of the initial approval decision.

When the Assistant Secretary finds that the State has completed all developmental steps specified in the initial approval decision, a notice of such completion is published in the **Federal Register** (see 29 CFR 1902.34 and .35). Certification of completion of developmental steps initiates a thorough evaluation of the State plan by the Assistant Secretary to determine, on the basis of actual operations, whether the plan adequately protects safety and health of the State's workers. Certification does not render judgment as to the adequacy of State performance.

Final approval of the plan under section 18(e) of the Act and 29 CFR Part 1902 may not be granted until at least three years after initial approval and until at least one year after completion of developmental steps. Thereafter, when the Assistant Secretary determines on the basis of actual performance under the plan that the Act's criteria are being applied, a decision of final approval may be granted.

On January 4, 1974, a notice was published in the **Federal Register** (39 FR 100 8) of initial approval of the developmental Nevada plan and the adoption of Subpart W of Part 1952 containing the decision, a description of the plan and the developmental schedule. During the three-year period ending January 1, 1977, following commencement of State operations (three years from the date of the State's first 23(g) grant award), Ralph Langley, former Director of the Nevada Department of Occupational Safety and Health, Nevada Industrial Commission, submitted documentation attesting to the completion of each State developmental commitment for review and approval, as provided in 29 CFR Part 1953. Following Departmental review, opportunity for public comment, and subsequent modification of the State's submissions, as deemed appropriate, the Assistant Secretary has approved the completion of all individual Nevada developmental steps.

Completion of Developmental Steps

1. All developmental steps specified in the January 4, 1974 notice of initial approval have been completed as follows: (a) Regulations concerning recording and reporting of occupational injuries and illnesses were submitted on September 16, 1976, and subsequently revised on January 9, 1981. They were approved by the Assistant Secretary on August 13, 1981, as set out elsewhere in this issue.

(b) Regulations concerning the Occupational Safety and Health Review Board, Variances, Inspections, Citations and Proposed Penalties were submitted on June 24, 1975, and subsequently revised on January 9, 1981. They were approved by the Assistant Secretary on August 13, 1981, as set out elsewhere in this issue.

(c) Regulations concerning the Public Employee Program were submitted on June 24, 1975, and were subsequently revised on February 15, 1979. They were approved by the Assistant Secretary on August 13, 1981, as set out elsewhere in this issue.

(d) The State poster notifying public employers and employees of their protections and obligations under the Nevada plan was submitted on May 13, 1976. It was subsequently re-submitted on April 7, 1980, to cover both public and private workplaces in the State. The poster was approved by the Assistant Secretary on August 13, 1981, as set out elsewhere in this issue.

(e) Legislative amendments required to bring the Nevada occupational safety and health law (Nevada Revised Statutes, Chapter 618) into conformity with Federal requirements were enacted effective July 1, 1975 and July 1, 1977. They were approved by the Assistant Secretary on August 13, 1981, as set out elsewhere in this issue.

(f) Occupational safety and health standards have been promulgated and subsequently amended to reflect changes in the Federal standards and were approved by the Regional Administrator for Occupational Safety and Health on February 26, 1976 (41 FR 8955, March 2, 1976), April 23, 1976 (41 FR 23223, June 15, 1976), June 10, 1977 (42 FR 38026, July 26, 1977), and June 20, 1979 (44 FR 63165, November 2, 1979). The adoption of initial standards was approved as a completed developmental step on December 14, 1977 (42 FR 64626, December 27, 1977). In addition, State standards comparable to Federal standards through March, 1981 have been adopted.

(g) The State's original Field Operations Manual (FOM) was approved with the State plan. On June 24, 1975, the State submitted revisions to the manual to reflect changes in the Federal Manual and in the Nevada

program. Subsequently, the FOM was revised for changes through March, 1981. These revisions were approved by the Assistant Secretary on August 13, 1981, as set out elsewhere in this issue.

(h) Procedures concerning a separate and autonomous on-site consultation program were submitted on July 1, 1975 and were approved by the Assistant Secretary on February 26, 1976 (41 FR 8955, March 2, 1976).

(i) Procedures concerning the Nevada health program were submitted on July 22, 1975 and were approved by the Assistant Secretary on December 14, 1977 (42 FR 64626, December 27, 1977).

(j) Initial training of Nevada personnel was completed. A report was submitted on November 26, 1975 and was approved by the Assistant Secretary on December 14, 1977 (42 FR 64626, December 27, 1977).

(k) Nevada's participation in the Bureau of Labor Statistics annual survey of occupational injuries and illnesses began on July 19, 1976 and was approved by the Assistant Secretary on December 14, 1977 (42 FR 64626, December 27, 1977).

2. The personnel operations of the Nevada Industrial Commission have been found to be in substantial conformity with the Standards for a Merit System of Personnel Administration by the U.S. Office of Personnel Management. The State also has an affirmative action plan which has been found acceptable by the Office of Personnel Management by a letter dated June 19, 1980.

3. This certification covers all occupational safety and health issues covered under the Federal program except for the longshoring and maritime standards found in 29 CFR Parts 1915, 1916, 1917 and 1918 (longshoring, shiprepairing, shipbuilding and shipbreaking), which are excluded from coverage under the plan. This certification also covers the State's program covering State and local government employees.

Location of the Plan and Its Supplements for Inspection and Copying

A copy of the approved supplements along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, Room N–3613, 200 Constitution Avenue, NW, Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 11321, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; Nevada Department of Occupational Safety and Health, Nevada Industrial Commission, Room 311, 515 East Musser Street, Carson City, Nevada 89701.

Effect of Certification

The Nevada plan is certified effective August 13, 1981, as having completed all developmental steps on or before January 1, 1977. This certification attests to structural completion, but does not render judgment on adequacy of performance.

The Nevada occupational health and safety program will be monitored and evaluated for a period of not less than one year after publication of this certification to determine whether the State program in operation provides for an effective program of enforcement including the requirement set out in "AFL–CIO v. Marshall" cited above. The Assistant Secretary will then determine whether Federal authority should be withdrawn with respect to issues covered by the plan pursuant to Section 18(e) of the Act.

Level of Federal Enforcement

In accordance with 29 CFR 1902.35, Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 13 and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 662 and 666) and Federal standards authority under section 6 of the Act (29 U.S.C. 655) will not be relinquished during this evaluation period. However, exercise of Federal enforcement authority will continue generally to be limited at this time to enforcement in those issues not covered by the State plan, response to 11(c) discrimination complaints as appropriate, enforcement of new Federal standards if necessary and responses to emergency or unusual situations. The level of Federal enforcement may from time to time be reconsidered.

PART 1952 APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

In accordance with this certification, 29 CFR § 1952.294 is hereby amended to reflect successful completion of the developmental period by changing the title of the section and by adding a paragraph (m) as follows:

§ 1952.294 Completion of developmental steps and certification.

* * * * *

(m) In accordance with § 1902.34 of this chapter, the Nevada occupational safety and health plan was certified, effective August 13, 1981, as having completed all developmental steps specified in the plan as approved on December 28, 1973, on or before January 1, 1977. This certification attests to structural completion, but does not render judgment on adequacy of performance.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 13th day of August, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–24759 Filed 8–24–81; 8:45 am]

BILLING CODE 4510–26–M

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29 CFR Part 1952

Approval of Supplements to Virgin Islands State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This notice announces the approval of three State plan supplements that update the Virgin Islands' regulation, Recordkeeping and Reporting Occupational Injuries and Illnesses.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT: John Smith/Dorothy J. Johnson, Project Officers, Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3619, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523–8081.

SUPPLEMENTARY INFORMATION:

Background

The Virgin Islands' Occupational Safety and Health Plan was approved under Section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this Chapter on September 11, 1973 (38 FR 24896). Part 1953 of this Chapter provides procedures for the review and approval of change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary).

Description of the Plan Supplements

In a letter dated June 29, 1981, the Regional Administrator for Region II submitted three supplements which pertain to the Virgin Islands' regulation, Recordkeeping and Reporting Occupational Injuries and Illnesses. The

supplements revise the following areas of the subject regulation: Definitions, Period Covered, Annual Summary, Access to Records, Recordkeeping Under Federal Regulations, Log of Occupational Injuries and Illnesses, Small Employers, Establishments, and Petitions for Recordkeeping Exception.

Location of the Plan and Its Supplements for Inspection and Copying

A copy of these supplements, along with the approved plan, may be inspected and copied during normal business hours at these locations: Office of State Programs, Occupational Safety and Health Administration, Room N-3619, 200 Constitution Avenue, NW., Washington, D.C., 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; Department of Labor, Occupational Safety and Health Division, Building No. 1, Second Floor, Government Complex, Room 207, Lagoon Street, Frederiksted, St. Croix, Virgin Islands 00840.

Public Participation

Under § 1953.2 of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Virgin Islands' plan supplements described above are consistent with commitments contained in the approved plan, which were previously made available for public comment. Accordingly, it is found that further public comment is unnecessary.

Decision

PART 1952 APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

After careful consideration, the Virgin Islands' plan supplements described above are hereby approved under 29 CFR, Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 18th day of August, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-24758 Filed 8-24-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Personal Records; Exemptions

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: As proposed on June 26, 1981, the Department of the Army hereby deletes exemption rules for systems of records A0228.01DAMH, entitled: "Historian's Background Material" and A0726.04aDAAG, entitled: "Casualty Case Files."

DATE: This final rule is effective August 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, telephone 703/325-6163.

SUPPLEMENTARY INFORMATION: System of records A0228.01DAMH no longer requires exemptions from the Privacy Act of 1974 Title 5 United States Code Section 552a(Pub. L. 93-579; 88 Stat. 1896). System of records A0726.04aDAAG was deleted effective July 4, 1981 in FR Doc. 81-16678 (46 FR 29981). This action was published as proposed rulemaking on June 26, 1981 in FR Doc. 81-19070 (46 FR 33057).

§ 505.91 [Amended]

Accordingly, § 505.9 of 32 CFR is amended by deleting the exemptions for record systems A0228.01DAMH and A0726.04aDAAG.

Dated: August 18, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

[FR Doc. 81-24688 Filed 8-24-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Parts 208, 209, 240, 280, 295, 296, 345, 346, 347, 419, 440, 441, 442, 443, 444, 647, 752, 753, 755, 757, 758, 763, 765, 766, 767, 768, 769, 774, 793, and 797

Removal of Miscellaneous Parts

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends Title 34 of the Code of Federal Regulations (CFR) by removing certain obsolete parts. These regulations will become obsolete as the result of legislation consolidating certain Department grant programs. The Secretary takes this action to eliminate unnecessary regulations.

EFFECTIVE DATE: These regulations are effective October 1, 1982.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, 400 Maryland Avenue SW. (Room 2129, FOB-6), Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: As a result of Title V of the Omnibus Budget Reconciliation Act of 1981, certain regulations for programs under the Elementary and Secondary Education Act of 1965, as amended, and other statutory authorities, will become obsolete October 1, 1982. This document removes these regulations from the CFR as of that date. Subject to the provisions of the Omnibus Education Reconciliation Act of 1981, grants awarded by the Department of Education before October 1, 1982, are subject to the regulations in effect at the time the grants were made.

The publication of this document as a proposed rule for public comment is unnecessary because it concerns only the removal of obsolete regulations from the CFR.

Dated: August 21, 1981.

William C. Clohan, Jr.,

Acting Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers 84.006; 84.043; 84.045; 84.070; 84.074; 84.079; 84.080; 84.081; 84.082; 84.084; 84.087; 84.088; 84.105; 84.112; 84.119; 84.123; 84.143)

Title 34 of the Code of Federal Regulations is amended as follows:

PART 208—STRENGTHENING STATE EDUCATIONAL AGENCY MANAGEMENT [REMOVED]

1. Part 208 is removed.

PART 209—ADMINISTRATION OF EDUCATION PROGRAMS AND DUTIES OF THE STATE EDUCATIONAL AGENCY [REMOVED]

2. Part 209 is removed.

PART 240—TEACHER CENTERS PROGRAM [REMOVED]

3. Part 240 is removed.

PART 280—EMERGENCY SCHOOL AID [REMOVED]

4. Part 280 is removed.

PART 295—CAREER EDUCATION, STATE ALLOTMENT PROGRAM [REMOVED]

5. Part 295 is removed.

PART 296—CAREER EDUCATION, DISCRETIONARY PROGRAMS [REMOVED]

6. Part 296 is removed.

PART 345—GIFTED AND TALENTED CHILDREN'S EDUCATION PROGRAM: GENERAL [REMOVED]

7. Part 345 is removed.

PART 346—GIFTED AND TALENTED CHILDREN'S EDUCATION: STATE-ADMINISTERED PROGRAM [REMOVED]

8. Part 346 is removed.

PART 347—GIFTED AND TALENTED CHILDREN'S EDUCATION PROGRAM: DISCRETIONARY GRANT PROGRAM [REMOVED]

9. Part 347 is removed.

PART 419—YOUTH EMPLOYMENT PROGRAM [REMOVED]

10. Part 419 is removed.

PART 440—COMMUNITY SCHOOLS AND COMPREHENSIVE COMMUNITY EDUCATION PROGRAM [REMOVED]

11. Part 440 is removed.

PART 441—COMMUNITY EDUCATION: STATE PROGRAM [REMOVED]

12. Part 441 is removed.

PART 442—COMMUNITY EDUCATION: GRANTS TO LOCAL EDUCATIONAL AGENCIES [REMOVED]

13. Part 442 is removed.

PART 443—COMMUNITY EDUCATION: GRANTS TO PUBLIC AGENCIES AND NONPROFIT PRIVATE CORPORATIONS [REMOVED]

14. Part 443 is removed.

PART 444—COMMUNITY EDUCATION: TRAINING GRANTS TO INSTITUTIONS OF HIGHER EDUCATION [REMOVED]

15. Part 444 is removed.

PART 647—BIOMEDICAL SCIENCES PROGRAM [REMOVED]

16. Part 647 is removed.

PART 752—METRIC EDUCATION PROGRAM [REMOVED]

17. Part 752 is removed.

PART 753—ARTS EDUCATION PROGRAM [REMOVED]

18. Part 753 is removed.

PART 755—CONSUMERS' EDUCATION PROGRAM [REMOVED]

19. Part 755 is removed.

PART 757—LAW-RELATED EDUCATION [REMOVED]

20. Part 757 is removed.

PART 758—FINANCIAL ASSISTANCE FOR ENVIRONMENTAL EDUCATION PROJECTS [REMOVED]

21. Part 758 is removed.

PART 763—POPULATION EDUCATION PROGRAM [REMOVED]

22. Part 763 is removed.

PART 765—BASIC SKILLS IMPROVEMENT AND EDUCATIONAL PROFICIENCY [REMOVED]

23. Part 765 is removed.

PART 766—NATIONAL BASIC SKILLS IMPROVEMENT [REMOVED]

24. Part 766 is removed.

PART 767—STATE BASIC SKILLS IMPROVEMENT [REMOVED]

25. Part 767 is removed.

PART 768—EDUCATIONAL PROFICIENCY [REMOVED]

26. Part 768 is removed.

PART 769—ETHNIC HERITAGE STUDIES PROGRAM [REMOVED]

27. Part 769 is removed.

PART 774—GRANTS TO STATE EDUCATIONAL AGENCIES FOR EDUCATIONAL IMPROVEMENT, RESOURCES, AND SUPPORT [REMOVED]

28. Part 774 is removed.

PART 793—TEACHER CORPS [REMOVED]

29. Part 793 is removed.

PART 797—PRE-COLLEGE TEACHER DEVELOPMENT IN SCIENCE PROGRAM [REMOVED]

30. Part 797 is removed.

[FR Doc. 81-24804 Filed 8-24-81; 8:45 am]
BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rate on guaranteed, insured and direct loans for homes and condominiums. The maximum interest rate is increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rate will assure a continuing supply of funds for home mortgages; thereby allowing veterans to purchase a home with the assistance of a no downpayment VA loan.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420 (202–389–3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by law to establish a maximum interest rate for loans guaranteed, insured or made by Veterans Administration as he finds the mortgage money market demands. This authority has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rate in effect for VA guaranteed loans has not been sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program it has been determined that an increase in the maximum permissible rates is necessary. The increased return to the lender will make VA loans competitive with other available investments and

assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act/Executive Order 12291 Certifications

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they do not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the maximum interest rate for VA guaranteed, insured, and direct home and condominium loans would create an acute shortage of mortgage funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

The official program numbers and titles of the VA programs affected by this action as set forth in OMB Circular A–89, Catalog of Federal Domestic Assistance, are 64.113, Veterans Housing—Direct Loans and Advances, and 64.114, Veterans Housing—Guaranteed and Insured Loans.

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of title 38, United States Code, and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulations are clearly within that statutory authority and are consistent with Congressional intent.

The increases in the maximum interest rates are accomplished by amending §§ 36.4311(a) and 36.4503(a) of Title 38, Code of Federal Regulations.

Approved: August 14, 1981.

By direction of the Administrator.

John W. Hagan, Jr.,

Deputy Chief Benefits Director.

PART 36—LOAN GUARANTY

1. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 16½ per centum per annum, effective August 17, 1981, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 16½ per centum per annum on the unpaid principal balance.

(38 U.S.C. 1803(c)(1))

* * * * *

2. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to $33,000 at the amount the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 16½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 17 percent per annum.

(38 U.S.C. 1811(d)(1) and (2)(A)).

* * * * *

(38 U.S.C. 210(c), 1803(c)).

[FR Doc. 81–24708 Filed 8–24–81; 8:45 am]

BILLING CODE 8320–01–M

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on Mobile Home Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum permissible interest rate on guaranteed mobile home loans. The maximum interest rates are increased because the former rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed mobile home loans. The increases will attract funds for GI mobile home loans; thereby, allowing veterans to purchase mobile homes with the assistance of no downpayment VA loans.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202–389–3042.

SUPPLEMENTARY INFORMATION: The Administrator is required by law to establish a maximum interest rate for mobile home loans guaranteed by the Veterans Administration as he finds the capital markets demand. This authority has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them. Recent market indicators, including the general increase in interest rates charged on conventional mobile home loans and the increase in the prime interest rate, have shown that the capital markets have become more restrictive. The maximum rates formerly in effect for VA guaranteed mobile home loans were not sufficiently competitive to induce private sector lenders to make VA guaranteed mobile home loans. To assure a continuing supply of funds for mobile home loans through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed mobile home loans.

The increase in the interest rate applies to mobile home unit loans, mobile home lot and site preparation loans, and combination loans involving the purchase of a mobile home unit and lot.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed insured or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

This regulatory amendment has also been reviewed under the provisions of Executive Order 12291. The VA finds that it does not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and stable flow of credit at rates consistent with the market.

This final regulation comes within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the maximum interest rates for VA guaranteed, mobile home loans would create an acute shortage of funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of a proposed regulation prior to publication of a final regulation is impracticable, unnecessary, and contrary to the public interest.

The official program number and title of the VA program affected by this action as set forth in OMB Circular A–89, Catalog of Federal Domestic Assistance, is 64.119, Veterans Housing—Mobile Home Loans.

This regulation is adopted under authority granted to the Administrator by sections 210(c), and 1819(f) and (g) of title 38, United States Code and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulation is clearly within that statutory authority and is consistent with Congressional intent.

The increases in the maximum interest rates are accomplished by amending § 36.4212(a) (1), (2), (3), Title 38, Code of Federal Regulations.

Approved: August 14, 1981.

By direction of the Administrator.

John W. Hagan, Jr.,

Deputy Chief Benefits Director.

PART 36—LOAN GUARANTY

In § 36.4212, paragraph (a) is revised as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date: (38 U.S.C. 1819(f))

(1) Effective August 17, 1981, 18½ percent simple interest per annum for a loan which finances the purchase of a mobile home unit only.

(2) Effective August 17, 1981, 18 percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective August 17, 1981, 18 percent simple interest per annum for a loan which will finance the simultaneous acquisition of a mobile home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the mobile home.

* * * * *

(38 U.S.C. 210(c), 1819(g))

[FR Doc. 81–24709 Filed 8–24–81; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PH–FRL–1918–8; PP OF2383/R348]

Hexazinone; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The rule establishes tolerances for the combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4 (1*H*,3*H*)-dione) and its metabolites (calculated as hexazinone) in or on certain raw agricultural commodities. This regulation was requested by E. I. du Pont de Nemours and Co. This regulation will establish the maximum permissible level for the combined residues of the subject herbicide in or on these raw agricultural commodities.

EFFECTIVE DATE: Effective on August 25, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 19, 1981 (46 FR 55268) that E. I. du Pont de Nemours and Co., Wilmington, DE 19898 had submitted a pesticide petition (PP OF 2383) to the EPA proposing that 40 CFR Part 180 be amended by establishing tolerances for the combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4 (1*H*,3*H*)-dione) and its metabolites (calculated as hexazinone) in or on the raw agricultural commodities alfalfa, forage at 5 parts per million (ppm); alfalfa, hay at 5 ppm; meat, fat, and meat byproducts (except liver) of cattle, goats, horses, hogs, and sheep at 0.05 ppm; milk at 0.05 ppm; liver of cattle, goats, hogs, horses, and sheep at 0.01 ppm.

E. I. du Pont de Nemours submitted a revised section F petition proposing that the tolerances be amended. This notice published in the **Federal Register** of May 12, 1981 (46 FR 26375), proposing the following: That the tolerance for alfalfa forage be decreased to 2 ppm; alfalfa, hay be increased to 8 ppm; meat, fat, and meat byproducts (except liver) of cattle, goats, hogs, horses, and sheep be increased to 0.1 ppm; milk be increased to 0.1 ppm; liver of cattle, goats, horses, hogs, and sheep be increased to 0.1 and that a tolerance for eggs be added at 0.1 ppm.

No comments were received in response to the notices of filing. The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the tolerances included plant and animal metabolism studies; 90-day dog and rat feeding studies with a no-observed-effect level (NOEL) of 1,000 ppm for each study; rat teratology study with no teratogenic effects at 5,000 ppm;

(highest level tested); a rabbit teratology study with a NOEL of 125 mg/kg; 2-year rat feeding/oncogenicity study with no oncogenic effects at any level tested and NOEL of 200 ppm; a three-generation rat reproduction study with a NOEL of 2,500 ppm and mutagenicity test (Ames) negative. Additional data, presently lacking but to be submitted, include an oncogenicity study (second species); rat metabolism study; subchronic non-rodent feeding study (6 months or longer) and additional mutagenicity studies.

A tolerance level of 0.2 ppm in sugarcane has prreviously been established for hexazinone. Based on a NOEL of 1,000 ppm is the 90-day dog feeding study, the acceptable daily intake (ADI) has been set at 0.0125 mg/kg/day with a maximum permissible intake (MPI) of 0.75 mg/day for a 60 kg person. These tolerances plus the previously established tolerance utilize 10.50 percent of the ADI.

There are no regulatory actions pending against the registration of this chemical. The metabolism of hexazinone in plants and animals is adequately understood and an adequate analytical method (nitrogen selective gas chromatography) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before September 24, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: August 25, 1981.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346(d)(2)))

Dated: August 14, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.396 is revised to read as follows:

§ 180.396 Hexazinone; tolerances for residues.

Tolerances are established for combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1, 3, 5-triazine-2,4(1*H*,3*H*)-dione) and its metabolites (calculated as hexazinone) in or on the following raw agricultural commodities:

Commodity	Part per million
Alfalfa green forage	2.0
Alfalfa hay	2.0
Cattle, fat	0.1
Cattle, mbyp	0.1
Cattle, meat	0.1
Eggs	0.1
Goats, fat	0.1
Goats, mbyp	0.1
Goats, meat	0.1
Hogs, fat	0.1
Hogs, mbyp	0.1
Hogs, meat	0.1
Horses, fat	0.1
Horses, mbyp	0.1
Horses, meat	0.1
Milk	0.1
Poultry, fat	0.1
Poultry, mbyp	0.1
Poultry, meat	0.1
Sheep, fat	0.1
Sheep, mbyp	0.1
Sheep, meat	0.1
Sugarcane	0.2

[FR Doc. 81-24707 Filed 8-24-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 762

[OPTS-66005B; TSH-FRL-1919-1]

Fully Halogenated Chlorofluorocarbons; Exemption for Spinnerette Release Agents; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA issued a final rule, effective March 31, 1982, revoking the essential use exemption for spinnerette release agents from the agency's chlorofluorocarbon rule. The rule was inadvertently codified incorrectly. This document corrects the codification. Elsewhere in today's **Federal Register**, EPA is proposing to reinstate the exemption for spinnerette release agents to the fully halogenated chlorofluorocarbon rule.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), in Washington: (202–554–1401), Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: EPA issued a recodification of 40 CFR Part 762, published in the **Federal Register** of June 30, 1980 (45 FR 43721). On January 12, 1981, EPA issued a final rule revoking the essential use exemption for spinnerette release agents from the agency's chlorofluorocarbon rule. This rule, which appeared in the **Federal Register** of January 21, 1981 (46 FR 5981), should have been codified in § 762.58, but was inadvertently assigned to the incorrect section. The amendatory language and codified text appearing at the bottom of the second column on page 5982 of the **Federal Register** of January 21, 1981, are corrected to read as follows:

40 CFR Part 762 is amended by revising § 762.58(b) to read as follows:

§ 762.58 Essential use exemptions.

* * * * *

(b) Release agents for molds used in the production of plastic and elastomeric materials; including spinnerette release agents until March 1, 1982.

* * * * *

(Sec. 6, 90 Stat. 2020; (15 U.S.C. 2605))

Dated: August 18, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-24706 Filed 8-24-81; 8:45 am]

BILLING CODE 6560-31-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18, Parts 3, 7, 15, and 20

[Procurement Regulation Directive 81-6 (dated July 15, 1981)]

Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 81-6 concerning the following areas:

1. Audit Reports on Contractor Price Proposals.
2. Use of the Financial Reporting of Government-Owned/Contractor-Held Property Clause.
3. Contract Cost Principles and Procedures.
4. Advance Information.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION:

1. In Part 3, 3.809(b)(1) is revised to bring this coverage into alignment with a recent revision of Part 3, 3.801-5 which raised the threshold for requiring field pricing support on certain cost reimbursement type contracts to $1M.

2. In Part 7, 7.104-54 is revised to state that the clause therein need not be inserted in contracts where the only property to be provided is provided for the purpose of repair or servicing as described in Part 13, 13.702(c).

3. In Part 15, 15.205-9 (Depreciation) and 15.205-34 (Rental Costs (Including Sale and Leaseback of Property)) are revised to further align the NASA Procurement Regulation with the Defense Acquisition Regulation.

These changes are intended to reinstate the "grandfather" provisions which will make allowances for costs of long-term leases. These provisions are similar to the provisions which were in Part 15, 15.205-9 and 15.205-34 from approximately January 1969 through January 7, 1979.

Note.—When lease costs are allowed under the "Grandfather" provision, the asset values may not be included in the computation of facilities capital cost of money.

4. In Part 20, 20.5004(a) is revised to delete DCASR-Los Angeles as a recipient of advance copies of solicitations. This material is no longer desired by DCASR-Los Angeles.

Authority: The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

S. J. Evans,

Director of Procurement.

PART 3—PROCUREMENT BY NEGOTIATION

3.809 [Amended]

1. In Part 3, 3.809(b)(1) the first sentence is revised by removing "* * * which, in summary, provides that a report from the cognizant audit agency will be obtained for substantially all cost-based proposals over $100,000."

PART 7—CONTRACT CLAUSES

2. In Part 7, 7.104-53(b), the clause is revised to read as follows:

7.104-53 NASA Financial Management Reporting.

* * * * *

(b) * * *

NASA Financial Management Reporting (Performance Analysis Report) (July 1981)

Monthly reporting of contract performance shall be accomplished on the NASA Monthly Contractor Financial Management Performance Analysis Report (NASA Form 533P) in accordance with the instructions set forth in NASA Handbook "Procedures for Contractor Reporting of Correlated Cost and Performance Data" (NHB 9501.2B) and on the reverse side of the form, as supplemented in the Schedule of this contract.

3. In Part 7, 7.104-54 is revised to read as follows:

7. 104-54 Financial Reporting of Government-Owned/Contractor-Held Property. The clause set forth below shall be inserted in all contracts which contain one of the following Government Property clauses: 13.702; 13.703; 13.706; 13.707 or 7.702-17 (Property Control) except where the contracting officer is virtually certain that Government property will not be furnished to, or acquired by, the contractor (i.e., as in most study contracts, certain contracts for services, etc.), or where the only property to be provided is provided for the purpose of repair or servicing as described in 13.702(c).

* * * * *

PART 15—CONTRACTS WITH COMMERCIAL ORGANIZATIONS

4. In Part 15, 15.205-9, the next to the last sentence in the introductory text of paragraph (j) is revised and paragraph (j)(3) is added as follows:

15.205-9 Depreciation.

* * * * *

(j) * * * The standards of Financial Accounting and Reporting set forth in FAS-13 are incorporated into this cost principle and shall govern in the application of this principle except when the provisions of the subparagraph (1), (2), and (3) set forth below conflict with the standards in FAS-13. * * *

* * * * *

(3) Assets acquired under leases which the contractor must capitalize in acordance with FAS-13 shall not be treated as purchased assets for contract costing purposes if the leases are covered by the provisions of 15.205-34(f).

5. In Part 15, 15.205-34 is amended by adding "(but see (f) below)." at the end of paragraph (a). A new paragraph (f) is added to read as follows:

15.205-34 Rental Costs (Including Sale and Leaseback of Property.)

* * * * *

(f) Rental costs under leases entered into prior to March 1, 1970, are allowable for the remaining term of the lease (excluding options not exercised prior to March 1, 1970) to the extent they would have been allowable under 15.205-34 dated January 1, 1969.

PART 20—ADMINISTRATIVE MATTERS

6. In Part 20, the introductory text of 20.5002 is revised to read as follows:

20.5002 Research Contracts with Colleges and Universities. Where a contract is selected as the research support instrument (see paragraph 204 of the NASA Grant and Cooperative Agreement Handbook, NHB 5800.1A) and the proposed contractor is a nonprofit institution of higher education or a nonoprofit institution which is operationally affiliated or integrated with an educational institution, the procurement office will forward to the University Affairs Office, NASA Headquarters (Code LU-16), the following information for each contract or amendment.

* * * * *

20.5004 [Amended]

7. In Part 20, 20.5004 is revised by changing the code following "NASA Headquarters" to read "(Code K)" in place of "(Code HB-1)" in paragraph (a) and in paragraph (b) change the reference "2.205-4(c)" to read "2.205-6."

[FR Doc. 81-24657 Filed 8-24-81; 8:45 am]

BILLING CODE 7510-01-M

41 CFR Ch. 18, Part 9

[Procurement Regulation Directive 81-5 (dated July 1, 1981)]

Regulatory Coverage for Patent Rights; Small Business Firms or Nonprofit Organizations

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It implements OMB Bulletin 81-22, which was issued pursuant to authority contained in Pub. L. 96-517, "The Patent Trademark Amendments of 1980." Pub. L. 96-517 creates unique rights in inventions developed by small business firms or nonprofit organizations working under Government contracts. This new coverage, which takes effect July 1, 1981, is set forth in Part 9.108, Patent Rights Under Funding Agreements with Small Business Firms or Nonprofit Organizations for the Performance of Experimental, Developmental, or Research Work.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Procurement Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone 202-755-2237.

SUPPLEMENTARY INFORMATION:

1. In Part 9, 9.107 now Property Rights in Inventions made in the Performance of Work under NASA Contracts with Other Than Small Business Firms or Nonprofit Organizations, also reflects changes in order to distinguish the new patent policies from those that continue to apply to contractors that are neither small businesses nor nonprofit organizations. In particular, the New Technology (Short Form) clause has been eliminated. The principal New Technology clause has been changed by dropping "(Long Form)" from its title and by including material ensuring proper flow-down to subcontractors who may either be eligible for the new rights in inventions or who may only have the rights available to other firms.

2. In Part 9, 9.108 contains specific implementation of Pub. L. 96-517. In addition to a new contract clause set forth in 9.108-5, that paragraph sets forth definitions, policies, and procedures. Part 9.108-1 indicates how the new policies affect inventions made on or after July 1, 1981, during the performance of contracts awarded to small business or nonprofit organizations before July 1, 1981.

3. In Part 9, 9.109 now Administration of New Technology and Patent Rights Clauses; Waiver of Rights to Inventions under 42 U.S.C. 2457, conforms to the new statute.

4. The statute also applies to grants and cooperative agreements. The NASA Grant and Cooperative Agreement Handbook is being amended to reflect this change by inclusion of the new NASA Procurement Regulation clause tailored for grants and cooperative agreements. However, policies and procedures for administering grants and cooperative agreements containing this clause are those found in the NASA Procurement Regulation.

Authority: The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

S. J. Evans,

Director of Procurement.

1. In Part 9, Table of Contents, 9.102 through 9.114 are revised to read as follows:

PART 9—PATENTS, DATA, AND COPYRIGHTS

* * * * *

9.102	Authorization and Consent	9-1:7
9.103	Patent Indemnification of Government by Contractor.	9-1:8
9.104	Notice and Assistance	9-1:9
9.105	Processing of Infringement Claims	9-1:10
9.106	Classified Contracts	9-1:10
9.107	Property Rights in Inventions Made in the Performance of Work Under NASA Contracts With Other Than Small Business Firms or Nonprofit Organizations.	9-1:11
9.107-1	General	9-1:11
9.107-2	[Reserved]	9-1:12
9.107-3	Policy	9-1:12
9.107-4	Procedures	9-1:13
9.107-5	"New Technology" Clause	9-1:15
9.107-6	[Reserved]	9-1:22
9.107-7	Foreign Contracts	9-1:22
9.107-8	Patent Rights Under Product Improvement Programs or Independent Research and Development Programs.	9-1:22
9.107-9	Procurement Using Funds Transferred to, or Received from, Another Government Agency.	9-1:23
9.108	Patent Rights Under Funding Agreements With Small Business Firms or Nonprofit Organizations for the Performance of Experimental, Developmental, or Research Work.	9-1:24
9.108-1	Introduction	9-1:24
9.108-2	Definitions	9-1:25
9.108-3	Policy and Objective	9-1:25
9.108-4	Procedures	9-1:25
9.108-5	Clause for Funding Agreements (Small Business Firms and Nonprofit Organizations).	9-1:30
9.108-6	[Reserved]	9-1:35
9.108-7	Clause for Foreign Contracts.	9-1:35
9.108-8	[Reserved]	9-1:35
9.108-9	Procurement Using Funds Transferred to, or Received from, Another Government Agency.	9-1:36
9.108-10	Retention of Rights by Inventor.	9-1:36
9.108-11	Government Assignment to Contractor of Rights in Invention of Government Employee.	9-1:36
9.108-12	Exercise of March-in Rights.	9-1:36
9.108-13	Appeals	9-1:37
9.108-14	Licensing of Background Patent Rights to Third Parties.	9-1:37
9.109	Administration of the New Technology and Patent Rights Clauses; Waiver of Rights to Inventions Under 42 U.S.C. 2457.	9-1:38
9.109-1	New Technology and Patent Rights in Inventions Clauses Follow-Up; Designation of New Technology and Patent Representative.	9-1:38
9.109-2	Follow-Up by Contractor	9-1:40
9.109-3	Follow-Up by Government	9-1:40
9.109-4	Remedies	9-1:42
9.109-5	Conveyance of Invention Rights Acquired by the Government.	9-1:43
9.109-6	Waiver of Rights to Inventions in Contracts Containing the "New Technology" Clause.	9-1:43
9.110	Payment of Royalties	9-1:47
9.111 and 9.112.	[Reserved]	9-1:47
9.113	Proposal of Equivalent Merit	9-1:47
9.114	Facilities License	9-1:47

2. In Part 9, 9.107 through 9.109-6 are revised to read as follows:

9.107 Property Rights in Inventions Made in the Performance of Work Under NASA Contracts with Other Than Small Business Firms or Nonprofit Organizations.

9.107-1 General.

(a) The policies, procedures, and practices of NASA with respect to the reporting of inventions, discoveries, improvements, and innovations made in the performance of work under any NASA contract or subcontract with other than a small business firm or nonprofit organization, and the allocation of property rights relating thereto, are based upon Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457); and, to the extent not inconsistent with such statute, the revised Presidential Memorandum and Statement of Government Patent Policy issued on August 23, 1971 (36 FR 16887-16892). Any disposition of rights made in accordance with the President's statement has been authorized by Congress (35 U.S.C. 210(c); 94 Stat. 3027). Inventions made in the performance of work under NASA contracts or subcontracts (with other than a small business firm or nonprofit organization) in the manner specified in Section 305(a)(1) or (2) of the Act (42 U.S.C. 2457(a)(1), (2)), become the exclusive property of the Government unless the Administrator of NASA determines that the interest of the United States will be served by waiving all or any part of the Government's rights under the provisions of Section 305(f) of the Act (42 U.S.C. 2457(f)). Such waiver of rights is made pursuant to recommendation of an Inventions and Contributions Board established by the Administrator. The policies, procedures and practice of NASA with respect to the disposition of rights and the reporting of inventions and discoveries made in the performance of work under any NASA

contract or subcontract with small business firms and nonprofit organizations are set forth in 9.108.

(b) Section 305(b) of the Act (42 U.S.C. 2457(b)) also provides that each NASA contract and subcontract for the performance of any work shall contain effective provisions for the reporting of any invention, discovery, improvement or innovation made thereunder. NASA is also authorized, under Section 305(h) of the Act (42 U.S.C. 2457(h)) and under 35 U.S.C. 207, 94 Stat. 3023, to undertake all suitable and necessary steps to protect and administer rights to any invention or discovery for which it holds title, including applying for, obtaining and maintaining patents thereon, and to require contractors and persons who retain title under the Act to protect any of them to which NASA has or may require license rights. Further, 35 U.S.C. 207, 94 Stat. 3023, authorizes NASA to grant nonexclusive, exclusive or partially exclusive licenses, pursuant to regulation (14 CFR 1245.2), for any invention covered by a patent or patent application for which NASA holds title. NASA is also required, under Section 203(a)(3) of the Act (42 U.S.C. 2473(a)(3)) to provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof.

9.107–2 [Reserved]

9.107–3 Policy.

(a) It is the policy of NASA to require prompt reporting of inventions, discoveries, improvements, and innovations made in the performance of any work under any NASA contract or subcontract in order to protect the Government's interests therein; and to provide the widest practicable and appropriate dissemination, early utilization, expeditious development, and continued availability thereof for the benefit of the scientific, industrial, and commercial communities and the general public. Inventions made in the performance of work under any NASA contract or subcontract with other than a small business firm or nonprofit organization will become the exclusive property of the United States unless the Administrator waives all or part of the rights thereof.

(b) It is also the policy of NASA to waive all or any part of the rights of the United States in any invention made in the performance of work under any NASA contract or subcontract with other than a small business firm or nonprofit organization when a determination is made that the interests of the United States will be served thereby. The policies, procedures, and instructions for the waiver of rights (both domestic and foreign) are set forth in the NASA Patent Waiver Regulations, 14 CFR Section 1245, Subpart 1 (see also 9.109–6). The rights reserved by the Government, as well as the conditions and obligations of a waiver, are set forth in the NASA Patent Waiver Regulations and will be included in an Instrument of Waiver executed by the Administrator and the party receiving the waiver.

(c) With respect to inventions made in the performance of any work under any NASA contract or subcontract for which the Government acquires title, and the rights thereto have not been waived to the contractor, it is the policy of NASA to normally grant the contractor a revocable, nonexclusive, royalty-free license in each patent application filed in any country, and in the resulting patent. The scope of such license, as well as its terms and conditions and the procedures for revocation, shall be set forth or be referred to, as appropriate, in the "New Technology" clause or other patent rights clause in the contract.

(d) It is a further policy of NASA to refer to the NASA Inventions and Contributions Board, for consideration for a monetary award, each invention made by an employee of a NASA contractor or subcontractor and reported to NASA, pursuant to this Subpart, and with respect to which an application for patent has been filed.

(e) Except for any invention made in the performancy of any work under any NASA contract, it is the policy of NASA to pay reasonable compensation for the acquisition of rights in any invention used or to be used by NASA and which is covered by a valid patent issuing thereon and enforceable against the Government. However, nothing in this Subpart is intended to preclude the use of appropriate contract provisions concerning rights in contractor's background patents, but rights in background patents will normally not be acquired except by specific negotiation for such rights. (Also see 9.108–14 regarding background rights in contracts with small business firms and nonprofit organizations.) Questions of validity, enforceability, and infringement of patents, as well as the acquisition of background rights, shall be referred to the installation Patent Counsel.

(f) Nothing in this Subpart shall be construed to confer immunity upon any individual, partnership, corporation, association, institution, or other entity from the antitrust laws or from a charge of patent misuse, or immunity from the operation of State or Federal Law by reason of the retention and use of rights pursuant to this Subpart.

9.107–4 Procedures.

(a) *Use of the "New Technology" Clause.*

(1) Whenever a NASA contract or subcontract with other than a small business firm or nonprofit organization is to be performed in the United States, its possessions, or Puerto Rico, and has as a purpose the performance of experimental, developmental, research, design, or engineering work, such contract or subcontract shall include the "New Technology" clause of 9.107–5, unless otherwise provided by paragraph (3) below. As illustrative, but without limitation, contracts and subcontracts for the following purposes may be considered to involve the performance of work of the type described above:

(i) Conduct of basic or applied research;

(ii) Development, design, or manufacture for the first time of any machine, article of manufacture or composition of matter to satisfy NASA's specifications or special requirements;

(iii) Development of any process or technique for attaining a NASA objective not readily attainable through the practice of a previously developed process or technique;

(iv) testing, evaluation, or experimentation with a machine, process, concept, or technique to determine whether the same is suitable or could be made suitable for a NASA objective; or,

(v) the operation of facilities or the coordination and direction of the work of others where such activities involve the performance of work of the type described in (i)–(iv) above.

(2) The "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5 shall be used in any contract or subcontract with a small business firm or nonprofit organization. See 9.108 generally, for the definitions, policies, procedures and practices of NASA with respect to the use of such clause.

(3) For contracts or other agreements involving cosponsored or joint venture research, the contracting officer shall consult with the installation patent counsel for the appropriate "New Technology" or other patent rights clause to be included therein.

(b) *Subcontracts.*

(1) The policies expressed in 9.107–3, and the selection criteria for the "New Technology" clause set forth in 9.107–4(a), are also applicable to subcontracts with other than small business firms or nonprofit organizations, regardless of tier. In general, the "New Technology" clause or other patent rights clause selected for the prime contract, with the exception in most instances of any withholding provision, will be appropriate for inclusion in such subcontracts. When a subcontractor (of

any tier) is a small business firm or nonprofit organization, see 9.108–4(c). Whenever the prime contractor or a subcontractor considers the inclusion of the "New Technology" clause or other patent rights clause in a subcontract to be inappropriate or a subcontractor refuses to accept a "New Technology" clause (less the withholding provision where inapplicable) or other patent rights clause in its subcontract, the matter shall be resolved by the contracting officer in consultation with installation patent counsel prior to award of the subcontract.

(2) Contractors shall not use their ability to award subcontractors as economic leverage to acquire rights for themselves in inventions resulting from subcontracts.

(c) *Publication or Release of Invention Disclosures.*

(1) The publication of information disclosing an invention by any party before the filing of a patent application may create a bar to a valid patent. Where the contractor intends to file patent applications, NASA will use reasonable efforts to comply with any written request to restrict its publication of information disclosing the invention for a reasonable period of time in order to protect the patent rights in the invention. The contractor *must* specify the reports and documents to be restricted and the period within which patent applications will be filed.

(2) As provided in 35 U.S.C. 205, 94 Stat. 3023, Federal agencies are authorized to withhold from disclosure to the public information disclosing any subject invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed. Furthermore, Federal agencies are not required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office.

9.107–5 "New Technology" Clause.

New Technology (July 1981)

(a) *Definitions.*

(1) *"Reportable Item"* means any invention, discovery, improvement, or innovation of the Contractor, whether or not the same is susceptible of protection under the United States Patent Laws, which is made in the performance of any work under this contract or in the performance of any work which is reimbursable under any clause in this contract providing for reimbursement of costs incurred prior to the effective date of this contract.

(2) *"Subject Invention"* means any Reportable Item which, in the opinion of the Administrator, is any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(3) *"Contract"* means any actual or proposed contract agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder.

(4) *"Made"* means the conception or first actual reduction to practice, and "making" means conceiving or first actually reducing to practice.

(5) *"Administrator"* means the Administrator of NASA or his duly authorized representative.

(b) *Presumption, Title and Waiver of Rights.*

(1) *Presumption of Title.*

(i) Any Reportable Item which the Administrator considers to be a Subject Invention shall be presumed to have been made in the manner specified in paragraph (1) or (2) of Section 305(a) of the National Aeronautics and Space Act of 1958 (43 U.S.C. 2457(a)) (hereinafter called "the Act"), and the above presumption shall be conclusive unless at the time of reporting the Reportable Item the Contractor submits to the Contracting Officer a written statement, containing supporting details, demonstrating that the Reportable Item was not made in the manner specified in paragraph (1) or (2) of Section 305(a) of the Act.

(ii) Regardless of whether title to a given Subject Invention would otherwise be subject to an advance waiver or is the subject of a petition for waiver, the Contractor may nevertheless file the statement described in paragraph (b)(1)(i) above. The Administrator will review the information furnished by the Contractor in any such statement and any other available information relating to the circumstances surrounding the making of the Subject Invention and will notify the Contractor whether the Administrator has determined that the Subject Invention was made in the manner specified in paragraph (1) or (2) of Section 305(a) of the Act.

(2) *Property Rights in Subject Inventions.* Each Subject Invention for which the presumption of paragraph (b)(1)(i) of this clause is conclusive, or for which there has been a determination that it was made in the manner specified in paragraph (1) or (2) of Section 305(a) of the Act, shall be the exclusive property of the United States as represented by the National Aeronautics and Space Administration unless the Administrator waives all or any part of the rights of the United States, as provided in paragraph (b)(3) below.

(3) *Waiver of Rights.* Section 305(f) of the Act provides for the promulgation of regulations for the waiver by the Administrator of the rights of the United States with respect to any invention or class of inventions made or which may be made under the conditions specified in paragraph (1) or (2) of Section 305(a) of the Act. The promulgated NASA Patent Waiver Regulations, 14 CFR Section 1245, Subpart 1, provide for the consideration of petitions from the Contractor or employee-inventor for waiver in any Subject Invention or petition from the Contractor for advance waiver of rights to any or all of the inventions which may be made under a contract and which may be requested prior to the execution of the contract or within 30 days after execution of the contract. Waiver of foreign rights may be requested concurrently with domestic rights or independently thereof.

(c) *Minimum Rights Reserved by the Government.*

(1) With respect to each Subject Invention for which a waiver of rights is applicable pursuant to 14 CFR Section 1245, Subpart 1, the Government shall reserve:

(i) An irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States; and

(ii) Such other rights as set forth in 14 CFR 1245.107.

(2) Nothing contained in this paragraph (c) shall be deemed to grant to the Government any rights with respect to any invention other than a Subject Invention.

(d) *Minimum Rights to the Contractor.*

(1) The Contractor is granted (see 14 CFR 1245.1), a revocable, nonexclusive, royalty-free license in each patent application filed in any country on a Subject Invention reported in accordance with paragraph (e) of this clause, and in any resulting patent, in which the Government acquires title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with the approval of the Administrator except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

(2) The Contractor's nonexclusive domestic license granted pursuant to paragraph (d)(1) of this clause may be revoked or modified by the Administrator to the extent necessary to achieve the earliest practical application of the Subject Invention pursuant to an application for an exclusive license submitted in accordance with 14 CFR 1245.2. This license shall not be revoked in that field of use and/or the geographical areas in which the Contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The Contractor's nonexclusive license in any foreign country granted pursuant to paragraph (d)(1) of this clause may be revoked or modified at the discretion of the Administrator to the extent the Contractor or its domestic affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, pursuant to paragraph (d)(2) of this clause, the Contractor shall be allowed 30 days (or such other time as may be allowed by the Administrator for good cause shown

by the Contractor) after the notice to show cause why the license should not be revoked or modified. The Contractor shall have the right to reconsideration or appeal, in accordance with 14 CFR 1245.2, of any decision concerning the revocation or modification of its license.

(e) *Reportable Item Identification Procedures and Reports.*

(1) The Contractor shall establish, maintain and follow active and effective procedures to ensure that Reportable Items are promptly identified and timely reported. These procedures shall include the maintenance of laboratory notebooks or equivalent records and any other records that are necessary to document the conception and/or the first actual reduction to practice of Reportable Items, and records which show that the procedures for identifying and reporting the Reportable Items are followed. Upon request, the Contractor shall furnish the Contracting Officer a description of these procedures so that he may evaluate and determine their effectiveness.

(2) The Contractor shall furnish the Contracting Officer:

(i) A full and complete technical report for each Reportable Item within 6 months after conception or first actual reduction to practice, whichever occurs first under the contract. But, in any event, for Subject Inventions, such report shall be furnished prior to any on sale, public use, or publication known to the Contractor. The report shall identify the contract and inventor or innovator and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the Reportable Item pertains, a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the item;

(ii) Interim reports, at least every 12 months from the date of the contract, listing Reportable Items for that period and certifying that:

(A) The Contractor's procedures for identifying and reporting Reportable Items, required by this paragraph (e), have been followed throughout the reporting period; and

(B) All Reportable Items have been reported or that there are no such Reportable Items.

(iii) A final report within 3 months after completion of the contract work, listing all Reportable Items or certifying that there were no such Reportable Items. Such final report shall also include a negative subcontract report, if appropriate, pursuant to paragraph (i)(5) of this clause.

(3) The Contractor shall furnish, upon written request by the Contracting Officer, additional technical and other information available to the Contractor as is necessary for the preparation of a patent application and for prosecution of such patent application, and in addition shall execute or endeavor to secure execution of all lawful documents and instruments determined by the Administrator to be necessary for the preparation and prosecution of applications for Letters Patent covering any Subject Invention.

(4) The Contractor agrees that the Government may use, duplicate, and disclose, in whole or in part, in any manner and for any purpose whatsoever, and have others so do, all reports of Reportable Items and all other reports and papers furnished or required to be furnished pursuant to this clause.

(f) *Forfeiture of Rights In Unreported Subject Inventions.*

(1) The Contractor shall forfeit to the Government all rights in any Subject Invention which it fails to report to the Contracting Officer within 6 months after the time he:

(i) Files or causes to be filed a United States or foreign application for patent thereon; or

(ii) Submits the final report required by paragraph (e)(2)(iii) of this clause, whichever is later.

(2) However, the Contractor shall not forfeit rights in a Subject Invention if, within the time specified in (1) of this paragraph (f), the Contractor:

(i) Prepared a written decision based upon a review of the record that the invention was neither conceived nor first actually reduced to practice in the performance of any work under the contract and submits the same to the Contracting Officer; or

(ii) Reports the invention to the Contracting Officer, together with the written statement specified in paragraph (b)(1)(i) of this clause, to overcome the presumption of title in the invention; or

(iii) Establishes that the failure to report did not result from his fault or negligence.

(3) At the discretion of the Administrator, the Contractor may not forfeit rights under paragraph (f)(1) of this clause if the Contractor files or causes to be filed a United States application for patent thereon and the applicant files with the Commissioner of Patents a written statement under oath pursuant to subsection 305(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(c)).

(4) Pending written assignment of the patent applications and patents on a Subject Invention determined by the Contracting Officer to be forfeited (such determination to be a final decision under the "Disputes" clause), the Contractor shall be deemed to hold the invention and the patent applications and patents pertaining thereto in trust for the Government. The forfeiture provision of this paragraph (f) shall be in addition to and shall not supersede other rights and remedies which the Government may have with respect to Subject Inventions.

(g) *Examination of Records Relating to Inventions.*

(1) The Contracting Officer, until the expiration of 3 years after final payment under the contract, shall have the right to examine any books (including laboratory notebooks), records, documents, and other supporting data of the Contractor which the Contracting Officer reasonably deems pertinent to the discovery or identification of Subject Inventions or to determine compliance with the requirements of this clause.

(2) The Contracting Officer shall have the right to review all books (including laboratory notebooks), records and documents of the Contractor relating to the conception or first actual reduction to practice of inventions in the same field of technology as the work under this contract to determine whether any such inventions are Reportable Items if the Contractor refuses or fails to:

(i) Establish the procedures of paragraph (e)(1) of this clause; or

(ii) Maintain and follow such procedures; or

(iii) Correct or eliminate any material deficiency in the procedures within thirty (30) days after the Contracting Officer notifies the Contractor of such a deficiency.

(h) *Withholding of Payment (Not Applicable to Subcontracts).*

(1) Any time before final payment of the amount of this contract, the Contracting Officer may, if he deems such action warranted, withhold payment until a reserve not to exceed $50,000 or 5 percent of the amount of this contract, whichever is less, shall have been set aside, if in his opinion the Contractor fails to:

(i) Establish, maintain, and follow effective procedures for identifying and reporting Reportable Items pursuant to paragraph (e)(1) of this clause; or

(ii) Furnish any Reportable Items pursuant to paragrpah (e)(2)(i) of this clause; or

(iii) Furnish acceptable interim reports pursuant to paragraph (e)(2)(ii) of this clause; or

(iv) Provide the information regarding subcontracts pursuant to paragraph (i)(5) of this clause.

The reserve or balance thereof shall be withheld until the Contracting Officer has determined that the Contractor has rectified whatever deficiencies exist and has delivered all reports, disclosures, and other information required by this clause.

(2) Final payment under this contract shall not be made before the Contractor furnishes to the Contracting Officer all reports of Reportable Items required by paragraph (e)(2)(i) of this clause, and an acceptable final report pursuant to (e)(2)(iii) of this clause.

(3) The Contracting Officer may, in his discretion, decrease or increase the sums withheld up to the maximum authorized above. If the Contractor is a nonprofit organization the maximum amount that may be withheld under this paragraph shall not exceed $50,000 or 1 percent of the amount of this contract whichever is less. No amount shall be withheld under this paragraph while the maximum amount specified by this paragraph is being withheld under other provisions of the contract. The withholding of any amount or subsequent payment thereof shall not be construed as a waiver of any rights accruing to the Government under this contract.

(i) *Subcontracts.*

(1) For the purpose of this paragraph the term "Contractor" means the party awarding a subcontract and the term "Subcontractor" means the party being awarded a subcontract, regardless of tier.

(2) Unless otherwise authorized or directed by the Contracting Officer, the Contractor shall include this "New Technology" clause, modified to identify the parties in any subcontract hereunder with other than a

small business firm or a nonprofit organization if a purpose of the subcontract is the conduct of experimental, developmental, research, design, or engineering work. For subcontracts for experimental, developmental, or research work with a small business firm or nonprofit organization (as defined in NASA PR 9.108–2) the clause set forth in NASA PR 9.108–5, suitably modified, shall be used. In the event of refusal by a subcontractor to accept either clause, as applicable, the Contractor:

(i) Shall promptly submit a written notice to the Contracting Officer setting forth reasons for the subcontractor's refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

(3) The Contractor shall not, in any subcontract or by using a subcontract as consideration therefore, acquire any rights in his subcontractor's Subject Invention for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Government in the performance of this contract).

(4) All reports of Reportable Items, instruments, and other reports and information required to be furnished by the subcontractor to the Contracting Officer under the provisions of a "New Technology" clause in any subcontract hereunder may, in the discretion of the Contracting Officer, be furnished to the Contractor for transmission to the Contracting Officer.

(5) The Contractor shall promptly notify the Contracting Officer in writing upon the award of any subcontract containing a "New Technology" clause by identifying the subcontractor, the work to be performed under the subcontract, and the dates of award and estimated completion. Upon request of the Contracting Officer, the Contractor shall furnish a copy of the subcontract. If there are no subcontracts containing "New Technology" clauses, a negative report shall be included in the final report submitted pursuant to paragraph (e)(2)(iii) of this clause.

(6) The Contractor shall identify all Reportable Items of the subcontractor of which he acquires knowledge in the performance of this contract and shall notify the Contracting Officer promptly upon the identification of Reportable Items.

(7) It is understood that the Government is a third party beneficiary of any subcontract clause granting rights to the Government in Reportable Items, and the Contractor hereby assigns to the Government all rights that he would have to enforce the subcontractor's obligations for the benefit of the Government with respect to Reportable Items. The Contractor shall not be obligated to enforce the agreements of any subcontractor hereunder relating to the obligations of the subcontractor to the Government in regard to Reportable Items.

9.107–6 [Reserved].

9.107–7 Foreign Contracts. A patent rights clause allocating the property rights in inventions shall be included in every contract having, as one of its purposes, the conduct of experimental, developmental, or research work which is to be performed outside the United States, its possessions, or Puerto Rico. The clause in 9.107–5 is not appropriate, and a substitute or modified clause is to be used after consultation with the installation patent counsel to meet the requirements peculiar to the foreign procurement.

9.107–8 Patent Rights Under Product Improvement Programs or Independent Research and Development Programs. When NASA under its established procedures provides, as an item in the computation of overhead, financial support to (i) a contractor's product improvement program, or (ii) a contractor's independent research and development program, the inventions resulting from such programs are not subject to the "New Technology" clause (or other patent rights clause) merely by virtue of the provision of such financial support. The clause set forth below may be included at the request of the contractor in the Schedule of a cost-reimbursement type contract wherein NASA is providing such support to the contractor's product improvement program or independent research and development program.

Inventions Made Under Contractor's Independent Research and Development Programs (July 1981)

Any invention made in the performance of any work by the Contractor under the Contractor's own product improvement program, or the Contractor's independent research and development program, even though supported by an allowance of costs for such program as a part of the overhead costs thereof, will not be subject to the "New Technology" clause or any other patent rights clause included in this contract unless said work is identified in writing as being required in the performance of this contract.

9.107–9 Procurement Using Funds Transferred to, or Received from, Another Government Agency.

(a) Whenever NASA requests another Government agency to perform work of a type defined in 9.107–4(a)(1), and unless special agreements relating to patent rights exist between NASA and such other agency, the contracting officer shall determine whether such agency contemplates contracting for such work or performing the work in-house. If it is determined that the other agency may contract for such work or a portion thereof, the following is to be provided to the agency along with the instrument requesting the agency to perform the work:

(1) Names and addresses of NASA New Technology Representative and Patent Representative (see 9.109–1(b));

(2) Instructions pursuant to 9.107–4(a) to include the "New Technology" clause in any contract which it awards to other than a small business firm or nonprofit organization for the performance of experimental, developmental, research, design, engineering, or test and evaluation work for the purpose of fulfilling the NASA request.

(3) Instructions that the agency shall use the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5 in any contract it awards to a small business firm or nonprofit organization for the performance of experimental, developmental or research work unless NASA makes a determination of exceptional circumstances. If such a determination is made, NASA is to so advise the other agency, provide a copy of the patent rights clause to be used, and follow the procedures set forth in 9.108–4(a)(2).

(4) Instructions to furnish the NASA New Technology Representative and the Patent Representative with the name and address of the office or unit within the agency having technical cognizance of the work to be performed under any contract of the type referred to in either subparagraph (2) or (3) above.

(5) A request to supply a copy of any contract, of the type referred to in either subparagraph (2) or (3) above, to the NASA New Technology Representative and the Patent Representative.

(6) Instructions for contractors to forward promptly, through the agency contracting officer, requests and petitions for waiver to the Chairman, Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, D.C. 20546, and any notification of election of title to the Patent Representative.

(7) Instructions to forward promptly to the NASA, New Technology Representative all reports of Reportable Items and Subject Inventions made during the performance of work under such contracts, and a copy of the contractor's interim and final reports for each contract as required by the "New Technology" clause included in the contract.

(b) Whenever another Government agency requests NASA to perform experimental, developmental, or research work and NASA contemplates contracting for all or part of such work, the "New Technology" clause of 9.107–5 or the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5, as applicable, may be used unless the other agency requests alterations thereto or a substitute clause. If alterations or a substitute clause are requested, the contracting

officer shall consult with installation patent counsel as to the appropriateness of the use thereof. In some instances agreements will exist between NASA and another agency requiring special clauses and other provisions relating to patents and inventions to be included in any contract executed by NASA for or on behalf of the other agency. The contracting officer shall refer to such agreements prior to initiating procurement action for any such contracts and shall consult with installation patent counsel with respect to any question concerning the appropriate clauses to use or the interpretation, implementation, or departure from the provisions or clauses set forth in such agreements. When the contract is with a small business firm or nonprofit organization, any exceptions made under 35 U.S.C. 202(a)(ii) or (iii), and any documentation and reporting requirements required by 35 U.S.C. 202(b)(1), shall be the responsibility of the requesting agency unless otherwise provided in such agreement (see 9.108–4(a)).

9.108 Patent Rights Under Funding Agreements with Small Business Firms or Nonprofit Organizations for the Performance of Experimental, Developmental, or Research Work.

9.108–1 Introduction.

(a) On December 12, 1980, Public Law 96–517 (35 U.S.C. 200 et seq.) was enacted governing the distribution of rights in inventions made by small business firms and nonprofit organizations under funding agreements with Federal agencies.

(b) This Act takes precedence over any other Act which would require a disposition of rights in subject inventions of small business firms or nonprofit organizations in a manner inconsistent with the new Act. Additionally, the new Act will take precedence over any future Act unless the future Act cites the new Act and provides that will take precedence. This paragraph takes effect on July 1, 1981, and will be applicable to all funding agreements with small business firms and nonprofit organizations executed on or after that date.

(c) As to any subject inventions which are "made" on or after July 1, 1981, in the performance of funding agreements which were awarded prior to July 1, 1981, to small business firms or nonprofit organizations, paragraph 1245–118 of the NASA Patent Waiver Regulations of July 1981 (14 CFR 1245.1) may be applied.

9.108–2 Definitions. As used in this paragraph:

(a) The term "funding agreement" means any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement as herein defined.

(b) The term "contractor" means any small business firm or nonprofit organization that is a party to a funding agreement.

(c) The term "invention" means any invention or discovery which is or may be patentable or otherwise protectable under title 35 of the United States Code.

(d) The term "subject invention" means any invention of the contractor conceived or first actually reduced to practice in the performance of work under a funding agreement.

(e) The term "practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(f) The term "made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(g) The term "small business firm" means a small business concern as defined at Section 2 of the Public Law 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this Subpart, the size standard for small business concerns involved in Government procurement, contained in 13 CFR 121.3–8, and in subcontracting, contained in 13 CFR 121.3–12, will be used.

(h) The term "nonprofit organization" means universities and other institutions of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)), or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

9.108–3 Policy and Objective. This paragraph 9.108 is designed to implement 35 U.S.C. 202–204 in a manner consistent with the policies and objectives set forth in 35 U.S.C. 200.

9.108–4 Procedures.

(a) *Use of the "Patent Rights (Small Business Firm or Nonprofit Organization)" Clause.*

(1) Each funding agreement awarded to a small business firm or nonprofit organization which is to be performed in the United States, its possessions or Puerto Rico and has as a purpose the performance of experimental, developmental or research work shall contain the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause set forth in 9.108–5, except that the funding agreement may provide otherwise:

(i) When the funding agreement is for the operation of a Government-owned, Federally Funded Research and Development Center or a Government-owned research or production facility.

(ii) In exceptional circumstances when it is determined by NASA that restriction or elimination of the right to retain title to any subject invention will better promote the policy and objectives of Chapter 38 of Title 35 of the United States Code, or

(iii) When it is determined by a Government authority which is authorized by statute or Executive Order to conduct foreign intelligence or counterintelligence activities that the restriction or elimination of the right to retain title to any subject invention is necessary to protect the security of such activities.

(2) Any determination under subparagraph (a)(1)(ii) of this paragraph will be in writing and accompanied by a written statement of facts justifying the determination. The statement of facts will contain such information as NASA deems relevant and, at minimum, will (1) identify the small business firm or nonprofit organization involved, (2) described the extent to which NASA action restricted or eliminated the right to retain title to a subject invention, (3) state the facts and rationale supporting NASA action, (4) provide supporting documentation for those facts and rationale, and (5) indicate the nature of any objections to NASA action and provide any documentation in which those objections appear. A copy of each such determination and written statement of facts will be sent to the Comptroller General of the United States within thirty days after the award of the applicable funding agreement. In cases of determinations applicable to funding agreements with small business firms, copies will also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

(3) To assist the Comptroller General to accomplish his responsibilities under 35 U.S.C. 202, each Federal agency shall accumulate and, at the request of the Comptroller General, provide the Comptroller General or his duly authorized representative the total number of funding agreements entered into by it with small businesses or nonprofit organizations that contain the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause set forth in 9.108–5 during each period of July 1 through June 30, beginning July 1, 1982.

(4) To qualify for the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause, the small business firm or nonprofit organization may be required by NASA to certify that it qualifies as a small business firm or nonprofit organization as defined in paragraphs (g) and (h) of 9.108–2. If the contracting officer has reason to question the status of the small business firm or nonprofit organization under the definitions in paragraphs (g) and (h) of 9.108–2, he or she may file a request in accordance with 13 CFR 121.3–5 in regard to the status of the small business firm or he or she may require the nonprofit organization to furnish evidence to establish that it satisfies the requirements of the definition in (h) of 9.108–2.

(5) *Right to Sublicense Foreign Governments and International Organizations.* When the Administrator or duly authorized designee determines at the time of contracting with a small business firm or nonprofit organization that it would be in the national interest to acquire the right to sublicense foreign governments or international organizations pursuant to any existing or future treaty or agreement, a sentence will be added at the end of paragraph (b) of the Patent Rights clause in 9.108–5 as follows:

This license will include the right of the Government to sublicense foreign governments and international organizations pursuant to any existing or future treaty or agreement with such foreign governments or international organizations.

However, this language may be modified to be limited to specific treaties or agreements or otherwise specify a time when the Government's right to sublicense ends.

(6) Where NASA determines that, due to the need to support its programs to protect Government-owned inventions in foreign countries, additional procedural safeguards are necessary to prevent the defeat of foreign rights due to statutory bars, the following language may be added to paragraph (c)(1)(ii) of the clause of 9.108–5.

but in any event, at least three months (unless shortened by the Contracting Officer) before (a) a public use or on sale of the invention occurs, (b) a manuscript describing the invention is submitted for publication without assurance of confidentiality, or (c) the invention is otherwise made available to the public.

When the above addition has been made to the clause of 9.108–5, paragraph (c)(2) should be deleted.

(b) *Minimum rights to contractor.*

(1) Paragraph (e) of the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5 specifies the minimum rights retained by the contractor in Subject Inventions. When the Federal Government acquires title to a reported Subject Invention, the contractor will retain a revocable, nonexclusive, royalty-free license through out the world in the Subject Invention. The contractor's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the contractor is a part and includes the right to grant sublicenses of the same scope to the extent the contractor was legally obligated to do so at the time the contract was awarded. The license is transferable only with the approval of NASA except when transferred to the successor of that part of the contractor's business to which the invention pertains.

(2) the contractor's domestic license may be revoked or modified by NASA to the extent necessary to achieve expeditious practical application of the Subject Invention pursuant to an application for an exclusive license submitted in accordance with the NASA Patent Licensing Regulations (14 CFR 1245.2). This license will not be revoked in that field of use or the geographical areas in which the contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of NASA to the extent the contractor, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license. NASA will furnish the contractor a written notice of its intention to revoke or modify the license, and the contractor will be allowed thirty days (or such other time as may be authorized by NASA for good cause shown by the contractor) after the notice to show cause why the license should not be revoked or modified. The contractor has the right to appeal, in accordance with the procedures set forth in the NASA Patent Licensing Regulations (14 CFR 1245.2), from any decision concerning the revocation or modification of its license.

(c) *Subcontracts.*

(1) Paragraph (g) of the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5 requires that the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause suitably modified to identify the parties, be included in all subcontracts with small business firms and nonprofit organizations for experimental, developmental, or research work to be performed in the United States, its possessions or Puerto Rico. For subcontracts, regardless of tier, with other than a small business firm or nonprofit organization for the performance of experimental, developmental, research, design or engineering work the "New Technology" clause or other patent rights clause required by 9.107–4(b) is to be used.

(2) Contractors will not use their ability to award subcontracts as economic leverage to acquire rights for themselves in the inventions resulting from subcontracts.

(3) As to all NASA contracts (and subcontracts) entered into prior to July 1, 1981, which contain either the "New Technology (Long Form)" clause of 9.107–5 or the "New Technology (Short Form)" clause of former paragraph 9.107–6, the contractor (or subcontractor) is authorized to flow-down the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5 as required by this subparagraph 9.108–4(c) in lieu of the requirements of the aforementioned "New Technology" clause (subparagraphs (i) and (f), respectively) in all subcontracts executed after July 1, 1981, with a small business firm or nonprofit organization.

(d) *Publication or Release of Invention Disclosures.*

(1) The publication of information disclosing an invention by any party before the filing of a patent application may create a bar to a valid patent. Where the contractor intends to file patent applications, NASA will use reasonable efforts to comply with any written request to restrict its publication of information disclosing the invention for a reasonable period of time in order to protect the patent rights in the invention. The contractor *must* specify the reports and documents to be

restricted and the period within which patent applications will be filed.

(2) As provided in 35 U.S.C. 205, NASA is authorized to withhold from disclosure to the public information disclosing any subject invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed. Furthermore, NASA is not required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office.

(e) *Reporting on Utilization of Subject Inventions.* Paragraph (h) of the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause in 9.108–5 provides that NASA has the right to receive periodic reports from the contractor on utilization of inventions. NASA shall obtain such information from its contractors. However, to ensure uniformity in the nature of the periodic reporting required by the various agencies, NASA shall work with a designated lead agency to establish standard utilization reporting requirements. To the extent such data or information supplied by the contractor is considered by the contractor, or its licensee or assignee, to be privileged and confidential and is so marked, agencies should not, to the extent permitted by 35 U.S.C. 202(c)(5), disclose such information to persons outside the Government.

(f) *Additional Administrative Requirements.* To the extent not required by other provisions of the funding agreement, additional subparagraphs may be added to paragraph (f) of the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause in 9.108–5 to require the contractor to do one or more of the following:

(1) Provide periodic (but no more frequently than annually) listings of all subject inventions required to be disclosed during the period covered by the report;

(2) Provide a final report prior to the close out of a funding agreement listing all subject inventions;

(3) Provide notification of all subcontracts for experimental, developmental or research work, identification of the patent rights clause therein, and a copy of the subcontract on request; and

(4) Provide, upon request, the filing date, serial number and title; a copy of the patent application; and patent number and issue date for any subject invention in any country in which the contractor has applied for patents.

9.108–5 Clause for Funding Agreements (Small Business Firms and Nonprofit Organizations). The following clause will be used in funding agreements with small business firms and nonprofit organizations unless the funding agreement falls within one of the exceptions described in 9.108–4(a)(1).

Patent Rights (Small Business Firm or Nonprofit Organization) (July 1981)

(a) *Definitions.*

(1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(2) "Subject Invention" means any invention of the Contractor conceived or first actually reduced to practice in the performance of work under this contract.

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small Business Firm" means a small business concern as defined at Section 2 of Public Law 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in Government procurement, contained in 13 CFR 121.3–8, and in subcontracting, contained in 13 CFR 121.3–12, will be used.

(6) "Nonprofit Organization" means universities and other institutions of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

(b) *Allocation of Principal Rights.* The Contractor may retain the entire right, title, and interest throughout the world to each Subject Invention subject to the provisions of this clause. With respect to any Subject Invention in which the Contractor retains title, the Federal Government shall have a non-exclusive, non-transferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any Subject Invention throughout the world for which the Contractor has elected to retain title.

(c) *Invention Disclosure, Election of Title and Filing of Patent Applications by Contractor.*

(1) After a Subject Invention has been disclosed in writing by the inventor(s) to Contractor personnel responsible for the administration of patent matters, the Contractor will:

(i) Disclose such invention to the Contracting Officer within six months;

(ii) Elect whether or not to retain title to any such invention by notifying the Contracting Officer within twelve months of disclosure to the Contractor, but in any event, at least three months (unless shortened by the Contracting Officer) before (A) a public use or on sale of the invention occurs, (B) a manuscript discribing the invention is submitted for publication without assurances of confidentially, or (C) the invention is otherwise made available to the public;

(iii) File its initial patent application on an elected invention within two years after election; and

(iv) File patent applications in additional countries within either, ten months of the corresponding initial patent application, or six months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign patent applications when such filing was prohibited for security reasons.

(2) Request for extension of the time for disclosure to the Contracting Officer, election and filing, where reasonable, will normally be granted.

(3) The disclosure to the Contracting Officer shall be in the form of a written report and shall identify the contract under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding of the nature, purpose, operation, and, to the extent known, the physical, chemical, biological or electrical characteristics of the invention. The report shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and accepted at the time of disclosure.

(d) *Forfeiture of Title.*

(1) The Contractor will convey to NASA, upon written request, title to any subject invention:

(i) If the Contractor fails to disclose or elect to retain title to the Subject Invention within the times specified in (c) above, or elects not to retain title;

(ii) In those countries in which the Contractor fails to file patent applications within the times specified in (c) above; provided however, that if the Contractor has filed a patent application in a country after the times specified in (c) above but prior to its receipt of the written request of NASA, the Contractor shall continue to retain title in that country; or

(iii) In any country in which the Contractor decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in a reexamination or opposition proceeding on, a patent on a Subject Invention.

(e) *Minimum Rights to Contractor.* The Contractor will retain a nonexclusive, royalty-free, license throughout the world in each Subject Invention to which the Government obtains title except if the Contractor fails to disclose the Subject Invention within the times specified in (c) above. This license extends to, and is revocable and transferable as, specified in

9.108–4(b) of the NASA Procurement Regulation.

(f) *Contractor Action to Protect Government's Interest.*

(1) The Contractor agrees to execute or to have executed and promptly deliver to NASA all instruments necessary to—

(i) Establish or confirm the rights the Government has throughout the world in those Subject Inventions for which the Contractor retains title, and

(ii) Convey title to NASA when requested under (d) above and to enable the Government to obtain patent protection throughout the world on that Subject Invention.

(2) The Contractor agrees to require, by written agreement, its employees, other than clerical and nontechnical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Contractor each Subject Invention made under this contract in order that the Contractor can comply with the disclosure provisions of (c) above and to execute all papers necessary to file patent applications on Subject Inventions and to establish the Government's rights in the Subject Inventions. The disclosure format should require as a minimum, the information requested by subparagraph (c)(3) above. The Contractor shall instruct such employees through the employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to United States or foreign statutory bars.

(3) The Contractor will notify the NASA of any decision not to continue prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the patent office.

(4) The Contractor agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a Subject Invention, the following statement, "This invention was made with Government support under (identify the contract) awarded by NASA. The Government has certain rights in this invention."

(5) The Contractor shall furnish the Contracting Officer:

(i) Interim reports every twelve months from the date of this contract, listing all subject Inventions required to be disclosed during that period:

(ii) A final report prior to close out of this contract listing all Subject Inventions:

(iii) Notification of all subcontracts for experimental, developmental, research, design or engineering work; identification of the patent rights clause therein, and a copy of the subcontract upon request; and

(iv) Upon request, the filing date, serial number, and title; a copy of the patent application; and patent number and issue date for any Subject Invention in any country in which the Contractor has applied for patents.

(g) *Subcontracts.*

(1) The Contractor shall include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental or research work to be performed in the United States, its possessions, or Puerto Rico by a small business firm or a nonprofit organization. The subcontractor will retain all rights provided for the Contractor in this clause, and the Contractor will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's Subject Inventions.

(2) the Contractor will include in all subcontracts, regardless of tier, for experimental, developmental, research, design or engineering work with other than a small business firm or nonprofit organization the patent rights clause required by 9.107–4(b) of the NASA Procurement Regulation.

(h) *Reporting on Utilization of Subject Inventions.* the Contractor agrees to submit on request periodic reports no more frequently than annually on the utilization of a Subject Invention or on efforts at obtaining such utilization that are being made by the Contractor or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Contractor, and such other data and information as NASA may reasonably specify. The Contractor also agrees to provide additional reports as may be requested by NASA in connection with any march-in proceeding or informal investigation undertaken by NASA in accordance with 9.108–12 of the NASA Procurement Regulation. To the extent data or information supplied under this section is considered by the Contractor, its licensee or assignee to be privileged and confidential and is so marked, NASA agrees that, to the extent permitted by 35 U.S.C. 202(c)(5), it will not disclose such information to persons outside the Government.

(i) *Preference for United States Industry.* Notwithstanding any other provision of this clause, the Contractor agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any Subject Invention in the United States unless such person agrees that any products embodying the Subject Invention or produced through the use of the Subject Invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by NASA upon a showing by the Contractor or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(j) *March-in rights.* The Contractor agrees that with respect to any Subject Invention in which it has acquired title, NASA has the right in accordance with the procedures of 9.108–12 of the NASA Procurement Regulation to require the Contractor, an assignee or exclusive licensee of a Subject Invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Contractor, assignee, or exclusive licensee refuses such a request, NASA has the right to grant such a license itself if NASA determines that:

(1) Such action is necessary because the Contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the Subject Invention in such field of use:

(2) such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Contractor, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the Contractor, assignee, or licensees; or

(4) such action is necessary because the agreement required by section (i) of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any Subject Invention in the United States is in breach of such agreement.

(k) *Special Provisions for Contracts with Nonprofit Organizations.* If the Contractor is a nonprofit organization, it agrees that:

(i) rights to a subject Invention in the United States may not be assigned without the approval of NASA except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention (provided that such assignee will be subject to the same provisions as the Contractor):

(2) the Contractor may not grant exclusive licenses under United States patents or patent applications in Subject Inventions to persons other than small business firms for a period in excess of the earlier of (i) five years from first commercial sale or use of the invention, or (ii) eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on case-by-case basis, NASA approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale our use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention;

(3) The Contractor will share any royalties collected on a Subject Invention with the inventor(s); and

(4) the balance of any royalties or income earned by the Contractor with respect to Subject Inventions, after payment of expenses (including payments to inventors) incidental to the administration of Subject Inventons, will be utilized for the support of scientific research or education.

9. 108–6 [Reserved]

9.108–7 Clause for Foreign Contracts. A patent rights clause will be included in every contract with a small business firm or nonprofit organization having as one of its purposes the conduct of experimental, developmental, or research work which is to be performed outside the United States, its possessions, or Puerto Rico. The clause authorized for domestic contracts in 9.108–5 may be used or replaced by any other clause tailored to meet the requirements peculiar to the foreign procurement. Installation Patent Counsel should be consulted on clause selection.

9.108–8 [Reserved].

9.108–9 Procurement Using Funds Transferred to, or Received from, Another Government Agency. The policy, procedures and instructions set forth in 9.107–9 apply, as appropriate, to funding agreements with small business firms and nonprofit organizations.

9.108–10 Retention of Rights by Inventor. In contracts with small business firms or nonprofit organizations, if the contractor does not elect to retain title to a Subject Invention, NASA may consider and, after consultation with the contractor, may grant requests for retention of rights by the inventor. Retention of rights by the inventor will be subject to the same conditions as provided in 35 U.S.C. 202–204.

9.108–11 Government Assignment to Contractor of Rights in Invention of Government Employee. In any case when a Federal employee is a coinventor of any invention made under a funding agreement with a small business firm or nonprofit organization, the Federal agency employing such coinventor may transfer or reassign whatever right it may acquire in the Subject Invention from its employee to the contractor subject to the conditions of this paragraph.

9.108–12 Exercise of March-in Rights.

(1) A march-in proceeding shall be initiated by the issuance of a written notice by NASA to the contractor and its assignee or exclusive licensee, as applicable, stating that NASA is considering the exercise of march-in rights. The notice shall state the reasons for the proposed march-in in terms sufficient to put the contractor on notice of the facts upon which the action is based and shall specify the field or fields of use in which NASA is considering requiring licensing. The notice shall advise the contractor (assignee or exclusive licensee) of its rights, as set forth in this paragraph 9.108. The determination to exercise march-in rights shall be made by the Administrator or his or her delegee.

(2) Within 30 days after receipt of the written notice of march-in, the contractor (assignee or exclusive licensee) may submit, in person, in writing, or through a representative, information and argument in opposition of the proposed march-in, including any additional specific information which raises a genuine dispute over the material facts upon which the march-in is based. If the information presented raises a genuine dispute over the material facts, the Administrator or his delegee shall refer the matter to another official of the agency for fact-finding.

(3) Fact-finding shall be conducted in accordance with the procedures established by NASA. Such procedures shall be as informal as practicable and be consistent with principles of fundamental fairness. The procedures shall afford the contractor the opportunity to appear with counsel, submit documentary evidence, present witnesses and confront such persons as NASA may present. A transcribed record shall be made and shall be available at cost to the contractor upon request. The requirement for a transcribed record may be waived by mutual agreement of the contractor and NASA.

(4) The official conducting fact-finding shall prepare written findings of fact and transmit them to the Administrator or his or her delegee promptly after the conclusion of the fact-finding proceeding. A copy of the findings of fact, shall be sent to the contractor (assignee or exclusive licensee) by registered or certified mail.

(5) In cases in which fact-finding has been conducted, the Administrator or his or her delegee shall base his determination on the facts found, together with any other information and argument submitted by the contractor (assignee or exclusive licensee) and any other information in the administrative record. In cases referred for fact-finding, the Administrator or his or her delegee may reject only those facts that have been found that are clearly erroneous. Prompt written notice of the determination whether march-in rights will be exercised shall be made by the Administrator or his or her delegee and sent to the contractor (assignee or exclusive licensee) by certified or registered mail.

9.108–13 Appeals. In accordance with procedures prescribed by NASA, any party to the funding agreement, licensee, or assignee may appeal to the Administrator or his or her designee any decision or determination concerning the denial, interpretation, modification, or termination of a right to a subject invention under paragraphs (i), (k)(1), or (k)(2) of the clause in 9.108–5. In addition, the contractor may appeal any decision of the Administrator or his or her delegee that there is no genuine dispute over a material fact under the proceedings provided for in 9.108–12.

9.108–14 Licensing of Background Patent Rights to Third Parties.

(a) A funding agreement with a small business firm or nonprofit organization will not contain a provision allowing NASA to require the licensing to third parties of inventions owned by the contractor that are not Subject Inventions unless such provision has been approved by the Administrator and a written justification has been signed by the Administrator. Any such provision will clearly state whether the licensing may be required in connection with the practice of a Subject Invention, a specifically identified work object, or both. The Administrator may not delegate the authority to approve such provisions or to sign justifications required for such provisions.

(b) NASA will not require the licensing of third parties under any such provision unless the Administrator determines that the use of the invention by others is necessary for the practice of a Subject Invention or for the use of a work object of the funding agreement and that such action is necessary to achieve the practical application of the Subject Invention or work object. Any such determination will be on the record after an opportunity for a NASA hearing. Any action commenced for judicial review of such determination will be brought within sixty days after notification to the contractor of such determination.

9.109 Administration of the New Technology and Patent Rights Clauses; Waiver of Rights to Inventions Under 42 U.S.C. 2457.

9.109–1 New Technology and Patent Rights in Inventions Clauses Follow-Up; Designation of New Technology and Patent Representatives.

(a) It is important that the Government and the contractor know, protect, and exercise their rights in any inventions, discoveries, improvements or innovations made in the performance of work under contracts of NASA in order to ensure their expeditious availability to the public, to enable the Government, the contractor, and the public to avoid unnecessary payment of royalties, and to defend themselves against claims and suits for infringement. To attain these ends, contracts having the "New Technology" clause of 9.107–5, the "Patent Rights

(Small Business Firm or Nonprofit Organization)" clause of 9.108–5, or other patent rights clause (hereinafter referred to as "the clause" unless otherwise indicated) should be so administered that:

(1) Reportable Items and Subject Inventions, as defined in the clause, are identified, disclosed, reported and election made, as required by the clause;

(2) The rights to the Government in such Reportable Items and Subject Inventions are established;

(3) When appropriate, patent applications are timely filed and prosecuted by contractors or by the Government;

(4) The filing of patent applications is documented by formal instruments such as confirmatory licenses or assignments; and

(5) Expeditious commercial utilization of such Reportable Items or Subject Inventions is achieved.

(b)(1) For each contract containing the clause the contracting officer shall designate representatives (hereinafter referred to as the "New Technology Representative" and the "Patent Representative") to administer the clause, protect the Government's rights, and take other actions in relation thereto. The respective responsibilities and authorities of these representatives in administering the clause are set forth in 9.109–3. Designation of these representatives shall be accomplished by incorporation of a provision into the contract Schedule containing the following or similar statements:

Designation of New Technology Representative and Patent Representative

(a) For purposes of administration of the clause of this contract entitled "New Technology" or "Patent Rights (Small Business Firm or Nonprofit Organization)" clause, whichever is included, the following named representatives are hereby designated by the Contracting Officer to administer such clause:

Title	Office code	Address (including zip code)
New technology representative		
Patent representative		

(b) Reports of Reportable Items, Subject Inventions interim reports, final reports, utilization reports, and other reports required by the clause, as well as any correspondence with respect to such matters, should be directed to the New Technology Representative unless transmitted in response to correspondence or request from the Patent Representative. Inquires or requests regarding disposition of rights, election of rights, or related matters should be directed to the Patent Representative. This provision shall be included in any subcontract hereunder requiring a "New Technology" clause or "Patent Rights (Small Business Firm or Nonprofit Organization)" clause, unless otherwise authorized or directed by the Contracting Officer. The respective responsibilities and authorities of the above-named representatives is set forth in 9.109–3 of the NASA Procurement Regulation.

(2) The New Technology Representative shall be the Technology Utilization Officer or the staff member (by titled position) having cognizance of technology utilization matters for the NASA installation concerned; and the Patent Representative shall be the Patent Counsel or the staff member (by titled position) having cognizance of patent matters for the NASA installation concerned.

(3) The contracting officer shall:

(i) Furnish the New Technology Representative a copy of each contract (and modifications thereto) containing the clause, copies of the final technical report, interim technical progress reports, and other pertinent material provided under the contract, unless the New Technology Representative indicates otherwise.

(ii) Notify the New Technology Representative of the organizational element of the NASA installation having technical cognizance of the contract; and

(iii) Furnish the Patent Representative a copy of each contract (and modifications thereto) containing the clause, copies of the final technical report, interim progress reports, and other pertinent material provided under the contract, unless the Patent Representative indicated otherwise.

(4) The New Technology Representative and the Patent Representative shall maintain complete files of corespondence and other actions involving their respective administration of the clause. Copies of documents which are appropriate for inclusion in the general contract files shall be furnished to the contracting officer.

9.109–2 Follow-Up Contractor.

(a) Each contractor other than a small business firm or nonprofit organization is required to establish and maintain effective procedures to ensure that Reportable Items made in the performance of work under contracts of NASA are identified, reported, and when appropriate, patent applications filed, and the Government's rights therein are established and protected. Each contractor that is a small business firm or a nonprofit organization *should* establish and maintain effective procedures to ensure that inventions made under the contract are identified, disclosed, and when appropriate, patent applications filed, and the Government's rights therein are established and protected.

(b) When it is determined after the award of a contract that the contractor or a subcontractor may not have a clear understanding of the rights and obligations of the parties under the clause, a post-award orientation conference or letter should be used to explain these rights and obligations. When reviewing a contractor's procedures, particular attention shall be given to ascertaining their effectiveness for identifying and disclosing Reportable Items and Subject Inventions.

(c) During the period of performance of each contract or subcontract the contractor or subcontractor is to submit to the New Technology Representative (or any other representative designated by the contracting officer) all reports of Reportable Items, Subject Inventions, interim reports, subcontract identification, and other information in the manner required by the clause; and upon the completion of the work under the contract or subcontract the final report if required by the clause.

(d) Reporting of Reportable Items required by the "New Technology" clause promptly and before the completion of contract work, and the prompt submission of the final report upon completion of contract work will aid New Technology clearance. Timely submission of annual interim reports, where contracts cover a period of more than one year, will also facilitate clause administration and expedite final clearance.

9.109–3 Follow-Up by Government. In order to ensure compliance by the contractor with the obligations of the clause:

(a) The New Technology Representative shall review, as necessary, the technical progress of work performed under the contract to ascertain whether the contractor and his subcontractor, where appropriate, are complying with the reporting requirements of the clause. This effort should be directed primarily toward contracts and subcontracts which, by the nature of the experimental, developmental, research, or other work to be performed, or the dollar amounts involved, are likely to produce Reportable Items or Subject Inventions of significant quantity or quality, or toward contracts and subcontracts where there is reason to believe the contractors may not be complying with their contractual obligations. Other contracts and subcontracts should be spot-checked when feasible. These follow-up activities may include:

(1) Reviewing technical reports submitted by the contractor;

(2) Requesting the Patent Representative to check sources for patents issued to the contractor in fields related to his Government contracts;

(3) Interviewing contractor personnel regarding work under the contract, observing the work on-site, and inspecting laboratory notebooks and other records of the contractor related to work under the contract where so authorized by the clause:

(4) Interviewing agency technical personnel concerning novel developments, in contracts under their cognizance; and

(5) Ensuring that the contractor is timely in submitting the reports of Reportable Items and Subject Inventions, interim reports, subcontract identification, and final reports if required by the clause.

(b) The New Technology Representative shall forward to the Patent Representative copies of all contractors' and subcontractors' written reports of Reportable Items and Subject Inventions, and a copy of the written statement, if any, submitted with the report of the Reportable Item. The New Technology Representative shall consult with the Patent Representative whenever a question arises as to whether a given Reportable Item is to be considered a Subject Invention or whether it was made in the performance of work under

the contract. All correspondence relating to inventions and waivers under the "New Technology" clause, and election of title under the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause will also be forwarded to the Patent Representative.

(c) The Patent Representative shall review each Reportable Item to ascertain whether it is to be considered a Subject Invention, obtain any determinations required by paragraph (b) of the "New Technology" clause, and so notify the contractor. As to any Subject Invention, the Patent Representative shall ensure that the contractor has provided sufficient information to protect the Government's rights and interests therein, including, as required, information and documents necessary for the preparation, filing, and prosecution of patent applications, determinations of inventorship, and the preparation of instruments establishing the Government's rights therein. The Patent Representative shall also, as necessary, conduct selected reviews of the nature set forth in paragraph (a), above, to ensure that Subject Inventions are identified, adequately documented, and timely reported.

(d) Upon receipt of any final report required by the clause, and upon determination that the contract work is complete, the New Technology Representative shall determine whether the contractor has complied with the reporting requirements of the clause. If so, the New Technology Representative shall certify compliance, obtain the Patent Representative's concurrence with such certification, and forward the certification to the contracting officer. Such determinations generally will require consultation with cognizant technical personnel.

(e) Either the New Technology Representative or the Patent Representative, in consultation with the other, may prepare opinions, make determinations and otherwise advise the contracting officer with respect to any withholding of payment under paragraph (h) of the "New Technology" clause. Either the New Technology Representative or the Patent Representative may represent the contracting officer for the purpose of examining the contractors books, records and other documents in accordance with paragraph (g) of the "New Technology" clause. However, no action shall be taken by either the New Technology Representative or the Patent Representative which would constitute a final decision under the Disputes clause or involve a change or an increase in the work required to be performed under the contract, or which otherwise is outside the scope of obligations imposed upon the contractor by the contract.

(f) Release of final payment under the contract, and if applicable any reserve set aside under the withholding provisions of the clause for deficiencies and delinquent reporting not corrected as of the time of the submission of the final report by the contractor, shall not be approved by the contracting officer until receipt of the New Technology Representative's certification of compliance, and the Patent Representative's concurrence therewith, as specified in paragraph (d), above.

9.109–4 Remedies. If the contractor, for a contract containing the New Technology clause of 9.107–5, fails to establish, maintain, or follow effective procedures for identifying and disclosing Reportable Items or other reports and information or fails to correct any deficiency after notice thereof, the contracting officer may require the contractor to make available for examination, books, records and documents relating to inventions, discoveries, improvements, or innovations in the same field of technology as the contract to enable a determination of whether there are such Reportable Items, and may invoke the withholding provisions of the clause. Further, the contracting officer may invoke the withholding provisions of the clause if the contractor fails to report any Reportable Item as required by the clause.

9.109–5 Conveyance of Invention Rights Acquired by the Government.

(a) Where the Government acquires the entire rights, title, and interest in an invention under the "New Technology" clause of 9.107–5, a determination of title is to be made in accordance with 42 U.S.C. 2457 and reflected in appropriate instruments executed by NASA and forwarded to the contractor. When the Government acquires the entire right, title and interest in an invention under the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5, assignments are required from the inventor to the contractor and from the contractor to the Government, or from the inventor to the Government with the consent of the contractor, to establish clearly the chain of title from the inventor to the Government. The form of conveyance of title from the inventor to the contractor must be legally sufficent to convey the rights the contractor is required to convey to the Government.

(b) When the contractor is granted a waiver under the "New Technology" clause (see 9.109–6), or elects to retain title under the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause and, in either case, timely files a patent application on the invention, an instrument confirmatory of the Government's license rights and other rights is to be obtained.

(c) Assignments, licenses, confirmatory instruments, and other papers evidencing any rights of the Government in patents or patent applications shall be recorded in the Statutory Register or documented in the Governmental Register maintained by the U.S. Patent and Trademark Office pursuant to Executive Order 9424, February 18, 1944.

9.109–6 Waiver of Rights to Inventions in Contracts Containing the "New Technology" Clause.

(a) Pursuant to the NASA Patent Waiver Regulations, 14 CFR Section 1245, Subpart 1, the Administrator may, in appropriate cases in contracts or subcontracts with other than a small business firm or nonprofit organization, grant a request for the waiver of rights to any or all inventions made or which may be made under such contract or subcontract. The conditions, reservations, and obligations of a waiver are set forth in the Waiver Regulations and will be included in the Instrument of Waiver.

(b) Under Section 1245.104 of the Waiver Regulations, advance waiver of rights to any or all inventions which may be made under a contract may be requested prior to the execution of the contract, or within 30 days after execution of the contract by the contractor. Waiver of rights to an identified invention made and reported under a contract may be requested under 14 CFR Section 1245.105. Waiver of rights may be requested under any of these provisions even though a request under a different provision was not made, or if made, was not granted. Waiver of foreign rights under 14 CFR Section 1245.106 may be requested concurrently with domestic rights or independently thereof.

(c) A request for the waiver of invention rights is made in the form of a petition, the requirements of which are specified in 14 CFR Section 1245.110. Petitions for adance waiver of rights presented prior to contract execution must be submitted through the contracting officer to the Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, D.C. 20546. All other petitions shall be submitted directly to this Board. Forms which may be used in petitioning for waiver of invention rights and other general information pertaining thereto may be obtained from the Board.

(d) Subcontractors and prospective subcontractors may petition for waiver of invention rights in the same manner as described in this Subpart for prime contractors. Petitions by subcontractors or prospective subcontractors may be submitted directly to the Board, except that when a petition is made prior to the execution of a contract, it must be submitted to the Board through the NASA contracting officer.

(e) Petitions for advance waiver of rights prior to execution of the contract submitted by organizations selected for

negotiation of a contract and petitions for advance waiver of rights submitted by contractors within 30 days after execution of a contract, will be considered by the Board. Contracting officers should forward petitions submitted prior to execution of the contract to the installation Patent Counsel for processing; the Patent Counsel will then forward the petitions to the Board. If the Board finds that a petition submitted prior to execution of the contract qualified under the criteria set forth in Section 1245.104 of the regulations, it will recommend to the Administrator that waiver be granted and shall inform the contracting officer of the Administrator's determination with respect thereto. Should the Board, in considering a petition for advance waiver of rights prior to the execution of the contract, determine that there is insufficient time or information or other reasons to permit it to make its findings and recommendations to the Administrator without unduly delaying execution of the contract, the Board, through the installation Patent Counsel, will inform the contracting officer of its action and request him to notify the petitioner. The contractor may, within 30 days following execution of a contract, request the Board to reconsider the petition, either on the record or with any additional information which the contractor may care to furnish in support of the original petition. Contractors that have submitted petitions within 30 days after contract execution will be notified directly by the Board of its findings and proposed recommendation.

(f) Petitions for advance waiver should include sufficient information to permit the Board to make the specific findings under Section 1245.104 (c) and (d) of the regulations. These findings relate to the purpose of the contract, the field of science or technology of the contract, the relative commercial versus Government funding in the identified field of science, the commercial position of the contractor relative to the contract work or, if the contractor has not established such a commercial position, other facts which may, nevertheless, qualify the contractor under the "special situations" provisions of the regulations. In addition, Section 1245.104(b) of these regulations permit the Board to recommend to the Administrator the grant of waiver in "exceptional circumstances" when the Board is unable to make some of the specific findings required by the regulations. In the event the petitioner seeks to qualify his advance waiver under the exceptional circumstances provision of the regulations, sufficient information should be submitted to adequately support this finding.

(g) Advanced waiver of invention rights granted under Section 1245.104 of the regulations shall apply only to those inventions reported during the term of the applicable contract and upon which the contractor indicates that he has filed or intends to file an application for U.S. patent. The waiver shall extend to any division or continuation patent application provided the scope of the invention remains substantially the same as that of the reported invention. An advance waiver of rights shall also extend to any contract changes, modifications or supplemental agreements so long as the purpose of the contract or the scope of work to be performed is not substantially altered.

(h) When the "New Technology" clause of 9.107–5 is to be applicable to the procurement, the following provision will be included in the request for proposals:

Waiver of Rights to Inventions (July 1981)

(a) In accordance with the NASA Patent Waiver Regulations, 14 CFR Section 1245, Subpart 1, waiver of rights to any or all inventions made or which may be made under a NASA contract or subcontract with other than a small business firm or nonprofit organization may be requested at different time periods. Under Section 1245.104 of the regulations, advance waiver of rights to any or all inventions which may be made under a contract or subcontract may be requested prior to the execution of the contract or subcontract, or within 30 days after execution by the selected Contractor. Waiver of rights to an identified invention made and reported under a contract or subcontract may be requested under 14 CFR Section 1245.105, even though a request for an advance waiver was not made or, if made, was not granted.

(b) If a proposer intends to petition NASA for the waiver of invention rights prior to contract execution, the petition for waiver should be presented with the proposal. Forms which may be used in petitioning for waiver may be obtained from the NASA Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, DC 20546. The findings which must be made by the Board in order to recommend that a waiver be granted are set forth in 14 CFR Section 1245, Subpart 1.

(c) Petitions submitted with proposals selected for negotiation of a contract will be forwarded by the Contracting Officer to the installation Patent Counsel and then to the Inventions and Contributions Board. The Board will consider these petitions and where the Board makes the findings to support the waiver, the Board will recommend to the Administrator that waiver be granted, and will notify the petitioner and the Contracting Officer of the Administrator's determination. The Contracting Officer will be informed by the Board whenever there is insufficient time or information or other reasons to permit a decision to be made without unduly delaying the execution of the contract. In the latter event, the petitioner will be so notified by the Contracting Officer. The petitioner may within 30 days following execution of the contract request the Board to reconsider the petition on the record or with any additional information he may care to furnish. The Board shall notify the petitioner of its action and if waiver is granted, the conditions, reservations, and obligations thereof will be included in the Instrument of Waiver.

(i) When NASA requests another Government agency to perform work, of a type defined in 9.107–4, on behalf of NASA and it is contemplated that a contract will be awarded, instructions for transmittal of petitions for waiver shall be provided to the other agency in accordance with 9.107–9(a)(6). The NASA Inventions and Contributions Board will consider any petitions and recommend to the Administrator whether or not waiver should be granted. The Administrator's determination will be transmitted to the contractor and the contracting officer of the other agency.

(j) The Board shall inform the installation Patent Counsel of the decision of the Administrator to either grant or deny advance waiver of patent rights. The installation Patent Counsel shall notify the contracting officer and the New Technology Representative of the Administrator's action.

[FR Doc. 81–24658 Filed 8/24–81; 8:45 am]
BILLING CODE 7510–01–M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60–1, 60–2, 60–4, 60–20, 60–30, 60–50, 60–60, 60–250, 60–741

Government Contractors; Affirmative Action Requirements; Further Deferral of Effective Date of Regulations

AGENCY: Office of Federal Contract Compliance Programs (OFCCP), Labor.

ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: The Department of Labor further defers the effective date of the final rule published on December 30, 1980 (at 45 FR 86215), until action is taken on proposed revisions to the rule.

This action is taken in order to permit the proposed rulemaking which appears in today's issue of the **Federal Register**.

For complete information on this action see FR Doc. 81–24575 in Part II of this issue of the **Federal Register**.

DATES: The effective date of this rule is deferred until action is taken on today's proposed rule. The effective date of this deferral is August 25, 1981.

FOR FURTHER INFORMATION CONTACT: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C–3324, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523–9426.

SUPPLEMENTARY INFORMATION: On December 30, 1980, the Department of Labor published a final rule (at 45 FR 86215; corrected January 23, 1981, at 46 FR 7332) intended to amend, consolidate, and integrate certain regulatory provisions at 41 CFR Chapter 60 pertaining to the three programs administered by OFCCP: (1) Executive Order 11246, as amended, (2) section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, and (3) section 503 of the Rehabilitation Act of 1973, as amended. The rule was scheduled to take effect on January 29, 1981. However, on January 28, 1981 (at 46 FR 9084), pursuant to a request by President Reagan, the effective date of the regulations was delayed to allow full review of the regulations by the new administration. Subsequently, in separate notices in the Federal Register on April 28, 1981 (at 46 FR 23742), June 26, 1981 (at 46 FR 33033), and July 14, 1981 (at 46 FR 36144), the effective date was deferred until August 26, 1981.

In the course of its review the Department of Labor conducted a preliminary regulatory impact analysis, pursuant to Executive Order 12291, of the regulations contained in the December 30, 1980, publication in the Federal Register and of certain other regulations in 41 CFR Chapter 60 which had not been affected by the December 30, 1980, rule. As a result the Department developed a new proposal which amends the December 30, 1980, publication and revises other OFCCP regulations at 41 CFR Chapter 60. As required, the proposal was submitted to the Office of Management and Budget (OMB) pursuant to Executive Order 12291 and to the Equal Employment Opportunity Commission (EEOC) pursuant to Executive Order 12067. Additionally, the Department identified certain other issues affecting the Contract Compliance Program which became the subject of an advance notice of proposed rulemaking published in the Federal Register on July 14, 1981 (at 46 FR 36213).

Since this regulation has never gone into effect and since the agency is proposing to revise this regulation for the reasons stated, it is inappropriate and contrary to the public interest to require compliance with this regulation during the period until a final determination is made.

Under the circumstances, separate notice and public comment on this further deferral of the effective date is impracticable and unnecessary and good cause exists for making this postponement effective immediately. This finding is made pursuant to 5 U.S.C. 553(b)(3)(B).

(E.O. 11246 (30 FR 12319), as amended by E.O. 11375 (32 FR 14303) and by E.O. 12086 (43 FR 46501); sec. 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 2012); Section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793), as amended by Section 111(a), Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706), and by Sections 119 and 122 of the Rehabilitation Comprehensive Services and Development Disabilities Amendment of 1978, Pub. L. 95–602, 92 Stat. 2955, and E.O. 11758)

Signed at Washington, D.C., this 18th day of August, 1981.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary for Employment Standards.

Ellen M. Shong,

Director, Office of Federal Contract Compliance Programs.

[FR Doc. 81–24576 Filed 8–24–81; 8:45 am]

BILLING CODE 4510–27–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Fayetteville, Washington County (FI-5503)	West Fork White River	Approximately 180 feet downstream of Huntsville Road (Highway 16).	*1,181
			Approximately 500 feet downstream confluence of Town Branch.	*1,190
			Intersection of McCollum Avenue and Southern Corporate Limits.	*1,206
		Airport Branch	Approximately 120 feet upstream of the eastern Corporate Limits.	*1,230
			Approximately 50 feet downstream of U.S. Highway 71	*1,245
		Town Branch	Approximately 50 feet upstream of Armstrong Road	*1,192
			Approximately 80 feet downstream of Morningside Drive.	*1,199
			Approximately 100 feet downstream of U.S. Highway 71.	*1,211
			Approximately 70 feet upstream of Stirman Avenue	*1,221
		Cato Springs Branch	Just downstream of Cato Springs Road	*1,226
		Tin Cup Creek	Approximately 70 feet upstream of Highway 16 (E. 15th Street).	*1,215
			Approximately 50 feet downstream 7th Street	*1,251
		Clear Creek	Approximately 50 feet upstream of U.S. Highways 71 and 62.	*1,199
		Mud Creek	Just upstream of Johnson Road	*1,181
			Just upsteam of U.S. Highway 71	*1,196
			Approximately 50 feet downstream of Old Missouri Road.	*1,217
		Mud Creek Tributary	Approximately 330 feet upstream of confluence with Mud Creek.	*1,232
			Just downstream of Old Wire Road (Downstream crossin).	*1,270
			Just upstream of Township Road	*1,336
			Old Wire Road at Intersection with Overcast Street	*1,363
			Just upstream of Ash Street	*1,388
			Just upstream of Ramsey Avenue	*1,420
		Scull Creek	Approximately 120 feet upstream of Highway 71 (bypass.	*1,202
			Just upstream of confluence of Sublet Creek	*1,232
			Just upstream of Poplar Street	*1,265
			Just upstream of North Street	*1,308
			Just upstream of Wilson Avenue	*1,336
			Approximately 50 feet upstream of College Avenue (Highway 71).	*1,383
		Sublet Creek	Approximately 120 feet upstream State Highway 180 (Downstream Crossing).	*1,242
			Approximately 150 feet upstream of Township Road (Highway 180).	*1,259
			At Overcrest Street	*1,278
Maps available for inspection at Inspections Office, City Hall, W. Mount Street, Fayetteville, Arkansas 72701.				
California	Sonoma County (Unincorporated Areas) (FI-5502)	Sonoma Creek	Sears Point Road—100 feet upstream from centerline	*5
			State Route 121—50 feet upstream from centerline	*12
			Watmaugh road—50 feet upstream from centerline	*43
			At confluence with Dowdall Creek	*58
			Verano Avenue—150 feet upstream from centerline	*88
			Agua Caliente Road—50 feet upstream from centerline	*120
			Madrone Road—20 feet upstream from centerline	*163
			Arnold Drive (upstream crossing)—50 feet upstream from centerline.	*224
			Warm Springs Road (upstream crossing)—100 feet upstream from centerline.	*315
			Lawndale Road—100 feet downstream from centerline	*365
			Lawndale Road—100 feet upstream from centerline	*378
			State Route 12—50 feet upstream from centerline	*445
		Nathanson Creek	Splude Road—10 feet upstream from centerline	*22
			Lovall Valley Road—50 feet upstream from centerline	*112
		Arroyo Seco	At confluence with Schell Creek	*12
			Napa Road—75 feet upstream from centerline	*53
			East MacArthur Street—50 feet upstream from centerline.	*64
			Lovall Valley Road—50 feet downstream from centerline.	*117
			Lovall Valley Road—50 feet upstream from centerline	*123
		Fowler Creek	At confluence with Rodgers Creek	*18
			Watmaugh Road—10 feet upstream from centerline	*40
		Rodgers Creek	At confluence with Fowler Creek	*18
			Arnold Drive (downstream crossing)—20 feet upstream from centerline.	*41
			Watmaugh Road—50 feet upstream from centerline	*66
		Champlin Creek	At confluence with Rodgers Creek	*43
			Donnell Road—50 feet upstream from centerline	*85
			Petaluma Road (State Route 116)—10 feet upstream from centerline.	*161
		Schell Creek	State Routes 12 and 121—20 feet upstream from centerline.	*10
			Splude Road—30 feet upstream from centerline	*32
			Napa Road at centerline	*47
		North Kenwood Creek	Mervin Avenue—20 feet upstream from centerline	*401
			State Route 12—25 feet upstream from centerline	*416

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Austin Creek	State Highway 116—20 feet upstream from centerline	*35
			Cazadero Highway—25 feet downstream from centerline	*97
			Cazadero Highway—25 feet upstream from centerline	*102
			Austin Creek Road (upstream crossing)—50 feet upstream from centerline.	*117
		East Austin Creek	At confluence with Austin Creek	*70
		Dutch Bill Creek	Fir Street—20 feet upstream from centerline	*45
			Tyrone Road—50 feet upstream from centerline	*53
			Westminster Woods Bridge—50 feet upstream from centerline	*155
			Redwood Alliance Bridge—75 feet upstream from centerline	*177
		Russian River	Moscow Road—10 feet upstream from centerline	*28
			Hacienda Bridge—10 feet upstream from centerline	*72
			Highway 101 Bridge—10 feet upstream from centerline	*89
			State Highway 128—10 feet upstream from centerline	*178
			Geyserville Bridge—210 feet downstream from centerline	*210
			Preston Bridge—50 feet upstream from centerline	*328
		Mount Hood Creek	Lawndale Road—20 feet upstream from centerline	*430
			Pythian Road at centerline	*521
		Fife Creek	Laughlin Road—10 feet upstream from centerline	*61
			Watson Road—50 feet upstream from centerline	*74
		Petaluma River	U.S. Highway 101—10 feet upstream from centerline	*6
			New Corona Road—50 feet upstream from centerline	*25
			Alberti Road at centerline	*33
		San Pablo Bay	At intersection of Sears Point Road and Lakeville Road.	*6
		Sonoma Creek	At the intersection of Freemont Road and State Route 12.	*3
Maps available for inspection at Sonoma County Administration Building, 575 Administration Drive, Santa Rosa, California.				
Florida	City of La Belle, Hendry County (FEMA 5947)	Caloosahatchee River	At Western Corporate Limits	*9
		Stream A	Just upstream of Gulf Atlantic Gladeway (County Road 731).	*14
			Just downstream of Devil Gardens Avenue (County Road 80A).	*19
		Stream B	Just downstream of Main Street (State Highway 29)	*15
			Just upstream of Bridge Street	*16
		Stream C	Just upstream of Bridge Street	*17
		Stream D	Just downstream of Main Street (State Highway 29)	*17
		Stream E	Just upstream of Fort Thompson Avenue	*14
		Stream F	Just upstream of Hickpochee Avenue	*11
			Just downstream of Devil Gardens Avenue (County Road 80A).	*19
Maps available for inspection at City Hall, Highway 80, La Belle, Florida 33935.				
New Mexico	City of Portales, Roosevelt County (FEMA 5824)	18th Street Shallow Flooding	Approximately 100 feet upstream of South Main Avenue.	*3,996
			Approximately 180 feet downstream of South Avenue B.	*3,997
			Just downstream of Avenue F	*3,999
		Shallow Flooding (Ponding) Above Railroad.	Intersection of North Avenue M and West Cherry Street.	*4,009
		Shallow Flooding (Sheet Flow) Below Railroad.	Intersection of West Fifth Street and South Avenue C	#1
Maps available for inspection at City Hall, 100 W. First Street, Portales, New Mexico 88130.				
New York	Hamburg, Village, Erie County (Docket No. FEMA-5883)	Berricks Creek	Downstream Corporate Limits	*752
			Upstream Brookwood Drive (2nd crossing)	*768
			Approximately 310 feet upstream of Sunset Drive	*774
Maps available for inspection at the Hamburg Village Hall, 100 Main Street, Hamburg, New York.				
Tennessee	City of Germantown, Shelby County (FEMA 5835)	Wolf river	Just upstream of Germantown Road	*262
			Confluence fo Wolf River and Wolf River Lateral C	*266
		Wolf River Lateral A	Just downstream of Neshoba Road	*278
			Just upstream of Neshoba Road	*286
		Wolf River Lateral B	Just downstream of Hollow Fork Road	*262
			Just upstream of Hollow Fork Road	*269
			Just upstream of Neshoba Road	*286
		Wolf River Lateral BA	Just downstream of Rebekah Drive	*293
			Just upstream of Ashworth Road	*307
		Wolf River Lateral C	Just upstream of Farmington Boulevard	*288
			Just upstream of Woodcreek Drive	*299
		Wolf River Lateral CA	Just upstream of Kimbrough Road	*271
			Just upstream of Brierbrook Road	*292
		Wolf River Lateral D	Just upstream of Farmington Boulevard	*279
			Just upstream of Dogwood Road	*304
		Wolf River Lateral E	Just upstream of Poplar Avenue (U.S. Highway 72)	*308
		Wolf River Lateral EA	Just downstream of U.S. Highway 72 (Poplar Avenue)	*326
		Howard Road Outfall	Just upstream of McVay Road	*306
			Just downstream of Stout Road	*320
		Howard Road Outfall Lateral A	Just upstream of Riverdale Road	*312
		Howard Road Outfall Lateral AA	Just upstream of Howard Road	*325
Maps available for inspection at City Hall, 1930 Germantown Road South, Germantown, Tennessee 38138.				

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Texas	City of Beeville, Bee County (FEMA 5893)	Poesta Creek	Just upstream of U.S. Business Highway 181 (Washington Street).	*298
			Just downstream of FM 673 (Hugoeota Street)	*216
		Hesley Creek	Just upstream of St. Mary's Street	*205
			Just upstream of Southern Pacific Railroad	*209
		Salt Creek	Just upstream of U.S. Business Highway (Northeast Washington Street).	*254

Maps available for inspection at City Hall, 100 West Corpous Christi Street, Beeville, Texas 78102.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: August 7, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-24527 Filed 8-24-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 512, 514, 527, 528, 531, 533, 537, 543, 544 and 552

OMB Clearance Information

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Rules containing GAO clearance information are amended to reflect OMB control numbers and expiration dates and to inform recipients of information collection requests whether compliance with such request is voluntary or mandatory, as well as the specific benefits they are intended to obtain. The amendment is necessary to comply with the Paperwork Reduction Act of 1980 requirements.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523–5725.

SUPPLEMENTARY INFORMATION: 44 U.S.C. 3504 requires the Office of Management and Budget to review and approve information collection requests proposed by agencies and to insure that the requests display OMB control numbers. Such requests must also contain information informing recipients why the information is collected, how it is to be used and the compulsory nature of the requirement, i.e., whether it is voluntary, mandatory, or required to obtain a benefit.

OMB has issued control numbers for FMC requirements that were previously cleared by GAO and the following CFR parts of title 46 are amended to reflect OMB requirements:

PART 512—FINANCIAL REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

(a) Paragraphs 2, 3, and 4 of the Authority citation containing GAO clearance information should be removed and the following language substituted therefor:

"OMB Control Number 3072–0008. Expires March 31, 1983."

(b) Remove the Effective Date Note paragraph that appears immediately following the Source paragraph.

(c) Add the following sentence immediately after the last sentence of Section 512.1, paragraph (a):

"Compliance is mandatory and failure to file the reports required under this Part may result in denial of rate increases or rejection of tariff pages inplementing rate changes or penalties of up to $100 for each day of such default (46 U.S.C. 820(a))."

PART 514—FINANCIAL EXHIBITS AND SCHEDULES, NONVESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

(a) Paragraphs 2 and 3 of the Authority citation containing GAO clearance information should be removed and the following substituted therefor:

"OMB Control Number 3072–0031. Expires March 31, 1983."

(b) Designate the paragraph presently appearing under § 514.1 as (a). Add a new paragraph (b) to read as follows:

"(b) Filing of the information is required only in those instances where the Commission institutes an investigation and hearing with respect to proposed rate changes. Compliance in those instances is mandatory and failure to file the required reports may result in penalties of up to $100 for each day of such default (46 U.S.C. 820 (a))."

PART 527—SHIPPERS' REQUESTS AND COMPLAINTS

(a) Paragraph 2 of the Authority citation containing GAO clearance information should be removed and the following language substituted therefor:

"Approved for use through June 30, 1983. OMB No. 3072–0007."

(b) Add a new paragraph (b) to § 527.1 to read as follows:

"(b) Compliance is mandatory and failure to file the required reports may result in disapproval of section 15 agreements or penalties of up to $100 for each day of such default (46 U.S.C. 820(a))."

PART 528—SELF-POLICING REQUIREMENTS FOR SECTION 15 AGREEMENTS

(a) Paragraph 2 of the Authority citation containing GAO clearance information should be removed and the following language substituted therefor:

"OMB Control Number 3072–0003. Expires February 28, 1982."

(b) Add a new paragraph (c) to § 528.0 to read as follows:

"(c) Compliance is mandatory and failure to file the required reports may result in disapproval of section 15 agreements or penalties of up to $100 for

each day of such default (46 U.S.C. 820(a))."

PART 531—PUBLISHING, FILING AND POSTING OF TARIFFS IN DOMESTIC OFFSHORE COMMERCE

(a) Paragraph 2 of the Authority citation containing GAS clearance infomation should be removed and the following language substituted therefor:

"OMB Control Number 3072-0005. Expires October 31, 1983."

(b) Designate the paragraph presently appearing under Section 531.0 as (a). Add a new paragraph (b) to read as follows:

"(b) Information obtained under this Part is used to determine the propriety of the level of rates, fares, charges, and practices damanded, charged, collected or observed by carriers. Compliance is mandatory and failure of a tariff to conform with the rules of this Part may result in rejection. Violations of the provisions of this Part are also subject to a civil penalty of not more than $1,000 for each day such violation continues (46 U.S.C. 844)."

PART 533—FILING OF TARIFFS BY TERMINAL OPERATORS

(a) Add the following paragraph after the first paragraph in the Authority citation section:

"OMB Control Number 3072–0002. Expires September 30, 1983."

(b) The last sentence of § 533.1 containing GAO clearance information should be removed.

(c) Add the following sentence immediately after the last sentence of § 533.2:

"Compliance is mandatory and failure to file the required tariffs may result in a civil penalty of not more than $100 for each day such violation continues. (46 U.S.C. 820(a))."

(d) Remove the Note paragraph presently appearing at the end of Part 533.

PART 537—CONFERENCE AGREEMENT PROVISIONS RELATING TO CONCERTED ACTIVITIES

(a) Paragraph 2 of the Authority citation containing GAO clearance information should be removed and the following language substituted therefor:

"OMB Control Number 3072–0013. Expires January 31, 1982."

(b) Remove the last sentence presently appearing in Section 537.1 and substitute therefor the following sentence:

"Compliance is mandatory and failure to file the required reports may result in disapproval of agreements or penalties of up to $100 for each day of such default (46 U.S.C. 820(a))."

PART 543—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—ALASKA PIPELINE

(a) Paragraph 2 of the Authority citation containing GAO clearance information should be removed and the following language substituted therefor:

"OMB Control Number 3072–0016. Expires July 31, 1983."

(b) Add the following sentence immediately after the last sentence of § 543.1:

"Information obtained under this Part is used to determine the financial responsibility of vessel operators. Failure to follow the provisions of this Part may result in denial of a certificate required for loading, carrying and transferring oil. Persons operating without the proper certificate may also be subject to a fine of not more than $10,000 for each such failure to comply. (33 U.S.C. 1321(p)(4))."

PART 544—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—OUTER CONTINENTAL SHELF

(a) Paragraph 2 of the Authority citation containing GAO clearance information should be removed and the following language substituted therefor:

"OMB Control Number 3072–0025. Expires March 31, 1983."

(b) Add a new paragraph (c) to § 544.1 to read as follows:

"(c) Information obtained under this Part is used to determine the financial responsibility of vessel operators. Failure to follow the provisions of this Part may result in denial of a certificate required for the transportation of oil or the assessment of penalties as specified in Section 544.13 of this Part."

PART 552—CERTIFICATION OF COMPANY POLICIES AND EFFORTS TO COMBAT REBATING IN THE FOREIGN COMMERCE OF THE UNITED STATES

(a) Add the following paragraph immediately after the first paragraph in the Authority citation:

"OMB Control Number 3072–0028. Expires January 31, 1983."

(b) Number the paragraph presently appearing under § 552.1 as (a). Add a new paragraph (b) to read as follows:

"(b) Information obtained under this Part in used to maintain continuous surveillance over carriers' activities and to provide a deterrent against rebating practices. Failure to file the required reports may result in a civil penalty of not more then $5,000 for each day such violation continues (46 U.S.C. 820(b))."

Effective Date: Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective August 25, 1981.

By the Commission June 25, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-24660 Filed 8-24-81; 8:45 am]

BILLING CODE 6730-01-M

Proposed Rules

Federal Register
Vol. 46, No. 164
Tuesday, August 25, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1098

Milk in the Nashville, Tenn., Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to continue through November 1981, the suspension of certain order provisions affecting the regulatory status of milk plants under the Nashville, Tennessee, Federal milk order. This action was requested by a handler operating a distributing plant in the regulated area. The same handler requested the suspension now in effect that otherwise would expire on August 31, 1981. The proposed suspension would remove the requirement that a distributing plant have route disposition of at least 50 percent of combined receipts and diversions to qualify as a pool plant.

EFFECTIVE DATE: Comments are due no later than September 1, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–5443.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures and the inclusion of September 1981 in the suspension period if this is found necessary. The initial request for the action was received on August 13, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Nashville, Tennessee, marketing area is being considered for September 1981 through November 1981.

§ 1098.7 [Amended].

In § 1098.7(a) the words "not less than 50 percent of the" and the words "that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13" are proposed to be suspended.

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 1, 1981. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include September 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would continue to make inoperative for September through November 1981 the provision that a distributing plant each month must dispose of at least 50 percent of its milk receipts as route disposition to qualify as a pool plant. The suspension action was requested by Kraft, Inc., which operates a pool distributing plant regulated under the Nashville order. Kraft also had requested the current suspension of these provisions, which was made effective for May through August 1981. In its original request for the suspension, Kraft expressed the belief that the problem for which a suspension was requested would be resolved during the fall months. Kraft now indicates that their April forecast of fall operations may not be realized and that there will continue to be a temporary imbalance in its operations between supply and demand for fluid sales.

In addition to its request for extension of the supension, Kraft has requested that the department hold a public hearing to consider among other things changes in the pooling standards for pool distributing plants. If a hearing is called to consider Kraft's proposal, the record developed at a hearing would serve as the basis for any permanent change in the pooling standards for pool distributing plants. Kraft states that continuation of the suspension is necessary until this issue can be explored on the record of a public hearing. In this way, producers regularly supplying a portion of the market's fluid milk requirements could continue to share in the proceeds of the market's Class I sales. Kraft also contends that if its Nashville plant becomes partially regulated before a hearing is held, other producers in the market will lose the benefit of Class I proceeds contemplated by the milk order program.

Signed at Washington, D.C., on August 20, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-24780 Filed 8-24-81; 8:45 am]
BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 221 and 250

[Policy Statements Docket 38348; EDR-404D]

Elimination of Rules Tariffs; Notice to Passengers of Conditions of Carriage

AGENCY: Civil Aeronautics Board.

ACTION: Extension of time for comments.

SUMMARY: The CAB is extending for 2 weeks the time for comments in its rulemaking proceeding to eliminate domestic rules tariffs and most Board-prescribed notices to passengers in domestic and foreign air transportation. The Air Transport Association of America requested a 3-week extension. A 2-week extension is being granted in this and other proceedings because of the disruption caused by the air traffic controller situation.

DATES: Comments by September 9, 1981.

Reply Comments by: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In EDR-404B, 46 FR 35936, July 13, 1981, the Board proposed to eliminate passenger rules tariffs in interstate and overseas air transportation and to eliminate most of the Board-prescribed notices to passengers in domestic and foreign air transportation. The proposal called for comments by August 24 and reply comments by September 14, 1981.

In EDR-404C, 46 FR 40703, August 11, 1981, we granted a 2-day extension of the initial comment deadline at the request of the American Society of Travel Agents (ASTA), but denied a 90-day extension that had been requested by the International Air Transport Association (IATA). The 2-day extension was granted because of scheduling problems with the comment period in EDR-429, 46 FR 38656, July 28, 1981. The reason for IATA's request was the mail stoppage in Canada. IATA stated that because it did not receive timely notice of the proposal, it could not make a meaningful presentation to the Board by August 24, 1981. The request was denied because IATA's New York office, as well as many members of the association, were served on July 13, 1981.

On August 13, 1981, the Air Transport Association of America (ATA) asked the Board to extend the date for filing initial comments 3 weeks, from August 26, 1981, to September 16, 1981. ATA stated that because of the recent situation concerning air traffic controllers, the attention of carrier personnel has been diverted from the preparation of comments in this rulemaking, and that additional time to comment is needed.

The Board recognizes that the air traffic control situation has caused practical difficulties. A 2-week extension was recently granted in Docket 38585 on these same grounds. Although the issues raised in this rulemaking should be addressed as soon as possible, we want interested persons to have enough time to prepare their comments. Because the air traffic control problems have diverted both the industry's and the public's attention, and because a short delay will not cause significant harm, I find good cause to grant a 2-week extension in this proceeding.

Accordingly, under authority delegated by the Board in 14 CFR 385.20(d), the time for filing initial comments in Docket 38348 is extended to September 9, 1981, and, for reply comments, to September 28, 1981.

(Secs. 204, 403, 411, and 1002 of Pub. L. 85-726, as amended; 72 Stat. 743, 758, 769, 788; 49 USC 1324, 1373, 1381, 1482)

Dated: August 17, 1981.

Mark Schwimmer,

Acting Associate General Counsel, Rules and Legislation.

[FR Doc. 81-24728 Filed 8-24-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 1

Procedures for Predetermination of Wage Rates

Correction

In FR Doc. 81-23735 appearing at page 41444, in the issue for Friday, August 14, 1981, make the following correction:

On page 41450, in the first column, in § 1.7(b), the fourth line should have read: "determination, wages paid on similar".

BILLING CODE 1505-01-M

29 CFR Part 4

Service Contract Act; Labor Standards for Federal Service Contracts

Correction

In FR Doc. 81-23495, appearing at page 41380 in the issue for Friday, August 14, 1981, make the following corrections:

(1) On page 41381, in the middle column, in the last paragraph, in the sixth line, the last word should be "in-depth".

(2) On page 41387, in the middle column, in paragraph (d) (§ 4.4(d)), in the twelfth line, the last word should be "biennial".

BILLING CODE 1505-01-M

29 CFR Part 5

Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)

Correction

In FR Doc. 81-23736, appearing at page 41456 in the issue for Friday, August 14, 1981, please make the following corrections:

(1) On page 41456, in the third column, in the second line, the word "wil" should have read "will".

(2) On page 41457, in the first column, in the fifth line, after "Department's", please insert "Employment Training Administration. Accordingly,".

(3) On page 41458, in the first column, on the second line, the word "costs" should be "cost".

(4) On page 41458, in the first column, in the second full paragraph, in the fourth and nineteenth lines, the word "ration" should have read "ratio".

(5) On page 41458, in the middle column, in the first complete paragraph, in the second line, the word "form" should have read "from".

(6) On page 41460, in the middle column, in paragraph (1) (§ 5.2(l)(1)), in the sixth line, after the word "section" please insert a comma.

(7) On page 41462, in the third column, in paragraph (4) (§ 5.5 (a)(4)), in the seventh line, the word "appreticeship" should have read "apprenticeship".

(8) On page 41463, in the second column, in paragraph (6) (§ 5.5(a)(6)), in the sixth line, the word "be" should have read "by".

(9) On page 41464, in the third column, in paragraph (3) (§ 5.6(a)(3)), in the twenty-first line, after the word "determination", delete the comma.

(10) On page 41470, in § 5.17, in the second line, after Administration", delete the comma.

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Public Comment Period and Opportunity for Public Hearing on Modified Portions of the Arkansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Arkansas Permanent Regulatory Program (hereinafter referred to as the Arkansas Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Arkansas program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. on September 25, 1981 to be considered in the Secretary's decision on whether the proposed amendments satisfy the conditions.

A public hearing on the proposed modifications has been scheduled for September 21, 1981 from 7:00 p.m. to 9:00 p.m.

Any person interested in making an oral or written presentation at the hearing should contact Richard Rieke at the address and phone number listed below by September 9, 1981. If no person has contacted Mr. Rieke to express an interest in participating in the hearing by the above date, the hearing will be canceled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: Written comments should be mailed or hand-delivered to: Raymond L. Lowrie, Regional Director, Office of Surface Mining Reclamation and Enforcement, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

The public hearing will be held at Executive Inn, Room 305–307, 707 Highway I–30, Little Rock, Arkansas 72204.

Copies of the Arkansas program, the proposed modifications to the program, a listing of scheduled public meetings, and all written comments are available for review at the OSM Region IV Office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Region IV, Scarritt Building, 5th Floor, 818 Grand Avenue, Kansas City, Missouri 64106

Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72219.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Division of State and Federal Programs, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106, Telephone: (816) 374–3920.

SUPPLEMENTARY INFORMATION: On February 19, 1980, OSM received a proposed regulatory program from the State of Arkansas. On November 14, 1980, following a review of that proposed program as outlined in 30 CFR 732, the Secretary approved the program subject to the correction of four minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the November 21, 1980, **Federal Register** (45 FR 77003–77017).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Arkansas program can be found in the November 21, 1980, **Federal Register** (45 FR 77003–77017).

The Secretary of the Interior determined that the Arkansas program contains four minor deficiencies.

1. The penalties for persons convicted of interfering with Arkansas Department of Pollution Control and Ecology (DPCE) employees in the performance of their duties, as provided in Arkansas Stat. Ann. 41–2801, 41–901 and 41–1101, were less stringent than the penalties of Section 704 of SMCRA.

2. Arkansas regulation Section 786.19(h) referenced State law rather than Federal law regarding proof of payment of all reclamation fees before permit approval, contrary to 30 CFR 786.19(h).

3. Arkansas did not place a limit on the time within which adjudicatory hearings on proposed civil penalties will be held.

4. Arkansas regulations Section 940.1(a) did not incorporate the criteria for granting temporary relief during administrative review required by Section 525(c) of SMCRA.

In accepting the Secretary's conditional approval, Arkansas agreed to correct deficiency number 1 by April 15, 1981, and deficiencies 2, 3 and 4 by January 1, 1981.

The Arkansas Department of Pollution Control and Ecology (DPCE) adopted Minute Order 80–69 on November 21, 1980, and furnished a copy to OSM on January 19, 1981 (See Arkansas Administrative Record AR–223). Minute Order 80–69 contains (1) an amendment to require that mine permit applicants submit proof that all reclamation fees required by Section 402 of Pub. L. 95–87 have been paid before permit approval, as required by 30 CFR 786.19(h) and (2) an amendment placing a sixty-day limit on the time within which adjudicatory hearings on proposed civil penalties will be held. These two amendments were submitted to correct deficiencies 2 and 3. The Secretary now seeks public comment on whether the amendment correct these deficiencies.

On September 2, 1980, OSM received a letter from the Arkansas DPCE (See Arkansas Administrative Record, AR–192) transmitting revisions to Arkansas regulation 940.1(a) providing criteria for temporary relief during administrative proceedings. Although this amendment was received prior to the November 21, 1980, decision and appeared to be consistent with Section 525(c) of SMCRA, it could not be considered for purposes of that decision because it provided for the Arkansas program (See 45 FR 50821, July 31, 1980). The Secretary now seeks public comment on whether the amendment to § 940.1(a) corrects deficiency number 4.

On March 12, 1981, OSM received a letter from the Arkansas DPCE (See Arkansas Administrative Record, AR–224) transmitting a copy of Senate Bill 191 which had been signed by Governor Frank White on March 5, 1981. Senate Bill 191 amended Section 19 of Act 134 of 1979, as amended, making it a crime to resist, prevent, impede, or interfere with the Director of the Arkansas DPCE or his agents and specifying a penalty of not more than $5,000 or imprisonment for not more than one year both upon conviction. This amendment was submitted to correct deficiency number 1. The Secretary now seeks public comment on whether the amendment corrects that deficiency.

Additional Determinations

Compliance with the National Environmental Policy Act. The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

J. Steven Griles,

Acting Director, Office of Surface Mining.

Dated: July 9, 1981.

[FR Doc. 81-24735 Filed 8-24-81; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 916

Public Comment Period and Opportunity for Public Hearing on Modified Portions of the Kansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a hearing on the substantive adequacy of program amendments submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Kansas Permanent Regulatory Program (hereinafter referred to as the Kansas Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Kansas program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. on September 25, 1981 to be considered in the Secretary's decision on whether the proposed amendments satisfy the conditions.

A public hearing on the proposed modifications has been scheduled for September 23, 1981 from 7:00 p.m. to 9:00 p.m.

Any person interested in making an oral or written presentation at the hearing should contact Richard Rieke at the address and phone number listed below by September 9, 1981. If no person has contacted Mr. Rieke to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellations will be published in the **Federal Register.**

ADDRESSES: Written comments should be mailed or hand delivered to: Raymond L. Lowrie, Regional Director, Office of Surface Mining Reclamation and Enforcement, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

The public hearing will be held at Holiday Inn, Highway 69 North, Pittsburg, Kansas.

Copies of the Kansas program, the proposed modifications to the program, a listing of scheduled public meetings, and all written comments are available for review at the OSM Region IV Office and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106

Mined-Land Office, 107 West 11th Street, Pittsburg, Kansas 66762

Kansas Corporation Commission, Legal Office, State Office Building, 4th Floor, 915 Harrison, Topeka, Kansas 66617.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Division of State and Federal Programs, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 274-3920.

SUPPLEMENTARY INFORMATION: On February 26, 1980, OSM received a proposed regulatory program from the State of Kansas. On September 4, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 58569-59576). The State of Kansas resubmitted its proposed regulatory program and after a subsequent review, the Secretary approved the program subject to the correction of six minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the January 21, 1981, **Federal Register** (46 FR 5892-5899).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Kansas program can be found in the January 21, 1981, **Federal Register.** (46 FR 5892-5899).

The Secretary of the Interior determined that the Kansas program contains six minor deficiencies.

1. Sections 49-411 and 49-412 of the Mined Land Conservation and Reclamation Act (MLCRA) allow the State regulatory authority to authorize deferred planting and delayed reclamation. These provisions are capable of implementation in a manner inconsistent with Section 515(b)(10) of SMCRA which requires reclamation as contemporaneously as practicable with mining.

2. Sections 49-413 and 49-414 of the MLCRA allow the State regulatory authority to authorize bond release upon a determination that a satisfactory vegetative cover has been established. These sections are inconsistent with Sections 515(b)(20) and 519(c) of SMCRA which require an operator to assume a five year minimum period of responsibility for successful revegetation.

3. Section 49-421 of the MLCRA limits mandatory civil penalties for cessation orders to $250. This provision is inconsistent with and less stringent than Section 518(a) of SMCRA which authorizes mandatory penalties of up to $5,000. The Kansas MLCRA also contains a provision (Section 49-405c) that establishes a maximum penalty of $5,000. Apparently, Kansas inadvertently failed to repeal Section 49-421 when Section 49-405a was enacted. Kansas State law (Section 49-405c) and regulations provide for penalties consistent with Federal law and regulations.

4. Section 49-416 of the MLCRA is inconsistent in part with Section 521 of SMCRA (and Section 49-405(m) of the MLCRA) because it allows for discretionary permit revocation as distinguished from the mandatory cessation orders required under Section 521 for violations creating imminent danger to public health or safety or causing imminent environmental harm.

5. The Kansas program contains no counterpart to Section 704 of SMCRA concerning protection of employees of the Kansas Mined Land Conservation and Reclamation Board equivalent to the protection afforded Federal employees under Section 704.

6. Sections 49-422 and 49-422a of the MLCRA are inconsistent with each other (the retention of Section 49-422 may have been inadvertent) and neither Section states whether judicial review of an administrative action will be *de novo* or on the record made before the Mined Land Conservation and Reclamation Board. To the extent that the Kansas program provides for trial *de novo* review of an administrative action such review must incorporate procedures adequately addressing the seven criteria

enumerated in finding 4(p) of the **Federal Register** notice announcing the initial decision on the Kansas program (45 FR 58573, September 4, 1980).

In accepting the Secretary's conditional approval, Kansas agreed to correct the deficiencies by June 1, 1981.

The Kansas legislature adopted and Governor John Carlin approved Kansas House Bill 2182 on May 14, 1980, and furnished a copy to OSM on May 25, 1981 (see Kansas Administrative Record KS–234). House Bill 2182 provides for the following:

(1) Amends Section 49–411 of the MLCRA to remove the discretion to allow deferred planting and repeals Section 49–412 of the MLCRA which allows the State regulatory authority to authorize delayed reclamation.

(2) Repeals Sections 49–413 and 49–414 which were inconsistent with SMCRA in that these sections allowed the State regulatory authority to authorize bond release upon a determination that a satisfactory vegetative cover had been established. Sections 515(b)(20) and 519(c) of SMCRA require an operator to assume a five-year minimum responsibility for successful revegetation.

(3) Repeals Section 49–421 of the MLCRA which limited mandatory civil penalties for cessation orders to $250. This section was inconsistent with and less stringent than Section 518(a) of SMCRA which authorizes mandatory penalties of $5,000. The Kansas MLCRA also contains a provision in Section 49–405c that establishes a maximum penalty of $5,000. Apparently, Kansas inadvertently failed to repeal Section 49–421 when 49–405c was enacted.

(4) Repeals Section 49–416 of the MLCRA which was inconsistent with Section 521 of SMCRA in that it allowed for discretionary permit revocation as distinguished from the mandatory cessation orders required under section 521 for violations creating imminent danger to public health or safety or causing imminent environmental harm.

(5) Enacted a provision to provide for the protection of employees of the Kansas Mined Land Conservation and Reclamation Board equivalent to the protection afforded Federal employees under Section 704 of SMCRA.

(6) Repeals Section 49–422 and amends Section 49–422a of the MLCRA to include a provision that judicial review will be on the record made before the Mined Land Conservation and Reclamation Board.

Kansas has enacted this legislation to correct the six deficiencies to its program. The Secretary now seeks public comment on whether the legislation corrects these deficiencies.

Additional amendments

In addition to repealing and amending the MLCRA sections listed above in SUPPLEMENTARY INFORMATION to satisfy the conditions of approval as outlined in the January 21, 1981, **Federal Register** notice 5892–5899, Kansas enacted the following section to the MLCRA:

(1) Section 49–403 of the MLCRA is amended to include the definitions of geologist and geology.

(2) Section 49–405c of the MLCRA is amended to include a provision that a penalty be placed in an interest-bearing escrow account in the event the person contests the amount of the penalty or the fact of the violation.

(3) Section 49–406 is amended to include:

(a) provision for geologists to certify maps that accompany permit applications;

(b) bonding requirements may be satisfied by depositing cash, negotiable bonds, negotiable certificates of deposit or irrevocable letters of credit with the State treasurer.

(4) Added a provision excluding the extraction of coal incidental to highway construction from the provisions of the Kansas MLCRA.

(5) added a provision creating the mined-land reclamation fund in the State treasury.

Additional Determinations

Compliance with the National Environmental Policy Act. The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Dated: July 9, 1981.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81–24736 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 925

Public Comment Period and Opportunity for Public Hearing on Modified Portions of the Missouri Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for hearing.

SUMMARY: OSM is announcing procedures for the public comment period and opportunity for a hearing on the substantive adequacy of program amendments submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Missouri Permanent Regulatory Program (hereinafter referred to as the Missouri Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Missouri program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedure that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. on September 25, 1981 to be considered in the Secretary's decision on whether the proposed amendments satisfy the conditions.

A public hearing on the proposed modifications has been scheduled for September 22, 1981 from 7:00 p.m. to 9:00 p.m.

Any person interested in making an oral or written presentation at the hearing should contact Richard Rieke at the address and phone number listed below by September 9, 1981. If no person has contacted Mr. Rieke to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: Written comments or requests for a public hearing should be mailed or hand delivered to: Raymond L. Lowrie, Regional Director, Office of Surface Mining, Reclamation and Enforcement, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

The public hearing will be held at Federal building, 601 E. 12th, Kansas City, Missouri.

Copies of the full text of the Missouri program, the proposed modifications to the program, a listing of scheduled public meetings and copies of all written comments are available for review at the OSM Region IV Office and the central office of the Missouri Land Reclamation Commission listed below, Monday through Friday, 8 a.m. to 4 p.m. excluding holidays:

Office of Surface Mining, Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106

Missouri Land Reclamation Commission, 1026–D N.E. Drive, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, State and Federal Programs Division, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374–3920.

SUPPLEMENTARY INFORMATION: On February 1, 1980, OSM received a proposed regulatory program from the State of Missouri. On November 14, 1980, following a review of that proposed program as outlined in 30 CFR 732, the Secretary approved the program subject to the correction of minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the November 21, 1980, **Federal Register** (45 FR 77027–77028).

Information pertinent to the general background, revision and modification to the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Missouri program can be found in the November 21, 1980, **Federal Register** (45 FR 77017–77027). The final rules of the conditional approval are published in the November 21, 1980, **Federal Register** (45 FR 77027–77028) and are codified as 30 CFR 925.

The Secretary of the Interior determined that the Missouri program contains various minor deficiencies. These deficiencies are as follows:

1. The Missouri program did not provide 21 program provisions as specified in 30 CFR 925.11(a).
2. The Missouri program did not provide provisions relating to permitting requirements and performance standards for undergound mining as specified in 30 CFR 925.11(b).
3. The Missouri program did not provide provisions that are as stringent as those in Section 704 of the Surface Mining Control and Reclamation Act of 1977 relative to protection of Missouri Land Reclamation Commission employees performing their duties as specified in 30 CFR 925.11(c).

In accepting the Secretary's conditional approval, Missouri agreed to correct deficiencies 1 and 2 by April 1, 1981, and deficiency number 3 by October 1, 1981.

To correct deficiencies 1 and 3 above, Missouri submitted fully enacted rules on December 8, 1980. The provisions submitted to correct deficiency number 1 are published in the *Missouri Register*, August 1, 1980 (5 MO Reg 859–862), September 2, 1980 (5 MO Reg 1149–1150), and November 3, 1980 (5 MO Reg 1337–1338); also see administrative record document number MO–223. Provisions to correct deficiency number 3 are published in the *Missouri Register*, August 1, 1980 (5 MO Reg 860), amending Missouri rule 10 CSR–6.07(12). Also see administrative record document number MO–213.

Missouri has submitted enacted rules to correct deficiency number 2 above. These rules were published in the *Missouri Register*, December 1, 1980 (5 MO Reg 1432–1436). Also see administrative record document number MO–230. The Secretary now seeks public comment on whether the provisions submitted correct these deficiencies.

If the program amendments are approved, the conditions specified in 30 CFR 925.11 (a), (b) and (c) will be repealed.

ADDITIONAL DETERMINATIONS:

Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Dated: July 9, 1981.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81–24737 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 70

[DoD Directive 1332.28]

Discharge Review Boards (DRB); Procedures and Standards

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: The current Part 70 of this title does not specifically prescribe time limits for submission of applications for reconsideration of previous Discharge Review Board decisions. Additionally, the current Part 70 of this title allows an individual to obtain a successive variety of hearings. The proposed change specifies time limits for reconsideration and limits the individual to one opportunity for reconsideration.

DATES: Written comments must be received by October 18, 1981.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Military Personnel & Force Management), the Pentagon, Room 3C980, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Colonel John L. Fugh, USA, 202–697–9283.

SUPPLEMENTARY INFORMATION: In FR Doc. 78–8638 appearing in the **Federal Register** on March 31, 1978 (43 FR 13564), the Office of the Secretary of Defense published Part 70 of this title. In FR Doc. 79–39457 and in FR Doc. 81–19456 appearing in the **Federal Register** on December 27, 1979 (44 FR 76486) and in July 2, 1981 (46 FR 34574), respectively amendments to Part 70 were issued.

PART 70—DISCHARGE REVIEW BOARDS (DRBs) PROCEDURES AND STANDARDS

OSD proposes to amend further § 70.5 of this title by revising paragraph (b)(8) to read as follows:

§ 70.5 Discharge review procedures.

* * * * *

(b) *Conduct of reviews.* * * *

(8) *Reconsideration.* (i) An applicant may submit a written request for reconsideration of a previous review to the DRB concerned with such other statements, affidavits, or documentation as desired. The request, which shall be made on DD Form 293 (See § 70.5(a)(1)) shall specify the reasons for reconsideration.

(ii) Reconsideration of a previous review shall be granted only when the DRB determines that the request for reconsideration meets one of the following criteria:

(A) Prior consideration on motion of DRB: The only previous review of the applicant's discharge was initiated on the motion of the DRB and the request is submitted on or before January 1, 1984, or within 15 years after the date of the applicant's discharge, whichever is later.

(B) Prior consideration involved a record review: (*1*) The applicant's discharge has not been reviewed in a hearing that involved either an appearance by the applicant or an appearance on behalf of the applicant by counsel/representative, and the request is for such a hearing with such an appearance; and

(*2*) The request is submitted on or before January 1, 1984, within 15 years after the date of the applicant's discharge, or within two years after the date of the decisional document that is the subject of the request, whichever is later; and

(*3*) The provisions of § 70.5(f) do not apply.

(C) Expressly retroactive change in discharge policy: There is a change in discharge policy subsequent to the previous review of the applicant's discharge, the new policy is made expressly retroactive to the type of discharge received by the applicant, and the request is submitted on or before

January 1, 1984, within 15 years after the date of the applicant's discharge, or within two years after the effective date of the new policy, whichever is later.

(D) Change in discharge policy resulting in a substantial enhancement of rights: There is a change in discharge policy subsequent to the previous review of the applicant's discharge, the DRB determines that the new policy represents a substantial enhancement of the rights afforded the applicant, and the request is submitted on or before January 1, 1984, within 15 years after the date of the applicant's discharge, or within two years after the effective date of the new policy, whichever is later.

(E) New evidence: The applicant submits evidence that was not reasonably available at the time of the previous review, the DRB determines that the evidence is new, substantial, and relevant, and the request is submitted on or before January 1, 1984, within 15 years after the date of the applicant's discharge, or within two years after the evidence was discovered or reasonably should have been discovered by the applicant.

(F) Prior review conducted before adoption of uniform standards: The only previous review of the applicant's discharge was conducted before publication of the uniform discharge review standards on March 29, 1978, and the request is submitted within 15 years after the date of the applicant's discharge.

* * * * *

(Title 10, U.SC. 1553 and Title 38, U.S.C. 101 and 3103, as amended by Pub. L. 96–126. October 8, 1977)

August 20, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 81–24710 Filed 8–24–81; 8:45 am]

BILLING CODE 3810–01–M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans' Benefits; Revocation of Obsolete Regulations

AGENCY: Veterans Administration.

ACTION: Proposed revocation of obsolete and superfluous regulations.

SUMMARY: The Veterans Administration is proposing to revoke a number of obsolete and superfluous regulations. The provisions of these regulations have been either incorporated into other regulations or have been made obsolete by subsequently enacted legislation.

DATES: Comments must be received on or before September 23, 1981. We propose to revoke these regulations the date of final approval.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

Comments will be available for inspection at the address shown above during normal business hours until October 5, 1981.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr., 202–389–3005.

SUPPLEMENTARY INFORMATION: We propose to revoke 38 CFR 3.1550, 3.1552 through 3.1556, 3.1558, 3.1559, 3.1561, 3.1562, 3.1564 through 3.1568, 3.1570 through 3.1575, 3.1690 and 3.1691. The provisions of these regulations have been either incorporated into other sections of part 3, title 38, Code of Federal Regulations or are obsolete. For example, § 3.1555 provides that multiple sclerosis developing to a degree of 10 percent within 3 years from discharge shall be considered to have been incurred in or aggravated in service. This 3-year presumptive period was subsequently extended to 7 years and now appears in § 3.307(a)(3) together with the presumptive provisions applicable to other chronic diseases.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until October 5, 1981. Any person visiting the Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: August 18, 1981.

Robert P. Nimmo,

Administrator.

PART 3 [AMENDED]

It is proposed to amend Part 3, Title 38, Code of Federal Regulations by removing §§ 3.1550, 3.1552 through 3.1556, 3.1558, 3.1559, 3.1561, 3.1562, 3.1564 through 3.1568, 3.1570 through 3.1575, 3.1690 and 3.1691 as follows:

Sec.

3.1550 Instructions relating to the computation of annuities or pensions received from the Railroad Retirement Board as income for pension purposes.

3.1552 Instructions relating to assistance in acquiring specially adapted housing to seriously disabled veterans.

3.1553 Implementation of the provisions of the "Veterans' Pension Act of 1959."

3.1554 Amendment to 38 U.S.C. 511 and 512 permitting Indian War and Spanish-American War veterans to elect to receive pension under the provisions of Public Law 86–211.

3.1555 Presumption of service connection for multiple sclerosis under 38 U.S.C. 312(4), as amended by Public Law 86–187.

3.1556 Presumption of service connection for Hansen's disease (leprosy) under 38 U.S.C. 312, as amended by Public Law 86–211.

3.1558 Title 38, United States Code 106a, as modified by Public Law 86–142. Recognition of service in the Women's Army Auxiliary Corps (WAAC) as active military service for persons who subsequently performed service in the Armed Forces.

3.1559 Instructions relating to accumulation and final disposition of certain benefits in the case of incompetent veterans.

3.1561 Payment of benefits to children on account of the death of more than one parent in the same parental line.

3.1562 Change in method of determining basic pay for purposes of computing dependency and indemnity compensation under Public Law 86–432.

3.1564 New effective date for payment of additional compensation for dependents.

3.1565 Additional compensation for veterans having four or more children and whose disability is 50 percent or more disabling.

3.1566 Additional disability compensation for certain seriously disabled veterans.

3.1567 Title 38, United States Code 560, 561 and 562 as changed by Public Law 87–138, Medal of Honor Roll; persons eligible and provisions relating to special pension.

3.1568 Inceased dependency and indemnity compensation in certain wartime cases.

3.1570 Instructions relating to rates of compensation to be assigned certain veterans with service-connected blindness of one eye and non-service-connected blindness of the other eye or with service-connected loss or loss of the use of one kidney and non-service-connected involvement of the other kidney.

3.1571 Increased compensation.

3.1572 Instructions relating to the payment of additional aid and attendance allowance under 38 U.S.C. 314(r) during periods of hospitalization at Government expense.

3.1573 Presumption of service-connected multiple sclerosis under 38 U.S.C. 312(4) as amended by section 3, Public Law 87–645.
3.1574 Denial of benefits because of conduct of widow.
3.1575 Restoration of benefits for widows and children upon annulment of their remarriage or marriage.
3.1690 Instructions relating to the effect of admission of the State of Alaska into the Union on payment of burial benefits.
3.1691 Effect of admission of the State of Hawaii into the Union on payment of burial benefits.

[FR Doc. 81-24711 Filed 8-24-81; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-4-FRL-1892-1]

Standards of Performance for New Stationary Sources; Proposed Alternative Performance Test Requirement for Primary Aluminum Plant

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish an alternative performance testing frequency requirement for Anaconda Aluminum's Sebree plant in Henderson, KY, as provided in 40 CFR 60.195(b). Rather than conduct monthly performance tests, this source would be allowed to test once a year. The public is invited to submit written comments on this proposal.

DATE: Written comments must be received on or before September 24, 1981.

ADDRESSES: Comments should be submitted in writing to the Director, Air & Hazardous Materials Division, EPA Region IV, 345 Courtland St., NE, Atlanta, GA 30365. Background information and comments received on the proposal will be available for public inspection at the same address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Joe Riley, Air Facilities Branch, Air & Hazardous Materials Division, EPA Region IV, Atlanta, GA at 404/881-2786 (FTS 257-2786).

SUPPLEMENTARY INFORMATION: On January 26, 1976 (41 FR 3828), EPA promulgated Standards of Performance for New Primary Aluminum Reduction Plants as Subpart S of 40 CFR Part 60, pursuant to the provisions of Section 111 of the Clean Air Act. Under the original standards, the affected source was required to conduct a performance test on startup and on any other occasion the Agency might require a test under Section 114 of the Clean Air Act. On June 30, 1980 (45 FR 44202), EPA revised 40 CFR 60.195 to require performance testing at least once a month for the life of a new primary aluminum plant. At the same time, however, the Agency provided that alternative test requirements could be established for the primary control system or an anode bake plant if the source can demonstrate that emissions have low variability during day-to-day operations.

On April 12, 1977, EPA delegated to the Commonwealth of Kentucky authority to administer Subpart S of 40 CFR Part 60. Under the terms of the delegation, performance tests were to be scheduled and performed in accordance with the procedures set forth in 40 CFR Part 60 "unless alternate methods or procedures are approved by the EPA Administrator." Accordingly, the Kentucky Department for Natural Resources and Environmental Protection has transmitted to EPA for its approval a petition for alternative test requirements submitted by Anaconda Aluminum of Henderson, Kentucky.

Anaconda Aluminum is requesting three changes in the testing requirements established for primary aluminum plants by 40 CFR Part 60. Specifically, the source wishes to be allowed to (1) use the historic mean for primary emissions to calculate total monthly potroom group emissions instead of emissions from the most recent test; (2) change the frequency of testing the anode bake plant from once a month to once a year; and (3) change the frequency of testing the primary control system from once a month to once a year.

On the basis of the supporting information submitted, EPA proposes to grant the latter two requests since they meet the requirements of 40 CFR 60.195(b). Actual emissions from the primary control system are far below allowable emissions; month-to-month variations in anode bake plant emissions, which are well below the allowable, are not great enough to likely result in emissions in excess of the standard for fluorides.

The Agency does not find that the first request can be justified under 40 CFR 60.8(b), however. To use the average of all past performance tests of the primary system to calculate emissions would defeat the purpose of periodic testing, which is to detect any deterioration in the control system.

The alternative test requirements proposed today would apply only to the Sebree production plant of Anaconda aluminum in Henderson, KY. They would not preclude the Agency or the Commonwealth of Kentucky from requiring performance testing at any time. Finally, they could be withdrawn at any time the Administrator found they were not adequate to assure compliance with emission standards applicable to this source.

The public is invited to participate in this rulemaking by submitting written comments on the proposed alternative test requirements. After considering carefully all pertinent comments received, the Administrator will take final action on Anaconda Aluminum's petition under 40 CFR 60.195(b).

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this proposed action will not if promulgated have a significant economic impact on a substantial number of small entities. The reason for this finding is that this action only affects one entity.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it would merely relieve one source of part of the burden of demonstrating compliance.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 111 and 301(a) of the Clean Air Act (42 U.S.C. 7411 and 7601(a))

Dated: August 14, 1981.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 81-24711 Filed 8-24-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 81

[A-6-FRL 1911-2]

State of Texas: Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The State of Texas has requested revision of the particulate matter (TSP) air quality status designation for one area in EL Paso, from nonattainment to attainment. On November 26, 1979, Texas submitted the revision request to the EPA in Texas Air Control Board (TACB) Resolution R79-5. This notice proposes approval of the attainment status designation and solicits public comment.

DATES: Comments must be received on or before September 24, 1981.

ADDRESSES: Submit comments to: Air Program Branch, EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270.

FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, EPA Region 6, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION:

Background

Section 107(d) of the Clean Air Act, amended in 1977, directed each State to submit to the Administrator a list of identifying areas within the State and their status with regard to attainment of the National Ambient Air Quality Standards. On March 3, 1978, at 43 FR 9037, the Administrator promulgated nonattainment designations for the State of Texas for TSP and other pollutants. The area known as El Paso 5 [1] was designated as nonattainment for the TSP standard (40 CFR 81.344). These designations were effective immediately and public comment was solicited. On September 11, 1978, the Agency made certain changes (not here relevant) to the March 3, 1978, designations.

Section 107(d)(5) of the Clean Air Act allows a State to revise and resubmit as appropriate an amended list of areas to the Administrator. The State of Texas has amended its list by revising its original designation of the El Paso 5 area from nonattainment to attainment for TSP and on November 26, 1979, submitted the revision request to EPA in TACB Resolution R79–5.

The information supporting redesignation of the El Paso 5 area was evaluated on the basic of the most recent ambient air monitoring data available. The TSP data from the El Paso 5 area is summarized below. The units are ug/m³ (micrograms per cubic meter).

Year	Dust storm data (ug/m³)	Non-dust storm high	Data (ug/m³) 2nd high
1978		194	127
1979	367, 159	[1](173), 152	130
1980	335, 189	157	95

[1]Incorrect reading corrected to 37 ug/m³.

There was one exceedance of the particulate secondary standard in 1978; however, one exceedance of 150 ug/m³ (per year) can occur without violating the federal secondary particular standard 40 CFR 50.7. In 1979, there were three exceedances. One of these (173 ug/m³) however, was due to an incorrect recording which has now been corrected by the El Paso City-County Health Unit. The correct reading is 37 ug/m³. The other two days with recorded exceedances were dust storm days. The 1980 data collected for the January–September period also shows three exceedances, two of which occurred on dust storm days.

The above data and verification between EPA and TACB indicating that the exceedances occurred on valid dust storm days show that there were no violations of the TSP standard for eight quarters. Therefore, EPA proposes to redesignate the El Paso 5 area from nonattainment to attainment.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely proposing to approve a State action. It will impose no new regulatory action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule if promulgated constitutes an attainment status redesignation under Section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

This notice of proposed rulemaking is issued under the authority of Section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

Dated: June 26, 1981.

Frances E. Phillips,

Acting Regional Administrator.

Evaluation Report—Redesignation for the El Paso 5 Area

Requirements for Approval of Redesignation

—Under Section 107(d)(5) of the clean Air Act the State may from time to time review and as appropriate revise and resubmit, the list required under this subsection. The Administator shall consider and promulgate such revised list in accordance with this subsection.

—Review of Redesignation request is based upon the Rhoads memorandum "Section 107 Redesignation Criteria" dated June 12, 1979:

—Redesignation is based upon the most recent data available,

—Generally, eight (8) quarters of data are required showing no violations, or

—If at least four quarters of ambient data are available showing no violations have occurred since real emission reductions and a demonstration is presented to show that the reductions are responsible for the air quality improvement.

Evaluation of the El Paso 5 Area

On November 26, 1979, the Texas Air Control Board (TACB) submitted to EPA in Resolution R79–5 their request for redesignation to change the El Paso 5 area from nonattainment to attainment for Total Suspended Particulate (TSP).

This redesignation request has been evaluated based upon data collected during the years 1978, 1979, and 1980.

—In 1978, one exceedance occurred at 194 $\mu g/m^3$ (micrograms per cubic meter): however, one exceedance of 150 $\mu g/m^3$ can occur without violating the federal secondary particulate standard 40 CFR 50.7.

—In 1979, three exceedances occurred. One exceedance (173 $\mu g/m^3$) was due to an incorrect recording which was corrected as 37 $\mu g/m^3$ by the El Paso City-County Health Unit. The other two days were March 22, 1979 and April 27, 1979 with exceedances of 159 $\mu g/m^3$ and 367 $\mu g/m^3$ respectively. These TSP concentrations are attributed to dust storm days as discussed between EPA's Regional Meteorologist and TACP's Meteorologist. (Dust Storm discussion found in December 22, 1980 memorandum "Comments on El Paso 5 Redesignation" from Henry Winders, Chief of the Ambient Monitoring Section to Estela Wackerbarth, Chief of the State Implementation Plan Section.)

—The 1980 data also showed three exceedances two of which were dust storm days. On March 22, 1980 with an exceedance of 189 $\mu g/m^3$, the El Paso airport reported visibility reduced to 3 miles in blowing dust and on June 8, 1980 with an exceedance of 335 $\mu g/m^3$, a local dust storm occurred west of the Franklin Mountains in El Paso. (Also discussed in Dec. 22, 1980 Memorandum.) The third exceedance of 157 $\mu g/m^3$ on June 20, 1980 can occur without violating the federal secondary particulate standard.

[1]This notation was used by the State of Texas in their original designations to differentiate among the various nonattainment areas within one county. For example, in El Paso County, five areas within the City of El Paso were designated as nonattainment, i.e., El Paso 1, El Paso 2, El Paso 3, El Paso 4, and El Paso 5.

El Paso 5 TSP Data

Year	Dust storm data (μg/m³)	Non-dust storm data (μg/m³)	
		High	2nd high
1978		194	127
1979	367, 159	[1] 173, 152	130
1980	335, 189	157	96

[1] Incorrect recording corrected to 37 μg/m³.

Based upon the above data showing violations due to incorrect readings, and dust storm days and the fact that one exceedance per year can occur without violating the federal secondary standard, EPA is proposing the El Paso 5 area to be redesignated from nonattainment to attainment for the criteria pollutant TSP.

[FR Doc. 81-24712 Filed 8-24-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 762

[OPTS-66005C; TSH-FRL1894-8]

Fully Halogenated Chlorofluoroalkanes; Essential use Exemption Spinnerette Release Agents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA promulgated a rule published in the **Federal Register** of January 21, 1981, (46 FR 5981) revoking the exemption to the chlorofluorocarbon (CFC) rule (43 FR 11318) for spinnerette release agents. EPA is now proposing to reinstate the spinnerette release agents exemption to the fully halogenated chlorofluorocarbon (CFC) rule. In taking this action, EPA is responding to new information that adequate substitutes do not exist and cannot be developed and adopted for all applications and all man-made fiber producers by March 1, 1982, the effective date of the revocation.

DATES: All written comments and requests for a public hearing should be submitted by September 24, 1981. The opportunity for oral comments will occur on October 9, 1981. See below, unit V. for details.

ADDRESSES: Written comments should be addressed to the Document Control Officer for this proposed rulemaking and should bear the identifying notation "OPTS-66005C."

Document Control Officer, Management Support Division (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-107, 401 M St., SW., Washington, D.C. 20460.

For information on requests for public hearing see SUPPLEMENTARY INFORMATION item V.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances (TS-799), Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

On January 21, 1981, EPA promulgated a rule revoking the exemption for the use of fully halogenated chlorofluorocarbon (CFC) propellants in spinnerette release agents (46 FR 5981). This rule becomes effective March 1, 1982. This action was based upon EPA's conclusion that the development of adequate substitutes for CFC's in spinnerette release agents had progressed to the point where they would be widely available by March 1, 1982. Since promulgation, the Man Made Fiber Producer Association (Association), a fiber industry trade group representing companies using spinnerette release agents, and some companies that manufacture man-made fibers have presented EPA with additional information indicating that adequate substitutes will definitely not be available for all processes and applications by the March 1, 1982 deadline. Some man-made fiber companies indicated that if the exemption is revoked in March 1982, they would be forced to use considerably less effective and possibly less safe substitutes in some processes and product lines.

The Association and several companies have indicated that EPA should not revoke the exemption before substitutes are proven available for all processes and applications. EPA was advised of this concern to its final rule in four letters and eight meetings during the months of February, March, and May 1981. While noting that substitutes existed for some applications and some companies, several man-made fiber companies provided evidence that substitutes would not be available for all applications and all companies by March 1982. The Association and companies indicated that developing and testing the various substitutes can take much longer than the time permitted under the March 1982 deadline. They indicated that companies make many different products from a variety of processes involving spinerettes of vastly different designs, sizes, and shapes which use different spinning cabinet designs and extrusion methods. Consequently, a release agent that works for one type of process or product line may not be suitable for another.

Although EPA has learned of a promising substitute developed by a company, several man-made fiber companies and the Association noted that the successful development of substitutes by a few companies does not assure the availability and acceptability of the substitute for all companies and process technologies. Some substitutes are proprietary and companies may not wish to make them generally available, thus preserving a potential competitive edge in product quality or productivity. Also, many man-made fiber producers purchase spinnerette release agents from outside suppliers and do not produce such products. The availability of acceptable CFC substitutes is beyond the control of these fiber producers.

The available information suggests that acceptable substitutes will not be universally available. The Man Made Fiber Producer Association has stated that substitutes for all applications and processes cannot be fully tested and implemented by March of 1982. The Association noted that completion of testing for a full line of processes and products can take up to two years and includes the analysis of process efficiency, product quality, flammability, corrosion properties, toxicity, and odor.

EPA believes that the information and concerns presented by industry are sufficient to warrant reconsideration of its final rule. Therefore, EPA is considering the following amendment to the final rule:

II. Alternatives to Final Rule

A. Reinstate the Essential Use Exemption for all Spinnerette Uses

The first alternative is to restore the essential use exemption for release agents for all spinnerette applications for an indefinite time period. The Association and companies that have met with EPA favor this alternative because they believe EPA inappropriately revoked the exemption and that it should remain in effect until acceptable substitutes are available to all companies for all processes and product lines. The advantages of this alternative are that it imposes no compliance burden on industry and permits the use of CFC propelled release agents for spinnerettes until acceptable substitutes are available. It would also allow companies more time to test and develop substitutes. The disadvantages

of this alternative are that it would permit companies to use CFC propelled release agents even though acceptable substitutes may be available. It may also retard the development of substitute products since there would be little incentive to commit resources for this purpose. However, several companies have informed EPA that they expect to continue their efforts to develop, evaluate, and adopt substitute propellants even if the exemption is reinstated. These companies have R & D programs already underway; they intend to continue funding these programs because of their potential for improved productivity, product quality and continuity of supply.

B. Issue Exemptions for Specific Processes or Applications

The second alternative is to issue exemptions for specific applications where substitutes do not work. EPA could issue an exemption by spinnerette diameter size, fiber process, or some other appropriate classification.

The advantage of this alternative is that it would require the use of substitute products in applications where acceptable substitutes exist but still permit the use of CFCs in processes and applications where substitutes are not suitable.

The industry has indicated that the alternative is not feasible because it is not possible to rationally choose suitable exemption categories. They have also indicated that it could require significant resources to develop and compile the appropriate information and therefore, this alternative would be excessively burdensome. Moreover, it would require that EPA possess considerable technical knowledge about the processes, applications, and products of the individual manufacturers. Before EPA could issue an exemption, the Agency would have to gather technical information from the companies and evaluate it. This approach would likely require commitment of considerable EPA and industry resources.

C. Require Company Certification of the Need for an Exemption

The third alternative is to allow a company to continue using the CFC propelled product for a particular process or application provided that an officer of the company certifies that it attempted to use available substitutes and that the substitutes were ineffective, unsafe, or otherwise unacceptable for their particular production process. Under this alternative, a company would be granted an automatic two year extension beyond the March 1, 1982 deadline. A company could renew the extension in subsequent years provided it notifies EPA before March 1 of subsequent even-numbered years that problems with the substitutes continue to exist. A company would have to document requests for initial and subsequent extensions with information on the substitutes it tested and the reasons the substitutes were unacceptable.

The advantage of this alternative is that it would require the use of substitute products in proceses and applications where a safe and effective substitute existed but still permit the use of CFCs in applications where the substitutes are inappropriate. This alternative would also provide incentive for companies to develop substitutes since they would have to document their efforts to the Agency. EPA would be able to monitor the companies progress and provide feedback on nonproprietary developments within the industry.

The disadvantage of the certification requirement is that it would not be meaningful unless EPA developed criteria to substantiate the need for an exemption. Companies would have to address these criteria when they submit their certification notice. Preparing such an exemption request, however, could place a burden on some companies. Monitoring the certification notices would require a continuing commitment of EPA resources.

III. EPA's Proposed Approach

After consideration of the three alternatives discussed above, EPA has decided that the preferred approach would be to adopt the first alternative, i.e., reinstating the essential use exemption for all spinnerette uses. EPA's reasons for proposing this alternative are that it does not create any burden on industry, provides equal treatment to all firms, and does not make any resource commitments for EPA.

The Agency believes that this is an appropriate approach to deal with an issue which will not be expected to result in any significant harm to human health and the environment. CFC release from this use will amount to an estimated 152,000 kilograms, or only about 0.04 percent of the total CFCs produced in the U.S. in 1980. This alternative will probably result in substitutes still being used where appropriate.

IV. Rulemaking Record

EPA has established a Public Record for this rulemaking (OPTS–66005C) that is available for inspection in Rm. E–107, Environmental Protection Agency, 401 M St., S.W., Washington, D.C., during the hours from 8:00 a.m. and 4:00 p.m., Monday through Friday, except for legal holidays. This record includes all information considered by the Agency in developing this proposal.

EPA will supplement the record with additional information as it is received. The record includes the following categories of information:

1. "Fully Halogenated Chlorofluoroalkanes," EPA, Published in the **Federal Register** of March 17, 1976 (43 FR 11318).
2. "Fully Halogenated Chlorofluorocarbons; Exemption for Spinnerette Release Agents," EPA, Published in the **Federal Register** of January 21, 1981 (46 FR 5981).
3. Non-Confidential Business Information letters received after the January 21, 1981 Final Rule.
4. Record of telephone conversations leading to this proposed rule.

V. Hearings

Requests for time to make an oral presentation must be made by telephone to the Industry Assistance Office, at the telephone number given above by the end of the 30-day written comment period. These requests must include: (1) A brief statement of the interest of the person or organization in the proceeding; (2) a brief outline of the points to be addressed; (3) an estimate of the time required; and (4) a nonbinding list of the persons to take part in the presentation.

The opportunity to submit oral comment will occur on October 9, 1981, at a location in EPA Headquarters, 401 M Street, S.W., Washington, D.C. For the exact location, call the Industry Assistance Office. The hearing will begin at 9:30 a.m. and is open to the public, but participation is limited to those requesting time and EPA personnel responsible for this rulemaking.

If no one has requested time to make an oral presentation by the end of the 30-day written comment period, there will be no hearing. Interested persons are advised to call the Industry Assistance Office to ascertain the status of the hearing.

VI. Regulatory Impacts

A. Executive Order 12291

Under Executive Order 12291, EPA must determine whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it does not have an annual effect on the economy of $100 million or

more. Although EPA has not quantified the regulation's effect on the man-made fiber industry, the impact of this rule will be to decrease costs to the industry compared with the current rule which would increase costs by prohibiting the use of CFC's for spinnerette release agents.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Public Record for this rulemaking (OPTS–66005C).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) imposes a general requirement that an agency assess the impact of any regulation on small entities, including small businesses. However, section 605(b) of the Act provides exception from this requirement if the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

The majority of the companies that produce man-made fibers are very large companies. Of the approximately seventy-five small companies that produce man-made fibers, only a small number produce the multi-filament fibers which use spinnerettes. Most of the small companies produce either sheet or mono-filament fibers which do not require the use of spinnerettes or CFCs as a mold release agent. The few small multi-filament fiber producers that use CFCs as a mold release agent would be favorably affected by the proposed rule to reinstate the exemption.

(Sec. 6, 90 Stat. 2020 (15 U.S.C. 2605))

Dated: August 13, 1981.

Anne M. Gorsuch,

Administrator.

Therefore, it is proposed that 40 CFR 762.58(b) be revised to read as follows:

§ 762.58 Essential use exemption.

* * * * *

(b) release agent for molds used in the production of plastic and elastomeric materials.

* * * * *

[FR Doc. 81–24708 Filed 8–24–81; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6129]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Energy Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Shannon Hills, Saline County	Otter Creek	Approximately 100 feet downstream of Shannon Hills Dr.	*314
			At the southern corporate limits	*319
		Shannon Hills tributary	Approximately 200 feet upstream of Clayton Drive	*315
			Just upstream of Joan Drive	*321

Maps available for inspection at Shannon Hills City Hall, 10401 High Road East, Mabelvale, Arkansas 72103.

Send comments to Mayor Max Foster or Ms. Carol Swaim, City Secretary, Shannon Hills City Hall, 10401 High Road East, Mabelvale, Arkansas 72103.

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Eureka (city), Humboldt County	Martin Slough	Fairway Drive crossing the channel (downstream crossing).	[illegible]
			Upstream side of Campton Road over the channel	*14
		Martin Slough tributary C	Approximately 550 feet upstream from mouth	*13
	Maps available for inspection at Department of Community Development, 531 K Street, Eureka, California.			
	Send comments to the Honorable Fred J. Moore, Jr., P.O. Box 1018, Eureka, California 95501.			
California	Galt (city), Sacramento County	Dry Creek	100 feet upstream from center of State Highway 99	*44
	Maps available for inspection at Department of Engineering, 380 Civic Drive, Galt, California.			
	Send comments to the Honorable Robert Dunnett, P.O. Box 97, Galt, California 95632.			
California	Suisun City (city), Solano County	Suisun slough	Intersection of Elwood and School Streets	*7
			Intersection of Alder and Cherry Streets	*7
			Dolphin Court	*7
		Laurel Creek	Intersection of Merganser Drive and Sunset Avenue	*12
			Intersection of Snow Drive and State Highway 12	#1
		McCoy Creek	North side of State Highway 12 crossing the channel	[illegible]
		Pennsylvania Avenue Creek	Intersection of Southern Pacific and Pennsylvania Avenue	#1
		Union Avenue Creek	Marina Center crossing the channel	*7
	Maps available for inspection at Public Works Department, 701 Cedar Street, Suisun City, California.			
	Send comments to the Honorable Bill Jones, 701 Cedar Street, Suisun City, California 94585.			
Connecticut	Redding, town, Fairfield County	Norwalk River	Downstream corporate limits	[illegible]
			Upstream of State Route 465	*313
			First upstream corporate limits	[illegible]
			Second upstream corporate limits	*371
			Third upstream corporate limits	[illegible]
		Saugatuck River	Upstream of Newton Turnpike	[illegible]
			Upstream of dam	*317
			Upstream of Station Road	[illegible]
			Approximately 3,800' upstream of Sampaug Turnpike	*425
		Aspetuck River	Downstream corporate limits	[illegible]
			Upstream of first crossing Valley Road	[illegible]
			Upstream of dam	*358
			Upstream of second crossing Valley Road	*406
			Upstream of third crossing Valley Road	*452
			Upstream corporate limits	*477
		Hawley Pond Brook	Confluence with Saugatuck River	*405
			Upstream of Howes Lane	*420
			Downstream of Hawley Pond Dam	*430
	Maps available for inspection at the Town Clerk's Office, Redding Town Hall, Redding, Connecticut.			
	Send all comments to the Honorable Mary Guitar, First Selectwoman of Redding, Town Hall, Redding, Connecticut 06875.			
Florida	Town of Cross City, Dixie Counbase (100-year) flood elevationsty.	Ponding area 1	2,700 feet east of intersection of Seaboard Coast Line Railroad and McArthur Avenue.	*40
		Ponding area 2	1,400 feet east and 1,400 feet south of Seaboard Coast Line Railroad and McArthur Avenue intersection.	*39
		Ponding area 3	2,200 feet north and 600 feet east of State Road 351 (Cedar Street) and State Road 351A intersection.	*42
		Ponding area 4	1,000 feet north and 300 feet east of State Road 351 (Cedar Street) and State Road 351A intersection.	*43
		Ponding area 5	1,000 feet east along extension of State Road 351A and 50 feet south.	*41
		Ponding area 6	700 feet east and 200 feet south from State Road 351 and Lydia Street intersection.	*41
		Ponding area 7	400 feet south from Seaboard Coast Line Railroad and McArthur Avenue intersection.	*39
		Ponding area 8	150 feet east of intersection of Gaulden Avenue extended to the south at corporate limit.	*37
		Ponding area 9	200 feet south from Gaulden Avenue and Williams Street intersection.	*37
		Ponding area 10	250 feet south from State Road 351 and Jones Street intersection.	*37
		Ponding area 11	900 feet north from State Road 351 and Kenneth Street intersection.	*38
		Ponding area 12	100 feet north and 30 feet east of intersection of Seaboard Coast Line Railroad and westernmost coroporate limit.	*40
		Ponding area 13	Just south of intersection of Seaboard Coast Line Railroad and westernmost corporate limit.	*40
		Ponding area 14	250 feet west from Bishop Street and Camp Street intersection.	*38
		Ponding area 15	650 feet south and 50 feet east from Camp Street and Kressman Street intersection.	*37
		Ponding area 16	750 feed south and 75 feet west from Camp Street and Kressman Street intersection.	*35
		Ponding area 17	200 feet west from Camp Street and Estelle Boulevard intersection.	*36
		Ponding area 18	100 feet north and 300 feet west from State Road 351 (Camp Street) and Ann Lia Boulevard.	*37

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Ponding area 19	150 feet south from intersection of Estelle Boulevard and westernmost corporate limit.	*36
Maps available for inspection at Office of Clerk of Circuit Court, Dixie County Courthouse, Cross City, Florida 32628.				
Send comments to Mayor Perry Hill or Mr. Stan Standrick, City Manager, City Hall, P.O. Box 417, Cross City, Florida 32628.				
Florida	Unincorporated areas of Glades County	Caloosahatchee River	Just upstream of U.S. Highway 27 bridge (State Highway 25).	*13
		Bee branch	Just upstream of State Highway 720	*42
		Pollywog Creek	Just upstream of State Highway 720	*45
		Turkey branch (shallow flooding areas).	Just downstream of State Highway 78	*22
		Long Hammock Creek (shallow flooding areas).	Approximately 0.5 mile north of State Highway 80	*15
		Stream J (shallow flooding areas)	Approximately 200 feet north of State Highway 800	*18
		Stream K (shallow flooding areas)	Approximately 200 feet north of State Highway 80	*19
		Okeechobee Rim Canal interior drainage areas.	Just upstream of Indian Prairie Canal	*17
		Lake Okeechobee	Entire shoreline	*21
Maps available for inspection at Glades County Courthouse, U.S. 27th and Sixth Street, Moore Haven, Florida 33471.				
Send comments to Mr. Vance Whidden, Chairman of Glades County Commission or Mr. Norman Waldron, Planning Director, Glades County Courthouse, P.O. Box 10, Moore Haven, Florida 33471				
Florida	Unincorporated areas of Hendry County	Caloosahatchee River	Just downstream of State Route 29	*9
		Jacks branch	Just downstream of State Route 78	*10
		Stream A	Unnamed Road at 1750 feet above mouth	*12
		Stream B	Unnamed Road at 600 feet above mouth	*15
		Stream C	Just upstream of Niles Street	*20
		Stream D	Just upstream of State Route 78	*18
			Just upstream of North River Road	*20
		Stream E	Just downstream of State Route 78	*10
		Bee branch	Just downstream of State Route 78	*14
		Pollywog Creek	Just downstream of State Route 78	*14
		La Belle "A"	Just upstream of Devils Garden Avenue	*19
			Just downstream of State Route 29	*20
		Canal 139	Approximately 700 feet north of confluence with South Alico Canal.	*20
		Stream "F"	Just downstream of State Route 80	*19
		Stream "G"	Just downstream of State Route 80	*21
		Long Hammock Creek	Approximately 1600 feet upstream of State Route 80	*25
		Stream I	Approximately 8000 feet upstream from State Route 80.	*22
		Stream J	Approximately 1000 feet upstream of State Route 80	*19
		Stream K	Approximately 10,000 feet upstream of State Route 80	*22
		Lake Okeechobee	Entire shoreline	*21
Maps available for inspection at County's Engineers Office and Building and Zoning Department, Hendry County Courthouse, La Belle, Florida 33935.				
Send comments to Mr. C. E. Hall, Chairman of Hendry County Commission or Mr. Lionel Beatty, County Administrator, Hendry County Courthouse, P.O. Box 38, La Belle, Florida 33935.				
Florida	City of Perry, Taylor County	Spring Creek	Just downstream of Springfield Street	*39
			Just upstream of Washington Street	*43
			Just upstream of Clark Street	*45
		Pimple Creek	Just upstream of Main Street	*39
			Just upstream of Jefferson Street	*43
		Pimple Creek east branch	Just upstream of Helen Street	*49
		Shallow flooding (ponding)	Approximately 150 feet north of the intersection of First Street and South Avenue.	*38
			Approximately 600 feet south of the intersection of Young Street and Stephen Street.	*42
			At the intersection of Bacon Street and Alvarez Street	*43
			At the intersection of Cross Road and Oak Street	*44
			Approximately 400 feet south of the intersection of Ash Street and Johnson Stripling Road.	*45
			At the intersection of Oquin Road and Crit Jones Drive	*46
Maps available for inspection at City Hall, 224 South Jefferson, Perry, Florida 32347.				
Send comments to Mayor T. C. Williams or Mr. Clarence Giddens, Jr., City Clerk, City Hall, P.O. Drawer 109, Perry, Florida 32347.				
Florida	City of Wewahitchka, Gulf County	Apalachicola River	Confluence of Taylor Branch with Chipola River	*28
			Intersection of Bass Street and State Road 22	*30
		Taylor Branch	Just downstream of State Road 71	*29
			Just upstream of State Road 71	*33
			Just downstream of Catalpa Avenue	*35
Maps available for inspection at City Clerk's Office, City Hall, Osceola Avenue and Second Street, Wewahitchka, Florida 32465.				
Send comments to Mayor Faye Cox or Mr. Terry Linton, Mayor Pro-Tem, City Hall, P.O. Box 966, Wewahitchka, Florida 32465.				
Georgia	City of Flemington, Liberty County	Peacock Canal	Just downstream of U.S. 82	*21
			Just upstream of Dirt Road	*26
		Mallard Canal	Just upstream of Dirt Road	*20
		Alligator Canal	Just upstream of Dirt Road	*20
			Just upstream of Old Hines Road	*21
		Goshen Canal	Just upstream of confluence of Alligator and Goshen Canal.	*19
Maps available for inspection at the Office of the Mayor, 111 Oglethorpe Highway, Flemington, Georgia 31313.				
Send comments to Mayor O. C. Martin, Route 1, Box 23, Hinesville, Georgia 31313.				

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Illinois	(V) Carbon Cliff, Rock Island County	Rock River	Just downstream of State Route 84	*575
			Just upstream of State Route 84	*576
			About 1.4 miles upstream of Chicago, Rock Island and Pacific Railroad	*577
	Maps available for inspection at the Clerk's Office, Village Hall, 106 First Avenue, Carbon Cliff, Illinois.			
	Send comments to Honorable Kenneth Williams, Village President, Village of Carbon Cliff, Village Hall, 106 First Avenue, Carbon Cliff, Illinois 61239			
Illinois	(C) Fulton, Whiteside County	Mississippi River	About 0.56 mile downstream of State Route 136	*591
			About 1.44 miles upstream of State Road 136	[illegible]
		Shallow Flooding	About 1100 feet south of intersection of 6th Street and 22nd Avenue.	*581
			About 500 feet southeast of intersection of State Route 136 and levee.	[illegible]
			Northeastern corporate limits	*585
	Maps available for inspection at the City Hall, 406 13th Avenue, Fulton, Illinois.			
	Send comments to Honorable Peter Maliszewski, Mayor, City of Fulton, City Hall, 406 13th Avenue, Fulton, Illinois 61252			
Illinois	(V) Millington, Kendall and La Salle Counties	Fox River	About 3150 feet downstream of Bridge Street	*555
			About 1300 feet upstream of Bridge Street	*557
		Clear Creek	Mouth at Fox River	*557
			About 1450 feet upstream of Burlington Northern [illegible]	*562
	Maps available for inspection at the Clerk's Office, Millington, Illinois.			
	Send comments to Honorable Elmer Foster, Village President, Village of Millington, Village Hall, Millington, Illinois 60537			
Illinois	(V) Oswego, Kendall County	Fox River	About 2800 feet downstream of Washington Street	*598
			About 2700 feet upstream of Washington Street	[illegible]
		Waubansee Creek	Mouth at Fox River	[illegible]
			Just upstream of dam near Madison Street	[illegible]
			About 180 feet upstream of U.S. Route 34	[illegible]
	Maps available for inspection at the Clerk's Office, Village Hall, 113 Main Street, Oswego, Illinois.			
	Send comments to Honorable Milton Penn, Village President, Village of Oswego, Village Hall, 113 Main Street, Oswego, Illinois 60543.			
Illinois	(C) Yorkville, Kendall County	Fox River	About 1.2 miles downstream of Bridge Street	*575
			Just upstream of Glen D. Palmer Dam	*579
			About 1500 feet upstream of Glen D. Palmer Dam	*580
		Blackberry Creek	At confluence with Fox River	*576
			About 600 feet upstream of River Road	[illegible]
			Just downstream of U.S. Route 34	[illegible]
			About 4300 feet upstream of U.S. Route 34	*615
	Maps available for inspection at the Clerk's Office, Watertower, 610 Tower Lane, Yorkville, Illinois 60560.			
	Send comments to Honorable Leroy E. Thanepohn, Mayor, City of Yorkville, Watertower, 610 Tower Lane, Yorkville, Illinois			
Indiana	(C) Boonville, Warrick County	Cypress Creek	About 650 feet downstream of Southern Railway	[illegible]
			About 0.52 mile upstream of State Route 62	[illegible]
	Maps available for inspection at the City Hall, 113 South Second Street, Boonville, Indiana.			
	Send comments to Honorable James T. Pryor, Mayor, City of Boonville, City Hall, 113 South Second Street, Boonville, Indiana 47601.			
Indiana	(C) Jasper, DuBois County	Patoka River	About 0.5 mile downstream of U.S. Route 231	*452
			About 0.25 mile downstream of State Route 162	[illegible]
			About 3.45 miles upstream of 15th Street	[illegible]
		Straight River	Just upstream of confluence with Patoka River	*454
			About 0.39 mile upstream of Meridian Road	*455
		Jahn Creek	Just upstream of confluence with Straight River	*455
			Just downstream of Hope Street	[illegible]
			Just upstream of State Route 162	*469
			Just downstream of Meridian Road (about 0.34 mile upstream of State Route 162).	[illegible]
	Maps available for inspection at the City Hall, 606 Main Street, Jasper, Indiana.			
	Send comments to Honorable Jerome Alles, Mayor, City of Jasper, City Hall, 606 Main Street, Jasper, Indiana 47546.			
Indiana	(T) Newburgh, Warrick County	Ohio River	At downstream corporate limits	*382
			At upstream corporate limits	*383
	Maps available for inspection at the Town Hall, 200 State Street, Newburgh, Indiana.			
	Send comments to Honorable Ivan Horn, Town Board President, Town of Newburgh, Town Hall, P.O. Box 6, 200 State Street, Newburgh, Indiana 47630.			
Indiana	(Uninc.), Warrick County	Ohio River	At the downstream county boundary	[illegible]
			At the upstream county boundary	*385
		Cypress Creek	Just upstream of Southern Railway (about 1.1 miles north of South 150 Road).	*391
			Just upstream of North 250 Road	*396
		Pigon Creek	About 1.6 miles downstream of West 1025 Road	*366
			Just downstream of North 250 Road	[illegible]
		Weinsheimer Ditch	At mouth	*388
			Just downstream of West 900 Road	*388
		Little Pigeon Creek	At mouth	*384
			About 7.5 miles upstream of State Highway 161	*392
	Maps available for inspection at the County Courthouse, Warrick County Commission Office, Boonville, Indiana.			
	Send comments to Honorable Keith Shelton, President of the Warrick County Commissioners, Warrick County, County Courthouse, Warrick County Commission Office, Boonville, Indiana 47601.			

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) Crescent, Pottawattamie County	Crescent Creek	About 400 feet downstream of Unnamed Street	*1005
			About 350 feet upstream of State Highway 183	*1015
			About 0.45 mile upstream of State Highway 183	*1024
		Shallow Flooding (Overflow From Pigeon Creek).	Within corporate limits	#3
	Maps available for inspection at the City Clerk's Offices, City Hall, Crescent, Iowa.			
	Send comments to Honorable Mark Hunter, Mayor, City of Crescent, City Hall, Crescent, Iowa 51526.			
Iowa	(C) Glenwood, Mills County	Keg Creek	Just upstream of U.S. Highway 34 (downstream of Hazel Street)..	*983
			About 2000 feet upstream of U.S. Highway 34 (upstream of Green Street)..	*992
		Fallons Creek	Just downstream of U.S. Highway 34	*991
			About 2300 feet upstream of U.S. Highway 34	*998
	Maps available for inspection at the City Hall, 107 South Locus, Glenwood, Iowa.			
	Send comments to Honorable Dale L. Harper, Mayor, City of Glenwood, City Hall, 107 South Locus, Glenwood, Iowa 61534.			
Iowa	(C) Underwood, Pottawattamie County	Mosquito Creek	About 1.0 mile downstream of Third Street	*1057
			About 3000 feet upstream of Third Street	*1065
		Mosquito Creek Bypass	At confluence with Mosquito Creek	*1064
			At upstream corporate limits	*1066
	Maps available for inspection at the City Hall, P.O. Box 40, Underwood, Iowa.			
	Send comments to Honorable Robert Dose, Mayor, City of Underwood, City Hall, P.O. Box 40, Underwood, Iowa 51576.			
Kansas	(Uninc.), Shawnee County	Kansas River	Approximately 0.2 mile downstream of the east county boundary.	*861
			Approximately 2.9 miles upstream of the east county boundary.	*871
			Just downstream of the east corporate limit of the City of Topeka.	*876
			Approximately 1.2 miles downstream of the west corporate limit of the City of Topeka.	*892
			Approximately 4.6 miles upstream of the west corporate limit of the City of Topeka.	*906
			Just downstream of the west county boundary	*931
		Wakarusa River	Just upstream of the Kansas Turnpike	*1016
			Approximately 9400 feet upstream of the Kansas Turnpike.	*1020
		North Branch Wakarusa River	At the mouth	*1017
			Approximately 100 feet upstream of 89th Street	*1020
			Approximately 9300 feet upstream of 89th Street	*1043
		Halfday Creek	Approximately 2250 feet downstream of Northwest 36th Street.	*887
			Approximately 500 feet upstream of the downstream Chicago, Rock Island and Pacific Railroad.	*904
			Approximately 250 feet downstream of the upstream Chicago, Rock Island and Pacific Railroad.	*931
			Approximately 100 feet upstream of Northwest 62nd Street.	*942
			Just upstream of Northwest 78th Street	*979
			Approximately 2800 feet upstream of Northwest 86th Street.	*1019
			Just downstream of the north county boundary	*1046
		Indian Creek	At the corporate limits of the City of Topeka	*882
			Approximately 500 feet downstream of Northeast 43rd Street.	*910
			Just upstream of Northeast 43rd Street	*915
			Approximately 500 feet upstream of Northeast 56th Street.	*953
			Approximately 500 feet upstream of Northeast 62nd Street.	*964
			Approximately 200 feet upstream of Topeka Avenue	*982
			Approximately 3400 feet upstream of Northeast 74th Street.	*1020
			Approximately 2600 feet upstream of Northeast 82nd Street.	*1071
		Shunganunga Creek	At mouth	*874
			Just downstream of the corporate limits of the City of Topeka.	*877
			Approximately 4700 feet downstream of Wanamaker Road.	*946
			Just downstream of Wanamaker Road	*954
		Stinson Creek	At mouth	*874
			Approximately 150 feet downstream of U.S. Route 40	*874
			Approximately 100 feet upstream of U.S. Route 40	*880
			About 150 feet downstream of Interstate 70	*908
			Approximately 350 feet upstream of Interstate 70	*920
			Approximately 200 feet upstream of the upstream crossing of Tecumseh Road.	*960
		Tecumseh Creek	At the mouth	*872
			Approximately 200 feet downstream of Laurel Road	*873

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 100 feet upstream of Laurel Road	*879
			Approximately 300 feet downstream of Interstate 70	*909
			Approximately 250 feet upstream of Interstate 70	*912
			Approximately 150 feet downstream of Southeast 29th Street.	*928
			Approximately 200 feet upstream of Southeast 29th Street.	*936
			Approximately 4500 feet upstream of Southeast 29th Street.	*944
			Approximately 200 feet upstream of Southeast 37th Street.	*973
			Approximately 6500 feet upstream of Southeast 37th Street.	*986
		Cross Creek	At the mouth	*918
			Approximately 350 feet upstream of the upstream corporate limit of the City of Rossville.	*930
	Maps available for inspection at the Zoning Commission, County Courthouse, 7th and Quincy, Topeka, Kansas.			
	Send comments to Honorable Velma Paris, Chairman of the Board of County Commissioners, Shawnee County, County Courthouse, 7th and Quincy, Topeka, Kansas 66612.			
Massachusetts	Templeton, Town, Worcester County	Otter River	Approximately 2,160' upstream of Maple Street	*856
			Approximately 8,000' upstream of Maple Street	*865
			Upstream side of Hamlet Mill Road	*867
			Approximately 1,600' upstream of Otter River Dam	*914
			Upstream Corporate Limits	*918
	Maps available for inspection at the Planning Board, Templeton Town Hall, Central Street, Baldwinville, Massachusetts.			
	Send comments to the Honorable Dana G. Putnam, Chairman of the Templeton Board of Selectmen, Town Hall, Central Street, Baldwinville, Massachusetts 01436.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: August 7, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-24528 Filed 8-24-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Correction of Proposed Revision of Special Rule for African Elephant

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service corrects the description of its proposed revision of the special rule for the African elephant in order to make it clear that it is seeking information concerning the need to extend the licensing provisions of 50 CFR Part 14 to importers or exporters of raw ivory who presently qualify for the $25,000 per year exclusion from such provisions. The Service also corrects two typographical errors.

DATE: Comment from the public on this correction and any other part of the proposal must be received by September 9, 1981, to be assured consideration.

ADDRESSES: Submit written comments to Director (WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials received in response to this proposal will be available for public inspection during normal working hours at the Federal Wildlife Permit Office, Room 621, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235–1937.

SUPPLEMENTARY INFORMATION: On July 17, 1981, the Service published a proposed revision of the special rule for the African elephant (*Loxodonta africana*) which would require that raw ivory being imported into the United States be marked, and which would eliminate current prohibitions against certain domestic activities (46 FR 37059).

One of the headings in the preamble to the proposed rule is entitled "Description of the Proposed Rule" (46 FR 37061). The fifth paragraph under that title reads as follows:

> Persons who are in the business of importing or exporting raw ivory must also be licensed by the Service. The liensing required by 50 CFR Part 14 will suffice for those purposes, and anyone having such a license will not have to obtain an extra license. Information presently available to the Service indicates that there will be few, if any, persons in this category. The Service requests specific information on this point. Depending on information received, the Service will consider requiring such persons to also obtain licenses.

A reasonable interpretation of the third sentence in this paragraph could be that the Service has information indicating that most importers and exporters of raw ivory do not have a license as required by Part 14. This is not the intended meaning. That sentence was referring to exporters and importers who might be qualified for the $25.000 exclusion to the licensing requirement. In order to clarify this point, the paragraph quoted above is hereby removed and the following paragraph substituted therefor:

> Persons who are in the business of importing or exporting raw ivory must also be licensed by the Service. The licensing required by 50 CFR Part 14 will, for the most part, suffice for this purpose, and anyone having such a license will not have to obtain an extra license. Information available to the Service indicates that few, if any, exporters

or importers of raw African elephant ivory qualify for the $25,000 exclusion to the licensing requirement. The Service requests specific information on this point. Depending on the information received, the Service will determine whether or not such persons must also obtain licenses.

Correction of Typographical Errors

1. Page 37059, in the first sentence of the summary, immediately following the "United States", change the word "by" to "be".

2. Page 37062, first paragraph, third line, change the word "from" to "form".

Dated: August 18, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-24719 Filed 8-24-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 164
Tuesday, August 25, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1981 Rice Program; Determination Regarding 1981-Crop Rice Acreage Allotments

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of 1981-crop rice acreage allotments.

SUMMARY: The purpose of this notice is to announce with respect to the 1981-crop of rice the apportionment of the national rice acreage allotment to farms and to producers in producer administrative areas. The rice allotments apportioned to farms or to producers will be used to determine loan eligibility and to compute deficiency payments if such payments are determined to be necessary. This program determination is required to be made by the Secretary in accordance with provisions of Section 352 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1352).

EFFECTIVE DATE: August 24, 1981.

FOR FURTHER INFORMATION CONTACT: George H. Schaefer, Agricultural Program Specialist; USDA/ASCS, Production Adjustment Division, P.O. Box 2415, Washington, D.C. 20013, (202) 447–8480. The Final Impact Statement describing the options considered in developing this Notice of Determination and the impact of implementing each option will be available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and has been classified "not major". It has been determined that these program provisions will not result in (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the federal assistance program that this notice applies to are: Title: Rice Production Stabilization; Number 10.065, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

The notice of determination announces the allocation of the 1981 national rice acreage allotment and State reserve acreages as provided for in Section 352 of the Agricultural Adjustment Act of 1938, as amended (referred to as the "Act").

Section 352 of the Act requires that (1) the Secretary establish for each of the 1976 through 1981 crops of rice a national acreage allotment in the amount of 1,800,000 acres; and, (2) the Secretary shall apportion the 1,800,000 acres to farms and producers on the basis of allotments established for the 1975 crop of rice. State ASC committees may reserve up to one percent of the State allotment for (1) apportionment to new rice farms and new rice producers based on the suitability of the land, the extent the farm operator is dependent on farming for his income, the production of rice on other farms owned, operated or controlled by such person, and other factors which the State committee determines to be important; (2) making adjustments to correct inequities or to prevent hardship; and, (3) making corrections in farm or producer allotments.

Accordingly, the Secretary has made the following determinations for the 1981 crop of rice:

Determinations

1. *National Acreage Allotment for 1981-Crop Rice.* It is hereby determined and proclaimed that a national acreage allotment of 1,800,000 acres shall be in effect for the 1981 crop of rice as required by Section 352 of the Act.

2. *Apportionment of the 1981 National Acreage Allotment of Rice to Farms and Producers.* The national acreage allotment of 1,800,000 acres for the 1981 crop of rice is apportioned to farms and producers on the basis of the rice allotments established for the 1975 crop of rice, with any adjustments made pursuant to Section 352(c) of the Act. For 1981-crop rice, the allotment so apportioned within each of the rice producing States is as follows:

State	Acres
Arkansas	435,287.4
California	325,798.7
Florida	9[illegible]3.3
Louisiana:	
Farm Administrative Area	490,425.0
Producer Administrative Area	16,167.3
State Total	517,613.3
Mississippi	50,819.9
Missouri	4,567.6
North Carolina	41.0
Oklahoma	160.2
South Carolina	2,637.5
Tennessee	2[illegible]8.3
Texas	[illegible]1[illegible]4.0
U.S. Total	1,800,000.0

3. *State Reserve Acreages.* For 1981-crop rice, the State reserve acreages, as established by the State committees in accordance with Section 352 of the Act, are determined and proclaimed as follows:

State	Reserve
Arkansas	[illegible]0
California	[illegible]
Florida	9.5
Louisiana	0
Farm Administrative Area	0
Producer Administrative Area	0
State Total	[illegible]
Mississippi	[illegible]
Missouri	0
North Carolina	0
Oklahoma	0
South Carolina	0
Tennessee	0
Texas	50.0

Signed at Washington, D.C. on August 17, 1981.

Richard E. Lyng,

Acting Secretary.

[FR Doc. 81–24677 Filed 8–24–81; 8:45 am]

BILLING CODE 3410–05–M

Determinations Regarding 1981-Crop Rice Set-Aside Program, Land Diversion Payment Program, Established "Target" Price and Loan and Purchase Rate, and Other Program Provisions

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of 1981-crop rice set-aside, land diversion payment program, established "target" price and loan and purchase rate, and other program provisions.

SUMMARY: The purpose of this notice is to announce with respect to the 1981-crop of rice that (1) there will be no set-aside program and no voluntary land diversion payment program; (2) the established "target" price will be $10.68 per hundredweight; (3) the loan and purchase rate will be $8.01 per hundredweight; and (4) that no compliance with Normal Crop Acreage (NCA) will be required for rice program benefits. The program determinations are required to be made by the Secretary in accordance with provisions of Section 101(h) of the Agricultural Act of 1949.

EFFECTIVE DATE: August 24, 1981.

FOR FURTHER INFORMATION CONTACT: George H. Schaefer, Agricultural Program Specialist, Production Adjustment Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447–8480. The Final Impact Statement describing the options considered in developing this Notice of Determination and the impact of implementing each option will be available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and has been classified "not major". It has been determined that these program provisions will not result in (1) an annual effect on the economy of $100 million or more; (2) major increases in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets.

The title and number of the federal assistance program to which this notice applies are: Title: Rice Production Stabilization; Number 10.065, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local government are informed of this action.

A notice that the Secretary was preparing to make determinations with respect to a set-aside program, a land diversion payment program, established "target" price and loan and purchase rates for 1981-crop rice was published in the **Federal Register** on November 4, 1980 (45 FR 18410), in accordance with 5 U.S.C. 553 and provided for a 60 day comment period. Twenty comments were received on the notice of proposed determinations. These responses were received from 13 farmers, 2 farmer-owned cooperatives, 2 national organizations, 1 farm organization, 1 production company, and 1 university. There was unanimous opposition to a set-aside by all twenty respondents. The Normal Crop Acreage compliance requirement was unanimously opposed by the 17 respondents addressing that option.

Generally, respondents thought that supply and demand of rice are reasonably well balanced, that stock levels are not excessive, and that an acreage restriction will not be in the best interest of the rice industry.

Eleven respondents commented about the established "target" price and nine on the loan and purchase rate. Most suggested that the established "target" price for rice should reflect actual production cost increases in 1980. Two respondents suggested that the established "target" price is unnecessary. There was general agreement by the cooperatives and associations that the methods for calculating loan rates are appropriate and that the resulting loan and purchase levels will not restrict exports. A few individual producers thought loan and purchase rate levels were too low.

There were three comments regarding loan rate differentials. One respondent suggested that high quality rice production should be encouraged by raising the premium for U.S. grade No. 1 to 15 cents per pound from the present 8 cents per pound rate. The other two respondents favor continuing the current loan differentials. All comments received were considered by the Secretary.

Accordingly, the Secretary has made the following program determinations for the 1981 crop of rice:

Determinations

1. *No Set-Aside for 1981-Crop Rice.* Section 101(h)(5) of the Agricultural Act of 1949, as amended, provides that the Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of rice will, in the absence of such set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. In accordance with these considerations, it is hereby determined that there will be no set-aside requirement for the 1981-crop rice program. Without a set-aside, it is expected that rice acreage in 1981 will be approximately 3.46 million acres. Production will likely be 153.4 million hundredweights. Beginning stocks on August 1, 1981, are estimated at 19.3 million hundredweights resulting in total supplies of 172.7 million hundredweights. This total supply level exceeds the 1980 total supply of 170.8 million hundredweights by less than 2.0 million hundredweights. Domestic and export use are estimated at 147.7 million hundredweights and would result in carryover stocks of 21.5 million hundredweights. This carryover level is 2.2 million hundredweights above the 1980 carryover but is not considered excessive.

A set-aside would reduce supplies at a time of reasonably strong demand and result in unnecessary price increases. Given the current year outlook and expectation of continued strong export demand for rice, it has been determined that no set-aside is needed for the 1981 crop of rice.

2. *No Land Diversion Payment Program.* Section 101(h)(6) of the Agricultural Act of 1949, as amended, provides that the Secretary may make land diversion payments to cooperators, whether or not a set-aside is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. In accordance with this provision, it is hereby determined that there will be no land diversion payments under the 1981-crop rice program in view of the fact that with the present supply-demand outlook for the 1981-crop rice, such a land diversion program is not needed to assist in adjusting the total national acreage of rice to desirable levels.

3. *No Compliance With Normal Crop Acreage (NCA) for Rice Program Benefits.* Section 1001 of the Food and Agriculture Act of 1977, as amended, provides authority for the Secretary to

require compliance with the established farm NCA as a condition of eligibility for crop loans, purchases, and program payments. This authority was suspended for the 1981-crop rice program by Section 620 of the Agriculture, Rural Development, and Related Agencies Appropriations, Fiscal Year 1981 (Pub. L. 96–528, 94 Stat. 3095, 3118, approved December 15, 1980). Therefore, compliance with the farm NCA will not be required by allotment holders as a condition of eligibility for loans, purchases and payments under the 1981 rice program.

4. *1981 Established "Target" Price for Rice.* Section 101(h)(1) of the Agricultural Act of 1949, as amended, provides that the established "target" price used to calculate deficiency payments for 1981-crop rice shall be the 1980 target price ($9.49 per hundredweight) adjusted to reflect any change in (1) the average adjusted cost of production for the two crop years immediately preceding the year for which the determination is made from (2) the average adjusted cost of production for the two crop years immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production for each of such years shall be determined by the Secretary on the basis of the variable, machinery and overhead costs of rice production. For the 1981-crop rice, the crop years used to calculate the adjustment are 1978, 1979, and 1980, respectively. The costs for these years, as estimated by Economics and Statistics Service (ESS), are $5.736 per hundredweight, $6.435 per hundredweight and $8.110 per hundredweight, respectively. The average adjusted cost for 1979 and 1980 is $7.273 per hundredweight or ($6.435+$8.110)÷2 and the average adjusted cost for 1978 and 1979 is $6.086 or ($5.736+$6.435)÷2. The difference of $1.187 added to the 1980 crop established "target" price of $9.49 per hundredweight results in the established "target" price of $10.68 per hundredweight for 1981-crop rice. It is hereby determined in accordance with this adjustment that the 1981 established "target" price for rice shall be $10.68 per hundredweight.

5. *1981 Loan and Purchase Rate.* The rice loan and purchase rate is calculated in accordance with Section 101(h)(2) of the Agricultural Act of 1949, as amended, which provides that the 1981 loan and purchase rate shall bear the same ratio to the 1980 loan and purchase rate as the 1981 established "target" price bears to the 1980 established "target" price. The established "target" price ratio is 1.1254 ($10.68÷$9.49). This ratio applied to the 1980 crop loan and purchase rate of $7.12 per hundredweight equates to $8.01 per hundredweight. It is hereby determined in accordance with the provision that the 1981 loan and purchase rate for rice shall be $8.01 per hundredweight.

Signed at Washington, D.C. on August 17, 1981.

Richard E. Lyng,

Acting Secretary.

[FR Doc. 81-24678 Filed 8-24-81; 8:45 am]

BILLING CODE 3410-05-M

Commodity Credit Corporation

1981 Flue-Cured Tobacco, Price Support Rates; Correction

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination of 1981 Flue-cured tobacco price support rates; correction.

SUMMARY: This document corrects a notice of determination of the price support rates for 1981-Crop Flue-cured Tobacco that appeared in FR Doc. 81–19163 at page 33351 in the **Federal Register** on Monday, June 29, 1981, (46 FR 33351). This action is necessary to correct errors in grades which appeared in the table of support rates.

EFFECTIVE DATE: August 25, 1981.

ADDRESS: Director, Price Support and Loan Division, ASCS, USDA, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, ASCS, (202) 447–6733.

Correction

The following corrections are made in FR Doc. 46–124 appearing on page 33351 in the issue of June 29, 1981 (46 FR 33351):

On Page 33351 at the middle of column three entitled "Grade," B3KV is corrected to read B4KV, B4KV is corrected to read B5KV, and B5KV is corrected to read B6KV.

Signed at Washington, D.C. on August 18, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-24681 Filed 8-24-81; 8:45 am]

BILLING CODE 3410-05-M

Food and Nutrition Service

Child Care Food Program; National Average Payment Rates and Day Care Home Food Service Payment Rates for the Period September 1, 1981 to June 30, 1982, With a Separate Period of January 1, 1982 to June 30, 1982 for Supplements for Centers

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the national average payments for lunches, suppers, breakfasts and supplements served to children in centers, and the food service payment rates for meals served in family day care homes, as mandated by Pub. L. 97–35.

EFFECTIVE DATE: The rates for breakfasts, lunches, and suppers will be in effect from September 1, 1981 through June 30, 1982 at which time these rates will be adjusted to reflect changes in the Consumer Price Index. The rate for supplements in centers will be in effect from January 1, 1982 through June 30, 1982 at which time that rate will also be adjusted to reflect changes in the Consumer Price Index.

FOR FURTHER INFORMATION CONTACT: Beverly Walstrom, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. 202–447–6509.

SUPPLEMENTARY INFORMATION:

Classification

This notice has been reviewed under Executive Order 12291 and has not been classified as major because it will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete. This notice has also been reviewed with regard to the requirements of Public Law 96–354. G. William Hoagland, Administrator of the Food and Nutrition Service, has certified that this notice does not have a significant economic impact on a substantial number of small entities.

Because the Omnibus Reconciliation Act of 1981 requires that these payment rates become effective September 1, 1981, it is impracticable for the Department to follow the procedures set forth in Executive Order 12291. As provided by section 8(a) of that Order the Director of OMB has been notified of this circumstance.

Background:

Pursuant to Pub. L. 97–35 of August 13, 1981 (amending Section 17 of the National School Lunch Act) and §§ 226.4, 226.13, and 226.14 of the regulations governing the Child Care Food Program (7 CFR Part 226), the Secretary is announcing new reimbursement rates for all meals served in the Child Care Food Program. These new reimbursement rates are specified in Pub. L. 97–35 which established new national average payments for breakfasts, lunches, suppers, and supplements served in child care centers. Public Law 97–35 also mandated a ten percent reduction in the food service reimbursement rates for meals served in Family Day Care Homes in effect as of the date of the legislation. The adjustments to these rates are nondiscretionary and are not, therefore, subject to public comment. The rates contained in this notice shall be adjusted annually beginning July 1, 1982, as specified by the legislation. This notice replaces current published rates for the period of July 1, 1981 through December 31, 1981 and July 1, 1981 through June 30, 1982. Congress has also mandated in Pub. L. 97–35 a ten percent reduction in the reimbursement for administrative payments for sponsors of family day care homes. The Department is currently considering various methods of applying this provision and expects to issue proposed rulemaking to adjust these rates in the near future.

Public Law 97–35 also limits the number of meal services for which reimbursement may be provided. Institutions will not be reimbursed for more than two meals and one supplement daily for each eligible child served. This provision becomes effective September 1, 1981. The Department is currently developing final rulemaking to amend Child Care Food Program regulations (7 CFR Part 226) to reflect this change.

In All States except Alaska and Hawaii, the new rates are as follows:

All States Except Alaska and Hawaii

Meals served in centers—per meal payment rates in cents:	
Breakfasts:	
Paid	$8.25
Free	57.00
Reduced	28.50
Lunches and suppers:	
Paid	[1] 10.50
Free	[1] 109.25
Reduced	[1] 80.25
Supplements:	
Paid	2.75
Free	30.00
Reduced	15.00
Meals served in day care homes—per meal payment rates in cents:	
Breakfasts	47.75
Lunches and suppers	93.50
Supplements	29.00

All States Except Alaska and Hawaii—Continued

Alaska	
Meals served in centers—per meal payment rates in cents:	
Breakfasts:	
Paid	13.25
Free	92.25
Reduced	62.25
Lunches and suppers:	
Paid	[2] 17.00
Free	[2] 177.00
Reduced	[2] 137.00
Supplements:	
Paid	4.50
Free	48.50
Reduced	24.25
Meals served in day care homes—per meal payment rates in cents:	
Breakfasts	77.25
Lunches and suppers	151.75
Supplements	45.25
Hawaii	
Meals served in centers—per meal payment rates in cents:	
Breakfasts:	
Paid	9.75
Free	68.75
Reduced	39.75
Lunches and suppers:	
Paid	[2] 12.25
Free	[2] 127.75
Reduced	[2] 87.75
Supplements:	
Paid	3.25
Free	36.00
Reduced	17.50
Meals served in day care homes—per meal payment rates in cents:	
Breakfasts	55.75
Lunches and suppers	109.50
Supplements	32.75

[1] These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to children under the Program. Notices announcing the value of commodities and cash-in-lieu commodities will be published separately in the FEDERAL REGISTER.

[2] These rates do not include the value of commodities (or cash-in-lieu of commodities) assistance for each lunch or supper served to children under the Program. Notices announcing the value of commodities and cash-in-lieu of commodities will be published separately in the FEDERAL REGISTER.

The total amount of payments available to each State agency for distribution to institutions participating in the Program is based on the rates contained in this notice.

Definitions

The terms used in this notice shall have the meanings ascribed to them in the regulations governing the Child Care Food Program (7 CFR Part 226) published on January 22, 1980 at 45 FR 4960.

(Catalog of Federal Domestic Assistance Progam No. 10.558)

(Pub. L. 97–35)

Dated: August 19, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

[FR Doc. 81–24659 Filed 8–24–81; 8:45 am]

BILLING CODE 3410–30–M

Rural Electrification Administration

Sitka Telephone Co., Sitka, Alaska; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 10, 1974, (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $11,500,000 to Sitka Telephone Company of Sitka, Alaska. The loan funds will be used to refinance outstanding indebtedness, and to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. A. M. Gleason, President, Sitka Telephone Company, 1221 S. W. Yamhill, Portland, Oregon 97205.

To assure consideration, proposals must be submitted September 24, 1981 to Mr. Gleason. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Sitka Telephone Company and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851 in Rural Telephone Loans and Loan Guarantees.

Dated at Washington, D.C., this 19th day of August, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81–24682 Filed 8–24–81; 8:45 am]

BILLING CODE 3410–15–M

Soyland Power Cooperative, Inc., Decatur, Illinois; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and

procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $3,330,000 to Soyland Power Cooperative, Inc., of Decatur, Illinois, for financing early costs in connection with the possible construction of a 200 MW compressed air energy storage facility.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances from Mr. Royal B. Newman, Manager, Soyland Power Cooperative, Inc., P.O. Box A1606, Dacatur, Illinois 62525.

In order to be considered, proposals must be submitted September 24, 1981, to Mr. Newman. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Soyland Power Cooperative, Inc., and REA deem appropriate. Prospective lenders are advised that guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850–Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 19th day of August, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81–24683 Filed 8–24–81; 8:45 am]

BILLING CODE 3410–15–M

United Power Association; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact in connection with the proposed financing assistance to United Power Association (UPA) of Elk River, Minnesota.

The request for additional financing assistance is for the supplemental 60 MW boiler project at the Stanton Generating Station in Mercer County, North Dakota, because of the increased costs from construction delays, and higher than anticipated interest charges and inflation rate.

In October 1978, REA issued a Final Environmental Impact Statement (FEIS) on the Stanton supplemental boiler. UPA has prepared a Borrower's Environmental Report (BER) on changes from the FEIS and REA prepared an Environmental Assessment (EA) on the changes.

The changes included modifications in the boiler design to comply with more stringent air quality standards, minor ash transport system changes and the decision to install a dry scrubber for sulphur dioxide removal.

After an independent evaluation of the BER, the EA and information from other sources, REA concluded that the modifications will not have a significant impact on the quality of the human environment and prepared a "Finding of No Significant Impact."

The "Finding of No Significant Impact," REA's EA and UPA's BER may be reviewed in the office of the Director, Power Supply Division, Rural Electrification Administration, Room 0230, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382–1390 or at the office of United Power Association, Elk River, Minnesota 55330.

This Program is listed in the catalog of the Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 19th day of August, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81–24684 Filed 8–24–81; 8:45 am]

BILLING CODE 3410–15–M

Mid-Carolina Telephone Co., Matthews, North Carolina; Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974, (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $22,658,000 to Mid-Carolina Telephone Company of Matthews, North Carolina. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Archie A. Thomas, President, Mid-Carolina Telephone Company, P.O. Box 625, Matthews, North Carolina 28105.

To assure consideration, proposal must be submitted on or before September 24, 1981, to Mr. Thomas. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Mid-Carolina Telephone Company, and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration. Copies of REA Bulletin 320–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851 in Rural Telephone Loans and Loan Guarantees.

Dated at Washington, D.C. this 19th day of August 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81–24765 Filed 8–24–81; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Center Grove School Critical Area Treatment R.C. & D. Measure, Indiana; Environmental Impact Statement; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Rd., Indianapolis, Indiana 46224, telephone 317–269–6515.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500);

and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Center Grove School Critical Area Treatment RC&D Measure, Johnson County, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include the construction of an erosion control stabilization structure, 1700 linear feet of grassed waterway with tile drains and 300 feet of diversion. Approximately 4 acres (including waterways) of seeding and fertilizing will be done after construction is completed.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by contacting Mr. Robert L. Eddleman. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 24, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: August 14, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-24660 Filed 8-24-81; 8:45 am]

BILLING CODE 3410-16-M

Council Grove Public Water-Based Recreation RC&D Measure, Montana; Environmental Impact Statement; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Van K Haderlie, State Conservationist, Soil Conservation Service, Room 410, Federal Building, 32 East Babcock, P.O. Box 970, Bozeman, Montana 59715, telephone 406-587-5271, Ext. 4322.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Council Grove Public Water-Based Recreation RC&D Measure, Missoula County, Montana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Van K Haderlie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the development of access and installation of basic recreational facilities at the Council Grove site owned by the Montana Department of Fish, Wildlife and Parks.

Items necessary for access development include an entry road, two culverts, a bridge, cattleguard, cul-de-sac, parking, barriers, fencing, and signs. Basic recreational facilities will include two trash receptacles, six picnic tables, a well for potable water, sanitary facilities designed for the handicapped, site preparation for safe boating access, and a historical interpretive sign.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Van K Haderlie. The finding of no significant impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 24, 1981.

Dated: August 14, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95, regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-24679 Filed 8-24-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 11-81]

Proposed Foreign-Trade Zone—Phoenix, Arizona; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Phoenix, Arizona (the City), requesting authority to establish a general-purpose foreign-trade zone within the Phoenix Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 17, 1981. The applicant is authorized to make this proposal under Section 44-6501 of the Arizona Revised Statutes.

The City proposes to establish the zone at the Freeport Center industrial park, a new project of the Phoenix Aspen Group. Located at Buckeye Road and 55th Avenue in Phoenix, near Sky Harbor International Airport, the zone project is part of the City's efforts to attract new industry and encourage expansion of existing business. The zone developer plans an 80,000 square foot multi-user structure for initial zone users within the 73-acre park. Open space is available for firms requiring their own assembly and light manufacturing facilities.

The application contains evidence of the need for zone services in the Phoenix area. Prospective tenants indicated an interest in using the zone for light manufacturing, assembly, exhibition and warehousing of agricultural equipment and supplies, electronic components and products, aircraft-related equipment, distilled spirits and mechanical equipment.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Paul R. Nichols (Chairman), Program Manager, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230; M. T. Bishop, Supervisory Import Specialist, U.S. Customs Service, Region VII, P.O.

Box 670, 1500 Mariposa Highway, Nogales, Arizona 85621; and Colonel Gwynn A. Teague, District Engineer, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, California 90053.

As part of its investigation, the examiners committee will hold a public hearing on September 24, 1981, beginning at 9:00 a.m., in the City Council Chambers, 251 West Washington Street, Phoenix Arizona 85003. The purpose of the hearing is to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by September 17, 1981. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through October 24, 1981. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Valley Bank Center, Suite 2950, 201 North Central Avenue, Phoenix, Arizona 85073;

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2006, 14th and E Streets, N.W., Washington, D.C. 20230.

Dated: August 20, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81–24701 Filed 8–24–81: 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before September 14, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00141. Applicant: Brookhaven National Laboratory, Upton, New York 11973. Article: Monochromator. Manufacturer: Bird & Tole Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of semiconductor and metal surfaces both atomically clean and with absorbates. Studies will include photo electron spectroscopy and surface extended x-ray absorption fine structure. Application received by Commissioner of Customs: February 13, 1981.

Docket No. 81–00142. Applicant: U.S. Department of Energy, P.O. Box 550, Richland, Washington 99352. Article: Scanning Electron Microscope, Model HB501, Field Emission Source and Accessories. Manufacturer: Vacuum Generators, United Kingdom. Intended use of article: The article is intended to be used to obtain chemical and crystal structure information at the highest spatial resolution possible. Application received by Commissioner of Customs: February 13, 1981.

Docket No. 81–00143. Applicant: The University of Chicago, Department of Radiology, 950 East 59th Street, Chicago, Illinois 60637. Article: Radiographic Digital Image Processing System. Manufacturer: Fuji Film Co., Ltd., Japan. Intended use of article: The article is intended to be used for radiographic imaging efficacy, specifically, image quality, resolution, noise and contrast. Experiments will involve production of processed radiographs in various diagnostic examinations, and observer performance studies to improve diagnostic accuracy and/or to reduce patient radiation exposure during various radiologic procedures. Application received by Commissioner of Customs: February 13, 1981.

Docket No. 81–00310. Applicant: Michigan Technological University, Department of Metallurgical Engineering, Houghton, MI 49931. Article: Jung Ultra-Milling Device for Non-ferrous Materials complete with Accessories. Manufacturer: Jung, West Germany. Intended use of article: The article is intended to be used for studies of metals and alloys. Application received by Commissioner of Customs: July 16, 1981.

Docket No. 81–00311. Applicant: Providence Hospital, 3200 Providence Drive, Pouch 6604, Anchorage, AK 99502. Article: Therac 20/Saturne Linear Accelerator with Accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used in the treatment of cancer patients. Application received by Commissioner of Customs: July 16, 1981.

Docket No. 81–00313. Applicant: Moncrief Radiation Center, The Radiation & Medical Research Foundation of the Southwest, 1425 Enderly Place East, Fort Worth, TX 76104. Article: Radiotherapy Treatment Planning Simulator. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used to simulate treatments of patients undergoing megavoltage radiotherapy for cancer. Application received by Commissioner of Customs: July 17, 1981.

Docket No. 81–00315. Applicant: Carnegie Institution of Washington, 1530 P Street, N.W., Washington, D.C. 20005. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used for examination of several different types of preparations in the following research projects:

1. Genetic Specification of Cell Morphology
2. Regeneration of Particular Synapses
3. Nucleic Acid Research Involving Electron Microscopy
4. Mapping of *X. Borealis* oocyte-specific 5S DNA (XbO 5S DNA)
5. The dynamics of membrane Lipids
6. Muscle Cell Membranes Research

The article will also be used to train graduate students and post-doctoral fellows in use of a transmission electron microscope. Application received by Commissioner of Customs: July 17,1981.

Docket No. 81–00317. Applicant: Bigelow Laboratory for Ocean Science, McKnown Point, West Boothbay Harbor, Maine 04575. Article: Multi-channel Flow Colorimeter with Accessories. Manufacturer: ChemLab Instruments, Ltd., United Kingdom. Intended use of article: the article is intended to be used for studies of those elements thought to be essential in the nutrition of marine planktonic algae. Experiments will consist of the

colorimetric determination of those ionic forms of the elements present in seawater both in continuous flow chemistry (as in the construction of vertical distribution profiles in the water column using a pump sampling system) and for continuous flow analysis of discrete samples. These experiments will be conducted for the purpose of developing an understanding of the ecological significance of limiting nutrients in the marine environment. Application received by Commissioner of Customs: July 16, 1981.

Docket No. 81–00318. Applicant: Trustees of the University of Pennsylvania, Purchasing, 3541 Walnut Street, Philadelphia, PA 19104. Article: Mass Spectrometer, Model MM7070–H with Accessories. Manufacturer: VG Organic Limited, Ltd., United Kingdom. Intended use of article: The article is intended to be used for research covering the full range of synthetic and mechanistic organic, bioorganic and organometallic chemistry. This research will include:

(1) Extensive programs directed at the synthesis and/or isolation of novel natural products having important physiological properties,

(2) Development of new synthetic methods, employing a wide range of ground, excited state and organometallic chemistry,

(3) Development of new methods for the synthesis of transition metal cluster compounds, many of which may have catalytic properties of novel organic and inorganic polymer materials capable of conducting electricity,

(4) The study of the interactions among molecules present in neuromembranes in order to learn more about the chemistry and dynamics of neutrotransmission, and

(5) Use of radioactive photolabeling derivatives of antiobiotics as photoaffinity label probes to explore the structure and function of ribosomes. Application received by Commissioner of Customs: July 17, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–24698 Filed 8–24–81; 8:45 am]

BILLING CODE 3510–25–M

Decision on Application for Duty-Free Entry of Scientific Article; U.S. Naval Research Laboratory

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00125. Applicant: U.S. Naval Research Laboratory, 4555 Overlook Avenue, Washington, D.C. 20375. Article: Specimen Holder for JEM 200C Electron Microscope. Manufacturer: Jeol Ltd., Japan. Intended use of article: See Notice on page 20584 in the **Federal Register** of April 6, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application relates to a compatible assessory for an instrument that has been previously imported for the use of the applicant institution. The article is being manufactured by the manufacturer which produced the instrment with which it is intended to be used. We are advised by the Department of Health and Human Services and the National Bureau of Standards in their memoranda dated June 17, 1981 and July 1, 1981 respectively that the accessory is pertinent to the applicant's intended uses and that they know of no comparable domestic article.

The Department of Commerce knows of no similar accessory manufactured in the United States which is interchangeable with or can be readily adapted to the instruments with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–24699 Filed 8–24–81; 8:45 am]

BILLING CODE 3510–25–M

Decision on Application for Duty-Free Entry of Scientific Article; University of Rochester

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00133. Applicant: University of Rochester, Nuclear Structure Research Laboratory, 271 East River Road, Rochester, New York 14627. Article: Particle Acceleration Tube. Manufacturer: Dowlish Developments, Ltd., United Kingdon. Intended use of article: See Notice on page 20581 in the **Federal Register** of April 6, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The application relates to an accessory for an existing Vande Graaff accelerator. The article replaces and upgrades a tube imported duty-free and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–24700 Filed 8–24–81; 8:45 am]

BILLING CODE 3510–25–M

Exporters' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Exporters' Textile Advisory Committee, which is comprised of 30 members involved in textile and apparel exporting, advises Department of Commerce officials concerning ways of increasing U.S. exports of textile and apparel products.

TIME AND PLACE: September 10, 1981 at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on

14th Street, between Constitution Avenue and E Street, N.W.)

AGENDA: (1) Review of export data, (2) Report on conditions in the export market, (3) Recent foreign restrictions affecting textiles, (4) Other Business.

PUBLIC PARTICIPATION: A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377–3737.

Date: August 20, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81–24687 Filed 8–24–81; 8:45 am]

BILLING CODE 3510–25–M

Optic Liquid Level Sensing Systems From Canada; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: As a result of a request by the Government of Canada, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on optic liquid level sensing systems from Canada, manufactured by Honeywell Limited, would not cause injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise made on or after January 9, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1167).

SUPPLEMENTARY INFORMATION: On January 8, 1979, a countervailing duty order and suspension of liquidation with respect to optic liquid level sensing systems (OLLS) from Canada, manufactured by Honeywell Limited, was published in the **Federal Register** (T.D. 79–09, 44 FR 1728).

On January 9, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA").

On April 9, 1981, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (46 FR 21216). The Department determined that a net subsidy on OLLS of 9.1 percent of the f.o.b. invoice price was being conferred during the period of review and reported that rate to the ITC.

On July 22, 1981, the ITC published its determination that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reasons of imports of OLLS covered by the order if the order were revoked (46 FR 37825). As a result, the Department is revoking the countervailing duty order concerning optic liquid level sensing systems from Canada, manufactured by Honeywell Limited (T.D. 79–09), with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after January 9, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after January 9, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. There are no known entries, or withdrawals from warehouse, for consumption made from January 1, 1980 through January 8, 1980.

This revocation is in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 19, 1981.

[FR Doc. 81–24661 Filed 8–24–81; 8:45 am]

BILLING CODE 3510–25–M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 79–2]

McArthur Enterprises, Inc., et al.; Prehearing Conference

In the Matter of McArthur Enterprises, Inc., a corporation, and David A. McArthur, individually and as an officer of the corporation and, William H. McArthur, individually and as an officer of the corporation.

Please take notice that a prehearing conference in this proceeding will be held on September 9, 1981, at 10:00 A.M., at the Interstate Commerce Commission, First Floor, Constitution Avenue and 12th Street, N.W., Washington, D.C. 20423, before the undersigned Administrative Law Judge.

The issues presented by the complaint in this proceeding are as follows:

(1) Whether the respondents have failed to meet the acceptance criterion of the Standard for the Surface Flammability of Carpets and Rugs, 16 CFR Part 1630.

(2) Whether these alleged practices are unlawful and constitute unfair methods of competition and unfair and deceptive acts and practices in commerce under the Federal Trade Commission Act, Section 3(a), 15 U.S.C. 1192(a).

(3) Whether respondent should be ordered to cease and desist from the future manufacture and sale of any carpet failing to conform to the above Standard.

The agenda for this prehearing conference includes the following:

(1) Setting a schedule for all remaining pretrial procedures including but not limited to motions and the exchange of witness lists, documents, and expected testimony.

(2) Narrowing of the issues.

(3) Setting a firm trial date.

(4) Consideration of the possibility of settlement.

(5) Any other proper matter which would aid in the efficient presentation or disposition of the proceeding.

Dated: August 14, 1981.

J. Lee Benice,

Administrative Law Judge.

[FR Doc. 81–24732 Filed 8–24–81; 8:45 am]

BILLING CODE 6355–01–M

DELAWARE RIVER BASIN COMMISSION

Pennsylvania; Well Water Supply Projects; Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Monday, August 31, 1981, commencing at 10:00 a.m., in the Goddard Conference Room at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. The subject of the hearing will be the applications for approval of the following projects as amendments to the Comprehensive Plan and pursuant to Section 3.8 of the Compact:

1. *Northampton Municipal Authority (D–80–91 CP).* A well water supply project to augment public water supplies in the authority's service area in Northampton Township, Bucks County, PA. Designated as Well No. 11, the new facility is planned for use at an average rate of 290,000 gallons per day.

2. *Hatfield Borough (D–80–94 CP).* A well water supply project to augment public water supplies in the Borough of Hatfield, Montgomery County, PA. Designated as Well No. 10, the new facility is planned for use at an average rate of 220,000 gallons per day.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

August 18, 1981.

[FR Doc. 81–24724 Filed 8–24–81; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF ENERGY

Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Pentanyl Technologies, Inc., of Boulder, Colorado, an exclusive license to manufacture, use, and sell in the United States, the invention described in U.S. Patent No. 4, 152, 248, entitled "Hydrogenation of Coal Liquid Utilizing a Metal Carbonyl Catalyst." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will contain terms and conditions to be negotiated by the parties in accordance with 35 U.S.C. 209. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license, or

(ii) An application for a nonexclusive license to manufacture, use, and/or sell the invention in the United States, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 5 U.S.C. 209(c), that the license grant is in the public interest.

Signed at Washington, D.C. on this 17th day of August 1981.

R. Tenney Johnson,

General Counsel.

[FR Doc. 81–24643 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses: Proposed Subsequent Arrangement; Austria

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the following retransfer: RTD/Eu(AT)–58, from the Federal Republic of Germany to Austria, 2 grams of uranium, enriched to 93 percent of U–235, and 10 grams of thorium, in the form of fuel spheres for analysis.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than September 9, 1981.

For the Department of Energy.

Dated: August 20, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Affairs.

[FR Doc. 81–24771 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements; Australia and Switzerland

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Australia and Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for supply of the following materials:

Contract Number S–AU–106, to the Australian Radiation Laboratory, 29.35 grams of normal uranium, and 4.82 grams of thorium, for use as standard reference material.

Contract Number S–SD–119, to Switzerland, 1 milligram of thorium-230, 200 milligrams of uranium-235, 25 milligrams of uranium-233, and 5 milligrams of uranium-234, to be used as standards for measurement of uranium and thorium concentrations in geological materials.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than September 9, 1981.

For the Department of Energy.

Dated: August 20, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–24772 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Norway

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of

Norway Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the the transfer of 7,000 grams of uranium, enriched to 8.571% U–235, and 25 grams of plutonium, for destructive examination. Upon completion of the examination, it is planned to store the material for about three years in the United Kingdom, and then to return the material to the United States.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement, designated as RTD/EU (NO)–34 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than September 9, 1981.

For the Department of Energy.

Dated: August 20, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Affairs.

[FR Doc. 81–24773 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following sale:

Contract Number S–JA–297, to Japan, 3 grams of uranium–233 for use in the safeguard analytical laboratory, Tokai-Mura.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 20, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Techical Programs.

[FR Doc. 81–24774 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER81–664–000]

Arkansas Power & Light Co.; Filing

August 18, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, Arkansas Power and Light company (AP&L) tendered for filing a letter of notification from AP&L to The Empire District Electric Company (Empire) regarding a reduction in the Diversity Base Amount available to Empire pursuant to Service Schedule E of the Interconnection Agreement between AP&I and Empire, dated October 8, 1941, and FPC Rate Schedule No. 14.

The Diversity Base Amount made available during the summer and Winter Exchange Periods is to be reduced to 7,000 KW from 11,000 KW.

AP&L requests that the advance notice requirement be waived to allow the reduced Diversity Base Amount to be placed in effect at the end of the Exchange Year that ends in November, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24777 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP79–295–001]

Black Warrior Pipeline Co.; Petition To Amend

August 20, 1981.

Take notice that on July 20, 1981, Black Warrior Pipeline Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP–79–295–001 a petition to amend the order issued August 31, 1979, in the instant docket pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA) and Section 284.127 of the Commission's Regulations so as to approve the long-term transportation of certain additional reserves of natural gas on behalf of Southern Natural Gas Company (Southern) and the rates to be charged for such service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner, an intrastate pipeline, states that it currently transports gas for Southern, an interstate pipeline, from the Corinne Field, Monroe County, Mississippi, to an interconnection with Southern's pipeline facilities near Southern's Muldon storage field, Monroe County, Mississippi, pursuant to the Commission's order issued August 31, 1979, in the instant docket. It is stated that Petitioner and Southern have amended their earlier agreement so that Petitioner would transport for Southern additional reserves acquired by Southern in the Corinne Field, Monroe County, Mississippi. It is also asserted that the amended agreement incorporates delivery of gas from two additional wells in the Corinne Field.

Petitioner proposes to charge Southern the following rates under the amended transportation agreement but there would be no commodity or overrun charge for transportation of Southern's newly acquired additional reserves:

Demand Charge—(Based on a contract demand quantity of 25,000 Mcf per day)—$2.08 per Mcf of daily contract demand

Commodity Charge—(For all quantities of gas redelivered on any day up to the contract demand quantity)—$0.08 Mcf per.

Overrun Charge—(For all quantities of gas redelivered on any day in excess of the contract demand quantity)—$0.08 Mcf per.

Petitioner proposes to charge a rate of 8.0 cents per Mcf under the amended transportation agreement. It is stated that the above-described rates are based on those approved by order

issued August 31, 1979, in the instant docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24778 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-673-000]

Carolina Power & Light Co.; Filing

August 18, 1981.

Take notice that Carolina Power & Light Company, on August 10, 1981, tendered for filing Amendments to the Contract, FPC No. 103, between Carolina Power & Light Company and the Southeastern Power Administration. CP&L states that the Contract Amendments provide for extensions of the contract and an adjustment in wheeling fee paid by the Southeastern Power Administration to Company. Amendment No. 2 extended the contract period from June 30, 1980, to June 30, 1981. Amendment No. 3 extends the contract period from June 30, 1981, to June 30, 1982. Carolina Power & Light Company requests that these Contract Amendments be permitted to become effective 60 days after filing.

Copies of this filing have been sent to the appropriate parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24779 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-442-000]

Cities Service Gas Co.; Application

August 20, 1981.

Take notice that on July 31, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-442-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain natural gas facilities on its transmission and gathering system and for a certificate of public convenience and necessity authorizing the construction and operation of certain replacement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to abandon and to construct and operate the following:

(1) Abandon by sale to The Gas Service Company approximately 0.42 mile of 8-inch and 0.02 mile of 4-inch pipeline and appurtenant facilities and relocate the King's Garden town border station in Reno County, Kansas.

(2) Abandon in place approximately 0.89 mile of pipeline and appurtenant facilities on the west 12-inch loop of the Arkansas River Crossing on the Drumright-Tallant 16-inch pipeline beginning in Pawnee County, Oklahoma, and ending in Osage County, Oklahoma.

(3) Abandon by reclaim a dual 6-inch meter setting at the Cotton Valley measuring station in Washington County, Oklahoma.

(4) Abandon by reclaim approximately 1.50 miles of 6-inch and 0.38 mile of 4-inch gathering pipeline and appurtenant facilities in the Kansas-Hugoton field, Amoco "B" System in Kearny County, Kansas.

It is asserted that the facilities Applicant proposes to abandon are largely inadequate and obsolete in view of operational requirements. Applicant states that where necessary new facilities would replace inadequate and obsolete facilities to efficiently and economically meet market requirements on Applicant's pipeline system. Applicant contends that the abandonments and construction and operation proposed herein would enhance Applicant's ability to provide service to its customers. Applicant also submits that no abandonment of gas service to any existing customers would result from the proposed abandonments.

The costs for the proposed construction is estimated to be $22,380 which would be paid from treasury cash, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act 18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24780 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP74-320-002]

Colorado Interstate Gas Co.; Petition to Amend

August 20, 1981.

Take notice that on August 6, 1981, Colorado Interstate Gas Company (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP74-320-002 a petition to amend the order issued October 8, 1975,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to permit the use of existing compressor units for withdrawal as well as injection operations, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued October 8, 1975, it was authorized to construct certain facilities over a five-year period beginning in early 1975 to establish the Latigo Field in Arapahoe County, Colorado, as a natural gas storage field. Petitioner further states that subsequent operational changes on its system have resulted in higher main line pressures at the point of entry for gas from the Latigo Field and have caused a reduction in the deliverability capacity of the storage facility. It is explained that the field deliverability would be restored by repiping the existing compressor facilities to permit compression during withdrawal operations. Petitioner seeks to use the existing compressor units for withdrawal as well as injection operations to increase peaking service efficiency.

Petitioner states that the modification would require certain additional facilities and reconfiguration of the yard piping to allow compression in both directions. Petitioner asserts that the modification would not change the peak day or annual withdrawal capacity of the Latigo Field.

The total estimated cost for this conversion is $297,000 which cost would be financed by funds on hand, funds from operations, short-term borrowing, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24790 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP81-448-000]

Columbia Gas Transmission Corp.; Application

August 21, 1981.

Take notice that on August 3, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-448-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 73 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commisison and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc.: 3 taps for residential service, Estimated annual usage of 450 Mcf.

(2) Columbia Gas of Ohio, Inc.: 40 taps for residential service; 4 taps for commercial service; 2 taps for industrial service; 1 tap for combined residential and commercial service; 1 tap for combined residential and industrial service; Estimated annual usage of 13,460 Mcf.

(3) Columbia Gas of Pennsylvania, Inc.: 9 taps for residential service; 1tap for commercial service; 1 tap for industrial service; Estimated annual usage of 34,400 Mcf.

(4) Columbia Gas of West Virginia, Inc.: 8 taps for residential service, Estimated annual usage of 1,350 Mcf.

(5) The Dayton Power and Light Company: 2 taps for residential service; 1 tap for industrial service, Estimated annual usage of 6,668 Mcf.

Applicant estimates that the total cost of the interconnections would be $36,922 which cost would be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24793 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-488 and ER78-520 (Phase II)]

El Paso Electric Co.; Refund Report

August 18, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, The El Paso Electric Company (El Paso) filed a refund report pursuant to Commission Opinion No. 109, issued January 29, 1981.

Copies of the refund report have been sent to each jurisdictional customer served under the subject rate schedule, to the New Mexico Public Service Commission and to the Public Utility Commission of Texas.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 9, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24770 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-100-000]

El Paso Natural Gas Co.; Tariff Filing

August 20, 1981.

Take notice that on August 4, 1981, El Paso Natural Gas Company ("El Paso"), pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, tendered for filing and acceptance the following revised tariff sheets to El Paso's FERC Gas Tariff, Original Volume No. 1:

Twenty-fourth Revised Sheet No. 1
Tenth Revised Sheet No. 1-A
Twenty-third Revised Sheet No. 4
First Revised Sheet No. 5
Fifth Revised Sheet No. 47
Fourth Revised Sheet No. 52
Third Revised Sheet No. 63-H

El Paso states that the tariff sheets, when accepted for filing and permitted to become effective, will serve to reduce the number of tariff rate schedules by replacing nine (9) rate schedules with one (1) rate schedule statement. This is accomplished by combining the nine (9) Rate Schedules A-1, A-2, A-3, B-1, B-2, B-3, D-1, D-2 and D-3 (for sales to distributor companies for resale) into a single general rate schedule statement identified as three (3) rate schedules to reflect three (3) established rate zones.[1] Further, as a result of establishing the ABD Rate Schedules by combining said currently effective rate schedules El Paso is tendering certain tariff sheets which, when accepted for filing and permitted to become effective, will service to revise the Table of Contents and Sections 4A.3, Rate Schedules to Which Lateral Formula is Applicable, 5.1, City Gate Billing, and Section 11.7(b)(v), Service Rules, of the General Terms and Conditions contained in said Original Volume No. 1 Tariff.

[1]This procedure is similar to that adopted by other pipelines and accepted by the Commission, see e.g. Tennessee Gas Pipeline Company and Northern Natural Gas Company, Division of InterNorth, Inc.

El Paso proposes to establish the ABD Rates Schedules in order to: (i) eliminate duplication from its Statement of Rates by combining in one rate schedule applicable to each state the three rate schedules (denominated "A", "B" and "D", respectively) pursuant to which El Paso currently renders service from its mainline system to distributors within that state, inasmuch as the rates thereunder are identical; (ii) explicitly identify the long established rate zones consisting of the States of Texas, New Mexico and Arizona; and (iii) alleviate unnecessary accounting and reporting requirements presently required by having nine (9) separate rate schedules.

The proposed ABD Rate Schedules do not in any way change the currently effective rates now contained in El Paso's Original Volume No. 1 Tariff.

El Paso has requested that the tendered tariff sheets be permitted to become effective on the first day of the first month thirty (30) days after the date of filing or the first day of such later month as the Commission may order.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before August 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24791 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-457-000]

El Paso Natural Gas Co., Application

August 21, 1981.

Take notice that on August 10, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-457-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of certain existing facilities and the transportation and sale of natural gas to the Navajo Tribal Utility Authority (NTUA), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the NTUA and Applicant's current customer, Southern Union Gas Company, a Division of Southern Union Company (Southern Union), have entered into an agreement dated May 8, 1981, which provides for the sale by Southern Union and purchase by the NTUA of the gas distribution system owned and utilized by Southern Union in its gas operations in and about the community of Leupp, Arizona, and environs. It is submitted that Southern Union currently provides natural gas service to residential customers in the Leupp, Arizona, area with volumes sold and delivered to Southern Union by Applicant at the existing Leupp Boarding School delivery point pursuant to a service agreement dated February 1, 1970.

Applicant asserts that in order to accommodate the NTUA's succession to Southern Union's gas distribution system Applicant and Southern would delete the Leupp Boarding School delivery point from their February 1, 1970, service agreement while the NTUA and applicant would add such delivery point to their currently effective service agreement dated September 15, 1970.

Applicant further asserts that no new facilities would be required to effectuate the proposed service and that the delivery and sale of natural gas to the NTUA would be made at the applicable rates contained in Applicant's Rate Schedules A-1 and B-1 of its FERC Gas Tariff, Original Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal

Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the Certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24792 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-375-001]

Great Lakes Gas Transmission Co.; Amendment to Application

August 21, 1981.

Take notice that on July 9, 1981, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP81-375-001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to include in its rate adjustment volumes of natural gas sold to Michigan Wisconsin Pipe Line Company (Mich Wis) and Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that by order issued June 1, 1971, it was authorized to purchase from TransCanada PipeLines Limited (TransCanada) and import up to 17,000,000 Mcf of natural gas annually for fuel and other company use pursuant to a gas purchase contract with TransCanada dated June 11, 1971. It is submitted that Applicant has never required all of the gas authorized and since receiving such authorization has purchased and imported a total of 105,844,654 Mcf of natural gas less than was authorized.

It is further stated that in its pending application in the instant docket Applicant requested authorization to sell a portion of such deficiency volumes to Mich Wis and Natural at a rate of up to 12,500 Mcf per day each under the terms and conditions of existing service agreements between Applicant and Mich Wis and Natural. Applicant submits that such sales would extend until October 31, 1991.

Applicant asserts that pursuant to 154.38(d)(4), footnote 1, of the Commission's Regulations such gas supplies may not be reflected in Applicant's purchased gas adjustment without prior approval of the Commission. Accordingly, Applicant requests such Commission approval.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24794 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2850-001]

Hampshire Paper Co.; Application for Major License

August 18, 1981.

Take notice that the Hampshire Paper Company filed on June 8, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for the continued operation of a constructed water power project known as the Emeryville Project No. 2850. The project is located on the Oswegatchie River, a tributary to the St. Lawrence River, in St. Lawrence County, New York. Correspondence with the Applicant should be directed to: Mr. Robert J. Ferero; Hampshire Paper Company; R.F.D. 3; Gouverneur, New York 13642.

Project Description—The existing run-of-the-river project consists of: (1) a reinforced concrete dam, 185 feet long and about 8 feet high with an overflow section approximately 17 feet long having a crest elevation of 584.2 feet (USGS datum) and surmounted by 2-foot high flashboards; (2) a headpond with a storage capacity of 307 acre-feet at a mean surface elevation of 586.6 feet (USGS datum); (3) four headgates; (4) a headrack structure; at the entrance of (5) a steel reinforced wooden power flume 123 feet long, 121 feet wide and 19 feet high; (6) a powerhouse containing four generators with a total rated capacity of 1,680 kW at a net head of 32 feet and a flow of 793 c.f.s.; (7) electrical facilities to distribute power; and (8) appurtenant works.

Purpose of Project—The Applicant would continue to sell the project energy generated to the Niagara Mohawk Power Corporation. The average energy output for the project is 8,600,000 kWh.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 19, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), as amended, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely filed a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before October 22, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24795 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-68-000]

Kern County Refinery, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

August 18, 1981.

Take notice that Kern County Refinery, Inc. on August 14, 1981 filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before Sept. 2, 1981 with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before Sept. 2, 1981 in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Wshington, D.C. 20406.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24780 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-108-000]

Locust Ridge Gas Co.; Proposed Changes in FERC Gas Tariff

August 18, 1981.

Take notice that Locust Ridge Gas Company (Locust Ridge) on August 12, 1981, tendered for filing proposed changes in its FERC Gas Tariff Original Volume No. 1. The proposed changes would implement a change in rates and service to Mid Louisiana Gas Company. Locust Ridge has requested consolidation of this filing with its pending rate proceeding in Docket RP80-141.

Copies of the filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commisison, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commisison's rules of practice and procedure (18 CFR 1.8, 1.10). All such petition or protests should be filed on or before September 3, 1981. Protests will be considered by the Commisison in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24796 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-672-000]

Louisville Gas and Electric Co.; Filing

August 18, 1981.

Take notice that Louisville Gas and Electric Company (LG&E) on August 10, 1981, tendered for filing pursuant to the Interconnection Agreement between LG&E and Tennessee Valley Authority (TVA), a Second Supplemental Agreement.

The purpose of this filing is to amend said Interconnection Agreement to comply with FERC Orders 84 and 84-B, and to increase the demand charge for Short Term Power from 70¢ per kilowatt-week and one-sixth of the weekly demand charge per kilowatt of billing demand per day to 85¢ per kilowatt-week and one-fifth of the weekly demand charge per kilowatt of billing demand per day. Further changes were made in the Emergency Assistance Service Schedule A that deletes the 100,000 Kwh per hour limitation, and adds a provision for settlement of return energy balances within one year if so requested by the supplying party.

With respect to the modification to comply with Commission Orders 84 and 84-B, LG&E requests an effective date of September 1, 1980, as established in Order 84-B. With respect to all other changes embodied in this amendment, LG&E requests an effective date of July 2, 1981.

Copies of the filing were served upon Tennessee Valley Authority.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition in intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24782 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

Docket No. ST81-381-000

Louisiana Intrastate Gas Corp.; Application for Approval of Rates and Charges

August 20, 1981.

Take notice that on July 23, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST81-381-000 an application pursuant to Section 284.123(b)(2) of the Commission's Regulations for approval of rates charged for transporting natural gas for Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on July 10, 1981, Applicant and Southern entered into a transportation agreement whereby Applicant is to provide a transportation service for Southern for a two-year period commencing on the date of initial delivery. It is further stated that under the agreement, Applicant is to accept gas from Southern or for its account at specified points of delivery in Pointe Coupee Parish, Louisiana, for redelivery

to Southern or for Southern's account at specified points of receipt in Pointe Coupee Parish, Louisiana. Gas is then again accepted by Applicant at the truckline points of delivery in Pointe Coupee Parish, Louisiana, for Southern's account and a thermally equivalent volume of gas is redelivered to Southern for resale less those volumes consumed as compressor fuel, company use and unaccounted-for gas, it is asserted.

Applicant proposes to charge Southern a base transportation charge of 27.0 cents per million Btu of gas redelivered.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24781 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-25-002]

Mississippi River Transmission Corp.; Rate Change Filing

August 17, 1981.

Take notice that on July 31, 1981 Mississippi River Transmission Corporation ("Mississippi") tendered for filing Seventy-Ninth Revised Sheet No. 3A and Fourth Revised Sheet No. 3D to its FERC Gas Tariff, First Revised Volume No. 1. An effective date of September 1, 1981 is proposed.

The filing is being submitted pursuant to Mississippi's gas tariff to track pipeline and producer rate changes and to recover gas costs which have accumulated in Mississippi's Unrecovered Purchased Gas Cost Account. Seventy-Ninth Revised Sheet No. 3A reflects the implementation of revised PGA tariff provisions, and base rates tracking adjustments pursuant to Stipulation and Agreements dated December 11, 1979 and April 30, 1981 at Docket No. RP78-77. Fourth Revised Sheet No. 3D indicates that Mississippi projects zero incremental pricing surcharges of its direct market and sale for resale customers.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petition or protests should be filed on or before August 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24783 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-21]

Missouri Utilities Co.; Refund Compliance Report

August 18, 1981.

The filing company submits the following:

On July 31, 1981, Missouri Utilities Company (Missouri) filed a refund compliance report in accordance with the Commission's letter orders issued July 26, 1979 and June 22, 1981 accepting the proposed settlement rate submitted on April 27, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 9, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24784 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-44]

Natural Fuel Gas Supply Corp; Protests of Assertions of Authority To Charge NGPA Rates

August 20, 1981.

Take notice that on August 3, 1981, the Staff of the Federal Energy Commission (Commission Staff) filed a protest in accordance with § 154.94(j) to the assertion by the natural gas producers listed in Appendix A that they have contractual authority to collect maximum lawful prices under sections 102, 103, 104, or 106(a) of the Natural Gas Policy Act of 1978 (NGPA). Take notice also that on June 25, 1981, National Fuel Gas Supply Corporation, 10 Lafayette Square, Buffalo, New York 14203 (National Fuel) filed a protest to the assertion of contractual authority by Glenbrook Oil & Gas, Inc. (Glenbrook) to collect the NGPA section 108 rate for sales to National Fuel.

In its protest, the Commission Staff joins in National Fuel's "two-party" [1] protest to the Glenbrook contract and also protests the assertion by certain producers that they have contractual authority to collect NGPA rates pursuant to National Fuel's Contract No. 26152 covering sales of natural gas from the Sheridan Field, Texas. The Staff bases its third-party [2] protest on contradictory statements of intent made by National Fuel respecting a similar "area rate rate clause" that is the subject of National Fuel's two-party protest of the Glenbrook contract. Finally, the Staff also protests the collection of retroactively effective rate increases based on retroactively effective contract amendments dated April 10, 1979 covering purchases of natural gas by National Fuel.

National Fuel protests the Glenbrook contract on the basis that the contract was not intended to authorize payment of NGPA rates and that acceptance of an April 10, 1979 contract amendment offer authorizing payment of the NGPA section 104 rate constitutes proof of that intent. National Fuel also incorporates by reference its "Answer In Opposition to Petition for Declaratory Order" filed June 4, 1981, in *Glenbrook Oil & Gas, Inc.*, Docket No. GP81-15-000. National Fuel also seeks a waiver of the filing requirements of § 154.40(c)(v)(B)(i) respecting protests of small producer contracts.

Any person, except National Fuel and the producers listed in Appendix A,

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[1] A two-party protest is a protest filed by a party to the contract.

[2] A third-party protest is a protest by a person not a party to the contract.

desiring to participate in this proceeding must file a petition to intervene in accordance with § 1.8, 18 CFR 1.8, of the Commission's Rules of Practice and Procedure on or before September 10, 1981 with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W. 20426.

Kenneth F. Plumb,

Secretary.

Appendix A

Company and Rate Schedule or Contract No.

Glenbrook Oil & Gas, Inc.—October 10, 1974 (as amended)
Shell Oil Company—R/S No. 13 (No. 26152)
Sun Oil Company—R/S No. 267 (No. 26152)
Gulf Oil Corporation—R/S No. 328 (No. 26152)
Getty Oil Corporation—R/S No. 1 (No. 26152)
Enserch, Inc.—R/S No. 55 (No. 26152)
Ankemans's—No. 26152

[FR Doc. 81-24797 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2981-001]

Nevada Irrigation District; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 19, 1981.

Take notice that on July 10, 1981, Nevada Irrigation District (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project FERC Project No. 2981 would be located on the Bear River, near Auburn, in Placer and Nevada Counties, California. Correspondence with the applicant should be directed to: Fred G. Bandy, General Manager, Nevada Irrigation District, P.O. Box 1019, Grass Valley, California 95945.

Project Description—The proposed project would consist of: 1) the existing 28-foot high Combie Dam; 2) Lake Combie, a 330-acre reservoir; 3) a 175-foot long penstock; 4) a powerhouse containing one 3,500-kW generating unit; and 5) an existing transmission line.

Purpose of Project—The energy generated by the project would be sold to a public utility.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 2, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all in capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24798 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-143-001]

Northern Natural Gas Company, Division of InterNorth, Inc.; Amendment to Application

August 20, 1981.

Take notice that on July 29, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-143-001 an amendment to its application filed pursuant to Section 7(c) of the Natural Gas Act on January 15, 1981, so as to reflect a change in the transfer of the firm entitlement of Northern States Power Company (NSP), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its original application it proposed to transfer 17,000 Mcf of NSP's firm daily entitlement under Applicant's Rate Schedule CD-1 assigned to St. Paul, Minnesota, to North Branch, Minnesota, for sale to NSP under Applicant's Rate Schedule PL-1.

Applicant indicates that NSP and Midwestern Gas Transmission Company (Midwestern) have since entered into an agreement whereby Midwestern agreed to transport 15,000 Mcf of the PL-1 gas to NSP's Midwestern-supplied system. Therefore, Applicant proposes a reduction in the volume to be transferred to Rate Schedule PL-1 from 17,000 to 15,000 Mcf.

Applicant states that NSP has provided for adequate peak day coverage of the St. Paul market area prior to transfer of contract demand. Applicant states that the agreement providing for dedication of 15,000 Mcf of

NSP's LPG sendout capability to another gas distributor terminated on April 15, 1981. Applicant, therefore, asserts that NSP's peak day LPG sendout capability was increased by 15,000 Mcf as of that date thus allowing those LPG volumes to be available for peak day coverage in the St. Paul market area. Applicant further asserts that the termination of the agreement has made an additional annual storage volume equivalent to 200,000 Mcf available.

Applicant states that NSP and Applicant have agreed to certain revisions to the LNG Service Agreement. It is said that if by November 26, 1981, Applicant has not received authority in Docket No. CP80–135 to sell to NSP a minimum of an additional 15,000 Mcf per day under Applicant's Rate Schedule SS–1, NSP may reduce Applicant's daily sendout entitlement under the agreement from 65,000 to 50,000 Mcf. Applicant explains that this would provide NSP with additional daily sendout capability of 15,000 Mcf commencing with the 1981–1982 heating season.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24790 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–663–000]

Oklahoma Gas & Electric Co.; Filing

August 18, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, Oklahoma Gas and Electric Company (OG&E) tendered for filing a letter of notification from Arkansas Power and Light Company by Middle South Services, Inc., Agent (AP&L) to OG&E regarding a reduction in the Diversity Base Amount available to OG&E pursuant to provisions of the Interconnection Agreement between AP&L and OG&E, dated July 12, 1954, FPC Rate Schedule 21A. The Diversity Base Amount made available during the Summer and Winter Exchange Periods are to be reduced to 208,000 kW from 326,000 kW.

OG&E requests a waiver of the notice requirements to allow the reduced Diversity Base Amount to become effective at the end of the Exchange Year that ends in November 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24785 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–667–000]

Public Service Co. of Oklahoma; Filing

August 18, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, Public Service Company of Oklahoma (PSO) tendered for filing a letter of notification from Southwestern Electric Power Company (SWEP) to PSO regarding a reduction in the Diversity Base Amount available to PSO during the Summer and Winter Exchange Periods pursuant to the provisions of Service Schedule E of the interconnection agreement between PSO and SWEP, FERC Rate Schedule No. 118.

PSO requests a waiver of the advance notice requirement to allow the reduced Diversity Base Amount to be placed into effect at the end of the exchange year that ends in November 1980.

Copies of this filing have been sent to the Oklahoma Corporation Commission and Southwestern Electric Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24786 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–456–000]

Transcontinental Gas Pipe Line Corp.; Application

August 21, 1981.

Take notice that on August 10, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81–456–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Owens-Corning Fiberglas Corporation (Owens-Corning) for a term of fifteen years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that on December 1, 1980, Applicant and Owens-Corning entered into a transportation agreement for an initial term of fifteen years from the date of initial deliveries open to extension by written agreement by the parties. Pursuant to such transportation agreement Applicant proposes to receive for the account of Owens-Corning up to the dekatherm (dt) equivalent of 1,800 Mcf of natural gas per day from Willcorp, Inc. (Willcorp), Owens-Corning's subsidiary, at an existing interconnection in the North Rucias Field, Brooks County, Texas, and redeliver thermally equivalent quantities to Owens-Corning at its Anderson, South Carolina, plant. Applicant asserts that the quantities transported on any day would not exceed a quantity equal to the quantity which Applicant may be

curtailing Owens-Corning on such day under a direct sale agreement between the parties dated September 8, 1954, as amended. It is stated that during the periods that Applicant is not curtailing Willcorp would sell all of its share of the gas in the North Rucias Field to Applicant. During the periods that Applicant is curtailing Willcorp would sell to Applicant, short of requiring Owens-Corning to take all of Willcorp's share of the North Rucias gas, the portion of such gas which Owens-Corning does not need to fill the gap created by Applicant's curtailment, it is asserted.

Applicant states that for the proposed transportation service Owens-Corning would pay Applicant 26.97 cents per dt equivalent delivered at the Anderson, South Carolina, plant. It is submitted that such rate is the sum of the 23.5 cents per dt equivalent charge for transportation from Applicant's production area to Applicant's Rate Zone 2 contained in Applicant's Rate Schedule T, a 0.47 cent charge for the GRI General R&D funding and 3.0 cents per dt equivalent for transportation service through the facilities constructed by Applicant which connect Applicant's system with the producers' facilities in the North Rucias Field. Applicant avers that this transportation rate went into effect on January 1, 1981, but is subject to refund depending on the outcome of proceedings in Applicant's general rate filing in Docket No. RP80–117. Furthernore, Applicant states that it would retain 4.6 percent for compressor fuel and line loss make-up.

It is asserted that the proposed transportation service would enable Owens-Corning to receive into its system gas from its wholly owned subsidiary, Willcorp, which would help Owens-Corning maintain adequate and reliable supplies for its Anderson, South Caroilna, plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24800 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–446–000]

Transcontinental Gas Pipe Line Corp.; Application

August 20, 1981.

Take notice that on July 31, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81–446–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas on behalf of Con Ed which Con Ed has arranged to purchase from Bay State Gas Company (Bay State). Applicant states that Bay State would make available to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) quantities of gas which Tennessee would transport and deliver to Applicant at the existing Riverdale interconnection in Bergen County, New Jersey. Applicant proposes to receive up to 51,750 dekatherms (dt) equivalent per day and would redeliver equivalent quantities, less quantities retained for compressor fuel and line loss make-up, to Con Ed at Applicant's existing delivery points to Con Ed in the New York metropolitan area. Applicant states that the proposed transportation service is for a term beginning on the date of initial deliveries and ending October 31, 1981, or on the expiration of the "fuel shortage emergency period" as defined in 284.201(e) of the Commission's Regulations whichever first occurs. Applicant asserts that the transportation would be interruptible and would be subordinate to existing transportation arrangements on Applicant's system and to Applicant's deliveries to Con Ed under Applicant's Rate Schedules CD, PS, GSS and WSS. Applicant further states that such transportation service is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Applicant states that for such transportation service Con Ed would initially pay Applicant 7.0 cents per dt equivalent delivered and Applicant initially would retain 0.7 percent of the quantities received for compressor fuel and line loss make-up. Applicant proposes to retain all revenues received for the subject transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if

the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb

Secretary.

[FR Doc. 81-24801 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-678-000]

Tucson Electric Power Co.; Filing

August 18, 1981.

The filing company submits the following:

Take notice that on August 11, 1981, Tucson Electric Power Company (Tucson) tendered for filing an amendment to the Interconnection Agreement between Tucson and Utah Power & Light Company (Utah).

The primary purpose of the amendment is to enable Tucson to assist Utah in covering its July 1981 capacity requirements during the outage of a coal-fired unit of Utah's Naughton Power Plant.

Tucson respectfully requests that the Commission accept this amendment for filing so that service thereunder may become effective July 1, 1981.

A copy of this filing has been sent to Utah Power & Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24787 Filed 8-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-109-00]

Texas Eastern Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

August 20, 1982

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), on *Aug. 14, 1981,* tendered for filing proposed changes in its FERC Gas Tariff, Fourth Revised Volume No. 1 and Original Volume No. 2. Texas Eastern has filed four alternative sets of revised tariff sheets underlying its proposed major rate increase. The primary revised tariff sheets reflect utilization of the *United* method of cost classification for allocation and rate design purposes and utilization of the *South Georgia* method of amortizing Texas Eastern's future unfunded tax liability. In the event of a decision directing Texas Eastern to utilize the *Seaboard* method of cost classification for allocation and rate design purposes and/or in the event the Internal Revenue Service (IRS) does not issue a ruling satisfactory to Texas Eastern permitting Texas Eastern to utilize the *South Georgia* method without jeopardizing its ability to take accelerated depreciation, Texas Eastern will file to place into effect the revised tariff sheets included in Alternates I, II or III, as appropriate. The proposed increased rates reflected in the revised tariff sheets included in Alternates I and II would increase revenues from jurisdictional sales and services by approximately $192 million based on twelve months ended April 30, 1981 as adjusted. The revised tariff sheets submitted by Texas Eastern which reflect the inclusion of the *South Georgia* method, i.e., the primary revised tariff sheets and the revised tariff sheets reflected in Alternate III, will result in an increase of $189 million. Approximately $10 million of the proposed increase can be attributed to purchased gas cost increases and advance payment recoveries reflected in the proposed rate level but not accounted for in the present rate level which Texas Eastern will track under applicable provisions of its FERC Gas Tariff and the Stipulation and Agreement approved in *Texas Eastern Transmission Corporation,* Docket No. RP78-87. The remainder of the increase is related to other than purchased gas cost increses and advance payment recoveries.

Texas Eastern states that the principal reasons for the proposed rate increase are:

(1) Increased cost of labor, expenses, plant facilities, and working capital requirements;

(2) The need for an increased overall rate of return of 15%;

(3) Increased taxes, including income taxes associated with increased return; and

(4) Lower sales than those on which its current rate established in Docket No. RP78-87 are based.

In addition to its proposed major rate increase, Texas Eastern has filed revised tariff sheets to reflect changes in and additions to its FERC Gas Tariff and related rate schedules as follows:

(1) A revision in its PGA tariff provision, Section 23, to permit sales basis accounting, a separate base cost by demand and commodity components and inclusion of the cost of exchange gas in Account 806 in the PGA calculation;

(2) A new transmission and compression tracking provision based on a provision currently in effect and approved by the Commission in *Texas Eastern Transmission Corporation,* Docket No. RP78-87;

(3) A new electric power tracking provision;

(4) A revised Rate Schedule I that (a) would permit sales of surplus gas to customers on a year-round basis without reducing their entitlement under Texas Eastern's curtailment plan, (b) would apply on a system-wide basis Texas Eastern's WS winter rate for excess gas during the winter months and a 100% load factor DCQ rate system-wide during the summer months;

(5) A revised Rate Schedule TS-1 to (a) require the customers to purchase all gas tendered daily under the DCQ Rate Schedule prior to taking gas under the TS-1 Rate Schedule and a penalty if a customer take less than 96% of the gas available to it under Texas Eastern's GS Rate Schedule, (b) recognize that Texas Eastern is not required to expand capacity to perform under its TS-1 Rate Schedule and that Texas Eastern will be indemnified against any losses resulting from interruption or curtailment of transportation under the TS-1 Rate Schedule, and (c) revise the shrinkage factors;

(6) A revised Rate Schedule TS and TS-2 to (a) revise the shrinkage factors, (b) recognize that Texas Eastern is not required to expand capacity to provide service under TS and TS-2 and is indemnified against any losses resulting from interruption of transportation under TS and TS-2, and (c) restrict the use of TS and TS-2 to contracts effective prior to September 1, 1981;

(7) Changes in the General Terms and Conditions of Texas Eastern's tariff with respect to possession and responsibility for gas and warranty of title respecting

transportation, exchange and/or storage arrangements;

(8) A new Section 12.6 of the General Terms and Conditions of Texas Eastern's tariff to include priority of service requirements for certain transportation services;

(9) A new Section 4.6 of the General Terms and Conditions of Texas Eastern's tariff setting forth quality provisions applicable to gas tendered for transportation;

(10) Revised Forms of Service Agreements for TS, TS–1 and TS–2 rate schedules to make technical and conforming changes;

(11) A change in Section 4.2(a) of the General Terms and Conditions of Texas Eastern's tariff reducing the minimum Btu value from 977 to 967 Btu's per cubic foot;

(12) Revisions in the penalty provisions of Texas Eastern's tariff to increase penalties to $20 per dekatherm.

(13) Revisions in four Volume No. 2 Agreements to reflect new shrinkage factors.

(14) Elimination of a reduction in the Zone D demand charge due to interruption of the Consolidated System LNG Company Exchange.

All of the alternatives include a change in rate design within zones because of changing Texas Eastern's SGS rate schedule from a 50% load factor to a 35% load factor average price under the DCQ rate schedule.

Texas Eastern has requested waiver of any rules and regulations of the Commission to the extent required to put the foregoing major rate increase, tariff revisions and rate schedule revisions into effect.

Any person desiring to be heard or to protest such filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such Petitions or Protests should be filed on or before September 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–24747 Filed 8–24–81; 8:45 am]

BILLING CODE 6450–85–M

ENVIRONMENTAL PROTECTION AGENCY

[AD–FRL–1917–5]

National Air Pollution Control Techniques Advisory Committee; Notice of Open Meeting

Under Public Law 92–463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on September 22 and 23, 1981, at the Ramada Inn of Old Town, Ramsay Room (2nd floor), 901 North Fairfax Street, Alexandria, Virginia 22314. The commercial telephone number is (703) 683–6000.

The tentative agenda for the meeting is as follows:

September 22 (Tuesday)—9 a.m.

Synthetic Fiber Production Facilities, New Source Performance Standard (Section 111 of the Clean Air Act)

Flexible Vinyl Coating and Printing Operations, New Source Performance Standard (Section 111 of the Cean Air Act)

September 23 (Wednesday)—9 a.m.

Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry, New Source Performance Standard (Section 111 of the Clean Air Act)

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by September 15, 1981. The commercial telephone number is (919) 541–5571, and the FTS number is 629–5571.

The dockets containing material relevant to synthetic fiber production facilities (A–80–7), flexible vinyl coating and printing operations (A–80–8), and air oxidation processes in the synthetic organic chemical manufacturing industry (A–81–22) are located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected beween 8 a.m. and 4 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: August 17, 1981.

Walter C. Barber, Jr.,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–24695 Filed 8–24–81; 8:45 am]

BILLING CODE 6560–25–M

[OPTS–51306; TSH–FRL–1917–7]

Polyacrylate Homopolymer; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATES: Written comments by: PMN 81–386—October 11, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51306]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–386	June Thompson	(202–755–6660)	E–529E

Mail address of notice manager: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA.

PMN 81–386

Close of Review Period. November 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyacrylate homopolymer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a manufacturing solution additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Density—>1.33.

Solubility in water—Insoluble.

CH_2Cl_2 Insoluble.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that dermal or inhalation exposure would occur only in the event of careless handling or failure to wear protective equipment or clothing.

Environmental Release/Disposal. The manufacturer states that all commercial product waste is incinerated. Additionally, users perform processing operations on the commercial product which result in removal of materials. These removed materials are presumably disposed of via publicly owned treatment works (POTW).

Dated: August 17, 1981.

Linda K. Smith,

Acting Director for Management Support Division.

[FR Doc. 81-24698 Filed 8-24-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-53027; TSH-FRL-1917-6]

Premanufacture Notices; Monthly Status Report for June 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for June 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1969. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances for which EPA has received a notice of commencement to manufacture. Therefore, EPA is publishing the June 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-53027]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: August 17, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Premanufacture Notices Monthly Status Report, June 1981

PMN No.	Identity/generic name	FR citation	Expiration date
	I. Premanufacture notices received during the month		
81-261	Generic name: Amine derivative	46 FR 34409 (7/1/81)	Aug. 31, 1981
81-262	Generic name: 2,5-Bis(alkyldithio)-1,3,4,-thadiazole	46 FR 35347 (7/8/81)	Aug. 31, 1981
81-263	Generic name: Polyurethane millable gum	46 FR 35347 (7/8/81)	Aug. 31, 1981.
81-264	Generic name: Pyridine derivative	46 FR 34409 (7/1/81)	Aug. 31, 1981.
81-265	Adipic acid, diethylenetriamine, tall oil fatty condensate, acetic acid salt	46 FR 34409 (7/1/81)	Aug. 31, 1981.
81-266	Generic name: Polymer of alkanedioic acid epoxy ester	46 FR 34409 (7/1/81)	Aug. 31, 1981.
81-267	Generic name: Urethane polymer	46 FR 34409 (7/1/81)	Sept. 2, 1981.
81-268	Polymer of 1,4-cyclohexanedimethanol; 1,6-hexanedioic acid, 1,9-nonanedioic acid; 1,4-butanediol; and 4,4-methylenebis (phenyl isocyanate).	46 FR 34409 (7/1/81)	Sept. 2, 1981.
81-269	Alcohols, C_{10}-C_{30}; tertiary butylether	46 FR 35347 (7/8/81)	Sept. 2, 1981.
81-270	Azacyclotridecan-2-one, homopolymer with (oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy-, copolymer.	46 FR 35347 (7/8/81)	Sept. 2, 1981.
81-271	Azacyclotridecan-2-one, polymer with hexahydro-2*H*-azepin-2-one, block copolymer with poly [oxy(methyl-1,2-ethanediyl)]; alpha-hydro-omega-hydroxy.	46 FR 35347 (7/8/81)	Sept. 2, 1981.
81-272	Generic name: Polyester resin	46 FR 34409 (7/1/81)	Sept. 2, 1981.
81-273	Poly[imino(1-oxo-1,6-hexanediyl)] with poly (oxy-1,2-ethanediyl), alpha-hydro-omega-hydroxy-,copolymer.	46 FR 35347 (7/8/81)	Sept. 2, 1981.
81-274	Poly[imino(1-oxo-1,6-hexanediyl)] with poly (oxy-methyl-1,2-ethanediyl), alpha-hydro-omega-hydroxy-,copolymer.	46 FR 35347 (7/8/81)	Sept. 2, 1981.
81-275	Generic name: Lower alkyl ester of an alkyl propionic acid	46 FR 35344 (7/8/81)	Sept. 2, 1981.
81-276	Generic name: Sulfur containing polyamide	46 FR 35344 (7/8/81)	Sept. 2, 1981.
81-277	1,2-Ethanediol; 2,5-furanedione; linseed fatty acids, and 1,1'-[(1-methylethylidene)bis (4,1-phenylenoxy)] bis-2-propanol polyther.	46 FR 35344 (7/8/81)	Sept. 2, 1981.
81-278	Generic name: Compound from alkenoic acids, carbomonocyclic anhydride, and substituted alkanediols.	46 FR 36239 (7/14/81)	Sept. 2, 1981.
81-279	Generic name: Adduct of a substituted alkanol and a silicate	46 FR 36239 (7/14/81)	Sept. 2, 1981

Premanufacture Notices Monthly Status Report, June 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-280.	Generic name: Polyester polyurethane	46 FR 36230 (7/14/81)	Sept. 9, 1981.
81-281	Generic name: Polyester from substituted alkanediol and alkanoic acids	46 FR 36239 (7/14/81)	Sept. 9, 1981.
81-282	Generic name: Modified olefin/carboxylic acid copolymer	46 FR 35238 (7/8/81)	Sept. 9, 1981.
81-283	Generic name: Chromophore substituted poly (oxyethylene)	46 FR 35347 (7/8/81)	Sept. 9, 1981.
81-284	Generic name: Chromophore substituted poly (oxyalkylene)	46 FR 35347 (7/8/81)	Sept. 9, 1981.
81-285	Generic name: Amino carboxylic acid structural copolymer	46 FR 35339 (7/8/81)	Sept. 9, 1981.
81-286	Generic name: Waterborne polyurethane dispersion	46 FR 36239 (7/14/81)	Sept. 9, 1981.
81-287	Generic name: Nitrogen-modified, hydrogenated diene/styrene copolymer	46 FR 35309 (7/8/81)	Sept. 9, 1981.
81-288	Generic name: High solids mixed with phthalic monobasic acid alkyd resin	46 FR 35319 (7/8/81)	Sept. 10, 1981
81-289	Generic name: Benzenediazonium, 4-(((substitutedphenyl)amino)carbonyl)-sulfate (2:1)	46 FR 35339 (7/8/81)	Sept. 9, 1981.
81-290	Generic name: Aliphatic dicarboxylate	46 FR 35339 (7/8/81)	Sept. 9, 1981.
81-291	Generic name: Polyol, mixture of carboxylic acids polymer	46 FR 36239 (7/14/81)	Sept. 9, 1981.
81-292	Generic name: Silylated organic sulfonic acid, sodium salt	46 FR 35339 (7/8/81)	Sept. 9, 1981.
81-293	Generic name: Silylated organic sulfonic acid	46 FR 35339 (7/8/81)	Sept. 10, 1981.
81-294	Generic name: Mixture of varying molecular weight polyesters not defined	46 FR 36241 (7/14/81)	Sept. 10, 1981.
81-295	Generic name: Acrylonitrile polymer with alkenoic acid alkyl esters; 2-propenoic acid, 2-methyl	46 FR 36241 (7/14/81)	Sept. 10, 1981.
81-296	Generic name: Bis dihydrogenated ether of halogenated aryl sulfone	46 FR 36241 (7/14/81)	Sept. 9, 1981.
81-297	6-Hydroxy-2,3,7-trimethylquinoxaline	46 FR 36243 (7/14/81)	Sept. 15, 1981.
81-298	Generic name: Copolymer of styrene, alkyl acrylates, alkyl methacrylate, methacrylic acid with substituted acrylamide.	46 FR 36243 (7/14/81)	Sept. 15, 1981
81-299	Generic name: Metal resinate	46 FR 36243 (7/14/81)	Sept. 15, 1981.
81-300	Generic name: Alkylated cyclohexane	46 FR 37084 (7/17/81)	Sept. 15, 1981.
81-301	Generic name: Substituted benzene sulfide sulfonic acid	46 FR 37084 (7/17/81)	Sept. 15, 1981.
81-302	Generic name: Substitutedbenzenesulfonamide	In preparation	Sept. 16, 1981.
81-304	Generic name: 4-Substituted amino-substituted-phenylazo-benzothiazole sulfonic acid salt	46 FR 37966 (7/23/81)	Sept. 16, 1981.
81-305	Generic name: 4-(Dialkylamino) styryldinitrile	In preparation	Sept. 16, 1981.
81-306	Generic name: Complex of 4,4'-dihydroxyphenyl sulfone and an alkylamine	46 FR 37966 (7/23/81)	Sept. 22, 1981.
81-307	Alkylphenol formaldehyde tackifying resin	In preparation	Sept. 22, 1981.
81-308	Generic name: Complex of mixture of 4,4'-dihydroxyphenyl sulfone and 2,4-dihydroxyphenyl sulfone and an alkylamine.	46 FR 37966 (7/29/81)	Sept. 16, 1981
81-309	Generic name: Adduct of a substituted alkanediol and a silicate	46 FR 37966 (7/23/81)	Sept. 16, 1981.
81-310	Generic name: Modified phenolic novalak resin	46 FR 37966 (7/23/81)	Sept. 16, 1981.
81-311	Maleic acid, monoisooctylamide, diethanolamine salt	In preparation	Sept. 22, 1981.
81-312	Generic name: Alkenylated cyclohexane	46 FR 37966 (7/23/81)	Sept. 16, 1981.

II. Premanufacture notices received previously and still under review at the end of the month

81-153	Generic name: Substituted alkadienal	46 FR 24681 (5/1/81)	July 1, 1981.
81-154	Generic name: Alkyl epoxide, reaction products with organic acid	46 FR 24681 (5/1/81)	July 1, 1981.
81-155	Generic name: Urethane oligomer	46 FR 24681 (5/1/81)	July 1, 1981.
81-156	Generic name: Neutralized polymer of styrene, an alkeneoic acid, and an alkeneoic ester	46 FR 24681 (5/1/81)	July 1, 1981.
81-157	Vegetable oil fatty acid ester	46 FR 24988 (5/4/81)	July 5, 1981.
81-158	Generic name: Ethylene interpolymer	46 FR 24990 (5/4/81)	July 6, 1981.
81-159	Generic name: Ethylene interpolymer	46 FR 24990 (5/4/81)	July 6, 1981.
81-160	Generic name: Ethylene interpolymer	46 FR 25693 (5/8/81)	July 6, 1981.
81-161	Generic name: Polyacrylate	46 FR 24988 (5/4/81)	July 6, 1981.
81-162	Generic name: Hydroxy-alkoxy alkyl alkane	46 FR 24990 (5/4/81)	July 6, 1981.
81-163	Generic name: Acrylated alkoxylated aliphatic glycol	46 FR 25693 (5/8/81)	July 6, 1981.
81-164	Generic name: Allylglycidyl ether polyol resin	46 FR 25693 (5/8/81)	July 6, 1981.
81-165	Generic name: Siliconized alkyd resin	46 FR 24990 (5/4/81)	July 6, 1981.
81-166	2-Naphthalenesulfonyl chloride, 2-acetamino	46 FR 24990 (5/4/81)	July 6, 1981.
81-167	Ethanol,2-(6-acetaminonaphth-2-yl sulfonyl)	46 FR 24990 (5/4/81)	July 6, 1981.
81-168	*p*-Chlorophenol-resorcinol-formaldehyde polymer end blocked with carbanil	46 FR 24990 (5/4/81)	July 7, 1981.
81-169	Generic name: Copolymer of styrene and mixed alkyl acrylates	46 FR 25693 (5/8/81)	July 8, 1981.
81-170	Generic name: (Oxy-1,2-ethanediyl-alpha-acyl-omega-alkyl)	46 FR 25693 (5/8/81)	July 8, 1981.
81-171	1,3-Isobenzofurandione, polymer with 2,2-dimethyl-1, 3-propanediol, 1,2-ethanediol, 2-hydroxymethyl-1,3-propanediol, and tall oil acids.	46 FR 24988 (5/4/81)	July 8, 1981.
81-172	Generic name: Poly(amide-ester) resin X2-821	46 FR 25693 (5/8/81)	July 8, 1981.
81-173	Adipic acid, isophthalic acid, trimethylolpropane, 2,2,4-trimethyl-1,3-pentanediol, trimellitic anhydride polymer.	46 FR 24988 (5/4/81)	July 8, 1981.
81-174	Generic name: Disubstitutednaphthalenol	46 FR 24988 (5/4/81)	July 8, 1981.
81-175	Generic name: Disubstitutednaphthalenol	46 FR 24988 (5/4/81)	July 8, 1981.
81-176	Generic name: Disubstitutednaphthalenol	46 FR 28683 (5/15/81)	July 8, 1981.
81-177	Generic name: Chloroalkyl alkoxysilane	46 FR 25693 (5/8/81)	July 12, 1981.
81-178	Generic name: Chloroalkylchlorosilane	46 FR 25693 (5/8/81)	July 12, 1981.
81-179	Generic name: Derivatized-fatty alcohols	46 FR 25693 (5/8/81)	July 12, 1981.
81-180	Generic name: Alkadiene	46 FR 27170 (5/18/81)	July 14, 1981.
81-181	Generic name: Polymer of alkene and diene	46 FR 27170 (5/18/81)	July 14, 1981.
81-182	Generic name: Alkadiene	46 FR 27170 (5/18/81)	July 14, 1981.
81-183	Generic name: Isocyanate modified polyester/polyether	46 FR 27170 (5/18/81)	July 14, 1981.
81-184	Generic name: Silicone polyol	46 FR 27170 (5/18/81)	July 14, 1981.
81-185	Generic name: Polymer of alkanediol, carbomonocylic anhydride, and substituted alkanoic ester	46 FR 27170 (5/18/81)	July 14, 1981.
81-186	Generic name: Polyester polyurethane	46 FR 27170 (5/18/81)	July 14, 1981.
81-187	Generic name: Cycloaliphatic polyester modified with a polyether glycol	46 FR 28004 (5/22/81)	July 14, 1981.
81-188	Hexahydropyrimidine-1,3-diacetonitrile	46 FR 28505 (5/27/81)	July 14, 1981.
81-189	Generic name: Unsaturated polyester	46 FR 28004 (5/22/81)	July 21, 1981.
81-190	Generic name: Unsaturated polyester resin	46 FR 28505 (5/27/81)	July 21, 1981.
81-191	Acrylic acid, bisphenol A-epichlorohydrin resin, ethyl acrylate, methyl methacrylate, polyvinyl butyral resin, styrene polymer.	46 FR 28004 (5/22/81)	July 16, 1981.
81-192	Generic name: Trisubstituted silylalkanolacetate	46 FR 28505 (5/27/81)	July 21, 1981.
81-193	Generic name: Poly(oxyalkyldisubstituted silane) aroyl, alkoxy terminated	46 FR 28505 (5/27/81)	July 21, 1981.
81-194	Generic name: Oligomers from 1,6-dimethylnaphtyl sulfonic acid, sodium salt, and formaldehyde	46 FR 28503 (5/27/81)	Jyly 21, 1981.
81-195	2,4,6-Tributylphenol, ethoxylated, acetate	46 FR 28503 (5/27/81)	July 21, 1981.
81-196	Polymer from propylene oxide and ethylene oxide acetylated	46 FR 28503 (5/27/81)	July 21, 1981.
81-197	Monylphenol, ethoxylated, acetate	46 FR 28503 (5/27/81)	July 21, 1981.
81-198	Polymer of: *N*-vinyl-*N*-methylacetamide and maleic acid, diisooctyl ester	46 FR 28503 (5/27/81)	July 21, 1981.
81-199	Polymer of: Vinyl acetate, butyl acetate, neodecanoic acid, vinyl ester, and vinyl sulfonic acid, sodium salt.	46 FR 28503 (5/27/81)	July 21, 1981.
81-200	Generic name: Trisubstituted benzene	46 FR 28004 (5/22/81)	July 23, 1981.
81-201	Generic name: Polymer of substituted acrylic acid derivative and substituted styrene	46 FR 28004 (5/22/81)	July 23, 1981.

Premanufacture Notices Monthly Status Report, June 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-202	Generic name: Polyether alkenyl alkanyl esters	46 FR 29524 (6/2/81)	July 28, 1981.
81-203	Generic name: Substituted alkyl cyanoacrylate	46 FR 29524 (6/2/81)	July 28, 1981.
81-204	Generic name: Aliphatic alcohol	46 FR 29524 (6/2/81)	July 28, 1981.
81-205	Generic name: Aliphatic alcohol ester	46 FR 29524 (6/2/81)	July 28, 1981.
81-206	Generic name: Substituted thiol salt	46 FR 29527 (6/2/81)	July 28, 1981.
81-207	Generic name: Halogenated alkylated titanium mixed aluminum magnesium oxides	46 FR 29524 (6/2/81)	July 28, 1981.
81-208	Generic name: Alkenyltri (substituted alkoxy) silane	46 FR 29524 (6/2/81)	July 28, 1981.
81-209	Generic name: Polymer of: Adipic acid, isophthalic acid, trimethylol propane, neopentyl glycol, and silicone.	46 FR 29524 (6/2/81)	July 28, 1981.
81-210	Generic name: Aromatic disazo dye	46 FR 29527 (6/2/81)	July 28, 1981.
81-211	Generic name: Aromatic disazo dye	46 FR 29527 (6/2/81)	July 28, 1981.
81-212	Generic name: Aromatic disazo dye	46 FR 29527 (6/2/81)	July 28, 1981.
81-213	Generic name: Aromatic disazo dye	46 FR 29527 (6/2/81)	July 28, 1981.
81-214	Generic name: Aromatic disazo dye	46 FR 29527 (6/2/81)	July 28, 1981.
81-215	Generic name: Aromatic disazo dye	46 FR 29527 (6/2/81)	July 28, 1981.
81-216	Generic name: Aromatic disazo dye	46 FR 29527 (6/2/81)	July 28, 1981.
81-217	Generic name: Amide functional silane	46 FR 29524 (6/2/81)	July 28, 1981.
81-218	Adipic acid-dipropylene glycol-linseed oil fatty acid-trimethylol propane polymer	46 FR 29524 (6/2/81)	Aug. 3, 1981.
81-219	*N*-[2-(4-Aminophenyl)ethyl] methanesulfonamide	46 FR 30884 (6/11/81)	Aug. 3, 1981.
81-220	Generic name: Trisubstituted-benzisoquinoline	46 FR 30884 (6/11/81)	Aug. 3, 1981.
81-221	Generic name: Disubstituted-heteropolycyclic salt	46 FR 30884 (6/11/81)	Aug. 3, 1981.
81-222	Generic name: Oligomer of, alkanedioic acid, dimer fatty acids, substituted and unsubstituted alkanediols, and benzene dicarboxylic acids.	46 FR 31345 (6/15/81)	Aug. 6, 1981.
81-223	Butanenitrile, 3-hydroxy-2—methylene	46 FR 31939 (6/16/81)	Aug. 6, 1981.
81-224	Generic name: Neutralized polymer of styrene, alkyl acrylates, and substituted alkyl methacrylates	46 FR 31345 (6/15/81)	Aug. 6, 1981.
81-225	Polymer of acrylic acid, butyl acrylate, glycidyl methacrylate, 2-hydroxyethyl acrylic, and vinylidene chloride.	46 FR 31939 (6/16/81)	Aug. 6, 1981.
81-226	Polymer of acrylic acid, acrylonitrile, butylacrylate, 2-hydroxyethel acrylate, and vinylidene chloride	46 FR 31939 (6/16/81)	Aug. 6, 1981.
81-227	1,1,2,2-Tetrahydroperfluoro alkyl (C_6–C_{14}) acrylate	46 FR 31939 (6/16/81)	Aug. 6, 1981.
81-228[1]	Ethylthioeufluric acid, 2-((1,1,2,2-tetrahydroperfluorooctyl)oxycarbonyl)amino-, sodium salt	46 FR 31939 (6/16/81)	Aug. 6, 1981.
81-229	Generic name: Polymer of aliphatic polyols, carbomonocyclic anhydrides, and aromatic diacid	46 FR 31345 (6/15/81)	Aug. 9, 1981.
81-230	Generic name: Polyester of aliphatic polyols and aliphatic and aromatic diacids	46 FR 31345 (6/15/81)	Aug. 9, 1981.
81-231	Generic name: [[2-methylsubstituted)ethyl]substituted)heterocyclic]benzene	46 FR 30884 (6/11/81)	Aug. 10, 1981.
81-232	Generic name: Substitutedalkanoic acid derivative	46 FR 30884 (6/11/81)	Aug. 10, 1981.
81-233	Generic name: Substitutedalkanoic acid	46 FR 30884 (6/11/81)	Aug. 10, 1981.
81-234	Generic name: Disubstitutedalkanamide	46 FR 30884 (6/11/81)	Aug. 10, 1981.
81-235	Generic name: Disubstitutedalkanamide	46 FR 30884 (6/11/81)	Aug. 10, 1981.
81-236	Generic name: Organohalo modified silica	46 FR 32494 (6/23/81)	Aug. 11, 1981.
81-237	Generic name: Silicon modified unsaturated oil based alkyd resin	46 FR 31345 (6/15/81)	Aug. 11, 1981.
81-238	Generic name: Polyhalo alkanoic acid chloride	46 FR 31345 (6/15/81)	Aug. 11, 1981.
81-239	Generic name: Carboxylated arylalkane alkadiene copolymer	46 FR 32494 (6/23/81)	Aug. 11, 1981.
81-240	*N,N'-Bis(2-ethylhexyloxycarbonylphenyl)formamidene*	46 FR 31941 (6/18/81)	Aug. 11, 1981.
81-241	Generic name: Polymer of phenol, formaldehyde, and substituted benzene	46 FR 32494 (6/23/81)	Aug. 12, 1981.
81-242	Sodium 2,2,3,3-tetrafluoropropionate	46 FR 31941 (6/18/81)	Aug. 14, 1981.
81-244	Generic name: Ester of dioic acid and substituted diols	46 FR 31941 (6/18/81)	Aug. 16, 1981.
81-245	Generic name: Carbocyclic sulfonic acid salt	46 FR 31941 (6/18/81)	Aug. 16, 1981.
81-246	Generic name: Hydroxyl terminated saturated polyester	46 FR 31941 (6/18/81)	Aug. 16, 1981.
81-247	Generic name: Polyurethane acrylate blocked	46 FR 31941 (6/18/81)	Aug. 17, 1981.
81-248	Generic name: Poly(methyl vinyl ether/mono methyl maleate)	46 FR 31941 (6/18/81)	Aug. 17, 1981.
81-249	Generic name: Pentasubstitutedpentanamide	46 FR 32494 (6/23/81)	Aug. 17, 1981.
81-250	Generic name: Disubstitutedbenzeneamine	46 FR 32494 (6/23/81)	Aug. 17, 1981.
81-251	2-Cholor-4-trifluoromethyl-5-thiazolecarboxylic acid, phenylmethyl ester	46 FR 35345 (7/8/81)	Aug. 20, 1981.
81-252	Generic name: Disubstituted thiazolecarboxylic acid ester	46 FR 35345 (7/8/81)	Aug. 20, 1981.
81-253	*N*-2-(4-hydroznophenyl)ethyl]-methasulfonamide hydrochloride	46 FR 35342 (7/8/81)	Aug. 20, 1981.
81-254	Generic name: Polymer product of a methacrylate ester and a polyhydroxy compound	46 FR 35342 (7/8/81)	Aug. 24, 1981.
81-255[1]	Generic name: Di(2-propenyl)3,4,5,6-tetrabromo-1,2-benzene-dicarboxylate	46 FR 35345 (7/8/81)	Aug. 25, 1981.
81-256	Generic name: Poly(2-hydroxypropyl)monoheterocyclictriamine	46 FR 35345 (7/8/81)	Aug. 27, 1981.
81-257	Generic name: Silicone polyol	46 FR 35342 (7/8/81)	Aug. 27, 1981.
81-258	Generic name: Linseed-isophthalic polyester/amide	46 FR 35342 (7/8/81)	Aug. 27, 1981.
81-259	Generic name: Linseed isophthalic-hydroxy acid polyester	46 FR 35342 (7/8/81)	Aug. 27, 1981.
81-260	Generic name: Trimethylolpropane neopentylglycol phthalic anhydride siloxanes and silicones, di-me, methoxy ph, polymers with ph silsesquioxanes, methoxy-terminated.	46 FR 35342 (7/8/81)	Aug. 27, 1981.

III. Premanufacture notices for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the Inventory)

81-101	Generic name: Polyester-amide	46 FR 22645 (4/20/81)	June 1, 1981.
81-102	Generic name: Urethane polymer from polyester polyol and diisocyanate	46 FR 20767 (4/7/81)	June 1, 1981.
81-103	Generic name: Alkylamine methacrylic copolymer	46 FR 22645 (4/20/81)	June 3, 1981.
81-104	Generic name: Ammonium slats of substituted alkyl phosphoric acid	46 FR 20767 (4/7/81)	June 3, 1981.
81-105	Generic name: Alkoxylated alkylphenol substituted sulfosuccinate, isopropylamine salt	46 FR 20767 (4/7/81)	June 3, 1981.
81-106	Generic name: Modified polymer of carbomono-cyclic anhydride, glycerine oil, substituted alkanediol, and an alkanoic ester.	46 FR 20767 (4/7/81)	June 3, 1981.
81-107	Generic name: Modified water-borne, linseed fatty acid based alkyd	46 FR 20767 (4/7/81)	June 3, 1981.
81-108	Generic name: Modified soya alkyd	46 FR 20767 (4/7/81)	June 3, 1981.
81-109	Generic name: modified alkyd from a substituted alkanediol, a substituted alkanoic acid, and a carbomonocyclic anhydride.	46 FR 20767 (4/7/81)	June 3, 1981.
81-110[1]	Acetamide, *N*-(2-((2-chloro-4,6-dinitrophenyl)-azo)-5-(diethylamino)-4-(2-methoxy) ethoxyphenyl)	46 FR 22645 (4/20/81)	June 3, 1981.
81-111	4-[[4-chloro-6-[[8-hydroxy-3,6-disulfo-7-[(2-sulfophenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]benzenesulfonic acid, tetrasodium salt.	46 FR 20765 (4/7/81)	June 3, 1981.
81-112	Butanamide,-2-((4-(4-aminocarbononylphenyl)-aminocarbonylphenyl)azo)-*N*-(2,3,-dihydro-2-oxo-1*H*-benzimidazole-5-yl)-3-oxo.	46 FR 22645 (4/20/81)	June 3, 1981.
81-113	Generic name: Polymer of: Styrene, butyl acrylate, hydroxy ethyl acrylate, dimethylamine propyl methacrylamide.	46 FR 20765 (4/7/81)	June 3, 1981.
80-356[1]	Benzoic acid, 2-[[2-amino-5-hydroxy-6-[[4'-[[1-hydroxy-8-[[(4-methylphenyl)sulfonyl]amino-3,6-disulfo-2-napthalenyl]azo-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-7-sulfo-1-napthalenyl]azo]-5-nitro-, trisodium salt.	46 FR 20770 (4/7/81)	June 3, 1981.

Premanufacture Notices Monthly Status Report, June 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-357 [1]	Benzoic acid, 2-[[-amino-6-[[4'-[[5-[[2,5-disulfophenyl)-azo]-1-hydroxy-6-(phenylamino)-3-sulfo-2-naphthalenyl]azo-3,3'-dimethoxy[1,1'-biphenyl]-4-yl-azo]-5-hydroxy-7-sulfo-1-naphthalenylazo-5-nitro-, tetrasodium salt.	46 FR 20770 (4/7/81)	June 3, 1981
81-114	Generic name: Modified epoxy resin	46 FR 20765 (4/7/81)	June 4, 1981.
81-115	1,4-Cyclohexanedimethanol, 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 1,3-benzene dicarboxylic acid polymer.	46 FR 20765 (4/7/81)	June 4, 1981.
81-116	Generic name: Substituted hydroxy ether of an alkanoic acid ester	46 FR 22260 (4/16/81)	June 7, 1981.
81-117	Generic name: (Substituted cycloaliphatic ether) hydroxy alkyl ester	46 FR 22260 (4/16/81)	June 7, 1981.
81-118	Generic name: Polyurethane polyisocyanate	46 FR 22260 (4/16/81)	June 7, 1981.
81-119	Generic name: Alkyl aluminum halide	46 FR 22260 (4/16/81)	June 7, 1981.
81-120	Generic name: Alkyl aluminum halide	46 FR 22260 (4/16/81)	June 7, 1981.
81-121	Generic name: Polyacrylocarbamoyl alkyl silane	46 FR 22646 (4/20/81)	June 7, 1981.
81-122	Generic name: Isocyanatodisilane substituted polyester	46 FR 22646 (4/20/81)	June 7, 1981.
81-123	Fatty acids, C_{18}-unsaturated dimers, light fractions reacted with 1,3-butanediol ethoxylate.	46 FR 22646	June 7, 1981.
81-124 [1]	Generic name: Substituted anisole	46 FR 22643 (4/20/81)	June 9, 1981.
81-125	Generic name: Benzophenol tetracarboxylic dianhydride polyimide	46 FR 22646 (4/20/81)	June 8, 1981.
81-126	Safflower oil, polymers with benzoic acid bisphenol A, epichlorohydrin	46 FR 22643 (4/20/81)	June 14, 1981.
81-127	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	46 FR 22646 (4/20/81)	June 14, 1981.
81-128	Generic name: Unsaturated alicyclic ether	46 FR 22648 (4/20/81)	June 14, 1981.
81-129	Polymer of: Styrene, isobutyl acrylate, hydroxy ethyl acrylate, acrylic acid, terbutyl perbenzoate, dimethyl [illegible] amine.	46 FR 22648 (4/20/81)	June 14, 1981.
81-130	Generic name: Unsaturated alicylic alcohol	46 FR 22648 (4/20/81)	June 14, 1981.
81-131	Generic name: Allylglycidyl ether polyol resin	46 FR 23796 (4/20/81)	June 15, 1981.
81-132	Generic name: Maleic anhydride-based unsaturated polyester resin modified with mixed phthalic acid.	46 FR 22648 (4/20/81)	June 15, 1981.
81-133	Generic name: Unsaturated carboxylic amide	46 FR 23796 (4/28/81)	June 15, 1981.
81-134	Generic name: Unsaturated carboxylic amidecarboxylic acid	46 FR 23796 (4/28/81)	June 15, 1981.
81-135	Generic name: Acrylic polymer	46 FR 23796 (4/28/81)	June 15, 1981.
81-136	Generic name: Water-borne, linseed acid based modified alkyd	46 FR 22648 (4/20/81)	June 16, 1981.
81-137	Generic name: Polymer of a substituted polypropylene oxide and a substituted cyclic alkanediol	46 FR 22648 (4/20/81)	June 16, 1981.
81-138	Generic name: Acrylate-nitrogen hereocycle copolymer	46 FR 24683 (5/1/81)	June 21, 1981.
81-139	Polymer of carbomonocyclic acids, carbomonocyclic anhydride and modified vegetable oil	46 FR 24683 (5/1/81)	June 21, 1981.
81-140	Polymer of an alkanediol, aliphatic dicarboxylic acid, and an aromatic dicarboxylic acid	46 FR 24683 (5/1/81)	June 21, 1981.
81-141	4,N,N-Diethylaminobenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-142	4-(4-Morpholinyl)-2,5-dibutoxybenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-144	4-(1-Pyrolidinyl)-3-methyl benzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-145	4-N,N-Dimethylaminobenzene diazonium sulfonate salt	46 FR 23796 (4/28/81)	June 23, 1981.
81-146	Organic amine salts of dihydrogen phosphate esters of mixed alcohol ranging from C_{16} to C_{20}	46 FR 24683 (5/1/81)	June 23, 1981.
81-147	Poly(oxy-1,4-butanediyl)alpha-hydro-omega-hydroxy, polymer with 1,1-methylene bis (4-isocyanatobenzene) and 2-hydroxyethyl-2-methyl-2-propenoate.	46 FR 24683 (5/1/81)	June 24, 1981.
81-148	Generic name. Carboxylic sulfonic acid salt	46 FR 24990 (5/4/81)	June 25, 1981.
81-149	Generic name. Styrene acrylic polymer	46 FR 24990 (5/4/81)	June 25, 1981.
81-150	Polyol reaction product with methylene bis (cyclohexyl isocyanate)-hydroxy propyl acrylate blocked	46 FR 24681 (5/1/81)	June 25, 1981.
81-151	Copolymer of styrene and mixed alkyl acrylate	46 FR 24990 (5/4/81)	June 28, 1981.
81-152	Generic name: Poly(ester)-Co-poly(hydantoin polyester)	46 FR 24681 (5/1/81)	June 30, 1981.

PMN No.	Submitter	Chemical identification	FR citation
		IV. Chemical substances for which EPA has received notice of commencement to manufacture	
80-70	Confidential	Generic name: Sulfonic acid salt of ureylenebis (hydroxy-sulfo-napthyl) azo]naphthalene.	45 FR 49667 (7/25/80).
80-81	Confidential	Generic name: Methylphenyl substituted heteromonocyclic salt	45 FR 30130 (5/7/80).
80-185	Uniroyal Chemical	Substituted alkyl oxamide	45 FR 58194 (9/20/81).
80-228	Uniroyal	Benzene propanoic acid 3,5-bis (1,1-dimethylethyl)-4-hydroxy-(1,2-dioxo-1,2-ethanediyl)bis(1-mino-2,1-ethanediyl)ester.	45 FR 62194 (9/18/80).
80-240	Dupont	Generic name: Ethene-alkene-vinyl carbonyl amine polymer	45 FR 65030 (10/1/80).
80-270	Inmont Corp	Polymer of glycidyl methacrylate, hydroxy propyl methacrylate 12-hydroxystearic acid, methacrylic acid methyl methacrylate.	45 FR 74558 (11/10/80)
80-291	Confidential	Polymer of: Epoxy resin bisphenol A, paraformaldehyde, dibutylamine, diethanolamine.	45 FR79150 (11/28/81)
80-294	Dow Chemical	Generic name: Oil free polyester	45 FR 79157 (11/28/81).
80-302	Confidential	Generic name: Modified polyester based on carbomonocylic anhydride and alkanediols.	45 FR 80354 (12/4/81).
80-310	DuPont	Butanenitrile, 2-methyl, 2,2'-azobis	45 FR 80350 (12/4/80).
80-311	Confidential	Butanenitrile, 2-amino, 2-methyl	45 FR 81876 (12/12/80).
80-330	Confidential	Generic name: Amino alcohol	46 FR 3963 (1/16/81).
80-344	Confidential	Generic name: Metal resinate	46 FR 8710 (1/27/81).
80-374	Confidential	Generic name: 4-(trifluoromethyl)-2-chloro-1-(3-substituted phenoxy) benzene derivat.	46 FR 12309 (2/13/81).
80-382	Confidential	Generic name: Adipic acid, 1,2-propanediol, monocarboxylic acid polyester	46 FR 12305 (2/13/81).
81-3	Confidental	Methyl, bis(hydroxy propyl)tallowalkyl ammonium methyl sulfate	46 FR 11349 (2/6/81).
81-12	Kendall Co	Acrylate copolymer adhesive	46 FR 12104 (2/12/81).
81-16	Kendall Co	Generic name: Maleic half ester of ethoxylated aliphatic alcohol emulsifier	46 FR 12104 (2/12/81).
81-22	Confidential	1,3-bis(4-hydroxybutyl)-1,3-didecyldimethyl-disiloxane	46 FR 16116 (3/11/81).
81-31	DuPont	Generic name: Polyurethane polyacrylic block polymer	46 FR 14952 (3/3/81).
81-41	Ilford Inc	5-methyl-4H-1,2,4-triazole-3-selanol, 2-dihydro-5-methyl-3H-1,2,4-triazole-3-selone.	46 FR 16123 (3/11/81).
81-45	DuPont	Polyester (1,4-butane diol/isophthalic acid, dimethyl esterpoly(oxy thylene/oxy propylene)/terephthalic acid, dimethyl ester.	46 FR 16125 (3/11/81).
81-57	American Hoechst Corporation	Acetamide, N-[4-((2-hydroxy-ethyl) sulfonyl)-2-methoxy-5-methylphenyl]	46 FR 16931 (3/16/81).
81-63	Confidential	Generic name: Copolyester of dibasic aliphatic and substituted dibasic aromatic carboxylic acids with glycols.	46 FR 19307 (3/30/81).
81-96	Confidential	Generic name: Oxidized soy kolate	46 FR 19303 (3/30/81).
81-97	Confidential	Generic name: Bis(substituted carbomonocyclic substituted carbopolycycle	46 FR 19303 (3/30/81).
81-98	Andrews Paper Chemical	Generic name: 4-diazo-2,5-diethoxymorpholine phenyl sulfonate salt	46 FR 20763 (4/7/81).

PMN No.	Submitter	Chemical identification	FR citation
81-99	Sandoz Colors & Chemicals	Generic name: Diazo dye	46 FR 20763 (4/7/81).
81-147	Confidential	Poly(oxy-1,4-butanediyl)alpha-hydro-omega-hydroxy, polymer with 1,1-methylene bis(4-isocyanatobenzene) and 2-hydroxyethyl-2-methly-2-propenoate	46 FR 24883 (5/1/81).

PMN No.	Identity/generic name	FR citation	Date suspended
	V. Premanufacture notices for which the review period has been suspended		
80-137	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Sept. 22, 1980
80-138	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Sept. 22, 1980
80-146	Phosphorodithioic acid *O,O'*-di (isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt	45 FR 49153 (7/23/80)	Sept. 17, 1980
80-147	Phosphorodithioic acid *O,O'*-di (isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Sept. 17, 1980
80-182	Generic name: Alkanedioic acids mixed alkanolamine salt	45 FR 54425 (8/15/80)	Oct. 30, 1980
80-238	Glycerine, 1-alkanoate, 3-substituted alkanoate	45 FR 65662 (10/3/80)	Nov 7, 1980
80-264	Generic name: Benzeneamine, [*N*-(1-methyl hexylidene)-*N*-(1-methyl butylidene)-4,4'-methylene bis].	45 FR 73127 (11/4/80)	Dec 24, 1980

' PMN review period has been suspended

[FR Doc. 81-24692 Filed 8-24-81; 8:45 am]

BILLING CODE 6560-31-M

[A-10-FRL-1917-8]

Termination of the State of Idaho's Federal Air Grant Funding

AGENCY: Environmental Protection Agency (EPA).

ACTION: Termination of Federal Air Grant Funding.

SUMMARY: EPA is giving notice of its intention to withdraw certain Section 105 air program grants funds from the State of Idaho's Department of Health and Welfare beginning July 1, 1981.

DATE: August 25, 1981.

ADDRESSES: The relevant material may be examined during normal business hours at the following locations:

Central Docket Section (10A-80-2), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460;

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue. M/S 625, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Richard R. Thiel, Environmental Protection Agency, Chief, Air Programs Branch, 1200 Sixth Avenue, M/S 629, Seattle, Washington 98101, Telephone: (206) 442-1230, FTS 399-1230.

SUPPLMENTAL INFORMATION: During this year's legislative session, the State of Idaho's funding for the Idaho Department of Health Welfare (IDHW) air program was eliminated beginning July 1, 1981. EPA had been notified by the State that its air program activities will be terminated by July 1, 1981. Therefore, since the IDHW will have no non-Federal funding to support its air pollution control program beyond June 30, 1981, EPA is required by Section 105 of the Clean Air Act to reduce IDHW's air grant award.

On June 1, 1981, EPA published in the **Federal Register** (46 FR 29329) a request for public comment on the intent to withdraw the air program grant and also provided an opportunity to request a public hearing. The same notification also appeared in the public notice section of the *Idaho Statesman* on June 1, 1981. No comments were received during the 30-day comment period. Therefore, EPA is taking the following action:

1. Withdraw unexpended or remaining federal funds authorized by Section 105 not required for the State to complete its program. The unexpended funds being withdrawn amount to $201,817, however some adjustment to this amount may be made after final close-out audit is completed. Idaho is required by law to expend to least as much in State funding in Federal Fiscal Year (FY) 1981 as was spent in FY 1980, $279,525, to be eligible for any Federal Section 105 funds. Since the Idaho program will be terminated in June of 1981, three quarters of the way through FY 81, this requirement will be satisfied if Idaho expends at least $209,644 (¾ × $279,525) in non-Federal (State) funds.

2. Terminate the Section 105 grant to the State of Idaho 1981 since the State will not provide the non-Federal matching funds required to be eligible for a Section 105 grant after that date.

Dated: August 14, 1981.

John R. Spencer,

Regional Administrator.

[FR Doc. 81-24694 Filed 8-24-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-130]

City Federal Savings and Loan Association; Final Action Approval of Conversion Applications

Notice is hereby given that on August 12, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-456 approved the application of City Federal Savings and Loan Association, Oakland, California ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

Dated: August 20, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-24761 Filed 8-24-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-129]

First Mutual Savings Association of Florida; Final Action Approval of Conversion Applications

Notice is hereby given that on August 12, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-455 approved the application of First Mutual Savings and Loan Association of Florida, Pensacola, Florida ("Association"), for permission

to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, N.W. Atlanta, Georgia 30343.

Dated: August 20, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-24781 Filed 8-24-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-132]

First Savings Association of Wisconsin; Approval of Post-Approval Amendment of Conversion Application (Notice of Final Action)

Notice is hereby given that on August 19, 1981, the Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), by Resolution No. 81-471 approved an amendment to the application of First Savings Association of Wisconsin, Milwaukee, Wisconsin ("Association") amending the plan of conversion and providing that the aggregate price of the stock to be sold in the conversion of the Association shall be not less than $12,750,000 nor more than $17,250,000. The conversion application of the Association was approved on March 18, 1981, by Board Resolution 81-150 which Resolution required that the conversion stock be sold for an aggregate price within a range from $21,675,000 to $29,325,000. Copies of the application and amendments thereto are available for inspection at the Office of the Secretary of FSLIC, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent of FSLIC at the Federal Home Loan Bank of Chicago, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601.

Dated: August 20, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-24784 Filed 8-24-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-131]

United Federal Savings and Loan Association; Final Action Approval of Conversion Applications

Notice is hereby given that on August 12, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-458 approved the application of United Federal Savings and Loan Association, Sarasota, Florida ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, N.W., Atlanta, Georgia 30343.

Dated: August 20, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-24782 Filed 8-24-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than September 18, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Bankers Trust New York Corporation, New York, New York (investment adviser activities: Florida): To enage, through a subsidiary known as Bt Investment Managers, Inc., in the following activities: acting as investment or financial adviser to the extent of: (i) Providing portfolio investment advice, financial/management, and security analysis; and (ii) furnishing general economic information and advice, general economic statistical forecastiing services and industry studies. Such activities will be conducted at offices located at 250 Royal Palm Way, Palm Beach, Florida. The geographic area to be served is primarily Palm Beach County, but also includes the entire State of Florida. Comments on this application must be received not later than September 11, 1981.

2. Bankers Trust New York Corporation, New York, New York (trust company activities; Florida): To engage, through its subsidiary Bankers Trust Company of Florida, in the following activities: To perform any one or more of the functions or activities that may be performed by a trust company (including activities of a fiduciary, investment advisory, agency or custodian nature) in the manner authorized by Federal or State Law. Such activities will be conducted at offices in Palm Beach, Florida. The primary geographic area to be served is within Palm Beach County; other locations in the State of Florida will also be served from this office.

3. Citicorp, New York, New York (loan servicing; entire United States): To engage *de novo*, indirectly through Citicorp Person-to-Person, Inc., and its respective subsidiaries in the servicing, for any person, of loans and other extensions of credit, without regard to whether the receivables being serviced were originated or owned by Citicorp affiliated or non-affiliated entities. The aforementioned subsidiaries operate offices in one or more of the following states, Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Texas, Utah, Virginia, Washington and Wyoming. These

activities would be conducted throughout the entire United States.

4. Manufacturers Hanover Corporation, New York, New York (lending and insurance activities; Kansas) To continue to hold the shares of Termplan Incorporated of Kansas ("Termplan") after Termplan relocates an office located at Prairie Village, Kansas, to Overland Park, Kansas and expands the service area of the office. The application does not involve the commencement of any new activities at the new location. The present activities of Termplan are consumer lending and the sale, as agent, of single and joint credit life, accident and health insurance, and credit related property and casualty insurance. Termplan also engages in home equity lending and sales finance lending and the sale, as agent, of single and joint credit life insurance related to those loans. The new office will serve customers in southeastern Atchison, Jefferson, Leavenworth, eastern Shawnee, northeastern Osage, Douglas, Franklin, northeastern Anderson, Johnson, Miami, Wyandotte, and north Linn Counties.

B. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Jefferson Bancshares, Inc., Metairie, Louisiana (leasing activities, Louisiana): To engage through its subsidiary, Jefferson Leasing, Inc., Metairie, Louisiana, in making leases of personal property and acting as agent, broker, or adviser in leasing such property. These activities would be conducted from offices at 3525 N. Causeway Boulevard, Metairie, Louisiana 70002, serving Jefferson Parish, Louisiana.

2. Southwest Florida Banks, Inc., Fort Myers, Florida (insurance activities; Florida): To engage through a subsidiary know as Southwest Financial Services, Inc. in the following activities: Providing, as agent in connection with extensions of credit by Applicant's banking subsidiaries, credit life and accident and health insurance directly related to such extensions of credit. Such activities will be conducted at offices located at 10101 Bloomingdale Avenue, Riverview, Florida 33569, serving Hillsborough County, Florida.

C. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60000:

Merchants National Corporation, Indianapolis, Indiana (loan production activity; North Central United States): To engage through its subsidiary, Merchants Mortgage Corporation, in oprating a loan production office in Fort Wayne, Indiana, including acceptance of mortgage loan applications and closing of loans. This activity will be conducted from an office at 2200 Lake Avenue, Suite 120, Fort Wayne, Indiana, serving Allen and contiguous counties of Grant, Steuben, Whitley, Noble, Dekalb, Huntington, Wells and Adams, all within a 50-mile radius of such office.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, August 19, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24686 Filed 8-24-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bancorporation of Colorado; Acquisition of Bank

Commercial Bancorporation of Colorado, Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Century Bank Southeast, N.A., Englewood, Colorado, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24766 Filed 8-24-81; 8:45 am]

BILLING CODE 6210-01-M

Firstcom Bancorp, Inc.; Formation of Bank Holding Company

Firstcom Bancorp, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent of the voting shares of The First Commercial Bank, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24767 Filed 8-24-81; 8:45 am]

BILLING CODE 6210-01-M

Metro Shares, Inc.; Formation of Bank Holding Company

Metro Shares, Inc., Metairie, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of First Metropolitan Bank, Metairie, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24768 Filed 8-24-81; 8:45 am]

BILLING CODE 6210-01-M

Rio Grande Bancshares, Inc.; Formation of Bank Holding Company

Rio Grande Bancshares, Inc., Las Cruces, New Mexico, has applied for the

Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Dona Ana County, Las Cruces, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 19, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-24685 Filed 8-24-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

General Powers and Duties Under Title III of the Public Health Service Act; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of January 14, 1981 (46 FR 10016), by the Secretary of Health and Human Services to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Director, Centers for Disease Control, with authority to redelegate, the following authorities delegated to the Assistant Secretary for Health under Title III of the Public Health Service Act (42 U.S.C. 241 *et seq.*) as amended, concerning General Powers and Duties pertaining to the functional responsibilities of the Centers for Disease Control:

Section 301—Research and Investigation—General, as it pertains to the functions assigned to CDC.

Section 304—General Authority Respecting Research, Evaluations, and Demonstrations in Health Statistics, Health Services and Health Care Technology, as it pertains to the functions assigned to CDC.

Section 307—International Cooperation, as it pertains to the functions assigned to CDC.

Section 308—General Provisions Respecting Sections 304 and 307, as it pertains to the functions assigned to CDC.

Section 310—Health Conferences and Health Education Information, as it pertains to the functions assigned to CDC.

Section 311—Federal-State Cooperation—General, as it pertains to the functions assigned to CDC.

Section 314(d)—Comprehensive Public Health Services.

Section 315—Formula Grants to States for Preventive Health Service Programs.

Section 316—Lead-Based Paint Poisoning Prevention Programs.

Section 317—Project Grants for Preventive Health Services (except section 317(a)(1) as it relates to grants for hypertension insofar as the authority applies to the functional responsibility assigned to the Health Services Administration).

Section 318—Projects and Programs for the Prevention and Control of Venereal Disease.

Section 322(e)—Care and Treatment of Seamen and Certain Other Persons, as it pertains to the functions assigned to CDC.

Section 325—Examination of Aliens, as it pertains to the functions assigned to CDC.

Section 326—Services to Coast Guard, Coast and Geodetic Survey, and Public Health Service, as it pertains to the functions assigned to CDC.

Section 327—Interdepartmental Work, as it pertains to the functions assigned to CDC.

Section 327A—Sharing of Medical Care Facilities and Resources, as it pertains to the functions assigned to CDC.

Section 352—Preparation of Biological Products, as it pertains to the functions assigned to CDC.

Section 353—Clincial Laboratories, as it pertains to the functions assigned to CDC.

Section 361–369—Quarantine and Inspection, as they pertain to the functions assigned to CDC.

The following delegations by the Assistant Secretary for Health to the Director, Centers for Disease Control, have been superseded:

July 1, 1973 (38 FR 18260–18262), insofar as it pertains to the authorities herein delegated.

May 24, 1976 (41 FR 22117), insofar as it pertains to the authorities under section 317 relating to communicabla and other disease control programs.

July 24, 1979 (44 FR 45759), insofar as it pertains to the authorities under section 301 relating to functions assigned to CDC.

September 18, 1979 (44 FR 57494), insofar as it pertains to the authorities under section 317 relating to fluoridation.

All other delegations to the Director, Centers for Disease Control, of authority under Title III of the Public Health Service have also been superseded.

Provision has been made for previous delegations and redelegations made to other officials within the Centers for Disease Control to continue in effect for no longer than 90 days from the effective date of the delegation to the Director, Centers for Disease Control, provided they are consistent with the delegation to the Director, Centers for Disease Control.

The Assistant Secretary for Health has made provision for the ratification of actions taken on behalf of the Public Health Service under section 318 of the Public Health Service Act, as amended.

The delegation to the Director, Centers for Disease Control, became effective on August 4, 1981.

Dated: August 4, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81-24664 Filed 8-24-81; 8:45 am]

BILLING CODE 4110-85-M

National Health Planning and Development; Administrator, Health Services Administration; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of November 20, 1980 (45 FR 1032) by the Secretary of Health and Human Services to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Administrator, Health Services Administration, without the authority to redelegate, the following authorities delegated to the Assistant Secretary for Health under Title XV of the Public Health Service Act (42 U.S.C. 300k *et seq.*), as amended, concerning National Health Planning and Development as these authorities pertain to the functions assigned to the Health Services Administration:

Authority under section 1513(e)(2) (42 U.S.C. 300*l*–2(e)(2)), to make Federal funds available, after appropriate review, to an entity disapproved by a Health System Agency;

Authority under section 1521(d)(2) (42 U.S.C. 300m(d)(2)), to make certain allotment reductions when the Secretary has determined an agreement is not in effect; and

Authority under section 1524(c)(6) (42 U.S.C. 300m–3(c)(6)), to expand or withhold Federal funds pursuant to recent findings pertinent to State plans.

The delegation to the Administrator, Health Services Administration, became effective on August 11, 1981.

Dated: August 11, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81-24663 Filed 8-24-81; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Marine Mammal Annual Report; Availability

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of marine mammal annual report.

SUMMARY: The Director, U.S. Fish and Wildlife Service, on June 19 signed the annual report on the Service's administration of the marine mammals under its jurisdiction, as required by section 103(f) of the Marine Mammal Protection Act of 1972. The report covers the period April 1, 1980, to December 31, 1980, and was submitted to the Congress on July 31. By this notice, the Director informs the public that the report is available and that any interested individual may secure a single copy by requesting same in writing from the Service.

ADDRESS: Write for a copy to Director (PUB), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Gillett, Chief, Division of Wildlife Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202–632–7483.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service is responsible for eight species of marine mammals under the jurisdiction of the Department of the Interior, as assigned by the Marine Mammal Protection Act of 1972 (MMPA). These species are polar bears, sea and marine otters, walruses, manatees (three species), and dugongs. The report reviews the Service's marine mammal-related activities during the report period. Administrative actions discussed include MMPA appropriations, financial grants to States to help them develop and implement programs for protecting and managing marine mammals in their waters, marine mammals in Alaska, legal actions against the Department of the Interior, endangered and threatened marine mammal species (specifically the West Indian manatee and the sea otter in California), law enforcement activities, scientific research and public display permits, certificates of registration, research, Outer Continental Shelf environmental studies, and international activities.

This notice was prepared by Rupert R. Bonner, Wildlife Biologist, Division of Wildlife Management, Branch of Wildlife Assistance, 202–632–2202.

Dated: August 14, 1981.

F. Eugene Hester,

Acting Deputy, Director, Fish and Wildlife Service.

[FR Doc. 81–24658 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 0982 and 0983, Blocks 238 and 252, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procdures are set out in a revised § 250.34 of title 30 of the Code of Federal Regulations.

Dated: August 17, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–24652 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

[AR–011850 etc.]

Arizona; Order Providing for Opening of Public Lands; Correction

August 17, 1981.

In FR Doc. 81–22805 appearing at pages 39900 and 39901 in the issue of Wednesday, August 5, 1981, make the following changes:

On Page 3900, the second column, under Serial No. AR–011990 change the last line now reading "T. 18., R. 16 W.," to read "T. 18 N., R. 16 W.,"; on the same page, third column, Serial No. AR–013162, change the 51st line now reading "W½SW¼SW¼, NW¼, NE¼SW¼;" to read "W½SW¼SW¼, NW¼, NW¼SW¼;".

On Page 39901, the first column, paragraph 2, change the 7th line now reading "011950, AR–011952, AR–011990, AR" to read "011850, AR–011852, AR–011990, AR."

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–24653 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–84–M

[AR–09296 etc.]

Arizona; Order Providing for Opening of Public Lands; Correction

August 17, 1981.

In FR Doc. 81–22170 appearing at page 39041, in the issue of Thursday, July 30, 1981, make the following changes:

On Page 39041, the first column, Serial No. AR–010159, change the 28th line now reading "sec. 14, NW¼, S½NW¼, NE¼NW¼" to read "sec. 14, NE¼, S½NW¼, NE¼NW¼"; delete the 33rd, 34th and 35th lines reading: "AR–010198, T. 9 S., R. 23 W., sec. 16, SE¼SE¼NE¼,"; and on the same page, 2nd column, paragraph 2, change the 14th line now reading "sec. 15 T. 7 S., R. 11 W., sec. 5, 13, and " to read "sec. 15, T. 7 N., R. 11 W., secs. 5, 13, and.".

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–24654 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–84–M

[AR–02656, etc.]

Arizona; Order Providing for Opening of Public Lands; Correction

August 17, 1981.

In FR Doc. 81–22169 appearing on pages 39041 and 39042, in the issue of Thursday, July 30, 1981, make the following changes:

On Page 39041, third column, Serial AR–014386, change the 20th line now reading "T. 16 N., R. 15 W.," to read "T. 16 N., R. 14 W.", and under Serial No. AR–017523, change the 47th line now reading "sec. 19, Lots 4 thru 4 incl., E½W½, E½." to read "sec. 19, Lots 1 thru 4 incl., E½W½, E½."

On Page 39042, first column, 2nd paragraph, change the last line of paragraph 2 now reading "under serial No. AR–015416" to read "under Serial No. AR–015476."

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–24655 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–84–M

Battle Mountain District Advisory Council; Meeting

The Battle Mountain District of the Bureau of Land Management, in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 (FLPMA), will convene a multiple-use Advisory Council meeting on September 25, 1981, at 9 a.m., in the Shoshone-Eureka conference room of the Battle Mountain District Office in Battle Mountain, Nevada. The agenda is scheduled as follows:

Friday, September 25, 1981

Shoshone-Eureka Conference Room, Battle Mountain District Office, Battle Mountain, Nevada

9:00 a.m. to 9:30 a.m.—Opening remarks by district manager and chairperson
9:30 a.m. to 9:45 a.m.—Secretary calls roll and reads minutes of previous meeting
9:45 a.m. to 10:45 a.m.—Management alternatives for wild horse management plans (Robert Scalese)
10:45 a.m. to 11:00 a.m.—Public comment or introduction to Wilderness EIS alternatives (Jon Joseph)
11:00 a.m. to 1:00 p.m.—Lunch
1:00 p.m. to 2:00 p.m.—Wilderness EIS alternatives continued (Jon Joseph)
2:30 p.m. to 2:45 p.m.—Break
2:45 p.m. to 4:00 p.m.—Wilderness EIS alternatives continued (Jon Joseph)
4:00 p.m. to 4:45 p.m.—Morey's Habitat Management Plan (Dorothy Mason)
4:45 p.m. to 5:15 p.m.—Closing remarks by district manager and chairperson

Members of the public are welcome to make oral comments at 10:45 a.m. Persons wishing to do so should contact H. James Fox.

For more information, please contact the responsible officer, H. James Fox, District Manager at the following address: Bureau of Land Management, Battle Mountain District Office, P.O. Box 194, North 2nd and Scott Streets, Battle Mountain, Nevada 89820, Telephone: (702) 635–5181.

Dated: August 14, 1981.

Michael C. Mitchel,

Acting District Manager, Battle Mountain District, Nevada.

[FR Doc. 81–24660 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 19177]

Oregon; Order Providing for Opening of Land

1. By Power Site Cancellation No. 201 of December 5, 1972, the U.S. Geological Survey cancelled a portion of the land withdrawal for Power Site Classification No. 379 of December 9, 1946, as to the following described lands:

Willamette Meridian

T. 18 S., R. 2 W.,
Sec. 10, Lot 4.
Sec. 15, Lots 2 and 3;
Sec. 36, Lots 1, 2, 3, and 4.
T. 19 S., R. 1 E.,
Sec. 18, Fractional NW¼NW¼.

Willamette National Forest

T. 20 S., R. 2 E.,
Sec. 21, SE¼NW¼.
T. 21 S., R. 2 E.,
Sec. 10, NE¼SE¼;
Sec. 11, NW¼SW¼;
Sec. 14, SW¼NE¼.
T. 20 S., R. 3 E.,
Sec. 28, NW¼SE¼;
Sec. 33, NE¼NW¼ and SW¼NW¼.
T. 21 S., R. 3.,
Sec. 5, Lot 3;
Sec. 19, Lots 2, 4, and 5, and SE¼NW¼;
Sec. 20, Lots 1, 2, 3, and 4;
Sec. 35, Lot SE¼SE¼.
T. 22 S., R. 3 E.,
Sec. 3, Lot 3
T. 24 S., R. 4 E.,
Sec. 10 SW¼SW¼;
Sec. 12 N½, NE¼SW¼ and N½SE¼;
Sec. 14 N½.

The areas described aggregate 1,660.68 acres in Lane County, Oregon.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. The land in Secs. 15 and 36, T. 18 S., R. 2 W., has been conveyed from United States ownership and will not be open to operation of the public land laws, including the mining and mineral leasing laws.

4. The land in Sec. 10, T. 18 S., R. 2 W., and Sec. 18, T. 19 S., R. 1 E., is withdrawn for multiple use management by Public Land Order No. 5490 of February 12, 1975, and will not be open to operation of the public land laws.

5. By virtue of the authority contained in Section 204 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818, and in accordance with the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered that at 10 a.m., on September 15, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1, except as provided in paragraphs 3 and 4, will be open to such forms of disposition as may by law be made of national forest lands.

6. The lands described in paragraph 1, except as provided in paragraph 3, have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

August 10, 1981.

[FR Doc. 81–24649 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–84–M

Conveyance Management Office Alaska State Office; Redelegation of Authority

August 11, 1981.

1. Pursuant to the authority contained in Part I, § 1.1(a) of Bureau Order No. 701 of July 23, 1964, as amended, and the establishment of the Conveyance Management organization in the Alaska State Office, authority is hereby redelegated to the Assistant to the State Director for Conveyance Management; Chief, Division of ANCSA and State Conveyances; Chief, Branch of ANCSA Adjudication; and Chief, Branch of State Adjudication to take action on the following matters listed in Part II:

Sections

2.2 (c) and (k);
2.5 (b) and (c);
2.6 (a), (b), (k), and (n);
2.9 (b), (c), (d), (f), (i), (m), (n), (p), (t)(7), and (y).

2. The Assistant to the State Director for Conveyance Management; Chief, Division of ANCSA and State Conveyances; Chief, Branch of ANCSA Adjudication; and Chief, Branch of State Adjudication, may in their discretion, personally exercise any authority hereby delegated.

3. The Assistant to the State Director for Conveyance Management, may by written order, designate any qualified employee to perform the functions of his or her position in his or her absence. Such order will be approved by the

State Director. Each employee who serves in such capacity shall prepare a memorandum showing the date and hour of the commencement and termination of each period of service in that capacity.

4. The Chief, Division of ANCSA and State Conveyances, may by written order, designate any qualified employee of the Division of ANCSA and State Conveyances to perform the functions of his or her position in his or her absence. Such order will be approved by the Assistant to the State Director for Conveyance Management. Each employee who serves in such capacity shall prepare a memorandum showing the date and hour of the commencement and termination of each period of service in that capacity.

5. The Chief, Branch of ANCSA Adjudication, may, by written order, designate any qualified employee of the Branch of ANCSA Adjudication, Division of ANCSA and State Conveyances, to perform the functions of his or her position in his or her absence. Such order will be approved by the Chief, Division of ANCSA and State Conveyances. Each employee who serves in such capacity shall prepare a memorandum showing the date and hour of the commencement and termination of each period of service in that capacity.

6. The Chief, Branch of State Adjudication, may by written order, designate any qualified employee of the Branch of State Adjudication, Division of ANCSA and State Conveyances, to perform the functions of his or her position in his or her absence. Such order will be approved by the Chief, Division of ANCSA and State Conveyances. Each employee who serves in such capacity shall prepare a memorandum showing the date and hour of the commencement and termination of each period of service in that capacity.

7. Effective Date: This delegation of authority will become effective upon publication in the **Federal Register.**

Fred Wolf,

Acting State Director.

[FR Doc. 81-24644 Filed 8-24-81; 8:45 am]

BILLING CODE 4310-84-M

[M 9703]

Montana; Termination of Proposed Withdrawal and Reservation of Lands

August 17, 1981.

Notice of an application filed by the Bureau of Reclamation, U.S. Department of the Interior, M 9703, for withdrawal and reservation of public lands was published as **Federal Register** Document 68-8706 on pages 10465 and 10466 of the issue for July 23, 1968. The Bureau of Reclamation has canceled its application involving 3,428.56 acres described in the **Federal Register** publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), such lands will be relieved of the segregative effect of the above-mentioned application at 8 a.m. on September 30, 1981.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-24723 Filed 8-24-81; 8:45 am]

BILLING CODE 4310-84-M

[M 41607]

Montana; Order Providing for Opening of Public Lands and Terminating Segregation, in Part

The Federal Power Commission (now Federal Energy Regulatory Commission) in an order issued April 10, 1981, found the withdrawal for transmission line Project No. 695 served no useful purpose and vacated it in its entirety.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended October 18, 1973 (38 FR 28961), it is ordered as follows:

1. The segregative effect of the withdrawal for Project No. 695 is lifted as to the land affected which is approximately 114 acres of lands in the following described area:

Principal Meridian Gallatin National Forest

T. 9 S., R. 14 E.,
- Sec. 11, Portion of Lot 9;
- Sec. 12, Portion of Lot 10, SW¼SE¼, and SE¼SW¼; and
- Sec. 13, Portion of Lot 1 and NW¼NE¼.

T. 9 S., R. 15 E.,
- Sec. 18, Portion of Lots 4, 5, and 6 and E½SW¼;
- Sec. 19, Portion of W½NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼;
- Sec. 20, Portion of S½SW¼; and
- Sec. 28, Portion of Lots 6 and 7 and S½NW¼.

These lands are located in Park County, Montana.

3. The S½SW¼, Sec. 20 and Lots 6 and 7 of Sec. 28, T. 9 S., R. 15 E., remain segregated under the public land laws and mining laws by virtue of Secretarial Order dated August 17, 1907, and PLO 2603 which withdrew said lands for administrative sites.

4. Lot 6 remains segregated from disposition under the public land laws by virtue of the Power Project Interpretation No. 1461 dated January 26, 1939.

5. The lands have been open to applications and offers under the mineral leasing laws.

6. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

August 17, 1981.

[FR Doc. 24726 Filed 8-24-81; 8:45 am]

BILLING CODE 4310-84-M

[Nev-049761, Nev-049791, Nev-049794]

Nevada; Classifications Vacated

August 17, 1981.

Small Tract Classifications Nev-049761 and Nev-049791 are hereby vacated in their entirety and Nev-049794 is vacated in part.

The following described land is affected:

Mount Diablo Meridian

(Nev-049761)

T. 21 S., R. 60 E.,
- Sec. 3, Lots 22, 23, 25, 49, 59, 72, 73, 77, 78, 88, 89, 90, 95, 96, 97, 114;
- Sec 4, Lots 12, 17, 18, 19, 22, 23, 35, 39, 57, 84, 87, 88, 90, 92, 93, 95.

(Nev-049791)

T. 21 S., R. 60 E.,
- Sec 9, NE¼NE¼;
- Sec. 10, All.

(Nev-049794)

T. 20 S., R. 60 E.,
- Sec. 4, SW¼;
- Sec. 9, All;
- Sec. 10, W½;
- Sec. 28, N½NE¼, NW¼.

The area described contains 2,103.53 acres.

These classifications are determined to be unnecessary since the subject lands are either patented, subject to sale under Pub. L. 96-586, under application for public purposes, or subject to other classification.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-24725 Filed 8-24-81; 8:45 am]

BILLING CODE 4310-84-M

[U-6354]

Utah; Order Providing for Opening of Public Lands

By published notice (36 FR No. 211, November 2, 1971) the U.S. Geological

Survey cancelled Powersite Classification No. 323 as to certain described lands.

Under authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered as follows:

The National resource lands as described in Powersite Cancellation No. 263 **Federal Register** Vol. 36, No. 211, November 2, 1971, are hereby restored to disposition under applicable public land laws, subject to valid existing rights and provisions of existing withdrawals.

Dated: August 17, 1981.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-24648 Filed 8-24-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 14, 1981. Pursuant to § 120213 of 36 CFR Part 1202, written comments concerning the significanced of these properties under the National Register, criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by September 8, 1981.

Carol Shull,

Acting Keeper of the National Register.

NEW YORK

Suffolk County

Bay Shore vicinity, *Fire Island Light Station,* Robert Moses Causeway

PENNSYLVANIA

FOUR PUBLIC SQUARES OF PHILADELPHIA THEMATIC RESOURCES.

Reference—see individual listings under Philadelphia County.

Adams County

Cashtown vicinity, *Carbaugh Run Rhyolite Quarry Site (36AD30)*

Centre County

State College, *Farmers' High School (Pennsylvania State College)* College Ave. and Atherton St.

State College, *Tudek Site (36Ce238)*

Dauphin County

Halifax vicinity, *Clemson Island Prehistoric District*

Lackawanna County

Scranton, *Municipal Building and Central Fire Station,* 340 N. Washington Ave. and 518 Mulberry St.

Lehigh County

Alburtis, *Lock Ridge Furnace Complex,* Franklin and Church Sts.

Allentown, *Haines Mill,* Walnut St. and Main Blvd.

Allentown, *Lehigh County Prison,* 4th and Linden Sts.

Allentown, *Old Lehigh County Courthouse,* 5th and Hamilton Sts.

Northumberland County

Northumberland, *Priestley, Dr. Joseph, House (Cross Keys Inn)* 100 King St.

Philadelphia County

Philadelphia, *Franklin Square (Four Public Squares of Philadelphia Thematic Resources)* Race and 6th Sts.

Philadelphia, *Logan Square (Four Public Squares of Philadelphia Thematic Resources)* 18th and Race Sts.

Philadelphia, *Rittenhouse Square (Four Public Squares of Philadelphia Thematic Resources)* Rittenhouse Sq. and 18th St.

Philadelphia, *Washington Square (Four Public Squares of Philadelphia Thematic Resources)* Locust and 6th Sts.

TEXAS

Bexar County

San Antonio, *City of San Antonio Municipal Auditorium,* 100 Auditorium Circle.

WISCONSIN

Dodge County

Horicon, *Van Brunt, Daniel C., House,* 139 W. Lake St.

Douglas County

Lake Nebagamon, *Lake Nebagamon Auditorium,* 1st St.

La Crosse County

West Salem, *West Salem Village Hall,* 103 S. Leonard St.

Sauk County

Baraboo, *Baraboo Public Library,* 230 4th Ave.

Prairie du Sac, *Tripp Memorial Library and Hall,* 565 Water St.

* * * * *

[FR Doc. 81-24484 Filed 8-24-81; 8:45 am]

BILLING CODE 4310-70-M

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Wednesday, September 16, 1981, at 7:30 p.m. at the Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical park.

The members of the Commission are as follows:

Honorable Donald R. Frush, Chairman, Hagerstown, Maryland
Mrs. Constance Morella, Bethesda, Maryland
Miss Nancy Long, Glen Echo, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Dorothy Grotos, Arlington, Virginia
Miss Margaret Dietz, Lovettsville, Virginia
Mr. William H. Ansel, Jr., Romney, West Virginia
Mr. Silas Starry, Shepherdstown, West Virginia
Mr. Donald H. Shannon, Washington, D.C.
Mr. Rockwood H. Foster, Washington, D.C.
Mr. Kenneth S. Rollins, Brookmont, Maryland
Mr. Edwin F. Wesely, Jr., Brookmont, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. R. Lee Downey, Williamsport, Maryland
Mr. John C. Frye, Gapland, Maryland
Ms. Bonnie Troxell, Cumberland, Maryland
Mr. John D. Millar, Cumberland, Maryland

Matters to be discussed at this meeting include:

1. Toxic Waste Dump, Southern Washington County.
2. Commerical Boating.
3. Commerical Instrusion.
4. Bicycle Safety.
5. Horse Policy.
6. Status of Cumberland/North Branch area plan.
7. Status of Williamsport area plan.
8. Status of Brunswick area plan.
9. Superintendent's Report.

The meeting will be open to the public. Any member of the public may file with the Commission, a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782, telephone 301-739-4200.

Minutes of the meeting will be available for public inspection four (4) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: August 18, 1981.

Robert Stanton,

Acting Regional Director, National Capitol Region.

[FR Doc. 81-24666 Filed 8-24-81; 8:45 am]

BILLING CODE 4310-70-M

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 7:00 p.m., Tuesday, September 8, 1981 at Mission San Francisco de la Espada, 10040 Espada Road, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95–629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

—Land Acquisition Report
—San Jose Arbor Project
—Aqueduct Trail
—Protection Zone Report
—Museum Collections-Mission Artifacts
—Concepcion Compound
—Interim Preservation Projects

The meeting will be opened to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first come, first served basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206, telephone 512–229–6000.

Minutes of the meeting will be available for public review four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: August 14, 1981.

B. Joann Farnsley,

Acting Superintendent.

[FR Doc. 81–24666 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–70–M

Office of the Secretary

Chickasaw National Recreation Area, Oklahoma

Correction of Boundary Map

On March 9, 1978, a notice of the revision of park boundaries for the Chickasaw National Recreation Area, Oklahoma, was published in the **Federal Register**, Vol. 43, No. 47, page 9659. This notice revised the boundaries of the area to those shown on a map entitled "Proposal Land Acquisition, Chickasaw National Recreation Area," Drawing No. 107/30,013 A, 12/77, DSC.

It has been discovered that the above-named map erroneously included within the boundaries 15 acres of land which had been acquired by the United States but which were subsequently quitclaimed back to the former owners. This land is legally described as: W½W½NE¼SE¼; W½SW¼SE¼ NE¼; all in Section 13, Township 1 South, Range 2 East, Indian Meridian.

A new boundary map has been prepared to correct this error, and is designated "Proposed Land Acquisition, Chicksaw National Recreation Area," Nov. 80—107/30,013 B, DSC. This map supersedes those previously issued and is on file and available for inspection in the Offices of the National Park Service, Department of the Interior.

Dated: August 15, 1981.

Donald Paul Hodel,

Acting Secretary of the Interior.

[FR Doc. 81–24667 Filed 8–24–81; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29707]

Iowa Northern Railroad Company—Exemption; Notice of Exemption

August 19, 1981.

On July 31, 1981, the Carus Corporation (Carus) filed a notice of exemption of a transaction under 49 CFR 1111.5(c)(2).

Carus, a non-carrier, controls the La Salle and Bureau County Railroad (LSBC), a Class III rail carrier operating over its own lines and certain lines of the former Chicago, Rock Island & Pacific Railroad Company (Rock Island) located entirely within Illinois. Carus has formed a new corporation, the Iowa Northern Railroad Company (INRC), which is currently conducting operations over certain lines of the Rock Island in Iowa pursuant to Service Order N. 1473 (21st revision). Were it not for the class exemption at 49 CFR 1111.5(c)(2), Carus would be required to file an application pursuant to 49 U.S.C. 11343 for Commission authorization of its control of two carriers.

Carus states that the control transaction meets all of the criteria for exemption under section 1111.5(c)(2). First, the lines to be operated by INRC will not connect at any point with lines operated by LSBC, because INRC will be operated solely within Iowa while all of the LSBC lines are located in Illinois. Second, Carus does not anticipate any further transactions, by any member of its corporate family, that would result in any Carus-controlled connection between INRC and LSBC lines. Third, neither LSBC nor INRC is or will be a Class I carrier.

Carus formed the INRC at the request of a group of Iowa shippers who have been without rail service since the Rock Island ceased operations. The line to be operated by INRC runs between Cedar Rapids and Waterloo, between Shell Rock and Nora Springs and between Vinton and milepost 22.5 on the Iowa Falls line.

The employees hired by INRC will be covered by the applicable requirements of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, 94 Stat. 399 (1980). The new operator, INRC, presently holds no permanent authority. In such a situation, involving a new carrier, labor protection is discretionary with the Commission, see *Prairie Trunk Railway—Acquisition and Operation*, 348 ICC 832 (1977). We find no need for any greater labor protection in this proceeding than that indicated above.

Nothing in this notice exempts INRC from the obligation to comply with the Milwaukee Railroad Restructuring Act, as modified by the Rock Island Railroad Transition and Employee Act, regarding authorization for temporary service or permanent operations.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24689 Filed 8–24–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. 147]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: August 19, 1918.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 42866 (Sub-21)X, filed August 3, 1981. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview, IL 60153. Representative: John P. Torpats (same as applicant). Applicant seeks to remove restrictions in Sub-No. 18 certificate to (1) broaden the commodity description from carpets, rugs, carpet padding and plastic and rubber articles used in the manufacture and distribution of carpets and rugs to "textile mill products," in Sub-No. 18, (2) replace one-way authority with radial authority, (3) broaden the territorial description by substituting county-wide authority for facilities as follows: Philadelphia County, PA (for Philadelphia, PA); Mercer County, NJ (for Trenton, NJ); Dallas County, TX (for Dallas, TX); Bedford County, TN (for Shelbyville, TN); Los Angeles County, CA (for Los Angeles, CA); Lowndes County, MS (for Columbus, MS); Lee County, MS (for Tupelo, MS) and Allen County, IN (for Fort Wayne, IN), and (4) remove the AK and HI exceptions.

MC 112288 (Sub-18)X, filed July 23, 1981. Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune Street, Winston-Salem, NC 27107. Representative: James F. Flint, 406 World Center Building, 918—16th Street, N.W., Washington, DC 20006. Applicant seeks to remove restrictions from its Sub-Nos. 10G, 11, 14, and 16F certificates and E letter notice E-4, and authority in MC-139522 and MC-32632 and Sub-Nos. 10, 16 and 19 certificates acquired in MC-F-14335F to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures" in MC-112288 Sub-Nos. 10G and 16 and E4, MC-32632 and its Sub-No. 10; from general commodities with the usual exceptions to "general commodities (except Class A and B explosives)" in MC-112288 Sub-No. 16, MC-32632 and its Sub-No. 10; from carnival equipment and road building machinery and equipment to "machinery, lumber and wood products, pulp, paper and related products, printed matter, rubber and plastic products, transportation equipment, metal products, clay, concrete, glass or stone products, and textile mill products" in MC-139522 and MC-112288 (Sub-No. 16); from airconditioning, air filtration, refrigeration and humidifying equipment to "machinery" in MC-32632, from lumber to "lumber and wood products" in MC-32632 and its Sub-No. 10; from sand and gravel crushed stone, clay and shale products and brick in MC-32632, from clay and shale products in MC-32632 (Sub-No. 10) and from brick in MC-32632 (Sub-No. 19) to "clay, concrete, glass or stone products"; from feed, agricultural commodities, livestock, poultry and eggs in MC-32632 and from agricultural commodities and feed and groceries in MC-32632 (Sub-No. 10) to "food and related products"; from fertilizer and fertilizer materials, nitrate of soda and fertilizer in MC-32632 (Sub-No. 10) and from fertilizer and fertilizer materials in MC-32632 to "chemicals and related products" from tobacco to "tobacco products" in MC-32632 (Sub-No. 10); from petroleum to "petroleum, natural gas and their products" in MC-32632; from baskets and crates to "lumber and wood products, pulp, paper and related products, rubber and plastic products, leather and leather products, and metal products" to MC-32632; from bagging and ties to "textile mill products, and plastic and rubber products," in MC-32632; from agricultural commodities and lumber to "food and related products and lumber and wood products" in MC-32632; from galvanized metal roofing to "metal products" in MC-32632 (Sub-No. 10); from cotton to "textile mill products" in MC-32632 (Sub-No. 10); and from canned goods, agricultural commodities, tobacco dust, feed and cotton to "food and related products, tobacco products and textile mill products" in MC-32632 (Sub-No. 10), (2) remove the restriction to transportation of commodities which because of size or weight require special equipment in MC-112288 (Sub-Nos. 10G, 11, 14, and 16) and on 3 specific routes in MC-139522, (3) remove the restriction to specific commodities only for loading or unloading where such loading or unloading is performed by the consignor or consignee in part (4) of MC-112288 (Sub-No. 16F) (4) remove the "in container" restriction in MC-32632 (5) change city to county-wide authority (a) in MC-112288 Sub-No. 11 from Winston-Salem and Greensboro, NC to Forsyth and Guilford Counties, NC, (b) in No. MC-112288 Sub-No. 14 from Salisbury, NC to Rowan County, NC, (c) in MC-32632 from Murfreesboro, Woodland, and Ahoskie, NC; Trego, VA; Rich Square, Pomona and Weldon, NC, to Hertford, Northampton and Bertie Counties,

NC: Greensville County, VA; Northampton, Guilford and Halifax Counties, NC, (d) in MC-32632 Sub-No. 10 from Mullens, SC to Marion County, SC; from Jarratt, and Alberta, VA to Sussex and Brunswick Counties, VA; from Warrenton and Wise, NC to Warren County, NC from Newark, NJ to Bergen, Essex, Union and Hudson Counties, NJ and (e) in MC-32632 Sub-No. 19 from Ita, NC to Halifax County, NC; (6) change mileage radii to county-wide authority (a) in MC-32632 from points in NC within 75 miles of Trego, VA, to points in that part of North Carolina in and north of Person, Durham, Wake, Johnston, Wayne, Greene, Pitt, Beaufort, Washington, Perquimans, Pasquotank, Camden, and Currituck Counties, NC; from Rich Square, NC, and points and places within 50 miles of Rich Square to points in Warren, Franklin, Nash, Wilson, Greene, Pitt, Beaufort, Edgecombe, Halifax, Northampton, Hertford, Bertie, Martin, Washington, Chowan, Gates, Perquimans, Pasquotank, and Camden Counties, NC; from Severn and Mount Olive, NC and points in NC within 50 miles of Severn and Mount Olive to Warren, Franklin, Wake, Harnet, Cumberland, Bladen, Sampson, Pender, Duplin, Onslow, Jones, Craven, Lenoir, Wayne, Johnston, Wilson, Nash, Halifax, Northampton, Hertford, Bertie, Martin, Edgecombe, Pitt, Greene, Washington, Chowan, Perquimans, Pasquotank, Gates, and Camden Counties, NC; from points and places in NC within 75 miles of Severn, NC, to Granville, Vance, Franklin, Warren, Halifax, Nash, Wilson, Greene, Pitt, Edgecombe, Martin, Bertie, Northampton, Hertford, Gates, Chowan, Washington, Beaufort, Hyde, Tyrrell, Perquimans, Pasquotank, Camden, and Currituck Counties, NC; from between points in NC and VA within 100 miles of Jackson, NC, to points in that part of NC in, and east of Caswell, Orange, Chatham, Harnet, Sampson, Duplin, Onslow, Jones, and Craven Counties, NC and points in that part of VA in and south of Pittsylvania, Campbell,

Appomatox, Buckingham, Flavanna, Louisa, Hanover, Caroline, King William, King and Queen, Middlesex, Mathews, Gloucester, and York Counties, VA and Hampton, Norfolk, and Virginia Beach, VA; (b) in MC–32632 (Sub-No. 10) from Ridgeway, Wallace and Faison, NC, and points in NC within 20 miles of these points to Johnston, Wayne, Lenoir, Duplin, Sampson, Bladen, Pender, Onslow, Vance, Warren, Halifax, and Franklin Counties, NC; from Henderson and Warrenton, NC, and points in NC within 35 miles thereof to Person, Orange, Durham, Wake, Franklin, Granville, Vance, Warren, Northampton, Halifax, Edgecombe, and Nash Counties, NC; from Warrenton, NC, and points in NC within 35 miles of Warrenton to Franklin, Granville, Vance, Warren, Northampton, Halifax, and Nash Counties, NC; from Warrenton, NC and points in NC within 100 miles of Warrenton to Rockingham, Guilford, Randolph, Moore, Caswell, Alamance, Person, Orange, Chatham, Lee, Harnet, Cumberland, Sampson, Johnston, Wake, Durham, Granville, Wayne, Duplin, Jones, Lenoir, Craven, Beaufort, Pitt, Wilson, Nash, Franklin, Vance, Pasquotank, Perquimans, Chowan, Bertie, Washington, Martin, Hyde, and Edgecombe Counties, NC; and from Greensboro, NC, and points in NC within 85 miles of Greensboro to Ashe, Alleghany, Wilkes, Alexander, Catawba, Lincoln, Gaston, Mecklenburg, Lenoir, Surry, Yadkin, Iredell, Rowan, Davie, Cabarrus, Stanly, Anson, Stokes, Forsyth, Davidson, Montgomery, Richmond, Randolph, Guilford, Rockingham, Caswell, Alamance, Chatham, Lee, Moore, Hoke, Cumberland, Scotland, Harnett, Johnston, Wake, Franklin, Vance, Granville, Person, Durham, and Orange Counties, NC, and (7) change one-way to radial authority in MC–112288 (Sub-Nos. 10G, 11, 14, 16F and E–4), MC–32632 and Sub-Nos. 10, 16, and 19.

MC 115212 (Sub-2)X, filed August 5, 1981. Applicant: H. M. H. MOTOR SERVICE, R.D. 2, Box 119, Cranbury, NJ 08512. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead MC–115212 M1 and Sub-No. 1 permits to (1) broaden the commodity description to "such commodities as are dealt in or used by retail stores" from such commodities as are dealt in by retail women's and children's ready-to-wear apparel stores, and in connection therewith, supplies and equipment used in the conduct of such businesses; from women's and children's wearing apparel (except millinery and shoes), and supplies and equipment used in retail women's and children's ready-to-wear apparel stores; clothing, such as is dealt in by discount department stores, in the lead and from such commodities as are dealt in or used by department and apparel stores, in Sub-No. 1 and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 119567 (Sub-20)X, filed August 6, 1981. Applicant: EMPIRE TRANSPORT, INC., 2007 Overland Rd., Boise, ID 83705. Representative: Timothy R. Stiver, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 5, 7, 10, 14, 16, 17F, and 19F certificates to (1) broaden the commodity descriptions from cement, cement products, shingles, posts, lumber and lumber products to "clay, concrete, glass or stone products, building materials, and lumber and wood products" in its lead; from cement and cement products to "clay, concrete, glass or stone products" in its Sub-No. 1; from cement to "chemicals and related products" in Sub-No. 5; from cement, concrete tanks, sand, steel tanks, pipe, and fabricated steel products to "building materials, ores and minerals, clay, concrete, glass or stone products and metal products" in its Sub-No. 7; from pozzolan, cement, sand, and scrap metal, to "clay, concrete, glass or stone products and metal products" in Sub-No. 10; from pozzolan and cement, to "clay, concrete, glass or stone products," in Sub-No. 14; from silica sand to "clay, concrete, glass or stone products" in Sub-No. 16F; from lime and lime aggregates to "ores and minerals" in Sub-No. 17F; and from sand to "clay, concrete, glass or stone products"; (2) remove a minimum weight restriction in its lead; (3) remove "in containers, bags, bulk, or sacks" wherever they appear; and (4) replace one-way with radial authority.

MC 124170 (Sub-181)X, filed August 10, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restictions in its Sub-Nos. 25 and 117F certificates to (1) broaden the commodity description from bananas and agricultural commodities exempt from economic regulation in Sub-No. 25 and frozen foods and exempt commodities to "food and related products"; (2) remove the facilities limitation at Syracuse, NY, in Sub-No. 117F; and (3) replace one-way with radial authority in both certificates.

MC 124170 (Sub-182)X, filed August 6, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 97F and 98F certificates to (1) broaden the commodity description from bananas and agricultural commodities otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(16) when transported in mixed loads with bananas to "food and related products", in Sub-Nos. 97F and 98F, (2) replace one-way authority with radial authority and (3) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Hillsborough and Pasco Counties, FL (for Tampa, FL), in Sub-No. 97F and Dade County, FL (for Miami, FL), in Sub-No. 98F.

MC 126537 (Sub-39)X, filed August 7, 1981. Applicant: KENT I. TURNER, KENNETH E. TURNER and ERVIN L. TURNER, a Partnership d.b.a. TURNER EXPEDITING SERVICE, P.O. Box 21333, Standiford Field, Louisville, KY 40221. Representative: George M. Catlett, Suite 708, McClure Building, Frankfort, KY 40601. Applicant seeks to remove restrictions in its Sub-Nos. 21, 23, 24, 34, and 37F certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) remove the ex-air restriction, in Sub-No. 23, (3) remove the facilities limitation, in Sub-Nos. 21, 23, 24, 34, and 37F, (4) remove originating at, or destined to restriction, in Sub-No. 23, (5) replace one-way authority with radial authority, in Sub-No. 34 and (6) broaden the territorial description by substituting county-wide and city wide authority for airports and facilities as follows: Boyle County, KY (for facilities at Danville, KY) and Louisville, KY (for Standiford Field, Louisville, KY), in Sub-No. 21; Boyle County, KY (for facilities at Danville, KY), in Sub-No. 23, and Boyle County, KY (for facilities at Danville, KY) and Cleveland, OH (for facilities at Cleveland, OH).

MC 140104 (Sub-11)X, filed August 7, 1981. Applicant: TOLEDO FRIGID LINES, INC., 4060 Fitch Road, Toledo, OH 43613. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 2, 5F and 6F permits and its Sub-No. 10 certificate to (1) broaden the commodity description to "such commodities as are dealt in or used by manufacturers and/or distributors of food and related products" from (a) ice cream, ice cream

confections, ice confections, ice water confections and frozen deserts, and materials, ingredients, equipment and supplies used in the manufacture of baked goods, and materials, equipment and supplies used in the manufacture of the above commodities, in Sub-Nos. 2 and 5F, and (b) such commodities as are dealt in or used by manufacturers and distributors of foodstuffs in Sub-No. 10; (2) eliminate the restriction prohibiting, or limiting service to, the transportation (a) of commodities in bulk, in Sub-Nos. 2 (parts 2 and 4) 5F and 6F (part 1), and (b) in refrigerated equipment, in Sub-No. 2 (part 1) and (3) broaden the territorial description to "between points in the U.S.," under continuing contract(s) with named shippers, in all permits.

MC 140404 (Sub-2)X, filed July 30, 1981. Applicant: STERLING STORAGE & DISTRIBUTING CO., INC., 1000 McKees Avenue, McKees Rocks, PA 15136. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) broaden the commodity description from general commodities, with exceptions, to "general commodities (except Classes A and B explosives)" in Sub-No. 1; (2) remove the facilities limitation (a) at Pittsburgh, PA in Sub-No. 1 and (b) in the lead and replace McKees Rock, PA with Allegheny County, PA; (3) remove the restriction limiting transportation to traffic originating at or destined to named facilities in both Subs, and (4) change one-way to radial authority in the lead.

MC 145158 (Sub-2)X, filed August 3, 1981. Applicant: REX L. AUSTIN d.b.a. REX TRANSPORT, 598 Hermes, Encinitas, CA 92024. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description from mobile homes and buildings in sections to "lumber and wood products, metal products, and transportation equipment."

MC 145559 (Sub-12)X, filed July 2, 1981 and previously noticed in the **Federal Register** of July 28, 1981, republished as corrected, this issue. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restriction from its Sub-No. 5F certificates to (1) broaden the commodity description from general commodities with the usual exceptions to general commodities (except Classes A and B explosives), (2) change city to county-wide authority from Los Angeles, CA to Los Angeles, Orange, and Ventura Counties, CA, and (3) remove restriction to transportation of traffic moving from or to facilities used by a named shipper association and its members. The purpose of this republication is to correct inadvertent omissions from the proposed territorial expansion.

MC 146464 (Sub-9)X, filed July 31, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 391, Elko, Nevada 89801. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions from its Sub-Nos. 3F, 4F, and 5F Certificates to (1) change the commodity descriptions to (a) "food and related products" from potato flakes in Sub-No. 3F and malt beverages, wine, juices, cocktail mixes, carbonated beverages in Sub 4F; and (b) "petroleum, natural gas and their products" from petroleum and petroleum products in Sub 5F; (2) replace authority to serve specified points with county-wide authority: in Sub 3F, Winnemucca, NV, Portland, OR, Clearfield, UT, and Shelley, ID, with Humbolt County, NV, Multnomah and Washington Counties, OR, Davis County, UT, and Bingham County, ID; and in Sub-No. 4F, Portland, OR, with Multnomah and Washington Counties, OR; (3) eliminate restrictions against service to Reno and Las Vegas, NV in Sub-No. 4F; (4) expand its one-way to radial authority between various combinations of specified points in California, Oregon, Idaho, Nevada, and Utah, in all subs.

MC 148158 (Sub-14)X, filed July 28, 1981. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from general commodities with usual exceptions to general commodities (except classes A and B explosives); (2) remove facilities limitation and replace El Paso, TX with El Paso County, TX, (3) remove restrictions against service to AK and HI; and (4) remove the restrictions to traffic originating at or destined to named points.

MC 148817 (Sub-5)X, filed July 27, 1981. Applicant: BALL MOTOR LINE, INC., P.O. Box 665, Plymouth, FL 32768. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F, and 4 permits to (1) broaden commodity descriptions from (a) electronic equipment and components thereof to "machinery and electric equipment" in Sub-Nos. 2F and 4; (b) plastic molded shipping containers to "rubber and plastic products" in Sub-No. 3F; (c) carpet padding to "textile mill products, and rubber or plastic products" in Sub-No. 4; (d) plastic products (except in bulk) to "rubber and plastic products" in Sub-No. 4; (e) plastic products, machine parts and molds, (except in bulk) to "rubber and plastic products, and machinery" in Sub-No. 4 (sheets 2 and 4); (f) such commodities as are dealt in by wholesale plumbing and electrical suppliers (except commodities in bulk) to "such commodities as are dealt in by wholesale plumbing and electric supply companies" in Sub-No. 4; (2) broaden the territorial description to "between points in the United States, under continuing contract(s) with named shippers" in all permits; and (3) remove restrictions (a) against transportation of commodities in bulk, on sheets 2, 3 and 4 of Sub-No. 4; (b) against transportation of commodities which, because of size or weight, require special equipment, on sheet 3 of Sub-No. 4; and (c) against traffic originating at named points destined to South Rockwood, MI on sheet 4 of Sub-No. 4.

[FR Doc. 81-24690 Filed 8-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions)

we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–234

Decided: August 18, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 59501 (Sub-4), filed August 6, 1981. Applicant: E & L TRUCKING COMPANY, 117 Webster St., Pawtucket, RI 02861. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting *general commodities* (except classes A and B explosives), between points in RI, MA, CT, NH and ME.

MC 143110 (Sub-17), filed August 6, 1981. Applicant: K AND B EXPRESS, INC., 1410 Pinewood Street, Rahway, NJ 07065. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837, (201) 494–8765. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Frank Bilotti, d/b/a FEB Freight Systems, of Rahway, NJ.

MC 144630 (Sub-59), filed August 6, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *metal products and machinery*, between the facilities of Carrier Corporation and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147870 (Sub-2), filed April 28, 1981, and previously noticed in FR issue of May 21, 1981. Applicant: MEMPHIS LEASING COMPANY, INC., 814 Florida St., Memphis, TN 38101. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting *metal products*, between the facilities used by Waterloo Industries, Inc., at points in AL, AR, IA, IL, IN, KY, LA, MS, MO, and TN, on the one hand, and, on the other, points in AL, AR, IA, IL, IN, KY, LA, MS, MO, and TN.

Note.—This republication clarifies the territorial description.

Volume No. OPY–2–156

Decided: August 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 111432 (Sub-19), filed August 7, 1981. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, (217) 753–3925. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Celanese Chemical Company, Inc., of Dallas, TX.

MC 120813 (Sub-3), filed August 3, 1981. Applicant: HUCKABEE HOUND, INC. P.O. Box 357, Cayce, SC 29033. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, 803–288–6000. Transporting *general commodities* (except classes A and B explosives), between points in Chatham, Columbia, and Richmond Counties, GA, Mecklenburg County, NC, and points in SC. Condition: Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificate of Registration No. MC–120813 Sub 1, issued January 14, 1971.

MC 140373 (Sub-3), filed August 3, 1981. Applicant: COOK TRUCKING SERVICE, INC., 305 So. Harbor Blvd., Fullerton, CA 92632. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Transporting (1) *food and related products*, (2) *carpet and carpet padding*, and (3) *materials, equipment, and supplies* dealt in or used by the tire recapping industry, between points in CA and AZ.

MC 143243 (Sub-3), filed August 6, 1981. Applicant: LINTON TRUCKING, INC., 114 Ewing St., Seymour, IN 47274. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO, and its subsidiaries.

MC 144513 (Sub-21), filed August 6, 1981. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *metal products*, between Detroit, MI, Chicago, IL, Los Angeles, CA, points in Ostego County, MI, Palm Beach County, FL, Warren County, PA, Bibb County, GA, Marion County, MO, and Hancock County, WV, on the one hand, and, on the other, points in the U.S.

MC 144822 (Sub-6), filed August 7, 1981. Applicant: WINTZ TRANSPORTATION CO., 1706 American National Bank Bldg., St. Paul, MN 55101. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with Control Data Corporation, of Minneapolis, MN.

MC 144882 (Sub-3), filed August 10, 1981. Applicant: STATEWIDE DISTRIBUTION SERVICES, INC., P.O. Box 58926, Vernon, CA 90058. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, 213–483–4700. Transporting *pulp, paper and related products, plastic and plastic products*, and *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 146153 (Sub-3), filed August 7, 1981. Applicant: HOWARD KIRKHAM, d.b.a. H & H TRUCK SERVICE, Rte. 9, Box 88, Paducah, KY 42001. Representative: H. S. Melton, Jr., P.O. Box 7406, Paducah, KY 42001, 502–442–5442. Transporting (1) *food and related products*, between points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, SD, TN, TX, and

WI, and (2) *limestone, barytes, and clay,* between points in Covington County, AL, and Barrow County, GA, on the one hand, and, on the other, points in IL, KY, MN, and OH.

MC 146853 (Sub-8), filed August 7, 1981. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Rte. 1, Runnells, IA 50237. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *rubber products,* between points in Polk County, IA, Tazewell County, IL, Kansas City, MO, and Minneapolis, MN, on the one hand, and, on the other, points in CO, IL, IN, NE, SD, and UT.

MC 146853 (Sub-9), filed August 10, 1981. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Rte. 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *cabinets and vanities* between points in Polk County, IA, on the one hand, and, on the other, points in Pittsburg County, OK, Schuylkill County, PA, King County, WA, and points in CO, IL, KS, MN, MO, ND, NE, WI and WY.

MC 147712 (Sub-33), filed August 5, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90560. Representative: Joseph Fazio (same address as applicant), (213) 921–7674. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of seeds, between points in Fresno County, CA, on the one hand, and, on the other, points in the U.S.

MC 152762 (Sub-1), filed August 7, 1981. Applicant: CHARRON TRANSPORT LIMITED, 390 Colborne St., R. R. #4, Chatham, Ontario, Canada N7M 5J4. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226, (313) 962–6492. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under a continuing contract(s) with Libby McNeill & Libby of Canada, a division of Nestle Enterprises Limited of Chatham, Ontario, Canada.

MC 152763 (Sub-4), filed August 6, 1981. Applicant: EXPRESSCO, INC., 105 Rhine St., Madison, TN 37115. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, 615–244–6100. Transporting *forest products and lumber and related products,* between points in CA, OR, and ID, on the one hand, and, on the other, those points in the U.S., in and east of MT, WY, CO, and NM.

MC 156893 (Sub–1), filed August 10, 1981. Applicant: KANSAS CITY COLD STORAGE DISTRIBUTION, INC., 500 East 3rd, Kansas City, MO 64106. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *such commodities* as are dealt in or used by distributors of foodstuffs between Kansas City, MO, on the hand, and, on the other, points in AR, CO, IA, IL, KY, KS, MN, MO, NE, OK, TN and TX.

MC 157602, filed August 7, 1981. Applicant: DAVID TOURS, 6530 Horrocks St., Philadelphia, PA 19149. Representative: David Benedict (same address as applicant), 215–535–7210. As a *broker,* in arranging for the transportation by motor vehicle, of *passengers and their baggage,* between points in PA and NJ, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–2–159

Decided: August 18, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 28813 (Sub–25), filed August 4, 1981. Applicant: MOTOR EXPRESS, INC., OF INDIANA, 1440 West 34th Street, Chicago, IL 60608. Representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209, (703) 522–0900. Over *regular routes,* transporting *general commodities* (except classes A and B explosives), (1) between Cincinnati, OH, and Toledo, OH, over interstate Hwy 75, (2) between Cincinnati, OH, and Cleveland, OH, over Interstate Hwy 71, (3) between Indianapolis, IN, and Bridgeport, OH, over Interstate Hwy 70, (4) between Evansville, IN, and junction U.S. Hwys 41 and 52, over U.S. Hwy 41, (5) between Evansville, IN, and Indianapolis, IN: from Evansville over IN Hwy 57 to junction IN Hwy 67, then over IN Hwy 67 to Indianapolis, and return over the same route, (6) between Evansville, IN, and Louisville, KY: from Evansville over U.S. Hwy 41 to junction Interstate Hwy 64, then over Interstate Hwy 64 to Louisville, and return over the same route, and (7) between Louisville, KY, and Cincinnati, OH, over Interstate Hwy 71, Service is authorized at all intermediate points, and, as off-route points, all other points in OH and IN, in Lake, McHenry, Boone, Winnebago, Kans, DeKalb, Ogle, Will, Kendall, LaSalle, Kankakee, and Grundy Counties, IL; and in Sheboyan, Fond du Lac, Ozaukee, Washington, Dodge, Waukesha, Jefferson, Dane, Racine, Walworth, Rock, and Kenosha Counties, WI.

Note.—Applicant indicates intention to tack with its existing authority.

MC 39973 (Sub-7), filed August 6, 1981. Applicant: STANDARD TRUCKING COMPANY, 225 East Sixteenth St., Charlotte, NC 28230. Representative: Harry J. Jordan, Suite 502, Solar Building, 1000 16th Street NW., Washington, DC 20036, (202) 783–6131. Over *regular routes,* transporting *general commodities,* (except classes A and B explosives), (1) between Reidsville, NC, and Arlington, VA, over U.S. Hwy 29, (2) between Henderson, NC, and Arlington, VA, over U.S. Hwy 1, (3) between Raleigh, NC, and Norfolk, VA, over U.S. Hwys 64 and 13, (4) between Virginia Beach, VA, and Covington, VA, over U.S. Hwy 60, (5) between Bristol, VA, and Winchester, VA, over U.S. Hwy 11, (6) between Stoneville, NC, and Covington, VA, over U.S. Hwy 220, and (7) between Durham, NC, and Lynchburg, VA, over U.S. Hwy 501, serving all intermediate points in routes (1) through (7) above, and all off-route points in VA.

MC 139112 (Sub-24), filed August 10, 1981. Applicant: CALEX EXPRESS, INC., Route 29, R.D. 2, Hunlock Creek, PA 18621. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Northeastern Pennsylvania Shippers Cooperative Association, Inc. (NEPSCA), of Dunmore, PA.

MC 140313 (Sub-12), filed August 10, 1981. Applicant: VIKING INTERNATIONAL INC., 421 S.W. 152nd, Seattle, WA 98166. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 288–3807. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR and CA, on the one hand, and, on the other, points in the U.S.

MC 145552 (Sub-1), filed August 7, 1981. Applicant: HEDGE & HERBERG, INC., Lyon & Washington, P.O. Box 98, Big Stone City, SD 57216. Representative: Gayle E. Hedge (same address as applicant), (605) 862–8143. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Big Stone Inc., of Chaska, MN.

MC 152383 (Sub-3), filed July 28, 1981. Applicant: C.C.M. ENTERPRISES, INC., Suite 40, 27 Produce Drive, Cincinnati, OH 45224. Representative: John R. Mateyko (same address as applicant), 513–621–7566. Transporting (1) *metal products,* between Cincinnati, OH, and points in Montgomery and Butler Counties, OH, on the one hand, and, on

the other, points in SD, ND, IA, CT, RI, CO, WY, NJ, PA, WV, OH, IN, IL, MI, MN, KS, OK, MO, KY, and those in NY south of NY Hwy 52, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of grease, between points in Will and Cook Counties, IL, and Alleghany and Butler Counties, PA.

MC 155412, filed August 6, 1981. Applicant: INLAND WATERS POLLUTION CONTROL, INC., 4544 Webster, Ecorse, MI 48229. Representative: Everett Shively (same address as applicant), (313) 383–6310.Transporting *industrial waste including hazardous waste and reclaimed or recycled products,* between points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of hazardous materials, it shall be limited to a period expiring 5 years from its date of issuance.

MC 155992, filed August 12, 1981. Applicant: B. J. LEBEL TRUCKING, P.O. Box 256, Val Therese, ONT. Canada POM 3BO. Representative: Michael D. Combs, P.O. Box 473, Gaylord, MI 49735, (517) 732–7536. Transporting *lumber,* between points in the U.S., under continuing contract(s) with Georgia-Pacific, Inc., of Atlanta, GA.

MC 156223, filed August 11, 1981. Applicant: MILWRICK TRUCKING SERVICE, 3530 North Durfee, Pico Rivera, CA 90660. Representative: Gene Milwrick (same address as applicant), 213–699–0536.Transporting *general commodities* between points in the U.S., under continuing contract(s) with (a) Wisconsin Shippers Association, Inc., of Milwaukee, WI, (b) Del Amo Shippers Association, Inc., of Seal Beach, CA, and (c) Co-operative Shippers, Inc., of Chicago, IL. Condition: To the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 157633, filed August 10, 1981. Applicant: FARIBAULT TRANSPORTATION CO., INC., Box 163, 2615 1st Avenue NW., Faribault, MN 55021. Representative: Thomas E. Merrill (same as applicant), (507) 334–5121.Transporting *passengers and their baggage, in the same vehicle with passengers,* in charter and special operations, beginning and ending at points in MN, and extending to points in the U.S.

MC 157643 filed August 11, 1981. Applicant: CAPITOL TRAILWAYS TOURS, INC., 1061 South Cameron St., Harrisburg, PA 17104. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108, 717–232–8000. As a *broker,* in Dauphin and Cumberland Counties, PA, in arranging for the transportation of *passengers and their baggage,* by motor vehicle, between points in the U.S.

Volume No. OPY–4–322

Decided: August 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 104896 (Sub-67), filed July 24, 1981. Applicant: WOMELDORF, INC., P.O. Box 829, DuBois, PA 15801. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, (215) 735–3090.Transporting *clay, concrete, glass or stone products,* between the facilities of PPG Industiries, Inc., at points in IL, IN, MD, MN, MO, OH, and PA, on the one hand, and, on the other, those points in and east of MN, IA, MO, AR, and LA.

MC 111196 (Sub-33), filed August 5, 1981. Applicant: R. KUNTZMAN, INC., 1805 W. State St., Alliance, OH 44601. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transportation *general commodities,* except A and B explosives, between points in OH.

MC 110746 (Sub-3), filed August 5, 1981. Applicant: PARKS MOVING & STORAGE, INC., 740 Commonwealth Dr., Warrendale, PA 15086. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *bakery goods,* between Louisville, KY, on the one hand, and, on the other, points in Allegheny, Fayette, Greene, Washington, Somerset, Westmoreland and Butler Counties, PA, Monongalia and Preston Counties, WV, and Garrett County, MD.

MC 136146 (Sub-4), filed August 5, 1981. Applicant: EMPIRE WAREHOUSE, INC., 3141 S. Platte River Dr., Englewood, CO 801100. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *food and related products,* between Denver, CO, on the one hand, and, on the other, points in CO, WY, MT, UT, ID, NM, and AZ.

MC 148866 (Sub-5), filed August 6, 1981. Applicant: GILBERT F. & RAYMOND L. GUSTAFSON d.b.a. G & R GUSTAFSON TRANSPORT CO., 102 No. Giffin St., Grant Park, IL 60940. Representative: Abraham A. Diamond, 29 So. LaSalle St, Chicago, IL 60603, (312) 236–0548. Transporting *food and related products,* between North Sioux City, SD, Richmond, VA, and Tacoma, WA, and points in Calhoun County, MI, on the one hand, and, on the other, points in the U.S.

MC 152386, filed August 5, 1981. Applicant: LACINDA LYNN, INC., d.b.a. LADD TRUCKING CO., P.O. Box 1101, Canadian, TX 79014. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Transporting *Mercer commodities,* between points in Hamphill, Wheeler, Lipscomb, Potter, Ochiltree, Collingsworth, Gray, Roberts, and Hansord Counties, TX, on the one hand, and, on the other, points in OK, KS, and NM.

MC 153996 (Sub-2), filed August 6, 1981. Applicant: FAUCHER BROS. CARTAGE CO., 223 W.Ontario St., Chicago, IL 60612. Representative: William D. Brejcha, 10 S. LaSalle St., No. 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IA, IL, IN, MI, and WI.

Volume No. OPY–4–324

Decided: August 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 67646 (Sub-102), filed July 20, 1981, previously, noticed in the **Federal Register** issue of August 6, 1981, and republished this issue. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant), (717) 790–8543. Transporting *general commodities,* (except classes A and B explosives), serving points in Carroll County, IL, and Fayette County, IA, as off-route points in connection with carriers presently authorized regular-route operation.

Note.—The purpose of this republication is to correctly state the territorial description.

MC 123876 (Sub-5), filed August 3, 1981. Applicant: PRATT TRANSPORTATION, INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Shultz, 500 the Atrium, 1200 N Street, P.O. Box 82028, Lincoln, NE 68501. (402) 475–6761. Transporting *petroleum products,* between points in NE, IA, MN, CO, WY and SD.

MC 123876 (Sub-4), filed August 3, 1981. Applicant: PRATT TRANSPORTATION, INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *flour,* between points in Dodge and Douglas Counties, NE, on the one hand, and, on the other, points in IA.

MC 147156 (Sub-2), filed August 3, 1981. Applicant: MANUFACTURER'S

MOBILE HOMES TRANSPORT, INC., P.O. Box 1519, Athens, TX 75751. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768, (512) 476–6083. Transporting (1) *buildings, in sections mounted on wheeled undercarriages* between points in Ellis County, TX, on the one hand, and, on the other, points in AR, LA, OK, and NM and (2) *trailers designed to be drawn by passenger automobiles*, between points in Ellis County, TX, on the one hand, and, on the other, points in AR, and NM.

MC 149206 (Sub-9), filed July 27, 1981. Applicant: BREWTON EXPRESS, INC., P.O. Drawer 1375, Winnfield, LA 71483. Representative: Brain E. Brewton (same address as applicant), (318) 628–3156. Transporting *building and construction materials, machinery, metal products, and mercer commodities*, (1) between points in and west of the States of WI, IL, MO, AR, and LA, and (2) between points in and west of the States of WI, IL, MO, AR, and LA, on the one hand, and, on the other, points in the U.S.

MC 151566 (Sub-6), filed August 3, 1981. Applicant: PERRY TRANSPORT, INC., 14375– 172nd Ave., Grand Haven, MI 49417. Representative: Richard O. Peel (same address as applicant), (616) 842–3550. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Donnelly Mirrors, Inc., of Holland, MI.

MC 152886, filed August 4, 1981. Applicant: ROY NEAL WHEELER, SR., ROY NEAL WHEELER, JR., AND PHILIP VERNE WHEELER, d.b.a. WHEELER & SONS TRUCKING, 1607 Oro Dam Blvd. West, Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *wood products*, between points in CA, on the one hand, and, on the other, points in TX, LA, MT, FL, ID, OR, WA, CO, AZ, IL, IN, NM, and OK.

MC 153306, filed August 4, 1981. Applicant: GENERAL FREIGHT SYSTEMS, LTD., 9710 W. Loomis Rd., Franklin, WI 53132. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *metal products*, between points in the U.S., under continuing contract(s) with (1) A.M. Castle & Co., Inc., d/b/a Castle Metals, of Wauwatosa, WI, (2) 4441 Bldg. Corp., and (3) Lake Shore Steel, Inc., both of Chicago, IL.

MC 154726 (Sub-1), filed August 3, 1981. Applicant: WALTER M. KOFOD d.b.a. THOR KOFOD TRUCKING, 100 Logan St., Rio Vista, CA 94571. Representative: Daniel W. Baker, 100 Pine St., No. 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *machinery, equipment, materials and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage and transmission and distribution geothermal energy, natural gas and petroleum and their products and by-products, and *machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in CA, OR, WA, NV, ID, UT, and WY.

Volume No. OPY–4–327

Decided: August 19, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 125076 (Sub-9), filed August 10, 1981. Applicant: SUPERIOR BUS SERVICE, INCORPORATED T/A TRAVELINES UNITED, Building No. 11, Suite 101, Koger Executive Center, Norfolk, VA 23502. Representative: John B. Swain, 2705 Fincham Court, Chesapeake, VA 23324, (804) 545–4313. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip and charter and special operations, beginning and ending at Norfolk, Chesapeake, Virginia Beach, Portsmouth, Hampton, Newport News, and Suffolk, VA, and points in Northampton and Accomack Counties, VA, and Bertie, Currituck, and Pasquotank Counties, NC, and extending to points in the U.S. (including Alaska but excluding Hawaii).

MC 136916 (Sub-26), filed August 10, 1981. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, NJ 07848. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 383–3640. Transporting *salt and salt products*, between Watkins Glen and Retsof, NY, on the one hand, and, on the other, New York, NY, those points in Westchester, Nassau, and Suffolk Counties, NY, and points in PA, NJ, DE, MD, CT, and MA.

MC 149546 (Sub-21), filed August 10, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *general commdities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Andersen Corporation, of Baypoint, MN.

MC 151916 (Sub-3), filed August 5, 1981. Applicant: BARON TRANSPORT, INC., One Perimeter Way, Suite 455, Altlanta, GA 30339. Representative: Eugene D. Anderson, 910 17th St., NW., Suite 428, Washington, DC. 20006, (202) 296–2550. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in by food and department stores, between points in AL, CT, GA, IL, MA, MD, NC, NJ, NY, PA, RI, SC, TN, VA, and WV, on the one hand, and, on the other, points in CA, NV, WA, and those points in the U.S. in and east of WI, IL, MO, OK, and TX.

MC 157656 F, filed August 10, 1981. Applicant: J. B. CONSOLIDATORS, INC., 1022 Woodward Avenue, Charlotte, NC 28206. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *such merchandise as is dealt in by retail department stores*, between Mecklenburg County, NC on the one hand, and, on the other, points in NC, SC, GA, TN, and VA.

Volume No. OPY–4–329

Decided: August 19, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 157657, filed August 4, 1981. Applicant: RIVERSIDE TRANSPORTATION, INC., Tredegar St., P.O. Box 2218, Richmond, VA 23217. Representative: William H. Borghesani, Jr., 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457–1122. Transporting (1) *pulp, paper and related products*, and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with James River-Pepperell, Inc., of East Peperell, MA.

Note.—This application is directly related to MC–F14674, published in this same **Federal Register** issue.

Volume No. OPY–4–330

Decided: August 19, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC–F 14674, filed August 4, 1981. JAMES RIVER PAPER COMPANY and JAMES RIVER CORPORATION OF VIRGINIA, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217, seek consent to continuance in control of RIVERSIDE TRANSPORTATION, INC., Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217 upon commencement by RIVERSIDE TRANSPORTATION, INC. of operations as a motor contract carrier of pulp, paper and related products and rubber and plastic products between points in the United States. JAMES RIVER PAPER COMPANY, through the ownership of all outstanding stock, presently controls RIVERSIDE TRANSPORTATION, INC., whose application for permanent motor contract carriage authority to transport

pulp, paper and related products and rubber and plastic products between points in the United States has been filed simultaneoulsy herewith. Since JAMES RIVER PAPER COMPANY is in turn a wholly-owned subsidiary of JAMES RIVER CORPORATION OF VIRGINIA, the latter indirectly controls RIVERSIDE TRANSPORTATION, INC. and has therefore joined in this application for consent to continuance in control. JAMES RIVER CORPORATION OF VIRGINIA presently owns all of the stock of Berlin Mills Railway, Inc., a Class III Switching and Terminal Railroad.

Note.—This application is directly related to MC–157657, published in the same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24691 Filed 8–24–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–157

Decided: August 14, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 129572 (Sub-8), filed August 10, 1981. Applicant: ANDICO, INC., P.O. Box 1463, Provo, UT 84601. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300.Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in U.S.

MC 141742 (Sub-17), filed August 7, 1981. Applicant: FLOWERS TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, CA 95603. Representative: Ronald C. Chauvel, 100 Pine St., Ste 2550, San Francisco, CA 94111 (415) 986–1414. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munition), between points in the U.S.

MC 157582, filed August 6, 1981. Applicant: WILLIAM DOERR, 1764 Main St., Minden City, MI 48456. Representative: Joseph Van Dalen (same as applicant) (517) 864–3400. Transporting *food and other edible products and byproducts intended for huan consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle, between points in the U.S.

Volume No. OP1–233

Decided: August 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 157531 (Sub-1), filed August 5, 1981. Applicant: FREEDOM TRUCKING, INC., 3181 Bankhead Hwy., Atlanta, GA 30318. Representative: Harry Hyaduck (same address as applicant) (404) 792–0834. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP1–235

Decided: August 18, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 157580, filed August 6, 1981. Applicant: DAVID L. JONES, d.b.a. PANTHER TRANSPORT, 3840 So. 177th, Seattle, WA 98188 (206) 228–3807. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. (206) 228–3807. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–3–144

Decided: August 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and William. (Member Fisher not participating.)

MC 135605 (Sub-20), filed August 6, 1981. Applicant: WILKINSON TRANSPORT, INC., Highway 85 South, Barton, AR 73212. Representative: Billy

L. Wilkinson (same address as applicant) (501) 572–9689. Transporting *general commodities* (except classes A and B explosives) between Hamburg, AR, on the other, point in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 157394, filed July 29, 1981. Applicant: DONALD MAGGART d.b.a. MAGGART TRUCKING, Box 41, Browning, MO 64630. Representative: (Same address as applicant) (816) 946–4573. Transporting *general commodities* (except classes A and B explosives), between Brashear, Hurdland, Edina, Knox City, LaBelle, Lewistown, Tolona, Ewing, Maywood, Taylor, Unionville, Lemon, Pollock, Cora, Milan, Browning, Purdin, and Linneus, MO, Bradford, Astoria, Easton, Tierra, Mason City, and New Holland, IL, Shubert, NE, Keystone, SD, Varco, and Downer, MN, Drakesboro, Browder, Beechmont, Penrod, Dunmor, Diamond Springs, Lewisburg, Edwards, Epleys, and Danby, KY, and Clintonville, Big Falls, Marion, Split Rock, Tigerton, Whitcomb, and Whittenberg, WI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 157495, filed August 3, 1981. Applicant: JAMES A BRONSON, INC., d.b.a. GLADISH & ASSOCIATES, Melbourne House-Suite 808, 1511 Third Ave., Seattle, WA 98101. Representative: Arthur Nolan (Same address as applicant) (206) 623–1023. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157505, filed August 4, 1981. Applicant: ROBERT H. GARCIA, 1051 Echo Ave., Oxnard, CA 93030. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers*, and *other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157524, filed August 3, 1981. Applicant: TRADESHOW TRANSPORTATION BROKERAGE CORP., 800 West Lunt Ave., Schaumburg, IL 60193. Representative: Volker R. Volpe (same address as applicant) (312) 351–8188. As a *broker of general commodities*, between points in the U.S.

Volume No. OPY–3–148

Decided: August 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 117465 (Sub-23), filed August 6, 1981. Applicant: BEAVER EXPRESS SERVICE, INC., P.O. Box 1147, 2120 Webster Ave., Woodward, OK 73802. Representative: Max G. Morgan, P.O. Box 1540, 1503 E. 19th St., Edmond, OK 73034 (405) 348–7700. Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 141745 (Sub-2), filed August 10, 1981. Applicant: ROBERT F. RANDGAARD d.b.a. BOB'S TRUCKING, 2610 E. Whitton, Phoenix, AZ 85016. Representative: Andrew V. Baylor, 337 E. Elm St. Phoenix, AZ 85012 (602) 274–5146. Transporting *food and other edible products and by products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157605, filed August 7, 1981. Applicant: JOE S. ARNOLD, VIRGINA D. ARNOLD, and JOE B. ARNOLD, d.b.a. ARNOLD SPREADING SERVICE, Route 7, Box 57, Greensburg, IN 47240. Representative: Joe S. Arnold (same address as applicant) (812) 663–3961. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No OPY–4–323

Decided: August 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 126516 (Sub-8), filed August 6, 1981. Applicant: SKYLINE MOTORS AIR CARGO, INC., Bridge St. at Riverside Dr., Beaver, PA 15009. Representative: Russell S. Bernhard, 1625 K St., N.W., Washington, DC 20006. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157576, filed August 6, 1981. Applicant: FOUR SEASONS MESSENGER SERVICE, INC., 450 Great Neck Rd., Great Neck, NY 11021. Representative: John Atai (Same address as applicant) (516) 487–5000. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–4–320

Decided: August 19, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 15756, filed August 3, 1981. Applicant: EXECUTIVE VAN LINES, INC., 8234 N. MacArthur, Oklahoma City, OK 73132. Representative: Robert J. Gallagher, 100 Connecticut Ave., N.W. Suite 1200, Washington, D.C. 20036 (202) 785–0024. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 5331.

MC 157666, filed August 12, 1981. Applicant: GARY L. TESKEY d.b.a. GTS TRANSPORTATION, 1346 E. Taylor Street, San Jose, Ca 95133. Representative: Gray L. Teskey (Same address as applicant) (408) 286–3051. As a broker of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24753 Filed 8–24–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decision Volume No. 433]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broader grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of

the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 107727 (Sub-32) (Republication), filed January 7, 1981; published in the **Federal Register** issue of January 29, 1981; and republished this issue. Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: James M. Doherty, P.O. Box 1945, Austin, TX 78767. A Decision of the Commission, Review Board 3, decided May 14, 1981 and finds that performance by the applicant as *a common carrier,* by motor vehicle, in interstate or foreign commerce, *over regular routes,* transporting *general commodities* (except classes A and B explosives), (1) between San Antonio, TX, and Memphis, TN: from San Antonio over Interstate Hwys 35 and 35E to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route, serving all intermediate points; (2) between Victoria, TX, and junction U.S. Hwy 77 and Interstate Hwy 35, at or near Waco, TX, over U.S. Hwy 77, serving all intermediate points; (3) between Houston, TX, and junction U.S. Hwy 59 and Interstate Hwy 30: from Houston over U.S. Hwy 59 to junction U.S. Hwy 259, then over U.S. Hwy 259 to junction Interstate Hwy 20, then over Interstate Hwy 20 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction Interstate Hwy 30, and return over the same route, serving all intermediate points; and (4) between junction Interstate Hwy 35 and U.S. Hwy 79 and junction U.S. Hwy 79 and Interstate Hwy 40, at or near West Memphis, AR, over U.S. Hwy 79, as an alternate route for operating convenience only, serving no intermediate points; will serve a useful public purpose, responsive to a public demand or need; that the applicant is fit, willing, and able properly to perform the granted service; and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect the route descriptions as granted.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24752 Filed 8-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce, and Dowell.

MC–FC–79233. By decision of July 17, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to MITCHELL & SONS MOVING AND STORAGE, INC., of Ashland, OH, of Certificate No. MC–65733 issued June 26, 1959 to SHEARER AND SON, INC., of Canton, OH, authorizing the transportation of *household goods,* as defined by the Commission, between Canton, OH, on the one hand, and, on the other, points in Pennsylvania. Representative: James Duvall, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017, (614) 889–2531.

MC–FC–79252. By decision of July 16, 1981, issued under 409 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to VALLEY EXPRESS, INC., of Glyndn, MN of Certificate No. MC–143651 (Sub-No. 15F) issued to HI–LO TRANSPORT, INC., of Wall Lake, IA authorizing the transportation of *tree or weed killing compounds* in containers between points in Iowa, Illinois, Indiana, Kansas, Minnesota, Missouri, North Dakota, Nebraska, South Dakota and Wisconsin. Representative: Alan Foss, 502 First Nat'l Bank Bldg., Fargo, ND 58126. TA lease is sought. Transferee is a carrier.

MC–FC–79254. By decision of July 16, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to PHILADELPHIA SHIP MAINTENANCE COMPANY, INC., d.b.a. PHILLYSHIP of Philadelphia, PA of Certificate No. MC–139955 (Sub-No. 1) issued to RELIANCE SECURITY SERVICE, INC., of Philadelphia, PA authorizing: the transportation of *ship machinery parts and ship stores* (except those which because of size or weight require the use of special equipment), from Philadelphia, PA, to Portland, Maine, Providence, RI, New Haven, CT, New York, NY, Baltimore, MD, and Norfolk, VA, with no transportation for compensation on return except as otherwise authorized. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. TA lease is not sought. Transferee is not a carrier.

MC–FC–79265. By decision of July 17, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to JANA TRUCKING, INC. of Ashtabula, OH, of Certificate MC–141736 issued January 20, 1978, to JAMES A. JANA d.b.a. JANA CARTAGE COMPANY, of Ashtabula, OH, authorizing the transportation of *general commodities* (except those of

unusual value, classes A and B explosives, household goods as defined by Commission, commodities in bulk, those requiring special equipment, and salt), between points in Ashtabula County, OH, restricted to the transportation of shipments received from or delivered to connecting carriers at (the city of) Ashtabula, Ohio. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215.

Notes.—Application for TA has not been filed. Transferee is a non-carrier.

MC–FC–79266. By decsion of July 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to KERR MOTOR LINES, INC. of Certificate No. MC–97879 (Sub-No. 3) issued July 6, 1981 to BAB TRANSFER, INC. authorizing the transportation of (1) *general commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Albany, NY, on the one hand, and, on the other, points in Massachusetts, (2) *paper, paper products, and materials, supplies, and equipment*, used in the manufacture of paper and paper products, between points in Massachusetts, on the one hand, and, on the other, Nashua, Bennington, VT, Bloomfield, Elizabeth, and Hoboken, NJ, points in CT, and points in that part of New York east of a line beginning at the United States-Canada Boundary line and extending along NY Hwy 374 to Chateaugay and then along a line from Chateaugay through Amsterdam and Middletown, NY, to the New York-New Jersey State line at a point near Greenwood Lake, NY. Representative: David M. Marshall, Esq., Marshall and Marshall, 101 State Street, Springfield, MA 01103.

Note.—An application for temporary leave has been filed. This applicationis directly-related to No. MC–125688 (Sub–No. 7). No. MC–126588 (Sub–No. 7) is published in another section of this **Federal Register** issue.

MC–FC–79268. By decision of July 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to EQUIPMENT TRANSPORTATION SERVICE, INC., of Camarillo, CA, of Permit No. MC–139234 Subs 1, 3, and 6 issued to BRUCE'S TRANSPORT SERVICE, INC., of Ventura, CA, authorizing (a) Sub-No. 1 to haul *oilfield equipment, materials and supplies used in drilling, exploration and productions of oil*, between points in Ventura County, CA, on the one hand, and, on the other, Los Angeles International Airport and points in the Los Angeles Harbor Commercial Zone, CA under continuing contracts with National Supply Division, Armco Steel Corporation, Otis Engineering Corporation, Schlumberger Well Service, Vetco Offshore, Inc., (b) Sub-No. 3 to move *oilfield and offshore equipment and materials and supplies*, used in the drilling, exploration and production of oil, between Ventura and Los Angeles, CA, on the one hand, and, on the other, Beaumont, TX, and points in Harris County, TX, under continuing contracts with Vetco Offshore, Inc., of Ventura, CA, and (c) Sub-No. 6 to move *dry barium sulfate*, in bulk between points in CA, OK, WA, NV, UT, AR, NM, MT, CO, ID, and WY under a continuing contract(s) with IMCO Services, a division of Halliburton Company of Long Beach, CA. Representative: William D. Taylor, 1100 Pire St., Suite 2550, San Francisco, CA 94111.

Notes.—Transferee is not a carrier. TA lease is not sought.

MC–FC–79270. By decision of July 17, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to AnHAY, INC., of Birmingham, AL, of Certificate No. MC-126287 and MC–126287 (Sub-No. 2) issued to WICKER TRANSFER, INC., of Selma, AL, authorizing generally a *household goods* service between points in Alabama. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203.

Notes.—TA lease is not sought. Transferee is not a carrier.

MC–FC–79276. By decision of August 10, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 5 approved the transfer to Harris Motor Express, Inc. of Certificate No. MC–143516 (Sub-No. 4F) issued November 19, 1980 to Rail Highway Transportation, Inc., of Dayton, OH, authorizing the transportation, over irregular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, and commodities in bulk), between Cincinnati, OH, on the one hand, and, on the other, points in Ohio.

Note.—Harris Motor Express, Inc., holds authority in Certificate No. MC–146614 (Sub-No. 2), issued June 12, 1981, to transport similar commodities between points in from counties in Ohio, including Cincinnati, OH, and the counties in Kentucky, on the one hand, and, on the other, points in seven states, including Ohio. In Docket No. MC–146614 (Sub-No. 4), which is directly related to MC–FC–79276 and is being published in this issue of the **Federal Register**, Harris Motor Express, Inc., also seeks authority to operate between all points in Ohio, on the one hand, and, on the other, points in the seven states. That application will be processed pursuant to 49 U.S.C. 10922 and the Commission's rules and regulations thereunder. Representatives is: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215.

MC–FC–79287. By decision of August 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to JANET KREBS McCAMLEY AND MADELINE T. KREBS, A PARTNERSHIP, d.b.a. KREBS BROTHERS TRANSFER COMPANY of Certificate No. MC–21567 issued November 9, 1973 to ROBERT KREBS AND JANET KREBS McCAMLEY, A PARTNERSHIP, d.b.a. KREBS BROTHERS TRANSFER COMPANY authorizing the transportation of (1) *general commodities*, between Clearfield, PA, and Curwensville, PA, over U.S. Hwy 322, serving no intermediate points; (2) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between Clearfield, PA, and Houtzdale and Sandy Ridge, PA, serving all intermediate points and the off-route point of Wallaceton, PA; from Clearfield over U.S. Hwy 322 to Philipsburg, PA, then over PA Hwy 53 via Osceola, PA, to Houtzdale, also from Clearfield as specified above to Osceola Mills, then over PA Hwy 970 to Sandy Ridge, and return over the same route, subjected to various railroad restrictions, (3) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Clearfield, DuBois, and Philipsburg, PA, to points in Clearfield, Centre and Jefferson Counties, to Tyrone, PA, (4) *household goods* as defined by the Commission, between points in Clearfield, Jefferson, and Centre Counties, PA, on the one hand, and on the other, points in Maryland, Virginia, Michigan, Kentucky, Indiana, Ohio, West Virginia, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, and the District of Columbia. Representative: Carl A. Berlin, Jr., 15 North Front Street, Clearfield, PA 16830.

Notes.—(1) Transferee is a non-carrier. (2) TA has not been filed.

MC–FC–79279. By decision of 8/10/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review board Number 3 approved the transfer to J.A.R. TRUCKING, INC., of Cleveland, OH, of Certificate No. MC–58561 (Sub-No. 2F), issued 3/30/81, to

STEEL TRANSPORT, INC., of Cleveland, OH, authorizing the transportation of (1) *iron and steel articles* between points in Ohio, on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, and West Virginia, and (2) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between Cleveland, OH, on the one hand, and, on the other, points in Ohio. Representative: Stephen J. Habash, Attorney, 100 East Broad Street, Columbus, OH 43215, (614) 228–1541. TA has not been filed. Transferee presently holds no authority from the Commission.

MC–FC–79280. By decision of 8/3/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board number 3 approved the transfer to ALEXANDER COACH LINES, INC., of Welland, Ontario, CN, of Certificate No. MC–146527 (Sub-No. 1F), issued 12/12/80, to LIFTLOCK COACH LINES LIMITED, of Peterborough, Ontario, CN, which authorizes the transportation of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada and extending to points in the United States (including Alaska, but excluding Hawaii). Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202.

Notes.—TA application has not been filed. Transferee is a non-carrier.

MC–FC–79282. By decision of 8/10/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to DE LEON BROTHER MOVING & STORAGE, INC., of Elmhurst, NY, of Certificate No. MC–30871 issued 1/10/74 to PAUL L. KROHN, ESQ., TRUSTEE IN BANKRUPTCY OF MIKE KRASILOUSKY TRUCKING & MILLWRIGHT CO., INC., of Brooklyn, NY, authorizing the transportation of *household goods*, as defined by the Commission, between New York, NY, on the one hand, and, on the other, points in Maine, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and Illinois. Representative: Piken & Piken, P.C., 95—25 Queens Blvd., Rego Park, NY 11374. TA lease is not sought. Transferee is not a carrier.

MC–FC–79283. By decision of 8/5/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to H.M.D. TRANSPORT, INC., of Newbury, MA, of Certificate No. MC–15936 (Sub-No. 5) issued May 19, 1981 to SHEANS FREIGHT LINES, INC., of Medford, MA, authorizing the transportation of *such commodities* as are used by department stores and mail order and discount houses, between points in the United States. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181.

Notes.—(1) Transferee is a non-carrier. (2) No application for temporary authority has been filed.

MC–FC–79288. By decision of August 10, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to TRANSPORTATION, INC. of Ottawa, KS of Certificates No. MC–139931 (Sub-No. 2) issued to MARVIN STROBEL, d.b.a. RICHMOND TRUCK LINE, of Richmond, KS authorizing: the transportation of dry urea, from the facilities utilized by Farmland Industries, Inc., located at or near Lawrence, KS, to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, Oklahoma, South Dakota, and Texas. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. TA lease is sought. Transferee is a carrier.

MC–FC–79289. By decision of 8/10/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to EAST TEXAS REFRIGERATED EXPRESS, INC., of Grand Saline, TX, of Certificate No. MC–140376 issued 8/10/76 to J. T. ARNETT GRAIN CO., INC., of Corsicana, TX, authorizing the transportation of *bananas*, from Mobile, AL, to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. Restriction: The operations authorized herein are restricted to the transportation of traffic having an immediately prior movement by water. Representative is: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. TA has been filed. Transferee presently holds authority under Certificate No. MC–133095.

MC–FC–79286. By decision of 8/10/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to GALEN O. KING, d.b.a. G.O.K. TRUCKING, of Tiffin, OH of Certificate No. MC–146676 (Sub-No. 1) issued to BURKS TRUCKING, INC., of Old Fort, OH, authorizing the transportation of *fertilizer and fertilizer ingredients*, between the facilities of Ohio Farmers Grain and Supply Association, at or near Fostoria, OH, on the one hand, and, on the other, points in Indiana and Michigan. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. TA lease is not sought. Transferee is not a carrier.

MC–FC–79290. By decision of August 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Southwestern Carriers, Inc. of Certificate No. MC-144616 and (Sub-Nos. 2, 4, 8, 9, 10, 11, 12, 13, and 14), issued to Trucks, Inc. authorizing the transportation of (1) *meats, meat products, meat by products, and articles distributed by meat packaging houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (a) from the facilities of John Morrell & Co. at or near Arkansas City and Wichita, KS, and El Paso, TX, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, (b) from the facilities of John Morrell & Co. at or near Sioux Falls, SD, Estherville and Sioux City, IA, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, (c) from the above named facility at or near Shreveport, LA, to points in Alabama, Florida, Georgia, Maryland, Mississippi, North Carolina, New York, New Jersey, Pennsylvania, South Carolina, Tennessee, and the District of Columbia, (d) from the above named facility at Shreveport, LA, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, New Hampshire, Ohio, Rhode Island, Virginia and West Virginia, (e) from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to those points in the United States in and West of Montana, Wyoming, Colorado, Oklahoma, Arkansas and Louisiana, and (f) from Hereford, TX, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Arizona, California and the District of Columbia, (2) *canned and preserved foodstuffs*, from the facilities of Heinz USA, at or near (a) Fremont and Toledo, OH, (b) Holland, MI, and Pittsburgh, PA; to points in Texas, Oklahoma, and Kansas, (3) *foodstuffs*,

from points in Dallas County, TX, to points in Louisiana, Arkansas, Oklahoma, and New Mexico, (4) *foodstuffs* (except in bulk), from points in Adams, Cumberland, Dauphin, and Franklin Counties, PA, to points in Arkansas, Arizona, California, Louisiana, New Mexico, Oklahoma, and Texas and (5) *Shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the United States. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 16112.

Notes.—(1) Transferee is a non-carrier. (2) No application for TA has been filed.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Persons submitted protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verfied statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: August 17, 1981.

By the Commission, Review Board Number 3, Members Krock, Taylor, and Williams.

MC–146614 (Sub–4) Filed July 22, 1981. Applicant: HARRIS MOTOR EXPRESS, INC., 4261 Crawford St., Cincinnati, OH 45223. Representative: A Charles Tell, Suite 1800, 100 East Broad St., Columbus, OH. Authority has been granted to transport *general commodities* (except Classes A and B explosives), between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania and West Virginia.

Note.—This application is directly related to Docket No. MC–FC–79276, Harris Motor Express, Inc., Transferee—Rail Highway Transportation, Inc., Transferor, the notice of which is being published concurrently in this issue of the **Federal Register.** In No. MC–FC–79276, Harris Motor Express, Inc., seeks to acquire authority to transport similar commodities between Cincinnati, OH, on the one hand, and, on the other, points in Ohio. It now holds authority in Certificate No. MC–146614 (Sub–No. 2), issued June 12, 1981, to transport similar commodities between points in four counties in Ohio and three counties in Kentucky, including Cincinnati, OH, on the one hand, and, on the other, points in seven States, including Ohio.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24750 Filed 8–24–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC–FC–79230. By decision of June 26, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Karst Stage, Inc., of Bozeman, MT, of Certificate No. MC–52298 and (Sub–No. 3) issued to C.W. Sparks, d/b/a Karst's Stage, of Bozeman, MT (Lucille Sparks, Personal Representatives of the Estate of C. W. Sparks), authorizing: *Passengers and their baggage, and express, newspapers, and mail,* in the same vehicle with passengers, over regular routes, between Bozeman, MT and West Yellowstone, MT, and between Billings, MT, and Red Lodge, MT, serving named intermediate points, with incidental charter authority. Representative: Jerry L. Perkins, 511 North Wallace, Bozeman, MT 59715. TA lease is not sought. Transferee is not a carrier.

MC–FC–79238. By decision of July 13, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to HERITAGE SYSTEMS OF FORT WAYNE, INC., of Fort Wayne, IN, of Permit No. MC–143138 issued January 5, 1981, to BOHREN TRANSIT SYSTEMS, INC., of Fort Wayne, IN, authorizing the transportation of *employees of Consolidated Rail Corporation and their baggage,* between Fort Wayne, IN, on the one hand, and, on the other, points along Consolidated Rail Corporation, right of way in Illinois and Ohio. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240.

Note—Transferee is a non-carrier. Application for TA has not been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc 81–24749 Filed 8–24–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Volume No. OP1–238]

Motor Carrier; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 153880 (Republication) filed January 27, 1981, previously noticed in the **Federal Register** issue of February 18, 1981. Applicant: ANN CLEMENT, 225 Pine Ridge Dr., High Point, NC 27260. Representative: Ann Clement (Same address as above). A Decision by the Commission Division 2, Acting as an Appellate Division, decided April 9, 1981, and served April 14, 1981, finds on reopening and further consideration that applicant is authorized to operate as a broker, transporting at High Point, NC, in arranging for the transportation of *passengers and their baggage,* beginning and ending at points in the North Carolina counties of Alamance, Caswell, Davison, Davie, Forsyth, Guilford, Randolph, Rockingham, Rowan, Stokes, and Yadkin, and extending to points in the U.S., including Alaska & Hawaii. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle 14 U.S. Code, and the Commission's regulations. The purpose of this republication is to show actual authority granted.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24748 Filed 8–24–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. 148]

Motor Carriers; Restriction Removals Decision-Notice

Decided: August 20, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restiction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 31462 (Sub-28)X, filed August 11, 1981. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, D.C. 20036. Applicant seeks to remove restrictions from its Sub-No. 28 certificate by broadening the commodity description from household goods to "household goods and furniture and fixtures".

MC 32166 (Sub-18)X, filed August 6, 1981. Applicant: BRONAUGH MOTOR EXPRESS, INC., 1025 Nandino Blvd., Lexington, KY 40511. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 10, 14, and 17 certificates to (1) broaden the commodity description by removing exceptions to general commodities (except classes A and B explosives) in the lead and Sub-No. 6, 8, 10, 14 and 17 certificates; (2) authorize service at intermediate points in connection with regular route operations (a) on U.S. Hwy 25 between Lexington, KY and a point five miles north of Berea, KY in the lead certificate, (b) on routes between Lexington, KY and Louisville, KY, Shakertown, KY and Lexington, KY, and Cincinnati, OH and Lexington, KY in Sub-No. 6, (c) on routes between Corbin, KY and Knoxville, TN in Sub-No. 8, (d) on routes between Cincinnati, OH and Knoxville, TN, Louisville, KY and Knoxville, TN, Louisville, KY and junction U.S. Hwy 150 and U.S. Hwy 25 near Mt. Vernon, KY, and Knoxville, TN and Corbin, KY in Sub-No. 10, and (e) on routes between Lexington, KY and Nashville, TN, Nashville, TN and junction of U.S. Hwy 150 and Boyle-Washington, KY county line, Nashville, TN and junction of Kentucky Hwy 80 and Laurel-Rockcastle, KY county line, and Louisville, KY and Cincinnati, OH in Sub-No. 14, and (3) remove restrictions (a) against service with

traffic originating, terminating, or interlined at Louisville, KY or Cincinnati, OH and commercial zones, on the one hand, and, on the other, traffic to or from Lexington, KY and commercial zone in Sub-No. 6, and against tacking the authority with existing authority, to perform the service, and (b) against service at Knoxville, TN and commercial zone with shipments originating at, destined to, or interchanged at Lexington and Louisville, KY and Cincinnati, OH and commercial zones in Sub-No. 8.

MC 52419 (Sub-1)X, filed August 3, 1981. Applicant: JONES TRUCKING CO., INC., 3020 Bayview Drive, Green Bay, WI 54301. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its MC–84273 and Sub-Nos. 1, 4, 5, 7 and 9F permits to (1) broaden the commodity description from cheese, cheese products, foodstuffs, materials equipment and supplies used in the manufacture and distribution of cheese, synthetic cheese products and foodstuffs to "food and related product and material, equipment and supplies used in the manufacture and distribution of food and related products", in Sub-Nos. 1, 4, 5, 7 and 9F; from for example cheese, cheese boxes, salad dressing, cheese spread, sandwich spread, cheese factory machinery and parts, salt and tin foil, bottle caps and covers, bottles, wire, paper and articles used in the manufacture of cheese factory products to "food and related products, and materials, equipment and supplies used in the manufacture and distribution of food and related products" in the lead, (2) remove the "in bulk" restriction, in Sub-No. 4, and (3) broaden the territorial description to between points in the U.S. under continuing contract(s) unnamed shippers in the lead and with named shippers in the Sub-Numbered authorities.

MC 96938 (Sub-13)X, filed August 10, 1981. Applicant: ARKANSAS TRANSIT HOMES, INC., 8400 Mabelvale Pike, Little Rock, AR 72209. Representative: Wendell C. Chandler (same address). Applicant seeks to remove restrictions in its Sub-Nos. 3, 7, 9 and 11 certificates to (A) broaden the commodity descriptions to (1) "transportation equipment," from trailers, designed to be drawn by passenger automobiles, in initial or secondary movements and/or in truckaway service, in all certificates, and (2) "lumber and wood products and metal products," from (a) buildings, in sections, mounted on wheeled undercarriages, in Sub-Nos. 3 and 7 and (b) buildings, in sections, in Sub-No. 9; (B) remove the restriction prohibiting the transportation of travel trailers, recreational vehicles and/or camping trailers, in Sub-Nos. 3, 7 and 9; and (C) authorize radial authority to replace existing one-way authority between points in various eastern States, in Sub-Nos. 3, 7, and 9.

MC 115651 (Sub-100)X, filed April 2, 1981, previously noticed in the **Federal Register** of April 16, 1981, and republished as follows: Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, D.C. 20001. In a decision in this proceeding served August 14, 1981, Division 2 ordered, as is pertinent here, republication of applicant's intent to broaden authority to serve Carpentersville, IL, in its Sub-No. 58F certificate, to authority to serve points in Kane, Lake, Cook, and McHenry Counties, IL. The purpose of this republication is to comply with this order and to request comments from interested parties.

MC 118045 (Sub-1)X, filed August 3, 1981. Applicant: ALBANY FROZEN EXPRESS, INC., 54 S. Dawson, P.O. Box 24625, Seattle, WA 98124. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from frozen fruits, frozen berries, and frozen vegetables, to "food and related products"; and (2) authorize radial authority in lieu of existing one-way authority between named points in OR, WA, and CA.

MC 145102 (Sub-77)X, filed August 3, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 South Union Avenue, Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its MC–142874 Sub-Nos. 1 and 2 permits to (1) broaden the commodity description from glass tile to "clay, concrete, glass or stone products", from scrap plastic, plastic sheeting, and plastic granules to "rubber and plastic products," and from paper to "pulp, paper and related products", in Sub-No. 2, (2) remove the "in bulk" restriction, in Sub-No. 2 and (3) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers in both permits.

MC 146195 (Sub–4)X, filed August 6, 1981. Applicant: ENERGY CARRIERS, INC., 980A East Orangethorpe, Anaheim, CA 92801. Representative: Michael S. Rubin, 256 Montgomery Street, Fifth Fl., San Francisco, CA 94104. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to eliminate the restriction limiting service to the transportation of specified commodities in bulk, in tank vehicles.

MC 152175 (Sub–1)X, filed August 12, 1981. Applicant: GRIFFIN CORPORATION OF VALDOSTA, GA, P.O. Box 1847, Valdosta, GA 31601. Representative: Kenneth D. Combs (same as applicant). Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) delete plantsite facilities; and (3) broaden cities to counties: Valdosta and Bainbridge, GA, with Lowndes and Decatur Counties, GA, and Mexico, MO, with Audrain County, MO.

[FR Doc. 81–24751 Filed 8–24–81; 8:45 am]
BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.125]

Delegation of Contracting Officer Authority to Gerald P. Gold

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12,836) from the Assistant Administrator for Program and Management Services, I hereby redelegate to Mr. Gerald P. Gold the authority to sign the following instruments up to an amount of $5,000,000 (or local currency equivalent) per transaction:

(1) U.S. Government contracts (including contracts with individuals for services of the individual alone);

(2) U.S. Government grants, other than grants to foreign governments or agencies thereof;

(3) Interagency service agreements (IASAs) between A.I.D. and other U.S. Government agencies; and

(4) Modifications to the instruments specified above.

(5) Advance payments to nonprofit organizations that collect no fee for services.

The authority delegated herein is to be exercised in accordance with A.I.D. regulations, procedures, and policies in effect at the time this authority is exercised and is not in derogation of the authority of the Director, Office of Contract Management, to exercise any of the functions herein redelegated.

This redelegation of authority is effective on August 15, 1981.

Dated: August 14, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-24646 Filed 8-24-81; 8:45 am]

BILLING CODE 4710-02-M

[Delegation of Authority No. 143]

Senior Assistant Administrator, Bureau for Science and Technology; Delegation of Authority Regarding Programs of Scientific and Technological Cooperation

Pursuant to the authority delegated to the Administrator by Delegation of Authority No. 1 of October 1, 1979 from the Director of the United States International Development Cooperation Agency and Executive Order 12163 of September 29, 1979, and pursuant to the authorities in Public Law 96-536, Joint Resolution making futher continuing appropriations for the fiscal year 1981, approved December 16, 1980, it is hereby directed as follows:

1. The Senior Assistant Administrator for Science and Technology is delegated all appropriate functions and authorities regarding Programs of Scientific and Technological Cooperation Administered by the Agency for International Development set forth in the text of HR 4473, as agreed to by a House-Senate Conference Committee (H. Rept. 96-787), February 27, 1980.

2. Delegation of Authority No. 133, dated February 1, 1979 (44 FR 8050) is amended as follows:

(a) Delete from paragraph 1. "the Assistant Administrator, Bureau for Development Support and the Assistant Administrator, Bureau for Private and Development Cooperation" and insert in lieu thereof "the Senior Assistant Administrator, Bureau for Science and Technology, the Assistant Administrator, Bureau for Program and Policy Coordination, the Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance, and the Assistant Administrator, Bureau for Private Enterprise".

(b) Delete from paragraph 2. "Assistant Administrators" and insert in lieu thereof "officers".

(c) Change the numeration of existing paragraph "5." to paragraph "6.".

(d) Add a new paragraph 5. as follows:

5. Actions previously taken by the officers named above which are consistent with this Delegation of Authority are hereby ratified.

3. Authority hereby delegated to the Senior Assistant Administrator for Science and Technology shall include the authority to sign or approve program implementation orders and similar implementation authorizations.

4. Authority hereby delegated may be exercised by an officer serving in an acting capacity and may be redelegated.

5. Actions heretofore taken by officials designated herein are ratified and confirmed.

6. This Delegation of Authority shall be effective immediately.

Dated: August 14, 1981.

M. Peter McPherson,

Administrator.

[FR Doc. 81-24645 Filed 8-24-81; 8:45 am]

BILLING CODE 4710-02-M

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the fortieth meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on September 14 and 15, 1981.

The Executive Committee of the Joint Research Committee will meet from 8:30 a.m. to 11:30 a.m. on September 14, at the Holiday Inn, Dynasty Room, 1850 N. Fort Myer Drive, Rosslyn, Virginia; to consider plans for addressing items that need attention on the Collaborative Research Support Program (CRSP).

The full Joint Research Committee will meet from 1:00 p.m. to 5:00 p.m. on September 14, and 8:30 a.m. to 4:00 p.m. on September 15, at the Holiday Inn, Dynasty Room, 1850 N. Fort Myer Drive, Rosslyn, Virginia. The purpose of this meeting is to receive and act on recommendations from the Planning Entity on the Peanut CRSP, receive an update on aquaculture projects, review a proposal for a cooperative research program between U.S. research institutions and International Agricultural Research Centers, and to consider alternative models for organizing research.

The meetings are open to the public. Any interested person may attend, may file written statements with the Committee before or after the meetings, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meetings permit.

Dr. James Nielson, BIFAD Support Staff, is the designated A.I.D. Advisory Committee Representative at the meetings. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Department of State, Washington, D.C. 20523 or telephone him at (202) 632-7935.

Dated: August 19, 1981.

James Nielson,

A.I.D. Advisory Committee Representative Joint Research Committee Board for International Food and Agricultural Development.

[FR Doc. 81-24662 Filed 8-24-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or

denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: David O. Williams, Administrator, U.S. Employment Service, Room 8000 Patrick Henry Building, Employment & Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 20th day of July 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending July 22, 1981

Name of applicant and location of enterprise	Principal product or activity
Health Care Fund, Anderson, Missouri.	Health care services—skilled, intermediate and long-term nursing care.
Health Care Fund, Jefferson City, Missouri.	Do.
Health Care Fund, Butler, Missouri.	Do.

[FR Doc. 81-24729 Filed 8-24-81; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing: *Provided,* Such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 4, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 4, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C., this 17th day of August 1981.

Marvin M. Fooks,

Trade Adjustment Assistance.

Appendix

Petitioner (Union/workers or former workers of)—	Location	Date received	Date of petition	Petition No.	Articles produced
AUB-Garcia, Inc., Conoton Div. (company)	Santa Ana, Calif	8/12/81	8/5/81	TA-W-12,894	Tubular fishing rods.
Eaton Corp., Brake Shoe Dept. (workers)	Gallatin, Tenn	8/10/81	8/3/81	TA-W-12,895	Builds heavy truck brakes.
General Motors Corp. (company)	Detroit, Mich	8/10/81	8/3/81	TA-W-12,896	Engineering, legal info. services and etc.
General Motors Corp. (company)	Warren, Mich	8/10/81	8/3/81	TA-W-12,897	Engineering, personnel, design, info services, etc.
General Motors Corp. (company)	New York, N.Y	8/10/81	8/3/81	TA-W-12,898	Accounting, corporate stock transactions, personnel, etc.
General Motors Corp. (company)	Dayton, Ohio	8/10/81	8/3/81	TA-W-12,899	Photographic services, public relations, etc.
General Motors Corp. (company)	Milford, Mich	8/10/81	8/3/81	TA-W-12,900	Engineering, products testing, etc.
General Motors Corp. (company)	Flint, Mich	8/10/81	8/3/81	TA-W-12,901	Purchasing, personnel, etc.
General Motors Corp. (company)	Chicago, Ill	8/10/81	8/3/81	TA-W-12,902	Consumer relations, etc.
General Motors Corp. (company)	St. Louis, Mo	8/10/81	8/3/81	TA-W-12,903	Consumer relations, etc.
General Motors Corp. (company)	Los Angeles, Calif	8/10/81	8/3/81	TA-W-12,904	Consumer relations, etc.
General Motors Corp. (company)	San Francisco, Calif	8/10/81	8/3/81	TA-W-12,905	Public relations, etc.
General Motors Corp. (company)	Washington, D.C	8/10/81	8/3/81	TA-W-12,906	Government relations, etc.
General Motors Corp. (company)	Indianapolis, Ind	8/10/81	8/3/81	TA-W-12,907	Personnel, public relations, etc.
General Motors Corp. (company)	Boston, Mass	8/10/81	8/3/81	TA-W-12,908	Public relations, etc.
General Motors Corp. (company)	Kansas City, Mo	8/10/81	8/3/81	TA-W-12,909	Public relations, etc.
General Motors Corp. (company)	Cincinnati, Ohio	8/10/81	8/3/81	TA-W-12,910	Truck and transportation planning, etc.
General Motors Corp. (company)	Honolulu, Hawaii	8/10/81	8/3/81	TA-W-12,911	Car orders and distribution services.
Greenville Steel Car Company (UAW)	Greenville, Pa	8/7/81	7/24/81	TA-W-12,912	High cube (box) railroad cars.
Harley Davidson York, Inc. (IAMAW)	York, Pa	8/6/81	7/29/81	TA-W-12,913	Motor cycles and golf carts.
Perrini Brothers Knitting Mills, Inc. (workers)	Ridgewood, N.Y	8/12/81	8/7/81	TA-W-12,914	Ladies' knitted outerwear.
Princeton Shirt Corp. (ACTWU)	Perth Amboy, N.J	8/6/81	8/3/81	TA-W-12,915	Men's shirts.
R & K Fabrics (company)	Elizabeth, N.J	8/7/81	7/31/81	TA-W-12,916	Cutting of ladies' garments.
Teledyne Wisconsin Motors (UAW)	Milwaukee, Wis	8/6/81	7/31/81	TA-W-12,917	Single cylinder engines.

Appendix—Continued

Petitioner (Union/workers or former workers of)—	Location	Date received	Date of petition	Petition No.	Articles produced
Texas Instruments, Inc. Liquid Crystal Displays Dept. (workers).	Dallas, Tex	8/3/81	7/29/81	TA-W-12,918	Liquid crystal display.

[FR Doc. 81-24746 Filed 8-24-81; 8:45 am]
BILLING CODE 4510-28-M

Mine Safety and Health Administration

[Docket No. M-81-165-C]

Elkay Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Elkay Mining Company, P.O. Box 459, Lyburn, West Virginia 25632, has filed a petition to modify the application of 30 CFR 49.6(a)(1) (mine rescue teams; requirements) to its Elkay Nos. 1, 2, 3 Mines, Mine Nos. 4A, 4B, 5B and Wade No. 1 and No. 3 Mines, all located in Logan County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that mine rescue stations be equipped with twelve self-contained oxygen breathing apparatus.

2. The petitioner presently has one six-member fully equipped mine rescue team formed at the mine.

3. As an alternative method, petitioner proposes that a second mine rescue tean would be available at all times when miners are underground located no more than two hours travel time from the mine rescue station. This second team will be fully equipped with self-contained oxygen breathing apparatus and required accessories which its members will provide themselves.

4. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 24, 1981. Copies of the petition are available for inspection at that address.

Dated: August 17, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 24739 Filed 8-24-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-82-C]

Imperial Coals, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Imperial Coals, Inc., Box 517, Oneida, Tennessee 37841 has filed a petition to modify the application of 30 CFR 77.1605(k) (berms or guards) to its No. 1 Mine located in Scott County, Tennessee. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards be installed on existing haul roads.

2. The haul road used by the petitioner is a private roadway owned by Koppers Co., Inc., but is also a public access road that is used by local governmental entities as a connecting link between existing county roads and by the general public.

3. The present haul road has been in operation leading from this mining site for more than three years and is approximately four miles long. Petitioner has erected berms commencing at the mine site and leading to the gate controlling access to petitioner's mine site, but such berms have not been placed upon other areas of the haul road beyond the petitioner's gate.

4. This privately owned haul road is open to and constantly used by the general public; there are not gates, fences or vehicular restraint controls on this roadway.

5. Petitioner states that installation of berms along this public throroughfare would destroy the esisting drainage on this roadway and would result in the deterioration and eventual destruction of the roadway, all of which would constitute a hazard to the general public utilizing the roadway as a public thoroughfare.

6. Results of an accident investigation on this roadway indicated that berms would not be effective in preventing heavy trucks from leaving the roadway.

7. As an alternative to installing berms or guards on the roadway, petitioner states that the following safety precautions and procedures will be followed:

a. A safety inspection will be made of each haulage vehicle prior to use; defects will be corrected before use;

b. The minimum width of all two-lane areas of the road shall be two and one-half times the width of the widest vehicle and on single-lane areas, one and one-half times the width of the widest vehicle. In addition, numerous clearly marked passing zones exist along the entire roadway length;

c. Applicable safety signs and reflective poles will be posted along the entire roadway length.

8. Petitioner states that the safety procedures outlined above will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 24, 1981. Copies of the petition are available for inspection at that address.

Dated: August 17, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-24741 Filed 8-24-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-139-C]

Jewell Ridge Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Jewell Ridge Coal Corporation, P.O. Box 26, Jewell Ridge, Virginia 24622 has filed a petition to modify the application of 30 CFR 49.6(a)(1) (equipment and maintenance requirements; mine rescue

teams) to its Seaboard No. 1 and No. 2, Big Creek Tiller, No. 11C, No. 11D, No. 12, No. 12A, No. 18 and No. 18A Mines, all located throughout the state of Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each mine rescue station be equipped with twelve self-contained oxygen breathing apparatus, each with a minumum of two hours capacity (approved under Subpart H of part 11 of this title) and any necessary equipment for testing such breathing apparatus.

2. As an alternative method, petitioner proposes to supply six self-contained oxygen breathing apparatus to equip its mine rescue team. In support of this proposed alternative, petitioner states that:

a. One fully equipped mine rescue team exists at the mine and arrangements exist for a second team to be available at all times when miners are underground. This back-up team is located no more than two hours travel time from the mine rescue station;

b. The second team will be fully equipped with self-contained oxygen breathing apparatus and required accessories which its members will provide themselves.

3. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 24, 1981. Copies of the petition are available for inspection at that address.

Dated: August 17, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-24740 Filed 8-24-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-31-M]

N. A. Degerstrom, Inc.; Petition for Modification of Application of Mandatory Safety Standard

N. A. Degerstrom, Inc., N. 3303 Sullivan Road, P.O. Box 425, Spokane, Washington 99210 has filed a petition to modify the application of 30 CFR 57.4-27 (fire extinguishers on self-propelled mobile equipment) to its Dawn-Midnight Mine located in Stevens County, Washington. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-propelled mobile equipment be equipped with a suitable fire extinguisher.

2. Petititoner states that a fire extinguisher in the cabs of the mobile equipment will infer to the operator that he or she should use this extinguisher to fight any fire on his or her vehicle, thereby exposing equipment operators to unnecessary hazards.

3. As an alternative method, petitioner proposes to have stationed in two to four strategic locations along the haul road and in the open pit mining area, weather-proof boxes containing 60 to 80 B.C. dry powder fire extinguishers. These are mobile units that can readily be moved by one person to locations strategic to the general operations.

4. Petitioner states that the alternative method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 24, 1981. Copies of the petition are available for inspection at that address.

Dated: August 17, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-24742 Filed 8-24-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-133-C]

Ranger Fuel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Ranger Fuel Corporation, P.O. Box 966, Beckley, West Virginia 25801 has filed a petition to modify the application of 30 CFR 49.6(a)(1) (equipment and maintenance requirements; mine rescue teams) to its Beckley No. 1 and No. 2 Mines located in Wyoming County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each mine rescue station be equipped with twelve self-contained oxygen breathing apparatus, each with a minimum of two hours capacity (approved under Subpart H of part 11 of this title) and any necessary equipment for testing such breathing apparatus.

2. As an alternative method, petitioner proposes to supply six self-contained oxygen breathing apparatus to equip its mine rescue team. In support of this proposed alternative, petitioner states that:

a. One fully equipped mine rescue team exists at the mine and arrangements exist for a second team to be available at all times when miners are underground. This back-up team is located no more than two hours travel time from the mine rescue station;

b. The second team will be fully equipped with self-contained oxygen breathing apparatus and required accessories which its members will provide themselves.

3. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 24, 1980. Copies of the petition are available for inspection at that address.

Dated: August 17, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-24743 Filed 8-24-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-155-C]

Ranger Fuel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Ranger Fuel Corporation, P.O. Box 966, Beckley, West Virginia 25801, has filed a petition to modify the application of 30 CFR 75.1807 (daily inspection of hoisting equipment; recording requirements; approved books) to its Beckley No. 1 and No. 2 Mines located in Wyoming County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that Form 6-1494 be used for recording inspections of hoisting and elevator equipment.

2. Petitioner inspects and examines more items of the hoisting and elevator equipment than required and has developed an alternative form for recording the inspections. All of the items which appear on Form 6-1494 appear on the alternative form.

3. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 24, 1981. Copies of the petition are available for inspection at that address.

Dated: August 17, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-24744 Filed 8-24-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-38-M]

Tenneco Oil; Petition for Modification of Application of Mandatory Safety Standard

Tenneco Oil, P.O. Box 1167, Green River, Wyoming 82935 has filed a petition to modify the application of 30 CFR 57.21-20(a) (main fans; requirements) to its Soda Ash Project located in Sweetwater County, Wyoming. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that mine fans be installed on the surface.

2. Petitioner is seeking a modification of the standard to allow installation of the mine fan at a location underground for nine months.

3. In support of this request, petitioner states that:

a. The hoisting shaft will be down-cast (intake) and the vent shaft up-cast (exhaust). The fan will be located in a bulkhead placed in the north entry off the vent shaft. All dead headings will be ventilated with auxiliary fans to insure the dilution and removal of methane;

b. The hoisting shaft will be sunk an additional 120 feet. The bottom will be supplied fresh air through existing 24-inch duct from the surface. A blowing fan is currently installed at the surface and will be used throughout shaft sinking to supply air;

c. At the vent shaft, the west heading will have a crusher-feeder. A bulkhead will be built tight around the discharge with a flexible flap installed over the hole;

d. The south entry will be sealed off with steel doors which will be opened only when large equipment is lowered underground. A man door and utility door will be part of the large doors. All electrical equipment in the vent shaft will be explosion proof and/or permissible;

e. The underground fan will be 48 inches in diameter and belt driven with a permissible motor. It will be encased in a non-combustible bulkhead. The motor will have two power sources with controls both underground and on the surface; all controls will be in fresh air;

f. A methane monitor will be installed at the fan which will sound an alarm (surface and underground) if methane should reach 0.8%, and shut off all underground power (including itself) if methane reaches 1.0%; read-out will be provided at the fan and on the surface;

g. A recording water gauge will be used at the fan which will be checked, chart changed and logged daily;

h. An emergency fan (48 inch diameter) will be installed on the surface on the vent shaft to blow fresh air down the shaft. This fan will be run only if the main fan is down since it will reverse the direction of air flow.

4. Petitioner states that the proposal outlined above provides the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 24, 1981. Copies of the petition are available for inspection at that address.

Dated: August 17, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-24745 Filed 8-24-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Michigan State Standards; Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On October 3, 1973, notice was published in the **Federal Register**, 38 FR 27338, of the approval of the Michigan plan and the adoption of Subpart T to Part 1952 containing the decision.

The Michigan plan provides for the promulgation of State standards which are at least as effective as comparable Federal Standards promulgated under section 6 of the Act. On December 11, 1980, C. Patrick Babcock, Director of the Michigan Department of Labor, and Maurice S. Reizen, M.D., Director of the Michigan Department of Public Health, submitted State standards in response to Federal standards for Inorganic Arsenic (29 CFR 1910.1018) and for Acrylonitrile (29 CFR 1910.1045). In the accompanying correspondence, assurances were given that the standards had been developed,

reviewed by the public, and promulgated as prescribed by the Michigan Administrative Procedures Act, P.A. 306 of 1969 and Act 154, P.A. 1974, as amended.

2. *Decision.* Having reviewed the State submissions in comparison with Federal standards, the Regional Administrator has determined that the State standards are at least as effective as comparable Federal standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, with the approved plan, may be inspected and copied during normal business hours at the following locations: the Office of the Regional Administrator, Occupational Safety and Health Administration, 230 S. Dearborn St., Chicago, Illinois 60604; State of Michigan, Department of Public Health, 3500 N. Logan St., Lansing, Michigan 48914; Office of the Director of Federal Compliance and State Programs, Rm. N3619, 200 Constitution Ave. NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Michigan State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. Some standards are identical to the Federal standards and are therefore deemed to be at least as effective as these standards.

2. These identical standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

3. The non-identical standards were adopted in accordance with the procedural requirements of State law, which included public comment, and further public participation would be repetitious.

This decision is effective August 25, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois this 20th day of July 1981.

Alan C. McMillan,

Acting Regional Administrator.

[FR Doc. 81-24738 Filed 8-24-81; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

1. Date: September 9, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review Fellowships for Summer Seminar applications in Philosophy, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.
2. Date: September 11, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review College Teacher Fellowship applications in American Literature to 1900; Afro-American Literature; American Studies; Modern British and American Theater; American, British, and European film and TV, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.
3. Date: September 11, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review Fellowships for Summer Seminar applications in Music, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.
4. Date: September 14, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review College Teacher Fellowship applications in Art and Music, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.
5. Date: September 14, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review Fellowships for Summer Seminar applications in comparative Literature and Drama and Film submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.
6. Date: September 16, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review Fellowships for Summer Seminar applications in Modern Languages (French/Spanish), submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.
7. Date: September 17–18, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023–1025
Program: This meeting will review applications submitted for Higher Education/Regional and National grants, Division of Education, for projects after January 1, 1982.
8. Date: September 18, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review applications submitted for General Research Program for Basic Research: Panel 2, Division for Research Programs, for projects beginning after January 1, 1982.
9. Date: September 21, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review Fellowships for Summer Seminar applications in Political Science and Area Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.
10. Date: September 22, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review Fellowships for Summer Seminar applications in Anthropology, Sociology, and Folklore, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.
11. Date: September 24–25, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review applications submitted for General Reaserch Program for Basic Research: Panel 3, Division of Research Programs, for projects beginning after January 1, 1982.
12. Date: September 25, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review Fellowships for Summer Seminar applications in Art History, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.
13. Date: September 17, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review Fellowships for Summer Seminar applications in English and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.
14. Date: September 28, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review Fellowships for Summer Seminar applications in Germanic, Slavic, and Classical Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose;

(1) Trade Secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc 81–24770 Filed 8–24–81; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–348 and 50–364]

Alabama Power Co., Notice of Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. NPF–2, and Amendment No. 5 to Facility Operating License No. NPF–8, issued to Alabama Power Company, which revised the licenses for operation of the Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, located in Houston County, Alabama. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Guard Training and Qualification Plan as part of the licenses. The amendment for Unit 2 also adds the previously approved Contingency Plan for Farley Plant added for Unit 1 by our Amendment No. 17 on December 10, 1980.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filing dated August 16, 1979, and its revision submitted by letter dated April 27, 1981, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 23 to License No. NPF–2, and Amendment No. 5 to License No. NPF–8 and (2) the Commission's related letter to the licensee dated August 18, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of August, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–24641 Filed 8–24–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee On Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on September 10–12, 1981, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on August 18, 1981.

The agenda for the subject meeting will be as follows:

Thursday, September 10, 1981

8:30 A.M.–8:45 A.M.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities including selection and appointment of a new ACRS member.

Portions of this session will be closed as necessary to discuss information of a personal nature the release of which would constitute a clearly unwarranted invasion of personal privacy.

8:45 A.M.–10:45 A.M.—Implementation of P.L. 96–567, Nuclear Safety Research, Development, and Demonstration Act of 1980 (Open)—The Committee will hear and discuss the reports of its Subcommittees regarding the provisions of this Act relating to a program management plan for conduct of research and development activities, the need for and feasibility of a national engineering simulator, and efforts to provide specially trained professionals to operate nuclear power plants and other facilities at the back end of the fuel cycle. Representatives of NRC and DOE will participate as appropriate.

10:45 A.M.–11:15 A.M.: NRC Regulatory Process (Open)—The Committee will hear reports from representatives of the NRC Staff regarding the basis for use of rules in the licensing process.

11:15 A.M.–12:30 P.M.: Siting Criteria for Nuclear Power Plants (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed changes in NRC siting criteria (10 CFR Part 100) for nuclear power plants. Representatives of the NRC Staff and the nuclear industry will participate as appropriate.

1:30 P.M.–3:00 P.M.: Decay Heat Removal Systems (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the proposed NRC Task Action Plan (Task A–45) for evaluation of alternate decay heat removal systems for nuclear power plants. Members of the NRC Staff will participate as appropriate.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

3:00 P.M.–4:00 P.M.: Licensee Event Reporting (LER) System (Open)—The Committee will hear and discuss the report of its Subcommittee regarding proposed changes in the procedures for coding and searching LER's. Members of the NRC staff will participate as appropriate.

4:00 P.M.–5:00 P.M.: NRC Safety Research Program (Open)—The Committee will hear and discuss a report from members of the NRC Staff regarding the proposed safety research budget for work related to the licensing of the Clinch River Breeder Reactor.

Portions of the meeting will be closed as necessary to discuss information the premature disclosure of which would be likely to significantly frustrate performance of the Committee's statutory function.

5:00 P.M.–6:00 P.M.: Control of Combustible Gases Following a Nuclear Accident (Open)—Members of the NRC Staff will report to the Committee regarding the current

status of activites related to the control of combustible gases (hydrogen) following a reactor accident. Specific design provisions proposed for selected nuclear plants (e.g., Allens Creek Nuclear Plant and the Pilgrim Nuclear Plant) will be discussed.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

6:00 P.M.–7:30 P.M.: Quantitative Risk Criteria (Open)—The Committee will discuss a proposed supplement report to its report entitled, An Approach to Quantitative Safety Goals for Nuclear Power Plants, NUREG–0739, in response to comments received regarding the basis for this report.

Friday, September 11, 1981

8:30 A.M.–12:00 Noon: Nuclear Reactor Pressure Vessel Integrity (Open)—Representatives of the NRC Staff will report to the Committee regarding the status of activities related of concern regarding the thermal shock to reactor pressure vessels which could result from an overcooling transient.

1:00 P.M.–2:00 P.M.: NRC Regulatory Criteria (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed changes in NRC Regulatory Guides and 10 CFR 50, Appendix G, Fracture Toughness Requirements and Appendix H, Reactor Vessel Material Surveillance Program Requirements. Members of the NRC Staff and the nuclear industry will participate as appropriate.

2:00 P.M.–3:00 P.M.: NRC Criteria (10 CFR 61) for Land Disposal of Radioactive Waste (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed criteria (10 CFR Part 61) for land disposal of low level radioactive wastes. Representatives of the NRC Staff will report on and discuss the basis for the proposed criteria.

3:00 P.M.–5:00 P.M.: NRC Criteria for Geologic Disposal of High Level Radioactive Wastes (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed Technical Criteria for Disposal of High-Level Radioactive Wastes in Geological Repositories. Representatives of the NRC Staff will report on and discuss the basis for the proposed criteria.

5:00 P.M.–5:15 P.M.: Future ACRS Activities (Open)—The Committee will discuss items tentatively scheduled for Committee action. Anticipated Subcommittee activity will also be discussed.

5:15 P.M.–6:30 P.M.: ACRS Subcommittee Activity (Open)—ACRS Subcommittee Chairman will report to the Committee regarding ongoing Subcommittee activities including review of proposed changes in 10 CFR 50.46, Appendix K, ECCS Evaluation Models for Boiling Water Reactors and 10 CFR 50, Licensing Requirements for Pending Operating License Applications.

Saturday, September 12, 1981

8:30 A.M.–12:00 Noon: ACRS Reports to NRC (Open)—The Committee members will discuss proposed reports to the Nuclear Regulatory Commission and proposed comments to the NRC Executive Director for Operations regarding items discussed during this meeting.

The members will also discuss a proposed ACRS position regarding the application of TMI–2 Lessons Learned to DOE nuclear facilties and the report of the Nuclear Safety Oversight Committee regarding proposed changes in the regulatory process and the activities of the Committee.

ACRS procedures for participation in NRC rulemaking activities will also be discussed.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), to discuss Proprietary Information relating to the matter being considered (5 U.S.C. 552b (c)(4)), and information the premature disclosure of which would be likely to significantly frustrate proposed agency action (5 U.S.C. 552 b(c)(9)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. EDT.

Dated: August 19, 1981.

Samuel J. Chilk,

Secretary to the Commission.

[FR Doc. 81–24734 Filed 8–24–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–325 and 50–324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 39 and 62 to Facility Operating License Nos. DPR–71 and DPR–62 issued to Carolina Power & Light Company (the licensee) which revised the licenses for operation of the Brunswick Steam Electric Plant, Units Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance and are to be implemented in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Guard Training and Qualification Plan as a part of the licenses.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rule and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendments.

The licensee's filings dated August 17, 1979 and May 26, 1981 are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment Nos. 39 and

62 to License Nos. DPR–71 and DPR–62 and (2) the Commission's related letter to the licensee dated August 17, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of August 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81–24733 Filed 8–24–81; 8:45 am]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning October 1, 1981, shall be at the rate of 14½ cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning October 1, 1981, 22.5 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 77.5 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: August 17, 1981.

By Authority of the Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 81–24651 Filed 8–24–81; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11911; 812–4933]

Quaker Cash Reserves, Inc.; Filing of Application

August 18, 1981.

Notice is hereby given that Quaker Cash Reserves, Inc. ("Applicant"), Axe Wood, Butler & Skippack Pikes, Blue Bell, Pennsylvania 19422, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on July 30, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it is a no-load, "money market" fund organized under the laws of Maryland, and that Stratton Management Company serves as its investment adviser. The investment objective of Applicant is to seek the highest possible current income consistent with the preservation of capital and liquidity. It will seek to achieve this objective by investing exclusively in money market instruments maturing in twelve months or less, including the following: (1) Obligations of, or guaranteed by, the United States government, its agencies or instrumentalities; (2) Obligations of banks, including but not limited to, certificates of deposit or bankers' acceptance of banks having total assets in excess of one billion dollars ("banks" include commercial banks, savings banks, and savings and loan associations); (3) Commercial paper obligations rated A–1 by Standard & Poor's Corporation ("S&P") or Prime-1 by Moody's Investors Service ("Moody's") or, if not rated, are issued or guaranteed by companies with an unsecured debt issue currently outstanding rated Aaa or Aa by Moody's or AAA or AA by S&P, and investments in other corporate debt obligations such as publicly traded bonds, debentures and notes rated Aaa or Aa by Moody's or AAA or AA by S&P; (4) obligations other than the foregoing if the obligation is accompanied by a guarantee of principal and interest, provided that the guarantee is that of a bank or corporation whose certificates of deposit or commercial paper may be otherwise purchased by Applicant, and the obligation is determined to be "high quality" by Applicant's board of directors; and (5) Repurchase agreements involving obligations which are eligible for investment under the foregoing categories. Applicant intends to maintain a dollar-weighted average portfolio maturity of 120 days or less. The minimum initial investment to open an account will be $1,000, and subsequent investments must be in amounts of not less than $100.

The order requested herein would exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder. Section 2(a)(41) of the Act defines values to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities and, (2) with respect ot other securities and assets, fair value as determined in good faith by the investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company issuing any redeemable security, and no principal underwriter of or dealer in any such security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption, and repurchase shall be an amount which reflects calculations, whether or not recorded on the books of account, made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered investment company. Prior to the filing of this application, the Commission expressed its view that, *inter alia:* (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its protfolio

instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 1, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemptive relief requested, Applicant argues that its shareholders would be unfairly treated if it were forced to price its portfolio instruments in a manner which would produce artificial price or yield volatility for instruments which Applicant expects to hold until maturity. Applicant states that potential investors in its shares are not concerned with the theoretical differences which might occur between the yield achieved through market pricing and the yield computed on the basis of amortized cost. However, Applicant states that such potential investors are vitally concerned that (1) the net asset value of their shares remain stable; and (2) that the daily net income declared on their investment be steady and not exhibit the volatility which can occur when changes in market prices cause changes in yield on a daily or weekly basis. Applicant, with the advice of its investment adviser, has determined that maintaining an average portfolio maturity of 120 days or less will accomplish the aims of Applicant's investors by providing the required stability of principal to individuals and institutional investors, and by reducing the risk of significant volatility in the value of portfolio instruments while at the same time producing a yield commensurate with those available in the short-term money market. Furthermore, prior to formally adopting the amortized cost method of valuation, Applicant's board of directors will determine in good faith that in light of the characteristics described above, including the conditions to which Applicant must adhere as set forth below, absent unusual or extraordinary circumstances, the amortized cost method of valuing its portfolio securities will reflect the fair value of such securities. Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; reducing or withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will records maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

On the basis of the foregoing, Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 14, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by cerrtificate) shall be filed contemporaneously with the request. As porovided by Rule 0–5 if the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–24697 Filed 8–24–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11910; 811–2039]

Stock Average Fund, Inc.; Proposal To Terminate Registration

August 18, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order its own motion that Stock Average Fund, Inc. ("Fund"), c/o Shy & Company, P.O. Box 3134, Memphis, Tennessee 38103, registered under the Act as an open-end, non-diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized under the laws of the State of Maryland on November 6, 1969, are registered under the Act on March 5, 1970, under the name Compustrend Fund, Inc. The files of the Commission further indicate that at a special shareholders meeting held on May 24, 1976, shareholders of the Fund approved changing the name of the Fund to the Stock Average Fund, Inc. According to the files of the Commission, the last quarterly report filed by the Fund with the Comission was dated October 30, 1978, which indicated that for the calendar quarter ending September 30, 1978, the fund had total net assets of $2,358.42. In addition, the staff of the Commission has been advised by counsel for the Fund that the Fund has been liquidated and all of the Fund's assets have been distributed to its shareholders. Counsel for the Fund has specifically advised the staff of the Commission that the Fund does not propose to resume its business activities. Thus, it appears that the Fund is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 14, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, and order disposing of this matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment mangement, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–24696 Filed 8–24–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Ratification of Claims Approval

AGENCY: Small Business Administration.

ACTION: Notice of ratification.

SUMMARY: In the course of an audit conducted by the Inspector General of the Small Business Administration, it was ascertained that an improper delegation of authority had been made on November 19, 1979, which permitted the Claims Supervisor, Surety Bond Guarantee Section, Office of Special Guarantees, to approve certain claims. To rectify this error, the following ratification is published.

Ratification

Pursuant to the authority contained in paragraph I.G, delegation of Authority No. 12–A, Revision 2, I hereby ratify all claims request approval documents (SBA Form 1101) signed by the Claims Supervisor, Surety Bond Guarantee Section, Office of Special Guarantees, Small Business Administration, between November 19, 1979, and August 4, 1980.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT:

Arthur E. Armstrong, Director, Office of Special Guarantees, Small Business Administration, Washington, D.C. 20416, (703) 235–2900.

Arthur E. Armstrong,

Director, Office of Special Guarantees.

June 17, 1981.

[FR Doc. 81–24775 Filed 8–24–81; 8:45 am]

BILLING CODE 8025–01–M

[License No. 06/06–0175]

Small Business Investment Capital, Inc.; Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given, pursuant to § 107.1004(e) of the Regulations governing small business investment companies (13 CFR 107.1004 (1981)), of a request for approval of a conflict of interest transaction between Small Business Investment Capital, Inc. (Licensee), 10003 New Benton Highway, Little Rock, Arkansas 72203, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and Associates.

Licensee was licensed by SBA on March 6, 1975. It is owned 100 percent by Shur-Valu Stamps, Inc., 10003 New Benton Highway, Little Rock, Arkansas 72203, which in turn is owned approximately 98 percent by Affiliated

Food Stores, Inc., a cooperative of retail grocers.

The Licensee proposes to provide financial assistance to Mr. Fred Smith, 550 East Main, Magnolia, Arkansas 71753, to purchase a grocery store previously owned by Mr. Dale Stuard. Mr. Smith is a director of Affiliated Food Stores, Inc. As such, Mr. Smith is an Associate of the Licensee as defined by § 107.3(c) of the Regulations.

The proposed financing falls within the purview of § 107.1004(b)(1) of the Regulations and requires a written exemption from SBA. SBA is considering a request for such exemption.

Notice is further given that any person may, not later than September 9, 1981, submit to SBA in writing, comments on the proposed transaction. Any such communication should be addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Little Rock and Pine Bluff, Arkansas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-24776 Filed 8-24-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/436]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The SOLAS Subcommittee and the Tonnage Subcommittee will conduct an open meeting on September 9, 1981, at 9:30 A.M., in Room 3201 of the Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of this meeting will be to discuss the impact of the coming into force of the 1969 Convention on Tonnage Measurement in July 1982 and what effect it could have on related maritime treaties. The following is the agenda for the meeting:

1. Background Discussion, 1969 Convention on Tonnage Measurement of Ships
2. Status of the Convention in the United States
3. Discussion of Possible Effects of Ratification versus Non-Ratification
4. Discussion of Possible Courses of Action

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. Daniel F. Sheehan, U.S. Coast Guard (G-MM/24), 2100 Second Street, SW., Washington, D.C. 20593. Telephone (202) 426-2170.

Dated: August 14, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81-24647 Filed 8-24-81; 8:45 am]

BILLING CODE 4701-07-M

DEPARTMENT OF THE TREASURY

Performance Review Board

AGENCY: Office of the Secretary, Treasury.

ACTION: Notice of change in membership of a senior executive service performance review board.

SUMMARY: This notice announces the new membership of the Departmental PRB, pursuant to 5 U.S.C. 4314(c)(4), the Civil Service Reform Act of 1978. The purpose of the Board is to review performance appraisals, ratings, recommendations for performance awards (also SES incentive awards and Presidential Ranks if requested), and other appropriate personnel actions for incumbents of non-delegated SES positions. These positions include SES bureau heads, deputy bureau heads, bureau chief inspectors, Assistant Commissioners of the Internal Revenue Service, and certain other positions. The Board makes recommendations to the Secretary or his designee as Appointing Authority. In addition, the Board will perform PRB functions for other top bureau positions if requested. Three members constitute a quorum, at least two of whom must be career appointees.

FOR FURTHER INFORMATION CONTACT: David S. Burckman, Director of Personnel, Room 2426, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220; Telephone 566-2701.

SUPPLEMENTARY INFORMATION: The membership of the Departmental PRB which appeared in the **Federal Register,** Volume 25, No. 85, page 28850, Wednesday, April 30, 1980, has been changed. The current membership is as follows:

Cora P. Beebe, Assistant Secretary (Administration)
John P. Simpson, Deputy Assistant Secretary (Enforcement and Operations)
Paul K. Trause, Inspector General
Angela Marie Buchanan, United States Treasurer
Paul H. Taylor, Fiscal Assistant Secretary
Gerald Murphy, Deputy Fiscal Assistant Secretary
Roscoe Egger, Commissioner, Internal Revenue Service
Roger W. Mehle, Assistant Secretary (Domestic Finance)

This notice does not meet the Department's criteria for significant regulations.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 81-24675 Filed 8-24-81; 8:45 am]

BILLING CODE 4810-25-M

Senior Executive Service (SES) Bonuses

AGENCY: Office of the Secretary of the Treasury.

ACTION: Notice of Schedule for Awarding SES Bonuses.

SUMMARY: This notice announces the schedule for awarding SES bonuses (performance awards) in the Department of the Treasury.

FOR FURTHER INFORMATION CONTACT: David S. Burckman, Director of Personnel, Room 2426, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220; Telephone 566-2701.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to guidance from the Director of the Office of Personnel Management, dated July 21, 1980. The Department of the Treasury is scheduled to award bonuses to eligible career senior executives for the performance appraisal rating period ending June 30, 1981 (or July 31, 1981), with payouts by September 30, 1981. Such bonuses are authorized by section 407(a) of the Civil Service Reform Act of 1978 (Pub. L. 95-454), codified in 5 U.S.C. 5384, and by section 303 of the Supplemental Appropriations and Rescission Act, 1980 (Pub. L. 96-304).

This notice does not meet the Department's criteria for significant regulations.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 81-24674 Filed 8-24-81; 8:45 am]

BILLING CODE 4810-25-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Establishment of an Investment Policy Advisory Committee

The U.S. Trade Representative has taken steps to establish an Investment Policy Advisory Committee. This Committee will be chartered pursuant to Section 135(c) (2) of the Trade Act of 1974 (19 U.S.C. 2155), as amended; the Federal Advisory Committee Act (5 U.S.C. App. 1); Section 4(d) of Executive Order No. 11846, March 27, 1975; and Executive Order No. 121888. The charter of this Committee will be filed 15 days from the date of this notice.

The Investment Policy advisory Committee is being established to provide the United States Trade Representative with policy advice and information reqarding direct investment to the extent it relates to international trade, including the following areas: operations of multinational enterprises, and multilateral and bilateral agreements on international investment, direct investment by Americans abroad and issues of direct foreign investment in the U.S.

The Committee will meet approximately three or four times per year, depenidng on the needs of the U.S. Trade Representative. The U.S. Trade Representative or his designee will convene meetings of the Committee.

Members of the Committee shall be appointed by, and serve at the discretion of the U.S. Trade Representative. Representatives from the private sector wishing further information or to be considered for appointment to serve on the Committee should contact: The United States Trade Representative, Office of Private Sector Liaison, 600—17th Street, NW., Room 123, Washington, D.C. 20506. (202) 395–6120.

Phyllis O. Bonanno,

Director, Office of Private Sector Liaison.

[FR Doc. 81-24670 Filed 8-24-81; 8:45 am]

BILLING CODE 3190-01-M

42952–42966

Sunshine Act Meetings

Federal Register
Vol. 46, No. 164
Tuesday, August 25, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL HOME LOAN BANK BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Friday, August 21, 1981, at 10:00 A.M.

PLACE: 1700 G St., N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679)

CHANGES IN THE MEETING: THE BANK BOARD MEETING SCHEDULED FOR FRIDAY, AUGUST 21, 1981 HAS BEEN CANCELLED:

[No. 533, August 20, 1981]

[S–1282–81 Filed 8–20–81; 8:45 am]

BILLING CODE 6720–01–M

2

FEDERAL RESERVE SYSTEM.

BOARD OF GOVERNORS.

TIME AND DATE: 10:00 a.m., Monday, August 31, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: August 21, 1981.

Barbara R. Lowrey,

Assistant Secretary of the Board.

[S–1283–81 Filed 8–21–81; 2:50 pm]

BILLING CODE 6210–01–M

3

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Tuesday, September 1, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Special Investigation Report:* Aircraft Incident and Related Near Collisions at Hartsfield Atlanta International Airport, Atlanta Georgia, October 7, 1980, and *Recommendations* to the Federal Aviation Administration.

2. *Aircraft Incident Report:* Eastern Airlines Boeing 727–25, N8140E, John F. Kennedy International Airport, April 18, 1981.

3. *Recommendation* to the Federal Aviation Administration re B–727 Flight Manual Information relevant to landing gear position indicators and horn.

4. *Special Study:* Railroad/Highway Grade Crossing Accidents Involving Trucks Transporting Bulk Hazardous Materials.

5. *Special Study:* Fatalities and Injuries Associated With Riding in Open-Cargo Areas of Vehicles.

6. *Safety Effectiveness Evaluation:* Coordination of FHWA and NHTSA in Small Car Vehicle-Highway-Driver Safety Problems.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

August 21, 1981.

[S–1284–81 Filed 8–21–81; 3:54 p.m.]

BILLING CODE 4910–58–M

4

TENNESSEE VALLEY AUTHORITY.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 16 FR 41899, August 18, 1981.

CHANGES IN PREVIOUSLY ANNOUNCED TIME AND PLACE OF MEETING: Because of inclement weather, the previously announced time and place of the August 20 TVA Board meeting were changed, following public announcement of the changes at the earliest practicable time, as follows:

Location Has Been Changed to: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

Time Has Been Changed to: 8:30 a.m., August 21, 1981.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615–632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington office, 202–245–0101.

Dated: August 21, 1981.

[S–1285–81 Filed 8–21–81; 3:58 pm]

BILLING CODE 8120–01–M

federal register

Tuesday
August 25, 1981

Part II

Department of Labor

Office of Federal Contract Compliance Programs

Government Contractors: Affirmative Action Requirements

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250, 60-741

Government Contractors; Affirmative Action Requirements

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Proposed rule.

SUMMARY: On December 30, 1980, the Department of Labor published a final rule revising the regulations at 41 CFR Chapter 60 concerning non-discrimination and affirmative action requirements for Government contractors, (see 45 FR 86215; corrected January 23, 1981, at 46 FR 7332) which implement Executive Order 11246, as amended, section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and section 503 of the Rehabilitation Act of 1973, as amended. The rule was to take effect on January 29, 1981. On January 28, 1981, the Department of Labor published a notice (at 46 FR 9084) delaying the effective date of the final rule until April 29, 1981, to allow the Department time to review the regulation fully. On April 28, 1981, the Department published a notice (at 46 FR 23742) further delaying the effective date of the regulation until June 29, 1981. On June 26, 1981 (at 46 FR 33033), the effective date was delayed until July 15, 1981; on July 14, 1981 (at 46 FR 36144), the effective date was again delayed until August 26, 1981.

The proposal published today would revise a number of the sections contained in the regulations published on December 30, 1980. Today's proposal also would retain some of the provisions contained in the December 30 regulations. In addition, the proposal published today would revise some of the regulations in 41 CFR Chapter 60 which were not amended by the December 30 regulations. For ease in reading and convenience to the public (considering that the Code of Federal Regulations is probably more accessible than the December 30 **Federal Register** document), references herein to section and part numbers (unless otherwise indicated) are to the existing regulations as codified in 41 CFR Chapter 60 (July 1, 1980 edition) rather than to the December 30, 1980, **Federal Register.**

DATE: Comments must be received by: October 26, 1981.

ADDRESS: Send comments to: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 20210. Because the Department expects a large volume of comments, preprinted postcards will be used to acknowledge receipt of comments.

FOR FURTHER INFORMATION CONTACT: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 20210, telephone (202) 523-9426.

SUPPLEMENTARY INFORMATION: On December 28, 1979, the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, published in the **Federal Register** (at 44 FR 77006) a proposal to amend, consolidate, and integrate certain regulatory provisions pertaining to the three programs administered by OFCCP: Executive Order 11246, as amended, section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and section 503 of the Rehabilitation Act of 1973, as amended. A final rule, codifying some of the proposed changes, was published on December 30, 1980 (at 45 FR 86215; corrected January 23, 1981, at 46 FR 7332). The rule was to take effect on January 29, 1981. On January 28, 1981, the Department of Labor published a notice (at 46 FR 9084) delaying the effective date of the final rule until April 29, 1981, to allow the Department time to review the regulation fully. On April 28, 1981, the Department published a notice (at 46 FR 23742) further delaying the effective date of the regulation until June 29, 1981. The Department published two subsequent deferrals. On June 26, 1981 (at 46 FR 33033), the effective date was delayed until July 15, 1981; on July 14, 1981 (at 46 FR 36144), the effective date was again delayed until August 26, 1981. The delays were necessary in order to fully review the OFCCP regulations in accordance with Executive Order 12291, to permit consultation with interested groups, and to comply with intergovernmental review and coordination procedures.

This Notice has been the subject of coordination with the Equal Employment Opportunity Commission (EEOC) pursuant to Executive Order 12067. While EEOC agrees to the publication of this Notice, differences exist between the EEOC and OFCCP with regard to a number of provisions in the Notice and further coordination will be undertaken prior to issuance of the final regulation in order to resolve these differences.

Pursuant to Executive Order 12291, the Department of Labor has undertaken a review of the final rule published on December 30, 1980. The review covered sections of the regulations which would have been changed by the December 30 rule, as well as sections which would have remained unchanged. Our review of the regulations has indicated a need to reduce the compliance burdens placed upon covered Federal contractors, subcontractors and federally assisted construction contractors (hereinafter referred to as contractors unless noted otherwise). The continuance, unchanged, of longstanding provisions of the contract compliance program, such as dollar volume thresholds for coverage of written AAP requirements, has failed to take into account the effects of inflation upon the procurement process, with the result that compliance burdens have fallen upon progressively smaller contractors. In addition, a number of OFCCP's procedures may not have been productive in encouraging voluntary compliance, and may have led to unnecessary confrontation between contractors acting in good faith and representatives of the government. Consistent with Executive Order 12291, today's proposal attempts to reduce substantially compliance burdens of government contractors without unnecessarily infringing protection of minorities, women, veterans and the handicapped.

Thus, a number of proposed revisions affect not only the procedures the government uses in its relations with contractors, but the costs involved in compliance with the regulations. The Department particularly requests comments upon the likely cost impact of these provisions of the regulations, and invites submission of suggestions for alternatives designed to achieve the objectives of Executive Order 11246, section 402, and section 503 at reduced costs.

On July 14, 1981, the Department of Labor published in the **Federal Register** (at 46 FR 36213) an advance notice of proposed rulemaking inviting the public to comment on four issues. The issues concerned are: (I) The method used to determine the availability of minorities and women for nonconstruction contractors; (II) the appropriateness of back pay as a remedy under Executive Order 11246; (III) Executive Order coverage of a Federal construction contractor's nonfederally funded construction projects; and (IV) the methods used to set goals for women and minorities in construction. Comments will be received on the advance notice until September 14, 1981. Persons who wish to comment on any of the four issues raised in the advance

notice should respond to the notice rather than to this proposal. Those who have already submitted comments on any or all of the issues included in the advance notice need not repeat those comments in their submission on this proposal. It is important that the public follow this requested procedure to insure that its comments are considered. Separate analyses and tabulations will be done for the advance notice and this proposal. Since the issues addressed in the advance notice are not slated for change in this proposal, comments submitted on the advance notice issues will not be analyzed for this proposal.

The public is encouraged to comment on both the advance notice of proposed rulemaking and this proposal. The Department is committed to giving serious consideration to all substantive comments received. All reasoned comments will be given weight in drafting final regulations. Public comment can be of significant assistance to the Department in developing regulations which result in a manageable, effective program while reducing compliance burdens.

I. **Consolidation of Provisions**

The Federal contract compliance program was consolidated into one implementing agency, the Office of Federal Contract Compliance Programs, within the Department of Labor in 1978. At that time, OFCCP began consolidating within single compliance reviews the review of contractors' performance under all three laws the agency is responsible for administering. The final regulation published December 30 would have reorganized a number of provisions of the regulations to bring relevant portions of Parts 60–250 (relating to veterans) and 60–741 (relating to handicapped workers) into Part 60–1, which stipulates the general obligations of contractors. The proposal published today continues incorporation of important provisions of Parts 60–250 and 60–741 into Part 60–1. Consolidation into Part 60–1 of other current parts—Parts 60–20 (sex discrimination) and 60–50 (discrimination because of religion and national origin)—is also proposed today.

The consolidation of these provisions into Part 60–1 has also led to some reorganization of existing provisions. Part 60–1 would now reflect general contractor obligations in Subpart A, sex discrimination provisions in Subpart B, religion and national origin provisions in Subpart C, basic written AAP requirements and ancillary matters in Subpart D, and enforcement provisions in Subpart E.

On December 30, 1980, the Department also published a proposal (at 45 FR 86206) to amend Parts 60–250 and 60–741. The proposal was designed to conform these two Parts to the Department of Labor's regulations implementing section 504 of the Rehabilitation Act of 1973, which were published on October 7, 1980 (at 45 FR 66706). Some provisions of the December 30, 1980, proposal are incorporated in today's proposal; however, incorporation is limited to those definitions ("handicapped individual," "special disabled veteran," and "veteran of the Vietnam era") for which amendment is proposed to conform the regulations to recent statutory amendments to sections 402 and 503. It is not intended at this time to attempt to conform the section 503 regulations with the section 504 regulations. Those portions of the proposal published December 30 which are not addressed in today's publication shall remain as an outstanding proposal under consideration in the Department of Labor.

II. **Section-by-Section Analysis**

This proposal uses a long form amending procedure in which all sections of the regulations are republished, including sections for which no changes are proposed and sections for which the only proposed change would be the section number. Use of the long form procedure ensures maximum clarity.

1. *Section 60–1.1.* This section describes the purpose and application of the regulations contained in Part 60–1. Presently, Part 60–1 applies only to Executive Order 11246. However, as indicated above, the proposal would amend Part 60–1 by transferring some of the regulations in Part 60–250 (pertaining to section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974) and Part 60–741 (pertaining to section 503 of the Rehabilitation Act of 1973, as amended) to Part 60–1. Also, the proposal would amend Part 60–1 to make certain procedures (e.g., show cause notices), heretofore applicable only to Executive Order 11246, applicable to sections 402 and 503. Other important points of consolidation into Part 60–1 would include incorporation of definitions from §§ 60–250.2 and 60–741.2 into § 60–1.3, and extension of compliance review procedures (Subpart D of Part 60–1 of this proposal) to cover employment practices under sections 402 and 503. Procedures for developing AAPs under sections 402 and 503 would remain in Parts 60–250 and 60–741, respectively. In view of these proposed changes, it would be necessary to amend § 60–1.1 to reflect that Part 60–1, in addition to implementing requirements of the Executive Order, would implement certain requirements of sections 402 and 503.

When consolidation in § 60.1.1 was originally proposed on December 28, 1979 (see 44 FR 77006), a number of comments received in response to the original proposal assumed that all requirements under the Executive Order would be applicable to sections 402 and 503. Commentators were specifically concerned that contractors would be required to develop AAPs for Vietnam Era veterans, disabled veterans, and handicapped workers pursuant to existing Executive Order 11246 procedures (e.g., including goals and timetables). However, the proposal published today, like the December 28, 1979, proposal and the rule published December 30, 1980, is intended merely to reflect that some of the regulations applicable to sections 402 and 503 would be transferred to Part 60–1 to ensure consistency of procedures, where appropriate. The regulations would not require the contractor to develop goals and timetables for veterans and the handicapped.

2. *Section 60–1.3.* Presently each of the three OFCCP programs has separate regulations (i.e., separate Parts of 41 CFR Chapter 60). Each set of regulations contains a "definitions" section. Because of the similarities among the three programs, certain words and phrases are common to each, and the definitions of such words and phrases are identical. While definitions peculiar to each of the three programs remain, no useful purpose is served by maintaining separate sections in three different parts of the regulations for definitions.

Some definitions are proposed to avoid repetitions throughout the regulations. Where the regulations prohibit certain conduct or describe activities which may result in a violation, for example, the practice has been to state in the regulations that the act or omission is a violation of the Executive Order, the Equal Opportunity Clause, and the regulations implementing the Order. Similar clauses are used in the sections 402 and 503 regulations. The definition of "Order" therefore is proposed to include Executive Order 11246 and its predecessor executive orders, the Equal Opportunity Clause and the rules, regulations or orders issued pursuant to the Executive Order. Sections 402 and 503 would also be defined to make it clear that references to the regulations, for example, were not necessary to bind

contractors to their sections 402 and 503 obligations.

Similarly, references to "subcontract" and "subcontractor" would be dropped with the understanding that "contract" and "contractor," as applicable, subsume these meanings. The same approach would be followed in referring to the "Act" or to "sections 402 or 503." That is, when the regulations state that compliance with the "Act" or with "sections 402 or 503" is required, they would mean that compliance with the regulations implementing these Acts is required also.

A new definition of "applicant" would be substantially the same as that used at Question 15 in the Questions and Answers to Clarify and Provide a Common Interpretation of the Uniform Guidelines on Employee Selection Procedures (at 44 FR 11996, March 2, 1979). The December 30 regulation contained a slightly different definition.

Since "contracting agency" is defined differently for purposes of the Order and sections 402 and 503, both definitions are included in § 60–1.3.

The definitions of "special disabled veteran" and "veteran of the Vietnam era" would be revised pursuant to recent statutory amendments extending coverage to greater numbers of Vietnam era veterans. The proposal also would amend the definition of "handicapped individual" to conform to 1978 statutory amendments concerning alcoholics and drug abusers. However, in applying the definition of "qualified handicapped individual," contractors should be aware that the same standards for determining whether an individual is capable of safely and adequately performing the job shall be applied equally to all handicapped applicants and employees, including alcoholics and drug abusers.

A definition of "establishment" is proposed to be added. The definition proposed today incorporates the concept of an entity generally having some component which exercises personnel authority and responsibilities. The proposed definition differs from the December rule by deletion of the discussion of consolidated multi-establishment affirmative action programs (AAPs). Consolidated AAPs are now treated in proposed § 60–2.1(c) and are discussed in Item 41 of this Preamble.

3. *Section 60–1.4.* Paragraphs (d), (e), and (f) of current § 60–1.4 relating to incorporation by reference, incorporation by operation of the Order, and adaptation of language would be transferred to §§ 60–1.45, 60–1.46, and 60–1.47 respectively. In addition, to reflect consolidation of the regulations, §§ 60–1.45, 1.46 and 1.47 would be amended to include sections 402 and 503 within their ambit, and comparable sections in Parts 60–250 and 60–741 would be deleted. These changes follow the December 30 rule.

4. *Section 60–1.5.* This section sets forth exemptions from Executive Order coverage. It thereby indirectly states who is covered. Under the existing regulation, contracts not exceeding $10,000 are exempt unless, within a 12-month period, the contractor has contracts which total more than $10,000. In addition, financial institutions which act as depositories of Federal funds in any amount or as issuing or paying agents for U.S. savings bonds or savings notes in any amount are covered. (The jurisdictional amount under section 402 is $10,000 and under section 503 is $2,500.)

It is proposed to eliminate, except for government bills of lading, the provision of paragraph (a) of this section which extends coverage of the Executive Order to contractors with contracts which accumulate to more than $10,000 over any 12-month period. Elimination of this requirement would reduce compliance costs upon businesses having only small government contracts and subcontracts. Comments are requested concerning the impact elimination of the accumulation provision would have upon coverage of particular industries. The December 30 rule continued accumulation for all types of contracts.

Also, it is proposed to amend the regulations to state clearly that Federal deposit or share insurance serves as a basis for Executive Order coverage. This amendment is consistent with a position taken by the Department of Labor since at least 1972, and with the December 30 rule.

When the Department first proposed on December 28, 1979, to amend the regulation to mention specifically deposit/share insurance as a basis for coverage, commentators suggested that it would be inappropriate for OFCCP to seek cancellation or termination of the deposit/share insurance relationship. As a result, on February 22, 1980, the Department published a clarification (at 45 FR 11856) that it did not intend to debar financial institutions from deposit/share insurance. Rather, OFCCP indicated that, where a financial institution which has Federal deposit or share insurance is alleged to have violated the Order, section 402 or section 503, the Department of Labor would pursue one of two options with respect to the insurance relationship—either refer the matter to the appropriate Federal financial institutions regulatory agency for action under that agency's procedures or to the Department of Justice. The regulations proposed today would carry forth this concept.

Where financial institutions had contractual relationships with the Federal Government (other than deposit or share insurance), OFCCP could enforce any suspected violations of the Order or of sections 402 or 503 in any manner described in proposed § 60–1.66, including referral of the matter to the appropriate financial institutions regulatory agency for enforcement action. See proposed § 60–1.66(i).

In those few instances in which the only nexus between a financial institution and the Federal government is deposit or share insurance, OFCCP would refer the matter to the Department of Justice under section 209(a)(2) of Executive Order 11246 and proposed § 60–1.66(f) of the regulations for injunctive relief or, if appropriate, exercise its discretion pursuant to section 209(a)(3) of Executive Order 11246 and proposed § 60–1.66(h) of these regulations to recommend to the EEOC that proceedings be instituted under Title VII of the Civil Rights Act of 1964. In addition, OFCCP also could refer such matters to financial institutions regulatory agencies.

OFCCP's opinion that deposit and share insurance are contracts within the meaning of the Order and sections 402 and 503 is contested by the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Board of Governors of the Federal Reserve System and the Comptroller of the Currency. These financial institutions regulatory agencies believe that deposit and share insurance are not contracts within the meaning of the Order and sections 402 and 503. These agencies and the Federal Home Loan Bank Board contend that only the financial institutions regulatory agencies themselves have the authority to debar, deny, suspend or terminate deposit or share insurance. All agencies will be free to argue their respective legal positions, if necessary, in any legal proceeding that may arise.

The December 30 rule removed a regulatory exemption presently applicable to public utilities operated by state and local governments. Consequently, such utilities would have been required to develop and implement written AAPs and file annual compliance reports. Today's proposal would delete that feature and thereby continue the exemption.

5. *Section 60–1.7.* Currently, § 60–1.7(a) requires contractors with 50 employees and a contract of $50,000 to file the Standard Form 100 (EEO–1

report). The December rule would require aggregation of contracts to reach the $50,000 level. It is proposed to raise the threshold for filing form EEO–1 to cover contractors having 100 or more employees and a contract of $50,000 or more. Unlike the December regulation, the proposal would not provide for aggregation of contracts. Establishment of a 100 employee threshold would make the reporting requirement consistent with the requirement imposed by the EEOC under Title VII of the Civil Rights Act of 1964, as amended.

Section 60–1.7(a) would also be amended to reflect that financial institutions subscribing to Federal deposit or share insurance would be subject to the EEO–1 requirement (see discussion of § 60–1.5, above).

Section 60–1.7(b) currently requires contractors and subcontractors to make certain certifications in their bids with regard to AAPs and other aspects of compliance. In addition, many prime contractors have been obtaining the same certifications for their subcontractors, resulting in a major paperwork burden for the submitting subcontractors and the receiving prime contractors. The Department is proposing elimination of the subcontractor certification requirement in § 60–1.7(b). The December 30 rule also dropped the certification.

6. *Section 60–1.8(b).* This section currently requires a certification that the contractor's facilities are not segregated. The proposal, like the December 30 regulation, would delete the certification, but would continue to require contractors to maintain non-segregated facilities. Contractors would also be required to ensure privacy between the sexes in toilet, changing and similar facilities.

7. *Section 60–1.9.* An amendment to this section would extend the provisions of this section to contracts covered by sections 402 and 503. In addition, the Director would give notice to collective bargaining representatives whenever compliance with the Order or sections 402 and 503 necessitates a revision of a collective bargaining agreement. Representatives of affected unions would have the right to present their views to the Director prior to any resolution between OFCCP and the contractor relating to such matters. The December rule contained two provisions which have been deleted from today's proposal. One provision would have required OFCCP to give written notice of a compliance review to collective bargaining representatives. The second provision gave unions a right to participate in conciliation discussions (in contrast to the opportunity to present their views to the Director) when terms or conditions of employment governed by a collective bargaining agreement were affected by compliance.

8. *Subpart B—Special Obligations Related to Sex Discrimination.* In the proposal published today, current Part 60–20 would be consolidated into Part 60–1 and its sections redesignated. This reorganization of the regulations (along with the consolidation of current Part 60–50 into Part 60–1) should facilitate use of the regulations by placing all the general requirements of contractors under Executive Order 11246 into a single Part of Chapter 60.

9. *Section 60–1.20(a) (currently § 60–20.6)).* Currently this section requires contractors to provide equal access to training programs for both sexes and to take affirmative action to recruit women for jobs where they are underutilized, prohibits distinctions based on sex in training, and provides general affirmative action guidance. The deferred final rule, published December 30, 1980 (see specifically 45 FR 86225 and 86250), would have reorganized this section and made minor language changes to improve clarity.

It is proposed to move the provision of current § 60–20.6(a) (§ 60–20.6(c) in the December 30 regulation) to § 60–1.20(a) to apply a general affirmative action requirement to recruit women for jobs in which they have previously been or are under represented, and to take affirmative action to encourage participation of women in training programs for jobs in which they have been previously excluded or are underutilized. Current § 60–20.6(c) would be deleted, since it duplicates nondiscrimination requirements stated in the Executive Order and elsewhere in the regulations (see, e.g., § 60–1.4 and Part 60–2). Current § 60–20.6(b) and the note accompanying § 60–20.6(a) would be deleted, since they provide guidance rather than actual requirements.

10. *Section 60–1.20(b) (currently § 60–20.2).* This section requires contractors to recruit employees of both sexes for all jobs unless sex is a bona fide occupational qualification, and prohibits advertisements for employment that express a preference by sex. It is proposed to retain paragraph (b) of this section to prohibit specifically sex-based advertising. Paragraph (a) of current § 60–20.2 would be deleted as a duplication of requirements of the Order and other sections of the regulations. The December rule made minor language changes in this section, but retained both paragraphs.

11. *Section 60–1.21 (currently § 60–20.3).* Only one substantive change, other than deletion of explanatory language and notes, is proposed for this section. Paragraph (c) of this section would be amended to reflect the decision of the Supreme Court in *Los Angeles Department of Water and Power v. Manhart*, 435 U.S. 702 (1978), regarding the payment by women of higher contributions to a retirement plan to obtain benefits equal to those paid to men. This proposal is essentially the same as the December rule.

12. *Section 60–1.22 (currently § 60–20.4).* This section would be moved and redesignated. Language in the December 30 regulation which requires contractors to provide appropriate relief would be eliminated because general statements concerning remedy appear at several other places in the regulations. Deletion of the language is merely in line with the goal of eliminating redundancy from the regulations.

13. *Section 60–1.1.23 (currently § 60–20.5).* References to the Wage and Hour Division, contained in the current regulation, would be deleted as outdated. The explanatory note would also be deleted. Certain language changes in this section by the December rule were perceived as an effort to cover the so-called "comparable worth" issue. The language revisions adopted in the Decmeber rule have been dropped.

14. *Section 60–1.24 (currently § 60–20.3(g)).* The proposed section would adopt most of the provisions of EEOC's guidelines (29 CFR 1604.10) on the Pregnancy Discrimination Act (PDA) (see 44 FR 23804, April 20, 1979). The PDA provides, *inter alia*, that the prohibition against sex discrimination contained in section 701 of the Civil Rights Act of 1964, as amended, includes discrimination "because of or on the basis of pregnancy, childbirth, or related medical conditions."

The proposal would not adopt, as did the December rule, the language contained at 29 CFR 1604.10(c), which requires that "Where the termination of an employee who is temporarily disabled is caused by an employment policy under which insufficient or no leave is available, such a termination violates (the Order) * * * if it has a disparate impact on employees of one sex and is not justified by business necessity."

15. *Section 60–1.25.* It is proposed to add a new section relating to sexual harassment and favors. This section would also be essentially consistent with guidelines adopted by EEOC on the subject (29 CFR 1604.11). The Section is designed to protect employees from the sexual advances of persons who are in a position to affect their employment opportunities, as well as to prohibit

employment decisions based upon sexual favors.

The rule proposed today would make the contractor liable for the acts of its officials, managers, and supervisors when they engage in sexual advances or favors regardless of whether their specific acts were authorized by the contractor and whether the contractor knew or should have known of their occurrence. The contractor is also liable for acts of sexual harassment in the workplace by fellow employees where the contractor (or its officials, managers and supervisors) knows or should have known of the conduct and fails to take appropriate action.

The Department of Labor does not propose to adopt the provision of 29 CFR 1604.11(e), which makes the contractor liable under Title VII for acts of sexual harassment by non-employees. The December rule adopted the concept of holding the employer liable for the acts of its customers and clients.

16. *Section 60–20.1 (current regulation).* With the reorganization of Part 60–20 into Part 60–1, this section would be deleted as unnecessary.

17. *Subpart C—Special Obligations Related to Religion and National Origin Discrimination.* It is proposed to move the substantive provisions of Part 60–50, Guidelines on Discrimination Because of Religion or National Origin, to Part 60–1 as a new Subpart C, Special Obligations Related to Religion and National Origin Discrimination. Moving the substantive provisions of Part 60–50 to Part 60–1 is consistent with streamlining the regulations and would make them more understandable.

18. *Sections 60–50.1 and 60–50.4 (current regulations).* These sections, relating to purpose and scope and to enforcement, respectively, would be deleted as unnecessary.

19. *Section 60–1.30 (currently § 60–50.2).* This section, relating to equal employment policy, would be moved intact and redesignated.

20. *Section 60–1.31 (currently § 60–50.3).* This section, relating to accommodation to religious observance and practice, would be moved intact and redesignated.

(For information regarding current § 60–50.5 (Nondiscrimination), see Item 26 below relating to new § 60–1.51.)

21. *Subpart D—Ancillary Matters.* It is proposed to redesignate current Subpart C of Part 60–1 as new Subpart D. Section number designations would not be affected by this change.

22. *Section 60–1.40.* The Department proposes to raise the thresholds for written AAPs under the Executive Order to 250 or more employees and a contract of $1 million or more. The Department's intention in raising thresholds is to reflect the effect of inflation on the procurement process, and to lessen the burden of compliance upon smaller employers.

All comments pertaining to thresholds for written affirmative action program coverage are welcomed. To the extent that commentators have reliable data, or can suggest sources of reliable data, which are responsive to the questions set out below, that information would also be appreciated. OFCCP is specifically seeking comments on the following questions:

1. What criteria should be used for the establishment of thresholds for the development of written affirmative action programs?

2. Should the current thresholds be changed, and at what threshold levels would the program, contractors and the covered employees benefit most?

3. What effect will raising the current thresholds have on individual industries, e.g., banking, universities, utilities, etc.?

4. What effect will raising the current thresholds have on reducing paperwork burdens while still retaining the effectiveness of the compliance program?

5. What reasons for changing thresholds at this time should be taken into consideration?

6. How should small contractors be monitored for their affirmative action obligations if the thresholds are raised?

Explanatory language relating to the analytical prerequisites for developing a written AAP, contained in § 60–1.40(a) of the current regulations, would be deleted.

Language in current § 60–1.40(b) would be moved to a new § 60–2.3(a).

A new paragraph (b) would be added to § 60–1.40 to provide for an abbreviated AAP for contractors having between 250 and 500 employees. More discussion of this provision is contained under Item 49, § 60–2.14.

The December rule expanded the $50,000 contract as the trigger for developing written AAPs by adopting an aggregation feature so that all contracts would be aggregated to reach the $50,000 threshold. In addition, construction contractors which held a $50,000 contract or contracts aggregating to $50,000 would be required to develop a written AAP for their noncraft employees if they had at least 50 such employees. Both features have been dropped from this proposal.

23. *Section 60–1.43.* This section presently requires access to the contractor's records for inspection and copying. Comparable provisions are contained in the sections 402 and 503 regulations. The proposal would amend the regulations by incorporating the sections 402 and 503 requirements into this section. The proposal would also include the present practice of interviewing employees as part of the compliance review.

The provision of the existing regulation that information obtained under this section will be used only in connection with the Order and the Civil Rights Act of 1964 would be deleted from this section under today's proposal because, *inter alia,* a representation that the use of the information will be so limited could conflict with the Fredom of Information Act. Nevertheless, the Department of Labor is sensitive to contractor concerns regarding the possible confidentiality of data gathered in compliance reviews, and has taken steps to ensure that confidential data is not routinely released (see, e.g., the Decision and Administrative Order of the Secretary of Labor *In the Matter of U.S. Department of Labor, Office of Federal Contract Compliance Programs and University of California, Berkeley,* Case No. 78–OFCCP–7).

The December rule would have added computer tapes and printouts to the list of specific types of data contractors would produce in the investigation or compliance review. That feature is deleted from today's proposal. The Department does not intend that OFCCP be precluded from obtaining computer tapes and printouts in appropriate circumstances. However, due to possible greater problems with the confidentiality of these types of data, it is not appropriate for OFCCP to mandate access to computer tapes and printouts. In other respects, these changes are essentially the same as those contained in the December rule.

24. *Sections 60–1.44, 60–1.45, 60–1.46 and 60–1.47.* These sections relate to rulings and interpretations; adaptations of language in the Equal Opportunity Clause, in the Order, and the affirmative action clauses of sections 402 and 503; incorporation by reference; and incorporation by operation of law, respectively. The proposal would simply consolidate into Part 60–1 the rules on these matters which currently appear in Parts 60–1, 60–250 and 60–741. Similar changes were adopted in the December regulations.

25. *Section 60–1.48.* This section presently appears at § 60–1.24(c)(4). The present regulation allows a contractor to comply with the demands of OFCCP and then request a hearing. The December 28, 1979, proposal requested comments as to whether the regulation should be deleted or retained. The comments supported retaining the regulation. The

regulation is proposed to be retained, but would be transferred to § 60–1.48. In addition, a provision would be added to reflect the practice under this provision that hearings normally will be on the record before the Director. OFCCP will provide contractors with an opportunity to respond in writing to the government's charges before a decision is made. The December regulations also retained this provision.

26. *Section 60–1.51 (currently § 60–50.5).* Currently related only to discrimination because of religion and national origin, this section prohibits the use of the provisions of Part 60–50 to discriminate in employment on the basis of race, color, sex, religion or national origin. Relocated into Part 60–1 as a new § 60–1.51, this provision would be expanded to apply the prohibition to all provisions of Chapter 60 relating to the Executive Order and sections 402 and 503.

27. *Subpart E—General Enforcement, Review and Complaint Procedure.* Currently contained in Part 60–1 as Subpart B, this subpart would be relocated and all its section numbers redesignated. Throughout the Subpart, references to preaward reviews would be deleted to reflect the removal of the preaward procedure (see Item 29 below relating to existing § 60–1.20(d)).

28. *Section 60–1.60 (currently § 60–1.20(b)).* The last sentence of existing paragraph (b) would be deleted. It provides that in a conciliation agreement, the contractor shall be notified that taking the actions agreed upon "does not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance." A complaint frequently registered by contractors is that this provision, in effect, provides OFCCP with the opportunity to void any conciliation agreement, leaving the contractor committed to a standard of compliance upon which it cannot rely. This is a new proposal.

29. *Section 60–1.20(d) (current regulations).* One of OFCCP's most controversial procedures has been the preaward review. Current regulations require OFCCP to conduct a preaward compliance review prior to the award of any supply and service contract or first-tier subcontract of $1 million or more (unless a review has been conducted within the previous 12 months). The preaward process imposes a substantial burden upon OFCCP to complete a preaward review within a short (30 day) timeframe.

Preawards have denied OFCCP discretionary use of scarce resources. In fiscal year 1980, OFCCP received 14,177 requests for clearance of contractors through the preaward process. Onsite compliance reviews were not required in most instances, but preaward clearance requests were responsible for the initiation of 594 onsite compliance reviews in the 1980 fiscal year.

In addition, when the preaward is conducted onsite, the regulations impose upon the contractor all of the burdens attached to a regular compliance review. Since many of the same companies continually receive large dollar volume contracts, the preaward requirement concentrates OFCCP's resources on the same contractors.

The December regulation raised the time elapsed since the last review to 24 months. In addition, it limited the size of the establishments subject to preaward reviews to those having at least 250 employees. However, that rule also permitted OFCCP, following certain guidelines, to conduct a preaward review regardless of whether a review had been conducted within 24 months or whether the affected establishment had fewer than 250 employees.

The Department proposes deletion of preaward reviews.

30. *Section 60–1.61 (currently §§ 60–1.21 and 60–1.22).* Current § 60–1.22 would be moved intact and redesignated. The time limitation for filing complaints, now contained in § 60–1.21, would be incorporated. This change was also adopted in the December regulation.

31. *Section 60–1.62 (currently § 60–1.23).* This section, which discusses the contents of complaints, would be amended to provide that complaints filed by third parties are permitted. This would permit a complaint alleging class type discrimination to be filed by third parties, provided that the alleged discriminatees are identified to the extent known. Individual complaints could be filed only by the discriminatee or the discriminatee's authorized representative.

With the exception of the feature requiring identification of alleged discriminatees, this change was adopted in the December rule. Although identification of alleged discriminatees in the complaint raises the risk of contractor retaliation against the alleged discriminatees, the regulations contain a specific prohibition (at § 60–1.28 in the existing regulation, § 60–1.67 as proposed today) against intimidation and interference.

Also, in describing the required contents of complaints it is proposed to substitute "a complete statement of the facts which, if true, would establish that the contractor violated the Executive Order, section 402 or section 503," for the existing language which requires "a description of the acts considered to be discriminatory."

32. *Section 60–1.63 (currently § 60–1.24).* OFCCP's past practice has been to retain, investigate and resolve all systemic and class complaints of discrimination. The proposed regulation would continue that practice, permitting OFCCP to refer individual complaints of discrimination to EEOC. To avoid duplication of effort and to ensure consistency in enforcement, however, EEOC could request that class complaints be referred. In resolving class complaints referred to EEOC at its request, OFCCP and EEOC would consult and coordinate with each other to ensure that the resolution of such complaints comports with the requirements of the two agencies.

The section would also provide that OFCCP would investigate and resolve individual complaints on file with OFCCP at the commencement of a compliance review, involving a particular establishment, if resolution of such individual complaints would not unduly delay completion of the compliance review. Also, the existence of unresolved individual complaints would not preclude a determination that the contractor's AAP is acceptable. Along with all Federal EEO agencies, OFCCP would make every effort to ensure that duplication of investigations is eliminated.

Current paragraph (c)(4) would be relocated and redesignated § 60–1.48 (see discussion in Item 25 above). Current paragraph (c)(5) would be relocated and redesignated § 60–1.66 (see Item 35 below). Aside from the proviso pertaining to acceptability of the contractor's AAP and the reorganization feature, the changes to this section were adopted in the December regulation.

33. *Section 60–1.64.* To provide clarification of the circumstances in which show cause notices and notices of violation are used, it is proposed to add a new § 60–1.64. Paragraph (a) would state the general instances under which show cause notices are to be issued. Paragraph (b) would provide exceptions to the general rule. Paragraph (c) would stipulate the timeframes for show cause notices and the required contents. Paragraph (d) would stipulate the circumstances under which a notice of violation would be used and the required contents of the notice. Paragraph (e) would stipulate that when compliance with a notice to show cause or a notice of violation necessitates a revision of collective bargaining agreement, the labor union or unions which are parties to such an agreement

must be given notice and an opportunity to present their position and supporting evidence to the Director prior to any resolution between OFCCP and the contractor relating to such matters. Paragraph (f) would outline the procedure to be followed when a conciliation agreement is violated.

The December regulations were similar to the changes proposed herein. However, the December rule on this subject, like § 60–1.9, contained a requirement that unions be permitted to engage in conciliation when compliance may require changes in collective bargaining agreements. This feature has been dropped. However, in the proposal published today, unions would be permitted to present their positions to OFCCP.

34. *Section 60–1.65 (currently codified in part in § 60–1.33).* This section would consolidate the regulations dealing with the contents of conciliation agreements. The major amendments would state when conciliation agreements and letters of commitment are appropriate.

To clarify when a conciliation agreement becomes effective, paragraph (b) would state that the agreement becomes effective when signed by the contractor and the appropriate Assistant Regional Administrator (ARA). OFCCP practice has been to provide that conciliation agreements become effective unless rejected by the Director within 45 days of receipt by the Director. Contractors have often expressed the opinion that this procedure leads to uncertainty as to whether a conciliation agreement has been accepted, or even received, by the Director. To the extent that review of conciliation agreements by the Director is necessary, it may be accomplished prior to signing.

Paragraph (d), relating to letters of commitment, contains a requirement now found in § 60–1.33(b). However, it is proposed to amend the regulation to provide that when minor technical deficiencies are corrected before conclusion of the compliance review, neither a conciliation agreement nor letter of commitment would be required.

The proposal is essentially parallel to the December rule, but clarified language regarding the use of conciliation agreements, deletion of the 45-day rule, and the proviso pertaining to the correction of minor technical deficiencies are new.

35. *Section 60–1.66 (currently §§ 60–1.24(c)(5) and 60–1.25).* Concerning assumption of jurisdiction by the Director, paragraph (A) of this section as currently written was designed at a time when compliance responsibilities were assigned to various compliance agencies, and was intended to give OFCCP some control, in appropriate circumstances, over cases being processed by the former compliance agencies or which would normally be within the jurisdiction of a particular compliance agency. In a number of places in the regulations, the Director makes certain delegations; in order to avoid process questions which may arise from time to time, it is necessary to provide in the regulations a specific authority through which the Director may assume jurisdiction over matters pending in the agency.

Paragraph (b) is relocated from § 60–1.24(c)(5) and redesignated. The proposal is consistent with the December rule.

36. *Section 60–1.67 (currently § 60–1.32).* The present regulation prohibits intimidation or interference because an individual participates in compliance activities (e.g., filing a complaint, assisting in an investigation, etc.). The prohibition applies to such participation under Federal and state and local laws. The proposed amendment, like the December rule, would transfer comparable provisions in the sections 402 and 503 regulations to this section. The proposed amendment also would add a new provision which would prohibit a contractor from intimidating or interfering with an individual because he/she opposed an employment practice unlawful under and Federal or state or local law.

37. *Section 60–1.68 (currently § 60–1.26).* This section sets forth in general outline form the procedures governing legal proceedings to enforce the Order. The proposal would reorganize present regulations and would incorporate enforcement procedures for sections 402 and 503. The additions to the section would be paragraphs (h) and (i), relating, in part, to the issue of Federal deposit and share insurance. (For discussion of the deposit insurance issue, see Item 4, § 60–1.5.) The short form hearing procedure in the December regulation (§ 60–1.29(e)) has been dropped from the proposal.

38. *Section 60–1.69 (currently § 60–1.30).* The present regulation states that no contractor will be debarred without being afforded an opportunity for a hearing. A similar requirement is contained in the sections 402 and 503 regulations. The proposal would consolidate the requirements for each program into this section. In addition, the proposal would add the requirement that prime contractors would be notified when contractors are ineligible for subcontracts.

39. *Section 60–1.70 (currently § 60–1.31).* This section and comparable sections in Parts 60–250 and 60–741 presently provide that a debarred contractor may petition for reinstatement in a letter to the Director, and that the contractor must show that it has established and will carry out policies and practices in compliance with the Order, section 402, and section 503, as appropriate. The proposal would establish a single reinstatement procedure for each of the OFCCP programs. The contractor would have to demonstrate that it is entitled to reinstatement. The Director could require a compliance review before reinstating the contractor or remand the matter to the Administrative Law Judge (ALJ) before making a final determination on the petition for reinstatement. Also, any party or person who participated in a debarment proceeding would have a right to participate in the reinstatement procedure. This procedure was first adopted in the December rule.

40. *Section 60–1.71.* This section would establish that OFCCP will not seek back pay for a period longer than two years prior to the date on which OFCCP or its predecessor compliance agencies notified the contractor of a potential compliance problem involving back pay. OFCCP's practices in seeking back pay were based upon remedial provisions of the Fair Labor Standards Act, which provides for two years' relief for non-willful violations of the Act, and three years' relief for willful violations. The proposed standard is more consistent with Title VII of the Civil Rights Act of 1964. If back pay continues to be sought, it will be sought in appropriate circumstances whether they arise as a result of a complaint investigation or a compliance review. In order to ensure effective implementation of § 60–1.71, OFCCP will develop procedures for early notification to contractors of OFCCP's receipt of a complaint or discovery of other potential compliance problems. (Retention of the proposal regarding the limitations period may be affected by the ultimate resolution of the back pay issue as set out in the advance notice of proposed rulemaking referenced in this Preamble under SUPPLEMENTARY INFORMATION.)

41. *Section 60–2.1.* This section sets forth the purpose and scope of Part 60–2 (also known as Revised Order No. 4). The section would be amended to conform to amendments made to § 60–1.40 regarding thresholds for written AAP coverage and the application of the written AAP requirements to financial institutions. In addition, a new paragraph (c) would be added to provide that establishments within the same chain of command may, at the

discretion of the contractor, be consolidated into one written AAP. The effect of this provision would be to eliminate certain restrictions placed upon consolidation of establishments into an AAP contained in the December 30 regulations. The December 30 regulations limit consolidation to those establishments with fewer than 50 employees which are located within the same Standard Metropolitan Statistical Area or labor area.

The paragraph would provide that where establishments are consolidated into a single AAP, employment data relating to those establishments would have to be separately identified when the establishments are located in different recruitment areas. The public is specifically requested to comment upon the types of data that contractors should be required to keep separately for establishments located in different recruitment areas. Data which might be included in this requirement are availability analyses, workforce analyses, utilization analyses and goals and timetables.

Existing paragraph (b) would be redesignated paragraph (d). As discussed above in connection with § 60–1.40, the aggregation feature and written AAP requirement for noncraft employees of construction contractors adopted in the December regulation have been dropped from this proposal. See also the discussion of the definition of "establishment."

42. *Section 60–2.2.* It is proposed to transfer some of the current contents of § 60–2.2 to other sections, to delete other contents of current § 60–2.2, and to reserve the section number for possible future use. OFCCP does not require routine submission of contractors' written AAPs. Rather, AAPs are submitted upon request of OFCCP, at the commencement of a compliance review or complaint investigation. At the conclusion of the review, a determination is made as to whether the AAP is acceptable. If a field office or national office unit finds the AAP acceptable, current regulations give the Director of OFCCP 45 days in which to reject the AAP. The Department of Labor has determined that the 45-day review period is unnecessary to the Department and creates unnecessary confusion as to when a contractor's AAP has been accepted. This provision would be deleted. The December regulation did not delete this provision.

Paragraph (b) of the current § 60–2.2 provides for contractor "pass-overs" in certain instances, without a hearing, based on a finding of non-responsibility. It also provides for determinations of substantial issues of law or fact with regard to the contractor's responsibility. A determination that the contractor's responsibility raises substantial issues of law or fact has the effect of clearing the contractor for award pending a hearing on the issue. Since preaward reviews would be eliminated by the proposal published today (see Item 29, above) this procedure would no longer be necessary and would be deleted. The December rule also deleted this provision.

The December rule contained two additional provisions. The first, explaining the intention of § 60–1.40 and Part 60–2 as regards AAPs, would be relocated as an introduction to § 60–2.3. The second, providing for nationwide AAP formats or methodologies, would be relocated in § 60–2.3(d).

43. *Section 60–2.3.* This would be a new section entitled, "Maintenance of Programs." The introductory paragraph would be relocated from § 60–2.2 as published on December 30. Paragraph (a) of this new section would summarize the requirements of current § 60–1.40(c), continuing the requirement that the contractor maintain a written AAP at each establishment, and that the program be developed within 120 days of receipt of a government contract. (This provision should be read in conjunction with the proposed definition of "establishment" contained in § 60–1.3 and the provision in proposed § 60–2.1(c) which would permit consolidation of establishments into a single AAP.)

Paragraph (b) would continue the existing requirements for annual updating of the AAP, and would add a new provision that the entire AAP need not be rewritten annually. The new provision would reduce the contractor's paperwork burden by clarifying that the contractor may carry over portions of its AAP which remain unchanged (e.g. affirmative action policies, implementation procedures, etc.).

Paragraph (c) would provide for extended duration five-year AAPs under certain conditions. Additions to 41 CFR 60–250.4(a) and 60–741.4(a) would permit the use of five-year AAPs under sections 402 and 503. It is contemplated that, once a contractor establishment has received OFCCP approval for a five-year AAP, compliance reviews would not normally be conducted.

Under this proposal contractors eligible for a five-year AAP would be those which, as a result of an onsite compliance review, have been found by OFCCP to have in place an acceptable written AAP. In conducting the compliance review, the OFCCP would continue to follow its present policy of seeking information from the Equal Employment Opportunity Commission as to the pendency of complaints against the contractor. It is also proposed to require an approved linkage program or a training program which meets criteria to be established and published by the Director.

The public is specifically requested to comment upon the standards that OFCCP should use in approving and withdrawing approval of five-year AAPs, and what accountings contractors should be required to make to OFCCP during the five-year approval period. We particularly solicit responses to the following questions:

1. Should any special measures of compliance with the required ingredients of AAPs (see, e.g. §§ 60–2.11, 2.12 and 2.13) be used and, if so, what measures?

2. What would be appropriate standards for five-year approval in such areas as: contractor self-analysis; corrective action commitments; internal audit and reporting systems; and management and supervisory involvement in the development and execution of the AAP?

3. Should annual goals be initially established for the entire five-year period; should annual goals be updated each of the years of the five-year plan; or should this be left to the discretion of the contractor?

4. What, if any, additional standards should be part of a five year AAP eligibility, e.g., participation in the OFCCP/ETA Linkage Program, development of special training programs or community involvement?

5. What standards of compliance with the regulations under sections 402 and 503 should be required?

6. What procedures should be used if a contractor with an approved five-year AAP needs to change a portion of that AAP, e.g., should the contractor be able to change the program on its own or should the contractor be required to first obtain OFCCP approval?

7. What, if any, obligations of a continuing nature should a contractor with a five-year AAP be subject to, e.g., submission of EEO–1 or other reports?

8. For what reasons, if any, should OFCCP conduct an investigation of the contractor during the five-year approval period?

9. For what reasons, if any, should approval of a five-year AAP be withdrawn? If approval is to be withdrawn, what procedures should be used?

Paragraph (d) would provide for nationwide AAP formats or methodologies, and would be relocated from § 60–2.2 as published on December 30.

44. *Section 60–2.4.* The proposal would add a new section providing procedures for submitting the AAP and support data. Most of the procedures contained in this section of the proposal now appear in Part 60–60. The proposal would retain the present requirement of 30 days for submitting the AAP. The December rule shortened the time to 15 days.

45. *Section 60–2.5.* This section would continue the procedures in 41 CFR 60–60.4 regarding the confidentiality of data gathered in the compliance reviews. It would provide for coding data and making determinations of relevancy of data. The requirement that the confidentiality of data be maintained prior to determinations of relevency would also be retained. The December rule also retained these provisions.

46. *Section 60–2.10.* The proposal would add a new paragraph (b) providing that contractors having 250 or more employees but fewer than 500 employees may elect to develop an abbreviated AAP in accordance with new § 60–2.14 (see Item 49 below). This is a new proposal, and has no counterpart in the existing or December regulations.

47. *Section 60–2.11.* In the past the Department of Labor has interpreted this regulation to require a declaration of underutilization whenever current utilization of minorities or women was less then availability. This approach was frequently criticized by contractors which asserted, *inter alia,* that it was overly burdensome to require a declaration of underutilization (resulting in the requirement of goals and timetables and specific affirmative action measures) whenever there was not parity between availability and utilization. Today's proposal would provide that in the absence of compelling circumstances an establishment would be presumed to have reasonably utilized minorities and women when employment of minorities and women in a job group is at least 80% of their availability. Contractors would not be required to establish goals and timetables if the 80% standard was satisfied.

48. *Section 60–2.13.* Paragraph (h) of this section, which requires documentation of compliance with the Guidelines on Sex Discrimination, would be deleted as an unnecessary recordkeeping requirement. Since all contractors are covered by the non-discrimination and affirmative action provisions of the Order, specific compliance demonstration requirements regarding the sex discrimination guidelines are unnecessary. This proposal is new.

49. *Section 60–2.14.* This would be a new section titled "Abbreviated requirements for certain contractors." This new section would permit contractors with 250 or more employees but fewer than 500 employees and a contract of $1 million or more to elect to develop an abbreviated AAP. Such a program would consist of the contractor's equal employment opportunity policy, a workforce analysis as described in § 60–2.11(a), a utilization analysis by EEO–1 categories (rather than by job group as is now required under § 60–2.11(b)), goals and timetables by EEO–1 category where underutilization is found, and a description of the contractor's procedures to implement its affirmative action obligations.

The abbreviated AAP provision would reduce compliance costs for small contractors without removing all written affirmative action obligations. Smaller contractors are not as well equipped as are larger contractors to develop full AAPs. In addition, the cost impact for developing a long-form AAP would be proportionally larger for smaller contractors. Smaller contractors, having generally lower turnover and simpler employment infrastructures than larger contractors, can utilize less complex analytical procedures to achieve their affirmative action obligations. In addition, the simplified procedures proposed for smaller contractors, by encouraging broad job groups for setting goals, would mininize fractional goals which result from small job groups.

50. *Section 60–2.14 (current regulation).* This section, which requires contractors to develop and submit an AAP summary, would be deleted. The Department of Labor considers this section to place an undue reporting burden upon contractors. The December regulation retained this provision.

51. *Part 60–2, Subpart C.* This subpart, entitled "Methods of Implementing the Requirements of Subpart B," would be deleted under today's proposal. Subpart C gives examples of the methods of implementing the requirements of a written AAP. The Department is of the opinion that contractors should be permitted to design their own methods of implementing the required ingredients of their AAPs. Contractors should be able to design implementation procedures best suited to the achievement of effective affirmative action considering their individual circumstances. The Department contemplates publishing the substance of Subpart C, as well as guidance removed from other portions of the regulations, in a series of interpretive bulletins. The December regulation did not delete Subpart C.

52. *Section 60–4.2.* Under the existing regulation all Federal and federally assisted construction contractors meeting the basic coverage threshold (a contract in excess of $10,000) are subject to all of the requirements, including minority and female utilization goals and specified affirmative action steps, contained in Part 60–4. The December 30 regulation did not make a change in this section.

The Department today proposes to establish two coverage thresholds for construction contractors. The first, or basic coverage threshold, would require the inclusion of the Equal Opportunity Clause in the Federal or federally assisted contract. Contractors meeting this threshold would be contractually subject to commitments not to discriminate and to take affirmative action, but would not be required to comply with the goals or the specific affirmative action steps contained in Part 60–4. The threshold amount for basic coverage would remain, as in the current regulation, at a contract in excess of $10,000.

The second threshold would apply to contractors with a Federal or federally assisted construction contract of $50,000 or more and which, during any consecutive 6 months during the 12-month period immediately preceding the award of the contract, employed craft workers (both on and off site, and including laborers) which worked a total of 20,000 or more hours. The 20,000 hour threshold was selected as an approximation of how many hours would be worked by 20 full-time workers over a 6 month period. (It is assumed that, in general, employees work 2000 hours a year; that is, 40 hours multiplied by 50 weeks. Therefore, in six months, an average employee would work 1000 hours.) Contractors meeting the $50,000 contract/20,000 hour threshold would be subject to all of the requirements of Part 60–4.

Adoption of the dual thresholds would substantially reduce compliance burdens for small construction contractors. Similar dual thresholds have been used by OFCCP for many years in applying Executive Order requirements to supply and service contractors.

In order to carry out the dual threshold concept it is proposed to split the Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246), found in § 60–4.2, into two parts. Part I, which would be inserted in all covered contracts (i.e., contracts in

excess of $10,000), would call the offeror's/bidder's attention to the Equal Opportunity Clause. Part II would be inserted in contracts of $50,000 or more, and would call the offeror's/bidder's attention to the $50,000 contract/20,000 hour threshold discussed above, and to the specific goals and affirmative action steps contained in Part 60–4.

Item 3 of the Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity, requiring notification by the contractor to the Director of subcontract awards, would be deleted. This deletion is being proposed in the interest of reducing paperwork and reporting burdens, and would not substantively affect administration of the contract compliance program. Item 4 of the Notice of Requirement would be redesignated as Item 3 of Part II.

53. *Section 60–4.3.* The Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246), found at § 60–4.3(a), would be amended to reflect the dual threshold approach discussed above (see Item 52). Only Federal and federally assisted construction contracts of $50,000 or more would be required to contain the Specifications. Although the Specifications would be inserted in all contracts of $50,000 or more, they would be applicable only when both the $50,000 and 20,000 hour thresholds were met.

Under the revision proposed today, the 16 affirmative action steps set out within paragraph 7 of the Specifications would be reduced to 9 steps. Paragraph 7b would be revised to require the contractor to actively seek and utilize alternative labor sources when traditional sources are unable to provide sufficient minorities or women to meet the contractor's goal obligations. Paragraph 7d would be simplified. Paragraph 7f would be rewritten to provide for more realistic distribution of the contractor's equal employment policy. Paragraph 7g would be rewritten to ensure that managers responsible for employment decisions be made aware of the contractor's EEO obligations. Paragraphs 7h, j, k, l, n, o, and p would be in part subsumed in the remaining paragraphs and in part eliminated. It should be noted that although step 7k (concerning construction contractors' compliance with the Uniform Guidelines on Employee Selection Procedures) would be eliminated, construction contractors are nevertheless subject to the Uniform Guidelines (see § 60–4.7). Step 7k is being eliminated merely to reduce redundancy. Also, the existing requirement that contractors "document" efforts under the affirmative action steps would be replaced by a requirement that contractors "be able to demonstrate" their efforts.

One of the most consistent complaints of construction contractors is that the exising affirmative action steps generate meaningless paperwork in documenting compliance, and do not effectively implement the intentions of the Order or regulations. As noted in the discussion on the deletion of Subpart C of Part 60–2 (see Item 50 above), the Department is of the opinion that contractors should be permitted to design their own methods of implementing the required ingredients of their AAPs. Contractors should be able to design implementation procedures best suited to the achievement of effective affirmative action considering their individual circumstances. Revision of the affirmative action steps for construction contractors is consistent with this approach. These issues were not treated in the December 30 regulations.

54. *Part 60–20.* Most of the provisions of current Part 60–20 (Guidelines on Sex Discrimination) would be moved to Subpart B of Part 60–1 and renumbered. The remaining sections would be deleted. The part separately designated as Part 60–20 would be deleted. (See discussion for Subpart B of Part 60–1.)

55. *Section 60–30.1.* The sections discussed in Items 55 through 66 (except for Item 64) basically repeat the changes which were made by the December 30 regulations. With regard to § 60–30.1, the proposal would add references to sections 402 and 503 to reflect that the rules of practice also govern hearings before Administrative Law Judges under these two programs.

56. *Section 60–30.3.* The proposal would exclude intermediate Saturdays, Sundays and legal holidays observed by the Federal government when the time for responding to a matter is less than seven days.

57. *Section 60–30.5.* The proposal would emphasize that notice rather than fact pleading would obtain under the rules of practice. The requirement of the existing regulations that an amended answer be responded to would be deleted.

58. *Section 60–30.7.* Because contractors have a right to an opportunity for a hearing initiated by an administrative complaint, the requirement that the Administrative Law Judge respond to the request for a hearing would be deleted. A requirement that the Administrative Law Judge conduct a final pretrial conference would be added.

59. *Section 60–30.8.* The proposal would require every reasonable effort by the Administrative Law Judge to dispose of all outstanding motions prior to the hearing. A new paragraph (c) would be added to require counsel to attempt resolution of discovery issues prior to filing motion to compel discovery.

60. *Section 60–30.9.* References to filing times would be deleted to conform the timeframes to the changes proposed for § 60–30.12(c)(3). The proposal would also require that discovery documents be filed with the Administrative Law Judge.

61. *Section 60–30.11.* Subsection (c) of this section would be amended to bring the rules for objecting to questions at depositions more closely into conformity with the Federal Rules of Civil Procedure.

62. *Section 60–30.12.* This section would be amended by adding a new paragraph (c) to contain mandatory requirements for a final prehearing conference and the exchange of witness lists and hearing exhibits by the parties. In addition, it would provide for concluding discovery at least 30 days prior to the hearing or by such other time as ordered by the Administrative Law Judge.

63. *Section 60–30.15.* This section would be amended to add to the Administrative Law Judge's powers the authority to invoke a presumption that answers or actions ordered, if made, would be unfavorable or adverse to the party ordered to answer or act.

64. *Section 60–30.18.* The section would be amended by adding a reference to the Federal rules of Evidence as the normal applicable standard for evidence introduced at the hearing. In addition, it places specific limitations on the introduction of deposition testimony into evidence in lieu of oral testimony given at the hearing.

An appraisal of administrative litigation conducted under the three programs administered by OFCCP reveals that cases arising under these programs now present all of the issue complexities generally associated with litigation in the Federal court system, and all of the concomitant time and evidentiary problems. From the standpoint of all parties, application of the Federal Rules of Evidence, with its body of rules and case law, offers the greatest protection of rights while at the same time enhancing the efficiency of the administrative process by ensuring that only the most probative evidence is introduced. The latter element was not included in the December 30 regulations.

65. *Section 60–30.19.* This section would add a new requirement at the end

of paragraph (c) to the effect that "offer of proof" made during a hearing contain a specific statement regarding the significance of the excluded evidence.

66. *Section 60–30.30.* The proposal would provide for final administrative orders by the Under Secretary of Labor in the absence of the Secretary or when the Secretary disqualifies himself/herself for some reason. It would also mandate compliance with the consultation requirements of § 209(a)(5) of Executive Order 11246 before an order terminating, suspending, or cancelling contracts becomes effective.

67. *Section 60–30.32.* This section discusses the administrative complaint and answer under the expedited hearing procedures. Today's proposal would insert a new paragraph (c), which would permit the defendant to object to the use of the expedited hearing procedures as inapplicable or inappropriate to the issue(s) alleged in the administrative complaint. This is a new regulatory proposal.

68. *Part 60–50.* Under the proposed revision, §§60–50.1 and 60–50.4 of the Guidelines on Discrimination Because of Religion and National Origin would be eliminated because they duplicate provisions contained elsewhere. Sections 60–50.2 and 60–50.3 would be moved to Part 60–1 as a new Subpart C. Section 60–50.5 would be moved to new Subpart D of Part 60–1 as § 60–1.51. Part 60–50, as a separately identified part, would be deleted.

69. *Part 60–60.* It is proposed to delete this Part from the regulations. However, as discussed herein, some of the sections of Part 60–60 which are regulatory in nature would be transferred to Parts 60–1 and 60–2. Appropriate procedures currently contained in Part 60–60 are now contained in the Federal Contract Compliance Manual. The December rule also deleted Part 60–60.

70. *Parts 60–250 and 60–741.* The proposal published today essentially follows the existing regulations in 41 CFR Parts 60–250 and 60–741, and continues the reformating adopted in the December 30 regulations. As noted in Item 1 above, portions of Parts 60–250 and 60–741 would be transferred to Part 60–1 to reflect OFCCP's consolidated approach to compliance under its three programs. Additionally, the thresholds for application of the written AAP requirement would be amended to remain consistent with practice under the Executive Order except for government bills of lading. Government bills of lading are accumulated under the Order to reach the dollar threshold but not under sections 402 and 503. This is a new provision not contained in the December 30 regulations. In addition, the aggregation of contracts to meet AAP thresholds as adopted in the December 30 regulations would be dropped for the reasons discussed above in connection with AAPs under the Executive Order. Several other non-substantive changes are proposed.

On December 30, 1980, the Department of Labor published in the **Federal Register** (at 45 FR 86206) a proposal to amend 41 CFR Parts 60–250 and 60–741. The amendment was intended to conform these regulations to the employment sections of the Department of Labor regulations implementing section 504 of the Rehabilitation Act published on October 7, 1980 (at 45 FR 66706). The proposed amendments are still under consideration by the Department, and are not reflected in the proposal published today.

III. Preliminary Regulatory Impact Analysis—Initial Regulatory Flexibility Act Analysis

The regulations proposed today would not appear to require a regulatory impact analysis under Executive Order 12291 because they would, if adopted, result in substantial cost savings for contractors without significantly affecting employee protections under Executive Order 11246. The proposed revisions would, in fact, substantially improve the overall administration of the Federal contract compliance program. Because of the interest of the public and of the government procuring agencies in the OFCCP program, the Department has, nevertheless, concluded that the regulation should be treated as a "major" rule under Executive Order 12291. Accordingly, the Department has prepared a Preliminary Regulatory Impact Analysis to identify and quantify where possible the cost impact of the proposed changes and various alternatives that were explored, and to inform the public of the economic considerations supporting these proposed revisions in accordance with Executive Order 12291.

The Department has combined its Preliminary Regulatory Impact Analysis with the required Initial Regulatory Flexibility Act Analysis (see 5 U.S.C. 603). Following is a summary of the Regulatory Impact/Regulatory Flexibility Analysis.

1. *Written AAP Thresholds:* The Department examined several possible increases in both the employment and contract size thresholds from present levels triggering written AAP requirements. The contract size thresholds considered included increases to $100,000, $250,000, $500,000, and $1,000,000 from the current $50,000 level. In addition, the Department considered raising the company employment threshold for requiring written AAPs from 50 employees up to 100 and 250 employee limits.

The proposed regulation uses $1,000,000 as the contract size threshold for requiring AAPs. Moreover, since the results in terms of both company and employee coverage are similar for both the 100 employee and 250 employee levels at this contract size, we selected the 250 employee limit. At the proposed levels, we estimate that the number of companies covered by written AAPs would be reduced from about 16,767 to about 4,143, although nearly 77 percent of the currently covered workers would remain covered under written AAPs.

2. *Grouping Establishments:* The Department also examined several possible alternative groupings of establishments for developing AAPs. Our review included allowing small establishments under 50 employees to be merged into other AAPs but dropping the December 30 references to geographic and labor market area restrictions as well as eliminating the establishment size restriction entirely provided that the establishments are within the same chain of command.

The reduction in AAPs is affected both by changes in thresholds values and by changes in the allowed consolidation of written AAPs. The proposed regulations would permit the consolidation of AAPs for all establishments in the same chain of command. This alone would reduce the number of required AAPs by 58,613. For the proposed thresholds and consolidation provisions combined, the total number of AAPs required drops from 107,915 to 23,740, a decrease of approximately 78 percent. If both proposals are adopted, annual costs would be reduced by approximately 45 percent from over $46.2 million to an estimated $25.8 million.

3. *Abbreviated AAPs:* The review considered using an abbreviated AAP for the smallest firms. Such a plan would consist of the contractor's equal opportunity policy, a work force analysis, a utilization analysis by broader job groups (defined by nine EEO–1 job categories), goals and timetables by EEO–1 category, and a description of the contractor's procedures for implementing its affirmative action obligations. The proposed changes, under which companies with between 250 and 499 employees could maintain abbreviated AAPs, would affect about 17 percent of the companies required to maintain

AAPs. This is projected to result in a cost savings of approximately $4.6 million.

4. *Elimination of EEO–1 Reporting Requirement for Small Contractors:* The agency has concluded that raising the employment threshold for filing the EEO–1 form to the 100 or more employees limit would provide more reporting consistency among Federal programs affecting equal employment opportunities and reduce unnecessary reporting burdens, particularly for smaller firms. In the proposed regulation, the aggregation provision contained in the December 30, 1980, regulation would also be deleted.

The Department estimated that raising the threshold would reduce the number of contractors required to file such forms by 3,221 contractors, from 16,767 companies to 13,546 companies, but would affect reporting for less than one percent of the work force. This produces an estimate of the annual cost savings of $25,000 from raising the EEO–1 reporting threshold.

5. *Elimination of Certification Requirements:* The current regulations require contractors and subcontractors to submit written certifications when bidding on contracts. These certifications stipulate whether the contractors have developed and have on file all required AAPs, whether they have previously participated in any contracts or subcontracts subject to the OFCCP program and whether they have filed all required forms. Elimination of this certification with respect to subcontractors (but not prime contractors) is projected to result in a cost savings in excess of $1.64 million.

In addition, contractors and their subcontractors must certify that they maintain non-segregated facilities. Elimination of this certification will result in an estimated savings of $1.69 million.

6. *Elimination of AAP Requirements for Nonconstruction Employees of Construction Contractors:* The current regulations, at Part 60–2, indicate that the AAP requirement applies only to nonconstruction contractors. The December regulation, however, would have brought construction contractors under the written AAP requirement if they had 50 or more nonconstruction employees in their workforce and construction contracts aggregating to at least $50,000. The proposed regulation would eliminate this extension of coverage to nonconstruction employees of construction contractors. This would result in estimated cost savings in excess of $62,000.

7. *Other Construction Industry Requirements:* Under current regulations, all contractors or subcontractors with Federal or federally-assisted construction contracts in excess of $10,000 in specified plan areas have established goals and timetables and must take 16 specific affirmative action steps to ensure employment opportunity. The December 30 regulation did not propose any changes to the affirmative action requirements for construction contractors under Part 60–4.

The proposed regulations would establish new thresholds for the applicability of goals and specific affirmative action steps to construction contractors. Affirmative action goals and the 16-step specifications, under the proposal, would apply to all Federal and federally-assisted construction contracts and subcontracts of $50,000 or more if, during any six consecutive months of the 12 calendar months preceding the award of the contract or subcontract, the contractor's or subcontractor's employment of craft workers (both on and off site, and including laborers) totalled 20,000 or more hours. This work hour concept is essentially equivalent to a 20 employee threshold.

The proposed regulations would also lower other paperwork and reporting burdens in the construction industry, including reducing the current 16 affirmative action steps required of construction contractors to nine steps, and by permitting the contractor to "demonstrate" rather than "document" its actions under the steps. The Department believes that this reduction will substantially reduce the paperwork load currently required without adversely affecting basic affirmative action objectives in the construction industry.

While it is not possible to estimate the dollar savings attached to this proposal, the Department believes that the cost savings would be large.

Copies of the complete analysis may be obtained from the Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. The Department requests comments and additional information on all economic assumptions used in the analysis as well as any alternative suggestions designed to achieve the objectives of Executive Order 11246 at lower costs.

IV. Preparation of This Document

This document was prepared under the direction and control of Robert B. Collyer, Deputy Under Secretary of Labor for Employment Standards, and Ellen M. Shong, Director, Office of Federal Contract Compliance Programs, with the assistance of the Office of the Solicitor of Labor.

V. Further Suspension of the Effective Date of the Rule

In view of the publication of these proposed revisions to 41 CFR Chapter 60, the effective date of the final regulations published on December 30, 1980 (at 45 FR 86216) is further suspended until the Department of Labor takes final action on the proposed revisions contained herein.

VI. Proposed Rule

Accordingly, it is proposed to revise the December 30, 1980, regulation (at 45 FR 86216) and 41 CFR Parts 60–1, 60–2, 60–4, 60–20, 60–30, 60–50, 60–60, 60–250 and 60–741 as set forth below.

Signed at Washington, D.C., this August 18, 1981.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary of Labor for Employment Standards.

Ellen M. Shong,

Director, Office of Federal Contract Compliance Programs.

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

Part

60–1 Obligations of contractors and subcontractors.
60–2 Affirmative action programs.
60–4 Construction contractors—affirmative action requirements.
60–30 Rules of practice for administrative proceedings to enforce equal opportunity under Executive Order 11246, Section 402 and Section 503.
60–250 Affirmative action obligations of contractors and subcontractors for disabled veterans and veterans of the Vietnam era.
60–741 Affirmative action obligations of contractors and subcontractors for handicapped workers.

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

Sec.

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60–1.2 Administrative responsibility.
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60–1.69 Debarment and contract ineligibility list.
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60–1.71 Back pay.

Authority: Sec. 201, 202, 205, 211, 301, 302, 303, 401, E.O. 11246 (30 FR 12319), as amended by E.O. 12086; Sec. 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 2012); Sec. 503 of the Rehabilitation Act of 1973, (29 U.S.C. 793), as amended by Sec. 111(a), Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706) and by Sections 119 and 122 of the Rehabilitation Comprehensive Services and Developmental Disabilities Amendments of 1978, Pub. L. 95–602, 92 Stat. 2955 and Executive Order 11758.

Subpart A—Preliminary Matters Equal Opportunity Clause: Compliance Reports

§ 60–1.1 Purpose and application.

(a) The purpose of the regulations in this part is to set forth the general obligations of Government contractors and subcontractors (hereinafter referred to simply as contractor; see definition of contractor in § 60–1.3) and of contractors performing on federally assisted construction contracts and subcontracts (hereinafter referred to simply as contract; see definition of contract in § 60–1.3) under Executive Order 11246, and to promote and ensure equal opportunity for all persons, without regard to race, color, religion, sex, or national origin, employed or seeking employment with Government contractors or with contractors performing under federally assisted construction contracts. The regulations in this part also set forth some general obligations which are equally applicable to contractors covered by section 503 of the Rehabilitation Act of 1973, as amended, and section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974. When the regulations in this part implement sections 402 and 503 the regulations expressly indicate that fact. Specific obligations of contractors covered under the three laws are set forth in other parts of the regulations in this chapter.

(b) The regulations in this part apply to all contracting agencies of the Government and to contractors which perform under Government contracts. The regulations in this part also apply to all agencies of the Government administering programs involving Federal financial assistance which results in a construction contract, to applicants seeking or receiving such assistance and to all contractors performing under construction contracts which are related to any such programs. The procedures set forth in the regulations in this chapter govern all disputes relative to a contractor's compliance with its obligations under the three laws regardless of whether its contract contains a "Disputes" clause. Failure of a contractor or applicant to comply with any provision of the regulations in this part shall be grounds for the imposition of any or all the sanctions authorized by the Order or by the regulations implementing sections 402 and 503. The regulations in this chapter do not apply in any action taken to effect compliance with respect to employment practices subject to Title VI of the Civil Rights Act of 1964. The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Secretary of powers not herein specifically set forth but granted to him/her by the Order or by sections 402 and 503.

§ 60–1.2 Administrative responsibility.

The Director has been delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Secretary under the Executive Order, section 402 and section 503. All correspondence regarding these matters should be directed to the Director, Office of Federal Contract Compliance Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

§ 60–1.3 Definitions.

As used in this chapter, "Act" means the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, (38 U.S.C. 2012), and the Rehabilitation Act of 1973, as amended, (29 U.S.C. 793), as applicable.

"Administering agency" for purposes of the Order means any department, agency or establishment in the executive branch of the Government, including any wholly owned Government corporation, which administers a program involving federally assisted construction contracts.

"Administrative complaint" means the pleading which commences an administrative enforcement proceeding under the Order, section 402 or section 503.

"Administrative law judge" means an administrative law judge appointed as provided in 5 U.S.C. 3105 and subpart B of part 930 of title 5 of the Code of Federal Regulations (see 37 FR 16787) and qualified to preside at hearings under 5 U.S.C. 557.

"Affirmative action clause" means the contract clause set forth at 41 CFR 60–250.3 or at 41 CFR 60–741.3, as applicable.

"Agency" means any contracting or any administering agency of the Government.

"Applicant" means a person applying for Federal assistance involving, or which results in, a construction contract or a person who has received such assistance. "Applicant" also means a person who has indicated an interest in being considered for hiring, promotion, or other employment opportunities. This interest might be expressed by completing an application form, or might be expressed orally, depending upon the contractor's practice.

"Complaint" means a charge filed with OFCCP by an employee, former employee, applicant for employment or by a third party alleging discriminatory

employment practices under the Order, or under section 402 or section 503.

"Construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any Government contract or subcontract, and with respect to the Order, any federally-assisted construction contract or subcontract. The regulations in this chapter frequently refer only to contract. The word subcontract is subsumed under the word contract.

"Contracting agency" for purposes of the Order means any department, agency, establishment, or instrumentality in the executive branch of the Government, including any wholly owned Government corporation, which enters into contracts.

"Contracting agency" for purposes of sections 402 and 503 means any department, agency, establishment or instrumentality of the United States, including any wholly owned government corporation, which enters into contracts.

"Contractor" means a Government contractor or subcontractor, and with respect to the Order, a federally-assisted construction contractor or subcontractor. For the purpose of Subpart E of this part and Part 60–30 of this chapter the term also includes any person who has held a contract. The regulations in this chapter frequently refer only to contractor. The word subcontractor is subsumed under the word contractor.

"Director" means the Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor or his/her designee.

"Establishment," except as used in the definition of "administering agency" and "contracting agency" contained in this section, means the location of a contractor's business or operations generally having some component which exercises personnel authority and responsibilities.

"Equal opportunity clause" means the contract provisions set forth in section 202 of the Order, and in § 60–1.4(a) or (b), as appropriate.

"Facilities" means buildings, structures, equipment, roads, walks, parking lots or other real or personal property.

"Federally assisted construction contract" means any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan insurance, or guarantee under which the applicant itself participates in the construction work.

"Government" means the Government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements. But sections 402 and 503 do not apply to contracts for the use of real property. The term "services", as used in this section includes, but is not limited to the following services: Utility, construction, transportation, research, insurance, and fund depository, irrespective of whether the Government is the purchaser or seller. The term "Government contract" does not include (a) agreements in which the parties stand in the relationship of employer and employee and (b) federally assisted construction contracts.

"Handicapped individual" means any person who:

(a) Has a physical or mental impairment which substantially limits one or more major life activities; or

(b) Has a record of such impairment; or

(c) Is regarded as having such an impairment; however, such term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. A handicapped individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining, or advancing in employment because of a real or perceived handicap. (See Appendix A, attached to Part 60–741 of this chapter, for guidelines on the applications of this definition.)

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Order," "Executive Order," or "Executive Order 11246" means parts II, III, and IV of Executive Order 11246 dated September 24, 1965 (30 FR 12319), any Executive Order amending such Order, and any other Executive Order superseding such Order. Order specifically includes the equal opportunity clause and the rules, regulations and orders issued pursuant to the Order. The short form reference of Order is used simply to avoid needless repetition of the above phrases.

"Person" means any natural person, corporation, partnership, unincorporated association, state or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract and, for the purposes of Subpart B of this part and 41 CFR Part 60–30, any person who has held a contract subject to the Order or to sections 402 and 503.

"Qualified handicapped individual" means a handicapped individual as defined in § 60–1.3 who is capable of performing a particular job, with reasonable accommodation to his or her handicap.

"Qualified special disabled veteran" means a special disabled veteran as defined in § 60–1.3 who is capable of performing a particular job, with reasonable accommodation to his or her disability.

"Recruiting and training agency" means any person who refers workers to any contractor or who provides for employment by any contractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" used in paragraph (4) of the equal opportunity clause means rules, regulations, and relevant orders of the Secretary of Labor or his/her designee issued pursuant to the Order.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Section 503" means section 503 of the Rehabilitation Act of 1973, as amended. The reference, section 503, specifically includes rules and regulations in this chapter promulgated pursuant to the Act.

"Section 402" means section 402 of the Vietnam Era Veterans' Readjustment Assistant Act of 1974, as amended. The reference, section 402, specifically includes rules and regulations in this chapter promulgated pursuant to the Act.

"Site of construction" means the general physical location of any building, highway, or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension,

demolition, or repair and any temporary location or facility at which a contractor or other participating party meets a demand or performs a function relating to the contract.

"Special disabled veteran" means (a) a veteran who is entitled to compensation under laws administered by the Veterans' Administration for a disability rated at 30 percent or more, or (b) a veteran who was discharged or released from active duty because of a service-connected disability.

"Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(a) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(b) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed: *Provided,* That sections 402 and 503 do not apply to contracts relating to real property.

"Subcontractor" means any person holding a subcontract and, for the purposes of Subpart B of this part, any person who has held a subcontract subject to the Order. The term "First-tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor.

"United States" means the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone, American Samoa and the Trust Territory of the Pacific Islands.

"Veteran of the Vietman Era" means a person who (a) served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or (b) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964, and May 7, 1975. However, no veteran may be considered to be a veteran of the Vietnam era under this paragraph after December 31, 1991.

§ 60–1.4 Equal opportunity clause.

(a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the Order in each of its Government contracts (and modifications thereof if not included in the original contract):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applications for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) thorugh (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) *Federally assisted construction contracts.* Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin, such action shall include, but not be limited to the following: Employment, upgrading demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous

places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided,* That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee), refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

(c) Subcontracts.

Each nonexempt contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.

Note.—See, also, § 60–1.46 and § 60–1.47 regarding incorporation by reference and incorporation by operation of law, respectively.

§ 60–1.5 Exemptions.

(a) *General.*—(1) *Transactions of $10,000 or under.* Contracts not exceeding $10,000, other than (i) Government bills of lading and (ii) contracts with financial institutions which serve as depositories of Government funds in any amount, or which serve as issuing or redeeming agents for U.S. savings bonds and savings notes or which subscribe to Federal deposit or share insurance, are exempt from the requirements of the Order. In determining the applicability of this exemption to any federally assisted construction contract, the amount of such contract rather than the amount of the Federal financial assistance shall govern. No agency or contractor shall procure supplies or services in a manner so as to avoid applicability of the order.

(2) *Contracts for indefinite quantities.* With respect to contracts for indefinite quantities (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the equal opportunity clause shall be included unless the purchaser has reason to believe that the amount to be ordered in any year under such contract will not exceed $10,000. The applicability of the equal opportunity clause shall be determined by the purchaser at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the equal opportunity clause shall be applied to such contract whenever the amount of a single order exceeds $10,000. Once the equal opportunity clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) *Work outside of the United States.* Contracts are exempt from the requirements of the equal opportunity clause with regard to work performed outside of the United States by employees who were not recruited within the United States.

(4) *Contracts with state or local governments.* The Order, and sections 402 and 503, with respect to a contract with a state or local government (or any agency thereof) shall apply only to the agency or agencies of such government which perform on the contract. Agencies, instrumentalities or subdivisions of state or local governments, except educational institutions, and medical facilities, are exempt from filing the annual compliance report required by § 60–1.7(a)(1) of this part and from maintaining a written affirmative action program prescribed by § 60–1.40 of this part and Part 60–2 of this chapter.

(5) *Contracts with certain educational institutions.* It shall not be a violation of the equal opportunity clause for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion. The primary thrust of this provision is directed at religiously oriented church-related colleges and universities and should be so interpreted.

(6) *Work on or near Indian reservations.* It shall not be a violation of the equal opportunity clause for a contractor to extend a publicly

announced preference in employment to Indians living on or near an Indian reservation in connection with employment opportunities on or near an Indian reservation. The use of the word "near" would include all that area where a person seeking employment could reasonably be expected to commute to and from in the course of a work day. Contractors extending such a preference shall not, however, discriminate among Indians on the basis of religion, sex, or tribal affiliation, and the use of such a preference shall not excuse a contractor from complying with the other requirements contained in this chapter.

(b) *Specific contracts and facilities*— (1) *Specific contracts.* The Director may exempt an agency or any person from requiring the inclusion of any or all of the equal opportunity clause in any specific contract or subcontract when he/she deems that special circumstances in the national interest so require. The Director may also exempt groups or categories of contracts or subcontracts of the same type where he/she finds it impracticable to act upon each request individually or where group exemptions will contribute to convenience in the administration of the Order.

(2) *Facilities not connected with contracts.* The Director may exempt from the requirements of the equal opportunity clause any of a contractor's facilities which he/she finds to be in all respects separate and distinct from activities of the contractor related to the performance of the contract, provided that he/she also finds that such an exemption will not interfere with or impede the effectuation of the Order.

(c) *National security.* Any requirement set forth in the regulations in this part shall not apply to any contract whenever the head of an agency determines that such contract is essential to the national security and that its award without complying with such requirement is necessary to the national security. Upon making such a determination, the head of the agency will notify the Director in writing within 30 days.

(d) *Withdrawal of exemption.* When any contract is of a class exempted under this section, the Director may withdraw the exemption for a specific contract or group of contracts when in his/her judgment such action is necessary or appropriate to achieve the purposes of the Order. Such withdrawal shall not apply to contracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60–1.6 [Reserved]

§ 60–1.7 Reports and other required information.

(a) *Requirements for contractors.* (1) Each contractor shall file annually, on or before the 31st day of March, complete and accurate reports on Standard Form 100 (EEO–1) promulgated jointly by the Office of Federal Contract Compliance Programs and the Equal Employment Opportunity Commission or such form as may hereafter be promulgated in its place if such contractor has 100 or more employees; and (i) has a contract of $50,000 or more; or (ii) is a financial institution which serves as a depository for Government funds in any amount, acts as an issuing or redeeming agent for U.S. savings bonds and notes in any amount, or subscribes to Federal deposit or share insurance.

(2) Each contractor required by § 60–1.7(a)(1) to submit reports shall file such report within 30 days after the award to it of a contract unless such contractor has submitted such a report within 12 months preceding the date of the award. Subsequent reports shall be submitted annually in accordance with § 60–1.7(a)(1), or at such other intervals as the Director may require. The Director may extend the time for filing any report.

(3) The Director or the applicant, on their own motions, may require a contractor to keep employment or other records and to furnish, in the form requested, within reasonable limits, such information as the Director or the applicant deems necessary for obtaining compliance under the Order.

(4) Failure to file timely, complete and accurate reports as required constitutes noncompliance with the contractor's obligations under the Order and is ground for the imposition of any sanction authorized by the Order.

(b) *Requirements for bidders or prospective prime contractors* (1) *Certification of compliance with Part 60–2; Affirmative Action Programs.* Each contracting agency shall require each bidder or prospective prime contractor to state in the bid or in writing at the outset of negotiations for the contract: (i) Whether it has developed and has on file at each establishment affirmative action programs pursuant to Part 60–2 of this chapter; (ii) whether it has participated in any previous contract or subcontract subject to the Order; and (iii) whether it has filed with the Joint Reporting Committee, the Director or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements.

(2) *Additional information.* A bidder or prospective prime contractor shall be required to submit such information as the Director requests prior to the award of the contract. When a determination has been made to award the contract to a specific contractor, such contractor shall be required, prior to award, or after the award, or both, to furnish such other information as the applicant or the Director requests.

§ 60–1.8 Segregated facilities.

To comply with its obligations under the Order, a contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. This obligation extends to all contracts regardless of the amount of the contract. The term "facilities" as used in this section means waiting rooms, work areas, restaurants, and other eating areas, time clocks, restrooms, wash rooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees: *Provided,* That separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

§ 60–1.9 Compliance by labor unions and by recruiting and training agencies.

(a) The policy of OFCCP is to use its best efforts, directly and through agencies, contractors, applicants, state and local officials, public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts to cooperate with, and to comply in the implementation of, the purposes of the Order and of sections 402 and 503.

(b) To effectuate the purposes of paragraph (a) of this section, the Director may hold hearings, public or private, with respect to the practices and policies of any such labor union or recruiting and training agency.

(c) Whenever compliance with the Order or with section 402 or 503 necessitates a revision of a collective bargaining agreement the labor union or unions which are parties to such an agreement shall be given notice and an

opportunity to present their positions and supporting evidence to the Director prior to any resolution between OFCCP and the contractor relating to such matters.

(d) The Director may notify any Federal, state or local agency of his/her conclusions and recommendations with respect to any such labor organization or recruiting and training agency which in his/her judgment has failed to cooperate with OFCCP, agencies, contractors or applicants in carrying out the purposes of the Order or of sections 402 and 503. The Director also may notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies when there is reason to believe that the practices of any such labor organization or agency violate Title VII of the Civil Rights Act of 1964 or other provisions of Federal law.

§ 60–1.10 Foreign government practices.

Contractors shall not discriminate on the basis of race, color, religion, sex, or national origin when hiring or making employee assignments for work to be performed in the United States or abroad. Contractors are exempted from this obligation only when hiring persons outside of the United States for work to be performed outside of the United States (see 41 CFR 60–1.5(a)(3)). Therefore, a contractor hiring workers in the United States for either Federal or nonfederally connected work shall be in violation of Executive Order 11246, as amended, by refusing to employ or assign any person because of race, color, religion, sex, or national origin regardless of the policies of the country where the work is to be performed or for whom the work will be performed. Should any contractor be unable to acquire a visa of entry for any employee or potential employee to a country in which or with which it is doing business, and which refusal it believes is due to the race, color, religion, sex, or national origin of the employee or potential employee, the contractor must immediately notify the Department of State and the Director of such refusal.

Subpart B—Special Obligations Related to Sex Discrimination

§ 60–1.20 Recruiting and training.

(a) The contractor shall take affirmative action to recruit women for jobs in which they previously have been excluded or are underrepresented. The contractor also shall take affirmative action to encourage the participation of women in training programs for jobs in which they have been previously excluded or are underrepresented.

(b) Advertisements in newspapers and other media for employment sponsored by or on behalf of contractors shall not depict, express a preference, or indicate that a particular sex is sought, desired or better suited for a particular job unless sex is a bona fide occupational qualification for the job. The placement of an advertisement in columns headed "Male" or "Female," or similar wording will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

§ 60–1.21 Job policies and practices.

(a) Written personnel policies relating to this subject area must expressly indicate that there shall be no discrimination against employees on account of sex. If the contractor deals with a bargaining representative for its employees and there is a written agreement on conditions of employment, such agreement shall not be inconsistent with these regulations.

(b) Employees of both sexes shall have an equal opportunity to any available job that they are qualified to perform, unless sex is bona fide occupational qualification.

(c)(1) The contractor must not make any distinction based upon sex in employment opportunties, wages, hours or other conditions of employment, including fringe benefits. As the Supreme Court held in *Los Angeles Department of Water and Power* v *Manhart*, 435 U.S. 702(1978), fringe benefits for similarly situated men and women must be equal, notwithstanding that the contractor's contributions for men and women are unequal.

(2) [Reserved.]

(d) Any distinction between married and unmarried persons of one sex that is not made between married and unmarried persons of the opposite sex will be considered to be a distinction made on the basis of sex. Similarly, a contractor must not deny employment to women with young children unless it has the same exclusionary policies for men; or terminate an employee of one sex in a particular job classification upon reaching a certain age unless the same rule is applicable to members of the opposite sex.

(e) The contractor's policies and practices must assure appropriate physical facilities to both sexes. The contractor may not refuse to hire men or women, or deny men or women a particular job because there are not restroom or associated facilities, unless the contractor is able to show that providing the facilities would be unreasonable for such reasons as excessive expense or lack of space.

(f) A contractor must not deny a female employee the right to any job that she is qualified to perform in reliance upon a state "protective" law.

(g) The contractor must not specify any differences for male and female employees on the basis of sex in either mandatory or optional retirement age.

(h) Nothing in this subpart shall be interpreted to mean that differences in capabilities for job assignments do not exist among individuals and that such distinctions may not be recognized by the contractor in making specific assignments. The purpose of these regulations is to ensure that such distinctions are not based upon sex.

§ 60–1.22 Seniority system.

Where they exist, seniority lines and lists must not be based solely upon sex. Where such a separation has existed, the employer must eliminate this distinction.

§ 60–1.23 Discriminatory wages.

(a) The employer's wage schedules must not be related to or based on the sex of the employees.

(b) The employer may not discriminatorily restrict one sex to certain job classifications. In such a situation, the employer must take steps to make jobs available to all qualified employees in all classifications without regard to sex.

§ 60–1.24 Pregnancy, childbirth and related medical conditions.

(a) Employees or applicants for employment shall not be denied employment because of pregnancy, childbirth or related medical conditions.

(b) Disabilities caused or contributed to by pregnancy, childbirth or related medical conditions, for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other medical conditions, under any health or disability insurance or sick leave plan available in connection with employment. Written or unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accural of seniority and other benefits and privileges, reinstatement, and payment under any health or disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy, childbirth or related medical conditions on the same terms and conditions as they are applied to other disabilities. Health insurance benefits for abortion, except where the

life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion, are not required to be paid by the contractor; nothing in this subpart, however, precludes the contractor from providing abortion benefits or otherwise affects bargaining agreements in regard to abortion.

(c)(1) Any fringe benefit program, or fund, or insurance program which is in effect on October 31, 1978, which does not treat women affected by pregnancy, childbirth, or related medical conditions the same as other persons not so affected but similar in their ability or inability to work, must be in compliance with the provisions of § 60–1.24(b) by April 29, 1979. In order to come into compliance with the provisions of § 60–1.24(b) there can be no reduction of benefits or compensation which were in effect on October 31, 1978, before October 31, 1979, or the expiration of a collective bargaining agreement in effect on October 31, 1978, whichever is later.

(2) Any fringe benefit program implemented after October 31, 1978, must comply with the provisions of § 60–1.24 upon implementation.

§ 60–1.25 Sexual harassment and favors.

(a) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are violations of the Order when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of "unreasonably" interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

(b) A contractor is liable under the Order for the acts of its officials, managers and supervisors when these individuals engage in the activities described in paragraph (a) of this section, regardless of whether their specific acts were authorized or forbidden by the contractor and regardless of whether the contractor knew or should have known of their occurrence.

(c) With respect to conduct between fellow employees, a contractor is resonsible for acts of sexual harassment in the workplace where the contractor (or its officials, managers and supervisors) knows or should have known of the conduct and fails to take immediate and appropriate action.

(d) Where employment opportunity or benefits are granted because of an individual's submission to the contractor's sexual advances or requests for sexual favors, the contractor may be held liable under the Order for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

Subpart C—Special Obligations Related to Religion and National Origin Discrimination

§ 60–1.30 Equal employment policy.

(a) *General requirements.* Under the equal opportunity clause contained in section 202 of Executive Order 11246, as amended, contractors are prohibited from discriminating against employees or applicants for employment because of religion or national origin, and must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their religion or national original. Such action includes, but is not limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) *Outreach and positive recruitment.* Contractors shall review their employment practices to determine whether members of the various religious and/or ethnic groups are receiving fair consideration for job opportunities. Special attention shall be directed toward executive and middle-management levels, where employment problems relating to religion and national origin are most likely to occur. Based upon the findings of such reviews, contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below, in order to remedy existing deficiencies. It is not contemplated that contractors necessarily will undertake all listed activities. The scope of the contractor's efforts shall depend upon all the circumstances, including the nature and extent of the contractor's deficiences and the contractor's size and resources.

(1) Internal communication of the contractor's obligation to provide equal employment opportunity without regard to religion or national origin in such a manner as to foster understanding, acceptance, and support among the contractor's executive, management, supervisory, and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) Development of reasonable internal procedures to ensure that the contractor's obligation to provide equal employment opportunity without regard to religion or national origin is being fully implemented.

(3) Periodically informing all employees of the contractor's commitment to equal employment opportunity for all persons, without regard to religion or national origin.

(4) Enlisting the assistance and support of all recruitment sources (including employment agencies, college placement directors, and business associates) for the contractor's commitment to provide equal employment opportunity without regard to religion or national origin.

(5) Reviewing employment records to determine the availability of promotable and transferable members of various religious and ethnic groups.

(6) Establishment of meaningful contacts with religious and ethnic organizations and leaders for such purposes as advice, education, technical assistance, and referral of potential employees.

(7) Engaging in significant recruitment activities at educational institutions with substantial enrollments of students from various religious and ethnic groups.

(8) Use of religious and ethnic media for institutional and employment advertising.

§ 60–1.31 Accommodations to religious observance and practice.

A contractor must accommodate to the religious observances and practices of an employee or prospective employee unless the contractor demonstrates that it is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the contractor's business. As part of this obligation, a contractor must make reasonable accommodations to the religious observances and practices of an employee or prospective employee who regularly observes Friday evening and Saturday, or some other day of the week, as the Sabbath and/or who observes certain religious holidays during the year and who is conscientiously opposed to performing work or engaging in similar activity on such days, when such accommodations can be made without undue hardship on the conduct of the contractor's business. In determining the extent of the contractor's obligations under this section, at least the following factors shall be considered: (a) Business necessity (b) financial costs and expenses, and (c) resulting personnel problems.

Subpart D—Ancillary Matters

§ 60–1.40 Affirmative action programs.

(a) *Requirements of programs.* Each nonconstruction contractor which has 250 or more employees and (1) has a contract of $1 million or more; or (2) has Government bills of lading which, in any 12-month period total $1 million or more, or reasonably may be expected to total $1 million or more; or (3) is a financial institution which serves as a depository for Government funds in any amount, acts as an issuing or redeeming agent for U.S. savings bonds and savings notes in any amount, or subscribes to Federal deposit or share insurance, shall develop a written affirmative action program in accordance with Part 60–2 of this chapter for each of its establishments.

(b) *Abbreviated requirements for certain contractors.* Contractors covered by paragraph (a) of this section having 250 or more employees but fewer than 500 employees may elect to develop an abbreviated affirmative action program as described in § 60–2.14 of this chapter.

§ 60–1.41 Solicitations or advertisements for employees.

In solicitations or advertisements for employees placed by or on behalf of a contractor, the requirements of paragraph (2) of the equal opportunity clause shall be satisfied whenever the contractor complies with any of the following:

(a) States expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin;

(b) Uses display or other advertising, and the advertising includes an appropriate insignia prescribed by the Director. The use of the insignia is considered subject to the provisions of 18 U.S.C. 701;

(c) Uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, color, religion, sex, or national origin;

(d) Uses a single advertisement in which appears in clearly distinguishable type the phrase "an equal opportunity employer."

§ 60–1.42 Notices to be posted.

(a) Unless alternative notices are prescribed by the Director, the notices which contractors are required to post by paragraphs (1) and (3) of the equal opportunity clause will contain the following language in English and Spanish and will be provided by the contracting or administering agencies:

Equal Employment Opportunity is the Law—Discrimination is Prohibited by the Civil Rights Act of 1964 and by Executive Order No. 11246

Private Industry, State, and Local Government

Title VII of the Civil Rights Act of 1964, as amended, prohibits job discrimination because of race, color, religion, sex or national origin.

Applicants to and employees of private employers, state/local governments, and public/private educational institutions are protected. Also covered are employment agencies, labor unions and apprenticeship programs. Any person who believes he or she has been discriminated against should contact immediately:

The U.S. Equal Employment Opportunity Commission (EEOC), 2401 E St. N.W., Washington, D.C. 20506.

Federal Contract Employment

Executive Order 11246, as amended, prohibits job discrimination because of race, color, religion, sex or national origin and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Section 503 of the Rehabilitation Act of 1973 prohibits job discrimination because of handicap and requires affirmative action to employ and advance in employment qualified handicapped workers.

Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 prohibits job discrimination and requires affirmative action to employ and advance in employment (1) qualified Vietnam era veterans during the first four years after their discharge and (2) qualified disabled veterans throughout their working life if they have a 30 percent or more disability.

Applicants to and employees of any company with a Federal Government contract or subcontract are protected. Any person who believes a contractor has violated its affirmative action obligations, including nondiscrimination under Executive Order 11246, as amended or under Section 503 of the Rehabilitation Act, or under Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 should contact immediately:

The Employment Standards Administration, Office of Federal Contract Compliance Programs (OFCCP), Third and Constitution Avenue, N.W., Washington, D.C. 20210 or an OFCCP regional office, listed in most telephone directories under U.S. Government, Department of Labor. Complaints specifically under the veterans' law may also be filed directly with the Veterans' Employment Service through local offices of the state employment service.

All complaints must be filed within 180 days from the date of the alleged violation.

(b) The requirements of paragraph (3) of the equal opportunity clause will be satisfied whenever the contractor posts copies of the notification prescribed by or pursuant to paragraph (a) of this section in conspicuous places available to employees, applicants for employment, and representatives of each labor union or other organization representing its employees with which it has a collective-bargaining agreement or other contract or understanding.

§ 60–1.43 Access to records and site of employment.

Each contractor shall permit access during normal business hours to its premises for the purpose of conducting on-site compliance reviews which include interviewing employees, inspecting, copying and removing off-site copies of such books, records, accounts, and other material as may be relevant to the matter under investigation and pertinent to compliance with the Order or with sections 402 and 503.

§ 60–1.44 Rulings and interpretations.

Rulings under or interpretations of the Order and of sections 402 and 503 shall be made by the Director.

§ 60–1.45 Adaptation of language.

Such necessary changes in language may be made in the equal opportunity clause of the Order and in the affirmative action clauses of sections 402 and 503 as shall be appropriate to identify properly the parties and their undertakings.

§ 60–1.46 Incorporation by reference.

The equal opportunity clause and the affirmative action clauses may be incorporated by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts as the Director may designate.

§ 60–1.47 Incorporation by operation of law.

By operation of the Order and sections 402 and 503, the equal opportunity clause of the Order and the affirmative action clauses of sections 402 and 503 shall be considered to be a part of every contract and subcontract required by the Order and sections 402 and 503 to include such clauses regardless of whether the clauses are physically incorporated into such contracts and regardless of whether the contract is written.

§ 60–1.48 Request for hearing after compliance.

When a contractor, without a hearing, shall have complied with the

recommendations or orders of the OFCCP and believes such recommendations or orders to be erroneous, it shall, upon filing a request therefore within 10 days of such compliance, be afforded an opportunity for a hearing and review of the alleged erroneous action. Such hearings normally will be record hearings before the Director.

§ 60–1.49 Existing contracts.

All contracts in effect prior to October 24, 1965, which are not subsequently modified shall be administered in accordance with the nondiscrimination provisions of any prior applicable Executive Orders. Any contract or subcontract modified on or after October 24, 1965, shall be subject to Executive Order 11246. Complaints received by and violations coming to the attention of OFCCP regarding contracts and subcontracts which were subject to Executive Orders 10925 and 11114 shall be processed as if they were complaints regarding violations of Executive Order 11246.

§ 60–1.50 Delegation of authority by the Director.

The Director is authorized to redelegate the authority given to him/her by the regulations in this chapter. The authority redelegated by the Director pursuant to the regulations in this chapter shall be exercised under his/her general direction and control.

§ 60–1.51 Nondiscrimination.

The provisions of this chapter are not intended and shall not be used to discriminate against any qualified employee or applicant for employment because of race, color, religion, sex, national origin, handicap or veterans status.

Subpart E—General Enforcement; Review and Complaint Procedure

§ 60–1.60 Compliance reviews.

(a) The purpose of a compliance review is to determine if the contractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed, trained, upgraded, promoted, terminated, and otherwise treated during employment without regard to race, color, religion, sex, national origin, veteran status or handicap. It shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned practices and policies and conditions resulting therefrom. Compliance reviews normally are conducted in three stages (desk audit, on-site review and off-site analysis). The desk audit may be shortened or omitted, however, when an immediate on-site review (e.g., where intimidation is alleged or other circumstances do not permit a desk audit) is required.

(b) Compliance reviews generally are conducted under the direction of an OFCCP Assistant Regional Administrator, but the Director is authorized to designate other OFCCP officials for this purpose.

(c) Where deficiencies or violations are found, reasonable efforts shall be made to secure compliance through conciliation and persuasion. Before the contractor can be found to be in compliance with the Order, section 402 or section 503, it must make a specific commitment, in a written conciliation agreement or a letter of commitment, as appropriate, to correct any such deficiencies or violations. Minor technical deficiencies usually may be resolved in a letter of commitment from the contractor. The agreement or letter must include the precise actions to be taken and dates for completion. The time period allotted shall be no longer than the minimum period necessary to effect such changes. Upon approval by OFCCP, the contractor may be considered in compliance, on condition that the actions are faithfully taken.

§ 60–1.61 Filing complaints.

Complaints shall be filed within 180 days of the alleged violation unless the time for filing is extended by the Director for good cause shown. Complaints may be filed with the OFCCP, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, or with any OFCCP regional or area office.

§ 60–1.62 Contents of complaint.

(a) The complaint shall include the name, address, and telephone number of the complainant, the name and address of the contractor committing the alleged discrimination, a complete statement of the facts which, if true, would establish that the contractor violated the Order, section 402 or section 503, and any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint shall be signed by the complainant or his/her authorized representative. Signed third party complaints which allege class-type discrimination will be accepted, whether or not the third party signing the complaint is an authorized representative of all members of the class, provided that the alleged discriminatees are identified to the extent known, and that the other information required by this paragraph is included.

(b) If a complaint contains incomplete information, OFCCP shall seek the needed information from the person filing the complaint. In the event such information is not furnished within 60 days of the date of such request, the file may be closed.

§ 60–1.63 Processing complaints.

(a) *Complaints.* OFCCP may refer individual complaints to the Equal Employment Opportunity Commission (EEOC) for processing under Title VII of the Civil Rights Act of 1964, as amended, in lieu of processing them under the Order. Upon referring a complaint to the EEOC, OFCCP shall promptly notify the complainant. OFCCP also may transmit a copy of any complaint to EEOC and to any state or local agency with jurisdiction over the subject of the complaint.

(b) *Complaint investigations under the Order.* (1) OFCCP will normally retain and investigate class or systemic complaints. However, where EEOC is about to initiate or is in the process of an investigation of any contractor against which OFCCP has received a class complaint, OFCCP may, at the request of EEOC, refer the complaint to EEOC for processing in order to avoid duplication and to assure effective law enforcement. In resolving such class complaints, the agencies will consult and coordinate with each other to ensure that the resolution of the complaints comports with the law enforcement requirements of each agency.

(2) During a compliance review, OFCCP will investigate and resolve individual complaints on file with OFCCP and unresolved at the commencement of the compliance review: *Provided,* That resolution of such individual complaints does not unduly delay the completion of the compliance review. *Provided further,* That the existence of unresolved individual complaints shall not preclude a determination that the contractor's affirmative action program is acceptable. With regard to unresolved individual complaints which have been referred to EEOC, OFCCP will consult with EEOC at the commencement of the compliance review to determine whether EEOC or OFCCP will investigate and resolve such complaints.

(c) *Resolution of matters.* (1) If any complaint investigation indicates a violation of the Order, reasonable efforts shall be made to secure compliance through conciliation and persuasion. (2) Where any complaint

investigation indicates a violation of the Order and the matter has not been resolved by informal means, the matter may be referred to the Office of the Solicitor for consideration of legal enforcement proceedings.

§ 60–1.64 Show cause notices and notices of violation.

(a) *General Rule.* At the conclusion of a compliance review or complaint investigation conducted pursuant to the Order or sections 402 and 503, a notice to show cause or a notice of violation shall be served on the contractor if the deficiencies which were disclosed in the review or investigation have not been corrected through a conciliation agreement, letter of commitment or consent decree. Where appropriate, show cause notices may be used at any other stage of the review.

(b) *Show cause notices—exceptions to the general rule.* A notice to show cause why enforcement proceedings should not be initiated shall be used when an uncorrected deficiency is disclosed in a compliance review or complaint investigation, except when: (1) A notice of violation under paragraph (d) of this section is appropriate; (2) a violation of a conciliation agreement under paragraph (f) of this section is alleged; (3) one or more special violations as discussed in § 60–1.68(d) of this part is alleged; or (4) OFCCP contemplates judicial enforcement under § 60–1.68(f) of this part.

(c) *Show cause notices—contents and timeframes.* (1) A notice to show cause should contain:

(i) An itemization of the sections of the Order, sections 402 and 503, and of the regulations with which the contractor has been found in violation, with a description of the conditions, practices, facts, or circumstances which give rise to each violation;

(ii) A statement of the corrective actions proposed by OFCCP to achieve compliance;

(iii) A request for a written response to the findings, including commitments to corrective actions or the presentation of opposing facts and evidence; and

(iv) A suggested date for the conciliation conference.

(2) The contractor shall be accorded 30 days, or such longer period as may be authorized by the Director or his/her designee, to establish that it is not covered by or is in compliance with the Order and sections 402 and 503, or to enter into a conciliation agreement or letter of commitment.

(d) *Notice of Violation.* (1) A notice of violation may be used at any time during the compliance review or complaint investigation (e.g. where serious violations such as intimidation, or interference with the orderly process of the review or investigation are alleged). A notice of violation shall contain a short and plain statement of the deficiency adequate to put the contractor on notice of the violation with which it is charged. The notice shall accord the contractor a reasonable period of time (not to exceed 15 days) in which to respond and for conciliation.

(2) A notice of violation also may be used when the compliance review or complaint investigation discloses a violation of a matter which is the subject of a conciliation agreement, letter of commitment or consent or other decree between the contractor and the Department of Labor, the Attorney General acting on behalf of OFCCP, or a former compliance agency (see 41 CFR 60–1.64(b)).

(e) *Participation by collective bargaining representatives.* When compliance with a notice to show cause or a notice of violation necessitates revision of a collective bargaining agreement, the labor union or unions which are parties to such an agreement shall be given notice and an opportunity to present their positions to the Director prior to any resolution between OFCCP and the contractor relating to such matters.

(f) *Procedure when a conciliation agreement is violated.* When a conciliation agreement has been violated, the following procedures are applicable: (1) A written notice shall be sent to the contractor setting forth the violations alleged and summarizing the supporting evidence. The contractor shall have 15 days from receipt of the notice to respond, except in those cases in which such a delay would result in irreparable injury to the employment rights of affected employees or applicants.

(2) During the 15-day period the contractor may demonstrate in writing that it has not violated its commitments.

(3) If the contractor is unable to demonstrate that it has not violated its commitments, or if the notice alleges irreparable injury, enforcement proceedings may be initiated immediately without issuing a show cause notice or proceeding through any other requirement contained in this chapter.

§ 60–1.65 Conciliation agreements.

(a)(1) A conciliation agreement is a written agreement between OFCCP and a contractor by which the contractor undertakes specific obligations to correct or remedy noncompliance with the Order or with sections 402 and 503. A conciliation agreement normally is required where a compliance review, complaint investigation or some other review discloses major substantive violations of the Order or of sections 402 and 503, and (i) the contractor is willing to correct the violations or deficiencies and (ii) OFCCP determines that a settlement (rather than formal enforcement) is appropriate.

(2) Examples of violations for which a conciliation agreement is required are: (i) Affected class and remedies associated with an affected class finding; (ii) failure to have a written affirmative action program containing the elements listed in 41 CFR 60–2.11 through 2.13 or 41 CFR 60–2.14, as applicable; (iii) failure to tke action specified in a previous letter of commitment and failure to show good cause therefor; and (iv) substantial deviation from a previous affirmative action program (e.g., failure to meet goals) and failure to show good cause for the deviation. The agreement shall provide for the remedial relief necessary to correct the violations or deficiencies, which may include priority rights to hire or promotion, training, back pay, front pay and retroactive seniority, etc., for an affected class or for individuals, as appropriate.

(b) A conciliation agreement shall include (1) A statement of each deficiency or violation; (2) the corresponding precise remedial action to be taken and a timetable for implementation; (3) a requirement for periodic reporting to OFCCP as to implementation of the agreement, if appropriate; and (4) a copy of the notice to show cause or notice of violation when such has been previously issued.

(c) A conciliation agreement is effective when it has been signed by the contractor and the proper Assistant Regional Administrator.

(d) Letters of commitment, in lieu of conciliation agreements, are appropriate for resolving violations other than major substantive violations: *Provided,* That neither a conciliation agreement nor letter of commitment shall be required when minor technical deficiencies are corrected before conclusion of the compliance review.

(e) Conciliation agreements and letters of commitment shall not be entered into after enforcement proceedings have been initiated. Settlements of enforcement proceedings by the Office of the Solicitor normally will be by consent decree.

60–1.66 Assumption of jurisdiction by the Director.

(a) The Director may inquire into the status of any pending matter. Where the

Director considers it necessary or appropriate to the achievement of the purposes of the Order or of sections 402 and 503, he/she may assume jurisdiction over the matter and proceed as provided in this chapter. Whenever the Director assumes jurisdiction over any matter, he/she may conduct, or have conducted, such investigation, hold such hearings, including record hearings, and hearings under § 60-1.9(b) of this part, make such findings, issue such recommendations and directives and take such other action as may be necessary or appropriate to achieve the purposes of the Order or of sections 402 and 503.

(b) For reasonable cause shown, the Director may, on his/her own motion or pursuant to a request, reconsider or cause to be reconsidered a matter arising under the Order or under sections 402 and 503 which presently is pending in OFCCP.

§ 60-1.67 Intimidation and interference.

The sanctions and penalties contained in Subpart D of the Order, and in Parts 60-250 and 60-741 of this chapter may be exercised against any contractor or applicant which fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the Order, sections 402 and 503 or any other Federal, state or local laws requiring equal employment opportunity. Such sanctions and penalties also apply to contractors or applicants which discriminate against a person because he or she has opposed any employment practice unlawful under the Order, sections 402 and 503, Title VII of the Civil Rights Act of 1964, as amended, or any other Federal, state or local laws.

§ 60-1.68 Enforcement proceedings.

(a) *General.* If, as a result of a compliance review, complaint investigation or some other review, OFCCP believes that the Order or that sections 402 and 503 have been violated, the matter may be referred to the Office of the Solicitor for consideration of legal enforcement proceedings.

(b) *Violations.* Violations may be found based upon, *inter alia*, any of the following: (1) The results of a compliance review or complaint investigation; (2) analysis of an affirmative action program; (3) the results of an on-site review of the contractor's compliance with the Order or of sections 402 and 503; (4) a contractor's refusal or failure to submit an affirmative action program; (5) a contractor's refusal or failure to permit an on-site compliance review or complaint investigation to be conducted; (6) a contractor's refusal or failure to maintain records and other information, or to supply copies of such records or information required to be maintained or supplied by the Order or by sections 402 and 503; and (7) any substantial or material violation of the contractual provisions of the Order or of the regulations implementing sections 402 and 503.

(c) *Administrative enforcement proceedings.* Administrative enforcement proceedings are brought by the Office of the Solicitor and shall be conducted under the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity under Executive Order 11246, Section 402 and Section 503 contained in Part 60-30 of this chapter. Administrative enforcement proceedings may be commenced to enjoin violations of the Order or of sections 402 and 503, to seek appropriate relief (which may include back pay, front pay, retroactive seniority, training, priority rights to hire or promotion, etc., for an affected class or for individuals) or to impose sanctions.

(d) *Special violations.* If the contractor refuses or fails to (1) submit an affirmative action program; (2) supply copies of relevant records or other requested information; (3) allow OFCCP access to its premises for an on-site review or investigation; or if the contractor is being charged with intimidation or interference under § 60-1.67 of this part, and if conciliation efforts under this part are unsuccessful, administrative enforcement proceedings may be commenced without serving the contractor with a show cause notice or a notice of violation.

(e) *Judicial enforcement—referrals to the Department of Justice.* (1) Violations of the Order or section 402 or 503 or the threat of violations of the Order or section 402 or 503 may be referred to the Department of Justice for judicial enforcement. There are no procedural prerequisites to a referral to the Department of Justice.

(2) Whenever a matter has been referred to the Department of Justice for consideration of judicial proceedings, the Attorney General may bring a civil action against the contractor or any other person in the appropriate district court of the United States requesting a temporary restraining order, preliminary or permanent injunction, and an order for such additional equitable relief, including back pay, deemed necessary or appropriate to ensure the full enjoyment of the rights secured by the Order or section 402 or 503, or any of the above.

(3) The Attorney General is authorized to conduct such investigation of the facts as he/she may deem necessary or appropriate to carry out his/her responsibilities under these regulations.

(4) Prior to the institution of any judicial proceedings, the Attorney General, on behalf of the Director, is authorized to make reasonable efforts to secure compliance with the contractual provisions of the Order or of the regulations implementing sections 402 and 503. He/she may do so by providing the contractor and any other person with reasonable notice of findings, his/her intent to file suit, and the actions he/she believes necessary to obtain compliance with the contractual provisions of the Order or of the regulations implementing sections 402 and 503 without contested litigation, and by offering the contractor and any other person a reasonable opportunity for conference and conciliation, in an effort to obtain such compliance without contested litigation.

(5) As used in this part, the Attorney General shall mean the Attorney General, the Assistant Attorney General for Civil Rights, or any other person authorized by regulations or practice to act for the Attorney General with respect to the enforcement of equal employment opportunity laws, orders and regulations generally, or in a particular matter or case.

(f) *Recommendations to the Attorney General for investigation and possible suit.* In addition to recommending that suit be instituted upon referral under 41 CFR 60-1.68(e) above, the Department of Labor may recommend that the Attorney General conduct further investigation of a contractor to determine whether there are substantial violations of the Order, section 402, section 503 or other contractual obligations assumed by the contractor that warrant the initiation of a lawsuit. Upon doing so the Department of Labor shall promptly notify the contractor of that recommendation. Upon receipt of such a recommendation the Attorney General is authorized to take any action, with respect to a contractor, which is authorized by a referral under 41 CFR 60-1.68(e) above.

(g) *Referrals to the Equal Employment Opportunity Commission.* The Department of Labor may recommend that the Equal Employment Opportunity Commission institute appropriate proceedings under Title VII of the Civil

Rights Act of 1964. In addition, and where appropriate, the Department of Labor will make such recommendations to the EEOC in connection with alleged violations by financial institutions whose only nexus to the Federal Government is Federal deposit or share insurance.

(h) *Referrals to financial institution regulatory agencies.* Where appropriate, the Department of Labor may refer alleged violation of the Order, section 402 or section 503 by financial institutions to the appropriate Federal financial institutions regulatory agency for actions under that agency's procedures. Whenever the Department of Labor refers a violation by a financial institution to the appropriate regulatory agency, the agency, after consultation with the Department of Labor, may take such action, in its sole discretion, as it deems appropriate. These agencies are: (1) Federal Home Loan Bank Board; (2) Federal Deposit Insurance Corporation; (3) Comptroller of the Currency; (4) the Board of Governors of the Federal Reserve System; and (5) the National Credit Union Administration

(i) *Enforcement policy regarding Federal deposit and share insurance.* The Department of Labor will not debar financial institutions (e.g., banks, savings and loan associations and credit unions) from future Federal deposit or share insurance, or cancel, terminate or suspend existing Federal deposit or share insurance. In the event that a financial institution which has Federal deposit or share insurance is alleged to be in violation of its contractual commitments under the Executive Order, section 402 or section 503, the Department of Labor will pursue one of the options mentioned in paragraphs (e), (g) and (h) of this section with respect to the deposit or share insurance relationship. Such recommendations or referrals as described in paragraphs (e), (g) and (h) of this section may take place without or after an administrative hearing in the Department of Labor.

§ 60–1.69 Debarment and contract ineligibility list.

No order for debarment from further Government contracts or subcontracts pursuant to section 209(a)(6) of the Order or pursuant to the regulations implementing sections 402 and 503 shall be made without affording the contractor an opportunity for a hearing, either administrative or judicial. The Director periodically shall distribute a list to all executive departments and agencies giving the names of contractors which have been declared ineligible under the Order or under sections 402 and 503 for further Government contracts and subcontracts. The Director shall promptly notify the Comptroller General of the United States when contracts have been cancelled or terminated or when a contractor has been debarred from further Government contracts under the Order or under sections 402 and 503. The Director shall take appropriate steps to notify prime contractors of the debarred contractor's ineligibility for subcontracts.

§ 60–1.70 Petition for reinstatement for debarred contractors.

(a) Any contractor declared ineligible under the Order or under section 402 or 503 for further contracts may petition the Director for reinstatement. A copy of the petition for reinstatement shall be served on the parties to the original proceeding which led to the debarment. The petition for reinstatement shall set forth what actions the contractor has taken to comply, as applicable, with the Order, section 402 or section 503 and in what way the contractor will comply with requirements which may involve future performance. The burden shall be on the contractor to demonstrate that it is entitled to reinstatement.

(b) Rescission of the debarment order and reinstatement of the contractor's eligiblity for further contracts may be conditioned on the contractor satisfying the Director that it has established and will implement personnel and employment policies in compliance with the provisions of the Order or of section 402 or 503. In carrying out his/her responsibilities under this section, the Director may require that compliance reviews be conducted of the contractor's establishments, and that the contractor supply copies of any information relevant to determining its compliance with the Order or with sections 402 or 503. Reinstatement also may be conditioned on a program of compliance which may include meeting requirements not specifically mentioned in the debarment order where meeting these requirements is necessary to achieve compliance under the Order or under section 402 or 503. Where the debarment was based on a determination of the contractor's liability but the extent of the relief or the number or identity of persons entitled to relief has not been determined or where there are other issues appropriate for hearing, the Director may remand the matter to the Administrative Law Judge for a recommended determination of such issues prior to reinstatement. On remand from the Director, the Administrative Law Judge shall follow the procedures in Part 60–30 of this chapter in making his/her recommended determination of the number or identity of the individuals entitled to relief and the amount of relief. Reasonable discovery shall be allowed on those issues. The matter shall then proceed in accordance with §§ 60–30.25 through 60–30.30 of this chapter. Reinstatement by the Director or Secretary, as applicable, may be conditioned on the contractor's satisfying any relief finally determined by the Secretary or Director, as applicable, to be owed.

(c) Any conditions upon which the rescission of the debarment order and reinstatement of the contractor are based shall be set forth by the Director or the Secretary, as appropriate, in an order which shall be filed with the Administrative Law Judge and made a part of the record in the original proceeding from which the debarment resulted. The Administrative Law Judge shall retain jurisdiction, and any subsequent violations involving the same issues which gave rise to the debarment order or which are included in the reinstatement order may be raised by motion in the original proceeding.

(d) The Director's or Secretary's decision on the petition for reinstatement shall constitute a final administrative order.

(e) Any party or person who participated (pursuant to 41 CFR 60–30.24) in the proceeding which gave rise to the debarment order may make submissions opposing or supporting the contractor's petition for reinstatement.

(f) When a debarred contractor is reinstated, the Director shall take prompt action to notify the contractors, Comptroller General and the agencies which received notice of the debarment.

§ 60–1.71 Back pay.

The regulations in this chapter require that in certain circumstances contractors proide back pay to persons who have suffered discrimination. OFCCP will not seek back pay for a period of more than two years prior to the date on which OFCCP (or its predecessor compliance agency) notified the contractor of a potential compliance problem involving back pay.

PART 60–2—AFFIRMATIVE ACTION PROGRAMS

Subpart A—General

Sec.

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60–2.20 Use of goals.
60–2.21 Preemption.
60–2.22 Supersedure.

Authority: 5 U.S.C. 553(a)(3)(B); 29 CFR 2.7; section 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303, as amended by E.O. 12000.

Subpart A—General

§ 60–2.1 Title, purpose and scope.

(a) The regulations in this part implement provisions of Executive Order 11246 only. This part shall also be known as "Revised Order No. 4" and shall cover nonconstruction contractors.

(b) Section 60–1.40 of this chapter requires that within 120 days from the commencement of a contract, each contractor which has 250 or more employees and (1) has a contract of $1 million or more; or (2) has contracts Government bills of lading which, in any 12-month period, total or can reasonably be expected to total $1 million or more; or (3) which is a financial institution which (i) serves as a depository of Government funds in any amount; (ii) acts as an issuing or redeeming agent for U.S. savings bonds and savings notes in any amount; or (iii) subscribes to Federal deposit or share insurance, shall develop, implement and maintain a written affirmative action program for each of its establishments. This part sets forth guidelines to be used by contractors and the OFCCP in developing and judging written affirmative action programs as well as the good faith effort required to transform these programs from paper commitments to equal employment opportunity.

(c) A contractor may, at its discretion, consolidate establishments located within the same chain of command into one written affirmative action program. Where a contractor consolidates establishments and the establishments are located in different recruitment areas, the employment data for each establishment shall be identified separately.

(d) Relief, including back pay, where appropriate, for members of an affected class or individuals who by virtue of past discrimination continue to suffer the present effects of that discrimination, shall be provided in the conciliation agreement entered into pursuant to 41 CFR 60–1.65 of this chapter. An affected class problem must be remedied before a contractor may be considered in compliance. Section 60–2.2 of this part, pertaining to an acceptable affirmative action program, also is applicable to a contractor's failure to remedy discrimination against members of an affected class.

§ 60–2.2 [Reserved]

§ 60–2.3 Maintenance of programs.

The intention of 41 CFR 60–1.40 and this part is that each contractor establishment will be covered by a written affirmative action program and that all the contractor's employees will be included in an affirmative action program regardless of where they work.

(a) Contractors currently subject to § 60–1.40 and Part 60–2 must have an affirmative action program in place at each establishment. If a contractor is not currently subject to § 60–1.40 and this part it must, within 120 days from the commencement of the contract, develop, implement, and maintain separate affirmative action programs, for each of its establishments (but see 41 CFR 60–2.1(b) regarding consolidation of establishments). A copy of the appropriate affirmative action program shall be maintained at each of the contractor's locations. An affirmative action program shall be part of the staffing and training plan for each new establishment and shall be developed and made available prior to the staffing of such establishment.

(b) A report of the results of the affirmative action program shall be compiled annually and appropriate parts of the program, e.g. workforce analysis, utilization analysis, goals and timetables, any changes in policies or procedures, etc., shall be updated at that time. It is not necessary that the entire affirmative action program be rewritten annually. Information on the contractor's affirmative action program and the results it produces shall be made available to OFCCP upon request and shall be evaluated as part of compliance review activities. But, see 41 CFR 60–2.3(c) regarding long term affirmative action programs.

(c) Five-year affirmative action program.

(1) *Criteria for approval.* Contractors may request approval of their affirmative action programs for a five-year period. If approval is granted, the contractor shall not be subject to routine onsite compliance reviews during the five-year period, except as is detailed in §§ 60–2.3(c) (3) and (4). The Director shall grant the contractor's request if, after an onsite compliance review (including investigation of outstanding class complaints on file at OFCCP and EEOC), the following criteria are met:

(i) The onsite review results in a finding of compliance;

(ii) The contractor's affirmative action program contains annual goals and timetables for each year of the five-year period, or contains goals and timetables for the first year of the period and an OFCCP approved method for determining goals and timetables for each succeeding year;

(iii) The contractor's affirmative action program contains a training program meeting the following criteria:

(A) An approved linkage program identifying private and/or public organizations that have agreed to assist the contractor in obtaining applicants or employees consistent with the contractor's affirmative action program; and/or

(B) An internal training program which meets criteria established and published by the Director;

(2) *Certificate of merit.* Upon successful completion of the five-year affirmative action program, the Secretary of Labor may award the contractor a U.S. Government Certificate of Merit pursuant to Subpart E of Part II of Executive Order 11246, as amended.

(3) *Contractor obligations during the five-year period.* During the five-year period, the contractor shall:

(i) Follow its affirmative action program (including any conciliation agreement(s) or letter(s) of commitment), updating goals and timetables and other contents as necessary;

(ii) File the Standard Form 100 (EEO–1 form) or its successor annually;

(iii) Upon expiration or modification of an approved linkage program or internal training program, notify OFCCP of the nature of the replacement or modification.

(4) *Resolution of complaints.* During the five-year period OFCCP shall continue to investigate complaints, or to refer them to EEOC in accordance with the Memorandum of Understanding between the two agencies. If OFCCP investigates a complaint, the following procedures shall apply:

(i) The complaint investigation shall be limited to the specific allegations of the complaint;

(ii) OFCCP shall provide the contractor with an opportunity to respond to the allegations of the complaint;

(iii) If violations are found, OFCCP shall attempt to concilate the violations and enter into a conciliation agreement or other appropriate settlement in accordance with § 60–1.65;

(iv) If the complaint investigation also reveals substantial deviation from the five-year affirmative action program, OFCCP may proceed under § 60–2.3(c)(4);

(v) If conciliation fails, OFFCCP may commence enforcement proceedings.

(5) *OFCCP revocation of five-year affirmative action program.* If a complaint investigation or other evidence causes OFCCP to reasonably believe that the contractor has substantially deviated from a five-Year affirmative action program the following procedures shall apply:

(i) OFCCP may conduct an investigation of the contractor's implementation of its affirmative action program by, as appropriate:

(A) Requiring submission of data from the contractor's internal audit and review system; *Provided,* That the data requested are to be limited to those concerning the program (i.e., Executive Order 11246, section 402 or section 503) under which deviation from the five-year affirmative action program is alleged; and/or

(B) Conducting an onsite compliance review: *Provided,* That the review shall be limited to the program under which deviation from the five-year affirmative action program is alleged.

(ii) If the investigation indicates deviation from the five-year affirmative action program, OFCCP shall conciliate, taking one of the following actions:

(A) Where the deviations are not sufficiently serious to warrant a conciliation agreement and are resolved in accordance with § 60–1.65, the five-year affirmative action program shall not be revoked.

(B) Where the deviations require correction through a conciliation agreement, and the contractor enters into a conciliation agreement, the five-year affirmative action program shall be revoked, but no other enforcement action shall be taken.

(iii) Where a five-year affirmative action program has been revoked, the contractor shall not be eligible for another five-year affirmative action program for one year from the date of revocation, except where the contractor has demonstrated good cause to the Director.

(iv) If conciliation fails, OFCCP may commence enforcement proceedings.

(6) *Contractor discontinuance of five-year affirmative action program.* Any contractor may request discontinuance of its five-year affirmative action program. The contractor shall give the Director notice at least 90 days prior to the requested date of the revocation.

(d) Contractors may reach agreements with OFCCP on nationwide affirmative action program formats or methodology.

§ 60–2.4 Submission of affirmative action programs and support data.

(a) The contractor shall submit the affirmative action program and supporting documentation within 30 days of receipt of a request from OFCCP. The terms "affirmative action program" and "supporting documentation" refer to the required contents of Affirmative Action Programs, as set forth in Subpart B of this part.

(b) The contractor also shall submit the affirmative action program and supporting documentation upon OFCCP's request when a complaint is being investigated.

(c) The contractor in accordance with 41 CFR 60–1.43, shall provide full access to and copies of all additional, relevant information and data for the on-site phase of the review.

(d) The contractor shall provide, for off-site review, all data or information determined by the compliance officer to be necessary to analyze more fully alleged deficiencies or violations before a determination of compliance is made.

(e) If a contractor fails or refuses to submit its affirmative action program and supporting documentation or other information as required by paragraphs (a), (b), (c) and (d) of this section, enforcement proceedings authorized by this chapter may be initiated against the contractor after appropriate conciliation efforts have been attempted, without issuing a show cause notice or notice of violations.

§ 60–2.5 Confidentiality and relevancy of information.

(a) *Desk audit data.* If the contractor is concerned with the confidentiality of such information as lists of employees, employee names, reasons for termination and pay data, then alphabetical or numeric coding or the use of an index of pay and pay ranges are acceptable for desk audit purposes.

(b) *Data required for off-site analysis.* The contractor must provide all data determined by the compliance officer to be necessary for off-site analysis pursuant to § 60–2.3(d) of this part. Such data may only be coded if the contractor makes the code available to the compliance officer. If the contractor believes that particular information which is to be taken off-site is not relevant to compliance with the Executive Order, the contractor may request a ruling by the OFCCP Area Director. The OFCCP Area Director shall issue a ruling promptly. The contractor may appeal that ruling to the OFCCP Assistant Regional Administrator within 10 days of receipt. The Assistant Regional Administrator shall issue a final ruling promptly. Pending a final ruling, the information in question must be made available to the compliance officer off-site, but OFCCP shall take all necessary precautions to safeguard the confidentiality of such information until a final determination is made. Such information may not be copied and access to the information shall be limited to the compliance officer and personnel involved in the determination of relevancy. Data determined to be not relevant to the investigation will be returned to the contractor immediately.

(c) *Public access to information.* Information obtained from contractors under this chapter may be subject to public inspection under the Freedom of Information Act, 5 U.S.C. 552. If a contractor believes that information should be withheld from public inspection, it shall, at the time of submission of the information to the agency, clearly mark the materials "subject to a claim of confidentiality." If the agency receives a request from the public for such materials under the Freedom of Information Act, it will notify the contractor of the request and solicit a statement of reasons why the information should be withheld. As to any claim that the information contains trade secrets, or commercial or financial information which is privileged or confidential, the contractor shall set forth, with respect to each reasonably segregable portion of the materials, the manner in which it is claimed that release of the material would cause harm to the competitive position of the contractor. If information to which the contractor has filed an objection to disclosure is determined by OFCCP to be disclosable under 5 U.S.C. 552, the contractor shall be notified of such determination at least ten days prior to disclosure of the information.

Subpart B—Required Contents of Affirmative Action Programs

§ 60–2.10 Purpose of affirmative action program.

(a) An affirmative action program is a set of specific and result-oriented procedures to which a contractor commits itself to apply every good faith effort. The objective of those procedures plus such efforts is equal employment opportunity. Procedures without effort to

make them work are meaningless; and effort, undirected by specific and meaningful procedures, is inadequate. An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor's good faith efforts must be directed to correct the deficiencies and, thus to achieve prompt and full utilization of minorities and women, at all levels and in all segments of its work force where deficiencies exist.

(b) Contractors having 250 or more employees but fewer than 500 employees may elect to develop an abbreviated affirmative action program as described in § 60–2.14 of this part.

§ 60–2.11 Required utilization analysis.

Based upon the Government's experience with compliance reviews under the Executive Order program and the contractor reporting system, minority groups are most likely to be underutilized in departments and jobs within departments that fall within the following Employer's Information Report (EEO–1) designations: Officials and managers, professionals, technicians, sales workers, office and clerical and craftsmen (skilled). As categorized by the EEO–1 designations, women are likely to be underutilized in departments and jobs within departments as follows: Officials and managers, professionals, technicians, sales workers (except over-the-counter sales in certain retail establishments), craftsmen (skilled and semi-skilled). Therefore, the contractor shall direct special attention to such jobs in its analysis and goal setting for minorities and women. Affirmative action programs must contain the following information:

(a) Workforce analysis which is defined as a listing of each job title as it appears in applicable collective bargaining agreements or payroll records (not job group) ranked from the lowest paid to the highest paid within each department or other similar organizational unit, including departmental or unit supervision. If there are separate work units or lines of progression within a department, a separate list must be provided for each such work unit, or line, including unit supervisors. For lines of progression there must be indicated the order of jobs in the line through which an employee could move to the top of the line. Where there are no formal progression lines or usual promotional sequences, job titles should be listed by department, job families, or disciplines, in order of wage rates or salary ranges. For each job title, the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents in each of the following groups must be given: Blacks, Spanish-surnamed Americans, American Indians, and Orientals. The wage rate or salary range for each job title must be given. All job titles, including all managerial job titles, must be listed.

(b) An analysis of all major job groups at the facility, with explanation if minorities or women are currently being underutilized in any one or more job groups ("job groups" herein meaning one or a group of jobs having similar content, wage rates and opportunities). "Underutilization" is defined as having fewer minorities or women in a particular job group than would reasonably be expected by their availability. In the absence of other compelling circumstances as determined by the Director, an establishment shall be presumed to have reasonably utilized minorities and women, and shall not be required to explain if minorities and women are being underutilized or to establish goals and timetables, for job groups in which the employment of minorities and women is at least 80% of their availability. In making the utilization analysis, the contractor shall conduct such analysis separately for minorities and women.

(1) In determining whether minorities are being underutilized in any job group, the contractor will consider at least all of the following factors:

(i) The minority population of the labor area surrounding the facility;

(ii) The size of the minority unemployment force in the labor area surrounding the facility;

(iii) The percentage of the minority work force as compared with the total work force in the immediate labor area;

(iv) The general availability of minorities having requisite skills in the immediate labor area;

(v) The availability of minorities having requisite skills in an area in which the contractor can reasonably recruit;

(vi) The availability of promotable and transferable minorities within the contractor's organization;

(vii) The existence of training institutions capable of training persons in the requisite skills; and

(viii) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities.

(2) In determining whether women are being underutilized in any job group, the contractor will consider at least all of the following factors:

(i) The size of the female unemployment force in the labor area surrounding the facility;

(ii) The percentage of the female workforce as compared with the total workforce in the immediate labor area;

(iii) The general availability of women having requisite skills in the immediate labor area;

(iv) The availability of women having requisite skills in an area in which the contractor can reasonably recruit;

(v) The availability of women seeking employment in the labor or recruitment area of the contractor;

(vi) The availability of promotable and transferable female employees within the contractor's organization;

(vii) The existence of training institutions capable of training persons in the requisite skills; and

(viii) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to women.

§ 60–2.12 Establishment of goals and timetables.

(a) The goals and timetables developed by the contractor should be attainable in terms of the contractor's analysis of its deficiencies and its entire affirmative action program. Thus, in establishing the size of its goals and the length of its timetables, the contractor should consider the results which could reasonably be expected from its putting forth every good faith effort to make its overall affirmative action program work. In determining levels of goals, the contractor should consider at least the factors listed in § 60–2.11.

(b) Involve personnel relations staff, department and division heads, and local and unit managers in the goal-setting process.

(c) Goals should be significant, measurable, and attainable.

(d) Goals should be specific for planned results, with timetables for completion.

(e) Goals may not be rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

(f) In establishing timetables to meet goals and commitments, the contractor will consider the anticipated expansion, contraction, and turnover of and in the work force.

(g) Goals, timetables, and affirmative action commitments must be designed to correct any identifiable deficiencies.

(h) Where deficiencies exist and where numbers or percentages are relevant in developing corrective action,

the contractor shall establish and set forth specific goals and timetables separately for minorities and women.

(i) Such goals and timetables, with supporting data and the analysis thereof, shall be a part of the contractor's written affirmative action program and shall be maintained at each establishment of the contractor.

(j) A contractor or subcontractor extending a publicly announced preference for Indians as authorized in 41 CFR 60–1.5(a)(6) may reflect in its goals and timetables the permissive employment preference for Indians living on or near an Indian reservation.

(k) Where the contractor has not established a goal, its written affirmative action program must specifically analyze each of the factors listed in § 60–2.11 and must detail its reason for a lack of a goal.

(l) In the event it comes to the attention of the Office of Federal Contract Compliance Programs that there is a substantial disparity in the utilization of a particular minority group or men or women of a particular minority group, OFCCP may require separate goals and timetables for such minority group and may further require, where appropriate, such goals and timetables by sex for such group for such job classifications and organizational units specified by the OFCCP.

(m) Support data for the required analysis and program shall be compiled and maintained as part of the contractor's affirmative action program. This data will include but not be limited to progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios indicating minority and sex status.

(n) Copies of affirmative action programs and/or copies of support data shall be made available to the Office of Federal Contract Compliance Programs, upon request, for such purposes as may be appropriate to the fulfillment of its responsibilities under Executive Order 11246, as amended.

§ 60–2.13 Additional required ingredients of affirmative action programs.

Effective affirmative action programs shall contain, but not necessarily be limited to, the following ingredients:

(a) Development or reaffirmation of the contractor's equal employment opportunity policy in all personnel actions.

(b) Formal internal and external dissemination of the contractor's policy.

(c) Establishment of responsibilities for implementation of the contractor's affirmative action program.

(d) Identification of problem areas (deficiencies) by organizational units and job group.

(e) Establishment of goals and objectives by organizational units and job groups, including timetables for completion.

(f) Development and execution of action-oriented programs designed to eliminate problems and further designed to attain established goals and objectives.

(g) Design and implementation of internal audit and reporting systems to measure effectiveness of the total program.

(h) Active support of local and national community action programs and community service programs, designed to improve the employment opportunities of minorities and women.

(i) Consideration of minorities and women not currently in the work force having requisite skills who can be recruited through affirmative action measures.

§60–2.14 Abbreviated requirements for certain contractors.

(a) *General requirements.* If a contractor employes 250 or more persons but fewer than 500 persons, and if the contractor does not expect its employment to equal or exceed 500 or more persons within the next 12 months, the contractor may elect to develop and maintain at each establishment an abbreviated affirmative action program as described in paragraph (b) of this section.

(b) *Required elements of an abbreviated affirmative action program.* The abbreviated affirmative action program developed and maintained for each establishment shall contain at least the following elements:

(1) Development or reaffirmation of the contractor's equal employment opportunity policy in all personnel actions.

(2) A workforce analysis as described in § 60–2.11(a) of this part.

(3) A utilization analysis as described in § 60–2.11(b) of this part, except that jobs may be grouped and analyzed by EEO–1 category rather than by major job group.

(4) Where underutilization exists, goals and timetables developed in accordance with § 60–2.12 of this part to correct the underutilization.

(5) Procedures the contractor will undertake to ensure that the equal employment opportunity policy and affirmative action program are implemented.

(c) If at the anniversary date of the affirmative action program the contractor employs 500 or more persons, or if the contractor expects to employ 500 or more persons at any time during the succeeding 12 months, the contractor shall develop a full affirmative action program in accordance with §§ 60–2.11 through 60–2.13 of this part.

(d) Nothing in this section shall prohibit OFCCP, as a result of a compliance review or complaint investigation, from requiring the contractor to undertake specific good faith efforts to correct underutilization and ensure equal employment opportunity, and to provide appropriate remedial relief.

§ 60–2.15 Compliance status.

No contractor's compliance status shall be judged alone by whether or not it reaches its goals and meets its timetables. Rather, each contractor's compliance posture shall be reviewed and determined by reviewing the contents of its program, the extent of its adherence to this program, and its good faith efforts to make its program work toward the realization of the program's goals within the timetables set for completion.

Subpart C—Miscellaneous

§ 60–2.20 Use of goals.

The purpose of a contractor's establishment and use of goals is to ensure that it meet its affirmative action obligation. It is not intended and should not be used to discriminate against any applicant or employee because of race, color, religion, sex, or national origin.

§ 60–2.21 Preemption.

To the extent that any state or local laws, regulations or ordinances, including those which grant special benefits to persons on account of sex, are in conflict with Executive Order 11246, as amended, or with the requirements of this part, OFCCP will regard them as preempted under the Executive order.

§ 60–2.22 Supersedure.

All orders, instructions, regulations, and memorandums of the Secretary of Labor, other officials of the Department of Labor and contracting agencies are hereby superseded to the extent that they are inconsistent herewith, including a previous "Order No. 4" from this office dated January 30, 1970. Nothing in this part is intended to amend 41 CFR Part 60–3.

PART 60–4—CONSTRUCTION CONTRACTORS—AFFIRMATIVE ACTION REQUIREMENTS

Sec.

60–4.1 Scope and application.

60–4.2 Solicitations.
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60–4.4 Affirmative action requirements.
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60–4.6 Goals and timetables.
60–4.7 Effect on other regulations.
60–4.8 Show cause notice.
60–4.9 Incorporation by operation of the Order.

Authority: Secs. 201, 202, 205, 211, 301, 302, and 303 of E.O. 11246, as amended, 30 FR 12319; 32 FR 14303, as amended by E.O. 12086.

§ 60–4.1 Scope and application.

This part applies to all contractors and subcontractors which hold any Federal or federally assisted construction contract in excess of $10,000. The regulations in this part are applicable to all of a construction contractor's or subcontractor's construction employees who are engaged in on site construction including those construction employees who work on a non-Federal or nonfederally assisted construction site. This part also establishes procedures which all Federal contracting officers and all applicants, as applicable, shall follow in soliciting for and awarding Federal or federally assisted construction contracts. Procedures also are established which administering agencies shall follow in making any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of Executive Order 11246, as amended.

In addition, this part applies to construction work performed by construction contractors and subcontractors for Federal nonconstruction contractors and subcontractors if the construction work is necessary in whole or in part to the performance of a nonconstruction contract or subcontract.

§ 60–4.2 Solicitations.

(a) All Federal contracting officers and all applicants shall include the appropriate notice(s) set forth in paragraph (d) of this section and, when applicable, the Standard Federal Equal Employment Opportunity Construction Contract Specifications set forth in § 60–4.3 of this part in all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts to be performed in geographical areas designated by the Director pursuant to § 60–4.6 of this part. Administering agencies shall require the inclusion of the appropriate notice(s) set forth in paragraph (d) of this section and, when applicable, the specifications set forth in § 60–4.3 of this part as a condition of any grant, contract, subcontract, loan, insurance or guarantee involving federally assisted construction covered by this Part 60–4.

(b) All nonconstruction contractors covered by Executive Order 11246 and the implementing regulations shall include the appropriate notice(s) set forth in paragraph (d) of this section in all construction agreements which are necessary in whole or in part to the performance of the covered nonconstruction contract.

(c) Contracting officers, applicants and nonconstruction contractors shall give written notice to the Director within 10 working days of award of a contract subject to these provisions. The notification shall include the name, address and telephone number of the contractor; employer identification number; dollar amount of the contract, estimated starting and completion dates of the contract; the contract number; and geographical area in which the contract is to be performed.

(d)(1) The following notice shall be included in, and shall be a part of, all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts in excess of $10,000:

Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity (Executive Order 11246) (Part I)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" set forth or referred to herein, which is applicable to all nonexempt Federal or federally assisted construction contracts and subcontracts exceeding $10,000.

(2) In addition to the notice set forth in paragraph (d)(1) of this section, the following notice shall be included in, and shall be a part of, all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts of $50,000 or more to be performed in geographical areas designated by the Director pursuant to section 60–4.6 of this part:

Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity (Part II) (Executive Order 11246)

1. The Offeror's or Bidder's attention is called to the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein. The Specifications are applicable to all nonexempt Federal and federally assisted construction contracts and subcontracts of $50,000 or more if, during any 6 consecutive months of the 12 calendar months preceding the award of the contract, or subcontract the contractor's or subcontractor's employment of craft workers (both on and off site, and including laborers) totalled 20,000 or more hours.

The Offeror/Bidder shall state in writing, in its offer/bid, whether its craft employment totalled 20,000 hours or more in any 6 consecutive months of the preceding 12 months.

2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables	Goals for minority participation for each trade	Goals for female participation in each trade
.....	Insert goals for each year.	Insert goals for each year.

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area if the contractor holds a Federal or federally assisted construction contract or subcontract of $50,000 or more, and if, during any 6 consecutive months of the 12 calendar months preceding the award of the contract or subcontract, the contractor's or subcontractor's employment of craft workers (both on and off site, and including laborers) totalled 20,000 or more hours. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60–4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60–4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60–4. Compliance with the goals will be measured against the total work hours performed.

3. As used in this Notice, and in the contract resulting from this solicitation, the

"covered area" is (insert description of the geographical areas where the contract is to be performed giving the state, county and city, if any).

§ 60–4.3 Equal opportunity clauses.

(a) The equal opportunity clause published at 41 CFR 60–1.4(a) of this chapter is required to be included in and is part of, all Federal contracts and subcontracts, including construction contracts and subcontracts in excess of $10,000. The equal opportunity clause published at 41 CFR 60–1.4(b) is required to be included in, and is a part of, all nonexempt federally assisted construction contracts and subcontracts in excess of $10,000. In addition to the clauses described above, all Federal contracting officers, all applicants and all nonconstruction contractors, as applicable, shall include the specifications set forth in this section in all Federal and federally assisted construction contracts of $50,000 or more in excess of $10,000 to be performed in geographical areas designated by the Director pursuant to § 60–4.6 of this part and in construction subcontracts of $50,000 or more in excess of $10,000 necessary in whole or in part to the performance of nonconstruction Federal contracts and subcontracts covered under the Executive Order.

Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)

These specifications are applicable to all Federal and federally assisted construction contractors and subcontractors (i) having a construction contract or subcontract of $50,000 or more; and (ii) employing craft workers (both on and off site, and including laborers) for a total of 20,000 hours of work in any 6 consecutive month period during the 12 calendar months preceeding the award of the contract or subcontract.

1. As used in these specifications:

a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;

b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;

c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.

d. "Minority" includes:

(i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);

(ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);

(iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and

(iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract of $50,000 or more the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

3. If the Contractor is participating (pursuant to 41 CFR 60–4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7 a through i of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered construction contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the **Federal Register** in notice form, and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor must be able to demonstrate fully its efforts under steps a. through i. below, and shall implement affirmative action steps at least as extensive as the following:

a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and at all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

b. Actively seek and utilize alternative recruitment and labor sources for minority and female workers whenever traditional sources of labor are unable to supply sufficient numbers of minorities and women to fulfill the contractor's goal obligation under the Specification.

c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.

d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these

programs to the sources compiled under 7b above.

f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training, recruitment and outreach programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

g. Ensure that all personnel making management and employment decisions regarding hiring, assignment, layoff, termination, conditions of work, training, rates of pay or other employment decisions, including all supervisory personnel, superintendents, general foremen, on-site foremen, etc., are aware of the contractor's EEO policy, and affirmative action obligations and discharge their responsibilities accordingly.

h. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

i. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through i). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through i of these Specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

9. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.

11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.

14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in any easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

(b) The notice set forth in 41 CFR 60-4.2 and the specifications set forth in 41 CFR 60-4.3 replace the New Form for Federal Equal Employment Opportunity Bid Conditions for Federal and Federally Assisted Construction published at 41 FR 32482 and commonly known as the Model Federal EEO Bid Conditions, and the New Form shall not be used after the regulations in 41 CFR Part 60-4 become effective.

§ 60-4.4 Affirmative action requirements.

(a) To implement the affirmative action requirements of Executive Order 11246 in the construction industry, the Office of Federal Contract Compliance Programs previously has approved affirmative action programs commonly referred to as "Hometown Plans," has promulgated affirmative action plans referred to as "Imposed Plans" and has approved "Special Bid Conditions" for high impact projects constructed in areas not covered by a Hometown or an Imposed Plan. All solicitations for construction contracts made after the effective date of the regulations in this part shall include the notice specified in § 60-4.2 of this part and the specifications in § 60-4.3 of this part in lieu of the Hometown and Imposed Plans including the Philadelphia Plan and the Special Bid Conditions. Until the Director has issued an order pursuant to § 60-4.6 of this part establishing goals and timetables for minorities in the appropriate geographical areas or for a project covered by Special Bid Conditions, the goals and timetables for minorities to be inserted in the Notice required by 41 CFR 60-4.2 shall be the goals and timetables contained in the Hometown Plan, Imposed Plan or Special Bid Conditions presently covering the respective geographical area or project involved.

(b) Signatories to a Hometown Plan (including heavy highway affirmative action plans) shall have 45 days from the effective day of the regulations in this part to submit under such a Plan (for the director's approval) goals and timetables for women and to include female representation on the Hometown Plan Administrative Committee. Such goals for female representation shall be at least as high as the goals established for female representation in the notice issued pursuant to 41 CFR 60-4.6. Failure of the signatories, within the 45-day period, to include female representation and to submit goals for women or a new plan, as appropriate, shall result in an automatic termination of the Office of Federal Contract Compliance program's approval of the Hometown Plan. At any time the Office of Federal Contract

Compliance Programs terminates or withdraws its approval of a Hometown Plan, or when the plan expires and another plan is not approved, the contractors signatory to the plan shall be covered automatically by the specifications set forth in § 60–4.3 of this part and by the goals and timetables established for that geographical area pursuant to § 60–4.6 of this part.

§ 60–4.5 Hometown plans.

(a) A contractor participating, either individually or through an association, in an approved Hometown Plan (including heavy highway affirmative action plans) shall comply with its affirmative action obligations under Executive Order 11246 by complying with its obligations under the plan: *Provided,* That each contractor or subcontractor participating in an approved plan is individually required to comply with the equal opportunity clause set forth in 41 CFR 60–1.4; to make a good faith effort to achieve the goals for each trade participating in the plan in which it has employees; and that the overall good performance by other contractors or subcontractors toward a goal in an approved plan does not excuse any covered contractor's or subcontractor's failure to take good faith efforts to achieve the plan's goals and timetables. If a contractor is not participating in an approved Hometown Plan it shall comply with the specifications set forth in § 60–4.3 of this part and with the goals and timetables for the appropriate area as listed in the notice required by 41 CFR 60–4.2 with regard to that trade. For the purposes of this Part 60–4, a contractor is not participating in a Hometown Plan for a particular trade if it:

(1) Ceases to be signatory to a Hometown Plan covering that trade;

(2) Is signatory to a Hometown Plan for that trade but is not party to a collective bargaining agreement for that trade;

(3) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with labor organizations which are not or cease to be signatories to the same Hometown Plan for that trade;

(4) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with a labor organization for that trade but the two have not jointly executed a specific commitment to minority and female goals and timetables and incorporated the commitment in the Hometown Plan for that trade;

(5) Is participating in a Hometown Plan for that trade which is no longer acceptable to the Office of Federal Contract Compliance Programs;

(6) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with a labor organization for that trade and the labor organization and the contractor have failed to make a good faith effort to comply with their obligations under the Hometown Plan for that trade.

(b) Contractors participating in Hometown Plans must be able to demonstrate their participation and document their compliance with the provisions of the Hometown Plan.

§ 60–4.6 Goals and timetables.

The Director, from time to time, shall issue goals and timetables for minority and female utilization which shall be based on appropriate workforce, demographic or other relevant data and which shall cover construction projects or construction contracts performed in specific geographical areas. The goals, which shall be applicable to each construction trade in a covered contractor's or subcontractor's entire workforce which is working in the area covered by the goals and timetables, shall be published as notices in the **Federal Register**, and shall be inserted by the contracting officers and applicants, as applicable, in the Notice required by 41 CFR 60–4.2. Covered construction contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed.

§ 60–4.7 Effect on other regulations.

The regulations in this part are in addition to the regulations contained in this chapter which apply to construction contractors and subcontractors generally. See particularly, 41 CFR 60–1.4 (a), (b), and (c); 60–1.5; 60–1.7; 60–1.8; 60–1.41; 60–1.42; 60–1.43; 60–1.46; 60–1.47; 60–1.48; 60–1.65; 60–1.67; 60–1.68; 60–1.69; 60–1.71; and 41 CFR Part 60–3; Part 60–30; Part 60–10 and subparts B and C of Part 60–1.

§ 60–4.8 Show cause notice.

If an investigation or compliance review reveals that a construction contractor or subcontractor has violated the Executive Order, any contract clause, specifications or the regulations in this chapter and if administrative enforcement is contemplated, the Director shall issue to the contractor or subcontractor a notice to show cause which shall contain the items specified in (i)–(iv) of 41 CFR 60–1.25(c)(1). If the contractor does not show good cause within 30 days, or in the alternative, fails to enter an acceptable conciliation agreement which includes where appropriate, make up goals and timetables, back pay, and seniority relief for affected class members, the OFCCP shall follow the procedure in 41 CFR 60–1.29: *Provided,* That where a conciliation agreement has been violated, no show cause notice is required prior to the initiation of enforcement proceedings.

§ 60–4.9 Incorporation by operation of the order.

By operation of the Order, the equal opportunity clause contained in § 60–1.4, the Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) contained in § 60–4.2, and the Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246) contained in § 60–4.3 shall be deemed to be a part of every solicitation or of every contract and subcontract, as appropriate, required by the Order and the regulations in this chapter to include such clauses whether or not they are physically incorporated in such solicitation or contract and whether or not the contract is written.

PART 60–30—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS TO ENFORCE EQUAL OPPORTUNITY UNDER EXECUTIVE ORDER 11246, SECTION 402, AND SECTION 503

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Authority: Secs. 201, 205, 208, 209, 301, 302(b) and 303(a) of the Executive Order 11246, as amended, 30 FR 12319; 32 FR 14303; § 60-1.66 of Part 60-1 of this chapter (41 CFR Part 60-1), as amended by E.O. 12086; Sec. 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 2012); sec. 503 of the Rehabilitation Act of 1973, (29 U.S.C. 793), as amended by sec. 111(a), Pub. L. 93-516, 88 Stat. 1619 (29 U.S.C. 706) and by secs. 119 and 122 of the Rehabilitation Comprehensive Services and Developmental Disabilities Amendments of 1978, Pub. L. 95-602, 92 Stat. 2955 and Executive Order 11758.

General Provisions

§ 60-30.1 Applicability of rules.

This part provides the rules of practice for all administrative proceedings, instituted to enforce equal employment opportunity under Executive Order 11246, section 402 of the Vietnam Era Veterans Readjustment Assistance Act and section 503 of the Rehabilitation Act. In the absence of a specific provision, procedures shall be in accordance with the Federal Rules of Civil Procedure. This part is not applicable to hearings held by the Director under §§ 60-1.9, 60-1.67, or 60-1.48 of this chapter.

§ 60-30.2 Waiver, modification.

Upon notice to all parties, the Administrative Law Judge may, with respect to matters pending before him/her modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served thereby.

§ 60-30.3 Computation of time.

In computing any period of time under the rules in this part or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal Government in which event it includes the next business day. When the period of time allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays observed by the Federal Government shall be excluded from the computation.

§ 60-30.4 Form, filing, service of pleadings and papers.

(a) *Form.* The original of all pleadings and papers in a proceeding conducted under the regulations in this part shall be filed with the Administrative Law Judge assigned to the case or with the Chief Administrative Law Judge if the case has not been assigned. Every pleading and paper filed in the proceeding shall contain a caption setting forth the title of the action, the case file number assigned by the Administrative Law Judge, and a designation of the pleading or paper (e.g., complaint, motion to dismiss, etc.). The pleading or papers shall be signed and shall contain the address and telephone number of the person representing the party or the person on whose behalf the pleading or paper was filed. Unless the Administrative Law Judge otherwise orders with respect to specific pleadings and papers in a specific case, all such papers and pleadings are public documents.

(b) *Service.* Service upon any party shall be made by the party filing the pleading or document by delivering a copy to the party or by mailing a copy to the party's last known address. When a party is represented by an attorney, service shall be made upon the attorney.

(c) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of service, shall be proof of service.

Prehearing Procedures

§ 60-30.5 Administrative complaint.

(a) *Filing.* The Solicitor of Labor, Associate Solicitor for Civil Rights and Regional Solicitors, upon referral from the Office of Federal Contract Compliance Programs, are authorized to institute enforcement proceedings by filing a complaint and serving the complaint upon the contractor which shall be designated as the defendant. The Department of Labor, OFCCP, shall be designated as plaintiff.

(b) *Contents.* The complaint shall contain a concise jurisdictional statement, and a clear and concise statement sufficient to put the defendant on notice of the acts or practices it is alleged to have committed in violation of the Order, or section 402 or 503. The complaint shall also contain a prayer regarding the relief being sought, a statement of whatever sanctions the Government will seek to impose and the name and address of the attorney who will represent the Government. The notice pleading contemplated by this paragraph (b) shall conform to notice pleading under the Federal Rules of Civil Procedure.

(c) *Amendment.* The complaint may be amended once as a matter of course before an answer is filed, and the defendant may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the complaint or of the answer to the complaint shall be made only by leave of the Administrative Law Judge or by written consent of the adverse party; and leave shall be freely given where justice so requires. An amended complaint shall be answered within 14 days of its service, or within the time for filing an answer to the original complaint, whichever period is longer. If a response is required to an amended answer, such response shall be made within 14 days of service of the amended answer.

§ 60-30.6 Answer.

(a) *Filing and service.* Within 20 days after the service of the complaint, the defendant shall file an answer; the answer shall be filed with the Chief Administrative Law Judge if the case has not been assigned to an Administrative Law Judge. The answer shall be signed by the defendant or its attorney, and served on the Government in accordance with § 60-30.4(b).

(b) *Contents; failure to file.* The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the defendant is without knowledge, in which case the answer shall so state; or (2) state that the defendant admits all the allegations of the complaint. The answer may contain a waiver of hearing; and if not, a separate paragraph in the answer shall request a hearing. The answer shall contain the name and address of the defendant, or of the attorney representing the defendant. Failure to file an answer or to plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts.* The admission, in the answer or by

failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission, the Administrative Law Judge, without further hearing, may prepare his/her decision in which he/she shall adopt as his/her proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to the decision and to file briefs in support of the exceptions.

§ 60–30.7 Notice of prehearing conference.

Within 45 days after the answer is filed, the Administrative Law Judge shall notice the parties for a prehearing conference. The Administrative Law Judge shall conduct a final prehearing conference in accordance with § 60–30.12(c)(1) of this part.

§ 60–30.8 Motions; disposition of motions.

(a) *Motions.* Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the Administrative Law Judge. If made before or after the hearing itself, the motions shall be in writing. If made at the hearing, motions may be stated orally; but the Administrative Law Judge may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Unless otherwise ordered by the Administrative Law Judge, written motions shall be accompanied by a supporting memorandum. Within 10 days after a written motion is served, or such other time period as may be fixed, any party may file a response to a motion.

(b) *Disposition of motions.* The Administrative Law Judge may not grant a written motion prior to expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing, but may overrule or deny such motion without awaiting response. The Administrative Law Judge shall make every reasonable effort to dispose of all outstanding motions prior to the beginning of the hearing: *Provided,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions.

(c) *Motions to compel discovery.* Prior to filing a motion to compel discovery under §§ 60–30.9 through 60–30.11 of this part, counsel for the moving party shall communicate with opposing counsel concerning the matter in dispute and attempt to resolve it. Counsel for the moving party shall file with the motion a certificate of compliance with this rule.

§ 60–30.9 Interrogatories and admissions as to facts and documents.

(a) *Interrogatories.* Any party may serve upon a party written interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless objected to. Answers are to be signed by the person making them and objections are to be signed by the attorney or by whomever is representing the party. Answers and objections shall be filed and served within 25 days of service of the interrogatory. Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

(b) *Admissions.* Any party may serve upon a party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within 25 days after service, the party to whom the request is directed serves upon the requesting party a sworn statement either (1) denying specifically the matter as to which an admission is requested, or (2) setting forth in detail the reasons why it cannot truthfully either admit or deny such matters.

(c) *Objections or failures to respond.* The party submitting the interrogatory or request may move for an order with respect to any objection or other failure to respond.

(d) *Filing with Administrative Law Judge.* All interrogatories and requests for admissions, and all responses thereto, shall be filed with the Administrative Law Judge and shall become a part of the record of the case.

§ 60–30.10 Production of documents and things and entry upon land for inspection and other purposes.

(a) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on its behalf, to inspect and copy any unprivileged documents, phonorecords, and other compilations, including computer tapes and printouts, which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and which is in the possession or control of the party upon whom the request is served, for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 25 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or other failure to respond.

§ 60–30.11 Depositions upon oral examination.

(a) *Depositions; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding, and may use an administrative subpena. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs. The notice shall also set forth the categories of documents the witness is to bring to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his/her name is unknown.

(b) *Production of witnesses; obligation of parties; objections.* It shall be the

obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Unless the parties agree otherwise, depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the Administrative Law Judge an objection within 5 days after notice of production of such witness is served, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(c) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, each party shall be permitted to examine and cross-examine the witness under oath upon any matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. Errors which might be cured at the taking of the deposition, including errors in the manner of taking the deposition, in the form of the questions or answers, in the oath, or in the conduct of the parties, are waived unless objection is made at the taking of the deposition. All other objections may, in the discretion of the objecting party, be raised at the taking of the deposition or reserved until the hearing. All objections made at the taking of the deposition shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the Administrative Law Judge or the Administrative Law Judge rules that there was valid justification for the witness' failure or refusal to answer the question: *Provided,* That the examining party shall note on the record during the deposition the question which the deponent has failed, or refused to answer, and state his/her intention to invoke the presumption if no answer is forthcoming.

(d) *Subscription; certification; filing.* The testimony shall be reduced to typewriting, either by the officer taking the deposition or under his/her direction, and shall be submitted to the witness for examination and signing. If the deposition is not signed by the witness because he/she is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver the original copy of the transcript, together with his/her certificate, in person or by mail to the Administrative Law Judge. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges, unless distribution is restricted by order of the Administrative Law Judge for good cause shown.

(e) *Rulings on admissibility; use of deposition.* Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the Administrative Law Judge, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice, in accordance with the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the Administrative Law Judge finds: (i) That the witness is dead; or (ii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iii) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(4) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(f) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 60-30.12 Prehearing conferences.

(a) Upon his/her own motion or a motion of a party, the Administrative Law Judge may direct the parties or their counsel to meet with him/her for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(3) Stipulation, admissions of fact and contents and authenticity of documents;

(4) Limitation of the number of witnesses;

(5) Scheduling dates for the exchange of witness lists and of proposed exhibits; and

(6) Such other matters as may tend to expedite the disposition of the proceedings.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

(c)(1) A final prehearing conference shall be scheduled by the Administrative Law Judge a reasonable time in advance of the hearing to develop a prehearing order. The prehearing order shall contain any matters described in paragraph (a) of this section agreed upon by the parties or ordered by the Administrative Law Judge. The prehearing order also shall contain the general factual and legal contentions of the parties.

(2) Witness lists and hearing exhibits shall be exchanged at least 10 days in advance of the hearing, or such other later time as is set by the Administrative Law Judge. Each party shall provide to all other parties copies of all exhibits that it then plans to use at the hearing.

(3) All discovery should be concluded at least 30 days prior to the hearing or by such other later time as ordered by the Administrative Law Judge for good cause shown. Administrative Law Judges, however, shall allow adequate time for discovery.

§ 60–30.13 Consent findings and order.

(a) *General.* At any time after the issuance of a complaint and prior to or during the reception of evidence in any proceeding, the parties may jointly move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the Administrative Law Judge after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) That any further procedural steps are waived; and

(4) That any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement is waived.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the Administrative Law Judge for his/her consideration; or

(2) Inform the Administrative Law Judge that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed, the Administrative Law Judge, within 30 days, shall accept such agreement by issuing his/her decision based upon the agreed findings, and the decision shall constitute the final Administrative Order.

Hearings and Related Matters

§ 60–30.14 Designation of Administrative Law Judges.

Hearings shall be held before an Administrative Law Judge of the Department of Labor who shall be designated by the Chief Administrative Law Judge of the Department of Labor. After commencement of the proceeding but prior to the designation of an Administrative Law Judge, pleadings and papers shall be filed with the Chief Administrative Law Judge.

§ 60–30.15 Authority and responsibilities of Administrative Law Judges.

The Administrative Law Judge shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He/she shall have all powers necessary to those ends, including but not limited to, the power to:

(a) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his/her own motion;

(b) Require parties to state their position with respect to the various issues in the proceedings;

(c) Require parties to produce for examination those relevant witnesses and documents under their control; and require parties to answer interrogatories, and requests for admission, in full and produce documents for examination and copying;

(d) Administer oaths;

(e) Rule on motions and other procedural items or matters pending before him/her;

(f) Regulate the course of the hearing and conduct of participants therein;

(g) Examine and cross-examine witnesses and introduce into the record documentary or other evidence;

(h) Receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;

(i) Fix time limits for submission of written documents in matters before him/her and extend any time limits established by this part upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

(j) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(1) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting it from introducing designated matters into evidence;

(2) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him/her;

(3) Expelling any party or person from further participation in the hearing; and

(4) Invoking a presumption that the answers or actions ordered if made, would be unfavorable or adverse to the party ordered to answer or act.

(k) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(l) Recommend whether the defendant violated the Order, section 402 or section 503, as well as the nature of the relief necessary to ensure the full enjoyment of the rights secured by the Order, section 402 or section 503;

(m) Issue subpenas; and

(n) [Reserved]

(o) Take any action authorized by these rules.

§ 60–30.16 Appearances.

(a) *Representation.* The parties or other persons or organizations participating pursuant to this part 60–30 have the right to be represented by counsel.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present its evidence in whole or such portion thereof sufficient to make a prima facie case before the Administrative Law Judge. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the Administrative Law Judge's recommended decision and to file exceptions to it.

§ 60–30.17 Appearance of witnesses.

(a) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice, which may be accomplished by an administrative subpena, setting forth the time, date, and place at which he/she is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him/her to the hearing, if any. A copy of the notice shall be filed with the Administrative Law Judge and additional copies shall be served upon the parties.

(b) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(c) The party or prospective witness may file an objection within 5 days after

notice of production of such witness is served stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

§ 60–30.18 Evidence; testimony.

The Federal Rules of Evidence shall apply to proceedings under this part. If necessary, to achieve the ends of justice, such other rules or principles designed to assure production of the most probative evidence available may be applied. Testimony shall be given orally by witnesses at the hearing. Except as set forth in § 60–30.11(e), depositions may not be introduced into evidence in lieu of testimony given at the hearing. A witness shall be available for cross-examination, and, at the discretion of the Administrative Law Judge, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding. The Administrative Law Judge may exclude evidence which is immaterial, irrelevant, or unduly repetitious.

§ 60–30.19 Objections; exceptions; offer of proof.

(a) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, it shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made on the record may be relied upon subsequently in the proceedings.

(b) *Exceptions.* Formal exception to an adverse ruling is not required. Rulings by the Administrative Law Judge shall not be appealed prior to the transfer of the case to the Secretary. Exceptions to such rulings shall be filed in accordance with 41 CFR 60–30.28.

(c) *Offer of proof.* An offer of proof made in connection with an objection taken to any ruling excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of references to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof. The offer of proof should clearly and specifically indicate the significance of the excluded evidence, unless the substance is apparent from the context. Allowance of an offer of proof is within the discretion of the Administrative Law Judge.

§ 60–30.20 Ex parte communications.

The Administrative Law Judge shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision in the case, except as witness or counsel in the proceeding.

§ 60–30.21 Oral argument.

Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral arguments shall be included in the official transcript of the hearing.

§ 60–30.22 Official transcript.

The official transcripts of testimony taken, together with any exhibits, briefs, or memorandums of law, shall be filed with the Administrative Law Judge. Transcripts of testimony may be obtained from the official reporter by the parties and the public as provided in section 11(a) of the Federal Advisory Committee Act (86 Stat. 770). Upon notice to all parties, the Administrative Law Judge may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

§ 60–30.23 Summary judgment.

(a) *For the Government.* At any time after the expiration of 20 days from the commencement of the action, or after service of a motion for summary judgment by the defendant, the Government may move with or without supporting affidavits for a summary judgment upon all claims of any part.

(b) *For defendant.* The defendant may, at any time after commencement of the action, move with or without supporting affidavits for summary judgment in its favor as to all claims or any part.

(c) *Other parties.* Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the Government or defendant, in accordance with this section, but may not move for summary judgment in its own behalf.

(d) *Statement of uncontested facts.* All motions for summary judgment shall be accompanied by a "Statement of Uncontested Facts" in which the moving party sets forth all alleged uncontested material facts which shall provide the basis for its motion. At least 5 days prior to the time fixed for hearing on the motion, any party contending that any material fact regarding the matter covered by the motion is in dispute, shall file a "Statement of Disputed Facts." Failure to file a "Statement of Disputed Facts" shall be deemed as an admission to the "Statement of Uncontested Facts."

(e) *Motion and proceedings.* The motion shall be served upon all parties at least 15 days before the time fixed for the hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of hearing. The judgment sought shall be rendered forthwith if the complaint and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Summary judgment rendered for or against the Government or the defendant shall constitute the findings and recommendations on the issues involved. Hearings on motions made under this section shall be scheduled by the Administrative Law Judge.

(f) *Case not fully adjudicated on motion.* If on motion under this section judgment is not rendered upon the whole case or for all the relief asked and a final hearing is necessary, the Administrative Law Judge at the hearing of the motion, by examining the notice and answer and the evidence before him/her and by interrogating counsel, shall, if practicable, ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He/she shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in controversy, and directing such further proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

§ 60–30.24 Participation by interested persons.

(a)(1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final Administrative Order could adversely affect them or the class they represent, and such participation may contribute materially to the proper disposition of the proceedings.

(3) Any person or organization wishing to participate as a party under

this section shall file with the Administrative Law Judge and serve on all parties a petition within 25 days after the commencement of the action or at such other time as ordered by the Administrative Law Judge, so long as it does not disrupt the proceeding. Such petition shall concisely state: (i) Petitioner's interest in the proceedings; (ii) who will appear for petitioner; (iii) the issues on which petitioner wishes to participate; and (iv) whether petitioner intends to present witnesses.

(4) The Administrative Law Judge shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the Administrative Law Judge may request all such petitioners to designate a single representative to represent all such petitioners: *Provided,* That the representative of a labor organization qualifying to participate under paragraph (a)(1) of this section must be permitted to participate in the proceedings. The Administrative Law Judge shall give each petitioner written notice of the decision on its petition; and if the petition is denied, he/she shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The Administrative Law Judge shall give written notice to each party of each petition granted.

(b)(1) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the final hearing with the Administrative Law Judge. Such petition shall concisely state: (i) The petitioner's interest in the hearing; (ii) who will represent the petitioner; and (iii) the issues on which petitioner intends to present argument. The Administrative Law Judge may grant the petition if he/she finds that the petitioner has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this section.

(2) An amicus curiae may present a brief oral statement at the hearing at the point in the proceeding specified by the Administrative Law Judge. He/she may submit a written statement of position to the Administrative Law Judge prior to the beginning of a hearing and shall serve a copy on each party. He/she may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and he/she shall serve a copy on each party.

Post-Hearing Procedures

§ 60–30.25 Posthearing briefs.

Each party and amicus may file a brief. The time for filing briefs shall be established by the Administrative Law Judge. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the Administrative Law Judge. Requests for additional time in which to file a brief shall be made in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

§ 60–30.26 Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

§ 60–30.27 Recommended decision.

Within a reasonable time after the filing of briefs, the Administrative Law Judge shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record to the Secretary of Labor for a final Administrative Order. The recommended findings, conclusions, and decision shall be served on all parties and amici to the proceeding.

§ 60–30.28 Exceptions to recommended decisions.

Within 30 days after receipt of the recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 14 days of their receipt by said parties. All exceptions and responses shall be filed with the Secretary. Service of exceptions and responses shall be made simultaneously on all parties to the proceeding. Requests to the Secretary for additional time in which to file exceptions and responses shall be in writing and copies shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due.

§ 60–30.29 Record.

After expiration of the time for filing exceptions and responses, the Secretary shall make a final decision, which shall be the final Administrative Order, on the basis of the record. The record shall consist of the record for recommended decision, the rulings and recommended decision of the Administrative Law Judge and the exceptions and responses filed subsequent to the Administrative Law Judge's decision.

§ 60–30.30 Final Administrative Order.

After expiration of the time for filing exceptions, and responses thereto, the Secretary or the Under Secretary, in the absence of the Secretary or if the Secretary disqualifies himself or herself for any reason, shall make a final Administrative Order which shall be served on all parties. If the Secretary concludes that the defendant has violated the Order, section 402 or section 503, an Administrative Order shall be issued which shall enjoin the violations, and require the contractor to provide whatever remedies are appropriate, and which shall impose whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in the immediate termination and suspension of the defendant's contracts and/or debarment of the defendant from further contracts: *Provided,* That the portion of any order under Executive Order 11246 terminating, cancelling, or suspending contracts shall not become effective until the consultation requirements of section 209(a)(5) of the Order, as amended by Executive Order 12086, have been satisfied.

Expedited Hearing Procedures

§ 60–30.31 Expedited hearings—when appropriate.

Expedited Hearings may be used, *inter alia,* when a contractor or subcontractor has violated a conciliation agreement; has not adopted and implemented an acceptable affirmative action program; has refused to give access to or to supply records or other information as required by the equal opportunity clause; or has refused to allow an on-site compliance review to be conducted.

§ 60–30.32 Administrative complaint and answer.

(a) Expedited hearings shall be commenced by filing an administrative complaint in accordance with 41 CFR 60–30.5. The complaint shall state that the hearing is subject to these expedited hearing procedures.

(b) The answer shall be filed in accordance with 41 CFR 60–30.6 (a) and (b).

(c) If the defendant believes that the expedited hearing procedures are inapplicable or inappropriate to the issue(s) alleged in the administrative complaint, the defendant may, in a separate paragraph of its answer, object to the use of the expedited procedures. If an objection is filed, all further proceedings and all applicable time limitations shall be stayed pending the Administrative Law Judge's resolution of the objection. Before reaching a resolution the Administrative Law Judge shall permit all parties to present their views. In the discretion of the Administrative Law Judge, the presentation may be orally or in writing.

(d) Failure to request a hearing within the 20 days provided by 41 CFR 60–30.6(a) shall constitute a waiver of hearing, and all the material allegations of fact contained in the complaint shall be deemed to be admitted. If a hearing is not requested or is waived, within 25 days of the complaint's filing, the Administrative Law Judge shall adopt as findings of fact the material facts alleged in the complaint, and shall order the appropriate sanctions and/or penalties sought in the complaint. The Administrative Law Judge's findings and order shall constitute a final Administrative Order, unless the Office of the Solicitor, U.S. Department of Labor, files exceptions to the findings and order within 10 days of receipt thereof. If the Office of the Solicitor, U.S. Department of Labor, files exceptions, the matter shall proceed in accordance with § 60–30.36 of this Part.

(e) If a request for a hearing is received within 20 days as provided by 41 CFR 60–30.6(a), the hearing shall be convened within 45 days of receipt of the request and shall be completed within 15 days thereafter, unless more hearing time is required.

§ 60–30.33 Discovery.

(a) Any party may serve requests for admissions in accordance with § 60–30.9 (b) and (c).

(b) Witness lists and hearing exhibits will be exchanged at least 10 days in advance of the hearing.

(c) For good cause shown, and upon motion made in accordance with § 60–30.8, the Administrative Law Judge may allow the taking of depositions. Other discovery will not be permitted.

§ 60–30.34 Conduct of hearing.

(a) At the hearing, the Government shall be given an opportunity to demonstrate the basis for the request for sanctions and/or remedies, and the contractor shall be given an opportunity to show that the violation complained of did not occur and/or that good cause or good faith efforts excuse the alleged violations. Both parties shall be allowed to present evidence and argument and to cross-examine witnesses.

(b) The hearing shall be informal in nature, and the Administrative Law Judge shall not be bound by formal rules of evidence.

§ 60–30.35 Recommended decision after hearing.

Within 30 days after the hearing is concluded, the Administrative Law Judge shall recommend findings, conclusions, and a decision. The Administrative Law Judge may permit the parties to file written post-hearing briefs within this time period, but the Administrative Law Judge's recommendations shall not be delayed pending receipt of such briefs. These recommendations shall be certified, together with the record, to the Secretary for a final Administrative Order. The recommended decision shall be served on all parties and amici to the proceeding.

§ 60–30.36 Exceptions to recommendations.

The provisions of 41 CFR 60–30.28 shall be applicable to exceptions to the Administrative Law Judge's recommendations.

§ 60–30.37 Final Administrative Order.

(a) After expiration of the time for filing exceptions, and responses thereto, the Secretary shall issue a final Administrative Order which shall be served on all parties. Unless the Secretary issues a final Administrative Order within 45 days after the expiration of the time for filing exceptions, and responses thereto, the Administrative Law Judge's recommended decision shall become a final Administrative Order which shall become effective on the 46th day after expiration of the time for filing exceptions and responses thereto. Except as to specific time periods required in this subsection, 41 CFR 60–30.30 shall be applicable to this subsection.

PART 60–60—CONTRACTOR EVALUATION PROCEDURES FOR CONTRACTORS FOR SUPPLIES AND SERVICES [REMOVED]

PART 60–250—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

Sec.

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Appendix A
Appendix B

Authority: Sec. 503(a), Pub. L. 92–540, 86 Stat. 1097 (38 U.S.C. 2012), as amended by Sec. 402, Pub. L. 93–508, 88 Stat. 1593 (38 U.S.C. 2012).

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

§ 60–250.1 Purpose and application.

The purpose of the regulations in this part is to assure compliance with section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, which requires Government contractors to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era. The regulations in this part apply to all Government contracts, including Federal deposit or share insurance, for the furnishing of supplies or services or for the use of personal property (including construction) for $10,000 or more.

§ 60–250.2 Coverage and waivers.

(a) *General.*—(1) *Transactions for less than $10,000.* Contracts and subcontracts for less than $10,000 are not covered by the Act. No agency or contractor shall procure supplies or services in less than usual quantities to avoid the applicability of the affirmative action clause.

(2) *Contracts for indefinite quantities.* With respect to indefinite delivery-type contracts (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the contracting agency has reason to believe that the amount to be ordered in any year under such contract will be less than $10,000. The applicability of the affirmative action clause shall be determined at the time of award for the first year, and annually thereafter for succeeding years, if any.

Notwithstanding the above, the affirmative action clause shall be applied to such contract whenever the amount of a single order is $10,000 or more. Once the affirmative action clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) *Work outside of the United States.* The requirements of the affirmative action clause are waived with respect to contracts with regard to work performed outside of the United States by employees who were not recruited within the United States.

(4) *Contracts with State or local governments.* The requirements of the affirmative action clause in any contract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

(5) *Facilities not connected with contracts.* The Director may waive the requirements of the affirmative action clause with respect to any of a contractor's facilities which he or she finds to be in all respects separate and distinct from activities of the contractor related to the performance of the contract, provided that he or she also finds that such a waiver will not interfere with or impede the effectuation of the Act. Such waivers shall be considered only upon the request of the contractor.

(b) *Waivers.*—(1) *Specific contracts and classes of contracts.* The head of an agency, with the concurrence of the Director, may waive the application to any contract of any part of or all the affirmative action clause when he or she deems that special circumstances in the national interest so require. The agency head, with the concurrence of the Director, may also grant such waivers to groups or categories of contracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where such waiver will substantially contribute to convenience in administration of the Act.

(2) *National security.* Any requirement set forth in the regulations in this Part 60–250 shall not apply to any contract whenever the head of the contracting agency determines that such contract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination, the head of the agency will notify the Director in writing within 30 days.

(c) *Withdrawal of waiver.* When a waiver has been granted for any class of contracts under this section other than contracts granted waivers under paragraph (b)(2) of this section, the Director may withdraw the waiver for a specific contract or group of contracts to be awarded, when in his or her judgment such action is necessary or appropriate to achieve the purposes of the Act. The withdrawal shall not apply to contracts awarded prior to the withdrawal, except that in procurement entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60–250.3 Affirmative action clause.

Each agency and each contractor shall include the following affirmative action clause in each of its covered Government contracts (and modifications, renewals, or extensions thereof if not included in the original contract):

Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era

(a) The contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: Employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be listed at an appropriate local office of the State employment service system wherein the opening occurs. The contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required.

State and local government agencies holding Federal contracts of $10,000 or more shall also list all the suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. This listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in Executive Orders or regulations regarding nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location (1) the number of individuals hired during the reporting period, (2) the number of nondisabled veterans of the Vietnam era hired, (3) the number of disabled veterans of the Vietnam era hired, and (4) the total number of disabled veterans hired. The reports should include covered veterans hired for on-the-job training under 38 U.S.C. 1787. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The contractor shall maintain at each hiring location copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor. Documentation would include personnel records respecting job openings, recruitment and placement.

(e) Whenever the contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside of the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to openings which the contractor proposes to fill from within its own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once the contractor decides to consider applicants outside of its own

organization or employer-union arrangement for that opening.

(h) As used in this clause: (1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and non-production; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings as are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposes to fill from within its own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement nor openings in an educational institution which are restricted to students of that institution. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the contractor proposes to fill from within its own organization" means employment openings for which no consideration will be given to persons outside of the contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the contractor proposes to fill from regularly established "recall" lists.

(4) "Openings which the contractor proposes to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of its employees.

(i) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(j) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(k) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notice shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era for employment, and the rights of applicants and employees.

(l) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of the Vietnam Era Veterans Readjustment Assistance Act, and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.

(m) The contractor will include the provisions of this clause in every subcontract or purchase order of $10,000 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions including action for noncompliance.

§ 60–250.4 Applicability of the affirmative action program requirement.

(a) Within 120 days of the commencement of a contract, every Government contractor which has 250 or more employees and has a contract of $1 million or more shall prepare and maintain an affirmative action program at each establishment which shall set forth the contractor's policies, practices and procedures in accordance with § 60–250.5 of this part. This program may be integrated into or kept separate from other affirmative action programs of the contractor which OFCCP requires it to maintain pursuant to this chapter. The provisions of 41 CFR 60–2.3(c), pertaining to long term affirmative action programs, shall apply to affirmative action programs required by this Part 60–250.

(b) The affirmative action program shall be reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes shall be communicated to employees and applicants for employment.

(c) The contractor shall submit the affirmative action program within 30 days of receipt of a request from OFCCP. The contractor shall also submit the affirmative action program upon OFCCP's request when a complaint is being investigated or a preaward compliance review is being conducted.

(d) The full affirmative action program shall be available to any employee or applicant for employment for inspection upon request. The location and hours during which the program may be obtained shall be posted at each establishment.

(e) The contractor shall invite all disabled veterans and veterans of the Vietnam era who wish to benefit under the affirmative action program to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment and that it will be used only in accordance with the Act, and regulations in this part. If an applicant or employee so identifies himself or herself, the contractor should also seek the advice of the applicant or employee regarding proper placement and appropriate accommodation (an acceptable form for such an invitation is set forth in Appendix A attached). Nothing in this section shall preclude an employee from informing a contractor at a future time of his or her desire to benefit from this program. Nothing in this section shall relieve a contractor from liability for discrimination under the Act.

§ 60–250.5 Affirmative action policy, practices and procedures.

(a) *General requirements.* Under the affirmative action obligation imposed by the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, contractors are required to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: Hiring, upgrading, demotion or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training programs under 38 U.S.C. 1787.

(b) *Proper consideration of qualifications.* Contractors shall review their personnel processes to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known disabled veteran applicants and Vietnam era veteran applicants for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. In determining the qualifications of a covered veteran, the contractor shall consider only that portion of the military record, including discharge papers, relevant to the specific job qualifications for which the veteran is being considered. To the extent that it is necessary to modify their personnel procedures, contractors shall include the

development of new procedures for this purpose in their affirmative action program required under this part. These procedures must be designed so as to facilitate a review of the implementation of this requirement by the contractor or the Government. (Appendix B attached is an example of an appropriate set of procedures. The procedures in Appendix B are not required and contractors may develop other procedures which are appropriate to their circumstances.)

(c) *Physical and mental qualifications.* (1) The contractor shall provide in its affirmative action program, and shall adhere to, a schedule for the review of all physical or mental job qualification requirements to ensure that, to the extent qualification requirements tend to screen out qualified disabled veterans, they are job related and are consistent with business necessity and the safe performance of the job.

(2) Whenever a contractor applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion, or training, to the extent that qualification requirements tend to screen out qualified disabled veterans, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The contractor shall have the burden to demonstrate that it has complied with the requirements of this paragraph.

(3) Nothing in this section shall prohibit a contractor from conducting a comprehensive medical examination prior to employment provided that the results of such an examination shall be used only in accordance with the requirements of this section. Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical examination prior to employment or change in employment status information obtained in response to such inquiries or examination shall be kept confidential except that:

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans and regarding accommodations; and

(ii) first aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment; and

(iii) Government officials investigating compliance with the Act shall be informed.

(d) *Accommodation to physical and mental limitations of employees.* A contractor must make a reasonable accommodation to the physical and mental limitations of a disabled veteran unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) Business necessity and (2) financial costs and expenses.

(e) *Compensation.* In offering employment or promotions to disabled veterans, and veterans of the Vietnam era, the contractor may not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

(f) *Outreach, positive recruitment, and external dissemination of policy.* Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified disabled veterans and veterans of the Vietnam era. Based upon the findings of such reviews, contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed. The scope of a contractor's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.

(1) The contractor should develop internal communication of its obligation to engage in affirmative action efforts to employ qualified disabled veterans and veterans of the Vietnam era in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) The contractor should develop reasonable internal procedures to ensure that its obligation to engage in affirmative action to employ and promote qualified disabled veterans and veterans of the Vietnam era is being fully implemented.

(3) The contractor should periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified disabled veterans and veterans of the Vietnam era.

(4) The contractor should enlist the assistance and support of all recruiting sources including as follows:

(i) The local Veterans Employment Representative or his or her designee in the State Employment Service Office nearest each establishment where hiring takes place to recruit job ready veterans and to develop on-the-job training opportunities for covered veterans wherever feasible;

(ii) The Veterans Administration Regional Office nearest each establishment to develop on-the-job training opportunities for covered veterans, and to recruit job ready veterans;

(iii) The office of the National Alliance of Businessmen nearest each establishment where hiring takes place in order to cooperate in the Jobs for Veterans' Program;

(iv) The veterans' counselors and coordinators ("Vet-Reps" and "VCIPS") on college campuses for the recruitment of covered veterans;

(v) The service officers of the national veterans groups active in the area of each establishment where hiring takes place for the recruitment of covered veterans; and

(vi) Local veterans' groups and veterans' service centers in the area of each establishment where employment services are performed near major cities, for the recruitment of covered veterans.

(5) The contractor should establish meaningful contacts with appropriate veterans' service organizations which service disabled veterans or veterans of the Vietnam era, for such purposes as advice, technical assistance and referral of potential employees. Technical assistance from the resources listed in this paragraph may consist of advice on proper placement, recruitment, training and accommodations contractors may undertake, but no such resource providing technical assistance shall have the authority to approve or disapprove the acceptability of affirmative action programs.

(6) The contractor should review employment records to determine the availability of promotable and transferrable qualified known disabled veterans and veterans of the Vietnam era presently employed, and to determine whether their present and potential skills are being fully utilized or developed.

(7) The contractor should send written notification of company policy to all subcontractors, vendors and suppliers, requesting appropriate action on their part.

(8) The contractor should consider all qualified disabled veterans and veterans

of the Vietnam era not currently in the workforce having requisite skills who can be recruited through affirmative action measures.

(g) *Internal dissemination of policy.* A strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor should adopt, implement and disseminate this policy internally as follows:

(1) Include it in the contractor's policy manual.

(2) Publicize it in the company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of the contractor's policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Include articles on accomplishments of disabled veterans and veterans of the Vietnam era in company publications.

(9) Post the policy on company bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under the Act.

(h) *Responsibility for implementation.* An executive of the contractor should be designated as director or manager of company affirmative action activities under these regulations. His or her identity should appear on all internal and external communications regarding the company's affirmative action programs. This executive should be given necessary top management support and staff to manage the implementation of this program, including the following activities:

(1) Develop policy statements, affirmative action programs, and internal and external communication techniques. The latter techniques should include regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed. In addition, supervisors should be advised that:

(i) Their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria.

(ii) The contractor is obligated to prevent harassment of employees placed through affirmative action efforts, as set forth in 41 CFR 60–1.67.

(2) Identify problem areas in conjunction with line management and known disabled veterans, in the implementation of the affirmative action programs, and develop solutions. This is particularly important for the accommodation requirements.

(3) Design and implement audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's objectives have been attained.

(iv) Determine whether known disabled veterans and veterans of the Vietnam era have had the opportunity to participate in all company sponsored educational, training, recreational and social activities.

(v) Ensure that each location is in compliance with the Act and the regulations in this Part 60–250.

(4) Serve as liaison between the contractor and enforcement agencies.

(5) Serve as liaison between the contractor and organizations of and for disabled veterans and veterans of the Vietnam era, and arrange for the active involvement by company representatives in the community service programs of local organizations of and for disabled veterans and veterans of the Vietnam era.

(6) Keep management informed of the latest developments in the entire affirmative action area.

(7) Arrange for career counseling for known disabled veterans and veterans of the Vietnam era.

(i) *Development and execution of affirmative action programs.* (1) Job qualification requirements reviewed pursuant to paragraph (c) of this section should be made available to all members of management involved in the recruitment, screening, selection, and promotion process.

(2) The contractor should evaluate the total selection process including training and promotion to ensure freedom from stereotyping disabled veterans and veterans of the Vietnam era in a manner which limits their access to all jobs for which they are qualified.

(3) All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to ensure that the commitments in its affirmative action program are implemented.

(4) Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources. Plant tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

(5) A special effort should be made to include qualified disabled veterans or veterans of the Vietnam era on the personnel relations staff.

(6) Active participation in veterans "job fairs" is desirable.

(7) Recruiting efforts at all educational institutions should incorporate special efforts to reach disabled veterans and veterans of the Vietnam era.

(8) An effort should be made to participate in work-study programs with Veterans' Administration rehabilitation facilities which specialize in training or educating disabled veterans.

(9) The contractor should use all available resources to continue or establish federally assisted apprenticeship and on-the-job training programs under 38 U.S.C. 1787.

§ 60–250.6 Determination of disability.

Any disabled veteran filing a complaint under this part shall submit documentation from the Veterans Administration or military service from which the person was discharged or released which indicates the disability. Such documentation shall be updated within one year prior to filing the complaint if there has been a major change in the veteran's condition or if the Veterans Administration is reviewing the veteran's case.

Subpart B—General Enforcement and Complaint Procedure

§ 60–250.20 Subcontracts.

Each nonexempt contractor shall include the affirmative action clause prescribed in § 60–250.3 in each of its nonexempt subcontracts. The clause may be incorporated by reference in accordance with 41 CFR 60–1.46.

§ 60–250.21 Duties of agencies.

Each agency shall cooperate with the Director in the performance of his or her responsibilities under the Act. Such

cooperation shall include the responsibility to ensure that contractors are fully cognizant of their obligations under the Act and this part, to provide the Director with any information which comes to its attention that the contractor is not in compliance with the Act or this part, and to take such actions for noncompliance as set forth in this chapter as may be ordered by the Director.

§ 60–250.22 Evaluations by the OFCCP Assistant Regional Administrators.

The Assistant Regional Administrators, OFCCP, shall be primarily responsible for undertaking compliance reviews and investigations of complaints against contractors as may be necessary to assure that the purposes of the Act are being carried out effectively.

§ 60–250.23 Complaint procedures.

(a) *Filing complaints.* Complaints shall be filed within 180 days of the alleged violation unless the time for filing is extended for good cause shown.

(b) *Where to file.* Complaints may be filed with the OFCCP, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, or with any OFCCP regional or area office. Complaints also may be filed with the Veterans Employment Service of the Department of Labor. Complaints filed with the Veterans Employment Service shall be referred to OFCCP promptly for investigation.

(c) *Contents of complaints.* Complaints must be signed by the complainant or an authorized representative and must contain the following information. (1) Name and address (including telephone number) of the complainant; (2) name and address of the contractor who committed the alleged violation; (3) a description of the act or acts considered to be a violation; (4) a statement that the alleged discriminatee is a disabled or Vietnam era veteran; and (5) any other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of any known Federal agency with which the employer has contracted. Complaints alleging class-type violations which do not identify the alleged discriminatee or discriminatees will be accepted provided the other requirements of this paragraph are met. Signed third party complaints which do not identify the alleged discriminatee will be accepted, whether or not the third party signing the complaint is an authorized representative provided that the other information required by this paragraph is included.

(d) *Incomplete information.* If a complaint contains incomplete information, OFCCP shall seek the needed information from the person who filed the complaint. If the information is not furnished within 60 days of the date of the request, the file may be closed.

(e) *Investigations.* The OFCCP shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record.

(f) *Referral to contractor.* When a complaint concerns an employee of a contractor and the contractor has an applicable internal review procedure, the complaint may be referred to the contractor for processing under that procedure if the employee gives his/her consent. The contractor shall be informed of the elements of the complaint either by being furnished a copy or a sanitized version. The complaint and all actions taken thereunder shall be kept confidential by the contractor. If the contractor is able to resolve the complaint to the satisfaction of the employee prior to the OFCCP investigation, the contractor shall notify OFCCP of the results in writing within 60 days of the referral. The case will be closed upon verification with the employee.

(g) *Resolution of matters.* (1) If the complaint investigation shows no violation of the Act or regulations, or if the matter is not recommended to the Office of the Solicitor for legal enforcement proceedings, the matter shall be closed and the complainant shall be so notified.

(2) If an investigation indicates that the contractor has not complied with the requirements of the Act, efforts shall be made to secure compliance through conciliation and persuasion within a reasonable time. Before the contractor can be found to be in compliance, it must make a specific commitment in accordance with the procedure in 41 CFR 60–1.65.

(3) If a complaint investigation or compliance review indicates a violation of the Act, and the matter has not been resolved by informal means, OFCCP may refer the matter in accordance with the procedure in 41 CFR 60–1.68(a) for consideration of any action authorized under 41 CFR 60–1.68. After a matter arising under the Act is referred to the Office of the Solicitor, the provisions of 41 CFR 60–1.68 through 60–1.70 shall be applicable to the matter in the same way those provisions apply to a matter arising under Executive Order 11246.

Subpart C—Ancillary Matters

§ 60–250.30 Responsibilities of the Assistant Secretary for Veterans' Employment.

(a) In accordance with the provisions of 38 U.S.C. 2002A, the Assistant Secretary for Veterans' Employment (ASVE) has responsibilities in all Department of Labor employment and training programs for veterans. The ASVE is responsible for assuring that the Veterans Employment Service shall monitor and evaluate adherence to the contractor job listing provisions of § 60–250.3 by state employment security agencies. Deficiencies noted by the Veterans Employment Service shall be reported through the ASVE to OFCCP. OFCCP, in coordination with the ASVE, will review contractor compliance with the mandatory job listing requirements in the course of regularly scheduled compliance reviews.

(b) Any job openings listed pursuant to § 60–250.3, which requires contractors to list their job openings with state employment services offices, shall be utilized by state employment security agencies to refer qualified disabled veterans and veterans of the Vietnam era. (See 20 CFR 653.221(a)(7).)

(c) The local offices of the Federal-state employment service shall give priority in referral of disabled veterans and veterans of the Vietnam era to such employment openings listed by contractors pursuant to this part.

(d) The local state employment service staff shall make appropriate job development contacts with identified contractors to obtain orders for job openings. Information so obtained which is pertinent to determining compliance with the requirements to list job openings and to take affirmative action shall be made available to OFCCP.

§ 60–250.31 Recordkeeping.

(a) Each contractor shall maintain for a period not less than one year records regarding complaints and actions taken thereunder, and such employment or other records as required by the Director or by this part and shall furnish such information in the form required by the Director or as the Director deems necessary for the administration of the Act.

(b) Failure to maintain complete and accurate records as required under this section or failure to update annually the affirmative action program as required by § 60–250.4(b) constitutes noncompliance with the contractor's obligations under the Act and is a ground for the imposition of appropriate sanctions.

Appendix A

This employer is a Government contractor subject to Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 which require Government contractors to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era. If you are a disabled veteran covered by this program and would like to be considered under the affirmative action program, please tell us. This information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations, and (ii) first aid personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment. In order to assure proper placement of all employees, we do request that you answer the following question: If you have a disability which might affect your performance or create a hazard to yourself or others in connection with the job for which you are applying, please state the following: (1) The skills and procedures you use or intend to use to perform the job notwithstanding the disability and (2) the accommodations we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job or other accommodations.

Appendix B

The following is a set of procedures which contractors may use to meet the requirements of § 60–250.5(b).

(1) The application or personnel form of each known protected veteran should be annotated to identify each vacancy for which he or she was considered, and the form should be quickly retrievable for review by the agency, the Department of Labor and the contractor's personnel officials for use in investigations and internal compliance activities.

(2) The personnel or application records of each known protected veteran should include (i) the identification of each promotion for which he or she was considered, and (ii) the identification of each training program for which he or she was considered.

(3) In each case where a protected veteran is rejected for employment, promotion or training, a statement of the reasons should be appended to the personnel file or application form. This statement should include a comparison of the qualifications of the protected veteran and the person(s) selected, as well as a description of the accommodations considered. This statement should be available to the applicant or employee concerned upon request.

(4) Where applicants or employees are selected for hire, promotion or training and the contractor undertakes any accommodation which makes it possible for the contractor to place a protected veteran on the job, the application form or personnel record should contain a description of that accommodation.

PART 60–741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

Sec.
60–741.1 Purpose and application.
60–741.2 Coverage and waivers.
60–741.3 Affirmative action clause.
60–741.4 Applicability of the affirmative action program requirement.
60–741.5 Affirmative action policy, practices and procedures.
60–741.6 Determination of handicap.
60–741.7 Listing of employment openings.

Subpart B—General Enforcement and Complaint Procedure

60–741.20 Subcontracts.
60–741.21 Duties of agencies.
60–741.22 Evaluations by the OFCCP Assistant Regional Administrator.
60–741.23 Complaint procedures.

Subpart C—Ancillary Matters

60–741.30 Recordkeeping.
Appendix A
Appendix B
Appendix C

Authority: Sec. 503 of the Rehabilitation Act of 1973, (29 U.S.C. 793), as amended by Sec. 111(a), Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706) and by secs. 119 and 122 of the Rehabilitation Comprehensive Services and Developmental Disabilities Amendments of 1978, Pub. L. 95–602, 92 Stat. 2955 and Executive Order 11758.

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

§ 60–741.1 Purpose and application.

The purpose of the regulations in this Part 60–741 is to assure compliance with section 503 of the Rehabilitation Act of 1973, as amended, which requires Government contractors to take affirmative action to employ and advance in employment qualified handicapped individuals. The regulations in this part apply to all Government contracts, including Federal deposit or share insurance, for the furnishing of supplies or services or for the use of personal property (including construction) in excess of $2,500. Compliance of a contractor with the provisions of this part will not necessarily determine its compliance with the requirements of section 504 of the Rehabilitation Act of 1973 and compliance with section 504 will not necessarily determine compliance with section 503 and the regulations in this part.

§ 60–741.2 Coverage and waivers.

(a) *General.*—(1) *Transactions for $2,500 or less.* Contracts for $2,500 or less are not covered by the Act. No agency or contractor shall procure supplies or services in less than usual quantities to avoid the applicability of the affirmative action clause.

(2) *Contracts for indefinite quantities.* With respect to indefinite delivery-type contracts (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the contracting agency has reason to believe that the amount to be ordered in any year under such contract will be $2,500 or less. The applicability of the affirmative action clause shall be determined at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the affirmative action clause shall be applied to such contract whenever the amount of a single order is in excess of $2,500. Once the affirmative action clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) *Work outside of the United States.* The requirements of the affirmative action clause are waived with respect to contracts with regard to work performed outside of the United States by employees who were not recruited within the United States.

(4) *Contracts with state or local governments.* The requirements of the affirmative action clause in any contract with a state or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

(5) *Facilities not connected with contracts.* The Director may waive the requirements of the affirmative action clause with respect to any of a contractor's facilities which he or she finds to be in all respects separate and distinct from activities of the contractor related to the performance of the contract, provided that he or she also finds that such a waiver will not interfere with or impede the effectuation of the Act. Such waivers shall be considered only upon the request of the contractor.

(b) *Waivers.* (1) *Specific contracts and classes of contracts.* The head of an agency, with the concurrence of the Director, may waive the application to any contract of any part of or all the affirmative action clause when he or she deems that special circumstances in the

national interest so require. The agency head, with the concurrence of the Director, may also grant such waivers to groups or categories of contracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where such waiver will substantially contribute to convenience in administration of section 503 of the Act.

(2) *National security.* Any requirement set forth in the regulations in this Part 60–741 shall not apply to any contract whenever the head of the contracting agency determines that such contract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination the head of the agency will notify the Director in writing within 30 days.

(c) *Withdrawal of waiver.* When a waiver has been granted for any class of contracts under this section other than contracts granted waivers under paragraph (b)(2) of this section, the Director may withdraw the waiver for a specific contract or group of contracts to be awarded, when in his or her judgment such action is necessary or appropriate to achieve the purposes of the Act. The withdrawal shall not apply to contracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60–741.3 Affirmative action clause.

Each agency and each contractor and subcontractor shall include the following affirmative action clause in each of its covered Government contracts (and modifications, renewals, or extensions thereof if not included in the original contract).

Affirmative Action for Handicapped Workers

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973, as amended, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The contractor will include the provisions of this clause in every subcontract or purchase order in excess of $2,500 unless exempted by rules, regulations, or orders of the Secretary issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

§ 60–741.4 Applicability of the affirmative action program requirement.

(a) Within 120 days of the commencement of a contract, every Government contractor which has 250 or more employees and has a contract of $1 million or more shall prepare and maintain an affirmative action program at each establishment which shall set forth the contractor's policies, practices and procedures in accordance with § 60–741.5 of this part. This program may be integrated into or kept separate from other affirmative action programs of the contractor which OFCCP requires it to maintain pursuant to this chapter. The provisions of 41 CFR 60–2.3(c), pertaining to long term affirmative action programs, shall apply to affirmative action programs required under this Part 60–741.

(b) The affirmative action program shall be reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes shall be communicated to employees and applicants for employment.

(c) The contractor shall submit the affirmative action program within 30 days of a request from OFCCP. The contractor shall also submit the affirmative action program upon OFCCP's request when a complaint is being investigated or a preaward compliance review is being conducted.

(d) The full affirmative action program shall be available to any employee or applicant for employment for inspection upon request. The location and hours during which the program may be obtained shall be posted at each establishment.

(e)(1) The contractor shall invite all applicants and employees who believe themselves covered by the Act and who wish to benefit under the affirmative action program to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with the Act and the regulations in this part. If an applicant or employee so identifies himself or herself, the contractor should also seek the advice of the applicant or employee regarding proper placement and appropriate accommodation. (An acceptable form for such an invitation is set forth in Appendix B attached.)

(2) Nothing in this section shall preclude an employee from informing a contractor at any future time of his or her desire to benefit under the program.

(3) Nothing in this section shall relieve a contractor of its obligation to take affirmative action with respect to those applicants or employees of whose handicap the contractor has actual knowledge: *Provided,* That the contractor is not obligated to search the medical files of any applicant or employee to determine the existence of a handicap.

(4) Nothing in this section shall relieve a contractor from liability for discrimination under the Act.

§ 60–741.5 Affirmative action policy, practices, and procedures.

(a) *General requirements.* Under the affirmative action obligation imposed by section 503 of the Rehabilitation Act of 1973, as amended, contractors are required to take affirmative action to employ and advance in employment qualified handicapped individuals at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: Hiring, upgrading, demotion or transfer,

recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) *Proper consideration of qualifications.* Contractors shall review their personnel processes to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known handicapped applicants and employees for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. To the extent that it is necessary to modify their personnel procedures, contractors shall include the development of new procedures for this purpose in their affirmative action program required under this part. These procedures must be designed so as to facilitate a review of the implementation of this requirement by the contractor or the Government. (Appendix C attached is an example of an appropriate set of procedures. The procedures in Appendix C are not required and contractors may develop other procedures which are appropriate to their circumstances.)

(c) *Physical and mental qualifications.* (1) The contractor shall provide in its affirmative action program, and shall adhere to, a schedule for the review of all physical or mental job qualification requirements to ensure that, to the extent qualification requirements tend to screen out qualified handicapped individuals, they are job related and are consistent with business necessity and the safe performance of the job.

(2) Whenever a contractor applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion or training, to the extent that qualification requirements tend to screen out qualified handicapped individuals, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The contractor shall have the burden to demonstrate that it has complied with the requirements of this paragraph.

(3) Nothing in this section shall prohibit a contractor from conducting a comprehensive medical examination prior to employment provided that the results of such an examination shall be used only in accordance with the requirements of this section. Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical examination prior to employment or change in employment status information obtained in response to such inquiries or examination shall be kept confidential except that:

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals and regarding accommodations; and

(ii) First aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment; and

(iii) Government officials investigating compliance with the Act shall be informed.

(d) *Accommodation to physical and mental limitations of employees.* A contractor must make a reasonable accommodation to the physical and mental limitations of an employee or applicant unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) Business necessity and (2) financial cost and expenses.

(e) *Compensation.* In offering employment or promotions to handicapped individuals, the contractor may not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

(f) *Outreach, positive recruitment, and external dissemination of policy.* Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified handicapped individuals. Based upon the findings of such reviews, contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed. The scope of a contractor's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.

(1) The contractor should develop internal communication of its obligation to engage in affirmative action efforts to employ qualified handicapped individuals in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) The contractor should develop reasonable internal procedures to ensure that its obligation to engage in affirmative action to employ and promote qualified handicapped individuals is being fully implemented.

(3) The contractor should periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified handicapped individuals.

(4) The contractor should enlist the assistance and support of recruiting sources (including state employment security agencies, state vocational rehabilitation agencies or facilities, sheltered workshops, college placement officers, state education agencies, labor organizations and organizations of or for handicapped individuals) for the contractor's commitment to provide meaningful employment opportunities to qualified handicapped individuals. (A list of numerous national organizations serving the handicapped, many of which have state or local affiliates, is found in the "Directory of Organizations Interested in the Handicapped" published by the Committee for the Handicapped People-to-People Program, Washington, D.C.)

(5) The contractor should engage in recruitment activities at educational institutions which participate in training of the handicapped, such as schools for the blind, deaf, or retarded.

(6) The contractor should establish meaningful contacts with appropriate social service agencies, organizations of and for handicapped individuals, vocational rehabilitation agencies or facilities, for such purposes as advice, technical assistance and referral of potential employees. Technical assistance from the resources described in this paragraph may consist of advice on proper placement, recruitment, training and accommodations contractors may undertake, but no such resource providing technical assistance shall have the authority to approve or disapprove the acceptability of affirmative action programs.

(7) The contractor should review employment records to determine the availability of promotable and transferable qualified known handicapped individuals presently employed, and to determine whether their present and potential skills are being fully utilized or developed.

(8) The contractor should include handicapped workers when employees

are pictured in consumer, promotional or help wanted advertising.

(9) The contractor should send written notification of company policy to all subcontractors, vendors and suppliers, requesting appropriate action on their part.

(10) The contractor should take positive steps to attract qualified handicapped persons not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for handicapped individuals described in paragraph (f)(4) of this section.

(g) *Internal dissemination of policy.* A strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees, who may have had limited contact with handicapped persons in the past. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor should adopt, implement and disseminate this policy internally as follows:

(1) Include it in the contractor's policy manual.

(2) Publicize it in the company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of the contractor's policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Include articles on accomplishments of handicapped workers in company publications.

(9) Post the policy on company bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under the Act.

(10) When employees are featured in employee handbooks or similar publications for employees, include handicapped employees.

(h) *Responsibility for implementation.* An executive of the contractor should be designated as director or manager of company affirmative action activities under these regulations. His or her identity should appear on all internal and external communications regarding the company's affirmative action programs. This executive should be given necessary top management support and staff to manage the implementation of this program, including the following activities:

(1) Develop policy statements, affirmative action programs, and internal and external communication techniques. The latter techniques should include regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed. In addition, supervisors should be advised that:

(i) Their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria.

(ii) The contractor is obligated to prevent harassment of employees placed through affirmative action efforts, as set forth in 41 CFR 60–1.67.

(2) Identify problem areas in conjunction with line management and known handicapped employees, in the implementation of the affirmative action programs, and develop solutions. This is particularly important for the accommodations requirements.

(3) Design and implement audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's objectives have been attained.

(iv) Determine whether known handicapped employees have had the opportunity to participate in all company sponsored educational, training, recreational and social activities.

(v) Ensure that each location is in compliance with the Act and the regulations in this part.

(4) Serve as liaison between the contractor and OFCCP.

(5) Serve as liaison between the contractor and organizations of and for handicapped persons, and arrange for the active involvement by company representatives in the community service programs of local organizations of and for the handicapped.

(6) Keep management informed of the latest developments in the entire affirmative action area.

(7) Arrange for career counseling for known handicapped employees.

(i) *Development and execution of affirmative action programs.* (1) Job qualification requirements reviewed pursuant to paragraph (c) of this section should be made available to all members of management involved in the recruitment, screening, selection, and promotion process.

(2) The contractor should evaluate the total selection process including training and promotion to ensure freedom from stereotyping handicapped persons in a manner which limits their access to all jobs for which they are qualified.

(3) All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to ensure that the commitments in the contractor's affirmative action program are implemented.

(4) Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources. Plant tours, clear and concise explanations of current and future job openings, position, descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

(5) A special effort should be made to include qualified handicapped persons on the personnel relations staff.

(6) Handicapped employees should be made available for participation in career days, youth motivation programs, and related activities in their communities.

(7) Recruiting efforts at all schools should incorporate special efforts to reach handicapped students.

(8) An effort should be made to participate in work-study programs with rehabilitation facilities and schools which specialize in training or educating handicapped individuals.

(9) The contractor should use all available resources to continue or establish on-the-job training programs.

(j) *Sheltered workshops.* Contracts with sheltered workshops do not constitute affirmative action in lieu of employment and advancement of qualified handicapped individuals in the contractor's own workforce. Contracts with sheltered workshops may be included within an affirmative action program if the sheltered workshop trains employees for the contractor and the contractor is obligated to hire trainees at full compensation when such trainees become qualified as "qualified

handicapped individuals" as defined in this chapter.

§ 60-741.6 Determination of handicap.

(a) Any handicapped individual filing a complaint with the Director under this part shall submit with his or her complaint a signed statement specifying the handicapping impairment or situation (see 41 CFR 60-1.3 definition of "handicapped individual"). If the Director determines that further documentation is necessary, he or she may require the complainant to provide additional information.

(b) Any contractor requiring a determination of an applicant's or employee's handicap may require the applicant or employee to provide medical documentation of the impairment or, in the alternative, may require the applicant or employee to undergo a medical examination at the contractor's expense.

(c) Any determination of handicap required pursuant to paragraph (b) of this section must meet the requirements of § 60-741.5(c) and must be for the purpose of affirmative action and proper job placement. Information obtained therefrom shall not be used to exclude or otherwise limit the employment opportunities of qualified handicapped individuals.

(d) All medical documentation required under this section shall be based upon the American Medical Association Guides to the Evaluation of Permanent Impairment, provided that the Guides shall be used only to determine the existence of impairment without regard to the degree of impairment. The American Medical Association Guides to the Evaluation of Permanent Impairment are hereby incorporated by reference. Copies of the AMA Guides are available for $5.00 from the American Medical Association, 535 North Dearborn Street, Chicago, Illinois 60610. The AMA Guides rate the percentage of disability of the whole person as a result of specific permanent impairments. Impairments and disabilities listed in the AMA Guides are recognized by OFCCP as handicapping conditions.

§ 60-741.7 Listing of employment openings.

Contractors should request state employment security agencies to refer qualified handicapped individuals for consideration under their affirmative action programs.

Subpart B—General Enforcement and Complaint Procedure

§ 60-741.20 Subcontracts.

Each nonexempt contractor shall include the affirmative action clause prescribed in § 60-741.3 in each of its nonexempt subcontracts. The clause may be incorporated by reference in accordance with 41 CFR 60-1.46.

§ 60-741.21 Duties of agencies.

(a) Each agency shall cooperate with the Director in the performance of his or her responsibilities under the Act. Such cooperation shall include the responsibility to ensure that contractors are fully cognizant of their obligations under the Act and this part, to provide the Director with any information which comes to its attention that the contractor is not in compliance with the Act or this part, and to take such actions for noncompliance as set forth in this chapter as may be ordered by the Director.

§ 60-741.22 Evaluations by the OFCCP Assistant Regional Administrator.

The Assistant Regional Administrators, OFCCP, shall be primarily responsible for undertaking such investigations of complaints against contractors and conducting compliance reviews as may be necessary to assure that the purposes of the Act are being carried out effectively.

§ 60-741.23 Complaint procedures.

(a) *Filing complaints.* Complaints shall be filed within 180 days of the alleged violation unless the time for filing is extended for good cause shown.

(b) *Where to file.* Complaints may be filed with the OFCCP, 200 Constitution Avenue, N.W., Washington, D.C. 20210, or with any OFCCP regional or area office.

(c) *Contents of complaints.* Complaints must be signed by the complainant or an authorized representative and must contain the following information: (1) Name and address (including telephone number) of the complainant; (2) name and address of the contractor who committed the alleged violation; (3) a description of the act or acts considered to be a violation; (4) a statement that the alleged discriminatee is handicapped, has a history of a handicap, has documentation of impairment, or was regarded by the contractor as having an impairment; and (5) any other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of any known Federal agency with which the employer has contracted. Complaints alleging class-type violations which do not identify the alleged discriminatee or discriminatees will be accepted, provided the other requirements of this paragraph are met. Signed third party complaints which do not identify the alleged discriminatee will be accepted, whether or not the third party signing the complaint is an authorized representative provided that the other information required by this paragraph is included.

(d) *Incomplete information.* If a complaint contains incomplete information, OFCCP shall seek the needed information from the person who filed the complaint. If the information is not furnished within 60 days of the date of the request, the file may be closed.

(e) *Investigations.* The OFCCP shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record.

(f) *Referral to contractor.* When a complaint concerns an employee of a contractor and the contractor has an applicable internal review procedure, the complaint may be referred to the contractor for processing under that procedure if the employee gives his/her consent. The contractor shall be informed of the elements of the complaint either by being furnished a copy or a sanitized version. The complaint and all actions taken thereunder shall be kept confidential by the contractor. If the contractor is able to resolve the complaint to the satisfaction of the employee prior to the OFCCP investigation, the contractor shall notify OFCCP of the results in writing within 60 days of the referral. The case will be closed upon verification with the employee.

(g) *Resolution of matters.* (1) If the complaint investigation shows no violation of the Act or regulations in this part, or if the matter is not referred to the Office of the Solicitor for consideration of legal enforcement proceedings, the matter shall be closed and the complainant shall be so notified.

(2) If an investigation indicates that the contractor has not complied with the requirements of the Act, efforts shall be made to secure compliance through conciliation and persuasion within a reasonable time. Before the contractor can be found to be in compliance, it must make a specific commitment in accordance with the procedure in 41 CFR 60-1.65.

(3) When a complaint investigation or compliance review indicates a violation of the Act, and the matter has not been resolved by informal means, OFCCP may refer the matter in accordance with the procedure in 41 CFR 60-1.66(a) for

consideration of any action authorized under 41 CFR 60–1.68. After a matter arising under the Act is referred to the Office of the Solicitor, the provisions of 41 CFR 60–1.68 through 60–1.70 shall be applicable to the matter in the same way those provisions apply to a matter arising under Executive Order 11246.

Subpart C—Ancillary Matters

§ 60–741.30 Recordkeeping.

(a) Each contractor shall maintain for a period not less than one year records regarding complaints and actions taken thereunder, and such employment or other records as required by the Director or by this part and shall furnish such information in the form required by the Director or as the Director deems necessary for the administration of the Act.

(b) Failure to maintain complete and accurate records as required under this section or failure to update annually the affirmative action program as required by § 60–741.4(b) constitutes noncompliance with the contractor's obligations under the Act and is a ground for the imposition of appropriate sanctions.

Appendix A—Guidelines on the Application of the Definition "Handicapped Individual."

The Rehabilitation Act of 1973, as amended, defines a handicapped individual for the purposes of the program as any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment.

"Life activities" may be considered to include communication, ambulation, selfcare, socialization, education, vocational training, employment, transportation, adapting to housing, etc. For the purpose of section 503 of the Act, primary attention is given to those life activities that affect employability.

The phrase *"substantially limits"* means the degree that the impairment affects employability. A handicapped individual who is likely to experience difficulty in securing retaining or advancing in employment would be considered substantially limited.

"Has a record of such an impairment" means that an individual may be completely recovered from a previous physical or mental impairment. It is included because the attitude of employers, supervisors, and coworkers toward that previous impairment may result in an individual experiencing difficulty in securing, retaining, or advancing in employment. The mentally restored and those who, for example, have had heart attacks or cancer often experience such difficulty. Also, this part of the definition would include individuals who may have been erroneously classified and may experience discrimination based on this misclassification. This group may include persons such as those who have been misclassified as mentally retarded or mentally restored.

"Is regarded as having such an impairment" refers to those individuals who are perceived as having a handicap, whether an impairment exists or not, but who, because of attitudes or for any other reason, are regarded as handicapped by employers or supervisors who have an effect on the individual securing, retaining or advancing in employment.

Appendix B

1. This employer is a Government contractor subject to section 503 of the Rehabilitation Act of 1973, which requires Government contractors to take affirmative action to employ and advance in employment qualified handicapped individuals. If you have such a handicap and would like to be considered under the affirmative action program, please tell us. Submission of this information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals, and regarding necessary accommodations, (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (iii) Government officials investigating compliance with the Act shall be informed.

2. If you are handicapped, we would like to include you under the affirmative action program. It would assist us if you tell us about (1) any special methods, skills and procedures which qualify you for positions that you might not otherwise be able to do because of your handicap, so that you will be considered for any positions of that kind, and (2) the accommodations which we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

Appendix C

The following is a set of procedures which contractors may use to meet the requirement of § 60–741.5(b).

(1) The application or personnel form of each known handicapped applicant should be annotated to identify each vacancy for which the applicant was considered, and the form should be quickly retrievable for review by the Department of Labor and the contractor's personnel officials for use in investigations and internal compliance activities.

(2) The personnel or application records of each known handicapped employee should include (i) the identification of each promotion for which the handicapped employee was considered, and (ii) the identification of each training program for which the handicapped employee was considered.

(3) In each case where a handicapped employee or applicant is rejected for employment, promotion or training, a statement of the reason should be appended to the personnel file or application form. This statement should include a comparison of the qualifications of the handicapped applicant or employee and the person(s) selected, as well as a description of the accommodations considered. This statement should be available to the applicant or employee concerned upon request.

(4) Where applicants or employees are selected for hire, promotion or training and the contractor undertakes any accommodation which makes it possible for the contractor to place a handicapped individual on the job, the application form or personnel record should contain a description of that accommodation.

CHAPTERS 60–60 THROUGH 60–100 [RESERVED.]

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August 25, 1981

Part III

Department of Agriculture

Food and Nutrition Service

1980 Food Stamp Amendments; Eligibility Limits—Final Rule

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, and 273

[Amendment No. 174]

1980 Food Stamp Amendments; Eligibility Limits; Final Rule

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements several provisions of the 1980 Amendments to the Food Stamp Act of 1977, as amended. The rulemaking changes several provisions of the interim final rules on eligibility limits issued by the Department in the July 8, 1980, **Federal Register**. This rule's effect will be to establish final regulations that restrict student eligibility for the Food Stamp Program, reduce the resource limit to $1,500, exclude from resources a vehicle necessary for the transportation of a physically disabled household member, and exclude from income Federal, State and local energy assistance payments.

EFFECTIVE DATE: These rules are effective September 24, 1981, and are to be implemented in accordance with the provisions of § 272.1(g)(16).

FOR FURTHER INFORMATION CONTACT: Susan McAndrew, Chief, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250; 202–447–6535. The final impact statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in relation to the requirements of Executive Order 12291, and it has been determined that the action is not a major rule as defined by that Order. It will not result in an annual effect on the economy of $100 million or more. The rule modifies policies regarding student eligibility, defines "institution of higher education," and defines "necessary for the transportation of a physically disabled household member." These revised provisions will not have a significant effect on the economy, yet they will facilitate administration of the program. The rule is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The rule will not result in any new, significant administrative costs for the State and local agencies that administer the program. Because the rule will not affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final action has been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Public Law 96–354, 94 Stat. 1164, September 19, 1980). The Administrator, Food and Nutrition Service, has certified that this action does not have a significant economic impact on a substantial number of small entities. The action will modify several policies followed by State and local agencies in their administration of the Food Stamp Program. Requirements are not placed on small businesses or small organizations. The requirements placed on State and local governments do not have a significant impact.

Introduction

On July 8, 1980, the Department published interim final regulations (45 FR 46036) to implement certain provisions of the 1980 Amendments (Pub. L. 96–249) to the Food Stamp Act of 1977. These regulations restricted the eligibility of students, reduced the resource limit to $1,500, allowed for the exclusion from resources of a vehicle necessary to transport a physically disabled household member, clarified the rules concerning unlicensed vehicles on Indian reservations, and allowed for the exclusion from income and resources of energy assistance payments.

Although the July 8 rulemaking had the effect of final regulations, the Department encouraged interested parties to submit comments by September 8, 1980. Subsequently, 35 letters were received which addressed various provisions of these rules. The majority of the comments (30 letters) concerned the student restrictions but each section of the interim final rules prompted comments.

After carefully reviewing the comments received, the Department has made several changes in the regulations. This preamble addresses those changes as well as other major issues raised by the comments. A full understanding of the basis and purpose of the provisions not addressed here may require reference to the July 8, 1980, **Federal Register** publication.

Students

The student provisions received many more comments than the others in this rulemaking. Thirteen State agencies, four Regional offices, six public interest groups, five local agencies, one other government agency and one person from the general public submitted comments. Almost all of the comments indicated a need to clarify the student regulations, with State and local agencies requesting further guidance or additional definitions.

Several commentors asked for changes in the regulations that the law itself would not allow. For example, two administering agencies stated their opinion that the student eligibility criteria should be expanded to include children in needy households. Four other commentors objected to the restriction of students altogether. The specificity in the language of the 1980 Amendments so clearly defines student eligibility that expansion of the criteria by the Department is impossible. However, most of the comments addressed issues over which the Department has some control and, consequently, several changes have been made in the regulations.

One of the changes made is in the definition of "an institution of higher education." Section 6(d)(2)(D) of the Food Stamp Act of 1977, as amended by Public Law 96–249, provides an exemption from work registration for "* * * bona fide student enrolled at least half time in any recognized school, training program, or institution of higher education * * *." Paragraph (e) of Section 6, however, provides that those persons enrolled at least half time in institutions of higher education shall be ineligible to participate at all in the Food Stamp Program unless they work a minimum of 20 hours per week, or participate in a work/study program, or are heads of households (or spouses of such heads), or are enrolled through the work incentive (WIN) program. Because those students enrolled in other schools or training programs need not meet these additional requirements to be eligible for program participation, it is important that the definition of "an institution of higher education" be as clear as possible in the Federal regulations.

As previously defined in § 271.2, an institution of higher education meant "any institution providing post-high school education including but not limited to, colleges, universities, and vocational-technical schools at the post-high school level." Several comments cited problems in the implementation of

this definition, because the rule did not make clear what constitutes "post-high school level."

Prior attempts by Congress to restrict student participation indicate that it was concerned that those who chose to attend school as a way out of poverty not be deemed ineligible to participate. Thus, in considering the 1968 amendments to the 1964 Food Stamp Act, the House Committee on Agriculture proposed an amendment that would have denied participation to any student attending an institution of higher learning unless "* * * any such person was eligible for and was receiving food stamp assistance * * * prior to being enrolled as a student at an institution of higher learning * * *." (See p. 101 of the House Committee Report accompanying Public Law 95–113 (Report No. 95–464 published on June 24, 1977).) Although this amendment was deleted by the House Senate Conference Committee before passage of the final bill, subsequent amendments to the Act contained provisions aimed at eliminating students who were supported by a taxpayer who is a member of another household which is not eligible for food stamps (Public Law 91–671). (Reference to a study on student participation conducted by the General Accounting Office at the request of Congress does not help to characterize "institution of higher education" because the study focused only on universities and did not include vocational/technical or trade schools.) The language in current legislation indicates that Congress intended a distinction between institutions of higher education and other types of schools or training programs.

In light of the comments the Department considered two options. They were (1) retain the current definition, and (2) revise the definition to exclude trade and some vocational/technical schools.

The first option would exclude from food stamp participation students over 18 in any school that is not specifically part of a high school system. This would include those trade and vocational-technical schools that require no high school diploma or equivalent. Program administrators currently use this definition when determining whether a student is eligible to receive food stamps. The result of the current definition is that some students are being denied food stamp benefits even though they are in schools which are not commonly considered institutions of higher education.

The second option would only restrict the participation of students who are attending colleges, universities and vocational/technical schools which normally require high school graduation or an equivalency certificate to enroll. This definition is consistent with the Department of Education's definition of institution of higher education. This definition would allow students of trade schools, such as auto mechanics or beauticians, to participate in the food stamp program while they are obtaining practical skills that would enable them to obtain better jobs.

There is no data available to ascertain the number of students who attend trade schools or non-college vocational-technical schools rather than colleges and universities. However, general knowledge of these schools indicates that trade and vocational-technical courses are usually of shorter duration than most college courses of study which require two to four years of full-time status to obtain a degree. Exempting these students would be within Congressional intent to eliminate only those whose financial status would not qualify them for food stamps if they had not chosen to go to college. Additionally, such a definition would enable States to more easily determine which schools are institutions of higher education. Therefore, the Department has decided to redefine institution of higher education so that it is limited to those institutions which normally require a high school diploma or equivalency certificate for a student to enroll.

Some institutions, while normally requiring a high school diploma or equivalent, make exceptions for certain students who the institution feels can benefit from the program offered even though the student has not graduated from high school. Students attending these institutions under the special circumstances are still to be considered enrolled in institutions of higher education.

Taking trade school students out of the universe of ineligible students raises the question of whether work registration requirements should be imposed when school is not in session. Since the 1980 Amendments deleted the requirement that students register for full-time work during periods of recess in excess of thirty days, the Department has determined that imposing this requirement solely on trade school students would be inequitable and, moreover, not within Congressional intent.

One commentor pointed out an apparent discrepancy in § 273.5(a) between the two references to the applicable ages of students. The first reference is to "any person who is between the ages of 18 and 60 * * *". The second states that the rules "do not apply to persons * * * over 60". The Department has changed the second age reference to make it consistent with the first.

The interim final regulations allow an exemption from the student restriction for students who work twenty hours per week. Six comments were received on this provision requesting that the regulation be changed to permit a minimum wage criterion in addition to the minimum hours criterion. A Regional office, a State agency and three local agencies pointed out two problems in strict adherence to the 20 hour criterion for those students who are self-employed. One problem is determining the number of hours actually worked by a self-employed student. The second concern was with students who are working twenty hours per week at such things as pottery, selling flowers, designing jewelry, etc., but are receiving little or no income. These commentors stress their belief that Congressional intent was that such employment be gainful in order for a student to qualify for food stamps. In addition, a public interest group requested that this work exemption be extended to anyone employed 20 hours or earning at least the equivalent of 20 times the minimum wage. In light of these comments, the Department considered four options.

The first option was to retain the current language that requires an actual 20 hours of work with no minimum wage criterion. This option has apparently been causing some administrative difficulties. In addition, some students are qualifying for food stamps because they do work 20 hours per week, but are receiving little or no income. The Department believes that this situation does not meet Congressional intent.

The second option considered was imposing a minimum wage criterion for self-employed students. This option would require all students to work 20 hours per week and would impose an additional income requirement (20 times minimum wage) for self-employed students. This option would ensure that students qualifying under this exemption would be engaged in gainful employment. The problem of determining the number of hours actually worked by self-employed students would be minimized by the imposition of the wage criteria. Self-employed students could possibly claim that the wage requirement is unfair since the same requirement is not placed on other students. The Department believes, however, that Congress intended that only those students who are attempting to support themselves

should be allowed to participate in the Food Stamp Program.

The Department considered a third option which would require that all students work 20 hours per week and earn at least the minimum wage. Because the number of work hours is easily verifiable for students employed by others, however, the Department has determined that the imposition of a minimum wage criterion is unwarranted in these cases, particularly since it is not mandated by law. Self-employed students on the other hand cannot provide the same verification and an additional minimum wage criterion is justified in light of Congressional intent that students make realistic attempts to support themselves.

The fourth option, as suggested by the public interest group, was to allow an exemption for students who either work an actual 20 hours per week, *or* earn the equivalent of the minimum hourly wage times 20 hours. Congressman Foley, when introducing this amendment, specifically addressed this issue. He stated that he had not incorporated a work exemption for "* * * those working fewer than 20 hours, but earning enough in briefer periods to make the equivalent of 20 hours of minimum wage pay." His reason for this was that this exemption "* * * has been abused by students working 4 to 5 hours in specialized activities at $10 to $12 an hour and then refusing to work anymore, citing food stamp work rules as the excuse." (H3410 Congressional Record; May 8, 1980.) This option was therefore rejected.

The Department determined that the current rules may allow self-employed students to qualify for food stamps without making a reasonable attempt to support themselves to the extent possible. Since option one does not comply with Congressional intent, options two and three, therefore, held possible solutions to rectifying the situation. Option two was chosen because it complies with Congressional intent more closely than the other options considered. The final regulations require that self-employed students work 20 hours per week and earn at least the equivalent of 20 times the hourly Federal minimum wage.

The exemption allowed for students who are participating in Federally financed work-study programs prompted several requests for clarification of what constitutes an acceptable work-study situation. To qualify under this exemption a student must actually be working at a job for which the student receives earnings or tuition credit for the work performed. This exemption does not apply to students who are working in hospitals or student teachers who must obtain actual teaching experience as part of their course work for which they earn credit.

Most work-study programs are funded through Title IV, Part C, of the Higher Education Act of 1965, as amended. Some schools participate in State-financed work-study programs as well as the Federal program but commingle the funds. Such programs, as long as there is some Federal funding involved, meet the definition of Federally-financed work-study programs. Participating institutions are required to maintain listings of which students benefit from Title IV–C work-study funds and maintain separate payroll records for those students employed on-campus.

One commentor asked whether students who are paid to attend institutions of higher education with Federal CETA funds are to be considered work-study students. The students in this program receive compensation based on the number of hours of class attendance and not for any work performed. Therefore, they are not entitled to the work-study exemption. (Pursuant to Section 6(d)(2)(D) of the 1977 Food Stamp Act, however, CETA students may be exempt from the work registration requirements if they are enrolled in "training programs.") Another commentor asked whether cooperative education (co-op) students, those who, under normal co-op situations, are full-time students during one semester and work full-time at curriculum-related jobs during the next semester, should be considered work-study students. These co-op students would not be entitled to the work-study exemption. First of all, co-op participants would not be classified as students during their work period unless, of course, they are also attending school at least half time. This is because enrollment is only deemed to continue if the student intends to register for the next normal school term. Secondly, they would not be working at the co-op jobs during the school attendance phase of their alternate school/work cycle. It is possible that during the school phase these students obtain work-study jobs or work 20 hours per week, in which case they would qualify as eligible students. They would not qualify, however, solely on the basis of their participation in the co-op program.

Four commentors felt that the Department should require that work-study students work a minimum number of hours per week in order to qualify under this exemption. The Department believes, however, that if Congress had intended such a requirement it would have been specified in the legislation. Furthermore, nothing in the legislative history indicates that it was the intention of Congress that such students must work a given number of hours. The Department has retained the original language in these regulations.

Clarification was also requested from a Regional office on whether the exemption for work-study students continues through vacations and recesses. The language in Pub. L. 96–249 and in these regulations is that a student qualifies if she/he participates "* * * in a Federally financed work-study program *during the regular school year.*" (Emphasis added.) This language indicates that the exemption is intended to qualify a student through authorized breaks and summer vacations when, in most cases, the work-study jobs are not available. Furthermore, the Department believes that most students who are participating in work-study programs are doing so because they need the additional income and that, therefore, they will attempt to find an alternate source of income during such school breaks and vacations. The regulatory language concerning the work-study exemption remains unchanged.

The 1980 Amendments provide another exception to the student restrictions for a student who is "the head of a household (or spouse of such head) containing one or more other persons who are dependents of that individual because he or she supplies more than half of their support, * * *" See Section 6(e)(3)(B) of the 1977 Food Stamp Act, as amended. The language used in this amendment and in the regulations caused some confusion among several administering agencies because 1) the term "head of household" is used in a different sense than food stamp head of household and 2) it is subject to two interpretations concerning the eligibility of a student spouse.

The first interpretation is based on a strict technical reading of the amendment and regulations, emphasizing the use of the parenthesis in the text. The interpretation suggests that to be an eligible student, a spouse must be the spouse of a *student* head of household. In other words, in order for a student spouse to be eligible, a determination must first be made as to whether the head of the household is an eligible student by virtue of providing more than half the support of a dependent. Then, if the student head of household is eligible, the student spouse of such head is also eligible. This

interpretation appears inequitable since it would allow an exclusion for student spouses only if they are married to students who support other household members and not for student spouses who are married to non-student heads of household.

The second interpretation is that, in order to be eligible, a student may be the head of a household providing more than half the support of dependents, or the spouse of the head of a household, whether or not the household head is also a student. In other words, a student may qualify for food stamps by virtue of being the spouse of the household head. This interpretation would eliminate the inequity of the first interpretation. Furthermore, the Department has determined that the second interpretation follows the intent of the legislation. There is no indication in legislative history that Congress felt that two students married to each other are more deserving of food stamp benefits than a married couple that includes only one student. The Department has decided to revise the regulations to more clearly state the intent outlined in the second interpretation.

In addition, the Department has eliminated the reference to "head of household" since the term as used in the legislation means head of household by virtue of being the "breadwinner". It does not coincide with the Food Stamp Program "head of household" as defined in § 273.1(d)

Four administering agencies requested clarification of the term enrollment and the continuation of student status through breaks. One State agency pointed out that enrollment in an institution of higher education could possibly occur during the student's senior year in high school, making the student ineligible for food stamps during the summer before college attendance actually begins. Such students, particularly those who do not live near their college, may not have been able to secure the part-time jobs or work-study positions that would enable them to receive food stamps. The Department has determined, therefore, that enrollment status shall begin with the first day of the school term at an institution of higher education and shall end when the student graduates, is suspended or expelled, drops out, or decides not to register for the next normal school term (excluding summer school). The determination of enrollment status during vacations and recesses shall be based on the student's status just prior to the school break. The same is true for the work-study exemption. If the student was participating in work-study just prior to the vacation or recess, the exemption continues through the school break.

Although the preamble of the interim final rules specifically requested comments concerning continuation of student status during breaks and vacations, only three comments were received which addressed this point. A State agency and a public interest group expressed support, and one public interest group opposed the policy. Since response was minimal, the Department has decided to maintain the policy of student status continuing through breaks and vacations.

The section of the student regulations dealing with the evaluation of the support of dependents received many comments which indicated a need for further clarification. One item of concern was the source of the income used to provide more than half the support of dependent household members. Two Regional offices, one State agency and two public interest groups raised questions about whether the source of the income may be contributions to the household head from persons outside the household, withdrawals from resources, or need-based scholarships, grants or loans, or whether the household head had to actually earn the income to provide the support in order to qualify under this exemption. The focus in these cases should be on whether the household head has dependents to whom she/he provides half of their support and not necessarily on where she/he obtained the necessary funds.

To this end, the regulations have been changed to simplify the procedure for determining if an individual is a dependent of a student or spouse for the purpose of determining if the student or spouse is eligible. First, certain broad categories of individuals have been classified as dependents and may automatically be assumed to be receiving half or more of their support from the student or spouse, regardless of the source of the support income. They include spouses and minor children under the control of the student or spouse, and relatives of the student or spouse who have little or no income of their own. This would include a household where the primary income source is money being provided to one of these types of dependents from a need-based Federal, State or local assistance payment, for example, a household whose primary source of income is an AFDC payment on behalf of a dependent child. Therefore the specific language explaining how such income (e.g., AFDC money) should be regarded is no longer necessary.

In the case of other dependents, a case-by-case determination as to whether or not the student or spouse is providing half or more of the support is necessary. Again, the source of the support income has no bearing on the determination. The definition of "total support" is retained for purposes of determining the status of these other dependents. In these cases reference to the Internal Revenue Service (IRS) code may be helpful in determining the dependents' status. However, use of the IRS code will no longer be required, as explained below.

Two Regional offices, four State agencies and a public interest group all commented that requiring State agencies to refer to sections 151 and 152 of the Internal Revenue Code to evaluate circumstances not covered by these regulations creates an undue burden. These commentors believe that the IRS rules are too complex to expect eligibility workers to interpret and apply to student households. The Department has determined that the general principles outlined in these regulations will normally be sufficient for the evaluation of support. These regulations are consistent with the general focus of the IRS principles. Reference of IRS rules would add little additional useful information, therefore, requirement for reference to the IRS code has been deleted from the regulations.

The regulations further require that State agencies determine the support provided by the household head for the calendar year. Three administering agencies commented that the calendar year concept is difficult to administer since all other data is based on the certification period. The term calender year was used in the student regulations primarily due to the IRS definition of support. The Department has determined that the evaluation of support for the calendar year is unnecessary for the purpose of student requirements and has revised the regulations accordingly. State agencies must now determine whether the student head of household or the spouse of the student provides more than half the support of one or more dependents during the certification period.

Two State agencies and a Regional office questioned the classification of ineligible students as non-household members rather than disqualified individuals for purposes of handling their income and resources. The State agencies felt that a student's income and resources should be considered in determining the eligibility and benefit

level of the food stamp household. The Department feels, however, that students who do not meet one of the eligibility criteria of Pub. L. 96–249 do not fall into the same class as a person who has unlawfully entered the country or who has refused to provide his or her social security number. The regulations with regard to an ineligible student's income and resources therefore remain unchanged.

Four agencies requested further guidance on verification requirements and one State agency requested that changes in student status or changes in circumstances that affect student eligibility be considered reportable changes. The Department feels that other sections of the regulations, verification requirements and change reporting requirements, adequately address these concerns. While the section on reportable changes does not cover every aspect of the student eligibility criteria, it covers most of them. A change in the number of hours of work per week would be reflected by a change in income and a change in household composition would reflect the loss of dependent household members. To require additional change report requirements for student status would not significantly reduce program costs to justify the additional administrative burden. Therefore, the Department has decided not to impose additional requirements in this regard. A reference to the student work registration requirements which had been previously overlooked was deleted from § 273.9(b)(3).

Resource Limit

The section of the July 8, 1980 rulemaking which reduced the resource limit to $1,500 received only four comments. All the comments centered on issues that are mandated by the law and over which the Department has no discretion. Two comments from public interest groups objected to the reduction. Two others, a State agency and a public interest group, suggested allowing for adjustments in the resource limit depending on household size and circumstances. No changes were made in this section.

Vehicles for the Physically Disabled

The Department received nine comments on the provisions related to the exclusion of the value of a vehicle necessary for the transportation of a disabled household member as a household resource. Commenters requested clarification in two major areas. Most importantly, commenters wanted the rule to clarify when a vehicle is considered "necessary for the transportation of a disabled household member" and, therefore, when the entire value of the vehicle is eligible for the exemption. The Western Regional office suggested that the Department state that a vehicle is necessary for transportation if it has been purchased for the specific purpose of transporting a disabled household member. This definition, however, would be difficult to implement because there is no effective way for an eligibility worker to determine a household's actual reason for purchasing a vehicle. Instead, the final rule provides that a vehicle is necessary for the transportation of a physically disabled household member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle that makes it possible to transport the disabled person. This definition, for example, would exclude the total value of a vehicle that has all controls mounted on the steering column, if there is a disabled individual in the household who needs the special controls. The definition would also exclude, as discussed on p. 131 of the House Committee Report accompanying Public Law 96–249 (Report No. 96–788 published on February 27, 1980), the value of a van that is needed to transport a paraplegic who is a member of a household. The vehicle may be specially equipped or a special type to qualify for the exclusion as a resource. An eligibility worker should exercise discretion in determining, in accordance with the definition, whether the vehicle is necessary for the transportation of the disabled household member.

Commenters also asked for clarification of the definition of disability. One State agency suggested that for the purpose of this exclusion the Department define as disabled a household member who receives Supplemental Security Income (SSI) or Social Security disability payments or other Federal payments for full disability. A Regional office suggested that the definition be limited to persons who have a disability that restricts physical mobility. The Department believes that the new definition of "necessary for transportation" will relieve some of the concerns about the types of disabilities that will qualify an individual for a vehicle exemption. Moreover, the regulations allow for verification, under § 273.2(f)(2), of the disability, if the disability is not evident to the State agency. Appropriate verification may consist of the household member's receipt of temporary or permanent disability benefits issued by governmental and private sources or of a statement from a physician.

The regulations also clarify that a vehicle does not have to be driven by the disabled household member to be eligible for the exemption. This clarification was in response to a comment from a public interest group that the phrase, "A vehicle * * * need not * * * be used primarily by the physically disabled household member," in § 273.8(h)(1)(vi), casts some uncertainty as to whether the value of a vehicle used by the other members of a household to transport the disabled household member is excludable. The final rule states that, "A vehicle * * * need not * * * be used primarily by or for the transportation of the physically disabled household member."

One State agency requested that the regulations impose a limit on the number of vehicles per household that can be excluded under this provision. The imposition of any limit would be arbitrary at best and could result in the denial of benefits to households that legitimately need a number of vehicles for the transportation of disabled household members that is in excess of any limit imposed. The Department also believes that it is unrealistic to assume that there are many households that would claim that there are more disabled household members than any fair number limit the Department could impose.

Energy Assistance

The Department received five comments on the energy assistance disregard. Three of the comments dealt with the difficulty of determining which payments or parts of payments are energy related if it is not specified in the legislation.

As is stated in the regulations, the "* * * payments or allowances must be clearly identified as energy assistance by the legislative body authorizing the program or providing the funds." See § 273.9(c)(10)(v). If it is not clear in the legislation or in the legislative history that such payments are energy-related, then no disregard needs to be given. The Department feels that to further define the payments allowed a disregard would not be consistent with Congressional intent.

A State agency again raised the issue of the apparent inequity between allowing a shelter deduction for bills paid with direct energy assistance payments and not allowing a deduction for those that are paid with vendor payments. The Department is currently maintaining its position that vendor-paid utility costs do not result in a real

obligation to the household. Those households who receive the payments directly have some discretion over the use of the funds. The utility bill they receive represents an obligation not realized by those whose benefits are given directly to the energy supplier. In effect, those households have not been billed for the energy costs covered by the vendor payments. Therefore, no changes were made to this section.

Additional Change

The July 8, 1980, interim final rulemaking revised § 273.7(b)(9) which exempts students from the work registration requirements. One important part of the new exemption was the proviso "that students enrolled at least half time in an institution of higher education have met the eligibility conditions in § 273.5." (See 45 FR 46040.) Section 273.7(b)(9) was revised and renumbered in the final rulemaking on work registration and job search published on January 16, 1981, at 46 FR 4628. The Department inadvertently failed to include in this revised provision (renumbered § 273.7(b)(1)(ix)) the proviso related to the student eligibility determination. Therefore, § 273.7(b)(1)(ix) is being revised to bring the section back into conformance with the student eligibility determination in § 273.5.

Accordingly, Parts 271, 272, and 273 of the regulations are amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. In § 271.2, the definition of "Institution of Higher Education" is revised to read as follows:

§ 271.2 Definitions.

* * * * *

"Institution of higher education" means any institution which normally requires a high school diploma or equivalency certificate for enrollment, including, but not limited to, colleges, universities and vocational or technical schools at the post-high school level.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, paragraph (g)(16) is revised to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(16) Amendment *174.* State agencies shall implement the program changes required by Amendment *174* as follows:

(i) State agencies shall implement the income/resource disregard provision for Federal, State, and local energy assistance payments (§§ 273.8 and 273.9 of this subchapter) no later than October 1, 1981.

(ii) State agencies shall implement the new maximum resource limit and the exemption of vehicles for the physically disabled (§ 273.12 of this subchapter) no later than October 1, 1981 for all new applicants. State agencies shall convert the current caseload to the new resource limit at the time of recertification, or at any other time the casefile is reviewed prior to recertification.

(iii) State agencies shall implement the student participation provisions of this amendment (§§ 273.1, 273.2, 273.5, 273.7 and 273.11 of this subchapter) no later than October 1, 1981 for all new applicants. Current caseload shall be converted at the time of recertification or any time the casefile is reviewed prior to recertification.

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. The revisions of the table of contents, §§ 273.1(b)(6), 273.1(b)(7), 273.7(f)(1), 273.7(h), 273.7(h)(1), 273.8(b), 273.8(e)(3), 273.8(h)(3), 273.8(i)(4), 273.8(j), 273.9(c)(10)(v), 273.11(c), and 273.12(a)(1)(v), published at 45 FR 46040–46042 on July 8, 1980, are adopted as final.

§§ 273.2, 273.7, 273.8, 273.9 [Amended]

4. The removal of §§ 273.2(f)(2)(iii), 273.7(f)(2), 273.7(i)(2)(vi), 273.8(e)(11)(viii), 273.8(e)(11)(ix), 273.8(e)(11)(x), 273.9(c)(10)(ix), and 273.9(c)(10)(x), published at 45 FR 46040–46042 on July 8, 1980, are adopted as final.

§ 273.8 [Amended]

5. The new paragraph § 273.8(e)(11)(vii), published at 45 FR 46041 on July 8, 1980, is adopted as final.

6. Section 273.5 is revised to read as follows:

§ 273.5 Students.

(a) *Applicability.* Any person who is (1) between the ages of 18 and 60; (2) physically and mentally fit; and (3) enrolled at least half time in an institution of higher education shall be ineligible to participate in the Food Stamp Program unless that person complies with the eligibility requirements of paragraph (b) of this section. This section does not apply to persons age 17 or under, persons age 60 or over, persons physically or mentally disabled, persons attending high school, persons participating in on-the-job training programs, persons not attending school at least half time, or to persons enrolled full-time in schools and training programs which are not institutions of higher education.

(b) *Eligibility Requirements.* (1) In order to be eligible to participate in the Food Stamp Program, any student (as defined in paragraph (a) of this section) shall meet at least one of the following criteria:

(i) Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receive weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours;

(ii) Participate in a Federally financed work study program (funded in full or in part under Title IV–C of the Higher Education Act of 1965 as amended) during the regular school year;

(iii) Provide more than half the support of one or more dependent household members (as discussed in paragraph (b)(4) of this section) or be the spouse of a person who provides more than half the support of one or more dependent household members; or

(iv) Be enrolled in an institution of higher education as a result of participation in the Work Incentive Program under Title IV of the Social Security Act, as amended (42 U.S.C. 602).

(2) The enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).

(3) Eligibility as a result of participation in the Work Incentive Program under Title IV of the Social Security Act shall be deemed to continue as long as the student maintains continuous enrollment as specified in paragraph (b)(2) of this section.

(4) In determining if a household member furnishes more than half the support of a dependent, the following principles apply:

(i) If the dependent is a spouse, a minor child under the control of the student or spouse, or a relative of the student or spouse, such as a parent or grandparent, and that relative has little or no income of their own, the student shall be considered as providing the support for that person regardless of the income sources from which the student derives that support.

(ii) In the case of other dependents, such as unrelated adults, minor children not under the parental control of the student or spouse, or related adults who have their own source of income, the State agency shall make a case-by-case determination as to whether or not the student or spouse is providing these individuals with half of their support during the certification period. Total support is the sum of: The fair rental value of lodging furnished; all expenses paid or incurred directly by or for the dependent, such as food, clothing, medical expenses and dental care, recreation, transportation, and similar necessities; and a proportionate share of these or similar expenses that cannot be attributed directly to a particular individual, such as the cost of food bought in common for the entire household. To qualify for the exemption in paragraph (b)(1)(iii), of this section, the student and/or spouse must provide from their own funds or in-kind contributions for over half of the individual's support needs, regardless of the source of the funds.

(iii) The individual claimed as a dependent must be a member of the same household as the student or spouse.

(5) The income and resources of an ineligible student living with a household shall not be considered in determining eligibility or level of benefits of the household, as specified in § 273.11(d) of this part.

7. In § 273.7, paragraph (b)(1)(ix) is revised to read as follows:

§ 273.7 Work registration requirements.

* * * * *

(b) *Exemptions from work registration.* * * *

(1) * * *

(ix) A student enrolled at least half time in any recognized school, training program, or institution of higher education, provided that students enrolled at least half time in an institution of higher education have met the eligibility conditions in § 273.5 of this part. A student enrolled in a school, training program or institution of higher education shall remain exempt during normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer). Persons who are not enrolled at least half time or who experience a break in enrollment status due to graduation, expulsion, or suspension, or who drop out or otherwise do not intend to return to school, shall not be considered students for the purpose of qualifying for this exemption.

* * * * *

8. In § 273.8, paragraph (h)(1) is revised, paragraphs (h)(2) through (h)(5) are redesignated as paragraphs (h)(3) through (h)(6) and a new paragraph (h)(2) is added to read as follows:

§ 273.8 Resource eligibility standards.

* * * * *

(h) *Handling of licensed vehicles.*

* * *

(1) The entire value of any licensed vehicle shall be excluded if the vehicle is:

(i) used primarily (over 50 percent of the time the vehicle is used) for income producing purposes such as, but not limited to, a taxi, truck, or fishing boat;

(ii) annually producing income consistent with its fair market value, even if used only on a seasonal basis;

(iii) necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member, for example, the vehicle of a traveling sales person or of a migrant farmworker following the work stream;

(iv) necessary for subsistence hunting or fishing;

(v) used as the household's home and, therefore, excluded under paragraph (e)(1) of this section; or

(vi) necessary to transport a physically disabled household member regardless of the purpose of such transportation (limited to one vehicle per physically disabled household member). A vehicle shall be considered necessary for the transportation of a physically disabled household member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle that makes it possible to transport the disabled person. The vehicle need not have special equipment or be used primarily by or for the transportation of the physically disabled household member.

(2) The exclusion in paragraphs (h)(1)(i) through (v) of this section will apply when the vehicle is not in use because of temporary unemployment, such as when a taxi driver is ill and cannot work, or when a fishing boat is frozen in and cannot be used.

* * * * *

§ 273.9 [Amended]

9. In § 273.9, paragraph(b)(3) is amended by removing the phrase "for failing to comply with the student work registration requirements in § 273.7(b)(9)(i)" and by removing the comma preceding that phrase.

Note.—This rule does not contain recordkeeping and reporting requirements requiring clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

Authority: 91 Stat. 958 (7 U.S.C. 2011–2027).

(Catalog of Federal Domestic Assistance Program No. 10551 Food Stamp)

Dated: August 18, 1981.

G. William Hoagland,

Administrator.

[FR Doc. 81-24730 Filed 8-24-81; 8:45 am]

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federal register

Tuesday
August 25, 1981

Part IV

Department of Education

Interim Procedures for Listing Accrediting and State Approval Agencies

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DEPARTMENT OF EDUCATION

Interim Procedure for Listing Accrediting and State Approval Agencies

AGENCY: Department of Education.

ACTION: Notice—interim procedure for listing accrediting and State approval agencies.

SUMMARY: The Secretary, until the activation of the National Advisory Committee on Accreditation and Institutional Eligibility, lists nationally recognized accrediting agencies and State approval agencies that he determines to be reliable authorities concerning educational quality, in reliance on staff analyses and public comment on these analyses.

DATE: Comments on these analyses must be received no later than September 28, 1981.

ADDRESS: Comments may be submitted to Dr. L. W. Friedrich, Acting Chief, Agency Evalution Section, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, S.W. (Room 3030, ROB–3), U.S. Department of Education, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. L. W. Friedrich, Telephone: (202) 245–9873.

SUPPLEMENTARY INFORMATION: This document advises the public that the Secretary, in listing accrediting agencies and State approval agencies, as required by 20 U.S.C. 1141(a), 20 U.S.C. 1094(b)(3), and other statutes, is following an interim procedure.

Previously the Secretary relied on an advisory committee to review reports and petitions and to take public comment, including oral testimony. With the aid of this review and comment, the advisory committee in accordance with the criteria in 34 CFR 603.6, formulated recommendations to the Secretary respecting accrediting agencies.

In the absence of a functioning advisory committee, the Secretary, in order to initially list or to renew the listing of any accrediting agency or association under 34 CFR 603.4 and 603.5, is using both staff analyses and public comment in reaching determinations.

This notice provides the names of the first group of agencies, the reports and petitions of which the Secretary is reviewing. The Department's Eligibility and Agency Evaluation Staff has made an analysis of each of these agencies according to the criteria in 34 CFR 603.6.

The Secretary is offering the public an opportunity to comment on these analyses before the Secretary makes determinations on them.

The reports and petitions of the following agencies are being reviewed:

Reports

American Academy of Microbiology, Committee on Postdoctoral Educational Programs.

Recommendation: Accept the report.

American Medical Association, Committee on Allied health Education and Accreditation (as coordinating agency for allied health education and accreditation).

Recommendation: Accept the report.

American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with:

a. American Association of Blood Banks, Subcommittee on Accreditation.

Recommendation: Accept the report.

b. American Medical Record Association, Council on Eduation.

Recommendation: Accept the report.

c. American Occupational Therapy Association, Accreditation Committee.

Recommendation: Accept the report.

d. Joint Review Committee on Education for Physician's Assistants.

Recommendation: Accept the report.

e. Joint Review Committee on Respiratory Therapy Education.

Recommendation: Accept the report.

f. Joint Review Committee on Education for the Surgical Technologist.

Recommendation: Accept the report and inform the agency that is to demonstrate full compliance with criteria in (a)(3)(iii)(A) and (b)(5) in its next review.

American Podiatry Association, Council on Podiatry Education.

Recommendation: Accept the report.

Petitions for Continuation of Recognition

Association of Independent Colleges and Schools, Accrediting Commission.

Recommendation: Continue recognition for four years. The Commission should provide, in one year, a report on improvement in its compliance with criteria (c)(4) (reflects community of interests in the composition of its policy and decision-making bodies), (a)(3)(iii)(A) (students, faculty, and others are to be involved in institutional self-studies), (b)(2)(iv) (has a written complaint procedure).

Middle States Association of Colleges and Schools, Commission on Higher Education.

Recommendation: Continue recognition for four years.

Southern Association of Colleges and Schools, Commission on Colleges.

Recommendation: Continue recognition for four years.

Petition for Change of Scope of Recognition, and Change of Designation of Preaccreditation Status

Association of Theological Schools in the United States and Canada (change of scope from "Accreditation of graduate and professional degree programs offered by schools of theology" to "Accreditation of free standing schools, as well as schools affiliated with larger institutions, offering graduate professional education for ministry and graduate study of theology". Change of designation of preaccreditation status from "Authorization of Self-Study" to "Candidate for Accredited Membership").

Recommendation: Approve the change of scope, and the new designation of the Association's preaccreditation status.

Invitation to Comment

A copy of the analysis of any of the reports and petitions submitted by the agencies to be reviewed by the Secretary may be obtained from Dr. Lawrence W. Friedrich.

Dated: August 20, 1981.

William C. Clohan, Jr.,

Acting Secretary of Education.

[FR Doc. 81–24802 Filed 8–24–81; 8:45 am]

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federal register

Tuesday
August 25, 1981

Part V

Department of Agriculture

Federal Grain Inspection Service

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision and Administration of Official Services

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision and Administration of Official Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Interim final rule.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981 which becomes effective on October 1, 1981, amends the United States Grain Standards Act to require the Federal Grain Inspection Service (FGIS or Service) to collect fees to cover, as nearly as practicable, the estimated cost of official inspection and weighing services including related administrative and supervisory costs. The amendment further requires that delegated States and designated official agencies shall pay fees to cover the estimated costs to the FGIS of supervising those agencies. Therefore, the Federal Grain Inspection Service is publishing fees to recover the costs as mandated by the U.S. Grain Standards Act, as amended.

Public meetings will be held to discuss the fee schedules.

DATES: Effective Date: October 1, 1981. Comment Date: Comments are due on or before October 26, 1981.

Public meetings: September 3, 1981 from 8:30 a.m.-11:30 a.m., Washington, D.C.; September 4, 1981 from 8:30 a.m.-11:30 a.m., St. Louis, MO.

ADDRESS: Written comments must be submitted in duplicate on or before (60 days from date of publication). Comments may be forwarded to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127 Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 447–3910. All written comments received will be made available for public inspection at the above office during regular business hours (7 CFR 1.27(b)).

Public meetings: September 3, 1981: Thomas Jefferson Memorial Auditorium, Room 1072, South Agriculture Bldg., 1400 Independence Ave., SW., Washington, D.C.

September 4, 1981: Stan Musial and Biggie's Airport Hilton Inn, 10330 Natural Bridge Rd., St. Louis, MO 63134.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447–3910.

SUPPLEMENTARY INFORMATION: This interim final rule has been reviewed under USDA procedures and Executive Order 12291 and has been determined to be "nonmajor" because it does not meet the criteria contained therein for major regulatory actions.

David C. Mangum, Acting Administrator, FGIS, has determined that a situation exists which warrants the publication of this final action without the opportunity for a prior public comment period in order to provide the grain industry, delegated States and/or designated official agencies with time to make necessary adjustments prior to the effective date of October 1, 1981. This action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

David C. Mangum, Acting Administrator, FGIS, has also determined that this interim final rule does not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164–1170) because: (1) It applies to those limited number of States and official agencies delegated and designated under the act; (2) most users of the FGIS services are not considered to be small entities; and (3) if there is any impact, the administrator is required by statute to make the services available and to recover costs of the services from the users of the services.

Public Meetings

Two public meetings are scheduled to discuss these fee changes. These meetings will be held: September 3, 1981, from 8:30 a.m.-11 a.m. at the Thomas Jefferson Memorial Auditorium, Room 1072, South Agriculture Building, 1400 Independence Avenue, SW., Washington, D.C.; and, September 4, 1981, from 8:30 a.m.–11 a.m., at the Stan Musial & Biggie's Airport Hilton Inn, 10330 Natural Bridge Road, St. Louis, Missouri 63134. Representatives from the grain industry, delegated States, designated official agencies, and other interested parties are invited to attend. At these meetings, Dr. K. A. Gilles, Administrator, FGIS, plans to discuss the legislation which required the implementation of the fees, the level and application of the fees, and the procedures for the collection of such fees. A question and answer period will be scheduled following Dr. Gilles' presentation and written comments will be accepted from interested parties.

Official Grain Inspection and Weighing Fees

The Omnibus Budget Reconciliation Act of 1981, which becomes effective October 1, 1981, amends sections 7(j) and 7A(1)of the U.S. Grain Standards Act to require that fees for inspection and weighing services cover, as nearly as practicable, the estimated costs to the FGIS incident to providing such services, including related administrative and supervisory costs. It further amended these sections to require that delegated States and designated official agencies shall pay fair and reasonable fees to cover the estimated costs to the FGIS of supervision of these agencies. It also amended these sections to require that failure to pay such fees by delegated States or designated official agencies within 30 days after due shall result in automatic termination of the delegation or designation, which may be reinstated upon payment of the fee, with interest, as prescribed by the Secretary.

The Omnibus Budget Reconciliation Act of 1981 also added a new section (7C) to the U.S. Grain Standards Act which provides that the total administrative and supervisory costs that may be incurred for inspection and weighing activities shall not exceed 35 percent of the total costs for such activities carried out by the Service.

Accordingly, FGIS is responsible for the development and implementation of fee schedules for services provided under the U.S. Grain Standards Act by October 1, 1981.

In an effort to structure a fee program within the time available, the Administrator of FGIS appointed a task force to develop the fees. In its study, the task force utilized all the data and information available to FGIS. The task force analyzed various methods of assessing fees to recover FGIS' costs in providing the services as mandated by the Act. A method was selected which utilized primarily an hourly fee for Federal activities, including supervision and administration, and a unit fee per certificate for supervision of delegated State and designated official agency activities. The hourly method was selected for most of the services provided by FGIS at export port locations because currently most FGIS services at those locations are assessed on an hourly basis. A unit fee per certificate method was selected for State and private agencies and some Federal services. This method assumes FGIS supervision time and costs are directly related to the work effort involved per certificate in the

performance of official weighing and inspection activities by official agencies and FGIS.

The Omnibus Reconciliation Act authorizes FGIS to assess user fees to collect a maximum of $21,274,400 for supervision and administration. This amount represents 35 percent of FGIS' fiscal year 1982 budget for inspection and weighing, including supervision and administration. Although a funding level of $21,274,400 is authorized for FY 1982, FGIS in an attempt to keep fees as reasonable as possible is projecting the cost of administration and supervision of the official inspection and weighing programs at approximately $19,000,000.

FGIS believes it can maintain an effective supervision program and perform its administrative activities with this level of funding for FY 1982. Several actions and conditions may impact on the future level of required user fees. These include the level of use of official services by the industry where the service is optional; proposed restructuring of the FGIS organization, support staffs, and the supervision program; and further experience with the implementation of fees mandated by the U.S. Grain Standards Act, as amended. In keeping with administration goals, FGIS will monitor and periodically adjust its fees to maintain them at the minimum level needed to carry out an effective program.

Therefore, in keeping with its need to provide services and maintain fees at a cost effective level, the FGIS fee schedules for official inspection and weighing services as contained in § 800.71 of the regulations are being revised to reflect the requirements of the U.S. Grain Standards Act, as amended.

Accordingly, 7 CFR 800.71(a) is hereby revised to read as follows:

§ 800.71 Fees assessed by the Service.

(a) *Official inspection and weighing services.* The fees shown in Schedules A and B apply to official grain inspection and weighing services performed by the Service in the United States and Canada. The fees shown in Schedule C apply to official grain inspection and weighing services performed by delegated States and designated official agencies in the United States. Failure of a delegated State or designated official agency to pay to FGIS the fees prescribed in Schedule C within 30 days after due shall result in automatic termination of such delegation or designation, but may be reinstated upon payment of such fees, with interest, as prescribed by the Secretary.

Table 1

[Schedule A.—Fees for Official Inspection and Weighing Services (Including Supervision and Administration Services) Performed by the Service in the United States [1]]

Inspection services (bulk or sacked grain)	Original inspection service	Reinspection and appeal inspection service [2] [3]
(1) Official sample-lot inspection service (white certificate).		
(i) For official grade and official factor determinations:		
(A) Online inspection services (per man-hour per Service representative) [4]		
(1) Contract service:		
(a) Regular workday	$18.70	(5)
(b) Nonregular workday	22.10	(5)
(2) Noncontract service:		
(a) Regular workday	[illegible]	[illegible]
(b) Nonregular workday	[illegible]	[illegible]
(B) Other than online inspection services:		
(1) Truck or trailer (per truck or trailer or part truck or part trailer)	[illegible]	[illegible]
(2) Boxcar (per car or part car)	[illegible]	[illegible]
(3) Hopper car (per car or part car)	19.75	[illegible]
(4) Barge (per 1,000 bushels or fraction thereof)	[illegible]	[illegible]
(5) Ship, bin, and all other lots of grain (per 1,000 bushels or fraction thereof) (but see 2 below)	(5)	[illegible]
(C) Based on official file sample (any lot or part lot)	(5)	[10] 13.50
(ii) For official factor or official criteria determinations:		
(A) Based on a sample used for official grade and official factor determinations not obtained during loading or unloading		
(1) Factor determination (per factor)	[illegible]	5.45
(2) Protein test (per sample)	[illegible]	4.35
(B) Based on new sample (any lot or part lot)	(7)	(7)
(2) Special inspection services (sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions, furnishing standard illustrations, and related services) (per man-hour per Service representative): [8]		
(i) Regular workday	[illegible]	[illegible]
(ii) Nonregular workday	24.70	[illegible]
(3) Warehouseman's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate)		
(i) For official grade and official factor determinations (per sample)	[illegible]	13.50
(ii) For official factor or official criteria determinations:		
(A) Factor determination (per factor)	[illegible]	5.45
(B) Protein test (per sample)	4.05	4.35
(4) Minimum fee per service request (applicable when the request for service is cancelled after the Service representative(s) arrives at the point of service or when the service is performed in 2 hours or less when hourly rates apply—fee does not include standby):		
(i) Grain in trucks, trailers, boxcars, or hopper cars	(5)	(5)
(ii) All other lots of grain and special services (per man-hour per Service representative) (2 hour minimum):		
(A) Regular workday	21.10	[illegible]
(B) Nonregular workday	[illegible]	25.50
(5) Standby (per man-hour per Service representative): [9]		
(i) Regular workday	21.10	[illegible]
(ii) Nonregular workday	[illegible]	25.50
(6) Extra copies of certificates (per copy): [11]	2.50	[illegible]

[1] The fees include the cost of performing official inspection and official class X weighing by Service representatives and related supervision and administration costs and the cost of class Y weighing functions. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see § 800.72, paragraphs (a) and (b).

[2] If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection, or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error, see § 800.0(b)(45) and § 800.73(h).

[3] Board appeal inspections are based on file samples. The fee for Board appeal inspection service shall be $34.00 per sample during a regular workday and $40.00 per sample during a nonregular workday except for protein which shall be $15.00 per sample.

[4] Online inspection services include all inspection services which are based on official samples obtained from a flowing stream of grain during the loading or unloading of grain.

[5] Not applicable.

[6] The unit fee.

[7] Same fees as in (1)(i)(B), plus applicable sampling charge—see (2).

[8] Only one inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

[9] For application of fee for standby, see § 800.72(b).

[10] If at the request of the Service a file sample is located and forwarded by an agency for official appeal, the agency may, upon request, be reimbursed at the rate of $2.50 per sample by the Service for the cost of locating and forwarding the sample(s).

[11] For application of fee for extra copies of certificates, see § 800.160(c)(3).

Table 2

Weighing services (bulk or sacked grain)	Official weighing services					
	Specified inspection point				Noninspection point	
	Contract service		Noncontract service		Contract service	
	Regular workday	Non-regular workday	Regular workday	Non-regular workday	Regular workday	Non-regular workday
(1) Official weighing services (class X) (per man-hour per Service representative)	$20.60	$24.00	$23.00	$26.60	$20.60	$24.00
(2) Special weighing services, (stowage examination, testing of weighing equipment, checkweighing sacked grain, checkloading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per Service representative) [8]	20.60	24.00	23.00	26.60	20.60	24.00
(3) Minimum fee per service request is 2 hours per Service representative (applicable when the request for service is cancelled after the Service representative(s) arrives at the point of service or when the service is performed in 2 hours or less when hourly rates apply—fee does not include standby) (per man-hour per Service representative)	[5]	[5]	23.00	26.60	[5]	[5]
(4) Standby (per man-hour per Service representative) [9]	[5]	[5]	23.00	26.60	[5]	[5]
(5) Extra copies of certificates and reports (per copy) [11]	2.50	2.50	2.50	2.50	2.50	2.50

NOTE.—The footnotes for table 2 are shown at the end of table 3.

[Table 3]

Official services (bulk or sacked grain)	Supervision of weighing services (class Y)
Export elevators at export port locations:	
(1) Barge (per barge or part barge)	$15.00
(2) Boxcar (per car or part car)	1.00
(3) Hopper car (per car or part car)	1.00
(4) Truck or trailer (per truck or trailer or part truck or part trailer)	0.50
(5) Unit trains (per each car or part car of unit train)	1.00
(6) Extra copies of certificates and reports (per copy)	2.50
All other locations:	
(1) Barge (per barge or part barge)	10.00
(2) Boxcar (per car or part car)	3.50
(3) Hopper car (per car or part car)	3.50
(4) Truck or trailer (per truck or trailer or part truck or part trailer)	2.50
(5) Unit trains (per each car or part car of unit train)	3.50
(6) Extra copies of certificates and reports (per copy)	2.50

Schedule B.—*Fees for Official Inspection and Weighing Services* [1] *(Including Supervision and Administration Services) Performed by the Service in Canada* [2]

[Table 1]

Services (bulk or sacked grain)	Regular workday	Non-regular workday
(1) Original inspection, or official weighing, or special services: [3]		
(i) Contract service (per man-hour per Service representative)	$24.35	$28.35
(ii) Noncontract service (per man-hour per Service representative)	34.35	40.35
(2) Reinspection and appeal inspection (per man-hour per Service representative) [4] [5]	36.35	42.35
(3) Board appeal inspection (per sample) [4] [5]	38.35	44.35
(4) Minimum fee per Service request:		
(i) Noncontract, original inspection, or original weighing, or special services (per Service representative) [6]	94.35	112.35
(ii) Reinspection, or appeal inspection (per Service representative) [6] [7]	100.35	118.35
(5) Standby (per man-hour per Service representative) [8]	34.35	40.35
(6) Extra copies of certificates (per copy) [9]	2.50	2.50

[1] Supervision of weighing (class Y) fees in Canada will be assessed at the rates shown in Schedule A, table 3.

[2] The fees include the cost of performing official inspection and official class X weighing by service representatives and related supervision and administration costs and the cost of class Y weighing functions. For incidental costs included in the fees, and fees in addition to the unit and hourly fees, see § 800.72, paragraphs (a) and (b).

[3] Special services include, but are not limited to the following: sampling, stowage examination, testing of inspection or weighing equipment, demonstrating official inspection or weighing functions, furnishing standard illustrations, checkweighing of sacked grain, checkloading of sacked grain, and related services.

[4] If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection, or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error, see § 800.0(b)(45) and § 800.73(h).

[5] Appeal inspections are based on file samples. Board appeal inspections for protein shall be $15.00 per sample.

[6] Applicable when the requested service is performed in 3 hours or less, or the request for service is cancelled after the Service representative(s) arrives at the point of service.

[7] Not applicable if the reinspection or appeal inspection is performed concurrently with an original inspection.

[8] For application of fee for standby, see § 800.72(b).

[9] For application of fee for extra copies of certificates, see § 800.160(c)(3).

Schedule C.—*Fees for FGIS Supervision and Administration Services for the Official Inspection and Weighing Services Performed by the Delegated and/or Designated Agencies in the United States* [1]

[Table 1]

Inspection services (bulk or sacked grain)	Official inspection and reinspection services
(1) Official sample-lot inspection service (white certificate):	
(i) For official grade and official factor determinations:	
(A) Truck or trailer (per inspection) [2]	$2.00
(B) Boxcar (per inspection) [2]	2.45
(C) Hopper car (per inspection) [2]	2.70
(D) Barge (per inspection) [2]	8.70
(E) Ship (per ship) [3]	79.50
(F) All other lots (per inspection) [2] [4]	1.55
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection)	1.10
(B) Protein test (per inspection) [2] [5]	0.25
(2) Stowage Examination services:	
(A) Ship (per stowage certificate)	7.60
(B) Other carriers (per stowage certificate)	0.45
(3) Warehouseman's sample-lot inspection service (yellow certificate) or Submitted sample inspection service (pink certificate):	
(i) For official grade and official factor determinations (per inspection)	1.55
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection)	1.10
(B) Protein test (per inspection) [2] [5]	0.25
(4) Reinspections (per inspection) [3]	1.55

Note.—The footnotes for table 1 are shown at the end of table 2.

[Table 2]

Official services (bulk or sacked grain)	Official weighing services (class X)
(1) Official weighing services:	
(A) Truck or trailer (per certificate)	$0.50
(B) Boxcar and hopper car (per certificate)	1.25
(C) Barge (per certificate)	11.30
(D) Ship (per certificate) [3]	137.90

[1] The fees include the cost of supervision and administration functions performed by the Service for the official inspection and weighing services performed by the delegated and/or designated agencies.

[2] A fee shall be assessed for each carrier or sample inspected if combined lot certificate is issued or a uniform loading plan is used to determine grade.

[3] A fee shall be assessed per ship regardless of the amount of grain loaded at a specific service point. A fee shall not be assessed for divided original certificates.

[4] All other lots include, but are not limited to, sampling service, condition examination (sacked grain), examination for weevily, bins, and containers.

[5] Fees will be assessed for each sample tested for protein

* * * * *

(Secs. 8 and 9, Pub. L. 94–582, 90 Stat. 2873, 2877 (7 U.S.C. 79(j), 79a(1)), as amended by Pub. L. 97–35)

Done in Washington, D.C., on August 21, 1981.

David C. Mangum,

Acting Administrator.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
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DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing August 21, 1981

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register in cooperation with Lexington Technical Institute.

WHAT: Special public briefing (approximately 2½ hours) to present:

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: September 17 at 9:00 a.m.

WHERE: Room 215, Lexington Technical Institute, Cooper Drive, Lexington, Ky.

RESERVATIONS: Call Martha Birchfield, (606) 258–4919.

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8-26-81
Vol. 46 No. 165
Pages 43035-43128

federal register

Wednesday
August 26, 1981

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43036 **Estate Taxes** Treasury/IRS modifies regulations on special use valuation of farm and closely held business real estate for Federal estate tax purposes.

43058 **Veteran's Credit** VA proposes to charge interest and administrative costs on delinquent debts and to charge interest on the unpaid balance of debts paid in installments.

43037 **Equal Employment Opportunity** EEOC finalizes procedural regulations on filing and deferral of charges of discrimination.

43068 **Administrative Practice and Procedure** FCC proposes awarding attorney's fees to qualified parties who prevail over the government in agency proceedings.

43057 **Air Transportation** CAB issues supplemental notice of proposed rulemaking on consumer protection notice requirements.

43114 **Motor Carriers** ICC issues notice of declaratory order proceeding on used pallet, container, and shipping devices exemption from the Motor Carrier Act of 1980.

43080 **Coal Exports** DOE issues notice of final results of the Interagency Coal Export Task Force inquiry.

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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43117 Certain steel wire nails from the Republic of Korea and Yugoslavia.

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43056 **Agricultural Commodities** USDA/FGIS proposes increasing fees for hay, hop, miscellaneous processed commodity, pulse, and straw inspection services.

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Rules and Regulations

Federal Register
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Wednesday, August 26, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

CIVIL AERONAUTICS BOARD

14 CFR Part 207

[Regulation ER-1238; Amdt. No. 31]

Charter Trips and Special Services Revised Reporting Requirements; Approval by Office of Management and Budget

AGENCY: Civil Aeronautics Board.
ACTION: Final rule.

SUMMARY: This final rule gives notice that on July 16, 1981, the Office of Management and Budget (OMB) approved the revised reporting requirements in Part 207 of the Board's Economic Regulations (ER-1221, 46 FR 28368) May 26, 1981, governing charter trips by U.S. certificated scheduled air carriers. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Adopted: August 19, 1981. Effective: August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Accordingly, the Civil Aeronautics Board amends Part 207 of its Economic Regulations (14 CFR Part 207) by revising the note at the end of Part 207 to read:

Note.—The reporting and recordkeeping requirements contained in §§ 207.8, 207.10, 207.16, 207.17(a), 207.24, 207.25, 207.31, 207.41, 207.45, 207.46 and 207.47 have been approved by the Office of Management and Budget under number 3024-0011.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-24885 Filed 8-25-81; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 208

[Regulation ER-1239; Amdt. No. 31]

Terms, Conditions, and Limitations of Certificates to Engage in Charter Transportation; Revised Reporting Requirements; Approval by Office of Management and Budget

AGENCY: Civil Aeronautics Board.
ACTION: Final rule.

SUMMARY: This final rule gives notice that on July 16, 1981, the Office of Management and Budget (OMB) approved the revised reporting requirements in Part 208 of the Board's Economic Regulations (ER-1222, 46 FR 28378) May 26, 1981, governing charter trips by U.S. certificated charter air carriers. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Adopted: August 19, 1981. Effective: August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION:

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN CHARTER TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends Part 208 of its Economic Regulations (14 CFR Part 208) by revising the note at the end of Part 208 to read:

Note.—The reporting and recordkeeping requirements contained in sections 208.3a, 208.5, 208.40, 208.202a, 208.202b, 208.204, 208.211 and 208.216 have been approved by the Office of Management and Budget under number 3024-0001.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-24886 Filed 8-25-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 7

[T.D. 7758]

Income Tax; Taxable Years Beginning After December 31, 1953 and Temporary Income Tax Regulations Under the Tax Reform Act of 1976; Election To Treat Outdoor Advertising Displays as Real Property; Correction

AGENCY: Internal Revenue Service, Treasury.
ACTION: Correction to final rule.

SUMMARY: This document corrects a typographical error in the publication of Treasury decision 7758 relating to the election to treat outdoor advertising displays as real property.

EFFECTIVE DATE: This correction is effective as of the same date as Treasury decision 7758, which is taxable years beginning after December 31, 1970.

FOR FURTHER INFORMATION CONTACT: Douglas W. Charnas of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3297.

SUPPLEMENTARY INFORMATION:

Background

On January 22, 1981, the **Federal Register** published Treasury decision 7758 (46 FR 6924). That Treasury decision adopted final regulations under section 1033 of the Internal Revenue Code of 1954, relating to the making of an election to treat property that constitutes certain outdoor advertising displays as real property for income tax purposes.

Need for Correction

A typographical error was made in the instructions to paragraph 5 as set forth

in the full text of the Treasury decision. This document corrects this error by changing "Paragraph (c)(6)" to "Paragraph (c)(5)".

Drafting Information

The principal author of this correction is Douglas W. Charnas of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

Correction of Treasury Decision

Accordingly, FR Doc. 81-2305 (46 FR 6924) is corrected as follows:

In Par. 5 on page 6926 "Paragraph (c)(6)" is changed to "Paragraph (c)(5)".

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-24805 Filed 8-25-81; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 15a

[T.D. 7768]

Temporary Income Tax Regulations; Installment Sales—General Rules; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations; correction.

SUMMARY: This document corrects a technical error in the publication of temporary regulations (Treasury Decision 7768) relating to the general rules for reporting gains from installment sales that were published at 46 FR 10708, February 4, 1981. The text of those temporary regulations also served as the text for a notice of proposed rulemaking.

FOR FURTHER INFORMATION CONTACT: Phoebe A. Mix of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3297, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 1981, the Federal Register published Treasury Decision 7768 (46 FR 10708) which prescribed emporary regulations relating to general rules for reporting gains from installment sales. The text of the temporary regulations also served as the text of the proposed regulations under 26 CFR Part 1 (46 FR 10749).

Need for Correction

Treasury Decision 7768 must be corrected to add the part heading and a table of contents for Part 15a (Temporary Income Tax Regulations Under the Installment Sales Revision Act).

Drafting Information

The principal author of this correction notice is Phoebe A. Mix of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

Correction of Treasury Decision

Accordingly, FR Doc. 81-4141 (46 FR 10708) is corrected as follows:

1. On page 10709, in the second column, the amendatory language in the paragraph titled *Proposed amendments to the regulations* is removed and replaced with the following new amendatory language, part heading, table of contents, and authority cite:

Amendments to the Regulations

A new part, Part 15a, is added in the appropriate place to Title 26 of the Code of Federal Regulations:

PART 15a—TEMPORARY INCOME TAX REGULATIONS UNDER THE INSTALLMENT SALES REVISION ACT

Sec.

15a.453-0 Taxable years affected.

15a.453-1 Installment method reporting for sales of real property and casual sales of personal property.

15a.453-2 Installment obligations received as liquidating distribution. [Reserved]

Authority: Sections 453 and 7805 of the Internal Revenue Code of 1954 (94 Stat. 2251, 68A Stat. 917; 26 U.S.C. 453 (i), 7805).

* * * * *

§§ 15a.453-0, 15a.453-1 [Corrected]

2. On page 10709, correct "§ 15A.453-0" to read "§ 15a.453-0" and correct "§ 15A.453-1" to read § 15a.453-1" where ever they appear.

§ 15a.453-2 [Corrected]

3. On page 10710, column two, correct § 15A.453-2" to read "§ 15a.453-2."

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81-24825 Filed 8-25-81; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 20

[T.D. 7786]

Special Use Valuation of Certain Farm and Closely Held Business Real Property for Estate Tax Purposes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule.

SUMMARY: This document modifies portions of the existing regulations relating to special use valuation of farms and closely held business real estate for Federal estate tax purposes. The document removes certain restrictive provisions from the regulations and affects estates consisting largely of farm and other closely held business interests and heirs receiving such property from the estates.

DATES: The regulations are effective for estates of decedents dying after December 31, 1976.

FOR FURTHER INFORMATION CONTACT: Fred E. Grundeman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Attention CC:LR:T 202-566-3287, not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background

The regulations at § 20.2032A-3(b)(1) require (1) that a qualified heir receive or acquire a "present interest" in property before it may be considered qualified real property, and (2) that the decedent have an equity interest in the operation of the farm or other business.

It has been concluded that the present interest requirement should not apply if all the potential beneficiaries and remaindermen of a discretionary trust are members of the decedent's family and, therefore, would have been qualified heirs if the property passed to them directly. It has also been determined that the equity interest requirement may be satisfied by either the decedent or a member of the decedent's family. Thus, a passive rental of a farm by a decedent to a member of the decedent's family should not disqualify the property from special use valuation.

The purpose of this regulation is to implement these decisions.

Because this regulation is liberalizing in nature, it is found unnecessary to issue this Treasury decision with notice and public procedure. At a future date the regulations will be revised to provide guidance where the parties involved include persons other than qualified heirs and members of the decedent's family.

Regulatory Flexibility Act

The Internal Revenue Service has concluded that this Treasury decision is liberalizing in nature and publishable without public hearing and comment and, therefore, the notice and public procedure requirements of 5 U.S.C. 553

do not apply. Accordingly, these regulations do not constitute regulations subject to the Regulatory Flexibility Act [5 U.S.C. chapter 6].

Drafting Information

The principal author of these regulations is Fred E. Grundeman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

Accordingly, 26 CFR Part 20 is amended as follows:

§ 20.2032A-3 [Amended]

Paragraph 1. Section 20.2032A–3(b)(1) is revised by removing the third sentence; by inserting the phrase "to a party other than a member of the decedent's family" immediately after the word "property" in the ninth sentence; and by inserting the phrase "or a member of the decedent's family" immediately after the word "decedent" in the tenth sentence.

§ 20.2032A-8 [Amended]

Par. 2. Section 20.2032A–8(a)(2) is revised by removing the last 2 sentences and inserting in lieu thereof the following.

* * * Where successive interests in specially valued property are created, remainder interests are treated as being received by qualified heirs only if such remainder interests are not contingent upon surviving a nonfamily member or are not subject to divestment in favor of a nonfamily member.

Because this regulation is liberalizing in nature it is found unnecessary to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: July 7, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-24852 Filed 8-25-81; 8:45 am]

BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations on Filing and Deferral of Charges of Discrimination

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission published an interim revision to its procedural regulation on the filing and deferral of charges of discrimination on December 9, 1980 (45 FR 81039). After consideration of all submitted comments and with appropriate modifications, the interim revision is republished in final form.

EFFECTIVE DATE: These regulations are effective August 26, 1981.

FOR FURTHER INFORMATION CONTACT: Anthony J. De Marco, Acting Associate General Counsel (tele: 202–634–6595) or Thomas J. Schlageter (tele: 202–653–5490), Legal Counsel Division, EEOC, 2401 E Street, N.W., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: On December 9, 1980, the Equal Employment Opportunity Commission published a revision to its Title VII procedural regulation on filing and deferral located at 29 CFR 1601.13 (1979) (45 FR 81039, December 9, 1980). Although the revised regulation was effective immediately on an interim basis, comments were requested for consideration prior to republication of the revised regulation in final form.

The interim regulation was necessitated by the partial invalidation of former § 1601.13 by the Supreme Court in *Mohasco Corp.* v. *Silver*, 447 U.S. 807 (1980). The interim regulation provided that a deferred charge could not be filed with EEOC until after the expiration of the statutory deferral period unless there was an earlier termination of state proceedings or a waiver of the right to exclusive processing by the state. The interim regulation also provided, in reliance upon the language of *Mohasco* and *Oscar Mayer & Co.* v. *Evans*, 441 U.S. 750 (1979), that charges which arise in deferral jurisdictions and which are apparently untimely under state or local statutes of limitations may still be timely filed with the EEOC within 300 days after the date of the alleged violation. The remaining subsections were rearrangements, clarifications and editorial changes to the prior regulation. The Commission received 12 comments and carefully considered each one. The major suggestions and objections are discussed below.

Several correspondents objected to revised subsection (a)(3) which provides that an apparently untimely state or local charge may be a timely federal charge if filed with EEOC within 300 days of the alleged violation. It is argued that this provision is not supported by *Mohasco* or *Oscar Mayer*, that it ignores caselaw to the contrary, that it encourages the bypassing of 706 agencies and that it fortuitously and unfairly confers upon persons in deferral jurisdictions a longer filing period than persons in nondeferral jurisdictions. After further consideration, the Commission has decided that interim (a)(3) correctly states the law.

In *Mohasco*, the Supreme Court rejected the Eighth Circuit's holding in *Olson* v. *Rembrandt Printing Co.*, 511 F.2d 1228 (8th Cir. 1975). The Eighth Circuit had held that a charging party must file with a 706 Agency within 180 days or within the state or local statute of limitations, whichever is longer, in order to receive the benefit of the 300 day federal filing period. The Supreme Court stated that Congress did not, in section 706(e), require that a charge be filed with a 706 Agency within any specific time after the alleged violation as a condition to invoking the 300-day limitations period for filing with EEOC in deferral jurisdictions and that courts should not read into that section a time limitation which Congress had not seen fit to include. *Mohasco Corp.* v. *Silver*, 447 U.S. 807, 814 n.16, 816 n.19 (1980). The Court at footnote 16 also rejected the First Circuit's holding in *Ciccone* v. *Textron, Inc.*, 616 F.2d 1216 (1st Cir. 1980) for employing the same approach under similar provisions in the Age Discrimination in Employment Act, 29 U.S.C. 621–634. In *Oscar Mayer*, the Court construed similar provisions in the Age Discrimination in Employment Act and approved the federal filing of an untimely state charge (the state charge was not filed within the 120 day state limit or within 180 days of the alleged violation). The court held that state or local limitations periods could not govern the efficacy of the federal remedy. *Id.* at 762. The court refused to attribute to Congress the intent to incorporate state and local statutes of limitations by implication or to consign federal lawsuits to the vagaries of diverse state limitations statutes. *Id.* at 763. *Mohasco* and *Oscar Mayer* indicate that complainants in deferral jurisdictions are entitled to the extended 300 day federal filing period even if they do not timely file with an appropriate 706 Agency.

The case law supports this view and any pre-Mohasco case law to the contrary is no longer valid. In *Bean v. Crocker National Bank*, 600 F.2d 754 (9th Cir. 1979), the Ninth Circuit held that an ADEA plaintiff in a deferral jurisdiction was entitled to the extended 300 day federal filing period even though he did not timely file with a 706 Agency (no state charge was filed within the 706 Agency's one year limitations period). In *Ewald v. Great Atlantic & Pacific Tea Co.*, 620 F.2d 1183 (6th Cir. 1980), the Sixth Circuit affirmed the dismissal of an ADEA claim on the grounds that the plaintiff failed to file a federal charge within 180 days. The court rejected the Ninth Circuit's conclusion in *Bean* and held that a complainant was not entitled to the 300 day period unless he had filed with a 706 Agency within 180 days of the alleged violation. *Accord Ciccone v. Textron, Inc.*, 616 F.2d 1216 (1st Cir. 1980); *Davis v. Calgon Corp.*, 627 F.2d 674, (3d Cir. 1980). The Supreme Court vacated the judgments in both *Ewald* and *Ciccone* and remanded the cases for futher consideration in light of *Mohasco*. *Ewald v. Great Atlantic & Pacific Tea Co.*, 101 S.Ct. 311 (1980); *Ciccone v. Textron Corp.*, 101 S.Ct. 311 (1980). On remand, the Sixth Circuit reversed the district court's dismissal of the complaint as untimely. *Ewald v. Great Atlantic & Pacific Tea Co.*, Docket No. 77–1600 (6th Cir., Jan. 6, 1981). On remand, the First Circuit cited *Mohasco* for the proposition that in deferral jurisdictions, a claimant is allowed 300 days to file with EEOC even though he fails to file with a 706 Agency within 180 days of the alleged violation. *Ciccone v. Textron Corp.*, 25 EPD ¶ 31598 (1st Cir. 1981). The court held "on the authority of *Mohasco* that the longer period of 300 days is to be allowed for federal filing in deferral states." *Id.* at p. 19458. On a rehearing of *Davis*, the Third Circuit found that the Supreme Court's statements in *Mohasco* controlled disposition of the issue and held that a complainant in a deferral jurisdiction is entitled to the extended federal filing period regardless of whether he has filed with the appropriate 706 Agency within 180 days of the alleged violation. *Davis v. Calgon Corp.*, 627 F.2d 674, 677 (3d Cir. 1980). The Second Circuit has also adopted the position that the 300 days period is available to complainants in deferral jurisdictions even though no charge was filed with a 706 Agency within 180 days of the alleged violation. *Goodman v. Heublein Inc.*, Docket No. 567 (2d Cir., March 25, 1981). Most recently, the Fifth Circuit has relied on *Mohasco* for the proposition that complainants in deferral jurisdictions are entitled to the 300 day federal filing limit and that the general rule requiring filing within 180 days is not applicable in such cases. *Friel v. Transamerica Airlines, Inc.*, Docket No. 80–7325 (5th Cir., April 28, 1981). Accordingly, the case law supports the availability of the extended filing period in deferral jurisdictions without regard to the timeliness of state or local filing.

This regulation will not encourage the deliberate bypass of state and local remedies. No reason suggests itself why an individual would wish to forego an available state or local remedy. Most persons would prefer two separate opportunities for administrative relief to one. It is our experience that most persons file charges as soon as they discover the discrimination or as soon as they learn of their rights to file a charge. A deliberate bypass of state or local remedies will not expedite a charging party's access to court. The charge must still be processed by the Commission and any time expended in waiting for the local limitations period to expire is likely to exceed the 60 day deferral period. The risk of bypass appears negligible. See *Oscar Mayer & Co. v. Evans*, 441 U.S. 750, 764 (1979).

This regulation does not confer a "fortuitous" benefit on persons who live in deferral jurisdictions. Any difference in treatment based upon geographic location is mandated by the statute which provides the two different filing periods. Our correspondents urge that the availability of the extended period should depend upon whether the charging party has complied with the applicable state or local statute of limitations. The timeliness of a state or local charge as the factor which determines the existence of a federal right under Title VII appears to have been firmly rejected by the Supreme Court in *Oscar Mayer* and *Mohasco* and by the Circuit courts cited above. The regulation does not create or confer any fortuitous benefits but rather follows from a plain, literal construction of the section. For the foregoing reasons, no change is made in subsection (a)(3).

Several correspondents have objected to the legality of 706 Agency waivers of the right to exclusive processing or to EEOC's filing of a charge after a waiver but before 60 days have passed in light of *Mohasco*. The factual situation in *Mohasco* did not involve such a waiver. A waiver of exclusive processing does not conflict with the *Mohasco* court's specific concerns that the 706 Agency be given a limited opportunity to redress employment grievances and that all charges be promptly processed. In a waiver situation, the 706 Agency has the opportunity to process the charge if it so elects and those charges which the 706 Agency chooses not to pursue are promptly processed by the Commission. *Mohasco* does not cast doubt upon such a waiver. Waivers with the consent of the charging party and the consequent attaching of federal jurisdiction have been explicitly and implicitly approved by many courts. *Love v. Pullman Co.*, 404 U.S 522, 526 (1972); *EEOC v. U.S. Fidelity & Guaranty Trust Co.*, 13 FEP Cases 990, 10 EPD ¶ 10549 (D. Md. 1975), *aff'd.*, 538 F. 2d 324 (4th Cir.) *cert. denied*, 429 U.S. 1023 (1976); *White v. Dallas Independent School District*, 581 F. 2d 556, 561 n.7 (5th Cir. 1978); *Barela v. United Nuclear Corporation*, 462 F. 2d 149, 151–152 (10th Cir. 1972); *Waters v. Heublein Inc.*, 547 F. 2d 466, 469 (9th Cir. 1976), *cert. denied*, 433 U.S. 915 (1977).

Every court addressing the issue has held that when a 706 Agency has waived its authority to exclusively process a charge, state proceedings have terminated within the meaning of section 706(c) and the charge may be immediately filed with EEOC. *Yeung v. Lockheed Missiles & Space Co.*, 24 FEP Cases 1070 (N.D. Calif. 1980) (California's waiver of exclusive jurisdiction to process charges such as plaintiff's pursuant to work-sharing agreement with the EEOC, "terminates" its proceedings under section 706(c) for purpose of determining when charge is deemed filed with EEOC); *Cattell v. Bob Frensley Ford, Inc.*, 24 FEP Cases 1290, (M.D. Tenn. 1980) (Tennessee FEPC's deferral of initial consideration of complaint to EEOC, in accordance with work-sharing agreement, constitutes termination of proceedings under section 706(c); state agency effectively waived its jurisdiction); *EEOC v. Western States Machine Co.*, 17 FEP Cases 1356, 1357, 17 EPD ¶ 8435 at 6293–94 (S.D. Ohio 1978) (FEPC's agreement not to process charges which the EEOC wished to handle in accord with well-settled law that a state may waive its statutory "obligations" and the EEOC may then proceed); *Lombardi v. Margolis Wine & Spirits, Inc.*, 465 F. Supp. 99, 101 (E. D. Pa. 1979) ("Virtually anything the State agency does of its own initiative in order to be rid of a case may be sufficient to pass jurisdiction on to the EEOC via section 2000e–5(c)."); *Eldredge v. Carpenters Local 46*, 440 F. Supp. 506, 515 (N.D. Calif. 1977) ("Section 2000e–5(c) * * *is satisfied by * * * reference of the matter to the state agency by EEOC, followed by notification from the state agency that it will take no action."). The Commission is not aware of any conclusive case law to the contrary.

Therefore, after due consideration, no substantive change in this regard will be made in the regulation.

Three correspondents commented on the need for clarification of subsection (b)(1). One suggested that the term "institution of state proceedings" be defined. Another thought that filing 60 days after state proceedings have been instituted could be construed as only allowing a 59 day deferral period. (This comment is equally applicable to subsections (a)(5)(ii)(B) and (b)(2)(ii).) It is evident from these comments that the Commission's intent was not clearly stated. Subsection b(1) (as well as subsections (a)(5)(ii)(B) and (b)(2)(ii)) are revised to better expres that intent and meet the correspondents' concerns. It was intended that charges will be deemed filed after the full 60 day period (unless there has been an earlier termination or waiver) and that the deferral period starts according to section 706(c) on the date that a written and signed statement of the facts upon which the charge is based is sent to the 706 Agency by registered mail or otherwise received by the 706 Agency. In addition, it was discovered that a phrase had been inadvertently omitted from subsections (b)(1) and (b)(2)(ii). Filing takes place after the deferral period, upon termination of 706 Agency proceedings or upon 706 Agency waiver of exclusive processing whichever occurs earliest. The waiver alternative had been omitted and is now added, along with the explanatory phrase "whichever is earliest" to clarify the provision.

One correspondent objected to the language of subsection (b)(1) which could deem a charge to be filed with the Commission even though it is not physically received by the Commission and cites *Chappell* v. *Emco Machine Works*, 601 F.2d 1295 (5th Cir. 1979) as disapproving such a deeming procedure. In *Chappell*, a divided panel ruled that the failure of a state employment agency to forward a charge to the EEOC as requested by the charging party and as promised by the state agency employee, did not equitably toll the running of the federal filing period. *Chappell* is factually distinguishable from the situation covered by subparagraph (b)(1) in that the state agency involved in *Chappell* was not a 706 Agency and was therefore not part of the statutory processing scheme envisaged by Title VII. The instant regulation pertains only to charges received by 706 Agencies. Secondly, the principal issue in *Chappell* was whether or not equitable tolling was available to the plaintiff whereas the regulation does not concern tolling. Thirdly, the Commission has entered into Work Sharing contracts with almost all 706 Agencies. A standard contract clause in each of them is that the 706 Agency agrees to forward charges to EEOC upon the request of the charging party. The charging party is a third party beneficiary of this provision and the 706 Agency by entering into the contract assumes this duty on behalf of a complainant. Such a contract duty was not at issue in *Chappell*. Finally, the analysis which rejected the plaintiff's equitable arguments in *Chappell* was not subscribed to by a majority of the panel. For these reasons we do not find *Chappell* to be controlling on this issue. The Commission also notes the strong and well reasoned dissent by Justice Wisdom which would have found jurisdiction.

One correspondent requested that the regulation define the term "termination of state proceedings." The regulation does not define the term because of the variety of factual patterns which may constitute a termination. In most cases, the date of termination will be evident. In some cases, however, all of the circumstances must be examined prior to such a determination. The Commission has decided that a suitable general rule cannot be drafted at this time.

One correspondent objected to the use of the term "initial institution of proceedings" in the titles of subsections (a) and (b) and suggests the use of the term "initial presentation of charge" instead. The correspondent understands the term "institution" to be synonomous with "filing". The word "institution" as used in the statute and the regulation is not synonomous with filing. According to section 706(c), state or local proceedings can be instituted for purposes of Title VII by mailing a written and signed statement of facts even though this may not satisfy state or local filing requirements. Institution is synonomous with commencement. *Mohasco*, 447 U.S. at 816. Nevertheless, in the interest of clarity, the titles of the subsections are revised to read "initial presentation of a charge."

One correspondent objected to subsection (a)(5)(i)(B) deeming state or local proceedings to have commenced on the date EEOC mails or delivers notice of the charge to a 706 Agency as an attempt to interfere with or repal state or local laws. The regulation does not purport to define as a matter of state or local law when a charge is filed with a 706 Agency. It merely deems state or local proceedings to have commenced for purposes of Title VII. This deeming is authorized by section 706(c) and has been approved by the Supreme Court in *Mohasco Corp.* v. *Silver*, 447 U.S. 807, 816 (1980) and *Love* v. *Pullman Co.*, 404 U.S. 522, 525 (1972).

A new paragraph (b)(2)(i) has been added in order to provide explicit guidance for the situation in which a 706 Agency refuses to accept a charge initially presented to it. In such case, the charging party or the 706 Agency may present the charge to the Commission and it will be processed as an initial presentation to the Commission in accordance with paragraph (a). Interim paragraphs (b)(2)(i) and (b)(2)(ii) are renumbered (b)(2)(ii) and (b)(2)(iii) respectively. One sentence is also added to the latter paragraph. In order to avoid any ambiguity, the sentence repeats the holding of *Mohasco* that the filing must be effected within 300 days in order to be timely.

Several additional minor editorial changes are made to the revision. The phrase "state statute of limitations" is revised to read "state or local statute of limitations" in subsections (a)(3), (a)(4), (a)(5) and (a)(5)(ii). The phrase "state or local agency" is revised to read "706 Agency" in subsections (a)(5)(i)(B) and (a)(5)(i)(C). The phrase "state proceedings terminated" is revised to read "the 706 Agency terminated its proceedings" in subsection (a)(5)(ii)(B). The phrase "state proceedings" is revised to read "706 Agency proceedings" in subsections (b)(2)(i) and (b)(2)(ii).

This revised regulation has been reviewed pursuant to Executive Order 12291 (46 FR 13193 February 19, 1981), and has been determined not to be a major rule.

Section 1601.13 of Title 29 of the Code of Federal Regulations is revised as appears below.

Signed at Washington, D.C. this 28th day of July 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

PART 1601—PROCEDURAL REGULATIONS

29 CFR 1601.13 is revised as follows:

§ 1601.13 Filing; deferrals to State and local agencies.

(a) *Initial presentation of a charge to the Commission.* (1) Charges arising in jurisdictions having no 706 Agency are filed with the Commission upon receipt. Such charges are timely filed if received by the Commission within 180 days from the date of the alleged violation.

(2) A jurisdiction having a 706 Agency without subject matter jurisdiction over a charge (e.g., and agency which does not cover sex discrimination or does not cover nonprofit organizations) is equivalent to a jurisdiction having no 706 Agency. Charges over which a 706 Agency has no subject matter jurisdiction are filed with the Commission upon receipt and are timely filed if received by the Commission within 180 days from the date of the alleged violation.

(3) Charges arising in jurisdictions having a 706 Agency but which charges are apparently untimely under the applicable state or local statute of limitations are filed with the Commission upon receipt. Such charges are timely filed if received by the Commission within 300 days from the date of the alleged violation. Copies of all such charges will be forwarded to the appropriate 706 Agency.

(4) Charges arising in jurisdictions having a 706 Agency and which charges are apparently timely under the applicable state or local statute of limitations, are to be processed in accordance with the Commission's deferral policy set forth below and the procedures in subparagraph (5).

(i) In order to give full weight to the policy of section 706(c) of the Act, which affords State and local fair employment practice agencies that come within the provisions of that section an opportunity to remedy alleged discrimination concurrently regulated by Title VII and State or local law, the Commission adopts the following procedures with respect to allegations of discrimination filed with the Commission. It is the intent of the Commission to thereby encourage the maximum degree of effectiveness in the State and local agencies. The Commission shall endeavor to maintain close communication with the State and local agencies with respect to all matters forwarded to such agencies and shall provide such assistance to State and local agencies as is permitted by law and as is practicable.

(ii) Section 706(c) of Title VII grants States and their political subdivisions the exclusive right to process allegations of discrimination filed by a person other than a Commissioner for a period of 60 days (or 120 days during the first year after the effective date of the qualifying State or local law). This right exists where, as set forth in § 1601.70, a State or local law prohibits the employment practice alleged to be unlawful and a State or local agency has been authorized to grant or seek relief. After the expiration of the exclusive processing period, the Commission may commence processing the allegation of discrimination.

(iii) A 706 Agency may waive its right to the period of exclusive processing of charges provided under section 706(c) of Title VII with respect to any charge or category of charges. Copies of all such charges will be forwarded to the appropriate 706 Agency.

(5) The following procedures shall be followed with respect to charges which arise within the jurisdiction of a 706 Agency and which are apparently timely under the applicable state or local statute of limitations:

(i) Where any document, whether or not verified, is received by the Commission as provided in § 1601.8 which may constitute a charge cognizable under Title VII, and where the 706 Agency has not waived its right to the period of exclusive processing with respect to that document, that document shall be deferred to the appropriate 706 Agency as provided in the procedures set forth below:

(A) All such documents shall be dated and time stamped upon receipt.

(B) A copy of the originial document, shall be transmitted by registered mail, return receipt requested, to the appropriate 706 Agency, or, where the 706 Agency has consented thereto, by certified mail, by regular mail or by hand delivery. State or local proceedings are deemed to have commenced on the date such document is mailed or hand delivered.

(C) The person claiming to be aggrieved and any person filing a charge on behalf of such person shall be notified, in writing, that the document which he or she sent to the Commission has been forwarded to the 706 Agency pursuant to the provisions of section 706(c).

(ii) Charges which arise within the jurisdiction of a 706 Agency and which are apparently timely under the applicable state or local statute of limitations are deemed to be filed with the Commission as follows:

(A) Where the document on its face constitutes a charge within a category of charges over which the 706 Agency has waived its rights to the period of exclusive processing referred to in paragraph (a)(4)(iii) of this section, the charge is deemed to be filed with the Commission upon receipt of the document. Such filing is timely if the charge is received within 300 days from the date of the alleged violation.

(B) Where the document on its face constitutes a charge which is not within a category of charges over which the 706 Agency has waived its right to the period of exclusive processing referred to in paragraph (a)(4)(iii) of this section, the Commission shall process the document in accordance with paragraph (a)(5)(i) of this section. The charge shall be deemed to be filing with the Commission upon expiration of 60 (or where appropriate, 120) days after deferral, or upon the termination of 706 Agency proceedings, or upon waiver of the 706 Agency's right to exclusively process the charge, whichever is earliest. Where the 706 Agency earlier terminates its proceedings or waives its right to exclusive processing of a charge, the charge shall be deemed to be filed with the Commission on the date the 706 Agency terminated its proceedings or the 706 Agency waived its right to exclusive processing of the charge. Such filing is timely if effected within 300 days from the date of the alleged violation.

(b) *Initial presentation of a charge to a 706 Agency.* (1) When a charge is initially presented to a 706 Agency and the charging party requests that the charge be presented to the Commission, the charge will be deemed to be filed with the Commission upon expiration of 60 (or where appropriate, 120) days after a written and signed statement of facts upon which the charge is based was sent to the 706 Agency by registered mail or was otherwise received by the 706 Agency, or upon the termination of 706 Agency proceedings, or upon waiver of the 706 Agency's right to exclusively process the charge, whichever is earliest. Such filing is timely if effected within 300 days from the date of the alleged violation.

(2) When a charge is initially presented to a 706 Agency but the charging party does not request that the charge be presented to the Commission, the charging party may present the charge to the Commission as follows:

(i) If the 706 Agency has refused to accept a charge, a subsequent submission of the charge to the Commission will be processed as if it were an initial presentation in accordance with paragraph (a) of this section.

(ii) If the 706 Agency proceedings have terminated, the charge may be timely filed with the Commission within 30 days of receipt of notice that the 706 Agency proceedings have been terminated or within 30 days from the date of the alleged violation, whichever is earlier.

(iii) If the 706 Agency proceedings have not been terminated, the charge may be presented to the Commission within 300 days from the date of the alleged violation. Once presented, such a charge will be deemed to be filed with the Commission upon expiration of 60 (or where appropriate, 120) days after a written and signed statement of facts upon which the charge is based was sent to the 706 Agency by certified mail or was otherwise received by the 706 Agency, or upon the termination of the 706 Agency proceedings, or upon waiver of the 706 Agency's right to exclusively process the charge, whichever is earliest. To be timely, however, such filing must be effected within 300 days from the date of the alleged violation.

(c) *Agreements With Fair Employment Practice Agencies.* Pursuant to section 705(g)(1) and section 706(b) of Title VII, the Commission shall endeavor to enter into agreements with 706 Agencies and other fair employment practice agencies to establish effective and integrated resolution procedures. Such agreements may include, but need not be limited to, cooperative arrangements to provide for processing of certain charges by the Commission, rather than by the 706 Agency during the period specified in section 706(c) and section 706(d) of Title VII.

(d) *Preliminary relief.* When a charge is filed with the Commission, the Commission may make a preliminary investigation and commence judicial action for immediate, temporary or preliminary relief pursuant to section 706(f)(2) of Title VII.

(e) *Commissioner charges.* A charge made by a member of the Commission shall be deemed filed upon receipt by the Commission office responsible for investigating the charge. The Commission will notify a 706 Agency when an allegation of discrimination is made by a member of the Commission concerning an employment practice occurring within the jurisdiction of the 706 Agency. The 706 Agency will be entitled to process the charge exclusively for a period of not less than 60 days if the 706 Agency makes a written request to the Commission within 10 days of receiving notice that the allegation has been filed. The 60-day period shall be extended to 120 days during the first year after the effective date of the qualifying State or local law.

[FR Doc. 81-24877 Filed 8-25-81; 8:45 am]

BILLING CODE 4570-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 900, 913, 914, 917, 935, and 942

Surface Coal Mining and Reclamation Programs for Alabama, Illinois, Indiana, Kentucky, Ohio, Tennessee; General Statement of Policy

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: General statement of policy.

SUMMARY: The Secretary is announcing revised schedules for resubmission of State regulatory programs by Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee until the injunction against each terminates, but in no case for longer than one year after the injunction was first issued. In the meantime, regulation of surface exploration, mining and reclamation operations will be conducted pursuant to OSM's interim program.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-4225.

SUPPLEMENTARY INFORMATION:

General Background

Under the Surface Mining Control and Reclamation Act (SMCRA or the Act), a State which seeks to regulate surface coal mining and reclamation operations within its border must apply to the Secretary of the Interior for approval of its State program. In order for a program to be approved, a State must submit a program containing laws and regulations which are consistent with the Act and the regulations of the Secretary of the Interior. Section 503 of SMCRA provides that once a State submits a program, the Secretary of the Interior has six months in which to consider the State's application. Under it and 30 CFR 732.13 at the end of that six-month period the Secretary must decide whether to approve, conditionally approve, approve in part and disapprove in part, or completely disapprove the State program submission. If the Secretary partially approves or completely disapproves the State program submission, the State has 60 days to resubmit its program. SMCRA then gives the Secretary 60 days to review the resubmitted program and make a final decision. If, after the end of this 10 months period, the Secretary is unable to approve or conditionally approve the State program, he is required to promulgate a Federal program.

The Secretary reviewed the initial program submissions of the States of Alabama, Illinois, Indiana, Kentucky, Ohio, and Tennessee and announced in the **Federal Register** his partial approval/partial disapproval or complete disapproval of each of those programs.

45 FR 68865 (Alabama, October 16, 1980)
45 FR 69940 (Illinois, October 31, 1980)
45 FR 78482 (Indiana, November 25, 1980)
45 FR 69940 (Kentucky, October 22, 1980)
45 FR 64962 (Ohio, October 1, 1980)
45 FR 67372 (Tennessee, October 10, 1980)

Following the Secretary's announcement, each State had 60 days within which to revise and resubmit its program. In each of those States, except for Indiana where an injunction had previously been issued, an injunction was entered enjoining the State from resubmitting its program within the 60 day period.

Section 503(d) of SMCRA provides:

> * * * [T]he inability of a State to take any action, the purpose of which is to prepare, submit or enforce a State program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result . . . in the imposition of a Federal program. Regulation of the surface coal mining and reclamation operations covered or to be covered by the State program subject to an injunction shall be conducted by the State pursuant to Section 502 of the Act, until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of Sections 503 and 504 shall again be fully applicable.

Previous Suspension Notices

Because the Secretary had completed all the actions that were possible without further participation by the States and because the States were enjoined from taking further formal action, the Secretary issued notices in the **Federal Register** for Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee temporarily suspending the State program resubmission schedules for those States and inviting public comment.

46 FR 1306 (Alabama, January 6, 1981)
45 FR 78499 (Indiana, November 25, 1980, public comment period extended, 46 FR 1309, January 6, 1981)
46 FR 4951 (Illinois, January 19, 1981)
45 FR 3030 (Kentucky, January 13, 1981)
45 FR 85797 (Ohio, December 30, 1980)
46 FR 1309 (Tennessee, January 6, 1981)

Each of the six notices specified the period of time within which the State

would be required to resubmit its program following the lifting of the injunction or the expiration of one year as set in section 503(d). The resubmittal period for each State was designated as the number of days remaining in the initial 60 day resubmittal period at the time the injunction was imposed.

Each notice also invited public comment on:

(1) The applicability of Section 503(d) of SMCRA in the State, given the circumstances surrounding the injunction.

(2) The State's compliance with Section 502 of SMCRA. Section 503(d) of SMCRA requires a State which is subject to an injunction to continue regulation under the interim program.

(3) Suggestions on how the Secretary ought to adopt or modify the permanent program regulations to meet the local conditions in each State if implementation of a Federal program becomes necessary as a consequence of the State's inability ultimately to obtain approval of its program or because, as prescribed under Section 503(d), the term of the injunction exceeds one year.

Discussion of Public Comments

A total of 15 comments were received as a result of the six notices. The Indiana notice elicited the most comments, nine. The notice for the State of Tennessee, 46 FR 1309 (January 6, 1981), prompted four persons to comment, two of whom requested a public hearing. Separate single comments were received in response to the Kentucky and Illinois notices.

Generally, the comments were directed at the interpretation of section 503(d) of SMCRA. The Secretary had indicated that he was not bound to honor a State court injunction if the circumstances surrounding its issuance did not warrant doing so and that he had discretion to determine whether to give effect to the suspension provision of section 503(d). In response, industry and State representatives asserted that the Secretary had no such discretion and citizens and citizen groups urged investigating the reasons for issuance of the injunctions to determine whether they had been used as a dilatory tactic by industry and States.

In light of the final decisions announced here to give effect to the State court injunctions, reconsideration of the interpretation given the section in the earlier notices is unnecessary. The discretion to examine separately the circumstances surrounding issuance of the injunctions is not being exercised. A rebuttable presumption is made that each State exercised good faith in pursuing resubmission and that injunctions were not sought by the States as a dilatory tactic. The responses to the earlier notices brought no information which would rebut this presumption.

The Environmental Policy Institute (EPI) urged that Indiana had actually sought the section 503(d) injunction to avoid the permanent program requirements of SMCRA. It asserted that section 503(d) was not intended, nor should be used, to extend the statutory periods for Secretarial decisions on State programs. Section 503(d) does not provide criteria for not giving effect to an injunction. It merely provides that issuance of an injunction by a court of competent jurisdiction preventing preparation, submission or enforcement of a program shall delay the process for State program approval or implementation of a Federal program until the injunction is lifted or for one year whichever is sooner. Consequently, the injunction in Indiana which prevents the State from resubmitting its program is sufficient to invoke 503(d).

Other comments were directed at the Secretary's announced decisions to begin the preparation of Federal programs. Commenters asserted that rather than undertake such an effort, initiatives ought to be directed at working with the involved States to achieve approvable programs. The point is well taken and the initial plan to begin preparation of Federal programs has been changed. No work will begin on a Federal program for any of the involved States unless it becomes clear that a State program will not be or has not been resubmitted or cannot or will not be approved. That point could come as early as the date the injunction in any of the States is lifted or after the expiration of one year. By deferring preparation of Federal programs, effort can be directed to working with the involved States to correct deficiencies in their programs.

One citizen requested a hearing be held in order to determine whether the State of Indiana had adequately complied with the interim program. The information submitted by the commenter was insufficient to make a case that a hearing was necessary. For this reason and in the interest of economy, the Secretary has decided to deny the request for a hearing, but to complete the record has asked the Regional Director to telephone to invite the commenter to meet and discuss with him his concern regarding Indiana's compliance. In addition, the one year period of the injunction in Indiana terminates on July 29, 1981, and the State's resubmission is due 60 days thereafter. Comments on the Indiana program can be presented during the public comment period on the resubmission either in writing or at the hearing that will be held on it.

Of the four comments received on the notice for the State of Tennessee, two commenters requested public hearings. One commented extensively on the State's alleged failure to enforce adequately the interim program and suggested specific modifications to be made in a Federal program for the State. Another asserted that the injunction was merely a dilatory measure in which the State acquiesced in order to avoid failing to meet its resubmission deadline.

The Secretary has decided to deny the commenters' requests for a hearing, but has asked the Regional Director to invite the two persons who requested a hearing to meet with him to discuss their concerns. In addition, the one year period of the injunction in Tennessee will end on October 10, 1981, although the State's resubmission of its program for a final decision by the Secretary could come sooner than that date. Any relevant comments on the Tennessee program and its performance under the interim program can be presented during the public comment period on the resubmission either in writing or at the hearing that will be held on it.

Final Suspension Determinations

After reviewing the public comments received in response to the six Federal Register notices and after giving consideration to all the circumstances surrounding the State program approval process in each State, the Secretary has made the following determinations:

In the case of Alabama, Kentucky, Ohio, Illinois, Indiana, and Tennessee information has not been brought to light which casts sufficient doubt on the States' resubmission efforts. Accordingly, the injunctions issued by State courts in the States of Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee are determined to invoke validly the operation of Section 503(d) of SMCRA.

Therefore, the Secretary is suspending the schedule for resubmission of a State program in each of these six States until such time as the injunction is lifted or for one year from the date the injunction was issued, whichever is sooner.

The dates on which resubmissiom periods will begin running, unless the injunction is lifted sooner in the State involved, are as follows:

Alabama—November 12, 1981
Illinois—December 11, 1981
Indiana—July 30, 1981

Kentucky—October 31, 1981
Ohio—November 24, 1981
Tennessee—October 10, 1981

The Secretary expressly reserves the right to take appropriate action at any time if information is brought to light which sufficiently rebuts a presumption of good faith exercised in the resubmission process.

Reconsideration of Resubmittal Period

With regard to the rescheduling of the resubmission process for each State where it has been suspended, the Secretary has decided to allow each State 60 days after the lifting of the injunction to resubmit its State program. This decision supersedes the Secretary's earlier decision on this matter, as announced in each of the six suspension notices, that the allowable resubmittal period would be the number of days remaining in the initial 60 day resubmittal period at the time the injunction was imposed. Allowing a full 60 day resubmission period was initially rejected as excessive because (a) each State had already utilized part of the initial 60 days to develop its resubmission and (b) the operation of the injunction had already given each State considerably more time than the normal 60 days to develop an acceptable program.

The Secretary now believes that allowing a full 60 day resubmittal period is appropriate because States may need to modify their programs not only to correct the deficiencies noted in the Secretary's initial findings, but also to reflect changes which are being made in the Federal permanent program regulations since the Secretary's initial findings on a State program. This extended period is intended to afford the affected States the opportunity to continue to revise their programs so as to achieve readily approvable ones and to make adjustments needed to reflect local conditions.

Section 502 State Compliance

In each State in which an injunction prohibited resubmission of a State program, the Secretary has reviewed the State's compliance with the interim program provisions of SMCRA and the interim program regulations issued by the Secretary related to the interim program, 30 CFR Parts 701–719. For Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee the Secretary has not been made aware of information which would support a conclusion that the involved States have not been adequately enforcing the interim program.Therefore, it is determined that the States of Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee are adequately enforcing the requirements of Section 502. These States will continue to enforce the interim program until the injunction is lifted or until one year from the date of its issuance, whichever occurs first.

Preparation of Federal Programs

For each State in which an injunction enjoined the State from resubmitting its program for approval, the Secretary has decided to defer preparation of a Federal program for that State. No Federal program will be prepared for a State until it appears that a State program will or has not been resubmitted, or that it is finally disapproved.

Every effort will be made to give States primary regulatory responsibility so that there will not be a need for a Federal program. The effort which would have been expended on Federal program development will be used instead to help the States in gaining primacy. Finally, preparation of Federal programs is premature in light of the complete review now underway of the permanent program regulations on which Federal programs are based.

Other Determinations

The decisions announced in this notice do not constitute a major Federal action which has a significant effect on the human environment. Therefore, an environmental impact statement, as required under the National Environmental Policy Act, 42, U.S.C. 4332(2)(C), has not been prepared.

The Department of the Interior has also analyzed the possible economic effects to small entities as specified in the Regulatory Flexibility Act.

In accordance with 43 CFR Part 14, the Department of the Interior has determined that the proposed rule will not have a significant effect on a substantial number of small entities.

Finally, publication of this notice announcing the decision to give effect to State court injunctions suspending the State program approval process is not a major rule under Executive Order 12291 of February 17, 1981 (46 FR 13193). The effect of the decisions will not add a cost to $100 million or more to the economy, will not produce major cost or price increases for consumers, industries or governments and will not have significant adverse results for competition, employment, investment, productivity, innovation or foreign competition. A Regulatory Impact Analysis has therefore not been prepared.

Dated: July 27, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

[FR Doc. 81-24823 Filed 8-25-81; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 204

Danger Zone, Isle of Oahu, Hawaii

AGENCY: Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army is establishing a danger zone in the navigable waters of the United States at the Marine Corps Air Station, (MCAS) Kaneohe Bay, Island of Oahu, Hawaii. The danger zone is needed to outline the affected area and provide formal notice of hazards due to potential ricochet rounds and accidental firings from the existing Ulupau Crater Weapons Training Range at the MCAS.

EFFECTIVE DATE: September 25, 1981.

ADDRESS: HQDA, DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley T. Arakaki at (808) 438–9258 or Mr. Ralph T. Eppard at (202) 272–0199.

SUPPLEMENTARY INFORMATION: The Commanding Officer, Marine Corps Air Station, Kaneohe Bay, Hawaii has requested that danger zone regulations be established to designate an area considered unsafe for boaters when firing is in progress and provide formal notice of potential hazards associated with the existing tactical weapons training range in Ulupau Crater.

The Corps of Engineers published a proposed regulation in the Notice of Proposed Rulemaking section of the **Federal Register** on March 23, 1981 (46 FR 18050–18051) with the comment period expiring on April 30, 1981. One comment was received which recommended an established firing schedule and the installation of range marker navigational aids to mark the zone limits day and night. The marine Corps has previously rejected established schedules for the weapons firing as impractical for all concerned. In addition, the requirements as stated in the regulation for flashing red warning beacons, manned observation posts and extended clear visibility during weapons firing are sufficient to alert operators of vessels of the situation and to warn the Marine Corps of the presence of the

vessel. No other comments were received.

Note.—This regulation is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12291 do not apply. The Department of the Army has determined that this regulation will not have a significant economic impact on a substantial number of entities and thus does not require preparation of a regulatory flexibility analysis.

PART 204—DANGER ZONE REGULATIONS

Accordingly, the Department of the Army is establishing a danger zone under 33 CFR 204.224c as set forth below:

§ 204.224c Marine Corps Air Station, (MCAS) Kaneohe Bay, Island of Oahu, Hawaii—Ulupau Crater Weapons Training Range Danger Zone.

(a) *The Danger Zone.* The waters within a sector extending seaward a distance of 3,900 yards between radial lines bearing 352° true and 61° true, respectively, from a point on Mokapu Peninsula at latitude 21°27'17" N, longitude 157°43'51" W, exclusive of the existing 500 yard wide prohibited area. The interface between the existing 500 yard prohibited area and this danger zone is defined by three points having the following coordinates:

Point A: Latitude 21°27'59" N, Longitude 157°43'56" W
Point B: Latitude 21°27'52" N, Longitude 157°43'02" W
Point C: Latitude 21°27'38" N, Longitude 157°43'12" W

(b) *The regulations.* (1) Weapons firing at the Ulupau Crater Weapons Training Range may occur at any time between 6:00 a.m. and 11:00 p.m., Monday through Friday, and between 6:00 a.m. and 6:00 p.m., Saturday and/or Sunday, when required. Specific dates and hours for weapons firing, along with information regarding onshore warning signals, will be promulgated by the U.S. Coast Guard's Local Notice to Mariners. Information on weapons firing schedules may also be obtained by calling the Officer in Charge of the Range Training Facility, Headquarters and Headquarters Squadron, MCAS (telephone number 257–2067).

(2) Whenever hazardous weapons (machine guns) firing is scheduled and in progress during daylight hours, two large red triangular warning pennants will be flown at each of two highly visible and widely separated locations on the shore at Ulupau Crater.

(3) Whenever tactical weapons (exclusive of machine guns) firing is scheduled and in progress during daylight hours, a single large red rectangular warning flag will be flown at the two separate locations on the shore.

(4) Whenever any weapons firing is scheduled and in progress during periods of darkness, flashing red warning beacons will be displayed on the shore at Ulupau Crater.

(5) Boaters will have complete access to the danger zone whenever there is no weapons firing scheduled, which will be indicated by the absence of any warning flags, pennants, or beacons displayed ashore.

(6) The danger zone is not considered safe for boaters whenever hazardous weapons (machine guns) firing is in progress. Hazardous weapons firing will usually be scheduled approximately twice per month, on nonconsecutive weekdays, for about eight hours on each occasion. Boaters shall expeditiously vacate the danger zone at best speed and by the most direct route whenever hazardous weapons firing is scheduled. Passage of vessels through the danger zone when hazardous weapons firing is in progress will be permitted, but boaters shall proceed directly through the area at best speed. Hazardous weapons firing will be suspended as long as there is a vessel in the danger zone. Whenever a boater disregards the publicized warning signals that hazardous weapons firing is scheduled, the boater will be personally requested to expeditiously vacate the danger zone by MCAS Kaneohe Bay military personnel utilizing a bull-horn from either a Marine helicopter or Navy crash boat.

(7) The danger zone may be occupied for extended periods and with caution at individual risk whenever tactical weapons (exclusive of machine guns) firing is scheduled and in progress because of the remote possibility of a rifle round from an accidental discharge impacting outside the limits of the existing prohibited area.

(8) Observation posts will be manned whenever any weapons firing is scheduled and in progress. Visibility will be sufficient to maintain visual surveillance of the entire danger zone and for an additional distance of 5 miles in all directions whenever weapons firing is in progress.

(c) *The Enforcing Agency.* The foregoing regulations shall be enforced by the Commanding Officer, MCAS Kaneohe Bay and such agencies as he/she may designate.

(33 U.S.C. 1&3).

Dated: July 28, 1981.

William R. Gianelli,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 81-24842 Filed 8-25-81; 8:45 am]

BILLING CODE 3710-92-M

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33 CFR Part 207

Navigable Waters, Portsmouth Naval Shipyard

AGENCY: Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army is amending the regulations which establish a restricted area in the waters adjacent to the Portsmouth Naval Shipyard, Kittery, Maine. These amendments improve security of vessels and waterfront facilities and redesignate the agency responsible for enforcement of the regulations.

EFFECTIVE DATE: September 25, 1981.

ADDRESS: HQDA, DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Mark J. Otis (617) 894–2400 or Mr. Ralph T. Eppard (202) 272–0200.

SUPPLEMENTARY INFORMATION: The regulations in 33 CFR 207.6 which establish a restricted area in the waters around the Portsmouth Naval Shipyard, Kittery, Maine, are hereby amended to improve security for vessels and waterfront facilities and redesignate the enforcing agency. On February 5, 1981, the U.S. Army Corps of Engineers published the proposed amendment in the Notice of Proposed Rulemaking section of the **Federal Register** (46 FR 10923) with the comment period expiring on March 26, 1981. No comments were received. Further change is made, however, to the identification of the agency responsible for enforcing these regulations and an editorial change is also being made to number the areas No. 1 and No. 2. The Department of the Army is revising 33 CFR 207.6 as set forth below:

Note.—This regulation is issued with respect to a military function of the Defense Department and provisions of Executive Order 12291 do not apply. The Department of the Army has also determined that this rule will not have a significant economic impact on a substantial number of entities and thus does not require the preparation of a regulatory flexibility analysis.

PART 207—NAVIGATION REGULATIONS

§ 207.6 Piscataqua River at Portsmouth Naval Shipyard, Kittery, Maine, restricted areas.

(a) *The areas.*

Area No. 1: The area bounded by a line beginning at a point on the easterly side of Seavey Island at latitude 43°04'37" N, longitude 70°43'44" W; thence to latitude 43°04'36" N, longitude 70°43'40" W; thence to the pier on the westerly side of Clark Island at latitude 43°04'36.5" N, longitude 70°43'34" W; thence along the northerly side of Clark Island to a point on the easterly side at latitude 43°04'37" N, longitude 70°43'25" W; thence northeasterly to the easterly side of Jamaica Island at latitude 43°04'47" N, longitude 70°43'24" W; thence along the southerly and westerly sides of Jamaica Island and thence generally along the easterly side of Seavey Island to the point of beginning.

Area No. 2: The area bounded by a line beginning at a point on the southerly side of Seavey Island at Henderson Point at latitude 43°04'29" N, longitude 70°44'14" W; thence to latitude 43°04'29.5" N, longitude 70°44'17.4" W; thence to latitude 43°04'36.6" N, longitude 70°44'22.6" W; thence to latitude 43°04'44.8" N, longitude 70°44'33.2" W; thence to latitude 43°04'47.4" N, longitude 70°44'42.1" W; thence to latitude 43°04'48" N, longitude 70°44'52" W; thence to latitude 43°04'49" N, longitude 70°44'54" W; thence to latitude 43°04'51" N, longitude 70°44'55" W; thence to latitude 43°04'53" N, longitude 70°44'53" W; thence to latitude 43°04'57" N, longitude 70°44'47" W; thence to latitude 43°04'58" N, longitude 70°44'46" W; thence to latitude 43°05'02" N, longitude 70°44'36" W; thence to latitude 43°05'04" N, longitude 70°44'31" W; thence along the westerly side of Seavey Island to the beginning point.

(b) *The regulations.* All vessels and other craft, except those under the supervision of or contract to local military or naval authority, are prohibited from entering the restricted areas without permission from the Commander, Portsmouth Naval Shipyard or his authorized representative.

(40 Stat. 266; 33 U.S.C. 1)

Dated: July 21, 1981.

Robert K. Dawson,

Deputy Assistant Secretary of the Army (Civil Works).

[FR Doc. 81-24841 Filed 8-25-81; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Chapters I and XII

Redesignation of Chapter XII to Chapter I, Parts 60–72; Correction

AGENCY: National Park Service, Interior.

ACTION: Correction.

SUMMARY: This document corrects FR 81–19586 on redesignation of Chapter XII, (Heritage Conservation and Recreation Service) to Chapter I, (National Park Service) Part 60–69 that appeared as page 34329 in the **Federal Register**, on Wednesday, July 1, 1981; reserves Parts 66 and 69 which were erroneously assigned; and also revises the amendatory language in the Supplementary Information section which is published in its entirety below, for clarity.

EFFECTIVE DATE: July 23, 1981.

Authority: This order was issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

FOR FURTHER INFORMATION CONTACT: Thelma D. Wood, Management Consulting Division, U.S. Department of the Interior, National Park Service, Washington, D.C. 20240, (202) 523–5133.

SUPPLEMENTARY INFORMATION: Title 36 of the Code of Federal Regulations is amended as follows:

A. Chapter XII is removed and its Parts 1201, 1202, 1204, 1205, 1207, 1208, 1212, 1226, 1227, and 1228 are redesignated as Parts 60 through 72 of Chapter 1 as follows:

Old part	New part
1201	61
1202	60
1204	63
1205	65
1207	68
1208	67
1212	62
1226	64
1227	71
1228	72

B. Whenever the name "Heritage Conservation and Recreation Service" appears within the new Parts 60 through 72 change it to read "National Park Service".

Dated: August 21, 1981.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 81-24845 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1910-6]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On April 4, 1980 (45 FR 22961) and May 9, 1980 (45 FR 30654), EPA proposed to approve as revisions to the federally promulgated Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2) revised emission limitations for the Gulf Oil Company's Toledo Refinery and the Coulton Chemical Corporation, both located in Lucas County. EPA today takes final action to approve the revised emission limitations for Gulf Oil Company and Coulton Chemical Corporation. These emission limitations will be in effect until EPA approves a State SO_2 plan for Lucas County.

EFFECTIVE DATE: September 25, 1981.

ADDRESSES: Docket #5A–79–2 for the Gulf Oil Company and docket #5A–80–6 for the Coulton Chemical Corporation are available for inspection and copying during normal business hours at Region V, 230 South Dearborn Street, Chicago, Illinois 60604 and at EPA Central Docket Station, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. It is recommended that you telephone the contact person given below before visiting the Region V office.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Regulatory Analysis Section, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6088.

SUPPLEMENTARY INFORMATION: On August 27, 1976 (41 FR 36324), EPA promulgated regulations establishing the SIP for the control of SO_2 for the State of Ohio. The regulations were amended for Lucas County on May 31, 1977 (42 FR 27588).

On May 4, 1981 (46 FR 24966), EPA proposed to disapprove the Ohio SO_2 SIP for Lucas County as submitted by Ohio on September 12, 1979. The Ohio SIP is essentially identical to the existing Federal SIP for Lucas County. The proposed disapproval was based on a modeling analysis of Lucas County which predicted substantial violations of the NAAQS in Lucas County and demonstrated that neither the Federal nor the State plan for Lucas County ensures the attainment and maintenance of the NAAQS for SO_2. For further details, see 46 FR 24966. Additionally, in the May 4, 1981 notice, EPA called upon the State of Ohio to reassess its SO_2 control strategy for Lucas County and adopt any additional regulations that may be needed to protect the NAAQS.

Although the Gulf Oil Company and the Coulton Chemical Company plants are located in Lucas County, further

analysis demonstrates that neither revision significantly exacerbates the nonattainment problem in Lucas County. Therefore, EPA today takes final action to approve the revised emission limitation for Coulton Chemical Company and the Gulf Oil Company until a revised plan is approved for Lucas County.

Coulton Chemical Company

On October 9, 1979, the Coulton Chemical Corporation submitted a revision to the Ohio SO_2 SIP for its sulfuric acid plant in Lucas County, Ohio. In this submittal, Coulton requested EPA to revise the limitation of 1.1 pounds of sulfur dioxide per ton of 100% sulfuric acid produced for the sulfuric acid production units back to the originally promulgated 6.5 pounds limitation (41 FR 36324). The emission limitation had been revised to a more stringent limit because Coulton had initiated and installed a molecular sieve control system in its facility. At that time, performance test runs indicated the molecular sieve was capable of meeting a 1.1 limitation. Since that time, however, the molecular sieve system has proven to be an impractical and unreliable system for Coulton and has become a financial burden to the source due to corrosion problems and high replacement costs. Therefore, Coulton requested that EPA repromulgate the original emission limitation so it can install an efficient and reliable control system in its facility.

On May 9, 1980 (45 FR 30654), EPA proposed to approve this revision as an amendment to the Ohio SO_2 SIP. A 30 day public comment was provided. During that period, no comments were received.

Technical support for the revision is based on modeling performed by Coulton and by EPA. A discussion of the modeling analysis conducted by Coulton is contained in the notice of proposed rulemaking and the technical support document which are available in Docket 5A–80–6. EPA performed a screening analysis to approximate Coulton's significant impact area. The analysis showed that Coulton's significant area extends approximately 3 km downwind of the facility; much less than the distance where violations were predicted in the Lucas County modeling cited above. Since the Coulton modeling demonstrated attainment within Coulton's significant impact area and since the EPA analysis showed that Coulton does not impact the predicted nonattainment areas, EPA is approving this revision to the federally promulgated SO_2 SIP.

Gulf Oil Company

On October 31, 1978, the Gulf Oil Company requested a revision to the Ohio SO_2 SIP for its Toledo refinery. The revision accounts for physical changes to some of the refinery sources that have occurred since the original SIP was developed and alters the distribution of SO_2 emissions among the various refinery sources. On July 16, 1979 (44 FR 41264) and on April 4, 1980 (45 FR 22981), EPA proposed to approve this revision as an amendment to the Ohio SO_2 SIP. At that time, a 30 day public comment was provided. Only one comment was received, a correction of a sulfur recovery plant number from B005 to P005. This correction has been made in the Code of Federal Regulations. No other comments were received.

Technical support for the revision is based on modeling perfomed by Gulf Oil and by EPA. A discussion of the modeling analysis conducted by Gulf Oil and a discussion of the physical changes to the facility are contained in the notice of proposed rulemaking and the technical support document which are available in Docket 5A–79–2. EPA performed a screening analyses to approximate Gulf's impact in the known nonattainment area, under both the Federal and the revised control strategies. The analysis showed that the impacts under the new limits are not significantly greater than those under the existing EPA limits. That is, the revised control strategy does not significantly exacerbate any predicted violations in the County. Therefore, since Gulf Oil's contribution is minimal and is not the cause of the nonattainment problem in Lucas County, EPA is approving this revision to the federally promulgated SO_2 SIP.[1]

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. Today's action does not constitute a major regulation since it merely approves revised emission limitations requested by two facilities in Ohio. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Under section 307(b)(1) of the Clean Air Act judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110 of the Clean Air Act as amended 42 U.S.C. 7401)

Dated: August 20, 1981.

Anne Gorsuch,

Administrator.

[1] This revision will result in an increase of maximum allowable SO_2 emissions from the Gulf facilities of 970 tons per year over the emissions allowed by the limits promulgated May 31, 1977 (42 FR 27590). However, compliance with the revised limit will result in a net decrease of over 2001 tons per year from the actual emissions.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. Section 52.1881(b)(39) is amended by revising subdivision (vi) (A) and (B), revising subdivision (viii) (A) through (H), and adding subdivision (viii) (I) and (J) as follows:

§ 52.1881 Control strategy; sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio

* * * * *

(39) In Lucas County * * *

* * * * *

(vi) The Coulton Chemical Corporation * * *

(A) 0.00 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel fired steam generating units or process heaters.

(B) 6.50 pounds of sulfur dioxide per ton of 100 percent sulfuric acid produced for sulfuric acid production units.

* * * * *

(viii) Gulf Oil * * *

(A) 0.90 pound of SO_2 per million BTU actual heat input for fossil fuel-fired steam generating units numbered B001, B002, B003 and B004.

(B) 1.03 pounds of SO_2 per million BTU actual heat input for process heaters or fossil fuel-fired steam generating units numbered B005, B006, and B013.

(C) 1.21 pounds of SO_2 per million BTU actual heat input for process heater numbered B009 and for the stack connecting process heaters numbered B007 and B008.

(D) 1.29 pounds of SO_2 per million BTU actual heat input for process heater number B014.

(E) 1.57 pounds of SO_2 per 1,000 pounds of charging stock for catalytic

cracking unit P003 and CO boiler B016 connected to the same stack.

(F) 200 pounds of SO_2 per 2,000 pounds of sulfur processed for sulfur recover plant P005.

(G) Gulf Oil or any subsequent owner or operator of these facilities located in Lucas County, Ohio, shall not cause or permit the combustion of refinery fuel gas at process heaters numbered B010, B011, B012, B015 and for the waste heat boiler stack connecting process heaters numbered B017, B018, B019 and B020 containing a total sulfur content expressed as hydrogen sulfide in excess of 10 grains of hydrogen sulfide per 100 dry standard cubic feet of refinery fuel gas or the emission of SO_2 from any stack of the above units in excess of 0.04 pound of SO_2 per million BTU actual heat input.

(H) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio shall operate only one of the units numbered B001, B002, B003, and B004 simultaneously with the 3 units numbered B005, B006 and B016.

(I) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio, shall not operate more than two of the units numbered B001, B002, B003, and B004 simultaneously with two of the units numbered B005, B006 and B016.

(J) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio shall limit the simultaneous operation of B001, B002, B003, and B004 to the operating configurations specified in paragraphs (b)(39)(viii) (H) and (I) of this section.

[FR Doc. 81-24876 Filed 8-25-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; for itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated areas of Franklin County (FEMA–6027)	Cedar Creek	Just upstream of Jackson HWY (U.S. HWY 43)	*853
			Just downstream of Southern Railway	*855
		Mud Creek	Just upstream of of Southern Railway	*854
			Just downstream of Military Road	*856
		Bear Creek	Just downstream of County Road II	*514
			Just upstream of State HWY 24	*525
		Pain Creek	Just upstream of Dirt Road approximately 4,500 feet above Sloss Lake Spillway.	*718
Maps available for inspection at Franklin County Courthouse, North Jackson Street, Russellville, Alabama 35653.				
Alabama	Montgomery (City) Montgomery County (FEMA–5798)	Alabama River	Intersection of river and center of Interstate Highway 85.	*163
			At confluence with Galbraith Mill Creek	*198
		Tallapoosa River	At confluence with Oliver Creek	*173
		Catoma Creek	Intersection of creek and Georgia Railroad	*[illegible]
			100 feet upstream from center of U.S. Highway 31 and 80.	*172
			100 feet upstream from center of Woodley Road	*202
		Caney Branch	100 feet upstream from center of U.S. Highway 80	*189

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Intersection of branch and center of Interstate Highway 65.	*195
		Genetta Ditch	Intersection of ditch and U.S. Highway 31 and 82	*173
			100 feet upstream from center of Seaboard Coast Line Railroad.	*185
		Cloverland Ditch	100 feet upstream from center of Interstate Highway 65.	*179
			100 feet upstream from center of Court Street	*190
		Wiley Creek	At confluence with Catoma Creek	*176
			350 feet downstream from center of Teague Road	*195
		Audubon Ditch	Intersection of ditch and U.S. Highway 331	*185
			50 feet upstream from center of Augusta Drive	*212
		Baldwin Slough	100 feet upstream from center of Narrow Lane Road	*184
			100 feet upstream from center of Kingsbury Drive	*233
		Hannon Slough	100 feet upstream from center of Sebles Road	*182
			100 feet upstream from center of Wildwood Drive	*219
		Snowdoun Creek	At confluence with Catoma Creek	*187
		Whites Slough	100 feet upstream from center of Narrow Lane Road	*187
		Whites Slough	Intersection of slough and Vaughn Road	*242
		Ramer Creek	At confluence with Catoma Creek	*195
		West End Ditch	At confluence with Alabama River	*160
			350 feet upstream from center of Air Base Boulevard	*164
			50 feet upstream from center of Terminal Road	*168
		Three Mile Branch	Intersection of branch and Lower Wetumpka Road	*169
			Intersection of branch and Seaboard Coast Line Railroad.	*196
			150 feet upstream from center of Interstate Highway 85.	*237
		Sherwood Ditch	Intersection of ditch and East Haven Road	*219
			100 feet upstream from center of Farwood Drive	*250
		Galbraith Mill Creek	At confluence with Alabama River	*168
			Intersection of creek and U.S. Highway 231	*171
			Intersection of creek and Seaboard Coast Line Railroad.	*217
		Oliver Creek	Intersection of creek and Georgia Railroad	*174
			Intersection of creek and U.S. Highway 80	*211
		Pintlalla Creek	200 feet upstream from center of County Highway 26 (Wasden Road).	*183
		Pine Creek	300 feet upstream from center of U.S. Highways 31 and 82.	*160
			100 feet upstream from center of Doster Road	*221
		Mill Creek	350 feet downstream from center of Seaboard Coast Line of Atlanta.	*204
	Maps available for inspection at City Hall, 124 N. Perry Street, Montgomery, Alabama.			
Alabama	City of Red Bay, Franklin County (FEMA 6027)	Bear Creek	Just upstream of State Hwy 24	*525
			Just downstream of the southernmost crossing of the corporate limits.	*526
	Maps available for inspection of City Hall, Second Avenue South, Red Bay, Alabama 35582.			
Alabama	Tuscaloosa County (Unincorporated Areas) FEMA–6027	Big Creek	At confluence with Jay Creek	*146
		Black Warrior River	Intersection of River Road and Holt Road	*157
		Black Warrior River Tributary No. 2	4,525 feet upstream from confluence with Black Warrior River.	*200
		Black Warrior River Tributary No. 3	50 feet downstream from center of a Private Road (approximately 450 feet west of intersection with Rice Mine Road).	*292
		Black Warrior River Tributary No. 3A.	150 feet upstream from center of Twin Oaks Road	*220
		Cottondale Creek	50 feet upstream from center of Clements Road	*248
		Cottondale Creek Tributary No. 1	50 feet upstream from center of Buttermilk Road	*250
		Cottondale Creek Tributary No. 1A	50 feet upstream from center of Interstate Highway 59	*279
		Cottondale Creek Tributary No. 2	Cul-de-sac at the west end of 56th Street East	*263
		Cottondale Creek Tributary No. 3	Cul-de-sac at the west end of 56th Street East	*263
		Cribbs Mill Creek	50 feet upstream from center of Greensboro Avenue (State Highway 69).	*168
		Cribbs Mill Creek Tributary No. 5	1,200 feet upstream from center of 30th Avenue East	*271
		Cribbs Mill Creek Tributary No. 6	100 feet upstream from center of Interstate Highway 59 East.	*243
		Cypress Creek	Intersection of Interstate Highway 359 and Illinois Central Gulf Railroad.	*162
		Hurricane Creek	Confluence with Cottondale Creek	*199
		Mill Creek	Intersection of creek and center of Illinois Central Gulf Railroad.	*149
		Mill Creek Tributary No. 1	50 feet upstream from center of 17th Street	*160
		Mill Creek Tributary No. 2	Intersection of tributary and center of 17th Street	*153
		Mill Creek Tributary No. 3	600 feet upstream from confluence with Mill Creek	*162
		Moody Swamp Tributary No. 1	100 feet upstream from center of Old Fosters Ferry Road.	*143
		Moody Swamp Tributary No. 2	100 feet upstream from center of Osment Road	*143
		Moody Swamp Tributary No. 3	Intersection of Southern Railroad and Interstate Highway 359.	*171
		North River	Intersection of 2 private roads approximately 1,500 feet south of North River dam.	*160
		Rum Creek	25 feet upstream from center of Illinois Central Gulf Railroad.	*242
		Rum Creek Tributary No. 1	1,600 feet upstream from confluence with Rum Creek	*209

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Rum Creek Tributary No. 2	50 feet upstream from center of U.S. Highway 82	*251
		Tater Hill Creek	100 feet upstream from center of private road	[illegible]
		Tater Hill Creek Tributary No. 1	Intersection of 34th Street and 68th Avenue	*172
		Twomile Creek	50 feet upstream from center of Old Barnes Road	*225
		Twomile Creek Tributary No. 1	150 feet upstream from confluence with Twomile Creek.	[illegible]
		Twomile Creek Tributary No. 2	100 feet upstream from center of Shirley Road	*232
		Twomile Creek Tributary No. 2A	50 feet downstream from center of Shirley Road	[illegible]
		Twomile Creek Tributary No. 3	Confluence with Twomile Creek Tributary No 3A	[illegible]
		Twomile Creek Tributary No. 3A	Confluence with Twomile Creek Tributary No. 3	*193
		Twomile Creek Tributary No. 4	50 feet upstream from center of Hunter Creek Road	*191
		Twomile Creek Tributary No. 5	50 feet upstream from center of Twin Oaks Road	[illegible]
		Twomile Creek Tributary No. 5A	300 feet upstream from confluence with Twomile Creek Tributary No. 5.	*210
	Maps available for inspection at Tuscaloosa County Courthouse, Tuscaloosa, Alabama.			
Arkansas	City of Alexander, Pulaski County, (FEMA 6033)	Crooked Creek	Just downstream of State Highway 111	*315
	Maps available for inspection at City Hall, Main Street, Alexander, Arkansas 72202.			
Arkansas	City of Pocahontas, Randolph County (FEMA-6033)	Black River	Just downstream of U.S. Highway 67	*286
			Just upstream of St. Louis-San Francisco Railway	*289
		Mill Creek	At southern corporate limits and Mill Creek Road	*271
		Town Creek	Just upstream of U.S. Highway 67	*288
			Just upstream of South Marr St.	*289
		Mansker Creek	Just downstream of U.S. Highway 67	[illegible]
			Just downstream of corporate limits	*279
	Maps available for inspection at City Hall, 410 North Marr Street, Pocahontas, Arkansas 72455.			
California	Atascadero (City) San Luis Obispo County (FEMA-6027)	Atascadero Creek	Intersection of Atascadero Creek and center of Sycamore Road.	*825
			20 feet upstream from center of Portola Road	[illegible]
		Graves Creek	30 feet upstream from center of Del Rio Road	[illegible]
			20 feet upstream from center of Santa Lucia Road	*956
			At confluence of Graves Creek and Paradise Valley Tributary.	[illegible]
		North Fork Paloma Creek	20 feet upstream from center of El Camino Real	[illegible]
		Paloma Creek	20 feet upstream from center of Viejo Camino	*894
			210 feet southwest of confluence of Paloma Creek and South Forks Paloma Creek.	#1
		Salinas River	At confluence of Salinas River and Atascadero Creek	[illegible]
	Maps available for inspection at Department of Public Works, City Hall, Atascadero, California.			
California	Calexico (City), Imperial County (FEMA-6027)	New River	At the center of New River and downstream corporate limit.	[illegible]
	Maps available for inspection at Planning Department, 408 Heber Avenue, Calexico, California.			
California	California City (City), Kern County (FEMA-6027)	Tierra Del Sol Creek	Intersection of Bancroft Drive and Mendiburu Road	*2,324
		Cache Creek	Intersection of South College Boulevard and Princeton Avenue.	*2,342
			Intersection of Cache Creek Drive and Tamarack Avenue.	[illegible]
			Rosewood Boulevard over the channel	*2,395
		Yerba Rushe Creek	Intersection of Sally Avenue and Neurala Road	#1
			Intersection of 71st Street and Greenwood Avenue	#1
	Maps available for inspection at City Manager, 21000 Hacienda Blvd., California City, California.			
California	Holtville (City), Imperial County (FEMA-6027)	Alamo River	100 feet upstream from center of U.S. Highway [illegible] Bridge.	[illegible]
	Maps available for inspection at City Clerk, 121 West 5th Street, Holtville, California.			
California	Weed (City), Siskiyou County (FEMA-5780)	Boles Creek	75 feet upstream from center of Southern Pacific Railroad Bridge.	*3,405
			At culvert outlet approximately 500 feet downstream from center of Interstate Highway 5.	*3,476
			At intersection of Main Street and Lake Avenue	#1
	Maps available at City Hall, 780 South Davis, Weed, California.			
Idaho	Culdesac (City), Nez Perce County (FEMA-6027)	Lapwai Creek	55 feet upstream from the center of 3rd Street	*1,624
			80 feet upstream from the center of Finney Street	*1,679
	Maps available for inspection at City Hall, Culdesac, Idaho.			
Idaho	Lewiston (City), Nez Perce County (FEMA-6027)	Lindsay Creek	Intersection of Lindsay Creek and center of Main Street.	*756
			Intersection of Lindsay Creek and the upstream corporate limit.	*827
			Intersection of Clearwater Avenue and 29th Avenue	#1
	Maps available for inspection at City Hall, Drafting Department, 1134 F Street, Lewiston, Idaho.			
Idaho	Peck (City), Nez Perce County (FEMA-6027)	Big Canyon Creek	110 feet upstream from the center of Lulu Street	*1,049
	Maps available for inspection at City Hall, Peck, Idaho.			
Illinois	(V) Andalusia Rock Island County (Docket No. FEMA-6027).	Mississippi River	About 2,400 feet downstream from the confluence of Hills Creek.	[illegible]

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 2,300 feet upstream of the confluence of Hills Creek.	*562
Maps available for inspection at the Village Hall, 221 First Street, Andalusia, Illinois.				
Massachusetts	Oxford, Town, Worcester County (Docket No. FEMA-6015)	French River	Downstream Corporate Limits	*454
			Approximately 2,500' downstream of Clara Barton Road	*506
			Upstream of Clara Barton Road	*531
			Upstream of Dam	*547
			Approximately 830' downstream of State Route 56 (downstream crossing).	*570
			Upstream of abandoned railroad	*591
			Upstream of Massachusetts Turnpike (Interstate Route 90).	*621
			Downstream of Allen Textile Company Dam	*637
			Downstream of State Route 56 (upstream crossing)	*652
			Upstream Corporate Limits	*667
		Lowes Brook	Confluence with French River	*457
			Upstream of Sunset Avenue	*466
			Downstream of Water Street	*481
Maps available for inspection at the Oxford Town Clerk's Office, Main Street, Oxford, Massachusetts.				
New Jersey	Delaware, Township, Hunterdon County (Docket No. FEMA-5843).	Delaware River	200' upstream of Corporate Limits and confluence of Alexauken Creek.	*73
			At crossing of U.S. Route 202	*74
			7,000' above Corporate Limits	*77
			Downstream Corporate Limits of Borough of Stockton (ANI).	*78
			Upstream Corporate Limits of Borough of Stockton (ANI).	*84
			6,000' upstream of confluence of Wickecheoke Creek	*90
			3,000' downstream of Bull's Island footbridge	*94
			Upstream Corporate Limits	*100
		Alexauken Creek	Conrail Bridge 600' upstream of confluence with Delaware River.	*73
			Conrail Bridge 6,700' above confluence with Delaware River.	*87
			8,000' above confluence with Delaware River and 2,300' downstream of Conrail Bridge.	*92
			Conrail Bridge 10,300' upstream of confluence with Delaware River.	*100
		Brookville Creek	New Jersey Route 29A 190' upstream from confluence with Delaware River.	*76
			100' downstream of concrete dam which is 720' upstream of confluence with Delaware River.	*85
			Concrete dam 720' upstream of confluence with Delaware River.	*91
			300' above concrete dam	*98
			600' above concrete dam	*109
			1,100' above concrete dam	*119
			100' downstream of stone dam (broken)	*129
			Immediately downstream of stone dam (broken)	*134
			380' upstream of stone dam (broken)	*144
			700' upstream of stone dam (broken)	*152
			1,200' upstream of stone dam (broken)	*163
			1,500' upstream of stone dam (broken)	*173
		Wickecheoke Creek	Conrail Bridge 80' upstream of confluence with Delaware and Raritan Canal.	*84
			1,600' above N.J. Route 29 bridge	*94
			2,400' above N.J. Route 29 bridge	*102
			1,200' downstream of Lower Creek Road	*113
			Lower Creek Road	*123
			1,600' above Lower Creek Road	*135
			3,600' upstream of Lower Creek Road	*149
			4,000' upstream of Lower Creek Road	*153
			4,800' downstream of Rosemont Ringoes Road	*163
			3,600' downstream of Rosemont Ringoes Road	*174
			Approximately 600' downstream of Rosemont Ringoes Road.	*186
			Approximately 800' downstream of Rosemont Ringoes Road.	*193
			Rosemont Ringoes Road	*202
		Third Neshanic River	Corporate Limits and Eastern-Trenton-Turnpike	*162
			Approximately 4,800' above Corporate Limits	*173
			Upstream Svoboda Road	*183
			Approximately 2,400' upstream of Svoboda Road	*192
			Upstream of Yard Road	*201
			Approximately 800' downstream of Briton Road (Downstream crossing).	*210
			Approximately 400' upstream of downstream crossing of Briton Road.	*220
			Approximately 1,600' upstream of downstream crossing of Briton Road.	*232
			Downstream Briton Road Upstream crossing	*241
			Approximately 1,600' downstream of Sandbrook Headquarters Road.	*250

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 1,060' downstream of Sandbrook Headquarters Road.	*280
			Approximately 500' downstream of Sandbrook Headquarters Road.	*270
			Downstream Sandbrook Headquarters Road	*281
			Approximately 300' upstream of Sandbrook Headquarters Road.	*291
			Stockton-Flemington Road and Route 523	*305
	Maps available for inspection at the Clerk's Office, Delaware, New Jersey.			
New Jersey	Millstone, Township, Monmouth County (Docket No. FEMA-6015).	Millstone River	Downstream Corporate Limits	*118
			Upstream side of Old State Route 33	*123
			Approximately 8,875' upstream of Old State Route 33	*136
			Upstream side of Baird Road	*142
			Upstream side of Roberts Road	*151
			Approximately 4,730' upstream of Roberts Road	*160
		Rocky Brook (Upstream portion)	Approximately 2,240' downstream of Perrineville Road	*142
			Downstream side of Perrineville Road	*148
			Downstream side of Sweetmans Lane	*157
		Rocky Brook (Downstream portion)	Disbrow Hill Road	*106
			Approximately 4,500' upstream of Disbrow Hill Road	*111
		Toms River	Monmouth Road (Downstream Corporate Limits)	*150
			Approximately 1,675' upstream of Squan Road	*158
	Maps available for inspection at the Office of the Township Clerk, Millstone Road, Millstone, New Jersey.			
New Jersey	Monroe, Township, Gloucester County (Docket No. FEMA-6015).	Fourmile Branch	Confluence with Great Egg Harbor River	*104
			Approximately 325' upstream from Malaga-New Brooklyn Road.	*108
			Upstream side of Sickerville Road Bridge (Fourmile Road Bridge).	*116
			Downstream side of Sickerville Road County Spur 536 (Williamstown New Freedom Road Bridge)	*121
			Corporate Limits	*131
		Hospitality Branch	Upstream side of Sharp Road Bridge	*86
			Upstream side of Access Road Bridge	*93
			Upstream side of Whitehouse Road Bridge	*100
			Upsteam side of dam upstream of Whitehouse Road Bridge.	*105
	Maps available for inspection at the Office of the Township Clerk, 266 South Main Street, Monroe, New Jersey			
New Jersey	Northvale, Borough, Bergen County (Docket No. FEMA-6005).	Sparkill Brook	400' upstream of confluence with Sparkill Creek	*31
			Paris Avenue	*32
		Sparkill Creek	Downstream Corporate Limits	*32
			Upstream Corporate Limits	*35
	Maps available for inspection at the Borough Hall, Northvale, New Jersey			
New Jersey	Winslow, Township, Camden County (Docket No. FEMA-6015).	Fourmile Branch	Confluence with Great Egg Harbor River	*104
			Upstream Fourmile Branch Road	*116
			Upstream Williamstown New Freedom Road	*122
			880' upstream Access Road	*132
		Great Egg Harbor River	Upstream New Brooklyn Cedar Brook Road	*108
			Upstream Williamstown New Freedom Road	*124
			Binker Avenue (extended)	*134
			Downstream Conrail	*139
		Pump Branch	Upstream Waterford Blue Anchor Road	*99
			Upstream Dam No. 2 upstream from Waterford-Blue Anchor Road.	*104
			Upstream Barrett Avenue	*107
			Upstream State Route 73	*117
			Upstream Old Cedar Brook Road	*120
			Downstream Conrail (second crossing)	*125
	Maps available for inspection at the Office of the Winslow Township Clerk, Municipal Building, Route 73, Braddock, New Jersey.			
New Jersey	Woodland, Township, Burlington County (Docket No. FEMA-6015).	Burr's Mill	7,200' upstream of downstream Corporate Limits	*77
			15,025' upstream of downstream Corporate Limits	*85
		Shinns Branch	Confluence with Bisphams Mill Creek	*92
			2,870' upstream confluence with Bisphams Mill Creek	*94
		West Branch Wading River	Upstream State Route 532	*88
			Upstream State Route 563	*95
			Downstream Access Road	*106
			Downstream Lebanon State Forest Boundary	*117
		Bisphams Mill Creek	Downstream Corporate Limits	*88
			Downstream Coopers Road	*92
	Maps available for inspection at the office of the Township Clerk, Third and Main Streets, Chatsworth, New Jersey 08019.			
New York	Leicester, Town, Livingston County (Docket No. FEMA-6012).	Genesee River	Downstream Corporate Limits	*559
			Confluence of Beards Creek	*561
			Downstream of State Route 36	*572
			Approximately 625' upstream of State Route 36	*587

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Beards Creek	Confluence with Genesee River	*561
			Confluence of Tributary to Beards Creek	*566
			Approximately 150' upstream of River Road	*575
			Approximately 3,400' upstream of River Road	*581
		Tributary to Beards Creek	Confluence with Beards Creek	*566
			Approximately 1,500' upstream of Jones Bridge Road	*569
	Maps available for inspection at the Town Hall, 132 Main Street, Leicester, New York.			
New York	Orchard Park, Village, Erie County (Docket No. FEMA-6061).	South Branch Smokes Creek	Downstream Corporate Limits	*804
			Downstream ECSD Road	*808
			Upstream ECSD Road	*814
			Approximately 560' upstream ECSD Road	*816
			Upstream Spillway	*846
			Upstream South Buffalo Street	*848
			Upstream Corporate Limits	*849
			Jewett-Holmwood Road	*863
		Northwest Branch Smokes Creek	Downstream Corporate Limits	*857
			Upstream Freeman Road and Spillway	*863
			Upstream Forest Drive	*867
			Downstream Highland Avenue	*869
			Upstream Corporate Limits	*870
	Maps available for inspection at the Village Office, 4295 South Buffalo Street, Orchard Park, New York.			
New York	West Monroe, Town, Cayuga County (Docket No. FEMA-5912).	Lake Oneida	Entire shoreline	*373
		Solcum Creek	Old railroad grade	*391
			Downstream side of State Route 49	*395
			120' upstream of State Route 49	*398
			Foster Road	*406
			1,990' upstream of Foster Road	*414
			700' downstream of County Road 11	*422
			Downstream of County Road 11	*436
			90' upstream of County Road 11	*444
	Maps available for inspection at the West Monroe Town Hall, West Monroe, New York.			
New York	York, Town, Livingston County (Docket No. FEMA-6005)	Genesee River	Downstream Corporate Limits	*540
			Upstream of Fowlerville Road	*545
			Confluence of Browns Creek	*549
			Downstream of State Route 63	*558
			Upstream Corporate Limits	*559
		Bidwells Creek	2,600' upstream of confluence with Salt Creek	*670
			Restoff Road	*687
			Upstream crossing Genesee and Wyoming Railroad	*697
			1,600' upstream of State Route 36	*754
		Browns Creek	4,000' downstream of Genesee and Wyoming Railroad	*623
			2,130' downstream of Genesee and Wyoming Railroad	*648
			1,150' downstream of Genesee and Wyoming Railroad	*660
			Upstream of Genesee and Wyoming Railroad	*689
			Upstream of State Route 36	*755
			Private Drive 875' upstream of State Route 36	*759
			4,200' upstream of State Route 36	*806
		Christie Creek	Confluence with Genesee River	*540
			Upstream of Batzing Road	*551
			Corporate Limits	*573
		Fowler Creek	Confluence with Genesee River	*545
			Upstream of Abandoned Railroad 550' above confluence with Genesee River.	*554
			Upstream of Casey Road	*595
			Upstream of River Road	*608
			1,400' upstream of River Road	*621
			Downstream of Genesee and Wyoming Railroad	*685
			Upstream of Genesee and Wyoming Railroad	*694
			Confluence of Fowler Creek Tributary	*702
			Upstream of State Route 36	*725
			Upstream of State Route 20	*737
			Ellicott Road	*760
		Fowler Creek Tributary	Confluence with Fowler Creek	*702
			Upstream of State Route 36	*712
			Upstream of Anderson Road	*725
			660' upstream of Anderson Road	*727
	Maps available for inspection at the York Town Hall, 2668 Main Street, York, New York.			
North Carolina	City of Hendersonville, Henderson Co. (FEMA-6027)	Mud Creek	Just upstream of Ball Park Road	*2,082
			Just downstream of North Main Street	*2,083
			Just upstream of U.S. HWY 64	*2,087
			Just upstream of Old Spartanburg Road	*2,089
			Just downstream of Erkwood Drive	*2,093
		Clear Creek	Just upstream of Clear Creek Road	*2,080
		Britton Creek	Just upstream of State HWY 191	*2,093
			Just upstream of Ridgewood Blvd	*2,098
			Approximately 100 feet at downstream of Blythe Street.	*2,110
			Just upstream of Greenwood Drive	*2,139
		Devils Creek	At Diana Road	*2,089
		Batfork Creek	Just upstream of U.S. HWY 64	*2,087
		Wash Creek	Just downstream of Caswell Street	*2,093

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Just upstream of Spring Street	*2,104
			Just upstream of Third Avenue	*2,133
		Shepherd Creek	Just upstream of Kanuga Road	*2,094
	Maps available for inspection at City Hall, 145 Fifth Avenue East, Hendersonville, North Carolina 28739.			
North Carolina	Town of Hookerton, Greene Co. (FEMA-6027)	Contentnea Creek	At Second Street (extended)	*39
		Rainbow Creek	At confluence with Contentnea Creek	*39
	Maps available for inspection at City Hall, 227 East Main Street, Hookerton, North Carolina 29538.			
North Carolina	Town of Snowhill, Greene Co. (FEMA-6027)	Contentnea Creek	Just upstream of the Southeasternmost crossing of Extraterritorial Jurisdiction Limits.	*45
			Just upstream of U.S. HWY 13	*49
	Maps available for inspection at Town Hall, 304 North Greene Street, Snowhill, North Carolina 28580.			
Oklahoma	City of Nichols Hills, Oklahoma County (FEMA-6033)	Deep Fork Tributary 20	Just upstream of N.W. 63rd Street	*1,137
			Just upstream of Bedford Drive	*1,153
			Just upstream of Huntington Avenue	*1,162
	Maps available for inspection at City Hall, 6407 Avondale Avenue, Nichols Hills, Oklahoma 73101.			
Oklahoma	City of Poteau, LeFlore County (FEMA-6033)	Poteau River	Just upstream of Old Highway 112	*447
		Polk Creek	Just upstream of Tarby Road	*472
			Just downstream of U.S. Highways 59 and 271	*510
		Town Creek North	Just upstream of Industrial Road	*448
			Just downstream of U.S. Highways 59 and 271	*475
		Town Creek South	Just downstream of Roanoke Avenue	*448
			Just downstream of Dewey Avenue	*456
		McMurtrey Creek	Just downstream of Airport Road	*455
			Just downstream of U.S. Highways 59 and 271	*514
		"C" Creek	Just upstream of West Boulevard	*467
	Maps available for inspection at City Hall, 111 Oil Front Street, Poteau, Oklahoma 74953.			
Oklahoma	Town of Roland, Sequoyah County (FEMA-6033)	Stream A	Just upstream of U.S. Highway 64	*434
			Just upstream of Interstate Highway 40	*445
			*Just upstream of Dorcus Street	*473
		Stream B	Just downstream of corporate limits	*450
	Maps available for inspection at Town Hall, Roland Road, Roland, Oklahoma 74954.			
Pennsylvania	Jackson, Township, Snyder County (Docket No. FEMA-6000).	Penns Creek	Approximately 1,840' downstream of Township Route 486 (Extended).	*469
			Approximately 5,280' upstream of Township Route 486 (Extended).	*474
			Approximately 5,350' downstream of State Route 204	*489
			Approximately 3,340' upstream of State Route 204	*498
	Maps available for inspection at the residence of Ms. Virginia Frantz, Township Secretary, R. D. 1, Winfield, Pennsylvania.			
Pennsylvania	Trappe, Borough, Montgomery County (Docket No. FEMA-6027).	Donny Brook	Corporate Limits	*188
			Downstream of West First Avenue	*199
			Downstream of Clayhor Avenue	*214
			Upstream of West Third Avenue	*225
			Upstream of Bronson Circle extended	*235
			Borough Line Road	*257
		Buckwalter Tributary	Corporate Limits	*164
			Confluence of Bonnie Brook	*186
			Approximately 950 feet upstream of confluence of Bonnie Brook.	*188
	Maps available for inspection at the residence of Borough Secretary, J. Edwin Hartman, 23 First Avenue, Trappe, Pennsylvania.			
Pennsylvania	Upper Hanover, Township, Montgomery County (Docket No. FEMA-6027).	Perkiomen Creek	Downstream Corporate Limits	*256
			Upstream Church Road	*297
			Upstream Fruitville Road	*313
			Upstream Peevy Road	*321
			Confluence of Hosensack Creek	*333
			Upstream Palm Hill Road	*336
			Downstream Conner Road	*344
			Upstream Corporate Limits	*356
		Hosensack Creek	Confluence with Perkiomen Creek	*333
			Downstream Conrail	*337
			Approximately 3,800' upstream Conrail	*349
		Macoby Creek	Downstream Corporate Limits	*252
			Upstream Hendricks Road	*254
			Confluence of Stony Run	*297
			Upstream James Road	*309
			Upstream Saint Pauls Church Road	*310
			Upstream 11th Street	*317
			Upstream Buck Road	*328
			Downstream Otts Road	*335
			Upstream Otts Road	*345
			Confluence of Macoby Creek Branch	*348
			Approximately 1,450' upstream State Route 663	*350
			Upstream Tagart Road	*365
			Approximately 1,700' downstream Krausedale Road	*375
			Upstream Krausedale Road	*385
			Approximately 550' upstream Krausedale Road	*388

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Macoby Creek Branch	Confluence with Macoby Creek	*340
			Approximately 1,400' upstream State Route 663	*350
			Upstream Quakertown Road	*360
			Approximately 490' upstream Quakertown Road	*363
		Stony Run	Confluence with Macoby Creek	*297
			Approximately 1,600' upstream confluence with Macoby Creek.	*307
			Approximately 860' downstream Gerryville Pike	*320
			Downstream Gerryville Pike	*329
			Approximately 540' upstream Gerryville Pike	*336
	Maps available for inspection at the Upper Hanover Township Building, Pillsbury Road and State Street, East Greenville, Pennsylvania.			
Pennsylvania	Washington, Township, Fayette County (Docket No. FEMA-6027.	Monongahela River	Downstream Corporate Limits	*763
			Upstream Corporate Limits	*765
		Downers Run	Corporate Limits	*769
			Footbridge (upstream)	*775
			Johnson Hollow Road (downstream)	*789
			Approximately 880 feet upstream of Johnson Hollow Road	*799
		Mill Run	Confluence with Lutz Run	*925
			First Private Drive (downstream)	*942
			Township Route 434 (downstream)	*964
			Culvert (upstream)	*973
			Second Private Drive (upstream)	*1,001
			Fourth Private Drive (downstream)	*1,015
			Corporate Limits	*1,020
		Lutz Run	Confluence with Mill Run	*925
			Legislative Route 26016 (upstream)	*930
			Approximately 2,100 feet upstream of Legislative Route 26016.	*949
			Private Drive (downstream)	*972
			Approximately 600 feet upstream of Private Drive	*980
		Little Redstone Creek	Confluence with Monongahela River	*764
			Confluence of Tributary A	*770
			State Route 206 (upstream)	*772
			Approximately 760 feet downstream of upstream Corporate Limits.	*782
			Upstream Corporate Limits	*787
		Tributary A	Confluence with Little Redstone Creek	*770
			State Route 201 upstream crossing (upstream)	*781
			Corporate Limits	*790
	Maps available for inspection at the Washington Municipal Building, 1390 Fayette Avenue, Belle Vernon, Pennsylvania.			
Vermont	Fairfax, Town, Franklin County (Docket No. FEMA-6015)	Lamoille River	Downstream Corporate Limits	*322
			Approximately 1,650' upstream of confluence with Swift Brook.	*332
			Approximately 150' downstream of confluence with Browns River.	*342
			Upstream of State Route 104	*347
			Approximately 600' downstream of Fairfax Falls Dam	*355
			Upstream of Fairfax Falls Dam	*431
			Upstream Corporate Limits	*442
	Maps available for inspection at the Fairfax Town Clerk's Office, Fairfax, Vermont.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: August 7, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-24536 Filed 8-25-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[General Order 16; Amdt. 39; Docket No. 81-38]

Rules of Practice and Procedure; Former Employees Wishing To Practice Before the Commission

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Present Rules of Practice suggest that a former FMC employee wishing to practice before the agency, with respect to a matter that was pending during the employee's tenure, is absolutely precluded from such activity if "associated" with a barred former FMC employee, by reason of current common employer. This amendment makes clear that a former employee may practice before the FMC under such circumstances subject to certain conditions and restrictions.

DATES: Effective August 26, 1981.

ADDRESS INQUIRIES TO: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: 46 CFR 502.32(b)(2) currently requires a former employee wishing to appear or practice before the agency within one year of the termination of FMC employment on a

particular matter, which was pending during the employee's tenure, to file an affidavit attesting, among other things, that the affiant "is not associated with" nor will be associated with any other former member, employee, or officer who is precluded from practicing, appearing or representing anyone before the FMC in connection with that matter.

The term "not associated with" is neither defined nor explained in § 502.32(b)(2). The term could be read, however, as absolutely precluding an otherwise qualified former FMC employee from appearing before the agency solely because that employee now happens to be associated, by reason of a common employer, to another former FMC employee who is precluded by law or regulation from so appearing. The Commission did not intend such a result.

Section 502.32(b)(2) is intended to forbid a former employee intending to practice before the agency on a particular matter, that was pending during the employee's tenure, from obtaining an unfair or unethical advantage by conferring with or soliciting the assistance of another former FMC employee who is precluded from appearing before the Commission in connection with such matter. Interpreted in this manner, § 502.32(b)(2) is consistent with § 502.32(c), which permits a former employee's partners or associates to appear before the Commission, even if the former employee is precluded from so doing, provided that such partners or associates do not discuss the matter with, utilize the services of, or share any fees with the former FMC employee. This is the standard the Commission intended to apply to associations among former employees rather than the absolute bar that could be implied from the existing language of § 502.32(b)(2).

In recognition of the foregoing the Commission on June 10, 1981 (46 FR 30666) published a proposed rule designed to clarify this matter. No comments were filed in response to the proposed rule. The Commission is of the belief that the rule as proposed should be adopted with one minor modification. As proposed, § 502.32(b)(ii) would have prohibited discussion by a former employee of "any" matter with an associated former employee. Our intention is to preclude only discussion of the particular matter for which permission to appear is sought. Accordingly, the words "any matter" have been changed in this final rule to read "the particular matter."

PART 502—RULES OF PRACTICE AND PROCEDURE

Therefore, pursuant to E.O. 11222 of May 11, 1965 (30 FR 6469), 18 U.S.C. 207, section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), and 5 U.S.C. 553, § 502.32(b)(2) of Title 46 of the Code of Federal Regulations is revised to read as follows:

§ 502.32 Former Employees.

* * * * *

(b) * * *

(2) Such applicant shall be required to file an affidavit to the effect that the particular Commission matter was not under the applicant's official responsibility as a member, officer or employee of the Federal Maritime Commission at any time within a period of one year prior to the termination of his or her service with the Commission; that the applicant will not: (i) utilize the service of, (ii) discuss the particular matter with, or (iii) share directly or indirectly any fees or revenues received for services provided in the particular matter with a partner, fellow employee, or legal or business associate who is a former member, officer or employee of the Commission and who is either permanently or temporarily precluded from practicing, appearing or representing anyone before the Commission in connection with the particular matter; and that the applicant's employment is not prohibited by any law of the United States or by the regulations of the Commission. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files and records of the case.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-26806 Filed 8-25-81; 8:45 am]

BILLING CODE 6730-01-M

Proposed Rules

Federal Register
Vol. 46, No. 165
Wednesday, August 26, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Federal Grain Inspection Service [1]

7 CFR Part 68

Adjustment of Fees for Certain Federal Inspection Services

AGENCY: Federal Grain Inspection Service,[1] USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) proposes to increase fees for hay, hop, miscellaneous processed commodity, pulse, and straw inspection services. These services are permissive services made available upon request of an applicant. This proposed rule also adds some new laboratory tests to the fee schedule and eliminates the cross-referencing of others. The cost of performing services exceeds revenue. These proposed changes in the fees are being made to equate fees as nearly as possible with costs of the services rendered.

DATE: Written comments must be submitted on or before September 25, 1981.

ADDRESS: Comments should be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, FGIS, USDA, room 1127 Auditors Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447–3910. All comments received will be made available for public inspection at the above office during regular business hours (7 CFR 1.27(b)).

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a, 7 CFR 68.2).

FOR FURTHER INFORMATION CONTACT:

Lewis Lebakken, Jr., Telephone 202–447–3910.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been determined to be nonmajor. This proposed increase in certain inspection services equates to an average increase in inspection cost to the commodity producer of approximately 1.6 cents per hundredweight and is considered not significant.

Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed action will not have a significant economic impact on a substantial number of small entities because most users of these Federal inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164–1170).

Section 203(h) of the Agricultural Marketing Act of 1946, provides for the collection of such fees as will be reasonable and as nearly as possible cover the cost of the services rendered. The fees currently in effect do not cover FGIS' costs in providing the services. Accordingly, FGIS has determined that an increase in the inspection services fees (7 CFR 68.42a) is necessary to more closely equate with its costs in order to continue providing the services to applicants in FY 1982. Interested parties may comment on this proposed rule.

It is necessary that a final determination of this matter be made as soon as practicable so that such action would mitigate any further monetary losses in the program and would more closely cover the cost of the services rendered at the earliest possible date. FGIS intends to implement final rulemaking on the proposed adjustment of fees at the start of FY 1982 (October 1, 1981). Therefore, a 30-day comment period for all interested parties on this proposed rule is provided because of the time limitations involved herein.

Inspection Service Fees

In April 1977, FGIS increased the fees for the inspection services performed on hay, hops, miscellaneous processed commodities, pulses, and straw. The fees for these services have not been changed since that time.

Since 1977 there have been increases in Federal salaries totaling approximately 32 percent of the 1977 base. These increases, coupled with substantial increases in costs charged FGIS by contract licenses, thorugh the bidding process, and cooperator licenses, who perform inspection services for FGIS on a hourly rate basis together with increases in chemical, laboratory equipment, rent, utility, transportation and other miscellaneous costs have resulted in cost of services exceeding revenue. Consequently, there has been a continous and accelerating decrease in the operating reserve maintained for contingencies when fees may not cover the costs of providing the services. At the present rate of loss, the operating reserve will be depleted by the end of calendar year 1981.

The percent of the proposed increase from the current fee schedule varies by type of service; for example, the rate for services charged by the hour is increased approximately 30 percent (from $16.00 to $20.80) whereas the fee for a Kjeldahl protein laboratory test is increased approximately 88 percent (from $3.20 to $6.00). The proposed fees are being set to more nearly reflect the costs incurred in providing each type of inspection service and will add, on the average, approximately 1.6 cents per hundredweight to the cost of inspection services. At sale prices in 1981 of approximately $11.00 to $22.00 per hundredweight, depending on the commodity, an increase in cost to producers and buyers would be not significant.

Miscellaneous Changes

This proposed rule states the conditions for contract services which previously only appeared in a contract itself, that is, applicants must agree to pay for 8 hours of service per day, per person, for at least 5 consecutive days per week in order to obtain an hourly rate of $16.60, instead of $20.80, for continuous inspection services.

This proposed rule also adds several new laboratory tests and corresponding fees to the fee schedule. It also eliminates the cross-referencing of other tests; that is, the listing of some tests twice under different names. For example, in the current fee schedule, Kjeldahl protein..... $3.20 is also listed as Protein Kjeldahl.....$3.20.

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Accordingly, it is proposed that 7 CFR 68.42a be revised as follows:

§ 68.42a Fees for certain Federal inspection services.

The following fees apply to the Federal inspection services specified below:

Inspection Service

	Fee
Appeal inspection:	
(a) Basis original or file sample	([1])([2])
(b) Basis new sample	([2])([3])
Bean, lentil, and pea inspection:	
(a) Lot inspection—	
(1) Field run (quality and dockage analysis), per lot	$13.40
(2) Other than field run (grade, class, and quality) per lot	[4]10.00
(In addition to the fee for analysis or grading in (1) and (2), a fee for sampling, checkweighing, and checkloading, if any, will be assessed at the prescribed rate.)	
(b) Sample inspection—	
(1) Field run (quality and dockage analysis), per lot	$13.40
(2) Other than field run (grade, class, and quality) per sample	[4]10.00
Checkloading, per man-hour [5]	20.80
Checkweighing, per man-hour [5]	20.80
Condition examination, per man-hour	20.80
Contract service, per man-hour: FGIS may enter into contracts with applicants to perform continuous inspection services or other types of services. Applicant agrees to pay for 8 hours of service per day, per person, for at least 5 consecutive days per week. All hours of service performed in excess of the contract shall be charged at the rate of $20.80 per man-hour	16.60
Demonstration gradings—per request [6]	245.00
Extra copies of certificates—per copy	1.80
Factor analysis for nongraded, nonprocessed commodities—per factor	4.00
Factor fee, per factor	4.00
Grade factor analysis as defined in the applicable official U.S. Standards, per factor	4.00
Hay and straw inspection:	
(a) Lot inspection, sampling and grading, per man-hour	20.80
(b) Sample inspection—	
(1) Grade only, per sample	13.40
(2) Factor analysis, per man-hour	20.80
Hop inspection:	
(a) Lot inspection: Seed, leaf, and stem content—per lot	20.80
(In addition to the fee for analysis, a charge for sampling, if any, will be assessed at the prescribed rate.)	
(b) Sample inspection: Seed, leaf, and stem content—per sample	20.80
Laboratory report	1.80
Laboratory testing:	
(a) In addition to the fees, if any, for sampling or other requested service, a fee will be assessed for each laboratory test as follows:	
(1) Acidity—Greek	$5.20
(2) Acid value—oil	5.20
(3) Aflatoxin (Minicolumn method)	15.60
(4) Aflatoxin (TLC)	36.40
(5) Appearance, flavor, and odor—oils	2.60
(6) Arachidic acid	10.00
(7) Ash	5.25
(8) Bacteria count	8.50
(9) Baking test—bread	15.60
(10) Baking test—cake	21.90
(11) Baking test—cookies	19.50
(12) Baumé	5.20
(13) Bostwick (cooked)	10.40
(14) Bostwick (uncooked)	5.20
(15) Calcium (AOAC)	8.50
(16) Calcium enrichment	8.50

Inspection Service—Continued

	Fee
(17) Carotenoid color	7.80
(18) Checked and broken macaroni units	5.20
(19) Clarity of oil involving heating	5.20
(20) Cold test—oil	5.20
(21) Coliform	15.60
(22) Color—bleached	7.80
(23) Color—gardner	2.60
(24) Color—lovibond	2.60
(25) Color—oil and shortening	2.60
(26) Congeal point	12.50
(27) Cooking test	5.20
(28) Crude fat	5.20
(29) Crude fiber	8.05
(30) Density	5.20
(31) Dextrose equivalent	14.85
(32) Diastatic activity of flour	15.60
(33) Enrichment—quick test	2.60
(34) Falling number	5.20
(35) Farinograph characteristics	18.50
(36) Fat—acid hydrolysis	10.40
(37) Fat acidity	7.80
(38) Fat stability—AOM	10.40
(39) Filth—heavy	12.90
(40) Filth—light	15.00
(41) Flash point—open and close cup	7.80
(42) Foam test	15.00
(43) Foots—heated and/or chilled	5.20
(44) Foreign material—processed grain products	7.55
(45) Free fatty acids	5.20
(46) Heating test—oil and shortening	5.20
(47) Hydrogen ion concentration—pH	7.80
(48) Insoluble bromides	5.20
(49) Insoluble impurities—oil and shortening	$5.20
(50) Iodine number or value	7.80
(51) Iron enrichment	10.40
(52) Linolenic acid (fatty acid profile)	10.00
(53) Lipid phosphorous	26.00
(54) Loaf volume	15.60
(55) Lysine from fortification	19.10
(56) Lysine from hydrolysis of protein	10.00
(57) Maltose value—flour	15.60
(58) Marine oil in vegetable oil—qualitative	5.20
(59) Melting point—Wiley	10.40
(60) Moisture—distillation	7.80
(61) Moisture—oven	3.65
(62) Moisture and volatile matter—oil and shortening	5.20
(63) Neutral oil loss	15.60
(64) Nitrogen solubility index	13.00
(65) Oven leak test-oil can	7.80
(66) Oil content—oilseed	7.80
(67) Particle size—flour	12.35
(68) Performance test—prepared bakery mix	17.05
(69) Peroxid value	5.20
(70) Phosphorous	10.40
(71) Popping value—popcorn	10.60
(72) Potassium bromate—qualitative	2.60
(73) Potassium bromate—quantitative	7.80
(74) Protein dispersibility index	13.00
(75) Protein, Kjeldahl	6.00
(76) Purity—Monosodium glutamate	20.80
(77) Reducing sugars	15.60
(78) Refractive index	7.80
(79) Riboflavin	20.80
(80) Rope spore count	26.00
(81) Salmonella	30.55
(82) Salt content	7.80
(83) Saponification number	7.55
(84) Sedimentation	13.05
(85) Sieve test	3.65
(86) Smoke point	7.55
(87) Softening point	10.40
(88) Solid fat index	18.00
(89) Specific baking volume—cake mix	18.00
(90) Specific gravity—oils	10.40
(91) Starch damage—flour	12.35
(92) Staphylococcus aureas	20.25
(93) Sucrose	15.60
(94) Test weight per bushel—other than grain	2.15
(95) Tilletia contraversa Kuhn (TCK)	20.80
(96) Unsaponifiable matter	10.40
(97) Urease activity	7.80
(98) Viscosity	10.40
(99) Water soluble protein	13.00
(100) Xanthydrol test for rodent urine	15.40

Inspection Service—Continued

	Fee
(b) If a requested test is to be reported on a specified moisture basis, a fee for moisture test will also be assessed.	
Lentil inspection: (see Bean inspection)	
Minimum fee for services covered by the hourly rate—a minimum fee of 2 hours per individual, per service request, will be assessed at the applicable hourly rate.	
New inspection—fees based on service requested.	
Pea inspection: (see Bean inspection)	
Sampling, per man-hour	$20.80
Special inspection service, per man-hour	20.80
Split pea inspection: (see Bean inspection)	
Standby time, per man-hour	20.80
Straw inspection: (see Hay inspection).	

[1] The applicable grading or laboratory testing fee. Minimum fee, if any, is $20.80, subject to [2] below.
[2] Applicable sampling fee, if any, plus applicable grading or laboratory testing fee.
[3] No fees shall be assessed if a material error is found in the inspection from which an appeal is taken.
[4] When graded according to the applicable U.S. Standards. Factors requested in addition to those that are in the U.S. Standards will be charged the factor fee for each additional factor. See Factor fee.
[5] Only one fee will be assessed for this service whether performed singly or concurrently (but see minimum fee requirements).
[6] Plus all travel costs associated with the performance of the demonstration grading service.

* * * * *

(Sec. 203(h), Pub. L. 79–733, 60 Stat. 1087 (7. U.S.C. 1622))

Done in Washington, D.C., on: August 13, 1981.

K. A. Gilles,
Administrator.

[FR Doc. 81–24886 Filed 8–25–81; 8:45 am]
BILLING CODE 3410-EN-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 221 and 298

[Economic Regulations Dockets 38348; EDR–404E]

Elimination of Rules Tariffs Notice to Passengers of Conditions of Carriage

Dated: August 20, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The CAB is proposing to eliminate the requirement that air taxis post signs at all ticket counters stating their policy on baggage liability and denied boarding compensation. The Board had previously proposed to eliminate most Board prescribed notices for certificated carriers. The change would give evenhanded treatment to certificated and non-certificated carriers. This notice also corrects some inadvertent omissions in the amendatory language of EDR–404B. The proposed changes are at the CAB's initiative.

DATE: Comments by: September 28, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 38348, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Patricia Kennedy, Assistant to the Director for Programs, Bureau of Compliance and Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5934, or Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5442.

SUPPLEMENTARY INFORMATION: On June 25, 1981, the Civil Aeronautics Board adopted EDR–404B, 46 FR 35936, July 13, 1981. That notice of proposed rulemaking added a two-part option to be considered along with other proposals set forth in EDR–396, 45 FR 25817, April 16, 1980, and EDR–404, 45 FR 42829, June 25, 1980. It proposed to eliminate passenger rules tariffs in interstate and overseas air transportation and most of the Board-prescribed notices to passengers in domestic and foreign air transportation. This supplemental notice of proposed rulemaking proposes to remove consumer protection notice requirements applicable to air taxis and corrects some inadvertent omissions in the amendatory language of EDR–404B.

EDR–404B proposed changes only in the requirements applicable to certificated carriers. Air taxis generally do not file tariffs, nor are they subject to detailed regulation of their consumer protection practices and notices. 14 CFR 298.30 requires, however, that every air taxi conspicuously post a sign stating its policy on baggage liability and denied boarding compensation. We now propose to eliminate that section so that neither certificated or non-certificated carriers would be required to post notices. In order to avoid liability and maintain good will, we expect each air taxi would provide actual notice to passengers of its practices.

In the Supplementary Information in EDR–404B, the Board proposed to eliminate all Board-prescribed consumer protection notices currently required in domestic and overseas air transportation, and all but the overbooking notices in foreign air travel. It specifically mentioned that Board-mandated notices related to Warsaw Convention limitations for international travel would be removed under the proposed rule because they are unnecessary. The Warsaw Convention requires that notice of liability limits be given to passengers, and courts have refused to enforce the limitation if clear and detailed notice is not given. In addition, the Board proposed that there be no Board-prescribed baggage notices on counters or tickets, and that the sufficiency of the notice be as matter of ordinary contract law. Similarly, the requirement that each carrier post a sign stating that its tariffs are available for public inspection was intended to be eliminated. This notice corrects omissions made in the amendatory language by proposing to remove § 221.173, *Notice of tariff posting,* § 221.175, *Special notice of limited liability for death or injury under the Warsaw Convention,* and § 221.176, *Notice of limited liability for baggage; alternative consolidated notice of liability limitations.*

The comment closing date for this notice is the same as that for EDR–404B, which it supplements, so that the comprehensive rulemaking on passenger information systems may proceed as rapidly as possible. The closing date for reply comments was recently extended under delegated authority to September 28, 1981.

Accordingly, the Civil Aeronautics Board proposes to amend Part 221, *Tariffs,* and Part 298, *Classification of Air Taxi Operators,* as follows:

PART 221—TARIFFS

§ 221.173 [Reserved]

1. Section 221.173, *Notice of tariff posting,* would be removed and reserved.

§ 221.175 [Reserved]

2. Section 221.175, *Special notice of limited liability for death or injury under the Warsaw Convention,* would be removed and reserved.

§ 221.176 [Reserved]

3. Section 221.176, *Notice of limited liability for baggage; alternative consolidated notice of liability limitations,* would be removed and reserved.

PART 298—CLASSIFICATION OF AIR TAXI OPERATORS

§ 298.30 [Reserved]

4. Section 298.30, *Public disclosure of policy on consumer protection,* would be removed and reserved.

(Secs. 101, 102, 204, 401, 402, 403, 404, 411, 416, 418, 1001, 1002 of Pub. L. 85–726, as amended; 72 Stat. 737, 740, 743, 754, 757, 758, 760, 769, 771, 788, 91 Stat. 1284; 49 U.S.C. 1301, 1302, 1371, 1372, 1373, 1374, 1381, 1386, 1388, 1481, 1482, 1502)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–24887 Filed 8–25–81; 8:45 am]

BILLING CODE 6320–01–M

VETERANS ADMINISTRATION

38 CFR Part 1

Interest on Debts

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: Pub. L. 96–466, "Veterans Rehabilitation and Education Amendments of 1980," requires the Veterans Administration to charge interest and administrative costs on delinquent debts and to charge interest on the unpaid balance of debts being paid in installments. The charging of interest has been prompted by the growing problem of collecting debts owed to the Government. It is believed that the charging of interest will motivate debtors to pay more promptly, improve the efficiency and effectiveness of agency collection programs, and reduce the need for referring uncollectible debts to the Department of Justice and District Counsels for suit.

Pub. L. 96–466 also allows the Veterans Administration to refer delinquent debts and related information to consumer reporting agencies. Consequently, a new regulation is created to comply with this legislation, as well as GAO regulations for such referral to consumer reporting agencies. This new VA regulation will improve the effectiveness of agency collection efforts.

DATE: Comments must be received on or before September 25, 1981. It is proposed to make these regulations effective upon final approval.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Comments will be available for inspection at the above address only

between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until October 9, 1981. Any person visiting Central Office for the purpose of inspecting such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any field station will be informed that records are available for inspection only in Central Office and furnished the above address and room number.

FOR FURTHER INFORMATION CONTACT:
Peter T. Mulhern, (202) 389–3405.

SUPPLEMENTARY INFORMATION: The Administrator hereby certifies that these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA) 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the proposed rules affect only those individuals indebted to the U.S. Government as a result of participation in the Veterans Administration benefits payment programs.

These regulations have also been reviewed under E.O. 12291, and have been determined to be non-major because they only affect individuals participating in VA benefit programs. There is no Catalog of Federal Domestic Assistance number.

Approved: August 11, 1981.

Robert P. Nimmo,
Administrator.

PART 1—GENERAL PROVISIONS

38 CFR Part 1 is amended as follows:

1. Section 1.916 is revised to update gender terminology and reads as follows:

§ 1.916 Liquidation of collateral.

The VA will exercise its rights to liquidate security or collateral and apply the proceeds to debts due it through use of a power of sale in the security instrument or a non-judicial foreclosure if the debtor fails to pay his or her debt, within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or the particular circumstances require judicial foreclosure. Collection from other sources, including liquidation of security or collateral, is not a prerequisite to requiring payment by a surety or insurance company unless such action is expressly required by statute or contract.

2. Section 1.919 is revised to read as follows:

§ 1.919 Interest.

(a) Except as otherwise provided by statute, contract, or other regulation to the contrary, the VA shall assess: (1) Interest on all indebtedness to the United States arising as a result of VA benefit programs which are being paid in installments, and (2) interest and administrative costs of collection on debts where repayment has become delinquent.

(b) Every party entering into an agreement with the VA for repayment of indebtedness in installments shall be advised of the interest charges to be added to the debt. All debtors being provided notice of indebtedness, including those entering into repayment agreements, shall be advised that upon the debt becoming delinquent, or in the case of repayment of already delinquent debts, interest and the administrative costs of collection will be added to the principal amount of the debt.

(c) The rate of interest charged by the VA shall be equal to the rate paid by the United States for its borrowing as published in Volume I, Part 6, Section 8020.20 of the Treasury Fiscal Requirements Manual. The rate of interest shall be adjusted annually to reflect the rate being charged on the first day of the fiscal year. Once the rate of interest has been determined for a particular debt, the rate shall remain unchanged throughout the duration of repayment of that debt.

(d) Interest on amounts covered by § 1.919 shall accrue from the date the initial notice of the debt is mailed to the debtor. Notification shall be considered sufficient when effected by ordinary mail, addressed to the last known address, and such notice is not returned as undeliverable by postal authorities.

(e) Interest under § 1.919 shall not be charged if the debt is paid in full within 30 days of mailing of the initial notice described in paragraph (b) of this section. Once interest begins to accrue, and after expiration of the time period for payment of the debt in full to avoid assessment of interest and administrative costs, any amounts received toward the payment of such debt shall be first applied to payment of the accrued interest and/or costs, and then to principal, unless a different rule is prescribed by statute, contract, or other regulation.

(f) All or any part of the interest and administrative costs assessed under § 1.919 are subject to consideration for waiver under section 3102 of title 38, United States Code and appropriate administrative procedures.

(g) Administrative costs assessed under § 1.919 shall be the average costs of collection of similar debts, or actual collection costs as may be accurately determined in the particular case. No administrative costs of collection will be assessed under § 1.919 in any cases where the indebtedness is paid in full prior to the 30 day period specified in paragraph (e) of this section, or in any case where a repayment plan is proposed by the debtor and accepted by the VA within that period, unless such repayment agreement becomes delinquent. (38 U.S.C. 3115)

3. Section 1.920 is amended by changing the word "bases" to "basis" so that the revised material reads as follows:

§ 1.920 Documentation of collection action.

An appropriate file will be maintained for each claim completely documenting all VA collection action and the basis for any compromise or for suspension or termination of collection action.

4. A new § 1.922 is added to read as follows:

§ 1.922 Disclosure of debt information to consumer reporting agencies (CRA).

(a) The Veterans Administration may disclose all information determined to be necessary, including the name, address, VA file number, Social Security number, and date of birth, to consumer reporting agencies for the purpose of—

(1) Obtaining the location of an individual indebted to the United States as a result of participation in any benefits program administered by the Veterans Administration;

(2) Obtaining a consumer report in order to assess an individuals ability to repay a debt when such individual has failed to respond to the agency's demand for repayment or when such individual has notified the agency that he/she will not repay the indebtedness; or

(3) Obtaining the location of an individual in order to conduct program evaluation studies as required by 38 U.S.C. 219 or any other law.

(b) Information disclosed by the VA under paragraph (a) of this section to consumer reporting agencies shall neither expressly nor implicitly indicate that an individual is indebted to the United States nor shall such information be recorded by consumer reporting agencies in a manner that reflects adversely upon the individual. Prior to disclosing this information, the VA shall ascertain that consumer reporting agencies with which it contracts are able to comply with this requirement.

The VA shall also make reasonable efforts to insure compliance by its contractor with this requirement.

(c) Subject to the conditions set forth in paragraph (d) of this section, information concerning individuals may be disclosed to consumer reporting agencies for inclusion in consumer reports pertaining to the individual, or for the purpose of locating the individual. Disclosure of the fact of indebtedness will be made if the individual fails to respond in accordance with written demands for repayment, or refuses to repay a debt to the United States arising out of the individual's participation in any benefits program administered by the VA. In making any disclosure under § 1.922, the VA will provide consumer reporting agencies with sufficient information to identify the individual, including the individual's name, address, if known, date of birth, VA file number, and Social Security number.

(d)(1) Prior to releasing information under paragraph (c) of this section, the VA will send a notice to the individual. This notice will inform the individual that—

(i) The Veterans Administration has determined that he or she is indebted to the VA;

(ii) The debt is presently delinquent; and

(iii) The fact of delinquency may be reported to consumer reporting agencies after 30 days have elapsed from the date of the notice.

(2)(i) The VA will notify each individual of the right to dispute the existence or amount of any debt in accordance with §§ 3.103(e) and 19.109, and to request a waiver of the debt in accordance with §§ 1.955 through 1.970.

(ii) If the VA has not previously notified the individual of the rights described in paragraph (d)(2)(i) of this section, the VA will include this information in the notice described in paragraph (d)(1) of this section. The individual shall be afforded a minimum of 30 days from the date of the notice to respond to it before information is reported to consumer reporting agencies.

(3) The VA will defer reporting information to a consumer reporting agency if the individual disputes the existence or amount of any debt or requests waiver of the debt within the time limits set forth in paragraph (d)(2)(ii) of this section. The VA will review any dispute and notify the individual of its findings. If the original decision is determined to be correct, or if the individual's request for waiver is denied, the VA may report the fact of delinquency to a consumer reporting agency. However, the individual shall be afforded 30 days from date of the notice of the agency's determination to repay the debt.

(4) Nothing in this section affects an individual's right to appeal an agency decision to the Board of Veterans Appeals. However, information concerning the debt may be disclosed while an appeal is pending before the Board of Veterans Appeals.

(5) Upon request, the VA will notify an individual—

(i) Whether information concerning a debt has been reported to consumer reporting agencies;

(ii) Of the name and address of each consumer reporting agency to which information has been released; and

(iii) Of the specific information released.

A notice of the right to request this information will be sent with the notice described in paragraph (d)(1) of this section.

(e) Subsequent to disclosure of information to consumer reporting agencies as described in paragraph (c) of this section, the VA shall:

(1) Notify on a monthly basis each consumer reporting agency concerned of any substantial change in the status or amount of indebtedness.

(2) Promptly verify any and all information disclosed if so requested by the consumer reporting agency concerned.

(f) In the absence of a different rule prescribed by statute, contract, or other regulation, an indebtedness is considered delinquent if not paid by the individual by the date due specified in the notice of indebtedness, unless satisfactory arrangements are made by such date.

(g) Notification shall be considered sufficient when effected by ordinary mail, addressed to the last known address, and such notice is not returned as undeliverable by postal authorities.

(h) The Privacy Act (5 U.S.C. 552a) does not apply to any contract between the VA and a consumer reporting agency, nor does it apply to a consumer reporting agency and its employees. See 38 U.S.C. 3301(i). This paragraph does not relieve the VA of its obligation to comply with the Privacy Act.

(i) The term "consumer reporting agency" means any person or agency which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties or to other consumer reporting agencies. The term "consumer reporting agency" shall also mean any person or agency which serves as a marketing agent under arrangements enabling third parties to obtain such information from consumer reporting agencies, or which obtain such information for the purpose of furnishing it to consumer reporting agencies. (38 U.S.C. 3301 (g), (i); 31 U.S.C. 952)

5. Section 1.516 is amended to update gender terminology so that the revised material reads as follows:

§ 1.516 Disclosure of information to undertaker concerning burial of a deceased veteran.

When an undertaker requests information believed to be necessary in connection with the burial of a deceased veteran, such as the name and address of the beneficiary of the veteran's Government insurance policy, name and address of the next of kin, rank or grade of veteran and organization in which he or she served, character of the veteran's discharge, or date and place of birth of the veteran, and it appears that the undertaker is holding the body awaiting receipt of the information requested, the undertaker, in such instances, may be considered the duly authorized representative of the deceased veteran for the purpose of obtaining said information. In ordinary cases, however, the undertaker will be advised that information concerning the beneficiary of a Government insurance policy is confidential and cannot be disclosed; the beneficiary will be advised immediately of the inquiry, and the furnishing of the desired information will be discretionary with the beneficiary. In no case will the undertaker be informed of the net amount due under the policy or furnished information not specifically mentioned in this paragraph.

6. In § 1.518, paragraph (b)(1) is revised and a new paragraph (d) is added so that the revised and new material reads as follows:

§ 1.518 Addresses of claimants.

* * * * *

(b) The address of a VA claimant as shown by VA files may be furnished to:

(1) Duly constituted police or court officials upon official request and the submission of a certified copy either of the indictment returned against the claimant or of the warrant issued for his or her arrest.

* * * * *

(d) Subject to the conditions set forth in § 1.922, the VA may disclose to consumer reporting agencies information contained in a debtor's claims folder. Such information may

include the debtor's name and/or address, VA file number, Social Security number, and date of birth. (38 U.S.C. 3301(g))

7. In § 1.519, paragraphs (a)(4) and (f) are amended to correct citations and paragraphs (b) and (c) are amended to correct gender-specific terminology so that the revised material reads as follows:

§ 1.519 Lists of names and addresses.

(a) * * *

(4) Contain a certification that the organization, and all members thereof who will have access to the list, are aware of the penalty provisions of 38 U.S.C. 3301(f) and will not use the list for any purpose other than that stated in the application.

(b) If the Director of the regional office concerned finds that the organization requesting the list of names and addresses of educationally disadvantaged veterans is a nonprofit organization and operates an approved program of special secondary, remedial, preparatory or other educational or supplementary assistance to veterans as provided under subchapter V, title 38, United States Code, then he or she may authorize the release of such names and addresses to the organization requesting them.

(c) The VA Controller, with the concurrence of the General Counsel, is authorized to release lists of names and addresses to organizations which have applied for such lists in accordance with paragraph (a) of this section if he or she finds that the purpose for which the organziation desires the names and addresses is directly connected with the conduct of programs and the utilization of benefits under title 38, United States Code. Lists of names and addresses authorized to be released pursuant to this paragraph shall not duplicate lists released to other elements, segments, or chapters of the same organization.

* * * * *

(f) Section 3301(f), title 38, United States Code, provides that any organization, or member thereof, which uses the names and addresses funished it for any purpose other than one directly connected with the conduct of programs and the utilization of benefits under title 38, United States Code, shall be fined not more than $500 in the case of the first offense and not more than $5,000 in the case of the subsequent offenses. Any instance in which there is evidence of a violation of these penal provisions will be reported in accordance with § 14.560.

8. Section 1.520 is amended to update gender specific terminology so that the revised material reads as follows:

§ 1.520 Confidentiality of social data.

Persons having access to social data will be conscious of the fact that the family, acquaintances, and even the veteran have been willing to reveal these data only on the promise that they will be held in complete confidence. There will be avoided direct, ill-considereed references which may jeopardize the personal safety of these individuals and the relationship existing among them, the patient, and the social worker, or may destroy their mututal confidence and influence, rendering it impossible to secure further cooperation from these individuals and agencies. Physicians in talking with beneficiaries will not quote these data directly but will regard them as indicating possible directions toward which they may wish to guide the patient's self-revelations without reproaching the patient for his or her behavior or arousing natural curiosity or suspicion regarding any informant's statement. The representatives of service organizations and duly authorized representatives of veterans will be especially cautioned as to their grave responsibility in this connection.

[FR Doc. 24851 Filed 8-25-81; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6130]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Minnesota	(C) Adrain, Nobles County	Tributary to Kanaranzi Creek	Just downstream of Main Avenue	*1520
			Just upstream of Main Avenue	*1525
			About 200 feet upstream of Pearl Street	*1531
			Just downstream of Eight Street	*1568
	Maps [illegible] for inspection at the City Hall, P.O. Box 187, Adrain, Minnesota.			
	[illegible] comments to Honorable David Edwards, Mayor, City of Adrain, City Hall, P.O. Box 187, Adrain, Minnesota 56110.			
Minnesota	(Unic.) Fairbault County	Blue Earth River	At Riverside Country Club Road	*1045
			Just downstream of County Highway 8 (about 5250 feet downstream of Interstate 90 westbound).	*1056
			Just downstream of County Highway 4	*1073
		East Fork Blue Earth River	About 1100 feet downstream of East Street	*1062
			About 3900 feet upstream of 7th Street	*1065
		Coon Creek	At confluence of Blue Earth River	*1065
			Just upstream of U.S. Highway 169	*1072
			Just downstream of County Highway 4	*1088
		Badger Creek	At confluence with Blue Earth River	*1062
			Just downstream of Township Road (about 3350 feet upstream of confluence of Little Badger Creek).	*1064
		Little Badger Creek	At confluence with Badger Creek	*1062
			At Township Road	*1077
		Minnesota Lake	Shoreline	*1036
	Maps [illegible] for inspection at the Fairbault County Courthouse, Main Street, Blue Earth, Minnesota.			
	Send comments to Honorable Paul Beyer, County Board Chairman, Fairbault County, Rural Route, Easton, Minnesota 56025.			
Minnesota	(C) Lino Lakes, Anoka County	Amelia Lake	Shoreline	*910
		Bald Eagle Lake	Shoreline	*913
		Baldwin Lake	Shoreline	*885
		Centerville Lake	Shoreline	*886
		Forsham Lake	Shoreline	*886
		Otter Lake	Shoreline	*913
		Peltier Lake	Shoreline	*887
		Randeau Lake	Shoreline	*888
		Reshanau Lake	Shoreline	*886
		Rice Lake	Shoreline	*886
	Maps available for inspection at the City Hall, 1189 Main Street, Lino Lakes, Minnesota.			
	Send comments to Honorable F. Kenneth Gourney, Mayor, city of Lino Lakes, City Hall, 1189 Main Street, Lino Lakes, Minnesota 55014.			
Minnesota	(C) Luverne, Rock County	Rock River	About 250 feet downstream of the confluence of Poplar Creek.	*1437
			Just upstream of County Highway 4	*1443
			About 2400 feet upstream of County Highway 4	*1445
		Poplar Creek	Confluence with Rock River	*1437
			Just upstream of Kniss Avenue	*1451
			Just upstream of Main Street	*1472
			Just downstream of Dodge Street	*1482
	Maps [illegible] for inspection at the City Hall, 203 East Main Street, Luverne, Minnesota			
	Send [illegible] to Honorable Harold Deuschle, Mayor, City of Luverne, City Hall, 203 East Main Street, Luverne, Minnesota 56156.			
Missouri	(C) Lebanon, Laclede County	Holman Branch	About 1,900 feet downstream of St. Louis-San Francisco Railroad.	*1186
			Just downstream of Seminole Avenue	*1221
			Just upstream of Seminole Avenue	*1229
			Just downstream of Interstate 44	*1233
		Dry Anglaize Creek	At downstream corporate limits	*1185
			Just downstream of St. Louis-San Francisco Railroad	*1205
			Just upstream of St. Louis-San Francieco Railroad	*1210
			About 100 feet downstream of Elm Street	*1216
			About 100 feet upstream of Elm Street	*1222
			Just downstream of Interstate 44	*1251
		Radio Tower Branch	At western corporate limits	*1195
			Just downstream of State Route 32	*1226
			Just upstream of St. Louis-San Francisco Railroad (downstream of Kansas Street).	*1236
			Just downstream of West Elm Street	*1243
			About 800 feet upstream of West Elm Street	*1258
			Just downstream of Interstate 44	*1258
	Maps available for inspection at the Planning and Zoning Department, City Hall, P.O. Box 111, Lebanon, Missouri.			
	Send comments to Honorable Kenneth Cowan, Mayor, City of Lebanon, City Hall, P.O. Box 111, Lebanon, Missouri 65536.			
Missouri	Unincorporated Area of Perniscot County	Mississippi River	Just downstream of Interstate Highway 155	*278
		Clay Roost Bayou (Shallow Flooding Area).	Just north of the intersection of State Highway A and the St. Louis-San Francisco Railway.	*261
		Ditch No. 72 (Shallow Flooding Area).	Just downstream of Main Street	*257
		Lateral No 21 (Shallow Flooding Area).	At west corporate limits of the City of Hayti Heights	*267
		Ditch No. 6 Lateral A (Shallow Flooding Area).	Approximately 1,000 feet downstream of Interstate Highway 155.	*269
		Ditch No. 6 Lateral AA (Shallow Flooding Area)	Just upstream of the St. Louis-San Francisco Railway	*268

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet [NGVD]
		Ditch No. 4 (Shallow Flooding Area).	Just downstream of the St. Louis Southwestern Railway.	*284
		Ditch No. 6 (Shallow Flooding Area).	Just downstream of Interstate Highway 55	*284
		Ditch No. 8 (Shallow Flooding Area).	Just downstream of Interstate Highway 55	*274
		Ditch No. 9 (Shallow Flooding Area).	Just upstream of State Highway M	*249
		Franklin Ditch (Shallow Flooding Area).	Just downstream of Interstate Highway 155	*286
			Approximately 4,500 feet upstream of State Highway 154.	*284
		Pemiscot Bayou (Shallow Flooding Area).	Approximately 3,000 feet downstream of the St. Louis-San Francisco Railway.	*257
		Little River (Shallow Flooding Area).	Just upstream of State Highway B	*267
		Ditch Nos. 81, 1, 66, 251, 258, 259 (Parallel Ditches, Shallow Flooding Area).	Just downstream of St. Louis-Southwestern Railway	*262
		Old Pemiscot (Shallow Flooding Area).	At State Route 164	*258

Maps available for inspection at County Clerk's Office, County Courthouse, Ward Avenue, Caruthersville, Missouri 63830.

Send comments to Judge D. J. Meredith or Mr. John Alford, County Clerk, County Courthouse, Ward Avenue, Caruthersville, Missouri 63830.

Nebraska	(V) Talmage Otoe County	Little Nemaha River	About 1.4 miles downstream of State Highway 67	*970
			About 1.4 miles upstream of State Highway 67	*982

Maps available for inspection at the City Hall, Talmage, Nebraska.

Send comments to the Honorable James Gerking, Chairman of the Board of Trustees, Village of Talmage, City Hall, Talmage, Nebraska 68448.

Nevada	Caliente (City), Lincoln County	Meadow Valley Wash	100 feet upstream from center of U.S. Highway 93	*4364
		Dry Wash Runoff	Intersection of Rowan Drive and Depot Avenue	*4386
		Clover Creek	100 feet upstream from center of Union Pacific Railroad.	[illegible]
		Antelope Canyon Wash	150 feet upstream from center of U.S. Highway 93	*4426

Maps available for inspection at the City Clerk's Office, City Hall, Caliente, Nevada.

Send comments to the Honorable K. E. Larson, P.O. Box 158, Caliente, Nevada 89008

New Hampshire	Exeter, Town, Rockingham County	Squamscott River	Entire shoreline	*9
		Exeter River	Approximately 250' downstream Chestnut Hill Avenue	*7
			Upstream Chestnut Hill Avenue	*12
			Upstream Dam	*20
			Confluence with Little River	*33
			Upstream Court Street	*33
			Upstream Linden Street	*35
			Upstream Boston and Maine Railroad	*50
			Upstream Kingston Road, (Route 111)	*62
			Downstream Cross Road	*91
			Upstream Dam	*95
			Downstream Corporate Limits	*95
		Little River	Confluence with Exeter River	*32
			Upstream Linden Street	*42
			Downstream Dam	*42
			Upstream Dam	*49

Maps available for inspection at the Exeter Planning Office, Exeter Town Office, 10 Front Street, Exeter, New Hampshire.

Send comments to the Honorable Evelyn Zamowski, Chairwoman of the Exeter Board of Selectmen, Town Offices, 10 Front Street, Exeter, New Hampshire 03833.

New Jersey	Cranbury, Township, Middlesex County	Millstone River	Downstream Corporate Limits	*74
			Upstream U.S. Route 130	*84
			Upstream Corporate Limits	*86
		Cranbury Brook	Downstream Corporate Limits	*70
			Upstream Dam (4th Dam Crossing)	*82
			Upstream U.S. Route 130	*91
			Upstream Corporate Limits	*95
		Cedar Brook	Confluence with Cranbury Brook	*77
			Upstream Warren Petty Road	*91
			Upstream North Main Street	*97
			Upstream Washington Road	*101
			Downstream New Jersey Turnpike	*106
			Upstream Corporate Limits	*110
		Tributary to Millstone River	Confluence with Millstone River	*77
			Approximately 3,450' upstream confluence with Millstone River.	*89
		Shallow Brook	Upstream U.S. Route 130	*108
			Upstream Corporate Limits	*110

Maps available for inspection at the Municipal Building, 23 North Main Street, Cranbury, New Jersey.

Send comments to the Honorable Thomas Weidner, Mayor of Cranbury, Municipal Building, 23 North Main Street, Cranberry, New Jersey 08512.

New York	Cicero, Town, Onondaga County	Oneida Lake	Entire shoreline within community	[illegible]
		Chittenango Creek	Confluence with Oneida Lake	[illegible]
			Upstream State Route 31	*385
			Upstream Corporate Limits	[illegible]
		Mud Creek	Downstream Corporate Limits	[illegible]
			Upstream Interstate 81	*384
			Downstream South Bay Road	[illegible]

Maps available for inspection at the Town Hall, Main Street, Cicero, New York.

Send comments to the Honorable Michael Hogan, Supervisor of Cicero, Town Hall, Main Street, Cicero, New York 13041.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Port Byron, Village, Cayuga County	Owasco Lake Outlet	Downstream Corporate Limits	*392
			Upstream side of Green Street	*394
			Downstream of Dam	*398
			Upstream of Dam	*404
			Upstream Corporate Limits	*405
		East Branch Owasco Lake Outlet	Downstream confluence with Owasco Lake Outlet	*397
			Downstream Dam	*398
			Upstream Dam	*404
			Upstream confluence with Owasco Lake Outlet	*404
	Maps available for inspection at the Village Hall, 66–68 Utica Street, Port Byron, New York.			
	Send comments to Honorable Frank Thomas, Mayor of Port Byron, Village Hall, 66–68 Utica Street, Port Byron, New York 13140.			
New York	Tioga, Town, Tioga County	Susquehanna River	Downstream Corporate Limits	*783
			State Route 282	*791
			Confluence with Pipe Creek	*799
			Confluence with Owego Creek	*814
		Catatonk Creek	Confluence with Owego Creek	*824
			Glen Mary Drive	*838
			Upstream Corporate Limits	*846
		Owego Creek	Confluence with Susquehanna River	*814
			Talcott Street	*817
			Upstream of Dam	*822
			Confluence with Catatonk Creek	*824
			Upstream of State Route 96	*832
			Upstream Corporate Limits	*857
	Maps available for inspection at the Tioga Town Hall, Tioga Center, New York.			
	Send comments to Honorable Lawrence Brink, Supervisor of Tioga, Box 193, Tioga Center, New York 13845.			
Oregon	Dayton (City), Yamhill County	Yamhill River	Intersection of Water Street and Ferry Street	*103
		Palmer Creek	Intersection of creek and Dayton-Salem Highway	*102
	Maps available for inspection at City Recorder's Office, 416 Ferry Street, Dayton, Oregon.			
	Send comments to Arthur J. Johnson, Box 388, Dayton, Oregon 97114.			
Oregon	Junction City (City), Lane County	Willamette River	Intersection of East 4th Avenue and Cedar Street	*327
			Intersection of East 14th Avenue and Elm Street	*323
	Maps available for inspection at City Hall, 680 Greenwood Street, Junction City, Oregon.			
	Send comments to the Honorable Chuck Ivey, P.O. Box 245, Junction City, Oregon 97448.			
Pennsylvania	Neshannock, Township, Lawrence County	Neshannock Creek	Approximately 350' downstream of Maitland Road	*899
			Approximately 6,600' upstream of Maitland Road	*902
			Approximately 7,090' downstream of upstream Corporate Limits.	*914
			Upstream Corporate Limits	*926
		Shenango River	Approximately 150' upstream of Downstream Corporate Limits.	*816
			Upstream Corporate Limits	*819
	Maps available for inspection at the Neshannock Township Municipal Building, 3131 Mercer Road, New Castle, Pennsylvania.			
	Send comments to Honorable John E. Cater, Chairman of the Neshannock Board of Supervisors, 3131 Mercer Road, New Castle, Pennsylvania 16105.			
Tennessee	City of Mt. Juliet, Wilson County	Cedar Creek	Just upstream of State Highway 70 (Lebanon Pike)	*477
		Stoners Creek	Just upstream of Old South Mt. Juliet Road. Approximately 300 feet north of intersection of Old South Mt. Juliet and Stoney Creek Roads.	*534
			Just downstream of South Mt. Juliet Road	*545
	Maps available for inspection at City Manager's Office, Mt. Juliet Road, Mt. Juliet, Tennessee 37122.			
	Send comments to Mayor Bill Stagge, or Mr. Roy McKuhen, City Manager, City Hall, P.O. Box 256, Mt. Juliet, Tennessee 37122.			
Tennessee	City of Nashville, and Davidson County, (Metropolitan Government).	Cumberland River	Just upstream of confluence of Overall Creek	*406
			Just upstream of confluence of Richland Creek	*408
			Just downstream of Hydes Ferry Bridge	*412
			Just upstream of I–265	*414
			Just upstream of confluence of Mill Creek	*417
			Just upstream of Briley Parkway	*420
			Just upstream of Old Hickory Bridge	*427
			Just downstream of Old Hickory Dam	*430
			Just upstream of Old Hickory Dam	*450
		Harpeth River	Just upstream of McCory Lane	*538
			Just upstream of Newsome Station Road	*544
			Just upstream of Interstate Highway 40	*549
			Just upstream of Harding Pike	*562
		South Harpeth River	Just downstream of Old State Highway 100	*565
			Just upstream of Highway 96	*567
		Buffalo Creek	Just upstream of Highway 70 South	*560
		Flat Creek	Just upstream of Todd Preis Drive	*564
			Just upstream of Bellevue Road	*580
			Just downstream of Baugh Road Culvert	*600
			Just downstream of Hicks Road	*619
			Just upstream of Iroquois Apt Culvert	*643
			Just downstream of U.S. Highway 70	*670

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Trace Creek	Just upstream of Highway 100	*564
		Overall Creek	Just upstream of River Road Pike	*407
			Just upstream of Old Charlotte Pike	*415
			Just downstream of U.S. Highway 70	*451
		Tributary to Overall Creek	Just upstream of River Road Pike Culvert	*418
			Just upstream of Sawyer Brown Road Culvert	*444
		Richland Creek	Just downstream of Urbandale Avenue	*417
			Just downstream of Charlotte Avenue	*427
			Just upstream of Louisville and Nashville Railroad	*453
		Sugartree Creek	Just upstream of Sugartree Bridge	*475
			Just upstream of Estes Road	*492
			Just downstream of Cross Creek Road	*526
			Just downstream of YMCA Santa Drive	*547
			Just upstream of Hobbs Road	*559
		Jocelyn Hollow Branch	Just downstream of Sedbers Drive	*508
			Just upstream of West Meade Drive	*530
		Vaughns Gap Branch	Just downstream of Harding Place	*500
			Just upstream of Percy Warner Boulevard	*525
			Just downstream of Saint Henry Drive	*538
			Just downstream of Park Lane	[illegible]
		Whites Creek	Just upstream of Hydes Ferry Pike	*414
			Just upstream of Clarksville Pike	*416
			Just downstream of Tucker Road	[illegible]
			Just downstream of Whites Creek Pike	[illegible]
			Just upstream of Knight Road	[illegible]
			Just upstream of Old Hickory Boulevard	*479
			Just upstream of Interstate Highway 24	[illegible]
		Eaton Creek	Just downstream of Hydes Ferry Pike	*415
			Just upstream of Sulphur Creek Road	*462
		Drake branch	Just upstream of Kings Lane	*436
		Ewing Creek	Just upstream of White Creek Pike	*444
			Just upstream of Knight Road	*449
			Just upstream of Brick Church Pike	*480
			Just upstream of Larkspur Drive	*511
		North fork Ewing Creek	Just upstream of Ramps to Interstate Highway 24	*480
			Just upstream of Brick Church Pike	[illegible]
			Just downstream of Dickerson Road	[illegible]
		Vhoins Creek	Just downstream of Brick Church Lane	*507
		Earthman fork	Just downstream of Whites Creek Pike	*469
		Little Creek	Just upstream of Interstate Highway 24	*512
			Just upstream of Brick Church Pike	*536
		Pages Branch Creek	Just upstream of Interstate Highway 65 culvert	*417
			Just upstream of Trinity Lane culvert	*436
			Just upstream of Grizzard Avenue	*448
		Browns Creek	Just upstream of Lafayette Street	*424
			Just upstream of Louisville and Nashville Railroad	*443
			Just upstream of Craighead Avenue	*465
		West fork Browns Creek	Just downstream of old Glendale trolly line	*497
			Just downstream of Leeland Lane	*524
			Just downstream of Glendale Road	*552
		Middle fork Browns Creek	Just upstream of Park Terrace	*486
			Just upstream of Caldwell Lane	*509
		Mill Creek	Just downstream of Interstate Highway 40	[illegible]
			Just upstream of Thompson Lane	*457
			Just upstream of Space Park South Drive	*471
			Just upstream of Franklin Limestone Road	[illegible]
			Just upstream of Bell Road	*517
			Just upstream of Pettus Road	*525
			Just upstream of Nolensville Road	*550
		Sims branch	Just upstream of Elm Hill Pike	*429
			Just downstream of McGavock Pike	*431
		Sevenmile Creek	Just upstream of Paragon Mills Road	*460
			Just upstream of Nolensville Pike	[illegible]
			Just upstream of Ellington Agricultural Center Road	[illegible]
		Sorghum branch	Just upstream of Antioch Pike	*477
			Just upstream of Haywood Lane	*542
		Tributary 1 to Mill Creek	Just upstream of Franklin Limestone Road	*498
		Whittemore branch	Just downstream of Tusculum Road	*522
			Just upstream of Benzing Road	*551
			Just downstream of Bell Road	[illegible]
			Just downstream of old Hickory Boulevard	[illegible]
			Just upstream of Cedarmont Drive	[illegible]
		Collins Creek	Just upstream of Interstate Highway 24 (entrance ramp).	*524
		Windemere branch	Just upstream of Driveway Bridge at station 0.70	[illegible]
			Just upstream of Driveway Bridge at station 1.00	*443
		Gibson Creek	Just upstream of Gallatin Road	*445
			Just upstream of Norman Drive	*476
		Gibson Creek tributary	Just upstream of Madison Boulevard	*423
			Just downstream of Maple Street	*455
		Stones River	Just downstream of Louisville and Nashville Railroad	*426
			Just upstream of McCory Creek	[illegible]
		Stoners Creek	Just downstream of old Lebanon dirt road	*425
			Just upstream of old Hickory Road	*434
			Just upstream of Tulip Grove Road	*444
			Just downstream of Chandler Road	*456
		Scotts Creek	Just upstream of confluence with Stoners Creek (flooding effected by backwater from Stoners Creek).	*443

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		McCory Creek	Just upstream of Stewarts Ferry's Pike	*435
			Just upstream of Elm Hill Pike	*453
		Hurricane Creek	Just upstream of U.S. Highway 41 and 70 South	*544
		West Branch Hurricane Creek	Just upstream of Firestone Parkway	*581
			Just upstream of Heil Quaker Boulevard	*587
		East Fort Hamilton Creek	Just upstream of Mossdale Drive	*527
		Tributary No. 1 to East Fork Hamilton Creek.	Just upstream of Mossdale Drive	*524
			Just downstream of Anderson Road	*533
		Dry Creek	Just upstream of Interstate Highway 65	*486
			Just downstream of Dickerson Road	*495
		Mansker Creek	Just upstream of U.S. Highway 41	*481

Maps available for inspection at Public Works Department, Civil Engineering Division, 750 South Fifth Street, Nashville, Tennessee 37202.

Send Comments to Mayor Richard Fulton, 107 Metro Courthouse, or Mr. Steven Halsey, Civil Engineering Division, Department of Public Works, 750 South Fifth Street, Nashville, Tennessee 37201.

Texas	Unincorporated areas of Dallas County	Trinity River	Just downstream of Malloy Road	*370
			Just upstream of Belt Line Road	*380
			Just upstream of Dowdy Ferry Road	*395
		West Fork of Trinity River	Just downstream of loop 12	*425
		Elm Fork of Trinity River	Just downstream of State Highway 482	*424
			Just downstream of Belt Line Road (State Highway 1380).	*439
		Bear Creek	Just upstream of Uhl Road	*643
		Little Creek	Just upstream of Westmoreland Road	*629
			Just downstream of Cockrell Hill Road	*582
		Glenn branch	Just downstream of Bear Creek Road	*669
		Red Oak Creek	Just downstream of Cedar Hill eastern corporate limits	*702
		Stream 3B1	Just downstream of Little Creek Drive	*729
		Tenmile Creek	Just upstream of Darkinson Road	*375
			Just downstream of I-45 and U.S. 75	*396
			Just upstream of Ferris Road	*429
			Approximately 300 feet downstream of Nokomis Road	*460
		Keller branch	Approximately 300 feet downstream of Belt Line Road	*467
		Stream 3A1	Just upstream of Tenmile Road	*483
		Deep Branch	Approximately 250 feet downstream of Belt Line Road	*496
		Stream 3A13	Approximately 3,000 feet upstream of Wintergreen Road.	*619
		Cottonwood Creek of Tenmile Creek.	Just downstream of Malloy Bridge Road	*371
			Just upstream of Belt Line Road	*382
			Just downstream of Goode Road	*427
			Just downstream of Greene Road	*455
		Stream 4A1	Just upstream of Geller Road	*405
			Just downstream of Goode Road	*444
		Stream 4A4	Just upstream of Pleasant Run Road	*403
			Just downstream of Fulghum Road	*447
		Stream 4A5	Just upstream of Goode Road	*445
		Stream 4A2	Just downstream of Wilmer southern corporate limits	*468
		Hickory Creek	Just upstream of Beckett Road	*384
			Just upstream of Southern Pacific Railroad	*396
		Stream 4C3	Approximately 1,000 feet downstream of Kleberg Road	*400
		Stream 4C1	Just downstream of Cloverhill Road	*393
		Stream 4B2	Approximately 350 feet downstream of I-45	*452
		Stream 4B4	Approximately 2,000 feet downstream of Willow Grove Road.	*396
		Hutchins Creek	Just upstream of Langdon Drive	*402
		Grapevine Creek	Approximately 100 feet upstream of I-635 (east bound).	*524
		Denton Creek	Just downstream of Denton Tap Road	*462
		Mountain Creek	Just upstream of I-30	*432
			Just upstream of Texas and Pacific Railroad	*433
		South Mesquite Creek	Just upstream of Lawson Road	*391
			Just upstream of Belt Line Road	*426
		Stream 2B1	Just upstream of Belt Line Road	*433
		North Mesquite Creek	Just upstream of I-20	*478
		Duck Creek	Just upstream of Barnes Bridge Road	*436
		Long branch of Duck Creek	Just upstream of La Prada Drive	*505
		Rowlett Creek	Just downstream of Pleasant Valley Road	*465
		Stream 2D13	Just upstream of Bunker Hill Road	*468
		Muddy Creek	Just upstream of Pleasant Valley Road	*464
			Just upstream of Sachse Road	*470
		Stream 2E8	Just upstream of Merritt Road	*498
		Long branch of Muddy Creek	Approximately 200 feet downstream of Merritt Road	*486
		Stream 2E3	Approximately 200 feet upstream of Merritt Road	*486
		Stream 2E4	Just upstream of confluence of stream 2E5	*489
		Stream 2E5	Just downstream of private dirt road	*502
		Stream 2E6	Just upstream of Elm Grove Road	*460
		Stream 2A3	Just downstream of Dalrock Road	*450
		Stream 2A4	Just upstream of Dalrock Road	*444
		Stream 2A5	Just upstream of Dalrock Road	*446
		Cottonwood Creek of Lake Ray Hubbard.	Just upstream of Stonewall Road	*454
			Just upstream of Vinsor Road	*464
			Just upstream of Whitley Road	*482

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Floyd Branch	Just upstream of Valley View Road	*558
		Eagle Ford sump	Entire shoreline	*416
		Trinity-Portland sump	Entire shoreline	*413
	Maps available for inspection at Department of Public Works, 161 Commerce Street, Dallas, Texas 75202.			
	Send comments to Judge Garry Weber, Dallas County Administration Building, 411 Elm Street, or Mr. J. W. Bryan, Director, Department of Public Works, 161 Commerce Street, Dallas, Texas 75207.			
Texas	Town of Dalworthington Gardens, Tarrant County	Rush Creek	Approximately 950 feet upstream of Indian Trail	[illegible]
			Approximately 100 feet downstream of Pleasant Ridge Road	*557
		Ryan's branch	Just upstream of Roosevelt Drive	*577
		Twins Springs draw	Just downstream of Bowen Road	*577
	Maps available for inspection at Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Arlington, Texas 76016.			
	Send comments to Mayor Jean Gibbons or Ms. Cheryl Dickerson, City Secretary, Dalworthington Gardens City Hall, 2600 Roosevelt Drive, Arlington, Texas 76016.			
Texas	City of Laredo, Webb County	Chacon Creek	Approximately 760 feet upstream of the confluence of tributary 2.	*386
			Just upstream of State Highway 359	[illegible]
		Chacon Creek tributary 1	Just downstream of U.S. Highway 83	[illegible]
			Just downstream of Canada Avenue	*418
			Just downstream of Vicente Street	*431
		Las Manadas Creek tributary 2	Just downstream of Missouri Pacific Railroad	*417
			Just upstream of Interstate Highway 35	*424
		Rio Grande River	Just upstream of International Bridge No. 2	[illegible]
			Just upstream of Missouri Pacific Railroad Bridge	[illegible]
		Zacate Creek	Just upstream of Washington Street	*395
			Just upstream of Hillside Road East	*402
			Just upstream of Park Street	*405
		Zacate Creek tributary 1	Approximately 1,190 feet downstream of West Calton Road	*422
			Just downstream of entrance ramp to Interstate Highway 35.	[illegible]
		Zacate Creek tributary 2	Approximately 480 feet upstream of confluence with Zacate Creek.	[illegible]
			Approximately 800 feet upstream of confluence with Zacate Creek.	*438
	Maps available for inspection at Mayor's Office, City Hall, 500 Florence Avenue, Laredo, Texas 78040.			
	Send comments to Mayor Aldo Tatangelo, P.O. Box 579 or Mr. Larry Vetter, City Planner, P.O. Box 3090, Laredo, Texas 78040.			
Texas	Unincorporated areas of Webb County	Chacon Creek	Just jpstream of the Texas and Mexican Railroad	*408
			Just downstream of U.S. Highway 59	*414
		Chacon Creek tributary 2	Just upstream of loop 20	[illegible]
			Approximately 130 feet upstream of Century Boulevard	*419
		Las Manadas	Just downstream of County Highway 1472	[illegible]
			At the confluence of Las Manadas Creek tributary 3	*411
			Just downstream of Missouri Pacific Railroad	[illegible]
		Las Manadas Creek Tributary 1	Just upstream of dirt road B	*413
			Just upstream of dirt road C	*419
		Las Manadas Creek tributary 2	Just upstream of Missouri Pacific Railroad	*417
		Las Manadas Creek tributary 3	Just downstream of unnamed road	*422
		Rio Grande River	Unnamed road "A" extended	[illegible]
			Just downstream of unnamed road "B" extended	*406
	Maps available for inspection at Road and Bridge Administration, Webb County Courthouse, 1000 Houston Street, Laredo, Texas 78040.			
	Send comments to Judge Benavides or Mr. Oscar Medina, Road and Bridge Administrator, Webb County Courthouse, P.O. Drawer 29, Laredo, Texas 78040.			
Washington	Centralia (city), Lewis County	Chehalis River	100 feet downstream from center of Mellen Street	*173
		Skookumchuck River	Intersection of Denny Way and Alexander Street	*173
			Intersection of Eureka Avenue and Noel Avenue	*197
		Coffee Creek	200 feet upstream from center of Roanoke Street	[illegible]
		China Creek	Intersection of Cedar Street and Plume Street	*173
		Salzer Creek	Intersection of Fair Street and Kresky Avenue	*176
	Maps available for inspection at City Hall, Pearl & Maple, Centralia, Washington.			
	Send comments to the Honorable William Moeller, P.O. Box 609, Centralia, Washington 98531.			
Wisconsin	(V) Twin Lakes, Kenosha County	Lake Mary	Within corporate limits	*795
		Lake Elizabeth	Within corporate limits	*795
		Bassett Creek tributary	At downstream corporate limits	*781
			About 2,900 feet upstream of corporate limits	[illegible]
	Maps available for inspection at the Office of the Clerk, Village Hall, 108 East Main Street, Twin Lakes, Wisconsin.			
	Send comments to Honorable Larry Oberhofer, Village President, Village of Twin Lakes, Village Hall, 108 East Main Street, Twin Lakes, Wisconsin 53131.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: August 7, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–24537 Filed 8–25–81; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 81-499, FCC 81-336]

Proceeding Regarding Equal Access to Justice Act Rules; Implementation

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes rules to implement the Equal Access To Justice Act (EAJA). The EAJA provides for the award of attorney's fees to qualified parties who prevail over the government in certain administrative proceedings.

The EAJA requires each government agency to establish uniform procedures for implementing the Act.

The proposed rules will provide instructions to eligible parties who seek to recover attorney's fees from the Commission.

DATES: Comment deadlines: Comments must be submitted on or before September 15, 1981 and reply comments on or before September 25, 1981.

ADDRESS: Comments may be mailed to the Secretary, Federal Communications Commission, Washington, D.C. 20554, or delivered to Room 222, FCC, 1919 M St., N.W., Washington, D.C. 20554, between 8:00 a.m. and 5:30 p.m.

FOR FURTHER INFORMATION CONTACT: Sue Preskill, Office of General Counsel, Federal Communications Commission, Washington, D.C. 20554 (202) 632-6990.

SUPPLEMENTARY INFORMATION:

In the matter of Equal Access to Justice Act Rules.

Adopted: August 4, 1981.

Released: August 24, 1981.

By the Commission: Commissioner Jones absent.

1. The proposed rules set forth in the Appendix are designed to implement the Equal Access to Justice Act, (EAJA), Pub. L. 96-481, 94 Stat. 2325. The EAJA provides for the award of attorney's fees and other expenses to qualified parties who prevail over the federal government in certain administrative and court proceedings.

2. The EAJA requires each agency to establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses. Our proposed rules largely follow the model rules recommended by the Administrative Conference of the United States. *See* 46 FR 32900 (June 25, 1981).

3. The proposed rules are issued pursuant to sections 4(i) and 303(r) of the Communications Act of 1947, 47 U.S.C. 154(i), 303(r); and the Equal Access to Justice Act, Pub. L. 96-481, 5 U.S.C. 504(c)(1).

4. In accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), we hereby certify that these rules will not have a significant economic impact upon a substantial number of small entities. The Equal Access to Justice Act itself may have such an impact, since it applies to individuals and small business entities. It represents a congressional determination that small entities should not bear the burden of litigation where the Government's position is not substantially justified. The rules simply implement the EAJA, carrying out Congressional intention, and do not, by themselves, impose significant economic burdens or benefits. We note the efforts of the Administrative Conference to "produce a scheme that is as clean, simple, and straightforward as possible * * *" 46 FR at 32900. The record-keeping requirements of the rules (*see* § 1.1513) appear to add little burden to small businesses, since such records should ordinarily be kept in the course of adjudication. Thus the rules will not have a significant negative impact on small businesses. This certification shall be provided to the Chief Counsel for Advocacy of the Small Business Administration.

5. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally*, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before September 15, 1981, and reply comments on or before September 25, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. Since the EAJA becomes effective on October 1, 1981, we do not anticipate granting extensions of time for filing comments or reply comments. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

7. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and five copies of all statements briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference room in its headquarters in Washington, D.C.

8. For further information about this rulemaking proceeding, contact Sue Preskill, (202) 632-6990. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20544, (202) 632-7000.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307).

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 1—PRACTICE AND PROCEDURE

It is proposed to add a new subpart K (§ § 1.1501–1.1530) to Part 1 of title 47 of the Code of Federal Regulations as follows.

* * * * *

Subpart K—Implementation of the Equal Access to Justice Act (EAJA) in Agency Proceedings

General Provisions

Sec.
1.1501 Purpose of these rules.
1.1502 When the EAJA applies.
1.1503 Proceedings covered.
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Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 [5 U.S.C. 504(c)(1)].

Subpart K—Implementation of the Equal Access to Justice Act (EAJA) in Agency Proceedings

General Provisions

§ 1.1501 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the EADA" in this subpart), provides for the award of attorney's fees and other expenses to eligible individuals and entities who are parties to certain adminstrative proceedings (called "adversary adjudications") before the Commission. An eligible party may receive an award when it prevails over the Commission, unless the Commission's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Commission will use to make them.

§ 1.1502 When the EAJA applies.

The EAJA applies to any adversary adjudication pending before this agency at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs.

§ 1.1503 Proceedings covered.

(a) The EAJA applies to adversary adjudications conducted by the Commission. These are adjudications under 5 U.S.C. 554 in which the position of this or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Coverage of the EAJA begins at designation of a proceeding or issuance of a show cause order. Any proceeding in which the Commission may establish or fix a rate is not covered by the EAJA. Proceedings to grant or renew licenses are also excluded.

(b) The Commission may designate a proceeding as an adversary adjudication for purpsoes of the EAJA by so stating in an order initiating the proceeding or designating the matter for hearing. The Commission's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the EAJA; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the EAJA and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 1.1504 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the EAJA, the applicant must be a party, as defined in 5 U.S.C. 551(3), to the adversary adjudication for which it seeks an award. The applicant must show that it meets all conditions of eligibility set out in this paragraph and in paragraph (b) of this section.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable association as defined in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees;

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was designated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The number of employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the Administrative Law Judge determines that such treatment would be unjust and contrary to the purposes of the EAJA in light of the actual relationship between the affiliated entities. In addition, the Administrative Law Judge may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 1.1505 Standards for awards.

(a) An eligible prevailing applicant shall receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the Commission over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the appropriate Bureau (see § 1.21 of this chapter) whose representative shall be called "Bureau counsel" in this subpart. The Bureau may avoid an award by

showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 1.1506 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission pays expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges its clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the Administrative Law Judge shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the service provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(e) Fees may be awarded only for work performed after designation of a proceeding or after issuance of a show cause order.

§ 1.1507 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Commission may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. The Commission will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with Subpart C of this chapter. The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. This agency will respond to the petition by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

§ 1.1508 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before the Commission and takes a position that is not substantially justified, the award for an appropriate portion of the award shall be made against that agency. Counsel for that agency shall be treated as Bureau counsel for the purpose of this subpart.

Information Required From Applicants

§ 1.1511 Contents of application.

(a) An application for an award of fees and expenses under EAJA shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 1.1512 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the application and any affiliates (as defined in § 1.1504(f) of this part) at the time the proceeding was designated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this subpart. The administrative Law Judge may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the Administrative Law Judge in a sealed evelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on Bureau counsel, but need not be served on any other party to the proceeding. If the Administrative Law Judge finds that the information should not be withheld from disclosure, it shall be placed in the

public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's established procedures under the Freedom of Information Act, §§ 0.441–0.466 of this chapter.

§ 1.1513 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Administrative Law Judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 1.1514 When an application may be filed

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case than 30 days after the Commission's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) The date on which an initial decision or other recommended disposition of the merits of the proceeding by an Administrative Law Judge or the Review Board becomes administratively final; (2) issuance of an order disposing of any applications for review or petitions for reconsideration of the Commission's order in the proceeding; (3) if no application for review or petition for reconsideration is filed, the last date on which such an application or petition could have been filed; (4) issuance of a final order by the Commission or any other final resolution of a proceeding, such as settlement or voluntary dismissal, which is not subject to a petition for reconsideration, or to a petition for judicial review; or (5) completion of judicial action on the underlying controversy and any subsequent Commisson action pursuant to judicial mandate.

Procedures for Considering Appplications

§ 1.1521 Filing and service of documents.

Any application for an award or other pleading relating to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 1.1512(b) for confidential financial information.

§ 1.1522 Answer to application.

(a) Within 30 days after service of an application Bureau counsel may file an answer to the application. Unless Bureau counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award request.

(b) If Bureau counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the Administrative Law Judge upon request by Bureau counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of Bureau counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, Bureau counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 1.1526.

§ 1.1523 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 1.1526.

§ 1.1524 Comments by other parties.

Any party to a proceeding other than the applicant and Bureau counsel may file comments on an application within 30 days after it is served or an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the Administrative Law Judge determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 1.1525 Settlement.

The applicant and Bureau counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and Bureau counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement. If the Administrative Law Judge approves the proposed settlement, it shall be forwarded to the Commission for final approval.

§ 1.1526 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Bureau counsel, or on his or her own initiative, the Administrative Law Judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the Administrative Law Judge order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 1.1527 Decision.

The Administrative Law Judge shall issue an initial decision on the application as soon as possible after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Commission's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 1.1528 Commission review.

Either the applicant or Bureau counsel may seek review of the initial decision on the fee application, or the Commission may decide to review the decision on its own initiative, in accordance with §§ 1.276–1.282 of this Chapter. If neither the applicant nor Bureau counsel seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 50 days after it is issued. Whether to review a decision is a matter within the discretion of the Commission. If review is taken, the Commission will issue a final decision on the application or remand the application to the Administrative Law Judge for further proceedings.

§ 1.1529 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 1.1530 Payment of award.

An applicant seeking payment of an award from the Commission shall submit to the Executive Director a copy of the Commission's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts, or a copy of the court's order directing payment. The Commission will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or the underlying decision of the adversary adjudiciation has been sought by the applicant or any other party to the proceeding.

[FR Doc. 81-25009 Filed 8-25-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 165
Wednesday, August 26, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Agreement Regarding Application of the Highway Bridge Replacement and Rehabilitation Program in California

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to Sec. 800.8 of the regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800) with the U.S. Department of Transportation, Federal Highway Administration (California Division), and the California State Historic Preservation Officer concerning a procedure designed to streamline the Council's commenting process. The agreement establishes a system that will ensure that adequate consideration is given historic and cultural properties in the planning of individual actions under this program and in most instances will accelerate the time required in the Council's review process.

COMMENTS DUE: September 25, 1981.

ADDRESS: Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 1522 K Street, N.W., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Mr. Louis S. Wall, Chief, Western Division of Project Review, Advisory Council on Historic Preservation, 44 Union Boulevard, Suite 616, Lakewood, Colorado 80228, (303) 234-4946.

SUPPLEMENTARY INFORMATION: This notice of the proposed agreement invites comments from interested parties. Copies of the proposed agreement are available from the Council. The proposed agreement provides for the evaluations of alternatives to the demolition of historic bridges, notification given the Council that no such alternative exists, and submission to the Council of supporting documentation and the concurrence of the California State Historic Preservation Officer. If after review of the documentation the Executive Director can concur with FHWA's findings, this will be done without preparation of a formal Memorandum of Agreement. If the Executive Director objects to FHWA's conclusion, the consultation process detailed at § 800.6 will be followed in obtaining Council comment.

John M. Fowler,
Acting Executive Director.

[FR Doc. 81-24813 Filed 8-25-81; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Anaconda Stillwater Project, Platinum Mine Development; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, and Montana Environmental Policy Act of 1971, the Forest Service, Department of Agriculture, and Montana Department of State Lands, will prepare a joint environmental impact statement for the development of the proposed Anaconda Stillwater platinum mine on the Beartooth Ranger District and adjoining private lands.

A range of alternatives for placement of facilities other than the mine site will be considered. Impacts and mitigation measures will be discussed. Lands in the area are open to mineral entry, and denial of the permit will not be considered if other State and Federal legal requirements are met.

Early in the environmental analysis, Federal, State and local agencies, the Anaconda Company, and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the process to define issues that will be addressed in the EIS.

A public meeting will be held at the Beartooth Ranch near Nye, Montana, on September 15, 1981.

James F. Mann, Forest Supervisor, Custer National Forest, is the responsible Federal official. Gareth Moon, Commissioner of State Lands, is the responsible State official. Questions about the proposed action and environmental impact statement should be directed to John Inman, Resource Coordinator, in the Custer Forest Supervisor's Office (phone, 406-657-6361), or Ralph Driear, Montana Department of State Lands (phone, 406-587-2074).

The analysis is expected to take about nine months. The draft environmmental impact statement should be available for public review by June 1982. The final environmental impact statement is scheduled to be completed in September 1982.

Written comments and suggestions concerning this analysis should be sent to James F. Mann, Forest Supervisor, Custer National Forest, Billings, Montana 59103, or Gareth Moon, Montana Department of State Lands, Capitol Station, Helena, Montana 59620, by October 1, 1981.

James F. Mann,
Forest Supervisor.
August 14, 1981.

[FR Doc. 81-25139 Filed 8-25-81; 8:50 am]
BILLING CODE 3410-11-M

Science and Education Administration

Joint Council on Food and Agricultural Sciences; Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), Science and Education announces the following meeting:

NAME: Executive Committee of the Joint Council on Food and Agricultural Sciences.

DATE: September 14, 1981.

TIME AND PLACE: 8:30 a.m.-4:00 p.m.; Room 330, GHI Bldg., 500 12th St., S.W., Washington, D.C. 20250.

TYPE OF MEETING: Open to public. Persons may participate in the meeting as time and space permit.

COMMENTS: The public may file written comments before or after the meeting with the contact person below.

PURPOSE: To discuss views on long-range planning in food and agriculture science and education with Congressman George Brown; review plans for Council's Long-Range

Assessment of Research Needs; review results of meeting of Joint Council Cochairmen and Secretary Block; consider outline for brochure to increase public understanding of agricultural science and education.

CONTACT PERSON: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351–A, Administration Building, Washington, D.C. 20250, telephone (202) 447–6651.

Done at Washington, D.C., this 13th day of August, 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81–24867 Filed 8–25–81; 8:45 am]

BILLING CODE 3410–03–M

CENTRAL INTELLIGENCE AGENCY

Privacy Act of 1974; Annual Publication of Systems of Records

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The Central Intelligence Agency last published the full text of its systems of records at 42 FR 48050, September 22, 1977. This was further updated by documents published at 44 FR 4518, January 22, 1979; 44 FR 21057, April 9, 1979; and 45 FR 6820, January 30 1980. Since then, an amendment to a record system was adopted: CIA–10, June 8, 1981 (46 FR 22417). For convenience of the public, this system is republished below.

The full text of the Central Intelligence Agency systems of records also appears in Privacy Act Issuances, 1980 Compilation, Volume 4, page 83. This volume is available for inspection at Federal depository libraries and Federal information centers.

Harry E. Fitzwater,

Deputy Director for Administration.

CIA–10

SYSTEM NAME:

Language Qualifications Register and OTRTEST.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, D.C. 20505

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who claim a foreign language proficiency and applicants to the Agency who have taken one of the Agency's foreign language reading proficiency tests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee claim of foreign language proficiency and identifying biographic data. Social Security number of employee or applicant (in OTRTEST subset only), language tested, and answers to each test question.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C., Chapter 41.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81–110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Used by Agency personnel for processing requests for foreign language training and for language proficiency cash awards. Tangential use to norm and validate reading proficiency and to verify reading test scores.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Paper, magnetic tape, and magnetic disk.

RETRIEVABILITY:

Name and language. Within OTRTEST subset only, Social Security number, language, and date of test.

SAFEGUARDS:

Maintained in combination lock safes, magnetic tapes, and on password controlled disks. Access on a need to know basis.

RETENTION AND DISPOSAL:

Record updated semiannually. Outdated paper record is destroyed by reducing to pulp. Magnetic tapes are degaussed. OTRTEST subsect updated weekly. Magnetic disk record is permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Training and Education, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the **Federal Register** (32 CFR 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the **Federal Register**.

RECORD SOURCE CATEGORIES:

Employees and within the OTRTEST subset, only, employee and applicant's Social Security number.

[FR Doc. 81–24843 Filed 8–25–81; 8:45 am]

BILLING CODE 5310–02–M

DEPARTMENT OF COMMERCE

International Trade Administration

Computer Systems, Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions invovling (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place: September 16, 1981 at 1:00 p.m. The meeting will take place at the Main Commerce Building, Room 3836, 14th Street and Constitution Ave., N.W., Washington, D.C.

Agenda: General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Report on the current work program of the subcommittees:

(a) Technology Transfer;

(b) Foreign Availability;

(c) Hardware; and

(d) Licensing Procedures.

Executive Session:

(4) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: August 20, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-24868 Filed 8-25-81; 8:45 am]

BILLING CODE 3510-25-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

Time and Place: September 15, 1981, at 1:30 p.m. The meeting will take place at the Main Commerce Building, Room 3836, 14th Street and Constitution Ave., N.W., Washington, D.C.

Agenda: General Session

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of suggestions from the Subcommittee members regarding the approach to be taken by the Department of Commerce for Foreign availability consideration.

(4) Discussion of the agenda for the remainder of the year.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: August 21, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-24869 Filed 8-25-81; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

Time and Place

September 16, 1981, at 9:00 a.m. The meeting will take place at the Main Commerce Building, Room 3836, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Agenda

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of the definitions in IL 1565.

Executive Session

(4) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C.

552b(c)(1) and properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 20, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-24870 Filed 8-25-81; 8:45 am]

BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

Time and Place

September 15, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3104, 14th Street and Constitution Ave., N.W., Washington, D.C.

Agenda

General Session

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Pending items of business.

a. Tech Data—Software revisions in the regulations.

b. Review of the Computer System Parameters form (ITA-6031P).

c. Licensing by precedent.

d. Other pending items, a review by the Chairman.

(4) Advanced computer definition, according to the Distribution License provisions.

(5) Reexport control; June 27, 1981 revision of the OEA regulations.

Public Participation

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: August 21, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-24871 Filed 8-25-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

U.S. Army Ad Hoc Cost Discipline Advisory Committee; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of Committee: U.S. Army Ad Hoc Cost Discipline Advisory Committee
Date of Meeting: September 16–17, 1981
Place: Room 2E867A, Pentagon, Washington, D.C.
Time: 0900–1700 each day
Proposed Agenda:
Phase I—Where we are and what we have done.

- Background and history of cost growth in the Army
- Some things that have contributed to the problem
- Review several systems in detail to track those changes that drove cost
- Corrective actions that have been started
- Overview of previous study results
- Scope of issues to follow

Phase II—Things we are doing today

- Discussion of program management control and information reporting
- Transition problems from R&D to production
- Interface and control procedures in field-user-developer requirements loop
- Program cost control system

Phase III—Things we should be doing—where we should go

- Framing of specific issues for committee review

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Persons desiring to attend, appear before, or file statements with the committee should contact Mary Minor, (202) 694–1264.

Jack E. Hobbs,

Executive Director, Cost Discipline Advisory Committee.

[FR Doc. 81-24807 Filed 8-25-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

National Waterways Study Recommended Plan for the Waterways and Ports of the United States; Intent To Prepare a Draft Environmental Statement

AGENCY: Army Corps of Engineers, Department of Defense.

ACTION: Notice of Intent to Prepare a Draft Programmatic Environmental Impact Statement (DPEIS).

SUMMARY:

In the matter of Intent to Prepare a Draft Programmatic Environmental Impact Statement (DPEIS) for the National Waterways Study Recommended Plan for the Waterways and Ports of the United States. This is a national management study of navigation needs on the U.S. Waterways transportation system to the year 2003.

1. The National Waterways Study is an analysis of the national water transportation system which:

a. Describes current traffic and facilities;

b. Projects future potential traffic by commodity types and routes; and

c. Identifies capacity shortfalls, structural obsolescence and safety hazards by location and cause.

The study is a strategic analysis of four broad management options and a recommended composite which the Congress may consider in the setting of national water transportation policy to the turn of the century. The study makes no recommendations for construction authorization. It recommends solely for feasibility study the set of project-level actions entailed in the recommended management program.

2. The general management alternatives or strategies that were considered are as follows:

a. Continue present trends in waterways investment with fixed real budgets;

b. Refocus present resources on the present system;

c. Refocus expanded resources on the present system;

d. Improve the waterway system;

e. Composite management strategy comprised of potentially feasible actions necessary to support a set of national objectives of economic growth; energy self sufficiency; export enhancement and national defense and security. This composite strategy, in order to meet these objectives, was established to:

(1) Avoid physical shortfalls in lock capacities;

(2) Avoid functional obsolescence of active service structures;

(3) Avert deterioration of private water carrier operating efficiency;

(4) Avoid deterioration of safety due to increased traffic; and

(5) Enhance the national defense transportation capability

3. An extensive and continuous public involvement program has been sustained throughout the study process. Lists of publications, public meetings, progress briefings, and attendees or participants in all participatory activities are available upon request from the Study Director.

4. Significant issues to be described and discussed in the tiered DPEIS include beneficial and adverse effects of safety actions, actions to increase lock capacity and actions to reduce linehaul costs as these might eventually be considered after duly completed feasibility studies at a site-specific level in the future.

5. The scoping process has been a part of the intensive ongoing public participation and coordination programs.

6. The DPEIS is expected to be available to the public in October 1981.

7. Questions about the study recommendations and intended DPEIS will be answered by Mrs. Arlene Dietz, Institute for Water Resources, Water Resources Support Center, U.S. Army Corps of Engineers, Kingman Building, Fort Belvoir, Virginia, 22060. Mrs. Dietz's telephone number is (202) 325–7141.

Maximilian Imhoff,

Colonel, Corps of Engineers, Commander and Director.

[FR Doc. 81–24840 Filed 8–25–81; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary Advisory Group on Electron Devices, Working Group A; Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on September 24 and 25, 1981 at the Advisory Group on Electron Devices, 201 Varick Street, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: August 21, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc.81–24879 Filed 8–25–81; 8:45 am]

BILLING CODE 3810-01-M

Advisory Group on Electron Devices, Working Group B; Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on October 15, 1981, at the AGED, 1925 N. Lynn Street, Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified programs details throughout.

In accordance with 5 U.S.C. App 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: August 21, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc.81–24880 Filed 8–25–81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Title IV of the Elementary and Secondary Education Act; Notice of Intent To Waive a Statutory Requirement for the Commonwealth of the Northern Mariana Islands

AGENCY: Department of Education.

ACTION: Notice of Intent.

SUMMARY: Notice is given that, under Section 1003(a) of the Elementary and Secondary Education Act of 1965 (ESEA), the Secretary intends to waive the applicability of a Title IV ESEA, requirement pertaining to the Commonwealth of the Northern Mariana Islands.

DATES: Effective Date: The proposed waiver will not be granted until at least 30 days after publication of this notice in the Federal Register. All comments must be received on or before September 25, 1981.

ADDRESS: Submit written comments to Mr. Allen J. King, Acting Director, Division of State Educational Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 3010, ROB–3), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Allen J. King, Telephone: (202) 245–2592.

SUPPLEMENTARY INFORMATION:

A. Authority for Granting a Waiver

The Elementary and Secondary Education Act of 1965 (ESEA) was amended by the Education Amendments of 1978 (Pub. L. 95–561), to authorize the Secretary to waive certain ESEA requirements for the Commonwealth of the Northern Mariana Islands. In particular, Section 1003(a)(1) of the Act states "(i) if the (Secretary) determines that compliance with any of the requirements of this Act by * * * the Northern Mariana Islands * * * is

impractical or inappropriate because of conditions or circumstances particular to (the Northern Mariana Islands), he may waive any of those requirements upon the request of (its) State educational agency * * *."

B. Waiver Request

On April 8, 1981, the Acting Superintendent of Education of the Commonwealth of the Northern Mariana Islands requested the Secretary to waive the applicability of the Title IV, ESEA requirement in Section 432(b) of ESEA, 20 U.S.C. 3112(b).

This section requires that each jurisdiction participating in Title IV, ESEA allocate for activities "for improved school management and the coordinated use in schools of all available resources: (i)n fiscal year 1981 and in each succeeding fiscal year, not less than 10 percent of any amount by which the amount available for (Title IV, Part C, ESEA) in such year exceeds the amount so available in fiscal year 1979."

The April 8, 1981 waiver request describes why the Title IV, ESEA requirement that the Commonwealth of the Northern Mariana Islands establish a large set-aside for projects for improved school management and the coordinated use in schools of all available resources is impractical or inappropriate in light of conditions in the Northern Marianas. In general, the request is based on the very large increase in Title IV, Part C, ESEA, funds available to the Northern Marianas from the consolidation of grants under the provisions of Pub. L. 95–134, which caused the set-aside to be too large for the needs of the Northern Mariana Islands.

In fiscal year 1979 the Commonwealth of the Northern Mariana Islands received a grant of $43,067 for Title IV, Part C, ESEA. In fiscal year 1981, after consolidating all eligible grants from the U.S. Department of Education into three programs, the Northern Marianas received a grant of $1,256,230 for Title IV, Part C, ESEA, or an increase of $1,213,163. Thus the mandatory set-aside for improved school management for fiscal year 1981 is $121,316.

The purpose of the set-aside—the coordinated use in schools of all available resources—is not one that would require an annual expenditure of over $121,000 in this jurisdiction. The Commonwealth of the Northern Mariana Islands is both a State and a local educational agency. There is a school population in both public and private schools of approximately 5,100 students. There are only 14 public schools. The three remotest islands each have a one-room school for grades 1 through 7. Principals of all but the remotest schools can contact by telephone, or in person, the State educational agency staff, or the Superintendent, daily to coordinate resource use. Central office decisions are easily made for 14 schools.

In light of these facts, the requirement imposed by Section 432(b) of Title IV, ESEA, is impractical and inappropriate for the Commonwealth of the Northern Mariana Islands to implement.

C. Notice of the Secretary's Intent To Grant a Waiver

Section 1003(a)(1) of the ESEA requires that at least 30 days prior to approving such a request for a waiver, the Secretary shall "publish in the **Federal Register** a notice of his intent to grant such a waiver and the terms and conditions upon which such a waiver will be granted."

In accordance with this requirement, notice is hereby given that the Secretary intends to waive the requirement contained in Section 432(b) of Title IV, ESEA. If granted, this waiver would apply to funds received by the Northern Mariana Islands in fiscal years 1981 and 1982. As a condition, the Secretary is requiring a plan for the management of the Title IV, Part C, ESEA funds, as provided in Section 1003(a)(2) of the ESEA. This plan was contained in the April 8, 1981 waiver request.

D. Opportunity for Public Comment

Public comment is invited on this notice of intent to waive certain Title IV, ESEA requirements for the Commonwealth of the Northern Mariana Islands. Interested persons may send written comments to Mr. Allen J. King at the address at the beginning of this notice. All comments must be received on or before September 25, 1981. All comments will be considered before a final determination is made regarding this waiver request.

Dated: August 21, 1981.

(Catalog of Federal Domestic Assistance No. 84.036, Improvement in Local Educational Practices)

William C. Clohan,

Acting Secretary of Education.

[FR Doc. 81–24947 Filed 8–25–81; 8:45 am]

BILLING CODE 4000–01–M

Notice of Intent To Waive Applicability of Certain Title IV and Title V Elementary and Secondary Education Act Requirements for the Trust Territory of the Pacific Islands

AGENCY: Department of Education.

ACTION: Notice of intent.

SUMMARY: The Secretary gives notice of intent to grant the Trust Territory of the Pacific Islands a second waiver from statutory requirements related to its State plan. The waiver would continue to relieve the Trust Territory of the obligation to submit under its State plan a comprehensive design for the coordination of Federal and State funds for training educational personnel. The Secretary has determined that, because of circumstances particular to the Trust Territory, it would be inappropriate and impractical to implement these statutory requirements. This notice of intent provides advance notification of 30 days, as required by law.

DATES: Effective Date: The proposed waiver will not be granted until at least 30 days after publication of this notice in the **Federal Register**. All comments must be received on or before September 25, 1981.

ADDRESS: Submit written comments to Mr. Allen J. King, Acting Director Division of State Educational Assistance, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3010, ROB–3) Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Allen J. King, telephone: (202) 245–2592.

SUPPLEMENTARY INFORMATION:

Authority for Granting a Waiver

Section 1003(a)(1) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Education Amendments of 1978 (Pub. L. 95–561) and renumbered by Pub. L. No. 96–46, authorizes the Secretary to waive ESEA requirements for the Trust Territory of the Pacific Islands if he determines that compliance with any of the requirements of the ESEA is impractical or inappropriate because of conditions or circumstances particular to the Trust Territory.

Previous Waiver Granted

On October 23, 1980, a Notice of Intent to waive certain Title IV and Title V, ESEA requirements for the Trust Territory of the Pacific Islands was published in the **Federal Register** (45 FR 70304). The specific requirements involved relate to the comprehensive plans for the coordination of Federal and State funds for training activities for educational personnel that are required to be developed and implemented under the State plan. The Secretary granted the waiver effective until June 30, 1981, in expectation of the imminent dissolution of the Trust Territory.

Delay in Dissolution of the Trust Territory

The dissolution did not occur before July 1, 1981, as originally anticipated, and the reason for seeking the original waiver still exists. Consequently, on May 7, 1981, the Acting Chief of the Office of Education of the Trust Territory requested the Secretary to extend the waiver.

Since January 1980, the Trust Territory Government has continued its phase-out activities, and virtually all Territory-wide functions have been transferred to the three entities—the government of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. Each entity is struggling to establish and strengthen its own governmental operating and system of social services, including education. In any event, there is no vehicle for cross-entity coordination, and it would be extremely difficult for the coordination requirement to be met. Consequently, the Secretary has determined that the statutory requirements are inappropriate and impractical for the Trust Territory Office of Education, serving as a State educational agency to implement.

Notice of the Secretary's Intent to Grant a Waiver

The statute requires that at least 30 days prior to the approval of a request for waiver, the Secretary shall "publish in the **Federal Register** a notice of his intent to grant such a waiver and the terms and conditions upon which such a waiver will be granted." The Secretary gives notice that he intends to grant a second waiver of the ESEA requirements for the Trust Territory of the Pacific Islands effective through June 30, 1982. Because of the very limited nature of the proposed waiver and the unique circumstances which justify the waiver, the Secretary does not believe that it is appropriate or necessary to attach any additional terms or conditions to the waiver.

Opportunity for Public Comment

Public comment is invited on this notice of intent. Interested persons may send written comments to Mr. Allen J. King at the address provided at the beginning of this notice. All comments received on or before September 25, 1981, will be considered before a final determination is made by the Secretary regarding this waiver request.

Dated: August 21, 1981.

(Catalog of Federal Domestic Assistance No. 84.043, Strengthening State Educational Agency Management; 84.083, Instructional Materials and School Library Resources; and 84.089, Improvement in Local Educational Practices)

William C. Clohan,

Acting Secretary of Education.

[FR Doc. 81-24948 Filed 8-25-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-81-017; ERA Case No. 65031-9208-21-22]

City of North Little Rock Electric Department; Acceptance of Petition for Exemption

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Acceptance of Petition for Exemption Pursuant to the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On July 13, 1981, the City of North Little Rock Electric Department (NLRED) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in new powerplants. A final rule setting forth the procedure for petitioning and the criteria for an exemption was published in the **Federal Register** on June 6, 1980 (45 FR 38276 and 45 FR 38302), 10 CFR Part 500. This rule became effective August 5, 1980.

The peakload powerplant for which the petition was filed is an oil- and/or natural gas-fired 39,055 kilowatt combustion turbine unit to be installed as NLRED's generating plant at North Little Rock, Arkansas. NLRED certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant. Under 10 CFR 503.41, NLRED has requested a permanent exemption to permit construction of the unit and operation using oil and/or natural gas a primary energy source. ERA's decision in this matter will determine whether the proposed powerplant qualifies for the requested exemption.

ERA has accepted this petition pursuant to 10 CFR 501.3 and 501.63. In accordance with § 701 (c) and (d) of FUA, and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before October 13, 1981. A request for public hearing must be made by any interested person within this same 45 day period.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Economic Regulatory Administration, Case Control Unit (FUA), Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461.

Docket Number ERA-FC-81-017 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055;

Louis T. Krezanosky, New Powerplants Branch, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3012B, Washington, D.C. 20461, Phone (202) 653-4208;

Christina Simmons, Office of General Counsel, Department of Energy, 6B-178 Forrestal Bldg., 1000 Independence Avenue, N.W., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. NLRED has filed a petition for a permanent peakload powerplant exemption to use petroleum or natural gas as a primary energy source in its proposed CT Unit No. 1 combustion turbine. The unit will have a fuel heat input rate of 436 MM Btu per hour at peak capacity.

To qualify for a peakload powerplant exemption under 10 CFR 503.41, a petitioner must certify to ERA that the powerplant will be operated solely as a peakload powerplant and to meet peakload demand for the life of the powerplant.

NLRED submitted a certified statement by a duly authorized officer, Mr. Robert E. Hogan, Manager of NLRED, to the effect that the proposed oil-and/or gas-fired combustion turbine will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant.

Mr. Hogan also certified that the maximum design capacity of the powerplant is 39,055 kilowatts and that

the maximum generation that will be allowed during any 12-month period is the design capacity times 1,500 hours or 58,582,500 kwh.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). The grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for peakload powerplants, is among the classes of actions that DOE, pursuant to the guidelines, has proposed be categorically excluded from the requirement to prepare an Environmental Impact Statement pursuant to NEPA. This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. NLRED has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. DOE's Office of Environment, in consultation with the Office of the General Counsel, will review the completed Environmental checklist submitted by NLRED pursuant to 10 CFR 503.15(b)(2) together with other relevant information. Unless it appears during the proceeding on NLRED's exemption that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

ERA hereby accepts the filing of the petition for a permanent peakload exemption as adequate for filing. ERA retains the right to request additional relevant information from NLRED at any time during the pendency of this proceeding. As set forth in 10 CFR 501.3(d), the acceptance of the petition by ERA does not constitute a determination that NLRED is entitled to the exemption requested.

The public file containing documents on these proceedings and supporting material is available for inspection upon request at: ERA, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on August 18, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–24806 Filed 8–25–81; 8:45 am]

BILLING CODE 6450–01–M

Office of the Secretary

Interagency Coal Export Task Force; Final Results

AGENCY: Office of Fossil Energy Programs, DOE.

ACTION: Notice of final results of the interagency coal export task force.

SUMMARY: In response to a presidential request, the Department of Energy and 13 other departments and agencies participated in the Interagency Coal Export Task Force (ICE) to determine what the Federal Government's role should be in promoting coal exports. The task force was formed in the spring of 1980. In its six months of existence, it undertook a number of related activities including the assembly of existing data and the development of significant new information regarding the international coal market. In January, 1981 the task force published a draft report for public comment. The Department of Energy received 52 written comments on the report.

Although the comments addressed several areas worthy of continual concern, they did not indicate a need for an updated report. This **Federal Register** notice, therefore, constitutes the final activity of the ICE task force.

Persons interested in reviewing the 52 individual summaries can do so the DOE Freedom of Information Office located in Room 1E–090 of the Forrestal Building in Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Mario Cardullo, Acting Director, Office of Energy Supply, Transportation and Coal Export, Office of Fossil Energy Programs, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 633–8959.

SUPPLEMENTARY INFORMATION: The draft report received mixed reviews concerning the projected coal export volumes contained in the report. Most comments suggested that two dominant factors will affect growth in U.S. coal exports. These two factors are price and dependability of supply. In this regard, most comments stressed that the U.S. should develop and pursue a coherent policy in support of coal exports or run the risk of losing a large share of the market to other coal-producing nations. The need to separate metallurgical and steam coal was often cited as necessary in order to project future demands, and to assess the adequacy of harbor and inland transportation systems.

Port dredging was another common issue. Seven out of nine responses on port dredging depths stated that dredging depths of at least 55 feet would be necessary if the United States is to accommodate the larger, more competitive coal carriers expected to take over a percentage of the world coal trade in the 1980's. Nine out of ten comments on this issue maintained that dredging costs should be borne by the Federal Government. There was some support for user fees with the cost borne by all commodity port users. Seven of the respondents suggested that alternatives to port dredging should be studied. These alternatives include slurry, hydraulic transport of course coal, conveyors, use of shallow draft ocean-going barges, using "topping-off" ships, and locating loading facilities at an offshore (our of port) location. Three respondents mentioned the importance of dealing with the environmental concerns of dredge disposal and three respondents felt that port site selection should not be mandated federally.

Most of the comments dealing with land-side port development reflected the beliefs that: (1) financing could and should be handled by private enterprise; (2) port development should be fast tracked, and; (3) small producers should have access to terminals owned by larger producers.

Several comments noted the failure of the report to consider the role of the Great Lakes/St. Lawrence Seaway in coal export trade. The DOE Office of Energy Supply, Transportation and Coal Export, however, has made this one of its major issues for investigation.

Of the 17 responses that comment on the permitting and reviewing process, 16 indicated the need to streamline the permitting and review process. DOE together with other Federal agencies will actively pursue means by which the review and permitting process can be accelerated.

The study and utilization of coal slurry pipelines was endorsed by energy producers and opposed by the railroads. Of six comments that mentioned U.S. flagships, five called for developing methods of utilizing these ships in the movement of coal exports.

Other areas mentioned by the respondents include encouragement of foreign investors in financing port development and upgrading the transportation infrastructure. Four of five respondents who commented on the issue favored Federal financing for transportation infrastructure

improvements such as coal haul roads and grade crossings.

August 20, 1981.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

[FR Doc. 81-24850 Filed 8-25-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL-1911-3]

Control Techniques Document; Assessment and Control of Chrysotile Asbestos Emissions From Unpaved Roads

AGENCY: Environmental Protection Agency (EPA).

ACTION: Availability of Control Techniques Document.

SUMMARY: A control techniques document entitled "Assessment and Control of Chrysotile Asbestos Emissions from Unpaved Roads" has been published by EPA. This informational document has been prepared to assist local, State, and Federal agencies responsible for construction and maintenance of unpaved roads surfaced with crushed serpentinite rock or constructed on serpentinite outcrops to assess potential chrysotile asbestos emissions generated by vehicular traffic and to determine appropriate controls for these emissions.

DATE: This control techniques document will be available to the public by August 26, 1981.

CONTROL TECHNIQUES DOCUMENT: Copies of this document may be obtained through the National Technical Information Service, Springfield, Virginia 22161.

FOR FURTHER INFORMATION CONTACT: Mr. Gilbert H. Wood; (919) 541-5595; Emission Standards and Engineering Division (MD-13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The relationship of airborne asbestos fibers to human disease, specifically pulmonary fibrosis, carcinoma, and pleural mesothelioma, is well documented. However, the quantification of the health risk associated with exposure to specific airborne concentrations, fiber dimensions, and chemical composition of the fibers is inexact. Researchers have been unable to determine if there is a safe level of exposure below which asbestos-induced cancer will not occur. Consequently, EPA believes that exposure to airborne asbestos should be reduced to the greatest extent feasible. Chrysotile is one of the six types of asbestos. An asbestos national emission standard for hazardous air pollutants (NESHAP) currently exists for control of all commercial asbestos emissions sources. (See 40 CFR, Part 61, Subpart B.)

In early 1977, EPA tests indicated that dust sieved from the crushed stone produced by a Rockville, Maryland, serpentinite rock quarry contained from 0.25 to 0.70 weight percent chrysotile asbestos. Analyses of air samples taken near several sites in Montgomery County, Maryland, where unbound crushed serpentinite rock from this quarry was in use, revealed ambient air concentrations of chrysotile asbestos as high as 17 million fibers per cubic meter and 6400 nanograms per cubic meter, depending on distance from the road and prevailing traffic conditions. These fiber mass concentrations are as much as 1000 times higher than those usually found in urban and metropolitan areas.

Based on these analyses, EPA recommended that the State of Maryland and Montgomery County act to control asbestos emissions from sites at which crushed serpentinite rock was used and subject to abrasion. The Montgomery County government responded by paving all unpaved roads surfaced with crushed serpentinite rock (92 miles of roads) and by removing or covering all such stone in playgrounds or parks.

An analysis of geological survey maps prepared by the United States Geological Survey indicated that the Rockville, Maryland, rock quarry and a number of other rock quarries in the United States, produce crushed stone from serpentinite rock deposits. Geologists agree that most serpentinite rock deposits contain at least a small percentage of chrysotile asbestos. This led EPA to believe that a number of crushed stone plants in the United States may be producing chrysotile asbestos-containing crushed stone similar to that produced by the Rockville, Maryland, rock quarry. Other types of rock deposits may contain other types of asbestos; however, the correlation between other rock types and the presence of other types of asbestos is not as clear.

On November 10, 1977, EPA published in the **Federal Register** an Advance Notice of proposed Rulemaking regarding the development of a chrysotile asbestos standard for the production and use of crushed stone. In this notice, EPA announced the beginning of a study to determine the extent of the problem of chrysotile asbestos emissions that may exist from the use of crushed stone produced from serpentinite rock. The purpose of the study was to determine whether a Federal standard to limit chrysotile asbestos emissions from this source was warranted.

This study has been concluded. Only 12 private quarries in the United States produce crushed stone from serpentinite rock. The chrysotile content of the stone from these quarries ranges from trace amounts to 2.7 percent by weight. Crushed serpentinite rock from five of these quarries is used to maintain about 400 miles of unpaved county roads in California, Virginia, North Carolina, and Maryland. An estimated 6,500 people reside within approximately 200 feet of these roads. Serpentinite rock from the remaining seven quarries is not used for surfacing unpaved roads.

Federal agencies reported approximately 30 quarries, located on Federal lands in California and Oregon, which produce crushed serpentinite rock on an intermittent basis. Production from any of these quarries depends upon relocation of portable crushing plants in order to be near specific surfacing projects. This stone is used primarily to maintain about 300 miles of logging roads on Federal forest lands. In the same general vicinities, approximately 1,000 miles of unpaved roads have been constructed over natural outcroppings of serpentinite rock deposits. Both types of unpaved roads, those surfaced with crushed serpentinite rock and those constructed on natural outcroppings of serpentinite rock, have a low usage rate, principally related to timber harvesting. A massive outcropping of serpentinite rock also occurs in San Benito County, California, where a 43,000 acre Federal recreation area is maintained by the Bureau of Land Management (BLM).

The United States Department of Agriculture's Forest Service (USFS) and BLM are in the process of assessing the situations in their respective areas and determining the most appropriate methods of control. For example, the BLM has prepared a draft environmental assessment and will conduct a series of public hearings this summer.

In order to assess chrysotile asbestos emissions from unpaved roads surfaced with crushed serpentinite stone, EPA conducted an extensive air quality sampling program. Air samples were also collected downwind of two serpentinite rock quarries. Analyses of the samples indicate that chrysotile concentrations downwind of unpaved roads surfaced with crushed serpentinite rock (containing less than one percent chrysotile) are significantly higher statistically than upwind

concentrations when light to moderate traffic occurs along the roadway. However, the data indicate that quarrying operations conducted in serpentinite rock deposits do not substantially raise ambient chrysotile asbestos levels when normal particulate matter controls are utilized.

Since chrysotile asbestos is a proven carcinogen with no known threshold of risk-free exposure, EPA believes that control of chrysotile asbestos emissions from unpaved roads, either constructed on serpentinite rock deposits or surfaced with crushed serpentinite rock, is prudent and should be reduced to the lowest practical extent. The results of the EPA study cited above, however, indicate that chrysotile asbestos emissions from unpaved roads surfaced with crushed serpentinite rock are limited to a few locations in the United States and may affect a very small segment of the general population. The level of chrysotile asbestos emissions as well as the most appropriate method to control these emissions varies with location. As a result, EPA believes that the local, State, and Federal agencies that maintain these roads are in the best position to assess the problem in detail and implement appropriate measures to reduce specific local chrysotile asbestos emissions.

To assist these agencies, EPA has developed a control techniques document to inform officials about the potential for chrysotile asbestos emissions from unpaved roads surfaced with crushed serpentinite rock and to provide information concerning various control techniques. The document also discusses the health effects of chrysotile asbestos inhalation, results of an extensive air quality sampling program carried out by EPA, and EPA's recommendations for controlling emissions of chrysotile asbestos from unpaved roads constructed on serpentinite rock or surfaced with crushed serpentinite rock.

Under Executive Order 12291, EPA must judge whether a regulation or rule is "major" or "minor." If "major," the regulation or rule is subject to a Regulatory Impact Analysis. Although the control techniques document entitled, "Assessment and Control of Chrysotile Asbestos Emissions from Unpaved Roads" is not actually a binding regulation issued under the authority of the Clean Air Act, the Executive Order 12291 definition of regulation or rule may include this document due to the document's general interpretations of EPA policy regarding control of asbestos and descriptions of EPA general procedures. In any case, the document would be considered "minor."

This **Federal Register** notice and copies of the control techniques document were submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: August 7, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-24835 Filed 8-25-81; 8:45 am]

BILLING CODE 6560-26-M

[FRL 1911-7]

Extension of Time to Consider Application for a Fuel Waiver

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice extends, by 30 days, the time for the Administrator to act on an application for a fuel waiver submitted by Anafuel Unlimited.

FOR FURTHER INFORMATION CONTACT: Thomas E. Moore, Attorney-Advisor, Field Operations and Support Division (EN-397), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Telephone number (202) 472-9367.

SUPPLEMENTARY INFORMATION: On February 20, 1981, EPA received from Anafeul Unlimited (Anafuel) an application for waiver of the prohibitions in section 211(f)(1) of the Clean Air Act (Act), 42 U.S.C. 7545(f)(1), for "Petrocoal," a fuel consisting of unleaded gasoline, up to 12 percent (by volume) methanol, and other substances. *See* 46 FR 21695 (April 13, 1981). Under section 211(f)(4) of the Act, the 180-day period for the Administrator to grant or deny the waiver expires August 19, 1981.

The Office of Management and Budget has requested additional time to review EPA's proposed action under Executive Order 12291. Anafuel and EPA have therefore agreed to extend the 180-day period by an additional 30 days, until September 18, 1981. Anafuel's letter addressing the extension has been placed in the public docket for the application. The docket, EN-81-8, is located at the Central Docket Section (A-130) of the Environmental Protection Agency, Gallery I—West Tower, 401 M Street, S.W., Washington, D.C. 20460, and is available for inspection between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

If additional information is provided to EPA during the 30-day extension bearing upon Anafuel's application, it will be placed in the docket, as well.

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-24834 Filed 8-25-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL HOME LOAN BANK BOARD

[No. 81-483]

Privacy Act of 1974: Establishment of New Records System

AGENCY: Federal Home Loan Bank Board.

ACTION: Final action establishing new record system.

SUMMARY: The Board has established a new system of records to permit access and indexing to records collected by the Board's Office of Internal Evaluation and Compliance. The records will contain information related either to alleged irregularities including possible fraud and waste, or to alleged criminal misconduct.

EFFECTIVE DATE: August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Gordon, Office of Internal Evaluation and Compliance, Federal Home Loan Bank Board. Telephone number: (202) 377-6191.

SUPPLEMENTAL INFORMATION: By March 24, 1981, Resolution No. 81-174 March 24, 1981, (46 FR 19599, dated March 31, 1981), the Board proposed the establishment of a records system for the Office of Internal Evaluation and Compliance. No comments have been received relating to this proposal. After consideration of this matter, the Board has determined to establish the record system as proposed.

Accordingly, the Board hereby establishes a record system for the Office of Internal Evaluation and Compliance; as set forth below.

SYSTEM NAME:

Investigation files.

SYSTEM LOCATION:

Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Bank Board under investigation and such other persons involved in Bank System and FSLIC operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information concerning investigation of alleged irregularities in the operations of the Federal Home Loan Bank Board, the FSLIC, and FHLBs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. A record from a system of records maintained by this agency may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from a system of records maintained by this agency may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other beneift by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision.

4. Disclosures may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents in file folders.

RETRIEVABILITY:

Filed by name of person under investigation and by case number.

SAFEGUARDS:

Records are maintained in locked file cabinets in secured rooms with access limited to those persons whose duties, as approved by the Director, require access.

RETENTION AND DISPOSAL:

Retained in office for 1 year after administrative closing of file. Retained by Record Center for 14 additional years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Internal Evaluation and Compliance, 1700 G Street, N.W., Washington, D.C. 20552.

NOTIFICATION PROCEDURE:

Inquiries concerning the records shall be made to the system manager.

RECORDS ACCESS PROCEDURES:

Persons wishing to have access to their records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a brief resume or description of the information thought to be included in the record, a statement setting forth the desired access or changes, and the reasons for such changes.

CONTESTING RECORD PROCEDURES:

See access procedures.

RECORD SOURCE CATEGORIES:

Subject individuals, employees and officers of the Board and the FHLB's, employees and officers of insured S&LAs, and borrowers and other persons having transactions with insured S&LAs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 522a(k)(2) and (k)(5), all investigatory material in the record which meets the criteria of these sub-sections is exempt from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and section 505a.12 of the agency regulations in order for the Board's staff to perform its functions properly.

(Privacy Act of 1974, 5 U.S.C. 552a)

Dated: August 21, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-24859 Filed 8-25-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW, Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 15, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreements Nos.: T-3785-A, as amended, T-3785-3 and T-3785-4.

Filing Party: Julio A. Nolla Amado, General Counsel, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto 00936.

Summary: Agreements Nos. T-3785-A, as amended, T-3785-3 and T-3785-4, between Puerto Rico Ports Authority (Port) and International Shipping Agency, Inc. (ISA), modify the parties' basic agreement for exclusive use of mezzanine and office space and the preferential use of berth, platform, and open and warehouse space at Pier 11, San Juan.

Agreement No. T-3785-A, as amended, provides for the lease and preferential use of certain premises at the west court of the extension to Pier 12 for the parking of vans. As compensation, ISA will pay Port a minimum monthly rental of $217.69. The term of the agreement is three years.

Agreement No. T-3785-3 provides for the addition to the basic agreement of 19,072.46 square feet of space at Pier 11 for the parking of containers. As compensation, ISA will pay Port an additional monthly rental of $476.81. The term of the agreement is from date of approval through May 21, 1982.

Agreement No. T-3785-4 provides for the addition to the basic agreement of three office spaces at Pier 11. As compensation, ISA will pay Port an additional monthly rental of $120.47. The term of the agreement is from date of approval through May 21, 1982.

Agreements Nos.: T-3988 and T-3988-A.

Filing Party: Timothy Trushel, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F. Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. T-3988, between the Port of Longview (Port) and Yellowstone Sales Company and Yellowstone Molasses Services, Inc. (Yellowstone) provides for Yellowstone's exclusive right to have certain dry bulk products (enumerated in the agreement) handled through certain terminal facilities at the Port of Longview. Yellowstone will pay the Port usage charges based upon volume of tonnage moved, as set forth in the terms of the agreement. The initial term of the agreement is 10 years with renewal options for two successive additional 5-year periods.

Agreement No. T-3988-A is an operating agreement providing that the Port will maintain the facilities and will furnish all manpower and equipment necessary to handle Yellowstone's dry bulk cargoes from the time of receipt thereof at truck and rail dumps to the time of delivery of same to ships at the end of the bulk loading conveyor system and the end of the loading spout. Yellowstone's exclusive use of the facility is provided for in corresponding Agreement No. T-3988. Yellowstone will compensate the Port for these services based upon the volume of cargo handled formula set forth in the agreement. Agreement No. T-3988-A is coterminous with Agreement No. T-3988, i.e., 10 years with two 5-year renewal options.

Agreement No.: 7593-7.

Filing Party: Mr. H. G. Pouderoyen, Nedlloyd Inc., Suite 617, 5 World Trade Center, New York, New York 10048.

Summary: Agreement No. 7593-7 is a proposal by the parties to the Hoegh Lines Joint Service Agreement to add the following members to the basic agreement: Skibsaktieselskapet ALLIANCE and Skibsaktieselskapet ATLANTICA.

Agreement No.: 8260-20.

Filing Party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 8260-20 modifies the basic agreement of the Mediterranean—U.S.A. Great Lakes Westbound Freight Conference by authorizing both the conference Secretary and Counsel to execute agreement modifications on behalf of the Members.

Agreement No.: 10126-4.

Filing Party: Joseph J. Fanelli, Secretary, Florida/Curacao, Aruba & Bonaire Rate Agreement, Post Office Box 370988, Miami, Florida 33137.

Summary: Agreement No. 10126-4 modifies the basic agreement of the Florida/Curacao, Aruba & Bonaire Rate Agreement by providing that (1) service may be by direct vessel, or transshipment, by vessel or substituted barge or overland carriage; (2) member lines may discuss and establish uniform credit rules and regulations; (3) the Secretary will be responsible for filing and certifying all self-policing reports to the Commission; (4) agreement action will require a majority vote; and (5) action may be taken by telephone, telegraph poll and establishing a time requirement (72 working hours) in which to cast a vote on a proposed action.

Agreement No.: 10427.

Filing Party: Bengt I. Henriksen, President, The Woodside Consulting Group, 2925 Woodside Road, Woodside, California 94062.

Summary: Agreement No. 10427 is a proposed transshipment agreement between Aleut Alaska Shipping Co. and American President Lines, Ltd. applicable to the trade between Seattle, Washington and ports in Southwest Alaska. The agreement also permits the parties, among other things, to agree on rate levels in the trade and interchange equipment. The agreement is scheduled to remain in effect for an initial period of five years, to continue thereafter on a month to month basis until terminated by either party.

By Order of the Federal Maritime Commission.

Dated: August 19, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-24619 Filed 8-25-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-48]

Intercorp Forwarders, Ltd.—Independent Ocean Freight Forwarder License Application and Possible Violation of Section 44, Shipping Act, 1916, Order of Investigation and Hearing

Intercorp Forwarders, Ltd. (Intercorp) has filed with the Commission an application for a license as an independent ocean freight forwarder. Section 44(b) of the Shipping Act, 1916, requires that the Commission find that an applicant for a freight forwarder license is fit, willing and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules and regulations of the Commission issued thereunder in order to be granted a freight forwarder license.

As a result of an investigation of the applicant, it is apparent that Intercorp performed certain ocean freight forwarding services on at least 24 ocean freight shipments and thus engaged in activities which may constitute carrying on the business of forwarding within the meaning of section 1 of the Shipping Act, 1916. It further appears that, on many of these shipments, Intercorp inflated the charges for certain ancillary services, including inland freight and insurance charges, on its invoices to its clients, and received a share of the forwarder compensation from oceangoing common carriers for these activities. The investigation also indicates that, for three of these shipments, Intercorp may have sent false insurance invoices to its client in order to support its inflated invoices.

The alleged violations described above could, if proven, reflect adversely upon Intercorp's fitness.

In view of the above the Commission notified Intercorp, by letter dated April 27, 1981, of its intent to deny its application for a license unless the applicant requested a hearing. In a letter dated May 8, 1981, the applicant requested that he be given an opportunity to show at a hearing that such a denial was not warranted.

Now therefore it is ordered, That pursuant to sections 22, 32 and 44 (46 U.S.C. 821, 831 and 841(b)) of the Shipping Act, 1916, and § 510.8 of the Commission's General Order 4 (46 CFR

510.8), a proceeding is hereby instituted to determine:

1. Whether Intercorp violated section 44(a) of the Shipping Act, 1916, by engaging in unlicensed forwarding activities;

2. Whether civil penalties should be assessed against Intercorp, pursuant to section 32 of the Shipping Act, 1916 and Part 505.3 of the Commission's regulations (46 CFR 505.3) for violations of the Shipping Act, 1916, and, if so, the amount of any such penalty which should be imposed; and

3. Whether in light of the evidence adduced pursuant to the first issue, together with any other evidence adduced, Intercorp possesses the requisite fitness, within the meaning of section 44(b), Shipping Act, 1916, to be licensed as an independent ocean freight forwarder;

It is further ordered, That Intercorp Forwarders, Ltd., be named Respondent in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order;

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Hearings and Field Operations shall be a party to this proceeding;

It is further ordered, That notice of this Order be published in the Federal Register, and a copy be served upon all parties of record;

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record; and

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-24808 Filed 8-25-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Westinghouse Electric Corp.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Westinghouse Electric Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Siliconix Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Westinghouse. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 11, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

James A. Tobin,

Acting Secretary.

[FR Doc. 81-24844 Filed 8-25-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

National Professional Standards Review Council; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council

Date and Time: September 14, 1981 (10:00 a.m. to 5:00 p.m.); September 15, 1981 (9:00 a.m. to 1:00 p.m.)

Place: Sheraton-Palace Hotel, Ralston Room, 639 Market Street, San Francisco, California

Purpose of the Meeting

The Council was established to advise the Secretary of Health and Human Services on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. On August 28, a tentative agenda will be made available to the public.

The meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the council before, during, or after the meeting. To the extent that time permits, the Council Chairperson will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to Cleo E. Hancock, Jr., Staff Director, National Professional Standards Review Council, Health Standards and Quality Bureau, Room 4520, Health and Human Services North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-6097.

Dated: August 20, 1981.

Cleo E. Hancock, Jr.,

National Professional Standards Review Council.

[FR Doc. 81-24876 Filed 8-25-81; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

State of California; Call for Applications for Wind Energy Development in the San Gorgonio Pass

The San Gorgonio Pass area located in Southern California approximately eight (8) miles northwest of Palm Springs has been identified as one of the most promising wind energy development locations in California. In response to applications filed by private and public interests to develop the wind resource, the Bureau of Land Management (BLM) and the County of Riverside have entered into a joint Memorandum of Understanding to prepare an environmental document (EIR/EIS) assessing the impacts of development within the 200 square mile area.

The objectives of the Bureau are to:

(1) Ensure timely and orderly development of this important resource in a manner compatible with the use of the public lands for other purposes;

(2) Assure that wind exploration, development and production is conducted with maximum protection of the environment, and;

(3) Assure the public a fair return for the use of public lands and the use of its renewable resources.

To assist the Director of the BLM in carrying out these objectives and pursuant to Pub. L. 94–579, Title V of the Federal Land Policy and Management Act of 1976 (FLPMA), and 43 CFR Part 2800, requests for applications in addition to those already filed, are now being solicited from interested individuals for the next 60 days for possible granting of rights-of-way for power generating facilities on public lands.

Description of the Area

Applications will be considered within the area shown on the San Gorgonio Pass Wind Study Map available at the BLM California State Office, Sacramento, California. Public lands contained within the study area include: All or portions of Sections 15–36 inclusive, T.2S., R.3E. San Bernardino Meridian (SBM); Sections 2, 4, 10, 12, 14, 18, 20, 22, and 24, T.3S., R.3E., SBM; Sections 8, 10, 14, and 18, T.2S., R.4E., SBM; Sections 4, 18, 20, 22, 28, 30, 32, and 34, T.3S., R.4E., SBM; Section 34, T.2S., R5E., SBM; Sections 2, 24, 26, 28, 30, 32, and 34, T.3S., R.5E., SBM; Sections 30 and 32, T.3S., R.6E., SBM; Section 6, T.4S., R.6E., SBM.

Right-of-Way Applications

Applications must be submitted not later than 60 days from the date of this notice. No other applications will be accepted after this date for inclusion in the EIR/EIS. In accordance with 43 CFR Part 2800, Rights-of-Way Principles and Procedures, applicants will furnish BLM a project description detailing what is being proposed and the time period involved; a legal description of lands you wish to apply for with a map showing their location; a non-refundable check to cover processing fees as explained in part 2803.1–1; and a copy of the company's charter or articles of incorporation certified by the State. The project description shall be in sufficient detail to enable the authorized officer to determine:

(1) Its impact to the environment,

(2) Any benefits provided to the public,

(3) Safety of the proposal, and

(4) The specific public lands proposed to be occupied.

The EIR/EIS will be funded by the Bureau through appropriated funds.

To accomplish the above and to ensure that applications will be properly analyzed on both a site-specific and regional (cumulative) basis for the EIR/EIS, the project description accompanying the application must include all of the information provided below:

Project Description

1. Applicant
2. Contact—include phone number of project coordinator and engineer:
3. Manufacturer:
4. Location—include a legal description, acreage compilation, and map for all public lands under application. Also indicate Indian lands and private or State lands which you have or may be applying for and the status of these applications, i.e., have lease arrangements been completed?
5. Wind Machine Model—if more than one machine is under consideration for deployment include specifications for all types. Describe under what conditions one type of machine would be used over another.
6. Physical Specifications:

Total height.
Tower height.
Rotor diameter.
Total weight.
Weight of blades.
Foundation construction (width, depth and height).
Material specifications including weight of foundation.
Tower construction—materials and components.
Blade construction—materials and components.
Structure designs for the tower and foundation should be supplied.

7. Performance Specifications:

Rotation speed (rotor RPM).
Speed of blade tips.
Power output.
Cut-in speed.
Noise generation.
Cut-out speed.
Rated wind speed.
Rotor orientation.
Generator RPM.
Generator type.
Gear box step-up ratio.
Gear box type.

8. Projected Annual Production:

Output based on annual average wind speed.

9. Additional Information:

Rotor, hardward specification, i.e., type, size.
Alternator, hardware specification, i.e., type, size.

10. Brake System:

Type.

11. Control Functions:

Automatic yaw.
Failsafe brake application and release.
Alternator voltage and phasing.
Circuit breakers for overcurrent control.

12. Variables Monitored—described your plans for monitoring the following items:

Alternator output.
Rotor speed.
Wind speed.
Wind direction.

13. Safety Features:

Electrical systems designed to comply with National Electrical Code.
Lightening protection on all circuits.
Blade throw and probability of occurrance.

14. Wind Machine Construction Activities:

Site preparation (both temporary and permanent).
Temporary use areas. Construction yards for material storage and equipment maintenance stations.
Provide security arrangements.
Equipment pads or leveled areas at each tower site to facilitate equipment operation should be identified. A table similar to that shown below can be used to summarize land areas occupied.

Summary of Land Areas Temporarily and Permanently Occupied

Units	Acres temporarily occupied	Acres permanently occupied

WTG.
Roads.
New main roads.
New spur roads.
Existing roads.
Work Areas.
Construction yards.
Other.

Wind turbine installation. Describe installation procedures. Diagrams if available should be submitted.

Construction equipment. Provide specifications of equipment (i.e., pickup, 4×4, crane 5-ton, etc. including fuel use requirements and length of service over construction schedule.

Source and type of construction material.

Clean up.

Technical and construction personnel—describe workforce requirements for construction and maintenance activities.

Show workforce schedule for construction period and source of labor supply (local or regional).

Construction schedule.

15. Operation and Maintenance:
Patrols.
Routine maintenance requirements.
Equipment needs.
Access roads.
Other.

16. Abandonment (plans for).

17. Transmission System and Substation:
Design
Construction
Operation and maintenance
Abandonment

18. Security of Facilties and Equipment:

19. Construction Costs. Provide summary costs using table below:

Construction Costs

WTG	
Transmission Lines	
Substations, transformers, switches	
Buildings and equipment	
Land and rights	
Remote control equipment	
Total	

Cost estimates for transmission lines and substations may be supplied by servicing utility.

20. Annual operation, maintenance, and replacement costs:

O&M&R Costs

WTG	
Transmission lines	
Substations, transformers, switches	
Roads	
Buildings	
Remote control equipment	
Total	

Costs for transmission lines and substations may be supplied by servicing utility.

This information must be received no later than 60 days from the date of this notice in order to facilitate prompt initiation of site-specific analysis in the environmental document.

The authorized officer shall acknowledge in writing receipt of the application. The authorized officer may require the applicant for a right-of-way grant to submit such additional information as he deems necessary for review of the application. All requests for additional information will be in writing.

Where the authorized officer determines that information supplied by the applicant is incomplete or does not conform to FLPMA or 43 CFR Part 2800 regulations the authorized officer shall notify the applicant of these deficiencies and afford the applicant an opportunity to file a correction. Where a deficiency notice has not been adequately compiled with, the authorized officer may reject the application. All applications must be submitted to the State Director, Bureau of Land Management, California State Office, 2800 Cottage Way, E–2841, Sacramento, California 95825.

Environmental Analysis and Decision Process

Applications will be evaluated and used along with all applicable resource data pursuant to the National Environmental Policy Act of 1969 to determine what public lands may be available for wind development. The environmental analysis process, through the evaluation of alternatives and their effects (environmental, social and economic) will be used as a decision tool to sort out competing uses and potential uses of the public lands. This evaluation will be coordinated with Riverside County as a joint preparer of the EIR/EIS. In the event two or more applications for wind power facilities are received for the same site and the Bureau is unable to determine which proposal best serves the public need, a procedure such as competitive bidding may be utilized. In the later case, notice of any tracts selected for competitive bidding will be published in the Federal Register stating the conditions and terms for leasing in compliance with established Departmental procedures.

Questions regarding submittal of applications should be directed to either William Payne, EIS Project Coordinator (916) 484–4541 or Joan Russell, Lands Section Chief, (916) 484–4431.

Dated: August 17, 1981.

James B. Ruch,

State Director, California State Office, Bureau of Land Management.

[FR Doc. 81–24814 Filed 8–25–81; 8:45 am]

BILLING CODE 4310–84–M

[Exchange—I–16998]

Public Lands in Bear Lake County, Idaho; Realty Action

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 14 S., R. 45 E., B.M., Idaho
Section 23: NE¼NE¼, 40 acres

In exchange for this land the Federal Government will acquire a 40-acre tract of non-Federal land in Bear Lake County from Kay and Joyce Rigby, described as follows:

T. 14 S., R. 45 E., B.M., Idaho
Section 13: SE¼SE¼, 40 acres

The purpose of the exchange is to:

1. Consolidate the public land in order to better manage it.

2. Allow authorized farming of the public land by transferring the subject parcel to a private party.

3. Provide long term benefits to the government, i.e., livestock forage, wildlife habitat.

This exchange is consistent with the Bureau's planning for the land involved and has been discussed with the Bear Lake County Commissioners. The public interest will be well served by making the exchange.

The value of the lands to be exchanged are approximately equal and money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. Both parties will reserve all minerals; only surface ownership will be exchanged.

2. Right-of-way granted to Idaho Power Company on the offered land and the Idaho Department of Highways on the selected lands will remain in effect.

Detailed information concerning the exchange, including the environmental analysis, is available for review at the Soda Springs Resource Area Office, 490

East 2nd South, Soda Springs, Idaho 83276.

For a period of 45 days interested parties may submit comments to the District Manager of the Idaho Falls District, 940 Lincoln Road, Idaho Falls, Idaho 83401. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: August 18, 1981.

O'dell A. Frandsen,

District Manager.

[FR Doc. 81-24816 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-84-M

[Exchange--I-16999]

Public Lands in Caribou County, Idaho; Realty Action

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 7 S., R. 41 E., B.M., Idaho
Sec. 34: NW¼SE¼
T. 8 S., R. 41 E., B.M., Idaho
Sec. 17: SW¼SW¼NE¼NW¼, NW¼NW¼NW¼NW¼, S½NW¼ NW¼NW¼, S½NW¼NW¼, N½NW¼SW¼NW¼NE¼SW¼NW¼, E½SE¼SW¼NW¼, W½SE¼NW¼, S½SE¼SE¼NW¼, NW¼NE¼SW¼, E½NE¼SW¼, 145 acres

In exchange for these lands the Federal Government will acquire 240 acres of non-Federal land in Caribou County from Harry Dean Ozburn described as follows:

T. 7 S., R. 40 E., B.M., Idaho
Sec. 34: E½SE¼, SE¼NE¼
Sec. 35: SW¼NW¼
T. 8 S., R. 40 E., B.M., Idaho
Sec. 3: SE¼NW¼, NE¼SW¼, 240 acres

The purpose of the exchange is to:

1. Consolidate the public land in order to better manage it.

2. Allow authorized farming of the public land by transferring the subject parcel to a private party.

3. Provide long term benefits to the government, i.e., livestock forage, wildlife habitat.

This exchange is consistent with the Bureau's planning for the land involved and has been discussed with the Caribou County Commissioners. The public interest will be well served by making the exchange.

The value of the lands to be exchanged are approximately equal and money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. Both parties will reserve all minerals; only surface ownership will be exchanged.

Detailed information concerning the exchange, including the environmental analysis, is available for review at the Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho 83276.

For a period of 45 days interested parties may submit comments to the District Manager of the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department.

Dated: August 18, 1981.

O'dell A. Frandsen,

District Manager.

[FR Doc. 81-24817 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order MT-070-8101]

Montana Off-Road Vehicle Designations

August 18, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of interim off-road vehicle designation decision.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989 and regulations contained in 43 CFR 8340. The following described lands under administration of the Bureau of Land Management are designated as limited to specified types of off-road motorized vehicle use during specified times of the year pursuant to the provisions of 43 CFR 8342.1.

The area affected by this designation is a 14-mile section of the Garnet Range Road beginning approximately 30 miles east of Missoula, Montana, at the Greenough Post Office (T. 13 N., R. 15 W., Sec. 14) and ending at the Elk Creek Road Junction (T. 12 N., R. 14 W., Sec. 1). This designation is a result of land use decisions made with public involvement in the 1972 Blackfoot Management Framework Plan. The specific limitations were arrived at and analyzed in the 1977 "Garnet Range Snowmobile Trails Management Plan," and the 1977 "Garnet Snowmobile Trails Environmental Assessment Record." This designation is published as final today. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

LIMITED DESIGNATION: Motorized vehicular travel on the Garnet Range Road from the Greenough Post Office to the Junction with the Elk Creek Road is limited to nonwheeled vehicles with over-snow capability for the period from January 1 through March 31 each year, to provide for recreation users safety and preclude use conflicts.

This designation becomes effective upon August 26, 1981 and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of this designation is available for inspection at the offices listed below.

ADDRESSES: For further information about this designation, contact either of the following Bureau of Land Management Offices:

District Manager, Butte District Office, P.O. Box 3328, 106 N. Parkmont, Industrial Park, Butte, Montana 59702
Area Manager, Garnet Resource Area Office, P.O. Box 4427, 715 Kensington, Missoula, Montana 59806

Michael J. Penfold,

State Director.

[FR Doc. 81-24818 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order MT-070-8102]

Montana Off-Road Vehicle Designations

August 18, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation decision.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public land in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR 8340. The following described lands under the administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use pursuant to the provisions of 43 CFR 8342.1.

The 954,626-acre area affected by the designation is known as the Beaverhead and Madison Planning Units, which include all public lands in Beaverhead, Madison, Deer Lodge, and Silver Bow Counties, Montana. These designations

are a result of land use decisions made in the 1979 Dillon Management Framework Plan and the Dillon Off-Road Vehicle Travel Plan and Environmental Assessment dated June, 1981. Comments received from four public meetings, five open houses, and numerous written responses influenced these designation decisions. This designation order supersedes off-road vehicle designations made prior to the issuance of the 1981 Dillion Off-Road Vehicle Travel Plan and Environmental Assessment. These designations are published as final effective today. Under 43 CFR 4.21, an appeal may be filed within 30 days with Interior Board of Land Appeals.

A. *Open Designation*—Areas which are designated as open comprise approximately 688,169 acres.

B. *Limited Designation*—Areas which are designated as limited comprise approximately 256,555 acres. Limited designation was determined appropriate to protect the resources of the public lands, to promote the safety of all users of the public lands, and to minimize conflicts among various uses of the public lands. The following identifies the type of restriction on motorized vehicle travel, the specific area/areas where the restriction occurs, the affected acreage, and a brief rationale for each affected area.

1. Motorized travel limited to authorized users only.

a. *Bad Luck Creek* (640 acres)—To protect bighorn sheep, elk, and deer.

b. *Centennial Mountains* (38,424 acres)—To protect fragile soils and to provide primitive, nonmotorized recreation opportunities.

c. *Hidden Pasture* (6,625 acres)—To protect bighorn sheep.

2. Closed to all motorized vehicles from December 1 to May 15.

a. *Davey-Idaho-Jack Creeks*—(12,285 acres)—To protect wintering elk and deer.

b. *Wall Creek* (315 acres)—To protect wintering elk and deer.

c. *Dyce Creek* (11,969 acres)—To protect wintering elk and deer.

3. Closed to all motorized vehicles from December 1 to May 15 except the Jimmy New Road which is open to wheeled vehicles after April 15.

a. *Dickie Hills-Charcoal Gulch* (12,825 acres)—To protect wintering elk and deer.

4. Closed to all motorized vehicles from May 1 to June 30.

a. *Sheser-Bear Creek-Bear Gulch* (4,960 acres)—To protect calving elk.

b. *Gibbs Creek-Mill Gulch* (1,320 acres)—To protect calving elk.

5. All motorized vehicles except snowmobiles restricted to designated routes yearlong.

a. *Virginia City Municipal Watershed* (320 acres)—To protect municipal water supply.

b. *Sheridan Municipal Watershed* (505 acres)—To protect municipal water supply.

c. *Dillon Municipal Watershed* (5,944 acres)—To protect municipal water supply.

d. *Ruby Mountains* (26,357 acres)—To protect wilderness suitability.

e. *Bell-Limekiln* (9,588 acres)—To protect wilderness suitability.

f. *Henneberry Ridge* (9,756 acres)—To protect wilderness suitability.

g. *Bumby Mountain* (540 acres)—To protect wilderness suitability.

h. *Farlin Creek* (1,260 acres)—To protect wilderness suitability.

i. *Centennial Mountains Tack-on* (7,702 acres)—To protect wilderness suitability.

j. *Blacktail Ridge* (13,960 acres)—To protect elk summer/fall and calving habitats.

k. *Bannack* (305 acres)—To preserve the historic townsite of Montana's first territorial capital.

l. *McCartney Mountain/Sandy Hollow* (16,380 acres)—To protect wilderness suitability.

m. *Block Mountain* (6,700 acres)—To protect wilderness suitability.

n. *Lima Reservoir* (5,360 acres)—To protect wilderness suitability.

6. All motorized vehicles restricted to designated routes from May 16 to November 30—Closed to all vehicles from December 1 to May 15.

a. *Humbug Spires Periphery* (4,133 acres)—To protect bighorn sheep, elk, and mule deer, and to provide primitive nonmotorized recreation opportunities.

b. *Jake Canyon* (7,180 acres)—To protect elk summer, fall, and winter habitats.

c. *Dutch Hollow* (1,800 acres)—To protect elk summer, fall, and winter habitats.

d. *Muddy Creek* (13,797 acres)—To protect elk summer, fall, and winter habitats.

7. All motorized vehicles restricted to designated routes from October 15 to November 30—Closed to all vehicles from December 1 to May 15.

a. *Soap Gulch North* (4,881 acres)—To protect bighorn sheep and wintering elk and deer.

8. All motorized vehicles restricted to designated routes from October 15 to November 30.

a. *Soap Gulch South* (16,868 acres)—To protect bighorn sheep.

9. Closed to all wheeled motorized vehicles.

a. *Rock Creek* (1,390 acres)—To protect summering elk.

b. *Madison Tack-ons* (869 acres)—To protect wilderness suitability.

c. *Shakey Spring* (340 acres)—To protect wilderness suitability.

d. *Blacktail Mountains West* (2,130 acres)—To protect wilderness suitability.

10. Closed to all motorized vehicles from March 1 to June 30.

a. *Culver Spring* (40 acres)—To protect bald eagle habitat.

11. Closed to all motorized vehicles from September 1 to November 30.

a. *Clark Canyon* (2,280 acres)—To protect elk fall habitat and unstable soils.

12. All motorized vehicles restricted to designated routes except snowmobiles which are permitted off designated routes from December 1 to June 15. Designated routes are closed to wheeled vehicles from April 15 to June 15.

a. *Axolotl Lakes* (7,488 acres)—To protect fragile, unstable soils and to protect the axolotl salamander.

C. *Closed Designation*—All motorized vehicle use is prohibited in the 2,861 acre Bear Trap Canyon and 7,041 acre Humbug Spires to provide primitive, nonmotorized recreation opportunities. Only emergency vehicles will be authorized in these two areas.

The Dillon Off-Road Travel Plan and Environmental Assessment describing more fully the need for the designations and their impact as well as a detailed map describing their location is available from the offices listed below.

ADDRESS: For further information about these designations, contact either of the following Bureau of Land Management Offices:

District Manager, Butte District Office, P.O. Box 3388, Butte, Montana 59701 (406) 723–6561

Area Manager, Dillon Resource Area, P.O. Box 1048, Dillon, Montana 59725, (406) 683–2337.

Michael J. Penfold,

State Director.

[FR Doc. 81–24815 Filed 8–25–81; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Chevron U.S.A., Inc.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3148, Block 52, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedues are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 19, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–24837 Filed 8–25–81; 8:25 am]

BILLING CODE 4310–31–M

Tenneco Oil Exploration and Production; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3807, Block 122, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 19, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–24838 Filed 8–25–81; 8:45 am]

BILLING CODE 4310–31–M

Union Oil Co., Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1475, Block 76, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 18, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–24836 Filed 8–25–81; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Lassen, Sequoia-Kings Canyon and Yosemite National Parks; Comments on Environmental Assessments

Notice is hereby given that the National Park Service will hold three public meetings in California during the latter part of September to hear comments on the Environmental Assessments that consider amending the regulations that prohibit snowmobiling in Lassen, Sequoia-Kings Canyon and Yosemite National Parks.

Each of the three meetings will begin promptly at 8:00 p.m. and they will be held in the locations as follows:

Monday, September 21, 1981, in the Centennial Rooms 2 and 3, Shasta Inn, 2180 Hilltop Drive, Redding.

Tuesday, September 22, 1981, in the all purpose room, McLane High School, 2727 North Cedar, Fresno.

Wednesday, September 23, 1981, Main Floor, California Room, Headquarters (Bldg. 201), Golden Gate Recreation Area, Fort Mason, San Francisco.

From 7:00 to 8:00 p.m., prior to each meeting, National Park officials will be available at the meeting sites to answer questions and explain details of the assessments for each of the three national parks.

Insofar as possible, all those who wish to present oral comments will be given an opportunity to do so. However, the presiding officer may limit the times for presentations depending upon the number of persons who wish to speak.

Written comments on the three assessments should be submitted before Oct. 15, 1981, when the record closes, to the Regional Director, Western Region, National Park Service, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Copies of the Environmental Assessments are available from the Western Regional Office, at the address above, and from:

Superintendent, Lassen Volcanic National Park, Mineral, Calif. 96093;
Superintendent, Sequoia-Kings Canyon National Parks, Three Rivers, Calif. 93271;
Superintendent, Yosemite National Park, P.O. Box 577, Yosemite, Calif. 95389.

Dated: August 18, 1981.

John H. Davis,

Deputy Regional Director, Western Region, National Park Service.

[FR Doc. 81-24858 Filed 8-25-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-236

Decided: August 19, 1081.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 52861 (Sub-91), filed August 10, 1981. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., P.O. Box 256, Richfield, OH 44286. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in Lucas County, OH, on the one hand, and, on the other, points in the U.S.

MC 59241 (Sub-15), filed August 11, 1981. Applicant: JOHN GIBBONS, INC., 1400 Industrial Wy., Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (202) 783-7900. Transporting *pulp, paper and related products,* between points in the U.S.

MC 61231 (Sub-187), filed August 12, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting (1) *pulp, paper and related,* (2) *rubber and plastic products,* (3) *textile mill products,* and (4) *metal products,* between points in Muskogee County, OK and Brown County, WI, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, WV, and DC.

MC 85970 (Sub-57), filed August 10, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Over regular routes transporting *general commodities* (except classes A and B explosives), between points in Union City, TN and Jackson, TN, (a) from Union City, over U.S. Hwy 51 to junction U.S. Hwy 51 and TN Hwy 20, then over TN Hwy 20 to Jackson and return over the same route, serving all intermediate points, and (b) over U.S. Hwy 45W, serving all intermediate points.

MC 113861 (Sub-85), filed August 10, 1981. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103, (901) 525-6781. Transporting *petroleum products,* between points in Davidson County, TN, on the one hand, and, on the other, points in AL. Condition: To the extent that any certificate issued in this proceeding authorizing the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuance.

MC 138520 (Sub-4), filed August 10, 1981. Applicant: R. JOHNS TRANSFER, INC., 2206 Patterson Ave. S.W., Roanoke, VA 24016. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004, (202) 628-4600. Transporting *general commodities* (except classes A and B explosives), between points in VA, on the one hand, and, on the other, points in NC, WV, MD, DE, NJ, PA, and DC.

MC 142811 (Sub-10), filed August 10, 1981. Applicant: S.R.I. TRUCKING CO., a corporation, 1000 North Cindy Lane, Carpinteria, CA 93013. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483-4700. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Farmer Bros. Co., of Torrance, CA.

MC 145021 (Sub-1), filed August 10, 1981. Applicant: EISENMAN TRANSPORT, INC., 312 E. 16th St., Greeley, CO 80632. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203 (303) 861-9046. Transporting *chemical and related products, and ores and minerals,* between points in the U.S., under

continuing contract(s) with Eisenman Chemical Company, of Greeley, CO, and Vulcan Materials, of Wichita, KS.

MC 145481 (Sub-27), filed August 10, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717–17th Street, Denver, CO 80202 (303) 892–6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Terminal Freight Cooperative Association, of Downers Grove, IL.

MC 148200 (Sub-7), filed August 10, 1981. Applicant: FREIGHT MASTERS, INC., 2828 Lafayette Road, Indianapolis, IN 46222. Representative: John R. Bagileo, 918 16th St., N.W., Washington, DC 20006 (202) 785–3700. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC, on the one hand, and, on the other, points in the U.S.

MC 150601 (Sub-2), filed August 13, 1981. Applicant: McBURNEY TRANSPORT LIMITED, Lot 16 Concession 3, Township of Oneida, Regional Municipality of Haldimon, Norfolk, P.O. Box 427, Hagersville, Ontario, CD NOA 1HO. Representative: William J. Hirsch, 43 Court Street, 1125 Convention Tower, Buffalo, NY 14202, (716) 853–0200. Transporting *clay, concrete, glass or stone products,* and *metal products,* between points in the U.S., under continuing contract(s) with Duo-Matic/Olsen Inc., of Tilbury, Ontario, CD.

MC 151270 (Sub-1), filed August 13, 1981. Applicant: BATESVILLE CASKET COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same address as applicant), (812) 934–7169. Transporting *rubber and plastic products and machinery,* between points in the U.S., under continuing contract(s) with Automatic Pool Covers, Inc., of Indianapolis, IN. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 151691 (Sub-2), filed August 10, 1981. Applicant: W. D. CLARK TRUCKING, a corporation, P.O. Box 1269, Lakeside, AZ 85929. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008 (602) 275–3124. Transporting *lumber and wood products, metal products, and rubber and plastic articles,* between those points in the U.S. in and west of WI, IL, MO, AR, and LA (including AK, but excluding HI).

MC 151941 (Sub-3), filed August 10, 1981. Applicant: DELMONT E. HARTT, INC., U.S. Route 2, Etna, ME 04355. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101, (207) 773–5651. Transporting *general commodities* (except classes A and B explosives), between the facilities of (a) Georgia Pacific Corporation and (b) International Paper Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152390 (Sub-6), filed August 10, 1981. Applicant: MURRAY TRUCKING, INC., P.O. Box 2138—Calcutta Branch, East Liverpool, OH 43920. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *general commodities* (except classes A and B explosives), between points in OH, WV, and PA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (2) *ores and minerals and metal products,* between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (3) *metal products,* between Detroit and points in Saginaw and Wayne Counties, MI, and Porter County, IN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (4) *metal products, rubber and plastic products, pulp, paper and related products, food and related products, and lumber and wood products,* between points in Prince George County, VA, on the one hand, and, on the other, points in OK, TX, AR, LA, MS, GA, FL, SC, NC, KY, WV, OH, IN, IL, PA, NY, and NH, (5) *metal products,* between points in Boyd County, KY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX, and (6) *metal products,* between Buffalo and points in Niagara County, NY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 152760, filed August 4, 1981. Applicant: FRANK RAPISARDA AND/OR ROY DENNIS HINSON, d.b.a. RAPISARDA/HINSON TRUCKING COMPANY, 20643 Tulsa St., Chatsworth, CA 91311. Representative: Roy Dennis Hinson (same address as applicant), (213) 998–4490. Transporting *ores and minerals, waste or scrap materials,* and *clay, concrete, glass or stone products,* between points in CA, AZ, and NV.

MC 153901 (Sub-1), filed August 7, 1981. Applicant: AIM INDUSTRIES, INC., 330 Manhattan Ave., Jersey City, NJ 07307. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048, (212) 432–0940. Transporting *general commodities* (except classes A and B explosives), between points in FL.

MC 155221 (Sub-1), filed August 10, 1981. Applicant: ALL SERVICE TRANSPORTATION, INC., 237 Ironwood, Hereford, TX 79405. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768, (512) 476–6391. Transporting (1) *food and related products,* between points in the U.S., and (2) *pulp, paper and related products,* between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 156100, filed August 12, 1981. Applicant: CHARLES RAYMOND POWELL, d.b.a. GOLDEN TRIAD CARRIERS, P.O. Box 4145, Archdale, NC 27263. Representative: Charles Raymond Powell (same address as applicant), (919) 434–4175. Transporting *new furniture,* between points in NC, on the one hand, and, on the other, points in the U.S.

MC 156881, filed June 30, 1981. Applicant: HAVELOCK TRUCKING, INC., 246 Convey Hill Street, Franklin Center, P.Q., Canada (J0S 1E0). Representative: Adrien R. Paquette, 200 St. James Street, Suite 900, Montreal, Province of Quebec, Canada H2Y. In foreign commerce only, transporting *food and related products,* between points along the international boundary line between the U.S. and Canada, on the one hand, and, on the other, Chicago, IL, Woburn, MA, Lime, OH, and Easton, PA.

MC 157661, filed August 10, 1981. Applicant: JUNIOR BUS TOURS, INC., 170 Spring Valley Road, Old Bridge, NJ 08857. Representative: Martin Abrams (same address as applicant), (201) 591–9700. As a *broker* at Old Bridge, NJ, in arranging for the transportation of *passengers and their baggage,* at New York, NY, and points in Middlesex, Monmouth, Essex, Union and Bergen Counties, NJ, and extending to points in the U.S, including HI.

MC 157691, filed August 13, 1981. Applicant: BLUE VELVET TRANSPORT, INC., 50 W. Broad St., Columbus, OH 43215. Representative: James W.

Muldoon (same address as applicant), (614) 464–4103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of food and food products, between points in the U.S.

Volume No. OPY–2–160

Decided: August 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 76993 (Sub-32), filed August 11, 1981. Applicant: EXPRESS FREIGHT LINES, INC., 4924 South 13th St., Milwaukee, WI 53221. Representative: Thomas H. Kritner (same as applicant), (414) 272–3500. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MI, MN, OH and WI.

MC 94992 (Sub-3) (correction), filed June 10, 1981, published in the **Federal Register** issue of June 30, 1981, and republished, as corrected, this issue. Applicant: AUSTIN VERITY & SON, INC., 3685 Merrick Road, Seaford, NY 11783. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374, (212) 275–1000. Transporting (1) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Note.—The purpose of this replication is add part (2) to this application, as originally filed.

MC 102623 (Sub-4), filed August 10, 1981. Applicant: LEE LINE, INC., 714 Bench St., Red Wing, MN 55343. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *passengers and their baggage, in the same vehicle with passengers,* in charter and special operations, beginning and ending at (1) points in Anoka, Carver, Chicago, Dakota, Hennepin, Le Sueur, McLeod, Ramsey, Rice, Scott, Sibley, Waseca, Washington and Wright Counties, MN, and St. Croix, Pepin and Dunn Counties, WI, and extending to points in WA, OR, CA, ID, UT, AZ, NV, MT, WY, CO, NM, TX, AR, LA, KY, TN, MS, AL, GA, WV, VA, NC, SC, FL, ME, VT, NH and AK; and (2) points in Goodhue County, MN, and Pierce County, WI, and extending to points in AK.

MC 116073 (Sub-385) (correction), filed July 2, 1981, republished in the **Federal Register**, issue of July 22, 1981, and republished, as corrected, this issue. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Representative: Paul D. Borghesani, 421 So. Second St., Elkhart, IN 46515, (219) 293–3597. Transporting (1) *machinery and recycling equipment,* and (2) *such commodities* as are dealt in or used in the manufacture and distribution of machinery and recycling equipment, between points in Faulkner County, AR, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correct the commodity description.

MC 129712 (Sub-54), filed August 11, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 237–6472. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lumber and wood products and building materials, between points in the U.S., under continuing contract(s) with Howard A. Davidson Lumber Co., of Detroit, MI.

MC 134783 (Sub-78), filed August 10, 1981. Applicant: DIRECT SERVICE, INC., 940 E. 66th St., P.O. Box 2491, Lubbock, TX 70408. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, 806–763–5931. Transporting (1) *food and related products,* between Kansas City, MO, points in Buchanan and Atchison Counties, MO, Hale, Parmer, Potter, Randall, and Lubbock Counties, TX, and those in KS, on the one hand, and, on the other, points in the U.S., and (2) *clay, concrete, glass or stone products,* between points in Milwaukee County, WI, on the one hand, and, on the other, points in TX.

MC 135953 (Sub-25), filed August 10, 1981. Applicant: CHEROKEE LINES, INC., 1123 North Little St., Cushing, OK 74023. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392–1220. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Banquet Foods Corporation, of St. Louis, MO.

MC 138643 (Sub-7), filed August 7, 1981. Applicant: MAKOVSKY BROTHERS, INC., 5202 Spring Mill Rd., Whitehall, PA 18052. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting (1) *Clay, concrete, glass or stone products,* between points in Northampton County, PA, on the one hand, and, on the other, points in NJ; and (2) *ores and minerals,* (a) between points in Sussex County, NJ, on the one hand, and, on the other, points in PA, and (b) between points in Lehigh and Northampton Counties, PA, on the one hand, and, on the other, points in DE, MD, NJ, and NY.

MC 139973 (Sub-93), filed August 12, 1981. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, MO 65251. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting (1) *electrical machinery,* and (2) *fabricated metal products,* between points in Nassau County, NY, on the one hand, and, on the other, points in IA, MN, ND, SD, WI, NE, RI, MA, NJ, MI, OH, IN, IL, MD, DE, PA, KS, MO, CO, MT, CT, VA, WV and DC.

MC 144572 (Sub-59), filed August 10, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, Co 80202 (303) 892–6700. Transporting *pulp, paper and related products* between points in Humphreys County, TN, Vermillion County, IN, and Bibb and Floyd Counties, GA, on the one hand, and, on the other, points in Finney County, KS.

MC 145943 (Sub-3), filed July 27, 1981. Applicant: BILLY BARNES ENTERPRISES, INC., P.O. Box 252, Monroeville, AL 36461. Representative: J. Douglas Harris, 200 South Lawrence St., Montgomery, AL 36104, (205) 265–0251. Transporting *lumber and wood products* between points in MN, IA, WI, MI, KS, MO, IL, IN, OH, TX, OK, AR, KY, WV, VA, TN, NC, SC, MS, LA, AL, GA and FL.

MC 152742, filed August 10, 1981. Applicant: M & C DISTRIBUTING COMPANY, INC., 402 East F Street, Lawton, OK 73502. Representative: Ray K. Babb, Jr., 1100 Classen Drive, Suite 221, Oklahoma City, OK 73103, (405) 521–0767. Transporting *malt beverages,* between points in the U.S., under continuing contract(s) with Falls Distributing Company, Inc., of Wichita Falls, TX.

MC 152772 (correction), filed July 1, 1981, published in the **Federal Register**, issue of July 20, 1981, and republished, as corrected, this issue. Applicant: EARTH INDUSTRIAL WASTE MANAGEMENT, INC., 1570 One Commerce Square, Memphis, TN 38103. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137, (901) 767–5600. Transporting *hazardous materials, waste or scrap materials not identified by industry producing, recyclable waste*

and materials, and products of the recycling of such waste and materials, between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA and WV.

Note.—The purpose of this republication is to correct the commodity description.

MC 152953 (correction), filed June 3, 1981, published in the **Federal Register** issue of June 22, 1981, and republished, as corrected, this issue. Applicant: R-T-I, INC., 7019 S. Alameta St., Los Angeles, CA 90001. Representative: R. K. Davies (same address as applicant), (800) 372-6443, (213) 568-7258. Transporting *such commodities* as are dealt in by packing houses and retail and wholesale food stores, between Los Angeles; CA, on the one hand, and, on the other, points in AZ, NV, OR, UT, and WA. The purpose of this correction is to add the states of NV, or, UT, and WA which were inadvertently omitted from the first publication.

MC 153122 (Sub-2), filed August 11, 1981. Applicant: WESTERN WHOLESALE TRANSPORT DIVISION, INC., Route 9, Box 107, Idaho Falls, ID 83401. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *food and related products* between points in the U.S., under continuing contract(s) with R. T. French Co., of Shelley, ID.

MC 157593, filed August 7, 1981. Applicant: MONTANA CHARTER FLIGHT & TRAVEL SERVICE, P.O. Box 1228, 611 N. Warren St., Helena, MT 59601. Representative: Joseph F. Kintli (same address as applicant), (406) 442-5609. As a *broker* at Helena, MT, in arranging for the transportation, by motor vehicle of *passengers and their baggage,* between points in MT, on the one hand, and, on the other, points in the U.S.

MC 157663F, filed August 10, 1981. Applicant: GRIFFIN TRANSPORT COMPANY, P.O. Box 537, London, KY 40741. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326, (404) 262-7855. Transporting *such commodities* as are dealt in or used by bakeries, between points in the U.S., under continuing contract(s) with Griffin Pie Co., Inc., of London, KY, and Drake Bakeries, Food Division, Borden, Inc., of Wayne, NJ.

Volume No. OPY-3-145

Decided: August 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 2605 (Sub-22), filed August 3, 1981. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 E. Adams Ave., Philadelphia, PA 19124. Representative: Donald J. Campanile (same address as applicant), (215) 342-3820. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with NL Industries, Inc., of Highstown, NJ.

MC 99775 (Sub-4), filed August 3, 1981. Applicant: TRIANGLE EXPRESS, INC., 1015 S.W. 2nd, Oklahoma City, OK 73109. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105, (405) 521-9195. Over regular routes, transporting *general commodities* (except classes A and B explosives) (1) between Perry, OK and Wichita, KS, (a) from Perry over U.S. Hwy 64 to junction U.S. Hwy 177, then over U.S. Hwy 177 to junction U.S. Hwy 77, at or near Ponca City, OK, then over U.S. Hwy 77 to junction U.S. Hwy 54 at Augusta, KS, then over U.S. Hwy 54 to Wichita, and return over the same route, (b) from Perry over Interstate Hwy 35 to Wichita, and (2) between Pawnee, OK and Tulsa, OK over U.S. Hwy 64.

MC 105984 (Sub-33), filed August 3, 1981. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731-8431. Transporting *metal and metal products,* between points in the U.S., under continuing contract(s) with Howmet Turbine Components Corporation and its subsidiaries of Grenwich, CT.

MC 110144 (Sub-24), filed July 30, 1981. Applicant: ROBINSON FREIGHT LINES, P.O. Box 4126, Knoxville, TN 37921. Representative: Melissa Robinson (same address as applicant), (615) 525-6189. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Memphis, TN and Bristol, VA, from Memphis over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Bristol, and return over the same route, (2) between Selmer, TN and South Fulton, TN, over U.S. Hwys 45, 45E and 45W, (3) between Chattanooga, TN and Bristol, TN, over U.S. Hwys 11, 11E, and 11W, (4) between the Tennessee-Georgia State Line at or near Tennga, GA and Bristol, TN, over U.S. Hwy 411, (5) between Copperhill, TN and Madisonville, TN over TN Hwy 68, (6) between Chattanooga, TN and Nashville, TN over Interstate Hwy 24, and U.S. Hwy 41, (7) between Chattanooga, TN and Knoxville, TN, from Chattanooga over Interstate Hwy 75 to junction Interstate Hwy 40, at or near Eaton Crossroad, then over Interstate Hwys 75 and 40 to Knoxville, and return over the same route, serving all points in TN as off-route points in connection with carrier's authorized regular-routes.

MC 121044 (Sub-8), filed August 3, 1981. Applicant: ACTION EXPRESS, INC., P.O. Box 722, Boise, ID 83701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting *general commodities* (except classes A and B explosives), between points in ID, and those points in OR and WA on and east of U.S. Hwy 97.

MC 123445 (Sub-3), filed August 5, 1981. Applicant: FOURTEENTH AVENUE CARTAGE COMPANY, INC., 1038 21st Street, Detroit, MI 48216. Representative: John W. Ester, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI, (313) 645-9600. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MI, and OH.

MC 126555 (Sub-89), filed August 3, 1981. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203, (303) 861-4273. Transporting *bentonite clay, lignite coal, foundation water impedence boards* and *drilling mud additives,* between points in ND and SD, on the one hand, and, on the other, points in the U.S.

MC 136814 (Sub-6), filed August 5, 1981. Applicant: MATLOCK TRANSPORTATION, INC., 565 E. Redlands Blvd., San Bernardino, CA 92408. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738-3889. Transporting (1) *pulp, paper and related products* and (2) *printed matter,* between points in the U.S.

MC 138714 (Sub-11), filed August 5, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, 1814 High Point Ave., Richmond, VA 23261. Representative: Eric Meierhofer, Suite 1000, 1029 Vermont Ave., NW., Washington, D.C. 20005, (202) 347-9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Products Company of Fredericksburg, VA.

MC 138805 (Sub-13), filed August 5, 1981. Applicant: S & L SERVICES, INC., RD No. 1, Milton, PA 17847. Representative: Terrence D. Jones, 2033 K St., NW., Washington, DC 20006, (202) 223-8270. Transporting *chemicals and related products,* between points in Northumberland County, PA, on the one hand, and, on the other, points in the U.S.

MC 139785 (Sub-4), filed August 3, 1981. Applicant: LIETZ TRANSPORTATION, INC., Rt. 1, Coloma, WI 54930. Representative: John L. Bruemmer, 121 W. Doty St., Madison, WI 53703, (608) 256–0606. Transporting (1) *food and related products,* (2) *lumber and wood products,* (3) *ores and minerals and ore and mineral products,* (4) *metal products,* (5) *pulp, paper and related products* and (6) *packaged oils and greases,* between points in WI, on the one hand, and, on the other, points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI and DC.

MC 140334 (Sub-10), filed August 3, 1981. Applicant: AM–CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717–17th St., Ste. 2600, Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Westinghouse Electric Corporation, of Hampton, SC.

MC 142655 (Sub-4), filed August 3, 1981. Applicant: BAKER TRANSPORT, INC., P.O. Box 678, Hartselle, AL 35640. Representative: M. Bruce Morgan, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061, (301) 761–2580. Transporting *general commodities,* between points in the U.S., under continuing contract(s) with Southwire Company, of Carrollton, GA.

MC 144094 (Sub-7), filed August 3, 1981. Applicant: ALADDIN, INC., 15 Scout Ave., Kearny, NJ 07032. Representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with AGP Industries, Inc. of Brooklyn, NY.

MC 144225 (Sub-2), filed August 5, 1981. Applciant: JADEEL TRUCKING, INC., 8333 W. McNab Road, Tamarac, FL 33321. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850, (301) 424–2420. Transporting *lumber and wood products,* between points in Hampden County, MA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, VA, and DC.

MC 144344 (Sub-6), filed August 3, 1981. Applicant: DE ANZA DELIVERY SYSTEM, INC., P.O. BOX 1848, Fremont, CA 94538. Representative: James H. Gulseth, 100 Bush Street—21st Floor, San Franscisco, CA 94104, (415) 986–5778. Transporting *such commodities* as are dealt in or used by department stores and mail order houses, between points in CA, NV and AZ.

MC 145494 (Sub-12), filed August 3, 1981. Applicant: EDINA CARTAGE CO., P.O. Box 42, Mauricetown, NJ 08329. Representative; Laurence J. Distefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400. Transporting (1) *ores and minerals,* (2) *sand,* (3) *chemicals and related products,* (4) *glass products* and (5) *printed matter* (except classes A and B explosives), between Los Angeles and San Francisco, CA, Baltimore, MD, Tacoma, WA, St. Louis, MO, Kansas City, KS, Cleveland, OH, New York, NY, and Philadelphia, PA, and points in LaSalle County, IL, Wake County, NC, Brown County, TX, Richmond County, GA, Madison and Clark Counties, IN, and Morris and Essex Counties, NJ, on the one hand, and, on the other, points in the U.S.

MC 146075 (Sub-9), filed August 3, 1981. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Place, Wheatridge, CO 80214. Representative: Delbert Ewing (same address as applicant), (303) 429–4065. Transporting *general commodities,* between the facilities of Chemical Sales Company, at Denver, CO, on the one hand, and, on the other, points in AL, AZ, CA, ID, KS, LA, MT, NV, NM, OK, OR, SD, TX, UT, WA, and WY.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it shall expire 5 years from the date of issuance.

MC 149235 (Sub-6), filed August 5, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Drive, Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Suite 600 Kansas City, MO 64105, (816) 221–1461. Transporting *bread making compounds and prepared edible flour,* between points in the U.S., under continuing contract(s) with Breddo Food Products Corporation, of Kansas City, KS.

MC 149535 (Sub-2), filed August 5, 1981. Applicant: ALL FREIGHT, INC., 238 Sheldon Rd., Berea, OH 44017. Representative: John L. Juszkiewicz (same address as applicant) (216) 243–1010. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bowman Distribution, Division of Barnes Group, Inc., of Cleveland, Ohio.

MC 150534, filed August 4, 1981. Applicant: ENERGY SALES, INC., Highway 181 South, P.O. Box 128, Cabool, MO 65689. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Ave., Park Ridge, IL 60068, (312) 696–2235. Transporting (1) *petroleum, natural gas and their products,* and (2) *Chemicals and related products,* (a) between points in Lyon County, KS and Texas County, MO, (b) between points in Green County, MO, on the one hand, and, on the other, points in IL, OH, TN, and TX, and (c) between point in AR, IA, KS, MO, and OK.

Mc 151364 (Sub-1), filed August 5, 1981. Applicant: SOUTHERN EXPRESS, INC., 1238 Meadowbrook Lane, P.O. Box 1088, Cape Girardeau, MO 63701. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (404) 451–0401. Transporting *such commodities* as are dealt in or used by manufacturers of carpets, rugs, padding and cushioning, between points in the U.S., under continuing contract(s) with Recticel Foam Corporation of Buffalo, NY.

MC 152084 (Sub-2), filed August 3, 1981. Applicant: KNUTSON CARPET HUT, INC., 1900 Virginia Ave., North Bend, OR 97459. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting (1) *lumber and wood products* and (2) *building materials,* between points in OR, WA, CA, AZ, NV, CO and TX.

MC 152764 (Sub-1), filed August 4, 1981. Applicant: L. V. L., INC., P.O. Box 767, Jacksonville, AR 72076. Representative: Richard L. Vassar (same address as applicant), (501) 771–1780. Transporting *household goods,* between the facilities of the General Electric Company, in Little Rock, AR, on the one hand, and, on the other, Louisville, KY, Chicago, IL, Milwaukee, WI, Baltimore, MD, Portsmouth, VA, Columbia, TN, Decatur, AL, Bloomington, IL, and points in LA, MS, NM, OK and TX.

MC 152914 (Sub-1), filed August 6, 1981. Applicant: STATEWAY TRUCKING, INC., Suite 600, 612 N. Michigan Ave., Chicago, IL 60611. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20423, (202) 223–5900. Transporting *adhesives and decorative brick,* between Chicago, IL and Edison, NJ, on the one hand, and, on the other, points in the U.S.

MC 154265 (Sub-1), filed August 3, 1981. Applicant: MIKE WILLIAMS TRANSFER, INC., 2 Foxhurst Ct., Manhasset Hills, NY 11040. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *machinery,* between points in the U.S.

MC 154364 (Sub-1), filed August 3, 1981. Applicant: QUALITY TRANSPORT, a corporation, 3124 North Boulevard, Raleigh, NC 27604. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW., Washington, DC 20005, (202) 347–9332. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with Firestone Tire & Rubber Company, of Akron, OH.

MC 155715, filed August 3, 1981. Applicant: MARVIN L. BISHOP, d.b.a. MARV'S ROUSTABOUT SERVICE, Box 4, Williston, ND 58801. Representative: Charles E. Johnson, P.O. Box 2578, Bismark, ND 58502, (701) 258–8550. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dover Corporation-Norris Division of Tulsa, OK.

MC 156395 (Sub-1), filed August 5, 1981. Applicant: PAUL J. THOMAS, d.b.a. THOMAS TRUCKING, Route 1, P.O. Box 3265, Oakland, MD 21550. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005, (202) 347–3987. Transporting (1) *Clay, concrete, glass or stone products*, between points in Washington and Frederick Counties, MD, Winchester and Manassas, VA, and points in Loudoun, Prince William, and Frederick Counties VA, on the one hand, and, on the other, points in MD, VA, WV, PA, and DC, and (2) *lumber and wood products*, between points in WV, VA, MD, PA, OH, NC, TN, and KY.

MC 156552 (Sub-1), filed August 3, 1981. Applicant: MIDWEST MOTOR FREIGHT, INC., 1221 McReynolds NW., Grand Rapids, MI 49504. Representative: Louis John Educato (same address as applicant), (616) 459–9267. Transporting *food and related products*, between points in the lower peninsula of MI and those in Dubuque County, IA, on the one hand, and, on the other, points in CO, IA, IL, KS, MI, MN, MO, NE, TX, and WI.

MC 157525, filed August 3, 1981. Applicant: INDUSTRIAL TILT TRUCK SERVICE, INC., 386 Central Ave., Pawtucket, RI 02861. Representative: Sanford H. Gorodetsky, 123 Dyer St., Suite 2B, Providence, RI (401) 331–5600. Transporting (1) *machinery*, and (2) *metal products*, between points in Providence County, RI, and points in ME, NH, VT, MA, CT, RI, NY, NJ, and PA.

MC 157565, filed August 3, 1981. Applicant: BUD MEYER TRUCK LINES, INC., P.O. Box 97, Theilman, MN 55987. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting *cleaning compounds and toilet preparations*, between points in Carver County, MN, on the one hand, and, on the other, points in the U.S.

MC 157574, filed August 1, 1981. Applicant: DENVER DELIVERY, INC., 6000 S. Ulster St., Suite 206, Englewood, CO 80111. Representative: Kenny Cunningham (same address as applicant), (303) 773–8883. Transporting *household appliances*, between points in the U.S., under continuing contract(s) with Steinbergs, Inc., of Cincinnati, OH.

MC 157575, filed August 6, 1981. Applicant: SANDAROSA TRUCKING, a corporation, 412 West 10th North, Logan, UT 84321. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *building and construction materials*, and *metal products*, between points in the U.S., under continuing contract(s) with Imperial Wholesale Supply, Inc., of Salt Lake City, UT, and Tom Nichols Construction Company, Inc., of Burley, ID.

MC 26825 (Sub-65), filed June 30, 1981, previously noticed in the Federal Register on July 20, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *metal products*, between the facilities of Nucor Corporation, on the one hand, and, on the other, points in the U.S.

MC 121806 (Sub-17), filed July 20, 1981, previously published in the Federal Register issue of August 4, 1981. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Avenue, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201, (501) 375–9040. Transporting *general commodities* (except classes A and B explosives), between points in AR, OK, KS, NE, MO, KY, TN, TX, LA and MS.

Note.—This republication corrects the territorial description.

MC 149184 (Sub-1), filed June 29, 1981, previously published in the Federal Register issue of July 20, 1981. Applicant: FIFTH WHEEL TRUCKING, INC., Route 4, Box 26, Black River Falls, WI 54615. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *metal products*, between points in Bergen County, NJ and Trumbull County, OH, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

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Decided: August 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

FF 564, filed August 3, 1981. Applicant: YTS, INC., 1840 Cardington Rd., Dayton, OH 45409. Representative: Neil T. Yowell, III (same address as applicant), (513) 294–5933. As a *freight forwarder*, in interstate commerce, transporting *general commodities* (except classes A and B explosives), between points in Montgomery County, OH, on the one hand, and, on the other, points in the U.S.

MC 65475 (Sub-50), filed August 7, 1981. Applicant JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting (1) *lumber and wood products*, and (2) *metal and metal products*, between the facilities of L. B. Foster Company, in FL, GA, IL, IN, LA, OH, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 114194 (Sub-224), filed August 7, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., P.O. Box 147, Madison, IL 62060. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006, (202) 466–3778. Transporting *commodities in bulk*, between points in the U.S.

MC 136625 (Sub-3), filed August 7, 1981. Applicant: WHITE CLOUD COMPANY, INC., 3200 Pan American Freeway, NE, Albuquerque, NM 87107. Representative: Larry D. Lucas, P.O. Box 26387, Albuquerque, NM 87125, (505) 243–9744. Transporting (1) *commodities* which because of their size or weight require the use of special equipment, (2) *chemicals*, and (3) *mining corrosives*, between points in NM, on the one hand, and, on the other, points in CA, ID, NE, AZ, UT, WY, CO, TX, OK, MI, GA, IN, and IL.

MC 145384 (Sub-58), filed August 6, 1981. Applicant: ROSE-WAY INC., 1914 E. Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6184. Transporting *metal products*, between points in IN, on the one hand, and, on the other points in the U.S.

MC 146685 (Sub-5), filed August 6, 1981. Applicant: DOUBLE DD TRUCK LINE, INC., P.O. Box 230, Canby, OR 97013. Representative: Jerry R. Woods, 1600 One Main Pl., 101 SW Main Street Portland, OR 97204, (503) 224–5525. Transporting *building materials, metal*

products and machinery, between points in WA, OR, CA, ID, MT, CO, AZ, OH and GA, on the one hand, and, on the other, points in the U.S.

MC 147044 (Sub-3), filed August 7, 1981. Applicant: SOUHWEST TRAILS, INC., 6510 Cherry Avenue, Long Beach, CA 90805. Representative: John C. Russell, 1545 Wilshire Boulevard, Los Angeles, CA 90017, (213) 483–4700. Transporting *furniture and fixtures,* between points in the U.S., under continuing contract(s) with Universal Furniture Industries, Inc., of Whittier, CA.

MC 148175 (Sub-4), filed August 5, 1981. Applicant: ROBERT W. DENTON, d.b.a. SPIRIT TRUCKING, 8700 South Wolf Rd., Hinsdale, IL 60521. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *such commodities* as are dealt in or used by mail order houses, retail department stores, and household and personal care products, between points in Kent County, MI, on the one hand, and, on the other, points in the U.S.

MC 152935 (Sub-3), filed August 6, 1981. Applicant: HILL–ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham, (same address as applicant), (812) 934–7169. Transporting *furniture and fixtures* and *lumber and wood products,* between points in the U.S., under continuing contract(s) with Woodstuff Manufacturing, Inc., of Phoenix, AZ.

MC 155225, filed August 7, 1981. Applicant: PETER KARAGINES, d.b.a. FAST WAY FOODS, P.O. Box 1284, Brea, CA 92621. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90605, (213) 863–8883. Transporting *food and related products,* betwen points in the U.S., under continuing contract(s) with World Cirtus West, Inc., or Fullerton, CA.

MC 156814 (Sub-1), filed August 10, 1981. Applicant: ARCTIC AIR TRANSPORT, INC., 584 Parker Ave., Mondovi, WI 54755. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424. (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between points in MN and WI, on the one hand, and, on the other, points in the U.S.

MC 156885, filed August 7, 1981. Applicant: CHARLES E. FOULKE & SON, INC., 2215 Rochill Rd., Sellersville, PA 18960. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting *ores and minerals, clay, concrete, glass or stone products,* between points in Bucks and Montgomery Counties, PA, on the one hand, and, on the other, points in CT, DE, MD, NJ, and NY.

MC 157204, filed August 10, 1981. Applicant: SUR-WAY TRANSPORT, INC., 1506 Springs Rd., Albany, GA 31705. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. Transporting *general commodities* (except classes A and B explosives), between points in GA, on the one hand, and, on the other, points in the U.S.

MC 157564, filed August 5, 1981. Applicant: COAST TO COAST TRANSPORTATION, INC., P.O. Box 412, Murrysville, PA 15668. Representative: Michael P. Zell, P.O. Box 2389, Grand Rapids, MI 49501, (616) 774–0400. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 157594, filed August 7, 1981. Applicant: DENNIS W. GABRIEL, P.O. Box 304, Northwood, ND 58267. Representative: Dennis W. Gabriel (same address as applicant), (701) 587–5736. Transporting (1) *transportation equipment,* (2) *metal products,* and (3) *machinery,* between points in Cook, DuPage, and Lake Counties, IL, and Lake County, IN, on the one hand, and, on the other, points in ND.

MC 157595, filed August 7, 1981. Applicant: PM TRANSPORT, INC., 2459 Campbell Ave., Lynchburg, VA 24501. Representative: Terrence D. Jones, 2033 K St., N.W., Washington, DC 20006, (202) 223–8270. Transporting (1)(a) *petroleum, natural gas and their products,* and (b) *chemicals and related products,* between Elizabeth, NJ, and points in Middlesex County, NJ, Westmoreland, Allegheny, and Cumberland, Counties, PA, and Brunswick County, NC, on the one hand, and, on the other, points in McDowell and Mercer Counties, WV, and points in VA.

MC 157624, filed August 10, 1981. Applicant: PITTSBURGH-JOHNSTOWN-ALTOONA EXPRESS, INC., 223 Maple Ave., Johnstown, PA 15901. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219–2383, (412) 471–1800. Transporting *metal products,* between points in Allegheny County, PA, on the one hand, and, on the other, points in IN, KY, MD, NY, OH, TN, VA, and WV.

Volume No. OPY–5–130

Decided: August 17, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 31389 (Sub-330), filed July 15, 1981. Originally published in the **Federal Register** on August 5, 1981. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), (919) 721–2433. Transporting *general commodities* (except classes A and B explosives), serving points in AR, AZ, CA, CO, DE, IN, KY, LA, ME, MD, MI, MN, NV, NH, NM, NJ, NY, OH, OK, OR, PA, TN, VT, VA, WA, WI and WV as off-route points in connection with applicant's regular-route operations.

Note.—This application is republished to include points in NJ.

MC 52139 (Sub-9), filed August 4, 1981. Applicant: CHICAGO, MICHIGAN & EASTERN FREIGHT LINES, INC., 3777 Sparks Dr., Suite 224, Grand Rapids, MI 49506. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosivies), (a) between points in IL, IN, MI, and OH.

MC 116319 (Sub-18), filed August 5, 1981. Applicant: WASHINGTON TRUCKING, INC., 2810 34th St., Everett, WA 98201. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting (1)(a) *lumber and wood products,* (b) *construction materials,* and (c) *such commodities* as are dealt in or used by manufacturers and distributors of culvert pipe, between points in Snohomish County, WA, on the one hand, and, on the other, points in OR, WA, ID, MT, CA, NV, AZ, UT, WY, CO, and NM, and (2)(a) *heavy machinery,* and (b) *construction equipment,* between points in OR, WA, ID, MT, CA, NV, AZ, UT, WY, CO, and NM.

MC 133189 (Sub-41), filed July 23, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting (1) *metal products,* (a) between points in Muscatine, Linn, Woodbury, and Polk Counties, IA, Monroe County, MI, and points in MN, on the one hand, and, on the other, points in the U.S., (b) between points, in Cook, Lake, Dupage, Rock Island, Whiteside, and Will Counties, IL, Lake and Porter Counties, IN, on the one

hand, and, on the other, points in MN, IA, ND, SD, and WI, and (c) between points in Belmont County, OH, and Brooke County, WV, on the one hand, and, on the other, points in MN, (2) *roofing and insulating materials,* between the facilities of G.A.F. Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S., (3) *cranes and escavators,* between points in Linn County, IA, on the one hand, and, on the other, points in the U.S., (4) *marine equipment,* between points in Ramsey County, MN, on the one hand, and, on the other, points in the U.S., (5) *crushed stone,* between points in Marinette County, WI, on the one hand, and, on the other, points in MN, IL, MI, IN, OH, ND, SD, CO, NE, and MT, (6) *lumber and wood products,* between points in Lawrence County, SD, Itasca County, MN, and Delta County, MI, on the one hand, and, on the other, points in the U.S., (7) *fireplace stoves,* between Minneapolis, MN, on the one hand, and, on the other, points in the U.S., and (8) *electrical equipment and supplies,* between points in Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 145468 (Sub-49), filed July 16, 1981, previously published (Republication) in **Federal Register** on August 4, 1981. Applicant: KSS TRANSPORTATION CORP., Rt. 1 and Adams Station, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting (1) *food and related products,* and (2) *such commodities* as are dealt in or used by restaurants (except those in (1)), between Los Angeles and San Francisco, CA, Chicago, IL, Dallas, TX, points in Wyandotte County, KS, Gloucester County, NJ, Orange County, FL, on the one hand, and, on the other, points in the U.S.

Note.—Purpose of republication is to include Chicago, IL.

MC 145679 (Sub-19), filed August 3, 1981. Applicant: A & A TRANSPORT, INC., Maple Tree Industrial Park, Boston Rd., P.O. Box 12, Palmer, MA 01069. Representative: Arlyn L. Westergren, 9202 W. Dodge Rd., Suite 201, Omaha, NE 68114, (402) 397–7033. Transporting *food and related products,* between Amarillo, TX, and points in Parmer, Hale, and Lubbock Counties, TX, Wichita, KS, and points in Ford, Finney, Wyandotte, and Johnson Counties, KS, Otoe County, NE, Kansas City, MO, and points in Buchanan, and Atchison Counties, MO, on the one hand, and, on the other, points in the U.S.

MC 146119 (Sub-1), filed August 3, 1981. Applicant: WINSTON COACH CORP., 1650 Sycamore Ave., Bohemia, NY 11716. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022, (212) 759–3700. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at New York, NY, Greenwich, CT, Rutherford, NJ, and Danvers, MA, and extending to points in the U.S. (except AK and HI).

MC 150438 (Sub-2), filed July 24, 1981. Applicant: JAFCO INDUSTRIES, INC., 8015 N. Market St., Spokane, WA 99220. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *building materials,* between points in the U.S. under continuing contract(s) with Am-Pac and Cascade Empire Corporation, both of Portland, OR, and Layrite Products, of Spokane, WA; (2) *steel coil transformers and steel pipe and tubing,* between points in the U.S., under continuing contract(s) with Cook Electric, of Dearborn, MI; (3) *iron and steel articles,* between points in the U.S., under continuing contract(s) with Service Steel Company, of Tacoma, WA; (4) *chemical products,* between points in the U.S., under continuing contract(s) with Chemical Distributors, Inc., of Portland, OR; (5) *machinery,* between points in the U.S., under continuing contract(s) with Murray Equipment, of Priest River, ID; (6) *automobile accessories,* between points in the U.S., under continuing contract(s) with Auto Motive Electric, of Spokane, WA; and (7) *grain and grain products,* between points in the U.S., under continuing contract(s) with Nabisco, Incorporated, of East Hanover, NJ.

MC 150559 (Sub-3), filed August 4, 1981. Applicant: EMERSON EXPRESS CO., INC., 545 Lyell Ave., Rochester, NY 14606. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–0510. Transporting (1) *metal and metal products,* (2) *waste or scrap materials,* (3) *batteries,* and (4) *machinery,* between points in OK and points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 150559 (Sub-4), filed August 6, 1981. Applicant: EMERSON EXPRESS CO., INC., 545 Lyell Ave., Rochester, NY 14606. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–0510. Transporting *cellulose insulation and insulation blowing machines,* between points in the U.S., under continuing contract(s) with Forest Wool, Inc., of Rochester, NY, a subsidiary of Electra Manufacturing Corp., of Holland, OH.

MC 151118 (Sub-12), filed August 3, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic insulated copper wire, between the facilities of Brand Rex Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151339 (Sub-2), filed August 3, 1981. Applicant: LOCK TRUCK LEASING, INC., P.O. Box 274, Irving, TX 75060. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *chemicals and related products* between the facilities of Zep Manufacturing Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152249, filed July 28, 1981. Applicant: ARLEN ALBERTS, d.b.a. A & A TRANSPORTATION & SUPPLY, P.O. Box 2586, Martinez, CA 94553. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. (805) 872–1106. Transporting *such commodities* as are dealt in or used by manufacturers of gypsum wallboard, between points in the U.S., under continuing contract(s) with Gold Bond Building Products, of Long Beach, CA.

MC 153119 (Sub-1), filed August 6, 1981. Applicant: FLEEGE DISTRIBUTING CO., Box 273, Foley, MN 56329. Representative: Robert Fleege (same address as applicant), (612) 968–7741. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of bedroom furniture, and (2) *heaters,* between points in the U.S., under continuing contract(s) with Samson Custom Furniture Mfg. Inc., of St. Cloud, MN.

MC 155028, filed July 29, 1981. Applicant: H&R TRANSPORTATION CO., INC., 715 East Court St., P.O. Box 964, Marion, NC 28752. Representative: Eric Meierhoefer, 1029 Vermont Ave., NW, Suite 1000, Washington, DC 20005, (202) 347–9332. Transporting (1) *textile mill products, and chemicals and related products* (a) between points in New Castle County, DE, and points in VA, NC, and SC, on the one hand, and, on the other, points in the U.S., and (b) between points in Los Angeles County, CA, on the one hand, and, on the other, points in NJ, GA, TN, ME, NH, VT, MA, RI, CT, NY, PA, OH, WV, MD, DE, KY, and DC; and (2) *gloves* between points in Avery and Catawba Counties, NC, Johnson County, TN, and Washington, Wythe, and Scott Counties, VA, on the

one hand, and, on the other, points in the U.S.

MC 155599 (Sub-1), filed August 3, 1981. Applicant: ROBERT STOCK, d.b.a. STOCK TRANSPORT, Route #2, Box 39, Lebanon, IL 62254. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting *heaters and grills,* between points in the U.S., under continuing contract(s) with Locke Stove Company, of Kansas City, MO.

MC 157048, filed July 28, 1981. Applicant: LAKEHEAD TRUCKING, INC., 6040 Lavaque Rd., Duluth, MN 55803. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting (1) *expandable polystyrene insulation board,* between points in the U.S., under continuing contract(s) with Polytherm Industries, Inc., of Superior, WI, and (2) *clay flue tiles,* between points in the U.S. under continuing contract(s) with Arrowhead Concrete Works, Inc., of Duluth, MN.

MC 157419, filed July 29, 1981. Applicant: JAMES HAFER, d.b.a. HAFER TRUCKING, P.O. Box 92, Geneva, PA 16316. Representative: Owen B. Katzman, 1828 L. St., N.W., Suite 1111, Washington, DC 20036, (202) 296–2728. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of industrial heat treating furnaces and commercial incinerators, between points in the U.S., under continuing contract(s) with Sunbeam Equipment Corporation, of Meadville, PA, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of internal combustion engines, compressors, machine castings, and rough iron casting, between points in the U.S., under continuing contract(s) with Cooper Energy Services, Inc., of Grove City, PA.

MC 157529, filed August 5, 1981. Applicant: NOLEN SISTRUNK, INC., P.O. Box 169, Sebastopol, MS 39359. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *such commodities* as are dealt in by manufacturers of feed, pesticides, animal and poultry health products, and feeders, between points in the U.S., under continuing contract(s) with Moorman Mfg. Co., of Quincy, IL.

Volume No. OPY–5–131

Decided: August 18, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 12839 (Sub-1), filed August 7, 1981. Applicant: WESTCHESTER TOURS, INC., 1010 Nepperhan Ave., Yonkers, NY 10703. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021, (516) 482–0881. To operate as a *broker,* at White Plains and Yonkers, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* between points in the U.S.

MC 84428 (Sub-23), filed August 7, 1981. Applicant: CHESTER JACKSON COMPANY, 475 Schuyler Ave., Kearny, NJ 07032. Representative: Edward F. Bowes, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (202) 575–7700. Transporting *commodities in bulk,* between points in CT, DE, ME, ND, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, on the one hand, and, on the other, points in the U.S.

MC 136899 (Sub-57), filed July 31, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, 608–256–7444. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI, on the one hand, on the other, points in the U.S.

MC 141879 (Sub-3), filed July 30, 1981. Applicant: L. D. CHILDRESS TRUCKING COMPANY, P.O. Box 486, Briscoe, TX 79011. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767, (512) 472–1101. Transporting *such commodities* as are dealt in or used by manufacturer or distributor of millwork items, between points in the U.S., under continuning contract(s) with Canadian Millwork, Inc., of Canadian, TX.

MC 144449 (Sub-9), filed August 10, 1981. Applicant: A & A MOVING & STORAGE CO., d.b.a. A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting (1) *postal and communications systems, business machines, electronics,* and (2) *parts and components* for the commodities in (1), between points in the U.S., under continuing contract(s) with E-Systems, Inc., of Dallas, TX.

MC 147318 (Sub-10), filed August 3, 1981. Applicant: DEEP SOUTH TRUCKING, INC., P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, P.O. Box 696, Purvis, MS 39475, (601) 794–8003. Transporting *such commmodities* as are dealt in or used by manufacturers and distributors of chemicals, film, plastics, and rubber, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 150939 (Sub-22), filed August 6, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Capitol Products Corporation of Harrisburg, PA.

MC 154358 (Sub-1), filed August 5, 1981. Applicant: JAMES G. SHAW III, d.b.a. REFRIGERATED DISTRIBUTION SERVICES, 1218 South Allec St., Anaheim, CA 92805. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting (1) *instruments and photographic goods,* and (2) *chemicals and related products,* between points in the U.S., under continuing contract(s) with (a) Hyland Therapeutics, Division of Travenol Labs, Inc., of Glendale, CA, (b) Hyland Diagnostics, Division of Travenol Labs, Inc., of Round Lake, IL, (c) Lab Supply Corporation of California, Inc., of Anaheim, CA, (d) Alpha Therapeutic Corporation of Los Angeles, CA, (e) American National Red Cross, of Washington, DC, and (f) Cutter Laboratories, Inc., of Emeryville, CA.

MC 156838, filed August 5, 1981. Applicant: WILLIE RICHARD AND WALTER RICHARD, d.b.a. R & R TRUCKING COMPANY, 911 Parkview, Cleveland, MS 38732. Representative: John Paul Jones, P.O. Box 3140 Front Street Station, Memphis, TN 38103, (901) 527–2482. Transporting *metal products,* (a) between points in Bolivar County, MS, on the one hand, and, on the other, points in AK, AL, AR, AZ, CA, CO, FL, GA, IL, IN, IA, LA, MI, MD, MO, NC, NE, ND, NY, OH, OK, OR, PA, TN, TX, VA, WI, and WA, and (b) between the port of Rosedale, MS, on the one hand, and, on the other, points in Bolivar County, MS.

MC 157628, filed August 10, 1981. Applicant: ACTION EXPRESS, INC., P.O. Box 576, Natchez, MS 39120. Representative: Walter Brown, P.O. Box 1047, Natchez, MS 39120, (601) 446–6351. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Armstrong Rubber Company of Natchez, MS.

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Decided: August 19, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 5888 (Sub-67), filed August 10, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *chemicals and related products,* between points in Cook County, IL, Washoe County, NV, Middlesex County, NJ, and Fulton County, GA, on the one hand, and, on the other, points in the U.S.

MC 31438 (Sub-18), filed August 10, 1981. Applicant: ROY O. WETZ, d.b.a. R. O. WETZ TRANSPORTATION, P.O. Box 566, Marietta, OH 45750. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in Noble and Washington Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 41098 (Sub-64), filed August 10, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92801. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006, (202) 833–8884. Transporting *electrical data processing machines,* between points in the U.S., under continuing contract(s) with Northern Telecom Inc., of Minneapolis, MN. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 115669 (Sub-209), filed August 10, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant), (402) 762–3511. Transporting *frozen foods,* between points in Hall and Lancaster Counties, NE, on the one hand, and, on the other, points in the U.S.

MC 133478 (Sub-28), filed August 10, 1981. Applicant: INTERSTATE TRANSPORT, INC., P.O. Box 23727, Portland, OR 97223. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258, (503) 227–1681. Transporting *lumber and lumber mill products,* between points in the U.S., under continuing contract(s) with The Dorris Lumber and Moulding Company, and Setzer Forest Products and McKuen Moulding Company, of Sacramento, CA.

MC 153679 (Sub-2), filed August 10, 1981. Applicant: CUMBERLAND FREIGHT LINES, INC., 201–25th Avenue North, Nashville, TN 37202. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 38219, (615) 244–8100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Robert Orr—Division of Sysco Corp., of Nashville, TN, and (2) Kenneth O. Lester Company, of Lebanon, TN.

MC 153858, filed August 10, 1981. Applicant: B J'S EXPRESS, INC., 3225 Swindell Rd., Lakeland, FL 33805. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701, (305) 869–5936. Transporting *meat, meat products, meat byproducts, and articles distributed by meat packinghouses,* between Atlanta, GA, and points in Orange County, FL and Bibb County, GA, on the one hand, and, on the other, points in Linn and Cherokee Counties, IA, Freeborn County, MN, Saline County, MO, Warren County, IL, and Cass County, IN.

MC 154299, filed August 4, 1981. Applicant: ELLARS, INC., 10026 Karmont Ave., South Gate, CA 90280. Representative: Susan Lee Carder, (same address as applicant), (213) 537–2222. Transporting (1) *drums, barrels, and pails,* between points in the U.S., under continuing contract(s) with Greif Bros. Corp., of Morgan Hill, CA; (2) *decorating materials,* between points in the U.S., under continuing contract(s) with Greyhound Exposition Service, of Santa Fe Springs, CA and United Wesco, Inc., of Los Angeles, CA; (3) *machinery,* between points in the U.S., under continuing contract(s) with Culligan, USA, of San Bernardino, CA; (4) *meats, meat products, meat by-products, and articles distributed by meat packing houses,* between points in the U.S., under continuing contract(s) with Youngs Market Company, of Santa Clara, CA, and Armour and Company, of So. San Francisco, CA; (5) *store fixtures,* between points in the U.S., under continuing contract(s) with Hussman Inc., of San Jose, CA; (6) *boxes,* between points in the U.S., under continuing contract(s) with Crown Zellerbach Corp., of Gilroy, CA; (7) *paint,* between points in the U.S., under continuing contract(s) with Ameritone Paint Corp., of Compton, CA; (8) *plastic film or sheeting,* between points in the U.S., under continuing contract(s) with Dixico, Inc., of Los Angeles, CA; (9) *lighting and electrical equipment,* between points in the U.S., under continuing contract(s) with Four Star Stage Lighting Company, of Los Angeles, CA; (10) *diatomaceous earth,* between points in the U.S., under continuing contract(s) with Grefco Inc., of Mina, NV; and (11) *canned goods and dried fruit,* between points in the U.S., under continuing contract(s) with Del Monte Corp., of Los Angeles, CA.

MC 154509, filed August 10, 1981. Applicant: MEMPHIS COURIER DELIVERY, 3638 Old Getwell Road, Memphis, TN 38118. Representative: Ralph D. Golden, Suite 2348, 100 North Main Bldg., Memphis, TN 38103, (901) 526–1122. Transporting *toiletries and jewelry,* between points in the U.S., under continuing contract(s) with Amway Corporation, of Norcross, GA.

MC 157459, filed August 10, 1981. Applicant: LEWIS C. HOWARD, INC., Kalamazoo, MI 49001. Representative: Edward Malinsak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives), between points in Kalamazoo County, MI, on the one hand, and, on the other, points in Elkhart County, IN.

MC 157499, filed August 3, 1981. Applicant: PATSY R. WASHINGTON, d.b.a. PATCO FREIGHT CARRIERS, 1000 South Lelia, P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same address as applicant), (214) 792–5961. Transporting (1) *wax,* between points in Amador County, CA, on the one, and, on the other, Atlanta, GA, Boston, MA, and points in Washington and Nacogdoches Counties, TX; (2) *foodstuffs* between Oklahoma City, OK, and points in Miller County, AR, Stone County, MS, Dade County, FL, Dekalb County, GA, Saline County, MO, and points in TX, on the one hand, and, on the other, points in the U.S., (3) *petroleum and petroleum products, chemicals, and plastics,* between Kansas City, MO, Baton, Rouge, LA, and points in McLennan, Jefferson and Tarrant Counties, TX, Caddo and Beinville Parishes, LA, Shelby and Hamilton Counties, TN, Clark County, IL, Maricopa County, AZ, and Miller and Union Counties, AR, on the one hand, and, on the other, points in the U.S., (4) *wood products,* between points in Columbia County, AR and Bowie County, TX, on the one hand, and, on the other, points in the U.S.; (5) *industrial protective products,* between points in Cass County, TX, on the one hand, and, on the other, points in the U.S.; (6) *carpets,* between points in Hempstead County, AR, on the one hand, and, on the other, points in the U.S., and (7) *animal feed,* between points in Austin County, TX, and Tate

County, MS, on the one hand, and, on the other, points in the U.S.

MC 157578, filed August 6, 1981. Applicant: SANDRA L. SCHEITINGER AND GEORGE SCHEITINGER, d.b.a. GREAT CONNECTIONS, 2202 62 Ave. So, St. Petersburg, FL 33712. Representative: George Scheitinger (same address as above), (813) 867–0682. To operate as a *broker*, at St. Petersburg, FL, in arranging transportation for *passengers and their baggage*, in the same vehicle with passengers, between points in FL, on the one hand, and, on the other, points in the U.S.

MC 157598, filed August 7, 1981. Applicant: JACK BRACH, d.b.a. J. BRACH & SONS TRUCKING, Box 189, Loma, CO 81524. Representative: Nancy P. Bigbee, 1600 Sherman St., Denver, CO. 80203, (303) 861–8046. Transporting *iron and steel articles*, between points in CO., NM, TX, UT, and WY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24688 Filed 8–25–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–148

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 147197 (Sub-II–2TA), filed August 17, 1981. Applicant: ANDY BELITSKY, d.b.a. ANDY B. TRUCKING, 270A Lincoln St., S.W., Hartville, OH 44632. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of paper and plastic products*, between the facilities of Chemtrol Adhesives, Inc., at or near Aurora, OH, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper(s): Chemtrol Adhesives, Inc., 180 Lena Dr., Aurora, OH 44202.

MC 63390 (Sub-II–1TA), filed August 13, 1981. Applicant: CARL R. BIEBER, INC., Vine & Baldy Sts, Kutztown, PA 19530. Representative: L. C. Major, Jr., Suite 400—Overlook Bldg., 6120 Lincolnia Rd., Alexandria, VA 22312. *Passengers and their baggage, in the same vehicle with passengers, in special operations*, from Quakertown, PA to Atlantic City, NJ, and return, for 270 days. Supporting shipper(s): There are 13 supporting shippers' statements attached to this application which may be examined at the Philadelphia Regional office.

MC 157616 (Sub-II–1TA), filed August 17, 1981. Applicant: WILLIAM T. CLARK, JR. & COMPANY, 611 S. Main St., Marion, VA 24354. Representative: Isaac St. Clair Freeman, P.O. Box 645, 111 N. Park St., Marion, VA 24354. Contract, irregular: *Fabricated structural steel, paint and miscellaneous iron and steel articles*, between Bristol, VA on the one hand, and, on the other, Bessemer, AL, Chattanooga, TN, Richmond, VA, Muncie, IN, Decatur, IL and Charleston, WV, under continuing contract with Bristol Steel and Ironworks, Inc., Bristol, VA, for 270 days. Applicant intends to tack. An underlying ETA seeks 120 days authority. Supporting shipper: Bristol Steel and Ironworks, Inc., P.O. Box 471, Bristol, VA 24203.

MC 150776 (Sub-II–3TA), filed August 17, 1981. Applicant: ALFRED DANIELS, INC., Route 1, P.O. Box 272–I, Jackson, OH 45640. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Food and related products* between the facilities of Stouffer Foods Corporation located at or near Solon, OH, on the one hand, and, on the other, points in CA, CO, KS, MO, TX, and WA for 270 days. Supporting shipper: Stouffer Foods Corporation, 5750 Harper Rd., Solon, OH 44139.

MC 135381 (Sub-II–1TA), filed August 17, 1981. Applicant: DRUM TRANSPORTATION COMPANY, R.D. No. 1, Montgomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Contract, irregular: *Treated wooden utility poles*, between Pensacola, FL, Brunswick and Camilla, GA, and Brookhaven, MS, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Escambia Treating Co., Pensacola, FL, for 270 days. Supporting shipper: Escambia Treating Company, P.O. Box 17108, Pensacola, FL 32522.

MC 140689 (Sub-II–20TA), filed August 17, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Contract, irregular: *metal products* from facilities located in St. Louis County, MO to facilities located in Cuyahoga County, OH under a continuing contract(s) with Cerro Copper Tube Co. of Cleveland, OH, for 270 Days. Supporting shipper: CERRO COPPER TUBE CO., 16600 St. Clair Ave., Cleveland, OH 44110.

MC 67198 (Sub-II–1TA), filed August 17, 1981. Applicant: MEADVILLE MOVING & STORAGE, INC., 129 Sycamore St., Meadville, PA 16335. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. *Chemicals, paint, and adhesives*, between the facilities of Hughson Chemicals, Div. of Lord Corp. at Saegertown, PA, on the one hand, and, on the other, points in the United States, under a contining contract with Hughson Chemical, Div. of Lord Corp. for 270 days. Supporting shipper: Hughson Chemicals, Div., of Lord Corp., South St., Saegertown, PA 16433.

MC 157624 (Sub-II–1TA), filed August 17, 1981. Applicant: PITTSBURGH-JOHNSTOWN-ALTOONA EXPRESS, INC., 223 Maple Ave., Johnstown, PA 15901. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. *Metal products*, between points in Allegheny County, PA, on the one hand, and, on the other, points in IN, KY, MD,

NY, OH, TN, VA and WV for 270 days. Supporting shipper: The J. H. Service Co., Inc., No. 1 Shaft St., Indianola, PA 15051.

MC 113489 (Sub-II–2TA), filed August 17, 1981. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, WV 25419. Representative: Francis J. Ortman, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Glass*, from Clarksburg, WV to points in CT, IL, IN, MA, MI, NC, OH, RI, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: West Virginia Flat Glass, Inc., 1628 Adams Ave., Clarksburg, WV 26301.

MC 157737 (Sub-II–1TA), filed August 17, 1981. Applicant: WOODFIN BROTHERS, INC., 9916 Jefferson Davis Hwy. Richmond, VA. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *Wrecked, disabled, stolen, abandoned, repossessed, and surrendered motor vehicles, component parts and replacement thereof; and trailers, in truckaway service by wrecker service,* between points in VA, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA, for 270 days. Supporting shipper: There are 21 supporting shippers. Their statements may be reviewed at the ICC Reg. Ofc., Phila., PA.

MC 145194 (Sub-II–1TA), filed August 17, 1981. Applicant: WOOSTER MOTOR WAYS, INC., 1357 Mechanicsburg Road, P.O. Box 430, Wooster, OH 44691. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *(1) Plastic products and paper and related products and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk)* between Elizabeth, NJ and points in Nassau County, FL, Will County, IL and Fauquier County, VA, on the one hand, and, on the other, points in and east of WI, IL, KY, TN and AL for 270 days. Supporting shipper: Trinity Bag & Paper Company, Inc., 529 5th Ave., New York, NY 10017.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 105774 (Sub-5–4TA), filed August 17, 1981. Applicant: JOHNSON TRUCK LINE, INC., P.O. Box 403, Osborne, KS 67473. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66601. *Farm Machinery,* from Albany, GA to AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY. Supporting shipper: Lilliston Corporation, P.O. Box 3930, Albany, GA 31708.

MC 115758 (Sub-5–1TA) filed August 17, 1981. Applicant: OTTAWA BUS SERVICE, INC., P.O. Box 129, Ottawa, KS 66067. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Passengers and their baggage in charter party service and in special operations in round trip sightseeing and pleasure tours that involve transportation by motor vehicle for the entire trip or by a combination of motor vehicle and other modes of transportation.* Between points in the U.S. including AK & HI, restricted to tours that begin and end in the State of KS. Supporting shippers: 17.

MC 123476 (Sub-5–10TA), filed August 17, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Plastic containers (except in bulk in tank vehicles)* from West Chicago, IL to St. Louis, MO. Supporting shipper: St. Louis Crystal Water, 704 S. Boyle, St.Louis, MO.

MC 124411 (Sub-5–3TA), filed August 17, 1981. Applicant: SULLY TRANSPORT, INC., Box 185, Sully, IA 50251. Representative: Arland Vander Leest, 601 8th St., Sully, IA 50251. *Asphalt and asphalt materials in Bulk, in tank vehicles,* from Des Moines, IA to Pts in WI. Supporting shipper: Bitucote Products Co., Des Moines, IA.

MC 138469 (Sub-5–45TA), filed August 17, 1981. Applicant: DUNCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. *Insulating material, aluminum, steel and vinyl siding and related articles.* Between Springfield, MO; Kansas City, MO; Wichita, KS on the one hand, and, on the other, points in OH, MI, KS, PA, Springfield, MO; Kansas City, MO and Wichita, KS. Supporting shipper: Springfield Better Homes, 1800 N. Prairie, Springfield, MO 65803.

MC 140665 (Sub-5–78TA), filed August 17, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *General Commodities (except Classes A and B explosives and commodities in bulk),* between points in the US (restricted to shipments moving to or from the facilities of United Ohio Corporation or associated members facilities). Supporting shipper: United Ohio Corporation, 35300 Lakeland Blvd., Eastlake, OH 44094.

MC 140665 (Sub-5–79TA), filed August 17, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *General Commodities, (except Classes A and B explosives and hazardous materials),* between the facilities of Gateway Shippers Association, Inc., and/its members at points in OK on the one hand, and, on the other points in the U.S. (except AK and HI). Supporting shipper: Gateway Shippers Association, Inc., P.O. box 57087, Dallas, TX 75207.

MC 143619 (Sub-5–1TA), filed August 17, 1981. Applicant: PALS BROS. TRUCKING, INC., RFD, Alexander, IA 50420. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Fertilizer compounds,* from the facilities of Eagle-Picher Industries, Inc. located at or near Fairbury, NE, Mineola, TX, and Cedartown, GA to pts. in AR, CO, IA, IL, IN, KS, MN, MO, NE and OK. Supporting shipper(s): Eagle-Picher Industries, Inc., P.O. Box 550, Joplin, MO 64801.

MC 147348 (Sub-5–8TA), filed August 17, 1981. SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative; James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Such commodities as are dealt in or used by wholesale, retail, discount, variety and department stores (except in bulk),* between the facilities of Target Stores, in Pulaski County, AR, and points in the U.S. Supporting shipper: Target Stores, Inc., 600 Carnahan Drive, Maumelle, AR 72118.

MC 147492 (Sub-5–4TA), filed August 17, 1981. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189–0058. Representative: James T. Harmon, III, P.O. Box 29058, New Orleans, LA 70189. Contract; Irregular. *Beer, in Cans and Bottles.* Between points in the States of LA and TX. Supporting shipper: Neal W. Kaye, Inc., Harahan, LA.

MC 150578 (Sub-5–33TA), filed August 17, 1981. Applicant: STEVENS TRANSPORT, A DIVISION OF STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same as above). Contract, irregular; *General commodities* between points in the U.S. under continuing contract with distribution services of America, Inc., of Boston, MA, and United Freight, Inc., of Morrow, GA.

MC 151383 (Sub-5–10TA), filed August 17, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street,

Tulsa, OK 74107. Representative: Fred Rahal, Jr., Rahal & Anderson, A Professional Corporation, Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Iron and steel articles,* and (2) *materials and supplies used in the production and distribution of the commodities named in* (1) *above,* between points in the U.S. under continuing contract(s) with Auxier-Scott Supply Co. of Tulsa, OK. Supporting shipper: Auxier-Scott Supply Co., 1355 N. Louisville, Tulsa, OK 74151.

MC 154723 (Sub-5–4TA), filed August 17, 1981. Applicant: C. M. PENN & SONS, INC., Route 1, Box 349A, Greenwell Springs, LA 70739. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Hazardous and/or non-hazardous waste material* from Palaski County, AR to Livingston and Calcasieu Parishes, LA. Supporting shippers: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, PA 15219.

MC 157729 Common (Sub-5–1TA), filed August 17, 1981. Applicant: RED RIDER, INC., 512 Custer St., Delphos, KS 67436. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Passengers and their baggage, in charter party service and in special operations in round trip sightseeing and pleasure tours that involve transportation by motor vehicle for the entire trip or a combination of motor vehicle and other modes of transportation,* between points in the United States including AK & HI, restricted to tours that begin and end in Smith, Osborne, Russell, Ellsworth, Lincoln, Mitchell, Jewell, Republic, Cloud, Ottawa, Saline, Dickinson, Clay, Washington, Marshall, Riley and Geary Counties, KS and restricted further to provide no transportation service to or from the states of AL; GA; FL; SC; NC; VA; WV; PA; MI; MD; NJ; DE; NY; MA; VT; NH and ME. Supporting shippers: 13.

MC 157741 (Sub-5–1TA), filed August 17, 1981. Applicant: IVY ESTILETTE, South Chataignier Road, Ville Platte, LA 70586. Representative: C. Brent Coreil, P.O. Drawer 450, Ville Platte, LA 70586. Fertilizer, general farm and hardware commodities, between Ville Platte, LA, Houston, TX, Nacogdoches, TX, Stutgard, AR, Little Rock, AR, Yazoo City, MS, and Jennings, LA. Supporting shipper: Evangeline Seed Company, 4 West Pine Street, Ville Platte, LA 70586.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24827 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-240]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: August 21, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

MC-F-14671, filed July 29, 1981. AMNACO, INC. (Amnaco) (P.O. Box 2298, Green Bay, WI 54306)—CONTINUANCE IN CONTROL—AMERICAN PACIFIC EXPRESS, INC. (American) (817 McDonald St., Green Bay, WI 54303). Representative: Charles W. Singer, P.O. Box 2298, Green Bay, WI 54306. Amnaco seeks to continue in control of American upon the institution by American of operations, in interstate or foreign commerce, as a motor common carrier. Al J. Schneider and Donald J. Schneider, the majority stockholders of Amnaco, seek authority to acquire control of said rights through the transaction. Amnaco, a non-carrier holding company controls National Transportation Systems, Inc. (MC–149145), National Bulk Transport, Inc. (MC–143594), Contract Distribution Systems, Inc. (MC–144232, 148139), WNI, Inc. (MC–141871), Trans-National Truck, Inc. (MC–133655), Distribution Service Systems, Inc. (MC–118159), Schneider Tank Lines, Inc. (MC–110988), and Schneider Transport, Inc. (MC–51146, 151110). Condition: So far as can be ascertained from the evidence of record in this proceeding, Amnaco, Inc. is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Amnaco, Inc., will be

considered a motor carrier within meaning of 49 U.S.C. 11348. It will, therefore, be subject to the applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of Chapter III relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. Impediment: The operating rights of the applicants commonly controlled affiliates duplicate to a certain extent the operations authorized in American Pacific Express' certificate. Applicants are required to eliminate any duplicating authority that may result from this transaction in order to comply with the Commission's regulations at 49 CFR 1134.51. Approval and authorization of this transaction is, therefore, conditioned upon applicants setting forth all duplications and a plan for the elimination of such duplication.

Note.—A directly related application docketed MC-155070 was published in the **Federal Register** issue of June 17, 1981, which authorized (1) *pulp, paper and related products*, (2) *rubber and plastic products*, and (3) *food and related products*, between points in WI, on the one hand, and, on the other, points in El Paso and Houston, TX, and those in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

[FR Doc. 81-24883 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered: The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC-FC-78568 (Supplemental Publication). By decision of 8/6/81 iussued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 granted reopening and approved the transfer to CONSOLIDATED CARRIERS INTERNATIONAL TRANSPORT CORPORATION of Charlotte, NC, of Certificates No. MC-146068 (Sub-Nos. 2, 3, 6, 7, and 9), and Permit No. MC-143926 (Sub-No. 3) issued to CONSOLIDATED CARRIERS CORPORATION, of Charlotte, NC, authorizing: *Chemicals* (except in bulk and except in tank and hopper containers) from points in California, Florida, Illinois, Indiana, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Tennessee, Texas, West Virginia, and Wyoming to facilities of Ace Chemical Corp. at or near Charlotte, NC; *aluminum billets*, from Harrisonburg, VA, to facilities of Victor Industries, at or near Chco, CA; *mobile home tires mounted on wheels, mobile home axles, and lug nuts for mobile home axles*, from the facilities of West Coast Mobile Tire Co., at Takoma, WA, Portland, OR, Tucson, AZ, Reno, NV, and Ladi, CA, to points in the United States (except Alaska and Hawaii); *general commodities* (except classes A and B explosives), between points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia, on the one hand, and, on the other, points in Arizona, California, Nevada, Oregon, Utah, and Washington; *synthetic fiber, textile waste, plastic pellets, plastic waste, wool, wool waste, and materials* used in the manufacture thereof (except in bulk, in tank vehicles), between Johnsonville, Hemingway, Florence, and Charleston, SC, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Wellman, Inc., of Boston, MA. Applicants' representative: Robert B. Walker, 915 Penn. Bldg., 425 13th St., N.W., Washington, D.C.

Note.—Notice of this application was previously published in the May 23, 1980, **Federal Register.**

MC-FC-78904 (Supplemental)—California Eastern Express, Inc.—Transferee and Transcontinental Carriers-Transferor, published in the April 1, 1981 issue of the **Federal Register** at page 19,886. This supplemental notice reflects a decision of Review Board Number 3 as enumerated in its decision dated July 8, 1981 permitting applicants to amend their application. Under the amended application, transferee seeks to acquire additional authority authorizing in part the transportation as a common carrier of *chemicals*, (except commodities in bulk), *plastics*, and *laundry* and *kitchen appliances* between specified points in the United States.

MC-FC-79061. By decision of July 24, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to S & K TRANSPORTATION, INC. of Certificate No. MC-145135 (Sub-No. 2)F issued June 29, 1979 to JOHN E. DILLON doing business as DILLON TRUCKING COMPANY authorizing operations as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) buildings knocked down, and parts and attachments for buildings and (2) materials and supplies used in the installation of buildings, from the facilities of Traditional Log Movers, Inc. at or near State Road, NC to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Mississippi, Ohio, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia. Applicants' representative: R. Peter Decato, Attorney, 23 Basil Street, Lebanon, NH 03766.

MC-FC-79096. By decision of August 22, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 5 approved the transfer to CTC VAN LINES, INC. of Certificate No. MC-139808 (Sub-E-3) issued to COASTAL VAN and STORAGE, INC. authorizing the transportation of Household goods as defined by the Commission between points in Pennsylvania (east of a line from New York south on Route 15 to the

Susquehanna River, and points east of the Susquehanna River), on the one hand, and, on the other, points in Florida (east of Route 75 and south of Route 24). Applicants' representative: Bruce J. Robbins, Esq., 18 East 48th Street, New York, New York 10017.

Note.—This matter is directly related to a gateway elimination application in No. MC-78926 (Sub-No. 3), CTC Van Lines, Inc., Gateway Elimination.

MC-FC-79161. By decision of August 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to ROBERT M. YEAGER AND JOHN O. MILLS d.b.a. BIG VALLEY EXPRESS of 2455 Walton, P.O. Box 1454, Central Valley, CA 96019, of a portion of Certificate No. MC-98327 (Sub-Nos. 4 and 50) issued to System 99 of 8201 Edgewater Drive, Oakland, CA 94621, authorizing Regular Routes: *General commodities,* except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, motor vehicles, livestock, and commodities requiring special equipment, between points in California serving all intermediate points, as follows: from Alturas over U.S. Highway 299 to Salyer, and return over the same route. From Bartle over California Highway 89 to junction U.S. Highway 299, north of Burney, and return over the same route. Service is authorized at off-route points in the described portions of the following Counties: *Modoc,* except those (a) on U.S. Highway 395 north of Davis Creek, and (b) those on unnumbered highway north of Lake City; *Shasta,* except those (a) south of California Highway 36 and (b) on California Highway 3 north of Trinity Center. Applicant's representative: Allan N. Robinson, 8201 Edgewater Drive, Oakland, CA 94621.Transferee is not a carrier. This amends the **Federal Register** publication of June 19, 1981.

MC-FC-79251. By decision of July 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to RIGHTWAY TRANSPORTATION, LTD., of Hartland, New Burnswick, CA Certificate No. MC-134408 Sub No. 2 issued to Hunter Transportation, Ltd., of Hartland, New Brunswick, CA authorizing: *Fencing.* (1) From ports of entry on the United States-Canada Boundary line at or near Houlton, Calais and Vanceboro, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, and the District of Columbia. (2) (a) From ports of entry on the United States-Canada Boundary line located at or near Houlton, Calais, Vanceboro, and Madawasha, ME, to points in North Carolina, South Carolina, Georgia, Florida, West Virginia, and Ohio. (b) From ports of entry on the United States-Canada Boundary line at or near Madawasha, ME, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Applicant's representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101. TA lease is sought. Transferee is not a carrier.

MC-FC-79256. By decision of August 15, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to R. G. STINE TRUCKING, INC., of Visalia, CA, of Permit MC-150609 (Sub-No. 1F) issued June 5, 1981, to Ronald R. McIntyre, an individual, d.b.a. D & R TRANSPORT LEASING, of Visalia, CA, authorizing the transportation of *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above between points in the United States under continuing contract(s) with Sassoon-Scherman Fibers Co., of Los Angeles, CA. Applicant's representative is: Donald R. Hendrick, Post Office Box 88, Norwalk, CA 90650, (213) 863-8883. TA application has not been filed. Transferee holds authority under MC-152357.

MC-FC-79263. By decision of July 17, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to L & I TRUCKING CO., INC. of Certificate No. MC-47227 issued January 20, 1956 to ANTON HOLLENDONNER, SR. AND ANTON HOLLENDONNER, JR., a partnership d.b.a. HOLLAND TRUCKING CO. authorizing the transportation of (1) *chinaware, porcelainware, tile, and machinery parts* (a) between Trenton, NJ, and New York, NY, over U.S. Hwy. 1 serving no intermediate points; (b) Between Trenton, NJ and Philadelphia, PA, and (2) *China lamp bases,* from Manasquan, NJ, to Trenton, NJ. Applicant's representative: Anton J. Hollendonner, 1901 No. Olden Avenue Ext., Trenton, NJ.

Notes.—(1) Transferee is a non-carrier. (2) No application for temporary authority has been filed.

MC-FC-79269. By decision of 8/5/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to REGENCY AIR FREIGHT, INC., of Dearborn Heights, MI, of Certificate No. MC 119827, MC 119827 (Sub-2), MC 119827 (Sub-4), MC 119827 (Sub-6), and MC 119827 (Sub-7), issued 8/19/63, 12/23/63, 11/17/70, 11/19/70, and 11/8/76, respectively, to KEY LINE AIR FREIGHT, INC., of Dearborn Heights, MI, authorizing the transportation in MC 119827 of *General commodities,* between the Willow Run Airport, MI, and the Detroit Metropolitan Wayne County Airport, MI. Between Willow Run Airport and Detroit Metropolitan Wayne County Airport, on the one hand, and on the other, Toledo, OH, and points in Wayne, Washtenaw, Oakland, Livingston, Lenawee, and Monroe Counties, MI, and points in that portion of Macomb County, MI, which is within the Detroit, MI, Commercial Zone, as defined by the Commission. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to shipments having an immediately prior or an immediately subsequent movement by aircraft. The authority granted herein, to the extent that it authorizes the transportation of Classes A and B explosives, shall be limited in point of time to a period expiring five years after February 2, 1962.

In MC 119827 (Sub-2) of *General commodities,* between Willow Run Airport, located in Wayne and Washtenaw Counties, MI, and Detroit Metropolitan Wayne County Airport located in Wayne County, MI, on the one hand, and, on the other, points in Lapeer County, MI, on and south of Michigan Highway 21, and on and east of Michigan Highway 24, points in St. Clair County, MI, on and south of Michigan Highway 21 and on and west of Michigan Highway 19, and points in Macomb County, MI, except points within the Detroit, MI, Commercial Zone, as defined by the Commission. Restriction: The service authorized herein is subject to the following conditions: Service is restricted to traffic having an immediately prior or immediately subsequent movement by aircraft. The authority granted herein, to the extent it authorizes the transportation of Classes A and B explosives, shall be limited in point of time to a period expiring five years after December 23, 1963.

In MC 119827 (Sub-4) of Irregular routes: *General commodities,* except

articles of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment, between Willow Run Airport, Wayne and Washtenaw Counties, MI, Detroit Metropolitan Wayne County Airport, Wayne County, MI, and Toledo Express Airport, Lucas County, OH, on the one hand, and, on the other, points in Lucas, Williams, Defiance, Fulton, and Henry Counties, OH. Restriction: The service authorized herein is restricted to shipments having an immediately prior or subsequent movement by air.

In MC 119827 (Sub-6) of *General commodities*, between Willow Run Airport (in Wayne and Washtenaw Counties), MI, Detroit Metropolitan Airport (in Wayne County), MI, and Toledo Express Airport (in Lucas County), OH, on the one hand, and, on the other, points in Ottawa County, OH. Restriction: The operations authorized herein are suject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement by air. The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring five years after September 22, 1970.

In MC 119827 (Sub-7) of *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Willow Run Airport, Ypsilanti, MI, Wayne Major Airport, Romulus, MI, and Detroit City Airport, Detroit, MI, on the one hand, and, on the other, points in Macomb, St. Clair, and Sanilar Counties, MI. Restriction: The authority granted herein above is restricted to traffic having an immediately prior or immediately subsequent movement by air. Between Willow Run Airport, at or near Ypsilanti, MI, on the one hand, and, on the other, points in Wayne County, Oakand County (except Auburn Heights, Commerce, Drayton Plains, Keego Harbor, Pontiac, Rochester, Waterford and Wixom), and Washtenaw County (except Saline and Ypsilanti), MI. Restriction: The authority granted in the route description next-above is restricted to the transportation of traffic having a prior or subsequent movement by air. Representative is: Martin J. Leavitt, Attorney and Agent, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349–3980. Application for temporary authority has not been filed. Transferee presently holds no authority from the Commission.

MC–FC–79271. By decision of July 29, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to John H. Hanzelka d.b.a. John H. Hanzelka Trucking of Certificate MC 94704 (Sub-8) issued June 21, 1973 to Walter Neuroth d.b.a. Neuroth Truck Line authorizing the transportation of *meat, meat products, meat byproducts,* and *articles* distributed by meatpacking houses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Tama Meat Packing Corporation at Tama, IA, to points in IL, IN, MI, MN, NE, OH, SD, and WI. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309.

Notes.—(1) Transferee presently holds no authority from the Commission. (2) An application for temporary authority has not been filed. (3) The certificate, MC–94704 (Sub-No. 8) was originally transferred to West Bros. Corp. in MC–FC–76509. West Bros. Corp. filed a voluntary petition in bankruptcy and failed to perform the terms and conditions of the transfer agreement existing between West Bros. Corp. and Walter Neuroth. The Bankruptcy Court authority authorized Walter Neuroth to reclaim the subject authority.

MC–FC–79275. By decision of August 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Tom Borden, d.b.a. West Virginia Coach Company, of Ravinswood, WV, of Certificate No. MC 59238 (Sub-41) issued to Virginia Stage Lines, Inc., d.b.a. Virginia Trailways, of Washington, DC authorizing: *Passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, over described regular routes, serving named intermediate points, (1) between Bluefield, WV, and Logan, WV, (2) between Huntington, WV, and Logan, WV; (3) between Charleston WV, and Logan WV. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, D.C. 20004, TA lease is not sought.

Note.—This application was filed under 49 U.S.C 11343, but was processed under 49 U.S.C. 10926 because tranferee is not a carrier and is not affiliated with a carrier. Consequently, applicants' request to tranfer intrastate certificates issued by the State of West Virginia was denied.

MC–FC–79278. By decision of August 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to CANNON BROTHERS TRUCKING CO., INC., of Mountain Home, NC, of Permit MC–129026 (Sub-5F), issued September 13, 1979, to J.C.D. TRANSPORTATION CORP., of East Syracuse, NY, which authorizes the transportation of *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk, in tank vehicles), between the facilities of Seneca-Lincoln Foods Division of Seneca Foods Corp., at or near Mountain Home, NC, on the one hand, and, on the other, points in AL, FL, GA, IN, KY, MD, MS, NC, OH, SC, TN, VA, WV, and DC, under continuing contract(s) with Seneca Foods Corp., of Dundee, NY. Representative: Robert L. Whitmire, Jr., Suite 2, Green Building, P.O. Box 928, Hendersonville, NC 28793; and Martin Werner, 888 Seventh Avenue, New York, NY 10106.

Notes.—TA application has not been filed. Transferee is a non-carrier.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems), we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able

properly to perform the service proposed and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of ths decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: August 21, 1981.

By the Commission, Review Board Number 3, Members Krock, Taylor and Williams.

MC 78926 (Sub-3), filed March 23, 1981. Applicant: CTC VAN LINES, INC., 134–41 Springfield Boulevard, Springfield Gardens, NY 11413. Representative: Bruce Robbins, Jr., Robbins & Newman, P.C. 18 East 48th Street, New York, NY, 10017 (212) 755–9400. Transporting *household goods*, as defined by the Commission, between New York, NY, on the one hand, and, on the other, points in Florida, east of Route 75 and south of Route 24.

Note.—this is a matter directly related to the transfer application in No. MC–FC–79096, CTC Van Lines, Inc., Transferee and Coastal Van and Storage, Inc., of Transferee.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–24866 Filed 8–25–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce, and Dowell.

MC–FC–79231. By decision of August 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Harbor Cartage, Inc., of Detroit, MI, of Certificate No. MC–149096 issued October 7, 1980, and Permit No. MC–50052 (Sub-No. 1) issued January 22, 1981, to Seaport Transportation Company, of Detroit, MI, in No. MC–149096, authorizing the transportation of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, IL, on the one hand, and, on the other, points in Michigan bounded by and including those points on and east of US Highway 127 commencing at the MI–OH State line and extending north to the intersection of US Hwy 127 and US Hwy 27, those points on and east of US Hwy 27 and extending from the intersection of US Hwys 127 and 27 to the intersection of US Hwy 27 and US Hwy 10, those points on and south of US Hwy 10 beginning at the intersection of US Hwy 27 and US Hwy 10 extending east to US Hwy 10 at Bay City, MI, to Saginaw Bay, and those points otherwise encompassed by the water boundaries of MI including the Saginaw Bay, Lake Huron, St. Clair River, Lake St. Clair, Detroit River and Lake Erie back to the MI–OH state lines, restricted to the transportation of traffic having prior or subsequent movement by rail in rail owned or operated trailers; and, in No. MC–150052 (Sub-No. 11), the transportatioan of *self contained room air conditioners*, between Jonesville and Detroit, MI, restricted to traffic having a prior or subsequent movement by rail, under continuing contract(s), with York Division, Borg Warner Corp. Applicants' representative: Alex J. Miller, 555 S. Woodward Ave., Suite 512, Birmingham, MI 48011, (313) 647–3350.

MC–FC–79235. By decision of August 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Bremco Mills, Inc. of Permit No. MC–74598 and Certificate Nos. MC–109551 and No. MC–109551 (Sub-Nos. 3, 4 and 5) issued to Miller Trucking, Inc., authorizing in MC–74599 authorizing the transportation over irregular routes of *fertilizer* From Toledo, OH, to points in that port of Indiana east of Indiana Highway 43 and north of Indiana Highway 28, including points in the indicated portion of the highways specified, with no transportation for compensation in return except as otherwise authorized. *Machinery, iron and steel foundry products, metal and wooden patterns, scrap iron and steel,* and other iron and steel mill products, Between Morrison, IN, on the one hand, and, on the other, Detroit, Jackson, and Tecumesh, MI, Chicago, IL, and points in Ohio and Indiana. In No. MC–109551, authorizing

the transportation over irregular routes of *glass containers* and *accessories therefor, plastic bottles, plastic jars* and *plastic rills*, From Gas City, IN to Louisville and Frankfort, KY, St. Louis, MO points in Ohio and Illinois, and those in that part of Michigan in, south, and east of Michigan Highway 46, with no transportation for compensation in return except as otherwise authorized. In No. MC–109551 (Sub-No. 3), authorizing the transportation over irregular routes *glass containers and closures for glass containers*, From Gas City, IN to points in Kentucky, (except Covington, Bardstown, Oklahoma, Frankfort, Louisville, Clermont and Taylor, TX) with no transportation for compensation in return except as otherwise authorized. In No. MC–109551 (Sub-No. 4), authorizing the transportation over irregular routes of *glass containers and closures therefor* From the warehouse facilities of Owens-Illinois located at Jeffersonville, Madison, Muncie, Terre Haute, Swayzee, East Chicago, Fort Wayne, and South Bend, IN to St. Louis, MO, points in Kentucky (except Bardstown, Taylor and Clermont), OH and points in that point of Michigan on and south of Michigan Highway 46, with no transportation for compensation in return except as otherwise authorized. In No. MC–109551 (Sub-No. 5), authorizing the transportation over irregular routes of *aluminum billets, aluminum pigs*, and *aluminum scrap*, From Booneville, IN to Coldwater, MI, with no transportation for compensation in return except otherwise authorized. Because of duplicates, No. MC–109551 (Sub-No. 6) will be at the request of the applicant coincidental in the issuance of the certificate.

MC–FC–79273. By decision of July 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Ridgefield Park Transport Co., Inc., of Ridgefield Park, NJ, of Permit No. MC–145277 (Sub-No. 3F), issued June 22, 1979, to P & P Trucking Company, Inc., of Ridgefield Park, NJ, authorizing the transportation of *general commodities* (except household goods as defined by the Commission and Classes A and B explosives), between points in the United States, under continuing contract(s) with Pepsi-Cola Manufacturing Company, Inc., of San Juan, Puerto Rico. Representative is: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006.

Notes. (1) Application for TA has not been filed; (2) Transferee is a motor carrier operating under No. MC–150542 and sub-numbers thereunder; (3) Transferee and transferor are commonly controlled.

MC–FC–79281. By decision of August 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Contract Systems, Inc. of Greenwood, IN 46142 of Permit No. MC–153028 issued to Daniel L. Bogard D/B/A Bogard Distributing of Greenwood, IN authorizing the transportation of *general commodities* (except A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the United States, under continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. TA lease is not sought. Transferee is not a carrier.

MC–FC–79294. By decision of August 13, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Artim Transportation System, Inc. of Atlanta, GA of Certificate No. MC–41406 and sub-nos. thereof issued to Artim Transportation System, Inc. of Merrillville, IN authorizing *general commodities and various specified commodities* over regular and irregular routes between various points in the United States. Representative: Alki E. Scopelitis, 100 Merchants Plaza, Indianapolis, IN 46204. TA lease is not sought. Transferee is not a carrier.

MC–FC–79297. By decision of August 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Jerry Newman and Son, Limited, of Cotton, Ontario, Canada, of Certificate No. MC–112991 (Sub-No. 4) issued to Livingston Transportation, Limited, of Tillsonburg, Ontario, Canada, authorizing: *dry bulk commodities* in dump vehicles between ports of entry on the International Boundary Line between the United States and Canada, on the one hand, and, on the other, points in Michigan and Ohio, restricted against the transportation of traffic originating at or destined to Niagara Falls, ON. Representative: Harold G. Hernly, Jr., 110 S. Columbus St., P.O. Box 1281, Alexandria, VA 22313. TA lease is not sought. Transferee is a carrier, holding authority under No. MC–149310.

MC–FC–79298. By decision of August 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Jack N. Stont, Inc., d/b/a Through Transportation, of Glen Arm, MD of Permit No. MC–148471 (Sub-No. 2F) issued to Through Transportation, Inc., of Port Deposit, MD, authorizing: *metal fireplaces, and materials, equipment, and supplies* used in the manufacture of metal fireplaces, between Baltimore, MD, and Union City, TN, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contract(s) with Superior Fireplace Company, of Baltimore, MD. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. TA lease is sought. Transferee is not a carrier.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–24864 Filed 8–25–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the

human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–237

Decided: August 19, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 157650, filed August 10, 1981. Applicant: PERRY D. MERKEL, RR 5269, Great Falls, MT 59401. Representative: Perry D. Merkel (same address as applicant) (406) 965–3137. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157681, filed August 13, 1981. Applicant: DOUBLE E. REFRIGERATED TRUCK LINE, INC., 5905 Lamar, Kansas City, KS 66202. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty MO 64068 (816) 781–6000. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–5–132

Decided: August 18, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 55869 (Sub-75), filed July 30, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6627, Dothan. Representative: Kim D. Mann, 7101 Wisconsin Ave., Washington, D.C. 20014 (301) 986–1410. Transporting *general commodities*, between Summerfield, NC, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing regular-route authority. The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 143568 (Sub-5), filed July 28, 1981. Applicant: SIMMONS TRUCKING, INC., Glenwood, MO 63541. Representative: Donald R. Simmons (same address as applicant) (816) 457–3716. Transporting *general commodities* (except classes A and B explosives), between Brashear, Hurdland, Edina, Knox City, LaBelle, Lewistown, Tolona, Ewing, Maywood, Taylor, Unionville, Lemon, Pollock, Cora, Milan, Browning, Purdin, and Linneus, MO, Astoria, Bradford, Easton, Teheran, Mason City, and New Holland, IL, Shubert, NE, Keystone, SD, Downer and Varco, MN, Terril, Langdon, Ayrshire, Curlew, Mallard, Manley, Kensett, and Northwood, IA, Drakesboro, Browder, Beechmont, Penrod, Dunmor, Diamond Springs, Lewisburg, Edwards, Epleys, and Danby, KY, and Clintonville, Big Falls, Marion, Split Rock, Tigerton, Whitcomb, and Wittenberg, WI, on the one hand, and, on the other, points in the U.S.

Note.—The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points.

MC 157399, filed July 29, 1981. Applicant: CLAYTON W. & WAVERLY HARRIS, Box 125, Browning, MO 64630. Representative: Clayton W. Harris (same address as applicant) (816) 946–4533. Transporting *general commodities* (except classes A and B explosives) between Brashear, Hurdland, Edine, Knox City, LaBelle, Lewistown, Tolona, Ewing, Maywood, Taylor, Unionville, Lemon, Pollock, Cora, Milan, Browning, Purdin, and Linneus, MO, Bradford, Astoria, Easton, Teheran, Mason City, and New Holland, IL, Shubert, NE, Keystone, SD, Downer and Varco, MN, Terril, Langdon, Ayrshire, Curlew, Mallard, Manley, Kensett, and Northwood, IA, Drakesboro, Browder, Beechmont, Penrod, Dunmor, Diamond Springs, Lewisburg, Edwards, Epleys, and Danby, KY, and Clintonville, Big Falls, Marion, Split Rock, Tigerton, Whitcomb, and Wittenberg, WI, on the one hand, and, on the other, points in the U.S.

Note.—The sole purpose of this application is to substitute motor carrier service for completely abandoned rail service. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points.

MC 157569, filed August 5, 1981. Applicant: KINGS VALLEY MOVING & STORAGE, INC., d.b.a. VALLEY MOVING & STORAGE, 18369 Iona Ave., Lemoore, CA 93245. Representative: Frank Richard Homan (same address as applicant) (209) 924–9201. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 157579, filed August 6, 1981. Applicant: WENDELL W. SPENCER, 128 Babcock, Owosso, MI 48867. Representative: Wendell W. Spencer (same address as applicant) (517) 723–5685/6984. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81–24861 Filed 8–25–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 149]

Motor Carriers; Permanent Authority Decisions; Restriction Removals Decision-Notice

Decided: August 21, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 119928 (Sub-13)X, filed August 6, 1981. Applicant: C & E TRUCKING CORPORATION, 1818 West Sample Street, South Bend, IN 46619. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 12 certificates to: In its lead certificate, regular route portion, broaden the commodity description from paper cartons or boxes (other than corrugated to "pulp, paper and related products," from fresh fruits and vegetables to "food and related products"; expand the off-route point of La Porte, IN, to La Porte County, IN; authorize service at all intermediate points; replace existing one-way authority with a two-way movement; remove restrictions limiting service to or from warehouses, plants, or other facilities of meat packinghouses; in the irregular-route portion, broaden the commodity description from meats, meat products, and meat by-products, dairy products, and articles distributed by meat-packing houses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, to "food and related products" from dairy products as described in section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, yeast and frozen foods to "food and related products" from packinghouse products as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, fresh meat, groceries, and fixtures used by retail butcher shops, to "food and related products, and fixtures used by retail butcher shops"; wherever they appear in the irregular route portion of the lead, change Mishawaka to St. Joseph County, IN and South Bend, IN, and a plant site at South Bend to St. Joseph County, IN, and Berrien County, MI; Chicago, IL, to Cook, Lake, DuPage, Will, Counties, IL, and Lake and Porter Counties, IN; and Elkhart, IN, to Elkhart County, IN; remove restrictions limiting service to or from the warehouse, plants, or other facilities of meat packinghouses; and expand existing one-way authority to radial authority; In Sub-Nos. 1, 2, 3, 4, 5, 6, 8, 9, broaden the commodity description meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and various specified foodstuffs to "food and related products" in Sub-No. 7, broaden baby clothing and baby supplies when moving in mixed loads with groceries to "textile mill products, rubber, plastic and glass products, food and related products, and paper and related products"; in Sub-No. 12, foodstuffs to "food and related products"; replace facilities limitations with county-wide authority as follows: in Sub-No. 1, facilities at Rochelle with Ogle County, IL; in Sub-No. 2, facilities at Bradley and Kankakee with Kankakee County, IL; in Sub-No. 3, facilities at Momence with Kankakee County, IL; in Sub-No. 4, facilities at Sterling with Whiteside County, IL; in Sub-No. 5, facilities at Monmouth with Warren County, IL; in Sub-No. 8, facilities at Bureau with Bureau County, IL; in Sub-No. 9, facilities at Logansport with Cass County, IN; in Sub-No. 12, facilities at Elk Grove Village with Cook County, IL; in Sub-Nos. 6, and 7, replace city authority with county wide authority as follows: Chicago, IL, to Cook, Lake, Will Counties, IL, and Lake and Porter Counties, IN; Fremont with Sandusky County, OH; Fort Wayne with Allen County, IN; Kalamazoo to Kalamazoo County, MI; Fremont, MI, with Newaygo County, MI; eliminate the following restrictions where they exist: (a) in packages, (b) in bulk, in tank vehicles, (c) except hides, (d) size and weight, (e) in mixed loads and (f) "originating and/or destined to "restrictions; and replace existing one-way authority with radial authority. Applicant also seeks to remove a tacking restriction in its Sub-No. 4, which prevents it from performing a through service via Sterling, IL.

MC 121060 (Sub-13)X, filed August 3, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same as applicant). Applicant seeks to remove restrictions in its Sub Nos. 100 and 125 certificates to (1) broaden the commodity description to "metal products and pipe" from iron and steel articles and pipe in part (1) and (2) of Sub-No. 125, and from materials, equipment, and supplies used in the manufacture and distribution of iron and steel articles and pipe to those used in the manufacture and distribution of metal products and pipe in part (2) of Sub-No. 125; (2) delete the restriction to traffic originating at or destined to named facilities in Sub-No. 100 (3) remove the facilities limitation in Sub-No. 100, (4) remove the "except commodities in bulk" restriction in Sub-Nos. 100 and 125, (5) remove the AK and HI restriction in Sub-No. 125, (6) remove restriction to traffic having a prior or subsequent movement by rail or water in Sub-No. 100, and authorize radial service in part (1) of Sub-No. 125F between points in Bay County, FL, and points in the U.S.

MC 127187 (Sub-57)X, filed June 22, 1981 and noticed in the **Federal Register** of July 16, 1981, republished as corrected in this issue. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 1, 12, 13, 15, 16, 19, 21, 23, 26, 29, 32, 33, 38, 39, 43, 46, 47, 48, 49, 50, and 53 certificates to (1) broaden its commodity descriptions (a) in portions of Sub 1 and portions of Sub-Nos. 16, 12, 23, 29, 38, 39, 50, from animal and poultry feeds, feed ingredients and animal and poultry feed ingredients, dry animal feed, dry poultry feed, dry animal feed ingredients and dry poultry feed ingredients to "farm products"; (b) in portions of Sub-Nos. 1, 13, 43, and 47 from dry fertilizer, dry fertilizer ingredients, dry urea, fertilizer, fertilizer ingredients, fertilizer materials to "farm products and chemicals and related products"; (c) in a portion of Sub 1, from grain augers, steel buildings, storage bins, grain dryers and corn cribs, knocked down and in sections and component parts, materials and supplies, fixtures and accessories used in the construction and erection thereof to "farm products, machinery and metal products"; (d) in Sub-No. 15, from limestone and dicalcium phospate to "farm products"; (e) in a portion of Sub-No. 16 from dog and cat food and milk replacer and dried molasses to "farm products and food and related products"; (f) in Sub-No. 19, 21, 46, 49, and 53 from agricultural chemicals to

"chemicals and related products"; (g) in Sub-No. 26 from lumber to "lumber and wood products"; (h) in Sub-No. 32 from dolomite and dolomite products to "ores and minerals, and clay, concrete, glass and stone products"; and (i) in Sub-No. 33 from dry corn and soybean products to "farm products and food and related products"; (2) remove restrictions in Sub-Nos. 1, 12, 16, 19, 21, 33, 38, 39, 46, 49, 50 and 53 against the transportation of commodities in bulk, in tank vehicles; liquid commodities in bulk, in tank vehicles; in bulk; and liquids in bulk, in tank or hopper type vehicles; (3) replace facilities restrictions with city-wide and/or county-wide authority (a) in Sub-No. 1, part (D), Sioux City, IA with Woodbury and Plymouth Counties, IA, (b) in Sub-No. 1, part (E), Omaha, NE with Douglas, Sarpy and Washington Counties, NE; (c) in Sub-No. 1, part (F) York and Columbus, NE, Sioux Falls, SD and Hull, IA with York and Platte Counties, NE, Minnehaha County, SD and Sioux County, IA, (d) in Sub-No. 12 East Grand Forks, Crookston, Moorhead and Renville, NM with Polk, Clay and Renville Counties, MN; (e) in Sub-No. 15, Weeping Water, NE with Cass County, NE; (f) in Sub-No. 16, part (1), Belmond, IA with Wright County, IA and in Sub-No. 16, part (3), Owatonna, MN with Steele County, MN; (g) in Sub-No. 21, Des Moines, Clinton, Fort Dodge, Clarence, Muscatine, Sergeant Bluff, Sheldon and Mason City, IA with Polk, Warren, Madison, Dallas, Clinton, Webster, Cedar, Muscatine, Woodbury, Sioux, O'Brien and Cerro Gordo Counties, IA; (h) in Sub-No. 23, Emporia, KS with Lyon County, KS; (i) in Sub-No. 29, Culbertson, MT with Roosevelt County, MT; (j) in Sub-No. 33, North Kansas City, MO with Clay County, MO; (k) in Sub-No. 43, Mason City, IA with Cerro Gordo County, IA; (4) remove the facilities restrictions (a) in Sub-No. 1, paragraph (I) restricting service against the transportation of traffic from Port Cargill, MN; (b) in Sub-No. 19 restricting service from Muscatine, IA to the facilities of the Monsanto Company; (c) in Sub-No. 33 restricting service from the Archer Daniels Midland Company facilities in North Kansas, MO, (d) in Sub-No. 43, restricting service from the Land O'Lakes Agricultural Services Division facilities at or near Mason City, IA; (5) remove originating at or destined to restrictions in Sub-Nos. 1, 19, 26, 33, 38F and 53F; (6) replace a specified port of entry on the International Boundary line between the U.S. and Canada in MN with all ports of entry in MN; (7) remove a restriction to interstate commerce only in Sub-No. 1; (8) remove restriction in Sub-No. 19 limiting service to points in the provinces of Alberta, Saskatchewan and Manitoba, Canada; and (9) remove the restriction in Sub-No. 21 against the transportation of traffic originating at points in IL and NE within the commercial zone of the named IA points in that certificate. The purpose of this republication is to correct certain proposed territorial modifications.

MC 129742 (Sub-15)X, filed May 20, 1981, previously notice in the **Federal Register** of June 9, 1981, republished as follows: Applicant: PUROLATOR COURIER LTD., Valhalla Executive Center, 304 The East Mall, Islington, Ontario, Canada M9B 6C7. Representative: Peter A. Greene, 1920 N Street, NW., Suite 700, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. This Board previously broadened these certificates by (1) removing all exceptions to the general commodities authority except classes A and B explosives, (2) eliminating size and weight restrictions, and replacing authority to serve specific ports of entry with authority to serve any port of entry in 6 states. Applicant also sought to remove a dual operating imposed restriction precluding service to banks and a restriction against providing service to persons served under contract by applicant or its affiliates. This was proper under the restriction removal rules, but through admininstrative oversight the Board failed to include these restrictions among those to be removed in its federal register caption summary. The Restriction Removal Board has decided to renotice the application with respect to removal of the dual operatings type restrictions. Notice is hereby given that applicant seeks to remove the above-noted restrictions wherever these restriction appear in the above-referenced certificates.

MC 133095 (Sub-306)X, filed July 22, 1981, previously noticed in the **Federal Register** of August 7, 1981, republished as follows: Applicant: TEXAS CONTINENTAL EXPRESS INC., 2002 Continental Life Building, Fort Worth, TX 76102. Representative: Marshall Kragen, 1919 Pennsylvania Ave. NW., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos. 304X certificate to broaden authority to serve (1) Houston, TX to Harris, Ft. Bend, Montgomery and Chambers Counties, TX; (2) El Paso, TX to El Paso County, TX and Dona Ana and Otero Counties, NM (3) Louisville, KY to Jefferson County, KY and Floyd, Clark, and Harrison Counties, IN; (4) Minneapolis, MN to Hennepin, Ramsey, Anoka, Washington, Dakota, Carver, and Scott Counties, MN; (5) Fort Worth, TX to Denton, Tarrant, Johnson, Dallas and Parker Counties (6) Toledo, OH to Lucas, Wood, and Ottawa Counties, OH, and Monroe and Lenawee Counties, MI (7) Dallas, TX to Dallas, Denton, Tarrant, Rockwall, Kaufman, Collin, and Ellis Counties, TX; (8) Buffalo, NY to Erie and Niagara Counties, NY; (9) Atlanta, GA to Gwinnett, Douglas, DeKalb, Clayton, and Cobb, (10) Memphis, TN to Shelby and Tipton Counties, TN, Crittenden County, AR, and Desoto County, MS; (11) Detroit, MI to Wayne, Macomb, Washtenaw, Oakland, and Monroe, Counties, MI, (12) Birmingham, AL to Jefferson, Shelby, and St. Clair, Counties, AL; (13) Portland, OR to Multnomah, Clark, Washington, Clackamas, and Yamhill Counties, OR; (14) Fort Wayne and Evansville, IN to Allen, Webb, Adams, Whitley, Dekalb, Noble, Vanderburgh, Warrick, Posey, and Spencer Counties, IN and Henderson and Davies Counties, KY; (15) Alexandria, New Orleans, Lafayette, and Baton Rouge, LA to Rapides, LaSalle, Grant, Avoyelles, Orleans, St. Bernard, Plaquemines, St. John the Baptist, St. Charles, Jefferson, West Baton Rouge, East Baton Rouge, Ascension, Iberville, Livingston, Lafayette, St. Martin, and Acadia Parishes, LA and Hancock County, MS, (16) New Orleans, LA to St. Bernard, Plaquemines, Orleans, St. John the Baptist, St. Charles and Jefferson Parishes, LA, and Hancock County, MS, (17) Indianapolis, IN to Marion, Hancock, Shelby, Johnson, Hamilton, Boone, Hendricks, and Morgan Counties, IN; (18) Nashville, IN to Davidson, and Williamson, Counties, TN; (19) Mobile, AL to Mobile County, AL; (20) South Texarkana, TX to Bowie County, TX and Miller County, AR; (21) Grand Rapids, MI to Muskegon, Ottawa, and Kent Counties, MI; and (22) Jackson, MS to Rankin, Madison and Hinds Counties, MS; (23) Peoria, IL to Peoria, Tazewell, Marshall, and Woodford Counties, IL. The purpose of this republication is to include additional counties in the territorial expansion of named points as follows: (1) include Denton County, TX (Fort Worth, TX); (2) include Gwinnett and Douglas Counties, GA (Atlanta, GA); (3) include Washtenaw County, MI (Detroit, MI); and (4) include Hancock County, MS (New Orleans, LA).

MC 134790 (Sub-9)X, filed July 31, 1981. Applicant: DANIEL C. HAFFNER, d.b.a. TRUCKING SERVICE, Rural Route 1, Farmington, IA 52626. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 2, 6F, and 7F certificates

to (A) broaden the commodity description to (1) "metal products, machinery and lumber and wood products" from (a) steel grain bins and livestock buildings, steel grain handling equipment, steel buildings, steel trusses and buildings frames, and lumber, and parts and accessories for each of the commodities described above and materials, equipment, and supplies (except commodities in bulk) used in the manufacture, processing, sale and distribution of commodities described above, in Sub-No. 2; and (2) "transportation equipment" from iron and steel railway car and locomotive wheels, in Sub-Nos. 6F and 7F; (B) remove the "except commodities in bulk" restriction, in Sub-No. 2 (part 2); (C) remove the restriction (1) limiting service to the transportation of traffic originating at or destined to named points and (2) prohibiting service to AK and HI, in Sub-Nos. 2 and 6F; (D) authorize county-wide authority to replace existing facilities or city-wide authority: (1) Lee and Henry Counties, IA, for Houghton, IA, in Sub-No. 2; and (2) Lee County, IA, Clark County, MO and Hancock County, IL, for Keokuk, IA, in Sub-Nos. 6F and 7F; and (E) authorize radial authority to replace existing one-way authority between points in States throughout the U.S., in all certificates.

MC 142935 (Sub-24)X, filed August 3, 1981. Applicant: PLASTIC EXPRESS, 2301 Francis Street, Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Applicant seeks to remove restrictions in its Sub-Nos. 9F, 12F, and 15F certificates to (1) broaden the commodity description in Sub-No. 9F from petroleum products to "petroleum, natural gas and their products"; and (2) broaden the territorial description from one-way to radial authority in Sub-Nos. 9F, 12F and 15F.

MC 144069 (Sub-31)X, filed July 31, 1981. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Towbridge (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, 5F, 9F, 11F, 19F, 20F, 22F and 24F certificates to (1) broaden the commodity descriptions (a) from prestressed concrete building members in Sub-No. 1F to "building materials"; (b) from prestressed concrete building members, materials required in the manufacture of prestressed concrete building members (except commodities in bulk), and equipment employed in the erection and transportation of prestressed concrete building members in Sub-No. 3F, to "building materials, materials required in the manufacture of building materials, and equipment employed in the erection of building materials"; (c) from iron and steel articles in Sub-Nos. 5F, 9F, and 24F, to "metal products"; (d) from iron and steel articles, aluminum articles and plastic articles, in Sub-No. 19F, to "metal products, and rubber and plastic products"; (e) from precast and prestressed structural concrete products and materials, supplies, and equipment used in the manufacture and erection of structural concrete products (except commodities in bulk), in Sub-No. 20F, to "building materials, and materials, supplies and equipment used in the manufacture and erection of building materials"; and (f) from iron and steel articles, machinery, and machinery parts in Sub-No. 22F, to "metal products, machinery products, and machinery parts"; (2) remove facilities limitations at and/or replace (a) Charlotte, NC, with Mecklenburg County, NC, in Sub-Nos. 1F and 3F; (b) Charlotte and Raleigh, NC, with Mecklenburg and Wake Counties, NC, Aiken and Seneca, SC, with Aiken and Oconee Counties, SC, and Bristo, TN, with Sullivan Counties, TN in Sub-No. 5F; (c) Muirkirk, MD, with Prince Georges County, MD in Sub-No. 11F; (d) Hickory, Charlotte, Winston Salem, Greensboro, Colfax, Wilson, Wilmington, and Burlington, NC, with Catawba, Mecklenburg, Forsyth, Guilford, Wilson, New Hanover, Brunswick, and Alamance Counties, NC, Augusta, Duluth, and Savannah, GA, with Richmond, Gwinnett and Chatham Counties, GA, Columbia, Taylor, Charleston, and North Charleston, SC, with Richland, Lexington, Greenville, Dorchester, Charleston, Beaufort, and Jasper Counties, SC, and Jacksonville, FL, with Duval and Clay Counties, FL, in Sub-No. 19; (e) Greensboro, Hoffman, Colfax, Morganton, Wilmington, and Raleigh, NC, with Guilford, Richmond, Burke, New Hanover, Brunswick and Wake Counties, NC, Columbia, Charleston, Sumter, and Georgetown, SC, with Richland, Lexington, Charleston, Sumter, Georgetown and Charleston Counties, SC, in Sub-No. 20; and (f) Niles, OH, with Trumbull County, OH, Pulaski and Pittsburgh, PA, with Lawrence and Allegheny Counties, PA, Youngstown and Hicksville, OH, with Mahoning and Defiance Counties, OH, Bedford Park, IL, with Cook County, IL, Butler, IN, with DeKalb County, IN, Berkley Springs, WV, with Morgan County, WV, Hagerstown, MD with Washington County, MD, Benton, AR, with Saline County, AR, and Kings Mountain, NC, with Cleveland County, NC, in Sub-No. 22F; and (3) replace one-way radial authority in Sub-No. 1F.

MC 146303 (Sub-10)X, filed August 3, 1981. Applicant: COLO-TEX INDUSTRIES, INC., 1325 West Quincy Avenue, Englewood, CO 80110. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Applicant seeks to remove restrictions in its Sub-Nos. 7, 8 and 9 certificates to (1) broaden the commodity description to "food and related products" from (a) alcoholic beverages (except in bulk), in Sub-No. 7, (b) foodstuffs (except in bulk, in tank vehicles) and alcoholic beverages, and wines, in Sub-No. 8, and (c) meats, meat byproducts and articles distributed by meat packinghouses (except hides and commodities in bulk, in tank vehicles), in Sub-No. 9; (2) authorize county-wide authority to replace existing facilities or city-wide authority: (a) Salt Lake County, UT, and Laramie County, WY, for facilities at Salt Lake City, UT, and Cheyenne, WY, in Sub-No. 7, (b) Denver, Adams, Douglas, Araphahoe and Jefferson Counties, CO, for Denver, CO, in Sub-Nos. 8 and 9, and (c) Laramie County, WY, for Cheyenne, WY, in Sub-No. 8; and (3) authorize radial authority to replace existing one-way authority.

MC 146709 (Sub-4)X, filed July 31, 1981. Applicant: BILLY M. EDMONDSON d.b.a. EDMONDSON SWIFT MEAT TRANSPORT, P.O. Box 86, Georgetown, GA 31754. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its MC–146709F and Sub-Nos. 1F and 3F certificates, and MC–144461F and Sub-Nos. 3F and 4F permits, to (1) broaden commodity descriptions (a) from insulators and insulator parts in the lead certificate, from electrical lighting fixtures and equipment, and parts and accessories thereof in Sub-1F certificate, and from electrical lighting fixtures and equipment and parts and accessories thereof, in Sub-No. 3F certificate, to "machinery and electrical equipment" and (b) from meat, meat products, and articles distributed by meat-packinghouses in the lead permit, from foodstuffs in Sub-No. 3F permit, and from meats, meat products, and meat by-products, and articles distributed by meat-packinghouses, in Sub-4F permit, to "food and related products"; (2) change city to county-wide authority (a) in lead certificate from Sandersville, GA, to Baldwin and Washington Counties, GA, (3) in Sub-Nos. 1F and 3F certificates remove facilities limitation and replace Eufaula, AL, and Americaus, GA, with Barbour County, AL, and Sumter County, GA; and (4) broaden territorial description to between points in the United States

under continuing contracts with named shippers in all permits; (5) change one-way to radial in all certificates; (6) remove restrictions against commodities in bulk in Sub-3F certificate and in lead and Sub-No. 4F permits; (7) remove restrictions against hides in lead and Sub-4F permits; and (8) remove limitation to vehicles equipped with mechanical refrigeration in Sub-3F permit.

MC 147524 (Sub-8)X, filed August 11, 1981. Applicant: SINED LEASING, INC., 106 High Street, Mount Holly, New Jersey 08060. Representative: Daniel J. Sweeney and Steven J. Kalish, 1750 Pennsylvania Avenue, NW, Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-No. 2 M1 permit to broaden the territorial descriptions to between points in the US under continuing contract(s) with named shippers.

MC 148971 (Sub-5)X, filed July 30, 1981, previously noticed in the **Federal Register** August 18, 1981, republished as follows: Applicant: YOUNG'S EXPRESS, INC., 1501 N. Warwick Ave., Baltimore, MD 21216. Representative: Brian S. Stern, 5411–D Backlick Rd., Springfield, VA 22151. Applicant seeks to remove restrictions in its MC–134280 Sub-Nos. 1F, 4F, 6F, and 8F permits and MC–148971F certificate to (1) broaden the commodity description from meats, packinghouse products, and commodities used by packinghouse (except commodities in bulk in tank vehicles), as descibed in Section A of Appendix I to the report in descriptions in Motor Carrier Certificates, 67 M.C.C. 209 and 766, seasoning or spices, advertising matter, forms, racks, signs and store displays, and commodities used in the manufacture, sale, or distribution of meats and packinghouse products as described above, to "such commodities as are dealt in or used by manufacturers or distributors of food and related products" in Sub-No. 1; from such commodities as are dealt in by manufacturers of power tools to "such commodities as are dealt in or used by manufacturers or distributors of machinery" and from empty used containers, used trailers, and used trailer chassis, to "containers, trailers and trailer chassis" in Sub-No. 4; from ferrous scrap metals to "waste or scrap materials not identified by industry producing" in Sub-No. 6; from cold rolled and galvanized steel, in coils, rolled and galvanized steel, in sheets and in coils, and rolled steel to "metal products" in Sub-No. 8; (2) remove "except in bulk" in Sub-No. 4; (3) remove a requirement of a prior or subsequent movement by water or rail in Sub-No. 4 and MC-148971F; and (4) broaden the territory descriptions in each permit to between points in the U.S. under continuing contract(s) with named shippers. The purpose of this republication to correct a commodity description for Sub-No. 4 which was omitted in the original publication.

MC. 150127 (Sub-4)X, filed August 3, 1981. Applicant: COMMANCHE EXPRESS LINES, INC., P.O. Box 451, Jeffersonville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description to "clay, concrete, glass or stone products" from agricultural gypsum, limestone, and decorative stone (except commodities in bulk).

MC. 150767 (Sub-1)X, filed August 18, 1981. Applicant: SMITH & CALDWELL TRUCKING, INC., 404 Wayne Ave., Pine Beach, NJ 08741. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Applicant seeks to remove restrictions in its lead permit to broaden its territorial authority to between points in the United States, under continuing contract(s) with a named shipper.

[FR Doc. 81-24862 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

August 21, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days of the date of publication of the notice.

No. 43933, Southwest Freight Bureau, Agent, (B–130), rates on sand, industrial, etc., from Guion and Van Buren, AR, Crystal City, Ludwig and Pacific, MO, Mill Creek and Roff, OK, and Kosse and Marquez, TX to stations in Southern Freight Association Territory. Rates are published in Supplement 197, ICC SWFB 4319, effective September 14, 1981. Grounds for relief: Additional revenue to offset increased operating costs.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24860 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 21511]

Norfolk & Western Railway Co.—Lease etc. Wabash Railroad Co., et al.; Sixth Supplemental Decision and Notice of Exemption

By our decision served August 19, 1980, we authorized Norfolk and Western Railway Company (N&W) to extend the period of its lease of the property of **Wabash Railroad Company** for a third eight-year term to commence on October 16, 1980.

Upon examination of the record in this proceding, it has come to our attention that the Commission inadvertently failed to give proper notice of N&W's proposal. Moreover, N&W did not certify to the Commission that it served copies of its proposal on the Governor and other designated state officials of each state in which the rail properties subject to the transaction are situated pursuant to 49 U.S.C. 11344(a). Because the required notices were not given, we have decided to reopen this proceeding pursuant to 49 U.S.C. 10327(g).

Subsequent to our August 1980 decision, our revised Railroad, Acquisition, Control, Merger, Consolidation Project, Trackage Rights and Lease Procedures, 49 CFR 1111 took effect (on October 23, 1980). Those rules exempt from our prior review the renewal of leases previously approved by the Commission, and transactions within a corporate family that do not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. See 49 CFR 1111.5(c) (3) and (4).

Because N&W's petition appears to seek only the renewal of a lease previously approved and within a corporate family, N&W's petition should be processed under the revised rules. Accordingly, we are treating N&W's proposal as a notice of exemption on our own motion. See 49 U.S.C. 10505(b). Naturally, as with all exemptions, we have the authority to revoke the exemption at any time pursuant to 49 U.S.C. 10505(d) and 49 CFR 1111.4(g)(3).

It is ordered:

1. This proceeding is reopened for further consideration.

2. This decision shall be effective on the date of publication in the **Federal Register.**

Decided: August 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham,

and Gillinn. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24826 Filed 8-25-81; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-C-10800]

Petition for Declaratory Order—Interpretation of Used Pallet, Container, and Shipping Devices Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of declaratory order proceeding.

SUMMARY: Petitioners seek a ruling to determine the effect of Section 7(c) of the Motor Carrier Act of 1980 [48 U.S.C. 10526(a)(11)] on the following matters:

1. Whether tariff provisions which provide for the free return of pallets as incidental to the outbound movement of the involved commodities remain subject to regulation by the Commission?

2. Whether the terms "used empty shipping containers (including intermodal cargo containers) and other used shipping devices" embrace bogies, chassis, trailers, vehicles or vans, whether detached or attached?

3. Whether used electric cable reels are exempt?

4. Whether tariff rules may provide for inclusion of exempt commodities in determining the applicable weight on the regulated commodity in a mixed shipment?

DATE: Comments are due October 13, 1981.

ADDRESS: Send an original and, if possible, 15 copies of comments to: MC-C-10800, Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

Send one copy of comments to petitioners' representatives: William E. Kenworthy, Robert G. Gawley, and Sherman D. Schwartzberg, 4045 Pecos, Denver, Colorado 80217.

FOR FURTHER INFORMATION CONTACT: Nancy Hurley, (202) 275-7907, or Donald J. Shaw, Jr., (202) 275-7292.

SUPPLEMENTARY INFORMATION: Section 7(c) of the Motor Carrier Act of 1980 (Pub. L. 96-296, 94 Stat. 797) amended 49 U.S.C. 10526(a), by the following new paragraph, which exempts motor vehicle transportation of:

> (11) used pallets and used empty shipping containers (including intermodal cargo containers), and other used shipping devices (other than containers or devices used in the transportation of motor vehicles or parts of motor vehicles).

Petitioners represent four motor carrier rate bureau and have requested us to interpret the scope of the new exemption and its impact upon certain rate and operating rights matters.

Petitioners submit that it is unclear in light of the new exemption whether rates applicable to the movement of regulated commodities may continue to provide for the free return of pallets or, conversely, whether these provisions should be removed from all existing rate items. Correspondingly, they contend that the cancellation of these tariff provisions would have a substantial impact upon the quality, quantity, and value of service offered under existing rate items. They further question whether carriers may lawfully file new tariffs which contain provisions for the free return of pallets or shipping devices.

Petitioners likewise suggest that, without additional clarification, the relationship of the exempt to the "mixed load" provisions (section 21 of the Motor Carrier Act) is ambiguous, and carriers are unsure whether they may compute rates according to aggregate commodity weights or solely on regulated commodity volumes.

Finally, petitioners submit that the exemption remains open to varying interpretations of what instrumentalities come within the definition of "used empty shipping containers and other used shipping devices" and that additional guidance on these matters is necessary to achieve uniform applicability and construction. Issues raised in this context involve the following: (1) whether such items as "bogies, chassis, trailers, vehicles, or vans" are covered by the exemption; (2) whether the nature of the under-carriage as attached or detached changes an instrumentality's qualification; (3) whether a trailer, moving as an article of commerce, is included; and (4) whether certain items like trailer bogies and electric cable reels, which may serve as multi-purpose items (both as a shipping device or as part of a shipping device) are subject to regulation. Petitioners take the position that bogies and cable reels should remain subject to regulation.

For clarification of these issues, it is important to consider the foundation upon which the exemption has evolved. This is especially true, since there is very little guidance available on the legislative intent behind the exemption. The available legislative language on section 7(c) is contained in the House Committee on Public works and Transportation Report on H.R. 6418, H. Rep. 96-1069, 96th Cong., 2 Sess., at pages 19 and 20.[1]

In the early days of regulation, the Commission found that the movement of used empty trailers and shipping devices required authority. Beginning about 1960, the Commission began a process of reversing that view. In Ex Parte No. MC-53, *Interpretation of Operating Rights—Returned Containers*, 82 M.C.C. 677 (1960), the Commission interpreted all certificates and permits as impliedly authorizing the return transportation of such items as empty boxes, crates, pallets, other containers and shipping devices of a similar nature, and dunnage, which were used in the outbound transportation of an authorized commodity. This determination resulted from the Commission's view that the return movement of these commodities was incidental to the original commodity movement.

Even prior to this determination, however, exceptions to the requirement for specific authority for return movements of containers and shipping devices already applied to transporters of iron and steel articles and transporters of exempt commodities. See, for example, *Aetna Freight Lines, Inc., Extension—Empty Containers*, 66 M.C.C. 36 (1955); *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1952); *Settle Common Carrier Application*, 46 M.C.C. 227 (1946). The Commission's willingness to change the exception into the general rule stemmed from its view that requiring separate authority for these items placed an unnecessary burden on shippers and carriers. The Commission also pointed out certain industry changes favoring this policy shift. Traffic had generally moved in containers and dunnage of a disposable nature. With the development of improved handling materials, shippers made increasing use of returnable containers and other reuseable shipping devices.

In *P.B.-Muthrie Motor Transportation, Inc., Extension-Benzyl Chloride, In Bulk,*

[1] Finally, this section expands the statute's exemption to * * * the transportation of "used pallets, used empty containers (including intermodal cargo containers), and other used shipping devices". Currently, the Commission does not require specific authority for the "return transportation" of these shipping devices. That authority is implied in certificates and permits. This provision goes beyond the Commission's determination by not restricting the exemption to return transportation. The exemption is intended to encourage the use of existing shipping devices by allowing greater flexibility in their shipment. Recently, the Commission determined that used empty intermodal containers are instrumentalities of commerce and, therefore, are not regulated commodities. This provision confirms that determination.

83 M.C.C. 123 (1960), the Commission examined the question of whether specific authority was required by a motor carrier to return an empty shipper-owned trailer when such transportation was performed in connection with an authorized outbound movement. The Commission reversed its previous policy of requiring authority for the return trailer movement, noting that the former policy was now undesirable from an economic standpoint and not in the interest of sound motor-carrier regulation. Additionally, the Commission found that, as long as the return of the empty trailer was part of a preconceived plan at the time the outbound transportation was performed the authorized carrier which performed the outbound service should also be allowed to return the empty trailer.

However, an anomalous situation persisted between the extremes of the large trailer and relatively small shipping devices. Although implied authority existed at the extremes, it was established Commission policy until 1980 that the movement of an empty intermodal cargo container by motor carrier constituted the for-hire transportation of a regulated commodity, which was separate and distinct from the movement of an empty vehicle. The continuing assumption that the movement of used intermodal containers by motor carrier was subject to ordinary licensing requirements is evidenced in *Brown Transport Corp. Ext.—Containers*, 126 M.C.C. 684 (1977). That case followed several efforts in defining basic container operating rights. Especially noteworthy were the precedents established in *Berry Transport Inc., Ext.—Containers*, 124 M.C.C. 328, 352–53 (1976) and *AAA Transfer Inc., Ext.—Cargo Containers*, 120 M.C.C. 803, 822 (1974). In conjunction with defining container operating rights, the Commission also focused attention on distinguishing between "in container" and "in trailer movements." In the *Berry* case, the Commission found that to the extent service is performed in containers attached to removable chassis, the movements are considered as being in trailers.

In February 1979, the Commission reaffirmed its position that empty intermodal cargo containers required specific service authorization. See *Petition For Declaratory Order—Empty Containers*, 131 M.C.C. 269 (1979). It was noted that the frequency with which operating rights authority was being issued to motor carriers to handle these empty containers demonstrated that, for the purpose of regulation, such movements were distinguishable from the movements of empty vehicles by motor or rail carriers. The Commission rejected the argument that the method of handling intermodal cargo containers had the effect of transforming those regulated commodities into "instrumentalities of commerce", as that position ignored the substance of the transportation service being performed.

In 1980, however, the Commission reversed the line of cases making a distinction between trailers and intermodal cargo containers for operating rights purposes. See *Petition For Declaratory Order—Empty Containers*, 132 M.C.C. 30, (1980). There, we concluded essentially that used empty intermodal containers being moved for repositioning represented pieces of equipment qualifying as instrumentalities of commerce, while new containers being transported prior to their first loaded movement or old containers being shipped for sale or scrap were property and remained subject to regulation. In reviewing the characteristics of these intermodal units, it became apparent that inconsistencies resulted from labelling a large shipping box without an undercarriage as a container and the same shipping box with an undercarriage as a trailer. The Commission found that intermodal cargo containers, when interlocked with a chassis or flat-bed trailer were carrier equipment; that their movement was outside the scope of normal licensing requirements; and that such empty intermodal containers were no different from empty van trailers.

The Commission's prior findings on the status of these commodities was not that they were exempt from regulation, but rather that the normal licensing requirements did not apply. Their transportation was still subject to rate regulation. The Motor Carrier Act of 1980 makes these items wholly exempt commodities, and much of the subject matter of the instant petition relates to ratemaking.

We invite comments on the question petitioners raise concerning whether the movement of used bogies, chassis, trailers, vehicles, or vans, with affixed or detachable undercarriages are embraced by the exemption. Specific examples of industry use of such equipment would be most helpful to our determination here.

Next, because of the differentiation between movements under the repositioning theory of *Transportation of Empty Intermodal Cargo Containers, supra*, it is especially important to receive public comments before considering whether to exempt further initial or final movements of used containers or any of the above-listed items. One reason for adhering to the continued exclusion of both initial and final movements is that it would maintain the parallel position applied in the handling of railroad box cars. In *General American Transp. Corp. v. Indiana Harbor* 357 I.C.C. 102, 126 (1977), aff'd 577 F.2d 394 (7th Cir. 1978), the status of empty cars moving over a rail carrier's lines for ordinary repairs was the central issue. There, the Commission stated that a railcar does not automatically maintain a permanent status as an instrumentality of transportation throughout its useful life. Rather, it may be "property" at one point in its life and an "instrumentality of transportation" at another. In other words, its status as an "instrumentality of transportation" remains contingent upon its entrance to and continuation in the national car fleet; and accordingly initial and final movements would be outside the qualifying parameters. Thus, for consistency with other policy areas and to avoid incongruous results in the container area, no deviations from the established practice involving initial and final movements may be warranted.

On the other hand, there is clearly room for divergent interpretations of the terms "used containers" and "used shipping devices" and those arguably could include any movement whether or not qualified under prior caselaw or handled under the "instrumentality of commerce" theory. Other bases for extending the repositioning theory to encompass all movements of these items are practical considerations and the inherent difficulty for carriers as well as the Commission in monitoring initial or final movements.

Finally, used empty electric cable reels, would seem to fall squarely within the exemption, since their return has already been determined to be exempt. See *Maas Transport Inc., Ext.—North Dakota Missile Sites*, 92 M.C.C. 581, 585 (1963). We presume that the Congress did not intend that the statutory exemption should be any narrower than the Commission's own interpretation under the old law.

As to the issue of whether tariff provisions providing for the free return of pallets [and other items named in section 10526(a)(11)] remain subject to Commission regulation, we believe a negative answer is required given the mandatory language of 49 U.S.C. 10526. Once a determination of exempt status is made, it extends to all aspects of the commodity's movement. The amendments to 49 U.S.C. 10526 in the Motor Carrier Act of 1980 leave intact the principle that carriers handling

exempt commodities under the section need comply only with the safety and hours-of-service regulations of the Department of Transportation. Rates for exempt service, inlcuding those with respect to the free return of pallets, represents a contractual matter to be agreed upon between shippers and carriers when the transportation is undertaken.

There is no statutory provision or regulation prohibiting the publication of tariff provisions concerning exempt traffic. Whatever confusion may be caused by the inclusion of free return provisions in an otherwise binding rate tariff is more than outweighed by the aspect of their promoting the free flow of commerce. These provisions may remain in existing tariffs and new provisions which include the return of empty pallets or containers in the outbound rate may be established, although those provisions should be distinghished as applying for "information only." Carriers need not modify existing tariffs to exclude those provisions, but are free to cancel them if they choose to do so. Alternatively, we would require that future provisions of this kind be automatically qualified as for "information only" as in the case of portions of the Railway Equipment Register.

The remaining tariff matter raised by petitioners involves the propriety of including the weight of exempt commodities in computing rates based on total mixed shipment weights. We believe that it would be proper to do so, provided a charge is made for the exempt commodities. For guidance in this area we have considered case law which dealt with an analogous situation, namely the commingling of intrastate and interstate traffic in establishing minimum shipment weights. In *W. T. Grant Co.* v. *Frederickson Motor Exp.*, 350 I.C.C. 486, 490 (1975), aff'd sub nom. *Frederickson Motor Express Corp.* v. *I.C.C.* 546 F.2d 104 (5th Cir. 1977), the Commission approved that practice and stated that the calculation of charges on the basis of jurisdictional limitations does not alter the physical facts of the transportation. A single shipment is transported, even though it may be comprised of traffic in different forms of commerce. There, the Commission found that the situation was governed by tariff principles applicable to single shipments. It concluded that the applicable and reasonable method of assessing interstate charges on shipments commingling interstate and intrastate traffic was to apply the rate at the level appropriate for the total weight of the shipment to the actual weight of the interstate portion of the shipment.

Petitioners' reference to a recently proposed (unidentified) tariff rule which would allow the carrier to apply the lowest applicable rate to the regulated portion of a mixed shipment movement is directly on point with the principles set forth above. Petitioners present a hypothetical situation in which we are asked to assume the following: (1) that a shipper tenders to a carrier in one shipment, 20,000 pounds of a regulated commodity and 20,000 pounds of an exempt commodity (such as pallets) moving to a site of agricultural production and (2) that motor carrier rates for the regulated commodities are $4.00 per hundredweight at minimum weight of 20,000 pounds and $3.00 per hundredweight at a minimum weight of 40,000 pounds. Assuming further that a charge is made by the carrier for hauling the pallets in this mixed shipment context, that inclined to conclude that the carrier's application of the $3.00 rate to the 20,000 pounds of regulated commodities moving in the total 40,000 pound shipment would be entirely proper. Our position on such rate adjustments is permissive only. Carriers would remain free to employ the higher rate figure if they so desired, but competitive factors would probably make the latter course objectionable.

Although, the weight of exempt commodities may be included to employ an aggregate weight basis on mixed shipments when a charge is made for the exempt commodities, it is less clear where no specific charge is made for the movement of pallets or shipping containers with regulated freight. The situation may arise when a consignor ships a manufactured article to a destination on pallets, and the rate includes the return of the pallets at no additional charge. At destination, the carrier picks up a partial load of regulated raw materials, equipment, or supplies destined to the manufacturing point of the outbound article and a partial load of returning pallets tendered on the same bill of lading.

Two possible arguments apply to the above-described situation. First, the inbound transportation costs of the pallets have already been assessed, since the rate on the manufactured article includes the return of the pallets. Consequently, they are not really a part of the raw materials shipment, and the weight of the pallets should not be used to make up the minimum weight of the raw materials. Second, it is also tenable to maintain that, as the carrier has already been paid for the return of the pallets, it would be required to return them irrespective of whether it could combine them with another load to the same destination. Consequently, it is not unreasonable to use the weight of the pallets to make up the minimum weight of the raw materials. We particularly desire public comments on this issue to help in further defining the relevant considerations and in outlining the factors upon which a clear determination can be based.

Collaterally, petitioners have questioned whether it is permissible for carriers of exempt commodities to engage in collective ratemaking. However, the law and the policy considerations on this matter are vastly different from the more practical aspects of the scope of the exemption from regulation. In addition, the magnitide of the problem cannot be ascertained until the scope of the exemption has been interpreted. Thus, we will not solicit or consider comments by petitioners on this topic in the course of this proceeding. Instead, we suggest that petitioners and other interested parties file separate pleadings at a later date requesting clarification on this point.

We believe that petitioners have identified the need to obtain a uniform interpretation of the involved exemption and its impact upon several important areas which warrants the initiation of a declaratory proceeding. A rulemaking is unnecessary.

No oral hearing is contemplated. Any person (including petitioners) desiring to participate in this proceeding shall file with the Commission an original and, if possible, 15 copies of written representations, views, or arguments. A copy of each representation also must be filed on petitioners' representatives.

This action does not appear to affect significantly either the quality of the human environment or the conservation of energy resources.

It is ordered:

Pursuant to 5 U.S.C. 554(e), and in the sound exercise of our discretion, a declaratory proceeding is instituted.

Decided: August 14, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24829 Filed 8-25-81: 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-101]

Certain Hot Air Corn Poppers and Components Thereof; Intervention and Amendment of Notice of Investigation To Include Intervenor as an Additional Party Respondent

AGENCY: International Trade Commission.

ACTION: Granting of motion to invervene and amendment of notice of investigation to include—General Electric Company, Housewares & Audio Business Diyision, 1285 Boston Ave., Bridgeport, Conn. 06602, as an additional party respondent.

Authority

This investigation is being conducted under the authority of subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(b)). Section 210.6 of the Commission's Rules of Practice and Procedure (19 CFR 210.6) requires any person desiring to intervene in an investigation to file a motion setting forth a sufficient basis for such intervention. It also provides that, upon a showing of good cause, any interested person may be designated as party. Amendment of the notice of investigation is governed by § 210.22 of the Commission's rules (19 CFR 210.22) (incorporating § 210.20(d) (19 CFR 210.20(d))).

SUPPLEMENTARY INFORMATION: The Commission is conducting investigation No. 337–TA–101 in order to determine whether there is a violation of section 337 in the importation of certain hot air corn poppers and components thereof into the United States, or in the sale of such articles, which are alleged to infringe claims 1, 2, 3, and 5 of U.S. Letters Patent 4,178,843 with the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. These proceedings were initiated on the basis of an amended complaint filed on behalf of the assignee of the patent, Wear-Ever Aluminum, Inc. (Wear-Ever), a wholly-owned subsidiary of the Aluminum Company of America (ALCOA).

The notice instituting the investigation and defining its scope was published in the **Federal Register** on May 22, 1981 (46 FR 28043). The parties named as respondents included Yamada Electric Industries, Ltd. (Yamada) of Tokyo, Japan and Chiap Hua Clocks and Watches Ltd. (Chiap Hua) of Hong Kong—two foreign firms which produce the allegedly infringing apparatus and supply it to domestic distributors. The other respondents named included five domestic firms which the complainant has accused of importing and selling the subject merchandise—The West Bend Company, A Division of Dart Industries Inc. (West Bend),[1] Sunbeam Corp. (Sunbeam), Maxim Associates Corp. (Maxim), K Mart Corp. (K Mart), and the Stop & Shop Companies, Inc. (Stop & Shop).

On June 25, 1981, the General Electric Company (General Electric) filed a motion to intervene as a respondent in the investigation (motion No. 101–4) by reason of the fact that, through its Housewares and Audio Business Division, General Electric has imported the allegedly infringing corn poppers produced by respondent Yamada and has sold such apparatus to respondents K Mart and Stop & Shop. Respondents Chiap Hua and West Bend subsequently filed responses indicating that they did not oppose the motion. On July 14, 1981, the presiding officer issued an order recommending that General Electric be added as a respondent.

Upon consideration of the motion to intervene (No. 101–4), the movant's proposed response to the complaint and notice of investigation, the recommendation of the presiding officer, and all other documents on the record developed in this investigation, on August 14, 1981, the Commission decided to grant Motion No. 101–4 and to deem the previously-issued notice of investigation amended to include the intervenor, General Electric, as an additional party respondent.

Copies of the Commission's Action and Order, as well as all other nonconfidential documents on the record of this investigation, are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E St., NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E St., NW., Room 224, Washington, D.C. 20436, telephone 202–523–0350.

By order of the Commission.

Issued: August 17, 1981.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-24672 Filed 8-25-81; 8:45 am]
BILLING CODE 7020-02-M

[1] The notice listed West Bend as "The West Bend Co., Inc." However, by a letter dated July 28, 1981, in-house patent counsel advised the Commission that West Bend is a Division of Dart Industries Inc., and not a corporation. For that reason, the previous notation is incorrect.

[Investigations Nos. 731-TA-46 and 47 (Preliminary)]

Certain Steel Wire Nails From the Republic of Korea and Yugoslavia; Determination

On the basis of the record[1] developed in investigation No. 731–TA–46 (Preliminary), the Commission determines that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury,[2] by reason of imports from Korea of steel wire nails, provided for in items 646.25 and 646.26 of the Tariff Schedules of the United States (TSUS) which are possibly being sold in the United States at less than fair value (LTFV).[3]

On the basis of the record[1] developed in investigation No. 731–TA–47 (Preliminary), the Commission unanimously determines that there is no reasonable indication that an industry in the United States is materially injured, or is threatened with material injury by reason of imports from Yugoslavia of steel wire nails, provided for in items 646.25 and 646.26 of the TSUS, which are possibly being sold in the United States at LTFV.[3]

Background

On July 2, 1981, the U.S. International Trade Commission received advice from the U.S. Department of Commerce that it was initiating antidumping investigations on its own accord concerning imports of certain steel wire nails from Korea and Yugoslavia which it found to be sold in the United States below trigger prices and, therefore, possibly at less than fair value. Accordingly, the Commission instituted preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is

[1] The record is defined in sec. 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Chairman Alberger and Commissioner Bedell determine that an industry in the United States is materially injured by reason of imports from Korea of steel wire nails, provided for in items 646.25 and 646.26 of the Tariff Schedules of the United States, which are possibly being sold in the United States at less than fair value.

[3] Reasonable indication that the establishment of an industry in the United States is materially retarded is not an issue in this investigation.

materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of the imports of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days of its receipt of such advice, or in this case by August 17, 1981.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on July 8, 1981 (46 FR 35394). The public conference was held in Washington, D.C., on July 23, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

The deteriorating condition of the domestic industry, the large and apparently growing market share of Korean nails, and the possibility of price suppression caused by such sales from the principal bases for our finding that there is a reasonable indication that they have caused [4] or threaten to cause material injury.[5] We have found, however, that imports from Yugoslavia are too significant in volume and too different in quality to have materially injured the U.S. industry.

Shortly before our scheduled vote of August 11, 1981, Commerce informed us by letter and in a draft **Federal Register** notice [6] that it was terminating the investigation of Japan pursuant to section 734(a) of the Tariff Act of 1930 based on assurances provided by the Japanese nail manufacturers. We therefore ended Commission investigation No. 731–TA–45 (Preliminary) without making a determination as to imports from Japan.

Our determinations are based on the considerations set forth below.

Domestic Industry

Our first task in reaching a determination is to define the domestic industry. Section 771(3)(A) of the Tariff Act of 1930 provides that the domestic industry consists of the domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.[7] A like product is a product which is like or in the absence of like, most similar in characteristics and uses with, the article under investigation.[8]

The subject of these investigations is certain steel wire nails imported from Korea and Yogoslavia. For purposes of these preliminary determinations, we adopt the like product analysis of our earlier investigation, *Certain Steel Wire Nail from the Republic of Korea*,[9] and find that there are seven like products, each consisting of a separate nail coating.[10] The industry therefore consists of the producers of one or more of the like products.[11]

A breakdown in terms of types of coatings is particularly useful here because it highlights the complexity of the nail market and the differences in the product mix of nails sold in the United States by Korean, Yugoslav, and domestic manufacturers. The bulk of imported Korean and Yugoslav nails consist of particular types of coated nails. Electrogalvanized (31.3 percent), bright (21.8 percent), vinyl-coated (17.4 percent), and cement-coated (10.5 percent) account for a large portion of imports from Korea.[12] Hot-galvanized percent), and blued nails (1.0 percent) are imported to a much lesser extent. Nearly all imports from Yugoslavia consist of bright nails.[13]

Approximately 50 U.S.firms manufacture steel wire nails. U.S. production is heavily concentrated in the manufacture of bright (45.3 percent), cement-coated (24.4 percent) and hot-galvanized (21.2 percent) nails.[14] Vinyl-coated and electro-galvanized nails account for a lesser portion of U.S. production.[15] These types of domestically-produced nails are for all intents and purposes the same as Korean and Yugoslav nails of a particlar variety.

Some importers and producers have suggested that for purposes of defining the domestic industry, other classifications of nails may be appropriate, such as dividing nails into regular, semi-regular, and specialty nail categories. While we will not adopt such an analysis here, we do not preclude use of such an analysis in our final determination, if its usefulness can be demonstrated.

In addition, having found a reasonable indication of injury on a national scale, we need not resort to a regional industry analysis at this preliminary stage in our investigation. This does not, of course, preclude use of a regional industry approach in our final determination, if it is shown to be appropriate.

Reasonable Indication of Material Injury or Threat of Material Injury

Section 733(a) of the Tariff Act of 1930 provides that the Commission shall make a determination, based on the best information available to it at the time of the determination, of whether there is a reasonable indication that the imports under investigation have caused or threaten to cause material injury to a U.S. industry. The Act further specifies in section 771(7) that the Commission shall consider, among other factors, (1) the volume of imports of the merchandise under investigation, (2) the effect of imports of that merchandise on prices in the United States for like products, and (3) the impact of imports of such merchandise on domestic producers of like products.

Volume of imports.—The Department of Commerce has found that 99 percent of imports from Korea were sold in the United States below trigger prices during October 21, 1980 through March 31, 1981, and therefore are possibly being sold at less than fair value. The

[4] Chairman Alberger and Commissioner Bedell determine that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Korea and do not find it necessary to address the question of threat of material injury.

[5] Vice-Chairman Calhoun's conclusion here is reached after also taking into account the generally depressed condition of the domestic industry owing to the circumstances of the building industry.

[6] Staff report in investigations Nos. 731–TA–45, 46, and 47 (Preliminary), Certain Steel Wire Nails from Japan, the Republic of Korea, and Yugoslavia, p. A–1, (hereinafter "Staff report").

[7] 19 U.S.C. § 1677(4) (Supp. III, 1980).

[8] 19 U.S.C. § 1677(10) (Supp. III, 1980).

[9] Inv. No. 731–TA–28 (Final), USITC Pub. No. 1088 (1980). Suggestions, however, that our determination here is controlled by our earlier negative determination are misplaced. This investigation differs from *Certain Steel Wire Nails from the Republic of Korea*, Inv. No. 731–TA–28 (Final), USITC Pub. No. 1088 (1980) in several important respects. In our 1980 investigation, the Department of Commerce excluded 17 Korean firms, either because their prices were above trigger or because their sales, while below trigger, were at fair value. The investigation therefore focused on the remaining 12 companies and in particular on 5 companies operating in the Masan free trade zone. These companies accounted for approximately 25 percent of overall U.S. imports from Korea to the U.S. Imports from these companies were declining sharply in volume and market share, and were heavily concentrated in certain nail types produced to a limited degree in the United States. The present investigation concerns all Korean producers, a broader product mix and a different showing—that of a "reasonable indication" of material injury.

[10] *Id.* at 7.

[11] When data along product lines are unavailable, the effect of the dumped imports will be assessed in terms of the narrowest group of products for which information is available, i.e. all nail producers. 19 U.S.C. § 1677(4)(D) (Supp. III 1980).

[12] Staff report at A–15.

[13] *Id.* at A–16.

[14] *Id.* at A–17.

[15] *Id.*

volume of imports of steel wire nails from Korea has shown dramatic fluctuations during the past. Imports increased sharply from 1973–78, rising from less than 0.5 percent of apparent U.S. consumption to 109,000 tons or 12 percent of consumption in 1978.[16] In 1979 imports from Korea entered a period of steep decline, falling to 92,000 tons in 1979 and 76,000 tons in 1980.[17] This decrease can be attributed in part to a decline in overall U.S. consumption resulting from a sharp decrease in housing construction.[18] Although the volume of imports from Korea decreased in 1979–80, the market share of Korean producers remained stable at 11 percent of apparent U.S. consumption.[19] Many Korean nails are of types produced only to a limited degree in the United States. Nevertheless, the overall volume and market share of imports from Korea are plainly significant and deserve further inquiry.[20]

During January–May 1981, imports from Korea rose 32 percent when compared with import volume during the same period of 1980.[21] Domestic shipments, as reported by questionnaire respondents, rose by 9 percent over the same period. Thus, while figures for apparent domestic consumption during January–May 1981 are lacking, it is likely that the ratio of imports from Korea to consumption rose during this period. In addition, the Korean nail producers conceded at the conference that their production capacity exceeds Korean demand, and thus that a large quantity of their production is necessarily directed at export markets.[22]

The Department of Commerce found that 100 percent of imports from Yugoslavia during October 21, 1980–March 31, 1981 were sold below the relevant trigger price. Nevertheless, imports from Yugoslavia accounted for a minimal share of apparent U.S. consumption of nails during 1973–80, remaining consistently at 1 or 2 percent of apparent U.S. consumption. In addition, they are generally considered to be of lower quality than American nails.[23] In 1980, such imports accounted for 1 percent of consumption. The small volume and reputed low quality of these nails are such that they could not have had any appreciable impact upon the U.S. nail industry. It is reported that the Yugoslav producer, Zelazarna, which accounts for a large share of the exports of nails from Yugoslavia to the United States, has been operating at full capacity for the past few years and has no plans to expand its capacity. Thus, we conclude that there is no reasonable indication of injury or threat of injury by reason of continued imports from Yugoslavia.[24]

Effect of imports on prices.—At the public conference held in connection with this investigation, U.S. producers repeatedly alleged that Korea is the price leader and has encouraged a destructive round of price-cutting.[25] This allegation is supported by a preliminary analysis of data collected by the Commission which shows that the average net selling price for nails imported from Korea generally declined during January 1979–June 1981.[26] The information available indicates that the average net selling prices of nails from Korea may have been lower than those of comparable U.S.-produced nails. Domestic prices have apparently not increased commensurate with inflation and rising costs. These preliminary indications of price suppression merit further inquiry, particularly with a view to assessing the extent to which imports from Korea have been a factor.

Impact of imports on the domestic industry.—There are strong indications that the condition of the domestic industry is deteriorating.[27] From 1978 to 1980, U.S. producers' shipments of steel wire nails decreased by 18 percent.[28] During the same period, U.S. producers' utilization of productive capacity decreased irregularly from 75 percent to 70 percent.[29] As a result of the declining production and shipments, the number of workers engaged in the production of steel wire nails declined by 21 percent during this period.

Profit-and-loss data submitted to the Commission reveal a steady decline in the profitability of the domestic industry. Of the 14 firms reporting profit-and-loss data, 2 reported losses at the gross profit level in 1978 and 8 reported such losses in 1980.[30] Since 1979, seven U.S. nail producing plants have closed or have filed for reorganization under chapter 11 of the Federal Bankruptcy Act.

The distressed condition of the U.S. nail producers described above can, in part, be attributed to declining housing starts. In addition, the entry of new and efficient U.S. producers has created problems for the industry, and especially for the older production facilities, since a larger number of firms are competing in a shrinking market. Nevertheless, we conclude that there is a reasonable indication that the large and increasing volume of low-priced imports from Korea materially exacerbates this condition.

Reasonable Indication of Threat of Material Injury [31]

Noting the large volume and market penetration of imports from Korea, the recent spurt in their volume, and the export orientation of the Korean industry, Commissioner Stern also finds

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[16] Staff report at A–30, table 18, A–31, table 19.

[17] *Id.* at A–30.

[18] *Id.* at A–40.

[19] *Id.* at A–31, table 19.

[20] Vice-Chairman Calhoun notes that the volume and market share of imports from Korea are significant because of the heightened vulnerability of the industry to LTFV imports due to the housing slump.

[21] *Id.* at A–30, table 18.

[22] Transcript at 82.

[23] Transcript at 102–08 (Remarks of Mr. Silverman).

[24] The domestic producers have argued that the Commission should cumulate imports from Korea and Yugoslavia. We determine, however, that cumulation is inappropriate on the facts presented here.

In determining whether to cumulate imports from various sources, we have looked to a number of factors, including whether:

(1) The imports of the same class or kind of merchandise are generally comparable and compete in the same markets.

(2) The factors and conditions of trade show the relevance of such cumulative consideration to the determination of injury.

These criteria are, however subject to one important qualification. The imports from a particular country must be contributing to the material injury caused by LTFV sales. *See e.g., Carbon Steel Products from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands and the United Kingdom*, Invs. Nos. 731–TA–18–24 (Preliminary), USITC Pub. No. 1084, pp. 14, 16, 20 (Views of Vice-Chairman Alberger) pp. 64–66 (Views of Commissioner Stern) (1980); *Menthol from Japan and the People's Republic of China*, Invs. Nos. 731–TA–27 and 28 (Preliminary), 45 F.R. 52273, 52274 (Views of Chairman Alberger, Vice Chairman Calhoun, Commissioner Bedell and Commissioner Moore) (August 6, 1980).

Imports from Yugoslavia are apparently of a lower quality, sold on different payment terms, and limited to the East Coast market. *See* Transcript at 102–08 (Remarks of Mr. Silverman). Their market share has remained steady at the insignificant level of 1 or 2 percent of apparent U.S. consumption over the past 8 years. Staff report at A–31. We can find no indication that Yugoslav imports have contributed to material injury to the U.S. industry, and conclude that cumulation is inappropriate.

[25] Transcript at 16, 28–30, and 51–54.

[26] Staff report at A–36, table 23.

[27] Vice Chairman Calhoun is of the view, consistent with the legislative history, that such a circumstance makes the domestic industry more vulnerable to the adverse effects of LTFV imports than would be the case if construction levels were nearer to normal.

[28] *Id.* at A–19.

[29] Staff report at A–18.

[30] Staff report at A–26, table 16.

[31] Vice Chairman Calhoun, in voting material injury *or* threat, does not mean to suggest having difficulty deciding between the two. In his view, except in unusual circumstances, data collected in preliminary investigations are not normally suitable for use in reaching especially precise conclusions such as whether injury is threatened or is extant. Nor, in his view, is such precision required. Consequently, in most preliminary investigations his vote is in the alternative pending more definitive data from the final investigation.

that the domestic industry is threatened with material injury.[32]

Conclusion

On the basis of the best information at this time, we find that there is a reasonable indication of material injury, or threat thereof [33] to the domestic industry by reason of imports of possibly dumped steel wire nails from Korea, and therefore, that this proceeding should continue. In addition, we find that there is no reasonable indication of material injury, or threat thereof to the domestic industry by reason of imports of possibly dumped steel wire nails from Yugoslavia.

Additional Views of Chairman Alberger

While the differentiation of like products according to nail coating is still valid on the facts of this preliminary investigation and the Commission's prior investigation (Inv. 731–TA–26), I believe a word of caution regarding our industry analysis is appropriate. There are indications from the present record that the seemingly endless number of combinations of nail coatings, heads, points, and shanks may make this case an appropriate one for application of the "continuum" principle at the final stage. This principle, articulated in my views in Certain Portable Electric Nibblers, Inv. 731–TA–35, simply holds that for the purpose of establishing the relevant class of domestic producers under Section 771(4)(A) of the Tariff Act, the "like product" may be defined to include a continuum of slightly distinguishable products among which no clear dividing lines can be drawn. In other words, it may be appropriate to define the like product as all steel wire nails, and therefore to consider profits, production, employment, and sales data for the U.S. nails industry as a whole. Such a definition of like product would not alter this determination or our prior ruling on Korean wire nails for two reasons. First, the Commission was compelled in both of these cases to examine data for U.S. nails manufacturers as a whole, rather than for each category of like products, because of the lack of separable data and the requirements of Section 771(7). Second, the fact that we define a particular class (i.e. all nails manufacturers) as the relevant industry under Section 771(4)(A), and therefore base our injury finding on aggregate data for that industry, does not preclude us from considering the implications of competitive relationships among various subcategories within that class. In the prior determination on Korean wire nails, for example, the Commission noted that:

"The largest price differences were on the electro-galvanized and green vinyl nails, which were not produced in any meaningful volume in the United States until 1979 * * * Thus we do not find a causal relationship between the LTFV imports and any restraint on the upward movement of prices for nails."

In other words, the Commission took cognizance of competitive relationships between different categories of nails even though the industry we were examining included the entire U.S. nails sector. There may be different demand factors at play within a particular like product category, because each customer requires a slightly different nail to meet its particular needs and specifications. Since the possible combinations of lengths, points, shanks, and coatings may be almost infinite, this could lead to a perplexing dilemma for the Commission. On the one hand, it may prove impossible to divide the entire nails manufacturing sector into rational industry groupings because of the continuum problem. On the other hand, anyone in the industry will tell you that different nails have different uses and constitute different competitive submarkets. Under these circumstances, the only logical approach would be to accept for the purposes of Section 771(4)(A) that the domestic industry consists of all nails production in the United States, but then to consider any reliable information which suggests that our examination of injury and causation should be affected by variations in the type and size of nail. If information presented in our final investigation compels this conclusion, I would thus be forced to change my analysis regarding the like product. In the interim, I believe the present subdivision according to the seven different nail coatings is adequate.

By Order of the Commission.

Issued: August 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-24873 Filed 8-25-81; 8:45 am]

BILLING CODE 7020-02-M

[32] Chairman Alberger and Commissioner Bedell determine that an industry in the United States is materially injured by reason of imports from Korea of steel wire nails which are possibly being sold in the United States at less than fair value.

[33] Material retardation of the establishment of an industry is not an issue. Chairman Alberger and Commissioner Bedell determine only that there is a reasonable indication of material injury.

[Investigation No. 337–TA–66]

Certain Surveying Devices; Issuance of Advisory Opinion

AGENCY: International Trade Commission.

ACTION: Issuance of an advisory opinion regarding scope of exclusion order.

SUMMARY: At the conclusion of the original investigation, the Commission determined that certain imported surveying devices infringed a United States patent in violation of 19 U.S.C. § 1337 and issued an order excluding infringing surveying devices. John Woods Survey Equipment, Ltd., the respondent in the original investigation, subsequently requested that the Commission issue an advisory opinion to the effect that Woods' recently modified device does not infringe the patent in question and is therefore not subject to the Commission's exclusion order. After receiving submissions from Woods and from Gammon Reel, the complainant in the original investigation, the Commission determined that an advisory opinion is appropriate, but the Woods' modified surveying device continues to infringe the patent in question and therefore remains subject to the Commission's exclusion order.

Copies of all non-confidential documents filed in connection with this request for an advisory opinion are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Scott Daniels, Esq., Office of the General Counsel, telephone 202–523–0480.

Issued: August 18, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-24874 Filed 8-25-81; 8:45 am]

BILLING CODE 7020-02-M

[TA–503(a)–9 and 332–130]

President's List of Articles Which May Be Designated as Eligible Articles for Purposes of the Generalized System of Preferences

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of sections 503(a) and 131(b) of the Trade Act of 1974 (19 U.S.C. 2463(a) and 2151(b)) (hereinafter referred to as "the Act") and section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the Commission has instituted investigation Nos. TA–503(a)–9 and 332–130 for the purpose of obtaining, to the extent practicable, information of the kind described in section 131(d) of the

Act. This information is for use in connection with the preparation of advice requested by the U.S. Trade Representative (USTR) with respect to certain listed articles as to the probable economic effect on U.S. industries producing like or directly competitive articles and on consumers of the elimination of U.S. import duties under the United States Generalized System of Preferences (GSP), set forth in Title V of the Act.

EFFECTIVE DATE: August 14, 1981.

FOR FURTHER INFORMATION CONTACT:
(1) Agricultural products, Mr. Edward Furlow (202–724–0068).
(2) Textile products, Mr. Reuben Schwartz (202–523–0114).
(3) Chemical products, Dr. Aimison Jomard (202–523–0423).
(4) Minerals and metals, Mr. Larry Brookhart (202–523–0275).
(5) Machinery and equipment, Mr. Aaron Chesser (202–523–0353).
(6) Miscellaneous manufactures, Mr. Walter Trezevant (202–724–1719).

All of the above are in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at 202–523–0487.

SUPPLEMENTARY INFORMATION: On July 30, 1981, in accordance with sections 503(a) and 131(a) of the Act and pursuant to the authority of the President delegated to the USTR by Executive Order 11846, as amended by Executive Order 11947, the USTR furnished the United States International Trade Commission a list of items which may be designated as eligible articles for purposes of the GSP (see Annex I).

In providing its advice, the USTR requested the Commission to assume that benefits of the GSP would not apply to imports that would be excluded from receiving such benefits by virtue of the "competitive need" limitations specified in section 504(c) of the Act.

Section 504(d) of the Act exempts from one of the competitive-need limits in section 504(c) articles for which no like or directly competitive article was being produced in the United States on the date of enactment of the Act. Accordingly, pursuant to the authority of section 332(g) of the Tariff Act of 1930, and in conformity with the delegation of authority from the President to him of Executive Order 11846 as amended by Executive Order 11947, the USTR requested that the Commission also provide advice with respect to whether products like or directly competitive with any articles contained in the TSUS(A) items in Annex I and also TSUS item 791.28 were being produced in the United States on January 3, 1975. A list giving detailed descriptions of the articles contained in the TSUS(A) items identified in Annex I is available upon request from the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (202–523–5178).

The USTR announced the items which have been sent to the Commission for probable effects advice in the July 17, 1981 **Federal Register** (46 FR 37115).

Public Hearing

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t., on November 3, 1981, to be continued on November 4, 1981, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, October 28, 1981.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be ensured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but no later than November 11, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: August 17, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Annex I.—*Articles Being Considered for Designation as Eligible for Purposes of the GSP*

TSUS or TSUSA item	TSUS or TSUSA item	TSUS or TSUSA item	TSUS or TSUSA item
114.20	146.76	360.4645	452.54
121.40	146.90	363.90	452.44
121.61	146.17	[4]364.07(pt.)	455.04
121.63	146.60	[5]367.35(pt.)	522.61
135.12	146.93	402.56	806.22
135.14	146.95	402.60	806.42
135.16	146.9620	402.80(pt.)	642.1110
[1]135.92(pt.)	150.02	403.45	652.94
136.20	152.30	403.45(pt.)	652.95
136.22	152.7640	[6]403.56(pt.)	652.96
136.60	153.6420	[7]405.08(pt.)	697.17
136.61	154.90	[8]405.60(pt.)	685.30
137.10	161.57	406.28	706.13
137.50	161.84	406.36	706.17(pt.)
137.63	161.88	406.84	706.2045
137.99	166.76	408.84	706.6225
[2]138.4250(pt.)	169.04	411.84	737.2205
140.40	183.01	412.34	737.2240
140.65	190.85	[9]412.34(pt.)	760.0530
[3]140.75(pt.)	222.50	432.25	772.48
141.52	355.65	436.00	772.57
141.87	355.6510	437.47	
144.12	360.4640	452.26	

[1] Only cucumbers entered during the period from March 1 to April 30, inclusive, in any year.
[2] Only mixtures of pea pods and sliced water chestnuts.
[3] Only other vegetables, reduced to flour, except tomato flour.
[4] Only certified and hand-loomed jacquard-figured cotton tapestries.
[5] Only sisal baskets.
[6] Only tetrabromobisphenol A.
[7] Only D(-)-para-hydroxyphenylglycine.
[8] Only benzene acetonitrile.
[9] Only flat goods of rattan or of palm leaf.

[FR Doc. 81–24875 Filed 8–25–81; 8:45 am]

BILLING CODE 7020–02–M

[TA–131(b)–7]

Probable Economic Effects of Possible Tariff Reductions Under Section 123 of the Trade Act of 1974

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 131(b) of the Trade Act of 1974 (hereinafter referred to as "the Act"), the Commission has instituted investigation No. TA–131(b)–7 for the purpose of obtaining, to the extent practicable, information of the kind described in section 131(d) of the Act. This information is for use in connection with the preparation of advice requested by the U.S. Trade Representative (USTR) with respect to certain articles as to the probable economic effect on U.S. industries producing like or directly competitive articles, and on consumers, of the temporary reduction of U.S. duties by the maximum amount permissible under the authority of section 123 of the Act. The investigation covers the following list of items of the Tariff Schedules of the United States:

TUSU ITEM	TSUS ITEM	TSUS ITEM	TSUS ITEM
112.03	252.35	543.11	685.60
112.40	256.10	544.51	708.23
112.62	258.65	632.34	710.65
112.94	318.50	644.11	722.04
124.30	374.15	649.67	722.72
124.40	385.90	649.83	723.32
134.30	420.06	650.21	725.05
145.52	425.94	651.23	725.07
154.50	426.62	653.37	730.05
161.07	437.70	653.45	745.34
161.71	450.20	635.80	750.60
220.36	455.02	654.20	750.70
220.47	460.15	656.25	773.05
220.38	473.40	656.30	.....
222.20	511.11	657.70	.....
222.25	512.41	676.20	.....

EFFECTIVE DATE: August 12, 1981.

FOR FURTHER INFORMATION CONTACT:

(1) Agricultural products, Mr. Edward Furlow (202–724–0068).
(2) Textile products, Mr. Reuben Schwartz (202–523–0114).
(3) Chemical products. Dr. Aimison Jonnard (202–523–0423).
(4) Minerals and metals, Mr. Larry Brookhart (202–523–0275).
(5) Machinery and equipment, Mr. Aaron Chesser (202–523–0353).
(6) Miscellaneous manufactures, Mr. Walter Trezevant (202–724–1719).

All of the above are in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at 202–523–0487.

SUPPLEMENTARY INFORMATION: On July 30, 1981, in accordance with section 131(a) of the Act and pursuant to the authority of the President delegated to the USTR by Executive Order 11846, as amended by Executive Order 11947, the USTR furnished the United States International Trade Commission with a list of articles which may be considered in international trade negotiations for the purpose of granting new temporary concessions as compensation for U.S. actions pursuant to Article XIX of the General Agreement on Tariffs and Trade (GATT). The USTR published the list of articles in the August 5, 1981, Federal Register (46 FR 39926).

Public Hearing

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on September 23, 1981, to be continued on September 24, 1981, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, September 17, 1981.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons.

To be assured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but no later than October 2, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: August 17, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–24806 Filed 8–25–81; 8:45 am]

BILLING CODE 7020–02–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–471]

August 20, 1981.

Boston Edison Co., et al., Pilgrim Nuclear Power Station, Unit 2; Order Cancelling a Prehearing Conference

The final prehearing conference on emergency planning issues scheduled for September 1, 1981 is hereby cancelled. The final prehearing conference will be held on October 14, 1981 immediately prior to the commencement of evidentiary hearings on emergency planning. The date for beginning hearings on emergency planning is changed from October 9, 1981 to October 14, 1981. The exact time and place will be the subject of a later order.

It is so ordered.

Dated at Bethesda, MD, this 20th day of August, 1981.

For the Atomic Safety and Licensing Board.

Andrew C. Goodhope,

Chairman, Administrative Judge.

[FR Doc. 81–24856 Filed 8–25–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–255 SP]

Consumers Power Co., (Palisades Nuclear Power Facility); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this special proceeding:

Alan S. Rosenthal, Chairman.
Thomas S. Moore.
Christine N. Kohl.

Dated: August 20, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81–24857 Filed 8–25–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Establishment of Agency Senior Executive Service Performance Review Board

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of appointment of agency performance review board publication of board membership.

SUMMARY: The Executive Resources Board of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System (OFI), with the concurrence of the Federal Inspector, has appointed the following individuals to the agency's Performance Review Board standing register: Jeremiah J. Barrett, Richard J. Berman, William T. Black, Earl N. Kari, David C. Rector, William M. Toskey, Jerry B. Vance. Notice of these appointments are published in accordance with 5 U.S.C. 4314(c)(4).

FOR FURTHER INFORMATION CONTACT: Mr. William G. Laxton, Director of Personnel, Office of the Federal Inspector (ANGTS), Room 2413, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044, (202) 275–1157.

Dated: August 21, 1981.

Ned Hoagener,

Acting Federal Inspector.

[FR Doc. 81–24831 Filed 8–25–81; 8:45 am]

BILLING CODE 6820–AW–M

SECURITIES AND EXCHANGE COMMISSION

Central Power and Light Company, 4% Preferred Stock, $100 Par Value; Application To Terminate Unlisted Trading Privileges and of Opportunity for Hearing

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(4) of the Securities Exchange Act of 1934 and Rule 12f–3 thereunder, to terminate unlisted trading privileges in the specified security on the American Stock Exchange, Inc. ("Amex").

The reasons stated in the application for terminating the unlisted trading privileges for this security include the following:

The annual volume of public trading of Central Power and Light Company's ("Company") preferred stock has been inadequate since 1977. Therefore, the Company has determined that because of the infrequent trading of its stock, the annual expense of maintaining unlisted trading privileges is not justified.

Any interested person may, on or before September 9, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 19, 1981.

[FR Doc. 81–24821 Filed 8–25–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22165; 70–6622]

WEPCO, Inc.; Proposed Acquisition of Public Utility Companies

In the Matter of WEPCO, Inc., 231 West Michigan, Milwaukee, Wisconsin 53201; Proposed acquisition of public utility companies. (70–6622)

Notice is hereby given that WEPCO, Inc. ("WEPCO"), a Wisconsin corporation, has filed with the Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 9(a)(2) and 10 of the Act as applicable to the proposed transaction. All interested persons referred to the application, which is summarized below, for a complete statement of the proposed transaction.

WEPCO is a newly-organized corporation, a wholly-owned subsidiary of Wisconsin Electric Power Company ("Wisconsin Electric"), a Wisconsin corporation, and was created to accomplish a proposed merger and reorganization of Wisconsin Electric. Wisconsin Electric is an electric utility company and is also a holding company as defined in section 2(a)(7) of the Act. Wisconsin Electric owns all of the outstanding common stock of Wisconsin Natural Gas Company ("WNG"), a Wisconsin corporation and a gas utility company as defined in section 2(a)(4). Wisconsin Electric is an exempt holding company under section 3(a)(2) of the Act pursuant to order dated June 3, 1955 (HCAR No. 12917).

The proposed merger and reorganization involves the following: (1) a subsidiary of WEPCO will be merged into Wisconsin Electric, with Wisconsin Electric as the surviving corporation; (2) the common stock of the subsidiary owned by WEPCO will be converted into common stock of Wisconsin Electric; (3) each publicly-held share of common stock of Wisconsin Electric, $10 par value per share, will be converted into one share of common stock of WEPCO, par value $1 per share; (4) Wisconsin Electric will become a wholly-owned subsidiary of WEPCO; and (5) WNG and two non-utility subsidiaries of Wisconsin Electric will, be means of a non-cash divided from Wisconsin Electric to WEPCO, become wholly-owned subsidiaries of WEPCO. The outstanding securities of Wisconsin Electric and WNG, other than the shares of their common stock, will not be affected by the merger and reorganization, and following consummation WEPCO will have no securities outstanding other than common stock.

WEPCO's proposal will not result in any substantial change in to operation of the utility properties of the parties, or in any expansion of Wisconsin Electric's present holding company system. The shareholders of Wisconsin Electric will be asked to vote on the merger and related matters at a special meeting to be held on or about November 3, 1981. It is stated that the objective of the proposed merger and reorganization is to provide a corporate structure that will facilitate WEPCO's taking advantage of opportunities to develop or acquire other business, and that WEPCO is looking at a variety of diversification opportunities, including but not limited to coal exploration and development, transportation of fuels, environmental and laboratory services, cable television, home information services and real estate development.

Wisconsin Electric is an electric utility company engaged in the generation, transmission and sale of electric energy to approximately 800,000 electric customers in a territory of approximately 12,600 square miles in southeastern, east central and northern Wisconsin and in the Upper Peninsula of Michigan. It also provides steam service to certain customers in Milwaukee, Wisconsin. At December 31, 1980, Wisconsin Electric had total gross utility plant of $2,027,080,000 and for the twelve months then ended reported $761,051,000 of electric operating revenues (and $8,162,000 of steam revenue) and $68,968,000 of net income (on a consolidated basis). WNG is a gas utility company engaged in the purchase, distribution and sale of natural gas to approximately 200,000 customers in two service areas in Wisconsin, one located south and west of Milwaukee and the other in the area of Appleton, Wisconsin. At December 31, 1980, WNG had gross utility plant of approximately $198,000,000 and the twelve months then ended reported $237,932,000 of operating revenues and $5,323,000 of net income.

Wisconsin Electric's non-utility subsidiaries include Badger Service Company, a Wisconsin corporation, which holds rights to some coal lands in Indiana and operates certain parking lots in Wisconsin for Wisconsin Electric, and Wisconsin Michigan Power Company, Inc., an inactive subsidiary. Wisconsin Electric carries on its books its investments in these subsidiaries at approximately $756,000 and $500, respectively.

WEPCO is not now a holding company, and it does not intend to register as such if the acquisition is approved and the merger and reorganization consummated. WEPCO states that it will be entitled to an exemption under Section 3(a)(1) on the basis that it and its public utility subsidiaries "are predominantly intrastate in character and carry on their business substantially in a single state in which such holding company and every such subsidiary thereof are organized."[1] WEPCO intends to claim

[1] Applicant claims that Wisconsin Electric's utility operations in Michigan are *de minimis* and

Continued

such exemption by appropriate filing pursuant to Rule. 2.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Wisconsin Public Service Commission has jurisdiction over the proposed transaction and that no other State Commission and no Federal Commission, other than this Commission, has jurisdiction thereover.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested person wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on this applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

August 19, 1981.

[FR Doc. 81-24820 Filed 8-25-81; 8:45 am]

BILLING CODE 8010-01-M

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that Wisconsin Electric carries on its business substantially in Wisconsin. In support thereof it is stated that the following were the percentages of the Michigan operations to Wisconsin Electric's total operation for these criteria for the two most recent years ending December 31:

	Percent of Michigan to Operations Total	
	Dec. 31, 1979	Dec. 31, 1980
Electric customers	2.75	2.75
Generating plants:		
Capacity	1.98	1.68
Output	2.98	2.53
Book value of net property	3.33	2.75
Electric sales:		
kWh	3.47	3.38
Dollars	3.32	3.17
Net operating income	1.66	0.87

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-5141]

Albright Venture Capital, Inc; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Albright Venture Capital, Inc. (Albright), 8005 Rappanhanock Avenue, Jessup, Maryland 20794, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107 1004 of the SBA rules and regulations, governing Small Business Investment Companies (13 CFR 107.1004 (1981)) for approval of conflict of interest transaction falling within the scope of the above section of the Act and regulations.

Subject to such approval, Albright proposes to purchase an equity interest in Prince George's State Bank, Glenarden, MD, for the purpose of working capital.

The proposed financing is brought within the purview of § 107.1004(b)(1) of the regulations because Mr. William A. Albright sole stockholder of Albright, is a member of the Board of Directors of Prince George's State Bank which therefore makes Prince George's State Bank an Associate of Albright as defined by § 107.3 of the regulations.

Notice is hereby given that any interested person may, not later than September 8, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 20, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-24856 Filed 8-25-81; 8:45 am]

BILLING CODE 8025-01-M

[SBLC No. 06/B-0016]

Southwestern Commercial Capital, Inc.; Filing of Application for Eligibility Determination as a Small Business Lending Company

An application for Eligibility Determination as a Small Business Lending Company has been filed by Southwestern Commercial Capital, Inc. (Applicant), 113 South River St., Seguin, Texas 78155, with the Small Business Administration pursuant to § 120.4(b) of SBA regulations (13 CFR 120.4(b) (1980)), promulgated under the Small Business Act.

As a Small Business Lending Company (SBLC), under Subsection (b) mentioned above, the Applicant will be engaged solely in the making of loans to small business concerns in participation with SBA, and in accordance with applicable SBA regulations. It will be subject to supervision and examination by the SBA.

The Applicant is incorporated under the laws of the State of Texas and will commence operation with a minimum capitalization of $1,000,000, which will be raised by an offering of common stock to a limited number of investors. The only holder of 10 percent or more of the outstanding stock will be:

John Byron McKean, Rt. 4, Box 338, Seguin, Texas 78155.

The Applicant intends to conduct its operations in the areas of South and South Central Texas and to sell in the Secondary Market the SBA's guaranteed portion of loans made to small business concerns.

The Officers and Directors of the Applicant are:

Name and Title

James A. Bettersworth, 186 Spyglass Road, McQueeny, Texas 78123; President and Director.

Joe A. Mueller, Treasure Island, McQueeny, Texas 78123; Vice President, Secretary, Treasurer and Director.

John Byron McKean, Rt. 4, Box 338, Seguin, Texas 78155; Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and regulations promulgated thereunder.

Notice is hereby given that all interested parties may, not later than September 10, 1981, submit to SBA written comments on the proposed Applicant and/or its management. Any such communication should be addressed to:

Wayne S. Foren, Director, Office of Lender Relations and Certification, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Antonio and Seguin, Texas, as well as in the regional edition of the *Wall Street Journal* serving the area of operation of the Applicant.

(Catalog of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: August 20, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-24864 Filed 8-25-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 27-81]

Treasury Notes of November 15, 1986; Series F-1986

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,250,000,000 of United States securities, designated Treasury Notes of November 15, 1986, Series F-1986 (CUSIP No. 912827 MG 4). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated September 8, 1981, and will bear interest from that date, payable on a semiannual basis on May 15, 1982, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1986, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000 , $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, August 27, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, August 26, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section

1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, September 8, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, September 3, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-24824 Filed 8-21-81; 11:34 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 165
Wednesday, August 26, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11. a.m., Friday, September 4, 1981

PLACE: 2033 K Street, N.W., Washington, D.C. Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing.

TIME AND DATE: 10 a.m. Tuesday, September 1, 1981.

PLACE: 2033 K Street, N.W., Washington D.C., Fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Proposed Contract Market Designation—NAME Leaded Gasoline—New York Market

Proposed Contract Market Designation—NAME Unleaded Gasoline—New York Harbor

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1287-81 Filed 8-24-81; 10:33 am]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:40 a.m. on Friday, August 21, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a settlement proposal received in connection with certain litigation to which the Corporation is a party.

In calling the meeting, the Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)).

Dated: August 21, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1286-81 Filed 8-24-81; 11:37 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Govermnent in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporations's Board of Directors will meet in open session at 2:00 p.m. on Monday, August 31, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to establish a branch:

The Howard Savings Bank, Newark, New Jersey, for consent to establish a branch on the northwest corner of Pascack Road and Washington Avenue, Washington Township, New Jersey.

Application for consent to merge and establish branches:

Farmers First Bank, Lititz, Pennsylvania, for consent to merge, under its charter and title, with Elizabethtown Trust Company, Elizabethtown, Pennsylvania, and to establish the three officers of Elizabethtown Trust Company as branches of the resultant bank.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: The Drovers' National Bank of Chicago, Chicago, Illinois

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Sullivan & Worcester, Boston, Massachusetts, in connection with the receivership of Surety Bank and Trust Company, Wakefield, Massachusetts.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Sale of Lots

Report of the General Counsel:

Memorandum re: Reports of Actions Approved Under Delegated Authority: Settlements of Claims and New Employment of Counsel

Reports of the Director, Office of Corporate Audits:

Audit Report re: Data Base Access by Non-FDIC Users, dated April 30, 1981.

Audit Report re: Liquidation Audits—Summary of Ten, dated May 26, 1981.

Discussion Agenda:

Memorandum and Resolution re: Interpretation of NOW Account Eligibility Requirements

Memorandum and Resolution re: Paperwork-Regulation Control Program.

The meeting will be held in the Board Room on the sxth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: August 24, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Excutive Secretary.
[S-1280-81 Filed 8-24-81; 12:21 pm]
BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, August 31, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6, (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8, and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: August 24, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-1290-81 Filed 8-24-81; 12:21 pm]
BILLING CODE 6714-01-M

5

NEIGHBORHOOD REINVESTMENT CORPORATION.

Special Meeting of the Board

TIME AND DATE: 2:30 p.m., August 31, 1981.

PLACE: Board Room, sixth floor, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting and closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Associate Director, Communications (202) 377–6815.

AGENDA: Open meeting:

I. Call to Order and Remarks of the Chairman
II. Approval of Minutes, April 22, 1981
III. Amendment to Bylaws: Dates of Annual and Regular Meetings of the Board
IV. Resolution: Annual Meeting of the Board of Directors
V. Resolution: Regular Meetings of the Board of Directors
VI. Resolution: Appointment of Executive Committee
VII. Resolution: Appointment of Personnel Committee
VIII. Resolution: Appointment of Audit Committee
IX. Report of the Audit Committee
X. Report of the Personnel Committee
XI. Executive Director's Report
XII. Resolution: Election of Deputy Executive Director
XIII. Resolution: Election of Director, Field Services
XIV. Treasurer's Report
XV. Report of Fiscal Year 1981 Results and Discussion of Fiscal Year 1982 Budgetary Needs
XVI. Resolution: Approval of Fiscal Year 1982 Budget

Closed Meeting

XVII. Discussion of Fiscal Year 1983 Budgetary Needs
XVIII. Resolution: Approval of Fiscal Year 1983 Budget Submission

No. 19 August 24, 1981.

Donnie L. Bryant,
Secretary.
[S-1291-81 Filed 8-24-81; 1:00 pm]

6

NUCLEAR REGULATORY COMMISSION.

DATE: Thursday, August 27, 1981 (revised).

PLACE: Commissioner's Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Thursday, August 27:*

10:00 a.m:
1. Discussion of Implementation of Early Notification Systems (public meeting) (as announced)

2:00 p.m.:
1. Discussion of Diablo Canyon Low-Power Operating License (open/closed meeting)

(3:30 p.m.):
2. Affirmation/Discussion Session (public meeting) Items to be affirmed and/or discussed:
a. Policy on Proceeding with Pending Construction Permit and Manufacturing License Applications (rescheduled from August 20)
b. Protection of Unclassified Safeguards Information (rescheduled from August 20)
c. Proposed Rulemaking to Implement the Age Discrimination Act of 1975, as Amended, to Prevent Discrimination on the Basis of Age in Federally Assisted Commission Programs
d. Implementation of Early Notification Systems (Tentative)

ADDITIONAL INFORMATION: Affirmation of Review of Director's Denial (In the Matter of Commonwealth Edison), scheduled for August 20, was cancelled. By a vote of 5–0 on August 20, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107(a) of the Commission's Rules that Commission business required that affirmation of Order in TMI–1 Restart, held that day, be held on less than one week's notice. Discussion of this item was held in closed session since it involved a proposed order in a matter under adjudication.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

August 20, 1981.

Walter Magee,
Office of the Secretary.
[S-1286-81 Filed 8-24-81; 4:31 pm]
BILLING CODE 7590-01-M

Reader Aids

Federal Register

Vol. 46, No. 165

Wednesday, August 26, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA	MSPB/OPM		DOT/MA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of August 30 through September 5, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

39438 8–3–81 / Allocation of tobacco inspection service; eligibility for price support; comments by 9–2–81

40027 8–6–81 / Information on marketing orders for fruits, vegetables, and specialty crops; extension of time; comments by 9–1–81

[*See also* 46 FR 37054, 7–17–81]

Animal and Plant Health Inspection Service—

34805 7–6–81 / Payment of indemnity for breeding swine destroyed because of brucellosis; comments by 9–4–81

Commodity Credit Corporation—

41521 8–17–81 / General regulations governing 1979 and subsequent peanut crop; storage loans and handler operations; comments by 9–3–81

Food and Nutrition Service—

39153 7–31–81 / Food Stamp Program; AFDC/Food Stamp Consolidation Demonstration Project; comments by 8–31–81

Forest Service—

33533 6–30–81 / National forest timber sales, advertisement and bids; comments by 8–31–81

Rural Electrification Administration—

39164 7–31–81 / Equipment and construction contract requirements; proposed revision to REA Forms 198 and 200; comments by 8–31–81

CIVIL AERONAUTICS BOARD

42075 8–19–81 / Statements of General Policy; Joint fares; reply comments by 9–3–81

COMMERCE DEPARTMENT

International Trade Administration—

29662 6–2–81 / Establishment of the defense priorities and allocations system and superseding the existing defense materials system and defense priorities system regulations; comments by 8–31–81

National Oceanic and Atmospheric Administration—

37059 7–17–81 / Ocean salmon fisheries off the coasts of Calif., Oreg. and Wash.; comments by 8–31–81

37716 7–22–81 / The St. Thomas National Marine Sanctuary; comments by 8–30–81

CONSUMER PRODUCT SAFETY COMMISSION

38931 7–30–81 / Flammability of clothing textiles and vinyl plastic film; interpretation, clarifications, and exemptions; comments by 8–31–81

DEFENSE DEPARTMENT

Office of the Secretary—

38538 7–28–81 / Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); comments by 9–1–81

38167 7–31–81 / Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); comments by 8–31–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

39846 8–5–81 / Establishment of fees relating to Freedom of Information Act requests; comments by 8–31–81

42075 8–19–81 / Fees applicable to natural gas pipelines; comments by 9–4–81

40044 8–6–81 / High cost gas produced from tight formations; Texas; comments by 8–31–81

40043 8–6–81 / High cost gas produced from tight formations; Virginia; comments by 8–31–81

ENVIRONMENTAL PROTECTION AGENCY

39168 7–31–81 / Air programs; delayed compliance order for Holyoke Water Power Company, Mass.; comments by 9–4–81

38939 7-30-81 / Air programs, energy-related authority; delayed compliance orders; Department of the Navy, Naval Ordnance Station, Indian Head, Md., Goddard Power Plant; comments by 8-31-81

39612 8-4-81 / Approval and promulgation of New York State Implementation Plan; comments by 9-3-81

37057 7-17-81 / Approval and promulgation of implementation plans; Ohio: comments extended to 9-3-81

[*See also* 46 FR 24966, 5-4-81; and 46 FR 30116, 6-5-81]

39456 8-3-81 / Coal mining point source category effluent limitations guidelines; pretreatment standards and new source performance standards; comments by 9-3-81

30300 6-5-81 / Dichloromethane, Nitrobenzene and 1,1,1-Trichloroethane; Proposed test rule; comments by 8-31-81

40058 8-6-81 / Hazardous waste management; extension of comment period; comments by 9-3-81

[*See also* 46 FR 27363, 5-19-81]

39863 8-5-81 / Proposed approval of revision to Vermont State Implementation Plan; comments by 9-4-81

39864 8-5-81 / Proposed rulemaking and solicitation of public comment on portions of Illinois' State Implementation Plan; comments by 9-4-81

39865 8-5-81 / Proposed tolerances for *N,N*-diethyl-2-(1-naphthalenyloxy) propionamide; comments by 9-4-81

FARM CREDIT ADMINISTRATION

35117 7-7-81 / Funding and fiscal affairs, loan policies and operations, and funding operations; comments by 8-31-81

35110 7-7-81 / Loan policies and operations; comments by 8-31-81

FEDERAL COMMUNICATIONS COMMISSION

30150 6-5-81 / Deregulation of customer premises inside wiring; reply comments by 8-31-81

35534 7-6-81 / FM broadcast station in Martin and Salyersville, Ky.; proposed changes in table of assignments; comments by 8-31-81

41535 8-17-81 / Licensing of nonprofit corporations and associations of eligible users in the business users in the business and special industrial radio services; comments by 9-8-81

31693 6-17-81 / National implementation of Final Acts of 1979 World Administrative Radio Conference; reply comments by 8-30-81

[*See also* 46 FR 3060, 1-13-81]

40536 8-10-81 / Reallocation of UHF-TV broadcast Channel 17 for common carrier fixed relay and control operations in the State of Hawaii; comments by 8-31-81

FEDERAL RESERVE SYSTEM

32594 6-24-81 / Bank holding companies nonbanking activities; issuance of travelers checks; comments by 8-31-81

GENERAL SERVICES ADMINISTRATION

39593 8-4-81 / Licensing of Federally owned inventions; temporary regulations; comments by 9-3-81

INTERIOR DEPARTMENT

Geological Survey—

36212 7-14-81 / Exploration activities within the coastal plain of the Arctic National Wildlife Refuge; intent to propose regulations and prepare an environmental impact statement; comments by 9-1-81

Surface Mining Reclamation and Enforcement Office—

39854 8-5-81 / General requirements for backfilling and grading; comments by 9-4-81

34784 7-2-81 / Permanent and Interim Regulatory Programs; effluent limitations and sedimentation pond design criteria; comments by 9-3-81

41525 8-17-81 / Proposed approval of resubmitted Virginia Permanent Regulatory program; comments by 9-4-81

JUSTICE DEPARTMENT

Drug Enforcement Administration—

39848 8-5-81 / Placement of alpha-methylfentanyl in Schedule I of the Controlled Substances Act; comments by 9-4-81

Parole Commission—

35635 7-10-81 / Paroling, recommitting, and supervising Federal prisoners (2 documents); comments by 8-31-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

35943 7-13-81 / Contract cost principles and procedures; contract administration; availability of draft Federal Acquisition Regulation; comments by 9-4-81

SECURITIES AND EXCHANGE COMMISSION

25638 5-8-81 / Environmental proceedings disclosure (Regulation S-K); comments by 9-1-81

26789 5-15-81 / Proxy rules and shareholder communications provisions; comments by 9-1-81

33287 6-29-81 / Regulatory Flexibility Act; plan for periodic review of Commission rules; comments by 8-31-81

STUDENT FINANCIAL ASSISTANCE NATIONAL COMMISSION

38923 7-30-81 / Privacy Act; implementation; comments by 8-30-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

36032 7-13-81 / Metropolitan Washington Airports; policy to guide future operation and development and improvement of the quality of the environment; comments by 8-31-81

TREASURY DEPARTMENT

Internal Revenue Service—

34348 7-1-81 / Income tax provisions relating to mortgage subsidy bonds; comments by 8-31-81

Deadlines for Comments on Proposed Rules for the Week of September 6 through September 12, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

35907 7-13-81 / Gypsy moth; hazardous recreational vehicle sites; comments by 9-11-81

35912 7-13-81 / Inspection and handling of livestock for exportation; deletion and addition to ports of embarkation of animals; comments by 9-11-81

Food and Nutrition Service—

35658 7-10-81 / Food Stamp Program; Wage matching; comments by 9-8-71

Food Safety and Inspection Service—

35660 7-10-81 / Definitions and standards of identity or composition; Braunschweiger, Liver Sausage, and Liverwurst; comments by 9-8-81

CIVIL AERONAUTICS BOARD

35664 7-10-81 / Proposal to allow foreign indirect air carriers to organize charters and consolidate freight in interstate and overseas markets; comments by 9-8-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

40518 8-10-81 / High Seas Salmon off Alaska; comments by 9-9-81

CONSUMER PRODUCT SAFETY COMMISSION

35296 7-8-81 / Exemption from child-resistant packaging of all unit-dose forms of potassium supplements containing not more than 50 milliequivalents of potassium per unit-dose; comments by 9-8-81

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

40893 8-13-81 / Interstate rate ceilings on money market certificates and small savers certificates; comments by 9-9-81

EDUCATION DEPARTMENT

38880, 38889 7-29-81 / College housing program; comments by 9-14-81 (2 documents)

ENVIRONMENTAL PROTECTION AGENCY

40218 8-7-81 / Air quality implementation plans; Commonwealth of Pennsylvania; comments by 9-8-81

40220 8-7-81 / Chlorothalonil; proposed tolerance; comments by 9-8-81

40774 8-12-81 / Texas; proposed revision to State Implementation Plan; comments by 9-11-81

FEDERAL COMMUNICATIONS COMMISSION

39630 8-4-81 / Automatic aviation weather reporting systems at certain airports; reply comments by 9-11-81

37058 7-17-81 / FM broadcast station in Natchitoches, La.; proposed changes in table of assignments; comments by 9-8-81

35131 7-7-81 / FM broadcast station in North Muskegon, Mich.; changes in table of assignments; reply comments by 9-8-81

37921 7-23-81 / FM broadcast station in Redmond, Oregon; changes in table of assignments; comments by 9-6-81

40536 8-10-81 / Frequency allocations and radio treaty matters general rules and regulations; comments by 9-8-81

38390 7-27-81 / Regulatory and deregulatory requirements for medical services radio systems operating in the 450-460 MHz band in the Special Emergency Radio Service; comments by 9-8-81

FEDERAL EMERGENCY MANAGEMENT AGENCY

35921 7-13-81 / Consultation with appropriate local officials when undertaking a study of flood elevations; comments by 9-11-81

FEDERAL TRADE COMMISSION

38105 7-24-81 / Inclusion of furnaces in category of appliances requiring energy efficiency labeling provisions; comments by 9-8-81

35660 7-10-81 / Proprietary vocational and home study schools; comments by 9-8-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

35122 7-7-81 / Blood grouping serum, amendment of additional standards to permit use of chemically modified antisera; comments by 9-8-81

35121 7-7-81 / Hepatitis requirements, amendment of restrictions on use as injectable biological products; comments by 9-8-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary—

40498 8-7-81 / Mobile home construction and safety standards, procedural and enforcement regulations and consumer manual requirements; comments by 9-8-81

40496 8-7-81 / Mobile home procedural and enforcement regulations; comments by 9-8-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

26464 5-12-81 / Petition submitted by the International Council for Bird Preservation, U.S. Section, Inc. to list 77 birds as endangered or threatened under the Endangered Species Act of 1973; comments by 9-9-81

Land Management Bureau—

37725 7-22-81 / Oil and gas leasing—National Petroleum Reserve—Alaska; Proposed rulemaking authorizing oil and gas leasing; comments by 9-8-81

Surface Mining Reclamation and Enforcement Office—

40047, 40049 8-6-81 / Abandoned mine lands reclamation program; comments by 9-8-81

2043 1-8-81 / Surface Coal Mining and reclamation enforcement operations; permanent regulatory program reporting and recordkeeping requirements; exemption for coal extraction incident to Government-financed highway or other construction; comment period extended to 9-10-81

[*See also* 44 FR 35192, 6-18-79]

INTERSTATE COMMERCE COMMISSION

40221 8-7-81 / Modification of the Motor Carrier Fuel Surcharge Program; comments by 9-8-81

JUSTICE DEPARTMENT

Drug Enforcement Administration—

35529 7-9-81 / Schedules of controlled substances; proposed placement of Tiletamine and Zolazepam into Schedule I and the proposed placement of certain preparations which contain both Tiletamine and Zolazepam into Schedule III; comments by 9-8-81

MERIT SYSTEMS PROTECTION BOARD

40702 8-11-81 / Practices and procedures provisions; comments by 9-8-81

NATIONAL CREDIT UNION ADMINISTRATION

36862 7-16-81 / Organization and operation of Federal Credit Unions; Share, Share Draft, and Share Certificate of Accounts; comments by 9-7-81

NUCLEAR REGULATORY COMMISSION

38374 7-27-81 / Codes and standards for Nuclear Power Plants; comments by 9-10-81

35662 7-10-81 / Receipt of petition for rulemaking from the National Bureau of Standards, Commerce, to exempt certain radioactive material from certain specific license application requirements; comments by 9-8-81

34595 7-2-81 / Reporting of changes to the Quality Assurance Program; comments by 9-8-81

PERSONNEL MANAGEMENT OFFICE

35658 7-10-81 / Retirement; Health Care Employees; comments by 9-8-81

35108 7-7-81 / Temporary and term employment; noncompetitive career appointments; former employees of legislative or judicial branch; comments by 9-8-81

TRANSPORTATION DEPARTMENT

Coast Guard—

38378 7-27-81 / COLREGS demarcation lines, Savannah River, GA, to Amelia Island, FL; comments by 9-10-81

Federal Aviation Administration—

40527 8-10-81 / Advisory material for flight attendant seats; comments by 9-9-81

Research and Special Programs Administration—

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List of Public Laws

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S.J. Res. 87 / Pub. L. 97–43 To authorize and request the President to designate September 13, 1981, as "Commodore John Barry Day". (Aug. 20, 1981; 95 Stat. 947) Price: $1.50

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

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42225 8–19–81 / NFAH—Music Panel (Joint meeting of New Music Performance and Chamber), Washington, D.C. (closed), 9–25–81

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42296 8–20–81 / DOT/FHwA—Economic growth center development highways; deletion of special studies preparation requirement

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43187 PS proposes to permit inclusion of all-purpose envelopes as novelty pages in mailed copies of second-class publications.

43190 **Communications** FCC proposes to revise programming policies and reporting requirements for public broadcasting licensees.

43185 **Armed Forces** DOD proposes to clarify procedures for Discharge Review Boards to obtain copies of military records incident to discharge review.

43181 **Securities** SEC proposes to withdraw rule requiring disclosure in proxy statements of nonaudit services performed by accountants.

43156 **Water Pollution Control** EPA publishes technical amendments to requirements for Underground Injection Control Program.

43353 **Treasury Notes—Series U-1983** Treasury announces interest rate of 16¼ percent per annum.

43233 **Educational Research** ED invites applications for Student Research and Field Initiated Research Programs for FY 1982. (2 documents)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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43174 **Fishing** Commerce/NOAA reallocates entire reserve of *Illex* squid to foreign fishing.

43129 **Agriculture** USDA/AMS issues marketing rules on spearmint oil produced in the far west.

43218 **Procurement** OMB announces availability and requests comments on draft Federal acquisition regulations on equipment leasing and purchasing, advance agreements for independent research and development/bid and proposal costs, and use of government sources by contractors.

43351 **Motor Vehicle Safety Standards** DOT/NHTSA denies petition for rulemaking on glazing materials.

43224 **Antidumping** Commerce/ITA issues final results of administrative review and determination not to revoke antidumping finding on canned Bartlett pears from Australia.

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Rules and Regulations

Federal Register
Vol. 46, No. 166
Thursday, August 27, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 678; Valencia Orange Reg. 677, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 28–September 3, 1981, and increases the quantity of such oranges that may be so shipped during the period August 21–27, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective August 28, 1981, and the amendment is effective for the period August 21–27, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a non-major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–227–5975.

The committee met again publicly on August 25, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the office of management and budget and are in the process of review.

1. § 908.978 is added as follows:

§ 908.978 Valencia Orange Regulation 678.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 28, 1981, through September 3, 1981, are established as follows:

(1) District 1: 350,000 cartons;
(2) District 2: 350,000 cartons;
(3) District 3: Unlimited cartons.

2. § 908.977 Valencia Orange Regulation 677 (46 FR 42243), is hereby amended by revising subparagraphs (1), (2), and (3) to read:

§ 908.977 Valencia Orange Regulation 677.

* * * * *

(1) District 1: 325,000 cartons;
(2) District 2: 325,000 cartons;
(3) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 26, 1981.

D. S. Kuryloski,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-25309 Filed 8-26-81; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 985

Spearmint Oil Produced in the Far West; Amendment of Subpart—Administrative Rules and Regulations; Addition of Rules

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Sections 985.52, 985.54, and 985.55 of the order authorize the Spearmint Oil Administrative Committee to establish rules and regulations to implement those sections. The rules would facilitate issuance of annual allotments to producers by the Committee and provide a method of identifying spearmint oil. The Committee recommends regulations to the Department to make the program operational.

EFFECTIVE DATE: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been determined to be a "nonmajor" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic

impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 10 handlers.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because: (1) Volume regulations are in effect for the 1981–82 marketing year which began June 1, 1981, and this action should be in effect promptly to achieve its purpose of facilitating the handling of the 1981 crop, (2) the harvesting and handling of the 1981 crop has already begun; and (3) no useful purpose would be served by delaying the effective date of this action.

Notice inviting written comments on this action was published in the **Federal Register** on January 30, 1981 (46 FR 9957). Comments were invited, but none was received.

This action amends Subpart—Administrative Rules and Regulations (7 CFR 985.153; 45 FR 71759) by adding §§ 985.152, 985.154, and 985.155. The subpart is established pursuant to Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West (hereinafter referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 985.52 of the order provides for the issuance by the Committee of volume regulations for spearmint oil. In order to enable the Committee to determine whether handlers are complying with these regulations, new § 985.152 would prescribe procedures for handlers to provide information to the Committee regarding acquisitions of oil from producers of any class of oil for which a volume regulation has been established. Section 985.152 also would prescribe procedures giving each producer a record of how much of that producer's annual allotment remain unused after each acquistion.

Section 985.54 of the order pertains to the issuance of annual allotments by the Committee to producers. A new § 985.154 would prescribe a procedure for the issuance of an annual allotment to a producer, so long as the producer is a registered holder of an allotment base. In applying for the annual allotment, the producer would furnish certain information to the Committee to aid in the administration of the order.

Section 985.55 of the order pertains to the identification of oil. To carry out the requirements of § 985.55, new § 985.155 would prescribe procedures for identification. Under that section, a producer would record the distillation of each class of oil and submit this information to the Committee prior to delivery of the oil either to a handler for handling as salable oil or to the Committee or its designee for storage as excess oil. Producers who do not deliver their oil but retain it would have to furnish the information to the Committee within 15 days following completion of the distillation of any class of oil.

The provisions of §§ 985.152, 985.154, and 985.155 are the same as proposed, except for some minor editing to improve clarity and to make them more specific.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is further found that the addition of §§ 985.152, 985.154, and 985.155 to Subpart—Administrative Rules and Regulations (7 CFR 985.156; 45 FR 71759) will tend to effectuate the declared policy of the act.

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

Therefore, that subpart is amended by adding new §§ 985.152, 985.154, and 985.155 as follows:

Subpart—Administrative Rules and Regulations

1. A new § 985.152 is added to read as follows:

§ 985.152 Handling report.

Whenever an allotment percentage has been established for a class of oil, each handler shall furnish to the Committee at least the following information for each lot of that class of oil acquired by the handler from a producer: (a) Name of producer; (b) name of handler; (c) class of oil acquired; (d) date of acquisition; (e) date when oil was produced; (f) net weight of oil in the lot; (g) quantity of that class of oil in the producer's annual allotment available for handler before this acquisition; and (h) quantity of oil remaining in the producer's annual allotment after this acquisition. This information shall be furnished in such manner as the Committee may prescribe. Upon acquisition the handler or the handler's agent also shall include the applicable information on the back of the producer's Annual Allotment Certificate, showing that the acquired oil was within the unused portion of the producer's annual allotment.

2. A new § 985.154 is added to read as follows:

§ 985.154 Issuance of annual allotments.

(a) Each producer who is a registered holder of an allotment base, and desiring an annual allotment for the ensuing marketing year, shall apply to the Committee for that allotment. The registered holder shall furnish at least the following information: (1) The number of acres of each species (Scotch or Native) of spearmint planted, or intended to be planted for harvest in the ensuing marketing year; (2) whether the spearmint to be harvested in the ensuing marketing year is baby mint (first year harvest) or mature mint (second year or older harvest); and (3) any changes in location or production as reported for the preceding year.

(b) In order to enable the Committee to insure compliance and verify furnished information, each producer requesting an annual allotment shall permit the Committee or its representatives, whenever necessary, to measure the producer's spearmint acreage.

3. A new § 985.155 is added to read as follows:

§ 985.155 Identification of oil by producer.

Following the distillation of oil and prior to delivery either to a handler for handling as salable oil or to the Committee or its designee for storage as excess oil, each producer shall furnish the following information to the Committee: *Provided,* That any class of oil retained by a producer shall be reported to the Committee within 15 days following the completion of its distillation.

(a) Producer's name and address; (b) date the oil was put into the drum; (c) class of oil in the drum; (d) drum identification number; (e) approximate net weight of the oil; (f) handler's pickup receipt number, when applicable; (g) destination of oil for storage; (h) name of the firm where the oil was distilled; and (i) name of the person submitting the information.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: August 21, 1981.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-25045 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 94

Change in Disease Status of the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man), Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms the final rule published in the **Federal Register** on April 1, 1981, which removed the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man) from the list of countries which are declared to be free of rinderpest and foot-and-mouth disease. This document is necessary to announce that, having received one comment that was in agreement with the amendments of 9 CFR Part 94, the Department has decided the final rule, as published, should not be amended.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Import/Export Animals and Products Staff, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8530.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A document published in the **Federal Register** on April 1, 1981, (46 FR 19817), removed the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man) from the list of countries which are declared to be free of rinderpest and foot-and-mouth disease. The amendments imposed a prohibition on the importation of cattle, sheep, or other ruminants, or swine or fresh, chilled, or frozen meats of such animals into the United States from the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man) because of the presence of foot-and-mouth disease in those areas.

19 U.S.C. 1306 directs this prohibition be enforced on the above items whenever the Secretary designates a country as an area affected with rinderpest or foot-and-mouth disease.

The only alternative would be to amend the Act to remove the prohibition. In that event, it is highly probable that the United States would become an affected area also. The direct cost of an outbreak has been estimated over $12,000,000,000. The total cost would be greater because of the effects on industries using animal products and the loss of the export market for ruminants, swine and their products.

These amendments were made effective immediately in order to restrict or prohibit the entry of certain animals and animal products from these areas into the United States as presently provided in the regulations for countries not free of foot-and-mouth disease.

Comments were solicited for 60 days after publication of the amendments. One comment, that was in agreement with the amendments to 9 CFR Part 94, was received. The factual situation which was set forth in the document of April 1, 1981, still provides a basis for the amendment. Accordingly, it has been determined that the final rule amending 9 CFR 94.1 and 94.11 should remain effective as published in the **Federal Register** on April 1, 1981.

Done at Washington, D.C., this 21st day of August 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-24889 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NE-12; Amdt. 39-4195]

Airworthiness Directives; General Electric CT58 Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts an airworthiness directive (AD) which requires a repetitive inspection of the four screws attaching the lead lag servo housing to the main fuel control upper body on General Electric CT58 Engines, and which requires eventual replacement of these screws. The AD is to prevent screw failure which could result in hazardous fuel leakage in-flight.

DATES: Effective September 17, 1981.

Comments on the rule must be received on or before October 19, 1981.

Compliance schedule—Compliance required prior to the first flight of each day, beginning on the effective date of this AD, until the screws are replaced in accordance with this AD.

ADDRESSES: The applicable Service Bulletin may be obtained from General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01910.

Comments on the rule are to be sent to Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 81-NE-12, 12 New England Executive Park, Burlington, Massachusetts 01803. Comments may be examined in the Rules Docket weekdays, except federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Gordon Vertescher, Engine Projects Section (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION: There have been nine reports of broken screws, with two of these reports describing hazardous fuel leakage caused by screw breakage, necessitating in-flight engine shutdown. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires daily inspection of the screws to make sure that none are missing or broken. This daily inspection is applicable to the four screws which attach the lead lag servo housing to the main fuel control upper body on General Electric CT58 engines. Additionally, the AD requires replacement of these screws within 100 flight hours after the effective date of the AD. The nature of replacement divides the fuel control population into two groups, the first is fuel control S/N 28089 and below and the other for S/N 28090 and above. The former group requires removing the old screws and replacing them with new ones. The latter requires an intermediate check of

fuel controls that contain a counterbore on two of the screw holes, which require longer screws to insure proper screw engagement.

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

General Electric: Applies to all fuel controls on General Electric CT58 turboshaft engines. Accomplish in accordance with General Electric Alert Service Bulletin CT58 (A73–71) CEB–261, Revision 1, dated January 9, 1981.

1. Compliance required prior to the first flight of each day or until paragraph 2 is accomplished.

a. Check lead lag servo housing attachment screws to make sure there are no signs of looseness and that none are missing or broken.

b. Check lock wire to make sure it is not loose.

c. Check lead lag servo housing to make sure it is secure.

d. If a screw is missing or broken, remove the fuel control and replace it with a serviceable fuel control prior to further flight.

Note.—Signs of lock wire, screw, or lead lag servo housing looseness may be an indication of screw breakage.

2. Compliance required within the next 100 hours time in service after the effective date of this AD.

a. For fuel control, S/N 28090 and above, replace screws P/Ns 69691A64, 69691A65, and 69691A69 with P/Ns NAS1352N3H10 and NAS1352N3H24.

b. For fuel control S/N 28089 and below, remove lead lag servo housing screws, perform a counter bore check and replace with the appropriate set of NAS1352N3H screws.

Note.—1. For fuel controls, S/N 28089 and below, that have previously complied with the original General Electric Service Bulletin, CT58 (A73–71) CEB–261, dated December 24, 1979, compliance with Part 2b of this AD is required.

2. Replace screws one at a time.

Later FAA approved revisions or equivalent means may be approved by the Chief, Engineering and Manufacturing Branch, New England Region.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, New England Region, may adjust the replacement interval specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01910. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C.

This amendment becomes effective September 17, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 122391. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 24, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contact with the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Court of Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Burlington, Massachusetts, on August 14, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-24832 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-EA-10; Amdt. 39-4198]

Piper PA-23; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This amendment amends AD 80-26-04 applicable to Piper PA-23 type airplanes. AD 80-26-04 required a repetitive inspection of the cabin entrance step for cracks after reinforcement bracketry was installed. This amendment deletes the repetitive inspection.

EFFECTIVE DATE: August 28, 1981. Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: Z. Sherman, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: AD 80-26-04 required the inspection and repair where necessary and reinforcement of the cabin step fuselage support structure. It also required a 100-hour repetitive inspection of the structure. Based on fatigue tests conducted by the manufacturer, it has been determined that the repetitive inspection is unnecessary and may be deleted. Since this amendment is relaxatory, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by amending AD 80-26-04 as follows:

1. Amend the applicability statement for "PA-23-250 (6 places)" so as to delete the words "and up" and insert "thru 27-8054049."

2. Delete paragraph d. and reletter paragraphs e. and f. as d. and e. respectively.

3. In relettered paragraph e., delete the phrase "inspection intervals" and insert "compliance times."

4. Add the following note after paragraph e.

Note.—Since the cabin step is part of the approved type design, it must be in place. This includes those cases where temporary permission was granted for its removal.

Effective date: This amendment is effective August 28, 1981.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423) 1431(b); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)), 14 CFR 11.89).

Note.—The Federal Aviation Administration has determined that this regulation involves a regulation which is not considerd to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Jamaica, New York, on August 14, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-25031 Filed 8-26-81: 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 22109; Amdt. 39-4205]

Airworthiness Directives; British Aerospace Viscount Model 744, 745D, and 810 Type Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain British Aerospace Viscount Model 744, 745D, and 810 type airplanes by individual telegrams. The AD establishes new, reduced life limits for the spigot fitting, which is a component part of the elevator torque tube assembly. In addition, it requires an inspection of the spigot fitting for cracks, and replacement as necessary; a check for security of the spring servo tab operating mechanism; and a one-time inspection of the right and left hand tailplane top root end fittings. The AD is necessary to prevent failure of the elevator control system, which could result in loss of control of the airplane.

DATES: Effective August 27, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-21-51, issued October 2, 1980, which contained this amendment.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service literature may be obtained from: British Aerospace, Aircraft Group, Weybridge-Bristol Division, Brooklands Road, Weybridge, Surrey, England KT13 OSF.

A copy of the service literature is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium: Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: On September 12, 1980, telegraphic AD T80-19-53 was issued and made effective immediately as to all known U.S. owners and operators of certain British Aerospace Viscount Model 744, 745D, and 810 type airplanes. The AD required, before further flight, an inspection of the spigot fitting, which is a component part of the elevator torque tube assembly, to determine if the spigot was within the 12,000 hours life limit, and replacement before further flight of those spigots found to be cracked, in excess of their service hour life limits, or if their service time was unknown. The AD also required a dye penetrant inspection of spigots with more than 3,000 hours time in service and a check for security of the spring servo tab operating mechanism. The AD was superseded on October 2, 1980, by telegraphic AD T80-21-51, which reduced the life limit of the spigot fitting from 12,000 to 3,000 hours time in service and required, for the Viscount Type 810 only, a one-time inspection of the right and left hand tailplane top root end fittings. The reduction of life limits and the new inspection were determined to be necessary as a result of the inspection report required by T80-19-53. AD action was necessary to prevent failure of the spigot fitting, which could result in loss of control of the airplane.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately by individual telegrams issued October 2, 1980, to all known U.S. owners and operators of British Aerospace Viscount Model 744, 745D, and 810 type airplanes. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace (formerly Vickers-Armstrong Aircraft Limited). Applies to all Viscount Model 744, 745D and 810 airplanes, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent failure of the elevator control system, accomplish the following:

(a) Before further flight, determine the time in service on spigot fitting P/N 70120-367. Replace each spigot fitting with a serviceable part in accordance with the following schedule, and thereafter continue to replace the spigot fittings at intervals not to exceed 3,000 hours time in service:

(1) If spigot fitting has 12,000 hours or more time in service since new, or the total time in service is unknown, replace before further flight.

(2) If spigot fitting has less than 12,000 but more than 3,000 hours time in service on the effective date of this AD:

(i) Before further flight, unless already accomplished, inspect for cracks using the magnetic flaw detection saturation method and 5X magnification in accordance with item 4 of the British Aerospace Weybridge Bristol Division Campaign Wire REF SS/749/V, dated September 5, 1980, or an FAA-approved equivalent. If any crack or cracks are found, replace spigot fitting before further flight.

(ii) If no cracks are found, replace spigot fitting within 300 hours time in service after the effective date of this AD, or prior to the accumulation of 12,000 hours time in service, whichever occurs first, except as provided in paragraph (a)(4) of this AD.

(3) If spigot fitting has 3,000 hours time in service or less on the effective date of this AD, replace prior to the accumulation of 3,000 hours time in service, or within 300 hours time in service, whichever occurs later.

(4) Spigot fitting with more than 3,000 hours time in service on the effective date of this AD must be replaced prior to September 15, 1981.

(b) Before further flight, unless already accomplished, inspect the spring servo tab operating mechanism for security by examining the inboard tab on the LH elevator and its attachment to the elevator together with connecting linkage through to "bellcrank" lever, P/N 70133–567, and its associated spigot fitting, P/N 70120–367, on the inner end of the LH elevator torque tube. In addition, the control circuit must be checked from this point through to the adjustment spring located on the inner end of the subject torque tube. If defects are found, repair as necessary and return to service.

(c) When replacing spigot fitting, P/N 70120–367, insure that the twin centre bearing assembly in the control lever, P/N 70133–567, is free to move. If defects are found, repair as necessary and return to service.

(d) For Viscount Type 810, prior to the accumulation of 10,000 flights or within 50 hours time in service after the effective date of this AD, whichever occurs later, inspect the right and left hand tailplane top root end fittings, P/N's 81018–227 and 81018–228, in accordance with British Aerospace Technique AL/MAT/3713, dated September 26, 1980, or an FAA-approved equivalent. Cracked fittings must be replaced prior to further flight.

(e) If an FAA-approved equivalent is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office. Report defects found to the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium. Reporting approved by the Office of Management and Budget OMB No. 04/R0174.

This amendment becomes effective August 27, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80–21–51, issued October 2, 1980, which contained this amendment.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Aircraft Group, Weybridge—Bristol Division, Brooklands Road, Weybridge, Surrey, England KT13 OSF. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule was previously issued in telegraphic form to known owners and operators to correct an unsafe condition in aircraft. The present action codifies the rule and makes it effective as to all persons. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on August 19, 1981.

George J. Pour,

Acting Director of Airworthiness.

[FR Doc. 81–25029 Filed 8–26–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–EA–15; Amdt. 39–4199]

Airworthiness Directives; Lycoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive (A.D.) applicable to Lycoming engine oil pump impellers. The A.D. requires the replacement of driven and driving oil pump impellers on certain Lycoming type engines. There have been instances of failure of the oil pumps resulting in engine failure. These failures have led to a number of accidents.

EFFECTIVE DATE: August 28, 1981. Compliance is required as set forth in the A.D.

ADDRESSES: Lycoming Service Bulletins may be acquired from the manufacturer at Williamsport, Pennsylvania 17701.

FOR FURTHER INFORMATION CONTACT: I. Mankuta, Propulsion Section, AEA–214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Tel. 212–995–2894.

SUPPLEMENTARY INFORMATION: There have been reports of oil pump failures which have resulted in several accidents the cause of which appears to be the sintered iron impellers which were produced prior to October, 1976. This A.D. will require replacement of those impellers. In view of the incidents, the deficiency affects air safety, and it is found that notice and public procedure would be contrary to the public interest and good cause exists for making the A.D. effective in less than 30 days.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by issuing a new A.D. as follows:

AVCO Lycoming: Amendment 39–4199. Applies to all O–235, O–290–D, –D2, O–320, IO–320, AIO–320, AEIO–320, LIO–320, O–340, O–360, IO–360, AIO–360, AEIO–360, HO–360, HIO–360, LO–360, LIO–360, TIO–360, TO–360, VO–360, IVO–360, O–540 and IO–540 series engines.

Compliance required as indicated unless already accomplished.

To prevent failure of the engine oil pump, accomplish the following:

(a) Compliance is required within the next 25 hours in service after the effective date of this AD for all Lycoming HIO–360–D1A, —E1AD, –E1BD and –F1AD up to and including serial number L–22579–51A except the following: L–22311–51A thru L–22313–51A, L–22396–51A, L–22397–51A, L–22416–51A, L–22546–51A thru L–22549–51A, L–22563–51A, L–22568–51A thru L–22571–51A; any of the above engines that were overhauled in the field prior to April 1, 1981; all remanufactured engines of the above model shipped prior to April 1, 1981.

(1) Replace the oil pump driven impeller and shaft with hardened steel impeller and shaft P/N LW–18110 and replace the driving impeller with impeller P/N LW–18109 in accordance with the instructions set forth in AVCO Lycoming Service Bulletin No. 454 dated April 10, 1961, or later approved revision.

(b) Compliance is required within the next 25 hours in service after the effective date of this AD for Lycoming models O–360–A1LD S/Ns L–17555–36A thru L–22462–36A, O–360–A1F6D S/Ns L–16685–36A thru L–22582–36A, O–360–A5AD S/Ns L–17057–36A thru L–20038–36A, IO–360–A1B6D S/Ns L–9598–51A thru L–16595–51A, L–17273–51A, L–17312–51A thru L–17319–51A, L–17321–51A, L–17336–51A thru L–17340–51A, L–17347–51A thru L–17351–51A, L–17355–51A, L–17358–51A, L–17377–51A thru L–17380–51A, IO–360–C1E6D, S/N L–14527–51A, TO–360–C1A6D S/Ns L–101–69A thru L–243–69A; any of the above model engines overhauled in the field between April 7, 1970 and October 15, 1976; all the above remanufactured model engines shipped prior to April 1, 1981.

(1) Replace the existing drive and driven impellers with a steel driving impeller P/N 60746 and an aluminum impeller and shaft assembly P/N LW-13775 in accordance with AVCO Lycoming Service Bulletin No. 455 dated April 10, 1981, or later approved revision.

(c) For all other models in the subject applicability paragraph, comply with paragraph (b)(1) at the next overhaul or whenever the accessory section is removed, but not later than 2000 hours since new or last overhaul. An entry must be made in the engine logbook that compliance with this AD was accomplished.

Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the compliance time specified in this AD.

In accordance with FAR 21.197 and 21.199, the aircraft may be flown to a location where the alterations required by this AD can be performed.

This AD is effective August 28, 1981.

(Sections 313(a), 601 and 603 Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Jamaica, New York, on August 14, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-25030 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-38]

Designation of Transition Area, Springfield, Tenn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Springfield, Tennessee, Transition Area and lowers the base of controlled airspace from 1200 to 700 feet AGL in the vicinity of the Springfield Municipal Airport.

EFFECTIVE DATE: 0901 GMT, October 15, 1981.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, July 2, 1981, (46 FR 34597), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Springfield, Tennessee, 700-foot Transition Area. This action adopts the proposal and thereby provides controlled airspace protection for aircraft instrument flight (IFR) operations at the Springfield Municipal Airport. The proposed Needmore NDB (nonfederal, nondirectional beacon) will support the NDB RWY 21 standard instrument approach procedure. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. In response to the Notice of Proposed Rulemaking, Mr. Eugene Aydelotte requested the Aydelotte Airport be excluded from the Transition Area. The exclusion would permit aerial spraying aircraft, primarily, to continue VFR operations (one mile visibility and clear of clouds) when IFR weather conditions exist in the Transition Area. The exclusion can be accomplished without adverse effects upon Springfield Municipal Airport operations. There were no other public responses.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations lowers the base of controlled airspace from 1200 to 700 feet AGL in the vicinity of Springfield Municipal Airport. The operating status of the airport is hereby changed from VFR to IFR.

Adoption of the Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, October 15, 1981, by adding the following:

Springfield, Tennessee

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Springfield Municipal Airport (Lat. 36°32'20" W., Long., 86°55'10" W.); excluding the area within a 2.5-mile radius of Aydelotte Airport (Lat. 36°38'30" N., Long., 86°58'31" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on August 10, 1981.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 81-25033 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3073]

Palm Beach Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Cincinnati, Ohio manufacturer and seller of men's apparel and accessories

to cease attempting to fix the resale prices at which its products are advertised or sold, through coercion or otherwise. The order also prohibits respondent from withholding any earned advertising credit or benefit from recalcitrant dealers, and bars the firm from restricting the lawful use of its trademarks and brand names. Additionally, the firm is precluded from seeking the identity of dealers who deviate from suggested resale prices, and from disseminating suggested resale prices for a period of three years, unless such prices are accompanied by a specified disclosure statement.

DATES: Complaint and order issued August 4, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CR, Robert B. Greenbaum, Washington, D.C. 20580. (202) 523–3522, or Judith D. Ford, Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102, (415) 556–1270.

SUPPLEMENTARY INFORMATION: On Wednesday, May 27, 1981, there was published in the **Federal Register**, 46 FR 28444, a proposed consent agreement with analysis In the Matter of Palm Beach Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.350 Customers or prospective customers. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533–20 Disclosures. Subpart—Cutting Off Supplies or Service: § 13.610 Cutting off supplies or service; § 13.635 Refusing sales to, or same terms and conditions. Subpart—Maintaining Resale Prices: § 13.1145 Discrimination, 13.1145–5 Against price cutters, 13.1145–45 In favor of price maintainers; § 13.1150 Penalties; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165–80 Requiring information of price cutting.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

James A. Tobin,

Acting Secretary.

[FR Doc. 81–25073 Filed 8–26–81; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 13

[Docket No. 9144]

Sherman A. Hope, M.D., ET AL.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, that five individual Brownfield, Tex. physicians each cease, for the ten-year duration of the order, from taking any concerted action with another person or entity which would improperly restrict, impede or otherwise interfere with a hospital's physician recruitment program or contractual arrangement with a physician.

DATE: Complaint issued July 30, 1980. Order issued August 5, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS, Walter T. Winslow, Washington, D.C. 20580. (202) 724–1341.

SUPPLEMENTARY INFORMATION: On Friday, February 20, 1981, there was published in the **Federal Register**, 46 FR 13235, a proposed consent agreement with analysis In the Matter of Sherman A. Hope, M.D., Morris S. Knox, M.D., Carl R. Smith, M.D., Noah W. Stone, M.D., Harlan L. Willis, M.D., as individuals, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Combining or Conspiring: § 13.384 Combining or conspiring § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

James A. Tobin,

Acting Secretary.

[FR Doc. 81–25074 Filed 8–26–81; 8:45 am]

BILLING CODE 6750–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release Nos. 33–6343; 34–18049; 35–22169; 39–652; IC–11914; IA–771]

Disposition of Initial Decisions on Administrative Review

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its Rules of Practice to provide that in the event a majority of participating Commissioners are unable to reach a decision on the merits on review of an initial decision by an Administrative Law Judge the initial decision will be of no effect.

EFFECTIVE DATE: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lemke, Esq., Office of the General Counsel, Securities and Exchange Commission, Room 741, 500 North Capitol Street, Washington, D.C. 20549, (202) 272–2493.

SUPPLEMENTARY INFORMATION: The rule is intended to deal solely with the effect of a split Commission vote on the initial decision of an Administrative Law Judge ("ALJ"). Thus, the rule provides in essence that the proceeding would stand in the same posture as if it had gone directly to the Commission without an initial decision by an ALJ. The rule is not intended to limit the flexibility of the Commission to decide the consequences which may flow from having treated an initial decision as having no effect in a particular proceeding or type of proceeding.

The Commission finds, in accordance with the Administrative Procedure Act ("APA"), 5 U.S.C. 553(b)(A) and 5 U.S.C. 553(d), that this amendment relates solely to agency organization, procedure or practice and does not relate to a substantive rule. Accordingly notice and opportunity for public comment pursuant to the APA is not necessary and the foregoing action becomes effective immmediately upon publication in the **Federal Register**.

Accordingly, Part 201 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding paragraph (g)(3) to § 201.17 to read as follows:

PART 201—RULES OF PRACTICE

§ 201.17 Review by the Commission of initial decision by hearing officers.

* * * * *

(g) * * *

(3) In the event a majority of participating Commissioners do not agree to a disposition on the merits, the initial decision shall be of no effect, and an order will be issued in accordance with this result.

(Sec. 19(a), 48 Stat. 85, 48 Stat. 908; Sec. 23(a), 48 Stat. 901; Sec. 20(a), 49 Stat. 833; Sec. 319(a), 53 Stat. 1173; Sec. 38(a), 54 Stat. 841; Sec. 211(a), 54 Stat. 855; (15 U.S.C. 77s(a), 78w(a), 79t(a), 77sss(a), 80a–37(a), 80b–11(a)))

By the Commission.

George A. Fitzsimmons,

Secretary.

August 20, 1981.

[FR Doc. 81–25089 Filed 8–26–81; 8:45 am]

BILLING CODE 8010–01–M

INTERNATIONAL TRADE COMMISSION

19 CFR Part 200

Amendment to Agency Ethics Rules; Correction

AGENCY: U.S. International Trade Commission.

ACTION: Final rule.

SUMMARY: The final rule published at 46 FR 41036 (August 14, 1981) relating to an amendment to agency ethics rules, contained no effective date. The effective date is the date of publication, August 14, 1981.

FOR FURTHER INFORMATION CONTACT: Michael H. Stein, Esq., General Counsel, USITC Ethics Counselor, 701 E Street, NW., Washington, D.C. 20436, 202–523–0350.

By order of the Commission.

Issued: August 18, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–24896 Filed 8–26–81; 8:45 am]

BILLING CODE 7020–02–M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Extension of Simplified Proceedings Interim Rules for Four Months

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Extension of interim rules.

SUMMARY: On December 5, 1979, the Occupational Safety and Health Review Commission (Review Commission) added a new subpart to its rules of procedure, Subpart M, entitled "Simplified Proceedings." 44 FR 70106–70113 (Dec. 5, 1979) (codified at 29 CFR 2200.200–2200.211). This subpart became effective March 1, 1980, on an experimental basis for a period of a year. The Review Commission subsequently extended the effective period of this subpart until September 1, 1981 (46 FR 14744 (Mar. 2, 1981)). The Review Commission now is extending the effective period of Subpart M for an additional four months to December 31, 1981.

During the extended effective period, the Review Commission will increase its experience in the practical application of the simplified proceedings rules. The extension of the effective period of Subpart M also will provide the new Chairman of the Review Commission an opportunity to observe this experiment in its existing form for a reasonable period of time.

DATE: As extended by this rulemaking, the rules providing for simplified proceedings are to terminate on December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Jonathan R. Ross, Assistant General Counsel, Occupational Safety and Health Review Commission, 1825 K Street, NW., Suite 601, Washington, D.C. 20006; telephone (202) 634–7965.

For the reasons stated in the summary, the Occupational Safety and Health Review Commission, under authority granted it by 29 U.S.C. 661(f), hereby adopts and retains in effect 29 CFR Part 2200, Subpart M, Simplified Proceedings, until December 31, 1981.

Signed this 21st day of August 1981.

Robert A. Rowland,

Chairman.

Timothy F. Cleary,

Commissioner.

Bertram Robert Cottine,

Commissioner.

[FR Doc. 81–25087 Filed 8–26–81; 8:45 am]

BILLING CODE 7500–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A4–FRL 1902–8]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of Set II VOC Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces its approval of the RACT (Reasonably Available Control Technology) regulations which North Carolina, in fulfillment of a commitment made in its 1979 ozone revisions, has adopted for sources of volatile organic compounds (VOC) covered by the second set of Control Techniques Guidelines (CTGs), those issued by EPA between January 1978 and January 1979. These regulations provide for the control of VOC from sources which are located in ozone nonattainment areas and which have emissions before control of 100 tons per year or more. At present, the only ozone nonattainment area in the State is Mecklenburg County (Charlotte). The State did not adopt regulations applicable to petroleum refinery leaks or the manufacture of synthesized pharmaceuticals since there are no such sources in Mecklenburg County. The State has also made revisions in its existing VOC regulations, and EPA is approving these changes also. These approval actions were proposed in the Federal Register of December 2, 1980 (45 FR 79836); no comments were received. The State on April 29, 1981, submitted revisions in regulation 2D.0936, Graphic Arts, for which EPA had proposed conditional approval; the changes make this regulation consistent with the CTGs and, therefore, fully approvable.

DATE: These actions are effective September 28, 1981.

ADDRESSES: Copies of the materials submitted by North Carolina may be examined during normal business hours at the EPA Region IV library, at the Public Information Reference Unit of EPA's Washington, D.C. office at 401 M Street, S.W., at the Office of the Federal Register library, Room 8401, 1100 L Street, N.W., Washington, D.C. 20005, at the offices of the North Carolina Division of Environmental Management in Raleigh and elsewhere in the State, or at the Mecklenburg County Department of Environmental Health in Charlotte.

FOR FURTHER INFORMATION CONTACT: Walter Bishop, EPA, Region IV, Air Programs Branch, 404/881-3043 or FTS 257-3043.

SUPPLEMENTARY INFORMATION: On September 10, 1980 (45 FR 59578), EPA gave full approval to the implementation plan revisions which North Carolina had submitted for the Mecklenburg County (Charlotte) ozone nonattainment area. Included in the revisions were RACT (Reasonably Available Control Technology) regulations for the control of eleven categories of sources of volatile organic compounds (VOC) covered by EPA's Control Techniques Guidelines (CTGs). In the Mecklenburg County ozone plan, the State made a commitment to adopt regulations based on subsequently issued CTGs.

On June 12, 1980, following notice and public hearing in conformity with 40 CFR 51.4, the North Carolina Environmental Management Commission adopted revisions in its existing VOC regulations, 15 NCAC 2D.0900, and adopted regulations for the added source categories for which EPA had issued CTGs in the period January 1978 through January 1979 (Set II). These revisions were submitted for EPA's approval on June 23, 1980. The regulations added are in conformity with the CTGs and apply to the following nonattainment area sources which emit as much as 100 tons per year before control: (1) gasoline truck tanks and vapor collection systems, (2) petroleum liquid storage in external floating roof tanks, (3) coating of miscellaneous metal parts and products, (4) factory surface coating of flat wood paneling, (5) graphic arts, (6) manufacture of pneumatic rubber tires, and (7) perchloroethylene dry cleaning systems. The added regulations also provided for the determination of solvent in filter waste. By a letter dated July 31, 1980, the State certified that there are no petroleum refineries or manufacturers of synthesized pharmaceuticals in Mecklenburg County and thus no need for regulations applicable to these two remaining source categories in the Set II CTGs.

During EPA's review of the State's submitted regulations, it was noted that the automobile customizing exemption associated with regulations 2D.0934, Miscellaneous Metal Parts, and the emission limits associated with 2D.0937, Manufacture of Pneumatic Rubber Tires, deviate from the levels envisioned in the Agency's CTGs. The State has provided documentation that the allowed exemptions under 2D.0934 will not impact any potential 100 tons per year source. Also, the emission limits of 2D.0937 were developed after a plant-specific RACT review, and the stipulated emission limits are enforceable using existing test methods and evaluation techniques.

Regulation 2D.0936, Graphic Arts, provides, in paragraph (c)(4), for a demonstration of compliance through the use of a mixture of waterborne and solvent based inks. Paragraph (c)(4) allows the bubbling of emission control levels between different print lines in a facility. This amounts to an internal plant bubble, and any use of the option will require a source-specific implementation plan revision. As originally submitted, the capture efficiencies required by this regulation were not as stringent as those set forth as RACT in the CTG. Accordingly, the December 2, 1980, notice proposed to approve regulation 2D.0936 on condition that the state make a demonstration that its regulation controlled emissions to within 5% of the expected emission reductions envisioned in the CTG. Alternatively, the state could modify the regulation to reflect RACT level control. The State on April 29, 1981, submitted a duly adopted revision in the regulation making its control requirements consistent with the CTG. Accordingly, this and the other North Carolina Set II VOC regulations are approved.

The following remarks apply to changes adopted in June 1979 in North Carolina's existing VOC regulations.

Regulation .0905, Petition for Alternative Controls, is amended to apply to the added source categories. An application of this regulation must be the subject of a plan revision submitted for EPA's approval.

Regulations .0907, .0908, and .0909, which provide compliance schedules for equipment installation or modification and for use of low solvent content coating technology are amended by adding schedules applicable to the newly added source categories. The schedules added are identical to the existing ones except that the increments of progress are later by one year.

Regulation .0910, Alternative Compliance Schedules, is amended by making its provisions applicable to the added source categories. In addition, provision is made for alternative schedules deferring final compliance for Set II sources beyond December 1982 and up until December 1987 provided the source's noncompliance does not interfere with attainment of the ozone standard by December 1982. Any application of this or other provisions of regulation .0910 must be the subject of a plan revision submitted for EPA's approval.

These changes in the existing VOC regulations are also approved.

These actions are effective September 28, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available only by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today. Under 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 172 of the Clean Air Act, as amended (42 USC 7410 and 7502))

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart II—North Carolina

Section 52.1770(c) is amended by adding subparagraph (28) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(28) Revisions in VOC regulations 2D.0902, .0903, .0905, .0907–.0912, and new VOC regulations 2D.0932–.0942, submitted on June 23, 1980, and revised regulation 2D.0936, submitted on April 29, 1981, by the North Carolina Department of Natural Resources and Community Development.

[FR Doc. 81-24882 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A7-FRL 1909-8]

Approval and Promulgation of Implementation Plans: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Missouri revised its State Implementation Plan (SIP) in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan (45 FR 24140). On December 16, 1980, the state submitted documentation for the purpose of fulfilling one of these conditions. This condition involves a requirement that the state submit a report outlining an inspection/maintenance (I/M) program for vehicle emission control.

On January 8, 1981, EPA published a notice of receipt to advise the public that the State of Missouri had made a submission involving this condition. On April 3, 1981 (46 FR 20232), EPA proposed to approve the Missouri submission as meeting the applicable condition. EPA invited comments on its proposal at that time. No comments were received in response to this publication.

The purpose of this notice is to advise the public that EPA is taking final action to approve the submission as meeting the applicable condition on the SIP and to remove the applicable condition.

EFFECTIVE DATE: This promulgation is effective September 28, 1981.

ADDRESSES: Copies of the state submission are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460; and Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101. A copy of the state submission is also available at the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Wayne G. Leidwanger at (816) 374-3791; FTS 758-3791.

SUPPLEMENTARY INFORMATION: On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan (45 FR 24140). On December 16, 1980, the state submitted documentation for the purpose of fulfilling one of these conditions. This condition involves a requirement that the state submit a report outlining an I/M program for vehicle emissions control. I/M is a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excess emissions must then undergo mandatory maintenance.

On December 16, 1980, the state submitted the I/M report. This report was also submitted to the Missouri General Assembly in accordance with the enabling statute. The April 9, 1980 condition required that the state submit a report on the recommended type of I/M program, stringency factor, vehicle test mix, program resources, and justification. Further discussion of this condition is given in the April 9, 1980 **Federal Register** notice and in the proposed rulemaking published April 3, 1981 (46 FR 20232).

The state has raised some doubt about whether it has the ability to implement an I/M program. EPA continues to believe that the state has adequate legal authority to implement the program. In addition, the submission of an adopted schedule, and other information to date indicates that the state has the ability and commitment to proceed with I/M. Should the legal authority in fact prove to be deficient, the SIP would no longer satisfy the requirements of Section 172(b) (7) and (10) of the Clean Air Act.

The report has been submitted and thus the applicable condition on the SIP has been met. In the April 9, 1980 notice, EPA also approved an extension until December 31, 1987, for attainment of the carbon monoxide and ozone national ambient air quality standards in the St. Louis area. As a result, the state must submit a SIP revision in 1982 which demonstrates attainment of these standards by 1987. In today's notice EPA is taking no action on the contents of the Missouri I/M report with respect to the 1982 SIP requirements. If the state and EPA determine that changes in the report are necessary to meet the requirements of a 1982 SIP, appropriate changes in the report will be made. Any proposed EPA action on the content of the report will be discussed in a future **Federal Register** notice.

Action. EPA approves the I/M report as meeting the applicable condition on the SIP but is taking no action on the specific recommendations in the report.

There are other non-I/M related conditions promulgated by EPA which must be addressed by the state before the Missouri SIP can be fully approved. Until all conditions are met, conditional approval of the SIP will continue.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. § 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule if promulgated, constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice of final rulemaking is issued under the authority of Sections 110 and 172 of the Clean Air Act, as amended.

Dated: August 20, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Missouri was approved by the Director of Federal Register on July 1, 1981.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. Section 52.1320 is amended by adding paragraph (c)(30) as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

* * * * *

(30) A report on the recommended type of I/M program, stringency factor, vehicle test mix, and program resources and justification, submitted on December 16, 1980, is approved as meeting the applicable condition on the SIP. No action is being taken with respect to the approvability of the specific recommendations in the report.

§ 52.1324 [Reserved]

2. Section 52.1324 is amended by removing paragraph (c)(1)(ii).

[FR Doc. 81-24884 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL-1907-1]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Commonwealth of Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to the Pennsylvania State Implementation Plan (SIP) which demonstrates attainment of the National Ambient Air Quality Standard (NAAQS) for ozone in the Scranton/Wilkes-Barre Metropolitan Region (Luzurne and Lackawanna Counties). The revision: (a) Demonstrates that the NAAQS for ozone can be achieved in the Scranton/Wilkes-Barre area prior to December 31, 1982, (b) deletes Pennsylvania's previous request for an extension of time beyond December 31, 1982 to attain the ozone standard, and (c) requests deletion of the portion of the 1979 SIP pertaining to implementation of an automobile emissions inspection and maintenance (I/M) program in the Scranton/Wilkes-Barre area.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the revision and associated support materials are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan;

Pennsylvania Bureau of Air Quality Control, Fulton Building, 18th Floor, 200 North Third Street, Harrisburg, PA 17120, ATTN: Mr. Henry Alexander;

Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2922, 401 M Street, SW., (Waterside Mall), Washington, D.C. 20460;

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan, Air Media & Energy Branch (3AH11), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597-8176.

SUPPLEMENTARY INFORMATION: The Secretary of the Department of Environmental Resources (DER) of the Commonwealth of Pennsylvania submitted for the Governor a proposed revision to the Commonwealth's State Implementation Plan on September 19, 1980.

The revision: (a) Demonstrates that the National Ambient Air Quality Standard (NAAQS) for ozone can be achieved in the Scranton/Wilkes-Barre area prior to December 31, 1982, (b) deletes Pennsylvania's previous request for an extension of time beyond December 31, 1982 to attain the ozone standard, and (c) requests deletion of the portion of the 1979 SIP pertaining to implementation of an automobile emissions inspection and maintenance (I/M) program in the Scranton/Wilkes-Barre area.

The ozone monitoring, modeling and the development of the hydrocarbon emission inventories used to support the revision were done in accordance with all applicable EPA policies and regulations.

For further information on the methods used to support the revision see EPA's **Federal Register** notice dated January 22, 1981, (46 FR 7005).

In order to expeditiously process the proposed revision, EPA proposed approval of the revision concurrently with DER. The EPA invited comments on the proposed approval in a notice published in the **Federal Register** on January 22, 1981, (46 FR 7005), and provided for a 30-day comment period ending February 21, 1981.

On March 3, 1981 the Commonwealth submitted the revision in final form after holding a public hearing on January 21, 1981 in Wilkes-Barre, Pennsylvania in accordance with the requirements of 40 CFR 51.4. The final submission does not differ from the revision originally proposed.

EPA received one comment supporting the proposed revision. DER received 5 comments in support of the revision. No comments opposing the revision were received. Since all comments supported the proposed revision, the final submission did not differ from the proposed revision.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of U.S.C. 605(b) I certify that the SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

42 U.S.C. 7401-042.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the **Federal Register** on July 1, 1981.

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is revised to read as follows:

§ 52.2020 [Amended]

Subpart NN—Pennsylvania

1. In § 52.2020 *Identification of Plan,* paragraph (c)(23) is revised as follows:

* * * * *

(c) * * *

(23) Transportation elements of the SIP for Philadelphia, Pittsburgh, Allentown-Bethlehem-Easton, and Scranton areas and commitment to implement vehicle inspection and maintenance in Lehigh and

Northampton Counties submitted on June 7, 1979, by the Governor.

* * * * *

§ 52.2022 [Amended]

2. In § 52.2022 *Extensions*, paragraph (d) is revised as follows:

* * * * * *

(d) The Administrator hereby extends the attainment date for the national ambient air quality standard for ozone to December 31, 1987 for the following counties: Allegheny, Armstrong, Beaver, Butler, Washington, Westmoreland, Bucks, Chester, Delaware, Montgomery, Philadelphia, Lehigh, and Northampton.

* * * * *

3. In § 52.2034, the air quality control region shown below is revised as follows:

§ 52.2034 Attainment dates for National Standards.

The following table presents the latest dates by which the National Standards are to be attained. These dates reflect the information presented in the Pennsylvania plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
* * *	*	*	*	*	*	*	*
Northeast Pennsylvania Interstate:							
* * *	*	*	*	*	*	*	*
c. Scranton-Wilkes-Barre Air Basin	a[1]	g[1]	a[4]	b[1]	b[6]	b[5]	c[6]
* * *	*	*	*	*	*	*	*

[FR Doc. 81-24718 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-9-FRL 1902-7]

Nevada State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to rules of the State of Nevada, and Clark and Washoe Counties submitted by the Governor of Nevada for incorporation into the Nevada State Implementation Plan (SIP). The intended effect of this action is to update rules and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: September 28, 1981.

ADDRESS: A Copy of the revisions is located at: The Office of the Federal Register, 1100 "L" Street NW., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, Attn.: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: On December 29, 1978, July 24 and September 18, 1979, and June 24 and November 11, 1980, the State of Nevada submitted to EPA revisions to the Nevada SIP. Revised rules which are being acted upon by this notice include the following subjects:

Definitions, Circumvention, Variances, Monitoring Requirements, Registration Certificates and Operating Permits, Visible Emissions, Open Burning, Incinerators, Particulate Matter, Sulfur Emissions, Ambient Air Quality Standards, Significant Source of Chlorides, Sulfur Oxides, Carbon Monoxide, Ozone, Non-methane Hydrocarbons, Nitrogen Dioxide, Lead, Measurement Methods, Air Pollution Control Board, Air Pollution Control Committee, Control Officer, Interference, Injunctive Relief, Hearing Board, Persons Liable for Penalties—Punishment (Defense), Fines, Permits, Permission to Disturb Topsoil, Exceptions, Information, Fuel Burning, General Provisions, Continuous Monitoring by Fossil Fuel-Fired Steam Generators, Reporting, Data Reduction, Sampling and Testing-Records and Reports, Malfunction, Emission Limitation, Sulfur Emission from Primary Non-Ferrous Smelters, Reduction of Animal Matter, Nuisance, Prohibitions of Fugitive Dust, Off-Road Vehicle and Motorcross Racing, Correction of Condition, Remedial Action, Costs, Odors, Emergency Procedures, Provisions of Regulations Severable, Public Notification, Confidential Information, Fees, Fee Schedules, Storage Tanks, Processes, Hazardous Materials Processes, and Equipments.

A list of the rules being considered by this action can be found in the Notice of Proposed Rulemaking published on February 11, 1981 (46 FR 11843). As described in the Notice of Proposed Rulemaking, the rules were evaluated and found consistent with 40 CFR Part 51 requirements, with certain exceptions. Public comments were invited on the proposed rulemaking. No comments were received. Therefore, it is the purpose of this notice to take final action on the rule revisions as described in the February 11 notice. Thus, all rules listed in the proposed notice are approved and incorporated into the Nevada SIP, with the following exceptions:

The following rules are disapproved as they are inconsistent with the requirements of the Clean Air Act: In Clark County, Rule 25.1 and Rule 12. (Upset, Breakdown or Sacheduled Maintenance), and Table 27.1, (Particulate Matter from Process Matter); Nevada State Rules 4.3.4 and 4.3.6 (Visible Emission from Stationary Sources).

No action is being taken on the following rules as they are not appropriate for incorporation into the SIP: In Clark County, Rule 1.79, *Significant Source of Total Chlorides*, Rule 1.94, *Total Chlorides*. Rule 30.8, (Incinerators), Rule 40.1, *Prohibitions of Nuisance Conditions*, Rule 41.5, *Costs*, Rule 42.2, (Open Burning), and Rule 43.1, *Odors in the Ambient Air*; in Washoe County, Rule 030.3105, *Hazardous Materials Processes*.

The State of Nevada has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nevada was approved by the Director of the Federal Register on July 1, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not Major because they only approve state actions. They impose no new regulatory requirements. The disapprovals are also not Major because they preserve the status quo. Sources will remain subject to existing requirements that were previously adopted by the state and approved by EPA. In addition, each of these disapprovals involves only a minor change to the SIP which is not expected to have a majór economic effect.

This regulation was submitted to the Office of Management and Budget for

review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

(Sec. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a))

Dated: August 20, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart DD of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart DD—Nevada

1. Section 52.1470 is amended by adding paragraphs (c)(14)(vii), (16)(viii) and (ix), (17)(ii), (19)(ii), and (20) to (22) as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

(14) * * *

(vii) Amendments to the Nevada Air Quality Regulations: Article 1, Rules 1.44, 1.53, 1.60, 1.98.1; Article 2, Rules 2.2.2, 2.11.7, 2.17.3.2 a/b, 2.17.4, 2.17.4.1, 2.17.9.8, 2.17.10, 2.17.10.1; Article 3, Rules 3.1.1, 3.1.2, 3.1.3, 3.4.11; Article 4, Rule 4.3.[6]4; Article 5, Rule 5.2.4; Article 6, Rule 6.3; Article 7 Rules 7.1.[3]2, 7.3.3; Article 8, Rules 8.2.1.1, 8.2.1.2, 8.2.2, and Article 12, Rule 12.1.

* * * * *

(16) * * *

(viii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations: Section 2, Rules 2.1, 2.2, 2.3; Section 3, Rule 3.1; Section 4, Rules 4.1–4.11; Section 5, Rule 5.1; Section 6, Rule 6.1; Section 7, Rules 7.1–7.19; Section 8, Rules 8.1, 8.2, 8.7 (deletion); Section 9, Rules 9.1–9.3; Section 10; Section 16, Rules 16.1–16.5, 16.6 (Operating Permits), 16.6 (Emission of Visible Air Contaminants) (deletion), 16.7–16.9; Section 17, Rules 17.1–17.8; Section 18, Rules 18.1–18.12; Section 23, Rules 23.1–23.5; Section 24, Rules 24.1–24.5; Section 25, Rules 25.1, 25.2, 25.4 (deletion); Section 26, Rules 26.1–26.3; Section 27, Rules 27.1, 27.2, 27.3, 27.4; Section 28, Rules 28.1, 28.2; Section 29; Section 30, Rules 30.1–30.7; Section 31; Section 32, Rules 32.1, 32.2; Section 40, Rule 40.1; Section 41, Rules 41.1–41.4; Section 42, Rules 42.1–42.4; Section 43, Rule 43.1; Section 70, Rules 70.1–70.6; Sections 80, and 81.

(ix) Amendments to the Washoe County District Board of Health Air Pollution Control Regulations: Sections 020.055, 030.300, 030.305, 030.310, 030.3101–030.3105, 030.3107, and 030.3108 and the following deletions: 010.115, 050.005, 050.010, 050.015, 050.020, 050.025, 050.030, and 050.035.

* * * * *

(17) * * *

(ii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations: Section 1, Rules 1.79, 1.94; Section 11, Rules 11.1, 11.1.1–11.1.8, 11.2, 11.2.1–11.2.3, 11.3, 11.3.1, 11.3.2, 11.4, and Section 13, Rule 13.5 (deletion).

* * * * *

(19) * * *

(ii) Amendment to the Nevada Air Quality Regulations: Article 4, Rule 4.3.6.

* * * * *

(20)–(21) [Reserved]

(22) The following amendments to the plan were submitted on November 5, 1980, by the Governor.

(i) Amendments to the Clark County District Board of Health Air Pollution Control Regulations: Section 4, Rules 4.12, 4.12.1–4.12.3.

* * * * *

2. In § 52.1476, paragraph (c) is added as follows:

§ 52.1476 Control strategy: particulate matter.

* * * * *

(c) The following rules are disapproved because they relax the emission limitation on particulate matter.

(1) Clark County District Board of Health, Table 27.1, (Particulate Matter from Process Matter), submitted on July 24, 1979.

(2) Nevada Air Quality Regulations, Article 4, Rule 4.34, (Visible Emission from Stationary Sources), submitted on December 29, 1978, and Rule 4.3.6, (Visible Emission from Stationary Sources), submitted on June 24, 1980.

* * * * *

3. Subpart DD of Part 52 is amended by adding § 52.1478, reading as follows:

§ 52.1478 Rules and regulations.

(a) The following rules are disapproved because they lack adequate provisions to assure that the NAAQS will not be exceeded while equipment breakdown periods are in effect.

(1) Clark County District Board of Health.

(i) Rule 25.1, (Upset, Breakdown or Scheduled Maintenance), submitted on July 24, 1979, and previously approved Rule 12, (Upset, Breakdown or Scheduled Maintenance), submitted on January 19, 1973.

* * * * *

[FR Doc. 81-24939 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-10-FRL 1899-8]

Approval and Promulgation of Implementation Plans; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves revised operating permits and a consent order affecting three sources of volatile organic compound emissions for inclusion in the State of Oregon's State Implementation Plan. The permits and the consent order were submitted to meet the requirements for new source emission offsets under EPA's Emission Offset Interpretive Ruling.

DATE: August 27, 1981.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A–81–3), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Program Branch, Environmental Protection Agency, 1200 Sixth Avenue Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Bldg., Portland Oregon 97207

The Office of Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101 Telephone No. (206) 442–1226, (FTS) 399–1226.

SUPPLEMENTARY INFORMATION: On December 31, 1980 the Oregon Department of Environmental Quality (DEQ) submitted a request to EPA to revise the Oregon State Implementation Plan (SIP) to include revised operating permits and a consent order affecting three sources of volatile organic compound (VOC) emissions. The permits and the consent order were submitted to meet the requirements for new source emission offsets under EPA's Emission Offset Interpretive Ruling (found at 40 CFR Part 51, Appendix S). On April 28, 1981, EPA proposed in the **Federal Register** (46 FR

23772) to approve these revised operating permits and the consent order as a SIP revision. EPA received no comments on this proposed action. Therefore, EPA is today approving this revision to the Oregon SIP. Readers are directed to the April 28, 1981, **Federal Register** for additional information.

EPA finds that good cause exists for making the action in this Notice immediately effective for the following reasons: (1) The public has had adequate notice of the guidelines for preparation of State Implementation Plans and has had several opportunities to comment on those guidelines, and (2) the impact of this rulemaking is limited only to the State of Oregon.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State action and imposes no new requirement.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to this requirement of regulatory impact analysis. This regulation is not judged to be major, since it merely approves an action taken by the State and does not establish any new requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

1. In § 52.1970 paragraph (c)(35) is added as set forth below:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(35) On December 31, 1980, the State Department of Environmental Quality submitted an Oregon Air Containment Discharge Permit No. 36–6041 Addendum No. 1 issued to Spaulding Pulp and Paper Company on December 11, 1980; Oregon Air Discharge Containment Discharge Permit No. 26–3025, issued to Industrial Laundry Dry Cleaners, Inc., on December 1980 and Oregon Environmental Quality Commission Stipulation and Consent Final Order concerning Vanply, Inc., dated December 30, 1980.

Note.—Incorporation by reference of the State Implementation Plan for the State of Oregon was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110 and 172, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–24681 Filed 8–26–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 52

[AH300cWV; A–3–FRL 1906–2]

Approval of Revision of the West Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of three revisions of the West Virginia State Implementation Plan (SIP). These revisions consist of amendments to West Virginia's Regulations VI and VII, and of an analysis of the Impact of the 1979 West Virginia State Implementation Plan.

West Virginia's Regulation VI controls air pollution from the combustion of refuse and Regulation VII controls particulate air pollution from manufacturing processing operations. EPA is approving West Virginia's revisions of Regulation's VI and VII and its analysis of its State Implementation Plan's effects since EPA has determined that they meet the requirements of section 110 and Part D of the Clean Air Act.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the revisions and accompanying support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn.: Ms. Patricia Sheridan

West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia, Attn.: Mr. Carl G. Beard

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Raymond Chalmers (3AH13) at the address for EPA Region III given above, telephone 215/597–8309.

SUPPLEMENTARY INFORMATION: On June 13, 1980, John D. Rockefeller IV, Governor of the State of West Virginia, submitted several revisions of the West Virginia State Implementation Plan (SIP) to EPA for approval. These revisions include:

1. An amended version of Regulation VI; a regulation which controls air pollution from the combustion of refuse,
2. An amended version of Regulation VII; a regulation which controls particulate air pollution from manufacturing process operations, and
3. A document entitled "Identification and Analysis of the Impact of the 1979 West Virginia State Implementation Plan."

The Governor's submittal was accompanied by a certification, signed by Carl G. Beard II, Director of the West Virginia Air Pollution Control Commission, stating that West Virginia adhered to both the U.S. EPA's public hearing requirements and the requirements of the West Virginia Code during the process of adopting the revisions.

EPA proposed the revisions submitted by West Virginia in the **Federal Register** on December 12, 1980 at 45 FR 81793. West Virginia's revisions of Regulations VI and VII and the State's analysis of its SIP's effects were explained in detail in that notice. Those wishing a complete description of West Virginia's revisions are referred to the proposal notice.

When EPA conditionally approves West Virginia's Part D SIP, 45 FR 54042, August 14, 1980, EPA required West Virginia to revise Regulation VII to ensure that it requires iron and steel sources to use reasonably available control technology (RACT) to control particulate emissions. West Virginia has not yet submitted the required changes; the revisions approved today deal with other aspects of the regulations. West Virginia will revise Regulation VII again shortly to correct its remaining deficiencies.

EPA solicited public comment on West Virginia's requested revisions in the proposal notice. EPA received no public comments on the revisions.

EPA has reviewed West Virginia's proposed changes in Regulations VI and VII and West Virginia's analysis of its SIP effects. The EPA has found that these revisions meet the requirements

for approval of Section 110 and Part D of the Clean Air Act and of 40 CFR Part 51. Accordingly, EPA is approving these revisions.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401–642)

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of West Virginia was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart XX—West Virginia

1. Section 52.2520, paragraph (c) is amended by adding subparagraph (14) as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

(14) Amended Regulations VI and VII, and an Identification and Analysis of the Impact of the 1979 West Virginia State Implementation Plan, submitted by the Governor of West Virginia on June 13, 1980.

§ 52.2530 [Removed]

2. *Section 52.2530 General Requirements* is removed.

[FR Doc. 81-24019 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[Docket Nos. AH026/027VA; A-3-FRL 1897-8]

Approval of Revisions of the Commonwealth of Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of revisions of the Virginia State Implementation Plan. The revisions to the Virginia State Implementation Plan (SIP) were submitted to the Environmental Protection Agency (EPA) by the Governor on June 19 and August 19, 1980 to satisfy certain requirements of the Clean Air Act. This notice provides a description of the proposed SIP revisions, indicates the results of EPA's review, and approves the revisions as submitted.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the amendments and associated support material are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Eileen M. Glen;

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;

Virginia State Air Pollution Control Board, Ninth Street Office Building, Room 1106, Richmond, VA 23219, ATTN: John M. Daniel, Jr.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen (3AH13), Air Media & Energy Branch, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, Phone: (215) 597–8187.

SUPPLEMENTARY INFORMATION: The June 19, 1980 submittal consists of a 1979 amendment to the provisions of Section 10–17.12 (Qualifications of members of Board) of the Virginia Air Pollution Control Law and was submitted to satisfy the requirements of Section 128 of the Clean Air Act regarding the composition of State Boards. EPA has reviewed the proposed revisions and has determined that § 10–17.12 as amended, in conjunction with the Virginia Conflict of Interest Act, satisfies the requirements of Section 128 of the Clean Air Act.

No public hearing was held relative to Section 10–17.12 as it is a statutory rather than regulatory revision, debated and acted upon by the Virginia legislature.

The August 19, 1980 submittal deals with revisions to §§ 1.02, 4.10, 4.11, 4.12, 4.13 and 4.102; Rule NS–3; and Appendices I, C, and O.

The Commonwealth provided proof that after adequate public notice, a public hearing was held regarding the proposed revisions on January 22, 1980 in Richmond, Abingdon, Roanoke, Lynchburg, Fredericksburg, Virginia Beach, and Falls Church.

As a result of EPA's review, we are approving the revisions listed below:

Regulation	Brief description
1.02	Terms Defined—added definitions of garbage, household refuse, refuse, and urban area.
4.10	Miscellaneous wording changes and the addition of § 4.10(g) prohibiting the burning of toxic or hazardous materials.
4.11	Miscellaneous wording changes, addition of provisions affecting AQCR 7, and the addition of a provision regarding forest management and agriculture practices.
4.12	Deleted. This provision related to AQCR 7 and has been rewritten and relocated to § 4.11(g).
4.13	Miscellaneous wording changes and the addition of a provision permitting burning of leaves where permitted by local law.
4.102	Addition of provisions regarding the export and import of motor vehicles.
App. C	Listing of urban areas defined geographically.

Evaluation

The definitions listed above have been reviewed by EPA and found to be approvable as written.

Sections 4.10 (a) thru (f) contain miscellaneous wording changes which are approvable to EPA. The addition of Section 4.10(g) prohibiting the open burning of toxic or hazardous materials is also approvable.

Sections 4.11 (a) thru (f) contain miscellaneous wording changes which are approvable to EPA. Sections 4.11 (g) and (h) deal with open burning procedures in Air Quality Control Region (AQCR) 7 and replaces Section 4.12 which has been deleted. The addition of Sections 4.11 (g) and (h) and deletion of Section 4.12 is approvable.

Section 4.11(i) has been added to permit open burning for forest management and agriculture practices approved by the Board provided certain specified conditions are met. This section is approvable.

Section 4.13 deals with the exclusion of certain open burning activities to this Rule. Section 4.13(a) contains minor wording changes and now requires an on-site inspection prior to the installation and operation of devices or methods used to conduct the burning.

Section 4.13(b) has been added to allow the burning of leaves on residential property where permitted by local law. These changes are approvable.

Sections 4.102 (b) and (c) have been added to Rule EX-10 and deal with the export and import of used motor vehicles. While EPA recommends removal of the emission control device no more than five days prior to export, there is no objection to the Commonwealth permitting removal of the device up to ten days prior to shipment. This is a reasonably short period of time and, therefore, approvable.

Appendix C is a listing of urban areas defined geographically and is acceptable to EPA.

The balance of the August 19, 1980 submittal deals with the New Source Performance Standards (Rule NS-3 and Appendix I) and is not reviewable under Section 110 of the Clean Air Act as a SIP revision. The appropriate law and regulations covering these standards are contained at Section 111(c) of the Clean Air Act and at 40 CFR Part 60, Subpart B. This portion of the submittal will be reviewed in accordance with the above regulations and the Delegation of Authority and no further rulemaking is necessary.

Appendix O was submitted for information purposes only and is not part of the proposed rulemaking.

Public Comments

EPA proposed approval of these revisions on May 7, 1981 at 46 FR 25485. No comments were received during the thirty day public comment period.

Conclusion

As a result of EPA's evaluation, it has been determined that the proposed revisions satisfy the requirements of Section 110(a)(2) of the Clean Air Act, as amended and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans. Therefore, the Administrator hereby approves the above-cited revisions to the Virginia Implementation Plan.

In conjunction with the Administrator's approval, 40 CFR 52.2420 (Identification of Plan) of Subpart VV (Virginia) is being amended to incorporate these amendments.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b), I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401-7642)

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart VV—Virginia

1. In § 52.2420 (Identification of Plan), (c) is amended by adding subparagraphs (44) and (45) to read as follows:

§ 52.2420 Identification of Plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(44) A revision submitted by the Commonwealth of Virginia on June 19, 1980 consists of a 1979 Amendment to the provisions of Section 10-17.12 (Qualifications of members of Board) of the Virginia Air Pollution Control Law.

(45) A revision submitted by the Commonwealth of Virginia on August 19, 1980 consisting of amendments to Section 1.02, 4.10, 4.11, 4.12, 4.13, and 4.102; and Appendix C of the Virginia Air Pollution Control Board Regulations.

[FR Doc. 81-24720 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL 1888-4]

Revisions to Arkansas Regulations Pertaining to Malfunctions/Upsets and Continuous Emission Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve two (2) revisions to the Arkansas State Implementation Plan (SIP). These revisions were submitted by the Governor on July 11, 1979 to fulfill the requirements of Section 110 of the Clean Air Act, as amended in August 1977. The revisions being acted on today relate to the State regulation (Section 6(a)) pertaining to malfunctions or upsets and the State regulation (Section 7(e)) pertaining to continuous emissions monitoring. This document also makes a technical correction to a document published at 45 FR 54336, Aug. 15, 1980.

EFFECTIVE DATE: Effective on September 28, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., NW., Washington, D.C. Rm. 8401;

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 "M" Street, NW., Washington, D.C. Rm. 2922.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, U.S. EPA Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: On October 10, 1980 (45 FR 67397), EPA published a notice of proposed rulemaking on two (2) revisions to the Arkansas SIP which had been submitted by the Governor on July 11, 1979. Comments were solicited from the public but none were received. EPA is therefore approving these two regulations.

Arkansas' amended malfunction/upsets regulation places responsibility for exceedance of emission limits directly on the source and requires them to identify processes or control equipment causing the malfunction/upset. The regulation also requires the source to give a description of steps to be taken to prevent a recurrence.

Arkansas' amended continuous emissions monitoring regulation requires

continuous monitoring of those sources listed in 40 CFR Part 51 Appendix P. It meets the requirements of 40 CFR 51.19(e) by requiring that stationary sources included in categories listed in 40 CFR Part 51 Appendix P adhere to all applicable provisions of Appendix P including the installation, calibration, maintenance, and operation of equipment for continuously monitoring and recording emissions.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of August 27, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory burden.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Arkansas was approved by the Director of the Federal Register on July 1, 1981.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart E—Arkansas

1. In FR Doc. 80–24691 appearing at 45 FR 54336, August 15, 1980, in the third column, the amendatory paragraph number 1 is corrected to read as follows:

"1. Section 52.170(c) (9) and (10) is added as follows:".

2. In § 52.170, paragraph (c), is amended by adding subparagraph (11), which reads as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(11) On July 11, 1979, the Governor submitted revisions to Section 6(a) malfunction or upset and Section 7(e) continuous emission monitoring of the Arkansas Regulations.

[FR Doc. 81–24721 Filed 8–26–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 52

[A–5–FRL 1891–2]

Approval and Promulgation of State Implementation Plans: Arkansas Submission of Volatile Organic Compound (VOC) Regulations for Set II Control Technique Guideline Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action approves revisions to the Arkansas State Implementation Plan (SIP) which were submitted by the Governor on October 10, 1980, and proposed for approval by EPA in the May 11, 1981 issue of the **Federal Register** (at 46 FR 26074). Specifically, the State revised Sections 3, 4 and 5 of the Arkansas Regulations for the Control of Volatile Organic Compounds to include new definitions, legally enforceable regulations for several of the source categories addressed in the EPA Control Technique Guideline (CTG) documents issued between January 1978 and January 1979 (Set II CTGs), and applicable, effective, and final compliance dates and testing and reporting requirements for these source categories. These revisions had been submitted in response to the Clean Air Act Amendments of 1977.

EFFECTIVE DATE: Effective on September 28, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., NW., Rm. 8401, Washington, D.C. 20460;

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, U.S. EPA Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On October 10, 1980, the Governor of Arkansas submitted revisions to Sections 3, 4, and 5 of the Arkansas Regulations for the Control of Volatile Organic Compounds (VOCs). These revisions had been submitted in response to the requirement that, for the stationary source portion of an approvable ozone SIP, States provide for the adoption and submittal of legally enforceable regulations that reflect the application of reasonably available control technology (RACT) for VOC sources covered by the Set II CTGs. The revisions to Section 5 consisted of legally enforceable regulations for the following Set II CTG source categories: gasoline tank trucks and vapor collection systems, and surface coating of miscellaneous metal parts and products. The revisions to Section 3 included definitions for new terms used in conjunction with the above mentioned source categories, and the revisions to Section 4 incorporated applicable, effective and final compliance dates, and compliance testing and reporting requirements for these source categories.

In the May 11, 1981 issue of the **Federal Register**, EPA proposed to approve the revisions to Sections 3, 4, and 5, solicited public comment on the Agency's proposed action, and notified the public of the availability of EPA's evaluation report [1] which discussed the technical aspects of the revisions in detail.

In that notice, under the discussion of Section 4, EPA noted that the State had provided an exemption for several VOCs, among them, methyl chloroform and methylene chloride. On May 16, 1980 (at 45 FR 32424), EPA published a clarification of Agency policy concerning the control of these compounds in ozone SIPs. EPA explained that it cannot approve or enforce controls on either of these compounds as part of a federally enforceable ozone SIP because current information indicates that neither compound is an ozone precursor. Consequently EPA is not disapproving these exemptions. In addition, on July 22, 1980 (at 45 FR 48941) EPA expanded the list of VOCs having negligible photochemical reactivity to include the chlorofluorcarbons or fluorocarbons exempted by Arkansas. Therefore, EPA is also not disapproving these exemptions.

This policy is in no way an expression of EPA's view on the desirability of controls on these compounds. States retain the authority to control these compounds under the authority reserved

[1] EPA Review of Arkansas' State Implementation Plan Revisions for the Set II CTG Categories, December 1980.

to them in Section 116 of the Clean Air Act. In addition, State officials and sources should be advised that there is a strong possibility of future regulatory action by EPA to control emissions of these compounds (see, e.g. Proposed New Source Performance Standards for Organic Solvent Cleaners, 45 FR 39766, June 11, 1980).

As previously noted, EPA also solicited public comment. No comments were received. Therefore, EPA is hereby approving the revisions to Section 3 (i.e. 3(a), (b), (k), (l), (n), (o), (z) (bb), (dd), (ee), (ff), and (gg)). Section 4 (i.e. 4.1(b), 4.2(a), 4.5(a)(1), 4.5(a)(2), 4.6(c), and 4.6(d)), and Section 5 (i.e. 5.4 and 5.5).

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of (insert date of publication). Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Arkansas was approved by the Director of the Federal Register on July 1, 1981.

This notice of final rulemaking is issued under the authority of Sections 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7502.

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart E—Arkansas

1. In § 52.170, paragraph (c)(12) is added to read as follows:

§ 52.170 Identification of plan.

* * * * *

(c) * * *

(12) Revisions to Section 3 (i.e., 3.(a), (b), (k), (l), (n), (o), (z), (bb), (dd), (ee), (ff), and (gg)), Section 4 (i.e., 4.1(b), 4.2(a), 4.5(a)(1), 4.5(a)(2), 4.6(c), and 4.6(d)), and Section 5 (i.e., 5.4 and 5.5) were adopted by the Arkansas Commission on Pollution Control and Ecology on September 26, 1980 and submitted by the Governor on October 10, 1980.

[FR Doc. 81-24722 Filed 8-26-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1909-6]

Approval and Promulgation of Implementation Plans; Massachusetts; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 20, 1981 (46 FR 27504) EPA proposed action to approve, in part, certain regulations which had been submitted by the state of Massachusetts on December 31, 1978; May 16, September 19, November 13, and December 7, 1979 and March 20 and April 7, 1980. The intended effect of this action is to approve regulations to control sources of volatile organic compounds (VOC) which the state has already adopted, to take no action on a "bubble" regulation which is being treated in a separate notice and to incorporate into the federally approved state plan the December 7, 1979 and April 7, 1980 submittals which were discussed, but not included, in the official package incorporated by reference in the **Federal Register** of September 16, 1980 (45 FR 61293).

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460; the Office of the **Federal Register** 1100 L Street, NW, Room 8401, Washington, D.C; and the Division of Air Pollution Control, One Winter Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: EPA's proposed approval of certain portions of Massachusetts' SIP revisions was published on May 20, 1981 (46 FR 27504). That action proposed approval of the following four (4) sub-paragraphs of the State's regulations controlling volatile organic compounds: (1) the statewide applicability of the VOC regulations; (2) the exemption from state control of four potentially harmful VOC compounds; (3) the requirement that four VOC source categories achieve full compliance with the applicable emission limitations by July 1, 1980 or provide adequate justification for an extended schedule, and; (4) the requirement that sources regulated under the VOC regulations perform testing at the state's request to demonstrate compliance with the regulation. EPA also proposed to take no action on another subparagraph which provided for "bubbling" of VOC sources. A revision to this regulation was submitted by the state on March 6, 1981. This expanded "bubble" regulation is being proposed for conditional approval in a separate rulemaking. Finally, EPA proposed to incorporate two state submittals, dated December 7, 1979 and April 7, 1980 into the **Federal Register's** official files documenting federally approved SIPs. The December 7, 1979 revision includes a list of Reasonably Available Control Measures with completion dates as well as the official submittal of the State's enabling legislation for the automobile Inspection/Maintenance Program. The April 7, 1980 submittal includes a revised list of Reasonably Available Control Measures with revised completion dates. The state submittals and EPA's rationale for taking these actions were fully explained in the May 20, 1981 proposal and will not be restated here. No public comment was received on the proposal.

Final Action

EPA is approving Regulation 310 CMR 7.18 (1)(a) and (1)(b) and Regulation 310 CMR 7.18(2)(a) and (2)(c).

EPA is taking no action at this time on Regulation 310 CMR 7.18(2)(b).

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it imposes no new requirements and approves state actions.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

After evaluation of the state's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Authority: Section 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the **Federal Register** on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c) is amended by revising paragraph (30) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(30) Attainment plans to meet the requirements of Part D for carbon monoxide and ozone and other miscellaneous provisions were submitted by the Governor of Massachusetts on December 31, 1978 and on May 16, 1979 by the Acting Commissioner of the Department of Environmental Quality Engineering. Supplemental information was submitted on September 19, November 13 and December 7, 1979; and March 20 and April 7, 1980 by DEQE.

2. Section 52.1166. is amended by adding paragraph (b) as follows:

§ 52.1166 Rules and regulations.

* * * * *

(b) Part D—*No action.* EPA is neither approving nor disapproving Regulation 310 CMR 7.18(2)(b) identified in Section 52.1120 (c)(30).

[FR Doc. 81-24883 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1885-2]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of an amendment to Delaware's "Regulations Governing the Control of Air Pollution, Regulation XVII, Source Monitoring, Record Keeping and Reporting." This amendment requires the continuous emission monitoring of larger sources in three categories of sources in the State of Delaware. In addition, operational, maintenance, and data recording and reporting procedures are specified.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the materials submitted by the State of Delaware may be examined during normal business hours at:

U.S. Environmental Protection Agency, Air Media and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106; ATTN: Patricia Sheridan

State of Delaware, Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware 19901; ATTN: Mr. Robert French

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW. (Waterside Mall) Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, SW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Mr. Gregory D. Ham, U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA 19106 (215) 597-9377.

SUPPLEMENTARY INFORMATION:

I. Background

The amendments to the Delaware regulations which are being approved today were submitted by Delaware Governor Pierre S. duPont and were accompanied by a certification that the public hearing requirements of 40 CFR 51.4 were fulfilled prior to the adoption of these regulations.

These amendments were proposed in a **Federal Register** notice of November 5, 1980, 45 FR 73520, which described the amendments and announced a 30-day comment period. The amendments require the continuous monitoring of emissions from certain sources, as required by a **Federal Register** notice of October 6, 1975 entitled "Requirements for Submittal of Implementation Plans standards for New Stationary Sources—Emission Monitoring", 40 FR 46240. These sources are sulfuric acid plants greater than 300 tons per day, fluid bed catalytic cracking unit catalyst regenerators of greater than 20,000 barrels per day fresh feed capacity at petroleum refineries, and fuel burning equipment which is not exempted within the regulations. These regulations are included as amendments to Regulation No. XVII, "Source Monitoring, Record Keeping and Reporting," of the State of Delaware's "Regulations Governing the Control of Air Pollution," and will apply to any source in the State of Delaware which conforms with the categories listed within the regulations.

Description of the Amendments

The amendments consist of the addition of Sections 2 through 6 to Regulation No. XVII, "Source Monitoring, Record Keeping and Reporting," of the "Regulations Governing the Control of Air Pollution."

The regulations require installation, calibration, operation and maintenance

of all monitoring equipment necessary for the continuous monitoring of the pollutants specified for the applicable source categories. The monitoring and recording must begin within eighteen months of the date of plan approval or promulgation.

Section 2.1 contains the specifications for monitoring of fuel burning equipment with an annual average capacity factor for calendar year 1974 of greater than 30 percent (as reported to the Federal Power Commission).

A continuous monitoring system for measurement of opacity must be installed and operated (as specified in subsection 3.1.1 of this regulation) for any source greater than 250 million Btu per hour heat input. Specific exemptions apply to boilers using certain fuels (gas, oil, or a mixture) and to waste heat boilers deriving less than 250 million Btu per hour heat input from auxilliary fuel.

Sulfur dioxide must be monitored continuously and comply with performance specifications of paragraph 3.1.3 of this regulation on any fuel burning equipment of greater than 250 million Btu per hour heat input where sulfur dioxide control equipment has been installed.

A continuous monitoring system for measurement of nitrogen oxides is required on any fuel burning equipment discharging effluents through a common stack of greater than 1000 million Btu per hour heat input when that source is located in an Air Quality Control Region classified as Priority I for NO_2. Any source owner or operator who demonstrates emission levels of 30 percent or more below the New Source Performance Standard during source compliance tests is exempted from this requirement.

Where conversion of measurements of oxygen or carbon dioxide in the flue gas are needed for sulfur dioxide or nitrogen oxides continous emission monitoring data, continuous monitoring systems for the measurement of the percent oxygen or carbon dioxide in the flue gas are required. These systems must meet the performace specifications of sub-Sections 3.1.4 or 3.1.5.

Section 2.3 requires continuous monitoring systems for sulfur dioxide for all sulfuric acid plants of greater than 300 tons per day production capacity. Performance specifications for each sulfuric acid facility within such plants are listed in sub-Section 3.1.3.

Section 2.4 requires continuous monitoring systems for fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries of greater than 20,000 barrels per day fresh feed capacity. Performance specifications are established in subsection 3.1.1.

Performance specifications for five emission categories are contained in Section 3.1. This section references specifications set forth in Appendix B of the **Federal Register,** Volume 40, Number 194, dated Monday, October 6, 1975. Specifications for calibration gases and cycling time, zero and span draft, analytical reference methods, and procedures for approval of alternative procedures and requirements are contained by reference in Sections 3.2, 3.3, 3.4, and 3.5 respectively.

Section 3.6 allows a five year exemption from meeting test procedures prescribed in this regulation from the date of plan approval or promulgation for sources that have purchased emission monitoring systems prior to September 11, 1974. Sources regulated under Regulation No. XX, New Source Performance Standards are also exempted from this regulation.

Monitors must be located such that representative measurements of emissions or process parameters are obtained (Section 3.7). Where effluents from two or more similar facilities are combined, the combined effluent must be monitored, as determined by the Department of Natural Resources and Environmental Control. Where the facilities are dissimilar or where effluents from one facility are released at more than one point, alternative procedures may be established, and approved by the Department, to comply with these regulations.

Minimum data requirements are prescribed in Section 4.0. These requirements include:

(a) Submittal of a written report of excess emissions for each calendar quarter and the nature and cause of the excess emissions. The averaging period must be the same as that specified in the test method used to determine compliance (Section 4.1).

(b) Specifications for opacity measurements (Section 4.2).

(c) Specifications for gaseous measurements (Section 4.3).

(d) Reporting of the dates and times when the monitoring system is inoperative and the nature of repairs or adjustments (Section 4.4).

(e) Reporting of information showing that no excess emissions have occurred and that the continuous emission monitoring system has been operating properly (Section 4.5).

(f) Maintenance of a file on all information in the quarterly summaries, and all other data collected by the monitoring system on data necessary for a minimum of two years from the date of collection of this data or submission of the summaries (Section 4.6).

Data reduction requirements are contained in Section 5.0.

II. Control Strategy Demonstration

This amendment affects only the monitoring and recordkeeping regulations. Because the amendment has no adverse impact on air quality, a modeling demonstration of attainment and maintenance of standards is not required.

III. Public Comments

No comments were received during the 30-day public comment period.

IV. Policy Issues

There are no policy issues involved with this revision other than the basis for the Administrator's approval; i.e., whether the revision submitted by the State of Delaware meets the criteria of Section 110(a)(1) of the Clean Air Act and 40 CFR 51.4, Public Hearings; 51.5, Submittal of Plans; preliminary review of plans; 51.6, Revisions; and 51.11 Legal Authority.

V. EPA Evaluations

In view of this evaluation, the Administrator approves the above-described amendments to the Delaware Regulations Governing the Control of Air Pollution, Regulation XVII, Source Monitoring, Recordkeeping and Reporting, as a revision to the Delaware State Implementation Plan.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section

307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401–642)

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Delaware was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52, Title 40, Code of Federal Regulations is amended as follows:

Subpart I—Delaware

1. In § 52.420 *Identification of Plan*, (c)(17) is added as follows:

§ 52.420 Identification of Plan.

* * * * *

(c) The plan revision listed below as submitted on the date specified * * *

(17) A revision submitted by the State of Delaware on September 7, 1977, consisting of an amendment to Delaware Regulations Governing Air Pollution, Regulation XVII, establishing continuous emission monitoring regulations.

[FR Doc. 81-24713 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1869-1]

Approval and Promulgation of Implementation Plans—Florida: Revision of Sulfur Dioxide Rule for Existing Fossil Fuel Steam Generators

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The State of Florida has revised portions of its implementation plan relative to existing fossil fuel steam generators (FFSG). These emission limits were established after conclusion of the Florida Sulfur Oxides Study and were adopted by the Florida Department of Environmental Regulation (DER) because mathematical modeling indicated that the current emission limits were not sufficient to protect the National Ambient Air Quality Standards (NAAQS). EPA is approving the revised limits.

DATES: This action becomes effective September 28, 1981.

ADDRESSES: Copies of the materials submitted by the Florida Department of Environmental Regulation (DER) may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

Library, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Denise W. Pack, Environmental Protection Agency, Region IV, Air Programs Branch, at the above address, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On November 6, 1978 and February 3, 1979, the Florida DER submitted to EPA a revision of the sulfur dioxide (SO_2) emission limits applicable to certain existing FFSG located in several counties throughout the State of Florida. EPA proposed approval of the changes on July 2, 1979 (44 FR 38578). No comments were received on the proposal.

The state submittals incorporate several results and recommendations of the Florida Sulfur Oxide Study (FSOS), a $2 million study financed over a two-year period by the electric power industry in Florida. On June 20–22, 1978, the Florida Environmental Regulation Commission (FERC) held a public meeting in Orlando to hear the results of the study. As a result of the FSOS and many recommendations supported by mathematical modeling, the FERC, after notice and public hearing, on September 7, 1978, adopted changes in the Florida plan and submitted them to EPA.

The revisions approved today change the sulfur dioxide emission limits for Tampa Electric Company's (Hillsborough County) Big Bend Station Units 1, 2, and 3 to a 31.5 tons per hour (TPH) cap on a three-hour average but in no case shall this facility exceed a two-hour average emission of 6.5 lbs. SO_2 per MBTU. Additionally, Big Bend 1, 2 and 3 shall not have a combined total emission rate greater than 25 TPH of SO_2 on a 24-hour average. In Duval County, Jacksonville Electric Authority's (JEA) Northside Station Units 1, 2 and 3, are to emit no more than 1.98 lbs. SO_2 per MBTU. The JEA Southside Units 1, 2, 3, 4 and 5 and Kennedy Station Units 8, 9 and 10 are to emit no more than 1.1 lbs. SO_2 per MBTU. All other fossil fuel fired steam generators in Duval County with more than 250 MBTU per hour input are to meet an emission limit of no more than 1.65 lbs. SO_2 per MBTU if located south of Hecksher Drive, and 2.50 lbs. SO_2 per MBTU if located north of Hecksher Drive.

Escambia County's Gulf Power Crist Station Units 1, 2 and 3 are to emit no more than 1.88 lbs. SO_2 per MBTU and Units 4, 5, 6 and 7 are to emit no more than 5.90 lbs. SO_2 per MBTU. Monsanto Textiles Company Units 1, 2, 3, 4, 5, 6, 7 and 8, in aggregate, are to emit no more than 57.5 tons of SO_2 in any 24-hour period. Florida Power and Light Company's Manatee Station Units 1 and 2 are not to emit in excess of 1.1 lbs. SO_2 per MBTU.

The February 3, 1979, submittal contained revised SO_2 emission limits for certain Florida Power and Light (FPL) Company FFSG facilities located in Dade, Broward and Palm Beach Counties. These regulations were adopted by the State of Florida after public hearing before the Florida Environmental Regulation Commission on December 5, 1978. EPA is approving the revision which pertains to FPL facilities located in Dade, Broward, and Palm Beach Counties. FPL's Cutler Station (Dade County) Units 4, 5 and 6, Fort Lauderdale Station (Dade County) Units 4 and 5 and Riveria Station (Palm Beach County) Units 1 and 2 shall not emit more than 1.1 lbs. SO_2 per MBTU.

During periods of energy emergency declared by the President and Governor in accordance with the Section 110(f) of the Clean Air Act (CAA), the aforementioned FPL facilities located in Dade, Broward, and Palm Beach Counties will be allowed to emit 2.70 lbs SO_2 per MBTU. Prior to the burning of higher sulfur fuel the FPL Company must notify the Department of the quantity and estimated duration of the increased emission. The emission limits allowed during fuel or energy crises are more restrictive than the current statewide limit of 2.75 lbs. SO_2 per MBTU.

EPA is also approving SO_2 emission limiting revisions for the City of Tallahassee's, A.B. Hopkins Station Units 1 and 2 and Purdom Station, Units 5, 6 and 7 located in Leon and Wakulla County respectively. These sources are to emit no more than 1.87 lbs SO_2 per MBTU.

The above SO_2 emission limits have been supported by use of air quality models performed by EPA, FDER, and engineering consultants engaged for special studies in Florida. These organizations have determined that the new limits are satisfactory for regulatory changes to the Florida State Implementation Plan and the attainment and maintenance of the national

ambient air quality standards. This modeling has demonstrated that no violations of any sulfur dioxide national standards or PSD increments will occur. In the July 2, 1979 proposal notice, EPA asked for additional information from DER. This information was submitted to EPA on September 26, 1980 and, in the cases where emission limits are relaxed, documents the increment utilization under Prevention of Significant Deterioration.

ACTION: Accordingly, the revised limits are approved. This action is effective September 28, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act judicial review of EPA approval of Florida's Revision of the Sulfur Dioxide Rule for Existing Fossil Fuel Steam Generators is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: August 19, 1981.

Anne M. Gorsuch,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulation is amended as follows:

Subpart K—Florida

In § 52.520, paragraph (c) is amended by adding subparagraph (25) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(25) Revisions to the Sulfur Dioxide Emission Limiting Regulations applicable to specific Fossil Fuel Steam Generators, submitted on November 6, 1978, and February 3, 1979, by the Florida Department of Environmental Regulation.

[FR Doc. 81-24714 Filed 8-26-81: 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1898-8]

Approval and Promulgation of Implementation Plans—Maine; Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving Maine's revisions to its State Implementation Plan (SIP) submitted on August 7 and November 5, 1980. The effect of these revisions is to attain and maintain the National Ambient Air Quality Standard (NAAQS) for lead.

EFFECTIVE DATE: August 27, 1981.

ADDRESSES: Copies of the Maine submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; the Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, DC; and the Bureau of Air Quality Control, Ray Bldg., Hospital Street, Augusta, Maine 04333.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, Air Branch, EPA Region I, Room 1903, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On June 8, 1981 (46 FR 30364) EPA proposed approval of revisions to the Maine SIP which would attain and maintain the NAAQS for lead. The revisions and EPA's reasons for approving them are explained in the Notice of Proposed Rulemaking, cited above, and will not be repeated here.

No public comments have been received on the Notice of Proposed Rulemaking and EPA is now taking final action to approve the revisions.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

After evaluation of the state's submittal, the Administrator has determined that the Maine revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Maine State Implementation Plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Authority: Section 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the state of Maine was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart U—Maine

1. Section 52.1020, paragraph (c) is amended by adding sub-paragraph (14) as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(14) Revisions to attain and maintain the NAAQS for lead were submitted on August 7, and November 5, 1980.

[FR Doc. 81-26715 Filed 8-26-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-6-FRL 1895-6]

New Mexico Plan for Nonattainment Areas; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves schedules for developing and submitting revisions to New Mexico's Air Quality Control Regulation 702–Permits, and revisions to the Albuquerque control strategy for total suspended particulates (TSP) as portions of New Mexico's Plan for nonattainment areas. This action is taken based upon the State's request to revise its permit regulation and its schedule for the development of a TSP control strategy. The intent effect of this rulemaking is to improve and preserve air quality.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of Federal Register, 1100 L Street, N.W., Washington, D.C., Room 8401.

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 M Street, N.W., Washington, D.C., Rm. 2922

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On April 10, 1980 (45 FR 24509) EPA published a Notice of Proposed Rulemaking which proposed approval, *inter alia*, of certain schedules for developing and submitting revisions to New Mexico's Regulation 702 (Permit) and the TSP control strategy for Albuquerque, New Mexico. Public comments were solicited but none were received. Before EPA could take final action the State submitted revised schedules. These were proposed for approval on November 10, 1980. For a fuller discussion of this subject see the Notice of Proposed Rulemaking of November 10, 1980 (45 FR 74516).

Public comments were solicited on these revised schedules but none were received. EPA is therefore approving the schedules as submitted. For Regulation 702 the schedule calls for:

(1) Proposed amendments to permit regulations prepared for EPA and public review—April 1, 1981 (EPA has received these documents).

(2) Hold public hearing—July 1981.

(3) Submit revised regulation to EPA—September 1, 1981. EPA gives full approval to this schedule.

The schedule for revising the Albuquerque TSP control strategy is approved as follows:

(1) Update emissions inventory and indentify major influencing sources—January 1, 1981.

(2) Analyze data and futher define TSP problem—June 1, 1981.

(3) Propose TSP control strategy including cost/benefit analysis—January 1, 1982.

(4) Develop proposed control regulations, as required, and hold public hearing—April 1, 1982.

(5) Submit revised plan to EPA—July 1, 1982.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it will impose no new regulatory burden since it only approves State actions.

Incorporation by reference of the SIP for New Mexico was approved by the Director of the Federal Register on July 1, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of (date of publication in FR). Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any response to these comments are available for public inspection at U.S. EPA 1201 Elm Street, Dallas, Texas 75270.

This notice of final rulemaking is issued under the authority of Sections 172(b) and 173 of the Clean Air Act, as amended, 42 U.S.C. 7502 and 7503.

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart GG—New Mexico

1. In § 52.1625, paragraph (a) is revised to read as follows:

§ 52.1625 Control Strategy: Particulate matter.

(a) The New Mexico Plan for total suspended particulates for the Albuquerque nonattainment area is conditionally approved on the conditions specified below:

(1) Update emissions inventory and identify major influencing sources—January 1, 1981.

(2) Analyze data and futher define TSP problem—June 1, 1981.

(3) Propose TSP control strategy including cost/benefit analysis—January 1, 1982.

(4) Develop proposed control regulations, as required, and hold public hearing—April 1, 1982.

(5) Submit revised plan to EPA—July 1, 1982.

2. In § 52.1628, paragraphs (a)(1) (2) and (3) are revised to read as follows:

§ 52.1628 Review of new sources and modifications.

(a) * * *

(1) Proposed amendments to permit regulations prepared for EPA and public review—April 1, 1981 (EPA has received these documents).

(2) Hold public hearing—July, 1981.

(3) Submit revised regulation—September 1, 1981.

[FR Doc. 81-24718 Filed 8-26-81; 8:45 am]
BILLING CODE 6560-38-M

[40 CFR Part 52]

[A-6-FRL 1898-1]

Approval and Promulgation of Implementation Plans; New Mexico Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves revisions to the State Implementation Plan for both the primary and secondary sulfur dioxide (SO_2) standards for San Juan County, New Mexico. EPA

proposed approval of the revised plan in the June 10, 1981, issue of the Federal Register (at 46 FR 30653). These revisions include changes to the SO_2 emission limitations for the Arizona Public Service Company's Four Corners power plant and the Public Service Company of New Mexico's San Juan power plant. The approval action is based on new monitoring and new dispersion modeling information on the expected impact of emissions on air quality in San Juan County in 1982 and 1984.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., NW., Rm. 8401, Washington, D.C.

Environmental Protection Agency, Public Information Reference Unit, Rm. 2922, EPA Library, 401 "M" Street, NW., Washington, D.C., Rm. 2922

FOR FURTHER INFORMATION CONTACT: Randy Brown, Implementation Plan Section, Environmental Protection Agency, Region 6, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2730.

SUPPLEMENTARY INFORMATION: New Mexico submitted its plan for attainment of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) to EPA in January, 1979. On April 10, 1980 (45 FR 24460) EPA granted conditional approval to the plan for attainment of the primary and secondary SO_2 standards in San Juan County, New Mexico by the end of 1982. The conditionally approved plan included a Regulation 602 which set emission limits for Arizona Public Service Company's (APS) Four Corners power plant and Public Service Company of New Mexico's San Juan power plant. The plan approval was conditioned on State submittal of a compliance schedule for the Four Corners Plant. The State submitted that compliance schedule on August 18, 1980. However, based on certain monitoring data taken at critical high terrain locations allegedly indicating no violation of the standards, APS asked the State to revise the emission limits in Regulation 602. This request was denied. Litigation in State court among the State, APS, and environmental groups resulted in a settlement on August 21, 1980. As a result of the settlement, the State developed new emission limitations for both the Four Corners plant and the San Juan power plant, and after holding a public hearing, submitted a revised Regulation 602 and new compliance schedule to EPA for approval as a Part D SIP revision on November 24, 1980. A revised control strategy demonstration was submitted on February 6, 1981, with supplements submitted on February 17, 1981. In order to resolve questions regarding the interpretation of certain provisions, and to ensure their enforceability the State also submitted on April 16, 1981 a document clarifying language in the regulation and a memorandum of understanding between the State and APS on the procedure to be used by EPA in enforcing certain station emission limits. The submission of the clarification enables EPA to approve the regulation as submitted.

In the June 10, 1981 issue of the Federal Register, EPA proposed to approve the revised plan submitted on November 24, 1980 (and supplemented on February 6 and 17, 1981 and April 16, 1981) to replace the conditionally approved plan, solicited public comment on the Agency's proposed action, and notified the public of the availability of EPA's evaluation report [1] which discussed the technical aspects of the revision. The revised plan contains enforceable emission limitations and compliance schedules that allow attainment of the primary SO_2 standards by the end of 1982 and attainment of the secondary SO_2 standard by the end of 1984. The demonstration of attainment is accepted with the plants operating at maximum emission rates or any combination of individual emission rates allowed by revised Regulations 602. The first set of individual emission limits approved by the State in Section B.2.b. of the regulation need not be submitted as a SIP revision; however, EPA should be notified by the State as to what limits are approved.

As previously noted, EPA solicited public comment. Only one comment was received and it was in support of the proposed approval. EPA is hereby approving the revision to Regulations 602 and the revised compliance schedules to replace the conditionally approved plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of August 27, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

[1] EPA Review of New Mexico State Implementation Plan Revisions of November 24, 1980, April 1981.

Under Executive Order 12291, EPA must judge whether a rule is major and therefore subject to the requirements of a Regulatory Impact Analysis. This action is not a major rule because it imposes no new requirements, since it only approves a State action. This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I have certified that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8079, January 27, 1981). This action only approves a State action. It imposes no new requirements. In addition, this action only applies to two facilities.

Note.—Incorporation by reference of the State Implementation Pan for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1981.

This notice of final rulemaking is issued under the authority of Section 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7502.

Dated: August 18, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart GG—New Mexico

1. In § 52.1620, paragraph (c) is amended by adding new paragraph (20) as follows:

§ 52.1620 Identification of Plan.

* * * * *

(c) * * *

(20) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide and a compliance schedule for that regulation were adopted on November 20, 1980 by the New Mexico Environmental Improvement Board and submitted by the Governor on November 24, 1980. A revised sulfur dioxide control strategy demonstration for San Juan County, based on revised Regulation 602 was submitted by the New Mexico Environmental Improvement Division on February 12, 1981. Clarifications of provisions in revised regulation 602, and a memorandum of understanding between the State and Arizona Public Service Company on the procedure to be used by EPA in enforcing power plant station emission limits were submitted

by the New Mexico Environmental Improvement Division on April 16, 1981.

§ 52.1624 [Removed]

2. In § 52.1624, paragraph (d) is removed.

[FR Doc. 81-24717 Filed 8-26-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 65

[EN-FRL 1699-2]

Amended Delayed Compliance Order for General Motors Corporation, General Motors Assembly Division, Fremont, Calif.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues an Amended Delayed Compliance Order (DCO) to General Motors Corporation (GMC), General Motors Assembly plant, Fremont, California. The amended DCO requires GMC to bring its two paint spray booths at Fremont, California into compliance with 40 CFR 52.254(d), part of the Federally promulgated California State Implementation Plan (SIP). GMC's compliance with the amended DCO will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulation covered by the amended DCO during the period the amended DCO is in effect.

DATE: This rule takes effect on August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Kuykendall, Air and Hazardous Materials Branch, Enforcement Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, Phone: (415) 556-6150.

ADDRESSES: The amended DCO and supporting materials are available for public inspection and copying during normal business hours at: Enforcement Division, EPA, Region 9, 215 Fremont Street, San Francisco, California 94105.

SUPPLEMENTARY INFORMATION: On April 6, 1981, the Acting Regional Administrator of EPA's Region 9 Office published in the **Federal Register**, 46 FR 20573, a notice setting out the provisions of a proposed amended DCO for GMC. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed amended DCO. No pubic comments or requests for a public hearing were received in response to the proposal notice. Therefore, an amended DCO effective this date is issued to GMC by the Administrator of EPA pursuant to section 113(d)(4) of the Clean Air Act, as amended, 42 U.S.C. 7413(d)(4) (hereinafter referred to as the "Act"). The amended DCO places GMC on a schedule to bring its two paint spray booths at Fremont, California, into compliance as expeditiously as practicable with 40 CFR 52.254(d), part of the federally promulgated SIP. The amended DCO also imposes interim requirements which meet section 113(d)(7) of the Act, and reporting requirements. Due to the nature of the source operation, emission monitoring requirements would be unreasonable. If the conditions of the amended DCO are met, it will permit GMC to delay compliance with the SIP regulation covered by the amended DCO until August 31, 1981. The company is unable to immediately comply with this regulation. However, demonstration of compliance at full production levels will not be completed until December 1, 1981, as the passenger car line will not be in operation between June-September, 1981 due to the changeover to high solids enamel paint and the conversion of the production line to new, smaller, and more fuel efficient intermediate size vehicles. In the meantime, the interim compliance testing to be submitted by July 15, 1981 based on the July 3, 1981 emission rate calculations will demonstrate definitively the likelihood that GMC will be in compliance/noncompliance by August 31, 1981. EPA has determined that the amended DCO shall be effective upon publication of this notice (August 27, 1981) because of the need to immediately place GMC on a schedule for compliance with the applicable requirements of the SIP.

(Sections 113 and 301 of the Clean Air Act, as amended (42 U.S.C. 7413 and 7601)

Dated: August 6, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

§ 65.90 [Amended]

1. By amending the table in § 65.90, Federal Delayed Compliance Orders issued under sections 113 (d)(1), (3), and (4) of the Act, by adding the following entry:

Source	Location	Order No.	SIP regulation involved	Date of Federal Regulation proposal	Final compliance date
General Motors Corporation	Fremont, California	9-79-266	40 CFR 52.254(d)	Apr. 6, 1981	Aug. 31, 1981

2. The text of the amended DCO reads as follows:

In the matter of General Motors Corp., General Motors Assembly Division, Fremont, California; proceeding under section 113(d)(4) of the Clean Air Act, as amended; Docket No. 9-79-266; amended delayed compliance order.

On February 15, 1980, the Administrator of the United States Environmental Protection Agency (U.S. EPA) issued a Delayed Compliance Order (DCO) to General Motors Corporation (GMC) pursuant to section 113(d)(4) of the Clean Air Act, as amended (Act). The DCO requires GMC to bring its two paint spray booths at General Motors Assembly Division in Fremont, California, into compliance with 40 CFR 52.254(d), part of the federally promulgated state implementation plan for California.

On April 15, 1980, GMC submitted to U.S. EPA a report on Phase I testing and a proposal on Phase II continuance pursuant to the DCO. GMC pointed out in the report that the use of high solids (22%) dispersion lacquer utilizing non-photochemically reactive solvent and electrostatic spinning disc spray equipment on the No. 1 passenger car color booth had not met GMC's expectations. Accordingly, GMC requested U.S. EPA allow the use of high solids (40%) enamel paint on the No. 1 passenger car line, based on the high degree of success achieved with such paint on the No. 2 truck line.

On July 15, 1980, GMC met with representatives of the U.S. EPA, Region IX, proposed the use of a new technology high solids (47% average of all colors) enamel paint on both the No. 1 passenger car and No. 2 truck lines, and requested U.S. EPA to amend the

DCO accordingly. The GMC's newly proposed control system for No. 1 passenger car color booth consists of a new technology high solids (47% average of all colors) enamel paint, the existing 20,000 cubic feet per minute carbon adsorption, spinning disc electrostatic spray equipment and oven incineration. The control system for No. 2 truck color booth consists of a new technology high solids (47% average of all colors) enamel paint, the existing 20,000 cubic feet per minute carbon adsorption, and the spinning disc electrostatic spray equipment.

After a thorough investigation of GMC's new proposal, EPA has determined that the use of a new technology high solids (47% average of all colors) enamel paint on the No. 1 passenger car line instead of high solids (27%) dispersion lacquer does not detract from the innovative character of the control system. The DCO still requires GMC to achieve final compliance with 40 CFR 52.254(d) and submit performance test results to demonstrate compliance by August 31, 1981. Because the passenger car line will not be in operation between June–September 1981, part of the paragraph B of the DCO issued to GMC on February 15, 1980 is amended as follows:

No. 1 Color Booth on the Passenger Car Line

(9) If Phase II is to continue:

a. Complete production development of paint process, establish paint usage requirements and calculate emission rate at rated capacity—July 3, 1981.

b. Submit interim compliance testing based on July 3, 1981 activities—July 15, 1981.

c. New technology higher solids (47% average of all colors) enamel paint available in all colors at Fremont—August 15, 1981.

d. Complete installation of paint circulation system—August 25, 1981.

e. Submit final performance testing verifying compliance—December 1, 1981.

(10) Achieve final compliance with 40 CFR 52.254(d)—August 31, 1981.

No. 2 Color Booth on the Truck Line

(6) If Phase II is to continue:

a. Complete conversion of all enamel from 42% to new technology higher solids (47% average of all colors)—August 17, 1981.

(8) Achieve final compliance with 40 CFR 52.254(d) and submit performance test results to demonstrate compliance—August 31, 1981.

This amended Order shall become effective immediately.

Dated: August 6, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

GMC has reviewed this amended Order, consents to the terms and conditions of this amended Order, and believes it to be a reasonable means by which the sources can achieve final compliance with 40 CFR 52.254(d).

Dated: December 23, 1980.

Kenneth M. Brooks,

General Motors Corporation.

[FR Doc. 81-25071 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-3-FRL 1910-1]

Air Quality; Approval of Section 107 Designations for Maryland

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to Section 107 of the Clean Air Act, the State of Maryland has revised its list of air quality attainment status designations for two cities within the Cumberland-Keyser Interstate Air Quality Control Region (AQCR) with respect to carbon monoxide (CO). The State has changed the designations for these two cities (Cumberland and Hagerstown) from "does not meet primary standards" to "cannot be classified or better than national standards."

EPA approves these changes submitted by Maryland. EPA also revises the chart in 40 CFR Part 81 to define properly the CO nonattainment areas in the National Capital AQCR. All other Section 107 designations for the State of Maryland not discussed in this notice remain intact.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the associated support materials are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th and Walnut Sts., Philadelphia, PA 19106

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

Maryland Department of Health and Mental Hygiene, Maryland Air Management Administration, 201 W. Preston Street, Baltimore, Maryland 21201; ATTN: Mr. George Ferreri

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106; ATTN: 107MD-3; Phone: 215/597-8392.

SUPPLEMENTARY INFORMATION:

Background

On September 21, 1979, pursuant to Section 107 of the Clean Air Act, the State of Maryland revised the CO designation for the cities of Cumberland and Hagerstown from "does not meet primary standards" to "cannot be classified or better than national standards." The State had submitted eight consecutive quarters of air quality data representing calendar years 1978 and 1979. During this time, the Hagerstown monitor recorded a second-high one-hour average of 15 $\mu g/m^3$ in 1978 and 18 $\mu g/m^3$ in 1979 (the NAAQS is 40 $\mu g/m^3$, second high average), and a second high eight-hour average of 10 $\mu g/m^3$ in both 1978 and 1979 (the NAAQS is 10 $\mu g/m^3$, second-high average). The State informed EPA that the monitor was discontinued in 1980.

At the Cumberland CO monitor, the second-high one-hour and eight-hour averages recorded during calendar year 1979 were 14 $\mu g/m^3$ and 9 $\mu g/m^3$ respectively. During calendar year 1978, the monitor recorded second-high one-hour and eight-hour averages of 11 $\mu g/m^3$ and 7 $\mu g/m^3$ respectively. The State informed EPA that the monitor was discontinued in 1980.

The State also notified EPA that the description of the CO nonattainment areas in the Maryland portion of the National Capital Air Quality Control Region approved by EPA on April 10, 1980, 45 FR 24469, was incorrect. The geographical areas erroneously described in this notice as "census tracts" are in actuality election districts.

Request for Public Comments

On December 24, 1980, 45 FR 85100, EPA proposed approval of Maryland's redesignation request and provided a thirty-day public comment period, until January 23, 1981. During the public comment period, no comments were received.

EPA Evaluation

Based on the available ambient air quality data, EPA believes that a redesignation for both Hagerstown and Cumberland from "does not meet primary standards" to "cannot be classified or better than national standards" is appropriate. Therefore, EPA approves the redesignation request. As a result of EPA's promulgation of a

final redesignation changing the areas from nonattainment to attainment/unclassified, the State of Maryland will no longer be required to submit implementation plan (SIP) revisions satisfying Part D of the 1977 Clean Air Act Amendments in these areas.

Thus, by this action, the Administrator amends the chart in 40 CFR 81.321 pertaining to attainment status designations with respect to CO by revising the attainment status from "does not meet primary standards" to "cannot be classified or better than national standards" for the Cities of Cumberland and Hagerstown. This notice also revises the description of the CO nonattainment areas in the Maryland portion of the National Capital Interstate AQCR by substituting "election districts" for "census tracts."

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I certify that the redesignations under Section 107D of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Section 107D of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Secs. 107(d), 171(2), 301(a), Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7601(a))

Dated: August 20, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1981.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, of the Code of Federal Regulations, is amended as follows:

In § 81.321, the table entitled "Maryland—CO" is revised to read as follows:

Subpart C—Section 107 Attainment Status Designations

* * * * *

§ 81.321 Maryland.

* * * * *

Maryland—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Cumberland-Keyser Intrastate AQCR		X
Central Maryland Intrastate AQCR		X
Metropolitan Baltimore Instrastate AQCR:		
(a) Baltimore City, Regional Planning District No. 118 (generally corresponding to the Central Business District)	X	
(b) Remainder of AQCR		X
National Capital Intrastate AQCR—Maryland Portion:		
(a) Prince Georges County election districts 2, 6, 12, 16, 17, 18	X	
(b) Montgomery County, election districts 4, 7, 13	X	
(c) Remainder AQCR		X
Southern Maryland Intrastate AQCR		X
Eastern Shore Intrastate AQCR		X

[FR Doc. 81-25043 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Parts 122 and 146

[WH-FRL 1905-4]

Underground Injection Control Program Criteria and Standards

AGENCY: Environmental Protection Agency.

ACTION: Technical amendments to final regulations.

SUMMARY: The Environmental Protection Agency is promulgating technical amendments to the requirements of its Underground Injection Control (UIC) program promulgated on May 19, 1980, in the Consolidated Permit Regulations (40 CFR Part 122) and on June 24, 1980, in the Technical Criteria and Standards (40 CFR Part 146). The concepts and approaches published here have been commented upon extensively by a broad spectrum of interested parties including environmental groups; Federal, State and local government officials; and industry.

These technical amendments are consistent with Agency intent at the time of promulgation. EPA is publishing these technical amendments as part of a settlement agreement reached with petitioners who have challenged the regulations in court.

DATE: Effective date: August 27, 1981.

ADDRESS: Questions should be referred to the Office of Drinking Water (WH-550), EPA, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Thomas E. Belk, EPA Office of Drinking Water (WH-550), EPA, Washington, DC 20460, (202) 426-3934.

SUPPLEMENTARY INFORMATION: EPA originally proposed regulations to implement Part C of the Safe Drinking Water Act on August 31, 1976 (41 FR 36730-45). That proposal included the program regulations, the technical criteria and standards, and the related grant regulations. Numerous written sets of comments were filed and many persons commented at public hearings in Dallas, Denver and Washington, D.C.

After careful review of those public comments, EPA determined that there were many ways that the initial proposal could be made generally more flexible and less burdensome without sacrificing the resulting environmental protection to any significant degree. Further, in the fall of 1978, the Agency decided to consolidate the regulations for its major permit programs: the Hazardous Waste Management program under the Resource Conservation and Recovery Act (RCRA); the UIC program under the Safe Drinking Water Act (SDWA); and the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act (CWA).

As a consequence of these events, the Agency took the following series of actions in 1978 and 1979. The grant regulations related to the UIC program were promulgated in final form on October 12, 1978 (43 FR 47130 et seq.). The initial group of 22 States needing an UIC program were listed on September 25, 1978 (43 FR 43420). In addition, the UIC program regulations were reproposed in four parts on April 20 and June 14, 1979:

- 40 CFR Part 122 reproposed the regulatory framework for the UIC program.
- 40 CFR Part 123 described the elements of an approvable State program and proposed the process for EPA approval of State participation in the UIC program.

• 40 CFR Part 124 described the procedures for permit application and issuance which EPA intends to follow when it has responsibility for implementing the program. Certain provisions of 40 CFR Part 124 would also be applicable to State UIC programs.

• 40 CFR Part 146 proposed the technical criteria and standards to be used by EPA or the State in implementing the UIC program.

Following the reproposal, five public hearings were held and further comments received. After reviewing these comments, the Agency promulgated Criteria and Standards as 40 CFR Part 146 on June 24, 1980. The Consolidated Permit Regulations were promulgated on May 19, 1980.

Subsequent to promulgation of the UIC program, a number of petitioners filed suit. The petitioners raised a total of 93 issues with respect to both 40 CFR Part 146, and 40 CFR Part 122.

In assessing the 93 issues raised by the petitioners, the Agency reviewed studies relied upon to draft the regulations, reassessed comments received during rulemaking, and re-evaluated cost and production impacts. Based on this re-evaluation, the Agency is (1) publishing technical amendments where citations were incorrect, typographical errors were made, or language was unclear; (2) proposing amendments were more substantive changes resulted; and (3) issuing guidances where further explanation was needed.

The amendments promulgated today are final technical amendments to both 40 CFR Part 122 and 40 CFR Part 146. They fall into one of the following categories: requirements for operators authorized under an area permit; information and analytical burdens imposed on operators; definitions; limitations on injection pressure; clarification of the classification scheme; errors and omissions; and miscellaneous actions that do not fit the other categories.

Area Permits

Both the proposed and final UIC regulations included the concept of an area permit to allow an owner or operator of wells with a similar purpose and construction to be authorized by a single permit. The Agency did not intend that injection wells authorized under area permits be required to satisfy most requirements on a single well basis. However, during the course of settlement discussions with petitioners, the Agency became aware that the requirements outlined for facilities with area permits were not clearly distinguished from those applied to single well permit holders. Indeed, the Agency received questions on whether the option of using an area permit lay with the operator, or the Director. The applicant has the choice of applying for a single well or an area permit provided that he qualifies under § 122.39.

In several sections, thererfore, the regulations have been amended to clarify requirements for area permit applicants and holders. The Agency intends to propose in the near future, an amendment which defines the term "project". The term is now used in a number of places throughout the regulations in connection with requirements applicable to operations authorized under the area permit. Sections 122.38 and 122.43, for example, have been amended to add "project" in several sentences which had previously referred only to individual wells.

In assessing the need for these amendments, the Agency became convinced that under the regulations as promulgated, it was not clear whether § 122.41(c) precluded operation of new wells for area permits under § 122.39(c), nor was it clear whether "normal operations", as used in § 122.37(a) (ii) included plugging and abandonment of wells in existing Class II and III facilities. Accordingly, these sections are being amended to clarify that facilities authorized under § 122.39(c) may continue normal operations, including plugging and abandoning wells, provided they comply with applicable requirements.

The section on corrective action, § 122.44, has been amended by adding a new section, § 122.44(b)(4), which confirms that in the case of area permits for Class III wells (which usually involve a net withdrawal of ground water) the Director is to base the need for corrective action on the overall effect of the field or project on the local hydrology, not the effects of each well individually. The new section requires that where corrective action is not deemed necessary based on the effects of the field, a monitoring program required in § 146.33(b) must be designed to verify the validity of such determinations.

For Class III wells, the Director may elect to require specific information on only a representative number of wells within the area of review when the wells are similar in age, type and construction and the information would be repetitive.

The definition of area of review in § 146.03 and § 122.3 is amended to clarify the use of the concept in the case of facilities applying for area permits. The new wording emphasizes that in such cases, the area of review includes both the project area and the surrounding area as established according to § 146.06. In addition, the language in § 146.03, which defines area of review is incorporated into §§ 146.06(a)(2), 146.06(b)(1) and 146.06(b)(2) to state Agency intent more clearly.

Information Requirements

Some of the amendments published today place limits on or clarify information requirements which may be imposed on owners or operators. In reviewing these sections of the regulations, the Agency concluded that the requirements were drafted too broadly. They could, therefore, be interpreted to require more data than the Agency intended or are necessary to accomplish the purposes of the regulations.

For example, petitioners correctly pointed out that requirements listed in § 146.24(a)(2) and § 146.34(a)(2), dealing with existing features and facilities in the area of review, imposed a potentially limitless burden on the extent of the search for information. These sections have been amended to define the scope of the requirement and more clearly reflect the Agency's intent. Specifically, the Director must consider only the location of all producing wells, injection wells, abandoned wells, dry holes and water wells. The review of additional information is left to the Director's discretion as appropriate to the individual case.

Similarly, § 146.24(a)(3) and § 146.34(a)(3) now require that the data on wells within the area of review must be "reasonably available from public records" or otherwise known to the applicant. Further, this tabulation of data is required only for wells shown on the map specified in § 146.24(a)(2) and § 146.34(a)(2).

The Agency is also clarifying § 146.22(f), which requires the results of logs and tests conducted during the construction of Class II wells to be submitted to the Director. The Agency intended the submittal to include only information required to evaluate whether drilling and construction practices were adequate to protect Underground Sources of Drinking Water (USDWs). Petitioners pointed out that the regulations, as written, could have required massive amounts of data on strata which have little direct relevance to protecting USDWs to be submitted to the Director. After reviewing the requirement, the Agency decided that information related to (1) USDWs and adjacent confining zones and (2) the injection zone and adjacent formations,

would provide the Director with sufficient information to evaluate the construction of the well. Information on the intervening strata would contribute little towards protecting USDWs, was not consistent with Agency intent, and could have rendered the requirement needlessly burdensome to both the regulated community and the Director.

Under "Information to be considered by the Director", § 146.14(a)(11), § 146.24(a)(7) and § 146.34(a)(11), as initially promulgated, the Agency requested that "engineering drawings" be submitted. In making this request, the Agency's primary intent was to obtain general details on the construction of the well, such as the depth of surface casing. Petitioners pointed out that "engineering drawings" is a term of art that implies specific scales, levels of details and material that go beyond what the Agency required or intended. Accordingly, these sections are amended to request schematic drawings.

In the regulations, as written, the applicant was required to submit actual operating data before the Director could authorize injection. The petitioners correctly pointed out that this was not feasible and the Agency is amending § 146.14(b)(3), § 146.24(b)(3) and § 146.34(b)(3) to clarify that what is required is anticipated maximum operating parameters.

In § 146.07(a), § 146.07(b) and § 146.32(h)(5) the Director was required to consider the "toxicity" of injected or formation fluids. The Agency did not intend to refer to any formally defined set of substances. Nor did the Agency intend the Director to require toxicity tests as defined in RCRA. To avoid such unintended connotations, the Director is now to consider the "nature" of injected or formation fluids in imposing specific permit requirements. The amount of information required of the applicant to describe the nature of the fluids adequately will vary under particular circumstances and is left to the discretion of the Director.

Reporting requirements under § 146.23(c) have been more clearly delineated. The specific information required is now listed in the section.

In § 146.12(b), § 146.22(b) and § 146.32(b), reference was made to a "qualified" log analyst. Petitioners pointed out that use of the word "qualified" implied a standard that does not exist. The Agency agreed and the section now refers to a "knowledgeable" log analyst.

Section 146.32(g) establishes criteria for a monitoring program at Class III facilities. However, § 146.33(b)(5) contained a further delineation which could be interpreted as an additional requirement. To clarify this section, § 146.32(g) specifies monitoring criteria and § 146.33(b)(5) now specifies only the frequency of monitoring.

Injection Pressure Limitations

Comments from petitioners and States contemplating primacy indicated that the location of the confining zone as used in § 146.22(a), § 146.23(a) was not clear. As stated in the Preamble to 40 CFR Part 146 (45 FR 42483), the Agency's primary aim is that a stratum of relatively impermeable material separate the USDW from the injection zone and that this stratum not be breached by injection or formation fluid. Accordingly, the location of the confining zone has been clarified by amending § 146.22(a) and § 146.23(a).

The initial promulgation of § 146.23(a) contained a pressure limitation on Class II operations which was not consistent with Agency intent. As evidenced in the reproposed regulations (44 FR 23762), the Agency intended that Class II facilities be allowed to operate over the fracture pressure of the injection zone, provided that injection did not initiate fractures in the confining zone. In the promulgated version, the Agency intended to clarify two issues. First, the location of the confining zone was further delineated, and second, the use of the term "bottom hole pressure" was dropped so that the actual pressure in the formation was the regulated pressure. These changes were discussed in detail in the preamble to the promulgated regulations (see 45 FR 42483).

However, the Agency inadvertently changed the standard in drafting the regulations. Accordingly, this section is being amended. The Agency feels that the final version promulgated here is more consistent with its initial intent and with the special status afforded Class II operations in the Safe Drinking Water Act.

To assure that Class II wells operating over the fracture pressure establish an appropriate zone of endangering influence, § 122.44(a) has been amended so that all known wells within the area of review affected by increased pressure are considered for corrective action.

Sections 146.13(a) and 146.33(a) have been amended. The sections, as originally promulgated, did not reflect Agency intent. Specifically, the ban against fracturing the injection zone was meant to apply only during normal operations, not for well stimulation. It was for this reason that these sections were listed under "operating requirements." The Agency is aware that operation of Class I and III wells without stimulation could render either type of operation impractical and the Agency intended in the final regulations that Class I and III wells be allowed to fracture for well stimulation. However, the drafting of the two sections did not clearly reflect this intent.

As stated, a limitation on injection pressure for Class I (§ 146.13) and Class III (§ 146.33) must be observed "except during well stimulation." In the course of normal operations, wells may be stimulated initially before being placed into service and periodically throughout the life of the well thereafter. The exception applies both to initial and subsequent periodic well stimulation.

Well Classification

After promulgating the regulations in June of 1980, the Agency received an extensive number of questions from both States and industry on well classification. In addition, several petitioners requested that the regulations establish the classification of certain specific practices about which the regulations were silent or unclear.

Based on these requests for clarification, the classification scheme is being amended as follows: Class V wells now specifically include among other types of operations: injection wells used in experimental technologies; sand backfill and other backfill wells which inject radioactive waste; and radioactive waste disposal wells other than those injecting into Class IV wells; wells which inject spent brine after halogen recovery; wells used for solution mining of conventional mines (e.g., stopes leaching etc.), and all other wells which are not included in Class I, II, III or IV. Storage of hydrocarbons which are of pipeline quality and are gas at standard temperature and pressure is no longer regulated under these regulations as a result of the 1980 amendments to the Safe Drinking Water Act.

In using the term "sand backfill", the Agency intends to cover a broad range of mining-related waste. Included in this definition would be such coal processing wastes as sludge from acid mine drainage stabilization ponds, wastes associated with ore beneficiation, and inert materials used for stabilizing underground mines.

It is important to note that included in Class V are wells used to dispose of radioactive wastes beneath all formations containing underground sources of drinking water. An example of such wells would be the wells used in conjunction with certain in situ uranium mines. The Agency chose this course of action since the Nuclear Regulatory Commission, the Department of Energy

and other concerned Agencies are in the process of developing a comprehensive radioactive waste management program in response to an Executive Order issued in February 1980. Accordingly, the Agency feels that development of specific requirements for radioactive wastes under the UIC program would be premature at this time.

Section 146.05(c) has been amended to further clarify the classification of solution mining processes such as stopes leaching which are employed at conventionally mined sites. The amended version specifically excludes such operations and further clarifies the coverage of Class III regarding solution mining. In placing stopes and similar processes in Class V, the Agency intends that the processes be further studied to determine whether such operations pose a threat to USDW.

Petitioners requested clarification on whether the ban on Class IV injections listed in § 122.31(d) and § 122.36 applied to injection into aquifers exempted under § 146.04. The UIC regulations did not limit the scope of aquifer exemptions for a particular purpose, nor did they limit the Director's discretion in defining the scope to which exemptions applied. The Agency is amending these sections to make explicit that the injections of hazardous waste into exempted aquifers are not banned at this time. Such injections are classified as Class IV wells for which requirements are reserved. Requirements for such Class IV wells will be developed in the future.

Definitions

Since promulgating the regulations, the Agency has received further questions from States, industry in general and the petitioners that point to problems with definitions. The Agency has reviewed the comments and clarified the existing definition, when appropriate. The changes that resulted from this process are being published today.

The definition of "acidizing" is deleted from § 122.3 since it is not used in the body of the regulations.

The definition of "casing" is being clarified to include materials other than metal since many wells employ other materials, such as PVC. The Agency recognizes that in many circumstances, materials other than metal may provide superior protection to USDW and it was not the Agency's intent to preclude their use.

The term "well logs" is being dropped from the definitions in § 146.03. It is not used in the regulations. "Logs", a term of art with a clear and specific meaning, is used instead.

It has been pointed out to the Agency that "plugging", as defined, implied that flow in formations (not just the well bore) was to be stopped. The Agency has amended § 146.03 to provide a more accurate definition of the term.

The definition of "radioactive wastes" was amended to delete references to listings under the authority of the RCRA, since such a listing has not been made for radioactive waste and may not be for the foreseeable future. Accordingly, a reference to such a listing could be confusing.

Similarly, in § 146.08(c)(1), the term "well records" was used and the definition of well records was included in § 146.03. The Agency intended that in § 146.08(c)(1) cementing records be used to demonstrate the presence of adequate cement to prevent migration of fluids. The term "well records" was used inappropriately since it includes information which is not directly relevant to mechanical integrity. Accordingly, § 146.08 has been amended to specify cementing records and the term "well records" has been deleted from the definitions in § 146.03.

Miscellaneous

Wording in § 122.16(a) seemed to imply that a permit would automatically be terminated for any non-compliance, no matter how minor. The new language clarifies that the Director has the discretion to decide whether or not to terminate the permit.

Under § 122.41(c)(ii) as originally promulgated, there is no limit on how long the Director may take to inspect a newly constructed well. This could conceivably delay operations indefinitely. The section has been amended to require that, if the Director elects to inspect a newly constructed well, he must schedule such an inspection within a reasonable time period, which was the Agency's intent.

Errors and Omissions

Section 122.17(f)(1) contained reference to § 146.16, § 146.26, and § 146.36. These sections do not exist in the promulgated regulations and the Agency is therefore amending the regulations to delete reference to them.

Section 146.34(b) contained reference to a negative number computed under § 146.06(a). In the example equation included in the regulations, as well as most other models used to calculate the zone of endangering influence, a negative number is neither possible nor does it have meaning physically. The section is therefore being amended to reflect results consistent with most accepted models.

The section on financial responsibility for Class I wells, § 146.14(a)(16) contained an incorrect cross citation. It now refers to the correct section, 40 CFR 122.42(g).

In discussing authorization by rule, § 122.37(a)(2) refers to existing Class II wells. It has come to the Agency's attention that specifying appropriate construction requirements for existing wells does not make sense and accordingly, § 122.37(a)(2)(i)(H) now specifies that casing and cementing requirements be applied, where appropriate.

In § 146.34(a)(15), a typographical error was made; the section refers to § 122.42(9), it should be § 122.42(p). It is being amended.

An amendment to §§ 122.18 and 122.37, which was published in the June 24, 1980, **Federal Register** with 40 CFR 146, contained two errors. First, the amendment was published under the heading "Marine Sanitation Act". The correct reference should be to Part 122, Consolidated Permit Regulations. Second, instructions under amendment (d) referred to deleting paragraph (c)(1) of § 122.27. The correct citation is paragraph (c)(1) of § 122.37.

A typographical error was made in § 122.6 *Signatories to permit applications and reports.* The first section was incorrectly labeled § 122.6(1), it is now amended to read § 122.6(a).

Executive Order 12291

Under Executive Order 12291, EPA must judge whether the amendments to the regulation are major and therefore subject to the requirements of a regulatory impact analysis. These amendments are not major because they are clarifications of the Agency's intent when it promulgated the regulations.

These amendments were submitted to OMB for review as required by Executive Order 12291. Any comments from OMB to EPA and any response by the Agency are available for public inspection at the Office of Drinking Water, Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

(Secs. 1421, 1422, 1423, 1431, 1445, 1447, 1450, Safe Drinking Water Act, as amended, 42 U.S.C. 300(f) et seq.)

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

40 CFR Part 122 is amended as follows:

PART 122—EPA-ADMINISTERED PERMIT PROGRAMS; THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM; AND THE UNDERGROUND INJECTION CONTROL PROGRAM

1. In § 122.3 three definitions are revised to read as follows:

§ 122.3 Definitions.

* * * * *

Area of review (UIC) means the area surrounding an injection well described according to the criteria set forth in § 146.06, or in the case of an area permit, the project area plus a circumscribing area the width of which is either ¼ of a mile or a number calculated according to the criteria set forth in § 146.06.

* * * * *

Plugging (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

* * * * *

Radioactive waste (UIC) means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR Part 20, Appendix B, Table II, Column 2.

* * * * *

2. In § 122.3 the definition for "Acidizing" is removed.

3. In § 122.16 the introduction to paragraph (a) is revised to read as follows:

§ 122.16 Termination of permits.

* * * * *

(a) The Director may terminate a permit during its term or deny a permit renewal application for the following causes:

* * * * *

4. In § 122.17 paragraph (f)(1) is revised to read as follows:

§ 122.17 Minor modifications of permits.

* * * * *

(f) * * *

(1) Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Director, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.

* * * * *

5. In § 122.31 paragraph (d) is revised by adding the following:

§ 122.31 Purpose and scope of subpart C.

* * * * *

(d) * * *

The prohibition applicable to Class IV wells under § 122.36 does not apply to injections of hazardous wastes into aquifers or portions thereof which have been exempted pursuant to § 146.04.

6. In § 122.32 paragraphs (c)(2), (c)(3) and (c)(4) are revised and (c)(5) is added to read as follows:

§ 122.32 Classification of injection wells.

* * * * *

(c) * * *

(2) In situ production of uranium or other metals;

(3) Solution mining of salts or potash

(4) In situ combustion of fossil fuel; and

(5) Recovery of geothermal energy.

* * * * *

7. In § 122.36 paragraph (b) is added to read as follows:

§ 122.36 Elimination of certain Class IV wells.

* * * * *

(b) The prohibition applicable to Class IV wells does not apply to injections of hazardous wastes into aquifers or portions thereof which have been exempted pursuant to § 146.04.

8. In § 122.37 paragraph (a)(1)(ii) and (a)(2)(i)(H) are revised as follows:

§ 122.37 Authorization of underground injection by rule.

* * * * *

(a) * * *

(1) * * *

(ii) Notwithstanding the prohibition in § 122.33, rules under paragraph (a)(1) of this section authorizing Class II and Class III wells or projects in existing fields or projects may allow them to continue normal operations until permitted, including construction, operation, and plugging and abandonment of wells as part of the operation, provided the owner or operator maintains compliance with all applicable requirements.

* * * * *

(2) * * *

(i) * * *

(H) Section 146.22 (casing and cementing requirements where appropriate).

* * * * *

9. In § 122.38 paragraphs (a) and (b)(2) are revised to read as follows:

§ 122.38 Application for a permit; authorization by permit.

* * * * *

(a) *Permit application.* Except as provided in § 122.37 (authorization by rule), all underground injections into Class I, II, or III wells in listed States shall be prohibited unless authorized by permit. Those authorized by a rule or under § 122.37 must still apply for a permit under this section unless authorization was for the life of the well or project. Rules authorizing well injections for which permit applications have been submitted shall lapse for a particular well injection or project upon the effective date of the permit or permit denial for that well injection or project.

(b) * * *

(2) For new injection wells, except new wells in projects authorized under § 122.37(a)(1) or covered by an existing area permit under § 122.39(c), a reasonable time before construction is expected to begin.

* * * * *

10. In § 122.41 the introduction to paragraph (c) and paragraph (c)(2)(ii) are revised to read as follows:

§ 122.41 Additional conditions applicable to all UIC permits.

* * * * *

(c) In addition to § 122.7(l)(1) (notice of planned changes): except for all new wells authorized by an area permit under § 122.39(c), a new injection well may not commence injection until construction is complete, and

* * * * *

(2) * * *

(ii) The permittee has not received notice from the Director of his or her intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in paragraph (c)(1) of this section, in which case prior inspection or review is waived and the permittee may commence injection. The Director shall include in his notice a reasonable time period in which he shall inspect the well.

* * * * *

11. In § 122.43 paragraphs (a) and (b) are revised to read as follows:

§ 122.43 Waiver of requirement by Director.

(a) When injection does not occur into, through or above an underground source of drinking water, the Director may authorize a well or project with less stringent requirements for area of review, construction, mechanical integrity, operation, monitoring, and reporting than required in 40 CFR Part 146 or § 122.42 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.

(b) When injection occurs through or above an underground source of drinking water, but the radius of endangering influence when computed under § 146.06(a) is smaller or equal to the radius of the well, the Director may

authorize a well or project with less stringent requirements for operation, monitoring, and reporting than required in 40 CFR Part 146 or § 122.42 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.

* * * * *

12. In § 122.44 paragraph (a) is revised and (b)(4) added to read as follows:

§ 122.44 Corrective action.

* * * * *

(a) *Coverage.* Applicants for Class I, II (other than existing), or III injection well permits shall identify the location of all known wells within the injection well's area of review which penetrate the injection zone, or in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review penetrating formations affected by the increase in pressure. For such wells which are improperly sealed, completed, or abandoned, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into underground sources of drinking water ("corrective action"). Where the plan is adequate, the Director shall incorporate it into the permit as a condition. Where the Director's review of an application indicates that the permittee's plan is inadequate (based on the factors in § 146.07), the Director shall require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit under paragraph (b) of this section, or deny the application. The Director may disregard the provisions of § 146.06 (area of review) and § 146.07 (corrective action) when reviewing an application to permit an existing Class II well.

(b) * * *

(4) *Class III wells only.* When setting corrective action requirements the Director shall consider the overall effect of the project on the hydraulic gradient in potentially affected USDWs, and the corresponding changes in potentiometric surface(s) and flow direction(s) rather than the discrete effect of each well. If a decision is made that corrective action is not necessary based on the determinations above, the monitoring program required in § 146.33(b) shall be designed to verify the validity of such determinations.

40 CFR Part 146 is amended as follows:

PART 146—UNDERGROUND INJECTION CONTROL PROGRAM: CRITERIA AND STANDARDS

1. In § 146.03 five definitions are revised to read as follows:

§ 146.03 Definitions.

* * * * *

Area of review means the area surrounding an injection well described according to the criteria set forth in § 146.06 or in the case of an area permit, the project area plus a circumscribing area the width of which is either ¼ of a mile or a number calculated according to the criteria set forth in § 146.06.

Casing means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering or leaving the hole.

* * * * *

Plugging means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

* * * * *

Radioactive Waste means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR Part 20, Appendix B, Table II column 2.

* * * * *

2. In § 146.03 the definitions for "Well log" and "Well record" are removed.

3. In § 146.05, paragraphs (c)(2), (e)(8), (e)(11), and (e)(13) thru (e)(15) are revised and (c)(3) and (c)(4) are renumbered as (c)(4) and (c)(5) and a new (c)(3) is added to read as follows:

* * * * *

§ 146.05 Classification of injection wells.

* * * * *

(c) * * *

(2) In situ production of uranium or other metals. This category includes only in-situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class V.

(3) Solution mining of salts or potash.

(4) In situ combustion of fossil fuel.

Note.—Fossil fuels includes coal, tar sands, oil shale and any other fossil fuel which can be mined by this process.

(5) Recovery of geothermal energy to produce electric power.

Note.—Class III wells include the recovery of geothermal energy to produce electric power but do not include wells used in heating or aquaculture which fall under Class V.

* * * * *

(e) * * *

(8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not.

* * * * *

(11) Radioactive waste disposal wells other than Class IV;

* * * * *

(13) Wells used for solution mining of conventional mines such as stopes leaching;

(14) Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts;

(15) Injection wells used in experimental technologies.

4. In § 146.06 paragraphs (a) and (b) are revised to read as follows:

§ 146.06 Area of review.

* * * * *

(a) *Zone of endangering influence.* (1) The zone of endangering influence shall be:

(i) In the case of application(s) for well permit(s) under § 122.38 that area the radius of which is the lateral distance in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into an underground source of drinking water; or

(ii) In the case of an application for an area permit under § 122.39, the project area plus a circumscribing area the width of which is the lateral distance from the perimeter of the project area, in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into an underground source of drinking water.

(2) Computation of the zone of endangering influence may be based upon the parameters listed below and should be calculated for an injection time period equal to the expected life of the injection well or pattern. The following modified Theis equation illustrates one form which the mathematical model may take:

$$r = \frac{(2.25\ K\ H\ t)^{1/2}}{S\ 10^{x}}$$

Where:

$$X = \frac{4\pi\ KH\ (h_w - h_{bw} \times SPG_b)}{2.3\ Q}$$

r = Radius of endangering influence from injection well (length)

K = Hydraulic conductivity of the injection zone (length/time)

H=Thickness of the injection zone (length)
t=Time of injection (time)
S=Storage coefficient (dimensionless)
Q=Injection rate (volume/time)
h_{bo}=Observed original hydrostatic head of injection zone (length) measured from the base of the lowest underground source of drinking water
h_w=Hydrostatic head of underground source of drinking water (length) measured from the base of the lowest underground source of drinking water
SpG_b=Specific gravity of fluid in the injection zone (dimensionless)
π=3.142 (dimensionless).

The above equation is based on the following assumptions:

(i) The injection zone is homogenous and isotropic;

(ii) The injection zone has infinite area extent;

(iii) The injection well penetrates the entire thickness of the injection zone;

(iv) The well diameter is infinitesimal compared to "r" when injection time is longer than a few minutes; and

(v) The emplacement of fluid into the injection zone creates instantaneous increase in pressure.

(b) *Fixed Radius.* (1) In the case of application(s) for well permit(s) under § 122.38 a fixed radius around the well of not less than one-fourth (¼) mile may be used.

(2) In the case of an application for an area permit under § 122.39 a fixed width of not less than one-fourth (¼) mile for the circumscribing area may be used.

In determining the fixed radius, the following factors shall be taken into consideration: Chemistry of injected and formation fluids; hydrogeology; population and ground-water use and dependence; and historical practices in the area.

* * * * *

5. In § 146.07, paragraphs (a) and (b) are revised to read as follows:

§ 146.07 Corrective action.

* * * * *

(a) Nature and volume of injected fluid;

(b) Nature of native fluids or by-products of injection;

* * * * *

6. In § 146.08, paragraphs (c)(1) and (c)(2) are revised to read as follows:

§ 146.08 Mechanical integrity.

* * * * *

(c) * * *

(1) The results of a temperature or noise log; or

(2) For Class II only, cementing records demonstrating the presence of adequate cement to prevent such migration; or

7. In § 146.12, the introduction to paragraph (d) is revised to read as follows:

§ 146.12 Construction requirements.

* * * * *

(d) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class I wells. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Director. At a minimum, such logs and tests shall include:

* * * * *

8. In § 146.13, paragraph (a)(1) is revised to read as follows:

§ 146.13 Operating, monitoring and reporting requirements.

(a) * * *

(1) Except during stimulation injection pressure at the wellhead shall not exceed a maximum which shall be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case shall injection pressure initiate fractures in the confining zone or cause the movement of injection or formation fluids into an underground source of drinking water.

* * * * *

9. In § 146.14, paragraphs (a)(11), (a)(16) and (b)(3) are revised to read as follows:

§ 146.14 Information to be considered by the Director.

* * * * *

(a) * * *

(11) Schematic or other appropriate drawings of the surface and subsurface construction details of the well.

* * * * *

(16) A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well as required by 40 CFR 122.42(g).

(b) * * *

(3) The anticipated maximum pressure and flow rate at which the permittee will operate;

* * * * *

10. In § 146.22, paragraph (a) and the introduction of paragraph (f) are revised to read as follows:

§ 146.22 Construction requirements.

(a) All new Class II wells shall be sited in such a fashion that they inject into a formation which is separated from any USDW by a confining zone that is free of known open faults or fractures within the area of review.

* * * * *

(f) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class II wells. A descriptive report interpreting the results of that portion of those logs and tests which specifically relate to (1) an USDW and the confining zone adjacent to it, and (2) the injection and adjacent formations shall be prepared by a knowledgeable log analyst and submitted to the Director. At a minimum, these logs and tests shall include:

* * * * *

11. In § 146.23, paragraphs (a)(1) and (c)(1) are revised to read as follows:

§ 146.23 Operating, monitoring and reporting requirements.

(a) * * *

(1) Injection pressure at the wellhead shall not exceed a maximum which shall be calculated so as to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the confining zone adjacent to the USDWs. In no case shall injection pressure cause the movement of injection or formation fluids into an underground source of drinking water.

* * * * *

(c) * * *

(1) Reporting requirements shall at a minimum include an annual report to the Director summarizing the results of monitoring required under paragraph (b) of this section. Such summary shall include monthly records of injected fluids, and any major changes in characteristics or sources of injected fluid. Previously submitted information may be included by reference.

* * * * *

12. In § 146.24 paragraphs (a)(2), (a)(3), (a)(7) and (b)(3) are revised to read as follows:

§ 146.24 Information to be considered by the Director.

* * * * *

(a) * * *

(2) A map showing the injection well or project area for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells, dry holes, and water wells. The map may also show surface bodies of waters, mines (surface and subsurface), quarries and other pertinent surface features including residences and roads, and faults if known or suspended. Only

information of public record and pertinent information known to the applicant is required to be included on this map. This requirement does not apply to existing Class II wells; and

(3) A tabulation of data reasonably available from public records or otherwise known to the applicant on all wells within the area of review included on the map required under paragraph (a)(2) of this section which penetrate the proposed injection zone or, in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review which penetrate formations affected by the increase in pressure. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and completion, and any additional information the Director may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction the Director may elect to only require data on a representative number of wells. This requirement does not apply to existing Class II wells.

* * * * *

(7) Schematic or other appropriate drawings of the surface and subsurface construction details of the well;

* * * * *

(b) * * *

(3) The anticipated maximum pressure and flow rate at which the permittee will operate.

* * * * *

13. In § 146.32, paragraph (b) and (h)(5) are revised to read as follows:

§ 146.32 Construction requirements.

(b) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class III wells. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Director. The logs and tests appropriate to each type of Class III well shall be determined based on the intended function, depth, construction and other characteristics of the well, availability of similar data in the area of the drilling site and the need for additional information that may arise from time to time as the construction of the well progresses. At a minimum, such logs and tests shall include deviation checks conducted on all holes where pilot holes and reaming are used, at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

* * * * *

(h) * * *

(5) The nature and volume of the injected fluid, the formation water, and the process by-products; and

* * * * *

14. In § 146.33 paragraphs (a)(1) and (b)(5) are revised to read as follows:

§ 146.33 Operating, monitoring and reporting requirements.

(a) * * *

(1) Except during well stimulation injection pressure at the wellhead shall be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case, shall injection pressure initiate fractures in the confining zone or cause the migration of injection or formation fluids into an underground source of drinking water.

* * * * *

(b) * * *

(5) Quarterly monitoring of wells required by 146.32(g).

* * * * *

15. In § 146.34 paragraphs (a)(2), (a)(3), (a)(11), (a)(15) and (b)(3) are revised to read as follows:

§ 146.34 Information to be considered by the Director.

* * * * *

(a) * * *

(2) A map showing the injection well or project area for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells, dry holes, public water systems and water wells. The map may also show surface bodies of waters, mines (surface and subsurface) quarries and other pertinent surface features including residences and roads, and faults if known or suspected. Only information of public record and pertinent information known to the applicant is required to be included on this map.

(3) A tabulation of data reasonably available from public records or otherwise known to the applicant on wells within the area of review included on the map required under paragraph (a)(2) of this section which penetrate the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and completion, and any additional information the Director may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction the Director may elect to only require data on a representative number of wells.

* * * * *

(11) Schematic or other appropriate drawings of the surface and subsurface construction details of the well;

* * * * *

(15) A certificate that the applicant has assured, through a performance bond, or other appropriate means, the resources necessary to close, plug, or abandon the well as required by 40 CFR 122.42(g) and

* * * * *

(b) * * *

(3) The anticipated maximum pressure and flow rate at which the permittee will operate;

* * * * *

[FR Doc. 81-25070 Filed 8-26-81; 8:45 am]
BILLING CODE 6560-29-M

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40 CFR Part 180

[PP OF2422/R343; PH-FRL-1921-5]

Glyphosate; Tolerances and Exemptions From Tolerance for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolites in or on forage grasses at 0.2 part per million (ppm) and forage legumes at 0.4 ppm. This regulation was requested by Monsanto Co. This regulation will establish the maximum permissible level for the combined residues of glyphosate in or on forage grasses and legumes.

EFFECTIVE DATE: Effective on August 27, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the Federal Register of October 28, 1980 (45

FR 71678) that Monsanto Company, 1101 17th St., N.W., Washington, DC 20036, had filed a pesticide petition (OF2422) with the EPA. This petition proposed the establishment of tolerances for combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite, aminomethylphosphonic acid in or on the raw agricultural commodities forage grasses at 0.2 part per million (ppm) and forage and forage legumes at 0.4 ppm.

The petitioner subsequently amended the petition by submitting a revised Section F rewording the proposal to read as follows: forage legumes (except soybeans and peanuts) at 0.4 ppm and forage grasses at 0.2 ppm. Because there is no potential increase in risk to humans, a proposal is not necessary.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted included an oral LD_{50} (rabbit) with a LD_{50} of 3.8 milligrams (mg)/kilogram (kg); 90-day feeding (rat) with a no-observable-effect-level (NOEL) of 2,000 ppm; a 90-day feeding (dog) with a NOEL of 2,000 ppm; teratology (2 rabbit studies) negative at 30 mg/kg/day (highest dose); teratology study (rat) negative at 3,500 mg/kg/day and fetotoxic NOEL of 1,000 mg/kg/day; teratology study (rabbit) negative at 350 mg/kg/day and the fetotoxic NOEL is 175 mg/kg/day; 2-year feeding study (dog) with a NOEL of 300 ppm, 3-generation reproduction (rat) with a NOEL of 100 ppm; 18-month feeding study (mouse) no carcinogenic potential at 300 ppm (highest dose); 2-year feeding study (rat) with a NOEL of 100 ppm, neurotoxicity (hen) negative at 7.5 mg/kg (highest dose); Ames assay (negative); rec-assay (negative); rec-assay (*B. subtilis*)—not mutagenic up to 2,000 milligram test material/disk; reverse mutation (not mutagenic); Ames Test (*Salmonella*) not mutagenic and dominant lethal assay (mouse)—negative at 2,000 mg/kg.

Data desirable but currently lacking are oncogenicity studies on two species. Although the oncogenic potential of glyphosate is not fully elucidated, the life-time rat and mouse studies provide assurance that glyphosate has a relatively low oncogenic potential. Further assurance of low risk with glyphosate is found in the fact that on theoretical basis the exposure via the diet is about one-fifth of the ADI. The company has been notified of the deficiences and has agreed to perform the above studies and to remove the use from the label should the results of the above studies exceed the risk criteria from chronic toxicity as stated in 40 CFR 162.11 of the regulations.

Tolerances have previously been established on a variety of commodities at levels from 0.1 ppm to 18.0 ppm. The tolerances in forage grasses (0.2 ppm) and forage legumes (0.4 ppm) contribute no additional theoretical maximal residue contribution (TMRC) to the current TMRC of 0.3284 mg/day/1.5 kg or 10.94 percent of the allowable daily intake (ADI). Other tolerances for this herbicide that have been approved, but not yet published, will contribute 0.02097 mg/day (1.5 kg) to the newly established TMRC for a total of 0.3494 mg/day (1.5 kg). This value will occupy 11.64 percent of the ADI. The ADI is based on a NOEL of 100 ppm (2-year rat feeding study) with a 100-fold safety factor.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residue in plants and animals is adequately understood. An adequate analytical method (gas chromatography using a phosphorous specific flame photometric detector) is available for enforcement purposes. Secondary residues of glyphosate and/or its metabolite which may occur in liver and kidney of livestock will be covered under existing tolerances. There is no reasonable expectation of finite residues of glyphosate or its metabolite in milk, eggs, or other animal tissues (§ 180.6(a)(3)).

Therefore, it is concluded that these tolerances will protect the public health.

Any person adversely affected by this regulation may, on or before September 28, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Dated: August 14, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.364 is amended by inserting the raw agricultural commodities to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Forage grasses	0.2
Forage legumes (except soybeans and peanuts)	0.4
* * * * *	

[FR Doc. 81–25044 Filed 8–26–81; 8:45 am]

BILLING CODE 6560–32–M

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40 CFR Part 180

[PP 1F2448/R340; PH–FRL–1921–4]

Oxamyl; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide/nematocide oxamyl (methyl *N'*, *N'*-dimethyl-*N*-[(methylcarbamoyl)oxy]-1-thiooxamimidate) in or on the raw agricultural commodity pears at 2.0 parts per million (ppm). This regulation was requested by E. I. du Pont de Nemours & Co. This regulation establishes the maximum permissible level for residues of the insecticide/nematocide in or on pears.

EFFECTIVE DATE: Effective on August 27, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm.

3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 8, 1981 (46 FR 35342) that E. I. du Pont de Nemours & Co., Wilmington, DE 19898, had submitted pesticide petition 1F2448 to the EPA. The petition proposed that a tolerance be established for residues of the insecticide/nematocide oxamyl (methyl *N'*, *N'*-dimethyl-*N*-[(methylcarbamoyl]oxy]-1-thiooxamimidate) in or on the raw agricultural commodity pears at 2.0 parts per million (ppm).

No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance included a two-year rat feeding/oncogenicity study and a two-year dog feeding study with no-observable-effect levels (NOEL) of 50 ppm and 100 ppm, respectively; a mouse oncogenicity study which was negative at dietary levels up to 75 ppm for two years; a three-generation rat reproduction study with a NOEL of 50 ppm; a rat teratogenicity study which was negative; and a rabbit teratogenicity study which was negative at up to 4 milligrams (mg)/kilogram (kg)/day with a NOEL of 2 mg/kg/day for fetotoxicity. Based on the two-year chronic rat feeding/oncogenicity study with a 50 ppm NOEL and using a safety factor of 100, the acceptable daily intake (ADI) for humans is 0.025 mg/kg of body weight (bw)/day. The theoretical maximal residue contribution (TMRC) in the human diet from the previously established tolerances, at levels ranging from 0.1 ppm to 10.0 ppm, and this tolerance does not exceed the ADI.

The metabolism of oxamyl is adequately understood, and an adequate analytical method (gas chromatography using a flame photometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of oxamyl nor are there any relevant considerations involved in establishing the tolerance. There is no expectation of secondary residues in eggs, meat, milk, or poultry; therefore, § 180.6(a)(3) applies.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before September 28, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: August 27, 1981.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: August 14, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.303 is amended by alphabetically inserting the raw agricultural commodity "pears" to read as follows:

§ 180.303 Oxamyl; tolerances for residues.

* * * * *

Commodity	Parts per million
Pears	2.0

* * * * *

[FR Doc. 81–25042 Filed 8–26–81; 8:45 am]

BILLING CODE 6560–32–M

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

41 CFR Ch. 101

[FPMR Temp. Reg. E–70, Supp. 1]

GSA Form 1473, Supply Activity Report; Temporary Regulation

AGENCY: Federal Supply Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to May 31, 1982, the expiration date of FPMR Temporary Regulation E–70, relating to GSA Form 1473, Supply Activity Report.

DATES: Effective date: August 27, 1981.

Expiration date: May 31, 1982.

FOR FURTHER INFORMATION CONTACT: Robert F. Welsh, Acting Director, Regulations Management Division (703–557–7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter E:

Note.—Supplement 1 to FPMR Temporary Regulations E–70 is filed with the original

document, and its text does not appear in this volume.

[FR Doc. 81-25073 Filed 8-26-81 8:45 am]

BILLING CODE 6820-24-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Editorial Amendment of the Commission's Rules to Reflect Name Change for the Industry EEO/Minority Enterprise Division

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is changing the name of the Industry EEO/Minority Enterprise Division, Office of Public Affairs, to Minority and Small Business Division. This is done to more accurately portray the actual function of the Division, as other FCC offices manage the industry EEO program.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Annie O'Donoghue, Office of Executive Director (202) 632-7513.

SUPPLEMENTARY INFORMATION:

In the matter of editorial amendment of Part 0 of the Commission's rules to reflect Name change for the Industry EEO/Minority Enterprise Division.

Order

Adopted: August 7, 1981.

Released: August 13, 1981.

1. A change in the name for the Industry EEO/Minority Enterprise Division was adopted by the Executive Director. The Industry EEO/Minority Enterprise Division is renamed the Minority and Small Business Division of the Office of Public Affairs. This change was necessary to clarify the function of the Division which is to assist minority and small business enterprises in the telecommunications marketplace but does not monitor industry EEO practices since other offices within the Commission handle this function. Part 0 of the rules and regulations, which describes the organization of the Commission, is being amended to reflect these changes and to add the Units in the Office of Public Affairs.

2. The amendments adopted herein pertain to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

3. It is ordered, effective August 31, 1981, that Part 0 of the rules and regulations is amended as set forth in the Appendix below.

Federal Communications Commission.

R. D. Lichtwardt,

Executive Director.

Appendix

PART 0—COMMISSION ORGANIZATION

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

1. Section 0.16 is added to read as follows:

§ 0.16 Units in the Office.

The Office of Public Affairs is comprised of the following units:

(a) Immediate Office of the Director

(b) Consumer Assistance and Information Division

(c) Minority and Small Business Division

(d) Press and News Media Division.

[FR Doc. 81-25063 Filed 8-26-81 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-606; RM-3623]

FM Broadcast Station in Alliance, Nebr.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C Channel 290 to Alliance, Nebraska, as its second FM assignment, and substitutes Channel 271 for Channel 221A, in response to a petition filed by the Nebraska Rural Radio Association.

DATE: Effective October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 11, 1981.

Released: August 20, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Alliance, Nebraska); report and order (proceeding terminated).

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 69499, published October 21, 1980, proposing the assignment of Class C FM Channel 271 to Alliance, Nebraska, as its second FM assignment, the substitution of FM Channel 290 for Channel 221A and the modification of the license for Station KFAH (Channel 221A) to specify operation on Channel 290. The petition was initiated by the Nebraska Rural Radio Association ("petitioner"), licensee of Stations KRVN and KRVN-FM, Lexington, Nebraska. Comments in support of the proposal were filed by the petitioner and by Fortner-Hill Broadcasting, Inc. Opposing comments were filed by KLOE, Inc., licensee of Station KCOW(AM), Alliance, Nebraska, to which petitioner responded.

2. Petitioner restated the information contained in the *Notice* which demonstrated the need for a second FM assignment to Alliance, and reiterated its intent to apply for the channel, if assigned. Fortner-Hill, in comments, favors the proposed substitution of channels, which will afford it an opportunity to compete and remain a viable station in the area market. Fortner-Hill requests that Channel 271 be substituted for Channel 221A instead. This substitution, it asserts, would allow greater range, providing a first FM and first nighttime aural service to a rural population of 235 persons in an area of 625 square miles.

3. KLOE, Inc., in opposing comments, contends that contrary to petitioner's claim that Alliance is served only by KCOW and KFAH(FM), it also receives service from nine city grade radio signals,[1] all in a radius of 60 miles. It states that the economy could hardly be regarded as on an "economic upswing," since 22 businesses have closed in the past 12 months. Additionally, KLOE claims that the petitioner has not demonstrated the need for a second FM assignment to Alliance. It contends that the present nine radio signals, two television stations, three newspapers and cable TV are all vying for advertising in Box Butte County, and slicing the radio budget once again would serve a devastating blow to the public service, public affairs and news programming. It further suggests that a public hearing be held in Alliance, to determine the need for the proposed station.

4. In reply comments, petitioner argues that KLOW's allegations of a lack of economic growth, service received from other signals, and the

[1] Station KCOW and KFAH(FM), Alliance, Nebraska; KOLT KNEB and KEYR(AM), KMOR and KNEB(FM), Scottsbluff, Nebraska; and KCRS(AM) and KQSK(FM), Chadron, Nebraska.

effect of public programming caused by the competitive impact lacks substantive merit, and that the opposition is seeking to protect its economic interest rather than promoting the public interest, which is best served by program diversity. Nebraska Rural urges the Commission to grant the proposed assignment, since the alleged competitive impact can best be assessed at the application stage, see *Rome, New York*, 42 RR 2d 618 (1978); *Healdsburg, California*, 52 F.C.C. 2d 244 (1975).

5. Alliance (population 6,862),[2] seat of Box Butte County (population 10,094) is located approximately 584 kilometers (365 miles) west of Omaha, Nebraska. It is served locally by fulltime AM Station KCOW and FM Station KFAH (Channel 221A).

6. In the *Notice* we stated that the assignment of Channels 271 and 290 to Alliance would cause preclusion on all seven channels. We also stated that the petitioner's engineering study indicated that a class C channel assignment would provide a first FM and first nighttime aural service to 1,313 persons in a 5,081 square kilometer (1,962 square mile) area, and a second FM nighttime aural service to 1,603 persons in a 2,670 square kilometer (1,031 square mile) area. Additionally, it was noted that the petitioner's statement did not consider unused Channel 234 assigned to Chadro, Nebraska, which would substantially reduce the second service figures. As petitioner indicated, however, Channel 234 had been replaced by Channel 248 at Chadron, Nebraska, and therefore the petitioner's figures of first and second service are correct. Alternate channels are available to the precluded areas, with a population greater than 1,000.

7. After careful consideration of the proposal and comments, we believe that the public interest would be served by the proposed assignment and substitution of channels. The fact that Alliance receives some service from stations in nearby communities, should not necessarily foreclose an additional assignment to Alliance. However, when the substantial first and second services are considered, the value of wide coverage area stations is of much greater importance as a public interest consideration.

Secondly, the issues raised by the opposition are of a competitive nature which are more appropriately considered at the application stage. We shall, therefore, assign Class C FM Channels 271 and 290 to Alliance, Nebraska, to avoid intermixture of Class A and C channels. We shall also (in paragraph 9) modify the license of Station KFAH to specify operation on Channel 271. We have no preference as to which channel is occupied by KFAH. We do not regard the reasons given for choosing Channel 271 for Station KFAH as valid. However, petitioner has given no reason for our reserving Channel 271 for its use and petitioner has not responded to Fortner-Hill's stated preference for Channel 271. Thus, we shall modify Station KFAH's license to specify Channel 271. Station KFAH is entitled to reimbursement for frequency change only, by the eventual permittee on Channel 290. See *Michell, South Dakota*, 62 F.C.C. 2d 70 (1976). Since no other interest has been expressed by a third party in a Class C channel at Alliance, we shall modify Station KFAH's license herein. See *Cheyenne, Wyoming*, 62 F.C. 2d 63 (1976).

[2] Population figures are taken from the 1970 U.S. Census.

§ 73.202 [Amended]

8. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective October 20, 1981, the FM Table of Assignments, § 73.202(b) of the rules, is Amended with respect to Alliance, Nebraska, as follows:

City	Channel No.
Alliance, Nebraska	271, 290

9. It is further ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Fortner-Hill Broadcasting, Inc. for Station KFAH(FM), Alliance, Nebraska, is modified, effective October 20, 1981, to specify operation on Channel 271 instead of Channel 221A. Station KFAH(FM) may continue to operate on Channel 221A for one year from the effective date of this action or until it is ready to operate on Channel 271, whichever is earlier, unless the Commission sooner directs subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 271, the licensee of Station KFAH(FM) shall submit to the Commission the technical information normally requested of an applicant for Channel 271;

(b) At least 10 days prior to commencing operation on Channel 271 the licensee of Station KFAH(FM) shall submit measurement data required of an applicant for an FM broadcast station license, and;

(c) The licensee of Station KFAH(FM) shall not commence operation on Channel 271 without prior Commission authorization.

(d) Nothing contained herein shall authorize a major change in transmitter site or avoid the necessity of filing an environmental impact state pursuant to § 1.1301 of the Commission's Rules.

10. It is further ordered, that the Secretary of the Commission SHALL SEND a copy of this *Order* by certified mail, return receipt requested, to Fortner-Hill Broadcasting, Inc., 210 Niobrara Avenue, Alliance, Nebraska 69301.

11. It is further ordered, that this proceeding is terminated.

12. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25060 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-566; RM3620]

FM Broadcast Station in Visalia, Calif.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 246 to Visalia, California, in response to a petition filed by Russell Schwamb. The assignment could provide this community with a second FM broadcast station.

DATE: Effective October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 11, 1981.

Released: August 20, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Visalia, California); report and order (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 64981, published October 1, 1980, proposing the assignment of FM Channel 246 to Visalia, California, as a second FM

assignment, in response to a petition filed by Russell Schwamb ("petitioner"). KONG, Inc., licensee of Stations KONG(AM) and KONG–FM in Visalia, filed comments opposing the assignment. Petitioner filed comments in which he reaffirmed his intent to file for the channel if assigned. In order to comply with the Commission's minimum distance mileage separation requirements, a site restriction of at least 10.5 kilometers (6.5 miles) southeast of Visalia is required.

2. Visalia (population 49,729),[1] the seat of Tulare County (population 245,751), is located approximately 264 kilometers (165 miles) northwest of Los Angeles, California. The community is served locally by full-time AM Station KONG and by FM Station KONG–FM, Channel 225.

3. Although Channel 246 can be assigned to Visalia with a site restriction of approximately 6.5 miles, petitioner proposes to locate its transmitter approximately 25 miles from Visalia. A transmitter located at this distance will not provide the required 70 dBu signal over the entire city. However, this matter can be more appropriately dealt with during the application process by way of a waiver request should petitioner persist in its selection of this site.

4. Petitioner has submitted information with respect to Visalia which is persuasive as to its need for an additional FM assignment. Petitioner has also indicated the available channels for the precluded communities.

5. In its opposition, KONG, Inc. asserts that Visalia is already well served by local and nearby stations. It also notes the preclusion impact on Lindsay, California, among others and urges that the proposal be dismissed.

6. In its reply, petitioner contends that the list of stations purportedly serving Visalia were proffered by KONG, Inc. without regard to the amount of service and nature of programming directed toward Visalia. Petitioner argues that KONG, Inc. is really interested in preserving its local dominance of the radio market.

7. We believe that the public interest would be served by the assignment of FM Channel 246 to Visalia, California. An interest has been shown in its use, and such an assignment would provide the community with an FM station which could render a second FM and first competitive broadcast service. The matter of the transmitter site location does not affect the need for and validity of the assignment. As for the preclusive impact, Channel 240A is alternately available for assignment to Lindsay, California.

[1] Population data are taken from the 1980 U.S. Census.

§ 73.202 [Amended]

8. Accordingly, it is ordered, that effective October 20, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Visalia, California	225, 246

9. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25059 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 80-586; RM-3628]

47 CFR Part 73

FM Broadcast Station in Farwell and Morton, Tex.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 222 to Farwell, Texas, in response to a petition filed by Best Broadcasting Company, Inc. This assignment could provide Farwell with its first full-time FM broadcast service.

DATE: Effective October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 11, 1981.

Released: August 19, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Farwell and Morton, Texas); *report and order* (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 69496, published October 21, 1980, proposing the assignment of Channel 222 to Farwell, Texas, and the reassignment of unused Channel 252A from Farwell to Morton, Texas, in response to a petition filed by Best Broadcasting Company, Inc. ("petitioner"). Petitioner filed comments reaffirming its intent to apply for Channel 222, if assigned to Farwell.

2. Farwell (population 1,185), seat of Parmer County (population 10,509),[1] is located approximately 164 kilometers (90 miles) southwest of Amarillo, Texas. The community presently receives local aural service from one daytime-only AM station.

3. Permian Broadcasters, Inc., licensee of Station KNFM (Channel 222) in Midland, Texas, filed comments arguing that the Farwell assignment would be short-spaced to KNFM. However, the separation between KNFM and the proposed Farwell transmitter site (30.2 kilometers (18.9 miles) from Farwell), is approximately 294 kilometers (184 miles). This site is in compliance with the applicable minimum distance separation requirements (§ 73.207 of the Commission's Rules) which requires a 180 mile separation for Class C co-channels.

4. Based on petitioner's revised figures, the assignment of Channel 222 to Farwell would provide a first FM and nighttime aural service to 11,580 persons in an area of approximately 3,577 square kilometers (1,381 square miles) and a second such service to 4,830 persons in an area of approximately 2,248 square kilometers (891 square miles).

5. We believe the public interest would be served by the assignment of Channel 222 to Farwell, Texas. An interest has been expressed for its use and the channel could provide a first fulltime local and substantial first and second FM and aural services. However, since no interest has been expressed in a Channel 252A assignment to Morton, Texas, we will not approve the reassignment. Rather the channel shall be retained at Farwell despite the intermixture result since any future interest in the channel will be pursued with full knowledge of the competitive situation. See *Yakima, Washington*, 42 F.C.C. 2d 548 (1973).

§ 73.202 [Amended]

6. Accordingly, it is ordered, that effective October 20, 1981, the FM Table of Assignments (§ 73.202(b) of the

[1] Population figures are taken from the 1970 U.S. Census.

Commission's Rules) is amended with regard to the following community:

City	Channel No
Farwell, Texas	222 252A

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25061 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-523; RM-3543 & 3780]

FM Broadcast Station in Helena, Mont.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns four Class C FM channels and deletes two Class A channels at Helena, Montana, in response to a petition filed by KCAP Broadcasters, Inc. In addition, the Class A licenses are modified to specify operation on two of the Class C channels.

DATE: Effective October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 11, 1981.

Released: August 21, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Helena, Montana), BC Docket No. 80-523, RM-3543, RM-3780 [1]; report and order (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 58624, published August 4, 1980, proposing the substitution of Class C Channel 258 for Channel 221A, and Channel 266 for Channel 276A at Helena, Montana, in response to a petition filed by KCAP Broadcasters, Inc., licensee of Station KCAP-FM, Helena, Montana. The *Notice* also proposed to modify the license of Station KBLL-FM (Channel 221A) and Station KCAP-FM (Channel 276A) to specify operation on the Class C channels. A counterproposal was submitted by Myhre Advertising, proposing the assignment of Channel 281 to Helena, as a third FM allocation. Comments were filed by the petitioner, Holter Broadcasting Corporation (licensee of Station KBLL-FM, Helena, Montana), Myhre Advertising, and Capital Investment (licensee of AM Station KMTZ, Helena, Montana). Reply comments in support of the counterproposal were filed by the petitioner, Myhre and Holter. Capital also filed reply comments.

2. In its comments the petitioner incorporated by reference the information contained in the *Notice* which demonstrated the need for a Class C assignment. Petitioner also stated its willingness to provide reimbursement to the Class A licensee (Station KBLL-FM) for the frequency change. Holter Broadcasting, the other Class A licensee, supports the proposal to upgrade its frequency from a Class A to a Class C facility, as proposed in the *Notice*.

3. Myhre Advertising, in comments, asked that a third Class C channel be assigned to Helena. Otherwise it would oppose the proposed modification of the Class A licenses to Class C channels since it was also interested in applying for a Class C channel. In support of a third Class C channel, Myhre Advertising merely recites petitioner's statement that Helena is a growing community and the State capital.

4. Capital Investment also advises the Commission of its interest in applying for a Class C channel. However, Capital opposes the proposed modifications of the Class A licenses. Capital contends that the proposal (assuming a third channel assignment) would unfairly upgrade the existing Class A licenses, while other interested parties must fight among themselves for the new assignment. It claims that it is not opposed to a third channel assignment to Helena, but using the establishment of a third channel as a basis for automatic modification of outstanding licenses would be contrary to the law and would constitute a gross inequity. Citing *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945). As an alternate proposal Capital suggests assigning four Class C channels, retaining the Class A channels and modifying them only after a comparative hearing can be held for all interested parties.

5. Petitioner in reply comments claims that Capital's proposal to retain Class A channels in addition to making three or four assignments is unjustified both for reasons of needlessly creating intermixture and the lack of interest in retaining the Class A channels which would result in five or six assignments for Helena. Petitioner favors the counterproposal of Myhre Advertising for a third Class C channel and deleting the Class A channels arguing that the availability of one Class C channel would satisfy the *Ashbacker* rights of all other interested parties.

6. Myhre, in its reply, rejects Capital's position that the Class A licenses cannot be modified where more than one additional interest is expressed in a Class C channel. Myhre suggests that requiring all the interested parties to apply for the two or three Class C assignments would result in "seemingly endless comparative proceedings that could take years to resolve." Myhre concludes that assigning four Class C channels may be the best solution.

7. Holter opposes Capital's proposal because it would create intermixture and states that it would prefer to keep the existing Class A station if it could not be modified.

8. Capital in its reply comments reasserts that the Class A licenses should not be modified to Class C channels along with the addition of a third Class C channel since as the licensee of an AM station in the community, it would be a certain loser to Myhre (who has no broadcast interest) in a comparative hearing, whereas the broadcast interests of petitioner and Holter would not be considered under the present proposal. Capital restates that two alternatives remain consistent with *Ashbacker*. First, the Commission could retain the Class A channels and allow all parties to compete for the Class C channels; or delete the Class A channels and require that all apply for Class C channels.

9. Helena (population 23,938), [2] seat of Lewis and Clark County (population 43,039) is located in the west-central part of the State, approximately 800 kilometers (500 miles) southeast of Seattle, Washington. It is served locally by fulltime AM Stations KCAP, KBLL, and KMTZ, and FM Stations KCAP-FM and KBLL-FM.

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[1] Public Notice of the petition was given on November 3, 1980, Report No. 1254.

[2] Population figures are taken from the 1980 U.S. Census.

10. As stated in the *Notice*, the assignment of Channel 266 to Helena would cause preclusion to twenty-seven communities with populations greater than 1,000, thirteen of which have no FM assignment.[3] The assignment of Channel 266 would provide a first FM service to approximately 3,859 square kilometers (2,412 square miles) for approximately 5,000 persons. Although no second FM service and aural figures were provided, review of the data indicates that a substantial number of persons would receive a second FM service. The assignment of Channel 258 would provide basically the same service.

11. After careful consideration of the proposal and comments, we have decided to assign four Class C channels to Helena, deleting the two Class A channels, and modifying the existing Class A licenses to specify Class C channels. These assignments would provide expanded service to the generally unserved surrounding area and population. We believe that four channels are justified considering the rural nature of this area with communities sparsely located and with availability of alternate channels. Admittedly, we are assigning four channels to respond to the number of interests as well as the desirability of additional service to this area. In doing so we are not seeking to avoid the *Ashbacker* issue that has been presented. Briefly we shall state our view on the matter while noting that we do not rely on *Ashbacker* principles in resolving the case. The opportunity for filing for a Class C channel is the only obligation we must fulfill to comply with *Ashbacker*. We need not open every Class C channel for each potential applicant since each channel is presumptively equivalent. The fact that a comparative hearing may result is always a possibility and our assigning four Class C channels may not even avoid that occurrence. Also the qualifications of a potential applicant with local broadcast interests, *e.g.*, does not require special treatment, in our opinion, as an allocation matter just because it may be at a disadvantage vis-a-vis another applicant without a local station. Accordingly, we have not assigned four Class C channels here solely to avoid a comparative hearing.

[3] Montana: White Sulphur Springs (pop. 1,302), East Helena (pop. 1,647), Deer Lodge (pop. 4,023), Boulder (pop. 1,441), Townsend (pop. 1,587), Three Forks (pop. 1,247), Whitehall (pop. 1,030), Philipsburg (pop. 1,138), Choteau (pop. 1,798), Conrad (pop. 3,074), Big Timber (pop. 1,690), and Fort Benton (pop. 1,693). Deer Lodge has an AM station (KDRG). Walkerville was listed in the *Notice*, however, since its 1980 population is below 1,000 it is being deleted.

12. Canadian concurrence in the assignments has been obtained.

§ 73.202 [Amended]

13. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective October 20, 1981, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to Helena, Montana, as follows:

City	Channel No.
Helena, Mont	258, 266, 281, 287

14. It is further ordered, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding licenses held by Holtzer Broadcasting Corporation, for Station KBLL–FM, Helena, Montana, IS MODIFIED, effective October 20, 1981, to specify operation on Channel 258 instead of Channel 221A, and the outstanding license held by KCAP Broadcasters, Inc. for Station KCAP–FM, Helena, Montana, is modified, effective October 20, 1981, to specify operation on Channel 266 instead of Channel 276A. Stations KBLL–FM and KCAP–FM may continue to operate on Channels 221A and 276A, respectively, for one year from the effective date of this action or until it is ready to operate on Channels 258 and 266, whichever is earlier, unless the Commission sooner directs subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 258, the licensee of Station KBLL–FM shall submit to the Commission the technical information normally requested of an applicant for Channel 258 and, at least 30 days before commencing operation on Channel 266, the licensee of Station KCAP–FM shall submit to the Commission the technical information normally requested of an applicant for Channel 266.

(b) At least 10 days prior to commencing operation on Channel 258, the licensee of Station KBLL–FM shall submit measurement data required of an applicant for a broadcast license, and at least 10 days prior to commencing operation on Channel 266, the licensee of Station KCAP–FM shall submit measurement data required of an applicant for a broadcast license; and

(c) The licensee of Station KBLL–FM shall not commence operation on Channel 258 without prior Commission authorization, and the licensee of Station KCAP–FM shall not commence operation on Channel 266 without prior Commission authorization.

(d) Nothing contained herein shall authorize a major change in transmitter site or avoid the necessity of filing an environmental impact statement where required.

15. It is further ordered, that the Secretary of the commission shall send a copy of this *Order* by certified mail, return receipt requested, to Holtzer Broadcasting Corporation, 2301 Colonial Drive, Helena, Montana 59601, and to Western Broadcasting Company, Box 1165, Helena, Montana 59601.

16. It is further ordered, that this proceeding is terminated.

17. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–25062 Filed 8–26–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 79–179; RM–3335]

Radio Broadcast Services: TV Broadcast Station in Tullahoma, Tenn.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 64 to Tullahoma, Tennessee, in response to a petition filed by Quin-Abi Broadcasting, Inc. The assignment would provide a first commercial television service to Tullahoma.

DATE: Effective October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 12, 1981.

Released: August 18, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.606(b), table of assignments, television broadcast stations (Tullahoma, Tennessee); BC Docket No. 79–179, RM–3335; report and order; (Proceeding Terminated).

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 44 FR 44195, published July 27, 1979, which proposed the assignment of UHF television Channel 64 to Tullahoma, Tennessee, in response to a petition filed by Quin-Abi Broadcasting, Inc. ("petitioner").[1] Petitioner filed comments in support of the petition and stated its intent to apply for the channel, if assigned. No oppositions to the proposal were filed.

2. Tullahoma (population 15,311)[2] is located on the border of Coffee (population 32,572) and Franklin (population 27,289) Counties, approximately 90 kilometers (55 miles) northwest of Chattanooga. It has no local television service.

3. The *Notice* recited petitioner's assertion that Tullahoma, the largest city in Coffee County, is in need of local television service since it receives no Grade A service and only Grade B service from cities a distance of over 80 kilometers (50 miles) away. Petitioner also claims that the proposed television station would serve in excess of 100,000 persons.

4. Additionally, we stated in the *Notice* that under the present Commission one-to-a market multiple ownership rules (§ 73.636(a)(1)) the petitioner, as licensee of an FM station in Tullahoma, could not become the licensee of a VHF television station. This proposal, however, would result in a UHF television-FM common ownership combination, which is treated on a case-by-case basis, based on whether the combination would be in the public interest. We previously announced a delay on deciding this proposal, awaiting the Commission's decision on a *Notice of Proposed Rule Making* adopted September 13, 1979 (BC Docket No. 79–233), proposing to delete the UHF exception to the multiple ownership rules and thereby prohibiting local radio licensees from applying for a UHF television station in the same community. While we have delayed action on this proposal pending the outcome of BC Docket No. 79–233, disposition of that proceeding is planned for the near future. Thus, we believe it is appropriate to avoid further delay to providing a local television station for Tullahoma. Since petitioner is the only party expressing any interest in the assignment and may not be able to apply for the assignment depending on the action in BC Docket 79–233, we shall condition this assignment on the action taken in the multiple ownership proceeding.

5. We believe that the petitioner has adequately demonstrated the need for a first UHF television assignment to Tullahoma, and that the public interest would be served by assigning UHF television Channel 64 to that community. Therefore, we shall assign UHF television Channel 64 to Tullahoma, Tennessee, and leave resolution of the common ownership question for the application process. The assignment can be made in compliance with the minimum distance separation requirements and other technical criteria.

PART 73—RADIO BROADCAST SERVICES

§ 73.202 [Amended]

6. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered That effective October 20, 1981, the Television Table of Assignments, (§ 73.606(b) of the Commission's Rules) is amended with respect to the community listed below:

City	Channel No.
Tullahoma, Tenn.	64+

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–25072 Filed 8–26–81; 8:45 am]

BILLING CODE 6712–01–M

[1] Licensee of Stations WJIG (AM) and (FM), Tullahoma, Tennessee.

[2] Population figures are taken from the 1970 U.S. Census.

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47 CFR Part 73

[BC Docket No. 80–743; RM–3659]

Radio Broadcast Services; FM Broadcast Station in Romney, West Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 261A to Romney, West Virginia, as that community's first commercial FM assignment, in response to a petition filed by Peter A. Bozick.

DATE: Effective October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 17, 1981.

Released: August 21, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of an amendment an of § 73.202(b), Table of Assignments, FM Broadcast Stations (Romney, West Virginia); BC Docket No. 80–743, RM–3659; *report and order* (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 81060, published December 9, 1981, proposing the assignment of FM Channel 261A to Romney, West Virginia, as that community's first FM assignment, at the request of Peter A. Bozick ("petitioner"). Supporting comments were submitted by the petitioner in which he reaffirmed his intention to apply for the channel, if assigned. No comments opposing the assignment were received. The assignment can be made in compliance with the Commission's mileage separation requirements.

2. Romney (population 2,364),[1] the seat of Hampshire County (population 11,710), is located approximately 108 kilometers (68 miles) southeast of Morgantown, West Virginia. This community is served by a 10-watt noncommercial FM station (WJGF).

3. Petitioner has submitted information with respect to Romney which is persuasive as to its need for a first local FM assignment.

4. We believe the public interest would be served by the assignment of Channel 261A to Romney, West Virginia. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local commercial broadcast service.

5. The Canadian Government has given its approval to the assignment of Channel 261A to Romney, West Virginia.

6. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

[1] Population figures are taken from the 1970 U.S. Census.

PART 73—RADIO BROADCAST SERVICES

7. Accordingly, it is ordered, That effective October 20, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to the following community:

City	Channel No.
Romney, WV	261A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin A. Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25123 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-744; RM-3675]

FM Broadcast Station in Lahaina, Hawaii; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 228A to Lahaina, Hawaii, as the community's first FM channel. The assignment is in response to a petition filed by Shoblom Broadcasting, Inc.

DATE: Effective October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 18, 1981.

Released: August 21, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Lahaina, Hawaii); BC Docket No. 80–744, RM–3675, report and order (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 81215, published December 10, 1980, proposing the assignment of either FM Channel 240A or Channel 228A to Lahaina, Hawaii, as that community's first FM assignment, at the request of Shoblom Broadcasting, Inc. ("petitioner"). Comments were filed by Mauna Kea Broadcasting Company, licensee of FM Station KJYE, Kailua, Hawaii, and by petitioner. Either channel may be assigned in compliance with the minimum mileage restrictions (Section 73.207 of the Rules).

2. Lahaina (population 10,284),[1] in Maui County (population 70,847), is located on the western shore of Maui Island, approximately 130 kilometers (80 miles) southeast of Honolulu. It has no local aural broadcast service.

3. Petitioner has submitted information with respect to Lahaina which is persuasive as to its need of a first local FM assignment.

4. Mauna Kea objects to the assignment of Channel 240A to Lahaina because it alleges that interference to the coverage of its Station KJYE (Channel 242) over the Island of Maui would occur. It urges us to assign Channel 228A instead. In response, petitioner asserts that the same problem could occur with respect to second adjacent Channels 226 and 230 in Honolulu if Channel 228A were assigned to Kailua-Kona. Mauna Kea argues that the Commission should act on the basis of the existing situation which would result in actual interference rather than the potential problem on Channel 228A which would occur only after the existing stations were upgraded and the proposed assignment occupied.

5. While both channels could be assigned consistent with the mileage separations, we feel that the public interest would be better served by the assignment of Channel 228A to Lahaina. We agree with Mauna Kea that the determination should be based on the existing factual situation rather than the potential problem. The immediate result of a new Lahaina station on Channel 240A would limit the coverage of Station KJYE. The Honolulu stations would not be affected as much (taking into account their present facilities and location) by the assignment of Channel 228A.

PART 73—RADIO BROADCAST SERVICES

§ 73.202 [Amended]

6. Accordingly, it is ordered, that effective October 20, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

[1] Population data are taken from the 1980 U.S. Census.

City	Channel No.
Lahaina, Hawaii	228A

7. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25122 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-764; RM-3677]

FM Broadcast Station in Ponca City, Oklahoma; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 261A to Ponca City, Oklahoma, in response to a petition filed by Music Sound Radio, Inc. This assignment would provide Ponca City with its third FM broadcast assignment.

DATE: Effective October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 11, 1981.

Released: August 19, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Ponca City, Oklahoma); report and order (proceeding terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 84833, published December 23, 1980, proposing the assignment of FM Channel 261A to Ponca City, Oklahoma, at the request of Music Sound Radio, Inc. ("petitioner"). This assignment would provide Ponca City with its third FM channel. Comments opposing the proposed

assignment were filed by Station KLOR in Ponca City ("KLOR"). Petitioner filed comments in which it reaffirmed its intent to apply for the channel, if assigned. The assignment can be made in compliance with the applicable minimum distance requirements.

2. Ponca City (population 25,940 [1]), in Kay County (population 48,791), is located approximately 110 kilometers (70 miles) north of Oklahoma City. Ponca City is currently served by FM Stations KLOR (Channel 257A) and KPNC (Channel 265A) and by fulltime AM Station WBBZ.

3. In opposition to the proposed assignment, KLOR contends that the assignment of an additional FM frequency to Ponca City is unnecessary. The additional channel would provide no new primary service in northern Oklahoma, according to KLOR. Further, KLOR claims that assignment of a third FM Broadcast station to Ponca City would create an adverse economic condition for all radio stations in northern Oklahoma and southern Kansas. KLOR states that in 1980, Ponca City reported only a 1.77% increase in population from the 1970 figure. Thus, KLOR believes that there has been an insufficient showing of need for the assignment of an additional FM channel to Ponca City, Oklahoma.

4. A third FM assignment to Ponca City would exceed the population guidelines. However, these guidelines have been relaxed where special considerations have been found. As stated in the case of *Waycross, Georgia*, 47 R.R. 2d 319 (1980), "a definite trend has taken place to emphasize the efficiency of a proposed assignment by evaluating the preclusive impact and giving less priority to the numerical distribution of channels." The preclusion impact of this proposed assignment is not, in our opinion, significant enough to deny an additional station for Ponca City. Only Newkirk, Oklahoma (population 2,173), 20 kilometers (12.6 miles) from Ponca City, has population of over 1,000 and is without local aural service. But a staff study of alternative available channels suggests Channel 269A can be assigned to Newkirk with an approximate 6.9 kilometer (4.3 mile) site restriction.[2] On that basis, we find no obstacle to the assignment of a third FM channel to Ponca City, an important city in the area of north central Oklahoma. The economic impact of this assignment can be raised in response to the filing of an application for this channel.

[1] Population figures are taken from the 1970 U.S. Census.

[2] Such an assignment must await the transmitter site change of Station KFDI–FM, Wichita, Kansas, for which a construction permit has been issued.

§ 73.202 [Amended]

5. Accordingly, it is ordered, that the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to Ponca City, Oklahoma, as follows effective October 20, 1981:

City	Channel No.
Ponca City, Oklahoma	257A, 261A, 265A.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–25058 Filed 8–26–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–34; RM–3716]

FM Broadcast Station in Elkins, West Virginia; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Elkins, West Virginia, in response to a petition filed by Marja Broadcasting Corp. This assignment could provide Elkins with a second commercial FM broadcast station.

DATE: Effective October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 17, 1981.

Released: August 21, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations, (Elkins, West Virginia); BC Docket No. 81–34, RM–3716; *report and order;* (Proceeding Terminated).

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 10784, published February 4, 1981, proposing the assignment of FM Channel 257A to Elkins, West Virginia, as that community's second commercial FM assignment, at the request of Marja Broadcasting Corporation ("petitioner"). No comments opposing the assignment were received. Petitioner filed comments reaffirming its intent to apply for the channel, if assigned. The assignment can be made in compliance with the applicable minimum distance separation requirements of § 73.207.

2. Elkins (population 8,287 [1]), the seat of Randolph County (population 24,596), is located approximately 168 kilometers (105 miles) northeast of Charleston, West Virginia. This community presently has one commercial FM assignment (Channel 237A).

3. Petitioner has presented information which indicates Elkins, as the seat of a growing and developing county, deserves a second FM station.

4. Petitioner's study shows that no community of over 1,000 population and without an FM channel would suffer preclusion by the assignment of Channel 257A to Elkins.

5. We believe the public interest would be served by the assignment of FM Channel 257A to Elkins, West Virginia. An interest has been shown for its use, and such an assignment would provide the community with an additional FM service.

6. The Canadian Government has given its approval of the assignment of Channel 257A to Elkins, West Virginia.

7. Since Elkins is located in the Quiet Zone, applicants for Channel 257A must coordinate the location of their transmitter site with the NRAO and the NRL as required by § 73.1030 of the Commission's Rules.

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

PART 73—RADIO BROADCAST SERVICES

§ 73.202 [Amended]

9. Accordingly, it is ordered, that effective October 20, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

[1] Population figures are taken from the 1970 U.S. Census.

City	Channel No.
Elkins, West Virginia	237A, 257A.

10. It is further ordered, that this proceeding is terminated.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–25024 Filed 8–26–81; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: Under the authority delegated by the Assistant Administrator for Fisheries, NOAA, the Northeast Regional Director, National Marine Fisheries Service (NMFS) is reallocating the entire reserve of *Illex*, 13,000 metric tons (mt), to foreign fishing. The projected total domestic *Illex* harvest, (29 mt), is below the estimated domestic annual harvest (DAH) (5,000 mt). As a result, the revised total allowable level of foreign fishing (TALFF) for *Illex* squid for the remainder of the fishing year will be increased to 25,000 mt of *Illex*. This action will promote the orderly conduct of *Illex* squid fishing.

EFFECTIVE DATE: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617–281–3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Squid Fishery (FMP), as amended (45 FR 63863), established a reserve of *Illex* squid (*Illex*), with provisions to allocate all or part of the reserve to TALFF, unless projected to be caught by U.S. fishermen. The Northeast Regional Director, NMFS, is authorized to review the U.S. *Illex* harvest during August and to project the total amount which will be harvested during the remainder of the fishing year. The estimated DAH is 5,000 mt. The projection was derived by using a multiplication factor from reported monthly domestic landings for the 1979–1980 fishing year.

As required by 50 CFR 655.22, the *Illex* landings for April through July, 1981 were multiplied by a factor of 2.9 to obtain the projected annual harvest. Domestic *Illex* landings from April through July, 1981, were 10 mt; therefore the projected annual harvest is 29 mt. No foreign nation made application to receive U.S. harvested *Illex* this fishing year; therefore, no *Illex* is retained in the reserve for that purpose. The entire *Illex* reserve of 13,000 mt is apportioned to foreign fishing for the remainder of the fishing year, ending March 31, 1982.

This action is not subject to E.O. 12291 nor the Regulatory Flexibility Act because it is merely a management action implementing regulations that specify the circumstances under which the agency is to reallocate the reserve (50 CFR 655.22). The environmental impact for this action was evaluated in the final environmental impact statement and supplements prepared for the FMP and its amendments, which are on file with the Environmental Protection Agency.

The 30-day delay in implementation required by the Administrative Procedures Act is waived to allow foreign vessels to catch as much of the 13,000 mt as possible during the remainder of the *Illex* fishing season.

(16 U.S.C. 1801 *et seq.*)

Dated: August 24, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611, Appendix I, § 611.20, entry 1.D. is revised as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

Appendix I. Optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), domestic non-processed fish (DNP), reserve and total allowable level of foreign fishing (TALFF), all in metric tons.

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
1. Northwest Atlantic Ocean Fisheries:									
D. Squid Fisheries squid, short-finned	504		30,000	5,000		0		0	25,000

[FR Doc. 81–25079 Filed 8–26–81; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 46, No. 166
Thursday, August 27, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 71

General Provisions; Interstate Movement of Diseased Animals and Poultry

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulation restricting the interstate movement of diseased animals and poultry by deleting the words "in sheep" from the phrase "bluetongue in sheep" as a communicable disease endemic to the United States. This action is necessary because the regulation, as written, could be interpreted to exclude bluetongue in other species. With this revision, the regulation would more accurately reflect the disease status in the United States and clarify the Department's authority and determination to restrict the movement of other animals affected with bluetongue.

DATE: Comments on or before October 26, 1981.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, USDA, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Jack R. Pitcher, Sheep, Goat, Equine and Ectoparasites Staff, Room 738, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8231.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule". The proposed rule, if adopted, would not have a significant effect on the economy and would not result in any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this amendment would only clarify the regulations presently imposed on livestock. There would be no new or additional requirements or cost imposed on small entities.

This amendment merely clarifies the language of the present regulations. The only alternative considered was of making no change to the present regulations. This alternative was rejected because no new or additional costs will be imposed by amending the regulations and the proposed action will clarify the intent of the regulations to prohibit the interstate movement of other animals as well as sheep affected with bluetongue.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended, sections 3 and 11 of the Act of May 29, 1884, as amended, and section 7 of the Act of February 2, 1903, as amended (21 U.S.C. 111, 114, 114a, 120), the Animal and Plant Heath Inspection Service is considering amending Part 71, Title 9, Code of Federal Regulations.

Bluetongue (BT) is a disease of sheep, cattle, goats, and wild ruminants. Acute BT causes a severe inflammation of the mucous membrane of the mouth, nasopharynx, esophagus, rumen, and lower disgestive tract; lesions may appear on the teats, udder and coronary band; congenital deformities and neonatal losses may occur. Transmission in nature is accomplished by the bites of gnats, so the disease is seasonal in occurrence.

There are four types of bluetongue virus found in the United States. The virus was first isolated in the United States from California sheep in 1952, but the disease had been recognized in Texas as early as 1948, where it was known as "sore muzzle." Recent research has revealed that the effects of BT in cattle are more serious than had been suspected in the past.

Australia, New Zealand, the European Economic Community and Canada either refuse entry or impose restrictions on the importation of cattle with bluetongue. The Department must be able to control the movement of BT affected cattle in order to assure countries receiving cattle from the United States of their BT-free status as well as to control the spread of the disease within this country.

The current regulation in 9 CFR 71.3(a) reads in part: "Animals or poultry affected with any of the following diseases, which are endemic to the United States: * * * bluetongue in sheep * * * or any other communicable disease which is endemic to the United States, * * * shall not be moved interstate." The listing of "bluetongue in sheep" was not intended to exclude bluetongue in other animals from the category of "any other communicable disease which is endemic to the United States." However, since the same sentence specifies "bluetongue in sheep," it could be interpreted to exclude bluetongue in any other animals, even though it has always been the Department's policy to prohibit all animals affected with bluetongue from moving interstate.

Therefore, it has been determined that the words "in sheep" should be deleted from the phrase "bluetongue in sheep" to clarify the Department's determination that the prohibition extends to the disease in any animal.

PART 71—GENERAL PROVISIONS

Accordingly, Part 71, Title 9, Code of Federal Regulations, would be amended in the following respects:

§ 71.3 [Amended]

In § 71.3(a), the words "in sheep" would be removed from the phrase "bluetongue in sheep."

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (9 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register**.

Done at Washington, D.C., this 21st day of August 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-24688 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-13]

Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before: October 26, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on August 18, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
		DESCRIPTION OF PETITION
21716	Israel Aircraft Industries	Amend SFAR 14, to delete the 12,500 pounds maximum zero fuel weight limitations of paragraph 4 1(a) and 41.1(b) in order to allow certain airplanes to operate with an increased revenue payload. Petitioner states the 12,500 pound maximum zero fuel weight limitation is exclusively an economic penalty and is not a safety consideration. It imposes a restriction on the efficient operation of such commuter type airplanes certificated under SFAR 41 requirements.
NOTE—This Petition was previously published. The comment period is extended until October 26, 1981 due to similarity to the following Fairchild Swearingen Petition.		
21716	Fairchild Swearingen	Amend SFAR 14, to limit the passenger seats to 19. Petitioner contends the economic benefits intended by SFAR 41 would be fully realized, expanded avionics installations will become available to operators, and the availability of an economically effective airplane will encourage the wide-spread adoption of SFAR 41 airplanes to replace the less advance types now in service.
20589	Evans North on behalf of Civil Pilots for Regulatory Reform.	Petitioner proposes to eliminate a history of myocardial infarction ("heart attack") as "an automatic disqualification for life" for airman medical certification. "Tests and values" would be used to determine if an airman could resume pilot responsibilities after a heart attack. Petitioner proposes amendment of the FAA medical exemption procedures to allow each airman to have access to medical records and consultants' reports prior to any meeting of medical advisors, and to attend, and present evidence at, any meeting of FAA medical advisors. An individual record of each advisor's position, as well as a total record for possible court review would also be required.
		REGULATIONS AFFECTED
		14 CFR Part 11 and Sections 67 13(e)(1), 67 15(e)(1), and 67 17(e)(1).
		PETITIONER'S REASONS FOR RULE
		Petitioner believes that individuals who have sustained myocardial infarctions should not be "disqualified for life" from performing aircraft pilot duties and that the regulations should specify standards used for determining fitness for subsequent airmen medical certification. Petitioner also believes that airmen and their own experts should be allowed to appear before any FAA review panel to present their position.
NOTE—Evans North's previous petition of a similar nature was withdrawn—see disposition section.		

Petitions for Rulemaking: Withdrawn or Denied

Docket No.	Petitioner	Description of the Rule requested
		DESCRIPTION OF PETITION
20589	Evans North	Elimination of a history of myocardial infarction ("heart attack") as a specified disqualification for airman medical certification. A "designated medical test" would be used to determine if an airman could resume pilot responsibilities after a heart attack.
		REGULATIONS AFFECTED
		14 CFR Sections 67 13(e)(1)(ii), 67 15(e)(1)(ii), and 67 17(e)(1)(ii)

Petitions for Rulemaking: Withdrawn or Denied—Continued

Docket No	Petitioner	Description of the Rule requested	Petitioner's Reasons for Rule
Withdrawn			Petitioner believes that individuals who have sustained myocardial infarctions should not be "disqualified for life" from performing aircraft pilot duties and that the regulations should specify standards used for determining fitness for subsequent airman medical certification.

[FR Doc 81-24660 Filed 8-26-81, 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 18605/81-AWE-2]

Proposed Alteration of Group II Terminal Control Area—Las Vegas, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to reconfigure the Group II Terminal Control Area (TCA) at Las Vegas, NV, which first became effective on November 11, 1974. This action would change the TCA floors in some areas and expand the overall TCA airspace in other segments. This realignment would provide greater flexibility to aircraft wishing to avoid the TCA airspace. The proposal would ensure that turbine-powered aircraft operations would be wholly contained within TCA airspace and that the high level of safety provided by the TCA would not be reduced.

DATE: Comments must be received on or before November 25, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 18605/81-AWE-2, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Richard Morrison, Airspace and Procedures Branch, Air Traffic Division (AWE-530), Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261; telephone: (213) 536-6180.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 18605/81-AWE-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

History

As part of a comprehensive program announced on December 27, 1978, in the FAA Administrator's Plan for Enhanced Safety in the National Airspace System, Las Vegas was a candidate for possible expansion of the designated TCA airspace. Consequently, the Las Vegas TCA was reviewed in depth. The goal was to provide the safest and most efficient configuration for all airspace users. Aspects that were considered included noise abatement, costs to users, safety for passengers and aircraft, and the safe and efficient use of airspace.

The proposed action would reconfigure parts of the TCA by changing the TCA floors in some areas and expanding the overall airspace in other segments. This realignment would provide greater flexibility to aircraft wishing to avoid the TCA airspace. It is necessary to propose an expansion of portions of the TCA airspace to ensure that turbojet aircraft operations would be wholly contained within TCA airspace and the high level of safety provided by the TCA would not be reduced.

After experience is gained with the revised TCA configuration, consideration will be given to proposing any modifications that appear necessary. Any future modifications that may be proposed would be thoroughly coordinated with the airspace users.

The proposal contained in this notice was preceded by broad and helpful public participation with the FAA in considering the development of an airspace description for a TCA that is responsive to the need to increase safety and to the needs of both transient and local aircraft operators. An extensive publicity effort was made to invite all interested persons to participate in meetings held on June 19 and 27, 1979. Invitations were extended to 3,000 airspace users in the Las Vegas area. Notice of the meetings was also given radio and press coverage. In response to public suggestions, several adjustments to the TCA configuration were developed and are reflected in this

notice. An additional opportunity for public participation is provided by this notice to ensure full consideration of public concerns at every stage of the rulemaking process.

Local Benefits

The modification of the Group II TCA, as proposed in this notice, would provide greater flexibility to aircraft wishing to avoid TCA airspace. In addition, all turbojet arrival and departure profiles would be fully contained within TCA airspace for air safety purposes. The TCA would have a minimum impact on aircraft not required to be under ATC control due to this proposed action.

Summary of Proposed Changes

Area A—This area would be changed to extend the eastern boundary, between the Las Vegas 046°T(031°M) radial and the Las Vegas 115°T(100°M) radial, to the 10 nautical mile (NM) arc. This change would lower the floor of the TCA in the above described area from 3,600 feet to the surface.

This configuration change would lower the TCA floor in an area that was virtually unusable for operations due to terrain. This change also would provide for the complete containment of turbojet aircraft departing eastbound from Las Vegas Airport.

Area B—This area would be changed to lower the floor of the TCA from 5,500 feet to 4,500 feet in the area between the Las Vegas 046°T(031°M) radial and the Las Vegas 075°T(060°M) radial between the 10 NM and 15 NM arcs.

This configuration change provides for the containment of turbojet aircraft departing to the northeast from Las Vegas Airport. This proposed change was prompted by reduced climb rates due to extreme summer temperatures.

Area C—This area would be changed to redefine the northern boundary as the Las Vegas 046°T(031°M) radial and the southern boundary as the Las Vegas 125°T(110°M) radial. This change would lower the floor of the TCA in the area between the Las Vegas 046°T(031°M) radial and the Las Vegas 055°T(040°M) radial between the 15 NM and 20 NM arcs.

This configuration change simplifies the TCA description and provides for the containment of turbojet aircraft departing Las Vegas Airport until exiting the top of the TCA south of Boulder City VORTAC.

Area D—This area is an addition to the existing TCA airspace and would provide TCA airspace (8,000 feet-9,000 feet) between the Las Vegas 083°T(068°M) radial and the Las Vegas 115°T(100°M) radial between the 20 NM and 25 NM arcs.

This proposed addition to the TCA airspace provides for the containment of arrivals from the east that are operating on a Standard Terminal Arrival Route (STAR).

Area E—This area would be changed to eliminate the portion within the 10 NM arc between the Las Vegas 150°T(135°M) radial and the Las Vegas 180°T(165°M) radial.

This proposed configuration change simplifies the description of this segment of the TCA airspace and ensures containment of STAR's.

Area F—This area would be expanded to encompass the airspace between the Las Vegas 125°T(110°M) radial and the Las Vegas 235°T(220°M) radial between the 15 NM and 20 NM arcs.

This proposed configuration change provides for the containment of instrument aircraft operating on established STAR's and Standard Instrument Departures (SID's).

Area G—This area would be expanded to include that airspace between the 8 NM and 10 NM arcs from the Las Vegas 180°T(165°M) radial to the Las Vegas 295°T(280°M) radial and that area over Sky Harbor Airport which was previously contained in the 6,000 feet to 9,000 feet area.

This configuration change would provide operational advantages when vectoring aircraft, to Runway 01 at Las Vegas Airport, in the area where the TCA floor is lowered to 5,000 feet. The expansion of the 5,000-foot area to the east would also provide better ingress and egress to Sky Harbor Airport by aircraft operating outside the confines of the TCA.

Area H—This change would reduce the airspace (4,000 feet-9,000 feet) from the 10 NM arc to the 8 NM arc.

This proposed configuration change reduces the compression of aircraft operating below the floor of the TCA that are proceeding to/from Sky Harbor Airport. Additionally, this change would provide for the containment of turbojet aircraft departing Las Vegas Airport.

Area I—This change would add airspace (4,500 feet-9,000 feet) from the Las Vegas 295°T(280°M) radial to the Las Vegas 005°T(350°M) radial between the 6 NM and 10 NM arcs.

This configuration change would ensure the containment of turbojet aircraft departing to the west. Procedures would require those aircraft to climb to 4,000 feet before commencing a turn.

Area J—This change would raise the floor of the TCA from 4,000 feet to 5,000 feet in the area bordered by U.S. Highway 95 and the Las Vegas 005°T(350°M) radial between the 11 NM and 15 NM arcs.

This proposed configuration change raises the floor of the TCA and therefore reduces the compression of aircraft operating below the TCA.

Area K—No Change.

Area L—No Change.

Area M—This proposed change redefines the airspace (5,000 feet-9,000 feet) between the Las Vegas 033°T(018°M) radial and the Las Vegas 046°T(031)°M) radial to be between the 25 NM and 30 NM arcs in lieu of the 22 NM and 28 NM arcs.

This configuration change would provide for full containment of Nellis Air Force Base aircraft operating in the ground control approach and instrument landing system patterns and terminal arrival routes.

Area N—This change would amend the description of this airspace to include the area between the 30 NM and 36 NM arcs.

This configuration change would reduce the overall airspace for this segment of the TCA.

Area O—This change would add airspace (8,000 feet-9,000) bounded on the west by the Las Vegas 046°T(031°M) radial and on the east by the Las Vegas 060°T(045°M) radial between the 20 NM and 25 NM arcs.

This proposed configuration change is necessary to provide containment of an eastbound SID.

Economic Impacts

The costs of modifying the Las Vegas TCA are being considered as part of the regulatory decisions being made. Since all turbine-powered IFR aircraft will continue to be contained in the TCA as reconfigured, there will be no change in economic effect for those flights. Uncontrolled aircraft will have the same or larger amounts of airspace in which to conduct their activities. Any adverse economic impact that may now exist will remain the same or be reduced as available airspace is increased for traffic not operating within the TCA.

The proposed TCA configuration, when compared to the existing configuration, demonstrates no change in impacted airports, number of operations, or the number of airports receiving diverted traffic. The distance in air miles or ground miles flown by diverted traffic, the number of aircraft expected to relocate or divert due to the TCA, and operational procedures at adjacent airports would remain unchanged.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 768) by revising the Las Vegas, NV, TCA to read as follows:

Subpart K—Terminal Control Areas

§ 71.401 Designation.

* * * * *

(b) Group II, Terminal Control Areas:

* * * * *

Las Vegas, NV, Terminal Control Area, Primary Airport and Navigational Aid, McCarran International Airport (Lat. 36°04'48" N., Long. 115°09'08" W.). Las Vegas VORTAC (Lat. 36°04'47" N., Long. 115°09'32" W.).

Boundaries. Based on Las Vegas VORTAC (LAS) arcs, DME distances, and radials.

Area A. That airspace extending upward from the surface to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the Las Vegas 020°T(005°M) radial; thence direct to the 20-mile DME point on the Las Vegas 033°T(018°M) radial; thence northeasterly along the Las Vegas 033°T(018°M) radial to the 25-mile DME point, and clockwise along the 25-mile radius arc to the Las Vegas 046°T(031°M) radial, and southwesterly along the Las Vegas 046°T(031°M) radial, to and clockwise along the 10-mile radius arc to the Las Vegas 115°T(100°M) radial; thence westerly along a line direct to, and counterclockwise along, the 2-mile radius arc of Henderson Sky Harbor Airport (Lat. 35°58'35" N., Long. 115°07'55" W.) to, and along, the Las Vegas 180°T(165°M) radial to, and clockwise along, the 6-mile radius arc to, and counterclockwise along, the 2.5-mile radius arc of North Las Vegas Air Terminal (Lat. 36°12'45" N., Long. 115°11'46" W.) to, and north along, the Las Vegas 005°T(350°M) radial to, and clockwise along, the 15-mile radius arc to the point of beginning.

Area B. That airspace extending upward from 4,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 10 and 15-mile radii arcs bounded on the north by the Las Vegas 046°T(031°M) radial and on the south by the Las Vegas 115°T(100°M) radial.

Area C. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 15 and 20-mile radii arcs bounded on the north by the Las Vegas 046°T(031°M) radial and on the south by the Las Vegas 125°T(110°M) radial.

Area D. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 20 and 25-mile radii arcs bounded on the north by the Las Vegas 063°T(068°M) radial and on the south by the Las Vegas 115°T(100°M) radial.

Area E. That airspace extending upward from 6,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 10 and 15-mile radii arcs bounded on the northeast by the Las Vegas 115°T(100°M) radial and on the southwest by the Las Vegas 185°T(170°M) radial.

Area F. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 15 and 20-mile radii arcs bounded on the east by the Las Vegas 125°T(110°M) radial and on the west by the Las Vegas 235°T(220°M) radial.

Area G. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 10-mile DME point on the Las Vegas 115°T(100°M) radial; thence clockwise along the 10-mile radius arc to, and south along, the Las Vegas 185°T(170°M) radial to, and clockwise along, the 15-mile radius arc to, and northeasterly along, the Las Vegas 235°T(220°M) radial to, and clockwise along, the 10-mile radius arc to, and easterly along, the Las Vegas 295°T(280°M) radial to, and counterclockwise along, the 8-mile radius arc, to, and northerly along the Las Vegas 180°T(165°M) radial to, (Lat. 35°59'45" N., Long. 115°09'40" W.) and clockwise along, the 2-mile radius arc to Sky Harbor Airport to, and easterly along, a line direct to the point of beginning.

Area H. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 6 and 8-mile radii arcs bounded on the north by the Las Vegas 295°T(280°M) radial and on the south by the Las Vegas 180°T(165°M) radial.

Area I. That airspace extending upward from 4,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 6-mile DME point on the Las Vegas 295°T(280°M) radial; thence westerly along that radial to, and clockwise along, the 10-mile radius arc to, and northwesterly along, U.S. Highway 95 to, and clockwise along, the 11-mile radius arc to, and southerly along, the Las Vegas 005°T(350°M) radial to, and clockwise along, the 2.5-mile radius arc of North Las Vegas Air Terminal to, and counterclockwise along, the 6-mile radius arc to the point of beginning.

Area J. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 11 and 15-mile radii arcs bounded on the east by the Las Vegas 005°T(350°M) radial and on the west by U.S. Highway 95.

Area K. That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 15 and 20-mile radii arcs, bounded on the west by U.S. Highway 95, and on the east by a line from the 15-mile DME point on the Las Vegas 020°T(005°M) radial direct to the 20-mile DME point on the las Vegas 033°T(018°M) radial.

Area L. That airspace extending upward from 7,500 feet MSL to and including 9,000 feet MSL between the Las Vegas 20 and 30-mile radii arcs, bounded on the east by the Las Vegas 033°T(018°M) radial, and on the west by the east boundary of the Desert Military Operations Area (MOA).

Area M. That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 25 and 30-mile radii arcs, bounded on the west by the Las Vegas 033°T(018°M) radial and on the east by the Las Vegas 046°T(031°M) radial.

Area N. That airspace extending upward from 7,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 30 and 36-mile radii arcs, bounded on the west by the Las Vegas 033°T(018°M) radial and on the east by the Las Vegas 046°T(031°M) radial.

Area O. That airspace extending upward from 8,000 feet MSL to and including 9,000 feet MSL between the Las Vegas 20 and 25-mile radii arcs, bounded on the west by the Las Vegas 046°T(031°M) radial and on the southeast by the Las Vegas 060°T(045°M) radial.

(Secs. 307 and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

This proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The proposal involves a minor change in air traffic procedures which should have no effect on small businesses.

Note.—The FAA has determined that this proposed regulation is not a major rule under Executive Order 12291, nor a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The impact of this routine adjustment to an existing TCA is so minimal that a regulatory evaluation is unnecessary.

Issued in Washington, D.C., on August 20 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

BILLING CODE 4910-13-M

[FR Doc. 81-25032 Filed 8-26-81; 8:45 am]

BILLING CODE 6310-13-C

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release Nos. 33-6341; 34-18044; 35-22167; IC-11912; AS-296; File No. S7-901]

Relationships Between Registrants and Independent Accountants

AGENCY: Securities and Exchange Commission.

ACTION: Proposal to rescind rule.

SUMMARY: The Commission is inviting comments on whether the rule requiring disclosure in proxy statements about nonaudit services performed by accountants should be withdrawn. Notwithstanding this proposal, the Commission views the independence of accountants as critical to the effective implementation of the federal securities laws and, in this release, reiterates its position on accountants' independence and on the continuing need for registrants and accountants to carefully evaluate their relationships to ensure that public confidence in the integrity of financial reporting is maintained. Although specific information about nonaudit services is important, it may not be of sufficient utility to investors to justify continuation of the disclosure requirement. Moreover, the self-regulatory mechanism that has been established by the accounting profession is monitoring the management advisory services performed by accounting firms and the Commission believes that the profession can generate appropriate information about nonaudit services to enable adequate continued oversight of the services performed by independent accountants. The Commission believes that it should be able to rely on accountants and their self-regulatory mechanism and on audit committees, boards of directors, and managements to ensure adequate consideration of the impact of nonaudit services rendered by accountants.

DATE: Comments should be received by the Commission on or before November 30, 1981.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Linda Griggs or Edmund Coulson (202/272-2130) or LeGrand C. Kirby (202/272-2050), Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is inviting public comment on whether to rescind paragraph (g) of Item 8 of the proxy rules (17 CFR 240.14a-101). Item 8(g) was adopted by the Commission in Accounting Series Release No. 250 ("ASR 250") (June 29, 1978) (43 FR 18611) and generally requires a registrant to (1) describe each service provided to the company by its independent accountant during the most recent fiscal year; (2) state the percentage relationships that (a) the fees for individual nonaudit services bear to the audit fees if the percentage exceeds 3% and (b) the fees for the aggregate nonaudit services bear to the audit fee; and (3) state whether its audit or similar committee or its board of directors approved in advance each service provided by the independent accountant and considered the possible effect of the performance of each such service on the independence of the accountant.

The Commission has also reviewed Accounting Series Release No. 264, a release discussing factors relevant to an evaluation of the impact on auditor independence of the performance of nonaudit services. Although the Commission's views in that release are unchanged, the Commission believes it has achieved its objective of heightening the sensitivity of accountants, audit committees, boards of directors, and managements to the possible impact on accountants' independence of nonaudit services and is now withdrawing that release because it may confuse those who are trying to evaluate services performed or to be performed by the accountants.

In this release, the Commission reasserts the importance of accountants' independence, discusses its reasons for this proposal and comments on its withdrawal of Accounting Series Release No. 264 ("ASR 264") (June 14, 1979) (44 FR 36156), which is announced in a separate release issued today. [Accounting Series Release No. 297 (August 20, 1981).] ASR 264 discusses factors relevant to an evaluation of the appropriate scope of services to be performed by independent accountants.

Introduction

A. Historic Role of Independence in the Auditing Process

The Commission has historically considered the independence of the auditors who examine financial statements filed with the Commission as central to the effective implementation of the federal securities laws. Indeed, the federal securities laws underscore the crucial function of independent auditors in protecting public investors by requiring that "independent" accountants certify financial statements filed with the Commission.[1] In keeping with these statutory mandates, Rule 2-01 of the Commission's Regulation S-X, 17 CFR 210.2-01, provides that "[t]he Commission will not recognize any certified public accountant or public accountant as independent who is not in fact independent."

The accounting profession itself has traditionally recognized the importance of maintaining the public's confidence in the independence of accountants. As early as 1947, the Council of the American Institute of Accountants stated that "[i]n the field of auditing, the certified public accountant is under a responsibility peculiar to his profession and that is to maintain strict independence of attitude and judgment in planning and conducting his examinations and in expressing his opinion on financial statements."[2] In keeping with this philosophy of "strict independence." Statement on Auditing Standards No. 1 provides:

> It is of utmost importance to the profession that the general public maintain confidence in the independence of independent auditors. Public confidence would be impaired by evidence that independence was actually lacking and it might also be impaired by the existence of circumstances which reasonable people might believe likely to influence independence.[3]

In a similar vein, the second general standard of generally accepted auditing standards indicates that "[i]n all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors."[4] The *Code of Professional Ethics* of the American Institute of CPAs also states

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[1] Thus Schedule A of the Securities Act of 1933, 15 U.S.C. 77aa, requires that balance sheets and profit and loss statements be "certified by an *independent* public or certified public accountant * * *." Similarly, Section 12 of the Securities Exchange Act, 15 U.S.C. 78*l*, gives the Commission the authority to require that applications for the registration of a security contain financial statements which have been "certified * * * by *independent* public accountants." And Section 13(a)(2) of that Act, 15 U.S.C. 78m(a)(2), likewise authorizes the Commission to specify that annual reports filed with the Commission contain financial statements which have been "certified * * * by *independent* public accountants" (emphasis added).

[2] The Council of the American Institute of Accountants adopted an official statement on independence which was published in *The Journal of Accountancy* in July 1947.

[3] AICPA Professional Standards Vol. 1 AU Section 220.03.

[4] AICPA Professional Standards Vol. 1 AU Section 150.02.

that "the public expects a number of character traits in a certified public accountant, but primarily integrity and objectivity and, in the practice of public accounting, independence." [5]

Independence has traditionally been defined by the profession as the ability to act with integrity and objectivity. An auditor is deemed to be independent if he is independent in fact and if he appears to be independent. He must act in an unbiased and objective manner and he must be free of any financial or other interest which would create the perception that he may not be independent. In the words of Statement on Auditing Standards No. 1:

> To be independent, the auditor must be intellectually honest; to be recognized as independent, he must be free from any obligation to or interest in the client, its management, or its owners. * * * Independent auditors should not only be independent in fact; they should avoid situations that may lead outsiders to doubt their independence.[6]

The Commission continues to endorse and require scrupulous adherence to these principles. The Commission views both the fact and appearance of independence as essential in order that the public may justifiably view the audit process as a wholly unbiased review of management's presentation of the corporate financial picture. Through his audit and certification, the auditor provides the means for independently checking and confirming the information reported by corporations. Independence is thus of vital importance to investors, creditors, agencies of government and others who rely on the public accountant's opinion that financial statements fairly reflect the financial position and results of operations of the enterprise which he has audited. Absent independence, in fact and appearance, investors will have little confidence in public companies as investment vehicles.

Moreover, the capital formation process depends in large part on the confidence of investors in financial reporting. An investor's willingness to commit his capital to an impersonal market is dependent on the availability of accurate, material and timely information regarding the corporations in which he has invested or proposed to invest. The quality of information disseminated in the securities markets and the continuing conviction of individual investors that such information is reliable are thus key to the formation and effective allocation of capital. Accordingly, the audit function must be meaningfully performed and the accountants' independence not compromised. The auditor must be free to decide questions against his client's interests if his independent professional judgment compels that result. If the auditor is predisposed, or even appears predisposed, to blindly validate management's work rather than subjecting it to careful scrutiny, the ultimate result will be a diminution of public confidence in the profession and the integrity of the securities markets.

B. Relation of the Performance of Nonaudit Services to Auditor Independence

During the mid 1970's, Congress,[7] the accounting profession [8] and the Commission [9] reexamined the role and responsibilities of independent accountants. This interest in the accounting profession was stimulated by a decline in public confidence in the business community and the accounting profession resulting from several significant unexpected corporate failures and various questionable payments made by certain publicly held corporations.[10] Each of these bodies focused attention on the independence of accountants because of its critical importance to public confidence in the profession and in business generally.[11] Among other things, they considered the performance of management advisory services by independent accountants for their audit clients because the increase, particularly during the last decade, in the performance of such services heightened concern that accountants who performed such services could, or could appear to, have a conflict of interest which would impair their independence.

Several witnesses at Congressional hearings on the accounting profession were critical of the expansion of accounting firms' business into management advisory services. Members of Congress considered various recommendations relating to curtailment of management advisory services to be performed by independent accountants for their publicly owned audit clients.[12] The Commission on Auditors' Responsibilities, the so-called Cohen Commission,[13] however, only recommended the prohibition of executive search and placement services. Outside of these areas, the Cohen Commission cited a lack of evidence that nonaudit services compromised independence. The Cohen Commission did, however, urge the accounting profession to take steps to diminish the concerns of a "significant minority" that the performance of such nonaudit services impaired the independence of accountants and recommended, among other things, that audit committees or boards of directors evaluate all of the services performanced by independent accountants, and that registrants or accountants appropriately disclose other services to dispel the concerns of users.[14]

The Commission responded to the concerns about nonaudit services by proposing a rule to require disclosure about such services and requesting comments on the effect of nonaudit services on accountants' independence and the advisability of prohibiting certain services.[15] After reviewing the comments received, the Commission issued ASR 250 announcing the adoption

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[5] AICPA Professional Standards Vol. 2 ET Section 52.01.

[6] AICPA Professional Standards Vol. 1 AU Section 220.03.

[7] *E.g.*, Senate Subcommittee on Reports, Accounting and Management of the Committee on Governmental Affairs, "Improving the Accountability of Publicly Owned Corporations and their Auditors," 95th Cong., 1st Sess. (1977) [hereinafter cited as Metcalf Report]. In addition, the Subcommittee on Oversight and Investigations of the House Committee on Interstate and Foreign Commerce examined and held hearings on the nature and structure of the accounting profession. *See Securities and Exchange Commission Report to Congress on the Accounting Profession and the Commission's Oversight Role* 1–2 (July 1978). [hereinafter cited as 1978 Report to Congress].

[8] *E.g.*, The Commission on Auditors' Responsibilities: "Report, Conclusions, and Recommendations" (1978) [hereinafter cited as Cohen Commission]. This independent Commission was established by the American Institute of Certified Public Accountants ("AICPA") in 1974 to study the role and responsibilities of independent accountants.

[9] *See* 1978 Report to Congress, *supra* note 7.

[10] *Id.* at 3.

[11] The Metcalf Report also conveyed the need for urgent action to achieve public confidence in the profession's resolve and ability to regulate and discipline accountants and in the processes by which accounting and auditing standards are promulgated.

[12] The Senate Subcommittee on Reports, Accounting and Management stated that independent accountants should only perform for their audit clients services directly related to accounting. Metcalf Report, *supra* note 7, at 16–17. In 1978, the then chairman and certain members of the House Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce introduced legislation which, among other things, would have required the Commission to formulate standards relating to divestiture by independent accountants of all services which would prejudice their audit independence and to require that the "appropriate organization" study this issue. H.R. 13175, 95th Cong., 2d Sess. (1978) (the proposed "Public Accounting Regulatory Act"). *See also Securities and Exchange Commission Report to Congress on the Accounting Profession and the Commission's Oversight Role* 320 (July 1979).

[13] *See* note 8 *supra*.

[14] Cohen Commission, *supra* note 8, at 103–104.

[15] Securities Act Release No. 5860 (September 26, 1977) (42 FR 53635).

of the disclosure rule concerning nonaudit services. This rule was adopted to permit security holders to better evaluate registrants' relationships with independent accountants. In addition, the Commission intended to use the disclosures to monitor the nature and extent of nonaudit services performed by accountants to assist in developing an impirical basis from which to determine the need for any further action in this area. The Commission did not propose rules to proscribe particular services, however, because the Public Oversight Board ("POB") of the AICPA's new self-regulatory organization, the SEC Practice Section of the Division for CPA Firms, was considering the issue of management advisory services performed by independent accountants.

The POB conducted an extensive study of the question of the scope of services provided by CPA firms. In March 1979, the POB published its report [16] in which it endorsed public disclosure about nonaudit services rather than proscription of specific management advisory services but admonished "members of the SEC Practice Section to exercise self-restraint and judgment before venturing into new areas of [management advisory services]." [17] The POB did concur, however, in the SEC Practice Section's previously announced proscription of executive recruiting services and urged certain limitations on actuarial services. Although the POB found that available impirical evidence did not reveal any impairment of independent stemming from accountants providing such services, [18] it stated that the disclosures required by ASR 250 "should either allay suspicion or cause clients and auditors to alter their relationships * * * and * * * should serve to provide a stronger data base for monitoring of this area." [19] To further enhance an understanding of management advisory services, the POB recommended that the SEC Practice Section's membership requirements be revised to require additional disclosure regarding fees for management advisory and tax services performed for audit clients. The POB also recommended that the Section specifically require compliance with the AICPA professional standards relating to management advisory services and that the impact of management advisory services on independence be considered during peer reviews conducted pursuant to SEC Practice Section requirements.

The Commission issued ASR 264 in response to the POB's report. The Commission stated that the POB's report did "not adequately sensitize the profession and its clients to the potential effects on the independence of accountants of performance of nonaudit services for audit clients." ASR 264 discusses certain factors that the Commission identified as relevant to an evaluation by accountants, audit committees, boards of directors and managements of whether performance by independent accountants of specific services could impair their independence, either in fact or appearance. The Commission invited comments on the factors discussed in the release.

Discussion

1. Reaction to ASRs 250 and 264. Both the proxy rule requiring disclosure about nonaudit services and ASR 264 have caused confusion. [20] In addition, ASRs 250 and 264 together are claimed to have resulted in unwarranted curtailment of nonaudit services. [21] Three aspects of these releases have proven especially confusing, particularly to accountants. First, some commentators perceived the Commission to be deprecating the benefits that may accrue to registrants from certain management advisory services performed by the independent accountants. Second, some expressed concern that the Commission might question the independence of an accountant, after the fact, based solely on the percentage relationships disclosed in proxy statements. And third, some were concerned about the suggestion that independence was a function, not only of accountants' relationships with individual clients, but also of the relationship of all nonaudit services, or even all management advisory services, to firms' aggregate revenues; and they were confused as to whether the Commission was concerned about all nonaudit services, which includes tax work and accounting and review services, or just mangement advisory services.

The Commission addressed these concerns in its August 1980 *Report to Congress on the Accouting Profession and the Commission's Oversight Role.* [22] That report stated that ASR 264 was issued to encourage accountants, audit committees, boards of directors, and managements to assess carefully the potential impact of nonaudit services on auditor independence. The Commission also stated that it did not intend to deprecate the benefits that may accrue to registrants from certain management advisory services performed by their independent accountants and, on the contrary, has expressely recognized that such benefits could be significant in many cases. The Commission did not expect, and certainly did not intend, that registrants would, as apparently some have, set arbitrary maximum percentage limits on the amount of nonaudit services for which they will engage their independent accountants and not even consider the possible impact of proposed services on the accountants' independence. Nor did the Commission intend to question the independence of an accountant in subsequent Commission filings based solely on the percentage relationships between audit and nonaudit services disclosed in proxy statements. Finally, although the Commission acknowledged that it had used the terms "nonaudit services"" and "management advisory services" somewhat interchangeably in ASR 264, it noted that its primary concern was with the impact on accountants' independence of management advisory services performed for individual audit clients.

2. Review of Proxy Disclosures. The Commission's staff has monitored the disclosures in proxy statements about nonaudit services performed by accountants to obtain a better understanding of the nature and magnitude of such nonaudit services. Approximately 1,200 proxy statements filed by registrants in 1979 and 1980 were reviewed. A substantial majority of the registrants in the survey (approximately 91% in 1979 and 92% in

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[16] Public Oversight Board Report, *Scope of Services by CPA Firms* (1979) [hereinafter cited as POB Services Report].

[17] *Id.* at 4–5.

[18] *Id.* at 35.

[19] *Id.* at 5–6.

[20] Forth-nine letters of comment were received in response to the Commission's invitation to comment in ASR 264. A majority of those commentators were accountants who expressed strong opposition to ASR 264 and the disclosures called for by ASR 250. The POB also criticized ASR 264 in its letter of comment and in its 1979–80 Annual Report [hereinafter cited as POB 1980 Report]. Many of the consultants and actuaries who commented, however, urged that accounting firms be prohibited from providing certain management advisory services.

[21] *E.g.*, one accounting firm that commented on ASR 264 described four examples that it characterized as representative of 10 to 15 situations in which clients did not engage it to perform a nonaudit service either historically performed by that firm or discussed prior to the issuance of ASR 264. In the commentator's opinion, it was not hired because these companies were afraid of Commission questions or criticisms or disclosure of "too high" a percentage or were confused by ASRs 250 and 264.

[22] Former Chairman Williams had previously responded to these concerns in a January 1980 speech to the AICPA's Seventh National Conference on Current SEC Developments. An address by Harold M. Williams, Chairman, SEC, "The 1980's: The Future of the Accounting Profession," January 3, 1980.

1980) disclosed that they had engaged their accountants for some type of nonaudit service and the most frequently disclosed services were in tax related areas. Few of the registrants reported that their independent accountants had performed the services which had been mentioned by the Commission or others as being particularly sensitive, such as consumer surveys, plant layout and actuarial services.[23]

The staff also reviewed the magnitude of the nonaudit services performed by independent accountants. This review showed that the following percentages of the registrants in the survey disclosed the listed categories of percentage relationships of fees for nonaudit services to audit fees:

Percentage relationship of fees for nonaudit services to audit fees	Percentage of companies in the sample	
	1979	1980
0 to 25	68	74
[illegible] to 50	22	15
51 to 100	7	8
Over 100	3	3

Based on the staff's review of these disclosures, the Commission has obtained a better understanding of the nature and extent of nonaudit services provided by accountants to their audit clients. Although the Commission continues to believe that information about nonaudit services performed by independent accountants is important for monitoring the relationships between accountants and their clients, it is not clear that routine disclosure of such detailed information in proxy statements is material to security holders.

The staff has also reviewed the information in proxy statements about audit committees that is disclosed pursuant to Items 6(d) and 8(g). Item 6(d) requires a registrant to state whether or not it has standing audit, nominating and compensation committees, and, if so, to describe the functions performed by each committee.[24] A significant percentage of the surveyed registrants had audit committees and many of these registrants reported that the audit committee considered the nonaudit professional services.[25] Since Item 6(d) of the proxy rules requires a description of the functions performed by the audit committee, the requirement in Item 8(g) that registrants disclose whether the audit committee or board of directors approved such nonaudit service in advance may be unnecessary.

3. Private-Sector Initiatives. The private sector has taken steps to maintain and strengthen accountants' independence through review of management advisory services by audit committees and others, and disclosure about such services.

As noted above, many publicly held companies have audit committees and many of these committees are reviewing the nonaudit services performed by accountants. Audit committee or board of director review of nonaudit functions is encouraged by the requirement of the AICPA's SEC Practice Section that member firms report to the audit committee, or board of directors, of each client registered with the Commission the total fees received from the client for management advisory services during the audit year and to describe the types of such services rendered.[26] The Commission believes that audit committees can be effective forces in helping to assure that management advisory services performed by accountants do not impair their independence.

In addition, the SEC Practice Section is monitoring management advisory services through its peer review program.[27] In its 1979–1980 Annual Report, the POB also stated that it would monitor the area of management advisory services and "comment if the facts suggest that the self-restraint [they] urged * * * is ignored by the profession or if the magnitude of [management advisory services] appears to increase to an extent that it threatens professional image generally."[28] The Commission believes that these efforts, together with the interpretation and enforcement by the AICPA of its professional standards relating to management advisory services, constitute significant safeguards against impairment of accountants' independence.

Finally, information about nonaudit services is otherwise publicly available. The SEC Practice Section requires its member firms to file annual reports that are available for public inspection[29] and state, among other things, firms' gross fees for accounting and auditing, tax, and management adisvory services expressed as a percentage of the total gross fees, and their gross fees for management advisory services and tax services performed for audit clients registered with the Commission expressed as a percentage of total fees charged to such clients.[30] This information alone, however, does not provide sufficient information to enable appropriate monitoring of nonaudit services performed by independent accountants. Both the Cohen Commission[31] and the POB[32] endorsed the concept of disaggregated disclosure about services to dispel the concerns about potential conflicts of interest resulting from the performance by accountants of nonaudit services. Moreover, the POB recognized that it would "have to reconsider its views and consider whether there are other devices that it can recommend to achieve the same results" if ASR 250 were withdrawn or the disclosure rule adopted therein was substantially modified.[33] Accordingly, when the Commission takes final action on the proposal to rescind Item 8(g) of the proxy rules, it will consider what action the POB and the SEC Practice Section have taken to ensure that the nonaudit services performed by accountants can be adequately monitored.

Conclusions

Although specific information about nonaudit services is important, the

[23] In ASR 264, the Commission noted that the performance of such services might be difficult to justify in many cases. (ASR 264, footnote 29.) The Metcalf Report, *supra* note 7, states that these and other nonaccounting management services are incompatible with the public responsibilities of independent accountants.

[24] The adoption of this rule and other amendments to the proxy rules designed to improve the information available to shareholders regarding boards of directors was announced in Securities Exchange Act Release No. 15384 (December 6, 1978) (43 FR 58522). Beginning with the 1979 proxy season, the proxy disclosures required by Item 6 (b), (d), and (e) and Item 8(g) have been monitored.

[25] The results of the 1979 proxy statement disclosure monitoring program were reported in Division of Corporation Finance, Securities and Exchange Commission, "Staff Report on Corporate Accountability," 96th Cong., 2d Sess., Printed for use of the Senate Comm. on Banking, Housing and Urban Affairs (1980) at 589–624. The results of the 1980 monitoring program were reported in Securities Exchange Act Release No. 17518 (Feb. 5, 1981) (46 FR 11954). 84% of the registrants in the 1980 survey had audit committees. 50% of these registrants reported that the audit committee approved each professional service and 38% reported that the audit committee considered the range of audit and nonaudit fees.

[26] "Organizational Structure and Functions of the SEC Practice Section of the AICPA Division for CPA Firms," Section IV, 3(j) [hereinafter cited as Organizational Document].

[27] *Id.* at Section VIII, 3(c).

[28] POB 1980 Report, *supra* note 20, at 22.

[29] Organizational Document, *supra* note 26, at Section IV, 3(g) (12) and (13).

[30] An AICPA review of the latest annual reports filed with the SEC Practice Section indicates that over 90% of the 223 member firms that audit registrants reported that their firm-wide gross fees charged to such clients for management advisory services constituted 10% or less or the total fees charged to those clients. Less than 1% of such firms reported that management advisory service fees amounted to more than 20% of total fees charged to registrant audit clients.

[31] Cohen Commission, *supra* note 8, at 104.

[32] POB Services Report, *supra* note 16, at 43.

[33] *Id.* at fn. 133.

Commission is proposing to rescind Item 8(g) of the proxy rules becuase the detailed nonaudit services disclosure may not be of sufficient utility to investors to jusfity continuation of the disclosure requirement. In lieu of the proxy disclosure, the Commission believes that the accounting profession's self-regulatory mechanism can generate sufficient information to enable the Commission, the POB, and other interested users to monitor the services performed by accountants.

The Commission is withdrawing ASR 264 in a separate release issued today. Although the Commission's views expressed in ASR are unchanged and registrants and accountants must continue to carefully evaluate their relationships to ensure that the public maintains confidence in the integrity of financial reporting, the Commission is withdrawing that release because it may confuse independent accountants, audit committees and others who are trying to evaluate services performed or to be performed by the accountants. Moreover, the Commission believes it has achieved its objective in issuing ASR 264. Accountants and their self-regulatory structure, audit committees, boards of directors and managements are aware of the Commission's views on accountant's independence and should be sensitive to the possible impact on independence of nonaudit services performed by accountants. The Commission believes it should be able to rely on these persons to ensure adequate consideration of the impact on accountants' independence of nonaudit services because they share the responsibility to assure that the public maintains confidence in the independence of accountants.

The independence of the public accountant—both in fact and in appearance—is critical to his role under the federal securities laws. Independence is the essential attribute of the auditor because, absent independence, the auditor's skills and services are of little value. The Commission has the responsibility and authority under the securities laws to assure that accountants who practice before it are independent and, therefore, is prepared to take further action if either the fact or appearance of accountants' independence is questioned seriously in the future.

§ 240.14a–101 [Amended]

Accordingly, based on the foregoing, it is proposed to amend 17 CFR Part 240 by removing paragraph (g) from Item 8 of § 240.14a–101.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 20, 1981.

[FR Doc. 81–24998 Filed 8–26–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF DEFENSE

32 CFR Part 70

Discharge Review Boards; Rules Pertaining to Procedures for Obtaining Copies of Military Records

AGENCY: Department of Defense.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would amend Department of Defense rules currently in effect for Dicharge Review Boards (DRBs) by clarifying the procedures for obtaining copies of military records incident to discharge review. This amendment is intended to insure that applicants or prospective applicants to the Discharge Review Boards of the military services are fully aware of the need to request copies of military records they desire for their discharge review prior to submitting an application for discharge review and of the consequences for an applicant of requesting military records after a request for discharge review is submitted.

DATE: Written comments received by the Department prior October 26, 1981, will be considered.

ADDRESS: Written comments should be addressed to: Director, Department of the Army, Military Review Boards Agency, HQDA, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Mr. Francis X. Plant, Director, Department of the Army, Military Review Boards Agency, HQDA, Washington, D.C. 20310 (Phone (202) 697–9641).

SUPPLEMENTARY INFORMATION: The Department of Defense, acting through the Director of the Department of the Army Military Review Boards Agency, is proposing to amend the rules at 32 CFR 70.5(b)(9)(i) pertaining to procedures for obtaining copies of military records incident to discharge review.

32 CFR 70.5(b)(9)(i) currently provides that individuals intending to apply for discharge review shall be informed that requests for military records must be submitted to the National Personnel Records Center (NPRC) prior to when an application for discharge review (Department of Defense (DD) Form 293) is submitted, because once the application is submitted the records will no longer be available at the NPRC for copying. The requirement to request military records from the NPRC prior to applying for discharge review is stated in the military departments' regulations for their DRBs (for the Army DRB *see* 32 CFR 581.2, Appendix B, paragraph 3i (1980); for the Naval DRB *see* 32 CFR 724.310(a) (1980); for the Air Force DRB *see* 32 CFR 865.108 (1980)), and also is stated on the back of the application form for discharge review, DD Form 293. The practice of the Army, Naval, and Air Force DRBs is to use the original of an applicant's military personnel records to review an applicant's discharge. If an applicant requests his military records after submitting an application for discharge review, the DRBs must send the records from their offices in the Washington, D.C., area to an appropriate location for copying. This is necessary because the DRBs lack the resources available to screen and to make copies of military records for applicants at their offices in the Washington, D.C., area.

Prior to June 4, 1981, the Army and Naval Discharge Review Boards required applicants who requested their military personnel records after submitting DD Form 293 to withdraw their applications for discharge review in order to obtain copies of the requested records. Once the applicant withdrew his application, the Army and Naval DRBs would return the requested records to the NPRC in St. Louis. The requestor could then resubmit his request to, and obtain copies of his records from the NPRC, and subsequently resubmit his application for discharge review. The Army and Naval Discharge Review Boards used this procedure due to a desire to keep track of applications in their cases, due to a then existing agreement with the NPRC regarding procedures for having records in these cases copied, and due to their concern that responding to large numbers of such requests for records without requiring withdrawal of applications would disrupt their system for controlling and processing other applictions. The Air Force DRB, which handles a substantially lesser volume of applications and uses different processing and scheduling procedures than the other DRBs, has always held applications for discharge review in suspense while requested military personnel records of applicants are returned to Randolph Air Force Base, Texas, for copying.

Regardless of the DRB involved or the procedure used, the effect of an applicant requesting his military records

after submitting a request for discharge review often has been to delay processing of his application for discharge review, sometimes substantially. The DRBs typically have advised applicants requesting their records after submitting their DD Form 293 of the copuing procedures used and offered them the alternative of examining the records or having counsel or a representative examine the records at the DRBs in Washington, D.C., or at a regional hearing location prior to their scheduled review. This alternative allowed applicants to avoid any potential delay the copying procedure would cause in processing their application and scheduling their review.

These procedures caused no problems for the great majority of applicants to the DRBs. However, several individuals questioned the procedures used by the Army and Naval Discharge Review Boards of requiring applicants to withdraw their applications and make a second request for records to the NPRC to obtain copies of requested records. The procedure also recently was challenged in litigation brought against the Department of Defense and military departments.

On June 4, 1981, the Army and Naval Discharge Review Boards changed their procedures for responding to requests for military personnel records by applicants so that their procedures were similar to those used by the Air Force DRB. On July 15, 1981, the Department of Defense and military departments entered into a stipulation of voluntary dismissal of the litigation challenging DRB procedures for responding to requests for military records by DRB applicants. As part of this stipulation, the Department of the Army and Department of Navy agreed they would no longer require DRB applicants who request copies of their military personnel records after applying for discharge review but who otherwise comply with regulations of the military department relating to requests for records to withdraw their applications or to submit a second request for requested records in order to obtain copies of these records. Also the Department of Defense agreed to publish in the **Federal Register** a proposed revision to its rules which pertain to procedures for DRB applicants obtaining copies of their military personnel records. This proposed revision was to provide *inter alia* that: (1) The automatic effect of an individual requesting a copy of his military personnel records after submitting an application for review of his discharge is to suspend temporarily the processing of the individual's application for discharge review while the requested military records are being copied; and (2) once military personnel records requested after submission of an application for discharge review have been copied and are in the possession of the headquarters of the Discharge Review Board, the processing of the requester's application shall be resumed.

Essentially, the procedures the Department of Defense and military departments agreed to publish in the **Federal Register** as a proposed revision are similar to those the Air Force has used in the past except that under these procedures applicants who request their military personnel records after submitting their applications for discharge review automatically have their applications suspended while the records are sent away for copying without the DRB first contacting the applicant and offering him the option of viewing the requested records. It should be noted that the effect of submitting a request for military records after submitting a request for discharge review under this procedure still may be to delay processing of the application for discharge review, sometimes substantially.

A very few DRB applicants and practitioners before the DRBs have questioned why, in cases in which an applicant has requested his records after submitting a request for discharge review, the DRBs cannot copy the military records at the DRB headquarters or give special treatment to processing of the application for discharge review so as not to cause any delay at all in review. Neither of these alternatives is practicable given the volume of cases handled by the DRBs, the limited resources available to the DRBs, and the difficulties involved in processing large numbers of applications and scheduling large numbers of reviews in numerous locations. Either alternative would require diversion of resources from other important areas, thereby substantially lengthening the time it takes the DRBs to act on other applications for discharge review and possibly causing curtailment or an end to important programs such as the DRBs traveling boards. Also, either alternative would be unfair to the great majority of applicants to the DRBs because the special treatment required for those requesting their records after submitting requests for discharge review would slow down processing and review of applications of those requesting their records in a timely manner.

The Department of Defense thus is proposing to amend its rules pertaining to procedures for obtaining copies of military records incident to a discharge review so as to accommodate the concerns expressed by the few individuals having problems with the procedures and to incorporate features it has agreed to in the stipulation dismissing litigation against it. At the same time, the Department has sought to insure that the procedures in the proposed amendment are not made so burdensome to the DRBs that resources are diverted from other important areas to copy requested records and so that the procedures remain fair to applicants who request records in a timely manner.

The major features of this proposed amendment to the DRBs rules are that it:

(1) Makes a request for copies of military records made after submission of an application for discharge review (DD Form 293) automatically act as a temporary suspension of the application while the requested records are being copied;

(2) Provides for reprocessing of the application at whatever stage of the discharge review process is practicable once the records have been copied at an appropriate location and are in the possession of the DRB headquarters; and

(3) Makes clear that this procedure applies even when a request for records is made pursuant to the Freedom of Information Act or Privacy Act.

If this proposed amendment is adopted, the Department of Defense eventually will change the application form for discharge review, DD Form 293, as circumstances permit, to reflect the provisions of the amendment.

PART 70—DISCHARGE REVIEW BOARDS (DRBs) PROCEDURES AND STANDARDS

§ 70.5 [Amended]

Accordingly, it is proposed to revise 32 CFR 70.5(b)(9)(i) to read as follows:

* * * * *

(b) * * *

(9) * * *

(i) Prior to applying for discharge review, potential applicants or their designated representatives may obtain copies of their military personnel records by submitting a General Services Administration Standard Form 180, Request Pertaining to Military Records, to the National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, Mo. 62132. Once the application for discharge review (DD Form 293) is submitted, an applicant's military records are forwarded to the

DRBs where they cannot be reproduced. Submission of a request for an applicant's military records (including a request pursuant to the Freedom of Information Act or Privacy Act) after the DD Form 293 has been submitted shall automatically result in the temporary suspension of processing of the application for discharge review until the requested records are sent to an appropriate location for copying, are copied, and are returned to the possession of the headquarters of the DRB. Processing of the application shall then be resumed at whatever stage of the discharge review process is practicable. Applicants are strongly encouraged to submit any request for their military records prior to applying for discharge review rather than after submitting DD Form 293 in order to avoid substantial delays in processing of applications and scheduling of reviews.

(5 U.S.C. 552, 10 U.S.C. 1553, 10 U.S.C. 3012 and delegation of authority from the Secretary of Defense)

Dated: August 14, 1981.

Francis X. Plant,

Director, Military Review Boards Agency.

[FR Doc. 81-24914 Filed 8-26-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Air Force

32 CFR Part 806b

[Air Force Regulation 12-35]

Air Force Privacy Act Program

AGENCY: Department of the Air Force.

ACTION: Notice of proposed rule making.

SUMMARY: A new general exemption rule is proposed to be added to the existing Department of the Air Force exemption rules for systems of records subject to the Privacy Act of 1974 to accommodate a new exempted record system identified as entitled: "DoD Fraud Investigation Management . Information System."

DATES: Comments must be received on or before September 28, 1981.

ADDRESS: Comments should be sent to HQ USAF/DAAD, Pentagon, Washington, D.C. 20330.

FOR FURTHER INFORMATION CONTACT: Mr. Jon E. Updike, HQ USAF/DAAD, The Pentagon, Washington, D.C. 20330. Telephone: 202/694-3431.

SUPPLEMENTARY INFORMATION: This proposed general exemption rule is to be added to the existing Department of the Air Force exemption rules pursuant to the provisions of the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579, 88 Stat. 1896, et seq). The Department of the Air Force exemption rules for its systems of records notices are set forth in Title 32, Code of Federal Regulations (CFR) Part 806b (Air Force Regulation 12-35).

PART 806B—AIR FORCE PRIVACY ACT PROGRAM

Accordingly, it is proposed to amend Title 32 CFR Part 806b as follows:

§ 806b.22(a) is amended by removing the period at the end of the paragraph and adding the following:

§ 806b.22 General and Specific Exemptions Claimed.

(a) * * * and DoD Fraud Investigation Management Information System, F12407 OSIA.

* * * * *

August 24, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

[FR Doc. 81-25199 Filed 8-27-81; 8:45 am]

BILLING CODE 3910-01-M

POSTAL SERVICE

39 CFR Part 111

Second-Class Novelty Pages; Inclusion of All-Purpose Envelopes

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The proposed rule would change certain postal regulations to permit the inclusion of all-purpose envelopes as novelty pages in mailed copies of second-class publications. The Postal Service believes that the existing restriction on all-purpose envelopes in second-class publications may no longer be necessary. Also, its removal would appear to be consistent with the recent approval of several other novelty page features, such as multilayered pages, pop-up sheets, and printed folded sheets affixed to pages.

DATE: Comments must be received on or before September 28, 1981.

ADDRESS: Written comments should be sent to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza, West, S.W., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8316 at the above address.

FOR FURTHER INFORMATION CONTACT: Cheryl L. Beller at (202) 245-4512.

SUPPLEMENTARY INFORMATION: Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Novelty pages must be prepared specifically for and intended as integral pages of second-class publications. At present, envelopes and all other types of containers are not considered novelty pages. Many second-class publishers have requested that the restriction on envelopes be deleted because it imposes unnecessary and technical impediments on the use of all-purpose envelopes.

This proposed regulation involves amendments of 425.81 and 425.82d of the Domestic Mail Manual and the addition of new 425.82k.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

PART 425—WHAT MAY BE MAILED AT THE SECOND-CLASS RATES

In 425.8, revise .81 and .82d and add new .82k to read as follows:

425.8 Novelty Pages.

.81 Definition. Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Novelty pages must be prepared specifically for and intended as integral pages of second-class publications. Blank sheets are not novelty pages. The total number of novelty pages in an issue may constitute only a minor portion of the total pages. Excessive use of novelty pages gives publications the characteristics, both as to format and purpose, of books, catalogs, or other third- or fourth-class mail.

.82 Examples. The following are examples of novelty pages that may be included in second-class publications:

* * * * *

b. Pages with printed illustrations permanently pasted to them.

* * * * *

k. Envelopes which are bound in copies or affixed to pages.

An amendment to 39 CFR 111.3 will be published if this proposal is adopted.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-25046 Filed 8-26-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1909-3]

Approval and Promulgation of Implementation Plan for Nonattainment Areas in the State of Indiana

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rule: Proposed approval of the revision.

SUMMARY: On June 26, 1979, the State of Indiana submitted to the USEPA, pursuant to Part D of the Clean Air Act (Act) as amended in 1977, proposed revisions to the carbon monoxide (CO) and ozone (O_3) portions of the State Implementation Plan (SIP). In May, September, and October of 1980, the State submitted revisions to the June 26, 1979 submittal. The proposed revision to the SIP applies to areas in Indiana that have not attained the National Ambient Air Quality Standard (NAAQS) for O_3 and CO. The revisions provide for the attainment of the O_3 standard in Lake, Porter, Clark, and Floyd Counties by December 31, 1987 and in Allen, St. Joseph, and Elkhart Counties by December 31, 1982. The revisions also provide for the attainment of the CO standard in Lake and Porter Counties by December 31, 1987. The revisions provide for the attainment of the O_3 and CO standards primarily through the control of mobile source emissions. The purpose of this notice is to invite public comment on the proposed revisions and USEPA's proposed rulemaking.

DATE: Comments on these revisions and on USEPA's proposed action must be received September 28, 1981.

ADDRESSES: Copies of these SIP revisions are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604;

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460;

Indiana State Board of Health, Air Pollution Control Division, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Gerald Kellman, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, telephone 312-353-6070.

SUPPLEMENTARY INFORMATION:

General Introduction

On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993) pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each State as not meeting the NAAQS for carbon monoxide and ozone. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, this date may be extended, for ozone and carbon monoxide, to no later than December 31, 1987.

On June 26, 1979, the State of Indiana submitted plans for all of the designated ozone and carbon monoxide nonattainment areas in the State. On March 27, 1980 (45 FR 20432), USEPA announced the receipt of the June 26, 1979 SIP revision from Indiana, discussed the results of USEPA's review of the revision, and invited public comment. USEPA proposed no action on the SIP revision submittal, and stated that the plans were so deficient that USEPA could not propose action. USEPA discussed its review of the revision and invited public comment to assist the State in the identification and preparation of the submittals necessary for an approvable SIP on March 27, 1980. On May 19, 1980, September 24, 1980, October 9, 1980, and October 15, 1980, the State submitted revisions to the June 26, 1979 submittal.

The plans submitted and subsequent revisions contained control strategies designed to provide for a reduction in the emissions of carbon monoxide and hydrocarbons from mobile sources, but did not include the required reasonable available control technology (RACT) measures for controlling volatile organic compound (VOC) emissions from stationary sources in nonattainment areas. However, regulations for the control of VOC emissions from stationary sources for some areas were submitted to USEPA on February 11, 1980. USEPA will be proposing rulemaking action on these regulations in a future Federal Register notice. USEPA proposed rulemaking on the new source review portions of these plans on March 27, 1980 and conditionally approved the Inspection and Maintenance (I/M) portion of the plans on January 2, 1981 (45 FR 36).

This notice discusses: (1) The requirements for an acceptable transportation control plan, (2) the SIP revision submitted by the State, and (3) USEPA's proposed rulemaking action on Indiana's plan. Public comments are invited on the SIP revisions and on USEPA's proposed rulemaking. A thirty day public comment period is being used to enable publication of final action on the SIP revisions as soon as possible. USEPA has a responsibility to take final action on Part D SIP revisions as soon as possible after July 1, 1979.

Transportation Control Plans and Attainment Demonstrations for Carbon Monoxide and Ozone

In each nonattainment area the designated lead local agency, in conjunction with the Indiana State Board of Health, developed a control strategy designed to ensure attainment of the carbon monoxide and ozone NAAQS in the area. As part of the attainment demonstration, the State submitted regulations for controlling VOC emissions from stationary sources and for those areas in the State which requested a five year extension, an I/M program. USEPA has published final regulations on the I/M portion of the Demonstration of Attainment on January 2, 1981, and will propose rulemaking on the regulations for controlling VOC emissions from stationary sources in the near future. This notice of proposed rulemaking discusses the transportation control plans and attainment demonstration for each of the following areas:

(1) Lake and Porter Counties.

(2) Clark and Floyd Counties.

(3) St. Joseph and Elkhart Counties.

(4) Allen County.

Requirements for Transportation Control Plans and Demonstrations of Attainment: USEPA has evaluated the transportation control plans and the attainment demonstrations using the requirements for an approvable nonattainment area SIP which appeared in the April 4, 1979 Federal Register (44 FR 20372), the "USEPA-USDOT Guidelines for Air Quality-Transportation Plans" and the Office of Transportation and Land Use Policy "Checklist for Transportation SIPs." The requirements for an approvable plan were discussed in the March 27, 1980, notice of proposed rulemaking. To assist the public in preparing comments on the

proposed SIP revisions, the principal requirements are listed below:

1. Technical Assessments, Demonstrations of Attainment, and Reasonable Further Progress.
2. Interagency Agreements and Assignments of Tasks.
3. Analysis of Alternatives.
4. Implementor Commitments.
5. Financial and Manpower Resources.
6. Reporting of Progress.
7. Impacts of Plan Provisions.
8. Public Participation.
9. Attainment Strategies.

USEPA has reviewed each of the four transportation control plans and attainment demonstrations to determine if they have satisfied these requirements. A discussion of the review for each metropolitan area follows. Included in this discussion is a brief description of the ability of the control strategy to satisfy the nine requirements listed above and a detailed explanation of those parts of the strategy which do not satisfy one or more of the requirements. The state is required to replace any strategy which it fails to implement with an alternative project which will secure at least the level of emission reduction as the project which it is replacing.

Clark and Floyd Counties

Based on measured violations of the ozone NAAQS, Clark and Floyd Counties were designated as nonattainment areas for ozone. The transportation control plan for Clark and Floyd Counties was prepared by the Kentuckiana Regional Planning and Development Agency (KIPDA). The tranportation control plan contains measures designed to attain and maintain the NAAQS for ozone in Clark and Floyd Counties.

The control strategy developed by KIPDA does not predict attainment of the ozone NAAQS by December 31, 1982. However, the strategy does predict that through the use of controls on emissions of volatile organic compounds from stationary sources, reductions obtained from the Federal Motor Vehicle Control Program (FMVCP), the use of a vehicle inspection and maintenance program (I/M), and the use of various transportation control measures (TCM), attainment of the ozone NAAQS will be achieved by December 31, 1987. The transportation control plan for Clark and Floyd Counties contains strategies which have already been adopted and implemented; strategies which have been adopted but not yet implemented; and a commitment to study future transportation control strategies as part of the alternative analysis as required by section 108(f) of the Act. Those strategies which have already been adopted and implemented and those which have been adopted but not yet implemented are projected to reduce hydrocarbons by 199 tons/yr by 1982 and by 366 tons/yr by 1987.

When a State cannot demonstrate attainment for ozone in an area by 1982, then it is required by Section 172 of the Act to request an extension of time to do so. The State of Indiana has demonstrated that attainment of the National Ambient Air Quality Standard (NAAQS) for ozone in Clark and Floyd Counties is not possible by December 31, 1982 despite the implementation of all reasonable control measures. Therefore, the state requested an extension until December 31, 1987 to demonstrate attainment of the standards for these two counties. USEPA proposes to approve this request. USEPA has reviewed the control strategy developed for Clark and Floyd Counties. The transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP and provide for measures which will ensure attainment of the ozone NAAQS by December 31, 1987.

Based on a review of the transportation control plan and the demonstration of attainment, USEPA proposes to approve all portions of the transportation control plan and the demonstration of attainment for ozone in Clark and Floyd Counties.

St. Joseph and Elkhart Counties

Based on measured violations of the ozone NAAQS, St. Joseph and Elkhart Counties were designated as nonattainment areas for ozone. The Transportation Control Plan (TCP) for St. Joseph and Elkhart Counties was prepared by the Michiana Area Council of Governments (MACOG). It contains measures designed to reduce the level of hydrocarbon emissions in the area. The strategy projects that the percent reduction in hydrocarbon emissions required to ensure attainment of the ozone NAAQS in the area will be achieved by December 31, 1982. The air quality/transportation strategies to be implemented are projected to reduce hydrocarbons by 0.835 tons per day by December 31, 1982.

USEPA has reviewed the control strategy developed for St. Joseph and Elkhart Counties. The transportation control plan satisfies all of the nine requirements of an approvable nonattainment area SIP and USEPA proposes to approve it. However, USEPA must examine further the adequacy of the State's control requirements for volatile organic compounds for stationary sources. The adequacy of the requirements and the demonstration of attainment will be discussed in a future notice of proposed rulemaking.

Lake and Porter Counties

Based on measured violations of the ozone National Ambient Air Quality Standards (NAAQS), Lake and Porter Counties were designated as nonattainment areas for ozone. The transportation control plan for Lake and Porter Counties was prepared by the Northwestern Indiana Regional Planning Commission (NIRPC). The transportation control plan contains measures designed to attain and maintain the NAAQS for ozone in Lake and Porter Counties.

The control strategy developed by NIRPC does not predict attainment of the ozone NAAQS by December 31, 1982. However, the strategy does predict that through the use of controls on emissions of volatile organic compounds from stationary sources, reductions obtained from the FMVCP, the use of an I/M program, and the use of various transportation control measures (TCMs), attainment of the ozone NAAQS will be achieved by December 31, 1987. Those air quality/transportation strategies which have already been adopted and implemented and which have been adopted but not yet implemented are projected to reduce hydrocarbons by 0.7274 tons/day by December 31, 1987.

When a state cannot demonstrate attainment for ozone in an area by 1982, it is required by Section 172 of the Act to request an extension of time to do so. The State of Indiana has demonstrated that attainment of the National Ambient Air Quality Standards (NAAQS) for ozone in Lake and Porter Counties and for carbon monoxide in Lake County is not possible by December 31, 1982, despite the implementation of all reasonable control measures. Therefore, the State requested an extension until December 31, 1987 to demonstrate attainment of the standards for these two counties. USEPA proposes to approve this request.

USEPA has reviewed the ozone control strategy developed for Lake and Porter Counties. The transportation control plan satisfies all of the nine requirements for an approvable nonattainment SIP. Based on this review, USEPA proposes to approve the transportation control measures for ozone and the demonstration of attainment for ozone in Lake and Porter Counties.

USEPA has reviewed the carbon monoxide control strategy developed for Lake County. Except for the issues presented below, the transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the requirements previously described for an approvable nonattainment area SIP and provides for measures which will ensure attainment of the carbon monoxide NAAQS by December 31, 1987.

The state has failed to submit a demonstration of "reasonable further progress" (RFP) and an attainment demonstration for CO as required by Section 172 of the Act. The State is required to submit a demonstration of attainment for CO, including the necessary transportation control measures, as part of the 1982 SIP. The deficiencies of the 1979 SIP will be corrected as part of the 1982 SIP. Consequently, USEPA proposes approval of the transportation control measures for carbon monoxide and of the attainment demonstration for carbon monoxide in Lake County. However, USEPA notes that the following must be provided as part of the State's 1982 submittal:

1. *Acceptable CO modeling results.* These results must identify specific hot spots or areas of potentially high CO concentrations, as well as the expected maximum level of CO and the emissions reductions required.

2. *Evaluation of the impact of all adopted TCM's and a demonstration of attainment.* The evaluation of each TCM must include a specific estimated emission reduction. The demonstration of attainment must include a discussion of the required CO reduction for each project, a discussion of the impact of each TCM at each hotspot, and an assessment of the attainment status for 1982 and 1987 based on the above results. The analysis should indicate any deficiencies the causes of these deficiencies and the control measures proposed to eliminate them.

3. *Acceptable demonstration of RFP.* The demonstration of RFP must provide the expected emission reductions to be obtained from specific TCMs for each year following the implementation of the 1979 SIP. It also should describe methods to be used in tracking annual emission reductions.

4. *All of the additional requirements for the 1982 CO SIP.* These were listed in the January 22, 1981, Federal Register (45 FR 7182).

USEPA proposes to approve the CO transportation control measures and demonstration of attainment for Lake County.

Allen County

Based on measured violations of the national ambient air quality standard for ozone, Allen County was designated as a nonattainment areas for ozone. The transportation control plan for Allen County was prepared by the Northeastern Indiana Regional Coordinating Council (NIRCC). It contains measures designed to reduce the level of hydrocarbon emissions in the area. The plan is projected to decrease hydrocarbons by 97.2 tons/year by December 31, 1982. It projects that that the percent reduction in hydrocarbons emissions required is adequate to ensure attainment of the ozone NAAQS in the area by 1982.

USEPA has reviewed the control strategy developed for Allen County. The transportation control plan portion of the control strategy satisfies all of the nine requirements previously described for an approvable nonattainment area SIP and USEPA proposes to approve it. However, USEPA needs to further examine the adequacy of the State's control requirements for volatile organic compounds for stationary sources. The adequacy of the requirements and the demonstration of attainment will be discussed in a future notice of proposed rulemaking.

Summary of Proposals

	Propose
Lake County:	
Carbon monoxide transportation control measures	Approval.
Ozone transportation control measures	Approval.
Demonstration of attainment	Approval.
Porter County:	
Ozone transportation control measures	Approval.
Demonstration of attainment	Approval.
Clark and Floyd Counties:	
Ozone transportation control measures	Approval.
Demonstration of attainment	Approval.
St. Joseph and Elkhart Counties:	
Ozone transportation control measures	Approval.
Demonstration of attainment	No action.
Allen County:	
Ozone transportation control measures	Approval.
Demonstration of attainment	No action.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified that SIP revisions under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, will constitute a SIP revision within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Conformity with Executive Order 12291

Under Executive Order 12291, USEPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation, if promulgated, will not be "major" as defined by Executive Order 12291, because this action only approves a State action.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110(a), 172 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410(a), 7502, and 7601))

Dated: July 9, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-24897 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-496; FCC 81-367]

Revision of Programming Policies and Reporting Requirements Related to Public Broadcasting Licensees

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission on its own motion herein sets forth its intention to eliminate or modify certain rules and policies related to the programming obligation of public TV and radio broadcasters. The following rules and policies are considered: General programming obligation, formal ascertainment requirement, and program logs. Options for rule modification in each area are also set forth. This action is taken to ensure that the rules and policies of the FCC are consistent with the proper programming obligation of public broadcast licensees.

DATES: Comments must be filed on or before November 2, 1981, and reply comments on or before December 2, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John Kamp, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: July 30, 1981.

Released: August 25, 1981.

In the matter of revision of programming policies and reporting requirements related to public broadcasting licensees, BC Docket No. 81-496.

I. Introduction

1. By adoption of this *Notice of Proposed Rule Making* the Federal Communications Commission announces its intention to examine its regulations and policies relating to public radio and television programming, including requirements for formal community ascertainment and program log keeping.[1] This is the first of a series of notices planned for the near future pursuant to a reexamination of the major rules and policies relating to the public broadcast service.[2]

2. This proceeding reflects the Commission's continuing concern that its rules and policies adequately address the current social, technological, and financial environments of its licensees, and that the implementation of these rules facilitates maximum service to the listening and viewing public at the lowest possible cost. In recent months we have concluded three major rule makings in the broadcast area which have resulted in greater regulatory efficiency. On January 14, 1981, the Commission adopted a *Report and Order* on the deregulation of commercial radio that eliminated the processing guidelines for non-entertainment programming and commercial matter, program log keeping rules and formal ascertainment procedures.[3] On March 26, 1981, the Commission adopted a streamlined and simplified license renewal form for both commercial and noncommercial licensees.[4] On April 23, 1981, the Commission significantly decreased its intervention into many of the programming decisions of public broadcasters by modifying its rules relating to promotional programming and "on-the-air" fundraising.[5] Each of these actions reflects the profound commitment of this agency to retain only those rules that directly serve its statutory mandate as influenced by current technological and social conditions. Also, each rule making indicates that important and significant strides can be made to achieve optimal regulatory efficiency in broadcasting while providing adequate time for interested and affected members of the public and the industry to participate in the shaping of regulatory policy.

II. The Purpose and Scope of the Proceeding

3. The general purpose of this proceeding is to investigate the proper role of this Commission within the current social and technological environment in the oversight of public broadcast programming, including its related obligations of formal ascertainment and comprehensive program logging. The general question in this docket is: To what extent should the Commission regulate the programming decisions of public broadcast licensees? Although when stated in this way the question appears relatively simple, it contains several ancillary and subsidiary questions. These go to the very heart and purpose of the public broadcast service and to the fact that the Commission continues to accommodate a class of public broadcast stations for which it reserves spectrum space and gives other special considerations, including licensing priorities. Our intention here is to: (a) Engage in serious zero based planning and to re-evaluate the programming assumptions currently applied to public broadcasting, and (b) build from this a more straightforward and coherent regulatory scheme for public broadcast programming oversight. Two goals will guide our pursuit of this general programming questions. First, our rules should be consistent with the nature of public broadcast service as distinct from commercial broadcasting. Second, our interference in the programming process should be as limited as possible. This second goal is based on the conviction that government regulatory action is most efficient when limited and our continuing conviction that the "marketplace of ideas" is best served by a multitude of voices freely competing for public attention.

4. This proceeding will also seek to answer the question whether we should retain the current formal ascertainment and programming log requirements now imposed on licensees as prerequisites both for initial licensing and for license renewal. We wish to investigate the extent to which these requirements meet our regulatory goals and, to the extent they do, whether they could be modified to make them more efficient.

5. At the onset it is useful to explicitly state what is and is not within the scope of this inquiry and notice. We do not intend herein to address the programming responsibility of commercial radio or commercial television licensees. Further, we do not address nor propose to modify in any way the specific statutory program requirements imposed on all broadcasters, including public broadcast licensees. These statutory restrictions include Section 315 obligations relating to the Fairness Doctrine and to political broadcasting; other political broadcasting rules such as Section 312(a)(7) mandating reasonable access for federal candidates, and statutory prohibitions relating to lotteries, obscene and indecent programming, etc. Also, we do not herein address or propose to modify non-programming rules, such as technical, engineering, equal employment opportunity and other regulations.

6. What we are considering here is the most appropriate implementation of the public interest standard as applied to public broadcast programming. It is not so much an investigation of the legal limits of the Commission's power in this regard as it is an investigation of the *best way* to exercise that power as a matter of sound public policy and regulatory efficiency. Although the history of programming regulation of public broadcasting sketched below indicates that Commission power may be rather extensive, the very existence of such power has never led us to exercise it absent a compelling public interest reason. This history is not presented to provide a pattern for the future, but to provide some insight into the scope, operation, purposes, and

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[1] On July 9, 1981, the Commission received a Petition for Rule Making by National Public Radio requesting deregulation of several elements of public radio broadcasting. Since all the major issues addressed in that petition, including ascertainment, program logs, and associated modification of license renewal procedures, are raised in this *Notice*, we are incorporating that petition into this rule making docket. Those wishing to address matters raised in the NPR petition may do so in comments in this docket.

[2] The term "public" broadcasting is used here to apply to the service provided by and the stations licensed by the Commission as "noncommercial educational" stations. Further notices are contemplated for the near future that will raise other basic questions regarding the public broadcast service. We also take note of the various bills currently before Congress that would raise related issues, including funding reductions and an amendment to HR 3236 that would authorize a major experiment with commercial broadcast advertising. However, due to the importance of the matters raised here, we believe that they are now ripe for public consideration and comment.

[3] *Deregulation of Radio*, 84 FCC 2d 968 (1981). Although that proceeding has much in common with this one, consideration of programming, formal ascertainment, and log keeping requirements for public broadcasting was not included in that proceeding. Although the public and commercial broadcasting rules have been very similar in execution, the deregulation of commercial radio proceeding was premised in part on the commercial marketplace environment especially relevant in that context. Public broadcasting exists in a different economic environment. However, many of the public policy considerations relevant in that proceeding are relevant here and will be considered below. In addition, this proceeding will consider modification of rules applicable to both television and radio, while that proceeding was restricted to commercial radio.

[4] *Revision of Application for Renewal of License of Commercial and Noncommercial AM, FM and Television Licenses*, 46 FR 26236, released May 11, 1981.

[5] *Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations, (Fundraising Order)*, 86 FCC 2d 141, 1981.

expectations of the Commission in implementing these regulations.

III. History and Development of Programming Oversight of Public Broadcasters

7. The history of programming oversight of public broadcast licensees, including the specific requirements for formal community ascertainment and maintenance of comprehensive program logs, is importantly related to our programming oversight of commercial licensees. Generally, oversight of public broadcasters came later and was less intense, but the pattern, processes, and basic promises of the rules are nearly identical. From the very beginning of broadcast regulation by the Federal Radio Commission, the enabling statute contained the "public interest, convenience and necessity" as the basic regulatory standard, and this phrase was interpreted to give the Commission power to make license determinations based, *inter alia*, on the programming service offered or proposed by licensees.[6]

8. *1960 Policy Statement.* The most significant modern statement of the scope of authority and power of the Commission to regulate the programming of licensees was released in 1960, the *Report and Statement of Policy re: Commission en banc Programming Inquiry (Policy Statement).*[7] The Statement concluded that as a matter of constitutional, statutory, and decisional law, programming oversight was proper when carefully executed. It concluded that each licensee has a nondelegable and personal responsibility as a condition of the license to insure that its programming is consistent with the public interest as construed by the Commission, and that this includes duties beyond those otherwise enumerated in the Act. The *Policy Statement* then made a general statement of the programming responsibility of licensees and listed several "* * * major elements usually necessary to meet the public interest." [8] This general statement has served as the capstone of the programming responsibility since its publication:

> The confines of the licensee's duty are set by the general standard "the public interest, convenience or necessity." The initial and principal execution of that standard, in terms of the area he is licensed to serve, is the obligation of the licensee. The principal ingredient of such obligation consists of a diligent, positive and continuing effort by the licensee to discover and fulfull the tastes, needs and desires of his service area. If he has accomplished this, he has met his public responsibility.[9]

The Commission followed this by saying that it is the Commission's duty first to select qualified licensees under the Communications Act, and then to review the operations of licensees as necessary "* * * to provide reasonable assurance to the public that the broadcast service it receives is such as its direct and justifiable interest requires." [10]

9. Given this construction of the Act and role of the Commission in enforcing its "public interest" language, the Commission was then left with the very difficult task of formulating a regulatory scheme that would allow it to make an affirmative programming judgment but at the same time not violate the First Amendment and the noncensorship provision of Section 326 of the Act. In the ensuring years the Commission did so through both rule making and adjudication. In its rule makings the Commission sought to avoid censorhship by not directly requiring that certain programs be aired, but by influencing the *process* of program decision making at each station. This was accomplished by increasingly formalizing the ascertainment process and by simultaneously increasing the number and type of program records each licensee must keep and submit to the Commission. Specifically, this meant the development of more specific program log regulations and the adoption of more program related questions in license application forms. Meanwhile, through adjudication of several licensing cases, the Commission also developed several program policies which, at botton, outlined the program showing necessary for a broadcaster to survive a petition to deny. Although these rule makings and adjudications did not develop entirely independently, for the sake of clarity, rule makings and adjudications will be discussed separately and in that order. However, in both areas, the 1960 *Policy Statement* was an important point of departure.

10. *Acertainment and Program Monitoring.* One of the major aspects of the *Policy Statement* was to emphasize the duty of each licensee to have thorough knowledge of the local community of license on the theory that such knowledge is indispensible for those who would provide sufficient program service. Although this concept had already taken on considerable importance in previous license cases, [11] the *Policy Statement* signified an intention to make it a formal part of every application and license renewal procedure. Thus, it announced the Commission's intention to revise Part IV of the license application forms to require the inclusion of a statement by all license applicants both of the manner by which the applicant ascertained the tastes, needs and desires of the community or service area, and the manner by which the applicant proposed to meet those ascertained needs. The statement specified both *what* it wanted licensees to do, and *how* they were to do it:

> What we propose is documented program submissions prepared as the result of assiduous planning and consultation covering 2 main areas; 1st, a canvass of the listening public who will receive the signal and who constitute a definite public interest figure; 2nd consultation with leaders in community life—public officials, educators, religious, the entertainment media, agriculture, business, labor— professional and eleemosynary organizations, and others who bespeak the interests which make up the community.[12]

The goal of the Commission was not to make ascertainment an end in itself but indirectly to insure that the programming of each station would serve its community. In essence, it was a requirement intended to influence the *product* (programming) by influencing the *process* (program development). Although the community participants were to contribute to the programming decisions, they were to be "* * * led and sifted by the expert judgment of the licensees." [13]

11. Commission monitoring of the ascertainment programming process was to be accomplished through the review of the periodic reports licensees were to make to the Commission in their license applications. But even the first statements of the purpose and disposition of these narrative reports indicate that ascertainment could later come to be thought of as an end rather than as a means: "By his narrative development, in his application, of the planning, consulting, shaping, revising, creating, discarding and evaluating of the programming conceived or discussed, the licensee discharges the public interest facet of his business calling * * *." [14]

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[6] See, *e.g.*: *Statement by Federal Radio Commission on August 23, 1928, Relative to the Public Interest, Convenience, or Necessity*, 2 FRC Ann. Rep. 166 (1928); *In re: Great Lakes Broadcast Co.*, 3 FRC Ann. Rep. 32 (1929).

[7] 44 FCC 2303 (1960).

[8] *Id.* at 2314.

[9] *Id.* at 2312.

[10] *Id.* at 2312–2313.

[11] See for examples, *P.B. Huff*, 11 F.C.C. 1211 (1947) and *Alexandria Broadcasting Corp.*, 13 FCC 601 (1949).

[12] *Id.* at 2316.

[13] *Id.*

[14] *Id.* at 2316.

12. In the aftermath of the *Policy Statement*, the Commission began a series of proceedings to determine how best to implement its goals. It eventually determined that the application forms needed to be changed to reflect the new formal ascertainment process, and that the program logging rules and associated program categories needed increased specification to facilitate both program planning by the stations and program oversight by the Commission. Somewhat different forms and reporting procedures were adopted for commercial radio and television. However, throughout the 1960's and early 1970's, public broadcasters were specifically excluded from the associated rule making processes.[15] In July 1965, the Commission adopted Orders implementing the ascertainment and log keeping rules for radio.[16] In October 1966, the Commission adopted similar Orders for TV application forms.[17] The forms were adopted after public comment periods, several further notices, public hearings and consultation with industry advisory groups. The Commission focused not so much on whether the requirements were appropriate but on how best to implement them. The results for commercial radio and television were basically the same: Part IV of the forms contained a four part ascertainment question which, *inter alia*, required submission of a rather specific program proposal. Program logging rules were also modified to require that a comprehensive record of programs be contemporaneously maintained according to specified program categories.[18]

13. Although no projection of the costs relative to the benefits of these rules appears on the face of these orders, they did not pass the Commission without dissent or debate. For example, Commissioner Loevinger cast a deciding vote to adopt the program service portion of the commercial radio form with some misgivings.[19] The clearest opposition came from Commissioner Hyde who asserted that the "* * * overall concept or the function [of the form] as disclosed by the directions, questions and admonitions of the form is to provide a comprehensive program regulatory procedure."[20] This, he said, amounted to a reversal of basic national policies relating to censorship. Furthermore, he clearly disagreed with those who had construed the "public interest" standard of the Act to mean that the Commission must affirmatively approve programming before a license grant could be made. Instead, Commissioner Hyde would have put more emphasis on *public* reaction to the programming of the licensee. He felt that the public can best decide what is appropriate programming, and that government regulation of freedom of speech, for the sake of either audiences or broadcasters, is often counterproductive:

> The Commission can find that public interest, convenience, and necessity will be served by the grant of licensee to qualified applicants for the purpose of providing broadcast service *to compete for public acceptance*. Operation under such conditions would remove the confusion caused by Commission ventures into program regulation and place responsibility on licensees where it belongs. Instead of the conformity which tight regulation breeds, we could expect innovation and increased vitality * * *. Finally, I would urge that broadcasting must be free of onerous restrictions if it is to serve the public interest, convenience, and necessity as a liberating force. History shows that freedom of communications is essential to maintenance of a free society. It is a safeguard of integrity in government, commerce, education, and, indeed, all matters of public concern.[21]

14. In the several years that followed, the emphasis continued to be on ascertainment by commercial licensees, and the Commission continued to refine and specify the obligation by Public Notice,[22] by case interpretation and through publication of a primer in 1971 after a public notice and comment period.[23] The original primer was applicable to all commercial application forms but another version was later published specifically for renewal applicants.[24] The first major ascertainment and log keeping rule makings to apply to public broadcasters were instituted during the preparation of the commercial renewal primer.[25]

15. The lack of a formal ascertainment reporting form and related logging rules did not mean however that public broadcasters were exempt from an affirmative duty to ascertain community needs and to program to serve these needs. This was made abundantly clear in *Alabama Educational Television Commission*, 50 FCC 2d 461 (1975), where the Commission denied renewal, *inter alia*, for failure to adequately ascertain community needs.[26] Several months earlier, the Commission published the *Notice of Inquiry and Proposed Rule Making* to impose formal ascertainment on public licensees, and to change Part IV of the application forms accordingly. The Commission said in the *Ascertainment Notice:*

> [E]ven though formal ascertainment requirements have not been imposed on noncommercial broadcasters, there appears to be no question concerning their obligations in this regard * * * they, like commercial broadcasters, have an affirmative duty to determine the needs and interests of their communities and to program in such a way as to meet those ascertained needs.[27]

16. The *Ascertainment Notice* also said that while public broadcasting "differs markedly from the commerical service,"[28] it would be a mistake to consider it outside the basic structure of the Communications Act and Commission policies. The Commission noted that when the noncommercial frequencies were first allocated, the stations were largely for instructional use by the educational institutions that operated them, but that "* * * as noncommercial broadcasting has developed, the emphasis has shifted from instructional to public programming and that such a shift magnifies the need for educational broadcasters to be aware of, and responsive to, community needs."[29] The Commission, therefore, opened a broad based inquiry on the specific question of

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[15] For example, when adopting an ascertainment primer in 1971, the Commission said: "Given the reservation of channels for specialized kinds of programming, educational stations manifestly must be treated differently than commercial stations." *Ascertainment of Community Problems*, 27 FCC 2d 650, 651 (1971).

[16] *Amendment of Section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315*, 1 FCC 2d 439 (1965), and *Amendment of The Program Logging Rules for AM and FM Broadcast Stations*, 1 FCC 2d 449 (1965).

[17] *Amendment of Section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315*, 5 FCC 2d 175 (1966), and *Amendment of Program Logging Rules for Television Broadcast Stations*, 5 FCC 2d 185 (1966).

[18] The logging rules were apparently adopted to facilitate program planning by the stations, and to allow the Commission and the public to monitor the performance of stations relative to their program proposals, thus creating what has come to be known as the "promise v. performance" issue.

[19] "It is apparent from the division of opinion regarding this matter that the new programming form cannot be promulgated without my vote * * *. I concur in its promulgation despite what I consider to be significant defects." 1 FCC 2d 448.

[20] 1 FCC 2d at 444.

[21] 1 FCC 2d at 446 (emphasis added).

[22] See *e.g.* 13 RR 2d 1903 (1968).

[23] *Ascertainment of Community Problems*, 27 FCC 2d 650 (1971).

[24] *Ascertainment of Community Problems by Broadcast Applicants*, 57 FCC 2d 418 (1975), *recon. granted in part*, 61 FCC 2d 1 (1976).

[25] The ascertainment and logging rule makings came in the form of separate notices of inquiry and proposed rule making: *Ascertainment of Community Problems by Educational Broadcast Applicants (Ascertainment Notice)*, 42 FCC 2d 690 (1973); and *Program Logging Requirements for Noncommercial Educational Broadcast Licensees*, 41 FR 56846 (1976).

[26] *See also, WHYY, Inc.*, 53 FCC 2d 421, *recon. denied*, 58 FCC 2d 455 (1976).

[27] *Ascertainment Notice, supra*, 42 FCC 2d at 699.

[28] 42 FCC 2d at 694.

[29] *Id.* at 695.

what programming rules should be required. The *Notice* included proposed rules and procedures to require program proposals and procedures to facilitate examination of past programming peformance. The most important reference to the anticipated regulatory burden on stations appeared in a footnote that states that much of the information was already available to many stations because it has been prepared and submitted as part of facilities grant requests made through the Department of Health, Education and Welfare.[30]

17. In August of 1975, the Commission published a *Further Notice* in this proceeding, largely to expand its scope to include those refinements in ascertainment procedures then under consideration for commercial broadcasters. In addition, it included an interim report on the comments then filed in the proceeding. One outstanding aspect of that report was the statement that "* * * we shall not attempt to relate the purpose of the ascertainment to the special 'role' of the service as we might view it. Whatever the distinct role of public broadcasting might be, it should evolve as the service matures, and not be defined and imposed by the government." [31] Notwithstanding, the Commission was convinced, based on the record before it, that public broadcasters should be subject to formal ascertainment requirements. The procedures proposed were nearly identical to those then proposed or in effect for commercial licensees, except that increased flexibility was proposed in some limited areas.

18. *The Current Ascertainment Rules.* Formal ascertainment procedures together with expanded application and renewal forms for public broadcasters were adopted by the Commission on March 11, 1976.[32] Although it is not necessary to review all details of the current rules, the essential aspects are:

19. Scope and timing: Licensees must engage in continuous ascertainment within both the community of their license, and, secondarily, within those areas outside that community that are covered by the signal.

20. Radio: Public radio licensees have the greatest flexibility. They are allowed "* * * to ascertain by any reasonable methods designed to provide them with an understanding of the problems, needs and interests of their service areas." [33] The process is documented by a narrative report and a problems/programs list. The narrative report details the sources consulted and the methods followed in conducting the ascertainment, and summarizes the principal needs and interests discovered. In addition, each year renewal applicants propose a list of up to 10 problems ascertained in the past 12 months, together with examples of programs broadcast to meet those problems. New applicants provide a similar list that is prospective rather than retrospective. The narrative statement and the problems/programs lists are prepared annually and placed in the public file. These are then submitted as part of the next application for license renewal.[34] Class D FM Stations (with city grade signals of about one mile) are exempt from all formal ascertainment requirements.[35]

21. Television: Public television stations must conduct ascertainment studies very similar to those required by commercial television stations. This is a multi-step process wherein licensees must:

1. Compile and place in their public files demographic data on their community of license;

2. Conduct interviews with community leaders representative of all significant groups, following a checklist of leader categories;

3. Conduct a general public survey, either using the traditional random sample method mandated for commercial stations, or by call-in programs or public meetings;

4. Compile, place annually in the public file, and submit with each application a problems/programs list such as that required of public radio and commercial licensees.[36]

22. At the time these requirements were adopted, the Commission also adopted new forms with which to implement the changes. Several months later, the program log rules were changed to bring the program content categories in line with the program categories used in the renewal form.[37] At this time public licensees were also required to make these logs available for public inspection, as well as submit them to the Commission when requested. The only significant subsequent change in these rules has been the simplified renewal form released on May 11, 1981.[38] It is important to note, however, that the license renewal process has differed in some respects with that of commercial broadcasters. Public broadcasters have never been subject to the non-entertainment programming guidelines (§ 0.281 of the Commission's rules). Also, rather than submitting a random composite week as evidence of past program performance, public broadcasters have submitted program logs from two weeks of their own choosing.

23. *Adjudication of Programming Issues.* While the *1960 Policy Statement* set forth broad programming policies for licensees, and the ascertainment and program logging rules gave it substance in the Commission's rules, the program policies of the *Policy Statement* were applied and developed in many of the license adjudications that occurred during the 1960's and 1970's. Although not all of the relevant cases will be reviewed here, several are particularly useful. However, as products of the adjudication rather than the rule making process, they tend not to be so indicative of the general programming expectations of the Commission as they are of the threshold showing required for those who would challenge a station's license renewal through the petition to deny process.

24. Again, the *1960 Policy Statement* provided the point of departure for many of the general programming policies of the Commission. One of the most important of these for present purposes was the idea that each station's programming should generally reflect all the needs and interests in the community of license. Although some variation from the norm was noted, the Commission clearly stated that each

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[30] *Id.* at 696, n. 11.

[31] *Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants.* 54 FCC 2d at 775.

[32] *In re Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants: Amendment of Section IV (Statement of Program Service) of FCC Broadcast Application Forms 340 and 342 (Noncommercial Educational Broadcast Applications); and Formulation of Rules and Policies Relating to Renewal of Noncommercial Educational Broadcast Licenses* (herein referred to as *"Public Ascertainment Report"*), 58 FCC 2nd 526 (1976). The Committee for Community Access and various others filed petitions for reconsideration of the *Public Ascertainment Report.* Inasmuch as this *Notice* indicates our intention to review the entire matter on a fresh record, we find that those petitions are now moot and we will therefore dismiss them herein.

[33] *Id.* at 537.

[34] Recent simplification of the license renewal form has eliminated some of these ascertainment related filings, but does not change the substance of the ascertainment requirement. See, *Simplified Renewal Form, supra.*

[35] The "small market" exemption for commercial licensees was not applied to public licensees. *See,* 58 FCC 2d at 542.

[36] See *Id.* at 537–541.

[37] *Amendment of the Commission's Rules and Regulations Concerning Program Logs for Noncommercial Educational Broadcast Stations,* 62 FCC 2d 120 (1976).

[38] *Revision of Application for Renewal of License of Commercial AM, FM and Television Licenses,* 46 FR 26236, released May 11, 1981.

station should present what has come to be called a "balanced program service" in that it "* * * should reasonably attempt to meet all (ascertained) needs and interests on an equitable basis." [39] Elaborating on this duty, the *Policy Statement* listed 14 major categories of program service "usually necessary" to meet the public interest. This list covered a broad range of subjects indicating a clear preference for general rather than specialized program service.[40]

25. In the aftermath of the *Policy Statement*, programming began to take special significance in licensing cases, especially in the context of allegations that specific stations failed to give sufficient emphasis to minority interests in the community of license. One of the earliest of these was *Capital Broadcasting Co.*, 38 FCC 1135 (1965), where the Commission extensively reviewed the allegations in a petition to deny and conducted an independent field investigation into allegations that the station had ignored or systematically excluded minority concerns in its programming. The Commission said that although the licensee was not required to divide its programming according to the mathematical proportions of constituent groups in the community, the station bore a clear responsibility to provide "equitable" coverage and to insure that all major segments were served.

26. This responsibility was further specified in *Evening Star Broadcasting*, 27 FCC 2d 316 (1971), where a group of Washington, D.C. individuals and organizations petitioned to deny renewal of a TV license, *inter alia*, based on the station's lack of coverage in several specific areas. The Commission granted renewal based on its own evaluation of the good faith efforts of the licensee, but apparently agreed with petitioners that licensees were required to present at least some programming designed to meet the specific needs of the community, including those of minority groups.[41] The appeal in that case contained two elements which have become the basic guidelines for the Commission and the public in these cases: (1) Although a broadcaster has wide discretion in its programming response to the competing and sometimes conflicting needs and interests of its communities, "[I]t may not flatly ignore a strongly expressed need," [42] and (2) the Commission may properly require that petitioners asserting programming failures meet a substantial burden of specificity before granting a hearing on the issue.[43]

27. Although the foregoing cases involved commercial licensees, the decision in *Alabama Educational Television Commission*, 50 FCC 2d 461 (1975), may be the most significant because of the extraordinary nature of both the facts and the decision of the Commission to deny renewal of the licenses. The Commission found, *inter alia*, that:

> The licensee followed a racially discriminatory policy in its overall programming practices * * * and, by reason of its pervasive neglect of a black minority consisting of approximately 30 percent of the population of Alabama, its programming did not adequately meet the needs of the public it was licensed to serve * * *.[44]

28. Later public broadcast renewal cases raising significant programming issues most often involved generalized assertions of programming failures which were not sufficient to warrant a full hearing,[45] but which provided the Commission with the opportunity to clarify the policy of the *Alabama* decision, and to address other important programming issues. For example, in *Georgetown University*, 66 FCC 2d 944 (1977), the Commission found insufficient facts to warrant a hearing where a petition to deny was based largely on the fact that the station had made a significant change in program philosophy and thus de-emphasized certain matters the petitioners thought must be covered for the station to be granted a license renewal. The Commission said: "Here petitioner has failed to allege facts which indicate that the subjects not dealt with were problems of the community, much less significantly expressed needs which the licensee, in good faith, could not have ignored." [46] The Commission also reasserted the right of licensees to take into account their personal and religious views when making program decisions, "* * * so long as the licensee also gives a 'fair break' to others who do not share those views." [47]

29. A more recent case, *Georgia State Board of Education*, 70 FCC 2d 948, *recon. denied*, 71 FCC 2d 227 (1979), appears to have settled two other basic issues for public broadcasters: (1) The responsibility of state networks to the local needs of each community of license, and (2) whether general programming can be relied upon to meet the needs of specific minority groups. On the first issue, the Commission found that although it had long recognized the organizational structure of state educational networks, this did not mean that the individual stations in each network had no local programming responsibility. However, the local *service* obligation did not impose a local *origination* obligation. Citing an earlier decision, the Commission said:

> [w]hile some problems and needs may best be met by local programming, other problems may more appropriately be covered with non-local program sources. It is not our intention to favor a particular program source or format, so long as the licensee's programming does, in fact, help to meet community problems and needs.[48]

On the related issue of whether general programming can be relied upon to meet the needs of specific community groups, the Commission found that the petitioners had misread the results of the *Alabama* and *Alianza* cases: "We have made clear that a licensee 'has no obligation to divide his coverage (of the community problems and needs he determines to cover) according to the racial, ethnic or religious composition of his community.' " [49] Further, the Commission found that the petitioner had failed to meet the required burden to warrant a hearing on the issue, noting that: "(Petitioner) has submitted no information whatever tending to show that Georgia State 'has followed either a pattern of prejudice or policy of exclusion or has consistently failed to respond to problems which * * * it could not reasonably or in good faith ignore * * *.' " [50]

30. Summarizing the programming policy statements from the cases reviewed in this section, public stations have the following general program responsibilities: (1) To provide general program service responsive to the ascertained needs of the community; and (2) to provide that service on an equitable basis that ignores no strongly expressed needs, and assures that no significant segment of the community is

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[39] *1960 Policy Statement, supra*, at 2314.

[40] *Id.*

[41] 27 FCC 2d at 332–333. See also: *Time-Life Broadcast, Inc.*, 33 FCC 2d 1081, 1093 (1972).

[42] *Stone* v. *Federal Communications Commission*, 466 F. 2d 316, 328 (D.C. Cir. 1972).

[43] *Id.* at 329. *See also: Columbus Broadcasting Coalition* v. *Federal Communications Commission*, 505 F. 2d 320 (D.C. Cir. 1974); and *Alianza Federal de Mercedes* v. *Federal Communications Commission*, 539 F. 2d 732 (D.C. Cir. 1976).

[44] 50 FCC 2d at 477.

[45] In addition to cases discussed below, see: *Mississippi Authority for Educational Television*, 71 FCC 2d 1286, *recon. denied*, 79 FCC 2d 300 (1980).

[46] 66 FCC 2d at 947.

[47] *Id.* at 951.

[48] 70 FCC 2d at 957 (quoting *Rules and Policies Relating to Renewal of Broadcast Licenses*, 44 FCC 2d 405, 422 (1973)).

[49] 70 FCC at 982 (citations omitted).

[50] *Id.* at 980 (quoting *Miami Valley Broadcasting Corp.*, 46 FCC 2d 177, 185 (1974)).

the object of intentional discrimination. The individual licensees are considered the primary decision makers on which community problems are addressed and how they are addressed by each station, and these determinations are to be given the greatest possible deference so long as they are made in good faith.

IV. The Public Interest

31. A short preface on the nature of the public interest standard and our current regulatory policies pursuant to it provides a useful backdrop to the presentation of our preliminary conclusions on these issues. It was clear from the very beginning of the development of the broadcast industry that a flexible regulatory system was necessary. Congress thus framed the Commission's regulatory authority in terms of the "public interest, convenience and necessity." This grant gave it neither unfettered power nor restricted that power in such a way as to make it impossible to react to changing technological and social circumstances. It was definitively settled in *National Broadcasting Co.* v. *U.S.*, 319 U.S. 190 (1943), that the Commission's powers were not limited to technical and engineering or so-called "traffic regulations" either by the Federal Communications Act or by the First Amendment. Rather Congress has given the Commission the broad power to regulate to further "the interest of the listening public in 'the larger and more effective use of radio.'" [51]

32. An outstanding aspect of the "public interest" standard has been that it is not only a flexible mandate under which the Commission operates but also one under which it is provided considerable judicial deference and room to experiment.[52] Courts have recognized this to the point of ratifying a deliberate change of view of the public interest even absent changed circumstances when the agency supplies a reasoned analysis.[53] Thus, the public interest has been described as a "supple instrument" allowing for changing Commission interpretation based on changes in circumstances and changes in regulatory philosophy.[54]

33. We believe that at least four matters are of primary importance when considering the programming responsibility of public broadcasters under the general "public interest" standard of the Act. We will outline each of these below. They are: (1) The intent of Congress in fostering the public broadcast service as evidenced in relevant legislation; (2) the Commission's traditional desire to avoid all unnecessary intrusion into the programming decisions of licensees, including those of public broadcasters; (3) the Commission's historical policy of allowing other forces to determine the character and content of the public broadcasting service, and (4) the Commission's recent policy of recognizing and relying upon social and market forces in broadcasting which lead to positive public interest results without specific Commission intervention.

34. *Congressional Intent.* Congress expressed its interest in the development of public broadcasting at the time of the passage of the 1934 Federal Communications Act. It instructed the new FCC to study non-profit broadcasting and make a timely report to Congress.[55] Further, the Commission was given specific authority in Sections 303 (a) and (b) of the Act to classify radio stations and to prescribe the nature of the service to be rendered by each class of licensed station and each station within any class. In addition, since 1962, Congress has passed a series of laws, now codified as part of the Act, which were designed to provide financial and other developmental assistance to public broadcasting agencies and organizations. Significantly, this assistance is distributed primarily by organizations outside this Commission. One of the most important of these organizations has been the Corporation for Public Broadcasting (CPB), a corporation created by Congress to implement many of its goals for the system. Two primary programming themes run through Section 396(g), the subsection that delineates the scope and purpose of CPB: (1) It has the purpose of developing programs "* * * of high quality, diversity, creativity, excellence and innovation * * *," [56] and (2) it is expected to "* * * carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of public telecommunications entities and systems from interference with, or control of, program content or other activities." [57] Although these Congressional mandates are not specifically directed to the role of this Commission in public broadcasting, they are fairly specific statements that the programming decisions of public broadcasters should be the product of diverse and creative influences, and should be free from government domination.[58]

35. *Programming Regulation.* The Commission's role in the programming decisions of all broadcasters has always been profoundly affected by its sensitivity to the First Amendment rights of the public and of broadcasters and the specific noncensorship provision of Section 326 of the Act.[59] This reluctance to interfere with free speech as a matter of constitutional and statutory law also has been respected by this Commission as a matter of sound public policy. An operational principle of our democratic form of government has been that the people's access to information should not be subjected to unwarranted government restriction and that public decision making is best carried out in an atmosphere where diverse speakers present the greatest possible variety of views.

36. *Character and Content of Public Broadcasting.* The basic role of the FCC in the history and development of public broadcasting has been to insure that spectrum space is available for its use

[51] 319 U.S. at 216 (1943) (quoting 47 U.S.C. 303(g)).

[52] Recently the Supreme Court has reinforced this position by finding that the Commission appropriately exercised its public interest obligations when it relied on marketplace pressures as a regulatory force in cases of format changes by radio stations. "Furthermore, we recognize that the Commission's decisions must sometimes rest on judgment and prediction rather than pure factual determinations." *Federal Communications Commission* v. *WNCN Listeners Guild*, 101 S.Ct. 1266, 1275 (1981).

[53] See: *Pinellas Broadcasting Company* v. *Federal Communications Commission*, 230 F. 2d 204 (D.C. Cir.), *cert. denied*, 350 U.S. 1007 (1956); and *Greater Boston Television Corporation* v. *Federal Communications Commission*, 444 F. 2d 841 (D.C. Cir 1970), *cert. denied*, 403 U.S. 923 (1971).

[54] *Federal Communications Commission* v. *Pottsville Broadcasting Co.*, 309 U.S. 134, 138 (1940).

[55] Section 307(c) stated: "The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reason for same."

[56] Section 396(g)(1)(A).

[57] Section 396(g)(1)(D). Both these themes are repeated in the "declaration of policy" section of the Act which declares that "expansion and development of public telecommunications depends upon freedom, imagination and initiative on both local and national levels." Section 396(a)(3).

[58] See *Accuracy in Media* v. *Federal Communications Commission*, 521 F. 2d 288 (D.C. Cir. 1975), where the federal court indicated that Commission control of the programming decisions of public broadcasters is no more extensive than that over commercial broadcasters. Specifically, the court found that the Commission was without power to enforce Section 396(g)(1)(A) of the Public Broadcasting Act of 1967, a provision which calls for "strict adherence to objectivity and balance" in programs sponsored by CPB.

[59] Section 326 states: "Nothing in this section shall be understood or construed to give the Commission power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

and to broadly classify its program service. It has meant that the Commission has had the appropriately limited role of facilitating the development of the public broadcasting system rather than determining the content of its programming. From the perspective of the Commission, public broadcasting is characterized largely by a negative distinction, *i.e.* public stations are not operated by profit seeking organizations nor supported by on-the-air advertising. The positive dimensions of public broadcasting are determined by social, political, and economic forces outside the Commission.

37. This basic regulatory scheme has had several public interest advantages. It has made the service possible and it has maintained its separate identity. At the same time, it has allowed the system to develop in response to the diverse and proximate needs of the communities within which it operates and not according to a standard Commission mold. Rather than imposing one unified and comprehensive standard for public broadcasting, the Commission has allowed those who operate, support, and consume public broadcasting to directly determine the nature of its service, especially its programming.

38. *Social and Market Forces.* One pronounced recent trend of this Commission has been to rely on social and market forces to achieve "public interest" objectives where possible. For example, in a policy statement the Commission stated that changes of format by commercial stations are most appropriately regulated by the Commerical marketplace.[60] The Commission there weighed many of the same factors considered here, including the costs of defining and monitoring the programming activities of licensees, the intrusion into licensee discretion, and the interests of the listening public. Although we recognized that a perfect correlation of listener preference and available entertainment programming would not always result, we found that marketplace forces best promoted the public convenience, interest and necessity by adjusting to the varied and shifting tastes of the listening public.[61] In reviewing this decision, the U.S. Supreme Court said that these conclusions were within the appropriate scope of the "public interest" standard and that: "These predictions are within the institutional competence of the Commission."[62] The more recent *Deregulation of Radio* Order took a somewhat broader tack, relying on social and economic forces to insure the continued public interest operation of commercial radio stations without several regulations, including ascertainment and logging rules similar to those at issue here.[63]

39. It is useful to compare public and commercial broadcasting in light of our perception that the "public interest" can often be served by relying on forces outside the Commission. In the commercial broadcasting context, the "public interest" often manifests itself most directly through the force of the competitive marketplace. There a station's economic viability is often directly tied to its ability to attract a sufficiently large audience to warrant advertiser support. The consumer's freedom to select among alternative stations gives them considerable influence on the programming decisions of commercial stations. In contrast, public broadcast programming is not designed to attract audiences in order to gain advertiser support. Instead, among other things, it provides a serious programming alternative and serves many needs of the public not served by commercial stations. Indeed, some public programs may have audiences that are too small or are otherwise not attractive to advertisers but are aired by public broadcasters responding to entirely different programming incentives. This is consistent with the *Public Broadcasting Act* which calls for "* * * programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources * * *"[64]

40. One important way the Commission fosters this type of activity is through careful regulation of the program incentives facing public broadcasters. The fundraising rules applicable to public broadcasting are designed to insure that instead of having its programming incentives tied exclusively to the size of its audience, these incentives are diverse and responsive to additional social and financial forces. The Commission, in fact, acted to preserve the diversity of programming influences in its most recent major public broadcast rule making. There, while we significantly increased the scope of discretion for on-the-air fundraising and promotion, we also sought to insure that "* * * the programming decisions of public broadcasters (are removed) from the normal kinds of commercial market pressures * * *" faced by commercial stations,[65] and remain "* * * consistent with the intended status of public broadcasting."[66] Thus, the old rule prohibiting all programming that promoted goods and services was replaced with a more limited rule prohibiting the broadcast of programming for consideration.

41. This scheme both shields broadcasters from the usual commercial pressures and allows public broadcasting room for the diversity, innovation, and experimentation envisioned by Congress. In addition, it allows for greater flexibility to provide programming not necessarily profitable for commercial broadcasters, and to develop programming responsive to a great panoply of other incentives and noncommercial influences. Thus, the operational core of the public broadcast system and the content of its programming stems not from detailed regulation by this Commission but from the multitude of personal, social, political and financial forces that influence it. Each of these forces represents various aspects of the public itself and thus the "public interest." Although the environment within which public broadcasters operate is quite different from that of commercial broadcasters, there are numerous forces at work influencing the programming choices of public broadcasters. We feel that it may be appropriate to place more faith in these forces and place less reliance on programming rules such as those considered in this *Notice*.

42. In summary, our current concept of the "public interest" contains several important facets, some of which may no longer be served by our current public broadcast programming rules.

V. Discussion of Relevant Issues

43. The time has come for the Commission fully to explore the programming obligations of public broadcasters. We propose to eliminate or modify those rules and policies not specifically traced to substantive provisions of the Communications Act or so imbedded in our constitutional system that they are an intregal part of national public policy. Specifically, we propose to eliminate or modify the formal ascertainment and logging requirements now imposed on public broadcasters, and to state as specifically as possible the minimum programming

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[60] *Development of Policy Re: Changes in the Entertainment Formats of Broadcast Stations*, 60 FCC 2d 858 (1976).

[61] *Id.* at 885.

[62] *Federal Communications Commission* v. *WNCN Listners Guild*, *supra*, 101 S. Ct. 1266 (1981).

[63] See generally, *Deregulation of Radio*, 84 FCC 2d 968 (1981).

[64] Section 396(g)(1)(A).

[65] *Fundraising Order*, *supra*, 86 FCC 2d at 142.

[66] *Id.* at 143.

responsibility of each public broadcast licensee.

44. Although we intend to adhere to our mandate of insuring that the "public interest" be served by each initial and renewal grant of a license, compliance with other existing rules may provide a sufficient basis for making these determinations. It should also be reemphasized here that this *Notice* does not consider all the programming restrictions of public broadcasters. Even if the least intrusive option set out below in each of the programming areas was adopted, the Commission would not be without power to check all programming abuses. The Fairness Doctrine and statutory programming rules would remain in place. In addition, public broadcasting is immersed in a social, political, and financial context, and the continuous interplay of forces that make up this context may reasonably be expected to insure that the programming of these broadcasters serves the public. To the extent that these forces, some of which are discussed below, insure that the public interest is served, they may obviate the need for regulation by this Commission.

45. As we have noted herein, Congress intended to foster a public broadcast service with a diverse, innovative and creative programming service. However, our regulation of that programming service has, in large measure, followed in the footsteps of our regulation of the commercial broadcast service. Also, the case law which we have developed with respect to public broadcast programming has been based upon the precedent which we established for the commercial service. Thus, we have imposed obligations that the public broadcaster serve all significant elements of his community of license and not ignore strongly expressed needs. We have even imposed an ascertainment obligation which very closely resembles the obligation of the commercial broadcaster, at least as far as television is concerned. We strongly believe that the time has come to reexamine the programming obligations of our public broadcast licensees, and determine whether our present policies and rules are consistent with the service provided by the public broadcasters. Freedom from government regulation may provide a tremendous liberating force. On the one hand it may free the service from the conforming and confining oversight of a central authority; on the other it may allow the system to be more directly responsible and responsive to the people and institutions that constitute it. In sum, the public interest may now be best served by less programming oversight of public broadcasting by the Federal Communications Commission.

46. At the outset we note that public broadcasting and public broadcasters have developed substantially in recent years and now provide a broad range of services to the listening public. To the extent that it was previously necessary to require these licensees formally to explore the inner recesses of their communities and to provide us evidence that they program accordingly, we now believe that such Commission oversight is largely unnecessary. It may have been true when these rules and policies were adopted that many public stations were moving from an emphasis on instructions to an emphasis on public service, but that development is now largely complete. In addition, the public broadcasting system and individual public broadcasters are organized and funded in ways that insure their programming will be both diverse and responsive to public needs and desires. Further, as new technologies develop, it appears that the service will likely exploit other media, including cable and possibly direct broadcast satellite, to carry out its goals.[67] This Commission should facilitate such extensions of public telecommunications by providing the greatest possible regulatory flexibility.

47. Public broadcasting in the 1980's has become "public" in the broadest sense of the word. The varied sources of its operating funds is one manifestation of this. A recent Corporation for Public Broadcasting report [68] indicates that although the system depends on tax sources for about two thirds of its income, more than half of this comes from state and local government sources with the rest coming from federal government sources. Nongovernment sources provide the balance of the funds and thus have a decided effect on the service. Subscribers are the largest source of nongovernment funds while businesses and foundations provide the bulk of the rest. Also, it is expected that the federal share of operating revenues will decline sharply in the 1980s,[69] leading to even greater diversity of funding sources. In addition, we noted in our recent fundraising decision that our new fundraising rules were expected to "* * * encourage more private donations and increase the total amounts of contributions." [70] We believe that one of the results of that rule making will be to strengthen the programming base of the system and thus "* * * reduce the ability of any single or private entity to affect program decisions * * *" [71] This varied source of operating revenues and program funds provides the Commission with confidence that public broadcasters will have freedom to provide the kind of program service that distinguishes it from its commercial counterpart, and also deliver a service that will be responsive to varied audience desires and needs. In this atmosphere, program oversight appears less important than in the past.

48. In addition, two major provisions of the Public Telecommunications Financing Act of 1978 insure that stations which receive public funds are responsive to national and local needs and interests. According to Section 396(k)(4) as amended by the 1978 Act, no funds may be distributed to the public Broadcast Service, National Public Radio, or any licensee unless meetings by governing bodies, governing committees, and advisory bodies of these are both published in advance and held open for public attentance. [72] Further, according to amended Section 396(b)(9)(A), fund may not be distributed to any station unless it establishes a community advisory board. In doing so, stations are required to make a good faith effort to assure that the advisory boards reflect "* * * The diverse needs and interests of the communities served by each station." Although Congress clearly stated that the boards are to be advisory and are not designed to control the daily operation and management of the stations, the boards are given a clear mandate to represent the needs and desires of the community and thus to exert influence on the programming decisions of the stations. Section 396(k)(9)(B) states:

> The board shall be permitted to review the programming goals established by the station, the service provided by the station, and the significant policy decisions rendered by the station. The Board may also be delegated any other responsibilities, as determined by the governing body of the station. The board shall advise the governing body of the station with respect to whether

[67] See generally, Sheila Mahoney, *Keeping PACE with the New Television*, 1980.

[68] S. Young Lee, *Status Report of Public Broadcasting 1980*, Corporation for Public Broadcasting, 1981, p. 17.

[69] As of this writing the federal appropriations have not been adopted by Congress. However, the proposed bills in both the Senate and House would authorize less federal money for public broadcasting for the years 1984–1986 than previously anticipated. In addition, the House bill would also allow for a partial rescission of funds already appropriated for 1982 and for 1983.

[70] *Fundraising Order, supra*, 67 FCC 2d at 143.

[71] *Id.*

[72] Although not so directly relevant here, Section 396(k)(5) requires that the financial records of each station be made available for public inspection.

the programming and other policies of such station are meeting the specialized educational and cultural needs of the communities served by the station, and may make such recommendations as it considers appropriate to meet such needs.

49. Congress passed these laws after our adoption of most of the programming rules and policies considered herein and in some respects can be said to duplicate our requirements. They apply to virtually all public television stations and to most of the larger, more powerful public radio stations. At the very least, these provisions insure that the programming policies of public broadcasters are subject to the influence of diverse segments in their communities, and that these licensees have been made aware of community views and important community issues.[73]

50. One final matter must be noted, *i.e.*, the cost of the specific rules at issue here. No government regulation should continue to be enforced unless it achieves some public interest objective that cannot be achieved without that regulation. Further, we think that the costs of any regulation should be considered as well as its benefits, even in cases like these where both costs and benefits are difficult to measure and quantify. The most direct costs of these rules are those associated with the execution of formal ascertainment and the collection of data for the logs. In addition, these rules require significant record keeping, review and monitoring by the stations and this Commission. We consider these costs significant, especially in light of the fact that they apparently contributed to the conclusion of the Small Business Administration [74] and the General Accounting Office [75] that the Commission is a major source of government paperwork burdens.

51. We will depend largely on the commenters in this proceeding to give us estimates on the cost of compliance with these rules. However, one statistic relied on by many commenters in the recent commerical radio deregulation proceeding is of special note because it purported to be a measure of the bruden of program log keeping and is derived from data provided by both commerical and public radio stations. The report, published by the General Accounting Office in 1978, indicates that compliance with the logging rules by all AM and FM radio stations requires a total of 18,233,940 hours per year by the industry. This would suggest that stations average over 5 hours per day maintaining program logs. We find this estimate troubling. We would like public broadcasters and others who comment in this proceeding to estimate the extent of the regulatory burden imposed by the logging and ascertainment requirements so that we can better assess their cost. Also, of course, such commenters should estimate, to the extent possible, the value to the stations and the public of compliance with these rules.

VI. Options

52. Since there is a variety of ways to proceed on the issues addressed here, we are setting forth a number of proposals for public comment. Although most of these proposals apply to the specific rule modifications proposed here, commenters should also set out their views on the general questions raised and considered in this proceeding. Although no preferred option is identified, the Commission is strongly inclined toward a greater reliance on non-regulatory forces in achieving its ends and thus plans to move as far in that direction as possible. Parties should feel free to comment on each of the specific proposals and to propose alternatives not set forth herein. Further, commenters may wish to explore the possibility of formulating somewhat different policies, rules and procedures for public radio and public television, although our preliminary preference in this regard is for equivalent treatment of the two broadcast media types. Parties should also feel free to submit any empirical data relevant to this proceeding, especially data on the costs and benefits of the existing rules.

53. *General Programming Responsibility.* We propose consideration of four options in regard to the general programming responsibility of public broadcasters:

(1) To eliminate all programming oversight of public broadcast licensees not based on the "consideration received" rule or specific statutory provisions of the Communications Act of 1934, as amended. Compliance with these duties, including the Fairness Doctrine, would constitute the minimum public service performance for licensing purposes.

(2) To retain a programming obligation for public broadcasters somewhat broader than outlined in option (1) but one that would place the maximum possible reliance on the programming expertise and good faith discretion of individual licensees. Here, we might require that some minimum amount of programming be addressed to important issues in the community of license, and that this be documented through an issues/programs list somewhat like that now used by commercial radio licensees.

(3) To retain the current generalized programming responsibility that requires a good faith response to all significantly expressed needs in the community of license. Here, we might wish to allow public broadcasters to specialize to the extent that many such needs are already satisfied by other media available in the market. If we choose this option, we might emphasize that as a licensing matter the program responsibility of public broadcasters would be no more extensive than that of commercial broadcasters.

(4) Retain the current programming policies applied to public broadcasters.

54. *Ascertainment.* We propose consideration of five major options with regard to ascertainment:

(1) To eliminate both the ascertainment procedures and the general ascertainment obligation. In this case, we would rely on compliance with our statutory programming rules and on other forces to ensure that stations provide programming that serves the public.

(2) To retain the ascertainment obligation but allow both radio and television stations to use any reasonable means as now allowed public radio broadcasters. Stations would do so without reporting the results to the Commission absent a formal investigation pursuant to a substantial and facially valid complaint that the licensee failed to meet his programming obligations.

(3) To retain the ascertainment obligation but allow the use of "any reasonable means," as above. However, this option could include a requirement that one or more records be maintained and made part of the public file and/or submitted to the Commission as part of each application. The records that might be required here could be similar to those now required, such as the narrative statement required of public radio licensees or some variation of the issues/programs list now used by commercial radio licensees.

(4) To modify slightly the current requirements to eliminate the most expensive or least cost effective aspects. Thus, we may wish, for example, to retain most of the current radio

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[73] We also not that Congress is currently considering some relaxation of the statutory requirements for advisory boards. Such action would be consistent with our intention here to reexamine regulations related to programming and to eliminate those that are no longer necessary or appropriate.

[74] "Advocacy Paperwork Measure of Reduction Program," U.S. Small Business Administration, September 10, 1979.

[75] "Federal Paperwork: Its Impact on Small Business," General Accounting Office, November 27, 1978, p. 43.

requirements but to eliminate the most formal aspects of the community leader interviews required of television licensees.

(5) Retain the current requirements.

55. *Program Logs.* Three options present themselves in this regard:

(1) Eliminate the requirement that stations maintain program logs.

(2) Eliminate our specific program log requirements but institute a more limited requirement that some types of records be kept of specific types of programs, such as public service programs. The Commission could either set specific standards for these records similar to those now imposed or allow stations to design their own standards.

(3) Retain our current program log requirements.

56. *Renewal Procedures.* The proposals considered above could have an impact on the way we now structure the renewal process, making it desirable to adjust our rules, forms, and policies in accordance with the final judgments made here. One possible such modification involves the newly simplified renewal forms and associated "audit form" recently adopted by the Commission.[76] In that proceeding, the Commission found that commercial radio licensees need not be subject to the long form audit procedure because of the regulatory changes adopted in the *Radio Deregulation* Order. Such a change may also become appropriate for public radio and television licensees as a result of other actions taken in this proceeding.[77]

VII. Regulatory Flexibility Act—Initial Analysis

Reason for Action

57. In view of changes in circumstances and changes in regulatory philosophy, it appears that programming oversight of public broadcasters under the general "public interest" standard should be reexamined and modified.

The Objectives

58. The Commission proposes to modify its oversight of programming of public licensees to insure that this oversight is no more costly or content intrusive than necessary.

Legal Basis

59. Action as proposed is in furtherance of Section 303 of the Communications Act of 1934, as amended, which charges the Commission to regulate as the public convenience, interest, and necessity requires. Specific applicable subsections enable the Commission to prescribe the nature of service to be rendered by stations, encourage the larger and more effective use of radio, and make general regulations requiring stations to keep appropriate programming records. The specific rules considered here also have reference to Section 309 of the Act which addresses Commission action on license applications.

Description, Potential Impact and Number of Small Entities Affected

60. The rule changes proposed here would reduce the formal requirements imposed as a condition of licensing for public broadcast stations that relate to community ascertainment and program log keeping. All of the options listed above that would change the present regulations would result in reductions both in what the stations are specifically required to do and what records they are required to maintain, make public, and submit to the Commission. Inasmuch as virtually all public broadcast stations are small entities, the proposed changes can be expected to have a substantial and beneficial effect on these entities. In addition, a few other small entities may be affected. Assuming that the Commission adopts the least restrictive option for each of the specific rules considered, we anticipate the following effects on small entities. To the extent that more restrictive or current requirements are retained, these effects would be mitigated:

(1) Public broadcast stations will be relieved of specific requirements to ascertain community needs as a condition of license. Since the general process of remaining informed of the important public issues, and the needs and interests of the community is endemic in the process of program development this will continue even absent these regulations. Therefore, it is difficult to measure the extent of the savings. At least, however, stations will not need to follow our prescribed requirements for ascertainment, and, therefore can be expected to tailor their future efforts to their specific needs. This should often result in some cost savings. Stations will also experience some recordkeeping savings.

(2) Small businesses which provide consulting and research services in connection with the general public ascertainment surveys now conducted by public television stations may no longer be hired to provide these services. This could result in some loss of revenue to these small businesses.

(3) Public radio and television stations would no longer be required to compile, maintain, and make available to the public and the Commission logs of their programming. Because these logs have functions for the stations that are independent of our rules, we cannot make a detailed estimate of the cost savings that would result. However, some savings for stations in terms of work hours and other associated recordkeeping costs when these stations develop the methods for logging that are specifically tailored to their needs can be expected.

(4) Some small entities that provide services and consultation to assist in station recordkeeping, and small entities that market necessary recordkeeping supplies and equipment may experience some loss of business.

Recording, Recordkeeping and Other Compliance Requirements

61. None of the options considered above would increase the present compliance burden on licensed stations. Several would, in fact, substantially reduce it.

Federal Rules which Overlap, Duplicate or Conflict with this Rule

62. Because no additional rules are proposed here, no question of further overlap, duplication, or conflict is raised. However, we note that the existing rules may be construed to duplicate requirements that public broadcast stations which receive federal funds under the 1978 Public Telecommunications Financing Act have open public meetings and make use of community advisory boards.

Any Significant Alternatives Minimizing Impact on Small Entities and Consistent with the Stated Objective

63. All of the options to modify the current rules considered herein would minimize the burden of program regulation on the affected public broadcast stations. The Commission's alternative is to maintain the current rules, and this would not have no effect on the current burden imposed on these stations.

VIII. Procedural Matters

64. It is ordered, That the petitions for reconsideration filed by the Committee for Community Access and others in Docket No. 19816 are dismissed as moot.

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[76] *Renewal of Licensees, supra.*

[77] We are aware that in the cast of *Gottfried* v. *FCC*, No. 79–1722 (D.C. Cir., April 17, 1981), *reh. denied* (July 8, 1981), the Court of Appeals found that in license renewal proceedings, the Commission must consider whether public stations have complied with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, as to program service to the hearing impaired. The rules and policies adopted in this rule making will incorporate the final disposition of this matter by the courts.

It is further ordered that the proceeding in Docket No. 19816 is hereby terminated.

65. Authority for this proposed rule making and inquiry is contained in Sections 1, 4(i), 303(g) and (j), and 403 of the Communications Act of 1934 as amended. Pursuant to applicable procedures set forth in §§ 1.415 and 1.46 of the Commission rules, interested parties may file comments on or before November 2, 1981, and reply comments on or before December 2, 1981. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching a determination in this proceeding the Commission may also take into account other relevant material before it, provided the nature and source of that material are identified in the public docket and made available for public comment. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all statements, briefs or comments filed shall be furnished the Commission. Responses shall be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) in its headquarters in Washington, D.C. (1919 M Street, NW.).

66. The contact person for further information regarding this proceeding is John Kamp, Broadcast Bureau, (202) 632-6302. However, members of the public should note that for purposes of this nonrestricted notice and comment rule making proceeding, *ex parte* contacts are permitted from the time that the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued indicating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff that addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who make an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* § 1.1231 of the Commission's rules, 47 CFR 1.1231.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-25010 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-561; RM-3857]

FM Broadcast Station in Ellijay, Georgia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 228A to Ellijay, Georgia, as that community's first FM assignment, in response to a petition filed by Gilmer County FM Broadcasters.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments, FM Broadcast Stations. (Ellijay, Georgia), BC Docket No. 81-561, RM-3857.*

Adopted: August 11, 1981.

Released: August 20, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by Gilmer County FM Broadcasters ("petitioner") proposing the assignment of FM Channel 228A to Ellijay, Georgia, as that community's first FM assignment. No comments opposing the assignment have been received.

(b) The proposed channel requires a site restriction of approximately 4.3 kilometers (2.7 miles) north of the community due to Station WQXI in Smyrna, Georgia. There is, however, a construction permit pending to move this section. If moved to the proposed location, no site restriction would be required.

2. *Demographic Data*—(a) *Location.* Ellijay, the seat of Gilmer County, is located approximately 104 kilometers (65 miles) north of Atlanta, Georgia.

(b) *Population.* Ellijay—1,507;[2] Gilmer County—11,110.

(c) *Local Aural Service.* Ellijay is presently served by daytime-only AM Station WLEJ.

3. Petitioner states that the community's population grew at a rate of 13.8 percent from 1970 to 1980. Ellijay's economy is supported by textile, lumber, furniture, chemicals and other industries.

§ 73.202 [Amended]

4. In view of the fact that the proposed assignment would provide a first FM and fulltime aural service to Ellijay, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as to the following community:

City	Channel No.	
	Present	Proposed
Ellijay, Georgia		228A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should

[1] Public Notice of the petition was given March 27, 1981, Report No. 1277.

[2] Population figures are taken from the 1980 U.S. Census.

note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-561 RM-3857]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-25014 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-572; RM-3880]

FM Broadcast Station in Durant, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposed that assignment of a Class A FM channel to Durant, Oklahoma, in response to a petition filed by E.D.B. Company. The proposed assignment could provide for a second local broadcast service to Durant.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Durant, Oklahoma), BC Docket No. 81-572, RM-3880.

Adopted: August 11, 1981.

Released: August 20, 1981.

1. The Commission herein considers a petition for rule making [1] filed by E.D.B. Company ("petitioner"), which seeks the assignment of Channel 249A to Durant, Oklahoma, as that community's second FM assignment. Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal have been received.

2. Durant (population 11,118),[2] seat of Byran County (population 25,552) is located approximately 192 kilometers (120 miles) southeast of Oklahoma City, Oklahoma. It is served locally by daytime only AM Station KSEO, FM Station KSEO (Channel 296A), and noncommercial FM Station KHIB.

3. Petitioner states that the AM/FM stations in Durant are operated by the publisher of its daily newspaper. E.D.B. claims that Durant is in need of a second FM station which would tend to improve service to the community, while offering a diversity of programming.

4. According to the petitioner, the assignment of Channel 249A to Durant would cause preclusion on Channel 249A in a small area within 65 miles. Petitioner claims that no community of reasonable size without local broadcast service would be precluded as a result of the assignment.

5. A site restriction of 5 kilometers (3.1 miles) east-northeast of Durant, must be imposed to meet the mileage separation for existing FM Stations KGOK (Channel 249A), Pauls, Valley, Oklahoma, and KZEW (Channel 250) Dallas, Texas. (Petitioner proposed a site 4.4 miles east-northeast of the city.)

§ 73.202 [Amended]

6. In view of the fact that the proposed assignment could provide a second local broadcast service to Durant, the Commission proposed to amend the FM Table of Assignments, § 73.202(b), with regard to Durant, Oklahoma, as follows:

City	Channel No.	
	Present	Proposed
Durant, Oklahoma	296A	249A, 296A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

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[1] *Public Notice* of the petition was given on April 17, 1981, Report No. 1281.

[2] Population figures are taken from the 1970 U.S. Census.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See*, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303.))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–572 RM–]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–25013 Filed 8–26–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–565; RM–3859]

FM Broadcast Station in Cape Coral, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 292A to Cape Coral, Florida, at the request of Sunshine Broadcasting, Inc. The assignment would provide Cape Coral with its second FM channel.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Cape Coral, Florida), BC Docket No. 81–565, RM–3859.

Adopted: August 12, 1981.

Released: August 21, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by Sunshine Broadcasting, Inc. ("petitioner") proposing the assignment of FM Channel 292A to Cape Coral, Florida. The proposed assignment would provide Cape Coral with its second FM assignment. No comments opposing the assignment have been received.

(b) The proposed channel can be assigned to Cape Coral in compliance with the minimum distance separation requirements.

2. *Demographic Data*—(a) *Location.* Cape Coral is located in Lee County, approximately 13 kilometers (8 miles) southwest of Ft. Myers, Florida.

(b) *Population.* Cape Coral—10,193; Lee County—105,216. [2]

(c) *Present Aural Broadcast Service.* Cape Coral is presently served by FM Station WRCC, Channel 280A.

3. *Economic Considerations.* According to the petitioner, Cape Coral's 1980 population is approximately 31,000. In addition, petitioner estimates that the population increases by 5,000 during the winter tourist season. Cape Coral's major industries are construction and related real estate activities.

4. Petitioner believes that due to the tremendous growth Cape Coral is experiencing, it has a definite need for an additional programming source.

5. *Preclusion Study.* Preclusion would be caused on Channel 292A within 65 miles. Six communities with populations greater than 1,000 would sustain preclusion on this channel. Of these six, three have existing FM assignments. [3]

§ 73.202 [Amended]

6. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the

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[1] Public Notice of the petition was given on March 27, 1981.

[2] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

[3] The six communities are: Fort Meyers Beach, Naples, Marco, Naples Park, North Naples and East Naples. The last three have no FM assignments. We also note that we have previously refused to recognize North Naples as a community. See *Naples, North Naples and Immokalee, Fla.* (Docket 20935), 41 R.R. 2d 1549 (1977). We make no judgment as to the community status of the other two places, Naples Park or East Naples, at this time.

Commission's rules, as to Cape Coral, Florida, as follows:

City	Channel No.	
	Present	Proposed
Cape Coral, Florida	260A	260A, 292A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin A. Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

[BC Docket No. 81–565 RM–3859]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81–26012 Filed 8–26–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81–567; RM–3881]

FM Broadcast Station in Bismarck, North Dakota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C FM Channel 243 to Bismarck, North Dakota, in response to a petition filed by Midwest Radio Company. The proposed assignment would provide for a third local FM service to Bismarck.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of assignments* FM Broadcast Stations (Bismarck, North Dakota), BC Docket No. 81–567, RM–3881.

Adopted: August 11, 1981.

Released August 21, 1981.

1. The Commission herein considers a petition for rule making [1] which seeks the assignment of Class C FM Channel 243 to Bismarck, North Dakota, as its third FM assignment. The *Notice* was initiated by Midwest Radio Company ("petitioner"). Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Bismarck (population 34,703),[2] the state capital, in Burleigh County (population 40,714) is located in the south-central part of North Dakota. It is served locally be daytime only AM Station KBMR; full-time AM Stations KBOM and KFYR; and FM Stations KQDY (Channel 233) and KYYY (Channel 225).

3. Petitioner states that Bismarck is the second largest city in North Dakota, and the largest city in the western half of the State. It is also the center of commercial, cultural and governmental activities for central North Dakota. Petitioner claims that Bismarck's numerous ratail stores, professional offices, banks, businesses and state

[1] *Public Notice* of the petition was given on April 17, 1981, Report No. 1281.

[2] Population figures are taken from the 1970 U.S. Census.

government (its most important employer) would generate advertising revenues for the proposed station. According to Midwest, the population of Bismarck increased to an estimated 44,485 persons in 1980, compared to 34,703 in 1970. Petitioner claims that Bismarck is of sufficient size and importance to warrant a third FM assignment.

4. The study submitted by the petitioner states, but does not show, that six communities [3] would be precluded by the assignment of Channel 243 to Bismarck, and that alternate channels are available for each of the precluded communities. A listing of the alternate channels should be submitted in comments to this proposal. The study submitted does not show how petitioner derived the preclusion information or what criteria was used. Therefore, petitioner should submit a more complete study. Since petitioner did not submit a *Roanoke Rapids* or *Anamosa* study, and Bismarck already has two FM stations, we assume that no first or second FM or aural service would be provided under this proposal.

5. The proposed assignment exceeds the Commission's guidelines for a third FM assignment. In such a case, we are more concerned with the efficiency of the allocation. Petitioner's submission of a preclusion study, which indicates alternate availability of channels for precluded communities, should resolve this issue.

6. Since Bismarck is located within 420 kilometers (250 miles) of the U.S.-Canadian border, the proposed assignment of Channel 243 to Bismarck, North Dakota, requires coordination with the Canadian Government.

§ 73.207 [Amended]

7. Comments are invited on the proposal to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules), with regard to Bismarck, North Dakota, as follows:

City	Channel No.	
	Present	Proposed
Bismarck, North Dakota	225, 233	225, 233, [47]

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

[3] The six communities are Fort Pierce, Gettysburg, McLaughlin, and Selby, South Dakota, and Fort Yates and Linton, North Dakota.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before October 19, 1981, and replay comments on or before November 9, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued, until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts, are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-567 RM-3881]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-25011 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-570; RM-3886]

FM Broadcast Station in Naknek, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 265A to Naknek, Alaska, in response to a petition filed by Bay Broadcasting Company. The proposed assignment would provide a first local aural broadcast service to Naknek.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Naknek, Alaska), BC Docket No. 81-570, RM-3886.

Adopted: August 11, 1981.

Released: August 18, 1981.

1. The Commission herein considers a petition for rule making [1] filed by Bay Broadcasting Company Inc., ("petitioner"), proposing the assignment of Channel 265A to Naknek, Alaska, as its first FM assignment. Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Naknek (population 178) in Bristol Bay Borough Division (population 1,147),[2] is located approximately 480 kilometers (300 miles) southwest of Anchorage. It has no local broadcast service.

3. Petitioner states that Naknek has no local broadcast service and it is also without a local newspaper. It does, however, receive service from the Armed Forces Radio Station at King Solomon, whose programming is completely military oriented. Petitioner claims that the proposed assignment would serve the needs of the community and the consumer, giving attention to the local news, interviews, community events and projects. Bay Broadcasting also claims that a Class A station with an ERP of 3 kW and 300 feet above average terrain would serve the villages of South Naknek and King Solomon, providing service for as many as 1,983 persons.

§ 73.202 [Amended]

4. In view of the fact that the proposed FM assignment could provide a first local aural broadcast service to Naknek, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Naknek, Alaska, as follows:

City	Channel No.	
	Present	Proposed
Naknek, Alaska		265A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket 81-570 RM-3886]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-25018 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[1] *Public Notice* of the petition was given on April 20, 1981, Report No. 1283.

[2] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 81-568; RM-3861]

FM Broadcast Station Las Vegas, Nevada; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 277 to Las Vegas, Nevada, as that community's eighth commercial assignment. This action is in response to a petition filed by Doctor R. Crants.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Las Vegas, Nevada), BC Docket No. 81-568, RM-3861.

Adopted: August 11, 1981.

Released: August 19, 1981.

1. *Petitioner, Proposal Comments.* (a) Before the Commission is a petition for rule making,[1] filed by Doctor R. Crants ("petitioner"), proposing the assignment of Channel 277 to Las Vegas, Nevada. No comments opposing this assignment have been received.

(b) The proposed channel can be assigned to Las Vegas in compliance with the minimum distance separation requirements of § 73.207.

2. *Demographic Data*—(a) *Location.* Las Vegas is located in Clark County at the southern tip of Nevada.

(b) *Population.* Las Vegas—125,787 [2] Clark County—273,288.

(c) *Present Local Aural Service.* Las Vegas is presently served by seven AM stations, six commercial FM stations and three noncommercial educational FM stations. In addition, in a recent rule making decision, Channel 293 was also assigned to Las Vegas (Docket 80-700, July 9, 1981), as its seventh commercial FM assignment.

3. *Economic Considerations.* According to the petitioner, Las Vegas is a growing and expanding community. Petitioner claims that Las Vegas' 1979 population was approximately 200,000. Las Vegas' spiraling population growth is due to tourism, industry, and the attraction of Las Vegas as a retirement community.

4. *Preclusion Study.* The assignment of Channel 277 to Las Vegas will cause preclusion on Channels 276A, 277, 278, 279 and 280A. This large preclusion area is a sparely populated region which, according to the petitioner, has numerous other channels available for assignment to it. Petitioner should provide information regarding specific channels available to precluded communities of over 1,000 population.

5. The proposed assignment would be Las Vegas' eighth commercial FM channel assignment. This is in excess of the number usually allowed (4-6) for a community of this size. Since the assignment would exceed our population criteria, the efficiency of assigning another channel to Las Vegas would depend on the preclusion impact which should be demonstrated by petitioner in its comments. *See* para. 4, *supra.* See also *Waycross, Georgia,* 47 RR 2d 319 (1980).

§ 73.202 [Amended]

6. In light of the above, the Commission proposes to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, with regard to the following community:

City	Channel No.	
	Present	Proposed
Las Vegas, Nevada	222, 226, 242, 246, 253, 270, 293	222, 226, 244,246, 253; 270, 277, 293

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rulemaking to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-568 RM-3861]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporate by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assignned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceedings itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commissions rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel

[1] *Public Notice* was given on March 27, 1981, Report No. 1277.

[2] Population figures are taken from the 1970 U.S. Census.

than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rulemaking* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-25017 Filed 8-26-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-569; RM-3889]

FM Broadcast Stations in Kodiak, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: This action proposes the assignment of FM Channel 266 to Kodiak, Alaska, as that community's first commercial FM assignment. This action is in response to a petition filed by Kachemack Broadcasters, Inc.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Kodiak, Alaska), BC Docket No. 81-569, RM-3889.

Adopted: August 11, 1981.

Released: August 19, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rulemaking [1] was filed by Kachemack Broadcasters, Inc. ("petitioners") proposing to assign FM Channel 266 to Kodiak, Alaska, as that community's first commercial allocation. No oppositions to the proposed assignment have been received.

(b) The channel may be assigned without affecting any existing or proposed FM assignments.

(c) Petitioner states that if the channel is assigned, it will apply for a construction permit to build a station.

2. *Demographic Data.* (a) *Location.* Kodiak is located on Kodiak Island in the Gulf of Alaska approximately 400 kilometers (250 miles) southwest of Anchorage, Alaska.

(b) *Population.* Kodiak—3,798; Kodiak Island—9,409.[2]

(c) *Present Aural Service.* Kodiak is presently served by full-time AM Station KVOK and by noncommercial FM Station KMXT (261A).

3. *Economic Considerations.* According to the petitioner, Kodiak is the only comunity of any significance on Kodiak Island. Its population has grown by 25% in the past decade. Its major industries are fishing, shipping, canning, and timber.

4. Normally, a preclusion study and a *Roanoke Rapids* showing is required for a Class C assignment to a community this small. However, due to the remoteness of the community in this case, we believe that the showings are not necessary.

§ 73.2021 [Amended]

5.In light of the above, the Commission feels that it is in the public interest to propose the following amendment to the FM Table of Assignments, § 73.202(b) of the Commission's rules:

City	Channel No.	
	Present	Proposed
Kodiak, Alaska	*261A	*261A, 266

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules, Broadcast Bureau.

Appendix

[BC Docket No. 81-569 RM-3889]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments.The proponent of a proposed assigment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be condsidered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as

[1] *Public Notice* was given on April 28, 1981, Report No. 1283.

[2] Population figures are taken from the 1970 U.S. Census.

comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-26016 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-571; RM-3853]

FM Broadcast Station in Goose Creek, South Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: This action proposes the assignment of FM Channel 232A to Goose Creek, South Carolina, as that community's first FM assignment. The action is in response to a petition filed by the Sonrise Broadcasting Company.

DATES: Comments must be filed on or before October 20, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Goose Creek, South Carolina), BC Docket No. 81-571, RM-3853.

Adopted: August 11, 1981.

Released: August 20, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making[1] was filed by Sonrise Broadcasting Company ("petitioner"), proposing the assignment of Channel 232A to Goose Creek, South Carolina, as its first FM channel. No oppositions to the proposal have been received.

(b) A site restriction of approximately 8.16 kilometers (5.1 miles) northeast of Goose Creek is required due to Station WCHY in Savannah, Georgia.

(c) Petitioner has stated its intention to apply for the channel, if assigned.

2. *Demographic Data*—(a) *Location.* Goose Creek is located approximately 23 kilometers (14 miles) north of Charleston, South Carolina, in Berkeley County.

(b) *Population.* Goose Creek—3,656,[2] Berkeley County—56,199

(c) *Present Aural Service.* Goose Creek is not served by any local broadcast station.

3. According to petitioner, Goose Creek has grown considerably in the past 10 years, rising from 3,828 in 1970 to 17,359 in 1980. Goose Creek is primarily an industrial community. It has approximately 250-300 businesses, with two banks serving the area.

4. Petitioner states that the development of a local station in the Goose Creek city limits would not only provide musical entertainment, but community involvement through various public service programs and news programs offered by the station. Further, a radio station in Goose Creek would help to disseminate local information to the people of the city.

§ 73.202 [Amended]

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Goose Creek, South Carolina		232A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-571 RM-3853]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a

[1] Public Notice of the petition was given on March 27, 1981, Report No. 1277.

[2] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished by the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25015 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-574; RM-3884]

FM Broadcast Station in Woodstock, Virginia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: This action proposes the assignment of FM Channel 240A to Woodstock, Virginia, as that community's first FM assignment. This action is in response to a petition filed by Arthur D. Stamler and Virginia I. Stamler d.b.a. Ruarch Associates.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Woodstock, Virginia), BC Docket No. 81-574, RM-3884.

Adopted: August 11, 1981.

Released: August 20, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making [1] was filed by Arthur D. Stamler and Virginia I. Stamler d.b.a. Ruarch Associates ("petitioner"), proposing the assignment of FM Channel 240A to Woodstock, Virginia. No comments opposing this request have been received.

(b) The proposed channel may be assigned to Woodstock with a site restriction of approximately 1.6 miles southwest of the city. This site restriction is required to avoid short spacing to Station WYII (240A) in Williamsport, Maryland.

(c) Petitioner has stated its intent to apply for the channel, if assigned.

2. *Demographic Data.* (a) *Location.* Woodstock, the seat of Shenandoah County is located approximately 128 kilometers (80 miles) west of Washington, D.C.

(b) *Population.* Woodstock—2,338 [2] Shenandoah County—22,852.

(c) *Present Aural Service.* Woodstock does not have any local broadcast service.

3. *Economic Considerations.* According to petitioner, Woodstock's single greatest source of employment is manufacturing, particularly several well-known apparel factories. There are over 20 factories located in Shenandoah County, providing a substantial economic base in the region. The county also ranks high in Virginia as a producer of livestock and fruits.

4. Petitioner further claims that "Woodstock and Shenandoah County comprise an area isolated by a unique combination of geographic and demographic factors." This isolation, combined with the area's unique meteorological characteristics, contributes to the need for a full-time broadcast facility in Woodstock.

5. Woodstock is located in the radio quiet zone. Petitioner, however, states that he intends to locate the transmitter east of longitude 78° 30' 00", outside the quiet zone. For this reason, the petitioner is not required to seek concurrence from the National Radio Astronomy Observatory.

6. In light of the above, the Commission finds it is in the public interest to propose the following amendment to § 73.202(b) of the Commission's rules, the FM Table of Assignments.

City	Channel No.	
	Present	Proposed
Woodstock, Virginia		240A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

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[1] *Public Notice* was given on April 28, 1981, Report No. 1283.

[2] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket 81-574; RM-3811]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules. IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-25022 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-249; RM-3698]

FM Broadcast Station in Weed, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Dismissal of proposed rule.

SUMMARY: This action dismisses a petition filed by Jeanne M. and Robert C. Crabb to substitute Class C FM Channel 274 for Channel 265A at Weed, California. The proceeding was terminated for petitioner's failure to make the requisite showing of continuing interest in the proposed channel allocation.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Weed, California), BC Docket No. 81-249, RM-3698.

Report and Order—Proceeding Terminated

Adopted: August 11, 1981.

Released: August 18, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making,* 46 FR 23774, published April 28, 1981, proposing the substitution of Class C FM Channel 274 for Channel 265A at Weed, California, in response to a petition filed by Jeanne M. and Robert C. Crabb ("petitioner"). Weed currently has no local aural service, although an application is pending for unused Channel 254A.

2. According to Commission policy, a showing of continuing interest is required before a channel will be assigned. The petitioner herein failed to file comments in response to the *Notice.* The period for such a filing in this proceeding has expired and no other party has expressed an interest in the proposed class C assignment to Weed.

3. In view of the foregoing, it is ordered, that the petition of Jeanne M. and Robert C. Crabb, proposing the substitution of Class C FM Channel 274 for Channel 265A at Weed, California, is dismissed.

4. It is further ordered, that this proceeding is terminated.

5. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303)).

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25021 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-573; RM-573]

FM Broadcast Station in Sidney, Nebraska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute FM Channel 254 for Channel 237A at Sidney, Nebraska, and to modify the license of Station KSID on Channel 237A to specify the Class C channel, in response to a petition filed by KSID Radio, Inc.

DATES: Comments must be filed on or before October 20, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations (Sidney, Nebraska), BC Docket No. 81-573, RM-3841.

Adopted: August 11, 1981.

Released: August 21, 1981.

1. KSID Radio, Inc. ("petitioner"), licensee of KSID (Channel 237A), Sidney, Nebraska, has filed a petition for rule making [1] seeking the substitution of Channel 243 for its existing assignment. This proposal conflicts with a proposal to assign Channel 243 to Evergreen, Colorado (RM-3839). The

[1] Public Notice of the petition was given on February 23, 1981, Report No. 1270.

distance between Sidney and Evergreen is 161 miles. A distance separation of 180 miles is required in § 73.207 of the Commission's rules. However, since Channel 254 is available as a substitute we have proposed that channel for consideration herein.

2. Sidney (population 6,403),[2] the seat of Cheyenne County (population 10,778), is located approximately 584 kilometers (365 miles) west of Omaha, Nebraska. The community is presently served by fulltime AM Station KSID and FM Station KSID (Channel 237A).

3. Petitioner claims that Sidney is the largest city within a radius of over 40 miles. It serves as the center of retail trade for an area of over 3,000 square miles.

4. Further, petitioner states that the operation of a Class C station in Sidney will provide a first nighttime aural service to 2,339 persons living in an area of 416 square miles, and a second nighttime aural service to 2,647 additional persons living in an area of 738 square miles. Petitioner should include a preclusion study for Channel 254 listing alternate channels for the communities precluded by that proposed channel.

5. Pursuant to our decision in *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976), we would modify the license of Station KSID to specify the Class C channel only if no other interest is expressed in the proposed assignment during the comment period.

6. In view of the foregoing, we find it in the public interest to explore the following amendment to the FM Table of Assignments, § 73.202(b) of the Commission's Rules as follows:

City	Channel No.	
	Present	Proposed
Sidney, Nebraska	237A	254

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504, and 73.606(b) of the Commission's rules, 46 Fed. Reg. 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–573 RM–3841]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished by the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81–25020 Filed 8–26–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–575; RM–3849]

FM Broadcast Station in Riverton, Wyoming; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 223 to Riverton, Wyoming, in response to a petition filed by Wind River Communications, Inc. The assignment could provide Riverton with a second commercial FM assignment and third nighttime aural broadcast service.

DATES: Comments must be filed on or before October 20, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

[2] Population figures are taken from the 1970 U.S. Census.

Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Riverton, Wyoming), BC Docket No. 81–575, RM–3849.

Adopted: August 12, 1981.

Released: August 21, 1981.

1. A petition for rule making[1] was filed by Wind River Communications, Inc. ("petitioner"), proposing the assignment of Channel 223 to Riverton, Wyoming, as that community's second commercial FM assignment. Petitioner states that it will apply for the channel, if assigned to Riverton.

2. Riverton (population 9,588),[2] in Fremont County (population 40.251), is located approximately 360 kilometers (225 miles) northwest of Cheyenne, Wyoming. It is currently served locally by commonly-owned full-time AM Station KVOW and Station KTAK (FM) (Channel 230), as well as noncommercial educational Station KCWC (Channel 201). Petitioner indicates that its area has experienced an increase in population of approximately 69% during the past decade. It states that the community's economic base is derived from agriculture, timber, mining and energy production.

3. The assignment of Channel 223 to Riverton will cause preclusion on Channels 221A within 65 miles, 222 within 150 miles, 223 within 180 miles, 224A within 105 miles, and 226 within 65 miles. Petitioner lists alternate channels for the precluded communities.

4. Petitioner states, without specifics, that this proposal will provide a second full-time aural broadcast service to Riverton as well as render first service to outlying areas.[3]

§ 73.202 [Amended]

5. In order to give further consideration to this request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Riverton, Wyoming	230	223, 230

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–575 RM–3849]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–26019 Filed 8–26–81; 8:45 am]

BILLING CODE 6712–01–M

[1] *Public Notice* of the petition was given March 9, 1981 (Report No. 1273).

[2] Population figures are extracted from the 1980 U.S. Census.

[3] In showing the extent of a first service, petitioner did not use reasonable facilities for Station KDLY, Lander, Wyoming.

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47 CFR Part 73

[BC Docket No. 81–564; RM–3921]

FM Broadcast Station in Kremmling, Colo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign FM Channel 292A to Kremmling, Colorado, in response to a petition filed by Middle Park Communication Corporation. The assignment could provide Kremmling with a first local aural service.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 12, 1981.

Released: August 25, 1981.

By the Acting Chief, Policy and Rules Division:

1. A petition for rule making [1] was filed by Middle Park Communication Corporation ("petitioner"), requesting the assignment of Channel 292A to Kremmling, Colorado, as that community's first FM assignment. Petitioner states that it will apply for the channel if assigned to Kremmling. No responses to the petition have been received, and the channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Kremmling (population 1,296),[2] in Grand County (population 7,475), is located approximately 120 kilometers (75 miles) northwest of Denver. It currently has no local aural service.

3. Petitioner indicates that Kremmling has a mayor/council form of government. Its two major employers, according to petitioner, consist of lumbering and mining operations, although ranching and retail outlets add to its economic base. It states that the county is a very popular summer and winter recreation area. It adds that the community is presently served by a weekly newspaper, which is its only local media source. Further, it advises that Kremmling's isolated location in a valley, between the Continental Divide and the Rocky Mountains, obstructs the reception of FM signals while its terrain limits AM service. Petitioner has made a sufficient demonstration of need for a first FM assignment to Kremmling, Colorado.

[1] Public Notice of the petition was given June 19, 1981, Report No. 1293.

[2] Population figures are extracted from the 1980 U.S. Census.

§ 73.207 [Amended]

4. In view of the fact that the proposed FM channel would provide a first local aural FM broadcast service to Kremmling, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to that community, as follows:

City	Channel No.	
	Present	Proposed
Kremmling, Colo		292A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Fed. Reg. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Martin A. Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's

Public Reference room at its headquarters, 1919 M Street, N.W., Washington, D.C.
[FR Doc. 81-25128 Filed 8-26-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR PART 73

[BC Docket No. 81-576; RM-3824]

FM Broadcast Station in Blakely, Georgia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of FM Channel 228A to Blakely, Georgia, at the request of Radio Blakely, Inc. The assignment could provide Blakely with its first full-time FM broadcast service.

DATES: Comments must be filed on or before October 20, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 17, 1981.

Released: August 21, 1981.

By the Acting Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making[1] was filed by Radio Blakely, Inc. ("petitioner"), proposing the assignment of FM Channel 228A to Blakely, Georgia, as that community's first FM assignment. Petitioner is licensee of AM Station WBBK, Blakely, Georgia. No responses to the petition have been filed.

(b) In order to comply with the Commission's minimum distance mileage separation requirements, a site restriction of 11.5 kilometers (7.2 miles) southeast of Blakely is required for this proposed assignment to avoid short-spacing to an existing station. Petitioner should submit information showing he can provide the required 70 dBu contour over Blakely from a transmitter located this far out of town.

2. *Community Data:*

(a) *Location:* Blakely, the seat of Early County, is located approximately 264 kilometers (165 miles) south of Atlanta, Georgia.

Population: Blakely—5,880,[2] Early County—13,158.

(c) *Local Aural Broadcast Service:* Blakely is served by daytime-only AM Station WBBK.

3. *Economic Considerations:* Petitioner states that Blakely is a thriving community and has experienced some excellent growth in recent years. Its economy is based on agriculture, peanuts being the number one crop in Early County.

§73.202 [Amended]

4. In light of the above information, the Commission proposes to amend §73.202(b) of the Commission's Rules, the FM Table of Assignments, as it pertains to Blakely, Georgia, as follows:

City	Channel No.	
	Present	Proposed
Blakely, Ga		228A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Fed. Reg. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in section 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments

[1] Public Notice of the petition was given on January 27, 1981, Report No. 1267.

[2] Population data are taken from the 1980 U.S. Census.

shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings:* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25125 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-562; RM-3837]

FM Broadcast Station in Leoti, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of Class C channel 260 to Leoti, Kansas, as its first FM channel, in response to a petition filed by KIUL, Inc. The proposed station would provide substantial first and second FM and nighttime aural service to the surrounding area.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 12, 1981.

Released: August 25, 1981.

By the Chief, Policy and Rules Division:

1. A petition for rulemaking [1] was filed by KIUL, Inc. ("Petitioner"), proposing the assignment of Class C channel 260 to Leoti, Kansas, as its first FM assignment. Petitioner failed to state that it would apply for the channel, if assigned. It is requested to make a commitment to that effect.

2. Leoti (population 1,916)[2] seat of Wichita County (population 3,274) is located approximately 360 kilometers (225 miles) northwest of Wichita, Kansas. It has no local aural broadcast service.

3. Petitioner asserts that although the population of Leoti has been at a standstill for the past few years, the economy has surged. Based on the median age of the county's population, it is expected that the population will increase and the economy will remain stable. Demographic and economic information has been submitted to demonstrate the need for a first FM assignment to Leoti.

4. *Preclusion Consideration:* According to the information submitted by the petitioner, the assignment of Channel 260 to Leoti will cause preclusion on Channel 257A within 65 miles, Channel 258 within 65 miles, Channel 259 within 150 miles, Channel 260 within 180 miles, and Channel 261A within 105 miles. Petitioner should submit a list of alternate channels available to the precluded areas, in comments to this proposal.

5. Generally a community as small as Leoti would be assigned a Class A channel. However, an exception is made where the Class C proposal could provide a significant amount of first or second FM service to the surrounding area and population. Petitioner states that the assignment of Channel 260 to Leoti will provide a first FM and nighttime aural service to 8,053 square kilometers (3,146 square miles) for 7,381 persons and a second FM and nighttime aural service to 7,116 square kilometers (2,780 square miles) for 13,027 persons.

§ 73.202 [Amended]

6. In view of the fact that the proposed assignment would provide first FM and first and second nighttime aural service, the Commission believes it appropriate to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the community listed below:

City	Channel No.	
	Present	Proposed
Leoti, Kans.		260

7. The Commission's authority to institute rule making proeedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than

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[1] *Public Notice* of the petition was given on February 10, 1981, Report No. 1269.

[2] Population figures are taken from the 1970 U.S. Census.

that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All fillings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25127 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-577; RM-3811]

TV Broadcast Station in Virginia Beach, Virginia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign UHF television Channel 43 to Virginia Beach, Virginia, in response to a petition filed by Edward S. Garcia. The assignment would provide Virginia Beach with a first local commercial television service.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 17, 1981.

Released: August 21, 1981.

By the Acting Chief, Policy and Rules Division:

1. A petition for rule making [1] was filed by Edward S. Garcia, Jr. ("petitioner"), proposing the assignment to UHF television Channel 43 to Virginia Beach, Virginia, as that community's first local commercial television broadcast service. An opposition to the proposal was filed by CBN Continental Broadcasting Network, Inc. ("CBN"), licensee of Station WYAH-TV, Portsmouth, Virginia, to which the petitioner responded. Peititioner states that he will apply for a construction permit if UHF television Channel 43 is allocated to Virginia Beach as proposed.

2. Virginia Beach (population 172,106) [2] is located in the southeast corner of Virginia, adjacent to Norfolk. It currently has no local television channel assignment.

3. Petitioner states that the area's population has more than tripled since 1960 to its current estimated figure of 288,066, and that all signs point to continued growth. It adds that the city has a flourishing tourist trade with an economic base derived from such major components as industry, agriculture, tourism, the military, and retail/wholesale trade. Petitioner indicates that a new Arts and Conference Center is expected to attract many conventions, a major addition to the Virginia Beach economy. In sum, petitioner has made a sufficient showing to demonstrate a need for the proposed assignment.

4. In its opposition, CBN states that petitioner has failed to submit a preclusion study to reveal the effects of adding proposed Channel 43 to Virginia Beach. Further, it asserts that the community receives adequate television coverage and service from neighboring stations. It further alleges that the community could not support a television station of its own, and that the availability of land for a transmitter site has not been shown.

5. In response, petitioner correctly states that a preclusion study is not required in proceedings to amend the Television Table of Assignments. Secondly, it responds that Virginia Beach deserves its own allocation, citing the Commission's holding in Naples, Florida (Docket 19391, 34 FCC 2d 1111, 1114 (1972)). As a final point, it properly adds that the matter of transmitter site availability is not relevant in a rule making proceeding. (Such an issue may be raised at the application stage where it would be feasible to investigate and consider the merits of various allegations, rather than in a rule making proceeding. *See, Beaverton, Michigan,* 44 RR 2d 55 (Broadcast Bureau, 1978).)

6. The proposed assignment meets the minimum distance separation requirements of §73.610 of the Commission's Rules and allows flexibility in transmitter site selection. At this point, we have no reason to believe that a site cannot be obtained to provide city-grade coverage. However, petitioner should indicate the extent to which he has investigated site availability in the area. As for CBN's concern that Virginia Beach cannot support another station, in view of the community's population, we do not share the concern.

§73.606 [Amended]

7. In view of the foregoing, and the fact that the proposed television channel assignment would provide a first local commercial television broadcast service to Virginia Beach, the Commission believes it appropriate to propose amending the Television Table of Assignments, §73.606(b) of the Rules as follows:

City	Channel No.	
	Present	Proposed
Virginia Beach, Virginia		43 +

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, §73.606(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to

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[1] *Public Notice* of the petition was given December 31, 1980, Report No. 1264.

[2] Population figures are extracted from the 1970 U.S. Census, unless otherwise noted. Also, according to that Census, Virginia Beach City and Princess Anne County were consolidated in 1963 with a combined population for 1980 of 85,218.

Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rule Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25128 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 7, 42, and 51

Equipment Lease or Purchase, Negotiating Advance Agreements for Independent Research and Development/Bid and Proposal Costs, and Use of Government Sources by Contractors

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquistion Regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding the decision to acquire equipment by lease or by purchase, negotiating advance agreements for IR&D/B&P costs, and use of government supply sources and motor pools by contractors.[1] Availability of additional segements for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before October 9, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see Federal Register, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

Part 7—Acquisition Planning

Subpart 7.4—Equipment Lease or Purchase

This subpart provides guidance pertaining to the decision to acquire equipment by lease or purchase as well as reference to mandatory procedures in 41 CFR 101-25.5 to be followed when acquiring telecommunications equipment and office copying machines. The guidance applies to both initial acquisition of equipment and renewal or extension of existing equipment leases.

Part 42—Contract Administration

Subpart 42.10—Negotiating Advance Agreements for Independent Research and Development/Bid and Proposal Costs

This subpart provides procedures applicable to negotiating advance agreements for IR&D/B&P costs. FAR 31.205-18 covers cost principles governing these costs and extends the manadatory requirement to negotiate these agreements for them to civil agencies consistent with Recommendation B-10 of the Commission on Governmemt Procurement.

Part 51—Use of Government Sources by Contractors

This part prescribes policies and procedures for the use by contractors of Government supply sources and interagency motor pool vehicles and related services.

[1] Filed with the Office of the Federal Register as part of the original document.

Dated: August 20, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc 81-25077 Filed 8-26-81 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 79-03; Notice 6]

Motor Vehicle Safety Standards; Air Brake Systems

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Proposed rule; Extension of comment period.

SUMMARY: On July 23, 1981 (46 FR 37952), the agency published a proposal to amend Standard No. 121, *Air Brake Systems*, to delete the requirement for a separate reservoir capable of releasing the parking brakes. A 30-day comment period was announced for that proposal. Several commenters have expressed a need for additional time to comment since the notice was published at a time when much of the industry was on vacation. The agency agrees and, by this notice, extends the comment period for another 30 days.

DATE: Comment closing date: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John Machey, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2715).

(Secs. 103 and 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1397 and 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on August 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc 81-25076 Filed 8-26-81 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 311 (Sub-No. 5)]

Fuel Surcharge Program; LTL Surcharge and New Surcharge for Household Goods Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed modifications of fuel surcharge program for motor carriers, freight forwarders, and household goods carriers.

SUMMARY: The Commission is proposing that, with the exception of household goods carriers, carriers pay owner-operators the less-than-truckload (LTL) surcharge on LTL traffic. All carriers would be ordered to reduce the surcharge on LTL rates to no higher than the prevailing LTL surcharge no later than 10 days after publication of a final decision in the **Federal Register**. A new separate fuel surcharge is proposed for household goods carriers. Household goods carriers would be ordered to pay owner-operators this new surcharge (9.4-percent) on household goods traffic. These carriers would be ordered to reduce the surcharge on their present rates to no higher than the new household goods surcharge no later than 10 days after publication of a final decision in the **Federal Register**. The Commission also reiterates its position that the fuel surcharge is only to apply to those accessorial services which consume fuel.

DATE: Comments should be filed on or before September 11, 1981.

ADDRESS: Comments should be addressed to: Interstate Commerce Commission, Room 5356, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Ted Kalick, (202) 275-6446
David Manning, (202) 275-7395
William Bono, (202) 275-7354
Lee Alexander, (202) 275-7597

SUPPLEMENTARY INFORMATION: In a notice in Ex Parte No. 311 (Sub-No. 4), *Modification of the Motor Carrier Fuel Surcharge Program*, served July 31, 1981. (45 FR 40221, August 7, 1981) the Commission offered a major change in the fuel surcharge program. After the issuance of a decision and final notice regarding a proposal to require agreements where carriers are to compensate owner-operators for all fuel costs exceeding 63.5 cents a gallon, the Commission proposed to freeze the various surcharges at the then authorized levels for a 60-day period during which the carriers may fold in all or a portion of the allowable surcharge into their base rates.

The decision also commented on the application of the surcharge to certain accessorial charges which do not consume fuel and application of the truckload surcharge level on less-than-truckload shipments handled by owner-operators.

With regard to accessorial charges, Special Permission No. 79-2800 requires the fuel surcharge to apply to the line-haul transportation charges and charges for other services which consume fuel, such as pickup and delivery and refrigeration. The carriers have been required to specify in their tariffs the charges on which the surcharge will be applied.

There have been some indications that this requirement has been abused. The surcharge must only be applied to the line-haul charge and those accessorial charges which consume fuel. Shippers who believe they may have been billed incorrectly should contact the carrier or consult with the nearest ICC field office. Appropriate enforcement action will be taken if violations of the terms of the Special Permission are brought to our attention.

In addition, we are proposing to make the following technical adjustment: with the exception of the household goods carriers for the remaining life of the present surcharge program carriers, are to pay owner-operators at the less-than-truckload (LTL) surcharge on LTL traffic. At present, all owner-operator traffic is paid the 18-percent surcharge, whether truckload or LTL. This has led to various problems and distortions. The LTL surcharge was originally established for those carriers which do not employ owner-operators, with recognition of the fact that owner-operators predominantly haul truckload lots. However, some carriers do use owner-operators to haul LTL traffic.

The Commission recognized that since there could not be two rate levels on a particular carrier's LTL traffic, depending on whether a load was hauled by an owner-operator or company driver, carriers had a choice of placing either the higher truckload surcharge on their LTL traffic, or the lower LTL surcharge. This has resulted in either overcompensation to some owner-operators, or in a cost squeeze to certain carriers. In the former instance, there have been many documented statements showing the surcharge not just paying for the increased cost of fuel, but the entire fuel cost of a movement and more. In the latter instance, the cost squeeze resulted from some carriers choosing to apply the LTL surcharge for competitive reasons while having to pay the higher surcharge to their owner-operators out-of-pocket.

Accordingly, for the remaining period of the surcharge program, the Commission is proposing that carriers pay owner-operators the LTL surcharge level on LTL traffic. This should alleviate the overcompensation and/or

cost-squeeze problems noted above, and could lead to some rate relief for shippers. After receipt of comments, we would issue a final decision ordering that carriers reduce the surcharge on LTL rates to no higher than the prevailing LTL surcharge. Presently, this surcharge is 3.1-percent. Carriers would be ordered to effect this change no later than 10 days after publication of the final decision in the **Federal Register.**

We are aware that over the life of the surcharge program, some carriers using owner-operators on LTL traffic have not taken increases in their basic LTL rates because of the surcharge. Therefore, a sharp reduction in the LTL surcharge could, in some instances, create serious revenue shortfalls. We note that those carriers needing immediate rate relief can file for special permission relief, including short-notice. Relief will be considered on a case-by-case basis, and will be granted only if good cause is shown.

The household goods carriers require somewhat different treatment. These carriers also use owner-operators and for the most part, have charged the higher truckload surcharge in their tariffs. The great bulk of household goods shipments weigh slightly less than 10,000 pounds, thereby falling below the usual pound-breakpoint used by the Commission to distinguish LTL and truckload shipments. However, the household goods carriers have noted and the Commission has acknowledged that no distinction exists in household goods carriers tariffs between LTL and truckload shipments. See, Docket No. 37405, *International Business Machines Corporation* v. *Allied Van Lines, Inc., et al,* initial decision served October 10, 1980.[1]

For purposes of the fuel surcharge program, since owner-operators were used, it was proper for household goods carriers to charge the higher truckload surcharge. This led, much the same as in the general LTL shipments area, to the overcompensation and/or cost squeeze problems outlined above. This was true even though household goods movements are not technically truckload or LTL movements. Household goods movements have been a major source of complaints from shippers regarding excessive overcompensation of the fuel surcharge.

Because neither the LTL nor the TL fuel surcharge bears a direct relationship to the cost of fuel that household goods carriers consume to transport traffic, for the remaining life of the surcharge program, we are proposing to establish a separate fuel surcharge for household goods carriers. Percentage of fuel expense to revenue expense to revenue figures for other carriers used to develop the various fuel surcharges were based on year-end 1978 data. We have taken such data for household goods carriers from the Household Goods Carriers' Bureau filing for an early X–311 rate increase, filed May 16, 1979, and have established that the percentage of fuel expense to revenue (including taxes) for household goods movements is 8.9 percent. Based on the results of the lastest fuel survey in our most recent weekly decision [2] the proper fuel surcharge for household goods carriers is 9.4-percent.[3]

For the remaining life of the surcharge program, the Commission is proposing that household goods carriers pay their owner-operators the prevailing household goods surcharge. After receipt of comments, we would issue a final decision ordering that household goods carriers reduce the surcharge on their rates to no higher than the 9.4 percent figure authorized here. Carriers would be ordered to effect this change no later than 10 days after publication of a final decision in the **Federal Register.** Subsequent changes in the level of this new surcharge, if necessary, would be made in our weekly decisions under Ex Parte No. 311.

We anticipate that a final decision regarding the LTL surcharge and the new household goods surcharge will be issued well in advance of the October 8, 1981, final decision date for Ex Parte No. 311 (Sub-No. 4). All rate changes discussed above must be effected before that date.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

Dated: August 25, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25234 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

[1] This decision was subsequently affirmed by Review Board Number 2 and the Commission in decisions served April 27, 1981, and July 22, 1981, respectively.

[2] In our August 11, 1981 decision, the average price of diesel fuel is $1.30.8 per gallon.

[3] The percentage increase in the cost fuel from 63.5 cents, the based period price, to $1.30.8 is 106.0 percent. This latter figure, multiplied by 8.9-percent equals a 9.4-percent fuel surcharge.

Notices

Federal Register
Vol. 46, No. 166
Thursday, August 27, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Freedom of Information Act; Confidential Business Information

AGENCY: Administrative Conference of the United States.

ACTION: Request for comments.

SUMMARY: The Administrative Conference Committee on regulation of business currently is examining the procedures used by agencies in complying with Freedom of Information Act requests which seek disclosure of material that may be covered by exemption (b)(4) of the Act, the "confidential business data exemption". The Committee desires comments on ten questions which will be the focus of the Committee's proposed recommendations and report to the Plenary Session of the Administrative Conference in December 1981. Views and supporting factual material are requested to be submitted to aid the Committee in the completion of its project on confidential business information.

SEND COMMENTS TO: William C. Bush, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037.

COMMENT DEADLINE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2110 L Street NW., Suite 500, Washington, D.C. 20037; telephone (202) 254–7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference Committee on regulation of business is working toward development of recommendations concerning agency procedures and practices in dealing with Freedom of Information Act requests for information that would fall within exemption (b)(4) of the Act, the "confidential business data exemption", 5 U.S.C. 552(b)(4). This information would ordinarily be in the form of documents in an agency's possession which had been submitted to the agency by a private person or business firm. The information which is submitted, including routine reports, voluntary submissions, and material obtained by the agency under its statutory information-gathering authority, may include documents containing "confidential" information or trade secrets of the submitting person.

The Committee issued a request for public comments on this subject in the Federal Register of October 22, 1980 (45 FR 70033) and received a number of comments regarding instances in which disclosure of business information by agencies was asserted to have affected the business or competitive position of submitting persons. The Committee is now focusing on a limited set of questions arising from its study and from the draft report of Professor Russell B. Stevenson, Jr. presented to the Committee in late 1980. (Professor Stevenson's report is now in final form and is available on request.) These questions are offered for public comment so that as much new and divergent opinion can be accumulated as may be possible within the short period of time remaining for the Committee's consideration of these issues. Although September 25 is the last date on which comments are requested, the Committee anticipates that comments received after that date will be reviewed and considered to the extent feasible.

All comments submitted to the Committee will be placed in a file available for public inspection during normal business hours (9:00 a.m. to 5:30 p.m. Monday through Friday, excluding federal holidays) at the Office of the Chairman of the Administrative Conference, 2120 L Street NW., Suite 500, Washington, D.C.

Questions on Which Comments are Requested

1. The Committee has examined the Paperwork Reduction Act of 1980, 44 U.S.C. 3507, Pub. L. 96–511, 94 Stat. 2819, as it relates to the collection of private information by government agencies. The agencies' handling of confidential business information has been a source of significant debate in the case law, among the commentators, and in Committee presentations. What role, if any, should the agencies or the Office of Management and Budget assign to the Paperwork Reduction Act in the limitation of incoming confidential business data? If it can be assumed that information which never comes to an agency will not be subject to potential Freedom of Information Act disclosures, is the protection of private business data from such disclosures a matter which might be addressed under either the current or perhaps an amended Paperwork Reduction Act?

2. Is it possible to redefine the term "agency record" so as to resolve difficulties with the handling of Freedom of Information Act requests for private commercial data in agency files? Would such a redefinition require a statutory change?

3. The Committee has noted that some pending legislation would make the commercial confidentiality exemption of the Freedom of Information Act, 5 U.S.C. 552(b)(4), a mandatory—rather than a permissive—withholding provision. Is this a sound public policy? If it were adopted, what provision for exceptions should be made?

4. Current case law has tended to define the term "confidential" in Freedom of Information Act exemption 4, 5 U.S.C. 552(b)(4), to require, inter alia, a demonstration of substantial harm to the competitive position of a commercial submitter in a particular market. Several alternative "confidential" formulations have been proposed, including: (i) information which customarily is held as confidential by the submitter; (ii) information which is "circumstantially relevant business information"; and (iii) information the disclosure of which would impair legitimate private competitive interests of any person. What definition of "confidential" best serves to balance legitimate private needs against the public's right freely to oversee government operations?

5. The Committee has received suggestions that submitters of private confidential data should be required to mark that information as confidential at the time of its submission. Should this be adopted? Should the agenices define one or more categories of data which will be treated as public information, absent a special showing of need for confidential treatment? Should agencies define other categories as presumptively confidential absent a showing of exceptional needs for public

dissemination of information from that category?

6. The Committee has received a report proposing that notification prior to agency disclosure be given to the submitter of private data claimed to be confidential. Is such notification a prudent administrative policy? Should an agency be required to provide a hearing in response to legitimate objections against the pending disclosure, and, if so, what type of procedure should be provided?

7. Pending legislation has proposed that, where a hearing is given to the submitter, the hearing be limited to the presence of agency and submitter representatives; it has been asserted that participants in such hearings would not be as candid if the person seeking disclosure of the commercial data were present. Is this an appropriate method of hearing for this type of information?

8. Many agency procedural systems specify the level of officials who are authorized to deny requests for disclosure under the Freedom of Information Act. Should a similar level of determination (e.g., a high-ranking agency official) be required to consent to agency dissemination of information that may be covered by exemption (b)(A)?

9. Time limits for determinations under the current Freedom of Information Act are rather short. What time limits are appropriate to a case in which the submitter seeks to prevent disclosure of commercial confidential information? Is expedited treatment in the courts appropriate for those cases in which submitters seek judicial review of agency disclosure decisions?

10. The judicial review of a disclosure decision, available to submitters under section 706 of the Administrative Procedure Act, contrasts with the special statutory provision for review of a withholding decision which is available to persons requesting disclosure under section 552(a)(4) of the Freedom of Information Act. Should a similar right to judicial review be provided, in the district court, by statute, and on a de novo basis, for both the requester and the submitter of confidential business data?

Richard K. Berg,

Executive Secretary.

August 20, 1981.

[FR Doc. 81-24917 Filed 8-26-81; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

San Juan National Forest Grazing Advisory Board; Meeting

The San Juan National Forest Grazing Advisory Board will meet on Tuesday, September 22, 1981 at 1:00 p.m. at the Centennial Savings and Loan, Hospitality Room, 1011 East 2nd Ave., Durango, Colorado. The Board was established in accordance with provisions of the Federal Land Policy and Management Act of 1976.

The Agenda for the meeting will include: (1) recommendations for the utilization of range betterment funds; (2) recommendations for the development of allotment management plans; (3) construction and maintenance standards for range improvements; (4) problems and conflicts involving the grazing of livestock on the Forest; management plans and the utilization of range betterment funds.

The meeting will be open to the public. Persons who wish to attend and participate should notify H. E. Bond, San Juan National Forest (303-247-4874) prior to the meeting. The public may participate in discussions during the meeting or may file a written statement following the meeting.

August 17, 1981.

P. C. Sweetland,

Forest Supervisor.

[FR Doc. 81-25060 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Hillsville Elementary School Critical Area Treatment RC&D Measure, Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North 8th Street, P.O. Box 10026, Richmond, Virginia 23240, telephone 804-771-2454.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hillsville Elementary School Critical Area Treatment RC&D Measure, Carroll County, Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Manley S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area stabilization on the Hillsville Elementary School grounds. The planned work will include diversions, outlet protection, foot traffic control, seeding and mulching. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Manly S. Wilder. The FNSI has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 17, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-25048 Filed 8-26-81; 8:45 am]

BILLING CODE 3410-16-M

Llagas Creek Watershed, California; Intent to Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Francis C. H. Lum, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California 95616, telephone 916-758-2200.

Notice: Pursuant to Section (102)(2)(C) of the National Environmental Policy

Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice than an environmental impact statement (EIS) is being prepared for the remaining works for the Llagas Creek Watershed, Santa Clara County, California.

The environmental assessment of this federally assisted action indicates that the completion of the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Francis C. H. Lum, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed to complete this project.

Partial excavation of 10.9 miles of channel was done in 1971–1972 by the California Department of Transportation (CALTRANS) for fill material for Interstate 101. Another 1.2 miles of channel construction was completed by the Soil Conservation Service (SCS) in 1973. As a result of this work, the 100-year flood plain was reduced approximately 3,400 acres resulting in $233,000 average annual benefits primarily to agriculture. At the time, no environmental documents were prepared.

In 1974, construction was stopped by SCS to further evaluate environmental impacts. The local sponsors organized the Llagas Creek Citizens Advisory Committee to develop project goals and objectives and also to recommend to the local sponsors a project plan. After numerous public meetings, the project as presented in the 1979 draft EIS was recommended to SCS in July 1978 by the local sponsors and was in general agreement with the plan recommended to the sponsors by the Citizens Advisory Committee.

A draft EIS was distributed in July 1979, and a public hearing was held on September 16, 1979. The draft EIS was distributed to approximately 500 agencies, groups, and individuals. As a result of the EIS, strong citizen opposition emerged. The major concerns voiced were urbanization of South Santa Clara Valley, level of flood protection, economic justification, raising Chesbro Dam, effects on riparian vegetation including fish and wildlife, maintenance, use of herbicides, linear park, groundwater recharge, and adequacies of the draft EIS. As a result, it was agreed by SCS and sponsors to conduct a restudy on the proposed project. The restudy indicates that potential impacts are substantially different and SCS has decided to issue a new draft EIS sometime in the fall of 1981.

Mitigation for work previously done by CALTRANS and SCS will be accomplished under a Finding of No Significant Impact.

The project concerns a plan for watershed protection and flood prevention. Planned works of improvement include the installation of 18 miles of channels and appurtenances including 11 drop structures.

A draft EIS will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft EIS. The draft EIS will be developed by Francis C. H. Lum, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 14, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–25047 Filed 8–26–81; 8:45 am]

BILLING CODE 3410–16–M

Turkey Ridge Creek, Hurley Creek, and Mission Hill Watersheds, S. Dak.; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of deautorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: Mr. Robert D. Swenson, State Conservationist, Soil Conservation Service, 200 Fourth Street, S.W., Huron, South Dakota 57350, telephone 605–352–8651.

Notice: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthoriztion of Federal funding for the Turkey Ridge Creek (Turner, Hutchinson, and Yankton Counties), Hurley Creek (Turner County), and Mission hill (Yankton County) Watershed projects, South Dakota, effective on August 11, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 18, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81–25049 Filed 8–26–81; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Silton Brothers, Inc., 3535 South Broadway, Los Angeles, California 90007, producer of men's and women's coats, jackets and sweaters (accepted August 6, 1981); (2) Hartzell Flowers, Inc., 5354 Germantown Pike, Dayton, Ohio 45418, producer of fresh cut flowers and potted plants (accepted August 10, 1981); (3) Glenmaid Lingerie Company, Inc., 387 Third Avenue, Troy, New York 12182, producer of women's underwear, shirts and sleepwear (accepted August 10, 1981); (4) Nord-Teck Corporation, 21010 Superior Street, Chatsworth, California 91311, producer of circuit boards (accepted August 10, 1981); (5) Jaffrey Automatic Stove Company, Inc., P.O. Box 358, Charlestown, New Hampshire 03603, producer of stoves (accepted August 10, 1981); (6) Federal Press Company, P.O. Box 400, Elkhart, Indiana 46515, producer of mechanical power presses (accepted August 10, 1981); (7) Superior Generator & Armature Company, Inc., P.O. Box 1310, Scranton, Pennsylvania 18509, producer of automotive parts (accepted August 10, 1981); (8) Baltimore Broom Machine Company, 2800 Sisson Street, Baltimore, Maryland 21211, producer of sewing machines and broom, mop and brush machines (accepted August 10, 1981); (9) Kraft Systems, Inc., 450 W. California Avenue, Vista, California 92083, producer of radio control equipment for hobley vehicles (accepted August 11, 1981); (10) Laconia Shoe Company, Inc., P.O. Box 160, Laconia, New Hampshire 03246, producer of men's and women's footwear (accepted August 14, 1981); (11) Beloved Toys, Inc., 1601 Bellefontaine, Kansas City, Missouri 64127, producer of stuffed animals (accepted August 17, 1981); (12) Brooklyn Overall Company, Inc., 112 Commercial Street, Freeport, New York 11520, producer of men's, women's and children's overalls and pants accepted August 17, 1981); and (13) Lenoxx Electronic Corporation, 55 Randolph Avenue, Avenel, New Jersey 07001, producer of compact stereo

recorders and players (accepted August 19, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and Section 315.23 of the Adjustment Assistance Reguations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division. Office of Eligibility and Industry Studies.

[FR Doc. 81–24967 Filed 8–26–81; 8:45 am]
BILLING CODE 3510–24–M

International Trade Administration

Canned Bartlett Pears From Australia; Final Results of Administrative Review of Antidumping Finding and Determination Not to Revoke

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of final results of administrative review of antidumping finding and determination not to revoke.

SUMMARY: On March 2, 1981, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on canned Bartlett pears from Australia. The review covered all known exporters of this merchandise and the period September 1, 1973 through October 2, 1978, the date of a previous Treasury Department tentative determination to revoke.

Interested parties were provided an opportunity to submit written comments or request a hearing. The petitioner requested a hearing which was held on April 7, 1981. As a result of this hearing, posthearing briefs and supplemental information submitted by interested parties, the Department determines not to revoke the finding.

EFFECTIVE DATE: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Marenick or Frank Brennan, Office of Compliance, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202–377–2496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 23, 1973, a dumping finding with respect to canned Bartlett pears from Australia was published in the **Federal Register** as Treasury Decision 73–84 (38 FR 7566).

As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department of Commerce ("the Department") conducted an administrative review of the antidumping finding on this merchandise and as a result published, on March 2, 1981, a notice of "Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke" (46 FR 14755). The Department has now completed its administrative review of the finding.

Scope of the Review

Imports covered by this review are canned Bartlett pears, currently classifiable under item 148.8600 of the Tariff Schedules of the United States Annotated (TSUSA). The review covered all known exporters of the merchandise and the period September 1, 1973 through October 2, 1978, the date of Treasury's prior determination to revoke. There is no evidence of any importations of this merchandise during the period of review and there are no known unliquidated entries. After publication of our notice of preliminary results, the petitioner requested a hearing which was conducted by the Department of April 7, 1981.

Synopsis of Comments Received

Petitioner argues that the fact of no shipments of this merchandise to the United States since the date of the finding does not justify revocation in view of the fact that there is a substantial likelihood of resumption of sales at less than fair value if the Department revoked the finding. The burden of proof falls upon the Australian exporters to show that they will not ship to the U.S. at less than fair value. Petitioner contends that, given the current market conditions in both Australia and the United States, Australian exporters' sales to the U.S. would necessarily have to be made at less than fair value. Based on estimated figures for current sales in both markets supplied by the petitioner, potential margins of sales at less than fair value for this merchandise would range from 96 percent to 136 percent.

Respondents, on the other hand, argue that this case fulfills the requirements for revocation of an antidumping finding because there have been no sales of this merchandise (and therefore no sales at less than fair value) in the United States for over eight years and because all Australian exporters of canned Bartlett pears have provided the written agreement required by section 353.54 of the Department of Commerce Regulations. They also argue that Article 9 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade ("the Antidumping Code") requires revocation here because "[a]n anti-dumping duty shall remain in force only as long as, and to the extent necessary to counteract dumping which is causing injury". Respondents contend that there is no convincing evidence to assume, as petitioner has done, that sales at less than fair value will resume after revocation of the finding. Respondents provided estimated sales information which conflicted with petitioner's estimated United States selling prices and freight costs. However, respondents' estimated figures demonstrate that any possible sales under current market conditions would occur at less than fair value, with dumping margins ranging from 30 to 35 percent.

Review of Comments Received

There is evidence that, should Australian exporters immediately resume sales of this merchandise to the United States on a competitive basis, such sales would likely be at less than fair value. While the potential margins using the petitioner's and respondents' estimates differ, the potential margins of 30 to 35 percent based on the respondents' information are too large to justify revoking this finding. Section 353.54 of the Commerce Regulations states in part that "[w]henever the

Secretary * * * is satisfied that there is no likelihood of resumption of sales at less than fair value, he may act to revoke or terminate, in whole or in part, such Order or Finding * * *". Through our review of present U.S. market conditions (as opposed to petitioner's earlier speculations by analogy to market conditions in another country, an approach rejected by us in our tentative revocation), we are not satisfied that there is no likelihood of the resumption of sales at less than fair value. Moreover, we have no reason to believe that present market conditions in the United States and Australia are temporary phenomena.

Final Results of the Review

As a result of our review of oral and written comments submitted, we determine to maintain the finding on this merchandise.

There have been no shipments of this merchandise since September 1973, a period of over eight years. Therefore, the Department shall not require a cash deposit of estimated antidumping duties, as defined in § 353.48(b) of the Commerce Regulations. This waiver of deposit shall remain in effect until publication of the next administrative review. The Department intends to conduct the next administrative review by the end of March, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 21, 1981.

[FR Doc. 81-25086 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Coastal Zone Management Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, September 17–18, 1981. The meeting will commence at 9:30 a.m. on September 17, and 9:30 a.m. on September 18. The meetings will be held in the Navy Conference Room, Page I Building, 2001 Wisconsin Avenue, NW., Washington, D.C. The meeting will open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 4:00 p.m. until 5:00 p.m. on September 17, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairperson retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Committee Control Officer 24 hours before the meeting, or written statements may be mailed within five days to: Coastal Zone Management Advisory Committee, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW., Washington, D.C. 20235, Attn: Ms JoAnn Chandler, Committee Control Officer, CZM Advisory Committee. All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at (202) 634–4245. The items for Committee discussion at the meeting will include the following:

September 17

9:30 a.m., Call to Order—Opening Remarks Barbara Fegan—Chairperson
10:00 a.m.–1:00 p.m., Coastal Issues, Outer Contenental Shelf, Barrier Islands, Port Development, Wetland Permitting
1:00 p.m.–2:00 p.m., Lunch
2:00 p.m.–4:00 p.m., OCZM Reports, Re-Organization of OCZM, Phase-down of CZM Program, Directly Affecting Regulations, New Directions for Marine Sanctuaries
4:00 p.m.–5:00 p.m., Public Comment, Adjourn

September 18

9:30 a.m., Opening Remarks
10:00 a.m.–11:30 a.m., Proposed Rulemaking to Implement the 1980 Amendments to the Coastal Zone Management Act (CZMA)
11:30 a.m.–1:00 p.m., Role of the Coastal Zone Management Committee in the Phase-down Process; Adjourn.

The meeting will be devoted to an analysis and commentary on the above areas as they relate to the management of the coastal zone.

Dated: August 24, 1981.

JoAnn Chandler,

Acting Assistant Administrator, Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 81-25088 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-08-M

Ocean Salmon Fisheries off the Coasts of California, Oregon, and Washington

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of closure of the commercial fisheries in subareas A and B, and of the recreational fishery in subarea A.

SUMMARY: The Director, Northwest Region, National Marine Fisheries Service (Regional Director), has determined that the all-species commercial salmon fishery from Cape Falcon, Oregon, north to the Canadian border (subarea A), and the all-species commercial salmon fishery from Cape Falcon, Oregon, south to the California-Oregon border (subarea B), will reach their quotas of 372,000 coho and 548,000 coho, respectively, by August 21, 1981. The Regional Director has determined further that the recreational fishery in subarea A will reach its quota of 248,000 coho on August 26, 1981. this notice is being issued to close those fisheries to ensure that the harvest quidelines are not exceeded.

DATES: Effective dates for closing (a) the commercial all-species salmon fishery in subareas A: 2400 hours PDT, August 21, 1981 until 2400 hours September 1, 1981; (b) the commercial all-species salmon fishery in subarea B: 2400 hours PDT, August 21, 1981 until 2400 hours September 8, 1981; and (c) the recreational salmon fishery in subarea A: 2400 hours PDT, August 26 until 2400 hours September 7, 1981. Public comments on this notice of closure are invited until September 5, 1981.

ADDRESS: Comments should be sent to: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT:

H. A. Larkins, (206) 527–6150.

SUPPLEMENTARY INFORMATION: The emergency regulations implementing the 1981 FMP amendment to 50 CFR 661, were published in the **Federal Register** (46 FR 30633) and became effective on June 5, 1981. The emergency regulations were extended for an additional 45 days through September 3, 1981 (46 FR 37705). These regulations specify at 661.12(a)(4) that when a harvest guideline for a commercial or recreational fishery, or both, is projected by the Regional Director to be reached prior to the end of the season, the Regional Director will by publication of a notice in the **Federal Register**, close the fishery as of the date the harvest guideline will be reached.

The harvest guideline for the all-species commercial salmon fishery is 372,000 coho for subarea A and 548,000 coho for subarea B. the recreational fishery harvest guideline for subarea A is 248,000 coho. Based upon the most recent catch data supplied by the Washington Department of Fisheries and the Oregon Department of Fish and Wildlife, the commercial fisheries in both subareas A and B will reach their quotas by August 21, 1981. The recreational fishery in subarea A will reach its quota by August 26, 1981. The Regional Director therefore issues this notice that the all-species ocean salmon commercial fisheries in both subareas A and B will be closed effective midnight, August 21, 1981, and the ocean salmon recreational fishery in subarea A will be closed effective midnight, August 26, 1981.

This notice does not affect other seasons specified in the 1981 regulations. the commercial fishery for all salmon but coho authorized in § 661.10(a)(2)(iv) to take place between Cape Falcon and Cape Sebastian will start at 0001 hours PDT on August 22, 1981, and continue until 2400 hours September 8.

In accordance with 661.12(a)(7) of the emergency regulations, the Regional Director finds that public comment on this notice of closure for a period ending 15 days following the closure date would be in the best interest of the public. The data on which this notice is based may be reviewed at the Office of the Regional Director (address above) during the comment period.

(16 U.S.C. 1801 *et seq.*, and 50 CFR 661.12)

Dated: August 21, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-24899 Filed 8-24-81; 9:37 am]

BILLING CODE 3510-22-M

Caribbean Fishery Management Council, Statement of Organization, Practices, and Procedures Subcommittee, Education and Information Subcommittee, and Administrative Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (MFCMA) of 1976 (Public Law 94-265), has established Statement of Organization, Practices, and Procedures (SOPP), Education and Information, and Administrative Subcommittees. The Council and its Subcommittees will hold separate meetings. The Council will hold its 37th regular meeting to consider status reports on Fishery Management Plans (FMPs) under development; draft FMP for Shallow-Water Reef Fish; the Caribbean Section of the Atlantic Billfish Draft FMP; the ecosystem or generic approach to FMP development in the Caribbean Fishery Conservation Zone; discuss progress on preparation of the color-slide narrated presentation on Council activities, as well as discuss administrative matters and other Council business. The SOPP Subcommittee will consider new proposed operating practices and procedures designed to conform with the guidelines established by NMFS in MFCMA Operations Handbook of October 1980. The Education and Information Subcommittee will also meet to consider the color-slide narrated presentation on Council activities and to discuss the Council's newsletter. The Administrative Subcommittee will meet to consider matters related to the Council's budget and administrative operations. These meetings are open to the public.

DATES: The Council meeting will convene on Tuesday, September 22, at approximately 9:00 a.m., and will adjourn on Wednesday, September 23, 1981 at approximately noon. The SOPP Subcommittee will convene on Monday, September 21, at approximately 10:30 a.m., and will adjourn at approximately noon. The Education and Information Subcommittee will convene on Monday, September 21, at approximately 1:30 p.m., and will adjourn at approximately 3:00 p.m. The Administrative Subcommittee will meet September 21, at approximately 3:00 p.m., and will adjourn at approximately 5:00 p.m.

ADDRESS: The meetings will take place at the Conference Room of the St. Thomas Hotel and Marina, St. Thomas, U.S. Virgin Islands.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council Suite 1108, Banco de Ponce Building Hato Rey, Puerto Rico 00918 Telephone: (809) 753-4926.

Dated: August 21, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-24893 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council's Shrimp Resources Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by the Magnuson Fishery Conservation and Management Act of 1976 (P.L. 94-265), has established a Shrimp Resources Subpanel, which will meet to review the updated Fishery Management Plan for Gulf Shrimp.

DATES: The meeting will convene at approximately 10:00 a.m. on Thrusday, September 17, 1981, and will adjourn at approximately 4:00 p.m. This meeting is open to the public.

ADDRESS: The meeting will take place in the Pontchatrain Room of the Landmark Motor Inn, 2601 Severn Avenue, Metairie, Louisiana.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone (813) 228-2815.

Dated: August 21, 1981.

Robert K. Crowell,

Deputy Executive Director National Marine Fisheries Service.

[FR Doc. 81-24892 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit; Artiszoo

On July 16, 1981, notice was published in the **Federal Register** (46 FR 36880) that an application had been filed with the National Marine Fisheries Service by Artiszoo, Royal Zoological Society, "Natura Artis Magistra," Plantage Kerklaan 38-40, Amsterdam, Netherlands, for a permit to obtain two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on August 21, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) the National Marine Fisheries Service issued a public display permit for the above activity to Artiszoo subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 21, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-24894 Filed 8-26-81; 8:45 am]

BILLING CODE 3510-22-M

National Telecommunications and Information Administration

Grants for Planning and Construction of Public Telecommunications Facilities; Acceptance of Applications for Filing; Correction

Notice is hereby given of the following corrections to the listing of applications accepted for filing under the provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 U.S.C. 390–394), and in accordance with 15 CFR Part 2301; which was announced on July 30, 1981, 46 FR 39082–39105.

I. The incorrect application from the Capital Area Vocational Center, 2201 Toronto Rd., Springfield, IL, was included in the acceptance for filing notice. On page 39090, column 1, delete File No. 1798 CTB paragraph from the acceptance for filing, and insert the following in its place:

File No. 1845 CRB, Capital Area Vocational Center, 2201 Toronto Road, Springfield, IL 62708. Signed by: Ralph Twenhafel, Chairman, Exec. Council. Funds Requested: $7,450. Total Project Cost: $10,190. To facilitate the expansion of public telecommunications facilities at radio station WQNA–FM 89.9 MHZ, in Springfield, through the acquisition of new origination equipment to meet community needs.

II. The following were incorrectly listed in part II of the notice as deferred applications which had been submitted and accepted for filing in prior fiscal years. In fact, they are new proposals which are under consideration for the first time this fiscal year; and are inserted in part I, *New Applications and Major Amendments to Deferred Applications*, under the appropriate State abbreviation heading as follows:

File No. 1329 CTB, Fremont School District RE3, PO Box 385, Cotopaxi, CO 81223. Signed By: David Trujillo, Superintendent. Funds Requested: $9,000. Total Project Cost: $12,000. Date Received: January 5, 1981. To extend the signal of KTSC–TV, in Pueblo, with translators which will bring the first public television service to residents of the Arkansas River Valley area of Fremont County in western Colorado.

File No. 1848 CRB, KHUM Denver Educ Broadcasting, 3401 Pecos St., Denver, CO 80211. Signed By: Robert Steele, Project Director. Funds Requested: $47,000. Total Project Cost: $62,850. To establish a noncommercial FM radio station operating on 89.3 MHz, Denver, Colorado.

File No. 1427 PRB, National Public Radio, 2025 M St., NW., Washington, DC 20036. Signed By: Samuel C. O. Holt, Senior Vice President. Funds Requested: $89,586. Total Project Cost: $89,586. Proposal to ascertain equipment necessary to equip 27 radio information services for the print-handicapped to join the NPR satellite system.

File No. 1621 CRB, Broward Public Radio Association, 1195 SE., 17th Street, Ft. Lauderdale, FL 33316. Signed By: Philip Y. Hahn, Vice President. Funds Requested: $198,441. Total Project Cost: $300,441. To activate an AM radio station operating on 670 KHz to provide local and national program service to the one million persons residing in Broward County including the cities of Ft. Lauderdale, Hollywood, and Pompano Beach.

File No. 1715 CRB, Bascomb Memorial Broadcasting Fdn., PO Box WDNA, Miami, FL 33155. Signed By: Susan Weitz, President. Funds Requested: $42,147. Total Project Cost: $60,210. To expand power of radio station WDNA on 88.9 MHz in Miami, Florida and establish SCA capabilities and services. Station will provide local programming to minorities, women, the handicapped and the public at large.

File No. 1545 CTN, Theatre of Universal Images, P.O. Box 10036, Newark, NJ 07101. Signed By: Clarence C. Lilley, Executive Director. Funds Requested: $177,541. Total Project Cost: $279,221. To establish a cable access center for the City of Newark, for the production and distribution of local programming.

File No. 1685 CTB, New Jersey Public Broadcasting Authority, 1573 Parkside Avenue, Trenton, N.J. 08638. Signed By: Frederick B. Symes, Director. Funds Requested: $214,666. Total Project Cost: $286,250. Date Received: January 15, 1981. To improve production equipment of the New Jersey Public Broadcasting Authority which provides programming for four stations serving the state of New Jersey.

File No. 1567 CTN, City College/ Research Fdn CUNY, Convent Ave. at 138th St., New York, NY 10031. Signed By: Morton M. Pavane, Director. Funds Requested: $221,129. Total Project Cost: $294,839. To establish a production facility which would provide programming to the Harlem community through cable television and low power television.

File No. 1511 PTB, Global Village, 454 Broome St., New York, NY 10013. Signed By: John L. Reilly, Executive Director. Funds Requested: $37,500. Total Project Cost: $37,500. To plan for the establishment of a low power TV station to serve the Southampton, Long Island area with a particular programming emphasis on services for minorities and women.

File No. 1685 CTN, New York Institute of Technology, Wheatley Road, Old Westbury, NY 11568. Signed By: Alexander Schure, President. Funds Requested: $144,483. Total Project Cost: $192,645. To establish a microwave interconnect between the New York Institute of Technology (NYIT) and cable systems in Manhattan and Nassau counties. NYIT will provide cultural and educational programming with special emphasis on programming to meet the needs of minorities and women.

File No. 1619 CTB, Northeast New York ETV Assn., PO Box 617, Plattsburgh, NY 12901. Signed By: Paul C. Hassenplug, Executive VP and General Mgr. Funds Requested: $117,885. Total Project Cost: $154,848. To improve the production facilities of WCFE-TV which serves the Plattsburgh, New York and Burlington, Vermont area.

File No. 1467 CTB, St. Lawrence Valley ETV Council, 1056 Arsenal St., Watertown, NY 13601. Signed By: William J. Saiff, Jr., President and Gen. Manager. Funds Requested: $162,703. Total Project Cost: $217,703. To upgrade the production capability of public TV station WNPI in Watertown.

File No. 1678 PRTBN, Quinault Indian Nation, PO Box 189, Taholah, WA 98587. Signed By: Joseph B. DeLaCruz, Chairman. Funds Requested: $32,000. Total Project Cost: $32,000. To plan for a telecommunications system to serve the entire Quinault Reservation located in the southwest corner of the Olympic Peninsula of western Washington.

III. The following new application was inadvertently omitted from the notice of acceptance for filing. On page 39094, column 3, insert:

File No. 1505 CRB, Educational Information Corp., 4044 Old Wake Forest Rd., Raleigh, NC 27609. Signed By: Gregory F. Procopio, Corporate President. Funds Requested: $11,850. Total Project Cost: $18,350. To increase operating power from 12,000 watts to a 33,000 watt FM public radio station to include counties of: Orange, Harnett, Johnson, Franklin, and Granville, which will receive classical music with an all volunteer staff.

IV. The following deferred application was submitted and accepted for filing by PTFP in a prior fiscal year, and the applicant requestd re-activation of the

proposal. On page 39104, column 3, insert:

LA

New file No. 1828 CTB; old file NO. 825; Louisiana Educational TV Authority, Baton Rouge, Louisiana.

V. The following additional corrections are made to the notice of acceptance for filing:

On page 39084, column 1–2, File No. 1732 PTN, change "Funds Requested: $3,687,329. Total Project Cost: $3,959,929." to read "Funds Requested: $521,934. Total Project Cost: $728,866."

On page 39085, column 3, File No. 1419 CTB, delete current paragraph and substitute new paragraph to read as follows:

File No. 1419 CTB, Rural California Broadcasting Corp., PO Box 464, Cotati, CA 94928. Signed By: John F. Kramer, Treasurer. Funds Requested: $368,324. Total Project Cost: $500,299. To construct a new noncommercial educational television station on Channel 22 at Cotati, CA. Station will operate on frequency of 518–524 MHz at ERP: vis. 19.29 KW; HAAT: 1929 Feet. Antenna and transmitter will be located on Sonoma Mountain Road, Sonoma County, CA.

On page 39090, column 3, File No. 1809 PTB, change "Funds Requested: $32,089. Total Project Cost: $32,089." to read "Funds Requested: $95,285. Total Project Cost: $127,047."

On page 39095, column 1, File No. 1330 CRB, change "City of Fargo" to read "North Dakota State Univ."

The acceptance of applications for filing is a procedure designed for making preliminary determinations of eligibility, and for providing the opportunity for public comment on applications. Acceptance of an application does not preclude subsequent return or disapproval of an application if it is found to be not in accordance with the provisions of either the Act or 15 CFR Part 2301, or if the applicant fails to file any additional information requested by the Public Telecommunications Facilities Program (PTFP). Acceptance for filing does not assure an application of being funded; it merely qualifies it to compete for funding with other applications which have also been accepted for filing.

Pursuant to 15 CFR 2301.11, applicants are required to publish in a newspaper of general circulation in the community to be served by the applicant, a notice that such application has been tendered to the PTFP of the National Telecommunications and Information Administration. The notice shall be published once a week for two consecutive weeks within the three week period following the date of this publication in the **Federal Register**. Two copies of the notice, or other proof of publication, shall be submitted to PTFP—608 13th Street, N.W., Washington, D.C. 20004. The notice shall contain substantially the same information concerning the application that is published in this notice of acceptance. In addition, it will include (1) information as to where within the community to be served a copy of the application and any amendments thereto, may be inspected by the public during normal business hours, and (2) an invitation for parties supporting or opposing the application to file comments with the Administrator, National Telecommunications and Information Administration, Public Telecommunications Facilities Program, Washington, D.C. 20504. Such filings are to be made within 30 calendar days from the date of this Notice of Acceptance of Applications for Filing; Correction, and must be accompanied by a certificate that a copy of the comments has been mailed to the applicant. It is not necessary that deferred applicants republish notice in a local newspaper in the community to be served under 15 CFR 2301.11.

(47 U.S.C. 390–94; 397)

(Catalog of Federal Domestic Assistance Program No. 11.550, Public Telecommunications Facilities Program)

For further information contact: John L. Cameron (202) 724–3307.

This Notice issued in Washington, D.C.

Dated: August 24, 1981.

Bernard J. Wunder, Jr.,

Administrator, National Telecommunications and Information Administration.

[FR Doc. 81–25024 Filed 8–26–81; 8:45 am]

BILLING CODE 3510–60–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; Notice of Two New Systems of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Notice of two systems of records.

SUMMARY: The Department of the Air Force proposes to add two systems of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notices for these two systems are set forth below.

DATE: The system of records as proposed will become effective on September 28, 1981 unless public comment is received which results in a contrary determination.

ADDRESSES: Send any comments to the system managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Updike, HQ USAF/DAAD(S) Room 4A–1088, The Pentagon, Washington, D.C. 20330. Telephone 202/694–3431.

SUPPLEMENTARY INFORMATION: The Air Force inventory of systems of records subject to the Privacy Act of 1974, Title 5 United States Code Section 552a (Pub. L. 93–579; 88 Stat. 1896) has been published in the **Federal Register** at:

FR Doc 79–37052 (44 FR 74145) December 17, 1979
FR Doc 81–897 (46 FR 6443) January 21, 1981
FR Doc 81–7598 (46 FR 16110) March 11, 1981
FR Doc 81–19652 (46 FR 34831) July 6, 1981

New system reports as required by 5 U.S.C. 552a(o) were submitted for both these system records on July 22, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

August 21, 1981.

F08003 SAM A

SYSTEM NAME:

Ranch Hand II Data Management System

SYSTEM LOCATION:

USAF School of Aerospace Medicine, Brooks Air Force Base, Texas 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected current and prior Air Force personnel who served in Southeast Asia during the period 1962 to 1970. Current and former spouses, dependents and next-of-kin, of these selected personnel will also be included as necessary.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file will contain the following information on each individual: (1) Subject identifiers (name and Social Security Number), (2) demographic history, (3) occupational history, (4) educational experience, (5) medical history, (6) marital history, (7) leisure time activities, (8) drug use, (9) drinking and smoking habits and history, (10) reproductive history, (11) physical examination reports, (12) radiographic images and reports, (13) electrocardiographic tracings and reports, (14) hospital records and reports, (15) laboratory test results, (16) vital statistics, (17) schedule and travel expense data, and (18) other personnel

data contained on current military personnel records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information will be used to initiate, coordinate and conduct the investigation of the potetial adverse health effects following exposure to the complex chemical/physical environment of Southeast Asia during the Vietnam conflict. It will be used to compile statistical data, but information allowing identification of the individual volunteer will not be included. Data and results from this investigation may be used to supplement other approved research studies conducted at the USAF School of Aerospace Medicine or at other Federal agencies engaged in the conduct of similar studies. To protect public health and safety, it may be necessary to release information regarding serious medical deficiencies, especially when release is required by law, to federal, state and local medical authorities. Two examples of situations in which public health and safety would raise the question of disclosure are: A participant has thyphoid fever, a participant who directly impacts the safety of other either in his profession, or as a volunteer, is found to have a serious nerve, heart or mental disorder.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in an on line disk resident computer system with hardcopy backup of all source documents on microfiche.

RETRIEVABILITY:

Standard reports and data analyses will be performed via remote terminals using a data base management system. Additionally updates, and record review may be accomplished through use of closely controlled passwords and individuals Social Security Numbers.

SAFEGUARDS:

All access to the data file is controlled through a segmented password system. Operators know the password only for that section of the data system that they have a valid need to access. The disk system is physically located in a controlled computer area. All actions relative to the data base (e.g., update transactions) are permanently stored on magnetic tape for later retrieval and review. The hardcopy source documents are kept in locked storage cabinets in a locked office area.

RETENTION AND DISPOSAL:

All records will be retained at the USAF School of Aerospace Medicine for the duration of the study and analysis. When no longer required, records will be destroyed by erasure, tearing in pieces, pulping, shredding, macerating or burning.

SYSTEM MANAGER AND ADDRESS:

The Surgeon General of the United States Air Force, Bolling Air Force Base, Washington, DC 20032.

NOTIFICATION PROCEDURE:

Information may be obtained from:

Office of the Surgeon General
Department of the Air Force
ATTN: SGES
Bolling Air Force Base, Washington, DC 20032
Telephone: Area Code 202/767-5078

RECORDS ACCESS PROCEDURES:

Request for information should be addressed to the system manager. Written requests for information must include, Social Security Number, sponsor's name and category of record desired. Information of an individual nature will only be released after establishment of proof or identification and authorization of the individual concerned.

CONTESTING RECORD PROCEDURES:

Air Force rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data will be obtained from the individual concerned, from personnel records, medical records, other government agencies, medical institutions, patient interactions with physicians and from interviews.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

None.

F12407 OSI A

SYSTEM NAME:

DoD Fraud Investigation Management Information System.

SYSTEM LOCATION:

Headquarters, Air Force Office of Special Investigations, Bolling Air Force Base, Washington, D.C. 20332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former military officers and enlisted personnel, Department of Defense civilian employees, civilian contractors and other employees who conduct business or who have conducted business in the past with the Department of Defense and its subordinate components resulting in the initiation of a substantive investigation which was subsequently referred outside of the DoD for further investigation and/or adjudication.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary information pertaining to fraud, waste, and abuse matters conducted by investigative agencies of the Department of Defense which have been referred to other federal agencies for further investigation and/or adjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133, Secretary of Defense: Powers, and duties; delegation by. The Secretary is responsible for and has the authority to conduct all affairs of the Department of Defense including functions necessary or appropriate to provide more effective, efficient, and economical administration and operation, and to eliminate duplication in the Department of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized DoD and subordinate agency officials to monitor the investigative and adjudicative actions regarding fraud, waste, and abuse matters which have been referred to other federal agencies outside the DoD (such as the Department of Justice, FBI, Department of Labor, Small Business Administration, Secret Service).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer machine-readable devices under the control of AFOSI.

RETRIEVABILITY:

Filed by name, and component case file number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the records system in the performance of their official duties who are appropriately

cleared and authorized, and need the information in the performance of their specific duties. Records are stored on a computer machine-readable media device and are only accessible by the records custodian and information monitor. When the media device is not in use it is off-loaded and stored in an appropriately secured container to which access is strictly controlled by the information monitor.

RETENTION AND DISPOSAL:

Department of Defense Fraud Investigation Management Information System summary records are retained by the Air Force Office of Special Investigations for a period of 15 years at which time they are destroyed. Records are maintained on machine-readable media. Destruction is accomplished by degaussing or overwriting records.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Force Office of Special Investigations (HQ AFOSI), Bolling Air Force Base, Washington, D.C. 20332.

NOTIFICATION PROCEDURES:

Requests for information from individuals should be addressed to HQ AFOSI/DADF, Bolling Air Force Base, Washington, D.C. 20332. Written requests for information should include the requestors full name, case file number, if known, date and place of birth, current mailing address and any other personal data which would insure the positive identification of the concerned individual. The request should state whether the summary records contained in this system or the original investigative case files are desired. Requests for specific investigative files must be addressed to the responsible DoD agency.

RECORDS ACCESS PROCEDURES:

The Air Force rules for gaining access to the information in the system may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force rules for contesting and appealing initial unfavorable determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is received from investigative agencies of the Department of Defense having the responsibility for investigation of matters pertaining to fraud, waste, and abuse.

EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempted from certain provisions of the Act under 5 U.S.C. 552a(j)(2). See The Air Force rules at 32 CFR Part 806b (Air Force Regulation 12–35).

[FR Doc. 81–24915 Filed 8–26–81; 8:45 am]
BILLING CODE 3910–01–M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the National Hydroelectric Power Resources Study (NHS)

AGENCY: Army Corps of Engineers Water Resources Support Center, Institute for Water Resources.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY

1. Proposed Action

The National Hydropower Study was authorized under Section 167 (a) of Pub. L. 94–587. Congress authorized the Corps to conduct a study of the most efficient methods of utilizing current and future hydropower resources.

The objectives of the study are to:

- Develop an inventory of the physical potential for hydropower and estimate the magnitude and regional distribution of hydropower demand;
- Identify the institutional, environmental, economic, marketing, and other policy issues affecting hydropower and assess their importance.

The final study report will not contain recommendations for development of the hydropower at specific sites; however, it will recommend sites for further planning studies.

2. Alternatives

Alternatives to be considered will include alternative levels of hydropower development to the year 2000 and various policies to achieve the alternative levels of hydropower development.

3. Scoping Process

a. An extensive and continuous public involvement program has been sustained throughout the study process. To date public involvement concerning the study has included joint sponsorship of Waterpower '79, a major conference on small-scale hydropower; and Waterpower '81, a major conference on all types of hydropower, three national policy workshops held in April, Nov, and May 1981; distribution to all participants of summaries of workshop comments; regional public meetings held in MRD, NAD, NED, NPD, NCD, ORD, SAD, SPD, SWD, LMVD, POD; coordination with Federal and state agencies, meetings with environmental organizations; talks presented at conferences of the American Society of Civil Engineers and annual meeting of the Water Resources Congress; distribution of facts sheets and brochures, press releases and letter responses. No scoping sessions over and above the forementioned public involvement are scheduled.

b. Significant issues arise from the environmental impacts caused by hydropower projects. These include (a) effects on water quality; (b) effects on water quantity, (c) inundation of land, (d) effects on fish and wildlife habitats and (e) related secondary socio-economic impacts. These and other significant issues identified will be analyzed in depth in the DEIS.

4. Estimated date of DEIS Release

It is anticipated that the DEIS will be available to the public by October 1981.

5. Addressees

Questions about the proposed action and DEIS can be answered by:

Mr. Richard J. McDonald, Study Manager, National Hydropower Study, U.S. Army Corps of Engineers, Institute for Water Resources, Kingman Building, Fort Belvoir, Virginia 22060, (202) 325–7023.

Maximilian Imhoff,

Colonel, CE Commander/Director.

[FR Doc. 81–24839 Filed 8–26–81; 8:45 am]
BILLING CODE 3710–EN–M

Department of Army

Parks Reserve Forces Training Area (PRFTA), Pleasanton, Alameda County, Calif.; Draft Environmental Impact Statement (DEIS)

AGENCY: Department of the Army, DOD.

ACTION: Notice is hereby given of intent to prepare an environmental document by the US Army for development plans and mission activities at Parks Reserve Forces Training Area (PRFTA), Pleasanton, Alameda County, California.

SUMMARY: Headquarters, Sixth US Army requires development, including possible land reacquisition, of PRFTA, known as Camp Parks, to provide suitable training facilities for Reserve and Active Army components in the San Francisco Bay area. Camp Parks would be used for training military personnel

that currently must travel long distances to installations outside the region due to the lack of suitable local facilities. Training activities would involve using small arms, plotting courses through unmarked territory, advancing in groups by foot, operating nontract military vehicles up to 5 tons over various terrains, and recovery of disabled military vehicles. Increased military readiness requirements for the Reserve Components can be achieved only by the most effective use of limited training time. The proposed action is necesary to provide adquate local training facilities to achieve the level of readiness required for the national defense.

Alternatives: (1) Implementation of development plans; (2) Installation expansion up to limits of present capability (with and without the use of Park land); (3) Installation expansion to include use or acquisition of adjacent land owned by East Bay Regional Park District; and (4) No action.

Scoping process: The DEIS will be prepared by the US Army. To allow identification of significant issues and to facilitate communications with interested agencies and other parties, the Army will conduct early coordination with affected agencies and the general public. All interested parties are invited to participate in the scoping process by contacting the address indicated in the last paragraph. Comments received during the earlier scoping process regarding the possible reacquisition of East Bay Regional Park District land will be combined with comments received as a result of this announcement. A single environmental document considering the alternatives listed above will be prepared.

Significant issues: The significant environmental issues identified to date which will be analyzed in the DEIS include potential impacts to: air quality, water quality, biologic/ecologic values, visual quality, noise level, cultural resources, adjacent land uses, local economy, and geologic conditions. Potential beneficial impacts identified to date include energy savings, reduced motor vehicle emissions, and conservation of the national defense budget.

The Army will hold a scoping meeting on September 24, 1981, beginning at 10:00 am. The location is Camp Parks, Building 521, Pleasanton, California. The scoping meeting is not intended to be a formal public hearing but rather a working session wherein information relating to potential environmental impacts can be gathered and evaluated.

CONTACT PERSON: Questions concerning the proposed action and the DEIS scoping process should be directed to Alex Maciejewicz, Facilities Engineering, Presidio of San Francisco, CA 94129, telephone (415) 561–5178.

Dated: August 21, 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

[FR Doc. 81–25051 Filed 8–26–81; 8:45 am]

BILLING CODE 3710–08–M

Department of the Army

Privacy Act of 1974; Notice of Amendments to Systems of Records

AGENCY: Department of the Army.

ACTION: Proposed addition and deletion of systems of records.

SUMMARY: The Departmentof the Army proposes to amend its inventory of systems notices by adding 1 and deleting 3 systems of records subject to the Privacy Act of 1974. System notice for the system of records being added, identified as A0501.02bDAAG, entitled "Vendor Misconduct/Fraud/ Mismanagement Information Exchange Program" is set forth below, followed by identification of those systems notices being deleted.

ADDRESS: Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Room 1146, Hoffman Building I, Alexandria, VA 22331, prior to September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of the Adjutant General (DAAG-AMR-R), HQDA, at the above address; telephone: (703) 325–6163.

SUPPLEMENTARY INFORMATION: Department of the Army systems of records appear in the following editions of the **Federal Register:**

FR Doc 79–37052 (44 FR 73729), December 17, 1979
FR Doc 81–85 (46 FR 1002), January 5, 1981
FR Doc 81–897 (46 FR 6460), January 21, 1981
FR Doc 81–3374 (46 FR 9692), January 29, 1981
FR Doc 81–5885 (46 FR 13544), February 23, 1981
FR Doc 81–7250 (46 FR 15531), March 6, 1981
FR Doc 81–7621 (46 FR 16111), March 11, 1981
FR Doc 81–10724 (46 FR 21220), April 9, 1981
FR Doc 81–10791 (46 FR 21221), April 9, 1981
FR Doc 81–12660 (46 FR 23523), April 27, 1981
FR Doc 81–15109 (46 FR 27518), May 20, 1981
FR Doc 81–16678 (46 FR 29981), June 4, 1981
FR Doc 81–19043 (46 FR 33069), June 26, 1981

For the system being added, the Department of the Army submitted a new system report on 22 July 1981 pursuant to the requirements of OMB Circular A–108, Transmittal Memoranda 1 and 3.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

August 24, 1981.

Added

A0501.02bDAAG

SYSTEM NAME:

Vendor Misconduct/Fraud/ Mismanagement Information Exchange Program.

SYSTEM LOCATION:

Primary system is at Headquarters, Department of the Army, Office of The Adjutant General, Club and Community Activities Management Directorate, Washington, DC 20310.

Decentralized segments exist at other Army activities and non-appropriated fund instrumentalities' management and procurement offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals whose names are contained in reports of vendor misconduct, fraud, or mismanagement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals; companies represented; and reports of misconduct, fraud or mismanagement in procurement efforts concerning military installations/ activities (see "Record Source Categories").

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 3012(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide management officials of nonappropriated fund activities and commissaries with timely and useful information regarding incidents of vendor misconduct, fraud, and/or mismanagement and of individuals involved in such incidents through the collection, exchange, and dissemination of relevant information to the Army, Navy, Air Force, and Marine Corps so as to permit informed responsible procurement decisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by individual, vendor, or company name.

SAFEGUARDS:

Records are retained in combination lock file safes when not under personal supervision of responsible officials.

RETENTION AND DISPOSAL:

Destroyed two years after final determination is made on case.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (DAAG-CMP-S), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Individuals may submit written requests for information to either the SYSMANAGER or appropriate decentralized record custodian and should contain the full name of the individual or company, current address, including telephone number, and other information which will identify the record sought.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Copies of reports of audits, inspections, administrative investigations (e.g., Army Regulation 15–6 Board of Officers Proceedings); summaries of criminal reports issued pursuant to Defense Acquisition Regulation 1–608 received from The Inspector General, The Auditor General, The Judge Advocate General, The Deputy Chief of Staff for Personnel, The Deputy Chief of Staff for Logistics (TSA Commissary Operations), US Army Criminal Investigation Command, major Army commands, Army and Air Force Exchange Service, Departments of the Navy and Air Force, US Marine Corps, and Regional Offices and Central NAF Procurement Offices of The Adjutant General's Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DELETIONS

AO225.111DACS

System name:

Consultant Reference System (44 FR 73784), December 17, 1979.

Reason:

System was discontinued 17 December 1979.

AO411.03bDAAG

System name:

Congressional Correspondence Files (44 FR 73816), December 17, 1979.

Reason:

Records are covered by system notice AO411.03cOSA, Congressioal Inquiry System.

AO603.05aDALO

System name:

Manpower Utilization Reporting System (44 FR 73844), December 17, 1979.

Reason:

Records are covered by system notice AO309.05aDAAG, Resource Management and Cost Accounting Files.

[FR Doc. 81–25194 Filed 8–26–81; 8:45 am]

BILLING CODE 3710–08–M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, September 3, 1981, commencing at 1:30 p.m. the hearing will be a part of the Commission's regular September business meeting, which is open to the public. Both the hearing and the meeting will be held in the Goddard Conference Room at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. The subject of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Camden County Municipal Utilities Authority (D–71–9 CP).* A project to construct an outfall line to serve the authority's proposed Delaware No. 2 water pollution control facility in the City of Camden, Camden County, N.J. A 1.2 acre surface area tital pond will also be constructed for purposes of fish habitation. The outfall line will convey treated effluent from the proposed regional sewage plant to the Delaware River near the upstream end of Petty Island. The pond will be located at the plant site on Back Channel.

2. *Montgomery County Sewer Authority (D–77–84 CP).* Expansion of the authority's existing Oaks treatment plant in Upper Providence Township, Montgomery County, Pa. The capacity of the treatment plant will be increased to nine million gallons per day, and will provide for removal of 98 percent of BOD and suspended solids. Treated effluent will continue to discharge to the Schuylkill River.

3. *Muhlenberg Township Authority (D–81–46 CP).* A well water supply project to augment public water supplies in Muhlenberg Township, and Laureldale Borough, Berks County, Pa. Designated as Well No. 13, the new facility is expected to yield about 8.7 million gallons per month.

4. *Stauffer Chemical Company (D–78–63).* An industrial waste treatment project at the company's plant in Falls Township, Bucks County, Pa. the project will involve facilities for pH adjustment and ground water monitoring. Four wells will be constructed to monitor alkalinity, phosphates, COD and arsenic. Waste water will continue to discharge to Biles Creek, a tributary of the Delaware River.

5. *United Poultry, Inc. (D–78–74).* A project to upgrade existing waste treatment facilities at the company's poultry plant in Franklin Township, Gloucester County, N.J. The purpose of the new facilities is to reduce contaminant loads in the process waste discharges to a spray irrigation field at the plant site.

6. *George A. Coombs & Sons (D–81–10).* An agricultural irrigation project at the subject farm in Upper Pittsgrove Township, Salem County, N.J. A new well with a capacity of 720,000 gallons per day will be used for supplemental irrigation of vegetable and grain crops.

7. *Peter Manetas (D–81–40).* A farm irrigation project at the subject farm in Fairfield Township, Cumberland County, N.J. Three existing ponds will be used to provide up to 38 million gallons per month to irrigate soy bean and gladiola crops.

8. *Candy and Louis Romano, Jr. (D–81–42).* A farm irrigation project at the subject farm in Lawrence Township, Cumberland County, N.J. An existing well will be used to provide a maximum of 10 million gallons per month for the irrigation of peppers, tomatoes and lettuce.

9. *Stuart L. Reed (D–81–44).* A farm irrigation project at the subject farm in Washington Township, Mercer County, N.J. An existing well will be used to provide a maximum of 14 million gallons per month for the irrigation of sod.

10. *Ralph Francischini (D–81–49).* A farm irrigation project at the subject farm in Vineland, Cumberland County, N.J. The proposed new well and two existing wells will be used to a limit of

5.83 million gallons per month to irrigate vegetable crops.

11. *Moyer Packing Company (D–81–52).* Modifications to an existing industrial waste treatment plant at the company's facility in Franconia Township, Montgomery County, Pa. A 500,000 gallon holding pond and related facilities will be added to existing treatment facilities. About 99 percent of BOD and suspended solids will be removed from a waste water flow of 300,000 gallons per day. Teated effluent will discharge to Skippack Creek. Up to 30,000 gallons a week will be disposed of through a spray irrigation system.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

August 19, 1981.

[FR Doc. 81–24903 Filed 8–26–81; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Field Initiated Research; Closing Date for Transmittal of Applications for Fiscal Year 1982

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Transmittal of Applications for Field Initiated Research for Fiscal Year 1982.

Applications are invited for new projects for support of Field Initiated Research related to education of the handicapped.

Authority for this program is contained in sections 641 and 642 of Part E of Education of the Handicapped Act (20 U.S.C. 1441, 1442).

The purpose of this program is to provide a source of support for a broad range of research and development projects which fall outside any areas of interest identified by the Education Department as priorities for directed research activities. The appropriate areas of interest for projects are limited only by the mission of the Research program—support of applied research relating to education of the handicapped.

Closing Date for Transmittal of Applications: Applications for awards must be mailed or hand delivered by December 7, 1981.

Applications Delivered by Mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.023C, 400 Maryland Avenue, SW, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: Approximately $3,000,000 is expected to be available for support of new Field Initiated Research projects in FY 1982. Based on a mean grant amount in recent years of approximately $90,000 we expect that about 33 new grants will be awarded. The range of funding for 1980 projects was from under $20,000 per year to over $150,000. Most awards were for under $100,000 per year.

While the limit on duration of projects is 60 months, the vast majority of field-initiated projects are for one to three years. In the event that assistance is provided for multiple year projects, grant awards will be for a budget period of a single year's duration with continuation awards made in accordance with 34 CFR 75.117, 118 and 75.250–253.

Application forms: Application forms and program information packages are available and may be obtained by writing to the Research Projects Branch, Office of Special Education, Department of Education, 400 Maryland Avenue SW. (Donohoe, 3165), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that the narrative portions of the application not exceed thirty (30 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: The following regulations are applicable to this program:

(a) Regulations governing the Handicapped Research and Demonstration program (34 CFR Part 3424). Amendments to the final regulations were published in the Federal Register on April 3, 1980 (45 FR 22533), January 19, 1981 (46 FR 5380–5381), and June 18, 1981 (45 FR 31996–31998). (The Department is currently reviewing the selection criteria for the Research Program that were published in final on January 19, 1981. If the Department proposes substantial changes in the selection criteria for fiscal year 1982 new awards in the Field Initiated Research program, the closing date for applications will be extended.)

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FOR FURTHER INFORMATION CONTACT: Max Mueller, Research Projects Branch, Office of Special Education, Department of Education, 400 Maryland Avenue, S.W., (Room 3165, Donohoe Building), Washington, D.C. 20202, telephone: (202) 245–2275. (20 U.S.C. 1441, 1442)

(Catalog of Federal Domestic Assistance, No. 84.023, Handicapped Research and Demonstration)

Dated: August 20, 1981.

William C. Clohan, Jr.,

Acting Secretary of Education.

[FR Doc. 81–25003 Filed 8–26–81; 8:45 am]

BILLING CODE 4000–01–M

Student Research; Closing Date for Transmittal of Applications for Fiscal Year 1982

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Transmittal of Applications for Student Research for Fiscal Year 1982.

Applications are invited for new projects for support of student research related to education of the handicapped.

Authority for this program is contained in sections 641 and 642 of Part E of Education of the Handicapped Act (20 U.S.C. 1441, 1442).

The Secretary announces the selection of Student Research as one of the priority areas for funding for fiscal year 1982 research awards under Part E. This selection was made in accordance with applicable program regulations (34 CFR 324.9(h) and 324.10–324.11) and the Education Department's regulations governing the selection of priorities (34 CFR 75.105(b)).

The purpose of the Student Research program is to provide support to postsecondary students who initiate and direct research projects concerned with educational programs for the handicapped. Most projects support Doctoral disseratations or Master's theses, but this is not a requirement. The content of the research projects is limited only by the Research program mission, which is the support of applied educational research relating to the education of the handicapped.

Closing Date for Transmittal of Applications: Applications for the first cycle awards must be mailed or hand delivered by November 13, 1981. Applications for the second cycle must be mailed or hand delivered by March 17, 1982.

Applications Delivered by Mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.023A for first cycle, 84.023B for second cycle, 400 Maryland Avenue, SW, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legibly mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

An application that is hand-delivered will not be acceptd after 4:30 p.m. on the closing date.

Available Funds: Approximately $250,000 is expected to be available for support of new Student Research projects in 1982. Typically, student applications are for amounts under $10,000 and the award period is usually within an 18 month time period. The range of funding for 1980 was from $1,428 to $17,881, with a mean grant award of $7,763. Based on this figure, it is expected that approximately 30 new grants will be awarded in 1982.

While the limit on duration of projects is 60 months, the vast majority of student projects are for one year. In the event that assistance is provided for multiple year projects, grant awards will be for a budget period of a single year's duration with continuation awards made in accordance with 34 CFR 75.117, 118 and 75.250–253.

Applicant Forms: Application forms and program information packages are available and may be obtained by writing to the Research Projects Branch, Office of Special Education, Department of Education, 400 Maryland Avenue SW., (Donohoe, 3165), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that the narrative portion of the application not exceed twenty (20) pages in length. The Secretary further urges that applicants not submit information that is not required.

Applicable Regulations: The following regulations are applicable to this program:

(a) Regulations governing the Handicapped Research and Demonstration program (34 CFR Part 324). Amendments to the final regulations were published in the **Federal Register** on April 3, 1980 (45 FR 22533), January 19, 1981 (45 FR 5380–5381), and June 18, 1981 (45 FR 31996–31998). (The Department is currently reviewing the selection criteria for the Student Research Program that were published in final on January 19, 1981. If the Department proposes substantial changes in the selection criteria for fiscal year 1982 new awards in the Student Research Program, the closing date for applications will be extended.)

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FOR FURTHER INFORMATION CONTACT: Max Mueller, Research Projects Branch, Office of Special Education, Department of Education, 400 Maryland Avenue, S.W. (Room 3165, Donohoe Building), Washington, D.C. 20202, telephone: (202) 245–2275.

(20 U.S.C. 1441, 1442)

(Catalog of Federal Domestic Assistance, No. 84.023, Handicapped Research and Demonstration)

Dated: August 20, 1981.

William C. Clohan, Jr.,

Acting Secretary of Education.

[FR Doc. 81-25002 Filed 8-26-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Committee on Black Higher Education and Black Colleges and Universities; Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the quarterly meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1). This document is intended to notify the general public of their opportunity to attend.

DATE: September 21–22, 1981, 9:00 am to 5:00 pm.

ADDRESS: Education Conference Center, Room 3000, FOB–6, 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Suite 702–6, 1100 17th Street, NW., Washington, D.C. 20036, AC 202 653–7558.

The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General

Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee act (Pub. L. 92–463; 5 U.S.C. Appendix 1) which set forth standards for the formation and use of advisory committees.

This Committee was established to examine all approaches to the higher education of black Americans as well as enchancement of the historically black colleges and universities and then to make recommendations to the Secretary of Education in the identification of several courses of action to raise substantially the participation of black Americans in all sectors and at all levels of higher education.

The proposed agenda will include discussion of the final drafts of Committee staff reports: (1) "Issues in the Higher Education of Black Americans: A Factbook"—this report is a comprehensive description of every aspect of the higher education of black Americans. It pulls together the most current data from diverse sources; (2) "Target Date 2000 A.D.: Goals for Achieving Higher Education Equity for Black Americans, Volume II" will provide some cost estimates for recommendations made by the Committee in Volume I of this report; costs associated with systemic problems which result from the failure to educate black youth; and an analysis of the benefits which can accure to society from an educated black citizenry.

Additional agenda items include presentation and discussion of new report drafts on: (1) Preliminary findings on the second state of the graduate and professional status report; (2) work statement and methodolgy for a research project entitled "The Involvement of the Private Sector in Giving to Black Colleges"; and (3) an annotated bibliography on testing.

The Committee will also discuss ongoing staff research activities, the definitions of historically and newer predominantly black colleges and resolution of where to include certain institutions, and future courses of action.

The meeting on September 21–22, 1981 will be open to the public beginning at 9:00 am each day. It will be held in the Education Conference Center, Room 3000, FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Records are kept of all Committee proceedings and are available for public inspection at the office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities located at 1100 17th Street, NW., Suite 702–8, Washington, D.C. 20036.

Thomas P. Melady,

Assistant Secretary for Postsecondary Education.

[FR Doc. 81–25095 Filed 8–26–81; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Vocational Education; Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public meeting of the legislative committee and of closed meeting of the executive committee.

SUMMARY: This notice sets forth a proposed meeting of the Legislative and Executive Committees of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend the open meeting.

DATE: September 14, 1981.

ADDRESS: 425 13th Street NW., Suite 412, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: Virginia Solt, NACVE Staff, 425 13th Street NW., Suite 412, Washington, D.C. (202) 376–8873.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90–576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

On September 14, 1981, from 9:30 A.M. to 2:30 P.M. the Legislative Committee Meeting is open to the public, and the proposed agenda is as follows:

1. Meeting with Dr. Robert M. Worthington, Assistant Secretary for Vocational and Adult Education, U.S. Department of Education, on departmental reauthorization plans.

2. Discussion of draft paper on reauthorization of the Vocational Education Act.

3. Meeting with representative of the U.S. Department of Labor, on employment and training policy.

On September 14, 1981, from 3:00 P.M. to 5:00 P.M. local time, the Executive Committee of the National Advisory Council on Vocational Education will meet in closed session. This meeting will be closed to the public under the authority of Section 10(d) of the Federal Advisory Committee Act, (Pub. L. 92–463; 5 U.S.C. Appendix I) and under exemptions (2) and (6) of Section 552b(c) of the Government in the Sunshine Act (Pub. L. 94–409). The discussion of staff positions, functions, and performance evaluations are matters which would constitute a serious invasion of privacy if conducted in open session.

Records of the two meetings, including a summary of the activities of the closed session, and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting from 9:00 A.M. to 5:00 P.M. at 425 13th Street NW., Suite 412, Washington, D.C. 20004.

Signed at Washington, D.C., August 24, 1981.

Raymond C. Parrott,

Executive Director.

[FR Doc. 81–25130 Filed 8–26–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Riddle Oil Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: August 5, 1981.

COMMENTS BY: September 28, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On August 5, 1981 the Office of Enforcement of the ERA executed a proposed Consent Order with Riddle Oil Company of San Antonio, Texas. Under 10 CFR 205.199J(b) a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Riddle Oil Company (Riddle) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Riddle the Office of Enforcement, ERA, and Riddle entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through January 27, 1981, Riddle allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D and 6 CFR Part 150, Subpart L.

2. Riddle and the DOE have agreed to a $1,100,000 settlement for all overcharges and interest. Riddle will also pay $7,000 to the U.S. Treasury as a compromise for civil penalties. Riddle has agreed to make payment within thirty (30) days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Riddle.

3. This Consent Order constitutes neither an admission by Riddle that ERA regulations have been violated nor a finding by the ERA that Riddle has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

In this Consent Order, Riddle agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $1,100,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

II. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Riddle Oil Company Consent Order". We will consider all comments we received by 4:30 p.m., local time, September 28, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 14th day of August, 1981.

Herbert F. Buchanan,

Deputy District Manager, Economic Regulatory Administration.

[FR Doc. 81–25008 Filed 8–26–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW., Washington, DC 20461, phone 202/653–3517. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearing and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Washington, DC on the 19th day of August, 1981.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Proposed Remedial Orders Western District

Station	Address	Date	Violation Amount	Cents per gallon in violation
Stark Shell Service	1600 Humboldt, Seaside, CA 93955	May 29, 1981	$9,105.14	6.7
Ted's Union Service	5686 Stevens Creek Blvd., Cupertino, CA 95014.	June 30, 1981	3,999.33	7.5
Grapevine Shell	I-5 and Grapevine, Lebec, CA 93243	do	22,378.87	10.3
Frank Rowland Auto Service Center	2400 Olympic Blvd., Walnut Creek, CA.	do	2,062.48	11.0
Johnny Cappo Auto Center	3201 N. Glassell, Orange, CA 92668	Oct. 3, 1980	3,031.47	[illegible]
Hillcrest Automotive Service	233 N. Altadena Dr., Pasadena, CA 91107.	do	636.56	[illegible]
Hipps Chevron Service	1409 W. Chapman Ave., Orange, CA 92668.	Oct. 30, 1980	569.87	1.7
Cracker Barrel Stores, Inc	4315 Jeffrey Dr., Baton Rouge, LA 70816.	July 16, 1981	51,948.01	11.2

[FR Doc. 81-24847 Filed 8-26-81; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5005-000]

City of Ammon, Idaho; Application for Preliminary Permit

August 21, 1981.

Take notice that the City of Ammon, Idaho (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5005 known as the Ririe Dam Project located on the Willow Creek in Bonneville County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor George Wehmann; The City of Ammon; 3270 Molen Street; Ammon, Idaho 83401.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Ririe Dam and would consist of: (1) the existing headworks to be modified; (2) a new penstock, 200 feet long; (3) a new powerhouse containing 2 turbine/generating units having an estimated total generating capacity between 2.5 MW to 5.0 MW; and (4) appurtenant works. Project energy generated would be sold to the Utah Power & Light Company. The Applicant estimates that the total annual energy generated would be between 10.9 GWh and 14.5 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $90,000.

Competing Applications—This application was filed as a competing application to Cook Electric Company's Project No. 3448 filed on December 30, 1980, under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of those filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 5005. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-24987 Filed 8-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5071-000]

Arcata Redwood Co.; Application for Preliminary Permit

August 21, 1981.

Take notice that Arcata Redwood Company (Applicant) filed on July 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5071 known as the Boulder Creek Water Power Project located on Boulder Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Burnette Henry, President, Arcata Redwood Company, Division Arcata Corporation, P.O. Box 218, Arcata, California 95521.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a 42-inch diameter, 10,000-foot long conduit; (3) a 42-inch diameter, 7,000-foot long penstock; and (4) a powerhouse containing a single generating unit with a rated capacity of 18,170 kW. The Applicant estimates that the annual energy output would be 25.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the

Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $89,000.00.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24978 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3948-001]

Bailey Creek Ranch; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 21, 1981.

Take notice that on June 30, 1981, Bailey Creek Ranch (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 3948-001) would be located on Bailey Creek and Rock Creek, in Shasta County, California. Correspondence with the Applicant should be directed to: Dr. Ronald F. Ott, Ott Water Engineers, 2334 Washington Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a 6.5-foot high by 80-foot long diversion structure on Bailey Creek; (2) a 9-foot high by 85-foot long diversion structure on Rock Creek; (3) a 1325-foot long pipeline on Bailey Creek; (4) a 1410-foot long pipeline on Rock Creek; (5) a 778-foot long penstock; (6) a powerhouse to contain a 750-kW generating unit; (7) a switchyard; and (8) a 0.5-mile long, 12-kV transmission line to connect to the existing Pacific Gas and Electric Company Volta substation.

Purpose of Project—The power generated by the proposed project would be sold to a public utility.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 2, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch,

Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24963 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5056-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on July 2, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Low Line No. 8 Hydroelectric Project (FERC Project No. 5056) would be located on the Applicant's Irrigation Canal System, near the town of Marsing in Canyon County, Idaho.

Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project on the Applicant's Deer Flat Low Line Canal would consist of: (1) an inlet structure within the north bank of the canal; (2) a 48-inch diameter, 1,000-foot long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 385 kW discharging into canal; and (4) appurtenant facilities. The estimated average annual energy output is 1.5 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24964 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5043-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 30, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Waldvogel Bluff Hydroelectric Project (FERC Project No. 5043) would be located on the Applicant's Irrigation Canal System, near the town of Melba in Canyon County, Idaho.

Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of: (1) an inlet structure within the southern bank of the Waldvogel Canal; (2) a 42-inch diameter, 2,400-foot long penstock; (3) a powerhouse to contain a single generating unit with a rated capacity of 300 kW; and (4) a tailrace discharging back into Waldvogel Canal. The estimated average annual energy output is 1.14 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North

Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-24[illegible] Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5039-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 30, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823 (a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Golden Gate Hydroelectric Project (FERC Project No. 5039) would be located on the Applicant's Irrigation Canal System, near the town of Greenleaf, in Canyon County, Idaho.

Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of: (1) an inlet structure within the eastern bank of the Deer Flat Low Line Canal; (20 four 36-inch diameter, 180-foot long penstocks; (3) a powerhouse to contain four generating units with a combined rated capacity of 700 kW; and (4) a tailrace discharging into the Golden Gate Canal.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24980 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5040-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 21, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Fargo Drop No. 2 Hydroelectric Project (FERC Project No. 5040) would be located on the Applicant's Irrigation Canal System, near the town of Wilder in Canyon County, Idaho. Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of: (1) an inlet structure within the southern bank of Fargo High Line Canal; (2) a 42-inch, 375-foot long penstock; (3) a powerhouse to contain a single generating unit with a rated capacity of 175 kW; and (4) a tailrace discharging directly into Fargo Low Line Canal. The estimated average annual energy output is 662,000 kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources of otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24981 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5041-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 30, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Main Canal No. 10 Hydroelectric Project (FERC Project No. 5041) would be located on the Applicant's Irrigation Canal System, near the town of Nampa in Canyon County, Idaho. Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of a powerhouse on the Applicant's New York Canal containing two generating units with a combined rated capacity of 500 kW and appurtenant facilities. The average annual energy output is 2.1 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding, to become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24982 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5042-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 30, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Fargo No. 1 Hydroelectric Project (FERC Project No. 5042) would be located on the Applicant's Irrigation Canal Sysem, near the town of Wilder in Canyon County, Idaho. Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of: (1) an inlet structure within the western bank of the Deer Flat Low Line Canal; (2) a 42-inch diameter, 900-foot long penstock; (3) a powerhouse to contain two generating units with a combined rated capacity of 650 kW; and (4) a tailrace discharging directly into the Fargo High Line Canal. The estimated average annual energy output is 2.4 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § .18 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24983 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5038-000]

Boise Project Board of Control; Application for Exemption of Small Conduit Hydroelectric Facility

August 21, 1981.

Take notice that on June 29, 1981, Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Main Canal No. 6 Hydroelectric Project (FERC Project No. 5038) would be located on the

Applicant's Irrigation Canal System, near the town of Kuna, in Ada County, Idaho.

Correspondence with the Applicant should be directed to: Mr. William Bienapfl, Chairman, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project—Project energy would be sold to Idaho Power Company.

Project Description—The proposed project would consist of: (1) an inlet structure within the eastern bank of the New York Canal; (2) a 72-inch diameter, 2,300-foot long penstock; (3) a powerhouse to contain three generating units with a total rated capacity of 1,055 kW; and (4) a tailrace discharging into the Main Canal.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, and agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24984 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-685-000]

Central Maine Power Co.; Filing

August 21, 1981.

The filing company submits the following:

Take notice that on August 13, 1981, Central Maine Power Company (Central Maine) tendered for filing as a rate schedule an executed agreement dated as of April 26, 1980 between Central Maine and the companies of the Northeast Utilities system (The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, hereinafter collectively called NU). The proposed rate schedule provides for the sale of interruptible energy by Central Maine to NU.

Central Maine requests that the advance notice requirement be waived to allow this rate schedule to become effective April 26, 1980.

Copies of the filing were served on Northeast Utilities and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24985 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-686-000]

Central Maine Power Co.; Filing

August 21, 1981.

Take notice that on August 13, 1981, Central Maine Power Company (Central Maine) tendered for filing as a rate schedule an executed agreement, dated February 1, 1981, between Central Maine and Burlington Electric Department of Burlington, Vermont (Burlington). The proposed rate schedule provides for the sale of 10 megawatts of capacity and related energy from W. F. Wyman Unit No. 4 in Yarmouth, Maine.

Central Maine requests that the Commission waive its advance notice requirements to allow this rate schedule to become effective as of February 1, 1981.

Central Maine states that copies of this filing were served on Burlington Electric Department and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24988 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-461-000]

Cities Service Gas Co.; Application

August 24, 1981.

Take notice that on August 11, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-461-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline taps, measuring, regulating and appurtenant facilities to enable Applicant to render direct natural gas service to 2 industrial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) Tap Applicant's Wichita-Ottawa 20-inch transmission pipeline in Butler

County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Cleo D. Odle.

(2) Tap Applicant's Oxford-Udall 6-inch transmission pipeline in Cowley County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Tri-Company Construction, Inc.

Applicant states that it would not need to acquire new gas supply to sell and deliver volumes of gas to the two customers and that the sales would not have any detrimental effect on existing customers.

Applicant asserts that the total cost of installing the proposed facilities would be $21,560 which would be paid from treasury cash.

Applicant proposes to serve the subject customers pursuant to interruptible gas sales contracts.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24949 Filed 8-26-81: 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-191-002]

Columbia Gas Transmission Corp.; Petition to Amend

August 24, 1981.

Take notice that on August 12, 1981, Columbia Gas Transmission Corporation (Petitioner), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-191-002 a petition to amend the order issued April 18, 1980, as amended, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas to a point of delivery for Shenandoah Gas Company (Shenandoah) in lieu of Columbia Gas of Virginia, Inc. (Columbia of Virginia), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioner is authorized by order issed April 18, 1980, as amended, to construct and operate 70 interconnecting tap facilities to provide additional points of delivery to certain of Applicant's existing wholesale customers. It is also asserted that authorization was received for one point of delivery to Columbia of Virginia which is actually a point of delivery to Shenandoah. Petitioner, therefore, proposes that it be authorized to establish a point of delivery to Shenandoah to serve Blue Ridge Homes, Inc., Route 1, Box 78, Edinburg, Virginia.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24950 Filed 8-26-81: 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-464-000]

Consolidated Gas Supply Corp.; Application

August 24, 1981.

Take notice that on August 13, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarkesburg, West Virginia 26301, filed in Docket No. CP81-464-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing certain sales of natural gas to and/or natural gas storage services for Bay State Gas Company (Bay State), Haverhill Gas Company (Haverhill), and T. W. Phillips Gas and Oil Company (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 2,054,000 dekatherms (dt) equivalent of gas to Bay State, up to 360,000 dt equivalent of natural gas to Haverhill, and up to 180,000 dt equivalent of natural gas to Phillips.

Applicant states that the proposed sale to Bay State and Haverhill would occur on the later of the day following receipt of all regulatory approvals or October 1, 1981. It is said that the proposed sale to Phillips would occur on the later of the day following receipt of all regulatory approvals or December 15, 1981. Applicant would charge Bay State, Haverhill and Phillips at the rate specified in its Rate Schedule E which is presently $2.705 per dt equivalent, it is asserted.

Applicant proposes to store up to 2,054,000 dt equivalent of natural gas for Bay State for a term beginning on the later of the day following receipt of all regulatory approvals or October 1, 1981, and ending on the earlier of twelve months following the effective date or the date all gas has been withdrawn for Bay State. Applicant states it would withdraw and deliver on a best-efforts basis up to 13,603 dt equivalent of gas per day.

Applicant indicates that the point of delivery for Bay State's gas would be the existing interconnection between the facilities of Applicant and Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Tennessee) in Mahoning County, Ohio, known as the Petersburg

Connection. Applicant states that Bay State has arranged for Tennessee to provide the necessary transportation in accordance with the provisions of Section 311 of the Natural Gas Policy Act of 1978. It is stated that Applicant would charge a rate equivalent to that specified in its Rate Schedule GSS for the storage service.

Applicant proposes to store up to 180,000 dt equivalent of natural gas for Phillips for a term beginning on the later of the day following receipt of all regulatory approvals or December 15, 1981, and ending on the earlier of twelve months following the effective date or the date all gas has been withdrawn for Phillips.

Applicant asserts that the point of delivery for Phillips' storage gas would be the existing interconnection between the facilities of Applicant and Tennessee known as the Pittsburg Terminal Connection in Allegheny County, Pennsylvania. Applicant states that Tennessee would transport these gas supplies for Phillips. Applicant states that it would charge Phillips its Rate Schedule GSS rate which is presently 31.36 cents per dt equivalent for the proposed storage service.

Applicant explains that no new or additional facilities are proposed to be constructed. Applicant further explains that the source of the gas proposed to be sold to Bay State, Haverhill and Phillips is its general system supply and that this gas is surplus to the needs of Applicant's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24951 Filed 8-26-81: 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-377-000]

Consumers Power Co.; Application for Approval of Rates

August 24, 1981.

Take notice that on July 23, 1981, Consumers Power Company (Applicant), 212 W. Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. ST81-377-000 an application pursuant to § 284.123(b)(2) of the Commisssion's Regulations for approval of its rate for the transportation and storage of natural gas on behalf of West Lake Arthur Distribution Company (WLADC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on July 15, 1981, it entered into an agreement with WLADC which provides that WLADC deliver to Applicant up to 12,000,000 Mcf of natural gas to be stored by Applicant for the account of WLADC in Applicant's existing storage fields. From November 1, 1981, through April 30, 1982, it is submitted, Applicant would withdraw volumes stored for the account of WLADC and redeliver such gas to WLADC. Applicant states that deliveries to Applicant and redeliveries to WLADC would be accomplished by displacement off the Trunkline Gas Company (Truckline) system at the existing interconnection between Applicant and Trunkline near White Pigeon, Michigan. Applicant asserts that all stored volumes would be fully withdrawn by April 30, 1982, and in the event that WLADC could not accommodate redelivery of all volumes by that date WLADC has a right to hold-over volumes in storage beyond April 30, 1982, subject to a hold-over charge. It is further stated that any hold-over volumes would be redelivered to WLADC within two years of the commencment of the agreement and no later than August 1, 1983.

For such transportation and storage service, Applicant proposes to charge WLADC a capacity charge of 45.86 cents per Mcf of gas storage and transmission capacity reserved annually and a commodity charge of 14.30 cents per Mcf of gas delivered for storage. Applicant further states that if the total amount of gas stored has not been completely withdrawn from storage on or before April 30, 1982, an annual hold-over charge of 37.46 cents per Mcf would be charged for the gas volumes remaining in storage on May 1, 1982. It is further asserted that deliveries to WLADC would be less 2.0 percent for gas used for compressor fuel.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24952 Filed 8-26-81: 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5011-000]

Dayton Power & Light Co.; Application for Preliminary Permit

August 21, 1981.

Take notice that the Dayton Power and Light Company (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 5011 known as the Caesar Creek Dam Project located on Ceasar Creek in Warren County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Steven G. Smith, Vice President Engineering and Purchasing, The Dayton Power and Light Company, P.O. Box 1247, Courthouse Plaza, Southwest, Dayton, Ohio 45401.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers dam. The project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 5.7 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The project would be located on Federal lands. The applicant estimates that the average annual energy generation will be 21. GWh.

Proposed Scope and cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During that period the Applicant intends to conduct engineering, environmental, and legal examinations. The cost of the proposed studies are estimated to be $72,500.

Competing Applications—This application was filed as a competing application to the Caesar Creek Dam Project No. 3804 filed on December 1, 1980, by Mitchell Energy Company, Inc., under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have comments.

Comments, Protest, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filing must bear in all captial letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24968 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-458-000]

El Paso Natural Gas Co.; Application

August 24, 1981.

Take notice that on August 10, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-458-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of certain existing facilities and the transportation and sale of natural gas to Citizens Utilities Company (Citizens) and for permission and approval to abanadon service to Southern Utilities Company of Patagonia (Southern Utilities), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to a service agreement dated December 18, 1963, Applicant sells and delivers natural gas to Southern Utilities at the Patagonia meter station in Santa Cruz County, Arizona, which is resold to customers in Santa Cruz County, Arizona.

Applicant asserts that on October 24, 1980, Southern Utilities and Citizens entered into an agreement providing for the sale by Southern Utilities to Citizens of the gas distribution system owned and operated by Southern Utilities in its natural gas operations.

Applicant proposes herein to deliver and sell to Citizens the quantities of natural gas currently sold to Southern Utilities. Applicant also proposes to abandon the service currently provided for Southern Utilities. It is submitted that Applicant and Citizens would enter into a new service agreement to accommodate Citizen's succession to Southern Utilities' gas operations. Applicant alleges that the aforesaid proposed service agreement between Applicant and Citizens would serve to cancel the currently effective service agreement dated December 18, 1963, between Southern Utilities and Applicant and the currently effective service agreement dated September 20, 1968, between Applicant and Citizens. Applicant contends that the term and volumes of natural gas to be provided by Applicant for Citizens would be identical to the term and combined total volumes of natural gas provided by the agreements of December 18, 1963, and September 20, 1968.

It is stated that no new or additional facilities would be required by Applicant to implement the delivery and sale of gas to Citizens. Furthermore, Applicant submits that the proposed deliveries and sales to Citizens would be made at the applicable rates in Applicant's Rate Schedules A-1, B-1, and D-1. Applicant avers that Citizens would continue to be classified as a "Category C Customer" under the permanent allocation plan and therefore no tariff sheet revisions to reflect category reclassification would be necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24953 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-684-000]

Florida Power & Light Co.; Filing

August 20, 1981.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on August 12, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19). FPL states that under the Exhibit I FPL will transmit power and energy for the City of Kissimmee (Kissimmee) as is required by Kissimmee in the implementation of its interchange agreement with Fort Pierce Utilities Authority.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the proposed Exhibit I be made effective immediately. FPL states that copies of the filing were served on the Utilities Director of the City of Kissimmee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24940 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF 81-39-000]

George Eldridge & Son, Inc.; Application for Commission Certification of Qualifying Status of Small Power Production Facility

August 21, 1981.

On June 22, 1981, George Eldridge & Son, Inc. filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric facility is located on the Eight Mile Ranch in Ely, Nevada. George Eldridge & Son, Inc. states that the capacity of the facility will be 35 kilowatts and that it will be the sole owner of the facility. Applicant further states that no other small power production facilities are located within one mile of this facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24939 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-682-000]

Florida Power & Light Co.; Filing

August 20, 1981.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on August 12, 1981, tendered for filing two documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FPL states that under the Exhibits I FPL will transmit power and energy for Tampa Electric Company (Tampa) as is required by Tampa in the implementation of its interchange agreements with Fort Pierce Utilities Authority and Jacksonville Electric Authority.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the proposed Exhibits be made effective immediately. FPL states that copies of the filing were served on the Manager of Inter-System Planning of Tampa Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24941 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF 81-35-000]

Hudson Lumber Co.; Application for Commission Certification of Qualifying Small Power Production and Cogeneration Facility

August 21, 1981.

On June 19, 1981 Hudson Lumber Company, of San Leandro, California, filed with the Federal Energy Regulatory Commission (Commission) a complete application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. Applicant also requests certification of part of the facility as a qualifying cogeneration facility pursuant to the same rules.

The biomass facility is located in Anderson, California and has a total capacity of 6,417 megawatts. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility. No other small power production facilities are located within one mile of this facility.

The applicant states that one of the two turbines feeding the generator, a back-pressure turbine, is also a cogeneration facility. Power production capacity of the back-pressure turbine is 1.348 megawatts and reject heat from the system is used to provide thermal energy for use in adjacent dry kilns. The proposed installation for the facility is November, 1982.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24970 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-460-000]

Inland Gas Co., Inc.; Application

August 24, 1981.

Take notice that on August 10, 1981, The Inland Gas Company, Inc. (Applicant), 340-17th Street, Ashland, Kentucky 41101, filed in Docket No. CP81-460-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline taps and metering facilities in order to render natural gas service to 13 right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to provide natural gas service to 13 right-of-way grantors in Texas as follows:

Name	County	Line No.
1. Gen Branham	Boyd	T-5
2. Tom Franklin	do	T-5
3. James W. Walker	do	T-5
4. James Adkins	do	T-5
5. Joy Griffiths	do	T-5
6. Teresa J. Glochner	do	T-5
7. Morris Johnson	do	T-1
8. Ethel Annette Mithchel	do	T-1
9. Ed Johnson	do	T-1
10. Merl Davis	do	T-1
11. Bertha M. Jones	do	T-1
12. Richard Tiller	do	T-1
13. Charles McCown	do	T-1

Applicant estimates the Average cost of each of the pipeline taps and metering facilities to be $250 with a total cost of $3,250. Applicant states that such cost would be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24954 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-459-000]

Inland Gas Company, Inc.; Application

August 24, 1981.

Take notice that on August 10, 1981, The Inland Gas Company, Inc. (Applicant), 340 17th Street, Ashland, Kentucky 41101, filed in Docket No. CP81-459-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of gas service taps and metering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to construct and operate gas service taps and metering facilities for 72 Kentucky Revised Statutes (KRS) customers in Boyd, Floyd, Johnson, Knott, Lawrence, Letcher, and Magoffin Counties, Kentucky. It is stated that the KRS customers have requested gas service pursuant to a Kentucky Statute, KRS 278.485, which states in part that:

> Every gas pipeline company obtaining gas from producing wells located within this State, upon the request of the owner of the property on or over which any producing well or gas gathering pipeline is located or the owner of real estate whose property and point of desired service is located within one-half air-mile of said company's producing gas well or gas gathering pipeline, shall furnish gas service to such owner and applicant,* * *

The name of each KRS customer and the county and Applicant's line upon which the proposed gas service taps would be made are allegedly as follows:

	Name	County	Line No.
1	Dixie Johnson	Floyd	G-108
2	Nola Stumbo	Floyd	DG-20
3	Ollie Craft	Knott	G-108
4	Ronnie Robinette	Boyd	AG-8
5	George Reed	Magoffin	G-39
6	Larry Caldwell	Magoffin	G-39
7	Curtis Risner	Floyd	G-17
8	John Wayne Slone	Floyd	G-17
9	Delana Castle	Floyd	DG-20
10	Johnny Watts	Knott	G-108
11	Bobby Spurlock	Floyd	G-28
12	Rex Wilson	Floyd	DG-24
13	Dennis Jackson, Jr.	Floyd	G-77
14	Thomas J. Fletcher	Magoffin	G-39
15	Earl Gibson	Magoffin	GW-116
16	Marvin Blanton	Johnson	G-123
17	Mabel Billiter	Johnson	G-123
18	James A. Fields	Letcher	G-112
19	Paul McCarty	Johnson	G-123
20	Garfield Burchett	Johnson	G-123
21	James R. Qualls	Boyd	AG-8
22	Raymond Smith	Knott	G-108
23	Gary L. Fresure	Floyd	DG-24
24	Jay Young, Sr.	Boyd	AW-566
25	Wayne C. Howard	Magoffin	RG-47
26	Harry David Cordell	Magoffin	RG-47
27	Thurman Lafferty	Floyd	EG-29
28	Woodrow Bowling	Knott	G-108
29	Charles Amburgey	Knott	EG-115
30	Marcus L. Ison	Knott	G-108
31	R. C. Arnett	Magoffin	RG-47
32	Willard Bailey	Magoffin	RG-47
33	Elcy Williams	Magoffin	G-39

	Name	County	Line No.
34	Danny Williams	Magoffin	G-39
35	Chester A. Allen	Magoffin	G-39
36	Chester Gearheart	Floyd	G-77
37	Kelly L. Miller	Magoffin	G-39
38	Elva Combs	Knott	IW-598
39	Chester Wrenn	Magoffin	G-39
40	Larry D. Ferguson	Boyd	AW-K99
41	Larry D. Ferguson	Boyd	AW-K99
42	Larry D. Ferguson	Boyd	AW-K99
43	Vickie Flowers	Johnson	G-123
44	Byrd Preston	Johnson	CG-12
45	Kenneth Sparkman	Knott	HG-60
46	Johnny Arnett	Floyd	G-17
47	Jerry T. Cooley	Floyd	G-28
48	Mark R. Mosley	Floyd	DG-22
49	Donald Cunagin	Johnson	G-123
50	Virgil Woods	Knott	IG-105
51	Marion W. Combs	Knott	IW-598
52	Homer Dotson	Knott	IW-598
53	Roscoe Dotson	Knott	IW-598
54	Hoey Dotson	Knott	IW-598
55	James A. Davis	Johnson	G-123
56	Herbert Bolen	Knott	IW-599
57	Lester Lyon	Lawrence	G-123
58	Sophia Kimbler	Johnson	G-123
59	Marie W. King	Johnson	G-123
60	Thelma Allen	Floyd	G-77
61	Paul Dean Crider	Floyd	EG-31
62	Dreama Hall	Knott	IG-115
63	Otto Stephens	Boyd	AG-122
64	Carl D. Mosley	Knott	G-108
65	Charles E. Wallen	Johnson	CG-11
66	Bobby R. Huff	Knott	IG-88
67	Charles Elsea	Magoffin	G-39
68	Philip A. Haywood	Floyd	G-28
69	Bill Tussey	Floyd	GW-415
70	Clarence Perry	Knott	IG-115
71	Harry McCoy	Boyd	AG-124
72	Clyde E. VanHoose, Jr.	Boyd	AG-7

It is stated the service to the above mentioned 72 KRS customers would be from rural farm taps made on Applicant's gathering and well lines. Applicant submits that all of the gas so supplied would be for residential usage.

Applicant states that the average cost for each of the proposed pipeline taps is estimated to be $250 for a total estimated cost of $18,000 which would be financed from internally generated funds.

Applicant asserts that inasmuch as KRS customer service is provided from well or gathering lines such service would terminate after the producing well or wells connected to such lines have been depleted. Hence, Applicant requests abandonment authorization when such gas well or gathering pipeline is abandoned.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24955 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-455-000]

Kokomo Gas and Fuel Co.; Application

August 24, 1981

Take notice that on July 29, 1981, Kokomo Gas and Fuel Company (Applicant), 900 East Boulevard, Kokomo, Indiana 46901, filed in Docket No. CP81-455-000 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of surplus system gas to West Lake Arthur Distribution Company (WLADC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Applicant is a local distribution company receiving natural gas for ultimate consumption within the State of Indiana and, therefore, is exempt from Commission jurisdiction pursuant to Section 1(c) of the Natural Gas Act.

Applicant states that its sole suppliers of natural gas is Panhandle Eastern Pipe Line Company (Panhandle) and that it has entered into long-term gas supply contracts with Panhandle establishing certain minimum and maximum annual contract entitlements, peak day entitlements and contract demand volumes. Applicant further states that its contract demand volumes are temporarily in excess of its system requirements due to the depressed economic situation in the auto industry, the principal industry served by Applicant.

Applicant, therefore, proposes to sell to WLADC on a best-efforts basis up to 8,000,000 Mcf of natural gas annually for each of the next two successive twelve-month periods pursuant to a contract dated July 2, 1981. It is submitted that such gas would be delivered to WLADC at Panhandle's Tipton Station at the city gate of Applicant's system. WLADC it is asserted, would be responsible for effecting the transportation of such gas to its local distribution system in Louisiana.

Applicant further proposes to charge WLADC a rate of $3.10 per dekatherm equivalent subject to upward adjustments based upon changes in Panhandle's average system cost of gas to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herin, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24956 Filed 8-26-81 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4905-000]

Lost River Electric Cooperative, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 21, 1981.

Take notice that on June 18, 1981, Lost River Electric Cooperative, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 4905) would be located on the Big Lost River, near the town of Mackay, in Custer County. Idaho. Correspondence with the Applicant should be directed to: Mr. Lew R. Green, Manager, Lost River Electric Cooperative, Inc., P.O. Box 417, Mackay. Idaho 83251.

Project Description—The proposed project would consist of: (1) an existing 76-foot high dam and 1,340-acre reservoir; (2) an existing 500-foot long conduit; (3) a powerhouse containing one generating unit rated at 3,000 kW; and (4) a 1,400-foot long transmission line.

Purpose of Project—The energy generated by the project would be utilized within the Applicant's distribution system.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—This application was filed as a competing application to the Mackay Dam Project No. 3909 filed on December 12, 1980, by the City of Ashton, Idaho and Idaho Renewable Resources, Inc. under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a prson who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4905. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street. N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24957 Filed 8-26-81 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5021-000]

Mac Hydro-Power Co.; Application for Preliminary Permit

August 21, 1981.

Take notice that Mac Hydro-Power Company (Applicant) filed on June 26, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 5021 known as the Frazier Creek Power Project in Plumas County. California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: H. L. "Pete" Childers, President, Gary A. McKnight, Vice President, Mac Hydro-Power Company, Inc., 2515 Grass Valley-Hwy., Auburn, California 95603.

Project Description—The proposed project would consist of: (1) a 20-foot long, 5-foot high concrete and rock diversion structure; (2) a 8,600-foot long, 48-inch diameter diversion conduit; (3) a 4,800-foot long, 48-inch penstock; (4) a powerhouse to contain generating units with a combined rated capacity of 4,100 kW; and (5) a 1.5-mile long, 12.5-kV transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application.

(A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petition to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24941 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-670-000]

Montana Power Co.; Compliance Filing

August 20, 1981.

The filing company submits the following:

Take notice that on August 11, 1981, The Montana Power Company (Montana) tendered for filing, in compliance with the Commission's order of May 6, 1977: (1) a summary of sales made under Montana's FPC Electric Tariff M-1 during June 1981 and (2) cost justification for the rate charged.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 9, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24942 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-215-002]

Mountain Fuel Supply Co.; Petition to Amend

August 24, 1981.

Take notice that on August 10, 1981, Mountain Fuel Supply Company (Petitioner), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP75-215-002 pursuant to Section 7 of the Natural Gas Act a petition to amend the order issued December 27, 1978, in the instant docket, so as to authorize the construction and operation of certain facilities required for the expanded operation of Petitioner's Coalville Underground Gas Storage Project (Coalville) in Summit County, Utah, and for permission and approval to abandon certain gas storage facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued December 27, 1978, Petitioner was authorized to develop Coalville so as to achieve a total storage inventory level of 10,000,000,000 Mcf to retire an existing 600 horsepower field compressor, to install a new 1,300 horsepower reciprocating compressor and two new dehydration units, to construct various metering, regulating, central header, pipeline and lateral facilities, to relocate two existing dehydration units, and to drill five additional storage interval observation wells.

In order to improve the deliverability of the storage reservoir and to better serve the needs of distribution customers in its primary market area Petitioner now proposes the following:

(a) Drill two additional injection/withdrawal wells (Well Nos. 8 and 9) and three additional observation wells (Well Nos. 10, 11 and 13) into the Frontier formation at a depth of 2,200-2,500 feet in the existing Coalville storage field;

(b) Install two 30,000 Mcf per day dehydration units one each at Well Nos. 8 and 9;

(c) Construct additions to the lateral system consisting of approximately 2,800 feet of buried 6⅝-inch O.D. pipe to serve Well Nos. 8 and 9; and,

(d) Install regulating, metering and miscellaneous related facilities.

Petitioner estimates the total cost of such facilities to be $3,312,003 which cost would be financed through funds on hand and/or short-term borrowing.

Petitioner further proposes to abandon in place approximately 677 feet of 6⅝-inch O.D. lateral connecting Well No. 1 to Main Line No. 3 and approximately 498 feet of 6⅝-inch O.D. lateral from Well No. 1 to the vincinity of Well No. 7 along with appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24957 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-671-000]

Niagara Mohawk Power Corp.; Tariff Filing

August 20, 1981.

Take notice that Niagara Mohawk Power Corporation (Niagara), on August 10, 1981, tendered for filing as a rate schedule agreement between Niagara, Connecticut Light and Power Company (CL&P) and Western Massachusetts Electric Company (WMECO) dated January 19, 1981.

The agreement provides for the transmission of intermittent, short term power as scheduled by Central Hudson Gas and Electric Corporation for CL&P's account which is then to be delivered to WMECO. Niagara requests a waiver of the advance notice requirement to allow a retroactive effective date of January 19, 1981.

Copies of the filing were served upon the following:

Connecticut Light and Power Company, P.O. Box 2010, Hartford, CT 06101
Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, MA 01089
Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, NY 12223.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to be heard to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-24943 Filed 8-26-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-88-001]

Northwest Pipeline Corp.; Amendment to Application

August 24, 1981.

Take notice that on August 13, 1981, Northwest Pipeline Corporation (Applicant), 315 East 200 South Street, Salt Lake City, Utah, 84111, filed in Docket No. CP81-88-001 an amendment to an application filed by Chevron Chemical Company (Chemical) on behalf of Applicant in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect modification in Applicant's October 28, 1980, gas transportation agreement with Chemical, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in the original application filed December 9, 1980, Applicant proposed the transportation of up to 2,000 Mcf of natural gas per day for the account of Chemical pursuant to their October 28, 1980, gas transportation agreement. It is further asserted that Applicant proposed to receive the subject gas from Chemical at the outlet of a gas processing plant located in Section 30, Township 2 North, Range 102 West, Rio Blanco County, Colorado. Applicant submits that for providing the requested transportation service Applicant proposed to charge Chemical 1.54 cents per Mcf for transporting the gas from the delivery point to the mainline via the Rangley Lateral plus the applicable mainline transportation rate set forth in Sheet 2 of Applicant's FERC Gas Tariff Original Volume No. 2 for transporting the gas on its mainline to the Kennewich Plant delivery point.

It is submitted that on May 5, 1981, Applicant and Chemical amended their agreement so as to change the aforesaid delivery point to a location near the outlet of a gas sweetening plant being built in Section 23, Township 2 North, Range 103 West, Rio Blanco County, Colorado. It is further stated that the agreement was also amended so as to provide that Applicant would charge Chemical an initial rate of 1.03 cents per Mcf of gas transported from the new delivery point to the mainline. Applicant submits that this recalculation of rate is the result of projected cost-of-service for the specific facilities used, the change in delivery point location, and consequent change in facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary

[FR Doc 81-24958 Filed 8-26-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-37-001]

Northwest Pipeline Corp.; Change in Rates Pursuant to Demand Charge Credit Adjustment

August 21, 1981.

Take notice that Northwest Pipeline Corporation ("Northwest"), on August 14, 1981 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, filed pursuant to the Commission's order issued March 29, 1974, at Docket No. RP74-72 and Article 13.7 of Northwest's FERC Gas Tariff, First Revised Volume No. 1. The change in rates will result in .000¢ per therm for Rate Schedules ODL-1, DS-1 and PL-1. As more fully explained in the instant filing, the demand charge credit adjustment reflected on Northwest's Statement of Rates is zero.

Northwest is concurrently filing a notice of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision contained in its First Revised Volume No. 1 Tariff. Both rate adjustments are reflected on the tendered Substitute Fourth Revised Sheet No. 10 which is proposed to become effective October 1, 1981.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the FERC, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Sept. 8, 1981. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc 81-24972 Filed 8-26-81 8:45 am]

BILLING CODE 6450-85-M

[Project No. 925-001]

City of Ottumwa, Iowa; Application for New Major License for Constructed Project

August 21, 1981.

Take notice that an application was filed on October 20, 1980, and amended on February 25, 1981, [under the Federal Power Act 16 U.S.C. 791(a)-825(r)], by the City of Ottumwa, Iowa, (Applicant) for a new license for its major project. The Ottumwa Project, FERC No. 925, is located on the Des Moines River, in Wapello County, Iowa. Correspondence with the Applicant should be addressed to: Mr. John P. Quirk, General Manager, Ottumwa Waterworks and Hydroelectric Plant, 310 South Wapello Street, Drawer A, Ottumwa, Iowa 52501

Project Description—The existing project would consist of: (1) an existing concrete dam approximately 766 feet long and 18 feet high with a gated spillway approximately 650 feet long; (2) an existing powerhouse, forming an integral part of the dam, containing an installed generating capacity of 3,000 kW; (3) an existing 500-acre reservoir, with a gross storage capacity of 5,000 acre-feet; and (4) appurtenant facilities. The average annual energy generation is estimated to be 10,279.1 NWh.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 23, 1982. a notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding.

To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 23, 1981. the Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20246. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24985 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-679-000]

Pacific Gas & Electric Co.; Filing

August 21, 1981.

The filing company submits the following:

Take notice that on August 12, 1981, Pacific Gas and Electric Company (PG&E) tendered for filing a notice of change in rates and charges of certain electric resale rate schedules under its FPC Electric Tariffs, Original Volume Nos. 1 and 2. The proposed changes would increase revenues from jurisdictional sales and service in two phases by a total of $46,303,000, or 57.4 percent, based on the 12 month estimated test period ending December 31, 1982. The proposed effective date for the Phase I portion of the increase, which will amount to $15,000,000, is October 12, 1981. The proposed effective date for the Phase II portion of the increase, which will amount to an additional $31,303,000, is October 13, 1981.

Copies of the filing were served upon PG&E's jurisdictional customers, the California Public Utilities Commission and the Public Service Commission of Nevada.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24973 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4828-000]

Village of Philadelphia, New York; Application for Preliminary Permit

August 21, 1981.

Take notice that the Village of Philadelphia (Applicant) filed on June 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4828 known as the Philadelphia Project located on the Indian River in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: The Honorable Wayne L. Huntress; Mayor of Philadelphia; 56 Main Street; Philadelphia, New York 13673.

Project Description—The proposed project would consist of: (1) an existing two section concrete gravity dam; the east section is 3 feet high and 60 feet long, the west section is 11 feet high and 88 feet long; (2) an existing reservoir with a storage capacity of 2.2 acre-feet at a mean surface elevation of 474.7 feet (USGS datum); (3) the existing gate structure; (4) a new penstock; leading to (5) a new powerhouse containing new turbine/generators with a rated capacity of 2,000 kW; (6) a new tailrace; (7) a new transmission line; and (8) appurtenant works. The existing facilities are owned by the Village of Philadelphia.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $60,000.

Competing Applications—This application was filed as a competing application to Long Lake Energy Corporation's Project No. 4334 filed on March 15, 1981, under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments,

protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4828. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24877 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER76-285 (Phase II) and ER78-339]

Public Service Company of New Hampshire; Filing of Refund Compliance Report

August 21, 1981.

The filing company submits the following:

Take notice that on June 22, 1981, Public Service Company of New Hampshire (PSNH) filed a refund compliance report in accordance with FERC regulation 18 CFR 35.19a(b).

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 14, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24844 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-453-000]

Tennessee Gas Pipeline Company, A Division of Tenneco Inc.; Application

August 24, 1981.

Take notice that on August 6, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-453-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas on behalf of Con Ed which Con Ed has arranged to purchase from Bay State Gas Company (Bay State). Applicant states that Bay State would make available to Applicant quantities of gas for the account of Con Ed at Applicant's existing Agawam Sales Meter Station in Hampden County, Massachusetts. Applicant proposes to deliver equivalent volumes to Transcontinental Gas Pipe Line Corporation (Transco) at Applicant's existing Riverdale Sales Meter Station located in Bergen County, New Jersey. Applicant states that Transco would deliver equivalent volumes to Con Ed through its existing distribution system. Applicant proposes to deliver up to 30,000 Mcf of natural gas per day for a period ending October 31, 1981.

Applicant asserts that the transportation would be interruptible and would be subordinate to existing transportation arrangements on Applicant's system. Applicant further states that such transportation service is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Applicant proposes to charge Con Ed 5.92 cents per Mcf delivered to Transco for the account of Con Ed.

Con Ed, it is asserted, would use the subject gas to replace fuel oil in the generation of electricity.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24880 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP69-227]

Texas Gas Transmission Corp.; Petition To Amend [1]

August 24, 1981.

Take notice that on August 10, 1981, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP69-227 a petition to amend the order issued June 23, 1969, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the addition of certain acreage to the Midland Gas Field in Muhlenberg County, Kentucky, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued June 23, 1969, in the instant docket Petitioner was authorized to develop and operate the Midland Gas Field as a gas storage field with an ultimate total storage volume of 120,000,000 Mcf. Petitioner

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

states that the maximum stabilized shut-in reservoir pressure of the Bethel Sand in the Midland Storage Field would not exceed 961 psia without prior authorization of the Commission and that the maximum top storage volumes injected would not exceed 8,812,813 Mcf without prior authorization of the Commission.

Petitioner states that on February 20, 1973, the Commission issued an order deleting the top storage volumetric limitation leaving as the only controlling limitation the shut-in reservoir pressure of 961 psia.

Petitioner asserts that recent studies indicate that the structural limits of Midland's storage reservoir are larger than shown by previous studies. It is stated that in this regard on April 10, 1980, Petitioner received a conveyance, bill of sale and assignment from Zeigler Coal Company (Zeigler) covering storage rights underlying certain acreage previously considered protective acreage to Midland as well as Ziegler's interest in certain gas wells located on such acreage and completed in the Bethel Sand. Petitioner asserts that studies conducted by Zeigler and Petitioner had determined these wells to be in communication with Midland. It is further stated that Petitioner paid $1,771,102 for the acreage acquired.

Petitioner proposes herein to add the acreage conveyed by Zeigler to its Midland operations.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24960 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-449-000]

Transcontinental Gas Pipe Line Corp.; Application

August 24, 1981.

Take notice that on August 3, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81-449-000 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Public Service Electric and Gas Company (PSE&G), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas on behalf of PSE&G which PSE&G has arranged to purchase from South Jersey Gas Company (South Jersey). Applicant proposes to receive up to 75,000 dekatherms (dt) equivalent per day from South Jersey at Applicant's existing points of delivery to South Jersey and to redeliver equivalent quantities, less quantities retained for compressor fuel and line loss make-up, to PSE&G at Applicant's existing delivery points to PSE&G in the New York metropolitan area.

Applicant states that pursuant to Section 284.202(a)(1) of the Commission's Regulations Applicant is able to commence transportation for PSE&G on a self-implementing basis inasmuch as South Jersey has advised Applicant that volumes currently being transported are "volumes attributable to local supplies" within the meaning of Section 284.201(g) of the Commission's Regulations. Applicant states that accordingly the authorization requested herein is limited to transportation of volumes exceeding those attributable to local supplies up to a total daily maximum of 75,000 dt equivalent.

Applicant states that the proposed transportation is for a term beginning on the date of initial deliveries and ending on October 31, 1981, or on the expiration of the "fuel shortage emergency period" as defined in Section 284.201(e) of the Commission's Regulations whichever first occurs. Applicant asserts that the transportation would be interruptible and would be subordinate to existing transportation arrangements on Applicant's system and to Applicant's deliveries to PSE&G under Applicant's Rate Schedules CD, PS, GSS, S-2 and LG-A. Applicant further states that such transportation service is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Applicant states that for such transportation service PSE&G would initially pay Applicant 7.0 cents per dt equivalent delivered and Applicant initially would retain 0.7 percent of the quantities received for compressor fuel and line loss make-up. Applicant proposes to retain all revenues received for the subject transportation service.

It is asserted that the subject gas would displace fuel oil used to generate electricity.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24961 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-445-000]

Transcontinental Gas Pipe Line Corp.; Application

August 24, 1981.

Take notice that on July 31, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81-445-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas on behalf of Con Ed which Con Ed has arranged to purchase from Pennsylvania Gas and Water Company (PG&W). Applicant proposes to receive up to 46,900 dekatherms (dt) equivalent per day from PG&W at Applicant's existing points of delivery to PG&W and to redeliver equivalent quantities to Con Ed at Applicant's existing delivery points to Con Ed in the New York metropolitan area. Applicant states that the proposed transportation service is for a term beginning on the date of initial deliveries and ending on October 31, 1981, or on the expiration of the "fuel shortage emergency period" as defined in Section 284.201(e) of the Commission's Regulations whichever first occurs. Applicant asserts that the transportation would be interruptible and would be subordinate to existing transportation arrangements on Applicant's system and to Applicant's deliveries to Con Ed under Applicant's Rate Schedules CD, PS, GSS and WSS. Applicant further states that such transportation service is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Applicant states that for such transportation service, Con Ed would initially pay Applicant 3.5 cents per dt equivalent delivered. Applicant further request that it be allowed to retain all revenues received for the subject transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1981, file with a Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24982 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4945-000]

City of Ukiah, Calif.; Application for Preliminary Permit

August 21, 1981.

Take notice that the City of Ukiah, California (Applicant) filed on June 23, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a) 825(r)] for Project No. 4945 to be known as the Eden Creek Hydroelectric Waterpower Project located on Eden Creek in Mendocino County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles Myers, Mayor, City of Ukiah, 203 South School Street, Ukiah, California 95482.

Project Description—The proposed project would consist of: (1) a 5-foot high, 120-foot long diversion structure; (2) a 5,600-foot long diversion channel; (3) a 1,400-foot long penstock; and (4) a powerhouse containing a single generating unit with a rated capacity of 4,300 kW. The Applicant estimates that the average annual energy output would be 13 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36 month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Eden Creek, Mendocino Project No. 4384 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the procceding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb,

Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-24936 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4944-000]

City of Ukiah, Calif.; Application for Preliminary Permit

August 21, 1981.

Take notice that the City of Ukiah, California (Applicant) filed on June 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a) 825(r)] for Project No. 4944 to be known as the Mendenhall Creek Hydroelectric Waterpower Project located on Mendenhall Creek in Mendocino County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles Myers, Mayor, City of Ukiah, 203 South School Street, Ukiah, California 95482.

Project Description—The proposed project would consist of: (1) a 5-foot high, 110-foot long diversion structure; (2) a 5,000-foot long diversion channel; (3) a 1,200-foot long penstock; and (4) a powerhouse containing a single generating unit with a rated capacity of 4,500 kW. The Applicant estimates that the average annual energy output would be 12.1 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36 month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Mendenhall Creek, Mendocino Project No. 4383 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24967 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-660-000]

Union Electric Co.; Filing

August 21, 1981.

Take notice that on August 12, 1981, Union Electric Company (Union) tendered for filing Seventh Revised Service Schedules C, E and F to the Interconnection Agreement dated February 18, 1972, between Union, Central Illinois Public Service Company and Illinois Power Company.

Union indicates that the proposed Revised Service Schedules increase the reservation charges for Maintenance, Short-term Non-firm, and Short-term Firm Power transactions and provide for cancellation of the previous service schedules dated April 1, 1980.

Union requests a waiver of the advance notice requirement to allow an effective date of October 1, 1981 for the Revised Service Schedules.

Union states the copies of this filing have been sent to all the parties and to the Missouri Public Service Commission and that a copy will be filed with the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24945 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-121]

Utah Power & Light Co.; Filing

August 21, 1981.

Take notice that on August 13, 1981 the Utah Power and Light Company (UP&L) submitted to the Commission amendments to a compliance filing submitted to the Commission on May 20, 1981. According to UP&L, the proposed amendments would bring UP&L's filing into compliance with Opinion 113.

Any person desiring to comment upon UP&L's submittal should on or before

September 14, 1981, submit them to the Commission. All comments submitted to the Commission will be considered by it in determining the appropriate action to be taken. UP&L's submittal is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24974 Filed 8-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4898-000]

Utah Power & Light Co.; Application for Preliminary Permit

August 21, 1981.

Take notice that Utah Power and Light Company (Applicant) filed on June 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4898 to be known as the Pineview Hydro Project located on the Ogden River in Weber County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom, Executive Vice President & General Counsel, Utah Power & Light Company, 1407 West North Temple, Salt Lake City, Utah 84116.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Pineview Dam and Reservoir, operated and maintained by the Ogden River Water Users Association, and would consist of: (1) a penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 1,030 kW; (3) a tailrace; (4) a new 69-kV transmission line, approximately 1,000 feet long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4,030,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

Competing Applications—This application was filed as a competing application to the Utah Hydro Corporation's application for Project No. 3543 filed on October 8, 1980, under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-24975 Filed 8-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5010-000]

Utah Power & Light Co.; Application for Preliminary Permit

August 21, 1981.

Take notice that the Utah Power & Light Company (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5010 to be known as the Ririe Dam Project located on Willow Creek in Bonneville County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sidney G. Baucom, Esq.; Executive Vice President and General Counsel; 1407 West North Temple; Salt Lake City, Utah 84116.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Dam and would consist of: (1) a trash rack; (2) an intake structure; (3) a penstock; (4) a powerhouse containing one turbine/generating unit with a rated capacity of 1,900 kW; (5) a substation; (6) 3 miles of 69-kV transmission line; and (7) appurtenant works. Project energy generated would be utilized by the Applicant for the benefit of its customers. The Applicant estimates that the average annual energy output would be 7,623,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $15,000.

Competing Applications—This application was filed as a competing application to the Cook Electric Company's Project No. 3448–001 filed on December 30, 1980 under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application.

[A copy of the application may be obtained by agencies directly from the Applicant.] If an agency does not file comments within the time set below. it will be presumed to have no comments.

Comments. Protests. or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure. 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take. the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests. or petitions to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer. Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc 81-24980 Filed 8-26-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-681-000]

Vermont Electric Power Company, Inc.; Filing

August 21, 1981.

Take notice that on August 12, 1981, Vermont Electric Power Company. Inc. (VELCO) tendered for filing an amendment, dated December 1, 1980, to FPC Rate Schedule No. 10: Agreement Re Charges for Tap Changing Equipment for the City of Burlington, dated December 10, 1963, between VELCO and the City of Burlington.

VELCO states that the service to be furnished under this rate schedule is as follows:

Vermont Electric Power Company. Inc. has installed at a cost of $53.817.50 in its new Queen City substation 115/13.8 KV transformer. automatic underload tap changing equipment. and will operate and maintain the said equipment for the benefit and service of the City of Burlington. The monthly cost to Burlington for 1981 will be $734.16.

VELCO further states that as a result of unavoidable delay in resolving certain aspects of negotiations for this rate schedule VELCO was not able to file the schedule in a timely manner. In addition, VELCO is required to submit the Agreement, which makes up this rate schedule. to the Department of Public Service of the State of Vermont for approval pursuant to § 35.3 of the regulations. Therefore, VELCO requests that the Commission waive the notice requirements under § 35.11.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-24976 Filed 8-26-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-669-000]

Washington Water Power Co.; Filing

August 20, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, The Washington Water Power Company (Washington) tendered for filing copies of an exchange agreement with Puget Sound Power & Light Company (Puget) which provides for the exchange of steam-electric generation which, because of plant locations and load area locations, results in substantial saving in both transmission service costs and in transfer losses.

Washington is a 15 percent owner of the Centralia steam-electric plant in western Washington near Puget's system load area. Previously, Washington's Centralia generation was wheeled over Bonneville Power Administration transmission facilities to its system load area in eastern Washington. Puget is a 50 percent owner of Colstrip steam-electric Units #1 and #2 in eastern Montana. Puget's Colstrip generation formerly was wheeled over transmission facilities of other utilities, including Bonneville's, to its system load area in western Washington. The subject agreement provides for the exchange of Washington's Centralia capacity and energy for a like amount of Puget's Colstrip capacity and energy, which, because of the shortening of the transfer distances involved results in substantial saving in both transmission service costs and transfer losses. The savings resulting therefrom both in transmission costs and transfer losses are shared equally by Washington and Puget under the terms of the agreement.

Washington requests a waiver of the advance notice requirements to allow a retroactive effective date of October 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc 81-24946 Filed 8-26-81 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-6086-000, et al.]

MAPCO Production Company (Succ. to MAPCO Inc.); Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

August 21, 1981

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon

[1] This notice does not provide for consolidation for hearing of the several matters covered herein

service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
G-6086-000 D, July 24, 1981	MAPCO Production Company (succ. to MAPCO, Inc.), 1800 South Baltimore Avenue, Tulsa, Oklahoma 74119.	Northern Natural Gas Corporation, Hugoton field, Texas County, Oklahoma.	(1)	
CI66-897-002 D, August 7, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	El Paso Natural Gas Company, JM field, Crockett and Val Verde Counties, Texas.	(2)	
CI67-1096-000 D, August 6, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	El Paso Natural Gas Company, Lockridge field, Ward County, Texas.	(2)	
CI77-665-001 D, August 10, 1981	Florida Exploration Company, Post Office Box 44, Winter Park, Florida 32790.	Florida Gas Transmission Company, Unit 9-7 #1 Well, Bowie Creek field area, Jefferson Davis County, Mississippi.	(3)	
CI80-160-001 F, C, July 31, 1981 [4]	Coastal Oil & Gas Corporation (partial succ. in interest to Barnett Oil Company), Nine Greenway Plaza, Houston, Texas 77046.	Colorado Interstate Gas Company, West Panhandle field, Potter County, Texas.	(5)	14.65
CI81-450-000 A, August 5, 1981	The Louisiana Land And Exploration Company, 225 Baronne Street, Post Office Box 60350, New Orleans, Louisiana 70160.	Texas Eastern Transmission Corporabon, block 89 field, South Pass area, offshore Louisiana.	(6)	15.025
CI81-451-000 A, August 7, 1981	Samedan Oil Corporation, P.O. Box 909, Ardmore, Oklahoma 73401.	Tennessee Gas Pipeline Company, Vermilion area, blocks 155 and 156, offshore Louisiana.	(7)	15.025
CI81-452-000 (G-14254) B, August 7, 1981.	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221	Transcontinental Gas Pipe Line Corporation, block 76(66), Vermilion area, Terrebonne Parish, Louisiana.	(8)	
CI81-453-000 A, August 10, 1981	Newmont Oil Company, 600 Jefferson Avenue, Suite 930, Houston, Texas 77002.	Transcontinental Gas Pipe Line Corporation, NE¼ of block 86, Ship Shoal area, offshore Louisiana.	(12)	15.025
CI81-454-000 A, August 10, 1981	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennesee Gas Pipeline Company, Vermilion area blocks 155 and 156, offshore Louisiana.	(9)	15.025
CI81-455-000 B, August 10, 1981	ARCO Oil and Gas Company, Division Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Union Texas Petroleum, Fennell unit, tract Nos. 3 and 4, Runnels County, Texas.	(10)	
CI81-456-000 A, August 10, 1981	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Eugene Island south addition, block 294, offshore Louisiana.	(9)	15.025
CI81-457-000 A, August 10, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, South Marsh Island, block 99 field, offshore Louisiana.	(11)	15.205

[1] Release of Gas for Irrigation Fuel from the subject well.
[2] Shell Oil Company is unable to render service from this acreage as it no longer owns any interest in the leases covering the acreage.
[3] Production ceased and deliveries to FGT have terminated.
[4] By Farmout Agreement dated January 1, 1981, Applicant acquired the rights to develop approximately 785 additional acres in Potter County, Texas.
[5] Applicant is filing under Gas Purchase Agreement dated January 12, 1970, as amended, and amended by Amendments dated February 12, 1981 and June 5, 1981.
[6] Applicant agrees to accept a certificate conditioned upon a price equal to the maximum lawful price under Section 104 of the NGPA, reserving its right to collect any higher applicable NGPA rate.
[7] Applicant is filing under Gas Purchase Contract dated July 23, 1981.
[8] Gas reserves were depleted and the wells were plugged and abandoned. The leases were terminated by the Bureau of Land Management and were released to the Lessor.
[9] Applicant is filing under Gas Puchase and Sales Agreement dated August 5, 1981.
[10] Leases was disconnected from purchaser's system due to pressure in its pipeline which precluded any production from the well and therefore it was uneconomical to process the gas at its Perkins Gasoline Plant. Pursuant to terms of contract, contract was terminated as of July 1, 1979.
[11] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.
[12] Applicant is willing to accept certification conditioned to an initial rate equal to the applicable maximum lawful price prescribed in the NGPA and the Commission's regulations implementing the NGPA, including any increases in such prices, provided that Applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the Natural Gas Act and the NGPA.
Filing code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-24971 Filed 8-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-387-000]

Central Power and Light Co.; Filing

August 24, 1981.

The filing company submits the following:

Take notice that on August 13, 1981, Central Power and Light Company (CPL) tendered for filing a supplement to its rate application filed in Docket No. ER81-387-000. The supplement revises the federal income tax calculation and cost of service which adjusts for a clerical error in CPL's original filing.

The proper interest calculation results in an increase in the cost of service of $195,051. The corresponding revised cost of service revenue deficiency to the wholesale customers is $3,577,700.

CPL requests that the changes be made effective on October 31, 1981 for non-generating customers and March 1, 1982 for generating wholesale customers. These are the same dates that rates are currently scheduled to go into effect.

CPL requests a waiver of the advance notice requirement under § 35.11 of the Commission's regulations (18 CFR 35.11) to allow the above-mentioned effective dates.

Copies of this filing have been sent to the affected wholesale customers and the Public Utility Commission of Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25104 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA82-1-32-000 (PGA82-1)]

Colorado Interstate Gas Co.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provisions

August 24, 1981.

Take notice that Colorado Interstate Gas Company (CIG) on August 14, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, to be effective October 1, 1981. The increased jurisdictional cost to CIG of purchased gas proposed to be recovered by the filing amounts to approximately $133.7 million. Such amount reflects the increased jurisdictional cost of gas in this application over the amount contained in CIG's previously effective rates. Due to the absence of any projected maximum surcharge absorption capability on CIG's system, no reduction in CIG's Estimated Acutal Cost of Purchased Gas for incremental pricing purposes is reflected in the filing.

Copies of CIG's filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be take but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-25109 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4663-000]

City of Cookeville, Tenn.; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Cookeville, Tennessee (Applicant) filed on May 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4663 known as the Burgess Falls Project located on the Falling Water River in Putnam County, Tennessee. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Edward W. Kimsey, City Manager, City of Cookeville, P.O. Box 998, Cookeville, Tennessee 38501.

Project Description—The proposed project would consist of: (1) an existing 30-foot high and 336-foot long concrete gravity dam; (2) an existing reservoir with a 78 acre surface area at a normal pool elevation of 886 feet m.s.l., an 850 acre-feet storage capacity, and a 1,240 square-mile drainage area; (3) a proposed powerhouse to contain three alternative capacities of generated power which will be determined by the exact location of the powerhouse utilization of head. The alternative capacities are 800 kW, 5,400 kW and 7,800 kW. The estimated average annual output of energy due to the three alternative capacities may vary between 2,000,000 kWh and 22,000,000 kWh; (4) a proposed penstock; (5) proposed transmission lines; and (6) appurtenant facilities. The proposed project is not located on Federal lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $60,000.

Competing Applications—This application was filed as a competing application to the Burgess Falls Project No. 3491 filed on September 22, 1980, by Upper Cumberland Electric Membership Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4663. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications

Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25093 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5024-000]

Energenics Systems, Inc.; Application for Preliminary Permit

August 21, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on June 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5024 to be known as the Cottage Grove Hydroelectric Power Project located on the Williamette River (Cottage Grove Lake) in Lane County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would use the outlet works of the U.S. Army Corps of Engineers' existing Cottage Grove Lake Dam and would consist of: (1) a powerhouse, at the base of the dam, with a rated capacity of 2.05 MW; and (2) approximately one mile of transmission line to connect to an existing Pacific Power and Light Company 115-kV line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 36-month permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25110 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-683-000]

Florida Power & Light Co., Filing

August 24, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on August 12, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit I FPL will transmit power and energy for the Fort Pierce Utilities Authority (Fort Pierce) as is required by Fort Pierce in the implementation of its interchange agreement with the City of St. Cloud.

FPL requests that waiver of §35.3 of the Commission's Regulations be granted and that the proposed Exhibit I be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of the Fort Pierce Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25111 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-70-000]

Iowa Electric Light & Power Co.; Application

August 24, 1981.

Take notice that on August 14, 1981, Iowa Electric Light and Power Company (Applicant) filed an application, pursuant to Section 204 of the Federal Power Act, authorizing the issuance of short-term notes in the aggregate principal amount of $85,000,000.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa.

Any person desiring to be hard or to make any protest with reference to said application should on or before September 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D. C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the

Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25112 Filed 8-26-81: 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3925-000, 4443-000]

JBC Hydro 1 Tennessee Ltd. and Daniel E. Burgner of Greenville, Tenn.; Application for Preliminary Permit

August 24, 1981.

Take notice that both JBC Hydro 1 Tennessee Ltd and Daniel E. Burgner of Greenville, Tennessee (Applicants) filed on January 5, 1981, and March 31, 1981, respectively, mutually exclusive applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the proposed Projects Nos. 3925 and 4443, respectively, to be known as the Nolichucky Project located on the Nolichucky River in Greene County, Tennessee. This application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Douglas A. Spaulding, 351 Tyrol West Building, 1500 South Lilac Drive, Minneapolis, Minnesota 55416, for Project No. 3925; Daniel E. Burgner, Route 10 Box 183A, Greenville, Tennessee, 37743, for Project No. 4443. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize a Tennessee Valley Authority Dam and Project No. 3925 would consist of: (1) an existing powerhouse with a proposed installed generating capacity of 7,700 kW; and (2) appurtenant facilities. The estimated average annual energy output would be 35 GWh. Project No. 4443 would consist of: (1) an existing powerhouse with a proposed installed generating capacity of 10,640 kW; and (2) appurtenant facilities. The estimated average annual energy output would be 50 GWh.

Proposed Scope and Cost of Studies Under Permit—The Applicants seek issuance of a mutually exclusive preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. JBC Hydro's and Daniel E. Burgner's estimated total costs for performing feasibility studies are $100,000 and $30,000; respectively.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 21, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before October 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25098 Filed 8-26-81: 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5064-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

August 24, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on July 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5064 to be known as the Calligan Lake Project located on the Calligan Creek in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washingotn 98009.

Project Description—The proposed project would consist of: (1) an 18-foot high earthfilled dam; (2) Calligan Lake, a natural lake with a surface area of 295 acres; (3) a 9,500-foot long and 42-inch diameter penstock; (4) a powerhouse containing one 7,800-kW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 30.2 million kWh.

Proposed Scope of Studies Under Permit—A perliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $300,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 21, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be

obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25099 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5065-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

August 24, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on July 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5065 to be known as the Lake Hancock Project located on Hancock Creek in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) a 10-foot high earth and rock fill dam; (2) Lake Hancock, a natural 225-acre lake; (3) a 9,000-foot long and 42-inch diameter penstock; (4) a powerhouse containing one 8,500-kW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $300,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 21, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25113 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4974-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4974 to be known as the Little North Fork of Salmon River Power Project located on Little North Fork of Salmon River in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high, 70-foot long diversion structure; (2) a 48-inch diameter, 5,700-foot long diversion conduit; (3) a 36-inch diameter, 1,000-foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 3,890 kW. The Applicant estimates that the average annual energy output would be 17.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with

preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Little North Fork Salmon River Project No. 4096 filed on January 30, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25092 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4978-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4978 known as the Middle Fork Sacramento River Power Project located on Middle Fork Sacramento River in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5–foot high, 77–foot long diversion structure; (2) a 7,500–foot long, 47–inch diameter diversion conduit; (3) a 32-inch diameter, 1,700-foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 3,975 kW. The Applicant estimates that the average annual energy output would be 15.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36–month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Corps and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Middle Fork Sacramento River Power Project No. 4121 filed on February 5, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4978. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25094 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4933-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 22, 1981,

an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4933 known as the Deadwood Creek, Yuba Power Project located on Deadwood Creek in Yuba County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 45-foot long, 5-foot high rock and concrete diversion structure; (2) a 4,000-foot long conduit; (3) a 1,150-foot long, 39-inch diameter penstock; (4) a powerhouse which will house generating units with a combined rated capacity of 2,270 kW and associated electrical switch gear; and (5) a 6-mile long, 12.5-kV transmission line. The average annual energy output is 8.9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies is $100,000.

Competing Applications—This application was filed as a competing application to the Deadwood Creek Project No. 4392 filed on March 23, 1981 by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25095 Filed 8–26–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4972–000]

City of Rohnert Park, California; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4972 to be known as the Beegum Creek Power Project located on Beegum Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high, 170-foot long diversion structure; (2) a 72-inch diameter, 9,150 foot long diversion conduit; (3) a 48-inch diameter, 475 foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 3,200 kW. The Applicant estimates that the annual average energy output would be 15.8 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Beegum Creek Power Project No. 4185 filed on February 11, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing,

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25096 Filed 8-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4976-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4976 known as the Copper and Twin Valley Creek Project located on Copper Creek and Twin Valley Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high, 62-foot long diversion structure; (2) a 48-inch diameter, 5,300-foot long diversion conduit; (3) a 36-inch diameter, 710-foot long penstock and; (4) a powerhouse containing one or more generating units with a total rated capacity of 2,030 kW. The Applicant estimates that the average annual energy output would be 8.1 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Copper and Twin Valley Creek Power Project No. 4094 filed on January 30, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST",or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4976. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25097 Filed 8-26-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4934-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 21, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 22, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4934 known as the Portuguese Creek, Siskiyou Power Project located on Portuguese Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 56-foot long, 5-foot high rock and concrete diversion structure; (2) a 7,300-foot long conduit; (3) a 1,300-foot long, 30-inch diameter penstock; (4) a powerhouse which will house generating units with a combined rated capacity of 2,270 kW and associated electrical switch gear; and (5) a 12.5-kV transmission line. The average annual energy output is 8.9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $100,000.

Competing Applications—This application was filed as a competing application to the Portuguese Creek Project No. 4391 filed on March 23, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25108 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4973-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 21, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4973 known as the Willow Creek, Tehama Project located on Willow Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park California 95427.

Project Description—The project would consist of: (1) a 140-foot long, 5-foot high diversion structure; (2) a 10,000-foot long diversion conduit; (3) a 1,200-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 4,580 kW; and (5) a 13-mile long transmission line. The average annual energy generation is estimated to be 16.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Willow Creek, Tehama Project No. 4329 filed on March 12, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital leters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25107 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4977-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4977 known as the Mosquito Creek, Plumas Project located on Mosquito Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The project would consist of: (1) a 125-foot long, 5-foot high diversion structure; (2) a 10,750-foot long diversion conduit; (3) a 725-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 2,900 kW; and (5) a 3-mile long transmission line. The average annual energy generation is estimated to be 11.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Mosquito Creek, Plumas Project No. 4381 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 14, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4977. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25106 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4983-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 24, 1981.

Take notice that the City of Rohnert Part (Applicant) filed on June 25, 1981, an application for preliminary permit [Pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4983 known as the Eden Creek, Mendocino Project located on Eden Creek in Mendocino County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 128-foot long, 5-foot high diversion structure; (2) a 5,600-foot long diversion conduit; (3) a 1,400-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 4,260 kW; and (5) a 9-mile long transmission line. The average annual energy generation is estimated to be 13.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Eden Creek, Mendocino Project No. 4384 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4983. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25105 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4804-000]

San Luis Obispo County Flood Control and Water Conservation District; Application for Exemption of Small Conduit Hydroelectric Facility

August 24, 1981.

Take notice that on June 1, 1981, San Luis Obispo County Flood Control and Water Conservation District (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed

hydroelectric project from requirements of Part I of the Act. The proposed Lopez Water Treatment Plant Hydro-Power Generation Unit Project (FERC Project No. 4804) would be located on the County's water distribution system in San Luis Obispo County, California. Correspondence with the Applicant should be directed to: Mr. George Protopapas, County Engineer, County of San Luis Obispo, Room A101, Courthouse Annex, San Luis Obispo County, California 93408.

Project Description—The proposed project would consist of: (1) a 75-foot diversion conduit; (2) a powerhouse containing a single generating unit with a rated capacity of 100 kW inserted into the diversion conduit; and (3) a tailrace discharging into the existing Lopez Water Treatment Plant forebay.

Purpose of Project—Project energy would be sold to Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with thier duties and responsibilities. Comments are due on or before October 13, 1981. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR .18 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before September 30, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25100 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-675-000]

Southern California Edison Co.; Filing

August 24, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, Southern California Edison Company ("Edison") tendered for filing five separate firm transmission service agreements with: (1) San Diego Gas & Electric Company, (2) Imperial Irrigation District, the California Cities of (3) Burbank, (4) Glendale, and (5) Pasadena.

Under the terms and conditions of the agreements, Edison will make available to the Parties firm transmission service from the Palo Verde Nuclear Generating Station Switchyard in Southwestern Arizona to the points of delivery at (1) San Onofre Nuclear Generating Station Switchyard, (2) Devers Substation near Palm Springs, California, (3) and (4) Sylmar Substation of the Los Angeles Department of Water and Power, and (5) Goodrich Substation at Pasadena, California.

Copies of this filing were served upon the Public Utilities Commission of the State of California, San Diego Gas & Electric Company, Imperial Irrigation District, the California Cities of Burbank, Glendale, and Pasadena.

Edison requests that the Commission waive its regulations and accept the Agreements for filing as initial rate schedules with effective dates 60 days after receipt for filing by the Commission.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25115 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-677-000]

Southern Company Services, Inc.; Filing

August 24, 1981.

The filing company submits the following:

Take notice that Southern Company Services, Inc., on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company ("Southern Companies") on August 12, 1981, tendered for filing an initial rate schedule constituting an interchange contract between such companies and South Carolina Public Service Authority ("Authority"). The service under the rate schedule is scheduled to commence on August 12, 1981. The interchange contract between Southern Companies and Authority provides for an initial interconnection between the respective electric systems. The interchange contract provides for emergency assistance, short-term power and economy interchange transactions.

Southern Companies requests a waiver of the advance notice requirement to allow an effective date of August 12, 1981.

Copies of the filing have been served on the affected parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are

on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25116 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-678-000]

Southern Company Services, Inc.; Filing

August 24, 1981.

The filing company submits the following:

Take notice that on August 12, 1981, Southern Company Services, Inc. on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company ("Southern Companies") tendered for filing two separate unit power sales agreements between Southern Companies and Florida Power & Light Company ("FPL") and Jacksonville Electric Authority ("JEA"), respectively. The unit power sales agreements between Southern Companies and FPL and Southern Companies and JEA provide for unit power sales from Southern Companies to FPL and JEA during the period January 1, 1983 through December 31, 1992.

In connection with the filing of the unit power sales agreements, Southern Company Services, Inc. Also filed on behalf of the Southern Companies an interchange contract with JEA, which is scheduled to become effective on August 1, 1982 or the date on which certain 500 kV transmission interconnections are completed. Also, Southern Company Services, Inc. filed on behalf of the Southern Companies amendments to the current interchange contract with FPL. These amendments provide for additional interconnection points in the form of 500 kV transmission, as well as amendments to certain service schedules contained in the existing interchange contract with FPL.

Southern Companies requests a waiver of the 120-day notice requirement in order to expedite the proceedings.

Any person desiring to be heard or to protest said filings should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25114 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2750-000]

Town of Springfield, Vermont; Vermont Public Power Supply Authority; Application for Major License

August 24, 1981.

Take notice that the Town of Springfield, Vermont (Applicant) filed an application pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r), on June 5, 1978, and supplemented on January 2, 1979, for the proposed Black River Project No. 2750. On July 7, 1981, the application was modified to include the Vermont Public Power Supply Authority as a co-Applicant. The proposed project would be located on the Black River in Windsor County, Vermont and would occupy lands of the United States. Correspondence with Applicant concerning the application should be sent to: Mr. Michael J. Valuk, Town Manager, 96 Main Street, Springfield, Vermont 05156; and Mr. Harland G. Titemore, Manager, Vermont Public Power Supply Authority, P.O. Box C-5515, South Burlington, Vermont 05602.

Project Description—The proposed project would consist of:

(1) The Hawks Mountain development with a 900-foot-long earthfill dam, approximately 165 feet high with a crest elevation of 775 feet m.s.l.; a reservoir with a storage capacity of 6,000 acre-feet; and powerhouse with 3 generating units with a total installed capacity of 14,640 kW.

(2) The Covered Bridge development with a 400-foot-long concrete gravity dam, with a crest elevation of 815 feet m.s.l.; a reservoir with a storage capacity of approximately 350 acre-feet; and a powerhouse with a 3,000 kW generating unit.

(3) The Tolles Hill development with an existing concrete gravity overflow dam to be raised 11 feet to an elevation of 510 feet m.s.l. located within the Corps of Engineers Springfield Flood Control Project; a reservoir with a storage capacity of 200 acre-feet; and a powerhouse with one generating unit rated at 3,000 kW.

(4) The Gilman development with a 380-foot-long concrete gravity dam with a crest elevation of 425 feet m.s.l. replacing an existing dam in the immediate area; a 2.3-acre reservoir with no storage capacity, and a powerhouse with a 3,000 kW generating unit.

(5) The Comtu Falls development with an existing 40-foot-long concrete gravity overflow dam that would be raised 2.5 feet to elevation 395 feet m.s.l.; a 0.7-acre reservoir with no storage capacity; and a powerhouse with a 3,000 kW generating unit.

(6) The Lovejoy development with the existing 100-foot-long concrete gravity overflow Slack dam with a crest elevation of 364.1 feet m.s.l.; a 0.9-acre reservoir with no storage capacity; a 900-foot-long conduit; and a powerhouse with a 3,000 kW generating unit.

The project transmission facilities would include a switchyard to be located downstream from the Hawks Mountain dam connected by transmission lines to the Hawks Mountain, Covered Bridge, and Tolles Hill developments; and a 1.7-mile-long 115-kV transmission line from the switchyard to the interconnected system. The remaining three developments would be connected directly to the local distribution system.

The Applicant proposes to provide the following recreation facilities at the Hawks Mountain development: three boat launch ramps, a day use park, and a hiking trail. At three developments in Springfield the Applicant would provide two viewing platforms and a small park.

The Applicant intends to use the power for public utility purposes, either within its distribution system or for sale to other public utilities.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Pracice and Procedure, 18 CFR 1.10 for protests. Parties who have previously been granted status as Intervenors will retain that status. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments,

protest, or petition to intervene must be filed on or before October 21, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25101 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 703]

Utah Power & Light Co.; Expiration of License

August 21, 1981.

Take notice that the license for the Paris Project No. 703 will expire on October 31, 1985. The project is located on Paris Creek in Bear Lake County, Idaho and is licensed to Utah Power and Light Company.

The principal project works, presently licensed for Project No. 703, are a diversion dam, a 4-mile-long open canal, a small forebay, a steel penstock, and a powerhouse containing a 650 kW generator.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1980). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25117 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4148]

Van Buren Township; Suspending 120-Day Period for Action on Small Hydro Exemption

Issued: August 20, 1981.

Van Buren Township has filed an application for exemption for its proposed French Landing Project, designated as Project No. 4148, located on the Huron River in Michigan. The application was filed pursuant to Section 408 of the Energy Security Act of 1980 and § 4.101 *et seq.* of the Commission's regulations.

The State of Michigan Department of Natural Resources in its petition to intervene opposing the exemption states that the Township erroneously suggests that is is affirmatively working with DNRC to resolve a dispute concerning public access to the existing reservoir (Belleville Lake). According to DNRC, the Township currently bars the general public from fishing access to Belleville Lake.

The United States Department of the Interior also objects to the exemption application. Interior concurs with DNRC that, because Belleville Lake offers excellent fishing, the Applicant should provide bank fishing access to the general public. Interior also states that the Licensee should release a minimum flow to protect downstream fish, wildlife and other aquatic habitat.

While we take no position on the merits of the dispute at this time, we do note that it has been our consistent policy to require Licensees to provide public access at project reservoirs. With this in mind, we are directing the Applicant to meet with DNRC and interior for the purpose of obtaining an agreement on public access and minimum flow requirements. Within forty-five days of issuance of this order, Applicant is directed to file a report setting forth the results of its meetings with DNRC and Interior. The Commission intends to act on the application within 30 days after receipt of the Applicant's report.

Having determined that additional time is necessary for action on the application in order to insure full consideration of all information and comments that have been received and of the issues raised by the application, the 120-day period for Commission action is suspended pursuant to § 4.105(b)5(iv).

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25118 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5073-000]

Everett E. Whitman; Application for Major License

August 24, 1981.

Take notice that an application was filed on July 14, 1981, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by Everett E. Whitman (Applicant) for a license for the Benton Falls Hydroelectric Project, FERC No. 5073. The project would be located on the Sebasticook River near the town of Benton, Kennebec County, Maine. Correspondence with the Applicant on this matter should be addressed to: Everett E. Whitman, Augusta Road, R.F.D. #2, Winslow, Maine, 04901.

Project Description—The Benton Falls Project would consist of: (1) a new 500-foot long concrete gravity dam with a maximum height of 27 feet and 4-foot high flashboards; (2) Benton Falls Reservoir with a total usable storage capacity of 310 acre-feet, at a drawdown of 4 feet, between elevations 81 and 85 feet M.S.L.; (3) a new powerhouse located near the west dam abutment, constructed integrally with the dam, containing two turbine-generator units with a total rated capacity of 3.4 MW; (4) a 350-foot long tailrace channel; (5) a new 170-foot long, 12 KV transmission line and; (6) appurtenant facilities. The project area is generally owned by the Applicant.

The Applicant proposes to construct a canoe portage along the east bank of the Sebasticook River and will make available up to 1.6 acres of land for eventual fishing access or a boat launch site.

Competing Applications—This application was filed as a competing application to the Benton Falls Project No. 3632 filed on October 30, 1980, by Benton Falls Hydro, Inc., under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a

party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before October 21, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for license for Project No. 5073. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25102 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1989-001]

Wisconsin Public Service Corp.; Application For Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 24, 1981.

Take notice that June 1, 1981, Wisconsin Public Service Corporation (Applicant) filed an application for the Merrill Dam Project under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended),* for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 1989) would be located on the Wisconsin River in Merrill, Lincoln County, Wisconsin. Correspondence with the Applicant should be directed to: Mr. D. A. Bollom, Treasurer, Wisconsin Public Service Corporation, P.O. Box 700, Green Bay, Wisconsin 54301.

Project Description—The proposed project would consist of: (1) an existing concrete dam approximately 400 feet long and 18 feet high with 28 twelve-foot wide and seven-foot high steel lift gates; (2) an existing reservoir approximately 373 acres with a storage capacity of approximately 112 acre-feet extending 3.5 miles upstream; (3) an existing headrace approximately 305 feet long and 115 feet wide at the north end of the dam; (4) an existing powerhouse with a capacity of .84 MW to be combined with a proposed powerhouse with a capacity of 1.5 MW for a new total capacity of 2.34 MW; and (5) appurtenant facilities. The project would be operated on a run-of-river basis. The average annual energy generation is estimated to be 14 GWh.

Project Energy—Energy produced at the proposed project would be utilized by the Applicant within its own power system.

Agency Comments—The U.S. Fish and Wildlife Service and the Wisconsin Department of Natural Resources are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protest any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 30, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice to intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25100 Filed 8-26-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 24, 1981.

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD						
-INEXCO OIL COMPANY			RECEIVED: 08/04/81 JA: MS			
8144469	52-81-440	2306520176	107-DP FLOYD DYESS NO 2 WELL	OAKVALE	1000.0	TRANSCONTINENTAL
-PLACID OIL COMPANY			RECEIVED: 08/04/81 JA: MS			
8144470	45-81-528	2308720045	102-2 VAUGHN #1	COOPER CREEK	275.0	
NEBRASKA OIL & GAS CONSERVATION COMMISSION						
-BEREN CORPORATION			RECEIVED: 07/31/81 JA: NB			
8144466		2603321923	103 YOUNG A NO 1	SOUTHWEST SIDNEY	35.0	KANSAS-NEBRASKA N
OKLAHOMA CORPORATION COMMISSION						
-AMOCO PRODUCTION CO			RECEIVED: 08/03/81 JA: OK			
8144447		3500736468	108-PB OSBORNE GAS UNIT C NO 1	MOCANE LAVERNE	16.0	INTERNORTH INC
-CIMARRON PETROLEUM CORPORATION			RECEIVED: 08/03/81 JA: OK			
8144452	07966	3507322696	103 CPC #106-3 THEIMS-ANDREWS		27.4	PHILLIPS PETROLEU
-DAVIS OIL COMPANY			RECEIVED: 08/03/81 JA: OK			
8144462	11985	3512920504	102-2 LEROY NO 1	CHEYENNE	821.0	EL PASO NATURAL G
-HARPER OIL COMPANY			RECEIVED: 08/03/81 JA: OK			
8144451	09974	3508321501	103 ROTHERMEL #2	S E MARSHALL	110.0	EASON OIL CO
-INDIAN WELLS OIL CO			RECEIVED: 08/03/81 JA: OK			
8144455	10465	3505300000	102-4 #1 HAJEK		400.0	CRA INC
8144454	10466	3505320617	102-4 #1 LAMBDIN		100.0	CRA INC
8144456	10464	3505300000	102-4 #1 PETRIK		100.0	CRA INC
-MARYMAC CO			RECEIVED: 08/03/81 JA: OK			
8144464	11594	3508520130	102-4 STEED #1	NORTH PIKE	70.0	AMINOIL USA INC
-MONSANTO COMPANY			RECEIVED: 08/03/81 JA: OK			
8144453	09852	3500700000	103 BEAVER #4	SOUTH FORGAN	0.0	NORTHERN NATURAL
-PETRO-LEWIS CORPORATION			RECEIVED: 08/03/81 JA: OK			
8144461	09429	3504700000	108 BECKNER 35-2	WAUKOUMIS	31.0	PARTNERSHIP PROPE
8144459	09796	3509320809	108 NELLIE 22-1	AMES	0.0	PARTNERSHIP PROPE
8144460	09960	3507300000	108 POPE 1-1	SOONER TREND	24.3	PARTNERSHIP PROPE
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 08/03/81 JA: OK			
8144448	10051	3501721681	103 MILLER A #1	W OKARCHE	251.0	OKLA NATURAL GAS
8144458	10052	3508720511	103 BURFORD B #1	BRADLEY	0.0	TRANSOK PIPELINE
-ROBERT P LAMMERTS			RECEIVED: 08/03/81 JA: OK			
8144446	07453	3501721330	102-4 ROTHER 1-28	NORTH CONCHO	73.0	PHILLIPS PETROLEU
8144446	07453	3501721330	103 ROTHER 1-28	NORTH CONCHO	73.0	PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION			RECEIVED: 08/03/81 JA: OK			
8144463	11921	3501721911	102-0 HARMAN NO 1		350.0	PHILLIPS PETROLEU
-TEMPLEX INC			RECEIVED: 08/03/81 JA: OK			

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JD NO	JA CRT	API NO	D	SEC	CAT	WELL NAME
8144457	10056	3510720919		103		LUCINDA WEST NO 2
				RECEIVED: 08/03/81 JA: OK		
-UNIVERSAL RESOURCES CORPORATION						
8144450	10033	3501721722		103		ALBERT #1-16
8144449	10041	3507322639		103		REINCARNATED #1-25
				RECEIVED: 08/03/81 JA: OK		
-WOODS PETROLEUM CORPORATION						
8144465	11543	3512920550		102-2		CHARLEY SWITZER #1-1
**********						
TEXAS RAILROAD COMMISSION						
**********						
				RECEIVED: 08/03/81 JA: TX		
-ADOBE OIL & GAS CORPORATION						
8144391	F-7B-037681	4213333014		102-4		SNEED F #1
				RECEIVED: 08/03/81 JA: TX		
-ALEXANDER G KASPAR						
8144075	F-08-029092	4210332046		103		ATLANTIC BARNSLEY #2
8144074	F-08-029090	4210331986		103		CONOCO-BARNSLEY #3
				RECEIVED: 08/03/81 JA: TX		
-ALLAR CO						
8144085	F-7B-029803	4242900000		103		GRAGG #1 - RR#89544
				RECEIVED: 08/03/81 JA: TX		
-ALLEGRO INVESTMENTS INC						
8144005	F-02-018938	4217531220		103		GARY KNOWLES UNIT #1-C ID# PENDING
8144006	F-02-018939	4217531220		103		GARY KNOWLES UNIT #1-T ID# PENDING
				RECEIVED: 08/03/81 JA: TX		
-ALPAR RESOURCES INC						
8144159	F-10-034151	4235700000		102-4		HARBAUGH P A #22
				RECEIVED: 08/03/81 JA: TX		
-AMERICAN PUBLIC ENERGY CO						
8144215	F-7C-036395	4243532434		103		HULL #2
8144215	F-7C-036395	4243532434		107-TF		HULL #2
				RECEIVED: 08/03/81 JA: TX		
-AMOCO PRODUCTION CO						
8144254	F-03-036863	4203931592		103		GILBERT SNEED #27
8144262	F-8A-037174	4221933009		103		MAY-MONTGOMERY UNIT #70
				RECEIVED: 08/03/81 JA: TX		
-ANDERSON PETROLEUM INC						
8144104	F-7C-030879	4210533128		103		FRANK WHITE A 4-85
8144104	F-7C-030879	4210533128		107-TF		FRANK WHITE A 4-85
8144105	F-7C-030883	4210532493		103		L B COX JR A 2-11
8144105	F-7C-030883	4210532493		107-TF		L B COX JR A 2-11
8144120	F-7C-031665	4210533141		103		PEERY HOLMSLEY ET AL 1-68
8144120	F-7C-031665	4210533141		107-TF		PEERY HOLMSLEY ET AL 1-68
				RECEIVED: 08/03/81 JA: TX		
-ARCO OIL AND GAS COMPANY						
8144289	F-10-037418	4217900000		108		AMANDA REYNOLDS NO 1
8144397	F-10-037696	4217930801		103		EMMA JACKSON CONS NO 17
8144068	F-04-028472	4221531043		103		SWALLOW GAS UNIT WELL #9-LT
8144290	F-10-037419	4239300000		108		WILLIAM R COWAN TRACT B NO 4
				RECEIVED: 08/03/81 JA: TX		
-ARLEN G HOWLE JR						
8144336	F-7B-037564	4209330683		103		JACK PERRY #2 (87985)
				RECEIVED: 08/03/81 JA: TX		
-ARMOUR PROPERTIES						
8144263	F-10-037258	4206530839		103		BURNETT #11
8144264	F-10-037259	4206530838		103		BURNETT #12
8144265	F-10-037260	4206530840		103		BURNETT #13
8144266	F-10-037261	4206530837		103		BURNETT #14
				RECEIVED: 08/03/81 JA: TX		
-B & B FARM INDUSTRIES INC						
8144251	F-10-036799	4248330822		102-4		WILLIAMS 1-33
				RECEIVED: 08/03/81 JA: TX		
-BARRON KIDD						
8144275	F-08-037306	4231732238		103		OLIVER P BOYCE #1
				RECEIVED: 08/03/81 JA: TX		
-BLOCKER EXPLORATION CO						
8144102	F-05-030709	4229330484		107-TF		L D CROSS TRUSTEE UNIT NO 1
				RECEIVED: 08/03/81 JA: TX		
-BORDER EXPLORATION CO						

FIELD NAME	PROD	PURCHASER
SW PHAROAH LAKE	91.3	PHILLIPS PETROLEU
HIGHLAND NW (HTN MISS)	283.3	MUSTANG GAS PRODU
SOONER TREND (SKN MISS O	116.8	PHILLIPS PETROLEU
S W LEEDEY	109.0	DELHI GAS PIPELIN
MANGUM NORTH (3200)	175.0	ODESSA NATURAL CO
SAND HILLS (JUDKINS)	259.0	EL PASO NATURAL G
SAND HILLS (JUDKINS)	188.0	EL PASO NATURAL G
STEPHENS COUNTY REGULAR	253.0	SUN GAS GATHERING
WILDCAT	100.0	DELHI GAS PIPELIN
WILDCAT	10.0	DELHI GAS PIPELIN
LONE BUTTE (CLEVELAND)	36.0	PHILLIPS PETROLEU
SONORA (CANYON-UPPER)	0.0	EL PASO NATURAL G
SONORA (CANYON-UPPER)	0.0	EL PASO NATURAL G
HASTINGS WEST	5.0	TEXAS EASTERN TRA
LEVELLAND	19.1	AMOCO PRODUCTION
OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
OZONA (CANYON SAND)	25.0	ANDERSON PIPELINE
OZONA (CANYON SAND)	25.0	ANDERSON PIPELINE
OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
PANHANDLE WEST	7.3	PHILLIPS PETROLEU
PANHANDLE GRAY COUNTY	10.0	PHILLIPS PETROLEU
DONNA (6940)	325.0	TENNESSEE GAS PIP
QUIRQUNO (ALBANY DOLOMIT	7.3	NATURAL GAS PIPEL
DUSTER NE (MARBLE FALLS	110.0	COMANCHE GAS PIPE
PANHANDLE-CARSON	83.0	PANHANDLE EASTERN
PANHANDLE-CARSON	81.0	PANHANDLE EASTERN
PANHANDLE-CARSON	87.0	PANHANDLE EASTERN
PANHANDLE-CARSON	91.0	PANHANDLE EASTERN
ALLISON-BRITT (12350)	1500.0	COLORADO INTERSTA
SPRABERRY TREND AREA (DE	17.6	PHILLIPS PETROLEU
S THORNTON (COTTON VALLE	548.0	TEXAS UTILITIES F

JD NO	DA NT	API	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144218	F-08-036515	4230130236	107-DP	JOHNSON TXL NO 1	CENTRAL PINAL DOME (ATOK	687.0	TRANSCONTINENTAL
-BRAZOS PETROLEUM CO			RECEIVED: 08/03/81 JA: TX				
8144210	F-08-036313	4232930964	103	DONELSON NO 1	SPRAYBERRY (TREND AREA)	37.0	EL PASO NATURAL G
-BRIDWELL OIL CO			RECEIVED: 08/03/81 JA: TX				
8144020	F-09-023605	4223733137	103	J B COOPER #2	CATLIN (ATOKA CONGL)	15.0	CITIES SERVICE CO
8144071	F-09-028882	4223733104	102-4	RICHARDS RANCH #3 (69024)	RICHARDS RANCH	275.0	TEXAS UTILITIES F
8144007	F-09-019449	4223732497	102-4	RICHARDS RANCH NO 2	RICHARDS RANCH (ATOKA)	500.0	TEXAS UTILITY FUE
-C F LAWRENCE & ASSOC INC			RECEIVED: 08/03/81 JA: TX				
8144200	F-7C-036006	4210500000	102-4	TODD N #1	JAKLAW (QUEEN)	0.0	EL PASO NATURAL G
-C L GAGE JR			RECEIVED: 08/03/81 JA: TX				
8144002	F-09-018122	4249731531	103	TRUITT DOYLE #1	BOONSVILLE (BEND CONGL)	143.0	NATURAL GAS PIPEL
8144002	F-09-018122	4249731531	108	TRUITT DOYLE #1	BOONSVILLE (BEND CONGL)	143.0	NATURAL GAS PIPEL
-CAG PETROLEUM CORP			RECEIVED: 08/03/81 JA: TX				
8144359	F-03-037624	4205131336	102-2	JUDY NO 1 RRC# 14105	GIDDINGS AUSTIN CHALK	3.6	CLAJON GAS CO
-CARTER EXPLORATION CO			RECEIVED: 08/03/81 JA: TX				
8144121	F-02-031684	4246900000	102-4	F J SPIEGELHAUER NO 1	VICTORIA NE (CATAHOULA)	150.0	DELHI GAS PIPELIN
-CASHCO ENERGY CORPORATION			RECEIVED: 08/03/81 JA: TX				
8144031	F-03-025183	4218500000	102-2	G W PALLET NO 1	ICLA (SUBCLARKSVILLE) FI	109.0	LONE STAR GAS CO
-CAYMAN EXPLORATION CORP			RECEIVED: 08/03/81 JA: TX				
8144162	F-7B-034242	4214300000	102-2	J T DECKER #1	BYNERS (DUFFER)	280.0	CORONADO TRANSMIS
8144161	F-7B-034241	4214300000	102-2	R D KEITH #1-A	BYNERS (DUFFER)	280.0	CORONADO TRANSMIS
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 08/03/81 JA: TX				
8144148	F-03-033195	4205100000	102-2	ADOLPH HRONEK NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144148	F-03-033195	4205100000	103	ADOLPH HRONEK NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144111	F-03-03214	4205100000	102-2	ANDREW LOEHR NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144111	F-03-03214	4205100000	103	ANDREW LOEHR NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144073	F-03-029087	4205130868	102-2	ANNIE VAVRA NO 1	GIDDINGS	234.0	FERGUSON CROSSING
8144092	F-03-030119	4205130936	102-2	FLOYD T SWONKE NO 1	GIDDINGS	22.6	FERGUSON CROSSING
8144092	F-03-030119	4205130936	103	FLOYD T SWONKE NO 1	GIDDINGS	22.6	FERGUSON CROSSING
8144069	F-03-028654	4205130904	102-2	HENRY J KUCHERA NO 1	GIDDINGS	25.0	FERGUSON CROSSING
8144091	F-03-030116	4205130994	102-2	JOE J MAREK A NO 1	GIDDINGS	116.0	FERGUSON CROSSING
8144091	F-03-030116	4205130994	103	JOE J MAREK A NO 1	GIDDINGS	116.0	FERGUSON CROSSING
8144155	F-03-033913	4205131001	102-2	JOE MAREK NO 1	GIDDINGS	176.0	FERGUSON CROSSING
8144155	F-03-033913	4205131001	103	JOE MAREK NO 1	GIDDINGS	176.0	FERGUSON CROSSING
8144096	F-03-030261	4205130856	102-2	JOHN W HEINE NO 1 WELL	GIDDINGS	343.0	FERGUSON CROSSING
8144096	F-03-030261	4205130856	103	JOHN W HEINE NO 1 WELL	GIDDINGS	343.0	FERGUSON CROSSING
8144008	F-06-020258	4220330571	102-3	LE TOURNEAU #1	S E WATSON SURVEY	100.0	HYDROCARBON TRANS
8144103	F-03-030772	4205131053	102-2	THEODORE WEICHERT NO 1	GIDDINGS	133.0	FERGUSON CROSSING
8144103	F-03-030772	4205131053	103	THEODORE WEICHERT NO 1	GIDDINGS	133.0	FERGUSON CROSSING
-CHEVRON U S A INC			RECEIVED: 08/03/81 JA: TX				
8144261	F-09-037122	4218130706	103	7500 SAND UNIT #33-5	SHERMAN (7500 SAND)	0.4	LONE STAR GAS CO
-CITIES SERVICE COMPANY			RECEIVED: 08/03/81 JA: TX				
8144219	F-03-036529	4214930892	102-2	CHERRY P NO 1	GIDDINGS (AUSTIN CHALK)	276.0	
-CLAYTON W WILLIAMS JR			RECEIVED: 08/03/81 JA: TX				
8144136	F-03-032197	4205100000	102-2	GEORGE CHMELAR #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144165	F-03-034776	4205100000	102-2	GRAHAM-MYNAR UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144127	F-01-032015	4217700000	102-2	HARRELL CATTLE CO #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144141	F-03-032608	4205100000	102-2	J W HEINE #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144126	F-03-032006	4205100000	102-2	JOHNSON #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144112	F-03-031244	4205100000	102-2	MARCELLA POLANSKY #2	GIDDINGS	0.0	VALERO TRANSMISSI
8144135	F-03-032195	4205100000	102-2	RUST-DEAN UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8144060	F-06-027841	4236500000	103	SEALEY #1	PINE HILL S E (RODESSA G	800.0	VALERO TRANSMISSI
8144140	F-03-032607	4205100000	102-2	SIPIAK-PRIEBE UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI

JF VC	UA NT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-COASTAL OIL & GAS CORP			RECEIVED: 08/03/81 JA: TX				
R144298	F-10-037447	4237530816	103	BIVINS 1613	PANHANDLE (RED CAVE)	90.0	COLORADO INTERSTA
R144368	F-10-037444	4237530836	103	MASTERSON B 8352P	PANHANDLE (RED CAVE)	21.0	COLORADO INTERSTA
R144297	F-10-037446	4237530840	103	MASTERSON B 8353P	PANHANDLE (RED CAVE)	5.0	COLORADO INTERSTA
R144294	F-10-037430	4237530839	103	MASTERSON C 1101RC	PANHANDLE (RED CAVE)	22.0	COLORADO INTERSTA
R144293	F-10-037429	4237530841	103	MASTERSON C 8421P	PANHANDLE (RED CAVE)	18.0	COLORADO INTERSTA
R144365	F-10-037447	4237530842	103	MASTERSON C 8425P	PANHANDLE (RED CAVE)	22.0	COLORADO INTERSTA
-COMMANCE RESOURCES INC			RECEIVED: 08/03/81 JA: TX				
R144527	F-7R-037551	4204942147	102-4	D P GUNN NO 2	DALE (CADDO)	0.0	SIOUX PIPELINE CO
R144526	F-7R-037550	4204942148	102-4	D P GUNN NC 2-A	DALE (CADDO)	30.0	SIOUX PIPELINE CO
-COMINCO AMERICAN INC			RECEIVED: 08/03/81 JA: TX				
R144226	F-1B-036614	4229500001	102-4	STUART RANCH B NC 8	STUART RANCH	0.0	MICHIGAN WISCONSI
-CONOCO INC			RECEIVED: 08/03/81 JA: TX				
8144130	F-05-032105	4214540722	105	A L PRICE NO 5	GIDDINGS (BUDA)	4.0	
8144372	F-10-037658	4206500000	108	BURNETT NO 100A	WEST PANHANDLE	6.0	CITIES SERVICE GA
8144371	F-10-037652	4206500001	108	BURNETT NO 104A	WEST PANHANDLE	16.0	CITIES SERVICE GA
8144377	F-10-037658	4206500000	108	BURNETT NO 11	WEST PANHANDLE	14.0	CITIES SERVICE GA
8144370	F-10-037651	4206500000	108	BURNETT NO 113A	WEST PANHANDLE	16.0	CITIES SERVICE GA
8144376	F-10-037657	4206500000	108	BURNETT NO 15	WEST PANHANDLE	9.0	CITIES SERVICE GA
8144375	F-10-037656	4206500000	108	BURNETT NO 33A	WEST PANHANDLE	11.0	CITIES SERVICE GA
8144374	F-10-037655	4206500000	108	BURNETT NO 64A	WEST PANHANDLE	16.0	CITIES SERVICE GA
8144373	F-10-037654	4206500000	108	BURNETT NO 65A	WEST PANHANDLE	17.0	CITIES SERVICE GA
8144378	F-10-037659	4206500000	108	BURNETT NO 8A	WEST PANHANDLE	18.0	CITIES SERVICE GA
8144366	F-10-037649	4206500000	108	FUQUA NC 8	WEST PANHANDLE	13.0	CITIES SERVICE GA
R144225	F-0R-036660	4238900000	10R	G E RAMSEY JR -B- #6 ID #21020	GERALDINE FORD	5.1	EL PASO NATURAL G
8144224	F-0R-036591	4238900000	10R	G E RAMSEY JR-18-821 ID #23413	GERALDINE FORD	4.1	EL PASO NATURAL G
8144369	F-10-037650	4206500000	108	G W LEAHL NC 4	WEST PANHANDLE	21.0	CITIES SERVICE GA
8144367	F-10-037648	4206500000	108	REES NO 1	WEST PANHANDLE	12.0	CITIES SERVICE GA
-COOK EXPLORATION CO			RECEIVED: 08/03/81 JA: TX				
R144168	F-06-034826	4218900000	105	COOK EXPL CO- CASTLEBERRY #3	WILLOW SPRG-MACKEY TR.PK	250.0	ARKANSAS LOUISIAN
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED: 08/03/81 JA: TX				
R144174	F-24-035212	4260700000	102-4	STATE TRACT 66 #1	GOOSE ISLAND S (M-9 SAND	0.0	CENTRAL POWER & L
-CROMERA OIL & GAS CO			RECEIVED: 08/03/81 JA: TX				
R144284	F-7R-037425	4 5E700564	103	L W LESIKAR A #2 ID-78165	MEEKER (CONGL 4000)	32.8	UPHAM OIL & GAS C
R144283	F-7R-037424	4236715077	103	WALKER BRENTS #1 ID-82673	MEEKER (CONGL 4500)	54.8	UPHAM OIL & GAS C
-D H HUNT			RECEIVED: 08/03/81 JA: TX				
R144399	F-32-037717	4212900000	102-4	GOHMERT GAS UNIT WELL NC 1-C	ARNELKEVILLE/FRIO 2930	167.0	TEXAS EASTERN TRA
-DAMSON OIL CORPORATION			RECEIVED: 08/03/81 JA: TX				
R144145	F-02-032811	4228451447	102-4	G COOK #1	HOPE (MIOCENE 2300) FIEL	0.0	VALERO GATHERING
R144144	F-02-032810	4228551435	102-4	L R BELLINGER #1	HOPE S E (2900) FIELD	0.0	VALERO TRANSMISSI
-DAVID FASKEN			RECEIVED: 08/03/81 JA: TX				
R144181	F-0R-035676	4238910408	10R	REGAN STATE #1	TORO (DELAWARE)	0.0	DELHI GAS PIPELIN
-DELHI OIL CORP			RECEIVED: 08/03/81 JA: TX				
R144248	F-21-036758	4217700000	102-3	JOHNSON #2	PEACH CREEK (AUSTIN CHAL	0.0	TIPPERARY CORP
-DELRAY OIL INC			RECEIVED: 08/03/81 JA: TX				
R144114	F-7R-031261	4208732208	103	HERTIE E STONE WELL NC 16	COLEMAN COUNTY REGULAR	0.0	LONE STAR GAS CO
R144113	F-7R-031260	4208732219	103	HERTIE F STONE WELL NO 18	COLEMAN COUNTY REGULAR	20.0	LONE STAR GAS CO
-DELTA DRILLING CO			RECEIVED: 08/03/81 JA: TX				
8144010	F-06-020371	4236500000	102-4	HANCOCK-SMITH #1	CARTHAGE SE (COTTON VALL	409.9	WESTERN GAS CORP
R144080	F-7C-029340	4241300000	107-TF	JACKSON #3 90212	ELCOMADO (CANYON)	48.0	NORTHERN NATURAL
R144087	F-06-029857	4236500000	107-TF	REEVES #1	SOUTHEAST CARTHAGE (CV)	200.0	WESTERN GAS CORP
R144011	F-06-020372	4236500000	102-4	THOMEY HEIRS #1	CARTHAGE SE (COTTON VALL	324.5	WESTERN GAS CORP
-DEVON CORPORATION			RECEIVED: 08/03/81 JA: TX				

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JF #J	JP #T	. !	. FC TYPE	WELL NAME	FIELD NAME	PROD .	PURCHASER
8144317	F-HA-037511	4211500000	103	DYER #4	ACKERLY (DEAN SAND)	8.0	GETTY OIL CO
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 08/03/81 JA: TX				
8144026	F-78-024344	4236731875	103	BYERS GAS UNIT NO 2	RENO	82.0	SOUTHWESTERN GAS
8144119	F-10-031503	4219500000	108	C M FARMS NC 1	HANSFORD	13.0	NORTHERN NATURAL
8143994	F-10-005282	4229500000	108-ER	CRIST PEIL ET AL NO 1	MAMMOTH CREEK	8.0	SOUTHWESTERN PUBL
8143995	F-10-005445	4242100000	108-ER	GUNZELMAN NO 1	TEXAS HUGOTON	8.0	NORTHERN NATURAL
8143997	F-10-005498	4229500000	108-ER	GUSSIE B SHUTTERLY NO 1	BRADFORD	8.0	SOUTHWESTERN PUBL
8143998	F-10-005521	4229500000	108-ER	H G SCHOENHALS NC 1-861	BRADFORD	8.0	SOUTHWESTERN PUBL
8144123	F-10-031[illegible]	4229500817	103	H G SCHOENHALS NC 2	BRADFORD	772.0	
8144038	F-78-026128	4236731873	103	J S COOMER NO 2	RENO	277.0	SOUTHWESTERN GAS
8144046	F-10-027156	4235700000	108	J V STUMP NC 1	HORIZON	0.2	NORTHERN NATURAL
8144093	F-10-030141	4235730417	108	J W DANIEL NO 2	CAMBRIDGE	1.3	EL PASO NATURAL G
8143996	F-10-005457	4242100000	108-ER	PRICE D NO 30	TEXAS HUGOTON	8.0	PANHANDLE EASTERN
8144009	F-10-020327	4242100000	108-ER	SARAH CLAYBAUGH NC 1	TEXAS HUGOTON	14.0	NORTHERN NATURAL
8144043	F-10-026821	4239330803	103	VERNON FLOWERS NC 6	MENDOTA NW	38.0	
8144018	F-10-023427	4235700000	108	W H DUTCHER A NO 1	NORTHRUP	5.0	
-DRILLERS ENERGY SEARCH INC			RECEIVED: 08/03/81 JA: TX				
8144094	F-04-030225	4240971445	102-4	F D SMITH NO 1	HIBERNIA (4380)	18.2	HOUSTON PIPELINE
-DYNAMIC PRODUCTION INC			RECEIVED: 08/03/81 JA: TX				
8144058	F-78-037025	4236731825	103	LANGSTON NO 1 84196	BUCK RANCH (STRAWN LC)	15.0	SOUTHWESTERN GAS
-EASTLAND OIL CO			RECEIVED: 08/03/81 JA: TX				
8144216	F-08-036415	4235700000	102-4	ODELL FULLER NO 2	CHAMPION LAKE (YATES)	19.0	ODESSA NATURAL CO
-EL PASO NATURAL GAS COMPANY			RECEIVED: 08/03/81 JA: TX				
8144341	F-10-037571	4248530778	103	AYCOCK #2	PANHANDLE EAST BROWN DOL	22.0	EL PASO NATURAL G
8144342	F-10-037572	4248530776	103	LISTER #2	PANHANDLE EAST BROWN DOL	25.0	EL PASO NATURAL G
8144340	F-10-037570	4248530801	103	MCALISTER #2X	PANHANDLE EAST BROWN DOL	25.0	EL PASO NATURAL G
8144339	F-10-037568	4208730168	103	MCDOWELL #13	PANHANDLE EAST BROWN DOL	22.0	EL PASO NATURAL G
8144338	F-10-037569	4208730168	103	MCDOWELL #14	PANHANDLE EAST BROWN DOL	25.0	EL PASO NATURAL G
8144337	F-10-037567	4208730165	103	WISCHKAEMPER I #1	PANHANDLE EAST BROWN DOL	25.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC			RECEIVED: 08/03/81 JA: TX				
8144395	F-09037687	4249732073	103	CRAFT WATER BOARD UN 18 NO 2	ROOSEVILLE	898.0	LONE STAR GAS CO
8144028	F-75-024713	4228930348	102-2	HAMILL GAS UNIT 1 NO 1	BUFFALO EAST	483.0	LONE STAR GAS CO
-ENTERPRISE RESOURCES INC			RECEIVED: 08/03/81 JA: TX				
8144081	F-03-029481	4229131317	102-4	#1 CHAMPION INTERNATIONAL CORP	QUINN S (7230)	350.0	TRUNKLINE GAS CO
-EVERGREEN OIL CORP			RECEIVED: 08/03/81 JA: TX				
8144209	F-01-036283	4217700000	102-2	LAURENCE #1	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
8144208	F-01-036283	4217700000	103	LAURENCE #1	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
-EXXON CORPORATION			RECEIVED: 08/03/81 JA: TX				
*8144086	F-06-029851	4240130831	107-TF	ARNETTE GRAY GREGORY #1	OAK HILL N W (COTTON VAL	450.0	ARMCO STEEL CORP
*8144016	F-06-023054	4240130799	102-2	O M HEARNE #1	OAK HILL NW (COTTON VALL	45.0	ARMCO STEEL CO
8144247	F-36-036710	4237143574	103	FORT STOCKTON UNIT #507	FORT STOCKTON (YATES LOW	27.0	NUECES CO
8144099	F-43-030411	4216730740	103	GALVESTON ISLAND GAS UNIT 1 #3	GALVESTON ISLAND (DISCOR	475.0	HOUSTON PIPE LINE
*8144396	F-06-037684	4245930468	102-4	GLADEWATER GAS UNIT 10 WELL 1	GLADEWATER (HAYNESVILLE)	839.0	ARMCO STEEL CORP
*8144396	F-06-037684	4245930468	107-TF	GLADEWATER GAS UNIT 10 WELL 1	GLADEWATER (HAYNESVILLE)	839.0	ARMCO STEEL CORP
*8144393	F-06-037687	4245930467	102-4	GLADEWATER GAS UNIT 11 WELL 1	GLADEWATER (HAYNESVILLE)	547.0	ARMCO STEEL CORP
*8144393	F-06-037687	4245930463	107-TF	GLADEWATER GAS UNIT 11 WELL 1	GLADEWATER (HAYNESVILLE)	547.0	ARMCO STEEL CORP
*8144392	F-06-037682	4245930453	102-4	GLADEWATER GAS UNIT 5 WELL 1	GLADEWATER (HAYNESVILLE)	266.0	ARMCO STEEL CORP
*8144392	F-06-037682	4245930453	107-TF	GLADEWATER GAS UNIT 5 WELL 1	GLADEWATER (HAYNESVILLE)	266.0	ARMCO STEEL CORP
*8144394	F-06-037684	4245930471	102-4	GLADEWATER GAS UNIT 8 WELL 1	GLADEWATER (HAYNESVILLE)	1095.0	ARMCO STEEL CORP
*8144394	F-06-037684	4245930471	107-TF	GLADEWATER GAS UNIT 8 WELL 1	GLADEWATER (HAYNESVILLE)	1095.0	ARMCO STEEL CORP
*8144029	F-43-024751	4215730858	103	J H P DAVIS ESTATE NO 57	THOMPSON (FRIO UP)	6.0	ARMCO STEEL CO
*8144363	F-04-037634	4227331504	102-4	K R BORREGOS M-27-EC (93194)	STRATTON (M-18)	600.0	ARMCO STEEL CORP
8144176	F-04-035737	4226130610	102-4	MRS S K EAST 122 (ID PENDING)	KITA S E (N-10 II)	365.0	NATURAL GAS PIPEL

JD NO	JA UNT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8144117	F-08-051399	4242330557		107-TF	OVERTON GAS UNIT 20 #1	OVERTON (HAYNESVILLE) FI	400.0	ARMCO STEEL CORP
8144246	F-7C-036729	4223531631		103	PEARL WILLIAMS #11	DOVE CREEK (CANYON C)	5.0	NORTHERN NATURAL
*8144157	F-03-034082	4215730980		102-4	PECAN GROVE GAS UNIT 1 #1	PECAN GROVE (8700)	300.0	ARMCO STEEL CORP
*8144228	F-04-036649	4235531597		102-4	PITA ISLAND GAS UNIT #2 WELL #6	PITA ISLAND (K-94)	464.0	ARMCO STEEL CORP
*8144027	F-04-024366	4226130497		102-4	R J K JR TR STILLMAN PASTURE 43	STILLMAN (K-43)	365.0	ARMCO STEEL CO
*8144037	F-06-025591	4236530255		102-3	S L HOLMES #2	CARTHAGE (COTTON VALLEY)	500.0	ARMCO STEEL CO
8144299	F-04-037456	4248930637		103	SAUZ RANCH MULATOS PASTURE 166	WILLAMAR WEST (MIOCENE 5	75.0	NATURAL GAS PIPEL
*8144098	F-06-030322	4234730465		103	TRAWICK GAS UNIT 25 - 3	TRAWICK (TRAVIS PEAK)	500.0	ARMCO STEEL CORP
*8144364	F-04-037640	4204730879		103	VFGU #1 V-91-F (93198)	VIBORAS (MASSIVE FIRST E	500.0	ARMCO STEEL CORP
-FERN W HANNA				RECEIVED: 08/03/81 JA: TX				
8144357	F-7B-037619	4208300000		108	CARROLL E KINGSBERY	SANTA ANNA GAS FIELD	8.0	LONE STAR GAS CO
-FOUR C OIL & GAS CORP				RECEIVED: 08/03/81 JA: TX				
8144158	F-08-034103	4237133303		102-4	#1 FOGLEMAN	INAUGURATION (GRAYBURG 2	150.0	NORTHERN NATURAL
8144158	F-08-034103	4237133303		103	#1 FOGLEMAN	INAUGURATION (GRAYBURG 2	150.0	NORTHERN NATURAL
-FRANK J KING				RECEIVED: 08/03/81 JA: TX				
8144250	F-7B-036789	4236732037		102-4	ELDON HOLMAN NO 1	CLAYTON (CONGL)	200.0	TEXAS UTILITIES F
8144245	F-7B-036720	4236732036		102-4	GLADYS GOEN NO 1	CLAYTON (CONGL)	200.0	TEXAS UTILITIES F
-G C CLARK				RECEIVED: 08/03/81 JA: TX				
8144054	F-7C-027792	4232730075		102-4	J G BILES NO 1	BILES (STRAWN)	400.0	
-GAGE & CO				RECEIVED: 08/03/81 JA: TX				
8144125	F-7B-031971	4235330938		103	JAMES JAMESON B #1 (16473)	JMR (CANYON UPPER)	0.0	SUN OIL CO
8144173	F-08-035166	4235330990		103	JAMES JAMESON D #1	JAMESON NORTH (ODOM)	0.0	SUN OIL CO
-GALAXY OIL COMPANY				RECEIVED: 08/03/81 JA: TX				
8144333	F-03-037560	4214930731		103	BRADY UNIT #1 (13821)	GIDDINGS (AUSTIN CHALK)	11.0	PHILLIPS PETROLEU
8144273	F-08-037279	4210332351		103	HALLIE C DAY #2 (00975)	CRANE (DEVONIAN)	35.0	PHILLIPS PETROLEU
-GARY D TURNER DBA TURNER PROPERTIES				RECEIVED: 08/03/81 JA: TX				
8144061	F-7C-028041	4210531840		108	TURNER PROPERTIES BAGGETT A-4	ADAPS-BAGGETT RANCH (CAN	13.7	DETROIT-TEXAS GAS
-GENESIS PETROLEUM CORP				RECEIVED: 08/03/81 JA: TX				
8144175	F-03-035320	4205131043		102-2	NORTON B UNASSIGNED	GIDDINGS (AUSTIN CHALK G	365.0	PHILLIPS PETROLEU
-GEODYNAMICS OIL & GAS				RECEIVED: 08/03/81 JA: TX				
8144040	F-03-026640	4205130461		102-2	PATTERSON A #1	GIDDINGS (AUSTIN CHALK)	62.0	CLAJON GAS CO
8144208	F-03-036210	4205131369		102-2	PORTER C NO 1	TUNIS EAST (AUSTIN CHALK	26.0	CLAJON GAS CO
-GETTY OIL COMPANY				RECEIVED: 08/03/81 JA: TX				
8144398	F-7B-037714	4243331195		103	FLOWERS CANYON SAND UNIT #183	FLOWERS (CANYON SAND)	1.0	CITIES SERVICE CO
8144318	F-10-037515	4223331027		103	HERRING A TRACT 2 #109	PANHANDLE HUTCHINSON	5.1	PANHANDLE EASTERN
8144310	F-10-037493	4223331026		103	HERRING A TRACT 2 #110	PANHANDLE HUTCHINSON	3.7	PANHANDLE EASTERN
8144387	F-10-037673	4223331101		103	HERRING A TRACT 2 #111	PANHANDLE HUTCHINSON	171.0	PANHANDLE EASTERN
8144386	F-10-037672	4223330895		103	M B ARMSTRONG NO 29	PANHANDLE HUTCHINSON	1.5	PANHANDLE EASTERN
8144311	F-10-037494	4223330896		103	M B ARMSTRONG NO 30	PANHANDLE HUTCHINSON	4.0	PANHANDLE EASTERN
8144149	F-06-033349	4236500000		107-TF	MAE SEALY UNIT #3	CARTHAGE (COTTON VALLEY)	826.0	UNITED GAS PIPELI
8144167	F-03-034788	4205100000		102-2	O D C #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8144090	F-04-030013	4200730648		102-4	T S T 214 #1	TALLEY ISLAND (FRIO M-2)	211.0	VALERO TRANSMISSI
8144170	F-08-034914	4249531234		107-DP	UNIVERSITY 33-21 #1	LITTLE JOE (ELLENBURGER)	1241.0	INTRATEX GAS CO
8144166	F-03-034287	4205100000		102-2	W H GIESENSCHLAG B #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8144034	F-06-025438	4236500000		103	WERNER-LAFOV WELL #2	CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8144034	F-06-025438	4236500000		107-TF	WERNER-LAFOV WELL #2	CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
-GOLDEN TREND OIL & GAS CORP				RECEIVED: 08/03/81 JA: TX				
8144207	F-02-036145	4246900000		102-4	C G KARNES NO 1	SALEM EAST (3800)	180.0	
-GOOD HOPE REFINERIES INC				RECEIVED: 08/03/81 JA: TX				
8144116	F-04-031357	4247932364		102-4	VAQUILLAS NO 1 API 42-479-32364	VAQUILLAS RANCH (WILCOX	1095.0	VALERO TRANSMISSI
-GREAT WESTERN DRILLING COMPANY				RECEIVED: 08/03/81 JA: TX				
8144056	F-7C-027811	4210532416		102-4	SUTTON 3-3	INGHAM (QUEEN)	36.5	EL PASO NATURAL G
8144057	F-7C-027812	4210532415		102-4	SUTTON 3-4	INGHAM (QUEEN)	21.2	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144058	F-7C-027813	4210532414			102-4	SUTTON 3-5	INGHAM (QUEEN)	18.6	EL PASO NATURAL G
8144055	F-7C-027802	4210532413			102-4	SUTTON 3-6	INGHAM (QUEEN)	17.5	EL PASO NATURAL G
-GULF ENERGY PRODUCING COMPANY						RECEIVED: 08/03/81 JA: TX			
8144401	F-08-037748	4217331055			103	HOUSTON-SMITH #1 (26531)	GORDON STREET S (LOWER W	0.0	PHILLIPS PETROLEU
8144400	F-08-037747	4231732246			103	MILLS-TURNER #1 (26264)	SPRAGBERRY (TREND AREA DE	0.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION						RECEIVED: 08/03/81 JA: TX			
8144335	F-03-037562	4204130449			103	CONNER UNIT I WELL NO 1	KURTEN (WOODBINE)	36.5	PRODUCERS GAS CO
8144072	F-01-029009	4201330978			103	EMMA TARTT ET AL WELL NO 6	FASHING (EDWARDS LIME A	0.0	NATURAL GAS P/L C
8144115	F-10-031336	4221131147			102-4	FRANCES WELLS #1-110	GEM-HEMPHILL/LOWER DOUGL	250.0	CITIES SERVICE GA
8144051	F-10-027656	4235700000			108	HENRY B THOMSON #4	SHARE SE	10.0	TRANSWESTERN PIPE
8144036	F-10-025517	4221131118			103	ISAACS NO 2-210	CANADIAN SW/MORROW UPPER	550.0	PIONEER NATURAL G
8144328	F-03-037552	4204130476			103	KRISTYNIK UNIT I WELL NO 1	KURTEN (WOODBINE)	35.0	PRODUCERS GAS CO
8144106	F-10-030936	4221131201			102-4	MACIAS #1-127U	GEM-HEMPHILL/LOWER DOUGL	0.0	CITIES SERVICE GA
8144334	F-03-037561	4204130468			103	SCHRAM UNIT IV WELL NO 1	KURTEN (WOODBINE)	10.0	PRODUCERS GAS CO
-HAMMAN OIL & REFINING CO						RECEIVED: 08/03/81 JA: TX			
8144042	F-03-026710	4220130779			102-4	LONGENBAUGH NO 1 (T) 11634	CYPRESS (Y-7)	180.0	TENNESSEE GAS PIP
-HANSON MINERALS CO						RECEIVED: 08/03/81 JA: TX			
8144198	F-02-035978	4212331121			102-4	HANSON MINERALS CO # 1 V. DIETZ	RO S (WILCOX 7575)	55.0	LON E STAR GAS CO
-HARKINS & COMPANY						RECEIVED: 08/03/81 JA: TX			
8144270	F-04-037265	4213133107			102-4	HERBST-TOREL WELL NO 1	HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
8144270	F-04-037265	4213133107			103	HERBST-TOREL WELL NO 1	HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
8144269	F-04-037264	4213134825			102-4	HERBST-TOREL WELL NO 2	HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
8144269	F-04-037264	4213134825			103	HERBST-TOREL WELL NO 2	HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
8144271	F-04-037267	4213134968			102-4	HERBST-TOREL WELL NO 3	HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
8144271	F-04-037267	4213134968			103	HERBST-TOREL WELL NO 3	HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
8144267	F-04-037262	4213135092			102-4	HERBST-TOREL WELL NO 4	HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
8144267	F-04-037262	4213135092			103	HERBST-TOREL WELL NO 4	HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
8144268	F-04-037263	4213134953			102-4	PENA HEIRS WELL NO 1	HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
8144268	F-04-037263	4213134953			103	PENA HEIRS WELL NO 1	HERBST-WILCOX (HERBST II	1095.0	VALERO TRANSMISSI
-HARWOOD EXPLORATION INC						RECEIVED: 08/03/81 JA: TX			
8144079	F-02-029348	4202500000			102-4	GEORGIE HEARD I-C	GEORGIE HEARD/3500	180.0	TRUNKLINE GAS CO
-HILLIN PRODUCTION CO						RECEIVED: 08/03/81 JA: TX			
8144132	F-08-032135	4237133183			103	ATKINS #2	PECOS VALLEY SE (1628 YA	19.0	INTRATEX GAS CO
-HNG OIL COMPANY						RECEIVED: 08/03/81 JA: TX			
8144258	F-7C-036937	4243532444			103	HICKS 35 #3	SAWYER (CANYON)	54.8	INTRATEX GAS CO
8144258	F-7C-036937	4243532444			107-TF	HICKS 35 #3	SAWYER (CANYON)	54.8	INTRATEX GAS CO
8144303	F-08-037467	4243130606			103	MCENTIRE 15 #2	CREDO E (CISCO UPPER)	24.1	INTRATEX GAS CO
8144302	F-08-037466	4243130657			103	MCENTIRE 16 #2	CREDO E (CISCO UPPER)	121.9	INTRATEX GAS CO
8144300	F-08-037461	4243130758			103	MCENTIRE 21 #2	CREDO E (CISCO UPPER)	55.5	INTRATEX GAS CO
8144306	F-08-037471	4243130697			103	MCENTIRE 27 #2	CREDO E (CISCO UPPER)	132.5	INTRATEX GAS CO
8144305	F-08-037470	4243130696			103	MCENTIRE 33 #2	CREDO E (CISCO UPPER)	93.3	INTRATEX GAS CO
8144301	F-7C-037465	4243531441			103	PFLUGER 86 #4	SAWYER (CANYON)	0.0	INTRATEX GAS CO
8144281	F-7C-037395	4243500000			103	PFLUGER 87 #2	SAWYER (CANYON)	45.0	INTRATEX GAS CO
8144280	F-7C-037394	4243531949			103	PFLUGER 87 #3	SAWYER (CANYON)	0.0	INTRATEX GAS CO
8144276	F-7C-037390	4243532177			103	PFLUGER 88 #2	SAWYER (CANYON)	123.5	INTRATEX GAS CO
8144278	F-7C-037392	4243500000			103	PFLUGER 89 #1	SAWYER (CANYON)	0.0	INTRATEX GAS CO
8144279	F-7C-037393	4243532176			103	PFLUGER 89 #2	SAWYER (CANYON)	228.0	INTRATEX GAS CO
8144277	F-7C-037391	4243531974			103	RICHARDSON 135 #2	SAWYER (CANYON)	15.5	INTRATEX GAS CO
8144307	F-7C-037476	4243531984			103	RICHARDSON 139 #2	SAWYER (CANYON)	51.7	INTRATEX GAS CO
8144304	F-7C-037469	4243532028			103	SAWYER 168 #3	SAWYER (CANYON)	84.2	INTRATEX GAS CO
8144308	F-7C-037477	4243532140			103	SELLMAN 33 #2	SAWYER (CANYON)	10.1	INTRATEX GAS CO
8144213	F-04-036378	4250531219			102-4	SERGIO LAUREL #1	JENNINGS RANCH	36.5	HOUSTON PIPELINE
8144213	F-04-036378	4250531219			103	SERGIO LAUREL #1	JENNINGS RANCH	36.5	HOUSTON PIPELINE

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JD NO	JD DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144272	F-7C-037268	4243532169		103		WALLACE 76 #4	SAWYER (CANYON)	281.2	INTRATEX GAS CO
-HUGHES & HUGHES						RECEIVED: 08/03/81 JA: TX			
8144316	F-04-037510	4247932182		102-4		ROSA V DE BENAVIDES WELL NO 1	BRUNI N E (9850) FIELD	300.0	HOUSTON PIPE LINE
-INTEGRAL ENERGY CORP						RECEIVED: 08/03/81 JA: TX			
8144356	F-03-037613	4232100000		103		NANCY HEFFELFINGER #1 88292	TIDEHAVE (8980 FRIO)	15.0	VALERO TRANSMISSI
8144354	F-03-037611	4232100000		103		STATE TRACT 146 #1 74737	MATAGORDA BAY S (MIO 270	180.0	LONE STAR GAS CO
8144353	F-03-037610	4232100000		103		STATE TRACT 159 #3 74738	MATAGORDA BAY S (MIOCENE	120.0	LONE STAR GAS CO
8144355	F-03-037612	4232100000		103		STATE TRACT 159 #4 79968	MATAGORDA BAY S (MIOCENE	50.0	LONE STAR GAS CO
8144352	F-03-037609	4232100000		103		STATE TRACT 193 #1 73963	MATAGORDA BAY BLK 193 (2	438.0	LONE STAR GAS CO
-J CLEO THOMPSON						RECEIVED: 08/03/81 JA: TX			
8144169	F-7C-034841	4210533306		102-4		THOMPSON FEE NO 14	UNIVERSITY 51 (STRAWN-DE	0.0	PHILLIPS PETROLEU
-J M HUBER CORPORATION						RECEIVED: 08/03/81 JA: TX			
8144047	F-10-027282	4239330693		103		M. HODGES NO 40-1 MIDDLE MORROW	(WILDCAT)	540.0	PHILLIPS PETROLEU
-J R HAMILTON						RECEIVED: 08/03/81 JA: TX			
8144201	F-04-036008	4213100000		102-4		OLVERA GAS UNIT NO 1 92248	J R - 5618 FIELD	100.0	VALERO TRANSMISSI
-J-W OPERATING COMPANY						RECEIVED: 08/03/81 JA: TX			
8144082	F-02-029482	4212330820		102-4		ZENGERLE NO 1	ARNECKEVILLE	100.0	J-W OPERATING CO
-JACKSON EXPLORATION INC						RECEIVED: 08/03/81 JA: TX			
8144088	F-04-029937	4247932733		102-4		BARRERA #2	M G R (WILCOX)	36.0	VALERO TRANSMISSI
8144088	F-04-029937	4247932733		103		BARRERA #2	M G R (WILCOX)	36.0	VALERO TRANSMISSI
-JAMES B HARBIN						RECEIVED: 08/03/81 JA: TX			
8144238	F-7B-036667	4204900000		108		ALLCORN B1 35109	BROWN COUNTY REGULAR MAR	4.0	LONE STAR GAS CO
8144231	F-7B-036660	4204900000		108		ALLCORN 18422	THRIFTY MARBLE FALLS	4.0	LONE STAR GAS CO
8144243	F-7B-036672	4204900000		108		B S BOYSON 1 17470	BROWNWOOD WEST MARBLE FA	2.0	LONE STAR GAS CO
8144239	F-7B-036668	4204900000		108		BROOKSMITH 1 17474	BROWNWOOD WEST MARBLE FA	2.0	LONE STAR GAS CO
8144240	F-7B-036669	4204900000		108		BROOKSMITH 2 17478	BROWNWOOD WEST MARBLE FA	0.5	LONE STAR GAS CO
8144242	F-7B-036671	4204900000		108		BROOKSMITH 5 17479	BROWNWOOD WEST MARBLE FA	0.7	LONE STAR GAS CO
8144236	F-7B-036665	4204900000		108		C F HOLT 31879	BROWN COUNTY REGULAR MAR	8.0	LONE STAR GAS CO
8144232	F-7B-036661	4204900000		108		CASON 2 18423	THRIFTY MARBLE FALLS	6.0	LONE STAR GAS CO
8144233	F-7B-036662	4204900000		108		CASON 4 18424	THRIFTY MARBLE FALLS	8.0	LONE STAR GAS CO
8144235	F-7B-036664	4204900000		108		FERGUSON 17437	BROWN CTY REGULAR MARBLE	5.0	LONE STAR GAS CO
8144237	F-7B-036666	4204900000		108		L E NEWTON 41053	BROWN COUNTY REGULAR MAR	10.0	LONE STAR GAS CO
8144229	F-7B-036657	4208300000		108		NORRIS 1 18234	SANTA ANNA MARBLE FALLS	15.0	LONE STAR GAS CO
8144230	F-7B-036658	4208300000		108		NORRIS 2 18235	SANTA ANNA MARBLE FALLS	1.0	LONE STAR GAS CO
8144234	F-7B-036663	4208300000		108		NORRIS 6 13272	SANTA ANNA	3.0	LONE STAR GAS CO
8144241	F-7B-036670	4204900000		108		W D MCCULLEY 17464	BROWNWOOD WEST MARBLE FA	5.0	LONE STAR GAS CO
-JOHN A TAYLOR						RECEIVED: 08/03/81 JA: TX			
8144084	F-10-029712	4221131195		102-2		ROSS GILL #2-15	WILDCAT	0.0	
-JOHN G VOIGHT						RECEIVED: 08/03/81 JA: TX			
8144214	F-03-036380	4248131988		102-2		R S VINEYARD ET AL NO 1	HOLLYWOOD SOUTH (FRIO 79	587.0	TENNESSEE GAS PIP
-L JACK GROSS PRODUCTION						RECEIVED: 08/03/81 JA: TX			
8144021	F-10-023821	4206500000		108		BURNETT C-1	PANHANDLE (CARSON)	0.0	PHILLIPS PETROLEU
-LA ACEITE ENERGY INC						RECEIVED: 08/03/81 JA: TX			
8144100	F-7B-030635	4205932210		102-4		FRED HART #2 (14804)	LA (LAKE SAND)	10.0	LONE STAR GAS CO
8144253	F-7B-036857	4205932937		102-4		GASTON WILEY #1 (17077)	PUTNAM N (LAKE)	36.0	LONE STAR GAS CO
-LA SALLE ENERGY CORP						RECEIVED: 08/03/81 JA: TX			
8144179	F-01-035530	4217700000		102-2		L D COOK #1	PERSISTENCE	0.0	
-LACY & BYRD INC						RECEIVED: 08/03/81 JA: TX			
8144315	F-7C-037508	4246131715		103		ROSS NO 2 RRC #08658	SPHAERRY (TREND AREA)	10.0	MOBIL PRODUCING T
-LADD PETROLEUM CORPORATION						RECEIVED: 08/03/81 JA: TX			
8144124	F-7C-031873	4210532979		103		V I PIERCE 10 #4	OZONA (CANYON SAND)	313.1	VALERO TRANSMISSI
8144124	F-7C-031873	4210532979		107-TF		V I PIERCE 10 #4	OZONA (CANYON SAND)	313.1	VALERO TRANSMISSI
-LECLAIR OPERATING CO INC						RECEIVED: 08/03/81 JA: TX			

JD NO	JA DKT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144022	F-7C-023921	4241300000	108	MARY DAVIS COUPE #2 ID-60511	HENRY-SPECK (CANYON) FIE	3.0	NORTHERN NATURAL
8144023	F-7C-023922	4241300000	108	MARY DAVIS COUPE #3-A ID-60512	HENRY-SPECK (CANYON) FIE	2.0	NORTHERN NATURAL
-M D ABEL				RECEIVED: 08/03/81 JA: TX			
8144314	F-02-037503	4217531465	103	Z A BOOTH #3	A-B-R (VICKSBURG UPPER S	14.6	UNITED GAS PIPE L
-MADERA R F				RECEIVED: 08/03/81 JA: TX			
8144282	F-7B-037403	4205932373	103	FLEMING O A #1 ID-15976	PUTNAM NORTH (DUFFER)	75.2	BENGAL GAS TRANSM
-MAGUIRE OIL COMPANY				RECEIVED: 08/03/81 JA: TX			
8144296	F-8A-037445	4231700000	103	GRANTHAM B #1	ACKERLY	0.2	GETTY OIL CO
-MCCORD EXPLORATION				RECEIVED: 08/03/81 JA: TX			
8144013	F-03-021919	4207130988	103	ANN CHRISTIE OWEN UNIT NO 1	NORTH WINNIE (5150)	275.0	WINNIE PIPELINE C
-MCCORMICK OPERATING CO				RECEIVED: 08/03/81 JA: TX			
8144122	F-06-031721	4240131024	102-2	FORBUS ESTATE GAS UNIT #3	OAK HILL (COTTON VALLEY)	0.0	HYDROCARBON TRANS
8144122	F-06-031721	4240131024	107-TF	FORBUS ESTATE GAS UNIT #3	OAK HILL (COTTON VALLEY)	0.0	HYDROCARBON TRANS
-MCCOUN CO INC				RECEIVED: 08/03/81 JA: TX			
8144206	F-7C-036142	4239931809	102-4	HOWARD #1	INDIANA (GRAY)	62.1	LONE STAR GAS CO
-MIRAMAR PETROLEUM INC				RECEIVED: 08/03/81 JA: TX			
8144255	F-04-036903	4221531079	102-4	LEPOVITZ GAS UNIT #1	HIDALGO (7960)	365.0	
-MITCHELL ENERGY CORPORATION				RECEIVED: 08/03/81 JA: TX			
8144062	F-05-028157	4229330493	107-TF	ANGELINA COUNTY LUMBER CO #1	POKEY (COTTON VALLEY LIM	200.0	
8144129	F-7B-032090	4236731975	103	J P PETTYJOHN NO 1	WHITT (BIG SALINE)	20.0	
8144202	F-7B-036049	4205900000	108	KENNETH M GEORGE #1 12572	PUTNAM WEST (DUFFER)	4.9	LONE STAR GAS CO
8143993	F-09-004056	4249700000	108-ER	LEONARD CORP ET AL #1 28725	BOONSVILLE BEND CONG	6.8	NAT GAS PIPELINE
8143992	F-09-004041	4236700000	108-ER	MASSEY-BOYD #1 44004	BOONSVILLE BEND CONG	3.4	NATURAL GAS PIPEL
8144063	F-09-028245	4223700000	108	RICHARDS 472 #2 66202	JACKSBORO (ATOKA CONGL)	3.0	SOUTHWESTERN GAS
8144146	F-09-032977	4249700000	108	W O NIBLETT #1	BOONSVILLE (BEND CONGL 6	0.0	NATURAL GAS PIPEL
8144147	F-05-033146	4229330540	103	W P LITTLE #1	FALLON (COTTON VALLEY)	365.0	SOUTHWESTERN GAS
8144147	F-05-033146	4229330540	107-TF	W P LITTLE #1	FALLON (COTTON VALLEY)	365.0	SOUTHWESTERN GAS
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 08/03/81 JA: TX			
8144325	F-7C-037549	4244330230	108	BROWN MCNINCH ESTATE UNIT NO 2	BROWN BASSET/ELLENBERGER	7.0	EL PASO NATURAL G
8144332	F-04-037559	4247900000	108	CALLAGHAN RANCH NO 14	FINLEY-WEBB/WILCOX 5800	10.9	VALERO TRANSMISSI
8144330	F-03-037555	4208900000	108	CHESTERVILLE UNIT NO 2	CHESTERVILLE/COCKFIELD 6	0.7	TENNESSEE GAS PIP
8144223	F-04-036575	4224931242	102-4	F H STOLZE NO 9	LA GLORIA (7050)	23.4	NATURAL GAS PIPEL
8144171	F-7B-034920	4235330982	102-4	J A MADDOX NO 1	WHITE HAT NW (STRAWN)	9.9	UNION PETROLEUM O
*8144329	F-04-037554	4212500000	108	LAGLORIA GAS UNIT NO 86	LAGLORIA/CULPEPPER	16.3	NATURAL GAS PIPEL
8144331	F-8A-037557	4221932984	103	NORTH CENTRAL LEVELLAND UT NO 337	LEVELLAND	1.9	AMOCO PRODUCTION
*8144324	F-04-037548	4204700000	108	SOUTH LA GLORIA GAS UNIT NO 8	LA GLORIA/CULPEPPER	13.0	TRANSCONTINENTAL
8144160	F-03-034222	4224531438	102-4	TRINITY PETROLEUM TRUST NO 1	WILDCAT	38.3	
8144203	F-08-036085	4230130426	102-4	W D JOHNSON ET AL D UT NO 1	DIMMIT (CHERRY CANYON)	748.3	INTRATEX GAS CO
-MONSANTO COMPANY				RECEIVED: 08/03/81 JA: TX			
8144019	F-01-023463	4248330703	102-2	HUNTER NO 1	WILDCAT	750.0	PIONEER GAS CO
8144019	F-01-023463	4248330703	103	HUNTER NO 1	WILDCAT	750.0	PIONEER GAS CO
-MOORE MCCORMACK OIL & GAS CORP				RECEIVED: 08/03/81 JA: TX			
8144118	F-04-031481	4247932643	102-4	HUBBERD K #1	LIZ EAST (9100)	184.0	TENNESSEE GAS PIP
-MORGAS				RECEIVED: 08/03/81 JA: TX			
8144057	F-10-030283	4248300000	108	RUTH #1 - ID NO 87248	EAST PANHANDLE	18.0	EL PASO NATURAL G
-MOSBACHER PRODUCTION CO				RECEIVED: 08/03/81 JA: TX			
8144217	F-01-036431	4217730565	102-3	HENDERSON-JOHNSTON WELL NO 1	PEACH CREEK (AUSTIN CHAL	325.0	VALERO TRANSMISSI
8144217	F-01-036431	4217730565	103	HENDERSON-JOHNSTON WELL NO 1	PEACH CREEK (AUSTIN CHAL	325.0	VALERO TRANSMISSI
8144227	F-03-036635	4205131395	102-2	ROBERT SPEARMAN UNIT A WELL NO 2	GIDDINGS (AUSTIN CHALK)	31.0	CLAJON GAS CO
-MUJ PRODUCING COMPANY				RECEIVED: 08/03/81 JA: TX			
8144139	F-7C-032445	4238331478	103	HENRY #1	ROCK PEN (CANYON)	32.0	
-N C GINTHER				RECEIVED: 08/03/81 JA: TX			
8144001	F-02-017078	4217500000	108	SALLIE FLOWERS #1 RRC 1 E 804096	BARCO CREEK WEST	19.0	TENNESSEE GAS TRA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-NORTH AMERICAN ROYALTIES INC						RECEIVED: 08/03/81 JA: TX			
H144295	F-08-037443	4222732325			102-4	FLANAGAN #3 (26152)	RED DRAW (FUSSELMAN)	75.0	PHILLIPS PETROLEU
-OCEAN MINERALS INC						RECEIVED: 08/03/81 JA: TX			
8144032	F-7C-025339	4210532356			103	UNIVERSITY #1 24-29	INGHAM/QUEEN	54.0	SOUTHWESTERN GAS
-OMNI-EXPLORATION INC						RECEIVED: 08/03/81 JA: TX			
8144153	F-05-033553	4225730206			102-4	LON C AKIN NO 1		547.5	TEXAS UTILITIES F
-PALO-PLACER						RECEIVED: 08/03/81 JA: TX			
8144059	F-7C-027835	4246131545			103	ANDOVER 45-1	SPRAGBERRY (TREND AREA)	50.0	PHILLIPS PETROLEU
-PARKER OPERATING CO INC						RECEIVED: 08/03/81 JA: TX			
8144110	F-7B-031161	4214300000			103	CURL #2 RRC #07720	MORGAN MILL (MARBLE FALL	0.0	ENERGY PIPELINE C
8144048	F-7B-027438	4214300000			108	FLETCHER #1	MORGAN MILL (MARBLE FALL	3.3	NORTHERN GAS PROD
8144049	F-7B-027441	4214300000			108	R W ADDISON #2 RRC #78758	MORGAN MILL (MARBLE FALL	10.0	NORTHERN GAS PROD
8144050	F-7B-027443	4214300000			108	WILSON #1	MORGAN MILL (MARBLE FALL	2.9	NORTHERN GAS PROD
-PENNZOIL PRODUCING COMPANY						RECEIVED: 08/03/81 JA: TX			
8144180	F-04-035618	4250531327			102-4	SARA G DE GARCIA NO 1	VOLPE (7000)	28.0	
-PETRO-LEWIS CORPORATION						RECEIVED: 08/03/81 JA: TX			
8144000	F-03-016561	4215730973			103	D K HOUGHTON #1	LONG POINT DOME (F-6)	547.0	DOW CHEMICAL CO
-PETROLEUM CORP OF DELAWARE						RECEIVED: 08/03/81 JA: TX			
8144077	F-08-029281	4237132882			103	HARRAL NO 1 WELL	HOKIT (ELLENBERGER)	365.0	EL PASO NATURAL G
8144039	F-03-026593	4231330257			103	MORRIS NO 1 WELL	CONNOR (GLEN ROSE)	400.0	
-PETROLEUM CORPORATION OF TEXAS						RECEIVED: 08/03/81 JA: TX			
8144319	F-08-037517	4249531174			103	BROWN-ALTMAN D #5	EMPEROR (DEEP)	11.0	NORTHERN NATURAL
8144321	F-08-037526	4249531175			103	BROWN-ALTMAN C #7	EMPEROR (DEEP)	0.2	NORTHERN NATURAL
8144322	F-08-037529	4249531176			103	BROWN-ALTMAN D #8	EMPEROR (DEEP)	1.8	NORTHERN NATURAL
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 08/03/81 JA: TX			
8144389	F-10-037677	4217900000			108	GILES A # 1	PANHANDLE GRAY	0.0	
8144347	F-08-037595	4213508423			108	GS ANDECTOR #H-4 (21193)	GOLDSMITH (CLEARFORK)	15.1	EL PASO NATURAL G
8144390	F-10-037678	4217900000			108	LEOPOLD B #8	PANHANDLE GRAY	0.0	GETTY OIL CO
8144076	F-10-029179	4242130245			103	MURPHY G #2	COLDWATER CREEK-MANAMTON	46.0	
8144348	F-08-037597	4213520234			108	N PENWELL #110 (21556)	PENWELL	4.1	EL PASO NATURAL G
8144351	F-08-037607	4213507286			108	N PENWELL #24 (21556)	PENWELL	2.3	EL PASO NATURAL G
8144388	F-08-037675	4213520278			108	N PENWELL #7 (21556)	PENWELL	2.7	EL PASO NATURAL G
8144349	F-08-037598	4213504813			108	S COWDEN #2-10 (19297)	COWDEN SOUTH	1.9	ODESSA NATURAL CO
8144379	F-7C-037661	4238330238			108	WEATHERBY A #4 (04921)	SPRABERRY (TREND AREA)	3.1	NORTHERN NATURAL
H144025	F-10-024064	4248330734			102-4	WOOD C #1		730.0	
-POWCO OIL & GAS INC						RECEIVED: 08/03/81 JA: TX			
8144184	F-06-035715	4245900000			102-2	J W BECKHAM #1 NO 51973	GLENWOOD (COTTON VALLEY)	36.0	DELHI GAS PIPELIN
8144184	F-06-035715	4245900000			107-TF	J W BECKHAM #1 NO 51973	GLENWOOD (COTTON VALLEY)	36.0	DELHI GAS PIPELIN
-R A W ENERGY CORP						RECEIVED: 08/03/81 JA: TX			
H144172	F-7B-035141	4236732070			102-4	HOLLOWAY #1-A	ITTLESON	365.0	SOUTHWESTERN GAS
H144220	F-7B-036542	4236732058			102-4	JEWETT #1 RRC ID #93215	TIM MITCHELL	450.0	SOUTHWESTERN GAS
-R LACY INC						RECEIVED: 08/03/81 JA: TX			
8144151	F-06-033456	4236500003			108	PARKER HEIRS WELL #2-T RRC #30061	CARTHAGE (LOWER PETTIT)	4.0	NATURAL GAS PIPEL
-REALITOS ENERGY CORP						RECEIVED: 08/03/81 JA: TX			
8144164	F-02-034596	4217531408			102-4	R BRUNS NO 1	WILDCAT-PROPOSED WESER S	185.0	LONE STAR GAS CO
-ROGER M WHEELER						RECEIVED: 08/03/81 JA: TX			
H144003	F-10-018002	4206500000			108	W D JORDAN #1	PANHANDLE CARSON COUNTY	10.0	CABOT CORP
8144004	F-10-018004	4206500000			108	W D JORDAN #4	PANHANDLE CARSON COUNTY	10.0	CABOT CORP
-RUTHERFORD OIL CORP						RECEIVED: 08/03/81 JA: TX			
8144221	F-03-036548	4216700000			102-4	STATE TRACT 104-L #8	GALVESTON BLK 104-L (SD	1200.0	DOW CHEMICAL CO
8144177	F-03-035350	4216700000			102-4	STATE TRACT 104-L WELL #2	GALVESTON BLK 104-L (SD	110.0	DOW CHEMICAL CO
-RYDER SCOTT OIL CO						RECEIVED: 08/03/81 JA: TX			
8144252	F-09-036852	4207731874			102-4	GILL #1	WINKLER (CONGL)	27.0	TEXAS UTILITIES F

JD NO	DA EFT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SAGE ENERGY CO						RECEIVED: 08/03/81 JA: TX			
8144361	F-03-037629	4214730890			102-2	BILL #1 RRC #18162	GIDDINGS (AUSTIN CHALK)	28.0	FALCON GAS CO
8144346	F-8A-037593	4211531484			103	GREEN A RRC #63219	ACKERLY (DEAN SAND)	1.1	TEXACO INC
8144260	F-03-037083	4214730947			102-3	ROBBINS #1 RRC #14162	GIDDINGS (AUSTIN CHALK)	34.0	FALCON GAS CO
8144345	F-08-037592	4249531305			103	SEALY & SMITH 71 RRC #26394	ARENOSO (STRAWN DETRITUS	21.9	EL PASO NATURAL G
8144344	F-7C-037591	4238331814			103	UNIVERSITY 3-G RRC #08761	FARMER (SAN ANDRES)	0.1	NORTHERN NATURAL
-SANCHEZ-OBRIEN OIL & GAS CORP						RECEIVED: 08/03/81 JA: TX			
8144024	F-04-023943	4235531585			102-4	HEATH LAWRENCE # 1	ONILLA CREEK (6850)	0.0	UNIT ED TEXAS TRANSMIS
8144109	F-02-031125	4229732356			102-4	JESSE W PATTESON ESTATE NO 1	PATTESON RANCH SLICK WIL	500.0	UNITED TEXAS TRAN
8144257	F-04-036920	4250500000			102-4	LAURO GARZA ET AL NO 1	LAURO GARZA LOWER WILCOX	500.0	UNITED TEXAS TRAN
8144107	F-02-030990	4229700000			102-4	ROBERT DOUGHERTY WELL NO 1	PATTESON RANCH (10750) F	500.0	UNITED TEXAS TRAN
-SAXON OIL COMPANY						RECEIVED: 08/03/81 JA: TX			
8144323	F-7C-037532	4238331719			103	TURNER A NO 1	SPRAGBERRY (TREND AREA)	13.9	NORTHERN NATURAL
-SHELL OIL CO						RECEIVED: 08/03/81 JA: TX			
8144142	F-02-032636	4246931645			102-4	G A RUSSELMAN GAS UNIT WELL NO 1	HELEN GOHLKE (WILCOX LO	300.0	HOUSTON PIPE LINE
-SIOUX NATURAL GAS CORP						RECEIVED: 08/03/81 JA: TX			
8144033	F-7C-035364	4210532546			103	UNIVERSITY #1 16-33	HOWARDS CREEK (PENN)	0.0	SOUTHWESTERN GAS
-SMITH PRODUCTION CO						RECEIVED: 08/03/81 JA: TX			
8144030	F-03-024932	4205130694			102-2	JOHN J JONES NO 1 WELL	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8144044	F-03-026897	4205130750			102-2	WIGHT NO 1 WELL	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8144045	F-03-026898	4205130751			102-2	WIGHT NO 2 WELL	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-SOUTHWEST PETROCHEM INC						RECEIVED: 08/03/81 JA: TX			
8144385	F-05-037671	4228930809			102-2	M ALBRECHT NO 3	CENTERVILLE S E	73.0	SOUTHWEST PETROGA
8144384	F-05-037670	4228930810			102-2	M ALBRECHT NO 4	CENTERVILLE S E	127.8	SOUTHWEST PETROGA
-SOUTHWESTERN GAS EXPLORATION						RECEIVED: 08/03/81 JA: TX			
8144017	F-09-023236	4223732719			103	M E FERRELL #4	JACKSBORO S E (5270)	56.6	SOUTHWESTERN GAS
-SPINDLETOP OIL & GAS CO						RECEIVED: 08/03/81 JA: TX			
8144192	F-78-035865	4222130657			102-2	RANDY-T OMLINSON #1	SUN BELT (ATOKA)	60.0	EMPIRE PIPELINE C
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 08/03/81 JA: TX			
8144131	F-06-23212P	4236531115			102-4	C E MOORE NO 2	CARTHAGE/TRAVIS PEAK-HAL	756.0	TEXAS GAS TRANSMI
8144133	F-04-032165	4242731437			102-4	C LAUREL NO 7	SUN NORTH (6830)	59.0	
8144108	F-09-031100	4223700000			108	DURHAM A-1 GAS UNIT NO 1	BOONSVILLE BEND	5.0	LONE STAR GAS CO
8144154	F-09-033557	4223700000			108	DURHAM GAS UNIT-F-#2	BOONESVILLE (BEND CONGLO	16.0	LONE STAR GAS CO
8144143	F-08-032662	4213533141			103	E GOLDSMITH HOLT DT NO 31-3	GOLDSMITH E (HOLT)	3.6	PHILLIPS PETROLEU
8144259	F-78-036977	4235330902			102-4	HAROLD M MOORE #1	WITHERS	0.3	PALO DURO PIPELIN
8144134	F-06-032167	4230330650			107-TF	JANIE DAVIS NO 1	N LANSING (COTTON VALLEY	452.0	TEXAS SOUTH WESTE
8144102	F-08-037755	4233531937			103	V T MCCABE NO 35	N JAMESON (ELLEN)	34.0	LONE STAR GAS CO
-SUNDANCE OIL CO						RECEIVED: 08/03/81 JA: TX			
8144041	F-05-026683	4216130488			102-2	F E HILL III #1 RRC #83719	REED N (COTTON VALLEY LI	400.0	UNITED TEXAS TRAN
-TAUBERT & STEED						RECEIVED: 08/03/81 JA: TX			
8144138	F-8A-032359	4226930055			102-4	S B BURNETT ESTATE C1A	BIG-N-(TANNEHILL)	0.6	LONE STAR GAS CO
-TEXACO INC						RECEIVED: 08/03/81 JA: TX			
8144292	F-08-03742P	4210931418			103	CULPERSON V FEE #1	FORD WEST (4100)	137.0	EL PASO NATURAL G
8144287	F-08-037410	4210931428			103	CULBERSON V FEE #2	FORD WEST (4100)	8.0	EL PASO NATURAL G
8144286	F-08-037409	4210931432			103	CULBERSON V FEE #3	FORD WEST (4100)	102.0	EL PASO NATURAL G
8144285	F-08-037408	4210931434			103	CULBERSON V FEE #4	FORD WEST (4100)	19.0	EL PASO NATURAL G
8144320	F-08-037518	4210931457			103	CULPERSON V FEE #8	FORD WEST (4100)	48.0	EL PASO NATURAL G
8144291	F-08-037427	4210931446			103	CULBERSON Z FEE #1	FORD WEST (4100)	23.0	EL PASO NATURAL G
8144381	F-7C-037665	4210531099			103	J H SCHEUBER B #1	DAVIDSON RANCH (PENN 789	34.3	TRANSCONTINENTAL
8144309	F-8A-037[illegible]	[illegible]16531[illegible]19			103	SOUTHLAND ROYALTY EC #7	JENKINS (SAN ANDRES)	43.0	PHILLIPS PETROLEU
8144383	F-08-037667	4247532267			103	STATE GAS UNIT B #6	CAPRITO (DELAWARE MIDDLE	18.0	WESTAR TRANSMISSI
8144382	F-08-037666	4243130960			103	STERLING B FEE #2	CONGER (PENN)	88.0	
-TEXAS INTERNATIONAL PET CORP						RECEIVED: 08/03/81 JA: TX			

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JD NO	JA DKT	API NO	C	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144211	F-03-036325	4205131489		102-2	BOHACEK #3	GIDDINGS	310.0	CLAJON GAS CO
8144101	F-04-030685	4213100000		108	W P THOMPSON C-8	THOMAS LOCKHART	9.0	VALERO TRANSMISSI
8144070	F-03-028873	4205130781		102-2	NEMECEK UNIT #1	GIDDINGS (AUSTIN CHALK)	146.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP					RECEIVED: 08/03/81 JA: TX			
8144163	F-05-034446	4216030570		107-TF	CAMERON #1	REED N (COTTON VALLEY LI	750.0	DELHI GAS PIPELIN
8144078	F-05-029891	4216130481		107-TF	HENDERSON D #1	TEAGUE TOWNSITE (COTTON	100.0	LONE STAR GAS CO
8144066	F-06-028495	4245930439		107-TF	LONE STAR STEEL #1	SAND HILL	250.0	DELHI GAS PIPELIN
8144083	F-HA-029706	4226900000		103	MASTERSON A NO 1	JUNIPER (STRAWN)	910.0	DELHI GAS PIPELIN
8144015	F-06-022844	4220330732		102-4	MCNATT #1	HALLSVILLE E (PETTIT)	300.0	
8144015	F-06-022844	4220330732		103	MCNATT #1	HALLSVILLE E (PETTIT)	300.0	
8144014	F-04-022841	4240931366		102-4	PATERSON C #1	FOX HERD (ANDERSON)	125.0	DELHI GAS PIPELIN
8144035	F-10-025484	4229500000		102-4	PINCKARD B #2	DARREN (MORROW MIDDLE)	90.0	TRANSWESTERN PIPE
8144152	F-05-033539	4216130536		107-TF	TEAGUE GAS UNIT #3-1	TEAGUE S (COTTON VALLEY	1.0	DELHI GAS PIPELIN
8143999	F-05-013476	4216130483		102-4	TEAGUE GU #2-1	TEAGUE S (COTTON VALLEY	0.0	DELHI GAS PIPELIN
8143999	F-05-013476	4216130483		103	TEAGUE GU #2-1	TEAGUE S (COTTON VALLEY	0.0	DELHI GAS PIPELIN
8144089	F-05-029985	4216130626		102-4	WILLARD #1	REED N (COTTON VALLEY LI	500.0	
8144089	F-05-029985	4216130626		107-TF	WILLARD #1	REED N (COTTON VALLEY LI	500.0	
-THOMAS O COFFMAN INC					RECEIVED: 08/03/81 JA: TX			
8144137	F-03-032209	4214930771		102-3	FARRIS UNIT NO 1 096880	GIDDINGS (AUSTIN CHALK)	0.0	SOUTH CEN-TEX GAS
-THREE-B OIL CO					RECEIVED: 08/03/81 JA: TX			
8144182	F-08-035643	4237133220		103	JACKSON NO 3 WELL #26185	PAYTON (YATES)	4.3	PERRY GAS PROCESS
8144183	F-08-035659	4237133246		103	JACKSON NO 4	PAYTON (YATES)	5.8	PERRY GAS PROCESS
-TOM L INGRAM					RECEIVED: 08/03/81 JA: TX			
8144274	F-08-037282	4200332583		103	THORNBERRY G #2	FUHRMAN-MASCHO	14.0	PHILLIPS PETROLEU
-TREND RESOURCES LTD					RECEIVED: 08/03/81 JA: TX			
8144150	F-03-033390	4208931182		102-4	M C THEUMAN #1	WYLIE	365.0	SEAGULL PIPELINE
-TRIPLE L OIL CO INC					RECEIVED: 08/03/81 JA: TX			
8144191	F-02-035829	4223931499		102-4	J M BENNETT WELL NO 1-C	LASALLE (6110)	219.0	DELHI GAS PIPELIN
8144244	F-02-036707	4246931567		102-4	JOHN KEERAN #2-C	KEERAN EAST (7550)	24.0	DELHI GAS PIPELIN
-U S OPERATING INC					RECEIVED: 08/03/81 JA: TX			
8144128	F-03-032062	4228730726		102-2	DAISY NO 1 RRC ID N/A	GIDDINGS (AUSTIN CHALK)	74.0	PGP GAS PRODUCTS
8144156	F-03-034061	4228730816		102-2	SARI LYNN UNIT NO 1	GIDDINGS (AUSTIN CHALK)	180.0	PGP GAS PRODUCTS
-W C S PETROLEUM INC					RECEIVED: 08/03/81 JA: TX			
8144256	F-03-036915	4205100000		102-2	JOE C CARRINGTON SR #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8144212	F-03-036373	4205100000		102-2	OPPERMANN NO 1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-W M PRICE					RECEIVED: 08/03/81 JA: TX			
8144012	F-78-021016	4235330764		102-4	WHITESIDE #3	GROUP S (SADDLE CREEK)	14.5	PALO DURO PIPELIN
-W R EDWARDS JR					RECEIVED: 08/03/81 JA: TX			
8144350	F-10-037605	4223300000		103	BARNHILL #12-1	PANHANDLE HUTCHINSON	95.0	PANHANDLE PRODUCI
8144362	F-10-037630	4223300000		103	BARNHILL #27-1	PANHANDLE HUTCHINSON	96.0	PANHANDLE PRODUCI
8144249	F-10-036770	4223300000		103	COBLE CATTLE CO #12-1	PANHANDLE HUTCHINSON	95.0	PANHANDLE PRODUCI
-WALTER EXPLORATION INC					RECEIVED: 08/03/81 JA: TX			
8144343	F-09-037573	4223700000		108	J D CADDEL NO 2 RRC ID NO 16126	JACK COUNTY REGULAR	10.0	SOUTHWESTERN GAS
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 08/03/81 JA: TX			
8144380	F-08-037662	4210332514		103	UNIVERSITY P NO 10	DUNE	2.6	EL PASO NATURAL G
8144360	F-08-037628	4210332513		103	UNIVERSITY P NO 9	DUNE	0.0	EL PASO NATURAL G
-WARRIOR MANAGEMENT & PENINSULA					RECEIVED: 08/03/81 JA: TX			
8144178	F-03-035398	4208931200		102-4	DUNCAN NO 1	NORTH ENGLEHART (WILCOX)	400.0	HOUSTON PIPE LINE
8144178	F-03-035398	4208931200		103	DUNCAN NO 1	NORTH ENGLEHART (WILCOX)	400.0	HOUSTON PIPE LINE
-WAYMAN W BUCHANAN					RECEIVED: 08/03/81 JA: TX			
8144064	F-03-028342	4205130933		102-2	BEN NOVOSAD NO 1	GIDDINGS (AUSTIN-CHALK)	75.0	FERGUSON CROSSING
8144194	F-03-035917	4214930832		102-2	COLLEEN NO 1	GIDDINGS (AUSTIN CHALK)	86.7	PHILLIPS PIPELINE
8144195	F-03-035918	4214930704		102-2	GINNY NO 1	GIDDINGS (AUSTIN CHALK)	145.5	PHILLIPS PIPELINE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144312	F-03-037497	4214930870		103		J A MORGAN C NO 1	GIDDINGS (AUSTIN CHALK)	21.6	PHILLIPS PETROLEU
8144196	F-03-035925	4205131227		102-2		LOEHR A NO 1	GIDDINGS (AUSTIN CHALK)	163.2	FERGUSON CROSSING
8144065	F-03-028346	4214930527		102-2		M M MCCOLLUM NO 1	GIDDINGS (AUSTIN CHALK)	56.0	PHILLIPS PETROLEU
8144067	F-03-028468	4214930518		102-2		MORGAN JOOST NO	GIDDINGS-AUSTIN CHALK	36.8	PHILLIPS PETROLEU
8144095	F-03-030254	4205130942		102-2		NOVOSAD-SLOVACEK NO 1	GIDDINGS (AUSTIN CHALK)	75.0	FERGUSON CROSSING
8144193	F-03-035916	4205131049		102-2		RAYFIELD SLOVACEK NO 1	GIDDINGS (AUSTIN CHALK)	128.4	FERGUSON CROSSING
8144205	F-03-036092	4205131023		102-2		RUDOLPH LOEHR NO 1	GIDDINGS (AUSTIN CHALK)	184.5	FERGUSON CROSSING
8144204	F-03-036091	4205131211		102-2		RUSSELL NO 1	GIDDINGS (AUSTIN CHALK)	127.8	FERGUSON CROSSING
8144288	F-01-037411	4217730783		103		RYAN UNIT NO 1	PEACH CREEK (AUSTIN CHAL	10.8	TIPPERARY GATHERI
8144197	F-03-035926	4205130953		102-2		SKRIVANEK NO 1	CALDWELL NE (GEORGETOWN)	200.3	CLAJON GAS CO
8144313	F-03-037498	4205131321		103		SYDNEY NO 1	GIDDINGS (AUSTIN CHALK)	87.7	FERGUSON CROSSING
-WILHELMINA DUP ROSS				RECEIVED: 08/03/81 JA: TX					
8144222	F-06-036573	4236500000		108		BURNETT UNIT 1-I 42818	BETHANY (TRAVIS PEAK)	9.8	TENNESSEE GAS PIP
-WILLIAM PERLMAN				RECEIVED: 08/03/81 JA: TX					
8144053	F-7C-027780	4243500000		108		FIELDS 51 NO 3	SAWYER (CANYON)	8.8	EL PASO NATURAL G
-WINDSOR PRODUCING CO				RECEIVED: 08/03/81 JA: TX					
8144052	F-03-027702	4228730450		103		GRIFFIN #1	GIDDINGS (AUSTIN CHALK)	30.0	PGP GAS PRODUCTS
8144187	F-03-035786	4228730701		102-2		JENSEN ESTATE #1	GIDDINGS (AUSTIN CHALK)	365.0	PGP GAS PRODUCTS
8144186	F-03-035785	4228730531		102-2		ROADRUNNER #1	GIDDINGS (AUSTIN CHALK G	365.0	PGP GAS PRODUCTS
8144190	F-03-035790	4228730639		102-2		ROADRUNNER #2	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144189	F-03-035789	4228730587		102-2		TRUITT #1	GIDDINGS (AUSTIN CHALK)	365.0	PGP GAS PRODUCTS
8144185	F-03-035784	4228730719		102-2		WHYTE #1	GIDDINGS (AUSTIN CHALK)	219.0	PGP GAS PRODUCTS
8144188	F-03-035787	4205130399		102-2		YEGUA CREEK #1	GIDDINGS (AUSTIN CHALK)	109.5	PGP GAS PRODUCTS
-ZONERGY INC				RECEIVED: 08/03/81 JA: TX					
8144199	F-03-035984	4247700000		102-2		LENTZ UNIT #1	GIDDINGS	0.0	CLAJON GAS CO
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** U.S. GEOLOGICAL SURVEY - DENVER,CO									
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-PACIFIC TRANSMISSION SUPPLY COMPANY		RECEIVED: 07/27/81 JA: UT 1							
8144467	UC-188-0	4300730041		102-2		PTS 21-22 STOBIN UNIT FEDERAL	WILDCAT	50.0	
8144468	UC 164-0	4304730339		103		PTS 41-9 DEVILS PLAYGROUND FEDERAL	SOUTH RED WASH AREA	72.0	PACIFIC GAS & ELE
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** U.S. GEOLOGICAL SURVEY - METAIRIE,LA									
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-CHEVRON U S A INC		RECEIVED: 08/04/81 JA: LA 3							
8144404	G1-1914	1770340174		102-5		OCS-G-2853 #3	EAST CAMERON	2373.0	COLUMBIA GAS TRAN
-DIAMOND SHAMROCK CORPORATION		RECEIVED: 08/04/81 JA: LA 3							
8144412	G1-2087	1770540420		102-1		VERMILION BLOCK 57 - WELL NO 4	VERMILION	213.0	TRANSCONTINENTAL
-EXXON CORPORATION		RECEIVED: 08/04/81 JA: LA 3							
8144424	G1-2050	1771540349		102-1		OCS-G 4001 NO C-14	SOUTH TIMBALIER	0.0	TRUNKLINE GAS CO
8144440	G1-2057	1740123000		102-1		OCS-G 3799 NO A-9 ST	MISSISSIPPI CANYON	400.0	SOUTHERN NATURAL
-GULF OIL CORPORATION		RECEIVED: 08/04/81 JA: LA 3							
8144432	G1-2016	1770940421		102-5		EUGENE ISL BLK 252 OCS-G-09836093	EUGENE ISLAND	4380.0	SEA ROBIN PIPELIN
8144429	G1-2015	1770940432		102-5		EUGENE ISL BLK 252 OCS-G09836093	EUGENE ISLAND	9125.0	SEA ROBIN PIPELIN
8144409	G1-2059	1771540380		102-5		OCS-G 3336 NO D-15D	SOUTH TIMBALIER	766.5	TEXAS EASTERN TRA
8144444	G1-2022	1771540367		102-5		OCS-G-3336 NO D-14 S TIMB BLK 35	SOUTH TIMBALIER	45.6	TEXAS EASTERN TRA
-HOUSTON OIL & MINERALS CORPORATION		RECEIVED: 08/04/81 JA: LA 3							
8144415	G1-1966	1770540448		102-5		OCSG-3392 #F-1	VERMILION AREA	0.0	TEXAS GAS TRANSMI
-KERR-MCGEE CORPORATION		RECEIVED: 08/04/81 JA: LA 3							
8144411	G1-2077	1771540339		102-1		OCS-G 4119 NO C-1	SOUTH TIMBALIER	1900.0	TENNESSEE GAS PIP
8144408	G1-2080	1771540339		102-1		OCS-G 4119 NO C-1D	SOUTH TIMBALIER	1542.0	TENNESSEE GAS PIP
8144417	G1-2079	1771540336		102-1		OCS-G 4119 NO 4	SOUTH TIMBALIER	105.0	TENNESSEE GAS PIP
8144407	G1-276	1771540336		102-1		OCS-G 4119 NO 4-D	SOUTH TIMBALIER	141.0	TENNESSEE GAS PIP

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
N144410	G1-2078	1771540341	102-1	OCS-G 4119 NO 7	SOUTH TIMBALIER	256.0	TENNESSEE GAS PIP
N144335	G1-2081	1771540323	102-1	OCS-G-4119 NO 1	SOUTH TIMBALIER	0.0	TENNESSEE GAS PIP
N144406	G1-2072	1771140556	107-DP	OCS-0347 NO 2	SHIP SHOAL	1825.0	TRANSCONTINENTAL
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 08/04/81 JA: LA			
N144438	G1-2104	1770240540	102-1	WEST CAMERON 494 #A-3B (ALT)	WEST CAMERON	547.8	TRANSCONTINENTAL
-PENNZOIL OIL & GAS INC				RECEIVED: 08/04/81 JA: LA 3			
N144437	G1-2024	1770440454	102-5	EAST CAMERON BLOCK 334 WELL #C-8	EAST CAMERON AREA SOUTH	2100.0	
N144403	G1-2009	1770404087	102-5	PENNZOIL CO OCS-G 2439	EAST CAMERON AREA SOUTH	4300.0	
N144418	G1-2012	1771040094	102-5	PENNZOIL COMPANY OCS-G 2115	EUGENE ISLAND AREA	825.0	
N144425	G1-2029	1770440485	102-5	PENNZOIL COMPANY OCS-G 2439	EAST CAMERON AREA SOUTH	2100.0	
N144430	G1-2027	1770440369	102-5	PENNZOIL COMPANY OCS-G 2439	EAST CAMERON AREA SOUTH	2100.0	
N144431	G1-2026	1770440369	102-5	PENNZOIL COMPANY OCS-G 2439	EAST CAMERON AREA SOUTH	4500.0	
N144445	G1-2028	1770440485	102-5	PENNZOIL COMPANY OCS-G 2439	EAST CAMERON AREA SOUTH	4500.0	
-PLACID OIL COMPANY				RECEIVED: 08/04/81 JA: LA 3			
N144426	G1-2011	1770740355	102-5	C-21	SOUTH MARSH ISLAND	1825.0	TRUNKLINE GAS CO
-SHELL OIL CO				RECEIVED: 08/04/81 JA: LA 3			
N144423	G1-2047	1770840155	102-5	OCS-G 2280 C-20A	SOUTH MARSH ISLAND	73.0	TRANSCONTINENTAL
N144434	G1-2054	1770840381	102-5	OCS-G 2280 C-40A	SOUTH MARSH ISLAND	55.0	TRANSCONTINENTAL
N144428	G1-2004	1770040233	102-5	OCS-G 2825 JA-1 (FORMERLY NO 3)	WEST CAMERON	1.8	TENNESSEE GAS PIP
N144427	G1-2008	1770040246	102-5	OCS-G 2825 JA-2 (FORMERLY NO 4)	WEST CAMERON	2.7	TENNESSEE GAS PIP
N144421	G1-2005	1770040404	102-5	OCS-G 2825 JA-3	WEST CAMERON	2.7	TENNESSEE GAS PIP
N144420	G1-2013	1770040415	102-5	OCS-G 2825 JA-4	WEST CAMERON	1.8	TENNESSEE GAS PIP
N144443	G1-1971	1772340060	102-5	SP 61 OCS-G 1614 NO D-1	SOUTH PASS	90.0	SOUTHERN NATURAL
-TENNECO OIL COMPANY				RECEIVED: 08/04/81 JA: LA 3			
N144433	G1-2003	1770540295	102-5	VERMILION 218 B-2 ST	VERMILION	1095.0	TENNESSEE GAS PIP
-TRANSCO EXPLORATION COMPANY				RECEIVED: 08/04/81 JA: LA 3			
N144414	G1-1900	1770840430	102-5	A-11	SOUTH MARSH ISLAND	730.0	TRANSCONTINENTAL
N144413	G1-1899	1770840459	102-5	A-15 SIDETRACK #1	SOUTH MARSH ISLAND	730.0	TRANSCONTINENTAL
N144422	G1-1921	1770840481	102-5	NO A-16 SIDETRACK #1	SOUTH MARSH ISLAND	365.0	TRANSCONTINENTAL
N144442	G1-1919	1770840358	102-5	NO A-2	SOUTH MARSH ISLAND	1300.0	TRANSCONTINENTAL
N144441	G1-1920	1770840407	102-5	NO A-6	SOUTH MARSH ISLAND	730.0	TRANSCONTINENTAL
-UNION OIL COMPANY OF CALIF				RECEIVED: 08/04/81 JA: LA 3			
N144419	G1-2014	1770549901	102-5	OCS-G 2075 NO A-5	VERMILION	800.0	TEXAS EASTERN TRA
N144439	G1-2106	1771540384	102-1	OCS-G 4000 WELL NO A-3	SOUTH TIMBALIER	37.0	TENNESSEE GAS PIP
N144436	G1-2107	1771540389	102-1	OCS-G 4000 WELL NO A-5	SOUTH TIMBALIER	16.0	TENNESSEE GAS PIP
-EXXON CORPORATION				RECEIVED: 08/04/81 JA: TX 3			
N144405	G1-2010	4271140505	102-5	OCS-G 2741 NO A-23	HIGH ISLAND	4000.0	COLUMBIA GAS TRAN
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 08/04/81 JA: TX 3			
N144416	G1-1917	4270940270	102-5	OCS-G-2694 NO A-15	SOUTH HIGH ISLAND	912.5	TRUNKLINE GAS CO

OTHER PURCHASERS

N144324 Natural Gas P L Co of America
N144329 Transcontinental Gas P L Corporation

All other extra purchasers are E I Dupont De Nemours & Co Inc

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before September 11, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc 81–25119 Filed 8–26–81, 8:45 am]

BILLING CODE 6455–85–M

UMI 1 8 2 2 G A 6 4 V

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AMMEX PETROLEUM INC						RECEIVED: 08/06/81 JA: TX			
8144559	F-03-032575	4205131015			102-2	BONNIE JEAN UNIT #1	GIDDINGS (AUSTIN CHALK)	54.0	CLAJON GAS CO
8144559	F-03-032575	4205131015			103	BONNIE JEAN UNIT #1	GIDDINGS (AUSTIN CHALK)	54.0	CLAJON GAS CO
8144698	F-03-037803	4205131344			102-2	MASSEY GRAVES #3	GIDDINGS (AUSTIN CHALK)	194.0	CLAJON GAS CO
8144698	F-03-037803	4205131344			103	MASSEY GRAVES #3	GIDDINGS (AUSTIN CHALK)	194.0	CLAJON GAS CO
-AMOCO PRODUCTION CO						RECEIVED: 08/06/81 JA: TX			
8144718	F-8A-037851	4227930240			103	ANTON-IRISH CLEARFORK UNIT #471	ANTON-IRISH	5.5	PIONEER NATURAL G
8144715	F-8A-037847	4218930330			103	ANTON-IRISH CLEARFORK UNIT #445	ANTON IRISH	1.1	WESTAR TRANSMISSI
8144719	F-08-037852	4200332614			103	BLOCK 9 FUHRMAN MASCHO UNIT #101	FUHRMAN-MASCHO	16.1	PHILLIPS PETROLEU
8144738	F-08-037941	4200332610			103	BLOCK 9 FUHRMAN MASCHO UNIT NO 113	FUHRMAN-MASCHO	14.6	PHILLIPS PETROLEU
8144717	F-08-037850	4200332620			103	BLOCK 9 FUHRMAN MASCHO UNIT NO 119	FUHRMAN-MASCHO	8.4	PHILLIPS PETROLEU
8144530	F-05-030443	4234931150			107-TF	DEE GARRETT LIVELY GAS UNIT # 1	CHENEYBORO SW/9585/	365.0	LONE STAR GAS CO
8144552	F-05-031428	4234931124			107-DP	DOROTHY CLARK TRUSTEE WELL #1	CHENEYBORO SOUTHWEST (95	365.0	LONE STAR GAS CO
8144736	F-8A-037939	4221932986			103	MAY-MONTGOMERY UNIT NO 55	LEVELLAND	8.8	AMOCO PRODUCTION
8144590	F-05-034653	4216130494			107-DP	SAM H GADDY SR WELL NO 1	CHENEYBORO SW /9585/	456.3	LONE STAR GAS COM
8144607	F-08-035987	4249530973			103	SEALY-SMITH FOUNDATION A #43	MONAHANS NORTH	66.1	AMOCO PRODUCTION
8144737	F-8A-037940	4250131826			103	WASSON ODC UNIT #531	WASSON	36.0	SHELL OIL CO
8144720	F-8A-037853	4221932996			103	WEST RKM UNIT #249	SLAUGHTER	16.8	AMOCO PRODUCTION
-ARCO OIL AND GAS COMPANY						RECEIVED: 08/06/81 JA: TX			
8144660	F-08-037216	4210332382			103	BARNSLEY UNIT #41	SAND HILLS (TUBB)	5.0	WARREN PETROLEUM
-ARKANSAS LOUISIANA GAS CO						RECEIVED: 08/06/81 JA: TX			
8144513	F-06-027882	4220330734			103	ABNEY D #8	WASKOM (LOWER COTTON VAL	300.0	ARKANSAS LOUISIAN
-ARKLA EXPLORATION COMPANY						RECEIVED: 08/06/81 JA: TX			
8144542	F-06-030898	4240130691			102-3	DURAN #1	CHAPMAN	110.0	
-BARRON KIDD						RECEIVED: 08/06/81 JA: TX			
8144662	F-08-037308	4231732180			103	H P MORRISON #1	SPRABERRY (TREND AREA)	17.6	PHILLIPS PETROLEU
-BEN HOGAN						RECEIVED: 08/06/81 JA: TX			
8144652	F-04-037073	4209330763			103	HEATHINGTON UNIT #2	MITTIE (MARBLE FALLS)	0.0	SOUTHWESTERN GAS
8144653	F-78-037074	4209300000			103	HEATHINGTON UNIT #3	MITTIE (MARBLE FALLS)	0.0	SOUTHWESTERN GAS
-BENCHMARK OIL & GAS CO						RECEIVED: 08/06/81 JA: TX			
8144625	F-03-036398	4220131000			103	TYRA NO 3	BENCHMARK RANKIN (KELLER	360.0	UNITED TEXAS TRAN
-BLAIR ENERGY INC						RECEIVED: 08/06/81 JA: TX			
8144685	F-10-037784	4206530848			103	BURNETT 3	PANHANDLE - CARSON	0.0	PANHANDLE EASTERN
8144686	F-10-037787	4206530842			103	BURNETT 4	PANHANDLE CARSON	0.0	PANHANDLE EASTERN
-BOB BLACK OPERATING						RECEIVED: 08/06/81 JA: TX			
8144618	F-7C-036302	4239931817			103	HOLMES S #2	ENOCH JOHNSON (MORRIS SA	15.0	UNION TEXAS PETRO
-BOND OPERATING CO						RECEIVED: 08/06/81 JA: TX			
8144632	F-08-036624	4232732842			103	TL & M C #C-1	NORTH COAHOMA (FUSSELMAN	360.0	GETTY OIL CO
-BORDER EXPLORATION CO						RECEIVED: 08/06/81 JA: TX			
8144629	F-78-036516	4218330703			103	A V ALEXANDER G U #2	X-RAY (MARBLE FALLS)	101.0	VALERO TRANSMISSI
-CAMBRIDGE & NAIL						RECEIVED: 08/06/81 JA: TX			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144649	F-10-036886	4221130441			102-4	DAVIDSON NO 1 WELL ID NO 90749	GEN-DANDY (DOUGLAS)	0.0	
-CAYMAN EXPLORATION CORP						RECEIVED: 08/06/81 JA: TX			
8144647	F-78-036856	4236700000			103	D Q MCDAVID #1	DICEY (CONGLOMERATE)	200.0	SOUTHWESTERN GAS
-CENTAUR PETROLEUM CORP						RECEIVED: 08/06/81 JA: TX			
8144735	F-78-037921	4236731014			103	ANN L RHODES WELL 1 RRC NO 81796	SWEET SPRINGS (2900)	3.5	SOUTHWESTERN GAS
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 08/06/81 JA: TX			
8144539	F-03-030759	4205130905			102-2	BERNICE D WILLIAMS NO 1	GIDDINGS	68.6	FERGUSON CROSSING
8144539	F-03-030759	4205130905			103	BERNICE D WILLIAMS NO 1	GIDDINGS	68.6	FERGUSON CROSSING
8144574	F-03-033199	4205100000			102-2	CARRIE POLASEK NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144574	F-03-033199	4205100000			103	CARRIE POLASEK NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144581	F-04-033912	4227300000			103	G P WARDNER NO 153	STRATTON	0.0	TENNESSEE GAS PIP
8144519	F-03-029080	4205100000			102-2	J F GOODSON NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144525	F-03-030263	4205100000			102-2	JOHN W SPRINGER NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144525	F-03-030263	4205100000			103	JOHN W SPRINGER NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144524	F-03-030262	4205100000			102-2	JOHNNY LYON NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144524	F-03-030262	4205100000			103	JOHNNY LYON NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144502	F-03-026544	4205100000			102-2	L W BRINKMAN #1	GIDDINGS	0.0	FERGUSON CROSSING
8144506	F-03-027086	4205130603			102-2	LANCIER BRINKMAN NO 1	GIDDINGS	918.0	FERGUSON CROSSING
8144526	F-03-030264	4205131050			102-2	MABEL D NORMAN NO 2 WELL	GIDDINGS	56.2	FERGUSON CROSSING
8144526	F-03-030264	4205131050			103	MABEL D NORMAN NO 2 WELL	GIDDINGS	56.2	FERGUSON CROSSING
8144684	F-06-020251	4220330714			102-3	RALPH ROSS NO 1	SABINE S E (COTTON VALLE	803.0	HYDROCARBON TRANS
8144684	F-06-020251	4220330714			103	RALPH ROSS NO 1	SABINE S E (COTTON VALLE	803.0	HYDROCARBON TRANS
8144548	F-03-031215	4205130855			102-2	RAYMOND MUZNY NO 1	GIDDINGS	8.0	FERGUSON CROSSING
8144548	F-03-031215	4205130855			103	RAYMOND MUZNY NO 1	GIDDINGS	8.0	FERGUSON CROSSING
8144573	F-03-033193	4205100000			102-2	WALTER LIGHTSEY NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8144573	F-03-033193	4205100000			103	WALTER LIGHTSEY NO 1	GIDDINGS	0.0	FERGUSON CROSSING
-CHAPARRAL MINERALS INC						RECEIVED: 08/06/81 JA: TX			
8144537	F-03-030627	4205130860			103	BILLY BLAHA # 1 (13555)	CALDWELL (AUSTIN CHALK)	51.0	CLAJON GAS CO
-COASTAL OIL & GAS CORP						RECEIVED: 08/06/81 JA: TX			
8144667	F-10-037643	4237530834			103	MASTERSON B 8354P	PANHANDLE (RED CAVE)	28.0	COLORADO INTERSTA
-COLUMBIA GAS DEVELOPMENT CORP						RECEIVED: 08/06/81 JA: TX			
8144543	F-03-030988	4205131148			102-2	DANIEL A WENDLAND NO 1	GIDDINGS (AUSTIN CHALK)	116.0	FERGUSON CROSSING
8144544	F-03-030989	4205131107			102-2	WILLIARD BROCK NO 1	GIDDINGS (AUSTIN CHALK)	39.0	FERGUSON CROSSING
-CONOCO INC						RECEIVED: 08/06/81 JA: TX			
8144708	F-08-037815	4207900000			108	CONOCO DEAN UNIT #106 ID #60106	SLAUGHTER	0.7	AMOCO PRODUCTION
8144707	F-08-037814	4207900000			108	CONOCO DEAN UNIT #57 ID #60106	SLAUGHTER	1.3	AMOCO PRODUCTION
8144702	F-08-037809	4238900000			108	G E RAMSEY JR-B-#13 ID #21020	GERALDINE FORD	3.4	EL PASO NATURAL G
8144706	F-08-037813	4222700000			108	G O CHALK-C-#25 ID #18989	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEU
8144701	F-08-037808	4222700000			108	G O CHALK-C-#4 ID #02687	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEU
8144710	F-08-037817	4222700000			108	G O-CHALK-C- #15 ID #02687	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEU
8144712	F-08-037819	4222700000			108	H R CLAY -E- #41 ID #02692	HOWARD GLASSCOCK	1.3	PHILLIPS PETROLEU
8144711	F-08-037818	4222700000			108	H R CLAY-E-#26 ID #02692	HOWARD GLASSCOCK	1.3	PHILLIPS PETROLEU
8144703	F-08-037810	4213500000			108	H S FOSTER-C-#4 ID #18248	COWDEN S	0.1	PHILLIPS PETROLEU
8144705	F-08-037812	4200300000			108	HUNGER NIX #28 ID #18694	FUHRMAN-NIX	1.5	PHILLIPS PETROLEU
8144700	F-08-037807	4210931464			103	RAMSEY-32-#14 ID #24217	FORD WEST (4100)	5.1	EL PASO NATURAL G
8144709	F-08-037816	4213500008			108	WIGHT UNIT #78 ID #20661	COWDEN N	17.7	AMOCO PRODUCTION
8144704	F-08-037811	4213500000			108	WIGHT 18-7 #1 ID #25220	COWDEN N	6.1	AMOCO PRODUCTION
-COOK PRODUCTION CO						RECEIVED: 08/06/81 JA: TX			
8144558	F-05-032232	4233700008			103	MOORE #1	PERRIN E (CONGL 5400)	118.7	TEXAS UTILITIES F
-CORPUS CHRISTI OIL AND GAS CO						RECEIVED: 08/06/81 JA: TX			
8144663	F-04-037334	4242731526			102-A	F B GUERRA H-1	LA REFORMA SW (5770)	0.0	TENNESSEE GAS PIP
-COTTON PETROLEUM CORPORATION						RECEIVED: 08/06/81 JA: TX			
8144562	F-10-032657	4229530220			108	BRADFORD D NO 1	BRADFORD/CLEVELAND	18.0	TRANSWESTERN PIPE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CRB OIL & GAS INC				RECEIVED: 08/06/81 JA: TX					
8144580	F-01-033841	4217730650		102-4		HILL NO 1	WINSTON (AUSTIN CHALK)	12.0	CLAJON GAS CO
-CURRY RESOURCES				RECEIVED: 08/06/81 JA: TX					
8144480	F-10-017244	4223330662		103		JERRY WOMBLE WELL NO 6-35	S W HORSE (BRN DOLO)	100.0	NORTHERN NATURAL
-D H HUNT				RECEIVED: 08/06/81 JA: TX					
8144615	F-02-036140	4212331130		103		GOMMERT GAS UNIT WELL NO 1-C	ARNECKEVILLE/FRIO 2930	167.0	TEXAS EASTERN TRA
-DAMSON OIL CORPORATION				RECEIVED: 08/06/81 JA: TX					
8144570	F-06-032889	4240130908		103		LINVILLE BENNETT G U #2	OAK HILL (COTTON VALLEY)	350.0	DELHI GAS PIPELIN
8144570	F-06-032889	4240130908		107-TF		LINVILLE BENNETT G U #2	OAK HILL (COTTON VALLEY)	350.0	DELHI GAS PIPELIN
8144569	F-06-032888	4240130853		103		WM WITCHER UNIT NO 1 WELL #1A	OAK HILL (COTTON VALLEY)	219.0	DELHI GAS PIPELIN
8144569	F-06-032888	4240130853		107-TF		WM WITCHER UNIT NO 1 WELL #1A	OAK HILL (COTTON VALLEY)	219.0	DELHI GAS PIPELIN
-DANIEL OIL COMPANY				RECEIVED: 08/06/81 JA: TX					
8144564	F-03-032709	4231300000		102-4		KEY WELL NO 2	MADISONVILLE NW (8300) F	0.0	
-DAVID FASKEN				RECEIVED: 08/06/81 JA: TX					
8144602	F-04-035635	4247931056		108		PALAFOX 1-9	DOS HERMANOS (OLMOS)	20.0	DELHI GAS PIPELIN
-DELRAY OIL INC				RECEIVED: 08/06/81 JA: TX					
8144699	F-7B-037805	4208332411		103		EDGAR HERRING WELL NO 1	COLEMAN COUNTY REGULAR	0.0	
8144695	F-7B-037798	4208332508		103		EDGAR HERRING WELL NO 2	COLEMAN COUNTY REGULAR	0.0	
8144696	F-7C-037799	4239931459		103		ELIZABETH EVANS ENTERPRISES A # 1	LEONARD (GOEN SAND)	0.0	
8144697	F-7C-037800	4239931704		103		ELIZABETH EVANS ENTERPRISES A # 1	LEONARD	0.0	
-DELTA DRILLING CO				RECEIVED: 08/06/81 JA: TX					
8144606	F-7C-035964	4210500000		108		COUCH 29 #2	OZONA (CANYON SAND)	0.0	NORTHERN NATURAL
8144485	F-06-028369	4236500000		102-4		KNIGHT-STRONG WELL #1	CARTHAGE SE (COTTON VALL	181.3	WESTERN GAS CORP
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 08/06/81 JA: TX					
8144545	F-10-031024	4221131275		103		CHARLES TUBB B NO 4	CANADIAN E	50.0	NORTHERN NATURAL
8144550	F-10-031296	4221131269		103		FRANK SHALLER C 4-155	HUMPHREYS	190.0	NORTHERN NATURAL
8144565	F-8A-032737	4221932889		103		MCCORKLE EST NO 2-25	HAMILTON	1.5	
8144515	F-10-028125	4234130524		103		ROBERTSON NO 2	WEST PANHANDLE	58.0	NORTHERN NATURAL
8144566	F-10-032738	4229530886		103		W C MERYDITH G NO I	CAMBRIDGE	1085.0	
-DIVERSE INC				RECEIVED: 08/06/81 JA: TX					
8144645	F-7B-036809	4236332499		103		#1-A EUBANKS	WATSON (CADDO)	432.0	SOUTHWESTERN GAS
-EL PASO NATURAL GAS COMPANY				RECEIVED: 08/06/81 JA: TX					
8144504	F-10-026796	4208726038		108		BRASHEARS #1	PANHANDLE EAST	27.0	EL PASO NATURAL G
8144595	F-10-034853	4248326096		108		HALL B #1	PANHANDLE EAST	23.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED: 08/06/81 JA: TX					
8144723	F-7C-037884	4238331850		103		VESTER HUGHES # 10	SPRABERRY (TREND AREA)	21.6	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED: 08/06/81 JA: TX					
8144604	F-09-035797	4249732068		103		CRAFT WATER BOARD UN 23 NO 2	BOONSVILLE	614.0	LONE STAR GAS CO
8144626	F-09-036423	4249732094		103		D O LAWSON NO 2	BOONSVILLE	558.0	LONE STAR GAS CO
8144584	F-03-034102	4232131046		103		STATE TRACT 181 NO 3	MATAGORDA BAY SOUTH	107.0	LONE STAR GAS CO
-EXXON CORPORATION				RECEIVED: 08/06/81 JA: TX					
*8144598	F-06-035330	4245930441		102-4		DELROSE GAS UNIT 6 #1	DELROSE (HAYNESVILLE)	825.0	ARMCO STEEL CORP
*8144598	F-06-035330	4245930441		107-TF		DELROSE GAS UNIT 6 #1	DELROSE (HAYNESVILLE)	825.0	ARMCO STEEL CORP
8144639	F-08-036731	4237133352		103		FORT STOCKTON UNIT #1420L	FORT STOCKTON	187.0	NUECES CO
8144640	F-08-036733	4200332571		103		FULLERTON CLEARFORK UNIT #1017	FULLERTON	20.0	PHILLIPS PETROLEU
8144637	F-08-036723	4200332544		103		FULLERTON CLEARFORK UNIT #2317	FULLERTON	20.0	PHILLIPS PETROLEU
*8144684	F-04-037772	4227331278		103		K R ALAZAN 315-D (06959)	ALAZAN NORTH (ALL ZONES)	548.0	ARMCO STEEL CORP
*8144683	F-04-037771	4227331383		103		K R ALAZAN 340-D (06998)	ALAZAN (ALL ZONES)	73.0	ARMCO STEEL CORP
*8144733	F-04-037914	4235531679		103		K R CHILTIPIN 90 (09777)	ARNOLD DAVID (H-46)	24.0	ARMCO STEEL CORP
*8144579	F-04-033671	4227331168		103		K R SEELIGSON C-192-D (76375)	SEELIGSON (21-G-07)	511.0	ARMCO STEEL CORP
*8144721	F-03-037867	4247330328		103		KATY GAS FIELD UNIT 2 WELL 55	KATY (WILCOX 10200 SEG 5	1022.0	ARMCO STEEL CORP
8144589	F-04-034643	4224730873		103		MRS A M K BASS 38-D (92265)	KELSEY DEEP (ZONE 18-E)	45.0	TRUNKLINE GAS CO
8144507	F-06-027329	4240130793		102-3		N C NORRIS GAS UNIT NO 1	OAK HILL (COTTON VALLEY)	76.0	UNITED GAS PIPE L

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8144578	F-04-033631	4204730620			103	R J K JR TR QUITERIA PASTURE 87-F	VIBORAS (03-C VII W)	300.0	ARMCO STEEL CORP
8144638	F-8A-036728	4216532050			103	ROBERTSON CLFK UNIT #6801	ROBERTSON N (CLFK 7100)	20.0	PHILLIPS PETROLEU
8144627	F-04-036428	4248930629			103	SANZ RANCH-MULATOS PASTURE 162	WILLAMAR (GRABEN A-1 SAN	30.0	NATURAL GAS PIPEL
8144575	F-04-033203	4204730853			103	SCOTT AND HOPPER 32	SCOTT AND HOPPER (6900-A	36.0	TENNESSEE GAS PIP
*8144605	F-04-035885	4235531513			103	SOUTHEAST FLOUR BLUFF GAS UNIT 2-1	FLOUR BLUFF EAST DEEP (C	504.0	ARMCO STEEL CORP
*8144487	F-04-022105	4204730604			103	VIBORAS FIELD GU #1 V-73-D (82400)	VIBORAS	256.0	ARMCO STEEL CORP
-FIRST TEXAS PETROLEUM INC						RECEIVED: 08/06/81 JA: TX			
8144486	F-7B-020412	4213300000			103	ASHLEY #2	LEDBETTER (RANGER)	182.5	LONE STAR GAS CO
-FLOYD A NUNLEY						RECEIVED: 08/06/81 JA: TX			
8144503	F-10-026727	4217930682			108	CARPENTER #3	WEST PANHANDLE FIELD	7.0	COLTEXO CORP
-FRANK J KING						RECEIVED: 08/06/81 JA: TX			
8144694	F-7B-037797	4236732035			102-4	MELVIN R STEPHENS NO 1	CLAYTON (CONGL)	175.0	TEXAS UTILITIES F
-G C HERRMANN CO						RECEIVED: 08/06/81 JA: TX			
8144585	F-10-034144	4217930802			103	MCCONNELL A WELL #2 03392	PANHANDLE GRAY COUNTY	11.7	KERR-MCGEE CORP
-GAGE & CO						RECEIVED: 08/06/81 JA: TX			
8144583	F-08-034010	4235330986			103	JAMES JAMESON C (26464)	JAMESON NORTH (STRAWN)	0.0	SUN OIL CO
-GENERAL AMERICAN OIL COMPANY OF TEX						RECEIVED: 08/06/81 JA: TX			
8144582	F-06-033950	4242330459			103	CAMPBELL NO 1	CHAPEL HILL (TRAVIS PEAK	128.0	E TEXAS PRODUCERS
-GENESIS PETROLEUM CORP						RECEIVED: 08/06/81 JA: TX			
8144571	F-04-033016	4248530626			103	YTURRIA CATTLE CO #2	LA SARA (6250)	0.0	
-GEORGE J MORGAN						RECEIVED: 08/06/81 JA: TX			
8144491	F-7B-023584	4236300000			108	C B LONG #3 (9372)	RECTOR	4.2	LONE STAR GAS CO
-GOLDKING PRODUCTION COMPANY						RECEIVED: 08/06/81 JA: TX			
8144536	F-03-030489	4216730751			103	ADRIANCE NO 1	ALTA LOMA (SCHENK W)	58.0	HOUSTON PIPE LINE
8144597	F-02-034936	4229732595			102-4	PATRICIA CROCKER NO 2	MIKESKA N (SLICK)	948.0	VALLEY GAS TRANSM
-GOOD HOPE REFINERIES INC						RECEIVED: 08/06/81 JA: TX			
8144541	F-04-030895	4250531228			102-4	ASCHE NO 1	CHARCO (9900)	360.0	VALERO TRANSMISSI
8144540	F-04-030894	4250531186			102-4	SENAFIN NO 1 API #2-505-31186	SENAFIN (WILCOX 8600)	370.0	VALERO TRANSMISSI
-GRACE PETROLEUM CORPORATION						RECEIVED: 08/06/81 JA: TX			
8144742	F-08-038020	4210300000			108	STOKER NO 1	GID	4.7	PHILLIPS PETROLEU
-GRAND PETROLEUM CO						RECEIVED: 08/06/81 JA: TX			
8144682	F-10-037768	4217900000			108	LANGHAM (48253) NO 1	EAST PANHANDLE	3.0	COLTEXO CORP
-GUADALUPE EXPLORATION CORP						RECEIVED: 08/06/81 JA: TX			
8144500	F-10-026100	4208730124			108	BEDNORZ #1	EAST PANHANDLE	18.0	EL PASO NATURAL G
8144501	F-10-026101	4208730126			108	WISCHKAEMPER #2	EAST PANHANDLE	12.8	EL PASO NATURAL G
-GULF AMERICAN OIL & GAS CO						RECEIVED: 08/06/81 JA: TX			
8144616	F-02-036232	4246931721			103	RIVERSIDE COTTON FARMS A-12	PRIDHAM LAKE	100.0	VALERO TRANSMISSI
-GULF ENERGY PRODUCING COMPANY						RECEIVED: 08/06/81 JA: TX			
8144650	F-04-036973	4250531176			103	BLAS RAMIREZ #4-U	LOPENO (WILCOX E)	0.0	TENNESSEE GAS PIP
8144670	F-08-037749	4231732199			103	M M LOUDER #1 (26250)	SPRABERRY (TREND AREA DE	0.0	PHILLIPS PETROLEU
8144671	F-08-037750	4231732228			103	R & P G LEWIS ET AL #1 (26249)	SPRABERRY (TREND AREA DE	0.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION						RECEIVED: 08/06/81 JA: TX			
8144551	F-10-031335	4221130583			102-4	FORGEY #1-112-E	GEM-HEMPHILL/LOWER DOUGL	286.0	TRANSWESTERN PIPE
8144527	F-10-030288	4221130698			102-4	FORGEY NO 4-93	GEM HEMPHILL/DOUGLAS LOW	1.8	CITIES SERVICE GA
-HANLEY COMPANY						RECEIVED: 08/06/81 JA: TX			
8144654	F-7C-037082	4238331868			103	T R B MASTERSON WELL NO 4	SPRABERRY (TREND AREA)	26.8	EL PASO NATURAL G
-HANOVER MANAGEMENT CO						RECEIVED: 08/06/81 JA: TX			
8144661	F-06-037276	4200130985			102-4	HANOVER MANAGEMENT COMPANY CADY #1	PRAIRIE LAKE SW (RODESSA	730.0	SEAGULL PIPELINE
-HNG OIL COMPANY						RECEIVED: 08/06/81 JA: TX			
8144636	F-7C-036698	4243532106			103	ESPY 38 #3		0.0	INTRATEX GAS CO
-HORIZON OIL & GAS CO OF TEXAS						RECEIVED: 08/06/81 JA: TX			
8144619	F-10-036336	4235731077			103	SELLERS GAS UNIT #2-28 ARCH N/A	PERRYTON WEST (MARMATON)	15.0	TRANSWESTERN PIPE
-HOUSTON OIL & MINERALS CORPORATION						RECEIVED: 08/06/81 JA: TX			

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JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144523	F-03-030088	4222530345		103		BROMBERG ET AL NO 1	FT TRINIDAD (GLENROSE D)	0.0	LONE STAR GAS CO
-HOWELL DRILLING INC				RECEIVED: 08/06/81 JA: TX					
8144517	F-32-020510	4212300000		102-4		A G GARRETT WELL NO 2	GARRETT	200.0	VALERO TRANSMISSI
-HUMBLE EXPLORATION CO INC				RECEIVED: 08/06/81 JA: TX					
8144492	F-03-023728	4204700000		102-2		SCHMIDT #1-	GIDDINGS	0.0	PHILLIPS PETROLEU
8144492	F-03-023728	4204700000		103		SCHMIDT #1-	GIDDINGS	0.0	PHILLIPS PETROLEU
-JAMES K ANDERSON INC				RECEIVED: 08/06/81 JA: TX					
8144664	F-7C-037401	4239931592		102-4		NELSON-MICHAELIS NO 1	FRITZESS (GARDNER)	40.0	LONE STAR GAS CO
-JOHN H HENDRIX CORP				RECEIVED: 08/06/81 JA: TX					
8144608	F-08-036005	4222732109		103		LAWRENCE #1	LUTHER S E (SILURIAN-DEV	10.0	BETTY OIL CO
-JOHN S WAGGONER				RECEIVED: 08/06/81 JA: TX					
8144734	F-09-037918	4249731699		103		HURLEY NO 1-W	BOONSVILLE (BCG)	0.0	SOUTHWESTERN GAS
-LADD PETROLEUM CORPORATION				RECEIVED: 08/06/81 JA: TX					
8144479	F-7B-016517	4236731534		103		BLAIR-WOODY NO 3	TOTO (M-1 LIME)	177.0	LONE STAR GAS CO
8144481	F-7B-017619	4236731065		103		GRANSTAFF UNIT NO 2	TOTO (STRAUM)	126.0	LONE STAR GAS CO
8144482	F-7B-017620	4236731665		103		MCDANIEL UNIT #3	TOTO (CADDO CONGLOMERATE	99.0	LONE STAR GAS CO
-LEWIS B BURLESON				RECEIVED: 08/06/81 JA: TX					
8144631	F-08-036598	4237132985		103		SIBLEY #1	FOUR C (CLEAR FORK UPPER	73.0	EL PASO NATURAL G
-LITTON OIL CORP				RECEIVED: 08/06/81 JA: TX					
8144655	F-7B-037129	4213332505		103		CLARK #4 (90268)	EASTLAND COUNTY REGULAR	456.0	SOUTHWESTERN GAS
8144656	F-7B-037130	4213332419		103		DUNBAR #6 (90269)	EASTLAND COUNTY REGULAR	456.0	SOUTHWESTERN GAS
-LULING OIL AND GAS CO INC				RECEIVED: 08/06/81 JA: TX					
8144621	F-7B-036343	4208300000		103		WHITTINGTON NO 1	GLEN COVE	10.0	UNION TEXAS PETRO
8144622	F-7B-036344	4208300000		103		WHITTINGTON NO 2	GLEN COVE	0.0	UNION TEXAS PETRO
-LYNCO OIL CORPORATION				RECEIVED: 08/06/81 JA: TX					
8144497	F-03-025177	4231330235		103		LOUISE BARRETT #1	FT TRINIDAD BARRETT EAST	60.0	SOUTH TEXAS GATHE
8144599	F-03-035555	4231330281		103		M H BARRETT #2 R RC #14003	FT TRINIDAD BARRETT EAST	297.0	SOUTH TEXAS GATHE
-MASON ENERGIES INC				RECEIVED: 08/06/81 JA: TX					
8144498	F-7H-025276	4214330437		102-2		SKILES 3 - API 42 143 30437	MORGAN MILLS	72.0	
-MCCORMICK OPERATING CO				RECEIVED: 08/06/81 JA: TX					
8144572	F-06-033143	4240131079		103		R D BENNETT UNIT NC 4	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144572	F-06-033143	4240131079		107-TF		R D BENNETT UNIT NO 4	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MELBOURNE OIL COMPANY				RECEIVED: 08/06/81 JA: TX					
8144560	F-7C-032643	4238331610		103		CHRISTY A #1 WELL ARC ID NO	SPRAYBERRY (TREND AREA)	20.0	UNION TEXAS PETRO
8144561	F-7C-032644	4238331611		103		CHRISTY B #1 WELL ARC ID NO	SPRAYBERRY (TREND AREA)	20.0	UNION TEXAS PETRO
-MGF OIL CORP				RECEIVED: 08/06/81 JA: TX					
8144588	F-08-034529	4231732289		103		GULF C #1	SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
8144592	F-7C-034670	4246131664		103		MEINER A #2	SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
8144593	F-7C-034671	4246131668		103		MEINER A #3	SPRAYBERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
8144591	F-08-034657	4231732224		103		MIMS #1	SPRAYBERRY (TREND AREA)	0.0	ADOBE OIL & GAS C
-MIRAMAR PETROLEUM INC				RECEIVED: 08/06/81 JA: TX					
8144687	F-04-037790	4221531097		102-4		THESER GAS UNIT #1	HIDALGO N (7720)	365.0	
-MITCHELL ENERGY CORPORATION				RECEIVED: 08/06/81 JA: TX					
8144476	F-09-004223	4249700000		108-ER		A L CHAMPION #1 28594	BOONSVILLE BEND CONG	10.2	NATURAL GAS PIPEL
8144722	F-09-037879	4249700000		103		ASCCU #2-2	ALVORD SOUTH (CADDO CONG	0.0	NATURAL GAS PIPEL
8144511	F-03-027788	4208900000		103		C W MCDERMOTT #5 ID #86108	NADA (CATAHOULA C-2)	20.0	TENNESSEE GAS PIP
8144512	1-03-027789	4208900000		103		C W MCDERMOTT #5-U ID #92142	NADA (2300)	36.0	TENNESSEE GAS PIP
8144601	F-09-035607	4249731988		103		H H FLOWERS NO 2	BOONSVILLE (BEND CONGL G	295.0	NATURAL GAS PIPEL
8144488	F-09-022428	4249700000		108		JACK BLANTON #1	MORRIS (CONSOLIDATE CONG	4.9	UPHAM OIL & GAS
8144514	F-09-027893	4249700000		108		LLOYD HINKLE #2 86201	BOONSVILLE (BEND CONGL G	3.8	NATURAL GAS PIPEL
8144596	F-05-034885	4229300000		103		M B BROWN #1	FALLON (COTTON VALLEY)	275.0	SOUTHWESTERN GAS
8144596	F-05-034885	4229300000		107-TF		M B BROWN #1	FALLON (COTTON VALLEY)	275.0	SOUTHWESTERN GAS
8144741	F-7B-037976	4222100000		108		M PEVELER #3 84836	MCINTOSH (BIG SALINE)	6.2	SOUTHWESTERN GAS

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JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144742	F-7B-037977	4222100000		108		M PEVELER #4 84836	MCINTOSH (BIG SALINE)	6.2	SOUTHWESTERN GAS
8144743	F-7B-037978	4222100000		108		M PEVELER #5 84836	MCINTOSH (BIG SALINE)	6.2	SOUTHWESTERN GAS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144574	F-06-033145	4240131080		103		R D BENNETT UNIT NC 5	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144574	F-06-033145	4240131080		107-TF		R D BENNETT UNIT NO 5	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144575	F-06-033146	4240131081		103		R D BENNETT UNIT NC 6	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144575	F-06-033146	4240131081		107-TF		R D BENNETT UNIT NO 6	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144576	F-06-033147	4240131082		103		R D BENNETT UNIT NC 7	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144576	F-06-033147	4240131082		107-TF		R D BENNETT UNIT NO 7	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144577	F-06-033148	4240131083		103		R D BENNETT UNIT NC 8	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144577	F-06-033148	4240131083		107-TF		R D BENNETT UNIT NO 8	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144578	F-06-033149	4240131084		103		R D BENNETT UNIT NC 9	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144578	F-06-033149	4240131084		107-TF		R D BENNETT UNIT NO 9	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144579	F-06-033150	4240131085		103		R D BENNETT UNIT NC 10	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144579	F-06-033150	4240131085		107-TF		R D BENNETT UNIT NO 10	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144580	F-06-033151	4240131086		103		R D BENNETT UNIT NC 11	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144580	F-06-033151	4240131086		107-TF		R D BENNETT UNIT NO 11	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144581	F-06-033152	4240131087		103		R D BENNETT UNIT NC 12	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144581	F-06-033152	4240131087		107-TF		R D BENNETT UNIT NO 12	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144582	F-06-033153	4240131088		103		R D BENNETT UNIT NC 13	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144582	F-06-033153	4240131088		107-TF		R D BENNETT UNIT NO 13	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144583	F-06-033154	4240131089		103		R D BENNETT UNIT NC 14	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144583	F-06-033154	4240131089		107-TF		R D BENNETT UNIT NO 14	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144584	F-06-033155	4240131090		103		R D BENNETT UNIT NC 15	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144584	F-06-033155	4240131090		107-TF		R D BENNETT UNIT NO 15	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144585	F-06-033156	4240131091		103		R D BENNETT UNIT NC 16	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144585	F-06-033156	4240131091		107-TF		R D BENNETT UNIT NO 16	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144586	F-06-033157	4240131092		103		R D BENNETT UNIT NC 17	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144586	F-06-033157	4240131092		107-TF		R D BENNETT UNIT NO 17	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144587	F-06-033158	4240131093		103		R D BENNETT UNIT NC 18	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144587	F-06-033158	4240131093		107-TF		R D BENNETT UNIT NO 18	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144588	F-06-033159	4240131094		103		R D BENNETT UNIT NC 19	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144588	F-06-033159	4240131094		107-TF		R D BENNETT UNIT NO 19	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144589	F-06-033160	4240131095		103		R D BENNETT UNIT NC 20	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144589	F-06-033160	4240131095		107-TF		R D BENNETT UNIT NO 20	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144590	F-06-033161	4240131096		103		R D BENNETT UNIT NC 21	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144590	F-06-033161	4240131096		107-TF		R D BENNETT UNIT NO 21	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144591	F-06-033162	4240131097		103		R D BENNETT UNIT NC 22	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144591	F-06-033162	4240131097		107-TF		R D BENNETT UNIT NO 22	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144592	F-06-033163	4240131098		103		R D BENNETT UNIT NC 23	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144592	F-06-033163	4240131098		107-TF		R D BENNETT UNIT NO 23	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144593	F-06-033164	4240131099		103		R D BENNETT UNIT NC 24	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144593	F-06-033164	4240131099		107-TF		R D BENNETT UNIT NO 24	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144594	F-06-033165	4240131100		103		R D BENNETT UNIT NC 25	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144594	F-06-033165	4240131100		107-TF		R D BENNETT UNIT NO 25	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144595	F-06-033166	4240131101		103		R D BENNETT UNIT NC 26	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144595	F-06-033166	4240131101		107-TF		R D BENNETT UNIT NO 26	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144596	F-06-033167	4240131102		103		R D BENNETT UNIT NC 27	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144596	F-06-033167	4240131102		107-TF		R D BENNETT UNIT NO 27	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144597	F-06-033168	4240131103		103		R D BENNETT UNIT NC 28	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144597	F-06-033168	4240131103		107-TF		R D BENNETT UNIT NO 28	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144598	F-06-033169	4240131104		103		R D BENNETT UNIT NC 29	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144598	F-06-033169	4240131104		107-TF		R D BENNETT UNIT NO 29	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144599	F-06-033170	4240131105		103		R D BENNETT UNIT NC 30	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144599	F-06-033170	4240131105		107-TF		R D BENNETT UNIT NO 30	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144600	F-06-033171	4240131106		103		R D BENNETT UNIT NC 31	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144600	F-06-033171	4240131106		107-TF		R D BENNETT UNIT NO 31	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144601	F-06-033172	4240131107		103		R D BENNETT UNIT NC 32	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144601	F-06-033172	4240131107		107-TF		R D BENNETT UNIT NO 32	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144602	F-06-033173	4240131108		103		R D BENNETT UNIT NC 33	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144602	F-06-033173	4240131108		107-TF		R D BENNETT UNIT NO 33	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144603	F-06-033174	4240131109		103		R D BENNETT UNIT NC 34	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144603	F-06-033174	4240131109		107-TF		R D BENNETT UNIT NO 34	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144604	F-06-033175	4240131110		103		R D BENNETT UNIT NC 35	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144604	F-06-033175	4240131110		107-TF		R D BENNETT UNIT NO 35	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144605	F-06-033176	4240131111		103		R D BENNETT UNIT NC 36	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144605	F-06-033176	4240131111		107-TF		R D BENNETT UNIT NO 36	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144606	F-06-033177	4240131112		103		R D BENNETT UNIT NC 37	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144606	F-06-033177	4240131112		107-TF		R D BENNETT UNIT NO 37	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144607	F-06-033178	4240131113		103		R D BENNETT UNIT NC 38	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144607	F-06-033178	4240131113		107-TF		R D BENNETT UNIT NO 38	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144608	F-06-033179	4240131114		103		R D BENNETT UNIT NC 39	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144608	F-06-033179	4240131114		107-TF		R D BENNETT UNIT NO 39	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144609	F-06-033180	4240131115		103		R D BENNETT UNIT NC 40	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144609	F-06-033180	4240131115		107-TF		R D BENNETT UNIT NO 40	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144610	F-06-033181	4240131116		103		R D BENNETT UNIT NC 41	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144610	F-06-033181	4240131116		107-TF		R D BENNETT UNIT NO 41	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144611	F-06-033182	4240131117		103		R D BENNETT UNIT NC 42	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144611	F-06-033182	4240131117		107-TF		R D BENNETT UNIT NO 42	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144612	F-06-033183	4240131118		103		R D BENNETT UNIT NC 43	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144612	F-06-033183	4240131118		107-TF		R D BENNETT UNIT NO 43	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144613	F-06-033184	4240131119		103		R D BENNETT UNIT NC 44	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144613	F-06-033184	4240131119		107-TF		R D BENNETT UNIT NO 44	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144614	F-06-033185	4240131120		103		R D BENNETT UNIT NC 45	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144614	F-06-033185	4240131120		107-TF		R D BENNETT UNIT NO 45	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144615	F-06-033186	4240131121		103		R D BENNETT UNIT NC 46	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144615	F-06-033186	4240131121		107-TF		R D BENNETT UNIT NO 46	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144616	F-06-033187	4240131122		103		R D BENNETT UNIT NC 47	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144616	F-06-033187	4240131122		107-TF		R D BENNETT UNIT NO 47	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144617	F-06-033188	4240131123		103		R D BENNETT UNIT NC 48	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144617	F-06-033188	4240131123		107-TF		R D BENNETT UNIT NO 48	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144618	F-06-033189	4240131124		103		R D BENNETT UNIT NC 49	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144618	F-06-033189	4240131124		107-TF		R D BENNETT UNIT NO 49	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144619	F-06-033190	4240131125		103		R D BENNETT UNIT NC 50	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144619	F-06-033190	4240131125		107-TF		R D BENNETT UNIT NO 50	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144620	F-06-033191	4240131126		103		R D BENNETT UNIT NC 51	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144620	F-06-033191	4240131126		107-TF		R D BENNETT UNIT NO 51	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144621	F-06-033192	4240131127		103		R D BENNETT UNIT NC 52	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144621	F-06-033192	4240131127		107-TF		R D BENNETT UNIT NO 52	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144622	F-06-033193	4240131128		103		R D BENNETT UNIT NC 53	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144622	F-06-033193	4240131128		107-TF		R D BENNETT UNIT NO 53	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144623	F-06-033194	4240131129		103		R D BENNETT UNIT NC 54	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144623	F-06-033194	4240131129		107-TF		R D BENNETT UNIT NO 54	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144624	F-06-033195	4240131130		103		R D BENNETT UNIT NC 55	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144624	F-06-033195	4240131130		107-TF		R D BENNETT UNIT NO 55	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144625	F-06-033196	4240131131		103		R D BENNETT UNIT NC 56	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144625	F-06-033196	4240131131		107-TF		R D BENNETT UNIT NO 56	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MOBIL PRODUCING TEXAS & NEW MEXICO INC				RECEIVED: 08/06/81 JA: TX					
8144626	F-06-033197	4240131132		103		R D BENNETT UNIT NC 57	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8144626	F-06-033197	4240131132		107-TF		R D BENNETT

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144556	F-05-031792	4229300000		103		RENFRO #1	FALLON (COTTON VALLEY)	330.0	SOUTHWESTERN GAS
8144556	F-05-031792	4229300000		107-TF		RENFRO #1	FALLON (COTTON VALLEY)	330.0	SOUTHWESTERN GAS
8144477	F-09-004349	4249700000		108-ER		ROHRER-COFEMAN GAS UNIT #1 #28798	BOONSVILLE (BEND CONGL G	11.5	NATURAL GAS PIPEL
8144475	F-09-004085	4249700000		108-ER		ROY ROGERS #1 28796	BOONSVILLE BEND CONG	11.2	NATURAL GAS PIPEL
						RECEIVED: 08/06/81 JA: TX			
-MOSBACHER PRODUCTION CO									
8144623	F-03-036354	4205130647		102-2		W R BOND WELL NO 1	GIDDINGS (AUSTIN CHALK)	37.0	CLAJON GAS CO
						RECEIVED: 08/06/81 JA: TX			
-OJB INC									
8144600	F-7C-035586	4210500000		103		J W HENDERSON 18-1	OZONA (CANYON SAND)	72.0	VALERO TRANSMISSI
8144600	F-7C-035586	4210500000		107-TF		J W HENDERSON 18-1	OZONA (CANYON SAND)	72.0	VALERO TRANSMISSI
						RECEIVED: 08/06/81 JA: TX			
-ORLA PETCO INC									
8144586	F-08-034276	4210931441		103		BILL MEEKER #3	ED KENNEDY (CHERRY CANYO	21.9	
						RECEIVED: 08/06/81 JA: TX			
-PANHANDLE PLUGGERS INC									
8144732	F-10-037913	4217930868		103		POWELL A (00581) NO 43	PANHANDLE GRAY COUNTY	97.0	PHILLIPS PETROLEU
						RECEIVED: 08/06/81 JA: TX			
-PARKER OPERATING CO INC									
8144547	F-7B-031163	4214300000		103		CURL #1	MORGAN MILL (MARBLE FALL	0.0	ENERGY PIPELINE C
8144546	F-7B-031162	4214300000		103		GADDY RRC #81709	MORGAN MILL (MARBLE FALL	0.0	ENERGY PIPELINE C
8144508	F-7B-027440	4214300000		103		V TIPTON #1 RRC #78819	MORGAN MILL (MARBLE FALL	46.0	NORTHERN GAS PROD
						RECEIVED: 08/06/81 JA: TX			
-PENNZOIL COMPANY									
8144651	F-10-037064	4248330758		103		BAIRD NO 1	MILLS RANCH (GRANITE WAS	5.1	NATURAL GAS PIPEL
						RECEIVED: 08/06/81 JA: TX			
-PETRO-LEWIS CORPORATION									
8144668	F-08-037692	4217331082		103		DRIVER 30 NO 4	SPRABERRY (TREND AREA)	25.0	PECOS CO
						RECEIVED: 08/06/81 JA: TX			
-PHILLIPS PETROLEUM COMPANY									
8144505	F-10-026958	4219500000		108		ELIAS NO 1	TEXAS HUGOTON	0.0	PANHANDLE EASTERN
						RECEIVED: 08/06/81 JA: TX			
-PITCOCK INC									
8144557	F-7B-031987	4236332485		103		HUBBARD #1 91355	MINERAL WELLS S (GEORGIA	0.0	INTRASTATE GATHER
						RECEIVED: 08/06/81 JA: TX			
-POGO PRODUCING COMPANY									
8144549	F-03-031259	4201500000		102-4		KAECHELE A-1 ID #90540	EL PLEASANT (WILCOX LO)	0.0	TENNESSEE GAS PIP
8144549	F-03-031259	4201500000		107-TF		KAECHELE A-1 ID #90540	EL PLEASANT (WILCOX LO)	0.0	TENNESSEE GAS PIP
						RECEIVED: 08/06/81 JA: TX			
-POWCO OIL & GAS INC									
8144603	F-06-035714	4245900000		102-4		LESTER ET AL #1 NO 92522	GLENWOOD (COTTON VALLEY)	240.0	DELHI GAS PIPELIN
8144603	F-06-035714	4245900000		107-TF		LESTER ET AL #1 NO 92522	GLENWOOD (COTTON VALLEY)	240.0	DELHI GAS PIPELIN
						RECEIVED: 08/06/81 JA: TX			
-PRUDENTIAL DRILLING CO									
8144691	F-03-037794	4207130810		102-4		COLBY-CLAYPOOL #1 - 84495	ELWOOD (VICKSBURG)	1500.0	HOUSTON PIPELINE
8144692	F-03-037795	4207130810		102-4		J T WHITE #1 - 77257	ELWOOD (VICKSBURG)	1500.0	HOUSTON PIPELINE
8144690	F-03-037793	4207130810		102-4		J T WHITE #2 - 79148	ELWOOD (VICKSBURG)	1500.0	HOUSTON PIPELINE
8144688	F-03-037791	4207130810		102-4		J T WHITE B #3 - 81325	ELWOOD (VICKSBURG)	50.0	HOUSTON PIPELINE
8144693	F-03-037796	4207130810		102-4		J T WHITE C #4 - 88555	ELWOOD (VICKSBURG)	1500.0	HOUSTON PIPELINE
8144689	F-03-037792	4207130810		102-4		SUN-BOWERS #1 - 86407	ELWOOD (VICKSBURG)	250.0	HOUSTON PIPELINE
						RECEIVED: 08/06/81 JA: TX			
-RALPH L WAY INC									
8144568	F-7C-032886	4201330970		103		ALICE DUFF 1193 #1	DOVE CREEK (CANYON -D-)	0.0	NORTHERN NATURAL
						RECEIVED: 08/06/81 JA: TX			
-RAY W MCDONNELL									
8144725	F-7C-037890	4239931681		102-4		M L WOOD #1 (92721)	MCDONNELL (FRY LO)	2600.0	LONE STAR GAS CO
						RECEIVED: 08/06/81 JA: TX			
-RK PETROLEUM CORP									
8144713	F-8A-037825	4211531366		102-4		ORVIS DAVIS NO 1 WELL	LAMESA NORTH (7850)	27.4	PHILLIPS PETROLEU
						RECEIVED: 08/06/81 JA: TX			
-ROBERT S SPILLER									
8144659	F-01-03787	4232531667		103		JOHN POERNER WELL NO 2	TAYLOR INA	54.0	VALERO TRANSMISSI
8144658	F-01-037186	4232531666		103		JOHN POERNER WELL NO 3	TAYLOR INA	54.0	VALERO TRANSMISSI
8144657	F-01-037185	4232531668		103		JOHN POERNER WELL NO 4	TAYLOR INA	54.0	VALERO TRANSMISSI
						RECEIVED: 08/06/81 JA: TX			
-ROGER M WHEELER									
8144483	F-10-018803	4206500000		108		W D JORDAN #2	PANHANDLE CARSON COUNTY	10.0	CABOT CORP
						RECEIVED: 08/06/81 JA: TX			
-S & B ENTERPRISES INC									
8144532	F-08-030479	4237133140		103		OLIX "A" WELL NO 2	PAYTON	36.5	
8144533	F-08-030480	4237133138		103		OLIX A WELL NO 1	PAYTON	36.5	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144539	F-08-030482	4237133138		103		OLIX A WELL NO 5	PAYTON	36.5	
8144534	F-08-030481	4237133143		103		OLIX A WELL NO 6	PAYTON	36.5	
-SAN ANTONIO RESOURCES CO				RECEIVED: 08/06/81 JA: TX					
8144612	F-01-036094	4232531701		103		R L BOENIG #5	LANDON FIELD (PROPOSED)	50.0	VALERO TRANSMISSI
-SANCHEZ-OBRIEN MINERALS CORP				RECEIVED: 08/06/81 JA: TX					
8144522	F-02-029874	4229732817		102-4		PONDER-GADDIS GAS UNIT NO 1 LT	SOL WEST (SECOND MASSIVE	500.0	UNITED TEXAS TRAN
-SEARCH DRILLING CO				RECEIVED: 08/06/81 JA: TX					
8144669	F-10-037726	N229530919		103		DANIELS #1-554	BRADFORD (TONKAWA)	792.0	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED: 08/06/81 JA: TX					
8144516	F-04-028165	N221531004		102-4		DIXIE MORTGAGE-PAWELEK GAS UNIT #3	MCCOOK EAST (VICKSBURG L	650.0	NATURAL GAS PIPEL
-SKLAR & PHILLIPS OIL CO				RECEIVED: 08/06/81 JA: TX					
8144617	F-06-036292	4236531153		102-3		WOOLWORTH B-2	NO BECKVILLE (COTTON VAL	200.0	ARKANSAS LOUISIAN
8144617	F-06-036292	4236531153		103		WOOLWORTH B-2	NO BECKVILLE (COTTON VAL	200.0	ARKANSAS LOUISIAN
-SOHIO PETROLEUM CO				RECEIVED: 08/06/81 JA: TX					
8144746	F-7C-038038	4217331137		103		D J CAUBLE NO 7	CALVIN (DEAN)	68.0	EL PASO NATURAL G
-SOUTHERN ROYALTY INC				RECEIVED: 08/06/81 JA: TX					
8144696	F-02-036828	4229732663		102-4		CARDONA NO 1	SEELEY (FRIO 3115)	155.0	UNITED GAS PIPE L
-SOUTHLAND ROYALTY CO				RECEIVED: 08/06/81 JA: TX					
8144620	F-08-03633A	N210300000		103		MOSS STATE 28 #1	TROPORO	63.0	NORTHERN NATURAL
-SOUTHWESTERN GAS EXPLORATION				RECEIVED: 08/06/81 JA: TX					
8144494	F-09-034319	4249731740		103		EDITH KELLEY UNIT #1	CAUGHLIN (STRAWN)	6.5	
-STALLWORTH OIL & GAS INC				RECEIVED: 08/06/81 JA: TX					
8144567	F-7B-032824	4236731825		102-4		BIRD WELL NO 2	BUCKNER (MARBLE FALLS)	0.0	SOUTHWESTERN GAS
8144567	F-7B-032824	4236731825		103		BIRD WELL NO 2	BUCKNER (MARBLE FALLS)	0.0	SOUTHWESTERN GAS
-STOWERS OIL & GAS				RECEIVED: 08/06/81 JA: TX					
8144634	F-10-036673	4206530806		103		BEDNORZ #1 04689	PANHANDLE CARSON COUNTY	72.0	NORTHERN NATURAL
8144635	F-10-036693	4206530805		103		BEDNORZ #2 04689	PANHANDLE CARSON COUNTY	72.0	NORTHERN NATURAL
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 08/06/81 JA: TX					
8144678	F-08-037760	4200332253		103		ARGO NO 5	MARTIN (TUBB)	22.0	PHILLIPS PETROLEU
8144679	F-8A-037763	4221933025		103		C E RATLIFF #2	LEVELLAND	1.6	AMOCO PRODUCTION
8144676	F-09-037757	4223700000		108		CHERRYHOLMES -D- NO 2	BOONESVILLE (BEND CONGLO	17.0	LONE STAR GAS CO
8144672	F-08-037751	4213533508		103		EAST GOLDSMITH SAN ANDRES UT #11-5	GOLDSMITH E (SAN ANDRES)	71.0	PHILLIPS PETROLEU
8144680	F-7B-037764	4243330737		103		I S MCMILLIN A/C 3 #18	FRANKIRK	15.0	CITIES SERVICE CO
8144681	F-7B-037765	4243330773		103		I S MCMILLIN A/C 8 #7	GUEST	3.5	CITIES SERVICE CO
8144577	F-08-033580	4240981458		103		J M HUNT NO 11-T	PLYMOUTH	8.0	HOUSTON PIPE LINE
8144628	F-8A-036484	4221933038		103		L L LAUHOFF #9	SLAUGHTER	7.9	AMOCO PRODUCTION
8144576	F-04-033573	4242731448		103		MARTHA A TILLETT NO 1	LOCKHART	1500.0	TENNESSEE GAS PIP
8144563	F-04-032677	4242731418		103		RODRIGUEZ PENA GAS UNIT 2 NO 2T	KELSEY SOUTH (6200)	91.0	
8144674	F-08-037753	4233531616		103		V T MCCABE -B- NO 31	JAMESON N (STRAWN)	49.0	LONE STAR GAS CO
8144673	F-08-037752	4233531686		103		V T MCCABE NO 28	JAMESON N (STRAWN)	33.0	LONE STAR GAS CO
8144675	F-08-037754	4233531869		103		V T MCCABE NO 29	JAMESON N (STRAWN)	87.0	LONE STAR GAS CO
8144677	F-08-037758	4233531963		103		V T MCCABE NO 40	JAMESON N (ODOM)	75.0	LONE STAR GAS CO
8144587	F-7C-034284	4217331068		103		W A HUTCHISON-A-NO 1	CALVIN-DEAN	13.0	EL PASO NATURAL G
-TENNECO OIL COMPANY				RECEIVED: 08/06/81 JA: TX					
8144518	F-10-028647	4221131245		103		HOBART #4	HEMPHILL (GRANITE WASH)	302.0	PIONEER NATURAL G
8144520	F-02-029145	4205731019		103		J G COOK NO 12	HEYSER (5400 #2)	300.0	TENNESSEE GAS PIP
-TEXAS CRUDE INC				RECEIVED: 08/06/81 JA: TX					
8144489	F-06-023342	4207330052		102-4		NEW BIRMING MIN CORP G U #1 WELL #1	WHITE OAK CREEK (JAMES L	0.0	UNITED TEXAS TRAN
8144490	F-06-023410	4222530339		103		TEMPLE EASTEX LEONARD G U #1 WELL1	DECKER SWITCH (PETIT)	0.0	TEJAS GAS CORP
-TEXAS DRILLING CO				RECEIVED: 08/06/81 JA: TX					
8144613	F-04-036122	4250500000		103		TRUJILLO #2	NEW ZAPATA (1800)	131.0	VALERO TRANSMISSI
8144614	F-04-036123	4250500000		103		TRUJILLO #3	NEW ZAPATA (1800)	675.0	VALERO TRANSMISSI
-TEXAS OIL & GAS CORP				RECEIVED: 08/06/81 JA: TX					

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144553	F-06-031475	4220330778		102-A	JENKINS A #2	BLOCKER (COTTON VALLEY)	182.0	
8144553	F-06-031475	4220330778		103	JENKINS A #2	BLOCKER (COTTON VALLEY)	182.0	
8144594	F-05-034736	4216130581		107-DP	KELLER N #1	BEAR GRASS NE (COTTON VA	500.0	DELHI GAS PIPELIN
8144529	F-06-030345	4206330200		103	PITTSBURG GAS UNIT #1-2	PITTSBURG (SMACKOVER)	500.0	DELHI GAS PIPELIN
8144521	F-05-029212	4216130451		102-A	SHORT #1	REED (COTTON VALLEY SAND	300.0	UNITED TEXAS TRAN
8144521	F-05-029212	4216130451		103	SHORT #1	REED (COTTON VALLEY SAND	300.0	UNITED TEXAS TRAN
8144531	F-02-030461	4229732352		107-A	ZAMZOW #2	RAY POINT NORTH (8500 WI	0.0	UNITED GAS PIPELI
-TEXLAND-RECTOR & SCHUMACHER				RECEIVED: 08/06/81 JA: TX				
8144555	F-8A-031776	4244530887		102-A	GULF COONS 5-A	WARHORSE (CLEARFORK UP)	3.0	AMOCO PRODUCTION
-THRESHOLD DEVELOPMENT CO				RECEIVED: 08/06/81 JA: TX				
8144716	F-8A-037848	4250100000		103	CAL-MON PIKE NO 1	NANNIE MAE (WOLFCAMP)	15.0	WARREN PETROLEUM
-TIPPERARY OIL AND GAS CORP				RECEIVED: 08/06/81 JA: TX				
8144740	F-01-037988	4216331643		103	BROWN A #3	PEARSALL (AUSTIN CHALK)	1.7	T G P INC
8144739	F-01-037950	4216331719		103	CARLTON MASSEY #5	PEARSALL (AUSTIN CHALK)	3.7	T G P INC
8144747	F-01-038043	4216331697		103	ENGLISH #3	PEARSALL (AUSTIN CHALK)	13.0	T G P INC
8144726	F-01-037892	4216331652		103	LLOYD HURT #2	PEARASLL (AUSTIN CHALK)	2.7	T G P INC
8144727	F-01-037893	4216331764		103	LLOYD HURT #3	PEARSALL (AUSTIN CHALK)	14.5	T G P INC
8144728	F-01-037894	4216331791		103	LLOYD HURT #4	PEARSALL (AUSTIN CHALK)	1.8	T G P INC
8144729	F-01-037896	4216331573		103	MACE #1	PEARSALL (AUSTIN CHALK)	26.2	T G P INC
8144730	F-01-037897	4216331800		103	MACE #2	PEARSALL (AUSTIN CHALK)	1.3	T G P INC
8144731	F-01-037898	4216331918		103	MACE #3	PEARSALL (AUSTIN CHALK)	2.3	T G P INC
8144752	F-01-038081	4216331746		103	SMITH #2	PEARSALL (AUSTIN CHALK)	3.6	T G P INC
-TRANS CANADA ENTERPRISES OF TEXAS I				RECEIVED: 08/06/81 JA: TX				
8144493	F-04-024196	4204730797		103	HOMER E KILGREATH WELL NO 1	LA GLORIA S (BATOT)	72.0	VALERO INTERSTATE
-TREND RESOURCES LTD				RECEIVED: 08/06/81 JA: TX				
8144528	F-03-030343	4208931148		102-A	DAVID WINTERMANN NO 2	WYLIE	117.0	SEAGULL PIPELINE
-U S OPERATING INC				RECEIVED: 08/06/81 JA: TX				
8144538	F-03-030639	4228730779		102-2	JANE NO 1 RRC ID # N/A	GIDDINGS (AUSTIN CHALK)	32.0	PGP GAS PRODUCTS
-UNION EXPLORATION				RECEIVED: 08/06/81 JA: TX				
8144724	F-78-037887	4205932782		102-A	WILLIAMS # 1 (93361)	JULIE ANN (3240 CADDO)	160.0	LONE STAR GAS CO
-UNION OIL COMPANY OF CALIF				RECEIVED: 08/06/81 JA: TX				
8144714	F-8A-037844	4230330645		103	MCCAULEY #1	EDMISSION (CLEARFORK)	5.0	
-UTX EXPLORATION INC				RECEIVED: 08/06/81 JA: TX				
8144624	F-02-036376	4202531477		102-A	K D ROCHE (N/A)	HEARD RANCH (4500)	185.0	TRUNKLINE GAS CO
-W C S PETROLEUM INC				RECEIVED: 08/06/81 JA: TX				
8144499	F-03-025383	4205100000		102-2	JAMES E FRIERSON UNIT #1	GIDDINGS (AUSTIN CHALK A	912.5	CLAJON GAS CO
-WALTER EXPLORATION INC				RECEIVED: 08/06/81 JA: TX				
8144743	F-78-038033	4214330512		108	MCDANIEL NO 4 RRC ID NO 84208	ERATH COUNTY (DESDEMONA)	5.0	LONE STAR GAS CO
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 08/06/81 JA: TX				
8144648	F-08-036861	4210332528		103	STATE EB NO 10	DUNE	0.0	EL PASO NATURAL G
-WAYMAN W BUCHANAN				RECEIVED: 08/06/81 JA: TX				
8144748	F-03-038075	4205131522		103	BENNIE LOEHR UNIT NO 1	GIDDINGS (AUSTIN CHALK)	72.4	FERGUSON CROSSING
8144749	F-03-038076	4205131456		103	HRONEK UNIT NO 1	GIDDINGS (AUSTIN CHALK)	38.7	FERGUSON CROSSING
8144751	F-03-038079	4205131513		103	JOHN STEFKA UNIT NO 1	GIDDINGS (AUSTIN CHALK)	41.7	FERGUSON CROSSING
8144750	F-03-038078	4205131475		103	STEFKA-LOEHR UNIT NO 1	GIDDINGS (AUSTIN CHALK)	46.0	FERGUSON CROSSING
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED: 08/06/81 JA: TX				
8144554	F-04-031533	4240900000		103	GUS MENGERS #1	WILLMANN	0.0	UNITED GAS PIPE L
-WESSELY ENERGY CORPORATION				RECEIVED: 08/06/81 JA: TX				
8144630	F-7C-036524	4210533007		103	SHANNON ESTATE A NO 1	ENCONTRADO (PENN DETRITA	34.0	PHILLIPS PETROLEU
-WILLIAM PERLMAN				RECEIVED: 08/06/81 JA: TX				
8144495	F-7C-025107	4243500000		103	ADA CAUTHORN 23-1	SHIRLEY RANCH (CANYON)	0.0	EL PASO NATURAL G
8144495	F-7C-025107	4243500000		107-TF	ADA CAUTHORN 23-1	SHIRLEY RANCH (CANYON)	0.0	EL PASO NATURAL G
8144496	F-7C-025110	4210532354		102-2	GENERAL CRUDE 4-2 85430	OZONA (CANYON)	20.0	EL PASO NATURAL G
8144496	F-7C-025110	4210532354		107-TF	GENERAL CRUDE 4-2 85430	OZONA (CANYON)	20.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144474	F-7C-000706	4243500000		108		MAYER NO 1	SAWYER (CANYON)	0.0	VALERO GAS TRANSM
8144510	F-7C-027783	4243500000		108		W E SAWYER 190 NO 2	SHURLEY RANCH (CANYON)	20.0	EL PASO NATURAL G
8144471	F-7C-00698	4243500000		108		WESLEY E SAWYER 1	SAWYER (CANYON)	20.0	EL PASO NATURAL G
8144472	F-7C-000699	4243500000		108		WESLEY E SAWYER 2	SAWYER (CANYON)	20.0	EL PASO NATURAL G
8144473	F-7C-000700	4243500000		108		WESLEY E SAWYER 3	SAWYER (CANYON)	20.0	EL PASO NATURAL G
-WILLIAM ZELTWANGER JR				RECEIVED: 08/06/81 JA: TX					
8144633	F-01-036625	4232331763		103		VAN DALSEM 23-1	EL INDIO N (OLMOS A-11)	55.0	TEJAS GAS CORP
-WINDSOR GAS CORP				RECEIVED: 08/06/81 JA: TX					
8144478	F-7C-000708	4243500000		108		DUKE WILSON 21 1/2-4	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSM
-WINDSOR PRODUCING CO				RECEIVED: 08/06/81 JA: TX					
8144642	F-03-036746	4228730771		103		BETHANY #1	GIDDINGS (AUSTIN CHALK G	36.5	PGP GAS PRODUCTS
8144644	F-03-036749	4228730833		103		BILLY UNIT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144754	F-03-038091	4228730662		103		EDWARDS UNIT #2	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144755	F-03-038092	4228730842		103		HARDEMAN #1	GIDDINGS (AUSTIN CHALK)	365.0	PGP GAS PRODUCTS
8144641	F-03-036745	4228730480		103		KIPP #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144757	F-03-038094	4228730835		103		KOEHLER UNIT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144756	F-03-038093	4228730236		103		LORENZ SCHIMANK #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144643	F-03-036748	4228730769		103		MITCHELL #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144745	F-03-038037	4228730764		103		MITSCHKE #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144744	F-03-038036	4228730828		103		OSWALD #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144665	F-03-037421	4228730836		103		PRELLOP #2	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144753	F-03-038089	4228730721		103		RAYMOND #1	GIDDINGS (AUSTIN CHALK)	219.0	PGP GAS PRODUCTS
8144611	F-03-036065	4228730636		102-2		SCHMIDT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144611	F-03-036065	4228730636		103		SCHMIDT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144666	F-03-037423	4228730913		103		SCHMIDT #2	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144610	F-03-036064	4228730804		102-2		SHEPPARD #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144610	F-03-036064	4228730804		103		SHEPPARD #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8144509	F-03-027717	4228730203		103		ST PAUL #1	GIDDINGS (BUDA)	5.0	PGP GAS PRODUCTS
-ZENITH EXPLORATION COMPANY				RECEIVED: 08/06/81 JA: TX					
8144609	F-01-036010	4216331891		103		ESTHER BERRY NO 7	BERRY (FRIO) FIELD	55.0	TRANSCONTINENTAL

OTHER PURCHASERS

All extra purchasers are E I Dupont Nemours & Co Inc

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before September 11, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft. rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25120 Filed 8–26–81; 8:45 am]

BILLING CODE 6450–85–M

Office of Hearings and Appeals

Cases Filed; Week of July 31 Through August 7, 1981

During the week of July 31 through August 7, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

August 21, 1981.

Submission of Cases Received by the Office of Hearings and Appeals July 31 Through Aug. 7, 1981

Date	Name and Location of Applicant	Case No.	Type of Submission
Aug. 3, 1981	Louisiana Land and Exploration Company, Washington, D.C.	BRZ–0106	Interlocutory Order. If granted: Louisiana Land and Exploration Company would be permitted to withdraw its Notice of Objection and terminate participation in a Remedial Order proceeding (Case No. DRO–0195)
Aug. 5, 1981	DEPCO, Inc., Washington, D.C.	BRD–1458	Motion for Discovery. If granted: Discovery would be granted to DEPCO, Inc. in connection with the Statement of Objections submitted in response to the Proposed Remedial Order issued to the firm (Case No. BRO 1458)
Aug. 5, 1981	Vinson & Elkins, Houston, Texas	BFA–0712	Appeal of an Information Request Denial. If granted: The July 13, 1981 Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Vinson & Elkins would receive access to certain DOE information.
Aug. 7, 1981	Charter Oil Company, Jacksonville, Florida	BYR–0154	Request for Modification. If granted: The April 20, 1981, Decision and Order (Case No. DEX–0152) issued to Charter Oil Company by the Office of Hearing and Appeals would be modified with respect to the firm's entitlements purchase obligations.
Aug. 7, 1981	Charter Oil Company, Jacksonville, Florida	BES–0166	Request for Stay. If granted: Charter Oil Company would receive a stay of the April 20, 1981, Decision and Order (Case No. DEX–0152) issued to the firm by the Office of Hearings and Appeals pending a final determination on its request for modification.
Aug. 7, 1981	Fulbright & Jaworski, Washington, D.C.	BFA–0714	Appeal of an Information Request Denial. If granted: The July 8, 1981 Information Request Denial issued by the Office of General Counsel would be rescinded, and Fulbright & Jaworski would receive access to certain DOE studies.
Aug. 7, 1981	Little America Refining Company, Washington, D.C.	BED–0128	Motion for Discovery. If granted: Discovery would be granted to Little America Refining Company in connection with the Statement of Objections submitted in response to the Proposed Decision and Order issued to the firm (Case No. BEE–1064).
Aug. 7, 1981	Oklahoma Refining Company, Washington, D.C.	BER–0155	Request for Modification/Rescission. If granted: The July 8, 1981, Decision and Order (Case No. BED–09260) issued to Oklahoma Refining Company would be modified regarding certain discovery issues.
Aug. 7, 1981	Paul, Weiss, Rifkind, Wharton & Garrison, New York, New York.	BFA–0713	Appeal of an Information Request Denial. If granted: The July 8, 1981 Information Request Denial issued by the Department of Energy would be rescinded, and the firm would receive access to information regarding prices charged by Texaco for Saudi Arabian light crude oil during the period 1972–1976.

[FR Doc. 81–25007 Filed 8–26–81; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed; Period of July 27 through August 7, 1981

During the period of July 27 through August 7, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of

Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

August 21, 1981.

Depco, Inc., Denver, Colorado, BRO–1458, Crude oil

On August 4, 1981, Depco, Inc., 110 16th Street, Suite 1000, Denver, Colorado 80202 filed a Notice of Objection to a Proposed Remedial Order which the DOE Rocky Mountain District Office of Enforcement issued to the firm on June 26, 1981. In the PRO the Rocky Mountain District found that during the audit period of February 1, 1976 to September 30, 1980, Depco improperly certified crude oil produced from several of its properties as newly discovered crude oil and failed to determine properly the upper tier ceiling price for certain amounts of new crude oil produced from several of its properties, in violation of 10 CFR 212.74, 212.77, and 212.79. According to the PRO, Depco, Inc.'s violations resulted in $839,037.02 of overcharges.

Grapevine Shell, Lebec, California, BRO–1460, motor gasoline

On August 5, 1981, Grapevine Shell, I–5 and Grapevine, Lebec, California 93243 filed a Notice of Objective to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on June 30, 1981. In the PRO the Western District found that during August 1, 1979 to June 9, 1980, Grapevine Shell had charged prices in sales of motor gasoline which were in excess of the maximum lawful selling price allowed by 10 CFR Part 212. According to the PRO the Grapevine Shell violation resulted in $22,378.87 of overcharges.

MAPCO, Inc., Tulsa, Oklahoma, BRO–1457, crude oil

On August 3, 1981, MAPCO, Inc., 1800 S. Baltimore, Tulsa, Oklahoma 74119 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on June 24, 1981. In the PRO the Southwest District found that during January 1, 1974 to June 30, 1979, MAPCO, Inc. sold crude oil produced from its Yarhola and Sarasota 1–B #6 properties at prices in excess of the applicable ceiling prices. According to the PRO the MAPCO, Inc. violation resulted in $340,367.04 of overcharges.

Prime Resources Corporation, Tulsa, Oklahoma, BRO–1459, crude oil

On August 3, 1981, Prime Resources Corporation of Tulsa, Oklahoma filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on July 1, 1981. In the PRO the Southwest District found that during July 1975 to September 1977, Prime Resources sold crude oil at prices in excess of those permitted under the Mandatory Petroleum Price Regulations. According to the PRO, the Prime Resources violation resulted in $4,699,629.44 of overcharges.

[FR Doc. 81–25008 Filed 8–26–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–40009; TSH–FRL–1920–5]

Alkyl Phthalates and Chloroparaffins; Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA is holding an open meeting to brief the public on voluntary testing plans for alkyl phthalates and chloroparaffins. These plans were submitted to EPA by the Phthalate Esters Program Panel of the Chemical Manufacturers Association and the Chloroparaffins Producers Testing Consortium. EPA is soliciting public comment on these plans.

DATES: The briefings will take place on Tuesday, September 15, 1981, at 9:00 a.m. for the alkyl phthalates and at 1:00 p.m. for the chloroparaffins. Each briefing will be followed by an opportunity for comment and discussion. Follow-up comments on the briefing should be submitted no later than September 29.

ADDRESSES: The meeting will take place in: Rm. 3908, Waterside Mall, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

Comments should be addressed to: Document Control Officer (TS–793), Office of Toxic Substances, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

Comments should bear the identifying notation OPTS–40009. The administrative record supporting this action is available for public inspection in Rm. E–107 at the address noted above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Toll free: (800–424–9065), In Washington, D.C.: (544–1404), Outside the USA: (Operator–202–554–1404).

Copies of summaries of the plans are available to the public from the Industry Assistance Office.

SUPPLEMENTARY INFORMATION: Persons who wish to attend the meeting or present comments at the meeting must call the Office of Toxic Substances Industry Assistance Office at the numbers listed above no later than September 8, 1981. Should no one indicate a desire to participate at the meeting for a particular chemical, the meeting for that chemical will be cancelled. Therefore, persons who wish to attend the meeting should call the Industry Assistance Office before making travel plans. Participants are requested, but not required, to submit copies of their statements prior to or on the day of the meeting. All such written materials will become part of EPA's record for these substances.

Dated: August 19, 1981.

Don R. Clay,

Acting Director, Office of Toxic Substances.

[FR Doc. 81–25027 Filed 8–26–81; 8:45 am]

BILLING CODE 6560–31–M

[OPP–66084; PH–FRL–1920–6]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: September 28, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St. SW., Washington, DC 20460 (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS–767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 516, CM#2 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7121).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of

their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
88-6	Bugonex House Plant Bug Killer Spray	The Hyponex Co., Inc., Box 4300, Copley, Ohio 44321	Jan. 19, 1960.
88-7	Bugonex African Violet Bug Killer Spray	....do	Do
148-717	De-Pester DV Concentrate	Thompson Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110.	June 16, 1967
239-1159	Ortho Tedion 25 Wettable	Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, CA 94801.	June 2, 1958.
239-1403	Ortho Tedion 1 Emulsive	....do	Aug. 24, 1959.
239-1527	Ortho Tedion 3 Dust	....do	July 11, 1960.
239-2069	Ortho Ornamental Custom Blend No. 73	....do	Mar. 3, 1965
239-2385	Ortho Dibrom Tedion 4-3 Dust	....do	Feb. 17, 1972.
264-214	Fumarin 2871	Amchem Product, Inc., Brookside Ave., Ambler, PA 19002	Jan. 9, 1957.
334-277	GCC 826 Chinch Bug Insecticide for Lawns	Hysan Corporation, 919 W. 38th Street, Chicago, IL 60609	Jan. 9, 1968.
419-99	Rose Spray by Cenol;	Cenol Company, Division of Burgess Vibrocrafters, Inc., P.O. Box 177, Route 45 & Peterson Rd., Libertyville, IL 60048.	Mar. 24, 1958.
961-240	Lebanon Chinch Bug Control	Lebanon Chemical Corp., P.O. Box 180, Lebanon, PA 17042	Apr. 12, 1967.
1307-56	Termi-Chlor	Magnolia Chemical Co., Inc., 2646 Rodney Lane, Dallas, TX 75229.	Jan. 4, 1961.
1307-111	Magnolia Chlordane WE-8	....do	Sept. 13, 1973.
1307-113	Magnolia Dieldrin 18+	....do	Nov. 20, 1973.
1526-447	Phoenix Branch Tedion EC-12 Emulsifiable Concentrated Miticide	Chemical Distributors, DBA Arizona Agrochemical Company, P.O. Box 21537, Phoenix, Arizona 85036.	May 20, 1967
1842-187	Triangle Trithion 2 Dust	Triangle Chemical Co., P.O. Box 4528, Macon, GA 31208	May 25, 1964.
1842-189	Triangle Trithion 4-E	....do	Aug. 20, 1964.
2342-798	Granular 0.50 D Contains 0.50% (R) Di-Syston	Kerr-McGee Chemical Corp., Kerr-McGee Bldg., Oklahoma City, OK 73120.	Aug. 9, 1973
2342-801	Granular + 0.30% Di-Syston or 6 lbs. Active Per Ton	....do	Aug. 9, 1973.
2881-11	Control 25	Lystad, Inc., Box 1718, Grand Forks, ND 58201	Nov 5, 1954
2881-35	Lystads Water Soluble Rat and Mouse Killer	....do	Oct. 22, 1965
4137-5	Rough on Rats A-C	Brown Manufacturing Co., Leroy, New York 14482	June 7, 1960
5298-14	Aspon 5G	Old Fox Chemical, Inc., 66 Valley Street, East Providence, RI 20914.	May 30, 1973
5298-18	Snow Mold Gran 15	....do	Apr. 25, 1974.
5481-34	Alco Rat and Mouse Killer Bait	Amvac Chemical Corp., 4100 East Washington Blvd., Los Angeles, CA 90023.	Apr. 20, 1964.
6762-62	Distemic 2% Granular Systemic	Stem Chemtech Corp., P.O. Box 5070, 2725 Desiard Street, Monroe, LA 71203.	Apr. 14, 1969.
6980-3	Miraclear-L	KDI Paragon, Inc., 12 Pauling Street, Pleasantville, NY 10570	Jan. 15, 1963.
6980-5	Miraclear-P	....do	July 28, 1967
6900-81	Dill Fumarin-22 Concentrate Kills Rats & Mice	The J. J. Dill Co., Box 788, Kalamazoo, MI 49005	Jan. 30, 1968.
8443-3	Golden West Ethoxyquin Treated Canary	Publishers Paper Co., Oregon City, OR 97045	July 17, 1968.
8590-34	Phygon-Parathion 6-3D	Agway, Inc., Box 4933, Syracuse, New York 13221	Feb. 8, 1965.
8590-70	Phygon-Parathion @2-1.5D	....do	Mar. 12, 1965.
8590-95	Phygon 6D	....do	Apr. 6, 1965
8590-96	Phygon 9D	....do	Apr. 6, 1965.
8590-122	Phygon 3D	....do	June 2, 1965.
8590-179	Phygon—Ferbam 1-3.8D	....do	Sept. 9, 1965.
8590-287	Agway Ferti-Flow 10-20-20 with 0.4% Insecticide	....do	May 29, 1968.
8590-461	Dichlone—Sulfur 1.5-30D	....do	June 3, 1975.
9172-3	Zipp Mouse Bait	Scott Chemical Co., Inc., 203 W. Turbo, San Antonio, TX 78216	Jan. 18, 1971.
9782-40	Avitrol Whole Corn-15 for the Control of Feral Pigeons	Woodbury Chemical Co. of Homestead, P.O. Box 4319, Princeton, FL 33030.	Feb. 20, 1976.
11334-1	Apex Pine Disinfectant Concentrate	Apex Services, 460 Englewood Ave., SE, Atlanta, GA 30315	Apr. 9, 1973.
11334-2	Apex Mint Disinfectant Concentrate	....do	May 4, 1973
11334-3	Apex Lemon Odor Disinfectant Concentrate	....do	May 2, 1973.

The Agency has agreed that such cancellation shall be effective September 28, 1981 unless within this time the registrant or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these producrts is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66084]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-107, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended, 86 Stat. 973; 89 Stat. (751, 7 U.S.C. 136))

Dated: August 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-25028 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51308; TSH-FRL-1921-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN)

to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by: PMN 81–394 & 81–395, October 17, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51308]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–394	Robert Jones	202–426–0503	E–229
81–395	Robert Jones	202–426–0503	E–229

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–391

Close of Review Period. November 16, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Capped urethane.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physicial/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–395

Close of Review Period. November 16, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Capped urethane.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/disposal. Claimed confidential business information.

Dated: August 20, 1981.

Linda K. Smith,

Acting Director, Management Support Division.

[FR Doc. 81–25026 Filed 8–26–81; 8:45 am]

BILLING CODE 6560–31–M

[A–3–FRL–1912–1]

Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutions; Delegation of Authority to the Commonwealth of Virginia

On February 26, 1976 the Regional Administrator of EPA Region III published a Notice in the **Federal Register** announcing the delegation of enforcement authority to the Commonwealth of Virginia (41 FR 8116). That delegation covered twelve categories of New Source Performance Standards (NSPS), 40 CFR Part 60, and three categories of National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR part 61. The purpose of this Notice is to announce delegation of enforcement authority for all remaining NSPS and NESHAP categories to the Commonwealth of Virginia State Air Pollution Control Board (SAPCB). In addition, all future NSPS and NESHAP will be automatically delegated to the SAPCB subject to certain conditions. All terms and conditions of this delegation are explained in the following letter:

Maurice B. Rowe,

Secretary of Commerce and Resources, Office of the Governor, Richmond, Virginia 23219

Dear Secretary Rowe: This is in response to you letter dated June 16, 1981 to Regional Administrator Jack J. Schramm requesting delegation of enforcement authority for certain additional New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). Delegation of enforcement authority for the initial twelve NSPS categories and three NESHAP categories occurred on December 30, 1975.

We have reviewed the pertinent laws and regulations of the Commonwealth of Virginia and have determined that they provide an effective procedure for enforcement of the NSPS and NESHAP regulations by the State Air Pollution Control Board (SAPCB). We have also reviewed the request dated June 10, 1981 by W. R. Meyer, SAPCB Executive Director, that NSPS and NESHAP categories promulgated by EPA in the future be automatically delegated to the SAPCB. Pursuant to your request, the Virginia State Air Pollution Control Board is hereby delegated authority to enforce all NSPS and NESHAP standards promulgated by EPA as of June 16, 1981. In addition, delegation of enforcement authority for future NSPS and NESHAP standards is hereby granted subject to the following conditions:

1. Each standard must be legally adopted by the SAPCB after public notice and an opportunity for a public hearing.

2. Each standard must be adopted by reference to the Federal regulations with only those wording changes provided by the present State regulations.

3. The SAPCB must notify the Director, Enforcement Division, EPA Region III, that it has adopted additional standards and that it intends to enforce the standards in conformance with the terms of this delegation.

All delegations are subject to the general conditions stated in the initial delegation (letter from Daniel J. Snyder, EPA Regional Administrator, to Earl J. Shiflet, Virginia Secretary of Commerce and Resources, dated December 30, 1975) except that quarterly reports required by Condition 1 of that letter have been replaced by direct updates of the Compliance Data System. Also, Condition 6 relating to sources owned by the United States is hereby rescinded.

A Notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state, among other things, that effective immediately all reports required by the above-referenced Federal regulations should be submitted to the SAPCB with copies to EPA Region III. Any original reports which are received by EPA Region III will be promptly transmitted to the SAPCB.

Since this delegation is effective immediately, there is no requirement that the SAPCB notify EPA of its acceptance. Unless EPA receives from the SAPCB written notice of objections within ten (10) days after receipt of this letter, the Commonwealth of Virginia State Air Pollution Control Board will be deemed to have accepted all terms of the delegation.

Dated: July 21, 1981.

Sincerely yours,

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

Effective immediately, all reports required pursuant to any NSPS or NESHAP category should be submitted to the Virginia SAPCB, Room 1106, Ninth Street Office Building, Richmond,

Virginia 23219. However, reports required pursuant to 40 CFR 60.7 (excess emissions and malfunctions) should be sent to the SAPCB only.

Under Executive Order 12291, EPA must judge whether an action is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is an administrative change only. It is not a major action because its only effect will be to reduce duplication of effort between EPA and the SAPCB.

This action was submitted to the Office of Management and Budget (OMB) for review as required by E.O. 12291.

(Sections 111(c) and 112(d) of the Clean Air Act, 42 U.S.C. 7411(c) and 7412(d))

Dated: August 10, 1981.

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

[FR Doc. 81-25025 Filed 8-26-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 81-399]

Closed Circuit Test of the Emergency Broadcast System During the Week of August 24, 1981

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of August 24, 1981. Only ABC, MBS, NPR, AP Radio, CBS, IMN, NBC and UPI Audio radio network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. Television networks are not participating in the Test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 30 to 45 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission August 4, 1981. Commissioners Fowler (Chairman), Quello, Washburn, Fogarty, Jones and Dawson.

Federal Communications Commission.

William J. Tricarico,

Secretary.

August 5, 1981.

[FR Doc. 81-24938 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

Horne Industries, Inc.; Hearing Designation Order

Adopted: August 3, 1981.

Released: August 18, 1981.

By the Chief, Broadcast Bureau.

In re applications of Horne Industries, Inc., Russellville, Arkansas, Req: 100.9 MHz, Channel 265, 3.0 kW, 300 feet (H&V), BC Docket No. 81-551, File No. BPH-11185; River Valley Broadcasting, Inc., Russellville, Arkansas, Req: 100.9 MHz, Channel 265, 3.0 kW, 212 feet (H&V), BC Docket No. 81-552, File No. BPH-800711AJ; and Judy K. Purtle, Russellville, Arkansas, Req: 100.9 MHz, Channel 265, 3.0 kW, 300 feet (H&V), BC Docket No. 81-553, File No. BPH-800807AE; for construction permit, designating applications for, consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-capitioned mutally exclusive applications filed by Horne Industries, Inc. (Horne), River Valley Broadcasting, Inc. (River Valley) and Judy K. Purtle (Purtle) for a new commercial FM station at Russellville, Arkansas

2. *Horne.* On March 24, 1981, after the December 19, 1980 "B" cut-off date, Horne filed information reporting changes in its integration proposal and broadcast ownership interests. While such matters may require disclosure pursuant to Sections 1.514 and 1.65 of the Rules, and applicant is not permitted to improve its comparative position after the amendment deadline. See *Communications Properties, Inc.*, Mimeo No. 05863, released January 16, 1981. Thus, any comparative advantage resulting from Horne's March 24, 1981 amendment will be disallowed.

3. *River Valley.* Applicant tendered its application for construction permit on the February 14, 1980 cut-off date. A preliminary staff engineering study determined that applicant's transmitter site was short-spaced 1 mile with KXXI, Fort Smith, Arkansas in violation of Section 73.207 of the Rules, and the River Valley application was returned as unacceptable for filing on June 13, 1980. On July 11, 1980, applicant filed a petition for reconsideration specifying a new transmitter site. A staff engineering study indicates that the engineering amendment is an amendment for a minor change. Hence, because River Valley's petition was filed within 30 days after the return of its application, the amendment rectifies the short-spacing, and it seeks a minor change to its initial application, its application for construction permit is accepted *nunc pro tunc.*

4. *Purtle.* Applicant tendered its application for construction permit on the February 13, 1980, prior to the February 14, 1980 cut-off date. A preliminary staff engineering study determined that applicant's transmitter site was short spaced 6 miles with KEZQ, Jacksonville, Arkansas, in violation of Section 73.207 of the Rules, and the Purtle application was returned as unacceptable for filing on July 8, 1980. On August 7, 1980, applicant filed a petition for reconsideration specifying a new transmitter site. A staff engineering study indicated that the engineering amendment was an amendment for a minor change. Hence, because Purtle's petition was filed within 30 days after the return of its application, the amendment rectifies the short-spacing, and it seeks a minor change to its initial application, its application for construction permit is accepted *nunc pro tunc.*[1]

5. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutally exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would on a comparative basis, best serve the public interest.

2. To determine in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

7. It is further ordered, That in the event the application of Horne Industries, Inc. is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Horne Industries, Inc. will divest itself of either KARV or the FM station in accordance with the guidelines established in such rulemaking proceeding.

8. It is further ordered, That to avail themselves of the opportunity to be

[1] Purtle subsequently amended after the cut-off date for amendments as a matter of right, to specify a new antenna site due to uncertainty as to the availability of its proposed site. Good cause having been shown, Purtle's June 12, 1981 petition for leave to amend will be granted and the amendment accepted.

heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-24936 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

International Radio Consultative Committee, Working Group Meetings; Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference

Advisory Committee—1983 BSS Conference

Working Group 1A Conventional Television Service Requirements

Chairman: Thomas R. Keller (202) 488–5300

Meeting August 31, 1981, 9:30 am to 5:30 pm, Room A110, Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C.

Working Group 1B High Definition Television Service Requirements

Chairman: Joseph Flaherty (212) 975–2213

Meeting September 10, 1981, 10:00 am, Conference Room, 10th Floor, 555 West 57th Street, New York City, NY

Working Group 1D Other Related Service Requirements

Chairman: Robert O'Connor (212) 975–3791

Meeting September 10, 1981, 2:00 pm, 10th Floor Conference Room, 555 West 57th Street, New York City, NY

Working Group 1E Public Service Requirements

Co-Chairman: Frank Norwood (202) 331-0660

Co-Chairman: David E. Honig (202) 387-8155

Meeting August 27, 1981, 10:00 am to 1:00 pm, Kennedy Room, 7th Floor, Philip Murray Building, 1128 16th Street, N.W., Washington, D.C.

Working Group 2A Planning Parameters

Chairman: Jay Ramasastry (212) 975–1727

Meeting September 9, 1981, 9:30 am to 4:30 pm, CBS Viewing Room, Third Floor, 1800 M Street, N.W., Washington, D.C.

Working Group 2B Planning Approaches and Modification Procedures

Chairman: Ernesto Martin (202) 626–3629

September 10, 1981 Meeting *Cancelled.*

Meeting September 8, 1981, 10:00 am to 4:30 pm, CBS Viewing Room, Third Floor, 1800 M Street, N.W., Washington, D.C.

Working Group 3A Sharing in the 12 GHz Band

Co-Chairman: Alan Walker (415) 592–4130

Co-Chairman: Charles Kase (302) 652–4860

Meeting September 11, 1981, 9:30 am, Room A110, Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C.

Working Group 3B Sharing of the Feeder Links in the 17 kHz Region

Chairman: James Whitworth (202) 626–3637

Meeting September 11, 1981, 1:30 pm, Room A1 10, Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C.

CCIR Working Group Meeting

Joint Meeting

September 1, 1981, Forum Room, NTIA, 1325 G Street, N.W., Washington, D.C.

—Interim Working Party IWP 10–11/1 on 1985 Space WARC

—Interim Working Party IWP 10–11/2 on 1983 BSS RARC

—CCIR Study Group 10–11S in Preparation for Final Meetings, Geneva, September 21, 1981

Chairman: Edward Reinhart (202) 626–3639

Federal Communications Commission.

William J. Tricarico,

Secretary.

August 21, 1981.

[FR Doc. 81-24937 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-585 and 81-586; File Nos. 21052-CD-P-(2)-78 and 21553-CD-P-(04)-78]

Maryland Mobile Telephone Co. and Radio Communications, Inc.; Hearing Designation Order

In the matter of applications of Warren W. Lepczyk d/b/a Maryland Mobile Telephone Co., CC Docket No. 81–585, File No. 21052–CD–P–(2)–78, for a Construction Permit to establish a new two-way station to operate on frequencies 454.125 MHz and 454.325 MHz in the Domestic Public land Mobile Radion Service at Baltimore, Maryland and Radio Communications, Inc., CC Docket No. 81–586, File No. 21553–CD–P–(04)–78, for a Construction Permit to establish a new two-way station to operate on frequencies 454.200, 545.350, 454.125 and 454.325 MHz in the Domestic Public Land Mobile Radio Service at Baltimore, Maryland.

Memorandum Opinion and Order

Adopted: August 20, 1981.

Released: August 21, 1981.

1. Presently before the chief, Mobile Services Division, pursuant to delegated authority are the applications of Warren W. Lepczyk d/b/a Maryland Mobile Telephone Company (Lepczyk), file No. 21052–CD–P–(2)–78, for a Construction Permit to establish a new two-way station to operate on frequencies 454.125 and 454.325 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Baltimore, Maryland and Radio Communications, Inc. (RCI), File No. 21553–CD–P–(04)–78, for a Construction Permit to establish a new two-way station to operate on frequencies 454.200, 454.350, 454.125 and 454.325 MHz in the DPLMRS at Baltimore, Maryland.

2. The above-referenced applications are partially electrically mutually exclusive since Lepczyk and RCI both seek authority to operate on frequencies 454.125 and 454.325 MHz in the same general area. Accordingly, a comparative hearing will be held to determine which applicant would better serve the public interest and should be authorized to operate on these frequencies. These applications are not mutually exclusive on the frequencies 454.200 and 454.350 MHz. In its application, as amended, RCI demonstrated need for the frequencies 454.200 and 454.350 MHz by indicating that it was holding 289 two-way orders on these frequencies.[1] This number of

[1] RCI has also demonstrated adequate need for the frequencies 454.125 and 454.325 MHz by

Continued

held orders is sufficient to warrant a grant of two channels.

3. We find the applicants to be legally, technically and otherwise qualified to construct and operate the proposed facilities. We further find that a grant of the request in the RCI application for facilities to operate on frequencies 454.200 and 454.350 MHz will serve the public interest, convenience, and necessity. Accordingly, it is ordered, pursuant to Section 309 of the communications Act of 1934, as amended,[2] That the application of Radio Communications, Inc., File No. 21553–CD–P–(04)–78, is granted, to the extent that Radio Communications, Inc., requests authority to operate on the frequencies 454.200 and 454.350 MHz, and that the applications of Radio Communications, Inc., File No. 21553–CD–P–(04)–78 and Warren W. Lepczyk d/b/a Maryland Mobile Telephone Company, File No. 21052–CD–P–(2)–78 for frequencies 454.125 MHz and 454.325 MHz, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of service proposed by each applicant including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine, on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 39 dBu contours,[3] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[4] and to determine and compare the need for the proposed services in said areas; and

(c) to determine in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience, and necessity.

4. It is further ordered, That the hearing shall be held at the Commission's Offices in Washington, D.C., at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the day of the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register**.

Myron C. Peck,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-25087 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

indicating that it was holding 172 orders for two-way units in these frequencies. Lepczyk has demonstrated adequate need for the two frequencies requested by submitting a survey which reveals a demand for 704 two-way units.

[2] 47 U.S.C. 309.

[3] For the purposes of this proceeding, the interference-free area is defined as that area within the 39 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is always equal to or greater than R in F.C.C. Report No. R–6406, equation 8.

[4] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450–460 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours (F 50, 50) for the facilities involved in this proceeding. (The applicants should consult the Bureau counsel with the goal of reaching joint technical exhibits).

[CC Docket Nos. 81–589 and 81–590; File Nos. 3339–CM–P–80 and 4821–CM–P–80]

Northeast Communications, Inc., and Microband Corporation of America; Hearing Designation Order

In the matter of applications of Northeast Communications, Inc., CC Docket No. 81–589, File No. 3339–CM–P–80; and Microband Corporation of America, CC Docket No. 81–590, File No. 4821–CM–P–80; for Construction Permits in the Multipoint Distribution Service for a new station at Hyannis, Massachusetts.

Memorandum Opinion and Order

Adopted: August 18, 1981.

Released: August 21, 1981.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Hyannis, Massachusetts. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applicantions should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for Hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Northeast Communications, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Emily M. Williams,

Acting Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-25085 Filed 8-26-81; 8:45 am]

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *See* Application for Transfer of Control *Memorandum Opinion, Order and Authorization*, File Nos. 11–76–CM–TC–(69)–80 (released December 24, 1980).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 F.C.C. 2d 20 (1980).

[CC Docket Nos. 81-591 and 81-592; File Nos. 5887-CM-P-80 and 10500-CM-P-80]

Unimel, Inc., and Kravetz Media Corp.; Hearing Designation Order

In the matter of applications of Unimel, Inc., CC Docket No. 81-591, File No. 5887-CM-P-80; and Kravetz Media Corp., CC Docket No. 81-592, File No. 10500-CM-P-80; for Construction Permits in the Multipoint Distribution Service for a new station at Cape Girardeau, Missouri.

Memorandum Opinion and Order

Adopted: August 18, 1981.

Released: August 21, 1981.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Cape Girardeau, Missouri. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. These are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 C.F.R. 0.291 the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Unimel, Inc., Kravetz Media Corporation and the Chief, Common Carrier Bureau, are made parties to this proceedings.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

Emily M. Williams,

Acting Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-25086 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 F.C.C. 2d 20 (1980).

[BC Docket Nos. 81-556—81-560; File Nos. BPCT-791011KE, etc.]

Golden West Broadcasters, et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: August 10, 1981.

Released: August 20, 1981.

In re applications of Golden West Broadcasters, Hartford, Connecticut, BC Docket No. 81-556, File No. BPCT-791011KE; Arch Communications Corp., Hartford, Connecticut, BC Docket No. 81-557, File No. BPCT-791115LE; the Great Hartford County Telecasting Corporation, Hartford, Connecticut, BC Docket No. 81-558, File No. BPCT-791228KF; Hartford Television, Inc., Hartford, Connecticut, BC Docket No. 81-559, File No. BPCT-800521KK; Community Television of Connecticut, Inc., Middletown, Connecticut, BC Docket No. 81-560, File No. BPCT-800521KL; for construction permit for a new television station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Golden West Broadcasters (Golden West), Arch Communications Corp. (Arch), the Great Hartford County Telecasting Corporation (GHCT), Hartford Television, Inc. (Hartford TV) for a new commercial television station to operate on Channel 61, Hartford, Connecticut and Community Television of Connecticut, Inc. (Community TV), to operate on Channel 61, designating Middletown, Connecticut as its community of license.

2. One applicant specifies Middletown as its community of license, while the others specify Hartford. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, whether a new station in Middletown or Hartford would best provide a fair, efficient, and equitable distribution of television service. If the Section 307(b) issue is not determinative (the applicants would serve substantial areas in common), all the applicants can be considered under the comparative issue.

Golden West Broadcasters [1]

3. Analysis of the financial data submitted by Golden West reveals that $6,843,408 will be required to construct and operate the proposed station for three months itemized as follows:

Equipment (cash purchases)	$3,554,408
Land	150,000
Buildings	100,000
Other (includes legal and engineering)	140,000
Miscellaneous	25,000
Operating costs (3 months)	2,874,000

Golden West proposes to finance its station with a $12 million line of credit from the Security Pacific National Bank and cash. However, since Golden West's balance sheet was outdated when filed (dated prior to three months before the application was filed), Golden West cannot be given credit for having cash available. Furthermore, although the applicant has submitted a loan agreement with regards to the line of credit, due to the dated nature of the balance sheet, we are unable to determine how much, if any, of the $12 million is available or whether the applicant has sufficient net liquid assets to meet the costs of its estimated expenditures. Consequently a financial issue will be specified.

Arch Communications Corp.

4. Arch indicates that $3,216,920 will be required to construct the proposed station and to operate it for the first quarter, itemized as follows:

Equipment (cash purchases)	$2,602,920
Land/Buildings	100,000
Legal	10,000
Engineering	10,000
Installation	125,000
Miscellaneous	45,000
Operating Expenses (three months)	324,000

To meet these expenses, Arch intends to rely on $25,494 in cash, $890,000 in

[1] Golden West contemplates operating subscription television (STV) over its proposed facilities. However, its STV application will not be consolidated for hearing in this proceeding. This is in keeping with the Commission's policy with regard to mutually exclusive applications for television construction permits where one contemplates STV operation and the other a conventional facility as stated in Paragraph 15, *Second Report and Order*, FCC 81-13, adopted January 8, 1981.

new capital and a bank loan of $3,100,000 (less payments of interest/principal, $2,970,188 net).

5. Applicant is relying on $890,000 in stock subscriptions, although it has submitted subscription agreements totaling $950,000. However, of the four subscribers, only A. Chase has furnished a balance sheet or financial statement, but because Mr. Chase has not identified the $2.3 million in securities upon which he relies to meet his subscription, it cannot be determined whether he has sufficient net liquid assets to meet his commitment. Therefore, the applicant has not shown that any funds will be available from stock purchases.

6. The CITIBANK has agreed to loan the applicant $3.1 million contingent upon Arch's compliance with the bank's credit and collateral requirements. However, the collateral requirements of the bank have not been shown as per Section III, Item 4(b). Consequently, a question arises with regard to the availability of the bank loan as a source of funds to Arch. An appropriate issue will be specified.

7. Arnold L. Chase, a principal in Arch, is a program director of WTIC–FM and a 5.5 percent shareholder in the Ten Eighty Corporation, licensee of WTIC–AM–FM in Hartford, Connecticut. In order to comply with the "one-to-a-market" rule,[2] Chase proposes to sever any and all ownership and employment ties to the Ten Eighty Corporation in the event of grant of Arch's application. Therefore, in the event of a grant of the instant application, the construction permit shall contain the condition that operation shall not be commenced until permittee has certified to the Commission that Arnold L. Chase has divested himself of all interest in, and severed all connections with, Ten Eighty, Inc., licensee of Stations WTIC–AM and FM in Hartford, Connecticut.

The Great Hartford County Telecasting Corporation[3]

8. GHCT indicates that $1,043,619 will be required to construct the proposed station and to operate it for the first three months, itemized as follows:

Equipment (down payment)	$615,500
Equipment payments with interest (three months)	161,569
Land/Buildings	11,000
Other (includes legal, engineering and installation)	75,000
Miscellaneous	50,000
Operating expenses (three months)	130,750

To meet these costs, GHCT relies upon $1,000 in cash and a $1.5 million line of credit from National Health Enterprises, Inc. (NHE), the applicants grandparent corporation. NHE, in turn relies upon a $7.5 million line of credit from the Continental Bank. However, the bank letter states that it merely confirms the bank's interest in considering a formal loan request from NHE. Therefore, it is not clear that the loan will be available to NHE. Furthermore, NHE has not submitted a balance sheet or financial statement or an agreement between NHE and the applicant showing NHE's intent to make funds from a line of credit available to the applicant. Consequently, we are unable to determine whether GHCT has sufficient funds to meet its proposed costs, and, accordingly, a limited financial issue will be specified.

Community Television of Connecticut, Inc.

9. Analysis of the financial data submitted by Community TV reveals that $1,118,628 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment (down payment)	$585,250
Equipment payment (interest and principal for three months)	148,378
Other (includes legal, engineering, installation and miscellaneous)	105,000
Operating costs (three months)	300,000

Community TV plans to finance construction and operation of the proposed facility with a net bank loan (minus three months payments of interest/principal) of $1,432,500.

10. The applicant proposes to acquire equipment from RCA on a deferred credit basis. Although, Community TV has supplied a letter from RCA quoting the cost of equipment, it has not submitted an equipment credit letter from RCA setting forth the terms upon which the equipment will be made available. Therefore, a question arises as to the terms of the equipment agreement and whether the applicant has the necessary funds.

11. The Third National Bank of Massachusetts loan commitment requires, in part, a pledge of the corporate stock of Community TV, a lien against the assets of the corporation, including real estate, the personal guarantee of D. Wilkes, President and 50 percent owner of Community TV and collateralization of the loan in the same manner as Wilkes' present loans with the bank. However, there is no evidence of each stockholder's willingness to pledge his share of the corporation's stock or Wilkes' willingness to guarantee the loan. Therefore, we are unable to determine whether the applicant can meet the terms of the bank loan or whether the bank loan can be relied upon as a source of funds. Accordingly, an appropriate issue will be specified.

Proximity to the Canadian Border

12. The applications of GHCT and Hartford TV propose operation within 250 miles of the Canadian border with maximum visual effective radiated power (ERP) exceeding 1,000 kilowatts. While this proposal poses no interference threat to United States television stations, it contravenes an agreement between the United States and Canada which limits the maximum ERP of U.S. television stations located within 250 miles of Canada to 1,000 kilowatts. *Agreement Effectuated by Exchange of Notes*, T.I.A.S. 2594 (1952). Since the Commission lacks authority to waive international agreements, any construction permit granted the above-named applications in this proceeding will be conditioned to preclude station operation with maximum visual ERP in excess of 1,000 kilowatts absent Canadian consent. *South Bend Tribune*, 8 RR 2d 416 (1966).

13. Since we have not yet received a determination from the FAA that the proposed Arch, Hartford TV and Community TV's tower heights and locations would not constitute a hazard to air navigation, air hazard issues are required.

14. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

15. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Golden West:

(a) Whether it has $6,843,408 available to meet its estimated construction and operational expenses.

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[2] Section 73.636 of the Commission's rules, 47 CFR 73.636 prohibits the direct or indirect ownership, operation or control of both an AM station (or a FM station) and a television station if the AM's 2.0 mV/m (or the FM's 1.0 mV/m) contour encompasses the entire community of license of the television station; or if the television Grade A contour encompasses the entire community of license of the AM or FM station.

[3] GHCT contemplates operating STV over its proposed facilities. Action on GHCT's application for STV authority will be held in abeyance. See, Footnote 1, *supra*.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

2. To determine, with respect to Arch:

(a) Whether it has $3,191,426 available for construction and three month operating costs.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue applicant is financially qualified.

(c) Whether there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a hazard to air navigation, if so, whether the applicant is technically qualified.

3. To determine, with respect to Great Hartford:

(a) Whether it has $1,042,819 available to meet its estimated construction and operational expenses.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified to construct and operate as proposed.

(c) Whether, there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a hazard to air navigation, if so, whether the applicant is technically qualified.

4. To determine with respect to Community TV:

(a) Whether it has $1,118,628 available to meet its estimated construction and operational expenses.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

(c) Whether, there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a hazard to air navigation, if so, whether the applicant is technically qualified.

5. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient, and equitable distribution of television service.

6. In the event it is concluded from Issue 5 above that a choice among applications should not be based solely on consideration relating to Section 307(b), to determine which of the proposals would, on a comparative basis, best serve the public interest.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

16. It is further ordered, that the Federal Aviation Administration is made a party respondent with respect to Issues 2(d), 3(c), and 4(c), above.

17. It is further ordered, that in the event of a grant of the applications of Great Hartford or Hartford TV, the construction permit shall contain the following situation:

Operation with maximum visual effective radiated power in excesses of 30.0 dBk (1000 kW) is subject to consent by Canada.

18. It is further ordered, that in the event of a grant of the application of Arch, the construction permit shall contain the following condition:

Prior to the commencement of operation, Arnold L. Chase shall certify to the Commission that he has severed all interest in and connection with the Ten Eighty Corporation.

19. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

20. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-24934 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-583, 81-584; File Nos. 20481-CD-P-1-81, 21007-CD-P-1-81]

Northern Illinois Radiophone & Paging System, Inc.; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: August 14, 1981.

Released: August 20, 1981.

In re applications of Northern Illinois Radiophone & Paging System, Inc. for construction permit for an additonal location for one-way station KTS200 on 158.70 MHz in the Domestic Public Land Mobile Radio Service at Rockford, Illinois, CC Docket No. 81-583, file No. 20481-CD-P-1-81; Rockford Communications Company, Inc., for construction permit to add an additional frequency for one-way station KQZ744 on 158.70 MHz in the Domestic Public Land Mobile Radio Service at Rockford, Illinois, CC Docket No. 81-584, File No. 21007-CD-P-1-81.

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, are the captioned applications of Northern Illinois Radiophone & Paging System, Inc. (Northern) and Rockford Communications Company, Inc. (Rockford). These applications are electrically mutually exclusive; [1] therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Northern Illinois Radiophone & Paging System, Inc., File No. 20481-CD-P-81, and Rockford Communications Company, Inc., File No. 21007-CD-P-1-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference free area within the 43 dBu contours,[2] based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[3] and to determine the need for the proposed services in said areas; and

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[1] We note that while Rockford is applying to add an additional frequency for Station KQZ774, Northern is seeking to improve its facility by adding an additional location for its existing station, KTS200. A grant of either application would preclude a grant of the other.

[2] For the purpose of this proceeding, the interference free area is defined as that area within the 43 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is always equal to or greater than R in FCC Report No. R-6406, equation 8.

[3] Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above on microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult Bureau counsel in an effort to submit joint technical exhibits.)

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specifed in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Myron C. Peck,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-24935 Filed 8-26-81: 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-545, 81-546; File Nos. 20913-CD-P-80, 21430-CD-P-2-80]

Radio Relay New York Corp. & Airsignal International of Philadelphia, Pennsylvania, Inc.; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: August 7, 1981.

Released: August 19, 1981.

In re application of Radio Relay New York Corporation, for authorization to construct in the Domestic Public Land Mobile Radio Service (DPLMRS), additional one-way signalling facilities for Station KEC745 to operate on frequency 43.22 MHz at Budd Lake, New Jersey, CC Docket No. 81-545, File No. 20913-CD-P-80; Airsignal International of Philadelphia Pennsylvania, Inc., for authorization to construct in the DPLMRS, additional one-way signalling facilities for Station KGC203 to operate on frequency 43.22 MHz at Slatington, and at Easton, Pennsylvania, CC Docket No. 81-546, File No. 21430-CD-P-2-80.

1. Presently before the Common Carrier Bureau, acting pursuant to delegated authority, is a "Petition for Reconsideration and Request for Special Relief," filed by Airsignal International of Philadelphia, Pennsylvania, Inc. (Airsignal) on February 3, 1981. The petitioner requests reconsideration of the staff's *Memorandum Opinion and Order*, Mimeo No. 06056 (Order), released January 19, 1981, which granted the above-captioned application of Radio Relay and returned the Airsignal application as defective. Airsignal requests that its application be reinstated and, in view of the electrically mutually exclusive status with the Radio Relay application, that both applications be set for comparative hearing.

2. Radio Relay submitted its application first, and Airsignal later filed its own proposal. The two applications were electrically mutually exclusive because their interference and service contours overlap. Ordinarily, in such a case, the two applications would have been designated for a comparative hearing. However, in this case both applicants proposed to operate on frequency 43.22 MHz, a frequency which has in some cases been associated with television interference problems. In response to these problems, the Commission announced an interim policy imposing a freeze on 43 MHz applications. [1] The sequence of events relevant to this discussion is as follows: Radio Relay filed its application, then the Commission imposed the freeze, and Airsignal subsequently filed its application (within the sixty day "cut-off" period entitling the Airsignal application to comparative consideration along with the Radio Relay application.)[2] The staff accepted the Radio Relay application for filing and, because the freeze had been imposed prior to Airsignal's filing, returned the Airsignal application as defective. The staff subsequently granted the Radio Relay application. Airsignal contends that the staff erred in not designating the two applications for comparative hearing.

3. Upon reconsideration, the Bureau concludes that the staff erred in granting the Radio Relay application, thereby denying Airsignal its right to comparative consideration for use of the same frequency.[3] A similar situation arose previously concerning a freeze imposed on broadcast applications. *See Kessler* v. *FCC*, 326 F. 2d. 673, 687 (1963). In that case, a broadcast application was filed, then the Commission announced a temporary freeze on such applications, and then the petitioner timely filed an application which was mutually exclusive and acceptable for filing in all respects other than for the imposition of the freeze. The staff returned the second application on the basis of the freeze and granted the first application. The Court of Appeals held that the Commission erred in granting the application because, if any grant was to be made for the requested frequency, *Ashbacker* entitled the second applicant to comparative consideration. The Court stated that the Commission may not deprive the latter applicant of this substantive right when the application was timely filed and was rejected only because of a temporary freeze on accepting new application. This principle appears to be applicable to the instant case. We therefore conclude that the grant to Radio Relay should be set aside and the two applications designated for comparative hearing.

4. Accordingly, in view of the above discussion, it is ordered that the petition for reconsideration filed by Airsignal is granted.

5. It is further ordered that the grant of the Radio Relay application, File No. 20913-CD-P-80, IS SET ASIDE, pursuant to Rule § 1.106.

6. It is further ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Radio Relay New York Corporation, file No. 20913-CD-P-80, and Airsignal International of Philadelphia, Pennsylvania, Inc., File No. 21430-CD-P-2-80, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in § 22.504(a) of the Commission's rules,[4] and to determine the need for the proposed service in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the

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[1] Interim Procedures for One-Way Signaling Service Applications at Frequencies 43.22 and 43.58 MHz, "FCC 80-91, Mimeo No. 15726, released March 3, 1980.

[2] Rule § 22.31(b).

[3] *Ashbacker Radio Corporation* v. *F.C.C.*, 326 U.S. 327, 66 S. Ct. 148 (1976). Our Order does not address Airsignal's allegations because our decision is based on the *Kessler* case discussed below which was not raised by petitioner.

[4] Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours (F50, 50) for the facilities involved in this proceeding.

foregoing issues; what disposition of the referenced applications would best serve the public interest, convenience and necessity.

7. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

8. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

9. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

10. It is further ordered, that any grant made in this proceeding shall be subject to the following conditions:

(a) Pursuant to rules § 22.406, quarterly surveys of possible interference with television reception in the geographic area within a two-mile radius of the base station(s) authorized herein shall be made during the first year of operation. The local representative of the Field Operations Bureau, Federal Communications Commission, shall receive prior notice of the commencement date of service to the public, on which date the first survey will start.

(b) Each quarter, a different sample of at least 25 television viewers distributed approximately evenly throughout the geographic area described above shall be contacted to determine whether they have experienced TV interference. If interference complaints are received either as a result of the interviews or in the normal course of business, the licensee shall determine the source and extent of such interference.

(c) The licensee shall promptly report all interference complaints to the Mobile Services Division (MSD) and act to correct any problems. In any event, the licensee shall submit to the MSD a written report, soon after the completion of each quarter, fully evaluating the continued existence of interference. A copy of any report submitted to the Mobile Services Division must be submitted at the same time to the local field office. Quarterly reports shall include but shall not be limited to, the following information:

(1) Survey date(s).

(2) Method (telephone/on-site/other).

(3) Names, addresses and telephone numbers of persons contacted.

(4) Time of day survey conducted (morning/afternoon/night).

(5) Technical solutions tested and results.

(6) Names and telephone numbers of technical representatives consulted and/or employed.

(d) The local representative of the Filed Operations Bureau may notify the grantee that its station is causing interference. The grantee must follow all instructions in such notices.

(e) Any grant made in this proceeding is subject to the provision of Rules § 22.404(c) that no interference may be caused to the regular services of stations operating in accordance with the Commission's Table of Allocations. If interference from the operation of the authorized base stations is brought to our attention, the Commission has the authority to order the station to cease operations immediately.

(f) Pursuant to § 22.404(a) of the rules, any developmental authority granted in this proceeding is subject to cancellation without a hearing by the Commission at any time upon notice to the licensee. Although we are waiving § 22.404(d) of the rules to permit the licensee to offer the service for hire, the licensee is directed to inform its customers that service on these channels is developmental and therefore subject to cancellation at any time.

(g) Pursuant to § 22.32(d) of the rules, any conditional developmental grant made in this proceeding shall be considered final unless the Commission should revise its action in response to a petition for reconsideration which: (1) Is filed by the applicant within 30 days from the date of this letter; (2) rejects the grant as made and explains the reason why the application should be granted as originally requested; and (3) returns the instrument of authorization. In the event that the Commission releases an order making a developmental grant in this proceeding, that order will serve as an interim authorization until such time as the grantee receives final developmental authorization, and it must be posted at the authorized control point of the station. Prior to the expiration of the developmental authorization, the grantee must submit an application (FCC Form 403) for permanent authorization under Subpart G of Part 22, otherwise the developmental authorization will automatically expire. This authorization is subject to the provisions of the Communications Act of 1934, as amended, subsequent acts, treaties, and all regulations made by this Commission, and is further subject to the conditions and requirements set forth in this authorization.

11. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Jack D. Smith,

Acting Deputy Chief (Operations), Common Carrier Bureau.

[FR Doc. 81-24933 Filed 8-26-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 79—"Universal Marine Radiotelephone Compatibility"

Notice of 1st Meeting, Wednesday, September 16, 1981—9:00 a.m., Conference Room A-106, FCC Annex, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Administrative matters.
2. Discussion concerning tasks and organization.

Special Committee No. 78—"Federal Radionavigation Plan Review"

Notice of 8th Meeting, Wednesday, September 16, 1981—9:30 a.m., Conference Room 8238/40, Nassif (DOT) Building, 400 Seventh Street, S.W. at D Street, Washington, DC

Agenda

1. Call to order and administrative matters.
2. Review of draft report concerning the Federal Radionavigation Plan.

John C. Fuechsel, Chairman SC-78, National Ocean Industries Assoc., 1100 17th Street, N.W., Washington, DC, Phone: (202) 785-5116

Executive Committee Meeting

Notice of September Meeting, Thursday, September 17, 1981—9:30 a.m., Conference Room A-110, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Administrative Matters.
2. Consideration of Special Committee No. 75 Report.
3. Consideration of Terms of Reference for new Special Committees:
   a. Review of FCC Rules as required by Regulatory Flexibility Act of 1980.
   b. Revision of SC-65 Radar Specifications to be compatible with IMCO Radar Specifications.

c. Review of FCC Maritime Radio Service Regulations.

4. Resolution to amend RTCM Constitution.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–25000 Filed 8–26–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Morgan Crucible Co., Ltd.; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the **Federal Register** on Monday, August 17, 1981. The **SUMMARY** contained an error as to the requesting party and the **EFFECTIVE DATE** was misstated.

DATE: The corrections are effective August 27, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/CDM–H–303, Roberta Baruch, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–23924, appearing in the **Federal Register** issue for Monday, August 17, 1981, 46 FR 41559, the **SUMMARY** should read as follows: "The Morgan Crucible Co., Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all assets of Hydrotex Industries Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period."

The **EFFECTIVE DATE** should have read August 3, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81–24932 Filed 8–26–81; 8:45 am]

BILLING CODE 6750–01–M

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer will meet during the period September 28–30, 1981, at the Old Town Holiday Inn, Alexandria, Va.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Anyone who wishes to attend should notify the Director, Library and Statutory Distribution Service, Government Printing Office, Washington, D.C. 20401 (telephone: (703) 557–2050).

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with approval of the Chair.

Dated: August 19, 1981.

Robert J. McKendry,

Acting Public Printer.

[FR Doc. 81–24904 Filed 8–26–81; 8:45 am]

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Privacy Act of 1974; Report of New (Found) System of Records

AGENCY: Office of Human Development Services, HHS.

ACTION: Notification of a New (Found) System of Records.

SUMMARY: In accordance with 5 U.S.C. 522a(e)(4), we are issuing public notice of our intent to establish a new (found) system of records: *Longitudinal Evaluation of the National Nutrition Program for the Elderly*, HHS, HDS, AoA 09–80–0022. We are proposing also to include routine uses with the system in accordance with 5 U.S.C. 552a(e)(11). The proposed new (found) system of records contains information on the nutritional status, health status, isolation, life satisfaction, longevity, and institutionalization of participants and non-participants in the National Nutrition Program for the Elderly. These data and comparative analysis of data collected in successive interviews will provide the basis for policy and program operations recommendations to improve the program. We invite public comment on the routine uses of this system of records on or before September 28, 1981.

DATES: We filed a report of new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on August 21, 1981. This system will become effective on October 20, 1981 unless HDS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Address comments to HDS Privacy Act Officer, Department of Health and Human Services, 736E Humphrey Building, 200 Independence Avenue, SW., Washington, D. C. 20201. We will make comments received available for public inspection in Room 734D.2 Humphrey Building at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. K.A. Jagannathan, Acting Director, Division of Research and Evaluation, Administration on Aging, 330 Independence Avenue SW., Washington, D. C. 20201, (202) 472–7222.

SUPPLEMENTARY INFORMATION: The Administration on Aging is proposing a new (found) system of records which will contain personally identifiable information on participants and non-participants in the National Nutrition Program for the Elderly. The information collection and record system is needed to evaluate the impact of the program on a cross-sectional and longitudinal basis as mandated by Congress.

The evaluation plan calls for 3 to 5 successive waves of data collection, analysis, evaluation and recommendations. The first wave was completed in 1977. At that time, 8,210 interviews were conducted and a report on that data was sent to Congress. The second wave will begin no later than February 1982. Information that is stored in the system includes data on nutrition project operations and characteristics, characteristics and personal data on individual nutrition program participants, former participants and a control group of approximately 4,500 non-participants. The longitudinal character of this evaluation plan requires that identifier information be retained so that a percentage of the respondents may be re-interviewed. By re-interviewing former respondents, and comparing two or more sets of personal data, it is possible to identify changes in status that, when statistically relevant for the sample under study, will help to define program effectiveness.

We will maintain system security for this system by requiring that contract personnel retain all identifier records in locked files and permit access only by analysts who have been approved to perform tasks agreed to in the terms of the research and evaluation contract. Where appropriate contractors will adhere to practices described in the Department's ADP *System Manual*, "Part 6, ADP System Security" and the National Bureau of Standards guidelines. Participation in the study is voluntary and the effects on individuals will be benign.

The Department of Health and Human Services is currently reexamining the applicability of the Privacy Act to records maintained by organizations under contract with the Department. It is recognized that the proposal to apply the provisions of the Privacy Act to these records may later be found to provide broader coverage than is required by the Act.

Dated: August 20, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

09-80-0022

SYSTEM NAME:

Longitudinal Evaluation of the National Nutrition Program for the Elderly, HHS, HDS AoA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 3280 HHS, 300 Independence Avenue, S.W., Washington, D.C. 20201. Opinion Research, Inc., North Harrison Street, Princeton, N.J. 08540.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants, former participants, and a control group of non-participants in the National Nutrition Program for the Elderly; also nutrition staff and staff of State and Area Agencies on Aging.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information of two types, namely data derived from program reviews and data identifying individual variable characteristics. The former includes performance variables, level of participation, structural and organizational variables, contextual variables, operational problems, project and site history. Individual data includes information about nutritional status, health status, isolation, life satisfaction, longevity and institutionalization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Older Americans Act (Pub. L. 89-73, as amended).

PURPOSE(S):

The purpose of this system is to assist the Secretary in measuring and evaluating the impact of this program as required by the statute.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. The Department has contracted with a private firm for the purpose of collecting, collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are in the possession of the contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSITION OF RECORDS IN THE SYSTEM.

STORAGE:

Answered questionnaires carrying assigned codes are filed in locked files. The information is transferred to computer tapes.

RETRIEVABILITY:

The matching of identifier codes with the names occurs when the second and subsequent waves of data collection (interviews) are conducted.

SAFEGUARDS:

Access is restricted to persons authorized to perform specific research tasks defined by terms of the contract with the Administration on Aging. The contractor will adhere to the practices described in the Department's ADP *Security Manual*, "Part 6, ADP System Security."

RETENTION AND DISPOSAL:

Records will be retained for three years after the completion of the study and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Research and Evaluation, Room 3280, 300 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager. When requesting notification, an individual should provide his or her name, state of residence, and name of the nutrition site where they participate in the program.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Individuals respond on a voluntary basis to survey questions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-25004 Filed 8-26-81; 8:45 am]

BILLING CODE 4110-92-M

Office of the Secretary

HEAL Program; Delegation of Authority

Notice is hereby given that on August 5, 1981, the Secretary of Health and Human Services delegated to the Assistant Secretary for Health, with authority to redelegate, the authority vested in the Secretary under Subpart I, Part C of Title VII of the Public Health Service Act (42 U.S.C. 294-294*l*), as amended, concerning the Federal Health Education Assistance Loan (HEAL) Program of insured loans to graduate students in health professions schools, excluding the authority to issue regulations.

Dated: August 15, 1981.

Dale W. Sopper,

Assistant Secretary for Management and Budget/OS.

[FR Doc. 81-25005 Filed 8-26-81; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-71]

Intended Environmental Impact Statement; Hawaii

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: The Aloha State Corporation proposes to develop a 1,000-acre site in Honolulu, Eiva District, Oahu, Hawaii, with 674 dwelling units. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project ares, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register,** then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., August 20, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on the Proposed Aloha State Corporation Development in Honolulu, Eiva District, Oahu, Hawaii

Description. The Aloha State Corporation Development is proposed under Sections 203 (b) and (i) and Section 8 of the Housing and Community Development Act. Community Development Block Grant funds are expected to be used for acquisition and housing rehabilitation. The developer proposes to build 674 dwelling units with about ¼ of the units to be for low and moderate income families. The proposed development will include parks, new streets and roads, utility lines, and a commercial area. There is proposed some relocation from existing homes to be replaced with new homes. Additional housing units beyond the initial 674 are proposed over a ten-year period.

Need. An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on: topography, soils, water resources, vegetation, noise levels, public services and utilities, and traffic volumes.

Alternatives. At this time, the HUD alternatives are: accept the proposed development as submitted, accepted the proposed development with modification, or reject the propose development.

Scoping. A scoping meeting to determine significant issues to be addressed is proposed to be held. All interested citizens, and representatives of federal, state, and local government agencies are invited to attend this meeting. For further information, please contact Frank L. Johnson, Environmental Clearance Officer. His telephone number is (808) 546-2198.

Comments. Comments and questions regarding this proposal should be sent within 21 days of the publication of this Notice in the **Federal Register** to: Calvin Lew, Acting Area Manager, HUD Honolulu Area Office, 300 Ala Moana Blvd., Room 3318, Honolulu, Hawaii 96850, Attn: Frank L. Johnson, Environmental Clearance Officer. The Area Office phone number is (808) 546-2136.

[FR Doc. 81-25061 Filed 8-26-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-70]

Intended Environmental Impact Statements; Wyoming and Utah

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: The Crestview Estates Planned Development, Campbell County, Wyoming; The Meadowbrooke Park Subdivision, Cheyenne, Wyoming; and The Painted Hills Estates Planned Development, Uintah County, Utah. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register,** then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. August 20, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix I—EIS on the Crestview Estates Planned Development Campbell County, Wyoming

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the Crestview Estates development as described below and requests information and comments for consideration in the EIS.

Description: Approximately 570 dwelling units will be constructed on 162 acres in Campbell County, Wyoming. Crestview Estates is located

approximately 3½ miles south of Gillette, Wyoming on Highway 59.

Need: An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives Perceived: The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping: A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Gillette, Wyoming.

Comments: Comments should be forwarded on or before September 17, 1981 to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

Appendix II—EIS on the Meadowbrooke Park Subdivision, Cheyenne, Wyoming

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the Meadowbrooke Park Subdivision as described below and requests information and comments for consideration in the EIS.

Description: Approximately 666 dwelling units (single family and multifamily) will be built in Cheyenne, Wyoming between the municipal airport and Dell Range Boulevard and west of an extension of Converse Avenue. The proposed site is to consist of 46.64 acres.

Need: An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives Perceived: The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping: A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Cheyenne, Wyoming.

Comments: Comments should be forwarded on or before September 17, 1981 to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

Appendix III—EIS on the Painted Hills Estates Planned Development, Uintah County, Utah

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the Painted Hills Estates Development as described below and requests information and comments for consideration in the EIS.

Description: Approximately 930 dwelling units will be constructed on 227 acres in Uintah County, Utah. Painted Hills Estates is located about 4 miles west nortwest of Vernal, Utah.

Need: An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives Perceived: The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping: A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Vernal, Wyoming.

Comments: Comments should be forwarded on or before September 17, 1981 to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development Area Office, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

[FR Doc.81-25082 Filed 8-26-81; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. D-81-655]

Designation of Agency Ethics Official and Alternate Agency Ethics Official

1. The General Counsel shall serve as the Designated Agency Ethics Official under the Ethics in Government Act of 1978.

2. The Associate General Counsel for Regulations and Administrative Law shall serve as the Alternate Agency Ethics Official.

3. The Designated Agency Ethics Official and the Alternate Agency Ethics Official are authorized to coordinate and manage the ethics program of the Department as set forth in 5 CFR 738.203.

4. This designation supersedes the designation effective April 2, 1981 (46 FR 21450, August 10, 1981.)

(Title II, Pub. L. 95-521, as amended, and 5 CFR 738.202(b))

Effective Date: This designation is effective this 19th day of August, 1981.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 81-25083 Filed 8-26-81; 8:45 am]

BILLING CODE 4210-01-M

Designation of Representatives to the Office of the Federal Register

The employees listed below are hereby designated as the Department of Housing and Urban Development representatives to the Office of the Federal Register for all Departmental material published in the **Federal Register:**

Liaison Officer, Certifying Officer, and Authorizing Officer
Richard Lasner, Regulations Division, HUD Building, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410, Stop 98; Telephone: 755-6207

Alternate Liaison Officer, Alternate Certifying Officer, and Alternate Authorizing Officer
Harwood Martin, Regulations Division, Address as shown above; Telephone: 755-6207

Alternate Liaison Officer, Alternate Certifying Officer, and Alternate Authorizing Officer
Joan J. Campion, Regulations Division, Address as shown above; Telephone: 755-7603

Alternate Certifying Officer
Brenda Johnson, Regulations Division, Address as shown above; Telephone: 755-6207

This designation supersedes all outstanding designations of such officers, including the designation effective August 7, 1970, July 3, 1972, April 3, 1974, and July 14, 1976.

Effective: August 14, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-25084 Filed 8-26-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-81-656]

Assistant Secretary for Housing—Federal Housing Commissioner; Delegation of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Delegation of authority.

SUMMARY: The Secretary is delegating to the Assistant Secretary for Housing—Federal Housing Commissioner the responsibility and authority with respect to the approval of Areas of Chronic Economic Distress designated by the States pursuant to provisions of the

Mortgage Subsidy Bond Tax Act of 1980, 26 U.S.C. 103A.

EFFECTIVE DATE: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Lynda M. Murphy, Director, Office of State Agency and Bond Financed Programs, U.S. Department of Housing and Urban Development, 451 7th St., SW, Washington, D.C. 20410, 202–426–7113 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to the Mortgage Subsidy Bond Tax Act of 1980, the Secretary of the Department of Housing and Urban Development in conjunction with the Secretary of the Treasury, is responsible for approving State designations of Areas of Chronic Economic Distress. To accomplish the approval of these designations in a timely and efficient manner, this delegation of authority confers upon the Assistant Secretary for Housing—Federal Housing Commissioner the power and authority of the Secretary with respect to the Mortgage Subsidy Bond Tax Act of 1980.

Accordingly, the Secretary delegates authority as follows: The Assistant Secretary for Housing—Federal Housing Commissioner shall exercise the power and authority of the Secretary with respect to the Mortgage Subsidy Bond Tax Act of 1980, 26 U.S.C. 103A.

(Sec. 7(d) of the Department and Housing Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., August 21, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81–25001 Filed 8–26–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[INT FES–33]

Ak-Chin Water Supply Project; FEIS Availability

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Statement on the construction of an interim water supply and delivery system capable of providing the Ak-Chin Indian Reservation, Pinal County, Arizona, with an emergency supply of up to 85,000 acre-feet of water annually from nearby Federal lands.

The proposed action is the selection by the Department of the Interior of one of three alternative water supply basins from which the Ak-Chin Reservation will be supplied. The project itself was authorized by Pub. L. 95–328, July 28, 1978.

The FEIS responds to the comments and concerns expressed by the reviewers of the draft statement and the attendees at three (3) public hearings held on the draft. The FEIS, structured to be used in conjunction with the draft, consists of the written comments, our responses thereto, and corrections and additions to the draft statement.

Copies of the FEIS are available for review at the following locations:

Bureau of Indian Affairs, Department of the Interior, Environmental Quality Services, Room 4552, Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone: (202) 343–4541.

Phoenix Area Office, Bureau of Indian Affairs, 3030 North Central Avenue, Room 502, Phoenix, Arizona 85012, telephone: (602) 241–2275, FTS 261–2275.

Pima Agency, Bureau of Indian Affairs, Branch of Real Property Management, Sacaton, Arizona, 85247, telephone: (602) 562–3377.

Single copies of the FEIS may be obtained from the Phoenix Area Office at the above address.

Dated: August 21, 1981.

Richard R. Hite,

Deputy Assistant Secretary.

[FR Doc. 81–25023 Filed 8–26–81; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[Serial Numbers: A 17000–C (Partial), A 17000–H]

Arizona; Classification of Public Lands for State Indemnity Selection

The following described lands were previously published as A–15983, A–15987, A–15988, A–15989, and A–15990; **Federal Register**, Vol. 46, No. 44, March 6, 1981, 15579–15581.

1. Pursuant to the Act of June 20, 1910 (the Enabling Act, as amended), the provisions of Section 7 of the Taylor Grazing Act and the regulations in 43 CFR Part 2400, the public lands described below are hereby classified for State Indemnity Selection. The State of Arizona has filed proper applications to acquire the described lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach.

2. The notice of proposed classification of these lands was published March 6, 1981 in **Federal Register**, Vol. 46, No. 44, 15579 through 15581 and was widely publicized. Public comment generated did not justify or require the holding of public hearing. Nearly all comments received supported the proposed classification, and the land is being classified as proposed.

3. The lands lie in Maricopa, Pinal, Yavapai, and Yuma Counties, Arizona in the Phoenix, Prescott, Casa Grande, and Vicksburg vicinities. The lands are described as follows:

Gila and Salt River Meridian, Arizona

T. 6 N., R. 2 E.,
Sec. 22, NW¼NW¼.
T. 7 N., R. 2 E.,
Sec. 15, Unpatented land west of I–17 R/W in E½;
Sec. 28, Lots 40–44 incl. 49, 52, 53, 55, 56, 58, N½NE¼, NE¼NW¼.
T. 6 N., R. 3 E.,
Sec. 12, NE¼;
Sec. 29, SE¼NW¼NW¼, N½SW¼NW¼NW¼, N½NE¼NW¼NW¼, W½NE¼NW¼, W½SE¼NW¼, S½SE¼SE¼NW¼, SE¼SW¼NW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼, N½SE¼NE¼SW¼, NW¼SE¼SW¼.
T. 7 N., R. 3 E.,
Sec. 30, Lots 1, 2, E½NW¼.
T. 5 N., R. 1 E.,
Sec. 29: NW¼NW¼;
Sec. 30: NE¼, E½W½, W½SE¼;
Sec. 31: Lots 1, 2, 3, 4, W½E½, E½W½, SE¼SE¼.
T. 4 N., R. 1 E.,
Sec. 6: Lot 33;
Sec. 8: S½SE¼NE¼SE¼.
T. 4 N., R. 1 W.,
Sec. 1: Lots 1, 2, S½NE¼, SE¼;
Sec. 3: Lots 3, 4;
Sec. 4: Lots 1, 2, 3, 4, S½N½, W½SW¼;
Sec. 12: NE¼, E½SE¼;
Sec. 13: E½NE¼;
Sec. 24: W½NW¼, SE¼NW¼, NW¼SW¼.
T. 5 N., R. 1 W.,
Sec. 6: Lots 1, 2, S½NE¼;
Sec. 7: Lots 1, 2, 3, 4, S½S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 13: S½SW¼, SW¼SE¼;
Sec. 21: S½;
Sec. 22: S½NE¼, SE¼NW¼;
Sec. 24: Lots 1, 2;
Sec. 28: All;
Sec. 29: NE¼, N½SE¼, SE¼SE¼;
Sec. 33: Lots 3, 4, NE¼, N½SE¼;
Sec. 34: Lots 1, 2, 3, 4, NW¼, N½S½;
Sec. 35: Lot 1.
T. 6 N., R. 2 W.,
Sec. 22: S½;
Sec. 26: W½E½E½, W½E½, W½;
Sec. 27: All;
Sec. 34: All;
Sec. 35: All;
Sec. 36: All.
T. 3 N., R. 13 W.,
Sec. 8: E½SE¼;
Sec. 17: N½N½NE¼NE¼ (that portion north of CAP R/W.

T. 14 N., R. 1 W.,
Sec. 29: Unpatented MS in N½;
Sec. 31: Lots 14–22 Incl. Incl.

Total area described contains approximately 9,567.24 acres.

4. This classification decision is based on the following disposal criteria set forth in Title 43, Code of Federal Regulations, Part 2400.

Transfer of lands to the State will help fulfill the Federal government's common school land grant to the State, and constitutes a public purpose use of the land. Lands found to be valuable for a public purpose use, will be considered chiefly valuable for public purposes (43 CFR 2430.2b).

5. The subject lands are under Section 15 grazing leases to John Vanderwey, 2241 E. Colter Street, Phoenix, AZ 85016; Willis E. Harper, 9137 Gregg Drive, Chandler, AZ 85224; Larry and Fern Rose, P.O. Box 293, Peoria, AZ 85345; Jeff McGuire, P.O. Box 175, Wittman, AZ 85361; and Kemper Brown, Box 375, Salome, AZ 85348. There are various range improvements of records on the lands.

In the event these lands are clearlisted, this grazing use will be terminated at the time title to the land is transferred to the state.

Threatened and Endangered Species and Cultural Resources Evaluations have been performed and approved for subject classification. Any cultural resources on the above described parcels will be managed by the State of Arizona under the terms of the Memorandum of Agreement Regarding Cultural Resource Protection.

A study has been made of the area which indicates little potential for mineral exploration. No lands will be clearlisted for transfer while mining claims exist on these lands.

Issued oil and gas leases on these lands will remain in effect. Rights-of-way will transfer with the land to the state.

6. The public lands classified by this notice are shown on maps on file and available for inspection in the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon, Phoenix, Arizona 85017.

7. Until September 28, 1981, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3 and 2462.3. Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

Dated: August 20, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-24910 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

[Phx 075415, etc.]

Arizona; Order Providing for Opening of Public Lands

1. In exchanges of lands made under the provisions of Section 8 of the Act of June 28, 1934 (49 Stat. 1272, as amended, 43 U.S.C. 315g), the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

Phx 075415

T. 2 N., R. 19 W.,
Sec. 36.
T. 3 N., R. 11 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, SE¼.
T. 3 N., R. 12 W.,
Secs. 2, 16;
Sec. 32, S½.
T. 10 N., R. 11 W.,
Sec. 2, Lots 1, 2, 3, 4.

Phx 075458

T. 17 N., R. 17 W.,
Sec. 2, Lot 4, SW¼NW¼, S½;
Secs. 16, 32, and 36.
T. 17 N., R. 18 W.,
Sec. 2, Lots 1, 2, 3, S½N½, S½;
Secs. 16 and 32.
T. 17 N., R. 16 W.,
Sec. 32, N½, SW¼, SE¼;
Sec. 36, SE¼.
T. 16 N., R. 17 W.,
Sec. 36, SE¼NE¼, W½, S½SE¼.

Phx 075459

T. 17 N., R. 18 W.,
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼.
T. 17 N., R. 19 W.,
Secs. 2, 16, 32, and 36.
T. 17 N., R. 20 W.,
Sec. 2, Lots 1, 2, 3, S½N½, S½;
Secs. 16, 32, and 36.
T. 17 N., R. 21 W.,
Sec. 2, Lots 1, 2, S½N½, S½.

Phx 075480

T. 21 N., R. 19 W.,
Sec. 2, N½, SW¼, N½SE¼, N½S½SE¼, SW¼SW¼SE¼, N½SE¼SW¼SE¼, S½SE¼SE¼;
Secs. 16 and 32.
T. 21 N., R. 20 W.,
Sec. 2, Lots 5 thru 12 incl., SW¼, S½SE¼, NE¼SE¼.
T. 22 N., R. 17 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, SW¼;
Sec. 32.

Phx 077375

T. 2 N., R. 5 W.,
Sec. 36, NW¼, W½NE¼, N½SW¼, NW¼SE¼.
T. 19 N., R. 20 W.,
Sec. 36, E½SE¼, SW¼SE¼.
T. 14 N., R. 18 W.,
Sec. 16, N½, SW¼.
T. 14 N., R. 19 W.,
Sec. 16, N½, SW¼.
T. 14 N., R. 17 W.,
Sec. 36, NE¼NE¼, S½NE¼, S½.
T. 7 S., R. 8 W.,
Sec. 2, Lot 1, SE¼NE¼.
T. 4 N., R. 11 W.,
Sec. 2, Lot 4.
T. 6 S., R. 16 E.,
Sec. 36.
T. 12 S., R. 6 W.,
Sec. 2;
Sec. 16, N½N½, N½N½SW¼NE¼, SE¼NE¼SW¼NE¼, SW¼NW¼SW¼NE¼, NW¼SW¼SW¼NE¼, NE¼SE¼SW¼NE¼, S½S½SW¼NE¼, SE¼NE¼, S½NW¼, S½.
T. 12 S., R. 5 W.,
Secs. 32 and 36.
T. 5 S., R. 15 E.,
Sec. 2, Lots 4, 5, SE¼NW¼.
T. 14 N., R. 13 W.,
Sec. 36, SE¼, E½SW¼, SW¼SW¼.

Phx 079694

T. 16 N., R. 10 W.,
Sec. 7, W½NE¼.
T. 27 N., R. 20 W.,
Sec. 20, SW¼SW¼;
Sec. 30, NE¼NW¼.

Phx 080748

T. 16 N., R. 10 W.,
Secs. 9, 15 and 21.

Phx 080871

The northwest quarter of the southwest quarter of Section one except 1.88 acres deeded the Citizens Utilities Company May 14, 1938, described as follows: Beginning at the quarter corner between sections 1 and 2, the boundary line of said tract of land runs east along the north line of the NW¼SW¼ of said Section 1, for a distance of 351.55 feet, more of less, to the westerly right-of-way line of U.S. Highway No. 93; thence south 30 degrees, 41 minutes east, along said right-of-way line for a distance of 232.56 feet; thence west for a distance of 470.23 feet, more or less, to the line between said sections 1 and 2; thence north for a distance of 200 feet along said section line to the point of beginning; and except 2.4 acres deeded the Citizen Utilities Company, March 29, 1939. described as follows: Beginning at a point on the boundary line between sections 1 and 2, 200 feet south of the quarter corner between said sections 1 and 2; thence east for a distance of 454.3 feet, more or less, to the westerly boundary line of the right-of-way of U.S. Highway No. 93; thence south 30 degrees, 41 minutes east, for a distance of 232.5 feet along the westerly boundary line of the right-of-way of said U.S. Highway No. 93; thence west for a distance of 572.7 feet, more or less, to said boundary line between said sections 1 and 2; thence north along said last mentioned boundary line for a distance of 200 feet to the place of beginning; the lots one, two, three and four of Section thirteen, and the northeast quarter of Section fifteen in Township twenty-three north of Range nineteen west; the southeast quarter of Section five in Township twenty-four north of Range twenty-one west of the Gila and Salt

River Meridian, Mohave County, Arizona, containing 492.12 acres more or less.

Phx 080916

T 23 N., R. 19 W.,
Sec. 15, SE¼NW¼, SW¼, S½SE¼.
T 24 N., R. 21 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 11, N½N½, SW¼NW¼, SE¼SW¼, SE¼S½NE¼;
Sec. 13;
Sec. 15, NW¼.
T. 10 N., R. 18 W.,
Sec. 21, NE¼NE¼, S½NE¼, S½;
Sec. 23, N½, N½SW¼, NW¼SE¼.

Phx 081027

T. 10 N., R. 19 W.,
Sec. 35, SW¼.
T. 24 N., R. 21 W.,
Sec. 27.

Phx 081045

T. 24 N., R. 21 W.,
Sec. 21;
Sec. 33, E½, NW¼, E½SW¼, SW¼SW¼, S½S½NW¼SW¼.

Phx 081200

T. 24 N., R. 21 W.,
Sec. 5, Lots 1, 2, 3, S½N½, SW¼;
Sec. 17, NE¼, E½SE¼.
T. 10 N., R. 17 W.,
Sec. 25, NW¼, W½NE¼, SE¼NE¼, S½;
Sec. 27, E½.
Phx 081206
T. 4 N., R. 11 W.,
Sec. 32, NW¼SE¼.
T. 4 N., R. 16 W.,
Sec. 2, S½NW¼.
Phx 081342
T. 16 N., R. 10 W.,
Sec. 19, E½SE¼.
Phx 081399
T. 21 N., R. 17 W.,
Sec. 32, Lots 4, 5, 6.
T. 21 N., R. 20 W.,
Sec. 2, Lots 1, 2, 3.
Phx 082282
T. 5 N., R. 15 W.,
Sec. 9, N½;
Sec. 10, W½W½, SE¼SW¼;
Sec. 17, N½.
T. 5 N., R. 16 W.,
Sec. 9, NE¼;
Sec. 10, NW¼.
T. 6 N., R. 16 W.,
Sec. 6, S½SE¼;
Sec. 7, NE¼, E½NW¼.
Phx 084542
T. 16 N., R. 10 W.,
Sec. 1, SW¼, SW¼NW¼;
Sec. 11, NE¼, S½;
Sec. 27, N½, SW¼, N½SE¼, SW¼SE¼.
AR 02424
T. 16 N., R. 10 W.,
Sec. 1, W½SE¼;
Sec. 3, Lots 3 and 4, S½NW¼, SW¼;
Sec. 17;
Sec. 23, W½, W½NE¼.
T. 12 N., R. 14 W.,
Sec. 7.
T. 12 N., R. 15 W.,
Secs. 1, 3, 5 and 7;
Sec. 15, N½, N½SW¼, SW¼SW¼;
Sec. 19.
AR 013162
T. 26 N., R. 13 W.,
Sec. 31, Lot 1.
T. 26 N., R. 14 W.,
Sec. 5, Lot 4, SW¼NW¼, SW¼SE¼, SW¼;
Sec. 7, E½, E½SW¼, E½SW¼SW¼.
AR 017213
T. 16 N., R. 10 W.,
Sec. 7, Lots 1, 2, 3, 4;
Sec. 19, Lots 1, 4, NE¼NW¼, E½SW¼, W½SE¼.
T. 16½ N., R. 10 W.,
Sec. 31, Lots 2, 3, 4.
T. 16 N., R. 14 W.,
Sec. 9;
Sec. 17, W½NW¼;
Sec. 29, NE¼SE¼, N½, SW¼, S½SE¼.

The areas described aggregate approximately 44,575 acres in Maricopa, Mohave, Pinal, Yavapai and Yuma Counties.

2. The United States did not acquire the mineral rights in any of the lands described in paragraph 1 with the exception of the land described under Serial No. Phx 082282.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 are hereby open to operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to August 28, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–24912 Filed 8–26–81; 8:45 am]
BILLING CODE 4310–84–M

Baker District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR 1780 that a meeting of the Baker District Advisory Council will be held on Wednesday, September 16, 1981.

The meeting will begin at 9:00 a.m. in the Conference Room on the second floor of the Federal Building, Baker, Oregon.

The agenda for the meeting will include:

1. Approve minutes of the August 19, 1981 meeting.

2. Review and recommend on BLM-user consultation efforts and agreements on Baker District portion of the Ironside EIS area.

3. Review and recommend on the Baker County Livestock Association's and Baker Chamber of Commerce's recommendation on allocating excess forage.

4. Review report from Subcommittee's oversight effort on management of Snake River Sisely Creek Allotment.

5. Public comments.

6. Arrangements for the next council meeting.

The meeting is open to the public and news media. Interested persons may present written statements to the Council between 2 and 3 p.m., anyone wishing to present statements should notify the District Manager, Bureau of Land Management, Federal Building, P.O. Box 987, Baker, Oregon 97814, telephone 503–523–6391, Ext. 281, by 12 noon, Tuesday, September 15, 1981. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

A report of the Council meeting will be maintained at the District Office and be made available for public inspection and reproduction at the cost of duplication.

Gordon R. Staker,
District Manager.
August 20, 1981.

[FR Doc. 81–24909 Filed 8–26–81; 8:45 am]
BILLING CODE 4310–84–M

[(INT DES 81–25) SUPPLEMENT]

Colstrip Project Final Environmental Impact Statement; Availability of the Record of Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Record of Decision to the Colstrip Project Final Environmental Impact Statement.

SUMMARY: The Bureau of Land Management, as lead agency in the preparation of the supplement, has released a record of decision that was prepared jointly by the Bureau of Land Mangement, Forest Service, and the Bonneville Power Administration. This record of decision selects a transmission line corridor for portions of the Colstrip Project 500 KV transmission line from near Boulder, Montana to a new substation location near Garrison, Montana.

SUPPLEMENTARY INFORMATION: As a result of the Federal Environmental Studies completed, including a draft and final supplement and the public input received, the Federal agencies have decided on a corridor and substation

site. They are the Boulder corridor in the Boulder area, the Black Mountain + AAA corridor in the Deer Lodge area, and substation site 3A located four miles southwest of Garrison.

The Boulder corridor leaves the designated corridor east of Boulder and goes around the north end of the Boulder Valley. The Boulder corridor crosses I–15 at the north end of the Boulder Valley, passing about three miles north of Basin. The Boulder corridor rejoins the alignment of the designated corridor northwest of Basin and continues southwest to the Berkin Flat Area. The Black Mountain + AAA corridor leaves Berkin Flat and continues west across the Continental Divide, then turns north following the foothills on the east side of the Deer Lodge Valley to near Garrison. There, the corridor turns west across I–90 and the Clark Fork River south of Garrison continuing west to the site of Substation 3A.

In addition to copies being mailed, copies of the record of decision are available at the following locations:

U.S. Department of Agriculture, Forest Service, Planning, Programming, Budgeting, Federal Building, Missoula, Montana 59807, Telephone: (406) 329–3399, FTS 585–3399;

U.S. Department of Energy, BPA Transmission Coordination, 1620 Regent Street, P.O. Box 4327, Missoula, Montana 59806, Telephone: (406) 329–3737, Toll Free: 1–800–332–2421;

U.S. Department of the Interior, Bureau of Land Management, Public Affairs staff, 222 North 32nd Street, Billings, Montana 59101, Telephone: (406) 657–6561, FTS 585–6561;

U.S. Department of Energy Bonneville Power Administration, Highway 2 East, P.O. Box 758, Kalispell, Montana 59901, Telephone: (406) 755–6202.

Michael J. Penfold,

BLM Montana State Director.

August 19, 1981.

[FR Doc. 81–24907 Filed 8–26–81; 8:45 am]

BILLING CODE 4310–84–M

[C–31805]

Jackson County, Colo.; Coal Lease Offering by Sealed Bid

Department of the Interior, Bureau of Land Management, Colorado State Office, 2000 Arapahoe Street, Denver, Colorado 80205. Notice is hereby given that certain coal resources in the lands hereinafter described in Jackson County, Colorado will be offered for lease by sealed bid of $25.00 or more per acre to the qualified bidder submitting the highest bid. This offering is being made as a result of an application filed by Wyoming Fuel Company in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437, as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 2:00 p.m., September 24, 1981, in the Fifth Floor Conference Room at the above address. Bids received after 1:00 p.m., September 24, 1981 will not be considered.

Coal Offered: The coal resource to be offered is limited to a maximum of 1,205,000 tons of coal recoverable by surface mining methods from the Sudduth coal seam and any overlying coal seams in the following lands located approximately 9 miles east-southeast of Walden, Colorado:

T. 8 N., R. 78 W., 6th P.M.
Sec. 3: Lots 17 and 18
Sec. 10: W½NE¼NE¼, NW¼NE¼, S½NE¼, NW¼
(containing 376.09 acres)

The Sudduth coal seam ranges from 9 to 32 feet in thickness, with an average thickness of 16.3 feet in Section 3; 13.4 feet in Section 10. Average overall quality of the recoverable coal in the application area, on an as-received basis, is as follows: Btu/lb—10,000, sulfur—0.26%, ash—10.20%, moisture—16.58%. The coals are classified as subbituminous A.

Rental and Royalty: A lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions are included in the Detailed Statement of the Lease Sale. A copy of the Statement and of the proposed coal lease are available at the Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205. All case file documents are available for public inspection on the first floor.

Rodney A. Roberts,

Leader, Craig Team Branch of Adjudication.

[FR Doc. 81–24913 Filed 8–26–81; 8:45 am]

BILLING CODE 4310–84–M

New Mexico; Intent To Prepare the West Socorro Grazing Management Program Environmental Impact Statement

August 14, 1981.

It is the intent of the Bureau of Land Management (BLM), Socorro District, San Augustine Resource Area, to prepare an Environmental Impact Statement (EIS) on their proposed grazing management program.This EIS will analyze the effects of the proposed grazing management program and several alternatives on approximately 900,000 acres of public lands within the Divide Planning Area (Catron, Cibola, Socorro, and Valencia counties).

Public meetings to clarify and refine the proposed action and the scope and significant issues to be addressed in the EIS will be held in:

Magdalena, NM—Magdalena City Hall, Monday, September 21, 1981—7:00 p.m.;

Grants, NM—Grants State Bank Community Room, 824 W. Santa Fe Ave. Wednesday, September 23, 1981—7:00 p.m.;

Quemado, NM—Community Hall, Thursday, September 24, 1981—7:00 p.m.;

Albuquerque, NM—Convention Center, Jemez Room, Wednesday, October 7, 1981—Open House 4:00–7:00 p.m., Public Meeting 7:00 p.m.

The proposed action and alternatives will be based on the BLM Multiple-use Planning Process. More specifically, the multiple/use analysis and recommendations contained in the Divide Planning Area Management Framework Plan, Range Management Section, will serve as the basis for the proposed action and alternatives. In general, the proposed action and alternatives will consist of implementing varying degrees of management, based on range condition, over the period 1983–1993. Management considerations will include (1) season of use of livestock, (2) distribution of livestock, (3) numbers of livestock, and (4) kind/class of livestock. Other actions to be considered include construction of range improvement projects, development of allotment management plans and grazing systems, land treatments, and realty actions. Comments received from the public will serve to guide the BLM during the development of the proposed action and alternatives.

This EIS will serve as an analytical tool to assist in arriving at livestock management decisions for the Divide Planning Area within the San Augustine Resource Area. Public comments concerning the EIS, scoping process, and issues will be accepted through October 22, 1981.

The contact for the West Socorro Grazing Management Program Environmental Impact Statement is: Glenn Sekavec, Bureau of Land Management, Socorro District Office, 198 Neel Avenue, P.O. Box 1219, Socorro, New Mexico 87801, Telephone: (505) 835–0412, FTS 476–1280.

Dated: August 18, 1981.

Leroy C. Montoya,

Acting State director.

[FR Doc. 81-24911 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Proposed Grazing Management for the Grass Creek Resource Area; Intent To Prepare an Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Prepare and Environmental Impact Statement on the Proposed Grazing Management for the Grass Creek Resource Area.

SUMMARY: Pursuant to Section 102(2)c of the National Environmental Policy Act, the Bureau of Land Management, Worland District Office, will prepare an environmental impact statement on the proposed grazing management for the Grass Creek Resource Area located in northcentral Wyoming. The Grass Creek Resource Area includes approximately 1.0 million acres of BLM administered land in Big Horn, Hot Springs, Park and Washakei Counties.

The purpose of the proposal is to maintain or improve the public land resources which include soil, water, vegatation, wildlife habitat, and wildlife. The EIS will analyze site specific and cumulative effects of managing grazing allotments based on selective management categories.

Alternatives to be considered include continuation of present livestock management as well as alternatives depicting different levels and intensities of management for livestock, wildlife, and other resources.

A public meeting on the scope of the issues to be addressed in the Grass Creek Grazing Environmental Impact Statement is tentatively scheduled for September 29, 1981, in Worland, Wyoming. Notice of the meeting place and time will be published at least two weeks prior to the meeting. The purpose of the meeting is to:

(1) present multiple use planning recommendations to the public; (2) inform the public of the proposed action and tentative alterations that BLM proposes to analyze in the EIS; (3) gather resource information from the public; and (4) identify concerns and issues important to the public for possible inclusion into the EIS and planning system decisions. Comments received at the scoping meeting will be used in developing the environmental impact statement and the planning decisions that result.

To receive information concerning the environmental impact statement contact John Moorhouse, Chief, Planning and Environmental Assistance, P.O. Box 119, Worland, Wyoming 82401, phone 307-347-6151.

Chadwick W. McBurney,

Acting State Director.

[FR Doc. 81-24906 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs District, Wyoming; Intent To Prepare an Environmental Impact Statement and Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Prepare a Wilderness Environmental Impact Statement (EIS) for the Rock Springs District, Wyoming and Notice of Public Meeting.

SUMMARY: This notice describes the proposed action and alternatives to be analysed in the EIS; the geographic area impacted; significant issues identified to date; the scoping process to be used, including the public scoping and planning meeting on September 30, 1981; BLM contacts for further information; and location of documents for public review both during and at the completion of the process.

The proposed action to be analyzed in the EIS is BLM's recommendation to the Secretary of the Interior of those Wilderness Study Areas (WSAs) in the Rock Springs District that are suitable for wilderness designation in the Rock Springs District as part of the National Wilderness Preservation System. The proposed action also includes appropriate BLM management of special values within WSAs not recommended for wilderness designation. The purpose of the proposed action is to fulfill BLM responsibilities under the Federal Land Policy and Management Act of 1976 to identify and to manage special areas suitable for wilderness, pursuant to the directions of the Wilderness Act of 1964. Alternatives to be considered in the EIS will be:

1. Maximize wilderness by recommending to the Secretary that all WSAs be designated and wilderness.

2. Minimize wilderness by not recommending any of the WSAs for wilderness designation (no-action alternative).

3. Managing the WSAs recommended for wilderness designation per the proposed action *but* retaining existing management practices for those WSAs not recommended.

The area of impact to be analyzed is generally southwest Wyoming, but regional recreation impacts may be considered from as far away as the Salt Lake City-Ogden Central Standard Metropolitan and Statistical Area (SMSA) and the Provo-Orem Secondary SMSA. The 13 WSAs to be addressed cover 218,181 acres of the approximately 6 million acres of public lands in the Rock Springs District.

Issues and concerns identified to date include the need for (1) wilderness areas for future generations; (2) energy exploration/development to achieve American energy independence; (3) preservation of wildlife habitat; (4) adequate forage for livestock, (5) source of lumber products; (6) fire management; (7) off-road vehicle management; and (8) mineral exploration/development. A public scoping meeting will be held to identify additional issues and concerns, alternatives, and suggestions for improving the proposed approach to the EIS. At the meeting, BLM will also present the Big Sandy and Salt Wells wilderness recommendations and other planning recommendations. In addition to the public meeting, comments will be solicited from various groups and agencies which have expressed an interest in the EIS. All issues presented at the public meeting or received in writing at the Rock Springs District Office will be considered in the presentation of the EIS.

DATES: The public scoping meeting to identify additional issues and concerns to be analyzed will be held in Rock Springs, Wyoming, September 30, 1981, at 7:00 p.m. in the Western Wyoming Community College auditorium, Room C-204. The Draft Environmental Impact Statement is scheduled to be completed and available for public review by December 31, 1982.

Addresses: Documentation of the EIS process, final documents and further information will be available at the following locations:

1. Rock Springs District Office or Big Sandy/Salt Wells Resource Areas, Highway 187 North, Rock Springs, Wyoming (Phone 307-382-5350)

2. Kemmerer Resource Area, U.S. 30, Across from Port of Entry, Kemmerer, Wyoming (Phone 307-877-3933)

3. Pinedale Resource Area, 431 West Pine Street, Pinedale, Wyoming (Phone 307-367-4358)

FOR FURTHER INFORMATION: All inquiries and comments on the EIS should be directed to Don Dutcher, Wilderness EIS Team Leader, P.O. Box 1869, Rock Springs, Wyoming 82901 (or phone 307-382-5350). For further information on the WSAs and existing management recommendations you may contact the appropriate Area Managers: Fred Wyatt

in Pinedale, Steve Howard in Kemmerer, Clint Hanson in Rock Springs for the Big Sandy Resource Area, and Bob Bierer in Rock Springs for the Salt Wells Resource Area (addresses are listed above).

Chadwick W. McBurney,

Acting State Director

[FR Doc. 81-24905 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Request for Interested Parties for the Preparation of Environmental Impacts Statements by Contract

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Notice.

SUMMARY: The Utah Bureau of Land Management announces a request for a general expression of interest from consulting firms or other qualified parties to prepare Environmental Assessment (EAs) or Environmental Impact Statements (EISs) for major energy and other projects on public lands. The Utah State and/or Utah BLM District Offices will have a need for such services during the next several years.

It is anticipated that a number of major energy projects may be postponed by utility companies or industries which will necessitate rights-of-way or other permits involving BLM administered Federal lands. These projects may include access roads, water pipelines, power-plants, electric transmission lines, oil and gas pipelines, oil shale and tar sands processing plants, coal gasification plants, and other related features.

Prior to making decisions on use of public lands for such proposals, BLM is required by the National Environmental Policy Act (NEPA) to prepare an EA or EIS for each major development. A recently adopted method of "third-party" contracting may be used for EA or EIS preparation. Under this type of contracting, BLM and each project applicant would form a written agreement on procedures where BLM would select the contractor and direct the EA or EIS work, while the applicant would issue the contract and provide direct payment to the contractor for work performed.

BLM may select contractors at various times over the next several years as project proposal application are received. Contractors will be selected competively, and the selection will be based on, but not limited to, the following general criteria:

a. Expertise in the areas of environmental concern (water quality, groundwater resources, biology, land use, air quality, socio-economics, archaeology, and other environmental resource subjects).

b. Demonstrated ability to performed environmental analyses through experience or expertise.

c. Ability to produce thorough, readable, and informative documents.

d. Evidence of a good working knowledge of NEPA, corresponding Federal and State regulations and applicable local ordinances, and other statutory requirements.

BLM invites interested consulting firms or others with environmental impact statement expertise to submit information which describes their qualifications. This information should be submitted on a Standard Form 245 which is available from the Project Management Staff, Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111. The completed forms should be returned to the same address.

Brochure or other materials which *concisely* describe the capabilities and experience of the consulting firm also may be submitted.

FOR FURTHER INFORMATION CONTACT: Thom Slater, Project Manager, Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. (801-524-5645).

Dated: August 18, 1981.

Gerald E. Magnuson,

Acting State Director.

[FR Doc. 81-24906 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

[I-12556]

Public Lands Exchange in Lincoln, Blaine, and Minidoka Counties, Idaho

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action—Exchange, Public Lands in Lincoln, Blaine, and Minidoka Counties, Idaho.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

T. 6 S., R. 23 E.,
Sec. 25, W½;
Sec. 26, E½NE¼;
Sec. 27, NW¼NW¼, SW¼SW¼;
Sec. 28, E½NE¼NE¼.

Comprising 500 acres of public lands.

In exchange for these lands, the United States will acquire the following described lands from Flat Top Sheep Company:

Boise Meridian, Idaho

T. 2 S., R. 24 E.,
Sec. 2, All.

Comprising 663.20 acres of private lands.

The purpose of this exchange is to acquire the non-Federal land which has high public values for wildlife habitat and livestock grazing. A large number of Sage Grouse inhabit this area with two of the 18 active strutting grounds occurring on the subject private land. Many antelope and some deer use this land as their summer range. Production of cattle and sheep is an important land use within the planning unit. The added acres to this allotment will provide additional grazing opportunities.

The values of the land to be exchanged are approximately equal; full equalization of values will be achieved by payment to the United States by Flat Top Sheep Company of funds in an amount not to exceed 25 percent of the total value of the lands to be transferred out of Federal ownership.

Lands to be transferred will be subject to the following reservations, terms, and conditions:

1. The reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States, as provided for by the Act of August 30, 1890 (43 U.S.C. 945; 26 Stat. 391).

2. All mineral estates will be transferred with the surface on both the private and Federal land.

3. There will be no reservations for the acquired non-Federal lands.

The exchange is consistent with the Bureau's management goals for the area, however, the planning for the lands has not been completed. The public interest will be well served by making this exchange.

DATES: Comments are due by October 12, 1981.

SUPPLEMENTARY INFORMATION: Detailed or further information, including the environmental analysis and the record of public discussions, is available for review at the Bureau of Land Management Shoshone District Office, 400 West F Street, Shoshone, ID 83352.

For a period of 45 days from the date of first publication, interested parties may submit comments to the Shoshone District Manager, P.O. Box 2B, Shoshone, ID 83352. Any adverse comments may be evaluated by the Idaho State Director, who may vacate or modify this realty action and issue a

final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of Interior.

Charles J. Haszier,
District Manager.

August 19, 1981.

[FR Doc. 81-25041 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Exchange of Public Lands in Missoula County and Private Lands in Powell County, Montana; Correction

In Federal Register Document 81-18768 appearing on pages 32944 and 32945, June 25, 1981, the legal description of the public lands in Section 1, T12N, R18W is corrected to read Lots 1, 2, 3, E½SE¼.

Dated: August 21, 1981.

Jack A. McIntosh,
Butte District Manager for the State Director.

[FR Doc. 81-25040 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

[N-31790]

Non-Competitive Sale of Public Lands in Lander County, Nev.; Realty Action

The following described lands have been identified as suitable for disposal by direct sale under sections 203 (a)(1) and (f) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at fair market value:

Mount Diablo Meridian

T. 18 N., R. 42 E.
Sec. 20, N½NE¼NE¼NE¼, SW¼NE¼NE¼NE¼, NW¼NE¼NE¼, NE¼SW½NE¼NE¼, NW¼NE¼SW¼NE¼, NW¼SW¼NE¼, NW¼NW¼NE¼SW¼, N½NW¼SW¼, NW¼SE¼NW¼SW, N½SW¼NW¼SW¼, SW¼SW¼NW¼SW¼;
Sec. 30, Lot 2.

The above-described land, comprising 104.7 acres, is being offered by direct sale to Mr. Telford Work, the adjacent landowner. The parcels are four isolated units bounded on the south by Nevada Highway 722 (formerly U.S. 2) and on the other sides by private lands owned by Mr. Work. These lands are being sold under the authority of section 203(a)(1) of Pub. L. 94-579 and meet the following disposal criteria: "such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency." The lands are being sold without competitive bidding under section 203(f) of Pub. L. 94-579 as a special consideration to the adjoining landowner. The parcels would not be of much value to anyone else due to the configuration and size of the parcels and their location along a highway which does not receive much traffic.

The proposed sale is consistent with the Bureau planning objective to "transfer to private ownership public lands that are isolated and appear to have no public value." The sale of this tract has been discussed with the Board of Lander County Commissioners. They have no objections to the proposed sale. The public interest would be served by offering these lands for direct sale to Mr. Work.

The terms and conditions applicable to the sale are:

1. All minerals will be reserved to the United States.

2. A right-of-way for ditches and canals will be reserved to the United States.

3. The sale of these lands will be subject to valid existing rights, including CC-021379, a 200' R/W for Nevada Highway 722 and N-7189, a 5' R/W for a telephone and telegraph line.

4. An easement 30 feet in width will be reserved to the United States for public and government use along the existing north-south road passing through Lot 2 of section 30, T. 18 N., R. 42 E., MDM.

The decision to conduct the sale is based on information contained in the environmental assessment and land report written for this case. These documents are available for inspection at the Bureau of Land Management, Battle Mountain District Office, Second and Scott Streets, P.O. Box 194, Battle Mountain, Nevada 89820.

The land will not be offered for sale for at least 60 days after the date of this notice.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Secretary of the Interior (BLM 320). Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior.

Dated: August 21, 1981.

William J. Malencik,
Chief, Division of Technical Services.

[FR Doc. 81-25037 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

Worland District Advisory Council; September Meeting; Change of Date and Time

August 12, 1981.

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that the Wednesday, September 16, 1981 Worland District Advisory Council Meeting has been changed as follows: The meeting will be held on Friday, September 18, 1981 at 1:00 p.m. The public comment period of the meeting will begin at 1:00 p.m., and will last until all wishing to speak have been heard.

All other parts of the original notice (FR Vol. 46, No. 145/Wednesday, July 29, 1981/Notices pg. 38760) are the same.

John A. Kwiatkowski,
District Manager.

[FR Doc. 81-25039 Filed 8-26-81; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Amendment of Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby amend the notice published in the **Federal Register** on August 13, 1981 (46 FR 40940) relating to the exhibit "Between Continents/Between Seas: Pre-Columbian Art of Costa Rica" by adding one art object to the list of items covered by such notice. [1] This item is of cultural significance and will be imported pursuant to a loan agreement between the Founders Society Detroit Institute of Arts and the foreign lender. I also determine that the temporary exhibition or display of this item at the National Gallery of Art, Washington, D.C., beginning on or about December 20, 1981, to on or about May 2, 1982, at the San Antonio Museum, San Antonio, Texas, beginning on or about June 21, 1982, to on or about September 12, 1982, at the Los Angeles County Museum of Art, Los Angeles, California, beginning on or about November 2, 1982, to on or about January 16, 1983, at the Carnegie Institute, Pittsburgh, Pennsylvania, beginning on or about February 28, 1983, to on or about May 22, 1983, at the San Diego Museum of Art, San Diego, California, beginning on or about July 4,

[1] A description of this object is filed as part of the original document.

1983, to on or about September 25, 1983, and at the Detroit Institute of Arts, Detroit, Michigan, beginning on or about November 7, 1983, to on or about January 29, 1984, is in the national interest.

Public notice of this amendment of the determination is ordered to be published in the **Federal Register**.

Dated: August 25, 1981.

Charles Z. Wick,

Director.

[FR Doc. 81-25288 Filed 8-26-81; 8:45 am]

BILLING CODE 6330-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 415]

Railroad Cost of Capital—1981

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of limited revenue adequacy proceeding.

SUMMARY: A proceeding will be conducted to make a determination of the railroads' cost of capital.

DATES: Notices of intent to participate due 10 days from **Federal Register** publication;

Statements of railroads due 25 days thereafter;

Statements of other interested parties due 25 days thereafter;

Rebuttal statements by railroads due 15 days later. A Commission decision will be issued as soon as possible after the record is closed.

ADDRESSES: Send an original and 15 copies of comments to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

Only an original and one copy of the notice of intent to participate need be sent (to this address).

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By this notice, we are instituting a proceeding to update our estimate of the railroads' cost of capital rate for 1981, last adjusted in Ex Parte No. 381, *Adequacy of Railroad Revenue (1980 Determination)*, 364 I.C.C. 311 (1980) [45 FR 29139, May 1, 1980]. This proceeding will be similar in scope to Ex Parte No. 381.

In Ex Parte No. 393, *Standards for Railroad Revenue Adequacy*, 364 I.C.C. 803 (1981), [45 FR 20806, April 7, 1981] we adopted new standards for determining railroad revenue adequacy. There, among other things, we substituted the current cost of debt for the embedded debt rate for our determination of the current cost of capital. Although the embedded debt rate was not used in that proceeding for ascertaining railroad revenue adequacy, we nonetheless believe this debt cost rate is useful information that should be determined annually. We therefore request that data on both the embedded and current cost bases be furnished in this proceeding.

Additionally, in Ex Parte Nos. 353,[1] 363,[2] and 381, we noted that comparable earnings studies presented by the respondent railroads did not provide a satisfactory basis for the computation of a cost of equity rate to be included in the development of an overall cost of capital. This was due to several factors, including differences in accounting methods between railroads and other industries; the question of monopoly profits for compared industries; and problems in objectively determining comparable industries. We urge the respondent railroads to address these issues if a comparable earnings approach is included in their submission.

Moreover, in previous revenue adequacy proceedings, the railroads argued for the inclusion of costs of floating new equity in the determination of the cost of equity capital. We disallowed such cost allowances in the absence of a showing that such costs would actually be incurred. The railroads should provide evidence of planned new equity issuances if such costs are included in their submission.

We emphasize that for purposes of this proceeding, comments should be focused on the various cost of capital components developed in Ex Parte No. 381 and the underlying techniques and methodologies applied in their development. This proceeding has as its sole purpose making a specific cost of capital determination.

All Class I railroads shall be respondents in this proceeding. They shall, and other interested parties may, submit such evidence as will enable the Commission to update the cost of capital findings of Ex Parte No. 381 in the light of current conditions in the capital markets.

Any person intending to participate in the proceeding shall file an original and one copy of a notice of intent to participate. Because the Commission wants to conserve time, avoid unnecessary expense, and limit the service of statements in this proceeding to persons who intend actively to participate, each notice of intent to participate shall include a detailed statement of: (1) whether the person's interest extends merely to receiving Commission releases in this proceeding; (2) whether the person wishes to participate by filing and receiving statements; (3) whether, if the person wishes to file statements, his interests can be consolidated with those of other persons by the filing of joint statements; and (4) any other pertinent information to aid in limiting the service list to be issued in this proceeding. The Commission will prepare and make available to all persons submitting notices of intent to participate, a service list containing the names and addresses of all participants.

Evidentiary statements of the parties are due on or before the dates set forth in the preamble to this notice. An original and 15 copies (if possible) of each statement shall be filed with the Commission, and one copy shall be served upon each person on the service list.

Copies of this notice shall be available to the public at the Office of the Secretary, and the notice shall be published in the **Federal Register**.

This action does not appear to affect significantly the quality of the human environment or conservation of energy resources. However, comments are invited.

Dated: August 19, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24993 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

[1] Ex Parte No. 353, *Adequacy of Railroad Revenue (1978 Determination)*, 361 I.C.C. 79 (1978) [43 FR 25778, June 14, 1978], modified March 27, 1979; 362 I.C.C. 198 (1979); 362 I.C.C. 794 (1980).

[2] Ex Parte No. 363, *Adequacy of Railroad Revenue (1979) Determination)*, 362 I.C.C. 344 (1979) [44 FR 27538, May 10, 1979].

[AB 57 SDM]

Soo Line Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations § 1121.23, that the Soo Line Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 57 SDM. The Commission on August 10, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 57 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24991 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 26(SDM)]

Southern Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, 1121.23, that the Southern Railway Co. and its subsidiaries has filed with the Commission its amended color-coded system diagram map in docket No. AB 26 (SDM).[1] The Commission on August 11, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state is which the railroad operates and the Public Service Commission or simlar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 26 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24992 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29683]

Union Pacific Railroad Co.—Exemption of Abandonment of a Portion of Norfolk Branch, in Madison County, NE

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by the Union Pacific Railroad Company (UP) of a .97-mile segment of its Norfolk Branch and of a .48-mile segment of the branch jointly owned and operated by UP and Chicago and North Western Transportation Company (CNW), in Madison County, NE, from the requirement of prior approval under 49 U.S.C. 10903.

DATES: This exemption will be effective 30 days after the date of this publication in the **Federal Register** (September 28, 1981). Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423 and

(2) Petitioner's representative: Louise A. Rinn, Law Department, Union Pacific Building, 1416 Dodge Street, Omaha, NE 68179.

Pleadings should refer to Finance Docket No. 29683.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

The Proposed Transaction

UP has filed a petition to exempt its abandonment of (1) a .97 mile segment of its Norfolk Branch extending from milepost (M.P.) 49.28 to M.P. 50.25 and (2) a .48 mile segment of the branch line owned and operated jointly with CNW, extending from M.P. 50.25 to M.P. 50.73, at Norfolk, in Madison County, NE.

UP's Norfolk branch approaches Norfolk from the southwest. It intersects an east-west line of CNW and extends northeasterly to M.P. 49.28, thence through a residential area to the jointly owned .48 mile segment, which intersects a north-south line of CNW in the downtown area of Norfolk, a city with a population of about 20,000.

The abandonment is part of UP's plan for relocation of its yard currently operated jointly with CNW. The plan was requested by the Madison County Railroad Transportation District (District) to eliminate both switching in the downtown business district and the several grade crossings in residential areas on the .97 mile segment. UP's new yard to be located south of Norfolk will consist of four side tracks off its main branch line which will interchange with CNW's east-west line leading into Norfolk. UP submitted letters of support by the District, the City of Norfolk, Norfolk Chamber of Commerce, The Norfolk Daily News, Ellenberger Products, Norfolk Bridge & Construction Co., Norfolk Iron & Metal Company, Henningsen Foods, Inc., and Walker-Meyer Furniture, Inc.

UP's proposal involves only an abandonment by UP of particular trackage without discontinuance of service to its users.[1] CNW will continue to operate the .48 mile jointly-owned segment, and pursuant to agreement between UP and CNW, CNW will provide pickup and delivery services to UP's customers and interchange their traffic at the new UP yard at a flat charge to UP. These UP customers will receive the same service at the same cost as if the two carriers were to continue operating their joint yard.

The Statute

A rail abandonment requires the prior approval of this Commission under 49 U.S.C. 10903. Under 49 U.S.C. § 10505, the Commission is authorized to exempt a transaction when it finds that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Our detailed scrutiny of this abandonment is not necessary to carry out the goals of the rail transportation policy of section 10101a because no vital interest of shippers, carriers or the community is adversely affected.

The transaction is very limited in scope, because it will affect only a relatively short track on which switching operations have been performed. Service to shippers will continue to be conducted substantially in the same manner as in the past. UP's yard, where switching, weighing and assembling is performed, will be relocated a short distance away. CNW, rather than UP, will undertake the switching services for some of UP's customers. However, UP will continue to provide line-haul service for these customers. Because no substantial changes in operations are involved, shippers, employees and competitors should be unaffected by the transaction. To the extent any employees may be affected, however, our authorization is subject to the conditions for the protection of employees embodied in

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[1] AB 26(SDM) includes its consolidated subsidiaries: AB 27 (SDM), the Alabama Great Southern Railroad Company; AB 28 (SDM), Central of Georgia Railroad Company; AB 29 (SDM), The Cincinnati, New Orleans and Texas Pacific Railway Company; AB 04 (SDM), Chattanooga Station Company; AB 30 (SDM), Georgia Southern and Florida Railway Company; AB 125 (SDM), Norfolk Southern Railway Company.

[1] Seven of Norfolk's 14 rail users depend exclusively on UP's rail service. (The remainder are served either by CNW or by both CNW and UP). Of UP's total 1980 traffic at Norfolk (consisting of 89 cars received and six cars forwarded, generating $52,871 in revenues), the seven users received 11 and forwarded 3 cars, generating $12,705 in revenues.

Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979), discussed further below.

Energy and Environmental Consideration. Our initial review of the proposal indicates that the exemption will not significantly affect energy consumption or the quality of the human environment. However, the Commission's Energy and Environment Branch has by letter notified all interested persons and State agencies within Nebraska of their right to provide information concerning the energy and environmental impact of the proposed action.

It is ordered: (1) We exempt from the requirements of 49 U.S.C. 10903 the abandonment by Union Pacific Railroad Company of a .97 mile segment of its line and a .48 mile jointly owned and operated segment, in Norfolk, in Madison County, NE, subject to the conditions for the protection of employees embodied in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

(2) Notice of our action shall be given to the general public by delivery of the copy of this decision to the Director, Federal Register, for publication.

(3) This exemption will continue in effect for one year from the effective date of this decision. The abandonment of the line segments must occur during that time in order to use this exemption.

(4) This decision shall be effective 30 days following the date of its publication in the **Federal Register.**

(5) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register.**

(6) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register.**

Decided: August 14, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24996 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY5-134]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: August 20, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 157639, filed August 10, 1981. Applicant: LYNN DAVIS d.b.a. SPECIAL COMMODITIES, INC. 1606 109th, Grand Prairie, TX 75050. Representative: Lynn Davis (same address as applicant) (214) 641-2573. As a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-24994 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the

Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–239

Decided: August 19, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2421 (Sub-38), filed August 12, 1981. Applicant: NEWTON TRANSPORTATION COMPANY, INC., 510 Greer Circle, SW., P.O. Box 678, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004, (202) 628–4600. Transporting *furniture and fixtures,* between points in NC, on the one hand, and, on the other, points in DE, IA, IL, IN, KY, MD, MO, NJ, NY, OH, PA, SC, VA, WV and DC.

MC 110410 (Sub-32), filed August 10, 1981. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 723 Ralph McGill Blvd., Atlanta, GA 30308. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *printed matter,* between points in FL, Greenville County, SC, Columbia County, GA, and those points in GA on, south, and east of a line beginning at the GA–SC state line and extending along U.S. Hwy. 278, to junction U.S. Hwy. 19, then along U.S. Hwy. 19 to junction U.S. Hwy 319, then along U.S. Hwy. 319 to the GA–FL state line

MC 134651 (Sub-1), filed August 11, 1981. Applicant: JOHN GRANT HAULAGE LIMITED, 2111 Lakeshore Rd. West, Mississauga, Ontario, Canada L5J 1J9. Representative: William J. Hirsch, 1125 Convention Center, 43 Court St., Buffalo, NY 14202, (716) 853–0200. Transporting *clay, concrete, glass or stone products,* between ports of entry on the International Boundry line between the U.S. and Canada, located in NY, on the one hand, and, on the other, points in Erie, Niagara and Oswego Counties, NY.

MC 146570 (Sub-4), filed August 10, 1981. Applicant: DIAMOND TRANSPORTATION, INC., 5797 North Tryon St., Charlotte, NC 28213. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244–9314. Transporting *truck trailers,* between points in the U.S.

MC 150761 (Sub-1), filed August 13, 1981. Applicant: JESSE'S TRANSFER, INC., 13000 Overlook Rd., Dayton, MN 55327. Representative: Joseph J. Dudley, W–1260 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1717. Transporting *general commodities* (except classes A and B explosives), between points in CA, IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, PA, SD, TX and WI.

MC 157311, filed August 10, 1981. Applicant: FEDERAL DISTRIBUTION SERVICE COMPANY, 200 National Rd., East Peoria, IL 61611. Representative: Edward D. McNamara, 907 South Forth St., Sprinfield, IL 63703, (217) 528–8476. Transporting *general commodities* (except classes A and B explosives), between points in IL and MO, on the one hand, and, on the other, points in AR, GA, IA, IN, KS, KY, MD, MI, MN, MS, NC, ND, NE, OH, WI, SC, SD, TN, VA, WV and DC.

MC 157531 (Sub-2), filed August 5, 1981. Applicant: FREEDOM TRUCKING, INC., 3161 Bankhead Highway, Atlanta, Ga 30318. Representative: Harry Hyaduck (same address as applicant), (404) 792–0634. Transporting (1) *metal products, plastic products, pulp, paper and related products, and printed matter,* between points in GA, AL, AZ, AR, CA, CO, CT, DE, FL, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and DC, and (2) *food and related products,* between Atlanta and points in Fulton, Marietta, and Cobb County, GA, on the one hand, and, on the other, points in AL, AR, CA, FL, IL, LA, MS, MO, NJ, and RI.

MC 157660, filed August 10, 1981. Applicant: M.L.I. INDUSTRIES, INC., Nashaminy Plaza II, Suite 120, Street and Bristol Rds., Bensalem, PA 19020. Representative: Martin L. Leicht (same address as applicant), (215) 638–8922. As a *broker*—at Bensalem, PA in arranging for the transportation of *passengers and their baggage,* between points in the U.S.

MC 157671, filed August 12, 1981. Applicant: TROBEC'S BUS SERVICE, INC., R.R. 1, St. Joseph, MN 56374. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul MN 55118, (612) 457–6889. Transporting (1) *passengers and their baggage,* in the same vehicle with passengers; and (2) *baggage of passengers in separate vehicles,* in charter and special operations, beginning and ending at points in Wright, Sterns, Sherburne, Benton, Morrison, Todd and Douglas Counties, MN and extending to points in the U.S.

Volume No. OPY–3–147

Decided: August 19, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 99625 (Sub-9), filed August 7, 1981. Applicant: LUCIEN BISSON, INC., R.F.D. 262, New Meadows Rd., West Bath, ME 04530. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between points in ME, on the one hand, and, on, the other, points in the U.S. in and east of WI, IL, MO, AR and LA.

MC 105045 (Sub-162), filed August 10, 1981. Applicant: R.L. JEFFRIES TRUCKING CO., INC., 9700 North Hwy 57, P.O. Box 3277, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005, (202) 347–3987. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 114604 (Sub-128), filed August 7, 1981. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer 1, Forest Park, GA 30050. Representative: Paula S. Davis (same address as applicant). Transporting *carpet and tile installation supplies and equipment,*

between the facilities of Roberts Consolidated Industries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 123194 (Sub-13), filed August 6, 1981. Applicant: ENTERPRISE TRUCK LINE, INC., 7336 W. 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 So. LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *such commodities* as are dealt in or used by retail, chain grocery and food business houses, between Kansas City, KS, Omaha, NE, Huntington, WV and points in MI, OH, IN, KY, IL, WI, MN, IA and MO.

MC 123765 (Sub-16), filed August 7, 1981. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Ave., Milwaukee, WI 53204. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *metal and metal products,* between points in the U.S., under continuing contract(s) with Fullerton Metals Company, of Northbrook, IL.

MC 126104 (Sub-2), filed August 10, 1981. Applicant: TRAMCOR CORPORATION, 2711 Midland Dr., Ogden, UT 84401. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *clay, concrete, glass and stone products,* and *metal products,* between points in the U.S., under continuing contract(s) with (1) Carder Concrete Products Company, (2) Westile Rooftile Company, both of Littleton, CO, (3) Wyoming Concrete Pipe Company, of Casper, WY, (4) El Paso Precast Company, of Colorado Springs, CO, and Concrete Conduit Company, Inc., of Auburn, WA.

MC 134925 (Sub-7), filed August 10, 1981. Applicant: CUMMINGS TRUCKING COMPANY, INC., P.O. Box 10492, Birmingham, AL 35202. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254–3880. Transporting *general commodities* (except classes A and B explosives), between points in AL, MS, TN, GA, and FL.

MC 143304 (Sub-2), filed August 10, 1981. Applicant: BOBBY JOE BUSH d.b.a. AAA MOBILE HOME MOVERS, P.O. Box 569, Theodore, AL 36582. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401 (205) 578–2836. Transporting *mobile homes, buildings, building sections, and modules,* between points in AL, FL, GA, MS, LA, TN, and TX.

MC 151184 (Sub-9), filed August 4, 1981. Applicant: KERN TRUCKING, INC., Rural Route 1, Box 162, Bedford, IN 47421. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204 (317) 634–6313. Transporting *building materials,* between points in the U.S., under continuing contract(s) with National Gypsum Company, Gold Bond Building Products Division of Charlotte, NC.

MC 157494, filed August 3, 1981. Applicant: L & L TRUCKING, INC., Route 4, Box 180, Atmore, AL 36502. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104 (205) 262–2756. Transporting (1) *chemicals and related products,* between points in the U.S., under continuing contract(s) with Woolfolk Chemical Works, Inc., of Atmore, AL and Sunniland Corporation of Sanford, FL, and (2) *building materials,* between points in the U.S. under continuing contract(s) with Sunniland Corporation of Sanford, FL.

MC 157604, filed August 7, 1981. Applicant: REDFEARN TRUCKING, INC., P.O. Box 5503, Stockton, CA 95205. Representative: Ann M. Pougiales, 100 Bush St., 21st Fl., San Francisco, CA 94104 (415) 986–5778. Transporting *general commodities* (except classes A and B explosives), between points in CA.

Volume No. OPY–5–135

Decided: August 20, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

W–1339, filed August 7, 1981. Applicant: AMERICAN LINE, INC., Steamboat Landing, Haddam, CT 06438. Representative: J. Raymond Clark, 1225 Nineteenth St., N.W., Suite 350, Washington, DC 20036, (202) 659–0770. Transporting *passengers and their baggage,* in one-way and round-trip excursion cruises, between ports and points in the U.S., on (a) the Atlantic and Gulf Coasts, and (b) the Great Lakes and the Mississippi River and their tributary waterways, including Nantucket Sound, Vineyard Sound, Block Island Sound, Long Island Sound, Hudson River, Delaware River, Chesapeake Bay, Atlantic Intracoastal Waterway, Okeeschobee Waterway, Gulf Intracoastal Waterway, and Illinois Waterway.

MC 68908 (Sub-10), filed July 21, 1981. previously noticed in **Federal Register** issue of August 23, 1981. Applicant: MULLEN BROS. OF NORTH ADAMS, MASS., INC., P.O. Box 1285, Pittsfield, MA 01201. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036 (202) 785–0024. To operate as a *broker,* in arranging for the transportation of *household goods* as defined by the Commission, between points in the U.S.

Note.—This republication shows the correct heading in the FR as a non-fitness application.

MC 124059 (Sub-3), filed August 10, 1981. Applicant: REJER TRANSPORT, INC., P.O. Box 566, Marietta, GA 45750. Representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting (1) *chemicals and related products,* between points in Pleasant County, WV, on the one hand, and, on the other, points in and east of MN, IA, NE, MO, AR, and LA, (2) *metal products,* between points in Bancroft County, WV, on the one hand, and, on the other, points in the U.S., and (3) *general commodities* (except classes A and B explosives) between points in Wood County, WV, on the one hand, and, on the other, points in the U.S.

MC 128738 (Sub-4), filed August 7, 1981. Applicant: JOE N. QUINCE d.b.a. QUINCE UNLOADING AND FREIGHT HANDLING, 1502 Shirland, Beloit, WI 53511. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601 (312) 332–5106. Transporting (1) *machinery* between the facilities used by Beloit Corporation at points in Rock County, WI, and Winnebago County, IL, on the one hand, and, on the other, points in the U.S., and (2) *such commodities* as are dealt in or used by manufacturers of construction and agricultural equipment, between the facilities used by J. I. Case Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135989 (Sub-32), filed August 7, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209 (303) 320–6100. Transporting *food and related products* between points in the U.S., under continuing contract(s) with V.K.I., Inc., and Texas Food Oils Corp., both of Dallas, TX, Webb-Davis Corp., of Midland, TX, and Del-Tex Corporation, of San Angelo, TX.

MC 138068 (Sub-8), filed August 7, 1981. Applicant: WAREHOUSE TRANSPORTATION COMPANY, P.O. Box 84, Urbana, OH 43078. Representative: Robert E. Tucker, 750 W. Third St., Cincinnati, OH 45203 (513) 621–1200. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Child World, Inc., of Avon, MA.

MC 140539 (Sub-4), filed August 7, 1981. Applicant: TENNESSEE EXPRESS,

INC., 22 Stanley St., Nashville, TN 37210. Representative: George M. Catlett, Suite 708, McClure Bldg., Frankfort, KY 40601 (502) 227–7384. Transporting *general commodities* (except classes A and B explosives), between points in Davidson County, TN, on the one hand, and, on the other, points in the U.S.

MC 141138 (Sub-20), filed August 10, 1981. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, IL 62221. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102 (314) 636–2321. Transporting *commodities in bulk,* between points in AR, AL, GA, IL, IN, KS, KY, LA, MS, MO, OK, TN, and TX.

MC 145108 (Sub-54), filed August 10, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren (Same address as applicant.) (212) 492–7332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Diversified Specialists, Inc., of Houston, TX.

MC 146689 (Sub-16), filed August 7, 1981. Applicant: RONALD DINNOCENTI, ANGELINE DINNOCENTI, ROBERT L. LIST, AND CHARLES W. YETTER, III d.b.a. LARK LEASING COMPANY, 261 Maplewood Dr., Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101 (717) 236–9318. Transporting (1) *clay and clay products,* (2) *salt,* and (3) *chemicals and related products,* between points in the U.S., under continuing contract(s) with Pottstown Roller Mills, Inc., of Pottstown, PA.

MC 148528 (Sub-2), filed August 10, 1981. Applicant: RAUNIKER, INC., Rural Route 1, Carl Junction, MO 64834. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068 (816) 781–6000. Transporting *petroleum and petroleum products,* between points in AR, KS, MO, OK, and TX.

MC 150268 (Sub-1), filed August 7, 1981. Applicant: RAMSEY TRUCKING, INC., 7227 Lynbrook Dr., Oakwood Village, OH 44146. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017 (614) 889–2531. Transporting *building materials,* between points in the U.S., under continuing contract(s) with The Cleveland Builders Supply Company, of Cleveland, OH.

MC 151348 (Sub-3), filed August 7, 1981. Applicant: J. D. TRANSPORTS, INC., Box 179, Memphis, TN 38101. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103, (901) 527–2482. Transporting *scrap aluminum cans,* between points in Vanderburgh County, IN, and points in AL, AR, IL, KY, LA, MS, MO, and TN, on the one hand, and, on the other, Memphis, TN.

MC 156079 (Sub-4), filed August 27, 1981. Applicant: CIRCLE "C" CARRIERS, INC., P.O. Box 6158, Little Rock, AR 72216. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201, (617) 244–2926. Transporting *building materials,* between points in Bradley County, AR, on the one hand, and, on the other, points in the U.S.

MC 156419, filed August 10, 1981. Applicant: RIG RUNNER EXPRESS, INC., of Texas, P.O. Box 418, Huffman, TX 77336. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, (512) 476–8066. Transporting *Mercer commodities* between points in AR, CO, LA, MS, NM, OK, TX, and WY.

MC 157588, filed August 7, 1981. Applicant: FORTIER TRANSPORTATION CO., LTD., d.b.a. FORTIER STAGES, LTD., P.O. Box 12004, Fresno, CA 93776. Representative: John Paul Fischer, 256 Montgomery St., Fifth Floor, San Francisco, CA 94104, (415) 421–6743. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Madera and Fresno Counties, CA, and extending to points in the U.S. (including AK, but excluding HI).

MC 157638, filed August 7, 1981. Applicant: KE-LE ENTERPRISES, P.O. Box 3571, Green Bay, WI 54303. Representative: Kenneth L. Matuszak, (same address as applicant), (414) 433–9295. Transporting *such commodities* as are dealt in or used by manufacturers of floor coverings, under continuing contract(s) with Trowelon, Inc., of Green Bay, WI.

MC 157599, filed August 7, 1981. Applicant: HARLEY-DAVIDSON TRANSPORTATION CO., INC., 1425 Eden Rd., York, PA 17402. Representative: Michael F. Morrone, 1150 17th St. NW., Washington, D.C. 20036, (202) 457–1124. Transporting (1) *food service equipment,* under continuing contract(s) with AMF Wyott, Inc., of Cheyenne, WY, (2) *sportswear,* under continuing contract(s) with AMF Head Sportswear, Inc., of Columbia, MD, (3) *golf equipment,* under continuing contract(s) with Ben Hogan Co., of Fort Worth, TX, (4) *automotive equipment,* under continuing contract(s) with Hitachi America, Ltd., of Southfield, MI, (5) *machinery, metal products,* and *bowling equipment,* under continuing contract(s) with AMF, Inc., of White Plains, NY, and (6) *machinery,* under continuing contract(s) with AMF Paragon Electric Company, Inc., of Two Rivers, WI, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-24995 Filed 8-26-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacture of Controlled Substances; Registration

By Notice dated June 26, 1981, and published in the **Federal Register** on July 2, 1981, (46 FR 34733), Upjohn Company, 7171 Portage Road, Kalamazoo, Michigan 49001, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Methamphetamine (1105)	II.
2,5-Dimethoxyamphetamine (7396)	I.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: August 18, 1981.

Marion W. Hambrick,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-25001 Filed 8-26-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-35]

Reports, Recommendations, Responses; Availability

• **Aircraft Accident Reports:** *Cascade Airways, Inc., Beech 99A, N39CA, Spokane, Washington, January 20, 1981 (NTSB-AAR-81-11).*—Early in the investigation of this accident, the Board forwarded to the Federal Aviation Administration on March 30, recommendations A-81-39 through -42

(46 FR 21281, 4-9-81); FAA responded on June 26, (46 FR 38000, 7-23-81). As a result of investigation, the Board has reiterated recommendations A-79-76 through -78 (44 FR 60182, 10-18-79) and, on July 28, issued the following "Class II, Priority Action" recommendations to FAA:

Require in future radio navigation instrument installations, that all frequencies being received through navigational receivers that are providing essential navigational information (directional guidance or distance) be displayed so that the source of the navigational signal can be readily discerned by the pilot **(A-81-74)**. Establish for aircraft used in commercial operation the maximum cockpit noise levels which will permit adequate direct voice communication between flight crewmembers under all operating conditions. **(A-81-75)**. Require the installation and use of crew interphone systems in the cockpits of those aircraft in which noise levels reach or exceed the maximum level established for adequate direct voice communcation between flight crewmembers under all operating conditions **(A-81-76)**.

• **Marine Accident Reports:** *Collision of U.S. Mississippi River, Steamer NATCHEZ and U.S. Tankship SS EXXON Baltimore, New Orleans, Louisiana, March 29, 1980 (NTSB-MAR-81-5).*—As a result of investigation, the Board on April 22 reiterated to the U.S. Coast Guard recommendation M-79-103 (44 FR 64932, 11-8-79) and issued the following Class II recommendations:

U.S. Coast Guard: Amend the regulation concerning Algiers traffic lights to require passenger vessels over 300 gross tons to comply with the traffic lights or to obtain permission from the respective towerman before proceeding past a red light **(M-81-32)**. Establish an enforcement program to reduce improper use of the bridge-to-bridge radiotelephone channel on the lower Mississippi River **(M-81-33)**.

New Orleans Steamboat Company: Upgrade the VHF radiotelephone equipment on the NATCHEZ so that the navigation watch can guard the vessel traffic service channel simultaneously with the bridge-to-bridge channel **(M-81-34)**. Require that the master and pilot of the NATCHEZ participate fully in the vessel traffic system **(M-81-35)**.

• **Railroad Accident Report:** *Brief Format, Issue No. 4, 1979 (NTSB-RAB-81-2).*

• **Responses to Recommendations**

A-81-49 through -53, from the Federal Aviation Administration (August 6).—**A-81-49:** Although demonstrating single-engine stalls with high asymmetric power in the light twin-engine airplane training environment is potentially a high-risk maneuver, it is not appropriate to prohibit selectively intentional single-engine stalls in Beech Baron/Travel Air series aircraft. **A-81-50:** It is not appropriate to establish more rigorous one-engine inoperative stall requirements, nor is it productive to expand the flight test regime for testing one-engine inoperative stall/spin characteristics at this time; FAA will monitor stall/spin research in progress and will amend regulations if required. **A-81-51:** To require Beech Aircraft Corporation to disseminate information relating to Beech Baron/Travel Air single-engine stall speeds could mislead airplane operators and become counter-productive; there are very few situations where the published V_{mc} cannot be achieved prior to reaching stall, with power settings within the normal operating envelope. **A-81-52:** Use of a Special Certification Review team to explore and evaluate the relative safety margin of Beech Baron aircraft, specifically, is inappropriate; existing regulations policies, and standard operating procedures provide an appropriate level of safety when adhered to. **A-81-53:** FAA is monitoring Beech Aircraft's progress in the stall research program to determine the potential for moderating inherent roll rates of conventional light twin-engine aircraft in single-engine, fully stalled conditions; FAA does not now have information on which to base a mandatory retrofit. (46 FR 27803, 5-21-81)

A-81-57 and -58, from the Federal Aviation Administration (August 3).—Amendments to 14 CFR 121.343 and to appendix B of Part 121 are not necessary to permit use of digital flight data records which employ some form of data compression; approval can be granted under existing regulations. (46 FR 27803, 5-21-81)

M-81-71, from the American Bureau of Shipping (July 29).—Adequate surveillance of steering units is provided by existing special survey requirements at 5-year intervals and by rules inserted into the 1981 "Rules for Building and Classing Steel Vessels" under paragraph 45.9, "Annual Surveys of Machinery." (46 FR 40953, 8-13-81)

P-80-61 through -65, from the Research and Special Programs Administration, U.S. Department of Transportation (July 30).—**P-80-61:** A formal data analysis plan and a planning process for the pipeline data system will be available for comment in September 1981; an extensive review of natural gas pipeline leak report requirements (49 CFR Part 191) and associated report forms is underway. **P-80-62:** The Office of Regulatory Planning and Analysis within RSPA's Materials Transportation Bureau since Nov. 3, 1980, establishes broad information needs for planning and analytic guidance. **P-80-63:** Further rulemaking on Docket OPS-49, Requirements for the Reporting of Gas Incidents, has been postponed pending completion of the Part 191 regulatory review; rulemaking action is anticipated in early 1982. **P-80-64:** To develop explicit directions for completion of present data forms would represent a serious diversion of resources from the priority review project. **P-80-65:** RSPA now uses direct computer coding conversions of data from leak report forms; a new statistical sampling procedure to generate exception reports on individual form-data elements will facilitate followup action and review by MTB pipeline personnel; training in use of the computer data system is underway. (45 FR 58734, 9-4-80)

R-81-57 through -60, from the National Railroad Passenger Corporation (Amtrak) (August 3).—**R-81-57:** Retrofitting of seats to provide a skirt at the bottom is impracticable. **R-81-58:** Amtrak is installing anti-rotational devices on seats on the Amfleet and Superliner cars during normal maintenance inspections and overhauls, the material is on order for Turboliners, and Amfleet II cars on order will have anti-rotational devices on the seats. **R-81-59:** Regarding cab crashworthiness in a collision, Amtrak notes that Turboliners were designed, built, and tested in accordance with AAR specification in effect at the time of construction. **R-81-60:** Amtrak believes its emergency exits are clearly identified, but a study is underway to clarify instructions to passengers for exit use. (46 FR 31950, 6-18-81)

R-81-67 and -68, from Amtrak (July 30).—**R-81-67:** Amtrak does not have the staffing to enforce compliance with operating rules on over 20 carriers; Amtrak compensates Illinois Central Gulf for a full-time manager to monitor operation of Amtrak trains on ICG, and ICG division officers are responsible for movement of Amtrak trains; monitoring locomotive speed tapes on a daily basis is impractical, but paper and magnetic tapes are available as needed for spot checking. **R-81-68:** One-time performance is secondary to rule and speed compliance, and all passenger train schedules contain 5 to 10 percent recovery time for contingencies. (46 FR 38968, 7-16-81)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

August 21, 1981.

[FR Doc. 81-24853 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-367]

Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear 1); Amended Notice of Opportunity for Hearing (Pilings)

On November 26, 1979, the Nuclear Regulatory Commission issued a "Notice of Opportunity for Hearing on Construction Permit Extension," 44 FR 69061, pursuant to which a hearing was requested and is presently being conducted by an Atomic Safety and Licensing Board.

On July 1, 1981, the United States Court of Appeals for the District of

Columbia Circuit held, in *State of Illinois* v. *NRC*, an unpublished decision, that the Commission had erred when, on December 12, 1979, it ruled that the plan of the licensee, Northern Indiana Public Service Company, to use shorter foundation pilings than originally contemplated for the Bailly facility, did not require a hearing under Section 189a of the Atomic Energy Act. Finding such a hearing "desirable and feasible," as well as "within the contemplation of Congress," the court noted the pendency of the hearing on the construction permit extension, and concluded that "the case should be remanded to the Commission with directions to include the piling depth question in the pending certificate amendment hearing." The court stated that this was "an easy solution to this dispute which would allow the public to air its views as to what appears to be a change in the original foundation plan and also allow NIPSCO to proceed with construction without undue delay."

In light of the court's decision treating the "shorter pilings plan" as a *de facto* request for a construction permit amendment, which under the unique facts of this case requires an opportunity for hearing, notice is hereby given that any person whose interest may be affected by the licensee's plan to drive foundation piles into the glacial lacustrine deposits underlying the site may file a request for a hearing on the amendment. Petitions for leave to intervene must be filed by 30 days from publication of **Federal Register** Notice in accordance with the provisions of this Notice and § 2.714 of the Commission's Rules of Practice in 10 CFR Part 2. A petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, including the reasons why petitioner should be permitted to intervene, with particular reference to the factors enumerated in paragraph (d) of 10 CFR 2.714. The petition should also identify the specific aspect or aspects of the subject matter of the proceeding with regard to which the petitioner wishes to intervene. Such petitions must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Eichhorn, Esq., 5243 Hohman Avenue, Hammond, Indiana, 46368, the attorney for the permittee.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

All petitions will be acted upon by the Atomic Safety and Licensing Board currently conducting the Bailly construction permit extension proceeding. Any person permitted to intervene becomes a party to the pilings proceeding, with the right to participate fully in the conduct of the hearing, including the presentation of evidence and the cross-examination of witnesses.

Finally, it should be noted that while the court's decision makes reference to the practical advantage of using the ongoing construction permit amendment proceeding, it contains no suggestion that it intended that the issue of piling depth be treated as a factor in determining whether the licensee's request for an extension of the facility completion date should be granted. Moreover, the two issues are analytically distinct. Thus while the same Board will be deciding on the acceptability of the pilings proposal and on the request for an extension of the completion date, and while there may be a substantial identity of parties, the proceedings are not to be consolidated, unless the Board, for reasons not presently apparent to the Commission, decides that such consolidation is appropriate. It is expected that separate decisions will be rendered on the two issues, whether or not the Board wishes to issue those decisions in the same document. The Board will have the authority to determine the order in which issues are considered and decisions rendered in the two proceedings. The date of effectiveness of the Board's decision on the pilings issue will be determined in accordance with the general rules on the immediate effectiveness *vel non* of Licensing Board decisions on construction permit amendments that is in force at the time the decision is issued.

For further information with respect to this matter, documents are available for inspection by the public at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Westchester Township Public Library, 125 South Second Street, Chesterton, Indiana.

Dated at Washington, D.C. this 21st day of August, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-25080 Filed 8-26-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

August 24, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to when the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Revisions

• General Administration
Applicant for Funding Assistance
CD–346
On occasion
Individuals or households/businesses or other institutions
Prin. ofcr. and employ. of organ. firms, or recip., etc.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 1,732 responses; 433 hours; $17,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Information used to establish the good character of principals of organizations, firms, etc. that may receive grants, loans or guarantees from the Commerce Department.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Elementary and Secondary Education
Demonstration of Compliance with Terms and Conditions of the Bilingual Education Fellowship Program Contract
4561–3
Annually
Individuals or households
Recipients of fellowship assistance under bilingual ed, prg. elementary, secondary, and vocational education: 400 responses; 100 hours; $2,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Recipients of fellowship assistance under the Bilingual Education Fellowship program will use this form to demonstrate their compliance with the provisions of the fellowship contract. Respondents indicate their method of compliance and attach documentation required under law and regulations.

• Office of Postsecondary Education
Guaranteed Student Loan Program Family Contribution Schedule
Nonrecurring
Businesses or other institutions
Postsec. sch., stud., parents, guarantee agencies
SIC: 941 822 605
Higher education: 1,000,000 responses; 250,000 hours; $8,700 Federal cost; 1 form; $2,500,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The notice advises the public of the needs analysis system (family contribution schedule) to be used by schools in determining the student's eligibility.

Reinstatements

• Office of Postsecondary Education
Transfer Credit Letter
OE 1261 ED 1261
On occasion
State or local governments/businesses or other institutions
Public and nonprofit postsecondary educational institutions
SIC: 822
Higher education: 300 responses; 75 hours; $1,320 Federal cost; 1 form; $1,125 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The Secretary of Education must determine whether unaccredited institutions of higher education are eligible for programs authorized by the Higher Education Act of 1965. The Secretary uses this form to determine whether institutions meet the "Three-Institutional Certification Method" as an alternative to accreditation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Food and Drug Administration
Agreement for Shipment of Devices for Sterilization
On occasion
Businesses or other institutions
Medical device manufacturers
SIC: 384
Small businesses or organizations
Consumer and occupational health and safety; 100 responses; 800 hours; $1,000 Federal cost; 1 form; $1,000 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This procedure allows firms to ship devices in interstate commerce for sterilization at another establishment without being in violation of the Federal Food, Drug and Cosmetic Act.

• Office of Assistant Secretary for Health
1983 National Health Interview Survey Alcohol/Health Practices Supplement Telephone Pretest

Nonrecurring
Individuals or households
Systematically selected adults (18+)
Health: 600 responses; 117 hours; $21,000 Federal cost; 1 form; $1,170 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This telephone pretest is needed to aid in the development and testing of a series of questions on health practices with emphasis on alcohol use and related items for a 1983 national health interview survey supplement.

• Food and Drug Administration
Gras Affirmation Petition
On occasion
Businesses or other institutions
Food manufacturers
SIC: 201 209
Small businesses or organizations
Consumer and occupational health and safety: 10 responses; 800 hours; $163,803 Federal cost; 1 form; $8,000 public cost, not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Gras affirmation petitions are needed to provide a mechanism to the food industry for assuring that a substance they propose to use in food is gras and is not an unregulated (i.e., unsafe) food additive. The petitions are used as the basis for gras affirmation regulations that are published in the **Federal Register.**

• Health Resources Administration
Podiatric Residency Program Suvey
Nonrecurring
Businesses or other institutions
Chef podiatrists of all hospitals with podiatry service
SIC: 806
Health: 1,300 responses; 541 hours; $45,200 Federal cost; 1 form; $5,410 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Certain U.S. hospitals have sufficient podiatric clinical volume and interet to start a new podiatric residency program. The purpose of this survey is to identify these potential new programs. Results will allow podiatriasts to work with these hospitals to initiate the needed programs.

• Health Care Financing Administration
Provider-Based Physician Questionaire for Direct Dealing
Provider
HCFA–284
Annually
Businesses or other institutions
Medicare providers (hosp., home hlt. agen., skilled, etc.
SIC: 808 805 806
Small businesses or organizations
Health: 333 responses; 43,623 hours; $13,075 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The questionnaire is used by HCFA/ODR for obtaining data needed to compute the provider and professional components of provider-based physicians' compensation in order to determine the proper method of billing and reimbursement for covered services rendered to medicare beneficiaries within the providers' cost reporting period and provide proper provider reimbursement under the appropriate medicare trust fund.

• Health Care Financing Administration
Hospital Interim Rate Change Report (Pip Quarterly Report)
HCFA–91
Quarterly
Businesses or other institutions Hosp. and skilled nursing fac. which rec. per. interim paymt.
SIC: 805 806
Small businesses or organizations
Health: 9,916 responses; 138,824 hours; $49,580 Federal cost; 1 form; not applicable under 3504 (h)
Richard Eisinger, 202–395–6880

This form is completed quarterly by hospitals and skilled nursing facilities who receive periodic interim payment (PIP). The intermediary uses this information to adjust the PIP rate.

Revisions

• Social Security Administration
Statistical Report on Recipients Under Public Assistance Program
SSA–3637
Monthly
State or local governments
State public assistance agencies
Public assistance and other income supplements: 216 responses; 6,480 hours; $51,300 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Section 402(A)(6) and 1602(A)(6) of the Social Security Act provide for information regarding numbers of AFDC and general assistance recipients and payments. This form is used to observe and monitor trends and changes as they occur, effects of seasonal and economic factors. Variations, new legislation, and to respond to other indicator of A and for revision or change in fiscal planning or implementation

• Office of Assistant Secretary for Health
Hispanic Health and Nutrition Examination Survey—Pilot Tests
On occasion
Individuals or households
Mex. Amer., Puerto Ricans, Cuban Amer., Living in Bronx, N.Y.
Health: 1,155 responses; 2,287 hours; $3,000,000 Federal cost; 27 forms; $14,550 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The pilot studies being proposed are necessary to test questionnaire construction, transition adequacy, sample selection procedures and examination procedures.

• Centers for Disease Control
Monthly Manufacturers' Report of Specified Bilogics Distribution and Inventory
HSM 4208 CDC 4.206
Quarterly
Businesses or other institutions
Pharmaceutical Companies
SIC: 283
Health: 40 responses; 80 hours; $2,330 Federal cost; 1 Form; $800 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The information gathered from this report is published quarterly to show a current summary of data indicating the estimated utilization and availability of the principal biologic preparations used for immunizations.

• Social Security Administration
Public Assistance Agency Information Request
SSA–1610 U2
On occasion
State or local governments
Infor. from SSA rel. to St. Welf., etc.
SIC: 944
Public assistance and other income supplements: 650,000 responses; 21,667 hours; $1,950,000 Federal cost; 1 Form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Sections 402(A) and 1902(A) of the Social Security Act provides for information regarding State welfare benefits that may affect supplemental security income payments. This form is used in making determinations of eligibility of applicants for various programs between SSA and the State public assistance agencies.

• Social Security Administration
Supplemental Security Income—Quality Review Case Analysis
SSA–8508
On occasion
Individuals or households
Supplemental security income beneficiaries
Public assistance and other income supplements: 49,000 responses; 25,500 hours; $15,337,000 Federal cost; 1 Form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form will be used to collect information from a sample of SSI beneficiaries for the SSI primary ongoing payment accuracy sample and for the supplemental initial claims/par sample. The data will be used to establish a national dollar error rate and plan corrective action as well as evaluate the effectiveness of existing and proposed policy and procedures in the SSI program.

Reinstatements

• Food and Drug Administration
Antibiotic Application
FD–1675
On occasion
Businesses or other institutions
Drug Manufacturers
Consumer and occupational health and safety: 80 responses; 6,400 hours; $200,000 Federal cost; 1 Form; $5,000,000 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Application is used by drug manufacturers with a view to obtaining approval for marketing a new antibiotic product.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Extensions (No change)

• Housing Programs
Description of materials
HUD–92005 (formerly FHA–2005)
On occasion
Businesses or other institutions
Builders-architects
SIC: 953
Small businesses or organizations
Mortgage credit and thrift insurance: 80,000 responses; 40,000 hours; $19,200 Federal cost; 1 Form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Authority for this report is section 203 of the National Housing Act (P.L. 479, 48 stat. 1246, 12 U.S.C. 1701 et seq.), submitted by builder, sponsor and/or approved mortgagor to itemize the materials to be used in construction of the property on which an appraisal and commitment will be made. Needed by HUD to determine if items meet minimum property standards and if application for mortgage insurance is approvable.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

Reinstatements

• Bureau of Land Management
Village Selection Application and Native Group Selection
Application
2650–5
On occasion
Individuals or households/businesses or other institutions
Native village and group corporations in Alaska
SIC: 999
Small businesses or organizations
Conservation and land management: 2,000 responses; 1,000 hours; $10,000 Federal cost; 1 Form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form is needed to document the selection, adjudicate conflicting claims of record and exclude lands or interests not desired by native corporations.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

New

• Legal Activities
Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings
Nonrecurring
Individuals or households/State or local governments/farms
Businesses or other institutions
(Eligible)—Define
SIC: All
Small businesses or organizations
Federal litigative and judicial activities: 50 responses; 500 hours; 1 form; $5,000 public cost; NPRM under 3504(h)
Andy Uscher, 202–395–4814

Rules establish procedure for the submission and consideration of application for awards against the DOJ under the equal access to Justice act.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Hazardous Material Shipping Papers
Other—see SF83
Businesses or other institutions
Shippers of hazardous materials
SIC: All
Small businesses or organizations
Other Transportation: 180,000,000 Responses; 6,000,000 hours; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Needed by carriers to avoid comingling of incompatible materials, loading of forbidden materials, emergency personnel to identify types of hazardous materials being carried in case of accidents, leakage or fire.

• Coast Guard
Shipping Articles
CG–705A
On occasion
Individuals or households/Businesses or other institutions
U.S. merchant seamen and their shipping companies
SIC: 441 442
Water transportation: 2,400 responses; 4,800 hours; $46,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Actual contractual agreement between the master and the crew of certain merchant vessels stating terms of the agreement. It may be used in lieu of form CG–735T for certain voyages. Submitted as permanent record of voyage and agreement. 46 USC 564, 574, 643(1) and 713.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker— 202–634–5394

New

• Internal Revenue Service
Recruit Information Record
500–5–285 (7–81)
Nonrecurring
Individuals or households
Applicants for employment, mainly college students
Central fiscal operations: 2,000 responses; 60 hours; $16,652 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The form is used by the local recruitment coordinator to record and track those students with whom follow-up is necessary. These students include all members of underrepresented groups. The information recorded is used to report on local participation in FEORP activities and in preparing the annual FEORP. Accomplishment report required by OPM under 5 CFR 720.207.

• Internal Revenue Service
MMR Program Disk Label and 405 MTR Program Tape Label
Preparation instruction for disk pack reporting label
Form 5130
5130 5064 5131
Annually
State or local governments/farms/businesses or other institutions
Those required to file IRS income information returns
SIC: All
Small Businesses or organizations

Central fiscal operations: 20,800 responses; 5,200 hours; $4,757 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information returns can be filed on magnetic tape, disk, and diskette. These labels are affixed to the tape reel, disk or diskette. The labels identify the filer and important IRS processing information. Form 5131 provides to transmitters of information returns who use magnetic disk packs or diskettes. The instructions tell the filer how to complete Form 5130.

• Internal Revenue Service
Explaining Why Check was not Accepted by Bank
518C
On occasion
Individuals or households/farms/ businesses or other institutions
Taxpayers who pay their tax liability with a check
SIC: All
Small businesses or organizations
Central fiscal operations: 40 responses; 10 hours; $283 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. section 6657 authorizes a penalty be assessed on bad checks submitted by taxpayers in payment of tax. If the taxpayer has verification that the check was not bad, he/she can return the verification with this letter and IRS will abate the penalty.

• Internal Revenue Service
To Household Employer—Only One EIN Required
473C
On occasion
Individuals or households/farms/ businesses or other institutions
Taxpayers required to file for a taxpayer I.D. number
SIC: 131 201 211 231 283 421 511 631 763 801
Small businesses or organizations
Central fiscal operations: 74 responses; 37 hours; $250 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information is needed to maintain accurate data on all business accounts. It includes issuing employer identification numbers. The information creates an accountability for all taxpayers required to file returns with the IRS.

• Internal Revenue Service
Escrow Agreement
SWR E–2124
Nonrecurring
Individuals or households/state or local governments farms/businesses or other institutions
Estates having tax liability
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 600 responses; 100 hours; $600 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by IRS to secure from the estate executor an agreement to transfer funds to escrow to ensure payment of estate tax.

• Internal Revenue Service
Request for Status of Estate
519C
Annually
Individuals or households
Estates of deceased individuals
Central fiscal operations: 395 responses; 197 hours; $473 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The letter is used by the IRS to verify the status of an estate which is paying taxes under an extended payment election. The executor of an estate certifies the status by signing the letter. Section 20.6166(f)(II) of the Code of Federal Regulations requiries the executor to provide this. The data is used to determine whether the election should be terminated.

• Internal Revenue Service
Authorization of magnetic media file
1264C
On occasion
State or local governments/farms/ businesses or other institutions
Those required to file IRS income information returns
SIC: All
Small businesses or organizations
Central fiscal operations: 1,000 responses; 1,000 hours; $993 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The authorization letter advises filers that they may file information returns on magnetic media and assigns a unique transmitter number to the filer. The letter also asks filers to send IRS a test tape, disk, or diskette before submitting the original file.

• Internal Revenue Service
Confirmation letter
1117(C)
Nonrecurring
Individuals or households/farms/ businesses or other institutions
Potentially the entire spectrum of taxpaying public
SIC: All
Small businesses or organizations
Central fiscal operations; 9,627 responses; 799 hours; $45,500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To fully satisfy some audit objectives, it is necessary to directly communicate with taxpayers and /or other knowledgeable parties to obtain verificiation of information such as correct amount of tax due, all required returns filed, etc. Response information is used to determine the accuracy of tax and general ledger accounts, etc.

• Internal Revenue Service
Magnetic Media Seminar Response Card
6300
On occasion
State or local governments /farms/ businesses or other institutions
Those required to file IRS income info. returns
SIC: All
Small businesses or organizations
Central fiscal operations: 2,500 responses; 625 hours; $1,877 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This response card helps IRS plan promotional seminars on magnetic media filing of information returns. The card is used to provide a file of potential filers and contains contact information on the filers.

• Internal Revenue Service
Telephone calls/personal contacts
RC–C/Gen, 966–A
Other—see SF83
Businesses or other institutions
Any and all employers
SIC: All
Small businesses or organizations
Central fiscal operations; 1,000 responses; 70 hours; $711 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used during telephonic conversations with employers to verify data on the forms W–2 attached to a taxpayer's return. The form W–2 are either typed, handwritten or altered. Without this telephonic verification, fraudulent refunds could be issued or valid refunds held up unnecessarily to the respective taxpayer.

• Internal Revenue Service
Request taxpayer complete form SS–5 for clarficiation of number
257C, 257SC
Nonrecurring
Individuals or households
All individual taxpayers who file tax returns
Central fiscal operations: 16,280 responses; 6,784 hours; $286,814 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6109 requires the correct social security number be used on tax returns. When the information supplied by the taxpayer does not agree with the IRS records. Further verification is necessary in order to properly process the tax return.

• Internal Revenue Service
More info. reg. to adj. tax return
418C, 418SC
On occasion
Individuals or households/farms/ businesses or other institutions
All taxpayers indicating correction required on tax return
SIC: All
Small businesses or organizations
Central fiscal operations: 28,651 responses; 11,939 hours; $191,484 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6011 requires that a tax return be filed by all taxpayers who incur a tax liability. If the taxpayer advises IRS that he/she made an error that needs to be corrected. It may be necessary to request a copy of the original return in order to process the taxpayer's request.

• Internal Revenue Service
Attachment for letter going to schools to schedule understanding tax films
505–6–14
Annually
Businesses or other institutions
High schools
SIC: All
Small businesses or organizations
Central fiscal operations: 900 responses; 45 hours; $2,561 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council; 202–426–5030

The 505–6–13 is a transmittal letter sent to high schools with form 505–6–14. The letter acknowledges the recipient's interest in IRS understanding taxes films and describes the available films. Form 505–6–14 is filled out by the recipient and when returned to IRS it serves as a request for use of a film.

• Internal Revenue Service
SSA Record—Discrepancy
138C, 138SC, 138SC/SP
Quarterly
Individuals or households/businesses or other institutions
All employers
SIC: All
Small businesses or organizations
Central fiscal operations: 1,988 responses; 994 hours; $8,867 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information that is being requested is needed to credit employees with their correct earnings.

• Internal Revenue Service
Filing Status of 501(3) Form 940 Filers
1430C
Other—See SF83
Businesses or other institutions
Taxpayers required to file for a taxpayer I.D. number
SIC: 131, 201, 211, 231, 283, 421, 511, 631, 763, 801
Small businesses or organizations
Central fiscal operations: 600 responses; 300 hours; $2,357 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information is needed to maintain accurate data on all business accounts. It includes issuing employer identification numbers. The information creates an accountability for all taxpayers required to file returns with the IRS.

• Internal Revenue Service
Visitor Register
5422
On occasion
Individuals or households
Individuals visiting certain IRS offices
Central Fiscal Operations: 44,000 responses; 1,467 hours; $5,856 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

A security measure. Controls access to IRS service centers. The Data Center, and the National Computer Center. Prevents disclosure of tax and privacy information and damage to the facilities by requiring visitors to identify themselves, state their business, and why they need access.

• Internal Revenue Service
No Longer in Business—Nonreceipt of Return, Request Additional Information From Employer With No Employees
696C
On occasion
Farms, businesses or other institutions
Sole proprietors, partnerships and corporations
SIC: 019, 138, 162, 399, 446, 501, 599, 605, 739, 919
Small businesses or organizations
Central fiscal operations: 3,003 responses; 1,501 hours; $10,870 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter is used to correspond with employers who are no longer in business. The taxpayer may be requested to provide additional information so that the name can be removed from the mailing list.

• Internal Revenue Service
Requesting a Tax Return to Ensure Credit of Payment to Taxpayer Account
112C 112SC
On occasion
Individuals or households/farms/ businesses or other institutions
Taxpayers making a payment which a return cannot be located
SIC: All
Small businesses or oganizations
Central fiscal operations: 28,399 responses; 14,199 hours; $200,420 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

26 U.S.C. 6011 requires that a tax return be filed by any taxpayer who has taxable income. When the IRS receives a payment or payments from a taxpayer and the return cannot be located, letter 112C is sent to the taxpayer requesting either a copy of the return or additional information as to where the money is to be applied.

• Internal Revenue Service
Scrambled Social Security Number Clarification
239C, 239SC, 239SP
On occasion
Individuals or households
Individual taxpayers who file tax returns
Central fiscal operations: 20,827 responses; 8,679 hours; $51,931 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6109 requires that the correct social security number be entered on tax returns. If a taxpayer does not have an SSN, they are required to obtain one. If the number they are using is incorrect, verification is required before the return can be processed.

• Internal Revenue Service
Two Returns Filed—Explanation Requested
31C, 31SC, 31SP
On occasion
Individuals or households/farms/ businesses or other institutions
Taxpayers filing two tax returns for same period
SIC: all
Small businesses or organizations
Central fiscal operations: 10,482 responses; 4,368 hours; $69,691 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. section 6011 requires that a tax return must be filed if the taxpayer has a tax liability. If the taxpayer files two returns for the same tax period,

further clarification is needed by IRS to correctly process the returns.

• Internal Revenue Service
Multiple Employer Transmittal for Magnetic Tape Reporting of Form W–4
6467
On occasion
State or local governments/farms/businesses or other institutions
Employers of various business and/or organizations
SIC: all
Small businesses or organizations
Central fiscal operations: 150 responses; 75 hours; $241 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 3402 requires all employers making payment of wages to deduct (withhold) tax upon such payments. Employers are further required under regulation 37.3402–1, to submit certain withholding certificates (W–4) to the IRS. Transmittal form 6467 is sent to an authorized agent of the employer who will be reporting submissions of more than one employer on magnetic tape.

• Internal Revenue Service
Appraisal Contract
SWR–754
On occasion
Individuals or households/farms/businesses or other institutions
Appraisers of property
SIC: multiple
Small businesses or organizations
Central fiscal operations: 1,000 responses; 500 hours; $1,000 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form SWR–754 is used to obtain an independent, third party appraisal of property by recognized professional experts. The appraisal is used to support or confirm actual fair market values of property.

• Internal Revenue Service
Information From Individual Claiming the Proceeds of a tax Refund Check to Joint Payees
310C
On occasion
Individuals or households
All individual taxpayers filing joint income tax returns
Central fiscal operations: 120 responses; 60 hours; $406 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6402(A) allows the IRS to refund the amount of any overpayment to the person who made the overpayment. When a joint return is filed and one party subsequently requests the overpayment be refunded to a single party, IRS needs to secure evidence to document the disappearance of death of the other party.

• Comptroller of the Currency
Letter Request for an Employee Compensation Plan
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 50 responses; 250 hours; $20,000 Federal cost; 1 form; $5,913 Public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to support and evaluate proposal for a compensation plan.

• Comptroller of the Currency
List of National Bank Directors
CC 7029–08
Annually
Businesses or other institutions
All national banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 4,450 responses; 2,225 hours; $22,250 Federal cost; 1 form; $27,812 Public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Reports names and addresses of elected directors and vote count.

• Comptroller of the Currency
Application to Organize an Interim National Bank
CC 7020–42
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 80 responses; 240 hours; $520,000 Federal cost; 1 form; $4,258 Public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to present data in support of request for interim bank.

• Comptroller of the Currency
Materials Submitted in Advance of Hearing
On occasion
Individuals or households/businesses of other institutions
Individuals and financial service institutions
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 60 responses; 30 hours; $1,200 Federal cost; 1 form; $150 Public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to present evidence and material at hearing.

• Internal Revenue Service
Exemption Form 4361, Minister's Waiver, Disapproved
286C
Nonrecurring
Individual or households
Taxpayers filing form 4361
Central fiscal operations: 628 responses; 314 hours; $1,872 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 1402(E) authorizes an exemption from self-employment tax for qualifying members of the clergy. Form 4361 is the application form provided for in regs. 1.1401(E)–2A. Letter 286C advises the taxpayer the application has been disapproved and advises them to submit additional information for consideration.

• Internal Revenue Service
Request for Affidavit from T/P Who Explained Loss of Special Tax Stamp
227C
On occasion
Individuals or households/businesses or other institutions
Individuals, sole proprietors, partnerships, corporations
SIC: 592, 518, 348, 594, 208
Small businesses or organizations
Central fiscal operations: 15 responses; 7 hours; $56 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The taxpayer has requested a replacement special tax stamp. This letter requests an affidavit to support request. When the affidavit is received, a new stamp is issued.

• Internal Revenue Service
Request Departing Alien Taxpayer to File Regular Income Tax Return
Nonrecurring
Individuals or households
Departing aliens filing a 1040C need to file 1040/1040NR
Central fiscal operations: 9 responses; 4 hours; $26 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6851(d) (1) and (2) state that aliens cannot leave the United States until they have filed a tax return and paid any tax due. At the time of departure, a form 1040C is filed. Letter 652C requests this taxpayer to file a form 1040 or 1040NR at the end of their tax year. If the taxpayer fills in the

information requested because a return was filed, the data is used to locate the return.

• Internal Revenue Service
Information Needed to Determine Correct Filing Status Under Section 501(C)(3)
5818
On occasion
Businesses or other institutions
Exempt organizations required to file taxpayer I.D. No.
SIC: 131, 201, 211, 231, 283, 421, 511, 631, 763, 801
Small businesses or organizations
Central fiscal operations: 4,555 responses; 2,277 hours; $11,009 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information is used to maintain accurate data on all business accounts of exempt organizations. It includes issuing employer identification numbers. The information creates an accountability for all exempt organizations required to file returns with the IRS. (26 U.S.C. 3121(b)(7))

• Internal Revenue Service
Deliver Unopened to Tape Library
4801
Annually
State or local governments/farms
Taxpayers required to file IRS income information returns
SIC: All
Small businesses or organizations
Central fiscal operations: 10,000 responses; 80 hours; $1,303 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The form 4801 lable is affixed to the shipment of information returns filed on magnetic tape, disk or diskette. Receiving and shipping at the Service Center send the media directly to the tape library. This prevents the shipments from being misdirected or damaged.

• Internal Revenue Service
Short Period Return Received—Explanation Requested (See Supporting Statement)
90C, SC
Other—see SF83
Individuals or households/farms/businesses or other institutions
Individual and business taxpayers
SIC: 019, 138, 162, 399, 446, 501, 599, 605, 739, 919
Small businesses or organizations
Central fiscal operations: 3,295 responses; 1,647 hours; $11,988 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter is used to obtain additional information which is necessary in determining why a taxpayer filed a short period return without explanation.

• Internal Revenue Service
Returning Unnecessary Documents, Forms or Payment to Taxpayer
315C, 315SC
On occasion
Individuals or households/farms/businesses or other institutions
Individual and business taxpayers
SIC: 019, 138, 162, 399, 446, 501, 599, 605, 739, 919
Small businesses or organizations
Central fiscal operations: 9,109 responses; 4,554 hours; $33,786 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter is used to return unnecessary documents to the taxpayer, and provide instructions on the disposition of these documents.

• Internal Revenue Service
Request Info re Invalid SSN—Ref Delayed
487C, 487SC
On occasion
Individuals or households
Individual taxpayers who file tax returns
Central fiscal operations: 480 responses; 200 hours; $2,955 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

In order to process tax returns, 26 U.S.C. 6109 requires the correct social security number be used on the return. If the number used by the taxpayer differs from our records, the return cannot be processed until verification of the correct number is received.

• Internal Revenue Service
Estimated Penalty Letter
876C
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers required to make estimated tax payments
SIC: All
Small businesses or organizations
Central fiscal operations: 8,628 responses; 4,314 hours; $25,547 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6654 and 6655 authorize the IRS to assess a penalty against taxpayers who do not make estimated tax payments as required by 26 U.S.C. 6015. Letter 876C advises the taxpayer they are being assessed this penalty and explains they may qualify for one of the exceptions to the penalty.

• Internal Revenue Service
Response to Taxpayer's Inquiry About Penalty Notice
369C, 369SC
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers required to make estimated tax payments
SIC: All
Small businesses or organizations
Central fiscal operations: 26,091 responses; 10,872 hours; $182,688 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. sections 6153 and 6154 require that individuals and corporations make estimated tax payments during the year. 26 U.S.C. sections 6654 and 6655 provide for a penalty if these payments are not made. This letter requests an explanation from the taxpayer to help in determining if the penalty can be reduced or eliminated.

Revisions

• Internal Revenue Service
Statement for Recipients of Miscellaneous Income
1099-misc, 1087-misc
Annually
Businesses or other institutions
Persons paying rent, royalties, prizes/awards
SIC: All
Small businesses or organizations
Central fiscal operations: 10,204,000 responses; 3,395,000 hours; $932,109 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1099-misc is used to report rents, royalties, prizes and awards (but not for services rendered) and certain other payments paid during the year, as required by IRC section 6041. Form 1087-misc is used to report the actual owner of the income. IRS uses both forms to verify income-reporting compliance by the recipients.

• Internal Revenue Service
Underpayment of estimated tax by individuals and underpayment of estimated tax by farmers and fishermen
2210
On occasion
Individuals or households/farms/businesses or other institutions
Individual farmers, and fisherman (self employed)
SIC: 091, 092, 011, 013, 016, 017, 018, 019, 021
Small businesses or organizations

Central fiscal operations: 583,336 responses; 392,747 hours; $3,494,791 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC section 6654 imposes a penalty for failure to pay estimated income tax. This form is used by taxpayers to determine whether they are subject to this penalty and to compute the penalty if it applies. The service uses this information to determine whether the taxpayer subject to the penalty and, also, to verify the penalty amount.

Extensions (Burden Change)

• Bureau of Alcohol, Tobacco and Firearms
Distilled spirits tax return-deferred payment
ATF F 5110.3,5
Other-see SF83
Businesses or other institutions
Permittees removing distilled spirits from bonded premises
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 6,240 responses; 7,200 hours; $1,319 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form shows the amount and payment of distilled spirts tax by a DSP that has deferred taxes on a semi-monthly basis. Describes the taxpayer, method and amount of tax payment, calculation of taxpayment and receipt of taxpayment by IRS. On this form, billions of dollars of taxes are collected by the U.S. Government.

• Internal Revenue Service
Computation of overpaid windfall profit tax
6249
Annually
Individuals or households/businesses or other institutions
Producers of domestic crude oil
SIC: 131, 621, 651, 679, 492, 461
Small businesses or organizations
Central fiscal operations: 200,000 responses; 514,080 hours; $149,411 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 6249 is used by producers of domestically produced crude oil who have overpaid their windfall profit tax. The information is used to determine if overpayment has been correctly computed.

• Internal Revenue Service
Annual information return of windfall profit tax 6248
Annually
Individuals or households/businesses or other institutions
Purchasers of domestically produced crude oil
SIC: 131, 621, 651, 679, 492, 461
Small businesses or organizations
Central fiscal operations: 2,500,000 responses; 6,394,000 hours; $2,786,736 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 6248 is an annual information return that informs the IRS of each producer's windfall profit tax liability for the calendar year. It is used by the IRS to verify if a producer paid the correct windfall profit tax liability for the calendar year.

• Internal Revenue Service
Return by a transferor of property to a foreign corporation, foreign estate or trust, or foreign partnership
926
Nonrecurring
Individuals or households/businesses or other institutions
U.S. Taxpayer transfering property to foreign corporation
SIC: All
Small businesses, or organizations
Central fiscal operations: 34,000 responses; 26,000 hours; $6,980 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC Section 1491 imposes an excise tax on the transfer of property to a foreign entity. On the date of the transfer the transaction is to be reported and the tax is to be paid. 26 CFR 1.1494–1 specifies form 926 is to be used. The information is used to verify that the transfer was correctly reported and that the tax was paid.

• Internal Revenue Service
United States short form gift tax return
709–A
Annually
Individuals or households
Individual electing to use gift-splitting
Central fiscal operations: 72,000 responses; 51,000 hours; $299,296 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form 709–A is used to report gifts that would be taxable except that they are "split" between husband and wife. The form is a simplified version of form 709, designed to relieve these gift/taxpayers of the burden of filing form 709. IRS uses the information to assure that "gift-splitting" was properly elected.

• Internal Revenue Service
Employee moving expense information
4782
Other-see SF83
Businesses or other institutions/State or local governments
Employers
SIC: All
Small businesses or organizations
Central fiscal operations: 1,155,000 responses; 564,860 hours; $90,729 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 CFR 31.6051–1(E) requires that a statement be given by employers to employees showing a detailed breakdown of reimbursements or payments of moving expenses. Data is used to assist employees in determining correct amount of moving expense deduction to claim on their income tax return.

• Bureau of Alcohol, Tobacco and Firearms
Beer tax return
ATF F 2034 (5130.7)
Other—see SF83
Business or other institutions
Brewer's removing beer from premises
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 2,424 responses; 2,500 hours; $649 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The excise tax on beer is $9 a barrel. It is most often paid on a deferred basis. The tax return shows the amount of beer removed from the brewery during a 2-week period, adjustments to the return and the actual tax due. For tax collection purpose.

• Internal Revenue Service
United States quarterly gift tax return
709
Quarterly
Individuals or households
Individuals and their estates only
Central fiscal operations: 149,000 responses; 453,347 hours; $628,383 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 709 is used to report transfers subject to the gift tax and to compute the gift tax. IRS uses the information to enforce the gift tax and to compute the gift and the estate tax.

• Comptroller of the Currency
Certificate of Payment of Capital Stock and Compliance With Legal Requirements (Page 1 through 3)
CC 7020–30
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations

Other advancement and regulation of commerce: 120 responses; 60 hours; $55,800 Federal cost; 1 form; $532 public cost; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

Verifies payment of stock and legal compliance.

• Comptroller of the Currency
Oath of Interim Directors
CC 7020–26
On occasion
Businesses or other institutions
Organizing national banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 120 responses; 30 hours; $55,800 Federal cost; 1 form; $266 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Prescribed oath of directors.

• Comptroller of the Currency
Certificate of Payment of Additional Common Stock
CC 7028–08
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 300 responses; 75 hours; $3,000 Federal cost; 1 form; $865 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6800

Contains certification of captioned payment.

• Comptroller of the Currency
Certificate of Payment for Additional Common Stock (For Assets)
CC 7028–09
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 10 responses; 2 hours; $200 Federal cost; 1 form; $22 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880
Verifies payment of stock for assets.

• Internal Revenue Service
US Income Tax Return for Certain Political Organizations
1120–POL
Annually
Businesses or other institutions
Certain political organizations
SIC: 865
Small businesses or organizations
Central fiscal operations: 2,000 responses; 12,532 hours; $22,887 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

Form 1120–POL must be filed by certain political organizations having any taxable income. Form 1120–POL is used by political organizations to report their income subject to tax and compute their correct income tax liability. This information is used by IRS to determine the taxpayer's correct tax liability and for general statistics use.

• Internal Revenue Service
Statement for Recipients of Nonemployee Compensation
1099–NEC
Annually
Individuals or households/State or local governments/farms/businesses or other institutions
Payers of nonemployee compensation
SIC: All
Small businesses or organizations
Central fiscal operations 7,614,000 responses; 1,930,000 hours; $673,725 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to report payments of fees, commissions, or any other compensation for services rendered in the course of the payor's business when the recipient is not treated as an employee (IRC section 6041). The information on the form is used to verify reporting compliance on the part of the recipient.

• Comptroller of the Currency
Corporate Resolution-Board of Directors-Conversion
CC 7022–13
On occasion
Businesses, or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 10 responses, 5 hours; $50 Federal cost; 1 form; $89 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Documents State banks directors resolution to convert to a national bank.

• Comptroller of the Currency
Agreement of Consolidation
CC 7023–06
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 30 responses; 600 hours; $27,000 Federal cost; 1 form; $12,418 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains consolidation agreement and terms.

• Comptroller of the Currency
Sample Waiver of Notice of First Meeting of Interim Board of Directors
CC 7020–23
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce; 120 responses; 30 hours; $55,800 Federal cost; 1 form; $621 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Needed to document adherence to procedures for establishing a national bank.

• Bureau of Alcohol, Tobacco and Firearms
Monthly Report of Production Operations
ATF F 51104.0
Monthly
Businesses or other institutions
Distilleries who actually produce (distill) spirits
Federal law enforcement activities: 1,450 responses; 2,900 hours; $19,800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form necessary for distilled spirits plants who distill (produce) spirits. Describes their operations relating to producing spirits and the disposition of the production, the quantities involved, type of spirits produced and the type of distilling materials used. Used by ATF to compile statistics and audit DSP operations.

• Bureau of Alcohol, Tobacco and Firearms
Monthly Report of Processing (Bottling) (Operations)
ATF F 51102.8
Weekly, monthly
Businesses or other institutions
Distilled spirits plants that package or bottle spirits
SIC: 208
Federal law enforcement activities: 1,500 responses; 3,000 hours; $25,100 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form used to determine whether a distilled spirits plant has complied with law and regulations and for general statistics about operations. Identifies distilled spirits plant, amount of spirits received and disposed of from the processing account and other

information for statistics. Used by ATF to audit a distilled spirits plant conducting processing operations.

• Bureau of Alcohol, Tobacco and Firearms
Monthly Report of Storage Operations
ATF F 5110.1 1
Monthly
Businesses or other institutions
Distilled spirits plants that store distilled spirits
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 2,400 responses; 4,800 hours; $22,500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form used to determine whether a distilled spirits plant has complied with law and regulations regarding operations. Form identifies the distilled spirits plant, the amount of spirits received and disposed from the storage account, and other information for statistical purposes. Used by ATF to audit a distilled spirits plant with storage operations.

• Bureau of Alcohol, Tobacco and Firearms
Report of Bottle Strip Stamps Distilled Spirits, Stamps and Alternative Devices
ATF F 5100.8 (2260)
Quarterly
Businesses or other institutions
Distilled spirits plants and importers of distilled spirits
SIC: 208 518
Small businesses or organizations
Federal law enforcement activities: 7,000 responses; 7,000 hours; $4,600 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report is used to determine an importer's or a distilled spirits plant use or strip stamps, distilled spirit stamps, and alternative devices for compliance with regulations and law. Identifies the person to whom stamps or alternative devices are used on spirits, the reason and amount used, and size of container to which affixed. Used to vertify reporter's accounting of receipt and use of stamps or devices.

Extensions (No Change)

• Bureau of Alcohol, Tobacco and Firearms
Remittance Transmittal (Alcohol, Tobacco and Firearms)
ATF F 4640 (5660.5)
On occasion
Businesses or other institutions
Permittees removing tobacco products from bonded premises
SIC: 519
Small businesses or organizations
Federal law enforcement activities: 300 responses; 150 hours; $183 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form is used by an export warehouse proprietor of tobacco articles to pay tax when it has become due prior to ATF assessment of tax. Describes that proprietor and location, the type and amount of tax due, method and manner of payment and receipt by IRS of payment. Form may also be made by ATR after receipt of taxes from an export warehouse proprietor.

• Comptroller of the Currency
Organization Certificate (Conversion)
CC 7022–12
On occasion
Businesses or other institutions
State-chartered banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 10 responses; 10 hours; $50 Federal cost; 1 form; $118 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Records State bank's agreements to organize as a national bank.

• Comptroller of the Currency
Authority for Conversion of Financial Institution
CC 7022–11
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 10 responses; 10 hours; $30 Federal cost; 1 form; $118 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Required to authorize conversion of a State bank to a national bank.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–287–0793

New

• NPDES Discharge Monitoring Report
EPA 3320–1
Monthly, quarterly, semiannually, annually
State or local governments/businesses or other institutions
Businesses, State and local governments, instit.
SIC: all
Small businesses or organizations
Pollution control and abatement: 212,480 responses; 36,122 hours; $334,170 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Data obtained through the discharge monitoring report is used by EPA and/or State permitting authority as the primary information source in NPDES permit compliance/enforcement. The data from DMRS can also be used to generate a national datum of effluent quality from which trends can be established over varying time periods, for geographical locations for various categories of dischargers, etc. These trends provide a means for measuring the effectiveness of the NPDES strategy.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer— 202–452–1983

Extensions (No Change)

• Report of Condition for Foreign Subsidiaries
FR2314
Annually
Businesses or other institutions
Foreign subsidiaries of U.S. banks
SIC: 602, 605, 671
General government: 900 responses; 5,031 hours; $40,000 Federal cost; 1 form; $100,620 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The report provides the only source of comprehensive and systematic data on the assets and liabilities of foreign subsidiaries of U.S. banking institutions. The data is used to monitor the growth and activity of the subsidiaries, to supervise the overall operations of the parent institution(s), and is a source of data on the foreign operations of the U.S. banking system needed for formulating monetary policy.

FEDERAL TRADE COMMISSION

Agency Clearance Officer—Carl Hevener—202–523–3373

New

• Application for legal position
Nonrecurring
Individuals or households
Law stu., recent law sch. grad. and attys may use this form
Other advancement and regulation of commerce: 3,000 responses; 1,500 hours; $37,000 Federal cost; 1 form; not applicable under 3504(h)
Paula Daigneault, 202–395–7340

This form will be used by applicants for legal (attorney, law clerk, legal intern) positions at the Commission. It will be used by the Division of Personnel and the operating bureaus as a source of information when evaluating applicant's qualifications and to gather

statistical data on the applicant pool as required by a court order.

INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—202–523–0267

Revisions

- Synthetic Organic Chemicals, U.S. Production and Sales

CD–A1
Annually
Businesses or other institutions
Producers of synthetic organic chemicals
SIC: 282, 283, 284, 286, 291
Small businesses or organizations
Conduct of foreign affairs: 800 responses; 8,800 hours; $125,000 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

The subject report covers all synthetic organic chemicals on an individual product basis, and shows production and sales data wherever business confidential data would not be disclosed. The report is the only source for these data (in the detail supplied) and is used extensively by Government and the public.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

Extensions (No Change)

- Application for Materials License—Medical

313M
On occasion
Businesses or other institutions
NRC Medical licensees and applicants
SIC: 493
Small businesses or organizations
Energy information, policy, and regulation: 500 responses; 1,000 hours; $320,000 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

NRC regulations 10 CFR 35.4 require that applicants for specific licenses to possess and use byproduct materials in human beings provide information relative to the applicant's training, experience, equipment, facilities, and procedures to determine their adequacy to protect the public health and safety.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

New

- Gross Earnings Reports

Annually
Businesses or other institutions
Railroad employers
SIC: 401
Small businesses or organizations
General retirement and disability insurance: 304 responses; 128 hours; $7,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Section 7(c)(2) of the RR Act requires a financial interchange between the OASDI trust funds and the railroad retirement account. The collection obtains gross earnings of railway employees on a 1-percent basis. The information will be used for determining the amount which would place the OASDI trust funds in the position they would have been if railroad service had been covered by the SS and FIC Acts.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

- Customer Protection—Reserves and Custody of Securities

Rule 15C3–3 (17 CFR 240.15C3–3), Rule No. for 17 CFR 240 15C3–3, Rule 15C3–3
On occasion, weekly, monthly
Businesses or other institutions
Reg. Bkr-dealers and reg. nat'l SE and the reg. nat'l Sec. Asso.
SIC: 621
Other advancement and regulation of commerce: 23,200 responses; 116,000 hours; $15,000 Federal cost; 1 form; $1,740,000 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15C3–3 was adopted in 1972 to provide protection for the integrity of customer funds and securities. The rule sets standards for the acceptance, custody and use of customers' securities and the maintenance of reserves with respect to customer deposits and credit balances or monies obtained from use of customer securities.

- Temporary Exemption of Substituted or Additional Securities

Rule 12A–5 (A7 CFR 240.12A–5) and Form 26 (17 CFR 249.26), Rule No. for 17 CFR 240. 12A–5, Rule 12A–5, Form No. 26: 483
On occasion
Business or other institutions
National securities exchanges
SIC: 623
Other advancement and regulation of commerce: 50 responses; 16 hours; $1,000 Federal cost; 1 form; $650 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Under section 12(a) of the Securities Exchange Act of 1934 ("act") transactions ordinarily may not be effected on a national securities exchange in a security unless such security is registered pursuant to section 12 of the act. Rule 12A–5 permits certain temporary exceptions to section 12(a) for additional securities of the same class or substituted securities. Form 26 is used by the exchange to notify the Commission of the use of rule 12A–5.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

- Asset Information Collection and Screening Program

10–10F
On occasion
Individuals or households
Veterans or their representatives
Hospital and medical care for veterans: 560,000 responses; 112,000 hours; $959,790 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form will be used to help determine whether certain nonservice connected veterans are considered able to defray the cost of needed medical care though personal and other resources.

Arnold Strasser,
Acting Assistant Administrator for Reports Management.

[FR Doc. 81–20678 Filed 8–26–81; 8:45 am]
BILLING CODE 3110–01–M

POSTAL SERVICE

Inquiry Concerning Proposal for Selling Advertising Space

AGENCY: Postal Service.

ACTION: Notice of inquiry.

SUMMARY: The Postal Service is considering suggestions that it accept various forms of advertising as a means of trying to offset some of the costs of the postal system. This would involve some relaxation of previous policy which long has sought to avoid association of U.S. postal activities with specific commercial or other private enterprises. In order to develop a better idea of what the attitude of the public might be toward such a shift in policy, what potential markets might be available for various kinds of advertising, and how the details of such an advertising program might be administered, the Postal Service is publishing this document to invite public comments.

DATE: Comments must be received on or before October 26, 1981.

ADDRESS: Send comments to W. L. Davidson, Jr., Director, Office of Consumer Marketing, Customer Services Department, U.S. Postal Service, 475 L'Enfant Plaza, West, SW., Washington, D.C. 20260, or deliver them to Room 5637, 475 L'Enfant Plaza, Washington, D.C., between 9:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: W. L. Davidson, Jr., (202) 245–5739.

SUPPLEMENTARY INFORMATION: Under the proposal being considered, revenue would be raised through the sale of advertising for display at postal facilities, on postal equipment, and on stamp booklets and other products, but not in the design of postage stamps or postal indicia on aerograms or embossed envelopes. The Postal Service is interested in receiving information and commment on the issues raised by the following questions pertaining to this proposal. In addition, any and all general comments addressing the subject of a postal advertising program will be given careful consideration.

Questions for Comment

1. Do you believe Postal Service policy should be changed so as to allow the display of advertisements in postal facilities and on postal equipment? In particular, would you favor the placement of advertising material in post office lobbies or on postal vehicles, collection boxes, the unmarked sides of stamp booklets, aerograms, postage stamp pre-cancellations, postmarks, postal cards, embossed envelopes, the reverse side of stamps, or Postal Service postage meter strips? If so, explain in detail. Although done infrequently in the past, the Bureau of Printing and Engraving can no longer print on the reverse side of stamps, due to an employee safety consideration which rules out the use of ungummed stamp paper. Anyone supporting this medium of advertising should suggest a cost-effective means of surmounting this obstacle.

2. If the Postal Service decided to sell space for advertising in facilities and on equipment, do you believe all forms—commercial, political, charitable, religious, and governmental—should be accepted? If not, why?

3. With regard to commercial advertising, should it be limited to institutional advertising as opposed to product advertising? If so, why? If product advertising is accepted, should any products be excluded? Furthermore, can and should the Postal Service take steps to ensure that the advertising is not misleading or not in bad taste? That any advertised product is safe?

4. If you believe any restrictions should be imposed, how should the Postal Service administer and enforce them? Are there efficient ways to avoid disputes or litigation with those whose proposals are turned down?

5. How should advertising space be sold? Should the Postal Service follow a competitive highest bid system or establish a rate schedule and sell the ad space on a first come, first served basis?

6. What would be a fair market-place price for the space on the following potential advertising mediums? The number of items currently in each category is provided to give some idea as to the degree of exposure an advertisement appearing on that specific object might receive.

a. Postal vehicles (122,555)
b. Post office lobbies (39,486; 7.1 million daily visitors)
c. Collection boxes (no current figure is available)
d. Stamp booklets (249,735,900 per year)
e. Reverse side of stamps (30 billion stamps per year)
f. Postal Service meter strips (not quantifiable)
g. Aerograms (42,025,000 per year)
h. Postage stamp pre-cancellations (894,706,588 per year)
i. Postmarks (3,402 mechanized cancelling devices)
j. Postal cards (511,971,750 per year)
k. Embossed envelopes (898,022,500 per year)

Do you believe any of these potential advertising forms would be a popular means of carrying messages to the public? As an advertiser, would you be willing to use these forms of advertising? Which would you find most attractive? Least attractive? How would these various forms compare to other methods of advertising, such as television, radio, newspaper and magazine ads? How much might the advertising industry be expected to spend on particular forms and for postal advertising as a whole? For a particular number of exposures within an advertising medium? On a monthly basis? On an annual basis?

A summary of comments received pursuant to this notice will be published in the **Federal Register** along with the Postal Service's conclusions concerning the appropriateness of pursuing this advertising program.

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-24990 Filed 8-26-81; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11915; 812-4898]

Sentinel Cash Management Fund, Inc.; Filing of Application

August 21, 1981.

Notice is hereby given that Sentinel Cash Management Fund, Inc. ("Applicant"), National Life Drive, Montpelier, Vermont 05602, a registered open-end, diversified, management investment company, filed an application on June 22, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value the assets of its initial series, Sentinel Cash Management Fund, Inc. ("Fund"), using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a Maryland corporation structured as a "series company" with one initial series of shares, those of the Fund. Applicant further represents that the Fund is to be a "money market" fund designed as an investment vehicle for investors who are seeking to earn a high level of income and to minimize fluctuations in the value of their investment while retaining the flexibility to liquidate their investment at any time. Applicant states that the objective of the Fund is to seek to achieve as high a rate of current income as is consistent with preservation of capital and maintenance of liquidity by investing in a portfolio of a variety of money market instruments. To realize this objective the Fund's portfolio may be invested in a wide variety of short-term money market instruments consisting of securities issued or guaranteed by the United States Government or its agencies, authorities or instrumentalities; bankers' acceptances and certificates of deposit, including those issued by domestic banks, and savings and loan associations and dollar denominated obligations of foreign branches of United States banks and United States branches of foreign banks; and high grade commercial paper or other corporate obligations.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the

market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

According to the application, Applicant's board of directors has determined in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing the portfolio securities of the Fund is appropriate and in Applicant's best interests and will reflect the fair value of such securities. Applicant also avers that is board of directors is of the view that it will be advantageous to shareholders of the Fund to have the conveniences and advantages of the stable purchase and redemption price of $1.00 per share which the amortized cost method of valuing portfolio securities would provide. Applicant submits that its use of the amortized cost method of valuing the portfolio securities of the Fund, subject to certain conditions to which it agrees, will benefit those shareholders by enabling the Fund to maintain a $1.00 per share purchase and redemption price.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it believes the granting of the requested exemption by the Commission is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly, Applicant requests that an order be granted to exempt Applicant from Section 2(a)(41) and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit it to maintain a $1.00 per share purchase and redemption price for shares of the Fund by means of the amortized cost method of portfolio valuation. If the requested exemptions are granted by the Commission, Applicant agrees to adhere to the following conditions:

1. In supervising the Fund's operations and delegating special responsibilities involving management of the Fund's portfolio to Applicant's investment adviser, Applicant's management—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objectives, to stabilize the Fund's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by Applicant's board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market asset value per share of the Fund as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share of the Fund exceeds ½ of 1 percent, a requirement that the directors will promptly consider what action, if any, should be initiated.

(c) Where Applicant's board of directors believes the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will cause the Fund to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for the Fund; provided, however, that the Fund will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit the portfolio investments of the Fund, including repurchase agreements, to those United States dollar-denominated instruments which the directors determine present

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than September 15, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–25055 Filed 8–26–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18054; (SR–NASD–80–20)]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

August 21, 1981.

On October 28, 1980, the National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, N.W., Washington, D.C. 20006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which revises Parts II and XII of Schedule D of the NASD's By-Laws to increase the initial and maintenance requirements for inclusion of securities in the NASDAQ System. The NASD stated that the purpose of the increase is to reflect the effects of inflation since the existing requirements were instituted in 1971.

Specifically, the proposed amendments to Part II of Schedule D raise the requirements for initial inclusion in the NASDAQ System from $1 million in total assets and $500,000 in total capital and surplus to $2 million in total assets and $1 million in total capital and surplus. In addition, the filing raises the maintenance requirements of the NASDAQ System from $500,000 in total assets and $250,000 in total capital and surplus to $750,000 in total asets and $375,000 in total capital and surplus. These amendments apply to Authorized Domestic Securities, as well as Authorized Foreign Securities and American Depository Receipts. The rule change will apply to all applications for inclusion on NASDAQ received by the NASD or completed with the NASD after August 21, 1981, except for new issues awaiting only Commission approval of the issuer's registration statement. However, the proposed rule change delays the increase in maintenance requirements for twelve months following the effective date of the rule change to allow companies additional time to comply with the increased standards. In addition, the proposed rule change amends Part XII of Schedule D which permits companies not on NASDAQ to be included on local lists without regard to price if such companies report no less than the amended minimum assets and capital and suplus required for inclusion in the NASDAQ System.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17281, November 10, 1980) and by publication in the **Federal Register** (45 FR 75411, November 11, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–25057 Filed 8–26–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18052; (SR–NSCC–80–15)]

National Securities Clearing Corporation ("NSCC"); Order Approving Proposed Rule Change

August 21, 1981.

On May 5, 1981, NSCC, 55 Water Street, New York, New York 10041, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exhange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change that would permit NSCC to accept letters of credit in addition to cash or government securities for clearing fund purposes.

Notice of the proposed rule change, including a prepublication amendment, together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–16876, June 6, 1980) and by publication in the **Federal Register** (45 FR 40270, June 13, 1980). Five favorable written comments were received by the Commission.

On April 2, 1981 NSCC submitted Amendment No. 2 to the filing, which raised the minimum requirement for cash contributions to the clearing fund if a participant uses letters of credit. Notice of the amendment and its terms of substance was given by publication of a Commission Release (Securities Exchange Act Release No. 34–17712, April 13, 1981) and by publication in the **Federal Register** (46 FR 22522, April 17, 1981). No written comments were received by the Commission. On July 29, 1981, NSCC submitted further clarifying technical amendments.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies and, in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25052 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22174; (70-6627)]

Georgia Power Co.; Proposed Transactions Related to Financing of Pollution Control Facilities

August 21, 1981.

Georgia Power Company ("Georgia"), 333 Piedmont Avenue, N.E., Atlanta, Georgia 30308, an electric utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(b) and (12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50 thereunder.

In order to comply with prescribed environmental standards of the State of Georgia with respect to air and water quality, Georgia must construct certain air and water pollution control facilities at its Bowen, Branch, Scherer and Vogtle plants located in Bartow, Putnam, Monroe and Burke Counties, Georgia respectively.

It is proposed that a Development Authority of each county ("Authority") would issue tax exempt pollution control revenue bonds, and, in the case of Monroe and Burke Counties, industrial development revenue bonds("Revenue Bonds") in amounts based upon the cost of the respective facilities for the purpose of making loans to Georgia to pay the costs of the acquisition, construction, installation and equipping of the pollution control facilities located within its jurisdiction The aggregate principal amount of the Revenue Bonds to be issued is estimated not to exceed $50,000,000 of which $48,000,000 will be pollution control revenue bonds and $2,000,000 will be industrial development revenue bonds.

Each Authority would, pursuant to a loan agreement, loan to Georgia the Revenue Bonds' proceeds and Georgia would issue a non-negotiable promissory note therefor providing for payments thereon corresponding to the payments of principal, interest and premium, if any, on the Revenue Bonds as they become due. The proceeds of the Revenue Bonds would be deposited with a trustee ("Trustee") under a trust indenture to be entered into between the Authority and the Trustee pursuant to which the Revenue Bonds would be issued and secured. Georgia will use the proceeds to pay the construction cost of each pollution control facility.

Each agreement will provide for the assignment to the Trustee of the Authority's interest in and of the moneys receivable by the Authority under the agreement and the note. Each agreement will also obligate Georgia to pay the fees and charges of the Trustee and will provide that Georgia may at any time prepay the amount due under the note.

Each trust indenture will provide that the Revenue Bonds issued thereunder will be redeemable (i) at any time on or after a date not later than 10 years from the date of issuance, in whole or in part, at the option of Georgia, initially with a premium of up to 3% of the principal amount and declining by not less than ½ of 1% annually thereafter, and (ii) in whole, at the option of Georgia, in certain other extenuating cases, such redemption of all such outstandingother extenuating cases, such redemption of all such outstanding Revenue Bonds to be at the principal amount thereof plus accrued interest, but without premium. It is proposed that the Revenue Bonds will mature from one to to 30 years from the first day of the month in which they are initially issued and may, in the case of a maturity of 15 to 30 years and if it is advisable for purpose of the marketability of the Revenue Bonds, be entitled to the benefit of mandatory redemption sinking funds calculated to retire a portion of the aggregate amount of the issue prior to maturity.

In order to obtain the benefit of ratings for the Revenue Bonds equivalent to the rating of Georgia's first mortgage bonds outstanding under the indenture dated as of March 1, 1941 between Georgia and Chemical Bank, as supplemented and amended ("Mortgage"), Georgia may determine to secure its obligations under each note by delivering to the Trustee, to be held as collateral, a series of its first mortgage bonds ("Collateral Bonds") in principal amount equal to the principal amount of the Revenue Bonds. Each series of Collateral Bonds will be issued under a supplemental indenture to the Mortgage to be dated as of the first day of the month in which the Collateral Bonds are to be issued and delivered, will bear interest at a rate equal to the interest rate to be borne by the related Revenue Bonds, will mature on the maturity date of such Revenue Bonds and will be non-transferable by the Trustee.

The supplemental indenture will provide, however, that the obligation of Georgia to make payment with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the note sufficient to meet payments when due in respect of the related Revenue Bonds. The supplemental indenture will provide that, upon acceleration by the Trustee of the principal amount of all related outstanding Revenue Bonds under the trust indenture, the Trustee may demand the mandatory redemption of the related Collateral Bonds at a redemption price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption. The supplemental indenture may also provide that, upon the optional redemption of the Revenue Bonds, in whole or in part, at any time after they have been outstanding for a period not longer than 10 years, an equal principal amount of the Collateral Bonds will be redeemed at an initial premium of up to 3 percent and declining by not less than one-half of 1 percent annually thereafter.

The trust indenture will provide that, upon deposit with the Trustee of funds sufficient to pay or redeem all or any part of the related Revenue Bonds, or upon direction to the Trustee by Georgia to so apply funds available therefor, or upon delivery of such outstanding Revenue Bonds to the Trustee by or for the account of Georgia, the trustee will be obligated to deliver to Georgia, or for the account of Georgia, the Collateral Bonds then held as collateral in an aggregate principal amount equal to the aggregate principal amount of such Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

Because interest accrues in respect of the Collateral Bonds until satisfied by payments under the note, annual interest charges in respect of the Collateral Bonds will be included in computing the interest earnings requirement of the Mortgage which restricts the amount of first mortgage bonds which may be issued and sold to the public in relation to Georgia's net earnings. The Collateral Bonds would be issued on the basis of unfunded net property additions.

As an alternative to or in conjunction with Georgia's securing its obligations through the issuance of the Collateral Bonds, Georgia may cause an irrevocable Letter of Credit of a bank to be delivered to the Trustee. The Letter of Credit would be an irrevocable obligation of the bank to pay to the Trustee, upon request, up to an amount necessary in order to pay the principal of and accrued interest on the Revenue Bonds when due. Pursuant to a separate

agreement with the bank, Georgia would agree to pay to the bank on demand all amounts that are drawn under the Letter of Credit, as well as certain fees and expenses. Such delivery of the Letter of Credit to the Trustee would obtain for the Revenue Bonds the benefit of a rating equivalent to the credit rating of the bank. In the event that the Letter of Credit is delivered to the Trustee as an alternative to the issuance of the Collateral Bonds, Georgia may also convey to each Authority a subordinated security interest in the respective pollution control facility or other property of Georgia as further security for Georgia's obligations under the Agreement. Such subordinated security interests would be assigned by the Authorities to the Trustee.

As a further alternative to, or in conjunction with, securing its obligations under each Agreement and note and in order to obtain a "AAA" rating for the Revenue Bonds by Standard and Poor's Corporation, Georgia may cause an insurance company to issue separate policies of insurance guaranteeing the payment when due of the principal of and interest on each series of the Revenue Bonds. Each such insurance policy would extend for the term of the related Revenue Bonds and would be non-cancelable by the insurance company for any reason. Non-refundable, one-time insurance premiums for the policies would be fully paid by Georgia at the time the policies are issued. In addition, Georgia may be obligated to make payments of certain specified amounts into separate escrow funds and to increase the amounts on deposit in such funds under certain circumstances. The amount in each escrow fund would be payable to the insurance company as indemnity for any amounts paid pursuant to the related insurance policy in respect of principal of or interest on the related Revenue Bonds.

If Georgia is unable or determines not to issue the Collateral Bonds or to deliver the Letter of Credit to the Trustee or to cause insurance policies to be issued, the Revenue Bonds would be issued without the benefit of such security. In that event Georgia may convey to each authority a subordinated security interest in the respective pollution control facility as security for its obligations under each note. Such subordinated security interests would be assigned by the Authorities to the Trustee.

It is contemplated that the Revenue Bonds will be sold by the Authorities pursuant to arrangements with one or more underwriters. In accordance with the laws of the State of Georgia, the interest to be borne by the Revenue Bonds will be fixed by the Boards of Directors of the Authorities and will be either a fixed rate or a rate which will fluctuate in accordance with a specified prime or base rate or rates, and, if Collateral Bonds are issued, such a fluctuating rate will not exceed a specified maximum rate or fall below a specified minimum rate. While Georgia will not be party to the underwriting arrangements for the Revenue Bonds, such arrangements will provide that the terms of the Revenue Bonds and their sale by the Authorities shall be satisfactory to Georgia.

The obligations of Georgia under the separate Agreements relating to the industrial development revenue bonds would be secured by separate series of Collateral Bonds. The industrial development revenue bonds would be marketed contemporaneously with the other Revenue Bonds. Georgia would grant the Monroe and Burke County Authorities, respectively, in connection with the industrial development revenue bonds, a lien on certain property of Georgia other than the pollution control facility. Each such lien would be subordinate to the lien of the Mortgage and will be assigned by the respective Authority to the Trustee.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 14, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25053 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22172; (70-6311)]

General Public Utilities Corp., et al.; Proposed Issuance and Sale of Short-Term Notes and First Mortgage Bonds to Banks by Guaranty by Holding Co.

In the matter of General Public Utilities Corporation, 100 Interpace Parkway. Parsippany. New Jersey 07054; Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960; Metropolitan Edison Company, 2800 Pottsville Pike, Muhlenberg Township, Berks County. Pennsylvania 19605; and Pennsylvania Electric Company, 1001 Broad Street, Johnston, Pennsylvania 15907.

General Public Utilities Corporation ("GPU"), a registered holding company, and its electic utilitiy subsidiaries, Jersey Central Power and Light Company ("JCP&L"), Metropolitan Edison Company ("Met-Ed"), and Pennsylvania Electric Company ("Penelec"), have filed with this Commission a further post-effective amendment to their application-declaration in this proceeding pursuant to Sections 6(e), 6(b), 7, and 10(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

By orders dated June 19, 1979, October 30, 1979, August 18, 1980, October 21, 1980, and July 8, 1981 (HCAR Nos. 21107, 21276, 21681, 21751, 22125), this Commission, among other things, authorized GPU, JCP&L, Met-Ed, and Penelec (collectively, the "GPU Companies") to issue, sell, and renew their respective promissory notes ("Notes") having a maturity of not more than six months from the date of issue from time to time through October 1, 1981. The Notes are being issued, sold, and renewed under and pursuant to a certain revolving credit agreement, as amended and supplemented ("Credit Agreement") with a group of commercial banks ("Banks").

The Credit Agreement generally limits aggregate borrowings by the GPU Companies thereunder initially to approximately $292 million, which amount may be increased to approximately $412 million with approval of the Banks holding 85 percent of the Notes outstanding, with individual sublimits applicable to each GPU Company. Such sublimits are: GPU—$75 million; JCP&L—$122 million; Met-Ed—125 million; and Penelec—$116 million. The GPU and JCP&L sublimits may be increased to a maximum of $150 million and $160 million, respectivley, by the Banks holding 85 percent of the Notes outstanding. At July 31, 1981, the GPU Companies had an aggregate of

$139 million in borrowings outstanding under the Credit Agreement as follows: GPU—$42 million; JCP&L—$53 million; and Met-Ed—$44 million (including $13 million principal amount of first mortgage bonds referred to below). Penelec had no borrowings outstanding.

In January 1980, Met-Ed issued and sold to the Banks $13 milion aggregate principal amount of First Mortgage Bonds. These bonds, which are treated as Notes for purposes of computing the amount of additional Notes issuable by Met-Ed under the Credit Agreement, also mature on October 1, 1981, and bear interest at the same rate as the Notes.

The GPU Companies now propose to issue, sell, and renew to the Banks from time to time during the period October 1, 1981, through December 31, 1982, their respective new promissory notes ("New Notes") under and pursuant to the terms of a revised credit agreement ("Revised Credit Agreement") up to the following principal amounts: GPU—$43 million; JCP&L—$125 million; Met-Ed—$50 million; and Penelec—$75 million or, in the cases of JCP&L, Met-Ed, and Penelec, such lesser amounts as may be permitted by their respective articles of incorporation. The New Notes would (a) mature not more than three months from the date of issue from time to time with a final maturity date of December 31, 1982, (b) bear interest at 107 percent of the higher of (i) Citibank's base rate as in effect from time to time or (ii) ½ of 1 percent above the three-week moving average of offering rates for three-month certificates of deposit of major banks, (c) be prepayable without penalty at any time, and (d) be subject to acceleration by the Banks under certain conditions including the occurrence of a material adverse change in revenues or income. Aggregate borrowings under the Revised Credit Agreement would be limited to $200 million, and a total of $150 million would be available initially, subject to increase with the approval of the Banks having 85 percent of the total commitment. The amounts applicable to each GPU Company are subject to certain restrictions and limitations.

GPU proposes unconditionally to guarantee the New Notes, the $13 million aggregate principal amount of Met-Ed's First Mortgage Bonds to be issued to the Banks as described below ("New Met-Ed Bonds") and the other obligations of JCP&L, Met-Ed, and Penelec under the Revised Credit Agreement. As security for such unconditional guaranty, GPU proposes to pledge to the Banks all of the common stock of JCP&L, Met-Ed, Penelec, and GPU Service Corporation.

Met-Ed proposes to pledge and grant to the Banks as additional collateral for its New Notes, the New Met-Ed Bonds, and its other obligations under the Revised Credit Agreement, first priority security interests in all Met-Ed's right, title, and interest in and to (i) certain uranium yellowcake and the related contract between Met-Ed and Kerr-McGee providing for the conversion and delivery thereof, (ii) Met-Ed's customer accounts receivable from the sale of electricity at retail, and (iii) certain of its coal inventories. Moreover, Met-Ed proposes to pledge to the Banks $40 million aggregate principal amount of First Mortgage Bonds ("New Met-Ed Pledged Bonds") as further collateral for its New Notes and other obligations under the Revised Credit Agreement (described below).

JCP&L proposes to pledge and grant to the Banks as additional collateral for its New Notes and other obligations under the Revised Credit Agreement a first priority security interest in all its right, title, and interest in and to certain uranium yellowcake and the related contract between JCP&L and Kerr-McGee providing for the conversion and delivery thereof.

The GPU Companies proposes to continue paying an annual commitment fee of ½ of 1% of the total commitment, whether used or unused, and an annual agent's fee of $250,000.

Met-Ed also proposes to issue and sell to the Banks the $13 million of New Met-Ed Bonds and to issue and pledge to the Banks as collateral for Met-Ed's New Notes and other obligations under the Revised Credit Agreement the $40 million of New Met-Ed Pledged Bonds. The New Met-Ed Bonds and the New Met-Ed Pledged Bonds would be issued under and pursuant to the Company's Indenture dated November 1, 1944. The New Met-Ed Bonds and the New Met-Ed Pledged Bonds would mature on December 31, 1982, and the New Met-Ed Bonds would bear interest at the same interest rate applicable to the New Notes issued under the Revised Credit Agreement; interest would be payable on the New Met-Ed Pledged Bonds only upon a default by Met-Ed under the Revised Credit Agreement. Met-Ed would issue the New-Ed Bonds and the New Met-Ed Pledged Bonds to the Banks against cancellation of like principal amounts of Met-Ed's first mortgage bonds (i) sold to the Banks in January 1980 as described above and (ii) previously pledged to the Banks as collateral, respectively.

The net proceeds of the New Notes and the New Met-Ed Bonds proposed to be issued and sold would be used by the GPU Companies (i) to repay the maturing borrowings under the Credit Agreement and Met-Ed's $13 million of first mortgage bonds heretofore issued and sold to the Banks and (ii) to provide for working capital and other corporate requirements.

The post-effective amendment to application-declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 14, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 81-25054 Filed 8-26-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11916; (812-4937)]

MFS Separate Account Money Market Trust; Filing of Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

August 21, 1981.

Notice is hereby given that MFS Separate Account Money Market Trust ("Applicant"), 200 Berkeley Street, Boston, Massachusetts 02116, a registered open-end, diversified, management investment company, filed an application on August 5, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the

representations contained therein, which are summarized below.

Applicant was established under Massachusetts law as a Massachusetts business trust under a declaration of trust dated June 30, 1981. Massachusetts Financial Services Company acts as Applicant's investment adviser. Applicant's investment objectives are to seek as high a level of current income as is considered consistent with the preservation of capital and liquidity by investing in a variety of money market instruments.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of trustees. Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of trustees. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order of the Commission pursuant to Section 6(c) of the Act, exempting it from the provisions of Section 2(a)(41) and Rules 2a–4 and 22c–1 to the extent necessary to permit it to use the amortized cost method of valuation for all its portfolio securities. In support of its request, Applicant submits that many of its potential investors require an investment vehicle that offers a constant net asset value per share and relatively smooth stream of investment income. Applicant states that use of the amortized cost method of valuation will permit it to provide investment vehicles with those features. In addition, Applicant represents that its board of trustees has determined that, absent unusual circumstances, amortized cost will represent the fair value of its portfolio securities. Applicant maintains that the exemptions they request satisfy the exemptive standard set forth in Section 6(c) of the act. In addition, Applicant consents to the imposition of the following conditions to any order granting it the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; witholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable new asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

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[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action

Notice is further given that any interested person may, not later than September 15, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–25058 Filed 8–26–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–81–24]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before September 16, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on August 21, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No	Petitioner	Regulations affected	Description of relief sought
21991	United Air Lines, Inc	14 CFR 63.39 and 121.425(a)	To permit petitioner to show by the use of an approved pictorial means instead of an airplane, that those persons can satisfactorily perform a preflight inspection and to show, in an approved simulator using a line-oriented flight training (LOFT) program, that a flight engineer applicant can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propellers (if appropriate), systems, and appliances and to show, in an approved simulator LOFT program, that its flight engineers and flight engineers of other carriers can satisfactorily perform assigned duties accomplished from the flight engineer station during taxi, runup, takeoff, climb, cruise, descent, approach, and landing.
21977	Orlando Helicopter Airways, Inc	14 CFR 65.91(c)(1)	To enable petitioner to become eligible for an inspection authorization without meeting the requirement to have held an A&P License for 3 years.
21883	Mr. Vasilios E. Patouhas	14 CFR 65.71	To enable petitioner to become eligible for an airframe mechanic's certificate without meeting the requirements to complete the airframe exams within 2 years.
21904	Anthony R. LeClair	14 CFR 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday.
21989	Midway Airlines, Inc	14 CFR 121.311(f)	To permit petitioner to operate their newly acquired or soon to be acquired Douglas DC–9–31 aircraft in Part 121 operations without having installed the required approved shoulder harnesses for all flight attendant seats.
19504	Lineas Aereas Costarricenses, S.A	14 CFR Parts 21, 61, 63, and 91	To allow petitioner to continue to operate leased U.S.-registered B–727 aircraft using an FAA-approved master minimum equipment list and continuous airworthiness maintenance program.
21812	Albuquerque Int'l Balloon Fiesta, Inc	14 CFR 61.3 and 91.27	To allow certain pilots and foreign balloons to participate in the 10th Annual Albuquerque Int'l Balloon Fiesta without meeting the pilot certification and airworthiness requirements.
21959	Deere and Company	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate its G–1159, C–500, and L–1329 airplanes under Part 91 using minimum equipment lists.

Petitions for Exemption—Continued

Docket No	Petitioner	Regulations affected	Description of relief sought
21789	Air Transport Assoc	14 CFR 61.49	To allow petitioners members and others in similar situation to retake a written or flight check without waiting 30 days provided that the Part 121 authorized instructor has given the applicant flight or ground instruction as appropriate and finds the applicant competent to pass the test.
21962	John A. Burke	14 CFR 135.1	To allow petitioner to operate nonstop sightseeing flights in excess of the 25-statute-mile radius of the airport limit. The proposed flights would originate at the Cannon International Airport and would exclude the Lake Tahoe area which would be approximately 35 statute miles in both directions.
22053	Zantop Int'l Airlines, Inc	14 CFR 91.305	To allow petitioner to operate DC-8 aircraft in the U.S. until January 1985 without meeting the January 1, 1983 phased fleet noise compliance requirement of 50 percent

Dispositions of Petitions for Exemption

Docket No	Petitioner	Regulations affected	Description of relief sought disposition
20418	Northern Air Cargo, Inc	14 CFR 121.185(a)	Reconsideration of the Denial of Exemption No. 3120 to allow the operation of DC-6 aircraft into Savoonga and Gambell, St. Lawrence Island, Alaska, using 70 percent of the effective length of the runway for landing and stopping. *Denied Aug. 17, 1981*
19943	Airline Training Institute	14 CFR 61.63(d)(2) and (3) and 61.157(d)(1)	Extension of Exemption No. 2938A which permits petitioner's trainees to complete the same practical test for issuance of a type rating to be added to a pilot certificate, regardless of its grade, in an airplane simulator as set forth in Appendix A of Part 61, as is done by the trainees of those operators who have an operating certificate issued under Part 121. *Granted Aug. 19, 1981*
21794	Compania Mexicana de Aviacion, S.A. and Western Airlines, Inc.	14 CFR Portions of Parts 21, 43, 91 and 121	To permit petitioner to use its own continuous airworthiness maintenance and inspection program for its leased U.S.-registered DC-10-15 aircraft, registration Nos. N1003L and N10045. *Granted Aug. 12, 1981*
22087	Thomas R. Costello, et al	14 CFR 93.185(c) and 93.187(c)	To permit certain pilots to operate to and from Flushing Airport, New York, without obtaining Air Traffic Control (ATC) authorization or establishing and maintaining two-way radio communication with LaGuardia Tower and without prohibition on the direction of takeoff or landing. *Granted Aug. 14, 1981*
21780	Civil Air Patrol	14 CFR 61.118	To permit petitioner's member pilots to be reimbursed for fuel, oil, and maintenance while serving on official CAP missions. *Granted Aug. 12, 1981.*
17922	Air Midwest, Inc	14 CFR 135.261(b)	Extension of Exemption No. 2582A. The present exemption permits petitioner to assign a flight crewmember and to permit a flight crewmember to accept an assignment for duty when that assignment does not provide for at least 10 consecutive hours of rest during the 24 hours preceding the planned completion of the assignment. *Denied Aug. 17, 1981.*
21732	Mr. Charles Webber	14 CFR 65.104(a)(2)	To permit petitioner to become eligible for a repairman certificate (experimental aircraft builder) without meeting the full requirement of the FAR. *Denied Aug. 17, 1981*
18895	Alaska Island Air and Mr. Lloyd Roundtree	14 CFR 135.243(b)(3)	To permit petitioner to serve as pilot in command without holding an instrument rating. *Denied Aug. 18, 1981*
18712	Harold D. Hauck	14 CFR 135.243	To permit petitioner to serve as pilot in command without holding an instrument rating. *Denied Aug. 18, 1981*
21266	Flight Management Co	14 CFR 91.169 and 91.18(a)	To permit petitioner's clients to place all of the airplanes operated by its clients under Part 91, Subpart D, and allow the operation of small civil airplanes of U.S. registry under the operating rules of Part 91. *Granted July 24, 1981.*
21235	Tanner Aviation	14 CFR 135.243(b)(3)	To allow Petitioner to operate as a pilot in command in his Part 135 operation without an instrument rating. *No longer required Aug. 14, 1981.*

[FR Doc. 81-24900 Filed 8-26-81; 8:45 am]
BILLING CODE 4910-13-M

[Docket No. ST7954WE-D]

Application for Supplemental Type Certificate: Installation of CFM International CFM56-2 Turbofan Engines on McDonnell Douglas Model DC-8-60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Announcement of certification status and statement of type certification basis.

SUMMARY: The McDonnell Douglas Corporation (MDC) has applied for a supplemental type certificate for the re-engining of its DC-8-60 series airplanes. Supplemental type certification is an evaluation process leading to the approval of a major change in the type design of an aircraft. This announces the certification program for this modification and provides information on the type certification basis to be established under the Federal Aviation Regulations (FAR). As appropriate, subsequent announcements will provide updates of the certification status. This is a nonrulemaking proceeding within the meaning of the administrative procedure provisions of 5 U.S.C. 551 *et. seq.* If rulemaking becomes necessary during the processing of this application, it would be initiated separately by a Notice or Notices of Proposed Rulemaking for the following:

—The issuance of Special Conditions under § 21.16 where it is found that the airworthiness regulations otherwise applicable do not contain adquate or appropriate safety standards because of a novel or unusual design feature; and

—The application of special retroactive airworthiness regulations which are required by the Administrator pursuant to the policies announced in the disposition of proposal 8-2 of Airworthiness Review Program Amendment No. 8 (45 FR 60154) on September 11, 1980.

A certification docket has been established to receive comments on the certification basis set forth in this announcement. The FAA will address all significant comments received.

DATE: Comments on this announcement must be received on or before October

23, 1981. Subsequent announcements will contain their own closure dates.

ADDRESS: Comments must be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attention: Certification Docket, Docket No. ST7954WE–D, 9010 East Marginal Way South, Seattle, Washington 98108; or they may be delivered in duplicate to Room 300S at the same address. Comments may be inspected at Room 300S between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Keith D. Anderson, Chief, Los Angeles Area Aircraft Certification Office, ANW–100L, 4344 Donald Douglas Drive, Long Beach, California, telephone (213) 548–2861.

Comments Invited

Announcements of the certification status and the type certification basis of an aircraft are part of the FAA's continuing efforts to keep the public informed of the type certification programs conducted by the FAA. They are in addition to the rulemaking process which provides the public an opportunity to participate directly in the establishment of specific airworthiness standards. While the FAA seeks innovative ways for involving the public in the type certification process for aircraft, it is neither appropriate nor possible for the public to be involved in the detailed findings of type design conformity of regulatory compliance—responsibilities specifically charged by the Congress to the FAA. In this conneection, it should be noted that the task of establishing that an aircraft meets the applicable certification standards is a large and technically complex one extending over several years and including thousands of hours of technical data review and ground testing of systems and structural components, and hundreds of hours of flight testing, in which FAA engineers, inspectors, and flight test pilots participate.

Interested parties are invited to provide comments, written data, views, or arguments relative to the type certification basis of the MDC DC–8–60 series airplane modification as contained in this announcement. Communications should reference Certification Docket No. ST7954WE–D and be submitted in duplicate to the address specified above. All communications received on or before the closing date specified will be considered by the Administrator.

Availability of Additional Copies of Announcement

Any person may obtain additional copies of this announcement by submitting a request to the Federal Aviation Administration, Public Affairs Officer, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 981098, telephone (206) 767–2680. Each communication must identify the docket number.

Program Process

Any person who alters an aircraft by introducing a major change in a type design, not great enough to require a new application for a type certificate, must apply to the FAA for a Supplemental Type Certificate (STC) (except that the holder of a type certificate may apply for an amendment of the original type certificate). MDC has elected to apply for an STC.

The administrative process for major aircraft projects in which supplemental type certification or the modification of an existing aircraft is involved parallels the steps for original type certification which are as follows:

1. Establishment of a Type Certification Board which programs its meetings according to need, but generally includes at least three significant phases (preliminary, preflight, and final).

2. Issuance of a Type Inspection Authorization (TIA) when the examination of the technical data required for type certification is completed or has reached a point when it appears that the aircraft will meet the pertinent regulations. The TIA is the authorization for FAA personnel to conduct ground inspections and begin flight testing to assure that the test aircraft meets design standards. The preflight type board may also be held at this time. After these inspections and flight testing are complete, the final type board is held to resolve any outstanding matters.

3. Preparation of the STC Data Sheet and approval of the Airplane Flight Manual, setting forth the limitations prescribed by the applicable airworthiness regulations and any other limitations and information found necessary for type certification. In addition, the applicant must prepare appropriate maintenance information and instructions; the adequacy of which is subject to FAA review.

4. Issuance of a publicly available "decision document" that summarizes the basis for the decision to issue a major supplemental type certificate, including an identification of all applicable regulations, issues, means of compliance (including tests and analyses), and resolution of issues. The issuance of "decision documents" was initiated by the FAA with the type certification of the McDonnell-Douglas DC–9–80 and announced in the **Federal Register** on August 28, 1980 (45 FR 57638).

After: (1) All outstanding items have been resolved, (2) all applicable airworthiness and aircraft noise and emissions regulations and any special conditions have been met, (3) the Administrator has found no feature or characteristic that makes the aircraft unsafe for the category in which supplemental type certification is requested, (4) the decision document has been approved, (5) the airplane is considered safe and reliable in its operational environment, and (6) the changes to the Airplane Flight Manual have been approved, then an aircraft supplemental type certificate will be issued. Reviews are conducted for aircraft intended for use in air carrier service, during and parallel to the certification process, from the time the type certification board is convened to the final issuance of a supplemental type certificate to establish the operational suitability of the aircraft. These reviews include evaluation of the aircraft for operations under such FAR's as Parts 91, 121, and 125, the ICAO Annexes, and FAA Advisory Circulars, and for airport and air traffic control compatibility and development of required changes to the master minimum equipment lists, and training requirements.

Background

On September 19, 1979, MDC applied to the FAA for the supplemental type certification of a modification to its DC–8–60 series airplane. MDC plans to complete its certification activities on or before December 31, 1981.

The proposed modification to the MDC DC–8–60 series airplanes provides for the replacement of the existing JT3D engines with advanced technology CFM56–2 engines manufactured by CFM International, a joint company of SNECM France, and General Electric Company, USA. This modification will bring to the DC–8 the advantages of high bypass engine technology. These advantages include lower operating costs, reduced noise, and increased fuel efficiency.

Program Status

A project initiation meeting between the applicant and the FAA project team was held on November 29, 1979, for the purpose of defining certification

procedures and methodology. Numerous subsequent meetings between FAA and industry specialists have been convened for discussion and deliberation and for the development of a type certification basis. As of this date, aircraft redesign has been completed by MDC but a significant amount of substantiating data is yet to be submitted to the FAA.

Type Certification Basis—General

The applicable airworthiness standards are those regulations designated in accordance with § 21.101 and are known as the "type certification basis" for the airplane design.

Section 21.101 provides that an applicant for a change to a type certificate must comply with either (1) the regulations incorporated by reference in the type certificate, or (2) the applicable regulations in effect on the date of the application, plus any other amendments the Administrator finds to be directly related. Section 21.101 also provides that if the Administrator finds that a proposed change consists of a new design or a substantially complete redesign of a component, equipment installation or system installation, and the regulations incorporated by reference in the type certificate for the product do not provide adequate standards with respect to the proposed change, the applicant must comply with:

1. The applicable FAR on the date of the application for the change that the Administrator finds necessary and provide a level of safety equal to that established by the requirements incorporated in the original type certificate, and

2. Any special conditions, and amendments to those special conditions prescribed by the Administrator to provide full equipment safety level.

Special Conditions, as appropriate, would be issued after public notice in accordance with §§ 11.28 and 11.29(b), effective October 14, 1980, and would become part of the type certification basis in accordance with § 21.101(b)(2).

Exemptions from the applicable airworthiness standards designed by § 21.101(a), if granted, would also become part of the type certification basis. Petitions for exemption are published in the **Federal Register**, and the petitions are acted upon after review of comments received, in accordance with § 11.27.

In addition, should the FAA conclude that recent or future regulatory amendments should be applied to this airplane that would not otherwise be applied under § 21.101(a), then an amendment to require retroactive application will be proposed and acted upon consistent with the general rulemaking procedures of Part 11, with DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and with the regulatory policies of Executive Order 12291. Such retroactive regulations would be in lieu of those issued as Special Conditions because of having satisfied the novel and unusual design feature criteria of § 21.16. This procedure is described in the disposition of proposal 8–2 in Amendment 8A of the Airworthiness Review Program (45 FR 60154; September 11, 1980).

In addition, there are special retroactive noise requirements prescribed as a matter of law. In the case of the re-engined DC–8, Stage 1 noise limits are required by § 36.7(c). However, MDC intends to demonstrate compliance to the Stage 3 noise level requirements to qualify the re-engined DC–8 as a replacement aircraft under § 91.306.

Statement of Supplemental Type Certification Basis

Based on the date of application (September 19, 1979), and pursuant to § 21.101(a)(2), the type certification basis of the modified DC–8–60 series airplanes will be as published in Type Certificate Data Sheet 4A25, with the addition of Special Federal Aviation Regulation 27 and Part 36 of the FARs, plus those later effective amendments to Part 25 with which the applicant has chosen to voluntarily comply.

The certification basis of the 60 series DC–8, as extracted from Type Certificate Data Sheet 4A25 is as follows:

—Part 4b of the Civil Air Regulations (effective December 31, 1953), Amendment 4b–1 through 4b–5 (effective May 18, 1954, August 25, 1955, March 13, 1956, April 1, 1957, and April 9, 1957, respectively); Amendment 4b–6, Items 5, 7, 11, 14, 16, 17, 18, 20, 21, 22, 23, 25, 27, 28, 31, 32, 34, 35, 38, and 39 (effective August 12, 1957); Amendment 4b–7 (effective October 17, 1957); Amendment 4b–8, Item 18 (effective May 17, 1958); Amendment 4b–9 (effective September 1, 1958); Amendment 4b–11, Items 4 and 24 (effective October 1, 1959); and Amendment 4b–14 (effective May 22, 1964).

—Special Civil Air Regulation SR–422B

—Special Civil Air Regulation SR–450A

—Attachment A to FAA letter dated October 22, 1957

—Attachment A to FAA letter dated July 5, 1966

—CAR 4b.361, Ditching provisions

—CAR 4b.640, Ice protection

The certification basis of the modified airplane will also include:

—Part 36 of the Federal Aviation Regulations (effective December 1, 1969), Amendments 36–1 through 36–10 (effective July 31, 1978).

—Special Federal Aviation Regulation 27, Fuel Venting Requirements (effective December 28, 1973), Amendments 27–1 through 27–3 (effective January 1, 1978)

Pursuant to § 21.101(a)(2), and with the concurrence of the FAA, MDC has elected to comply voluntarily with the following additional sections of CAR 4b and FAR 25:

—Part 4b of the Civil Air Regulations (effective December 31, 1953), Amendment 4b–8, Items 15, 20, and 23 (effective May 17, 1958); Amendment 4b–11, Items 25, 34, 35, and 36 (effective October 1, 1959); and Amendment 4b–12, Items 33, 65, 66, 68, 69, 70, 71, 72, 73, 77, 78, 97, and 98 (effective May 3, 1962).

—FAR 25.571(d), Amendment 25–45 (effective December 1, 1978), Sonic fatigue strength.

—FAR 25.903 (a), (b), (d), and (e), Amendment 25–40 (effective May 2, 1977), Engine provisions.

—FAR 25.1529, Amendment 25–21 (effective January 8, 1970), Maintenance manual provisions.

—FAR 36.7(e), Amendment 36–7 (effective March 3, 1977), Stage 3 noise levels.

Exemptions

As of the date of this announcement, MDC has not petitioned the FAA for any exemptions relative to the supplemental type certification of the DC–8–60 series airplanes.

Special Conditions

At this time, the FAA is aware of no novel or unusual design features of this modification which would necessitate the issuance or amendment of Special Conditions.

Issued in Seattle, Washington, August 17, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–24822 Filed 8–26–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Coos County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway in Coos County, Oregon.

FOR FURTHER INFORMATION CONTACT: Richard R. Arnold, Environmental Coordinator, Federal Highway Administration, Equitable Center, Suite 100, 530 Center Street NE., Salem, Oregon 97301, Telephone: (503) 378–3832.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Oregon Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to re-route approximately 3 miles of the existing Coos Bay-Roseburg Highway (State Route 35/ORE 42) to the southwest, around the CBD and core area of Coquille in Coos County, Oregon. The proposed facility would be approximately 2.3 miles long.

Alternatives under consideration include (1) taking no action; (2) re-routing the highway as proposed with a two- or four-lane facility, and with various design options; (3) other feasible alternatives that may develop during the project study stage.

Information describing the proposed action will be sent to the appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. Necessary public meetings will be held and a public hearing will be held. No formal scoping meeting is planned at this time.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: August 18, 1981.

E. J. Valach,

Program Development Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 81-24812 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Curry County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway in Curry County, Oregon.

FOR FURTHER INFORMATION CONTACT: Richard R. Arnold, Environmental Coordinator, Federal Highway Administration, Equitable Center, Suite 100, 530 Center Street NE., Salem, Oregon 97301, Telephone: (503) 378–3832.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Oregon Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to reconstruct a 0.6 mile section of the Oregon Coast Highway (State Route No. 9/U.S. 101) in Curry County, Oregon. The project extends from the southern end of the Rogue River Bridge into the City of Gold Beach, a section whose land use is dominated by commercial activity.

Alternatives under consideration include (1) taking no action; (2) reconstruction of the existing narrow winding two-lane road to current four-lane standards in an urban area; and (3) other feasible alternatives that may develop during the project study stage.

Information describing the proposed action will be sent to the appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. Necessary public meetings will be held and a public hearing will be held. No formal scoping meeting is planned at this time.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: August 18, 1981.

E. J. Valach,

Program Development Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 81-24811 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Linn County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway in Linn County, Oregon.

FOR FURTHER INFORMATION CONTACT: Richard R. Arnold, Environmental Coordinator, Federal Highway Administration, Equitable Center, Suite 100, 530 Center Street NE., Salem, Oregon 97301, Telephone: (503) 378–3832.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oregon Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to reconstruct a 4 mile section of the Corvallis-Lebanon Highway (State route no. 210/ORE 34) in Linn County, Oregon. The project would upgrade the last substandard unit in the roadway connecting Corvallis with the Pacific Highway, I–5. The project is located in an agricultural area, with commercial and light-industrial activity along the existing roadway, and passes north of the community of Tangent, 7 miles east of Corvallis and 2 miles west of I–5. The proposed improvements are considered necessary to provide for the existing and projected traffic demand and a safe and efficient highway meeting modern design standards.

Alternatives under consideration include (1) taking no action; (2) reconstructing and realigning the existing narrow two lane road to minimum current 5-lane standards, including several design options; and (3) other feasible alternatives that may develop during the project study stage.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: August 18, 1981.

E. J. Valach,

Program Development Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 81-24810 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Shasta County, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a project proposing highway construction on a portion of Interstate 5 in Shasta County.

DATE: A formal scoping meeting has been scheduled for 1:00 p.m., Tuesday Sept, 29 1981.

ADDRESS: Scoping meeting will be held at the Holiday Inn, 1900 Hilltop Drive, Redding, California.

FOR FURTHER INFORMATION CONTACT: D. L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation will prepare an Environmental Impact Statement (EIS) on a project proposing the improvement of the Interstate freeway on Route 5 in Shasta County. This will complete a 13-mile gap in the otherwise completed freeway between Mexico and Canada. This improvement which begins about 28 miles north of Redding is located in the Sacramento River Canyon, a corridor of mountainous terrain used by highway, railroad, power transmission, and communication facilities.

The EIS will discuss improving the existing 4-lane expressway to full freeway standards. This discussion will include several alternate proposals such as: doing nothing except installation of median barriers, improvement to the existing alignment with and without interchanges to replace the 9 at-grade intersections, and new alignment on the opposite side of the canyon. Each alternate will be considered with varying median widths, and in some cases with separated roadways. Extra lanes for trucks will also be considered if needed.

The purpose of bringing this section of highway up to full Interstate standards is to improve traffic efficiency and safety.

Anticipated environmental effects are: (1) Loss of wildlife habitat; (2) conceivably a negative aesthetic effect resulting from heavy grading on the previously undisturbed eastern slopes of the Sacramento River Canyon; (3) possible involvement of archaeological resources; (4) potential for water quality degradation resulting from constructing bridges over the Sacramento River; and (5) possible infringement on habitat of either rare or endangered wildlife or plantlife species.

A formal interdisciplinary team approach is planned for this study to insure the interaction of different disciplines through all stages of development of the environmental document. This interdisciplinary team will include representatives from the appropriate Federal, State, and local agencies and any other organizations that have an interest in the study. A formal scoping meeting has been scheduled for 1:00 P.M. on Tuesday, September 29, 1981, at the Holiday Inn, 1900 Hilltop Drive, Redding, California.

To ensure that the full range of issues is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposal and the EIS should be directed to the FHWA at the address provided above.

Issued on: August 19, 1981.

David L. Eyres,

District Engineer, Sacramento, California.

[FR Doc. 81-24918 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Federal Motor Vehicle Safety Standards; Glazing Materials

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking filed by the Insurance Institute for Highway Safety (IIHS) regarding Safety Standard No. 205 *Glazing Materials.* IIHS petitioned NHTSA to rescind immediately the requirement that the inside surface of windshields be resistant to abrasion. Such action would permit the use of glass-plastic windshields whose inside surface is plastic in motor vehicles. The agency is already conducting a rulemaking proceeding to consider whether to rescind that requirement. However, IIHS believes that that proceeding should be terminated and the abrasion requirements should be deleted as soon as possible, because of evidence indicating that glass-plastic windshields could reduce the number of lacerations that occur when a vehicle occupant strikes the windshield in an accident. NHTSA is denying IIHS's petition, because the agency believes that it does not yet know enough about the tradeoffs that might be involved in the use of glass-plastic glazing.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Jettner, Office of Vehicle Safety Standards, Room 5320, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (Docket Hours: 8:00 a.m. to 4:00 p.m.)

SUPPLEMENTARY INFORMATION: Safety Standard No. 205, *Glazing Materials,* specifies performance requirements for glazing materials to be used in motor vehicles and motor vehicle equipment, and also specifies the vehicle locations in which the various types of glazing may be used. The standard incorporates by reference the American National Standard "Safety Code for Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1–1966 (ANS Z26). The requirements of Standard No. 205 are set forth in ANS Z26 in terms of performance tests that the various types of "Items" of glazing must pass. There are 13 "Items" of glazing for which requirements are specified in the standard. The only items of glazing that can be used in the windshield of a motor vehicle are Item 1, *Safety Glazing Materials for Use Anywhere in Motor Vehicle,* and Item 10, *Bullet Resistant Glass for Use Anywhere in Motor Vehicle.* NHTSA has interpreted the standard to require that Item 1 glazing pass Test No. 18, *Abrasion Resistance,* when either side of the material is tested.

The issue of whether the inboard side of a windshield should be required to meet a minimum level of abrasion resistance is central to one of the agency's ongoing rulemaking proceedings regarding Standard No. 205. On January 26, 1981, NHTSA published an ANPRM regarding the use of glass-plastic glazing materials in motor vehicles. The petitioner in that proceeding, Saint-Gobain Vitrage (SGV), requests that NHTSA amend Standard No. 205 to permit the use of glass-plastic windshields such as "Securiflex," a product SGV manufactures. The Securiflex windshield is made of laminated glass to which a layer of polyurenthane is bonded on the inboard side. SGV alleges that glass-plastic windshields will reduce the risk of lacerations to a car occupant who strikes the windshield in an accident. However, the glazing used in Securiflex does not qualify as Item 1 glazing because the interior side does not meet the abrasion requirements of Test No. 18.

On April 1, 1981, the Insurance Institute for Highway Safety (IIHS) filed a petition for rulemaking that is concerned with the agency's handling of the SGV petition. IIHS believes that "excellent evidence long on file with NHTSA" adequately demonstrates that glass-plastic windshields such as Securiflex could prevent countless numbers of laceration injuries each year. Yet NHTSA's response to the SGV petition has been nothing but "a series of bureaucratic and rulemaking maneuvers," according to IIHS. As a result of such actions, NHTSA has "[held] back technological progress and competition in the marketplace" and has "[contributed] to needless large scale

human damage * * *." Thus, IIHS petitioned NHTSA "to undertake the deregulatory steps necessary to remove totally and promptly from Standard 205 any and all requirements with respect to the abrasion resistance of the surface of the windshield closest to the vehicle's occupants."

NHTSA is denying IIHS's petition for rulemaking in this notice. The agency does not agree with IIHS's contention that it would be in the public interest to immediately delete the abrasion requirements for the inboard side of Item 1 windshield glazing. NHTSA simply does not yet know enough about glass-plastic glazing to make a proper decision about the use of such materials in the windshields of motor vehicles. As IIHS asserts in its petition, there is evidence indicating that glass-plastic windshields may reduce the number of laceration injuries that are suffered each year. However, the agency is concerned that there may be safety hazards associated with glass-plastic glazing that outweigh this and other possible safety benefits. For example, NHTSA is concerned that a vehicle occupant who strikes a glass-plastic windshield in a crash may be more likely to suffer head of neck injuries than an occupant who strikes a standard laminated windshield. The agency believes that such injuries might occur because glass-plastic glazing material may be more rigid than typical laminated glass.

Also, the agency is concerned about the long-term ability of glass-plastic glazing to resist haze. Haze is surface damage that is produced by abrasive action, such as rubbing. Haze scatters the light passing through the glazing in a way that makes vision through the glazing very difficult. NHTSA has only recently acquired some data on the extent to which Securiflex windshields accumulate haze over a period of years.

Because the agency is unsure about the possible safety hazards associated with glass-plastic glazing, immediate deletion of the abrasion requirements as requested by IIHS in inappropriate and unwise. Adherence to the notice and comment rulemaking procedures set forth in the Administrative Procedure Act will help NHTSA to obtain the information in needs to make a reasoned decision on the issue of glass-plastic glazing. Accordingly, IIHS's petition for rulemaking is denied.

The agency stresses that the issue of abrasion requirements for glass-plastic glazing will be considered in the context of the SGV rulemaking proceeding.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CRF 501.8)

Issued on August 10, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-25089 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-59-M

Urban Mass Transportation Administration

Section 15 Reporting System Advisory Committee

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice.

SUMMARY: The Urban Mass Transportation Administration (UMTA) announces in this notice the establishment of the Section 15 Reporting System Advisory Committee. Section 15 of the Urban Mass Transportation Act of 1964, as amended, concerns the reporting of public mass transportation financial and operating information. The Committee will provide advice concerning the quality and usefulness of the reporting system.

FOR FURTHER INFORMATION CONTACT: Mr. Donald M. Chapman, Office of Transportation Management, Room 6432, 400 7th Street, SW., Washington, D.C. 20590; telephone (202) 426-9157.

SUPPLEMENTARY INFORMATION: Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611) requires the Secretary of Transportation to, "develop, test, and prescribe a reporting system to accumulate public mass transportation financial and operating information . . . ." The authority to exercise this function was delegated to the UMTA Administrator by 49 CFR 1.51(a). The purpose of the collection of this information is to assist individual public mass transportation systems and Federal, State, and Local governments in planning public transportation services.

Pursuant to the requirements of Section 9 of the Federal Advisory Committee Act (5 U.S.C. 9 (App. I 1981)), UMTA announces the establishment of the Section 15 Reporting System Advisory Committee. The Committee has been chartered pursuant to the procedures set forth in that Act and will be composed of representatives of local transit authorities, planning commissions, the public at large, trade associations, and other transit interest groups. The Committee will offer advice to UMTA's Associate Administrator for Planning, Management, and Demonstrations with respect to the quality and usefulness of the Section 15 Reporting System in providing meaningful financial and operating data for the analysis of the transit industry. The results of the Committee will be in the form of reports and recommendations.

The Committee shall open all of its meetings to the public. Announcement of those meetings will be made in the **Federal Register** at least 15 days prior to the meeting date. Shorter notice may be given in emergency situations, which will be explained in the notice. With the Chairman's approval, members of the public may speak at meetings in accordance with procedures established by the Committee. A written statement may be filed with the Committee at any time.

Issued in Washington, D.C. on: August 19, 1981.

Arthur E. Teele, Jr.,

Urban Mass Transportation Administrator.

[FR Doc. 81-25011 Filed 8-26-81; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 3]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $895,000 has been established for the company.

Name of Company:
CNA CASUALTY OF PUERTO RICO
Business Address:
GPO Box SA
San Juan, Puerto Rico
Incorporated in the Commonwealth of:
Puerto Rico

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33964 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: August 21, 1981.

W. E. Douglas,

Commissioner.

[FR Doc. 81-25129 Filed 8-26-81; 8:45 am]

BILLING CODE 4810-35-M

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 26-81]

Series U-1983 Notes; Interest Rate

The Secretary announced on August 20, 1981, that the interest rate on the notes designated Series U-1983, described in Department Circular—Public Debt Series—No. 26-81, dated August 17, 1981, will be 16¼ percent. Interest on the notes will be payable at the rate of 16¼ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-24931 Filed 8-26-81; 8:45 am]

BILLING CODE 4810-40-M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Approval of Draft Comprehensive Master Plan for the Management of the Upper Mississippi River System; Special Meeting

A Special Meeting of the Upper Mississippi River Basin Commission will be held Monday, September 14, 1981, from 9:30 a.m. to 4 p.m. in Des Plaines, Ilinois, in the West C Room of the Ramada O'Hare Inn. The purpose of the meeting is to approve a draft Comprehensive Master Plan for the Management of the Upper Mississippi River System for publication on October 1, for subsequent public review.

Rodney N. Searle,

Chairman-Designate.

[FR Doc. 81-24902 Filed 8-26-81; 8:45 am]

BILLING CODE 6410-02-M

43354-43362

Sunshine Act Meetings

Federal Register
Vol. 46, No. 166
Thursday, August 27, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, August 24, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Request for relief from adjustment for violations of Regulation Z: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: August 24, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1294–81 Filed 8–25–81; 1:41 pm]

BILLING CODE 6714–01–M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, September 3, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Trust Department Application—Clearwater Federal Savings & Loan Association, Clearwater, Florida
Service Corporation Activity (Small Business Investment Co.)—Metropolitan Savings Association, Shaker Heights, Ohio
Trust Department Application—Dominion Federal Savings & Loan Association, McLean, Virginia
Trust Department Application—Berkeley Federal Savings & Loan Association of New Jersey, Millburn, New Jersey
Waiver of Section 563.23 for Rehabilitation Loans—City of Wichita, Kansas
Application for Merger—Coast Federal Savings & Loan Association, Gulfport, Mississippi *into* First Federal Magnolia Federal Savings & Loan Association, Hattiesburg, Mississippi
Elimination of Crime Reports
Equal Access to Justice
No. 534, August 25, 1981.

[S–1292–81 Filed 8–25–81; 10:20 am]

BILLING CODE 6720–01–M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., September 2, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10380: Establishment of the Medafrica-Nigeria America Shipping Line Limited Joint Service.
2. Special Docket No. 771: Application of Lykes Bros. Steamship Co., Inc., for the benefit of Texas Turbo Jets, Inc.—Review of Supplemental Initial Decision.

Portions closed to the public:

1. Erich H. Trendel—Application for an Independent Ocean Freight Forwarder License.
2. Docket No. 81–10: General Rate Increases in the Puerto Rico and Virgin Island Trades—Consideration of Request for Oral Argument and Possible Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–1293–81 Filed 8–25–81; 11:08 am]

BILLING CODE 6730–01–M

4

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, September 2, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: August 26, 1981.

William W. Wiles,

Secretary of the Board.

[S–1295–81 Filed 8–25–81; 3:44 pm]

BILLING CODE 6210–01–M

federal register

Thursday
August 27, 1981

Part II

Federal Trade Commission

Trade Regulation Rule; Sale of Used Motor Vehicles; Corrections

FEDERAL TRADE COMMISSION

16 CFR Part 455

Trade Regulation Rule; Sale of Used Motor Vehicles; Corrections

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the **Federal Register** on Friday, August 14, 1981, regarding sale of used motor vehicles.

DATE: These corrections are effective August 27, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/PR, Susan M. Liss, Washington, D.C. 20580. (202) 523–1670.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–23538, appearing in the **Federal Register** issue for Friday, August 14, 1981, 46 FR 41328, the following corrections should be made:

On page 41356, substitute the text of footnote 406 for the text of footnote 405. On the same page, first column, after the first full paragraph that ends with "exceed the costs.", enter a new reference to footnote 406. For the text of new footnote 406, substitute the text of old footnote 405. Starting on page 41356 and continuing through page 41358, footnote references 406 through 423 are changed to footnote references 407 through 424, respectively. On page 41358 footnote 424 is changed to footnote 425, and insert the following as text of new footnote 425:

[425] In the Vocational Schools Rule, all of the consumer notices were written in "plain English." 43 FR 60796, 60812 (1978). The Octane Posting Rule marked the first instance in which an entire regulation was written in readily understandable language. 44 FR 19160 (1979). In the R-Value Rule, the consumer disclosures required for fact sheets and advertisements and text of the Rule were all written in clear, understandable language. 44 FR 50218 (1979).

Carol M. Thomas,

Secretary.

[FR Doc. 81–25064 Filed 8–26–81; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 455

Trade Regulation Rule; Sale of Used Motor Vehicles

Correction

In FR Doc. 81–23538 appearing on page 41328 in the issue of Friday, August 14, 1981, make the following changes:

1. On page 41341, third column, the last sentence of footnote 242 should read as follows:

"[242] * * * This standard was recently held applicable to Section 18 rulemaking. *American Optometric Ass'n v. FTC*, 626 F.2d 896, 911 n.8 (D.C. Cir. 1980)."

2. On page 41350, first column, first full paragraph, ninth line, "* * * had * * *" should read "* * * has * * *".

3. On page 41359, second column, § 455.1(c)(1), third line from the top, "then * * *" should read "than * * *"; third column, § 455.2(a)(2), fifth line, "* * * blank * * *" should read "* * * black * * *".

4. On pages 41360 and 41361, the following form is being republished because pertinent information was omitted.

BILLING CODE 1505–01–M

USED CAR BUYERS GUIDE

IMPORTANT: Spoken promises are difficult to enforce. Ask the dealer to put all promises in writing. Keep this form.

VEHICLE MAKE MODEL YEAR ID NUMBER

NOTICE: For your protection and safety

Ask about the current condition of the following major mechanical and safety systems of this car. See below which of these systems, if any, are covered by a warranty and which systems are known by the dealer to contain major defects. Dealers must inform you in writing if they know of certain defects in this car's major systems.

Frame & Body	Brake System
Engine	Steering System
Transmission and Drive Shaft	Suspension System
Differential	Tires
Cooling System	Wheels
Electrical System	Exhaust System
Fuel System	Accessories

PRE-PURCHASE INSPECTION: Ask the dealer if you may have this car inspected by your mechanic either on or off the lot.

WARRANTIES FOR THIS CAR:

☐ **NO IMPLIED WARRANTY—"AS IS". This means you will pay all costs for any repairs needed when you buy the car or after the time of sale. If this box is checked, the dealer makes no written promises about this car's condition.**

☐ **FULL ☐ LIMITED WARRANTY. The dealer will pay ___% of the total repair bill for covered systems that fail during the warranty. Ask the dealer for a copy of the warranty document for a full explanation of warranty coverage, exclusions, and the dealer's repair obligations. Under state law, "implied warranties" may give you even more rights.**

SYSTEMS COVERED:	DURATION:

SERVICE CONTRACT. A service contract is available from ... for $ ... extra. This service contract adds to the dealer's responsibilities under any warranty. If you buy a service contract within 90 days of the time of sale, state law "implied warranties" may give you additional rights.

MAJOR KNOWN DEFECTS: Dealers must tell you in the space below if they know about certain defects in this car's major systems. The defects that must be disclosed if known are listed on the back of this form. However, there may be defects that are unknown to the dealer. If nothing is listed, the car is not necessarily free of defects.

See the back of this form for important additional major defect information.

1/16" Rule

6pt: Helvetica Compact

1/16" Rule

12 12 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

Hairline rule
7 pt Helvetica

12 pt Helvetica Bold

1/16" Rule

12 12 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

12 15 Helvetica Bold line for line

10 10 Helvetica Bold c&lc flush left ragged right maximum line 38 picas

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1/16" Rule

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10 pt Helvetica Bold caps

Hairline rule

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1/16" Rule

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Hairline rule

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1/16" Rule

Below is a list of some major defects that may occur in used cars.

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Frame & Body
- Frame-cracks, corrective welds, or rusted through
- Dogtracks—bent or twisted frame

Engine
- Oil leakage, excluding normal seepage
- Cracked block or head
- Belts missing or inoperable
- Knocks or misses related to camshaft lifters and push rods
- Abnormal exhaust discharge

Transmission & Drive Shaft
- Improper fluid level or leakage, excluding normal seepage
- Cracked or damaged case which is visible
- Abnormal noise or vibration caused by faulty transmission or drive shaft
- Improper shifting or functioning in any gear
- Manual clutch slips or chatters

Differential
- Improper fluid level or leakage excluding normal seepage
- Cracked or damaged housing which is visible
- Abnormal noise or vibration caused by faulty differential

Cooling System
- Leakage, including radiator
- Improperly functioning water pump

Electrical System
- Battery leakage
- Improperly functioning alternator, generator, battery or starter

Fuel System
- Visible leakage

Inoperable Accessories
- Gauges or warning devices
- Air conditioner
- Heater & Defroster

Brake System
- Failure warning light broken
- Pedal not firm under pressure (DOT specs.)
- Not enough pedal reserve (DOT specs.)
- Does not stop vehicle in straight line (DOT specs.)
- Hoses damaged
- Drum or rotor too thin (Mfgr. specs.)
- Lining or pad thickness less than 1/32 inch
- Power unit not operating or leaking
- Structural or mechanical parts damaged

Steering System
- Too much free play at steering wheel (DOT specs.)
- Free play in linkage more than 1/4 inch
- Steering gear binds or jams
- Front wheels aligned improperly (DOT specs.)
- Power unit belts cracked or slipping
- Power unit fluid level improper

Suspension System
- Ball joint seals damaged
- Structural parts bent or damaged
- Stabilizer bar disconnected
- Spring broken
- Shock absorber mounting loose
- Rubber bushings damaged or missing
- Radius rod damaged or missing
- Shock absorber leaking or functioning improperly

Tires
- Tread depth less than 2/32 inch
- Sizes mismatched
- Visible damage

Wheels
- Visible cracks, damage or repairs
- Mounting bolts loose or missing

Exhaust System
- Leakage

1/16" Rule

Hairline rule

7 pt. Helvetica

DEALER

ADDRESS

SEE FOR COMPLAINTS

1/16" Rule

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IMPORTANT: The information on this form is part of any contract to buy this vehicle. Removal of this label before consumer purchase (except for purpose of test-driving) is a violation of federal law (16 C.F.R. 455).

Defect disclosure specifications are printed in Volume 16 C.F.R. (Code of Federal Regulations) Part 455.

BILLING CODE 6355-01-C

5. On page 41362, first column, § 455.2(a)(2), third line from the top, insert "and" after "Section".

6. On page 41363, first column, last paragraph of footnote 5, the second sentence should read as follows:

"* * * Puede obtenerse un contrato de servicio de———por la suma adicional de US$———.* * *".

7. On pages 41364 and 41365, the following form is being republished because pertinent information was omitted.

BILLING CODE 1505-01-M

1/16" Rule

GUIA DEL COMPRADOR

60 pt. Helvetica Compact

1/16" Rule

IMPORTANTE: Las promesas verbales son difíciles de hacer cumplir. Solicite al vendedor que ponga todas las promesas por escrito. Conserve este formulario.

12/12 Helvetica Bold c&lc flush left, ragged right maximum line 38 picas

Marca del vehículo | Modelo | Año | Número de identificación

Hairline rule
7 pt. Helvetica

AVISO: Para su protección y seguridad

12 pt. Helvetica Bold

1/16" Rule

Infórmese acerca de la condición actual de los siguientes sistemas mecánicos y de seguridad de este automóvil. Vea a continuación cuáles de estos sistemas, si los hubiere, están amparados por una garantía y qué sistemas conoce el vendedor que contienen importantes defectos. Los vendedores están obligados a informarle por escrito si conocen ciertos defectos en los principales sistemas de este automóvil.

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Chasis y carrocería	Sistema de frenos
Motor	Sistema de dirección
Transmisión y eje de cardan	Sistema de suspensión
Diferencial	Llantas
Sistema de refrigeración	Ruedas
Sistema eléctrico	Sistema de escape
Sistema de combustible	Accesorios

12/15 Helvetica Bold line for line

INSPECCION PREVIA A LA COMPRA: Pregunte al vendedor si puede usted traer un mecánico para que inspeccione el automóvil o llevar el automóvil para que éste lo inspeccione en su taller.

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GARANTIAS PARA ESTE AUTOMOVIL:

12 pt. Helvetica Bold

1/16" Rule

☐ SIN GARANTIA IMPLICITA—"AS IS" (TAL Y COMO ESTA). Significa que usted pagará todos los gastos de las reparaciones que sean necesarias al comprar usted el automóvil o después de efectuarse la venta. Si se ha marcado este recuadro, el vendedor no hace promesas escritas acerca de la condición de este automóvil.

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GARANTIA ☐ COMPLETA ☐ LIMITADA. El vendedor pagará _____% de la factura total de reparar los sistemas cubiertos que dejen de funcionar durante el período de garantía. Pida al vendedor una copia del documento de garantía donde se explican detalladamente la cobertura de la garantía, exclusiones y las obligaciones que tiene el vendedor de realizar reparaciones. Conforme a la ley estatal, las "garantías implícitas" pueden darle a usted incluso más derechos.

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SISTEMAS CUBIERTOS POR LA GARANTIA:	DURACION:

10 pt. Helvetica Bold caps

Hairline rule

☐ CONTRATO DE SERVICIO. Puede obtenerse un contrato de servicio de _____ por la suma adicional de US $_____. Este contrato de servicio aumenta las responsabilidades del vendedor en virtud de cualquier garantía. Si adquiere usted un contrato de servicio dentro del plazo de 90 días a partir del momento de la venta, las "garantías implícitas" de la ley estatal pueden darle derechos adicionales.

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1/16" Rule

DEFECTOS IMPORTANTES CONOCIDOS: Los vendedores le indicarán en el espacio a continuación si conocen la existencia de ciertos defectos en los sistemas principales de este automóvil. Los defectos que deberán indicarse si se conocen se relacionan al dorso de este formulario. Sin embargo, pueden haber defectos desconocidos para el vendedor. El hecho de que no se indique ninguno no quiere decir necesariamente que el automóvil esté libre de defectos.

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Hairline rule

Véase el dorso de este formulario donde se proporciona información adicional importante sobre los principales defectos.

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A continuación figura una lista de algunos de los principales defectos que pueden ocurrir en automóviles usados.

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1/16" Rule

Chasis y carrocería
- Chasis-grietas, soldaduras correctivas u oxidado
- Chasis doblado o torcido

Motor
- Fuga de aceite, excluyendo el escape normal
- Bloque o tapa de recámara agrietados
- Correas que faltan o no funcionan
- Fallo o pistoneo
- Emisión excesiva de humo por el sistema de escape

Transmisión y eje de cardan
- Nivel de líquido inadecuado o fuga, excluyendo filtración normal
- Cubierta agrietada o dañada visible
- Vibración o ruido anormal ocasionado por una transmisión o eje de cardan defectuoso
- Cambio de marchas o funcionamiento inadecuado en cualquier marcha
- Embrague manual patina o vibra

Diferencial
- Nivel de líquido inadecuado o fuga, excluyendo filtración normal
- Cubierta agrietada o dañada visible
- Ruido o vibración anormal ocasionado por diferencial defectuoso

Sistema de refrigeración
- Fuga, incluido el radiador
- Bomba de agua defectuosa

Sistema eléctrico
- Fuga en las baterías
- Alternador, generador, batería o motor de arranque defectuosos

Sistema de combustible
- Escape visible de combustible

Accesorios averiados
- Indicadores o medidores del cuadro de instrumentos
- Acondicionador de aire
- Calefactor y descarchador

Sistema de frenos
- Luz de advertencia de falla dañada
- Pedal no firme bajo presión (Especif. del Dpto. de Transp.)
- Juego insuficiente en el pedal (Especif. del Dpto. de Transp.)
- No detiene el vehículo en línea recta (Especif. del Dpto de Transp.)
- Conductos dañados
- Tambor o disco muy delgados (Especif. del fabricante)
- Grosor de las bandas de los frenos menor de 1/32 de pulgada
- Sistema de servofreno dañado o con escape
- Partes estructurales o mecánicas dañadas

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Sistema de dirección
- Juego excesivo en el volante (Especif. del Dpto. de Transp.)
- Juego en el varillaje en exceso de 1/4 de pulgada
- Engranaje del volante de dirección se agarrota
- Ruedas delanteras mal alineadas (Especif del Dpto. de Transp.)
- Correas del sistema de servodirección agrietadas o flojas
- Nivel del líquido del sistema de servodirección inadecuado

Sistema de suspensión
- Sellos de conexión de rodamientos defectuosos
- Piezas estructurales dobladas o dañadas
- Barra de estabilización desconectada
- Resorte roto
- Montura del amortiguador floja
- Bujes de goma dañados o ausentes
- Estabilizador para curvas dañado o ausente
- Amortiguador tiene fuga o funciona defectuosamente

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Llantas
- Profundidad de la banda de rodamiento menor de 2/32 de pulgada
- Diferentes tamaños de llanta
- Daños visibles

Ruedas
- Grietas visibles, daños o reparaciones
- Pernos de montaje sueltos o ausentes

Sistema de escape
- Fuga

1/16" Rule

Hairline rule

Vendedor

Dirección

7 pt Helvetica

Véase para reclamaciones

1/16" Rule

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IMPORTANTE: La información contenida en este formulario forma parte de todo contrato de compra de este vehículo Constituye una contravención de la ley federal (16 C.F.R. 455) quitar este rótulo antes de la compra del vehículo por el consumidor (salvo para conducir el automóvil en calidad de prueba).

Las especificaciones para la divulgación de los defectos están impresas en el Volumen 16 C.F.R. (Código de Disposiciones Federales), Parte 455.

BILLING CODE 1505-01-C

8. On page 41368, first column, in the Appendix, fourth line of *Illustration 2,* "purchases." should read "purchased."

9. On page 41373, first column, paragraph numbered 2, third line, "know * * * " should read "known * * * "; second column, footnote 40, tenth line, "* * * on * * *" should read "* * * of * * *".

10. On page 41374, second column, first line, the beginning of the sentence was omitted and should read as follows:

"More importantly, however, consumers * * *".

11. On page 41376, third column, last line, insert the following after "staff": "believed that such a disclosure would".

BILLING CODE 1505-01-M

Reader Aids

Federal Register

Vol. 46, No. 166

Thursday, August 27, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSIS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA	MSPB/OPM		DOT/MA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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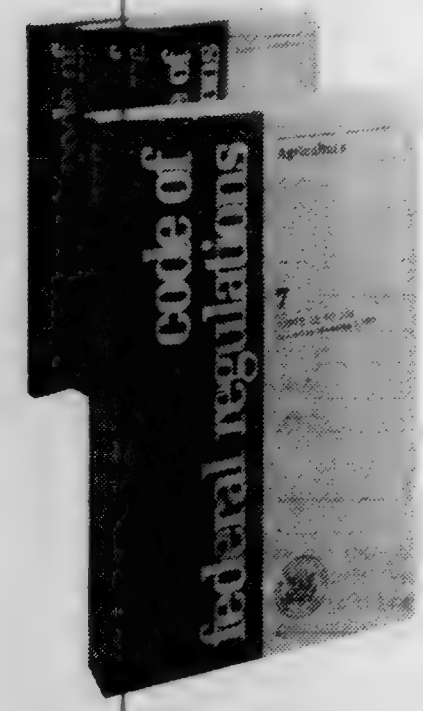

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federal register

Friday
August 28, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefing in **Lexington, Ky.**, see announcement in the **Reader Aids** section at the end of this issue.

43416 **Lead** Labor/OSHA further defers effective date of occupational exposure standards.

43452 **Baby Cribs** CPSC extends comment period on head and neck entrapment hazards.

43466 **Manufactured Homes** HUD/NVACP solicits comments on health effects of formaldehyde outgassing.

43465 **Drugs** HHS/FDA proposes to remove requirement that manufacturers conduct animal studies on cancer and birth defect potential of certain inhalation anesthetic products.

43504 **Energy Assistance** HHS/SSA reallots Low Income Energy Assistance Program funds for 1981.

43636, 43645 **Continental Shelf** Interior/BLM announces Lower Cook Inlet/Shelikof Strait oil and gas lease sale no. 60 and leasing systems. (Part III of this issue) (2 documents)

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

43417 **Grant Programs—Water Pollution Control** EPA permits States to use FY 1981 project priority lists until additional guidance on funding 1982 wastewater treatment construction grants is issued.

43410 **Agriculture—Credit** FCA issues rules on extension of credit by Federal land banks and production credit associations.

43411 **Securities** SEC amends Regulation S–X on disclosure of maturities of long-term obligations and rescinds certain accounting series releases.

43457 SEC proposes to except special purpose broker-dealers from self-underwriting requirements.

43459 SEC requests comments on revised proposals and possible deregulation of short tendering.

43500 **Business Reports** FTC announces intent to publish 1975 Line of Business ("LB") Annual Report.

43431 **Banks, Banking** FDIC proposes to allow certain parties prevailing against the agency in administrative proceedings to recover litigation expenses.

43429 **Commuter Rail Service** ICC issues interpretation that all current labor contract costs are "reasonable" expenses and must be paid by the subsidizer.

43472 **Maritime Carriers** FMC proposes changing time limit for shippers to file overcharge claims.

43474 FMC proposes to provide for filing of per-container rates.

43413 **Bakery Products** HHS/FDA establishes single-level requirements for iron-enriched flour and bread.

43406 **Meat Inspection** USDA/FSIS requests comments on swine post-mortem inspection procedures and staffing standards.

43482 **Imports** CITA announces restraint level for certain man-made fiber textile products from Macau.

43594 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

43538 **Sunshine Act Meetings**

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43594 **Part II, Labor/ESA/W&H**
43636, 43645 **Part III, Interior/BLM (2 documents)**

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Rules and Regulations

Federal Register
Vol. 46, No. 167
Friday, August 28, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 531

Pay Under the General Schedule; Merit Pay System

Corrections

In FR Doc. 81-23662 appearing at page 41019 in the issue of Friday, August 14, 1981, make the following changes:

1. On page 41019, third column, § 531.406(a), first line, "Civil" should read "Civilian".

2. On page 41020, first column, § 531.411, tenth line, "acceptance" should read "acceptable".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 320; Lemon Regulation 319, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period August 30–September 5, 1981, and increases the quantity of lemons that may be shipped during the period August 23–29, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective August 30, 1981, and the amendment is effective for the period August 23–29, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on August 25, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.620 is added as follows:

§ 910.620 Lemon Regulation 320.

The quantity of lemons grown in California and Arizona which may be handled during the period August 30, 1981, through September 5, 1981, is established at 237,473 cartons.

2. Section 910.619, *Lemon Regulation 319* (46 FR 42441, is revised to read as follows:

§ 910.619 Lemon Regulation 319.

The quantity of lemons grown in California and Arizona which may be handled during the period August 23, 1981, through August 29, 1981, is established at 237,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 27, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-25418 Filed 8-27-81; 11:51 p.m.]

BILLING CODE 3410-02-M

7 CFR Parts 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132 and 1138

[Docket Nos. AO–10–A54, et al.]

Milk in the St. Louis-Ozarks and Certain Other Marketing Areas; Order Amending Orders

7 CFR Part	Marketing area	AO Numbers
1062	St. Louis-Ozarks	AO-10-A54.
1007	Georgia	AO-388-A17
1011	Tennessee Valley	AO-251-A22-RO1
1030	Chicago Regional	AO-361-A18.
1032	Southern Illinois	AO-313-A31.

7 CFR Part	Marketing area	AO Numbers
1046	Louisville-Lexington-Evansville	AO-123-A47.
1049	Indiana	AO-319-A31.
1050	Central Illinois	AO-355-A21.
1064	Greater Kansas City	AO-23-A53.
1065	Nebraska-Western Iowa	AO-86-A40.
1068	Upper Midwest	AO-178-A36.
1071	Neosho Valley	AO-227-A35-RO1.
1073	Wichita, Kansas	AO-173-A37-RO1.
1076	Eastern South Dakota	AO-260-A25.
1079	Iowa	AO-295-A34.
1094	New Orleans-Mississippi	AO-103-A41.
1096	Greater Louisiana	AO-257-A29.
1097	Memphis, Tennessee	AO-219-A37.
1098	Nashville, Tennessee	AO-184-A42.
1099	Paducah, Kentucky	AO-183-A37.
1102	Fort Smith, Arkansas	AO-237-A31.
1104	Red River Valley	AO-298-A30-RO1.
1106	Oklahoma Metropolitan	AO-210-A43-RO1.
1108	Central Arkansas	AO-243-A35.
1120	Lubbock-Plainview	AO-328-A23.
1126	Texas	AO-231-A48-RO1.
1131	Central Arizona	AO-271-A23.
1132	Texas Panhandle	AO-262-A33.
1138	Rio Grande Valley	AO-335-A28.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes a new procedure for announcing Class II prices under the 29 milk orders in this proceeding. A tentative Class II price for a particular month would be announced by the 15th day of the preceding month. The final Class II price for the month would be announced by the 5th day after the month and would reflect, if applicable, the use of the Class III price for that month as a "floor" under the Class II price. This action replaces a procedure under which Class II prices for a month had been announced by the 5th day after the month. The amendments are based on industry proposals considered at a public hearing held on August 12–14, 1980.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202–447–7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Extension of Time: Issued March 9, 1981; published March 12, 1981 (46 FR 16270).

Extension of Time: Issued March 19, 1981; published March 25, 1981 (46 FR 18558).

Final Decision: Issued July 8, 1981; published July 14, 1981 (46 FR 36151).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the aforesaid marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the respective orders effective not later than September 1, 1981.

In an action against the Department (*American Dairy of Evansville, Inc., et al.,* v. *Robert Bergland, Secretary of Agriculture, et al.),* the U.S. Appeals Court of the District of Columbia Circuit ruled that the Class II price announcement procedure in the 29 orders was legally invalid due to inadequate findings when the procedure was established in the orders. The Court ordered the Department to establish on the basis of further rulemaking procedures a method for announcing Class II prices. This order fulfills the Department's responsibilities in this matter.

The provisions of the order are known to handlers. The decision of the Assistant Secretary for Marketing and Inspection Services containing all amendment provisions of this order was issued July 8, 1981. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the respective orders effective September 1, 1981, and that it would be contrary to the public interest to delay the effective date of the amended orders for 30 days after their publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations:* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the specified marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended;

(3) The issuance of the order amending the orders (except the Red River Valley marketing area) is approved or favored by at least two-thirds of the producers, as defined under the terms of each of the orders who during the determined representative period were engaged in the production of milk for sale within the respective marketing areas;

(4) Further, the issuance of the order amending orders for the Memphis, Tennessee marketing area and the Ft. Smith, Arkansas marketing area is approved by more than three-fourths of the producers who during January 1981, the representative month, were engaged in the production of milk for sale in each of the above marketing areas; and

(5) The issuance of the order, as amended, regulating the handling of milk in the Red River Valley marketing area is approved or favored by at least two-thirds of the producers, as defined

under the terms of the order, who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the Red River Valley marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

PART 1062—MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

1. Section 1062.19 is added and reserved and a new § 1062.20 is added to read as follows:

§ 1062.19 [Reserved]

§ 1062.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1062.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of the section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central State production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1062.50(b) is revised to read as follows:

§ 1062.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1062.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1062.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1062.51a.

* * * * *

3. A new § 1062.51a is added to read as follows:

§ 1062.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1062.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1062.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundred-

weight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1062.53 is revised to read as follows:

§ 1062.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1007—MILK IN THE GEORGIA MARKETING AREA

1. A new § 1007.20 is added to read as follows:

§ 1007.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1007.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1007.50(b) is revised to read as follows:

§ 1007.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1007.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1007.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1007.51a.

* * * * *

3. A new § 1007.51a is added to read as follows:

§ 1007.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1007.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using

price data determined pursuant to § 1007.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1007.53 is revised to read as follows:

§ 1007.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

1. Section 1011.19 is added and reserved and a new § 1011.20 is added to read as follows:

§ 1011.19 [Reserved]

§ 1011.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1011.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92–score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1011.50(b) is revised to read as follows:

§ 1011.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before

the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1011.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1011.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1011.51a.

* * * * *

3. A new § 1011.51a is added to read as follows:

§ 1011.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1011.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1011.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfact dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1011.53 is revised to read as follows:

§ 1011.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. A new § 1030.20 is added to read as follows:

§ 1030.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1030.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such

average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1030.50(b) is revised to read as follows:

§ 1030.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1030.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1030.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1030.51a.

* * * * *

3. A new § 1030.51a is added to read as follows:

§ 1030.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1030.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1030.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1030.53 is revised to read as follows:

§ 1030.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. A new § 1032.20 is added to read as follows:

§ 1032.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1032.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week

shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1032.50(b) is revised to read as follows:

§ 1032.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1032.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1032.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1032.51a.

* * * * *

3. A new § 1032.51a is added to read as follows:

§ 1032.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1032.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1032.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used in the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacturer butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1032.53 is revised to read as follows:

§ 1032.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following months, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. Section 1046.19 is added and reserved and a new § 1046.20 is added to read as follows:

§ 1046.19 [Reserved]

§ 1046.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1046.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1046.50(b) is revised to read as follows:

§ 1046.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1046.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1046.51 and add 10 cents; and

(2) Determine for the same 12-month priod as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1046.51a.

* * * * *

3. A new § 1046.51a is added to read as follows:

§ 1046.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1046.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1046.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for

the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1046.53 is revised to read as follows:

§ 1046.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. Section 1049.19 is added and reserved and a new § 1049.20 is added to read as follows:

§ 1049.19 [Reserved]

§ 1049.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1049.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following workday until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1049.50(b) is revised to read as follows:

§ 1049.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tenative Class II price shall be the basic Class II formula price computed pursuant to § 1049.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1049.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1049.51a.

* * * * *

3. A new § 1049.51a is added to read as follows:

§ 1049.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1049.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using

price data determine pursuant to § 1049.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1049.53 is revised to read as follows:

§ 1049.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. A new § 1050.20 is added to read as follows:

§ 1050.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1050.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1050.50(b) is revised to read as follows:

§ 1050.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic

Class II formula price computed pursuant to § 1050.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1050.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1050.51a.

* * * * *

3. A new § 1050.51a is added to read as follows:

§ 1050.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1050.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1050.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1050.53 is revised to read as follows:

§ 1050.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

1. Section 1064.19 is added and reserved and a new § 1064.20 is added to read as follows:

§ 1064.19 [Reserved]

§ 1064.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1064.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays.

For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1064.50(b) is revised to read as follows:

§ 1064.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1064.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1064.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1064.51a.

* * * * *

3. A new § 1064.51a is added to read as follows:

§ 1064.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1064.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1064.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross value for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1064.53 is revised to read as follows:

§ 1064.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. Section 1065.19 is added and reserved and a new § 1065.20 is added to read as follows:

§ 1065.19 [Reserved]

§ 1065.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1065.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following

work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday, except national holidays.

2. Section 1065.50(b) is revised to read as follows:

§ 1065.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1065.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to §1065.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1065.51a.

* * * * *

3. A new § 1065.51a is added to read as follows:

§ 1065.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1065.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1065.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture chedddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative

proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1065.53 is revised to read as follows:

§ 1065.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

1. Section 1068.19 is added and reserved and a new § 1068.20 is added to read as follows:

§ 1068.19 [Reserved]

§ 1068.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1068.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1068.50(b) is revised to read as follows:

§ 1068.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1068.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1068.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1068.51a.

* * * * *

3. A new § 1068.51a is added to read as follows:

§ 1068.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1068.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1068.20 and yield factors in effect under the Diary Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of

milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1068.53 is revised to read as follows:

§ 1068.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1071—MILK IN THE NEOSHO VALLEY MARKETING AREA

1. A new § 1071.20 is added to read as follows:

§ 1071.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1071.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1071.50(b) is revised to read as follows:

§ 1071.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1071.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1071.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1071.51a.

* * * * *

3. A new § 1071.51a is added to read as follows:

§ 1071.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1071.51 for the second preceding month plus or minus the amount computed pursuant to

paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1071.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations.

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1071.53 is revised to read as follows:

§ 1071.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1073—MILK IN THE WICHITA, KANSAS MARKETING AREA

1. Section 1073.19 is added and reserved and a new § 1073.20 is added to read as follows:

§ 1073.19 [Reserved]

§ 1073.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1073.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each proceding work-day until the day such price was previously reported. A work-day is each Monday through Friday, except national holidays.

2. Section 1073.50(b) is revised to read as follows:

§ 1073.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1073.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1073.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1073.51a.

* * * * *

3. A new § 1073.51a is added to read as follows:

§ 1073.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1073.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1073.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1073.53 is revised to read as follows:

§ 1073.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. Section 1076.19 is added and reserved and a new § 1076.20 is added to read as follows:

§ 1076.19 [Reserved]

§ 1076.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1076.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and

Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1076.50(b) is revised to read as follows:

§ 1076.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1076.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1076.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1076.51a.

* * * * *

3. A new § 1076.51a is added to read as follows:

§ 1076.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1076.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1076.20 and yield factor in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used in the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1076.53 is revised to read as follows:

§ 1076.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1079—MILK IN THE IOWA MARKETING AREA

1. Section 1079.19 is added and reserved and a new § 1079.20 is added to read as follows:

§ 1079.19 [Reserved]

§ 1079.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1079.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the

price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1079.50(b) is revised to read as follows:

§ 1079.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1079.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1079.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1079.51a.

* * * * *

3. A new § 1079.51a is added to read as follows:

§ 1079.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1079.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1079.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determned pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per

hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1079.53 is revised to read as follows:

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1094—MILK IN THE NEW ORLEANS-MISSISSIPPI MARKETING AREA

1. Section 1094.19 is added and reserved and a new § 1094.20 is added to read as follows:

§ 1094.19 [Reserved]

§ 1094.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1094.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which their is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central Sates production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1094.50(b) is revised to read as follows:

§ 1094.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1094.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1094.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1094.51a.

* * * * *

3. A new § 1094.51a is added to read as follows:

§ 1094.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1094.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1094.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1094.53 is revised to read as follows:

§ 1094.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following months, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1096—MILK IN THE GREATER LOUISIANA MARKETING AREA

1. Section 1096.19 is added and reserved and a new § 1096.20 is added to read as follows:

§ 1096.19 [Reserved]

§ 1096.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1096.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1096.50(b) is revised to read as follows:

§ 1096.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1096.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1096.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1096.51a.

* * * * *

3. A new § 1096.51a is added as follows:

§ 1096.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1096.51 for the second preceding month plus or

minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1096.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1096.53 is revised to read as follows:

§ 1096.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1097—MILK IN THE MEMPHIS, TENNESSEE MARKETING AREA

1. Section 1097.19 is added and reserved and a new § 1097.20 is added to read as follows:

§ 1097.19 [Reserved]

§ 1097.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1097.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1097.50(b) is revised to read as follows:

§ 1097.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1097.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1097.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1097.51a.

* * * * *

3. A new § 1097.51a is added to read as follows:

§ 1097.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1097.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1097.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacturer butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1097.53 is revised to read as follows:

§ 1097.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1098—MILK IN THE NASHVILLE, TENNESSEE MARKETING AREA

1. Section 1098.19 is added and reserved and a new § 1098.20 is added to read as follows:

§ 1098.19 [Reserved]

§ 1098.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1098.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed

by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1098.50(b) is revised to read as follows:

§ 1098.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1098.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1098.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1098.51a.

* * * * *

3. A new § 1098.51a is added to read as follows:

§ 1098.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1098.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1098.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1098.53 is revised to read as follows:

§ 1098.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1099—MILK IN THE PADUCAH, KENTUCKY MARKETING AREA

1. Section 1099.19 is added and reserved and a new § 1099.20 is added to read as follows:

§ 1099.19 [Reserved]

§ 1099.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1099.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The

prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday, except national holidays.

2. Section 1099.50(b) is revised to read as follows:

§ 1099.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1099.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to §1099.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1099.51a.

* * * * *

3. A new § 1099.51a is added to read as follows:

§ 1099.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1099.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1099.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program

for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1099.53 is revised to read as follows:

§ 1099.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1102—MILK IN THE FORT SMITH, ARKANSAS MARKETING AREA

1. Section 1102.19 is added and reserved and a new § 1102.20 is added to read as follows:

§ 1102.19 [Reserved]

§ 1102.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1102.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92–score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat, and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1102.50(b) is revised to read as follows:

§ 1102.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1102.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1102.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1102.51a.

* * * * *

3. A new § 1102.51a is added to read as follows:

§ 1102.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1102.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1102.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall

be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacturer butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1102.53 is revised to read as follows:

§ 1102.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1104—MILK IN THE RED RIVER VALLEY MARKETING AREA

1. Section 1104.53 is revised to read as follows:

§ 1104.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1106—MILK IN THE OKLAHOMA METROPOLITAN MARKETING AREA

1. A new § 1106.20 is added to read as follows:

§ 1106.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1106.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1106.50(b) is revised to read as follows:

§ 1106.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1106.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month

after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1106.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1106.51a.

* * * * *

3. A new § 1106.51a is added to read as follows:

§ 1106.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1106.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1106.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1106.53 is revised to read as follows:

§ 1106.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. Section 1108.19 is added and reserved and a new § 1108.20 is added to read as follows:

§ 1108.19 [Reserved]

§ 1108.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1108.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A

work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of the section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1108.50(b) is revised to read as follows:

§ 1108.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1108.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1108.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1108.51a.

* * * * *

3. A new § 1108.51a is added to read as follows:

§ 1108.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1108.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1108.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1108.53 is revised to read as follows:

§ 1108.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1120—MILK IN THE LUBBOCK-PLAINVIEW, TEXAS MARKETING AREA

1. A new § 1120.20 is added to read as follows:

§ 1120.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1120.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Diary Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average,

for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Diary Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1120.50(b) is revised to read as follows:

§ 1120.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1120.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1120.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1120.51a.

* * * * *

3. A new § 1120.51a is added to read as follows:

§ 1120.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1120.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1120.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacturer butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1120.53 is revised to read as follows:

§ 1120.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following months, the Class III price for the preceding month and, for each month after the first month in which this

section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1126—MILK IN THE TEXAS MARKETING AREA

1. A new § 1126.20 is added to read as follows:

§ 1126.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1126.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1126.50(b) is revised to read as follows:

§ 1126.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1126.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1126.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1126.51a.

* * * * *

3. A new § 1126.51a is added to read as follows:

§ 1126.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1126.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1126.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in

each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1126.53 is revised to read as follows:

§ 1126.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. Section 1131.19 is added and reserved and a new § 1131.20 is added to read as follows:

§ 1131.19 [Reserved]

§ 1131.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1131.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday, except national holidays.

2. Section 1131.50(b) is revised to read as follows:

§ 1131.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1131.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to §1131.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1131.51a.

* * * * *

3. A new § 1131.51a is added to read as follows:

§ 1131.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1131.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1131.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the qualtity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1131.53 is revised to read as follows:

§ 1131.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1132—MILK IN THE TEXAS PANHANDLE MARKETING AREA

1. Section 1132.19 is added and reserved and a new § 1132.20 is added to read as follows:

§ 1132.19 [Reserved]

§ 1132.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1132.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1132.50(b) is revised to read as follows:

§ 1132.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1132.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this

section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1132.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (round to the nearest cent) of the basic Class II formula prices computed pursuant to § 1132.51a.

* * * * *

3. A new § 1132.51a is added to read as follows:

§ 1132.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1132.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1132.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfact component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used in the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1132.53 is revised to read as follows:

§ 1132.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

1. A new § 1138.20 is added to read as follows:

§ 1138.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1138.51a:

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of the section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central State production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. Section 1138.50(b) is revised to read as follows:

§ 1138.50 Class prices.

* * * * *

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1138.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1138.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1138.51a.

* * * * *

3. A new § 1138.51a is added to read as follows:

§ 1138.51a Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1138.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1138.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraph (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Section 1138.53 is revised to read as follows:

§ 1138.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective Date: September 1, 1981.

Signed at Washington, D.C., on August 25, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-25236 Filed 8-27-81; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service [1]

9 CFR Parts 307 and 310

[Docket No. 81-027 I]

Swine Post-Mortem Inspection Procedures and Staffing Standards

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations, on an interim basis, and requesting comments on the rule prior to taking any

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's Memo 1000-1, issued June 17, 1981, the Food Safety and Quality Service has become the Food Safety and Inspection Service. A notice detailing the Agency's reorganization is now being drafted for later publication.

final action in the matter. The interim rule establishes new swine post-mortem inspection staffing standards and additional related swine facility requirements. The swine post-mortem staffing standards are based on changes in the inspection procedure and new work measurement data developed for these revised procedures. The new staffing standards will result in an increase in Agency productivity in swine inspection with no loss of inspection effectiveness. These rules are being implemented on an interim basis without a prior proposal because of the immediate need of FSIS to achieve greater labor efficiency in order to meet its inspectional responsibilities within its mandated appropriations and personnel limitations. It is also being published for comment as a means to provide full public participation in the rulemaking process prior to promulgation of a final rule.

DATES: Interim rule effective August 28, 1981; comments must be received on or before October 27, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Dr. John Prucha, Director, Slaughter Inspection Standards and Procedures Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3219.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it does not affect post-mortem inspection operations conducted in establishments operated by small entities, and it is not anticipated there would be a significant impact on any other small entity as the result of this rule.

Comments

Interested persons are invited to submit written comments concerning these interim amendments. Comments must be sent in duplicate to the Regulations Coordination Division and should bear reference to the docket number located in the heading of this document. Comments submitted pursuant to this document will be made available for public inspection in the Regulations Coordination Division between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Background

The Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) requires, among other things, the Secretary of Agriculture, through appointed inspectors, to carry out a post-mortem examination of the carcasses and parts of certain domestic food animals, inlcuding swine, when they are slaughtered in an official establishment which is subject to inspection under the Act. The post-mortem inspection involves an examination by one or more trained food inspectors, under veterinary supervision, of the head, viscera (internal organs), and other parts of the carcass of each animal slaughtered, for the purpose of detecting disease or other conditions which could render the carcass or any part of the carcass unfit for human food or otherwise adulterated. In performing the examination, the inspectors follow standardized inspection procedures and initiate appropriate actions consistent with their findings. The procedures are designed to provide assurance that only wholesome and otherwise not adultered carcasses and parts are passed for human food.

Post-mortem inspection requires an appreciable portion of the budget of the Agency's meat and poultry inspection program. Therefore, the Agency's ongoing responsibility for efficient utilization of its resources is especially important with respect to post-mortem inspection. A failure to use the most efficient post-mortem inspection procedures and staffing standards could result in costs to the public which are significantly higher than necessary. For reasons explained below, FSIS has determined that efficiencies are achievable in the post-mortem inspection of swine with no loss in consumer protection.

On July 14, 1981, FSIS published in the **Federal Register** (46 FR 36113) an interim rule, effective immediately, establishing new cattle post-mortem inspection staffing standards. In that document, the Administrator indicated that new swine post-mortem inspection procedures and staffing standards had been developed which would be published in a separate document in the near future. This document contains those procedures and standards.

Swine Inspection

The existing swine post-mortem inspection procedures, with only minor changes, have been in use since at least the early 1930's. Since that time, the incidence of disease found during inspection has changed. For this reason, it was thought that improved procedures might be developed which would be just as effective in detecting disease conditions and other conditions relating to adulteration and still be more productive. It is apparent that such improved procedures could achieve a substantial labor savings with economic benefits to the public and to industry. Therefore, in 1980 and early 1981, FSIS conducted studies comparing the effectiveness of the current swine post-mortem inspection procedures to newer modified procedures. The new procedures were found to be equally effective and more efficient than the present ones, thereby offering some significant potential labor savings. Two studies were completed in the development of the new procedures: "A Study on the Effectiveness of Current and Proposed Swine Post-Mortem Inspection" and "A Study on the Applicability of Proposed Swine Post-Mortem Inspection to Sows/Boars." Copies of these studies may be obtained without charge by writing to: Dr. John Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

1. *New Swine Inspection Procedures.* Establishments slaughter swine at production rates which meet their own requirements, and FSIS assigns sufficient inspectors to carry out inspection at whatever production rates the establishment determines desirable. In establishments where the production rate is low, one inspector can perform all the necessary examinations. In establishments where the production rate is higher, two or more inspectors

are needed. In establishments using three or more inspectors, the inspection work is subdivided, so that one or more inspectors examine heads, one or more examine viscera, and one or more examine carcasses. Most higher speed establishment layouts provide for the inspection of the head while it is still attached to the carcass. A few do not, and the inspection manpower required for such establishments is slightly different. In this interim rule, the new staffing standards and facility requirements relate solely to operations with three or more inspectors in which the swine head is still attached at inspection.

The present method of inspection at the head inspection station includes, as one element of inspection, turning the carcass to observe the back and both sides. The inspector is looking for skin lesions, such as abscesses, wounds, and dermatitis, and for dressing errors such as hair, dirt, and other contaminants. However, because the carcass inspector will be able to look at the back and sides of the carcass in the new procedures, the head inspector will be relieved of this responsibility.

At the viscera inspection station, the current procedures require, among other things, that the inspector observe and palpate (feel) the spleen, liver, mediastinal lymph nodes, lungs, and heart. Over the years the Department has developed a more extensive understanding concerning the nature and indicia of the diseases and conditions that affect these organs. In the new procedures, the inspector is only required to observe these organs. The reasons for these particular changes are as follows: Splenic pathology, such as tuberculosis or abscesses, is readily visible. Because of the thinness of swine livers, liver lesions, such as abscesses, are not buried in the swine liver, as they frequently are in the much thicker bovine liver, and, thus, are readily observable. Inflammatory processes and general diseases of lungs and mediastinal nodes result in a swelling which can be visually detected. Lastly, swine hearts have been palpated chiefly to detect lesions of the larval form of *Taenia solium*, a tapeworm which is infectious to man, but which has an extremely low incidence in this country (six cases last fiscal year in 90 million swine). However, experience has shown that the presence of this tapeworm is accompanied by extensive lesions in the tissues it involves, which can be easily diagnosed by sight alone.

At the carcass inspection station, the current procedures require the inspector to turn the carcass to observe all sides unless the establishment has provided a mirror to see the back of the hog. The new procedures require the use of a mirror, thus increasing the inspector's productivity.

2. *Comparison Tests.* The comparison test of the current procedures and the new procedures was conducted on butcher hogs in four plants. One week before the test, veterinary training officers entered each plant to teach the inspectors stationed there the new procedures. Five sites on the slaughter floor were selected to assure an adequate evaluation of the effectiveness of each inspection procedure evaluated. In total, 24,000 samples were evaluated, 6,000 from each plant, 400 from each evaluation site on each of 3 days. Half of the samples were inspected under the current procedures and half were inspected under the new procedures. The evaluation was in terms of the percent of units evaluated which were free of errors. The results of this test showed that the new procedures are as effective as the current procedures.

The new procedures were also assessed by the Departmental experts for effectiveness in detecting disease or other conditions which occur too rarely to be quantifiably evaluated on a test such as the one described, but which can have direct adverse effects on public health. The pork tapeworm, previously described, is an example of such a condition. To determine if the new procedures are as effective for these conditions, professional judgment must be used based on knowledge of the veterinary pathology, the nature of the disease or other noxious conditions, and years of experience with inspection under packinghouse conditions. It was determined by the departmental experts that the new procedures are as effective as the current ones.

The other comparison test was conducted on sows and boars in one plant, using 10,000 samples. The test methods used were very similar, and the results were also similar; i.e., the test results showed that the new procedures are found to be as effective as the current ones and more productive.

3. *The Gain in Productivity.* FSIS uses work measurement-based standards in order to determine the appropriate maximum amount of work which an inspector can be expected to perform without a decline in the quality of his/her performance or detriment to his/her health. Such standards are developed by standardizing the job to be performed, having an experienced industrial engineer study and prescribe the most efficient physical motions to accomplish the inspection by the standard method, and then perform a time study to determine the time required to complete the inspection task.

In the case of the new swine procedures under discussion herein, work measurement showed them to be more efficient. For example, using the current inspection procedures, three inspectors (one head inspector, one viscera inspector, and one carcass inspector) can inspect up to 337 butcher hogs per hour. Using the new procedures, three inspectors can inspect up to 506 butcher hogs per hour, a 50.15 percent gain in productivity. Similar or higher gains in productivity are achievable where slaughter rates require more than three inspectors. The swine post-mortem inspection rate study, titled "Market Hogs and Sows/Boars Study Work Measurement Standards," may also be obtained without charge by writing to Dr. Prucha at the previously given address.

4. *Impact on Establishments of Adopting the New Procedures.* The new procedures will have no immediate impact on establishments which do not require three or more inspectors and where the swine heads are not inspected while still attached to the carcasses. Although the new procedures appear to permit some inspection productivity improvement in the remaining types of swine slaughter establishments also, additional work measurement studies are required to determine the most efficient facilities requirements and job combinations. FSIS intends to extend the rules to these classes of establishments when such additional studies are completed.

In order to utilize the new line speed, each presently affected establishment will be required to install a distortion-free glass mirror, measuring 5 feet by 5 feet, at the carcass inspection station. Including installation, FSIS estimates that such a mirror may entail a one-time cost of not more than $1,000. Some establishments already have mirrors. However, many of these mirrors are too small, are of the wrong material (such as stainless steel, which has relatively poor reflective qualities), or are not mounted correctly.

Establishments in which USDA inspectors work must provide certain facilities to the inspectors, such as work stations on the line, lighting, handwashing facilities, etc. While some of these facility requirements are detailed in the regulations, others are more generally referenced. The blueprint review and approval process, when establishments apply for inspection or apply to modify existing facilities, has resulted in uniform interpretation of those general requirements. Since

certain of these general facility requirements with regard to slaughter inspection are so closely related to staffing standards, they are being detailed in this interim rule as a convenience to establishments or other interested persons, and to allow for public comment. The amendments, with respect to facility requirements, make no change in the requirements currently being applied in federally inspected establishments, except for the above mentioned mirror.

Establishments may also experience substantial ongoing cost savings through implementation of the new staffing standards. For some slaughter rates, fewer inspectors will be required under the new staffing standards, which means that less space along the slaughter line will need to be set aside for the use of inspectors. Fewer inspectors also means that in overtime situations, when the establishment must reimburse FSIS for the overtime, the cost will be lower. Also, the line speed can be increased without an increase in the number of inspectors and a consequent need to change the inspection layout or, alternatively, to work overtime to produce the total quantity of meat required.

Need for Interim Rule

The Agency finds that it must take the unusual action of implementing these amendments on an interim basis effective immediately in view of its own personnel shortages. Because of the need to reduce Federal spending and the resulting government-wide restrictions on hiring, the Agency must act expeditiously to make the most efficient use of its existing personnel.

Therefore, the Administrator has determined that the following changes in the regulations must be adopted as an interim final rule. Some establishments may not wish to invest in the mirror required for these rule changes on the basis of an interim, rather than a permanent, rule. They will not be forced to do so, but will be required to operate under the present staffing standards line speeds, and inspection procedures pending final action on the permanent rule. Even after discounting for such establishments, it is estimated that the interim rule will have the effect of reducing the staffing requirement for swine inspection by approximately 111 positions nationwide. Since the meat and poultry inspection program is already experiencing personnel shortages in many areas, it is anticipated that implementation of the interim rule will have the effect of releasing some inspectors now required for swine post-mortem inspection so that they may be utilized for other essential inspection activities, such as staffing positions with critical shortages and new inspection positions where industry production increases. In taking this action, the administrator is mindful that, in the current volatile economic climate, establishments are going in and out of business and expanding and contracting. FSIS must be able to react to these needs. Due to appropriation and manpower restraints imposed on the Agency, FSIS cannot meet its inspectional responsibilities, even in the short term, without this immediate revision of the current swine post-mortem inspection procedures and staffing standards and related facility requirements.

In a number of establishments, a mirror meeting the facility requirements is already properly mounted. The interim regulations will affect those establishments immediately. Other establishments will need a period of time to acquire and/or mount such a mirror, or may opt not to invest in this facility change. The interim regulations will be applied to each establishment whenever it makes this facility change.

Accordingly, §§ 307.2 and 310.1 of the Federal meat inspection regulations (9 CFR 307.2 and 310.1) are amended as follows:

PART 307—FACILITIES FOR INSPECTION

1. The authority citation for Part 307 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k.

2. Section 307.2(m) is revised to read as follows:

§ 307.2 Other facilities and conditions to be provided by establishment.

* * * * *

(m) In addition to any facilities required to accomplish sanitary dressing procedures, the following inspection station facilities for cattle and swine slaughter lines described in § 310.1(b) of this subchapter are required:

(1) An inspection station consisting of 5 feet of unobstructed line space for each head or carcass inspector and, for viscera table kills, 8 feet for each viscera inspector on the inspector's side of the table.

(2) A minimum of 50 foot-candles of shadow-free lighting at the inspection surfaces of the head, viscera, and carcass.

(3) For each inspector, a handwash lavatory (other than one which is hand operated), furnished with soap, towels, and hot and cold water, and located adjacent to the inspector's work area. In addition, for each head and viscera inspector, a sterilizer located adjacent to the inspector's work area.

(4) For mechanized operations, a switch, located adjacent to each inspection station, which can stop the chain or conveyor.

(5) Facilities to position tally sheets or other recording devices, such as digital counters, and facilities to contain condemned brands.

(6) For swine slaughter lines requiring three or more inspectors and on which the swine heads are inspected while still attached to the carcass: at the carcass inspection stations, one glass, distortion-free mirror, at least 5 feet x 5 feet, mounted far enough away from the vertical axis of the moving line to allow the carcass to be turned, but not over 3 feet away and so mounted that any inspector standing at the carcass inspection station can readily view the back of the carcass.

PART 310—POST-MORTEM INSPECTION

1. The authority citation for Part 310 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k.

2. Section 310.1(b) is amended by adding a new subparagraph (3) to read as follows:

§ 310.1 Extent and time of post-mortem inspection; post-mortem inspection staffing standards.

* * * * *

(b) * * *

(3) *Swine Inspection.*[3] The following swine inspection staffing standards are applicable to those swine slaughter lines which require three or more inspectors and on which the swine heads are inspected while still attached to the carcass. These standards are predicated upon the use of a mirror, as described in § 307.2(m)(6), at the carcass inspection station to observe the back of the carcass and upon the observation, rather than palpation, at the viscera inspection station, of the spleen, liver, heart, lungs, and mediastinal lymph nodes.

[3] Pending the final decision in this rulemaking proceeding, all establishments described in this subparagraph have the option to meet the facility requirement in § 307.2(m)(6). The staffing standards, line speeds, and inspection procedures detailed herein will be applied to each establishment if and when it meets this facility requirement. In the interim, the present staffing standards, line speeds, and inspection procedures will be applied.

Butcher hogs					Sows and boars			
Head per hour line	Number of inspectors by stations			Head per hour per line	Number of inspectors by stations			
	Head	Viscera	Carcass		Head	Viscera	Carcass	
245-506	1	1	1	169-439	1	1	1	
507-540	1	2	1	440-475	2	1	1	
541-859	2	2	1	476-752	2	2	1	
860-1022	2	3	1	753-895	3	2	1	
1023-1106	3	3	1	896-994	3	3	1	

Dr. Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that immediate implementation of this rule, on an interim basis, is necessary in order to meet existing budgetary constraints. The adjustments of procedures, staffing levels and related facility requirements will accommodate increased industry production, will reduce the Agency's projected labor costs, and will provide continued, high levels of public protection under the Federal Meat Inspection Act.

Therefore, pursuant to the authority in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this amendment at this time are impracticable and contrary to public interest, and good cause is found for making this amendment effective less than 30 days after publication in the **Federal Register.**

Done at Washington, DC, on August 18, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-25299 Filed 8-27-81; 8:45 am]

BILLING CODE 3410-DM-M

FARM CREDIT ADMINISTRATION

12 CFR Parts 613 and 614

Eligibility and Scope of Financing Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, adopts and publishes a final new regulation concerning the extension of credit by Federal land banks and production credit associations to eligible borrowers specifically for basic processing and/or marketing for the borrowers' products, and amended regulations concerning the extension of credit by the production credit associations and repayable by eligible borrowers in not more than 10 years. These new and amended regulations implement two of the major authorities conferred on institutions of the Farm Credit System under the Farm Credit Act Amendments of 1980 (Pub. L. 96-592) to the Farm Credit Act of 1971 (12 U.S.C. 2001, *et seq.*)

EFFECTIVE DATE: August 28, 1981.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578, (202-755-2181).

SUPPLEMENTARY INFORMATION: On July 10, 1981, the Farm Credit Administration proposed for public comment a new regulation, 12 CFR 613.3045—Financing of basic processing and marketing activities, and amendments to 12 CFR 614.4110—Subpart C—Lending Authorities, Production credit associations, and 12 CFR 614.4200—Subpart E—Loan Terms and Conditions, Production credit associations (46 FR 35663 and 35664). The Federal Farm Credit Board considered each of the comments received and adopted final regulations in the course of its August 4, 1981 meeting.

As to 12 CFR 613.3045, a total of seven comments were received, four of which were editorial. Of the three substantive comments, two commentators suggested that the requisite percentage ownership of processing and/or marketing facilities by farmers, ranchers, or producers or harvesters of aquatic products be reduced to two-thirds or 90 percent, respectively. These suggestions were rejected in view of the legislative history of the 1980 amendments, which indicate the intention of Congress that ownership of separate processing and marketing facilities be vested entirely in the persons eligible to borrow from Federal land banks, Federal land bank associations, and production credit associations. The other commentator was concerned with the regulation's apparent exclusion of basic processing and marketing facilities where at least 50 percent of the throughput originates with eligible borrowers. This exclusion was intentional and the regulation has been revised to make clear that it is applicable only to situations where less than 50 percent of the throughput is produced by eligible borrowers. Where 50 percent or more of the throughput is produced by the applicant, the restrictions of the regulation do not apply.

No comments were received with respect to 12 CFR 614.4110. Two comments were received with respect to 12 CFR 614.4200, both of which were editorial in nature.

In adopting these final regulations, the Federal Farm Credit Board, acting under the provisions of 5 U.S.C. 553(d), specifically waived the requirement of the Administrative Procedure Act for publication of a substantive rule not less than 30 days before its effective date based on the Federal Farm Credit Board's findings that current and impending financial and economic conditions facing the agricultural sector of the Nation's economy require that Federal land banks, Federal land bank associations, Federal intermediate credit banks, and production credit associations have the increased flexibility to sever member/borrowers which the new regulations would provide. Consequently, these final regulations shall be effective August 28, 1981.

For the reasons set out in the preamble, Parts 613 and 614 of Chapter IV, Title 12, of the *Code of Federal Regulations* is amended as shown.

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

Subpart B—Eligibility To Borrow from Federal Land Banks and Production Credit Associations

1. Section 613.3045 is added to read as follows:

§ 613.3045 Financing of basic processing and marketing activities.

(a) Federal land banks and production credit associations may provide financing for processing (including storage) and marketing activities related to the production by farmers, ranchers, and producers or harvesters of aquatic products. Where 50 percent or more of the "throughput" (based on the annual usage) used in the basic processing and/or marketing operation is produced by the applicant, this regulation shall not apply. It is intended that benefits from the processing and marketing authority accrue to persons eligible to borrow from Federal land banks or production credit associations (as defined in § 613.3010 and § 613.3020). Such financing may be furnished provided that:

(1) The basic processing and/or marketing activities constitute a logical and actual extension of a farmer's, rancher's, or aquatic producer's or harvester's operation. (It is intended that

credit be made available for financing forward integration from the production stage through the basic processing and/or marketing stage.)

(2) The applicant, or as provided for in paragraph 3, the owners of the applicant processing or marketing unit, produces on a sustained basis a minimum of 20 percent of the "throughput" (based on annual usage) of the basic processing and/or marketing operation or such higher percentage established by the bank board. Essentially all of the additional "throughput" utilized in the processing and/or marketing stage shall be purchased from or handled for persons eligible to borrow from Federal land banks or production credit associations (as defined in § 613.3010 and § 613.3020).

(3) Where the ownership of the processing and/or marketing activities differs from that of the basic production unit, all of the ownership of the processing and/or marketing operation shall be vested in persons eligible to borrow from Federal land banks or production credit associations (as defined in § 613.3010 and § 613.3020).

(b) All district board policies in connection with the financing of processing and/or marketing activities shall be submitted to FCA prior to implementation of such authorities. Such policies may be amended subject to FCA prior approval.

(c) The coordinated district board policies shall provide the basic framework for more detailed procedures to be developed by the banks. All policies shall embody at least the following:

(1) The minimum "throughput" requirement or variations of this requirement.

(2) The method for defining basic processing and/or marketing activities by commodity or groups of commodities.

(3) Provisions for limiting financing extended under the processing and marketing authority to those needs directly associated with the processing and/or marketing operation.

(4) Provisions for identifying processing and/or marketing loans where less than 50 percent of the throughput is produced by the borrower or owners of the processing and/or marketing activity.

(5) Provisions for requiring an analysis and documentation in loan files of the ownership and operational features of the borrower sufficient to establish loan eligibility under § 613.3045(a) and continuing eligibility at each new loan or loan renegotiation.

(6) Authorities and limitations applicable to Federal land banks and production credit associations regarding loan purposes and such other guidelines deemed necessary.

PART 614—LOAN POLICIES AND OPERATIONS

Subpart C—Lending Authorities

2. Section 614.4110 is revised as follows:

§ 614.4110 Production credit associations.

Each production credit association, under policies established by the bank board and procedures prescribed by the bank, may make, guarantee, or participate with other lenders in short- and intermediate-term loans and other similar financial assistance to eligible borrowers. Short- and intermediate-term loans may be made for a term not exceeding 7 years, or such longer periods, not to exceed 10 years as provided in § 614.4200. Loans to eligible producers or harvesters of aquatic products for the purposes enumerated in § 614.4200(d) may be for a term not exceeding 15 years.

Subpart F—Loan Terms and Conditions

3. Section 614.4200 is amended by revising paragraphs (c) and (d) and removing (e).

§ 614.4200 Production credit associations.

* * * * *

(c) Longer intermediate-term loans may be made with maximum maturity not to exceed 10 years from date of initial disbursement. Adoption of this longer intermediate-term loan program is optional with each district Farm Credit board.

(1) Loans made or extended under this 10-year program shall meet the following criteria:

(i) Specific major capital items can be financed, such as new equipment, new or remodeled buildings, or facilities with a useful life and value, after normal depreciation, which exceeds the term of the loan at all times. The loan will be amortized and the purpose of the loan specifically identified.

(ii) The borrower's earnings, history, repayment record, and net earnings projections must satisfactorily support the loan and provide assurance for repayment within 10 years.

(iii) Long-term real estate mortgage credit must not be practical for the applicant to obtain if the loan is being made to finance or refinance the purchase of real estate.

(2) District boards shall adopt policies relating to:

(i) Cooperation between production credit associations and Federal land bank associations in the consideration of any loans bordering on the longer term real estate mortgage category.

(ii) Conditions under which this authority can be delegated and withdrawn from a production credit association.

(iii) Methods to be followed in credit reviews whereby loans of this type, made during the period covered by the review, will be reviewed and commented upon as to compliance with policy and procedures.

(iv) Provisions for easy identification and adequate reporting on loans of this type to enable timely supervision by the bank.

(3) The policies are subject to Farm Credit Administration approval.

(d) Longer term loans may be made with maturities not to exceed 15 years to producers or harvesters of aquatic products for major capital expenditures including but not limited to purchase of vessels, construction or purchase of shore facilities, and similar purposes directly related to the producing or harvesting operation.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2249, and 2252)

Donald E. Wilkinson,

Governor.

[FR Doc. 81-25169 Filed 8-27-81; 8:45 am]

BILLING CODE 6705-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210 and 211

[Release Nos. 33-6342; 34-18045; 35-22168; IC-11913; AS-297]

Rescission of Certain Accounting Series Releases and Adoption of Amendments to Certain Rules of Regulation S-X Relating to Disclosure of Maturities of Long-Term Obligations

AGENCY: Securities and Exchange Commission.

ACTION: Rescission of certain accounting series releases and adoption of amendments to certain rules of Regulation S-X.

SUMMARY: The Commission announces the rescission of 13 accounting series releases on the basis of a review and determination that the policies stated therein no longer have current application or have been superseded by other pronouncements. The Commission also announces the amendment of certain rules in Regulation S-X, relating to disclosure of maturities of long-term obligations, because the information called for by those rules is now required

by generally accepted accounting principles.

EFFECTIVE DATE: August 28, 1981, for the rescission of accounting series releases and for years ending after June 15, 1981 for Regulation S–X amendments.

FOR FURTHER INFORMATION CONTACT: David F. Martin or LeGrand C. Kirby, III, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202–272–2130).

SUPPLEMENTARY INFORMATION:

Rescission of Certain Accounting Series Releases

Periodically, the Commission reviews its existing releases with the objective of determining what material is no longer necessary. Today's action is the result of such a review. These releases are being rescinded because (1) accounting standards or auditing standards promulgated subsequent to the issuance of a release provide adequate guidance on the particular topic, (2) subsequent Commission action effectively supersedes the release, or (3) other changed circumstances make the release unnecessary.

The following releases have been rescinded for the above reasons:

ASR No. 2 (May 6, 1937) (11 FR 10913), "Independence of Accounts—Relationship to Registrant."

ASR No. 3 (September 13, 1937) (11 FR 10913), "Treatment of Investments in Subsidiaries in Consolidated Statements."

ASR No. 5 (May 10, 1938) (11 FR 10913), "Treatment of Dividends on Corporation's Own Capital Stock Held in Sinking Fund."

ASR No. 41 (December 22, 1942) (11 FR 10928), "Conditions Under Which Companies Reporting on Forms 10–K and N–30A–1 May File Copies of Their Regular Annual Reports to Stockholders in Place of Certain of the Financial Statements Required to be Filed by Such Forms."

ASR No. 56 (November 27, 1946) (11 FR 13958), "Procedures Which Management Investment Companies May Follow in Allocating Past Dividends so as to Arrive at (1) the Balance of Undistributed Net Income; and (2) Accumulated Net Realized Gain or Loss on Investments."

ASR No. 82 (June 27, 1947) (15 FR 9104), "Circumstances Under Which Independent Public Accountants May Properly Express an Opinion, and the Form of Such Opinion with Respect to Summary Earnings Tables To Be Included in Registration Statements Filed Under the Securities Act of 1933."

ASR No. 95 (December 28, 1962) (28 FR 276), "Accounting for Real Estate Transactions Where Circumstances Indicate that Profits Were Not Earned at the Time Transactions Were Recorded." In 1973, the American Institute of Certified Public Accountants ("AICPA") issued an Industry Accounting Guide, "Accounting for Profit Recognition on Sales of Real Estate" (the "Guide"). The Guide addresses the concerns described in ASR No. 95 in a comprehensive manner and provides guidance regarding the timing of profit recognition in other complex real estate transactions. The Guide has generally been followed in practice and the Commission's staff has relied on the principles stated therein. The general acceptance in practice of the principles articulated in the private-sector Guide renders the guidance in ASR No. 95 no longer necessary.

ASR 102 (December 7, 1965) (30 FR 15420), "Balance Sheet Classification of Deferred Income Taxes Arising from Installment Sales."

ASR No. 151 (January 3, 1974) (39 FR 2085), "Disclosure of Inventory Profits Reflected in Income in Periods of Rising Prices."

ASR No. 166 (December 23, 1974) (40 FR 2678), "Disclosure of Unusual Risks and Uncertainties in Financial Reporting."

ASR No. 169 (January 23, 1975) (40 FR 6483), "Financial Disclosure Problems Relating to the Adoption of the LIFO Inventory Method."

ASR No. 188 (January 7, 1976) (41 FR 4817), "Interpretive Statement by the Commission on Disclosure by Registrants of Holdings of Securities of New York City and Accounting for Securities Subject to Exchange Offer and Moratorium."

ASR No. 264 (June 14, 1979) (44 FR 36156), "Scope of Services by Independent Accountants." A discussion of the factors involved in rescinding this release is included in a separate release [ASR No. 296 (August 20, 1981)], issued concurrently with this release.

The Commission is also making technical amendments to the Code of Federal Regulations by rescinding certain ASR's which are listed in Part 211 but which have already been superseded by other Commission actions.

Amendment of Certain Rules in Regulation S–X

The Commission is also amending certain rules in Regulation S–X (§§ 210.5–02.22(a)(6), 6–03.16(c), 6–22.21) by deleting certain sections which require disclosure of the aggregate amount of maturities and sinking fund requirements of long-term debt for each of the five years following the latest balance sheet date. These rules are being amended as a result of the March 1981 issuance of FASB Statement No. 47, "Disclosure of Long-Term Obligations," which imposes an identical requirement. Statement No. 47 is effective for fiscal years ending after June 15, 1981; therefore, the amendments to Regulation S–X are effective for fiscal years ended after June 15, 1981.

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Commission Action: The Commission hereby rescinds and removes the following releases in the accounting series, Part 211 of Title 17, Chapter II, of the Code of Federal Regulations. Accounting Series Release Nos. 2, 3, 5, 12, 37, 41, 54, 56, 62, 95, 102, 138, 151, 159, 166, 169, 172, 188, 211, 225, 235, 264.

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

Text of Amended Rules

Part 210 of Title 17 CFR Chapter II is amended as follows:

1. By revising paragraph 22(a) of § 210.5–02 to read as follows:

§ 210.5–02 Balance sheets.

* * * * *

22. *Bonds, mortgages and other long-term debt, including capitalized leases.* (a) State separately, in the balance sheet or in a note thereto, each issue or type of obligation and such information as will indicate (see § 210.4–06):

(1) The general character of each type of debt including the rate of interest; (2) the date of maturity, or, if maturing serially, a brief indication of the serial maturities, such as "maturing serially from 1980 to 1990"; (3) if the payment of principal or interest is contingent, an appropriate indication of such contingency; (4) a brief indication of priority; and (5) if convertible, the basis. For amounts owed to related parties, see § 210.4–08(k).

* * * * *

2. By revising paragraph 16(c) of § 210.6–03 to read as follows:

§ 210.6–03 Balance sheets; statements of assets and liabilities.

* * * * *

16. *Long-term debt.* * * *

(c) *Other long-term debt.* Indicate whether secured. State separately (1) total of amounts due directors and officers; and (2) other long-term debt, specifying any significant item.

* * * * *

3. By revising paragraph 21 of § 210.6–22 to read as follows:

§ 210.6–22 Balance sheets.

* * * * *

21. *Other long-term debt.* Indicate whether secured. State separately (a) total of amounts due directors and officers; and (b) other long-term debt, specifying any material item. The amount and terms (including commitment fees and the conditions under which

commitments may be withdrawn) of significant unused commitments for long-term debt that would be disclosed under this rule if used shall be disclosed in the notes to the financial statements.

* * * * *

These amendments are adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s(a)] of the Securities Act of 1933 and Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78*l*, 78m, 78*o*(d), 78w(a)] of the Securities Exchange Act of 1934.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 20, 1981.

[FR Doc. 81-25141 Filed 8-27-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 136 and 137

[Docket No. 79N-0327]

Iron Fortification of Flour and Breads; Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising the standards of identity for enriched flour and enriched bread by changing the requirements for enrichment with iron from the present minimum and maximum requirements to single-level requirements. FDA is also providing for reasonable overages within the limits of good manufacturing practices. The single-level requirements will promote greater uniformity and will allow enriched bread to be made from enriched flour without further adjustment.

DATES: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date.

Voluntary compliance: October 27, 1981. Objections by September 28, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: A proposal to amend the standards of identity for enriched bread, rolls, and buns (21 CFR 136.115), enriched flour (21 CFR 137.165), and enriched self-rising flour (21 CFR 137.185) by deleting minimum and maximum requirements for iron enrichment and establishing single-level requirements for each food was published in the **Federal Register** of October 19, 1979 (44 FR 60313). The proposed amendments also provided for reasonable overages within the limits of good manufacturing practices. The proposed single levels for iron enrichment were 12.5 milligrams per pound for enriched bread, rolls, and buns; and 20 milligrams per pound for enriched flour and enriched self-rising flour. These proposed levels would allow enriched bread to be made from enriched flour without further adjustment.

Four letters, each containing one or more comments, were received in response to the proposal. The comments and FDA's responses are as follows:

1. One comment suggested a lower single level of 13 milligrams of iron per pound of flour and 8 milligrams of iron per pound of bread provided that the replacement iron is bioequivalent to the "wheat iron" lost. The comment contended that choosing the previously permitted upper level of the range for enriched bread as the single level would increase the level of iron above the present amount found in the food supply.

FDA believes that it would not be prudent to lower the level of iron in these products because there is an urgent need for iron in the diets of young children and women of childbearing age. In addition, the manufacturers of enriched flour and enriched bread are currently using the upper limits of the range for the addition of iron. Consequently, the addition of 12.5 milligrams of iron per pound of enriched bread and 20 milligrams of iron per pound of enriched flour would not be a significant increase in the amount of iron added to the food supply.

FDA advises that the issue of iron bioavailability is not within the scope of this final regulation. FDA stated in the final rule concerning iron fortification for flour and bread published in the **Federal Register** of August 29, 1978 (43 FR 38575), that a separate proposal on the bioavailability of iron would be published at a future date, and any discussion of this issue will be addressed at that time.

2. One comment requested a 2-year lead time after publication of the final rule in which to have all labels in compliance.

FDA considers that the July 1, 1983, effective date for mandatory labeling changes will provide sufficient time to have all labels in compliance.

3. One comment expressed the concern that enriched bread prepared in compliance with the published proposal may contain iron slightly in excess of the proposed single level because of variations consistent with good manufacturing practices and that State officials have in the past indicated a belief that such a product would violate State rules adopting the current FDA standard. The comment asked that compliance with the proposed regulation be permitted, at the option of the baker, upon publication of this final order, to provide orderly transition to the new standard and to avoid inconsistent State regulations. The comment argued that there will be no harm to the public in permitting immediate compliance.

Section 701(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)(1)) states that an order may not become effective before the day following the last day on which objections may be filed, while section 701(e)(2) of the act provides 30 days for adversely affected persons to file objections. Therefore, FDA concludes that a reasonable date for voluntary compliance with this final regulation is October 27, 1981.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052: May 11, 1981)), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 136—BAKERY PRODUCTS

1. In Part 136 by revising § 136.115(a)(1), to read as follows:

§ 136.115 Enriched bread, rolls, and buns.

(a) * * *

(1) Each such food contains in each pound 1.8 milligrams of thiamine, 1.1 milligrams of riboflavin, 15 milligrams of niacin, and 12.5 milligrams of iron.

* * * * *

PART 137—CEREAL FLOWERS AND RELATED PRODUCTS

2. In Part 137:

a. By revising § 137.165(a), to read as follows:

§ 137.165 Enriched flour.

* * * * *

(a) It contains in each pound 2.9 milligrams of thiamine, 1.8 milligrams of riboflavin, 24 milligrams of niacin, and 20 milligrams of iron.

* * * * *

b. By revising § 137.185(a), to read as follows:

§ 137.185 Enriched self-rising flour.

* * * * *

(a) It contains in each pound 2.9 milligrams of thiamine, 1.8 milligrams of riboflavin, 24 milligrams of niacin, and 20 milligrams of iron.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 28, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin October 27, 1981, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1983 shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register**.

(Secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended [21 U.S.C. 341, 371(e)])

Dated: August 14, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–25157 Filed 8–27–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 176

Diallyldiethylammonium Chloride Polymer

CFR Correction

In Title 21 of the Code of Federal Regulations, Parts 170 to 199, revised as of April 1, 1981, in § 176.170(a)(5), on page 155, the first three entries regarding "Diallyldiethylammonium Chloride Polymer" were originally corrected at 46 FR 38503, July 28, 1981. The three entries are reprinted to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	Limitations
* * * * *	
Diallyldiethylammonium chloride polymer with acrylamide, and diallyldimethylammonium chloride, produced by copolymerizing acrylamide, diallyldiethylammonium chloride, and diallyldimethylammonium chloride respectively, in the following weight ratios and having viscosities determined at 22° C, by LVF-series Brookfield viscometer using a No. 1 spindle at 60 r.p.m. (or by other equivalent method) as follows:.	
1. Weight ratio: 50–2.5–47.5. The finished resin in a 1 percent by weight aqueous solution has a minimum viscosity of 22 centipoises.	For use only as a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard and limited to use at a level not to exceed 0.05 percent by weight of the finished paper and paperboard.
2. Weight ratio: 25–2.5–72.5. The finished resin in a 0.20 percent by weight aqueous solution has a minimum viscosity of 20 centipoises.	For use only as a drainage and/or retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard and limited to use at a level not to exceed 0.075 percent by weight of the finished paper and paperboard.
3. Weight ratio: 80–2.5–17.5. The finished resin in a 0.30 percent by weight aqueous solution has a minimum viscosity of 50 centipoises.	For use only as a drainage and/or retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard and limited to use at a level not to exceed 0.075 percent by weight of the finished paper and paperboard.
Diallyldiethylammonium chloride polymer with acrylamide, potassium acrylate, and diallyldimethylammonium chloride. The polymer is produced by copolymerizing either: (1) acrylamide, diallyldiethylammonium chloride, and diallyldimethylammonium chloride in a weight ratio of 50–2.5–47.5, respectively, with 4.4 percent of the acrylamide subsequently hydrolyzed to potassium acrylate, or (2) acrylamide, potassium acrylate (as acrylic acid), diallyldiethylammonium chloride, and diallyldimethylammonium chloride in a weight ratio of 47.8–2.2–2.5–47.5, so that the finished resin in a 1 percent by weight aqueous solution has a minimum viscosity of 22 centipoises at 22 C, as determined by LVF-series Brookfield viscometer using a No. 1 spindle at 60 r.p.m. (or by other equivalent method).	For use only as a retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard and limited to use at a level not to exceed 0.05 percent by weight of the finished paper and paperboard.
Diallyldimethylammonium chloride polymer with acrylamide, reaction product with glyoxal, produced by copolymerizing not less than 90 weight percent of acrylamide and not more than 10 weight percent of diallyldimethylammonium chloride, which is then cross-linked with not more than 30 weight percent of glyoxal, such that a 10 percent aqueous solution has a minimum viscosity of 25 centipoises at 25° C as determined by Brookfield viscometer Model RVF, using a No. 1 spindle at 100 r.p.m.	For use only as a dry and wet strength agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard in such an amount that the finished paper and paperboard will contain the additive at a level not in excess of 2 percent by weight of the dry fibers in the finished paper and paperboard.
* * * * *	

BILLING CODE 4110–03–M

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Procaine Penicillin G in Oil

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Masti-Kure Products Co., Inc., providing for safe and effective intramammary use of procaine penicillin G in oil for treating mastitis in dry cows.

EFFECTIVE DATE: August 28, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: Masti-Kure Products Co., Inc., 166 Yantic St., Norwich, CT 06360, filed a supplemental NADA (65–383) providing for intramammary use of single-dose, 10-milliliter (mL) and four-dose, 40-mL disposable syringes containing 100,000 units of procaine penicillin G in peanut oil per 10 mL. The products are used for treating mastitis caused by *Streptococcus agalactiae* in dry cows.

On September 10, 1975, FDA granted Masti-Kure approval for use of the drug for treating bovine mastitis caused by *Streptococcus agalactiae, S. dysgalactiae,* and *S. uberus* in lactating cows. The approval was based on Masti-Kure's demonstration of bioequivalency between its drug and G. C. Hanford's drug which has been National Academy of Sciences/National Research Council (NAS/NRC) reviewed and approved for the aforementioned claim.

The agency has since upgraded to effective status the NAS/NRC classification of Hanford's drug for dry cow mastitis treatment. Provisions for use of procaine penicillin G in oil, mastitis products are codified in 21 CFR 540.874a. The section also specifies those conditions of use for which applications for approval of products which are identical or similar to Hanford's product may require bioequivalency and safety information in lieu of effectiveness data specified by 21 CFR 514.111. In accordance with the foregoing and through a milk residue analysis study and urine depletion analysis study, Masti-Kure has again demonstrated bioequivalency between its drug (peanut oil vehicle) and Hanford's (sesame oil vehicle) when used for treating bovine mastitis caused by *S. agalactiae* in dry cows. Accordingly, Masti-Kure's supplement is approved based on generic equivalence to Hanford's NAS/NRC reviewed drug and the regulations are amended to reflect the approval.

Approval of this supplemental application poses no increased human risk from exposure to residues of procaine penicillin G because the number of food-producing animals receiving medication will not increase; the drug is already regulated for the requested use. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

The action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by Section 1(a)(1) of the Order.

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly § 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 540.874a is amended by revising paragraph (c)(4)(i), redesignating paragraphs (c)(4)(iii) (A) and (B) as (c)(4)(iii) (*a*) and (*b*), and revising redesignated (c)(4)(iii)(*a*) to read as follows:

§ 540.874a Procaine penicillin G in oil.

* * * * *

(c) * * *

(4) (i) *Sponsor.* See No. 010515 (sesame oil vehicle) and No. 011714 (peanut oil vehicle) in § 510.600(c) of this chapter.

* * * * *

(iii) * * *

(*a*) *Single dose regimen.* Infuse each infected quarter at time of drying-off with one 10-milliliter dose (sesame oil or peanut oil vehicle).

(*b*) *Limitations.* * * *

* * * * *

Effective date: August 28, 1981.

(Sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n))

Dated: August 19, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–24833 Filed 8–27–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 573

[Docket No. 76G–0367]

Food Additives Permitted in Feed and Drinking Water of Animals; Selenium

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of selenium in the feed of laying hens. This action results from a petition by the American Feed Manufacturers Association.

DATES: Effective on August 28, 1981; objections by September 28, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lonnie Luther, Bureau of Veterinary Medicine (HFV–147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: FDA issued a notice in the **Federal Register** of November 6, 1979 (44 FR 64117) announcing that the American Feed Manufacturers Association (AFMA), 1701 N. Fort Meyer Dr., Arlington, VA 22209, had filed a petition (GRASP MF 3433), seeking the affirmation of selenium as generally recognized as safe (GRAS). It was published under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 as amended (21 U.S.C. 321(s), 348, 371(a))) and the regulations for affirmation of GRAS status (21 CFR 570.35). The petition proposed that sodium selenite or sodium selenate be affirmed as GRAS when used in accordance with good manufacturing and feeding practices so as to provide not more than 0.1 part per million (ppm) of supplemental selenium in the diet of chickens producing eggs for human consumption. The notice requested comments by January 7, 1980.

The agency received 33 comments in response to the notice, all of which agreed that there was a need for selenium in the feed of laying hens. Two of the comments were, however, opposed to the affirmation of selenium as GRAS. One said that although selenium is a necessary trace element in the diet, it is also exceedingly toxic in very small amounts; that its administration must be controlled within narrow bounds or chickens will

sicken and die—by either an overdose or underdose; and that, therefore, it should not be affirmed as GRAS. The other endorsed selenium supplementation of laying hen feeds but only when such supplementation is permitted through analyzed premixes as specified in the selenium feed additive regulation (i.e., 21 CFR 573.920). Eight respondents submitted literature reprints and other information supporting the safe and effective use of selenium in feed for laying hens; however, none of the data addressed human safety, although one reprint did discuss the role of selenium in preventing myocardiac infarcts.

Based on review of the GRAS petition and all the available information, including the comments, FDA concludes that selenium for use in the feed of laying hens is not GRAS but is a food additive and subject to section 409 of the act (21 U.S.C. 348). FDA bases this conclusion on a finding that dietary levels of selenium in excess of 2 ppm in experimental animals have been shown to be hepatotoxic, and therefore selenium is not GRAS under the conditions of its intended use and is therefore a food additive (see section 201(s) of the act (21 U.S.C. 321(s))). In circumstances like this, however, the agency has the authority to treat a petition for GRAS status as a food additive petition and approve the petition if the facts so warrant. The agency chose to follow this course of action and has, before publishing this notice, notified the petitioner its decision to review selenium as a food additive for use in layer chickens. Accordingly, as provided by § 570.38 (a) and (c)(1) (21 CFR 570.38 (a) and (c)(1)), FDA is promulgating a food additive regulation governing the use of selenium.

The safety of selenium in layer feeds is supported by extensive documentation in scientific literature. Selenium is currently approved as a food additive for use in the feed of growing chickens, turkeys, swine, sheep, and cattle in § 573.920 *Selenium*. The agency concludes that available data show that the proposed use of 0.1 ppm of selenium in laying chicken feeds is safe. The agency is hereby amending § 573.920 to permit the additional safe use of selenium as a food additive in the feed of layers. Additionally, FDA is deleting the age restriction, "up to 16 weeks of age," in § 573.920. This restriction had been required because of the lack of available egg residue data. The agency has carefully reviewed the data in the petition regarding the residue levels in eggs and edible tissues from chickens fed selenium as a supplement at 0.1 ppm for a period of up to 76 weeks. The agency concludes from this study that supplementation in the feed of laying chickens and of chickens beyond 16 weeks of age is safe.

FDA has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch, Food and Drug Administration (address above), between 9 a.m. and 4 p.m., Monday through Friday.

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 573 is amended in § 573.920 by revising paragraphs (b)(1) and (c)(1) and by removing paragraph (f), as follows:

§ 573.920 Selenium.

* * * * *

(b) * * *

(1) Chickens: In complete feed at a level not to exceed 0.1 part per million.

* * * * *

(c) * * *

(1) It is to be incorporated into each ton of the complete feed of chickens, swine, sheep, beef cattle, and dairy cattle by a premix containing no more than 90.8 milligrams of added selenium and weighing not less than 1 pound.

* * * * *

(f) [Removed]

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 28, 1981, submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 28, 1981.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: August 21, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-25034 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004E]

Occupational Exposure to Lead; Supplemental Statement of Reasons and Amendment of Standard; Notice of Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: This notice defers the effective date of the Supplemental Statement of Reasons and Amendment of the Lead Standard until October 11, 1981. The action is necessary to allow additional time to consider the appropriateness of the lengthy and complex document in light of the numerous petitions for administrative review which have been received, and is consistent with the order of the U.S. Court of Appeals for the D.C. Circuit.

DATE: The effective date is deferred until October 11, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Beliles, Occupational Safety and Health Administration, Room

N3617, U.S. Department of Labor, Washington, D.C. 20210 (202) 523–7081.

SUPPLEMENTARY INFORMATION: On January 21, 1981, OSHA published in the **Federal Register** (46 FR 6134) a supplemental statement of reasons assessing the technological and economic feasibility of meeting the permissible exposure level for lead contained in the lead standard (29 CFR 1910.1025), in 46 industries. The document was prepared in response to a remand order from the U.S. Court of Appeals for the D.C. Circuit, in the "United Steelworkers of America v. Marshall," 647 F.2d 1189 (D.C. Cir. 1980). The Supplemental Statement of Reasons covered nearly 100 pages in the **Federal Register**, and was originally scheduled to be effective on February 20, 1981. On February 3, 1981, the agency joined industry petitioners in a motion to the circuit court to defer action on the Supplemental Statement of Reasons until the OSHA has had an opportunity to review petitions for administrative reconsideration. On February 6, 1981, the effective date of the Supplemental Statement of Reasons was deferred until March 30, 1981 pursuant to a Presidential Memorandum to the Secretary of Labor and other cabinet officials (46 FR 11253). On March 27, 1981, OSHA further deferred the effective date, for a period of 30 days, so that it might have additional time to consider the numerous petitions for administrative review of the Supplemental Statement of Reasons—a very lengthy and complex document.

On April 28, 1981 (46 FR 23742) and on June 29, 1981 (46 FR 33244) the effective date was again deferred in succession until August 31, 1981.

On July 17, 1981, the D.C. Circuit granted the joint motion to defer action on the Supplemental Statement until October 11, 1981, pending OSHA's review of the petitions for administrative reconsideration. "United Steelworkers v. Marshall," No. 79–1048.

Accordingly, the effective date of the Supplemental Statement is hereby deferred until October 11, 1981. Due to the short deferral period, notice and opportunity for public comment on the deferral is impractical and unnecessary under 5 U.S.C. 553 and 29 U.S.C. 655(b).

Signed at Washington, D.C., this 25th day of August, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–25807 Filed 8–27–81; 8:45 am]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[WH–FRL 1917–1]

State and Local Assistance; Grants for Construction of Wastewater Treatment Works

AGENCY: Environmental Protection Agency.

ACTION: Deviation to rule.

SUMMARY: Under the authority of 40 CFR 30.1000, the Environmental Protection Agency (EPA) has issued a class deviation from three provisions of EPA's construction grant regulations. Those provisions govern the preparation, submittal and use of State project priority lists (PPL). Wastewater treatment construction grant projects must be included on a State project priority list to be eligible for EPA grant assistance (CFDA Number 66.418).

The President has proposed several changes to the Clean Water Act. If those changes are not enacted, he has indicated he will not request a construction grant appropriation for FY 1982. Because of the potential changes in the Act and the uncertainty of funding it is unreasonable for EPA to require States to develop FY 1982 project priority lists at this time. The June 19, 1981, rescission of construction grant funds further affects States' PPL management. 40 CFR 35.915(f)(1) establishes a project bypass procedure that States may use when "fundable projects" (projects they expect to fund during the fiscal year) are delayed. The rescission reduced each State's allotment, so many previously fundable projects are below the funding line. Following the bypass procedure for those previously fundable projects would be unnecessarily burdensome.

The class deviation published as part of this notice permits States to continue to use their FY 1981 project priority lists until EPA issues additional guidance and, thus, provides States the flexibility to obligate their remaining funds.

DATES: This deviation is effective August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Pippen, Jr., Director, Grants Administration Division (PM–216), 401 M Street SW., Washington, DC 20460, (202) 755–0850.

SUPPLEMENTARY INFORMATION: Under Executive Order 12291, EPA is required to judge whether a regulation is major and therefore subject to the regulatory impact analysis requirements of the Order or whether it may follow other development procedures. This deviation will not have a substantial impact on the economy. Therefore, we have determined it is not a major regulation and, thus, it is not subject to the impact analysis requirements of Executive Order 12291.

Dated: August 17, 1981.

John L. Horton,

Assistant Administrator for Administration (PM–208).

Dated: August 14, 1981.

James N. Smith,

Acting Assistant Administrator for Water (WH–556).

Class Deviation from 40 CFR 35.1533–4(b)(4) 40 CFR 35.915(e) and 40 CFR 35.915(f)(1) of EPA's Construction Grant Regulations

From: Belle N. Davis, Acting Director, Grants Administration Division (PM–216)

To: Regional Administrators

Dated: August 17, 1981.

The President has proposed numerous changes to the Clean Water Act (CWA). If these changes are not enacted he has indicated he will not request construction grant funding for FY 1982. Because of those potential changes in the CWA and the uncertainty of funding, it is unreasonable for EPA to issue guidance for preparing State FY 1982 project priority lists (PPL) at this time. However, 40 CFR 35.1533–4(b)(4) requires States to submit to EPA each year's final PPL by July 15, and 40 CFR 35.915(e) requires the Regional Administrator to review and accept each year's PPL before EPA will fund projects from the list during the next fiscal year. Also, the President signed a construction grant rescission (Pub. L. 97–12) on June 19, 1981, which further affects States' PPL management. 40 CFR 35.915(f)(1) establishes a project bypass procedure that States may use when "fundable projects" (projects they expect to fund during the fiscal year) are delayed. The rescission reduced each State's allotment, so many previously fundable projects are below the funding line. Following the bypass procedure for those previously fundable projects would be unnecessarily burdensome.

To eliminate these problems, I am approving a deviation from all three provisions to permit States to use their FY 1981 PPLs until EPA issues additional PPL guidance. This deviation will provide States the flexibility to obligate their remaining funds.

1. *40 CFR 1533–4(b)(4).* I am approving a deviation from the submission dates of 40 CFR 35.1533–4(b)(4) for FY 1982 PPL's. If Congress appropriates funds for FY 1982, EPA will issue PPL guidance based on the statutory changes and will establish new submission dates.

2. *40 CFR 35.915(e).* I am approving a deviation from 40 CFR 35.915(e) to permit States to continue to use their FY 1981 PPL's in FY 1982, if they wish to do so.

3. *40 CFR 35.915(f)(1).* I am approving a deviation to permit States to fund any project on the fundable portion of their FY 1981 PPL's

based on the States' allotments before the rescission, providing funds are available and they wish to do so. However, States shall follow the bypass procedures of § 35.915(f)(1) to fund projects below the original FY 1981 funding line.

Dated: August 17, 1981.

Concur:

John L. Horton,

Assistant Administrator for Administration (PM–208).

Dated: August 14, 1981.

Concur:

James N. Smith,

Acting Assistant Administrator for Water (WH–556).

[FR Doc. 81–25238 Filed 8–27–81; 8:45 am]

BILLING CODE [illegible]

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40 CFR Part 52

[A–1–FRL 1920–7]

Approval and Promulgation of Implementation Plans; Connecticut Revision; Correction

AGENCY: Environmental Protection Agency.

ACTION: Notice of correction to final rule.

SUMMARY: This document corrects an omission in the regulatory portion of a final rulemaking for the Connecticut State Implementation Plan under the Clean Air Act published on December 23, 1980 (45 FR 84769). The change being made corrects an error in regulatory language and does not represent any new information submitted by the state of Connecticut.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION: This notice corrects an omission in the regulatory portion of a final rulemaking published on December 23, 1980 (45 FR 84769). On page 84785, columns 2 and 3 of the preamble to that rulemaking, EPA discussed revisions to Connecticut regulations 19–508–4 (source monitoring requirements) and 19–508–5 (stack emissions testing) and addressed all comments submitted during the 30-day public comment period which followed EPA's proposed approval of these revisions (45 FR 45094 July 2, 1980). EPA also stated its decision to approve these revisions. However, EPA inadvertently failed to include regulations 19–508–4 and 19–508–5 in the list of regulations submitted by the state as part of its SIP. Today's correction adds these regulations to the list.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52 of the Code of Federal Regulations, 52.370, paragraph (c) is amended by adding subparagraph (16) as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(16) Revisions to regulation 19–508–4 (source monitoring requirements) and regulation 19–508–5 (stack emissions testing) submitted on November 7, 1977 by the Commissioner of the Connecticut Department of Environmental Protection.

Dated: August 17, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81–25068 Filed 8–27–81; 8:45 am]

BILLING CODE [illegible]

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40 CFR Part 52

[A–1–FRL 1896–8]

Approval and Promulgation of Implementation Plans: Connecticut; Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving two narrative revisions to the Connecticut State Implementation Plan (SIP) submitted by the Commissioner of the Connecticut Department of Environmental Protection (DEP) on December 19, 1980 (received on December 22, 1980) and amended on March 11, 1981 and July 15, 1981. One of the revisions to the SIP is a modeling guideline developed for use by the DEP to determine whether the impacts of its actions relative to point sources of pollution will be in compliance with ambient air quality standards. The other is a new program, the "Air Pollution Control/Energy Trade Option" (Energy Trade Program), which allows the DEP to consider improved energy efficiency in determining an alternative sulfur control strategy under the existing sulfur regulation, 19–508–19. Based on the DEP's energy-use calculation and an ambient impact review, certain individual premises may be allowed to purchase and burn fuel oil containing up to 2.2% sulfur by weight. These two SIP revisions were proposed for approval on May 1, 1981 (46 FR 24597), and three comment letters were received during the comment period which ended on June 9, 1981.

The May 1 Notice of Proposed Rulemaking (NPR) also proposed new sulfur limitations for individual sources smaller than 250 million Btu/hour which would subsequently be approved under the Energy Trade Program. No action is being taken at this time on these individual revisions. Final federal review and rulemaking will be conducted after individual state approvals are granted.

EFFECTIVE DATE: August 28, 1981.

ADDRESSES: Copies of the Connecticut submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460; the Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, DC; and the Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut 06115.

FOR FURTHER INFORMATION CONTACT: Sarah Simon, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION: The Connecticut DEP has developed two amendments which it has submitted to EPA for inclusion in the federal SIP. One, the Energy Trade Program, is a new sulfur control strategy based on the existing sulfur control regulation, 19–508–19. This program will allow the use of higher sulfur content fuel where energy use has been reduced if it can be shown that the impacts of such an approval are in compliance with ambient air quality standards. Each approval will be in the form of an order issued by the Commissioner of the DEP which establishes a sulfur control strategy for each specific facility. As discussed in the May 1 NPR, the limits established for each facility will be enforceable under state and federal law.

The other amendment is Connecticut's *New Source Ambient Impact Analysis Guideline* (the Connecticut Modeling Guideline) which outlines an impact analysis procedure on the level of EPA's screening model procedure but which includes (1) a model the state has developed (based on EPA's PTMTP model), (2) a modeled background component consisting of nearby sources which emit 15 tons or more of pollution in a year, and (3) a background component based on the state's monitoring system data.

As described and proposed in the NPR, EPA plans to use a new federal SIP revision procedure for approving revised sulfur-in-fuel limitations for those Connecticut sources under 250 mBtu/hour which will be approved by the Commissioner of the DEP under the Energy Trade Program. Under this new procedure, EPA has already proposed approval for these small sources. The DEP will review each small source application using the procedures approved today and will give notice and receive comments on each such approval. The EPA public comment period will run concurrently with the state public comment period, and EPA will not issue a separate notice of proposed rulemaking for each small source approval. Each small source approval by the DEP will be submitted to EPA as a SIP revision. EPA will review the state's submittal for these sources, including any public comments received, prior to taking final rulemaking action. Sources 250 mBtu/hour or larger will not be covered by this new procedure. Approvals of these larger sources will require separate proposed and final federal rulemaking as individual SIP revisions.

Three comment letters were received during the comment period addressing the energy trade program and EPA's proposed new SIP revision procedure. Two of these also addressed the approval of Connecticut's modeling procedures.

1. The Adequacy of the CT Modeling Guideline

One commenter supported the approval of the Connecticut Modeling Guideline. Several issues were raised regarding the Connecticut Modeling Guideline by another commenter who argued that the guideline should not be approved.

It was suggested that DEP's technique for handling complex terrain be carefully scrutinized. EPA has compared the terrain handling techniques of Connecticut's model to those described in EPA's models, and it has been determined that under very limited terrain and atmospheric conditions, the DEP's terrain handling technique would not be consistent with the benchmark EPA method contained in the CRSTER model. In response, the DEP has agreed to change the Connecticut Modeling Guideline to address this inconsistency, as set forth in the July 15, 1981 submittal from the state.

The commenter suggested that EPA require Connecticut to "employ one of EPA's proposed models for handling complex terrain, i.e. COMPLEX I or COMPLEX II". The COMPLEX I and II models have not yet been proposed by EPA for general use. Further, these two models use actual observed meteorology as input rather than the assumed worst case meteorology used by the Connecticut screening procedure. In any event, the state's terrain handling technique for complex terrain is essentially the same as that in COMPLEX I or II, that is, a constant plume height approach for stable atmospheric conditions and a half-height approach for non-stable conditions. The Connecticut Modeling Guideline is also more conservative than EPA's currently recommended screening model for complex terrain, the VALLEY model, because its model uses centerline concentrations versus the sector averaged concentrations used in the VALLEY model and because it assumes a greater degree of meteorological persistence than the VALLEY model.

The commenter's statement that the Connecticut Modeling Guideline uses a statewide background average is incorrect. As described in the Connecticut Modeling Guideline and in the May 1 NPR, background levels for towns which have no local monitor are derived from the average of data from towns with similar area source emission densities. Actual monitored levels are used for towns in which monitors are located if they are not unduly influenced by nearby sources which would already be explicitly modeled per the Connecticut Modeling Guideline.

EPA disagrees with the commenter's statement that the DEP's model is a "new type of half-way model" that is "more refined than a screening model yet not as refined as a refined model". The Connecticut Modeling Guideline is clearly a screening procedure that is in no way meant to replace any EPA refined models. Following the use of the Connecticut screening procedures, any further refined analysis must be done in accordance with EPA's models and procedures.

The commenter exaggerates the administrative problems that may result from approving separate state screening models. We are dealing here with the approval of a simple screening procedure that allows for an evaluation of its conservatism based on comparing individual assumptions in the procedure with EPA practices. In any event, EPA is not required to reject Connecticut's procedures because of possible administrative problems.

As amended by the July 15, 1981 submittal, the Connecticut Modeling Guideline is at least as conservative as EPA's recommended screening procedures. It will not result in underpredictions in comparison to either EPA screening or refined modeling. The Connecticut model is a modification of the EPA screening model PTMTP. Many of the technical features of the DEP's model, such as the basic dispersion algorithm (the Gaussian plume equation), the dispersion coefficients and the plume rise algorithm, are the same as those in the PTMTP model. In those areas where the DEP's screening procedures differ from EPA's, the Connecticut Modeling Guideline is either equivalent to or more conservative than EPA's procedures. Connecticut has proposed that its SIP include what it believes is a less resource-intensive screening analysis procedure. Because Connecticut's approach is at least as conservative as EPA's method, and thus will protect the NAAQS at least as well, EPA is approving the Connecticut Modeling Guideline for use in the state program.

The commenter argues, however, that under 40 CFR 52.21 (1)(2), EPA may not approve Connecticut's procedures unless the use of EPA procedures is "inappropriate." But EPA does not interpret this regulation in the way suggested by the commenter. First, while EPA's *Guideline on Air Quality Models* (*Guideline*) and its subsequent revisions are applicable more generally, the regulation cited by the commenter governs model substitutions only for Prevention of Significant Deterioration permitting. Second, in allowing the substitution of non-*Guideline* models for *Guideline* models when the *Guideline* models are "inappropriate", the regulation does not rule out substituting non-*Guideline* models or procedures when a state believes they are simpler and less resource-intensive to use and they are at least as conservative as EPA's. The EPA *Guideline* cited by the regulation provides for deviations from individual *Guideline* recommendations without stating any requirement that EPA find such recommendations to be "inappropriate". *See* pp. 1, 13, 14, 18. In approving Connecticut's procedures, EPA is operating pursuant to, rather than departing from, the requirements of the *Guideline*.

2. EPA's Proposed New SIP Revision Procedures

One commenter stated that review for individual source approvals under the SIP was not delegable to the state and that there was "no good cause for eliminating the EPA separate review procedures as required by the Administrative Procedures Act". This commenter also said that EPA could not approve individual sources in advance.

The two other commenters strongly supported the state's authority to conduct the review necessary for compliance with the Clean Air Act. One went on to say that once EPA approved the state's Energy Trade Program, it should not require that individual approvals under the program be submitted as SIP revisions.

EPA has not delegated its SIP review responsibility and has not given final approval to individual sources in advance. It has always been a state responsibility to provide the technical demonstration that a SIP (or a SIP revision) will comply with the air quality requirements of the Clean Air Act. EPA's role is to insure the adequacy of the state's demonstrations. Under the approach to small source approvals proposed in the May 1 NPR, the adequacy of the state's demonstrations will be insured because state demonstrations will be conducted in accordance with the procedures approved today. The program review procedures are sufficiently circumscribed so as to insure that the DEP will only be approving sulfur-in-fuel limitation revisions that will not violate the National Ambient Air Quality Standards (NAAQS). Because of this, EPA proposed on May 1 to approve all small sources to be covered by the program. In addition, each individual state source approval is to be submitted to EPA for approval as a SIP revision. Each submittal will include a certification that the source has been reviewed under the procedures of and meets all requirements of the approved program and the Connecticut Modeling Guideline, a certification that the approved public notice and comment procedures have been followed and copies of all public comments received and any DEP responses to them. Rather than waiting to start the review of state approvals of individual sources after the approvals have occurred, EPA has worked with the state in advance and approved the detailed procedures to be followed.

EPA is not now dispensing with individual review and final rulemaking for small source approvals. That approach was not proposed in the NPR and will not be adopted without first providing an opportunity for public comment on it.

EPA is today reaffirming its intention to use an expedited procedure for small source approvals. EPA's plan to have its public comment periods run concurrently with the state public comment periods, without issuing new NPR's, will substantially accelerate application processing time and eliminate duplication of effort while providing an adequate opportunity for public comment. State and federal public comment periods need not be separate to be productive. The May 1 NPR opened a public comment period to review EPA's proposed approval of the generic state program *and* all the individual applications which will be considered under the new program. The public has already had an opportunity to comment on the procedures which will be employed in approving small sources. The application of the procedures to the small sources will be a straightforward process. Moreover, there will be a public notice and comment period when each individual application is processed, and thus the public will have a further opportunity to comment on specific source approvals. As noted in the NPR, the state will maintain a mailing list of all persons interested in being notified about each proposed individual approval. The elimination of unnecessary duplication for small source approvals will enable EPA to refocus its limited resources on the larger sources. Because the NAAQS will be protected under the review procedures of this program, because adequate opportunities to comment have been and will be provided and because only smaller sources are included in this new expedited procedure, EPA has determined that a second NPR for each individual approval would be impracticable, unnecessary and contrary to the public interest. EPA believes that its new approach is a significant regulatory reform, that there is good cause for it and that the approach is consistent with the Administrative Procedures Act.

3. Protection of the NAAQS

Connecticut's air now meets the NAAQS for sulfur dioxide (SO_2). Although the Energy Trade Program approved today expands Connecticut's interpretation of its SIP regulations governing SO_2 emissions, the SIP as revised today will continue to insure the maintenance of the NAAQS for SO_2. The SIP revision requires that each applicant be analyzed under the Connecticut Modeling Guideline procedures approved today to determine SO_2 NAAQS compliance.

One commenter argues, however, that EPA cannot approve the Energy Trade Program because Connecticut has not attained the secondary NAAQS for total suspended particulates (TSP) and has not yet submitted a plan to attain the secondary TSP standard.

The Clean Air Act does not require that Connecticut's SO_2 implementation plan provide for the attainment or maintenance of the NAAQS for TSP. The Energy Trade Program is a revision to Connecticut's SO_2 implementation plan. It does not change any requirement of Connecticut's SIP which relates to TSP, and any facility approved to burn higher sulfur content fuel under the Energy Trade Program will have to meet the existing TSP emission limit in Connecticut's SIP. EPA is not required to disapprove this SO_2 SIP revision as a sanction for Connecticut's lateness in submitting a secondary TSP attainment plan. Such a sanction would be far more severe than the sanction provided by Congress in Section 110(a)(2)(I) of the Clean Air Act which was applicable in states which were late in submitting primary attainment plans.

In fact, the Energy Trade Program as applied to individual sources or in the aggregate, will not threaten the attainment of the NAAQS for TSP. Analysis of the causes of Connecticut's TSP problem was done in connection with the submission of Connecticut's primary attainment plan and indicated that the problem was due largely to non-traditional sources rather than to the point sources which will be covered by the Energy Trade Program. Moreover, in its primary TSP attainment plan, Connecticut has already committed to adopt RACT controls for various categories of point sources including all point sources which will be covered by the Energy Trade Program. Connecticut agreed to adopt RACT statewide because this control was identified as the control, for the kinds of point sources covered, that would be required as part of Connecticut's secondary attainment plan. *See* 45 FR 84780–84781 (December 23, 1980). Any facility approved to burn higher sulfur content fuel under the Energy Trade Program will be required to meet the more stringent RACT limitations for TSP.

The NAAQS for TSP will also be protected by another provision in Connecticut's Energy Trade Program. As set out in the SIP revision narrative, the DEP will be doing an evaluation of each application to insure that: (1) No NAAQS will be violated or (2) that each approval will not "cause a 'significant' increase in pollutant levels which would exacerbate an existing standard violation." The DEP's definition of "significant" is discussed in the May 1 NPR. In the SIP revision narrative, the DEP provided a rationale for its policy of allowing insignificant increases in TSP. The narrative states that the TSP attainment problem "should be addressed through enforcement action, or if applicable, a SIP revision which would affect the sources causing the

violation in an equitable manner * * *, rather than at the expense of the applicant whose increase in impact is insignificant".

4. PSD

A commenter asserted that the Prevention of Significant Deterioration (PSD) program would be subverted and Connecticut would be losing its clean air margin through the Energy Trade Program. Connecticut is required to operate its Energy Trade Program in accordance with the PSD requirements set forth by Congress as interpreted in *Alabama Power Company* v. *Costle*, 636 F. 2d 323 (D.C. Cir. 1979), and the subsequent EPA regulations. In accordance with the non-uniform baseline date determination required in *Alabama Power Company*, in general the PSD program is initiated when the first source in an area files a PSD permit application and establishes a baseline. Once any baseline date and area have been established in Connecticut, any emissions increases in the baseline area will consume increment, whether resulting from the Energy Trade Program's approvals or any other actions.

The state is not currently administering the PSD program. However, in the Energy Trade Program narrative, the state has committed to review premises to determine whether they impact a baseline area and to provide EPA with sufficient information to administer the PSD program.

On May 21, 1981, the DEP submitted a description of a proposed mechanism for evaluating increment consumption for SIP revisions under the Energy Trade Program as EPA had requested in the NPR. EPA will not give final approval to an individual source under the Energy Trade Program if the source will impact an area in which a baseline date has been set unless the state and EPA have agreed to a mechanism for reviewing increment consumption due to such actions.

5. Other Issues

One commenter stated that EPA had not adequately evaluated whether the Energy Trade Program actually encourages conservation or determined who properly should bear the cost of impact analysis. EPA does not judge SIP revisions by these two concerns.

The commenter also complained that there had been violations of proper procedures at the state administrative level in that the notice of the state hearing was misleading and in that the change in the state's program was accomplished by reinterpreting a regulation rather than changing the regulation. EPA notes that the same commenter participated in the state hearing without raising either of these issues and thus did not give the state a chance to take timely corrective action. The commenter thus may have waived any right to have these issues ruled on subsequently. Moreover, the SIP revisions approved today include opinions by the state Attorney General confirming that the existing state regulations could be utilized in implementing and enforcing the energy trade program. Assuming that the procedural issues raised by the commenter are properly before EPA, EPA finds that the state law issues were adequately addressed by the state Attorney General and that there was reasonable notice and hearing for these SIP revisions, as required by the Clean Air Act.

Another commenter argued that the requirement that each source approved under the Energy Trade Program agree that the resulting order is enforceable under federal and state law is unnecessary and "could raise serious constitutional questions". While EPA agrees that the enforceability of the orders issued under the program would be clear even in the absence of such agreements, the state has included this requirement in its narrative revision, and the commenter produced no evidence that there is any constitutional problem with requiring such agreements.

Attachments #1 and #2 of the December 19, 1980 submittal, entitled "SULFUR DIOXIDE" and "TRANSPORT OF SULFUR DIOXIDE" were not reviewed by EPA because they had no bearing on the new program procedures. EPA is not approving these; they were not described in the Notice of Proposed Rulemaking and will not be incorporated into the SIP under this notice. In addition, the EPA is not approving the "Sample Analysis of the Btu Bubble Application" found in attachment #3, "CONTROL STRATEGIES FOR SULFUR OXIDES", because the DEP has requested that this be deleted from their submittal.

As proposed in the NPR, EPA is also not approving state procedures which are strictly for analysis to determine compliance with Connecticut's 24-hour secondary SO_2 standard.

Actions

1. EPA is approving the "Air Pollution Control/Energy Trade Option" narrative revision to Connecticut's SIP. However, EPA is not approving the procedures to determine compliance with Connecticut's 24-hour secondary SO_2 standard. Further, EPA will not finally approve an individual SO_2 SIP revision under this program for any source which will impact an area in which a PSD baseline date has been set unless the state and EPA have agreed to a mechanism for reviewing the increment consumption due to such SIP revisions.

2. EPA is approving the Connecticut *New Source Ambient Impact Analysis Guideline* for Connecticut's use in projecting potential impacts of point source emissions.

3. EPA is taking no action on the individual source revisions proposed on May 1, 1981. Before final approval, each application must be reviewed and acted upon in accordance with the concurrent State/EPA procedures set forth in this notice and the NPR. No such review of individual sources has yet been completed by the state.

4. EPA is not approving attachments #1 and #2 or the Section titled "Sample Analysis of a Btu Bubble Application" in attachment #3 of the state's December 19, 1980 submittal.

Pursuant to the provisions of 5 U.S.C 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action imposes no new requirements and merely approves state rules. In addition, it provides for greater flexibility and the use of more cost effective measures in meeting existing state requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulation Impact Analysis. This regulation is not major because it will only approve Connecticut state actions enabling sources to meet the existing state requirements with more cost-effective control strategies and greater flexibility and because it adds no new requirements.

The Agency finds that good cause exists for making this action immediately effective since implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

After evaluation of the state's submittal, it has been determined that these Connecticut revisions meet the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, these revisions are approved as revisions to

the Connecticut State Implementation Plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the Second Circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Section 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Note.—Incorporation by reference of the State Implementation Plan for the state of Connecticut was approved by the Director of the **Federal Register** on July 1, 1980.

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart H—Connecticut

1. Section 52.370, paragraph (c) is amended by adding subparagraphs (14) and (15) as follows:

§ 52.370 Indentification of plan.

* * * * *

(c) * * *

(14) Non-regulatory additions to the plan which were submitted on December 19, 1980, and amended on March 11, 1981, by the Connecticut Department of Environmental Protection amending the sulfur control stategy to include an "Air Pollution Control/ Energy Trade Option" except for submittal attachments #1 and #2, "SULFUR DIOXIDE" and "TRANSPORT OF SULFUR DIOXIDE" and the section of attachment #3 "CONTROL OF SULFUR OXIDES" entitled "Sample Analysis of a Btu Bubble Application".

(15) Non-regulatory addition to the plan of the state *New Source Ambient Impact Analysis Guideline*, for use in state program actions, submitted on December 19, 1980, and amended on March 11, 1981, and July 15, 1981.

[FR Doc. 81-25227 Filed 8-27-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1899-3]

Approval and Promulgation of State Implementation Plans; Ohio and Michigan

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rules and correction of final rule.

SUMMARY: In the April 10, 1981, **Federal Register** (46 FR 21390) EPA proposed to approve as a revision to the Ohio State Implementation Plan (SIP) the deadline by which the State committed itself to remedy the conditionally approved portion of the total suspended particulate (TSP) plan submitted for Middletown, Ohio. In the May 26, 1981, **Federal Register** (46 FR 28179) EPA also proposed to approve, as a revision the Michigan SIP, Rules 283 and 610 of the Michigan Air Pollution Control Commission. EPA provided separate thirty day public comment periods for its proposed approval of both the Michigan and Ohio SIP revisions. No public comments were received on EPA's proposed approval of either SIP revision. The purpose of today's notice is to announce final approval of the schedule deadline for Ohio and Michigan Rules 283 and 610.

EPA is today also correcting an error which was published in March 31, 1981, and June 18, 1981, **Federal Register** (46 FR 19471, 31881). In the regulatory portion of the **Federal Register**, footnote e to § 52.1875 shows a date of December 31, 1982, for attainment of the carbon monoxide standard in Summit County, Ohio which is inapplicable because Summit County is no longer classified as a nonattainment area.

EFFECTIVE DATE: This final rulemaking is effective on September 28, 1981.

ADDRESSES: Copies of the Ohio and Michigan SIP revisions are available at:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604;

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460;

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6029.

SUPPLEMENTARY INFORMATION:

Ohio SIP Revision

In final rulemaking action published in the March 31, 1981, **Federal Register** (46 FR 19468) EPA identified certain deficiencies in the TSP plan developed and submitted for the Middletown, Ohio primary nonattainment area. EPA also noted in that **Federal Register** that the State of Ohio on February 18, 1981 had committed itself to correct these deficiencies by December 31, 1981. In the April 10, 1981, **Federal Register** (46 FR 21390) EPA proposed to approve the December 31, 1981, date. At that time, EPA provided a thirty day period, until May 11, 1981, during which interested individuals were asked to comment on EPA's proposed approval of the December 31, 1981 date. No public comments were received. EPA, therefore, approves, as part of the Ohio SIP, the state's commitment to the December 31, 1981, date for submittal of the corrective materials for the Middletown, Ohio TSP plan.

Ohio—Correction

Summit County, Ohio is part of the Greater Metropolitan Cleveland Interstate Region (AQCR 174). In AQCR 174, Summit and Cuyahoga Counties were designated by EPA on March 3, 1978 (43 FR 8962), as nonattainment for carbon monoxide. In 40 CFR 52.1875, footnote e specifies that attainment of the carbon monoxide standard will be December 31, 1982 for Summit County and December 31, 1987 for Cuyahoga County. On March 4, 1981 (46 FR 15140), EPA changed the designation of Summit County from nonattainment to attainment/unclassifiable for carbon monoxide. As a consequence of this action, footnote e should have been revised to eliminate the December 31, 1982 attainment date for Summit County, Ohio. In the regulatory portion of the March 30, 1981 and June 18, 1981, **Federal Register** (46 FR 19468, 31881), however, footnote e of § 52.1875 erroneously contained the December 31, 1982 date for Summit County, Ohio. The purpose of today's action is to correct that error by deleting the following phrase from footnote e: For Summit County attainment is to be achieved by December 31, 1982.

Michigan SIP Revision

On July 28, 1980, the State of Michigan submitted to EPA as revisions to the Michigan SIP amendments to Rules 283 and 610 of the Michigan Air Pollution

Control Commission. The amendments to Rule 283 exempt equipment used for hydraulic or hydrostatic testing from the requirements for an operating permit.

The amendments to Rule 610 consist of revisions to Table 62 of the rule. This table lists minimum coating transfer efficiencies for several emission limitations for automobile and light duty truck coating operations. The specific changes in Table 62 were listed in the May 26, 1981 **Federal Register** and are not repeated here. EPA proposed to approve the amendments to Rules 283 and 610 in the May 26, 1981 **Federal Register.** At that time, EPA provided a thirty day period, until June 25, 1981, during which interested individuals were asked to comment on EPA's proposed approval of amended Rules 283 and 610. No public comments were received. EPA, therefore, finally approves, as part of the Michigan SIP, amended rules 283 and 610.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached Rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The attached actions merely approve actions already approved by the State of Michigan and Ohio.

Under Executive Order 12291 (Order) EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's actions do not constitute major regulations since they merely approve actions which were developed and approved by the States of Michigan and Ohio. This rulemaking was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Under Section 307(b)(1) of the Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by (60 days from the date of application).

Under Section 307(b)(2) of the Act, the requirements which are the subject of today's actions may not be challenged later in civil or criminal proceedings brought to EPA to enforce these requirements.

Note.—Incorporation by reference of the Ohio and Michigan SIP was approved by the Director of the Federal Register on July 1, 1981.

(Sections 110 and 172 of the Act)

Dated: August 8, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

Title 40 of the Code of Federal Regulations, Chapter 1 Part 52 is amended as follows:

(1) Section 52.1870(c) is amended by adding subparagraph (30) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(30) On February 18, 1981, the State of Ohio committed itself to submit by December 31, 1981, the corrective materials for the Middletown, Ohio total suspended particulate plan.

(2) In § 52.1875 footnote e to the table is revised to read as follows:

§ 52.1875 Attainment for national standards.

* * * * *

e. For Cuyahoga County the attainment date is to be achieved by December 31, 1987.

* * * * *

(3) Section 52.1880 is amended by revising paragraph (d)(1) to read as follows:

§ 52.1880 Control strategy: Particulate matter.

* * * * *

(d) * * *

(1) For the Middletown, Ohio primary nonattainment area, Rule 08 of Chapter 3745–17 of the Ohio Administrative Code provided the State submits by December 31, 1981 the individual enforceable control programs required by Rule 08 for each of the fugitive emission sources, located in the primary nonattainment area.

Subpart KX—Michigan

Title 40 of the Code of Federal Regulations, Chapter 1 Part 52 is amended as follows:

(1) In § 52.1170(c) subparagraph (39) is added:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(39) On July 28, 1980, the State of Michigan submitted to EPA, as revisions to the Michigan SIP, amendments to Rules 283 and 610 of the Michigan Air Pollution Control Commission.

[FR Doc. 81–25233 Filed 8–27–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 52

[A–3–FRL 1911–4]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On January 28, 1981 (46 FR 9128) EPA proposed approval of a revision to the Pennsylvania State Implementation Plan (SIP) which sets forth a plan which will assure attainment of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) in those portions of Armstrong County, Pennsylvania which were designated as SO_2 nonattainment areas. Today, EPA is announcing final approval of this revision to the Pennsylvania SIP.

EFFECTIVE DATE: September 28, 1981.

ADDRESSES: Copies of the materials submitted by the Commonwealth of Pennsylvania and comments received on these materials may be examined during normal business hours at:

U.S. Environmental Protection Agency, Air Media and Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106; ATTN: Ed Shoener

Department of Environmental Resources, Bureau of Air Quality Control, Fulton Bank Building, Third and Locust Streets, Harrisburg, PA 17120; ATTN: Gary L. Triplett

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Waterside Mall, Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, S.W., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Ed Shoener (3AH11), U.S. Environmental Protection Agency, Region III, 6th and Walnut, Philadelphia, PA 19106; telephone: 215/597–8179.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and September 2, 1978 (43 FR 40515), EPA designated a portion of Armstrong County, Pennsylvania (Madison Township, Mahoning Township, Boggs Township, Washington Township and Pine Township) as a nonattainment area for sulfur dioxide (SO_2). The nonattainment was caused primarily by SO_2 emissions from the West Penn Power Company (WPPC) Armstrong Power Plant. The nonattainment

designation was based on a modeling study done for the Pennsylvania Department of Environmental Resources (DER) which showed significant violations of the annual, 24-hour and 3-hour SO_2 NAAQS in the area surrounding the Armstrong plant.

In order to develop an adequate attainment plan WPPC conducted a fluid modeling (wind tunnel) study in accordance with EPA's "good engineering practice" (GEP) stack height regulations proposed on January 12, 1979, (44 FR 2608), to determine the GEP height for the stack at the Armstrong plant. A dispersion modeling study was conducted in accordance with EPA's dispersion modeling guidelines (Guidelines on Air Quality Models, EPA–450/2–78–027, OAQPS No. 1.2–080, April 1978), to determine the appropriate emission limits. These two studies demonstrated that the SO_2 NAAQS will be met if the stack is raised to a GEP height of 307 meters and the plant meets the emission limits set forth in DER regulation, 25 Pa. Code § 123.22, which are:

(1) 4.8 lbs. $SO_2/10^6$ Btu daily maximum not to be exceeded at any time;

(2) 4.0 lbs. $SO_2/10^6$ Btu daily average not to be exceeded more than two days in any running 30-day period and;

(3) 3.7 lbs. $SO_2/10^6$ Btu 30-day running average not to be exceeded at any time.

A more extensive discussion of these modeling studies and EPA's review was presented in EPA's proposed rulemaking of January 28, 1981 (46 FR 9128) and the correction notice of February 20, 1981 (46 FR 13242).

The taller stack will be constructed by December 31, 1982 in accordance with the schedule for construction set forth in a consent order and agreement between WPPC and DER. The schedule meets the requirements of 40 CFR 51.15(c). The consent order and agreement also includes interim emissions limits to assure reasonable further progress (RFP) towards attainment of the SO_2 NAAQS required by section 172(b)(3) of the Clean Air Act.

In order to expeditiously process this Sip revision EPA proposed approval of the revision concurrently with DER. DER held a public hearing on the proposal on February 25, 1981, in Kittaning, Pennsylvania, in accordance with the requirements of 40 CFR 51.4, and closed the public comment period on March 27, 1981. EPA proposed approval of the revision on January 28, 1981 46 FR 9128, and closed the public comment period on March 27, 1981. DER received two comments, one from WPPC and one from the consulting firm employed by WPPC to do the dispersion modeling, both of which corrected minor errors in the modeling demonstration. Correction of the minor errors resulted in lower projected air quality impacts than initially anticipated. EPA did not receive any comments on the proposal.

On April 9, 1981, DER submitted the revision to EPA in final form. The final submission incorporated the minor corrections noted in the comments mentioned above and also included a copy of the DER/WPPC consent order and agreement signed on April 3, 1981.

Based on the foregoing, it is the decision of the Administrator to approve this plan as satisfying the requirements for a revision of the Pennsylvania SIP.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401–642)

Dated: August 20, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the Federal Register on July 1, 1981.

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart NN—Pennsylvania

1. In § 52.2020 paragraph (c)(36) is added to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified.

* * * * *

(36) A revision submitted by the Commonwealth of Pennsylvania on April 9, 1981 providing for attainment of the SO_2 NAAQS in portions of Armstrong County, Pennsylvania.

2. In the table in § 52.2034 line d, under Southwest Pennsylvania Intrastate is revised as follows:

§ 52.2034 Attainment dates for national standards.

* * * * *

Southwest Pennsylvania Intrastate	
* * * * *	
d. Armstrong County	a[1] b[2] c[1] c[1] b[3] b[2] g[7]

[FR Doc. 81–25183 Filed 8–27–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 52

[A–6–FRL 1886–1]

Approval and Promulgation of Implementation Plans: Texas Emission Offsets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This rule approves the State submitted revision to the Texas State Implementation Plan (SIP) which was submitted for the purpose of allowing the construction of a dry process cement plant by General Portland Incorporated in New Braunfels, Comal County, Texas under the Interpretative Ruling (emission offset policy). The source is located in an area west of New Braunfels in Comal County which has been determined by modelling to be exceeding the National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP). The source will emit more than 100 tons per year of TSP and is therefore subject to the Interpretative Ruling on emission offsets.

TSP emission offsets were offered and agreed to by Parker Brothers and Co., Inc.; the State of Texas submitted the offsets in Texas Air Control Board (TACB) Order No. 78–8 under the Governor's signature on September 13, 1978. EPA reviewed it and found that none of the offsetting TSP emission reductions are required control measures under the currently approved SIP. Therefore they are acceptable as offsets. The notice proposing approval of this revision was published in the **Federal Register** on December 1, 1980, at 45 FR 79514.

EFFECTIVE DATE: Effective on September 28, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., N.W., Washington, D.C., Rm. 8401;

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 "M" Street, N.W., Washington, D.C., Rm. 2922.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On December 1, 1980, at 45 FR 79514, EPA proposed to approve emission offsets which were submitted as a Texas SIP revision for General Portland Inc. Offsetting emissions were offered and agreed to by Parker Brothers and Co., Inc. Public Comments were solicited but none were received. Therefore, EPA is hereby approving the incorporation of Board Order 78–8 into the Texas SIP.

A complete discussion of the proposed offsets is found in EPA's notice of proposed approval, 45 FR 79514, December 1, 1980. Briefly stated, the offsets were obtained from Parker Brothers and Co., Inc. in order to permit General Portland, Inc. to construct a dry process cement plant in New Braunfels, Comal County, Texas. The TSP emissions reduced at the Parker Brothers plant totalled 1,013 tons; General Portland's new plant would emit 950 tons. Therefore, there is a net air quality benefit. The emission reductions were obtained by installing a fabric filter on the primary crusher and on the secondary crusher and screens.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of August 28, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory burden.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the **Federal Register** on July 1, 1981.

(Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.)

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, (c) is amended by adding paragraph (26) as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(26) Board Order No. 78–8 creditable as emission offsets for the General Portland, Inc., project in New Braunfels, Comal County, Texas, was submitted by the Governor on September 13, 1978, as an amendment to the Texas State Implementation Plan (see § 52.2276).

2. In Subpart SS of Part 52, § 52.2276 is amended by adding new paragraphs (b) and (c) to read as follows:

§ 52.2276 Control Strategy and Regulations: Particulate Matter.

* * * * *

(b) Notwithstanding any provisions to the contrary in the Texas Implementation Plan, the control measures listed in paragraph (c) of this section shall be implemented in accordance with the schedule set forth below.

(c) No later than January 1, 1980, Parker Brothers and Co., Inc., at its limestone quarry facilities near New Braunfels, Comal County, Texas shall install fabric filters on the primary crusher and on the secondary crusher and screens, meeting the requirements of Appendix A of the Texas Air Control Board Order 78–8 adopted August 11, 1978. After the date of installation of the fabric filters, Parker Brothers and Co., Inc., shall not emit particulate matter in excess of 0.03 grains per standard cubic foot from the exhaust stack of the fabric filter on its primary crusher and shall not emit particulate matter in excess of 0.03 grains per standard cubic foot from the exhaust stack of the fabric filter on its secondary crusher and screens.

[FR Doc. 81–25232 Filed 8–27–81; 8:45 am]
BILLING CODE 6560–38–M

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40 CFR Part 81

[A–4–FRL 1879–8]

Designation of Areas for Air Quality Planning Purposes: Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking changes the attainment status relative to the sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS) for Montgomery and Greene Counties in Ohio. On March 9, 1981 (46 FR 15744), the U.S. Environmental Protection Agency (EPA) proposed to redesignate the nonattainment areas in Montgomery and Greene Counties to attainment for SO_2, thus making these counties full attainment. No public comments were submitted on the proposed redesignation. This notice announces EPA's final rulemaking.

DATE: This final rulemaking becomes effective September 28, 1981.

ADDRESSES: Copies of the redesignation request, the Notice of Proposed Rulemaking (46 FR 15744), and EPA's evaluation are available for inspection during normal business hours at the following address: United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the submittal are also available at:

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each state to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the state. The Administrator was required to promulgate the state lists, with any necessary modifications. The Administrator published these lists in

the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data becomes available to warrant a redesignation.

On March 3, 1978 (43 FR 8962), EPA designated Montgomery and Greene Counties, Ohio nonattainment for the primary SO_2 NAAQS. EPA amended the designations on October 5, 1978. For Montgomery County (43 FR 46015), EPA retained the primary nonattainment designation for the entire area southeast of the following line: Route 4 northeast to Union Road; Union Road north to Route 70; Route 70 east to county boundary; and designated the remainder of the county attainment. For Greene County (43 FR 46014), EPA retained the primary nonattainment designation for Bath Township and designated the remainder of the county attainment.

At the time of the above designation, a number of sources in Montgomery and Greene Counties were not in compliance with the Federally promulgated SO_2 SIP emission limitations. On January 17, 1980, Ohio EPA requested that the nonattainment areas in Montgomery and Greene Counties be redesignated to attainment for the SO_2 NAAQS. Ohio EPA claimed that the SO_2 sources in these two counties were in compliance with the existing allowable emission levels. EPA established the SO limits for these counties after a comprehensive analysis using RAM-urban modeling techniques. These limits were demonstrated by EPA to be adequate to ensure attainment and maintenance of the NAAQS. Consequently, a certification of compliance with these emission limitations would be adequate proof that the NAAQS would be protected and would be an acceptable basis for redesignation of the two counties.

In a November 25, 1980 letter, the Ohio EPA substantiated its claim that the SO_2 sources in Montgomery and Greene Counties were in compliance with the current regulations. Ohio EPA certified that all sources in these counties were in compliance with the emission limitations in effect on that date with the exception of the Wright Patterson Air Force Base (WPAFB) in Greene County. Since then, however, EPA has promulgated revised emission limits for WPAFB (46 FR 17550, March 19, 1981). Ohio EPA certified that WPAFB is in compliance with its revised limits.

EPA, therefore, on March 9, 1981 (46 FR 15744) proposed to redesignate Montgomery and Greene Counties to attainment of the SO_2 NAAQS. The basis for the redesignation was Ohio EPA's certification that sources in Montgomery and Greene Counties are in compliance with the existing SO_2 emission limitations and is supplemented by the available monitoring data, collected in and around the current nonattainment areas, which show no recent violations of the NAAQS for SO_2.

It was noted in the March 9, 1981 notice of proposed rulemaking that EPA's final rulemaking on the Montgomery and Greene Counties redesignation request could not be processed until EPA promulgated the revised WPAFB emission limit. Since EPA's final rulemaking on the WPAFB SIP revision was published on March 19, 1981, all the sources in Montgomery and Greene Counties are now in compliance with the current regulations.

Interested parties were given until April 8, 1981 to comment on the proposed redesignation. No public comments were received. Therefore, pursuant to Section 107 of the Clean Air Act, EPA approves the redesignation as proposed in the March 9, 1981 Notice of Proposed Rulemaking. This redesignation will result in all of Montgomery and Greene Counties being classified as attainment for SO_2. The redesignation is effective September 28, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of final rulemaking. Under Section 307(v)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes an area's air quality designation and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of this action will be dealt with in a separate notice. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

(Section 107 of the Clean Air Act as amended (42 U.S.C. 7407))

Dated: July 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for "Ohio—SO_2" the entries for Greene and Montgomery Counties should read as follows:

§ 81.336 Ohio.

Ohio—SO_2

	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Ohio Counties:				
Greene				x
Montgomery				x

[FR Doc. 81-25229 Filed 8-27-81; 8:45 am]

BILLING CODE 6560-38-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Twenty-Second Revised Service Order No. 1473]

Various Railroads Authorized to Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: August 24, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Twenty-Second Revised Service Order No. 1473.

SUMMARY: Twenty-Second Revised Service Order No. 1473 authorized various railroads to use tracks and/or facilities of Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).

EFFECTIVE DATE: 12:01 a.m., August 25, 1981, and continuing in effect until 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

SUPPLEMENTARY INFORMATION: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for implementation of long range solutions for continued rail service over RI lines, and in consideration of a recent complaint by the Trustee regarding the absence of compensation for the use of this property by certain rail carriers, the Railroad Service Board (RSB) hereby reminds any carriers which haven't negotiated such compensation to do so in the interest of continued operations. Compensation to the Trustee is an integral part of the interim authority and an obligation of all interim operators as specified by paragraph (c) of the order.

Appendix A, to the previous order, is revised by adding at Item 5, V., the authority for the Chicago and North Western Transportation Company (CNW), to operate between Hollis and Iowa Junction, Illinois.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered:

§ 1033.1473 Service Order No. 1473.

(a) Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee). Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a) of this section.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least thirty (30) days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a) of this section, operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(1) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect

transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the cariers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximium extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., August 25, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m. September 30, 1981, unless otherwise modified, amended, or vacated by this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of the agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and William F. Sibbald, Jr.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TP&W):*

A. Keokuk, Iowa.

Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Chicago and North Western Transportation Company (C&NW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7)

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9).

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2)

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle to Indianola, Iowa.

T. Omaha, Nebraska, (between milepost 502 to milepost 504).

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

+V. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40).

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Washington, Iowa.

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. From Davenport to Iowa City, Iowa.

E. At Davenport, Iowa.

7. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Moline, Illinois.

B. Rock Island, Illinois, including 26th Street yard.

C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

D. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal.

8. *St. Louis Southwestern Railway Company (SSW):*

A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. At North Topeka and Topeka, Kansas.

9. *Little Rock & Western Railway Company:* From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.8).

10. *Missouri Pacific Railroad Company:* From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island (milepost 4.7).

11. *Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company:*

A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas.

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma.

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina, (including yard tracks) Kansas.

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at

mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

J. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

12. *Norfolk and Western Railway Company:* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

13. *Southern Railway Company:*

A. At Memphis, Tennessee.

14. *Cadillac and Lake City Railroad:*

A. From Sandown Junction (milepost 0.1) to and including juction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado.

B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

C. From Limon, Colorado (milepost 532) to but not including Caruso, Kansas (milepost 429.3), with over-head rights from Caruso to Colby, Kansas, in order to effect interchange with the Union Pacific.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado.

15. *Baltimore and Ohio Railroad Company:*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

16. *Cedar Rapids and Iowa City Railway Company (CIC):*

A. From the west intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Rauge 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

17. *Keota Washington Transportation Company:*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

18. *The La Salle and Bureau County Railroad Company:*

A. From Chicago (milepost 0.60) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

C. From Gresham (Subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

19. *The Atchinson, Topeka and Santa Fe Railway Company:*

A. At Alva, Oklahoma.

20. *The Brandon Corporation:*

A. From Clifton, Kansas (milepost 197.0), to Manhattan, Kansas (milepost 143.0), a distance of approximately 53 miles.

21. *Iowa Northern Railroad:*

A. From Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76).

B. From Shell Rock, Iowa (milepost 172.1), to Nora Springs, Iowa (milepost 211.40).

—C. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

+ Added.
– Changed.

[FR Doc. 81-25190 Filed 8-27-81; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1127

[Ex Parte No. 293 (Sub-No. 8)]

Standards for Determining Commuter Rail Service Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Publication of Interpretation No. 10.

SUMMARY: The Rail Services Planning Office (RSPO) is issuing an interpretation of the Standards for Determining Commuter Rail Service Continuation Subsidies (Standards) in response to a petition filed by Southeastern Pennsylvania Transportation Authority (SEPTA). SEPTA's petition involves the definition of the term "reasonable" in connection with the net avoidable costs required to be paid by a subsidizer for the provision of commuter service. More specifically, SEPTA's petition raises the issue of reasonableness with respect to labor costs that result from the work rules contained in current labor contracts. It is RSPO's position that all costs incurred by the operator of commuter service as a result of current labor contracts are "reasonable" expenses of providing commuter service and as such must be paid for by the subsidizer.

FOR FURTHER INFORMATION CONTACT:
Stephen M. Grimm (202) 275-0639.

SUPPLEMENTARY INFORMATION:
Interpretation No. 10, August 24, 1981.

On July 10, 1981, the Southeastern Pennsylvania Transportation Authority (SEPTA) petitioned the Rail Services Planning Office (RSPO) for an interpretation of the Standards for Determining Commuter Rail Service Continuation Subsidies (Standards) and for a determination of the adequacy of SEPTA's Offer of Financial Assistance to Conrail for the subsidized operation of commuter rail service for the fiscal year beginning July 1, 1981. SEPTA's petition for an interpretation of the Standards is concerned with the definition of the term "reasonable" for purposes of determining the net avoidable costs that SEPTA must pay to Conrail for providing the requested commuter service. However, SEPTA has only specifically questioned and stated its position on the issue of reasonableness with respect to those costs that result from current labor work rules. Accordingly, this interpretation only addresses the reasonableness of these costs. This is because section 1127.4 of the Standards limits our issuance of an interpretation to those issues that are specifically raised in a petition and for which the petitioners set forth their position and rationale.

We note that SEPTA's request for a determination of the adequacy of its offer has been addressed by RSPO in a separate letter and, thus, need not be considered here.

SEPTA's petition results from a dispute between SEPTA and Conrail. On April 29, 1981, SEPTA served an Offer of Financial Assistance upon Conrail which contained SEPTA's estimate of the costs of operating the rail commuter service for the fiscal year beginning July 1, 1981. SEPTA estimated that the operation of the service would cost $83 million dollars based on a number of cost and service reduction measures. These cost reductions were primarily the product of labor work rule changes which Conrail would have to make on SEPTA's behalf. In effect, SEPTA's offer to Conrail was conditioned on Conrail undertaking certain modifications of the work rules contained in the current labor contracts.

SEPTA's position as stated in its petition is as follows:

* * * the cost Conrail may properly charge are the expenses of providing service in a reasonable, efficient, and economical fashion. They do not include expenses which result from waste, inefficient operation, or extravagance on Conrail's part.

In support of its position, SEPTA asserts that Conrail has not exercised reasonable cost controls and states that the cost of operating the service has risen rapidly since Conrail was formed in 1976. According to SEPTA a major cause of the escalating costs of the service are Conrail's archaic and inefficient labor practices. They contend that this is contrary to Congress's desire that commuter rail service be operated in a reasonable and economical manner by Conrail.

In its response to SEPTA's petition, Conrail states that they are required to incur these labor costs as a result of "valid, legal, binding, existing labor agreements." Moreover, Conrail points out that it does not have the ability to implement SEPTA's changes without the agreement of its unions. Conrail also notes that the actions demanded by SEPTA, "would necessitate renegotiating all of Conrail's labor agreements within the parameters established by SEPTA even though Conrail can only effect changes in those agreements through the complicated renegotiation provisions of the RLA." In conclusion, Conrail submits that any proposal by SEPTA to exclude any actual costs incurred by Conrail under the existing labor contracts is improper.

We agree that every effort should be made by the operator to provide service in a reasonable and efficient manner. Also, we are sympathetic to the financial constraints of SEPTA and other commuter authorities and the accompanying need to closely monitor the costs of providing service. Accordingly, RSPO will be available to rule on future issues concerning the reasonableness of a specific cost. However, in this instance we find that the inclusion of labor costs which are incurred by Conrail as a result of existing labor agreements are "reasonable" costs of providing service and, therefore, are properly includable as an avoidable cost which must be paid by the subsidizer. Further, to rule that these labor costs, which are not within the exclusive control of the operator, are unreasonable would result in Conrail's freight revenues subsidizing the commuter service. This is not permissible because cross subsidization of commuter operations by the freight service is specifically prohibited by the compensation principles incorporated in the Final System Plan issued pursuant to the 3R Act of 1973.

We are aware that in its latest labor negotiations Conrail has effected changes in its labor contracts with the unions for both commuter and freight operations. These changes actually reduced the labor expenses of SEPTA and other commuter authorities. These reductions were undertaken by Conrail upon its own initiative and were not the result of any demands by a commuter authority. Thus, in our view Conrail's action in obtaining these labor cost reductions should help to dispell SEPTA's concern that Conrail will incur expenses in a wasteful and extravagant manner.

This interpretation is issued under the authority of 49 USC 10362 and 10363. By Alexander Lyall Morton, Director, Rail Services Planning Office.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25196 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Taking and Importing of Marine Mammals; Taking of Marine Mammals Incidental to Commercial Fishing Operations; Permits; Clarification

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Clarification of final rule.

SUMMARY: On August 19, 1981, NOAA published (46 FR 42068–42070) final rules effecting a mid-course correction to regulations previously published at 45 FR 72178–72196 and corrected at 45 FR 73486 concerning the taking of porpoises incidental to commercial tuna purse seine fishing in the eastern tropical Pacific Ocean. This correction modified the apportionment to individual porpoise stocks of the total allowable annual mortality limit for U.S. vessels of 20,500 animals for the years 1981–1985 and beyond. The purpose of this notice is to confirm the entire text of the rules promulgated at 46 FR 42068–42070 and to clarify that the appropriate signatory is the individual indicated in the signature line below.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species, NMFS, NOAA, Department of Commerce, Washington, D.C. 20235. Telephone (202) 634–7461.

Dated: August 24, 1981.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 81-25272 Filed 8-27-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 167
Friday, August 28, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Frozen Cauliflower

Corrections

In FR Doc. 81-23566 appearing at page 41077 in the issue of Friday, August 14, 1981, make the following changes:

1. On page 41078, first column, eighth line from the bottom, "impac" should read "impact"; third column, § 2852.721, fourth line should read "(*Brassica oleracea botrytis*). The ".

2. On page 41079, first column, § 2852.723(b), fourth line, "eatin" should read "eating", and in paragraph (e), third line, "frm" should read "from"; Second column, § 2852.723 (j), first line, "othe" should read "other", and paragraph (n) should read as follows:

"(n) *Square centimeter* (cm^2) means individual squares of 1 cm on an edge, e.g., 5 square centimeters (5 cm^2) means an area in the shape of a rectangle 1 cm by 5 cm."

3. On page 41079, third column, § 2852.727, Table I, second column, third entry ("Seriously"), the "X" should be removed from "Minor" and placed under "Major".

4. On page 41080, first column, § 2852.727, Table IA, second column, third entry ("Seriously"), the "X" should be removed from "Minor" and "Major" and placed under "Severe".

BILLING CODE 1505-01-M

[1] The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service of USDA by USDA Secretary's Memorandum 1000-1 issued June 17, 1981. A notice detailing the agencies' reorganization is being drafted for later publication.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

Rules of Practice and Procedures; Administrative Proceedings; Equal Access to Justice Act

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") proposes to amend its Rules of Practice and Procedures, which contain rules for the conduct of administrative proceedings before the FDIC. The proposal would add a new subpart to the Rules of Practice and Procedures to implement the Equal Access to Justice Act. That Act will allow certain parties to prevail against the FDIC in contested administrative proceedings to recover their litigation expenses from the FDIC, if the position of the FDIC in the proceeding was not substantially justified. The Congress has instructed all affected agencies to adopt implementing regulations. In response to this directive, the proposed new subpart would establish procedures for prevailing parties to use in applying for fee awards and for the FDIC to use in determining whether the conditions for a fee award have been met and, if so, the proper amount for the award. Additionally, the proposal would amend preexisting subparts of the Rules of Practice and Procedures to delegate certain responsibilities to the FDIC's Executive Secretary and to correct certain procedural impediments to efficient operation. These proposed changes are intended to enhance agency capability and responsiveness. The changes would delegate authority to the Executive Secretary to perform many ministerial functions similar to duties of clerks of court, and certain duties now handled by the Executive Secretary would be performed by the administrative law judge.

DATE: Comments must be submitted on or before October 27, 1981.

ADDRESS: Interested persons are invited to submit written data, views, or arguments regarding the proposed amendments to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. All written comments will be made available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: On fee awards, Brian D. Alprin, Attorney, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429 (202-389-4637); on all other subjects, James L. Meador, Attorney, or Arthur L. Beamon, Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429 (202-389-4422).

SUPPLEMENTARY INFORMATION: The first part of the proposed amendment deals with fee awards under the Equal Access to Justice Act. The second part makes technical changes to the FDIC's Rules of Practice and Procedures. Neither part of the proposed amendment would affect the recordkeeping or reporting requirements or the competitive status of any insured State-chartered nonmember bank. The two parts of the proposed amendment are discussed below separately.

Equal Access to Justice Act

The Equal Access to Justice Act ("the Act"), Pub. L. No. 96-481, tit. II, 94 Stat. 2325 (1980), takes effect on October 1, 1981. Once it is effective, the Act will provide for the award of attorney fees and other expenses to certain parties who prevail over the FDIC and other agencies of the Federal government in certain administrative and court proceedings. The Act requires the FDIC to establish uniform procedures for making such awards. To comply with this statutory directive, the FDIC proposes to add a new Subpart M to its Rules of Practice and Procedures, 12 CFR Part 308.

In enacting the Equal Access to Justice Act, Congress intended to diminish the deterrent effect that the cost of contesting adversarial government action imposes on small businesses and individuals of moderate means. Proposed Subpart M has been drafted in an attempt to effectuate this congressional intent. The attempt has also been made to implement the intent of Congress on narrower matters, such as who may be considered a "prevailing party." On this and other questions, the legislative history of the Act has provided the FDIC with guidance. The proposed new subpart has also been

drafted to minimize the expense and inconvenience to prevailing parties who file applications for a fee award. Another consideration has been to develop procedures that are similar to procedures already in use in other FDIC proceedings, but that eliminate unnecessary burdens and discourage avoidable delay. It is hoped that the procedures chosen will permit a smooth transition from the underlying proceeding to the fee-award process, will reduce confusion, and will permit a justified fee award to be made as expeditiously as possible.

A valuable source for the proposed subpart was the model rules for Federal agencies issued by the Office of the Chairman of the Administrative Conference of the United States on June 18, 1981 (46 FR 32,900, June 25, 1981). Many sections of proposed subpart M have been based on the model of the Administrative Conference.

The procedures of proposed Subpart M will apply to administrative proceedings conducted by the FDIC in which a formal hearing under the Administrative Procedure Act is available. These are proceedings pertaining to the following: involuntary termination of insured status, issuance of cease-and-desist orders, assessment of civil money penalties, removal or suspension from office or prohibition from participation in the affairs of a bank of directors, officers, or other persons (except when done pursuant to section 8(g) of the Federal Deposit Insurance Act, 12 U.S.C. 1818(g)), disapproval of a proposed acquisition of control of an insured nonmember bank, and imposition of sanctions upon muncipal-securities dealers, clearing agencies, and transfer agents within the FDIC's supervisory jurisdication. After an eligible party has prevailed in one of these proceedings, it may file an application for certain of its fees and other expenses if it believes that the position of the FDIC in the proceeding was not substantially justified. Approval or denial of a fee award will be recommended by the administrative law judge who presided at the underlying proceeding, based on criteria set out in the Act and in Subpart M. The Board of Directors of the FDIC will then issue an order on the fee award. If one is approved, the FDIC will pay the award unless judicial review of the award or the underlying action has been sought.

Proposed § 308.97 sets out the types of applicants who are entitled by the Act to seek an award. The Act establishes net-worth ceilings of $1 million for individual applicants and $5 million for businesses and other entities that are not individuals. The Administrative Conference has recommended that the net worth of an applicant be aggregated with that of its "affiliates" in determining whether the applicant is under the net-worth ceiling. The FDIC would adopt this approach. The purpose of the congressionally mandated net-worth ceiling is to limit the benefits of the Act to those entities whose shortage of available funds discourages them from challenging adversary governmental action. When an applicant is affiliated with other entities, the net worth of those entities will frequently be available to the applicant to defray its litigation expenses. In such instances, the net worth of the applicant alone provides a poor measure of the financial disincentive to the applicant to contest governmental action. To avoid injustice and provide flexibility, however, the FDIC proposes to permit the Board of Directors, on the advice of the administrative law judge or otherwise, to decline to aggregate the net worth of one or more "affiliates" with that of the applicant when the actual relationship between the entities makes aggregation unjust. Conversely, there may be instances when the net worth of an entity that does not meet the technical test of an "affiliate" should be aggregated with that of the applicant. The proposal would permit the Board to determine that such a situation constitutes "special circumstances that would make an award unjust," in which case the Act does not require an award to be made. The FDIC invites comments on the aggregation questions posed above.

Aggregation would not require that the net worth of any entity be doubled by reason of an imperfection in the accounting technique used to perform the aggregation. The FDIC does not expect an applicant simply to add in the net worth of its affiliates when that would misrepresent the true net worth of the consolidated entity. The proposed regulation provides for a suitable adjustment to avoid doubly counting any entity's net worth.

The Administration Conference has proposed that "affiliate" for the purposes under discussion include any entity (including an individual) that directly or indirectly controls or owns a majority of the voting shares of the applicant, as well as any entity (not including an individual) controlled by the applicant to the extent of a majority of the entity's voting shares. Application of this test to banking entities would cause the aggregation of the net worth of majority-owned subsidiaries of an applicant bank, and the aggregation of the net worth of a bank-holding company that owns a majority of the stock of the applicant bank. While the appropriateness of applying such a system of aggregation to banks is not free from doubt, the proposed regulation adopts this system. The FDIC invites comments on this aspect of the regulation, particularly in comparison to the alternative of eliminating the requirement of aggregating the net worth of a bank-holding company unless failure so to aggregate would make an award unjust.

Section 308.98 of the proposed subpart provides guidance on what is a "prevailing party." The section is an attempt to codify the legislative history regarding the level of success in the proceeding that is necessary to qualify a party to apply for a fee award. *See* H.R. Rep. No. 96–1418, at 11 (1980); H.R. Rep. No. 96–1005, Part 1, at 6, 11 (1980). Section 308.98 states that an applicant may have prevailed although it has not totally avoided adverse final action or although all the issues were not resolved in its favor. This section should not be interpreted to mean, however, that a respondent has "prevailed" in all cases when the Board of Directors administers fewer sanctions or less severe sanctions than the Notice called for.

Section 308.100 would establish guidelines for the amount of an award. Its provisions draw mainly from the Act. One proposed provision deserves special explanation. The Act provides that no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the agency. The FDIC has had no experience in paying expert witnesses. Until it may acquire such experience, the FDIC will consider the applicable ceiling to be an hourly rate computed from the prevailing government-wide ceiling on annual employee salaries, a method suggested by the Administrative Conference.

Section 308.102 would set down rules regarding a statement of the applicant's net worth. The section seeks to provide for disclosure of all facts necessary to determine the applicant's eligibility under the applicable net-worth criterion, while minimizing the compliance burden on the applicant or any affiliate. Thus, no precise reporting form is prescribed, and audited statements are not required unless requested by the administrative law judge or the Board. Also, financial statements or filings with State or Federal agencies, prepared shortly before the initiation of the underlying proceeding, are acceptable unless statements that are accurate as of the initiation date are specifically requested

by the administrative law judge or the Board. The FDIC believes that the increase in reporting accuracy that would result from the preparation of an *ad hoc* statement would be outweighed in most cases by the additional burden that preparation of the *ad hoc* statement would entail. In a similar vein, the proposed regulation provides that a bank shall submit, as a statement of its net worth, its last call report dated prior to the initiation of the underlying proceeding in lieu of an *ad hoc* statement. In view of the trustworthiness of call reports in establishing the size of a bank's capital account as of the call-report date, and the ease of filing a copy of a document that already exists, the FDIC believes that the marginal inaccuracy resulting from the lapse of time between the call-report date and the initiation date of the proceeding can usually be overlooked. If it should appear, however, that the discrepancy between net worth on these two dates may be material to determining the applicant's eligibility for an award, the administrative law judge or the Board may call for additional information.

The proceedings that would follow the submission of an application are designed to promote prompt disposition of the fee-award request. Time periods for filing papers are generally short, and extensions of time and unnecessary follow-up filings are discouraged. Thus, replies are permitted only in response to answers that raise affirmative defenses, and participation by non-applicant parties to the underlying proceeding is kept to a minimum. Hearings on the application are permitted only when factual issues are in dispute and cannot be adequately resolved through written submissions. It is hoped that by promoting a streamlined decisional process on the fee award, the FDIC can eliminate wasteful delay and, when an application is meritorious, provide the deserving applicant with reimbursement soon after the resolution of the underlying controversy.

Technical Changes to Rules of Practice and Procedures

The FDIC would make the following technical changes to the FDIC's Part 308 Rules of Practice and Procedures:

1. The term "FDIC" would be defined as the Federal Deposit Insurance Corporation. Currently, the term "Corporation" is used in Part 308 to refer to the FDIC. Since there are many entities which may be called "corporations," it is believed this change would eliminate potential for confusion of users of Part 308.

2. The Executive Secretary would be delegated authority to rule on attorney qualification to practice before the agency, issue subpoenas, order depositions, give notice to the parties that a case has been submitted to the Board, rule on certain motions, and perform other duties similar to those performed by clerks of court.

3. The changes provide for certain actions now performed by the Executive Secretary, such as notice of filing of transcripts and service of recommended decisions, to be performed by the administrative law judge.

4. The changes clarify procedures for filing a response or opposition to a motion for issuance of a subpoena or a request for deposition of a witness by parties and by persons named in a subpoena or subpoena duces tecum.

5. The proposal includes new rules relating to the conduct of oral argument before the Board of Directors.

6. The proposal would require the filing of an answer to all notices under Part 308 unless the respondent admits the allegations of the notice.

7. The time for filing a written request for hearing, upon notice of suspension or removal from office, upon notice of assessment of a civil money penalty, upon notice of disapproval of a proposed acquisition of control, and upon notice of denial of an application under section 19 of the Federal Deposit Insurance Act, would be measured from the date of receipt of notice rather than from date of service of the notice as under the current regulation.

8. The proposal would designate the FDIC's Division of Accounting and Corporate Services as agent for receipt of payment of civil money penalties.

9. The period of time for payment of a civil penalty assessment would be shortened to 60 days after issuance of the notice of assessment from 90 days under current regulations.

10. The proposal would establish procedures and standards applicable to a petition for reconsideration of denial of an application to serve as a director, officer, or employee of an insured bank under section 19 of the Federal Deposit Insurance Act. Under the current regulation, no specific reference to procedure for such a petition is provided.

11. The proposal would remove the requirement for attaching the views and recommendations of the appropriate state bank supervisory agency to any finding relating to an application for approval of an acquisition of control submitted to the FDIC.

12. Certain other minor changes in the language of Part 308 would be made as set out below.

Certification Under Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Board of Directors certifies that the amendments proposed here, if promulgated, would not have a significant economic impact on a substantial number of small entities.

1. The proposed Subpart M, implementing the Equal Access to Justice Act would affect only those small businesses that prevail in one of the proceeding referred to in proposed § 308.96. In such proceedings since October 1, 1978, only three businesses of any size have prevailed within the meaning of the proposed subpart. Based on this history, the proposed new subpart cannot be expected to affect a substantial number of small entities.

2. The other proposed changes to the Rules of Practice and Procedures are technical in nature and involve either agency procedure or the style or readability of the rules. No significant economic impact on any insured bank or other business would be occasioned by the adoption of these changes.

PART 308—RULES OF PRACTICE AND PROCEDURES

For the reasons set out in the preamble, Part 308 of Chapter III of Title 12 of the *Code of Federal Regulations* is proposed to be amended as shown.

1. By revising the citation of authority for Part 308 to read as follows:

Authority: Sec. 2(9), Pub. L. No. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. No. 94–29, 89 Stat. 155 (15 U.S.C. 78w); sec. 801, Pub. L. No. 95–630, 92 Stat. 3641 (12 U.S.C. 1972); sec. 203, Pub. L. No. 96–481, 94 Stat. 2325 (5 U.S.C. 504).

2. By adding a new Subpart M to Part 308 to read as follows:

Subpart M—Rules and Procedures Relating to the Recovery of Attorney Fees and Other Expenses

Sec.

308.96 Scope.
308.97 Eligibility of applicants.
308.98 Prevailing party.
308.99 Standards for awards.
308.100 Measure of awards.
308.101 Contents of application.
308.102 Statement of net worth.
308.103 Statement of fees and expenses.
308.104 Filing and service of documents.
308.105 Answer to application.
308.106 Comments by other parties.
308.107 Further proceedings.
308.108 Recommended decision.
308.109 Decision of the Board of Directors.
308.110 Payment of awards.

Authority: Sec. 2(9), Pub. L. No. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. No. 94–29, 89 Stat. 155 (15 U.S.C. 78w); sec. 801, Pub. L.

No. 95–630, 92 Stat. 3641 (12 U.S.C. 1972); sec. 203, Pub. L. No. 96–481, 94 Stat. 2325 (5 U.S.C. 504).

Subpart M—Rules and Procedures Relating to the Recovery of Attorney Fees and Other Expenses

§ 308.96 Scope.

This subpart, and the Equal Access to Justice Act (5 U.S.C. 504 and 504 note) which it implements, apply to adversary adjudications that are pending before the FDIC at any time between October 1, 1981, and September 30, 1984. The types of adjudication covered by this subpart are those listed in § 308.03

§ 308.97 Eligibility of applicants.

(a) To be eligible for an award under this subpart, an applicant must have been named or admitted as a party to the proceeding. In addition, the applicant must show that it meets all other conditions of eligibility set out in this subpart.

(b) The types of eligible applicant are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) A sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees; and

(3) A corporation, association, partnership, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which he or she prevails are related primarily to personal interests rather than to business interests.

(d) For the purpose of determining eligibility, the net worth of an applicant shall be its net worth as of the date the underlying proceeding was initiated. As provided in § 308.102(d), in the case of a bank, net-worth information reported in conformity with applicable instructions and guidelines on the bank's last Consolidated Report of Condition filed before the initiation of the underlying proceeding will be used in establishing the bank's net worth as of the date the underlying proceeding was initiated.

(e) The employees of an applicant include all those persons who were regularly providing services for remuneration for the applicant, under its direction and control, on the date the proceeding was initiated. Part-time employees are included as though they were full-time employees.

(f) An applicant's net worth includes the value of any assets disposed of for the purpose of meeting an eligibility standard and excludes any obligations incurred for this purpose. Transfers of assets or obligations incurred for less than reasonably equivalent value will be presumed to have been made for this purpose.

(g) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. The aggregated net worth shall be adjusted if necessary to avoid counting the net worth of any entity twice. As used in this subpart, "affiliates" are (1) individuals, corporations, and entities that directly or indirectly or acting through one or more entities control a majority of the voting shares of the applicant, and (2) corporations and entities of which the applicant directly or indirectly owns or controls a majority of the voting shares. The Board of Directors may, however, on the recommendation of the administrative law judge or otherwise, determine that such aggregation with regard to one or more of the applicant's affiliates would be unjust and contrary to the purposes of this subpart in light of the actual relationship between the affiliated entities. In such a case the net worth and employees of the relevant affiliate or affiliates will not be aggregated with those of the applicant. In addition, the Board may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(h) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 308.98 Prevailing party.

(a) An eligible applicant may be a "prevailing party" if a settlement of the proceeding was effected on terms favorable to it or if the proceeding against it has been dismissed. In appropriate situations an applicant may also have prevailed if the outcome of the proceeding has substantially vindicated the applicant's position on the significant substantive matters at issue, even though the applicant has not totally avoided adverse final action.

(b) When a proceeding has presented a number of discrete substantive issues, an applicant may have prevailed even though all the issues were not resolved in its favor. If such an applicant is deemed to have prevailed, any award shall be based on the fees and expenses incurred in connection with the discrete significant substantive issue or issues on which the applicant's position has been upheld. If such segregation of costs is not practicable, the award may be based on a fair proration of those fees and expenses incurred in the entire proceeding which would be recoverable under § 308.99 if proration were not performed.

(c) Whether separate or prorated treatment under the preceding paragraph is appropriate, and the appropriate proration percentage, shall be determined on the facts of the particular case. Attention shall be given to the significance and nature of the respective issues and their separability and interrelationship.

§ 308.99 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses unless the position of the FDIC during the proceeding was substantially justified. To avoid an award, counsel for the FDIC must carry the burden of proof that its position was reasonable in fact and law.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceedings or if special circumstances make the award sought unjust.

(c) Awards for fees and expenses incurred before the date on which a proceeding was initiated are allowable if their incurrence was necessary to prepare for the proceeding.

§ 308.100 Measure of awards.

(a) Except as limited by the next subsection, awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents, and expert witnesses, even if the services were made available without charge or at a reduced rate.

(b) No award under this subpart for the fee of an attorney or agent may exceed $75 per hour. No award to compensate an expert witness may exceed the highest rate at which the FDIC pays expert witnesses. An award may also, however, include the reasonable expenses of the attorney, agent, or expert witness as a separate item, if the attorney, agent, or expert witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent, or expert witness, the administrative law judge shall consider the following:

(1) If the attorney, agent, or expert witness is in private practice, his or her customary fee for like services, or, if he or she is an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent, or expert witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, test, project, or similar matter prepared on behalf of an applicant may be awarded to the extent that the charge for the service does not exceed the prevailing rate payable for similar services, and the study or other matter was necessary for preparation of the applicant's case and not otherwise required by law or sound business or financial practice.

§ 308.101 Contents of application.

(a) An application for an award of fees and expenses under the Act shall contain (1) the name of the applicant and an identification of the proceeding, (2) showing that the applicant has prevailed, and an identification of each issue with regard to which the applicant believes that the position of the FDIC in the proceeding was not substantially justified, (3) a statement of the amount of fees and expenses for which an award is sought, (4) if the applicant is not an individual, a statement of the number of its employees on the date the proceeding was initiated, (5) a description of any affiliated individuals or entities, as defined in § 308.97(g), or a statement that none exist, (6) a declaration that the applicant, together with any affiliates, had a net worth not more than the ceiling established for it by § 308.97(b) as of the date the proceeding was initiated, and (7) any other matters that the applicant wishes the FDIC to consider in determining whether and in what amount an award should be made.

(b) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application and supporting documents is true and correct.

§ 308.102 Statement of net worth.

(a) A statement of net worth must be filed with the application. It need not be served on parties to the underlying proceeding other than counsel for the FDIC. Unless otherwise ordered by the Board or required by law, the statement shall be for the confidential use of the Board and the administrative law judge.

(b) The statement of net worth shall reflect the net worth of the applicant and all affiliates of the applicant as affiliates are defined in § 308.97(g). To determine eligibility for an award, net worth of affiliates will be aggregated with that of the applicant according to § 308.97(g).

(c) The statement of net worth may be in any form convenient to the applicant which fully discloses all the assets and liabilities of the applicant and all the assets and liabilities of its affiliates, as of the time of the initiation of the underlying proceeding. Unaudited financial statements are acceptable unless the administrative law judge or the Board shall otherwise require. Financial statements or reports to an agency of the Federal Government or to a State, prepared before the initiation of the underlying proceeding for other purposes, and accurate as of a date not more than three months prior to the initiation of the underlying proceeding, are acceptable in establishing net worth as of the time of the initiation of the underlying proceeding, unless the administrative law judge or the Board shall otherwise require. If the applicant or any of its affiliates is a bank, the portion of the statement of net worth which relates to the bank shall consist of a copy of the bank's last Consolidated Report of Condition filed before the initiation of the underlying proceeding. In all cases the administrative law judge or the Board may call for additional information needed to establish the applicant's net worth as of the initiation of the underlying proceeding.

(d) In the case of banks, except as adjusted by additional information that was called for under the preceding sentence, net worth shall be considered for the purposes of this subpart to be the total equity capital as reported, in conformity with applicable instructions and guidelines, on the bank's last Consolidated Report of Condition filed before the initation of the underlying proceeding. In the case of applicants or affiliates that are not banks, net worth shall be considered for the purposes of this subpart to be the excess of total assets over total liabilities, as of the date the underlying proceeding was initiated. Assets and liabilities of individuals shall include those beneficially owned within the meaning of § 335.102(e) of the FDIC's Rules and Regulations.

(e) All statements of net worth shall describe any transfers of assets from or obligations incurred by the applicant or any affiliate, occurring in the six-month period prior to the date on which the proceeding was initiated, which reduced the net worth of the applicant and its affiliates below the applicable net-worth ceiling. If there were not, the applicant shall so state.

§ 308.103 Statement of fees and expenses.

The application shall be accompanied by a statement fully documenting the fees and expenses for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in work in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services performed. The administrative law judge or the Board of Directors may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 308.104 Filing and service of documents.

(a) Any application for an award and any other pleading or document related to an application shall be filed with the Executive Secretary. It shall conform to the requirements of § 308.19 (on filing papers) and shall be served on all parties to the underlying proceeding in accordance with § 308.21(b) (on service), except as provided in § 308.102(a) for statements of net worth.

(b) An application may be filed with the Executive Secretary whenever the applicant has prevailed in the proceeding but in no case later than 30 days after service of the final order of the Board of Directors in disposition of the proceeding.

§ 308.105 Answer to application.

(a) Within 20 days after service of an application, counsel for the FDIC may file an answer to the application. Unless counsel for the FDIC requests and is granted an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 20-day period will be treated as a consent to the award requested.

(b) If counsel for the FDIC and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 20 days, and further extensions may be granted

by the administrative law judge upon the joint request of counsel for the FDIC and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 308.107.

(d) Reply to answer. The applicant may file a reply if counsel for the FDIC has addressed in his or her answer any of the following issues: That the position of the FDIC was substantially justified, that the applicant unduly protracted the proceedings, or that special circumstances make an award unjust. The reply shall be filed within 15 days after service of the answer. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 308.107.

§ 308.106 Comments by other parties.

Any party to the proceeding, other than the applicant and counsel for the FDIC, may file comments on an application within 20 days after service of the application. If the applicant is entitled to file a reply to an answer under § 308.105(d), another party may file comments on the answer within 15 days after service of the objection. A commenting party may not participate further in proceedings on the application unless the administrative law judge determines that the public interest requires such participation in order to permit additional exploration of matters raised in the comments.

§ 308.107 Further proceedings.

(a) *General.* Ordinarily, the determination of a recommended award will be made by the administrative law judge on the basis of the written record. However, on request of either the applicant or counsel for the FDIC, or on his or her initiative, the administrative law judge may order further proceedings such as an informal conference, oral argument, additional written submissions, or an evidentiary hearing. Such further proceedings will be held only when necessary for full and fair resolution of the issues arising from the application and will be conducted as promptly and expeditiously as possible.

(b) *Request for further proceedings.* A request for further proceedings under this section shall specifically identify the information sought or the issues in dispute and shall explain why additional proceedings are necessary.

(c) *Hearing.* The administrative law judge shall hold an oral evidentiary hearing only on disputed issues of material fact which cannot be adequately resolved through written submissions.

§ 308.108 Recommended decision.

The administrative law judge shall file a recommended decision on the fee application with the Executive Secretary no later than 90 days after the filing of the application or 30 days after the conclusion of the hearing, whichever is later. The recommended decision shall include written proposed findings and conclusions on the applicant's eligibility and its status as a prevailing party and an explanation of the reasons for any difference between the amount requested and the amount of the recommended award. The recommended decision shall also include, if at issue, proposed findings on whether the FDIC's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. The administrative law judge shall also file with the Executive Secretary the record of the proceeding on the fee application and a proposed order and at the same time serve upon each party a copy of the recommended decision, findings, conclusions, and proposed order.

§ 308.109 Decision of the Board of Directors.

(a) Within 15 days after service of the recommended decision, findings, conclusions, and proposed order, the applicant or counsel for the FDIC may file with the Executive Secretary written exceptions thereto. A supporting brief may also be filed.

(b) The Board of Directors shall render its decision within 60 days after the matter is submitted to it. The Executive Secretary shall furnish copies of the decisions and order of the Board to the parties. Judicial review of the decision and order may be obtained as provided in 5 U.S.C. 504(c)(2).

§ 308.110 Payment of awards.

An applicant seeking payment of an award shall submit to the Executive Secretary a statement that it will not seek review of the decision or order in the United States courts. The FDIC will pay the amount awarded within 30 days after receiving the applicant's statement, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

3. By revising § 308.01 to § 308.95 of Part 308 to read as follows:

Subpart A—Definitions and Rules of Construction

Sec.
308.01 Definitions.
308.02 Rules of construction.

Subpart B—Rules of Practice Applicable to All Hearings

308.03 Scope.

Sec.
308.04 Appearance and practice before the FDIC.
308.05 Notice of hearing.
308.06 Answer.
308.07 Conduct of hearings.
308.08 Subpenas.
308.09 Procedure on depositions.
308.10 Payment of witness fees.
308.11 Rules of evidence.
308.12 Motions.
308.13 Proposed findings and conclusions, supporting and reply briefs, and recommended decision.
308.14 Exceptions to proposed findings and conclusions and recommended decision.
308.15 Briefs in support of exceptions.
308.16 Notice of submission to the Board of Directors.
308.17 Oral argument before the Board of Directors.
308.18 Decision of the Board of Directors.
308.19 Filing papers with the Executive Secretary.
308.20 Documents in proceedings confidential.
308.21 Service of papers other than subpenas.
308.22 Computing time.

Subpart C—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

308.23 Scope.
308.24 Notice of finding grounds for termination of insurance.
308.25 Extraterritorial acts of foreign banks or their directors or trustees.
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308.27 Notice of intention to terminate insured status and hearing.
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308.31 Termination of insured status of bank not engaged in the business of receiving deposits, other than trust funds.

Subpart D—Rules and Procedures Applicable to Proceedings Relating To Cease-and-Desist Orders

308.32 Scope.
308.33 Grounds for cease-and-desist orders.
308.34 Notice to State supervisory authority.
308.35 Notice of charges and of hearing, and consent.

Sec.
308.36 Issuance and effective date of cease-and-desist order.
308.37 Issuance and effective date of temporary cease-and-desist order.
308.38 Extraterritorial acts of foreign banks or their officials.

Subpart E—Rules and Procedures Applicable to Proceedings Relating To Removal and Suspension Orders

308.39 Scope.
308.40 Grounds for removal or prohibition.
308.41 Notice to State supervisory authority.
308.42 Notice of intention to remove, hearing and consent.
308.43 Issuance and effective date of removal or prohibition order.
308.44 Grounds for suspension or prohibition.
308.45 Issuance and effective date of suspension or prohibition order.
308.46 Extraterritorial acts of officials of foreign banks.

Subpart F—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

308.47 Scope.
308.48 Order to conduct proceedings.
308.49 Powers of presiding officer.
308.50 Proceedings confidential.
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308.53 Transcripts.
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Subpart G—Procedures and Standards Applicable To Suspension, Removal, and Prohibition Where Felony Charged, and Petition for Reconsideration of Denial of an Application Under Section 19 of the Federal Deposit Insurance Act

308.55 Scope.
308.56 Relevant considerations.
308.57 Notice of suspension or prohibition.
308.58 Order of removal or prohibition.
308.59 Notice of opportunity and request for hearing.
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308.61 Hearing.
308.62 Decision of the Board of Directors.
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Subpart H—Rules and Procedures Applicable to Proceedings Relating to Assessment and Collection of Civil Penalties for the Violation of Cease-and-Desist Orders or Certain Federal Statutes

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308.65 Violation of order as ground for assessment.
308.66 Violation of laws limiting dealings with bank officials and affiliates as ground for assessment.
308.67 Violation of laws governing correspondent accounts as ground for assessment.
308.68 Relevant considerations.
308.69 Notice of assessment of civil penalty, and opportunity and request for hearing.
308.70 Waiver of hearing.
308.71 Hearing and order.
308.72 Payment of civil penalty.

Subpart I—Rules and Procedures Applicable to Proceedings Relating To Disapproval of Acquisition of Control

Sec.
308.73 Scope.
308.74 Grounds for disapproval.
308.75 Notice of disapproval, and opportunity and request for hearing.
308.76 Exceptions.
308.77 Hearing and order.

Subpart J—Rules and Procedures Applicable to Proceedings Relating To Assessment of Civil Penalties for Willful Violation of the Change in Bank Control Act

308.78 Scope.
308.79 Notice of intention to assess civil penalty, and opoortunity and request for hearing.
308.80 Waiver of hearing.
308.81 Hearing.
308.82 Assessment.
308.83 Collection.

Subpart K—Rules and Procedures for Imposition of Sanctions Upon Municipal Securities Dealers or Persons Associated With Them, and Upon Clearing Agencies or Transfer Agents

308.84 Scope.
308.85 Grounds for imposition of sanctions.
308.86 Notice and consultation with the Securities and Exchange Commission.
308.87 Notice of intention to impose sanctions.
308.88 Hearing.
308.89 Issuance and effective date of order imposing sanctions.

Subpart L—Rules and Procedures Relating to Exemption Proceedings Under Section 12(h) of the Securities Exchange Act of 1934

308.90 Scope.
308.91 Application for exemption.
308.92 Newspaper notice.
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308.94 Hearing.
308.95 Decision of the Board of Directors.

Authority: Sec. 2(9), Pub. L. No. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. No. 94–29, 89 Stat. 155 (15 U.S.C. 78w); sec. 801, Pub. L. No. 95–630, 92 Stat. 3641 (12 U.S.C. 1972); sec. 203, Pub. L. No. 96–481, 94 Stat. 2325 (5 U.S.C. 504).

Subpart A—Definitions and Rules of Construction

§ 308.01 Definitions.

For purposes of this part, except where explicitly stated to the contrary,

(a) The term "bank" means, in general, any bank to which reference is being made. For purposes of subpart F, the term means an insured bank or its affiliate, an institution applying to become an insured bank, or a branch of a foreign bank (except where used in § 308.54);

(b) The term "Board of Directors" or "Board" means the Board of Directors of the Federal Deposit Insurance Corporation;

(c) The term "FDIC" means the Federal Deposit Insurance Corporation;

(d) The term "depositors" as used in subpart D and § 308.37(a), notwithstanding any limitation in § 308.01, includes participants in a clearing agency and persons doing business with a transfer agent, for both of which the FDIC is the appropriate regulatory agency;

(e) The term "Executive Secretary" means the Executive Secretary of the Federal Deposit Insurance Corporation;

(f) For the purposes of § 308.07(c), the term "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given. This does not include requests for status reports.

(g) The term "foreign bank" means any company which engages in the business of banking and which is organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands. "Foreign bank" includes, without limitations, foreign commercial banks, foreign merchant banks and other institutions which engage in banking activities usual in connection with the business of banking in the countries where such foreign institutions are organized or operating;

(h) The term "insured bank" means any bank or banking institution (including a foreign bank having an insured branch) the deposits of which are insured in accordance with the Federal Deposit Insurance Act;

(i) The term "insured branch" means a branch of a foreign bank any deposits of which are insured in accordance with the Federal Deposit Insurance Act;

(j) The term "insured nonmember bank" means any bank or banking institution the deposits of which are insured in accordance with the Federal Deposit Insurance Act and which is not a national bank, a District bank, or a member of the Federal Reserve System. The term also includes a foreign bank having an insured branch, and any municipal securities dealer, clearing agency or transfer agent for which the FDIC is the appropriate regulatory agency (notwithstanding any limitation in § 308.01);

(k) For the purposes of enforcing any law, rule, regulation, or cease-and-desist order in connection with an interlocking relationship, the term "officer" as used in subpart E means an employee or officer who has management functions and the term "director" includes an advisory or honorary director, a trustee of a bank under the control of trustees, or any person who has a representative or nominee serving in any such capacity.

For other purposes, the terms "officer" and "director" as used in this part are defined according to common usage in the banking industry;

(l) The term "official" means any director, trustee, officer, employee or agent of a bank to which reference is being made, or any other person participating in the conduct of the affairs of a bank;

(m) The term "party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party, unless the context otherwise suggests. A person or agency may be admitted for a limited purpose;

(n) For purposes of subparts I and J, the term "person" means an individual or a corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other entity;

(o) The term "presiding officer" means any person designated by the Board of Directors to conduct a hearing, or proceedings pursuant to section 10(c) of the Federal Deposit Insurance Act;

(p) The term "proceedings pursuant to section 10(c)" means the exercise of any power specified in section 10(c) or 8(n) of the Federal Deposit Insurance Act, or any proceeding conducted pursuant to the exercise of such powers.

§ 308.02 Rules of construction.

Throughout this part, any use of a term in the singular shall include the plural, and the plural shall include the singular, if such use would be appropriate.

Subpart B—Rules of Practice Applicable to All Hearings

§ 308.03 Scope.

This subpart prescribes rules of practice and procedures followed by the FDIC in hearings pursuant to the provisions of the Federal Deposit Insurance Act pertaining to:

(a) Involuntary termination of the insured status of any bank including an insured branch of a foreign bank;

(b) Issuance of cease-and-desist orders against any insured nonmember bank or its official;

(c) Assessment of civil penalties against (1) an insured nonmember bank or its official, for violation of a cease-and-desist order which has become final, or (2) an insured nonmember bank or its official, for violation of (i) the provisions of section 22(h) or 23A of the Federal Reserve Act, made applicable by section 18(j) of the Federal Deposit Insurance Act, or (ii) the provisions of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended;

(d) Issuance of orders that remove or suspend from office or prohibit from further participation in the conduct of the affairs of an insured nonmember bank, a director or officer, or that prohibit any other person from further participation in the conduct of the affairs of such a bank, except where the removal or suspension or prohibition is within the scope of subpart G as set forth in § 308.55;

(e) Disapproval of a proposed acquisition of control of an insured nonmember bank; and

(f) Imposition of sanctions upon (1) any municipal securities dealer for which the FDIC is the appropriate regulatory agency, (2) any person associated or seeking to become associated with such a municipal securities dealer, or (3) any clearing agency or transfer agent for which the FDIC is the appropriate regulatory agency (except for hearings on postponement of registration by such clearing agency or transfer agent pending registration denial proceedings, and for hearings on suspension of registration by such clearing agency or transfer agent pending registration revocation proceedings).

§ 308.04 Appearance and practice before the FDIC.

(a) *Qualification, authorization and notice of appearance.* Any member in good standing of the bar of the highest court of any State, Commonwealth, possession, territory, or the District of Columbia, may represent others before the FDIC upon filing with the Executive Secretary a written declaration of current qualification to practice and an authorization to represent the particular party. Any other person desiring to appear before, or transact business with, the FDIC in a representative capacity may be required to file with the Executive Secretary a power of attorney showing authority to act in such capacity, and may be required to demonstrate to the satisfaction of the Executive Secretary possession of the requisite qualifications. Attorneys and representatives of parties shall file a written notice of appearance with the Executive Secretary or the administrative law judge.

(b) *Summary suspension.* Contemptuous conduct at an argument before the Board of Directors or at a hearing before an administrative law judge shall be grounds for exclusion and suspension for the duration of the argument or hearing.

§ 308.05 Notice of hearing.

Whenever a hearing within the scope of this subpart is ordered by the Board of Directors, a notice of hearing shall be given by the Executive Secretary (or designee of the Board) to the party afforded the hearing and to any appropriate supervisory authority. The notice shall indicate the time, place, and nature of the hearing, the legal authority and jurisdiction for the hearing, and shall contain a statement of the matters of fact or law constituting the grounds for the hearing. The notice shall be delivered by personal service, by registered or certified mail to the party's last known address, or by other appropriate means, sufficiently in advance of the hearing date to comply with the provisions of the Federal Deposit Insurance Act.

§ 308.06 Answer.

(a) *Filing.* Every party to a proceeding shall file an answer with the Executive Secretary within 20 days after service of the notice of hearing upon the party afforded the hearing, unless the Board specifies a different filing period of not less than 10 days after service of the notice. For good cause shown, the Board, the Executive Secretary or the administrative law judge may permit filing of an answer after expiration of the filing period.

(b) *Requirements; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party lacks sufficient information to admit or deny each allegation. A statement of lack of information shall have the effect of a denial. When a party intends to deny part of an allegation, that part shall be denied and the remainder specifically admitted. Any allegation not denied shall be deemed admitted.

(c) *Admitted allegations.* If a party elects not to contest any of the allegations of fact in the notice, the party's answer shall consist of a statement that all of the allegations are admitted to be true. Such an answer shall constitute a waiver of hearing on the facts and allegations contained in the notice. This answer and the notice shall provide a record basis upon which the administrative law judge shall make a recommended decision (containing findings of fact, conclusions of law and proposed order) that shall be filed with the Executive Secretary. The recommended decisions shall be served on the party, who may file exceptions thereto within the time period provided in § 308.14(a).

(d) *Effect of failure to answer.* Failure of a party to file an answer required by

this section within the time provided shall be deemed a waiver of the right to appear and contest the allegations of the notice of hearing and shall authorize the administrative law judge, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Executive Secretary a recommended decision containing such findings and appropriate conclusions.

§ 308.07 Conduct of hearings.

(a) *Selection of administrative law judge.* Unless otherwise directed by the Board, a hearing within the scope of this subpart shall be held before an administrative law judge selected by the Office of Personnel Management. The provisions of this section shall not apply to a hearing before the Board.

(b) *Authority of administrative law judge.* Hearings governed by this subpart shall be conducted in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 554–557), and the provisions of this subpart. The administrative law judge shall conduct the hearing in a fair and impartial manner and shall avoid delay in the disposition of proceedings. The administrative law judge shall have all powers necessary to that end, including the power:

(1) To administer oaths and affirmations;

(2) To issue subpenas and subpenas duces tecum as authorized by law, and to revoke, quash, or modify any such subpena;

(3) To take depositions or cause depositions to be taken;

(4) To hold conferences for the settlement or simplification of issues or for any other proper purpose;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To receive relevant evidence and rule upon the admission of evidence and offers of proof;

(7) To grant extensions of time for filing or performing any act required or permitted within a specified time during the course of a proceeding for good cause shown;

(8) To continue or adjourn a hearing from time to time and place to place, as permitted by law or as agreed by the parties;

(9) To consider and rule upon all procedural and other motions appropriate in an adversary proceeding, except that an administrative law judge shall not have power to decide any motion to dismiss the proceedings or other motion resulting in final determination of the merits of the proceeding;

(10) To call for the production of further evidence, to permit oral argument and submission of briefs, and to reopen a hearing in accordance with § 308.07(j); and

(11) The administrative law judge shall have all the authority provided in section 556(c) of the Administrative Procedure Act (5 U.S.C. 556(c)), subject to and without limitation upon, the foregoing provisions of § 308.07(b).

(c) *Ex parte communications prohibited.* (1) The following prohibitions against ex parte communications apply from the time a proceeding is noticed for hearing: However, when the person responsible for the communication has knowledge that the proceeding will be noticed, the prohibitions apply from the time such knowledge is acquired.

(i) No interested person outside the FDIC shall make or knowingly cause to be made an ex parte communication relevant to the merits of the proceeding to anyone who is or may reasonably be expected to be involved in the decisional process.

(ii) No person who is or may reasonably be expected to be involved in the decisional process shall make or knowingly cause to be made an ex parte communication relevant to the merits of the proceeding to any interested person outside the FDIC.

(2) Except as authorized by law, the administrative law judge shall not consult anyone within the FDIC on any fact in issue, unless upon notice and opportunity for all parties to participate. The administrative law judge shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of the FDIC engaged in the performance of investigative or prosecuting functions. An officer, employee or agent engaged in the performance of such functions in any case shall not, in that case or a factually related case, participate or advise in the decision of the administrative law judge, except as a witness or counsel in the proceedings, or as otherwise authorized by law.

(3) If an ex parte communication is made or knowingly caused to be made, all such written communications, any written responses, and memoranda stating the substance of any oral responses, shall be placed on the public record.

(4) Upon receipt of a communication knowingly made or caused to be made in violation of § 308.07(c)(1)(i), the responsible party may be required to show cause why such party's claim or interest should not be dismissed, denied, or otherwise adversely affected. To the extent consistent with the interests of justice and the policy of the Federal Deposit Insurance Act, knowing violation of § 308.07(c)(1)(i) may be ground for a decision adverse to a party in violation of that section.

(d) *Prehearing conferences.* (1) Upon the initiative of the administrative law judge, or at the request of any party, counsel for all parties may be directed to meet at a specified time and place prior to the hearing, or to make written submissions, for the purpose of considering the following:

(i) Simplification and clarification of the issues;

(ii) Stipulations, admissions of fact, admissions of contents and authenticity of documents;

(iii) Matters of which official notice will be taken; and

(iv) Other matters which may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other exhibits to be introduced in evidence.

(2) At the request of any party, the conference shall be recorded. The administrative law judge shall enter in the record an order reciting the results of the conference, any rulings upon matters considered at the conference, and any directions to the parties. The subsequent course of the proceeding shall be controlled by this order, which may be modified to prevent manifest injustice.

(e) *Attendance at hearings.* A hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings. To the extent authorized by law, the Board of Directors in its discretion may permit other persons to attend on written request by a party or on the Board's own motion, or the Board may order a public hearing.

(f) *Order of procedure.* The counsel for the FDIC shall open and close.

(g) *Transcript of testimony.* Hearings shall be recorded and copies of the transcript made available to any party upon payment of the cost therefor. When the hearing is public, copies of the transcript shall be similarly available to other interested persons.

(h) *Filing and transmittal of the record.* A copy of the transcript duly certified by the reporter, and all exhibits, papers and requests filed in the proceeding, shall be filed by the reporter with the administrative law judge. The administrative law judge shall promptly serve notice upon all parties of such filing and transmittal.

(i) *Changes of time; change of hearing location; continuance.* Except as otherwise expressly provided by law, the Board of Directors may provide time limits different from those specified in this subpart or in a notice of hearing, upon its own initiative or for good cause shown, and the Board may change the time and place for a hearing to commence. The administrative law judge may continue or adjourn a hearing in accordance with § 308.07(b)(8).

(j) *Reopening of hearing.* The administrative law judge, upon appropriate notice, may reopen a hearing at any time prior to certification of the administrative law judge's recommended decision to the Executive Secretary. The Board of Directors may reopen a case in accordance with § 308.18.

(k) *Opportunity for informal settlement.* At any time, and without prejudice to the rights of the parties, any interested party may submit to the Executive Secretary for consideration by the Board of Directors, written offers or proposals for settlement of a proceeding. An offer, proposal, or counter-offer shall not be admissible in evidence over the objection of any party. Steps taken toward informal settlement shall not preclude settlement of any proceeding through the regular adjudicatory process by filing an answer or exceptions as provided in § 308.06 and § 308.76, or by submission of the case to the administrative law judge on a stipulation of facts and an agreed order.

§ 308.08 Subpenas.

(a) *Issuance.* The administrative law judge, or the Executive Secretary in the event the administrative law judge is unavailable, may issue subpenas or subpenas duces tecum at the request of any party, requiring the attendance or deposition of witnesses or the production of documentary evidence in connection with a hearing pursuant to subparts B, C, D, E, H, I or K of this part, from any State, Commonwealth or territory at any designated place of hearing. Notice of issuance of the subpena or subpena duces tecum shall be served upon each of the parties within a reasonable time not less than ten days before the date fixed for taking the deposition or production of documents.

(1) The party seeking the subpena shall include a statement showing the general relevance and reasonable scope of the testimony or other evidence sought. If, after consideration of all circumstances, the administrative law judge or the Executive Secretary determines the subpena in whole or in part is unreasonable, oppressive, excessive in scope or unduly burdensome, the administrative law judge or the Executive Secretary may refuse to issue the subpena or may issue it upon such conditions as fairness requires.

(2) The administrative law judge or the Executive Secretary by subpena may order that a deposition be taken, upon a showing that (i) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness or infirmity, or will otherwise be unavailable, and (ii) the testimony will be material, and (iii) taking the deposition will not result in any undue burden to any other party or in undue delay of the proceeding. The subpena shall name the witness whose deposition is to be taken and specify the time and place for taking the deposition and the person before whom the deposition is to be taken. The time, place and person before whom the deposition is to be taken may differ from those stated in the application.

(b) *Application.* A party requesting the deposition of a witness or the production of documents, shall apply in writing to the administrative law judge, or to the Executive Secretary in the event the administrative law judge is unavailable, stating the reasons for the application, the name and address of the witness or the person who is to produce the documents, the matters concerning which the witness is expected to testify or the contents of the documents, the relevance of the testimony or documents, the time and place for taking the deposition or production of documents, and the name and address of the person before whom the deposition is to be taken or the documents are to be produced. The party making the application shall serve a copy of the subpena and application on every other party to the proceeding. Any party opposing the issuance of the subpena may file a response or opposition to the application within 10 days. Failure to do so within the time allowed will be deemed a waiver of objection to the subpena.

(c) *Service of subpena.* Service of a subpena shall be made by delivering a copy of the subpena to the person named therein and by tendering the fees for one day's attendance and mileage as specified in § 308.10. A subpena issued on behalf of the FDIC shall be similarly served, however, the fees for attendance and mileage need not be tendered at the time of service. If service is made by the U.S. Marshal, a deputy U.S. Marshal or an employee of the FDIC, a return of service shall be made. If service is made by any other person, that person shall make a return of service by affidavit on or with the original subpena that states how service was made. The reasons for failure of service shall be stated. The original subpena with the required return shall be promptly delivered to the administrative law judge.

(1) *Natural persons.* Delivery of a copy of a subpena and tender of fees to a natural person may be made by handing them to the person; or by leaving them at the person's office with someone in charge; or by leaving them in a conspicuous place in the office if there is no one in charge; or by leaving them at the person's dwelling place or usual place of abode with someone of suitable age and discretion residing there; or by mailing them by registered or certified mail to the last known address of the person; or by any method that gives actual notice to the person and makes the fees available prior to the return date.

(2) *Other entities.* When the person to be served is not a natural person, delivery of a copy of the subpena and tender of the fees may be effected by handing them to a registered agent for service or to an officer or director or agent in charge of any office of the person; or by mailing them by registered or certified mail to the representative at the person's last known address; or by any method that gives actual notice to the person's authorized representative and makes the fees available prior to the return date. Any service on a foreign bank may be made on any branch or agency located within any State or the District of Columbia, but if the service is in connection with an action or proceeding involving one or more such branches or agencies, service shall be made on at least one branch or agency so involved.

(d) *Motion to quash.* A person named in a subpena or subpena duces tecum who is not a party to the proceeding and who has not had the opportunity to oppose the issuance of the supena pursuant to § 308.08(b) may apply to the administrative law judge, or to the Executive Secretary if the administrative law judge is unavailable, to revoke, quash, or modify the subpena. A statement of the reasons for the application must accompany it and notice of the application must be given to the party requesting the subpena. The application must be made prior to the time for compliance specified in the subpena and not more than 10 days after the date of service of the subpena.

§ 308.09 Procedure on depositions.

(a) *When taken.* The administrative law judge, or the Executive Secretary in

the event the administrative law judge is unavailable, may order by subpena evidence to be taken by deposition at any stage of a proceeding. A deposition may be taken by the administrative law judge, or before any person having power to administer oaths and who is designated by the Executive Secretary or the administrative law judge. A deposition shall be taken no sooner than 10 days after the parties to the proceeding have received notice of the deposition, where such notice has not been waived.

(b) *Procedure.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or evidence shall be in short form, stating the grounds for the objection. The person taking the deposition shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver except where the ground for the objection is one which might have been avoided or removed if presented at that time. All questions, answers, and objections (not including argument or debate) shall be recorded by the person taking the deposition, or under such person's direction. The deposition shall be subscribed by the witness, unless the parties by stipulation have waived the signing, or the witness is ill or cannot be found or has refused to sign. If the deposition is not subscribed by the witness, the person taking the deposition shall state this on the record and the reason therefor. The transcript shall be certified as a true and complete transcript of the deposition by the person taking it. Such person shall promptly send by registered or certified mail, the original of the deposition, and the originals of all exhibits, to the administrative law judge, unless otherwise directed in the order authorizing the deposition. Interested parties may make their own arrangements with the person taking the deposition for copies of the transcript and exhibits.

(c) *Introduction as evidence.* The deposition or any part of it may be read in evidence by any party to a proceeding, subject to appropriate rulings on objections to questions or evidence noted during the taking of the deposition and objections that would be valid were the witness testifying in person. This does not include objections waived in accordance with the fourth sentence of paragraph (b) of this section. Only those portions of a deposition received in evidence at the hearing shall constitute a part of the record upon which a decision shall be based.

§ 308.10 Payment of witness fees.

Witnesses who testify or whose depositions are taken shall be paid the same fees for attendance and mileage paid in the United States district courts. Fees of the witness, the reporter and the person taking a deposition shall be paid by the party requesting attendance at a proceeding or deposition.

§ 308.11 Rules of evidence.

(a) *Evidence.* All parties shall have the right to present their case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds therefor. The record need not include argument on objections except as ordered, allowed, or requested by the administrative law judge. Rulings on such objections and on any other matters shall be a part of the record. Failure to object to the admission or exclusion of evidence or to any ruling shall be considered a waiver of the objection.

(c) *Official notice.* All matters officially noticed by the administrative law judge shall appear on the record.

§ 308.12 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this subpart shall be made by motion. Applications or requests shall be addressed to and filed with the administrative law judge prior to filing of the recommended decision with the Executive Secretary pursuant to § 308.13. At all other times, motions shall be addressed to and filed with the Executive Secretary. Motions may be made orally upon the record at a session of a hearing, unless the administrative law judge requires a written motion. All other motions shall be in writing. All written motions shall state with particularity the order or relief sought and the grounds therefor. All written motions and oppositions shall be accompanied by a form of proposed order.

(b) *Oppositions.* Within 10 days after service of any written motion, or within such other period of time fixed by the administrative law judge or the Executive Secretary, any party may file a written answer or opposition to the motion. The moving party shall not have a right to reply, except as permitted by the administrative law judge or the Executive Secretary. As a matter of discretion, the administrative law judge or the Executive Secretary may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* Oral argument shall not be heard on motions, except as directed by the administrative law judge or the Board of Directors. Supporting memoranda or briefs may be filed with motions or answers or oppositions thereto.

(d) *Rulings on motions.* The administrative law judge or the Executive Secretary shall rule upon all motions properly submitted in accordance with the provisions of this part, and upon such other motions as directed by the Board of Directors. If the administrative law judge or the Executive Secretary finds that a prompt decision by the Board on a motion is essential to the proper conduct of the proceeding, the motion may be referred to the Board for decision.

(e) *Appeal from rulings on motions.* All motions, answers, oppositions and rulings shall become part of the record. Rulings of an administrative law judge or the Executive Secretary on any motion may not be appealed to the Board of Directors prior to its consideration of the administrative law judge's recommended decision, findings and conclusions, except by special permission of the Board. Such rulings shall be considered by the Board in reviewing the record. Requests to the Board for special permission to appeal from such rulings shall be filed promptly in writing, and shall briefly state the grounds for the request. The moving party shall immediately serve a copy of the request on every other party to the proceeding.

(f) *Proceeding with hearing.* The hearing shall proceed pending the determination of any motion by the Board of Directors, unless otherwise ordered by the administrative law judge or the Board.

§ 308.13 Proposed findings and conclusions, supporting and reply briefs, and recommended decision.

(a) *Proposed findings and conclusions by parties.* After service of the notice by the administrative law judge that the record has been filed and transmitted as provided in § 308.07(h), each party to a hearing shall have 30 days to file with the administrative law judge proposed findings of fact, conclusions of law and a proposed order. For good cause, the administrative law judge may allow

additional time for filing. The proposals may be accompanied by a supporting brief or memorandum citing statutes, decisions, other authorities, and page references to the record. All proposals, briefs and memoranda shall become part of the record. Reply briefs may be filed within 15 days of service of initial briefs and shall be confined to matters in original briefs of opposing parties.

(b) *Recommended decision and filing of record.* Within 45 days after expiration of the time allowed for filing of proposed findings, conclusions and order by the parties, the administrative law judge shall file with the Executive Secretary and shall certify to the Board of Directors for decision, the record of the hearing. For good cause, the Board may extend the period for filing and certification. The record shall include a recommended decision, findings of fact, conclusions of law, and proposed order, the transcript, exhibits, exceptions, rulings, and briefs and memoranda filed in connection with the hearing. Upon request of any party, the record shall include exhibits excluded from evidence or tenders of proof. At the time of filing of the record with the Executive Secretary the administrative law judge shall serve upon each party a copy of the recommended decision, findings, conclusions, and proposed order. The provisions of this paragraph shall not apply to a hearing before the Board of Directors.

§ 308.14 Exceptions to proposed findings and conclusions and recommended decision.

(a) *Filing.* Within 20 days after service of the recommended decision, findings, conclusions, and proposed order of the administrative law judge, a party may file with the Executive Secretary written exceptions thereto, exceptions to the failure of the administrative law judge to make any recommendation or finding or conclusion, exceptions to the admission or exclusion of evidence, and exceptions to any other rulings, subject to the provisions of this section. A supporting brief may also be filed. For good cause, the Executive Secretary may allow additional time for filing. A party who has not filed an answer in accordance with paragraphs (a) and (d) of § 308.06, or exceptions in accordance with § 308.76 may not file exceptions pursuant to this section.

(b) *Waiver.* Failure of a party to file exceptions to those matters specified in paragraph (a) of this section within the time prescribed shall be a waiver of objection thereto.

(c) *Hearing before the Board of Directors.* The provisions of § 308.14 shall not apply to a hearing before the Board of Directors.

§ 308.15 Briefs in support of exceptions.

(a) *Contents.* All briefs in support of exceptions shall be confined to the particular matters in issue, citing statutes, decisions, other authorities, and page references to the record or recommended decision of the administrative law judge. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Late filing.* Briefs not filed on or before the time fixed in this subpart and documents not provided for in this subpart shall be received only with the special permission of the Board of Directors.

§ 308.16 Notice of submission to the Board of Directors.

The Executive Secretary shall submit the case to the Board after expiration of the time for filing exceptions and notify the parties that the case has been submitted to the Board of Directors for final decision.

§ 308.17 Oral argument before the Board of Directors.

(a) *Scheduling of Argument.* Upon the written request of a party or upon its own initiative, the Board of Directors may order an oral argument on the findings, conclusions and recommended decisions of the administrative law judge, when it considers justice will best be served thereby. The request must be made within the time prescribed for filing exceptions, and briefs in support of exceptions. The oral argument shall be before the Board or one or more members of the Board, and shall be recorded, unless otherwise ordered by the Board. Counsel will be notified of the exact time, date and place of the argument.

(b) *Order of Procedure.* Presentation of oral argument will be limited to a total of 45 minutes. Counsel for the respondent will open with a presentation limited to 20 minutes. Counsel for FDIC will follow with a presentation and response also limited to 20 minutes. Counsel for the respondent will then be given five minutes for a rebuttal. The Board may make adjustments to this schedule as it deems appropriate.

§ 308.18 Decision of the Board of Directors.

(a) *Decision and reopening of case.* The Board of Directors shall render its decision within 90 days after the Executive Secretary has notified the parties pursuant to § 308.17 that the case has been submitted to the Board for final decision. Within the 90-day period, the Board may order that the notice be set aside and the case reopened.

(b) *FDIC staff participation.* Appropriate members of the staff, who are not participating in the performance of investigative or prosecutorial functions in the particular case, or in a factually related case, may advise and assist the Board of Directors in the consideration of the particular case and in the preparation of documents for its disposition.

(c) *Copies.* The Executive Secretary shall furnish copies of the decision and order of the Board to the parties and to the bank concerned. Copies shall also be furnished to the appropriate State supervisory authority in the case of an insured nonmember bank, including a State branch of a foreign bank. Where the proceedings involve involuntary termination of the insured status of a State member bank, copies shall also be furnished to the Board of Governors of the Federal Reserve System. Where the proceedings involve involuntary termination of the insured status of a national bank, a District bank or a Federal branch of a foreign bank, copies shall also be furnished to the Comptroller of the Currency.

§ 308.19 Filing papers with the Executive Secretary.

(a) *Filing.* Papers required or permitted to be filed with the Board of Directors or the Executive Secretary, shall be filed with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. The papers may be sent to the Executive Secretary by mail or express, but must be postmarked or received by the FDIC in Washington, D.C., within the prescribed time limit for filing.

(b) *Formal requirements.* All papers filed under this subpart shall be printed or typewritten, and copies shall be clear and legible. The original of all papers filed by a party not a natural person shall be signed by the party's duly authorized representative. Papers filed by a party who is a natural person shall be signed by the party or a duly authorized representative. The signer's address and telephone number must appear on the original. Counsel for the FDIC shall sign the original of all papers filed on behalf of the FDIC. All papers filed must name in the heading or on a title page, the party, the FDIC, the docket number and the subject of the papers.

(c) *Copies.* An original and four copies of all documents and papers required or permitted to be filed or served upon the Board of Directors or the Executive Secretary under this subpart (except the transcript of testimony and exhibits), shall be furnished to the Executive Secretary, unless otherwise specifically provided in the notice of hearing.

§ 308.20 Documents in proceedings confidential.

Unless otherwise ordered by the Board or required by law, the notice of hearing, the transcript, the recommended decision of the administrative law judge, exceptions thereto, proposed findings or conclusions, the findings and conclusions of the Board of Directors and other papers filed in connection with any hearing shall be for the confidential use of the Board, the administrative law judge or presiding officer, and appropriate supervisory authorities.

§ 308.21 Service of papers other than subpenas.

(a) *By the Board of Directors.* All documents or papers required to be served by the Board of Directors upon any party afforded a hearing shall be served by the Executive Secretary or the Board's designee. Service shall be made by personal service or by registered or certified mail, addressed to the last known address as shown on the records of the Board, of a party's attorney or representative of record. If there is no attorney or representative of record, service shall be made upon a party at the party's last known address as shown on the records of the Board. Service may also be made in such other manner reasonably calculated to give actual notice, as the Board may provide by regulation or otherwise. The foregoing provisions do not apply to service by the Board on counsel for the FDIC.

(b) *By the parties.* Except as otherwise expressly provided, a party filing papers in accordance with this subpart shall serve them upon the attorneys or representatives of record of all other parties to the proceeding, or upon such other parties if there is no attorney or representative. Service may be made by personal service or by registered, certified, or regular first class mail addressed to the last known address of such parties, or their attorneys or representatives of record. When filed with the Board of Directors of the administrative law judge, all papers shall show that service has been made.

§ 308.22 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act or event or default from which the designated period of time begins to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday, or Federal holiday. When the last day is a Saturday, Sunday, or Federal holiday, the period shall run until the end of the next day that is not a Saturday, Sunday or Federal holiday, and intermediate Saturdays, Sundays and Federal holidays shall be included in the computation; however, when the period of time within which an act is to be performed is seven days or less, intermediate Saturdays, Sundays and Federal holidays shall not be included.

(b) *Service by mail.* Under this part, when a party has the right or is required to perform an act within a prescribed time period after the service by mail of any papers upon the party, three days shall be added to the prescribed time period for performance.

Subpart C—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

§ 308.23 Scope.

Under the authority of section 8 of the Federal Deposit Insurance Act, the Board of Directors may terminate the insured status of an insured bank or an insured branch of a foreign bank upon the grounds set forth in section 8 and enumerated in § 308.24, § 308.26, and § 308.31. Hearings required to terminate insured status shall be conducted in accordance with the rules and procedures of subpart B and this subpart.

§ 308.24 Notice of finding grounds for termination of insurance.

The Board of Directors shall notify the Comptroller of the Currency in the case of a national bank or a District bank or an insured Federal branch of a foreign bank, and shall notify the appropriate supervisory authority in the case of an insured nonmember bank, including an insured State branch of a foreign bank, and shall notify the Board of Governors of the Federal Reserve System in the case of a State member bank, when the Board finds (a) that an insured bank (including a foreign bank having an insured branch) or its directors or trustees have engaged or are engaging in unsafe or unsound practices in conducting the business of such bank, or (b) that such bank is in an unsafe or unsound condition to continue operations as an insured bank, or (c) that such bank or its directors or trustees have violated an applicable law, rule, regulation, order, or any condition imposed in writing by the FDIC in connection with the granting of any application or other request by the bank, or have violated any written agreement entered into with the FDIC. The appropriate supervisory authorities shall be notified for the purpose of securing correction of the practices or violations of a bank or its directors or trustees, or of the condition of the bank. The Board shall furnish a copy of the notice to the bank.

§ 308.25 Extraterritorial acts of foreign banks or their directors or trustees.

An act or practice committed outside the United States by a foreign bank or its directors or trustees, which act or practice in and of itself would otherwise be a ground for termination of the insured status of a branch of the foreign bank under this subpart, shall be a ground for such termination only if the Board of Directors finds either that: (a) The act or practice has been, is, or is likely to be a cause of or carried on in connection with or in furtherance of, an act or practice committed within any State of the United States or the District of Columbia that in and of itself would be an appropriate basis for action by the FDIC, or (b) the act or practice committed outside the United States, if proven, would adversely affect the insurance risk of the FDIC.

§ 308.26 Failure of a foreign bank to secure removal of personnel.

When any person associated with a foreign bank fails to appear promptly as a party to a proceeding pursuant to § 308.40 or § 308.44 for removal or suspension of that person, or fails to comply with an effective order or judgment issued in such proceeding, any failure by the bank to secure that person's removal from office and preclude the person from further participation in the conduct of the affairs of the bank, shall be a ground for termination of insurance of deposits in any branch of the bank.

§ 308.27 Notice of intention to terminate insured status and hearing.

(a) *Notice and period of correction.* Unless correction of the practices, condition or violations specified in the notice issued pursuant to § 308.24 is made within 120 days of service of the notice, or a specified period of correction of not less than 20 days, the Board of Directors, if it determines to proceed further, shall give the bank or insured branch of a foreign bank not

less than 30 days written notice of its intention to terminate insured status. The period of correction of not less than 20 days shall be fixed by the Board in any case where the Board in its discretion has determined that the insurance risk of the FDIC is unduly jeopardized, or fixed by the Comptroller of the Currency in the case of a national bank, or a District bank or an insured Federal branch of a foreign bank, or fixed by the State authority in the case of an insured nonmember bank, including an insured State branch of a foreign bank, or fixed by the Board of Governors of the Federal Reserve System in the case of a State member bank.

(b) *Hearing.* The notice shall fix a time and place for a hearing on the proposed termination of insurance, before an administrative law judge selected by the Office of Personnel Management. The rules and procedures of subpart B of this part and the provisions of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply. After consideration of the record made at the hearing, the Board shall make written findings which shall be conclusive.

§ 308.28 Order terminating insured status.

If the Board of Directors finds that any unsafe or unsound practice or condition, or violation specified in the notice issued pursuant to § 308.24 has been established and has not been corrected within the time prescribed in § 308.27(a), the Board may order that the insured status of the bank or branch be terminated on a subsequent date not earlier than the expiration of the time period specified in the notice of intention issued pursuant to § 308.27(a).

§ 308.29 Consent to termination of insured status.

If the bank does not appear by a duly authorized representative at the hearing pursuant to § 308.27(b), the bank shall be deemed to have consented to termination of the insured status of the bank or branch. The administrative law judge shall promptly report this failure to appear to the Board of Directors. The Board may then issue an order terminating the insured status of the bank or branch.

§ 308.30 Notice to depositors of termination of insured status.

Within the time specified by the Board of Directors and prior to the date of termination of the insured status of a bank or branch, the bank shall mail a notice of termination of insured status to each depositor at the depositor's last address of record on the books of the bank or branch. The bank shall publish the notice in two issues of a local newspaper of general circulation and shall furnish the FDIC with proof of such publications. The notice shall be as follows:

Notice

(Date) ————————.

1. The status of the ————————, as an (insured bank) (insured branch) under the provisions of the Federal Deposit Insurance Act, will terminate as of the close of business on the ——day of ————, 19—;

2. Any deposits made by you after that date, either new deposits or additions to existing deposits, will not be insured by the Federal Deposit Insurance Corporation;

3. Insured deposits in the (bank) (branch) on the ——day of ————, 19—will continue to be insured, as provided by the Federal Deposit Insurance Act, for 2 years after the close of business on the ——day of ————, 19—: Provided, however, that any withdrawals after the close of business on the ——day of ————, 19—, will reduce the insurance coverage by the amount of such withdrawals.

(Name of bank or branch)

(Address)

The notice may include any additional information the bank deems advisable.

§ 308.31 Termination of insured status of bank not engaged in the business of receiving deposits, other than trust funds.

(a) *Notice to show cause.* When the Board of Directors has evidence that an insured nonmember bank or an insured bank is not engaged in the business of receiving deposits, other than trust funds, the Board shall give written notice of this to the bank and shall direct the bank to show cause why its insured status should not be terminated under the provisions of section 8(p) of the Federal Deposit Insurance Act. The bank shall have 30 days after receipt of the notice, or such longer period prescribed by the Board, to submit affidavits or other written proof that it is engaged in the business of receiving deposits, other than trust funds.

(b) *Hearing and notice of termination date.* Upon written request of the bank, the Board shall authorize a hearing before an administrative law judge selected by the Office of Personnel Management. The rules and procedures of subpart B of this part and the provisions of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply to the hearing. If, upon consideration of the record made at the hearing, the Board finds that the bank is not engaged in the business of receiving deposits, other than trust funds, the finding shall be conclusive and the Board shall notify the bank that its insured status will terminate at the expiration of the first full semiannual assessment period following issuance of the notice.

(c) *Notice to depositors of termination of insured status.* Within the time specified by the Board and prior to the date of termination of its insured status, the bank shall mail a notice of termination of insured status to each depositor at the depositor's last address of record on the books of the bank. The bank shall publish the notice in two issues of a local newspaper of general circulation and shall furnish the FDIC with proof of such publications. The notice shall be as follows:

Notice

(Date) ————————.

The status of the ———————— as an (insured bank) (insured branch) under the Federal Deposit Insurance Act, will terminate on the ——day of ————, 19—, and its deposits will thereupon cease to be insured.

(Name of bank or branch)

(Address)

The notice may include any additional information the bank deems advisable.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

§ 308.32 Scope.

(a) The rules and procedures of subpart B and this subpart apply to proceedings by the Board of Directors to order an insured nonmember bank or its official to cease and desist from practices and violations described in section 8 of the Federal Deposit Insurance Act and enumerated in § 308.33.

(b) The rules and procedures of subpart B and this subpart apply to proceedings by the Board of Directors to order a municipal securities dealer or a person associated with the municipal securities dealer to cease and desist from any violation of law or regulation specified in section 15B(c)(5) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78o–4(c)(5)), where the municipal securities dealer is an insured nonmember bank as defined in § 308.01, a subsidiary or department or division thereof.

(c) The rules and procedures of subpart B and this subpart apply to proceedings by the Board of Directors to order a clearing agency or transfer agent to cease and desist from failure to comply with the applicable provisions of section 17, 17A, and 19 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78q, 78q–1, 78s), and the applicable rules and regulations thereunder, where the clearing agency

or transfer agent is an insured nonmember bank as defined in § 308.01, or a subsidiary thereof.

§ 308.33 Grounds for cease-and-desist orders.

The Board of Directors may issue and serve upon any insured nonmember bank or its official a written notice of charges and of hearing as specified in § 308.35, if (a) in the Board's opinion the bank or official is engaging or has engaged in an unsafe or unsound practice, or (b) the Board has reasonable cause to believe the bank or official is about to engage in an unsafe or unsound practice or (c) in the Board's opinion the bank or official has violated or the Board has reasonable cause to believe that the bank or official is about to violate a law, rule or regulation, or any condition the Board has imposed in writing in connection with granting an application or request of the bank, or any written agreement with the FDIC.

§ 308.34 Notice to State supervisory authority.

The Board of Directors shall give the appropriate State supervisory authority timely notice of its intent to institute a proceeding pursuant to subpart D, and the grounds therefor. The proceeding shall be conducted according to subpart D, unless within the time period specified in the notice pursuant to § 308.35, the State supervisory authority has effected satisfactory corrective action.

§ 308.35 Notice of charges and of hearing, and consent.

The notice issued pursuant to § 308.33 shall contain a statement of the facts constituting any alleged violation or unsafe or unsound practice, and shall fix a time and place for a hearing to determine whether an order to cease and desist should issue against the bank or its official. The hearing shall be not earlier than 30 days nor later than 60 days after service of the notice, unless an earlier or later date is set by the Board of Directors in its discretion at the request of any party served with the notice. If such party does not appear at the hearing personally or by a duly authorized representative, the party will be deemed to have consented to issuance of the cease-and-desist order.

§ 308.36 Issuance and effective date of cease-and-desist order.

(a) *Issuance.* Upon consent, or if upon the record made at any hearing referred to in § 308.35, the Board of Directors finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Board may issue and cause to be served upon the bank or its official, an order to cease and desist from any such violation or practice and to take affirmative action to correct any conditions resulting therefrom.

(b) *Effective date.* A cease-and-desist order shall become effective at the expiration of 30 days after the service of the order upon the bank or its official. A cease-and-desist order issued upon consent shall become effective at the time specified therein. All cease-and-desist orders shall remain effective and enforceable, except to the extent they are stayed, modified, terminated, or set aside by the Board of Directors or a reviewing court.

§ 308.37 Issuance and effective date of temporary cease-and-desist order.

(a) *Issuance.* When the Board of Directors determines that the violation, threatened violation or the unsafe or unsound practice (or the continuation of any of the foregoing) as specified in the notice of charges pursuant to § 308.35, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to weaken seriously the condition of the bank or otherwise to prejudice seriously the interests of its depositors prior to the completion of the proceedings pursuant to section 8(b) of the Federal Deposit Insurance Act and § 308.35, the Board may issue a temporary order requiring the bank or its official to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending completion of the proceedings.

(b) *Effective date.* A temporary order shall become effective when served upon the bank or its official. Unless the order is set aside, limited or suspended by a court in proceedings authorized under the Federal Deposit Insurance Act, it shall remain effective and enforceable pending completion of administrative proceedings pursuant to the notice of charges issued under § 308.35 and until the Board of Directors dismisses the charges.

§ 308.38 Extraterritorial acts of foreign banks or their officials.

An act or practice committed outside the United States by a foreign bank or its official that would otherwise be a ground for issuing a cease-and-desist order under § 308.36, or a temporary cease-and-desist order under § 308.37, shall be a ground for an order only if the Board of Directors finds either that (a) the act or practice has been, is, or is likely to be a cause of, or carried on in connection with or in furtherance of, an act or practice committed within any State of the United States or the District of Columbia which act or practice in and of itself would be an appropriate basis for action by the FDIC, or (b) the act or practice, if proven, would adversely affect the insurance risk of the FDIC.

Subpart E—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

§ 308.39 Scope.

The rules and procedures of subpart B and this subpart apply to proceedings by the Board of Directors to remove or suspend directors or officers of an insured nonmember bank or any other person participating in the conduct of the affairs of such bank, or proceedings to prohibit such director, officer or other person from further participation in the conduct of the affairs of such bank, upon the grounds set forth in section 8(e) of the Federal Deposit Insurance Act and enumerated in this subpart. The rules and procedures of this subpart and subpart B do not apply to suspension, removal, or prohibition proceedings upon the grounds set forth in section 8(g) of the Federal Deposit Insurance Act and enumerated in subpart G.

§ 308.40 Grounds for removal or prohibition.

(a) The Board of Directors may issue and serve upon a director or officer of any insured nonmember bank a written notice of its intention to remove the individual from office when the Board determines that (1) the individual has committed a violation of law, rule, regulation or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the bank, or has engaged in any act or omission or practice constituting a breach of fiduciary duty as a director or officer; and (2) the bank has suffered or will probably suffer substantial financial loss or other damage, or that the interests of its depositors could be seriously prejudiced by the violation or practice or breach of fiduciary duty, or that the director or officer has received financial gain by reason of the violation or practice or breach of fiduciary duty. The violation, practice, or breach of fiduciary duty must be one that involves personal dishonesty on the part of the individual, or that demonstrates the individual's willful or continuing disregard for the safety or soundness of the bank.

(b) The Board may issue and serve a written notice of its intention to remove any director or officer or an insured nonmember bank from office when the

Board determines that the individual by conduct or practice with respect to another insured bank or other business institution that resulted in substantial financial loss or other damage, has evidenced either personal dishonesty or a willful or continuing disregard for its safety or soundness, and, in addition, has evidenced unfitness to continue as a director or officer.

(c) The Board may issue and serve upon any other person participating in the conduct of the affairs of an insured nonmember bank a written notice of its intention to prohibit the individual's further participation in the conduct of the affairs of the bank when the Board determines that the individual by conduct or practice with respect to such bank or other insured bank or other business institution that resulted in substantial financial loss or other damage, has evidenced either personal dishonesty or a willful or continuing disregard for the safety or soundness of such insured bank and has evidenced unfitness to participate in the conduct of the affairs of such insured bank.

§ 308.41 Notice to State supervisory authority.

The Board of Directors shall give the appropriate State supervisory authority timely notice of its intent to institute a proceeding pursuant to subpart E, and the grounds therefor. The proceeding shall be conducted according to subpart E unless within the time specified in the notice pursuant to § 308.42, the State supervisory authority has effected satisfactory corrective action.

§ 308.42 Notice of intention to remove, hearing and consent.

A written notice issued pursuant to § 308.40 shall be served upon the director, officer or other person named therein, and a copy shall be served upon the bank concerned. The notice shall state the facts constituting the grounds for removal or prohibition and shall fix a time and place for a hearing. The hearing shall not be earlier than 30 days nor later than 60 days after the date of service of the notice, unless an earlier or a later date is set by the Board of Directors at the request of (a) the director or officer or other person, and for good cause shown, or (b) the Attorney General of the United States. Failure of the individual to appear at the hearing in person or by a duly authorized representative shall be deemed a consent to issuance of an order of removal or prohibition.

§ 308.43 Issuance and effective date of removal or prohibition order.

When the Board of Directors finds upon the record made at a hearing referred to in § 308.42 that any of the grounds specified in the notice have been established, the Board may issue orders of removal or prohibition that shall become effective at the expiration of 30 days after the date of service of the order upon the individual and the bank. A consent order issued by the Board in accordance with § 308.42 shall become effective at the time specified therein. All orders shall remain effective and enforceable except to the extent they are stayed, modified, terminated or set aside by the Board or a reviewing court.

§ 308.44 Grounds for suspension or prohibition.

The Board of Directors may suspend from office or prohibit from further participation in the conduct of the affairs of an insured nonmember bank, a director or officer of such bank or any other person participating in the conduct of the affairs of such bank, as referred to in § 308.40, when the Board deems it necessary for the protection of the bank or the interests of its depositors.

§ 308.45 Issuance and effective date of suspension or prohibition order.

(a) *Notice of suspension or prohibition.* Notice of suspension or prohibition shall be given by written order accompanying a notice issued pursuant to § 308.42, and setting forth the grounds for the suspension or prohibition as specified in § 308.44. The order shall be served upon the officer, director, or other person participating in the conduct of the affairs of the bank, and a copy shall be served upon the bank.

(b) *Effective date.* A suspension or prohibition shall become effective upon service of the order of suspension or prohibition and unless stayed by a court in proceedings authorized by the Federal Deposit Insurance Act, the order shall remain in effect pending completion of the administrative proceedings pursuant to the notice served under § 308.42 and until the Board of Directors dismisses the charges specified in such notice.

§ 308.46 Extraterritorial acts of officials of foreign banks.

An act or practice committed outside the United States by a director or officer of a foreign bank or by any other person participating in the conduct of the affairs of a foreign bank, that would otherwise be a ground for suspension, removal, or prohibition proceedings under this subpart, shall be a ground for such proceedings only if the Board of Directors finds that (a) the act or practice has been, is, or is likely to be a cause of or carried on in connection with or in furtherance of an act or practice within any State of the United States or the District of Columbia which act or practice in and of itself would be an appropriate basis for action by the FDIC, or (b) the act or practice, if proven, would adversely affect the insurance risk of the FDIC.

Subpart F—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

§ 308.47 Scope.

The procedures in this subpart shall be followed in proceedings pursuant to section 10(c) of the Federal Deposit Insurance Act, conducted in connection with examinations or investigations of banks.

§ 308.48 Order to conduct proceedings.

A proceeding pursuant to section 10(c) shall be initiated only upon issuance of an order by the Board of Directors, the General Counsel or designee thereof, or the Director of the Division of Bank Supervision or designee thereof. The order shall designate a presiding officer as the FDIC's representative to conduct such proceedings. Upon application and for good cause shown, the Board or the person issuing the order may limit, quash, modify or withdraw the order.

§ 308.49 Powers of presiding officer.

The presiding officer in a section 10(c) proceeding shall have the power, among other things, to administer oaths and affirmations, to take and preserve testimony under oath, to issue subpenas and subpenas duces tecum and to apply for their enforcement to the United States District Court for the judicial district or the United States court in any territory in which the main office of the bank is located or in which the witness resides or conduct business. The Board or a person issuing the order initiating the proceeding may limit, quash, or modify any subpena or subpena duces tecum, upon application and for good cause shown. The presiding officer shall report to the Board of Directors any instance where any person has been guilty of dilatory, obstructionist, or contumacious conduct during the proceeding, or any other instance involving a violation of these rules. The Board shall thereupon take such action as the circumstances warrant, and in addition may exclude the person from further participation in the proceeding.

§ 308.50 Proceedings confidential.

Proceedings pursuant to section 10(c) shall be confidential unless otherwise provided by § 308.51(c). Information or documents obtained by the FDIC in the course of such proceedings shall be disclosed in accordance with Part 309 of the FDIC's rules and regulations, and as otherwise required by law.

§ 308.51 Rights of witnesses.

In a proceeding pursuant to section 10(c):

(a) Any person compelled or requested to furnish testimony, documentary evidence, or other information, shall upon request be shown the order initiating the proceeding. At the discretion of the presiding officer, a copy of the order may be furnished to such person.

(b) Any person compelled, requested or permitted to appear and testify has the right to be accompanied, represented and advised by counsel. While testifying, such person may have counsel present who may (1) advise the witness before, during and after such testimony; (2) briefly question the witness at the conclusion of such testimony for clarification of answers; (3) make summary notes during such testimony solely for the use of the witness.

(c) All persons testifying shall be sequestered. Such persons and their counsel shall not be present during the testimony of any other person, unless permitted in the discretion of the presiding officer.

(d) If the record developed in the course of the proceeding contains allegations of wrongdoing by any person with respect to the affairs or ownership of any bank, such person shall be advised of the alleged wrongdoing and shall be afforded a reasonable opportunity, consistent with administrative efficiency, to produce rebuttal evidence in documentary form (including depositions and statements under oath), or in the form of testimony given before the presiding officer. The evidence shall be on the record.

(e) Witness fees shall be paid in accordance with § 308.10.

§ 308.52 Service of subpena.

Service of a subpena shall be in accordance with § 308.08(c).

§ 308.53 Transcripts.

Transcripts of testimony, if any, in a proceeding pursuant to section 10(c) shall be recorded by the official reporter, or by any other person or means designated by the presiding officer. A person submitting documentary evidence or testimony may obtain a copy of the transcript, if any, upon payment of the cost thereof.

§ 308.54 Special examinations and examinations of closed banks.

Procedures in this subpart shall be followed when proceedings pursuant to section 10(c) are instituted in connection with the special examination of any State member bank, any national or District bank, any insured Federal branch of a foreign bank, or the examination of any closed insured bank or branch, or the examination of an affiliate of any of the foregoing.

Subpart G—Procedures and Standards Applicable to Suspension, Removal and Prohibition Where Felony Charged, and Petition for Reconsideration of Denial of an Application Under Section 19 of the Federal Deposit Insurance Act

§ 308.55 Scope.

The rules and procedures set forth in this subpart apply to proceedings by the Board of Directors (a) to suspend any director or officer of an insured nonmember bank or any other person participating in the conduct of the affairs of such a bank, or to prohibit such individuals from further participation in the conduct of the affairs of the bank where the individual is charged in any State, Federal or territorial information or indictment, or charged in any complaint authorized by a United States attorney, with the commission of, or participation in, a crime involving dishonesty or breach of trust punishable by imprisonment exceeding one year under State or Federal law; (b) to remove from office any such director or officer or other person, or to prohibit such individuals from further participation in the conduct of the affairs of the bank, except with the consent of the Board, where a judgment of conviction not subject to further appellate review has been entered against the individual for the commission of, or participation in, a crime involving dishonesty or breach of trust punishable by imprisonment exceeding one year under State or Federal law; and (c) to consider a petition for reconsideration of a denial of an application by an insured bank under section 19 of the Federal Deposit Insurance Act (hereafter in this subpart "section 19") to engage the services of an individual who has been convicted of any criminal offense involving dishonesty or a breach of trust.

§ 308.56 Relevant considerations.

(a) In deciding whether to suspend, remove or prohibit under this subpart, the Board of Directors shall consider (1) whether the alleged offense is a crime which is punishable by imprisonment for a term exceeding one year under State or Federal law, and which involves dishonesty or breach of trust; and (2) whether the presence of the individual in a position with an insured bank may pose a threat to the interest of the bank's depositors or may threaten to impair public confidence in the bank. The Board of Directors may consider additional factors in the specific case that appear relevant to its decision to continue in effect, rescind, terminate or modify a suspension, removal or prohibition order. The Board shall not consider the guilt or innocence of the individual charged with the crime.

(b) In proceedings for reconsideration of a denial of an application under section 19, the Board of Directors shall consider: (1) Whether the conviction is for a criminal offense, either misdemeanor or felony, involving dishonesty or breach of trust; (2) whether service of the individual to the bank constitutes a significant threat to the safety and soundness of the applicant bank or the interests of its depositors, or may threaten to impair public confidence in the bank; (3) evidence of the affected individuals's rehabilitation; (4) the position to be held by the affected individual; and (5) applicable fidelity bond coverage for the affected individual. In evaluating these factors, significant weight will be given to the judgment of the applicant bank's boards of directors and bonding company, provided the judgments are made at arm's length.

§ 308.57 Notice of suspension or prohibition.

Proceedings by the Board of Directors to suspend an individual from office or prohibit further participation in the conduct of the affairs of the bank as referred to in § 308.55(a), shall be initiated by written notice of suspension or prohibition served on the individual, upon prior determination by the Board that the offense alleged in the information or indictment or complaint involved dishonesty or breach of trust, and that the individual's participation in the conduct of the affairs of the bank may pose a threat to the bank's depositors or may threaten to impair public confidence in the bank. The suspension or prohibition shall remain in effect until final disposition of the information or indictment or complaint, and until the Board terminates the suspension or prohibition. A copy of the notice shall be served upon the bank concerned.

§ 308.58 Order of removal or prohibition.

When a final judgment of conviction not subject to further appellate review is entered against a director or officer of an insured nonmember bank or any other person participating in the conduct of the affairs of such bank for a crime referred to in § 308.55(b), the Board of Directors may issue and serve upon the individual an order removing the individual from office or prohibiting further participation in the conduct of the affairs of the bank except with the Board's consent where continued service or participation by the director, officer, or other person may pose a threat to the interests of the bank's depositors or may threaten to impair public confidence in the bank. A copy of the order shall be served upon the bank, at which time the director or officer named in the order shall be removed from office. The order shall remain effective until completion of the hearing or appeal authorized under section 8(g) of the Federal Deposit Insurance Act and this subpart, unless the order is terminated by the Board. A finding of not guilty or other disposition of the case will not preclude the Board from thereafter instituting proceedings to remove an individual from office or prohibit further participation in the conduct of the affairs of the bank, pursuant to section 8(e) of the Federal Deposit Insurance Act and subpart E.

§ 308.59 Notice of opportunity and request for hearing.

A notice pursuant to § 308.57, an order pursuant to § 308.58 and a denial of an application under section 19 shall be accompanied by (a) a statement that within 15 days of receipt of such notice or order, the individual or, in the case of a section 19 denial, the affected individual or the bank may file with the Executive Secretary a written request for a hearing stating the relief desired and the grounds therefor and that is accompanied by supporting evidence when available; and (b) a description of the hearing procedure and relevant considerations specified in § 308.56.

§ 308.60 Waiver of hearing.

Failure to request a hearing pursuant to § 308.59 shall constitute a waiver of the opportunity of hearing. Failure to appear at a hearing in person, through an authorized bank officer, through counsel, or personally with counsel shall constitute a waiver of hearing. The individual or, in the case of a section 19 denial, the affected individual or the bank may in writing waive a hearing and elect to have the matter determined by the Board of Directors on the basis of written submissions.

§ 308.61 Hearing.

(a) The Executive Secretary shall order a hearing to commence within 30 days after receipt of a request for hearing pursuant to § 308.59, except in the case of a petition for reconsideration of denial of a section 19 application, for which the time periods set forth in § 303.10(e) shall apply. The hearing shall be held in Washington, D.C., or at another designated place, before a presiding officer designated by the Board of Directors. The Board may order a later hearing date upon petition of the individual or, in the case of a section 19 denial, the affected individual or the bank afforded the hearing.

(b) The provisions of § 308.04, § 308.05, § 308.20 and § 308.22 apply to proceedings conducted under this subpart, except as otherwise specifically provided. The formal rules of evidence and the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. 554–557) shall not apply to the hearing.

(c) The individual or, in the case of a section 19 denial, the affected individual or the bank may appear at the hearing personally, through an authorized bank officer, through counsel, or personally with counsel, and shall have the right to introduce relevant and material documents and to present oral argument.

(d) Staff members of the FDIC's Office of the General Counsel may attend the hearing and participate as a party.

(e) The proceedings shall be recorded and a transcript shall be furnished to the individual or, in the case of a section 19 denial, the affected individual or the bank afforded the hearing upon request and after payment of the cost thereof. At the discretion of the presiding officer witnesses may be presented within specified time limits, provided that a list of witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall be sworn, unless otherwise directed by the presiding officer. The presiding officer may ask questions of any witness. Each party shall have the opportunity to cross-examine any witness presented by an opposing party.

(f) In the course of, or in connection with any proceeding under this subpart, the Board of Directors or the presiding officer shall have the power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash, or modify subpenas and subpenas duces tecum. Where the presentation of witnesses is permitted, the presiding officer may require the attendance of witnesses from any State, territory or other place subject to the jurisdiction of the United States at any location where the proceeding is being conducted. Witness fees shall be paid in accordance with § 308.10. The Board or the presiding officer may require the production of documents from any such State, territory, or other place subject to the jurisdiction of the United States.

(g) Upon the request of the individual or, in the case of a section 19 denial, the affected individual or the bank afforded the hearing or the staff members of the FDIC's Office of the General Counsel, the record shall remain open for five business days following the hearing for the parties to make additional submissions to the record. The record shall thereafter be closed.

(h) The presiding officer shall make recommendations to the Board, where possible, within 10 days after the record is closed.

§ 308.62 Decision of the Board of Directors

Within 60 days following the hearing or receipt of written submissions pursuant to § 308.60, the Board of Directors shall notify the individual or, in the case of a section 19 denial, the affected individual and the bank whether the suspension or prohibition or denial will be continued, terminated, or otherwise modified, or whether the order of removal or prohibition or denial will be rescinded or otherwise modified. The notification shall state the basis for any decision of the Board adverse to the individual or, in the case of a section 19 denial, the affected individual and the bank. The Board shall promptly rescind or modify an order of removal or prohibition or denial where the decision is favorable to the individual or, in the case of a section 19 denial, the affected individual and the bank.

§ 308.63 Reconsideration by the Board of Directors

The individual, except for the affected individual or the bank in the case of a section 19 denial, afforded a hearing pursuant to § 308.61 shall have 10 days following receipt of the decision of the Board of Directors to petition the Board for reconsideration. The individual or, in the case of a section 19 denial, the affected individual or the bank shall be entitled to petition the Board for reconsideration of its decision after the expiration of 12 months from the date of the Board's decision. A petition shall state with particularity the basis for reconsideration, the relief sought, and any exceptions to the findings of the Board. It may be accompanied by a supporting memorandum and by other documentation. Promptly following

receipt of the petition for reconsideration, the Board shall determine whether to grant a hearing.

Subpart H—Rules and Procedures Applicable to Proceedings Relating to Assessment and Collection of Civil Penalties for the Violation of Cease-and-Desist Orders or Certain Federal Statutes

§ 308.64 Scope.

(a) The rules and procedures in this subpart and subpart B apply to proceedings by the Board of Directors to assess and collect civil penalties from (1) an insured nonmember bank or its official (as defined in § 308.02(l)) where the bank or official has violated the terms of any cease-and-desist order which has become final, or (2) an insured nonmember bank or its official where the bank or official has violated the provisions of section 22(h) or 23A of the Federal Reserve Act (as made applicable by section 18(j) of the Federal Deposit Insurance Act), or (3) the provisions of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended.

(b) As used in § 308.65, § 308.66, and § 308.67, the term "has violated" includes, but is not limited to, any action (alone or with another) for or towards causing, bringing about, participating in, counseling, or aiding or abetting a violation.

§ 308.65 Violation of order as ground for assessment.

If, in the opinion of the Board of Directors, an insured nonmember bank or its official has violated any final order issued pursuant to section 8(b) or 8(c) of the Federal Deposit Insurance Act and subpart D, the Board may assess upon the bank or official a civil penalty of not more than $1,000 per day for each day the violation continues.

§ 308.66 Violation of laws limiting dealings with bank officials and affiliates as ground for assessment.

If, in the opinion of the Board of Directors, an insured nonmember bank or its official has violated any provision of section 22(h) or 23A of the Federal Reserve Act, as amended (made applicable by section 18(j) of the Federal Deposit Insurance Act), or has violated any lawful regulation issued pursuant thereto, the Board may assess upon the bank or official a civil penalty of not more than $1,000 per day for each day the violation continues.

§ 308.67 Violation of law governing correspondent accounts as ground for assessment.

If, in the opinion of the Board of Directors, an insured nonmember bank or its official has violated any provision of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended, the Board may assess upon the bank or official a civil penalty of not more than $1,000 per day for each day the violation continues.

§ 308.68 Relevant considerations.

In determining the amount of the penalty assessed pursuant to § 308.65, § 308.66, or § 308.67, the Board of Directors shall consider the financial resources and good faith of the insured nonmember bank or its official, the gravity of the violation, any previous violations, and such other matters as justice may require.

§ 308.69 Notice of assessment of civil penalty, and opportunity and request for hearing.

(a) Civil penalties pursuant to § 308.65, § 308.66, or § 308.67 shall be assessed by written notice served upon the bank or official. The notice shall state the amount of the penalty, the period for payment, the legal authority for assessment, and the matters of fact or law constituting the grounds for assessment.

(b) The notice shall further indicate that within 10 days of receipt of the notice, the individual assessed may file with the Executive Secretary or other designee of the Board of Directors a written request for a hearing. A description of the hearing procedure shall accompany the notice.

(c) The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means, to the last known address of the party assessed.

§ 308.70 Waiver of hearing.

Failure to request a hearing pursuant to § 308.69(b) shall constitute a waiver of the opportunity of hearing and the notice of assessment pursuant to § 308.69(a) shall constitute a final and unappealable order.

§ 308.71 Hearing and order.

The Executive Secretary or designee of the Board of Directors shall order a hearing to commence within 60 days after receipt of a request for a hearing pursuant to § 308.69(b). The provisions of the Administrative Procedure Act (5 U.S.C. 554–557) and subpart B shall apply to the hearing. If, upon the record made at the hearing, the Board finds that the grounds for assessing the civil penalty have been established, the Board shall issue its final order and cause it to be served upon the party. The final order shall require payment of the penalty, as specified in the notice of assessment, or the Board, in its discretion, may reduce the amount of the penalty.

§ 308.72 Payment of civil penalty.

Civil penalties assessed pursuant to § 308.65, § 308.66, or § 308.67 are payable and to be collected within the 60-day period after issuance of the notice of assessment, unless the Board of Directors shortens the period for payment or makes the amount payable upon receipt of the notice, where the Board determines the purpose of the penalty would be better served thereby. Notwithstanding any other provision of this subpart, if a party has requested a hearing pursuant to § 308.69(b) to challenge a penalty or an antecedent finding, the party shall not be required to pay the penalty until the Board has issued a final order following the hearing. Checks in payment of civil penalties shall be forwarded to the Division of Accounting and Corporate Services, Federal Deposit Insurance Corporation, and made payable to the Treasurer of the United States. The Office of the Director of Accounting and Corporate Services shall prepare a receipt and notify the Executive Secretary who shall close the record on the case.

Subpart I—Rules and Procedures Applicable to Proceedings Relating to Disapproval of Acquisition of Control

§ 308.73 Scope.

The rules and procedures in this subpart and subpart B apply to proceedings by the Board of Directors in connection with the disapproval by the Board of a proposed acquisition of control of an insured nonmember bank.

§ 308.74 Grounds for disapproval.

The following are grounds for disapproval of a proposed acquisition of control:

(a) The proposed acquisition of control would result in a monopoly or would be in furtherance of any combination or conspiracy to monopolize or attempt to monopolize the banking business in any part of the United States;

(b) The effect of the proposed acquisition of control in any part of the United States would be to substantially lessen competition or tend to create a monopoly or would in any other manner be in restraint of trade, and anticompetitive effects of the proposed acquistion of control are not clearly

outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served;

(c) The financial condition of any acquiring person might jeopardize the financial stability of the bank or prejudice the interest of the depositors of the bank;

(d) The competence, experience, or integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit such person to control the bank; or

(e) Any acquiring person neglects, fails, or refuses to furnish to the FDIC all the information required by it.

§ 308.75 Notice of disapproval and opportunity and request for hearing.

(a) Within 3 days of its decision to disapprove a proposed acquisition of control of an insured nonmember bank, the Board of Directors shall serve a written notice of disapproval upon the party seeking to acquire control. The notice shall state the legal authority and the basis for the disapproval.

(b) The notice shall further indicate that within 10 days of receipt the individual may file with the Executive Secretary a written request for a hearing. A description of the hearing procedure shall accompany the notice.

(c) The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means to the last known address of the party being afforded the notice.

(d) Failure to request a hearing pursuant to this section shall constitute a waiver of the opportunity of hearing and the notice of disapproval shall constitute a final and unappealable order.

§ 308.76 Exceptions.

(a) *Filing.* The Board of Directors may direct the party requesting a hearing pursuant to § 308.75(b) or the party may elect to file exceptions to the statement of the basis for disapproval contained in the notice of disapproval. Exceptions shall be filled with the Executive Secretary within 20 days after receipt of the notice by the party, unless the Board specifies a different filing period of not less than 10 days after receipt of the notice. For good cause shown, the Executive Secretary or the administrative law judge may permit filing of exceptions after expiration of the filing period.

(b) *Requirements.* Exceptions filed under this section to a statement of the basis for disapproval of a proposed acquisition of control shall specifically designate the part of the statement to which exception is taken. Only those parts of a statement of the basis for disapproval so designated may be challenged by the party at the hearing.

(c) *Effect of failure to except.* Failure of a party to timely file required exceptions to a statement of the basis for disapproval of a proposed acquisition of control shall be deemed a waiver of the party's right to appear and contest the disapproval and shall authorize the administrative law judge to conduct the hearing without further notice to that party. If every party has waived the right to appear in a disapproval proceeding, the administrative law judge is authorized to recommend to the Board that it dispense with further proceedings.

§ 308.77 Hearing and order.

The Executive Secretary shall order a hearing to commence within 60 days after receipt of a request for hearing pursuant to § 308.75(b). If the appropriate State bank supervisory agency has submitted views and recommendations on the proposed acquisition, it shall be entitled as of right to appear as a party. The provisions of the Administrative Procedure Act (5 U.S.C. 554–557) and subpart B shall apply to the hearing. If, upon the record made at the hearing, and after giving due considerations to any views or recommendations previously submitted by an appropriate State bank supervisory agency, the Board of Directors finds that there are adequate grounds for approving or disapproving the acquisition, the Board shall issue its final order approving or disapproving the acquisition and cause it to be served on the party seeking control.

Subpart J—Rules and Procedures Applicable to Proceedings Relating to Assessment of Civil Penalties for Willful Violation of the Change in Bank Control Act

§ 308.78 Scope.

The rules and procedures of this subpart apply to proceedings by the Board of Directors to assess civil penalties against any person for willful violation of the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)) or any regulation or order issued pursuant thereto, in connection with the affairs of an insured nonmember bank.

§ 308.79 Notice of intention to assess civil penalty and opportunity and request for hearing.

(a) If, in the opinion of the Board of Directors, any person has willfully violated the Change in Bank Control Act of 1978 (12 U.S.C. 1817(j)) or any regulation or order issued pursuant thereto, in connection with the affairs of an insured nonmember bank, the Board may cause notice to be served upon the person of its intention to assess a civil penalty of not more than $10,000 per day for each day the violation continues. The notice shall state the legal authority and grounds for assessment and the amount of the penalty.

(b) The notice shall further state that within 10 days of receipt of the notice the individual may file with the Executive Secretary a written request for a hearing. A description of the hearing procedure shall accompany the notice.

(c) The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means, to the last known address of the person assessed.

§ 308.80 Waiver of hearing.

Failure to request a hearing pursuant to § 308.79(b) shall constitute a waiver of the opportunity for hearing. The Board of Directors, for good cause shown, may extend the period to request a hearing. A party may in writing waive a hearing and elect to have the propriety of the penalty determined by the Board solely on the basis of written submissions.

308.81 Hearing.

The Executive Secretary shall order a hearing to commence within 30 days after receipt of a request for a hearing pursuant to § 308.79(b), in Washington, D.C., or another place designated by the Executive Secretary, before a presiding officer designated by the Board of Directors. The provisions of § 308.61 (b), (c), (d), (e), and (g) shall apply to the hearing.

§ 308.82 Assessment.

If, after considering the data, views, and arguments presented at the hearing pursuant to § 308.81, or any written submissions made pursuant to § 308.80, and the gravity of the violation and the financial resources and good faith of the party, the Board concludes that a civil penalty is warranted, it shall assess against the party a penalty of not more than $10,000 per day for each day the violation continues. Based upon the same consideration, the Board, in its discretion, may reduce the penalty from the amount stated in the notice of intention. The Board shall cause a final order of assessment to be served upon the party.

§ 308.83 Collection.

The FDIC may collect the civil penalty assessed pursuant to § 308.82 by agreement with the party, or the FDIC may bring an action against the party to recover the penalty amount in the appropriate United States District Court.

Subpart K—Rules and Procedures for Imposition of Sanctions Upon Municipal Securities Dealers or Persons Associated With Them, and Upon Clearing Agencies or Transfer Agents

§ 308.84 Scope.

The rules and procedures in this subpart and subpart B apply to proceedings by the Board of Directors (a) to censure, limit the activities of, suspend, or revoke the registration of, any municipal securities dealer for which the FDIC is the appropriate regulatory agency; and (b) to censure, or suspend or bar from being associated with such a municipal securities dealer, any person associated with such a municipal securities dealer; and (c) to deny registration to, censure, limit the activities of, suspend, or revoke the registration of, any transfer agent or clearing agency for which the FDIC is the appropriate regulatory agency. This subpart and subpart B shall not apply to proceedings to postpone or suspend registration of a transfer agent or clearing agency pending final determination of denial or revocation of registration.

§ 308.85 Grounds for imposition of sanctions.

(a) The Board of Directors may issue and serve upon any municipal securities dealer for which the FDIC is the appropriate regulatory agency, a written notice of its intention to censure, limit the activities or functions or operations of, suspend, or revoke the registration of, such municipal securities dealer, when the Board determines (1) that such municipal securities dealer (i) has committed any prohibited act or omitted any required act specified in subparagraph (A), (D), or (E) of section 15(b)(4) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78o), or (ii) has been convicted of any offense specified in section 15(b)(4)(B) of that Act within 10 years of commencement of proceedings under this section, or (iii) is enjoined from any act, conduct or practice specified in section 15(b)(4)(C) of that Act; and (2) that it is in the public interest to impose any of the foregoing sanctions of this paragraph (a).

(b) The Board of Directors may issue and serve upon any person associated or seeking to become associated with a municipal securities dealer for which the FDIC is the appropriate regulatory agency a written notice of its intention to censure, suspend or bar the person from being associated with the municipal securities dealer, when the Board determines (1) that such person (i) has committed any prohibited act or omitted any required act specified in subparagraph (A), (D) or (E) of section 15(b)(4) of the Securities Exchange Act of 1934, as amended, or (ii) has been convicted of any offense specified in section 15(b)(4)(B) of that Act within 10 years of the commencement of proceedings under this section, or (iii) is enjoined from any act, conduct or practice specified in section 15(b)(4)(C) of that Act; and (2) that it is in the public interest to censure, suspend or bar such person.

(c) The Board of Directors may issue and serve upon any transfer agent or clearing agency for which the FDIC is the appropriate regulatory agency, a written notice of its intention to deny registration to, censure, place limitations on the activities or functions or operations of, suspend, or revoke the registration of, the transfer agent or clearing agency, when the Board determines (1) that the transfer agent or clearing agency has willfully violated, or is unable to comply with, any applicable provision of section 17 or 17A of the Securities Exchange Act of 1934, as amended, or any applicable rule or regulation issued pursuant thereto; and (2) that it is in the public interest to impose any of the foregoing sanctions of this paragraph (c).

§ 308.86 Notice and consultation with the Securities and Exchange Commission.

Before initiating any proceedings under § 308.85 (a) or (b), the Board of Directors shall (a) notify the Securities and Exchange Commission of the identity of the municipal securities dealer or associated person against whom proceedings are to be initiated, and the nature of and basis for the proposed action, and (b) consult with the Securities and Exchange Commission concerning the effect of the proposed action on the protection of investors and the possibility of coordinating the action with any proceeding by the Commission against the municipal securities dealer or associated person.

§ 308.87 Notice of intention to impose sanctions.

A notice of intention to impose sanctions referred to in § 308.85 shall contain a statement of the proposed sanctions and the grounds for imposition of the sanctions, and shall fix a time and place for a hearing. The notice shall be delivered by personal service, by registered or certified mail, or by other appropriate means, to the last known address of the party upon whom sanctions are to be imposed.

§ 308.88 Hearing.

The hearing shall not be earlier than 30 days nor later than 60 days after the date of service of the notice, unless an earlier or later date is set by the Board of Directors at the request of the municipal securities dealer, associated person, or transfer agent or clearing agency, and for good cause shown. The procedures of subpart B and the provisions of the Administrative Procedure Act (5 U.S.C. 554–557) shall apply to the hearing. Failure to appear at the hearing in person or by a duly authorized representative shall be deemed a consent to issuance of the order by the Board.

§ 308.89 Issuance and effective date of order imposing sanctions.

If the Board of Directors finds upon the record made at the hearing pursuant to § 308.88 that the grounds specified in the notice pursuant to § 308.87 have been established, the Board may issue an order containing the sanctions specified in the notice. The order shall be effective at the expiration of 30 days after the service of the notice, except that an order of censure, denial or revocation of registration is effective when served. A consent order in accordance with § 308.88 shall become effective at the time specified therein. All orders shall remain effective and enforceable except to the extent they are stayed, modified, terminated or set aside by the Board or a reviewing court; however, orders of suspension shall continue in effect no longer than 12 months.

Subpart L—Rules and Procedures Relating to Exemption Proceedings Under Section 12(h) of the Securities Exchange Act of 1934

§ 308.90 Scope.

The rules and procedures of this subpart apply to proceedings by the Board of Directors to exempt in whole or in part, an issuer of securities from the provisions of section 12(g), 13, 14(a), 14(c), 14(d), or 14(f) of the Securities Exchange Act of 1934, as amended, or to exempt an officer or director or beneficial owner of securities of such an issuer from the provisions of section 16 of that Act.

§ 308.91 Application for exemption.

Any interested person may file a written application for an exemption under this subpart with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. The application shall specify the exemption sought and the reason therefor, and shall include a statement indicating why the exemption would be consistent with the public interest or the protection of investors.

§ 308.92 Newspaper notice.

If the Board of Directors decides to further consider the application for exemption, it shall serve upon the applicant instructions to publish one notice in a newspaper of general circulation in the community where the main office of the issuer is located. The applicant shall furnish proof of such publication to the Executive Secretary. The notice shall contain (a) the name and address of the issuer and the name and title of the applicant, (b) the exemption sought, (c) a statement that a hearing will be held, and (d) a statement that within 30 days of publication of the newspaper notice, interested persons may submit to the FDIC written comments on the application for exemption and a written request for an opportunity to be heard. The address of the FDIC must appear in the notice.

§ 308.93 Notice of hearing.

Within 10 days after expiration of the period for receipt of comments pursuant to § 308.92, the Executive Secretary shall serve upon the applicant and any person who has requested an opportunity to be heard, a notice indicating the place and time of the hearing, to be held not later than 30 days after service of the notice of hearing. The notice shall contain the name and address of the presiding officer designated by the Board of Directors and a statement of the matters to be considered.

§ 308.94 Hearing.

Parties to the hearing may appear personally, through counsel, or personally with counsel. Parties shall have the right to introduce relevant and material documents and to make an oral statement. The formal rules of evidence, the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. 554–557), and subpart B shall not apply. The Board of Directors or the presiding officer shall have discretion to permit presentation of witnesses within specified time limits, provided that a list of witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn. The presiding officer may ask questions of any witness and each party may cross-examine any witness presented by an opposing party.

§ 308.95 Decision of the Board of Directors.

Following submission of the hearing transcript to the Board of Directors, the Board may grant the exemption where it determines by reason of the number of public investors, the amount of trading interest in the securities, the nature and extent of the issuer's activities, the issuer's income or assets, or otherwise, that the exemption is consistent with the public interest or the protection of investors. An exemption shall be granted by an order specifying the terms of the exemption, the person to whom it is granted, and the period for which it is granted. A copy of the order shall be served upon each party to the proceeding.

By order of the Board of Directors, August 24, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1508 and 1509

Amendments to Requirements for Full-Size and Non-Full-Size Baby Cribs; Extension of Comment Period

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of extension of comment period.

SUMMARY: The Commission recently proposed amendments to its requirements for full-size and non-full-size baby cribs to address head and neck entrapment hazards associated with certain design configurations on crib end or side panels. The Commission had specified that comments should be submitted by February 17, 1981. After considering the comments received, the Commission staff concluded that the proposed amendments would need certain technical revisions. The Commission agrees that the technical revisions recommended by the staff are appropriate and has therefore decided to extend the period for receipt of written comments on the revisions until September 28, 1981.

DATE: Written comments limited to the staff recommended revisions to the proposed amendments must be received in the Office of the Secretary no later than September 28, 1981.

ADDRESS: Comments should be mailed (preferably with five copies) to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received copies may be seen in the Office of the Secretary, Third Floor, 1111 18th Street, N.W., Washington, D.C. 20207. All material which the Commission has that is relevant to this issue, including any comments that may be received on this issue, may be seen in, or copies obtained from, the Office of the Secretary, Third Floor, 1111 18th Street, N.W., Washington, D.C. 20207 (202) 634–7700.

FOR FURTHER INFORMATION CONTACT: Elaine H. Besson, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6453.

SUPPLEMENTARY INFORMATION:.

Proposed Amendments.

On December 16, 1980, the Commission proposed for public comment amendments to the requirements for full-size and non-full-size baby cribs to address entrapment hazards presented by certain configurations on the end and side panels of baby cribs (45 FR 82660). The amendments would add to the Commission's mandatory requirements for baby cribs a performance test which simulates the head and neck entrapment hazard pattern associated with certain designs of cribs. The test incorporates use of a headform probe developed by Commission staff based on relevant anthropometric data which correspond to the ages of the children at risk. A more detailed explanation of the background of the development of the headform probe as proposed is provided in the original proposed notice, cited above.

As proposed, the amendments would prohibit cutout designs on crib end or side panels that failed to comply with a performance test. By using a "headform probe" the test simulates the way that a child's head and neck can become entrapped. When the probe is placed in the cutout, it must be free to swing through a vertical arc without interference from any portion of the crib end or side panels.

The proposed amendments described the probe and the way it should be positioned at all times during the test procedure. The probe should be placed with its "neck" resting within the cutout area. The head of the probe should then be pivoted upward and backward, in a

vertical arc. The cutout would fail the proposed test if the head portion of the probe could not freely attain a full upright position. Figure 3 of the proposed amendments schematically described this procedure.

Suggested Changes to Proposed Test Procedure

As originally worded, the proposed requirements identified as a failure contact with any surfaces or edges other than those surfaces labeled "A" or "B" or the edges of those surfaces when the headform probe is rotated in a vertical arc after being placed in a cutout along the upper edge of a crib end or side panel. Some of the commentors objected to the wording of the requirement as overly restrictive in that it would prohibit may designs which could not be considered as entrapment hazards.

It was clearly not the intention of the proposed requirement and test procedure to prohibit such designs where contact is made with only one side of the headform probe. For example, a horizontal top rail with no cutouts but having a cornerpost extending vertically more than 2½ inches would fail the proposed requirements. A child's head or neck would not become entrapped by such a configuration. The Commission proposes to clarify the language of the requirements so that contact with only one side of the probe does not constitute failure. Single point contact with those surfaces coinciding with the back of a child's head will still be considered a failure. During the test the probe may be moved sideways so that the probe can be rotated to a full vertical position. Any simultaneous contact at 2 or more points on opposite sides of the probe would be considered a failure.

One commentor suggested expanding the identification of the surfaces of the probe and then specifying those combinations of surfaces which, when contacted by the probe during the test procedure, would constitute a failure to meet the requirements. Several sets of surfaces were cited by the commentor as potentially failing combinations.

The Commission has accepted the basic suggestion for additional labeling of surfaces in order to clarify the procedure and requirements. However, to identify all possible "failing" combinations would result in a cumbersome requirement with a lengthy and possibly confusing list of failures. In addition, the commentor's suggestion omitted consideration of possible panel contact with the edges formed by adjacent surfaces of the probe. The Commission proposes to revise the test procedure by identifying additional surfaces and edges of the probe (see revised figure 2 below) and simplifying the commentor's suggested definition of what constitutes failure to comply.

The Commission staff has also noted that, although not specifically addressed in the public comments, the proposed test procedure and requirements need to be revised to prevent the use of certain "vee"-shaped cutouts that could entrap an infant's head and present a risk of strangulation. These cutouts would have been permitted by the language of the proposed amendments.

The proposed amendments would have permitted symmetrical "vee"-shaped cutouts if the angle between the legs of the "vee" were less than the included angle between surfaces of the headform probe designated "B" in proposed figure 2. Such cutouts would allow passage of the probe, but only if the probe were permitted to ride upward on the edges of surfaces "B" as the probe is swung through a vertical arc. This action, however, is not consistent with the premise that gravity alone should be sufficient to allow a child to fall free without becoming entrapped.

The Commission, therefore, plans to revise the requirements in the final rule so that simultaneous contact between *both* surfaces "B" and the panel will not be permitted. Only contact with one surface "B" in addition to surface "A", or at least one of its edges, and the neck will be permitted.

There could also be "vee"-shaped cutouts that are asymmetric with respect to the vertical. Such a configuration would exist on a crib panel with a convex (semicircular) shape on its top edge and a finial, cornerpost or canopy support. Similar designs have been used for crib head and footboards. Depending on the angle formed, these designs could present the entrapment hazard, but would not fail the test if the probe is swung only through a *vertical* arc.

To prevent hazardous asymmetrical "vee"-shaped cutouts, the Commission plans to revise the test procedure to require that upon completion of the swing to the upright position, the probe be rocked sideways in a plane parallel to the plane of the crib panel. If the rocking motion causes simultaneous contact by both surfaces "B" or its edges (in any combination) and the panel, the cutout fails the test. The rocking motion would not affect the results of a test of a rectangular-shaped cutout that permits passage of the probe when it is swung through a vertical arc.

Economic Impact of Revisions to Proposed Amendments

The Commission staff has reviewed the changes in the test procedure to assure that their preliminary assessment of potential economic impact of the crib amendments is still valid. A review of 1980 and 1981 manufacturers' catalogs identified several models which contain an asymmetrical "vee" shape formed by the corner post or canopy support and a convex-shaped end panel. No identified crib models had dimensions that would definitely fail the revised procedure but would have passed the proposed test procedure and requirements. In any case, manufacturers are not precluded from using a "vee"-shaped cutout design as long as it passes the test requirements.

The Commission staff does not believe that the revisions to the proposed amendments explained above will place added burden on crib manufacturers. Rather, the revisions serve to clarify the test procedure and to assure that only potentially hazardous crib cutout designs are prohibited.

It is the opinion of the Commission staff that unless there is some as yet unidentified impact which could cause a major disruption in the design-production process, an effective date six months after the amendments are issued will provide the manufacturers with sufficient time to comply with the requirements.

Request for Comments

Because the issues discussed above resulted from information developed since the original proposal, the public has not had an opportunity to comment on this part of the proposed test procedure. Accordingly, the Commission is providing an additional opportunity for comment on the issues raised by the above discussed revisions. Since information currently available indicates that the economic impact of the revised test procedure will be minimal, the Commission believes that a period of 30 days is sufficient for the public to submit comments on the revisions. If no comments are received, or no substantive issues are raised with respect to the revisions, the Commission intends to publish final amendments to the requirements in accordance with the staff recommended revisions. If the Commission receives substantive technical comments on the revised test procedure, it will analyze the comments and publish a notice in the **Federal Register** explaining any revisions made in response to the comments received. The Commission is particularly interested in receiving comments on the technical changes from persons or groups having special knowledge or expertise as to the subject matter. For

convenience, the language of the revised proposed test procedure follows:

PART 1508—REQUIREMENTS FOR FULL SIZE BABY CRIBS

PART 1509—REQUIREMENTS FOR NON-FULL SIZE BABY CRIBS

§ 1508.11/1509.13 Requirements for cutouts.

Full-size/Non-full-size baby cribs shall comply with the following test requirement.

(a) Place the neck of head-form probe shown in Figure 2 into any cutout (partially-bounded opening) located along the upper edges of an end or side panel. The axis of the neck shall be horizontal and at right angles to the plane of the panel at the point of contact. The head portion of the probe shall be on the outer side of the panel. With the neck resting on the panel at any point within the cutout area (for compliance purposes, the Commission may test at all points that could result in a failure), and the front of the probe pointing downwards, draw the head of the probe towards the panel until surface "A" makes contact with the outer side of the panel (see Figure 3).

(b)(1) Press down on the neck to cause the head to swing upwards through the cutout in the panel. The probe shall not be rotated about the major axis of the neck during this procedure. The arc through which the head is swung shall be in a vertical plane and shall terminate when the major axis of the neck attains an upright position or is prevented from attaining an upright position by an obstruction. During the test, contact shall be maintained between surface "A" (or at least one of edges "AB"), the neck of the headform probe and the panel. If, during the swing to the upright position, a surface, other than surface "D", or edge adjacent to surface "D" is contacted, sideways motion of the headform shall not be restrained.

(2) Upon completion of the swing to the upright position, the headform may be rocked from side to side parallel to the plane of the panel while maintaining contact between surface "A" or an edge "AB" and the panel. The maximum angle through which the headform is rocked shall be determined by contact with the panel by a surface or edge other than "A" or "AB" or until one of the surfaces "B" is in a vertical plane.

(c) During the test described in paragraph (b) of this section, no portion of the panel shall contact:

(1) Simultaneously, more than one of surfaces "B", "C" or edges "BC", "CC", "CD" or "BD", in any combination if they are on opposing sides of the headform.

(2) Any of surfaces "D".

Note.—Edges are identified by the letter designations for surfaces that lie on either side of the edge.

(Secs. 2(f)(1)(D), (q)(1)(A), (s); 3(e)(1), 74 Stat. 372, 374, 375, 80 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262)

Dated: August 20, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

BILLING CODE 6355-01-M

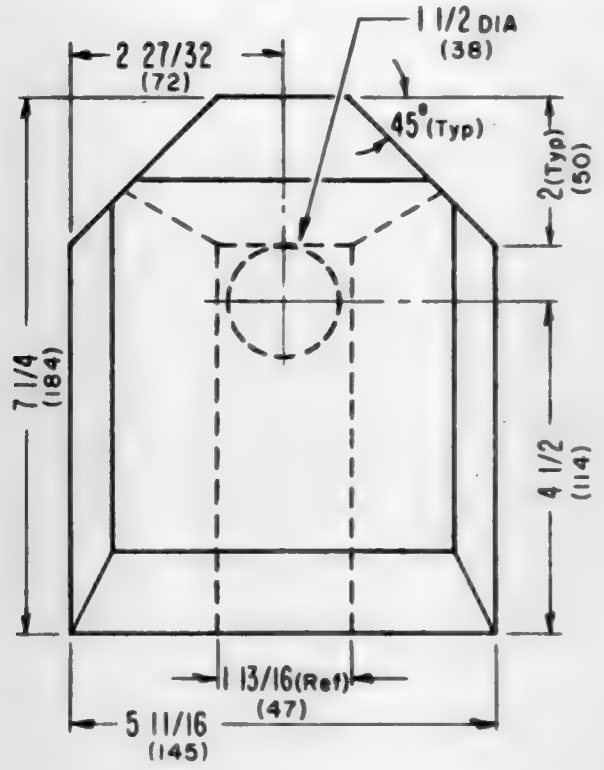

FIG 2—HEADFORM PROBE

DIMENSIONS ARE SHOWN IN INCHES AND WILL BE USED FOR COMPLIANCE PURPOSES. MILLIMETERS, SHOWN IN PARENTHESIS, ARE FOR CONVENIENCE ONLY.

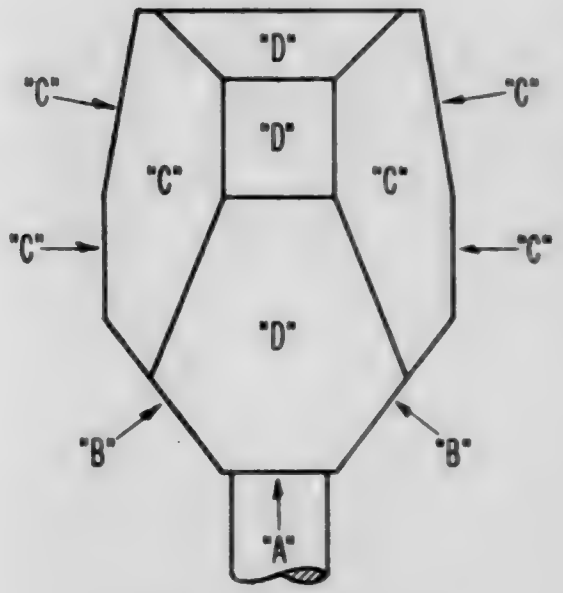

REAR VIEW—
IDENTIFYING SURFACES

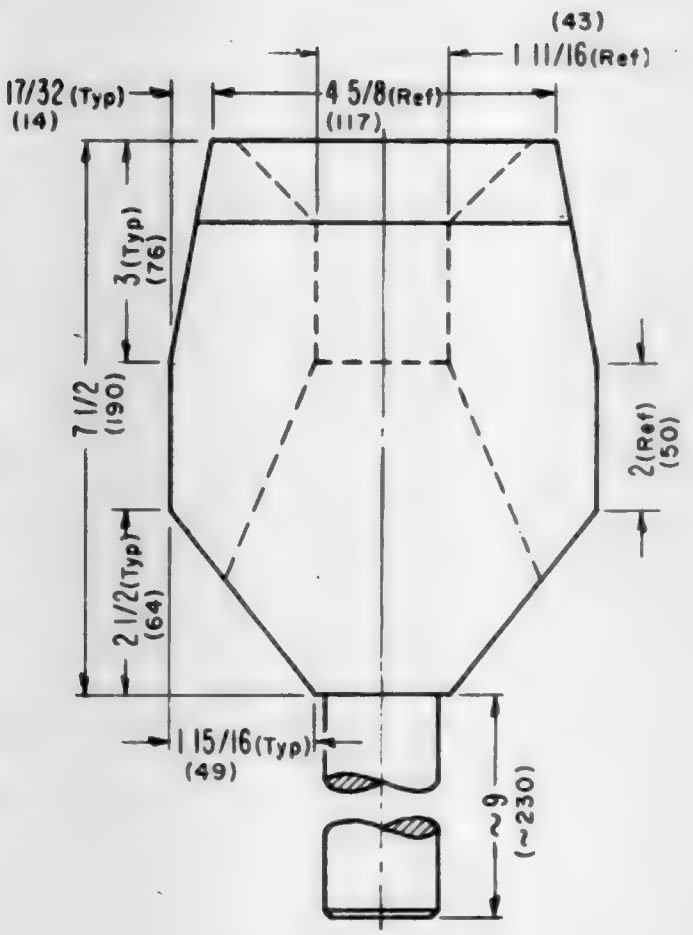

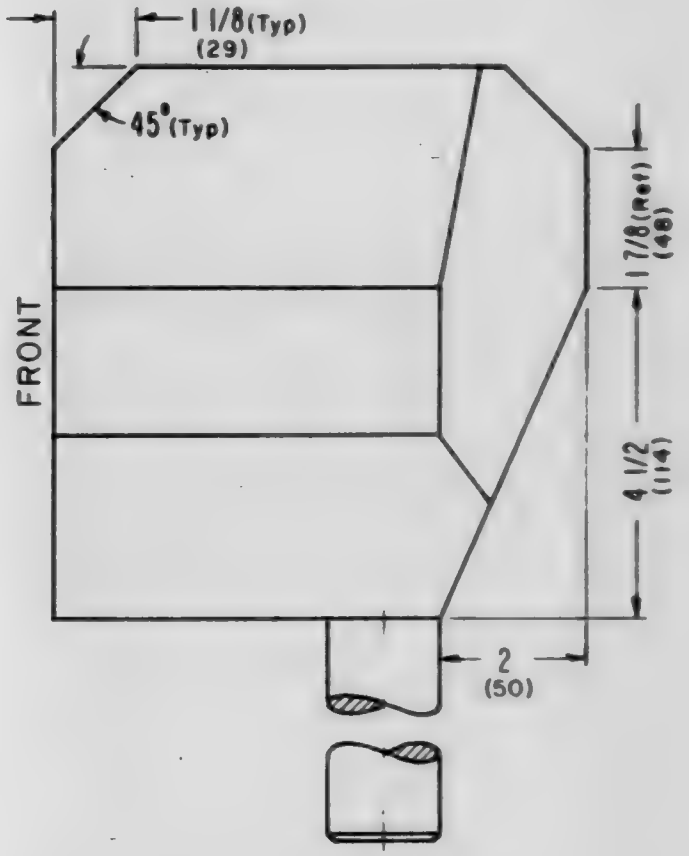

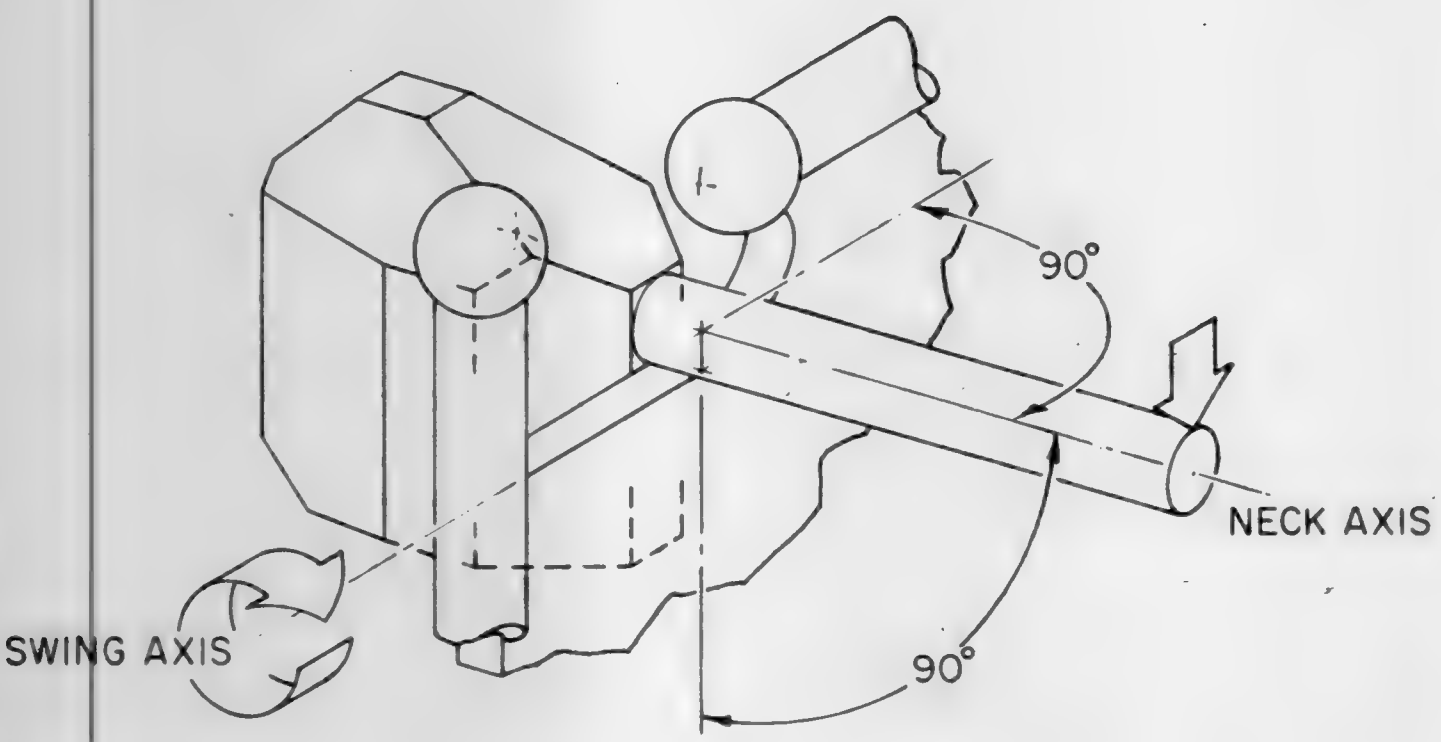

FIG 3

[FR Doc. 81-24699 Filed 8-27-81; 8:45 am]
BILLING CODE 6355-01-C

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18046; File No. S7-902]

Self-Underwriting by Nonmember Brokers or Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing to amend its rule imposing certain requirements on brokers or dealers that are not members of a registered securities association and that underwrite or otherwise participate in the distribution of their own securities or those of an affiliate. The proposed amendment would create a conditional exception to that rule for nonmember brokers or dealers that limit their business to participation in the offer and sale of securities issued by an affiliate that is not a broker or dealer.

DATE: Comments must be received on or before October 30, 1981.

ADDRESSES: Interested persons should submit three copies of their views and comments to George A. Fitizsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. S7-902. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Colleen Curran Harvey, Esq., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202) 272-2826.

SUPPLEMENTARY INFORMATION:

Background

Securities and Exchange Act Rule 15b10-9, the SECO "self-underwriting" rule,[1] prohibits a SECO broker-dealer from underwriting or otherwise participating in any public offering[2] of its own securities or the securities of an affiliate, unless several conditions are met. If the SECO broker-dealer wishes to participate in a distribution of its own or an affiliate's securities, two independent underwriters must perform several functions in connection with the offering. The price of the issue must not be higher than the price jointly recommended by the two independent underwriters. The independent underwriters must also participate in the preparation of the registration statement and the prospectus, offering circular, or other comparable document, must exercise due diligence with respect to the preparation of those documents, and must assume full legal responsibilities and liabilities of an underwriter under the Securities Act of 1933. Independent legal counsel for the underwriters must review the applicable documents and issue an opinion that the documents conform to the requirements of the federal securities laws. The rule also requires that the broker-dealer issuer or broker-dealer affiliate have been actively engaged in the investment banking or securities business for five years and have shown a profit for three of those years.[3]

Rule 15b10-9 was adopted on December 4, 1972,[4] following the adoption of a comparable rule by the National Association of Securities Dealers, Inc. (the "NASD").[5] These "self-underwriting" rules were promulgated when a number of brokers and dealers first began to raise capital by offering their own securities to the public.

When the Commission proposed to adopt Rule 15b10-9,[6] it stated that two policy objectives had prompted proposal of the rule: first, the avoidance of conflicts of interest that may cause abusive practices by underwriters that distribute their own or an affiliate's securities to the public, and, second, the desirability of arm's length bargaining between underwriters and issuers. Arm's length bargaining between the issuer and the underwriter has been viewed as a method for providing some assurance that the securities are distributed to the public at a fair price and on fair terms, since the underwritier has a self-interest in maintaining its reputation in the investment banking community and among investors.

When the Commission adopted Rule 15b10-9 in 1972, it recognized that it might not be necessary to require that all self-underwritten offerings be conducted in accordance with the terms of the rule. Accordingly, the Commission provided an opportunity for SECO broker-dealers to apply for exemptions on a case-by-case basis. Since adoption of the rule, the Commission has granted thirty-two conditional exemptions and has denied one exemptive request.[7] Thirty-two of the thirty-three exemptive requests received were made by SECO broker-dealers that limited their business to participating in the offer and sale of securities issued by an affiliate that was not a broker-dealer ("Special Purpose Broker-Dealers").[8] As a result of its experience in considering those exemptive requests, the Commission has concluded that the rule presents special problems for Special Purpose Broker-Dealers. In order to eliminate those problems, the Commission today is proposing to amend Rule 15b10-9 to create an exception from the rule's requirements for Special Purpose Broker-Dealers.[9] The proposed amendment essentially codifies the

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[1] 17 CFR 240.15b10-9. Rule 15b10-9 applies only to broker-dealers that are not members of the National Association of Securities Dealers, Inc. ("SECO broker-dealers").

[2] Rule 15b10-9 applies to all public offerings, including secondary distributions and Regulation A offerings.

[3] Additional conditions are imposed when the securities of a non-broker-dealer issuer are being distributed. The issuer must provide in the prospectus, offering circular, or other comparable document financial statements for the immediately preceding three years and a certified balance sheet for the last fiscal year. The issuer must also represent that after the distribution it will send certain periodic financial and operational reports to its security holders.

[4] Securities Exchange Act Release No. 9883 (Dec. 4, 1972), 37 FR 26297 (1972).

[5] NASD By-laws, Article IV, Section 2, Schedule E; NASD Manual (CCH) ¶ 1402.

[6] Securities Exchange Act Release No. 9555 (April 12, 1972), 37 FR 7709 (1972).

[7] Most exemptive requests have involved offerings of debt securities by issuers representing a relatively broad spectrum of companies. They include argicultural cooperative associations, commercial and consumer financing companies, real estate development companies, mortgage banking corporations, oil and gas exploration companies and a computer technology company. Many of those issuers have been established, profitable companies, but newly formed holding companies and small companies making their first offerings have also requested exemptions. The Commission has delegated to the Division of Market Regulation the authority to grant exemptions from Rule 15b10-9 with respect to the participation of a SECO broker-dealer in the offering of debt securities issued by an affiliate of the broker-dealer. 17 CFR 200.30-3(a)(26).

[8] It is apparent that issuers establish Special Purpose Broker-Dealers for several reasons. Some may believe that forming an affiliated broker to distribute their securities may be more cost-effective than engaging the services of an established investment banking firm. In that connection, if employees of an issuer participate in the distribution of the issuer's securities, broker-dealer registration may be required under Section 15(a) of the Securities Exchange Act of 1934 (*See* Secutities Exchange Act Release No. 13195 (January 21, 1977), 42 FR 5084). Cost savings that an issuer may gain by distributing its securities through an affiliated broker-dealer may, however, be substantially reduced or even lost entirely inasmuch as existing Rule 15b10-9 requires a substantial participation by two independent underwriters in the offering.

[9] The Commission has granted some requests for exemptions from the rule by Special Purpose Broker-Dealers for future offerings of securities that are offered and sold in a substantially similar manner and under substanitally similar terms and conditions as the offering for which an exemption has been granted to such Special Purpose Broker-Dealers. These Special Purpose Broker-Dealers would be required to comply with any new provisions of Rule 15b10-9 if such provisions were adopted.

conditions imposed by the Commission in granting exemptive requests of Special Purpose Broker-Dealers.

Discussion of the Proposed Amendment

As noted above, the proposed amendment provides that the provisions of Rule 15b10–9 do not apply to SECO broker-dealers that limit their business to participating in the offer and sale of securities issued by an affiliate that is not a broker-dealer, *i.e.*, Special Purpose Broker-Dealer. The proposed exception is conditional. It would require the Special Purpose Broker-Dealer to deliver to its customers a prospectus, offering circular, or other comparable document that would be required to contain certain facts of significance in a self-underwritten offering. The proposed amendment is intended both to alleviate the problems that Special Purpose Broker-Dealers have encountered in complying with Rule 15b10–9 and to promote the purposes of the rule.

The disclosure document in a self-underwritten offering would be required to set forth in a prominent place certain significant facts. The document would have to disclose: (1) that the Special Purpose Broker-Dealer is an affiliate of the issuer of the securities being offered and that its business is limited to the offer and sale of the nonbroker or dealer affiliate's securities, (2) the amount of commissions or other compensation to be paid to the Special Purpose Broker-Dealer or the formula for determining such compensation, and (3) whether or not persons other than associated persons of the issuer or of the Special Purpose Broker-Dealer [10] participated in determining the price and other terms of the offering and, if so, such persons' names and a brief account of their business experience during the past five years.

The disclosure requirements of the proposed amendment are intended primarily to inform investors of facts that would appear to be pertinent to an investor's understanding of the nature of a self-underwritten offering. By conditioning the exception on disclosure of facts relating to the affiliation of the issuer and the Special Purpose Broker-Dealer and to the commissions or other compensation it will be paid, the amendment would alert investors of the conflicts of interest inherent in that affiliation. The requirement to disclose who participated in the determination of the price and other terms of the offering is also intended to inform investors of facts that appear to be pertinent in the context of a self-underwritten offering. That disclosure requirement would not, however, apply to lawyers and accountants who participated in preparing the prospectus and advising the issuer in the ordinary course of performing legal and accounting services in connection with the offering.

The amendment to Rule 15b10–9 is proposed to be adopted pursuant to the Securities Exchange Act of 1934, and particularly Sections 3, 10, 15 and 23 thereof (15 U.S.C. 78c, 78j, 78*o* and 78w).

Regulatory Flexibility Act Certification

Section 603(a) [11] of the Administrative Procedure Act, [12] as amended by the Regulatory Flexibility Act ("Flexibility Act"),[13] generally requires the Commission to undertake a regulatory flexibility analysis of all proposed rules, or proposed rule amendments, to determine the impact of such rulemaking on "small entities." [14] Section 605(b) of the Flexibility Act, however, specifically exempts from this requirement any proposed rule, or proposed rule amendment, which, if adopted, would not have a "significant impact on a substantial number of small entities." The amendment to Rule 15b10–9 creates an exception from Rule 15b10–9 which, if adopted, should ease regulatory burdens on certain SECO broker-dealers. Moreover, the disclosure provisions of the proposed amendment merely supplement the information that would otherwise be provided in a prospectus or other disclosure document and the additional information should be readily available to the issuer and the SECO broker-dealer. In general, under the proposed amendment the costs of self-underwriting for SECO broker-dealers, including those broker-dealers that the Commission proposes to define as a "small business" or "small organization" for purposes of the Flexibility Act,[15] should be less than the costs of complying with the requirements of existing Rule 15b10–9. Accordingly, the Chairman of the Commission has certified that the proposed amendment to Rule 15b10–9, if adopted, would not have a significant economic impact on a substantial number of small entities.

Text of Proposed Amendment

The Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding paragraph (c)(3) to § 240.15b10–9 to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.15b10–9 Standards for the underwriting or participation by nonmember broker-dealers in the public distribution of their own or affiliate's securities.

* * * * *

(c) * * *

(3) The provisions of this rule shall not apply to a nonmember broker or dealer that limits its business to participating in the offer and sale of securities issued by an affiliate that is not a broker or dealer; *Provided, however,* That:

(i) The nonmember broker or dealer delivers to its customers a prospectus, offering circular, or other comparable document that discloses in a prominent place: (A) That the nonmember broker or dealer is an affiliate of the issuer of the securities being offered and that its business is limited to the offer and sale of securities issued by a nonbroker or dealer affiliate, (B) The amount of commissions or other compensation to be paid to the nonmember broker or dealer or the formula for determining such compensation, and (C) whether or not persons other than associated persons of the issuer or of the nonmember broker or dealer participated in determining the price and other terms of the offering and such persons' names and a brief account of their business experience during the past five years.

* * * * *

Solicitation of Comments

All interested persons are invited to submit written views concerning the

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[10] The term "associated person" would include an officer, director, or employee of an issuer or of a SECO broker-dealer (or any person occupying a similar status or performing similar functions), or a person directly or indirectly controlling, controlled by, or under common control with an issuer or a SECO broker-dealer.

[11] 5 U.S.C. 603(a).

[12] 5 U.S.C. 551 *et seq.*

[13] Pub. L. No. 96–354 (September 19, 1980), 94 Stat. 1164, [1980] U.S. Code Cong. & Ad. News 1169.

[14] Although Section 601(b) of the Flexibility Act defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has published its proposed definitions in Securities Act Release No. 6302 (March 20, 1981), 46 FR 19251 (March 30, 1981).

[15] A broker-dealer under the Commission's proposed definition of "small business" or "small organization" is one that:

(1) Is permitted to maintain the amount of net capital specified in § 240.15c3–1(a)(2) or (a)(3);

(2) Had less than six partners, officers and employees on the last business day of the preceding calendar year (or in the time that it has been in busines, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section.

Since the Commission is using its proposed, but not yet adopted, definitions of small entities in its evaluation of the proposed amendment to Rule 15b10–9, the Commission seeks comment on whether the use of those proposed definitions are appropriate in this context.

proposed amendment to Rule 15b10–9. Three copies of each written submission should be filed with George A. Fitzsimmons, Secretary of the Commission, 500 North Capitol Street, Washington, D.C. 20549, not later than October 30, 1981. Reference should be made to File No. S7–902. All submissions will be available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 20, 1981.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendment to Rule 15b10–9 set forth in Securities Exchange Act Release No. 18046, if promulgated, will not have a significant economic impact on a substantial number of small SECO broker-dealers, and therefore will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are as follows:

The proposed amendment creates an exception from Rule 15b10–9 which currently prohibits SECO broker-dealers from participating in the distribution of their affiliates' securities unless certain conditions are met. Accordingly, the proposed amendment, if adopted, should ease regulatory burdens on certain SECO broker-dealers.

Moreover, the specific requirements contained in the proposed exception should not have a significant economic impact on a substantial number of small SECO broker-dealers. The disclosure provisions merely supplement the information that would otherwise be provided in a prospectus or other disclosure document, and the additional information should be readily available to the issuer and the SECO broker-dealer. In general, under the proposed amendment the costs of self-underwriting for SECO broker-dealers should be less than the costs of complying with the requirements of existing Rule 15b10–9.

Dated: August 21, 1981.

John S. R. Shad,

Chairman.

[FR Doc. 81–25158 Filed 8–27–81; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 240

[Release No. 34–18050; File No. S7–903]

Short Tendering of Securities

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rule; revised proposed rulemaking.

SUMMARY: The Commission is withdrawing its previous proposal and is requesting comment on two alternative proposals. The first would amend the short tendering rule under the Securities Exchange Act of 1934 to impose additional ownership requirements for persons tendering securities in response to tender offers for those securities, to clarify the provisions of the rule, and to limit the type of offers to which the rule applies. The second alternative would deregulate short tendering entirely.

DATE: Comments should be submitted on or before November 15, 1981.

ADDRESSES: Interested persons should submit three copies of their written data, views and arguments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, and should refer to File No. S7–903. All submissions will be available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mark Beatty, Esq. (202–272–2829), Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is publishing for comment amendments to Rule 10b–4 [§ 240.10b–4] under Section 10(b) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78j(b) (1976), and, as an alternative, is soliciting comment on the possible deregulation of short tendering. Rule 10b–4 (the "Rule") was adopted by the Commission in 1968 [1] for the purpose of prohibiting "short tendering," *i.e.*, tendering more shares than a person owns in order to avoid or reduce the risk of *pro rata* acceptance in tender offers for less than all the outstanding securities of a class or series. The Commission previously published for comment proposed amendments to Rule 10b–4 in 1977.[2] Those proposed amendments are hereby withdrawn and superseded by the amendments proposed today.

I. Background

In making a tender offer for securities of the corporation that is the subject of the offer, the offeror usually offers as consideration either cash, its own securities, or a combination of both. Tender offers can be for all the outstanding securities of the subject company or for a lesser amount.

Offers for less than all of the outstanding shares involve a risk to the securityholder of the subject company that not all of the securities that the securityholder tenders will be accepted.[3] Before the adoption of Rule 10b–4, certain securityholders tendered more securities than they owned in order to diminish this risk.[4] This conduct was a prudent and natural response to the risk of prorationing, but as a practical matter it was available only to those who were able to secure guarantees of tender, for the most part market professionals, since the shares not owned could not be physically tendered.

In testimony before the Subcommittee on Securities of the Senate Banking and Currency Committee in 1967 on the legislation that became the Williams Act, the Commission expressed concern that short tendering represents an abuse of the tender process by market professionals and certain customers. In particular, the Commission noted that, by tendering a greater number of securities than they owned, and by guaranteeing their own tenders, market professionals were able to secure acceptance of a disproportionately larger number of the securities owned and tendered by them than could be secured by other persons who tendered only securities they owned.[5] The Senate Banking and Currency Committee agreed with that concern but concluded that the Commission has "adequate power to deal with the abuse of short tendering under the antifraud provisions of the Securities Exchange Act."[6]

Thereafter, pursuant to Section 10(b) of the Act, the Commission published proposed Rule 10b–4 for comment[7] and, after reviewing the comments received,

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[1] Securities Exchange Act Release No. 8321 (May 28, 1968), 33 FR 8269 (1968).

[2] Securities Exchange Act Release No. 14157 (November 9, 1977), 42 FR 59280 (1977).

[3] When tendered securities are accepted on a *pro rata* basis, the offeror accepts only a percentage of the securities tendered by each securityholder. The percentage is calculated from a fraction whose numerator represents the total number of securities accepted and whose denominator represents the total number of securities tendered.

[4] This practice did not eliminate risk, since the securityholder's estimate of the *pro rata* percentage could be substantially incorrect. Furthermore, the securityholder ran the risk that the bidder would decide to accept more shares than it was expected to, in which case the securityholder would have to deliver to the bidder shares acquired at market prices that reflected the bidder's decision to accept additional shares.

[5] *See* Testimony of Chairman Manuel F. Cohen in Hearings on S. 510 Before the Subcomm. on Securities of the Senate Comm. on Banking and Currency, 90th Cong., 1st Sess. 198–199 (1967).

[6] S. Rep. No. 550, 90th Cong., 1st Sess. 5 (1967).

[7] Securities Exchange Act Release No. 8224 (January 3, 1968), 33 FR 513 (1968).

adopted Rule 10b–4 in May 1968[8] for the specific purpose of prohibiting short tendering. Rule 10b–4 makes it a "manipulative or deceptive device or contrivance," as used in section 10(b) of the Act, for any person, in response to a tender offer for or a request or invitation for tenders of any security, to tender securities that he does not own. The Rule applies to all tender offers whether made by a third party or by the issuer of the securities sought.[9] Paragraph (a) of Rule 10b–4 prohibits any person from tendering a security or causing it to be tendered on his behalf, directly or indirectly, by means of a guarantee unless he owns that security. Ownership is defined in paragraph (b) of the Rule.

II. Deficiencies in the Rule

By prohibiting short tendering, Rule 10b–4 was designed to promote equality of opportunity and risk for all tendering securityholders. For some time, however, the Commission has been aware that certain trading practices involving sales of subject securities in connection with tendering can be used to achieve a result similar to the one afforded by short tendering.

The practice known as "hedged tendering" consists of tendering and immediately selling the subject securities. For example, assume there is a tender offer for less than all the outstanding securities of the target and that A and B each own 200 shares of the subject security and expect that the offeror will accept on a *pro rata* basis 50% of the securities tendered. If A tenders his 200 shares, and then sells 100 shares, he will (assuming the 50% expectation proves correct) have 100 shares accepted by the offeror, or 100% of the securities that he owns at the time the *pro rata* acceptance period ends. In contrast, if B simply tenders his 200 shares and does not engage in any hedging (possibly because he cannot borrow the subject security), he will have only 100 of his shares accepted and 100 shares will be returned unaccepted to him. In effect, A has hedged the possibility of *pro rata* acceptance through hedged tendering while B has not. If A's 50% assumption is incorrect and a greater number of his shares are accepted, he will have to cover his short position, perhaps at a loss.

It seems anomalous that A, who would have engaged in a prohibited short tender if he had sold the 100 shares immediately before tendering 200 shares, can accomplish precisely the same result under the current Rule by waiting to sell the 100 shares until a moment after tendering.[10] Furthermore, the 100 shares A tendered and then sold may be bought by an arbitrageur or other purchaser who will tender the same shares to the bidder and thereby increase the likelihood or degree or prorationing. If that occurred, it would reduce the number of tendered securities that would be accepted from other securityholders.

In order to address hedged tendering and certain indirect forms of short tendering, in 1977 the Commission proposed amendments to Rule 10b–4 (the "1977 Proposal").[11] In the proposing release, the Commission stated that "[s]hort sales of securities sought in a tender offer * * *, loans of subject securities for purposes of facilitating such short sales and guarantees of delivery, in combination, can frustrate achievement of the Rule's objectives."[12]

The 1977 Proposal would have prohibited persons from tendering subject securities unless they owned the securities tendered or an equivalent security[13] from the time of tendering until the last date tenders could be made pursuant to the offer (or until the tender was rejected or withdrawn). The definition of ownership would have been altered by abandoning the concept of title and of ownership based upon contracts to purchase currently embodied in Rule 10b–4(b)(2) and substituting "possession and control" as a required element of ownership. Those persons guaranteeing tenders would have been required to have possession and control of the securities underlying the "guarantee." Furthermore, the 1977 Proposal would have prohibited short sales of a subject security unless delivery was made to the pursuant to the offer.[14]

The Commission received twenty letters of comment in response to the 1977 Proposal.[15] The commentators were generally opposed to the "possession and control" concept because in their view it would foster simultaneous "cash" and "regular-way" markets for subject securities during the last five trading days of the tender offer period. The "cash" market (in which securities are traded for same- or next-day settlement) would reflect the tender offer price while the regular-way market (in which securities are traded on a five-day settlement basis) would reflect prices expected to prevail after the tender offer, since purchasers would be unable to obtain "possession and control" in order to tender. Some commentators argued that the proposed restrictions would make the guarantee process unavailable to those who need it most, *i.e.*, securityholders who desire to tender but who lack immediate access to their certificates. Finally, several commentators objected to the "net long maintenance" requirement because it would adversely affect arbitrage activities during tender offers, particularly the practice of hedged tendering. Since the amendments to Rule 10b–4 proposed in this Release would prohibit hedged tendering, the comments received on hedged tendering in response to the 1977 Proposal will be discussed in further detail below.

After consideration of these major objections and several of the specific points raised concerning other provisions of the 1977 Proposal, including their burden upon market participants, the Commission has determined to withdraw the 1977 Proposal. It is doing so since it appears that the proposal would have had more substantial effects than necessary on the trading environment and on the procedures that have been developed to meet the needs of the marketplace during tender offers.

The Commission believes that it is confronted with two alternatives: (i) it should amend Rule 10b–4 to prohibit the hedged tendering practice described above, or (ii) it should abandon the effort to regulate short tendering. In this regard, the Commission is today soliciting comment on these two alternatives. The first involves revised amendments to Rule 10b–4 ("Proposed Amendments") that are designed to give effect to the original purpose and intent of Rule 10b–4 without interfering unduly with tendering practices and trading

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[8] *See* note 1 *supra*. Rule 10b–4 was adopted on May 28, 1968, two months before the passage of the Williams Act of July 29, 1968.

[9] Although tender offers by an issuer are exempt from the provisions of Section 14(d), they are subject to the antifraud provisions of Section 14(e) of the Act. In addition, issuer offers are subject to Rule 13e–4, which was adopted in 1979. Securities Exchange Act Release No. 16112 (August 19, 1979), 44 FR 49408 (1979).

[10] In two "no-action" letters, *DuPont Glore Forgan* (June 25, 1973), [1973 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶79,479 (1973), and *Fred Kobler* (June 25, 1973), the staff stated that under certain circumstances a person effecting post-tender sales "may be engaged in a course of conduct in contravention of the purpose of Rule 10b–4."

[11] *See* note 2, *supra*.

[12] 42 FR 59281.

[13] The 1977 Proposal would have defined an equivalent security as an option, warrant, or convertible security.

[14] For the complete text of the 1977 Proposal, see Securities Exchange Act Release No. 14157, *supra* note 2.

[15] *See* File No. S7–728, available at the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C.

markets for subject securities. The second alternative would involve substantial modifications of the existing regulatory approach and deregulation of the short tendering practice. The following section of this release summarizes the Proposed Amendments to Rule 10b–4. The possible deregulation is discussed in Part IV below.

III. First Alternative: Strengthening Existing Rule

A. Summary of Proposed Amendments

The Proposed Amendments are designed to resolve certain issues that have arisen under the current Rule 10b–4 since its adoption in 1968. The major substantive change from the current Rule would be the additional requirement that all tendering securityholders be "net long" the amount of securities tendered at the end of the *pro rata* acceptance period, or on the last day securities may be tendered in order to be accepted by lot where that method of acceptance is used.[16] The significant changes are discussed below.

Paragraph (a)(1) would set forth the definition of ownership, which is essentially unchanged from current Rule 10b–4(2)(b), except for a revision to reflect the use of "equivalent security" as a defined term in paragraph (a)(2). The ownership definition has been refined to provide that a person who otherwise could tender securities will be deemed not to own the securities, and thus will be prohibited from tendering them, if he has entered into any arrangement or agreement (other than stock loans or the writing of exchange-traded call options) whereby another person can tender those securities under the Rule. Thus, for example, a person who has title to subject securities would not be permitted to tender them if he has (i) entered into an unconditional contract to sell them or (ii) written an over-the-counter call option on them and provided the holder with the reasonable belief required by paragraph (a)(2) of the Rule.

Paragraph (a)(2) would define equivalent security to include (1) options, warrants, and rights issued by the person whose securities are the subject of the offer and (2) any other option to acquire the subject security, but only if the holder reasonably believes that the maker or writer of the option has title to and possession of the subject security and upon exercise will promptly deliver the subject security. This language tracks in all significant respects the proviso in current Rule 10b–4(a)(1). An option traded on a national securities exchange would not be included within the definition of equivalent security since the holder of such an option cannot know that the maker or writer of the option has "title to and possession of" the underlying security within the meaning of the Rule. Since an unlimited number of options can be written on an uncovered basis, it seems appropriate that Rule 10b–4 should not permit listed option holders to tender unless they have exercised those options. The exclusion of options that are traded on a national securities exchange from the definition of equivalent securities represents a codification of prior staff interpretations of Rule 10b–4.

The term "partial offer," to which the substantive provisions of the amended Rule would be limited, is defined in paragraph (a)(3). A partial offer would include any tender offer for or request or invitation for tenders in which (i) the person making the offer seeks than the total amount of outstanding securities of a particular class of series [17] and (ii) securities are accepted either by lot or on a *pro rata* basis for a specified period.[18] Paragraph (a)(3) would narrow the coverage of current Rule 10b–4 by excluding tender offers for 100% of the outstanding securities of a class or series and those offers for less than 100% of the outstanding securities of a class or series where acceptance of tenders is primarily on a "lowest price first" or other basis not involving *pro rata* acceptance. Thus, the amended Rule would not apply to most tender offers for municipal and corporate debt securities.

Several commentators on the 1977 Proposal pointed out that the short tendering restrictions need not apply to offers where there is no incentive to engage in short tendering. The Commission seeks comment on whether limiting Rule 10b–4 to partial tender offers would deny tendering securityholders the protections of the Rule, or would produce any other undesirable corollary effects on the market or on tender offerors.

The term "tender" would be defined in paragraph (a)(5) to encompass all methods by which a person can affirmatively respond to a request or invitation for tenders. Current Rule 10b–4 (a)(1) refers to tendering for a person's own account; paragraph (a)(2) refers to tenders or guarantees on behalf of others. It has thus been possible to read Rule 10b–4 as prohibiting guarantees of delivery for a person's own account, although it is the Commission's understanding that market professionals routinely have employed so-called "self-guarantees" as a method of tendering securities purchased but not yet received. The definition of "tender" in paragraph (a)(5) would specifically include "guarantees" and thus eliminate any implication in the current Rule that self-guarantees are improper.[19]

Paragraph (b) of the amended Rule would contain the substantive provisions of the Rule and would cover acts by "any person acting alone or in concert with others, directly or indirectly." The phrase "directly or indirectly," together with the "in concert" language, is intended to make it clear that persons may not do indirectly what they may not do directly, and thereby to emphasize that indirect forms of short tendering are prohibited. This does not, however, effect a substantive change in the Rule, in view of the provisions of Section 20(b) of the Act.[20]

Paragraph (b)(1) incorporates the ownership provisions of current Rule 10b–4(a)(1), considerably abbreviated through the use of defined terms. In addition, as explained in the next section of this Release, paragraph (b)(1) would make it unlawful for any person to tender any security unless he owned the securities tendered both at the time of tender and at the end of the *pro rata* acceptance period. Security holders who tendered and did not thereafter sell the securities would be unaffected by this amendment. A securityholder who had tendered the subject security, and thereafter during the *pro rata* period sold all or a portion of the subject

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[16] As used hereinafter, the *pro rata* acceptance period is the time during which acceptance of securities is made on a *pro rata* basis or by lot, including any extensions thereof, whether or not such period is required by statute or rule.

[17] The staff would propose to interpret the term "partial offer" to include an offer for all of the outstanding securities where the bidder is offering a different consideration for a specified number of the outstanding securities than it is offering for the remaining outstanding securities.

[18] The words "specified period" in paragraph (a)(3) are intended to make clear that incidental prorationing would not bring an offer within the coverage of the Rule. Such incidental prorationing might occur, for example, when some, but not all, securities at the highest acceptable price were accepted in an offer conducted on a "lowest price first" basis.

[19] If broker-dealers were unable to utilize self-guarantees, they could not tender securities purchased "regular-way" in the last five days of a partial offer, unless they secured the guarantee of another broker-dealer. There would not appear to be any regulatory rationale for imposing such a requirement.

[20] Section 20(b) of the Act [15 U.S.C. 78t(b)] makes it unlawful for "any person, directly or indirectly, to do any act or thing which it would be unlawful for such person to do under the provisions of [the Act] or any rule or regulation thereunder through or by means of any other person."

securities that comprised his net long position, would be required either to repurchase sufficient shares, or to withdraw shares from his tender, in order to comply with the net long proviso before the end of the *pro rata* acceptance period. The "end of the *pro rata* acceptance period" would be the time after which securities would not be accepted by the bidder on a *pro rata* basis, or any extension thereof, whether or not the period was required by statute or rule.[21] Sales of subject securities occurring after the *pro rata* acceptance period (whether or not it is shorter than the duration of the offer) would not be prohibited since they do not affect the *pro rata* calculation.

In the case of a tender based upon ownership of an equivalent security, the amended Rule would clarify the intent of a current Rule that equivalent securities need be converted, exchanged, or exercised only to the extent required by the bidder's terms of acceptance.

Paragraph (b)(2), which covers guarantees of tender, would be largely comparable to current Rule 10b–4(a)(2), again simplified through the use of defined terms. The current standard of inquiry imposed upon guarantors by Rule 10b–4 would remain unchanged. A guarantor would have to have "a reasonable belief that, upon information furnished by the person on whose behalf the tender is made," the person could tender in accordance with the provisions of the Rule.

Paragraph (b)(3) would prohibit a tendering securityholder from tendering the same securities to more than one partial offer at the same time, *i.e.*, multiple tendering. This provision codifies the staff's interpretation of current Rule 10b–4, and is intended to avoid the confusion and possible deception to the market and to bidders that could otherwise arise, as well as the potential unfairness to certain securityholders for whom this practice may not be available. The Commission recognizes, however, that there may be persuasive arguments for permitting multiple tendering. In particular, multiple tendering enables security-holders to maintain maximum flexibility during competing tender offers. The Commission seeks comment on whether or not multiple tendering should be prohibited under Rule 10b–4 and, if so, whether the prohibition should extend to all tender offers rather than just partial offers.

Paragraph (c) would provide a mechanism for obtaining exemptive relief to the extent that there may be factual situations that would justify the granting of an exemption upon a proper application.

B. Post-Tender Sales of Subject Securities

Sales of a security after it has been tnedered in a partial tender offer are an important adjunct to risk arbitrage. Risk arbitrage involves the purchase of subject company securities during a tender offer for the purpose of tendering, and profiting by the difference between the arbitrageur's purchase price and the tender price. Arbitrageurs are at risk since the tender offer may be unsuccessful or, even if it is successful, the tender offeror may accept fewer than all shares tendered. In the latter case, securities returned because of over-subscription frequently cannot be sold except at prices substantially below the arbitrageur's cost. Consequently, risk arbitrageurs frequently sell, after tendering, the amount of securities expected to be returned unaccepted in the offer.

Hedged tendering reduces risk to the extent that it reduces the number of returned, unaccepted securities that will have to be sold after the expiration of the tender offer. Through this technique, market professionals are able to increase the proportion of the securities owned by them at the expiration of the *pro rata* acceptance period that are accepted by the bidder. Hedged tendering does not, however, eliminate the risk of loss. Losses may be expected to occur if the bidder decides to accept a greater number of shares or if the arbitrageur's estimate of the *pro rata* acceptance rate is substantially incorrect. At the same time, however, the reduction in the arbitrageur's risk is accomplished by shifting the risk of prorationing to public investors who tender their securities but do not engage in hedged tendering. As discussed below, this result is similar to the practice of short tendering that the Commission and the Congress condemned in 1968 and is at odds with the original purpose and intent of Rule 10b–4.

Several commentators on the 1977 Proposal argued that hedged tendering should not be curtailed because it enables securityholders to transfer the risk of partial acceptance or of an unsuccessful offer while realizing a price that more closely approximates the tender offer price since arbitrageurs, having reduced their risk of loss, are willing to bid higher for securities than they would in the absence of this risklimiting technique. In turn, this predicted reduction in the spread between the market price and the tender offer price would enable individual securityholders to sell into the market at a known price and to realize immediate cash rather than to risk the uncertain outcome of tendering. Because the Commission is aware that there are legitimate arguments in favor of allowing hedged tendering and that most of these arguments also apply to short tendering, the Commission plans to consider the deregulation of this area.[22]

At the same time, however, the Commission's proposal to prohibit hedged tendering as described above presumably would benefit securityholders who elect to tender their securities instead of selling them in the market. Indeed, tendering may be made relatively more attractive than selling to the extent that such a prohibition on hedged tendering results in (i) a reduction in the market price that would be obtained by selling and (ii) an increase in the likelihood that tendered shares would be accepted.

It would appear to make little sense to continue prohibiting short tendering while allowing hedged tendering during the *pro rata* period. As noted above, the use of either technique affords market professionals an advantage that is not generally available to the public. While theoretically every securityholder can engage in a hedged tender, the Commission understands that, as a practical matter, many public securityholders may be unable to sell after tendering, *i.e.*, hedge their tenders, because of the difficulty of borrowing stock during partial offers.[23]

In order to address the practice of hedged tendering, the Commission is proposing for comment amendments to Rule 10b–4 to require that persons who tender own the securities when tendered and at the end of the *pro rata* acceptance period. This would, in effect, require that any subject securities tendered and sold following their tender be repurchased before the *pro rata* acceptance period expires. Applying the ownership requirement to the end of the *pro rata* acceptance period may assure

[21] Rule 13e–4(f)(3) [§ 240.13e–4(f)(3)] and Section 14(d)(6) of the Act [15 U.S.C. 78n(d)(6)] require that acceptance of securities by the bidder shall be on a *pro rata* basis for at least ten business days or ten calendar days, respectively. *Cf.* Rule 13e–4(f)(3) and Rule 14d–8 [§ 240.14d–8], which permit the offeror to extend the *pro rata* acceptance period beyond that required by rule or statute.

[22] *See* Section IV *infra*.

[23] If options on a subject security are traded on an exchange, it may be possible to decrease the risk of a *pro rata* acceptance through option transactions. The Proposed Amendments have not been designed to have any effect on such transactions, in part, because they are equally available to all market participants.

that the *pro rata* determination fairly and accurately reflects actual ownership of tendered securities at that time. Although the proposed rule would not prohibit sales of subject securities following their tender but before the *pro rata* acceptance period expires, it would have the effect of eliminating the current practice of hedging tenders during the *pro rata* period since tendering persons would be required, at the end of the *pro rata* acceptance period, to own the amount of subject securities tendered. In other words, any such "hedged" tender would have to be "unhedged" before the *pro rata* calculation became fixed.[24]

The Commission seeks detailed comment both on the benefits of the proposal to public securityholders and on the potential impact of the proposal on arbitrageurs and selling securityholders. In particular, the Commission seeks further comment on the proposition that some commentators on the 1977 Proposal advanced, to the effect that hedged tendering is not an essential element of arbitrage in partial offers and that, if it were to be eliminated, arbitrageurs would be able to continue to provide liquidity and an alternative to securityholders seeking to sell in order to avoid risk.

The Commission understands that specialists and market makers might be called upon, by their affirmative obligation or by the normal demands placed on their market making activity, to sell subject securities from time to time after they have tendered securities, in a partial tender offer. It would appear, however, that, by waiting to tender securities owned by them until the latest possible time before the *pro rata* acceptance period ends, specialists and market makers could obtain *pro rata* acceptance of their securities but not be called upon to sell subject securities between the time of tendering and the expiration of the *pro rata* acceptance period. The Commission wishes to receive comment on whether the Proposed Amendments strike an appropriate balance in addressing the harmful effects of the hedged tendering practice without unduly burdening market professionals or the markets themselves. In that regard, the Commission solicits specific comments on the effects that the Proposed Amendments would have on particular categories of market professionals, including specialists, market makers, and block positioners.

[24] The 1977 Proposal would have required that tendering persons own tendered securities throughout the duration of the offer.

IV. Second Alternative: Deregulation of Short Tendering

Rule 10b–4 has effectively prohibited short tendering *per se*, and, if the amendments proposed today were adopted, the Rule would prohibit the analogous practice of hedging tenders during the *pro rata* period. In large measure, the Commission's decision to publish those proposals reflects a judgment that the existing Rule does not work as intended and that the purpose behind the Rule cannot be achieved unless it is amended to impose further restrictions of the king proposed. At the same time, however, the Commission is aware that those additional restrictions would constitute an additional burden of regulation on securities professionals and others. For this reason, and in view of the possibility that those additional burdens are unwarranted, the Commission wishes to consider whether the short tendering area is instead an appropriate subject for complete or partial deregulation.

In addition, an argument can be made that short tendering by market professionals, like hedged tendering, operates to the advantage of individual securityholders who elect to sell in the market. To the extent that market professionals are able to control their exposure to the risk of proration, the market price of the subject security should more closely approximate the tender offer price that would otherwise be the case. This reduction in the spread, in turn, enables individual securityholders to sell into the market at a higher price than would otherwise be available to them, and, correspondingly, to obtain immediate cash for their shares and thus eliminate any exposure to the risk of prorationing.

In considering the possibility of deregulation, the Commission is nevertheless mindful of the need to fulfill the important investor protection goals of the Williams Act. In that regard, the Commission requests comment on whether it would be possible to deregulate short tendering in a fashion that would be consistent with those legislative purposes.[25]

The Commission also requests comment on the likely effects a complete deregulation of short tendering would have on (i) public and professional securityholders; (ii) tender offerors, including their decision to commence a partial offer, the premium offered and the likely success of the offer; (iii) the market for subject securities during and after a tender offer;[26] and (iv) the procedures that have been developed to facilitate tender offers. In assessing the impact of either further regulation or the prospect of deregulation, the Commission requests comment on the extent to which, as a practical matter, retail investors and other public securityholders would be able to borrow securities or obtain guarantees in order to engage in short or hedged tendering, and any benefits that might accrue to such securityholders. In that regard, commentators should consider whether any such benefits would mitigate or eliminate the potential adverse effects of the application of *pro rata* acceptance to the additional amount of shares that would be tendered if short tendering were permitted. Commentators may wish to consider, moreover, whether the Commission might devise conditional exemptive provisions, under Section 14(d)(8) or otherwise, that might offer incentives for bidders to provide protection for tendering shareholders that could obviate the need for Rule 10b–4 or for the amendments today proposed.

[25] *See* notes 5 and 6 *supra* and accompanying text. By requiring *pro rata* acceptance during the first ten days of an offer, *see* Section 14(d)(6), the Congress provided a mechanism that promotes equal treatment for tendering securityholders and the Commission has extended this protection to securityholders subject to tender offers by issuers, *see* Rule 13e–4(f)(3). To some degree, a ban on short tendering further contributes to that overall goal.

[26] In the past, certain commentators have stated that permitting short tendering would raise the price at which arbitrageurs are willing to purchase shares from those shareholders who wish to avoid the risk of *pro rata* acceptance by selling into the market rather than tendering. Additional comment on this point is requested, since it would appear that arbitrageurs need not purchase subject securities during the tender offer period in order to effect a short tender.

V. Regulatory Flexibility Act Certification

Section 603(a) [27] of the Administrative Procedure Act ("APA"),[28] as amended by the Regulatory Flexibility Act ("Flexibility Act"),[29] generally requires the Commission to undertake a regulatory flexibility analysis of all proposed rules, or proposed rule amendments, to determine the impact of such rulemaking on "small entities."[30] Section 605(b) of the Flexibility Act, however, specifically exempts from this requirement any proposed rule, or proposed rule amendment, which, if

[27] 5 U.S.C. 603(a).

[28] 5 U.S.C. 551 *et seq.*

[29] Pub. L. No. 96–354 (September 19, 1980), 94 Stat. 1164, [1980] U.S. Code Cong. & Ad. News 1169.

[30] Although Section 601(b) of the Flexibility Act defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has published its proposed definitions in Securities Act Release No. 6352 (March 20, 1981), 46 FR 19251 (March 30, 1981).

adopted, would not "have a significant economic impact on a substantial number of small entities." The Proposed Amendments only prohibit certain conduct and do not impose any record-keeping, data collection or reporting requirements on entities subject to the Rule. In addition, small entities other than broker-dealers are unlikely to engage in the conduct to be prohibited, and those broker-dealers that the Commission proposes to define as a "small business" or "small organization" for purposes of the Flexibility Act [31] are already prohibited by another Commission rule from engaging in the conduct.[32] Accordingly, the Chairman of the Commission has certified that the Proposed Amendments, if adopted, would not have a significant economic impact on a substantial number of small entities.

VI. Statutory Basis

The proposed amendments to Rule 10b–4 would be promulgated under the Act, 15 U.S.C. 78a *et seq.*, and particularly Sections 3(b), 10(a), 10(b), 14(e), 15(b) and 23(a) of the Act [15 U.S.C. 78c(b), 78j(a), 78j(b), 78n(e), 78*o*(b) and 78w(a)].

On the basis of the above discussion and analysis, the Commission is proposing to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by revising § 240.10b–4 to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.10b–4 Short tendering of securities.

(a) *Definitions.* For purposes of this section: (1) A person shall be deemed to own a subject security or an equivalent security if neither he nor his agent has entered into an arrangement or agreement (other than one for the lending of securities or the writing of a call option that is traded on a national securities exchange) whereby any other person may tender that security or be deemed to own it and (i) he or his agent has title to it; or (ii) he has purchased, or has entered into an unconditional contract, binding on both parties thereto, to purchase it but has not yet received it; or (iii) he has an option that is traded on a national securities exchange to purchase it and has exercised that option; or (iv) in the case of a subject security he has converted, exchanged, or exercised an equivalent security that he owned (within the meaning of paragraph (a)(1) (i) or (ii) of this section). For the purpose of determining ownership as of the end of the *pro rata* acceptance period, securities that have been tendered and not withdrawn are deemed to be owned as of the end of the *pro rata* acceptance period. *Provided, however,* That a person shall be deemed to own a security for purposes of this rule only to the extent that he has a net long position in such security.

(2) The term "equivalent security" means (i) any security (including any option, warrant, or other right to purchase the subject security), issued by the person whose securities are the subject of the offer, that is immediately convertible into, or exchangeable or exercisable for, a subject security; or (ii) any other right or option (other than an option that is traded on a national securities exchange) that entitles the holder thereof to acquire a subject security, but only if the holder thereof reasonably believes that the maker or writer of the right or option has title to and possession of the subject security and upon exercise will promptly deliver the subject security.

(3) The term "partial offer" means any tender offer for, or request or invitation for tenders of, any security in which

(i) The bidder offers to purchase less than the total amount of securities outstanding of a particular class or series and

(ii) Tenders are accepted either by lot or on a *pro rata* basis for a specified period.

(4) The term "subject security" means a security that is the subject of any tender offer or request or invitation for tenders.

(5) For purposes of this rule, a person shall be deemed to "tender" a security if he (i) delivers a subject security pursuant to an offer, (ii) causes such delivery to be made, (iii) guarantees delivery of a subject security pursuant to a tender offer, (iv) causes a guarantee of such delivery to be given by another person, or (v) uses any other method by which acceptance of a tender offer may be made.

(b) It shall constitute a "manipulative or deceptive device or contrivance" and a "fraudulent, deceptive, or manipulative act or practice" as those terms are used in sections 10(b) and 14(e) of the Act, respectively, for any person acting alone or in concert with others, directly or indirectly, to tender any subject security in a partial offer:

(1) For his own account unless at the time of tender, and at the end of the *pro rata* acceptance period or period during which securities are accepted by lot (including any extensions thereof), he owns (i) the subject security and will deliver or cause to be delivered such security for the purpose of tender to the person making the offer within the period specified in the offer, or (ii) an equivalent security and, upon the acceptance of his tender, will acquire the subject security by conversion, exchange, or exercise of such equivalent security to the extent of such acceptance and, within the period specified in the offer, will deliver or cause to be delivered the subject security so acquired for the purpose of tender to the person making the offer; or

(2) For the account of another person unless the person making the tender (i) possesses the subject security or an equivalent security, or (ii) has a reasonable belief that, upon information furnished by the person on whose behalf the tender is made, such person owns the subject security or an equivalent security and will promptly deliver the subject security or such equivalent security for the purpose of tender to the person making the tender.

(3) If the same security has been tendered in response to any other partial offer, unless he has first withdrawn the other tender.

(c) This rule shall not prohibit any transaction or transactions if the Commission, upon written request or upon its own motion, exempts such transaction or transactions, either unconditionally or on specified terms and conditions, as not constituting a manipulative or deceptive device or contrivance or a fraudulent, deceptive, or manipulative act or practice comprehended within the purpose of this rule.

VII. Solicitation of Comments

All interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should submit three copies thereof to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than November 15, 1981. Reference should be made to File No. S7–903. All submissions will be made

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[31] A broker-dealer under the Commission's proposed definition of "small business" or "small organization" is one that:

(1) Is permitted to maintain the amount of net capital specified in § 240.15c3–1(a)(2) or (a)(3);

(2) Had less than six partners, officers and employees on the last business day of the preceding calendar year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section.

Id.

[32] Since the Commission is using its proposed, but not yet adopted, definitions of small entities in its evaluation of the Proposed Amendments to Rule 10b–4, the Commission seeks comment on whether the use of those proposed definitions is appropriate in this context.

available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 21, 1981.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Rule 10b–4 set forth in Securities Exchange Act Release No. 34–18050, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are that the proposed amendments, if adopted, would prohibit fraudulent conduct and would not impose any reporting, data collection or record-keeping requirements. In addition, small entities other than broker-dealers are unlikely to engage in the conduct to be prohibited, and those broker-dealers that the Commission proposes to define as a "small business" or "small organization" for purposes of the Regulatory Flexibility Act are already prohibited by another Commission rule from engaging in the conduct.

Dated: August 21, 1981.

John S. R. Shad,

Chairman.

[FR Doc. 81–25159 Filed 8–27–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 81N–0219]

Inhalation Anesthetic Drug Products; Proposed Revocation of Requirements for Studies of Carcinogenic and Teratogenic Potential

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to revoke the regulation that requires manufacturers to conduct studies in animals of certain inhalation anesthetic drug products to determine the potential of these drug products to cause cancer and birth defects. The proposal is based on new information that has become available since the final regulation was published. The information provides sufficient evidence that the required studies are not necessary.

DATE: Written comments by October 27, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Adminstration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert J. Weil, Bureau of Drugs (HFD–30) Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 22, 1977 (42 FR 37538), FDA issued § 310.511 (21 CFR 310.511), which established certain requirements for inhalation anesthetic drug products. The section requires the holders of new drug applications (NDA's) and abbreviated new drug applications (ANDA's) for halogenated inhalation anesthetic drug products to conduct animal studies on the potential of their drug products to cause cancer and to affect reproduction, including any potential for causing birth defects. The NDA and ANDA holders were required to submit reports on these studies to FDA to be used to determine whether the labeling of the products should be revised to provide for safer use of the drug products or whether approval of the applications for the products should be withdrawn.

The final regulation became effective on August 22, 1977. The holders of approved NDA's and ANDA's for drug products subject to the regulation where required to submit preliminary study protocols by September 20, 1977, and to submit final protocols by February 17, 1978. Preliminary protocols for the studies were discussed at a workshop held by FDA on December 5 and 6, 1977. In the **Federal Register** of March 14, 1978 (43 FR 10553), the date for submission of final protocols was extended to September 1, 1978. On August 29, 1978, FDA sent to each NDA and ANDA holder a study protocol, which the agency considered satisfactory under the regulation. The application holders were given 60 days to respond to the August 29 letter.

The five companies who hold approved NDA's and ANDA's for all marketed halogenated inhalation anesthetic drug products jointly petitioned the Commissioner of Food and Drugs on September 28, 1978, to stay the implementation of § 310.511. The petitioners contended that no rational basis existed in the regulation's administrative record that would permit FDA to require the holders of approved NDA's and ANDA's for halogenated inhalation anesthetic drug products to conduct the animal studies. The petitioners further contended that FDA is not authorized under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to require the animal studies.

FDA viewed the petition to be untimely under § 10.35 (21 CFR 10.35), which requires a petition for stay to be submitted no later than 30 days after the date of the decision involved. To be timely, the petition should have been filed by August 22, 1977.

FDA nevertheless considered the petition and concluded that there remained some questions whether the studies required under § 310.511 were necessary. Accordingly, in the **Federal Register** of March 2, 1979 (44 FR 11753), FDA stayed § 310.511 pending a further examination of the value of the animal studies.

Although FDA believes that section 505(j) of the act authorizes requirements such as those imposed by § 310.511, the agency is proposing to revoke the requirements of § 310.511 because they no longer appear to be necessary.

The regulation was based on a review of 27 literature references and a recommendation by FDA's Anesthesiology Advisory Committee (formerly the respiratory and Anesthetic Drugs Advisory Committee). In the recommendation the Committee stated that sufficient evidence existed to cause concern about the carcinogenic and mutagenic potential of halogenated inhalation anesthetic drug products, as well as their effects on reproduction, including teratogenic potential. (A list of these articles can be found in the **Federal Register** of April 8, 1976 (41 FR 14888).)

One of the most important studies on which the Advisory Committee Recommendation was based was a mouse study conducted by Dr. Thomas H. Corbett entitled "Cancer and Congenital Anomalies Associated with Anesthetics." Since the Committee made its recommendation, FDA has concluded that the study is deficient, and that reliance upon its results as a basis for recommending further testing is unwarranted. A subsequent study by Eger (Ref. *6*) found the deficiencies in the Corbett study to inlcude: (1) contaminants—polybrominated biphenyls—were detected at levels of 0.068 ± 0.14 part per million in the test and control animals and possibly contributed to a higher average incidence of liver lesions in the animals; (2) test and control animals were treated differently in several ways which might have influenced the results; and (3) autopsies and slide readings were not done blindly and were therefore subject to bias.

Additionally, the following studies in both animals and humans have become

available since § 310.511 was issued as a final regulation and have produced data showing that the studies required by § 310.511 are not necessary. Copies of these studies have been placed on file in the Dockets Management Branch (address above).

REFERENCES

1. Mazze, M. K., et al., "Carcinogenic Potential of Halothane in Swiss/ICR Mice," American Society of Anesthesiologists Meeting, New Orleans, LA, October 15–19, 1977.

2. Coate, W. B., et al., "Inhalation Toxicity Study of Nitrous Oxide and Halothane in Rats," submitted to the National Institute for Occupational Safety and Health, February 24, 1977.

3. Greene, N. M., et al., "Reports on American Cancer Society, Study of Deaths Among Anesthesiologists," unpublished.

4. Baden, J. M., tested all of the commonly used anesthetic agents in the Ames bacterial assay system.

5. Eger, E. E., II, and associates tested isoflurane, methoxyflurane, nitrous oxide, halothane, enflurane, and fluroxene in the sister chromatid exchange mutagenicity test.

6. Eger, E. E., II, et al., "A Test of the Carcinogenicity of Enflurane, Halothane, Methoxyflurane, and Nitrous Oxide in Mice," *Anesthesia and Analgesia*, 57:678–694, 1978.

7. Kunz, W., G. Schaude, and C. Thomas, "The Effect of Phenobarbital and Halogenated Hydrocarbons on Nitrosamine Carcinogenesis," *Z. Krebsforsch*, 72:271–304, 1969.

8. Ferstandig, L. L., "Trace Concentrations of Anesthetic Gases: A Critical Review of Their Disease Potential," *Anesthesia and Analgesia*, 57:3, 1978.

This proposal does not affect the status of the requirements of the regulation. The requirements have been stayed and that stay will remain in effect until publication of a final rule based on this proposal.

The agency has carefully considered the potential environmental impact of this proposal and has concluded that the action will not have a sigificant effect on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch, Food and Drug Administration.

In accordance with the Regulatory Flexibility Act (Pub. L. 96–354), this certifies that the proposal would not have a significant economic impact on a substantial number of small entities, including small businesses. The agency has determined that because the effect of this proposal is to revoke a stayed regulation no economic impact on small businesses will result.

In accordance with Executive Order 12291, the economic effects of this proposal have been carefully analyzed and it has been determined that the proposal is not a major rule as defined by that Order. A copy of the threshold assessment supporting this determination is on file in the Dockets Management Branch (address above).

PART 310—NEW DRUGS

§ 310.511 [Removed]

Therefore, under the Federal Food, Drug, and Cosmetic Act (Secs. 505, 701(a), 52 Stat. 1052–1053 as amended, 1055 (21 U.S.C. 355, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Part 310 be amended by removing § 310.511 *Inhalation anesthetic drugs.*

Interested persons may, on or before October 27, 1981, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 11, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-25156 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

24 CFR Part 3280

[Docket No. R-81-933]

Manufactured Home Construction and Safety Standards

AGENCY: Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Advance notice of proposed rulemaking—Formaldehyde Emissions in Manufactured Homes.

SUMMARY: The Department of Housing and Urban Development is currently studying th levels of formaldehyde outgassing in manufactured homes, (throughout this ANPR "manufactured home" is used as defined in the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5402(6); such homes were formerly referred to as "mobile homes" prior to the amendment of the Act on October 8, 1980). Formaldehyde outgassing in these homes results from such materials as particle board, plywood, and paneling utilizing urea formaldehyde resins, and some fabrics used for rugs, furniture and draperies. The Department is also looking into the effect of this formaldehyde outgassing on the health of the occupants of these homes, since some evidence exists indicating that formaldehyde can have an adverse effect on air quality and health. The purpose of this Advance Notice of Proposed Rulemaking is to solicit comments and information from interested parties as to whether a standard is needed on formaldehyde outgassing in manufactured homes and if so, what would constitute an appropriate standard..

DATE: Comments are due October 27, 1981.

ADDRESS: Comments must be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Richard A. Mendlen, Director, Standards Division, Office of Manufactured Housing Standards, Room 3248, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. (202) 755–5798 [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: It has come to HUD's attention that there may be a need to establish a standard in order to limit the possible adverse effects of formaldehyde upon occupants of manufactured homes. The State of Wisconsin Department of Justice and the Attorney General of Texas have expressly requested that a Federal ambient air formaldehyde standard be set. Furthermore, on January 27, 1981, the National Manufactured Housing Federation, Inc. filed a petition for Rulemaking proposing the adoption of a product standard by this Department. This ANPR is being issued specifically in response to this Petition for Rulemaking and in response to more general concerns about the problem of formaldehyde outgassing in manufactured homes.

The connection between formaldehyde gas and certain adverse health effects is supported by current available scientific and medical information. The formaldehyde gas level present in manufactured homes is due to outgassing from particle board, plywood, and paneling utilizing urea formaldehyde resins and some fabrics used for rugs, furniture and draperies, and the use of natural gas appliances. HUD has received numerous complaints from manufactured home occupants concerning discomfort and illness which may be due to formaldehyde gas in their homes.

As a consequent of these complaints and requests, the Department has sponsored meetings with other federal agencies including the Consumer Product Safety Commission, the Food and Drug Administration, the Environmental Protection Agency and the National Cancer Institute to identify specific concerns about formaldehyde and its effects and is monitoring research regarding formaldehyde undertaken by the scientific community and the manufactured homes industry. The Department is coordinating its activities with regard to formaldehyde with these Federal agencies and is seeking to avoid duplication of information gathering on this subject. Therefore, the Department will share the material received in response to this ANPR with these and any other appropriate Federal agencies.

Further, HUD has engaged in research to evaluate methods used to measure formaldehyde, assess the magnitude of the problem, gather data on formaldehyde outgassing, and developing regulatory alternatives to control formaldehyde emissions. The first phase of HUD's study, "An Evaluation of Formaldehyde Problems in Residential Mobile Homes," was recently published. (HUD–PDR–667, April, 1980).

To assist the Department in determining whether to institute rulemaking regarding formaldehyde outgassing in manufactured homes, the Department seeks advice from manufacturers, health officials, State and Federal agencies, and other interested persons as to whether a standard on formaldehyde is needed and, if so, what standard would be appropriate. HUD is authorized to promulgate standards under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 *et seq.* In order to determine whether a standard for formaldehyde should be set, the Department needs more information concerning the sources of formaldehyde in manufactured homes, the health effects of long and short term exposure to the gas, methods of testing levels of formaldehyde, and any available means by which to reduce or neutralize levels of formaldehyde in manufactured homes. Specifically, the Department requests comment and information on the following:

1. What are the adverse health effects attributable to both long and short term exposure to formaldehyde gas, particularly at low levels? At what level (expressed in parts per million) is each segment of the population (expressed in percentages) initially aware of or irritated by exposure?

2. What groups, if any, are particularly susceptible to the effects of exposure to various levels of formaldehyde gas?

3. Are there other substances commonly present in manufactured homes which cause the same or similar symptoms as those attributable to exposure to formaldehyde? If so, what are these substances?

4. What are the sources of formaldehyde in manufactured homes? What is the extent of contribution of formaldehyde gas of each of these sources and what is the cumulative effect of various components outgassing at different levels?

5. What means, if any, are available to eliminate, reduce or neutralize formaldehyde outgassing from these sources?

6. Are there readily available alternatives to the use of products in manufactured homes which are not known sources of formaldehyde? If so, how do their costs compare, including production costs, if they were substituted for formaldehyde emitting products?

7. How do the following component testing methods for levels of formaldehyde outgassing compare in terms of accuracy, reliability, feasibility and cost?

(a) Dessicator Test Procedure

(b) Perforator Test Procedure

(c) Dynamic Air Test Procedure

8. Can any of the component testing methods be correlated to predict levels of formaldehyde in the ambient air of manufactured homes?

9. How do the following methods for measuring formaldehyde outgassing in ambient air compare in terms of accuracy, reliability, feasibility, and cost?

(a) Modified Parosanaline Test Procedure

(b) NIOSH Chromotropic Test Procedure

(c) Passive Sensor Devices

(d) Automated Colometric Analyser (formaldehyde air monitor)

(e) Electronic Sensing Devices

Under what conditions should ambient air measurements be taken, i.e., occupants present, not present, or both; ventilated or unventilated?

10. Are there any other testing methods currently available for testing levels of formaldehyde outgassing and how do these compare in terms of accuracy, reliability, feasibility and cost?

11. Should a proposed standard set a limit on the outgassing and/or use of formaldehyde in materials used in manufactured homes (product standard) of should the standard set a limit on parts per million (PPM) of formaldehyde in the air of manufactured homes (ambient air standard), or both? If standards for ambient air are established, what differences (expressed in PPM), should be considered between measurements taken at the factory and those taken at the site?

12. Where should formaldehyde outgassing levels be tested: in the manufactured home factory, in the component plant, on the homesite, or any combination of the above?

13. What effect does temperature, humidity, and climate variation have on levels of formaldehyde outgassing?

14. What cost effective methods are available to increase the number of air changes in the manufactured home or otherwise vent formaldehyde gas from the home without compromising energy conservation goals currently reflected in the federal standards?

15. To what extent will various ventilation rates effect levels of formaldehyde gas in manufactured homes?

16. Is there any industry standard, consensus standard or standard proposed by a State that should be considered appropriate for adoption by the Department as a standard for formaldehyde emissions in manufactured homes?

17. What is the probable economic impact of various formaldehyde outgassing standards in terms of likely costs to both manufacturers and purchasers and what are the incremental costs of each progressively higher, i.e. more stringent standard?

18. Would a Federal formaldehyde standard enhance or inhibit the marketability of manufactured homes?

19. What factors should be considered in identifying the benefits of a Federal formaldehyde standard to manufactured home purchasers and occupants and how can these be quantified?

20. What factors should be considered in identifying the impact on manufactured home purchasers and occupants if there is no Federal Standard and how can these be quantified?

21. Should a label warning of the possible danger of exposure to formaldehyde gas be required for all manufactured homes by this or any other Agency?

(Sec. 625 of the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5403)

Issued at Washington, D.C. August 20, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection.

[FR Doc. 81-25170 Filed 8-27-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 381]

Lancaster Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is proposing the establishment of an American viticultural area in the State of Pennsylvania known as "Lancaster Valley." The proposal is based on a petition from a bonded winery, and would allow the "Lancaster Valley" viticultural area designation to be used for labeling and advertising of certain wines.

DATE: Written comments must be received by November 27, 1981.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, Attention: Notice No. 381.

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Section 9.11, Title 27, CFR, defines an American Viticultural area as a delimited grape growing region distinguishable by geographic features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historic or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.), which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which are found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF has received the first petition to establish a viticultural area within the State of Pennsylvania. The proposed area, located in southeastern Pennsylvania, would be known as "Lancaster Valley" and is primarily located within Lancaster County with a small portion extending into Chester County. Lancaster Valley is approximately 31 miles long and 12 miles wide and contains about 225,000 acres.

The petitioner, Conestoga Vineyards, is a bonded winery located in the city of Lancaster. The petitioner states that the criteria used to differentiate the Lancaster Valley from surrounding areas are topography, soils, and geology.

The petitioner bases the petition on the following information:

(a) Lancaster County is located in the Piedmont Province physiographic division, which is further subdivided within the county into the Piedmont Upland, Northern Piedmont Lowland, and the Lancaster-Frederick Lowland. Lancaster Valley is located in the Lancaster-Frederick Lowland.

The topography of the Lancaster Valley is nearly level. It is a gently rolling plain averaging 400 feet in elevation. At its eastern edge, the valley raises to an average of 500 feet and over a distance of 30 miles the valley descends 200 feet to an altitude of 300 feet at its western edge along the Susquehanna River. The valley has areas of higher elevation and increasing slope at its boundaries.

The Lancaster Valley is generally bounded by areas of higher elevation ranging from 100 to 600 feet above the valley floor. These include the Welsh Mountain (1,000 feet), and the Baron Hills (800 feet) on the eastern boundary. The Gap Hill (800 feet), Mine Ridge (800 feet), Bunker Hill (540 feet), the Piedmont Upland (500 feet), and Turkey Hill (600 feet) are higher elevations along the southern boundary. Along the western boundary are the Manor Hills (600 feet), Chestnut Ridge (600 feet), Chestnut Hill (660 feet), and Chickies Ridge (620 feet). Higher elevations on the northern boundary include the Northern Piedmont Lowland (500 feet), Sporting Hill (500 feet), Kissel Hill (500 feet), Ephrata Mountain (800 feet), and Turkey Hill (840 feet).

(b) The soils found in the Lancaster Valley are typical of those derived from limestone. They are deep, well drained, highly productive soils with a high moisture holding capacity. Only two major soil associations are found in the Lancaster Valley: The Duffield-Hagerstown association and the Conestoga-Hollinger association. The soils bordering the Lancaster Valley are generally of other associations that are not as productive, deep, or well drained.

(c) The topography and soils of the Lancaster Valley result from the geology of the area. The valley is a limestone bed that has been weathered to a gently rolling plain. The limestones found in the valley include Conestoga, Beekmantown, Conococheague and Elbrook limestones, with Ledger and Vintage dolomites.

The hills and upland areas surrounding the Lancaster Valley are composed of harder rocks (quartzite, schist, gneiss, etc.) that are more resistant to erosion and weathering than the softer and more soluble limestones of the valley. The deep, fertile soils of the valley were formed from the insoluble and weathered products left from the decay of the parent limestones. The formation of the Lancaster Valley

resulted from the presence of a large unbroken expanse of limestone.

(d) Lancaster County has a long history of grapegrowing. In "Climatic Factors and the Potential for Wine-Grape Production in Several Areas of Pennsylvania," [1] Carl W. Haeseler notes that early colonists planted wine grapes in several areas of southeastern Pennsylvania, including Middletown and York. By 1828, he states there were 150 acres of grapes, primarily Alexander, centered around York, with additional acreages in Adams, Chester, Lancaster and Westmoreland Counties. Haeseler further notes that although the grape industry in the area eventually succumbed to disease, "York and Lancaster Counties are considered among the starting places of American viticulture."

The petitioner states that today there are approximately 41.5 acres of wine grapes within the Lancaster Valley viticulture area and that there are two bonded wineries within this area. These wineries grow grapes within the proposed viticultural area and purchase additional grapes from within and outside of the area.

(e) The climate is not a factor in differentiating the Lancaster Valley from the surrounding area. Because of the lack of high mountains to block weather patterns, the climate throughout Lancaster County is relatively uniform.

The county lies in an area of prevailing westerly winds which originate in the interior of North America. The Atlantic Ocean to the east (130 miles) represents a modifying factor and source of moisture. These conditions give a "Humid Continental" type of climate. The average annual temperature is 52.1° Fahrenheit with the coldest month being January (30.4° Fahrenheit) and the warmest month July (74.0° Fahrenheit). Precipitation occurs fairly evenly throughout the year with an average of 41 inches.

(f) The name Lancaster Valley is utilized by the Pennsylvania and United States Geologic Surveys to describe the region proposed in this viticultural area. The valley is located almost entirely within Lancaster County, Pennsylvania and Lancaster is the name of the largest city within the county and proposed viticultural area. The city of Lancaster was founded in 1718 and Lancaster County was established in 1729.

[1] Progress Report 303, January 1970, the Pennsylvania State University, College of Agriculture, Agricultural Experiment Station, University Park, Pennsylvania; Carl W. Haeseler.

Proposed Boundaries

The proposed viticultural area would occupy the middle third of Lancaster County, Pennsylvania. The valley would consist of that area delineated on the east by the 500 foot contour line and the Welsh Mountains. The southern boundary is delineated by the 500 foot contour line extending along Mine Ridge to the 76° 07'30" line of longitude. From there the boundary passes in approximately a straight line south of the town of Strasburg and south of Willow Street to the confluence of Stehman Run and Conestoga River. The boundary continues along Indian Run and Wisslers Run to the 300 foot contour line. The western boundary would be delineated by the 300 foot contour line above the Susquehanna River, Pennsylvania Highway 441 between Marietta and Bainbridge, and would exclude the Manor Hills, Chestnut Hills, Chestnut Ridge, and the Chickies Ridge. The northern boundary would be delineated by an irregular line extending from Bainbridge to Rheems, which then passes north of Mount Joy and south of Manheim, Lititz, Akron, Ephrata and Terre Hill to the intersection with Berks County at Pennsylvania Highway 23.

The exact boundaries of the proposed area and the appropriate U.S.G.S. Maps used to determine the boundaries are listed in the proposed regulation.

Public Participation

ATF requests comments from all interested persons concerning this proposed viticultural area. Furthermore, while this notice proposes possible boundaries for the Lancaster Valley viticultural area, suggestions concerning alternative boundaries will be given consideration prior to any final decision. ATF especially solicits comments on ways in which to simplify the proposed boundaries of this viticultural area.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappripriate for disclosure to the public should not be included in the comment. The name of any person submitting comments is not exempt for disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on this proposed regulation should submit his or her request, in writing, to the Director within the 90-day comment period. The Director reserves the right to determine whether a public hearing should be held.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities. This proposal is not expected to have a significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have a significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this document is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

Accordingly, under the authority contained in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended to add § 9.41. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.41 Lancaster Valley.

* * * * *

Par. 2. Subpart C is amended by adding § 9.41. As added, § 9.41 reads as follows:

§ 9.41 Lancaster Valley.

(a) *Name.* The name of the viticultural area described in this section is "Lancaster Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Lancaster Valley viticultural area are two U.S.G.S. maps. They are entitled:

(1) "Lancaster County, Pennsylvania", scaled 1:50,000; and

(2) "Honey Brook Quadrangle", 7.5 minute series.

(c) *Boundaries.* The Lancaster Valley viticultural area is primarily located in Lancaster County, Pennsylvania with a small portion extending into western Chester County, Pennsylvania. The beginning point is where Pennsylvania Highway 23 crosses the Lancaster and Berks County line.

(1) Thence in a southeasterly direction following the Lancaster County boundary for approximately 0.9 miles to the 500 foot contour line immediately south of the Conestoga River.

(2) Thence following the 500 foot contour in a southwesterly direction to the Caernarvon-East Earl Township boundary.

(3) Thence south approximately 0.1 mile following the Caernarvon-East Earl Township boundary to U.S. Highway 322.

(4) Thence west following U.S. Highway 322 for approximately 1.7 miles to the electric transmission line between Fetterville and Cedar Grove School.

(5) Thence southwest in a straight line for approximately 5.2 miles to the intersection of Earl, Upper Leacock, and Leacock Townships at the Mill Creek.

(6) Thence southeast following the boundary between Earl Township and Leacock Township to the point where Earl, East Earl, Salisbury, and Leacock Townships intersect.

(7) Thence east in a straight line for approximately 4.9 miles to the point where the 500 foot contour line intersects Pequa Creek northwest of Mt. Pleasant School.

(8) Thence following the 500 foot contour line past Cole Hill through the town of Gap and along Mine Ridge to the 76°07'30" west longitude line in Paradise Township.

(9) Thence southwest in a straight line for approximately 7.2 miles to the Boehm Church south of Willow Street.

(10) Thence northwest in a straight line for approximately 1.2 miles to the township school in West Willow.

(11) Thence west in a straight line for 4.2 miles to the confluence of Stehman Run and the Conestoga River.

(12) Thence northwest in a straight line for approximately 0.5 mile to the confluence of Indian Run and Little Conestoga Creek.

(13) Thence west following Indian Run for approximately 3.6 miles to the source of the more northerly branch.

(14) Thence northwest in a straight line for approximately 0.25 mile to the source of Wisslers Run.

(15) Thence west following Wisslers Run downstream for approximately 0.7 mile to the 300 foot contour line.

(16) Thence north following the 300 foot contour line to its intersection with Pennsylvania Highway 999 in Washington Boro.

(17) Thence east following Pennsylvania Highway 999 to the school in Central Manor.

(18) Thence northeast in a straight line for approximately 2.7 miles to the point where the West Branch of the Little Conestoga Creek intersects with Pennsylvania Highway 462.

(19) Thence west following Pennsylvania Highway 462 for approximately 1.5 miles to Stickler Run.

(20) Thence following Stickler Run southwest to the Columbia municipal boundary.

(21) Thence north following the eastern boundary of Columbia to Shawnee Run.

(22) Thence northeast in a straight line for approximately 5.8 miles to the intersection of Pennsylvania Highway 23 and Running Pump Road [unnamed on map] at elevation check point 436 near Centerville.

(23) Thence east following Pennsylvania Highway 23 for approximately 0.5 mile to the 400 foot contour line.

(24) Thence following the 400 foot contour line north around Chestnut Ridge, past Millers Run and continuing until the 400 foot contour line intersects an unnamed stream.

(25) Thence due south in a straight line for approximately 0.2 mile to the East Hempfield-West Hempfield Township boundary.

(26) Thence southeast following the East Hempfield-West Hempfield Township boundary for approximately 0.8 mile to Pennsylvania Highway 23 at Oyster Point.

(27) Thence west following Pennsylvania Highway 23 to the intersection with Pennsylvania Highway 441 at Marietta.

(28) Thence west following Pennsylvania Highway 441 to Pennsylvania Highway 241 near Bainbridge.

(29) Thence northwest in a straight line for approximately 5.5 miles to the point where the Consolidated Railroad Corporation [formerly the Pennsylvania Railroad main line] crosses the West Donegal-Mount Joy Township boundary in Rheems.

(30) Thence east in a straight line for approximately 3.3 miles to the Mt. Pleasant Church.

(31) Thence southeast in a straight line for approximately 2.6 miles to the intersection of Pennsylvania Highways 283 and 141.

(32) Thence northeast following Pennsylvania Highway 141 to the crossroads in Sporting Hill.

(33) Thence east in a straight line for approximately 2.0 miles to the point where the 400 foot contour lines crosses Pennsylvania Highway 72 south of Valley View.

(34) Thence following the 500 foot contour line east to Pennsylvania Highway 501.

(35) Thence east in a straight line for approximately 2.9 miles to the Union Meetinghouse.

(36) Thence southeast in a straight line for approximately 1.2 miles to the point where Pennsylvania Highway 272 crosses Cocalico Creek (which forms the boundary between West Earl and Warwick Townships).

(37) Thence northwest following the West Earl Township boundary to its intersection with U.S. Highway 322 southeast of Ephrata.

(38) Thence east in a straight line for approximately 3.4 miles to the Lincoln Independence School.

(39) Thence southeast in a straight line for approximately 1.7 miles to the West Terre Hill School.

(40) Thence east in a straight line for approximately 8.5 miles to the beginning point.

Signed: July 21, 1981.

G. R. Dickerson,

Director.

Approved: August 19, 1981.

John M. Walker, Jr.,

Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-25237 Filed 8-27-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Fire Island National Seashore, New York; Seaplane Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This rulemaking revises 36 CFR 7.20 by deleting two communities from designation as seaplane access areas on Fire Island National Seashore because of public safety problems which occurred during the 1980 summer season.

DATE: Written comments, suggestions or objections will be accepted until September 28, 1981.

ADDRESS: Comments should be directed to: Superintendent, Fire Islands National Seashore, Patchogue, New York 11772.

FOR FURTHER INFORMATION CONTACT: Joel Pickelner, Superintendent, Fire Island National Seashore, Telephone (516) 289–4810.

SUPPLEMENTARY INFORMATION:

Background

On July 30, 1979, the National Park Service promulgated final regulations to control seaplane and amphibious aircraft operations within Fire Island National Seashore (44 FR 44492). This rule established zones for take-offs and landings, and designated areas where taxiing could take place. These regulations were developed to promote public safety, to minimize the conflicts among the various users, and to protect the resources of the seashore.

The designation of these taxi routes was based on public comment received during the public involvement phase of the rulemaking process. Twelve island communities indicated a desire to permit seaplane and amphibious aircraft access.

After the promulgation of this regulation in July 1979 there continued to be a conflict between the property owners and visitors in three of the island communities—Fair Harbor, Ocean Bay Park, and Cherry Grove. Due to the fact that these three communities have bayside swimming beaches and mooring access, interaction between seaplanes and those pursuing water recreation activities continued and created numerous public safety problems. From July 22 to September 9, 1979, 50 complaints were filed with the National Park Service. These complaints cited such incidents as near collisions between seaplanes and boats, and seaplanes taxiing among swimmers.

As a result of these complaints and the potential threat to life and property indicated, the representatives of the Fair Harbor, Ocean Bay Park and Cherry Grove communities approached the National Park Service and asked that their communities no longer be designated as access points for seaplane use. Notarized letters to this effect were received by the Superintendent indicating that community referendums were held and a majority favored the removal of seaplane access designation. An amendment to these regulations (45 FR 49549; July 25, 1980) removed these three communities from designation as seaplane access points, as requested by the community leaders.

During the 1980 summer season, the residents and visitors in the communities of Dunewood and Point O' Woods experienced similar problems and likewise forwarded notarized letters indicating the need for greater protection from seaplane use and showing the results of referenda indicating the majority desire to restrict seaplane access from the lands and waters within their community boundaries. This proposed rule reflects the results of these public requests and removes these two additional communities from the list of approved seaplane access points.

At the time these seaplane and amphibious aircraft regulations were initially proposed in 1978 (43 FR 35070), an environmental assessment was prepared as required by the National Environmental Policy Act (83 Stat. 852, 42 U.S.C. 4321 *et seq.*). This assessment is on file at the park headquarters listed above. Additionally, the subject matter of this rulemaking has been open to and received extensive public comment in 1978 and 1979.

Public Participation

The policy of the Department of the Interior is, whenever practicable, to offer the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections to the address noted at the beginning of this rulemaking.

Drafting Information

The author of this regulation is Donald Weir, Fire Island National Seashore.

Compliance with Other Laws

Pursuant to the National Environmental Policy Act (42 U.S.C 4332) the Service prepared an Environmental Assessment in 1978, and received extensive public comment during 1978 and 1979, regarding the subject matter of 36 CFR 7.20(b) dealing with seaplane and amphibious aircraft operations at Fire Island National Seashore.

The Service has determined that this rulemaking is not a "major rule" within the meaning of E.O. 12291 (46 FR 13193; February 19, 1981).

This rule does not contain an information collection or recordkeeping requirement as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

In accordance with the regulatory Flexibility Act (Pub. L. 96–354) which became effective January 1, 1981 and 43 CFR Part 14, the Service has determined that the regulations proposed in this rulemaking will not have a significant economic effect on a substantial number of small entities, nor does it require the preparation of a regulatory analysis.

(Sec. 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3))

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

In consideration of the foregoing it is proposed to revise § 7.20(b)(3) of Title 36, Code of Federal Regulations as follows:

§ 7.20 Fire Island National Seashore.

* * * * * *

(b) * * *

(3) Aircraft may taxi on routes perpendicular to the shoreline to and from docking facilities at the following locations:

(i) Kismet—located at approximate longitude 73°12½′ and approximate latitude 40°38½′

(ii) Lonelyville—located at approximate longitude 73°11′ and approximate latitude 40°38½′.

(iii) Atlantique—located at approximate longitude 73°10½′ and approximate latitude 40°38½′.

(iv) Robbins Rest—located at approximate longitude 73°10′ and approximate latitude 40°38½′.

(v) Fire Island Pines—located at approximate longitude 73°04½′ and approximate latitude 40°40′.

(vi) Water Island—located at approximate longitude 73°02′ and approximate latitude 40°40½′.

(vii) Davis Park—located at approximate longitude 73°00½′ and approximate latitude 40°41′.

[FR Doc. 81-25226 Filed 8-27-81; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 123, 124, and 146

[WH-6-FRL-1922-5]

Texas Department of Water Resources; Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) the Environmental Protection Agency has received a complete application from the Texas Department of Water Resources requesting Primary Enforcement Responsibility for the Underground Injection Control program; (2) the appliction is available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary either to approve, disapprove, or approve in part and disapprove in part the application from the Texas Department of Water Resources to regulate Classes I, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by September 21, 1981; Public Hearing will be held on September 28, 1981, 10:00 a.m.—5:30 p.m. and 7:00 p.m.—10:00 p.m. Comments must be received by October 5, 1981.

ADDRESSES: Comments and requests to testify may be mailed to Ronald Van Wyk, Ground Water Protection Section, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas, 75270. Copies of the application and pertinent material are available between 8:30 a.m. and 4:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region 6, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270, (214) 767–7341.

Texas Department of Water Resources, Underground Injection Control Section, Stephen F. Austin Building, 1700 North Congress, Austin, Texas, (512) 475–7098.

The Hearing will be held at the Environmental Protection Agency, Conference Room, 29th floor, Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Julie Coston, Ground Water Protection Section, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2774. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: This application from the Texas Department of Water Resources is for the regulation of injection wells as follows:

(1) *Class I.*

(A) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to inject hazardous waste, other than Class IV wells;

(B) Other industrial and municipal 1 waste disposal wells which inject fluids beneath the lowermost formation containing, within one quarter mile of the well bore, an underground source of drinking water. (This category includes disposal wells operated in conjunction with uranium mining activities).

(2) *Class III.* Wells which inject for extraction of minerals, including:

(A) Mining of sulfur by the Frasch process;

(B) Solution mining of minerals which includes sodium chloride, potash, phosphate, copper, uranium and any other mineral which can be mined by this process.

(3) *Class IV.* Wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous wastes or radioactive wastes into or above a formation which, within one quarter mile of the well, contains an underground source of drinking water.

(4) *Class V.* Injection wells not included in Class I, II, III, or IV. Class V wells include:

(A) Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump;

(B) Cesspools or other devices that receive wastes, which have an open bottom and sometimes have perforated sides;

(C) Cooling water return flow wells used to inject water previously used for cooling;

(D) Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;

(E) Dry wells used for the injection of wastes into a subsurface formation;

(F) Recharge wells used to replenish the water in an aquifer;

(G) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

(H) Sand backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines;

(I) Septic system wells used:

(i) to inject the waste or effluent from a multiple dwelling, business establishment, community or regional business establishment septic tank; or

(ii) for a multiple dwelling, community or regional cesspool;

(J) Subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water.

Dated: August 24, 1981.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

[FR Doc. 81-25228 Filed 8-27-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 531 and 536

[General Orders 13 and 38; Docket No. 81-51]

Time Limit for Filing of Overcharge Claims

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: This would amend the Commission's tariff filing requirements to prohibit carriers from barring shippers' filing of overcharge claims less than two years after date of shipment. The two-year period is intended to coincide with the period prescribed in Section 22 of the Shipping Act, 1916 for reparations awarded for injuries from violations of the Act. The effect of the amendment will be to prevent unnecessary administrative proceedings where there is no dispute among the parties, and to ensure that violations of Section 18(b)(3) of the Shipping Act, 1916 do not go unredressed because of unreasonable limitations in carriers' tariffs.

DATE: Comments (original and fifteen copies) on or before: October 30, 1981.

ADDRESS: Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, (202) 523–5725.

SUPPLEMENTARY INFORMATION: Although Section 22 of the Shipping Act, 1916 (46 U.S.C. 821) establishes a two-year statute of limitations for reparations for violations of the Act, informal overcharge claims by shippers are frequently denied by carriers on the basis of carriers' or conferences' inclusion in their tariff of a time limit of shorter duration for filing such claims. Because these tariff provisions typically require claims to be filed within six months of the date of shipment, they are generally referred to as "six-month rules." When such a six-month rule is operative, shippers who become aware of possible overcharges more than six months after the date of shipment must pursue their claim by filing a complaint with the Commission, since any informal channel to reparation is barred by the tariff rule. Thus, the rule imposes a burden on shippers and bars the most convenient and efficient means of correcting freight overcharges.

Another effect of the six-month rule is that shippers whose informal claims are denied by carriers as untimely may choose to give up at this stage, and not even proceed with adjudication before the Commission. In these situations, any overpayment of freight charges goes uncorrected, and the six-month rule allows carriers to continue to violate Section 18(b)(3).[1] Thus, the six-month rules not only serve as a limitation on the statutory period but may also act as an obstacle to the redress of Section 18(b)(3) violations.

When an administrative proceeding is initiated because of invocation by the carrier of its six-month rule, it is often devoid of any real dispute among the parties. It has been the Commission's experience that in a substantial number of its informal docketed proceedings,[2] the parties are in agreement that there was a misrating of cargo for which an adjustment should be made, but voluntary resolution by the parties is nevertheless proscribed by the tariff's six-month rule. Thus, the Commission's docket procedures, designed for the efficient resolution of disputes between adversaries, become the forum for uncontested litigation, resulting in unnecessary expense of time and resources.

Moreover, a six-month rule in a carrier's tariff is likely to conflict with several objectives of the Shipping Act. Section 14 Fourth of the Act (46 U.S.C. 812) states that a carrier shall not "unfairly treat * * * any shipper in the matter of * * * the adjustment and settlement of claims." The Commission is aware of no reason why the time period for filing informal overcharge claims should be briefer than the two-year period allowed by statute for the filing of claims with the Commission. The arbitrary prohibition against the informal settlement of claims six months after date of shipment imposes burden on complaining shippers—they are forced to bring their claim before the Commission. Moreover, this is often an expensive burden; shippers who would have pursued a voluntary adjustment with the carrier using their in-house personnel may find it necessary to hire counsel to pursue the same claim before the Commission. Thus the six-month rule serves to require shippers with overcharge claims to make substantial expenditures. These impositions may constitute unfair treatment in violation of section 14 Fourth of the Act.

For the same reasons, the operation of six-month rules is also likely to result in a violation of section 15's requirement that conferences "adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints."

Frequently, tariff rules contain a provision that errors in weight or measurement must be brought to the attention of the carrier or conference before the cargo leaves its custody. Such restrictions generally constitute an impediment of the same nature and effect as the six-month rule, and the rule proposed here is intended to proscribe these as well.

Similarly, at least two conferences have filed with the Commission a modified six-month rule, permitting overcharge claims within two years of the date of sailing, but assessing an "administration charge" for claims submitted later than six months. Imposition of a fee is a less severe sanction than a flat bar on acceptance of claims. Nevertheless, it appears that the assessment of a claim fee serves as a penalty upon those seeking correction of statutory violations. It is the Commission's intention to proscribe such fees and limitations by the rules proposed herein.

The Commission therefore proposes to amend its rules to prohibit the inclusion in carriers' tariffs of time limitations of less than two years on overcharge claims filed with the carrier or conference. This two-year allowance is intended to coincide with the limit prescribed by the Shipping Act on compliants filed with the Commission. Such an amendment will ensure that Section 18(b)(3) proceedings instituted before the Commission are genuinely disputed proceedings and not merely time-consuming exercises in administrative litigation, devoid of any real dispute and necessitated by arbitarily-imposed time limits on claims. The amendment would also ensure that shippers subjected to overcharges will not be needlessly discouraged from correcting statuory violations.

The Commission finds that the proposed rule is exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601). Section 601(2) of that Act excepts from its coverage any "rule of particular applicability relating to rates * * * or practices relating to such rates * * *." As the proposed rule clearly relates to rates and rate practices, the Regulatory Flexibility Act requirements are determined to be inapplicable.

Therefore, Pursuant to 5 U.S.C. 553 and Sections 14 Fourth, 15, 18(b)(3), and 43 of the Shipping Act, 1916 (46 U.S.C. 812, 814, 817, and 841a), the Commission proposes to amend 46 CFR Parts 531 and 536 by adding new §§ 531.—— and 536.—— as follows:

PART 531—PUBLISHING, FILING AND POSTING OF TARIFFS IN DOMESTIC OFFSHORE COMMERCE

§ 531. Time limit for filing of overcharge claims.

No tariff in the domestic offshore commerce shall in any way limit the filing of overcharge claims with a carrier to a period of less than two years after accrual of the cause of action, nor shall any such tariff condition the filing of any overcharge claim on the payment of any fee or charge.

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

§ 536 Time limit for filing of overcharge claims.

No tariff in the foreign commerce shall limit the filing of overcharge claims with a carrier or conference to a period of less than two years after the accrual of the cause of action, nor shall any such tariff condition the filing of any overcharge claim on the payment of any fee or charge.

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[1] Section 18(b)(3) of the Shipping Act, 1916 (46 U.S.C. 817) requires that carriers charge or receive compensation for transportation only at the rates published in their tariffs and on file with the Commission. *Ludwig Mueller Co., Inc. v. Peralta Shipping Corp.*, 8 F.M.C. 361, 365 (1965). *See also, Louisville & N.R.R. Co. v. Maxwell*, 237 U.S. 94 (1915).

[2] That is, those initiated pursuant to 46 CFR 502.301 *et seq.*, Informal Procedures for Adjudication of Small Claims.

By the Commission.
Francis C. Hurney,
Secretary.

[FR Doc. 81-25208 Filed 8-27-81; 8:45 am]
BILLING CODE 6730-01-M

46 CFR Part 536

[Docket No. 81-50]

Per-Container Rates; Tariff Filing Requirements Applicable to Carriers and Conferences in the Foreign Commerce of the United States; Petition Filed by Sea-Land Service, Inc.; Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Maritime Commission proposes to amend its tariff filing regulations to specifically provide for the filing of per-container rates. It has been brought to the Commission's attention by petition, and comment thereupon, that tariff publications in the U.S. foreign commerce containing per-container rates are deficient. The modification is intended to insure the proper application of rates to cargo moving in containers.

DATE: Comments (original and 15 copies) due on or before October 27, 1981.

ADDRESS: Send comments and inquiries to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, (202) 523-5725.

SUPPLEMENTAL INFORMATION: Sea-Land Service, Inc. (Sea-Land) by petition brought to the Commission's attention the need for tariff filing regulations applicable to containerized shipments in the foreign commerce. The petition for a rulemaking proceeding was published in the **Federal Register** on September 9, 1980. Comments were received from various carriers and conferences of carriers which have been considered and included in this proposal.

Carrier methods of holding out rates in their tariffs have changed considerably in the past ten years. Where previously tariffs primarily contained only measurement, or measurement and weight rates, there now exists in tariffs various methodologies for rating cargoes. These methodologies include: rates per container, lump sum rates, rates per "box," rates for mixed containerized shipments and so-called "all inclusive" rates per container. Carriers are additionally holding-out various types of distinctly different services to their customers, such as: house-to-house, pier-to-pier, container-freight station to container-freight station (CFS/CFS), containeryard to containeryard (CY/CY) and various combinations of the above. The results of these methods of providing services and applying rates has been a general increase in the complexity of carrier tariffs, a lack of definiteness of how the rates are proposed to be applied and a general ambiguity as to the service offered by a carrier and the conditions applicable to the service. Nowhere is the need for clarity more apparent than in the application of per-container rates.

The Commission has previously addressed the need for standards for the publication of both domestic and foreign rates applicable to shipments made on a per-container basis. While the requirements for publication of rates applicable to domestic off-shore trades were adopted under FMC Docket No. 73-40, the proceeding with regard to the foreign commerce under FMC Docket No. 73-39 was discontinued. In 1973 the conferences and the majority of commentators to Docket No. 73-39 supported discontinuance of the docket on the grounds that per-container rates were virtually unknown in the United States foreign commerce trades. It was also believed at that time that any rule would have had limited applicability, since it was directed at carriers publishing rates which were determined by the full or partial utilization of the cubic capacity of a container. Per-container rates appeared too infrequently in tariffs to justify any extensive publication of specifications of all types of containers.

In the meantime, however, the steady development of containerization as a mode of shipping cargo in the foreign commerce has all but replaced the former break-bulk method. This change in the shipping industry has brought with it certain problems with regard to freighting containerized cargo, which could not have been easily foreseen at the outset.

Sea-Land's petition raised several questions with regard to per-container rates, and suggested that the Commission establish regulations to provide for the filing of such rates. The rate structure of carriers operating in the United States foreign commerce has changed considerably in the last several years; the commentators to the petition now believe that definitive regulations should be promulgated with respect to the use of per-container rate quotations.

Carriers are seeking guidance from the Commission as to the manner in which per-container rates can lawfully be established; while shippers, on the other hand, need to know with some degree of certainty what charges will be assessed when they ship under such rates.

Steamship conferences emphasize that the present terminology "per-container rates" is broad and undefined to such an extent that a considerable amount of uncertainty exists as to the implications of the description.

The proposed rule is intended to enable the shipping public to accurately determine the applicable tariff rates and charges of moving cargo at time of or prior to shipment. The rule would require all carriers and conferences in the United States foreign commerce to properly qualify every tariff item in instances where per-container rates are applicable.

Section 16 First and 17 of the Shipping Act, 1916, proscribe undue or unreasonable preference or advantage; unreasonable prejudice or disadvantage; and prohibit carriers from demanding, charging or collecting any rate or charge which unjustly discriminates between shippers.

There is a potential for undue preference or prejudice and for unjust discrimination inherent in per-container rates in that containers or trailers with different capacities may be furnished by a carrier to two different, or competing shippers at the same rate. The shipper who can place more cargo into the equipment may receive a transportation benefit and, perhaps, a competitive edge.

To address this problem, the proposed rule (§ 536.19(a)) sets forth two alternative provisions in order to generate the broadest spectrum of comments. The first alternative would require the publication of the sizes and capacity specifications of containers and trailers upon which per-container rates are based and would require that the rate be adjusted to equipment of differing capacities through either a formula or a conversion table. This approach would thus focus on the value of service to the shipper in terms of the capacity which the shipper obtains and ensure that the rate is related directly to that capacity.

The second alternative would permit more flexibility for carriers in establishing per-container rates for varying sizes of equipment. It would not require a specific relationship between the capacity of the container/trailer and the rate charged (although carriers would certainly be free to establish such a relationship through a formula or conversion table as described in the first alternative). Instead, the rule would permit the carrier to charge the same rate for any "standard" size container or

trailer in a particular size category and type, e.g., 20 foot dry van, 40 foot reefer, etc.

A review of the Official Intermodal Equipment Register (FMC–F–No. 45) indicates that almost all ocean carriers have containers and trailers in nominally standard size categories, e.g., 20 feet or 40 feet, which vary in their interior capacities. In fact, it is very difficult to define a typical or "standard" container in terms of interior capacity. In most cases, the variances are no more than a few cubic feet. In fact, it is uncommon to find variances of more than five percent of the capacity of the trailers/containers in a given carrier's inventory. Thus, the publication of a formula or conversion table may create a tariff burden with little real meaning for the shipping public.

While the problem of discrimination among shippers could be magnified by the application of per-container rates to shipper owned or leased containers, the Commission is cognizant of the fact that per-container rates are a shift from traditional break-bulk oriented tariffs and is desirous of formulating a rule that will not stifle initiatives in this direction any more than is necessary to protect the shipping public.

Further, shippers which tender cargo to a carrier's container freight station (CFS) based upon lump sum quotations, cannot be sure under some tariff descriptions if the amount of cargo they tender will be loaded efficiently into one container, or whether an additional charge will be made to pay extra overflow charges due to inefficient packing on the part of the carrier. The shipper's cost per ton of a given commodity may vary from shipment to shipment.

There are numerous variations of indefinite applications with respect to per-container rates currently appearing in many tariffs on file with the Commission. The proposed rule would require every carrier publishing such rates to clarify or eliminate the rate applications by standardizing the terminology utilized and prescribing minimum acceptable standards.

The Commission finds that the proposed rule is exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601). Section 601(2) of that Act excepts from its coverage any "rule of particular applicability relating to retes * * * or practices relating to such rates * * *". As the proposed rule clearly relates to rates and rate practices, the Regulatory Flexibility Act requirements are determined to be inapplicable.

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C 533), and sections 18(b), 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 821 and 841(a)), the Commission proposes to amend 46 CFR Part 536 (General Order No. 13) as follows:

By redesignating current paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o) as paragraphs (c), (d), (e), (f), (h), (i), (j), (k), (m), (n), (p), (q), (s), and (t), respectively. New paragraphs (b), (g), (l), (o), (r) and (u) are added to read as follows:

§ 536.2 Definitions.

* * * * *

(b) *Capacity*—the maximum cubic volume and weight tons carrying capability of a container/trailer.

* * * * *

(g) *Container*—trailer body transported without chassis (wheels) on board vessels

* * * * *

(l) *Mixed Shipment*—a shipment consisting of more than one commodity, i.e., consisting of articles described under more than one commodity or class rate item number in a tariff.

* * * * *

(o) *Per-Container Rate*—rates and or charges on shipments transported in containers or trailers and rated on the basis of the container or trailer.

* * * * *

(r) *Shipment*—a quantity of freight received from one shipper at one origin location, consigned to one consignee carried on one voyage, on one bill of lading, for delivery to one or more destination locations.

* * * * *

(u) *Trailer*—wheeled vehicle on or into which freight can be loaded and transported aboard ocean vessels.

* * * * *

II. A new § 536.19 is added to read as follows:

§ 536.19 Tariffs publishing Per-Container rates.

(a) *Filing Requirements (First alternative).* Tariffs which contain Per-Container rates shall state the size and capacity specifications of the container/trailer upon which said rates and/or charges are based. Where use of containers of different interior capacities is possible the unit freight charge shall be appropriately adjusted by either a formula or a conversion table as provided in the tariff item(s), *or*

(a) *Filing Requirements (Second alternative).* Tariffs which contain Per-Container rates shall state a rate for each category of container or trailer to which such rate applies, e.g., 20-foot dry van, 40-foot refrigerated trailer, 40-foot hi-cube van, etc.

(b) Tariffs which publish rates for mixed shipments shall contain a governing rule or provide reference to a separate publication which shall clearly define the application of such rates including individual commodity minimum requirements by volume, weight and commodity mix. The rule shall also provide that whenever there is a mixing of cargoes in a container for which there is no specific rate item permitting and indicating a rate for that mixture, the weight or measurement rate for each commodity shall apply.

(c) Mixed shipment rate items shall list therein all articles or merchandise which may be shipped under the rate. Any restrictions in connection with the rate item shall be clearly provided in order to preclude possible duplication, conflicting or other erroneous application of rates. Each commodity contained in mixed shipment rate items shall be listed in the tariff's commodity index or cross-referenced in the body of the tariff. Additionally, the mixed shipment rate item shall specify the condition, if any, to which such rate item shall be subject, e.g.:

(1) Type of service offered, whether CY/CY or CFS/CFS, etc;

(2) Limitations in the number of commodities allowed or required per bill of lading and the percentage of the total shipment that one commodity may not exceed;

(3) Limitations as to ports or points of destination.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81–25133 Filed 8–27–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 80–632]

Overseas Communications Services; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission..

ACTION: Notice of proposed rulemaking; extension of filing period.

SUMMARY: This Document considers requests of RCA Global Communications, Inc. for extension of reply comments date and establishment of an additional response pleading in C.C. Docket No. 80–632 on overseas communications services.

The extension of time is granted to permit interested parties to submit detailed reply comments regarding proposed rulemaking.

The intended effect of this action is to provide Commission with the most complete and meaningful record possible. Request for an additional response pleading is denied as premature.

DATE: Reply comments now due on September 28, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Stuart Chiron, Common Carrier Bureau, (202) 632–7265.

In the Matter of Overseas Communications Services; CC Docket No. 80–632, 45 FR 76498; 11–19–80; Order Granting Extension Of Time.

Adopted: August 20, 1981.

Released: August 21, 1981.

By the Common Carrier Bureau:

1. In this proceeding, the Commission is considering whether or not to change its 1964 TAT–4 policy decision, 37 F.C.C. 1151, which created an overseas voice/record dichotomy. As a result of TAT–4, AT&T has not been able to offer overseas record services (other than Dataphone) and the IRCs have not been able to provide overseas voice services (other than Datel). Comments were filed on July 10, 1981, and reply comments are due on August 21, 1981.

2. On August 7, 1981, RCA Global Communications, Inc. (RCAG) filed a motion to extend the time to submit reply comments until September 28, 1981. RCAG also requests that time be allowed until October 23, 1981, for the filing of responses to the reply comments. In support of its request RCAG states that the important and complex issues before the Commission in this proceeding, which proposes to restructure the overseas communications industry, warrant an extension of time and an additional pleading period. RCAG also points out that the second half of NTIA's study was filed late and that key personnel have not been available. Finally, RCAG represents that the other international record carriers, NTIA and SBS do not object to a grant of the full relief requested and that ARINC does not object to a grant of additional time to file reply comments.

3. On August 14, 1981, the American Telephone and Telegraph Company (AT&T) filed a response to RCAG's motion. AT&T does not object to the grant of additional time to submit reply comments. However, AT&T states that RCAG's request for a third round of pleadings is premature and should be dismissed without prejudice.

4. We believe, in view of the comprehensive studies submitted by NTIA and the IRCs, that the record in this proceeding will be more complete and meaningful if additional time is granted to file reply comments. However, we agree with AT&T that the establishment of a third pleading period at this time, before the reply comments are submitted and studied, would be premature.

Any future request for the creation of an additional pleading period pursuant to Section 1.415 of the Commission's Rules should state with particularity the reasons necessitating such action.

5. Accordingly, IT IS ORDERED that the date for all interested persons to file reply comments in CC Docket No. 80–632 is extended from August 21 to September 28, 1981. IT IS FURTHER ORDERED that RCAG's motion for an additional round of pleadings is dismissed without prejudice.

6. This order is issued under § 0.291 of the Commission's Rules on Delegations of Authority, and is subject to review under § 1.115 of the Rules on Practice and Procedure.

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 81–25155 Filed 8–27–81; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 46, No. 167
Friday, August 28, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Uinta and Manti-LaSal National Forests; Moon Lake Powerplant Project

AGENCY: Forest Service, USDA.

ACTION: Record of decision.

SUMMARY: This notice announces the Decision of the Regional Forester, Forest Service, Ogden, Utah, dated August 18, 1981, regarding the corridor location and transmission tower design on the Uinta and Manti-LaSal National Forests for Bonanza Unit 1 345 kV transmission lines of the Moon Lake Powerplant Project proposed by the Deseret Generating and Transmission Cooperative.

This Decision follows a review of the Final Environmental Impact Statement (FEIS) issued May 1, 1981. This Statement was the result of more than a year's study by several agencies and consultants. The Bureau of Land Management (BLM), Department of the Interior, and Rural Electrification Administration, Department of Agriculture, were the joint lead agencies for preparation of the EIS. They were assisted by the Forest Service and Office of Surface Mining as cooperating agencies.

The Regional Forester's Decision completes the coordinated action needed to supplement the BLM decision on the location of the transmission corridor on public, private, state, and Indian lands.

This Decision is subject to administrative review in accordance with the provisions of 36 CFR 211.19. A request for review must be filed no later than October 2, 1981, or within 30 days of the date of receipt of the Decision by persons entitled to notification of the Decision under 36 CFR 211.19(d)(1).

The Forest Service Decision Option Document and Record of Decision is available for public review at the following offices:

Forest Service, Department of Agriculture, 12th and Independence Streets, Room 2310, Washington, D.C. 20013

Regional Office, Forest Service, 324 25th Street, Room 2025, Ogden, UT 84401

Forest Supervisor's Office, Ashley National Forest, 437 East Main Street, Vernal, UT 84078

Forest Supervisor's Office, Manti-LaSal National Forest, 599 West Price River Drive, Price, UT 84501

Forest Supervisor's Office, Uinta National Forest, 88 West 100 North, Provo, UT 84601

Forest Supervisor's Office, Wasatch National Forest, 8226 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Butler, Regional Energy Development Officer, Forest Service, 324 25th Street, Ogden, Utah 84401 801–626–3332.

Dated: August 21, 1981.

Jeff M. Sirmon,

Regional Forester.

[FR Doc. 81–25137 Filed 8–27–81; 8:45 am]
BILLING CODE 3410–11–M

Rural Electrification Administration

Brazos Electric Power Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance by REA for Brazos Electric Power Cooperative, Inc. (Brazos), of Waco, Texas. Brazos proposes to construct 4.9 miles of double circuit 138 kV transmission line in Leon County; 27 miles of single circuit 138 kV transmission line in Leon, Madison, and Grimes Counties; 0.2 mile of double circuit 138 kV transmission line in Brazos County; expand an existing substation in Leon County on an adjacent acre of land; and install additional equipment in an existing substation in Brazos County.

Brazos prepared a Borrower's Environmental Report concerning the proposed project and an Environmental Assessment has been prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands, floodplains, and all other potential impacts of the proposed project have been adequately investigated.

The alternatives evaluated by REA included no action, replacement of the 69 kV Hearne to Bedias line, and various alternative routes. The alternative routes considered were to construct a transmission line from Franklin Substation to Hilltop Lakes or Bedias, to reroute the northern section of the proposed Hilltop Lakes to Bedias line, placement of this line further east, and to reroute the line south of Hilltop Lakes Development and north of Normangee City Park. After reviewing these alternatives, REA has determined that construction of the project as proposed represents the preferred alternative.

REA's independent evaluation of the proposed project concludes that its proposed financing assistance for this action does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Assessment, and a review of Brazos' Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21:320–21, Part 1.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment, and Brazos' Borrower's Environmental Report may be reviewed at REA in the office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Washington, D.C. 20250, and at the office of Brazos Electric Power Cooperative, Inc., 2404 LaSalle Avenue, P.O. Box 6296, Waco, Texas 76706. Limited copies of these documents also are available and can be obtained from REA, Office of the Director, Power Supply Division at the address given above.

(Catalog of Federal Domestic Assistance 10.850—Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 21st day of August 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-25171 Filed 8-27-81; 8:45 am]

BILLING CODE 3410-15-M

Garkane Power Association, Inc., Richfield, Utah; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22, (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America in the approximate amount of $391,000 to Garkane Power Association, Inc., of Richfield, Utah. These loan funds will be used to finance the costs for increasing the firm capacity of its existing Boulder Project on the Boulder Creek in Garfield County, Utah, by 1.4 MW for a total of 4.2 MW and for feasibility studies of four additional sites. The four additional sites are: (1) Mill Meadow on the Fremont River in Wayne County, Utah, potential capacity 1.8 MW; (2) Lower Boulder on the Boulder Creek in Garfield County, Utah, potential capacity 2.2 MW; (3) Lower Fremont River on the Fremont River in Wayne County, Utah, potential capacity 1.8 MW; and (4) Kingston Canyon on the East Fork Sevier River in Piute County, Utah, potential capacity 1.8 MW.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including engineering and economic feasibility studies and the proposed schedule for advances to the borrower from Mr. Glen P. Willardson, Manager, Garkane Power Association, Inc., P.O. Box 748, Richfield, Utah 84701.

In order to be considered, proposals must be submitted by September 28, 1981, to Mr. Willardson. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Garkane Power Association, Inc. and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with REA.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(Catalog of Federal Domestic Assistance 10.850-Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 21st day of August 1981.

Jack Van Mark,

Administrator, Rural Electrification Administration.

[FR Doc. 81-25173 Filed 8-27-81; 8:45 am]

BILLING CODE 3410-15-M

Lower Valley Power and Light, Inc., Afton, Wyo.; Proposed Loan Guarantee

Under the authority of Pub. L. 93-92 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22, (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America in the approximate amount of $5,150,00 to Lower Valley Power and Light, Inc., of Afton, Wyoming. These loan funds will be used to finance the reconstruction of a 1.5 MW hydroelectric generating plant and associated facilities at the existing Swift Creek Porject, on the Swift Creek in Lincoln County, Wyo.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including engineering and economic feasibility studies and the proposed schedule for advances to the borrower from Mr. Boyd A. Parker, Manager, Lower Valley Power and Light, Inc., P.O. Box 188, Afton, Wyo. 83110.

In order to be considered, proposals must be submitted by September 28, 1981, to Mr. Parker. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Lower Valley Power and Light, Inc. and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with REA.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(Catalog of Federal Domestic Assistance 10.850-Rural Electrification Loans and Loan guarantees.)

Dated at Washington, D.C., this 21st day of August 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-25172 Filed 8-27-81; 8:45 am]

BILLING CODE 3410-15-M

Loup Valleys Rural Public Power District, Ord, Nebr.; Transmission Facilities; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact with respect to proposed financing assistance to Loup Valleys Rural Public Power District (District) of Ord, Nebraska, for the construction of new transmission facilities in Nebraska. A proposed 69 kV transmission line will extend 48 km (30 mi) from the proposed Ord Substation in Valley County, through Garfield County, to the proposed Ericson Substation in Wheeler County.

REA reviewed a Borrower's Environmental Report (BER) prepared by the District and determined that it represents an accurate assessment of the environmental impact of the project. Based upon the BER and information from other sources, REA prepared an Environmental Assessment concerning the proposed project and its impacts. REA concluded that the proposed financing assistance would not represent a major Federal action significantly affecting the quality of the human environment.

REA has determined that the proposed project will not adversely affect floodplains, wetlands, federally listed threatened or endangered species, important farmlands or known cultural resources. Alternatives examined include no action, energy conservation, upgrading existing facilities underground construction, and alternative routes. After reviewing these alternatives, REA determined that the proposed project is the preferred alternative because it best meets the District's needs with the minimum of adverse impacts.

REA's Finding of No Significant Impact and Environmental Assessment and the District's BER may be reviewed in or requested from the Office of the Director, Distribution Systems Division, Room 3304, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone: (202) 447-4413, or at the office of Loup Valleys Rural Public Power District, (Mr. Wilbert Calvin, Manager), P.O. Box 166, Ord,

Nebraska 88101, telephone: (308) 728-5541.

(Catalog of Federal Domestic Assistance 10.850—Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 25th day of August 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-25244 Filed 8-27-81; 8:45 am]

BILLING CODE 3410-15-M

French Broad Electric Membership Corp., Marshall, N.C.; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22, (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America in the approximate amount of $735,000 to French Broad Electric Membership Corporation, Marshall, North Carolina. These loan funds will be used to finance front-end studies of proposed hydroelectric generation facilities with a nameplate rating of 3 MW to be installed near Marshall, North Carolina, on the French Broad River.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project from Mr. Charles R. Tolley, Manager, French Board Electric Membership Corporation, P.O. Box 9, Marshall, North Carolina 28753.

In order to be considered, proposals must be submitted by September 28, 1981, to Mr. Tolley. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as French Broad Electric Membership Corporation and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with REA.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(Catalog of Federal Domestic Assistance 10.850-Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 25th day of August 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-25242 Filed 8-27-81; 8:45 am]

BILLING CODE 3410-15-M

Seminole Electric Cooperative, Inc., Tampa, Fla.; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22, (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America in the approximate amount of $1,550,000 to Seminole Electric Cooperative, Inc., Tampa, Florida. These loan funds will be used to finance front-end studies of proposed peat-fired electric generation facility with a nameplate rating of 100 MW. If found to be feasible, the proposed generating plant would be in the State of Florida, at a site yet to be determined.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project from Mr. Harry W. Wright, Manager, Seminole Electric Cooperative, Inc., P.O. Box 17100, Tampa, Florida 33682.

In order to be considered, proposals must be submitted by September 28, 1981, to Mr. Wright. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as Seminole Electric Cooperative, Inc. and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with REA.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(Catalog of Federal Domestic Assistance 10.850-Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 25th day of August 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-25245 Filed 8-27-81; 8:45 am]

BILLING CODE 3410-15-M

Vermont Electric Cooperative, Inc., Johnson, Vt.; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22, (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America in the approximate amount of $14 million to Vermont Electric Cooperative, Inc., Johnson, Vermont. These loan funds will be used to finance the construction of a 4.0 MW hydroelectric generating plant and associated facilities at the existing North Hartland Dam, on the Ottauquechee River in Windsor, County, Vermont.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project including engineering and economic feasibility studies and the proposed schedule for advances to the borrower from Mr. William J. Gallagher, Executive Manager, Vermont Electric Cooperative, Inc., School Street, Johnson, Vermont 05656.

In order to be considered, proposals must be submitted by September 28, 1981, to Mr. Gallagher. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as Vermont Electric Cooperative and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with REA.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(Catalog of Federal Domestic Assistance 10.850-Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 25th day of August 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-25243 Filed 8-27-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Order 81-8-131]

All Certified Carriers; Order Granting Exemption

AGENCY: Civil Aeronautics Board.

ACTION: Order 81-8-131, Order Granting Exemption.

SUMMARY: All certificated carriers are hereby exempted from the requirements of section 403 of the Act and Part 221 of the Board's Regulations (14 CFR Part 221) insofar as the enforcement of such provisions would require carriers to file tariffs stating charges and rules governing clubs and lounges. The complete text of this order is available, as noted below.

SUPPLEMENTARY INFORMATION: Copies of this order are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25164 Filed 8-27-81; 8:45 am]

BILLING CODE 6320-01-M

Cochise Airlines, Inc.; Order Concerning Subsidy Mail Rates

Order 81-8-133, August 21, 1981, Docket 34808, proposes an amended final subsidy rate of $1,245,921 for the past period from December 4, 1978, through June 30, 1981, payable to Cochise Airlines, Inc., for service to Kingman, Prescott, and Winslow, Arizona, and Blythe, California.

The complete text of the order is available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

By the Civil Aeronautics Board: August 21, 1981.

Phyllis T. Kaylor,

Secretary

[FR Doc. 81-25165 Filed 8-27-81; 8:45 am]

BILLING CODE 6320-01-M

Cochise Airlines, Inc.; Order Concerning Termination of Certificate Condition

Order 81-8-134, August 21, 1981, Docket 35035, proposes an amendment of Cochise Airlines' certificate to terminate the limitation on section 406 subsidy payments to Cochise.

Copies of the order are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25166 Filed 8-27-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-8-122; Dockets 39869 and 39941]

Application of Texasamerican Airways, Inc. for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 81-8-122), Docket 39869 and Fitness Investigation of Texasamerican Airways, Inc., Docket 39941.

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that it is consistent with the public convenience and necessity to grant the application of Texasamerican Airways, Inc., for a certificate authorizing the air transportation of persons, property and mail between and among 25 points. Certification is subject to a favorable determination of the applicant's fitness in the Texasamerican Airways Fitness Investigation (Docket 39941), instituted concurrently.

DATE: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by September 4, 1981, a statement of objections together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

Persons wishing to file petitions to intervene in the Texasamerican Fitness Investigation shall file their petitions in Docket 39914 by August 31, 1981 and serve such filings on all persons listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 39819, application of Texasamerican Airways, Inc. for a certificate of public convenience and necessity

In addition, copies of such filings should be served on: Texasamerican Airways, Inc., the Mayors of Los Angeles, CA, San Francisco, CA, Seattle, WA, San Diego, CA, Las Vegas, NV, Albuquerque, NM, Austin, TX, Houston, TX, San Antonio, TX, New Orleans, LA, Oklahoma City, OK, Tulsa, OK, Minneapolis-St. Paul, MN, Chicago, IL, Detroit, MI, Cleveland, OH, Pittsburgh, PA, Columbus, OH, Indianapolis, IN, Milwaukee, WI, Miami, FL, Philadelphia, PA, Washington, D.C., New York, NY, Boston, MA, the managers of these cities' airports; the State Departments of Transportation or Aeronautics Commissions of California, Washington, Nevada, New Mexico, Texas, Louisiana, Oklahoma, Minnesota, Illinois, Michigan, Ohio, Pennsylvania, Indiana, Wisconsin, Florida, Washington, D.C., and New York and the Federal Aviation Administration. Service will also be made on any other persons filing objections.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Intravia, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-6068.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-8-122 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-8-122, the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25163 Filed 8-27-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39941]

TexasAmerican Airways Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., August 21, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-25167 Filed 8-27-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39753]

United Air Lines, Inc.; Refund Practices; Enforcement Proceedings; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., August 20, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-25168 Filed 8-27-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Georgia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia Advisory Committee to the Commission will convene at 8:30 a.m. and will end at 5:30 p.m., on September 24, 1981, at the Richard B. Russell Federal Building, Auditorium, 75 Spring Street, N.W., Atlanta, Georgia 30303. The purpose of this meeting is to discuss the project on religious and racial bigotry and violence.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clayton Sinclair, Jr., 5095 Dublin Dr., N.W., Atlanta, Georgia, (404) 439-3861, or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Ave., Room 362, (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 21, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-25174 Filed 8-27-81; 8:45 am]

BILLING CODE 6335-01-M

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 2:00 p.m., on September 28, 1981 at the Midwestern Regional Office of the Commission on Civil Rights, Room 3280, 230 S. Dearborn St., Chicago, IL 60604. The purpose of the meeting is to discuss and approve the format for a housing consultation to be sponsored by the Illinois Committee.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miss Theresa F. Cummings, 2636 W. Lawrence Ave., Springfield, IL 62704, 217-536-8647, or the Midwestern Regional Office, 230 South Dearborn St., 32nd floor, Chicago, IL 60604, 312-353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 24, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-25175 Filed 8-27-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Alaska Department of Fish and Game; Issuance of Permit To Take Marine Mammals

On July 1, 1981, notice was published in the **Federal Register** (46 FR 34360), that an application had been filed with the National Marine Fisheries Service by the Alaska Department of Fish and Game, Subport Building, Juneau, Alaska 99801, for a Permit to take various species of pinnipeds for scientific research.

Notice is hereby given that on August 24, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a scientific research permit for the above taking to the Alaska Department of Fish and Game, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: August 24, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species National Marine Fisheries Services.

[FR Doc. 81-25260 Filed 8-27-81; 8:45 am]

BILLING CODE 3510-22-M

Foreign-Trade Zones Board

[Docket No. 12-81]

Foreign-Trade Zone No. 70, Detroit; Application for Special-Purpose Subzone

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones board (the Board) by the Greater Detroit Foreign-Trade Zone, Inc. (GDFTZ), grantee of Foreign-Trade Zone No. 70, requesting authority to establish a special-purpose subzone at Volkswagen of America's vehicle assembly plant in Sterling Heights, Michigan, adjacent to the Detroit Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 24, 1981.

On July 21, 1981, the Board authorized GDFTZ to establish a foreign-trade zone project in the Detroit area consisting of general-purpose zone sites in downtown Detroit and Dearborn, and a subzone at the Ford tractor plant in Romeo, Michigan (Board Order 176, 46 FR 38941, 7-30-81). GDFTZ is a Michigan non-profit corporation affiliated with the City of Detroit and the Greater Detroit Chamber of Commerce which was incorporated in 1979 to assist the area's international trade through the establishment of a trade zone program. It is authorized to submit zone applications under Chapter 447, Act 154, Michigan Public Acts of 1963 (MSA 21.302 (1)).

The applicant proposes to establish a subzone for the new Sterling Heights plant of Volkswagen of America, Inc., located on Michigan Highway 53 at Metropolitan Parkway. The subzone would cover 103 acres within the 283-acre facility which was recently purchased by Volkswagen. The company is currently in the process of renovating the plant for the assembly of light trucks and autos from domestic and foreign components.

Zone procedures will allow Volkswagen to export finished vehicles without paying duties on foreign parts and materials. On its domestic auto sales, the company will be able to take advantage of the duty rate applicable to finished autos, which is lower than the rate for many components. A subzone was approved in 1978 for Volkswagen's first U.S. assembly plant in New Stanton, Pennsylvania. Zone status will assist the company in the development of the 4,000-worker assembly facility in Sterling Heights as the company continues to transfer assembly operations to the U.S. from abroad.

In accordance with the board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), International Trade Specialist, Foreign-Trade Zones Staff.

U.S. Department of Commerce, Washington, D.C. 20230; Louis A. Mezzano, District Director, U.S. Customs Service, Region IX, 477 Michigan Avenue, Detroit, Michigan 48226; and Colonel Robert V. Vermillion, District engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, Michigan 48231.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before September 30, 1981.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Federal Building, Room 445, 231 West Layfayette, Detroit, Michigan 48226

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, N.W., Room 2006, Washington, D.C. 20230

Dated: August 25, 1981.

John J. Da Ponte, Jr.,

Executive Secetary, Foreign-Trade Zones Board.

[FR Doc. [redacted] Filed 8-27-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Import Restraint Level for Certain Man-Made Fiber Textile Products From Macau

August 25, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Establishing an import restraint level for man-made fiber coats in category 633/634/635 at a reduced level of 139,924 dozen during the agreement period which began on January 1, 1981. The original level was 194,924 dozen.

(1) Reducing by 55,000 dozen the import charges to the level of restraint previously established for cotton coats in Category 333/334/335.

These adjustments are the result of consultations relating to import data discrepancies in both categories.

[A detailed decription of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Macau, the two governments have consulted on data discrepancies affecting cotton and man-made fiber textile products in Categories 333/334/335 and 633/634/635 and have exchanged notes agreeing to reduce the specific ceiling for man-made fiber coats in Categories 633/634/635 to 139,924 dozen and reduce the import charges in Category 333/334/335 by 55,000 dozen for the 1981 agreement year.

EFFECTIVE DATE: August 28, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 11, 1980 there was published in the **Federal Register** (45 FR 81643) a letter dated December 8, 1980, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established import restraint levels for certain cotton, wool and man-made fiber textile products, produced or manufactured in Macau, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption or withdrawal from warehouse for consumption of man-made fiber coats in Categories 633/634/635 produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1981, in excess of 139,924 dozen and to deduct 55,000 dozen charged to the 1981 level for cotton coats in Category 333/334/335.

The level of restraint for Category 633/634/635 has not been adjusted to account for any imports after December 31, 1980. Imports during the period January-June 1981 have amounted to 41,403 dozen and will be charged. As the data become available, furhter charges will be made for the period which began on July 1, 1981 and extends to the effective date of this directive.

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 25, 1981.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 8, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Macau.

Effective on August 28, 1981, you are directed to amend the directive of December 8, 1980 to include in paragraph 1 a level of restraint for man-made fiber textile products in Category 633/634/635 of 139,924 dozen.[1]

You are further directed, effective on August 28, 1981, to deduct 55,000 dozen from the imports charged to the level of restraint established in the directive of December 8, 1980 for cotton textile products in Category 333/334/335, all of which should come from Category 334.

Textile products in Category 633/634/635 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Textile products in Category 633/634/635 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

The actions taken with respect to the Government of Macau and with respect to imports of cotton and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

[1] The level of restraint has not been adjusted to account for any imports after December 31, 1980. During the January-June 1981 period imports in the Category have amounted to 41,403 dozen, of which 26,373 dozen should be charged to Category 634 and 15,030 dozen should be charged to Category 635.

Sincerely,
Edward Gottfried,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-25270 Filed 8-27-81; 8:45 am]
BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: September 30, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and service to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 6530

Urinary Drainage Set
6530-01-056-3659

SIC 0782

Grounds Maintenance
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington

C. W. Fletcher,
Executive Director.

[FR Doc. 81-25177 Filed 8-27-81; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped,

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1981 commodities to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: August 28, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicappped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On June 19, 1981 and March 13, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 32062 and 46 FR 16701) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1981:

Class 3990

Pallet, Material Handling
3990-00-NSH-0008 (62"×48")
(Requirements of the U.S. Postal Service, Western Area Supply Center Only)

Class 7920

Kit, Aircraft Cleaning
7920-00-490-6046

Class 7930

Rinse Additive, Dishwashing
7930-00-619-9575 (Increase from 60% to 100% of Government Requirements)

C. W. Fletcher,
Executive Director.

[FR Doc. 81-25178 Filed 8-27-81; 8:45 am]
BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Science and Technology Sub-Panel of the Chief of Naval Operations (CNO) Excutive Panel Advisory Committee will meet on September 24 and 25, 1981, from 9:00 a.m. to 5:00 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of autonomous weapons, mine warfare and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant Kathleen M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, VA 22311, Telephone (703) 756-1205.

Dated: August 25, 1981.

P. B. Walker,
Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-25225 Filed 8-27-81; 8:45 am]
BILLING CODE 3810-AE-M

Payment of Senior Executive Service Bonuses

The Department of the Navy will make Senior Executive Service bonus payments on or before September 30, 1981.

Dated: August 19, 1981.

P. B. Walker,
Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-25211 Filed 8-27-81; 8:45 am]
BILLING CODE 3810-AE-M

Performance Review Board Membership

Pursuant to 5 U.S.C. 4314(c)(4), the Department of the Navy (DoN) announces the appointment of members to the DoN's eight Senior Executive Service (SES) Performance Review Boards. The purpose of the Boards is to provide fair and impartial review of the Senior Executive Service performance appraisals prepared by the Senior Executive Service performance appraisals prepared by the senior executive's immediate and second level supervisors; to make recommendations to the Secretary of the Navy regarding

acceptance or modification of the performance rating, transfer, reassignment, or removal from the SES of any senior executive whose performance is considered to be unsatisfactory; and to make nominations for financial performance awards. Composition of particular Boards will be determined on an ad hoc basis from among those individuals listed below.

Department of the Navy Performance Review Board Membership

Mr. E. P. Angrist	Dr. G. S. Blevins
Mr. O. R. Ashe	CAPT W. T. Boyer, Jr., USN
RADM J. A. Baldwin, USN	Mr. J. Brown
Mr. J. P. Banke	Mr. J. B. Buescher
Mr. D. F. Barbe	Mr. F. J. Burchfield
RADM J. D. Boecher, USN	RADM J. B. Busey, USN
Dr. A. Berman	Mr. G. A. Cann
Mr. A. V. Bernard	Mr. V. S. Carberry
Mr. W. E. Carroll	Mr. J. Hague
Mr. R. J. Cauley	Mr. K. B. Hancock
RADM L. C. Chambers, USN	Mr. J. W. Hardman
Mr. E. T. Comstock	Dr. E. Y. Harper
Dr. R. E. Conley	Mr. B. W. Hays
Mr. R. H. Conn	CAPT E. E. Henifin, USN
RADM D. L. Conner, CEC, USN	Mr. W. M. Hewitt
RADM D. L. Cooper, USN	Mr. J. Heyl
Mr. E. D. Cooper	Mr. R. M. Hillyer
Mr. C. B. Cox	Mr. A. W. Himes
Mr. W. Cox	RADM T. M. Hopkins, USN
Mr. J. L. Crone	RADM T. J. Hughes, USN
Mr. T. F. Curry	RADM D. M. Jackson, USN
Mr. F. Davidson III	Dr. T. A. Jacobs
Mr. G. C. Dilworth	RADM R. D. Johnson, USN
Dr. A. J. DiMascio	Dr. G. B. Joiner
RADM N. P. Ferraro, SC, USN	Mr. G. Keightley
Mr. H. L. Fleck	Mr. W. W. KinKead
Mr. R. M. Forssell	Mr. E. T. Kinney
RADM S. D. Frost, SC, USN	Mr. N. Kobitz
RADM A. A. Giordano, SC, USN	RADM L. S. Kollmorgen, USN
Dr. R. R. Goodman	Mr. V. S. Kupelian
Mr. E. C. Grayson, Jr.	Dr. A. F. Kwitnieski
Mr. J. B. Grosson	Mr. J. H. Lannen
Mr. N. W. Gunard	Mr. H. B. Latimer
RADM W. A. Gureck, USN	Dr. J. Lawson
Mr. R. L. Haag	RADM J. R. Lewis, USN
Dr. R. K. Lobb	Dr. H. Rabin
BGEN A. Lukeman, USMC	Mr. W. G. Rae
Dr. R. J. Lundegard	Mr. R. D. Ramirez
Mr. J. A. Macmillan	Ms. L. G. Ratto
Mr. P. J. Mantle	Mr. J. Reed
Dr. N. McAllister	Mr. E. J. Regan
RADM J. C. McArthur	Mr. D. W. Rehorst
Mr. C. C. McClelland	Mr. D. N. Reyes
CAPT J. A. McMorris II, USN	Mr. R. R. Rojas
Mr. R. E. Metrey	Mr. J. C. Saia
Mr. J. H. Mills	Dr. E. I. Salkovitz
Mr. G. Minter	RADM L. R. Sarosdy, USN
RADM J. B. Mooney, Jr., USN	Dr. A. I. Schindler
CAPT J. B. Morris, USN	Dr. J. R. Schmidt
Mr. T. R. Muir	Dr. D. Schultzer
Mr. H. J. Nathan	Mr. R. L. Shaffer
Mr. C. P. Nemfakos	Dr. F. Shoup
Mr. H. O'Neill	Mr. M. K. Simmons
Dr. J. A. Painter	Mr. W. H. Singleton
Mr. P. M. Palermo	Dr. A. L. Slafkosky
Mr. F. A. Phelps	Dr. J. A. Smith
CAPT G. T. Phelps, USN	Mr. W. H. Speck
Mr. J. A. Pond	Mr. F. Sterns
Dr. A. Powell	Mr. F. W. Swofford
RADM C. O. Prindle, USN	Mr. O. L. Talbot
Dr. J. H. Probus	Mr. W. T. Tarbell
Dr. C. N. Pryor	Mr. J. K. Taussig, Jr.
Mr. R. D. Thomas	Dr. G. Westerhout
BGEN W. H. J. Tiernan	Mr. H. J. Wilcox
Mr. C. J. Turnquist	Mr. W. J. Wilkin
Mr. R. G. Urban	RADM J. B. Wilkinson, USN
Mr. R. S. Vaughn	RADM A. D. Williams, USN
Mr. V. J. Walls	RADM J. G. Wissler, USN
RADM J. H. Webber, USN	Mr. P. E. Zanfagna, Jr.
RADM H. N. Wellman, USN	

For additional information, contact: Mrs. Sue Martin, Head, Executive Personnel Section (OP–142D), Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350, Telephone No. (202) 694–5760.

Dated: August 21, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy Alternate Federal Register Liaison Officer.

[FR Doc. 81–25210 Filed 8–27–81; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Fletcher Oil and Refining Company, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a Consent Order issued as signed.

DATES: Effective date: June 1, 1981. Issue date: August 13, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3548.

SUPPLEMENTARY INFORMATION: On July 10, 1981, 46 FR 35727 (1981), the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a Consent Order with Fletcher Oil and Refining Company, Inc. on June 1, 1981, which was made effective immediately because the Office of Enforcement of the ERA deemed it necessary in the public interest under the terms of 10 CFR 205.199J(b). Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

Although interested persons were invited to submit comments regarding the Consent Order, no comments were received. The Consent Order has therefore been issued as signed.

Issued in Washington DC on the 24 day of August, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81–25145 Filed 8–27–81; 8:45 am]

BILLING CODE 6450–01–M

Geer Tank Trucks, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: August 19, 1981. Comments by: September 28, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone 214/767–7745.

SUPPLEMENTARY INFORMATION: On August 19, 1981, the Office of Enforcement of the ERA executed a Consent Order with Geer Tank Trucks, Inc. (Geer) of Jacksboro, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Geer wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Geer effective as of the date of its execution by the DOE and Geer.

I. Consent Order

Geer, with its home office in Jacksboro, Texas, is a firm engaged in the resale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. The Office of Enforcement of the Economic Regulatory Administration (ERA) and Geer entered into a Consent Order to resolve certain civil actions which could be brought by ERA as a result of its audit of the crude oil resales by Geer. The significant terms of the Consent Order with Geer are as follows:

1. This Consent Order concerns the sale of certain volumes of crude oil sold by Geer during the period November 1973 through January 27, 1981 and is intended by Geer and DOE to resolve only those matters set forth in this Consent Order.

2. Geer allegedly applied the provisions of 10 CFR, Part 212, Subpart L incorrectly when determining the prices to be charged for certain domestic crude oil.

3. The Consent order constitutes neither an admission by Geer that DOE regulations have been violated nor a finding by the DOE that Geer has violated DOE regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Geer agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $5,000 including interest, on or before 30 days after the effective date of this Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Director, Office of Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

DOE and Geer agree to compromise and settle all civil penalties which might have been asserted by the DOE for the matters covered by this Consent Order. This compromise and settlement consists of the tender by Geer of a certified check made payable to the Department of Energy in the amount of $1,000. Payment shall be made within thirty (30) days of the effective date of this Consent Order to the address in the above paragraph.

III. Submission of Written Comments

Potential Claimants

Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claim is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

Other Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on Geer Tank Trucks, Inc.'s Consent Order." We will consider all comments we receive by 4:30 p.m. local time, on or before September 28, 1981. you should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 19th day of August, 1981.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District Office, Economic Regulatory Administration.

[FR Doc. 81–25150 Filed 8–27–81; 8:45 am]

BILLING CODE 6450–01–M

Newhall Refining Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a Consent Order issued as signed.

DATES: Effective date: June 15, 1981. Issue date: August 13, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3548.

SUPPLEMENTARY INFORMATION: On July 10, 1981, 46 Fed. Reg. 35729 (1981), the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a Consent Order with Newhall Refining Company, Inc. on June 15, 1981, which was made effective immediately because the Office of Enforcement of the ERA deemed it necessary in the public interest under the terms of 10 CFR 205.199J(b). Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

Although interested persons were invited to submit comments regarding the Consent Order, no comments were received. The Consent Order has therefore been issued as signed.

Issued in Washington, D.C. on the 24th day of August, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81–25146 Filed 8–27–81; 8:45 am]

BILLING CODE 6450–01–M

Southern Union Co., and its Subsidiary, Southern Union Refining Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: August 10, 1981. Comments by: September 28, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On August 10, 1981, the Office of Enforcement of the ERA executed a Consent Order with Southern Union Company of Dallas, Texas and its subsidiary Southern Union Refining Company (collectively, Southern Union) of Hobbs, New Mexico. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution. Because the DOE and Southern Union wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Southern Union effective as of the date of its execution by the DOE and Southern Union.

I. The Consent Order

Southern Union, with its home office located in Dallas, Texas, is a firm engaged in crude oil refining, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Southern Union the Office of Enforcement, ERA, and Southern Union entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order, is entered into between the Economic Regulatory Administration of the Department of Energy and Southern Union Company of Dallas, Texas, and its subsidiary Southern Union Refining Company of Hobbs, New Mexico, and certain predecessors in interest to the subsidiary: Famariss Oil Corporation; Famariss Oil & Refining Company; Southern Union Oil Products Company; and Southern Union Production Company (collectively, "Southern Union"). This Consent Order, entered into pursuant to the provisions of 10 CFR Section 205.199J, settles certain civil claims and disputes with respect to the prices charged in sales of all covered products, except first sales and resales of crude oil, if any, ("certain products") during the period August 19, 1973 through January 27, 1981 (the "settlement period").

2. The DOE conducted an audit of Southern Union for the settlement period for compliance with the pricing regulations of 6 CFR Part 150, Subpart I; 10 CFR Part 212, Subparts A, E, H, I, J and K in the sale of certain products; and compliances with the Domestic Crude Oil Entitlements Program regulations of 10 CFR Part 211, Subpart C. As a result of the audit, the DOE believes that Southern Union may have sold certain products at prices in excess of maximum allowable prices, in violation of 6 CFR 150.351 *et. seq.* and 10 CFR 212.82 and 212.83.

3. Southern Union believes that it correctly construed and applied the applicable regulations and that maximum allowable prices were not exceeded. Nevertheless, in order to avoid the expense of protracted litigation and disruption of its orderly business functions, Southern Union, without admitting any noncompliance with or violation of any DOE regulation agrees to enter this Consent Order. The DOE has determined that the public interest would best be served if a settlement under the Consent Order with Southern Union is achieved. The settlement does not extend to any entity or subsidiary of Southern Union other than those identified in paragraph I.1 above. Further, this Consent Order does not cover crude oil production or reselling activities, if any, of Soutern Union.

4. Southern Union agrees to refund, in full settlement of any and all civil liability within the jurisdiction of the Department of Energy in regard to actions that might be brought by the Department of Energy arising out of the transactions covered hereby during the settlement period the total sum of $420,000, including interest, as follows:

a. Within 90 days of the effective date of this Consent Order, Southern Union will deliver a certified check in the sum of $220,000 made payable to the United States Department of Energy.

b. Commencing as of the effective date of this Consent Order, Southern Union will issue credit memoranda to the Defense Fuel Supply Center ("the DFSC") totaling $200,000, at a rate of $.42 per barrel for jet fuel thereafter delivered to the DFSC, provided that if the sum of such credits shall not have reached $200,000 by a date not more than 90 days from the effective date of this Consent Order, Southern Union will pay to the DFSC the full balance due on such date.

II. Disposition of Refunded Overcharges

In this Consent Order, Southern Union agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $420,000 in the manner specified in I.4. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually sufferd a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlement) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. Potential Claimants

Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Southern Union Consent Order". We will consider all comments we received by 4:30 p.m., local time, September 28, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 20th day of August, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–25149 Filed 8–27–81; 8:45 am]

BILLING CODE 6450–01–M

Texas Oil & Gas Corp.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken on a consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces final action of a Consent Order.

EFFECTIVE DATE: August 28, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTAL INFORMATION: On June 24, 1981 the ERA of the DOE executed a Proposed Consent Order with Texas Oil & Gas Corp. of Dallas, Texas and a **Federal Register** Notice was published on July 7, 1981. Under 10 CFR § 205.199J(c), a Proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the thirty-day comment period, the ERA had received seven notices of claims against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Texas Oil & Gas Corp. is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, August 28, 1981.

Issued in Dallas, Texas on the 18th day of August, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–25148 Filed 8–27–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Proposed Subsequent Arrangement Between European Atomic Energy Community and U.S.

Pusuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 10 milligrams of plutonium-241, 10 grams of uranium-238, and 5 grams of uranium-235 to the United Kindom Atomic Energy Authority. The plutonium-241 will be used for half life measurements. The uranium-238 and uranium-235 will be used for fission foils in a new accelerator. Contract Number S–EU–693 has been assigned to this transaction.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner then September 14, 1981.

Dated: August 24, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–25151 Filed 8–27–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement Between European Atomic Energy Community and U.S.

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of 30.69 kilograms of uranium, containing 6.0 kilograms of U–235 (19.9% enrichment) to CERCA, France, for fabrication of fuel elements for research and test reactors. The fuel elements are to be irradiated in France, the Netherlands, and in the United States in connection with the Reduced Enrichment Research and Test Reactor (RERTR) program.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner then September 14, 1981.

Dated: August 24, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-25132 Filed 8-27-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangements Between European Atomic Energy Community and United States

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales;

Contract Number S-EU-695, to the Research Laboratory for Archaeology, the United Kingdom, 0.115 gram of uranium, and 0.05 grams of thorium, to be used as standard reference material.

Contract Number S-EU-699, 29.895 grams of uranium, and 5.35 grams of thorium, to be used for standard reference material by the Department of Industry, the United Kingdom.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than September 14, 1981.

Dated: August 24, 1981.

For the Department of Energy.

Fred McGoldrick,

Deputy Director, Office of Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-25153 Filed 8-27-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement Between European Atomic Energy Community and U.S.

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of 10 milligrams of plutonium-244 and 10 milligrams of protactinium-231 to France, for use in neutron capture gamma ray measurements. These materials will be returned to the United States upon completion of the experiments.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials, under Contract Number WC-EU-216, will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than September 14, 1981.

For the Department of Energy.

Dated: August 24, 1981

Fred McGoldrick,

Deputy Director, Office of Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-25161 Filed 8-27-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of June 29 through July 3, 1981

During the week of June 29 through July 3, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

APPEALS

Bracewell and Patterson, 7/2/81, BFA-0688

Bracewell & Patterson filed an Appeal from a denial by the Director of the Division of Freedom of Information and Privacy Acts Activities of a request for a waiver of search and copying fees of approximately $3,000, which the firm had submitted in connection with a request for information under the Freedom of Information Act. In considering the Appeal, the DOE found that the firm had not shown that furnishing the requested information would primarily benefit the public. The DOE further found that the firm's contention that Section 552(a)(2)(B) of the FOIA requires that the requested documents be placed in a public reading facility was premature because a determination regarding the releasibility of the documents had not yet been issued and that in a subsequent appeal of such a determination the firm may request that we direct the agency to reimburse the firm for fees paid. Accordingly, the firm's Appeal was denied.

Marathon Oil Company, 7/1/81, DEA-0668, DST-0668, DES-0668

Marathon Oil Company filed an Appeal of an Order for the Redirection of Product which the Economic Regulatory Administration's Region IV Office had issued to the firm on June 25, 1979 pursuant to the provisions of 10 CFR 211.107. In considering the Appeal, the DOE determined that the Redirection Order lacked a sufficient factual basis to comply with the requirements of 10 CFR 205.36 and, therefore, should be rescinded. Accordingly, the Appeal was granted. Marathon Oil Company also filed Applications for Stay and Temporary Stay of the provisions of the Redirection Order. In light of the DOE's determination with respect to the firm's Appeal, the Applications for Stay and Temporary Stay were dismissed.

Pro Force Guards (A-76) (Yalman), Los Alamos Protective Force (Medlin), Joseph L. Menzel, American Federation of Government Employees, 6/30/81, BAA-0681, BAA-0686, BAA-0687, BAA-0691

Pro Force Guards (A-76) (Yalman), the Los Alamos Protective Force, Joseph L. Menzel, and the American Federation of Government Employees filed Appeals from a determination by the DOE Albuquerque Operations Office pursuant to Office of Management and Budget Circular No. A-76, which permitted the Los Alamos Scientific Laboratory to provide physical security for the Laboratory by contract with the private sector rather than through the continued use of a guard force of federal employees. In considering the Appeals, the DOE found that Albuquerque Operations had used correctly the method set forth in A-76 to compare the cost of private contracting with the cost of the federal force. The DOE also found that the guard force was not performing an inherently governmental function and thus Albuquerque Operations could lawfully make the cost comparison. Accordingly, the Appeals were denied.

REMEDIAL ORDERS

Boutin, Norman, 7/1/81, BRO-1136

Mr. Norman Boutin objected to a Proposed Remedial Order which the Northeast District Office of Enforcement issued to him on January 30, 1980. In the Proposed Remedial Order, the Northeast District found that Mr. Boutin had made retail sales of motor gasoline at prices which exceeded his maximum lawful selling prices. In considering Mr. Boutin's objections, the DOE found that the Proposed Remedial Order contained no findings regarding Mr. Boutin's alleged compliance with the refund provisions of a Consent Order executed by Mr. Boutin and the DOE which covered the same audit period as the Proposed Remedial Order. The DOE therefore concluded that the Proposed Remedial Order should be rescinded.

Moraga Shell, Moraga Union, 6/30/81, BRO-1088, BRO-1089

Moraga Shell and Moraga Union objected to Proposed Remedial Orders that the Western District Office of Enforcement issued to the firms on January 25, 1980. In the

Proposed Remedial Orders, the Western District found that the firms had charged its retail motor gasoline customers higher prices than those permitted by 10 CFR 212.93(a)(2) and charged a cents-per-gallon fee for services associated with the sale of motor gasoline in violation of 10 CFR 210.62(d). In considering the firms' objections, the DOE found that the firms had violated the foregoing regulations. The DOE therefore concluded that the Proposed Remedial Orders should be issued as final Remedial Orders. The important issues discussed in the Decision include: (i) whether charging a combined cents-per-gallon price for gasoline and service in excess of the maximum lawful selling price permitted by DOE regulations violates 10 CFR 212.93(a)(2), and (ii) the procedural and substantive validity of 10 CFR 210.62(d)(1).

Requests for Modification and/or Rescission

Laketon Asphalt Refining, Inc., 7/1/81, BYR–0130

Laketon Asphalt Refining, Inc. filed a Motion for Reconsideration of a Supplemental Order issued by the Office of Hearings and Appeals on April 20, 1981 which determined that the firm had received excessive exception relief from its entitlements obligations for the 1977 fiscal year. In its Motion, the firm objected to the DOE's method of netting the firm's purchase obligations against its sales obligations to arrive at its net entitlement purchase obligation. In considering the request, the DOE found that the netting method in question has been utilized consistently since the inception of the Entitlements Program. Accordingly, Laketon's Motion was denied.

Laketon Asphalt Refining, Inc., 7/1/81, BRY–0136

Laketon Asphalt Refining, Inc., filed a Motion for Reconsideration of a Supplemental Order issued by the Office of Hearings and Appeals on April 22, 1981 which determined that the firm had not received sufficient exception relief from its entitlement obligations for its fiscal year 1979 and, therefore, reduced its entitlement obligation for that year by an additional $248,520. In considering the firm's Motion, the DOE found that the calculation of exception relief for fiscal year 1979 had been based on an incorrect entitlement price for December 1979. The DOE determined, therefore, that the April 22, 1981 Supplemental Order should be rescinded and the firm's entitlement obligation for its fiscal year 1979 reduced by $248,951. Accordingly, the Motion was granted.

Requests for Exception

Brennan Oil and Heating Company, Inc., Allee Oil Company, 7/2/81, BEE–1629, BEE–1636

Brennan Oil and Heating Company, Inc. and Allee Oil Company filed Applications for Exception in which the firms requested that they be relieved of the requirement to file Form EIA–9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that the firms had failed to demonstrate that they will suffer a gross inequity or serious hardship as a result of the reporting requirement. Accordingly, exception relief was denied.

Golden Gate Petroleum Company, 7/1/81, BEE–1644

Golden Gate Petroleum Company filed an Application for Exception in which the firm sought to be relieved of its obligation to prepare and file Form EIA–9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that the firm had filed to demonstrate that it will suffer a gross inequity or serious hardship as a result of the reporting requirement. Accordingly, exception relief was denied.

Ralph E. Moore, Inc., 7/1/81, BEE–1646

Ralph E. Moore, Inc. filed an Application for Exception in which the firm requested that it be relieved of the requirement that it file Form EIA–9A, the No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that the firm had failed to demonstrate that it will suffer a gross inequity or serious hardship as a result of the reporting requirement. Accordingly, exception relief was denied.

Shell Oil Company, 6/30/81, BEE–0889, BEE–1307

Shell Oil Company filed two Applications for Exceptions from the provisions of 10 CFR Part 212, Subpart D, in which the firm sought permission to establish the base production control level and to calculate the volumes of imputed stripper and upper tier crude oil produced from the North Hobbs and the South Wasson Units in a manner different than set forth in § 212.75. In considering the exception requests, the DOE found that the application of the provisions of § 212.75 to the firm's North Hobbs and South Wasson Units does not result in a gross inequity and that the firm had failed to provide any other basis that would warrant the approval of exception relief. Accordingly, exception relief was denied.

Motion for Evidentiary Hearing

Ven-Fuel, Inc., 7/2/81, BRH–1274, BRD–1274

Ven-Fuel, Inc. filed Motions for Evidentiary Hearing and Discovery in connection with a Proposed Remedial Order (PRO) proceeding before the Office of Hearings and Appeals. In its Motion for Evidentiary Hearing, Ven-Fuel requested an evidentiary hearing to explain and document its position with respect to issues raised in its Statement of Objections. In considering the request, the DOE found that the firm had not established with the required specificity that disputed issues of fact exist which could best be resolved at an evidentiary hearing, as required by 10 CFR 205.199. Accordingly, the Motion for Evidentiary Hearing was denied. In its Motion for Discovery, the firm sought the depositions of two ERA officials as well as all agency audit records, correspondence and memoranda related to the ERA's enforcement activities with respect to the firm. In considering the request, the DOE found that the firm had not shown that depositions were necessary to supplement the existing record in the proceeding as required by 10 CFR 205.198. The DOE also found that the firm had not established that its requests for documents were necessary to resolve factual disputes arising from the ERA's allegations, to supplement deficiencies in the PRO's factual bases, or to investigate a demonstrated abuse of prosecutorial discretion and that, therefore, such requests did not meet the standard set forth in 10 CFR 205.198. Accordingly, the Motion for Discovery was denied.

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Glaser Gas, Inc., BRS–1316
Natchez Refining, Inc., BEE–1548

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Thomas O. Mann,

Acting Deputy Director, Office of Hearings and Appeals.

August 21, 1981.

[FR Doc. 81–25162 Filed 8–27–81; 8:45 am]

BILLING CODE 6450–01–M

Objections to Proposed Remedial Orders Filed Week of August 10, Through August 14, 1981

During the week of August 10 Through August 14, 1981, the notices of objections to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before September 17, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals.

Department of Energy, Washington, D.C. 20461.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

August 21, 1981.

Exxon Corp., New York, NY, BRO–1461

On August 14, 1981, Exxon Corporation, 1251 Avenue of the Americas, New York, NY 10020 filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel for Compliance issued to the firm on July 2, 1981.

In the PRO the Office of Special Counsel found that during September 1973 to May 1979, Exxon sold crude oil if produced at prices exceeding the ceiling price levels set forth in the Mandatory Petroleum Price Regulations, 10 CFR Part 212, Subpart D.

Accordingly to the PRO the Exxon violation resulted in $5,691,030 of overcharges.

[FR Doc. 81–25147 Filed 8–27–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Special Counsel

Farmland Industries, Inc.; Proposed Consent Order

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Office of Special Counsel (OSC) hereby gives the notice required by 10 CFR § 205.199J that it has entered into a Consent Order with Farmland Industries, Inc. (Farmland). The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations (DOE Regulations) for the period March 6, 1973 through December 31, 1980. In settlement of all issues, although there is no admission or finding of violation of DOE Regulations, Farmland agrees to $1 million in refunds.

As required by the regulations cited above, OSC will receive comments on the Consent Order for a period of not less than 30 days following publication of this notice. OSC will consider any comments received before determining whether to make the Consent Order final. Although the Consent Order has been signed and accepted by the parties, the OSC may, after the expiration of the comment period, withdraw its acceptance of the Consent Order and attempt to obtain a modification of the Consent Order or issue the Consent Order as proposed.

DATES: Comments: To be considered, comments must be received by 5:00 p.m. on September 28, 1981. Address comments to: Farmland Consent Order Comments, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Mail Stop 4111, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633–9165.

Copies of the Consent Order may be received free of charge by written request to: Farmland Consent Order Requests, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E–190.

SUPPLEMENTARY INFORMATION: Farmland is one of the 34 major refiners presently subject to audit by OSC to determine compliance with the DOE Regulations. Farmland engages in, among other things, the production, refining, processing, reselling and marketing of products. An audit conducted by OSC included a review of Farmland's records relating to compliance with the DOE Regulations during the period March 6, 1973 through December 31, 1980 (the audit period). During the audit, questions and issues were raised. This Consent Order resolves all civil issues not previously resolved concerning the allocation and sale of covered products during the audit period.

Conclusion of OSC Audit

The Consent Order addresses all aspects of Farmland's compliance with the applicable DOE Regulations pertaining to, among other things, the production, refining, processing, reselling and marketing of covered petroleum products. OSC's audit, now concluded, encompassed a review of Farmland's pricing and allocation policies and procedures, and the manner in which Farmland applied the DOE Regulations with respect to, among other things, its refining, processing, reselling, and marketing of covered petroleum products during the period of the Consent Order. At the conclusion of the audit, OSC raised certain issues with respect to Farmland's application of the DOE Regulations; however, Farmland and DOE have agreed to resolve all matters whether or not raised by the audit or heretofore asserted by either party.

Neither OSC nor Farmland has retreated from the positions taken previously on the issues addressed by this Consent Order and each believes that its positions on these issues are meritorious. Notwithstanding DOE's position to the contrary, Farmland maintains that it has correctly construed and applied the regulations. The parties desire to resolve the issues raised without resort to complex, lengthy and expensive compliance actions. OSC believes that the terms and conditions of this Consent Order provide a satisfactory resolution of disputed issues and conclusion of the audit of Farmland and thus, the Consent Order is in the public interest.

Terms and Conditions of the Consent Order

OSC has determined that the issues raised in the audit of Farmland could be appropriately resolved in the following manner: Farmland, a farm supply cooperative, will make payments totalling $1 million to its members, $500,000.00 to members purchasing motor gasoline and $500,000.00 to members purchasing propane. Farmland will distribute the refunds based on the members' purchases in the period September 1977 through August 1980. That amount, based on the volumetric proportion of each member's purchases, will be distributed in conjunction with Farmland's 1981 patronage refunds.

The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. Upon becoming final after consideration of public comments, the order will be a final order of DOE to which Farmland has waived its right to an administrative or judicial appeal. The Consent Order settles only issues between DOE and Farmland and does not affect the rights, if any, of customers to bring actions against the company.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this Consent Order to the address noted above. All comments received by 5:00 p.m. on September 28, 1981, will be considered by OSC before determining whether to adopt the Consent Order as a final order. Modifications of the Consent Order which, in the opinion of OSC, significantly change the terms or impact of the Consent Order will be published for comment.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C., August 20, 1981.

Avrom Landesman,

Acting Special Counsel.

[FR Doc. 81-25144 Filed 8-27-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1923-8]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISS) which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR part 1506.9) during the week of August 17, 1981 to August 21, 1981.

REVIEW PERIODS: The 45-day review period for draft EISS; listed in this notice is calculated from August 28, 1981 and will end on October 12, 1981. The 30-day review period for final EISS, as calculated from August 28, 1981 will end on September 28, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the office of Federal activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: August 25, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Draft—Devers-Serrano-Villa Park Transmission Project, Orange and Riverside Counties, California (EIS order No. 810668).

SCS: Draft—Waimanalo Watershed Water Resources Plan, Honolulu County, Hawaii; the review period for this EIS has been extended until October 17, 1981 (EIS order No. 810670).

Extension: SCS: Final—Wheeling Creek Watershed Project, Pennsylvania and West Virginia—published FR July 10, 1981—the review period for this EIS has been extended until September 8, 1981 (EIS order No. 810521).

Army Corps of Engineers

Final—Oates Creek Flood Control Project, Savannah River Basin, Richmond County, Georgia (EIS order No. 810660).

Final—Swatara Creek Local Flood Protection Project, Schuylkill County, Pennsylvania (EIS order No. 810675).

Final—Olomana-Manuawili Sewer Discharge Permit, Honolulu County, Hawaii (EIS order No. 810688).

Final Supplement—Neches River and Tributaries Saltwater Barrier, Jefferson County, Texas (EIS order No. 810677).

Department of Commerce

NOAA: Final—Wading River Estuarine Sanctuary, Grant, Burlington County, New Jersey (EIS order No. 810678).

NOAA: Final—Tijuana River Estuarine Sanctuary, Grant, San Diego County, California (EIS order No. 810679).

Department of Housing and Urban Development

Draft—Spring Creek Housing Development, Mortgage Insurance, Big Horn County, Montana (EIS order No. 810664).

Draft—Isla Mar Development, Mortgage Insurance, Humacao, Puerto Rico (EIS order No. 810683).

Department of the Interior

BLM: Draft—El Malpais Wilderness Area Study, Cibola County, New Mexico; the review period for this EIS has been extended until October 30, 1981 (EIS order No. 810669).

BLM: Final—Northern Idaho Grazing Management Program, Idaho (EIS order No. 810667).

BIA: Final—AK-Chin Water Supply Project, Maricopa and Pinal Counties, Arizona (EIS order No. 810685).

GS: Draft—Cache Creek-Bear Thrust Oil and Gas Drilling, Teton County Wyoming; the review period for this EIS been extended until October 19, 1981 (EIS order No. 810663).

NPS: Final—Shiloh National Military Park General Management Plan, Hardin County, Tennessee (EIS order No. 810680).

Extension: BLM: Final—Coal Slurry Pipeline Transportation Project, Wyoming, South Dakota, Colorado, Nebraska, Kansas and Louisiana—published FR July 17, 1981—the review period for this EIS has been extended until September 16, 1981 (EIS order No. 810539).

Environmental Protection Agency

EPA1: Final—Falmouth Wastewater Treatment Facilities, Barnstable County, Massachusetts (EIS order No. 810673).

EPA2: Draft Supplement—Hudson River PCB Reclamation Demonstration Project, Dutchess, Rockland and Washington Counties, New York (EIS order No. 810684).

EPA3: Final—Buckingham Wastewater Treatment Facilities, Bucks County, Pennsylvania (EIS order No. 810689).

EPA4: Final—Mammoth Cave Area Wastewater Treatment Facilities, Hart County, Kentucky (EIS order No. 810681).

Department of Transportation

FHWA: Draft—Potomac Yards Bridge and Approaches Replacement, Fairfax County, Virginia (EIS order 810662).

FHWA: Draft—Pio Nono Avenue Widening, Bibb County, Georgia (EIS order No. 810665).

FHWA: Draft—US 24/Quincy Memorial Bridge, Mississippi River, Missouri and Illinois (EIS order No. 810686).

FHWA: Final—TN-92/Dumplin Valley Road, Jefferson County, Tennessee (EIS order No. 810674).

FHWA: Final—IN-17 Improvement, IN-10 to US 30, Marshall County Indiana (EIS order No. 810661).

FHWA: Final—Montage Access Road, I-81 to Montage Recreation Area, Lackawanna County, Pennsylvania (EIS order No. 810666).

FHWA: Final—Franklin Bypass, TN-6 to TN-106, Williamson County, Tennessee (EIS order No. 810676).

FHWA: Final—I-8/CA-125 Interchange, San Diego County, California (EIS order No. 810682).

FHWA: Final—Jamestown Bridge Replacement, Washington and Newport Counties, Rhode Island (EIS order No. 810687).

UMTA: Draft—Guadalupe Corridor Transportation Improvement, Santa Clara Counties, California (EIS order No. 810672).

Reestablishment of EIS Availability Date: FHWA: Final—Old Red Trail Improvement, Morton County, North Dakota—based on the actual availability of this EIS, EPA has reestablished the date filed as August 11, 1981 and the end of the review period as September 21, 1981 (EIS order No. 810572).

Ohio River Basin Commission

Final—Cumberland River Basin Regional Water and Land Resources Plan, Kentucky and Tennessee (EIS order No. 810671).

[FR Doc. 81-25259 Filed 8-27-81; 8:45 am]
BILLING CODE 6560-37-M

[OPP-50545; PH-FRL-1922-3]

Pesticides; Issuance of Experimental Use Permits; Dow Chemical USA, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

464-EUP-67. Dow Chemical USA, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 1,002 pounds of the herbicide 3,6-Dichloro-2-pyridinecarboxylic acid as the monoethanoloamine salt on rangeland and permanent grass pastures to evaluate control of mesquite, associated woody species, and weeds. A total of 2,000 acres are involved. The program is authorized only in the States of New Mexico and Texas. The experimental use permit is effective from June 1, 1981 to May 1, 1983. Temporary tolerances for residues of the active ingredient in or on forage grass, forage grass hay, kidney of cattle, horses, and sheep and the meat, fat, and meat byproducts of cattle, horses, and sheep have been established. (Richard Mountfort, PM 23, Rm. 412D, CM No. 2, (703-557-7070))

1471-EUP-74. Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 50 grams of the rodenticide *N*-methyl-2,4-dinitro-*N*-(2,4,6-tribromophenyl)-6-(trifluromethyl)benzenamine in and around buildings and structures to evaluate control of rats and mice. A total of 16 sites are involved. The program is authorized only in the States of Alabama, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, and Washington. The experimental use permit is effective from June 5, 1981, to June 5, 1982. (William Miller, PM 16, Rm. 403, CM No. 2, (703-557-7040))

10181-EUP-22. ICI Americas Inc., Concord Pike and New Murphy Road, Wilmington, DE 19897. This experimental use permit allows the use of 4,125 pounds of the insecticide permethrin on cotton to evaluate control of cotton insects. A total of 2,200 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from April 1, 1981 to April 1, 1983. Permanent tolerances for residues of the active ingredient in or on cottonseed have been established (40 CFR 180.378). (Franklin Gee, PM 17, Rm. 401, CM No. 2, (703-557-7028))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: August 20, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-25206 Filed 8-27-81; 8:45 am]
BILLING CODE 6560-32-M

[OPTS-59056A; TSH-FRL-1921-7]

Toxic Substances; 1,1-Methylenebis[4-Isocyanatocyclohexane], Polymer With 1,3-Benzenedicarboxylic Acid, Polymer With Substituted Alkane and 2-Ethyl-2-(Hydroxymethyl)-1,3-Propanediol; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: EPA received an application for a test marketing exemption (TM-81-21) under Section 5 of the Toxic Substances Control Act (TSCA) on July 2, 1981. Notice of receipt of the application was published in the **Federal Register** of July 23, 1981 (46 FR 37964). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Carrie E. Berlin, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460 (202-426-8815).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, anyone who intends to manufacture in, or import into the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with Section 5(d) and any applicable requirement of Section 5(b). Section 5(d)(1) defines the contents of a PMN and Section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of Section 5. In particular, Section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of Section 5(a) or Section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under Section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose retrictions on the test marketing activities.

On July 2, 1981, EPA received an application for an exemption from the requirements of Sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-21. The manufacturer claimed his identity, the chemical identity, the production volume, and process information as confidential business information under Section 14 of TSCA. The substance, generically identified as 1,1-

methylenebis [4-isocyanatocyclohexane], polymer with 1,3-benzene dicarboxylic acid, polymer with substituted alkane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, is to be used as a web coating. The substance will be manufactured for test marketing purposes during a test marketing period not to exceed one year. A notice published in the **Federal Register** of July 23, 1981 (46 FR 37964) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM–81–21 under the conditions set out in the application will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. The product will be manufactured in a closed system. During manufacture and industrial use, eight workers may be exposed to the TME substance for a maximum total of 32 hours during the entire test marketing period. There was some concern about irritation to the eye and skin; the Agency believes proper handling will insure negligible contact. There will be no consumer exposure to the TME substance in its final form, and no environmental release of the substance is expected.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) as specified in the application, and of the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–25202 Filed 8–22–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–59056B; TSH–FRL—1921–8]

Toxic Substances; 1, 3 Benzenedicarboxylic Acid, Polymer with Substituted Alkane and 2-Ethyl-2-(Hydroxymethyl)-1, 3 Propanediol; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM–81–22) under Section 5 of the Toxic Substances Control Act (TSCA) on July 2, 1981. Notice or receipt of the application was published in the **Federal Register** of July 23, 1981 (46 FR 37964). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Carrie E. Berlin, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–206, 401 M St., SW., Washington, D.C. 20460, (202–426–8815).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of Section 5(b). Section 5(d)(1) defines the contents of a PMN and Section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of Section 5. In particular, Section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of Section 5(a) or Section 5(b) and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under Section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On July 2, 1981, EPA received an application for an exemption from the requirements of Sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–81–22. The manufacturer claimed his identity, the chemical identity, the production volume, and process information as confidential business information under section 14 of TSCA. The substance, generically identified as 1,3-benzenedicarboxylic acid, polymer with substituted alkane and 2-ethyl-2-(hydroxymethyl)-1, 3-propanediol, is a site-limited intermediate. The substance will be manufactured for test marketing purposes during a test marketing period not to exceed one year. A notice published in the **Federal Register** of July 23, 1981 (46 FR 37964) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM–81–22, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. The product will be manufactured in a closed system. During manufacture and industrial use, two workers may be exposed to the TME substance for a maximum total of four hours. There will be no consumer exposure to the TME substance in its final form, and no environmental release of the substance is expected.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) as specified in the application, and of the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-25203 Filed 8-27-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59056C; TSH-FRL-1922-1]

Toxic Substances; 1,3-Benzenedicarboxylic Acid, Polymer with 2,2'-[1,2-Ethanediyl Bis(Oxy)] Bis[Ethanol]), 1,6-Hexanedioic Acid, and Substituted Alkane; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-23) under Section 5 of the Toxic Substances Control Act (TSCA) on July 2, 1981. Notice of receipt of the application was published in the **Federal Register** of July 23, 1981 (46 FR 37964). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Carrie E. Berlin, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St. SW., Washington, D.C. 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with Section 5(d) and any applicable requirement of Section 5(b). Section 5(d)(1) defines the contents of a PMN and Section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of Section 5. In particular, Section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of Section 5(a) or Section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under Section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On July 2, 1981, EPA received an application for an exemption from the requirements of Sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-23. The manufacturer claimed his identity, the chemical identity, the production volume, and process information as confidential business information under Section 14 of TSCA. The substance, generically identified as 1,3-benzenedicarboxylic acid, polymer with 2,2'[1,2-ethanediyl bis[oxy] bis[ethanol], 1,6-hexanedioic acid and substituted alkane, is to be used as a site-limited intermediate. The substance will be manufactured for test marketing purposes during a test marketing period not to exceed one year. A notice published in the **Federal Register** of July 23, 1981 (46 FR 37964) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-23 under the conditions set out in the application will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. The product will be manufactured in a closed system. During manufacture and industrial use, two workers may be exposed to the TME substance for a maximum total of four hours. There will no be consumer exposure to the TME substance in its final form, and no environmental release of the substance is expected.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) as specified in the application, and of the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-25204 Filed 8-27-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59056D; TSH-FRL-1922-2]

Toxic Substances; 2-Hydroxyethyl Propenoate, Polymer With 1,1-Methylenebis[4-Isocyanatocyclohexane] and 1,3-Benzenedicarboxylic Acid, Polymer With Substituted Alkanes; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM–81–24) under Section 5 of the Toxic Substances Control Act (TSCA) on July 2, 1981. Notice of receipt of the application was published in the Federal Register of July 23, 1981 (46 FR 37964). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Carrie E. Berlin, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–206, 401 M St., SW., Washington, D.C. 20460, (202–426–8815).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing substances compiled by EPA under Section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with Section 5(d) and any applicable requirement of Section 5(b). Section 5(d)(1) defines the contents of a PMN and Section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of Section 5. In particular, Section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of Section 5(a) or Section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under Section 5(h)(6) the Agency must publish a notice of this disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On July 2, 1981, EPA received an application for an exemption from the requirements of Sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–81–24. The manufacturer claimed his identity, the chemical identity, the production volume, and process information as confidential business information under section 14 of TSCA. The substance, generically identified as 2-hydroxyethyl propenoate, polymer with 1,1-methylenebis [4-isocyanatocyclohexane] and 1,3-benzenedicarboxylic acid, polymer with substituted alkanes, is to be used as an article coating. The substance will be manufactured for test marketing purposes during a test marketing period not to exceed one year. A notice published in the Federal Register of July 23, 1981 (46 FR 37964) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM–81–24 under the conditions set out in the application will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. The product will be manufactured in a closed system. During manufacture and industrial use, four workers may be exposed to the TME substance for a maximum total of 33 hours. There was some concern about irritation to the eye and skin; the Agency believes proper handling will insure negligible contact. There will be no consumer exposure to the TME substance in its final form, and no environmental release of the substance is expected.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) as specified in the application, and of the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity described in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–25205 Filed 8–27–81; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL MARITIME COMMISSION

[Docket No. 81–49; Agreement No. 10387]

Pacific/Australia-New Zealand Conference and Karlander Kangaroo Line; Order of Further Investigation and Hearing

Agreement No. 10387, a rate agreement between the members of the Pacific/Australia-New Zealand Conference [1] and Karlander Kangaroo Line has been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814).

The Agreement covers the outbound trade between the United States Pacific Coast and Australia/New Zealand and would permit the parties to discuss and agree upon rates, charges, classifications, practices, brokerage, freight forwarder compensation, equalization, absorption, transshipment and overland and/or other inland movements, and tariff matters pertaining thereto. In addition, the Agreement provides a 48-hour right of independent action between the parties.

Notice of the filing of Agreement No. 10387 was published in the Federal Register on April 29, 1980. No protests or comments regarding the Agreement were filed with the Commission.

[1] The conference consists of Blue Star Line, Columbus Line, Farrell Lines and Pacific Australia Direct Line, but is acting collectively as one party for the purposes of this rate agreement.

Section 15 requires the Commission to disapprove any agreement which it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or violative of the Shipping Act. Because Agreement No. 10387 provides, *inter alia*, for fixing of rates, it is *per se* violative of the antitrust laws and, as such, is contrary to the public interest, unless justified. In order to justify the Agreement, the proponents must demonstrate, by substantial evidence, that it is required by a serious transportation need or is necessary to secure important public benefits, or is in furtherance of valid regulatory purpose of the Shipping Act. *Federal Maritime Commission v. Svenska Amerika Linien*, 390 U.S. 238, 240 (1968).

Proponents of Agreement No. 10387 have submitted an affidavit of the Conference chairman and a memorandum of counsel in support of approval. Through these documents they generally maintain that the trade covered by the Agreement: (1) has a "relatively small" cargo base; (2) is overtonnaged; (3) has historically been "conference minded;" and (4) is currently unstable and could be subject to a rate war if Agreement No. 10387 is not approved. The justification submitted to date however, has not been sufficient to satisify the *Svenska* standards. Specific contentions to the effect that the trade is overtonnaged and that tendencies exist toward rate instability, have not been supported by any substantive data or factual evidence.

By Order of February 6, 1981, the Commission conditionally disapproved Agreement 10387 on the grounds that the proponents had not adequately substantiated the approvability of the Agreement. In its Order of Conditional Disapproval, the Commission suggested several specific questions the answers to which would exemplify the type of factual information it would require before approving the Agreement. These questions were:

1. What indications are there of current or potential rate instability in this trade;
2. What are the present and historical levels of capacity utilization in this trade;
3. What is the outlook for liner exports in this trade and what factors will affect the growth of such exports;
4. What, if any, changes are anticipated in the level of cargo-carrying capacity allocated to the trade; and
5. What percentage of this trade is carried by carriers other than the parties to the Agreement?

The Commission's disapproval was conditioned on the proponent's right to request a further hearing, on or before March 12, 1981. Since that date, the time within which to request such a hearing has been extended twice: first, by Amendment to Order dated March 9, 1981, extending time to submit such a request up to an including April 19, 1981, and, second, by further Amendment to Order, dated April 9, 1981 extending such time up to and including May 13, 1981.

On May 13, 1981, the proponents filed a request for a further hearing. To establish the approvability of Agreement 10387, proponents say that they will submit: rate studies tracing rate activities for various representative commodities during the period 1976 through 1980, demonstrating the growing rate instability in the trade; evidence establishing the capacity increases for the period 1976 through 1980; projections regarding the outlook for liner exports in the trade; evidence demonstrating continuing increases in capacity serving the trade; evidence that indirect service by carriers not directly committed to providing continued or direct service to Australia is likely to increase over the next several years and additional evidence supporting approvability of this Agreement. We conclude that proponents have made the showing necessary to entitle them to a further hearing since they have set out the facts they intend to prove, a description of the evidence that will be used to prove these facts, and the relevance of these facts to approvability of the Agreement.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), a formal investigation and hearing is hereby instituted to determine whether Agreement No. 10387 should be approved, disapproved or modified;

It is further ordered, That Blue Star Line, Columbus Line, Farrell Lines, Pacific Australia Direct Line and Karlander Kangaroo Line are designated as proponents in this proceeding;

It is further ordered, That proponents will submit their direct case, consisting of the information which they have said they would submit in their request for a hearing, along with any additional information which proponents believe supports the approvability of this Agreement, within 60 days from the date of this Order;

It is further ordered, That the discovery process set forth in § 502.201 of the Commission's Rules of Practice and Procedures (46 CFR 502.201) shall not commence until the receipt by the Commission of proponent's direct case; and

It is further ordered, That this matter is assigned to an Administrative Law Judge for public hearing and decision at a date and place to be hereafter determined by the Administrative Law Judge. This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of materials fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue otherwise requires an oral hearing and cross-examination for the development of an adequate record;

It is further ordered, That this Order be published in the **Federal Register** and a copy served upon Proponents and the Commission's Office of Hearing Counsel;

It is further ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with § 502.72 of the Commission's Rules (46 CFR 502.72);

It is further ordered, That all future notices, orders, or decisions issued in this proceeding, including notice of the time and place of hearing or prehearing conference, be mailed directly to all parties of record; and

It is further ordered, That all documents submitted by any party in this proceeding be filed in accordance with § 502.118 of the Commission's Rules (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.[1]

Francis C. Hurney,

Secretary.

[FR Doc. 81-25134 Filed 8-27-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Central Bank Shares, Inc.; Formation of Bank Holding Company

Central Bank Shares, Inc., Orlando, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Bank of Central Florida, Orlando, Florida. The factors that are considered in acting on the application are set forth

[1] Commissioner Daschback concurs in the result only. His opinion is filed with the original document.

in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25220 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

Centurion Bancorp, Inc.; Formation of Bank Holding Company

Centurion Bancorp, Inc., Charleston, West Virginia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Charleston National Bank, Charleston, West Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25213 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Acquisition of Certain Assets and Liabilities of Mercantile Mortgage Company, St. Louis, Missouri

Citicorp, New York, New York, has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and Section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire through its subsidiary, Citicorp Person-to-Person, Inc., certain assets and servicing rights and to assume certain liabilities of Mercantile Mortgage Company, St. Louis, Missouri.

Applicant states its subsidiary would engage in the activities of origination and placement of FHA/VA and conventional mortgage loans and construction loans; servicing of loans for institutional investors and selling mortgage life and disability insurance directly related to mortgage loans. These activities would be performed from offices of Applicant's subsidiary in Corpus Christi, Houston and San Antonio, Texas and St. Louis, Missouri, and the geographic areas to be served are the states of Texas and Missouri. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than September 20, 1981.

Board of Governors of the Federal Reserve System, August 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25212 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

First Bank Minneapolis International, Inc., Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

First Bank Minneapolis International, Inc., Minneapolis, Minnesota, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Milwalkee, Wisconsin. First Bank Minneapolis International, Inc., which has also applied for the Board's approval to change its name to First Bank International, Inc., operates as a subsidiary of First National Bank of Minneapolis, Minneapolis, Minnesota. The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25219 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

First City Financial Corp.; Formation of Bank Holding Company

First City Financial Corporation, Hobbs, New Mexico, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of the successor by merger to First National Bank of Lea County, Hobbs, New Mexico, and at least 80 per cent of the

successor by merger to First City National Bank, Carlsbad, New Mexico. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25222 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

Metcalf Bancshares, Inc., Formation of Bank Holding Company

Metcalf Bancshares, Inc., Overland Park, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Metcalf State Bank, Overland Park, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25221 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

Montgomery County Bancshares, Inc.; Formation of Bank Holding Company; Correction

This notice corrects a previous **Federal Register** document (FR Doc. 81-24422) published at page 42529 of the issue for Friday, August 21, 1981. The locations of the applicant and the bank to be acquired were incorrect. Montgomery County Bancshares, Inc., and Montgomery County Bank are both located in Spring, Texas.

Board of Governors of the Federal Reserve System, August 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25218 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

Orange County Banking Corp.; Formation of Bank Holding Company

Orange County Banking Corp., Ocoee, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Bank of West Orange, Ocoee, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25214 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancorp, Inc., Formation of Bank Holding Company

Southwest Bancorp, Inc., Stillwater, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Stillwater National Bank and Turst Company, Stillwater, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25217 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

S.T.D. Investments, Inc.; Formation of Bank Holding Company

S.T.D. Investments, Inc., Mindenmines, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88 percent or more of the voting shares of Bank of Minden, Mindenmines, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25216 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

United Kansas Bank Group Inc.; Formation of Bank Holding Company

United Kansas Bank Group Inc., Merriam, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of United Kansas Bank & Trust, Merriam, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25215 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

Manufacturer's Hanover Corp., et al.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to Section 4(c)(8) of the Bank Holding Company act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than September 21, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (insurance activities; New York): to engage through its subsidiaries, Tempco Life Insurance Company and Ritter Life Insurance Company in the activity of reinsuring credit life insurance and credit accident and health insurance related to extensions of credit by the Applicant's banking subsidiaries in the State of New York. These activities would be conducted from offices in Phoenix, Arizona, and Huntington Valley, Pennsylvania, serving the State of New York.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. **Bankamerica Corporation,** San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; Pennsylvania, Ohio, New York, and Maryland): to continue to engage, through its indirect subsidiary, FinanceAmerica Consumer Discount Company, a Pennsylvania corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life insurance, credit-related accident and health insurance, and credit-related property insurance in the state of Pennsylvania. Credit-related property insurance will not be offered in the states of Ohio, New York, and Maryland. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life, credit-related accident and health, and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Consumer Discount Company.

These activities will be conducted from existing offices located in Chambersburg, Pennsylvania, serving the entire States of Pennsylvania and Maryland; Erie, Pennsylvania, serving the entire States of Pennsylvania and Ohio; Sayre, Pennsylvania, serving the entire States of Pennsylvania and New York; and Williamsport, Pennsylvania, serving the entire State of Pennsylvania.

2. **Bankamerica Corporation,** San Francisco, California (industrial loan company, financing, servicing, and insurance activities; *de novo* industrial loan company offices, West Virginia): to engage, through its proposed indirect subsidiaries, FinanceAmerica Thrift Corporation of Fairmont, FinanceAmerica Thrift Corporation of Martinsburg, and FinanceAmerica Thrift Corporation of Morgantown, ("FA Thrift/West Virginia Corporations"), in the activities of an industrial loan company under the West Virginia Industrial Bank and Industrial Loan Company Act. The FA Thrift/West Virginia Corporations also propose to engage in the activities of making or acquiring for their own accounts loans and other extensions of credit such as would be made or acquired by a finance company; servicing such loans and other extensions of credit; and the offering of credit-related life and credit-related accident and health insurance; credit-related property insurance will not be offered by these corporations in the State of West Virginia.

Such activities will include, but not be limited to, selling or offering for sale their secured or unsecured evidences or certificates of indebtedness, accepting savings accounts and offering NOW accounts, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to businesses, making loans secured by real and personal property, and offering credit-related life and accident and health insurance directly related to extensions of credit made or acquired by the FA Thrift/West Virginia Corporations.

These activities will be conducted from *de novo* offices located in Fairmont, Martinsburg, and Morgantown, West Virginia, serving the entire State of West Virginia.

3. **Nevada National Bancorporation,** Reno, Nevada (financing, and leasing

activities; Nevada): to engage through its subsidiary Nevada National Leasing Company, Inc., in the following activities: the financing of personal property and equipment and leasing of such property or the acting as an agent, broker or advisor in the leasing and/or financing of such property where at the inception of the initial lease, the effect of the transaction (and, with respect to governmental entities only, reasonable anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property over the term of the lease, and the servicing of such financings and/or loans as is authorized by the Federal Reserve Board under Regulation Y and the Bank Holding Company Act; making or acquiring for its own company or the account of others, loans and other extensions of credit in the normal course of its leasing business including the making of business installment loans, the purchase of business installment sales finance contracts and making loans to businesses of various sizes.

The above described activities will be conducted from an office in Elko, Nevada, serving northeastern Nevada.

4. **Security Pacific Corporation,** Los Angeles, California (escrow activities; Hawaii): to engage through its subsidiary, Security Pacific Escrow, Inc., in acting as escrow agent for the purchase and sale of real property and the execution of all documents and dispersal of funds relating to loan transactions, and all other activities engaged in by an escrow company. These activities would be conducted from an office of Security Pacific Escrow, Inc. located in Kailua, Hawaii, serving the State of Hawaii.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, August 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25223 Filed 8-27-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Line of Business Reports Program; Intention To Publish 1975 Line of Business Annual Report

AGENCY: Federal Trade Commission.

ACTION: Authorization to Publish 1975 Line of Business Annual Report on or after September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Line of Business Program, ESL-G-LL01, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580. Telephone: (202) 254-8170.

The Federal Trade Commission has authorized publication of the 1975 Line of Business ("LB") Annual Report, which contains aggregates of data reported by individual companies, but which does not contain any information by which individual company data can be identified. In order to assure that all reporting companies receive adequate notice, publication will not take place prior to September 11, 1981.

In connection with the Commission's notice regarding publication of the 1974 LB Annual Report, on August 6, 1981, the Commission placed on the public record and sent to reporting companies copies of a statement explaining its publication policies. Copies of the Commission's statement may be obtained by contacting the LB Program at the address or phone number above and requesting the *Statement of the Federal Trade Commission Concerning Publication of the 1974 Line of Business Annual Report.* Also, before the 1975 Annual Report is published, the LB Program will supply on request a redacted copy of it setting forth the categories of information to be published, but from which the actual aggregated LB data have been temporarily deleted.

A notice will be published in the **Federal Register** when the complete 1975 Annual Report is publicly available.

Dated: August 24, 1981.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-25241 Filed 8-27-81; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 138]

Southern Bell Telephone and Telegraph Co. and Georgia Public Service Commission; Proposed Intervention in Telecommunications Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Georgia Public Service Commission concerning the application of the Southern Bell Telephone and Telegraph Company for an increase in intrastate telecommunications rates. GSA represents the interests of the executive agencies of the U.S. Government as users of telecommunications services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Charles V. Curcio, Assistant General Counsel, Automated Data and Telecommunications Division, General Services Administration, 18th & F Streets, N.W., Washington, DC (mailing address: General Services Administration (LX), Washington, DC 20405), telephone 202-566-1156, on or before September 28, 1981, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding. (Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: August 19, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-25209 Filed 8-27-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 80P-0134 et al.]

Availability of Approved Variances for Laser Light Shows

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that variances from the performance standard for laser products have been approved by the Bureau of Radiological Health for 26 organizations that manufacture and produce laser light shows, or laser light show projectors, or both the light show and projector. The projector provides a laser display to produce a variety of special lighting effects. The principal use of these products is to provide entertainment to general audiences..

DATES: The effective dates and termination dates of the variances are listed in the table under "Supplementary Information."

ADDRESS: The application and all correspondence on the various applications have been placed on display in Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), each of the 26 organizations listed in the table below has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products.

Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product which is its particular variety of laser light show, or laser light show projector, or both, assembled and produced by the manufacturer. Each of the shows has levels of accessible laser radiation in excess of Class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection are provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for personnel who will operate the products. To associate uniquely the product with the variance approved for the manufacturer of that product, each product shall bear on the certification label required by § 1010.2(a)) (21 CFR 1010.2(a) the docket number and effective date of the variance as specified in the table below. By letter to each manufacturer, the Director of the Bureau of Radiological Health approved the requested variances. (On May 29, 1981, variance number 81P–0077, granted to Laser-Physics, Ltd., New York, NY, was rescinded by notice from the Director.)

Approved Variances

Docket No.	Manufacturing organization of the demonstration laser product	Demonstration laser product	Effective date of variance	Termination date of variance
80P-0134	Bonds International Disclotheque, 1526 Broadway Corp., 1526 Broadway, New York, NY 10036.	Bonds International Discotheque, Laser Light Show incorporting Science Faction Corporation's Model SFC 2001 Laser Scanning Systems.	Aug. 28, 1980	Aug. 28, 1982.
80P-0151	Guptill Arena, c/o K. Mason Daring, 89 Front Street, Marblehead, MA 01945.	Laser Light Show incorporating an SFC-2002 Laser Scanning System.	June 10, 1980	June 10, 1982.
80P-0153	Projected Imagery, Inc., 2312 Grand Avenue, Dalas, TX 75215	Laser Light Show incorporating laser projector Models MC-3, HM-1, AP-1 and MCG-1.	June 10, 1980	June 10, 1982.
80P-0156	Rarefied Media, Inc., Suite 906, 130 West 56th Street, New York, NY 10019.	Laser light shows and the Series IV Laser Projector	June 23, 1980	June 23, 1982.
80P-0157	Image Engineering Corp., 60 Aberdeen Ave., Cambridge, MA 02139	Laser light shows and the Model Series 300 laser projectors	Mar 27, 1981	June 10, 1982.
80P-0174	Lumiere Laser Products, Inc., 7979 N 66th Street, Milwaukee, WI 53223.	Lumiere Laser Productions, Inc. Laser Light Shows incorporating the Lumiere Laser Productions Model L-100 Laser Light Show Projector.	May 20, 1981	Oct. 30, 1982
80P-0175	Laser Group, Inc., 1114 Stewart Street, Madison, WI 53713	Laser light shows incorporating the LCI family, system I-IV laser projectors.	Aug. 27, 1980	Aug. 27, 1982
80P-0197	Embacadero Corp., 1824 Half Street, S.W., Washington, D.C. 20024	Pier laser light show incorporating a Laser Presentation's Model UP-4 laser projector.	Aug 27, 1980	Aug 27, 1982
80P-0201	Mr. Rockne Krebs, 1428 U Street, N.W., Washington, D.C. 20009	Source MOD 6043 Laser Light Show and similar type laser light displays and the incorporated laser projectors.	June 2, 1980	June 2, 1982
80P-0202	Laser Spectra, 2145 Park Drive, Los Angeles, CA 90026	Spectrolaze 2000 Laser Projector and the laser light shows incorporating that projector.	Aug. 14, 1980	Aug. 14, 1982
80P-0215	Metatron Laser Art, 2424 Fernwood Ave., San Jose, CA 95128	Metatron Laser Art Projector Model M.L. 95-5K and the laser light shows incorporating the projector.	Feb. 26, 1981	Feb. 26, 1982
80P-0251	Lasers By Lord, 2620 A Street, San Diego, CA 92102	Laser light shows incorporating the Screen Projector #1 and Overhead Scanner #010.	Aug 27, 1980	Aug. 27, 1982.
80P-0252	Flying Saucer Videotheque, Centro Commercial SN-4, Cond. Marbella Del Caribe, Isla Verde, Puerto Rico 99013.	Flying Saucer Videotheque laser light show	Aug. 27, 1980	Aug 27, 1982.
80P-0495	Showlasers, Inc., 2312 Grand Avenue, Dallas, TX 75215	Laser Light Shows Incorporating the Class IV show-lasers Model LPI Laser Effects Projector.	Feb 26, 1981	Feb. 26, 1983.
80P-0500	Leisure Associates, Inc., 904 Parkway, Gatlinburg, TN 37738	System #1 Laser Projector and Planetarium Laser Light Show	Mar. 10, 1981	Mar. 10, 1983.
81P-0001	Lighting Systems Design, 3033 N.E. 19th Drive, #6, Gainsville, FL 32601.	Laser light shows incorporating the Model PM 2500AD Luma Projector System.	Feb 26, 1981	Feb. 26, 1983
81P-0007	Morrison Planetarium, California Academy of Sciences, Golden Gate Park, San Francisco, CA 94118.	Morrison Planetarium Laser Light Show Incorporating a Class IIIb Argon Ion Laser Projector.	Apr. 6, 1981	Apr. 6, 1982.
81P-0034	Chroma Kinetics Company, P.O. Box 313, Cambridge, MA 02141	Chroma Kinetics Laser Light Shows incorporating the Generic Laser Projector.	Apr. 14, 1981	Apr. 14, 1983.
81P-0036	Fernbank Science Center, 156 Heaton Park Dr., N.E., Atlanta, GA 30307.	Fernbank Science Center Special Effects Laser Projector, FSC-L-0 and Laser Light Shows.	Apr. 2, 1981	Apr. 2, 1983.
81P-0044	Laser Art Productions, 909 East Trafficway St., Springfield, MO 65812.	Laser Art Productions Laser Light Shows incorporating Model Series LAP265 Laser Projector.	Apr. 9, 1981	Apr. 8, 1983.
81P-0059	Jeffrey B. Meade, Electronic Electrician, 5896 Nave Street, S.W., Canton, OH 44706.	Jeffrey B. Meade Orthoganal Laser Projector Model 21568 and Laser Light Shows.	Apr. 8, 1981	Apr 8, 1983
81P-0074	Laser Fusion, 1966½ Shenandoah St., Los Angeles, CA 90034	Laser Fusion Laser Light Shows incorporating the Nautilus Series Modular Porjection System Model N-2.	Mar. 12, 1981	Mar. 12, 1983
81P-0077	Laser-Physics, Ltd., 65 Wooster St., New York, NY 10012	Laser-Physics Laser Light Show employing 550 Series Argon-krypton Laser Projector System.	Apr. 23, 1981	Apr 23, 1983.
81P-0078	Blagden Food and Beverage, Inc., 27-31 Huntington Ave., Boston, MA 02116.	Laser light shows using Image Engineering Model 350 and 390 Series Laser Projectors.	May 29, 1981	May 29, 1983
81P-0130	LASERPOINT (of England), c/o Mr. Steve Jander, Consultant, 2812 Grand Avenue, Dallas, TX 75215.	LASERPOINT laser effects projector incorporated in laser light shows.	June 1, 1981	June 1, 1983.
81P-0162	Tau Beta Pi Association, Inc., California Epsilon Chapter, 3805 Beoltar Hall, UCLA Campus, CA 90024.	Laserama Laser Light Show and incorporated projector, Model No. 1981.	May 8, 1981	June 8, 1981.

In accordance with § 1010.4, the application and all correspondence (including the written notices of approval and the notice rescinding variance 81P–0077) on the various applications have been placed on public display under the designated docket number in the Dockets Management Branch, Food and Drug Administration (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 29, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-24930 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Alan L. Hoeting, District Director, Detroit District Office, Detroit, MI.

DATE: The meeting will be held at 9:30 a.m., Wednesday, September 16, 1981.

ADDRESS: The meeting will be held at the Michigan Consumers Council Conference Room, 414 Hollister Bldg., Lansing, MI 48933.

FOR FURTHER INFORMATION CONTACT: Diane M. Place, Consumer Affairs Officer, Food and Drug Administration, 1560 East Jefferson St., Detroit, MI 48207, 313–226–6260.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and the FDA Detroit District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 20, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-24929 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by William C. Hill, District Director, San Francisco District Office, San Francisco, CA.

DATE: The meeting will be held from 2 p.m. to 4 p.m., Thursday, September 24, 1981.

ADDRESS: The meeting will be held at the Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106.

FOR FURTHER INFORMATION CONTACT: Connie Y. Saito, Consumer Affairs Officer, Food and Drug Administration, 50 United Nations Plaza, Rm. 518, San Fancisco, CA 94102, 415–556–2062.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's San Francisco District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 20, 1981.

Sherwin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-24928 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Abraham I. Kleks, District Director, Los Angeles District Office, Los Angeles, CA.

DATE: The meeting will be held from 9:30 a.m. to 12:30 p.m., Thursday, September 17, 1981.

ADDRESS: The meeting will be held at Senior Now Generation Programs, 102 N. Plumer, Tuscon, AZ 85719.

FOR FURTHER INFORMATION CONTACT: Gordon L. Scott, Consumer Affairs Officer, Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, CA 90015, 213–688–3771.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Los Angeles District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 20, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-24927 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Mr. George J. Gerstenberg, District Director, New York District Office, Brooklyn, NY.

DATE: The meeting will be held from 10 a.m. to 12 m. on Wednesday, September 23, 1981.

ADDRESS: The meeting will be held at 60 E. 42 St., Rm., 2446, New York, NY 10165.

FOR FURTHER INFORMATION CONTACT: Alicia Martinez, Consumer Affairs Officer, Carolyn L. Hommel, Consumer Affairs Technician, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 212–965–5043.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's New York District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 20, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-24926 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Henry P. Roberts, District Director, Minneapolis District Office, Minneapolis, MN.

DATE: The meeting will be held from 9:30 a.m. to 11 a.m., Tuesday, September 15, 1981.

ADDRESS: The meeting will be held at the Northwest Health Center, 7630 W. Mill Rd., Milwaukee, WI.

FOR FURTHER INFORMATION CONTACT: Mary Elyn Bahlert, Consumer Affairs Officer, Lewis Center Bldg., 615 East Michigan, Milwaukee, WI 53202, 414–291–3094.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and the FDA's Minneapolis District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 20, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-24925 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by William C. Hill, District Director, San Francisco District Office, San Francisco, CA.

DATE: The meeting will be held from 1 p.m. to 3 p.m., Tuesday, September 29, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 50 United Nations Plaza, Rm. 546, San Francisco, CA 94102.

FOR FURTHER INFORMATION CONTACT: Camilla Gray, Consumer Affairs Officer, Food and Drug Administration, 50 United Nations Plaza, Rm. 518, San Francisco, CA 94102, 415-556-2062

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's San Francisco District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 20, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-24924 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Frederick R. Carlson, District Director, Boston District Office, Boston, MA.

DATE: The meeting will be held from 10 a.m. to 12:30 p.m., Friday, September 25, 1981.

ADDRESS: The meeting will be held at the Deeds and Probate Bldg., Conference Rm., Railroad Ave., Barnstable, MA 02630.

FOR FURTHER INFORMATION CONTACT: Yolan L. Harsanyi, Consumer Affairs Officer, Food and Drug Administration, 585 Commercial St., Boston, MA 02109, 617-223-5857.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and the FDA's Boston District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 20, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-24923 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 75G-0296]

Olin Chemicals; Withdrawal of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the withdrawal without prejudice of the petition proposing affirmation that calcium hypochlorite for use in potable water for washing fresh fruits and vegetables is generally recognized as safe (GRAS).

FOR FUTHER INFORMATION CONTACT: John H. Dawson, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (Sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued: In accordance with § 171.7 *Withdrawal of petition without prejudice* (21 CFR 171.7), of the procedural food additive regulations, Olin Chemicals, 120 Long Ridge Rd., Stamford, CT 06904, has withdrawn its petition (GRASP 3G0027), notice of which was published in the **Federal Register** of October 10, 1975 (40 FR 47817) proposing that calcium hypochlorite for use in potable water for washing fresh fruits and vegetables is generally recognized as safe (GRAS).

Dated: August 17, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-24921 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81G-0243]

Olin Chemicals; Withdrawal of Petition for GRAS Affirmation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the withdrawal without prejudice of the petition (GRASP 2G0004) proposing affirmation that 0.5 part per million (ppm) calcium hypochlorite used in live oyster-conditioning water is generally recognized as safe (GRAS).

FOR FURTHER INFORMATION CONTACT: John H. Dawson, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued: In accordance with § 171.7 *Withdrawal of petition without prejudice* (21 CFR 171.7) of the procedural food additive regulations, Olin Chemicals, 120 Long Ridge Rd., Stamford, CT 06904, has withdrawn its petition (GRASP 2G0004), notice of which was published in the **Federal Register** of March 7, 1973 (38 FR 6215) proposing that 0.5 part per million (ppm) calcium hypochlorite used in live oyster-conditioning water is generally recognized as safe (GRAS).

Dated: August 17, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-24922 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0178]

R. T. Vanderbilt Co., Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that R. T. Vanderbilt Co., Inc., has filed a petition to change the name "dipentamethylenethiuram tetrasulfide" to "dipentamethylenethiuram hexasulfide" under 21 CFR 177.2600(c)(4)(ii)(*b*) of the food additive regulations.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21

U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3560) has been filed by R. T. Vanderbilt Co., Inc., 30 Winfield St., Norwalk, CT 06855, to change the name "dipentamethylenethiuram tetrasulfide" to "dipentamethylenethiuram hexasulfide" under paragraph (c)(4)(ii)(*b*) of § 177.2600 *Rubber articles intended for repeated use* (21 CFR 177.2600(c)(4)(ii)(*b*)). A different chemical stucture has been identified using advanced analytical techniques. There is no change in the composition of the product.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: August 17, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-24920 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0253]

Skull X-Ray Referral Criteria Panel; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming meeting of the Skull X-Ray Referral Criteria Panel. Convened by the University of California at San Francisco, this panel is provided logistical support by FDA. This notice gives methods for interested persons to submit written data and views to the panel, to participate in open sessions of the meeting, and to review the report of the panel.

DATES: Open sessions: September 14, 1981, 8:30 a.m. to 10 a.m. and September 15, 1981, 8:30 a.m. to 10 a.m.; closed sessions: September 14, 1981, 10:15 a.m. to 4:30 p.m. and September 15, 1981, 10:30 a.m. to 12 noon.

ADDRESSES: The Panel meeting will be held at the Bethesda Marriot Hotel, 2 Pooks Hill Rd., Bethesda, MD, 301-897-9400. The panel report may be reviewed at the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Philip M. McClean, Bureau of Radiological Health (HFX-76), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4600.

SUPPLEMENTARY INFORMATION: Through the Bureau of Radiological Health, FDA conducts and supports research, training, and other activities to minimize unproductive radiation exposure from diagnostic radiological examinations. One possible source of unproductive radiation exposure is radiological examinations that are not likely to affect patient management. To minimize requests for ineffective examinations, it is important that the referring physician have up-to-date information about when a given radiological study is likely to provide needed diagnostic information. This information, which can take the form of decision guides based on patient signs, symptoms, or history, is termed here "referral criteria."

Under one part of a program designed to facilitate the development and testing by the medical profession of referral criteria for diagnostic radiological examinations, FDA provides logistical support through a contractor for the convening of small panels of clinical and scientific experts to formulate draft referral criteria or statements of use. A detailed description of the X-ray referral criteria development process was published in the **Federal Register** of June 9, 1981 (46 FR 30568).

This is the first meeting of the Skull X-Ray Referral Criteria Panel. The meeting is being called to assess the existing state of knowledge regarding the use of plain skull radiography following head trauma and to discuss several approaches toward developing referral criteria for this examination. Persons interested in specific agenda items to be discussed in open session may determine from the contact person the approximate time of discussion.

Interested persons may submit written data and views to the panel. Any interested person who wishes to request time for oral presentations during the open portion of the meeting should inform the contact person listed above, either orally or in writing, before the meeting. Any person attending the meeting who does not in advance of the meeting request time will be permitted to make an oral presentation at the conclusion of the open portion, if time permits, at the chairperson's discretion.

A list of committee members and the meeting agenda or the report of the panel meeting may be reviewed at the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday. The report of the panel meeting will contain minutes of the open session, copies of written data and views submitted to the panel in open session, and summaries of the closed sessions.

Dated: August 20, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-24919 Filed 8-24-81; 8:45 am]

BILLING CODE 4110-03-M

Social Security Administration

Reallotment of Funds for 1981; Low Income Energy Assistance Program

AGENCY: Social Security Administration, HHS.

REF: Federal Register/Vol. 46, No. 134/ July 14, 1981.

ACTION: Notice of final determination of funds available for reallotment and the amount by which each State and tribal allotment will be reduced or increased.

State and Tribal allotments to be reduced.

The chart below shows the States and Tribes whose original allotment will be reduced and the amount of reduction.

State	Original allotment	Amount of reduction	New allotment
Alaska	$9,623,855	$2,500,000	$7,123,855
Iowa	32,674,799	4,500,000	28,174,799
Missouri	40,673,651	4,400,000	36,273,651
Nebraska	16,158,946	3,000,000	13,158,946
North Dakota	14,016,247	5,000,000	9,016,247
Washington	35,951,971	3,000,000	32,951,971
Wisconsin	62,694,479	3,500,000	59,194,479
Wyoming	5,247,030	1,893,874	3,353,156

Tribe	Original allotment	Amount of reduction	New allotment
Devils Lake Sioux	$245,284	$24,921	$220,363
Puyallup	232,322	72,322	160,000
Sauk-Suiattle	58,638	42,318	16,320
Standing Rock	436,737	165,000	271,737
Ute	137,239	39,538	97,701
Three affiliated tribes	263,505	37,474	226,031

States and Tribal allotments to be increased.

The chart below shows the States and Tribes whose original allotment will be increased and the amount of increase.

State	Original allotment	Amount of increase	New allotment
Florida	$23,855,973	$1,120,004	$24,975,977
Maine	23,833,718	2,734,438	26,568,156
Massachusetts	73,591,153	5,200,000	79,791,153
Michigan	96,675,763	11,091,595	107,767,358
Mississippi	12,925,992	500,000	13,425,992
Oklahoma	13,858,652	1,589,915	15,448,567
South Carolina	11,974,035	1,373,783	13,347,818
Virginia	34,313,289	3,346,146	37,659,435

Tribe	Orginal allotment	Amount of increase	New allotment
Navajo	$1,635,439	$148,000	$1,783,439
Turtle Mt. Band of Chippewa	742,861	71,284	814,145

Dated: August 25, 1981.

Robert J. Myers,

Acting Commissioner of Social Security.

[FR Doc. 81-25288 Filed 8-27-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-28297]

Alaska Native Claims Selection

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (Pub. L.) 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On August 30, 1979, Patent No. 50-79-0138 and Interim Conveyance No. 230 were issued to Cook Inlet Region, Inc., for the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369), and are described as follows:

Patent No. 50-79-0138 of August 30, 1979

Seward Meridian, Alaska (Surveyed)

T. 1 N., R. 13 W.
Sec. 22, lot 1;
Sec. 33, lot 5;
Sec. 35, W½NE¼, E½NW¼, S½SE¼.
Containing 243.78 acres.

T. 2 N., R. 12 W.
Sec. 36, all.
Containing 640 acres.

T. 4 N., R. 11 W.
Sec. 17, all;
Sec. 18, lots 1, 2, 3, and 4, E½, E½W½;
Sec. 19, lots 1, 2, 3, and 4, E½, E½W½;
Sec. 30, lots 1, 2, 3, and 4, E½, E½W½;
Sec. 31, lots 1, 2, 3, and 4, E½, E½W½;
Containing 3,072.36 acres.

T. 5 N., R. 10 W.
Sec. 1, lots 1, 2, 4, and 6, S½NE¼;
Sec. 2, lots 1, 2, 3, and 4, S½NW¼, SW¼;
Sec. 3, lots 1, 2, 3, and 4, S½N½, S½;
Sec. 4, lots 1 and 6, S½NE¼, SW¼NW¼, N½S½, SE¼SE¼;
Sec. 5, SE¼NE¼, E½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, lots 1 and 2, E½NE¼, SW¼NE¼, NW¼NW¼;
Sec. 11, N½, N½SE¼;
Sec. 12, W½NW¼, NW¼SW¼, E½SE¼, E½W½SE¼.
Containing 2,683.04 acres.

T. 5 N., R. 11 W.
Sec. 31, E½NE¼, SE¼SE¼;
Secs. 32 and 33, all.
Containing 1,400 acres.

T. 6 N., R. 11 W.
Sec. 24, E½NE¼, E½W½NE¼, NE¼SE¼, E½NW¼SE¼.
Containing 180 acres.

T. 7 N., R. 11 W.
Sec. 2, lots 1, 2, and 7, SW¼NE¼, E½SW¼, SE¼;
Sec. 8, lot 3.
Containing 370.98 acres.

T. 8 N., R. 10 W.
Sec. 30, lots 6, 7, 8, 9, 10 and 11, E½SW¼, E½SE¼, NW¼SE¼, N½SW¼SE¼.
Containing 301.47 acres.

T. 8 N., R. 11 W.
Sec. 25, lots 1, 2, 3, 4, 20, and 21 SE¼NW¼NE¼, NE¼SW¼NE¼, S½SW¼NE¼, SE¼NE¼, S½S½SW¼, SE¼;
Sec. 33, lot 22;.
Sec. 35, lots 1, 2, 29, 38, 39, 40, 41, 42, 50, 51, 54, 55, 56, 61, and 63 SW¼NW¼SE¼, SW¼SE¼, S½SE¼SE¼;
Sec. 36, lots 1, 2, 3, 4, 9, 10, and 11, E½E½, NW¼NE¼, NE¼NW¼.
Containing 947.85 acres.

T. 1 S., R. 13 W.
Sec. 3, SW¼NE¼;
Sec. 10, SW¼, N½SE¼;
Sec. 15, W½W½NW¼, W½SW¼;
Sec. 16, E½, SW¼;
Sec. 21, E½, SW¼;
Sec. 22, W½W½;
Sec. 27, NW¼NW¼;
Sec. 28, N½N½;
Sec. 29, SW¼SE¼;
Sec. 30, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼;
Sec. 31, lot 2, W½NE¼, E½NW¼;
Sec. 32, NW¼NE¼.
Containing 2,288.09 acres.

T. 1 S., R. 14 W.
Sec. 24, SW¼NE¼, NE¼SW¼, SE¼;
Sec. 25, NE¼, E½NW¼, SW¼NW¼;
Sec. 36, all.
Containing 1,160 acres.

T. 2 S., R. 14 W.
Sec. 13, W½SW¼;.
Sec. 14, E½, E½NW¼, NW¼NW¼;
Sec. 15, S½NE¼, E½SE¼;
Sec. 16, E½SW¼, SE¼;
Sec. 21, SE¼NE¼, NW¼NW¼, SE¼;
Sec. 23, E½, W½SW¼;
Sec. 24 and 25, all;
Sec. 26, E½E½NE¼, E½NE¼SE¼, S½SE¼;
Sec. 27, E½NE¼, SW¼NE¼, W½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 34, E½NE¼, SW¼NW¼, N½SW¼, SE¼;
Sec. 35, all;
Sec. 36, NE¼NE¼, S½N½,S½.
Containing 4,860 acres.

T. 3 S., R. 14 W.
Sec. 16, N½.
Containing 320 acres.

T. 3 S., R. 15 W.
Sec. 36, E½SE¼, NW¼SE¼.
Containing 120 acres.

T. 4 S., R. 12 W.
Secs. 33, 34, and 35, all.,
Containing 1,920 acres.

T. 4 S., R. 14 W.
Sec. 16, S½SW¼, SW¼SE¼;
Sec. 17, E½SE¼NE¼.
Containing 140 acres.

T. 4 S., R. 15 W.
Sec. 36, E½, E½NW¼, S½SW¼.
Containing 480 acres.

T. 5 S., R. 12 W.
Sec. 1, lots 3 and 4, S½NW¼, S½;
Sec. 2, lots 1, 2, and 4, S½NE¼, SW¼NW¼, W½SW¼, SE¼;
Sec. 3, lots 1, 2, 3, and 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, and 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, and 4, S½N½, S½;
Sec. 9, E½;
Sec. 10, N½N½, SE¼NE¼, SW¼NW¼, SW¼, E½SE¼;
Sec. 11, E½, W½W½;
Sec. 12, W½;
Sec. 16, all;
Sec. 21, N½NW¼;
Sec. 22, NW¼NE¼.
Containing 5,241.93 acres.

T. 5 S., R. 13 W.
Sec. 1, lots 1, 2, 3, and 4, S½N½, S½;
Sec. 4, lots 3 and 4, S½NW¼, SW¼;
Sec. 5, lots 1, 2, 3, and 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, and 4, E½, E½W½;
Sec. 8, N½;
Sec. 12, all.
Containing 3,768.44 acres.

T. 5 S., R. 14 W.
Sec. 2, SE¼NW¼;
Sec. 8, SW¼SW¼;
Sec. 14, E½, NE¼NW¼;
Sec. 16, all;
Sec. 36, NE¼, N½NW¼, E½SE¼.
Containing 1,400 acres.

T. 5 S., R. 15 W.
Sec. 1, SE¼SW¼, N½SE¼;
Sec. 2, W½NE¼, NE¼SE¼;
Sec. 13, SE¼NW¼.
Containing 280 acres.

T. 6 S., R. 14 W.
Sec. 2, S½NW¼NE¼SE¼, SW¼NE¼SE¼, NW¼SE¼NE¼SE¼, S½SE¼NE¼SE¼, S½NE¼NW¼SE¼, SE¼NW¼SE¼;
Sec. 16, lots 3 and 4.
Containing 133.58 acres.
Aggregating 31,951.52 acres.

Interim Conveyance No. 230 of August 30, 1979

Seward Meridian, Alaska (Surveyed)

T. 1 N., R. 11 W.
Those portions of Tract A more particularly described as (protracted):
Sec. 5, E½, E½W½, excluding ASLS 76-15, Tract E of ASLS 77-133, and lake;
Sec. 7, N½SW¼;
Sec. 8, NE¼, excluding ASLS 75-122, Tracts A and B of ASLS 78-8, ADL leases 44561, 44585, 47083, 47084, and 59740, and lake.
Containing approximately 636.34 acres.

T. 1 N., R. 12 W.
Sec. 1, lots 3 and 4, S½NW¼;
Sec. 2, lots 1, 2, and 3, S½NE¼, SE¼NE¼, E½SW¼, SE¼;
Sec. 3, lots 3 and 4, S½NW¼, SW¼;
Sec. 4, SE¼;
Sec. 5, lot 1, SE¼NE¼, SW¼NW¼, W½SE¼NW¼, E½SE¼;
Sec. 9, E½NW¼, SW¼;
Sec. 10, W½NE¼, E½W½, SW¼SW¼, NW¼SE¼;
Sec. 11, E½E½;
Sec. 16, S½;
Sec. 17, SW¼SW¼;
Those portions of Tract A more particularly described as (protracted):
Sec. 12, SE¼;
Sec. 13, E½, E½W½;
Sec. 14, W½W½.
Containing approximately 3,221.72 acres.

T. 2 N., R. 11 W.
Those portions of Tract A more particularly described as (protracted):
Sec. 19, S½;
Sec. 20, NW¼, S½;

Secs. 29 and 30, all;
Sec. 32, all, excluding Tracts A, B, C, and D of ASLS 77–133, ADL lease 41046, and lake.
Containing approximately 2,658.23 acres.

T. 3 N., R. 12 W.
Sec. 16, lots 3 and 17 of Block 1, Cohoe Alaska Subdivision.
Containing approximately 4.113 acres.

T. 5 N., R. 8 W.
Sec. 1, lots 1, 2, 3, and 4;
Sec. 2, lots 3 and 4;
Sec. 3, S½SW¼, SE¼;
Sec. 4, lots 1, 2, 3, and 4, S½N½, S½;
Sec. 5, lot 1, SE¼NE¼, E½SW¼, SE¼;
Sec. 6, lots 3, 4, 5, and 10, SE¼NW¼;
Sec. 8, E½, E½SW¼;
Sec. 9, SE¼NE¼, NW¼NW¼, E½SW¼, W½SE¼;
Sec. 16, E½, E½W½, NW¼NW¼;
Sec. 17, N½NE¼;
Sec. 21, lots 2, 13, and 14;
Sec. 22, lots 2 and 3;
Sec. 23, E½;
Sec. 25, lots 1, 2, and 3, NE¼NE¼, S½N½, N½S½, E½SW¼SW¼, NW¼SW¼SW¼, N½SW¼SW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 26, lots 2 and 3, NE¼NW¼;
Sec. 27, W½SW¼;
Sec. 28, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, S½NE¼, NW¼NW¼, SE¼SW¼, SE¼;
Sec. 29, NE¼, NE¼SE¼;
Sec. 32, lots 1, 2, 4, 5, and 6, NW¼NW¼, excluding lake;
Sec. 33, lot 1, E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 34, W½NW¼, SE¼;
Sec. 35, lots 10 and 13, lot 16, excluding ADL #54351, lot 17, excluding ADL #40108, lots 18, 19, 20, 21, and 22, NW¼, S½SE¼;
Sec. 36, lots 5 and 7, lot 6, excluding ADL #00206, E½NE¼, NW¼NE¼, S½SW¼.
Containing approximately 6,377.41 acres.

T. 5 N., R. 9 W.
Sec. 6, lots 2, 3, 5, 6, and 7, SW¼NE¼, E½SW¼, SE¼;
Sec. 7, lots 1 and 2, NE¼, E½NW¼, NE¼SE¼;
Sec. 8, W½NW¼, NW¼SW¼, including Tracts A and B of ASLS 75–108;
Sec. 9, SE¼NE¼SE¼, northerly of the Sterling Highway right-of-way;
Sec. 16, E½NE¼, SW¼NE¼, W½NW¼, S½;
Sec. 28, W½NW¼, SE¼ NW¼;
Sec. 32, lots 1, 2, 5, 6, and 7, N½NE¼, E½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 34, all.
Containing approximately 2,574.99 acres.

T. 2 S., R. 11 W.
Those portions of Tract A more particularly described as (protracted):
Secs. 19 and 20, all;
Secs. 29 and 30, all.
Containing approximately 2,514 acres.

T. 2 S., R. 13 W.
Those portions of the surveyed township more particularly described as (protracted):
Secs. 21 to 24, inclusive, all;
Secs. 27, 28, and 29, all;
Secs. 32 and 33, all.
Containing approximately 5,760 acres.

T. 2 S., R. 13 W.
Sec. 3, W½SW¼;
Sec. 4, NE¼SE¼;
Sec. 5, lots 2, 3, and 4;
Sec. 8, W½SW¼NW¼.
Those portions of Tract A more particularly described as (protracted):
Secs. 34 and 35, all.
Containing approximately 1,540.30 acres.

T. 3 S., R. 11 W.
That portion of Tract A more particularly described as (protracted):
Sec. 13, all, excluding U.S. Survey No. 3028.
Containing approximately 635 acres.

T. 3 S., R. 12 W.
Those portions of the surveyed township more particularly described as (protracted):
Secs. 4 and 5, all.
Containing approximately 1,280 acres.

T. 3 S., R. 13 W.
Those portions of the surveyed township more particularly described as (protracted):
Sec. 2, all;
Sec. 3, SE¼;
Sec. 5, all;
Secs. 8, 9, and 10, all;
Sec. 16 to 20, inclusive, all.
Containing approximately 6,530 acres.

T. 4 S., R. 11 W.
Those portions of Tract A more particularly described as (protracted):
Sec. 11, N½, N½S½, S½ SW¼, SW¼SE¼;
Sec. 14, W½E½NW¼, W½NW¼;
Sec. 23, W½NW¼;
Sec. 33, S½SW¼;
Sec. 35, all, excluding U.S. Survey No. 3610, U.S. Survey No. 480-2, Tracts A, B, C, and D, of ASLS 73–5, ADL 55932, ADL leases 50689, 50877, and 57343, and Kachemak Bay.
Containing approximately 1,217 acres.

T. 4 S., R. 13 W.
Sec. 31, lots 1, 2, and 3, SE¼ of lot 4, NE¼, W½ E½ NW¼, NE¼SW¼, E½SE¼SW¼, SW¼SE¼SW¼, N½SE¼;
Secs. 32, 33, and 34, all.
Containing approximately 2,400.10 acres.
Aggregating approximately 37,349.203 acres.

The above description does not include those lands removed by the State of Alaska's Correction Deed of Title accepted by the United States on March 12, 1981.

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–29128, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal Corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight(GVW)).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small, and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small, and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

100 Foot Proposed Road—The uses allowed on a one-hundred (100) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small, and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks. All roads in this category must be proposed for construction within a five-year period. If the road is not constructed, the easement will be reduced to a twenty-five (25) foot wide trail and the uses will be consistent with the trail width. If after the road has been constructed a lesser width is sufficient to accommodate the road, the easement shall be reduced to a sixty (60) foot wide easement.

a. (EIN 3 C5) An easment sixty (60) feet in width for an existing road traversing Sec. 33, T. 4 S., R. 11 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

b. (EIN 8 D9, C5) An easement fifty (50) feet in width for an existing trail beginning at the Sterling Highway in Sec. 20, T. 2 S., R. 14 W., Seward Meridian, continuing southeasterly to trail EIN 8 D9 in Sec. 15, T. 3 S., R. 13 W., Seward Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

c. (EIN 9 C5) An easement sixty (60) feet in width for an existing road traversing Sec. 36, T. 4 S., R. 15 W., and Sec. 2, T. 5 S., R. 14 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

d. (EIN 10 C5) An easement sixty (60) feet in width for an existing road traversing Secs. 16 and 22, T. 5 S., R. 12 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

e. (EIN 10a C5) An easement sixty (60) feet in width for an existing road traversing Sec. 16 T. 5 S., R. 12 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

f. (EIN 12 C5) An easement sixty (60) feet in width for an existing road traversing Sec. 36 T. 5 S., R. 14 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

g. (EIN 14 C5) An easement sixty (60) feet in width for an existing road traversing Sec. 2 T. 6 S., R. 14 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

h. (EIN 15 C5) An easement sixty (60) feet in width for an existing road traversing Sec. 2 T. 7 N., R. 11 W., Seward Meridian. The uses allowed are

those listed above for a sixty (60) foot wide road easement.

i. (EIN 16 C5) An easement sixty (60) feet in width for an existing road traversing Sec. 23, T. 4 S., R. 11 W., Seward Meridian. The uses allowed are those listed above for sixty (60) foot wide road easement.

j. (EIN 17 C5) An easement fifty (50) feet in width for an existing trail traversing Native land in Secs. 33 and 34, T. 4 S., R. 13 W., Seward Meridian, and Secs. 4, 5, and 8, T. 5 S., R. 13 W., Seward Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

k. (EIN 17a E) An easement for an existing access trail fifty (50) feet in width from its intersection with EIN 33 C5 in Sec. 33, T. 2 S., R. 12 W., Seward Meridian, southwesterly to public lands. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

l. (EIN 18 C5) An easement sixty (60) feet in width for an existing road traversing Secs. 23 and 24, T. 2. S., R. 12 W., Seward Meridian and Secs. 19 and 30, T. 2 S., R. 11 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

m. (EIN 33 C5) An easement fifty (50) feet in width for an existing trail beginning at Ninilchik's EIN 13 D1 and traversing Secs. 29, 32 and 33, T. 2 S., R. 12 W., Seward Meridian, and Sec. 4, T. 3 S., R. 12 W., Seward Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

n. (EIN 34 L) An easement twenty (20) feet in width for an existing overhead electric distribution line which traverses Secs. 27, 34, and 35, T. 5 N., R. 8 W., Seward Meridian. The uses allowed are those associated with the construction, operation, and maintenance of a powerline.

o. (EIN 35 L) An easement one-hundred (100) feet in width for a proposed overhead 115 KV transmission line which will traverse Sec. 35, T. 4 S., R. 12 W., Seward Meridian, and Secs. 3 and 10, T. 5 S., R. 12 W., Seward Meridian. The uses allowed are those uses associated with the construction, operation, and maintenance of a powerline. If not actually planned for construction within 5 years of the date of conveyance, this easement will be dropped.

p. (EIN 36 L) An easement twenty (20) feet in width for an existing overhead electric distrbution line which traverses the NE¼, Sec. 18, T. 4 N., R. 11 W., Seward Meridian. The uses allowed are those uses associated with the construction, operation, and maintenance of a powerline.

q. (EIN 37 L) An easement twenty (20) feet in width for an existing overhead electric distribution line which traverses the NE¼, Sec., 22, T. 5 S., R. 12 W., Seward Meridian. The uses allowed are those uses associated with the construction, operation, and maintenance of a powerline.

r. (EIN 38 D4) An easement twenty-five (25) feet in width for an existing trail which begins at road EIN 18 C5 in Sec. 19, T. 2 S., R. 11 W., Seward Meridian and traverses northerly through Sec. 19. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

s. (EIN 39 D4) An easement sixty (60) feet in width for an existing road which traverses Sec. 25, T. 8 N., R. 11 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

t. (EIN 39a D4) An easement one-hundred (100) feet in width for a proposed road from existing road EIN 39 D4 continuing westerly to lots 5 and 6, Sec. 25, T. 8 N., R. 11 W., Seward Meridian. The uses allowed are those listed above for a one-hundred (100) foot wide proposed road easement.

u. (EIN 41 L) An easement sixty (60) feet in width for an existing road beginning at a Sec. line road located between Secs. 26 and 35, T. 5 N., R. 8 W., Seward Meridian, and traversing southeasterly through lot 10, Sec. 35, T. 5 N., R. 8 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

When this decision becomes final, revised conveyance documents will be issued to Cook Inlet Region, Inc., for the above-described lands reflecting the easements identified above. The revised conveyance documents will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50–79–0138 and Interim Conveyance No. 230, respectively.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until September 28, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81–25314 Filed 8–27–81; 8:45 am]

BILLING CODE 4310-84-M

[Desigation Order NV–030–8001; 8340(N–033)]

Nevada Off Road Vehicle Designations

August 21, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off road vehicle designation decision.

Decision.

Notice is given regarding use of motorized vehicles on certain lands managed by the Bureau of Land Management, Carson City District in accordance with the authority and requirements of Executive Orders 11644 and 11989 and regulations contained in 43 CFR 8340. The following lands contain sensitive nationally significant historic and archaeological resources and are designated closed to motorized travel unless specifically authorized by the Carson City District Manager.

1. GRIMES POINT ARCHAEOLOGICAL—190 ACRES

This area is located 10 miles southeast of Fallon, Nevada, in Churchill County. The lands closed to motorized vehicle travel are identified on the ground by fencing and signs and are described as those lands south of County Road 808 within SE¼SW¼, SE¼, Sec. 20; SW¼NE¼, S½NW¼, SW¼,

W½SE¼, Sec. 21; N½NE¼, NE¼NW¼, Sec. 29, T. 18 N., R. 30 E., M.D.M.

2. SAND SPRINGS PONY EXPRESS HISTORIC SITE—50 ACRES

This area is located 30 miles southeast of Fallon, Nevada, in Churchill County. The lands to be closed to motorized vehicle travel are identified on the ground by fencing and signs and are described as those posted lands located in a portion of the N½SW¼, Sec. 32, T. 17 N., R. 32 E., M.D.M.

These public lands are not closed to non-motorized use. Foot traffic is welcome and interpretive programs are available at all sites. Environmental Assessments and vehicle closure plans describing the impacts of these designations are available for inspection at the Carson City District Office listed below.

These designations become effective today, upon publication in the **Federal Register**, and will remain in effect rescinded or modified by the authorized officer. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

For further information contact Chuck Otto, Outdoor Recreation Planner, Carson City District Office, 1050 East William Street, Suite 335, Carson City, Nevada 89701 (702) 882–1631.

Dated: August 21, 1981.

Tom Owen,

District Manager.

[FR Doc. 81–25136 Filed 8–27–81; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Classification Vacated

August 20, 1981.

Exchange and Public Sale Classification N-2373 is hereby vacated in its entirety. The following described land is affected.

Mount Diablo Meridian

T. 31 N., R. 46 E.
Sec. 29, S½;
Sec. 31, All.
T. 32 N., R. 44 E.
Sec. 25, NE¼
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼.

The area described contains 1,731.71 acres.

This classification is determined to be unnecessary since a portion of the land has been patented, a portion has been leased for public purposes, and the remaining 600 acres were evaluated and are no longer being considered for disposal through exchange.

Subject to valid existing rights, the following described 600 acres are hereby restored to the operation of the public land laws at 10 a.m. on September 28, 1981.

All valid applications received from the date of this publication until and including 10 a.m. on September 28, 1981 shall be considered as simultaneously filed. Those received thereafter shall be considered in the order of filing.

Mount Diablo Meridian

T. 32 N., R. 44 E.
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼.

At 10:00 a.m. on September 28, 1981, the land also will be open to location under the United States mining laws and application under the mineral leasing laws.

Inquires and applications concerning this land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 12000, Reno, NV 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

FR Doc. 81–25035 Filed 8–27–81; 8:45 am]

BILLING CODE 4310–84–M

[N–5758; N–7030]

Nevada; Classifications Vacated

August 20, 1981.

Exchange Classifications N–5758 and N–7030 are hereby vacated in their entirely. The following described land is affected:

Mount Diablo Meridian

T.32., R. 44 E.
Sec. 36, Lot 2, W½NE¼, NW¼.
T. 31 N., R. 45 E.
Sec. 6, All.
T. 19 N., R. 46 E.
Sec. 13, W½SE¼NE¼, NE¼SW¼NE¼.
T. 19 N., R. 47 E.
Sec. 17, S½SW¼SW¼;
Sec. 18, Lots 6, 7;
Sec. 20, N½NW¼NW¼, NE¼NW¼, N½SE¼NW¼.
T. 20 N., R 47 E.
Sec. 15, S½SW¼NW¼, NW¼SW¼NW¼, NE¼NW¼SE¼;
Sec. 23, SW¼SE¼SE¼;
Sec. 25, W½SW¼NW¼;
Sec. 26, W½NE¼NE¼, SE¼NE¼NE¼, NE¼SE¼NE¼.

The area described contains 1220.98 acres.

This classification is inappropriate as the authority for exchanges is now the Federal Land Policy and Management Act of 1976, instead of section 8 of the Taylor Grazing Act. The land is not currently being considered for disposal through exchange.

Subject to valid existing rights, the land described above is hereby restored to the operation of the public land laws at 10 a.m. on September 28, 1981. All valid applications received from the date of this publication until and including 10 a.m. on September 28, 1981 shall be considered as simultaneously filed. Those received thereafter shall be considered in the order of filing.

At 10 a.m. on September 28, 1981, the land also will be open to location under the United States mining laws and application under the mineral leasing laws.

Inquiries and applications concerning this land should be addressed to the Bureau of Land Management, P.O. box 12000, Reno, NV 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81–25036 Filed 8–27–81; 8:45 am]

BILLING CODE 4310–84–M

New Mexico; Intent To File Survey Plat

July 21, 1981.

Notice is hereby given, pursuant to § 1813.1–2 of Code 43 Federal Regulations of intent to file the survey plat of Township 3 South, Range 1 East, New Mexico Principal Meridian, New Mexico, accepted May 19, 1981.

The plat, in four sheets, representing the dependent resurvey of a portion of the New Mexico Principal Meridian, a portion of the south boundary of the Town of Socorro Grant, a portion of the south boundary, a portion of the subdivisional lines, and certain boundaries of small holding claims in Sections 30 and 31, the subdivision of Sections 29, 30 and 31; the survey of accreted lands and riparian surveys in Sections 29 and 31, T. 3 S., R. 1 E., New Mexico Principal Meridian, New Mexico, for Group Number 768, was accepted May 19, 1981.

This survey was executed to meet certain administrative needs of the Bureau.

The plat will be officially filed in the Records Section of the Bureau of Land Management, New Mexico State Office, Santa Fe, New Mexico, on September 7, 1981.

Purpose of this notice is to inform the public of the foregoing described action. Interested persons desiring to oppose filing of the plat should address their views promptly to the Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Geoffrey B. Middaugh,

Acting Chief, Division of Management Services.

[FR Doc. 81–25038 Filed 8–27–81; 8:45 am]

BILLING CODE 4210–84–M

Wisconsin and Michigan Islands; Wilderness Inventory Proposals and Commencement of Public Comment Period

This notice announces the beginning of a 90-day public comment period concerning the initial wilderness inventories of public islands administered by the Bureau of Land Management (BLM) in Wisconsin and Michigan; and for an intensive inventory of two islands in Lake Michigan. The announcement of the beginning of the wilderness inventory in the two states was published in the March 27, 1979 **Federal Register**. The inventory was conducted in 1979 and 1980 and is now being announced under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978 BLM *Wilderness Inventory Handbook;* Organic Act Directive No. 78–61, Change 3; and BLM Washington Office memorandum dated July 22, 1981.

Following are the proposed wilderness inventory decisions, by state:

1. *Wisconsin:* All BLM islands in Wisconsin should be dropped from further wilderness study because they clearly and obviously do not have wilderness qualities:

No. of islands	Total acres
881	3,548.49

2. *Michigan:* (a) All BLM islands in Michigan (excluding islands shown in Item b below) should be dropped from further wilderness study because they clearly and obviously do not have wilderness qualities.

No. of islands	Total acres
849	[illegible]

(b) Waugoshance and Temperance Islands, both located in Lake Michigan, have been intensively inventoried and are proposed to be dropped from further consideration as BLM wilderness areas. Under terms of the Recreation and Public Purposes Act, or other transfer authority, the State of Michigan could logically manage the islands and protect their natural values as part of the Wilderness State Park.

No. of islands	Total acres
2	[illegible]

Situation evaluations were prepared for all BLM islands, in groupings determined according to similarities in characteristics. All of the situation evaluations are published in two separate state-wide inventory reports, including maps, available from the offices listed below. In addition, detailed maps of individual islands are available free upon request.

During the formal comment period, written comments are particularly encouraged. Because of the widespread area covered by the inventories and the long distances to BLM offices, public meetings are not planned. Instead, the inventory decision reports will be widely distributed, with public comment worksheets, to county officials in all counties where islands are located, State Officials, other Federal agencies, interest groups and individuals who have expressed an interest in the public lands, and through telephone contacts, press releases, and other media announcements. Every effort will be made to reach as many interested parties as possible during the 90-day review period. In addition, all inventory files, maps, photos and other data used in the inventory are available for public inspection at any time during regular office hours at the Duluth Field Office, Duluth, Minnesota.

In preparing written comments, it is recommended that separate public comment worksheets be used for each inventory unit or island. The worksheets are designed to assist the respondent in commenting specifically about the characteristics of each island. All comments should be sent to the Acting Manager, Duluth Field Office, Bureau of Land Management, 125 Federal Building, Duluth, Minnesota 55802.

All public comments received during the 90-day period will be recorded, analyzed, evaluated, and filed for future reference. All comments will be treated equally; and responses received after the comment period may be considered as long as they can be reviewed without delaying the final decision.

After the comment period closes in November, the Bureau will publish a final decision in the **Federal Register**. At that time, those islands not designated for further inventory or study will be released from wilderness-related management restrictions as set forth in Section 603(c) of the Federal Land Policy and Management Act.

For additional information and maps, contact: Acting Manager, Duluth Field Office, Bureau of Land Management, 125 Federal Building, Duluth, Minnesota 55802, telephone (218) 727–6692, Ext. 378; or Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, telephone (703) 235–2840.

Pieter J. VanZanden,

Acting Eastern States Director.

[FR Doc. 81–24769 Filed 8–27–81; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

[INT-DES 81–35]

Creston Steam Electric Station, Creston, Wash.; Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement jointly with the State of Washington Energy Facility Site Evaluation Council on the proposed Creston Steam Electric Station to be constructed and operated by the Washington Water Power Company. The Creston Steam Electic Station Project is intended to assist in meeting regional energy supply deficiencies projected to occur in the years following 1987. Written comments may be submitted by November 30, 1981, to Mr. William Fitch, Executive Secretary, Energy Facility Site Evaluation Council, Building 1, Row 6, 4224 6th Avenue, Lacey, Washington, 98504.

Copies are available for inspection at the following locations:

Department of the Interior, Office of Environmental Affairs,, Room 762, Bureau of Reclamation, Washington, DC 20240, Telephone: (202) 343–4991

Grand Coulee Project Office, Bureau of Reclamation, P.O. Box 620, Grand Coulee, WA 99133, Telephone: (509) 533–1360

Office of Regional Director, Bureau of Reclamation, Box 043—550 West Fort Street, Boise, ID 83724, Telephone: (208) 334–2108

Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208, Telephone: (503) 234–3361

Energy Facilities Site Evaluation Council, Building 1, Row 6, 4224 6th Avenue, Lacey, Washington 98504, Telephone: (206) 753–7314

Single copies of the statement may be obtained upon request to the Commissioner or Regional Director, Bureau of Reclamation, or Executive Secretary, Energy Facility Site Evaluation Council. Copies will also be available for inspection in libraries in the project vicinity.

Dated: August 21, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-25224 Filed 8-27-81; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Texas: Application; Matagorda Exploration, Inc.

Notice is hereby given that under section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (37 Stat. 576), that the Matagorda Exploration, Inc., has applied for a permit to construct, operate, and maintain a 4-inch pipeline right-of-way, 30 feet in width, with a 50-foot-wide work area, adjacent to the existing Houston Pipeline line from St. Charles Bay to a point near the existing Houston Pipeline facility; a facilities site which would measure approximately 150 feet by 200 feet to hold equipment for the separation and storage of liquid hydrocarbons; and ingress and egress to the facilities site for the removal of those liquid hydrocarbons. Matagorda Exploration, Inc., requests that these activities be permitted on lands of the Aransas National Wildlife Refuge in Aransas County, Texas.

The purpose of this notice is to inform the public that the U.S. Fish and Wildlife Service will be proceeding with consideration of whether this application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within 30 days by sending their comments with their name and address to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

August 17, 1981.

Gordon H. Hansen,

Acting Deputy Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-25138 Filed 8-27-81; 8:27 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: August 25, 1981.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub-1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Miss Ala Agricultural Distributors, LTD, Plymouth Agricultural Transportation Services, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
P.O. Box 947, Plymouth, NC 27962: Principal Mailing Address (Street No., City, State, and Zip Code).
Plymouth Agricultural Transportation Services, Inc., Hwy. 64 W. Plymouth, NC 27962: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
Ronald W. Toppin, P.O. Box 947, Plymouth, NC 27962: Person to Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).
2. Refrigerated Food Transport, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
P.O. Box 629, Carmel Valley, CA 93924: Principal Mailing Address (Street No., City, State, and Zip Code).
28090 Robinson Canyon Rd., Carmel Valley, CA 93923: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).
3. South Texas Farm Frt. Lines Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
Box 678, Combes, TX 78535: Principal Mailing Address (Street No., City, State, and Zip Code).
3700 North Commerce, Harlingen, TX 78535: Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
Jim Harlin, Box 678, Combes, TX 78535: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).
4. Western Agricultural Lines, Inc.: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
4734 N. Cornelia, Fresno, CA 93711: Principal Mailing Address (Street No., City, State, and Zip Code).
4734 N. Cornelia, Fresno, CA 93711; Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code).
Rebecca Sue Helms, 4734 N. Cornelia, Fresno, CA 93711: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25184 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

Public Tariff File; Closing

This is notice that effective with the close of business on Friday September 11, 1981, the Commission is closing its Public Tariff File located at Suite 50, 1015 15th Street, N.W., Washington, DC 20006. All mail (Government Rate Tenders, U.S. Postal Contracts, etc.) intended for that office should be addressed to the Bureau of Traffic, Tariff Examining Branch, Interstate Commerce Commission, Washington, DC 20423.

Effective September 14, 1981, tariffs and documents filed with the Commission will be available for public use at the main office in Room 4359, 12th and Constitution Ave., N.W., Washington, DC daily from 8:30 AM to 5:00 PM, Monday through Friday, excluding Federal Holidays.

Further information may be obtained by contacting Mr. William P. Geisenkotter, Chief, Section of Tariffs, (202) 275-7739.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25185 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules

provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: August 19, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14677, filed August 12, 1981. HEARTLAND EXPRESS, INC., of IOWA (Heartland) (P.O. Box 89B, R.R. #6, Iowa City, IA 52240)—Purchase (Portion)—HI LO TRANSPORT, INC. (Hi Lo) (Box 1, Wall Lake, IA 51466). Representative: Michael J. Ogborn, P.O. Box 82028, 1200 N Street, Lincoln, NE 68501. Heartland seeks authority to purchase a portion of the interstate operating rights of Hi Lo. Heartland Express, Inc., sole stockholder of Heartland, and in turn Gerdin Investment Corporation, sole stockholder of Heartland Express, Inc., and in turn Russell Gerdin, sole stockholder of Gerdin Investment Corporation, seek authority to acquire control of said rights through the transaction. Heartland is purchasing that portion of Hi Lo's certificate in No. MC–143651 (Sub-No. 16F) which authorizes the transportation, as a motor common carrier of *meats, meat products and meat by-products and articles distributed by meat packinghouses* as described in Parts A and C of Appendix I to the *Report in Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *foodstuffs,* from St. Joseph, MO, Omaha, and Madison, NE, Worthington, MN, Huron, SD, and Sioux City, IA, to those points in the United States in and east of KS, ND, NE, OK, SD, and TX, restricted to traffic originating at the facilities used by Armour & Co. at the above named points. Heartland is a motor common carrier pursuant to certificated issued in MC–115554 and sub-numbers thereunder.

Note.—An application for temporary authority has been filed.

[FR Doc. 81–25181 Filed 8–27–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 40 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

By the Commission, Review Board No. 2. Members Carleton, Kelly, Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–4–332

Decided: August 20, 1981.

MC 157577, filed August 6, 1981. Applicant: DENNIS RAY d.b.a. GOLDEN WEST, 1753 Clinton St., Aurora, CO 80010. Representative: Dennis Ray, (same address as applicant) (303) 340–4025. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 138297 (Sub-11), filed August 7, 1981. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Joseph A. Keating, Jr., L21 S. Main St., Taylor, PA 18517 (717) 344–8030. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–4–334

Decided: August 21, 1981.

MC 127007 (Sub-3), filed August 10, 1981. Applicant: COLONIAL VAN & STORAGE OF FRESNO, INC., 214 So. Broadway, Fresno, CA 93721. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111 (415) 986–1414. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OPY–4–336

Decided: August 21, 1981.

MC 90607 (Sub-24), filed August 12, 1981. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart St. E., Tacoma, WA 98421. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98421 (206) 922–5822. Transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–4–337

Decided: August 24, 1981.

MC 154226 (Sub-2), filed August 3, 1981. Applicant: T. COLEMAN EXPRESS, INC., 8613 River Road, Amarillo, TX 79108. Representative: Barry Weintraub, 8133 Leesburg Pike, Vienna, VA 22180 (703) 442–8330. Transporting *general commodities* (except classes A and B explosives), between Snyder, Mist, Hamburg, AR; Fallbrook, CA; Bell, FL; Primose, Luthersville, GA; Astoria, Easton, Five Points, Clare, Esmond, Lindenwood, IL; Minerva, Clemons, St. Anthony, Zearing, Stanhope, Stratford, Corwith, IA; Tyro, Peru, Sedan, Cedarvale, Dexter, KS; Millstone, Kona, Fleming-Neon, KY; Taylor, Maywood, Durham, Ewing, Lewistown, La Belle, Knox City, Edina, Hurdland, Brashear, MO; Elgin, Cedar Bluff, Colon, Ceresco, Davey, NE; Livonia, NY; Stokesdale, NC; Cheyenne, Butler, Reydon, OK; Keystone, SD; Allison, Briscoe, Mobeetie, TX; Krakow, Green Valley, Gillett, Wittenberg, Tigerton, Marion, Burkhardt, Deer Park, Clear Lake, Clayton, Comstock, Cumberland, Barronett Shell Lake, WI; on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this applicant is to substitute motor carrier for abandoned rail carrier service.

MC 157186, filed August 14, 1981. Applicant: 14307 STILL MEADOW, Houston, TX 77079. Representative: Robert J. Birnbaum, 3636 Executive Center Dr., Suite 151, Austin, TX 78731 (512) 346–4800. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157676, filed August 12, 1981. Applicant: SAMUEL A. BITHONEY, JR., 40 Cornell St., Arlington, MA 02174 Representative: Samuel A. Bithoney, Jr. (same address as applicant) (617) 646–1772. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157716, filed August 14, 1981. Applicant: ARTHUR O. WINCKLER, 1405 Whitting Dr., Yankton, SD 57078. Representative: Arthur O. Winckler (same address as applicant) (605) 665–9367. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81–25180 Filed 8–27–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new

entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–161

Decided: August 20, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 157662, filed August 10, 1981. Applicant: COMBINED TRANSPORT SYSTEMS, INC., 905 Mateo St., Los Angeles, CA 90021. Representative: W. G. Reese III, P.O. Box 7000–438, Redondo Beach, CA 90277, 213–538–3622. Transporting (1) *iron and steel articles,* (2) *machinery,* and (3) *material handling equipment,* between points in CA, on the one hand, and, on the other, points in KY, IN, IL, OH, OR, UT, NV, AZ, NM, TX, MO, and TN.

MC 52793 (Sub-81), filed August 7, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), (312) 547–2184. Transporting *household goods,* as defined by the Commission, between points in the U.S., under continuing contract(s) with Visual Graphics Corp., of Tamarac, FL.

MC 123383 (Sub-98), filed August 12, 1981. Applicant: BOYLE BROTHERS, INC., R.D. 2, Box 329C, Medford, NJ 08055. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, 212–466–0220. Transporting *general commodities* (except classes A and B explosives), between the facilities of Scott Paper Company, Georgia-Pacific Corporation, and Armstrong World Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 139973 (Sub-94), filed August 12, 1981. Applicant: J.H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, MO 65251. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *chemicals and related products,* between Baltimore, MD, on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 146372 (Sub-3), filed August 10, 1981. Applicant: DON'S TRUCKING, INC., 1801 Coxendale Rd., Chester, VA 23831. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235, 804–745–0446. Transporting *general commodities* (except classes A and B explosives), between points in VA, on the one hand, and, on the other, points in DE, GA, MD, NJ, NY, NC, OH, PA, SC, VA, WV, and DC.

MC 148522 (Sub-10), filed August 11, 1981. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, 717–344–8030. Transporting *food and related products,* between point in Hunterdon County, NJ, on the one hand, and, on the other, points in NY, MD, VA, and NC.

MC 150163 (Sub-8), filed August 7, 1981. Applicant: HORWITH TRUCKS, INC., R.D. No. 1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting *ores and minerals,* between points in Northampton County, PA, on the one hand, and, on the other, Baltimore, MD, and points in Litchfield County, CT, and Sussex County, NJ.

MC 152763 (Sub-3), filed August 6, 1981. Applicant: EXPRESSCO, INC., 105 Rhine St., Madison, TN 37115. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *metal products, machinery, wire, chemicals, lumber, and building materials,* between points in Sumner County, TN, on the one hand, and, on the other, points in the U.S.

MC 154053, filed August 10, 1981. Applicant: EAST-TEX PLASTICS EXPRESS, INC., 3850 Williams, Orange, TX 77630. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *chemicals,* between Orange, TX, on the one hand, and, on the other, Houston and Galveston, TX, and Lake Charles, LA.

MC 155022, filed August 10, 1981. Applicant: PROCHNOW FARMS, INC., Rte. 5, Medford, WI 54451. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, 608–273–1003. Transporting *such commodities* as are dealt in by manufacturers and distributors of animal feeds and farm supplies, between points in the U.S., under continuing contract(s) with (a) Bootzin's, Inc., of Stetsonville, WI, (b) Christensen Sales Corp., of Abbotsford, WI, (c) M. S. Colrud Company, of Rosholt, WI, (d) Consumers Co-op Exchange, of Merrill, WI, (e) Dorchester Cooperative, of Dorchester, WI, (f) General Feeds & Seeds, Inc., of Wausau, WI, (g) Medford Co-op Co., (h) Dale Prochnow, both of Medford, WI, (i) The Pillsbury Company, Feed Ingredient Division, of Bloomington, MN, (j) Prince Corporation, of Marshfield, WI, (k) Stratford Farmers Co-op, of Stratford, WI, (l) Van Gordon & Sons Elevator, of Neillsville, WI, and (m) Warner Brokerage Co., of New Ulm, MN.

MC 157603, filed August 7, 1981. Applicant: BOISE SCHOOL BUS & CHARTER SERVICE, 1109 Borah St., Boise, ID 83702. Representative: Terry R. Kirkman (same address as applicant), (208) 345–0159. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in UT and extending to points in the U.S.

MC 157642, filed August 10, 1981. Applicant: SALVATORE CASILE, 1131 Ritner St., Philadelphia, PA 19148. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting *food and related products,* between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, NJ, and NY.

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Decided: August 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

FF 267 (Sub-1), filed August 3, 1981. Applicant: HONOLULU FREIGHT SERVICE, P.O. Box 21156, Market Station, Los Angeles, CA 90021. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483–4700. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., restricted to shipments having a prior or subsequent movement by water.

MC 42487 (Sub-1045), filed August 6, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF

DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4892. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plains, NY.

MC 125627 (Sub-1), filed August 7, 1981. Applicant: CROSSRIVER INDUSTRIES, INC., 600 Cape May St., Harrison, NJ 07029. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting *electric or electronic equipment and appliances,* between Chicago, IL, New York, NY, and points in DuPage County, IL, Greene County, MO, Berrien County, MI, and Northumberland County, PA, on the one hand, and, on the other, those points in the U.S. in and east of MI, IL, MO, TN, and AL.

MC 134197 (Sub-21), filed August 7, 1981. Applicant: JACKSON AND JOHNSON, INC., P.O. Box 327, Savannah, NY 13146. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *plastic products,* between the facilities of Mobile Chemical Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 134387 (Sub-91), filed August 7, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Los Angeles, CA 90017, (213) 627–8471. Transporting *insulation materials,* between points in CA, AZ, OR, WA, NM, NV, TX, CO, UT, and ID.

MC 134387 (Sub-92), filed August 7, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Los Angeles, CA 90017, (213) 627–8471. Transporting *machinery,* between points in Davis County, UT and points in CA, NV, OR, and AZ.

MC 141867 (Sub-30), filed August 6, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *such commodities* as are dealt in or used by manufacturers of insulation and insulation materials, between points in Glenn County, CA, on the one hand, and, on the other, points in AZ, MT, and WY.

MC 148447 (Sub-8), filed August 7, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with InterRoyal Corporation, of Plainfield, CT, and The Charter Oak Shippers Cooperative Association, Inc., of Darien, CT.

MC 146907 (Sub-9), filed August 10, 1981, Applicant: PEBBLE HAULERS, INC., 2630 Delta Drive., Colorado Springs, CO 80910. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203, (303) 861–8046. Transporting (1) *ores and minerals,* and (2) *coal and coal products,* between points in AR, AZ, CA, CO, ID, IL, IA, KS, KY, LA, MI, MN, MO, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 147197 (Sub-2), filed August 7, 1981. Applicant: ANDY BELITSKY, d.b.a. ANDY B. TRUCKING, 270A Lincoln St., S.W., Hartville, OH 44632. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and plastic products, between Cleveland, OH, on the one hand, and, on the other, points in the U.S.

MC 153517 (Sub-1), filed August 7, 1981. Applicant: ROSE CITY TRANSPORTATION, INC., 3721 National Rd. West, Richmond, IN 47374. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 154467 (Sub-1), filed August 7, 1981. Applicant: KENNETH KONTRATH AND DAVID L. ENNIS, A PARTNERSHIP d.b.a. KONTRATH TRANSPORTATION, 5835 S. Front St., Livermore, CA 94550. Representative: Kenneth Kontrath (same address as applicant), (415) 443–1370. Transporting *food and kindred products,* between points in Sonoma County, CA, on the one hand, and, on the other, points in AZ.

MC 155646, filed August 6, 1981. Applicant: TRADITIONAL TRANSPORT, INC., Prospect Rd., Blooming Grove, NY 10914. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting (1) *alcoholic, carbonated and malt beverages,* between points in NH, NJ, NY, and VT, and (2) *pulp, paper and related products,* between points in Essex County, VT, on the one hand, and, on the other, points in NJ and NY.

MC 157417, filed August 6, 1981. Applicant: RONALD F. SHORES, d.b.a. SIX S CONSTRUCTION CO., P.O. Box 142, Wilson, OK 73463. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting *Mercer commodities,* between points in OK, AR, TX, LA, MS, CO, WY, NM, and KS.

MC 157587, filed August 6, 1981. Applicant: GLEN GOINS, d.b.a. GOINS TRUCKING, 518 St. Louis Rd., Collinsville, IL 62234. Representative: Michael J. Reagan, 7705 W. Main St., Belleville, IL 62223. Transporting *food and related products,* between points in the U.S., under continuing contract with Castle and Cooke Foods of Metarie, LA, and Reisfeld and Sons, Inc. of New Orleans, LA.

MC 157627, filed August 10, 1981. Applicant: M. B. G. LEASING, INC., 18 Hackensack Ave., South Kearney, NJ 07032. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) APC Corporation, of Hawthorne, NY, (b) Greenwich Mills Company, of Secaucus, NJ, (c) Jamesway Corporation, of Secaucus, NJ, and (d) E. R. Squibb and Sons, Inc., of New Brunswick, NJ.

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Decided: August 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 117647 (Sub-8), filed August 10, 1981. Applicant: BILLY J. ELKINS, P.O. Box 224, West Terre Haute, IN 47885. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *commodities in bulk,* between Vigo County, IN, on the one hand, and on the other, points in FL, GA, SC, NC, AL, MS, LA, AR, TX, OK, KS, MD, PA, NE, and MN.

MC 120257 (Sub-64), filed August 10, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 121827 (Sub-1), filed August 11, 1981. Applicant: BLOUNT MOTOR LINES, INC., Rt. 4, New Topside Rd.,

Louisville, TN 37777. Representative: James B. Edmondson (same address as applicant), (615) 984–1668. Transporting *general commodities* (except classes A and B explosives), between points in Bradley, Loudon, McMinn, Monroe, Polk, and Sevier Counties, TN.

MC 128927 (Sub-11), filed August 10, 1981. Applicant: MARTIN TRUCKING COMPANY, INC., Box 406, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *malt beverages,* between points in Shelby County, TN, Waukesha, La Crosse, and Monroe Counties, WI.

MC 138627 (Sub-122), filed August 10, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *general commodities* (except classes A and B explosives), between the facilities of Clow Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146807 (Sub-32), filed August 10, 1981. Applicant: S & W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same address as applicant), (717) 735–0188. Transporting *plastic and plastic products,* between points in NJ, PA, IN, TN, IL, KY, OH, MO, VA, WV, MD, NC, SC, AL, FL, LA, OK, IA, CO, NY, and CA.

MC 152207, filed August 10, 1981. Applicant: C.W.C. CO., 4700 Quebec Ave., No., Minneapolis, MN 55428. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *building materials,* between points in IA, IL, IN, MI, MN, MO, ND, SD, and WI.

MC 154857 (Sub-3), filed August 10, 1981. Applicant: ROGERS LEASING INCORPORATED, 2098 W. Broad St., Scotch Plains, NJ 07076. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322–5030. Transporting *such commodities* as are dealt in or used by publishers or distributors of printed matter, between points in the U.S., under continuing contract(s) with Simon & Schuster, of Bristol, PA.

MC 155107, filed August 10, 1981. Applicant: GEORGE R. BUCHANAN, d.b.a. SUPER "B" EXPRESS, P.O. Box 1195, Sherman, TX 75090. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *such commodities* as are dealt in by grocery stores and food brokerage houses, between points in Grayson County, TX, on the one hand, and, on the other, points in the U.S.

MC 157667, filed August 10, 1981. Applicant: ED ENGLER TRUCKING, R.D. No. 3, Box 3081, Bangor, PA 18013. Representative: Edward L. Engler (same address as applicant), (215) 588–2879. Transporting *cement,* between points in Northampton and Lehigh Counties, PA, and Union and Somerset Counties, NJ.

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Decided: August 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 33317 (Sub-9), filed August 14, 1981. Applicant: BOLUS FREIGHT SYSTEMS, INC., 700 N. Keyser Ave., Scranton, PA 18508. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *sodium bicarbonate, sodium carbonate, cleaning and scouring compounds, and ammonium bicarbonate,* between points in OH, on the one hand, and, on the other, points in the U.S.

MC 34027 (Sub-19), filed August 14, 1981. Applicant: GEETINGS, INC., P.O. Box 82, Pella, IA 50219. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *rubber tires and inner tubes,* between Chicago, IL, Oklahoma City, OK, Nashville and Memphis, TN, Natchez, MS, and Bridgeport, CT, and points in Hancock County, OH and Macon County, IL, on the one hand, and, on the other, points in Marion County, IA.

MC 134387 (Sub-93), filed August 12, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017, (213) 627–8471. Transporting *furniture,* between points in UT and CO.

MC 145797 (Sub-14), filed August 12, 1981. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Dr., Chesterfield, MO 63017. Representative: R. Thomas Grasso, 111 Hilltown Village Center, Suite 212, Chesterfield, MO 63017, (314) 532–7035. Transporting *foodstuffs* between points in NJ, NY, and PA, on the one hand, and, on the other, points in IL, IN, MI, MO, and OH.

MC 146807 (Sub-33), filed August 13, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same address as applicant), (717) 735–0188. Transporting *general commodities* (except classes A and B explosives), between points in Luzerne and Berks Counties, PA on the one hand, and, on the other, points in NJ, TX, AL, GA, OH, IL, NC, SC, VA, WV, and IN.

MC 151557 (Sub-2), filed Augsut 12, 1981. Applicant: BLAZER TRUCK LINES, INC., 23845 Ecorse Rd., Taylor, MI 48180. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of motor vehicles, between points in the U.S., under continuing contract(s) with General Motors Corportion, of Troy, MI.

MC 155337, filed August 11, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Dr., Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant), (404) 928–0322. Transporting (1) *food and related products,* (2) *chemicals and related products,* (3) *printed matter,* (4) *alcoholic beverages,* and (5) *rubber and plastic products,* between points in TN on the one hand, and, on the other, points in the U.S.

MC 157677, filed August 8, 1981. Applicant: STAR LEASING, INC., 200 Court Square Bldg., Nashville, TN 37201. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5800. Transporting *general commodities* (except classes A and B explosives), between points in Lauderdalt County, TN, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–338

Decided: August 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 20626 (Sub-1), filed August 14, 1981. Applicant: ALBERT E. WARD, INC., 23700 Corbin Dr., Bedford Heights, OH 44128. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *household goods,* between Cleveland, OH and points in Ashtabula, Geauga, and Lake Counties, OH, on the one hand, and, on the other, points in NC and VA.

MC 153196 (Sub-4), filed August 14, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53706, (608) 238–3119. Transporting (1) *pulp, paper and related products,* (2) *rubber and plastic products,* (3) *textile mill products,* and (4) *metal products,* between points in the U.S., under continuing contract(s)

with Fort Howard Paper Company, of Green Bay, WI.

MC 155756, filed August 14, 1981. Applicant: NEIL H. FULKERSON, INC., 3451 Losee Rd., Suite B, N. Las Vegas, NV 89030. Representative: Neil H. Fulkerson, 4034 S. Pecos, Las Vegas, NV 89121, (702) 642–2238. Transporting (1) *metal products,* (2) *machinery,* (3) *lumber and wood products,* (4) *building materials,* and (5) *waste or scrap materials,* between points in the U.S., under continuing contract(s) with P & S Metals and Supply, U S Machinery, Thimpson Machinery, Blaine Equipment, Las Vegas Plywood & Lumber, and Flintkote Building Products, all of Las Vegas, NV; Ace High Salvage, of N. Las Vegas, NV; California Railroad & Salvage, of Santa Ana, CA; Crest Steel Corporation, of Carson, CA; and Nu Wall Stucco Systems, of Phoenix, AZ.

MC 156006, filed August 14, 1981. Applicant: KELLY'S OF KEARNEY, INC., 3811 Ave. E., Kearney, NE 68847. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *passengers and their baggage,* in round trip charter or special operations, begining and ending at points in NE, and extending to points in the U.S.

MC 157726, filed August 17, 1981. Applicant: HORIZON TRAVEL OF COLORADO, INC., 2802 So. Vrain St., Denver, CO 80236. Representative: Marcin F. Sexson (same address as applicant), (303) 922–5651. To operate as a *broker,* at DEnver, CO, in arranging for the transportation of *passengers,* between points in CO, on the one hand, and, on the other, points in the U.S., including AK and HI.

MC 157736, filed August 14, 1981. Applicant: EDWARD M. MUSSELMAN, R.R. No. 1, Buffalo, IL 62515. Representative: Robert T. Lowley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *metal products, rubber products, and lumber and wood products,* and (2) *machinery,* between points in the U.S., under continuing contract(s) in (1) with Structural Rubber Products Company, of Springfield, IL, and in (2) with DeKalb AgResearch, Inc., of Illiopolis, IL.

Volume No. OPY–4–339

Decided: August 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 96286 (Sub-6), filed August 10, 1981. Applicant: ECKNOR, INC., 7 Oakcrest Dr., Huntington Station, NY 11746. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting (1) *food and related products,* and (2) *limestone and fertilizer and their related products,* between points in the U.S. under continuing contract(s) with Dext Co., of Secaucus, NJ, and Agway, Inc., of DeWitt, NY.

MC 95876 (Sub-405), filed August 10, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., North, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *such commodities* as are dealt in or used by manufacturers of (1) pollution control equipment, (2) energy producing, reclamation, and mining equipment, and (3) self-propelled vehicles and self-propelled machinery, between points in the U.S., under continuing contract(s) with Envirotech Corporation, of Menlo Park, CA.

MC 138176 (Sub-10), filed August 10, 1981. Applicant: RENTZ FARM SUPPLY, INC., Rt. 1, Brinson, GA 31725. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326, (404) 237–6472. Transporting *fertilizer and fertilizer materials,* between points in Barbour County, AL, on the one hand, and, on the other, points in NC.

MC 143776 (Sub-30), filed August 10, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave. SE., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting (1) *metal products,* and (2) *furniture and fixtures,* between points in the U.S., under continuing contract(s) with Knape & Vogt Manufacturing Company, of Grand Rapids, MI.

MC 144416 (Sub-9), filed August 10, 1981. Applicant: C. F. McGRAW, INC., P.O. Box 498, Garden City, KS 67846. Representative: Herbert Alan Dubin, 818 Connecticut Ave. NW., Washington, DC 20006, (202) 331–1174. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in KS, OK, TX, MO, NE, CO, UT, and NM, on the one hand, and, on the other points in the U.S.

MC 147076 (Sub-4), filed August 10, 1981. Applicant: COMMERCIAL ZONE CARTAGE, INC., 9940 Cincinnati Dayton Rd., West Chester, OH 45069. Representative: James M. Durham (same address as applicant), (513) 777–4545. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Levi Strauss, of Florence, KY.

MC 147916 (Sub-3), filed August 10, 1981. Applicant: GAMPAC EXPRESS, INC., 4103 Second Ave. South, Seattle, WA 98134. Representative: Richard J. Howard, 3201 Bank of California Center, Seattle, WA 98124, (206) 464–4224. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Amsoil, Inc., of Superior, WI.

MC 150765 (Sub-3), filed August 10, 1981. Applicant: GUTHMILLER TRUCKING, INC., P.O. Box 206, 30700 Dyer St., Union City, CA 94587. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *paper and related products,* between points in Linn county, OR, and King and Yakima Counties, WA, on the one hand, and, on the other, points in CA.

MC 155636, filed August 10, 1981. Applicant: EURO TRUCKING, 225 S. Scioto St., Circleville, OH 43113. Representative: Robert Norpoth (same address as applicant), (614) 477–1050. Transporting *such commodities* as are dealt in by agricultural feed business houses, between points in the U.S., under continuing contract(s) with Ralston Purina Company, of Circleville, OH.

MC 155796 (Sub-1), filed August 10, 1981. Applicant: TOM HASTINGS, d.b.a. TRANSPORTATION SPECIALISTS, 440 Commercial Federal Tower, Omaha, NE 68124. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *grain products and related products,* between points in the U.S., under continuing contract(s) with Con Agra, Inc., of Omaha, NE.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25189 Filed 8–27–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 151]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: August 25, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any

applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 14045 (Sub-5)X, filed July 27, 1981, previously published in the **Federal Register** of August 18, 1981, republished as follows: Applicant: LOS ANGELES-YUMA FREIGHT LINES, INC., P.O. Box 4849, Kofa Station, Yuma, AZ 85364. Representative: Harold G. Hernly, Jr., 110 South Columbus Street, P.O. Box 1281, Alexandria, VA 22313. Applicant seeks to remove restrictions in its lead and in the operating rights acquired in No. MC–F–14601 to (1) broaden its commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) broaden the irregular-route authority from "between Yuma, AZ, on the one hand, and, on the other, points in Arizona between 30 miles of Yuma," to "between points in Yuma County, AZ" in the lead; (3) authorize service to all intermediate points on regular route authority in MC–F–14601; and (4) expand off-route point authority from "points within 25 miles of Hyder and Roll, AZ," to "points in Yuma and Maricopa Counties, AZ" in MC–F–14601, and expand the off-route points of Calexico, CA, and points in the Los Angeles and Los Angeles Harbor, CA commercial zones to "points in Imperial, Los Angeles, Orange and Ventura Counties and the Los Angeles Harbor Commercial Zone" in the lead.

MC 93147 (Sub-29)X, filed August 11, 1981. Applicant: DELTA TRANSPORT CORPORATION, 840 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Applicant seeks to remove restrictions in its Sub-Nos. 12F, 13F, 16F, and 19F certificates to: (1) broaden the commodity descriptions (a) in Sub-No. 12F from (1) vending machines and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (1) to "machinery and materials, equipment, and supplies used in the manufacture and distribution of such commodities"; (b) in Sub-No. 16F, from such commodities as are dealt in or used by manufacturers of glass and glass products to "such commodities as are dealt in or used by manufacturers of clay, concrete, glass, and stone products"; and (c) in Sub-No. 19F, from (1) expandable polystrene and (2) materials, equipment, and supplies used in the manufacture, sale, and distribution of expandable polystrene to "rubber and plastic products and materials, equipment, and supplies used in the manufacture, sale, and distribution of rubber and plastic products"; and (3) eliminate: (a) the commodities in bulk, and in tank vehicles restrictions, in Sub-Nos. 12F, 13F, and 19F; and (b) the originating at and destined to restrictions, in Sub-Nos. 13F and 19F.

MC 96324 (Sub-46)X, filed August 5, 1981. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 26554. Representative: Mel P. Booker, Jr., P.O. Box 1281, Alexandria, VA 22313. Applicant seeks to remove restrictions in its Sub-No. 42F certificate to broaden the commodity description from can ends, metal container, and equipment, materials and supplies used in the manufacture of can ends and metal containers to "containers and closures for containers".

MC 116763 (Sub-676)X, filed August 14, 1981. Applicant: CARL SUBLER TRUCKING, INC., P.O. Box 81, Versailles, OH 45380. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-No. 649 certificate to broaden the commodity description from general commodities with exceptions to "general commodities (except classes A and B explosives)".

MC 119211 (Sub-14)X, filed August 12, 1981. Applicant: MAU TRUCKING, INC., 90 Jacob's Addition, Ida Grove, IA 51445. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 13F permit to broaden the territorial description to authorize the transportation of specified commodities "between points in the U.S.," under continuing contract(s) with a named shipper.

MC 119619 (Sub-152)X, filed August 10, 1981. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd Street, Chicago, IL 60609. Representative: Arthur J. Piken, 95–25 Queens Boulevard, Rego Park, NY 11374. Applicant seeks to remove restrictions in its Sub-Nos. 107 and 126 certificates to (1) broaden the commodity description from foodstuffs in Sub-No. 107 to "food and related products" and from bananas and agricultural commodities exempt from regulation under Section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with bananas in Sub-No. 126 to "farm products and food and related products" (2) remove restriction limiting service to vehicles equipped with mechanical refrigeration in Sub-No. 107, (3) change city to county-wide authority from Pomfret Center, CT, to Windham County, CT, in Sub-No. 107, (4) change one-way to radial authority in both subs and (5) remove the originating at and destined to restriction in Sub-No. 107.

MC 119717 (Sub-1)X, filed August 12, 1981. Applicant: ADVANCE FREIGHT LINES, INC., 1945 W. 112th St., Cleveland, OH 44102. Representative: David A. Turano, 100 E. Broad, Columbus, OH 43215. Applicant seeks to remove restrictions in Certificate MC–119717 to (1) broaden the commodity description to (a) "metal products" from aluminum ingots, slabs, zinc slabs, aluminum shot, granular aluminum and zinc ingots; (b) "waste and scrap materials" from aluminum and zinc scrap; (2) replace specific point authority with county-wide authority to Cuyahoga County, OH from Maple Heights, OH; (3) replace one-way with radial authority.

MC 124004 (Sub-69)X, filed August 3, 1981. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Spark, NJ 07871. Representative: Richard W. Dahn (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 13, 19F, 39, 40, 45F, 46F, 51 and 59F certificates to (1) broaden the commodity descriptions to "chemicals and related products" from fertilizer and fertilizer ingredients, and pesticides and insecticides, in Sub-No. 13; from dry fertilizer and fertilizer ingredients, in Sub-No. 46F; from Soda ash, in Sub-Nos. 39 and 40; and from cleaning compounds, liquid soap, bleach, ammonia, fabric softener, laundry and dish detergent and soap bubbles, in Sub-No. 59F; to "metal products and scrap materials not identified by industry

producing" from scrap brick and scrap metals, in Sub-No. 19, to "building materials" from insulating products, in Sub-No. 51 and to "commodities in bulk" from animal and poultry feed and animal and poultry feed ingredients and agricultural commodities otherwise exempt from regulations under section 203(b)(6) of the act, in Sub-No. 45F, (2) remove the "in bulk" and/or "in dump vehicles" restrictions, in Sub-Nos. 13, 39, 40, and 46F, (3) replace one-way authority with radial authority, in Sub-Nos. 13, 39, 40, 46F, 59F and 51F (4) remove the restrictions against the transportation of salt and salt products, lime and limestone products, feed ingredients, and liquid commodities in bulk, in tank vehicles, in Sub-No. 45F, and (5) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Onondaga County, NY (from Salvoy, NY), in Sub-Nos. 39 and 40; Orange County, NY (for Warwick, NY), in Sub-No. 13; Somerset County, MD (for Princess Anne, MD), in Sub-No. 51F, Hudson County, NJ (for Kearny, NJ), in Sub-No. 19 and Bergen County, NJ (for Carlstadt, NJ), in Sub-No. 59F.

MC 134838 (Sub-31)X, filed June 11, 1981, previously noticed in the **Federal Register** of July 20, 1981, republished as corrected this issue. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road, Smyrna, GA 30080. Representative: Walter S. Wallace (same as address). Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6F, 10G, 11, 12, 15, 17, 18, 20F, 21F, 24F, 25F, 26F, and 27F certificates to: (1) broaden the commodity description in its lead certificate and Sub-Nos. 15, and 18, from wooden poles, crossarms, ties, lumber, floor and paving blocks and posts to "lumber and wood products and clay, concrete, glass or stone products"; (2) in Sub-No. 6, broaden the commodity descriptions in paragraphs (1), (2), (3), (6), (8), (10), (11), and (12) from poles, post, and pilings to "lumber and wood products, clay, concrete, glass or stone products, and metal products"; in paragraphs (4), (5), (7), and (9), from lumber and wooden poles, to "lumber and wood products"; (8) in Sub-Nos. 10G and 24, broaden the commodity descriptions from lumber and lumber products to "lumber and wood products"; (4) broaden the commodity descriptions in Sub-No. 11 from machinery, machinery parts, road construction machinery and contractors equipment; in Sub-No. 12, from jigs, tools, equipment, material and supplies used in the jobsite erection, installation or construction of prestressed, precast and reinforced concrete products, products made partially of precast, prestressed or reinforced concrete, concrete cooling towers and concrete cooling tower sections; in Sub-No. 20F, from material handling equipment and materials processing equipment and materials and equipment used in the manufacture of such commodities; in Sub-No. 25F; from pile drivers and pile extractors and parts, supplies, materials, and equipment used in the manufacture, installation, dismantling and distribution of steel pipe, pipe fittings, beams, piling, rails, railway track accessories, pile drivers and pile extractors; and in Sub-No. 27F, from forestry, agriculture, and mining machinery and parts, attachments, components and accessories for forestry, agricultural and mining machinery and materials, equipment and supplies used in the manufacture and distribution of such commodities, to in each of the above numbered subs "machinery and equipment and parts, implements, attachments and accessories therefor, and materials, supplies and equipment used in the manufacture, distribution or sale thereof"; (5) broaden the commodity description in Sub-Nos. 11, 17, and 21, from iron and steel articles to "metal products"; (6) broaden the commodity description in Sub-No. 25F from steel pipe, pipe fittings, beams, piling, rails and railway track accessories to "metal products"; (7) broaden the commodity desciption in Sub-No. 12 from prestressed, precast and reinforced concrete products and products partially made of precast, prestressed or reinforced concrete, concrete cooling towers and concrete cooling tower sections to "clay, concrete, glass or stone products"; (8) expand specific point authority to county-wide authority as follows: in the lead, Atlanta, GA to Cobb, DeKalb, Fulton, and Clayton Counties, GA; Augusta, GA to Richmond County, GA; Macon, GA to Bibb County, GA; Chattanooga to Hamilton County, GA; in Sub-No. 5, Atlanta, GA to Fulton, Cobb, DeKalb, and Clayton Counties, GA; in Sub-No. 6, Florence, Athens and Huntsville, AL, to Lauderdale, Limestone and Madison Counties, AL; Valdosta, Macon, Camilla, East Point and Brunswick, GA, to Lowndes, Bibb, Mithcell, Fulton and Glynn Counties, GA; Florence, SC to Florence County, SC; in Sub-No. 10G, Florence to Lauderdale County, AL, Athens to Limestone County, AL, Huntsville to Madison County, AL; in Sub-No. 12, Macon to Bibb County, GA, Stockbridge to Henry County, GA; in Sub-No. 17, Savannah to Chatham County, GA; in Sub-No. 20F, Loganville, to Gwinnett and Walton Counties, GA; in Sub-No. 21F, Greenville to Greenville County, SC; in Sub-No. 25F, Parkersburg and Washington to Wood County, WV; in Sub-No. 26, Hampton to Henry County, GA; in Sub-No. 27F, Cedartown to Polk County, GA; (9) broaden existing one-way authority to radial authority in each of the above-numbered certificates; (10) remove facilities limitations in Sub-Nos. 12, 20F, 21F, 25F, 26F and 27F; (11) remove equipment restrictions such as in dump or tank vehicles wherever they appear in each certificate; (12) remove the restriction "except commodities in bulk" and other specified commodities such as "except plywood and veneer" wherever they appear in each certificate. The purpose of this republication is to correct both the territorial and commodity descriptions.

MC 135121 (Sub-7)X, filed August 7, 1981. Applicant: DODSWORTH, INCORPORATED, 928 W. 19th Street, Eire, PA 16512. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW, Suite 502, Solar Building, Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) broaden the commodity description from general commodities with exceptions to general commodities (except Class A and B explosives) (2) remove restriction to individual articles not exceeding 100 pounds in weight, moving as shipments not exceeding 500 pounds in weight from one consignor to one consignee in a single day of bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8), formerly Section 402(a)(5), of the Interstate Commerce Act and (3) remove the restriction prohibiting the transportation of traffic having a prior or subsequent movement by air.

MC 141285 (Sub-2), filed August 14, 1981. Applicant: NORFOLK BEVERAGE COMPANY, INC., 206 East Northwestern, P.O. Box 226, Norfolk, NE 68701. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from surgical needles and syringes, and blood collection tubes, to "such commodities as are dealt in or used by manufacturers and distributors of medical supplies"; and (2) broaden the territorial description to between all points in the U.S., under continuing contract(s) with a named shipper.

MC 146442 (Sub-1)X, filed July 30, 1981, previously noticed in the **Federal Register** of August 20, 981, republished as follows: Applicant: CLEARFIELD

TRANSPORTATION CO., INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews, Suite 1100, 1660 L Street, NW, Washington, DC 20036. Applicant seeks to remove restrictions in its lead permit to (1) broaden commodity descriptions to: "(a) food and related products and materials, equipment, and supplies used in the manufacture, development, packaging, and distribution of food and related products and (b) cleaning compounds" from cheese, cheese products, pasteurized process cheese products substitutes, and ingredients and additives, salt, corn meal, mush, oleomargarine, salad dressing, fish bait, butter, and exempt commodities, and materials, equipment and supplies used in the manufacture, development, packaging and distribution of cheese, cheese products, and pasteurized process cheese product substitutes and cleaning compounds; and (2) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with the Clearfield Cheese Company, Inc. The purpose of this republication is to correct omissions in the commodity descriptions in part (1).

MC 149040 (Sub-3)X, filed August 17, 1981. Applicant: BANNER TRANSFER COMPANY, INC., 1403 Rowan Street, Louisville, KY 40203. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) delete the exception of commodities in bulk; and (2) broaden the territorial description to between all points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-25179 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 150]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: August 24, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have be modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 110325 (Sub-177)X, filed June 25, 1981, previously noticed in the **Federal Register** of July 24, 1984, republished as corrected this issue. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 74, 109F, 129F, 131F, 132F, 133F, 135F, 136F, 137F, 138F, 139F, 140F, 141F, 142F, 143F, 144F, 145F, 147F, 149F, 150F, 151F, 155F, 156F, 157F, 160F, and 161F certificates, to (1) delete all exceptions in its general commodities authority "except classes A and B explosives," in each certificate; (2) broaden regular-route territorial descriptions to authorize service at all intermediate points; (3) remove restrictions against (a) either picking up or delivery of traffic at certain points (Sub-No. 74, sheet 1), (b) any service between Chattanooga, TN and Memphis, TN (Sub-No. 74, sheet 3), (c) service within the commercial zones of any of the regular-route points authorized except at those points within TN (Sub-No. 74, sheet 7), and remove restrictions which specify service for purposes of joinder only (Sub-No. 149); (4) remove facilities limitations and broaden the off-route points to county-wide authority as follows: Sub-No. 74, (sheet 2) Warren County, TN (plantsite near McMinnville, TN) and (sheet 4) Rutherford County, TN (facilities in Rutherford County, near Nashville, TN); Sub-No. 109, Grimes County, TX (plantsite near Carlos, TX); Sub-No. 131, Columbia and Union Counties, PA (Millville and New Berlin, PA); Sub-No. 132, Sandusky and Seneca Counties, OH (facilities at Green Springs, OH); Sub-No. 133, Cumberland County, PA (facilities at Mount Holly Springs, PA); Sub-No. 135, Van Buren County, MI (facilities at Decatur, MI); Sub-No. 138, Mayes and Wagoner Counties, OK (Wagoner and Pryor, OK); Sub-No. 139, Pierce County, WA (those points in Pierce County, WA on and west of a specific highway); Sub-No. 143, Valencia County, NM (Grants and Milan, NM) Sub-No. 144, El Paso County, CO (Colorado Springs, CO); Sub-No. 147, Wake County, NC (facilities near Wendell, NC); Sub-No. 150, Milam County, TX (facilities near Cameron, TX); Sub-No. 151, Bradley County, TN (facilities near Charleston, TN); Sub-No. 155, Atchison County, KS (Atchison, KS), Grundy County, IL (Coal City, IL), DuPage, Kane, Winnebago, Peoria and Tazewell Counties, IL (Aurora, Rockford, and Pekin, IL), and Nemaha, Brown and Washington Counties, KS (Sabetha and Linn, KS); Sub-No. 161, Cowlitz County, WA (Longview, WA); and Sub-No. 74 Bledsoe, Sequachie and Van Buren Counties, TN (Fall Creek Falls State Park, TN, and points within ten miles of the boundary of said Park, except Dunlap and Pikeville, TN, and points on a specific highway between Dunlap and Pikeville). This notice is republished to correct the territorial descriptions to indicate the proposed changes in Sub-No. 74 (sheet 2) and Sub-No. 109.

MC 114132 (Sub-11)X, filed July 7, 1981 and previously noticed in the **Federal Register** of July 30, 1981, republished as corrected this issue: Applicant: CHURN'S TRUCK LINES, INC., P.O. Box 188, Eastville, VA 23347. Representative: James F. Flint, 406 World Center Building, 918—16th Street, N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4 and 6F certificates as previously published, and in addition to broaden facility or city-wide authority to county wide in the lead: Chicago, IL to Cook, Will, DuPage, and Lake Counties, IL; Cleveland, OH to Lake, Geauga, Portage, Summit, Medina, Lorain, and Cuyahoga Counties, OH; and Jersey City, NJ to Hudson, Union, Essex, Passaic, and Bergen Counties, NJ, and Richmond, Kings, Queens, New York, and Bronx Counties, NY. The purpose of this republication is to correct inadvertent omissions in the original notice.

MC 138395 (Sub-17)X, filed August 12, 1981. Applicant: DOUGLAS H. WEST, P.O. Box 1274, Salisbury, MD 21801. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks

to remove restrictions in its Sub-Nos. 2, 4, 8, 12F, 13, and 14F Certificates to (1) broaden the commodity descriptions: in Sub-Nos. 2, 4, and 8 to "metal and metal products" from scrap metals; Sub-No. 13 to "lumber and wood products from lumber and "lumber and wood products and forest products" from lumber and wood products: Sub-No. 13 to "containers" from fruit and vegetable containers; (2) change one-way authority to radial authority in all certificates; (3) broaden the named plantsites and cities to county wide authority as follows: in Sub-No. 2 Wicomico County (Salisbury, MD); Camden and Burlington Counties, NJ (Camden and Burlington, NJ); in Sub-No. 4 Wicomico County (Salisbury, MD); in Sub-No. 8 Wicomico and Harford Counties, MD (Salisbury and Harve de Grace, MD); in Sub-No. 13 Wicomico County, MD (Hebron, Fruitland, and Salisbury, MD); Mercer, Burlington, and Atlantic Counties, NJ (Trenton, Burlington and Landisville, NJ); Cumberland County, NJ (Bridgeton and Rosenhayn, NJ); New Castle County, DE Wilmington, DE); Allegheny, Lackawanna and Luzerne Counties, PA (Pittsburgh, Scranton, and Wilkes-Barre, PA); Sub-No. 14F, Wicomico County, MD (plantsite at or near Salisbury, MD); and (4) remove exceptions in bulk (Sub-No. 12F) in dump vehicles (Sub-No. 8).

MC 141853 (Sub-4)X, filed August 4, 1981. Applicant: H. HOYT MCKAREM, d.b.a. C–B–C TRANSPORTATION, INC., 1415 Railroad Avenue, Greenville, MS 38701. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Applicant proposed to remove restrictions in its lead certificate to: (A) remove exceptions from general commodity authority except Classes A and B explosives; (B) remove restriction against service between points in MS located in the commercial zone of Memphis, TN.

MC 142311 (Sub-5)X, filed August 10, 1981. Applicant: QUALITY STEAKS TRANSPORTATION COMPANY, INC., 5100 Race, Denver, CO 80216. Representative: Jack B. Wolfe, 1600 Sherman, #665, Denver, CO 80203. Applicant seeks to remove restrictions from its MC 142311F (base) and Sub-No. 2F permits to (1) replace the commodity description of foodstuffs and restaurant materials, equipment and supplies with "food and related products and such commodities as are dealt in or used by restaurants"; (2) remove "except commodities in bulk"; and (3) authorize service "between points in the U.S. under continuing contract(s) with a named shipper.

MC 142664 (Sub-10)X, filed August 12, 1981. Applicant: IMPORT DEALERS SERVICE CORPORATION, 2222 East Sepulveda Boulevard, Long Beach, CA 90810. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions from its Sub-Nos. 5F, 7F and 8 certificates to: (1) broaden to "transportation equipment" from motor vehicle (except buses and trailers), in Sub-No. 5; trucks, tractors, buses and chassis therefore, in Sub-No. 7F; and motor vehicles (except trailers) in Sub-No. 8; eliminate the restriction to "truckaway service" in Sub-No. 5F; eliminate the restriction against the transportation of traffic originating at facilities in Los Angeles, CA and originating at Logan, UT, in Sub-No. 5F; broaden city authority to county authority as follows: Los Angeles, CA, to Los Angeles, Orange and Ventura Counties, CA, in Sub-Nos. 5F and 7F; broaden Oakland, CA, to Alameda, Contra Costa, Marin, San Mateo, Solano and San Francisco Counties, CA in Sub-No. 7F; from Kansas City, MO, to Platte, Clay, Jackson, and Cass Counties, MO in Sub-No. 5F; and from El Paso, TX, to El Paso County, TX, in Sub-Nos. 7F and 8.

MC 145461 (Sub-5)X, filed August 10, 1981. Applicant: TENNESSEE-TEXAS EXPRESS, INC., P.O. Box 888, Gallatin, TN 37066. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) remove exceptions to general commodities (except classes A and B explosives); (2) authorize service at all intermediate points on its regular routes (a) between Nashville, TN, and Beaumont, TX, (b) between Houston, TX, and the junction of U.S. Hwy 259 and Interstate Hwy 30, and (c) between Beaumont, TX, and junction U.S. Hwy 259 and Interstate Hwy 30: (3) remove a restriction against the handling of traffic originating at, destined to or interlined at Nashville, TN, and its commercial zone: (4) remove a restriction against providing local service between authorized service points in TX; and (5) remove "for purpose of joinder only" on the routes described in (2) above.

[FR Doc. 81–25182 Filed 8–27–81; 8:45 am]
BILLING CODE 7035-01-M

Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Conoco, Inc., P.O. Box 2197, Houston, TX 77001
2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

Coastal Oil Company, 744 Broad Street, Newark, N.J. 07102
Conoco Coal Development Company, High Ridge Park, Stamford, CT 06904
Conoco Communications, Inc., P.O. Box 1267, Ponca City, OK 74601
Conoco Fuels, Inc., High Ridge Park, Stamford, CT 06904
Conoco Minerals, Inc., High Ridge Park, Stamford, CT 06904
Consolidation Coal Company, 1800 Washington Road, Pittsburgh, PA 15241
Continental Pipe Line Company, P.O. Box 1267, Ponca City, OK 74601
Douglas Oil Company of California, 3160 Airway Avenue, Costa Mesa, CA 92626
General Facilities, Inc., P.O. Box 2197, Houston, TX 77001
Home Fuel Oil Company, 744 Broad Street, Newark, N.J. 07102
Kayo Oil Company, 1221 East Main Street, Chattanooga, TN
Onco Oil Company, 744 Broad Street, Newark, NJ 07102
Pitt-Consol Chemical Company, 191 Doremus Avenue, Newark, N.J. 07105
Western Oil and Fuel Company, 1400 Lilac Drive, South Minneapolis, MN 55416

Continental Carbon Company; 10500 Richmond; P.O. Box 42817, Houston, TX 77042, Fairmont Supply Company; P.O. Box 952; Fairmont, W. Va. 26554

1. Parent corporation and address of principal office: Georgia-Pacific Corporation, 900 S.W. Fifth Avenue, Portland, Oregon 97204.
2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Alpha Plastics Corporation
(b) Ashley, Drew & Northern Railway Company
(c) California Western Railroad
(d) Exchange Oil & Gas Corporation
(e) Fordyce and Princeton R.R. Co.
(f) Four Hundred Health Club, Inc.
(g) Georgia-Pacific Export, Inc.
(h) Georgia-Pacific International Corporation
(i) Georgia-Pacific Investment Company
(j) Georgia-Pacific Leasing Corporation
(k) Georgia Steamship Company, Inc.
(l) Holly Hill Lumber Company
(m) Hudson American Corporation
(n) Hudson Pulp & Paper Corp.
(o) Montana Pacific International
(p) National Management, Inc.
(q) O.P.M. Co., Inc.
(r) Rex Timber Inc.
(s) St. Croix Pulpwood Company
(t) St. Croix Water Power Company

Note—Addreses for the above named subsidiaries will be the same as the parent company.

1. Parent corporation and address of principal office: National Gypsum Company, 4100 First International Building, Dallas, TX 75270, Telephone: (214) 653–8511.
2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:
   (i) American Olean Tile Company, Inc., a New York corporation
   (ii) Binswanger Glass Co., a Virginia corporation
   (iii) Biscayne Decorative Products, Inc., a Delaware corporation

I. Parent corporation and address of principal office: Nibble With Gibble's, Inc., a Pennsylvania corporation, 6647 Molly Pitcher Highway, South, Chambersburg, PA 17201.

II. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

Subsidiary and State(s) of Incorporation

a. Munch King, Inc., Georgia
b. Belinda Trucking, Inc., Pennsylvania

1. Parent Corporation and address of principal office: Super Valu Stores, Inc., P.O. Box 990, Minneapolis, MN 55440.
2. Subsidiaries:
   J. M. Jones Co., Champaign, IL
   Lewis Grocer Co., Indianola, MS
   Preferred Products, Inc., Chaska, MN
   Shopko Stores, Inc., Green Bay, WI
   County Seat, Brooklyn Park, MN
   County Seat, Dallas, TX
   SVS Trucking, Inc., Eden Prairie, MN
3. Divisions:
   Super Valu Stores, Inc., Plainfield, IL
   Super Valu Stores, Inc., Anniston, AL
   Super Valu Stores, Inc., Hopkins, MN
   Super Valu Stores, Inc., Fargo, ND
   Super Valu Stores, Inc., Bismarck, ND
   Super Valu Stores, Inc., Green Bay, WI
   Super Valu Stores, Inc., Des Moines, IA
   Food Marketing Corp., Ft. Wayne, IN
   Charley Brothers, Greensburg, PA
   Ohio Valley Division, Xenia, OH
   Ryan's, Billings, MT
   Ryan's, Great Falls, MT

1. Parent corporation and address of principal office: Transway International Corporation, 747 Third Avenue, New York, NY 10017.
2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:
   A. California Western Freight Association, 3334 San Fernando Road, Los Angeles, CA 90054;
   B. Coordinated Caribbean Transport, 1533 Sunset Drive, Coral Gables, FL 33143;
   C. Custom Cartage Company, 351 Tenth Avenue, New York, N.Y. 10001;
   D. Custom Equipment Rentals, Inc., 351 Tenth Avenue, New York, N.Y. 10001;
   E. Freeport Cruise Lines Panama, Inc., 747 Third Avenue, New York, N.Y. 10017.
   F. Great Dane Trailors, Inc., P.O. Box 67 E. Lathrop Ave., Savannah, GA 31402;
   F.1 Great Dane Birmingham, P.O. Box 5070, Birmingham, Alabama 35214;
   F.2 Great Dane Charlotte, P.O. Box 33666, Charlotte, N.C. 28233;
   F.3 Great Dane Columbus, P.O. Box 9, Hilliard, Ohio 43026;
   F.4 Great Dane Trailers Indiana, Inc., P.O. Box 350, Brazil, Indiana 47834;
   F.5 Great Dane Indianapolis, P.O. Box 41316, Indianapolis, Ind. 46241;
   F.6 Great Dane Jacksonville, P.O. Box 6732, Jacksonville, FL 32205;
   F.7 Great Dane Knoxville, P.O. Box 22220, Knoxville, TN 37922;
   F.8 Great Dane Memphis, P.O. Box 94446, Memphis, TN 38109;
   F.9 Great Dane Miami, P.O. Box 914 Tamiami Sta., Miami, FL 33122;
   F.10 Great Dane Nashville, P.O. Box 100432, Nashville, TN 37210;
   F.11 Great Dane Orlando, P.O. Box 31, Orlando, FL 32802;
   F.12 Great Dane Richmond, P.O. Box 34129, Richmond, VA 23234;
   F.13 Great Dane Tampa, P.O. Box 11146, Tampa, FL 33680;
   F.14 Great Dane Springdale, P.O. Box 227, Springdale, AR 72764;
   F.15 Great Dane Tennessee, P.O. Box 13066, Memphis, Tennessee 38113;
   F.16 Trailer Rental Company, 660 University Ave, S.W., Atlanta, GA 30310;
   G. Lasham Cartage Company, 3636 S. Western Ave., Chicago, IL 60609;
   H. Merchant Shippers, 1061 S. Western Ave., Chicago, IL 60608;
   I. Odecca Terminal Company, 747 Third Avenue, New York, N.Y. 10017;
   J. Pacific Forwarding Company, 1601 S. Western Ave., Chicago, Ill. 60608;
   K. Robertson Drayage Co., Inc., 700 16th Street, San Francisco, CA 94107;
   L. Stor Dor Freight System, Inc., 1601 S. Western Ave., Chicago, IL 60608;
   M. Transport Cartage & Distributing Co., 1039 Richmond Street, Los Angeles, CA 90033;
   N. Tropigas International Corp., P.O. Box 341218, Coral Gables, FL 33134;
   O. Tropigas, SA, P.O. Box 341218, Coral Gables, FL 33134;
   P. Tropigas Inc. of Florida, P.O. Box 440249, Miami, FL 33144;
   Q. Tropigas Inc. of North Carolina, P.O Box 156, Pollicksville, N.C. 28573;
   R. Universal Carloading & Distributing Co., Inc., 345 Hudson Street, New York, N.Y. 10014;
   S. Universal Transcontinental Corporation, 325 Spring Street, New York, N.Y. 10013;
   T. Wescartage Company, Inc., 960 East Third Street, Los Angeles, CA 90013;
   U. Western Carloading Co., Inc., 960 East Third Street, Los Angeles, CA 90013;
   V. Western Freight Handlers, Inc., 650 Tenth Avenue, New York, N.Y. 10001;
   W. Western Terminal Company, 1601 S. Western Avenue, Chicago, IL 60608.

1. Parent corporation and address of principal office: Walgreen Co., 200 Wilmot Road, Deerfield, Illinois.
2. Wholly-owned Subsidiaries which will participate in the operations, and addresses of respective principal offices.
   a. Walgreen Oshkosh, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   b. Rennebohm Drug Stores, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   c. Walgreen Drug, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   d. Walgreen Texas Co., 200 Wilmot Road, Deerfield, IL 60015;
   e. Walgreen Louisiana Co., Inc., 200 Wilmot Road, Deerfield, IL 60015;
   f. Walgreen Racine, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   g. Bond Drug Company of Clinton, 200 Wilmot Road, Deerfield, IL 60015;
   h. Bond Drug Company of Illinois, 200 Wilmot Road, Deerfield, IL 60015;
   i. Walgreen Arizona Drug Co., 200 Wilmot Road, Deerfield, IL 60015;
   j. Walgreen Milwaukee, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   k. Walgreen Southgate Corp., 200 Wilmot Road, Deerfield, IL 60015;
   l. Walgreen Woodmar, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   m. Walgreen Capitol Court, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   n. Walgreen South Dakota, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   o. Walgreen Pentagon Co., 200 Wilmot Road, Deerfield, IL 60015;
   p. Walgreen of Puerto Rico, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   q. Walgreen of San Patricia, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   r. Walgreen Fremont Co., 200 Wilmot Road, Deerfield, IL 60015;
   s Walgreen Hastings Co., 200 Wilmot Road, Deerfield, IL 60015;
   t. Walgreen Lincoln Co., 200 Wilmot Road, Deerfield, IL 60015;
   u. Robin Hood Restaurants of Illinois, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   v. Walgreen Cudahy, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   w. Walgreen New Berlin, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   x. Walgreen West Bend, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   y. Walgreen Altoona Co., 200 Wilmot Road, Deerfield, IL 60015;
   z. Globe Stores, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   a'. Flint Realty Co., 200 Wilmot Road, Deerfield, IL 60015;
   b'. Chambly Creations, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   c'. Fountain Products Corporation, 200 Wilmot Road, Deerfield, IL 60015;
   d'. Globe Discount City of Arizona, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   e'. Globe Discount City of Louisiana, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   f'. Globe Discount City of New Mexico, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   g'. Grenada Advertising Agency, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   h'. Home Drug Company, 200 Wilmot Road, Deerfield, IL 60015;
   i'. Intercom Pharmacy Systems, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   j'. International Travel Service, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   k'. Lord Jim, Inc., 200 Wilmot Road, Deerfield, IL 60015;
   l'. Luxury Mint Corporation, 200 Wilmot Road, Deerfield, IL 60015;
   m'. Memphis Warehouse Co., 200 Wilmot Road, Deerfield, IL 60015;
   n'. Nicollet & Ninth Corporation, 200 Wilmot Road, Deerfield, IL 60015;

o'. Nutrition Research Laboratories, Inc., 200 Wilmot Road, Deerfield, IL 60015;
p'. RAO Corporation, 200 Wilmot Road, Deerfield, IL 60015;
q'. Sanborns Mexico (Texas), 200 Wilmot Road, Deerfield, IL 60015;
r'. Wag's Restaurants of Illinois, Inc., 200 Wilmot Road, Deerfield, IL 60015;
s'. Walgreen Canada Limited, 200 Wilmot Road, Deerfield, IL 60015;
t'. Walgreen Drug (Ontario) Limited, 200 Wilmot Road, Deerfield, IL 60015;
u'. Walgreen Fond du Lac, Inc., 200 Wilmot Road, Deerfield, IL 60015;
v'. Walgreen Laboratories, Inc., 200 Wilmot Road, Deerfield, IL 60015;
w'. Walgreen Oconomowoc, Inc., 200 Wilmot Road, Deerfield, IL 60015;
x'. Walgreen of Hato Rey, Inc., 200 Wilmot Road, Deerfield, IL 60015;
y'. Walgreen Eastern Co., Inc., 200 Wilmot Road, Deerfield, IL 60015;
z'. Walgreen Properties, Inc., 200 Wilmot Road, Deerfield, IL 60015;
a''. Walgreen Waukesha, Inc., 200 Wilmot Road, Deerfield, IL 60015;
b''. W O C Optical, Inc., 200 Wilmot Road, Deerfield, IL 60015;
c''. Worthmore Cosmetic and Vitamin Co., 200 Wilmot Road, Deerfield, IL 60015;
d''. Wilmot Trading Company, Ltd., c/o Alastair Loudon Barclay Bank Bldg., George Town, Grand Cayman, Cayman Islands, United States Office at 102 Wilmot Rd., Suite 440, Deerfield, IL 60015.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25187 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations—Correction

In the **Federal Register** issue of August 14, 1981 (46 FR 41220), the Parent Corporation of Walgreen Co., 200 Wilmont Rd., Deerfield, IL, was published as having only one subsidiary—Wilmot Trading Company, Ltd. The recent listing by Walgreen Co. was intended as a supplemental CIH Notice to its previous filing published on June 5, 1981 (46 FR 30203). Every updated notice of intent to engage in compensated intercorporate hauling operations must be treated as a new separate filing and completely list all the subsidiaries of the parent corporation.

To correct the error, Walgreen Co. and all its subsidiaries as of August 14, 1981, have been published in their entirety, elsewhere in this issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25186 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 434]

Motor Carriers; Permanent Authority; Decision-Notice; Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 113624, Sub-87 (Republication), filed April 7, 1980, published in the **Federal Register** issue of July 10, 1980. Applicant: WARD TRANSPORT, INC., P.O. Box 753, Pueblo, CO 81002. Representative: Leslie R. Kehl 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. A Decision of the Commission, Division 1, decided July 24, 1981, and served August 7, 1981, finds that the performance by applicant of the service described herein will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *petroleum, natural gas and their products, chemicals and related products, and coal and coal products,* between points in AZ, CO, ID, KS, MT, NE, NV, NM, ND, OK, SD, TX, UT, and WY; that the applicant is fit, willing and able to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect a broadening of the original grant published in the **Federal Register.**

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25190 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-66F)

Southern Pacific Transportation Company—Abandonment—Between Oasis and Soumethun, TX; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Southern Pacific Transportation Company to abandon a portion of its line of railroad known as the Soumethun Branch, extending from railroad milepost 269.813 near Oasis to milepost 269.156 near Soumethun, the end of the branch, a distance of 0.657 miles in Dallas County, TX, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25188 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs; Decision

Decided: August 25, 1981.

In our recent decision, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 17.9-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.7-percent surcharge for the bus carriers, or the 2.0-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., August 28, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

August 24, 1981.

Appendix—Fuel Surcharge

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

August 24, 1981 ..... 130.7¢

	Transportation performed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	17.9	3.1	6.7	[3] 2.8
Percent surcharge allowed	18.0	3.1	6.7	[4] 2.0

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 61 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-25247 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decision Volume No. OP3-243]

Motor Carriers; Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 118224 (Sub-7) (republication), filed January 13, 1981, published in the **Federal Register** issue of February 10, 1981, republished March 23, 1981. Applicant: STANDARD FRUIT & VEGETABLE CO., INC., 2111 Taylor Street, Dallas, TX 75201. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. A Decision of the Commission, Division 2, Acting as an Appellate Division, decided August 6, 1981, and served August 12, 1981, finds that the performance by the applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *general commodities* (except classes A and B explosives), between points in Texas, on the one hand, and, on the other, points in TX, LA, MS, AR, TN, OK, AL, MO, NM, AZ, and CA, (2) *foodstuffs,* between points in TX, LA, MS, AR, TN, OK, AL, MO, NM, AZ, and CA, and (3) *such commodities,* as are dealt in or used by manufacturers or distributors of floor coverings, between points in AZ, LA, TX, OK, AR, and MS; that the applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25248 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-51F)]

Seaboard Coast Line Railroad—Abandonment—Between Bishopville and Ashwood, In Lee County, S.C.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that on August 25, 1981, the Commission issued a certificate authorizing Seaboard Coast Line Railroad to abandon its rail line between Bishopville (milepost 331.17) and Ashwood (milepost 337.35) in Lee County, SC, a total distance of 6.18 miles, subject to certain conditions. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or (b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer in made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will became effective. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the effectiveness of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as

amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25246 Filed 8-27-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Certifications Regarding the States of Alabama and Nevada Under the Federal Unemployment Tax Act

The Secretary of Labor has certified to the Secretary of the Treasury the States of Alabama and Nevada and their unemployment compensation laws under Sections 3304 and 3303 of the Federal Unemployment Tax Act, for the taxable year 1979. The certifications were made in a letter of August 6, 1981 to the Secretary of the Treasury, which is printed below.

Albert Angrisani,

Assistant Secretary of Labor.

DEPARTMENT OF LABOR

SECRETARY OF LABOR

WASHINGTON, D.C.

Hon. Donald T. Regan,
Secretary of the Treasury, Washington, D.C.
August 6, 1981

Dear Mr. Secretary: Former Secretary of Labor, Ray Marshall, transmitted to former Secretary of the Treasury, G. William Miller, on October 31, 1979, the certifications on that date of certain States in accordance with the provisions of Section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)) and the certifications of certain State unemployment compensation laws in accordance with the provisions of Section 3303(b)(1) of the Code (26 U.S.C. 3303(b)(1)).

The States of Alabama and Nevada and their laws were omitted from the two certifications because of former Secretary Marshall's findings that the States' laws did not contain each of the provisions required for State unemployment compensation laws by Section 3304(a) of the Code (26 U.S.C. 3304(a)), and that the States had failed to comply substantialy with such provisions. There was an explanation that the omissions did not, however, constitute a withholding of the certifications, at that time, because of the stay on such action pursuant to Section 3310(d) of the Code (26 U.S.C. 3310(d)). There was to be a further notification to the Secretrary of the Treasury when a final decision was made with respect to the 1979 certifications.

The States of Alabama and Nevada filed petitions for review of former Secretary Marshall's findings, pursuant to Section 3310(a) of the Code (26 U.S.C. 3310(a)), with the U.S. Court of Appeals for the Fifth Circuit which set aside Secretary Marshall's decision on September 8, 1980. The U.S. Supreme Court declined further review on June 1, 1981, and the decision of the U.S. Court of Appeals became the final decision.

In accordance with the decision of the U.S. Court of Appeals for the Fifth Circuit, I hereby certify to the Secretary of the Treasury the States of Alabama and Nevada for the 12-month period ending on October 31, 1979, in accordance with the provisions of Section 3304(c) of the Code and the States' unemployment compensation laws for the 12-month period ending on October 31, 1979, in accordance with the provisions of Section 3303(b)(1) of the Code. The certifications shall be deemed to be effective as of October 31, 1979.

Sincerely,

Raymond J. Donovan

[FR Doc. 81-25271 Filed 8-27-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Order Terminating Proceedings; State of California Employment Development Department, et al.

The following Order of the Secretary of Labor, issued on August 19, 1981, pursuant to Section 3304(c), terminates proceedings brought under Section 3304(c) of the Code as to the California Employment Development Department and the employment security agencies of seven other States. The Order is being published in the **Federal Register** so as to inform the public of the decision of the Secretary having a bearing upon the tax credits against the federal unemployment tax available to taxpayers under the Federal Unemployment Tax Act, 26 U.S.C. 3301–3311.

Signed at Washington, D.C. on August 19, 1981.

Albert Angrisani,

Assistant Secretary for Employment and Training.

In the matters of State of California Employment Development Department (81–CSCP–2); State of Michigan Employment Security Commission (81–CSCP–3); State of Ohio Bureau of Employment Services (81–CSCP–5); State of Oregon Employment Division (81–CSCP–6); State of Tennessee Department of Employment Security (81–CSCP–7); State of Texas Employment Commission (81–CSCP–8); State of Washington Employment Security Department (81–CSCP–9); State of Wisconsin Department of Industry, Labor, and Human Relations (81–CSCP–10); Order Terminating Proceedings.

On November 12, 1980 an order was issued staying the proceedings which the Department had instituted under Section 3304(c) of the Internal Revenue Code of 1954 to determine whether, during 1981, the unemployment compensation laws of the States of California, Michigan, Ohio, Oregon, Tennessee, Texas, Washington and Wisconsin were in conformity and substantial compliance with the requirements for certification contained in the Federal Unemployment Tax Act ("FUTA"), 26 U.S.C. 3301 *et seq.* The order stated that the Department would temporarily hold the 1981 proceedings in abeyance pending the United States Supreme Court's decision in *St. Martin Evangelical Lutheran Church and Northwestern Lutheran Academy* v. *State of South Dakota,* —— U.S. ——, —— S. Ct. ——, 68 L. Ed. 2d 612, 49 U.S.L.W. 4575 (1981).

The issue in these conformity and substantial compliance proceedings was whether FUTA requires the States, as a condition of certification, to include the employees of church-related elementary and secondary schools within the coverage of their unemployment compensation programs. The United States Supreme Court ruled on part of this issue on May 26, 1981, holding that FUTA, as amended in 1976, did not accomplish that result as to school employees actually in the employ of a church within the meaning of Section 3309(b)(1)(A) of the FUTA. *St. Martin Evangelical Lutheran Church and Northwestern Lutheran Academy* v. *State of South Dakota, supra.* Nevertheless, in footnote 12 of the opinion, the Court specifically reserved a ruling on other classes of schools.

> . . . Our holding today concerns only schools that have no legal identity separate from FUTA, a separately incorporated church school (or other organization) must satisfy the requirements of Section 3309(b)(1)(B): (1) that the organization "is operated primarily for religious purposes", and (2) that it is "operated, supervised, controlled, or principally supported by a church or convention or association of churches."
>
> Because we hold petitioners exempt under Section 3309(b)(1)(A), we leave the issue of coverage under Section 3309 (b)(1)(B) for the future.
>
> 68 L.Ed.2d at 620; 49 U.S.L.W. at 4578.

Since the law on the point reserved is not settled (see *Grace Brethren Church et al.* v. *State of California,* Civil Action No. CV 79–93 MRP, order filed April 3, 1981, appeal pending), it is anticipated that the point cannot be resolved prior to October 31, 1981. Thus, it is my intention to grant the October 1981 certifications required by FUTA on the basis of conformity and compliance apart from the Section 3309 (b)(1)(B) question reserved by the Supreme Court. Thereafter, any question concerning the scope and meaning of Section 3309 (b)(1)(B) shall be dealt with upon the

basis of final action in the *Grace Brethren* case.

Therefore, the court having put to rest the issue upon which these proceedings were initiated, I have determined that it would be inappropriate to proceed further with these cases and these proceedings are hereby ordered dismissed without prejudice to any party.

Dated this 19th day of August, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-25287 Filed 8-27-81; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-9360]

L & R Manufacturing Co.; Negative Determination Regarding Application for Reconsideration

By an application dated June 26, 1981, a company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing ultrasonic cleaning systems at the L & R manufacturing Company's Kearney, New Jersey plant. This determination was published in the **Federal Register** on June 30, 1981 (46 FR 33686).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

A company official claimed that a major competitor of L & R Manufacturing Company imported ultrasonic cleaning machines into the U.S. during the period of the Department's investigation.

The Department's review of the investigative case file reveals that the worker petition did not meet the increased import criterion or the "contributed importantly" test of the Trade Act of 1974. The Department's survey of major customers of L & R indicated that they did not purchase imported ultrasonic cleaning machines nor did they purchase these machines from L & R's competitor. U.S. imports of ultrasonic cleaning machines for industrial use are negligible.

The Department notes that L & R's sales increased in 1979 compared to 1978 and remained relatively unchanged in the first six months of 1980 compared to the same period in 1979. Sales are equal to production.

With respect to imports of ultrasonic cleaning machines by L & R's competitor, the Department notes from its files that this competitor introduced these imported machines into the U.S. market in 1979 when L & R's production and sales increased and discontinued these imports by June, 1980 when L & R's production and sales remained relatively unchanged from the first six months of 1979. The Department also notes that the ultrasonic machines which were imported by L & R's competitor used a water solution and were for home use whereas L & R's ultrasonic cleaning machines used a chemical solution and were generally for industrial use. Lastly, the major customers of L & R ultrasonic cleaning machines indicated that they never purchased from the competitor identified in the application for reconsideration.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 20th day of August 1981.

Robert S. Kenyon,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-25249 Filed 8-27-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,287]

Lynchburg Foundry Co.; Amended Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

On July 7, 1981, the Department, on its own motion, reopened the instant investigation on behalf of workers and former workers producing non-automotive castings at the Radford, Virginia plant of the Lynchburg Foundry Company. The Department of Labor's Notice of Determination Regarding Eligibility to Apply for Worker Adjustment Assistant in the above-mentioned invetigation was published in the **Federal Register** on April 3, 1981 (46 FR 20328).

In reopening the investigation, the Department learned that significant layoffs occurred prior to the October 1, 1979 impact date set in the Notice of Determinations for workers at the Lynchburg Foundry Company.

The intent of the certification is to cover all workers producing non-automotive castings for the Lynchburg Foundry's plant in Radford, Virginia who were affected by the decline in sales or production of non-automotive iron castings related to increased import competition. The Notice of Determinations of March 26, 1981, therefore, is amended to include a new impact date of July 8, 1979 for workers of the Lynchburg Foundry Company in Radford, Virginia.

The Notice of Determinations applicable to TA-W-11,287 is hereby amended and issued as follows:

All workers engaged in employment related to the production of non-automotive iron castings at the Radford Plant, Radford, Virginia (TA-W-11,287) of the Lynchburg Foundry Company who become totally or partially separated from employment on or after July 8, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of August 1981.

Bert Lewis,

Administrator, Unemployment Insurance Service.

[FR Doc. 81-25252 Filed 8-27-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9405]

Mayer, Rothkopf Industries, Inc.; Negative Determination Regarding Application for Reconsideration

By letter of July 6, 1981, a company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers at Mayer, Rothkopf Industries, Inc., Orangeburg, South Carolina. The determination was published in the **Federal Register** on June 12, 1981 (46 FR 31115).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake

in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The company official claimed that Mayer, Rothkopf Industries (MRI) lost a significant market share of the circular knitting machines to foreign producers. The company official supplied the Department with names of MRI's competitors who market foreign circular knitting machines in the U.S.

The Department's review revealed that the worker petition did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of customers which reduced purchases from MRI in 1980 compared to 1979 showed that none of the respondents, representing a substantial proportion of the sales decline experienced by MRI, increased purchases of imported machines during that period. A survey of customers to which MRI lost bids in 1980 revealed that the respondents' reliance on imported circular knitting machines decreased absolutely and relative to domestic production in 1979 compared with 1978 and decreased absolutely in 1980 compared to 1979 but increased relative to domestic production. MRI's sales of braiders and high pile machines increased during the period of investigation.

Data submitted by the company shows U.S. imports of circular knitting machines declining while MRI's share of the market decreased somewhat in 1980 compared to 1979 after increasing in 1979 compared to 1978. The fact that a company captures a smaller market share while imports are decreasing does not provide a basis for a certification. The increased import criterion of Section 222 of the Act would not be met.

The Department notes that import data back to 1974 were submitted by the company official. Import data several years prior to the date of the petition, which in this case is July 1, 1980, would serve little purpose since Section 223(b)(1) of the Act limits the Department to certifying workers whose layoffs are no earlier than one year before the petition date and it would be more recent import changes which would be significant.

The Department notes that the two competitors of MRI who market foreign-made circular knitting machines in the U.S. are both importers and not manufacturers. One of the importing competitors had decreased sales in both 1979 and 1980. The remaining competitor indicated that although his sales were up in 1980 compared to 1979, they were mainly in the smaller circular knitting machines—those under 26 inches. MRI produces only the 30-inch circular knitting machine which is used in the production of double knit fabrics.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 20th day of August 1981.

Robert S. Kenyon,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-25250 Filed 8-27-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9018; 9018A; 9018B; 9018C]

Miss Capri Sportswear, Inc.; Negative Determination Regarding Application for Reconsideration

By an application dated June 29, 1981, the International Ladies' Garment Workers' Union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing ladies' blouses at Miss Capri Sportswear plants in New York, New York; Hemlock Plant, Minersville, Pennsylvania; and Gem Plant and Pridia Plant, Tower City, Pennsylvania. The determination was published in the **Federal Register** on July 7, 1981 (46 FR 35230).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims in its application for reconsideration that data on blouse imports from the U.S. Bureau of the Census contradicts the Department's Certifying Officer's statements concerning imports in the Department's denial notice. The union also claims that the Department should have used the year 1977 as its base year since imports increased dramatically during that year.

The Department's review showed that the worker petition did not meet the increased import criterion nor the "contributed importantly" test of the Trade Act of 1974. U.S. imports of women's, misses' and children's blouses and shirts decreased absolutely and relative to domestic production in 1979 compared to 1978 and remained relatively unchanged in 1980 compared to 1979. U.S. imports decreased absolutely during the January–March 1981 period compared to the same period in 1980.

The Department recognizes that Census Bureau import data for blouses indicate increased imports for that category of articles and if other conditions were met, such data would support a certification. The Department considers women's blouses "like or directly competitive with" women's shirts and, therefore, generally uses a broader category in its import statistics than just blouses. Conceding the point that imported blouses are like or directly competitive with the blouses produced by Miss Capri and that imports of blouses increased, this would not be enough to warrant certification as the "contributed importantly" test was not met in this case. The contributed importantly test is generally demonstrated through the Department's customer survey. The Department's survey of customers purchasing blouses from Miss Capri showed that although the responding customers, as a group, somewhat increased their purchases of imported blouses, they also increased their domestic purchases of blouses, as well.

With respect to going back to 1977 to use import data on women's, misses' and children's blouses and shirts, Section 223(b)(1) of the Trade Act states that a certification cannot apply to any worker whose last total or partial separation from the firm or appropriate subdivision is more than one year prior to the date of the petition on which such certification was granted. In this case the petition was dated June 12, 1980. Under the circumstances, it would be changes in customer imports in 1979 and in 1980 that would have an impact on employment subsequent to June, 1979. As noted above, however, the customer survey for the period 1979 and 1980 did not provide a basis for certification.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which

would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 20th day of August 1981.

Robert S. Kenyon,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-25251 Filed 8-27-81: 8:45 am]

BILLING CODE 4510-28-M

Office of the Secretary

Unemployment Compensation Agencies, State of Delaware, et al.; Hearing

In the matter of State of Delaware Department of Labor, District of Columbia Department of Employment Services, State of Massachusetts Division of Employment Security, State of Minnesota Department of Economic Security, State of New York Department of Labor, State of Ohio Bureau of Employment Services, State of Pennsylvania Department of Labor and Industry, U.S. Virgin Islands Department of Labor, State of Virginia Employment Commission, and State of Wisconsin Department of Industry, Labor and Human Relations.

This notice announces an opportunity for a hearing for the unemployment compensation agencies of the States of Delaware, the District of Columbia, Massachusetts, Minnesota, New York, Pennsylvania, Ohio, Wisconsin, and the U.S. Virgin Islands (the nine States) and the unemployment compensation agency of the State of Virginia, pursuant to the last sentence of Section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c) and, as applicable, Section 416(b) of the Pub. L. 96–364, 94 Stat. 1311, and Section 1025 of Pub. L. 96–499, 94 Stat. 2660, for the nine States and for the State of Virginia, to be held at nine o'clock in the morning on September 16, 1981, in Courtroom A, Vanguard Building, 1111 20th Street N.W., Washington, D.C. Each State shall have the opportunity to make a separate record.

The hearing will be on the following issues:

Issue 1: Whether, with respect to the certification of the States on October 31, 1981, under Section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c), the unemployment compensation laws of the nine States and the State of Virginia, have been amended so as to contain the provisions of section 202(c) of the Federal-State Extended Unemployment Compensation Act of 1970, (EUCA), 26 U.S.C. 3304 note, as is required by Section 3304(a)(11) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(a)(11), and Section 416 of Pub. L. 96–364, 94 Stat. 1310–1311, approved September 26, 1980.

Issue 2: Whether, with respect to the certification of the States on October 31, 1981, under Section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c), the unemployment compensation laws of the nine States have been amended so as to contain the provisions of Section 202(a)(3) of the EUCA, 26 U.S.C. 3304 note, as is required by Section 3304(a)(11) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(a)(11), and Section 1025 of Pub. L. 96–499, 94 Stat. 2660, approved December 5, 1980.

Issue 3: Whether, with respect to the certification of the States on October 31, 1981, under Section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c), the unemployment compensation laws of the nine States have been amended so as to contain the provisions of Section 202(a)(4) of the EUCA, 26 U.S.C. 3304 note, as is required by Section 3304 (a)(11) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(a)(11), and Section 1025 of Pub. L. 96–499, 94 Stat. 2660, approved December 5, 1980.

Basis for Issues: Section 3304(a)(11) of the Code requires State unemployment compensation laws to provide, *inter alia*, that:

> Extended compensation shall be payable as provided by the Federal-State Extended Unemployment Compensation Act of 1970.

Section 3304(c) of the Code provides that the Secretary of Labor, on October 31 of each year, shall certify each State whose unemployment compensation law he has previously approved under Section 3304(a) of the Code. The last sentence of Section 3304(c), as amended by Section 2408 of the Omnibus Budget Reconciliation Act of 1981, approved August 13, 1981, provides that:

> On October 31 of any taxable year, the Secretary of Labor shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, Secretary of Labor finds has failed to amend its law so that it contains each of provisions required by law to be included therein (including provisions relating to the Federal-State Extended Unemployment Compensation Act of 1970 (or any amendments thereto) as required under subsection (a)(11)), or has, with respect to the twelve-month period ending on such October 31, failed to comply substantially with any such provision.

Issue 1. Section 416 of Pub. L. 96–364 (the Multi-employer Pension Plan Amendments Act of 1980) added a new subsection (c) to Section 202 of the EUCA, limiting to two weeks the payment of extended compensation when claimants are filing interstate claims in States in which there is no extended benefit period in effect. Section 416(b)(1) of Pub. L. 96–364 requires States to include the provisions of Section 202(c) in their unemployment compensation laws for any week which begins on or after June 1, 1981. June 1 has passed and the nine States and the State of Virginia have failed to amend their unemployment compensation laws so as to include the limitation in Section 202(c). None of the named States is entitled to the additional grace period in Section 416(b)(2) of Pub. L. 96–364, because in each State the legislature met in a regular session which began during the calendar year 1981 and before April 1, 1981.

Issues 2 and 3. Section 1024 of Pub. L. 96–499 (the Omnibus Reconciliation Act of 1980) added new paragraphs (3) and (4) to Section 202(a) of the Act. New paragraph (3) relates to a special work test to be applied to claimants for extended compensation. New paragraph (4) requires that any provision of a State law which terminates certain disqualifications without requiring work subsequent to the disqualifications shall not apply to claimants for extended compensation. Section 1025 of Pub. L. 96–499 requires States to amend their unemployment compensation laws so as to contain the provisions of new paragraphs (3) and (4) of Section 202(a) with respect to certifications of the States under Section 3304(c) of the Code on October 31 in 1981 and succeeding years. Section 1024(b) of Pub. L. 96–499 provides that the amendments in Section 1024 shall apply with respect to weeks of unemployment beginning after March 31, 1981. April 1 has passed and the nine States have failed to amend their unemployment compensation laws so as to contain the required provisions of paragraphs (3) and (4) of Section 202(a) of the Act.

The respective State unemployment compensation laws, therefore, appear not to be in conformity with the provisions of Section 3304(a)(11) of the Code. The last sentence of Section 3304(c) of the Code is, therefore, applicable to conformity proceedings on Issues 1, 2, and 3, and Section 1025 of Pub. L. 96–499 also is applicable to conformity proceedings on Issues 2 and 3.

Following the hearing a decision will be made as to each State. Such decision will have a bearing on whether the State is certifiable on October 31, 1981, with respect to normal and additional tax credits allowable to the State's

employers pursuant to Subsections (a) and (b) of 26 U.S.C. 3302 for the taxable year 1981, and will also have a bearing on other benefits to the State under the unemployment compensation program.

The proceedings in this matter shall be in accordance with the Rules of Procedure set out below.[1]

For purposes of this hearing, all motions, briefs, and other papers shall be filed, pursuant to the above referenced Rules of Procedure, with the presiding Administrative Law Judge, U.S. Department of Labor, Suite 700, Vanguard Building, 111 20th Street, N.W., Washington, D.C. 20036, who will be designated in accordance with the Rules of Procedure.

Signed at Washington, D.C., on August 27, 1981.

Raymond Donovan,

Secretary of Labor.

[FR Doc. 81-25327 Filed 8-27-81; 8:45 am]

BILLING CODE 4510-30-M

State of Indiana Employment Security Board; Hearing

This notice announces an opportunity for a hearing for the Indiana Employment Security Board, pursuant to the first sentence of Section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c), to be held at nine o'clock in the morning on September 17, 1981, in Courtroom A, Vanguard Building, 1111 20th Street N.W., Washington, D.C.

The hearing will be on the following issue:

Issue: Whether, with respect to the certification of States on October 31, 1981, under Section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c), the unemployment compensation law of the State of Indiana has been amended so that it no longer contains all of the provisions required by Section 3304(a)(6)(A) of the Internal Revenue Code of 1954 [26 U.S.C. 3304(a)(6)(A)].

Section 3304(c) of the Code (first sentence) provides that the Secretary of Labor, on October 31 of each year, shall certify each State whose unemployment compensation law he has previously approved under Section 3304(a) of the Code "except that he shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds has amended its law so that it no longer contains the provisions specified in subsection (a) or has with respect to the 12-month period ending on such October 31 failed to comply substantially with any such provision in such subsection."

The State of Indiana has amended its law so that it no longer provides for the payment of unemployment compensation to temporary legislative employees as is required by section 3304(a)(6)(A) of the Code.

Basis for Issue: Section 3304(a)(6)(A) of the Code requires a State unemployment compensation law to provide, *inter alia*, that all State employees, including employees of the executive, legislative, and judicial branches of the State Government, shall be covered for compensation purposes by the State unemployment compensation law, and that compensation shall be payable to such State employees "in the same amount, on the same terms, and subject to the same conditions" as compensation is payable to other workers covered by the State law. Clauses (i) to (iv) of Section 3304(a)(6)(A) specify four required or permissible exceptions to the "equal treatment" for covered State employees of educational institutions or educational service agencies. These exceptions do not include the limitation on benefits to certain temporary employees of the General Assembly contained in the Indiana unemployment compensation law.

The State of Indiana unemployment compensation law, therefore, appears not to be in conformity with the provisions of Section 3304(a)(6)(A) of the Code. Therefore, the last sentence of § 3304(c) of the Code is applicable to these Proceedings.

Following the hearing a decision will be made as to the State. Such decision will have a bearing on whether the State is certifiable on October 31, 1981, with respect to normal and additional tax credits allowable to the State's employers pursuant to Subsections (a) and (b) of 26 U.S.C. 3302 for the taxable year 1981, and will also have a bearing on other benefits to the State under the unemployment compensation program.

The proceedings in this matter shall be in accordance with the Rules of Procedure set out below.

For purposes of this hearing, all motions, briefs, and other papers shall be filed, pursuant to the above referenced Rules of Procedure, with the presiding Administrative Law Judge, U.S. Department of Labor, Suite 700, Vanguard Building, 1111 20th Street, N.W. Washington, D.C. 20036, who will be designated in accordance with the Rules of Procedure.

Signed at Washington, D.C., on August 27, 1981.

Raymond Donovan,

Secretary of Labor.

Rules of Procedure

1. An Administrative Law Judge will be designated by the Chief Administrative Law Judge, United States Department of Labor, to preside over the hearing and perform the functions required by these Rules.

2. The parties of record shall be the State agencies (as defined in 26 U.S.C. 3306(e)) named in the Notices of Hearing and the U.S. Department of Labor.

3. Any non-party State agency, individual worker, employer, or organization, association of workers or employers, or the public, asserting an interest in the proceedings, may be permitted by the presiding Administrative Law Judge, upon motion granted, to participate in the hearing as amicus curiae only. Participation by any such amicus curiae shall be limited to the submittal of a brief as provided in Rule 14 below. A motion of an amicus curiae to participate in the oral argument will be granted only for extraordinary reasons. All motions contemplated by this Rule shall be filed with the presiding Administrative Law Judge no later than seven days prior to the scheduled hearing, and shall be served promptly upon each party. The presiding Administrative Law Judge shall rule on all such motions and inform the applicants and the parties of the rulings.

4. The presiding Administrative Law Judge may issue an appropriate prehearing order governing all issues to be raised in the proceedings, discovery, and the designation of evidence to be offered at the hearing.

5. The Administrative Law Judge shall be authorized to entertain motions for full or partial Summary Judgment filed by any party.

6. (a) The hearing will be conducted in an informal but orderly and expeditious manner. The presiding Administrative Law Judge will regulate all matters pertaining to the course and conduct of the proceedings and, subject to the limitation expressed in Rule 6(b) below, may grant extensions of time regarding the submission of briefs and other papers, and may reschedule the hearing for another time or date for good cause shown.

(b) The annual October 31 certification date under the Federal Unemployment Tax Act imposes time constraints for the issuance of the Administrative Law Judge's recommended decisions, and requires

[1] See F.R. Doc. 81-25328 published below.

the granting of extensions of time, inclusive of continuances, be limited to the extent necessary to ensure that the recommended decisions are forwarded to the Secretary of Labor not later than 20 days prior to the October 31 certification date.

7. Upon the commencement of the hearing, the U.S. Department of Labor will be offered an opportunity to make an opening statement as to the nature of the hearing and the matter in issue. Each other party to the proceeding shall then be offered a similar opportunity to make an opening statement.

8. The order of the presentation of evidence will be as follows:

(a) The U.S. Department of Labor will proceed first by presenting any evidence it may wish to offer which is relevant to the issue specified in the Notice of Hearing.

(b) Each other party will proceed next to offer any evidence it may wish to present which is relevant to the issue referred to in Rule 8(a) above, followed by any evidence relevant to any additional issues except that evidence regarding any issue other than the issue referred to in the Notice of Hearing may be admitted only if the party offering such evidence has provided notice of such issue and a summary of such evidence, including a copy of any document to be offered, to each other party of record a reasonable time prior to the hearing.

(c) The U.S. Department of Labor may next present relevant evidence in rebuttal to any additional issues(s) admitted pursuant to Rule 8(b) above, and the trial record shall thereafter be closed, except as provided for by Rule 10 below.

9. Technical rules of evidence shall not apply to the hearing. The presiding Administrative Law Judge will rule upon offers of proof and the admissibility of evidence, and may exclude irrelevant, immaterial, or unduly repetitious evidence or any other evidence excludable under these Rules, and may examine witnesses. All writings, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a satisfactory showing of their authenticity, relevancy, materiality, and admissibility under these Rules, be received in evidence.

10. During the hearing the presiding Administrative Law Judge may require the production and introduction of further evidence upon any relevant matter and may provide for the later receipt of such evidence for the record.

11. The proceedings at the hearing shall be recorded verbatim. The original and one copy of the transcript of the record of the hearing shall be furnished to the presiding Administrative Law Judge. The parties of record and any amicus curiae shall be entitled to secure a copy of the transcript from the reporter upon such terms as the party may arrange.

12. When any document is offered in evidence, one additional copy thereof shall be furnished to the presiding Administrative Law Judge and, unless previously provided, a copy shall be furnished to each party of record.

13. (a) At the conclusion of the receipt of evidence, the presiding Administrative Law Judge shall hear oral arguments presented by the parties of record and any amicus curaie authorized to present oral argument.

(b) Oral arguments shall be in the following order: Opening argument for the U.S. Department of Labor, unless waived; opening argument for every other party, unless waived; argument of any amicus curiae authorized to present oral argument; closing argument for each of the State agency parties, unless waived; and closing argument for the U.S. Department of Labor, unless waived.

14. The parties of record and any amicus curiae authorized to participate in the proceedings shall be permitted to file briefs. The parties of record may file proposed findings of fact and conclusions of law on the matters in issue. All such briefs and other papers shall be filed with the presiding Administrative Law Judge, with proof of service, within such time periods as are established by the presiding Administrative Law Judge.

15. (a) As soon as possible, but in no event later than 20 days prior to the October 31 certification date, the presiding Administrative Law Judge shall, with respect to each State: (1) Prepare a recommended decision on the basis of the record containing his recommended findings of fact and conclusions of law; (2) Promptly certify to the Secretary of Labor such recommended decision and the entire record of the proceeding; and (3) Forward a copy of the recommended decision to each party of record and amicus curiae.

(b) In the event that evidence is admitted which is relevant to any issue cognizable under these Rules, findings of fact with respect to such evidence shall be made. No conclusions of law regarding either the constitutionality of any Federal statute or the constitutionality of interpretation thereof shall be made.

16. The parties of record may file with the Secretary a Statement of Exceptions, with proof of service, setting forth any exceptions they may have to the recommended decision, within seven (7) days after the date of the recommended decision.

17. (a) Any briefs or other papers intended to be filed of record with the presiding Administrative Law Judge in the proceedings shall be mailed or otherwise delivered to the office of the presiding Administrative Law Judge. Unless otherwise ordered, such documents shall be deemed to be filed on the date they are postmarked if they are transmitted by the United States Postal Service, and shall be deemed to be filed on the date they are received in the Office of the Chief Administrative Law Judge if they are transmitted by any other means.

(b) If the last day of a time limit prescribed by these Rules or established by the presiding Administrative Law Judge falls on a Saturday, Sunday, or a federal holiday, the time limit shall be extended to the next official business day.

(c) An original and one copy of the briefs and other papers shall be filed with the presiding Administrative Law Judge and shall be accepted subject to timely filing with sufficient proof of prompt service upon the parties.

18. Following the certification in accordance with Rule 15 above, and consideration of any Statement of Exceptions filed and served in accordance with Rules 16 and 17, the Secretary of Labor shall render a decision in the matter with respect to each State, in writing, and shall forward the decision together with the records to the Chief Administrative Law Judge, and shall forward a copy of his decision with respect to each State, to each party of record and to any amicus curiae authorized to participate in the proceedings.

[FR Doc. 81-25328 Filed 8-27-81; 8:45 am]
BILLING CODE 4510-30-M

LEGAL SERVICES CORPORATION

Grants and Contracts; Legal Aid Society of Metropolitan Denver, Colo.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996/, as amended, Pub. L 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * * ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Society of Metropolitan Denver in Denver, Colorado to serve Gunnison County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, CO 80202.

Clinton Lyons,

Director Office of Field Services.

[FR Doc. 81-25235 Filed 8-27-81; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 57 and 39 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2. The amendments are effective as of the date of issuance.

The amendments reduce the monitoring and reporting requirements now specified to detect core barrel movement.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated March 23, 1981, (2) Amendment Nos. 57 and 39 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related letter dated August 19, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of August, 1981.

For the Nuclear Regulatory Commission.

Charles M. Trammell, III,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-25253 Filed 8-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment deletes Paragraph 2.E from your license and became effective on May 14, 1981.

The amendment deletes the license condition that required termination of operation with once-through cooling.

On November 15, 1978 the Commission issued an Order announcing its intent to review ALAB-487. The purpose of the review was to clarify the status of the aforementioned license condition in light of the pendency of the adjudicatory proceeding before the Environmental Protection Agency (EPA) to determine the type of cooling system required for Indian Point, Unit Nos. 2 and 3 and two fossil-fired generating plants located along the Hudson River. A settlement agreement, which went into effect on May 14, 1981, terminated the EPA proceeding, permitting continued use of open-cycle cooling at the Indian Point Units, coupled with a variety of compensating measures.

On February 27, 1981, Consolidated Edison Company of New York filed a motion requesting that the Commission issue an Order deleting the license condition that requires termination of operation with once-through cooling. On May 12, 1981, the Commission issued an Order to delete the license condition from the unit No. 2 and No. 3 licenses, and directed the NRC Staff to take the necessary ministerial action.

For further details with respect to this action, see (1) the Commission's Order dated May 12, 1981, (2) Amendment No. 71 to License No. DPR-26, and (3) the Commission's related letter dated August 5, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of August, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-25254 Filed 8-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-316]

Issuance of Amendment To Approve D.C. Cook One-Time Only Relief From Section 3.0.4 and 4.0.4; Correction

On July 30, 1981, a "Notice of Issuance of Amendment to Facility Operating License" was published on page 46 FR 40112 (August 6, 1981) which incorrectly referenced the Amendment No. and Docket No. The correct Amendment No. should have been Amendment No. 33 instead of Amendment No. 49. The correct Docket No. should have been Docket No. 50-316 instead of Docket No. 50-315.

The Notice modified License No. DPR-74 to include a one-time only relief from the requirements of Technical Specifications Section 3.0.4 and 4.0.4.

Dated at Bethesda, Maryland, this 13th day of August 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-25256 Filed 8-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369; 50-370]

Duke Power Co. (Willian B. McGuire Nuclear Station, Units 1 and 2); Order

August 24, 1981.

In conformity with the announcement in our July 22, 1981 memorandum, oral argument on the pending appeal of the Carolina Environmental Study Group will be held at *9:30 a.m. on Thursday, September 10, 1981* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland. Each side will be allotted a total of one hour for the presentation of argument. The appellant may reserve a portion of its time for rebuttal.

Each party is to notify the Secretary to this Board by letter mailed no later than September 2, 1981, of the name of the person who will present argument on its behalf.

It is so ordered.

For the Appeal Board.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-25255 Filed 8-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, New York. The amendment deletes Paragraph 2.E from your license and became effective on May 14, 1981.

The amendment deletes the license condition that required termination of operation with once-through cooling.

On November 15, 1978 the Commission issued an Order announcing its intent to review ALAB-487. The purpose of the review was to clarify the status of the aforementioned license condition in light of the pendency of the adjudicatory proceeding before the Environmental Protection Agency (EPA) to determine the type of cooling system required for Indian Point, Unit Nos. 2 and 3 and two fossil-fired generating plants located along the Hudson River. A settlement agreement, which went into effect on May 14, 1981, terminated the EPA proceeding, permitting continued use of open-cycle cooling at the Indian Point Units, coupled with a variety of compensating measures.

On February 27, 1981, Consolidated Edison Company of New York filed a motion requesting that the Commission issue an Order deleting the license condition that requires termination of operation with once-through cooling.

On May 12, 1981, the Commission issued an Order to delete the license condition from the Unit Nos. 2 and 3 licenses, and directed the NRC Staff to take the necessary ministerial action.

For further details with respect to this action, see (1) the Commission Order dated May 12, 1981, (2) Amendment No. 37 to License No. DPR-64, and (3) the Commission's related letter dated August 5, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of August 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-25257 Filed 8-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266-OLA and 50-301-OLA]

Wisconsin Electric Power Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register** (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered:

Wisconsin Electric Power Company

Point Beach Nuclear Plant, Units 1 and 2 Facility Operating License Nos. DPR-24 and DPR-27

This Board is being constituted pursuant to a notice published by the Commission on August 7, 1981, in the **Federal Register** (46 FR 40359-60) entitled, "Wisconsin Electric Power Co.; Proposed Issuance of Amendment to Facility Operating License".

The Board is comprised of the following Administrative Judges:

Peter B. Bloch, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Hugh C. Paxton, 1229 41st Street, Los Alamos, New Mexico 87544

Dr. Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland, this 21st day of August, 1981.

Robert M. Lazo,

Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-25258 Filed 8-27-81; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Woolco Fashionwear Corp.; Exemption From Bond/Escrow Requirement Relating to Sale of Assets by Employer Who Contributes to Multiemployer Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted Woolco Fashionwear Corportion an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. Section 4204(a)(1) provides that the sale of assets of an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if three conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. A notice of Woolco's request for exemption from the requirement, inviting comments from interested persons, was published on April 30, 1981 (46 FR 24348). Only one comment was received and that comment from the affected plan, supported the request for exemption. The exemption from the bond/escrow requirement was granted on July 17, 1981. The effect of this notice is to advise the public of the exemption.

ADDRESS: The request for an exemption, the comment received and the exemption letter are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, N.W., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of the exemption request and exemption letter may be obtained by mail from the PBGC Disclosure Office (Mail Stop 160) at the above address.

FOR FURTHER INFORMATION CONTACT: Ellen A. Hennessy, Office of the Executive Director, Policy and Planning (140), Suite 7300, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254–4862.

Issued at Washington, D.C. on this 24th day of August, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81–25140 Filed 8–27–81; 8:45 am]

BILLING CODE 7708–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11918; 812–4899]

Alpha Cash Management Fund, Inc.; Filing of Application

August 24, 1981.

Notice is hereby given that Alpha Cash Management Fund, Inc., Suite 500, 2 Piedmont Center, N.E., Atlanta, Georgia 30363, (the "Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 19, 1981 and an amendment thereto on August 11, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Applicant from the provisions of Section 2(a) (41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the Applicant to calculate its net asset value per share for all classes of shares representing investments exclusively in money market securities using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicant represents that it was organized as a Georgia business corporation on June 12, 1981. Pursuant to the Applicant's Articles of Incorporation, it is authorized to issue ten separate classes of voting common stock which, when issued, will each represent an investment in a different portfolio of securities. The Applicant presently intends to issue shares of two classes of stock which will represent two different portfolios of money market instruments, but it may also issue shares of subsequent classes of common stock representing investments exclusively in money market instruments. The Applicant further represents that its investment objectives with respect to each such "money market class" will be the maximization of current income to the extent consistent with the preservation of capital and the maintenance of liquidity by investing in specified types of money market instruments maturing in one year or less from the date of acquisition. The Applicant states that the Class A Common Stock (Money Market Portfolio) will consist of a portfolio of obligations issued or guaranteed by the United States Government or its agencies, authorities or instrumentalities; time deposits, certificates of deposit and bankers' acceptances of banks (including dollar denominated obligations of foreign branches of U.S. banks and U.S. branches of foreign banks); high-grade commercial paper; other high-grade corporate obligations; and repurchase agreements with respect to such of the foregoing obligations to which repurchase obligations are available. The Applicant states that the Class B Common Stock (Government Securities Portfolio) will be restricted to a portfolio of obligations issued or guaranteed by the United States Government or its agencies, authorities and instrumentalities, and repurchase obligations with respect to such obligations. Montag & Caldwell, Inc., serves as the Applicant's investment adviser.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value the portfolio securities of its existing and future money market classes by means of the amortized cost method of valuation.

In support of the exemptive relief requested, the Applicant states that it has concluded that it would be in the best interest of its shareholders to use the amortized cost valuation method to maintain a constant $1.00 per share value for each such money market class. The Applicant further represents that its use of amortized cost valuation would reduce the possibility of having forced redemptions which could be triggered automatically by the realization of negative income. In addition, the Applicant states that investors in each money market class would have the convenience of being able to determine the value of their share holdings based solely on the number of shares which they own.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes

fairly intended by the policy and provisions of the Act.

The Applicant has agreed that each of the following may be made a condition to the granting of the exemptive relief requested, each such condition to apply only with respect to the Applicant's money market classes and the portfolios for such classes:

1. In surpervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize the net asset value per share of each such money market class, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share of each money market class, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of one percent, a requirement that the directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include; redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using market quotations.

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the directors in the exercise of their discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value of individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1, above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the directors determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than September 18, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weigthed average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–25284 Filed 8–27–81; 8:45 am]

BILLING CODE 8010–01–M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

August 24, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Nabisco Brands, Inc.
Common Stock, $2 Par Value (File No. 7–6031)
Panhandle Eastern Corp.
Common Stock, $1 Par Value (File No. 7–6032)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 16, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds,

based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons

Secretary.

[FR Doc. 81-25261 Filed 8-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18053; File No. SR-NSCC-81-11]

National Securities Clearing Corp: Proposed Rule Change By Self Regulatory Organization

In the matter of proposed rule change by National Securities Clearing Corp., relating to authority of the corporation to decline to accept letters of credit; Comments requested on or before September 18, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 21, 1981, National Securities Clearing Corporation filed with the Securities and Exchange Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Amend the second unnumbered paragraph of Section 1 of Rule 4, as it would read if NSCC filing 80-15 were approved, to read as follows:

Clearing Fund

Rule 4. Sec. 1.

* * * * *

The Corporation may permit part of a Member's contribution to the Clearing Fund to be evidenced by an open account indebtedness (a) secured by unmatured bearer bonds which are direct obligations of, or obligations guaranteed as to principal and interest by, the United States or unmatured bearer bonds which are general obligations of, or obligations guaranteed as to principal and interest by, a State or political subdivision thereof which are in the first or second ratings of any nationally known statistical service ("qualifying bonds"), and/or (b) as to which one or more irrevocable Letters of Credit have been issued in favor of the Corporation under which a bank, trust company or United States branch or agency of a foreign bank, in each case approved by the Corporation for such purpose, is obligated to honor drafts up to a specified amount drawn on it by the Corporation, provided that the terms and conditions of any such Letter of Credit are deemed acceptable to the Corporation in its sole discretion. *The Corporation shall decline to accept Letters of Credit issued by one or more approved banks when, in the judgment of the Corporation, such action, in light of the Corporation's statutory responsibility to safeguard securities and funds in its possession, is necessary or appropriate to prevent or deter an undue concentration, as defined by the Corporation, of Letters of Credit from one or more approved banks. Provided, however, that in any event, unless otherwise directed by the Board of Directors, the Corporation shall not accept a Letter of Credit issued by an approved bank if, by accepting that Letter of Credit, more than 20% of the total Clearing Fund consists of Letters of Credit from that issuer.* The market value of such qualifying bonds and the face amounts of such Letters of Credit shall at no time be less in the aggregate than the amount of a Member's open account indebtedness. Any amount drawn on any such Letters of Credit shall be deposited into, and constitute an additional cash contribution to, the Clearing Fund and shall reduce the Member's open account indebtedness by a corresponding amount. Qualifying bonds shall be pledged to the Corporation on such terms an conditions as it shall require. The Board of Directors may 10 business days after giving written notice thereof to all Members increase or decrease the amount of the Member's contributions required to be maintained in cash; provided that such requirement shall apply to all Members. Any qualifying bonds pledged by a Member to secure its open account indebtedness shall be held by the Corporation or for its account by a bank or trust company (other than the Member) designated by the Member and acceptable to the Corporation. Within ten calendar days prior to the expiration date of any Letter of Credit securing a Member's open account indebtedness, such Member shall make a substitution for the Letter of Credit, in accordance with the provisions of this Rule, in the amount required, effective upon or prior to the expiration of the Letter of Credit.

* * * * *

II. Self-Regulatory Organizaiton's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, National Securities Clearing Corporation included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organizaiton has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to specifically recognize the authority of the Corporation to limit the acceptance of Letters of Credit which would otherwise create, in the Corporation's judgment, an undue concentration of Letters of Credit in the Clearing Fund from one issuer. The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, as amended, in that by controlling the composition of the Clearing Fund it permits the Corporation to better safeguard securities and funds in its custody or control or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competitions

The proposed rule change will not have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change have been requested by Important Notice dated July 29, 1981, sent to all NSCC participants. Any comments received will be forwarded to the Commission.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change will become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4 upon approval of NSCC's filing SR-NSCC-80-15. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission

that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 18, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 21, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25282 Filed 8-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18057; File No. SR-OCC-81-7]

Options Clearing Corp.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by the Options Clearing Corporation relating to the appointment of Clearing Members to act as correspondents for other Clearing Members with respect to the settlement of exercised option contracts; Comments requested on or before September 18, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 21, 1981, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

OCC proposes to amend its Rules 212 and 913 to permit a Clearing Member (the "Appointing Clearing Member") to appoint another Clearing Member (the "Appointed Clearing Member") as its correspondent for the purpose of settlement of exercise option contracts in the Appointing Clearing Member's account. During the time such an appointment is in effect, the Appointing Clearing Member will be relieved of its obligation to designate or be a participant in a correspondent clearing corporation.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule change is to increase access to the services of OCC by providing an alternative means by which Clearing Members may obtain a correspondent for settlement of exercised options without incurring the expense of becoming participants in a correspondent clearing corporation. All of the Appointing Clearing Member's exercises and all of the exercises assigned to it will be transmitted to the Appointed Clearing Member and, in turn, to the Appointed Clearing Member's correspondent clearing corporation for settlement. The Appointing Clearing Member must continue to maintain margin on its short positions through the exercise settlement date.

This rule change is consistent with Sections 17A(b)(3)(B) and (F) of the Securities Exchange Act of 1934 (the "Act") in that it reduces an impediment to becoming a participant in OCC, fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, and promotes the prompt and accurate settlement of such transactions.

(B) Burden on Competition

The proposed rule change will increase competition by increasing access to the services of OCC.

(C) Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change. No written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 18, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 24, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25283 Filed 8-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Release Nos. 34-17990; 34-18059; File No. SR-Phlx-81-10]

Philadelphia Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by Philadelphia Stock Exchange, Inc., relating to short sales; Comments requested on or before September 18, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 17, 1981 Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange ("PHLX") pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 proposes to delete current Exchange Rules 235 and 455 concerning short sales and to substitute therefor proposed new Exchange Rule 455. New Exchange Rule 455 would provide a restatement of Securities and Exchange Commission Rule 10a-1 ("SEC Rule 10a-1") governing short sales as it currently applies to PHLX.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The proposed rule change would provide a restatement of Securities and Exchange Commission Rule 10a-1 ("SEC Rule 10a-1") concerning short sales as it currently applies to the PHLX. In so doing, the proposed rule change would clarify that short sales relating to securities for which trades are reported pursuant to a consolidated transaction reporting system operated in accordance with a plan declared effective under Securities and Exchange Commission Rule 17a-15 ("consolidated system") are currently referenced to the price of last sales as reported in the consolidated system rather than the price of last sales effected on the PHLX as PHLX Rule 455 now provides.

The proposed rule change is based on Section 6(b)(5) of the Securities Exchange Act of 1934 which provides, in pertinent part, that the rules of the exchange be designed to prevent fraudulent acts and practices, promote just and equitable principles of trade, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before October 2, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. 1100 "L" Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 18, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 24, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25285 Filed 8-27-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18058; File No. SR-Amex-81-15]

American Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by American Stock Exchange, Inc. relating to amendments of exchange summary disciplinary procedures; comments requested on or before September 18, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(B)(1), notice is hereby given that on August 11, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Amex Rule 30 to provide for the imposition of a fee for certain reporting violations.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory basis for the Proposed Rule Change

(a) Purpose. The proposed fee system concerns violations of selected Exchange reporting requirements that are felt to be particularly important for financial monitoring or surveillance purposes. The rule change would allow for the disposition of violations of these reporting requirements in a straightforward, equitable and efficient manner.

Under the proposal, Amnex Rule 30, which presently requires members to file periodic reports with the Exchange, will be amended to provide for the imposition of a fee of $50 per day for the late filing of such reports as the Exchange may periodically specify. Those staff members responsible for the departments or divisions receiving the various reports covered by the system will be authorized to assess the $50 fee. The imposition of this fee will not be considered a disciplinary matter under Article V of the Constitution, provided that the member or member organization does not contest the violation and pays the fee when due. If the member or member organization chooses to contest the violation or fails to pay the fee when due, the matter will be referred to the Disciplinary Committee for a hearing and the assessment of such fine as the Committee deems appropriate.

(b) Basis. The proposed amendment is consistent with Section 6(b) of the Exchange Act in general and furthers the objectives of Section 6(b)(7) of the Act in particular in that it will provide a fair procedure for the disciplining of exchange members and persons associated with exchange members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule change will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before October 2, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such a longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approves such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before September 18, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 24, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25160 Filed 8-27-81; 8:45 am]

BILLING CODE 8010-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 167
Friday, August 28, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the following matter previously scheduled for consideration at the open meeting of the Corporation's Board of Directors to be held at 2:00 p.m. on Monday, August 31, 1981 will be withdrawn from the agenda for consideration at the meeting:

Memorandum and Resolution re: Interpretation of NOW Account Eligibility Requirements

No earlier notice of the change in the subject matter of the meeting was practicable.

Dated: August 25, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1296–81 Filed 8–26–81; 10:58 am]

BILLING CODE 6714–01–M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, August 26, 1981 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Continuation of agenda from Executive Session of August 25, 1981.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–1306–81 Filed 8–26–81; 3:50 pm]

BILLING CODE 6715–01–M

3

METRIC BOARD.

TIME AND DATE: 8:30 a.m., Thursday, September 10, 1981; 8:30 a.m., Friday, September 11, 1981.

PLACE: Lord Baltimore Hotel—Ballroom, Baltimore and Hanover Streets, Baltimore, Maryland 21201.

STATUS: Thursday, September 10 1981—Open to the public; Friday, September 11, 1981—Closed to the public from 8:30 a.m.–10:30 a.m. (Exemption 5 U.S.C. 552b(c)(9)(B)). 10:30 a.m.–1:00 p.m., open to the public.

MATTERS TO BE CONSIDERED: *Thursday, September 10:*

Approval of Agenda—approval of agenda for this meeting.
Review/Approval of Minutes of the Board Meeting held in Charlotte, N.C. on July 9–10, 1981.
Committee Reports—Committee Chairpersons will give a report on the status of activities in their jurisdiction.
State Conference Report—a report to the Board on the National Council on State Metrication held June 23–25, 1981 in Des Moines, Iowa.
State Charter—A report of the development process and presentation of a recommendation for approval of establishing the National Council for State Metrication as a Federal advisory committee.
Florida Metric Council—a report to the Board on three resolutions of the Florida Metric Council.
USMB Consumer Program—a presentation of Consumer Consultant's final report with staff comment and recommendations.
Small Business Study—review of progress and findings of the second in a series of small business studies. Emphasis is on the limited investments made by converting small businesses. The linkage between big business and small business conversions will also be discussed.
Agenda Items—discussion of agenda items for bimonthly meeting of the Board to be held in Denver, Colorado on November 5–6, 1981

Friday, September 11:

FY–82 Operating Plan (closed to the public)
Board Meeting Dates—discussion and approval of change in board meeting dates.
FY–83 Meeting Sites and 1982 World's Fair/Knoxville, Tennessee—discussion of sites recommended by PAE Committee for 1983 Board Meetings and consideration of revision in 1982 schedule to substitute Knoxville for a previously approved site.
Board Reception—discussion of a reception for public forum witnesses and selected civic leaders and Board constituency guests on night preceeding Public Forum.
1984 Olympics—discussion of USMB involvement and use of 1984 Olympics as high-visibility event to enhance public awareness of metrics.

CONTACT PERSON FOR FURTHER INFORMATION: Lu Verne V. Hall (703) 235–3058

Louis F. Polk,

Chairman, United States Metric Board.

[S–1301–81 Filed 8–26–81; 11:21 am]

BILLING CODE 6350–01–M

4

METRIC BOARD.

Public Forum

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thursday, September 10, 1981, from 10:00 a.m. to 1:00 p.m. The Forum will be held in conjunction with the Metric Board's regular bimonthly meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum and Meeting will be held in the Ballroom of The Lord Baltimore Hotel, Baltimore and Hanover Streets, Baltimore, Maryland.

The purpose of the Forum will be to allow Board Members to receive comments about increased metric usage and voluntary metric conversion from individuals and from representatives of groups or organizations. The public is invited and encouraged to provide oral and written comments and ask questions of the Board from 11:30 a.m. to 1:00 p.m. Those who wish to participate may also submit comments or questions in advance to Chips Maurer, Office of Public Awareness and Education, United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

Louis F. Polk,

Chairman, United States Metric Board.

[S–1302–81 Filed 8–26–81; 11:21 am]

BILLING CODE 6350–01–M

2

METRIC BOARD.

Administrative and Budget Committee Meeting

TIME AND DATE: 2:00 p.m., Wednesday, September 9, 1981.

PLACE: Lord Baltimore Hotel, Salon B, Baltimore and Hanover Streets, Baltimore, Maryland 21201.

STATUS: Closed to the public (Exemption 5 U.S.C. 552b(c)(9)(B)).

MATTERS TO BE CONSIDERED: FY–82 Operating Plan and FY–83 Budget Matters.

CONTACT PERSON FOR FURTHER INFORMATION: Jerry Manolatos, 703/235–1696.

Louis F. Polk,

Chairman, United States Metric Board.

[S–1300–81 Filed 8–26–81; 11:21 am]

BILLING CODE 6250–01–M

6

METRIC BOARD.

Planning and Coordination Committee

TIME AND DATE: 1 p.m., Wednesday, September 9, 1981.

PLACE: The Lord Baltimore Hotel, Salon A, Baltimore and Hanover Streets, Baltimore, Maryland 21201.

STATUS: Open to the Public (1:00 p.m.–2:00 p.m.) Closed 2:00 p.m.–4:00 p.m.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes
2. Federal Program Report
   a. USMB input for ICMP/MOC FY–82 Probable Worklist
   b. Briefing on Federal Metric Information Referral Directory
   c. Briefing on "Federal Metic Statue" Report
   d. Federal Standard-Metric Practice
3. State Meeting Report and Charter Recommendations for the Board.
4. New Business

Closed to the public:

5. Review recommended changes to FY-82 Operating Plan (Exemption 5 U.S.C. 552b (c)(9)(B))

FOR FURTHER INFORMATION CONTACT: Charles Danner, 703–235–2583.

Louis F. Polk,

Chairman, United States Metric Board.

[S–1299–81 Filed 8–26–81; 11:20 am]

BILLING CODE 6250–01–M

7

METRIC BOARD.

Research Committee Meeting

TIME AND DATE: 10 a.m., Wednesday, September 9, 1981.

PLACE: The Lord Baltimore Hotel, Salon C, Baltimore and Hanover Streets, Baltimore, Maryland 21201.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Two briefings on Research Activities:

1. A general status report of all research projects and activities.
2. A briefing of the results of the report entitled *The Search For Small Businesses With Investment in Metric Production.*

CONTRACT PERSON FOR FURTHER INFORMATION: G. Edward McEvoy, 703/235–2918.

Louis F. Polk,

Chairman, United States Metric Board.

[S–1298–81 Filed 8–26–81; 11:20 am]

BILLING CODE 6250–01–M

8

NATIONAL SCIENCE FOUNDATION.

NAME: Advisory Committee for Astronomical Sciences.

DATE: September 23 and 24, 1981.

TIME: 9:30 am–4:15 pm, September 23; 8:15 am–5:00 pm, September 24.

PLACE: September 23—VLA Site, Socorro, New Mexico; September 24—Conference Center, New Mexico Inst. of Mining and Technology, Socorro, New Mexico

TYPE OF MEETING: Open.

CONTACT PERSON: Dr. William E. Howard, Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357–9488.

SUMMARY MINUTES: May be obtained from the contact person at the above address.

PURPOSE OF COMMITTEE: To provide advice and recommendations concerning research programs, proposals, and projects in NSF funded astronomy with the objective of achieving the highest qualify forefront research for the funds allocated. To provide advice and recommendations concerning short range and long range plans in astronomy, including a recommendation of relative priorities.

Agenda

September 23, 1981

Morning Session
- I. Introductory Remarks, Approval of Minutes, and Short Status Reports
- II. Budget Status
- III. Status of Proposed USAF Airstrip near KPNO
- IV. Astronomy Research Section Report
- V. Astronomy/Physics Success Ratio Study

Afternoon session
- VI. Status of 2.3m Cloudcroft Telescope proposal
- VII. Status of NTT Design Project
- VIII. Status of Dark Sky Survey
- IX. Astronomy Initiatives Plan (AIP) Discussion
- X. VLA Science/Tour

September 24, 1981

Morning session
- XI. AIP Voting and Rating
- XII. Review of Stars and Stellar Evolution Program
- XIII. Proposed Presentation by Large Grantees for NSF Spring Meeting
- XIV. Overview—Astronomy Centers Section
- XV. Reports and Concerns of Centers Directors

Afternoon session
- XVI. Discussion of AIP
- XVII. Concerns of the Committee
- XVIII. Critique of the Meeting—Chairman
- XIX. Adjourn

August 25, 1981.

M. Rebecca Winkler,

Committee Managment Coordinator.

[S–1297–81 Filed 8–26–81; 11:28 am]

BILLING CODE 7555–01–M

9

NUCLEAR REGULATORY COMMISSION.

DATE: Week of August 31, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, September 1:*

10:00 a.m.
- Discussion of Management-Organization and Internal Personnel Matters (closed meeting)

2:00 p.m.
- Discussion and Possible Vote on Operating License for Sequoyah Unit 2 (public meeting)

Wednesday, September 2:

2:00 p.m.
- Briefing on Plan for Prioritization and Resolution of Generic Items (public meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

August 25, 1981.

Walter Magee,

Office of the Secretary.

[S–1307–81 Filed 8–26–81; 3:30 pm]

BILLING CODE 7590–01–M

10

PAROLE COMMISSION.

[1P0401]

Parole Commission, National Commissioners (the Commissioners

presently maintaining offices at Bethesda, Maryland, Headquarters).

TIME AND DATE: 9:30 a.m., Thursday, August 27, 1981

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 8 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:
Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5926.

[S–1305–81 Filed 8–26–81; 2:02 pm]

BILLING CODE 4410–01–M

11

PAROLE COMMISSION.

[OP0401]

Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Bethesda, MD. Headquarters).

TIME AND DATE: 9:30 a.m., Thursday, August 27, 1981.

PLACE: Room 420-F; One North Park Building; 5550 Friendship Blvd.; Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

CHANGES IN THE MEETING: On August 25, 1981, the Commission determined that the above meeting be continued to 10:00 a.m. on Friday, August 28, 1981 for consideration of case referrals from Regional Commissioners. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, U.S. Parole Commission, (301) 492–5926.

[S–1304–81 Filed 8–26–81; 2:02 pm]

BILLING CODE 4410–01–M

12

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 42404, August 20, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, August 17, 1981.

CHANGES IN THE MEETING: Additional items. The following additional item was considered at a closed meeting scheduled for Tuesday, August 25, 1981, at 10:00.

Consideration of amicus participation.

The following additional items will be considered at a closed meeting scheduled for Thursday, August 27, 1981, following the 10:00 a.m. open meeting.

Litigation matter.
Freedom of Information Act appeals.
Administrative proceeding of an enforcement nature.

Chairman Shad and Commissioners Loomis, Evans and Longstreth determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092

August 26, 1981.

[S–1303–81 Filed 8–26–81; 11:54 am]

BILLING CODE 8010–01–M

13

TENNESSEE VALLEY AUTHORITY.

[Meeting No. 1273]

TIME AND DATE: 10:15 a.m. (e.d.t.), Wednesday, September 2, 1981.

PLACE: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Old Business Items

1. Final rate review.
2. Reconsideration of November 8, 1979, Board decision on the rehabilitation of Ocoee No. 2 hydroelectric project and the arrangements for recreational releases of water from it.
3. Modification of special warranty deed to Hales Bar Resort and Marina, Inc., affecting a tract of Nickajack Reservoir land—Tract No. XNJR–8.

New Business Items

A—Project Authorizations
1. Project Authorization No. 3477.2—Amendment to project authorization for demonstration of a commercial-scale coal gasification facility producing medium-Btu gas.

B—Purchase Awards
1. Sales Invitation No. 43–4421—Sale by TVA of excess time on the nuclear and fossil simulators located at the Power Operations Training Center.
2. Req. No. 529988—Requirement contract for wet-process phosphoric acid.
3. Request for Proposal No. J3–609081—Multiprocessing central processing system.
*4. Req. No. 828363—Coal barge unloading equipment for Paradise Steam Plant.

C—Power Items
*1. Amendment to letter agreement with Aluminum Company of America—Extended reduction rights and peaking deviation under the Fontana Agreement.
2. Amendment to Power contract with Pennwalt Corporation, Calvert City, Kentucky.
3. Deed conveying to the city of Chattanooga, Tennessee, a 5.74-acre portion of TVA's Falling Water 161-kV Substation site located in Hamilton County, Tennesee.
4. Deed and bill of sale conveying to the city of Fayetteville, Tennessee, TVA's Fayetteville District Substation facilities and properties.
5. Lease and amendatory agreement with Lebanon, Tennessee, covering arrangements for lease of TVA's Lebanon City Substation.
6. Contract with Electric Power Research Institute for TVA sponsorship of the pressurized water reactor safety and relief valve test program.
7. Agreement between TVA and the University of Alabama in Huntsville, covering arrangements for commercial and industrial alternative energy projects.
8. Adoption of supplemental resolution authorizing 1981 Series D Power Bonds.
9. Resolution authorizing the Chairman and other executive officers to take further action relating to issuance and sale of 1981 Series D Power Bonds.

D—Personnel Items
1. Renewal of personal services contract with Consultants & Designers, Inc., New York, New York, for engineering support services, requested by the Office of Engineering Design and Construction.
2. Renewal of personal services contract with H. L. Yoh Company, Philadelphia, Pennsylvania, for engineering support services, requested by the Office of Engineering Design and Construction.
3. Supplement to personal services contract with GKT Gesellschaft Fur Kohle-Technologie mbH, Essen, West Germany, for performance of a process test program of the Koppers-Totzek Gasfication Process at the Nitrogen Fertilizer Industries, S.A., Gasification Facility in Ptolemais, Greece.

E—Real Property Transactions
1. Filing of condemnation suit.

F—Unclassified
1. Changes in designation of officers to certify vouchers.
2. Supplement to contract with the City of Triana, Alabama, covering arrangements for cooperation in a program for further

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*Item approved by individual Board members. This would give formal ratification to the Board's action.

development of the City through industrial and agricultural enterprises.

3. Agreement between TVA and the Little Tennessee River Port Authority covering development of Tellico industrial property.
4. Proposed sale of surplus property—Transportation Services Branch vehicles at various locations.

CONTRACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632–3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: August 26, 1981.

[S–1306–81 Filed 8–26–81; 3:06 pm]

BILLING CODE 8120–01–M

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federal register

Friday
August 28, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

Pennsylvania: PA81–3058

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Delaware: DE81-3028	May 8, 1981
Florida:	
FL81-1240	June 5, 1981
FL81-1190	Mar. 6, 1981.
FL81-1254	June 26, 1981
FL81-1260	July 6, 1981.
FL81-1270	July 17, 1981
Hawaii: HI81-5141	Aug. 14, 1981
Illinois: IL81-2050	Aug. 7, 1981.
Louisiana:	
LA81-4024	May 1, 1981.
LA81-4027	May 1, 1981
LA81-4046	July 6, 1981.
Missouri: MO81-4034	May 22, 1981.
Montana:	
MI81-5138	Aug. 7, 1981.
MT81-5139	Aug. 7, 1981.
MT81-5140	Aug. 7, 1981.
Pennsylvania:	
PA79-3020	July 20, 1979.
PA80-3025	Apr. 11, 1980
PA80-3026	Apr. 11, 1980.
PA80-3027	Apr. 18, 1980.
PA80-3028	Apr. 11, 1980.
PA80-3029	Apr. 25, 1980.
PA80-3030	May 30, 1980.
PA80-3031	Aug. 29, 1980
PA80-3032	May 30, 1980
PA80-3037	May 2, 1980.
PA80-3038	May 23, 1980.
PA80-3043	July 7, 1980.
PA80-3044	July 25, 1980.
PA80-3056	Sept. 12, 1980
PA80-3060	Oct. 10, 1980
PA80-3075	Dec. 5, 1980
Texas:	
TX81-4006	Jan. 6, 1981
TX81-4016	Apr. 3, 1981
TX81-4032	May 8, 1981.
TX81-4038	June 5, 1981.
TX81-4045	July 10, 1981
Utah: UT81-5117	May 8, 1981
Virginia: VA81-3015	Mar. 6, 1981
Wyoming: WY81-5108	Apr. 3, 1981

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois: IL79-2073(IL81-2055)	Sept. 14, 1979.
Kentucky:	
KY80-1107(KY81-1281)	Oct. 17, 1980.
KY80-1109(KY81-1282)	Oct. 3, 1980.
Maine: ME81-3008(ME81-3057)	Jan. 16, 1981.
Massachusetts: MA80-2045(MA81-3050)	July 7, 1980.
Michigan:	
MI79-2057(MI81-2057)	June 15, 1979.
MI79-2057(MI81-2058)	June 15, 1979.
Nebraska: NE81-4014(NE81-4068)	Mar. 13, 1981.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. this 21st day of August 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

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NEW DECISION

STATE: Pennsylvania COUNTIES: Adams, Berks, Bradford, Carbon, Columbia, Cumberland Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York
DECISION NO.: PA81-3058 DATE: Date of Publication
DESCRIPTION OF WORK: Heavy and Highway Construction excluding Sewage and Water Treatment Plant Projects

HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS/PILEDRIVERMEN	11.02	.70	.90		
CEMENT MASONS:					

Starting at the Franklin County line of Route 30 at the Tuscarora Mountains, follow the Franklin County line to Juniata County line; following Juniata County line to Susquehanna River then across Susequehanna River to the Dauphin County line; continue on the Dauphin County line to the Lebanon County Line to where Route 501 intersects the Lebanon County, then follow Route 501 to Lancaster County line; thence west to Susquehanna River to Route 920 and continue to Goldsboro, Lewisberry, and Rossville to Dillsburg; thence on Route 15 to Heidlersburg; thence on Route 234 to junction with Route 334, up Routes 334 and 34 to junction of road immediately south of Fayetteville; thence through New Franklin to Marion; thence to St. Thomas, then on Route 30 through Fort Loudon to Franklin County line at Tuscarora Mountains and west to include all of Fulton County.

Cumberland, Dauphin, Juniata, Perry, Adams, Lebanon, New Cumberland Army Depot in York County	11.33	.80	.80		
Berks County	10.79		1.65		
Bradford, Lycoming, Sullivan & Union Counties	11.55	1.15	.90		.015
Columbia County	11.85	.55	.70		.01
Scranton in Lackawanna County, Susquehanna, Pike Tioga, Wayne, Wyoming Cos Tobyhanna Army Depot in Monroe County,					
Remainder of Luzerne Co.	12.55				
Carbondale in Lackawanna County	10.45	.85	.70		
Lancaster & Remainder of York County	9.94	.35	.25		.01
Lehigh County	13.38	1.10	.50		
Luzerne County:					
Hazelton, Berwick, & Freeland Townships	13.25				
Wilkes Barre	11.05				
Monroe County					
Remainder of County	11.81	1.15	.50		

DECISION NO. PA81-3058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: CONT'D					
Snyder, Montour, & Northumberland Counties	12.45				.01
Northampton County	13.60	.60	.75		.01
Schuylkill County	11.60	.70	1.45		
IRONWORKERS:					
Structural, Ornamental & Reinforcing:					
Adams, Cumberland, Dauphin, Lancaster, Lebanon, Lycoming, Montour, Northumberland, Juniata, Perry, Snyder, Union & York Counties	12.265	1.49	1.46		.045
LABORERS:					
Asphalts, tampers, concrete pitmen, puddlers & rubbers, Highway guard rail, right of way and property line fence, Highway slab reinforcing placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen & signalmen, leaser beam men (pipe laying, paving machine)	9.71	.70	.30		
Pneumatic and electric tool op. jackhammers, paving breakers, concrete saws, whacker vibrators, sheet hammers, steward, chain saws, pipelayers, asphalt rake, lute or screed men, concrete block layers	9.91	.70	.30		

DECISION NO. PA81-3058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: CONT'D					
Caisson-open air-below 8 feet, cofferdam open air-below 8 feet where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill diamond point drill, gunite nozzle operators	10.26	.70	.30		
Blasters	10.49	.70	.30		
Reinforcing steel placers, bonding, aligning and securing and burning and welding in conjunction with reinforcing steel	10.55	.70	.30		
Concrete surfacers	10.93	.70	.30		
Free Air Tunnels and Rock Shafts					
Outside laborers in conjunction tunnels & rock shafts	10.35	.70	.30		
Chuck tenders, muckers, nippers, miners, & drillers helpers, inside laborers	10.64	.70	.30		
Miners, drillers, blasters, pneumatic shield operators lining, spotting & timers workmen, reinforcing steel placer placers, bonding, aligning and securing and concrete surfacers	11.12	.70	.30		
LINE CONSTRUCTION:					
Adams, Cumberland, Dauphin, Lancaster, Lebanon, Juniata, Perry & York Counties, Pennsylvania:					
Linemen	14.23	.60	3%		3/8%
Winch Truck Op.	9.96	.60	3%		3/8%
Truck Driver	9.25	.60	3%		3/8%
Groundman	8.54	.60	3%		3/8%

DECISION NO. PA81-3058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: CONT'D					
Berks & Lehigh Cos.					
Linemen	12.67	.60	3%		3/8%
Winch Truck Op.	8.86	.60	3%		3/8%
Truck Driver	8.19	.60	3%		3/8%
Groundman	7.55	.60	3%		3/8%
Northampton County					
Lineman	14.69	.60	3%		3/8%
Winch Truck Op.	10.28	.60	3%		3/8%
Truck Driver	9.55	.60	3%		3/8%
Groundman	8.81	.60	3%		3/8%
Bradford, Carbon, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming Cos.					
Lineman	13.37	.55	3%		3/8%
Winch Truck Operator	9.38	.55	3%		3/8%
Truck Driver	9.19	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%
MILLWRIGHTS:					
Adams, Bradford, Cumberland, Columbia, Dauphin, Juniata, Lebanon, Luzerne Lycoming, Montour, Northumberland, Perry, Schuylkill, Snyder, Sullivan, Tioga, Union & Lancaster Counties & Townships in Carbon County:					
Banks, Lausanne, Lehigh & northern part of Packer Wyoming County, York County, New Cumberland Army Depot & Harrisburg-York State Airport	14.42	.70	.90		.05
Berks County	14.52	1.07	.95		.05
Lehigh & Northampton Cos.	12.15	.84	.72		.05

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DECISION NO. PA81-3058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Monroe County	10.13	.44	.72		.01
Lackawanna, Susquehanna, Pike, Wayne Counties	13.59	.70	.50		.05
Remainder of Carbon Co.	12.15	.84	.72		.05
Remainder of York County	11.39	.85	.55		.03
POWER EQUIPMENT OPERATOR					
ZONE I (Heavy Construction)					
Group 1	13.14	7.9%	10.3%	a	1.8%
Group 2	12.85	7.9%	10.3%	a	1.8%
Group 3	11.97	7.9%	10.3%	a	1.8%
Group 4	11.20	7.9%	10.3%	a	1.8%
Group 5	10.72	7.9%	10.3%	a	1.8%
Group 6	9.80	7.9%	10.3%	a	1.8%
Group 7	13.39	7.9%	10.3%	a	1.8%
Group 7-A	13.64	7.9%	10.3%	a	1.8%
Group 7-B	13.89	7.9%	10.3%	a	1.8%
ZONE II					
Group 1	14.27	10%	10.3%	a	1.3%
Group 2	13.98	10%	10.3%	a	1.3%
Group 3	13.11	10%	10.3%	a	1.3%
Group 4	12.34	10%	10.3%	a	1.3%
Group 5	11.87	10%	10.3%	a	1.3%
Group 6	10.96	10%	10.3%	a	1.3%
Group 7	14.52	10%	10.3%	a	1.3%
Group 7-A	14.77	10%	10.3%	a	1.3%
Group 7-B	15.01	10%	10.3%	a	1.3%

AREA COVERED BY POWER EQUIPMENT OPERATORS
HEAVY CONSTRUCTION

ZONE I - Lackawanna, Susquehanna, Wyoming, Pike, Wayne, Monroe, and Luzerne Counties.

ZONE II - Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lancaster, Lebanon, Lehigh Lycoming, Montour, Northampton, Northumberland, Perry, Schuylkill, Snyder, Sullivan, Tioga, Union and York Counties.

DECISION NO. PA81-3058

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above.

Group 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3½ c.y. and over, tandem scrapers, pipping type backhoes, boat Captains batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above.

Group 3: Conveyors, building hoists(single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above.

Group 4: Welding machines, well points, compressors, pumps, heraters, farm tractors, form line grader, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above.

DECISION NO. PA81-3058

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT'D

Group 5: Fireman, grease truck

Group 6: Oilers and deck hands (personnel boats), core drill helper

Group 7: All machines with booms (including jib, mast, leads, etc.): 100 ft. and over

Group 7-A: 150 ft. and over

Group 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, provided the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION					
Group 1	12.67	10%	10.3%		1.3%
Group 2	11.83	10%	10.3%		1.3%
Group 3	11.32	10%	10.3%		1.3%
Group 4	10.88	10%	10.3%		1.3%
Group 5	10.33	10%	10.3%		1.3%
Group 6	12.92	10%	10.3%		1.3%
Group 6-A	13.17	10%	10.3%		1.3%
Group 6-B	13.42	10%	10.3%		1.3%

DECISION NO. PA81-3058

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1: Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, gradalls, all front end loaders, 4 cu. yds. and over, tandem scrapers, pippin type backhoes, Boat Captains, Batch plant with mixer, drill self contained (drillmaster type), CMI autograde, machines similar to above.

Group 2: Conveyor loader (EUC type), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders under 4 cu. yds., mechanic-welders, motor patrols, machines similar to above.

Group 3: Welding machine, well points, compressors, pumps heaters, farm tractors, form line graders, fine grade machine, ditch witch type trencher, road finishing machines, concrete breaking machines, rolers, seaman pulverizing mixer, power broom, seeding spreader, tireman - (for power equipment) conveyors loaders other than EUC type, conveyors, machines similar to above.

Group 4: Fireman

Group 5: Oilers and deck hands

Group 6: On all machines with booms (including jibs, masts, leads, etc.) 100 ft. and over

Group 6-A: 150 ft. and over

Group 6-B: 200 ft. and over

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DECISION NO. PA81-3058	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY & HIGHWAY TRUCK DRIVERS:					
CLASS I					
Helper, stake body truck (single axle), dumpster	11.17				
CLASS II					
Dump trucks, tandem & batch trucks, semi-trailer, agitator mixer trucks, ready mix and dumpcrete type vehicles, asphalt distributor when used for transportation stake body truck (tandem)	11.14				
CLASS III					
Euclid type, off-highway equipment back or belly dump truck and double hitched equipment, straddle (ross) carrier, lowbed trailers	11.63				
Welders - Rate for craft					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).					

Modification Page 1

DECISION NO. DE81-3028 MOD. NO. 4 (46 FR 25909 - May 8, 1981) State of Delaware	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers	$16.24	1.35	2.00		.03
Boilermakers					
New Castle County	16.67	1.275	1.00		.02
Painters:					
Base rate	11.62	1.00	1.00		.01
Structural steel & suspended scaffolding (swing, chair & window belts)	11.84	1.00	1.00		.01
Machine taping	12.12	1.00	1.00		.01
Bridges (if surface to be painted is 50' or more above ground or water), and/or cabled scaffolding	14.10	1.00	1.00		.01
Tanks (if exposed to the weather and is used for storage or processing purposes with a capacity of 5,000 gallons or more using exterior dimensions and/or interior work on all tanks), sandblasting, and spray	12.17	1.00	1.00		.01
Height pay - work 75' or more from surface and additional 55¢ shall be paid above the applicable rate					
Piledrivermen/Wharf & Dock Builders	12.97	3.13	1.40	a	.13
Roofers:					
Composition, damp and waterproofing	15.67	1.40	.95	j	.05
Sheet Metal Workers	16.28	1.00	1.06		.09

Modification Page 2

Modification Page 3

Modification Page 2

DECISION NO. FL81-1240 - MOD. #2 (46 FR 30248 - June 5, 1981) Duval County, Florida	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Plumbers	$14.05	.70	.80		.12
Sheet Metal Workers	12.35	3%+.91	1.08		.15
DECISION NO. FL81-1190 - MOD. #4 (46 FR 15643 - March 6, 1981) Palm Beach & Martin Counties, Florida					
Change:					
POWER EQUIPMENT OPERATORS					
Group I	13.70	.74	.80		.17
Group II	13.55	.74	.80		.17
Group III	13.05	.74	.80		.17
Group IV	12.60	.74	.80		.17
Group V	12.45	.74	.80		.17
Group VI	12.10	.74	.80		.17
Group VII	11.85	.74	.80		.17
Group VIII	11.75	.74	.80		.17
Group IX	11.15	.74	.80		.17
Plumbers:					
Commercial: (51 or more plbg. fixtures, with 41 or more tons A/C)	12.84	.77	1.55		.16
Commercial: (50 or less plbg. fixtures, with 40 or less tons A/C)	11.70	.77	1.55		.16
Industrial	16.12	.77	1.55		.16

Modification Page 3

DECISION NO. FL81-1254 - MOD. #1 (46 FR 33180 - June 26,1981) Bay County, Florida	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Sprinkler Fitters	$11.90	.85	1.20		.13
DECISION NO. FL81-1260 - MOD. #3 (46 FR 34968 - July 6, 1981) Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Site in Brevard & Volusia Counties, Florida					
Change:					
Roofers:					
Roofers	10.00	.45	.45		.10
Kettlemen	8.55	.45	.45		.10
DECISION NO. FL81-1270 - MOD. #1 (46 FR 37166 - July 17,1981) Broward County, Florida					
Change:					
Power Equipment Operators					
Group I	13.70	.74	.80		.17
Group II	13.55	.74	.80		.17
Group III	13.05	.74	.80		.17
Group IV	12.60	.74	.80		.17
Group V	12.45	.74	.80		.17
Group VI	12.10	.74	.80		.17
Group VII	11.85	.74	.80		.17
Group VIII	11.75	.74	.80		.17
Group IX	11.15	.74	.80		.17
Roofers:					
Roofers	11.20	.60	.20	.90	
Kettlemen	10.23	.60	.20	.90	

Modification Page 4

DECISION NO. HI81-5141 - Mod. #1 (46 FR 41312 - August 14, 1981) Statewide, Hawaii	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electricians; Linemen	$13.64	1.22	1.94+15%	11.6%	.55
Technicians	14.05	1.22	1.94+15%	11.6%	.55
Cable Splicers	15.00	1.22	1.94+15%	11.6%	.55
LINE CONSTRUCTION WORKERS:					
Electricians; Linemen	13.64	1.22	1.94+15%	11.6%	.55
Technicians		1.22	1.94+15%	11.6%	.55
Heavy Equipment Operator	12.28	1.22	1.94+15%	11.6%	.55
Groundmen	10.23	1.22	1.94+15%	11.6%	.55
Cable Splicers	15.00	1.22	1.94+15%	11.6%	.55
PAINTERS:					
Brush	13.05	.84	3.00	1.00	.10
Tapers	13.30	.84	3.00	1.00	.10
Spray; Sandblaster	13.55	.84	3.00	1.00	.10
ROOFERS	12.90	1.25	1.70	.65	.15
DECISION NO. IL81-1050 - MOD. #1 (46 FR 40429 - August 7, 1981) Adams, Brown, Bureau, Fulton, Hancock, Henderson, Henry, Knox, LaSalle, Livingston, Logan, McDonough, McLean, Marshall, Mason, Menard, Mercer, Pike, Putnam, Rock Island, Schuyler, Stark, Warren, & Woodford Cos., Illinois					
Change:					
Carpenters; Millwrights; Piledrivermen; & Soft Floor Layers:					
Bureau (W. of Hwy #88), Henry, Mercer, & Rock Island Cos.:					
Carpenters; Soft Floor Layers	$14.91	.75	1.30		.08
Millwrights	16.65	.75	1.45		.25
Piledriverman	15.41	.75	1.30		.08

Modification Page 5

DECISION NO. LA81-4024 - MOD. #7 (46 FR 24820 - May 1, 1981) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit all rates & classifications for Zone 3 Roofers					
ADD:					
Roofers:					
Zone 3:					
Roofers	$10.48	.75	.85		.04
Preparers removes old roofing material, places, stocks or moves material, tools or equipment for the journeyman	5.00				
CHANGE:					
Electricians:					
Zone 3 - Electricians	16.75	.55	3%+.40		5/10%
Cable splicers	17.25	.55	3%+.40		5/10%
Plumbers & pipefitters:					
Zone 3	13.10	1.05	1.20		.10
Truck drivers:					
Zone 4 - Group 1	10.18				
Group 2	10.48				
Group 3	10.63				
Group 4	10.83				
Group 5	10.98				
Group 6	10.78				
Power equipment operators:					
Zone 1 - Group 1	8.97	.65	1.10		.10
Group 2	9.71	.65	1.10		.10
Group 3	9.80	.65	1.10		.10
Group 4	10.17	.65	1.10		.10
Group 5	11.40	.65	1.10		.10
Group 6	11.45	.65	1.10		.10
Zones 3 & 4 - Group 1	8.82	.65	1.10		.10
Group 2	9.73	.65	1.10		.10
Group 3	9.82	.65	1.10		.10
Group 4	10.24	.65	1.10		.10
Group 5	12.17	.65	1.10		.10
Group 6	11.92	.65	1.10		.10

Modification Page 6

Modification Page 7

DECISION NO. LA81-4024 - MOD. #7 (cont'd)

DECISION NO. LA81-4024 - MOD. #7 (Cont'd)

POWER EQUIPMENT OPERATORS - ZONE 1 CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler
GROUP 2 - Oiler-Driver
GROUP 3 - Scaleman
GROUP 4 - Air compressor, Asphalt plant; bulldozers, D-4 & equivalent & under; bullfloats; concrete spreader; finishing machines; concrete mixer (16-s or less); concrete saw; distributors (bitum surface); dowell bar machine; farm-type tractor (with all attachments except backhoe); fireman; fork lifts (other than setting steel, machinery or pipe); hoist, 1 drum less than 4 stories; kolum buff machine; pull cats; pump (3" & over); pump, concrete (under 6"); rollers, except on asphalt or brick; straddle buggies; sweepers on streets & roads (motorized); winch truck, A-frame (other than handling steel or pipe); Front end loader 1½ yd. bucket & below
GROUP 5 - Asphalt spreader; backhoe; bulldozer, over D-4 & equivalent; cableways; concrete mixer, over 16-s; cranes; derrick; ditching or trenching machines; draglines; fork lifts (setting steel, machinery or pipe); front end loaders over 1½ yd. bucket (except farm-type tractors); grease serviceman; hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); hoist, 2 drums & over; hydrolifts; heavy duty mechanic; motor patrols; piledrivers; pump, concrete (6" & over); road pavers; rollers on asphalt or brick; scoopmobiles; scrapers; sideboom cats; shovels; tractorvators; welder, journeyman; well point system; winch cats (hoisting); winch truck, A-frame (handling steel or pipe)
GROUP 6 - Unit & well point operator

POWER EQUIPMENT OPERATORS - ZONE 3 CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler
GROUP 2 - Oiler-Driver
GROUP 3 - Scaleman
GROUP 4 - Air compressor, Asphalt plant; bulldozers, D-4 & equivalent & under; bullfloats; concrete spreader; finishing machines; concrete mixer (16-s or less); concrete saw; distributors (bitum surface); dowell bar machine; farm-type tractor (with all attachments except backhoe); fireman; fork lifts (other than setting steel, machinery or pipe); hoist, 1 drum less than 4 stories; kolum buff machine; pull cats; pump (3" & over); pump, concrete (under 6"); rollers, except on asphalt or brick; straddle buggies; sweepers on streets & roads (motorized); winch truck, A-frame (other than handling steel or pipe)
GROUP 5 - Asphalt spreader; backhoe; bulldozer, over D-4 & equivalent; cableways; concrete mixer, over 16-s; cranes; derrick; ditching or trenching machines; draglines; fork lifts (setting steel, machinery or pipe); front end loaders (except farm-type tractors); grease serviceman; hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); hoist, 2 drums & over; hydrolifts; heavy duty mechanic; motor patrols; piledrivers; pump, concrete (6" & over); road pavers; rollers on asphalt or brick; scoopmobiles; scrapers; sideboom cats; shovels; tractorvators; welder, journeyman; winch cats (hoisting); winch truck, A-frame (handling steel or pipe)
GROUP 6 - Unit & well point operator

DECISION NO. LA81-4024 - MOD. #7 (cont'd)

POWER EQUIPMENT OPERATORS - ZONE 4 CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler
GROUP 2 - Oiler-Driver
GROUP 3 - Scaleman
GROUP 4 - Air compressor, Asphalt plant; bulldozers, D-4 & equivalent & under; bullfloats; concrete spreader; finishing machines; concrete mixer (16-s or less); concrete saw; distributors (bitum surface); dowell bar machine; farm-type tractor (with all attachments except backhoe); fireman; fork lifts (other than setting steel, machinery or pipe); hoist, 1 drum less than 4 stories; kolum buff machine; pull cats; pump (3" & over); pump, concrete (under 6"); rollers, except on asphalt or brick; straddle; buggies; sweepers on streets & roads (motorized); winch truck, A-frame (other than handling steel or pipe)
GROUP 5 - Asphalt spreader; backhoe; bulldozer, over D-4 & equivalent; cableways; concrete mixer, over 16-s; cranes; derrick; ditching or trenching machines; draglines; fork lifts (setting steel, machinery or pipe); front end loaders (except farm-type tractors); grease serviceman; hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); hoist, 2 drums & over; hydrolifts; heavy duty mechanic; motor patrols; piledrivers; pump, concrete (6" & over); road pavers; rollers on asphalt or brick; scoopmobiles; scrapers; sideboom cats; shovels; tractorvators; welder, journeyman; winch cats (hoisting); winch truck, A-frame (handling steel or pipe)
GROUP 6 - Unit operator

DECISION NO. LA81-4027 - MOD. #6 (46 FR 24834 - May 1, 1981) Bossier, Caddo & Calcasieu Pars., Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Calcasieu Parish:					
Electricians	$16.75	.55	3%+.40		5/10%
Cable splicers	17.25	.55	3%+.40		5/10%
DECISION NO. LA81-4046 - MOD. # 3 (46 FR 34074 - July 6, 1981) Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles Pars., Louisiana					
CHANGE:					
Electricians:					
Zone 1 - Electricians	16.75	.55	3%+.40		5/10%
Cable splicers	17.25	.55	3%+.40		5/10%

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MO81-4034 - Mod. #2 (46 FR 28102 - May 12, 1981) STATEWIDE, MISSOURI					
Change:					
Cement Masons					
Zone 1	$13.925	.80	.85		
Electricians:					
Zone 6	14.79	.91	3%+5½%	15½%	.10
Zone 7					
Electrical contracts over $15,000.00	14.79	.91	3%+5½%	15½%	.10
Zone 8	13.84	.91	3%+5½%	15½%	.10
Zone 9	10.70	.91	3%+5½%	15½%	.10
Zone 10	7.36	.91	3%+5½%	15½%	.10
Zone 13	14.47	.60	3%+1.00	7%	.01
Zone 14					
Electricians	12.26	.65	3%+1.00	5%	.01
Cable splicers	12.61	.65	3%+1.00	5%	.01
Ironworkers:					
Zone 1	14.725	.80	1.05		.06
Zone 5	14.95	.80	1.05		.06
Painters:					
Zone 1					
Brush and roller	13.59	.55	.75		.08
Spray	14.59	.55	.75		.08
Bridge	14.34	.55	.75		.08
Zone 4					
Brush and roller	11.00	1.00	.70	.50	
Spray, structural steel & sandblasting	12.25	1.00	.70	.50	
Zone 7					
Brush, roller	11.77		.55		
Spray	12.27		.55		
Zone 8					
Brush	11.70		.20		
Spray & steel	12.20		.20		

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MT81-5138 - Mod. #1 (46 FR 40439 - August 7, 1981) Statewide, Montana					
Change:					
Carpenters:					
Area 1:					
Carpenters	$11.93	.90	$1.25		.06
Millwrights	12.93	.90	1.25		.06
Piledrivermen	12.18	.90	1.25		.06
Ironworkers:					
Area 1	14.15	1.05	1.60		.15
Area 3	14.41	1.05	1.60		.15
Line Construction:					
Statewide, except Flathead, Lake and Lincoln Counties:					
Linemen, Pole Sprayer	14.71	.45	3%+.50		1/2%
Cable Splicers	15.73	.45	3%+.50		1/2%
Line Equipment Operator; Powderman	13.00	.45	3%+.50		1/2%
Groundman	10.52	.45	3%+.50		1/2%
Painters:					
Area 6	13.67	.84	.50		.04
Sheet Metal Workers:					
Area 1	15.47	.83	.66		.24
Area 2	15.38	.83	.98		.24
Area 3	15.19	1.34	.98		.24
Area 4	15.19	.83	.75		.24
Area 5	14.99	.83	.98		.24
DECISION #MT81-5139 - Mod. #1 (46 FR 40448 - August 7, 1981) Statewide, Montana					
Change:					
Bricklayers; Marble Masons:					
Area 3	16.20		.90		
Carpenters:					
Area 1:					
Carpenters	12.05	.90	1.25		.06
Millwrights	13.05	.90	1.25		.06
Piledrivermen	12.30	.90	1.25		.06

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DECISION NO. MT81-5139 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 2:					
Carpenters	$11.93	.90	$1.25		.06
Millwrights	12.93	.90	1.25		.06
Piledrivermen	12.18	.90	1.25		.06
Area 3:					
Carpenters	11.93	.90	1.25		.06
Millwrights	12.93	.90	1.25		.06
Piledrivermen	12.18	.90	1.25		.06
Area 4:					
Carpenters	12.52	.90	1.25		.06
Millwrights and Piledrivermen	12.77	.90	1.25		.06
Area 5:					
Carpenters	11.93	.90	1.25		.06
Millwrights	13.12	.90	1.25		.06
Piledrivermen	12.23	.90	1.25		.06
Area 6:					
Carpenters	11.93	.90	1.25		.06
Millwrights	12.93	.90	1.25		.06
Piledrivermen	12.18	.90	1.25		.06
Area 7:					
Carpenters	11.93	.90	1.25		.06
Millwrights	12.93	.90	1.25		.06
Piledrivermen	12.18	.90	1.25		.06
Area 10:					
Carpenters	11.93	.90	1.25		.06
Millwrights	12.93	.90	1.25		.06
Piledrivermen	12.18	.90	1.25		.06
Electricians:					
Area 3	11.47		3%		1/2%
Ironworkers:					
Area 1	14.15	1.05	1.60		.15
Area 3	14.41	1.05	1.60		.15
Line Construction:					
Statewide, except Flathead, Lake and Lincoln Counties:					
Lineman, Pole Sprayer	14.71	.4%	3%+.50		1/2%
Cable Splicer	15.73	.4%	3%+.50		1/2%
Line Equipment Operator; Powderman	13.00	.4%	3%+.50		1/2%
Groundman	10.52	.4%	3%+.50		1/2%

DECISION NO. MT81-5139 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Area 6	$13.67	.84	.50		.04
Sheet Metal Workers:					
Area 1	15.47	.83	.66		.24
Area 2	15.38	.83	.98		.24
Area 3	15.19	1.34	.98		.24
Area 4	15.19	.83	.75		.24
Area 5	14.99	.83	.98		.24
DECISION #MT81-5140 - Mod. #1 (46 FR 40467 - August 7, 1981)					
Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow, and Valley Counties, Montana					
Change:					
Carpenters:					
Area 1:					
Carpenters	12.05	.90	1.25		.06
Piledrivermen; Saw Filer; Sawman	12.30	.90	1.25		.06
Millwrights	13.05	.90	1.25		.06
Area 2:					
Carpenters	12.52	.90	1.25		.06
Piledrivermen and Millwrights	12.77	.90	1.25		.06
Area 3:					
Carpenters	11.93	.90	1.25		.06
Piledrivermen	12.23	.90	1.25		.06
Millwrights	13.12	.90	1.25		.06
Area 4:					
Carpenters	11.93	.90	1.25		.06
Piledrivermen	12.18	.90	1.25		.06
Millwrights	12.93	.90	1.25		.06

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DECISION NO. MT81-5140 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 5:					
Carpenters	$11.93	.90	$1.25		.06
Piledriverman	12.18	.90	1.25		.06
Millwrights	12.93	.90	1.25		.06
Area 7:					
Carpenters	11.93	.90	1.25		.06
Piledrivermen	12.18	.90	1.25		.06
Millwrights	12.93	.90	1.25		.06
Painters:					
Area 3	10.93	.84	.50		.04
Sheet Metal Workers:					
Area 1	15.19	.83	.75		.24
Area 2	14.99	.83	.98		.24
Area 3	15.38	.83	.98		.24
Area 4	15.19	1.34	.98		.24

DECISION NO. PA79-3020 - MOD. #6
(44 FR 42880 - July 20, 1979)
Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania

DECISION NO. PA80-3025 - MOD. #11
(45 FR 25015 - April 11, 1980)
Adams & York Counties, Pennsylvania

DECISION NO. PA80-3026 - MOD. #9
(45 FR 25017 - April 11, 1980)
Lehigh County, Pennsylvania

DECISION NO. PA80-3027 - MOD. #10
(45 FR 266654 - April 18, 1980)
Schuylkill County, Pennsylvania

DECISION NO. PA80-3028 - MOD. #9
(45 FR 25019 - April 11, 1980)
Berks County, Pennsylvania

DECISION NO. PA80-3029 - MOD. #11
(45 FR 38069 - April 25, 1980)
Labanon County, Pennsylvania

DECISION NO. PA80-3030 - MOD. #7
(45 FR 36764 - May 30, 1980)
Luzerne County, Pennsylvania

DECISION NO. PA80-3031 - MOD. #8
(45 FR 59747 - August 29, 1980)
Bradford, Tioga, Union Counties, Pennsylvania

DECISION NO. PA80-3032 - MOD. #9
(45 FR 36767 - May 30, 1980)
Columbia, Montour & Snyder Counties, Pennsylvania

DECISION NO. PA80-3037 - MOD. #9
(45 FR 29522 - May 2, 1980)
Sullivan County, Pennsylvania

DECISION NO. PA80-3038 - MOD. #9
(45 FR 35148 - May 23, 1980)
Lancaster County, Pennsylvania

DECISION NO. PA80-3043 - MOD. #10
(45 FR 45849 - July 7, 1980)
Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania

DECISION NO. PA80-3044 - MOD. #9
(45 FR 49839 - July 25, 1980)
Northumberland County, Pennsylvania

DECISION NO. PA80-3056 - MOD. #7
(45 FR 60748 - September 12, 1980)
Lackawanna, Susquehanna, Wayne and Wyoming Counties, Pennsylvania

DECISION NO. PA80-3060 - MOD. #6
(45 FR 67531 - October 10, 1980)
Lycoming County, Pennsylvania

DECISION NO. PA80-3075 - MOD. #5
(45 FR 80638 - December 5, 1980)
Northampton County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
DESCRIPTION OF WORK: "excluding sewage and water treatment plant projects"					
OMIT:					
Description of Work: Heavy & Highway Construction					
Heavy & Highway:					
Carpenters/Piledrivermen					
Laborers					
Power Equipment Operator					
Truck Drivers					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4006 - MOD. #6 (46 FR 1547 - January 6, 1981) Brazos County, Texas					
CHANGE: Sheet metal workers	$15.26	3%+.525	.825	.42	.10
DECISION NO. TX81-4016 - MOD. #6 (46 FR 20450 - April 3, 1981) Travis County, Texas					
CHANGE: Sheet metal workers	14.87	3%+.65	1.32		.12
DECISION NO. TX81-4032 - MOD. #6 (46 FR 25981 - May 8,1981) Galveston & Harris Cos., Texas					
CHANGE: Sheet metal workers	15.26	3%+.525	.825	.42	.10
DECISION NO. TX81-4038 - MOD. #5 (46 FR 30287 - June 5, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE: Electricians: Zone 2:					
Electricians	14.70	.60	8%		1%
Cable splicers	15.62	.60	8%		1%

DECISION NO. TX81-4045 - MOD. #2
(46 FR 35892 - July 10, 1981)
Bexar County, Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Sheet metal workers	$14.87	3%+.65	1.32		.12
Plumbers & pipefitters	15.93	.75	.88		.10

DECISION NO. UT81-5117 - Mod, #4
(46 FR 25986 - May 8, 1981)
Statewide, Utah

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	AREA 1	AREA 2	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:						
Power Equipment Operators:						
Heavy and Highway Construction:						
Group 1	$12.51	$14.51	$1.38	$2.15	$1.22	.17
Group 2	12.86	14.86	1.38	2.15	1.22	.17
Group 3	13.04	15.04	1.38	2.15	1.22	.17
Group 4	13.15	15.15	1.38	2.15	1.22	.17
Group 5	13.61	15.61	1.38	2.15	1.22	.17
Group 6	13.76	15.76	1.38	2.15	1.22	.17
Group 6-A	13.87	15.87	1.38	2.15	1.22	.17
Group 7	14.17	16.17	1.38	2.15	1.22	.17
Group 7-A	14.23	16.23	1.38	2.15	1.22	.17
Group 8	14.29	16.29	1.38	2.15	1.22	.17
Group 9	14.45	16.45	1.38	2.15	1.22	.17
Group 10	14.89	16.89	1.38	2.15	1.22	.17
Group 10-A	15.85	17.85	1.38	2.15	1.22	.17
Group 10-B	16.30	18.30	1.38	2.15	1.22	.17
Group 11	16.46	18.46	1.38	2.15	1.22	.17

DECISION NO. UT81-5117 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Steel Erection:					
Group 1	$13.70	$1.38	$2.15	$1.22	.17
Group 2	14.15	1.38	2.15	1.22	.17
Group 3	15.38	1.38	2.15	1.22	.17
Group 4	15.55	1.38	2.15	1.22	.17
Group 4-A	15.92	1.38	2.15	1.22	.17
Group 5	16.52	1.38	2.15	1.22	.17
Group 6	17.04	1.38	2.15	1.22	.17
Group 7	17.40	1.38	2.15	1.22	.17
Group 8	17.75	1.38	2.15	1.22	.17
Group 9	19.01	1.38	2.15	1.22	.17
Piledriving:					
Group 1	13.13	1.38	2.15	1.22	.17
Group 1-A	13.54	1.38	2.15	1.22	.17
Group 1-B	13.79	1.38	2.15	1.22	.17
Group 2-A	13.79	1.38	2.15	1.22	.17
Group 2-B	14.44	1.38	2.15	1.22	.17
Group 2-C	14.69	1.38	2.15	1.22	.17
Group 2-D	14.87	1.38	2.15	1.22	.17
Group 3	15.05	1.38	2.15	1.22	.17
Group 3-A	15.57	1.38	2.15	1.22	.17
Group 4	16.23	1.38	2.15	1.22	.17
Group 5	16.44	1.38	2.15	1.22	.17
Group 6	17.81	1.38	2.15	1.22	.17
Omit:					
Group 6-A rate from Steel Erection, and Classifications					

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SUPERSEDEAS DECISION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. VA81-3015-Mod. #7 (46 FR 15666-March 6,1981) Radford Army Ammunition Plant, Virginia CHANGE: ELECTRICIANS	$11.85	.50	3%		5%
DECISION NO. WY81-510S - Mod. #5 (46 FR 20477 - April 3, 1981) Converse, Goshen, Laramie, Natrona, Niobrara, and Platte Counties, Wyoming					
Change:					
Asbestos Workers	$15.39	.75	$1.49		
Bricklayers; Stonemasons: Area 1	13.64	.70	.50		.07
Cement Masons: Cement Masons	13.20	.55			.15
Working on swinging stage or temporary platform over 20 ft.	13.70	.55			.15
Composition material, epoxy	13.70	.55			.15
Elevator Constructors	14.88	1.345	.95	a	.035
Elevator Constructors' Helpers	10.42	1.345	.95	a	.035
Elevator Constructors' Helpers (Prob.)	7.44				

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: *SEE BELOW
DECISION NUMBER: IL81-2055 DATE: Date of Publication
Supersedes Decision No. IL79-2073, dated September 14, 1979 in 44 FR 53616
DESCRIPTION OF WORK: Heavy & Highway Construction Projects (including Dredging)

*Bureau, Carroll, Henry, JoDaviess, Lee, Ogle, Rock Island, Stephenson, Whiteside, & Winnebago

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Bureau Co.	$14.78	1.00	1.15		.06
Carroll, JoDaviess, & Stephenson Cos.	13.40	.75	.75		
Henry, Ogle (Oregon & S. thereof), & Rock Island Cos.	14.72	.75	1.30		.08
Lee Co.	13.225	.55	1.00		
Ogle (N. of Oregon), & Winnebago Cos.	12.15	.65	2.00		
Whiteside Co.	13.30	.75	.75		
CEMENT MASONS:					
Bureau Co.	15.80		1.00		
Carroll, JoDaviess, Lee, Ogle, Stephenson, & Whiteside (Exclu. Erie & SW thereof) Cos.	14.11	.90	1.25		
Henry (E ½) Co.	13.95		1.00		
Henry (W ½), Rock Island, & Whiteside (Erie & SW thereof) Cos.	12.57	.70	.60		
Winnebago Co.	11.78	.55	1.00		
ELECTRICIANS:					
Bureau (Walnut, Ohio, Lamoille, Clareton, Bureau, Dover, Cherry Malden, Arlington, Berlin, & Westfield Twps.) Co.	17.40	.88	3%+.88		.4%
Bureau (Arispe, Concord, Fairfield, Gold, Greenville, Hall, Indiantown, Leepertown, Macon, Manilus, Milo, Mineral, Neponset, Princeton, Shelby, Wheatland & Wyanet Twps.), & Henry (Annawan, Burns, Cambridge, Galva, Kewanee, Weller & Whethersfield Twps.) Cos.	15.80	.55	3%+.70		4%
Henry Co. (Annawan, Burns, Cambridge, Galva, Kewanee, Weller & Whethersfield Twps.) Contracts not exceeding $4,000.00	15.30	.55	3%+.70		4%

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DECISION NO. IL81-2055

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carroll (Cherry Grove, Shannon, Rock Creek, Lima, Wysox & Elk Elkhorn Grove Twps.), JoDaviess (Warren, Rush, Nora, Stockton, Wards Grove, Pleasant Valley & Berrenman Twps.), Lee, Ogle, Stephenson, Whiteside (Genesee, Jordan, Hopkins, Sterling, Hume, Montgomery, Tampico, & Hahnaman Twps.), & Winnebago Cos.	$15.38	.75	3%+.80		1%
Carroll (Chadwick, Mt. Carroll, Savanna & Thompson Cities), Henry (Rem. of Co.), JoDaviess (Savanna Ordnance Plant), Rock Island, & Whiteside (Rem. of Co.) Cos.	16.34	.70	7.5%		.06
JoDaviess (Rem. of Co.) Co.	13.55	.75	3%+.50		3/4%
IRONWORKERS:					
Bureau Co.	16.58	.915	1.355		.02
Carroll (Thompson, Savanna & Vic.), Henry, JoDaviess (E. Dubuque, Galena, Hanover & Vic.), Rock Island, & Whiteside (W½) Cos.	14.60	.75	1.125		.30
Carroll (Rem. of Co.), JoDaviess (Rem. of Co.), Lee, Ogle, Stephenson, Whiteside (E½), & Winnebago Cos.	14.25	.90	1.375		.10
LABORERS:					
Henry Co.:					
Unskilled	12.80	.65	1.25		.05
Semi-Skilled	13.00	.65	1.25		.05
Skilled	13.20	.65	1.25		.05
LINE CONSTRUCTION:					
Bureau Co.:					
Lineman	15.80	.45	3%		.5%
Groundmen Equipment Operators	14.74	.45	3%		.5%
Groundman Truck Drivers:					
W/Winch	11.20	.45	3%		.5%
WO/Winch	10.54	.45	3%		.5%
Groundman	10.05	.45	3%		.5%

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DECISION NO. IL81-2055

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carroll (E. part inclu. Cities of Lanark, Milledgeville, & Shannon), JoDaviess (Apple River & E. thereof), Lee, Ogle, Stephenson, Whiteside (E. of Clyde, Lyndon, Mt. Pleasant & Prophetstown), & Winnebago Cos.:					
Linemen; Diggers Operator; & Crane Operator (15 tons or over)	$15.29	.60	3%	a	1%
Equipment Operator	12.96	.60	3%	a	1%
Truck Drivers	10.30	.60	3%	a	1%
Groundman	9.96	.60	3%	a	1%
Carroll (Rem. of Co.), Henry, JoDaviess, Rock Island, & Whiteside Cos.:					
Lineman; Heavy Equipment Ops. & Technicians	14.07	.45	3%		1%
Cable Splicers	14.17	.45	3%		1%
Dynamiter	11.97	.45	3%		1%
Groundman Equipment Op.	11.39	.45	3%		1%
Groundman Truck Drivers:					
W/Winch	10.04	.45	3%		1%
WO/Winch; Groundmen	9.72	.45	3%		1%
PAINTERS:					
Bureau Co.:					
Brush	11.00	.60	.45		
Sandblasting; Spray	12.00	.60	.45		
Carroll, Lee, Ogle, & Whiteside Cos.:					
Brush	10.53				
Spray; Structural Steel	10.88				
Henry, JoDaviess, & Rock Island Cos.:					
Brush; Roller	13.77	.70	1.50		.22
Spray; Structural Steel	14.27	.70	1.50		.22
Bridges	15.02	.70	1.50		.22
Stephenson & Winnebago Cos.:					
Brush; Roller	14.45	.90	.50		.02
Open Structural	14.70	.90	.50		.02
Spray	15.00	.90	.50		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN:					
Bureau Co.	14.78	1.00	1.00		.03
Henry, Ogle (Oregon & Smuth thereof), Rock Island, & Whiteside (W. of Hwy #78) Cos.	15.41	.75	1.30		.08
Lee (E ½ inclu. Roxbury & Compton) & Ogle (Rochelle & Vic.) Cos.	14.78	1.00	1.35		.02
Lee (Rem. of Co.) Co.	14.80	.55	.50		
Whiteside (E. of Hwy #78) Co.	12.73	.75	.75		.04
Winnebago Co.	13.26	.65	1.47		
TRUCK DRIVERS:					
Carroll (N. of Rte #72 & E. of Rte #78), JoDaviess (E. of Rte #78 exclu. Stockton), Stephenson, & Winnebago Cos.:					
2-3 Axles	12.00	.55	1.00		
4 Axles	12.15	.55	1.00		
5 Axles	12.35	.55	1.00		
6 Axles	12.55	.55	1.00		
Lee (E. of Rte #51), & Ogle (E. of Rte #51) Cos.:					
2-3 Axles	12.25	29.00b	33.00b		
4 Axles	12.40	29.00b	33.00b		
5 Axles	12.60	29.00b	33.00b		
6 Axles	12.80	29.00b	33.00b		

FOOTNOTES:
a. 4 Paid Holidays: Memorial Day; July 4th; Labor Day; & Thanksgiving Day
b. Per Week Per Employee

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ILL-50-LAB-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Bureau County					
Unskilled	$12.67	.65	1.20		.04
Semi-Skilled	12.87	.65	1.20		.04
Skilled	13.07	.65	1.20		.04

Unskilled Laborers: Common; Carpenter Tenders; Tool Cribman; Firemen or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting and Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers; Wrecking-Dismantling Buildings; Wallmen and Housemovers; Driving of Stakes; Stringlines for All Machinery

Semi-Skilled Laborers: Handling of Materials Treated with Oil, Creosote, Asphalt and/or other Foreign Material; Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/Steel Workers and Rebars; Concrete Workers (Wet); Tunnel Tenders in Free Air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Units used for Wet Concrete or Handling of Building Materials; Laborers w/Dewatering Systems; All Sewer Workers, plus Depth; Asphalt Raker; Grade Checker; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (Bulk or Bag); Cofferdam Workers, plus Depth (on Concrete Paving); Placing, Cutting and Tying or Reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Bankmen on Floating Plant

Skilled Laborers: Dynamite Man or Blasters; Caisson Workers, plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout Man; Steel Form Setters (Street and Highway); Air Tamping Hammerman; Signal Man on Crane; Concrete Saw Operator; Screedman on Asphalt Pavers; Laborers Tending Masons w/Hot Materials are used; Multiple Concrete Duct-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Scalemen; Portable or Temporary Plant; Laborers Handling Masterplate or similar materials; Laser Beam Operator; Coring Machine Operator; Concrete Burning Machine Operator

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LABORERS: Rock Island County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Unskilled	11.27	.50	1.00		.035
Semi-Skilled	11.52	.50	1.00		.035
Skilled	11.77	.50	1.00		.035

UNSKILLED - Common Laborer; Carpenter Tender; Flagman; Gravel Box Men; Dumpman & Spotter; Form Handlers; Fencing Laborers; Cleaning Lumber; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Scaleman; Deck Hand

SEMI-SKILLED - Laying & Jointing of Telephone Conduit; Barco & Jackhammer Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Jumper; Puddler; Power & Hand Saw (when clearing timber); Center Strip; Reinforcing in Concrete; Wire Mesh; Concrete Saw; Mortar Mixer; Prime Mover or any Mechanical Device taking the place of Concrete Buggy or Wheelbarrow; Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on Joints; Shooting Hammer Drivers (2-Men); Backup Man or Joint Man with Pipelayer; Laborer in Ditch or Tunnel on Sewer & Water Main & Telephone Conduit; Gas Distribution Man; Pipe Setter on Laterals, Drain Tiles, Culvert Pipe, & Storm Sewer Connections to Catch Basins, Manholes or Main Line; Handling of Materials treated with Oil, Creosote, Asphalt and/or any Foreign Material harmful to Skin or Clothing; Chloride Handlers; The Unloading & Laborers with Steel Workers & Re-Bars; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant

SKILLED - String or Wireline (1 Man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on Sewer & Water Main; Gunnite Nozzle Man; Welders; Cutters; Burners & Torchman; Screedman on Asphalt Pavers; Luteman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coring Machine Operator; Head Grade Man

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carroll, JoDaviess, Lee, Ogle (Exclu. City of Rochelle), Stephenson, & Whiteside Cos.:					
Class I	$12.80	.65	.80		.05
Class II	13.00	.65	.80		.05
Class III	13.10	.65	.80		.05
Ogle (City of Rochelle) Co.:					
Class I	12.30	.65	1.30		.05
Class II	12.50	.65	1.30		.05
Class III	12.60	.65	1.30		.05
Winnebago Co.:					
Class I	12.45	.65	1.15		.05
Class II	12.65	.65	1.15		.05
Class III	12.75	.65	1.15		.05

CLASS I: Common Laborers; Carpenters' Tenders; Tool, Cribmen, Firemen, or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers; Driving of Stakes; Stringlines for all Machinery; Asphalt Workers with Machine & Layers; Grade Checker; Signal Man on Crane; Coring Machine Operator; Concrete Workers (wet), on Concrete Paving; Placing, Cutting and Typing of Reinforcing Steel Form Setters-Street and Highway

CLASS II: Scaffold Workers; Handling of Materials Treated with any Foreign Matter Harmful to Skin or Clothing; Bulk Cement Handlers; Unloading of Re-Bars; Tunnel Tenders in Free Air; Batch Dumpers; Mason Tenders; Kettle and Tar Men; Tank Cleaners; Plastic Installers; Motorized Buggies or Motorized Unit Used for Wet Concrete or Handling of Building Materials; Vibrator Operators; Mortar Mixer Operators; Cement Silica; Clay Fly Ash; Lime and Plasters Handlers (Bulk or Bag); Deck Hand; Dredge Hand and Shore Laborers; Bankmen on Floating Plant; Power Tools; Material Selector (Firebrick or Castable Material); Chain Saw Operators; Air Tamping Hammerman; Concrete Saw Operator; Front End Man on Chip Spreader; Luteman; Asphalt Raker

CLASS III: Jackhammer and Drill Operators; Laborers with De-Watering Systems; Bottom Sewer Workers Plus Depth; Cofferdam Workers Plus Depth; Caisson Workers Plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders, Cutters, Burners, & Torchmen; Layout Man and/or Tile Layer; Screenman on Asphalt Pavers; Laborers Tending Masons with Hot Material; Multiple Concrete Duct-Leadman; Curb Asphalt Machine Operator; Ready-Mix Scalemen; Permanent, or Temporary Plant; Laser Beam Operator; Concrete Burning Machine Operators; Underpinning and Shoring of Building; Pump Men

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POWER EQUIPMENT OPERATORS:
Henry (W½), Rock Island, & Whiteside (W½) Cos.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$14.80	1.00	.90		.08
CLASS 2	14.80	1.00	.90		.08
CLASS 3	13.40	1.00	.90		.08
CLASS 4	13.40	1.00	.90		.08
CLASS 5	12.35	1.00	.90		.08

Class 1: Cranes; Shovels; Clamshells; Draglines; Backhoes; Derricks; Cableways; Dual Drum Pavers; Concrete Spreaders (behind 2 pavers); Asphalt Spreaders; Asphalt Mixer Plant Engineers; Dipper Dredge Operator; Dipper Dredge Cranemen; Dual Purpose Trucks (Boom or Winch); Leverman or Engine Men (Hydraulic Dredge); Mechanics; Paving Mixers (16-E to 34-E); Paving Mixers with Tower attached (2 operators required); Pile Drivers; Boom Tractors; Stationary, Portable, or Floating Mixing Plants; Trenching Machines; Building Hoists (2-drums); Hot Paint Wrapping Machines; Cleaning and Priming Machines, on basement excavating work; Backfillers (throw bucket); Locomotive Engineers

Class 2: Athey, Barber Greene, Euclid or Haise Loaders; Asphalt Pug Mills; Firemen and Driers; Concrete Pumps; Concrete Spreaders (behind 1 paver); Bulldozers; End Loaders (other than mentioned above); Fork-lifts; Elevating Graders; Grout Equipment Greasers; LeTourneaupull and similar machines; Power Blades; Power Subgraders (on Forms and similar machines); Push Cats; Tractors pulling Elevating Graders or Power Blades; Tractors with power attachments; Rollers on Asphalt or Blacktop; Single drum Hoists; Jaeger Mix and Place Machines; Pipe Bending Machines; Welding Machines (3 to 4); Fuller Kennyon Cement Pumps or similar machines; Automatic cement and gravel Batch Plants (1 stop set-up)

Class 3: Asphalt Bodsters; Firemen and Pump Operators at Asphalt Plants; Compressors (500 cu. ft. and over); Concrete Finishing Machines; Form Graders with Rollers on earth; Mixers (3 bag to 16-E); Power operating Bull Floats; Tractors without power attachment; Dope Pots (agitating motor); Dope Chop Machines; Distributors (Backend); Flex-planes; Boat Operator; Hydrohammers; Power Winch on paving work; Self-propelled earth Rollers or Compactors (other than paving work); Pump Operator (more than 1 well point pump); Portable Crusher Operator

Class 4: Air Compressors (275 C.F.M. or over); Drivers on Truck Cranes; Conveyors; Light Plants; Mixers (1 or 3 bag); Power Batching Machines (Cement Auger or Conveyor); Boiler Engineer or Firemen; Water Pumps; Welding Machines; Mechanical Brooms; Automatic cement and gravel Batch Plants (2 or 3 stop set-up); Small Rubber-tired Tractors

Class 5: Oilers; Mechanic Helpers; Water Pumps (pumping water to Paver); Mechanical Heaters (other than Steam Boiler)

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POWER EQUIPMENT OPERATORS
Bureau & Henry (E½) Cos.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$15.92	.75	.80		.05
GROUP 2	15.72	.75	.80		.05
GROUP 3	14.77	.75	.80		.05
GROUP 4	14.50	.75	.80		.05
GROUP 5	13.06	.75	.80		.05

GROUP 1: Cranes; Hydro Crane; Shovels; Crane type Backfiller; Tower Cranes, Mobile & Crawler & Stationary; Derricks & Hoist (3-drum); Dragline; Drott Yumbo & similar Types considered as Cranes; Backhoe; Derrick Boats; Pile Driver & Skid Rigs; Clam Shells; Locomotive Cranes; Road Pavers, Single Drum, Dual Drum & Tri Batcher; Motor Patrols & Power Blades, Dumore, Elevating & Similar types; Mechanics; Central Concrete Mixing Plant Op.; Blacktop Plant Ops. & Plant Engineers; Gradall; Caisson Rigs, requires Oiler; Skimmer Scoop, Koehring Scooper; Dredges (all types); Hoptoe, Crane type (require Oiler); Escalated rate on Crane & Derricks Booms, $.01 per hour, per ft., over 80' incl. jib; All Cherry Pickers; Cherry Pickers (Over 15 ton require Oiler); Work Boat; Ross Carrier; Helicopter; Dozer & Tournadozer

GROUP 2: Asphalt Heater & Planer Combination (used to plane streets); Trench Machines; Pump Crete; Belt Crete; Squeeze Crete; Screw type Pumps & Gypsum; Bulker & Pump; Dinkeys; Tournapulls, all, & similar types; Multiple Unit Earth Movers, $.25 per hour for each scoop over one; Scoops (all sizes); Pushcats; End Loaders (all types); Side Booms; P-H One Pass Soil Cement Machines & similar types; Wheel Tractors (industrial or farm type with Dozer, Hoe, End Loader or other attachments; Backfillers; Asphalt Surfacing Machine; Euclid Loader; Fork Lifts; Formless Finishing Machine; Jeep with Ditching Machine or other attachments; Tune-luger; Rockcrusher; Automatic Cement & Gravel Batching Plants; Mobile Drills (Soil Testing); & Similar types; Pugmill with Pump; Flaherty Spreader & similar types (require Oiler); Heavy Equipment Greaser (Top Greaser on Spread); Power Launches; Boring Machine & Pipe Jacking Machine; C.M.I. & similar types (require Oiler); All (1) & (2) Drum Hoists; Dewatering System; Straw Blower; Hydro-seeder; Boring Machine; Hydro-broom; Starting Engineer on Pipeline; F.W.D. & similar types

GROUP 3: Apsco Spreader or similar types; Tractors (track-type) without Power Units pulling Rollers; Rollers on Asphalt-brick or Macadam; Concrete Breakers; Concrete Spreaders; Center Stripper; Cement Finishing Machines; Vibro Tampers (all similar types) self-propelled; Mechanical Bull Floats; Mixers, over 3 bag to 27E; Winch & Boom Trucks; Tractor, pulling Power Blade or Elevating Grader; Porter Tex Rail; Clary Screed; Mule, pulling Rollers; Pugmill without Pump; Barber Greene or similar Loaders; Track-type Tractors with Power unit attached (minimum); Fireman; Screed Man on Laydown Machine; & Spray Machine on Paving

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POWER EQUIPMENT OPERATORS (CONT'D):

GROUP 4: Power Subgrader; Oil Distributor; Straight Tractor; Tracair (without attachments); Curb Machines; Paved Ditch Machines; Truck Crane Oiler; & Truck type Hoptoe Oilers

GROUP 5: Herman Nelson Heater, Dravo, Warner, Silent Glo & Similar types: One Engineer will operator 1 - 5 & after 5, two Operators will be required; Self-propelled Concrete Saws; Assistant Heavy Equipment Greaser; Crawler Crane & Skid Rig Oilers; Rollers, 5 tons & under on Earth & Gravel; Form Graders; Pump (1) or (2); Light Plant (1) or (2); Generator (1) or (2); Conveyor (1) or (2); Mixer, 3 bags & under; Bulk Cement Plant; Air Compressor (1) or (2); & Welding Machine (1) or (2)

POWER EQUIPMENT OPERATORS: Carroll, JoDaviess, Lee, Ogle, Stephenson, Whiteside (E½), & Winnebago Cos.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class 1	$13.60	$1.20	$1.20	.70	.05
Class 2	13.05	1.20	1.20	.70	.05
Class 3	12.30	1.20	1.20	.70	.05
Class 4	11.20	1.20	1.20	.70	.05
Class 5	10.20	1.20	1.20	.70	.05

Class 1: Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Spreader; Autograde; Belt Loader; Caisson Rigs; Central Redimix Plant; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Linden, Peco and Machines of a like nature; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature; Derricks; All Derrick Boats; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature, 1 cu. yd. and over; Mucking Machine, under 1 cu. yd.; Piledrivers and Skid Rig; Pre-stress Machine; Pump Cretes, Dual Ram (requiring frequent lubrication and water); Rock Drill, Crane type; Slip Form Paver; Straddle Buggies; Tractor w/boom; Tractaire w/attachments; Trenching Machine; Underground Boring and/or Mining Machine, under 5 ft.; Wheel Excavator Widener (Apsco)

POWER EQUIPMENT OPERATORS (Cont'd)

Class 2: Mechanic-welder; Batch Plant; Bituminous Mixer; Bulldozer; Combination Backhoe Front End Loader Machine; Concrete Breaker of Hydro-hammer; Concrete Grinding Machine; Concrete Mixer or Paver, 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine and Sealing Machine; Finishing Machine; Concrete Grader; Motor Patrol; Auto Patrol; Form Grader; Pull Grader; Subgrader; Highlift Shovels or Front End Loader; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pump Cretes: Squeeze Cretes, Screw type Pumps; Cypsum Bulker and Pump; Rock Drill (self-propelled); Roto-tiller; Seaman, etc.; Self-propelled Scoops; Tractor drawn, self-propelled Compactor, Spreader, Chipstone, etc.; Scraper; Tank Car Heater; Tractor, push, pulling Sheeps Foot, disc.; Compactor, etc.; Tug Boats

Class 3: Boilers; Boiler and Throttle Valve; Brooms, all power propelled; Cement Supply Tender; Compressor Throttle Valve; Concrete Mixer (2 bags and over); Conveyor, portable; Fireman on Boiler; Forklift Trucks; Greaser Engineer; Grouting Machine Hoists; Automatic Hoists; All Elevator Hoists; Tugger, single drum; Jeep Diggers; Pipe Power Saw, Concrete; Power-driven Pug Mills; Rollers, all; Steam Generators; Stone Crushers; Stump Machine; Winch Truck with "A" Frame; Work Boats; Tamper; Form Motor driven

Class 4: Air Compressors, all; Generators; Heaters; Mechanical Light Plants, all (1 through 5); Pumps, all; Pumps, well points; Tractaire; Welding Machines (2 through 6)

Class 5: Oilers

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ILL-82-TD-1-2-3

TRUCK DRIVERS: Bureau, Carroll, (Exclu. N. or Rte #72 & E. of Rte #78), Henry, JoDaviess (W. of Rte #78 inclu. Stockton), Lee (W. of Rte #51), Ogle (W. of Rte #51), Rock Island, Whiteside, & Williamson Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$13.30	$1.00	$46.00a		
GROUP II	13.70	1.00	46.00a		
GROUP III	13.90	1.00	46.00a		
GROUP IV	14.15	1.00	46.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

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DREDGING:
Bureau & Henry (E ½) Cos.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$13.07	.45	.80		.05
GROUP 2	12.87	.45	.80		.05
GROUP 3	12.495	.45	.80		.05
GROUP 4	12.22	.45	.80		.05
GROUP 5	11.61	.45	.80		.05

GROUP 1 - Operators on Hydraulic Dipper or Clamshell Dredges, Engineers & Repairmen, Operators on Work Boats

GROUP 2 - Power Winches 1-2-3 Drums

GROUP 3 - Security Engineer

GROUP 4 - Cranemen on Dipper Dredges, Operators on Launches or Power Boats

GROUP 5 - Firemen & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: See below
DECISION NUMBER: KY81-1281 DATE: DATE OF PUBLICATION
~~Supersedes Decision Number KY80-1107, dated October 17, 1980~~ in 45 FR 69145
DESCRIPTION OF WORK: HEAVY & HIGHWAY CONSTRUCTION PROJECTS

Adair, Barren, Bell, Breathitt, Casey, Clay, Clinton, Cumberland, Estill, Floyd, Garrard, Green, Harlan, Hart, Jackson, Johnson, Knott, Knox, Lawrence, Laurel, Lee, Leslie, Letcher, Lincoln, McCreary, Magoffin, Martin, Menifee, Metcalfe, Monroe, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russel, Taylor, Wayne, Whitley & Wolfe	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$10.40	.45	.45	.25	
Carpenters	10.60	.65	.55	.35	
Cement Masons	10.45	.65	.55	.35	
Electricians	15.66	.45	3% +.50		½ of 1%
Ironworkers	13.45	1.00	2.85		.10
Laborers:					
Asphalt lute & rakeman & side rail setter	9.05	.65	.55	.35	
Drill operator of percussion type drills which are both powered & propelled by an independent air supply	9.95	.65	.55	.35	
Operator of following: wagon drill, chain saw, jack hammer, concrete saw, sand blaster, concrete chipper, pavement breaker, vibrator, power wheel barrow, power buggy, - sewer pipe layer, bottom men, dry cement handler, concrete rubber, mason tender	9.00	.65	.55	.35	
Gunnite operator & nozzleman	7.05	.65	.55	.35	
Hand blade operator, deck hand or scow man	6.80	.65	.55	.35	

KY81-1281 cont.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers cont.					
Batch Truck Dumper	$8.90	.65	.55	.35	
Caisson Worker	8.05	.65	.55	.35	
General laborer & flagmen	8.65	.65	.55	.35	
Tunnel Miner, blaster & driller (Free Air)	9.60	.65	.55	.35	
Tunnel Mucker (Free Air)	9.25	.65	.55	.35	
Tunnel Laborer (Free Air)	9.00	.65	.55	.35	
Powderman	10.25	.65	.55	.35	
Painters:					
Guard Rail	10.60	.45	.45	.25	
Structural	11.60	.45	.45	.25	
Piledrivermen	10.25	.65	.55	.35	
Plumbers & Pipefitters	15.63	.70	1.25		.05
Sheet Metal Workers	10.45	.45	.45	.25	
Truck Drivers:					
Truck tender	6.80	.65	.55	.35	
Driver - winch truck & A-frame when used in transporting materials	6.90	.65	.55	.35	
Driver - distributor, dump truck tandem axle, semi-trailer or pole trailer	9.10	.65	.55	.35	
Driver - mixer trucks (all types)	9.15	.65	.55	.35	
Truck mechanic	9.20	.65	.55	.35	
Driver - 3 tons & under, tire changer & mechanic tender	9.23	.65	.55	.35	
Driver - pavement breakers	9.25	.65	.55	.35	
Driver - over 3 tons	9.44	.65	.55	.35	
Driver - Euclid & other earth moving equipment & low boy	10.01	.65	.55	.35	
Greaser on grease facilities	10.10	.65	.55	.35	
Welders - Rate for craft					

KY81-1281 cont.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Welders - Rate for craft below apprentice					
Power equipment operators:					
Asphalt plant operator	9.05	.65	.55	.35	
Asphalt roller	9.05	.65	.55	.35	
Backfiller	9.05	.65	.55	.35	
Boom truck	9.05	.65	.55	.35	
Bulldozer	9.05	.65	.55	.35	
Concrete pump	9.05	.65	.55	.35	
Crane	9.05	.65	.55	.35	
Crane oiler	9.05	.65	.55	.35	
Elevating grader	9.05	.65	.55	.35	
Fireman	9.05	.65	.55	.35	
Front end loader	9.05	.65	.55	.35	
Grader	9.05	.65	.55	.35	
Hoist	9.05	.65	.55	.35	
Mechanic	9.05	.65	.55	.35	
Mixer	9.05	.65	.55	.35	
Oiler	9.05	.65	.55	.35	
Pavement breaker	9.05	.65	.55	.35	
Power shovel	9.05	.65	.55	.35	
Roller	9.05	.65	.55	.35	
Scraper	9.05	.65	.55	.35	
Spreader	9.05	.65	.55	.35	
Tractor	9.05	.65	.55	.35	
Trenching machine	9.05	.65	.55	.35	
Power equipment operators below apprentice					
Roofers	9.00	.65	.55	.35	
Sheeters	10.45	.45	.45	.25	
Soft floor layers	10.45	.45	.45	.25	
Steamfitters	15.63	.70	1.25		.05
Surveyors	10.45	.45	.45	.25	
Terrazzo Workers	10.45	.45	.45	.25	
Tile Setters	10.45	.45	.45	.25	
Tile Setters Helper	8.35	.45	.45	.25	
Truck crane driver	9.05	.65	.55	.35	
Welders - Rate for craft below apprentice					

KY81-1281 cont.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Welders - Rate for craft below apprentice					
Power equipment operators:					
Asphalt plant operator	9.05	.65	.55	.35	
Asphalt roller	9.05	.65	.55	.35	
Backfiller	9.05	.65	.55	.35	
Boom truck	9.05	.65	.55	.35	
Bulldozer	9.05	.65	.55	.35	
Concrete pump	9.05	.65	.55	.35	
Crane	9.05	.65	.55	.35	
Crane oiler	9.05	.65	.55	.35	
Elevating grader	9.05	.65	.55	.35	
Fireman	9.05	.65	.55	.35	
Front end loader	9.05	.65	.55	.35	
Grader	9.05	.65	.55	.35	
Hoist	9.05	.65	.55	.35	
Mechanic	9.05	.65	.55	.35	
Mixer	9.05	.65	.55	.35	
Oiler	9.05	.65	.55	.35	
Pavement breaker	9.05	.65	.55	.35	
Power shovel	9.05	.65	.55	.35	
Roller	9.05	.65	.55	.35	
Scraper	9.05	.65	.55	.35	
Spreader	9.05	.65	.55	.35	
Tractor	9.05	.65	.55	.35	
Trenching machine	9.05	.65	.55	.35	
Power equipment operators below apprentice					
Roofers	9.00	.65	.55	.35	
Sheeters	10.45	.45	.45	.25	
Soft floor layers	10.45	.45	.45	.25	
Steamfitters	15.63	.70	1.25		.05
Surveyors	10.45	.45	.45	.25	
Terrazzo Workers	10.45	.45	.45	.25	
Tile Setters	10.45	.45	.45	.25	
Tile Setters Helper	8.35	.45	.45	.25	
Truck crane driver	9.05	.65	.55	.35	
Welders - Rate for craft below apprentice					

KYB1-1281 cont.

POWER EQUIPMENT OPERATORS Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$13.22	.65	1.20		.08
Class B	10.39	.65	1.20		.08
Class C	9.59	.65	1.20		.08
Class D	13.72	.65	1.20		.08

NOTE: Railroad and highway bridges across commercially navigable rivers; i.e. navigable to loaded barge two, (including setting of super structure steel on bridges) shall recieve the heavy rate of pay

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, Ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German & other types), hydrocrane, backfiller, gurries, subgrader
Class B - All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.) welding machine, form grader, roller (rock), tugger, tractor (50 HP & over), bull float, finish machine, outboard motor boat, well points, flexplane fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair & road widening trencher, grout pump, electric vibrator, compactor, self-propelled compactor, throttlevalve, elevator (one drum or buck hoist), power sweeper (riding type), core drill & caisson drill helper (truck mounted)
Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine; tractors (under 50 HP), vibrator, oiler, concrete saw, burlap & curing machine, hydro-seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill & caisson drill helper (track or skid mounted).
Class D - Operators on cranes with booms one hundred fifty feet (150') & over (including jib

KYB1-1281 cont.

POWER EQUIPMENT OPERATORS Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$11.72	.65	1.20		.08
Class B	9.30	.65	1.20		.08
Class C	9.68	.65	1.20		.08
Class D	9.04	.65	1.20		.08

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, Ross carrier, side boom, rotary drill (5" & over), mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German & other types), hydrocrane, backfiller, gurries, subgrader, tailboom & dredge engineer
Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 HP or over), bull float, finish machine, outboard motor boat, electric vibrator, compactor, self-propelled compactor, boom type tamping machine, truck crane oiler, switchman or brakeman, mechanic helper, whirley oiler, tractair & road widening trencher, joint sealing machine, rotary drill (under 5"), throttlevalve man tugger, well points, flexplane, fireman & hoist (one drum)
Class C - Greaser on grease facilities servicing heavy equipment
Class D - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap & curing machine, hydro-seeder, power form handling equipment, deckhand oiler, & hydraulic post driver

UNLISTED CLASSIFICATIONS needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: See below
DECISION NUMBER: KY81-1282 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY80-1109 dated October 3, 1980 in 45 FR 65883

DESCRIPTION OF WORK: HEAVY & HIGHWAY CONSTRUCTION PROJECTS
Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Gruenup, Hardin, Harrison, Henry, Jefferson, Jessamine, LaRue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington & Woodford

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$11.44	.50	.40		.01
Carpenters					
Heavy	12.01	.80	.80		.05
Highway	11.11	.80	.80		.05
Cement Masons	10.94	1.00	.70		.08
Electricians	16.14	1.00	3% +1.61		½ of 1%
Ironworkers	13.45	1.00	2.85		.10
Millwrights					
Heavy	12.76	.80	.80		.05
Highway	11.86	.80	.80		.05
Painters					
Brush	11.07	.55	.60		.03
Spray	11.52	.55	.60		.03
Bridge work - work on bridges over navigable water shall carry a premium of $2.00 per hour added to the base rate					
Piledrivermen					
Heavy	12.26	.80	.80		.05
Highway	11.36	.80	.80		.05
Pipefitters	12.77	.75	1.40		.10
Plumbers	13.28	.80	1.24		.15
Welders - Rate for craft					

DECISION NO. KY81-1282 cont.

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Tender	$10.43	*a	*b		
Mobile batch truck tender	10.43	*a	*b		
Greaser, tire changer, & mechanic tender	10.54	*a	*b		
Driver - Single axle dump, & flat bed trucks, semi-trailer or pole trailer when used to pull building materials & equipment, dump truck, tandem axle, distributor & truck mechanic	10.72	*a	*b		
Driver - Mixer truck (all types)	10.75	*a	*b		
Driver - Euclid & other heavy earth moving equipment, low boy, winch truck & A-frame truck (when used in transporting materials) Ross carrier, fork lift truck (when used to transport building materials), & pavement breakers	10.82	*a	*b		

FOOTNOTES:
a. 28.50 for health & Welfare per week
b. 37.00 for Pension per week
*Fringe benefits apply to employees who have been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer

Unlisted Classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

DECISION NO. KY81-1282 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power equipment operators					
Asphalt plant	11.86	.80	.80		.05
Backhoe	11.86	.80	.80		.05
Boom Truck	11.86	.80	.80		.05
Bulldozer	11.86	.80	.80		.05
Concrete pump	11.86	.80	.80		.05
Crane	11.86	.80	.80		.05
Grader	11.86	.80	.80		.05
Hoist	11.86	.80	.80		.05
Loader	11.86	.80	.80		.05
Mechanic	11.86	.80	.80		.05
Oiler	11.86	.80	.80		.05
Roller	11.86	.80	.80		.05
Scraper	11.86	.80	.80		.05
Trackhoe	11.86	.80	.80		.05
Trackhoe Mounted Pile Driver	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Mechanic	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Oiler	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Roller	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Scraper	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Pile Driver	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Mechanic	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Oiler	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Roller	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Scraper	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Pile Driver	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Mechanic	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Oiler	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Roller	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Scraper	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Pile Driver	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Mechanic	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Oiler	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Roller	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Scraper	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Pile Driver	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Mechanic	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Oiler	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Roller	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Scraper	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Pile Driver	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Mechanic	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Oiler	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Roller	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Scraper	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Pile Driver	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Mechanic	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Oiler	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Roller	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Scraper	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Pile Driver	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor	11.86	.80	.80		.05
Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane Trackhoe Mounted Vibratory Hammer Extractor Crane	11.86	.80	.80		.05

DECISION NO. KY81-1282 cont.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.72	.70	.70		
Group 2	9.97	.70	.70		
Group 3	10.02	.70	.70		
Group 4	10.62	.70	.70		

Group 1 - Asphalt plant laborers, concrete laborers, asphalt laborers, storm & sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers & placers, landscaping & seeding, planters & tree trimmers, sign, guard rail & fence installers, grade checkers, aging & curing of concrete, truck spotters & dumpers, batch truck dumpers, flagmen, rip-rap & grouters, dredging laborers, right-of-way laborers, wrecking & demolition laborers, drill helper, & hand digging & hand back filling

Group 2 - Wagon drills, jack hammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sand blaster & concrete chippers, green concrete cutting, brickmason tenders & mortar mixers, pipe layers, joint makers, batter board men (sanitary & storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, walk-behind trenching machine, operator & deckhand scow man, burner & welder

Group 3 - Powderman blasters, side rail setters (including rail paved ditches), tunnel laborers (free air), gunnite laborers & mixer man, gunnite nozzleman, asphalt luteman & rakeman, air tract driller (all types), grout pump operator

Group 4 - Tunnel blasters, tunnel muckers (free air), miners & drillers (free air), caisson workers (free air)

KY81-1282 cont.

POWER EQUIPMENT OPERATORS Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$13.22	.65	1.20		.08
Class B	10.39	.65	1.20		.08
Class C	9.59	.65	1.20		.08
Class D	13.72	.65	1.20		.08

NOTE: Railroad and highway bridges across commercially navigable rivers; i.e. navigable to loaded barge two, (including setting of super structure steel on bridges) shall recieve the heavy rate of pay

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, Ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German & other types), hydrocrane, backfiller, gurries, subgrader

Class B - All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.) welding machine, form grader, roller (rock), tugger, tractor (50 HP & over), bull float, finish machine, outboard motor boat, well points, flexplane fireman, boom type tamping machine, truck crane oiler, greaser on grease facilties servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair & road widening trencher, grout pump, electric vibrator, compactor, self-propelled compactor, throttlevalve, elevator (one drum or buck hoist), power sweeper (riding type), core drill & caisson drill helper (truck mounted)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap & curing machine, hydro-seeder, power form handling equipment, deckhand steerman, hydraulic pont driver, core drill & caisson drill helper (truck or skid mounted).

Class D - Operators on cranes with booms one hundred fifty feet (150') & over (including jib

KY81-1282 cont.

POWER EQUIPMENT OPERATORS Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$11.72	.65	1.20		.08
Class B	9.30	.65	1.20		.08
Class C	9.68	.65	1.20		.08
Class D	9.04	.65	1.20		.08

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats core drill, tow or push boat, A-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, Ross carrier, side boom, rotary drill (5" & over), mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German & other types), hydrocrane, backfiller, gurries, subgrader, tailboom & dredge engineer

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 HP or over), bull float, finish machine, outboard motor boat, electric vibrator, compactor, self-propelled compactor, boom type tamping machine, truck crane oiler, switchman or brakeman, mechanic helper, whirley oiler, tractair & road widening trencher, joint sealing machine, rotary drill (under 5"), throttlevalve man tugger, well points, flexplane, fireman & hoist (one drum)

Class C - Greaser on grease facilities servicing heavy equipment

Class D - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap & curing machine, hydro-seeder, power form handling equipment, deckhand oiler, & hydraulic post driver

UNLISTED CLASSIFICATIONS needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: MAINE STATEWIDE

DECISION NO.: ME81-3057 DATE: DATE OF PUBLICATION

Supersedeas Decision No. ME81-3008, dated January 16, 1981, in ~~46 FR 4261~~

DESCRIPTION OF WORK: Highway Construction Projects excluding major bridges (for example, bascule, suspension and spandrel arch bridges; those bridging waters presently navigable or to be made navigable; and those involving marine construction in any degree); tunnels, building structures in rest area projects and railroad construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Androscoggin County	5.66				
Aroostook County	5.51				
Cumberland County	5.26				
Franklin County	5.67				
Hancock County	6.00				
Kennebec County	5.66				
Knox County	5.21				
Lincoln County	5.59				
Oxford County	5.64				
Penobscot County	5.50				
Piscataquis County	5.55				
Sagadahoc County	5.39				
Somerset County	5.43				
Waldo County	5.31				
Washington County	5.00				
York County	6.50				
CEMENT MASONS:					
Androscoggin County	4.98				
Aroostook County	5.08				
Cumberland County	9.10				
Franklin County	6.03				
Kennebec County	6.35				
Lincoln County	6.21				
York County	6.50				
CEMENT FINISHERS:					
Aroostook County	5.71				
Kennebec County	6.35				
ELECTRICIANS:					
Aroostook County	8.35				
Cumberland, Kennebec, Lincoln, Sagadahoc and Counties	7.58				
Penobscot County	7.52				
IRONWORKERS:					
Cumberland County	5.89				

DECISION NO. ME81-3057

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
REINFORCING:					
Aroostook County	5.00				
Franklin County	5.75				
Kennebec County	5.75				
Lincoln County	5.16				
Penobscot County	4.18				
Piscataquis County	5.16				
Sagadahoc County	5.46				
York County	4.18				
STRUCTURAL & ORNAMENTAL:					
Aroostook County	5.64				
Franklin County	6.31				
Lincoln County	5.38				
Sagadahoc County	6.25				
LABORERS:					
ASPHALT RAKERS/WHEELMAN:					
Androscoggin County	5.96				
Aroostook County	5.51				
Cumberland County	5.84				
Franklin County	5.72				
Hancock County	5.04				
Kennebec County	5.13				
Knox County	5.17				
Lincoln County	5.39				
Oxford County	5.10				
Penobscot County	5.50				
Piscataquis County	5.50				
Sagadahoc County	5.13				
Somerset County	5.54				
Washington County	4.73				
York County	6.25				
POWER TOOL OPERATOR:					
Aroostook & Piscataquis Cos.	4.50				

DECISION NO. ME81-3057

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Cont'd):					
BLASTER, POWDERMEN:					
Aroostook County	5.33				
CHAIN SAW OPERATORS:					
Aroostook County	5.00				
Hancock, Penobscot & York Cos.	4.00				
Kennebec County	4.50				
Penobscot County	4.25				
Somerset County	4.56				
DRILLERS, WAGON DRILL:					
Aroostook County	5.75				
Lincoln & Penobscot County	5.50				
LABORERS:					
Androscoggin County	4.75				
Aroostook County	4.39				
Cumberland County	4.51				
Franklin County	4.18				
Hancock County	3.91				
Kennebec County	4.18				
Knox County	3.87				
Lincoln County	4.21				
Oxford County	4.53				
Penobscot County	4.10				
Piscataquis County	4.33				
Sagadahoc County	4.00				
Somerset County	3.37				
Waldo County	3.62				
Washington County	4.27				
York County	4.61				
TRUCK DRIVERS:					
3 AXLE:					
Cumberland County	4.68				
Penobscot County	3.60				
Oxford County	4.64				
Sagadahoc County	4.15				
Somerset County	4.17				

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DECISION NO. ME81-3057

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Cont'd):					
3 AXLE:					
Cumberland County	5.15				
Penobscot County	4.10				
Oxford County	4.61				
Sagadahoc County	4.39				
Somerset County	4.10				
2 & 3 AXLE:					
Androscoggin County	5.25				
Aroostook County	4.83				
Franklin County	4.48				
Hancock County	4.69				
Kennebec County	4.56				
Knox County	4.44				
Lincoln County	4.57				
Piscataquis County	4.93				
Waldo County	4.12				
Washington County	4.22				
York County	4.84				
TRAILER DRIVER:					
York County	6.00				
SPECIAL EARTH MOVING EQUIPMENT:					
Androscoggin County	4.75				
Aroostook County	6.25				
Hancock County	6.00				
Lincoln County	6.00				
York County	7.00				
POWER EQUIPMENT OPERATORS:					
ASPHALT PAVERS:					
Androscoggin County	5.93				
Aroostook County	7.12				
Cumberland County	6.60				
Franklin County	5.74				
Hancock County	7.12				
Kennebec County	5.40				
Knox County	6.53				
Lincoln County	5.38				
Oxford County	5.30				
Penobscot County	7.12				
Piscataquis County	6.90				
Sagadahoc County	5.49				
Somerset County	6.54				
Waldo County	8.45				
Washington County	5.30				
York County	6.25				

DECISION NO. ME81-3057

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
BACKHOE:					
Androscoggin County	7.96				
Aroostook County	7.00				
Cumberland County	7.33				
Franklin County	7.33				
Hancock County	6.31				
Kennebec County	7.01				
Knox County	7.62				
Lincoln County	5.59				
Oxford County	7.39				
Penobscot County	6.74				
Piscataquis County	7.98				
Sagadahoc County	6.07				
Somerset County	7.07				
Waldo County	8.45				
Washington County	7.02				
York County	9.00				
BULLDOZER:					
Androscoggin County	7.45				
Aroostook County	7.00				
Cumberland County	8.45				
Franklin County	6.69				
Hancock County	6.66				
Kennebec County	6.76				
Knox County	6.60				
Lincoln County	6.48				
Oxford County	6.70				
Penobscot County	6.40				
Piscataquis County	6.40				
Sagadahoc County	6.07				
Somerset County	8.45				
Waldo County	7.38				
Washington County	6.50				
York County	9.00				
CRANE/DRAGLINE:					
Androscoggin County	5.75				
Aroostook County	5.94				
Cumberland County	6.25				
Franklin County	8.19				
Hancock County	7.50				
Kennebec County	8.00				

DECISION NO. ME81-3057

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
CRANE/DRAGLINE (Cont'd):					
Lincoln County	7.25				
Oxford County	6.75				
Penobscot County	6.43				
Piscataquis County	6.80				
Sagadahoc County	7.25				
Washington County	6.00				
York County	11.09				
CRUSHER SCREENING PLANT OPERATOR:					
Androscoggin County	5.35				
Aroostook County	5.33				
Cumberland County	8.00				
Franklin County	5.44				
Hancock County	5.21				
Sagadahoc County	7.25				
Somerset County	6.45				
Washington County	5.40				
FRONT END LOADERS:					
Androscoggin County	7.40				
Aroostook County	6.36				
Cumberland County	8.45				
Franklin County	6.50				
Hancock County	6.67				
Kennebec County	6.02				
Knox County	5.25				
Lincoln County	5.25				
Oxford County	6.00				
Penobscot County	6.40				
Piscataquis County	6.17				
Sagadahoc County	5.91				
Somerset County	6.61				
Waldo County	8.45				
Washington County	5.50				
York County	8.29				

DECISION NO. ME81-3057

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
GRADALL:					
Androscoggin County	6.30				
Aroostook County	7.50				
Cumberland County	8.45				
Franklin & Kennebec Cos.	8.70				
Hancock County	5.81				
Knox County	8.34				
Lincoln County	8.15				
Penobscot County	8.70				
Piscataquis County	7.12				
Sagadahoc County	6.81				
Washington County	7.00				
York County	8.35				
GRADER:					
Androscoggin County	8.25				
Aroostook County	7.60				
Cumberland County	8.45				
Franklin County	6.00				
Hancock County	6.61				
Kennebec County	6.00				
Knox County	8.45				
Lincoln County	6.73				
Oxford County	7.71				
Penobscot County	8.45				
Piscataquis County	6.71				
Sagadahoc County	6.67				
Somerset County	7.57				
Waldo County	8.45				
Washington County	8.45				
York County	9.00				
HYDROSEEDER:					
Aroostook County	5.25				
Cumberland County	5.25				
Franklin County	5.25				
Hancock County	4.50				
Kennebec County	4.75				
Knox County	5.13				
Lincoln County	4.50				
Somerset County	4.25				
Waldo County	4.77				
Washington County	4.38				
York County	5.25				

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DECISION NO. ME81-3057	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
MECHANIC:					
Androscoggin County	5.63				
Aroostook County	5.50				
Franklin County	7.09				
Hancock County	4.50				
Kennebec County	7.25				
Knox County	8.00				
Lincoln County	6.87				
Oxford County	4.75				
Penobscot County	6.84				
Piscataquis County	6.04				
Sagadahoc County	5.72				
Somerset County	6.45				
Waldo County	8.00				
Washington County	5.38				
York County	9.00				
MULCHER:					
Aroostook County	5.00				
Franklin County	4.50				
Hancock County	4.50				
Kennebec County	5.25				
Knox and Lincoln County	4.50				
Somerset County	4.50				
Waldo County	4.88				
ROLLER, EMBANKMENT:					
Aroostook County	7.12				
Cumberland County	5.40				
Hancock County	5.00				
Oxford County	5.20				
Washington County	4.82				
York County	4.64				
ROLLER, PAVEMENT:					
Androscoggin County	5.45				
Aroostook County	7.12				
Cumberland County	6.25				
Franklin County	5.76				
Hancock County	7.12				
Kennebec County	5.16				

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DECISION NO. ME81-3057	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
ROLLER, PAVEMENT Cont'd):					
Knox County	8.45				
Lincoln County	4.93				
Oxford County	6.25				
Penobscot County	6.62				
Piscataquis County	7.13				
Sagadahoc County	4.45				
Somerset County	5.90				
Washington County	5.50				
Waldo County	8.45				
York County	5.77				
SCRAPERS:					
Aroostook County	6.76				
Hancock County	4.92				
SHOVEL:					
Hancock County	6.00				
Waldo County	6.00				

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

SUPERSEDEAS DECISION

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SUPERSEDEAS DECISION

STATE: MASSACHUSETTS COUNTY: WORCESTER
DECISION NUMBER: MA81-3050 DATE: DATE OF PUBLICATION
Supersedes Decision Number MA80-2045 dated July 7, 1980 in FR 45794
DESCRIPTION OF WORK: Building Construction (including Residential) heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.08	1.17	.80		.01
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS, CEMENT MASONS, PLASTERERS, AND STONEMASONS:					
Warren	12.40	1.13	1.30		.06
Hopedale, Milford, and Southboro	11.60	1.20	1.00		.09
Residential and veneer plasterers	9.28	1.20	1.00		.09
Ashburnham, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Princeton, Royalston Sterling, Templeton, Westminster and Winchendon	12.20	.90	.70		.09
Residential and Veneer plasterers	9.76	.90	.70		.09
Remainder of County	11.50	.95	1.35		.02
CARPENTERS, SOFT FLOOR LAYERS:					
Hardwick, Warren, W. Brookfield	12.15	.60	1.00		.07
Remainder of County	12.50	.75	1.00		.07
ELECTRICIANS:					
Warren, W. Warren	13.28	.85	3%+.40		.03
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipston, Westminster, and Winchendon	13.20	.75	3%+1.15		.02
Remainder of County	14.28	8%	3%+.94		.01
ELEVATOR CONSTRUCTORS	12.21	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	8.55	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' PROBATIONARY HELPERS	6.105				
GLAZIERS:					
Warren, W. Warren	11.30	.47	.45		.005
Remainder of County	13.70	.92	1.19		.03
IRONWORKERS	13.25	1.15	2.05		.10

DECISION NO. MA81-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING):					
Laborers, Carpenter tenders and wrecking laborers	9.55	.75	1.10		.10
Jackhammer operators, Pavement breakers, Asphalt rakers, Carbide core drilling machine, Chain saw operators, Pipelayers Barco type jumping tampers Laser beam, Concrete pump, Mason tenders, Mortar mixers, Ride-on motorized buggies, and fence and beam rail erectors	9.80	.75	1.10		.10
Air track, block pavers, Rammers and Curb setters	10.50	.75	1.10		.10
Blasterers and powdermen	10.55	.75	1.10		.10
Pre-Cast Floor and Roof Plank Erectors	10.05	.75	1.10		.10
LATHERS:					
Sturbridge and Warren	10.85		.25		.01
Blackstone and Luneburg	11.90	1.00	.55		.03
Remainder of County	12.50	.75	1.00		.07
LINE CONSTRUCTION:					
Line	13.50	.70	3%+.50	c	3/8 of 1%
Equipment Operator	12.06	.70	3%+.50	c	3/8 of 1%
Driver groundman	9.64	.70	3%+.50	c	3/8 of 1%
Groundman	8.82	.70	3%+.50	c	3/8 of 1%
MARBLE, TILE AND TERRAZZO WORKERS:					
Auburn, Barre, Blackstone, Berlin, Bolton, Boylston, The Brookfields, Charlton, Clinton, Dudley, Grafton, Hardwich, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, Westboro, West Boylston, Worcester	11.50	.95	1.15		.02

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DECISION NO. MA81-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE, TILE, AND TERRAZZO WORKERS: (CONT'D)					
Ashburnham, Fitchburg, Harvard, Lancaster, Leominister, Luneburg, Princeton, Sterling, Westminister	11.40	.85	1.50		
MARBLE, TILE, AND TERRAZZO FINISHER	10.34	.90	.75		
PAINTERS:					
Warren, West Warren:					
Brush and Tapers	10.82	.92	.93		.08
Spray and Sandblasting	14.69	.92	.93		.08
Swing and chair work and steel riding under 40 feet	11.01	.92	.93		.08
Swing and chair work and steel riding 40 feet and over	11.32	.92	.93		.08
Holedale, Mendon, Milford, Southboro, Upton, and Westboro:					
Brush	11.85	.85	.80		.03
Spray, sandblast, and epoxy	12.85	.85	.80		.03
Steel	13.10	.85	.80		.03
Repaint (Brush)	11.30	.85	.80		.03
Reminder of County:					
Brush	13.43	.90	1.65		.04
Steel	15.55	.90	1.65		.04
Sandblasting; Spray	14.43	.90	1.65		.04
Repaint	11.42	.90	1.65		.04
Residential	10.07	.90	1.65		.04
SIGN PAINTERS, ERECTORS & FABRICATORS	10.25	.84	.50	.82	.04
PILEDRIVERMEN	13.15	1.00	1.00		
PIPEFITTERS:					
Holedale and Southboro	15.07	1.30	1.08		.05
Remainder of County	12.38	.80	1.00		.05
Pondville	15.61	.94	1.45		.07

DECISION NO. MA81-3050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Holedale and Southboro	15.07	1.30	1.08		.05
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leoinster, Lunenburg, Petersham, Phillipston Royalston, Templeton, Westminister and Winchendon	11.71	.90	.90	4%	.05
Remainder of County	13.58	1.15	.90		.05
ROOFERS:					
New Construction	12.00	1.12	.98		.02
Reroof	10.25	1.12	.98		.02
SHEET METAL WORKERS	12.25	1.09	1.46		
SRINKLER FITTERS	15.29	.95	1.40		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
b. Holidays: A through G
c. Holidays: A through F and Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

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DECISION NO. MA81-3050	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (HEAVY & HIGHWAY)					
CLASS I	10.80	.75	1.10		.05
CLASS II	11.05	.75	1.10		.05
CLASS III	11.55	.75	1.10		.05
CLASS IV	11.80	.75	1.10		.05

CLASSIFICATIONS

CLASS I - Carpenter tenders, Cement finisher tenders, Laborers, Wrecking laborers

CLASS II - Asphalt rakers, Fence and guard rail erectors, Laser beam operator, Mason tender, Pipelayer, Pneumatic drill operator, Pneumatic tool operator, Wagon drill operator

CLASS III - Air track operator, Block pavers, Rammers Curb Setters

CLASS IV - Blasters, Powdermen

DECISION NO. MA81-3050	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION: Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, Brookfield, E. Brookfield, N. Brookfield, Oakham, Barre, Templeton, Winchendon, Sturbridge, W. Brookfield, and Warren					
POWER EQUIPMENT OPERATORS:					
CLASS I	12.73	.95	1.15	a	.10
CLASS II	12.53	.95	1.15	a	.10
CLASS III	12.33	.95	1.15	a	.10
CLASS IIIA	11.96	.95	1.15	a	.10
CLASS IV	10.77	.95	1.15	a	.10
CLASS V	10.17	.95	1.15	a	.10
CLASS VI	9.19	.95	1.15	a	.10
CLASS VII	13.48	.95	1.15	a	.10
CLASS VIII	10.37	.95	1.15	a	.10
CLASS IX	13.23	.95	1.15	a	.10
CLASS X	13.23	.95	1.15	a	.10
CLASS XI	13.73	.95	1.15	a	.10

CLASSIFICATIONS

CLASS I - Shovels, Cranes (including all tower, climbing and bridge cranes, as used in Building Construction as defined in Scope of Employment), Hydraulic Cranes--10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, all three drum Hoisting and Trenching Machines, Belt-type Loaders, Foreman Mechanics, Front End Loaders--5¼ yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.), Combination Backhoe-Loader--3/4 yard or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pump with boom, Roto-Mill

CLASS II - Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), rock and earth boring machines (excluding McCarthy and similar drills, Graders, Front End Loaders--4 yards to 5¼ yards, two Drum Hoists, High Fork Lifts with capacity of 15 ft. and over, Scrapers--21 yards and over (struck load), Sonic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

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DECISION NO. MA81-3050

CLASSIFICATIONS CONT'D

CLASS III - Combination Backhoe-Loader--up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or tractor drawn, Tireman, Front End Loaders--up to 4 yards, Asphalt Paver, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point Operators (including installing), Electric pumps used in Well Point System, Pumps--12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Engineers in charge of Powered Grease Truck, all automatic elevators (permanent or temporary) operated manually or remote control (not to be confused with elevators operating from conventional hoist--1, 2 or 3 Drum), Grout pumps, Boom Truck, Hydraulic Cranes--under 10 ton.

CLASS IIIA - Asphalt Rollers, Self-powered Rollers and Compactors, Tractor without blade drawing sheepsfoot roller, rubber tire roller, vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Single Drum Hoist, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading), Bulk Cement Plants, Self-propelled material spreaders, A-Frame Trucks, Fork Lifts--up to 15 ft., 3 or more 10KW Light Plants, 30 KW or more Generators.

CLASS V - Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps--4 inches to 12 inches (total discharge).

CLASS VI - Compressors (up to 315 cu. ft.), small mixers, pumps (up to 4 inches), power heaters, welding machines, (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), Conveyors, Oiler, helpers on grease trucks with hand greasing equipment.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 235 ft (including jib)

FOOTNOTE:

a. PAID HOLIDAYS: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

DECISION NO. MA81-3050

HEAVY AND HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, Brookfield, E. Brookfield, N. Brookfield, Oakham, Barre, Templeton, Winchendon, Sturbridge, W. Brookfield, and Warren					
POWER EQUIPMENT OPERATORS:					
CLASS I	12.73	.95	1.15	a	.10
CLASS II	12.53	.95	1.15	a	.10
CLASS III	12.33	.95	1.15	a	.10
CLASS IIIA	11.96	.95	1.15	a	.10
CLASS IV	10.77	.95	1.15	a	.10
CLASS V	10.17	.95	1.15	a	.10
CLASS VI	9.19	.95	1.15	a	.10
CLASS VII	13.48	.95	1.15	a	.10
CLASS VIII	10.37	.95	1.15	a	.10
CLASS IX	13.23	.95	1.15	a	.10
CLASS X	13.23	.95	1.15	a	.10
CLASS XI	13.73	.95	1.15	a	.10

CLASSIFICATIONS

CLASS I - Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader--5¼ yards and over Tower Cranes, Self-propelled Hydraulic Cranes --10 tons and over Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi-automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine, Combination Back Hoeloader--3/4 yard hoe or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pumps with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders--4 yards to 5¼ yards, Scraper--21 yards and over (struck load), Forklifts--7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

DECISION NO. MA81-3050

CLASSIFICATIONS CONT'D

CLASS III - Bulldozer, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders--up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in well point system, Tireman, Pumps--16 inches or over total discharge, compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Tunnel Locomotives and Dinkeys, Grout pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Trucks, self-propelled Hydraulic Cranes--up to 10 ton, Combination Back Hoe-Loader--up to 3/4 yard hoe.
CLASS IIIA - Asphalt Rollers, Self-Powered Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.
CLASS IV - Hoists, Conveyors, Power Rollers & Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.
CLASS V - Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps--4" to 16" total discharge.
CLASS VI - Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck Helper on Powered Grease Truck, Power Heaters, Welding Machines (when 3 or more welding machines are used, Classification 4 rate shall be paid), A-Frame Trucks, Forklifts--up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Power Safety Boat.
CLASS VII - Track Crane Crews
CLASS VIII - Oiler
CLASS IX - Master Mechanic
CLASS X - Boom lengths over 184 feet (including jib)
CLASS XI - Boom lengths over 225 feet (including jib)

FOOTNOTE:
a. PAID HOLIDAYS: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day.

DECISION NO. MA81-3050

BUILDING CONSTRUCTION Remainder of County	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	15.26	1.18	1.15	a	.08
Hourly premium for boom lengths including jib:					
Over 150 feet + .55					
Over 185 feet + .99					
Over 210 feet + 1.37					
Over 250 feet + 2.08					
Over 295 feet + 2.90					
CLASS II	15.14	1.18	1.15	a	.08
CLASS III	12.81	1.18	1.15	a	.08
CLASS IV	13.94	1.18	1.15	a	.08
CLASS V	11.38	1.18	1.15	a	.08
CLASS VI	12.06	1.18	1.15	a	.08

CLASSIFICATIONS

CLASS I - Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site, crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150' including jib additional $.50 per hour; Boom over 185' including jib - additional $.90 per hour; Boom 210' including jib-additional $1.25 per hour; Boom over 250' including jib - additional $1.90 per hour Boom over 295' including jib - additional $2.65 per hour
CLASS II - Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)
CLASS III - Pumps (1-3 grouped), compressors, welding machines (1-3 grouped) generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

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DECISION NO. MA81-3050

CLASSIFICATIONS CONT'D

CLASS IV - Assistant engineers (firemen)
CLASS V - Assistant engineers (other than truck cranes and gradalls)
CLASS VI - Assistant engineers (on truck cranes and gradalls)

FOOTNOTES:
a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY AND HIGHWAY CONSTRUCTION:					
Remainder of County					
POWER EQUIPMENT OPERATORS:					
CLASS I	15.26	1.18	1.15	a	.08
Hourly premium for boom lengths including jib:					
Over 150 feet + .55					
Over 185 feet + .99					
Over 210 feet + 1.37					
Over 250 feet + 2.08					
Over 295 feet + 2.90					
CLASS II	15.14	1.18	1.15	a	.08
CLASS III	12.81	1.18	1.15	a	.08
CLASS IV	13.94	1.18	1.15	a	.08
CLASS V	11.38	1.18	1.15	a	.08
CLASS VI	12.06	1.18	1.15	a	.08

DECISION NO. MA81-3050

CLASSIFICATIONS

CLASS I - Power shovels, cranes, truck cranes, derricks, pile driver, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways fork lifts, cherry pickers, boring machines, rotary drillers, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on site, crusher plant on job site, paving concrete mixers, timber jacks
CLASS II - Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders, asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers
CLASS III - Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)
CLASS IV - Assistant engineers (firemen)
CLASS V - Assistant engineers (other than truck cranes and gradalls)
CLASS VI - Assistant engineers (on truck cranes and gradalls)

FOOTNOTES:

a. Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

SUPERSEDEAS DECISION

DECISION NO. MA81-3050

BUILDING, HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	10.56	1.10	1.20	a+b	
CLASS II	10.73	1.10	1.20	a+b	
CLASS III	10.80	1.10	1.20	a+b	
CLASS IV	10.92	1.10	1.20	a+b	
CLASS V	11.02	1.10	1.20	a+b	
CLASS VI	11.31	1.10	1.20	a+b	
CLASS VII	11.60	1.10	1.20	a+b	

CLASSIFICATIONS

CLASS I - Station Wagons, Panel Trucks and Pickup Trucks

CLASS II - Two axle Equipment; Helpers on Low Bed When Assigned at the Discretion of the Employer, Warehousemen, Forklift Operators

CLASS III - Three Axle Equipment and Tiremen

CLASS IV - Four and Five Axle Equipment

CLASS V - Specialized Earth Moving Equipment over 35 Tons

CLASS VII - Trailers for Earth Moving Equipment (Double Hookup)

FOOTNOTES:

a. Paid Holidays: New Year's Day, Washington's Birthday, Patriot's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day

b. Paid Vacation: 4 months to 1 year - ½ day's pay per month; 1-5 years - 1 week; 5-10 years - 2 weeks; 10 years or more - 3 weeks. Employee must have received pay for 120 days during last year of employment.

SUPERSEDEAS DECISION

STATE: Michigan COUNTIES: Clinton & Eaton
DECISION NO.: MI81-2057 DATE: Date of Publication
Supersedes Decision No. MI79-2057 dated June 15, 1979 in 44 FR 34750
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$13.70		1.10		.01
CARPENTERS	9.91				
CEMENT MASONS	9.00				
DRYWALL HANGERS	9.00				
DRYWALL FINISHERS/TAPERS	9.00	.61			
ELECTRICIANS	10.10				
INSULATORS	7.75				
LABORERS:					
Common	7.48				
Mason Tenders	8.40				
Landscape Laborers	3.75				
PAINTERS	8.90				
PLASTERERS	9.55				
PLUMBERS	9.12				
ROOFERS	8.00				
SHEET METAL WORKERS	9.21				
SOFT FLOOR LAYERS	7.50				
TRUCK DRIVERS	10.16	a39.50	a39.50		
POWER EQUIPMENT OPERATORS:					
Backhoe	12.88	1.05	1.75		.10
Bulldozer	12.88	1.05	1.75		.10
Grader	12.75	1.05	1.75		.10
Paver	12.75	1.05	1.75		.10
Roller	12.75	1.05	1.75		.10
WELDER - Rate for Craft					

FOOTNOTE:
a - Per Week, Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

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SUPERSEDEAS DECISION

STATE: Michigan
DECISION NO.: MI81-2058
COUNTY: Ingham
DATE: Date of Publication
Supersedes Decision No. MI79-2057 dated June 15, 1979 in 44 FR 34750
DESCRIPTION OF WORK: Residential Constuction Projects consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$10.58				
CARPENTERS	11.81	.75	.90		.05
CEMENT MASONS	11.33				
DRYWALL HANGERS	10.81	.60	.80		.05
DRYWALL FINISHERS/TAPERS	12.75	.55	.40		.01
ELECTRICIANS	10.28				
INSULATORS	14.81	.75	.90		.05
LABORERS:					
General	7.88				
Landscape Laborers	4.20				
PAINTERS	11.44	.65	.40		.0025
PLUMBERS	11.37				
ROOFERS	8.40				
SOFT FLOOR LAYERS	9.80				
TILE SETTERS	12.05				
TRUCK DRIVERS	10.16	a39.50	a39.50		
POWER EQUIPMENT OPERATORS:					
Backhoe	11.04				
Bulldozer	11.58				
Crane	11.48				
Front End Loader	12.92			1.51	
Paver	11.38	1.05	1.75		.10
Roller	11.38	1.05	1.75		.10
Scraper	10.00				
WELDERS - Rate for Craft					

FOOTNOTE:
a - Per Week, Per Employee

Unlisted classifications nudded for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: NEBRASKA
COUNTIES: Douglas, Cass, Otoe and Sarpy
DECISION NUMBER: NE81-4068
DATE: Date of Publication
Supersedes Decision No. NE81-4014 dated March 13, 1981 in 46 FR 16819
DESCRIPTION OF WORK: Building projects, including single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$16.62	1.00	1.00		.06
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS, Stonemasons	14.24	.85	.80		.05
CARPENTERS					
Carpenters	13.82	1.10	.70		.05
Piledrivermen, sawmen & welders	13.955	1.10	.70		.05
CEMENT MASONS	13.85	.85	1.00		
ELECTRICIANS - Douglas, Sarpy & Cass Cos.	15.14	.90	3%+1.75		4%
Residential (not to exceed 3 stories)	10.88	.90	3%		4%
ELECTRICIANS					
Otoe County	13.63	.75	3%+1.00		.06
ELEVATOR CONSTRUCTORS	14.54	1.345	1.085	8%+a	.035
ELEVATOR CONSTRUCTORS HELPERS	70%JR	1.345	1.085	8%+a	.035
GLAZIERS	14.45	.90	.60		.01
IRONWORKERS	12.60	1.10	1.25	1.00	.05
LABORERS:					
Common laborers	10.21	.85	.65	.85	
Buggymobile oprs., mortar mixers, mason tenders	10.375	.85	.65	.85	
Plasterers tenders	10.585	.85	.65	.85	
LATHERS	9.95	.57	.50	1.00	
MARBLE SETTERS, TILE AND Terrazzo workers	14.37	.45	.40		
MARBLE, Tile and Terrazzo Workers Finishers	12.80				

FOOTNOTES:
a - Employer contributes 8% of basic hourly rate for over 5 years service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit, also 7 Paid Holidays.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Painters: (Douglas, Cass, & Sarpy Cos.,)					
Brush	$13.42		1.00		.10
Structural steel	13.77		1.00		.10
Paperhangers	13.82		1.00		.10
Spray swing stage, hazardous and sandblasting	14.02		1.00		.10
PAINTERS: (Otoe County)					
Brush & paperhangers	10.34	.65	.30		
Structural steel	10.84	.65	.30		
PLASTERERS	14.42	.85	.58		
PLUMBERS	14.59	1.20	1.25		.20
ROOFERS:					
Composition - Douglas, Cass & Sarpy Cos,	11.20	.70	.20		.01
ROOFERS (Otoe County)	10.85	.50	.30		.02
ROOFERS:					
Roofers helpers (handling roofing materials, erecting and dismantling scaffold for roofers, and removing and cleaning up old roof (Douglas, Cass, and Sarpy Cos.)	50%JR	.70	.20		.01
SHEET METAL WORKERS	15.59	.75			.09
SHEET METAL WORKERS Residential	10.53	.75			.09
SPRINKLER FITTERS	15.31	.95	1.40		
STEAMFITTERS	13.54	.70	.85		.15
LINE CONSTRUCTION:					
Lineman	13.18	.45	3%		4%
Cable splicers	14.16	.45	3%		4%
Truck Driver	9.52	.45	3%		4%
Equipment Operators	11.86	.45	3%		4%
Groundman	8.60	.45	3%		4%

[FR Doc. 81-24891 Filed 8-27-81; 8:45 am]
BILLING CODE 4510-27-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$10.87	.85	1.40		
Group 2	10.98	.85	1.40		
Group 3	11.32	.85	1.40		
Group 4	13.06	.85	1.40		
Group 5	13.17	.85	1.40		
Group 6	13.47	.85	1.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1 - Oilers

Group 2 - Oiler drivers (mobil truck crane)

Group 3 - Conveyors; heaters; tractors, 35 Hp or under; air compressors; pump and welding machine operator

Group 4 - Bulldozers; forklifts; concrete pumps; tractors over 35 hp; one drum hoist; straddle trucks; spread oiler

Group 5 - Blades; end loaders; self-propelled scrapers

Group 6 - Two drum hoist; trenching machines; pile drivers; dredges; heavy duty mechanics; draglines; clamshells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firemen used on high pressure boilers in construction work; economobile; electric hammers and extractors

TRUCK DRIVERS:					
Single axle	8.645	.57	.48		
Tandem axle	8.72	.57	.48		
Lowboy, trailer	8.945	.57	.48		
Lumber carriers	9.02	.57	.48		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards clauses (29 CFR, 5.5 (a)(1)(ii)).

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UMI

federal register

Friday
August 28, 1981

Part III

Department of the Interior

Bureau of Land Management

Outer Continental Shelf; Oil and Gas Lease Sale No. 60, Lower Cook Inlet/ Shelikof Strait

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UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Lower Cook Inlet/Shelikof Strait
Oil and Gas Lease Sale No. 60

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, Alaska Outer Continental Shelf (OCS) Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510. Bids may be delivered, either by mail or in person, to the above address until 4:30 p.m., September 28, 1981; or by personal delivery to the Sheraton Anchorage Hotel, 401 East 6th Avenue, the Howard Rock Ballroom, Anchorage, Alaska, between the hours of 8:30 a.m., a.h.s.t., and 9:30 a.m., a.h.s.t., September 29, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., a.h.s.t., September 29, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR 22270, April 16, 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., a.h.s.t., September 29, 1981," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A, for bonus bid tracts. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of three decimal places after the decimal point, e.g., 50.123%, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting intimidation or unlawful combination of bidders.

4. Bidding Systems. The proposed notice of sale for sale 60 included 25 tracts to be offered under net profit share bidding with a fixed cash bonus. Meanwhile, the Supreme Court granted certiorari to review the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrus, No. 79-1633. On June 12, 1981, the Court of Appeals ruled that experimentation with the net profit share bid system is not required prior to a decision by the Supreme Court. As a result, no tracts will be offered under net profit share bidding with a fixed cash bonus for sale 60.

All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts 60-73 through 60-85 and 60-117 through 60-152 must be submitted on a cash bonus basis with a fixed net profit share rate of 40 percent and a 0.75 capital recovery factor. The net profit share payment shall be calculated according to Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining

a. The bidder has complied with all requirements of this notice and

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of $8 per hectare or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., a.h.s.t., September 29, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Item 14, "Information to Lessees."

6. Bid Opening. Bids will be opened on September 29, 1981, beginning at 10:00 a.m., a.h.s.t., at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, September 29, 1981, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

a. The bidder has complied with all requirements of this notice and applicable regulations;

b. The bid is the highest valid bid; and

c. The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's rental, and satisfy the bonding requirements of 43 CFR 3318 within the time provided in 43 CFR 3316.5.

11. Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510, at $2 each.

a. Outer Continental Shelf Official Protraction Diagram NO 5-1, Iliamna (approved 3/20/75).

b. Outer Continental Shelf Official Protraction Diagram NO 5-2, Seldovia (approved 3/20/75).

c. Outer Continental Shelf Official Protraction Diagram NO 5-3, Mt. Katmai (approved 7/3/75).

d. Outer Continental Shelf Official Protraction Diagram NO 5-4, Afognak (approved 7/3/75).

12. Tract Descriptions. Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice. The tracts offered for bid are as follows:

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TRACT LIST
Sale 60

OCS OFFICIAL PROTRACTION DIAGRAM, Iliamna NO 5-1
(Approved 3/20/75)

Tract No.	Block No.	Description	Hectares
60-1	484	All	2304
60-2	527	All	2304
60-3	615	All	2304
60-4	659	All	2304
60-5	703	All	2304
60-6	748	All	2304
60-7	836	All	2304
60-8	880	All	2304
60-9	923	All	2304
60-10	924	All	2304
60-11	968	All	2304
60-12	1011	All	2304
60-13	1012	All	2304
60-14	1055	All	2304
60-15	1056	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, Seldovia NO 5-2
(Approved 3/20/75)

Tract No.	Block No.	Description	Hectares
60-16	93	1/	588.65
60-17	94	All	2304
60-18	137	1/	1958.33
60-19	138	All	2304
60-20	181	All	2304
60-21	182	All	2304
60-22	186	All	2304
60-23	224	All	2304
60-24	225	All	2304
60-25	226	All	2304
60-26	228	All	2304
60-27	229	All	2304
60-28	230	All	2304
60-29	268	All	2304
60-30	269	All	2304
60-31	270	All	2304
60-32	271	All	2304
60-33	272	All	2304
60-34	273	All	2304
60-35	312	All	2304
60-36	313	All	2304
60-37	314	All	2304
60-38	315	All	2304
60-39	316	All	2304
60-40	317	All	2304
60-41	359	All	2304
60-42	360	All	2304
60-43	361	All	2304
60-44	404	All	2304
60-45	405	All	2304
60-46	487	All	2304
60-47	533	All	2304
60-48	580	All	2304
60-49	621	All	2304
60-50	625	All	2304
60-51	661	All	2304
60-52	662	All	2304
60-53	663	All	2304
60-54	664	All	2304
60-55	665	All	2304
60-56	666	All	2304
60-57	669	All	2304

1/ Seaward of the 3-geographical-mile line.

OCS OFFICIAL PROTRACTION DIAGRAM, Seldovia NO 5-2, continued

OCS OFFICIAL PROTRACTION DIAGRAM, Mt. Katmai NO 5-3

OCS OFFICIAL PROTRACTION DIAGRAM, Seldovia NO 5-2, continued

Tract No.	Block No.	Description	Hectares
60-58	705	All	2304
60-59	706	All	2304
60-60	707	All	2304
60-61	713	All	2304
60-62	751	All	2304
60-63	756	All	2304
60-64	757	All	2304
60-65	793	All	2304
60-66	795	All	2304
60-67	800	All	2304
60-68	837	All	2304
60-69	838	All	2304
60-70	881	All	2304
60-71	882	All	2304
60-72	925	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, Mt. Katmai NO 5-3
(Approved 7/3/75)

Tract No.	Block No.	Description	Hectares
60-73	43	All	2304
60-74	44	All	2304
60-75	88	All	2304
60-76	131	E1/2E1/2	576
60-77	132	All	2304
60-78	176	All	2304
60-79	219	NE1/4,SE1/4NW1/4, E1/2NE1/4NW1/4, S1/2 1/	1752.09
60-80	220	All	2304
60-81	263	1/	2176.96
60-82	264	All	2304
60-83	306	1/	2163.71
60-84	307	All	2304
60-85	308	All	2304
60-86	350	All	2304
60-87	351	All	2304
60-88	352	All	2304
60-89	394	All	2304
60-90	395	All	2304
60-91	396	All	2304
60-92	438	All	2304
60-93	439	All	2304
60-94	479	All	2304
60-95	480	All	2304
60-96	481	All	2304
60-97	482	All	2304
60-98	483	All	2304
60-99	522	All	2304
60-100	523	All	2304
60-101	524	All	2304
60-102	525	All	2304
60-103	526	All	2304
60-104	565	All	2304
60-105	566	All	2304
60-106	567	All	2304
60-107	568	All	2304
60-108	569	All	2304
60-109	570	All	2304
60-110	607	All	2304
60-111	608	All	2304
60-112	609	All	2304
60-113	610	All	2304
60-114	611	All	2304
60-115	612	All	2304

1/ Seaward of the 3-geographical-mile line.

UMI 1 8 2 G A 6 4 V

OCS OFFICIAL PROTRACTION DIAGRAM, Mt. Katmai NO 5-3, continued

Tract No.	Block No.	Description	Hectares
60-116	613	All	2304
60-117	651	All	2304
60-118	652	All	2304
60-119	653	All	2304
60-120	654	All	2304
60-121	655	All	2304
60-122	656	All	2304
60-123	695	All	2304
60-124	696	All	2304
60-125	697	All	2304
60-126	698	All	2304
60-127	699	All	2304
60-128	737	E1/2,E1/2W1/2	1728
60-129	738	All	2304
60-130	739	All	2304
60-131	740	All	2304
60-132	741	All	2304
60-133	742	All	2304
60-134	781	All	2304
60-135	782	All	2304
60-136	783	All	2304
60-137	784	All	2304
60-138	785	All	2304
60-139	825	All	2304
60-140	826	All	2304
60-141	827	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, Afognak NO 5-4
(Approved 7/3/75)

Tract No.	Block No.	Description	Hectares
60-142	48	All	2304
60-143	90	All	2304
60-144	91	All	2304
60-145	92	All	2304
60-146	133	All	2304
60-147	134	All	2304
60-148	135	All	2304
60-149	177	All	2304
60-150	178	All	2304
60-151	221	All	2304
60-152	265	All	2304
60-153	309	All	2304

13. Lease Terms and Stipulations. All leases issued as a result of this

Stipulation No. 1

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, Alaska Outer Continental Shelf Office, at the first address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4(a), Form 3300-1 will be amended as follows:

Sec. 4. Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of 40 percent with a 0.75 capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations, the term DCM refers to the Deputy Conservation Manager for Offshore Field Operations, Alaska Region, U.S. Geological Survey, and the term Manager refers to the Manager of the Alaska OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DCM has reason to believe that a site, structure, or object of historical or archaeological significance (hereinafter referred to as "cultural resource") may exist in the lease area and gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement (hereinafter in this stipulation referred to as "operation"), the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys, as well as other pertinent natural and cultural environmental data, shall be examined by a qualified marine survey archaeologist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to affect adversely the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2

If the DCM, having reason to believe that significant biological populations or habitats requiring additional protection may exist within the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements:

Prior to the commencement of any drilling activity, or construction or placement of any structure for exploration or development activity, the lessee shall conduct site-specific environmental surveys or studies, including sampling as approved by the DCM, to characterize existing environmental conditions in an identified zone prior to oil and gas operations, and to determine the extent and composition of biological populations or habitats, and the effects of proposed operations on the populations or habitats which might require additional protective measures. The nature and extent of any such surveys or studies will be determined by the DCM on a case-by-case basis.

Based on any surveys or studies which the DCM may require of the lessee, the DCM may require the lessee to: (1) relocate the site of operations so as not to affect adversely the significant biological populations or habitats deserving protection; (2) modify operations in such a way as not to affect adversely the significant biological populations or habitats deserving protection; or (3) establish to the satisfaction of the DCM that such operations will not adversely affect the significant biological populations or habitats deserving protection. Based on any surveys or studies which the DCM may also require of the lessee, the DCM may require the lessee to provide for periodic sampling of environmental conditions during operations.

The lessee shall submit all data obtained in the course of such surveys or studies to the DCM, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the DCM provides written directions to the lessee with regard to permissible actions.

In the event that important biological populations or habitats are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all biological populations and habitats within the lease area, until the DCM provides written instructions to the lessee with regard to the biological populations or habitats identified.

Stipulation No. 3

The lessee shall include in any exploration and development plans submitted under 30 CFR 250.34 a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the DCM. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated by qualified instructors experienced in each pertinent field of study, and shall employ effective methods to insure that personnel are informed of archaeological, geological, and biological resources, to include bird and sea mammal rookeries, to identify the importance of avoidance and non-harassment of wildlife resources.

The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating and shall include information concerning avoidance of conflicts with commercial fishing operations and with commercial fishing gear.

The lessee shall also provide for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 4

Pipelines will be required: (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of Federal, State, and local governments and industry.

All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storms, geohazards, fisheries trawling gear, and other hazards as determined on a case-by-case basis.

Following the development of sufficient pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCM.

Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act (46 U.S.C. 391a) and the Port and Tanker Safety Act of 1978 (33 U.S.C. 1221).

Stipulation No. 5

(To be included only in the leases resulting from this sale as specified in 4(a) Bonus Bidding with a Fixed Net Profit Share.)

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken in amount, except as provided in Sec. 15(d). The net profit share obligations of the lessee shall be calculated to include as a credit, the value of production taken in amount by the lessor.

Stipulation No. 6

14. Information to Lessees. Bidders are advised that during the conduct of

Stipulation No. 6

(A) Well and Pipeline Stipulation. Subsea wellheads and temporary abandonments, or suspended operations that leave protrusions above the seafloor shall be protected, if feasible and as appropriate, in such a manner as to allow commercial fisheries trawling gear to pass over the structure without snagging or otherwise damaging the structures or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the DCM (Deputy Conservation Manager, Field Operations, Alaska Region, USGS). The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ± 50 feet (15.25 m) at 200 miles (322 km).

(B) All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. In the event that an irregular pipe surface is unavoidable due to the need for valves, anodes, or other structures, it shall, as appropriate, be protected in such a manner as to allow trawling gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

14. Information to Lessees. Bidders are advised that during the conduct of all activities related to leases issued as a result of this proposed lease sale, the lessee and its agents, contractors, and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, as amended, and International Treaties. Violations of these Acts and Treaties may be reported to the National Marine Fisheries Service or U.S. Fish and Wildlife Service, as appropriate.

The lessee or his contractors should be aware that disturbance of wildlife could be determined to constitute harassment, and thereby be in violation of existing laws. Behavioral disturbance of most birds and mammals found in or near the sale #0 area would be unlikely if ocean vessels and aircraft maintained at least a 1-mile distance from observed wildlife or known wildlife concentration areas such as bird colonies or marine mammal rookeries. Therefore, in concurrence with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, it is recommended that aircraft or vessels operated by lessees maintain at least a 1-mile distance from observed wildlife or known wildlife concentration areas. Human safety will take precedence at all times over distances recommended herein for avoidance or disturbance of wildlife. Maps locating major wildlife concentration areas are available through the DCM and appropriate resource agencies.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes which might be established, among other reasons, for the purpose of protecting commercial fisheries. Bidders are advised that the United States reserves the right to designate necessary fairways through leased tracts pursuant to the Port and Tanker Safety Act of 1978 (33 U.S.C. 1221).

Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to

the seabed located on the Outer Continental Shelf in accordance with section 8(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale.

Bidders for these tracts should recognize that the Department of Energy is authorized, under section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal Oil and Gas Leases.

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been assigned a deferred effective date of August 26, 1981, pending review of those regulations (see Federal Register of July 14, 1981, at 46 F.R. 36144). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in section 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1) regarding the aggregate value of contracts over a 12-month period (see the Federal Register of December 30, 1980, at 45 F.R. 86231-86232).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

Bidders are advised that the State of Alaska will be consulted by the BLM and USGS throughout the stages of OCS development. In addition to State involvement in the Intergovernmental Planning Program (IPP), the Scientific Committee of the OCS Advisory Board, and the review of exploration and development plans, the DCM may involve the State in the implementation of Stipulation 2.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Alaska Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Robert Burford
Director, Bureau of Land Management

Approved: AUG 26 1981

James G. Watt
Secretary of the Interior

[FR Doc. 81-25379 Filed 8-27-81; 9:45 am]
BILLING CODE 4310-84-C

UNITED STATES
DEPARTMENT OF THE INTERIOR

A profit share system which uses cash bonus as the bid variable avoids per-

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf, Lower Cook Inlet/Shelikof Strait

Notice of Leasing Systems, Sale No. 60

Sec. 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf (OCS) Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Sale No. 60, tracts will be offered under the following two bidding systems as authorized by Sec. 8(a)(1) (43 U.S.C. 1337 (a)(1)): (1) bonus bidding with a fixed net profit share on 49 tracts, and (2) bonus bidding with a fixed 16-2/3 percent royalty on 104 tracts.

(1) Bonus Bidding with Fixed Net Profit Share. This system is authorized by Sec. 8(a)(1)(D) of the OCS Lands Act, as amended. This system was established by Department of Energy (DOE) regulations effective May 14, 1980 (45 Fed. Reg. 36784 (May 30, 1980)). This system has been used in six previous OCS sales. The profit share system designed for this sale may increase competition by generating greater contingency payments to the Government and thereby reducing the initial cash bonus. It may also increase the volume of production because certain allowable capital costs can be deducted prior to any liability for profit share payments. In addition, the profit share system may foster the development of marginal fields when compared to a royalty system since the Government shares more of the risk and the lessees' incremental costs are lower in the presence of a capital recovery.

A profit share system which uses cash bonus as the bid variable avoids percentage bids at high levels which would make future development either economically inefficient or simply uneconomic. In addition, it is easier to administer and unitize adjacent tracts with similar profit share rates. Furthermore, a fixed profit share better assures that firms who can produce at lower costs are more likely to obtain leases than would be the case if it were possible for less efficient firms to simply bid away higher percentages of lower profits.

For 49 tracts, firms will be permitted an additional recovery factor of 0.75 over their actual allowable costs before any profit share payments are due. The profit share rate selected for this sale is 40 percent. These parameters were selected on the basis of DOE and DOI studies regarding the effect on bonuses, profit-share payments, Government receipts, gross production, minimal economic tract sizes, and particularly on the incentive to alter the production profile.

(2) Bonus Bidding with a 16-2/3 Percent Royalty. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act, as amended. This system has been used extensively since the passage of the OCS Lands Act in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration. The use of this system will provide a data base with which to compare the performance of the alternative systems.

(B) Designation of Tracts. The selection of tracts to be offered under the two systems was based on the following factors:

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) A sufficient number of tracts was needed to permit valid statistical analysis while limiting the risks of losses caused by unforeseen

problems which could arise in the use of any new bidding system. The number of tracts must also be consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

(3) The range and distribution of the characteristics of tracts were to be comparable for statistical purposes. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the location of tracts across trends.

The specific tracts to be offered under each system are as follows.

(a) Bonus Bidding with a Fixed Net Profit Share--Tracts 60-73, 60-74, 60-75, 60-76, 60-77, 60-78, 60-79, 60-80, 60-81, 60-82, 60-83, 60-84, 60-85, 60-117, 60-118, 60-119, 60-120, 60-121, 60-122, 60-123, 60-124, 60-125, 60-126, 60-127, 60-128, 60-129, 60-130, 60-131, 60-132, 60-133, 60-134, 60-135, 60-136, 60-137, 60-138, 60-139, 60-140, 60-141, 60-142, 60-143, 60-144, 60-145, 60-146, 60-147, 60-148, 60-149, 60-150, 60-151, and 60-152.

(b) Bonus Bidding with a 16-2/3 Percent Royalty--All remaining tracts.

Director, Bureau of Land Management

Approved: AUG 26 1981

James G. Watt
Secretary of the Interior

[FR Doc. 81-25380 Filed 8-27-81; 9:45 am]
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSIS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA	MSPB/OPM		DOT/MA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing August 26, 1981

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register in cooperation with Lexington Technical Institute.

WHAT: Special briefing (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: September 17 at 9:00 a.m.

WHERE: Room 215, Lexington Technical Institute, Cooper Drive, Lexington, Ky.

RESERVATIONS: Call Martha Birchfield, (606) 258-4919.

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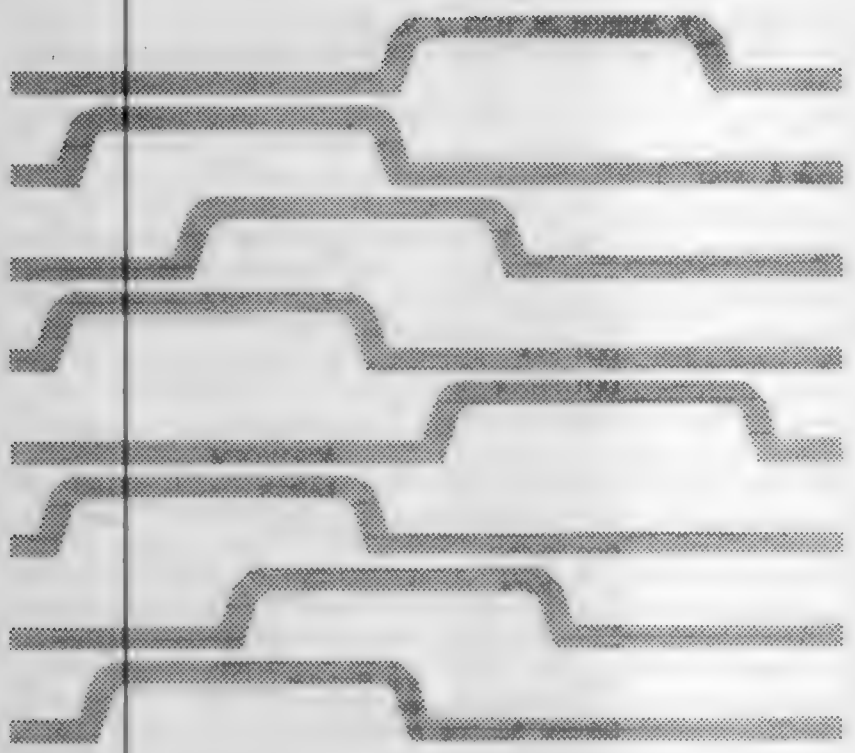

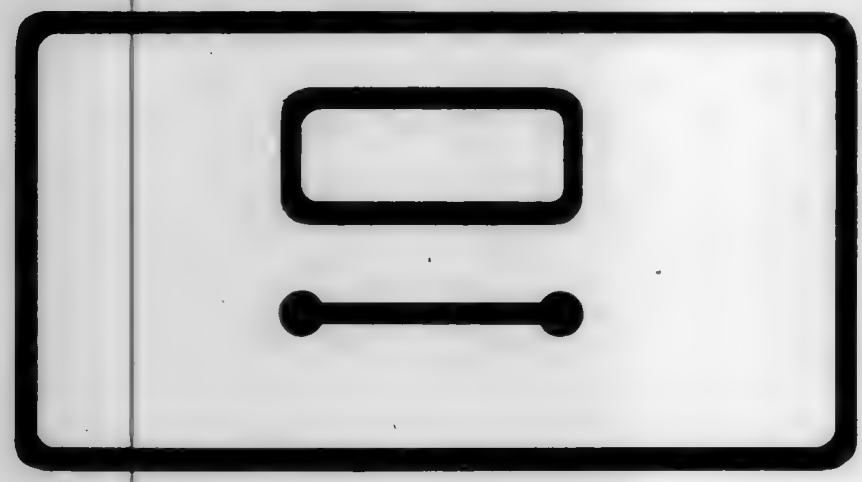

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43653 **Crude Oil** DOE/ERA issues technical amendment to entitlements clean-up rule and revises annual prepaid expenses report for the tertiary incentive program.

43707 **VISTA Programs** ACTION proposes to revise review procedures for denial of applications to refund programs of current recipients.

43663, 43695 **Pensions** Labor/P&WBP defers effective date of and proposes rule on suspension of pension benefit payments under certain circumstances. (2 documents)

43655 **"NOW" Accounts** FHLBB postpones effective date of rule on eligibility of individuals and organizations to hold accounts at member institutions.

43816 **Grant Appeals Board** HHS/Sec'y revises requirements and procedures for disputes arising under certain grant and cooperative agreement programs. (Part IV of this issue)

43667 **Veterans—Loan Guaranty Program** VA amends regulations on specially adapted housing grants for service-connected severely disabled veterans, guaranteed home and mobile home loans and direct loans.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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The President

Proclamation 4854 of August 24, 1981

Women's Equality Day, 1981

By the President of the United States of America

A Proclamation

On August 26, 1920, the 19th Amendment to the Constitution became law, granting women the right to vote. On this, the 61st anniversary of that milestone, all Americans should reflect on the progress we have made toward the goal of equal opportunity.

Since ratification of the 19th Amendment, women have played increasingly important roles in guiding the Nation's basic institutions. While women continue to fulfill the irreplaceable and vitally important roles of wife and mother, increasing numbers of them have entered the professions and the work place as well, making steady, significant progress over the years.

Today, women faithfully shoulder responsibilities at all levels of government and in every area of employment and education and are opening up new opportunities every day. On this occasion, it is fitting that we honor the contributions women have made to every aspect of our development as a Nation and rededicate ourselves to maintaining a society in which the rights of all citizens are protected.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 26, 1981, as Women's Equality Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of August, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-25431
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Rules and Regulations

Federal Register
Vol. 46, No. 168
Monday, August 31, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 419

[Amendment No. 3]

Barley Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is amending the Barley Crop Insurance Regulations effective with the 1982 crop year by changing the cancellation and termination for indebtedness dates in certain states to allow for the insuring of fall-seeded barley. The current regulations include cancellation and termination for indebtedness dates for spring-seeded barley only. This amendment will permit the insuring of both spring- and fall-seeded barley in certain states. In addition, an obsolete subsection is removed and reserved. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

The Final Impact Statement, describing the options considered in developing this final rule and the impact of implementing each option, is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981). Wayne Fletcher, President and Acting Chairman of the Federal Crop Insurance Corporation (FCIC), has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291 and received their clearance for this publication.

The information gathering and recordkeeping requirements of the regulations to which this action applies (7 CFR Part 419) have been approved by OMB under the following control numbers:

RMS OMB NBR
0563–0001
0563–0003
0563–0007

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Monday, May 4, 1981 (46 FR 24954), prescribing the change in cancellation and termination for indebtedness dates to allow for the insuring of fall-seeded barley, thus permitting the insuring of both spring-seeded and fall-seeded barley in certain States.

The Board of Directors of FCIC has approved the addition of barley as an insurable crop in several counties where fall-seeded barley is produced. This amendment will allow the insuring of fall-seeded barley with the proper cancellation and termination dates.

In addition, it was proposed that 7 CFR 419.3 of the Barley Crop Insurance Regulations be removed and reserved. This subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county. Such provisions were contained in the Federal Crop Insurance Act. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists.

Under the provisions of Executive Order No. 12291, and the Administrative Procedure Act (5 U.S.C. 553(b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, the provisions of the proposed Amendment No. 3 to the Barley Crop Insurance Regulations are hereby issued as a Final Rule to be effective for the 1982 crop year.

The title and number of the Federal Assistance Program to which this Final Rule applies is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that this action does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). That review will be completed prior to the sunset review date of June 19, 1984.

Final Rule

PART 419—BARLEY CROP INSURANCE REGULATIONS

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC hereby amends the Barley Crop Insurance Regulations, 7 CFR Part 419, effective with the 1982 and succeeding crop years, in the following instances:

§ 419.3 [Reserved]

1. Remove and reserve § 419.3.

2. In § 419.7, revise item 12 in the "Terms and conditions" portion of the insurance policy to read as follows:

§ 419.7 The application and policy.

* * * * *

12. Life of contract: cancellation and termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State and county	Cancellation date	Termination date for indebtedness
Kansas, New Mexico, Oklahoma and Texas.	April 30	September 15.
Idaho:		
Idaho County and all counties lying north thereof, Canyon County and Owyhee County.	June 30	November 30.
All other Idaho counties.	December 31	March 31.
Oregon:		
Klamath County	December 31	March 31.
All other Oregon counties.	June 30	November 30.
Washington	June 30	November 30.
California:		
Humboldt, Trinity, Shasta, Plumas, Lassen, Modoc, Siskiyou and Del Norte Counties.	December 31	March 31.
All other California counties.	June 30	October 10.
Colorado:		
Kit Carson, Lincoln, Elbert, El Paso, Pueblo, Las Animas, and all counties lying south, and east thereof.	April 30	September 15.
All other Colorado counties.	December 31	March 31.
Michigan, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming.	December 31	March 31.
All other States	June 30	October 10.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

* * * * *

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

Approved by the Board of Directors on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated; August 24, 1981.

Approved by:

Wayne A. Fletcher,

President and Acting Chairman.

[FR Doc. 81-25256 Filed 8-28-81; 8:45 am]

BILLING CODE 3410-08-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Restrictions on Importation of Horses From Austria

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document extends to Austria the prohibitions previously placed on the importations into the United States of certain horses from or that have been in countries affected with contagious equine metritis (CEM). This action is necessary to protect the livestock of the United States from such disease.

DATES: Effective date: The foregoing amendment shall become effective August 25, 1981, except for horses then in transit to the United States from Austria (i.e., loaded aboard a commercial carrier and en route to the United States). Comments must be received on or before October 30, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 870, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Dulin, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 818, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This emergency action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule."

The Department has determined that this rule will have an annual effect on the economy of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this action makes it impractical for the agency to follow the procedures in Executive Order 12291 with respect to this action.

Dr. M. J. Tillery, Director, National Program Planning Staffs, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim action because importation of horses from Austria, a country affected with contagious equine metritis (CEM), must be restricted in order to protect the livestock of the United States from the introduction and dissemination of CEM.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action are impracticable and contrary to the public interest; and good cause is found for making this emergency action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because only 5 horses have been imported into the United States from Austria since January 1, 1980.

On September 9, 1977 (42 FR 45895), a prohibition was placed on the importation into the United States of certain horses from England, Ireland, and France and the importation into the United States of certain horses that have been in such countries within the 60 days immediately preceding their export to the United States because of the existence of CEM in such countries. On September 16, 1977 (42 FR 48327–48328), the prohibition was extended to include Australia and all of the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man); on November 30, 1978 (43 FR 56876), it was extended to include Belgium and the Federal Republic of Germany; on October 12, 1979 (44 FR 58896–58897), it was extended to include Italy; on July 1, 1980 (45 FR 45888–45889), it was extended to include Japan; and on July 14, 1981 (46 FR 37240–37241) it was extended to include Denmark.

On December 8, 1977 (42 FR 63384–63385), an amendment extended the specified period as a condition for entry of such horses which have been in countries infected with CEM listed under § 92.2(i) of Title 9, Code of Federal Regulations from 60 days to 12 months. This action was taken to protect the livestock of the United States against the introduction and dissemination of CEM, a communicable disease of horses, into the United States. CEM has now been found to exist in Austria, and prohibitions on the importation of certain horses from or that have been in that country within 12 months

immediately preceding their export to the United States are hereby placed in effect. The same restrictions that now apply to horses from Australia, Denmark, Ireland, France, Japan, the United Kingdom, Belgium, Italy, and the Federal Republic of Germany are hereby placed on the importation of certain horses from or that have been in Austria.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, § 92.2(i)(1) of Title 9, Code of Federal Regulations, is revised to read as follows:

§ 92.2 General prohibitions; exceptions.

* * * * *

(i)(1) Except as provided in paragraph (i)(2) of this section notwithstanding the other provisions of this part concerning the importation of horses into the United States, the importation of all horses from the following listed countries and the importation of all horses which have been in any such country within the 12 months immediately preceding their export to the United States is prohibited because of the existence of CEM in such countries: Australia, Austria, Belgium, Denmark, Ireland, Italy, Japan, Federal Republic of Germany, France, and the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man).

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 11, 76 Stat. 130, 132 (21 U.S.C. 111, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 821, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 25th day of August, 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-25311 Filed 8-28-81; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Parts 331 and 381

[Docket No. 81-050F]

Designation of State of Rhode Island Under Federal Meat Inspection and Poultry Products Inspection Acts

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of Rhode Island under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. Representatives of the Governor of the State of Rhode Island have advised this Department that the State of Rhode Island will no longer be in a position to continue administering State meat and poultry inspection programs after September 30, 1981. Accordingly, effective October 1, 1981, all establishments operating under the Rhode Island meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act. Additionally, effective October 1, 1981, all establishments operating under the Rhode Island poultry inspection program shall be subject to sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. By this designation, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Rhode Island, of administering the meat and poultry inspection programs with respect to establishments operating, and intrastate operations and transactions, wholly within that State.

The provisions concerning designated States are found in Parts 331 and 381, Subchapters A and C, Chapter III, Title 9 of the Code of Federal Regulations.

EFFECTIVE DATES: This notice of designation is effective on August 31, 1981.

The effective date of this amendment is October 1, 1981.

As result of this amendment, the provisions of titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act will apply to the State of Rhode Island on and after October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Joe Blair, Director, Federal-State Relations Branch, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6313.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Rhode Island, of administering the meat and poultry inspection programs with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action is being taken because the State of Rhode Island indicated it was no longer in a position to enforce requirements with respect to said establishments at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Since the State of Rhode Island has advised the United States Department of Agriculture that the State-operated meat and poultry inspection program will be discontinued due to lack of funding, the Federal Government is mandated by law to assume the responsibilities for the meat and poultry inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within the State. Therefore, no alternative actions under the law are available to the Department.

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. As stated above, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Rhode Island, of administering the meat and poultry inspection programs with respect to establishments operating, and operations and transactions, wholly within that State. This action will affect approximately 35 heretofore State inspected meat and poultry establishments in Rhode Island, most, if not all, of which may be presumed to be

small businesses. However, this is not a substantial number of establishments given the approximately 10,000 small meat establishments and small poultry establishments nationwide, which are either federally or State inspected. Additionally, the application of certain Federal facility and other requirements to such establishments will be flexible insofar as each facility will be reviewed with regard to the circumstances peculiar to that establishment. Furthermore, it is not anticipated that significant costs will be incurred by these Rhode Island establishments as a result of this action. Those specific establishments for which some upgrading of facilities is indicated will be provided up to 36 months in which to make such changes.

Background

Representatives of the Governor of Rhode Island have advised this Department that the State of Rhode Island will no longer be in a position to continue administering a State meat inspection program after September 30, 1981, and have requested the Department to assume responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishements within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human foods, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat and meat food products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

Also, representatives of the Governor of Rhode Island have advised this Department that Rhode Island will no longer be in a position to continue administering a State poultry inspection program after September 30, 1981, and have requested the Department to assume the responsibility for carrying out the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act with respect to establishments within the State of Rhode Island at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within the State, and with respect to operations and transactions wholly within the State concerning products or other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Rhode Island had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act, and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. However, such titles and sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the Rhode Island meat and poultry inspection programs, it is hereby determined that Rhode Island is not effectively enforcing requirements at least equal to those imposed under title I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act.

On and after October 1, 1981, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State, and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Federal Meat Inspection Act, and any establishment in the State which conducts any slaughtering or preparation of carcasses or parts or products thereof, as described above, must have Federal meat inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Also, on and after October 1, 1981, the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Poultry Products Inspection Act, and any establishment in the State which conducts any slaughter or processing of poultry or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after September 30, 1981, should immediately communicate with the Regional Director for Meat and Poultry Inspection Operations as listed below, for information concerning the requirements and exemptions under the Acts and application for inspection and survey of the establishment:

Dr. M. C. McNay,
Director, Northeastern Region, Meat and Poultry Inspection Operations,
U.S. Department of Agriculture, Seventh Floor, 1421 Cherry Street,
Philadelphia, PA 19102, 215–597–4219.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Accordingly, Part 331 of the Federal meat inspection regulations (9 CFR 331) is amended as follows:

1. The authority citation for Part 331 reads as follows:

Authority: Secs. 21 and 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

§ 331.2 [Amended]

2. The table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

In the "State" column, "Rhode Island" is added immediately below "Puerto Rico".

In the "Effective date of application of Federal provisions" column, "October 1, 1981," is added on the line with "Rhode Island".

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Further, Part 381 of the poultry products inspection regulations (9 CFR 381) is amended as follows:

1. The authority citation for Part 381 reads as follows:

Authority: Secs. 5(c) and 14, 71 Stat. 441, as amended; 21 U.S.C. 454(c), 463.

§ 381.221 [Amended]

2. The table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

In the "State" column, "Rhode Island" is added immediately below "Puerto Rico".

In the "Effective date of application of Federal provisions" column, "October 1, 1981," is added on the line with "Rhode Island".

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that it is necessary to designate the State of Rhode Island immediately, in accordance with section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act, in order to carry out the Secretary's responsibilities under the Acts.

Therefore, it does not appear that additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to the public interest.

Done at Washington, DC, on August 17, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-25378 Filed 8-28-81; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 211 and 212

[Docket No. ERA-R-81-8]

Tertiary Incentive Program and Mechanism for Entitlements Adjustments for Periods Prior to Decontrol of Crude Oil; Technical Amendments

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing a technical amendment to the final rule issued by ERA on July 9, 1981, which established an entitlements program clean-up mechanism. Today's amendment will correct the regulatory language of the post-clean-up procedures to make it clear when those procedures may be implemented following administrative orders for which there is no explicitly defined appeal period. Also, as a separate matter, the annual prepaid expenses report for the tertiary incentive program is being revised to require its submission by project operators, instead of individual producers.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055;

Daniel J. Thomas (Office of Program Operations), Economic Regulatory Administration, Room 7116, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4288;

Margaret Carroll (Office of Program Operations), Economic Regulatory Administration, Room 7202-G, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3254;

David Welsh (Entitlements Program Office), Economic Regulatory Administration, Room 6212, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3459;

Eugene Glass (Crude Oil Production/Allocation Branch), Economic Regulatory Administration, Room 6318-G, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3453;

William Funk or Peter Schaumberg, Office of General Counsel, U.S. Department of Energy, Room 6A-113, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6736 (Funk); 252-6754 (Schaumberg).

SUPPLEMENTARY INFORMATION:

I. Amendments to Entitlements Cleanup Rule

On July 9, 1981, ERA issued a final rule, effective August 1, 1981, establishing a mechanism to liquidate rights and obligations of participants in the crude oil entitlements program that accrued before decontrol. (46 FR 36092, July 13, 1981). As part of that rule, we adopted a mechanism that does not require DOE participation for settling existing entitlements claims and obligations adjudicated by courts, DOE's Office of Hearings and Appeals (OHA) and the Federal Energy Regulatory Commission (FERC) after publication of the clean-up list.

This mechanism for settling post-clean-up claims and obligations provides in subsections (h)(1)(i) and (h)(2)(i) of § 211.69 that the post-clean-up procedures apply only to OHA, FERC and judicial orders "no longer subject to appeal." (46 FR 36099). The purpose of this limitation was to prevent multiple implementation of post-clean-up procedures as a single case moved through the administrative and judicial system.

However, there appear to be no express time limits for appealing a FERC decision or an OHA grant of entitlements exception relief. It therefore could be several years before such an order might be deemed to be final. In the interim, a firm which had a claim determined in such an order would not be able to implement the provisions of § 211.69(h). Similarly, firms with post-clean-up obligations determined in such orders could not be required to pay any monies until the order became final.

To redress this potential uncertainty under § 211.69(h), we are adding a new subsection (3) to that section which will provide, for purposes of the post-clean-up rule, for the treatment of orders for which the period of appeal is not defined by statute or regulation. Specifically, such an order will be deemed to be "no longer subject to appeal" if the order is not appealed within 60 days of its issuance.[1] Therefore, 60 days after the order is issued, if no appeal is filed, a party will be able to implement the provisions of § 211.69(h)(1) to collect its claim, and the provisions of § 211.69(h)(2) may be implemented by other firms to collect their proportional shares of any obligation determined in that order. Of course, if an appeal subsequently is filed, the order resulting from such an appeal again could result in post-clean-up claims and obligations under § 211.69(h).

II. Tertiary Incentive Program Amendments

With respect to prepaid allowed expenses under the tertiary incentive program (originally set forth in 10 CFR 212.78), we have decided to amend the annual reporting requirement concerning such expenses. The existing 10 CFR 212.78 requires producers that have recovered prepaid allowed expenses to file annual reports with ERA until the producer has used all the goods or services to which the expenses relate. Since these reports concern the use of goods or services, a producer would have to obtain the information necessary to complete the report from the project operators of the enhanced oil recovery projects with respect to which it recovered the prepaid allowed expenses.

After reviewing the existing reporting procedure, we have determined that it will be less burdensome to have the project operators file the annual prepaid expenses reports directly. In addition, this action will reduce drastically the number of reports since there are many fewer project operators than producers. Accordingly, we are amending § 212.78 to require project operators, instead of producers, to file the prepaid allowed expense annual report. The information to be reported will remain the same, except that project operators will be required to indicate the identity of each qualified producer to which prepaid allowed expenses have been attributed and the amount of prepaid allowed expenses attributed to each such producer.

[1] This amendment is being adopted solely for purposes of the post-clean-up rule. It is not intended to and will not bar any proper party from appealing an order more than sixty days after the issuance of an order subject to § 211.69(h)(3) if such an appeal would be permissible in the absence of § 211.69(h)(3).

IV. Procedural Matters

A. Executive Order 12291

Under section 8(b) of Executive Order No. 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") is authorized to exempt any class or category of regulations from any or all requirements of that Executive Order.

An exemption was requested of the Director for those regulations issued to implement Executive Order No. 12287. The request was granted.

B. Section 102 of NEPA

It has been determined by the Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness that this regulation does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and, therefore, the preparation of an Environmental Impact Statement for this regulation is not required.

C. Section 501 of the DOE Act

Under section 501(c) of the Department of Energy Organization Act (DOE Act), DOE is not bound by the prior notice and hearing requirements of subsections (b)–(d) with respect to a rule upon DOE's determination that no substantial issue of law or fact exists and that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Where no such substantial issue or impact is foreseen, the proposed rule may be promulgated in accordance with section 553 of the Administrative Procedure Act (APA).

DOE has made such a determination with respect to our actions here. Our action with respect to certain FERC and OHA orders merely removes an uncertainty that could have arisen with respect to when those orders became "no longer subject to appeal" so that the post-clean-up procedures could be implemented. This change preserves the intent of the clean-up regulations by eliminating an unintended ambiguity in the post-clean-up process. This is not a substantive issue nor will it have a substantial impact. Our action with respect to the reporting requirement does not represent a substantial change in the existing reporting requirement since project operators would have had to assemble the requested information for producers so that the producers could have complied with the existing requirement. This amendment only removes the unnecessary step of passing the information through producers before it is sent to DOE.

Section 553(b) of the APA provides that the notice requirements contained therein are inapplicable when the agency for good cause finds that notice and public procedure on a rule are impracticable, unnecessary or contrary to the public interest. DOE finds that the notice and public procedures of section 553(b) are unnecessary in this case, given the nature of DOE's actions, as described above.

D. Regulatory Flexibility Act

Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) provides that the provisions of Sections 603 and 604 of that Act pertaining to the preparation of regulatory flexibility analyses shall not apply to any proposed or final rule if the head of the issuing agency certifies that the rule would not, if promulgated, have a significant impact on a substantial number of small entities.

In view of the nature of today's actions, as discussed previously, ERA is hereby certifying that the rule will not have a significant impact on a substantial number of small entities.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–97; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91, Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620, and Pub. L. 95–621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; E.O. 12287, 46 FR 9909)

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations are amended as set forth below, effective September 30, 1981.

Issued in Washington, D.C., August 25, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

1. Section 211.69 is amended by adding a new paragraph (h)(3) to read as follows:

§ 211.69 Entitlements adjustment mechanism.

* * * * *

(h) *Post-clean-up claims and obligations.*

* * * * *

(3) For purposes of subsections (h)(1) and (h)(2), an order for which there is no explicit statutory or regulatory time limit on appeals shall be deemed to be "no longer subject to appeal" if the order is not appealed within 60 days from the date of issuance of the order.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

2. Section 212.78 is revised to read as follows:

§ 212.78 Tertiary incentive crude oil.

Annual prepaid expenses report. By January 31 of each year after 1980, the project operator with respect to any enhanced oil recovery project for which a report had been filed previously with DOE pusuant to paragraph (h)(2)(i) of this section as that paragraph was in effect on January 27, 1981, shall file with DOE a report in which the operator shall certify to DOE (1) which of the expenses that had been reported previously to DOE pursuant to paragraph (h)(2)(i) of this section as that paragraph was in effect on January 27, 1981, were prepaid expenses; (2) the goods or services for which such expenses had been incurred and paid; (3) the dates on which such goods or services are intended to be used; (4) the dates on which such goods or services actually are used; (5) the identity of each qualified producer to which such prepaid expenses had been attributed; and (6) the percentage of such prepaid expenses attributed to each such qualified producer. An operator shall file an annual prepaid expenses report each year until it has reported the actual use of all the goods and services for which a prepaid expense had been incurred and paid. For purposes of this subsection, a prepaid expense is an expense for any injectant or fuel used after September 30, 1981, or an expense for any other item to the extent that IRS would allocate the deductions (including depreciation) for that item to the period after September 30, 1981.

[FR Doc. 81-25673 Filed 8-28-81; 9:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 4

[Docket No. 81-16]

Description of Office, Procedures, Public Information

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Comptroller of the Currency is amending the regulation that outlines the organizational structure of its field offices to reflect the consolidation of two regional offices, the change of address of one regional office, and the change of geographic boundaries for two regional offices. The consolidation of the two regional offices was prompted by significant changes in the banking industry and bank regulatory practices. Specifically, the expansion of multinational banking activity, particularly in the western United States, has created more direct supervision of certain activities from the Comptroller's headquarters. Further modifications in examination procedures have reduced the overall workload in that geographic area. The consolidation will combine, by year-end 1981, the Regional offices in Portland, Oregon, and San Francisco, California, and the resulting office will be located in San Francisco. The combined region will be designated as Region 13. National banks and affected parties will be notified when the consolidation is completed.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Craig M. Stirnweis, Director, Program Analysis Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, DC, 20219 (202) 447-1723.

SUPPLEMENTARY INFORMATION:

Special Studies

This is an amendment to an internal directive setting out the Office's procedures and, as such, is neither subject to Executive Order 12291 nor to the Regulatory Flexibility Act. The Comptroller has determined that this action does not significantly affect the environment. Therefore, no environmental impact statement is required under the National Environmental Policy Act of 1969.

PART 4—DESCRIPTION OF OFFICE PROCEDURES, PUBLIC INFORMATION

For the reasons given in this preamble, 12 CFR Part 4 is amended to read as follows:

1. The authority citation for 12 CFR Part 4 is:

Authority: 12 U.S.C. 1 *et seq.*, 5 U.S.C. 552, unless otherwise noted.

2. Section 4.1a, (b)(1) is revised to read as follows:

§ 4.1a Central and field organizations; delegations.

* * * * *

(b) Field Offices. (1) Thirteen National Bank Regions cover the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. The Office address and the geographic composition of each is as follows:

Region No.	Area within region	Office address
1	Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island.	Harbor Plaza, Eighth Floor, 470 Atlantic Avenue, Boston, Mass. 02110.
2	New York, New Jersey, Puerto Rico, Virgin Islands.	1211 Avenue of the Americas, Suite 4250, New York, N.Y. 10036.
3	Pennsylvania, Delaware	Three Parkway, Suite 1800, Philadelphia, Pa. 19102.
4	Indiana, Ohio, Kentucky	One Erieview Plaza, Cleveland, Ohio 44114.
5	West Virginia, Maryland, Virginia, North Carolina, District of Columbia.	F & M Center, Suite 21-51, Richmond, Va. 23277.
6	South Carolina, Georgia, Florida.	Peachtree Cain Tower, Suite 2700, 229 Peachtree Street, N.E., Atlanta, Ga. 30303.
7	Illinois, Michigan (excluding the Upper Peninsula of Michigan).	Sears Tower, Suite 5750, 233 South Wacker Drive, Chicago, Ill. 60606.
8	Arkansas, Tennessee, Louisiana, Mississippi, Alabama.	165 Madison Avenue, Suite 800, Memphis, Tenn. 38103.
9	North Dakota, South Dakota, Minnesota, Wisconsin, Upper Peninsula of Michigan.	000 Marquette Avenue, Suite 1100, Minneapolis, Minn. 55402.
10	Nebraska, Kansas, Iowa, Missouri.	911 Main Street, Suite 2616, Kansas City, Mo. 64105.
11	Texas, Oklahoma	1201 Elm Street, Suite 3800, Dallas, Tex. 75270.
12	Wyoming, Colorado, Utah, New Mexico, Arizona.	1405 Curtis Street, Suite 3000, Denver, Colo. 80202.
13	Washington, Oregon, Idaho, Montana, Alaska, Nevada, California, Hawaii, Guam, and the Northern Mariana Islands.	One Market Plaza, Steuart Street Tower, Suite 2101, San Francisco, Calif. 94105.

* * * * *

Dated: August 26, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81-25313 Filed 8-28-81; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 532

[No. 81-492]

Ownership of NOW Accounts; Postponement of Effective Date

Dated: August 26, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; postponement of effective date.

SUMMARY: On August 13, 1981 the Board issued a final rule regarding the eligibility of various types of depositors to maintain negotiable order of withdrawal ("NOW") accounts at member institutions (Resolution No. 81-460, 46 FR 42250, Aug. 20, 1981). The rule was to take effect on August 19, 1981; however, the effective date was postponed for a ten day period by a judicial order issued August 19, 1981 (*see* 46 FR 42651, Aug. 24, 1981). Due to pending litigation concerning Resolution No. 81-460, the Board has determined to postpone the effective date of the rule until September 15, 1981.

DATES: This Board action postponing the effective date of Resolution No. 81-460 takes effect on August 26, 1981. The effective date of Resolution No. 81-460 is postponed until September 15, 1981.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202-377-6444).

(Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980); 12 U.S.C. 1437, 1464, 1724, 1725, 1726, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 81-25374 Filed 8-28-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-4-AD; Amendment 39-4196]

Airworthiness Directives; Beech Models 99, 99A, A99A, A99 and B99 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models 99, 99A, A99A, A99 and B99 airplanes. The AD requires the deletion of the Minimum Equipment List (MEL) and Configuration Deviation List (CDL) from the FAA Approved Airplane Flight Manual (AAFM) and the insertion therein of a new document entitled Kinds of Operations Equipment List (KOEL) for these Beech model airplanes. This action is necessary since some items of equipment which the present Beech 99 series MEL and CDL allow to be inoperative could result in the unsafe operation of these airplanes.

EFFECTIVE DATE: October 3, 1981. Compliance: Within the next 100 hours time-in-service after the effective date of this AD.

FOR FURTHER INFORMATION CONTACT: Paul A. Cormaci, Aerospace Engineer, Airworthiness Standards Program, Room 1639, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374-6942.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to Beech Models 99, 99A, A99A, A99 and B99 airplanes and published it in the **Federal Register** on April 30, 1981 (46 FR 24189-24192). The proposal would require deletion of the Minimum Equipment List (MEL) and Configuration Deviation List (CDL) from the FAA Approved Airplane Flight Manual (AAFM) and the insertion therein of a new document entitled Kinds of Operations Equipment List (KOEL) for those Beech Model airplanes. The action was prompted because some items of equipment which the present Beech 99 series airplane MEL and CDL allow to be inoperative could result in the unsafe operation of those airplanes.

Interested persons were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. Comments were received from interested persons, operators and agencies, all of whom objected or offered alternatives to the proposed AD.

Three commenters petitioned the Administrator for an extension to the Notice of Proposed Rulemaking (NPRM) comment period, citing the need for time to further revise the MMELs (Master Minimum Equipment Lists) and MELs and also the need to compile economic impact data. The FAA processed those petitions under the provisions of FAR Part 11 by letters of denial to the petitioners as not being in the public interest.

Seven commenters questioned the fact that an unsafe condition exists with the present MEL/CDL in the AAFM. Commenters cited satisfactory Beech 99 service history and an accident-free record. One commenter stated there has been no single known accident attributable to an MEL deficiency and further, that an unsafe condition could come about only in those cases where an operator or pilot intentionally violated the requirements of the existing MEL. The FAA disagrees that MEL items have not been factors in any previous Beech 99 accidents and/or incidents. The National Transportation Safety Board (NTSB) aircraft accident report on a Beech 99 accident at Richland, Washington, on February 10, 1978, cited certain MEL items as factors in that accident. The April 30, 1981, NPRM relevant to this action stated the basis for an airworthiness directive and those conditions have not changed. The FAA is concerned about pilots intentionally/unintentionally operating to an MEL that is in conflict with existing ADs or to an MEL that provides a lower level of safety than the airplane was type certificated to achieve, or by relying on operating procedures and preflight inspections in lieu of design integrity and the airplane's airworthiness.

Several comments cited an undue economic burden in complying with the proposed AD and operating to the KOEL. Some cost impact data was provided by the commenters which listed costs per hour of maintenance, aircraft downtime, lost ticket revenue and airplane cost per flight hour. Also, some typical costs were presented on replacing specific aircraft equipment. The FAA does not question the cost figures presented but the Agency does not agree that the total cost presented by commenters would be due to an AD adopted from the NPRM. Economic impact would be only those costs due to the differences between revised, updated or new MEL resulting from AD action to the existing MEL in the AAFM or those existing MELs approved under FAR 135.179. It is not appropriate to include hardware, equipment and labor costs to replace failed components in the economic impact analyses for this AD. That cost is mandated by the necessity to replace the failed component and will not be affected by the AD. One commenter estimated a minimum of 50 hours of revenue time lost per airplane per year because of the additional MEL criteria. Another commenter stated it would be costly to process new MELs. The FAA does not agree with this estimate of revenue time lost based on the malfunction or defects service difficulty reports for the last 5 years and also on the FAA analysis of the differences that may exist between updated or new MELs and present MELs in service. The FAA does agree that operators may have to reassess and modify maintenance procedures especially on those aircraft systems where there may be little relief from a fully-operational system. The FAA did consider increases in preventive maintenance costs in the economic impact on operators. The FAA agrees there could be some inconvenience and cost involved to revise and update MELs; however, this cost can be minimized by following the MMEL available through the local FAA General Aviation District Office.

Two commenters questioned the lead paragraph to the KOEL in that the wording could be misinterpreted so as to disallow dispatch with any listed equipment inoperative regardless of relaxation provided by an FAA-approved MMEL or MEL. Further, one commenter gave alternative wording to make it clear that the KOEL applies to those persons not authorized to use an MEL while persons authorized to operate to an MEL would not have to comply with the kinds of operation statement in the limitations section of the AFM. Because of these comments, the FAA wants the purpose of the AD clearly understood. First, the AD is necessary on the basis of safety as stated in the NPRM. Second, the KOEL defines the equipment items necessary for the airplane to comply with the type certification airworthiness requirements, and Federal Aviation Regulation 23.1583(h) requires that this list be presented in the limitations section of the AFM.

Third, one purpose of the AD is to separate the MEL from the AFM since the MMEL and MEL are separate and distinct from, but dependent on, the KOEL. From the comments received to the NPRM it appears that many persons do not understand the type certification procedures, the type certification basis of an airplane and who is authorized to

grant equivalencies to airworthiness requirements. Equivalencies can only be granted after there are findings made by the FAA in accordance with FAR Section 21.21(b)(1) that any airworthiness requirements not complied with are compensated for by factors that provide an equivalent level of safety. Regardless of who evaluates a design feature toward an equivalency, the certification basis remains the same as that to which the airplane was certificated. The comments indicate that there are those who feel that a basis different than the type certification requirements can be used to determine that an equivalent level of safety exists. This, as indicated above, is not correct.

Finally, the AD, with its provided KOEL, recognizes that there will be circumstances where findings of equivalent levels of safety can be made and, therefore, the MEL will contain items that will supersede comparable items on the KOEL. To provide for such situations where the KOEL can be superseded by the MEL, the following wordage is included on the KOEL provided in this AD:

However, certain operations may be authorized with certain listed equipment and/or systems inoperative under certain conditions and under provisions defined by a current Minimum Equipment List (MEL) approved by the FAA which is dated concurrently with, or after, this AFM revision and authorized under an operating regulation which provides for use of an MEL.

Two commenters stated the Beech 99 safety record does not indicate any deficiencies in the present AAFM and where incidents related to an MEL or CDL item have occurred, that those incidents have been due to a failure to follow the procedures required when items were inoperative. Further, in such cases, the use of a KOEL would not have prevented an accident. The agency has determined that a failure to follow procedures required when items are inoperative is a significant factor in the FAA's decision for removing the MEL and CDL from the AAFM and to list the required equipment.

This action is being taken to eliminate conflicts between airworthiness certificated items and those MEL procedures intended to provide equivalent safety.

One commenter expressed concern that the operator is liable for revising the AAFM for compliance with the AD and that the manual cannot be modified without Beech Aircraft's approval. The FAA does not understand the commenter's concern since airplane operators/owners are responsible to comply with applicable ADs and the FAA can impose revisions and deletions to the AAFM through, or coordinated with, the manufacturer.

Several commenters proposed alternatives to the proposed AD as follows:

(1) Leave the Beech MEL in the AAFM, revised to remove conflicts with ADs and waive the Part 135 rule to allow the current Beech MEL to be used/or;

(2) Reactivate the Flight Operations Evaluation Board (FOEB) and revise the current FAA MMEL to include those items the Beech 99 MEL has allowed the operator to use/or;

(3) Consider adding a CDL and ferry certificate authorization for all Part 135 operators.

(4) Permit day VFR operation with one DC generator, one DC loadmeter, one DC generator warning light and one inverter inoperative.

(5) Delete flap position indicator, trim tab indicators, horizontal stabilizer position indicator, oil temperature indicator, and low oil pressure warning light from the equipment list.

The FAA had already given careful consideration, including comments at a public meeting, to the foregoing alternatives, and the NPRM was based on the conclusion of those efforts.

Accordingly, the FAA has determined that sufficient evidence exists in the public interest of aviation safety to adopt the proposed rule with only minor changes. Additionally, the individual named in the "For Further Information Contact" caption has been changed to Paul A. Cormaci of the Airworthiness Standards Program Office in Kansas City, Missouri. Since these changes are clarifying and relaxatory in nature, additional notice and public procedure hereon under 5 U.S.C. 553(b) are unnecessary and impracticable.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Beech: Applies to Models 99, 99A, A99A and A99 (Serial Numbers U–1 through U–145 and U–147) and Model B99 (Serial Numbers U–146, U–148 and subsequent) airplanes certificated in all categories.

Compliance: required as indicated, unless previously accomplished.

To preclude operations with inoperative systems which are required to be functioning for safe flight, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Make the following revisions to the applicable approved Airplane Flight Manual (AAFM) and operate the airplane in accordance with the revised manual.

1. In P/N 99–590012–ID, FAA Approved Airplane Flight Manual for Beechcraft 99 Airliner:

(a) Delete from page 4–1 the entry "Minimum Equipment List * * * 4–35" and the entry "Configuration Deviation List * * * 4–44."

(b) Remove and destroy pages 4–35 through 4–46.

2. In P/N 99–590019–1C, FAA Approved Flight Manual for the Beechcraft 99A Airliner:

(a) Delete from page 4–1 the entry "Minimum Equipment List * * * 4–31" and the entry "Configuration Deviation List * * * 4–40."

(b) Remove and destroy pages 4–31 through 4–42

3. In P/N 99–590023–1, FAA Approved Flight Manual for the Beechcraft A99A Airliner:

(a) Delete from page 4–1 the entry "Minimum Equipment List * * * 4–33" and the entry "Configuration Deviation List * * * 4–42."

(b) Remove and destroy pages 4–33 through 4–44

4. In P/N 99–590024–1, FAA Approved Flight Manual for the Beechcraft A99 Airliner:

(a) Delete from page 4–1 the entry "Minimum Equipment List * * * 4–29" and the entry "Configuration Deviation List * * * 4–38."

(b) Remove and destroy pages 4–29 through 4–40

5. In P/N 99–590026–1, FAA Approved B99 Airliner Airplane Flight Manual:

(a) Delete from page 4–1 the entry "Minimum Equipment List * * * 4–33" and the entry "Configuration Deviation List * * * 4–42."

(b) Remove and destroy pages 4–33 through 4–44

(B) In the applicable FAA Approved Airplane Flight Manual identified in paragraph A of this AD:

1. In section 1, Limitations, delete in its entirety, the paragraph which reads as follows:

"This airplane is approved for the following types of operation when required equipment is installed and operational as defined herein.

1. VFR day and night.

2. IFR day and night.

3. Known icing conditions.

4. FAR 135 operations when all pertinent limitations and performance considerations are complied with.

5. FAR 91 operations when all pertinent limitations and considerations are complied with."

2. In Section 1, Limitations, insert the Kinds of Operations Equipment List (KOEL), a copy of which is attached hereto and identified as Appendix I for temporary insertion until an identical permanent list is provided by the manufacturer, and operate the airplane in accordance with that Equipment List.

(C) This AD may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person provided the airplane is not used in air carrier service. An entry must be made in the Aircraft

Maintenance Records indicating compliance with this AD.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979) and will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves changes to manuals affecting operations used on only a few aircraft owned by small entities. A draft evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Court of Appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on August 17, 1981.

James O. Robinson,

Acting Director, Central Region.

Appendix I—Kinds of Operations Equipment List (KOEL)

This airplane may be operated in day or night VFR, day or night IFR and icing conditions when the appropriate equipment is installed and operable. The following equipment list identifies the systems and equipment upon which type certification for each kind of operation was predicated and must be installed and operable for the particular kind of operation indicated. However, certain operations may be authorized with certain listed equipment and/or systems inoperative under certain conditions and under provisions defined by a current Minimum Equipment List (MEL) approved by the FAA which is dated concurrently with or after this AFM revision and authorized under an operating regulation which provides for use of an MEL.

	VFR day	VFR night	IFR day	IFR night	Icing
Electrical power:					
1. Battery	1	1	1	1	1
2. D.C. generator	2	2	2	2	2
3. D.C. voltmeter	2	2	2	2	2
4. D.C. generator warning light	2	2	2	2	2
5. Inverter	2	2	2	2	2
6. Inverter warning light	1	1	1	1	1
7. Feeder limiter warning light	1	1	1	1	1
8. Battery monitor system	1	1	1	1	1
Equipment/ furnishings:					
1. Exit signs—self-illuminated	3	3	3	3	3
Fire protection:					
1. Engine fire detector	2	2	2	2	2
2. Firewall fuel shutoff	2	2	2	2	2
Flight controls:					
1. Flap system	1	1	1	1	1
2. Flap position indicator	1	1	1	1	1
3. Horizontal stabilizer trim system—main	1	1	1	1	1
4. Horizontal stabilizer trim system—standby	1	1	1	1	1
5. Stabilizer out-of-trim aural warning indicator	1	1	1	1	1
6. Trim-in-motion aural indicator	1	1	1	1	1
7. Horizontal stabilizer position indicator	1	1	1	1	1
8. Stall warning horn	1	1	1	1	1
9. Trim tab indicator—rudder	1	1	1	1	1
10. Trim tab indicator aileron	1	1	1	1	1
Fuel:					
1. Fuel boost pumps (4 are installed)	(1)	(1)	(1)	(1)	(1)
2. Fuel quantity indicator	2	2	2	2	2
3. Fuel quantity gauge selector switch	1	1	1	1	1
4. Nacelle not-full warning light	2	2	2	2	2
5. Crossfeed light	1	1	1	1	1
6. Fuel boost pump low pressure warning light	2	2	2	2	2
7. Fuel flow indicator	2	2	2	2	2
8. Jet transfer pump	2	2	2	2	2
Ice and rain protection:					
1. Engine inlet scoop deicer boot	2	2	2	2	2
2. Engine inlet scoop/ deicer/ propeller deicer indicator	2	2	2	2	2
3. Engine inertial anti-icing system	2	2	2	2	2
4. Pitot heat	0	0	2	2	2
5. Alternate static air source	0	0	1	1	1
6. Engine auto-ignition system	2	2	2	2	2
7. Propeller deicer	0	0	0	0	2
8. Windshield heat (left)	0	0	0	0	1
9. Surface deicer system	0	0	0	0	1
10. Stall warning mounting plate heater	1	1	1	1	1
11. Wing ice light (left)	0	0	0	0	1
12. Windshield wiper (left)	1	1	1	1	1
Landing gear:					
1. Landing gear position indicator lights	3	3	3	3	3
2. Landing gear handle light	1	1	1	1	1
3. Flap-controlled landing gear aural warning	1	1	1	1	1
4. Nose steering disconnect actuator	1	1	1	1	1
Lights:					
1. Cockpit and instrument (required illumination)	0	1	0	1	0
2. Anti-collision	0	2	0	2	0
3. Landing light assembly (two lamps)	0	1	0	1	0
4. Position lights (system)	0	1	0	1	0
5. Cabin door warning light	1	1	1	1	1
6. Baggage door warning light	1	1	1	1	1
Navigation (instrument):					
1. Altimeter (left)	1	1	1	1	1
2. Airspeed (left)	1	1	1	1	1
3. Magnetic compass	1	1	1	1	1
4. Outside air temperature	1	1	1	1	1
Vacuum system:					
1. Suction gauge	1	1	1	1	1
Propeller:					
1. Autofeather system	2	2	2	2	2
2. Low pitch light (PT6A-20 engine only)	2	2	2	2	2
3. Do not reverse warning light	2	2	2	2	2
Engine indicating:					
1. Tachometer indicator (propeller)	2	2	2	2	2
2. Tachometer indicator (gas generator)	2	2	2	2	2
3. ITT indicator	2	2	2	2	2
4. Torque indicator	2	2	2	2	2
Engine oil:					
1. Oil temperature indicator	2	2	2	2	2
2. Oil pressure indicator	2	2	2	2	2
3. Low oil pressure light	2	2	2	2	2
4. Engine chip detector	2	2	2	2	2

1 PER AFM limitations.

Note 1: The zeros (0) used in the above list mean that the equipment and/or system was not required for type certification for that kind of operation.

Note 2: The above system and equipment list is predicated on a crew of one pilot.

Note 3: Equipment and/or systems in addition to those listed above may be required by operating regulations (FAR

Part 135) that may specify certain items of equipment for more than one pilot.

[FR Doc. 81-25142 Filed 8-28-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-50-AD; Amdt. 39-4201]

Airworthiness Directives: British Aerospace Corporation Model HS748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On July 10, 1981, the FAA issued a Telegraphic Airworthiness Directive, (AD) T81-15-52, to all known operators of British Aerospace Model HS748 airplanes, effective upon receipt, requiring operators to institute a preflight procedure to ensure the passenger and cargo doors are closed and locked prior to takeoff. This action was prompted by a fatal accident which may have been caused by a baggage door becoming detached in flight and striking the horizontal stabilizer. This AD is hereby published in the **Federal Register** to make it effective to all persons. Further, this document amends T81-15-52 to require an inspection and reinstallation, if required, of the door lock viewing windows. Incorrect installation of the windows could give a misleading indication of the door lock status.

DATES: Effective date September 9, 1981.

This AD was effective earlier to all recipients of Telegraphic AD T81-15-52 dated July 10, 1981.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to Product Support Manager, British Aerospace Corporation, Woodford, England, or may be examined at the FAA Northwest Region, 9010 E. Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Project Engineer, Foreign Aircraft Certification Branch, ANW-150S, Federal Aviation Administration, Aircraft Certification Office, 9010 E. Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION: It is speculated that a fatal accident was caused when the right-hand rear baggage door of an HS748 airplane became detached during flight and struck the horizontal stabilizer. British Aerospace Corporation Alert Service Bulletin A52/90 dated July 10, 1981, was issued by the manufacturer to require a preflight check of all doors by a qualified crew member to ensure they are properly secured. The bulletin also required additional mechanical and electrical checks of the door lock indication system as well as the deletion of external markings and indicators. A telegraphic AD T81-15-52 was issued July 10, 1981, to require compliance with the service bulletin. On August 3, 1981, an amendment to the service bulletin was issued which required an additional inspection of all door windows to ensure they are correctly installed. These windows are located adjacent to indicator drums which show the status of the door locking mechanism. If a window is improperly installed, parallax errors may result which could give a false reading of the door locking mechanism position. This AD requires an inspection to ensure the windows are properly installed as well as publishes the original telegraphic AD in the **Federal Register**.

Since this condition was likely to exist or develop on other airplanes of the same type design, a telegraphic airworthiness directive was issued which requires inspections and modifications to British Aircraft Corporation HS748 airplanes. It is now published to make it effective to all persons.

Since a situation existed and still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

PART 39—AIRWORTHINESS DIRECTIVES

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace Corporation: Applies to all operators of HS-748 airplanes certified in all categories.

To ensure all entry and cargo doors are properly secured, accomplish the following unless already accomplished:

1. Within 2 days after the receipt of this AD, accomplish a preflight check procedure including log book entry in accordance with paragraph 2A of British Aerospace Corporation Alert Service Bulletin A52/90 dated July 10, 1981, or a later FAA approved revision.

2. Within 14 days after the receipt of this AD, remove external markings and indicators in accordance with paragraph 2B of British Aerospace Corporation Alert Service Bulletin A52/90 dated July 10, 1981, or a later FAA approved revision.

3. Within 14 days after the receipt of this AD, perform checks of the mechanical locking system in accordance with paragraph 2C1 of British Aerospace Corporation Alert Service Bulletin A52/90 dated July 10, 1981, or a later FAA approved revision.

4. At the next "A" check or within 14 days, whichever comes first, and at each "A" check thereafter or 14 day-period, perform electrical indication system checks in accordance with paragraph 2C2 of British Aerospace Corporation Alert Service Bulletin A52/90 dated July 10, 1981, or a later FAA approved revision.

5. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197 and FAR 21.199.

6. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

7. Within ten days after the effective date of this AD, unless already accomplished, inspect the windows adjacent to indicator drums for correct installation in accordance with British Aerospace Corporation Alert Service Bulletin A52/90 dated August 3, 1981, or a later FAA approved revision. If windows are found improperly installed, they must be removed and refitted correctly.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the addresses listed above. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective September 9, 1981, and was effective earlier to those recipients of Telegraphic AD T81-15-52 dated July 10, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under

the caption "FOR FURTHER INFORMATION CONTACT."

In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this regulation will not have a significant economic impact on a substantial number of small entities since few, if any, are affected.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on August 20, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-25274 Filed 8-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-WE-15-AD; Amdt. 39-4202]

Airworthiness Directives; Fairchild Model C-119 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and replacement if necessary of the inboard and outboard aileron systems and support structure on Fairchild Model C-119 Series airplanes. The AD is needed to prevent possible wing failure due to loads induced by a failure in the aileron system.

DATES: Effective September 10, 1981.

Compliance required within the next 100 hours' time in service after the effective date of this AD, or within 60 days from the effective date of this AD, whichever occurs earlier.

ADDRESSES: The applicable service information may be reviewed at, and a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry Presbo, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: The FAA has received reports indicating the probable cause of a fatal accident involving a Fairchild C-119C airplane certificated in the restricted category, under a type certificate held by Aero Union Corporation, involved wing structural failure initiated by aileron control system failure.

Post crash investigation revealed that the failed left hand aileron bellcrank (magnesium) demonstrated severe corrosion. The nature and degree of the corrosion is such that the FAA has reason to question the adequacy of the maintenance and inspection programs on these airplanes.

Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires visual, dye penetrant and X-ray inspections of the inboard and outboard aileron and aileron control linkage on Fairchild Model C-119 series airplanes under various type certificates.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Fairchild: Applies to Model C-119 series airplanes certificated in all categories under various type certificates including, but not limited to:

Pacific International Foods, Inc., A6NW
William Waara, A32CE
Starbird, Inc., A5NW
Aero Union Corporation, A21WE
Hawkins and Powers, Inc., A24WE

Compliance required as indicated, unless already accomplished.

To prevent possible wing failure due to loads induced by a free aileron, accomplish the following:

(a) Within 100 hours' time in service or within 60 days from the effective date of this AD, whichever occurs earlier, conduct inspections of the inboard and outboard aileron, aileron control system, and all aileron attachment fittings of the outer wing panel using the applicable inspection instructions of Section III Wing Group and Section X Control Systems Group of USAF Technical Order T.O. 1C-119G-36 and additional inspection procedures given below.

(b) Remove the left and right hand inboard and outboard ailerons and inspect for evidence of cracks, corrosion, pitting; loose, distorted or corroded fasteners; excessive wear and elongated holes in accordance with the visual, dye penetrant and X-ray procedures of T.O. 1C-119G-36, paragraphs 3-25 through 3-36.

(c) Inspect the aileron flight control linkage in the left and right hand wing outer panel for evidence of cracks, corrosion, pitting; loose, distorted or corroded fasteners; excessive wear and elongated holes in accordance with visual, magnetic and dye penetrant procedures of T.O. 1C-119G-36, paragraphs 10-11 through 10-14, with the following exceptions for the bellcrank item C-30 of T.O. 1C-119G-36.

(1) Remove the left and right hand inboard aileron bellcrank assembly, P/N 110-727202-21 and P/N 110-727202-22, indicated as item C-30 in T.O. 1C-119G-36, Figure 10-3, page 10-25.

(2) Conduct a dye penetrant inspection in accordance with T.O. 1C-119G-36, paragraph 10-14(c)(2), after removal of the bushings and bearings. Particular attention should be directed to the exterior and interior surfaces of the central hub of the bellcrank.

(d) Using a 10X magnifier, inspect the truss support assembly which is attached to the upper and lower rear wing spar cap and inner aileron bellcrank inter-rib support bracket in left and right outer wing panels for evidence of corrosion, cracks or loss of structural integrity caused by erosion of tubular wall thickness.

Note.—Part numbers found on some C-119 model aircraft are: P/N 78-135106-0005R and P/N 78-135106-0008L.

(e) If any cracks, corrosion, pitting; loose, distorted or corroded fasteners; excessive wear or elongated holes are detected during the inspections, repair in accordance with T.O. 1C-119B-3 or replace with like serviceable part in accordance with the procedures of the applicable paragraphs in T.O. 1C-119G-36, prior to further flight.

(f) Prior to return to service, after accomplishing other inspections required by this AD, conduct a balance inspection of all four ailerons per procedures specified in the applicable maintenance instructions. Any out-of-limit condition must be corrected prior to further flight.

(g) Repeat the inspections required by paragraph (c), (d) and (f) of this AD at intervals not to exceed 3000 hours' time in service or one (1) year from the last such inspection, whichever occurs earlier.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

(i) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(j) The specifications and procedures identified and described in this directive are incorporated herein and made a part hereof

pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents may obtain copies upon request to: FAA Western Region Office, 15000 Aviation Boulevard, Hawthorne, California 90261, and at: FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C. and at FAA Western Region Office.

This amendment becomes effective September 10, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on August 21, 1981.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 81-25275 Filed 8-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-WE-12-AD; Amdt. 39-4203]

Airworthiness Directives; Hiller Model UH-12 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection of tail rotor blades for cracking and/or clogging of vent holes, and prescribes corrective action on Hiller Model UH-12 series helicopters. The AD is needed to detect cracks which, if undetected, could result in loss of directional control.

DATES: Effective September 10, 1981.

Initial compliance required prior to further flight after the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from: Hiller Aviation, 2075 W. Scranton Avenue, Porterville, California 93257.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry Presba, Executive Secretary, Airworthiness Director Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: There have been reports of skin cracks in the tail rotor blades of Hiller Model UH-12 series helicopters. Three of these reports are recent and one such instance of cracking resulted in an accident (non-fatal). The blade skins on these three rotorcraft blades were found cracked after 7 hours, 10 hours and 77 hours time in service respectively. In each instance it was determined that the vent holes on the root end were clogged. As a result, pressure fluctuations can be created within the blade cavity causing the skin to vibrate in flexure resulting in the initiation of skin fatigue cracks. All Hiller UH-12 tail rotor blades P/N 55073 can be affected by this phenomenon. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires a one time inspection of the tail rotor blades for skin cracks and a repetitive check of the tail rotor vent holes for clogging and replacement if neccessary, of the tail rotor blades on Hiller Model UH-12 series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Hiller Aviation: Applies to Hiller Model UH-12 series helicopters including military models H-23F and OH-23G, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent tail rotor skin cracks, accomplish the following:

(a) Prior to further flight after the effective date of this AD:

(1) Visually inspect the tail rotor blades for skin cracks or loose rivets. If cracks or loose rivets are found, replace with like serviceable part prior to return to service.

(2) Inspect the four vent holes in the tail rotor blades for obstruction as indicated in Part 2 of Hiller Aviation Service Bulletin UH-12-55-1 dated August 11, 1981. If either of the vent holes at the root end are found to be obstructed, remove the blade from service and replace with like serviceable part. If the root vent holes are found to be unobstructed, inspect the tip vent holes and clear of any obstruction prior to return to service.

(b) Prior to each flight after the inspections required by paragraph (a) of this AD, conduct a visual check to determine that the four vent holes are clear of obstruction. If obstructions are found, perform the appropriate corrective actions of paragraph (a) of this AD prior to further flight.

Note.—The checks required by paragraph (b) of this AD may be performed by the pilot.

Note.—For the requirements regarding recording compliance and method of compliance with this AD in the aircraft's permanent maintenance records, see FAR 91.173.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes or helicopters to a base for the accomplishment of inspections or modifications required by this AD.

(d) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: Hiller Aviation, 2075 W. Scranton Avenue, Porterville, California 93257, Telephone: (209) 781-8000, Telex 082454.

These documents may also be examined at: FAA Western Region Office, 15000 Aviation Boulevard, Hawthorne, California 90261, and

at: FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C. and at FAA Western Region Office.

This amendment becomes effective September 10, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeal of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on August 21, 1981.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 81-25273 Filed 8-28-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-WE-13-AD; Amdt. 39-4204]

Airworthiness Directives; Volpar, Inc., Beech Model 18 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and replacement if necessary of a certain bolt in the main landing gear system on Beech 18 series aircraft incorporating modifications per Volpar, Inc. Supplemental Type Certificates SA4-1531, SA111WE or SA1832WE. The AD is needed to prevent bolt failure which could result in landing gear collapse.

DATES: Effective September 10, 1981.

Compliance schedule—As prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Volpar, Incorporated, Van Nuys, California 91406.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: There have been reports of bolt failures in the main landing gear of Beech 18 series aircraft modified by Volpar, Inc. STCs SA4-1531, SA111WE and SA1832WE. The bolt is failing at the head radius due to high repetitive loads. Separation of the bolt shank from its bushing could cause gear collapse. Since this condition is likely to exist or develop in other aircraft of the same supplementally certificated type design, an airworthiness directive is being issued which requires inspection of the bolt and replacement if necessary with a bolt of improved design. In addition eventual replacement of the failing bolt is required by the AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Volpar, Incorporated: Applies to Beech Models C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), RC-45J (SNB-5P), D18C, D18S, E18S-0700, G18S, H18, JRB-6, 3N, 3NM, and 3TM Aircraft with Volpar Tricycle Landing Gear, (STC SA4-1531, STC SA111WE, STC SA1832WE or any other STC modification incorporating the provisions of this installation), certificated in all categories.

Compliance required as indicated unless already accomplished. To prevent possible main landing gear collapse due to bolt failure, accomplish the following:

(a) Prior to further flight after the effective date of this AD, visually inspect the main landing gear Walking Beam upper attach bolt P/N AN179-46A for integrity and for adequate installation as specified in "Accomplishment Instructions", Part 1, Paragraphs (a) and (b) of Volpar, Inc. Service Bulletin Number 22 dated June 1, 1981. If the bolt has failed, replace with like serviceable part (or replacement part per paragraph (b) of this AD) prior to return to service.

(b) Prior to the accumulation of 200 additional hours' time in service, or at the next annual inspection, whichever occurs sooner, remove AN 179-46A bolt and associated hardware and install NAS 149-80 bolt and associated hardware as specified in "Description of Change" section of Volpar, Inc. Service Bulletin Number 22, dated June 1, 1981.

(c) At intervals not to exceed 3,000 hours' time in service since the installation of Bolt P/N NAS 149-80, visually inspect the bolt installation for integrity and replace with like serviceable part, if necessary.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

(e) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: Volpar, Incorporated, Van Nuys, California 91406, Phone: (213) 994-5023, Telex 651419.

These Documents may also be examined at: FAA Western Region Office, 15000 Aviation Boulevard, Hawthorne, California 90261, and at: FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C. and at FAA Western Region Office.

This amendment becomes effective September 10, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that due to the emergency nature of this AD, it is impracticable to follow the regulatory

procedures prescribed by Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeal of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on August 21, 1981.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 81-25276 Filed 8-28-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2530

Rules and Regulations for Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Deferral of Effective Date

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Interim deferral of effective date of final rule and request for comments.

SUMMARY: This document defers until October 1, 1981, the effective date of 29 CFR 2530.203–3, Suspension of Benefit Rules, and proposes deferring the effective date of this regulation until action is taken on proposed amendments to it. This regulation had been due to take effect on September 1, 1981. These actions are taken in order to permit proposed rulemaking which appears elsewhere in this issue of the **Federal Register.**

DATE: The effective date of 29 CFR 2530.203–3 is deferred until October 1, 1981. Comments on the proposal to defer the effective date of this regulation until action is taken on today's proposed amendments to the regulation must be received by the Department on or before September 14, 1981.

ADDRESSES: Written comments (preferably at least three copies) should be submitted to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N–4508, U.S. Department of Labor, Washington, D.C. 20216. Attention: Suspension of Benefits—Deferral. All Written comments will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Office of the Solicitor; 200 Constitution Avenue NW., Washington, D.C. 20216; Room C–4506; 202–523–8658.

SUPPLEMENTARY INFORMATION: On January 27, 1981, the Department of Labor published in the **Federal Register** (46 FR 8894) a final regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (ERISA) governing the circumstances under which it is permissible for a plan to suspend the payment of pension benefits (29 CFR 2530.203–3). As published, this regulation was due to take effect May 27, 1981.

On May 26, 1981, June 30, 1981, and July 31, 1981, the Department published documents (46 FR 28151, 33517, 39138) which announced its decision to defer the effective date of the suspension of benefits regulation until July 1, 1981, August 1, 1981, and September 1, 1981, respectively. These actions were taken in order to permit reconsideration of this regulation in accordance with Executive Order 12291, and to coordinate review by the Office of Management and Budget, as required by the Executive Order.

The Department has now determined to propose certain technical amendments to this regulation. A Notice describing these proposals appears elsewhere in today's issue of the **Federal Register.** In view of this action, it appears desirable to obtain public comment on whether the regulation should be permitted to take effect before a final decision is made regarding adoption of the amendments proposed today. Accordingly, the Department has decided to defer the effective date of the suspension of benefits regulation until October 1, 1981; and to propose for public comment deferring the effective date until action is taken on the proposed amendments published today.

For these reasons, and because this regulation is scheduled to become effective very shortly, the Department finds, pursuant to the Administrative Procedure Act (5 U.S.C. 553(b)), that additional notice and public procedure on this change of effective date would be impracticable, unnecessary and contrary to the public interest.

Accordingly, pursuant to the authority set forth in sections 203(a)(3)(B) and 505

of ERISA, the effective date of 29 CFR 2530.203-3 is hereby deferred until October 1, 1981.

Signed at Washington, D.C., this 27th day of August, 1981.

Donald L. Dotson,

Assistant Secretary, Labor-Management Services Administration.

[FR Doc. 81-25460 Filed 8-28-81; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS ATLANTA (SSN 712) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine; and (2) has found that USS ATLANTA (SSN 712) is a member of the SSN 688 class of ships, exemptions for which have previously been granted under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, Alexandria, Virginia 22332; Telephone number: (202) 325-0744.

SUPPLEMENTARY INFORMATION: This amendment to Part 706 provides notice that the Secretary of the Navy has certified that USS ATLANTA (SSN 712) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 2(a)(i) regarding the height of the masthead light; Annex I, section 2(k) regarding the height and relative positions of the anchor lights; and Annex I, section 3(b) regarding the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special function of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS ATLANTA (SSN 712) is a member of the SSN 688 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to USS ATLANTA (SSN 712).

Moreover, it has been determined, in accordance with CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military function.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

§ 706.2 [Amended]

1. Table One of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by insertion of the following entry:

Vessel	Number	Distance in meters of forward masthead light below minimum required height, § 2(a)(i) Annex I
• • •	•	•
USS ATLANTA	SSN 712	3.5
• • •	•	•

2. Table Three of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by inserting the following entry:

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Sidelights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Sidelights, distance inboard of ship's sides in meters; § 3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; § 2(k), Annex I	Anchor lights, relationship of aft light to forward light in meters; § 2(k), Annex I
USS ATLANTA	SSN 712	.....			4.3	6.1	3.4	1.8 below

(Executive Order 11964; 33 U.S.C. 1605)

Dated: 29 June 1981.

John Lehman,

Secretary of the Navy.

[FR Doc. 81-25332 Filed 8-28-81; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 79-120]

Regulated Navigation Area; Chesapeake Bay Entrance

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing a final rule to remove § 162.50 of its regulations which covers navigation in Thimble Shoal Channel, Chesapeake Bay. This removal is necessary to resolve a conflict over the minimum draft of vessels allowed to navigate the Thimble Shoal Channel. In § 162.50, vessels must have a draft of 20 feet or more. In § 128.501(c)(4) the requirement is that vessels using the channel for navigation must have a draft not less than 25 feet. The conflict between these two regulations has caused much confusion. The removal of the 20 foot limitation as stated in § 162.50 should eliminate this confusion.

EFFECTIVE DATE: This final rule is effective October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems (G-WWM-2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, (202) 426-4958 between 7:00 a.m. and 4:30 p.m., Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: On June 4, 1981, the Coast Guard published a proposed rule (46 FR 29954) concerning this amendment. Interested persons were given until July 20, 1981 to submit comments. No comments were received. No public hearing was held.

Drafting Information: The principal persons involved in the drafting of this regulation are Ensign Edward G. LeBlanc, Project Manager, Office of Marine Environment and Systems, and Lieutenant Walter J. Brudzinski, Project Counsel, Office of the Chief Counsel.

Discussion of the Comments: No comments were received.

Summary of Final Evaluation: This regulation has been evaluated under Executive Order 12291 and the Coast Guard has determined that this is not a major regulation. This regulation has also been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations" dated May 22, 1980 and has been determined to be nonsignificant. The reason for this determination is that this amendment is primarily editorial, the impact is minimal, and the only requirement on vessels with 20-25 foot drafts is that they use the immediately adjacent channels instead of the main channel. The impact is considered so minimal that a regulatory evaluation is not required.

Final Regulations: In consideration of the above, Part 162 of Title 33, Code of Federal Regulations is amended as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

1. The authority citation for Part 162 is revised to read as follows:

Authority: Sec. 12, Pub. L. 95-474, 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4).

§ 162.50 [Removed]

2. Part 162 is amended by removing § 162.50.

Dated: August 18, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-25370 Filed 8-28-81; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 4

Schedule for Rating Disabilities; Endocrine System

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has amended that portion of the Schedule for Rating Disabilities dealing with the endocrine system. The revisions are based upon our review of claims, recommendations of the national service organizations, comments from the staff of the Department of Medicine and Surgery of the VA, analysis of correspondence and our experience with claims.

The amendment to the Schedule for Rating Disabilities reflects increased evaluations for nontoxic adenoma of the thyroid gland, hypopituitarism and Addison's disease. In addition, the criteria for most of the endocrinopathies listed in the rating schedule have been revised for the purpose of updating laboratory techniques used in their diagnostication, to rephrase the criteria used in the evaluation process, and to provide minimum ratings of 10 percent when continuous medication is required.

EFFECTIVE DATE: August 13, 1981. An amendment to Appendix A, Table of Amendments and Effective Dates Since 1946, is added to include this date.

FOR FURTHER INFORMATION CONTACT: Joseph C. Acquadro, 202-389-3864.

SUPPLEMENTARY INFORMATION: On pages 23085-23086 of the Federal Register of April 23, 1981 the Veterans Administration published proposed amendments to 38 CFR 4.119. Interested persons were given until June 5, 1981, to submit comments, suggestions or objections to the proposal. One comment signed by two persons was received.

The commentators object to the criteria on which higher ratings are based and feel that veterans will not comply with treatment in order to increase severity of their condition and thereby be given 100 percent disability for a disability which in other respects would be free from complications if a treatment regimen was faithfully adhered to. The problem raised by the commentators is not a new problem, but one that was already raised and considered before. The element of secondary gain while admittedly a motivation is generally not nearly as strong as the motivation for self-preservation. Secondary gain is a factor in our compensation program to which we give attention.

We find no need to change the present basis for disability rating.

The amendments to the Schedule for Rating Disabilities are adopted as proposed.

The agency has determined that these proposed regulations are non-major in accordance with Executive Order No. 12291, Federal Regulation.

The Administrator hereby certifies that this final rule will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are

defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this rule is therefore exempt from the final regulatory flexibility analyses requirements of Parts 603 and 604. The reason for this certification is that this rule will regulate only individual VA benefit recipients. It will therefore have no significant direct impact on small entities (i.e., small business, small private and nonprofit organizations, and small governmental jurisdictions).

The Catalog of Federal Domestic Assistance number is 64.109.

Approved: August 13, 1981.

Robert P. Nimmo,

Administrator.

PART 4—SCHEDULE FOR RATING DISABILITIES

§ 4.97 [Amended]

1. In § 4.97, the center title preceding diagnostic code 6701 is corrected to read "Ratings for Pulmonary Tuberculosis Entitled on August 19, 1968".

2. Section 4.119 is revised as follows:

§ 4.119 Schedule of ratings—endocrine system.

	Rating
7900 Hyperthyroidism	
Pronounced; with thyroid enlargement, severe tachycardia, increased levels of circulating thyroid hormones (T_4 and/or T_3 by specific assay) with marked nervous, cardiovascular, or gastrointestinal symptoms; muscular weakness and loss of weight; or postoperative with poor results, the symptoms under "pronounced" persisting	100
Severe; with marked emotional instability, fatigability, tachycardia and increased pulse pressure or blood pressure, increased levels of circulating thyroid hormones (T_4 and/or T_3 by specific assays)	60
Moderately severe; with the history shown under "severe," but with reduced symptoms; or postoperative, with tachycardia and increased blood pressure or pulse pressure of moderate degree and tremor	30
Moderate; or postoperative with tachycardia which may be intermittent, and tremor	10
In remission; or operated; cured	0
NOTE 1.—If disease of the heart predominates, rate as hyperthyroid heart disease diagnostic code 7008.	
NOTE 2.—If opthalmopathy only exists, rate under impairment of field vision diagnostic code 6080, diplopia diagnostic code 6090 or central visual acuity diagnostic codes 6061–6079.	
NOTE 3.—When continuous medication is required for control of hyperthyroidism, a minimum rating of 10 percent will be assigned.	
7901 Thyroid gland, toxic adenoma of	
Rate as hyperthyroidism under diagnostic code 7900.	
7902 Thyroid gland, nontoxic adenoma of	
With pressure symptoms or marked disfigurement	20
Nonsymptomatic	0
NOTE.—For higher ratings, see organs whose function is affected.	
7903 Hypothyroidism	
Pronounced; with a long history and slow pulse, decreased levels of circulating thyroid hormones (T_4 and/or T_3 by specific assays), sluggish mentality, sleepiness, and slow return of reflexes	100
Severe; the symptoms under "pronounced" somewhat less marked, decreased levels of circulating thyroid hormones (T_4 and/or T_3 by specific assays)	60
Moderately severe; sluggish mentality and other indications of myxedema, decreased levels of circulating thyroid hormones (T_4 and/or T_3 by specific assays)	30
Moderate; with fatigability	10
In remission	0
NOTE.—When continuous medication is required for control of hypothyroidism, a minimum rating of 10 percent will be assigned.	
7904 Hyperparathyroidism (osteitis fibrosa cystica)	
Pronounced; with generalized decalcification of bones, high blood and urinary calcium, marked loss of weight and weakness	100
Severe; with symptom combinations less than under "pronounced" and manifestations of hypercalcemia and urinary calcium, but with marked weight loss and muscle weakness	60
Following operation or treatment	
Rate as residual of benign tumor, considering especially bones and kidneys under appropriate diagnostic code	
7905 Hypoparathyrodism	
Postoperative; following thyroidectomy, with painful muscular spasms (tetany), or with marked neuromuscular excitability	100
For lesser degree rate by analogy with hyperthyroidism under diagnostic code 7900	
NOTE.—When continuous medication is required for control of hypoparathyroidism, a minimum rating of 10 percent will be required.	
7907 Hyperpituitarism (pituitary basophilism, Cushing's syndrome)	
As active progressive disease with marked loss of muscle strength, areas of osteoporosis with pathological fractures and enlargement of sella turcica, pituitary or adrenal glands	100
Severe; with symptom combination less than for the 100 percent rating with only partial control by treatment	60
NOTE.—With recovery or control, rate residuals such as adrenal insufficiency, cardiac, skin and bony complications under appropriate diagnostic code.	
7908 Hyperpituitarism (acromegaly or gigantism)	
Pronounced; hypofunctional stage following stage of hyperfunction, with intracranial pressure, hypertension, genital decline and atrophy, hypotrichosis, hypoglycemia, obesity and asthenia	100
Severe; bone and joint pains, hyperglycemia and glycosuria, symptoms of intracranial pressure in optic region	60
Moderate; enlargement of acral parts, or overgrowth of long bones, with X-ray evidence of enlarged sella turcica	30
7909 Hypopituitarism (diabetes insipidus)	
Pronounced; excessive thirst with intake of water and severe polyuria with episodes of syncope, systolic and diastolic blood pressure below normal, requiring parenteral replacement therapy	100
Severe; excessive thirst with intake of water and polyuria with dehydration with increased serum osmality > 295 mOsm/kg with decreased urine osmality < 38 mOsm/kg	60
Moderately severe; polyuria with increase in urinary chlorides, etc	40
Moderate; with polyuria and polydipsia	20
7910 Hyperadrenia (adrenogenital syndrome)	
Postoperate; rate for residuals.	
7911 Addison's disease (adrenal cortical hypofunction)	
Four or more crises during the past year each substantiated by clinical findings of increasingly severe hypotension, dehydration and pronounced weakness with laboratory evidence such as hyponatremia, hyperpotassemia, azotemia, hypoglycemia and cortisol deficiency	60
Three crises substantiated as for the 60 percent rating during the past year; or episodes of lesser symptomatology manifested by vomiting, diarrhea, hypotension and marked weakness occurring 5 or more times during the past year	40
Well-established Addison's disease with fewer than 3 crises or less than 5 episodes of the lesser symptomatology during the past year; or with symptoms such as weakness and fatigability, continuous medication for control	20
NOTE.—Tuberculous Addison's disease will be rated as active or inactive tuberculosis. See §§ 4.88b and 4.89. On attainment of inactivity, the ratings under Code 7911 are not to be combined with the graduated ratings of 50 percent and 30 percent in § 4.89, assign the higher rating.	
7912 Pluriglandular syndromes	
Rate according to major manifestations.	
7913 Diabetes mellitus	
Pronounced, uncontrolled, that is, with repeated episodes of ketoacidosis or hypoglycemic reactions, restricted diet and regulation of activities; with progressive loss of weight and strength, or severe complications	100
Severe; with episodes of ketoacidosis or hypoglycemic reactions, but with considerable loss of weight and strength and with mild complications, such as pruritis ani, mild vascular deficiencies, or beginning diabetic ocular disturbances	60
Moderately severe; requiring large insulin dosage, restricted diet, and careful regulation of activities, i.e., avoidance of strenuous occupational and recreational activities	40
Moderate; with moderate insulin or oral hypoglycemic agent dosage, and restricted (maintenance) diet; without impairment of health or vigor or limitation of activity	20
Mild; controlled by restricted diet, without insulin; without impairment of health or vigor or limitation of activity	10
NOTE.—Definitely established complications such as amputations, impairment of central visual acuity, peripheral neuropathy with definite sensory or motor impairment or definitely established arteriosclerotic localizations will be separately rated under the applicable diagnostic codes. When the diagnosis of diabetes mellitus is definitely established it is neither necessary nor advisable to request glucose tolerance tests for rating purposes.	
7914 New growths, malignant, any specified part of endocrine system	100
NOTE.—The rating under Code 7914 will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals	
7915 New growths, benign, any specified part of endocrine system	
The rating will be based on interference with endocrine functions, using any applicable endocrine analogy	

(38 U.S.C. 355)

3. Appendix A to Part 4 is revised to read as follows:

Appendix A.—Table of Amendments and Effective Dates Since 1946

* * * * *

Sec.

4.119 Diagnostic Code 7900—10% Evaluation; and Notes (2) and (3); August 13, 1981.

Diagnostic Code 7902—20% Evaluation; August 13, 1981.

Diagnostic Code 7903—10% Evaluation; August 13, 1981.

Diagnostic Code 7905—10% Evaluation; August 13, 1981.

Diagnostic Code 7907—60% Evaluation; August 13, 1981.

Diagnostic Code 7909—40% and 20% Evaluation; August 13, 1981.

Diagnostic Code 7911—Evaluations and Note; March 1, 1963; 40% and 20% Evaluations; August 13, 1981.

Diagnostic Code 7913—Note; September 9, 1975.

Diagnostic Code 7914—Note; March 10, 1976.

[FR Doc. 81-25325 Filed 8-28-81; 8:45 am]

BILLING CODE 8320-01-M

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38 CFR Part 21

Veterans Education; Advance Payment of Educational Assistance Allowance

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is amending two regulations to permit the advance payment of educational assistance allowance to veterans and eligible persons following breaks in enrollment of more than 30 days. Previously, a break had to be more than a calendar month before the Veterans Administration could make an advance payment. This resulted in some instances where a veterans or eligible person could not be paid for the interval between terms and could not receive an advance payment for the next term. These amended regulations eliminate this inequity.

EFFECTIVE DATE: August 13, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: On page 26499 of the **Federal Register** of May 13, 1981, there was published a notice of intent to amend part 21 to change the rules governing advance payments.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposal. The Veterans Administration received two letters containing comments. These letters approved the proposal and urged that it be adopted. Accordingly, the agency is adopting the proposal without change.

The Administrator hereby certifies that these final rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these final rules therefore are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the rules will regulate only individual Veterans Administration benefit recipients. They will have no significant direct impact on small entities (i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions.

The agency has also determined that these regulations are nonmajor in accordance with Executive Order 12291, Federal Regulation.

The catalog of Federal Domestic Assistance number is 64.111.

The proposed changes to §§ 21.4136 and 21.4137 are deemed proper and are hereby approved.

Approved: August 13, 1981.

Robert P. Nimmo,

Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

§ 21.4136 [Amended]

1. Section 21.4236 is amended as follows:

(a) By removing "38 U.S.C. 1780(d)(5)(B) and (C) and (6)" and inserting "38 U.S.C. 1780(d)(4) (B) and (C) and (5)" in the first sentence of paragraph (j)(2)(iii).

(b) By revising § 21.4136 paragraph (j)(2)(iv) as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

* * * * *

(j) *Advance payment.* * * *

(2) *Payment.* * * *

(iv) *Time of payment.* The Veterans Administration will authorize advance payment only at the beginning—

(A) Of an ordinary school year, or

(B) Of any other enrollment period which begins after a break of 30 days or more, provided the veteran is not eligible for payment for the break. See § 21.4138(d) for payments made after advance payments. (38 U.S.C. 1780(d))

* * * * *

§ 21.4137 [Amended]

2. Section 21.4137 is amended as follows:

(a) By removing "38 U.S.C. 1780(d)(5)(B) and (C) and (6)" and inserting "38 U.S.C. 1780(d)(4)(B) and (C) and (5)" in the first sentence of paragraph (g)(4).

(b) By revising § 21.4137 paragraph (g)(5) as follows:

§ 21.4137 Rates; education assistance allowance; 38 U.S.C. Ch. 35.

* * * * *

(g) *Advance payment.* * * *

(5) *Time of payment.* The Veterans Administration will authorize advance payment only at the beginning—

(i) Of an ordinary school year, or

(ii) Of any other enrollment period which begins after a break of 30 days or more, provided the eligible person is not eligible for payment for the break. See § 21.4138(d) for payments made after advance payments. (38 U.S.C. 1780(d))

* * * * *

(38 U.S.C. 210(c))

[FR Doc. 81-25346 Filed 8-28-81; 8:45 am]

BILLING CODE 8320-01-M

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38 CFR Part 36

Loan Guaranty; Implementation of New Legislation

AGENCY: Veterans Administration.

ACTION: Final regulations with request for comments.

SUMMARY: The VA (Veterans Administration) is amending its regulations applicable to the guaranteed and direct loan programs for conventionally built homes, the guaranteed loan program for mobile homes, and the specially adapted housing grant program for service-connected severely disabled veterans. These amendments increase the loan guaranty entitlement for home and mobile home loans, establish refinancing loans for the purpose of an interest rate reduction as an additional eligible purpose for guaranteed home and mobile home loans; establish a new class of specially adapted housing grant benefits and make minor editorial changes. The amendments are for the primary purpose of implementing the loan guaranty provisions of the Veteran's Disability Compensation and Housing Benefits Amendments of 1980.

DATES: Effective date October 1, 1980 or October 7, 1980, as appropriate. Comments on or before September 30, 1981.

ADDRESS: Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, Washington, D.C. 20420 (202) 389-3042.

SUPPLEMENTARY INFORMATION: Title III and Title IV of the Veteran's Disability Compensation and Housing Benefits Amendments of 1980, Pub. L. 96-385 (94 Stat. 1528) revised chapters 21 and 37 of title 38, United States Code, as it relates to specially adapted housing grants, guaranteed home and mobile home loans and direct loans. The new law thus requires substantial modification of the § 36.4200 series of VA Regulations which govern the guaranty of mobile home loans, the § 36.4300 series of VA Regulations which govern the guaranty

of home and condominium loans, the § 36.4400 series of VA Regulations which govern specially adapted housing grants, and the § 36.4500 series of VA Regulations which govern direct home loans.

The Administrator is now authorized to guarantee 50 percent of the principal amount of a mobile home loan not to exceed a guaranty of $20,000. Previously, the maximum dollar amount of guaranty for mobile home loans was $17,500, (there currently is no maximum mobile home loan amount). The amendments to § 36.4205 (a) and (b) implement this statutory provision.

The Administrator also is now authorized to guarantee 60 percent of the principal amount of a home loan not to exceed a guaranty of $27,500. Previously, the maximum dollar amount of guaranty for home loans was $25,000, (there currently is no maximum guaranteed home loan amount). The amendments to §§ 36.4302 (a), (c), and 36.4306(a) implement the provision with respect to guaranteed home and condominium loans. Conforming amendments to the direct loan regulations are required at §§ 36.4502 and 36.4503(a) to assure that a veteran obtaining a VA direct loan is charged an appropriate amount of loan guaranty entitlement.

The Act authorizes a new type of home, condominium, and mobile home refinancing loan for the purpose of reducing the interest rate payable by the veteran on his/her VA loan. A veteran may now refinance an existing VA guaranteed or direct home or mobile home loan with a VA guaranteed loan without any additional charge against the veteran's loan guaranty entitlement. This new type of refinancing loan is for the sole purpose of reducing the interest rate payable by the veteran on his/her VA loan. The refinancing loan amount is limited to the balance of the VA loan being refinanced plus allowable closing costs, including discounts, as specified in the regulations. The amendments to §§ 36.4204, 36.4205, 36.4206, 36.4209(e), 36.4212, 36.4223, 36.4232, and 36.4254 implement this new loan purpose relative to the mobile home program. Amendments to §§ 36.4301(aa), 36.4302 (a), (i), 36.4303(g), 36.4306, 36.4306a, 36.4308, 36.4311, 36.4312, and 36.4336, implement this new loan purpose relative to the home and condominium loan program.

In addition, the Act prohibits making a direct loan for the purpose of reducing the interest rate payable on an existing direct loan. The Act does authorize a veteran to refinance a VA direct loan with a VA guaranteed loan for the purpose of reducing the interest rate. The amendments to §§ 36.4507 and 36.4519 implement this restriction upon the VA direct loan program.

The final major amendments establish specially adapted housing benefits for veterans with permanent and total service-connected disability for blindness in both eyes or the anatomical loss or loss of use of both hands. Specially adapted housing benefits for eligible veterans will be payable for necessary home adaptations, including installation costs, not to exceed $5,000. The amendments to §§ 36.4401 (e), (h), 36.4402, 36.4403, 36.4404, and 36.4410 implement this provision of the Act.

Several minor editorial amendments are also being made to the loan guaranty regulations. Sections 36.4209 and 36.4220(a) are being amended to liberalize loan reporting requirements from 30 to 60 days for VA mobile home loans. The reporting requirement for home loans was previously liberalized on August 6, 1980 (see August 13, 1980 **Federal Register**, 45 FR 53807). This amendment places a conforming requirement in the mobile home loan regulations. An amendment is also made to § 36.4232(c) to insert current VA requirements conc erning fees and charges for appraisals and compliance inspections for used mobile home loans into the VA Regulations.

Editorial amendments are made to §§ 36.4301(ff) and 36.4302(e), to correct or revise inappropriate terminology. Subsections (g) and (h) of § 36.4324 are deleted to eliminate obsolete regulatory provisions. An editorial change is made to § 36.4343 to revise the title of the regulation.

An additional editorial amendment to § 36.4401(f) revises an inappropriate word. Sections 36.4505 and 36.4506 are amended to revise the maximum loan term and loan recasting requirements to reflect current law. Sections 36.4221, 36.4342, 36.4408, and 36.4520 are amended to revise the titles of certain positions designated to act on behalf of the Administrator and to correct the title of certain field offices.

Sections 36.4214, 36.4329, and 36.4523 are revised to incorporate the Commonwealth of the Northern Mariana Islands into the eligible geographic areas for VA loans.

Finally, §§ 36.4216 (g), (i), 36.4220(a), 36.4233 (a), (b), (d), 36.4234(a), 36.4235 (a), (b), (d), 36.4254(a), 36.4324(f), 36.4401 (a), (c), (e), 36.4402(a), 36.4403, 36.4405, 36.4406, 36.4409, 36.4410, 36.4501 (a), (e), 36.4505, 36.4506, 36.4507 (a), (c), 36.4508 (a), (b), (c), and 36.4525 are revised to reflect the agency policy of using precise terms to denote gender.

These regulations come within exceptions to the general VA policy of prior publication of proposed rules, as contained in 38 CFR § 1.12. The substantive changes implement statutory mandates. Those changes not required by statute are editorial in nature. Publication for advance notice and comment would serve little purpose and would not be in the public interest as it would delay implementation of a statute that liberalizes benefits.

These regulations have been reviewed pursuant to Executive Order 12291, entitled Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164). The proposed rules have been found to be nonmajor with respect to the Executive Order and nonsignificant with respect to the Regulatory Flexibility Act.

Concerning Executive Order 12291, a major rule is defined as one having an annual effect on the economy of 100 million or more dollars; causing a major increase in costs or prices for consumers, individual industries, Federal State, or local government agencies; or having significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. These regulations implementing the Veteran's Disability Compensation and Housing Benefits Amendments of 1980 with respect to the Loan Guaranty program will not impact on the public or private sectors as a major rule as defined by the Executive Order.

Concerning the Regulatory Flexibility Act, each agency must analyze the effects of regulatory requirements on small business; Government jurisdictions and organizations, (collectively referred to as small entities). The regulations should have no impact upon small Government jurisdictions or organizations, and the regulations will impose little compliance costs and no reporting burdens upon small businesses participating in the Loan Guaranty program. We have concluded, therefore, that the regulations will have a nonsignificant economic impact upon small entities, and the Administrator so certifies. Moreover, these regulations are not subject to the Regulatory Flexibility Act in any case since they are not within the definition of a rule as defined in that Act. The official program numbers and titles of the VA programs affected by this action as setforth in OMB Circular A–89, Catalog of Federal Domestic Assistance, are: (1) 64.106, Specially Adapted Housing for Disabled Veterans (2) 64.113, Veterans Housing—Direct

Loans and Advances (3) 64.114, Veterans Housing—Guaranteed and Insured Loans (4) 64.118, Veterans Housing—Direct Loans for Disabled Veterans and (5) 64.119, Veterans Housing—Mobile Home Loans.

These amendments are adopted under authority granted the Administrator by sections 210(c), 801 (a) and (b), 1803(c)(1), and 1819(g) of title 38, United States Code.

COMMENT INFORMATION: Interested persons are invited to submit written comments, suggestions or objections regarding these regulatory amendments to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All material received will be considered, and appropriate regulatory revisions will be published, if necessary. These amendments, however, will remain effective until further amended. All written comments received will be available for public inspection at the above address only between 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays) until October 13, 1981. Any person visiting Central Office for the purpose of inspecting any comments received should visit the VA Central Office Veterans Services Unit in room 132. Visitors to any VA field station seeking to review the public comments will be informed that the records are available only in the Central Office Veterans Services Unit and will be furnished the appropriate address and room number.

Approved: August 7, 1981.

Robert P. Nimmo,

Administrator.

PART 36—LOAN GUARANTY

Part 36, Title 38, Code of Federal Regulations is amended as follows:

§ 36.4204 [Amended]

1. Section 36.4204 is amended as follows:

(a) By removing the word "or" at the end of paragraph (a)(4) and inserting the word "or" at the end of paragraph (a)(5).

(b) By removing the words "paragraph (a) of this section" and inserting the words "paragraph (a)(1) through (5) of this section" in paragraph (b).

2. By adding subparagraph (6) to paragraph (a) and subparagraph (7) to paragraph (d) and by revising paragraph (e) to read as follows:

§ 36.4204 Loan purposes, maximum loan amounts and terms.

(a) A mobile home loan may be guaranteed if the loan is for one of the following purposes:

* * * * *

(6) To refinance in accordance with § 36.4223 an existing mobile home loan guaranteed, insured or made under subparagraphs (1) through (5) of this paragraph.

(38 U.S.C. 1819(a)(1))

* * * * *

(d) The loan amount in an individual case shall not exceed the following:

* * * * *

(7) In the case of an interest rate reduction refinancing loan (38 U.S.C. 1819(a)(1)(F)) the maximum loan may not exceed:

(i) The balance of the Veterans Administration loan being refinanced;

(ii) Closing costs (excluding prepaid items) as authorized by § 36.4232 or 36.4254, as appropriate; and

(iii) Allowable discounts provided:

(A) The loan is submitted to the Administrator for prior approval;

(B) The amount of discount is disclosed to the Administrator and the veteran prior to the issuance of the certificate of commitment by the Administrator. Said certificate of commitment shall specify the discount to be paid by the veteran, and this discount may not be increased once the commitment has been issued without the approval of the Administrator;

(C) The discount has been determined by the Administrator to be reasonable in amount; and

(D) All powers of the Administrator under this subparagraph, except the authority to revise the discount after the commitment is issued, are hereby delegated to those officials designated by § 36.4221(b). The power of the Administrator to approve an increase in the discount after the commitment is issued is delegated to those officials designated by § 36.4220(a).

(38 U.S.C. 1819(a)(4) and (g))

(e) The cost of the transaction which will not be paid from the proceeds of the loan must be paid by the veteran in cash from the veteran's own resources. Except for interest rate reduction refinancing loans pursuant to paragraph (a)(6) of this section closing costs and prepaid items incident to the real estate portion of any mobile home loan must be paid in cash and may not be included in the loan amount. Prepaid items must be paid in cash and may not be included in the loan amount when a veteran obtains an interest rate reduction refinancing loan.

3. In § 36.4205, paragraphs (a), (b) and (f) are revised to read as follows:

§ 36.4205 Computation of guaranty.

(a) The amount of guaranty in respect to a loan guaranteed under 38 U.S.C. 1819 shall be fifty (50) percent of the original principal amount of the loan or $20,000 whichever is less. With respect to a loan guaranteed under 38 U.S.C. 1819(a)(1)(F), the dollar amount of guaranty may not exceed the original dollar amount of guaranty on the loan being refinanced.

(b) Subject to the provisions of paragraph (c) of § 36.4203, the following formulas will determine the amount of guaranty entitlement which remains available to an eligible veteran after prior use of entitlement:

(1) If a veteran previously secured a nonrealty (business) loan, the amount of nonrealty entitlement used is doubled and subtracted from $27,500. The sum remaining is the amount of available entitlement for use not to exceed $20,000 for mobile home purposes.

(2) If a veteran previously secured a realty (home) loan, the amount of realty (home) loan entitlement used is subtracted from $27,500. The sum remaining is the amount of available entitlement for use not to exceed $20,000 for mobile home purposes.

(3) If a veteran previously secured a mobile home loan, the amount of entitlement used for mobile home purposes is subtracted from $27,500. The sum remaining is the amount of available entitlement for use for home loan purposes only. To determine the amount of additional entitlement available for mobile home purposes, the amount of entitlement previously used for mobile home purposes is subtracted from $20,000. The sum remaining is the amount of available entitlement for use for mobile home purposes.

* * * * *

(f)(1) The amount of guaranty entitlement, available and unused, of an eligible unmarried surviving spouse (whose eligibility does not result from his or her own service) is determinable in the same manner as in the case of any veteran, and any entitlement which the decedent (who was his or her spouse) used shall be disregarded. A certificate as to the eligibility of such surviving spouse, issued by the Administrator, shall be a condition precedent to the guaranty or insurance of any loan made to a surviving spouse in such capacity.

(38 U.S.C. 1801(a)(2), 1819(c)(4))

(2) For the purpose of obtaining an interest rate reduction refinancing loan purusant to 38 U.S.C. 1819(a)(1)(F), an unmarried suviving spouse who was a co-obligor under an existing Veterans Administration guaranteed loan shall be considered to be eligible for the 38 U.S.C. 1819(a)(1)(F) benefit.

(38 U.S.C. 1819(a)(4)(C))

* * * * *

4. Section 36.4206 is revised as follows:

§ 36.4206 Income, credit, occupancy, and nondiscrimination requirements.

(a) Except for refinancing loans pursuant to 38 U.S.C. 1819(a)(1)(F), no loan shall be guaranteed unless the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of this program to make available lower cost housing to low and lower income veterans, especially those who have been recently discharged or released from active military, naval, or air service, who may not have previously established credit ratings;

(b) No loan shall be guaranteed pursuant to 38 U.S.C. 1819(a)(1) unless:

(1) The veteran certifies, in such form as the Administrator shall prescribe, that he or she will personally occupy the property as his or her home. For the purposes of this section, the words "personally occupy the property as his or her home" mean that the veteran as of the date of his or her certification actually lives in the property personally as his or her residence or actually intends upon completion of the loan and acquisition of the mobile home to move into the home personally within a reasonable time and to utilize the home as his or her residence.

(2) The veteran certifies, in such form as the Administrator shall prescribe that:

(i) Neither the veteran, nor anyone authorized to act for the veteran, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property covered by this loan to any person because of race, color, religion, sex or national origin;

(ii) The veteran recognizes that any restrictive covenant on the property relating to race, color, sex, religion, or national origin is illegal and void and any such covenant is specifically disclaimed; and

(iii) The veteran understands that civil action for preventive relief may be brought by the Attorney General of the United States in any appropriate U.S. district court against any person responsible for a violation of the applicable law.

5. In § 36.4209, the introductory portion of paragraph (b) preceding subparagraph (1), and paragraphs (c) and (g) are revised as follows:

§ 36.4209 Reporting requirements.

* * * * *

(b) Except as provided in paragraph (c) of this section, a certificate of commitment shall entitle the holder to the issuance of the evidence of guaranty upon the ultimate actual payment of the full proceeds of the loan for the purposes described in the original report and upon the submission within 60 days thereafter of a supplemental report showing such fact and:

* * * * *

(c) Subject to compliance with the regulations concerning guaranty of mobile home loans to veterans, the Certificate of Guaranty will be issuable within the available entitlement of the veteran on the basis of the loan reported, except for refinancing loans for interest rate reductions. No certificate of commitment shall be issued, and no loan shall be guaranteed, unless the lender, the veteran, and the loan are shown to be eligible; nor shall guaranty be issued on any mobile home loan unless the Administrator determines that there has been compliance by the veteran with the certification requirements of 38 U.S.C. 1819(e)(5).

(38 U.S.C. 1819(a)(4), (c)(2), (e)(5))

* * * * *

(g) Approval by the Administrator pursuant to 38 U.S.C. 1819(c)(1) is required before a lender may close mobile home loans or mobile home lot loans on the automatic basis. Evidence of guaranty will be issuable if the loan closed on the automatic basis is reported to the Administrator within 60 days of full disbursement, and upon certification of the lender that no default exists thereunder which has continued for more than 30 days and that the loan complies with paragraphs (b)(2), (3), (4), and (5), (e), and (f) of this section. Upon the failure of the lender to report in accordance with this paragraph the loan will not be eligible for guaranty unless the lender submits with the report a certification that the loan is not in default and an explanation as to why the loan was not timely reported.

(38 U.S.C. 1819 (c)(1) and (g))

6. In § 36.4212, paragraph (d) is added as follows:

§ 36.4212 Interest rates and late charges.

* * * * *

(d) Refinancing loans for the purpose of an interest rate reduction (38 U.S.C. 1819(a)(1)(F)) may specify an interest rate in excess of the rate specified in paragraph (a)(1), or (2), or (3) of this section provided the interest rate of the refinancing loan is less than the interest rate of the Veterans Administration loan being refinanced.

(38 U.S.C. 1819 (f) and (g))

7. Section 36.4214 is revised as follows:

§ 36.4214 Geographical limits.

The site for any mobile home purchased with a guaranteed loan must be located within the United States of America, which for the purposes of 38 U.S.C. 1819 comprises the several States, the Territories and possessions of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

§ 36.4216 [Amended]

8. Section 36.4216 is amended by removing the words "his decision" and inserting the words "the Administrator's decision" in paragraph (g) and by removing the word "his" in the last sentence of paragraph (i).

9. In § 36.4220, paragraph (a) (introduction) and (a)(1) is revised as follows:

§ 36.4220 Substantive and procedural requirements; waiver.

(a) Notwithstanding any requirement, condition, or limitation stated in or imposed by the regulations concerning the guaranty of mobile home loans to veterans, the Chief Benefits Director, or the Director, Loan Guaranty Service, within the limitations and conditions prescribed by the Administrator, is hereby authorized, if the Chief Benefits Director or Director, Loan Guaranty Service finds the interests of the Government are not adversely affected, to relieve undue prejudice to a debtor, holder, or other person, which might otherwise result, provided no such action may be taken which would, impair the vested rights of any person affected thereby. If such requirement, condition, or limitation is of an administrative or procedural (not substantive) nature, any employee designated in § 36.4221 is hereby authorized to grant similar relief if the designated employee finds the failure or error of the lender was due to misunderstanding or mistake and that the interests of the Government are not adversely affected. Provisions of the regulations considered to be of an administrative or procedural (nonsubstantive) nature are limited to the following:

(1) The requirement in § 36.4209(b) that a lender originating a loan under a certificate of commitment report the loan for issuance of guaranty evidence within 60 days following actual payment

of the full proceeds of the loan. In such cases it is not necessary that a finding be made that the loan is not in default.

* * * * *

§ 36.4221 [Amended]

10. Section 36.4221 is amended by removing the words "VA Center" and inserting the words "VA Regional Office and Insurance Center" in paragraph (b) and by removing the words "VA center" and inserting the words "regional office and insurance center" in the first sentence of paragraph (d).

11. Section 36.4223 is added as follows:

§ 36.4223 Interest rate reduction refinancing loan.

(a) A veteran may refinance [38 U.S.C. 1819(a)(1)(F)] an existing Veterans Administration guaranteed loan to reduce the interest rate payable on the Veterans Administration loan provided the following requirements are met:

(1) The loan must be submitted to the Administrator for prior approval;

(2) The loan must be secured by the same real and/or personal property as the loan being refinanced and the mobile home (or a mobile home on a lot) must be owned and occupied by the veteran as such veteran's home;

(3) The amount of the refinancing loan may not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as authorized in § 36.4232 or § 36.4254, as appropriate, and a reasonable discount as authorized in § 36.4204(d)(7);

(4) The dollar amount of the guaranty of the 38 U.S.C. 1819(a)(1)(F) loan may not exceed the original dollar amount of guaranty applicable to the loan being refinanced, less any dollar amount of guaranty previously paid as a claim on the loan being refinanced; and

(5) The term of the refinancing loan 38 U.S.C. 1819(a)(1)(F) may not exceed the original term of the loan being refinanced.

(b) Notwithstanding any other regulatory provision, the interest rate reduction refinancing loan may be guaranteed without regard to the amount of guaranty entitlement for mobile home purposes available for use by the veteran, and the amount of the veteran's remaining guaranty entitlement for mobile home purposes shall not be charged for an interest rate reduction refinancing loan. The interest rate reduction refinancing loan will be guaranteed with the entitlement used by the veteran to obtain the loan being refinanced. The veteran's loan guaranty entitlement originally used for a purpose as enumerated in 38 U.S.C. 1819(a)(1)(A) through (E) and subsequently transferred for use on an interest rate reduction refinancing loan 38 U.S.C. 1819(a)(1)(F) shall be eligible for restoration when the interest rate reduction refinancing loan or subsequent interest rate reduction refinancing loan on the same property meets the requirements of § 36.4203(a).

(c) Title to the security which is refinanced for the purpose of an interest rate reduction must be in conformity with § 36.4234, and/or § 36.4253, as appropriate.

(38 U.S.C. 1819(a)(1)(F) and (4))

12. Section 36.4232 is amended as follows:

(a) By inserting the word ", and" following paragraph (a)(4).

(b) By adding paragraph (a)(5) and by revising paragraph (c) to read as follows:

§ 36.4232 Allowable fees and charges; mobile home unit.

(a) Incident to the origination of a guaranteed loan for the purchase of a mobile home unit only, no charge shall be made against, or paid by, the veteran-borrower without the express prior approval of the Administrator except as follows:

* * * * *

(5) For the purpose of obtaining a refinancing loan for interest rate reduction, the cost of a credit report and an appraisal.

(38 U.S.C. 1819(a)(4)(A) and (g))

* * * * *

(c)(1) Costs of a credit report (except for 38 U.S.C. 1819(a)(1)(F) refinancing loans), such additional insurance as the veteran may desire, and any other expenses normally charged to a mobile home purchaser under local customs may be paid by the borrower other than from the loan proceeds.

(2) For the purchase of a used mobile home unit, the fee of a Veterans Administration appraiser and of compliance inspectors designated by the Veterans Administration, except appraisal fees incurred for the predetermination of reasonable value requested by others than veteran or lender, may be paid by the borrower from other than the loan proceeds.

(38 U.S.C. 1819(e)(4) and (g))

§ 36.4233 [Amended]

13. Section 36.4233 is amended as follows:

(a) By removing the word "his" and inserting the word "the" in paragraph (a)(3) and in the last sentence of paragraph (d).

(b) By removing the words "he deems it feasible to do so" and inserting the words "deemed feasible" and by removing "as he deems" in the second sentence of paragraph (b).

§ 36.4234 [Amended]

14. Section 36.4234 is amended by removing the word "his" in the introductory portion of paragraph (a).

§ 36.4235 [Amended]

15. Section 36.4235 is amended as follows:

(a) By removing the word "he" and inserting the words "the Administrator" in the last sentence of paragraph (a).

(b) By removing the words "he deems it feasible to do so" and inserting the words "deemed feasible" and removing the words "he deems" in the second sentence of paragraph (b).

(c) By removing the word "his" and inserting the word "the" in the last sentence of paragraph (d).

16. Section 36.4254 is amended as follows:

(a) By removing the word "his" and inserting the word "an" in paragraph (a)(4).

(b) By revising paragraph (c) to read as follows:

§ 36.4254 Fees and charges.

* * * * *

(c) Except for a refinancing loan pursuant to 38 U.S.C. 1819(a)(1)((F), fees and charges specified in this section may not be included in the loan.

17. Section 36.4301 is amended as follows:

(a) By removing the word "occupation" and inserting the word "occupancy" in paragraph (ff)(2).

(b) By revising paragraph (aa) as follows:

§ 36.4301 Definitions.

* * * * *

(aa) *Real-estate loan.* Any obligation incurred for the purchase of real property or a leasehold estate as limited in §§36.4300 to 36.4375, inclusive, or for the construction of fixtures or appurtenances thereon or for alterations, improvements, or repairs thereon required by §§ 36.4300 to 36.4375, inclusive, to be secured by a lien on such property or is so secured. Loans for the purpose specified in 38 U.S.C. 1810(a)(5) (refinancing of mortgage loans or other liens on a dwelling or farm residence), loans for the purpose specified in 38 U.S.C. 1810(a)(8) (refinancing of a Veterans Administration guaranteed, insured or direct loan to lower the interest rate), and loans to purchase one-family residential units in condominium housing developments or projects within the purview of 38 U.S.C. 1810(a)(6) and

§§ 36.4356 through 36.4360a shall also be considered real-estate loans.

* * * * *

18. Section 36.4302 is amended as follows:

(a) By removing the words "made by an insurable lender" and inserting the words "eligible for insurance" in paragraph (e).

(b) By revising paragraphs (a), (c) and (i) as follows:

§ 36.4302 Computation of guaranties or insurance credits.

(a) In respect to a loan to a veteran guaranteed under 38 U.S.C. 1810 the guaranty may not exceed sixty (60) percent of the original principal amount or $27,500 whichever is less. With respect to a loan guaranteed under 38 U.S.C. 1810(a)(8), the dollar amount of guaranty may not exceed the original dollar amount of guaranty on the loan being refinanced.

(38 U.S.C. 1803(a), 1810(c))

* * * * *

(c) Subject to the provisions of paragraph (g) of § 36.4303, the following formulas shall govern the ascertainment of the amount of the guaranty or insurance entitlement which remains available to an eligible veteran after prior use of entitlement:

(1) If a veteran previously secured a nonrealty (business) loan, the amount of nonrealty entitlement used is doubled and subtracted from $27,500. The sum remaining is the amount of available entitlement for use, except that entitlement for mobile home loan purposes may not exceed $20,000.

(2) If a veteran previously secured a realty (home) loan, the amount of realty (home) loan entitlement used is subtracted from $27,500. The sum remaining is the amount of available entitlement for use, except that entitlement for mobile home loan purposes may not exceed $20,000.

(3) If a veteran previously secured a mobile home loan, the amount of entitlement used for mobile home loan purposes is subtracted from $27,500. The sum remaining is the amount of available entitlement for home loan purposes only. To determine the amount of entitlement available for mobile home purposes, the amount of entitlement previously used for mobile home purposes is subtracted from $20,000. The sum remaining is the amount of available entitlement for use for mobile home loan purposes.

(38 U.S.C. 1810(c), 1819(c)(4))

* * * * *

(i)(1) The amount of guaranty entitlement, available and unused, of an eligible unmarried surviving spouse (whose eligibility does not result from his or her own service) is determinable in the same manner as in the case of any veteran, and any entitlement which the decedent (who was his or her spouse) used shall be disregarded. A certificate as to the eligibility of such surviving spouse, issued by the Administrator, shall be a condition precedent to the guaranty or insurance of any loan made to a surviving spouse in such capacity.

(38 U.S.C. 1801(a))

(2) An unmarried surviving spouse who was a co-obligor under an existing Veterans Administration guaranteed, insured or direct loan shall be considered to be a veteran eligible for an interest rate reduction refinancing loan pursuant to 38 U.S.C. 1810(a)(8).

(38 U.S.C. 1810(e)(3))

19. In § 36.4303, the introductory portion of paragraph (g) preceding subparagraph (1) is revised as follows:

§ 36.4303 Reporting requirements.

* * * * *

(g) Subject to compliance with the regulations concerning guaranty or insurance of loans to veterans, the certificate of guaranty or the evidence of insurance credit will be issuable within the available entitlement of the veteran on the basis of the loan stated in the final loan report or certification of loan disbursement, except for refinancing loans for interest rate reductions. The available entitlement of a veteran will be determined by the Administrator as of the date of receipt of an application for guaranty or insurance of a loan or of a loan report. Such date of receipt shall be the date the application or loan report is date stamped into the Veterans Administration. Eligibility derived from the most recent period of service.

* * * * *

20. In § 36.4306, the introductory portion of paragraphs (a) and (b) preceding subparagraph (1) and paragraph (c) are revised as follows:

§ 36.4306 Refinancing of mortgage or other lien indebtedness.

(a) Except as provided in paragraph (e) of this section any loan for the purpose of refinancing (38 U.S.C. 1810(a)(5)) an existing mortgage loan or other indebtedness secured by a lien of record on a dwelling or farm residence owned and occupied by an eligible veteran as the veteran's home shall be submitted to the Administrator for prior approval. A loan for such purpose shall be eligible for guaranty in an amount not to exceed sixty (60) percent of the loan amount or $27,500, whichever is less, provided that—

(38 U.S.C. 1810(c))

* * * * *

(b) A refinancing loan (38 U.S.C. 1810(a)(5)) for an amount which exceeds the sum due the holder of the mortgage or other lien indebtedness (the excess loan proceeds to be paid to the veteran) but does not exceed the reasonable value of the property may also be approved for guaranty provided that—

* * * * *

(c) Nothing shall preclude guaranty of a loan to an eligible veteran having home loan guaranty entitlement to refinance under the provisions of 38 U.S.C. 1810(a)(5) a Veterans Administration guaranteed or insured (or direct) mortgage loan made to him or her which is outstanding on the dwelling or farm residence owned and occupied by the veteran as a home.

* * * * *

21. Section 36.4306a is added as follows:

§ 36.4306a Interest rate reduction refinancing loan.

(a) Pursuant to 38 U.S.C. 1810(a)(8), a veteran may refinance an existing Veterans Administration guaranteed, insured or direct loan to reduce the interest rate payable on the Veterans Administration loan provided the following requirements are met:

(1) The loan must be submitted to the Administrator for prior approval;

(2) The loan must be secured by the same dwelling or farm residence as the loan being refinanced and such dwelling or farm residence must be owned and occupied by the veteran as such veteran's home;

(3) The amount of the refinancing loan may not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as authorized by § 36.4312(d) and a reasonable discount as authorized in § 36.4312(d)(6);

(4) The dollar amount of the guaranty of the 38 U.S.C. 1810(a)(8) loan may not exceed the original dollar amount of guaranty applicable to the loan being refinanced, less any dollar amount of guaranty previously paid as a claim on the loan being refinanced; and

(5) The term of the refinancing loan (38 U.S.C. 1810(a)(8)) may not exceed the original term of the loan being refinanced.

(b) Notwithstanding any other regulatory provision, the interest rate reduction refinancing loan may be guaranteed without regard to the amount of guaranty entitlement

available for use by the veteran, and the amount of the veteran's remaining guaranty entitlement, if any, shall not be charged for an interest rate reduction refinancing loan. The interest rate reduction refinancing loan will be guaranteed with the entitlement used by the veteran to obtain the loan being refinanced. The veteran's loan guaranty entitlement originally used for a purpose as enumerated in 38 U.S.C. 1810(a) (1) through (7) and subsequently transferred to an interest rate reduction refinancing loan (38 U.S.C. 1810(a)(8)) shall be eligible for restoration when the interest rate reduction refinancing loan or subsequent interest rate reduction refinancing loans on the same property meets the requirements of § 36.4302(h).

(c) Title to the estate which is refinanced for the purpose of an interest rate reduction must be in conformity with § 36.4350. (39 U.S.C. 1810(a)(8) and (e).)

22. In § 36.4308, paragraph (b) is revised as follows:

§ 36.4308 Transfer of title by borrower or maturity by demand or acceleration.

* * * * *

(b) The term of payment of any guaranteed or insured obligation shall bear a proper relation to the borrower's present and anticipated income and expenses, (except loans pursuant to 38 U.S.C. 1810(a)(8)). In addition the terms of payment of any guaranteed or insured obligation shall provide for discharge of the obligation at a definite date or dates or intervals, in amount specified on or computable from the face of the instrument. A loan which is payable on demand, or at sight, or on presentation, or at a time not specified or computable from the language in the note, mortgage, or other loan instrument, or which contemplates periodic renewals at the option of the holder to satisfy the repayment requirements of this section, is not eligible for guaranty or insurance, except as provided in paragraph (d) of this section.

* * * * *

23. In § 36.4311, paragraph (d) is added as follows:

§ 36.4311 Interest rates.

* * * * *

(d) Refinancing loans for the purpose of an interest rate reduction (38 U.S.C. 1810(a)(8)) may specify an interest rate in excess of the rate specified in paragraphs (a) and (b) of this section provided the interest rate of the refinancing loan is less than the interest rate of the current Veterans Administration loan being refinanced.

(38 U.S.C. 1803(c)(1) and 1810(e))

§ 36.4312 [Amended]

24. Section 36.4312 is amended by removing the reference to "38 U.S.C. 1810(a)(5)" and inserting the reference to "38 U.S.C. 1810(a) (5) or (8)," in paragraph (d)(6)(i)(A).

§ 36.4324 [Amended]

25. Section 36.4324 is amended as follows:

(a) By removing the word "his" and inserting the words "the assuming veteran's" in paragraph (f)(3).

(b) By removing paragraphs (g) and (h).

26. Section 36.4329 is revised as follows:

§ 36.4329 Geographical limits.

Any real property purchased, constructed, altered, improved, or repaired with the proceeds of a guaranteed or insured loan shall be situated within the United States which for purposes of 38 U.S.C. ch. 37 is here defined as the several States, Territories and possessions, and the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.

27. In § 36.4336(a), subparagraphs (1) and (2) are revised as follows:

§ 36.4336 Eligibility of loans; reasonable value requirements.

(a) Evidence of guaranty or insurance shall be issued in respect to a loan for any of the purposes specified in 38 U.S.C. 1810(a) only if:

(1) The proceeds of such loan have been used to pay for the property purchased, constructed, repaired, refinanced, altered, or improved and

(2) Except as to refinancing loans pursuant to 38 U.S.C. 1810(a)(8), the loan does not exceed the reasonable value of the property as determined by the Administrator and

* * * * *

§ 36.4342 [Amended]

28. Section 36.4342 is amended by removing the words "VA Center" and inserting the words "VA Regional Office and Insurance Center" in paragraph (b) and by removing the words "VA center" and inserting the words "regional office and insurance center" in the first sentence of paragraph (d).

§ 36.4343 [Amended]

29. Section 36.4343 is amended by removing the headnote "Loans which may not be processed automatically" and inserting the headnote "Cooperative loans."

30. Section 36.4401 is amended as follows:

(a) By removing the words "by him" and by removing the words "his stead" and inserting the words "the Administrator's stead" in paragraph (a).

(b) By removing the word "his" in paragraph (c) and by removing the word "occupation" and inserting the word "occupancy" in paragraph (f).

(c) By revising paragraph (e) and adding paragraph (h) to read as follows:

§ 36.4401 Definitions.

* * * * *

(e) *Special fixtures and necessary adaptations.* Construction features which are specially designed to overcome the physical limitations of the individual beneficiary and which are allowed or required by the Chief Medical Director or designee as necessary by nature of the qualifying disability.

* * * * *

(h) *Veteran's family.* Persons related by blood, marriage, or adoption.

(38 U.S.C. 801(b))

31. Sections 36.4402, 36.4403 and 36.4404 are revised to read as follows:

§ 36.4402 Eligibility.

(a) *Eligibility, housing grants.* No beneficiary shall be eligible for assistance under section 801(a) of chapter 21 for the purpose of reimbursing the veteran for the cost of an existing structure acquired by the veteran prior to applying for assistance or for constructing or remodeling a dwelling or for otherwise acquiring a suitable housing unit, unless it is determined pursuant to §§ 36.4401 through 36.4410 that:

(1) It is medically feasible for such beneficiary to reside in the existing or proposed housing unit and in the locality where such is or will be situated;

(2) The nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes;

(3) Such unit bears a proper relation to the veteran's present and anticipated income and expenses;

(4) The veteran has or will acquire an interest in the housing unit which is—

(i) A fee simple estate, or

(ii) A leasehold estate, the unexpired term of which, including renewals at the option of the lessee, is not less than 50 years, or

(iii) An interest in a residential unit in a cooperative or a condominium type development which in the judgment of the Chief Benefits Director or the Director, Loan Guaranty Service, provides a right of occupancy for a period of not less than 50 years;

Provided, The title to such estate or interest is or shall be such as is acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community;

(5) The veteran has certified, in such form as the Administrator shall prescribe, that

(i) Neither the veteran, nor anyone authorized to act for the veteran, will refuse to sell or rent, after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny the dwelling or property acquired by this benefit to any person because of race, color, religion, sex, or national origin;

(ii) The veteran recognizes that any restrictive covenant on the property relating to race, color, religion, sex, or national origin is illegal and void and any such covenant is specifically disclaimed;

(iii) The veteran understands that civil action for preventive relief may be brought by the Attorney General of the United States in any appropriate U.S. District Court against any person responsible for a violation of the applicable law; and

(6) The housing unit, if located in an area identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Program, is or will be covered by flood insurance for the lesser of the full insurable value of the property or the maximum flood insurance available under the National Flood Insurance Program.

(b) *Eligibility, adaptations grants.* No beneficiary shall be eligible for assistance under section 801(b) of chapter 21, for the cost of reasonably necessary adaptations to an existing structure or for the inclusion of such adaptations in proposed construction unless it is determined pursuant to §§ 36.4401 through 36.4410 that:

(1) The veteran has not been declared eligible for assistance under section 801(a) of chapter 21;

(2) The veteran has not been provided the particular type of adaptation, improvement, or structural alteration under section 612(a) of title 38, United States Code;

(3) The veteran is or will be residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family;

(4) The adaptations are reasonably necessary because of the veteran's disability; and

(5) If the veteran is the owner or part-owner of the housing unit, the veteran must comply with paragraph (a) (5) and (6) of this section.

(38 U.S.C. 801(b), 804)

§ 36.4403 Joint ownership of housing unit.

The construction or remodeling of a housing unit, or reimbursement to a veteran who has acquired a suitable unit at the veteran's own expense pursuant to section 801(a) of chapter 21, shall be permissible notwithstanding that title to the home is or will be vested in an eligible veteran and spouse. If an undivided interest is or will be owned by a person other than the spouse of the veteran the cost of the unit to the veteran shall be computed to be such part of the total cost of the unit as is proportionate to the undivided interest of the veteran in the entire property, and the percentages and amounts prescribed in section 801(a) of chapter 21 shall be calculated only upon such cost to the veteran.

§ 36.4404 Computation of cost.

(a) *Computation of cost of housing unit.* Under section 801(a) of chapter 21, for the purpose of computing the amount of benefits payable to a veteran-beneficiary, there may be included in the total cost to the veteran the following:

(1) The cost of the necessary land and the grading, landscaping, and improvement thereof for use for residential purposes.

(2) The cost of the improvement erected thereon and the appurtenances thereto, including such heating, cooking, laundry, and refrigeration equipment as may be suitable to equip a housing unit for residential use.

(3) The cost of remodeling a housing unit.

(4) The cost of movable facilities and special fixtures.

(5) Reasonable architects' and attorneys' fees for services rendered to the veteran which are necessary to and are in connection with the transaction.

(6) Any charges for the customary necessary connections to or extensions of public facilities and improvements.

(7) Such other reasonable costs or expenses incurred in closing a loan or financing the aquisition of the housing and land, including unpaid taxes, ground rents, or assessments, which are normally required to be paid by a lienor or a purchaser.

(b) *Computation of cost of adaptations.* Under section 801(b) of chapter 21, for the purpose of computing the amount of benefits payable to a veteran-beneficiary, the assistance is limited to the lesser of:

(1) The actual cost of the adaptations, including installation costs, determined to be reasonably necessary, or

(2) $5,000.

(38 U.S.C. 802(b))

§ 36.4405 [Amended]

32. Section 36.4405 is amended by removing the word "he" and inserting the words "the Administrator."

§ 36.4406 [Amended]

33. Section 36.4406 is amended by removing the word "his" and inserting the words "the Administrator's" in the first sentence.

34. In § 36.4408, paragraph (b) is revised to read as follows:

§ 36.4408 Delegation of authority.

* * * * *

(b) Designated positions:

Chief Benefits Director.
Director, Loan Guaranty Service.
Assistant Director for Construction and Valuation.
Chief, Specially Adapted Housing Unit, Loan Guaranty Service.
Director, Medical and Regional Office Center.
Director, VA Regional Office and Insurance Center.
Director, VA Regional Office.
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

* * * * *

§ 36.4409 [Amended]

35. Section 36.4409 is amended by removing the word "his" and inserting the words "the veteran's."

36. In § 36.4410, the introductory portion preceding paragraph (a) and paragraph (b) are revised to read as follows:

§ 36.4410 Allocation of the funds of the grant.

Any amount payable as a grant under section 801(a), chapter 21 may be required by the Administrator to be utilized as the Administrator deems advisable for payment of any of the following costs or debts which are obligations of the veteran before any part of the grant may be paid to the veteran directly:

* * * * *

(b) Cost of constructing, adapting, or remodeling a housing unit.

* * * * *

§ 36.4501 [Amended]

37. Section 36.4501 is amended as follows:

(a) By removing the words "by him" and by removing the word "his" and

inserting the words "the Administrator's" in paragraph (a).

(b) By removing the word "his" and inserting the words "the veteran's" in paragraph (e).

38. Section 36.4502 is revised as follows:

§ 36.4502 Use of guaranty entitlement.

The guaranty entitlement of the veteran obtaining a direct loan which is closed on or after October 1, 1980, shall be charged with an amount which bears the same ratio to $27,500 as the amount of the loan bears to $33,000. The charge against the entitlement of a veteran who obtained a direct loan which was closed prior to the aforesaid date, shall be the amount which would have been charged had the loan been closed subsequent to such date.

(38 U.S.C. 1811(d)(2)(A))

39. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 16½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 17 percent per annum.

(38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

40. Sections 36.4505 and 36.4506 are revised to read as follows:

§ 36.4505 Maturity of loan.

(a) The maturity of a loan shall not exceed 25 years and 32 days. If the Veterans Administration determines the income and expenses of a veteran-applicant under customary credit standards would prevent the veteran from making the required loan payments for a loan which matures in 25 years and 32 days, but the veteran would be able to make the loan payments over a longer period of time, the loan may be made with a maturity not in excess of 30 years and 32 days.

(b) Every loan shall be repayable within the estimated economic life of the property securing the loan.

(c) Nothing in this section shall preclude extension of the loan pursuant to the provisions of § 36.4506.

(38 U.S.C. 1803(c)(1), (d)(1))

§ 36.4506 Recasting.

In the event of default or to avoid imminent default, the Veterans Administration may at any time enter into an agreement with the borrower which will permit the latter temporarily to repay the obligation on a basis appropriate to the borrower's apparent current ability to pay or may enter into an appropriate recasting or extension agreement: *Provided*, That no such agreement shall extend the ultimate repayment of a loan beyond the expiration of 30 years and 32 days from the date of the loan. *Provided further*, That nothing in this section shall be deemed to limit the forbearance or indulgence which the Administrator may extend in an individual case pursuant to the provisions of 38 U.S.C. 1820(f).

41. In § 36.4507, the introductory portion of paragraph (a) preceding subparagraph (1) and paragraph (c) are revised to read as follows:

§ 36.4507 Refinancing of mortgage or other lien indebtedness.

(a) Loans may be made for the purpose of refinancing (38 U.S.C. 1810(a)(5)) an existing mortgage loan or other indebtedness secured by a lien of record on a dwelling or farm residence owned and occupied by an eligible veteran as the veteran's home, provided that—

* * * * *

(c) Nothing shall preclude making a loan pursuant to the provisions of 38 U.S.C. 1810(a)(5) to an eligible veteran having home loan guaranty entitlement to refinance a loan previously guaranteed, insured or made by the Administrator which is outstanding on the dwelling or farm residence owned and occupied by the veteran as the veteran's home.

* * * * *

§ 36.4508 [Amended]

42. Section 36.4508 is amended as follows:

(a) By removing the word "he" and inserting the words "the veteran" in paragraph (a).

(b) By removing the words "obtained by him" and inserting the word "obtained"; by removing the words "relieving him" and inserting the words "relieving the borrower"; and removing "38 U.S.C. 1817" and inserting "38 U.S.C. 1817(a)" in the first sentence of paragraph (b).

(c) By removing the words "obtained by him" and inserting the word "obtained" and by removing the word "he" and inserting the words "the Administrator" in the introductory portion of paragraph(c) and by removing the word "he" and inserting the words "the transferee" in paragraph (c)(3).

43. In § 36.4519, subparagraph (6) is added to paragraph (a) (immediately following subparagraph (5)) and a new paragraph (c) is added to read as follows:

§ 36.4519 Eligible purposes and reasonable value requirements.

(a) A loan may be made only for the purpose hereinafter set forth, and the loan may not exceed the reasonable value of the property as established by the Veterans Administration:

* * * * *

(6) To refinance (38 U.S.C. 1810(a)(5)) existing mortgage loans or other liens which are secured of record on a dwelling or farm residence owned and occupied by the veteran as the veteran's home;

(38 U.S.C. 1811(b))

* * * * *

(c) No direct loan may be made for the purpose of an interest rate reduction refinancing loan pursuant to 38 U.S.C. 1810(a)(8).

(38 U.S.C. 1811(b))

§ 36.4520 [Amended]

44. Section 36.4320 is amended by removing the words "VA Center" and inserting the words "VA Regional Office and Insurance Center" in paragraph (b) and by removing the words "VA center" and inserting the words "regional office and insurance center" in the first sentence of paragraph (d).

45. Section 36.4523 is revised to read as follows:

§ 36.4523 Geographical limits.

Any real property purchased, constructed, or improved with the proceeds of a loan under 38 U.S.C. 1811 shall be situated in the United States, which for purposes of 38 U.S.C. ch. 37 is here defined as the several States, Territories, and possessions, and the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands: *Provided*, That no loan shall be made pursuant to 38 U.S.C. 1811 unless the real property is located in one of the areas designated from time to time by the Veterans Administration as an area in which private capital is not available under 38 U.S.C. ch. 37 to eligible veterans for financing of the purchase,

construction, repairs, alterations, or improvement of a farm residence or other dwelling, as the case may be.

§ 36.4525 [Amended]

46. Section 36.4525 is amended by removing the words "his valuation" and inserting the words "the valuation."

[FR Doc. 81-25391 Filed 8-28-81; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1896-2]

Approval of Revision of the District of Columbia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to the District of Columbia's Implementation Plan (SIP) which is intended to establish an Ambient Air Quality Monitoring Network under 40 CFR Part 58 (State & Local Air Monitoring System or SLAMS).

The data will be used, for determining the status of attainment of National Ambient Air Quality Standards (NAAQS), as a basis for requiring control of source emissions of criteria pollutants, for determining and tracking air pollution episodes, for growth planning in urban areas, for determining the impact of area sources and for reporting to the public the status of the District of Columbia's air quality.

EFFECTIVE DATE: September 30, 1981.

ADDRESSES: Copies of the revision and associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Attn.: Patricia Sheridan

D.C. Department of Environmental Services, Bureau of Air and Water Quality, 5010 Overlook Ave., S.W., Washington, D.C. 20032, Attn.: Mr. John V. Brink, Chief

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT:

Patricia Sheridan, Air Programs Branch (3AH10), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597-8176.

SUPPLEMENTARY INFORMATION:

I. Background

On May 16, 1979, the District of Columbia submitted to the Regional Administrator, EPA Region III, a revision of the District of Columbia Implementation Plan (SIP). This section of the SIP consists of provisions which meet the new requirements for monitoring air quality which are in 40 CFR 58.20 (Air Quality Surveillance: Plan Content). The air quality surveillance network which will be established, as provided in this SIP revision, will consist of the present network with certain modifications and additions. The provisions of this submittal are intended as a supplement to existing provisions and are not intended to revoke or suspend any previous submittals.

The network will measure ambient levels of "criteria pollutants" or those pollutants for which National Ambient Air Quality Standards (NAAQS) have been established by EPA.

The process of network design was carried out as required by Appendix D of 40 CFR Part 58.

The network description will include the following for each station in the air quality surveillance network:

a. The SAROAD site identification form.

b. The identity of the monitoring method or analyzer.

c. The identity of any necessary method of sample analysis.

d. The sampling schedule.

e. The monitoring objective.

f. The spatial scale of representativeness.

Also, on file for public inspection will be the schedule for the following:

a. Locating and/or placing into operation any station which was not operating and/or not located correctly on January 1, 1980.

b. Implementing quality assurance procedures for any station for which those procedures are not implemented by January 1, 1980.

c. Re-locating each station not sited according to the siting parameters of Appendix E to 40 CFR Part 58 by January 1, 1980.

Each station in the air quality surveillance network provided for by this SIP revision and described in the network description will be termed a State and Local Air Monitoring Station or a SLAMS. All stations in the District of Columbia's SLAMS network will be operated in accordance with the criteria established by Subpart B of 40 CFR Part 58.

Each SLAMS will be sited in accordance with the siting parameters contained in Appendix E to 40 CFR Part 58.

Each continuous analyzer in a SLAMS will be operated on a continuous basis and data gathered as hourly averages. Each manual method will be operated for a full 24-hour period at six day intervals.

Reference or equivalent methods will be used in SLAMS as defined by EPA in 40 CFR 50.1, or will be a particulate sampler for which a site-specific relationship to the Hi-vol has been established at the site of the SLAMS.

The quality assurance procedures of Appendix A to 40 CFR Part 58 will be followed when operating the SLAMS network and processing air quality data.

The concept of episode monitoring involves daily monitoring in order to detect when ambient pollution levels reach concentrations corresponding to an air quality episode, and monitoring during episodes to maintain surveillance of the situation.

Each SLAMS that is designated as an episode monitoring station will be identified in the description of the SLAMS network which is on file in the official network description.

Data from all SLAMS for an entire calendar year will be summarized and submitted to EPA by July 1 of the following year. The values determined and reported will be those values indicated in Appendix F to 40 CFR Part 58. Other information as required by Appendix F will also be reported in the annual report.

The District of Columbia will operate monitoring stations other than those in the SLAMS Network. These other stations will be termed Special Purpose Monitoring Stations (SPM) and will be used to supplement the SLAMS monitoring. The SPM stations will be used for purposes such as determining areas where permanent SLAMS need to be located, determining the effect of point sources, research, and determining acceptable growth patterns.

Data from SPM stations may be used for SIP purposes such as support for control strategies, determination of attainment/nonattainment, or model validation. Such data will have been collected in accordance with the criteria established by Subpart B of 40 CFR Part 58.

Beginning March 1 of each year, the District of Columbia will review the air quality surveillance network to

determine if there is a SLAMS in every location where there is a need for ambient air quality data or if all the stations in the SLAMS network are necessary. A report of the findings will be submitted to the EPA Regional Office by July 1 of each year along with a schedule to add stations to the SLAMS network, to relocate stations, or to eliminate stations as the case may be. The determination of the need to add, relocate or delete stations will be based on the network design criteria in Appendix D to 40 CFR Part 58 or references therein.

The site-specific SLAMS monitoring network description is not included in the SIP revision to allow for annual review and revision of the network without repeating the full SIP revision procedure.

II. Control Strategy Demonstration

This revision is an administrative change rather than a substantive change. Because the revision has no adverse impact on air quality, a modeling demonstration of attainment and maintenance of standards is not required.

III. Public Comments

No comments were received during the 30-day public comment period.

IV. EPA Evaluation

There are no policy issues involved with this revision other than the basis for the Administrator's approval, i.e., whether the revision submitted by the District of Columbia meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, Public Hearings; 51.5, Submittal of Plans; preliminary review of plans; 51.6, Revisions; and 51.11, Legal Authority.

The revision submitted by the District of Columbia meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, 51.5, 51.6, and 51.11.

V. EPA Actions

In view of this evaluation, the Administrator approves the above described revision to the District of Columbia's SIP, which is intended to establish an Ambient Air Quality Monitoring Network as required under 40 CFR, Part 58 (State & Local Air Monitoring Systems or SLAMS).

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the District of Columbia was approved by the Director of the Federal Register on July 1, 1981.

(42 U.S.C. 7401–642)

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart J—District of Columbia

§ 52.420 [Amended]

1. In § 52.420 *Identification of plan,* (c)(18) is added as follows:

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(18) A revision submitted by the District of Columbia on May 16, 1979 which is intended to establish an Ambient Air Quality Monitoring Network.

[FR Doc. 81-25231 Filed 8-28-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

Approval of Revision of the State of Maryland—Implementation Plan

[A-3-FRC 1896-1]

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to the State of Maryland's State Implementation Plan (SIP) which is intended to establish an Ambient Air Quality Monitoring Network under 40 CFR Part 58 (State & Local Air Monitoring System or SLAMS).

The data will be used, for determining the status of attainment of National Ambient Air Quality Standards (NAAQS), as a basis for requiring control of source emissions of criteria pollutants, for determining and tracking air pollution episodes, for growth planning in urban areas, for determining the impact of area sources and for reporting to the public the status of Maryland's air quality.

EFFECTIVE DATE: September 30, 1981.

ADDRESSES: Copies of the revision and associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn.: Patricia Sheridan

Maryland State Department of Health and Mental Hygiene, Air Quality Control Programs, 201 W. Preston Street, Baltimore, MD 21201, Attn.: Mr. George P. Ferreri, Administrator

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan, Air Programs Branch (3AH10), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597–8176.

SUPPLEMENTARY INFORMATION:

I. Background

On December 20, 1979, the State of Maryland submitted to the Regional Administrator, EPA Region III, a revision of the Maryland State Implementation Plan (SIP). This section of the SIP consists of provisions which meet the new requirements for monitoring air quality which are in 40 CFR 58.20 (Air Quality Surveillance: Plan Content). The air quality surveillance network which will be established, as provided in this SIP revision, will consist of the present network with certain modifications and additions. The provisions of this submittal are intended as a supplement to existing provisions and are not intended to revoke or suspend any previous submittals.

The network will measure ambient levels of "criteria pollutants" or those pollutants for which National Ambient Air Quality Standards (NAAQS) have been established by EPA.

The process of network design was carried out as required by Appendix D of 40 CFR Part 58.

The network description will include the following for each station in the air quality surveillance network:

a. The SAROAD site identification form.

b. The identity of the monitoring method or analyzer.

c. The identity of any necessary method of sample analysis.

d. The sampling schedule.

e. The monitoring objective.

f. The spatial scale of representativeness.

Also, on file for public inspection will be the schedule for the following:

a. Locating and/or placing into operation any station which was not operating and/or not located correctly on January 1, 1980.

b. Implementing quality assurance procedures for any station for which those procedures are not implemented by January 1, 1980.

c. Re-locating each station not sited according to the siting parameters of Appendix E to 40 CFR Part 58 by January 1, 1980.

Each station in the air quality surveillance network provided for by this SIP revision and described in the network description will be termed a State and Local Air Monitoring Station or a SLAMS. All stations in the State of Maryland's SLAMS network will be operated in accordance with the criteria established by Subpart B of 40 CFR Part 58.

Each SLAMS will be sited in accordance with the siting parameters contained in Appendix E to 40 CFR Part 58.

Each continuous analyzer in a SLAMS will be operated on a continuous basis and data gathered as hourly averages. Each manual method will be operated for a full 24-hour period at six day intervals.

Reference or equivalent methods will be used in SLAMS as defined by EPA in 40 CFR 50.1, or will be a particulate sampler for which a site-specific relationship to the Hi-vol has been established at the site of the SLAMS.

The quality assurance procedures of Appendix A to 40 CFR Part 58 will be followed when operating the SLAMS network and processing air quality data.

The concept of episode monitoring involves daily monitoring in order to detect when ambient pollution levels reach concentrations corresponding to an air quality episode, and monitoring during episodes to maintain surveillance of the situation.

Each SLAMS that is designated as an episode monitoring station will be identified in the description of the SLAMS network which is on file in the official network description.

Data from all SLAMS for an entire calendar year will be summarized and submitted to EPA by July 1 of the following year. The values determined and reported will be those values indicated in Appendix F to 40 CFR Part 58. Other information as required by Appendix F will also be reported in the annual report.

The State of Maryland will operate monitoring stations other than those in the SLAMS Network. These other stations will be termed Special Purpose Monitoring Stations (SPM) and will be used to supplement the SLAMS monitoring. The SPM stations will be used for purposes such as determining areas where permanent SLAMS need to be located, determining the effect of point sources, research, and determining acceptable growth patterns.

Data from SPM stations may be used for SIP purposes such as support for control strategies, determination of attainment/nonattainment, or model validation. Such data will have been collected in accordance with the criteria established by Subpart B of 40 CFR Part 58.

Beginning March 1 of each year, the State of Maryland will review the air quality surveillance network to determine if there is a SLAMS in every location where there is a need for ambient air quality data or if all the stations in the SLAMS network are necessary. A report of the findings will be sumbitted to the EPA Regional Office by July 1 of each year along with a schedule to add stations to the SLAMS network, to relocate stations, or to eliminate stations as the case may be. The determination of the need to add, relocate or delete stations will be based on the network design criteria in Appendix D to 40 CFR Part 58 or references therein.

The site-specific SLAMS monitoring network description is not included in the SIP revision to allow for annual review and revision of the network without repeating the full SIP revision procedure.

II. Control Strategy Demonstration

This revision is an administrative change rather than a substantive change. Because the revision has no adverse impact on air quality, a modeling demonstration of attainment and maintenance of standards is not required.

III. Public Comments

No comments were received during the 30-day public comment period.

IV. EPA Evaluation

There are no policy issues involved with this revision other than the basis for the Administrator's approval; i.e., whether the revision submitted by the State of Maryland meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, Public Hearings; 51.5, Submittal of Plans; preliminary review of plans; 51.6, Revisions; and 51.11, Legal Authority.

The revision submitted by the State of Maryland meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, 51.5, 51.6, and 51.11.

V. EPA Actions

In view of this evaluation, the Administrator approves the above described revision to the State of Maryland's SIP, which is intended to establish an Ambient Air Quality Monitoring Network as required under 40 CFR Part 58 (State & Local Air Monitoring System or SLAMS).

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1981.

(42 U.S.C. 7401–642)

Dated August 6, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart V—Maryland

§ 52.1070 [Amended]

1. In § 52.1070 *Identification of plan,* (c)(44) is added as follows:

(c) The plan revision listed below was submitted on the date specified * * *

(44) A revision submitted by the State of Maryland on December 20, 1979 which is intended to establish an Ambient Air Quality Monitoring Network.

[FR Doc. 81-25230 Filed 8-28-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6131]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program (202) 755–5581 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202 (a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood loses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

PART 64—SUSPENSION OF COMMUNITY ELIGIBILITY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Connecticut: New Haven	Ansonia, city of	090071B	Nov. 2, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	May 3, 1974 and Mar. 11, 1977.	Sept. 2, 1981
Florida:					
Sarasota	North Port, city of	120279B	Aug. 27, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	June 10, 1977	Do.
Manatee	Palmetto, city of	120159B	Apr. 25, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	July 18, 1974 and Feb. 20, 1976.	Do.
Illinois:					
Sangamon	Chatham, village of	170691C	July 25, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Nov. 16, 1973 and June 11, 1976 and June 8, 1979.	Do.
Winnebago	Durand, village of	170769B	June 25, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Apr. 5, 1974 and Jan 2, 1976	Do.
Lake	Lake Villa, village of	170375B	Oct. 16, 1974, emergency, July. 2, 1981, regular, Sept. 2, 1981, suspended.	May 3, 1974 and Sept. 19, 1975.	Do.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Sangamon	Pleasant Plains, village of	170798B	Feb. 4, 1976, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Mar. 22, 1974 and May 14, 1976.	Do.
Kane & Dupage	St. Charles, city of	170330C	Feb. 19, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Mar. 15, 1974 and June 4, 1976 and Dec. 17, 1976.	Do.
Indiana: Lake	Unincorporated areas	1801268	July 25, 1973, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Dec. 6, 1974 and Jan 24, 1977.	Do.
Louisiana: Ascension Parish.	Unincorporated areas	2200138	Apr. 26, 1973, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Dec. 12, 1978	Do.
Maine: Cumberland	Windham, town of	2301898	June 11, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Jan. 10, 1975 and Oct. 22, 1976.	Do.
Minnesota:					
Crow Wing	Brainerd, city of	2700938	Feb. 1, 1974 emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	June 21, 1974 and May 7, 1976.	Do.
Do.	Crosby, city of	2700948	May 5, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	June 28, 1974 and Aug 6, 1976.	Do.
Fillmore	Lanesboro, city of	2701268	Apr. 24, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	May 24, 1974 and June 4, 1976.	Do.
Steele	Medford, city of	2704628	Aug. 15, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Apr. 12, 1974 and May 28, 1976.	Do.
Norman	Unincorporated areas	2703228	Jan. 23, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Feb. 23, 1979	Do.
Rice	Northfield, city of	2704068	Apr. 10, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Mar. 29, 1974 and Feb. 6, 1976.	Do.
Crow Wing	Riverton, city of	2701008	Jan. 21, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	June 28, 1974 and May 28, 1976.	Do.
Norman	Shelly, city of	2703278	Aug. 16, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Aug. 16, 1974 and Mar. 19, 1976.	Do.
Fillmore	Spring Valley, city of	2701328	Apr. 24, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	May 17, 1974 and Aug. 13, 1976.	Do.
Montana:					
Big Horn	Unincorporated areas	3001438	Apr. 3, 1978, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Feb. 7, 1978	Do.
Do	Lodge Grass, town of	3000028	May 1, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	May 31, 1974 and Dec. 12, 1975.	Do.
New Jersey:					
Bergen	Ramsey, borough of	3400648	Jan. 21, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Jan. 9, 1974 and Dec. 31, 1976.	Do.
Essex	Roseland, borough of	3401938	July 31, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	June 21, 1973 and Mar. 19, 1976.	Do.
New York:					
Rockland	Haverstraw, village of	360662C	Nov. 26, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Apr. 12, 1974 and June 11, 1976 and June 3, 1977.	Do.
Wayne	Huron, town of	360692B	Sept. 6, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Sept. 6, 1974 and Jan. 16, 1976.	Do.
Pennsylvania:					
Adams	Abbottstown, borough of	421157A	Apr. 23, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Nov. 8, 1974	Do.
Bedford	Fallston, borough of	4201108	June 18, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Feb. 8, 1974 and May 28, 1976.	Do.
Blair	Frankstown, township of	421367A	Aug. 16, 1974, emergency, June 15, 1981, regular, Sept. 2, 1981, suspended.	June 15, 1981	Do.
Montgomery	Marlborough, township of	421913B	Aug. 14, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Nov. 1, 1974 and July 2, 1976	Do.
Juniata	Milford, township of	421743A	July 7, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Jan. 3, 1975	Do.
Lebanon	North Lebanon, township of	421131B	Mar 8, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	July 19, 1974 and July 2, 1976.	Do.
York	Paradise, township of	420984B	June 6, 1973, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Sept. 14, 1973 and July 15, 1977.	Do.
Lancaster	Penn, township of	421778B	Feb. 5, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	May 31, 1974 and Aug. 13, 1976.	Do.
Columbia	Scott, township of	421004B	Nov. 2, 1973, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Apr. 12, 1974 and Jan. 7, 1977.	Do.
South Carolina: Richland.	Columbia, city of	4501728	Jan. 16, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	June 28, 1974 and Oct. 22, 1976.	Do.
South Dakota: Lawrence.	Spearfish, city of	4600468	Oct. 30, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Mar. 27, 1974 and June 4, 1976.	Do.
Texas:					
Travis	Austin, city of	4806248	May 9, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Sept. 13, 1974 and May 31, 1977.	Do.
Waller	Brookshire, city of	4810978	May 12, 1977, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	May 12, 1977	Do.
Virginia:	Colonial Heights, city of	5106998	June 18, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	June 14, 1974 and Sept. 17, 1976.	Do.
Hanover	Unincorporated areas	510237A	Apr. 4, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Dec. 13, 1974	Do.
Page	Luray, town of	5101108	Oct. 18, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Apr. 5, 1974 and Jan. 16, 1976.	Do.
	Salem, city of	510141C	Mar. 8, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Apr. 12, 1974 and June 18, 1976 and July 22, 1977.	Do.
Washington:					
Thurston	Bucoda, town of	5301898	Feb. 10, 1975, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	Nov. 15, 1974 and Oct. 24, 1975.	Do.
Pierce	Gig Harbor, town of	5301428	June 28, 1974, emergency, Sept. 2, 1981, regular, Sept. 2, 1981, suspended.	June 28, 1974 and Dec. 26, 1975.	Do.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: August 18, 1981.

Richard W. Krimm,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-25240 Filed 8-28-81; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-438; FCC 81-371]

Representation of Stations by Representatives Owned by Competing Stations in the Same Area

AGENCY: Federal Communications Commission.

ACTION: Repeal of policy statement (report and order).

SUMMARY: Federal Communications Commission repeals policy statement set forth in *Golden West Broadcasters.* In adopting the policy, the FCC held that representation of a rival broadcast station by a licensee-owned sales representative was a violation of long-standing FCC policy prohibiting cross-interests in more than one station in the same area. The policy was adopted to assure full competition between rival stations and to promote diversity of programming and service viewpoints. A growing number of national sales representatives felt that a decline in the number of sales representatives meant that radio stations were unable to compete effectively in their markets. The result is that sales representatives owned by a licensee may now represent a rival station.

DATES: Effective July 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Harvey S. Speck, Broadcast Bureau (202) 632–3860.

SUPPLEMENTARY INFORMATION: In the matter of representation of stations by representatives owned by competing stations in the same area BC Docket No. 80–438; FCC 81–371.

Report and Order

Adopted: July 30, 1981.

Released: August 13, 1981.

By the Commission:

1. The Commission has before it for consideration the Notice of Inquiry adopted July 31, 1980, BC Docket No. 80–438, 45 FR 55242, published August 19, 1980, requesting information concerning the Commission's policy regarding licensee-owned sales representatives, and comments filed in response.[1] The parties filing comments are listed in Appendix A.

2. This proceeding was commenced following receipt of a Petition for Deregulation and additional requests [2] for modification of the Commission's *Golden West* policy.[3] In response to the requests and petitions filed, we issued a Notice of Inquiry seeking information regarding whether there would be an impairment of economic competition if the policy were changed to permit a representative owned by a licensee to represent a rival station in the same area. Tied to this general question was whether such a multiple sales representative possessed sufficient influence in the operation of the stations it represented so as to impede our goal of maximum diversity of views and program service. At the outset, it should be stressed that the comments primarily were directed to radio and unless otherwise indicated reference is to radio stations. Comments relating to television were generally confined to the opinion that television should not be treated differently from radio. We have reviewed the comments submitted in response to the Notice in this proceeding, reviewed the factual questions presented, and considered the arguments and counter-arguments. We found the comments, for the most part, useful to our deliberations.

3. Based upon this review, it is our judgment that the *Golden West* policy should be repealed for both radio and television. We feel that elimination of the restriction would be consistent with the Commission's deregulatory goals and overall public interest obligations. We have determined that the *Golden West* policy is an unwarranted restriction upon the relationships of broadcast licensees and in view of the pragmatic reality of marketplace factors and existing safeguards against anticompetitive activities, any injury to the public interest is unlikely.[4] We believe that arms-length competition among broadcasters and program diversification will be achieved with a minimum of enforcement effort and expense to the public. We do not intend to diminish our commitment to the promotion and maintenance of full competition in broadcast markets.

History of the Policy

4. In *Golden West Broadcasters,* 16 FCC 2d 918, 15 RR 2d 938 (1969), the Commission held that representation of a station by a sales representative owned wholly or partially by a licensee of a competing station in the same service in the same area is a violation of the Commission's cross-interest policy. The Commission's objectives were the promotion and maintenance of full competition between broadcast stations and maximum "* * * diversification of program and service viewpoints." The Commission believed at that time that the relationships described in *Golden West* militated against competition between the two stations and, therefore, were contrary to its goals. It stated that the policy was based on its concern for potential impairment of competition and not on a record of existing abuses. In the proceeding concerning *Combination Advertising Rates and Other Joint Sales Practices,* 51 FCC 2d 679 (1975), the Commission amplified the policy set out in *Golden West* to include stations in the same market in all broadcast services. The Commission later modified this policy to permit the representation of an aural station by a representative affiliated with a television station, and vice versa. *Combination Advertising*

[1] The time in which to furnish comments and reply comments was extended to October 20, and November 14, 1980, respectively. 45 FR 78191 (1980).

[2] These requests were filed by McGavren Guild, Inc., Torbet Radio, Inc. and Buckley Radio Sales, Inc.

[3] Also before us for consideration is an Application for Review filed by Buckley Radio Sales, Inc., seeking a review of a staff ruling that a proposed representation of a Los Angeles area station by Buckley would conflict with the *Golden West* policy. In the alternative, Buckley seeks a waiver in the event that we decide to continue the policy.

[4] Although the Commission does not enforce the antitrust or other laws relating to unfair trade practices, it takes cognizance of the policies expressed in these statutes in its interpretation of the public interest standard found in the Communications Act of 1934, as amended. The core of the antitrust law is found in the Sherman Act, 15 U.S.C. 1 and 2 (1958), the Clayton Act, 15 U.S.C. 14 and the Federal Trade Commission Act 15 U.S.C. 41 *et seq.* Forbidden under these sections are contracts, combinations, conspiracies which restrain trade, monopolizing or attempting to monopolize, and unfair methods of competition.

Rates and Other Joint Sales Practices, 59 FCC 2d 894 (1976).

5. Our objective in facilitating diversity of views in broadcasting was expressed in *Multiple Ownership Rules*, 45 FCC 1476, 1477, 2 RR 1588, 1592 (1964), in which we noted:

> * * * The greater the diversity of ownership in a particular area, the less chance there is that a single person or group can have an inordinate effect, in a political editorial, or similar programming sense, on public opinion at the regional level.

The theory underlying *Golden West* was grounded on the assumption that a sales representative had sufficient influence in the operation of the stations it represented to contravene our goal of a maximum diversity of views. This determination was based in part upon our observation that the representative organizations in the *Golden West* decision were responsible, respectively, for 59% and 74% of the gross revenues of the two stations involved.[5] The control over this large portion of a station's revenues was presumed to provide the leverage with which the representative firm could work its will. We must note that no demonstrated history of abuse in this area exists, only the argument that a potential for abuse existed.

The Station Representative Market

6. A brief examination of the station representative firm ("reps" or "station reps") is useful at this point since it is an often overlooked part of the radio and television broadcast business. There are three markets in which the buying and selling of advertising time on radio and television take place. The network market brings together national and regional networks and advertisers of nationally or regionally distributed products who want their commercial messages instantaneously transmitted across the nation or region. The second market is called the local spot market. In this market local radio and television stations and local advertisers located within the stations' coverage areas do business. Finally, the national spot market brings together national advertisers who want to buy commercials in selected markets and individual stations in those markets. It is this market in which the *Golden West* policy has been applied.

7. In the network and the local spot markets, advertisers, or their advertising agencies, work directly with salespersons from the networks and local stations in negotiating the commercial deal. However, in the national spot markets, a third party, the station representative, is generally involved in the transaction. The station rep is a middleman, an agent of local stations, who represents local stations in their efforts to sell time to national or regional advertisers. This business grew out of the practical reality that national advertising agencies work out of a few commercial centers throughout the United States. It is unfeasible for local stations to have their own sales staffs covering national agencies in often far-distant cities. The typical national station representative firm is headquartered in New York with offices in principle commercial centers such as Chicago, Minneapolis and Los Angeles. The offices are staffed with salespersons who are assigned a list of advertising agencies in the area. When an advertising agency gets ready to buy in the national spot market, it informs the reps of stations in the desired markets of the specifications of the buy. The reps contact their client-stations, put together the package that best meets those specifications, and then start competing with other reps to get the business for their client-stations. In addition to advertising sales, many rep firms offer programming advice. Reps are in a position to know about unique programming formats, talent selections, and syndication properities that have proved successful in other markets and can pass on that information to their clients.

8. A contract formalizes the relationship between a station and its sales representative firm. This agreement typically binds the station to an exclusive contract with the representative firm for a period of one to three or more years, cancellable on 90–180 days notice. The amount of commission payable by the station to the rep on national spot billings, usually between 7% and 15%, is a provision of the contract. The key clause of the contract is the one establishing "excluded territory," usually the station's city of license. "Excluded territory" will be solicited for advertising sales by the station's own sales department. All other territory will be covered by the rep firm and all sales originating outside the "excluded territory" constitute national spot billings on which the station must pay a commission. A provision found in contracts with television stations and not usually with radio stations is that the rep firm agrees not to represent any other television station in its market.

9. It is not easy to obtain an exact and realistic count of the number of radio and television rep firms in the industry. Standard Rate and Data Service (SRDS) lists the following figures:

	National	Regional
Radio		
1981	47	113
1974	58	111
Television		
1981	33	41
1972	39	51

Source: SRDS, Spot Radio Rates and Data, Jan. 1, 1974 and Jan. 1, 1981; SRDS, Spot Television Rates and Data, Jan. 15, 1972 and June 15, 1981.

These figures may misrepresent the actual situation by including the national sales offices of group owners and even firms not representing U. S. stations. 1981 estimates received from M. S. Kellner, Managing Director, Station Representatives Association, Inc., on June 24, 1981 are as follows:

	National	Regional
TV	22	27
Radio	32	80

Through the years the number of firms has decreased as the SRDS figures show. This trend has occurred partly through merger.

Economic Analysis

10. The *Golden West* policy, as it initially evolved, was predicated on the concern for diversity of voices and maintenance of competition. The underlying economic concern was that the representation of a station in a market by a sales representative owned by a rival station in the same market might effectively reduce competition in either of two ways: by providing a convenient mechanism by which the two stations could collude or by allowing the station with the affiliated rep unduly to take advantage of any market power imbedded in the rep to place the other station at a competitive disadvantage. It was feared that either of these occurrences would be detrimental to the public interest because they might result in reduced program diversity (whether entertainment or political/editorial/news views), or increases in the price of advertising time due to price fixing. It is therefore appropriate to investigate under what conditions these detrimental effects would actually occur and

[5] Underlying this determination was the view that representation of a station by a sales representative owned wholly or partially by the licensee of a competing station in the same community or service area was in violation of longstanding Commission policy proscribing cross-interests by licensees in more than a single station in the same service in the same areas. Sections 73.35(AM), 73.240(FM) and 73.636(TV).

whether elimination of the *Golden West* policy would fulfill those conditions.

11. First, even if two firms decide to collude, and "owned" rep firm appears to be a natural means of coordinating the collusion since it potentially has access to and can easily transmit the confidential information necessary to assure the success of the collusive scheme. This means of coordination requires trust on the part of the station that retains the "owned" station rep firm as well as a reasonable convergence of views by the participants as to the goals to be achieved by the collusion. This is true whether the collusion is limited to restricting the supply of advertising time, manipulating programming (either entertainment or political/editorial/news perspectives) or both. Using the owned station rep as a means of coordinating the collusion would appear to require a lack of other reasonable means of coordination since the obvious tie between the two firms invites scrutiny by non-colluding competitors, advertisers, the Commission and the antitrust authorities. One key question, then, is would repeal of the *Golden West* policy make collusive activity both easier to accomplish and to remain undetected, or would the rep firm attract too much scrutiny to be an effective colluding mechanism?

12. If a rep firm should decide to collude, it is still necessary that the two stations find collusion mutually beneficial for the conspiracy to continue. It is possible that the two stations might at some point disagree, resulting in independent action by one of them. It is also possible that the owned station rep might attempt to use the rep firm as a means of enforcing the collusion by threatening the station that breaks with the group. For this threat to be successful the station rep must be in a position to deny the recalcitrant station enough revenues so that its best option is to return to the collusive agreement. This requires that the recalcitrant station be in a position both that it is difficult to survive without a station rep and that independent station reps are not satifactory substitutes for the owned rep firm.[9] Another key question is, how likely is this to occur in practice?

13. Alternatively, if the broadcast station owning the rep firm chooses to engage in unfair competition and decides to use the rep as a tool in that pursuit, it must be able to restrict the target station's profits. To accomplish this it must be the case that it is difficult for the target station both to survive without a representative firm and to obtain representative services elsewhere.[10] Again, how likely are we to see this practice in radio and television markets? We shall keep these questions in mind while reviewing and analyzing the comments.

Summary of Comments and Discussion of Issues

14. We turn now to a summary and discussion of the comments received pursuant to the Notice of Inquiry. First, we examine the prospects for anticompetitive behavior. We then examine the market environment within which rep firms operate. This includes comments related to both television and radio reps and their influence on programming. Following that, we discuss the options available to the Commission for handling any anticompetitive abuses that might arise in the absence of the *Golden West* policy. The latter discussion includes methods for handling complaints of anticompetitive abuse.

(a) *The prospects for anticompetitive behavior.*

15. Parties supporting retention of the *Golden West* policy state that the policy serves a legitimate purpose in requiring stations to deal at arms-length, encourages competition, and reduces the opportunity for collusion on advertising rates. The Department of Justice (Justice) contends that elimination of the *Golden West* policy would result in the opportunity for collusive rate-setting. Justice states that, by eliminating the *Golden West* policy, a rep, in order to sell a station's advertising time to national and regional advertisers, may require access to sensitive competitive information concerning its client's operation (*e.g.*, the station's current and future rates and charges, program schedules and audience surveys). Justice points out that exchange of price and product information may be violative of the Sherman Antitrust Act, 15 U.S.C. 1. It adds:

> To permit a sales representative that is owned by a licensee to represent a direct competitor of that licensee provides the opportunity for competing licensees to agree on rates, an opportunity the Commission's policy wisely seeks to preclude.
>
> Thus, the restrictions imposed by the Commission policy provide a safeguard against collective rate setting. Price competition is the most fundamental form of a competition in a free market economy.

Lotus Representative Corporation stated that "co-representation promotes rate rigidity, if not outright price-fixing." In support of this contention Lotus states that "the greater the similarity in format, the greater the likelihood that the representative will 'suggest' prices to stations which should be competing at arms length." Some of those who would retain the policy nevertheless believe that there are areas in which it could be relaxed. For instance, Lotus suggests that the *Golden West* policy should be liberalized to allow representation of a Spanish-language station by a licensee-owned representative in the same market. It argues that when stations broadcast in different languages, there is no economic competition, particularly in the area of national advertising practices. Such representation, it claims, will assist a station which would otherwise have difficulty selling time nationally.

16. Commenters supporting the repeal of the *Golden West* policy contend however, that the threat of collusive rate-setting is premised upon a misapprehension of the nature of the industry. These parties characterize a sales representative as essentially a sales agent or broker, working strictly on a commission basis pursuant to a contract renegotiated annually. They stress that the licensee, not the representative, maintains responsibility for setting rates, which are primarily a result of audience ratings. They state that advertisers select the stations on which they wish to purchase time on the basis of predetermined demographic criteria and station ratings. They further claim that competitive marketplace factors will preserve full competition in the absence of government regulation because the unaffiliated representatives, in practice, do not maintain relationships with two clients in a given market that seek the same demographic and geographic audience. It was argued that the manifest conflict of interest on the part of a representative attempting to represent two stations seeking the same audience in a market compels the representative to terminate its relationship with one of the stations if a change in format puts two clients in competition for the same advertising dollars.

17. Another argument advanced by those who favor repeal of the *Golden West* policy is that while the Commission may be correct in perceiving a "theoretical" conflict of interest, the economic realities of sales representation require that each station be given the rep's maximum effort. They argue that in order to survive reps must

[9] If there are unused frequencies available in the market under analysis it would also be necessary to either prevent new entry or induce any new entrant to join the cartel.

[10] It is also the case that the firm engaging in the threats must be able either to retard or intimidate new entry in the market. Otherwise any gains from collusion would be lost.

pursue advertiser revenue for all stations represented. Torbet does not view common representation of competing stations to be a factor that would lessen competition. It states:

> The radio industry is intensely competitive. For example, in a large market such as New York City there are approximately 60 radio stations. The bottom line for each of these stations is audience size. No radio station in a competitive market will subvert its objective of increasing its ratings, to an interest that an affiliated company (the representative) has in increasing the commissions it receives from the sale of national advertising time. For example, no station manager who is considering a change in format (or any other competitive move) in order to protect, enhance, or recover from a loss of his or her market position, would refuse to take such an action in order to avoid a potential adverse effect on an affiliated representative's interest in the success of another station. On balance the interest of the affiliated representative is *de minimis*. Thus, it is extremely unlikely that the licensee representative's "stake" in the station it represents would have an adverse effect on competition.

18. The Notice of Inquiry sought information concerning a rep's access to confidential information not normally available to a competitor. The Intermountain Network, Inc., Eleven-Fifty Corp., Greater Media, Inc., Capitol Broadcasting Company, Inc., and Torbet Radio, Inc. all claimed that the type of information generally made available to sales representatives, including rate cards, programming, coverage, and demographics, is public information and not of a sensitive, competitive nature. In contrast, the U.S. Department of Justice, Jack Masla and Pro Time Sales, Inc. alleged that sales representatives did have access to such confidential business information as format and rate changes, program schedules, and pricing structure. John Blair and Company countered that even if price data were disclosed to a rep co-owned with a licensee in the area, anticompetitive behavior such as price-fixing should not be presumed. Blair urged that, to the contrary, knowledge of a competitor's prices may spur competition. Other commentors maintained that the sales representative's relationship with a competing station would be taken into account in determining what information to share. A disclosure of sensitive information to the rep would thus reflect either the client station's judgment that the information, if disclosed, would not be harmful or that the information would be kept confidential by the rep.

19. In summary, the prospects for anticompetitive behavior in cases currently prevented by the *Golden West* policy turns on the access to proprietary information by owned station reps and the ability of the parent company (the broadcast station) to utilize this information to reduce competition. The antitrust laws do not regard the use or even the compiling of business information that is generally available automatically to constitute a violation of law. The circumstances control.[11] Further, as noted below, we still retain the ability to review specific complaints alleging abuses. As the range of comments suggest, there is some dispute regarding the kind of information available to station reps whether owned by a competitor station or not. Nonetheless, as pointed out by some commentors, the station being represented by the owned firm is likely to be aware of the ownership of the station rep by a competing broadcast station. This knowledge should be sufficient to protect the station from unfair competition since it can determine whether and how much information to provide the owned station representative.[12] Aside from this issue we must determine whether the market environment is such that this station has alternatives available to it should it decide that its interests are not fully served by its present representatives.

(b) *The Market Environment*

20. There are several critical issues regarding the station rep market about which we solicited comments. First is the degree to which station reps influence programming decisions. Second, we were interested in obtaining information regarding trends in the station rep market. These trends include entry or exit of representative firms, ownership patterns, increasing dependence upon station reps, and the ability of stations to survive without a station rep firm. Finally, we were interested in whether the radio market was sufficiently different from the television market to warrant separate consideration.

21. In *Golden West* we determined that a sales representative had sufficient influence in the operation of the stations it represented so as to contravene our goal of maximum diversity of views. In order to evaluate a sales representative's involvement in the stations it represents and its resulting impact upon diversity, we asked for comments with regard to what degree sales reps provide guidance on the program service provided by the stations they represent. Those supporting repeal of *Golden West*, such as Greater Media, Inc., Capitol Broadcasting Company, Inc. and Torbet Radio, Inc., asserted that they offered no advice on programming. Several parties emphasized that while a representative organization may advise as to format or musical selections, representatives gave virtually no advice concerning news, public affairs and editorial positions. Further, Torbet Radio, Inc. and Buckley Radio Sales, Inc. both noted that other practices permitted by the Commission, such as networking, provide a far greater threat to the goal of diversity than the occasional advice of an independent sales representative. This is particularly true in markets where a network owns and operates a station and provides network service to competitors. Jack Masla & Company, Inc., on the other hand, took issue with the proponents of repeal who stated that programming consultation is not performed by a representative. It cited two examples in which the management of a station that it represented sought and obtained Masla's advice, programming suggestions and ideas regarding how to position a station against its competitor. Masla states that the stations implemented its suggestions.

22. Another argument concerning radio, raised by those who would retain the policy, is that concentration in the industry is exacerbated by the fact that the reps tend to concentrate their efforts on the larger stations and markets. They conclude that losses of national spot sales to such stations by smaller stations, which are already less able to compete, may well frustrate the Commission's goals to increase the number of stations on the air and to encourage minority ownership. P/W

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[11] The issue of whether information flow would enhance or discourage competition has been a subject of debate in the antitrust literature and law for decades. See, *e.g.*, *Maple Flooring Mfr's Ass'n* v. *United States*, 268 U.S. 563 (1925) and *American Column & Lumber Co.* v. *United States*, 257 U.S. 377 (1921). More recently this has been discussed in *U.S.* v. *Container Corp. of America*, 393 U.S. 333 (1969) and *U.S.* v. *United States Gypsum Co.*, 438 U.S. 422 (1978). The most recent thinking is that it is important to consider not only the flow of information *per se* but also the kind of information that is transmitted; the degree to which firm behavior deviates from what we would expect in a competitive market; and the exact mechanism by which the information is collected. Good summaries of this debate are found in Posner, Richard A., *Antitrust Law: An Economic Perspective*, 135–147 (1976), and Sullivan, Lawrence A., *Handbook of the Law of Antitrust*, 265–274 (1977).

[12] It is also unlikely that collusion would be a result of this set of relationships. In markets where conditions are such that collusion might occur there are many avenues available for transmitting information that would be far less obvious. Ownership ties of the kind examined here would immediately grab the attention of investigators. Further, it is unclear that the potential additional profits would justify the risk of detection.

Radio Representatives, Jack Masla and Company and others who would retain the policy argue that the "large dollar volume" firms are predominantly licensee-affiliated, and abolition of the policy would only serve to concentrate further the economic power of these firms, inhibiting rather than encouraging new, independent firms, and making it difficult for existing, smaller, independent firms to survive. Lotus adds that the steady decline in the number of national representatives "* * * will continue if the already dominant licensee-owned representatives are accorded *carte blanche* to represent multiple stations in the same market for the same advertising dollar."

23. Those supporting repeal of the policy argue that the purported decline in the number of national sales representatives, primarily for radio stations, means that stations cannot compete effectively in their markets. For instance, Torbet states that some thirty sales representative firms have gone out of business in the past twelve years and, in contrast, the number of radio stations has increased substantially in the last ten years. It concluded that this has resulted in a severe shortage of radio reps. Torbet Radio, Inc. contends that this shortage is aggravated by the fact that most of the sales representative firms are affiliated with the owners of broadcast facilities thus making it impossible for reps to represent other stations in the markets where they are affiliated. It is argued that by removing the restriction, a greater number of stations will be able to obtain a rep and to compete more effectively for national spot business. The end result, it is contended, will be the stimulation rather than the stifling of competition.

24. Comments were also solicited with regard to whether a different policy should be adopted for television from that relating to radio stations. As indicated earlier, few comments were received regarding this issue, apparently because as a matter of business practice in television, rep firms contract with only one TV station per market. Those comments, however, generally favored repealing *Golden West* for both radio and television, although several parties urged that radio should receive the Commission's top priority with regard to the proposed change in policy. Torbet argued that radio and television should be treated differently, because radio is much more dependent upon local as opposed to national and regional revenues and because there is no severe shortage of sales representatives in television as there is in radio.[13]

25. The number of radio stations nationwide has increased from about 7,400 in 1968 to over 9,000 today, with a commensurate increase in the competition in virtually every market.[14] Television has experienced similar growth. While television channels available in any market are more severely restricted than are radio channels, substantial competition nonetheless exists due to alternative technologies.[15] The acknowledged competition among radio stations and among video services would suggest that the prospects for collusive behavior is not pervasive because it would require a great deal of effort to coordinate the behavior of such a large number of competing stations or service outlets. Further, our description of the station rep firms and their market environment [16] suggests that the individual radio station can survive without a station rep firm.[17]

26. Further, while there appears to be a decline in the number of radio station rep firms over the past 10 years it is not likely that this would pose a competitive problem. In part, the decline appears to be due to the relative shift in advertising dollars both toward television and toward local advertising over the years. Also, the services provided by station reps typically require substantial overhead costs.[18] These overhead costs would likely dictate some exit from the market, all else equal. Finally, while it is alleged that thirty firms went out of the station rep business it is not clear that the total number of station reps has declined by 30 as is suggested by Torbet Radio, Inc. Some of the exit could be attributed to mergers to achieve economics of scale. It is also possible that firms may have entered the business. Even if no entry occured it is not clear that entry would not occur if the market expands since there are no obvious barriers to entry. Finally, it is not clear that the trend toward ownership of station rep firms by broadcast stations should present a competitive issue. Even if every station rep firm were owned by a broadcast station it is unlikely that a danger would exist because the station that does not own a rep organization would likely have alternatives available to it.[19]

27. With regard to the issue of influence over programming, we do not find a problem of such magnitude that *Golden West* should remain as a policy. Even those commenters that argue for retention of the policy point out that programming advice is not forced upon the station. Rather, the station typically solicits the advice of the station rep firm. If the station feels it is receiving bad advice it almost always has the choice of a different rep organization. It can also retain programming consultants that are not associated with rep organizations or it can go it alone. We must stress that no commentor demonstrated that survival in either television of radio markets required a station rep firm. While we know of no television stations that do not retain a station rep, there are radio stations that forego such representatives. Hence, we must conclude that, at least for radio, it is possible to survive.

28. Finally, as noted in the comments, there are several situations where radio networks own stations in a market and simultaneously provide network programs and commercials to competitors in the same market. Thus, like the sales representative, the network provides commercials to its affiliates. Unlike the network, the sales representative can, at best, offer suggestions as to programming, while the network actually provides programs on a regular basis. In those markets where the radio network affiliates with competitors of its own stations, the degree of involvement with its competitor is, therefore, greater than would be the case where a sales representative has a client competing with a station owned by the representative's parent. We are not aware of any abuses, and the comments point to none, arising in the network context. We believe that this experience strongly suggests that abuses are not

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[13] Section 73.658(i) of the Commission's Rules which prohibits television networks from representing its affiliates in the sale of non-network time is not within the scope of the *Golden West* policy and is not affected by our decision here. We have under consideration a separate rulemaking proposal looking toward a change of that Rule. See *Network Representation of TV Stations in National Spot Sales and Request of Spanish International Network (SIN)* B/C Docket 78–309, 43 FR 45895 (Sept. 22, 1978).

[14] For a more complete analysis of Radio see *Report and Order: Radio Deregulation* 46 FR 13888 (Feb. 24, 1981).

[15] See FCC *Report and Recommendation in the Low Power Television Inquiry*, BC Docket No. 78–253, Chap. 3 (Sept. 9, 1980).

[16] See paragraphs 6–9 above.

[17] Appendix B suggests that the average station, whether television or radio, receives a smaller percentage of its revenues from the national spot advertising market than was the case 12 years ago.

[18] These costs primarily are associated with increasingly sophisticated market research undertaken by station reps.

[19] The Commission's ownership rules severely limit the number of broadcast stations within a service that can be co-owned. The independent station in any given market should be able to contract with a station rep firm that is owned by stations in other markets.

likely to occur as a result of the repeal of *Golden West*.

29. We conclude that the *Golden West* policy is no longer necessary. We are convinced, based on the comments and our own economic analysis, that the potential for impairment of economic competition which *Golden West* was designed to guard against will be mitigated by the incentive of the unaffiliated station to seek the sales representative that will most vigorously serve its interest. If that representation fails to produce the expected results, a change will be made. The rep firms, struggling to remain competitive in the face of rising costs and competition from local and network sales, are also motivated to provide maximum service to each client. The small percentage of radio broadcast revenues attributed to national spot sales and the very limited interest the licensee representative has in its client station results in a relatively small "stake" by a licensee representative in its competitor. We find the *Golden West* prohibition to be unwarranted in view of these competitive marketplace factors. Thus, we believe it to be in the public interest to allow radio and television stations to select national and regional sales representatives without regard to the representative's ownership interest. As discussed in the next section, any anticompetitive activity can be handled by other statutes and policies.

(d) *Complaints Regarding Anticompetitive Practices and Remedies*

30. Comments were sought regarding the Commission's role in maintaining a competitive environment if representation of a rival station were permitted. Most parties supporting repeal of the *Golden West* policy vehemently protested permitting representation only until a complaint had been received, arguing that such a policy may encourage meritless complaints from competing representatives. These parties urge that the same procedures and standards used by the Commission in reviewing complaints against unaffiliated reps representing two or more stations in an area should apply. It was suggested that specific facts alleging violations should be required, and all parties should be given an opportunity to comment.

31. We agree that questions of anticompetitive practices would best be handled on a case-by-case basis as is our policy concerning allegations of unfair business practices. Those alleging violations should set forth the specific facts on which they rely and the parties against whom the allegations are made given an opportunity to comment. The allegations should indicate the way competition has been degraded. Any information brought to our attention concerning such abuses would be carefully reviewed and appropriate steps taken when violations are indicated.

(e) *Existing Remedies and Controls*

32. Our decision to eliminate the *Golden West* policy reflects our conviction that other existing policies and enforcement mechanisms provide ample protection should anticompetitive activities arise. This argument was advanced by several parties, such as ABC, who asserted that adequate remedies are available including the antitrust laws, civil actions, and the Commission's own licensing program. Torbet observed that unlawful practices, such as collusive rate-setting, violate the antitrust laws, which alone act as a deterrent. The National Radio Broadcasters Association added that if any facts indicating misconduct come independently to the Commission's attention, the Commission can conduct an investigation and take action to stop anticompetitive practices.

33. Should market forces fail to be effective in curtailing anticompetitive behavior we shall not hesitate to re-examine the problem in light of all the circumstances. It is expected, however, that separate contracts will be entered into with clients for each station represented and that all decisions as to contracting for the sale of time, rates, programming, format, music selections and the like will be left up to the individual licensee. We also stress, as noted in the comments, that the controls now applied to multiple representation in an area by nonlicensee-owned representatives would be applicable to the representation we are authorizing here. As we held in *Combination Advertising Rates*, 59 FCC 2d 894 (1976):

> In representing more than one station in an area, it will be expected that representatives will not offer combination rates for commonly owned television and aural stations or offer combination rates for two separately owned stations, will enter into separate contracts with clients for each station represented and will leave all decisions as to contracting for the sale of time, including rates charged, to each licensee. We are not unmindful that questions may arise as to unfair practices because of multiple representation. Therefore, we will consider on a case-by-case basis any such questions and should we receive information that unfair practices have occurred, we will consider the matter further. [*Id.* at 897.]

Summary

34. The objective of the *Golden West* policy was the promotion and maintenance of full competition between two stations in the same service in the same market. The Commission stated that the policy was based on its concern for potential impairment of competition and not on existing abuses. The petitioners who challenge the need for the policy contend that the degree of involvement is minimal and that market forces are sufficient to act in place of government regulation. Our attention has been called to certain existing safeguards and remedies that would be available to those who may be injured by excesses or abuses. We do not agree with those parties who contend that repeal of the policy would impose significant additional and unnecessary enforcement burdens on the Commission. We believe that *Golden West* does not warrant as much concern now as it once did. The record does not reflect abuses in the multiple representative situations. We see no indication that because a sales representative is affiliated with a competitor, the diversity in programming or service viewpoints will be diminished. It is ultimately in the best interest of the representative organization to maximize profits for any stations it represents, whether those stations are related by ownership or by contract. Thus, we believe that the restrictions imposed by the *Golden West* policy are no longer necessary to further our objective of promoting a maximum diversity of programming and service viewpoints. Upon review of the comments involved, we believe that the market structure and antitrust laws and policies will deter anticompetitive practices. Therefore, we are eliminating those restrictions of *Golden West* that prohibit a national or regional sales representative that is owned by a licensee from representing other stations in the same market. In light of the action taken we find it unnecessary to address those comments seeking only partial relaxation of the *Golden West* policy.

35. Accordingly, it is ordered, that the Commission policy prohibiting representation of a station by a sales representative owned wholly or partially by a licensee of a competing radio or television broadcast station in the same service in the same area is repealed in that representation of a station in a market by a representative owned by a rival station is permitted.

36. It is further ordered, That the Application for Review and Request for

Waiver filed by Buckley Radio Sales, Inc., is dismissed as moot.

37. It is further ordered, that this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

A. Parties filing comments in support of eliminating the *Golden West* policy:
National Radio Broadcasters Association
Greater Media, Inc.
Eleven-Fifty Corporation
Torbet Radio, Inc.
John Blair and Company
Capitol Broadcasting Company, Inc.
Buckley Radio Sales, Inc.
Intermountain Network, Inc.
American Broadcasting Companies, Inc.
Gulf South Broadcasters, Ltd.

B. Parties filing comments in support of retaining the *Golden West* policy:
Jack Masla & Company, Inc.
P/W Radio Representatives
Pro Time Sales, Inc.
Lotus Representative Corporation
U.S. Department of Justice

Appendix B

The following financial data is taken from the Commission's financial information as reported by the radio and television industry:

Year	National network (percent)	National non-network (percent)	Local (percent)	Total
	Revenues to Radio Stations for Sale of Time (in millions)			
1969	$9.7 (.9)	$344.6 (30.3)	$782.7 (68.8)	$1,137.0
1979 [1]	24.0 (.8)	635.8 (20.9)	2,383.5 (78.3)	3,043.3
	Revenues to Television Stations for Sale of Time (in millions)			
1969	254.1 (13.5)	1,108.1 (58.9)	519. (27.6)	1,881.2
1979 [1]	344.4 (6.7)	2,564.3 (49.7)	2,244.7 (43.6)	5,153.4

[1] Based upon the latest data available.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties; Delegation to the Chief Counsel

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice delegates to the Chief Counsel the authority to compromise civil penalty settlements in amounts of $5,000 or less for violations of the National Traffic and Motor Vehicle Safety Act and Motor Vehicle Information and Cost Savings Act. It formalizes a practice in existence for some years.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: David W. Allen, Assistant Chief Counsel, National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C. 20590, Telephone: (202-426-9511).

SUPPLEMENTARY INFORMATION: Pursuant to 49 CFR 1.50 the National Highway Traffic Safety Administrator has been delegated authority by the Secretary of Transportation to carry out the National Traffic and Motor Vehicle Safety Act of 1966, as amended (80 Stat. 718; 15 U.S.C. 1381 *et seq.*) and the functions vested in the Secretary by the Motor Vehicle Information and Cost Savings Act of 1972, as amended (86 Stat. 947; 49 U.S.C. 1901 *et seq.*) except Section 512.

In turn, pursuant to 49 CFR 501.8(d)(2), the Administrator has delegated to the Chief Counsel, NHTSA, authority to establish the legal sufficiency of all investigations conducted under the authority of the Safety Act and Titles I and IV of the Cost Savings Act. In the early days of the Administration, at the conclusion of investigations the Chief Counsel did not enter civil penalty negotiations without the specific approval of the Administrator. Late in 1973 the Administrator assented to an internal procedure by which his approval need not be sought by the Chief Counsel on penalties or compromises in an amount of $5,000 or less. The Administrator's approval has continued to be obtained on all settlements exceeding $5,000. This process has expedited agency enforcement actions. As part of a review of agency procedures the Administrator now wishes to formalize this practice by delegation. Accordingly § 501.8(d)(2) is being amended to add authority "to compromise any civil penalty or monetary settlement * * * in an amount of $5,000 or less."

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

This amendment relates to matters of agency reorganization and procedure and may therefore be issued without opportunity for notice and comment. In consideration of the foregoing, subparagraph (2) of paragraph (d) of § 501.8 in Title 49, Code of Federal Regulations, is revised to read as follows:

§ 501.8 Delegation.

* * * * *

(d) *Chief Counsel.* The Chief Counsel is delegated authority to: * * *

* * * * *

(2) Establish the legal sufficiency of all investigations conducted under the authority of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (80 Stat. 718; 15 U.S.C. 1381 *et seq.*) and under the authority of Titles I and IV of the Motor Vehicle Information and Cost Savings Act of 1972, as amended (86 Stat. 947; 15 U.S.C. 1901 *et seq.*), and to compromise any civil penalty or monetary settlement resulting therefrom in an amount of $5,000 or less.

(Delegation at 49 CFR 1.50)

Issued on: August 24, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-25196 Filed 8-28-81; 8:45 am]
BILLING CODE 4910-59-M

49 CFR Part 571

[Docket No. 71-1; Notice 8; Docket No. 79-19; Notice 2]

Federal Motor Vehicle Safety Standards, Glazing Materials and Rearview Mirrors

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice amends Safety Standard No. 205, *Glazing Materials*, to delete the abrasion resistance

requirements specified for Items 3, 5, 9, and 12 glazing. The purpose of the abrasion requirements is to ensure that glazing will resist scratching that can distort the driver's view and thus reduce visibility. The glazing Items specified above, however, can be used in vehicles only in window locations that are not necessary for driving visibility. These locations include sun roofs and side windows to the rear of the driver in trucks, multipurpose passenger vehicles (MPV's), and buses. Since the standard currently does not require glazing in window locations such as these to be transparent, there is no real need for Items 3, 5, 9, and 12 to pass the abrasion tests. Thus, this notice deletes the abrasion requirements for these types of glazing.

The agency has decided, however, not to adopt another proposed amendment to Standard No. 205, or a related change in Standard No. 111, *Rearview Mirrors.* These amendments would have made the rear-most windows of trucks, MPV's, and buses having GVWR's of 10,000 pounds or less requisite for driving visibility. The proposal would have also required the manufacturers of such vehicles to install inside rearview mirrors.

DATE: The amendment is effective on August 31, 1981.

ADDRESS: Petitions for reconsideration should refer to the docket and notice numbers and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours: 7:45 a.m. to 4:15 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. Edward Jettner, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, (202–426–2264).

SUPPLEMENTARY INFORMATION: On September 27, 1979, NHTSA published a notice of proposed rulemaking (44 FR 55610) regarding Standard No. 205, *Glazing Materials* (49 CFR 571.205). That notice proposed to amend the standard to delete the abrasion requirements for Items 3, 5, 9, and 12 glazing. The notice also proposed to amend the standard to clarify that the rear windows of trucks, multipurpose passenger vehicles (MPV's), and buses having gross vehicle weight ratings (GVWR's) of 10,000 pounds or less are considered requisite for driving visibility. This would have required that glazing materials used in the rear windows of these vehicles have a luminous transmittance of at least 70 percent. On December 31, 1979, in a related action, the agency published a notice of proposed rulemaking (44 FR 77224) regarding Standard No. 111, *Rearview Mirrors.* That proposal would have amended Standard No. 111 to require that light trucks and vans having rear windows be equipped with an inside rearview mirror. The purpose of the two proposals was to improve rearward visibility for the drivers of those vehicles.

Consumers, vehicle manufacturers, trade associations, equipment manufacturers, and others submitted comments in response to the notices. The final rule is based on a thorough evaluation of the data obtained in NHTSA research, data and views submitted in the comments and data obtained from other pertinent documents and reports. The major comments are discussed below, along with the agency's final decision on each proposal.

The Abrasion Requirements

Standard No. 205 specifies performance requirements for glazing materials to be used in motor vehicles and motor vehicle equipment, and also specifies the vehicle locations in which various types of glazing may be used. The standard incorporates by reference the American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1–1966 (ANS Z26). The abrasion resistance requirements of Standard No. 205 are set forth in ANS Z26 in terms of performance tests that the various "Items" of glazing must pass. (There are 13 "Items" or types of glazing for which requirements are specified in the standard.) Items 3 and 9 glass glazing materials are required to pass Abrasion Test No. 18, which allows no more than two (2) percent light scatter or haze when the glazing is abraded for 1,000 cycles. Items 5 and 12, which are rigid plastic glazing materials, must pass Abrasion Test No. 17 (less than 15 percent light scatter or haze when abraded for 100 cycles). The purpose of the abrasion tests is to assure that glazing resists scratching which can distort the driver's view and thus reduce visibility. Visibility through the Items of glazing in question, however, is not required, as the glazing can only be used in locations not necessary for driving visibility. Since the abrasion requirements test for a quality that is not relevant to Items 3, 5, 9, and 12 glazing, NHTSA proposed that they be deleted for these types of glazing material.

Several comments were submitted on this proposal, and virtually all were in favor of its adoption. Chrysler and Ford noted that the abrasion tests are not relevant to Items 3, 5, 9 and 12 glazing since such Items cannot be used in locations requisite for driving visibility. GM stated that deletion of these tests for the Items in question would resolve some of the inconsistencies in the standard. One such inconsistency noted by GM is the fact that the current standard allows rigid plastics, which are required to pass a less stringent abrasion test than glass glazing materials, to be used in locations in which glass in combination with treated coatings would not be allowed. Rohm and Haas Company noted in their comments, however, that this proposal may permit materials to be used which will not be as durable and functional as currently used materials and thus will present a poor appearance.

The agency has decided to adopt the proposed amendment. As emphasized by Ford and Chrysler in their comments, there is no compelling safety need for retaining the abrasion requirements for these four glazing Items since the standard prohibits their use in vehicle locations that are requisite for driving visibility. The abrasion requirements for these Items do serve as additional tests of glazing strength and durability. However, there are other more direct tests of these characteristics (such as the Impact Tests Nos. 8–14 of ANS Z26) that are applicable to these Items and that will ensure that the glazing remains in safe condition throughout its useful life. Considering that totally opaque glazing is permitted by the standard, there is no justification for imposing the abrasion requirements on these Items. Deletion of the abrasion requirements should result in cost savings for some vehicles, because less expensive types of glazing would qualify for installation. Manufacturers would be able to use plastic glazing that is more resilient and thus may reduce the possibility of occupant ejection in a crash. In light of these considerations, the agency has decided to delete the abrasion tests for Items 3, 5, 9 and 12 glazing.

Rear Window Visibility

The September 27, 1979 notice also proposed to amend Standard No. 205 to clarify that the rear-most windows (if present) in trucks, MPV's and buses having GVWR's of 10,000 pounds or less are requisite for driving visibility. This would have required that glazing materials used in the rear windows of these vehicles have a luminous transmittance of at least 70 percent, as specified in Test No. 2 of ANS Z26. At present, Standard No. 205 allows the use of certain types of glazing (Items 3, 9,

and 12) that are not required to have a luminous transmittance of 70 percent if the rear window is not requisite for driving visibility. Item 5 glazing may also be used if the rear window is not requisite for driving visibility and other means of visibility to the side and rear of the vehicle are provided. The standard does not specify, however, which rear windows are necessary for driving visibility. The proposed change would have resolved the indefiniteness of the present standard in regard to which rear windows of trucks, MPV's, and buses are considered necessary for driving visibility.

All the comments filed regarding the proposed amendment disapproved of the change. Many commenters stated that the agency had presented no evidence showing that a safety problem exists because the rear windows of trucks and buses are not required to be transparent. The commenters suggested that if a vehicle is equipped with an outside mirror system as proposed in Docket No. 71–3a, Notice 4, *Rearview Mirror Systems*, and meets the proposed requirements of Docket 70–7, Notice 05, *Fields of Direct View*, the needs of drivers for visibility, both direct and indirect, will be satisfied.The proposed amendment to Standard No. 205 would then be redundant. Thus many of the commenters argued that the proposed change should not be adopted, or else should be incorporated as part of Standard No. 111, *Rearview Mirrors*, and made applicable only when the manufacturer is using inside mirrors to satisfy the other requirements of the standards. (On June 22, 1981, NHTSA published a notice in the **Federal Register** that rescinded Standard No. 128, *Fields of Direct View* (46 FR 32254). That decision has no effect on this rulemaking proceeding.) Almost all the commenters felt that the purpose of the amendment—to increase visibility to the rear of certain vehicles and thereby improve safety—would be easily circumvented. Either cargo or passengers would block the driver's view of the rear window, or the owner of the vehicle would hang curtains or reflective film to ensure privacy. Many of the commenters noted that there is no requirement that trucks and vans even have a rear window. Several pointed out that the proposed amendment will waste fuel, because the 70 percent luminous transmittance requirement will eliminate the use of plastic glazing (which is lighter in weight than glass) and will increase the use of air conditioners since smoked glass windows will be prohibited.

The NHTSA has decided not to adopt this proposed amendment to Standard No. 205. The agency believes that consumers would not derive a significant safety benefit from such a regulation. However, NHTSA encourages vehicle manufacturers to voluntarily use glazing which has a luminous transmittance of at least 70 percent in the rear windows of trucks, MPV's, and buses.

Inside Rearview Mirrors

Standard No. 111, *Rearview Mirrors*, currently allows the manufacturers of MPV's, trucks and buses (other than schoolbuses) that have GVWR's of 10,000 pounds or less the option of complying with either of two rearward visibility requirements. A manufacturer may equip those vehicles with inside and outside rearview mirrors which meet the requirements for passenger car mirrors. Or, it may equip the vehicle with larger outside mirrors on each side of the vehicle and forego providing any inside mirror. Under the latter alternative, the outside mirrors must be plane mirrors and have not less than 19.5 square inches of reflective surface.

Notice 1 of Docket 79–19 proposed an amendment to Standard No. 111. That proposal would have required manufacturers of light trucks, MPV's, and buses (other than school buses) equipped with rear windows to install in those vehicles an inside rearview mirror that is similar to mirrors found in passenger cars. Manufacturers would have had the same options for compliance as before, except that if a manufacturer chose to provide only the larger outside mirrors, he would also have to install an inside mirror that provided a field of view through the full horizontal width of the rear window. (The inside rearview mirror in a passenger car must provide a field of view through a 20 degree horizontal angle and through a vertical angle sufficiently large to provide a view of a level road surface extending to the horizon beginning at a point not greater than 200 feet to the rear of the vehicle.) The proposed amendment supplemented the proposed changes in Standard No. 205 regarding rear window visibility. The proposed amendment to Standard No. 111 would have enabled drivers to take full advantage of the more transparent glazing materials that would have been required in rear windows.

The manufacturers and trade associations who submitted comments on the proposed amendment were unanimous in their opposition to it. Many emphasized that the research cited in support of Docket No. 71–3a, Notice 4, *Rearview Mirror Systems*, which proposes to upgrade Standard No. 111, does not indicate a need for inside rearview mirrors when outside mirrors are adequate. The inside rearview mirror would be totally useless if the rear window of the vehicle is blocked by cargo, passengers, or the like. Most of the commenters noted that a pick-up truck manufacturer who complies with the large outside mirrors/inside mirror option (as opposed to the passenger car mirrors requirement) would have to install an extremely wide inside mirror. This would be necessary if the mirror was to provide a field of view through the full horizontal width of the rear window because of the close proximity of the mirror to the backlite. According to the commenters, such a wide mirror would interfere with the driver's ability to see through the windshield and could not be mounted in a stable, vibration-free manner. Some commenters noted that most of the affected vehicles already have inside rearview mirrors, despite the fact that most rear windows are designed only to admit ambient light, not for visibility. One second-stage manufacturer stated that NHTSA had underestimated the cost of the amendment to the ultimate consumer.

The NHTSA has decided not to adopt the proposed amendment to Standard No. 111. Since the agency has decided not to make the rear windows of trucks and vans requisite for driving visibility, there is no need to require such vehicles to have an inside rearview mirror which would enable drivers to take advantage of the improved visibility the glazing would have provided. Also, the agency has observed that virtually all vehicle manufacturers voluntarily provide inside rearview mirrors as standard equipment on their light trucks and vans. The agency approves of this practice and encourages manufacturers to continue it. NHTSA will continue to study the question of whether inside rearview mirrors should be mandated for trucks, buses and MPV's as a part of Docket No. 71–3a, Notice 4, *Rearview Mirror Systems*.

Costs

The NHTSA has considered the economic impacts of the amendment to Standard No. 205 that will delete the abrasion requirements for Items 3, 5, 9 and 12 glazing. The agency has determined that this rule is not a major rule within the meaning of Executive Order 12291 or a significant rule under the Department of Transportation's policies and procedures for implementing that order. Based on that assessment, NHTSA has further concluded that the economic and other

consequences of the amendment are so minimal that a regulatory evaluation is not necessary. Deletion of this requirement will permit the use of less expensive types of glazing in motor vehicles. Thus, NHTSA anticipates cost savings for some vehicles as a result of this amendment. However, the agency expects that the cost savings will not be significant.

NHTSA has also evaluated the environmental impact of this amendment in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and has determined that the amendment will not have a significant effect on the environment. Reasons for this finding can be found in the Environmental Assessment, copies of which will be placed in the public docket.

The engineer and lawyer primarily responsible for this rule are Edward Jettner and Joan M. Griffin, respectively.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, the following amendment is made to Safety Standard No. 205, *Glazing Materials* (49 CFR 571.205).

§ 571.205 [Amended].

1. A new paragraph S5.1.1.7 is added to read:

* * * * *

S5.1.1.7 Test No. 17 is deleted from the list of tests specified in ANS Z26 for Item 5 glazing material and Test No. 18 is deleted from the lists of tests specified in ANS Z26 for Item 3 and Item 9 glazing material.

* * * * *

2. The first sentence of paragraph S5.1.2.1 is amended to read as follows:

* * * * *

S5.1.2.1 *Item 12—Rigid plastics.* Safety plastic materials that comply with Tests Nos. 10, 13, 16, 21, and 24 of ANS Z26, Tests Nos. 19 and 20 of ANS Z26 with the exception of the test for resistance to undiluted denatured alcohol Formula SD No. 30, and the labeling requirements of S5.1.2.3, may be used in a motor vehicle only in the following specific location at levels not requisite for driving visibility.

* * * * *

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on August 24, 1981.

Raymond A. Peck, Jr.,
Administrator.

[FR Doc. 81–23200 Filed 8–28–81; 8:45 am]
BILLING CODE 4910–59–M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Parts 1000, 1005, 1006, 1010, 1012, 1015, 1026, 1060, 1061, 1062, 1063, 1067, 1068, 1069, 1075, and 1076

Removal of Miscellaneous Regulations

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is radically reducing the scope and number of its regulations. This action is in furtherance of the President's deregulation initiatives and in preparation for the October 1, 1981 transition to block grant funding of CSA programs under the Community Services Block Grant Act. This regulation repeals all parts of 45 CFR applying only to CSA activities and not to grantees, and repeals regulations governing grantee activities which are not required by statute, which are duplicative, or which are unnecessarily detailed, leaving grantees much more discretion and responsibility to conduct their own affairs without detailed Federal supervision.

CSA has determined that this is not a major regulation under the definition in Executive Order 12291.

EFFECTIVE DATE: This rule is effective September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Merritt Van Sant, Acting Assistant Director for Policy, Planning and Evaluation, Community Services Administration, 1200—19th Street, NW., Washington, D.C. 20506. Tel. (202) 632–8630.

SUPPLEMENTARY INFORMATION: Regulations affecting grantees which are wholly repealed include CSA nondiscrimination regulations, Community Action Agencies—Eligibility and Establishment, and the Role of State Economic Opportunity Offices. The reasons for repeal of the nondiscrimination regulations are that they are largely duplicative of other such regulations and that, with the closeout of CSA, the particular CSA procedures contained therein would be difficult to administer. Adequate protection for grantee employees and beneficiaries exists under the provisions of the Civil Rights Acts and Executive Order 11246; most complaints against grantees can presently be taken to the Equal Employment Opportunity Commission or other Federal agencies. The regulations concerning establishment of Community Action Agencies will no longer be relevant as no new CAA's will be established after the closeout of CSA. All regulations concerning State Economic Opportunity Offices are repealed as their functioning and existence becomes purely a state concern under the block grant legislation.

Among other deregulation actions, one of particular note is the termination of all requirements under the Grantee Program Management System (GPMS). Also the grantee personnel regulations are repealed, leaving grantee personnel management entirely to the grantees. Similarly, most grantee board regulations are repealed, leaving grantees the responsibility of complying with statutory requirements without further detailed direction from the Federal Government.

All of the Uniform Federal Standards and most additional regulations concerning fiscal management and accountability are among those regulations retained. It must be emphasized that where regulations are repealed, grantees are still responsible for full compliance with statutory requirements and merely have greater discretion as to the manner of compliance.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942)

Dwight A. Ink,
Director.

45 CFR Chapter X is amended as follows:

PARTS 1000, 1005, 1006, 1010, 1012, 1015, 1026, 1062, 1063 and 1075 [REMOVED]

1. By removing PARTS 1000, 1005, 1006, 1010, 1012, 1015, 1026, 1062, 1063, and 1075 in their entirety.

2. By removing the following Subparts:

Subpart 1060.4 [Removed]

Subpart 1060.4—Resolving Complaints of Discrimination in Employment, Program Participation and Benefits Against CSA Grantees (CSA Instruction 6004–4), which includes § 1060.4–1 to § 1060.4–7.

Subpart 1061.12 [Removed]

Subpart 1061.12—Use of EFMS Funds for Food Stamp Activities (CSA Instruction 6132–1), which includes § 1061.12–1 to § 1061.12–7.

Subpart 1067.2 [Removed]

Subpart 1067.2—Denial of Application for Refunding (CSA Instruction 6730–1a), which includes § 1067.2–1 to § 1067.2–5.

Subpart 1067.6 [Removed]

Subpart 1067.6—Access to Publications: Federal Register and the Code of Federal Regulations (CSA Instruction 7000–1a), which includes § 1067.6–1 to § 1067.6–6.

Subpart 1067.7 [Removed]

Subpart 1067.7—Due Process Rights for Applicants Denied Benefits Under CSA-Funded Programs (CSA Instruction 6004–5), which includes § 1067.7–1 to § 1067.7–3.

Subpart 1067.15 [Removed]

Subpart 1067.15—Applying for a Grant Under Title VII of the Community Services Act (CSA Instruction 6710–6), which includes § 1067.15–1 to § 1067.15–12.

Subpart 1067.51 [Removed]

Subpart 1067.51—Independent Funding of "Versatile CAP" Programs, Section 221(b) (CSA Instruction 6140–01), which includes § 1067.51–1 to § 1067.51–4.

Subpart 1067.60 [Removed]

Subpart 1067.60—Final Approval of CSA Grant Contract Actions, which includes § 1067.60–1 to § 1067.60–2.

Subpart 1067.61 [Removed]

Subpart 1067.61—Criteria for Determining the Delegation of Grant and Contract Making Authority to Regional Directors, which includes § 1067.61–1 to § 1067.61–2.

Subpart 1067.70 [Removed]

Subpart 1067.70—Grantee Program Management System: The Community Action Agency, which includes § 1067.70–1 to § 1067.70–10.

Subpart 1067.80 [Removed]

Subpart 1067.80—Applying for a Research, Demonstration and Pilot Project Grant Under Title II, Sections 232 and 222(a) of the Economic Opportunity Act of 1964 as amended (CSA Instructions 7570–1, 7570–2, 7570–3, 7570–4, 6710–4), which includes § 1067.80–1 to § 1067.80–11. [Removed]

Subpart 1068.3 [Removed]

Subpart 1068.3—Limitation on CAA Administrative Costs (CSA Instruction 6807–1), which includes § 1068.3–1 to § 1068.3–10.

Subpart 1068.4 [Removed]

Subpart 1068.4—Allowability of Costs Incurred to Borrow Funds (CSA Instruction 6803–2), which includes § 1068.4–1 to § 1068.4–7.

Subpart 1068.5 [Removed]

Subpart 1068.5—Allowances and Reimbursements for Members of Policy Making Bodies (CSA Instruction 6803–1b), which includes § 1068.5–1 to § 1068.5–5.

Subpart 1068.40 [Removed]

Subpart 1068.40—Funding of Third Party Contractors (CSA Instruction 7000–01), which includes § 1068.40–1 to § 1068.40–3.

Subpart 1068.41 [Removed]

Subpart 1068.41—Standard Form for Professional or Technical Services to a Community Action Program (CSA Instruction 7410–01), which includes § 1068.41–1 to § 1068.41–3 and Appendix A.

Subpart 1069.7 [Removed]

Subpart 1069.7—Training Requirements for Special Impact Program Grantees (CSA Instruction 7648–1), which includes § 1069.7–1 to § 1069.7–3.

Subpart 1069.20 [Removed]

Subpart 1069.20—Personnel Policies and Procedures Under Title II, Sections 221, 222(a), 230 and Titles IV and VII (CSA Instructions 6900–01 and 6903–3) which includes § 1069.20–1 to § 1069.20–12.

Subpart 1069.21 [Removed]

Subpart 1069.21—Personnel Policies and Procedures Under Title II, Section 231 (CSA instruction 6900–03), which includes § 1069.21–1 to § 1069.21–11.

Subpart 1069.22 [Removed]

Subpart 1069.22—Personnel Policies and Procedures Applicable Under Sections 221, 222(a), 230, 232, and Titles IV and VII (CSA Instruction 6900–02), which includes § 1069.22–1 to § 1069.22–11.

Subpart 1069.24 [Removed]

Subpart 1069.24—Employment of persons with Criminal Records (CSA Instruction 6901–1), which includes § 1069.24–1 to § 1069.24–8.

Subpart 1069.25 [Removed]

Subpart 1069.25—Assistance to Vietnam-Era Veterans (CSA Instruction 6901–2, which includes § 1069.25–1 to § 1069.25–9, and Appendix A.

Subpart 1069.27 [Removed]

Subpart 1069.27—Outside Employment of Grantee and Delegate Agency Personnel (CSA Instruction 6907–4), which includes § 1069.27–1 to § 1069.27–4.

Subpart 1069.30 [Removed]

Subpart 1069.30—Personnel Policies and Procedures; Application to Personnel of State Economic Opportunity Offices under Title II, Section 231 (CSA Instruction 6900–04), which includes § 1069.30–1 to § 1069.30–4.

Subpart 1076.5 [Removed]

Subpart 1076.5—Special Impact Program Policies and Priorities (CSA Instruction 6158–1), which includes § 1076.5–1 to § 1076.5–11.

Subpart 1076.30 [Removed]

Subpart 1076.30—Training, Public Service Employment, and Social Service Programs Funded by CDCs (CSA Instruction 6158–3), which includes § 1076.30–1 § 1076.30–4.

Subpart 1076.40 [Removed]

Subpart 1076.40—Location of CDC Ventures (CSA Instruction 6158–4), which includes § 1076.40–1 and § 1076.40–4.

3. By amending Subpart 1067.40 as follows:

Subpart 1067.4 [Amended]

The Subpart heading is revised to read "Subpart 1067.4—Applying for a Grant Under Title II, Sections 221, 222(a), 231, and 232 of the EOA."

§ 1067.40–1 [Amended]

In § 1067.40–1, *Applicability*, the first sentence is revised by deleting the word "and" which appears before "231" and inserting "and 232" after the reference to "231."

[FR Doc. 81–25626 Filed 8–30–81; 11:30 am]
BILLING CODE 4315–01–M

Proposed Rules

Federal Register
Vol. 46, No. 168
Monday, August 31, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Docket 39836; EDR-429A; Dated: August 26, 1981]

Tariff Flexibility System for Domestic Passenger Air Fares; Denial of Request to Extend Comment Period

AGENCY: Civil Aeronautics Board.

ACTION: Denial of request to extend comment period.

SUMMARY: The CAB denies a request to extend the comment period on its proposal to allow, but not compel, airlines to use a tariff flexibility system for domestic passenger air fares for the period until January 1, 1983.

DATES: Comments by: August 26, 1981.

Comments and relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 39836, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: George S. Baranko or Barry Molar, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-6011 or 202-673-5205, respectively.

SUPPLEMENTARY INFORMATION: In notice of proposed rulemaking EDR-429 (46 FR 38642; July 28, 1981; Docket 39836), the Board proposed to allow, but not compel, airlines to use a tariff flexibility system for domestic passenger air fares for the period until January 1, 1983, when airlines will no longer be required to file tariffs for domestic transportation. The Board set August 26, 1981, as the date for filing comments on the proposal. In Order 81-7-108, which accompanied and was incorporated in the proposal, the Board announced that it expected to set October 1, 1981, as the effective date for any new rule that it adopted in this proceeding.

On August 25, 1981, British Airways filed a request for an extension of time for comments. British Airways stated that the proposal was issued in the peak of the summer vacation period, that the 30 days allowed for comments was only half the usual comment period and was insufficient for a matter of such fundamental importance, and that the lack of provision for reply comments made an adequate time for initial comments even more important. British Airways also stated that it has been unable to fully analyze the impact of the proposal and coordinate the views of its interested departments on both sides of the Atlantic. It requested a 2-week extension of time for comments, and stated that the Air Traffic Conference, International Air Transport Association, and American Society of Travel Agents had no objection to the request.

The request for an extension of time is being denied. This round of comments is the latest phase of a proceeding to establish a transitional domestic tariff policy. The Board has often expressed its concern for a speedy implementation of such a policy, most recently in Order 81-7-108. British Airways' general objections to the length of the comment period are not persuasive when balanced against the need to conclude this proceeding. Moreover, the request was not received until the afternoon of the last day before the close of the comment period, with no explanation for such timing. This alone is reason enough to deny the request, because a grant would be unfair to other prospective commenters, who could not be notified of the extension in time to delay filing of their comments.

Accordingly, under authoirty delegated by the Board in 14 CFR 385.20(d), the request of British Airways for an extension of time to file comments in Docket 39836 is denied.

(Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482)

Richard B. Dyson,
Associate General Counsel, Rules and Legislation.

[FR Doc. 81-25347 Filed 8-28-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1205

[NHTSA Docket No. 81-12; Notice 1]

Highway Safety Programs; Determination of Effectiveness

AGENCY: National Highway Traffic Safety Administration (NHTSA), Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking and notice of public hearings.

SUMMARY: This notice is being issued to solicit public comments upon an effort by the National Highway Traffic Safety Administration and the Federal Highway Administration to determine those State and local highway safety programs most effective in reducing accidents, injuries, and fatalities. It is undertaken at this time to be in accordance with the intent of Congress as expressed in the Omnibus Budget Reconciliation Act of 1981 (Section 1107(d); Public Law 97-35). It is the intent of the Department that those programs judged during this rulemaking to be most effective will continue to be eligible for Federal funding under the State and Community Highway Safety Grant Program (23 U.S.C. Section 402) beyond Fiscal Year 1982. (This program is described in the Catalog of Federal Domestic Assistance at 20.600, State and Community Highway Safety.) The rulemaking will also establish a process for determining such programs on a continuing basis. The notice announces two public hearings on this subject and invites submission of written comments to a public docket. After analysis of this information the agencies will issue a second rulemaking proposal which is

expected to lead to a final determination not later than April 1, 1982.

DATE: The public hearings will be held October 5 and October 15, 1981. All written comments must be received by October 29.

ADDRESS: The October 5 hearing will be held in Room 2230, of the Department of Transportation headquarters building, 400 Seventh Street, S.W., Washington, D.C. The October 15 hearing will be held at the Hershey Lodge and Convention Center in Hershey, Pennsylvania. For each hearing, the schedule will be from 9:00 a.m. to 12:00 p.m., and from 1:30 p.m. to 5:00 p.m.

Written comments should refer to the docket number and to the number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (Docket hours are 8:00 a.m. to 4:00 p.m.)

FOR FURTHER INFORMATION CONTACT:

NHTSA: Mr. Charles F. Livingston, Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–0837).

FHWA: Mr. Lorenzo Casanova, Associate Administrator for Safety, Federal Highway Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–755–9347) or Mr. Jerry Boone, Office of the Chief Counsel, Federal Highway Administration (202–426–0791).

SUPPLEMENTARY INFORMATION: This notice is the first of three notices in a rulemaking process to determine those State and local government highway safety programs which are most effective in reducing accidents, injuries, and fatalities. It will also define a process for determining the most effective safety programs eligible for Federal funding. Those programs judged to be most effective will be eligible for continued Federal funding under the State and Community Highway Safety Grant Program, (or Section 402 of title 23, U.S.C.).

This advance notice will be followed by a notice of proposed rulemaking in late 1981. As directed by Congress in section 1107(d) of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, the rulemaking process will conclude with a final rule by April 1, 1982. Under subsection 1107(d) only those programs and procedures identified in the final rule will be eligible for Federal funds under the State and Community Highway Safety Grant Program. This program is conducted under the authority of the Highway Safety Act of 1966, Pub. L. 89–564, 23 U.S.C. 402.

From its beginning in 1966, the goal of the State and Community Highway Safety Grant Program has been to reduce the highway accident problem by improving driver and pedestrian safety performance. It does this primarily by providing technical and financial assistance to State programs concerned with affecting human behavior and modifying the driving environment—rather than through motor vehicle-related engineering and design changes.

The Highway Safety Act of 1966, which established the Federal grant program, required the establishment of uniform State Highway Safety Program Standards to help States and local communities organize their highway safety programs.

In July 1967, the Department communicated to the Congress that two approaches had been considered in developing the initial set of 13 uniform standards: (1) If the programs of all States were required to meet all elements of the standards by the end of 1968, this would have necessitated standards approaching the lowest common denominators of State programs. (2) If the standards were to specify goals to be worked toward, the standards could be set at much higher levels. The latter position was adopted as the one which would better satisfy the purpose of the Act. By this decision, the mandatory nature of the standards was coupled with the concept of progressive compliance towards program excellence.

By May 1972, all 18 of the current Highway Safety Standards had been issued. On August 3, 1972, a *Notice of Proposed Rulemaking* (37 FR 15602) was published to request public comment on a proposed revision to the standards. The purpose of the proposed revision was to: (1) update various elements of the standards; (2) refine and establish program evaluation requirements by which States could determine program progress and quality, and the Department could assess overall State progress; (3) employ more performance-oriented language; and (4) "repackage" the standards to reduce the number and pull like activities together to aid States in developing programs. Because so many of the comments received on the proposal were negative, no further action was taken. In 1973, Congress passed an amendment (23 U.S.C. 402(h)) prohibiting the issuance of any new standards or revisions unless specifically provided for by subsequent act of Congress. Thus the 18 standards have remained essentially unchanged to this day.

Until 1976 the Federal program was principally directed towards achieving State and local compliance with the 18 Highway Safety Standards, which were considered mandatory requirements at that time with financial sanctions available for noncompliance. Under the Highway Safety Act of 1976, Congress provided for a more flexible implementation of the program so that the Secretary would not have to require State compliance with every uniform standard or with every element of every uniform standard. As a result, the 18 standards have become guidelines for use by the States. Management of the program has shifted from enforcing standards (about 85% of the standards had been implemented by all States) to one of problem identification, countermeasure development and evaluation, using the standards as a framework for the State programs. Also, since the 1976 Act gave the States considerable flexibility in how they use their highway safety grant funds, Federal funding has been provided for a wide range of highway safety activities within the 18 standards.

The program has been administered at the Federal level by the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA). NHTSA is responsible for developing and implementing highway safety standards relating to the vehicle and the driver. FHWA has similar responsibilities in program areas involving the highway.

On March 17, 1981, the Department submitted to Congress a major legislative revision and simplification of the highway safety grant program under Section 402 of Title 23, United States Code. This proposal, which was introduced in the Senate as Title II of S. 841 and in the House as Title II of H.R. 3197, was predicated on maintaining and improving the Nation's highway safety record while practicing fiscal restraint. In preparing this proposal the Department carefully reviewed the nature and extent of the Federal role in State highway safety programs.

It was our belief that a revised highway safety program targeted towards the highest payoff areas, would in many ways be superior to the present program. Highway safety funds would be targeted to program areas that have the greatest potential for reducing traffic accidents, deaths, and injuries. States would no longer be required to maintain a number of categorical programs, such as driver education, as a condition of the grant funds. The revisions would improve the ability of the Federal Government and the States to fulfill the original goals of the grant program. From its inception, the program has had the

role of a start-up or "seed money" program. If a new program proved successful, a State was expected to continue it with State funds. The legislative proposal to reformulate the program was designed to enhance that concept by focusing its thrusts in a limited number of critical program areas and by turning back to the States those program activities which are truly their responsibility to operate. It specifically identified four general areas for such program fund targeting: alcohol countermeasures, police traffic services, emergency medical services, and traffic records.

As a result of its review of the program, the Department proposed that the highway safety grant program be revised to direct aid under the program to areas with the most direct pay-off in terms of reduced accidents, deaths and injuries on the highways, and towards safety problems truly national in scope. The Congress has agreed that a revised highway safety program is in order and directed the Department to conduct and complete this rulemaking by April 1, 1982. In the transition year, the Department will strongly encourage funding emphasis in areas that at this time appear to represent high payoff areas.

This rulemaking is not the first attempt to weigh the merits of the various highway safety programs. The National Highway Traffic Safety Administration and the Federal Highway Administration have sponsored several studies of highway safety needs. In two major reports to Congress, the agencies addressed the issues of "where government can realize the most benefits for the next marginal dollar of expenditure" (1976), and the "adequacy and appropriateness of the highway safety program standards" (1977). These studies have all been useful in broadening our understanding of highway safety. The current rulemaking will determine which highway safety programs are most effective in reducing accidents, injuries, and fatalities. It is not to determine what the most acute highway safety needs are or the details of any standard. In addition, the agencies will be able to define a process for determining the most effective safety programs on a current or recurring basis. The determinations made in the final rule will thus decide the direction of the program for the next several years.

As the first stage in the process, the agencies are sponsoring two public meetings, one to be held in Washington, D.C. on October 5, 1981, and the other in Hershey, Pennsylvania, on October 15, 1981, immediately following the annual meeting of the National Association of Governors' Highway Safety Representatives. At each hearing the floor will be open to anyone with views on effective highway safety programs, but in the interest of efficient planning, anyone who wants to make an oral statement should submit a written statement or outline of the statement to Mr. John Krause, at the address listed above for NHTSA contact, no later than seven days before each hearing. Oral statements should be limited to 5 minutes or less. Oral or written clarification on issues raised in the oral statements or in the docket submissions may also be requested by agency representatives conducting these hearings. As time permits, the formal statements may be followed by an open discussion.

As a guide to the preparation of both written and oral comments, the agencies make the following observation:

1. The rulemaking process begun here will not directly result in the amendment of the 18 highway safety program standards. Subsection (c) of Section 1107 of the Omnibus Budget Reconciliation Act, by repealing subsection (h) of 23 U.S.C. 402, enables the Secretary to issue, amend, or revoke the standards after October 1, 1982. We are considering such changes, but they will be made as necessary through a separate rulemaking process, to be undertaken at a future date. The comments to this notice, therefore, should not directly address specific requirements of the 18 standards. However, the Department is interested in receiving comments to the docket regarding the basic question, whether Federal Highway Safety Standards should be retained or whether the Department's approach should be to provide highway safety guidelines for use by States and communities in planning and implementing their highway safety programs.

2. For purposes of this rulemaking, we want to solicit specific information on highway safety programs which will establish their relative effectiveness in reducing accidents, injuries, and fatalities. It would be appropriate, for example, to discuss specific solutions to highway programs, the importance or role of program planning and evaluation, and procedures for identifying safety need or deficiencies.

3. The final rule, while it must identify the most effective programs, may also specify a process whereby the Department may approve funding for other programs in a State which are addition to (or in place of) the specific programs identified in the rule. Comments are invited as to the details of a specific process and the substantive criteria that the agencies should apply in approving such program.

4. Comments are being sought from the States, which have the primary role in establishing highway safety programs, and from other jurisdictions, agencies and organizations, and members of the general public who are involved or affected by these programs.

While oral statements at the two hearings will necessarily have to be summary in nature, all written comments to the docket should address the following issues and questions in sufficient detail to clearly and completely support the expressed views.

1. Identify, in rank order, those highway safety programs which have demonstrated effectiveness in reducing accidents, injury frequency, injury severity, of fatalities associated with traffic accidents.

For each highway safety program identified: (a) provide the evidence which establishes its order of effectiveness; (b) identify the data/information used including date and source; (c) define the measurement criteria used to determine that a change occurred in accidents, injuries and fatalities, as well as over what period of time, or define some intermediate benefit which is related to such change, e.g., belt usage; (d) describe how the program works; (e) describe how the program achieves the reduction in accidents, injuries, and fatalities, or some other benefit; (f) describe the relationship of program costs to program benefits. If you refer in your comments to a written report, provide one copy to the docket.

2. Identify highway safety programs which have not yet been proven to be effective, but which you believe will have significant potential for reducing accidents, injuries, and fatalities.

For each highway safety program identified: (a) outline a process by which the Department can establish its effectiveness enough to justify eligibility

for Federal funding; (b) explain how the Department can measure whether a change has occurred in accidents, injuries, and fatalities as a result of the program; (c) describe how the program would work; (b) describe the relationship of costs of the program to benefits of the program.

3. Identify those highway safety programs whose operations and activities are not directly related to accident, injury and fatality reduction, but which might have sufficient potential for increasing efficiency or reducing the cost of ongoing State and local highway safety efforts, so as to justify their eligibility for Federal funding assistance.

For each program identified: (a) define how the Department can measure increased efficiency and cost reduction; (d) describe how the program would work, and describe the relationship of the program to highway safety. Program areas which could be addressed under this section include accident records, the identification of high accident locations for remedial action, and training for State and local program personnel.

4. Identify any other criteria or factors, (other than accident, injury and fatality reduction effectiveness, or increased efficiency or cost reduction potential for ongoing efforts) which you believe would justify consideration in the selection and approval of projects to receive Federal funding assistance.

For each of these criteria or factors: (a) provide specific examples of how they have been applied in past planning programing decisions, and (b) describe tangible and intangible program benefits derived which support their validity for consideration.

5. Provide a compelling rationale for continuing, discontinuing, limiting or restructing Federal funding assistance for the State and local highway safety programs and processes identified in the preceding four issues and questions. Wherever possible, provide concrete examples to support your contention.

6. Identify the need for, or alternatives to, the existence of a central authority in each State for administering that State's highway safety program. Describe the rationale for supporting the provision of a central authority responsible for the Stats's highway safety program as a prerequisite for receipt of Federal funds. Define what should be that authority and scope of responsibility presecribed to this central authority. Identify the extent to which Federal funds might appropriately contribute to State Planning and Administration Costs, and identify or describe the funding sources the State could use in contributing toward State planning and administration costs. Describe the impact on the State agency (or central authority) of the absence of Federal funding for planning and administration costs, expressed in terms of effects on: (1) ability to carry out an effective highway safety program; (2) location of the State authority in the organizational structure of the State. Identify alternatives for administering Federal Highway Safety funds in the absence of a central authority. Explain how the administrative costs would be provided; how the State programs would be coordinated; and describe the mechanism for the grant delivery system.

Following the October 15 hearing, interested persons will have an additional two weeks in which to submit written comments on the issues discussed at either hearing. Upon review of the oral testimony, the written comments, and any other documents submitted in response to this notice, the agencies will publish a second notice containing tentative determinations and solicit additional comments. After reviewing these comments, the agencies will issue a final rule, and intend to do so before April 1, 1982, so that the rule will affect the States' programs for fiscal year 1983.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

Comments should not exceed 15 pages in length. Necessary attachments may be added to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

All comments received before the close of business on October 29, the comment closing date, will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date. NHTSA will condinue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelop with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

This notice has been evaluated under the Departmental Regulatory Policies and Procedures, 44 FR 11034, and has been determined to be a nonsignificant regulation. The rulemaking will not affect the level of funding available in the highway safety program, or otherwise have a significant economic impact, so that neither a draft Regulatory Analysis nor a draft Evaluation is required.

Copies of all written statements and comments will be placed in Docket 81-12; Notice 1 of the NHTSA Docket Section in Room 5109, Nassif Building, 400 Seventh Street, N.W., Washington, D.C. 20590. (Docket hours are 8 a.m. to 4 p.m.)

A verbatim transcript of each public hearing will be prepared and placed in the NHTSA docket as soon as possible after the hearing.

(Sec. 1107(d), Pub. L. 97-35; 95 Stat. 357; 23 U.S.C. 402; delegations of authority at 49 CFR 1.48 and 1.50).

Issued on August 27, 1981.

Raymond A. Peck, Jr.,
National Highway Traffic Safety Administrator.

L. P. Lamm,
Deputy Federal Highway Administrator.

[FR Doc. 81-25424 Filed 8-27-81; 12:35 pm]
BILLING CODE 4910-59-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2530

Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Proposed Amendments

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed amendments to final rule.

SUMMARY: In this document, the Department of Labor (Department) is proposing to adopt several amendments to a final regulation under the Employee Retirement Income Security Act of 1974 (ERISA), 29 CFR 2530.203-3, relating to suspension of pension benefit payments under certain circumstances. These amendments are intended to address concerns which have been presented to the Department with respect to possible effects of certain technical aspects of the regulation. Specifically, this document affects provisions of the regulation which govern benefit offsets and determinations of whether a person

is "employed" in a manner which could give rise to a suspension of benefits.

DATES: Written comments on these proposed amendments must be received by the Department on or before September 30, 1981.

ADDRESSES: Written comments (preferably at least three copies) should be submitted to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N–4508, U.S. Department of Labor, Washington, D.C. 20216. Attention: Suspension of Benefits—Amendments. All written comments will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Progams, Department of Labor, Room N–4677, 200 Constitution Avenue, N.W. Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Office of the Solicitor; 200 Constitution Avenue, N.W. Washington, D.C. 20216; Room C–4508; 202–523–8858.

SUPPLEMENTARY INFORMATION: On January 27, 1981, the Department published in the **Federal Register** (46 FR 8894) a final regulation under section 203(a)(3)(B) of ERISA governing the circumstances under which it is permissible for a plan to suspend the payment of pension benefits (29 CFR 2530.203–3). As published, this regulation was due to take effect May 27, 1981.

On May 26, 1981, June 30, 1981, and July 31, 1981, the Department published documents announcing deferrals of the effective date of the suspension of benefits regulation, originally until July 1, 1981, and then until August 1, 1981 and September 1, 1981. These actions were taken in order to permit reconsideration of the regulation, in accordance with Executive Order 12291. In those Notices, the Department also referred to a number of comments it has received in response to publication of the final rule, and stated that it would consider whether and to what extent these comments affect its analysis of the costs and benefits involved.

The Department has now determined that certain technical problems described below should be addressed, and is proposing several amendments to the regulation. In addition, elsewhere in this issue of the **Federal Register**, the Department is publishing a notice relating to further deferral of the effective date of the suspension of benefits regulation.

The technical amendments under consideration for permanent adoption concern items of administrative cost associated by the commentators with implementation of provisions of the regulation relating to benefit offsets and to determinations of whether an individual may be considered "employed" in "section 203(a)(3)(B) service." The specific areas of concern are described below.

1. *Definition of "hour of service."* Generally, the regulation permits a pension plan to provide for the permanent withholding of accrued benefits for each month of employment in "section 203(a)(3)(B) service." Paragraph (c) of the regulation states that "section 203(a)(3)(B) service" results during a calendar month if during that month the participant completes 40 or more hours of service, *as defined in 29 CFR 2530.200b–2(a)(1),* in certain types of employment. The cited portion of the regulation defining hour of service refers only to hours "for which an employee is paid, or entitled to payment, for the performance of duties for the employer."

Commentators have suggested that administrative problems could arise in this connection in some cases where the participant receives payment from the employer other than for the performance of duties. For example, the participant might not have worked 40 hours, but nevertheless might have received pay for sick leave or vacation from the employer equal to or in excess of the amount payable for 40 hours of work. Under such circumstances, it has been argued tht the periods for which such payments are made should also be counted as section 203(a)(3)(B) service: to preclude the possibility that a participant might become entitled to receive pension as well as, *e.g.,* vacation benefits for the same period of time; to avoid placing excessive administrative burdens on plans; and because the participant who recieves such payments should still b considered "employed" under the statute. Accordingly, the Department is proposing to amend the hour of service definition to include situations where the participant might receive compensation other than for the performance of duties.

2. *Payroll period and "period of employment."* Under the regulation, the period to be examined for determining whether a participant is "employed" is the calendar month, and a participant is considered employed in a month if he completes 40 or more hours of service in relevant employment. Commentators have noted that, while plans generally pay benefits monthly, it is not uncommon for an employer to maintain mechanized payroll systems on other than a calendar month basis. It appears that such an employer would experience significant difficulty in determining the number of hours worked in a calendar month, and that, because of this, the plan also would face increased administrative problems. The Department believes that some greater flexibility in the "period of employment" could be accomplished, and is proposing to amend the regulation in this regard to permit use of a four or five week payroll period in lieu of the calendar month as the period to be examined.

3. *Use of "equivalencies" and "elapsed time" methods.* In the preamble to the final regulation (46 FR 8894, 8897) the Department noted that many commentators urged that the regulation permit the use of the "equivalencies" or "elapsed time" methods of counting hours worked, described in Department regulations, for determining whether the "40 hour test" had been met. The Department rejected these suggestions because it did not appear that use of these methods would be appropriate for determining when benefits could be forfeited.

The Department has determined that the administrative costs to plans which use these methods is significant enough to warrant its reconsideration of possible ways to allow such plans to continue to use these methods, without the burdens which might arise if they had to count hours solely for suspension purposes, while at the same time safeguarding plan participants against harsh results. It appears to the Department that although it might be difficult for such plans (i.e. plans already using elapsed time methods or equivalencies for other purposes) to calculate the actual number of hours worked by a plan participant, there should not be any significant problem in determining the number of days for which compensation is paid to the participant for any given period, particularly in light of the fact that the Department is also proposing to allow use of payroll periods, in addition to the calendar month, for determinating a period of employment under the regulation. Accordingly, the Department is proposing to permit suspension of benefits by plans using equivalencies or the elapsed time method for all other purposes when a participant performs any services for pay for the employer on 10 or more days during a calendar month or variant. As discussed above, plans would be permitted to include in this calculation those days for which certain payments were made for reasons other than the performance of duties.

4. *"Offset" rules.* Paragraph (b)(3) of the regulation permits plans to deduct, from benefit payments to be made by the plan, any payments previously made

during months in which the participant was employed in section 203(a)(3)(B) service, but limits such deduction (or offset) in any one month to not more than 25 percent of that month's benefit payment. Paragraph (b)(4) of the regulation prohibits the withholding of payments under this section until the plan gives notice of the withholding to the employee.

Commentators have argued that plans might not know until the end of an initial period of employment whether the participant engaged in section 203(a)(3)(B) service for that period, and to that extent the plan would always be in a position of having to go through the added administrative procedures of the offset rules in order to fully recapture amounts it is entitled to suspend.

The Department is proposing to address this problem by lifting the 25 percent limitation with regard to the initial payment to which the participant would be entitled upon resumption of benefits under paragraph (b)(2) of the regulation. Because paragraph (b)(2) authorizes a delay of up to two months between the time employment ceases and the time benefits must resume, this initial payment could routinely equal as much as three months' benefits. The Department believes that such an amount would generally be sufficient to cover the full extent of a plan's "overpayments."

E.O. 12291 Statement

Pursuant to the requirements of Executive Order 12291, it is the Department's initial determination that these proposed amendments are not a "major rule," as that term is used in the Order, because it does not appear that they will result in: an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Department views these proposed amendments as technical changes which would, if adopted, increase options available to plans under the suspension of benefits regulation, and facilitate less costly administration of suspension provisions, without themselves imposing additional costs on plans.

Regulatory Flexibility Act Statement

For the reasons set forth in the preceding paragraph, the undersigned has certified that these proposed amendments will not have a significant economic impact on a substantial number of small entities.

Statutory Authority

These amendments are proposed for final adoption under the authority contained in sections 203(a)(3)(B) and 505 of ERISA (Pub. L. 93-406, 88 Stat. 854, 894, 29 U.S.C. 1053, 1135).

PART 2530—RULES AND REGULATIONS FOR MINIMUM STANDARDS FOR EMPLOYEE BENEFIT PLANS

Accordingly, it is proposed that Chapter XXV of Title 29 of the Code of Federal Regulations be amended by revising the heading, paragraph (b) (1), (3) and the first sentence of (b)(4), (c)(1) and the introductory text of (c)(2), and (d) of § 2530.203-3 to read as follows:

§ 2530.203-3 Suspension of pension benefits upon employment.

* * * * * *

(b) *Suspension rules*—(1) *General rule.* A plan may provide for the permanent withholding of an amount which does not exceed the suspendible amount of an employee's accrued benefit for each calendar month, or for each four or five week payroll period ending in a calendar month, during which an employee is employed in "section 203(a)(3)(B) service" as described in § 2530.203-3(c).

* * * * * *

(3) *Offset rules.* A plan which provides for the permanent withholding of benefits may deduct from benefit payments to be made by the plan any payments previously made by the plan during those calendar months or pay periods in which the employee was employed in section 203(a)(3)(B) service, *Provided,* that such deduction or offset does not exceed in any one month 25 percent of that month's total benefit payment (excluding amounts described in paragraph (b)(2) of this section) which would have been due but for the offset.

(4) *Notification.* No payment shall be withheld by a plan pursuant to this section unless the plan notifies the employee by personal delivery or certified mail during the first calendar month or payroll period in which the plan withholds payments that his benefits are suspended.* * *

* * * * * *

(c) *Section 202(a)(3)(B) Service*—(1) *Plans other than multiemployer plans.* In the case of a plan other than a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee, subsequent to the time the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment, results in section 203(a)(3)(B) service during a calendar month, or during a four or five week payroll period ending in a calendar month, if the employee, in such month or payroll period, (i) completes 40 or more hours of service (as defined in 29 CFR 2530.200b-2(a)(1) and including hours for which the employee took, and is entitled to payment for, vacation, holiday, jury duty, training, or sick leave) for an employer which maintains the plan, including employers described in § 2530.210 (d) and (e), as of the time that the payment of benefits commenced or would have commenced if the employee had not returned to employment; or (ii) receives from such employer payment for the performance of duties, or payment for vacation, holiday, jury duty, training, or sick leave, or both, for each of 10 or more days (or separate work shifts) in such month or payroll period, *Provided,* that the plan does not for any purpose determine or use the actual number of hours of service with which an employee is required to be credited under § 2530.200b-(2)(a).

(2) *Multiemployer plans.* In the case of a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee subsequent to the time the payment of benefits commence or would have commenced if the employee had not remained in or returned to employment results in section 203(a)(3)(B) service during a calendar month, or during a four or five week payroll period ending in a calendar month, if the employee, in such month or payroll period:

Completes 40 or more hours of service (as defined in § 2530.200b-2(a)(1) and including hours for which the employee took, and is entitled to payment for, vacation, holiday, jury duty, training, or sick leave); or

Receives payment for the performance of duties, or payment for vacation, holiday, jury duty, training, or sick leave, or both, for each of 10 or more days (or separate work shifts) in such month or payroll period, *Provided,* that the plan does not for any purpose determine or use the actual number of hours of service with which an employee is required to be credited under § 2530.200b-(2)(a); in

—An industry in which employees covered by the plan were employed and accrued benefits under the plan as a result of such employment at the time that the payment of benefits

commenced or would have commenced if the employee had not remained in or returned to employment, and

—A trade or craft in which the employee was employed at any time under the plan, and

—The geographic area covered by the plan at the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment.

* * * * *

(d) *Suspendible amount*—(1) *Life annuity.* In the case of benefits payable periodically on a monthly basis for as long as a life (or lives) continues, such as a straight life annuity or a qualified joint and survivor annuity, a plan may provide that an amount not greater than the portion of a monthly benefit payment derived from employer contributions may be withheld permanently for a calendar month, or for a four or five week payroll period ending in a calendar month, in which the employee is employed in section 203(a)(3)(B) service.

(2) *Other benefit forms.* In the case of benefits payable in a form other than the form described in paragraph (d)(1) of this section, a plan may provide for the permanent withholding of an amount of the employer-derived portion of benefit payments for a calendar month, or for a four or five week payroll period ending in a calendar month, in which the employee is employed in section 203(a)(3)(B) service, not exceeding the lesser of (i) the amount of benefits which would have been payable to the employee if he had been receiving monthly benefits under the plan since actual retirement based on a single life annuity commencing at actual retirement age, or (ii) the actual amount paid or scheduled to be paid to the employee for such month. Payments which are scheduled to be paid less frequently than monthly may be converted to monthly payments for purposes of this paragraph (d)(2)(ii).

Signed at Washington, D.C., this 27th day of August, 1981.

Donald L. Dotson,

Assistant Secretary, Labor-Management Services Administration.

[FR Doc. 81-25389 Filed 8-28-81; 8:45 am]
BILLING CODE 4510-29-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Surface Coal Mining and Reclamation Enforcement in Virginia; Review of State Program Submission

AGENCY: Office of Surface Mining, Interior.

ACTION: Exension of public comment period.

SUMMARY: OSM is extending the period for review and comment on the resubmission by Virginia of its program for the regulation of surface coal mining and reclamation in the State.

DATE: Written comments, data or other relevant information relating to Virginia's program submission must be received on or before 4:00 p.m., September 8, 1981, to be considered.

ADDRESS: Comments on Virginia's program submission should be sent or hand-delivered to: Office of Surface Mining, Reclamation and Enforcement, *Attention:* Virginia Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

FOR FURTHER INFORMATION CONTACT: Christine M. Struminski, Acting Assistant Regional Director, Division of State and Federal Programs, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342-8125.

SUPPLEMENTARY INFORMATION: On August 17, 1981, at 46 FR 41525-41527, the Regional Director, Office of Surface Mining, U.S. Department of the Interior, published notice of the public hearing and the public comment period on the resubmitted Virginia program. The comment period was slated to close at 4:00 p.m. on September 4, 1981. Since that publication, OSM has learned that Senator John Warner has scheduled a congressional hearing on September 2, 1981, concerning surface mining in Virginia and the Virginia program.

In order to allow sufficient time for the public to receive information resulting from the congressional hearing and to comment on any that may relate to the Virginia program, OSM is extending the comment period until 4:00 p.m. on September 8, 1981.

As indicated in the original notice soliciting comments on the resubmission of Virginia's program, the public hearing time and place will remain the same; that is, the public hearing will be held at 5:30 p.m. on September 3, 1981, at Clinch Valley College, Science Building, Room S-100, Wise, Virginia.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Dated: August 25, 1981.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 81-25344 Filed 8-28-81; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD14 81-01]

Drawbridge Operation Regulations; Honolulu Harbor, Hawaii

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the State of Hawaii, Department of Transportation, the U.S. Coast Guard is considering amending the regulations governing the operation of the John H. Slattery Drawbridge across Kalihi Channel at Honolulu, Hawaii. The proposed change would reduce the number of hours the bridge is required to open on signal each day, Monday through Friday, excluding legal holidays, from twelve hours to two. This proposal is being made due to increasing vehicular traffic congestion during periods when the draw is open. This proposal is intended to improve the flow of vehicular traffic across the bridge, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before September 28, 1981.

ADDRESS: Comments should be mailed to Commander (oan), Fourteenth Coast Guard District, Prince Kalanianaole Federal Building, 300 Ala Moana, Honolulu, Hawaii 96850. The comments will be available for inspection or copying at the Aids to Navigation Office, Room 9139. Normal office hours are between 6:30 a.m. and 5:00 p.m., Monday through Thursday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LTJG Michael L. Van Houten, Bridge Administration Officer, Aids to Navigation Branch, Operations Division, Room 9139, Federal Building, 300 Ala Moana, Honolulu, Hawaii 96850, telephone: (808) 546-7130.

SUPPLEMENTARY INFORMATION: Interested persons are invited to

participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 14–81–01), and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

Drafting Information

The principal persons involved in drafting this proposal are: LTJG Michael L. Van Houten, Bridge Administration Officer, Fourteenth Coast Guard District, Aids to Navigation Branch and Timothy C. Titus, Project Attorney, Fourteenth Coast Guard District, Legal Office.

Discussion of the Proposed Regulations

Under the present regulations the John H. Slattery Bridge is required to open on signal to vessel traffic Monday through Friday, excluding legal holidays, during the following periods: 5:00 a.m. to 7:00 a.m., 8:00 a.m. to 4:00 p.m., and 5:00 p.m. to 7:00 p.m. It is closed from 7:00 a.m. to 8:00 a.m., 4:00 p.m. to 5:00 p.m. and 7:00 p.m. to 5:00 a.m.

The proposal calls for the draw to be open on signal from 5:00 a.m. to 6:00 a.m. and from 6:00 p.m. to 7:00 p.m. The draw would be closed from 6:00 a.m. to 6:00 p.m. and from 7:00 p.m. to 5:00 a.m.

The present regulations governing the operation of the draw on weekends and legal holidays would not change under this proposal.

Vertical clearance beneath the bridge with the draw in a closed position is fifteen (15) feet at mean high water at the center and eighteen (18) feet at mean low water at the center.

The John H. Slattery Drawbridge is presently the only means of access for vehicular traffic between Sand Island and the City of Honolulu. The present operating schedule for the drawbridge is intended to keep the draw closed to vessel traffic during peak vehicular traffic hours, to minimize traffic congestion at the drawbridge; however, vehicular traffic across the bridge has increased substantially since the present schedule was established. When the draw is opened during normal daily business hours, vehicular traffic may be severely disrupted. Traffic across the bridge has increased from an average volume of 7,400 vehicles per day in 1974 to an average of more than 10,500 vehicles per day as of August 1980. During this same period the frequency of draw openings for vessel passages has decreased from 4.5 to 2.4 per day. The volume of traffic across the bridge is expected to be as high as 15,000 vehicles per day by the end of the 1981 summer when a large shipping firm is scheduled to consolidate its container operations terminal at Sand Island and a new State park is opened there.

The principal users of the draw are two companies whose tugboats pass through the draw several times a week and one cruise boat operations whose vessel also passes through the draw several times a week.

During periods when the draw is closed these vessels are still able to use both the main entrance channel for Honolulu Harbor and the secondary route through Kalihi Channel by passing around Sand Island; thus access to the Harbor is not prevented during periods when the draw is closed.

The State of Hawaii Department of Transportation views the traffic situation at the drawbridge as a severe economic hardship due to the delay costs experienced by vehicle operators when the draw is open. The costs added to shipments of goods across the bridge when these shipments are delayed by draw openings are ultimately borne by the consumer. The State Department of Transportation has prepared an economic evaluation of the potential costs to vehicular traffic due to delays. They calculate the potential costs to vehicular traffic will exceed $2 million per year if the existing regulations are continued. It is expected these costs will be virtually eliminated if the proposed rule making is adopted.

Vessel passages through the draw are relatively infrequent and the number of draw openings per day has been decreasing. The economic consequences of restricting vessel traffic will include increased fuel consumption and time delays for vessels when they must travel around Sand Island instead of passing through the draw.

The proposal to reduce the number of hours the draw is open is expected to result in a negligible economic impact upon vessel traffic in comparision with the economic impact of the present regulations upon the community.

The proposed regulations have been reviewed under the provisions of E.O. 12291 and have been determined not to be a major rule. In addition, the proposed regulations are considered to be nonsignificant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80).

An economic evaluation of the proposed regulations, with regard to their impact on waterborne traffic, has not been conducted since, for the reasons discussed above, their impact is expected to be minimal. The benefits to be derived from the proposed change include reduced delay costs for vehicular traffic, savings in time for shipments of goods, convenience for motorists, and less wear and tear on the draw machinery of the bridge. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.900(a) to read as follows:

§ 117.900 Honolulu Harbor, Hawaii; Kalihi Channel Bridge.

(a) The agencies controlling the bridge shall provide the necessary bridge tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels during the scheduled hours of operation as follows:

Monday through Friday, Excluding Legal Holidays

Open on signal and Closed periods

5:00 a.m. to 6:00 a.m.—6:00 a.m. to 6:00 p.m.
6:00 p.m. to 7:00 p.m.—7:00 p.m. to 5:00 a.m.

* * * * *

(33 U.S.C. 499, 49 U.S.C. 1655(f)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: August 12, 1981.

B. E. Thompson,

Rear Admiral, U.S. Coast Guard, Commander, 14th Coast Guard District.

[FR Doc. 81–25372 Filed 8–28–81; 8:45 am]
BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 81–055]

Drawbridge Operation Regulations; St. Joseph River, Mich.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Michigan Department of Transportation, the Coast Guard is considering changing the regulations governing the operation of the Blossomland (US–33) and Bicentennial (I–94BL) bridges across the St. Joseph River between the Cities of St. Joseph and Benton Harbor, Michigan, by permitting the draws of these bridges to remain closed for extended periods of time during the navigation season. Also, both bridges would require at least twelve hours notice to effect an opening during the winter months. This proposal is being made in an effort to relieve vehicular traffic tie-ups caused by random bridge openings during periods of time when commuting between the Cities of St. Joseph and Benton Harbor is heaviest. This action may accommodate the needs of vehicular traffic and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before September 28, 1981.

ADDRESS: Comments should be submitted to and are available for examination from 7 a.m. to 3 p.m., Monday through Friday, except holidays, at the office of Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom Jr., Chief, Bridge Branch, 1240 East Ninth Street, Cleveland, Ohio 44199, (216) 522–3993.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name, address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Person desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope. The Commander, Ninth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information: The principal persons involved in drafting this proposal are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and Project Attorney, Lt. M. E. Reeves, Assistant Legal Officer, Ninth Coast Guard District.

Discussion of the Proposed Regulations

Under present regulations, the Bicentennial bridge opens upon signal from an approaching vessel. The Blossomland bridge opens upon signal from an approaching vessel except that, from December 15 through March 1 at least a 12 hour notice is required. This proposal would require the Blossomland bridge to open on signal only from three minutes before to three minutes after the hour and half-hour, from 7 a.m. to 8 p.m. from May 15 to September 30. The Bicentennial bridge would be required to open on signal only from three minutes before to three minutes after the quarter and three-quarter hour, from 7 a.m. to 8 p.m. from May 15 through September 30. From December 16 through the last day of February, both draws would open on signal if at least 12 hours notice is given. At all other times the draws shall open as soon as possible upon receiving the proper signal.

Analysis of the bridgetenders logs and traffic counts indicate that in 1979 the Blossomland bridge had 69 openings in October, 372 in September, 319 in August, 400 in July, 280 in June, and 258 in May. The shortest interval between some openings of the Blossomland bridge was 5 minutes with approximately 40 to 96 vehicles being held up for the passage of a vessel. The Bicentennial bridge had 45 openings in October, 341 in September, 236 in August, 320 in July, 256 in June, and 141 in May. The shortest interval between some openings was 5 minutes with approximately 40 to 160 vehicles being held up for the passage of a vessel.

It is anticipated there will be a continuing increase in the number of sailboats using the St. Joseph-Benton Harbor facilities in the coming years. Newly constructed marine facilities in the Twin Cities have brought in boaters that formerly used marinas in southern Michigan and Indiana.

Vehicle traffic tie-ups on these bridges may be relieved by opening the draws on a scheduled basis for the passage of multiple vessels instead of random openings for the passage of one vessel. Vessel passage would be delayed for no more than 30 minutes during closed periods. At all times, commercial vessels will be afforded passage as soon as possible. The bridge owner would be relieved from the need to keep drawtenders in constant attendance during winter months, when navigation on the river is negligible.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Polices and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since its impact is expected to be minimal.

In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by:

§ 117.641 [Amended]

1. Removing § 117.641(f)(2–a).

2. Adding a new § 117.681 immediately after § 117.680 to read as follows:

§ 117.681 St. Joseph River, Michigan; Blossomland (US–33) and Bicentennial (BL–94) Bridges between St. Joseph and Benton Harbor, Michigan.

(a) The draws shall open on signal from March 1 through May 14 and October 1 through December 15, and from 8 p.m. to 7 a.m. from May 15 through September 30.

(b) From 7 a.m. to 8 p.m. from May 15 through September 30:

(1) The draws of the Blossomland bridge need open only 3 minutes before to 3 minutes after the hour and half-hour.

(2) The draws of the Bicentennial bridge need open only 3 minutes before to 3 minutes after the quarter and three-quarter hour.

(c) From December 16 through the last day of February both draws shall open on signal if at least 12 hours notice is given.

(d) Public vessels of the United States, state and local government vessels used for public safety, commercial vessels, and vessels in distress, shall be passed through either draw as soon as possible even though closed periods are in effect.

(e) The owner of or agency controlling these bridges shall keep a copy of these regulations conspicuously posted both upstream and downstream, either on the bridges or elsewhere in such a manner that it can be easily read from an approaching vessel at all times, with instructions stating exactly how notice is to be given to the authorized representative of the bridge owner.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–(g)(3))

Dated: August 6, 1981.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 81-25369 Filed 8-28-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD7-81-04]

Safety Zone; Vicinity Bascule Bridge, Ft. Lauderdale, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed amendment would establish a safety zone on the waters of the Stranahan River, Fort Lauderdale, Florida, within the vicinity of the Marriott Hotel seawall and the Bascule Bridge, Fort Lauderdale, Florida. The safety zone would encompass an area of the Stranahan River from 175 yards north of the Bascule Bridge and 75 yards from the seawall of the Marriott Hotel along the river. This safety zone is needed for the protection of personnel and equipment during an exhibition and training exercise by the U.S. Coast Guard Gulf Strike Team in these waters. Vessels entering the safety zone would have to operate at minimum wake speeds.

DATE: Comments must be received on or before October 15, 1981.

ADDRESS: Comments should be mailed to Commander, Seventh Coast Guard (mep), 51 SW 1st Ave, Miami, FL 33130. The comments and other materials referenced in this notice will be available for inspection and copying at the Marine Safety Division, Room 1231, 51 SW 1st Avenue, Miami, Florida. Normal office hourse are between 7:30 am and 4:00 pm, Monday through Friday; except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR J. P. WYSOCKI, CCGD7(mep), 51 SW 1st Ave, Miami, FL 33130, (305) 350-5276.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 7-81-04), and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal person involved in drafting of this rule is LTJG M. P. BERNARD, Project Officer, CCGD7(mep), Miami, Florida 33130, and LT W. J. PETERSEN, Project Attorney, CCGD7(dl), Miami, Florida 33130.

Discussion of Proposed Rule

During the 1981 8th Annual Spillage Control Conference, 29-31 October 1981, the U.S. Coast Guard will be presenting an exhibition/training exercise that will include movement of certain vessels and equipment into the proposed safety zone area. A minimum wake through the area will be necessary and enforced by patrol craft representing the Captain of the Port, Miami, Florida, to allow safe operation during the exercise. As the safety zone will not impinge on the main channel into the area, there should not be any undue affect on vessel traffic.

Summary of Draft Evaluation

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be insignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Proposed Regulations

PART 165—SAFETY ZONES

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations, by adding § 165.704 to read as follows:

§ 165.704 Stranahan River, Fort Lauderdale, FL.

The waters of the Stranahan River within the area of the Bascule Bridge, from one hundred and seventy-five yards north of the bridge and seventy-five yards west from the Marriott Hotel seawall, geographical coordinates from the Marriott Hotel seawall for the safety zone are 26-06.02N, 080-07.09W and 26-06.06N, 080-07.10W is a safety zone. Vessels operating in this zone shall be operated at minimum wake speeds. This safety zone shall be in effect on 29 October 1981 from 1200 to 1800 hours, Eastern Standard Time.

(Pub. L. 95-474, 92-1477, (33 U.S.C. 1231); 49 CFR 1.46(n)(4))

Dated: August 7, 1981.

B. L. Stabile,

Commander, Seventh Coast Guard District, Miami, FL.

[FR Doc. 81-25371 Filed 8-28-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1918-1]

Approval and Promulgation of State Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: Part D of the Clean Air Act (CAA) enacted in 1977 requires states to revise their state implementation plans (SIPs) for all areas that have not attained National Ambient Air Quality Standards (NAAQS). This SIP revision was submitted by the State of Kansas to meet that requirement of the CAA. The State of Kansas submitted this revision to demonstrate the attainment and maintenance of the carbon monoxide (CO) NAAQS for the Wichita nonattainment area by December 31, 1982. EPA is proposing to conditionally approve the State's CO SIP for Wichita.

This notice contains background information on the requirements of the CAA for an approvable SIP revision, a description of the Wichita CO SIP revision, and a summary of EPA's evaluation of the SIP revision.

EPA published a "Notice of Availability and Advance Notice of Proposed Rulemaking", in the May 22, 1981 **Federal Register** (46 FR 27972). Interested persons are invited to comment concerning the revision and its approvability with respect to Part D, suggested corrections of deficiencies, the deadlines which should apply for corrections of deficiencies, or any other aspect of this proposed rulemaking.

DATE: Comments must be submitted on or before September 30, 1981.

ADDRESS: Copies of the proposed SIP revision are available for inspection during normal business hours at the locations listed in the May 22, 1981 **Federal Register** (46 FR 27972). Comments should be sent to: Michael T. Marshall, Environmental Protection Agency, Region VII, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION: Contact Michael T. Marshall at (816) 374–3791, FTS 758–3791.

SUPPLEMENTARY INFORMATION:

A. Background

The CAA required each state to list those areas where the NAAQS were not being attained as of August 7, 1977 (nonattainment areas). The state designated the nonattainment area for CO in the South Central Kansas Interstate Air Quality Control Region, Sedgwick County, Wichita (central city area) as 13th Street on the north, Grove Street on the east, Kellogg Street, (U.S. 54) on the south, and the Big Arkansas River on the west. EPA promulgated Kansas' designated nonattainment area for Wichita in the March 3, 1978 **Federal Register** (44 FR 8962).

The Wichita CO nonattainment plan was made available to the public on May 5, 1979, considered on May 31, 1979, at a public hearing of the Kansas Department of Health and Environment (KDHE), in cooperation with the Wichita-Sedgwick County Metropolitan Area Planning Commission. It was submitted to EPA by the Governor on April 16, 1981.

Wichita has exceeded the CO NAAQS since 1971. The planning base for the Wichita CO SIP revision is the nonattainment ambient CO measurements from 1976 through 1978. During this three year period, eighteen excursions above the 8-hour CO NAAQS have been recorded. No 1-hour violations have been recorded. In 1976 there were four 8-hour periods exceeding the NAAQS of 10.0 milligram of CO per cubic meter of air (mg/m^3). There were eight excursions over that standard in 1977 and six in 1978. The highest second highest 8-hour average concentration was 15.5 mg/m^3; this occurred in 1976 and is the design value for this SIP revision. The yearly second highest 8-hour average concentrations are graphically presented in the state submittal, which shows that since 1974 there is a definite downward (lower CO values) trend.

The area is shown to attain the NAAQS by October 1983 with just the improvements gained through the federal motor vehicle control program (FMVCP). The SIP submission shows by linear rollback that a reduction of 639 tons per year (7.2% reduction) of CO from the projected motor vehicle emissions for 1982 would bring the area into attainment with the NAAQS.

B. Plan Approval Criteria

The Wichita CO nonattainment plan has been evaluated by EPA with respect to Part D of the CAA as described in the **Federal Register** of April 4, 1979 (44 FR 20372) and July 2, 1979 (44 FR 38583). The reader should refer to these documents, and the documents referenced therein, for the specific requirements.

C. Description of SIP Revision

The following is a discussion of the SIP submittal as received by EPA on April 16, 1981. Many parts of the Wichita CO submittal incorporate previous Kansas Part D SIP submittals, which have been reviewed as part of the overall Kansas SIP. The reader should consult the **Federal Register** of December 8, 1980 (45 FR 81608) and April 3, 1981 (46 FR 20164) for information on EPA's actions concerning the previous Kansas Part D SIP submittals. The conditions of that approval remain in effect.

The Wichita CO submittal describes the nonattainment area (center city area including the central business district) and the surrounding impact areas. It describes the growth projections for the area, population, employment, new and modified industries, and vehicle miles traveled (VMT). The emission inventory was based on the actual CO emissions in 1976, the latest year that traffic data were available for Sedgwick County from the Kansas Department of Transportation. The emissions inventory demonstrates that mobile sources account for over 98 percent of the CO emissions in the area. Mobile source emissions were calculated using the emissions factors from the EPA mobile source emissions factor model (MOBILE–1). Stationary source emissions account for a very small amount (less than 1%) of the CO emissions in the area. There is only one major source (emitting over 100 tons per year) in the area; it is controlled to the reasonably available control technology (RACT) level.

Section 172(b)(11) requires inspection and maintenance (I/M) and other transportation control measures (TCMs) for the reduction of CO and/or ozone for areas which cannot achieve the NAAQS by December 31, 1982. Since the Wichita submittal demonstrates attainment by that date, the requirements of Section 172(b)(11) are not applicable.

Twenty-six TCMs were evaluated for reducing CO; eighteen were found to have the potential for reducing CO by December 1982. Eleven of the eighteen TCMs were committed for implementation. The SIP commitment includes an analysis, decision, implementation, and evaluation schedule for each TCM. The responsible person for implementation of each TCM has signed the commitment. Because of the inherent uncertainty in the planning and decision making for the implementation of any TCM project, the SIP, in the event that a TCM is not approved, commits to (1) the development and implementation of an alternate strategy and/or (2) further reductions from the TCMs now being implemented.

The SIP submittal commits to a total of 662 tons per year (639 tons per year are needed for attainment) of CO reductions from the eleven TCMs. Two TCMs and part of a third TCM are under evaluation (a reduction of 40 tons/year of which 17 tons/year are needed). The Wichita-Sedgwick County Metropolitan Area Planning Department (MAPD) was requested to clarify the implementation status of the TCMs. On June 15, 1981 KDHE reported six TCMs and part of another one had been implemented or completed (a reduction of 435 tons/year); two TCMs have been initiated and are on schedule (reduction of 283 tons/year); and part of one TCM is still under analysis for implementation (a reduction of 5 tons per year). The improved signal timing TCM was reevaluated for a CO reduction of 266 tons/year. The parking restriction, Phase I and II TCMs were changed to zero reduction credits. The expected reductions from the nine TCMs to be implemented is now 723 tons/year. EPA verified the expected reductions with transportation officials of the Federal Highway Administration.

The TCMs include traditional strategies for reducing CO by improved mass transit, supporting carpools/vanpools, and improved traffic flow projects. In addition, the plan includes a voluntary I/M program, and EPA criteria for approval of such a program (see Appendix BN of the SIP submittal). The SIP commits to the reduction of 185 tons per year of CO by voluntary I/M. This is based on the inspection of 10% of vehicles in the county and the maintenance and reinspection of 17% of those vehicles which failed the initial I/M test. A professional public relations firm has prepared logos and information to persuade people to participate in the voluntary I/M program. EPA is receiving quarterly reports on the I/M program,

including the number of initially failed vehicles which pass a reinspection. EPA will closely monitor this data to insure that the claimed emission reductions are taking place.

D. Evaluation and Proposed Action

This section contains EPA's evaluation of the Wichita SIP submittal based on the applicable requirements of Section 172 of the CAA.

1. *Attainment demonstration*—The Wichita SIP revision demonstrates attainment of the CO NAAQS by December 31, 1982 and maintenance through 1987. EPA believes the CO reductions are reasonable control strategies for a marginal nonattainment area and will accelerate the attainment date by ten months, and therefore attain the CO NAAQS by December 31, 1982. Continued CO reductions will occur by the FMVCP and the continued TCMs; the NAAQS will be maintained through 1987.

EPA finds that linear rollback to be an acceptable method for determining the need quantity of CO reductions for attainment. The SIP submittal commits to the use of the CO dispersion model, including the TCM reduction credits, to verify the expected attainment; this is not a requirement of this rulemaking. Should the modeling show that additional reductions are needed, it may be necessary to require further revisions of the SIP at that time.

Proposed Action: EPA proposes to approve the plan as meeting the requirements of Section 172(a)(1).

2. *Public Hearing*—The Wichita plan was made available to the public after reasonable notice and a public hearing was held on the SIP revision. Additional hearings and meetings were held concerning the commitments in the SIP.

Proposed Action: EPA proposes to approve the plan as meeting the requirements of Section 172(b)(1).

3. *Require RACT*—EPA finds that the plan provides for the implementation of all reasonably available control measures as expeditiously as practicable. All stationary sources are controlled to RACT. The TCMs including the I/M program, are being implemented and/or scheduled for implementation to allow attainment of the CO NAAQS by December 31, 1982.

Proposed Action: EPA proposes to approve the plan as meeting the requirements of Section 172(b)(2).

4. *Require Reasonable Further Progress (RFP)*—EPA finds that the emission reductions scheduled from the TCMs represent RFP toward attainment of the CO standard.

Proposed Action: EPA proposes to approve the plan as meeting the requirements of Section 172(b)(3).

5. *Emissions Inventory*—EPA finds that the emission inventory used for the attainment demonstration to be comprehensive, accurate, and current. The SIP submittal commits to the updating of the emission inventory; this is sufficient to track reasonable further progress.

Proposed Action: EPA proposes to approve the plan as meeting the requirements of Section 172(b)(4).

6. *Projected Emissions Growth*—EPA finds that the plan adequately identifies and quantifies the expected emissions growth from new or modified stationary sources, area sources, and mobile sources.

Proposed Action: EPA proposes to approve the plan as meeting the requirements of Section 172(b)(5).

7. *Pre-construction Permit Program*—In the April 3, 1981 **Federal Register**, EPA conditionally approved the Kansas SIP with respect to meeting the preconstruction permit requirements. The state regulations adopted to meet this requirement are included in the Wichita CO SIP submittal. When the April 3 conditions are met, the Wichita nonattainment plan will be fully approvable.

Proposed Action: EPA proposes to approve the plan as meeting the requirements of Section 172(b)(6), on condition that the deficiencies described in the April 3 final rulemaking are corrected as provided in that action.

8. *Necessary Resources*—EPA finds that the necessary resources both in manpower and funding have been provided or commitment has been provided for the implemented TCMs. There are adequate commitments in the SIP to ensure that implementation will continue through the attainment date for the NAAQS.

Proposed Action: EPA proposes to approve the plan as meeting the requirements of Section 172(b)(7).

9. *Emissions Limitations and Compliance Schedules*—The SIP submittal demonstrates that the only major CO source in the area is in compliance with requirements representing RACT. There are no compliance schedules necesary.

Proposed Action: EPA proposes to approve the plan as meeting the requirements of Section 172(b)(8).

10. *Public Involvement*—The SIP submittal provides for the analysis of impacts for each TCM and the review and comment by the public of each analysis. EPA finds adequate evidence that the public, local governments, and the State Legislature all were involved in the development of the Wichita nonattainment plan.

Proposed Action: EPA finds that this involvement was in accordance with Section 174 and proposes to approve the plan as meeting the requirements for Section 172(b)(9).

11. *Commitments to Implement and Enforce Plan*—EPA finds that the SIP contains the necessary details of the required CO strategies, including schedules and timetables for compliance and the commitments to carry out the TCMs.

Proposed Action: EPA proposes to approve the plan as meeting the requirements for Section 172(b)(10).

E. Conclusions

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination of whether or not the amendments meet the requirements of Part D of the CAA, Section 110(a)(2) of the CAA, and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

The measures proposed today, if finally approved by EPA, will be in addition to, and not in lieu of, existing state regulations. The present emission control regulations will remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while it is moving toward compliance with the new regulations. Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of non-compliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability of the new regulations, because of a court order for any other reasons, the pre-existing regulations will be applicable and enforceable.

This notice of proposed rulemaking is proposed to advise the public of EPA's intended action on the Kansas SIP submission, not just those specifically identified above.

Comments received on or before September 30, 1981, will be considered in EPA's final decision on the SIP. EPA believes the available period for comments is adequate because:

(1) The SIP has been available for inspection and comment since May 22, 1981, so that the total comment period is more than 60 days; and

(2) EPA has a responsibility under the CAA to take final action as soon as possible after July 1, 1979, on that portion of the SIP that addresses the Part D requirements.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 and 172 of the CAA will not have a significant economic impact on a substantial number of small entities. The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

Dated: July 14, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-25328 Filed 8-28-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 52

[A-5-FRL-1918-5]

Approval and Promulgation of State Implementation Plan; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: On July 28, 1980, the State of Michigan submitted to EPA as a revision to its SIP an amendment to Michigan Air Pollution Control Commission Rule 221 (Amended Rule 221) which regulates the State's new source review program. The Amended Rule 221 is designed to relax the offset requirements placed on certain proposed new sources of total suspended particulates and sulfur dioxide. The purpose of today's notice is to propose approval and solicit public comment on this revision to the Michigan State Implementation Plan (SIP).

DATE: Comments on the revision and on EPA's proposed rulemaking are due by September 30, 1981.

ADDRESSES: Copies of this SIP revision are available for public inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Region V, 230 South Dearborn, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

Written comments should be sent to: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: Part D of the Clean Air Act, as amended in 1977, requires each State to revise its SIP to meet specific requirements for areas designated as not attaining the National Ambient Air Quality Standards (NAAQS). These SIP revisions must demonstrate attainment of the NAAQS by December 31, 1982, and in certain circumstances, no later than December 31, 1987, for ozone and carbon monoxide. The requirements for an approvable SIP are described in a **Federal Register** notice published April 4, 1979, (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979, (44 FR 38583); August 28, 1979, (44 FR 50371); September 17, 1979, (44 FR 53761); and November 23, 1979, (44 FR 67182).

Section 173 of the Clean Air Act (Act) requires each State to develop, for the nonattainment areas, a program which will accommodate for new source growth and ensure that reasonable further progress is made toward attainment of the standards. Such a program is commonly referred to as a new source review (NSR) program.

Section 173 requires, among other things, that the NSR program provide for new source growth either through an emissions offset program or by a planned margin for growth. Under the offset program, any proposed new major source or major modification which will increase emissions must, prior to constructing in the area, obtain from an existing source(s) in the area a decrease in emissions which offsets the proposed new source's increased emissions. If the offset approach is chosen, the NSR program must also ensure that the offsets are sufficient to ensure reasonable further progress (RFP) towards attainment of the appropriate air quality standard by the statutory date.

Michigan's NSR program is embodied in Rule 221. In the May 6, 1980, **Federal Register** (45 FR 29790), EPA approved Michigan's NSR program. The Michigan NSR program is designed to accommodate for new source growth through an emissions offset program. Rule 221 requires that any increase in emissions from a proposed new major source or major modification be offset by a greater than one-to-one decrease in emissions from another source located in the area. For proposed new sources which emit either particulate matter or sulfur dioxide, an offset must also be procured for minor new sources.

On July 28, 1980, Michigan submitted to EPA, as a SIP revision, an Amended Rule 221. Amended Rule 221 proposes to exempt certain sources of particulate matter and sulfur dioxide from the offset requirements. The sources which will be exempted are those which have allowable emissions which are less than 50 tons per year and 1,000 pounds per day. In all other respects, Amended Rule 221 is identical to the version of rule 221 approved by EPA on May 6, 1980.

On May 6, 1981, EPA approved Rule 221. EPA's approval of the offset requirement for the 50 tons/1,000 pounds per day sources was based on its determination that this requirement provided additional assurances in the TSP and SO_2 nonattainment areas that RFP would be achieved. In reviewing Amended Rule 221, EPA focused its attention on whether the rule still satisfied the RFP requirements of Section 173 of the Act. For the following reasons, EPA believes that it does. Amended Rule 221 still specifies that, for any proposed new major source or any new major modification which is located in a TSP or SO_2 nonattainment area, a minimum offset ratio of greater than one-to-one is required. Further, the Rule specifies that the offset ratio of any proposed new major source must be sufficient to ensure a net air quality benefit and RFP in the area. Although the previously approved offset requirements of Rule 221 provided additional assurances that RFP would be achieved in SO_2 and TSP nonattainment areas, EPA believes that Amended Rule 221 is sufficient to satisfy the RFP requirements of the Act. Therefore, EPA proposes to approve Amended Rule 221.

All interested persons are invited to comment on this revision to the Michigan SIP and on EPA's proposed action. Comments should be submitted to the address listed in the front of this notice. Public comments received before September 30, 1981, will be considered in EPA's final rulemaking. All comments received will be available for inspection at the Region V, Air Programs Branch,

230 South Dearborn Street, Chicago, Illinois 60604.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator, on January 27, 1981, (46 FR 8709), certified that approvals or conditional approvals issued pursuant to Sections 110 and 172 of the Act, if promulgated, would not have a significant economic impact on a substantial number of small entities. Because this proposal approves a State action taken pursuant to Section 110 of the act, it falls within this certification.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the preparation of a regulatory impact analysis. Today's action does not constitute a major regulation because it merely approves a regulation which was developed by the State. This proposed rulemaking was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: July 24, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-25660 Filed 8-28-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6128]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4.

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its won, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself is has no economic impact.

PART 67—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Rio Vista (City), Solano County	Industrial Creek	400' south of western end of runway at Rio Vista Airport.	#2
Maps available for inspection at City Engineer's Office, City Hall, 1 Main Street, Rio Vista, California.				
Send comments to the Honorable Milton Wallace, 1 Main Street, Rio Vista, California 94571.				
Massachusetts	Bedford, Town, Middlesex County	Concord River	Downstream Corporate Limits	*120
			Upstream Corporate Limits	*120
		Shawsheen River	Downstream Corporate Limits	*98

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream side of George Walsh Highway (U.S. Route 3) Southbound.	*100
			Great Road (Upstream side)	*113
			Summer Street (Upstream side)	*116
			Hanscom Airfield Access Road (Upstream side)	*118
		Elm Brook	Confluence with Shawsheen River	*111
			South Road (Upstream side)	*116
			Upstream Corporate Limits	*123
		Spring Brook	Confluence in Shawsheen River	*109
			Abandoned Bridge (Upstream side)	*114
			Upstream side of Alcott Street	*125
			Approximately 2.1 miles upstream of confluence with Shawsheen River.	*131
		Mongo Brook	Confluence with Elm Brook	*116
			Ferm Way (Upstream side)	*119
		Tributary to Mill Brook	Confluence with Mill Brook	*120
			Upstream Sweetwater Avenue	*157
	Maps [illegible] for inspection at the Town Clerk's Office, Town Hall, 16 South Street, Bedford, Massachusetts.			
	Send comments to Hon. Louise Maglione, chairperson of the Bedford Board of Selectmen, Town Hall, 16 South Street, Bedford, Massachusetts 01730.			
South Dakota	Flandreau (City), Moody County	Big Sioux River	1,000' west of the intersection of North J. Road and West Second Avenue.	*1,531
	Maps [illegible] for inspection at City Hall, 136 2nd Avenue East, Flandreau, South Dakota.			
	[illegible] comments to the Honorable Milne A. Duncan, 136 2nd Avenue East, Flandreau, South Dakota 57028.			
Virginia	Arlington County	Fourmile Run	Jefferson Davis Highway (upstream side)	*11
			Confluence of Long Branch	*16
			Shirlington Road (upstream side)	*50
			Confluence of Doctors Run	*82
			Columbia Pike (upstream side)	111
			Abandoned Railroad second crossing (upstream side)	*169
			Wilson Boulevard (upstream side)	*217
			McKinley Road (upstream side)	*246
			Upstream Corporate Limits	*260
			Approximately 2,120 feet upstream of upstream Corporate Limits.	*269
		Doctors Run	Confluence with Fourmile Run	[illegible]
			Washington Drive (upstream side)	*100
			Approximately 630' upstream of Sixteenth Street	*109
		Little Pimmit Run	Downstream Corporate Limits	*225
			Old Dominion Drive	*280
			Approximately 1,030' upstream of Little Falls Road	*306
		Little Pimmit Run Tributary	Confluence with Little Pimmit Run	*246
			37th Street North (extended)	*255
			Approximately 700' upstream 37th Street North (extended).	*271
		Long Branch (Downstream of Doctors Run).	Confluence with Fourmile Run	*16
			23rd Street South (upstream side)	*55
			Private Road (upstream side)	[illegible]
			South Rolfe Street (upstream side)	*125
		Spout Run	Spout Run Parkway first crossing (downstream side)	*20
			24th Street North (downstream side)	*90
			Lee Highway (downstream side)	*176
			North Lincoln Street (upstream side)	*220
			North Quincy Street (upstream side)	*250
			Approximately 419' upstream of North Stafford Street	*264
		Windy Run	Downstream Corporate Limits	[illegible]
			Approximately 1,060' upstream of George Washington Memorial Parkway.	*120
			Approximately 2,860' upstream of George Washington Memorial Parkway.	*170
		Long Branch (Upstream of Doctors Run).	South Harrison Street extended (upstream side)	*170
			7th Street South extended (downstream side)	*190
		Lubber Run	Confluence with Fourmile Run	*164
			Approximately 1,400' upstream of Access Road	*215
			Wilson Boulevard (upstream side)	*250
			13th Street extended (downstream side)	*276
		Gulf Branch	George Washington Memorial Parkway (upstream side)	[illegible]
			Military Road (downstream side)	*164
			North Upland Street (downstream side)	*210
			North Chestabrook Road (extended)	*230
		North Branch Donaldson Run	Confluence with Donaldson Run	*170
			31st Street North (upstream side)	*213

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground ^Elevation in feet [illegible]
		Donaldson Run	George Washington Memorial Parkway (downstream side).	*30
			North Monroe Street extended (upstream side)	*160
			Military Road (upstream side)	*170
			North Vermont Street (downstream side)	*289

Maps available for inspection at the County Court House, 1400 North Courthouse Road, Arlington, Virginia.

Send comments to Honorable W. V. Ford, County Manager of Arlington, County Court House, 1400 North Courthouse Road, Arlington, Virginia 22201.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 31, 1981.

Wallace S. Towe, Jr.,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-25239 Filed 8-28-81; 8:45 am]

BILLING CODE 6718-03-M

ACTION

45 CFR Part 1206

Grants and Contracts—Suspension and Termination and Denial of Application for Refunding

AGENCY: ACTION.

ACTION: Proposed rule.

SUMMARY: These proposed regulations revise the rules and review procedures for the denial of a current recipient's applications for refunding. These regulations are being revised to make them consistent with new fiscal and policy initiatives and to ensure the orderly phaseout of those VISTA projects which are no longer achieving the desired goals and objectives of ACTION. The changes proposed by ACTION are discussed in Supplementary Information.

DATE: Comments must be received by September 30, 1981.

ADDRESS: Send comments to Mr. Angelo Traficanti, Chief, VISTA Policy Unit, Room M–1100, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Mr. Angelo Traficanti, (800) 424–8580 or (202) 254–8320.

SUPPLEMENTARY INFORMATION:

Section 1206.2–1

This section is amended to make subpart B applicable to sponsors which receive only volunteers, in addition to those grantees and contractors which receive financial assistance. Existing language only applies to grantees and contractors receiving financial assistance under titles I, II and III of the Domestic Volunteer Service Act of 1973, as amended (title III has been repealed). The subpart is silent as to those projects which receive volunteers but do not receive grant funds. The change will bring the regulations into conformity with established Agency policy regarding VISTA Volunteers.

A provision is added to explain that the subpart does not apply to VISTA projects which have been in existence for a period of three years or more, to UYA projects which have reached the five year limit, to mini-grants or to those projects which have specific time limits established for their existence at their inception. This approach recognizes the fact that ACTION programs are not entitlement programs, and that most ACTION funded projects, except Older Americans projects have, for several years, been self-limiting in terms of duration. Therefore, the Agency is not required to provide any of these recipients an opportunity to show cause why the project should be refunded. Although technically most VISTA projects are funded for a period of approximately one year, past Agency policy was to allow projects to continue for three years, after which any application for contiuation was considered without application of denial of refunding procedures.

The rationale for this was that those aspects of a VISTA project which required Federal financial assistance could have no greater term of reasonable expectation than three years. Refusing to extend Federal financial assistance thereafter did not result in prejudice to the goals or operation of any VISTA sponsor. Some projects which warranted further funding after the third year have been continued, while those which more properly should turn to the community for support have been terminated following the third, or later, years without the application of the procedures outlined.

In light of the impending phaseout of VISTA it is unrealistic for any recipient to assume that an application for refunding will be approved by the Director.

While ACTION will continue to provide other recipients notice and an opportunity to show cause why an application for refunding should not be denied, the recipient designated in this section will not have the opportunity to submit materials or meet informally with an ACTION official. This difference in procedure is occasioned by either statutory requirements or budgetary and policy considerations.

Section 1206.2–3

This section is amended to add definitions of the terms "refunding", "financial assistance" and "assistance." These terms are defined to include the assignment and services of volunteers within the applicability of denial of refunding procedures, consistent with the amendment made to § 1206.2–1.

A definition for the term "program account" is added to avoid confusion which may arise as a result of its usage in this subpart.

Section 1206.2–4

Paragraph (a) is removed. "Field previews" and "letters of understanding" are not used by all domestic volunteer programs as part of their procedures for refunding. This revision will clarify existing refunding procedures and make them consistent in their application. The removal of paragraph (a) does not adversely affect the use of "field previews" and "letters of understanding" by those programs which choose to utilize such procedures.

In paragraph (b), examples of bases for denial of refunding procedures are removed. As presently written these examples are not broad enough in scope to encompass changes in policy and new program initiatives which are valid reasons for refusing to renew existing projects. This deletion does not preclude

the use of any of the existing examples as a basis for denial of refunding. There should, however, be no confusion regarding the authority of ACTION to also deny an application for refunding for other reasons based on Administration and Agency policy.

A provision is added to specify that although the basis for denial of refunding may also be a basis for termination it does not prevent the use of subpart B when the procedures in subpart A might also be utilized. This addition is to clarify the distinction between the two procedures, more particularly with regard to the due process requirements of subpart A. For example, the more formal termination procedures require that the recipient be offered the opportunity for a full hearing at which both ACTION and the recipient are entitled to present evidence. The denial of refunding procedures require only that the recipient be given an opportunity to meet informally with an ACTION official to show cause why its application for refunding should not be denied. Unlike termination under Part A, refusal to renew under Part B carries no implication of wrongdoing on the part of the sponsor.

Paragraph (c) is revised by the addition of a requirement that the written notice of the tentative decision to deny refunding include a date by which the recipient must request an informal meeting. This will help to avoid any confusion on the part of the recipient regarding the time period for requesting an informal meeting and prevent undue delay in the process.

Paragraph (d)—A deadline for scheduling the informal meeting is established. Existing language provides that the meeting may not be scheduled sooner than 14 days after the mailing of the notice except with the consent of the recipient. However, there is no firm cut-off date for making the request. This amendment, while providing a reasonable time for all parties to make necessary decisions or preparations for an informal meeting, also prevents undue delay in addressing the issues which form the basis for the tentative decision not to renew.

Language regarding those instances wherein the funding year lapses prior to the final decision being made is redesignated as paragraph (f) under this section. A provision is added which requires the recipient, in addition to ACTION, to continue funding during this interim period.

Paragraph (e)—A provision is added to include the Director of VISTA, or his designee, as an ACTION official who is authorized to conduct the informal meeting. Existing language limits the authority to conduct the meeting to "an ACTION official who is authorized to make the grant of assistance in question." The term "make" the grant is a technical term and unnecessarily limits the group of persons authorized to conduct the informal meeting to those who have the authority to obligate grant funds. The Director of VISTA has authority to assign volunteers to sponsors which, though not a technical obligation of funds, is the major programmatic decision in the VISTA program.

Language regarding the official who shall conduct the informal meeting in the case of a grant "* * * made by a regional official only with the concurrence of a Headquarters official * * *" is removed. The inclusion of the Director of VISTA as an ACTION official who is authorized to conduct the informal meeting eliminates the need for the exception in that provision.

In the event that the sponsor has requested an informal meeting and the project year ends prior to the final decision being made, the project will be extended to allow for the making of the final decision. During this interim period the project will be funded at the previous level by both ACTION and the sponsor. The addition of language which includes the sponsor ensures that existing financial agreements and obligations will be honored for the protection of the volunteers and other members of the community who deal with the sponsor. This revision will help to provide for either the orderly phase-out of projects which will no longer receive funding from ACTION or for the uninterrupted functioning of those projects which will continue to receive ACTION funding.

Paragraph (f)—The provision regarding "an ACTION official who participated in the tentative decision" being in attendance at the informal meeting, whenever possible, is removed. The amendment in paragraph (e) adequately provides for the attendance of an ACTION official who is knowledgeable in both the policies and procedures of the Agency and gives the flexibility necessary to facilitate the conduct of the informal meeting.

The provision regarding the location of the informal meeting is redesignated as a part of new paragraph (d).

ACTION will no longer allow the Board of Directors of the recipient to authorize funds from a current grant or contract to pay expenses for a representative of the Board to attend the informal meeting. Therefore, the provision is removed.

Paragraph (g)—The provision for forwarding "written materials submitted by the recipient to an ACTION official who is authorized to make the grant of assistance in question" is removed. While all materials will be reviewed by the deciding official the method by which this is accomplished is an "in-house" procedural matter to be determined by the Director of VISTA and is not a necessary part of these regulations.

The provision for informing the recipient of the final Agency decision is redesignated as paragraph (e).

Section 1206.2–5

As a result of the budgetary constraints placed on ACTION, the Agency will no longer pay attorney's fees and travel expenses and per diem for representatives of the sponsor to attend the informal meeting. The opportunity to appear before an ACTION official to show cause why the application for refunding should not be denied is available to the recipient as in existing regulations; however, this must be done at the recipient's expense.

Pursuant to section 3(c) 3 of E.O. 12291, entitled, "Federal Regulation" the required review process has been completed by the Director of the Office of Management and Budget.

PART 1206—GRANTS AND CONTRACTS—SUSPENSION AND TERMINATION AND DENIAL OF APPLICATION FOR REFUNDING

For the reasons set out in the preamble Subpart B of Part 1206 of Title 45 of the *Code of Federal Regulations* is proposed to be revised as follows:

* * * * *

Subpart B—Denial of Application for Refunding

Sec.

1206.2–1 Applicability of this subpart.
1206.2–2 Purpose.
1206.2–3 Definitions.
1206.2–4 Procedures.
1206.2–5 Right to counsel.

Authority: Pub. L. No. 93–113, Secs. 103(c), 402(14) and 420; 87 Stat. 397, 407 and 414; 42 U.S.C. 5042(12), 5052, 5060.

Subpart B—Denial of Application for Refunding

§ 1206.2–1 Applicability of this subpart.

(a) This subpart applies to grantees and contractors receiving financial assistance and to sponsors who receive volunteers under the Domestic Volunteer Service Act of 1973, as amended, 42 U.S.C. 4951 *et seq.*

(b) The procedures in this subpart do not apply to denials of applications for refunding of the following types:

(1) VISTA projects which have been in existence for a period of at least three years;

(2) University Year for ACTION projects which have received federal funds for five years;

(3) Minigrants;

(4) Other projects for which specific time limits with respect to federal assistance are established in the original notice of grant award or other document providing assistance, where the specified time limit has been reached.

Denials of applications for refunding of such projects may be made without providing the recipient an opportunity to show cause why the project should be refunded.

§ 1206.2-2 Purpose.

This subpart establishes rules and review procedures for the denial of a current recipient's application for refunding.

§ 1206.2-3 Definitions.

As used in this subpart, the terms "ACTION," "Director," and "recipient" shall be defined in accordance with § 1206.1-3.

As used in this subpart, the term "refunding" includes renewal of an application for the assignment of volunteers.

As used in this subpart, the terms "financial assistance" and "assistance" include the services of volunteers supported in whole or in part of ACTION funds.

As used in this subpart, the term "program account" means assistance provided by ACTION to support a particular program activity, for example VISTA, Foster Grandparent Program, Senior Companion Program and Retired Senior Volunteer Program.

§ 1206.2-4 Procedures.

(a) The procedures set forth in paragraphs (b) through (f) of this section shall apply only where an application for refunding submitted by a current recipient is rejected or is reduced to 80 percent or less of the recipient's current level of operations or where ACTION requires that a program account be eliminated or reduced to 80 percent or less of the current level of operations. It is further a condition for application of these procedures that the rejection or reduction be based on circumstances related to the particular grant or contract. These procedures do not apply to reductions based on legislative requirements, or on general policy or in instances where, regardless of a recipient's current level of operations, its application for refunding is not reduced by 20 percent or more. The fact that the basis for rejecting an application may also be a basis for termination under subpart A of this part shall not prevent the use of this subpart to the exclusion of the procedures in Subpart A.

(b) Before rejecting an application of a recipient for refunding ACTION shall notify the recipient of its intention and shall offer the recipient an opportunity to submit written material and to meet informally with an ACTION official to show cause why its application for refunding should not be rejected or reduced. Written notification of ACTION's intention shall be sent to the recipient as far in advance of the end of the recipient's current program year or grant budget period as possible. The notice shall inform the recipient that a tentative decision has been made to reject or reduce an application for refunding. The notice shall state the reasons for the tentative decision to which the recipient shall address itself if it wishes to make a presentation, and notify the recipient of the date by which it must request an informal meeting.

(c) If the recipient requests an informal meeting with an ACTION official as described in paragraph (b) of this section, such a meeting shall be held on a date specified by ACTION. However, the meeting may not, without the consent of the recipient, be scheduled sooner than 14 days after ACTION has mailed the notice to the recipient or, in any event more than 21 days after the mailing of the notice. If the recipient requests an informal meeting the meeting shall be scheduled by ACTION as soon as possible after receipt of the request.

(d) The official who shall conduct this meeting shall be an ACTION official who is authorized to finally approve or make the grant of assistance in question, or his designee. The meeting shall be held in the city or county in which the recipient is located, in the appropriate Regional Office, or another appropriate location. Within the limits stated in the preceding sentence, the decision as to where the meeting shall be held will be made by ACTION.

(e) The recipient shall be informed of the final Agency decision on refunding and the basis for the decision, by the deciding official.

(f) If the recipient's budget period expires prior to the final decision by the deciding official, the recipient's authority to continue program operations shall be extended until such decision is made and communicated to the recipient. If a volunteer's term of service expires after receipt by a recipient of a tentative decision not to refund a project the period of service of the volunteer may be similarly extended. No volunteers may be reenrolled, or new volunteers enrolled, for a period of service while a tentative decision not to refund is pending. If program operations are so extended, ACTION and the recipient shall provide, subject to the availability of funds, operating funds at the same levels as in the previous budget period to continue program operations.

§ 1206.2-5 Right to counsel.

In all proceedings under this subpart, whether formal or informal, the recipient and ACTION shall have the right to be represented by counsel or other authorized representatives, at their own expense.

Signed at Washington, D.C., this 11th day of August 1981.

Thomas W. Pauken,

Director.

[FR Doc. 81-25388 Filed 8-28-81; 8:45 am]

BILLING CODE 6050-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen. Docket No. 81-463; RM-3815; FCC 81-321]

Operation of Computing Equipment Prior to Certification or Verification

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice proposes to amend the Commission's marketing requirements to permit operation of computing devices before equipment authorization during the preproduction or development process. Current regulations prohibit operation of equipment until FCC compliance is achieved. This Order will permit certain equipment development practices to occur unimpeded by the FCC marketing requirements.

DATES: Comments due October 2, 1981. Reply comments due October 19, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Herman Garlan, Office of Science and Technology, Washington, DC 20554, (202) 653-8247, Room 8302.

SUPPLEMENTARY INFORMATION:

Adopted: July 16, 1981.

Released: August 20, 1981.

By the Commission: Commissioner Dawson abstaining from voting.

1. The Commission has before it a petition for relief filed on December 8, 1980 by the Computer and Business Equipment Association (CBEMA). This petition is treated as a petition for rule making and was put on public notice on December 31, 1980.[1] Comments were received from Honeywell Inc., Sperry Univac Division of Sperry Corp., M/A Com Laboratories Inc. and Stern Electronics Inc.[2] Reply comments were received from CBEMA.

2. All the comments support the CBEMA request. In addition, Stern asks that the same relief, namely operation prior to a final determination of compliance be extended to the manufacturers of coin-operated electronic games. Because the Stern comment raises new problems and goes beyond the matters discussed by CBEMA, Sperry, Honeywell and M/A Com, it is discussed separately at paragraph 10.

3. The petition asks for a further relaxation of the marketing rules—specifically, authority to operate computing equipment during the conceptual development, design and preproduction steps of their development and for demonstration to prospective customers. CBEMA argues that the wording of Section 2.806(c) could be construed to severely inhibit current development practices of the industry. While such a prohibition may be suitable for such small, self contained computers that fall into the category of personal computers, it is entirely unsuitable when applied to the larger Class A computing equipments many of which involve a high degree of customization.

4. CBEMA acknowledges that the Commission has sought to meet the needs of industry, first when it promulgated § 2.805(b) in the *First Report and Order* in Docket 20780 [3] and later when it withdrew § 2.805(b) and in its place promulgated § 2.806 in the *Order Granting in Part Reconsideration.*[4] Section 2.806 permits industry to offer for sale new designs prior to a determination of compliance. It also permits the shipment of new equipment to the user's site provided the manufacturer assumes the responsibility for testing and bringing the equipment into compliance prior to placing such equipment into regular operation.

5. These actions, according to CBEMA, only meet in part the Commission's stated intention not to permit its marketing rules to disrupt industry marketing practice. The new § 2.806, according to CBEMA, still has two basic shortcomings. One deals with the situation in the manufacturer's showroom or at a trade show. Industry marketing practice requires that the equipment be operated to demonstrate its capabilities and features to prospective customers.

6. The second shortcoming deals with operation during the conceptual, development, design or preproduction stage. CBEMA explains that finalizing a design particularly in the larger Class A computers which almost invariably involve a considerable degree of customization, is an interactive process between the computer manufacturer and the customer. That before the design is committed to full production both the customer and the manufacturer must be satisfied that the equipment will be acceptable. A significant aspect of this process, CBEMA points out, is operating preproduction units not only at the computer manufacturer's plant but also at the customer's premises so that the computer can be evaluated by the customer in a real world situation.

7. The Sperry, Honeywell, and M/A Com comments strongly support the need to revise § 2.806(c) to permit operation prior to a final determination of compliance both at the manufacturer's plant and on the customer's premises while the equipment is under development and for demonstrations to prospective customers. Sperry says

> The need for customer site testing . . . occurs relatively infrequently. When such testing is required, there is absolutely no substitute method available. (Page 2)

Sperry points out the prohibitive cost of determining compliance after each individual design change. Moreover, such customer site testing will not create any significant potential for actual interference. Two factors operate to minimize the interference problem. The coast of customer site testing is very high so that the instances of customer site testing are severely limited. Secondly, because of the high cost there is a financial incentive to terminate the customer site test as soon as possible.

8. Honeywell elaborates on the CBEMA argument for operating authority during the development of the equipment. The industry is characterized by a high degree of manufacturer/user interaction which takes two forms: operating demonstrations at the manufacturer's facilities and at trade shows, and user test site evaluation. Both practices are essential to enable the manufacturer to obtain the necessary user evaluation of product acceptability in terms of functionality, availability, failure rates, repair rates, ease of use, price/performance, etc.

9. M/A Com points out that the proscription against operation during development apparently imposed by Section 2.806(c) would cause time delays, increase development costs and inhibit technological innovation without any countervailing benefits to the public. While these delays may be justified for Part 15 compliance testing in order to protect the public from RF interference that may be produced by products fabricated in high volume, that is no justification for imposing these delays and costs on low volume preproduction prototype.

Stern Electronics Inc. Comments

10. Stern Electronics has described itself as a privately held corporation whose principal business is the manufacture and sale of coin-operated electronic games.[5 6] Stern supports the CBEMA petition for relief. It recognizes that this petition was filed on behalf of manufacturers of electronic data processing equipment, but believes that many of the factors discussed in the CBEMA petition are also applicable to the coin-operated electronic game industry. In its comment, Stern asks that the relief requested by CBEMA for Class A computers also be extended to coin-operated electronic games.

11. Stern points out that its business as well as that of other manufacturers of coin-operated electronic games depend primarily upon providing games that appeal to the persons who pay for playing the games. To avoid boredom, it is essential that these games be changed frequently. Typically, the popularity of a game decreases after it has been in the field for 3 to 6 months and a new game must then be provided. Stern stresses again and again the short life span of a coin-operated game. At the same time it stresses the speed with which manufacturers develop and place into use a new game. (Stern comment paragraph 4–5).[7]

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[1] FCC Report No. 1284 dated December 31, 1980.

[2] This comment was received late and was accompanied by a request to accept a late filing. This request is granted.

[3] *First Report and Order* in Docket 20780; 44 FR 59630 (October 16, 1979) at paragraph 32 et seq.

[4] *Order Granting in Part Reconsideration* in Docket 20780; 45 FR 24154 (April 9, 1980) at paragraph 66 et seq.

[5] See *Petition for Extension of Effective Date* filed September 12, 1980. This petition asked for a waiver of Section 15.834(a)—date when certification is required for coin-operated electronic games and was granted on December 4, 1980 (FCC 80–706).

[6] See Comment in Support of RM–3736 and RM–3789 filed December 10, 1980.

[7] See also footnote 5 at paragraph 6 and footnote 6, *supra*.

Discussion

12. The Commission is persuaded by the CBEMA, Sperry, Honeywell and M/A Com argument to permit operation during the developmental process both at the manufacturer's facilities and at the users premises. We are proposing to amend Section 2.806(c) to this end and the revised text we are proposing is set out in the Appendix.

13. The proposed amendment to § 2.806(c) sets out three circumstances under which computing equipment may be operated prior to a final determination of compliance. Subparagraph (1) continues the authorization previously granted to operate for the purpose of compliance testing. This regulation would also permit operation for demonstration at a trade show in recognition that this is an essential part of current industry marketing practice. Such authorization would be subject to the proviso that the prospective customer is advised in advance that the equipment is subject to compliance prior to sale or shipment.

14. We are also proposing to permit operation at the manufacturer's facilities as a further recognition that this is a part of industry marketing and testing practice. See subparagraph (2) of the proposed amendment. Insofar as the request for permission to operate at the user's premises during the developmental process, we are persuaded by the Sperry argument that this is not a frequent occurrence and are proposing to allow such operation for large, one of a kind, computing devices. See Subparagraph (3) of the proposed amendment.

15. With respect to coin-operated electronic games, we can't accept the Stern argument in its entirety and we are proposing to grant the Stern request in part only. We are proposing to authorize operation for all computing equipment [8] for demonstration at a trade show prior to final determination of compliance. We are also proposing to permit operation at the manufacturer's facilities prior to final determination of compliance. However, with respect to operating at the user's premises, we are proposing to limit such operation to large computing equipment which can only be effectively evaluated at the user's premises. (See subparagraph (3) of the proposed amendment.)

16. In contrast to the large computer for which the relaxation in subparagraph (3) is proposed, the coin-operated electronic game is neither large nor uniquely one of a kind. To the contrary, the coin-operated electronic game is mass produced in quantity and lends itself readily to measurement on a test site. Moreover as stated by the petitioner, the life of a coin-operated electronic game at the customer's premises is typically 3–6 months after which the game must be replaced in order to maintain customer interest (Stern comment paragraph 2). In these circumstances, authorizing operation at the user's premises prior to final determination of compliance by the manufacturer will, in our opinion, vitiate the compliance program. In this connection, it should be noted that in a companion item [9] we are proposing the reclassify these games from Class B computing equipment to Class A computing equipment. This change carries with it a change from certification to verification. Under verification, a final determination of compliance is made by the manufacturer. In these circumstances, the coin-operated electronic game can be verified as fast as the manufacturer is prepared to move and eliminates any delay that may be involved in the Commission responding to an application for certification, since no filing with the Commission is required under verification.

17. There is no evidence in the Stern comment that the game would be modified during the player evaluation process. Nor is there any evidence that the game manufacturer will assume the cost of operating the game during the player evaluation as the electronic data processing equipment does (Sperry page 3). On the contrary, the Stern comment conveys the impression that a pilot production run of the games will be made after which they will be put out for player evaluation. If the evaluation is not satisfactory, the game will not go into production and a new game developed. This procedure is considerably different than the one described by CBEMA, Sperry, etc. with respect to electronic data processing equipment.

18. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq*, the Commission issues the following initial regulatory flexibility analysis:

I. Reason for Action

It appears that permitting the operation of computing equipment prior to final determination of compliance (as proposed in this Notice) will not pose a significant threat of interference. If this assumption is correct, the proposed action will relieve manufacturer's of an economic burden and will assist manufacturer's effort to promote and sell their computer products.

II. Objective

To permit operation of computing equipment prior to final determination of compliance as an aid to marketing and development of customized computing equipment.

III. Legal basis

The legal basis for the FCC to promulgate regulations governing the RF interference potential of equipment is contained in 47 U.S.C. 302(a).

IV. Entities Affected; Nature of Economic Impact; Significant Alternatives

The rules proposed in this Notice would relieve a regulatory burden on all manufacturers of computing devices. In the Commission's view, this would have an economically beneficial effect on these manufacturers in that it will facilitate the marketing of these computers. For manufacturers of these products the economic impact in complying will not change, as no new reporting, recordkeeping or other compliance requirements are being proposed.

We currently do not know exactly how many small businesses will be included among these firms manufacturing products remaining subject to FCC regulations. Affected parties are invited to submit comments on these points.

At this time we cannot perceive any significant alternative compliance schemes for the products that will continue to be regulated which will minimize the interference generated by those products to acceptable levels.

V. Recording, Recordkeeping, and Other Compliance Requirements; None

Procedural Matters

19. *Who should file comments?* We urge the viewing public, television equipment manufacturers, broadcasters, and all other interested parties to participate in this proceeding. You may participate by sending information and opinions that are revelant to the questions raised in this Notice.

[8] We are extending this proposal beyond coin-operated electronic games to all computing devices on the basis of informal information that manufacturers of all Class B computing devices were prepared to seek the same relaxation.

[9] In response to petitions for rule making RM–3837 filed by Williams Electronics Inc., August 7, 1980, and RM–3789 filed by Atari Inc., October 24, 1980, the Commission instituted a rule making proceeding in Gen. Docket 81–462: In the matter of amendment of Part 15 Subpart J to reclassify coin-operated electronic games from Class B to Class A computing devices, adopted July 16, 1981; released August 27, 1981.

20. *How comments should be prepared.* Your comments must clearly show this docket number "General Docket No. ," at the top of the first page. Please label your responses so that it will be clear whether you are addressing a specific proposed rule change or a more general issue. If your comments are general, and not related to a specific rule change, please state the issue being addressed.

21. *How many copies should be sent?* Section 1.419 of the Rules requires that you file the original and five copies of your comments. If you want each Commissioner to receive a personal copy of your comments, you should include 6 additional copies. The FCC will fully consider all comments, even if only the original is filed.

22. *Where to send comments.* Send your comments to: Secretary, Federal Communications Commission, Washington, D.C. 20554.

23. *How to see the comments of other parties.* All comments will be available for public inspection in the FCC Dockets Reference Room, Room 239, 1919 M Street N.W., Washington, D.C. The FCC is open weekdays between 8:00 A.M. and 5:30 P.M. You can reply to comments submitted by another party by following the same procedure as you do for commenting.

24. *Deadline for filing Comments.* Comments must be received by October 2, 1981. You are encouraged to submit a one-page summary of your comments at the time you file. Reply comments are due by October 19, 1981.

25. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of Commission procedures governing *ex parte* presentations in informal rule making is available from the Consumer Assistance and Information Division, FCC, Washington, D.C. 20554.

26. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis of the expected impact of these proposed policies and rules on small entities. The initial analysis is set forth in paragraph 18. Written public comments are requested on the initial analysis. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601, et seq.).

27. This action is taken pursuant to the authority contained in Sections 4(i) 302, 303(f), (g), and (r) and 403 of the Communications Act as amended. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. The contact person for further information regarding this proceeding is Herman Garlan (202) 653-8247.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix A

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Section 2.806 is proposed to be amended by revising paragraph (c) to read as follows:

§ 2.806 Exemption for a computing device.

* * * * *

(c) A computing equipment subject to the provisions of Part 15 of this chapter, may be operated prior to a determination of compliance only under the following conditions:

(1) Any computing device may be operated for the purpose of compliance testing, or for demonstrations at a trade show as a part of the marketing process, provided the prospective buyer is advised in writing that the device is subject to complying with the appropriate rules before sale.

(2) A computing device, may be operated at the manufacturer's facilities during developmental, design or preproduction stages for evaluation of product performance and determination of customer acceptability.

(3) Where customer acceptability of a computing device cannot be determined at the manufacturer's premises because of size or unique capability of the computing device, such device may be operated at the user's site during developmental, design or preproduction stages for evaluation of product performance and determination of customer acceptability.

[FR Doc. 81-25298 Filed 8-28-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-579; RM-3818]

FM Broadcast Station in Palm Springs, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 203A to Palm Springs, California, as its first noncommercial FM assignment, in response to a petition filed by Riverside County Schools.

DATES: Comments must be filed on or before October 20, 1981, and reply

comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.504(a), *Table of Assignments,* Noncommercial Educational FM Broadcast Stations (Palm Springs, California), BC Docket No. 81-579, RM-3818.

Adopted: August 14, 1981.

Released: August 25, 1981.

1. The Commission herein considers a petition for rule making [1] filed by Riverside County Schools ("petitioner"),[2] which seeks the assignment of Channel 203A to Palm Springs, California, as its first noncommercial educational FM assignment. Petitioner states that it will apply for the channel, if assigned. No responses to the petition have been received.

2. Palm Springs (population 20,939),[3] in Riverside County (population 459,074), is located approximately 160 kilometers (100 miles) east of Los Angeles, California. It is served locally by full-time AM Stations KCMJ, KDES, and KPSI and FM stations KDES (Channel 284), KPSI (Channel 265A), unused Channel 291 (applications pending) and KPSH (10 watt Class D station) licensed to petitioner.

3. Petitioner claims that Palm Springs, the largest city in the desert region of Riverside County, is primarily a resort community. It has a large seasonal population, and the community and the surrounding area is said to have been growing at a rapid rate during the past ten years. Riverside further states that the Class A assignment would serve the needs of the area's fast growing educational interests and population and the proposal would be consistent with the Commission's policy of upgrading Class D stations to Class A facilities (§ 73.512 of the rules).

4. Since Palm Springs, California, is located within 320 kilometers (199 miles) of the U.S.-Mexico border, the proposed assignment requires concurrence of the Mexico Government.

5. In view of the fact that the proposed assignment could provide a first noncommercial educational FM service to Palm Springs, while maintaining our policy of upgrading 10 watt Class D stations to Class A stations, the Commission believes it appropriate to propose amending the Noncommercial Educational FR Table of Assignments (§ 73.504(a) of the Commission's Rules) with regard to the following community:

City	Channel No.	
	Present	Proposed
Palm Springs, California		203A.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.*

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-579; RM-3818]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's

[1] *Public Notice* of the petition was given on January 27, 1981, Report No. 1267.

[2] Petitioner is licensee of Station KPSH, currently operating as a Class D 10 watt station (Channel xx).

[3] Population figures are taken from the 1980 U.S. Census, unless otherwise indicated.

Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-25294 Filed 8-28-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-581; RM-3825 & RM-3843]

FM Broadcast Station in Williston and Micanopy, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 221A to Williston, Florida, and FM Channel 249A to Micanopy, Florida, in response to petitions for rule making filed by Wanda N. Denny and Charles T. Woods, respectively. Both of these communities are presently without local aural broadcast service.

DATES: Comments must be filed on or before October 20, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Williston and Micanopy, Florida, BC Docket No. 81-581, RM-3825, RM-3843.

Adopted: August 18, 1981.

Released: August 25, 1981.

1. Before the Commission are two separate petitions for rule making. Wanda N. Denny ("Denny") has requested the assignment of FM Channel 249A to Williston, Florida.[1] Charles T. Woods, ("Woods") has filed for the assignment of Channel 249A to Micanopy, Florida.[2] The assignment of Channel 249A to Williston can be made in compliance with the minimum distance separation requirements of Section 73.207 of the Rules. The assignment of 249A to Micanopy can be made to comply with a site restriction of .8 miles southwest of the city. Both Denny and Woods have stated that they will apply for the channel, if assigned.

[1] Public Notice of the petition was given on January 27, 1981, Report No. 1287.

[2] Public Notice of the petition was given on March 9, 1981, Report No. 1273.

2. *Community Data.* (a) Williston (population 2,240) [3] is located in Levy County (population 19,870) approximately 152 kilometers (95 miles) north of Tampa.

(b) Micanopy (population 737) is located in Alachua County (population 151,348) approximately 17 kilometers (11 miles) from Gainesville, Florida.

(c) Presently, neither Williston nor Micanopy has any local aural broadcast service.

3. Since the distance between Williston and Micanopy is only 13 miles and 65 miles is required for co-channel Class A channels, the two proposals are mutually exclusive.

4. A staff study shows that there are no other drop-in channels available to Micanopy. However, Channel 221A is available for assignment to Williston with a site restriction of approximately 7 miles west-northwest of the community. Any interest in this channel should include a showing that a transmitter located at this distance can provide the required 70 dBu signal over the city. We shall propose Channel 221A for Williston so that an FM assignment may be made to both communities.

5. Sufficient information has been submitted to justify assignment of a first FM channel to either community.

6. In view of the above, we find it in the public interest to explore the following amendment to the FM Table of Assignments, § 73.202(b) of the Commission's rules, for the communities below as follows:

City	Channel No.	
	Present	Proposed
Micanopy, Florida		249A
Williston, Florida		221A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

[3] Population figures are taken from the 1980 U.S. Census.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-581; RMs-3825 and 3843]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comment in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than

that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-26286 Filed 8-28-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-580; RM-3863]

FM Broadcast Station in Fairfield, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 221A to Fairfield, Texas, as that community's first FM channel. This action is in response to a petition filed by Freestone Broadcasting Company.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Fairfield, Texas), BC Docket No. 81-580, RM-3863.

Adopted: August 17, 1981.

Released: August 25, 1981.

1. *Petitioner, proposal, comments.* (a) A Petition for rulemaking [1] was filed by Freestone Broadcasting Company ("petitioner"), proposing the assignment of FM Channel 221A to Fairfield, Texas, as that community's first FM assignment. No comments opposing the assignment have been filed.

(b) The proposed channel can be assigned to Fairfield in compliance with the minimum distance separation requirements.

(c) The petitioner has stated its intent to file for the channel, if assigned.

2. *Demographic Data.*—(a) *Location.* Fairfield, the seat of Freestone County, is located approximately 132 kilometers (83 miles) southeast of Dallas, Texas.

(b) *Population.* Fairfield—3,505 [2] Freestone County—14,830.

(c) *Present Aural Service.* Neither Fairfield nor any other community in Freestone County has any broadcast station or channel assignment.

3. According to the petitioner, Fairfield's 1979 population was 4,200. The major employers of Fairfield include Texas Utilities Generating Company, Dow Chemical Company and Prince Fashions.

4. In light of the above, the Commission finds it in the public interest to explore the following amendment to the FM Table of Assignments, § 73.202(b) of the Commission's rules.

City	Channel No.	
	Present	Proposed
Fairfield, Texas		221A

5. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules.

[1] Public Notice of petition was given on March 27, 1981, Report No. 1277.

[2] Population figures are taken from the 1980 U.S. Census, unless otherwise indicated.

See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-580 RM-3863]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments

herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M street, N.W., Washington, D.C.

[FR Doc. 81-25292 Filed 8-28-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-578; RM-3895]

Television Broadcast Station Alvin, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposed to assign UHF television Channel 67 to Alvin, Texas, in response to a petition filed by David Eugene Brown. The assignment could provide Alvin with its first local television service.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), *Table for Assignments,* Television Broadcast Stations (Alvin, Texas), BC Docket No. 81-578, RM-3895.

Adopted: August 17, 1981.

Released: August 25, 1981.

1. David Eugene Brown ("petitioner") has filed a petition for rule making [1] seeking assignment of UHF television Channel 61 [2] to Alvin, Texas, as that community's first television assignment. The assignment as modified below (see footnote 2, *supra*), could be made in compliance with the minimum distance separation requirements of § 73.610 of the Commission's rules. An opposition to the proposal was filed by the K-RAM Corporation, to which the petitioner did not respond.

2. Alvin (population 10,671),[3] in Brazoria County (population 108,312), is located approximately 40 kilometers (25 miles) south of Houston.

3. While the proponent indicates that Alvin presently is devoid of any local television service and states there is a need for such, he has failed to set forth in the proposal required demographic and economic information with respect to Alvin to demonstrate the actual need for the proposed assignment. Therefore, petitioner should supply this date by the date established herein for filing comments, together with his stated commitment to apply for the channel, if it is assigned to Alvin.

4. In order to give further consideration to the request, the Commission proposes to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Alvin, Texas		67

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. *See,* Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303.))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-578 RM-3895]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denail of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in

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[1] *Public Notice* of the petition was given on May 20, 1981 (Report No. 1287).

[2] A proposal to assign Channel 61 to Houston, Texas, was filed by the K-RAM Corporation in RM-3814, and, in order to avoid a conflict, a staff study was undertaken and a determination made that Channel 67 may be assigned to Alvin, in lieu of Channel 61, thus allowing the individual consideration of the two proposals.

[3] Population figures are extracted from the 1970 U.S. Census.

reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters. 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25206 Filed 8-28-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-566; RM-3868]

FM Broadcast Station in Fairmont, West Virginia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: This action proposes the assignment of FM Channel 232A to Fairmont, West Virginia, as that community's second FM assignment. This action is in response to a petition filed by J. Robert Hanway.

DATE: Comments must be filed on or before October 19, 1981 and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Fairmont, West Virginia), BC Docket No. 81-566, RM-3868.

Adopted: August 11, 1981.

Released: August 26, 1981.

1. *Petitioner, proposal, comments.* (a) A petition for rulemaking [1] was filed by J. Robert Hanway ("petitioner") proposing the assignment of Channel 232A to Fairmont, West Virginia. Comments opposing the assignment were filed by Earl Judy, Jr., licensee of Station WFGM(FM), Fairmont. Reply comments were submitted by the petitioner.

(b) The proposed channel can be assigned to Fairmont in compliance with the minimum distance separation requirements with a site restriction of 1.2 miles west of Fairmont.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Demographic Data*—(a) *Location.* Fairmont, the seat of Marion County, is located approximately 24 kilometers (15 miles) southwest of Morgantown, West Virginia.

(b) *Population.* Fairmont—26,093,[2] Marion County—61,356.

(c) *Present Aural Broadcast Service.* Fairmont is currently served by two full-time AM stations and by FM Station WFGM (Channel 250).

3. *Economic Considerations.* According to the petitioner, the population of Marion County, based on preliminary 1980 figures, has increased from 61,356 in 1970 to 63,976 in 1980, a 4.3% increase. Petitioner also claims that Fairmont, the largest city in Marion County, serves as "the hub of economic activity" for the county.

4. *Preclusion Study.* Petitioner failed to submit a preclusion study showing the area precluded from the use of Channel 232A by its assignment to Fairmont. He should do so in his comments. Petitioner should also submit a list of alternate channels available to precluded communities of greater than 1,000 population.

5. In its opposition, Judy recites a history of FM assignments to Fairmont, noting that the Commission deemed it inappropriate to assign Class A channels on two occasions. In 1965, the Commission replaced a Class A channel with a Class B channel. Due to the rugged terrain, a Class A station's coverage area is limited and thus is at a disadvantage with other stations operating in the area. Later, in 1976, another Class A channel was deleted from Fairmont and reassigned to Waynesburg, Pennsylvania, where an interest was expressed for its use. The decision in that case also noted that the deletion of the Class A station terminated an undesirable intermixture situation. Finally, Judy argues that Fairmont is already well served by several other area stations in addition to its own local station.

6. In reply, petitioner asserts that Judy's opposition is merely an attmept to delay competition. Past decisions which deleted Class A channels from Fairmont were based on the lack of interest in a Class A station until now, according to petitioner. However, we are told, intermixture is only undesirable in this type of situation to the extent that potential applicants are discouraged from applying to operate a Class A station. Petitioner emphasizes that he is interested in operating a Class A station at Fairmont and that fact provides the basis for the present assignment. Petitioner states that it finds the surrounding terrain to present no obstacle to its proposed Class A station.

7. Although the Commission has been concerned with intermixture at Fairmont in the past, the primary basis for deleting the two original Class A channels was the lack of interest, particularly where the channels could be used elsewhere. As long as there is an expressed interest in operating a Class A station in competition with an existing Class B operation, our policy is to permit the intermixture. Our previous description of the intermixture as undesirable refers to the fact that potential applicants would be discouraged in competing with an existing Class B station. However, the risk of operating a non-profitable station is entirely that of the potential applicant for a Class A station. We see no potential harm to the public interest in such a situation, only potential benefits.

8. Since Fairmont is within 402 kilometers (250 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

9. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as to Fairmont, West Virginia, as follows:

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[1] *Public Notice* of the petition was given on April 7, 1981, Report No. 1279.

[2] Population data are taken from the 1970 U.S. Census.

City	Channel No. Present	Channel No. Proposed
Fairmont, West Virginia	250	232A, 250.

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket Nos. 81–566, RM–3868]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–25293 Filed 8–28–81; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Battery Explosions; Termination of Rulemaking

AGENCY: National Highway Traffic Safey Administration (NHTSA), DOT.

ACTION: Notice of termination of rulemaking.

SUMMARY: This notice terminates the NHTSA rulemaking proceeding concerning battery explosions. Since NHTSA began studying the problem of battery safety, significant changes have taken place in the design of motor vehicle batteries. The vast majority of batteries produced today are "maintenance-free," and include flame attenuator devices. Customer expectations are thus now tending to drive such changes as the agency was considering requiring, and these market forces are expected to result in safety benefits similar to those which rulemaking would achieve. Since the industry has moved toward such safer battery designs, and since sales competition is now maintaining acceptable levels of performance, the agency has determined that it is unnecessary to continue rulemaking in this area.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Kaehn, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–1351).

SUPPLEMENTARY INFORMATION: In January 1977, the Consumer Product Safety Commission (CPSC) requested the National Highway Traffic Safety Administration to investigate injuries resulting from the explosion of motor vehicle batteries and to develop performance requirements to reduce the incidence of such explosions. The CPSC submitted an analysis prepared by its Bureau of Epidemiology's National Electronic Injury Surveillance System (NEISS) concerning battery-related accidents in 1976. That study indicated that there are approximately 10,000 battery-related injuries treated each year in hospital emergency rooms.

In response to that request, NHTSA studied the problem of battery explosions in a variety of ways. For example, the agency commissioned the Society of Automotive Engineers (SAE)

to undertake a research project concerning battery explosions. That study indicated, among other things that over 70 percent of the ignition sources leading to battery explosions start outside the battery. The agency considered establishing performance requirements and labelling requirements to reduce the incidence of battery explosions.

Since NHTSA began examining the problems of battery safety, however, significant changes have taken place in the design of batteries. Many companies now produce what are known as "maintenance-free" batteries. While that term defies precise definition since it is used for a variety of types of batteries, in many cases it is used to describe batteries which are sealed to the extent that water cannot be added. (No motor vehicle batteries can be completely sealed since there is a need to vent the gases produced by electrolysis.) Also, many manufacturers began producing a significant number of batteries whose vents contain flame attenuator devices.

Today, the vast majority of motor vehicle batteries produced are "maintenance-free" and contain flame attenuator devices. Because of these major changes in the design of batteries, which are expected to produce safety benefits, the agency has determined that it is no longer necessary to pursue this rulemaking proceeding. Indeed, it is likely that had the agency established performance requirements in this area, they would have required changes in battery design similar to those adopted voluntarily by many manufacturers. The agency does not consider it necessary to establish labelling requirements at this time since the CPSC currently requires a warning label on all wet-cell storage batteries, i.e., the type of battery used in motor vehicles.

The agency will continue to monitor any incidence of possible battery explosions to evaluate the safety assurance of the new types of batteries that are now being produced.

For the foregoing reasons, the NHTSA rulemaking proceeding concerning battery explosions is terminated.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: August 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–25199 Filed 8–28–81; 8:45 am]

BILLING CODE 4910–59–M

49 CFR Part 571

[Docket No. 81–11; Notice 1]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of request for comments.

SUMMARY: The purpose of this notice is to ask for comments whether the National Highway Traffic Safety Administration should propose amendments to Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment,* to specify performance requirements and test procedures for aerodynamically designed headlamp systems, lightweight headlamp systems, increased candlepower output on the lower beam, and standardization of sizes of motorcycle headlamps.

The purpose of the notice is to investigate means that would improve fuel economy, at no expense to safety, enhance the safety of driving at night and under conditions of reduced visibility, and to insure an adequate supply of motorcycle headlamps for replacement purposes.

DATE: Comment closing date: November 30, 1981.

ADDRESS: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (Docket hours 8:00 a.m. to 4:00 p.m.)

FOR FURTHER INFORMATION CONTACT: Marx Elliott, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–426–1714).

SUPPLEMENTARY INFORMATION: On October 18, 1979, NHTSA denied the petition of Wagner Electric Corp. to allow an alternative vehicle headlighting system (44 FR 60194) noting, however, that it raised the possibility that use of smaller headlamp systems could contribute to improved fuel economy through reduction in weight and a more efficient aerodynamic vehicle design. The agency expressed its interest in exploring the possibility and announced its intent to issue a notice soliciting comments on alternative headlamp systems and appropriate photometrics. This is the basis of the present notice.

The notice also explores the possibility of an improved beam pattern on the low beam in the interests of international harmonization of standards. Finally, comments are requested on the issue of replacement headlamps for motorcycles.

Behind this Notice lies the continuing agency participation with such international groups as the International Standards Organization (ISO) and the Group of Rapporteurs on Lighting and Light Signalling (GRE) of the Economic Commission for Europe in a cooperative effort to standardize motor vehicle lighting systems. A primary goal of these groups is to remove unnecessary differences between countries that tend to serve as barriers to international trade. With the increasing trend towards international harmonization, both domestic and foreign manufacturers are advocating a new look at automotive headlighting. One impetus to an exploration of new headlighting concepts is the possibility that fuel economy could be enhanced by lighter weight headlamps and/or lessened wind resistance resulting from redesigning front ends incorporating headlamps of new designs.

Specifically, headlamps with contoured lenses mounted flush with the fenders have been used for many years on European automobiles. Such an aerodynamic design can reduce air drag, thereby improving the fuel efficiency of vehicles. In order to permit manufacturers to take full advantage of such a concept, the Federal lighting standard would have to be amended to allow headlamps of different shapes, angles and positions. Moreover, the European headlamps are not hermetically sealed and the latest data available, that covering vehicle inspection in 1979 in Germany, shows a deplorable increase in rejections for dull, corroded, and damaged headlamp reflectors; for example, in vehicles 2 years of age or less, rejections in 1979 increased almost 100 percent over 1970. Thus, the agency does not contemplate allowing other than sealed headlamps unless an acceptable corrosion test can be developed by industry.

Questions for which the agency seeks specific comments are:

1. A comparison of coefficients of drag between European automobiles with aerodynamic headlamp systems and European automobiles marketed with headlamp systems meeting Standard No. 108 (e.g., British Ford Escort/U.S. Ford Escort; Mercedes 500 SEL/Mercedes 380 SEL; British Rover/ U.S. Rover; French Peugeot 505/U.S. Peugeot 505). This agency is interested in wind tunnel test data or other engineering design data which relates to different headlamp configurations.

2. Means, other than by hermetic seal, by which headlamp reflector resistance

to corrosion can be assured and demonstrated.

3. The effect of proliferation upon the ability of European motorists to obtain a replacement headlamp, including cost factors attributable to lack of standardization.

A different path towards improved fuel economy may lie in plastic headlamps of currently acceptable dimensions, such as those made from polycarbonate. This material, which has one-third the weight of an equivalent amount of glass, can reduce the total weight of a four-headlamp system by up to 3 pounds. Plastic in general, however, do not offer the same resistance as glass to abrasion, chemicals, and distortion due to heat build up within the headlamp.

Questions for which the agency seeks specific comments are:

1. Test specifications appropriate for plastic headlamps to demonstrate,

a. resistance to abrasion,

b. resistance to chemicals,

c. resistance to distortion due to excessive heat build up.

d. relative cost factors associated with substitution of plastic for glass for weight reduction.

An additional approach to reducing weight and front end resistance would be the allowance of headlamps smaller than currently permitted, such as the two-lamp rectangular system covered by the Wagner petition, in which the lamps are identical in size to those used in a four-lamp rectangular system. The agency is willing to allow smaller headlamps as long as photometrics are adequately maintained and proliferation does not become a problem. NHTSA envisions the possible phase-out of headlamp types and sizes of lesser interest, while maintaining adequate provision for the replacement market, so that the number of systems available would continue to be limited.

Questions for which the agency seeks specific comments are:

1. The practicality of downsizing headlamps to reduce weight and improve fuel economy.

2. Photometrics appropriate for smaller headlamps.

3. Identification of existing headlamp systems which could be candidates for phase out.

The agency is also interested in improving existing headlamp systems through possible different beam patterns and increased candlepower on the lower beam. (The maximum permissible candlepower on the upper beam was doubled by an amendment to Standard No. 108 in 1978.) An improved beam pattern could combine both European and U.S. practices.

The agency seeks specific comments on appropriate new performance requirements for light intensity and light distribution for headlamp systems in the lower beam mode in order to provide drivers with better visibility without increasing glare that is uncomfortable or unsafe to other users of the roadway.

NHTSA is also interested in improvements in motorcycle headlighting. Standard No. 108 currently requires a motorcycle to have one headlamp but allows that lamp to be unsealed and of any size. The lack of seal allows disassembly of the lamp for immediate bulb replacement, an important factor when a vehicle has only one headlamp, but it also permits corrosion of the reflector. At least one European manufacturer has developed a headlamp that is sealed but whose design is such that the bulb may be replaced without disturbing the seal. Improved photometrics may be needed, as well as new methods of headlamp mounting and wiring. Improvements in headlighting for motor driven cycles such as mopeds and motor scooters appear called for.

Questions for which the agency seeks specific comments are:

1. Whether the current lack of standardization in motorcycle headlighting has resulted in a replacement problem for motorcycle owners.

2. The headlamps and combinations thereof that appear the most appropriate for standardization.

3. Suggested improvements in headlamp mounting and aiming.

4. Suggested improvements in upper and lower beam photometrics of motorcycle headlamps.

5. Suggested improvements in headlighting systems for motor driven cycles.

In evaluating each new passenger car and motorcycle headlamp design, the agency will always place the highest priority on the ability of the manufacturer to maintain the photometric performance of production lamps above the minimum levels specified in FMVSS No. 108.

This notice has been evaluated under EO 12221 and implementing departmental guidelines. Due to the agency's lack of data on particular points and to the uncertainty about the nature of any requirements or alternatives that might be adopted, the agency cannot now reach specific conclusions concerning the effects of the potential proposal. It is, however, highly unlikely that any proposal which might eventually be issued would be significant within the meaning of EO 12221.

The engineer and lawyer primarily responsible for the development of this notice are Marx Elliott and Taylor Vinson, respectively.

Interested persons are invited to submit comments on the notice. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and the disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that

interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the post card by mail.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-25201 Filed 8-28-81; 8:45 am]

BILLING CODE 4910-59-M

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49 CFR Part 571

[Docket No. 81-05; Notice 2]

Low Tire Pressure Warning Devices; Termination of Rulemaking

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of termination of rulemaking.

SUMMARY: This notice terminates the rulemaking action begun by this agency when it published an advance notice of proposed rulemaking (ANPRM) requesting a comments on the appropriateness at this time of establishing a new motor vehicle safety standard on low tire pressure warning devices. The standard would have required that new motor vehicles be equipped with devices to warn the drivers of the vehicles when the pressure in any of the tires had fallen significantly below the recommended level. The comments received in response to he ANPRM indicate that the current warning devices fall into either of two groups, i.e., ones that have not been proven to be reliable in normal use and ones that would cost about $200 per vehicle. Further, an internal review of the comments and the underlying agency objectives suggest that this issue can be addressed as a consumer information issue first, before mandating any requirements.

FOR FURTHER INFORMATION CONTACT: Arthur Neill, Jr., Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2800).

SUPPLEMENTARY INFORMATION: Earlier this year, the National Highway Traffic Safety Administration (NHTSA) published an ANPRM seeking comments on the appropriateness of establishing a new Federal motor vehicle safety standard on low tire pressure warning devices (46 FR 8082; January 26, 1981). This new standard would have required that new motor vehicles be equipped with low tire pressure warning devices to warn the driver of the vehicle that the pressure in one of the tires had fallen significantly below the recommended operating pressure. Tires which are maintained at the proper inflation pressure are much less likely to experience a tire failure, reduce the fuel consumption of the vehicle, and have longer treadlife.

The ANPRM described two very different types of low tire pressure warning devices; i.e., the in-vehicle warning device and the on-tire warning device. The in-vehicle device has a monitor in each tire which relays information to a warning mechanism inside the vehicle, mounted on or under the dashboard. The comments received concerning these devices indicate that they are now being produced in limited quantities and that they have proven to be accurate and reliable. However, these devices would represent an aditional retail cost of about $200 for each passenger car if they were required. Such a cost increase cannot be justified by the potential benefits, although those benefits might be significant. Accordingly, the agency does not plan to give in-vehicle devices further consideration unless their cost is substantially reduced and their benefits are studied further.

The on-tire warning devices are much less expensive, costing about $5 for a passenger car. These devices attach to the valve stem of each tire and display a long red warning signal when the inflation in that tire falls significantly below the recommended inflation pressure. Comments received on these devices stated that they have not yet been developed to the point where they are accurate and reliable enough to be required, and also suggested that these devices are subject to road hazards, such as scuffing at curbs, ice, mud, etc.

In spite of these reported drawbacks, a major tire valve manufacturer (Schraeder Automotive Products) plans to begin high volume production of a tire valve that includes a low tire pressure warning indicator in June 1981. That company has indicated that it expects such valves to be widely used over the next few years. While a warning such as this would be useful to motorists who walk around their car to inspect their tires on a regular basis, NHTSA does not know whether these indicators would be carefully monitored by most drivers. NHTSA will monitor the sales and use of these devices and continue its efforts to develop information on the design, operation, and maintenance of low tire pressure warning devices.

Maintaining proper tire inflation pressure results in direct savings to drivers in terms of better gas mileage and longer tire life, as well as offering increased safety. It is possible that many drivers are not aware of these benefits, and that they would not allow their tires to run underinflated if they were made aware of the benefits. Accordingly, NHTSA is examining the feasibility and need for a consumer information program concerning the advantages of maintaining proper tire inflation levels. Such an information program, if successful, could obviate the need for any regulation in this area.

Issued on: August 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-25197 Filed 8-28-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1120

[Ex Parte No. 392]

Certificate To Construct, Acquire or Operate Railroad Lines; Application Procedures for a Certificate To Construct, Acquire or Operate Railroad Lines

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: We propose to modify our regulations regarding construction, acquisition or operation of railroad lines (49 CFR Part 1120). These revisions are being proposed in response to current transportation policy as reflected in recent legislation. In addition, we propose to revise the regulations to eliminate unnecessary and redundant informational requirements, and streamline our application procedures. In addition, we propose to incorporate into the Code of Federal Regulations the rules for a certificate of designated operator which were adopted March 5, 1976, and the rules for a modified certificate of public convenience and necessity which were adopted on July 23, 1980.

DATES: Comments should be filed on or before October 15, 1981.

ADDRESSES: An original and 10 copies of comments should be submitted to: Section of Finance, Room 5417,

Interstate Commerce Commission,
Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Ellen D. Hanson, (202) 275–7245
or
Elaine Sehrt, (202) 275–7899.

SUPPLEMENTARY INFORMATION:

Subpart A—General Procedures

Under 49 U.S.C. 10901 a certificate of public convenience and necessity issued by this Commission is required before rail lines can be constructed, acquired, extended or operated. Section 10901 applies to both carriers and noncarriers. Noncarriers require Commission approval under section 10901 to construct, acquire or operate a rail line in interstate commerce. Existing carriers require approval under section 10901 only to construct or operate. (Acquisition of an active rail line by a carrier is covered by 49 U.S.C. 11343.)

Our existing regulations implementing section 10901 (formerly section 1(18)) were last reviewed in 1967, and appear at 49 CFR Part 1120 (1979). We propose to revise these regulations in this proceeding to reflect current policy, eliminate unnecessary and redundant informational requirements, and streamline our application procedures. The Staggers Rail Act of 1980, Pub. L. 96–448 (the Staggers Act), changed the standard to be applied in considering an application under 49 U.S.C. 10901.

Previously, we were to determine whether the public convenience and necessity require or will *be enhanced* by the proposal. This standard required an affirmative showing that there would be a gain or improvement from the proposal. Section 221 of the Staggers Act changed this standard; now to approve an application under section 10901 we need only find that the public convenience and necessity require *or permit* the proposal. This reflects a national policy to foster sound economic conditions in transportation and to insure effective competition and coordination between rail carriers and other modes of transportation (section 101 of the Staggers Act, enacting 49 U.S.C. 10101a(5)).

There are other statutory changes which necessitate revision of these regulations. The directive for expeditious processing of applications, expressed in the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210 (the 4–R Act), is reiterated in section 101 of the Staggers Act, enacting 49 U.S.C. 10101a(2). Another statutory change is the enactment of the National Environmental Policy Act of 1969. To implement that act, we have promulgated regulations which require notice to the public and the filing of detailed environmental information in a document separate from the application. See 49 CFR 1108, as revised by *Revision of Natl. Envi. Policy Act Guidelines*, 363 I.C.C. 653 (1980). These notice procedures and environmental information requirements duplicate certain requirements of the current regulations.

Finally, we believe that much of the information required under the current rules is either redundant or has not been sufficiently utilized by either the Commission or the parties to justify its submission.

Turning to specific changes, we propose deleting the term "extension" from the title as well as from general usage in these regulations. Originally the term "extension" was used to distinguish construction or acquisition of new line which required approval under section 10901 from spur, industrial or switching track which does not. However, since every "extension" is either an acquisition or a construction, use of the term is confusing and unnecessary. The title for this Part will be: Certificate to Construct, Acquire or Operate Railroad Lines.

We also propose to use waivers of informational requirements to tailor the general regulations to specific proposals. Waives have been used effectively in applications for rail consolidations (49 CFR Part 1111), and abandonments (49 CFR Part 1121), and generally in 49 CFR 1110.10. We encourage prospective applicants to review the informational requirements. Where the information called for is unavailable or not necessary or useful in analysis of the proposal, prospective applicants should seek an advance waiver, either on a permanent or temporary basis. However, if the information is clearly not applicable to the individual proposal, a waiver is not necessary and need not be sought.

No replies to a waiver petition will be permitted. We explained our waiver procedure recently in AB–1 (Sub-No. 113F), *Chicago and North Western Transportation Company—Abandonment Between Oelwein, IA and Randolph, MN* (not printed), decided April 8, 1981. At page 2 of that decision we stated:

> When we waive filing requirements for any type of information which applicants would otherwise be required to provide, we do not determine that future protestants will thereby be permanently denied access to the waived material. The waiver decision does not in any way consider the merits of an application. It is a preliminary determination that we will not reject as incomplete an application from which some otherwise-required information has been omitted. The adequacy of an initial filing to institute a proceeding is not normally a matter for adversary argument. Rather, it is an administrative matter, for our determination. When a request for advance guidance is made, we do not yet have an adjudicatory proceeding before us. Therefore, we do not require service of the request upon prospective parties to a future proceeding and do not permit argument from prospective parties.
>
> However, once an application has been filed, protestants have the opportunity to demonstrate that the waived information is relevant and necessary to full consideration of an issue in the proceeding, and that the record should be supplemented.[3] Thus, protestants are not deprived of due process by this procedure because they are entitled to seek the waived information after the application has been accepted.

[3] *Burlington Northern, Inc.—Control & Merger—St. L.*, 354 I.C.C. 182, 183 (1977).

We further propose a complete revision of our procedures for filing and processing applications. The current procedure requires an applicant first to file an abbreviated application; we then provide applicant with a notice of the filing and publish the notice in the **Federal Register**. Next, the applicant publishes the notice in newspapers of general circulation in the areas affected. Finally, applicant files a "return to questionnaire" which includes detailed information about the proposal.

This two-step application/return to questionnaire procedure results in the filing of duplicate information and lengthens the time required to process an application. Therefore, we propose to eliminate the return to questionnaire and incorporate this information in the application itself. Thus, the application should be complete when filed. In addition, we propose to delete the environmental information required under the current regulations at 1120.6. This information is duplicative of the information filed under the Environmental Regulations, at 49 CFR 1108.[1]

We propose modifying the notice procedure described above. A detailed summary notice of the proposal must be included in the application. Upon filing, the application will be assigned a docket number; the applicant will be notified of the number by mail (a self-addressed, stamped envelope must be attached to the application for this purpose). As soon as the docket number

[1] We note that our new Energy and Environment rules set up a procedure whereby a prospective applicant will consult with the Commission's Energy and Environment Branch, at least 6 months before filing an application, to begin the scoping process to identify environmental issues. Ex Parte No. 55 (Sub-No. 22), *Revision of Natl. Envi. Policy Act Guidelines*, 366 I.C.C. 659 (1980).

is supplied, applicant shall publish the notice of the application in the form prescribed (in proposed § 1120.10(f)). We would require only one newspaper publication (in each County involved), rather than the 3 required by the current regulations. The current regulations were adopted prior to the Environmental Regulations, which require extensive public notice. Thus, this change eliminates unnecessarily duplicative notice. Applicant must also serve the application upon certain State officers (see proposed § 1120.10(e)). As soon as practicable, we will either publish a summary of the application in the **Federal Register** [2] or reject the application if it is incomplete.

Written comments must be filed within 35 days after the application is filed. See proposed § 1120.10(g). On the basis of comments and the Draft Environmental Impact Statement, we will determine whether further hearing is needed; if so, we will issue an order setting the proceeding for either oral hearing or receipt of written statements (modified procedure). See 49 CFR 1100.43 *et seq.* If there is no opposition to the application, normally no additional evidence need be filed, and a decision will be reached using the information contained in the application.

The proposed rules also address the problem created when the constructing or acquiring applicant plans for another entity to operate the line. This type of arrangement is becoming more frequent. Both the construction/acquisition and the operation of the line require our approval under § 10901.[2] To avoid repetitious applications, a single application joined in by both parties should be filed; where possible. All relevant information concerning both the owner and the operator must be included.

Finally, Section 221(b) of the Staggers Act added section 10901(d), which provides that a rail carrier may not block construction of a rail line by refusing to let another carrier cross its property, under certain prescribed circumstances. Therefore, an applicant will be required to indicate if the proposed line will cross another rail line. If so, the applicant should include either an agreement permitting such crossing or a request for us to exercise our power to require the crossing.

[2] Section 10901 includes specific notice requirements concerning service upon certain State officers, publication in local newspapers and publication in the **Federal Register**.

Subpart B—Procedures for Designated Operators

A certificate under section 10901 is not required for operations conducted under section 304 of the Regional Rail Reorganization Act of 1973 (3–R Act) (as amended by the 4–R Act). That section applies to lines owned by the six bankrupt Northeast railroads which were not designated for transfer to Consolidated Rail Corporation (ConRail) and have not been sold to anyone else.

In *Continuation of Rail Service under Subsidy by Designated Operator*, 41 FR 10526 (1976), the Commission adopted implementing procedures whereby a designated operator providing service pursuant to a rail service continuation agreement under section 304 of the 3–R Act may commence and terminate operation in accordance with the terms of the agreement. The designated operator's certificate simply requires that, upon giving or receiving notice of termination of service or cancellation of the operating agreement, the railroad shall notify all patrons on the line. Although it need not seek our authority to commence or terminate operations, a designated operator is a rail common carrier subject to all other provisions of 49 U.S.C. Subtitle IV.[3]

The designated operator rules have never been included in the Code of Federal Regulations. Since the rules concerning designated operators are not readily available, both Commission staff and interested parties have spent considerable time in telephone conversations and in letter communications concerning these rules. Accordingly, we propose to codify the designated operator rules. The rules have been revised and edited for clarity and brevity, but the informational requirements remain the same as adopted in March 1976.

Subpart C—Modified Certificate

In *Common Carrier Status of States, State Agencies*, 363 I.C.C. 132 (1980), we exempted the acquisition and operation of rail lines abandoned or approved for abandonment and subsequently acquired by a State entity. Since petitions to reopen this proceeding are pending, we will not include the content of these rules in the Appendix. However, the final rules will include the rules for this Subpart, including any changes made upon reopening.

The proposed rules are set forth in the Appendix.

[3] However, we have exempted certain designated operators from some aspects of regulation. See *Exemption of Certain Designated Operators from § 11343*, 361 I.C.C. 379 (1979).

This action does not appear to have a significant effect on the quality of the human environment or energy consumption, and would have a positive impact on small business.

Issued under the authority of 5 U.S.C. 553 and 49 U.S.C. 10321 and 10901.

Decided: August 13, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum did not participate.

Agatha L. Mergenovich,
Secretary.

Accordingly, it is proposed that 49 CFR Part 1120 be revised to read as follows:

Appendix

PART 1120—CERTIFICATE TO CONSTRUCT, ACQUIRE OR OPERATE RAILROAD LINES

Subpart A—Applications Under 49 U.S.C. 10901

Sec.
1120.1 Introduction.
1120.2 Overview.
1120.3 Information about applicant(s).
1120.4 Information about the proposal.
1120.5 Operational data.
1120.6 Financial information.
1120.7 Environmental and energy data.
1120.8 Additional support.
1120.9 Notice.
1120.10 Procedures.

Subpart B—Certificate of Designated Operator

1120.11 Introduction.
1120.12 Information about the designated operator.
1120.13 Relevant dates.
1120.14 Proposed service.
1120.15 Information about offeror.
1120.16 Procedures.

Subpart C—Modified Certificate of Public Convenience and Necessity

1120.21 Scope of rules.
1120.22 Exemptions and common carrier status.
1120.23 Modified certificate of public convenience and necessity.
1120.24 Termination of service.

Authority: 49 U.S.C. 10321 and 10901.

Subpart A—Applications Under 49 U.S.C. 10901

§ 1120.1 Introduction.

(a) *When an application is required.* This subpart governs applications under 49 U.S.C. 10901 for a certificate of public convenience and necessity authorizing the construction, acquisition or operation of railroad lines. Noncarriers require Commission approval under section 10901 to construct, acquire or operate a rail line in interstate commerce. Existing carriers require

approval under section 10901 only to construct or operate, since acquisition of an active rail line by a carrier is covered by 49 U.S.C. 11343. We have exempted from these requirements the acquisition by a State entity of a rail line that has been approved for abandonment, as well as operations over these lines. See Subpart C of this Part. In addition, where appropriate, we have granted individual exemptions from these certification requirements. See 49 U.S.C. 10505.

(b) *Content of the Application.* Applications filed under this Subpart shall include the information set forth in §§ 1120.2 through 1120.9. The applicant must also comply with the Energy and Environmental Regulations, at 49 CFR Parts 1106 and 1108 (including consulting with the Commission's Energy and Environmental Branch at least *6 months prior to filing an application,* to begin the scoping process to identify environmental issues and outline procedures for analysis of this aspect of the proposal).

§ 1120.2 Overview.

(a) A brief narrative description of the proposal.

(b) The full name and address of applicant(s).

§ 1120.3 Information about applicant(s).

(a) The name, address, and phone number of the representative to receive correspondence corncerning this application.

(b) Facts showing that applicant is either a common carrier by railroad or has been organized to implement the proposal for which appoval is being sought.

(c) A statement indicating whether the rail line will be operated by applicant. If not, the operator which has been selected must join in the application, and provide all information required for an applicant. If the operator has not yet been selected, state who is being considered.

(d) A statement indicating whether applicant is affiliated by stock ownership or otherwise with any industry to be served by the line. If so, provide details about the nature and extent of the affiliation.

(e) If a corporation, submit:

(1) Date of incorporation and jurisdiction(s) under which incorporated.

(2) A list of officers, directors, and 10 principal stockholders of the corporation and their respective holdings. A statement whether any of these are officers, directors or major shareholders of other regulated carriers. Also a list of entities, corporation(s), individual(s), or group(s) who control applicant, the extent of control, and whether any of them control other common carriers.

(3) As *Exhibit A,* any resolution of the stockholders or directors authorizing the proposal.

(f) If a partnership or individual:

(1) Date and place where partnership was formed.

(2) The name and address of all general partners and their respective interests, and whether any of them control other carrriers.

(g) If applicant is an entity other than as described in paragraphs (e) or (f) of this section:

(1) Date and place of organization, and full description of the nature and objectives of the organization.

(2) Name, title, and business address of principals or trustee, and whether the entity controls any other common carriers.

(h) If applicant is a trustee, receiver, assignee, or a personal representative of the real party in interest, details about the appointment (including supporting documents, such as the court order authorizing the appointment and the filing) and about the real party in interest.

§ 1120.4 Information about the proposal.

(a) A description of the proposal and the significant terms and conditions, including consideration to be paid (monetary or otherwise). As *Exhibit B,* copies of all relevant agreements.

(b) Details about the amount of traffic and a general description of commodities.

(c) The purposes of the proposal and an explanation of why the public convenience and necessity require or permit the proposal.

(d) As *Exhibit C,* a map which clearly delineates the area to be served including origins, termini and stations, and cities, counties and States. The map should also delineate principal highways, rail routes and any possible interchange points with other railroads. If alternative routes are proposed for construction, the map should clearly indicate each route.

(e) A list of the counties and cities to be served under the proposal, and whether there is other rail service available to them. The names of the railroads with which the line would connect, and the proposed connecting points; the volume of traffic estimated to be interchanged; and a description of the principal terms of agreements with carriers covering operation, interchange of traffic, division of rates or trackage rights.

(f) The time schedule for consummation or completion of the proposal.

(g) If a new line is proposed for construction:

(1) The approximate area to be served by the line.

(2) The nature or type of existing and prospective industries in the area with general information about the age, size, growth potential and projected rail use of these industries.

(3) Whether the construction will cross another rail-line and the name and the name of the railroad(s) owning the line(s) to be crossed. If the crossing will be accomplished with the permission of the railroad(s), include supporting agreements. If a Commission determination under 49 U.S.C. 10901(d)(1) will be sought, include such request.

§ 1120.5 Operational data.

As *Exhibit D,* an operating plan, including traffic projection studies; a schedule of the operations; information about the crews to be used and where employees will be obtained; the rolling stock requirements and where it will be obtained; information about the operating experience and record of the proposed operator unless it is an operating railroad; any significant change in patterns of service; any associated discontinuance or abandonments; and expected operating economies.

§ 1120.6 Financial information.

(a) The manner in which applicant proposes to finance construction or acquisition, the kind and amount of securities to be issued, the approximate terms of their sale and total fixed charges, the extent to which funds for financing are now available, and whether any of the securities issued would be underwritten by industries to be served by the proposed line. Explain how the fixed charges will be met.

(b) As *Exhibit E,* a recent balance sheet. As *Exhibit F,* an income statement for the latest available calendar year prior to filing the application.

(c) A present value determination of the full costs of the proposal. If construction is proposed, the costs for each year of such construction (in a short narrative or by chart).

(d) A statement of projected net income for 2 years, based upon traffic projections. Where construction is contemplated, the statement should represent the 2 years following construction.

§ 1120.7 Environmental and energy data.

As *Exhibit H*, information and data prepared under 49 CFR 1108, and the *Revision of the Nat'l. Guidelines Environmental Policy Act of 1969*, 363 I.C.C. 653 (1980), and in accordance with *Implementation of the Energy Policy and Conservation Act of 1975*, 49 CFR Part 1106.

§ 1120.8 Additional support.

Any additional facts or reasons to show that the public convenience and necessity require or permit approval of this application. The Commission may require additional information to be filed where appropriate.

§ 1120.9 Notice.

A summary of the proposal which will be used to provide notice under § 1120.10(f).

§ 1120.10 Procedures.

(a) *Waivers.* Prior to filing an application, prospective applicants may seek an advance waiver either on a permanent or temporary basis, of required information which is unavailable or not necessary or useful in analysis of the proposal. However, if the information is clearly not applicable to the individual proposal, a waiver is not necessary and need not be sought. A petition must specify the sections for which waiver or clarification is sought and the reasons why it should be granted. No replies will be permitted.

(b) *Filing procedures.* The original and 5 copies of the application and all documents shall be filed with the Secretary. A $700 fee is required to file an application. (49 CFR 1002.2(d)(1).) Copies of documents shall be furnished promptly to interested parties upon request. The application shall include a stamped self-addressed envelope to be used to notify applicant of the docket number. Additionally, if possible, telephonic communication of the docket number shall be made.

(c) *Signatures.* The original of the application shall be signed by applicants (if a partnership, all general partners must sign; and if a corporation, association, or other similar form of organization, the signature should be that of its executive officer having knowledge of the matters and designated for that purpose). Applications shall be made under oath and shall contain an appropriate certification (if a corporation, by its secretary) showing that the affiant is duly authorized to verify and file the application. Any persons controlling an applicant shall also sign the application.

(d) *Related Applications.* Applicant shall file concurrently all directly related applications (e.g., to issue securities, control motor carriers, obtain access to terminal operations, acquire trackage rights). All such applications will be considered with the main application.

(e) *Service.* As soon as the docket number is obtained, the applicant shall serve a conformed copy of the application by first class mail upon the Governor (or Executive Officer), Public Service Commission, and Department of Transportation of each State in which any part of the properties involved in the proposed transaction is located. Within 2 weeks of filing, applicant shall submit to the Commission a copy of the certificate of service indicating that all persons so designated have been served a copy of the application.

(f) *Publication.* Within 2 weeks of filing, applicant shall have published the summary of the application (prepared under § 1120.9) in a newspaper of general circulation in each county in which the line is located. The notice should inform interested parties that they must advise the Commission of their interest in the proceeding within 35 days of the filing of the application. Applicant must file an affidavit of publication immediately after the publication has been completed. The Commission will, as soon as practicable, either publish the notice summary in the **Federal Register** or reject the application if it is incomplete.

(g) *Public participation.* Written comments (with 5 copies) must be filed within 35 days of the filing of the application. Comments must contain the basis for the party's position either in support or opposition. Applicant must be served with a copy of each comment. On the basis of the comments and the assessment by the Energy and Environmental Branch, the Commission will decide if a hearing is necessary. A hearing may be either oral or through receipt of written statements (modified procedure). (See 49 CFR 1100.43 et seq.). If there is no opposition to the application, additional evidence normally need not be filed, and a decision will be reached using the information contained in the application.

Subpart B—Certificate of Designated Operator

§ 1120.11 Introduction.

A certificate of designated operator will be issued to an operator providing service pursuant to a rail service continuation agreement under section 304 of the Regional Rail Reorganization Act of 1973, as amended by the Railroad Revitalization and Regulatory Reform Act of 1976. The designated operator (D–OP) may commence and terminate service in accordance with the terms of the agreement. When service is terminated the D–OP must notify all shippers on the line. To obtain a D–OP certificate, the information in this Subpart must be filed with the Commission.

§ 1120.12 Information about the designated operator.

(a) The name and address of the D–OP.

(b) If a new corporation or other new business entity, a copy of the certificate of incorporation or, if unincorporated, the facts and official organizational documents relating to the business entity.

(c) The names and addresses of all officers and directors, with a statement from each which indicates present affiliation, if any, with a railroad.

(d) Sufficient information to establish its financial responsibility for the proposed undertaking, unless the D–OP is a common carrier by railroad. The nature and extent of all liability insurance coverage, including insurance binder or policy number, and name of insurer.

§ 1120.13 Relevant dates.

The exact dates of the period of operation which have been agreed upon by the D–OP, the offeror of the rail service continuation payment, and the owner of the line to be operated, in their lease and operating agreements.

§ 1120.14 Proposed service.

(a) A copy of all agreements between the D–OP, the offeror of the rail service continuation payment, and the owner of the line to be operated.

(b) Any additional information which is necessary to provide the Commission with a description of:

(1) The line over which service is to be provided (e.g. U.S.R.A. Line); and

(2) All interline connections, including the names of the connecting railroads.

§ 1120.15 Information about offeror.

(a) The name and address of the offeror of the rail service continuation payment.

(b) Sufficient information to establish the financial responsibility of the offeror for the proposed undertaking, or if the offeror is a State or municipal corporation or authority, a statement that it has authority to perform the service or enter into the agreement for subsidy.

§ 1120.16 Procedures.

Upon receipt of this information, the matter will be docketed by the prefix initials "D–OP". Operations may commence immediately upon the filing of the necessary information (plus 3 copies). Although the designated operator will not be required to seek and obtain authority from the Commission to either commence or terminate operations, the designated operator is a common carrier by railroad subject to all other applicable provisions of 49 U.S.C. Subtitle IV. However, we have exempted designated operators from some aspects of regulation. See *Exemption of Certain Designated Operators from § 11343*, 361 I.C.C. 379 (1979).

Subpart C—Modified Certificate of Public Convenience and Necessity

§ 1120.21 Scope of rules.

These special rules apply to the operations over abandoned rail line, which has been acquired (through purchase or lease) by a State. The rail line must have been fully abandoned, or approved for abandonment by the Commission or a Bankruptcy Court. As used in these rules, the term "State" includes States, political subdivisions of States, and all instrumentalities through which the State can act. An operator has the option of applying for a modified certificate of public convenience and necessity under this section or a common carrier certificate under 49 U.S.C. 10901 and 49 CFR Part 1120.

§ 1120.22 Exemptions and common carrier status.

The acquisition by a State of a fully abandoned line is not subject to the jurisdiction of the Interstate Commerce Commission. The acquisition by a State of a line approved for abandonment and not yet fully abandoned is exempted from the Commission's jurisdiction. If the State intends to operate the line itself, it will be considered a common carrier. However, when a State acquires a rail line described under § 1120A.1 and contracts with an operator to provide service over the line, only the operator incurs a common carrier obligation. The operators of these lines are exempted from 49 U.S.C. 10901 and 10903 which are the statutory requirements governing the start up and termination of operations. Operators exempted from these requirements must comply with the requirements of this part and must apply for a modified certificate of public convenience and necessity. The operator is a common carrier and incurs all benefits and responsibilities under 49 U.S.C. Subtitle IV, however, the State through its operational agreement or the operator of the line may determine certain preconditions, such as payment of a subsidy, which must be met by shippers to obtain service over the line. The operator must notify the shippers on the line of any preconditions. The modified certificate will authorize service to shippers who meet these preconditions and the operator will be required to provide complete common carrier service under this certificate only to those shippers. (See 363 I.C.C. 132.)

§ 1120.23 Modified certificate of public convenience and necessity.

(a) The operator must file a notice with the Commission for a modified certificate of public convenience and necessity. Operations may commence immediately upon the filing; however the Commission will review the information filed, and, if complete, will issue a modified certificate notice. If an operator has an application pending under section 10901 at the time the rules become effective, it may file a request to convert the application to a modified certificate within 60 days of the effective date of these rules.

(b) A notice for a modified certificate of public convenience and necessity shall include the following information:

(1) The name and address of the operator and, unless the operator is an existing rail carrier:

(i) its articles of incorporation or, if it is unincorporated, the facts and organizational documents relating to its formation;

(ii) the names and addresses of all of its officers and directors and a statement indicating any present affiliation each may have with a rail carrier; and

(iii) sufficient information to establish the financial responsibility of the operator.

(2) Information about the prior abandonment, including docket number, status and date of the first decision approving the abandonment;

(3) The exact dates of the period of operation which have been agreed upon by the operator and the State which owns the line (if there is any agreement, it should be provided);

(4) A description of the service to be performed including, where applicable, a description of:

(i) the line over which service is to be performed;

(ii) all interline connections including the names of the connecting railroads;

(iii) the nature and extent of all liability insurance coverage, including binder or policy number and name of insurer; and

(iv) any preconditions which shippers must meet to receive service.

(5) The name and address of any subsidizers, and,

(6) Sufficient information to establish the financial responsibility of any subsidizers (if the subsidizer is a State, the information should show that it has authority to enter into the agreement for subsidized operations).

(c) The service offered and the applicable rates, charges, and conditions must be described in tariffs published by the operator pursuant to the Commission's rules.

§ 1120.24 Termination of service.

The duration of the service may be determined in the contract between the State and the operator. An operator may not terminate service over a line unless it first provides 60 days' notice of its intent to terminate the service. The notice of intent must be: (a) filed with the State and the Commission, and (b) mailed to all persons that have used the line within the 6 months preceding the date of the notice.

[FR Doc. 81–25376 Filed 8–28–81; 8:45 am]
BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 46, No. 166
Monday, August 31, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

Board of Certification; United States Courts of Appeals; Circuit Executive Meeting

AGENCY: Board of Certification, United States Courts of Appeals, Circuit Executive.

ACTION: Notice of meeting of Board of Certification in New York, New York on November 10, 1981 to interview applicants who are interested in being certified for the positions of circuit executive.

Individuals who wish to serve as circuit executives in the United States judicial system must be certified as qualified by the statutorily created Board of Certification (28 U.S.C. Section 332 (f). While certification is a prerequisite for appointment as circuit executive, it does not insure employment.

A personal inteview with the Board is necessary for certification and the Board cannot reimburse candidates for attendant travel expense.

Details on how to apply may be had by writing to: Board of Certification, Federal Judicial Center, 1520 H Street NW., Washington, D.C. 2005.

The next meeting of the Board will be held in New York City on November 10, 1981. Applications must be received well in advance in order to be considered for a possible appointment on this date.

William E. Foley,

Secretary of the Board of Certification and Director, Administrative Office of the U.S. Courts.

[FR Doc. 81-25382 Filed 8-28-81; 8:45 am]

BILLING CODE 2210-01-M

COMMISSION ON CIVIL RIGHTS

Delaware Advisory Committee; Changed Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Deleware Advisory Committee of the Commission originally scheduled for September 29, 1981, at the University of Delaware, Student Center, Newark, DE. (FR Doc. 81-23505 on page 40909) has been changed.

The meeting now will be held on September 22, 1981, beginning at 12:30 p.m. and will end at 3:30 p.m., University of Delaware, Student Center, Williamson Room, Academy Street, Newark, DE 19711.

Dated at Washington, D.C., August 25, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-25287 Filed 8-28-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping; Unrefined Montan Wax From the German Democratic Republic; Amended Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Amended Final Determination of Sales at Less than Fair Value.

SUMMARY: On July 28, 1981, we announced our determination that unrefined montan wax from the German Democratic Republic (GDR) is being sold in the United States at a weighted-average dumping margin of 6.58 percent.

We directed the Customs Service to require the posting of a cash deposit, bond, or other security in the amount of 6.58 percent of the ex-factory value of unrefined montan wax from the GDR for all entries, or withdrawals from warehouse, for consumption on or after that date.

We are amending our determination by directing the U.S. Customs Service to require the posting of a cash deposit, bond, or other security in the amount of 13.02 percent of the ex-factory value of unrefined montan wax from the GDR for all entries, or withdrawals from warehouse, for consumption.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230 (202-377-3003.

SUPPLEMENTARY INFORMATION: Our notice of July 28, 1981 (46 FR 38555), stated that in constructing a value of montan wax from the GDR, we allocated to the wax a portion of certain processing costs which were shared by the various products which result from the high wax lignite that flows through the wax extraction process. We allocated these processing costs on the basis of the ratio of the weighted value of these products, namely, wax, briquettes, and electricity. After a review of the calculations, we have concluded that the value was overstated for the amount of electricity that could be produced by the lignite which is routed to the steam/electric generation plant. A recalculation of the product values has resulted in a change in the ratio used to allocate the common processing costs. We also made an adjustment in the calculation of the cost of steam. We used the caloric content of lignite in the GDR instead of that in the Federal Republic of Germany, the surrogate country, in order to more accurately reflect the physical characteristics of the raw material in the GDR. Using the corrected figures, we have revised the weighted-average dumping margin to 13.02 percent.

Accordingly, we are directing the U.S. Customs Service, effective upon the date of publication of this notice and until further notice, to require posting of a cash deposit, bond, or other security in the amount of 13.02 percent of the ex-factory value of unrefined montan wax from the GDR for all entries, or withdrawals from warehouse, for consumption on or after the date of publication of this notice. The liquidation of all entries, or withdrawals from warehouse, for consumption of this merchandise will continue to be suspended. The cash deposit, bonds or other security on merchandise entered since the preliminary determination will remain in effect.

We have notified the International Trade Commission of this action.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

August 25, 1981.

[FR Doc. 81-25291 Filed 8-28-81; 8:45 am]

BILLING CODE 3510-25-M

Memorial Hospital Medical Center of Long Beach; Consolidated Decision on Applications for Duty-Free Entry of Election Microscopes

The following is a consolidated decision on applications for duty-free entry of election microscopes pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81-00177. Applicant: Memorial Hospital Medical Center of Long Beach, 2801 Atlantic Avenue, Long Beach, CA 90801. Article: Electron Microscope, Model EM 109R with Accessories. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: See Notice on page 27745 in the **Federal Register** of May 21, 1981. Article Ordered: January 7, 1981.

Docket Number 81-00179. Applicant: The Institute of Paper Chemistry, P.O. Box 1039, Appleton, Wisconsin 54912. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice of page 27745 in the **Federal Register** of May 21, 1981. Article Ordered: February 4, 1981.

Docket Number 81-00180. Applicant: Northwestern University Medical School, Department of Pathology, 745 N. Fairbanks Court, Chicago, IL 60611. Article: Electron Microscope, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 28204 in the **Federal Register** of May 26, 1981. Article Ordered: March 13, 1981.

Docket Number 81-00196. Applicant: University of California, Pathology Department, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 31464 in the **Federal Register** of June 16, 1981. Article Ordered: December 27, 1979.

Docket Number 81-00199. Applicant: Princeton University, Department of Biology, Princeton, N.J. 08544. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 31464 in the **Federal Register** of June 16, 1981. Article Ordered: September 12, 1980.

Docket Number 81-00204. Applicant: Vanderbilt University, Nashville, Tennessee 37232. Article: Electron Microscope, Model H-600. Manufacturer: Hitachi Ltd., Japan. Intended use of article: See Notice on page 31466 in the **Federal Register** of June 16, 1981. Application received by Commissioner of Customs: April 20, 1981.

Docket Number 81-00207. Applicant: Mercy Hospital Medical Center, Sixth & University Avenues, Des Moines, IA 50314. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 31466 in the **Federal Register** of June 16, 1981. Article Ordered: February 6, 1980.

Docket Number 81-00214. Applicant: Northwestern University, Materials Science Department, The Technological Institute, 2145 Sheridan Road, Evanston, IL 60201. Article: Electron Microscope, Hitachi Model H-700H and Accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: See Notice on page 31467 in the **Federal Register** of June 16, 1981. Article Ordered: January 7, 1981.

Docket Number 81-00227. Applicant: University of Wisconsin, Department of Anatomy, 1300 University Avenue, Madison, WI 53706. Article: Electron Microscope, Model JEM-100CX/SEGZ-4D. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 35327 in the **Federal Register** of July 8, 1981. Article Ordered: March 31, 1981.

Docket Number 81-00229. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, LA 70112. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 36223 in the **Federal Register** of July 14, 1981.

Docket Number 81-00234. Applicant: University of Florida, College of Engineering, Department of Materials Science & Engineering, Gainesville, Florida 32611. Article: Electron Microscope, Model JEM 200CX with Accessories. Manufacturer: Japan Electron Optical Lab., Ltd., Japan. Intended use of article: See Notice on page 36223 in the **Federal Register** of July 14, 1981. Article Ordered: March 31, 1981.

Docket Number 81-00237. Applicant: Ohio University, Department of Zoology and Microbiology, Irvine Hall, Athens, OH 45701. Article: ElectroMicroscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 36223 in the **Federal Register** of July 14, 1981. Article ordered: August 27, 1980.

Docket Number 81-00248. Applicant: Marine Biological Laboratory, Water Street, Woods Hole, MA 02543. Article: Electron Microscope, Model EM 10CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 37302 in the **Federal Register** of July 20, 1981. Article ordered: May 12, 1981.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Dometic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Program Staff.

[FR Doc. 81-25359 Filed 8-28-81; 8:45 am]

BILLING CODE 3510-25-M

St. John Medical Center, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81–00319. Applicant: St. John Medical Center, 1923 S. Utica Avenue, Tulsa, Oklahoma 74104. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to examine biological material including human tissue, body fluids, cytology specimens and microbiological material, i.e. bacteria, viruses, fungi and chlamydiae. The ultrastructure properties of the above materials will be studied and correlated with other investigative procedures in the following research projects:

a. Study of kidney tissue to determine the ultrastructural alterations of immune mechanisms in the pathogenesis of glomerulonephritis.

b. Study of lung tissue to determine specific ultrastructural markers of malignant tumors.

c. Study of liver tissue to determine the role of viruses and viral particles in inflammatory liver diseases.

d. Study of cervical tissue to identify herpetic and condyloma viruses to establish their role as a factor in the etiology of cancer of the cervix.

e. Study of culture negative granulomatous lesions to determine etiological agents.

f. Identification and study of viruses that are not readily isolated by culture techniques.

g. Study of the role of fibrinogen in coagulation.

Application received by Commissioner of Customs: July 17, 1981.

Docket Number 81–00320. Applicant: SRI International, Physical Sciences Division, 333 Ravenswood Avenue, Menlo Park, CA 94025. Article: Pulsed Gas Laser Kits, Model K–9215 and Power Supply. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for studies of reactive mixtures of fuel and oxidants. Application received by Commissioner of Customs: July 17, 1981.

Docket Number 81–00321. Applicant: Smithsonian Institution, Department of Anthropology, National Museum of Natural History, Mail Stop 112, Washington, D.C. 20560. Article: Electromagnetic Terrain Conductivity Meter, EM 31 with Spare Parts Kit. Manufacturer: Geonics Limited, Canada. Intended use of article: The article is intended to be used in identifying variation in soil resistivity associated with archaeological features. The article allows the applicant to circumvent costly test excavations at archaeological sites. On the basis of meter readings, contour plans are prepared showing patterns of changes on soil resistivity. These patterns can then be compared with patterns of known archaeological features such as underground tombs. Application received by Commissioner of Customs: July 17, 1981.

Docket Number 81–00322. Applicant: Texas Tech University, Department of Industrial Engineering, Lubbock, TX 79409. Article: Respiration Gas Meter Model 59 with Accessories. Manufacturer: Gesellschaft Fur Geratebau, West Germany. Intended use of article: The article is intended to be used for investigation of the energy expenditures of underground miners while performing various tasks. Specifically, it will be used to measure ventilation volumes of underground miners while they perform various tasks such as roof bolting, shoveling, stoop walking, etc., that have been identified from survey questionnaires, and observation, as being physically demanding. A conversion equation can then be used to estimate the energy requirements for performing the various tasks. Application received by Commissioner of Customs: July 17, 1981.

Docket Number 81–00323. Applicant: Medical University of South Carolina, 171 Ashley Avenue, Charleston, South Carolina 29425. Article: Electron Microscope, Model JEM 100S with Sheet Film Camera and 100 Film Cassettes. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for ultrastructural studies of the nervous system and other tissues from a variety of biomedical experiments. The article will also be used for training in ultrastructure and methods of ultrastructural research for graduate students, postdoctoral follows and residents. Application received by Commissioner of Customs: July 17, 1981.

Docket Number 81–00325. Applicant: University of Rochester, Laboratory for Laser Energetics, 250 East River Road, Rochester, NY 14623. Article: Neodymium Doped Laser Rods. Manufacturer: Hoya Optics, Japan. Intended use of article: The article is intended to be used as a match to heat a target or fuel pellet to temperatures comparable to those which exist on the sun's surface. The experiments to be conducted will consist of trying to understand the physics of fusion by varying any of the following:

(a) target composition and design,

(b) laser power incident on target, and

(c) focusing geometrics for target irradiation.

Application received by Commissioner of Customs: July 24, 1981.

Docket Number 81–00326. Applicant: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, 506 South Wright Street, Urbana, Illinois 61801. Article: Virtual Objective Aperture for Model HB5 Electron Microscope. Manufacturer: VG Microscopes Ltd., United Kingdom. Intended use of article: The article is an accessory to an existing electron microscope manufactured by the same manufacturer which will be used for a wide range of material analysis by x-ray emission and electron energy loss spectroscopy as applied in electron microscopy. Application received by Commissioner of Customs: July 24, 1981.

Docket Number 81–00327. Applicant: Texas A&M University, (Department of Agriculture Engineering), College Station, Texas 77843. Article: Fermentation Ethanol Distillery. Manufacturer: Coulter Cooper & Brass, Ltd., Canada. Intended use of article: The article is intended to be used for studies of processes and feedstocks for production of ethanol and methods of utilization of ethanol for fuel use. The feedstocks studied will contain starch and/or sugar that may be fermented to produce ethanol. The ethanol produced has properties to make it usable as a liquid fuel. Application received by Commissioner of Customs: July 24, 1981.

Docket Number 81–00328. Applicant: La Jolla Cancer Research Foundation, 2945 Science Park Road, La Jolla, CA 92037. Article: Electron Microscope, Model H–600–2. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: The article is intended to be used for the examination of cells and cellular material, from both humans and animals. Most of the experiments will involve determining the ultrastructure of cells. Of particular interest is studying the nature of extracellular matrix of cells, which is a complex arrangement of cellular products that are deposited outside the cell. The article will also be used to identify the distribution of various proteins on the cell surface and intracellularly. Application received by Commissioner of Customs: July 24, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–25337 Filed 8–28–81; 8:45 am]

BILLING CODE 3510–25–M

University of Iowa, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Department of Commerce, Washington, D.C. 20230, on or before September 21, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81–00294. Applicant: University of Iowa, University TEM Facility, Basic Science Building, Iowa City, Iowa 52242. Article: Electron Microscope, Model H–600–2 with Accompanying Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is intended to be used for a wide range of research projects including but not limited to the following:

(1) Study on the effects of acidic amino acids on the neonatal mouse and cat hypothalmus.

(2) Examination of the innervation of the dorsal horn in rat spinal cord.

(3) Investigation of urinary bladder lumen membrane structure during conditions of altered proton secretion.

(4) Comparative examination of normal lamb fetal kidney and hydronephrotic kidney due to induced ureter stricture.

(5) Ultrastructural examination of abnormal human urogenital surgical specimens.

(6) Electron microscopic evaluation on cerebrovascular permeability during acute hypertension.

(7) Fundamental studies of the rat brain following bilibrubin intoxication in a mutant rat.

(8) Three-dimenstional electron microscopic visualization of cytoskeletal structures in cultured mouse and chicken fibroblasts.

(9) Immunocytochemical localization of neuropeptides and their receptors in cultured rat brain cells.

(10) Investigation of linkage between cell surface receptor protein to intracellular cytoskeletal structures in chicken fibroblasts.

The article will also be used in training faculty, staff and graduate students in use of the electron microscope in the courses Introduction to Electron Microscope (218) and Biochemical Research Techniques (220).

Application received by Commissioner of Customs: August 4, 1981.

Docket Number 81–00314. Applicant: University of Lowell, College of Engineering, 1 University Avenue, Lowell, MA 01854. Article: Mobile Solar Test Facility, Model MSTF–1. Manufacturer: Solarfin Products, Ltd., Canada. Intended use of article: The article is intended to be used to teach basic engineering techniques in the course Mechanical Engineering Laboratory. Application received by Commissioner of Customs: July 17, 1981.

Docket Number 81–00329. Applicant: University of Illinois at Chicago Circle, Department of Physics, P.O. 4348, Chicago, Illinois 60680. Article: Excimer Laser Pumped Laser System with Accessories. Manufacturer: Lambda-Physik, West Germany. Intended use of article: The article is intended to be used to generate tunable radiation of highest spectral and spatial quality in the ultraviolet via harmonic generation, sum frequency mixing and coherent antistokes Raman scattering. This radiation, in turn, will then be amplified to obtain ultrahigh spectral brightness at 193 nm and 248 nm. Experiments will also include the development of a multiphoton pumped laser emitting below 100 nm, feasibility studies of VUV light source for plasma diagnostics and spectroscopic and kinetic studies relevant to XUV lasers. Application received by Commissioner of Customs: August 3, 1981.

Docket Number 81–00330. Applicant: Princeton University, Office of Research Administration, 509 South Building, P.O. Box 36, Princeton, New Jersey 08540. Article: DA3.02 Spectrophotometer with Subassembly. Manufacturer: BOMEM, Inc., Canada. Intended use of article: The article is intended to be used in performing pressure broadening and lineshape studies on the vibration-rotation spectroscopic transition of gases. The widths and shapes of the spectroscopic transitions will be examined with a high resolution spectrophotometer. These measurements will be performed at a number of different pressures and the widths of these transitions will be determined as a function of the gas pressure. Application received by Commissioner of Customs: August 3, 1981.

Docket Number 81–00331. Applicant: Montana State University, Bozeman, Montana 59717. Article: Surface Analysis System. Manufacturer: Leybold-Heraeus GMBH & Co., West Germany. Intended use of article: The article is intended to be used for studies of surfaces, thin films, and interfaces of various elements, organic and inorganic compounds, and adsorbed gases. Experiments to be conducted include preparation and reaction of materials in selected atmospheres followed by study using the available surface analysis techniques. The objectives pursued in the course of the investigations will be to obtain an understanding of the physics of surfaces and interfaces. Application received by Commissioner of Customs: August 3, 1981.

Docket Number 81–00333. Applicant: Ohio University, Athens, OH 45701. Article: Excimer Laser, Model TE–8615. Manufacturer: Lumonics, Inc., Canada. Intended use of article: The article is intended to be used for studies of hydrocarbon compounds known as knots and catenanes. The experiment to be conducted is laser photolysis of detergent solutions in which specially designed guest detergent precursors to the above compounds are suspended in

ordinary host detergents. On photolysis, the guest detergents will decarbonylate to form radicals which will then couple under the influence of the host micelle and form knots in theory. Catenanes and large rings will arise via side reactions. In addition, the article will be used in chemistry courses to teach practical organic research to undergraduates and graduate students. The current emphasis is on synthetic aspects of organic photochemistry. Application received by Commissioner of Customs: August 3, 1981.

Docket Number 81–00334. Applicant: University of Delaware, Department of Chemical Engineering, Newark, DE 19711. Article: Potentiostat with Accessories. Manufacturer: Santron, Sweden. Intended use of article: The article is intended to be used to determine automatically critical pitting and crevice corrosion temperatures while the metal specimens are polarized to a constant pre-set potential. The article automatically raises the temperature of the corrosive solution in pre-set increments and records the results. The article is used to train graduate students in corrosion research. Application received by Commissioner of Customs: August 3, 1981.

Docket Number 81–00335. Applicant: Washington University, Box 1105, Lindell and Skinker Campus, St. Louis, MO 63130. Article: Ion Microprobe. Manufacturer: Cameca Instruments, France. Intended use of article: The article is intended to be used for basic research in the area of space sciences, specifically for the study of the elemental and isotopic composition of a wide variety of materials ranging from terrestrial minerals to meteoritic and lunar samples to interplanetary dust particles collected in the upper atmosphere. Some of the experiments to be conducted will be the measurement of solar wind implanted ions in lunar samples and the search for isotopic anomalies in selected meteoritic mineral phases. In this way information will be obtained about the composition of the sun and its activity as well as about the processes and timescales important for the formation of the solar system. The educational use of the article will be the training of Ph.D. students in physics and the earth and planetary sciences. Application received by Commissioner of Customs: August 3, 1981.

Docket Number 81–00336. Applicant: University of New Orleans, Biological Sciences, Lakefront Drive, New Orleans, LA 70122. Article: Diamond Knife No. 263. Manufacturer: Venezolano DeLnv., Venezuela. Intended use of article: The article is intended to be used to cut ultrathin, plastic embedded sections for the transmission electron microscope. Application received by Commissioner of Customs: August 3, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–25358 Filed 8–28–81: 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Placement of Cordell Bank, Calif., on the Marine Sanctuary List of Recommended Areas

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: Pursuant to the Guidelines implementing Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, (16 U.S.C. 1431–1434) NOAA announces the recommendation of Cordell Bank, off the coast of northern California, as a national marine sanctuary. NOAA has reviewed the information provided with recommendation in accordance with the site evaluation criteria stated in the General Marine Sanctuary Regulations (15 CFR Part 922) and finds that it meets the requirements for placement on the List of Recommended Areas (LRA). Therefore, NOAA is adding this site to the LRA. The LRA is a list of areas that have at least some potential for being designated a marine sanctuary. However, placement on the LRA is a preliminary step only and does not imply that a designation will occur. Information and comments will be requested on the feasibility and desirability of establishing this site as a national marine sanctuary before further steps are taken.

FOR FURTHER INFORMATION CONTACT: Rafael V. Lopez, (202) 634–4236.

ADDRESS: Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research and Sanctuaries Act authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as national marine sanctuaries for the purpose of preserving or restoring their conservational, ecological or esthetic values.

In July 1981 the Office of Coastal Zone Management received a marine sanctuary recommendation from Cordell Bank Expeditions, a nonprofit scientific association dedicated to the exploration and description of Cordell Bank. The information provided with the recommendation included the reports of several visits to survey portions of the Bank. These surveys consisted of underwater dives to observe conditions and collect biological specimens and surface transects to refine depth contours. The dives were the first research-motivated human descents to the Bank and resulted in the collection and subsequent identification of over 100 species of plant and animal life.

Cordell Bank is an undersea elevation located 20 miles due west of Point Reyes, and approximately 50 miles west-northwest of San Francisco, California. The Bank lies on a seafloor plateau 300–400 feet deep and rises to within about 125 feet of the surface. Many uncharted pinnacles are found throughout the area. These shallow areas support extensive biological communities that form the basis for the recommendation.

Cordell Bank is being added to the LRA. The recommendation has been reviewed and found eligible for inclusion on the LRA by meeting the following site evaluation criteria stated in 15 CFR 922.21(b) of the marine sanctuary program regulations:

(1) *Important habitat on which any of the following depend for one or more life cycle activity including breeding, feeding, rearing young, staging, resting or migrating:*

(i) *Rare, endangered or theatened species.* Brown pelicans have been sighted at the Bank. Other valuable species include pinnipeds such as the California and Steller sea lions, which have been seen at the site, and cetaceans such as the gray whale, which is known to migrate along the California coast.

(ii) *Species with limited geographic distribution.* Examination of the specimens recovered from Cordell Bank resulted in the identification of many algal and invertebrate species whose presence at the Banks set new range and depth extension records.

(iii) *Species rare in the waters to which the Act applies.* The specimens also yielded a new genus of the algal family Delesseriaceae, a new species of scallop (*Chlamys Sp. nov.*) and a new diatom sub-species (*Entopyla incurvata var. nov.*). The diatom genus *Entopyla*

itself is very rare and not often found in these waters.

(iv) *Commercially or recreationally valuable marine species.* The combination of nutrient-laden water and an unusually high light level make for a rich biological community, as evidenced by the substantial number of recreational fishing boats that visit the Bank.

(2) *A marine ecosystem of exceptional productivity indicated by an abundance and variety of marine species at the various trophic levels in the food web.*

Over 100 different species of marine plants and animals were collected from an average depth of 150 feet. Because of the water depth, the dives were of short duration. Therefore the initial dives have consisted of general specimen collecting rather than systematic surveys to characterize the Bank. Subsequent expeditions will provide a more extensive picture of the Bank. Divers report that the bottom is heavily encrusted with marine organisms. Among the species identified are sponges, urchins, crabs, branching and solitary corals, anemones, snails, worms, starfish, kelp bass, rockfish, cod and sharks.

(5) *Distinctive or fragile ecological or geologic features of exceptional scientific research or educational value.*

The Banks unique position off the California coast, isolated by surrounding deeper waters and situated at the precipitous edge of the outer continental shelf, creates an unexpectedly productive habitat. Currents regularly produce periods of upwelling during which nutrient-rich waters rise to the surface and stimulate productivity. The many pinnacles, some rising to within 125 feet of the surface, provide a hard substrate where many sessile organisms can thrive. The unusually high light levels discovered during the first dives contribute to the uncommonly heavy, for that depth, plant growth. This abundance of light also appears to be responsible for the development of protective coloration in some of the deepwater mollusks found there.

Cordell Bank (CA) will be considered for Active Candidate status and possible future designation on the basis of further evaluation criteria, as stated in the regulations. Placement of this site on the LRA or selection as an Active Candidate does not establish any regulatory controls; rather it is a means by which NOAA acquires additional information on the characteristics of the site and encourages informal comments on the feasibility and disirability of sanctuary designation. Regulatory controls can be established only after the designation of a marine sanctuary in accordance with the regulations. LRA listing and Active Candidate status are prerequisites to designation as a marine sanctuary but they do not imply that designation will occur.

All interested persons or groups may submit information on this site. Before NOAA can name this, or any, site an Active Candidate extensive consultations with Federal agencies and other parties must be held. A notice soliciting comments concerning the feasibility of this site as a possible marine sanctuary will be published in the **Federal Register** before any further action is taken.

A copy of the recommendation is available for public review in room 330, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: August 25, 1981.

JoAnn Chandler,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-25348 Filed 8-28-81; 8:45 am]

BILLING CODE 3510-08-M

Scientific Research; Issuance of Permit

On July 21, 1981, Notice was published in the **Federal Register** (46 FR 37538), that an application had been filed with the National Marine Fisheries Service by California Department of Fish and Game, Sacramento, California 95814, for a Scientific Research Permit to roto-tag and/or mark with pelage dye 520 harbor seals (*Phoca vitulina*) and to harass an unspecified number of harbor seals, California sea lions, and pilot whales.

Notice is hereby given that on August 26, 1981, the National Marine Fisheries Service issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), to the California Department of Fish and Game subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 26, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-25364 Filed 8-28-81; 8:45 am]

BILLING CODE 3510-22-M

Taking and Importation of Marine Mammals; Modification of Permit

Notice is hereby given that pursuant to the provisions of Section 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 336 issued to Richard H. Lambertsen, Woods Hole Oceanographic Institution on May 19, 1981 is modified in the following manner: Section A1. has been changed to read "An unspecified number of specimen materials from fin whales (*Balaenoptera physalus*), sei whales (*Balaenoptera borealis*), minke whales (*Balaenoptera acutorostrata*) and sperm whales (*Physeter catodon*) may be imported from Iceland, Norway, and Denmark." Section B1. is changed to include Norway and Denmark as sources of legally taken animals.

The Permit as modified and documentation pertaining to the modification are available for review in the following Offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: August 26, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-25363 Filed 8-28-81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

National Voluntary Laboratory Accreditation Program

AGENCY: Assistant Secretary of Commerce for Productivity, Technology, and Innovation, Commerce.

ACTION: Notice of public workshop to develop the technical requirements of a laboratory accreditation program for solid fuel room heaters.

SUMMARY: The Department of Commerce hereby announces that it will hold an informal public workshop to provide interested parties an

opportunity to participate in the development of technical requirements of a laboratory accreditation program (LAP) for solid fuel room heaters (Solid Fuel Room Heaters LAP) under the Procedures of the National Voluntary Laboratory Accreditation Program (NVLAP), 15 CFR Part 7b, as amended (46 FR 37029 (July 17, 1981)).

DATE: The workshop will start on Tuesday, October 13, 1981, at 9:30 a.m., and end on Wednesday, October 14, 1981, at 5:00 p.m.

ADDRESSES: The workshop will take place at the National Bureau of Standards, Gaithersburg, MD. On October 13, the workshop will be held in Lecture Room A, Administration Building. On October 14, the workshop will be in room A340, Metrology Building.

FOR FURTHER INFORMATION CONTACT: Dr. Gerald A. Berman, Room B06, Technology Bldg., National Bureau of Standards, Washington, D.C. 20234, phone: 301–921–2427. Persons who wish to attend the workshop should inform Dr. Berman at the above address or phone number not later than Thursday, 5:00 p.m., October 1, 1981, in order to allow enough time for mail delivery of preparatory documents for the workshop.

SUPPLEMENTARY INFORMATION: On March 17, 1981, the U.S. Department of Commerce (DOC) published in the **Federal Register** (46 FR 17073) the formal request from the U.S. Department of Housing and Urban Development (HUD) to establish a laboratory accreditation program (LAP) for solid fuel room heaters. That request was based on Underwriters Laboratories (UL) Standards UL 737 and 1482. After 60 days of public review of its request, HUD confirmed its desire to have DOC proceed with the LAP.

Before DOC can formally establish this LAP, the technical requirements for accrediting laboratories that test solid fuel room heaters must be developed. Information needed and issues to be discussed at the workshop include:

1. Precision and accuracy expectations for the test methods (*i.e.*, test methods contained in UL standards 737 and 1482);
2. Possible approaches to proficiency testing;
3. Necessary materials and protocols for assessing a laboratory's performance, including appropriate documentation;
4. The portions of the electrical and physical test methods which represent accreditable functions;
5. Potential for offering this LAP in two parts:
   (a) Physical/fire tests and
   (b) Electrical tests, including the testing of electrical components;
6. Supplemental information which will tailor the criteria (referenced in section 7a.19 of 15 CFR Part 7a, NVLAP Procedures and made applicable to Part 7b programs by section 7b.11(c) of 15 CFR) to the test methods to be included in this LAP (such supplemental information could include requirements for dimensions and geometry of test installation and specific auxiliary measurement apparatus such as read-out instrumentation for each test); and
7. Sources of assessors for this LAP and credentials or qualifications which assessors should possess.

The following procedures are established for the workshop:

1. *Purpose.* The purpose of the workshop is to provide all interested persons with an opportunity to participate in the development of the technical requirements of the Solid Fuel Room Heater LAP and to enable DOC to secure valuable expert advice to develop these requirements.

2. *Conduct of Workshop.* This workshop will be an informal non-adversary meeting. The presiding officer shall have the right to allocate the time available for discussion of each issue on the workshop agenda and to exercise such authority as may be necessary to insure the equitable and efficient conduct of the workshop and to maintain order.

3. *General Provisions.* This informal workshop will be open to the public. Summary minutes of the workshop will be prepared. A copy of those minutes will be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW, Washington, D.C. 20230.

Dated: August 25, 1981.

Ernest Ambler,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 81–25356 Filed 8–28–81; 8:45 am]

BILLING CODE 3510–BF–M

DEPARTMENT OF DEFENSE

Defense Science Board Task Force on EW; Notice of Advisory Committee Meeting

The Defense Science Board Task Force on EW will meet in closed session 1 October 1981 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of the elctromagnetically controlled weapons employed or projected for employment by potentially hostile forces and identify electronic warfare countermeasures that might be of significant help if the Department of Defense were required to counter those forces.

In accordance with 5 U.S.C. App. I section 10(d)(1976), it has been determined that the Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

August 26, 1981.

[FR Doc. 81–25360 Filed 8–28–81; 8:45 am]

BILLING CODE 3810–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50543; PH–FRL–1923–7]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below:

Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits: 239–EUP–97. Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804. This experimental use permit allows the use of 1,500 pounds of the insecticide acephate on corn seed to evaluate control of cutworms. A total of 30,000 acres are involved. The program is authorized only in the States of Florida, Georgia, Illinois, Indiana, Iowa,

Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from June 4, 1981 to June 15, 1983. Temporary tolerances for residues of the active ingredient in or on corn grain, fresh corn, and corn forage and fodder have been established. (William Miller, PM 16, Rm. 403, CM#2, (703–557–7040))

100–EUP–68. Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409. This experimental use permit allows the use of 5,760 pounds of the insecticide chlordimeform on cotton to evaluate control of cotton insects. A total of 2,000 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from June 10, 1981 to June 10, 1982. A permanent tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.285). (Jay S. Ellenberger, PM 12, Rm. 400, CM#2, (703–557–7024))

10182–EUP–24. ICI Americas Inc., Concord Pike and New Murphy Road, Wilmington, DE 19897. This experimental use permit allows the use of 0.06 pound of the rodenticide brodifacoum on rangeland to evaluate control of ground squirrels. A total of 300 acres are involved. The program is authorized only in the State of Montana. The experimental use permit is effective from June 26, 1981 to June 26, 1982. This permit is issued with the limitation that food animals not be allowed to graze the treated area. (William Miller, PM 16, Rm. 403, MC#2, (703–557–7040))

3125–EUP–168. Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120. This experimental use permit allows the use of 4,000 pounds of the fungicide β-([1,1'-Biphenyl]-4-yloxy)-α-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol on apples to evaluate control of apple scab, cedar apple rust, fly speck, powdery mildew, and sooty blotch. A total of 415 acres are involved. The program is authorized only in the States of California, Maine, Michigan, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Vermont, Virginia, Washington, and Wisconsin. The experimental use permit is effective from April 24, 1981 to December 31, 1982. A temporary tolerance for residues of the active ingredient in or on fresh apples has been established. If established tolerances are exceeded the crop must be destroyed or used for research purposes only. (Henry Jacoby, PM 21, Rm. 418, CM#2, (703–557–7060))

20954–EUP–18. Zoecon Corporation, 975 California Ave., Palo Alto, CA 94304. This experimental use permit allows the use of 9.3 pounds of the pheromone gossyplure on cotton to evaluate control of pink bollworm. The total of 200 acres are involved. The program is authorized only in the States of Arizona and California. The experimental use permit is effective from May 18, 1981 to May 18, 1982. A temporary exemption from the requirement of a tolerance for residues of the active ingredient in or on cottonseed has been established. (Franklin Gee, PM 17, Rm. 401, CM#2, (703–557–7028))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: August 19, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–25920 Filed 8–29–81; 8:45 am]

BILLING CODE 6560–35–M

[AMS–FRL–1923–6; Docket No. A–81–17]

Revised Motor Vehicle Compliance Program; Public Workshop

AGENCY: Environmental Protection Agency.

ACTION: Notice of public workshop.

SUMMARY: On July 27, 1981, EPA announced in the **Federal Register** (46 FR 38404) a delay of the public workshop scheduled to discuss possible revisions to the motor vehicle compliance program. [The original announcement was in the June 29, 1981 **Federal Register** (46 FR 33365)]. The delay in holding the workshop was at the request of the Motor Vehicle Manufacturers Association and the Engine Manufacturers Association in order to allow additional time to prepare for the workshop. This notice announces the rescheduling of the workshop.

DATE: The workshop will be convened at 9:00 a.m., Wednesday, September 30, 1981 and reconvene at 9:00 a.m Thursday, October 1, 1981. Sessions will be adjourned at 5:00 p.m. each day or at a later time if necessary to complete the business of the workshop.

Requests to make a presentation should be submitted to EPA by September 21, 1981.

The record of the workshop will be left open for 30 days following the close of the workshop for subsequent written submissions and thus will close on November 2, 1981.

ADDRESS: The workshop will be held at the Holiday Inn, 1489 Jefferson Davis Highway, Arlington, Virginia 22202 (703) 521–1600. Supporting materials relevant to this workshop are available in Public Docket No. A–81–17. The docket is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower, Gallery I, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Thomas M. Ball, U.S. Environmental Protection Agency, Certification Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313) 668–4280.

SUPPLEMENTARY INFORMATION: On July 17, 1981, EPA provided an agenda (available in the docket) to parties who had indicated an interest in observing or participating in the workshop. This same agenda will be followed in the September 30, 1981 workshop.

Several manufacturers of heavy-duty engines and their association, the Engine Manufacturers Association, requested that a separate workshop be held for the heavy-duty manufacturers because of insufficient time to prepare for the July 29, 1981 meeting. Subsequently, the Motor Vehicle Manufacturers Association, on behalf of its member organizations, similarly requested a delay in the workshop to allow more adequate preparation. EPA will address both heavy-duty and light-duty issues at the September 30, 1981 workshop.

The supplementary information contained in the original workshop announcement (46 FR 33365) provides for an overview of the concepts for the revisions anticipated along with the general protocol to be followed during the workshop. This information will not be repeated in this notice. However, interested parties may obtain a copy of this information, along with the agenda, from the public docket.

Dated: August 19, 1981

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-25319 Filed 8-28-81: 8:45 am]

BILLING CODE 6560-26-M

[WH-9-FRL-1911-8]

Territory of American Samoa; Water Programs; Determinations of Primary Enforcement Responsibility

This public notice is issued pursuant to Section 1413 of the Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.),* and 40 CFR 142.10, published at 41 FR 2918 (January 20, 1976).

An application dated May 8, 1980, was received from the Chairman, American Samoa Environmental Quality Commission, requesting that the Territory of American Samoa be granted primary enforcement responsibility for public water systems in the Territory of American Samoa, in accordance with the provisions of this Act. The Office of the Governor submitted a revised copy of American Samoa's "Safe Drinking Water Regulations" following adoption of the regulations by the American Samoa Legislature on January 26, 1981. The revised regulation became affective on February 16, 1981. In response to comments by EPA, the Chairman of Samoa's Environmental Quality Commission, by letter dated May 29, 1981, agreed to make additional technical amendments to the regulations. These amendments became effective on July 13, 1981. Finally, the Attorney General for American Samoa, by letter dated June 10, 1981, confirmed American Samoa's authority to enforce and administer the Territory's Safe Drinking Water Act.

In response, I have determined that the Territory of American Samoa has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the Territory of American Samoa. The Territory—

1. Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

2. Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

3. Will keep such records and make such reports as required;

4. If it variances of exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the National Primary Drinking Water Regulations;

5. Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency conditions.

All documents relating to this determination are available for public inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Executive Secretary, American Samoa Environmental Quality Commission, Office of the Governor, Pago Pago, American Samoa 96799;

Regional Administrator, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

All interested parties are invited to submit written comments on this determination and may request a public hearing. Written comments and/or a request for a public hearing must be submitted on or before September 30, 1981. A request for public hearing shall include the following information:

1. The name, address and telephone number of the individual, organization or other entity requesting a hearing.

2. A brief statement of the requesting person's interest in the Regional Administrator's determination and information that the requesting person intends to submit at such hearing.

3. The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for public hearing is made within thirty (30) days after this notice, a public hearing will be held. The Regional Administrative will give further notice in the **Federal Register** and in a newspaper or newspapers of general circulation in the Territory of American Samoa of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication as described above, notice will be sent to the person requesting a hearing and to the Territory. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of that order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective thirty (30) days after issuance of this initial notice.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: August 25, 1981.

Sheila M. Prindiville,

Acting Regional Administrator, Region IX. Environmental Protection Agency.

[FR Doc. 81-25321 Filed 8-28-81: 8:45 am]

BILLING CODE 6560-25-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-587, File No. 20107-CD-P-2-80; CC Docket No. 81-588, File No. 22228-CD-P-2-79]

Fresno Mobile Radio, Inc. and Airsignal of California, Inc.; Memorandum Opinion and Order

Adopted August 20, 1981.

Released August 25, 1981.

In re application of Fresno Mobile Radio, Inc., CC Docket No. 81-587, File No. 20107-CD-P-2-80, for a construction permit to operate on frequencies 454.075 and 454.350 MHz at a new site at Hanford, California, as a modification to the facilities of DPLMRS Station KMD988; Airsignal of California, Inc., CC Docket No. 81-588, File No. 22228-CD-P-2-79, for a construction permit to establish facilities to operate on frequencies 454.075 and 454.350 MHz on DPLMRS Station KMA261 at Visalia, California; designating applications for consolidated hearing on stated issues.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Fresno Mobile Radio, Inc. (Fresno) [1] and Airsignal of California, Inc. (Airsignal). These applications are electrically mutually exclusive because they request the same frequencies in the same general area; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. Fresno and Airsignal have filed petitions to dismiss

[1] This application as originally filed by Hanford Mobile Radio, Inc That applicant later changed its name to Fresno Mobile Radio, Inc.

or deny each other's application. Responsive pleadings have been filed.

2. The following issues are before us for consideration:[2]

(a) whether Airsignal has demonstrated adequate public need for its proposed facilities;

(b) whether the Airsignal proposal would cause harmful electrical co-channel interference to Fresno's existing facilities;

(c) whether Fresno has demonstrated adequate public need for its proposed facilities; and

(d) whether the Fresno application is a "strike" application.

3. *Airsignal need.* Airsignal presents a § 22.516 traffic loading study for one existing VHF frequency and two existing UHF frequencies. Airsignal does not state that it is holding any orders for additional units. Section 22.516 of the Rules requires that traffic loading studies be made when an applicant requests additional frequencies. The VHF traffic loading study provided is relevant to the present application because more than 50% of the proposed reliable service contour is already being served by the existing VHF contour.[3] However, the VHF traffic loading study does not show sufficient loading to justify any additonal channels. The two UHF loading studies are not relevant to this application, and thus cannot affect our decision on this issue, because: (1) less than 50% of the proposed reliable service area contour is already served by the existing UHF contours; (2) less than 50% of the reliable service area contours of the UHF frequencies will be served by the reliable area contour of the pending application; and (3) the facility proposed will not serve a major market already served by the UHF frequencies. Thus, the proposed frequencies are not additional channels relative to the existing UHF frequencies. In any event, the UHF studies do not show sufficient loading to justify any additional channels, even when viewed in conjunction with the VHF loading study. As a result, we find that there exists a material and substantial question regarding whether there is a sufficient public need for the facilities proposed by Airsignal. Thus, we will designate for hearing an issue as to whether Airsignal has adequately demonstrated a need for the two channels.

4. *Interference.* Fresno argues that the Airsignal proposal would cause harmful electrical co-channel interference to Fresno's existing facilities. Although interference studies conducted in accordance with § 22.504 of our Rules and the Carey Report [4] show no harmful interference, Fresno argues that such interference will occur because irregular terrain causes the Fresno radio signal to extend far beyond the 39 dbu contour predicted by Carey into an area where the Airsignal proposal would interfere with it. Thus, in challenging the Airsignal proposal on the basis of interference, Fresno requests that we provided protection for its facilities beyond the 39 dbu contour predicted by Carey and contemplated by our Rules.

5. The Commission normally protects only the area specified in § 22.504 of our Rules. However, the Commission has recognized that there are situations that may call for propagation determinations at variance with the Carey Report. *Memorandum Opinion and Order,* Docket No. 15694, released August 15, 1967, 32 FR 12040 (August 22, 1967). In the Order the Commission stated:

> * * * We expect such requests to be supportd by extensive quantitative engineering field strength measurement data gathered over a significant geographic area and covering a substantial time period within each of the four seasons of the year.

In a Public Noitce [5] issued on May 2, 1980, the Chief, Mobile Services Division, Common Carrier Bureau, reiterated the Division's position that claims that an actual reliable service contour differs from that predicted by the Carey Report would be considered only if supported by the type of showing discussed above. Fresno has made no such showing. Thus we will not designate an issue involving interference against Airsignal, nor will we restrict any authority provided to it in any way because of the Fresno challenge.

6. *Fresno need.* The Fresno application presents no demonstration of public need. Instead, Fresno argues that no such demonstration is required because the proposed contours lie within existing contours for Fresno facilities operating on the same frequencies. However, Fresno concedes that in making this argument it has adjusted its existing contours to take into account irregular terrain and thus they do not conform to Carey. Fresno has not, however, provided us with the supporting data required where an applicant seeks propagation determinations at variance with Carey. *See* par. 5, *supra.* As computed in accordance with Carsey, considerably less than 50 % of the reliable service area contours of the proposed facilities are encompassed by the reliable service area contour of an existing transmitter on the same frequency. *See* our Public Notice dicussed in Footnote 5, *supra.* Thus, the Fresno application requests two new frequencies, but it includes no showing of a public need for those frequencies. As a result, we find that Airsignal has raised a material and substantial question regarding public need for the proposed facilities. Therefore, we will designate an issue for hearing as to whether Fresno has adequately demonstrated a need for any of the channels it requests.

7. *Strike application.* Airsignal argues that the Fresno proposal is a strike application. In support of this charge, Airsignal states that the application was filed 58 days after Airsignal applied for the same frequencies and that Fresno elected to request those frequencies, rather than other available ones, in order to obstruct the Airsignal application. In response, Fresno states that its instant proposal is for part of a system offering wide area service, and thus, that the frequencies proposed are the only ones which can accommodate the particular needs of the system.

8. The elements to be considered in determining whether a request is a strike application were set forth by the Commission in *Grenco, Inc.,* 28 FCC 2d, 66 (1971). The elements include: (1) the timing of the application; (2) the economic and competitive benefit occurring from the application; (3) the good faith of the applicant; and (4) questions concerning frequency allocation. A review of the Airsignal strike allegations relative to these *Grenco* criteria shows that the allegations raise no material or substantial questions on this issue. The mere fact that Fresno filed its application 58 days after the filing by Airsignal does not demonstrate that a strike application was filed. *See Camdem Broadcasting Inc.,* 36 FCC 776 (1964). In addition, the Airsignal charges regarding lack of good faith and frequency selection have been

[2] Airsignal also raised a financial qualifications issue against Fresno. However, applicants in the DPLMRS are no longer required to demonstrate their financial qualifications. *See Elimination of Financial Qualifications,* 82 FCC 2d 1152 (1980). Therefore, this issue is moot.

[3] See Public Notice entitled "Clarification of Existing Policy", Mimeo 002411, released July 27, 1981, wherein the Mobile Services Division explained its existing policy regarding classification of applications for additional channels and fill-in transmitters.

[4] FCC Report No. R-6406 by Roger B. Carey, entitled "Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service." Section 22.504(b) of our Rules includes charts for determining signal propagation identical to those found in the Carey Report.

[5] Public Notice entitled "Domestic Public Land Mobile Radio Service Procedures for Processing Construction Permit Applications for Base Stations in Areas of Irregular Terrain", Mimeo 20893, released May 2, 1980.

adequately answered by Fresno's explanation that the freqencies requested are the only ones available which could be used to provide the wide area service which Fresno intends to offer. Thus, we will not desigate an issue against Fresno regarding the filing of a strike application.

9. Accordingly, it is ordered, that the Petition to Dismiss or Deny filed by Fresno Mobile Radio, Inc., File No. 22228–CD–P–79, is denied, that the Petition to Dismiss or Deny filed by Arisignal of California, Inc., File No., 20107–CD–P–2–80, is granted in part and is denied in part, to the extent noted herein, and the application of Fresno Mobile Radio Inc., File No. 20107–CD–P–80, and the application of Airsignal of California, Inc., File No. 22228–CD–P–2–79, are designated for hearing in a consolidated proceeding, pursuant to Section 309 of the Communications Act of 1934, as amended, upon the following issues:

(a) to determine whether Fresno Mobile Radio Inc., had demonstrated a need for any of the frequencies it requests;

(b) to determine whether Airsignal of California, Inc. has demonstrated a need for any of the frequencies it requests;

(c) to determine on a comparative basis, the nature and extend of service proposed by each applicant, including the rates, charges maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(d) to determine on a comparative basis, the areas and populations that each appliant will serve within the prospective interference-free area within the 39 dBu contours,[6] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[7] and to determine and compare the need for the proposed services in said areas; and

(e) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

10. It is further ordered, That with respect to issue (a) the burden of proof and the burden of proceeding with the introduction of evidence are placed upon Fresno Mobile Radio, Inc.

11. It is further ordered, That with respect to the issue (b) the burden of proof and the burden of proceeding with the introduction of evidence are placed upon Airsignal of California, Inc.

12. It is further ordered, That with respect to issues (c) and (d), the burden of proof and the burden of proceeding with the introduction of evidence are placed jointly on the applicants as the issues affect them, and that the ultimate burden of proof with respect to issue (e) is similarly placed on each of the applicants.

13. It is further ordered, That the hearing shall be held at the Commission offices at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

14. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

15. It is further ordered, That the applicants may avail themselves to an opportunity to be heard by filing with the Commission pursant to § 1.221(c) of the Rules within 20 days of the release hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

16. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Myron C. Pick,

Acting Chief, Mobile Services Division. Common Carrier Bureau.

[FR Doc. 81–25289 Filed 8–28–81; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket No. 81–528, etc.; File No. BPCT–5042, etc.]

Washington's Christian Television Outreach, Inc., et al.; Hearing Designation Order

Adopted: July 31, 1981.

Released: August 19, 1981.

In re applications of: Washington's Christian Television Outreach, Inc., Washington, D.C., BC Docket No. 81–528, File No. BPCT–5042; Century Communications, Inc., Washington. D.C., BC Docket No. 81–529, File No. BPCT–800117KE; Capital Communications of Washington, Inc., Washington, D.C., BC Docket No. 81–530, File No. BPCT–800118KF; Community Service Broadcasters, Inc., Washington, D.C., BC Docket No. 81–531, File No. BPCT–800118KH; Focus Broadcasting of Washington, D.C., Inc., Washington, D.C., BC Docket No. 81–532, File No. BPCT–800118KJ; Grant Broadcasting Corp., 533 Washington. D.C., BC Docket No. 81–533, File No. BPCT–800118KK; Kent of Washington, Inc., Washington, D.C., BC Docket No. 81–534, File No. BPCT–800118KL; Television Communications, Inc., Washington, D.C., BC Docket No. 81–535, File No. BPCT–800118KM; Urban Telecommunications Corp., Arlington, Virginia, BC Docket No. 81–536, File No. BPCT–800118KN; Washington Television, Inc., Washington, D.C., BC Docket No. 81–537, File No. BPCT–800118KO;WSCT–TV, Inc., Washington. D.C., BC Docket No. 81–538, File No. BPCT–800118KP;Metropolitan Television, Inc., Washington, D.C., BC Docket No. 81–539, File No. BPCT–800714KH; for construction permit: designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 14, Washington, District of Columbia.

2. Urban Telecommunications Corporation (Urban), Kent of Washington, Inc. (Kent), Focus Broadcasting of Washington, D.C., Inc. (Focus), Century Communications, Inc. (Century), Capital Communications of Washington, Inc. (Capital), Community Service Broadcasters, Inc. (Community) and WSCT–TV, Inc. (WSCT–TV) contemplate operating subscription television (STV) over their proposed facilities. Century, Capital, Community and WSTC–TV already have applications for STV authorizations pending before the Commission. STV is essentially an entertainment format comparable to other entertainment packages except that it is supported directly by viewers' subscriptions rather than by advertising revenues. In the *Second Report and Order in Docket 21502,* FCC 81–13 (released March 25, 1981) the Commission decided not to consolidate STV authorization requests with applications designated for hearing, where some propose STV operation and others conventional facilities. Accordingly, the STV authorization requests will not be consolidated for hearing in this proceeding.

3. Channel 14 is allocated to Washington, D.C. Eleven applicants have chosen Washington as their community of license. However, Urban Telecommunications Corporation has

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[6] For the purpose of this proceeding, the interference-free area is defined as the area within the 39 dBu contour as calculated from § 22.504 in which the ratio of desired-to-undesired signal is always equal to or greater than R in FCC Report No. R–6406, equation 8.

[7] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service areas for base stations engaged in two-way communications service on frequencies in the 450–460 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult Bureau counsel in an effort to submit joint technical exhibits.)

proposed Arlington, Virginia as its community of license. Therefore, a 307(b) issue will be designated. The respective proposals, although for different communities, would serve substantial areas in common. Since the 307(b) issue may not be decisive, a contingent comparative issue will also be specified.

4. The applicants have proposed operation from several sites, and utilize different antenna heights and power. As a result, the approximate proposed Grade B contour service areas vary as much as 100%. Therefore, the area and populations which would receive grade B service from the applicants' proposed contours and the availability of other primary service to such areas and populations will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

5. Prior to or on the "B" cut-off date, three applicants submitted complete engineering exhibits indicating they would place their transmitter on the grounds of the Kenwood Country Club. WSCT–TV and Grant proposed this site in their applications filed on January 18, 1980. On January 24, 1980 the Federal Aviation Administration issued a determination that the site was not a hazard to air navigation. Grant amended its application on May 8, 1980 to include the Notice of No Air Hazard. During the first few weeks of September, SJR Communications, Inc. (SJR), leasor of the Kenwood site, mailed all the applicants a letter notifying them that the Kenwood site was available and had received FAA clearance. On September 15, 1980, CSB submitted a complete engineering amendment designating the Kenwood site. Since three applicants submitted the engineering information required by Form 301, prior to or by the B cut-off date, they may accrue a comparative advantage, if one is warranted, from the use of the Kenwood site.

6. Focus and Capital notified the Commission of their intent to use the Kenwood site on September 15, 1980. Focus submitted revised engineering Sections V–C and V–G along with a statement by their consulting engineer that they had just received SJR's letter and had not had time to complete their engineering studies. Focus promised to submit the remaining information as soon as the study was completed. Capital did not submit a revised engineering exhibit. Instead, it stated it would utilize the Kenwood site, gave the site coordinates, mentioned the tower's proposed height above mean sea level, and indicated it would submit complete engineering exhibits. Capital stated SJR's letter provided its first notice that the site had received FAA approval. Focus submitted its supplementary engineering exhibits on October 16, 1980. It consisted of vertical plan sketches, vertical radiation patterns, topographic maps, profile maps, and maps depicting the grade A, B, and principal community service contours. Capital's revised Section V–C and V–G of Form 301, and other engineering exhibits were not submitted until December 9, 1980 as part of an Erratum and Addendum.

7. Kent was the last applicant to notify the Commission that it would use the Kenwood site. On September 30, 1980, two weeks after the cut-off date, Kent filed a letter announcing its intent to use the Kenwood site. The only engineering information provided was the site coordinates. Kent stated that it never received a copy of SJR's letter, and did not learn of the FAA approval until after cut-off when it reviewed other applicants' September 15, 1980 filings, after the cut-off date. On October 29, 1980, Kent submitted revised Sections V–C and V–G of Form 301, along with a new engineering study.

8. On October 6, 1980, CSB petitioned to reject Focus' and Kent's amendments. CSB stated that Focus' September 15, 1980 amendment was not substantially complete because it lacked a vertical plan sketch of the antenna noting height above ground, a vertical radiation pattern for beam tilted antenna, topographic maps, profile graphs, maps depicting transmitter locations, maps illustrating predicted contour coverage and an environmental statement. CSB alleges that these deficiences render amendment not substantially complete pursuant to § 73.3564. CSB argues that since it is not substantially complete it should be rejected pursuant to § 73.3522(a) of the Rules. CSB filed its petition before Kent had submitted its promised amendment. CSB states that neither Kent nor Focus should be able to show good cause because neither were diligent in determining that the site was available. It claims that Kent and Focus should have been coginzant of both the availability of the site and FAA approval in time to submit a complete revised engineering amendment prior to cut-off. It argues that since the site was proposed in January 1980 by two applicants, Kent and Focus should have been cognizant of the site's existence. Further, CSB argues that Grant's inclusion of the FAA determination in its file in May 1980, should have been sufficient to put Focus and Kent on notice of FAA approval five months before cut-off. Finally, CSB argues that since it was able to amend to the Kenwood site on the cut-off date, Kent and Focus should have been able to do so. CSB urges the Commission to reject Kent and Focus' amendments because by acceptance their comparative posture might be improved. Finally, CSB contends that acceptance of these late filed amendments would contravene the policies announced in *Processing of Contested Broadcast Applications*, 72 FCC 2d 202, 209–210, 45 RR 2d 1220, 1227–1228 (1979), encourage filing of skeletal applications, and unnecessarily delay the processing of the Washington applications.

9. On December 17, 1980, WCTO objected, by letter, to Capital's Erratum and Addendum. In its addendum Capital submitted revised engineering Sections V–C and V–G of Form 301 and an engineering study for the Kenwood site. It also remedied several typographic errors. WCTO objected to Capital's Erratum, claiming Captial's comparative posture would be improved by the pleading. WCTO also claimed that the pleading was an amendment submitted under the pretext of being an erratum.

10. We find that Focus' amendment of September 15, 1980 was substantially complete when it was filed. The information provided by its amendment of October 16, 1980 was supplementary in nature. The predicted grade A, B, and community service contours could have been plotted utilizing the information supplied in the revised Sections V–C and V–G it submitted on the cut-off date. Since the applicant's September 15, 1980, amendment was substantially complete when filed, and was filed as a matter of right, applicant may improve its comparative posture by its acceptance. Therefore, that portion of CSB's Petition which urged the rejection of Focus' amendment will be denied.

11. Neither Capital nor Kent submitted substantially complete engineering amendments by or on the B cut-off date. Although Capital notified the Commission on the cut-off date that it would utilize the Kenwood site, its engineering showing was not substantially complete on that date. With the exception of site location, coordinates and antenna height, Capital failed to provide the engineering data required by Form 301, Sections V–C and V–G. Capital did not submit its revised engineering sections until December 9, 1980, almost three months after the B cut-off date. Kent did not notify the Commission that it would utilize the Kenwood site until two weeks after the B cut-off date. Kent's revised

engineering was not submitted until October 29, 1980. Since neither Capital nor Kent submitted substantially complete engineering amendments designating the Kenwood site, by or on the B cut-off date, neither applicant may improve its comparative posture by virtue of their amendments discussed above. *See, Mid-Florida Television Corporation,* 76 FCC 2d 158, 163, 46 RR 2d 1503, 1507 (1980); *Processing of Contested Broadcast Applications.* Both Capital and Kent state that the SJR letter provided them with the first indication that the site had received FAA approval. However, as CSB pointed out in its petition, two applicants had proposed that site in January of 1980, and in the same month the FAA had made a determination of no air hazard. In addition, in May, Grant submitted a copy of the FAA's determination of no air hazard. If either applicant had reviewed Grant's application in the five month interim between Grant's submission of the FAA document and B cut-off date, Kent or Capital would have had ample time to file a substantially complete engineering amendment before the B cut-off date had passed. Moreover, an applicant is expected to show sufficient concern in the selection of its antenna site to maintain an ongoing and up-to-date awareness of available locations. It is not unreasonable to expect applicants to learn the status of FAA air hazard determinations by diligently contracting the FAA or the owner of the site in question. The fact that SJR Communications, Inc., unilaterally sent applicants a letter disclosing its site's availability and announcing it had received FAA approval, does not provide these applicants with a time period from which diligence should be measured. Therefore we find that these post cut-off amendments were not in fact, filed diligently. However, we find it to be in the public interest to accept both Kent's October 29, 1980 amendment and Capital's December 9, 1980 amendment since their acceptance will result in more complete and accurate applications without delaying the processing of the applications.

12. On January 18, 1980, National Association of Business and Educational Radio, Inc. (NABER), filed an informal objection against Washington Chirstian Telecommunications Outreach, Inc.'s (WCTO), application. NABER submitted its letter to apprise the Commission of a potential interference problem between an applicant operating on Channel 14 and various land mobile licensees operating in Virginia, Maryland, and the District of Columbia. Due to the proximity of frequencies utilized by Channel 14 and land mobile services, a Channel 14 permittee who inadequately suppresses its secondary emissions could cause interference to land mobile services. The Commission requires permittees to avoid causing interference to other radio services. *See,* § 73.687(i)(1) of the Commission's Rules. Accordingly, the grant of a construction permit to any of the Channel 14 applicants will be conditioned to require the permittee to take adequate measures prior to program test authority, to prevent interference to land mobile stations in the 460–470 MHz band. To this extent the NABER informal objection is granted.

13. The *First Report and Order, Land Mobile Use of TV Channels 14 through 20* (Docket 18261), 23 FCC 2d 325 (1970), established mileage separation requirements between Channel 14–20 licensees and land mobile licensees. Reference points for transmitter sites were selected and the permissible grade B contour was defined by operation from those points at maximum height and power. In Washington, the reference point for Channel 14 is 38°53'51", 77°00'33". While none of the applicants propose this transmitter site, operating at their specified power and antenna height, they would not exceed the grade B contour prescribed in the *First Report and Order.*

14. *Century Communications, Inc.* Analysis of the financial data submitted by applicant reveals that $1,692,017 will be required to construct and operate the proposed staton for three months, itemized as follows:

Equipment down payment	$585,750
Equipment payments with interest, three months	144,267
Building	85,000
Miscellaneous	577,000
Operating Costs, 3 months	320,000
Total	1,692,017

Century plans to finance construction and operation with the following funds: a $2,810,312 convertible bond subscription, a $500,000 bank loan and $25,442 in existing capital.

15. It is unclear whether applicant has included in its cost estimate the expense of leasing land. Although it states it will lease land it fails to itemize that expense under either miscellaneous or three month operating costs. Accordingly, an issue will be designated to determine what the cost of leasing land will be, and what portion of it, if any, must be paid during the first three months of operation.

16. Applicant relies on $2,810,312 of net convertible bond subscriptions.[1] The applicant has submitted subsecription agreements for each of its 14 subscribers. Analysis of the balance sheets of these fourteen subscribers has revealed that Pauline Wechsler, Herbert M. Wechsler, Everett J. Gordon, Charles B. Fisher, Claudia Rayford, Drs. Charles and Roselyn Epps, Dr. George and Edna Jones, and Dr. Floyd and Sarah Keene do not have net liquid assets. Accordingly, their subscription agreements cannot by relied upon as a source of funding. However, six of Century's subscribers have documented that they have either sufficient net liquid assets or earmarked bank loans to meet all or part of their subscription agreements. Analysis of Jorge L. Lopez-Balboa's balance sheet reveals that he has sufficient net liquid assets to meet his $100,000 commitment. Drs. Edward and Frances Rankin have insufficient net liquid assets to meet their $125,000 subscription agreement. They have $25,500 in net liquid assets. While this sum is insufficient to meet their commitment, the applicant can rely on their documented net liquid assets. While George and Doris Hale have subscribed for $125,000 worth of bonds, analysis of their balance sheet reveals they have $115,124 in net liquid assets. Again, the applicant may rely on the lesser document amount. Steven E. Weschler and Peter K. Yeskel have each agreed to purchase $200,000 in bonds. Neither Mr. Wechler nor Mr. Yeskel have sufficient net liquid assets to purchase $200,000 worth of bonds. However, both have submitted bank letters which would meet their respective commentments. Since the bank letter restrict the use of funds to the construction and operation of the proposed station, they may be relied upon in lieu of net liquid assets. *Contemporary Television Broadcast, Inc.,* 46 FR 9202, January 28, 1981. Accordingly, the applicant may rely on $400,000 in bond subscriptions from Mr. Steven Weschler and Mr. Peter K. Yeskel. Dr. Major P. and Brenda Gladden have subscribed for $250,000 in bonds. Analysis of their balance sheet reveals that they do not have net liquid

[1] Applicant submitted bond subscription agreements totalling $2,875,000. Applicant states that in the first year it will pay out $258,750 in interest to the bondholders. To detemine the interest applicant would pay its subscribers during the first three months, the yearly interest was divided by four. Century will pay out $64,688 in interest during the three month period. To arrive at the net value of the convertible bond subscriptions, the interest which Century will pay out during the first three months was subtracted from the total value of the bonds.

assets. However, the Gladdens have submitted a bank loan for $100,000. The loan earmarks the funds for the construction and operation of a television station in Washington. Since the bank loan is earmarked, it may be relied upon in lieu of net liquid assets. *Contemporary Television Broadcast, Inc.* Applicant may rely upon $100,000 from the Gladden's subscription agreement. In light of the above, Century may rely on $740,624 from its bond subscribers.

17. Applicant submitted a letter of intent from a bank evidencing its intent to loan applicant $500.000. Form 301, Section III, Page 3, requires a bank loaning an applicant funds provide a document showing: "* * * the amount of loan or credit, terms of payment or repayment of the loan, collateral or security required, and rate of interest to be charged." The bank letter applicant submitted mentions the amount of money it will lend but is silent as to rate of interest, the terms of repayment, and the collateral or security required. Accordingly, applicant may not rely on the bank loan to finance the construction and operation of its proposed station. However, applicant has demonstrated that it has $740,624 in subscriptions and $25,442 in existing capital. Accordingly, an issue will be designated to determine whether applicant can obtain the additional funds over the $766,066 necessary to construct and operate its proposed television station for three months.

18. *Community Service Broadcasters, Inc.* Analysis of the financial data submitted by Community reveals that $6,302,000 will be required to construct and operate the proposed station for three months, estimated as follows:

Equipment	$2,219,000
Building	1,250,000
Miscellaneous	1,781,000
Operating Costs 3 months	1,052,000
Total	6,302,000

Community plans to finance construction and operation with the following funds: a $6,000,000 loan from Golden West Broadcasters (GWB), $250,000 for legal expenses from GWB, a $350,000 STV franchisee fee from GWB, 4% of the gross monthly STV revenues from GWB and a $500,000 line of credit from a bank. The $6,000,000 loan, the $350,000 STV francisee fee, and the payment of 4% of gross monthly STV revenues are conditioned upon the grant of a construction permit and STV authorization. Since the grant of the construction permit and STV authorization are made independently, applicant cannot rely on these three sources of funding.[2] In addition, GWB failed to provide sufficient information to demonstrate it has sufficient net liquid assets to loan $6,000,000. Although it lists $9,934,321 as cash and short terms securities on its balance sheet, GWB did not provide sufficient information to demonstrate these were liquid assets. *See,* Form 301, Section III, page 3, Item 4(b). However, since the $250,000 for legal expenses is not conditioned on STV authorization, the applicant may rely on these funds to finance its proposal. In addition, applicant has available a $500,000 bank line of credit. Accordingly, an issue will be designated to determine whether applicant can obtain the additional $5,552,000 necessary to finance the construction and operation of its proposed station.

19. Ronald H. Brown, Vice-President and 14⅓% shareholder of applicant, is also the Chairman of the Board of Trustees, of the University of the District of Columbia (UDC). UDC operates a carrier current radio station,[3] WDUC, on its campus, within the District of Columbia. Due to the nature of carrier current radio service and its limited potential audience, it is not considered a broadcast interest for the purpose of the multiple ownership rule, § 73.636 of the Rules. Accordingly, no issue will be specified nor any condition imposed on the grant of a construction permit to applicant due to Mr. Brown's association with the University.

20. *Focus Broadcasting of Washington, D.C., Inc.* Analysis of the financial data submitted by applicant reveals that approximately $909,503 will be required to construct and operate the proposed station for three months estimated as follows:

Equipment down payment	$475,250
Equipment payments with interest 3 months	124,753
Miscellaneous	[1]60,000
Operating Cost, 3 months	[2]249,500
Total	909,503

[1] Installment sales payments on $21,000 of STL equipment are included in Equipment payments with interest, 3 months.
[2] Includes rent for studio, office and tower site.

To meet these expenditures Focus relied on Oak Communications, Inc. (OAK), for financial assistance. By three separate letters of intent Oak stated it would provide various amounts of money. However, on March 27, 1981, Focus amended its application to indicate that Oak was withdrawing its financial support. Focus did not propose any alternate sources of funding. Accordingly, an issue will be specified to determine whether Focus has $909,503 available to meet its estimated expenses.

21. *Grant Broadcasting Corporation (GBC).* Analysis of the financial data submitted by applicant shows that it will require $3,960,200 to construct the proposed facility and to operate for three months, itemized as follows:

Equipment	$2,662,000
Land	[1]
Building	250,000
Legal costs	150,000
Engineering costs	5,000
Installation costs	112,000
Miscellaneous costs	79,700
Operating costs (3 months)	701,500
Total	3,960,200

[1] Lease.

To meet these expenses, GBC relies upon $15,000 in existing capital, $150,000 in stock subscriptions, and a net bank loan of $4,250,000. Since the loan from its bank is more than adequate to cover it proposed expenses, analysis of GBC's other financial sources is not necessary.

22. Section 73.636(a)(1) sets out a policy against granting a television construction permit to an applicant with principals who, directly or indirectly own, operate, or control an AM or FM radio station licensed to the same community as its proposed television station. GBC states that Theodore Hagans, a director and 25 percent stockholder of the applicant, is also a director and 13 percent stockholder of Washington Community Broadcasting Co., licensee of WYCB, Washington, D.C. Due to Mr. Hagans' broadcasting interest in Washington, D.C., a one-to-market issue is presented. Note 8 of the Rule provides that applications for UHF television will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. The applicant states that Mr. Hagans will divest himself of his interest in and resign as a director of Washington Community Broadcasting Co., if GBC's application is granted. Therefore, a one-to-a-market problem is not raised. Accordingly, any grant of a construction permit to GBC will be conditioned on Mr. Hagans' divestiture of his interest in Washington Community Broadcasting Co.

23. *Television Communications, Inc. (TCI).* Analysis of the financial data submitted by TCI indicates that it will require $398,250 to construct and

[2] As an alternative, GWB has stated it would construct, equip, and prepare a complete UHF–STV station and lease it to the applicant. However, GWB conditioned the construction of the station on the grant of STV authority. Additionally, GWB has not documented it is financially qualified to construct and equip a station.
[3] Carrier current radio stations transmit their signal through metal conductors rather than over the air.

operate its proposed facility for three months, itemized as follows:

Equipment, 3 months [1]	$23,750
Land, 3 months	15,000
Building, 3 months	10,000
Legal costs	3,000
Engineering costs	1,500
Installation costs	20,000
Miscellaneous costs	15,000
Operating costs (3 months)	300,000
Total	388,250

[1] Applicant calculates it will make 5 monthly payments for equipment, land, and building costs during the period of construction and first three months of operation.

TCI has estimated its legal costs at $3,000. Since the applicant will be involved in a comparative hearing, this estimate seems unreasonably low. Accordingly, an issue will be specified to determine TCI's basis for its estimate for legal services.

24. To meet its expenses, TCI intends to rely upon $50,000 in existing capital and a $400,000 loan from Evangel Temple Television Outreach (ETTV). Form 301, Section III, page 3, item 4(b), requires any party (except an equipment manufacturer or financial institution) loaning an applicant more than one percent of its needed capital, to provide a balance sheet which indicates the party's ability to comply with the terms of the agreement. ETTV has not provided a copy of its balance sheet. ETTV states that it will place another mortgage on its Temple Building in order to secure $400,000 to lend to the applicant. A letter from a bank showing its willingness to lend funds to ETTV has not been submitted. Since ETTV has not demonstrated that it can fulfull its loan commitment, TCI cannot rely on the loan. However, TCI has demonstrated the availability of its $50,000 existing capital. Accordingly, financial issues will be specified to determine whether the applicant can obtain additional funds over and above the $50,000 mentioned above, to construct and operate as proposed.

25. *Urban Telecommunications Corporation.* Analysis of the financial data submitted by Urban reveals that it will require $2,175,000 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (includes STL)	$1,690,000
Land	[1]
Building	20,000
Legal costs	20,000
Engineering costs	3,000
Installation costs	10,000
Miscellaneous costs [2]	232,000
Operating costs, 3 months	250,000
Total	2,525,000

[1] Lease.
[2] By its September 15, 1981 amendment Urban increased its estimated construction and operational expenses by $222,000. It did not itemize the source or sources of the increase. Accordingly, this unexplained increase has been included under miscellaneous costs.

26. To meet these expenses, Urban intends to rely upon a $4,000,000 loan from Sefel J. and Associates Ltd. (Sefel). Form 301, Section III, page 3, item 4(b) requires any party (except any equipment manufacturer or financial institution) loaning an applicant more than one percent of its needed capital, to provide a balanced sheet which indicates that party's financial ability to comply with the terms of the agreement. Sefel has not provided a balance sheet. Furthermore, Sefel has conditioned the availability of the funds on the grant of both the construction permit and the STV authorization and has also included a 30 day back-out clause. Since the availability of funds depends on a grant of an STV authorization, and STV authorization is granted independently from the grant of the construction permit, applicant cannot rely on the $4,000,000 to demonstrate its financial qualifications. In addition, the 30 day back-out clause also renders the loan indefinite. Sefel has retained the right to decide whether or not to fund applicant until 30 days after Urban is granted a license. However, without Sefel's assistance Urban could not construct its facilities and conduct the necessary engineering tests required before licensure. Moreover, the loan agreement does not comply with the requirements of Form 301, Section III, page 3, item 4(e), in that it does not specify the interest rate of the loan, the terms of repayment, and the collateral or security required. For the reasons specified above, applicant may not rely on the $4,000,000 loan from Sefel. Accordingly, a financial issue will be specified to determine if Urban has the $2,525,000 it needs to construct and operate as proposed.

27. *Washington Television, Inc. (WTI).* Analysis of the financial data submitted by applicant indicates that it will require $1,145,099 to construct its proposed faciliity and operate for three months, itemized as follows:

Equipment (down payment	$485,250
Equipment, 3 months payment	123,739
Land	[1]
Building	150,000
Legal costs	1,000
Engineering costs	1,000
Installation costs	150,000
Miscellaneous costs	65,400
Operating costs (3 months)	168,710
Total	1,145,099

[1] Lease.

28. WTI has estimated its legal costs at $1,000. This estimate seems unreasonably low since WTI's application is herein designated for a comparative hearing. Accordingly, an issue will be specified inquiring into the basis of WTI's estimate for legal services.

29. To meet its expenses, WTI relies upon $1,300,000 in loans from seven Minority Enterprise Small Business Investment Corporations (MESBICs).[4] Opportunity Capital Corporation (OCC) offers applicant a loan of $150,000. OCC conditions this proposed loan with the requirement that it receive warrants to purchase ownership in WTI. WTI has not indicated that it will accept this condition. Therefore, WTI may not rely on OCC's loan. Another MESBIC, North Street Capital Corp. (NSCC), proposes providing up to $150,000 for qualified leverage buy-outs, rather than providing a loan. Applicant has not indicated its willingness to be bought out. Therefore, WTI may not rely on NSCC's offer. Further, Vanguard Investment Company, Inc. (VICI), does not make a firm loan commitment. Its president proposes to recommend that VICI consider investing $200,000 in WTI. This is far too speculative to rely on as a source of funding. However, applicant may rely on loans totalling $800,000 from the four remaining MESBICs. Accordingly, financial issues will be specified to determine the availability of funds over and above the $800,000 indicated.

30. *WSCT–TV, Inc.* WSCT–TV, filed a petition for leave to amend on December 11, 1980, three months after the time to amend as a matter of right had expired. It amended its application to show that applicant's solé shareholder, Formula Telecommunications, Inc. (Formula), had acquired another shareholder, Mr. Erik H. R. Haldane. Mr. Haldane acquired 1.67% of the outstanding shares of common stock. In addition the amendment reflects a change of residence of WSCT's Vice-President of sales. WCTO filed an opposition on December 24, 1980. WCTO alleges that WSCT failed to establish that the amendment was promptly filed under §1.65, and that WCTO failed to show good cause under § 73.3522 since it failed to comply with § 1.65. WCTO also objects to WSCT's alleged failure to explicitly disclaim any possible comparative preference resulting from this amendment. WSCT filed its reply on January 8, 1981. WSCT concedes that it failed to report the ownership change within the 30 day period permitted by § 1.65. Applicant exceeded the 30 day period by 25 days. Applicant states that Mr. Haldane did not supply the applicant with the requisite biographical

[4] Minority Enterprises Small Business Investment Corporations are in the business of investing in and loaning money to minority enterprises. Their activities are overseen by the Small Business Administration. Accordingly, for the purposes of Section III, page 3, (4) we will consider MESBICs to be financial institutions.

information until November 5, 1980. Applicant's counsel states it did not receive the information, or know of the addition of Mr. Haldane, until November 17, 1980. Applicant urges the Commission to accept the amendment in light of the relatively short period of delay, the fact that the information was voluntarily submitted, and that there was no intent to mislead the Commission or gain any possible advantage as a result of the amendment. In light of the reasons given above, the amendment will be accepted. However, since the amendment was filed after the time to amend as of right has passed, the acceptance of amendment is conditioned upon applicant not gaining a comparative advantage as a result. WCTO's opposition will be denied.

31. Analysis of the financial data submitted by WSCT indicates that it will require $817,633 to construct its proposed facility and operate for three months. WSCT plans to finance the construction and operation with a net loan of $1,441,875 from Maryland National Bank (MNB), a $500,000 loan from Syncom Capital Corporation and pre-paid advance revenue totalling $360,000. The loan from MNB is being made to Formula Telecommunications, Inc. (Formula), the parent corporation and 100% owner of the applicant. Since the bank letter restricts (earmarks) the use of the funds to the construction and operation of a television station on Channel 14, in Washington, D.C., Formula will not be required to submit the financial data outlined in Form 301, Section III, page 3, item 4(b). *Contemporary Television Broadcast, Inc.* Since the loan from MNB is sufficient to cover the construction and operation of the proposed facility, further analysis of WSCT's financial sources is not necessary. Accordingly, a financial issue will not be specified.

32. *Metropolitan Television, Inc.* (Metropolitan). After the B cut-off list had been published, the Commission discovered that an "A" cut-off list containing Washington applicants had not been properly published in the **Federal Register.** To meet the publication requirement the Commission staff published a new "A" list, setting July 14, 1980 as the cut-off date. On July 14, 1980 Metropolitan Television, Inc., filed an application for a construction permit for Channel 14 in Washington, D.C. On September 15, 1980 Washington Christian Television Outreach, Inc. filed its petition to dismiss Metropolitan's application. Metropolitan filed two extensions of time to respond, on September 22, 1980 and October 8, 1980. On November 3, 1980 Metropolitan filed its opposition to WCTO's petition. WCTO submitted its reply November 18, 1980.

33. WCTO urges dismissal of Metropolitan's application since some of its principals allegedly had actual notice of the defective cut-off list. Petitioner cites *Way of Life Television Network, Inc.* v. *Federal Communications Commission*, 592 F. 2d 1356 (D.C. Cir. 1979) for the proposition that only parties without actual notice of the original cut-off date may file applications pursuant to a corrective cut-off list. WCTO also claims that § 0.445(e) of the Rules applies to cut-off lists and would bar those who had actual knowledge of the original cut-off list from applying when the corrective list was published.

34. In *Way of Life*, the court held that a party petitioning for waiver of the cut-off date would not be successful if it had actual knowledge of the defectively published date. Unlike in the *Way of Life* situation here the Commission, on its own volition, published a curative "A" list and subsequently Metropolitan filed its application. We find that in this situation the applicant's alleged actual knowledge is immaterial. To hold otherwise would require a substantial delay in the processing of applications to resolve the factual question of whether an applicant had actual knowledge. WCTO incorrectly sought to apply § 0.445 of the Rules to the instant case. Section 0.445 of the Rules outlines the publication requirements for Commission policy statements, orders, and opinions. It does not apply to cut-off lists. Cut-off lists and the requirement that they be published in the **Federal Register** are discussed in § 73.3572(c) of the Rules.[1] In light of the inapplicability of *Way of Life* and § 0.455 of the Rules to the instant case, WCTO's petition to dismiss will be denied.

35. Except as indicated by the issues specified below, the applicants are qualified to contruct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

36. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place before an Administrative Law Judge to be specified in a subsequent Order, upon the following issues;

1. To determine with respect to Century Communications, Inc.:

(a) Whether the applicant had included the cost of leasing land elsewhere in its cost estimates;

(b) In light of the evidence adduced pursuant to (a), what applicant's proposed station would cost to construct and operate for three months;

(c) The availability of additional funds over and above the $766,066 indicated; and

(d) Whether in light of the evidence adduced pursuant to (a) through (c), applicant is financially qualified.

2. To determine with respect to Community Service Broadcasters Inc.:

(a) Whether applicant has the additional $5,552,000 available necessary to finance the construction and operation expenses; and

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

3. To determine with respect to Focus Broadcasting of Washington, D.C., Inc.:

(a) Whether it has $909,503 available to meet its estimated construction and operational expenses; and

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

4. To determine with respect to Television Communications, Inc.:

(a) Whether its estimate of $3,000 for legal costs is adequate;

(b) Whether, in light of the evidence adduced pursuant to issue (a), what applicant's proposed station would cost to construct and operate for three months.

(c) Whether, it has the necessary additional funds over and above the $50,000 indicated, available;

(d) Whether, in light of the evidence adduced pursuant to issues (a) through (c), applicant is financially qualified.

5. To determine with respect to Urban Telecommunications Corporation:

(a) Whether it has $2,525,000 available for construction and operation of the proposed station;

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

6. To determine with respect to Washington Television, Inc.:

(a) Whether its estimate for legal expenses is adequate;

(b) In light of the evidence adduced pursuant to issue (a), construction and operational expenses.

(c) The availability of additional funds over and above the $800,000 indicated.

(d) Whether, in light of the evidence adduced pursuant to issues (a) through (c), applicant is financially qualified.

[1] By Commission action June 16, 1981 the Commission eliminated the requirement that cut-off lists be published in the Federal Register.

37. It is further ordered, That, any grant of a construction permit to Grant Broadcasting Corporation will be subject to the condition that Mr. Hagans divest himself of all interest in Washington Community Broadcasting Co.

38. It is further ordered, That, Washington Christian Television Outreach, Inc.'s petition to dismiss Metropolitan's application, Community Service Broadcasters, Inc.'s, petition to reject Kent and Focus's amendments, Washington's Christian Television Outreach, Inc.'s, opposition to WSCT–TV, Inc.'s, petition to amend, and Washington's Christian Television Outreach, Inc.'s, informal objection to Capital's amendment are denied.

39. It is further ordered, That, the grant of the construction permit is conditioned on the permittee taking adequate measures to provide interference protection to land mobile services in the 460–470 MHz band *prior to program test authorization.* No automatic equipment or program test authority will be permitted. Prior to conducting equipment tests, the permittee shall gain Commission approval of its plan to prevent undue interference to land mobile services. The permittee will be required to file a request for program test authority along with the license application, and document that objectionable interference will not be caused to land mobile services as a result of Channel 14 operation.

40. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

41. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81–25288 Filed 8–28–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that request a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writting and received by the appropriate Federal Reserve Bank not later than September 19, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. **Industrial National Corporation,** Providence, Rhode Island (mortgage banking, **Wyoming**): to engage through its indirect subsidiary, Mortgage Associates, Inc., in the origination, sale, and servicing of residential mortgage loans. These activities would be conducted from an existing office in Murray, Utah, and the service area of this office will be expanded to cover the entire State of Wyoming.

2. **Industrial National Corporation,** Providence, Rhode Island (mortgage banking; Colorado, Idaho, Montana, Utah, and Wyoming): to engage through its indirect subsidiary, Mortgage Associates, Inc., in the origination, sale, and servicing of commercial mortgage loans. These activities would be conducted from an existing office in Orem, Utah serving the States of Utah, Colorado, Idaho, Montana, and Wyoming.

B. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Barclays Bank Limited and its subsidiary, **Barclays Bank International Limited,** each a bankholding company whose principal office is in London, England (secured business lending; North Carolina): to engage through their subsidiary, BarclaysAmerican/Credit, Inc., ("BAC") in making business loans to small businesses or individuals borrowing for business purposes, primarily secured by first and second mortgages on real estate. This activity would be conducted from BAC's existing mortgage finance office located in Charlotte, North Carolina, serving customers in Charlotte and surrounding areas in North Carolina.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, August 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–25335 Filed 8–28–81; 8:45 am]

BILLING CODE 6210–01–M

Central Wisconsin Bankshares, Inc.; Acquisition of Bank

Central Wisconsin Bankshares, Inc., Wausau, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of The First National Bank at Neillsville, Neillsville, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 17, 1981. Any comment on an application

that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25338 Filed 8-28-81; 8:45 am]

BILLING CODE 6210-01-M

First Equity Bancshares, Inc.; Formation of Bank Holding Company

First Equity Bancshares, Inc., Stewartsville, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First Bank of Stewartsville, Stewartsville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25341 Filed 8-28-81; 8:45 am]

BILLING CODE 6210-01-M

First University Corp.; Formation of Bank Holding Company

First University Corporation, Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent, less directors' qualifying shares, of the voting shares of the successor by consolidation to First National Bank of West University Place, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25342 Filed 8-28-81; 8:45 am]

BILLING CODE 6210-01-M

Geneva Bancshares, Inc.; Formation of Bank Holding Company

Geneva Bancshares, Inc., Geneva, Alabama, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.1 percent or more of the voting shares of The American Bank, Geneva, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25336 Filed 8-28-81; 8:45 am]

BILLING CODE 6210-01-M

Illinois Central Bancorporation, Inc.; Formation of Bank Holding Company

Illinois Central Bancorporation, Inc., Glen Ellyn, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent, less directors' qualifying shares, of the voting shares of the successor by merger to the First Security Bank of Glen Ellyn, Glen Ellyn, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25343 Filed 8-28-81; 8:45 am]

BILLING CODE 6210-01-M

NBD Bancorp, Inc.; Acquisition of Bank

NBD Bancorp, Inc., Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Wolverine State Bank, Sandusky, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25339 Filed 8-28-81; 8:45 am]

BILLING CODE 6210-01-M

NBD Bancorp, Inc.; Acquisition of Bank

NBD Bancorp, Inc., Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of The Roscommon State Bank, Roscommon, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25340 Filed 8-28-81; 8:45 am]

BILLING CODE 6210-01-M

Pine City Bancorporation, Inc.; Formation of Bank Holding Company

Pine City Bancorporation, Inc., Pine City, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96 per cent or more of the voting shares of Pine City State Bank, Pine City, Minnesota. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25337 Filed 8-28-81; 8:45 am]

BILLING CODE 6210-01-M

Security Bancorp. Inc.; Proposed Retention of Central Computer Corporation

Security Bancorp. Inc., Southgate, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain, through its wholly-owned subsidiary, SecureData Corp., Troy, Michigan, the voting shares of Central Computer Corporation, Gaylord, Michigan, and to merge Central Computer Corporation into SecureData Corp.

Applicant states that Central Computer Corporation engages in the following activities: (1) provide full data processing services as they may be required or desired by the six banks in the northern part of Michigan which formerly owned the Company; (2) to provide data processing services to any bank in northern Michigan that may wish to contract for such services; (3) to provide payroll service for any business firm in northern Michigan either through banks or directly, as appropriate; (4) to provide billing services to the medical industry through client banks or directly; (5) to offer to sell excess equipment capacity on a one-time and single use basis to the general public (not to exceed 5% of total capacity). These activities would be performed from offices of Applicant's subsidiary in Gaylord, Michigan, and the geographic area to be served is the entire State of Michigan. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 19, 1981.

Board of Governors of the Federal Reserve System, August 20, 1981.

D. Michael Manies,

Assistant Secretary of the Boad.

[FR Doc. 81-25334 Filed 8-28-81; 8:45 am]

BILLING CODE 6210-01-M

Warner Bancorp, Inc.; Formation of Bank Holding Company

Warner Bancorp, Inc., Warner, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Security Bank, Warner, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Warner Bancorp, Inc., Warner, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Warner Insurance Agency, Inc., Warner, Oklahoma.

Applicant states that the proposed subsidiary would act as agent for the sale of credit life, accident and health insurance directly related to extensions of credit by Security Bank. Such activities have been specified by the Board in §225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests,

or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that woud be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than September 17, 1981.

Board of Governors of the Federal Reserve System, August 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25330 Filed 8-28-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 139]

Baltimore Gas and Electric Co., the Maryland Public Service Commission; Proposed Intervention in Electric and Gas Rate Increase Proceeding

The General Services Administration (GSA) seeks to intervene in a proceeding before the Maryland Public Service Commission concerning the application of the Baltimore Gas and Electric Company for an increase in its electric, gas and steam rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Albert Vicchiolla, Assistant General Counsel, Transportation and Public Utilities Division, General Services Administration, 425 I Street, NW, Room 3001, Washington, DC (mailing address: General Services Administration (LT), Washington, DC 20406), on or before September 30, 1981, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding. (Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4)).

Dated: August 19, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-25278 Filed 8-28-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-12]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Oklahoma Corporation Commission involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Oklahoma Corporation Commission involving the application of the Oklahoma Gas and Electric Company for an increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: August 17, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-25283 Filed 8-28-81; 8:45 am]

BILLING CODE 6820-AM-M

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Executive Committee of the National Archives and Records Service Advisory Committee on Preservation will meet in room 105 on September 29, 1981 from 10:00 a.m. to 4:00 p.m., and September 30 from 9:00 a.m. to noon at the National Archives Building, Washington, D.C. The Executive Committee will discuss Subcommittee assignments for fiscal year 1982.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3195.

Dated: August 18, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-25279 Filed 8-28-81; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-72]

Southtown Tax Increment Redevelopment Project Area, Peoria, Ill.; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that the City of Peoria, Illinois intends to prepare an Environmental Impact Statement (EIS) for the following project under HUD programs as described in the appendix to this Notice: Southtown Tax Increment Redevelopment Project Area. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., August 25, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on the Southtown Tax Increment Redevelopment Project Area

The City of Peoria, Illinois intends to prepare an Environmental Impact Statement for the project described below and solicits information and comments for consideration in the EIS.

Description: This 300 acre Southtown Area is bounded by 7th Avenue on the north and northwest, Kempf Boulevard on the east, Jefferson Avenue on the southeast and MacArthur Highway on the west. A portion of the site contains on-going redevelopment and development activities such as the Peoria School of Medicine, the Peoria Civic Center, and the Caterpillar Tractor Company Training Center. The remaining acreage will be assembled for commercial, public and semi-public uses and residential uses. A total of approximately 850 housing units are anticipated in the project area.

The proposed project may be assisted under the following Federal Programs: Community Development Block Grant and/or Urban Development Action Grant, and Section 8.

Need: It has been determined by the City of Peoria that the overall project exceeds the 800 threshold level for EIS's established by HUD.

Alternatives Perceived: Alternatives to be considered are: no project, accept project as proposed, accept project with conditions or modifications of project.

Scoping: Response to this Notice will assist in identifying data sources and significant environmental issues which the EIS should address.

Comments: On or before September 18, 1981, comments should be mailed to or delivered to: Rodney D. Haynes, Program Manager, Department of Community Development, City of Peoria, City Hall, Room 402, 419 Fulton Street, Peoria, Illinois 61602.

[FR Doc. 81-25287 Filed 8-28-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Quintana Offshore Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3411, Block 15, portion, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 24, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25282 Filed 8-28-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Big Desert Grazing Final Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the final environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement for a proposed grazing management program for the Big Desert Planning Unit of the Idaho Falls District in southeastern Idaho. The proposal includes changes in stocking rates, implementing improved grazing systems and installation of range improvements on approximately 1.1 million acres of public land. No action can be taken for at least 30 days following filing of this statement with the Environmental Protection Agency and the distribution to the public. Copies of the final environmental impact statement are available for review at the following locations:

Idaho Falls District Office, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, Telephone: (208) 529–1020

Idaho State Office Bureau of Land Management, Federal Building, 500 W. Fort Street, Boise, Idaho 83724, Telephone: (208) 334–1770

Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: O'dell Frandsen or Roger Wickstrom, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401. Telephone: (208) 529–1020.

Dated August 24, 1981

Theodore G. Bingham,

Associate State Director, Idaho.

[FR Doc. 81-25324 Filed 8-28-81; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 81-35]

Proposed Grazing and Wilderness Management For The Cal/Neva Planning Unit, Eagle Lake Resource Area, Susanville District, California; Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a final environmental impact statement concerning a proposed intensive grazing management program for the Cal/Neva Planning Unit in Lassen County, California and Washoe County, Nevada. Management proposals are presented and analyzed for each of nine grazing allotments. Intensive Management will occur on eight of the allotments and less intensive management will occur on one allotment. The planning unit covers 797,925 acres, of which 81 percent is Federal land.

Comments on the final environmental impact statement are being solicited from public agencies and interested individuals and entities. The Bureau of Land Management invites written comments on the statement to be submitted by to the District Manager, Susanville District, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130.

A limited number of copies of the final environmental impact statement are available upon requiest at the following offices:

California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484–4541

Susanville District Office, P.O. Box 1090, Susanville, California 96130, Telephone (916) 257–5381.

Copies of the final environmental impact statement will be available for public reading and review at the following locations:

Division of Rangeland Management, Bureau of Land Management, Interior Building, 18th & C Streets NW., Washington, D.C. 20240

California State Office (911), Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telophone (916) 484–4541

Susanville District Office, Bureau of Land Management, 705 Hall Street, Susanville, California 96130, Telephone (916) 257–5381.

Dated: August 24, 1981.

Bruce P. Conrad,

Acting State Director.

[FR Doc. 81-25323 Filed 8-28-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Apostle Islands National Lakeshore, Wisconsin Boundary Change

Section 7(c) of the Land and Water Conservation Fund Act of 1965, 16 USC 4601 et seq. added by Section 1(5) of the Act of June 10, 1977, 91 Stat. 210, 16 USC 4601–9(c), provides for publication of boundary changes in units of the National Park System.

The National Park Service in January 1980 acquired a tract of land in Bayfield County, Wisconsin. At its southern extremity, this tract is bisected by State Highway 13. That portion of the ownership lying south of State Highway 13 was not acquired. It was intended to amend the boundaries to delete approximately 19 acres of land lying south of the highway, including the county right-of-way, to provide the National Park Service with a more managable boundary. During negotiations, the landowner was advised of this intention and posed no objections. Accordingly, the boundary revision we are now proposing will delete this 19-acre privately owned parcel.

The Bayfield County Board has been advised of our intent and in turn has advised the National Park Service in writing that the county board was presented our letter. No objections was surfaced and the letter was filed.

Notice is given that the boundary of the Apostle Islands National Lakeshore is hereby changed by the deletion of certain lands. The change is delineated on map numbered 633–92, 002, dated February 1981.

A copy of the map is available for inspection in the Office of the National Park Service, Department of the Interior, Washington, D.C.

August 15, 1981.

Donald Paul Hodel,

Acting Secretary of the Interior.

[FR Doc. 81-25308 Filed 8-28-81; 8:45 am]

BILLING CODE 4310-70-M

Golden Spike National Historic Site Utah; Publication of Boundary Map

There is hereby published the official boundary map for Golden Spike National Historic Site, Utah, numbered 431–80,026 and dated December 6, 1978, as provided pursuant to section 7 of the Act of September 8, 1980 (Pub. L. 96–344; 94 Stat. 1133). The lands located within the boundaries of Golden Spike National Historic Site shall be administered in accordance with the statutes and regulations of the National Park Service which are generally applicable to areas of the National Park System.

Dated: August 21, 1981.

Russell E. Dickenson,

Director, National Park Service.

BILLING CODE 4310-70-M

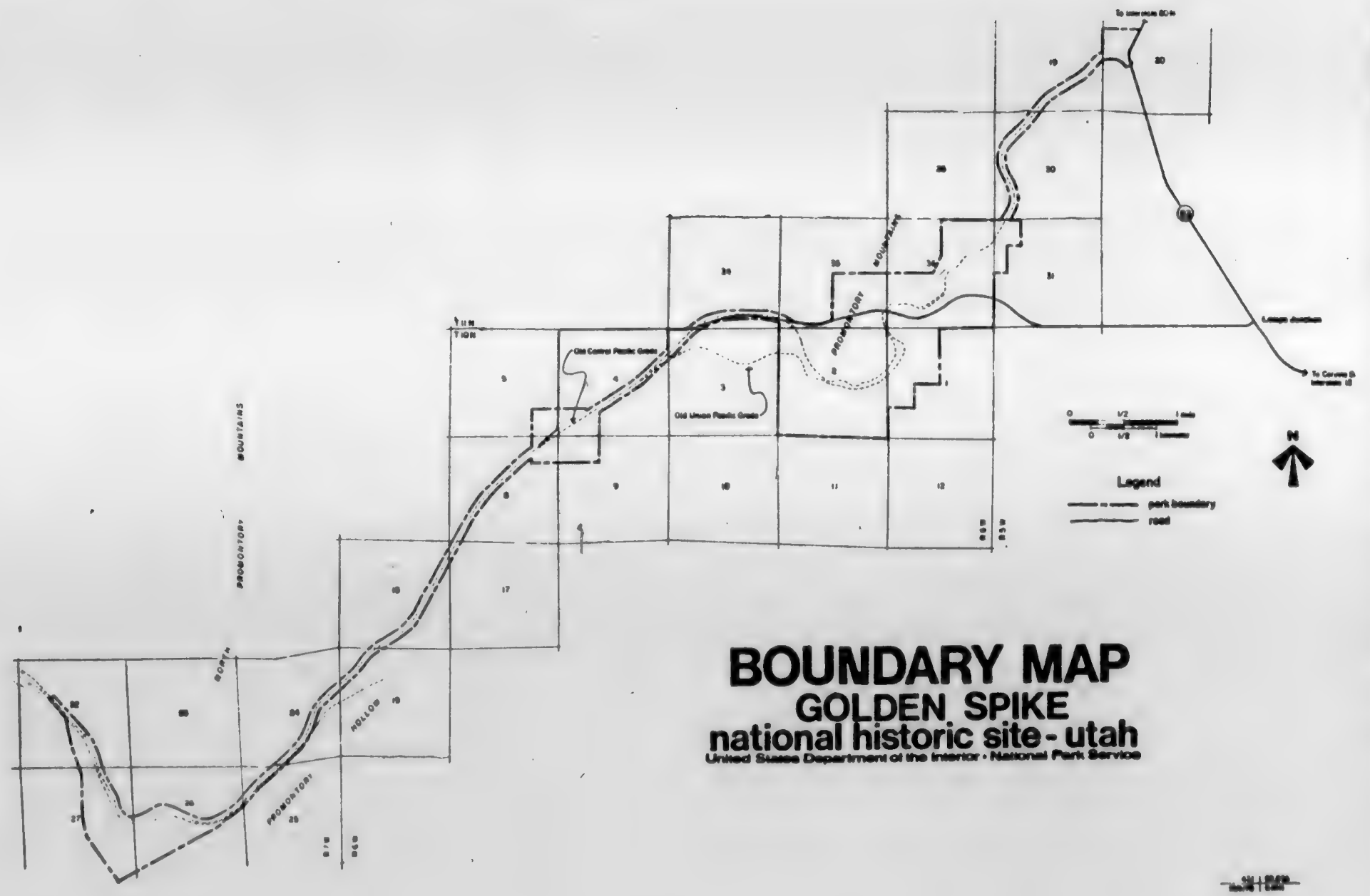

BOUNDARY MAP
GOLDEN SPIKE
national historic site - utah
United States Department of the Interior • National Park Service

[FR Doc. 81-25310 Filed 8-28-81; 8:45 am]
BILLING CODE 4310-70-C

Grant-Kohrs Ranch National Historic Site, Montana; Publication of Boundary Map

There is hereby published the official boundary map for Grant-Kohrs Ranch National Historic Site in Powell County, Montana, numbered 451–80,013 and dated January 25, 1980, as provided pursuant to Title XI of the Act of December 28, 1980 (Pub. L. 96–607; 94 Stat. 3539). The ownership of lands depicted on the aforesaid map are intended to represent their status once federal acquisition has been completed. The lands located within the boundaries of Grant-Kohrs Ranch National Historic Site shall be administered in accordance with the statutes and regulations of the National Park Service which are generally applicable to areas of the National Park System.

Dated: August 21, 1981.

Russell E. Dickenson,

Director, National Park Service.

BILLING CODE 4310-70-M

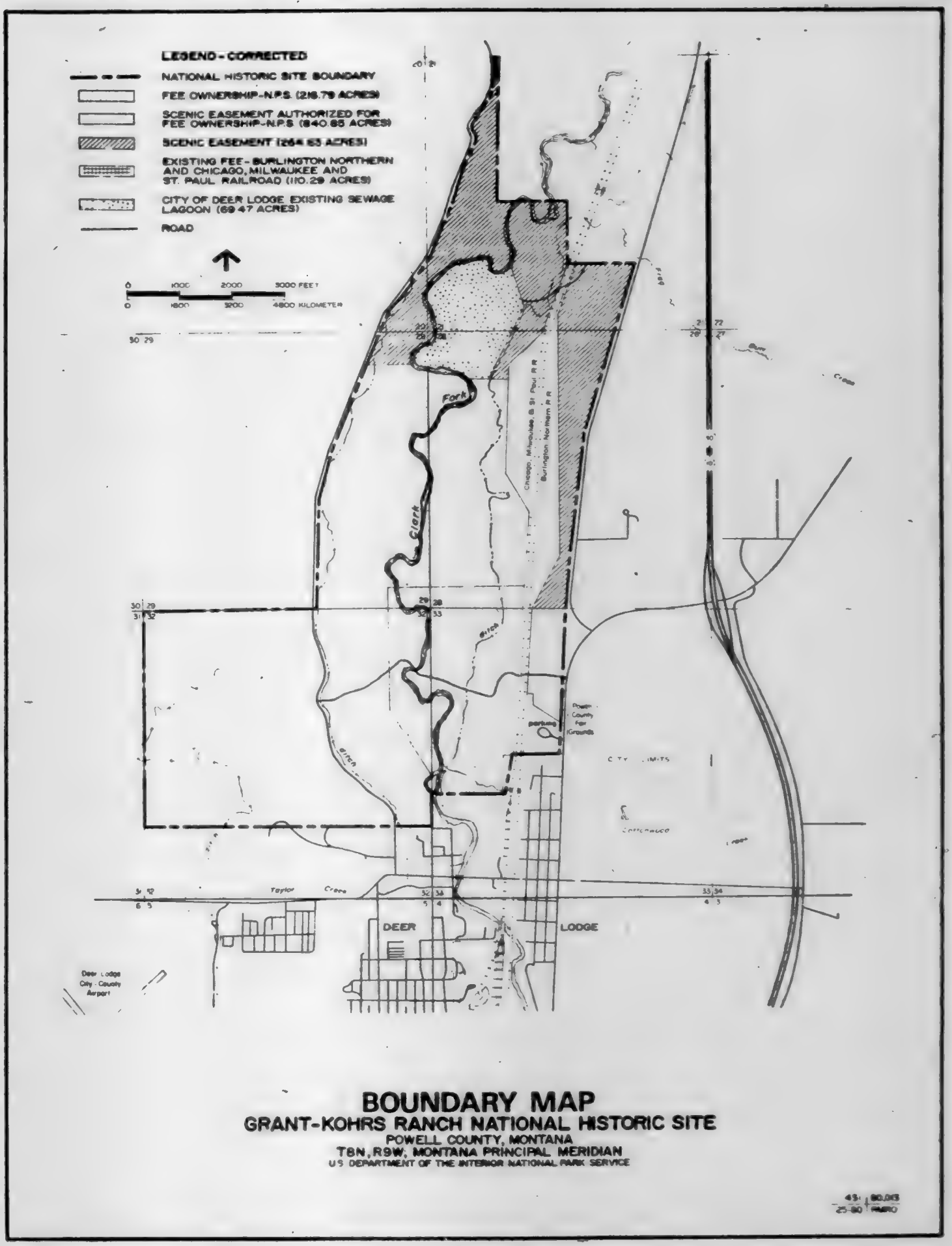

BOUNDARY MAP
GRANT-KOHRS RANCH NATIONAL HISTORIC SITE
POWELL COUNTY, MONTANA
T8N, R9W, MONTANA PRINCIPAL MERIDIAN
U.S. DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

43: 80,013
25-80 PARO

[FR Doc. 81-25309 Filed 8-25-81; 8:45 am]
BILLING CODE 4310-70-C

Office of the Secretary

Alaska Land Use Council; Meeting

As required by the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, dated December 2, 1980, section 1201, paragraph (h), the Alaska Land Use Council will meet October 5, 1981, at 9:00 a.m., at 1689 C Street, Room 107, in the South Kaloa Building, Anchorage, Alaska.

William P. Horn,

Deputy Under Secretary.

August 26, 1981.

[FR Doc. 81-25322 Filed 8-28-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Directed Service Order No. 1398]

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor; Petition of KCT–DRC To Supplement Final Accounting Report; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Acceptance of supplements to Final Accounting Report and setting of procedural schedule for submission of comments on supplemental report.

SUMMARY: Kansas City Terminal Railway Company, as directed rail carrier over Chicago, Rock Island & Pacific Railroad Company (William M. Gibbons, Trustee), (KCT–DRC, or directed carrier), has filed a petition seeking consideration of a supplement to its Final Accounting Report relating to its directed carrier operations. The supplement separately states accounts between the estate of the Chicago, Rock Island and Pacific Railroad Company, Debtor (RI) and KCT–DRC as a result of directed service. KCT–DRC also requests that a procedural schedule be established to receive comments on its Final Accounting Report, as supplemented. We grant the requested relief.

DATES: Comments due 60 days from the date of publication of this decision. Responses to comments due 30 days thereafter.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson, (202) 275–7245.

ADDRESS: File all comments and responses at: Section of Finance, Room 5414, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: We directed service by KCT–DRC over lines of the RI pursuant to 49 U.S.C. 11125. Following a directed carrier's submission of a record of total expenses incurred performing directed service, the Commission must "certify promptly, to the Secretary of the Treasury, the amount to be paid" [49 U.S.C. 11125(b)(5)]. Our regulations implementing this statute, including 49 CFR 1126.3, provide for a "final accounting report" by the directed carrier, upon which the Commission, following an audit, is to base its certification to the Treasury. *See Regional Rail Reorg. Act-Submission of Cost Data,* 348 I.C.C. 251 (1975), and *Lehigh & New England Ry. Co.* v. *I.C.C.,* 540 F.2d 71, 78 (3rd Cir. 1976) cert. denied 429 U.S. 1061 (1977).

By decision served November 18, 1980, [44 FR 78839, November 26, 1980] we set the format for the Final Accounting Report of KCT–DRC for its operations under Directed Service Order No. 1398. KCT–DRC filed its Final Accounting Report on June 2, 1981. The directed carrier has filed a petition seeking to supplement its Final Accounting Report and requesting establishment of a procedural schedule for the submission of comments on the supplemented report. KCT–DRC believes that a more detailed accounting concerning its financial relationship with the Trustee of the Chicago, Rock Island & Pacific Railroad Company (Trustee) will assist us in evaluating the Final Accounting Report.

KCT–DRC submitted its proposed supplements as appendices to its petition. Its Appenix A is a statement of accounts receivable from the Trustee, in two parts. Part I sets forth the receivables KCT–DRC considers to be undisputed because the Trustee has taken no exceptions to them. These receivables total $52.5 million. Part II sets forth receivables claimed by the directed carrier which have been disputed by the Trustee. These total $7 million. Appendix B sets forth accounts payable to the Trustee. In Part I, KCT–DRC sets forth undisputed payables, totalling $44 million. Part II sets forth payables disputed by the directed carrier, totalling $7.4 million.

Underlying documents supporting these amounts are available for inspection at the directed carrier's offices at 332 South Michigan Avenue, Chicago, IL 60604.

As Appendix C to its petition, KCT–DRC submitted a draft agreement with the Trustee which incorporates KCT–DRC's understanding of the requirements of our decisions served March 19, 1980 [44 FR 19663, March 26, 1980] and October 20, 1980 [44 FR 70332, October 23, 1980]. KCT–DRC states that the draft sets forth the methodology it employed to apportion revenues and expenses between the directed carrier and the Trustee and in determining compensation for use of the property and equipment of the Chicago, Rock Island & Pacific Railroad Company. We note that the Trustee and counsel representing the principal creditors of the RI estate were served with copies of this petition and its appendices on July 24, 1981. If they disagree with these interpretations for the requirements they represent, they should bring these and any other matters relating to settlement of accounts between the RI estate and the KCT–DRC to our attention within the time limits established below for submission of comments by interested parties.

KCT–DRC also requests that we establish a procedural schedule for the submission of comments on the supplemented Final Accounting Report.

We will accept supplements to the Final Accounting Report. The information offered by the directed carrier will be helpful to us in the exercise of our audit powers under 49 U.S.C. 11125(b)(5). The accounts between the RI estate and KCT–DRC represent the largest single item arising out of directed service. Segregating them should facilitate their resolution and resolution of the final accounts for directed service. It does not appear that the rights of any party will be adversely affected by acceptance of the offered supplements.

In order to assist us in taking into account the views of all persons whose rights may be affected by our final accounting order, we will give interested parties an opportunity to comment on the supplemented Final Accounting Report. Interested parties, including the Trustee, are requested to file comments (an original and 10 copies) no later than 60 days from the date of publication of this decision in the **Federal Register**. A copy of comments shall be served on KCT–DRC and the Trustee by the party filing the comments. Interested parties considering filing comments may request a copy of the petition and appendices from the directed carrier at the address indicated above. KCT–DRC shall provide a copy of the petition and appendices within 7 days of receipt of a request. KCT–DRC and the Trustee may file a response (original and 10 copies) to comments within 30 days of the due date for comments. Copies of the response shall be served on all commenting parties.

We will endeavor to issue a final decision on the accounts between the RI estate and KCT–DRC within 90 days after the date we receive response to comments.

Our acceptance of the supplements to the directed service accounting, and establishment of a procedural schedule for the filing of comments, is done with full cognizance of the bankruptcy proceeding in No. 75–B–2697, *In re Chicago, Rock Island & Pacific Railroad Co., Debtor,* now pending in the United States District Court for the Northern District of Illinois, before Judge Frank McGarr. In that proceeding, the RI Trustee and several creditors' groups have filed a complaint against KCT–DRC seeking an accounting before the bankruptcy court of the amounts due to the RI estate as a result of the use of the property, facilities, and equipment of the RI by KCT–DRC and the recovery of costs involved in providing directed service. We do not believe that the pending bankruptcy proceeding (and any proceedings filed under the bankruptcy proceeding) before Judge McGarr limits our jurisdiction or diminishes our responsibility to determine the compensable costs of directed service pursuant to 49 U.S.C. 11125. It is incumbent upon the Commission to complete a final accounting for the compensable costs of directed service in the first instance for certification to the United States Treasury. This, of necessity, includes a final resolution of what we believe to be a proper statement of accounts between the RI Trustee and KCT–DRC arising out of directed service.

This action is taken pursuant to 49 U.S.C. 11125 and our regulations implementing that statute.

It is ordered:

1. The petition is granted as stated above.

2. This decision shall be effective on August 27, 1981.

Decided: August 25, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25316 Filed 8–28–81; 8:45 am]

BILLING CODE 7035–01–M

Norfolk & Western Railway Co. Exemption for Contract Tariff ICC–NW–C–0003; Decision

[EX PARTE NO. 387 (SUB-NO. 44)]

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract and contract tariff may be made effective September 1, 1981 on no less than 1 day's notice. This exemption may be revoked if protests are filed on or before September 15, 1981.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: By petition filed August 7, 1981, the Norfolk and Western Railway Company (N&W) has requested an exemption from the 30 day notice requirement of 49 U.S.C. 10713(e), in order to advance the effective date of its contract and contract tariff five days. The contract tariff, ICC NW–C–0003, was filed August 7, 1981, to take effect on September 6, 1981. A grant of N&W's request would make the contract and contract tariff effective September 1, 1981.

The contract provides for use of multi-level rail cars in carriage of motor vehicles in conjunction with a shipper reload program. The terms of the shipper reload program include a joint shipper-carrier committee which controls the forwarding of empty multi-level rail cars assigned to the involved shipper. It is expected that control by the joint shipper-carrier committee will improve car use and decrease empty mileage. N&W states that the involved shipper will have all of its U.S. plants in the reload program by September 1, 1981. September 1, 1981 is also the beginning of the 1982 model year. The change in effective date would permit shipments of the new models at commencement of the model year. It would also simplify accounting procedures, since the contract terms would become effective at the beginning of a calendar month.

N&W does not expect any protests concerning the earlier effective date. It contends that a 30-day notice period is not required to protect the shipper from abuse of market power.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(i). However, we may address the same relief under our section 10505 exemption authority and we do so here.

Section 10505 permits an exemption where a statutory provision is not necessary to carry out the national transportation policy, and where the transaction is of limited scope. We believe the circumstances existing here warrant such an exemption. The contract will result in improvements in car utilization and in accounting efficiency. Since the shipper will have all its U.S. plants in the reload program by September 1, and since September 1 is the beginning of the 1982 model year, commencement of the contract on September 1, 1981 would be more convenient for the parties than on September 6, 1981. The scope of this change is minimal since it involves only 5 days difference in the effective date of the contract.

N&W has indicated in its petition a willingness to be bound by the conditions which have been imposed in similar exemption proceedings. We will impose the following conditions:

If the Commission permits the contract to become effective on September 1, 1981, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the addendum or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff to be filed in conformity with our tariff publishing regulations on no less than 1 day's notice may become effective on September 1, 1981. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: August 24, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25329 Filed 8–28–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–162

Decided: August 21, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 14903 (Sub-5), filed August 10, 1981. Applicant: ERY'S HORSE TRANSPORTATION, INC., 3886 Elm St., Grove City, OH 43123. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *horses,* other than ordinary horses, and in the same vehicle therewith, *mascots, personal effects of attendants, and supplies and equipment* used in the care and exhibition of horses, between points in the U.S.

MC 32122 (Sub-6) filed August 11, 1981. Applicant: PAZEN TRANSFER LINES, INC., P.O. Box 243, Waukau, WI 54980. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912, 1–(414) 734–5608. Transporting *food and related products and lumber and wood products,* between points in Columbia, Fond Du Lac, Rusk, Taylor, and Winnebago Counties, WI, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 107012 (Sub-732) filed August 14, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *appliances,* between points in Shelby County, TN on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, KS, KY, LA, MN, MS, NC, NM, NV, OK, SC, SD, TX, UT, VA, and WY.

MC 107012 (Sub-733) filed August 14, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *textile mill products,* between point in Moore County, NC, on the one hand, and, on the other, points in KS and KY.

MC 125973 (Sub-8) filed August 11, 1981. Applicant: CROWN WAREHOUSE & TRANSPORTATION COMPANY, INC., 710 East 9th Ave., P.O. Box M799A, Gary, IN 46401. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Federated Distributors, Inc., of Chicago, IL.

MC 135052 (Sub-42) filed August 14, 1981. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster St., Shelbyville, IN 46176. Representative: Glenn L. Katzman (same as applicant), (317) 398–0173. Transporting (1) *pulp, paper and related products,* (2) *rubber and plastic products* and (3) *metal products* between St. Louis, MO, Cleveland, OH, and points in Miami, Montgomery, Warren Counties, OH, Hillsborough County, FL, Caddo Parish, LA, and Mecklenburg County, NC, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 139843 (Sub-17), filed August 10, 1981. Applicant: VERNON G. SAWYER, P.O. Drawer B, Bastrop, LA 71220. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, LA 71203, (318) 322–5252. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of malt beverages, between points in Jefferson County, CO, on the one hand, and, on the other, points in TX, LA, MS, and TN.

MC 139973 (Sub-92), filed August 12, 1981. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, MO 65251. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting (1) *chemicals and related products,* and (2) *electrical machinery,* between points in Harford County, MD, on the one hand, and, on the other, points in the U.S.

MC 145103 (Sub-7), filed August 10, 1981. Applicant: UNITED TRANSPORT CORP., 319 O'Brien Rd., Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives), between points in NJ and NY, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 148632 (Sub-7), filed August 12, 1981. Applicant: DIXON MOTOR FREIGHT, INC., 2620 Old Egg Harbor Rd., Lindenwold, NJ 08021. Representative: Gary V. Dixon (same address as applicant), 609–767–5885. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cooling rooms, shelving, and checkout counters, between points in Camden County, NJ, on the one hand, and, on the other, points in the U.S.

MC 149142 (Sub-3), filed August 13, 1981. Applicant: WESLEY J. REYNOLDS, d.b.a. W. R. TRUCKING,

3022 MacArthur Blvd., Oakland, CA 94602. Representative: John H. King, 50015 S.E. Coalman Rd., Sandy, OR 97055, 503–668–4742. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Publishers Paper Company, of Portland, OR.

MC 150812 (Sub-4), filed August 11, 1981. Applicant: FROST TRANSPORTATION, INC., P.O. Box 3400, Shreveport, LA 71103. Representative: Joseph A. Keating, Jr., 121, S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explsives), having a prior or subsequent move be rail or water, between Philadelphia, PA and Chicago, IL, on the one hand, and, on the other, points in NY, NJ, and PA.

MC 151262 (Sub-2), filed August 12, 1981. Applicant: CAR CARE, INC., Bldg. 302, Port Newark, NJ 07114. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting *transportation equipment,* between New York, NY, Baltimore, MD, Jacksonville, FL, Portsmouth, VA, Los Angeles, CA, and Wilmington, DE, on the one hand, and, on the other, points in the U.S.

MC 152292, filed August 14, 1981. Applicant: SUNBELT EXPRESS, INC., 3129 Robin Hill Lane, Dallas, TX 75042. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting (1) *chemicals and related products* (a) between points in Ellis County, TX on the one hand, and, on the other, points in AZ, CA, ID, MT, NM, NV, OR, WA, and WY, and (b) between points in Dallas County, TX, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, OR, UT, WA, and WY, (2) *clay, concrete, glass or stone products,* between points in CA, on the one hand, and, on the other, points in TX and OK, and (3) *food and related products, pulp, paper and related products, and rubber and plastic products,* between points in AZ, CA, CO, ID, NM, NV, OR, TX, UT, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, NM, NV, OR, TX, UT, and WA.

MC 153913 (Sub-4), filed August 12, 1981. Applicant: MISSOURI ALCOHOL FUEL, INC., 408 Thompson Bldg., Tulsa, OK 74103. Representative: Richard S. Brownlee III, P.O. Box 1069, Jefferson City, MO 65102, (314) 636–8135. Transporting *petroleum, natural gas, and their products,* between points in IL, MO, and KS. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of liquified petroleum gasses, it shall be limited to a period expiring 5 years from its date of issuance.

MC 157513, filed August 13, 1981. Applicant: EVERREADY DRAYAGE SERVICE, INC., 3 Crutcher St., Port Wentworth, GA 31407. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, 904–632–2300. Transporting *general commodities* (except classes A and B explosives), between points in Charleston County, SC and Chatham County, GA, on the one hand, and, on the other, points in GA and SC.

MC 157653, filed August 10, 1981. Applicant: ARNOLD J. MCKAY and DONALD GENE, MCKAY, d.b.a. TWINS TRUCKING, 1130 James Rd., Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *building materials,* between points in Kern County, CA, on the one hand, and, on the other, points in Los Angeles County, CA.

Volume No. OPY–5–136

Decided: August 21, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 99888 (Sub-9), filed August 11, 1981. Applicant: MAYFIELD TRANSFER CO., INC., 3200 West Lake Street, Melrose Park, IL 60160. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603, (312) 236–0375. Transporting *general commodities* (except classes A and B explosives) between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI.

MC 107678 (Sub-83), filed August 12, 1981. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott Ave., Houston, TX 77015. Representative: Michael J. Stecher, 256 Montgomery St., Fifth Floor, San Francisco, CA 94104, (415) 421–6743. Transporting *commodities* which because of their size or weight require the use of special handling or equipment, between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 124059 (Sub-4), filed August 11, 1981. Applicant: REJER TRANSPORT, INC., P.O. Box 566, Marietta, OH 45750. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *such commodities* as are manufactured, processed, or dealt in by petroleum and chemical manufacturers between the facilities of Shell Oil Company in OH, PA, and WV, on the one hand, and, on the other, points in the U.S.

MC 127478 (Sub-22), filed August 11, 1981. Applicant: WILLIAM HAYES, d.b.a. HAYES TRUCKING COMPANY, P.O. Box 31, Winterville, GA 30683. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, DC 20036, (202) 223–5900. Transporting *food and related products,* between points in MN, WI, MI, IA, MO, IL, IN, and OH, on the one hand, and, on the other, points in FL, AL, GA, TN, SC, NC, and VA.

MC 128539 (Sub-19), filed August 12, 1981. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4508, 3204 Sunset Ave., Rocky Mount, NC 27801. Representative: Robert J. Corber, 1250 Connecticut Ave., N.W., Wasington, DC 20036, (202) 862–2036. Transporting *petroleum and petroleum products,* between points in VA, NC, SC, and GA.

MC 133478 (Sub-29), filed August 12, 1981. Applicant: INTERSTATE TRANSPORT, INC., P.O. Box 23727, Portland, OR 97223. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258, (503) 227–1681. Transporting *metal products,* between points in CA, OR, WA, NV, ID, AZ, UT, CO, NM, and TX.

MC 139858 (Sub-39), filed August 11, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H St., N.W., Washington, D.C. 20006, (202) 337–6500. Transporting (1) *food and related products,* and (2) *such commodities* as are dealt in or used by restaurants (except those described (1)), between points in the U.S., under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN.

MC 141428 (Sub-2), filed August 12, 1981. Applicant: ROSS TRANSFER & STORAGE, INC., P.O. Box 2164, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *household goods,* as defined by the Commission, between points in Morgan, Berkeley, and Jefferson Counties, WV, Frederick and Washington Counties, MD, and Franklin, Fulton, and Adams Counties, PA, on the one hand, and, on the other, points in NY, VT, NH, ME, MA, RI, CT, NJ, DE, MD, PA, OH, WV, VA, NC, SC, and DC.

MC 141459 (Sub-23), filed August 11, 1981. Applicant: AGS ENTERPRISES,

INC., 809 Columbia Blvd., Litchfield, IL 62056. Representative: Michael R. Solomon (same address as applicant), (217) 324–3713. Transporting *general commodities* (except classes A and B exposives), between points in MO and IL, and between points in MO and IL, on the one hand, and, on the other, points in the U.S.

MC 143059 (Sub-184), filed July 31, 1981. Applicant: MERCER TRANSPORTATION CO., INC., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant), (502) 584–2301. Transporting (1) *lumber and wood products*, (2) *forest products*, (3) *lumber mill products*, and (4) *sawmill products*, between points in the U.S.

MC 143169 (Sub-2), filed August 12, 1981. Applicant: HARRY BROTTON and HENRY LUCERO, d.b.a. LUCERO FILM SERVICE, 3630 Locke Ave., Los Angeles, CA 90032. Representative: Harry Brotton (same address as applicant), (213) 225–6722. Transporting *such commodities* as are used or dealt in by motion picture exhibitors, between points in CA, AZ, and NV.

MC 146529 (Sub-4), filed August 17, 1981. Applicant: ROBERT STEEN, d.b.a STEEN'S FEEDS, East Elkhorn, Belle Fourche, SD 57717. Representative: Thomas J. Simmons, 5301 N. Cliff, Box 480, Sioux Falls, SD 57101. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Pope and Talbot, Inc., of Portland, OR.

MC 151158 (Sub-5), filed August 11, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *pulp, paper and related products*, between points in Pulaski County, AR, on the one hand, and, on the other, points in Shelby County, TN.

MC 157588, filed August 5, 1981. Applicant: MIDWEST GENERAL, INC., 6006 Northland Road, Indianapolis, IN 46208. Representative: George Sawyer, 266 Reed Bldg., 7th Promande, Richmond, IN 47374, (317) 966–7694. Transporting (1) *paper and paper products*, between points in IL, IN, WI, MI, OH, PA, KY, MO, AR, TN, MS, and AL, and (2) *food and related products*, between points in IA, MO, IL, PA, TN, OH, KS, MS, WV, and CO, on the one hand, and, on the other, points in IN, IL, MI, OH, WI, KY, MO, TN, KS, OK, IA, PA, AL, GA, LA, AR, MS, NE, TX, NC, SC, MD, VA, WV, and CO.

MC 157619, filed August 11, 1981. Applicant: N.E.B. TRANSPORTATION & ASSOCIATES, INC., 27883 Aberdeen Rd., Bay Village, OH 44140. Representative: Lewis J. Ringler, 300 Leader Bldg., Cleveland, OH 44114, (216) 867–1311. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with National Carrier Service of Anaheim, CA.

MC 157659, filed August 10, 1981. Applicant: ROSWELL BEEMAN, d.b.a. BEEMAN REFRIGERATED TRANSPORT COMPANY, P.O. Box 685, Chazy, NY 12921. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801, (518) 792–0957. Transporting *food and related products* between points in Franklin County, VT, on the one hand, and, on the other, points in the U.S.

MC 157698, filed August 13, 1981. Applicant: NORTHEAST TRANSPORTATION CO., INC., 2965 Sunset Road, Melbourne, FL 32901. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *general commodities* (except classes A and B explosives), between points in Brevard County, FL and NY, on the one hand, and, on the other, those points in the U.S. in and east of NY, PA, MD, VA, NC, GA, and FL.

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Decided: August 21, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 109448 (Sub-37), filed August 13, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of heating and air conditioning units, between points in Marshall, Rutherford and Davidson Counties, TN, on the one hand, and, on the other, points in the U.S.

MC 12899 (Sub-2), filed August 14, 1981. Applicant: M. K. & O. HIGHWAY TOURS, INC., 321 S. Cincinnati, Tulsa, OK 74103. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. To operate as a *broker* at Tulsa, OK, and St. Louis, MO, in arranging for transportation by motor vehicle, of *passengers and their baggage*, in special or charter operations, between points in the U.S.

MC 133478 (Sub-30), filed August 12, 1981. Applicant: INTERSTATE TRANSPORT, INC., P.O. Box 23727, Portland, OR 97223. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258, (503) 227–1681. Transporting (1) *building materials* and (2) *forest products*, between points in CA, OR, WA, NV, ID, UT, AZ, CO, NE, TX, OK, and MO.

MC 136818 (Sub-131), filed August 12, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transporting *general commodities* (except classes A and B explosives), between Denver, CO, Dallas, TX, St. Louis, MO, Phoenix, AZ, and Albuquerque, NM, and points in CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 138609 (Sub-12), filed August 14, 1981. Applicant: ROBERT L. ARNOLD, d.b.a. PLANTATION TRANSPORT COMPANY, P.O. Box 2044, Albany, GA 31702. Representative: Robert L. Ar (same address as applicant), (912) 883–4019. Transporting (1) *machinery*, (2) *metal products*, (3) *rubber and plastic products*, and (4) *clay, concrete, glass or stone products*, between points in and east of TX, OK, KS, NE, SD, and ND.

MC 142119 (Sub-5), filed August 13, 1981. Applicant: COMMERCIAL TRAFFIC SERVICES, INC., 2001 West 12th St., Erie, PA 16005. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *hospital equipment*, between points in the U.S., under containing contract(s) with American Sterilizer Co., of Erie, PA.

MC 146899 (Sub-1), filed August 14, 1981. Applicant: TOLEDO-DETROIT EXPRESS, INC., 6180 Benore Rd., Toledo, OH 43612. Representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *metal products*, between Detroit, MI and Toledo, OH, on the one hand, and, on the other, points in MI, OH, IN, PA, and WV.

MC 153328 (Sub-15), filed August 14, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 400 State St., Madison, IL 62060, (618) 451–2323. Transporting (1) *chemicals and related products*, (2) *rubber and plastic products*, and (3) *textile mill products*, between points in the U.S., under continuing contract(s) with Monsanto Company of St. Louis, MO.

MC 153998, filed August 10, 1981. Applicant: OLIVE EXPRESS, INCORPORATED, P.O. Box 3865, Visalia, CA 93278. Representative: Earl

N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting (1) *paper and related products* between points in Multnomah County, OR, on the one hand, and, on the other, San Francisco and Los Angeles, CA, and (2) *food and related products* between points in CA, on the one hand, and, on the other, points in AZ, CO, GA, IL, IN, MN, NM, OH, OR, PA, TX, UT, and WA.

MC 154509 (Sub-1), filed August 10, 1981. Applicant: MEMPHIS COURIER DELIVERY, 3638 Old Getwell Road, Memphis, TN 38118. Representative: Ralph D. Golden, Suite 2348, 100 North Main Bldg., Memphis, TN 38103, (901) 526–1122. Transporting *toiletries* and *jewelry,* between points in TN, AR, MS, AL, and MO.

MC 157339, filed July 27, 1981. Applicant: KLEBBA McGOVERN TRUCKING, INC., Rural Route #2, Mt. Vernon, IL 62864. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. (214) 544–5468. Transporting (1) *metal products,* and (2) *natural gas engines,* between points in IL, MI, OH, and PA, on the one hand, and, on the other, points in AR, CO, KS, LA, MN, OK, OH, and TX.

MC 157648, filed August 10, 1981. Applicant: RONALD T. CLAIBORNE TRUCKING, CO., Route #4, Box 65, LaFollette, TN 37766. Representative: Ronald T. Claiborne (same address as applicant) (615) 562–9759. Transporting *building materials,* between points in the U.S., under continuing contract(s) A & S Building Systems, of Caryville, TN.

MC 157709, filed August 14, 1981. Applicant: CIRCLE W EXPRESS, INC., 1810 So. Elm, Greenville, IL 62296. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *petroleum and petroleum products,* between points in IN and MO, on the one hand, and, on the other, points in IL.

MC 157739, filed August 17, 1981. Applicant: BECKHAM S. PRATHER, JR. d.b.a. BECK'S AUTO TRANSPORT, 2544 Highway 28, Pleasant Plain, OH 45162. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215 (614) 224–3161. Transporting *transportation equipment* between Columbus, OH, and Cincinnati, OH, on the one hand, and, on the other, points in FL, GA, IL, IN, KY, MI, MO, NY, PA, TN, and WV.

MC 153138, filed August 13, 1981. Applicant: LARRY DON EASLEY d.b.a. EASLEY TRUCKING, P.O. Box 103, Ben Wheeler, TX 75754. Representative: Jackson Salasky, P.O. Box 45536, Dallas, TX 75245 (214) 358–3341. Transporting *iron and plastic pipe, and fittings and gaskets for iron and plastic pipe,* between points in Smith County, TX, on the one hand, and, on the other, points in MT, ID, WY, CA, NV, WA, and OR.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25316 Filed 8–28–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–148

The following applications were filed in region I: Send Protest To: INTERSTATE COMMERCE COMMISSION, REGIONAL AUTHORITY CENTER, 150 CAUSEWAY STREET, ROOM 501, BOSTON, MA 02114.

MC 157765 (Sub-1–1TA) filed August 17, 1981. Applicant: EDWARD C. SMITH d.b.a. PATHFINDER COACH LINE, 10 Chestnut St., Cooperstown, NY 13326. Representative: Edward C. Smith (same as applicant). *Passengers and their baggage in special and charter operations,* beginning and ending in New York State Counties of Otsego, Chenango and Delaware and extending to points in the U.S. Supporting shipper(s): There are 15 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 152663 (Sub-1–2TA), filed August 14, 1981. Applicant: ISC TRANSYSTEMS, INC., 100 Jericho Quadrangel, Jericho, NY 11753. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Contract Carrier:* irregular routes: *General commodities except commodities in bulk, Class A and B explosives and hazardous waste* between points in the U.S. under continuing contract(s) with Distribution Services, Inc. of Boston, MA. Supporting shipper: Distribution Services, Inc., 600 Summer Street, Boston, MA 02210.

MC 133590 (Sub-1–5TA) filed August 19, 1981. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, 1060 Millbury Street, Worcester, MA 01613. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *General commodities (except Class A and B explosives and hazardous waste)* between the facilities of Allied Stores Marketing Corp. located at points in the U.S. on the one hand, and, on the other, points in the U.S. Supporting shipper: Allied Stores Marketing Corp., 1114 Avenue of Americas, New York, NY 10036.

MC 37830 (Sub-1–1TA), filed August 17, 1981. Applicant: COHENNO, INC., 92 Evans Drive, Stoughton, MA 02072. Representative: John G. Feehan, Esq., Hewes, Culley, Feehan and Beals, 178 Middle Street, Portland, ME 04112. *Lumber, building materials and supplies and tools,* between points and places in the States of ME, NH, VT, MA, RI, CT, NY and NJ. Applicant intends to tack to present Docket. Supporting shipper(s): Prudential Metal Supply Corp., 171 Milton St., E. Dedham, MA 02026; Bill Carden Lumber Sales, 32 Industrial Ct., Seekonk, MA 00771; H. F. Lynch Lumber Co., 202 Day St., W. Springfield, MA 01089; Furman Lumber, Inc., P.O. Box 90, Boston, MA 02123; Prudential Forest Products, P.O. Box 159, E. Dedham, MA 02026.

MC 146870 (Sub-1–2TA), filed August 17, 1981. Applicant: C. L. MORTELLO

TRUCKING, INC., P.O. Box 945, 13 Hagemount Ave., Hightstown, NJ 08520. Representative: Lorraine L. Mortello/ Charles Mortello (same address as applicant). *Contract carrier:* irregular routes: *Refined cane sugar, in bags, cartons, and packages, not bulk,* from the facilities of Amstar Corp., Philadelphia, PA to points in OH, under continuing contract(s) with Amstar Corp., Philadelphia, PA. Applicant intends to tack to present Docket. Supporting shipper: Amstar Corp., P.O. Box 356, Philadelphia, PA 19105.

MC 157744 (Sub-1–1TA), filed August 17, 1981. Applicant: JAMES GANNON d.b.a. J. GANNON & SONS TRANSPORT, 95 Highland Ave., Pennsville, NJ 08070. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract carrier:* irregular routes: *Chemicals and materials, equipment and supplies used in the manufacture and distribution thereof (except hazardous waste)* between Pennsville, NJ and Carlstadt, NJ on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with Ganes Chemicals, Inc. of Pennsville, NJ. Supporting shipper: Ganes Chemicals, Inc., Industrial Park Road, Pennsville, NJ 08070.

MC 157745 (Sub-1–1TA), filed August 17, 1981. Applicant: MIDWAY MACHINERY MOVERS INC., 92 Bercey Street, Aurora, Ontario, CD L4G 3M1. Representative: William J. Hirsch, P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Bakery waste products and animal food ingredients* between ports of entry on the International Boundary line between the U.S. and CD, located in NY, on the one hand, and, on the other, Lackawanna, NY, under continuing contract(s) with Bakery Salvage Corp., Lackawanna, NY. Supporting shipper: Bakery Salvage Corporation, Fisher Road, Lackawanna, NY 14218.

MC 152098 (Sub-1–5TA), filed August 17, 1981. Applicant: OAKHURST TRANSPORTATION, INC., 175 Oakhurst Street, Lockport, NY 14094. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Electrical apparatus, components and accessories, temperature sensing devices, sealing devices (pressure and vacuum), Class C explosives, non-explosive ammunition and materials, supplies and equipment used in manufacture or distribution of such commodities* between points in AL, AZ, CA, CT, FL, GA, IL, IN, LA, MD, MN, MO, NJ, NY, OH, PA, TX, VA and WI, restricted to traffic originating at or destined to the facilities and/or customers of Conax Corporation, Buffalo, NY. Supporting shipper: Conax Corporation, 2300 Walde Avenue, Buffalo, NY 14225.

MC 143698 (Sub-1–1TA), filed August 13, 1981. Applicant: CAST NORTH AMERICA, LTD., 4150 Sainte Catherine St., W., Montreal, Quebec CD H3Z 2R8. Representative: Richard H. Streeter, 1729 H Street NW., Washington, DC 20006. *General commodities, in foreign commerce, (except hazardous waste)* between points on the International Boundary between CD and the U.S., on the one hand, and, on the other, points in the New York City Commercial Zone, restricted to movements in intermodal containers having a prior or subsequent movement by water. Supporting shipper: Cast North America (Agencies), Ltd., 4150 Sainte Catherine St., W., Montreal, Quebec, CD H3Z 2R8.

MC 143697 (Sub-1–1TA), filed August 17, 1981. Applicant: NORTH JERSEY TANK LINES, INC., P.O. Box 397, Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Liquid and dry bulk, other than chemicals and petroleum and petroleum products* between New York, NY Commercial Zone and Montezuma, NY, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, AR and TX. Supporting shipper(s): Revere Sugar Corporation, 280 Richmond St., Brooklyn, NY 11236; D. D. Williamson & Co., Inc., 250 Circle Drive, Piscataway, NJ 08854.

MC 151193 (Sub-1–22TA), filed August 17, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael Beam (Same as applicant). *Contract carrier:* irregular routes: *Pharmaceuticals, chemicals, drugs, medicines and equipment, materials and supplies used in the manufacture, sale and distribution of such commodities (except in bulk),* between points in NJ, IL, IN and TX, under continuing contract(s) with Hoechst-Roussel Pharmaceuticals, Inc., Somerville, NJ. Supporting shipper: Hoechst-Roussel Pharmaceuticals, Inc., Hwy 202–206, Somerville, NJ 08876.

MC 152663 (Sub-1–3TA), filed August 14, 1981. Applicant: ISC TRANSYSTEMS, INC., 100 Jericho Quadrangel, Jericho, NY 11753. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Contract Carrier:* irregular routes: *General commodities except commodities in bulk, Class A and B explosives and hazardous waste* between points in the U.S. under continuing contract(s) with the United Freight, Inc., of Morrow, GA. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 154631 (Sub-1–3TA), filed August 14, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier:* irregular routes: (1) *Plastics,* from Leominster, MA to points in the U.S. (except AK & HI) and (2) *Equipment, materials and supplies used in the manufacture, distribution and sale of plastics,* from the above-named destinations to the above-named origin, under continuing contract(s) with Abbott Industries, Inc., Leominster, MA. Supporting shipper: Abbott Industries, Inc., 20 Mohawk Drive, Leominster, MA 01453.

MC 157695 (Sub-1–1TA), filed August 13, 1981. Applicant: ALL-AMERICAN TRANSPORT, INC., 10 West Third Street, Everett, MA 02149. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *New furniture, auto body supplies, aluminum nails, radiation protection equipment and materials, supplies and equipment related thereto* between points in MA and FL, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK and TX. Supporting shipper(s): Adden Furniture, Inc., 28 Jackson Street, Lowell, MA 01852; Marson Corporation, 130 Crescent Ave., Chelsea, MA 02150; Great Northern Manufacturing, Inc., 230 Crescent Ave., Chelsea, MA 02150; Colonial X-ray, Inc., 35G Industrial Parkway, Wobrun, MA 01801.

MC 156800 (Sub-1–2TA), filed August 19, 1981. Applciant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 South Main Street, Taylor, PA 18517. *Contract carrier:* irregular routes: (1) *Electrical raceways and associated fittings, flexible air ducts, auto loom and all associated component parts and raw materials* between the facilities of The Wiremold Co. at W. Hartford, CT, Rocky Hill, CT, Pico Rivera, CA, Atlanta, GA, on the one hand, and, on the other, all points in the U.S. (except AK and HI) under continuing contract(s) with The Wiremold Co. of W. Hartford, CT; (2) *Cleaning compounds* from the facilities of Barrier Industries, Inc., Port Jervis, NY to points in the U.S. under continuing contract(s) with Barrier Industries, Inc., Port Jervis, NY. Supporting shipper(s): The Wiremold

Co., Woodlawn St., West Hartford, CT 06110; Barrier Industries, Inc., 200 E. Main St., Port Jervis, NY 12771.

MC 153993 (Sub-1–2TA), filed August 20, 1981. Applicant: TKN, INC., 1242 Shawmut Ave., New Bedford, MA 02741. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036. *Contract carrier:* irregular routes: (1) *Oil well and water well steel pipe* and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above* from (1) Minneapolis, MN to points in OK, TX, LA and WY; (2) from Beaver Falls, PA and Shelby, OH to Minneapolis, MN and Houston, TX; and (3) from points in OK and TX to Minneapolis, MN and points in LA and WS for the account of Tooltech, Inc., Minneapolis, MN under continuing contract(s) with Tooltech, Inc., Minneapolis, MN. Supporting shipper: Tooltech, Inc., 3145 Columbia Ave., Minneapolis, MN 55418.

MC 145108 (Sub-1–16TA), filed August 20, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Avenue, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Sporting goods, clothing, athletic equipment, related articles necessary for the operation of a sporting goods store,* from Carteret, NJ, to points in WI, IL, OH, MI, PA, NY, and VA under continuing contract(s) with Herman's World of Sporting Goods, Div. W. R. Grace Co., Carteret, NJ. Supporting shipper: Herman's World of Sporting Goods, Div. W. R. Grace Co., 2 Germak Drive, Carteret, NJ 07008.

MC 134606 (Sub-1–16TA), filed August 20, 1981. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1227, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Washington, DC 20014. *Contract carrier:* irregular routes: (1) Heating and air conditioning; furnaces, heating equipment; and (2) parts, materials and supplies used in the manufacture, assembly and distribution of those commodities named in (1) above, from points in CA to Syracuse, NY under continuing contract(s) with Carrier Corporation, Subsidiary of United Technologies Corporation, Syracuse, NY. Supporting shipper: Carrier Corporation, Subsidiary of United Technologies Corporation, P.O. Box 4800, Syracuse, NY 13221.

MC 157789 (Sub-1–1TA), filed August 19, 1981. Applicant: ELEAZER ST. LOUIS, JR. d.b.a. DOUBLE 'E' TRUCKING, Ridge Road, Galway, NY 12074. Representative: John Simoni, 908 State Street, Schenectady, NY 12304. *Contract carrier:* irregular routes: *Baby food and related products and materials used in the manufacture of the same* between Canajoharie, NY and points in KY, OH, PA, NY, and WV, under continuing contract(s) with Beech-Nut Food Corp., Canajoharie, NY. Supporting shipper: Beech-Nut Food Corp., Church Street, Canajoharie, NY 13317.

MC 157689 (Sub-1–1TA), filed August 13, 1981. Applicant: T & L EXPRESS, LTD., 1211 Majestic Way, Webster, NY 14580. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. *Food and related products; pulp, paper and related products, rubber and plastic products, clay, concrete, glass or stone products; metal products; chemicals and related products,* between points in CT, DC, DE, IA, IL, IN, KY, MA, MD, MI, MO, NJ, NY, OH, PA, RI, VA, WI, WV. Supporting shipper(s): Genesee Brewing Co., Inc., 445 St. Paul St., Rochester, NY 14605; Cantisano Foods, Inc., 1069 Lyell Avenue, Rochester, NY 14606; Duffy-Mott Company, Inc., 370 Lexington Ave., New York, NY 10017; Independence Can Company, 1001 S. Lakewood Avenue, Baltimore, MD 21224; Seneca Foods Corporation, 3736 S. Main Street, Marion, NY 14505.

MC 151004 (Sub-1–5TA), filed August 20, 1981. Applicant: WARNACO TRUCKING CORP., 350 Lafayette Street, Bridgeport, CT 06602. Representative: John F. Ryan, Vice Pres. (same address as applicant). *Contract carrier:* irregular routes: *Yarn* between points in GA, MA, SC, NC, under continuing contract(s) with Garland Corp., Brockton, MA. Supporting shipper: Garland Corp., 33 Dover St., Brockton, MA 02401.

MC 149114 (Sub-1–8TA), filed August 20, 1981. Applicant: NATIONAL TRANSPORT SERVICES CO., INC., 100 Industrial Avenue, Edison, NJ 08837. Representative: Barbara R. Klein, 1101 Connecticut Avenue, N.W., Washington, DC 20036. *Contract carrier:* irregular routes: *Non-exempt foodstuffs and other kindred products* from the plant site of Nestle's Co., Inc., at or near New Milford, CT, Fulton, NY, and Freehold, NJ to all points in the States of MA, NJ, NY, OH, MI, IL, MO, IN, FL, NC, under continuing contract(s) with Nestle's Co., Inc., White Plains, NY. Supporting shipper: Nestle's Co., Inc., 100 Bloomingdale Road, White Plains, NY 10605.

MC 142593 (Sub-1–1TA), filed August 19, 1981. Applicant: WARNER BROS. INC., Route 116, P.O. Box 395, Sunderland, MA 01375. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *Such commodities as are dealt in by a manufacturer or distributor of coal and coke* between Sunderland and Deerfield, MA, on the one hand, and, on the other, points in ME, NJ, VT, CT, RI, and NY under continuing contract(s) with George E. Warren Corporation of Boston, MA. Supporting shipper: George E. Warren Corporation, One Beacon Street, Boston, MA 02108.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 157720 (Sub-II–1TA), filed August 19, 1981. Applicant: B.E.I. TRANSPORT, INC., 799 Garver Road, Monroe, OH 45050. Representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030. 1. *Paper, plastic and foam cups, and cans* from points in the Chicago, IL commercial zone, and Jackson, TN to Dayton, OH. 2. *Pastry and Shortening* from points in the Chicago, IL commercial zone to Dayton, OH. 3. *Processed frozen chickens and cleaning supplies* from points in North Carolina to Dayton, OH. 4. *Sauces* from points in the Chicago, IL commercial zone and Atlanta and Conyers, GA to Dayton, OH. 5. *Syrups and Toppings* from Battle Creek, MI to Dayton, OH. 6. *Cookies* from Grand Rapids, MI to Dayton, OH for 270 days.

An underlying ETA seeks 120 days authority, supporting shipper: Bill Krafts Distribution Center, 3581 Dayton Park Drive, Dayton, OH 45414.

MC 146148 (Sub-II–5TA), filed April 19, 1981. Applicant: B–RIGHT TRUCKING CO., 7087 West Blvd., Suite 8, Youngstown, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Food and related products,* between Chicago, IL, on the one hand, and, on the other, points in the US, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: National Piggyback, 475 W. 55th St., Countryside, IL 60525.

MC 488 (Sub-II–19TA), filed August 20, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same as Applicant). *General commodities (except Classes A and B explosives, household goods as defined by the Commission)* between the facilities of Westinghouse Electric Corporation in Westmoreland County, PA, on the one hand, and, on the other, points in the US in and east of MN, IA,

MO, OK, and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Westinghouse Electric Corporation, Porcelain Park, 3rd Street, Derry, PA 15627.

MC 29647 (Sub-II–3TA), filed August 17, 1981. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson St., Hagerstown, MD 21740. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Ink and materials used in its production,* between Williamsport, MD on the one hand, and, on the other, all points in the US east of the Mississippi River for 270 days. Supporting shipper: Sun Chemical Corp., 222 Bridge Plaza South, Fort Lee, NJ 07024.

MC 44302 (Sub-II–7TA), filed August 18, 1981. Appplicant: DEFAZIO EXPRESS, INC., 1024–26 Springbrook Ave., Moosic, PA 18507–1899. Representative: Paul J. Kenworthy (Same and applicant). Contract, irregular: *Such Merchandise as is dealt in by wholesale, retail, and chain grocery stores and food business houses; and equipment, supplies, and materials used or useful in the production, manufacture and distribution of same* between the facilities of S. M. Flickinger Co., Inc. in Lackawanna County, PA, and Chemung County, NY, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, and PA under continuing contract(s) with S. M. Flickinger Co., Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: S. M. Flickinger Co., Inc., P.O. Box 2300, 22nd St. Elmira Heights, NY 14903.

MC 145282 (Sub-II–5TA), filed August 17, 1981. Appplicant: FALCON TRANSPORT, INC., P.O. Box K, Bird-in-Hand, PA 17505. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043. *Building materials, metal products and materials, supplies and equipment used in the manufacture or distribution of such commodities* between points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV and WI. An underlying ETA seeks 120 days authority. Supporting shipper(s): U N Alloy Corp., 795 Trumbull St., Elizabeth, NJ. National Rolling Mills, Inc., Moorehall Rd., Malvern, PA. Standard Pipe & Supply Co., 301 City Line Ave., Bala Cynwyd, PA.

MC 113666 (Sub-II–21TA), filed August 20, 1981. Appplicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (Same as applicant). *Ammonium nitrate, in bulk, in tank vehicles,* From Green Township, Harrison County, OH to points in OH, PA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gulf Oil Chemical Co., P.O. Box 252, Cadiz, OH 43907.

MC 108452 (Sub-II–3TA), filed August 19, 1981. Applicant: GOLD LINE, INC., 5500 Tuxedo Rd., Tuxedo, MD 20781. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Common, regular: *Passengers and their baggage, and express and newspapers, in the same vehicle with passengers,* between the junction of MD Hwys. 5 and 235, south of Mechanicsville, MD and Lexington Park, MD as follows: from the junction MD Hyws. 5 and 235 over MD Hwy. 5 to junction with MD Hwy. 246, then over MD Hwy. 246 to Lexington Park MD and return over the same route serving all intermediate pts., for 180 days. An underlying ETA seeks 120 days authority. Applicant intends to tack. Supporting shippers: There are 7 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 157810 (Sub-II–1TA), filed August 20, 1981. Appplicant: JIMCO TRUCKING INC., Route #4, 7900 Muncaster Mill Road, Gaithersburg, MD 20877. Representative: David H. Baker, 888 17th St, N.W., Washington, D.C. 20006. *Lumber and wood products* between points in Prince William County, VA, on the one hand and points in Jefferson County, WV and points in MD, on the other, for 270 days. Supporting shipper: 84 Lumber Co., P.O. Box 200, 12400 Pulaski Highway, Joppa, MD 21085.

MC 151267 (Sub-II–2TA), filed August 19, 1981. Applicant: KETRAN, INC., 624 Main St., Moosic, PA 18507. Representative: Edward F. V. Pietrowiski, 430 Scranton Life Bldg., Scranton, PA 18505. *Coal, coal ash, coal cinders, coal fines and coal silt,* between the facilitis of Keon Coal Co., Inc., in Carbon, Lackawanna, Luzerne, Schuylkill, Susquehanna, Wayne and Wyoming Counties, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY and PA. An underlying ETA seeks authority for 120 days. Supporting shipper(s): Keon Coal Co., Inc., P.O. Box 808, Pittston, PA 18640.

MC 157786 (Sub-II–1TA), filed: August 19, 1981. Applicant: MULLINS LEASING SERVICE, INC., Box 387, Lyburn, WV 25632. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Contract, irregular: *Wood Chips, Sawdust, Lumber, and Wood Mine Posts,* Between Edwight & Man, WV, on the one hand, and, on the other, points in OH, VA, KY, TN, NC, SC, GA, PA, and WV, under contract with Hamer Lumber Co, Div Celotex Corp., for 270 days. Supporting shipper(s): Hamer Lumber Co., Div. Celotex Corp., 901 12th St., Kenova, WV 25530.

MC 107012 (Sub-II–186TA), filed August 18, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Fireplaces,* from Detroit Lakes, MN to points in the United States for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Standex Energy Systems, Woodside Fireplace Div., 1011 11th St. SE., Detroit Lakes, MN 56501.

Note.—Common control may be involved.

MC 107012 (Sub-II–187TA), filed August 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as appliant). *Alcoholic beverages* from points in the counties of Fresno, Monterey, Napa, San Joaquin, Santa Clara, Stanislaus, CA and Duval County, FL, to points in IN for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Fort Wayne Liquor Co., Inc., 2500 W. Jefferson St., Fort Wayne, IN 46802. General Liquors Inc., 1880 N. Kenmore, P.O. Box 3569, South Bend, IN 46619. Conrad Corp., 2100 N. New York Ave., P.O. Box 658, Evansville, IN 47704.

Note.—Common control may be involved.

MC 152649 (Sub-II–8TA), filed August 18, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *Such merchandise as is distributed by retail stores and department stores* between Norcross, GA, and points its commercial zone, on the one hand, and, on the other, points, in the U.S., under continuing contract(s) with J. Riggins—Outrigger. Support shipper(s): J. Riggins—Outrigger, 5850 Peachtree Industrial Norcross, GA 30071.

MC 52861 (Sub-II–7TA), filed August 18, 1981. Applicant: WILLS TRUCKING, INC., 3185 Columbia Road, Richfield, OH 44286. Representative: James A. Moore (same as applicant). *Dry Chemicals* between Mason and Midland Counties, MI, on the one hand, and, on the one hand, points in WI, IA, MO, IL, KY, IN, OH, WV, VA, MD, PA and NJ for 270 days. Supporting shipper: Dow Chemical Company, Midland, MI 48640.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

Applicant: BOAZ PRODUCE COMPANY, P.O. Box 220, Boaz, AL 35957. Representative: Eugene D. Anderson, 910 17th St., NW., Suite 428, Washington, D.C. 20006. *Liquors, Wines and Alcoholic Beverages* from points in MD, NJ, NY and Boston, MA; Norfolk, VA; Philadelphia, and Schenley, PA to Birmingham, Huntsville, Montgomery, Sycalauga, and Dothan, AL; Atlanta, Augusta, Columbus, Albany, Savanna, and Macon, GA. Supporting shipper: Alaplex Incorporated, P.O. Box 7491, Birmingham, AL 35223.

MC 146451 (Sub-3–32TA), filed August 18, 1981. Applicant: WHATLEY, WHITE, INC., 230 Ross Clark Circle, N.E., Dothan, AL 36302. Representative: William K. Martin, Capell, Howard, Knabe & Cobbs, P.A., P.O. Box 2069, Montgomery, AL 36197. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* between the facilities utilized by American Cyanamid Company, its subsidiaries and affiliates, on the one hand, and, on the other hand, all points in the U.S. Supporting shipper: American Cyanamid Company, Berdan Avenue, Wayne, NJ 07470.

MC 144225 (Sub-3–7TA), filed August 18, 1981. Applicant: JADEEL TRUCKING, INC., 8333 W. McNab Road, Tamarac, FL 33321. Representative: Raymond P. Keigher, Esquire, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *Contract carrier: irregular:* (1) *furniture,* from Holland, Grand Rapids and Sturgis, MI; Indianapolis and Ft. Wayne, IN; Buffalo, Jamestown, NY and Rochester, NY; Los Angeles, CA; Green Bay, WI; Houston and Dallas, TX; High Point and Lenore, NC; and Sumpter, SC, and points in their respective commercial zones, to Miami and Palm Beach, FL under continuing contract(s) with Southeast Office Interiors, Inc., of Miami, FL. Supporting shipper: Southeast Office Interiors, Inc., 8021 N.W. 14th Street, Miami, FL 33126.

MC 146447 (Sub-3–9TA), filed August 18, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d. St., Miami, FL 33166. (305) 592–0036. *Contract carrier,* irregular route: *General commodities (except Classes A & B explosives)* between points in the U.S. under continuing contract(s) with Dow Chemical Co.—U.S.A., Gales Ferry, CT. Supporting shipper: Dow Chemical Co.—U.S.A., Gales Ferry, CT, 06335.

MC 151522 (Sub-3–2TA), filed August 21, 1981. Applicant: DIRECT MOTOR EXPRESS, INC., 2098 Kellogg Ave., Memphis, TN 38114. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. *Contract carrier:* Irregular Routes: *Wooden products and electrical appliances and materials, supplies and equipment used in the manufacture, sale and distribution of same,* between Forrest City, AR, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Sanyo Manufacturing Corp. Supporting shipper(s): Sanyo Manufacturing Corp., 3333 Sanyo Rd., Forrest City, AR 72335.

MC 136123 (Sub-3–2TA), filed August 21, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as above). *Contract* carrier irregular: *Foodstuff and related products,* between the facilities of Ocean Spray Cranberries, Inc., at points in FL and points in and east of ND, SD, NB, KS, OK, TX. Supporting shipper: Ocean Spray Cranberries, Inc., Water St., Plymouth, MA 02360.

MC 154540 (Sub-3–4TA), filed August 21, 1981. Applicant: FREEDOM FREIGHT SYSTEMS, INC., 1797 Florida St., Memphis, TN 38109. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *Electrical Lighting, Communication and Electronic units, systems and parts,* between points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, and WY. Restricted to traffic originating at or destined to the facilities of General Telephone and Electronics Corp. Supporting shipper: General Telephone and Electronics Corporation, One Stamford Forum, Stamford, CT 06904.

MC 155337 (Sub-3–9TA), filed August 21, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Tires and Related Products.* Between the facilities of Delta Tire Corp., Chattanooga, TN and points in the U.S. (execpt AK and HI). Supporting shipper: Delta Tire Corp., 2222 Polymer Dr., Chattanooga, TN 37421.

MC 124951 (Sub-3–3TA), filed August 21, 1981. Applicant: WATHEN TRANSPORT, INC., Box 237, Henderson, KY 42420. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *Malt beverages and malt beverage containers,* between Evansville, IN, on the one hand, and, on the other, Detroit MI. Supporting shipper: Working Beverage, Inc., 709 Oak Hill Road, Evansville, IN 47711.

MC 148671 (Sub-3–1TA), filed August 21, 1981. Applicant: HARLAND QUACKENBUSH, d.b.a. H & D TRUCKING, 500 Dew Drop Cove, Casselberry, FL 32707. Representative: Elbert Brown, Jr., Post Office Box 1378, Altamonte Springs, FL, 32701–1378. Contract carrier: irregular: *Sealing Tape Paper, paper and paper articles, equipment, materials and supplies used in the manufacture and distribution of paper tape,* between the facilities of Rexford Division of Inland Container at or near Milwaukee, WI and points in the U.S. (except AK and HI). Supporting shipper: Rexford Division, Inland Container Corporation, 151 N. Delaware Street, Indianapolis, IN 46206.

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MC 155725 (Sub-3–1TA), filed July 14, 1981. Applicant: JOHNNY SIMS, 309 Nixon St., Albertville, AL 35950. Representative: Johnny Sims (same as above). *(1) Refrigeration and air conditioning parts and heat transfer equipment, (2) Electronic heating and air conditioning induction units, and fiberglass containers* from (1) Scottsboro AL to all points in U.S. (except AK and HI), (2) Boaz AL to Cleveland OH and Detroit MI. Supporting shippers: Halstead Mitchell Co., P.O. Box 1110, Scottsboro AL and Tocco-Alabama Inc., Sand Mountain Industrial Park, Boaz AL.

MC 157802 (Sub-3–1TA), filed August 20, 1981. Applicant: CONTRACT TRANSPORT, INC., 1311 Ludie Street, Dalton, GA 30720. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338. *Contract* Carrier: irregular: *Such commodities as used, sold or dealt in by wholesale, retail and variety stores* between all points in the U.S. under continuing contracts with Kelly-Martin,, Inc. Supporting shipper: Kelly-Martin, Inc., P.O. Box 1062, Dalton, GA 30720.

MC 157405 (Sub-3–1TA), filed August 20, 1981. Applicant: L. L. LEASING COMPANY, 1881 Rio Vista Drive, Paris, KY. 40361. Representative: Michael Preston, 1881 Rio Vista Drive, Paris, KY. 40361. *Contract carrier,* irregular routes: *General commodities, usual exceptions,* between Paris, KY., on the one hand, and on the other, Dallas, TX., Los Angeles, CA., and Hartford, CT. Supporting shipper: Ramset Fastening

Systems, 275 Winchester Ave., New Haven CT. 06511.

MC 152664 (Sub-3–5TA), filed August 20, 1981. Applicant: TOMBIGBEE TRANSPORT CORPORATION, P.O. Box 412, Adamsville, TN 38310. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *(1) Recyclable scrap plastics; (2) plastic granules and pellets;* and *(3) plastics in compressed bales,* between points in the U.S. There are eight (8) supporting shipper statements which may be reviewed at the ICC Regional office in Atlanta, GA.

MC 151916 (Sub-3–6TA), filed August 18, 1981. Applicant: BARON TRANSPORT, INC., One Perimeter Way, Suite 455, Atlanta, GA 30339. Representative: Eugene D. Anderson, 910 17th Street, N.W., Suite 428, Washington, DC 20006. *Tubular Steel Products and Tables* from Birmingham, AL to Garden Grove, CA; Paris, IL; Randolph, MA; Bridgeport, NJ; Reno, NV; and Vancouver, WA. Supporting shipper: UNR-Rohn, Inc., P.O. Box 6537, Birmingham, AL 35217.

MC 149123 (Sub-3–3TA), filed August 18, 1981. Applicant: BOAZ PRODUCE COMPANY, P.O. Box 220, Boaz, AL 35957. Representative: Eugene D. Anderson, 910 17th St., NW., Suite 428, Washington, DC 20006. *Liquors, Wines and Alcoholic Beverages* from points in MD, NJ, NY, and Boston, MA, Norfolk, VA, Philadelphia, and Schenley, PA, to Birmingham, Huntsville, Montgomery, Sycalauga, and Dothan, AL, Atlanta, Augusta, Columbus, Albany, Savannah, and Macon, GA. Supporting shipper: Alaplex Incorporated, P.O. Box 7491, Birmingham, AL 35223.

MC 129537 (Sub-3–13TA), filed August 19, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5, Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 North Morgan St., Tampa, FL 33602. *Carpeting, floor covering, carpet padding, materials, supplies and equipment used in the installation and manufacture thereof,* Between points in CA and the U.S. except GA, VA, SC, and NC. Supporting shipper: Carpet City, 2829 Main St., Jacksonville, FL 32206; Great American Rug, 7142 E. Slawson, Los Angeles, CA 90040; Dixie Contract Carpet, 7523 Phillips Hwy, Jacksonville, FL 32216; WWG Industries, P.O. Box 162, Rome, GA 30161.

MC 129537 (Sub-3–12TA), filed August 19, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5, Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. *(1) Rubber and miscellaneous plastic products and (2) materials, supplies and equipment used in the manufacture and distribution of the commodities in (1) above (except in bulk)* Between points in the U.S. (except AK and HI). Supporting shipper: Alliance Rubber Company, P.O. Box 730, Hot Springs, AR 71901.

MC 151916 (Sub-3–7TA), filed August 21, 1981. Applicant: BARON TRANSPORT, INC., One Perimeter Way, Suite 455, Altanta, GA 30339. Representative: Eugene D. Anderson, 910 17th Street NW., Suite 428, Washington, DC 20006. *Meat and Packinghouse Products* from Atlanta, Camilla, Gainesville, Lovejoy, Macon, Pine Mountain Valley, Cedartown, GA; and Collinsville, AL to points in NY, NJ, PA, MA, DE, MD, TX, IL, and FL. Supporting shipper: Cagle's Inc., 1155 Hammond Drive, N.E., Suite 3000, Atlanta, GA 30328.

MC 156998 (Sub-3–1TA), filed August 20, 1981. Applicant: DEWITTE SPARKS, d.b.a. SPARKS TRUCKING, 811 Creekway Drive, Lenoir, NC 28645. Representative: Dewitte Sparks (same address as applicant). *Hazardous Waste,* between Lenoir and Spruce Pine, NC and points in SC, GA, TN, VA, FL. Supporting shippers: Caldwell Systems, Inc., P.O. Box 1682 (Mount Hermon Road, Lenoir) Lenoir, NC and Mitchell Systems, Inc., P.O. Box 1924 (Altapass Road, Spruce Pine, NC) Lenoir, NC 28645.

MC 154159 (Sub-3–2TA), filed August 24, 1981. Applicant: RONALD R. ELLIS, d.b.a. ELLIS WRECKER SERVICE, 8300 First Avenue, North, Birmingham, AL 35206. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Disabled motor vehicles and replacement vehicles for disabled motor vehicles, by use of wrecker equipment only,* between points in the U.S. Supporting shippers: Saunders Leasing System, Inc., 6400 First Ave., South, Birmingham, AL 35212; Thomas Welding and Repair, 3829 Eastlake Boulevard, Post Office Box 6346, Birmingham, AL 35217.

MC 136479 (Sub-3–1TA), filed August 24, 1981. Applicant: WALBERT TRUCKING, INC., P.O. Box 403, Glasgow, KY 42141. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Contract* carrier: Irregular: *Printed matter,* from Glasgow, KY to points in PA, NY, NJ, CT, MA, VA, and MD, under contract with R. R. Donnelley & Sons Co., of Glasgow, KY. Supporting shipper: R. R. Donnelley & Sons Co., 1929 Donnelley Drive, Glasgow, KY 42141.

MC 157845 (Sub-3–1TA), filed August 24, 1981. Applicant: A. D. POOLE TRANSPORTATION CO., INC., Robertson Road, Lauderdale County Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Contract,* Irregular, *General Commodities, (except Classes A & B Explosives)* between points in the U.S., under continuing contract(s) with Ajax Industries, Inc., Supporting shipper: Ajax Industries, Inc., P.O. Box 156, Florence, AL 35630.

MC 157305 (Sub-3–3TA), filed August 24, 1981. Applicant: FREEDOM EXPRESS, INC., Battleship Parkway, P.O. Box 851, Spanish Fort, AL 36527. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Sound deadening or sealing compounds and commodities dealt in by manufacturers of sound deadening or sealing compounds,* between Kankakee, IL on the one hand, and, on the other, points in the U.S. Restricted to traffic moving under continuing contracts with Mortell Company. Supporting shipper: Mortell Company, Hobbie Ave. & Big Four R.R., Kankakee, IL 60901.

MC 157305 (Sub-3–4TA), filed August 24, 1981. Applicant: FREEDOM EXPRESS, INC., Battleship Parkway, P.O. Box 851, Spanish Fort, AL 36527. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Instant cocoa, hot cocoa mix and syrup,* between Momence, IL on the one hand, and, on the other, points in the U.S. Restricted to traffic moving under continuing contracts with Ko-Pak, Inc. Supporting shipper: Ko-Pak, Inc., 305 E. Washington St., Momence, IL 60954.

MC 157849 (Sub-3–1TA), filed August 24, 1981. Applicant: STEPHEN M. WILSON, P.O. Box 217, Auburn, KY 42206. Representative: Louis J. Amato, P.O. Box E, Bowing Green, KY 42101. *Leather products and raw hides,* between Auburn, KY on the one hand, and, on the other, Green Bay and Milwaukee, WI and St. Paul, MN. Supporting shipper: Caldwell Lace Leather, Caldwell Street, Auburn, KY 42206.

MC 157851 (Sub-3–1TA), filed August 24, 1981. Applicant: STAR TRUCKING, INC., 6887 NW 25th St., Miami, FL 33122. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. *Malt beverages* and *related advertsing material* between points in Dade and Monroe Counties, FL, restricted to movements having an immediately prior or subsequent movement in interstate or foreign commerce. Supporting shipper: S & P

Enterprises, Inc., Mile Marker 9½, Rockland Key, U.S. 1, Key West, FL 33040.

MC 85578 (Sub-3–2TA), filed August 17, 1981. Applicant: W. M. BURNETT TRUCK LINE, INC., P.O. Box 206, Haleyville, AL 35565. Representative: Donald B. Sweeney, Jr., Esq., 512 Massey Building, Birmingham, Alabama 35203. *Common carrier,* regular routes: *General commodities (except Classes A and B explosives)* (1) between Belmont, MS and Birmingham, AL: (a) from Belmont over MS Hwy 366 to the junction of AL Hwy 19, then over AL Hwy 19 to junction of AL Hwy 172, then over AL Hwy 172 to the junction of AL Hwy 5, then over AL Hwy 5 to the intersection of US 78, then over US 78 to Birmingham and return; (b) from Belmont, MS over MS Hwy 366 to the junction of AL Hwy 24, then over AL Hwy 24 to the junction of US Hwy 43, then over US Hwy 43 to the junction of AL Hwy 5, then over AL Hwy 5 to the junction of US Hwy 278 and AL Hwy 13, then over AL Hwy 13 to the junction of US 78, then over US 78 to Birmingham and return; (2) between the junction of AL Hwy 5 and 237, then over AL Hwy 237 to the junction of AL Hwy 5, then over AL Hwy 5 to Haleyville and return; (3) between Belmont, MS and Florence, AL: (a) from Belmont over MS Hwy 366 to the junction of AL Hwy 24, then over AL Hwy 24 to the junction of US Hwy 43, then over US Hwy 43 to Florence and return; (b) from Belmont over MS Hwy 366 to the junction of AL Hwy 24, then over AL Hwy 24 to the junction of AL Hwy 247, then over AL Hwy 247 to the junction of US 72, then over US Hwy 72 to the junction of US Hwy 43, then over US Hwy 72 and 43 to Florence and return; (3) serving all intermediate points in connection with routes (1) through (3), and serving points in Lauderdale and Colbert Counties, AL as off-route points in connection with routes (1) through (3). (4) Applicant intends to tack and interline this authority with existing authority at Belmont, MS; Florence, Muscle Shoals, Sheffield, Tuscumbia, and Birmingham, AL. There are 8 supporting shippers attached to this application which can be examined at the Regional Office of the Interstate Commerce Commission, Atlanta, GA.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 101458 (Sub-4–1TA), filed August 12, 1381. Applicant: NATIONAL CARTAGE CO., P.O. Box 1121, Melrose Park, IL 60160. Representative: Marc J. Blumenthal, 39 LaSalle St., Chicago, IL 60603. *General commodities* (except classes A and B explosives) between Chicago, IL and its Commercial Zone and Elkhart, IN on the one hand, and, on the other, points in Ottawa, Ionia, Barry, Eaton, Allegan, Kalamazoo, Calhoun, Kent, Van Buren, Berrien, Cass, St. Joseph and Branch Counties, MI having a prior or subsequent movement by rail. Supporting shippers: Trailer Train, Inc., 3356 S. Ashland Ave., Chicago, IL 60608 and Lear-Siegler, Inc., Borroughs Division, 3002 N. Burdick, Kalamazoo, MI 49007.

MC 126555 (Sub-4–28), filed August 14, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette (same address as applicant). *Metal products* between points in AL, CA, FL, GA, MS and TX. Supporting shippers: International Steel Fabricators, P.O. Box 40446, Houston, TX 77040.

MC 126555 (Sub-4–29) filed August 14, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette (same as applicant). *Nonexempt farm products* from points in IA and NE to points in CO. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 134477 (Sub-4–44TA), filed August 14, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Alcohol processing equipment, parts and materials,* between the facilities of Conklin Company, Inc. at or near Springfield, MO on the one hand, and, on the other, points in the U.S. Supporting shipper: Conklin Company, Inc., Valley Park Dr. and Hwy. 101, Shakopee, MN 55379.

MC 135410 (Sub-4–35TA), filed August 13, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St., Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068. *Electronic machinery, electronic components and parts and equipment, materials and supplies used in the manufacture and distribution of electronic machinery, electronic components and parts,* (1) from the facilities of Zenith Radio Corporation at or near Chicago, IL and Springfield, MO to KY, NC, SC, TN, VA and WV, (2) from KY, NC, SC, TN, VA, and WV to the facilities of Zenith Radio Corporation at or near Evansville, IN, (3) from the facilities of Zenith Radio Corporation at or near Evansville, IN, to the facilities of Zenith Radio Corporation at or near Chicago, IL and Springfield, MO and (4) from Pittston, PA and the facilities of Zenith Radio Corporation at or near Watsontown, PA to Chicago, IL and points in its commercial zone. Supporting shipper: Zenith Radio Corp., 1900 N. Austin, Chicago, IL 60639.

MC 141889 (Sub-4–7TA), filed August 14, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Route 1, Milladore, WI 54454. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Paper and paper products and printed material* from Newbury Park CA to points in IL, IN, IA, MN and WI. Underlying ETA seeks 120 days authority. Supporting shipper: Response Graphics, a division of Moore Business Forms, Inc., 2517 Azurite Circle, Newbury Park, CA 93120.

MC 146985 (Sub-4–8TA), filed August 13, 1981. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main Street, P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Esq., Attorneys at Law, Suite 200, Metro Building, Fort Wayne, IN 46802. *General commodities* (except Classes A and B explosives) between the ports of New York, NY; Baltimore, MD; Norfolk, VA; Port Elizabeth, NY; and Kalamazoo County, MI. Restricted to service to be performded under continuing Contracts with Clark Equipment Co. of Buchanan, MI. Supporting shipper: Clark Equipment Company, Buchanan, MI.

MC 147571 (Sub-4–2TA), filed August 14, 1981. Applicant: TWIN RIVERS TRANSPORTATION COMPANY, 500 Armory Dr., South Holland, IL 60473. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. *Food and food products,* from Carrollton, Macon, Marshall, Milan and Kansas City, MO, to points in IL, IN, MI and WI. Supporting shipper: Banquet Foods Corporation, 100 North Broadway, St. Louis, MO 63102.

MC 148485 (Sub-4–3TA), filed August 14, 1981. Applicant: SMITH CARTAGE, INC., 104 South Vine Avenue, Marshfield, WI 54449. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *Upholstered furniture and wood products* between Marshfield and Rib Lake, WI, on the one hand, and, on the other hand, points in IA, IL, IN, KS, MI, MN, MO, MT, ND, NE, OH, SD and WY. Restriction: restricted to transportation to be preformed under a continuing contract(s) with Graham Manufacturing, Inc., Modern of Marshfield, Inc., and Northern Kitchens, Inc. An underlying

ETA seeks 120 days authority. Supporting shippers: Graham Manufacturing, Inc., 1920 E. 26th St., Marshfield, WI 54449; Modern of Marshfield, Inc., 137 W. Ninth Street, Marshfield, WI 54449; and Northern Kitchens, Inc., Box 207, Rib Lake, WI 54470.

MC 153973 (Sub-4–3TA), filed August 18, 1981. Applicant: SPARTAN SERVICE TRANSPORTATION, INC., 1501 W. Pershing Road, Chicago, Illinois 60608. Representative: Frederick W. Smart, Suite 202, 1301 W. 22nd St., Oak Brook, IL 60521. *Contract* irregular: *Liquors, Beverage; Liquor, malt or non-intoxicating Cereal Beverage, Empty Beverage Containers (returned) and related advertising matter* between IL and points in MN. Restricted to traffic moving under continuing contract(s) with Vierk Corp. Supporting Shipper: Vierk Corp., 16745 S. Lathrope, Harvey, IL.

MC 154089 (Sub-4–1TA), filed August 17, 1981. Appplicant: ALEX PRODUCTIONS, INC., d.b.a. BGT TRUCKING, P.O. Box 268, Alexandria, IN 46001. Representative: Andrew K. Light, Scopelitis & Garvan, 1301 Merchants Plaza, Indianapolis, IN 46204. *Sound, light and audio equipment, and parts and accessories;* restricted to the transportation of commodities for use in public performances, Between points in the U.S. (except AK & HI), restricted to services for the Bill Gaither Trio, Inc., the Oak Ridge Boys, Inc., and Video TechniLites, Inc. Supporting shippers: Bill Gaither Trio, Inc., P.O. Box 300, Alexandria, IN 46011; Oak Ridge Boys, Inc., 329 Rockland Road, Hendersonville, TN 37075; Video TechniLites, Inc., P.O. Drawer 635, Union, MO 63084. An underlying ETA seeks 120 day authority.

MC 157519 (Sub-4–1TA), filed August 14, 1981. Appplicant: KENNETH A. SMITH, 3223 47th Avenue, Kenosha, WI 53142. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Contract;* Irregular; (1) *Rubber cattle mats, and* (2) *materials and supplies* used in the production of the commodity in (1), between Kenosha, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, and MN, under continuing contract(s) with J.J.J., Inc. An underlying ETA seeks 120 days authority. Supporting shipper: J.J.J., Inc., 6313–13th Ave., Kenosha, WI 53142.

MC 157687 (Sub-4–1TA), filed August 12, 1981. Appplicant: COUNTRY WIDE TRUCKING, INC., 18520 Kishwaukee Valley Road, Woodstock, IL 60098. Representative: G. J. Balek (same as applicant). *Clay, Concrete, Glass, or Stone Products; Primary Metal Products, Including galvanized, except coating or other allied processing; Fabricated Metal Products, (except commodities in bulk, Classes A and B explosives, and Household Goods),* between points in CA, IL, IN, MO, NY, PA, WI, on the one hand, and, on the other, points in the United States (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shippers: Erect-A-Tube, Inc., P.O. Box 409, Harvard, IL 60033; Premium Slip Co., 18601 Kishwaukee Valley Rd., Marengo, IL 60152; Techalloy Illinois, Inc., P.O. Box 423, Union, IL 60180.

MC 157688 (Sub-4–1), filed August 17, 1981. Appplicant: TRANS COASTAL TRANSPORTATION, INC., 619 Old Meadow Road, Mateson, IL 60443. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Food and related products* between Chicago, IL and its commercial zone, on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR, and LA, There are seven (7) supporting shippers.

MC 157703 (Sub-4–1), filed August 14, 1981. Applicant: PACIFIC MIDWEST, INC., 5041 Woodcrest Rd., White Bear Lake, MN 55110. Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Paper products,* between Hudson, WI and Longview, WA and Springfield, OR. An underlying ETA seeks 120 days. Supporting shipper: Duro Paper Bag Manufacturing Co., Box 247, Hudson, WI 54016.

MC 119704 (Sub-4–9), filed August 17, 1981. Applicant: R. A. HARRIS & SONS, INC., P.O. Box 237, 3501 22nd Street, Menominee, MI 49858–0237. Representative: Dennis R. Harris (same as applicant). *Contract irregular: Meat and meat by-products* from All points in the U.S. (except AK & HI) on the one hand and one the other to All points in the U.S. (except AK & HI), restricted to the transportation of Frankenthal International, Ltd, with a continuing contract. Supporting shipper: Frankenthal International, Ltd, 222 Cherry St., Suite B., Green Bay, WI. Carrier intends to tack authority with existing authority.

MC 147845 (Sub-4–2), filed August 17, 1981. Applicant: DOTY TRUCKING, INC., 5655 E. Base Line Road, Columbus, IN 47201. Representative: Stephen R. Heimann, 415 Washington Street, P.O. Box 668, Columbus, IN 47201. *Contract* irregular: *Air conditioners, furnaces, heating equipment, stoves, paint, ink, aircraft equipment and parts and materials used in the manufacture of these items* in all states in the contiguous U.S. except NE, SD, ND, ID, OR, WA, WY, UT, and CO. Supporting shipper: Carrier Corporation, P.O. Box 4800, Syracuse, NY 13221.

MC 151616 (Sub-4–3TA), filed August 11, 1981. Applicant: TRUCKERS INCORPORATED, 625 Dilger Avenue, Waukegan, IL 60085. Representative: James O'Grady, 9735 Sumac Drive, DesPlaines, IL 60016. *Freight, All Kinds; in containers or trailers having a prior or subsequent movement by air, rail, or water, excepting classes A & B explosives, household goods as defined by the commission, and commodities defined or classed as bulk,* between the rail ramps, and yards, and piers and docks of the port of Chicago, and within the area defined as the commercial zone of Chicago, IL, on the one hand, and the states of IL, IN, OH, MI, WI, IA, MO, MN, and TN, on the other. Supporting shipper(s): 1. Nettles & Company, 9801 W. Higgins Rd., Rosemont, IL 60018.

MC 156003 (Sub-4–3TA), filed August 18, 1981. Applicant: BARRY FREIGHTWAYS, INC., Box 14786, Minneapolis, MN 55414. Representative: Ronald B. Sieloff, Ninth Floor Commerce Bldg., St. Paul, MN 55101. *(1) New school, office and store fixtures and furniture, and (2) Materials, supplies and equipment (except commodities in bulk) used in the manufacture and sale of commodities named in (1) above and (3) Grain elevator equipment and parts of grain elevator equipment,* (1) From Princeton, MN to points in the U.S. (except AK and HI); and (2) From points in the U.S. (except AK and HI) to Princeton, MN. An underlying ETA seeks 120 day authority. Supporting shippers: Verti-Flo Corp., County Rd. 18, Princeton, MN 55371; Smith System MFG., 1405 Silver Lake Rd., New Brighton, MN 55112.

MC 157763 (Sub-4–1TA), filed August 1981. Applicant: PRESTO TRANSPORTATION, INC., P.O. Box 469, Peru, IL 61354. Representative: Gerald M. Hunter, Attorney at Law, 129 Walnut St., Oglesby, IL 61348. *Contract:* Irregular: *Rubber and/or Plastic products* between points in the U.S. under continuing contracts with Kelly Springfield Tire Company. Supporting shipper: Kelly Springfield, Tire Co., U.S. 20, Freeport, IL 61032.

MC 293283 (Sub-43TA), filed August 18, 1981. Applicant: SCHIEK MOTOR EXPRESS, INC., 90 Casseday Avenue, Joliet, IL 60432. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *General commodities (except Classes A & B explosives),* between points in IL, on the one hand, and, on the other, points in IN,

IL, MI, WI, IA, MO, OH, and KY. There are eleven (11) supporting shippers.

MC 118806 (Sub-4–8TA), filed August 17, 1981. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Blvd., Winnipeg, Manitoba R2J 3K4. Representative: Bernard J. Kompare, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in or used by manufacturers of glass and glass products,* between the facilities of Libbey-Owens-Ford Co. located at Lathrop, CA; Ottawa, IL; Toledo, OH; and Laurinburg, NC, on the one hand, and, on the other, ports of entry on the International Boundary Line between the U.S. and Canada. Supporting shipper: Libbey-Owens Ford Company, Toledo, OH 43695.

MC 136899 (Sub-4–17TA), filed August 20, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. (1) *Snow removal, log splitter, lawn and garden equipment;* and (2) *parts, attachments and accessories for items in (1) above,* between Lexington, TN on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD and WI. Supporting shipper: Gilson Brothers Company, P.O. Box 152, Plymouth, WI 53073.

MC 138841 (Sub-4–4), filed August 19, 1981. Applicant: BLACK HILLS TRUCKING CO., P.O. Box 2130, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. *Swinging beef and edible beef by-products* from Gibbon, NE to points in WI, MN, and IL. Gibbon Packing, Inc., P.O. Box Q, Gibbon, NE 68840.

MC 138841 (Sub-4–5), filed August 19, 1981. Applicant: BLACK HILLS TRUCKING CO., P.O. Box 2130, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. *Hides* from Rapid City, SD to points in WI and to Butler, MO. Black Hills Packing Co., P.O. Box 2130, Rapid City, SD 57709.

MC 142517 (Sub-4–1TA), filed August 18, 1981. Applicant: HOWARD DELIVERY SERVICE, INCORPORATED, P.O. Box 542, 1900 W. 16th St., Broadview, IL 60153. Representative: Francis W. McInerney, 1000 16th St., N.W. #502, Washington, DC 20036. *Contract, irregular: motor vehicle materials and supplies* (except classes A and B explosives) between points in MI on the one hand, and, on the other, points in the Ohio counties of Defiance, Fulton, Henry, Huron, Lucas, Ottawa, Sandusky, Senaca, Williams and Wood, under continuing contract(s) with General Motors Corp. (General Motors Warehousing & Distribution Division). An underlying ETA seeks 120 days authority. Supporting shipper: General Motors Corp (General Motors Warehousing & Distribution Division), 3044 W. Grand Blvd., Detroit, MI 48202.

MC 143230 (Sub-4–4TA), filed August 17, 1981. Applicant: LUCK TRUCKING, INC., Rural Route #1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Food and related products,* between Franklin County, OH and Coles County, IL on the one hand, and, on the other, all points in the U.S. Supporting shipper: Kal Kan, Inc., 3386 E. 44th St., Vernon, CA 90058.

MC 147262 (Sub-4–2TA), filed August 18, 1981. Applicant: DETROIT AIR CARGO, INC., 28450 Highland Road, Romulus, MI 48174. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885. *Contract* irregular: *(1) Electronic equipment and parts; and (2) equipment, materials and supplies used in the manufacture, distribution and sale of (1) above,* between Chicago, Il, and its commercial zone, on the one hand, and, on the other hand, points in Oakland County, MI. Restricted to traffic moving under continuing contract(s) with Control Data Corp. Supporting shipper: Control Data Corporation, 8100 34th Ave., South, Minneapolis, MN 55440. An underlying ETA seeks 120 days authority.

MC 150746 (Sub-4–28TA), filed August 19, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, P.O. Box 929, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Chemicals and related products,* between Chicago, IL; San Carlos and Los Angeles, CA; Denver, CO; St. Paul, MN; West Haven, CT; Phoenix, AZ; Oklahoma City, OK; Charlotte, NC; Omaha, NE, and points in their respective commercial zones, on the one hand, and, on the other, points in the U.S. authority. Supporting shipper: The Enterprise Companies, 1191 S. Wheeling Rd., Wheeling, IL 60090.

MC 151448 (Sub-4–3TA), filed August 19, 1981. Applicant: BERNS TRANSPORTATION, INC., 4585 South Harding Street, Indianapolis, IN 46217. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities* (except Classes A and B explosives), from the facilities of Eli Lilly & Co. and Elanco Products Co. at Clinton, Indianapolis and Lafayette, IN to AR, MI, MS, NC and SC. Supporting shipper: Elanco Products Co., 740 S. Alabama St., Indianapolis, IN 46225.

MC 151482 (Sub-4–8TA), filed August 17, 1981. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Dr., Rockford, IL 61109. Representative: David M. O'Boyle, 2310 Grant Bldg., Pittsburgh, PA 15219–2383. *Contract Irregular.* Such commodities as are dealt in by hardware and discount stores, and materials and supplies used in the manufacture thereof, between points in the U.S. (except AK and HI), under continuing contract(s) with Newell Companies, Inc. of Freeport, IL, and/or its subsidiaries. Supporting shipper: Newell Companies, Inc., Freeport, IL.

MC 157541 (Sub-4–1TA), filed August 14, 1981. Applicant: WILLIAM WALKER, d.b.a. WALKER TRUCK LINE, 5807 S. Wabash Ave., Chicago, IL 60637. Representative: Abraham A. Diamond, 29 S. La Salle St., Chicago, IL 60603. *(a) Paper and paper products; packaging materials; chemicals, other than in bulk; machinery; and (b) materials, equipment and supplies, used and useful in the manufacture, sale and distribution of commodities named in (a) above;* between the facilities of Nashua Corp. at or near Chicago, IL; Albany, Troy and Watervliet, NY; Nashua & Merrimack, NH; Baton Rouge, LA; Los Angeles, CA; Dallas, TX; Atlanta, GA; and Omaha, NE, on the one hand, and, on the other, points in the U.S. *Restricted* to traffic moving from or to the facilities of Nashua Corp., its customers, or vendors. Supporting shipper: Nashua Corp., 7800 S. Woodlawn Ave., Chicago, IL 60619. An underlying ETA has been filed.

MC 157760 (Sub-4–1TA), filed August 18, 1981. Applicant: PROFESSIONAL COACH DELIVERIES, INC., P.O. Box 15223, Milwaukee, WI 53515. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703–3279. *Busses,* between Los Angeles County, CA and points in WI, WA, MN, TN and GA. Supporting shipper: Crown Coach Corporation, 2428 E. 12th St., Los Angeles, CA 90021.

MC 157772 (Sub-4–1TA), filed August 19, 1981. Applicant: ELMER GENE TIBBETTS, d.b.a. TIBBETTS TRUCKING, Route #1, Ogema, MN 56569. Representative: Joel R. Thompson, P.O. Box 418, White Earth, MN 56591. *Wood and wood products,* between points in Beltrami County, MN on the one hand and on the other, points in AR, IL, IN, IA, KS, LA, MN, MO, MT, NE, ND, OK, SD, TX, and WI. Supporting shipper: The Mead Corporation, Courthouse Plaza N.E., Dayton, OH 45463.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 135678 (Sub-5–20TA), filed August 19, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Baby goods; Foodstuffs, frozen and non-frozen; Canners' supplies; Chemicals, Cleaning Compounds and equipment,* and *commodities used in packing, sale and distribution of the above,* between points in OK, AR, TX, NM, CO and CA. Supporting shipper: Gerber Products Company, 4301 Harriet Lane, Fort Smith, AR 72902.

MC 147676 (Sub-5–11TA), filed August 19, 1981. Applicant: KEATON TRUCK LINES, INC., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington, P.O. Box 1187, Texarkana, TX 75504. Contract; Irregular: *Rough Steel Castings and Related Products* between Shreveport, LA and Keokuk, IA on the one hand and on the other points in CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, NV, NC, OH, OK, PA, SC, TN, TX and WA. Supporting shipper: Kast Metal Corporation, 1461 West 59th Street, Shreveport, LA 71106.

MC 148143 (Sub-5–7TA), filed August 18, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant). *General commodities, (except classes A and B explosives and household goods)* between points in the U.S. for the account of Grant Enterprises, Inc. Supporting shipper: Grand Enterprises, Inc., P.O. Box 10036, Springfield, MO 65808.

MC 151342 (Sub-5–3TA), filed August 19, 1981. Applicant: CITY-WIDE CARTAGE CONTRACT CARRIERS, INC., 3317 McKinley Ave., Des Moines, IA 50321. Representative: Kenneth Gilliam (same as above). *General Commodities, (except those of unusual value, Classes A and B explosives, Commodities in Bulk, and those requiring special equipment);* Between points in the U.S. Supporting shipper: Leslie Paper Company, 2220 East 17th St., Des Moines, IA. 50316.

MC 15774 (Sub-5–1TA), filed August 19, 1981. Applicant: CHRISTIAN TOURS, INC., 2241 Laneway Circle, Oklahoma City, OK 73159. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. *Passengers and their baggage, in the same vehicle with passengers, in round-trip, charter and special operations,* beginning and ending at points in OK, and extending to points in TX, KS, CO, NM, AR, TN, MS, MO and LA. Supporting shipper: There are five (5) supporting shippers.

MC 56810 (Sub-5–3TA), filed August 20, 1981. Applicant: TRANSPORTATION ENTERPRISES, INC., 1135 Gunter, Austin, TX 78702. Representative: PAUL D. ANGENED, P.O. Box 2207, Austin, TX 78768. *Passengers and their baggage in charter and special party operations* originating and terminating at points in Williamson, Travis, Hays, Comal and Bexar Counties, TX, extending to all points in the U.S. Supporting shippers: 22.

MC 61396 (Sub-5–15TA), filed August 20, 1981. Applicant: HERMAN BROS., INC., Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Flay ash and lime kiln dust,* from Carbo and Saltville, VA and Luttrell, TN to points in TN, KY, WV, GA, NC, SC, and VA. Supporting shipper: Ash Management Corporation, 6600 Powers Ferry Road, Suite 200, Atlanta, GA 30339.

MC 110567 (Sub-5–6TA), filed August 20, 1981. Applicant: SONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, 50309. Representative: E. Check, Attorneys, P.O Box 855, Des Moines, 50304. *Bakery goods and materials and supplies used in the manufacture and distribution thereof,* between North Sioux City, SD, on the one hand, and on the other, points in the U.S. on and east of U.S. Hwy 85. Supporting shipper: Interbake Foods, Inc., One Devilsfood Drive, North Sioux City, SD 57049.

MC 114284 (Sub-5–13TA), filed August 20, 1981. Applicant: FOX–SMYTHE TRANSPORTATION CO. P.O. Box 82307, OKLAHOMA CITY, OD 73148. Representative: M. W. Thompson (same as above). *Meat and Meat products,* From Omaha, NE to Albuquerque, N.M. Supporting shipper: Wilson Foods Corporation, 4545 N. Lincoln Boulevard, Oklahoma City, OK 73105.

MC 121517 (Sub-5–15TA), filed August 21, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st E. Ave, Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as above). *Coal* from points in OK on and East of U.S. Highway 75 to Dallas, TX. Supporting Shippers: General Portland, Inc., P.O. Box 324, Dallas, TX.

MC 121517 (Sub-5–16TA), filed Ausgust 21, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st East Avenue, Tulsa, OK 74112 Representative: Jerry C. Slaughter (same as above). *Cement* from Allen, Neosho and Montgomery Counties, KS to Tulsa, OK. Supporting shipper: Arrow Concrete, Inc., P.O. Box 129, Broken Arrow, OK 74012.

MC 123878 (Sub-5–4TA), filed August 20, 1981. Applicant: PRATT TRANSPORTATION CO., INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Fly ash and lime kiln dust,* from Carbo and Saltville, VA and Luttrell, TN to points in TN, KY, WV, GA, NC, SC and VA. Supporting shipper: Ash Management Corporation, 6600 Powers Ferry Road, Suite 200, Atlanta, GA 30339.

MC 125535 (Sub-5–15TA), filed August 21, 1981. Applicant: NATIONAL SERVICE LINES INC. of NEW JERSEY 2275 Schuetz Rd., St. Louis MO 63141. Representative: Donald S. Helm (same as applicant). Contract: Irregular. (1) *Air coolers and or heating units, and equipment and parts used in the manufacture and distribution in (1) above (except commodities in bulk in tank vehicles),* between Forest City AR, on the one hand, and, on the other, all points in the US (except AK and HI). Supporting shipper: Airtherm Manufacturing Co., 9339 Dielman Industrial Dr., St.Louis MO 63132.

MC 146078 (Sub-5–30TA), filed August 21, 1981. Applicant: CAL–ARK, INC., 854 Moline, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, Prairie Grove, AR 72753–0011. *Foodstuffs* between Bexar County, TX, on the one hand, and, on the other, points in CA, and all points in and east of NM, CO, NE, IA, WI, and MI. Supporting shipper: Guenther & Sons Corporation, P.O. Box 118, East Guenther St., San Antonio, TX 78291.

MC 147047 (Sub-5–2TA), filed August 21, 1981. Applicant: CAPITAL WIRE & CABLE CORPORATION d.b.a. CWC TRUCKING COMPANY, P.O. Box 7, Plano, TX. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Floor Coverings and/or Materials and Supplies used in the installation of Floor Coverings* between Irving, TX on the one hand, and, on the other, points in AZ, CA, GA, NJ, NY, PA, TN. Restricted to shipments originating at or destined to facilities of L D Brinkman Co. of Irving, TX. Supporting shipper: L D Brinkman Company, 520 No. Wildwood, Irving, TX 75061.

MC 150812 (Sub-5–8TA), filed August 20, 1981. Applicant: FROST TRANSPORTATION, INC., P.O. Box 3400, Shreveport, LA 71103. Representative: JOSEPH A. KEATING, JR., 121 S. Main St., Taylor, PA 18517.

Contract, Irregular; *General Commodities (except Classes A & B Explosives, hazardous waste and household goods),* between points in the US (except HI) under a continuing contract(s) with Whittaker Corporation and its Divisions and Subsidiaries, Los Angeles, CA.

MC 157607 (Sub-5–1TA), filed August 14, 1981. Applicant: MILES K. BROWN d.b.a. BROWN'S LODGING AND LIMOUSINE SERVICE, 525 Armour Blvd., Kansas City, MO 64141. Representative: Arthur J. Cerra, 2100 Charterbank Center, Kansas City, MO 64141. Contract, Irregular; *railroad train and engine crews and their baggage, in limousines of not more than ten passengers, not including the driver* between points in KS, MO, OK and TX. Supporting shipper; Missouri-Kansas-Texas Railroad, Parsons, KS 67357.

MC 157819 (Sub-5–1TA), filed August 21, 1981. Applicant: TRUK–TRAK TRANSPORTATION, INC., P.O. Box 28655, Dallas, TX 75288. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities (except classes A and B explosives),* between Dallas, TX on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to the facilities of Dallas C.F.S. Terminal, Inc. Supporting shipper: Dallas C.F.S. Terminal, Inc., P.O. Box 3001, Garland, TX 75041.

MC 157822 (Sub-5–1TA), filed August 21, 1981. Applicant: TERRY N. LATTA, d.b.a. TERRY N. LATTA TRUCKING, Route #3, Lot 28, Flag Acres, Woodward, OK 73801. Representative: C. L. Phillips, Room 248 Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Machinery, equipment, materials and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products,* between points in CO, KS, LA, NM, OK, TX and WY. Supporting shippers: 7.

MC 157825 (Sub-55–1TA), filed August 21, 1981. Applicant: BOB CANNON d.b.a. CANNON'S HOT SHOT SERVICE, P.O. Box 123, Odessa, TX 79760. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Oil field equipment and supplies* between points in Ector County, TX on the one hand, and, on the other, points in TX, OK, NM, and LA. Supporting shippers: 5.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 157727 (Sub-6–1TA), filed August 14, 1981. Applicant: AIR FREIGHT EXPEDITERS, INC., 19030—28th Avenue So., Seattle, WA 98188. Representative: Robert G. Gleason, 1127—10th East, Seattle, WA 98102. *General Commodities,* with the usual exceptions of explosives, household goods and liquids in bulk, between points in WA, having had prior or subsequent movement in interstate commerce, for 270 days. Supporting shippers: Loomis Air Services, 7931E Alderbridge Way, Richmond, B.C. V6X 2A4: Coast Carloading Co., 3200 Occidental Ave. So., Seattle, WA 98134 and Acme Fast Freight, Inc., P.O. Box 3803, Seattle, WA 98124.

MC 157431 (Sub-6–1TA), filed August 13, 1981. Applicant: ARTHUR EARL BROWN, d.b.a. ART'S MOBILE HOME SERVICE; 104 East 46th Street, Boise, ID 83704. Representative: Arthur Earl Brown (same address as applicant). *Buildings in sections, Sectionalized Buildings, Volumetric Modulars when transported on wheeled undercarriages, Trailers, Mobile Homes, Camp Coaches, Truck Campers, Mobile Home Frames and Undercarriages and Appliances, Furniture and Personal Effects used and located in House Trailers in primary and secondary movements,* between points in WA, OR, CA, NV, WY, MT, ID and UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Design Space International, Inc., 3208 E. Amity Rd., Boise, ID 83705.

MC 157747 (Sub-6–1TA), filed August 17, 1981. Applicant: CASTAN TRUCKING, INC., 4524 S. 280th, Auburn, WA 98002. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98421. *General Commodities (except Classes A & B explosives),* between points in CA, ID, MT, NV, OR and WA, for the accounts of Coastal Alaska Lines, Inc.; Paper Products Marketing; Joseph Simon & Sons, Inc. and PNH International, Inc. and Youngstrom Log Homes, Inc.; for 270 days. Supporting shippers: There are five shippers. Their statements may be examined at the Regional Office listed.

MC 144810 (Sub-6–3TA), filed August 13, 1981. Applicant: FLOYD M. CROSS, 62911 Lopez St., Espanola, NM 87532. Representative: Roger V. Eaton, 2501 Yale Boulevard, SE, Suite 301, Albuquerque, NM 87106. *Contract carrier,* irregular routes: *Beverages and beverage containers and materials useful in the marketing and manufacture thereof,* from Denver, CO to Roswell, NM and from Muskogee, OK to Roswell, NM, for the account of Consolidated Bottling Company, Roswell, NM for 270 days. An underlying ETA seeks 90 days authority. Supporting shipper: Consolidated Bottling Company, Post Office Box 1455, Roswell, NM 87201.

MC 157725 (Sub-6–1TA), filed August 14, 1981. Applicant: DENNIS HOGAN d.b.a. FAIRWAY AUTO TRANSPORT, East 2027 Sprague, Spokane, WA 99202. Representative: Dennis Hogan (same as applicant). *Used automobiles and used trucks* between points in WA, OR, ID and MT, for 270 days. Supporting shippers: There are seven (7) shippers. Their statements may be examined at the Regional office listed.

MC 139906 (Sub-6–85TA), filed August 13, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Paper, fabric, cleaning and scouring products* between the facilities of Johnson & Johnson at or near Skillman, NJ on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Chicopee, a division of Johnson & Johnson, P.O. Box 1151, New Brunswick, NJ 08903.

MC 113059 (Sub-6–4TA), filed August 13, 1981. Applicant: KELLER TRANSPORT, INC., Route 9, Katy Lane, Billings, MT 59101. Representative: F. E. Keller (same as applicant). *Petroleum and Petroleum Products* between points in MT and WY for 270 days. Supporting shippers: AMOCO OIL COMPANY, P.O. Box 2501, Billings, MT. 59103; NORTHWEST CRUDE, INC., 2103 Broadwater Avenue, Billings, MT 59104; PARCO OF MONTANA, Suite 203, 2525 West Main, Rapid City, SD 57701.

MC 156673 (Sub-6–1TA), filed August 12, 1981. Applicant: DEPLOY MEPPEN, Rural Route No. 9, B. 152, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Contract Carrier,* irregular routes: *Chemicals and related products,* from: Kennewick, and Trentwood, WA; Moab, Wendover and Tooele, UT to points in Power, Bannock, Bingham, Bonneville, Fremont, Teton, Jefferson, and Madison Counties, ID, for the account of The Pillsbury Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Pillsbury Co., P.O. Box 447, Ucon, ID 83454.

MC 156897 (Sub-6–2TA), filed August 13, 1981. Applicant: DARRYL L. BARKER AND ROBERT M. BARKER, d.b.a. MILE-HI LEASING, P.O.B. 2000, Sheridan, WY 82801. Representative: Charles M. Williams, 1600 Sherman St.,

No. 665, Denver, CO 80203. (1) *Malt beverages and related advertising materials* from Jefferson County, CO to points in TX, TN, MT, LA, and MS, and (2) (A) *empty used beverage containers and* (B) *materials and supplies used or dealt in by breweries,* from points in TX, TN, MT, LA, and MS to points in Jefferson County, CO; for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 127115 (Sub-6–5TA), filed August 12, 1981. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract Carrier,* Irregular routes: *Aluminum products,* between Los Angeles County, CA on the one hand and on the other points in Salt Lake and Davis Counties, UT for the account of Easton Aluminum, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Easton Aluminum, 5040 W. Harold Gatty Dr., Salt Lake City, UT 84116.

MC 152393 (Sub-6–2TA), filed August 13, 1981. Applicant: SCOTT B. WARN, d.b.a. OVERNITE EXPRESS, P.O. Box 24, Danville, CA 94526. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518. *Contract Carrier,* Irregular routes: (1) *Automobile parts and accessories used in the manufacture, sale and distribution of trucks,* from Hayward and Los Angeles, CA to Allentown, PA, for the account of Mack Trucks, Inc., and (2) *Copper and brass tubing, in cartons, coils and bundles* from Reading, PA to San Leandro, CA and Los Angeles, CA, for the account of Reading Tube Division, Reading Industries, Inc., for 270 days. Supporting shippers: (1) Mack Trucks, Inc., 2100 Mack Boulevard, Allentown, PA 18103; (2) Reading Tube Division, Reading Industries, Inc., 1925 Republic Avenue, San Leandro, CA 94577.

MC 152393 (Sub-6–2TA), filed August 13, 1981. Applicant: SCOTT B. WARN, d.b.a. OVERNITE EXPRESS, P.O. Box 24, Danville, CA 94526. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518. *Contract Carrier,* Irregular routes: (1) *Automobile parts and accessories used in the manufacture, sale and distribution of trucks,* from Hayward and Los Angeles, CA to Allentown, PA, for the account of Mack Trucks, Inc., and (2) *Copper and brass tubing, in cartons, coils and bundles* from Reading, PA to San Leandro, CA and Los Angeles, CA, for the account of Reading Tube Division, Reading Industries, Inc., for 270 days. Supporting shippers: (1) Mack Trucks, Inc., 2100 Mack Boulevard, Allentown, PA 18103. (2) Reading Tube Division, Reading Industries, Inc., 1925 Republic Avenue, San Leandro, CA 94577.

MC 153559 (Sub-6–2TA), filed August 14, 1981. Applicant: PLAZA EXPRESS, INC., 6467 Van Nuys Blvd., Suite 460, Van Nuys, CA 91401. Representative: William J. Monheim, P.O.B. 1756, Whittier, CA 90609. *Furniture and fixtures,* from Rancho Cucamonga, CA, to Allentown, PA, Atlanta, GA, Berkley, MI, Bridgeton, MO, Dallas, TX, Denver, CO, Elk Grove Village, IL, Hingham, MA, Lacona, NY, Leavenworth, KS, Minneapolis, MN, Mogadore, OH, Morgantown, WV, Oakland Park, FL, and Portland, OR, for 270 days. Supporting shipper: General Marble Corporation, Division of TFI Companies, 9146 East 9th Street, Rancho Cucamonga, CA 91730.

MC 157728 (Sub-6–1TA), filed August 13, 1981. Applicant: RICHARD D. VANZUIDEN, d.b.a. R. & D. TRUCKING, 11256 Billings Ave., Lafayette, CO 80026. Representative: Richard D. Vanzuiden (Same as applicant). *Contract Carrier,* irregular route; *Ferrous & nonferrous metals—fabricated and raw; class A & B explosives and blasting agents, and manufacturing equipment & supplies* between points in the United States for account of Explosive Fabricators, Inc. for 270 days. Supporting Shipper: Explosive Fabricators, Inc., 1301 Courtesy Road, Louisville, CO 80027.

MC 157746 (Sub-6–1TA), filed August 17, 1981. Applicant: ROCKY MOUNTAIN TRUCK AND EQUIPMENT, INC., 6450 Hwy 2, Commerce City, CO 80022. Representative: Lawrence V. Bialek, 1600 Carr St. #2, Lakewood, CO 80215. *Contract Carrier,* Irregular routes: *Machinery, equipment, materials and supplies* between all points within the U.S. excepting HI for the account of Santa Fe Equipment Co. for 270 days. Supporting Shipper: Santa Fe Equipment Co., 1570 East 66th Ave, Denver, CO 80229.

MC 153899 (Sub-6–2TA), filed August 11, 1981. Applicant: ST FREIGHT SYSTEMS, Suite 1400, One California St., San Francisco, CA 94111. Representative: Charles A. Webb, Suite 1111 1828 L St., N.W., Washington, DC 20036. *General commodities, (Except used household goods, vehicles, Classes A & B explosives, commodities requiring specialized equipment, commodities in bulk, cement, logs, and commodities of unusual or extraordinary value)* between points in the counties of Alameda, Butte, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Kings, Lake, Madera, Marin, Mendocino, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tulare, Yolo and Yuba, CA, for 270 days, restricted to the transportation of shippments having a prior or subsequent movement by rail or water. Supporting Shipper(s): Clipper Exxpress, 3401 West Pershing Rd, Chicago, IL 60632; Mittelstaedt, Galaviz & Mylin, 214 Front St., San Francisco, CA 94111; Cost-Plus, Inc., 2598 Talyor St., San Francisco, CA 94133.

MC 157432 (Sub-6–1TA), filed August 12, 1981. Applicant: EDWARD A. BLANKENSHIP and GEORGE T. MARQUEZ, d.b.a. STAR TRANSPORTATION, 2860 South East Ave., Fresno, CA 93725. Representative: Charles Webb, 1828 "L" St., N.W., Washington, DC 20036. *General Commodities* (except Household Goods, Class A & B Explosives and Hazardous Wastes) between points in CA; Restricted to the transporation of shipments having a prior or subsequent movement by rail, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Clipper Exxpress, 3401 Pershing Rd., Chicago, IL 60632.

MC 105154 (Sub-6–1TA), filed August 14, 1981. Applicant: TETON STAGE LINES, INC., Rt. 5, B. 402, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Passengers, baggage and their equipment in special or charter operations* between points in Bannock County, ID, on the one hand, and, on the other, points and places in the U.S. for 180 days. Supporting Shipper(s): Southeast Idaho Council of Government, P.O.B. 4169, Pocatello, ID 83201; Senior Citizens Center, 1426 E. Lander, Pocatello, ID 83201; Idaho State University Associated Students, P.O.B. 8912, Pocatello, ID 83210.

MC 96750 (Sub-6–1TA), filed August 13, 1981. Applicant: TRUCKING UNLIMITED, 9215 Sorensen Ave., Santa Fe Springs, CA 90670. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Contract Carrier,* irregular routes, *gypsum, gypsum products, building materials* and *materials, equipment and supplies used in the installation, distribution and manufacture thereof,* from the facilities of U.S. Gypsum Company in Plaster City, Torrance and Santa Fe Springs, CA to points in Clark County, NV for 270 days. Supporting shipper: U.S. Gypsum Company, 632 North Brand Blvd., Glendale, CA 91203.

MC 149142 (Sub-6–1TA), filed August.. 11, 1981. Applicant: WESLEY J.

REYNOLDS d.b.a. W. R. TRUCKING, 3022 MacArthur Blvd., Oakland, CA 94602. Representative: John H. King, 50015 S.E. Coalman Rd., Sandy, OR 97055. *Contract Carrier,* Irregular routes: *Pulp, Paper and Related Products,* and materials, equipment and supplies used in the manufacture and distribution of Pulp and paper from Oregon City and Newberg, OR, to Fresno, CA under continuing contract(s) with Publishers Paper Company, Portland, OR, for 270 days. Supporting shipper: Publishers Paper Company, 6637 S. E. 100th Avenue, Portland, OR 97266.

MC 151611 (Sub-6–8TA), filed August 11, 1981. Applicant: WAYFARE TRUCKING, INC., 725 Industrial Way, Port Hueneme, CA 93041. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Contract Carrier,* Irregular Routes: *Food or kindred products,* between Oxnard, Santa Fe Springs, Fullerton, Burbank, Los Angeles and Brea, CA, on the one hand, and, on the other hand, points in the U.S., under continuing contract with Oxnard Frozen Foods Cooperative, for 270 days. Supporting shipper: Oxnard Frozen Foods Cooperative, P.O. Box 1427, Oxnard, CA 93032.

MC 112989 (Sub-6–19TA), filed August 13, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same as applicant). *Containers, container closures and container accessories,* from points in CA to points in AZ and NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Glass Containers Corp., 535 North Gilbert Ave., Fullerton, CA 92634.

MC 147896 (Sub-6–4TA), filed August 14, 1981. Applicant: WESTERN SONTEX, INC., P.O. B. 667, Seal Beach, CA 90740. Representative: David B. Rosenman, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract Carrier,* irregular routes: *metal products,* (1) from Los Angeles County CA, to Philadelphia (Conshonhocken) and Pittsburgh, PA, Dallas, TX, Memphis, TN, St. Louis, MO, Minneapolis, MN, Milwaukee, WI, Minot, ND, Denver, CO, Salt Lake City, UT, and (2) from Chicago, IL, Cleveland, OH, Philadelphia, PA, and points in NJ, TN and TX, to Los Angeles County CA, under a continuing contract(s) with Stoody Company, City of Industry CA, for 270 days. Supporting shipper: Stoody Company, 16425 Gale, City of Industry, CA, 91745.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-25317 Filed 8-28-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Spectra-Physics, Inc., et al.; Competitive Impact Statements and Proposed Consent Judgments; Comments and Responses

The Antitrust Division has received the following comments on the Proposed Judgment in *United States v. Spectra-Physics, Inc., et al.,* Civil No. 78–1879 TEH. Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) and (d), the Comments are published herewith together with the Division's Responses thereto. Filing of the Comments and Responses with the Court will complete compliance with the Act.

Joseph H. Widmar,
Director of Operations.

The George Washington University
School of Government and Business Administration
Washington, D.C. 20052

June 15, 1981.

Anthony E. Desmond,
Chief, San Francisco Field Office, Antitrust Div., Dept. of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, CA 94102

Re: *Spectra-Physics* et al.

Dear Mr. Desmond: This is in response to the press release of June 2nd regarding the above-captioned matter and the request for comments from members of the public regarding the Division's proposed relief terminating the complaint filed August 8, 1978.

The proposed relief requires the defendants to provide, on request, certain non-exclusive, royalty-free licenses for all patents and written technical information owned by them as of January 1, 1980.

If it is the Division's expectation that such a provision in the consent judgment will restore competition in the market foreclosed by the acquisition of Laserplane, that expectation may be doomed to disappointment.

As "prosecuting" attorney for the Federal Trade Commission in the matter of Koppers Company, Inc., FTC Docket No. 8755, a similar provision was incorporated into the consent order in that case in the expectation that the relief would encourage potential competitors to enter the market and vitiate Koppers' monopoly. Despite what appeared to us to be a potent encouragement to the market through a series of affirmative relief provisions including patent "dedication" and the sale of technological know-how, no new competitors appeared.

If the Division is relying on royalty-free licenses and the required availability of technological information to encourage "competition" with defendants, it may not prove to be a satisfactory alternative to an order of divestiture.

Please feel free to communicate with me about this matter at any time.

Very truly yours,

Daniel R. Kane,
Assistant Professor of Business Administration.

U.S. Department of Justice
Antitrust Division
San Francisco Office
Federal Building, 450 Golden Gate Avenue, Box 36046, San Francisco, California [illegible]

August 19, 1981.

Mr. Daniel R. Kane,
Assistant Professor of Business Administration, The George Washington University, Washington, D.C. 20052

Re: United States v. Spectra-Physics, Inc. and *Laserplane Corporation, Civ. No. 78–1879 TEH*

Dear Mr. Kane: We have received your letter of June 15, 1981 concerning the proposed Final Judgment in the above case.

The machine control laser market has been continuously changing since the filing of the complaint and the defendants' share of the market has been continuously declining, in part because of new entry by other firms. The Government believes that the decree's royalty-free licensing will make it possible for such deconcentration to continue both by attracting new entry and strengthening existing competitors. While there is of course no guarantee that additional new entry will take place, the proposed decree removes one of the major impediments to such entry.

For your information, a copy of the Stipulation with proposed Final Judgment and the competitive Impact Statement are enclosed. Thank you for writing.

Sincerely yours,

Anthony E. Desmond,
Chief, San Francisco Office, Antitrust Division.

Mrs. Mary Kashevaroff,
Box 183, Redwood City, California 94064

June 17, 1981.

U.S. Department of Justice, *450 Golden Gate Avenue,*
Antitrust Division, Box 36046, San Francisco, California 94102
Attn: Anthony E. Desmond, Chief, San Francisco Field Office

Dear Mr. Desmond: Can you tell me whether The Judgment proposed for the case of: "United States v. Spectra Physics, Inc. and Laserplane Corp. Civil No. C–78–1879 TEH"

is a move to eliminate protection to individuals with patents rights on inventions dealing with the energy of The Heavens—"Light", as represented by Lasers?

Yours truly,

Mary Kashevaroff.

U.S. Department of Justice

Antitrust Division

San Francisco Office

Federal Building, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102

August 19, 1981.

Mrs. Mary Kashevaroff,
Box 183, Redwood City, CA 94064

Re: United States v. Spectra-Physics, Inc. and *Laserplane Corporation, Civ. No. 78-1879 TEH*

Dear Mrs. Kashevaroff: Thank you for your letter of June 17, 1981 inquiring about the proposed Final Judgment in the above case.

In response to your question, said Final Judgment is applicable only to patents and written technical information owned by Spectra-Physics. This relief has been proposed only in response to the specific facts of this case.

Sincerely yours,

Anthony E. Desmond,

Chief, San Francisco Office, Antitrust Division.

[FR Doc. 81-[illegible] Filed 8-28-81; 8:45 am]

BILLING CODE 4410-01-M

Attorney General

Notice of Proposed Consent Decree and Action to Obtain Civil Penalties for Violations of Air Emission Standards and an Injunction Requiring Compliance With the Standards by the Chattanooga Coke and Chemicals Co., Inc.

In accordance with Department policy, 28 CFR 50.7 38 FR 19029, Notice is hereby given that on August 5, 1981, a proposed consent decree in *United States of America* v. *Chattanooga Coke and Chemicals Co., Inc.,* Civil Action No. 1-181-323, was lodged with the United States District Court for the Eastern District of Tennessee, Southern Division.

The proposed consent decree requires Chattanooga Coke and Chemicals Co., Inc. to achieve compliance with the applicable regulations and to install certain control equipment. In some cases, the required control equipment will result in the achievement of compliance with emission limitations more stringent than those contained in the Tennessee State Implementation Plan. Additionally, the decree provides for testing procedures and reporting requirements. Stipulated penalties are set for failing to meet the applicable final compliance dates.

The proposed consent decree may be examined at the Office of the United States Attorney for the Eastern District of Tennessee, Chattanooga, Tennessee, at the Region IV office of the Environmental Protection Agency, Enforcement Division, 345 Courtland Street, N.E., Atlanta, Georgia 30308; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of 30 days from the date of this notice (until September 31, 1981). Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States of America* v. *Chattanooga Coke and Chemicals Co., Inc.,* (E.D. Tenn., Civil Action No. 1-81-323; D.J. No. 90-5-2-1-137).

Anthony C. Liotta,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-25281 Filed 8-28-81; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-237, 50-249, 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Operating Licenses

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Provisional Operating License No. DPR-19, and Amendment No. 55 to Facility Operating License No. DPR-25, issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Unit Nos. 2 and 3, located in Grundy County, Illinois. the Commission has also issued Amendment Nos. 74 and 67 to Facility Operating License Nos. DPR-29 and DPR-30, issued to Commonwealth Edison and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The changes to the Technical Specifications involve incorporation of certain of the TMI-2 Lessons Learned Category "A" requirements. These changes impose the requirement that a Shift Technical Advisor with specialized training in reactor technology be present during reactor power operation.

The application for the amendments complies with the standards requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connetion with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 18, 1980, (2) Amendment No. 64 to License No. DPR-19, Amendment No. 55 to License No. DPR-25, Amendment No. 74 to License No. DPR-29 and Amendment No. 67 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois, for Dresden 2 and 3 at the Moline Public Library, 504-17th Street, Moline Illinois, for Quad Cities 1 and 2. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of August 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactor Branch No. 2, Division of Licensing.

[FR Doc. 81-25349 Filed 8-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-498 OL, STN 50-499 OL]

Houston Lighting & Power Co., et al. (South Texas Project Units 1 and 2), Change in Hearing Schedule

August 26, 1981.

Confirming telephone conversations with representatives of each of the parties, the hearing currently scheduled to commence at 7:00 p.m. on September

14, 1981 has been rescheduled to commence at 2:30 p.m. The session will extend from 2:30 to 5:30 p.m. and from 7:00 to 9:00 p.m. It will be held at the Joe M. Green, Jr. Auditorium, South Texas College of Law, 1303 San Jacinto Street, Houston, Texas 77002.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 81-25350 Filed 8-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309-OLA; Amendment to Facility Operating License No. DPR-36]

Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station—Spent Fuel Compaction); Hearing on Amendment to Facility Operating License

August 24, 1981.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board) to consider the request of Maine Yankee Atomic Power Company (the Licensee) for an amendment to Facility Operating License No. DPR-36 which currently authorizes the Licensee to possess, use and operate the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The proposed amendment would authorize replacement of the existing racks in the spent fuel storage pool of the facility and would permit: (1) the increase of the long-term spent fuel storage capacity of the spent fuel pool from 953 storage locations to 1500 storage locations which can accommodate 1500 spent fuel assemblies in their as discharged form or 2430 spent fuel assemblies consolidated for spent fuel pin storage, and (2) the utilization of a spent fuel rack to occupy the facility's spent fuel cask laydown area for short-term storage, when necessary. Thereafter, the Licensee would be permitted to operate the facility with this larger spent fuel capacity.

The hearing which will be scheduled to begin in the vicinity of the site of the Maine Yankee facility will be conducted by an Atomic Safety and Licensing Board which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Administrative Judges Peter A. Morris and Cadet H. Hand, Jr., Members, and Robert M. Lazo, Chairman.

On October 24, 1979, the U.S. Nuclear Regulatory Commission (Commission) published in the **Federal Register** (44 FR 61273-74) notice of the proposed issuance of an amendment to the facility operating license to increase the Maine Yankee Atomic Power Station's spent fuel storage capacity. Pursuant to this notice, Sensible Maine Power (SMP) submitted a timely petition for leave to intervene. Subsequently, the State of Maine (Maine) by its Attorney General, notified the Commission of its intention to participate in the proceeding as an interested State pursuant to the provisions of 10 CFR 2.715(c).

Prior to the Board's convening a special prehearing conference pursuant to 10 CFR 2.751(a) for the purpose of, *inter alia,* considering the admissibility of contentions and making determinations as to the parties to the proceeding, the Licensee proposed a modification to its earlier amendment proposal. Pursuant to this Board's Order of January 6, 1981, the Commission then published a "Supplemental Notice of Proposed Issuance of Amendment to Facility Operating License" (46 FR 9315-16, January 28, 1981). The supplemental notice provided that any person whose interest "may be affected by the additional proposed modifications (the utilization of the new spent fuel storage racks to increase spent fuel storage capacity and the utilization of the fuel cask laydown area for additional temporary storage)" may petition for leave to intervene in accordance with 10 CFR 2.714 by February 27, 1981. Pursuant to this supplemental notice SMP submitted on February 27, 1981, a document entitled "Intervenor's Statement of Intent to File Additional Specific Contentions" and Maine, acting through its Attorney General, filed a timely petition for leave to intervene as a full party pursuant to 10 CFR 2.714.

Pursuant to a Notice and Order Scheduling Prehearing Conference, dated June 22, 1981, the first prehearing conference was held in Wiscasset, Maine on August 11, 1981, to consider petitions for leave to intervene in opposition to the proposed issuance of an amendment to Licensee's facility operating license.

Participants in the conference were the Licensee, the NRC Staff and Petitioners SMP and Maine; all represented by counsel.

The Staff and the Licensee did not oppose intervention of SMP and Maine on the basis of standing. Both, however, opposed intervention by Maine on the basis that Maine had not asserted at least one admissible contention.

The participants agreed to the admissibility of one contention of SMP, as amended on the record. The Board admitted this contention and granted the SMP petition for leave to intervene. Accordingly, there will be an evidentiary hearing in this proceeding and SMP will be a full party to the proceeding pursuant to the provisions of 10 CFR 2.714. The Board provided an opportunity until September 28, 1981 for SMP and Maine to file revised contentions.

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the **Federal Register**. The specific issues to be considered at the hearing will be determined by the Board.

For further details with respect to the matters under consideration, see (1) the application for amendment dated September 18, 1979, and (2) the supplemental application dated September 29,1980, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local Public Document Room at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's Rules of Practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than September 30, 1981. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that

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[1] See Prehearing Conference Order of the Atomic Safety and Licensing Board dated this day.

the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless they have been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's Rules of Practice, an original and two (2) conformed copies of each such paper with the Commission.

Issued at Bethesda, Maryland, this 24th day of August 1981.

It is so ordered.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Chairman, Administrative Judge.

[FR Doc. 81-25351 Filed 8-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment revises the program for periodic inspection of the Control Building connection bolts.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 29, 1981, (2) Amendment No. 65 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of August, 1981.

For the Nuclear Regulatory Commission.

Charles M. Trammell III,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-25352 Filed 8-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment consists of administrative changes related to off-site and on-site functional organizational charts, minimum shift crew composition, correction of a typographical error, revisions to the membership of the off-site review committee, and clarifying revisions to the responsibilities of the on-site review committee.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 16, 1981, (2) Amendment No. 66 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of August, 1981.

For the Nuclear Regulatory Commission.

Charles M. Trammell III,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-25353 Filed 8-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment revises the Limiting Conditions for Operation and the Surveillance Standards sections of the TSs in order to incorporate requirements for the newly installed fire protection

systems. In addition, the Administrative Controls section of the TSs has been revised to incorporate the fire brigade requirements of Section 10 CFR 50.48 and Appendix R to 10 CFR 50. This change deletes the present specification that defines a fire brigade of 3 members and institutes the requirements of Appendix R (5 member brigade with specified training and physical capabilities).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated June 19, 1980, as supplemented November 17, 1980, (2) Amendment No. 35 to License No. DPR–54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of August 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81–25354 Filed 8–28–81: 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–266 AND 50–301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR–24, and Amendment No. 58 to Facility Operating License No. DPR–27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments contain miscellaneous minor administrative changes which correct or clarify certain portions of the Technical Specifications and approve a revised organizational structure for the Point Beach facilities.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement of negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 4, 1981 and April 6, 1981 as modified by letter dated June 22, 1981, (2) Amendment Nos. 52 and 58 to License Nos. DPR–24 and DPR–27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of August 1981.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81–25355 Filed 8–28–81: 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

August 26, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96–511 applies;
The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Economics and Statistics Service
December 1981 Current Population Survey—Hired Farm Workers Supplement
CPS–1
Biennially
Individuals or households
Interviewed households in December 1981 CPS sample
Agricultural research and services: 58,000 responses; 1,450 hours; $200,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202–673–7974

Data will be used by the Economic Research Service of the USDA to analyze policy issues relating to hired farm workers. Of particular interest is the number of people who perform this type of work as their major vocation and the number of children who were hired farm workers in the reference year.

Extensions (Burden Change)

• Economics and Statistics Service
Onion Stocks and Disposition Survey
Other—see SF83
Farms/businesses or other institutions
Onion growers and handlers
SIC: 016 072
Small businesses or organizations
Agricultural research and services: 1,230 responses; 308 hours; $13,000 Federal cost; 2 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202–673–7974

One phase provides data to estimate January 1 onion stocks held by growers and dealers. This information shows potential volume to be marketed after January 1. Second phase provides end-of-season disposition which combined with recorded movement is used to revise total production. Estimates used by onion industry in marketing decisions.

• Economics and Statistics Service
Potato Processing Inquiry
Monthly, annually
Businesses or other institutions
Potato Processors
SIC: 209 203
Agricultural research and services: 786 responses; 131 hours; $7,000 Federal cost; 2 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202–673–7974

Provides data on the quantity of potatoes products (chips, shoestrings, canned and dehydrated). This data also serves as a check on total production level. Estimates are used by potato industry in production and marketing decisions.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Extensions (Burden Change)

• International Trade Administration
WITS U.S. Supplier Application—WITS U.S. Export
Products/Service application
ITA–4076P and 4077P
On occasion
Businesses or other institutions
U.S. firms exporting or wishing to export
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 60,000 responses; 27,000 hours; $400,000 Federal cost; 2 forms; not applicable under 3504(h)
William T. Adams, 202–395–4814

Forms are used to register U.S. exporters and their products in the worldwide information and trade system (WITS). Company and product information are made available primarily to foreign buyers in order to increase U.S. exports. Other uses include USDOC program planning and assistance to exporters. FIDES of U.S. firms with whom they may wish to do business. The U.S. export product/services form will be used to collect an

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Educational Research and Improvement
The Transition From Home to School for Children and Their Families
ED (NIE) 244
Nonrecurring
Individuals or households
All, mother and fathers of children in study
Elementary, secondary, and vocational education: 1,200 responses; 1,512 hours; $450,000 Federal cost; 3 forms; $450,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Results will link children's developing competencies to parent-child relations as they are affected by parents' relations with other community members and institutions. The benefits of new family strengths-oriented parent-child specialists and neighborhood resource worker roles will also be tested as means of coordinating the home and school to improve children's learning and for enhancing children's development generally.

Revisions

• Office of Educational Research and Improvement
Fall Enrollment and Compliance Report of Institutions of Higher Education, 1982
ED (NCES) 2300 2.3A and 2.3B
Biennially
Businesses or other institutions
Resp. are uni., colleges, & community colleges
SIC: 822

Research and general education aids: 8,200 responses, 330,000 hours; $359,000 Federal cost, 2 forms; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

College enrollment data are needed by the Department of Education, States, educational researchers, planning and budget offices and individual colleges for use in economic and financial planning and policy formation, deforming funding allocation standards, and assess the manpower flow through college training and development. Used in compliance enforcement by office for civil nights.

• Office of Educational Research and Improvement
Fast Response Survey System
NCES 2379
On occasion other—see SF83
Businesses or other institutions
State, local education agencies, public/private noncoll. sch
SIC: 821 822
Research and general education aids: 2,175 responses, 1,088 hours; $360,000 Federal cost, 1 form; $13,056 public cost; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

FRSS is a data collection system that obtain small amounts of urgently needed education data within a short time and with minimum burden on respondents. Data are provided for education policy formulation and planning.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Preclearance: Medigap HCFA–81–ORDS–32/AMG
Nonrecurring
Individuals or households/businesses or other institutions
Medicare bene. to assess the effect of varying St. Regs.
SIC: Multiple
Small businesses or organizations
Health: 0 responses, 0 hours; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Data will be collected from medicare beneficiaries in eight States concerning the number and quality of health insurance policies and from the insurance companies concerning market distribution of policies sold to medicare beneficiaries to assess the effect of varying State regulations.

• Health Care Financing Administration
Medicare Urban Clinics Demonstration Preclearance ORDS
81–4–095
nonrecurring
Businesses or other institutions
Section 3 of the Rural Health Clinics Act of 1977
SIC: multiple
Small businesses or organizations
Health: 0 responses, 0 hours; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

Section 3 of the Rural Health Clinics Act of 1977 (P.L. 95–210) mandates a demonstration project to permit evaluation of the relative advantages and disadvantages of reimbursement on the basis of costs and fee-for-service for physician-directed clinics in medically underserved areas employing a physician assistant of nurse practioner.

• Health Resources Administration
Application Guidelines for Designation and Grant Award and Reporting System for SHPDAS
PHS 5161, HRS–281–1, HRA–281–2
Annually
State or local governments
SHPDAS
SIC: 943
Health: 57 responses, 7,125 hours; $14,450 Federal cost; 3 forms; $71,250 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

P.L. 96–79—Health Planning and Resource Development Amendment of 1979—provides grants for State health planning and development agencies. Application and reporting system will obtain information needed to designate and make grant award to applicant based on State Admn. Program which is a description of applicant's orgn./staff how it will perform statutory mandated functs. info. used to fulfill sec. 1536(b) requirem ensuring comp. in terms of structure and operation.

• Social Security Administration
Financial Status Report
OS–11–81
Quarterly
State or local governments
Refugee resettlement program agencies
SIC: 944
Public assistance and other income supplements; 208 responses, 1,040 hours; $4,160 Federal cost, 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Departmental regulations on administration of grants require that a grantee submit financial status reports (see 45 CFR 74.73). This information will be used by ORR to report to Congress on State activities and expenditures as well as to make necessary adjustments to the State grant for the succeeding quarter.

• Social Security Administration
State Estimate Form
Annually
State or local governments
Refugee Resettlement program agencies
SIC: 944
Public assistance and other income supplements: 52 responses; 208 hours; $10,400 Federal cost; 1 form; not applicable under 3504(h) 202–395–6880
Robert Neal;

The State must submit these estimates in order for ORR to determine the grant amount needed by the States to provide refugee assistance and services. The data will provide the data necessary for Federal accounting as set forth under title IV of the Immigration and Nationality Act.

• Human Development Services
Longitudinal Evaluation of Nutrition Services for the Elderly
Other—see SF83
Individuals or households State or local governments
Elderly prog. partic. and compar. eld. nonpart., etc.
SIC: 835
Education, training, employment, and social services: 9,583 responses; 3,832 hours; $1,000,000 Federal cost; 10 forms; $38,320 public cost; not applicable under 3504(h) 202–395–6880
Gwendolyn Pla;

The data be collected will document current program operations and impact upon program participants. No comparable data are available on a nationwide basis. This information will be used by DHHS/AOA to improve the effectiveness and efficiency of nutrition services for the elderly.

• Human Development Services
Head Start Grants Administration Regulations, Personnel Policies
Nonrecurring
Businesses of other institutions
Local head start agencies
SIC: 835 Education, training, employment and social services; 75 responses; 20,700 hours; $8,808 Federal cost; 0 form; $66,750 public cost; not applicable under 3504(h) 202–395–6880
Gwendolyn Pla,

Section 517 of the Head Start-Follow Through Act, P.L. 95–568, requires each head start agency to adopt administrative requirements and standards including personnel policies. The Head Start Grants Administration requires each head start agency to adopt personnel policies and procedures.

• Health Care Financing Administration

Survey for the National Hospital Rate-Setting Study
HCFA-322
Nonrecurring
Businesses or other institutions
Short-Term Acute Care Hospitals
SIC: 806
Small businesses or organizations
Health: 2,238 responses; 2,238 hours; $82,706 Federal cost; 1 form; $22,380 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The survey gathers information from hospital administrators and financial officers to ascertain organizational/financial effects of State hospital prospective reimbursement programs.

• Health Care Financing Administration
Demonstration
HCFA–294 A–B–C
Nonrecurring
State or local governments/businesses or other institutions
Hosp., data clearing houses, PSRO's third party payors, etc.
SIC: 919, 806
Small businesses or organizations
Health: 569 responses; 3,243 hours; $2,415,000 Federal cost; 3 forms; $32,430 public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The integrated data demonstration tests alternative methods of collecting, processing, and linking (integrating) . . . billing and discharge data by hospitals and/or through data clearing houses. The results will measure the cost-effectiveness of the alternative approaches as a basis for HCPA decision making.

• Health Care Financing Administration
Medicaid Fraud and Abuse Care File Retention
HCFA–293
On occasion
State or local governments
State agencies
SIC: 919
Health: 53 responses; 40 hours; $765 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880.

The retention of fraud and abuse case files is necessary for reference and background information when commencing an investigation. This information may be used to determine the direction of the investigation of potential fraud or abuse situations.

• National Institutes of Health
Evaluation of the NIA Animal Models Development Program and the NIA genetic and cellular resources program nonrecurring
Businesses or other insitutions
NIH grantees using one of the NIA research resource programs
SEC: 892
Health: 450 responses; 189 hours; $444,189 Federal cost; 2 forms; $1,890 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Recognizing the importance of animal and genetic/cellular resources for the support of research on aging, NIA identified these programs as candidates for an evaluation. Data collection will enable recommendations to the Director, NIA regarding current and projected research resource needs and/or alternative means of meeting those needs.

• Social Security Administration
Annual Statistical Report on Requests for Hearings
SSA–4105
Annually
State or local governments
State agencies administering AFDC programs
SIC: 944
Other income security: 54 responses; 108 hours; $1,100 Federal cost; 1 form; not applicable under 3504 (h)
Robert Neal, 202–395–6880

This form is used to collect information on the number of individuals filing hearing requests, the number of hearing requests disposed of and the number of hearing requests still pending at the end of the reporting period. The information collected is necessary for program planning purposes and for monitoring adherence to State plan provisions.

• National Institutes of Health
NIA Community Studies of the Elderly III: Iowa
Annually
Individuals or households
Resi. of Iowa and Wash. Ctys., Iowa, who are 65 yrs. of age
Health: 5,100 responses; 7,650 hours; $203,874 Federal cost; 1 form; $76,500 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This project will conduct epidemiologic investigations in rural Iowa and Washington Counties, Iowa, in order to develop new knowledge concerning the medical and social diseases of the elderly.

Revisions

• Health Care Financing Administration
Home Health Agency Report and Billing
HCFA–1487
On occasion
Businesses or other institutions
Home health agencies, VNAS, participating medical program
SIC: 809
Small businesses or organizations
Health: 3,124,800 responses; 520,800 hours; $6,554,400 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This is the basic admission and billing form for covered home health agency services rendered to medicare beneficiaries, and also is used to update beneficiaries utilization records.

Reinstatements

• Health Care Financing Administration
Medicaid/Medicare Abuse Report—Medicare and Medicaid Agreements With Providers of Services (HSQ–55)
HCFA–51
On occasion
Businesses or other institutions
State medicaid agencies
SIC: 919
Health: 6,519 responses; 1,630 hours; $15,546 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This data is necessary as a recordkeeping device for both individual case control and also overall workload control and analysis. In addition, section 308(c) of P.L. 96–272 requires that each State agency must notify the Secretary whenever a provider or any other person is terminated, suspended, or prohibited from participating under the State plan. In order to implement this P.L., States will be required to report their provider sanction on a flow basis.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

New

• Housing Programs
Report on Relocation Activities for Certain Housing Projects [1] not covered by the Uniform Act
Annually
Businesses or other institutions
Owners/spon. partic. in certain HUD-assist. hsg. programs
SIC: 651
Small businesses or organizations
Community Development: 500 responses; 500 hours; $3,000 Federal

[1] This request for clearance has already been approved for use by OMB. The form is necessary for the early implementation of a new program for the issuance of Government National Mortgage Association (GNMC) guaranteed securities. Public comments will still be considered, and any changes will be made in the revision of the form, as warranted.

cost; 1 form; $6,500 public cost; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Administrative regulations at 24 CFR 880.209 (44 FR 59408), 881.209 (45 FR 7082), 882.407 (44 FR 26660) and 841.207 (45 FR 60836). This form is to be completed by private owners/sponsors carrying out HUD-assisted housing programs to provide data needed for general budgetary and legislative determinations.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Geological Survey
Projected Maximum Attainable Rate (MAR) of OCS oil and gas production for significant OCS fields
Biennially
Businesses or other institutions
Oil co. that operate significant fields on the Federal OCS
SIC: 131, 132, 138
Other natural resources: 75 responses; 600 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The form is needed to conduct the investigation required by section 606 of the OCS Lands Act. The information collected will be used by the U.S. Geological Survey in preparing the biennial report to the Congress, which is also required by section 606 of the OCS Lands Act.

• Geological Survey
Plans of Exploration, Development and Production and Environmental Reports
Nonrecurring
Businesses or other institutions
Oil and gas leases on OCS
SIC: 131, 132, 138
Other natural resources: 1,233 responses; 546,219 hours; $31,500 Federal cost; 1 form; NPRM under 3504(h)
Robert Shelton, 202–395–7340

This information will be used by the Director, Geological Survey, to determine if activities proposed in plans of exploration, development and production and environmental reports, are carried out in a safe and environmentally accepted manner.

• Geological Survey
Geothermal Resources Operations on Public, Acquired and Withdrawn Lands
On occasion
Businesses or other institutions
Leasees of Federal geothermal resources
SIC: 131, 132, 138
Other natural resources: 3,000 responses; 60,000 hours; $2,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information to be collected under 30 CFR 270.34 is needed and will be used to evaluate environmental impacts of geothermal operations. The change to 30 CFR 270.77 reduces the frequency of required reporting, but does not change the substance of the reports, when submitted.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

Extensions (No Change)

• Employment Standards Administration
Application for Certificate To Employ Learners at Subminimum Wages
WH–209
On occasion
Businesses or other institutions
Manufacturers in certain industries
SIC: 212, 225, 232, 233, 234, 236, 238
Small businesses or organizations
Other labor services: 40 responses, 20 hours; $1,734 Federal cost, 1 form; $114 public cost, not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Section 14(a) of the Fair Labor Standards Act provides for the issuance of certificates authorizing the employment of learners at wage rates less than the minimum wage. The form is used by employers to provide information necessary to obtain such authority in accordance with the statute.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Coast Guard
Coast Guard Intelligence Agency Check Request
CG 2765
On occasion
Individuals or households
Alien U.S. Merchant Mariners
Water transportation: 750 responses, 375 hours; $75,000 Federal cost, 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 U.S.C. 643 (a), (b), (e) and (1), 46 U.S.C. 672A.(B) information needed in order to verify nationality of alien applicants through national agency check. Verification of nationality required for placement on merchant mariner's document so masters can comply with various citizenship and manning statutes.

• Coast Guard
Record of Endorsement, Exchange or Replacement of Merchant Mariner's Document
CG 4362
On occasion
Individuals or households
Employees or those seeking employ. aboard U.S. merchant ves.
Water Transportation: 2,000 responses, 200 hours; $15,000 Federal cost, 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 U.S.C. 643 (c) and (f)—application is required to replace mutilated documents or those issued erroneously. Also required to convert continuous discharge books to merchant mariner documents as well as to add additional ratings not requiring further service. Required to obtain identification and establish record with Coast Guard.

• Coast Guard
Continuous Discharge Book
CG 719–A
On occasion
Individuals or households
Personnel employed aboard U.S. merchant vessels
Water transportation: 300 responses, 75 hours; $4,000 Federal Cost, 1 form; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

Information needed for issuance of a continuous discharge book required for empolyment aboard U.S. merchant vessels in lieu of merchant mariner's doucment. Required to establish record with Coast Guard and record of vessel employment. 46 U.S.C. 643 (a), (c), (d) and (f).

• Coast Guard
Application for Duplicate Seaman's Papers or Continuous discharge book
CG 4363
On occasion
Individuals or households
Persons empolyed aboard U.S. merchant vessels
Water transportation: 3,000 responses, 750 hours; $60,000 Federal cost, 1 form; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

Required in order to obtain Duplicate Seaman's Papers including licenses and certificates of registry as well as certificates of discharge which have been lost. Information needed for identification purposes and used to supplement seaman's file. Used also to file for renewal of continuous discharge book. 46 U.S.C. 643, 232, 242 & 239(b)

• Federal Railroad Administration
Motive Power and Equipment Violation Form

FRA–F 6180–68, 68A & 6180–69
On occasion
State or local Governments
State railroad inspectors
SIC: 401
Ground transportation: 551 responses, 551 hours; $15,000 Federal cost, 3 forms; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

These violation forms are designed to furnish FRA's Office of Chief Counsel with the information needed to process freight car safety standard violations through the railroad safety claims collection procedures.

• Urban Mass Transportation Administration
Unified Planning Work Program (UPWP)
Nonrecurring
State or local governments
State Department of Trans., urban areas & metro. plan. org.
SIC: 411
Ground transportation: 330 responses; 178,000 hours; $243,000 Federal cost; 1 form; not applicable under 3504(h)
Donale Arbuckle, 202–395–7340

The unified work program (UPWP) describes all transportation and transportation related planning activities that will be anticipated in an urbanized area and State for a 1 or 2 year period. It documents all work to be performed using UMTA section 8 funds and provides a task budget. This information is utilized by UMTA regional offices for grant approval purposes.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer–Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Tentative Carryback Adjustment Disapproved—Explanation
Letter 216C
Nonrecurring
Individuals or households/farms/ businesses or other institutions
Taxpayers who file tentative carryback claims
SIC: All
Small businesses or organizations
Central fiscal operations: 28,408 responses; 14,204 hours; $188,440 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6411 authorizes the IRS to make adjustments to a taxpayer's account when there is a tentative carryback credit available. Letter 216C is used to request additional information that is necessary to process the taxpayer's request, or to advise the taxpayer that their request has been denied.

• Internal Revenue Service
Application for certificate Discharging Property Subject to Estate Tax Lien
4422
On occasion
Individuals or households/farms/ businesses or other institutions
Personal representatives and beneficiaries of estates
SIC: All
Small businesses or organizations
Central fiscal operations: 104,000 responses; 52,000 hours; $243,876 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

At death, a decendent's property is automatically attached for Federal estate tax. To release this lien the beneficiary or personal representative must complete and file with the IRS a form 4422, application for certificate discharging property subject to estate tax lien.

• Internal Revenue Service
Advising Agency of erroneous FICA Tax Payment
Letter 136 C, SC, & SP
Other–SEE SF83
State or local governments/businesses or other institutions
Taxpayers req. to file taxpayer I.D. no. and/or bus. return
SIC: 131, 201, 211, 231, 283, 431, 511, 631, 763, 801
Small businesses or organizations
Central fiscal operations; 1,318 responses; 659 hours; $4,611 Federal cost; 3 forms; not applicable under 3504(h)
Kevín Broderick, 202–395–6880

The information is needed to maintain accurate data on all business accounts. It includes issuing employer identification numbers. The information creates an accountability for all taxpayers required to file returns with the IRS. Letter 136 asks certain 941 filers to certify whether they are an agency of a State or local government.

• Internal Revenue Service
Request for Additional Informationon Highway Use Tax Schedule of Highway Motor Vehicles
SWR AUD–2012
On occasion
Individuals or households/farms/ businesses or other institutions
Truck owners
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 21,700 responses; 10,850 hours; $21,700 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used by examiners to verify forms 2290 for correct special fuel and highway use tax liability in lieu of IRS form L–104 in applicable cases. L–104 requests taxpayers to furnish weight slips, and some States in this region do not use weight slips.

• Internal Revenue Service
Transmission of W–2 or response from employer Re: Wages Transmitted to Taxpayer
Letter 440C
Nonrecurring
Individuals or households
Employees/payees who receive wages &/or pensions & annuity
Central fiscal operations: 32,649 responses; 1,632 hours; $29,480 Federal cost; 1 form; not applicable under 3504(h).
Kevin Broderick, 202–395–6880.

26 U.S.C. and 6053 requires all employers/payers to furnish a wage/ payment to an employee/payee. When a recipient has contacted the IRS upon non-receipt of this statement and IRS has contacted the employer/payer, letter 440C is sent to recipient transmitting the form W–2/W–2P or information secured from employer/payer, and asking the recipient to send data to resolve discrepancies between the employer/ payer records and those of the recipient.

• Internal Revenue Service
Advice to Payer That Form W–2 or W–2P Not Received
Letters 63C & 63SC
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Employers/payers of wages and/or payment from businesses and organizations
SIC: All
Small businesses or organizations
Central fiscal operations: 110,119 responses; 55,059 hours; $95,019 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

26 U.S.C. 6051 and 6053 requires employers/payers to furnish wage (payment) and tax information statement to employee/payee. If the recipient does not receive a W–2/W–2P by January 31 and has contacted the IRS, letter 63C or 63SC is sent to employer/payer requesting this statement so recipient can file their income tax return.

• Internal Revenue Service
Questionnaire To Determine Employee Exemption From Withholding

6450
On occasion
Individuals or households
Individuals required to file form W–4 who claim exemption
Central fiscal operations: 40,000 responses; 20,000 hours; $142,000 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880.

Form 6450 is used, in conjunction with letter 1407 (SC/DO), for contacting employees claiming exemptions from withholding when there is no record of a prior year tax return being filed or the prior year tax return showed no tax liability.

• Internal Revenue Service
Questionnaire—Medical and Dental Expenses
4742
On occasion
Individuals or households
Individual taxpayer
Central fiscal operations: 125,000 responses; 62,500 hours; $292,762 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880.

Form 4742 provides taxpayer with a simple format for presenting information needed to support their claim for medical and dental expenses upon examination. This information is used to determine whether the claimed expenses should be allowed.

• Internal Revenue Service
Information Request for Group Exemption Letter
Letter 1170 SC
Other-see SF83
Businesses or other institutions
Relig., charitable, scien., literary and educational organiza.
SIC: 131, 201, 211, 231, 283, 431, 511, 631, 763, 801
Small businesses or organizations
Central fiscal operations: 2,450 responses; 1,225 hours; $6,022 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

The information is needed to complete or substantiate items required on an exempt organization return. It is used to administer exempt organization reporting requirements established in the IRC.

• Internal Revenue Service
Taxpayer Unable to Obtain W–2's—List Name, Address, and Telephone Number of Employer
Letters 10C and 10SC
On occasion
Individuals or households
Employees/payees receiving wages (payments) and other compen.
Central fiscal operations: 2,088 responses; 522 hours; $1,800 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

26 U.S.C. 6051 and 6053 requires all employers/payers to furnish wage (payment) and tax information statements to employees/payees. When an employee/payee contacts IRS upon non-receipt of this form W–2/W–2P by January 31, if sufficient information is not provided initially by the recipient, letter 10C or 10SC is sent requesting this additional information.

• Internal Revenue Service
Requests for Additional Information
Letters 23C, SC, SP, 47C, SP & 131C, and SC
On occasion
Individuals or households/farms/businesses or other institutions
Individual and business taxpayers
SIC: 019, 138, 162, 399, 446, 501, 599, 605, 739, 919
Small businesses or organizations
Central fiscal operations: 38,416 responses; 19,208 hours; $249,108 Federal cost; 7 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

These letters are used to obtain additional information which is necessary to reslove taxpayer correspondence and inquiries.

• Internal Revenue Service
Notification Resulting From Previous Tentative Allowance Cases
Letter 449C
On occasion
Individuals or households/farms/businesses or other institutions
All taxpayers who file tentative carryback claims
SIC: All
Small businesses or organizations
Central fiscal operations: 1,596 responses; 532 hours; $10,572 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6411 requires IRS to process tentative carryback claims filed by taxpayers. In order to process these claims, previous year returns are needed. If we cannot locate one of these returns, this letter is used to request additional information from the taxpayer to help in locating the return.

• Internal Revenue Service
Transmittals for Copies Form 940 and 940B to State Agency
Letter 171C
On occasion
State or local governments
State unemployment agencies
SIC: 931
Central fiscal operations: 3,975 responses; 1,988 hours; $14,440 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter is used to ask the State unemployment agency to certify the accuracy of the unemployment information as reported to IRS by the employer.

• Internal Revenue Service
U.S. Mutual Insurance Company Income Tax Return
1120M
Annually
Businesses or other institutions
Mutual insurance companies
SIC: 632, 633, 635, 637, 639
Small businesses or organizations
Central fiscal operations: 1,200 responses; 13,200 hours; $31,629 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

A mutual insurance company (other than a life insurance company and other than a fire, flood, or marine insurance company), uses this form to report its income and figure and pay tax. The data is used to verify that the income is properly reported and the correct tax is paid.

• Internal Revenue Service
Request for Relief From Payment of Income Tax Withholding
4670
On occasion
State or local governments/farms/businesses or other institutions
Any taxpayer who is an employer
SIC: All
Small businesses or organizations
Central fiscal operations: 9,000 responses; 2,250 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4670 is used to transmit form 4669 being sent to IRS by employers to obtain relief from payment of income tax that has been assessed as a result of an employment tax examination. Data is used to determine whether relief should be granted.

• Internal Revenue Service
Penalty—Partnership Return
6273
Nonrecurring
Farms/businesses or other institutions
Partnerships
SIC: All
Small businesses or organizations

Central fiscal operations: 100,000 responses; 50,000 hours; $32,071 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Partnerships are required by 26 U.S.C. 6031 and 6698 to file a complete and timely U.S. partnership return of income (form 1065) with IRS. If a partnership does not file a timely or complete return, a penalty is assessed against the partnership. Form 6273 is sent informing the partner of the penalty and amount and, if the partnership believes it has reasonable cause for not filing a complete and timely return, asking that the notice be returned with an expl. to that effect.

• Internal Revenue Service
Requesting information to process form 4876
Letter 559C
On occasion
Businesses or other institutions
Taxpayers (businesses) who request to file a 1120 disc.
SIC: All
Small businesses or organizations
Central fiscal operations: 1,000 responses; 500 hours; $866 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 992 and 993 require corporations that wish to be treated as a domestic international sales corporation to file an election on form 4876. If form 4876 is incomplete or if the taxpayer is ineligible to be treated as a disc, we issue a 559C requesting information from the taxpayer. Information submitted by taxpayer is used to process form 4876.

• Internal Revenue Service
Advising Taxpayers How To Claim Excess Social Security Tax Withheld by One Employer
Letter 404(C)
On occasion
Individuals or households
Individuals who have had excess FICA withheld
Central fiscal operations: 458 responses; 183 hours; $408 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Letter 404(C) is used to advise the taxpayer how to obtain a refund of social security taxes withheld by one employer per 26 U.S.C. 6413.

• Internal Revenue Service
Magnetic Tape Reporting Instructions for Form W–4, Employee's Withholding Allowance Certificate
Notice 564
On occasion
State or local governments/farms/businesses or other institutions
Employers of various business & organizations paying wages
SIC: All
Small businesses or organizations
Central fiscal operations: 150 responses; 50 hours; $231 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 3402 requires all employers to withhold tax on wages paid. Every employee is required to complete a form W–4, employer's withholding allowance certificate. 26 CFR 37.3402–1 requires employers to submit certain W–4 information to IRS. Notice 564 are instructions for those employers who requested to submit this data on magnetic tape.

• Internal Revenue Service
Request for information to locate employment tax return 5070
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
All employers
SIC: All
Small businesses or organizations
Central fiscal operations: 15,000 responses; 7,500 hours; $99,396 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

When we can find no record of an employment tax return, we ask that the employer provide information needed to locate the document or to determine whether the return was filed.

• Internal Revenue Service
Remit Received With Return Greater Than Tax Due Clarification Request
Letters 113C & 113SC
On occasion
Individuals or Households farms businesses or other institutions
Taxpayers sending larger payment than indicated on tax ret.
SIC: All
Small businesses or organizations
Central fiscal operation: 470 responses; 235 hours; $3,307 Federal cost; 2 forms; not applicable under 3504(h) 202–395–6880

Kevin Broderick,

26 U.S.C. 6311 authorizes the IRS to receive payment of taxes either by check or money order. 26 U.S.C. 6401 defines "overpayment" and 26 U.S.C. 6402 authorizes the IRS to make refunds. When a taxpayer sends a larger payment than the amount of tax shown, letter 113C/SC is used to request clarification from the taxpayer.

• Internal Revenue Service
Payer Summary of Form W–2P, Magnetic Media Pension Information
6561
Annually
State or local governments/farms/businesses or other Institutions Payers of Pension Payments
SIC: all
Small businesses or organizations
Central fiscal operations: 650 responses, 162 hours; $2,208 Federal cost, 1 form: not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Payers of pension payments who elect to file their pension information with social security administration (SSA) on magnetic media are required to submit a form 6561. Form 6561 is used to provide balancing totals to ensure that all records were processed.

• Internal Revenue Service
Tax Practitioner Mailing File (TPMF) Tax Practitioner Order
Fulfillment program
2333, 2333E, R, S, T, X and 3975
On occasion
Businesses of other institutions
Accountants (tax practitioners)
SIC: 893
Small businesses or organizations
Central fiscal operations: 657,661 responses, 99,332 hours; $2,587,325 Federal cost; 7 forms: not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Maintain mailing list which provides the service with a vehicle to furnish practitioner information necesary for the proper preparation of Federal tax returns and structures the ordering, fee collection and shipping of bulk supplies of tax forms.

• Internal Revenue Service
Unidentified remittance—information request
3731(C)
On occasion
Individuals or households/State or local Governments/farms
Businesses of other institutions
All Tax paying entities
SIC: all
Small businesses or organizations
Central fiscal operations: 77,010 responses, 23,103 hours; $392,214 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To tell taxpayers we received their payment, we need additional information for service center personnel to credit the account as the taxpayer intended. Taxpayers are required to furnish this information by U.S.C. 6011.

• Internal Revenue Service

Understanding Taxes Teacher Evaluation
5617
Annually
Individuals or households/State or local Governments/businesses of other Ins IOR/Senior schls. jr. colleges
SIC: 821 822 823 824 866
Central fiscal operations: 5,000 responses, 1,250 hours; $7,600 Federal cost; 1 form: not applicable under 3504(h) 202–426–5030

Federal Education Data Acquisition Council,

The teacher evaluation form is voluntarily filled out by teachers after teaching the understanding taxes course and is used by the IRS to assess the effectiveness of the program and to make necessary program changes based on teacher response.

• Internal Revenue Service
Notification of Recent legislation to Finance Benefits for Certain Disabled Victims of Black Lung Disease
Letter 1188SC
Nonrecurring
Businesses or other institutions
Sole proprietors, partnerships and corporations
SIC: 111 121
Small businesses or organizations
Central fiscal operations: 600 responses; 300 hours; $1,865 Federal cost; 1 form: not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter explains the new tax on coal regarding black lung disease. It asks for information as to whether the addressee is currently filing a form 720 for something else. Used to set up filing requirements.

• Internal Revenue Service
ADP Record Evaluation Worksheet
SWR E–566
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers using automatic data processing acc't systems
SIC: multiple
Small businesses or organizations
Central fiscal operations: 25,000 responses; 12,500 hours; $25,000 Federal cost; 1 form: not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Examiners need information about taxpayers' procedures and computer equipment used in order to be able to make a computerized audit. The data is used to evaluate the taxpayers' ADP accounting system and to determine procedures and methods to be used to make the examination.

• Internal Revenue Service
Form 1065 Label Usage Questionnaire
SE SC 260
Nonrecurring
Businesses or other institutions
Partnerships
SIC: multiple
Small businesses or organizations
Central fiscal operations: 300 responses; 150 hours; $488 Federal cost; 1 form: not appicable under 3504(h)
Kevin Broderick, 202–395–6880

Current estimates indicate approximately 40% of form 1065 (partnership return) filers do not use the preprinted label. The attached questionnaire will be mailed to a sample of taxpayers to determine the cause and develop appropriate remedial actions. Maximizing label usage maximizers return processing efficiency (see supporting statement).

• Internal Revenue Service
Assessment Information Disclosure Authorization
ROWR 2860
On occasion
Businesses or other institutions
Estate executors, admns, repres. of the estate.
SIC: 661 655
Small businesses or organizations
Central fiscal operations: 1,000 responses; 500 hours; $50 Federal cost; 1 form: not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To examine estate tax returns, the IRS may need to contact assessors regarding information they used to arrive at the assessed value of property. ROWR form 2860 is used by qualified representative of estates to authorize the assessors to release the information by IRS.

• Internal Revenue Service
Statement of Income, and Profit and Loss Accounts
Form 1090
Annually
Businesses or other institutions
Railroads
SIC: 401
Central fiscal operations: 500 responses; 500 hours; $7,411 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form may be used by railroads in lieu of page 1 of form 1120 to report the annual income and profit and loss accounts. The tax is the assessed base on the information supplied on the form. The data is used to verify the correctness of the tax liability.

• Internal Revenue Service
Self-Employment Income Questionnaire
MSC C–3 (4–79)
On occasion
Individuals or households
Individual taxpayers w/possible self-employment income
Central fiscal operations: 5,000 responses; 1,250 hours; $4,224 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

When the Memphis Service Center is examining an individual taxpayer's return and possible self-employment tax liability is an issue (among others), MSC form C–3 is sent with the initial contact letter. The information is used to determine if the taxpayer is subject to self employment tax.

• Internal Revenue Service
Declaration Executor's Commissions and Attorney's Fees
4421
On occasion
Individuals or households/businesses or other institutions
Executors and administrators of estates
SIC: 601 602 603 604 605 811
Central fiscal operations: 25,000 responses; 12,500 hours; $15,804 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4421 is used to implement regulation 20.2053–3(b)(1) and (c)(1) wherein the estate is allowed a deduction for attorney's fees and executor's commissions prior to the time these fees are fixed by probate court order. This is required as the probate court will not ordinarily order these fees prior to completion of the examination or acceptance of the form 706, Federal estate tax return, on which are deducted, by the IRS.

• Internal Revenue Service
Refund Reduction Explained
Letter 610c
On occasion
Individuals or households
Taxpayers who have refund reduced to pay est. tax penalty
Central fiscal operations: 7,012 responses; 2,922 hours; $49,509 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6402(A) allows IRS to credit the amount of any overpayment against any liability incurred by the taxpayer. If the amount of refund is reduced to offset a penalty, the taxpayer may not agree with IRS and send us an explanation allowing us to reduce or eliminate the penalty.

• Internal Revenue Service
Questionnaire—Uniforms, Clothing, Equipment or Tools
4747

On occasion
Individuals or households
Taxpayers claiming deductions for uniforms and equipment
Central fiscal operations: 90,000 responses; 45,000 hours; $210,270 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4747 provides the taxpayer with a simple format for presenting information to support their deduction for expenses claimed in connection with their employment. The information is used during the examination of the taxpayers return to determine whether the claimed expenses should be allowed.

• Internal Revenue Service
Worksheet To Determine Withholding Allowances
8355
On occasion
Individuals or households
Taxpayers who file nonexempt forms W–4
Central fiscal operations: 80,000 responses; 80,000 hours; $189,476 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 6355 is used in conjunction with letter 1380(SC/DO) to contact employees who filed non-exempt forms W–4. The IRS uses this information to determine the number of withholding allowances the employee is entitled to claim.

• Internal Revenue Service
Employee Wage Statement
4669
On occasion
Individuals or households
Any employer may request employees to complete form 4669
Central fiscal operations: 7,000 responses; 18,000 hours; $800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4669 is completed by an employee certifying that he/she has reported certain wages received from an employer. This form is sent by the employer to the IRS in order to abate any income tax withholding assessed against the employer. The data is used to verify that the income tax on the wages was paid in full.

• Internal Revenue Service
Individual Retirement Trust Account Individual Retirement
Custodial Account
5305 and 5305a
Nonrecurring
Individuals or households/businesses or other institutions
Individuals establishing individuals retirement accounts
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 1,689,000 responses; 844,500 hours; $19,721 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Section 408 allows individuals to set up individual retirement accounts. Forms 5305 and 5305a are used to establish these individual retirement accounts. When an individual's form 1040 is audited, this form may be used to verify the existence of the individual retirement account to which deductible contributions are made.

• Internal Revenue Service
Information To Correct Invalid Social Security Number
4149
Nonrecurring
Individuals or households
Individual taxpayers filing form 1040 or 1040a
Central fiscal operations: 8,000 responses; 2,000 hours; $11,522 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6109 requires taxpayer identifying numbers on all returns filed. Form 4149 is given to a taxpayer to complete when the information on the tax return does not agree with the social security number on the IRS files.

• Internal Revenue Service
Transmittal of Information Returns Reported on Magnetic Media
4804, 4804PR and 4804SS
Annually
State or local governments/farms/businesses or other institutions, filers of IRS required income information returns
SIC: All
Small businesses or organizations
Central fiscal operations: 4,000 responses; 1,600 hours; $8,421 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Forms 4804, 4804PR and 4804SS are used to provide a signature and provide balancing totals for filers of information returns required by 26 U.S.C. 6041–6043, 6047, 6049 and 6109 who elect to submit their returns via magnetic media.

• Internal Revenue Service
Property Valuation Questionnaire
SWR E–2127
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Real estate property owners
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 9,300 responses; 2,325 hours; $9,300 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Estate tax attorneys have to establish the fair market value of real property. This letter is sent to people who have sold property in the same area. The DAT is used as a partial basis for determining the market value or property.

• Internal Revenue Service
Record Evaluation Worksheet for Data Processing Center
SWR AUD–566A
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers using a data processing center being examined
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 25,000 responses; 12,500 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Examiners use this form to describe the ADP equipment and procedures used in the data processing center used by the taxpayer, in order to determine the appropriate procedures to be used in making the examination.

• Internal Revenue Service
Taxpayer advised of proposed adjustment to his/her Account Based on State Certification
Letter 101C & 101SC/SP
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
All employers
SIC: All
Small businesses or organizations
Central fiscal operations: 9,710 responses; 4,855 hours; $35,014 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

This letter is used to ask the employer to explain the difference between information reported to a State unemployment agency and information submitted to IRS.

• Internal Revenue Service
Questionnaire-Tax Treaty Benefits
IO–639
On occasion
Individuals or households
Nonresident alien individuals

Central fiscal operations: 1,000 responses; 500 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Nonresident alien individuals with a permanent establishment in the United States may be entitled to tax treaty benefits. The information is used to determine whether the taxpayer can claim the benefits of a tax treaty.

• Internal Revenue Service
Questionnaire-Physical Presence in Foreign Country
IO–635
On occasion
Individuals or households
U.S. citizens residing in a foreign country.
Central fiscal operations: 5,000 responses; 1,250 hours; $200 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is to be completed by the taxpayer to support his claim of being physically present in a foreign country or countries. The service uses the information to determine tax exempt income under IRC section 911.

• Internal Revenue Service
Information Needed to Identify Account or Locate Return
5003
On occasion
Individuals or households/farms
Taxpayer, individuals bus. exempt org. emplys. plan filers
SIC: 019, 138, 162, 399, 446, 501, 599, 605, 739, 919
Small businesses or organizations
Central fiscal operations: 48,000 responses; 24,000 hours; $231,959 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used to request information needed to identify an account or locate a return.

• Internal Revenue Service
Notice to Applicants Regarding Certificates of Proficiency
MSC RM–34 (10/80)
On occasion
Individuals or households
Applicants for employment as data transcribers
Central fiscal operations: 500 responses; 8 hours; $666 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Applicants for employment as data transcribers may submit a return.

• Internal Revenue Service
Circularization Letters
MSC RM–37, RM–39, RM–38
On occasion
Individuals or households
Applicant for employment with the Memphis Service Center
Central fiscal operations: 1,500 responses; 120 hours; $1,373 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Eligibles on the inventory of applicants may be contacted, through a general circularization of the inventory, to determine their employment interest. The information is used to assist recruitment planning, including the scheduling of interviews.

• Internal Revenue Service
Unable to Process 1220S Small Business Corporation Return
429C
Nonrecurring
Businesses or other institutions
Small corporations
SIC: All
Small businesses or organizations
Central fiscal operations: 11,770 responses; 5,885 hours; $10,367 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 1371 and 1372 require corporations to file an election if they wish to be treated as a small business corporation. If IRS receives form 1120S, but does not have a valid election on file for the corporation letter 429C is issued. The letter requires a copy of the election as filed or advises the corporation that it is not eligible to be treated as a small business corporation.

Revisions

• Internal Revenue Service
Election/Revocation of Election by an Eligible Section 501C3 Organization to Make Expenditures to Influence Legislation
5768
On occasion
Businesses or other institutions
Tax exempt charitable, educational, scient. and med. organiz.
SIC: 861, 863, 864, 866, 869, 805, 806
Central fiscal operations: 200 responses; 63 hours; $9,976 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 5768 allows tax exempt section 501(C)(3) organizations to elect liberalized treatment of their expenditures to influence legislation, if they agree to pay an excise tax on larger than permitted amounts. If no election is made, the organization's tax exemption is revoked if it uses this information to determine what rules the organization's expenditure are treated under.

• Internal Revenue Service
Annual Certification of Racial Nondiscrimination for a Private School Exempt From Federal Income Tax
5578
Annually
Businesses or other institutions
Private schools exempt from Federal income tax
SIC: 821, 822, 824, 829
Small businesses or organizations
Central fiscal operations: 1,000 responses; 736 hours; $8,389 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Form 5578 is used by private schools that do not file form 990, schedule A, to certify that they have a racially nondiscriminatory policy toward students, as outlined in revenue procedure 75–50. The Service uses the information to help ensure that the school is maintaining a nondiscriminatory policy in keeping with its exempt status.

• Internal Revenue Service
Credit for Work Incentive (WIN) Program Expenses
4874
Annually
Individuals or households/farms/ businesses or other institutions
Employers who take the work incentive credit
SIC: all
Small businesses or organizations
Central fiscal operations: 8,000 responses; 6,539 hours; $56,544 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC sections 40, 50A, and 50B allow employers to claim a credit for a portion of the wages paid to certain eligible employees (generally individuals who are WIN employes or are eligible for AFDC payments). Form 4874 is used to compute and claim this WIN credit. The information obtained is used to determine the validity of the credit.

• Internal Revenue Service
Request for Change in Plan/Trust Year
5308
Nonrecurring
Businesses or other institutions/ individuals or households
All corporate employer and sole proprietors with pension plans
SIC: all
Small business or organizations
Central fiscal operations: 2,000 responses; 2,000 hours; $14,510 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 5308 is used to request permission to change the plan year or trust pension plan. The information submitted is used in determining whether IRS should grant permission for the change.

• Internal Revenue Service
Election To Be Treated as a Possessions Corporation Under Section 936
5712
Nonrecurring
Businesses or other institutions
Domestic corporations that want possessions corp. status
SIC: all
Central fiscal operations: 50 responses; 24 hours; $5,880 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Section 936(a)(1) allows a domestic corporation to elect the status of a possessions corporation. This status allows the corporation to claim the section 936 credit (see form 5735 for computation of this credit). Form 5712 is used to elect this status. The information requested is necessary to determine if the election should be granted.

• Internal Revenue Service
Statement for Recipients of Original Issue Discount
1099–OID
Annually
Individuals or households/businesses or other institutions
Corps., issuers of certs. of deposit, fin. inst., indivls.
SIC: all
Small businesses or organizations
Central fiscal operations: 1,429,000 responses; 306,000 hours; $94,754 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1099–OID is used to report income earned on discounted obligations (IRC sections 6049 and 1231). Form 1087–OID is used to report actual ownership. It tells IRS who is responsible for reporting the income. Both forms are used to verify income-reporting compliance on the part of the recipient.

Extensions (Burden Change)

• Internal Revenue Service
Information and Initial Excise Tax Return for Black Benefit Trusts and Certain Related Persons (Under Section 501(c)(21) of the Internal Revenue Code)
Schedule A form 990–BL, form 990–BL and 6069
On occasion, annually
Businesses or other insitutions
Tax exempt black lung benefit trusts and other contributors
SIC: 121, 637, 673, 832
Small businesses or organizations
Central fiscal operations: 27 responses; 91 hours; $17,670 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 990–BL is used by IRS to monitor the activities of black lung benefit trusts, and in some cases to collect excise taxes imposed on these trusts and certain related persons for engaging in prescribed activites. The tax is figured on schedule A (form 990–BL) and it is attached to form 990–BL to report an pay the tax. Form 6069 is mostly used by coal mine operators to figure their maximum allowable deduction to black lung trusts.

• Bureau of Alcohol, Tobacco and Firearms
Wine Tax Return
ATF F 2050 (5120.27)
Other—See SF83
Businesses or other institutions
Permittees who remove wine from bonded premises
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 22,080 responses; 19,900 hours; $1,420 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used by wineries to pay the excise taxes attached to wine. The schedules on the return provide for the various tax classes of wines and adjustments to the tax due. It is filed bi-monthly and covers the wine removed from the winery during a 2-week period. It is a deferred payment return.

• Bureau of Alcohol, Tobacco and Firearms
Importer's Report of Red Strip Stamps
ATF F 96 (5100.6)
Quarterly
Businesses or other institutions
Importers of distilled spirits
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 14,316 responses; 1,700 hours; $5,700 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This report is filed quarterly by every importer who requisitions and uses red strip stamps. The filing of this report makes it possible to account for strip stamp usage.

• Bureau of Alcohol, Tobacco and Firearms
Brewers Report of Meter Test
ATF F 138 (5130.8)
On occasion
Businesses or other institutions, breweries
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 200 responses; 180 hours; $800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by brewers to report the tests results of checks run on beer metering devices used within the brewery. The reporting of meter test results assures us that the meters are operating within established tolerances.

• Internal Revenue Service
Statement for Recipients of Unemployment Compensation Payments
1099–UC
Annually
State or local governments
Administrators of State Unemployment Insurance Programs
SIC: 944
Central fiscal operations: 10,819,000 responses; 316,000 hours; $73,126 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Used to report payments of $10 or more in unemployment compensation benefits (IRC section 6050b). Under P.L. 95–600 a portion of these payments may be taxable to the recipients, and the form helps IRS verify reporting compliance on the part of the recipient.

• Internal Revenue Service
Proof of Worthlessness of Mineral Rights or Geothermal Deposits
927
On occasion
Farms/individuals or households/businesses or other institutions
Taxpayers operating mineral rights &/or geothermal dep. bus.
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 500 responses; 500 hours; $5,423 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC section 611 allows a deduction for worthlessness of mineral rights and/or geothermal deposits. Form 927 is used to claim this deduction. The information obtained is necessary to prove worthlessness and to determine the validity of the claimed deduction.

• Bureau of Alcohol, Tobacco and Firearms
Monthly Report of Wine Cellar Operations
ATF F 5120.17 (702)
Monthly
Businesses or other institutions
Wineries

SIC: 208
Small businesses or organizations
Federal law enforcement activities: 8,100 responses; 16,200 hours; $34,500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form necessary to show the operations if a bonded wine cellar. Describes the operations of producing, blending, and disposition of wine and wine spirits, quantities of wine and wine spirits involved, and the materials used to make wine and other statistical information. Used by ATF to compile statistics and audit wine cellar operations.

• Bureau of Alcohol, Tobacco and Firearms
Manufacture of Tobacco Products Monthly Report
ATF F 3068 (5210.5)
Monthly
Businesses or other institutions
Manufacturers of cigars and cigaretts
SIC: 211 212
Small businesses or organizations
Federal law enforcement activities: 1,800 responses, 1,800 hours; $23,900 Federal cost, 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form is necessary to show the tobacco products manufacturer's accounting of cigars and cigarettes. Describes the tobacco products manufacturer, the articles produced, received, and disposed, and statistical classes of large cigars. Form is used as an accounting basis to determine manufacturer's compliance with law and regulations and may disclose liability for tax not paid.

• Bureau of Alcohol, Tobacco and Firearms
Monthly Report of Processing (Denaturing) Operations
ATF F 5110.43
Monthly
Businesses or other institutions
Distilled spirits plants that conduct denaturing operations
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 720 responses, 720 hours; $22,800 Federal cost, 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form is necessary for distilled spirits plants and denature distilled spirits. Describes the operations of denaturing spirits and disposition of denatured spirits and the type and quantity of denature distilled spirits and the type and quantity of denatured spirits involved in their operations.

• Bureau of Alcohol, Tobacco and Firearms
Manufacturer of Tobacco Products—Tax Return
ATF F 3071 (5210.7)
Other—see SF83
Businesses or other institutions
Permittees who remove tobacco products from bonded premises
SIC: 211 212
Small businesses or organizations
Federal law enforcement activities: 3,360 responses, 3,600 hours; $240 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form is necessary to record the payment and liability of a tobacco manufacturer's tax on a deferred basis (other than prepayment). Describes the taxpayer, amount and type of payment, and the articles being taxed. From this form, billions of dollars of taxes are collected in revenue.

• Internal Revenue Service
US Additional Estate Tax Return
706–A
Nonrecurring
Individuals or households
Individuals only
Central fiscal operations: 2,000 responses, 4,204 hours; $8,000 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 706–A is used to compute and pay the additional estate tax due under code section 2032a(c). The IRS uses the information to determine that the tax has been properly computed.

Extensions (No Change)

• Bureau of Alcohol, Tobacco and Firearms
Report of Use or Disposition of Red Strip Stamps
ATF F 1627 (5110.15)
On occasion
Businesses or other institutions
Importers of distilled spirits
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 57,168 responses, 2,000 hours; $3,200 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

When spirits are bottled outside the U.S. and are to be imported into the U.S., they need strip stamps attached to the bottles. ATF will send the importer stamps for attachment to the bottles but the importer must account for stamps received and used. That is the purpose of this form

• Bureau of Alcohol, Tobacco and Firearms
Applicaton and Permit for Importation of Firearms, Ammunition and Implements of War
ATF F 6 (7570.3A) PART 1
On occasion
Businesses or other institutions
Licensed importers, manufacturers & dealers
SIC: 348
Small businesses or organizations
Federal law enforcement activities: 7,000 responses, 3,500 hours; $141,620 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Application required by 18 U.S.C. 925(d) and 22 U.S.C. 2778 and regulations issued pursuant thereto. Information collected is used to determine eligibility to import firearms, ammunition, and implements of war.

• Internal Revenue Service
Computation of Possessions Corporation Tax Credit Allowed Under Section 936
5735
On occasion
Businesses or other institutions
Possessions corporations claiming special income tax credit
SIC: all
Small businesses or organizations
Central fiscal operations: 500 responses; 500 hours; $98,499 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRC section 936 allows a tax credit for corporations that have elected the possessions corporation status on form 5712. Form 5735 is used to compute the possessions corporation tax credit. The data is used to help verify that the corporation qualifies for the credit and that the credit is correctly computed.

ACTION

Agency Clearance Officer—Mr. Don Romine—202–254–8523

New

• Hotline Questionnaire
Nonrecurring
Individuals or households
Former volunteers from Vista, Peace Corps, overseas, domes.
Social services: 8,000 responses; 27 hours; $58 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

Survey will determine usefulness and cost effectiveness of hotline which provides leads in career and educational opportunities and is mailed weekly to former vista and Peace Corps volunteers. Data received will help determine how many recipients have actually found a job or obtained an educational benefit through hotline.

CONSUMER PRODUCT SAFETY COMMISSION

Agency Clearance Officer—Charles Casper—301–634–7770

New

• Omnidirectional Citizen Band Base Station Antennas
Proposed consumer product safety standard
Nonrecurring
Businesses or other institutions
Manuf., importers, and prvt. labelers of omnidir. CB antennas
SIC: 366
Small businesses or organizations
Consumer and occupational health and safety: 21 responses; 84 hours; $844,000 Federal cost; 1 form; not applicable under 3504(h)
Mahesh Podar, 202–395–7340

The Commission is proposing a mandatory safety standard and certification rule omnidirectional CB base station antennas. Recordkeeping required by the proposed certification rule would be used to ascertain compliance with the provisions of the standard. Records would be made available to the Commission as necessary (e.g., for field inspections)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202–634–6983

Extensions (Burden Change)

• Law School Information Form
EEOC–434
Nonrecurring
State or local governments/businesses or other institutions
Law schools
SIC: 822, 829
Federal law enforcement activities: 217 responses; 109 hours; $2,485 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

To collect information regarding policies for student volunteer services.

Extensions (No Change)

• Paralegal Program Information Form
EEOC–435
On occasion
State or local governments/businesses or other institutions
Colleges with paralegal programs
SIC: 822, 829
Federal law enforcement activities: 296 responses; 148 hours; $3,341 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

To collect information regarding policies for student volunteer services.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202–377–6025

Revisions

• Fair Housing and Nondiscrimination in Lending
1192–O, 1192–P, 1192–Q, 1193, 1193–R
Semiannually
Businesses or other institutions
Savings and loan assoc., service corps., mortgage companies
SIC: 612, 616
Mortage credit and thrift insurance: 14,600 responses, 233,600 hours; 4 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Recordkeeping required by Civil Rights Act of 1968 and 12 CFR 202.12 and 528.6. Data reports are to determine extent of compliance with these laws and regulations. Otherwise, data would be assembled manually by examiners and analyzed during examination, increasing substantially the examination cost to the institution.

Extension (Burden Change)

• Community Reinvestment Act
Annually
Businesses or other institutions
Federally chartered and Federally insured savings and loan associations.
SIC: 612
Mortage credit and thrift insurance: 12,000 responses, 40 hours; $1,600,000 public cost, 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information not collected by agency. It is made available to the public to inform credit applicants as to where institution is willing to make loans. Agency ensures that institution maintains data through examination.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5326

New

• 46 CFR 536—publishing and filing of tariffs by common carriers by water in the foreign commerce of the United States—per container rates
General order 13
On occasion
Businesses or other institutions
Waterborne common carriers in United States foreign commerce
SIC: 441
Water Transportation: 426 responses, 426 hours; $8,200 federal cost, 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

General order 13 is amended to incorporate requirements for specification of per container rules and mixed commodity shipments.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

Removal from listing and registration of securities—rule 12D2–2 (17 CFR 240.12 D2–2) and form 25 (A7 CFR 249.25)
On occasion
Businesses or other institutions
National Securities Exchanges and institutions with securities listed thereon
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 530 responses, 530 hours; $5,050 federal cost, 1 form; $15,900 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 12D2–2 and form 25 were adopted in 1935 and 1952, respectively. They are designed to provide the commission with information necessary to carry out its statutorily mandated duties of assuring that delistings comply with the rules of the exchange and are subject to such terms as are necessary for the protection of investors.

• Suspension of trading—rule 12D2–1 (17 CFR 240.12D2–1)
Rule No.
On occasion
Businesses or other institutions
National Securities Exchanges
SIC: 623
Small businesses or organziations
Other advancement and regulation of commerce: 120 responses, 60 hours; $675 federal cost, 1 form; $1,800 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 12D2–1 which was adopted in 1935 requires that national securities exchanges send written notices to the commission of all trading suspensions. The notices provide the commission with necessary information to enable it to assure that the suspension has been carried out in accordance with the rules of the exchange and that the trading suspension was proper.

• Form 11—K, annual report of employee stock purchase, savings and similar plans pursuant to section 15(d) of the 1934 act
SEC: 617
Annually
Businesses or other institutions
ISS. Of employ. stock purchase, savings & sim. plans, etc.
SIC: Multiple

Small businesses or organizations
Other advancement and regulation of commerce: 645 responses, 21,285 hours; $13,014 federal cost, 1 form; $1,128,750 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 11–K is necessary to provide current public information for employee investors to enable them to make informed investment decisions concerning their investments in various employee plans.

- Application for registration of bank municipal securities
- Dealer 17 CFR 240.15BA2–1 Form MSD 17 CFR 249.1100

RN 17 CFR 240.15BA2–1: Rule 15BA2–1 & MSD: 1534
On occasion
Businesses or other institutions
Banks engaged in the business of selling muncipal securities
SIC: 601
Small businesses or organizations
Other advancement and regulation of commerce: 30 responses; 36 hours; $3,600 Federal cost, 1 form; $2,400 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15BA2–1, originally adopted October 15, 1975, provides that an application for registration with the commission by a bank municipal securities dealer must be filed on form MSD. The information required to be disclosed on form MSD is necessary for the commission to determine whether or no registration as a municipal securties dealer should be granted.

- Registration of Transfer Agents with the Commission

(249B.100)
On occasion
Businesses or other institutions
Transfer agents registered with the commission
SIC: 628
Small businesses or organizations
Other advancement and regulation of commerce: 350 responses; 275 hours; $16,000 Federal cost, 1 form; $2,250 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 17AC2–1(A) and (C) and form TA–1 adopted on October 22, 1975, implements a statutory registration requirement for transfer agents. The rule provides that an application for registration with the commission as a transfer agent must be filed on form TA–1 and that such information be amended if it becomes incomplete, inaccurate or misleading. The information on form TA–1 is used to determine if registration should be granted and to furnish information to public.

- Supplemental Current Financial and Operational Reports to certain Exchange Members brokers and Dealers:

Rule 17A–11(17 CFR 240.17A–11)
17 CFR 240.17A–11: Rule 17A–11
On occasion
Businesses or other institutions
Registered broker-dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 405 responses; 6,600 hours; $7,000 Federal cost, 1 form; $132,000 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 17A–11 was adopted in 1971. The rule was designed to serve as an "early warning" mechanism by which the commission and the self-regulators would be made aware of firms that were starting to experience financial or operational difficulties. The information requested by the rule would allow the appropriate action to be take to rectify the situation and prevent further problems.

- Adoption of Application Filed by Predecessor Rule 15BA2–6

(17 CFR 240.15BA2–6)
17 CFR 15BA2–6: Rule 15BA2–6
Nonrecurring
Businesses or other institutions
Sec. dealers and banks engaged in purc. and sel. munic. sec.
SIC: 601, 621
Small businesses or organizations
Other advancement and regulation of commerce: 1 response; 5 hours; $50 Federal cost, 1 form; $50 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15BA2–6, adopted on July 4, 1976, permits an application for registration as a municipal securities dealer (either a securities firm or a bank) to be filed on behalf of such entity by a predecessor and permits the successor to adopt that application as its own, thereby facilitating registration and reducing the paperwork associated with registration of certain numicipal securities dealers.

- Withdrawal From Registration of Municipal Securities Dealer

(15 CFR 240.15BC3–1) Form MSDW (17 CFR 249.1110)
RN 17 CFR 240.15BC3–1: 15BC3–1, MSDW: 1588
Nonrecurring
Businesses or other institutions
Banks engaged in the bus. of selling munic. sec., sec. deal.
SIC: 601, 621
Other advancement and regulation of commerce: 20 responses; 10 hours; $440 Federal cost, 1 form; $500 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15BC–1, provides that a notice of withdrawal from registration as a bank municipal securities dealer is to be filed on form MSDW. Form MSDW, first adopted by the commission on June 14, 1976, is needed by the commission to determine whether it is in the public interest to permit a bank municipal securities dealer to withdraw its application and to give certain information to the public.

- Registration of Fiduciaries Rule 15BA2–5 (17 CFR 15BA2–5)

17 CFR 240.15BA2–5
Nonrecurring
Businesses or other institutions
Sec. dealers, banks, and court-appointed fiduciaries
SIC: 601, 621
Small businesses or organizations
Other advancement and regulation of commerce: 1 response; 4 hours; $68 Federal cost, 1 form; $200 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15BA2–5, adopted on July 14, 1975, permits a court-appointed or other fiduciary who succeeds to the business of a municipal securities dealer to assume immediate responsibility for the operation of the municipal securities dealer's buiness if the fiduciary files as statement with the commission within 30 days of the date the fiduciary assumes its duties. Without the rule, the fiduciary could not assume responsibility until it registered with the commission.

- Registration of Successor to Registered Municipal Securities Dealer. 17 CFR 240.15BA2–4

17 CFR 240.15BA2–4: Rule 15BA2–4
Nonrecurring
Businesses or other institutions
Sec. dealers (incl. banks) engaged in the business, etc.
SIC: 621, 601
Small businesses or organizations
Other advancement and regulation of commerce: 5 responses; 20 hours; $350 Federal cost, 1 form; $1,000 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15BA2–4, originally adopted July 14, 1976, permits an unregistered municipal securities dealer, which succeeds to the business of an existing municipal securities dealer, to continue the business of its predecessor for 75 days if an application for registration is filed within 30 days of the date succession. Without the rule, the successor could not continue the

business of its predecessor unitl the successors registration had been approved by the commission.

- Application for Registration of Non-Bank Muncipal

Securities Dealer Whose Business is Exclusively Intrastate
(17 CFR 240.15BA2–2)
17 CFR 240.15BA2–2: 15BA2–2
On occasion
Businesses or other institutions
Intrastate non-bank municipal securities dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce; 1 response; 5 hours; $200 Federal cost, 1 form; $500 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15BA2–2, as adopted on October 24, 1975, provides that an application for registration with the commission by a non-bank municipal securities dealer whose business is exclusively intrastate must be filed on form BD. The information required to be disclosed on form BD is necessary for the commission to determine whether registration as a broker or dealer should be granted and to furnish information to public investors.

Arnold Strasser,
Acting Assistant Administrator for Reports Management.

[FR Doc. 81–25307 Filed 8–28–81; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Cayman, Islands Reinsurance Corporation Ltd.; Order of Suspension of Trading

August 26, 1981.

It appearing to the Securities and Exchange Commission that Cayman Islands Reinsurance Corporation Ltd. is unable to file timely reports required under the Exchange Act, and because of the lack of currently accurate and adequate information concerning the financial condition and the status of its operations

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in Cayman Island Reinsurance Corporation Ltd. on a national securities exchange or otherwise is suspended, for the period from 9:00 a.m. on August 26, 1981, through midnight on September 4, 1981.

By the Commission.
George A. Fitzsimmons,
Secretary.

[FR Doc. 81–25304 Filed 8–28–81; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 22177; 70–5920]

General Public Utilities Corp.; Proposed Issuance and Sale of Notes; Pledge of Common Stock

August 25, 1981.

General Public Utilities ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a registered holding company, has filed a post-effective amendment to its application-declaration previously filed and amended pursuant to Sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 thereunder.

By order dated December 1, 1976 (HCAR No. 19778), GPU was authorized to borrow up to $50,000,000 from five banks ("Banks") pursuant to a Loan Agreement involving the issuance of GPU's unsecured serial notes. The borrowings were repayable in semi-annual installments of $2,750,000, commencing June 30, 1977 and a final installment of $14,250,000 payable on December 31, 1983. The borrowings bore interest rates ranging from 115% to 120% of the lending Banks' prime rates and required no compensating balances.

By order dated March 21, 1979 (HCAR No. 20965), GPU was authorized to amend the Loan Agreement and the related promissory notes to permit an increase in the semi-annual principal installments from $2,750,000 to $3,900,000 and a reduction of the interest rate to 106% of the prime rate.

By order dated June 19, 1979 (HCAR No. 21107), GPU was authorized to amend the Loan Agreement to provide for the cancellation of the then outstanding $39,000,000 principal amount of promissory notes and the issuance of new promissory notes to the Banks in a like principal amount which would mature October 1, 1981 and bear interest, payable monthly, at a fluctuating rate per annum equal to 108% of the higher of (i) the base rate of Citibank, N.A. or (ii) ½ of 1% above the latest three week moving average of offering rates for three month certificates of deposit of major banks ("Alternate Base Rate"). The borrowings required no compensating balances. GPU was authorized to secure the promissory notes under the terms of a stock pledge agreement under which GPU pledged as collateral all of the common stock of its subsidiaries, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company and GPU Service Corporation ("Subsidiaries").

GPU now proposes to further amend the Loan Agreement on or before October 1, 1981 to issue to the Banks $39,000,000 in aggregate principal amount of new promissory notes ("new Notes") to replace the promissory notes presently outstanding and maturing on October 1, 1981. The New Notes would (a) mature on December 31, 1982, (b) bear interest at a fluctuating rate per annum equal to 107% of the Alternate Bank Rate and (c) provide for amortization of the prinicipal designed to repay all outstanding indebtedness by December 31, 1982. The New Notes would be secured by a pledge of the common stock of the Subsidiaries under an amended stock pledge agreement.

The amended application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 18, 1981, to the Secretary, Securities and Exchange Commission, Wasington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the amended application-declaration, as filed or as it may be further amended, may by granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81–25305 Filed 8–28–81; 8:45 am]
BILLING CODE 8010–01–M

Advisory Committee on Shareholder Communications; Meeting

This is to give public notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Shareholder Communications will conduct a meeting on September 18, 1981, at the National Association of Securities Dealers, 1735 K Street, N.W.,

Washington, D.C., in the Conference Room, 3rd Floor, beginning 10:00 a.m. This meeting will be open to the public.

The purpose of the meeting is to: finalize plans for issuance of a release soliciting comments from the public on certain issues under consideration by the Committee.

Further information on this matter may be obtained by contacting: Gregory H. Mathews, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272–2589.

Dated: August 26, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–25375 Filed 8–28–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81–069]

Chemical Transportation Advisory Committee, Subcommittee on Chemical Vessels; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee to be held on Wednesday, October 7, 1981 beginning at 9.00 a.m. in room 3201, Coast Guard Headquarters 2100 Second Street, S.W., Washington, DC 20593.

This meeting will discuss the draft final rulemaking that will revise and update the Safety Standards for Self-Propelled Vessels carrying hazardous liquids, 46 CFR Part 153 (CG 78–128).

Attendance is open to the interested public, with advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time. Additional information may be obtained from Captain K. B. Schumacher, Executive Director, Chemical Transportation Advisory Committee, U.S. Coast Guard, (G-MHM), Washington, DC. 20593 or by calling (202) 426-1217.

Issued in Washington, DC, on August 25, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81–25365 Filed 8–28–81; 8:45 am]

BILLING CODE 4910–14–M

[CGD 81–070]

Chemical Transportation Advisory Committee; Annual Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee to be held on Thursday, October 8, 1981 beginning at 9 a.m. in room 3201, Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593.

The following items are listed on the agenda for review:

Current Regulatory Programs,
Waterfront Facilities,
Bulk Liquid Shipments,
Bulk Solid Shipments,
Personnel Protection.

Attendance is open to the interested public, with advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time. Additional information may be obtained from Captain K. B. Schumacher, Executive Director, Chemical Transportation Advisory Committee, U.S. Coast Guard (G–MHM), Washington, D.C. 20593 or by calling (202) 426–2306.

Issued in Washington, D.C., on August 25, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc. 81–25366 Filed 8–28–81; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

FAA Aviation Forecasting and Planning Review Conference

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

The Department of Transportation announces the FAA Aviation Forecasting and Planning Review Conference which will be held on October 13–14, 1981, at the Sheraton National Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The purpose of this conference is to provide a forum for users of the aviation system and providers of aviation services to discuss major issues facing aviation during this upcoming decade. Aviation industry officials and the public are invited to participate in discussions of FAA's forecasts of aviation activity and FAA's plans to accommodate changing aviation demands.

The preliminary conference agenda follows:

Tuesday, October 13

8:00–9:00—Registration
9:00–9:15—Welcome and Introductory Remarks
9:15–9:50—Overview and Implications of FAA Forecasts
9:50–10:20—Coffee Break
10:20–12:00—Outlook for the 1980's
Report on the TRB/FAA Aviation Demand Forecast Workshop
Presentation of Major Issues:
- Aviation Financing
- International Fuel Policies

12:00–1:30—Luncheon—Guest Speaker
1:30–2:30—Changing Aviation Industry
- Low-Cost, Low-Fare Airlines
- Old Markets—New Aircraft

2:30–3:00—Coffee Break
3:00–4:30—Deregulation Impact—The Untold Story
- Air Taxi, Helicopter and Fixed Base Operators
- Charter Operators and Cargo
- Business Flying and Airports

4:30—Summary Comments
5:00—Reception/Cash Bar

Wednesday, October 14

8:30–10:00—FAA Objectives and Programs
- Overview of FAA Goals and Objectives
- Presentation of FAA Programs

10:00–10:30—Coffee Break
10:30–12:00—Objectives and Programs—Panel Discussion, Representatives from Aviation Industry, FAA and User Community Lead Question and Answer Session
12:00–1:30—Luncheon—Guest Speaker
1:30–3:00—International Aviation Policy
- Status of Bilateral Transport Agreements
- Competition and Fare Flexibility
- Implications for U.S. Economy

3:00–3:15—Wrap-Up Session

All sessions will include a question and answer period, and audience participation is encouraged.

Although this conference is open to the public, the hotel levies a per day rate which covers the cost of the use of its conference facilities, lunch, and coffee breaks. This rate is covered by a registration fee of $25.00 for one day, or $50.00 for both days of the conference.

Further information concerning this conference may be obtained from Ms. Marva Booker or Ms. Diane Wood at the Federal Aviation Administration, Office

of Aviation Policy and Plans, APO–320, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426–8444.

Issued in Washington, D.C., August 24, 1981.

Harvey B. Safeer,

Director, Office of Aviation Policy and Plans.

[FR Doc. 81–25131 Filed 8–28–81; 8:45 am]

BILLING CODE 4910–09–M

Radio Technical Commission for Aeronautics (RTCA), Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on September 18, 1981 in RTCA Conference Room 267, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of Meeting held on July 17, 1981; (2) Chairman's Report on RTCA Administration and Management; (3) Special Committee Activities Report for July-August, 1981; (4) Consideration of Establishing New Special Committees; (5) Review Terms of Reference for Special Committee 147 on Threat Alert & Collision Avoidance System/Active Beacon Collision Avoidance System (TCAS/BCAS); (6) Consideration of RTCA Activities with Respect to Threat Alert & Collision Avoidance System, Type I, (TCAS I); (7) Consideration of RTCA Activities with Respect to Federal Communications Commission Order 81–343 Implementing the Regulatory Flexibility Act of 1980; and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on August 19, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81–25132 Filed 8–28–81; 8:45 am]

BILLING CODE 4910–09–M

Gates Learjet 20 and 30 Series; Type Certification Decision Document and Availability of Special Certification Review

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Documentation.

SUMMARY: On April 30, 1981, the Director of the FAA, Central Region, approved issuance of the first phase report of the Type Certification Decision Document of the Gates Learjet 20 Series Special Certification Review. With the issuance of Airworthiness Directives 81–13–07, regarding minimum fuel requirements, and 81–16–08, regarding modifications to the pitch axis system of the Model 25 series airplane and to the FC–110 autopilot, an update of the ongoing review is appropriate. The Director has reviewed and discussed with his staff a Document entitled "Learjet Special Certification Review, Supplement #1," and has approved its issuance. A copy of this first supplement is on file in the FAA Rules Docket and is available for examination and copying at the Rules Docket. A copy may be obtained from the Office of the Regional Counsel, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 21, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–25277 Filed 8–28–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Alameda and Contra Costa Counties, California.

FOR FURTHER INFORMATION CONTACT: James Lamb, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, telephone: (916) 440–3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) and the Alameda and Contra Costa County Highway Departments, will prepare an environmental impact statement (EIS) on a proposal to upgrade Interstate Highway 80 in Alameda and Contra Costa Counties, California. The proposal involves the study of transportation system management (TSM) alternatives: non-continuous high occupancy vehicle (HOV) lanes past major bottlenecks; auxiliary lanes past bottlenecks; ramp metering. The section of the I–80 corridor under study runs from the area of the San Francisco-Oakland Bay Bridge Toll Plaza to the southern end of the Carquinez Bridge, a distance of approximately 20 miles. Improvements to the corridor are under consideration because existing and projected traffic demands make such studies necessary.

Alternatives under consideration include:

(1) Construction of a "full" HOV lane system for the entire corridor;

(2) Construction of a non-continuous HOV lane system at key points in the corridor, as well as other improvements; and

(3) Taking no action—the "no-build" approach.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. A Scoping meeting is scheduled for September 17, 1981, at a time and place to be announced by public notice. When completed, the draft EIS will be available for public and agency review and comment.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

Issued on: August 21, 1981

A. J. Gallardo,

District Engineer.

[FR Doc. 81–25135 Filed 8–28–81; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. IP81–1; Notice 2]

American Mopeds Inc.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by American Mopeds Inc. of Norwalk, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle

Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on February 5, 1981, and an opportunity afforded for comment (46 FR 11086).

Paragraph S5.3 of Standard No. 120 requires, as of September 1, 1977, certain information to be permanently attached to motorcycles, either on the certification label or on a separate tire information label. This information includes the size designation for rims appropriate for the vehicle's tires (S5.3.2). In the course of a compliance investigation (CIR 2371) NHTSA discovered this item lacking from a motor driven cycle (moped), manufactured by Califfo of Italy, and imported by American Mopeds.

In reply to NHTSA's inquiry, American Mopeds surmised that there were no more than 2502 Califfo Deluxe mopeds without the proper information. None of the vehicles were manufactured or imported before February 1979. American Mopeds argued that the noncompliance is inconsequential because the information on the moped carries the tire size (2.25 x 16), and it is "standard practice in the industry to refer to tires as a 16" wheel". The only rim available for a 2.25 x 16 tire is a 16 inch rim and only one tire rim combination is offered on the vehicle. Therefore, no consumer confusion will result in the event of replacement.

No comments were received on the petition.

The NHTSA concurs with petitioner's arguments that, because there is only one rim available for use on the vehicle, and only one tire-rim combination offered, the failure of the vehicle to include a size designation is inconsequential as it relates to motor vehicle saftey. Accordingly, the petition by American Mopeds, Inc., is hereby granted.

(Secs. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on August 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–25191 Filed 8–28–81; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP81–6; Notice 2]

Cooper Tire & Rubber Co.; Grant of Petition for Inconsequential Noncompliance

This notice grants the petition by the Cooper Tire & Rubber Co. of Findlay, Ohio to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on March 19, 1981 and an opportunity afforded for comment (46 FR 17709).

Paragraph S4.3(b) requires that the sidewalls of each passenger car tire be labeled with the maximum permissible inflation pressure. Because of an erroneous mold, Cooper produced L78–15 Falls Avenger polyester/fiberglass belted, tubeless white sidewall tires between the 39th and 50th weeks of 1980 labeled with a maximum inflation pressure of 35 psi. The correst value is 32 psi. Cooper was able to recover and rebrand some of the tires but about 1800 remain uncorrected.

In the belief that tire strength would be the only factor possibly adversely affected by inflation to 35 psi, Cooper tested two of the mislabeled tires "finding * * * plunger energy of 3310 inch pounds (average of the two tires) which is well in excess of the required 2600 inch pounds under FMVSS 109 * * *." For this reason, the company argues that its noncompliance is inconsequential as it relates to motor vehicle safety, noting that the tires otherwise comply with Standard No. 109.

No comments were received on the petition.

During normal operation of the tires concerned, pressures may rise to 40 psi because of high ambient temperatures or heavy loading. The tires are designed with a margin of safety as demonstrated by Cooper's tests. The 3 pounds error then, does not create a safety hazard. Petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and CFR 501.8)

Issued on August 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking

[FR Doc. 81–25192 Filed 8–28–81; 8:45 am]

BILLING CODE 4910–59–M

International Harmonization Regarding Lighting and Light Signalling; Public Meeting

August 25, 1981.

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting with the public representatives on Tuesday, September 8, 1981. The purpose of the meeting will be to discuss lighting and light signalling as it relates to the 9th Session of the Group of Rapporteurs on Lighting and Light Signalling (GRE) of the Economic Commission for Europe to be held on September 15–18, 1981, in Leipzig, Germany.

The meeting will begin at 1:00 p.m., run until 3:00 p.m. It will be held in the Thomas Suite of the Hyatt Regency, Dearborn, Michigan.

At this meeting, the U.S. delegate to the GRE will answer questions, receive information, test data, etc. from the public relating to lighting and light signalling. The information may relate to anticipated regulatory issues on the agenda such as (1) center, high mounted stoplamp; (2) parking lamps; (3) motorcycle/moped headlighting; (4) headlight photometrics, and (5) headlamps incorporating lenses of plastic materials.

Information for the September 8 meeting may be oral or in writing and may be submitted on or before the meeting date. Every effort will be made to answer questions and/or consider appropriate test data relating to the anticipated regulatory issues on the GRE agenda.

A summary of the meeting minutes will be available for public review in the Agency's Technical Reference Section, Docket 79–18; International Harmonization.

FOR FURTHER INFORMATION CONTACT: W. Marx Elliott, Office of Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–426–1714).

Issued in Washington, DC on: August 25, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–25170 Filed 8–28–81; 8:45 am]

BILLING CODE 4910–59–M

Maritime Administration

[Docket No. S-699]

Waterman Steamship Corp.; Application for Privilege of Calling at Montreal, Canada, in Connection With Operations on Trade Route No. 21

Notice is hereby given that Waterman Steamship Corporation (Waterman) has requested by letter of August 20, 1981 that its Operating-Differential Subsidy Agreement (ODSA), Contract No. MA/MSB-450 be amended to include the privilege of calling at the port of Montreal, Canada, through December 31, 1981, the termination date of the U.S.-U.S.S.R. Maritime Agreement.

Under ODSA, Contract No. MA/MSB-450, Waterman provides subsidized service on Trade Route No. 21 between United States Gulf ports and ports in the United Kingdom, Republic of Ireland and Continental Europe from the northern border of Portugal to but not including the southern border of Finland with privilege calls at ports in Scandinavia (Norway, Sweden, Denmark and Finland) and U.S.S.R. ports east of Finland in the Barents Sea.

Waterman advises that it has developed a substantial trade with the U.S.S.R. and is presently the only U.S.-flag carrier providing service directly to a U.S.S.R. port carrying bilateral cargoes. These bilateral cargoes represent a substantial portion of the cargoes being carried by Waterman in this trade and are necessary to the economic viability of the service.

The U.S.S.R. is routing a preponderance of the U.S./U.S.S.R. bilateral cargoes through the port of Montreal, Canada, where they maintain a service with their own vessels and have established an organization for the control of these cargoes. Therefore, in order to be able to participate in the carriage of cargoes moving via Montreal, Waterman has requested modification of its ODSA to permit privilege calls at Montreal through December 31, 1981.

Any person, firm or corporation having any interest in such application and desiring to submit comments concerning the request must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on September 8, 1981.

(Catalog of Federla Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: August 26, 1981.

By Order of the Acting Maritime Administrator.

Georgia Pournaras Stamas,

Assistant Secretary.

[FR Doc. 81-25306 Filed 8-28-81; 8:45 am]

BILLING CODE 3510-15-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 168
Monday, August 31, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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National Transportation Safety Board..	2

1

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, September 2, 1981.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. *Briefing on Power Lawn Mowers*
The staff will brief the Commmission on implementing the provisions of the Omnibus Budget Reconcilation Act of 1981 which direct the Commission to modify the safety standard for walk-behind power lawn mowers (16 CFR Part 1205). (Decision scheduled for September 9.)

2. *Operating Plan, FY–82*
The Commission will consider CPSC's Operating Plan for Fiscal Year 1982.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, DC 20207; Telephone (202) 634–7700.

[S–1309–81 Filed 8–27–81; 2:45 pm]

BILLING CODE 6355–01–M

2

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–32]

TIME AND DATE: 9 a.m., Wednesday, September 9, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Special Study:* Cabin Safety in Large Transport Aircraft and *Recommendations* to the Federal Aviation Administration.

2. *Special Investigation Report:* Evacuation of a United Airlines DC–8–61, Sky Harbor International Airport, Phoenix, Arizona, December 29, 1980, and *Recommendations* to the Federal Aviation Administration.

3. *Special Study:* Pipeline Excess Flow Valves and *Recommendations* to the Gas Research Institute, the American Society of Mechanical Engineers Gas Piping Standards Committee, and the Research and Special Programs Administration.

4. *Special Study:* Major Marine Collisions and Effects of Preventive Recommendations, and *Recommendations* to the U.S. Coast Guard.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

August 27, 1981.

[S–1310–81 Filed 8–27–81; 3:45 pm]

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federal register

Monday
August 31, 1981

Part II

Department of Transportation

Federal Aviation Administration

Transport Category Airplanes; Pitot Heat Indication Systems

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 121, 125, and 135

[Docket No. 18904; Amendment Nos. 91-176, 121-175, 125-3, and 135-17]

Transport Category Airplanes—Pitot Heat Indication Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments relieve general aviation operators of transport category airplanes that are operated under Part 91 from the requirement to install pitot heat indication systems to indicate to the flightcrew when the pitot heating system is not operating. The amendments are based on a study which indicates that there have not been any general aviation transport category airplane accidents that could be attributed to a pitot heating system failure. The rule change is also in response to a petition for rulemaking dated January 26, 1979, from the National Business Aircraft Association (NBAA).

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Sirkis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking

These amendments are based on Notice of Proposed Rulemaking No. 80-27 (46 FR 76; January 2, 1981). All interested persons were given an opportunity to participate in the making of these amendments, and due consideration was given to all matters presented. These amendments and the reasons for their adoption are the same as those stated in Notice 80-27.

Background of This Rulemaking Proceeding

Amendment 91-148

Section 91.50(a), as adopted by Amendment 91-148 (43 FR 10339; March 13, 1978), provided that after April 12, 1981, with certain exceptions, no person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is also equipped with an operable pitot heat indication system that complies with § 25.1326. Section 25.1326 requires that the indication provided must incorporate an amber light that is in clear view of a flight crewmember and must be designed to alert the flightcrew if either the pitot heating system is switched "off" or the pitot heating system is switched "on" and any pitot tube heating element is inoperative. All flight operations conducted with transport category airplanes must meet this requirement regardless of the type of operation being conducted.

Petition for Rulemaking by National Business Aircraft Association (NBAA)

On January 26, 1979, the NBAA petitioned the FAA to amend the Federal Aviation Regulations (FAR) to require that only transport category airplanes operated under Part 121, 123, or 135 meet the requirement to have an operable pitot heat indication system.

A summary of the NBAA's petition was published in the **Federal Register** on October 16, 1979 (44 FR 60107), and no comments were received. The FAA included the petition verbatim in Notice 80-27 to provide the public with all statements submitted by the petitioner in support of its petition.

To allow time to consider fully the NBAA petition, in Amendment 91-172 (46 FR 19; January 2, 1981) the FAA suspended the April 12, 1981, compliance date contained in Amendment 91-148 for operators of transport category airplanes used in general aviation operations under Part 91.

Description of Notice 80-27

Notice 80-27 proposed to exclude general aviation operators of transport category airplanes operating under Part 91 from the operating requirement to install pitot heat indication systems to indicate to the flightcrew when the pitot heating system is not operating. The requirement was to be retained for commercial, air carrier, travel club, and air taxi operators of transport category airplanes. The proposal was in response to a petition from the NBAA which stated, in essence, that the cost of a pitot heat indication system is not justified for general aviation operators.

Notice 80-27 proposed a new section, § 125.122, for the pitot heat indication system requirement in Part 125. This has been changed to § 125.206, which appropriately places the requirement in Subpart F—Instrument and Equipment Requirements.

Discussion of Comments

The FAA received 21 public comments in response to Notice 80-27. A majority of commenters, all of whom operate aircraft under Part 91 only, support the proposal. They agree the proposal would provide financial relief from an unnecessary requirement for general aviation, inasmuch as the cost associated with installing a pitot heat indication system cannot be justified by a proven need for such a warning system. One such commenter states, for example, that in almost 19 years of service experience, his company has never experienced a failure of the pitot heating system on any of the company's aircraft. Similarly, the NBAA contends that existing training in the handling of emergency situations such as instrument failure and recognition of that failure, use of checklists, and cross-checking of instruments provide an equivalent level of safety to that provided by the proposal and that the corporate executive fleet safety record bears this out. The NBAA states that, to the best of its knowledge, there has never been a business aircraft accident attributable to pitot heating system failure.

The FAA, in its study of reports of airplane accidents which have occurred over a period from January 1, 1976, through May 28, 1981, finds no evidence that refutes the NBAA's statement that there is no record of any business or corporate (general aviation) transport category aircraft accident that is attributable to pitot heating system failure. The FAA does not suggest here that general aviation operations are less susceptible than operations conducted under Part 121, 123, 125, or 135 to the problems at which Amendment 91-148 is directed. However, where these operations are concerned, the FAA imposes stricter safety standards than are imposed for general aviation operations under Part 91. Since the operation experience of general aviation operators does not support the need to install a pitot heat indication system, the FAA concludes that the general aviation operator should be relieved of the cost burden associated with installing such a system.

Several commenters oppose the proposal. Some state that the requirement for installing a pitot heat indication system should be retained for Part 91 operations as well as for Part 121, 123, 125, and 135 operations; others state that the requirement should be rescinded for Part 121, 123, 125, and 135 operations as well as for Part 91 operations. Several such commenters state that the requirement for installing a pitot heat indication system should apply to all operations they conduct. They believe that safety standards should be the same for operations conducted under Part 91 as for those conducted under Part 121, 123, 125, or

135, and that the cost of installing a pitot heat indication system would not be prohibitive. An airline pilot's union, in its comment, supports the need for a pitot heat indication system in Part 91 operations because it believes that general aviation transport category airplanes are high-performance aircraft subject to precisely the same hazards as commercial transport category aircraft. This same commenter also implies that the installation costs for such a warning system would not be prohibitive. Another commenter questions the need for installing a pitot heat indication system in Part 135 operations, stating that such a warning system cannot substitute for professionalism in the flightcrew, while another commenter states that in aircraft operated under Part 125 (which may be operated for compensation or hire), the warning system should be an optional item.

The safety standards should not be the same for Part 91 operations as for operations conducted under Part 121, 123, 125, or 135. As stated earlier, where these operations are concerned, the FAA imposes stricter safety standards. In the absence of a record of any general aviation transport category airplane accident attributable to a pitot heating system failure, the cost of compliance with the pitot heat indication system requirement is not justified for general aviation operations conducted under Part 91. However, since air carriers conduct their operations with the highest level of safety and since Part 125 operators may receive compensation for their operations, the FAA imposes stricter standards on such operators. Therefore, the requirement for installing a pitot heat indication system for operations conducted under Part 121, 123, 125, or 135 is warranted. As stated in Amendment 91-148, the addition of a pitot heat indication system, while not guaranteeing against human error, will provide additional assurance that pilots will become aware as early as possible of a potentially dangerous situation.

One commenter suggests that the proposal be revised to allow the use of alternate indicating systems. This was not proposed in Notice 80-27 and cannot be considered as part of this rulemaking proceeding. Similarly, the commenter's point concerning the need for static port heaters is not part of this rulemaking proceeding.

A general aviation manufacturer's association, in its comment, recommends a rule change that would limit the application of § 25.1326, which requires installation of a pitot heat indication system in transport category airplanes, to airplanes used in commercial, air taxi, air travel club, and air carrier operations. This amendment of § 25.1326 was also proposed by the NBAA in its petition. Such a change was not proposed by the FAA in Notice 80-27. Additionally, no justification was offered by the NBAA for deleting the Part 25 requirement which applies to airplanes whose application for type certificate is made after April 11, 1978. Production of these airplanes will not occur until well in the future. Similarly, the manufacturer's association did not address this aspect in suggesting deletion of this Part 25 requirement.

These amendments do not relieve the operators of those transport category airplanes whose basis for certification includes § 25.1326 from the requirement to install a pitot heat indication system. Section 25.1326 applies to airplanes whose application for type certificate is made after April 11, 1978; however, a number of applications for type certificates were made before that date, and the applicants elected or were required under § 21.17 to include the provisions of § 25.1326 in their basis for certification. Some examples of airplanes required to have a pitot heat indication system as part of their basic design approval include the Boeing 757, the Boeing 767, and the Learjet models 54, 55, and 56.

Regulatory Evaluation

The FAA conducted a regulatory evaluation which is included in the regulatory docket for this action. The FAA determined that there is not cost impact on Part 91, 121, 123, 125, or 135 operators of transport category airplanes and only a minimal to negligible cost impact on the Federal Government. Specifically, this rule provides relief to Part 91 operators of certain transport category airplanes manufactured under a type certificate for which application was made before April 12, 1978, by eliminating the requirement to install pitot heat indication systems and imposes no new requirements on such operators. This rule imposes no new requirements on Part 121, 123, 125, or 135 operators. The requirement imposed by § 91.50 to airplanes operated under Parts 121, 123, 125, and 135 remains unchanged although the requirement for installing a pitot heat indication system is now listed separately in Parts 121, 125, and 135. The Federal Government will incur minimal to negligible costs in this revision of Part 91, which is considered to be part of the FAA's ongoing program to revise regulations.

Benefits

Implementing this rule provides benefits in terms of cost savings to Part 91 operators of transport category airplanes. It relieves such operators from the requirement to install pitot heat indication systems in their airplanes. During 1982, which is assumed to be the first effective year of the regulation, FAA estimates equipment, maintenance, installation, and downtime cost savings of a least $7.6 million to $10.9 million for operators of approximately 4,700 Part 91 airplanes. Further, cost savings to Part 91 operators of transport category airplanes of $1.0 million to $1.2 million each year during 1983–1985 are expected. Cost savings will be less during 1983 through 1985 than in 1982 because of the projected limited number of new production Part 91-operated transport category airplanes and because installation of the equipment could be performed during airplane assembly, thereby significantly reducing the costs. The FAA notes again that § 25.1326 requires a pitot heat indication system on those airplanes for which a type certificate application was made after April 11, 1978.

Accordingly, the benefits of this regulation outweigh the costs.

Adoption of the Amendment

Accordingly, Parts 91, 121, 125, and 135 of the Federal Aviation Regulations (14 CFR Parts 91, 121, 125, and 135) are amended as follows effective September 30, 1981:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. By removing and reserving § 91.50 as follows:

§ 91.50 [Reserved]

2. By adding a new § 121.342 to read as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.342 Pitot heat indication systems.

(a) Except as provided in paragraph (b) of this section, after April 12, 1981, no person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is also equipped with an operable pitot heat indication system that complies with § 25.1326 of this chapter in effect on April 12, 1978.

(b) A certificate holder may obtain an extension of the April 12, 1981, compliance date specified in paragraph

(a) of this section, but not beyond April 12, 1983, from the Director of Flight Operations if the certificate holder—

(1) Shows that due to circumstances beyond its control it cannot comply by the specified compliance date; and

(2) Submits by the specified compliance date a schedule for compliance, acceptable to the Director, indicating that compliance will be achieved at the earliest practicable date.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

3. By adding a new § 125.206 to read as follows:

§ 125.206 Pitot heat indication systems.

(a) Except as provided in paragraph (b) of this section, after April 12, 1981, no person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is equipped with an operable pitot heat indication system that complies with § 25.1326 of this chapter in effect on April 12, 1978.

(b) A certificate holder may obtain an extension of the April 12, 1981, compliance date specified in paragraph (a) of this section, but not beyond April 12, 1983, from the Director of Flight Operations if the certificate holder—

(1) Shows that due to circumstances beyond its control it cannot comply by the specified compliance date; and

(2) Submits by the specified compliance date a schedule for compliance, acceptable to the Director, indicating that compliance will be achieved at the earliest practicable date.

4. By adding a new § 135.158 to read as follows:

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

§ 135.158 Pitot heat indication systems.

(a) Except as provided in paragraph (b) of this section, after April 12, 1981, no person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is also equipped with an operable pitot heat indication system that complies with § 25.1326 of this chapter in effect on April 12, 1978.

(b) A certificate holder may obtain an extension of the April 12, 1981, compliance date specified in paragraph (a) of this section, but not beyond April 12, 1983, from the Director of Flight Operations if the certificate holder—

(1) Shows that due to circumstances beyond its control it cannot comply by the specified compliance date; and

(2) Submits by the specified compliance date a schedule for compliance, acceptable to the Director, indicating that compliance will be achieved at the earliest practicable date.

(Secs. 313(a), 601, 602, 604, and 607 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1422, 1424, and 1427); and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note.—This document relieves a substantial segment of the aviation community of a cost burden and does not impose any additional burden on any person. Therefore, the Federal Aviation Administration has determined that this document involves a regulation which is not a major rule under Executive Order 12291 or a significant regulation under the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT." It has been determined further that the amendment will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it is relieving in nature.

Issued in Washington, D.C., on August 7, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-25143 Filed 8-28-81; 8:45 am]

BILLING CODE 4910-13-M

federal register

Monday
August 31, 1981

Part III

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment and Instruction of Inmates

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 540, 544, and 545

Control, Custody, Care, Treatment and Instruction of Inmates; Final Rules

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains final rules relating to the control, custody, care, treatment, and instruction of inmates. Included are final rules on (1) Annual Survey of Inmate Education, Recreation, and Library Programs, and (2) Incentive Awards Program, UNICOR Inmates. This document also finalizes two amendments to the rule on Inmate Correspondence. The rule on Annual Survey of Inmate Education, Recreation, and Library Programs requires that the Warden ensure that an annual survey is administered to a representative sample of the local inmate population to determine inmate perception of needs, attitudes, opinions, and recommendations concerning the structure and content of the education, recreation, and library programs which operate within the institution. The rule on Incentive Awards Program, UNICOR Inmates provides incentives to inmate workers for special achievements by them, as well as for their suggestions or inventions which improve operations or safety, or conserve energy or materials of Federal Prison Industries, Inc. The amended rule on correspondence finalizes an interim rule published in the **Federal Register** June 30, 1980, and a proposed rule published in the **Federal Register** July 1, 1981. Both rules concern payment of postage by inmates. This document is intended to provide the public with notice of the rules in each of these areas, not just changes from prior policy.

EFFECTIVE DATE: October 1, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone (202) 724–3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final rules on (1) Annual Survey on Inmate Education, Recreation, and Library Programs and (2) Incentive Awards Program, UNICOR Inmates. These documents were published in the **Federal Register** as proposed rules June 12, 1981 (at 46 FR 31212–13). The Bureau is also finalizing in this document two amendments to its rule on Correspondence. The first amendment was published in the **Federal Register** as an interim rule June 30, 1980 (at 45 FR 44220 et seq.). The amendment authorized the Warden, in order to prevent abuse, to place limitations on the amount of free postage provided an inmate for legal mail or administrative remedy filings. The second amendment was published in the **Federal Register** as a proposed rule July 1, 1981 (at 46 FR 34554–55). This amendment proposed deletion of the provision that provided each inmate, regardless of need, with five free postage stamps, or the equivalent, each month.

Interested persons were invited to submit comments on the proposed and interim rules. On the basis of comments and internal staff review of Bureau policies, some changes have been made. Members of the public may submit further comments concerning these rules by writing the previously cited address. These comments will be considered but will receive no further response in the **Federal Register.**

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), do not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

I. Part 540, Subpart B—Correspondence

Section 540.20(a) is revised to read "Except as provided in paragraphs (d), (e), (f), and (i) * * *". Section 540.20(e) is new. This section allows an inmate with neither funds nor sufficient postage the opportunity to maintain community ties by mailing a reasonable number of letters at government expense. To prevent abuses of this provision, the rule authorizes the Warden to impose restrictions on the free mailings. Inclusion of new § 540.20(e) accommodates the thrust of a public comment. This section also meets both Standards 12.08 of the Department of Justice Federal Standards for Prisons and Jails, and Standard 2–4371 of the Commission on Accreditation for Corrections Standards for Adult Correctional Institutions. We note that the Bureau of Prisons elects not to utilize an indigency standard as this is a legal standard recognized in federal form a pauperis statutes, and is subject to discretionary interpretation.The Bureau uses a more realistic and consistent determination that an inmate is without funds when the inmate's commissary account is under the amount to purchase a domestic, first-class mail stamp (currently 18¢).

Based on new § 540.20(e), proposed § 540.20(e) becomes final § 540.20(f). Proposed § 540.20(i) becomes new final § 540.20(g). Proposed § 540.20(f)–(h) becomes final § 540.20(h)–(j). New § 540.20(g) deletes the phrase "(in emergency cases)" as inmates are to sign whenever their personal postage needs are paid by government expenditure. Section 540.20(j) is revised to better express the intent of former § 540.20(h).

Comments on § 540.20 were varied. One commenter believes elimination of the five free stamps per month provision, regardless of need, to be in the public interest. The commenter continues, however, "that the proposed amendment is only a partial attempt to make the convicted criminal responsible for his own personal expenditures". In this vein, the commenter suggests that the rule require that postage expenditures by the government, as provided in the rule, be reimbursed by inmates at such time as they have the funds available. This commenter also proposes that inmates be expected to pay for their own stationery.

A second commenter offers a contrasting view, seeing the proposed rule as a "backward step in the area of providing prisoners with opportunities to remain in contact with their relatives, friends and their home communities." The commenter re-submitted comments forwarded at the time the Bureau first proposed the five free stamps per month rule (these comments were addressed in the **Federal Register** of June 30, 1980—see 45 FR 44220 et seq.). In the most recent remarks, the commenter states that the increased amount of inmate compensation does not justify the reduction in free payment of postage, noting that the amounts cited are neither adjusted for inflation nor do they reflect the average compensation paid to a federal prisoner. The commenter, while stating that it can appreciate the Bureau's concern over levels of government spending, believes that the money saved is "exceedingly small compared with its value to prisoners and ultimately to society." The commenter suggests that the Bureau find budget items to cut other than the postage provision.

The Bureau believes its present approach to be realistic. By way of background, prior to July 1979, all inmates in federal prisons were

provided virtually unlimited free postage, regardless of need. Based on budgetary cutbacks and the need to reduce expenditures, the Bureau established a policy, effective July 1, 1979, of providing each inmate, again regardless of need, with five free stamps monthly. Additional stamps could be purchased with personal funds by the inmate, and free postage continued to be available for inmates in specified needy situations. During the first year of operation under this new policy, over one million dollars was saved by the government without any discernible impact on inmate welfare or morale.

Because of further budgetary reductions faced by the Bureau of Prisons in Fiscal Year 1982, the Bureau decided to discontinue the provision that provided inmates, regardless of need, with five free stamps per month. While a commenter believes that the savings derived from deletion of the postage provision are "exceedingly small", these savings aggregated with other budgetary reductions reflect a significant effort by the Bureau to reduce government spending and to conserve public monies.

The Bureau does not believe that the proposed revision places an unreasonable responsibility on the inmate. Since implementation of the five free stamps per month provision, both the amount of inmate compensation and the monthly spending limitation have increased. While this increase may not be fully "adjusted for inflation", neither do inmates have to pay their own expenses for housing, food, clothing, medical care, and other basic living costs. Further, the great majority of inmates within the Bureau of Prisons are eligible for paid employment and should be provided the opportunity to budget their funds to meet personal needs, including postage. Most federal inmates have sufficient funds to maintain their postage needs. The rule continues to allow an inmate to purchase stamps through the institution commissary, or, for an inmate without sufficient funds or postage, the rule allows the inmate the opportunity to mail, as specified in the rule, a reasonable number of letters at government expense.

The Bureau does not now consider it practicable or cost-effective to require inmates to pay for their own stationery or to require reimbursement for postage mailed at government expense. The final rule authorizes the Warden to place limitations on the free mailing provisions to prevent an abuse of those provisions. One possible limitation is to require reimbursement at such time as the inmate receives funds. This provision is applicable when an inmate deliberately exhausts his/her funds and then requests free mailing privileges. For an inmate who is not attempting to circumvent established procedures, however, requiring reimbursement is considered neither warranted nor administratively practical.

We do not agree with a comment that the rule will force an inmate to accept stamps from other inmates and therefore be obligated to them, or that it will force inmates to justify their needs to a unit manager or case worker. There should be no reason for inmates to be forced to accept stamps from other inmates, as stamps may be purchased from the institution commissary or, where the inmate is without funds or sufficient postage, may be mailed at government expense. With respect to free mailings, the underlying assumption is that the inmate is without funds or sufficient postage and that the inmate has not deliberately created this situation in order to receive the free postage. When it appears that the inmate is abusing the procedure, the inmate may be required to reimburse the government when funds become available. The merits of the correspondence (for example, of a grievance) are not an issue.

In response to a comment that a federal inmate's distance from home makes correspondence the inmate's only means to communication, our experience has shown that many inmates receive regular visits from family members. In addition, the Bureau has liberal telephone regulations, allowing inmates at all institutions to converse with family members or other acquaintances. These alternatives, along with the rule on correspondence, provide the inmate with the means to maintain contact with family, friends, and others.

In response to another comment, the Bureau cannot allow stamps or stamped envelopes to be received from outside the institution, as this approach lends itself to the introduction of contraband. As an alternative, and pursuant to institution rules, persons in the community may send the inmate money for the purchase of stamps. To a comment that the inmate's purchase of stamps not be counted against the inmate's commissary spending limitation we reply that the commissary limitation was raised to accommodate the purchase of postage stamps, and, if determined appropriate, the spending limitation can again be raised. There is no intent to unduly limit the amount of correspondence that an inmate may mail. If an inmate desires, the inmate's entire commissary allotment may be used to purchase postage stamps. We do not agree with a comment that this condition violates the individual's first amendment rights. We consider the requirement that stamps be a part of the spending allotment as a reasonable means of monitoring and controlling the accessibility of stamps within the institution, thereby protecting institution security and good order.

II. *Part 544, Subpart L—Annual Survey of Inmate Education, Recreation, and Library Programs*

Section 544.110 is revised to read that it is the Warden's responsibility to ensure that an annual survey is administered as opposed to stating that the Warden shall administer this survey.

III. *Part 545, Subpart G—Incentive Awards Program, UNICOR Inmates*

Section 545.63 (c)(1) and (c)(2) and § 545.64(b) are revised to state that the Warden may submit comments (both of the Warden and of other persons) on the recommendation.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(t), 28 CFR, Chapter V is amended as set forth below. The effective date of these rules is October 1, 1981.

Dated: August 25, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

The authority citation for Part 540 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99

* * * * *

In subchapter C, Part 540, Subpart B, is amended by revising § 540.20 to read as follows:

Subpart B—Correspondence

§ 540.20 Payment of postage.

(a) Except as provided in paragraphs (d), (e), (f), and (i) of this section, postage charges are the responsibility of the inmate. The Warden shall ensure that the inmate commissary has postage stamps available for purchase by inmates.

(b) Writing paper and envelopes are provided at no cost to the inmate.

(c) Inmate organizations will purchase their own postage.

(d) An inmate who has neither funds nor sufficient postage and who wishes to mail legal mail (includes courts and attorneys) or Administrative Remedy forms will be provided the postage for such mailing. To prevent abuses of this provision, the Warden may impose restrictions on the free legal and administrative remedy mailings.

(e) When requested by an inmate who has neither funds nor sufficient postage, and upon verification of this status by staff, the Warden shall provide the postage for mailing a reasonable number of letters at government expense to enable the inmate to maintain community ties. To prevent abuses of this provision, the Warden may impose restrictions on the free mailings.

(f) Mailing at government expense is also allowed for necessary correspondence in verified emergency situations for inmates with neither funds nor sufficient postage.

(g) Inmates must sign for all stamps issued to them by institution staff.

(h) Mail received with postage due may not be delivered to the inmate until the inmate has authorized withdrawal of funds from his commissary account to pay the postage due.

(i) Holdovers and pre-trail commitments will be provided a reasonable number of letters at government expense.

(j) Inmates may not be permitted to receive stamps or stamped envelopes other than by issuance from the institution or by purchase from commissary.

PART 544—EDUCATION

By adding Subpart L to Part 544 to read as follows:

* * * * *

Subpart L—Annual Survey of Inmate Education, Recreation, and Library Programs

Sec.
544.110 Purpose and scope.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart L—Annual Survey of Inmate Education, Recreation, and Library Programs

§ 544.110 Purpose and scope.

(a) The Bureau of Prisons has established a systematic approach for assessing the education, recreation, and library programs which operate within each Bureau of Prisons institution. Except for such community treatment centers and camps where education, recreation, and library programs may not be feasible, the Warden shall ensure that an annual survey is administered to a representative sample of the local inmate population to determine inmate perception of needs, attitudes, opinions, and recommendations concerning the structure and content of the education, recreation, and library programs which operate within the institution.

(b) The questionnaire shall be administered to a minimum of 10% of each institution's inmate population on the survey date.

(c) The results of the annual survey shall be used by staff who are responsible for planning and management of the education, recreation, and library programs which operate within the institution.

PART 545—WORK AND COMPENSATION

By adding Subpart G to Part 545 to read as follows:

Subpart G—Incentive Awards Program, UNICOR Inmates

Sec.
545.60 Purpose and scope.
545.61 Types of incentives.
545.62 Award scales for payment for inmate suggestion or invention.
545.63 Procedures for recognition of inmate suggestion or invention.
545.64 Procedures for recognition of inmate special achievement.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4126, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart G—Incentive Awards Program, UNICOR Inmates

§ 545.60 Purpose and scope.

Federal Prison Industries, Inc. (UNICOR) provides incentives to its inmate workers for special achievements by them, as well as for their suggestions or inventions which improve operations or safety, or conserve energy or materials of Federal Prison Industries, Inc.

§ 545.61 Types of incentives.

(a) An inmate shall receive a formal (written) commendation for any suggestion or invention adopted, or for any special achievement of the inmate related to the inmate's industrial assignment. A copy of the commendation is to be placed in the inmate central file.

(b) An inmate shall receive a cash bonus for any suggestion or invention which is adopted and which contributes a net savings to Federal Prison Industries, Inc. of at least $250. Cash awards shall be based on estimated net first year savings, with a minimum award of $25.

(c) An inmate shall receive either a cash bonus or gifts for any special achievement which, under the standards below, deserves special recognition.

§ 545.62 Award scales for payment for inmate suggestion or invention.

Awards under the Inmate Incentive Awards Program for a suggestion or invention which is adopted are ordinarily provided in accordance with the following table. All awards will be rounded upward to the nearest $25.

Net savings (first year)	Amount of award
$250–$1,000	$25.
$1,000–$10,000	$50 for the first $1,000 plus $2.50 for each additional $100 or fraction thereof.
$10,000–$20,000	$275 for the first $10,000 plus $2.50 for each additional $200 or fraction thereof.
$20,000–$100,000	$400 for the first $20,000 plus $2.50 for each additional $1,000 or fraction thereof.
$100,000 or more	$600 for the first $100,000 plus $2.50 for each additional $5,000, not to exceed $1,000 total cash bonus.

§ 545.63 Procedures for recognition of inmate suggestion or invention.

(a) Inmate suggestions for operational or safety improvements, or for conservation of energy or materials must be in writing.

(b) The inmate shall submit the suggestion to the inmate's immediate supervisor. The supervisor shall review the suggestion and shall then submit the suggestion, with the supervisor's comments and recommendation, to the local Superintendent of Industries.

(c) The Superintendent of Industries shall ensure that all inmate suggestions and/or inventions are considered for incentive awards by a committee comprised of Industry personnel, and designated by the Superintendent.

(1) The Committee shall forward recommendations for awards for *inventions* through the Warden to Corporate Headquarters (Attn: Associate Commissioner). The Warden may submit comments on the recommendation.

(2) The committee may approve an inmate whose suggestion is adopted for an award (cash or gifts) not to exceed $50 in value. A recommendation for an award in excess of $50 shall be forwarded through the Warden to Corporate Headquarters (Attn: Associate Commissioner). The committee may refer a suggestion having corporate-wide implications

through the Warden to Corporate Headquarters (Attn: Associate Commissioner). The Warden may submit comments on the recommendation.

§ 545.64 Procedures for recognition of inmate special achievement.

(a) While recognition of special inmate achievements may originate from any source, the achievement is ordinarily to be described in writing by the inmate's immediate supervisor.

(b) The Superintendent of Industries shall appoint a local committee, which may include inmate participation, to consider inmates for special achievement recognition. The committee shall forward its recommendations to the Superintendent of Industries, who is authorized to approve individual awards (cash or gifts) not to exceed $50 in value. A recommendation for an award in excess of $50 (cash or gifts) shall be forwarded, with the Superintendent's recommendation and the justification for it, through the Warden to Corporate Headquarters (Attn: Associate Commissioner). The Warden may submit comments on the recommendation.

[FR Doc. 81-26284 Filed 8-28-81; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 553

Control, Custody, Care, Treatment and Instruction of Inmates; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: The Bureau of Prisons is proposing a rule for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's program to publish in the **Federal Register**, and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates. This installment encompasses the Bureau of Prisons' proposed rule on Inmate Personal Property. The rule discusses limitations on inmate personal property, as well as the identification of, and procedures for handling contraband. The rule is intended to contribute to the management of inmate personal property in the institution, and to contribute to a safe environment for staff and inmates by reducing fire hazards, security problems, and sanitation issues which relate to inmate personal property.

DATE: Comments must be received on or before October 16, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724–3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** its proposed rule on Inmate Personal Property.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rule involves agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354) does not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. Comments received on or before October 16, 1981 will be considered before final action is taken. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR, Chapter V by adding a new Part 553 to Subchapter C to read as follows:

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 553—INMATE PROPERTY

Subpart A—[Reserved]

Subpart B—Inmate Personal Property

Sec.

553.10 Purpose and scope.
553.11 Limitations on inmate personal property.
553.12 Contraband.
553.13 Procedures for handling contraband.
553.14 Inmate transfer between institutions.
553.15 Limitations on personal property—medical transfers.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A—[Reserved]

Subpart B—Inmate Personal Property

§ 553.10 Purpose and scope.

It is the policy of the Bureau of Prisons that an inmate may possess only that property which the inmate is authorized to retain upon admission to the institution, which is issued while the inmate is in custody, which the inmate purchases in the institution commissary, or which is approved by staff to be mailed to, or otherwise received by an inmate. These rules contribute to the management of inmate personal property in the institution, and contribute to a safe environment for staff and inmates by reducing fire hazards, security risks, and sanitation problems which relate to inmate personal property. Consistent with the mission of the institution, each Warden shall identify in writing that personal property which may be retained by an inmate.

§ 553. 11 Limitations on inmate personal property.

(a) *Storage space.* Staff shall set aside space within each housing area for use by an inmate. The designated area shall include a locker or other securable area in which the inmate may store authorized personal property. The inmate is allowed to purchase an approved locking device.

(1) Staff may allow an inmate to retain that personal property which the inmate may neatly and safely place or store in the designated area.

(2) Staff may not allow an inmate to accumulate materials to the point where the material becomes a fire, sanitation, security, or housekeeping hazard.

(b) *Clothing.* Staff may allow an inmate to retain that clothing, whether civilian or institution, which the inmate is able to neatly store in the space provided.

(c) *Special purchase items.* Staff may authorize an inmate to retain special purpose items provided that the items are able to be stored within the designated storage area.

(d) *Legal Materials.* Staff may allow an inmate to maintain those legal materials which are necessary for an inmate's legal actions. Legal reference materials, such as books, may be retained if such materials are not available in the institution library. To ensure that materials do not become a fire, sanitation, security, or housekeeping hazard, each institution may establish a limit on the amount of, and storage location for, legal materials in the inmate's living area. Staff may authorize additional storage space, on a temporary short-term basis, to the inmate who demonstrates a need for additional material in connection with the inmate's legal activities.

(e) *Hobbycraft Materials.* Staff shall limit an inmate's hobby shop projects within the cell or living area to those projects which the inmate may store or contain in designated personal property containers. Staff may make an exception for an item (for example, a painting) where size would prohibit the item's placement in a locker. Staff shall require that hobby shop items be removed from the living area when completed, and be disposed of in accordance with the provisions of Part 544, Subpart D.

(f) *Commissary Items.* The total value of an inmate's accumulation of commissary items may not exceed the inmate's montly spending limitation. Staff may exclude from this restriction special purchases and designated items such as headphones, tennis shoes, etc.

(g) *Radios and watches.* An inmate may possess or own only one approved

radio and one approved watch at any one time. The inmate must be able to demonstrate proof of ownership.

(h) *Correspondence and reading materials.* An inmate may retain those books, letters, newspapers, etc. which can be neatly and safely contained or stored in the designated storage space. Educational materials or current correspondence courses are exempt from this requirement.

§ 553.12 Contraband.

(a) Staff shall consider an item possessed by an inmate to be contraband unless that item was issued by staff, purchased in the commissary, purchased or received through approved channels, approved for receipt by an authorized staff member, or authorized by institution guidelines.

(b) There are two types of contraband.

(1) Staff shall consider as hard contraband any item which poses a serious threat to the security of an institution and which ordinarily is not approved for possession by an inmate or for admission into the institution. Examples of hard contraband include guns, intoxicants, and currency (where prohibited).

(2) Staff shall consider as nuisance contraband any item which may be, or previously has been authorized for possession by an inmate, but is prohibited when its condition or excessive quantities of it present a health, fire, or housekeeping hazard. Examples of nuisance contraband include excessive newspapers, letters, or magazines which cannot be stored or placed neatly and safely in the designated area, or food items which are spoiled or retained beyond the point of safe consumption.

§ 553.13 Procedures for handling contraband.

(a) Staff shall seize any item in the institution which has been identified as contraband whether the item is found in the physical possession of an inmate, in an inmate's living quarters, or in common areas of the institution.

(b) Staff shall dispose of items seized as contraband in accordance with the following procedures.

(1) Staff shall return to the institution's issuing authority any item of government property seized as contraband, except where the item is needed as evidence for disciplinary action or criminal prosecution. In such cases, staff may retain the seized property as evidence.

(2) Items of personal property confiscated by staff as contraband are to be inventoried and stored pending identification of the true owner (if in question) and possible disciplinary action. Following an inventory of the confiscated items, staff shall employ the following procedures.

(i) Staff shall provide the inmate with a copy of the inventory as soon as practicable.

(ii) The inmate shall have seven days following receipt of the inventory to provide staff with evidence of ownership of the listed items.

(iii) If the inmate establishes ownership, but the item is identified as contraband, staff shall mail such items (other than hard contraband), at the inmate's expense, to the home address of the inmate or to the address the inmate provides for return of all property. The Warden or designee may authorize the institution to pay the cost of such mailings where the inmate has insufficient funds and no likelihood of new funds being received. Where the inmate has established ownership of a contraband item, but is unwilling, although financially able to pay postage, or refuses to provide a mailing address for return of the property, the property is to be disposed of through approved methods, including destruction of the property.

(iv) If the inmate is unable to establish ownership, staff shall make reasonable efforts to determine such ownership before any decision to destroy the property is made.

(v) Staff shall prepare and retain documentation describing any items destroyed and the reasons for such action.

(vi) Where disciplinary action is appropriate, staff shall delay disposition of property until completion of such action.

(c) Staff shall retain items of hard contraband for disciplinary action or prosecution or both. The contraband items may be delivered to law enforcement personnel for official investigation and prosecution use. When it is determined that the item is not needed for prosecution, the hard contraband shall be destroyed as provided in subsection (b)(2)(v) of this section. Written documentation of the destruction shall be maintained.

(d) Staff shall deliver to the cashier any money, currency, or negotiable instruments found in an inmate's possession which exceed the institution's allowable limits. If an inmate is able to demonstrate that the funds are properly in the inmate's possession, the funds shall be deposited to that inmate's account. If clear indication of lawful ownership is not shown by the inmate, staff shall confiscate the money for credit to the U.S. Treasury. Staff may not allow an inmate to retain possession of currency or other funds in excess of established institutional limits.

(1) Where disciplinary action against the inmate is appropriate, staff shall delay final disposition of the funds until such action is completed.

(2) Prior to a decision on the disposition of funds, staff shall allow the inmate the opportunity to establish ownership.

§ 553.14 Inmate transfer between institutions.

When the institution to which an inmate is transferred has less available storage space then the sending institution, staff at the receiving institution shall arrange for the inmate's excess personal property to be mailed to a destination of the inmate's choice. The receiving institution shall bear the expense for this mailing.

§ 553.15 Limitations on personal property—medical transfers.

The Warden may set a limit on the amount of personal property that may accompany an inmate transferring to a medical facility. For purpose of this rule, a medical facility is one which provides observation and/or treatment of a medical, surgical, or psychiatric nature, or any combination of these. Such medical transfers are ordinarily of a short-term duration (30–120 days).

(a) The Wardens of the sending and receiving institution shall allow the inmate to retain those legal materials specifically needed in respect to on-going litigation. Questions as to the need for such material may be referred to Regional Counsel.

(b) The Warden of the sending institution shall designate a secure location for storage of all inmate personal property not accompanying the inmate.

(c) Personal property permitted in the sending institution, but not in the receiving institution, shall be mailed to a destination of the inmate's choice. The receiving institution shall bear the expense for this mailing.

(d) The Warden of the treating facility shall return an inmate's personal property in the same or equivalent size container as originally used by the sending institution. Property accumulated over that amount, at the option of the inmate, will either be sent to a destination selected by the inmate, at the inmate's expense, donated, or destroyed.

Dated: August 25, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 81-25285 Filed 8-28-81; 8:45 am]

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August 31, 1981

Part IV

Department of Health and Human Services

Office of the Secretary

Grant Appeals Board; Process for Appeals From Final Written Decisions

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Parts 16 and 74

Grant Appeals Board; Process for Appeals From Final Written Decisions

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services (HHS) revises 45 CFR Part 16 to substitute new requirements and procedures applicable to disputes arising under certain HHS grant and cooperative agreement programs. HHS also adds certain related provisions to 45 CFR Part 74, which contains general requirements applicable to all HHS grant and cooperative agreement programs. The provisions will improve the Department's capability to provide a fair, quick and flexible process for appeals from final written decisions.

DATE: Effective September 30, 1981.

FOR FURTHER INFORMATION CONTACT: John Settle, Chair, Departmental Grant Appeals Board, Room 2004, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201; Telephone: (202) 245-0222.

SUPPLEMENTARY INFORMATION:

I. Background

On January 6, 1981, HHS published a Notice of Proposed Rulemaking in the **Federal Register** containing proposed new requirements and procedures applicable to the Departmental Grant Appeals Board and those who use the Board's dispute resolution services (46 FR 1644). The rules below contain changes made in response to comments received.

II. Summary of comments and changes

Overall, the comments were very supportive of the proposed procedures. The few criticisms are discussed below.

Small cases. We invited comment on whether we should eliminate Board review of small cases, suggesting a threshold of $5,000. Comments were negative; furthermore, since we receive few cases under $5,000, the savings of time by the Board would be minimal. We therefore have not eliminated small cases from Board jurisdiction. The procedures do contain an expedited review process for cases of $25,000 or less (§ 16.12).

Subgrantees. One commenter argued that subgrantees of HHS grantees should have a right to appeal to the Board. We have not provided such a general right of access. The Board's primary responsibility is to deal with disputes between HHS and its grantees, and Board resources are not great enough to permit us to substantially expand our role. Furthermore, HHS has no direct relationship with the subgrantee, and disputes between the subgrantee and the grantee generally should be resolved between those parties. The rules do contain a provision (§ 16.16) under which a subgrantee which is the real party in interest can intervene if the appellant does not object, and any party with an identifiable interest in a case may, in the discretion of the Board, participate in the process in some lesser manner (for example, by submitting a brief).

Standard of review. One commenter suggested that the Board adopt a standard of review, such as a "substantial evidence" test. We have not done so because the wide range of programs the Board serves, and the complexity of issues within those programs, cannot be adequately covered by a single standard of review or burden of proof statement.

Conflict of interest. One commenter felt that the proposed rules were weak concerning potential conflicts of interest on the part of Board personnel. We have modified the provisions to state an affirmative but general standard, based on the Code of Judicial Conduct and case law such as *Cinderella Career & Finishing Schools, Inc. v. FTC*, 425 F.2d 583, 591 (D.C. Cir. 1970). This case states that the test for disqualification is whether a disinterested observer could conclude that the decisionmaker "has in some measure adjudged the facts as well as the law of a particular case in advance of hearing it." Canon 3.C.(1) of the Code says that "a judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned," and lists examples of circumstances. The Board will use the Code and relevant case law as guidance in applying its rule (see § 16.5(d)).

Filing time limits. Three commenters felt the time frames in §§ 16.7 and 16.8 were too short. We have not modified these provisions, because we believe that the commenters failed to realize that the new provisions actually represent a substantial expansion of front-end filing time over existing regulations. Under provisions currently in effect, the grantee is required to file an application for review within 30 days after the adverse agency decision. The application for review contains both notice of an appeal and the appellant's substantive argument. Under the new rule, an appellant has 30 days to file a notice of appeal (which can be very brief) and then has a further 30 days to prepare its argument after the Board acknowledges the notice of appeal. Thus, §§ 16.7 and 16.8 more than double the amount of front-end time the appellant has to prepare its position.

In return for this expanded time at the beginning of the appeal, the Board expects greater completeness in grantee briefing, so that the Board will save time later by avoiding successive requests for information or briefing.

Uses of conferences. Section 16.10 has been modified slightly to clarify that the conference is provided not only to elicit answers to specific questions from the Board, but also to give the parties an opportunity to make an oral presentation. The Board still intends to keep the scope of the conference, to the maximum extent practicable, restricted to consideration of material in the appeal file. The conference is not an evidentiary hearing.

Electing a hearing. One commenter found § 16.11(a) too restrictive, reading it to mean that unless a party specifically requested a hearing at the outset of a case, none would be granted, regardless of the issues involved. The commenter suggested this would lead to *pro forma* requests for hearings in all cases. This interpretation was not intended, and we have added language to make it clear that the Board can respond to a later request for a hearing or can schedule one on its own.

Prehearing conferences and the record. One commenter stated that it was "uneasy" about § 16.11(b), which states that the Board, "after consulting with the parties," may reduce the results of an informal prehearing conference to writing in a document which would be made part of the record. The commenter felt that both parties should be given the opportunity of reviewing and commenting on what the Board proposes to include in the record. The Board intends to provide precisely that opportunity, and that is how the Board will interpret the "consulting" phrase.

Sanctions. Two commenters felt the provisions of § 16.15(b), providing for possible dismissal of an appeal for failure to meet deadlines, were too severe or unfair compared to penalties applicable to the HHS component. The procedures give the Board ample authority to accommodate the legitimate needs of grantees which need extensions for valid reasons, but we cannot allow unreasonable delays. The reason the procedures do not contemplate dismissal against the HHS component for failure to meet deadlines is that there is a substantial legal and

policy question whether the Board could or should take an action effectively precluding HHS from recouping funds which HHS determined the grantee possesses or claims illegally, by virtue, for example, of having incurred an unallowable cost. If the HHS component does unreasonably delay, the Board can treat the HHS case as submitted for decision based on the record assembled to that point.

Secretarial review. The provision which provoked the most comments was proposed § 16.21(c), which provided that Board decisions would not be final and would be subject to modification in whole or part at the discretion of the Secretary. The Department continues to study whether Board decisions should be "final" or should be subject to Secretarial review. In order to avoid further delay in implementing the other provisions, these procedures are being published without § 16.21(c), and that section is reserved for the addition of a provision dealing with the matter of the finality of Board decisions. In the interim, the decisions of the Board will be the final administrative action of the Department on the matter in dispute.

Staying agency action. Several commenters objected to § 16.22(b), on the basis that it gives an HHS component too much authority to take action pending the outcome of the appeal. The range of actions an HHS component may take under the provisions of § 16.22(b) (1) through (3) are reasonably limited; the broadest authority is contained in § 16.22(b)(4), which provides for any other action "specifically authorized by statute or regulation." The latter provision merely restates what would be the rule even if this provision were not included here, and we believe that commenters' attention generally should focus on the adequacy or desirability of any specific provision of law or regulation that may be proposed by an HHS component to authorize or require predecision action. However, we have clarified § 16.22(b)(3). It is intended to apply only to certain Social Security Act programs in situations where a disallowance is taken, based on a report of actual expenditures, before the disallowed claim has ever been approved.

Provisions related to jurisdiction. The final rule adds disallowances under Title III of the Older American Act. Under a final rule published by the Social Security Administration (46 FR 29190, May 29, 1981), the Board will also review certain audit determinations, and provide a hearing on a proposed finding of "substantial failure," in disputes arising under section 221 of the Social Security Act.

One commenter expressed "disappointment" that the Board would rely so heavily on HHS component input in situations where Board jurisdiction is unclear, since we will be bound by an HHS opinion that is not clearly erroneous (Appendix A, Paragraph G). The determination that the Board should have jurisdiction for certain programs reflects a policy decision by Departmental managers. Thus, it would be inappropriate for the Board to extend jurisdiction to cases where we did not clearly have it. Furthermore, it is important to have a rapid decision-forcing mechanism in these unclear cases, to let the grantee and the agency involved know quickly what their review options are.

"Final" agency decisions. Concerning proposed § 74.304, one commenter observed that there can be a problem with an HHS component delaying a final decision, so that failure to provide a final decision should trigger a right to appeal. We have not included such a provision. It is administratively very difficult to determine the scope of an undefined dispute, and thus in most cases virtually impossible to adjudicate it. The Board's regulation does indicate that an agency should issue a decision "promptly." Board personnel who participate in agency training sessions continually try to impress upon agency personnel the need to issue timely final decisions, both to reduce legal and political risk and to foster good grantee/grantor relationships.

Minor wording changes. A number of other minor changes have been made to assure consistent terminology, to clarify meaning without substantial change, and to improve grammar and style.

III. Continuing comments invited

Although this is a final rule, we invite comment and criticism on a continuing basis, and we will make modifications in the future as they are needed. Please communicate with the Chair, Departmental Grant Appeals Board, Room 2004, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201 (telephone 202/245–0222).

IV. Implementation

These procedures apply to all appeals filed on and after the effective date. These procedures also apply to all appeals pending on the effective date, to the extent practicable and not inconsistent with fairness to the parties. The Board will conduct all hearings and conferences in pending appeals in accordance with the new §§ 16.5, 16.10 and 16.11, but the parties in these cases are not required to duplicate earlier effort by developing the appeal file under new § 16.8. Unless the parties otherwise agree, the expedited process in § 16.12 does not apply to pending appeals. The Board will consult with the parties in each pending appeal concerning the transition to the new procedures, and will apply the old procedures where a party shows why they would be fairer in that appeal.

Accordingly, the Department amends 45 CFR as follows:

1. By revising Part 16 as follows:

PART 16—PROCEDURES OF THE DEPARTMENTAL GRANT APPEALS BOARD

Sec.

16.1 What this part does.
16.2 Definitions.
16.3 When these procedures become available.
16.4 Summary of procedures below.
16.5 How the Board operates.
16.6 Who represents the parties.
16.7 The first steps in the appeal process: the notice of appeal and the Board's response.
16.8 The next step in the appeal process: preparation of an appeal file and written argument.
16.9 How the Board will promote development of the record.
16.10 Using a conference.
16.11 Hearing.
16.12 The expedited process.
16.13 Powers and responsibilities.
16.14 How Board review is limited.
16.15 Failure to meet deadlines and other requirements.
16.16 Parties to the appeal.
16.17 Ex parte communications (communications outside the record).
16.18 Mediation.
16.19 How to calculate deadlines.
16.20 How to submit material to the Board.
16.21 Record and decisions.
16.22 The effect of an appeal.
16.23 How long an appeal takes.

Appendix A—What Disputes the Board Reviews.

Authority: 5 U.S.C. 301 and sections 1, 5, 6, and 7 of Reorganization Plan No. 1 of 1953, 18 FR 2053, 67 Stat. 631 and authorities cited in the Appendix.

§ 16.1 What this part does.

This part contains requirements and procedures applicable to certain disputes arising under the HHS programs described in Appendix A. This part is designed to provide a fair, impartial, quick and flexible process for appeal from written final decisions. This part supplements the provisions in Part 74 of this title.

§ 16.2 Definitions.

(a) "Board" means the Departmental Grant Appeals Board of the Department of Health and Human Services.

Reference below to an action of "the Board" means an action of the Chair, another Board member, or Board staff acting at the direction of a Board member. In certain instances, the provisions restrict action to particular Board personnel, such as the Chair or a Board member assigned to a case.

(b) Other terms shall have the meaning set forth in Part 74 of this title, unless the context below otherwise requires.

§ 16.3 When these procedures become available.

Before the Board will take an appeal, three circumstances must be present:

(a) The dispute must arise under a program which uses the Board for dispute resolution, and must meet any special conditions established for that program. An explanation is contained in Appendix A.

(b) The appellant must have received a final written decision, and must appeal that decision within 30 days after receiving it. Details of how final decisions are developed and issued, and what must be in them, are contained in 45 CFR 74.304.

(c) The appellant must have exhausted any preliminary appeal process required by regulation. For example, see 42 CFR Part 50 (Subpart D) for Public Health Service programs and Part 75 of this title for rate determinations and cost allocation plans. In such cases, the "final written decision" required for the Board's review is the decision resulting from the preliminary review or appeal process. Appendix A contains further details.

§ 16.4 Summary of procedures below.

The Board's basic process is review of a written record (which both parties are given ample opportunity to develop), consisting of relevant documents and statements submitted by both parties (see § 16.6). In addition, the Board may hold an informal conference (see § 16.10). The informal conference primarily involves questioning of the participants by a presiding Board member. Conferences may be conducted by telephone conference call. The written record review also may be supplemented by a hearing involving an opportunity for examining evidence and witnesses, cross-examination, and oral argument (see § 16.11). A hearing is more expensive and time-consuming than a determination on the written record alone or with an informal conference. Generally, therefore, the Board will schedule a hearing only if the Board determines that there are complex issues or material facts in dispute, or that the Board's review would otherwise be significantly enhanced by a hearing. Where the amount in dispute is $25,000 or less, there are special expedited procedures (see § 16.12 of this part). In all cases, the Board has the flexibility to modify procedures to ensure fairness, to avoid delay, and to accommodate the peculiar needs of a given case. The Board makes maximum feasible use of preliminary informal steps to refine issues and to encourage resolution by the parties. The Board also has the capability to provide mediation services (see § 16.18).

§ 16.5 How the Board operates.

(a) The Board's professional staff consists of a Chair (who is also a Board member) and full- and part-time Board members, all appointed by the Secretary; and a staff of employees and consultants who are attorneys or persons from other relevant disciplines, such as accounting.

(b) The Chair will assign a Board member to have lead responsibility for each case (the "presiding Board member"). The presiding Board member will conduct the conference or hearing, if one is held. Each decision of the Board is issued by the presiding Board member and two other Board members.

(c) The Board staff assists the presiding Board member, and may request information from the parties; conduct telephone conference calls to request information, to clarify issues, or to schedule events; and assist in developing decisions and other documents in a case.

(d) The Chair will assure that no Board or staff member will participate in a case where his or her impartiality could reasonably be questioned.

(e) The Board's powers and responsibilities are set forth in § 16.13.

§ 16.6 Who represents the parties.

The appellant's notice of appeal, or the first subsequent submission to the Board, should specify the name, address and telephone number of the appellant's representative. In its first submission to the Board and the appellant, the respondent (i.e., the federal party to the appeal) should specify the name, address and telephone number of the respondent's representative.

§ 16.7 The first steps in the appeal process: the notice of appeal and the Board's response.

(a) As explained in 45 CFR 74.304, a prospective appellant must submit a notice of appeal to the Board within 30 days after receiving the final decision. The notice of appeal must include a copy of the final decision, a statement of the amount in dispute in the appeal, and a brief statement of why the decision is wrong.

(b) Within ten days after receiving the notice of appeal, the Board will send an acknowledgment, enclose a copy of these procedures, and advise the appellant of the next steps. The Board will also send a copy of the notice of appeal, its attachments, and the Board's acknowledgment to the respondent. If the Board Chair has determined that the appeal does not meet the conditions of § 16.3 or if further information is needed to make this determination, the Board will notify the parties at this point.

§16.8 The next step in the appeal process: preparation of an appeal file and written argument.

Except in expedited cases (generally those of $25,000 or less; see § 16.12 for details), the appellant and the respondent each participate in developing an appeal file for the Board to review. Each also submits written argument in support of its position. The responsibilities of each are as follows:

(a) *The appellant's responsibility.* Within 30 days after receiving the acknowledgment of the appeal, the appellant shall submit the following to the Board (with a copy to the respondent):

(1) An appeal file containing the documents supporting the claim, tabbed and organized chronologically and accompanied by an indexed list identifying each document. The appellant should include only those documents which are important to the Board's decision on the issues in the case.

(2) A written statement of the appellant's argument concerning why the respondent's final decision is wrong (appellant's brief).

(b) *The respondent's responsibility.* Within 30 days after receiving the appellant's submission under paragraph (a) of this section, the respondent shall submit the following to the Board (with a copy to the appellant):

(1) A supplement to the appeal file containing any additional documents supporting the respondent's position, organized and indexed as indicated under paragraph (a) of this section. The respondent should avoid submitting duplicates of documents submitted by the appellant.

(2) A written statement (respondent's brief) responding to the appellant's brief.

(c) *The appellant's reply.* Within 15 days after receiving the respondent's submission, the appellant may submit a short reply. The appellant should avoid repeating arguments already made.

(d) *Cooperative efforts.* Whenever possible, the parties should try to

develop a joint appeal file, agree to preparation of the file by one of them, agree to facts to eliminate the need for some documents, or agree that one party will submit documents identified by the other.

(e) *Voluminous documentation.* Where submission of all relevant documents would lead to a voluminous appeal file (for example where review of a disputed audit finding of inadequate documentation might involve thousands of receipts), the Board will consult with the parties about how to reduce the size of the file.

§ 16.9 How the Board will promote development of the record.

The Board may, at the time it acknowledges an appeal or at any appropriate later point, request additional documents or information; request briefing on issues in the case; issue orders to show cause why a proposed finding or decision of the Board should not become final; hold preliminary conferences (generally by telephone) to establish schedules and refine issues; and take such other steps as the Board determines appropriate to develop a prompt, sound decision.

§ 16.10 Using a conference.

(a) Once the Board has reviewed the appeal file, the Board may, on its own or in response to a party's request, schedule an informal conference. The conference will be conducted by the presiding Board member. The purposes of the conference are to give the parties an opportunity to make an oral presentation and the Board an opportunity to clarify issues and question both parties about matters which the Board may not yet fully understand from the record.

(b) If the Board has decided to hold a conference, the Board will consult or correspond with the parties to schedule the conference, identify issues, and discuss procedures. The Board will identify the persons who will be allowed to participate, along with the parties' representatives, in the conference. The parties can submit with their briefs under § 16.8 a list of persons who might participate with them, indicating how each person is involved in the matter. If the parties wish, they may also suggest questions or areas of inquiry which the Board may wish to pursue with each participant.

(c) Unless the parties and the Board otherwise agree, the following procedures apply:

(1) Conferences will be recorded at Department expense. On request, a party will be sent one copy of the transcript. The presiding Board member will insure an orderly transcript by controlling the sequence and identification of speakers.

(2) Only in exceptional circumstances will documents be received at a conference. Inquiry will focus on material in the appeal file. If a party finds that further documents should be in the record for the conference, the party should supplement the appeal file, submitting a supplementary index and copies of the documents to the Board and the other party not less than ten days prior to the conference.

(3) Each party's representative may make an oral presentation. Generally, the only oral communications of other participants will consist of statements requested by the Board or responses to the Board's questions. The Board will allow reply comment, and may allow short closing statements. On request, the Board may allow the participants to question each other.

(4) There will be no post-conference submissions, unless the Board determines they would be helpful to resolve the case. The Board may require or allow the parties to submit proposed findings and conclusions.

§ 16.11 Hearing.

(a) *Electing a hearing.* If the appellant believes a hearing is appropriate, the appellant should specifically request one at the earliest possible time (in the notice of appeal or with the appeal file). The Board will approve a request (and may schedule a hearing on its own or in response to a later request) if it finds there are complex issues or material facts in dispute the resolution of which would be significantly aided by a hearing, or if the Board determines that its decisionmaking otherwise would be enhanced by oral presentations and arguments in an adversary, evidentiary hearing. The Board will also provide a hearing if otherwise required by law or regulation.

(b) *Preliminary conference before the hearing.* The Board generally will hold a prehearing conference (which may be conducted by telephone conference call) to consider any of the following: the possibility of settlement; simplifying and clarifying issues; stipulations and admissions; limitations on evidence and witnesses that will be presented at the hearing; scheduling the hearing; and any other matter that may aid in resolving the appeal. Normally, this conference will be conducted informally and off the record; however, the Board, after consulting with the parties, may reduce results of the conference to writing in a document which will be made part of the record, or may transcribe proceedings and make the transcript part of the record.

(c) *Where hearings are held.* Hearings generally are held in Washington, D.C. In exceptional circumstances, the Board may hold the hearing at an HHS Regional Office or other convenient facility near the appellant.

(d) *Conduct of the hearing.* (1) The presiding Board member will conduct the hearing. Hearings will be as informal as reasonably possible, keeping in mind the need to establish an orderly record. The presiding Board member generally will admit evidence unless it is determined to be clearly irrelevant, immaterial or unduly repetitious, so the parties should avoid frequent objections to questions and documents. Both sides may make opening and closing statements, may present witnesses as agreed upon in the prehearing conference, and may cross-examine. Since the parties have ample opportunity to develop a complete appeal file, a party may introduce an exhibit at the hearing only after explaining to the satisfaction of the presiding Board member why the exhibit was not submitted earlier (for example, because the information was not available).

(2) The Board may request the parties to submit written statements of witnesses to the Board and each other prior to the hearing so that the hearing will primarily be concerned with cross-examination and rebuttal.

(3) False statements of a witness may be the basis for criminal prosecution under sections 287 and 1001 of Title 18 of the United States Code.

(4) The hearing will be recorded at Department expense.

(e) *Procedures after the hearing.* The Board will send one copy of the transcript to each party as soon as it is received by the Board. At the discretion of the Board, the parties may be required or allowed to submit post-hearing briefs or proposed findings and conclusions (the parties will be informed at the hearing). A party should note any major prejudicial transcript errors in an addendum to its post-hearing brief (or if no brief will be submitted, in a letter submitted within a time limit set by the Board).

§16.12 The expedited process.

(a) *Applicability.* Where the amount in dispute is $25,000 or less, the Board will use these expedited procedures, unless the Board Chair determines otherwise under paragraph (b) of this section. If the Board and the parties agree, the Board may use these procedures in cases of more than $25,000.

(b) *Exceptions.* If there are unique or unusually complex issues involved, or other exceptional circumstances, the Board may use additional procedures.

(c) *Regular expedited procedures.* (1) Within 30 days after receiving the Board's acknowledgment of the appeal (see § 16.7), each party shall submit to the Board and the other party any relevant background documents (organized as required under § 16.8), with a cover letter (generally not to exceed ten pages) containing any arguments the party wishes to make.

(2) Promptly after receiving the parties' submissions, the presiding Board member will arrange a telephone conference call to receive the parties' oral comments in response to each other's submissions. After notice to the parties, the Board will record the call. The Board member will advise the parties whether any opportunities for further briefing, submissions or oral presentations will be established. Cooperative efforts will be encouraged (see § 16.8(d)).

(3) The Board may require the parties to submit proposed findings and conclusions.

(d) *Special expedited procedures where there has already been review.* Some HHS components (for example, the Public Health Service) use a board or other relatively independent reviewing authority to conduct a formal preliminary review process which results in a written decision based on a record including documents or statements presented after reasonable notice and opportunity to present such material. In such cases, the following rules apply to appeals of $25,000 or less instead of those under paragraph (c) of this section:

(1) Generally, the Board's review will be restricted to whether the decision of the preliminary review authority was clearly erroneous. But if the Board determines that the record is inadequate, or that the procedures under which the record was developed in a given instance were unfair, the Board will not be restricted this way.

(2) Within 30 days after receiving the Board's acknowledgment of appeal (see § 16.7), the parties shall submit the following:

(i) The appellant shall submit to the Board and the respondent a statement why the decision was clearly erroneous. Unless allowed by the Board after consultation with the respondent, the appellant shall not submit further documents.

(ii) The respondent shall submit to the Board the record in the case. If the respondent has reason to believe that all materials in the record already are in the possession of the appellant, the respondent need only send the appellant a list of the materials submitted to the Board.

(iii) The respondent may, if it wishes, submit a statement why the decision was not clearly erroneous.

(3) The Board, in its discretion, may allow or require the parties to present further arguments or information.

§ 16.13 Powers and responsibilities.

In addition to powers specified elsewhere in these procedures, Board members have the power to issue orders (including "show cause" orders); to examine witnesses; to take all steps necessary for the conduct of an orderly hearing; to rule on requests and motions, including motions to dismiss; to grant extensions of time for good reasons; to dismiss for failure to meet deadlines and other requirements; to close or suspend cases which are not ready for review; to order or assist the parties to submit relevant information; to remand a case for further action by the respondent; to waive or modify these procedures in a specific case with notice to the parties; to reconsider a Board decision where a party promptly alleges a clear error of fact or law; and to take any other action necessary to resolve disputes in accordance with the objectives of these procedures.

§ 16.14 How Board review is limited.

The Board shall be bound by all applicable laws and regulations.

§ 16.15 Failure to meet deadlines and other requirements.

(a) Since one of the objectives of administrative dispute resolution is to provide a decision as fast as possible consistent with fairness, the Board will not allow parties to delay the process unduly. The Board may grant extensions of time, but only if the party gives a good reason for the delay.

(b) If the appellant fails to meet any filing or procedural deadlines, appeal file or brief submission requirements, or other requirements established by the Board, the Board may dismiss the appeal, may issue an order requiring the party to show cause why the appeal should not be dismissed, or may take other action the Board considers appropriate.

(c) If the respondent fails to meet any such requirements, the Board may issue a decision based on the record submitted to that point or take such other measures as the Board considers appropriate.

§ 16.16 Parties to the appeal.

(a) The only parties to the appeal are the appellant and the respondent. If the Board determines that a third person is a real party in interest (for example, where the major impact of an audit disallowance would be on the grantee's contractor, not on the grantee), the Board may allow the third person to present the case on appeal for the appellant or to appear with a party in the case, after consultation with the parties and if the appellant does not object.

(b) The Board may also allow other participation, in the manner and by the deadlines established by the Board, where the Board decides that the intervenor has a clearly identifiable and substantial interest in the outcome of the dispute, that participation would sharpen issues or otherwise be helpful in resolution of the dispute, and that participation would not result in substantial delay.

§ 16.17 Ex parte communications (communications outside the record).

(a) A party shall not communicate with a Board or staff member about matters involved in an appeal without notice to the other party. If such communication occurs, the Board will disclose it to the other party and make it part of the record after the other party has an opportunity to comment. Board members and staff shall not consider any information outside the record (see § 16.21 for what the record consists of) about matters involved in an appeal.

(b) The above does not apply to the following: communications among Board members and staff; communications concerning the Board's administrative functions or procedures; requests from the Board to a party for a document (although the material submitted in response also must be given to the other party); and material which the Board includes in the record after notice and an opportunity to comment.

§ 16.18 Mediation.

(a) *In cases pending before the Board.* If the Board decides that mediation would be useful to resolve a dispute, the Board, in consultation with the parties, may suggest use of mediation techniques and will provide or assist in selecting a mediator. The mediator may take any steps agreed upon by the parties to resolve the dispute or clarify issues. The results of mediation are not binding on the parties unless the parties so agree in writing. The Board will internally insulate the mediator from any Board or staff members assigned to handle the appeal.

(b) *In other cases.* In any other grants dispute, the Board may, within the limitations of its resources, offer persons trained in mediation skills to aid in

resolving the dispute. Mediation services will only be offered at the request, or with the concurrence, of a responsible federal program official in the program under which the dispute arises. The Board will insulate the mediator if any appeal subsequently arises from the dispute.

§ 16.19 How to calculate deadlines.

In counting days, include Saturdays, Sundays, and holidays; but if a due date would fall on a Saturday, Sunday or federal holiday, then the due date is the next federal working day.

§ 16.20 How to submit material to the Board.

(a) All submissions should be addressed as follows: Departmental Grant Appeals Board, Room 2004, Switzer Building, 330 C Street SW., Washington, D.C. 20201.

(b) All submissions after the notice of appeal should identify the Board's docket number (the Board's acknowledgement under § 16.7 will specify the docket number).

(c) Unless the Board otherwise specifies, parties shall submit to the Board an original and two copies of all materials. Each submission other than the notice of appeal, must include a statement that one copy of the materials has been sent to the other party, identifying when and to whom the copy was sent.

(d) Unless hand delivered, all materials should be sent to the Board and the other party by certified or registered mail, return receipt requested.

(e) The Board considers material to be submitted on the date when it is postmarked or hand delivered to the Board.

§ 16.21 Record and decisions.

(a) Each decision is issued by three Board members (see § 16.5(b)), who base their decision on a record consisting of the appeal file; other submissions of the parties; transcripts or other records of any meetings, conferences or hearings conducted by the Board; written statements resulting from conferences; evidence submitted at hearings; and orders and other documents issued by the Board. In addition, the Board may include other materials (such as evidence submitted in another appeal) after the parties are given notice and an opportunity to comment.

(b) The Board will promptly notify the parties in writing of any disposition of a case and the basis for the disposition.

(c) [Reserved]

§ 16.22 The effect of an appeal.

(a) *General.* Until the Board disposes of an appeal, the respondent shall take no action to implement the final decision appealed.

(b) *Exceptions.* The respondent may—

(1) Suspend funding (see § 74.114 of this title);

(2) Defer or disallow other claims questioned for reasons also disputed in the pending appeal;

(3) In programs listed in Appendix A, B.(a)(1), implement a decision to disallow Federal financial participation claimed in expenditures reported on a statement of expenditures, by recovering, withholding or offsetting payments, if the decision is issued before the reported expenditures are included in the calculation of a subsequent grant; or

(4) Take other action to recover, withhold, or offset funds if specifically authorized by statute or regulation.

§ 16.23 How long an appeal takes.

The Board has established general goals for its consideration of cases, as follows (measured from the point when the Board receives the first submission after the notice of appeal):

—for regular review based on a written record under § 16.8, 6 months. When a conference under § 16.10 is held, the goal remains at 6 months, unless a requirement for post-conference briefing in a particular case renders the goal unrealistic.

—for cases involving a hearing under § 16.11, 9 months.

—for the expedited process under § 16.12, 3 months.

These are goals, not rigid requirements. The paramount concern of the Board is to take the time needed to review a record fairly and adequately in order to produce a sound decision. Furthermore, many factors are beyond the Board's direct control, such as unforeseen delays due to the parties' negotiations or requests for extensions, how many cases are filed, and Board resources. On the other hand, the parties may agree to steps which may shorten review by the Board; for example, by waiving the right to submit a brief, by agreeing to shorten submission schedules, or by electing the expedited process.

Appendix A—What Disputes the Board Reviews

A. What this Appendix covers.

This Appendix describes programs which use the Board for dispute resolution, the types of disputes covered, and any conditions for Board review of final written decisions resulting from those disputes. Disputes under programs not specified in this Appendix may be covered in a program regulation or in a memorandum of understanding between the Board and the head of the appropriate HHS operating component or other agency responsible for administering the program. If in doubt, call the Board. Even though a dispute may be covered here, the Board still may not be able to review it if the limits in paragraph F apply.

B. Mandatory grant programs.

(a) The Board reviews the following types of final written decisions in disputes arising in HHS programs authorizing the award of mandatory grants:

(1) Disallowances under Titles I, IV, VI, X, XIV, XVI(AABD), XIX, and XX of the Social Security Act, including penalty disallowances such as those under sections 403(g) and 1903(g) of the Act and fiscal disallowances based on quality control samples.

(2) Disallowances in mandatory grant programs administered by the Public Health Service, including Title V of the Social Security Act.

(3) Disallowances in the programs under sections 113 and 132 of the Developmental Disabilities Act.

(4) Disallowances under Title III of the Older American Act.

(b) In some of these disputes, there is an option for review by the head of the granting agency prior to appeal to the Board. Where an appellant has requested review by the agency head first, the "final written decision" required by § 16.3 for purposes of Board review will generally be the agency head's decision affirming the disallowance. If the agency head declines to review the disallowance or if the appellant withdraws its request for review by the agency head, the original disallowance decision is the "final written decision." In the latter cases, the 30-day period for submitting a notice of appeal begins with the date of receipt of the notice declining review or with the date of the withdrawal letter.

C. Direct, discretionary project programs.

(a) The Board reviews the following types of final written decisions in disputes arising in any HHS program authorizing the award of direct, discretionary project grants or cooperative agreements:

(1) A disallowance or other determination denying payment of an amount claimed under an award, or requiring return or set-off of funds already received. This does not apply to

determinations of award amount or disposition of unobligated balances, or selection in the award document of an option for disposition of program-related income.

(2) A termination for failure to comply with the terms of an award.

(3) A denial of a noncompeting continuation award under the project period system of funding where the denial is for failure to comply with the terms of a previous award.

(4) A voiding (a decision that an award is invalid because it was not authorized by statute or regulation or because it was fraudulently obtained).

(b) Where an HHS component uses a preliminary appeal process (for example, the Public Health Service), the "final written decision" for purposes of Board review is the decision issued as a result of that process.

D. Cost allocation and rate disputes.

The Board reviews final written decisions in disputes which may affect a number of HHS programs because they involve cost allocation plans or rate determinations. These include decisions related to cost allocation plans negotiated with State or local governments and negotiated rates such as indirect cost rates, fringe benefit rates, computer rates, research patient care rates, and other special rates. The "final written decision" for purposes of Board review of these disputes is the decision issued as a result of the preliminary appeal process at Part 75 of this title.

E. SSI agreement disputes.

The Board reviews disputes in the Supplemental Security Income (SSI) program arising under agreements for Federal administration of State supplementary payments under section 1616 of the Social Security Act or mandatory minimum supplements under section 212 of Pub. L. 93–66. In these cases, the Board provides an opportunity to be heard and offer evidence at the Secretarial level of review as set out in the applicable agreements. Thus, the "final written decision" for purposes of Board review is that determination appealable to the Secretary under the agreement.

F. Where Board review is not available.

The Board will not review a decision if a hearing under 5 U.S.C. 554 is required by statute, if the basis of the decision is a violation of applicable civil rights or nondiscrimination laws or regulations (for example, Title VI of the Civil Rights Act), or if some other hearing process is established pursuant to statute.

G. How the Board determines whether it will review a case.

Under § 16.7, the Board Chair determines whether an appeal meets the requirements of this Appendix. If the Chair finds that there is some question about this, the Board will request the written opinion of the HHS component which issued the decision. Unless the Chair determines that the opinion is clearly erroneous, the Board will be bound by the opinion. If the HHS component does not respond within a time set by the Chair, or cannot determine whether the Board clearly does or does not have jurisdiction, the Board will take the appeal.

PART 74—ADMINISTRATION OF GRANTS

2. Part 74 of Title 45 of the CFR is amended as set forth below:

a. Subparts R and S are reserved as follows:

Subpart R—[Reserved]

Subpart S—[Reserved]

b. The table of contents is revised by adding entries for a new Subpart T, as follows:

* * * * *

Subpart T—Miscellaneous

Sec.

74.250–74.303 [Reserved]

74.304 Final decisions in disputes.

Subpart T—Miscellaneous

§§ 74.250–74.303 [Reserved]

§ 74.304 Final decisions in disputes.

(a) Granting agencies and other Departmental components attempt to promptly issue final decisions in disputes and in other matters affecting the interests of grantees. However, they do not issue a final decision adverse to the grantee until it is clear that the matter cannot be resolved informally through further exchange of information and views.

(b) Under various HHS statutes or regulations, grantees have the right to appeal from, or to have a hearing on, certain final decisions by Departmental components. (See, for example, Subpart D of 42 CFR Part 50 and 45 CFR Parts 16 and 75.) Paragraphs (c) and (d) of this section set forth the standards the Department expects its components to meet in stating a final decision covered by any of the statutes or regulations.

(c) The decision is brief but contains—

(1) A complete statement of the background and basis of the component's decision, including reference to the pertinent statutes, regulations, or other governing documents; and

(2) Enough information to enable the grantee and any reviewer to understand the issues and the position of the HHS component.

(d) The following or similar language (consistent with the terminology of the applicable statutes or regulations) appears at the end of the decision: "This is the final decision of the [title of grants officer or other official responsible for the decision]. It shall be the final decision of the Department unless, within 30 days after receiving this decision, you deliver or mail (you should use registered or certified mail to establish the date) a written notice of appeal to [name and address of appropriate contact; e.g., the Departmental Grant Appeals Board, Department of Health and Human Services, Washington, D.C. 20201]. You shall attach to the notice a copy of this decision, note that you intend an appeal, state the amount in dispute, and briefly state why you think that this decision is wrong. You will be notified of further procedures."

(e) If a decision does not contain the statement, information, and language described in paragraphs (c) and (d) of this section, the decision is not necessarily the granting agency's final decision in the matter. The grantee should notify the granting agency that it wishes a formal final decision following any further exchange of views or information that might help resolve the matter informally.

Dated: August 3, 1981.

Richard Schweiker,

Secretary.

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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TITLES 17-27
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*Changes October 1, 1980
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PARALLEL TABLE OF
AUTHORITIES AND RULES

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The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

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Daggers † appearing on page numbers under a particular title indicate that the page numbers span 2 years. The dagger is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 45 FR for 1980 page numbers and 46 FR for 1981 page numbers. Example: Page 57234 cite as 45 FR 57234; † 4627 cite as 46 FR 4627.

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PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains references to new authorities cited for CFR regulations added or revised since July 1, 1981, as well as removals from Table I for CFR regulations removed since July 1, 1981.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 and July 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA, assisted by Carolyn T. Payne. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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0.735–42 (h) revised 22559
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2.16 (b) redesignated as (a) 47749
2.17 (a)(3)(xxxiii) and (f)(4) added; (g) and (h) redesignated as (h) and (i); new (i) revised; new (g) added 47749
2.19 (f)(4)(v) and (f)(6) amended 19215
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2.21 (d)(3) and (16) amended 21986
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2.23 Heading, introductory text, and (a)(1) amended 19215
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2.27 Heading and introductory text revised; (a), (b)(4), and (h) removed; (b) through (g) redesignated as (a) through (f) 21986
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157.14 (a)(10)(vi) revised 42265
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271.102 (c) table III revised 24177, 38912
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271.703 (d)(19) added 20669
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(d)(23) added 24584
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(d)(25) added 29700
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281.211 (b)(1), (2), and (3) amended 27913
281.212 (b) and (c) amended; (d) removed 27913
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284.201 (e) revised ---- 30492
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375 Memorandum on publication of procedures for closed meetings ---- 45755
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375.303 (e)(6) amended ---- 29702
375.307 (a)(2), (b)(2) and (3), and (j) amended; (a)(3), (4), (5), and (7) revised; (a)(8) removed; (a)(9) and (10) redesignated as (a)(8) and (9); new (a)(10), (11), (12), (13), (b)(4) and (5), (n), and (o) added ---- 29702
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[1] Public Law 96-88 transferred the regulations of the Office of Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

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[2] Public Law 96–88 transferred the regulations of the Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

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173.32 Heading revised; (a)(2) removed ..... †9889
173.32a Added ..... †9890
(e)(1)(ii) and (3) corrected ..... †24183
(e) introductory text and (3) revised ..... †36861
173.32b Added ..... †9891
173.32c Added ..... †9892
173.32d Added ..... †9892
173.33 (f)(9) amended 81571
173.34 (e)(1), (6), (13)(v), (15)(ii), and (16)(iii) amended 81571
(d) heading revised; (d) text amended ..... †22195
173.86 (a)(2), (b) introductory text, and (c) revised ..... †22195
173.107 (e) amended 81571
173.114a (d)(3) revised ..... †22195
173.118a (b) revised 74669
(b)(5) correctly revised ..... †9893, 24184
173.119 (a)(3), (e)(5), (f)(7), and (m)(18) added ..... †9893
173.124 (a)(5)(ii) added ..... †8010
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173.125 (a)(5) and (7) removed 81571
(a)(8) added ..... †9894
173.128 (a)(5) added ..... †9894
173.129 (a)(3) added ..... †9894
173.131 (a)(3) correctly added ..... †9894, 24184
173.132 (a)(4) added ..... †9894
173.135 (a)(11) added ..... †9894
173.136 (a)(10) added ..... †9894
173.141 (a)(11) added ..... †9894
173.143 (a)(3) added ..... †9894
173.144 (a)(4) added ..... †9894
173.145 (a)(8) added ..... †9894
173.147 (a)(2) added ..... †9894
173.149 (a)(1) amended 81571
173.153 (a)(1) and (b)(1) amended 81571
173.190 (b)(5) correctly added ..... †24184
173.204 (a)(8) amended 81571
173.207 (e) amended 81571
173.214 (e) amended 81571
173.225 (b)(2) note 1 removed 81571
173.239a (a)(2) amended 81571
173.245 (b) revised 74669
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173.247 (a)(20) added ..... †9894
173.247a (a)(4) added ..... †9894
173.248 (a)(8) added ..... †9894
173.249 (a)(7) and (10) amended 81571
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173.250a (a)(4) added ..... †9894
173.252 (a)(5) added ..... †9893
173.253 (a)(9) added ..... †9894
173.254 (a)(6) added ..... †9894
173.255 (a)(7) added ..... †9894
173.257 (a)(6) and (14) amended; (a)(13) removed 81571
173.258 (a)(3) amended 81572
173.262 (a)(13) and (b)(5) added ..... †9893
173.263 (a)(31) correctly added ..... †9894, 24184
173.264 (a)(21) correctly added ..... †9894, 24184
173.265 (a)(5) added ..... †9894
173.266 (a)(3) and (b)(10) added ..... †9893
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173.267 (a)(10) added ..... †9894
173.268 (k) added ..... †9893
173.269 (a)(7) added ..... †9893
173.270 (a)(3) correctly added ..... †9894, 24184
173.271 (a)(20) correctly added ..... †9894, 24184
173.272 (i)(30) correctly added ..... †9893, 24184
173.274 (a)(3) footnote 1 added 81572
(a)(5) addded ..... †9894
173.275 (a)(6) added ..... †9893
173.276 (a)(11) added ..... †9894
173.277 (a)(9) correctly added ..... †9894, 24184
173.278 (a)(2) added ..... †9894
173.279 (a)(3) added ..... †9894
173.280 (a)(9) added ..... †9894

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173.281 (a)(3) added ..... †9894
173.283 (b)(3) added ..... †9894
173.288 (g) added ..... †9894
173.289 (a)(5) removed 81572
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173.290 (a)(4) correctly added ..... †9894, 24184
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173.294 (a)(1) amended 81572
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173.298 (a)(5) added ..... †9894
173.300a (f) amended 81572
173.300b (a) amended 81572
173.300c (a)(4) amended 81572
173.301 (h) table and (k) amended 81572
173.303 (a) introductory text revised ..... †22196
173.306 (c)(7) and (d)(3)(i) amended 81572
173.314 (c) table note 25 revised 81572
(c) table amended; (c) table notes 23 and 24 revised ..... †8010
(c) table and notes 23 and 24 effective date deferred ..... †10707, 10907
(c) table corrected; note 27 added ..... †19236
173.315 (l)(2)(iii) amended 81572
173.328 (a)(2) amended 81572
173.346 (a)(28) added ..... †9894
173.347 (a)(9) added ..... †9894
173.348 (a)(5) added ..... †9894
173.349 (a)(4) added ..... †9894
173.352 (a)(6) added ..... †9894
173.353 (a)(5) amended 81572
173.356 (a)(1) amended 81572
(a)(3) added ..... †9894
173.358 (a)(16) added ..... †9894
173.359 (a)(19) added ..... †9894
173.360 (a)(6) added ..... †9894
173.361 (a)(4) added ..... †9894
173.362 (a)(5) added ..... †9894
173.362a (a)(3) added ..... †9894
173.364 (a) introductory text amended 74669
173.377 (j) introductory text and (5) amended 81572

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173.393a Heading, (a) introductory text, (1), (2), (3), and (5) amended 81572
173.394 (b)(3), and (c)(1) and (2) amended 81572
173.395 (b)(2) and (c)(2) amended 81572
173.396 (b)(4), (c)(3) and (g)(3) amended 81572
173.426—173.432 (Subpart I) Note following subpart heading removed 81572
173.500 (a) note revised 74669
173.620 (a)(7) added ..... †9894
173.630 (b)(5) added ..... †9894
173.1080 (a) amended 81572
174 Incorporation by reference approvals 81485
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174.25 (a)(2) table amended; (b)(1) through (4) and (c) revised; (b)(5) and (6) removed 74669
174.61 (a) amended 81572
174.63 Heading revised; (d) added ..... †9894
(d)(2) revised ..... †24186
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174.600 Amended 81572
174.700 (b) amended 81572
174.715 (a) amended 81572
175.10 (a)(6) revised ..... †24185
175.20 Amended 81572
175.30 (b) and (c) revised 68654
175.45 (d) added 74670
175.75 (a)(3)(ii) amended 81572
175.79 (a) amended 81572
175.320 (a) amended 81572
175.700 (c) revised ..... †24185
176 Incorporation by reference approvals 81485
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176.27 (b) amended 81572
176.30 (a)(5)(i) amended 81573
176.63 (b) amended 81573
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176.69 (c) amended 81573
176.76 (g)(3) amended 81573
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177 Incorporation by reference approvals 81485
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177.806 (b) amended 81573

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177.817 (b) revised 74670
177.821 (e) removed †22196
177.825 Added; eff. 2-1-82 †5316
177.834 (j) and (m) amended 81573
(n) revised †9894
177.835 (j) amended 81573
177.838 (f) amended 81573
177.842 (c) and (f) amended 81573
177.843 (a) amended 81573
177.861 (a) note 1 amended 81573
177 Appendix A added; eff. 2-1-82 †5317
178 Incorporation by reference approvals 81485
Incorporation by reference approvals †19660, 47938
178.0-2 (b) amended 81573
178.36-10 (b) amended 81573
178.38-3 Amended 81573
178.38-10 (b) amended 81573
178.39-3 Amended 81573
178.39-10 (b) amended 81573
178.42-3 Amended 81573
178.50-3 Amended 81573
178.51-3 Amended 81573
178.53-3 Amended 81573
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178.59-3 (a) amended 81573
178.59-16 (a) and (b) revised †22196
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178.60-3 (a) amended 81573
178.60-20 Heading, (a) and (b) revised †22196
178.61-3 Amended 81573
178.68-3 Amended 81573
178.83-7 (a) table footnote 3 redesignated as footnote 2 81573
178.205-13 (a) amended 81573
178.225-2 (a) amended 81573
178.238-3 (a) amended 81573
178.270 Added †9895
178.270-1 Added †9895
178.270-2 Added †9895
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178.270-3 Added †9895
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178.270-11 Added †9891
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178.270-12 Added †9898
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178.270-14 Added †9899
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178.271-1 Added †9899
178.272—178.272-2 Added †9899
178.340-2 (b) amended 81573
178.340-8 (b) amended 81573
178 Appendix A amended 81573
179 Incorporation by reference approvals 81485
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179.14 (a)(1), (2), and (4) removed; (a)(3) and (5) redesignated as (a)(1) and (2) †8011
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179.100-23 Heading and (a) introductory text revised †8011
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179.102-12 (a)(2) amended; (a)(9) added †8011
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179.105-4 (c) amended †8011
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179.106—179.106-4 Added †8012
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191.9 (a) amended †37251
191.19 Amended †37251
192 Incorporation by reference approvals †19660, 47938
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192.227 (a), (b)(1) and (2) revised ..... †10159
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192.229 (c) revised ..... †10159
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192.237 (a) revised ..... †10159
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192.239 (a) and (b) revised ..... †10159
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192.283 (a)(1) revised ..... †39
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192 Appendix A revised; Appendix B amended ..... †10160
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193 Incorporation by reference approvals 79490
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193.2005 (c) revised 70404
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193.2013 (c) revised 70410
193.2017 Added 70404
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193.2431 (c) added 70404
193.2501—193.2521 (Subpart F) Added; eff. in part 1-1-82 70405
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193.2601—193.2639 (Subpart G) Added 70407
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193.2717 Added 70405
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193.2901—193.2917 (Subpart J) Added; eff. in part 1-1-82 70409
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193 Appendix A amended 70410
195 Incorporation by reference approvals ..... †19660, 47938
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195.106 (e) table revised ..... †10161
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387 Forms MCS–90 and MCS–82 corrected ..... †45613
390 Interpretation ..... †37902
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531.5 (b)(4) added 67095
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43823 **Food Assistance Programs** USDA/FNS extends implementation date of food package regulations and allows States to continue categorical tailoring of food packages under the Special Supplemental Food Program for Women, Infants and Children.

43860 **School Breakfast and Lunch Programs** USDA/FNS announces new income eligibility guidelines to determine child's eligibility for free and reduced price meals and free milk.

43855 **Wages** EEOC proposes interpretations of the Equal Pay Act.

43907 **Drugs** Justice/DEA proposes 1982 aggregate production quotas for controlled substances in Schedules I and II.

43830 **Natural Gas** DOE/FERC publishes incremental pricing acquisition cost thresholds for 1980.

43842 **Exports** Commerce/ITA requests comments on effects of export controls imposed for foreign policy reasons.

43833, 43852 **Pensions** Labor/PWBP defers effective date and proposes rule on suspension of pension benefit payments under certain circumstances. (2 documents)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

43826 **Aliens** Justice/INS amends inspection rules for vessels and aircraft stopping in U.S. for bunkering or refueling only.

43950 **Geothermal Energy** Interior/BLM proposes to amend geothermal resource leasing regulations. (Part III of this issue)

43840 **Radioactive Medical Materials** NRC proposes rules on measurement of activity of radiopharmaceutical dosages.

43915 **Explosives** Treasury/ATF revises annual list of explosive materials.

43857 **Imports and Exports of Wildlife** Interior/FWS proposes to exempt taxidermists from import/export license requirements.

43836, 43838 **Canned Applesauce and Canned Apple Juice** USDA/AMS/FSQS proposes to revise voluntary standards for grades. (2 documents)

43864 **Antidumping** Commerce/ITA issues preliminary results of administrative review and tentative revocation of antidumping finding on tapered roller bearings and certain components thereof from Japan.

43860 **Cotton** USDA/ASCS announces determination of 1981 extra long staple cotton penalty rate for exceeding marketing quotas.

43918 **Sunshine Act Meetings**

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43947 **Part II, USDA/FGIS**
43950 **Part III, Interior/BLM**

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 531

Pay Under the General Schedule; Correction

AGENCY: Office of Personnel Management.

ACTION: Final rule; correction.

SUMMARY: This document corrects an omission in OPM's final regulations implementing the pay administration features of the Merit Pay System which appeared in the **Federal Register** on October 3, 1980 (45 FR 65493, FR Doc. 80–30785). Through an oversight, a paragraph added to OPM's regulations on Pay Under the General Schedule on April 25, 1980 (45 FR 27909), was inadvertently left out of the October 3, 1980, document and subsequently the 1981 update of Title 5 of the Code of Federal Regulations. The omitted paragraph excludes appointments under the Intergovernmental Personnel Act from the 90 calendar day break-in-service requirement for new superior qualifications appointments.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Beverly McCain Jones, (202) 254–7086.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

PART 531—PAY UNDER THE GENERAL SCHEDULE

Accordingly, the Office of Personnel Management is correcting 5 CFR 531.203 by adding paragraph (b)(2)(v) to read as follows:

§ 531.203 General provisions.

* * * * *

(b) * * *
(2) * * *

(v) Appointment under the Intergovernmental Personnel Act.

* * * * *

(5 U.S.C. 5333–5334)

[FR Doc. 81–25399 Filed 8–31–81; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

Implementation Date and Categorical Tailoring of Food Packages for the Special Supplemental Food Program for Women, Infants and Children (WIC Program)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: The Food and Nutrition Service (FNS) is notifying State and local agencies administering the Special Supplemental Food Program for Women, Infants and Children (WIC Program) that the implementation date for the Food Package Regulations (published in the **Federal Register** on November 12, 1980, at 45 FR 74854) has been extended 6 months to May 12, 1982. Additionally, in implementing the new Food Package Regulations, State agencies are given the authority to continue the longstanding policy of categorically tailoring the food packages to conform with their State nutrition policy.

These decisions have been reached to allow as great a degree of flexibility as possible to State agencies in operating their programs. Some State agencies have been experiencing administrative problems in meeting the previous implementation date of November 12, 1981. The new deadline will allow States sufficient time to complete redesign of food delivery systems.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara P. Sandoval, Director, (202) 447–8206.

SUPPLEMENTARY INFORMATION:

Classification

This notice has been reviewed under Executive Order 12291 and has not been classified major because it does not meet any of the three criteria of the Executive Order. This notice will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete. This notice simply extends the implementation date for the WIC Program Food Package Regulations and authorizes State agencies to continue the longstanding policy of categorically tailoring the food packages to conform to the State agencies' own nutrition policies.

This notice has also been reviewed with regard to the requirements of Pub. L. 96–354. G. William Hoagland, Administrator of the Food and Nutrition Service, has certified that this notice does not have a significant economic impact on a substantial number of small entities.

1977 Food Packages

On August 26, 1977, WIC Program Regulations were published in the **Federal Register** at 42 FR 43205 to effect various changes in requirements for the operation of the Special Supplemental Food Program for Women, Infants and Children (WIC Program). Those regulations established three food packages according to participant categories and set maximum quantities for each type of food allowed for each category of participant. Tailoring of the packages based on an individual participant's nutritional needs was required in the regulations. In addition, State agencies were encouraged via a WIC Program policy memorandum dated January 3, 1978, to tailor categorically food packages to conform with the State agencies' own nutrition policies.

Reassessment of Food Packages and New Regulations

Following the passage of Pub. L. 95–627 in November 1978, the Food and Nutrition Service (FNS) re-evaluated the WIC Program food packages. During the re-evaluation, advances in scientific evidence and the recommendations on dietary practices from various nutrition and health organizations were considered. As a result of the review, the WIC Program food packages were redesigned and divided into six food packages. The new packages, which more closely reflect the nutritional needs of participant groups, became

effective upon publication of Final Food Package Regulations on November 12, 1980 (45 FR 74854). Full implementation by State agencies was required by November 12, 1981. During the implementation period, States were given the option of using the 1977 Food Package Regulations, the 1980 Food Package Regulations, or a combination of both by gradually phasing in the new regulations.

The 1980 Food Package Regulations divided the three food packages into six packages by dividing the food package for infants into two packages, separating the women's/children's package into three packages (pregnant and breastfeeding women, postpartum women, and children), and retaining a special dietary needs package. It was determined by FNS that the new packages would more accurately meet the nutritional needs of each category of participant and would target the greatest level of nutritional intervention to participants with the greatest nutritional need.

However, the preamble to the new Food Package Regulations discussed a new policy direction which would establish a restriction against a statewide categorical limitation set by a State agency on the quantity of a specific food. Under the policy outlined in the preamble to the 1980 Regulations, a State could not specify a maximum quantity for categories of participants that was less than the maximum quantity set forth in the regulations. The preamble in effect rescinded the 1978 WIC Program policy memorandum which encouraged State agencies to tailor food packages for categories of participants.

Subsequent to publication of the 1980 Final Food Package Regulations, several States have expressed concerns regarding implementation of the new regulations by November 12, 1981. These concerns pertained primarily to: (1) the administrative and cost burdens placed on State agencies to implement fully the new food packages by the deadline, and (2) the policy discussed in the preamble at 45 FR 74861 against statewide categorical tailoring of the new food packages to conform to a State's nutrition policy.

It is the policy of this Administration to allow as great a degree of flexibility as possible to State agencies in operating their own programs. FNS is, therefore, by policy memorandum of advance notice dated June 24, 1981, and this formal notice instituting the following policies to assist State agencies:

Categorical Tailoring

In implementing the new Food Package Regulations, State agencies are granted permission to continue the longstanding policy of categorically tailoring the food packages to conform with their State nutrition policy. States must notify FNS Regional Offices of any nutrition policies which result in statewide tailoring of food packages for a category of persons and the nutrition rationale for the tailoring. States may notify regions of this policy at any time through their State Plans or other methods, as long as the notification is provided in writing. Regions, in turn, will forward this information to the Supplemental Food Programs Division, Food and Nutrition Service, USDA, Washington, D.C., for reference and information.

As in the past, State agencies choosing to tailor categorically are encouraged to establish a food delivery system that is sufficiently flexible to consider and accommodate individual needs when categorical limitations may not be advisable.

Consistent also with past policy, States may not tailor a food package for cost or convenience reasons. Additionally, it is not intended that categorical tailoring be used as a tool to correct caseload management problems. Tailoring to individual needs or to categorical needs is permitted solely for nutrition reasons, as reflected in State nutrition policy and philosophy.

Implementation Date

Another consideration regarding implementation of the food package regulatons related to administrative and cost burdens of implementation by November 12, 1981. Therefore, to respond further to State concerns about the administrative and cost burdens of implementation, FNS has extended the implementation date 6 months. The new deadline is May 12, 1982. This will allow States sufficient additional time to complete redesign of food delivery systems and training. It will also allow States to distribute administrative costs over two fiscal years, rather than one.

This notice has been examined and found not to contain any reporting or recordkeeping requirements which would necessitate clearance by the Office of Management and Budget (OMB).

Dated: August 24, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

FR Doc. 81-25345 Filed 8-31-81; 8:45 am]

BILLING CODE 3410-30-M

Federal Grain Inspection Service

7 CFR Part 800

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision and Administration of Official Services

Corrections

In FR Doc. 81-24898 appearing at page 43032 in the issue of Tuesday, August 25, 1981, please make the following corrections:

(1) On page 43032, first column, under the "DATES:" paragraph, the times for the public meetings which read "8:30 a.m.–11:30 a.m." should be corrected to read "8:30 a.m.–11:00 a.m."

(2) On page 43032, first column under "ADDRESS:", the line "(60 days from the date of publication)" should be replaced by the date: "October 26, 1981."

(3) On page 43033, the eleven (11) footnotes which appear following Table 1 should appear following Table 3 on page 43034. A footnote reading

("Note.—The footnotes for Table 1 are shown at the end of Table 3.")

should appear following Table 1.

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 981

Handling of Almonds Grown in California; Salable, Reserve, and Export Percentages for the 1981–82 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Emergency interim final rule.

SUMMARY: This emergency interim final rule establishes salable, reserve, and export percentages of 75 percent, 25 percent, and 0 percent, respectively, for marketable California almonds received by handlers during the 1981–82 crop year, which began July 1, 1981. To promote orderly marketing conditions, this action is taken under the marketing order for almonds grown in California. A finding is included for determining that an emergency situation exists which warrants publication of this rule.

DATE: Comments must be received by October 1, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT:
J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been determined to be a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 24 handlers.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

It has been determined that an emergency situation exists which warrants publication of this interim final rule without prior opportunity for public comment. Uncertainty regarding the amount of 1981 crop California almonds that will be available to the trade has resulted in market weakness and price instability. For example, new sales commitments received by handlers in August 1981 are expected to be far lower than the 96 million pounds committed in August 1980. Since handlers will soon be receiving and processing 1981 crop almonds in volume, it is necessary to establish the volume regulation that governs trade supply promptly so that handlers are able to make sales during their very active sales season.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice of rulemaking and other public procedure with respect to this emergency interim final action are impracticable and contrary to the public interest and that good cause is found for making this emergency interim final action effective less than 30 days after publication of this document in the **Federal Register**. Comments will be solicited for 30 days after publication of this document, and this emergency interim final action will be reviewed at that time.

This action establishes a new subpart—Salable, Reserve, and Export Percentages—under the marketing agreement and Order No. 981, both as amended (7 CFR Part 981), regulating the handling of almonds grown in California, hereinafter referred to collectively as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action was recommended by the Almond Board of California, hereinafter referred to as the Board, at its July 29, 1981, meeting. At the request of the Secretary, the Board met again on August 18, 1981, and reaffirmed its July 29 recommendation. The Board concluded that unmanaged excessive supplies would result in continued market weakness and price instability.

The objective of the order's volume regulation provisions is to establish and maintain orderly marketing conditions and to stabilize prices for all California almonds. To achieve this, the burden of volume regulation must be applied equitably among all segments of the industry.

The industry is faced with the largest crop in its history, world-wide supplies approximately twice world demand and the adverse impact on U.S. exports from the declining value of European currencies in relation to the U.S. dollar. This action provides a marketable supply 13 percent in excess of sales to combined domestic and foreign outlets in any prior year. It would tend to provide needed supply and price stability in the face of record world supplies. Moreover, it would give the industry more time to develop noncompetitive uses for almonds to increase consumption, to assess 1981 world crop prospects and monitor currency exchange rates. Further, this action could provide stability for the 1982 crop in the event that the California and world almond crops are substantially less than 1981. Given the cyclical nature of almond production, there are some views within the almond industry that 1982 world almond production could be lower.

In considering its recommendation, the Board noted the estimates it had made a year earlier for the 1980 crop. These estimates, and the actual results are as follows:

	Million pounds	
	Estimate [1]	Actual [2]
Production:		
1. 1980 Crop	340.0	321.8
2. Loss and exempt	25.5	16.7
3. Marketable supply	314.5	305.1
Trade shipments:		
4. Domestic	100.0	95.5
5. Export	200.0	186.9
6. Total	300.0	282.4
Inventory adjustment:		
7. Carryover (July 1, 1980)	74.3	78.0
8. Carryover (June 30, 1981)	88.8	101.7
9. Adjustment	14.5	22.7
Salable/reserve:		
10. Salable supply (6 plus 9)	314.5	305.1
11. Reserve supply (3 minus 10)		
12. Salable percent (10÷3×100)	100	100
13. Reserve percent (100% minus 12)		

[1] July 30, 1980.
[2] June 30, 1981.

The Board's recommendation for the 1981–82 crop year, however, would make 75 percent of the 1981 marketable almond production available to meet projected normal domestic and export needs, and provide adequate carryover for the 1982–83 crop year. The estimate for total shipments exceeds actual 1980–81 crop year shipments by 15 percent. The 1981–82 salable and reserve percentages are based on the following Board estimates [kernel weight basis] for that crop year:

	Million pounds
Production:	
1. 1981 Crop	450.02
2. Loss and exempt	27.0
3. Marketable supply	423.0
Trade shipments:	
4. Domestic	125.0
5. Export	200.0
6. Total	325.0
Inventory adjustments:	
7. Carryover (July 1, 1981)	101.7
8. Estimated carryover (June 30, 1982)	94.0
9. Adjustment	(7.7)
Salable/reserve:	
10. Salable supply (6 plus 9)	317.3
11. Reserve supply (3 minus 10)	105.7
12. Salable percent (10÷3×100)	75
13. Reserve percent (100% minus 12)	25

The reserve of 25 percent (105.7 million kernel weight pounds) would be withheld by handlers from normal domestic and export outlets to meet their reserve obligation. These reserve almonds would be: (1) Made available to handlers for sale to new or existing noncompetitive domestic and export outlets approved by the Board through agreements between the Board and handlers; and/or (2) held by handlers as a contingency reserve for possible later release to augment 1981–82 and/or 1982–83 salable supplies.

For the first option, development of new outlets is a long-term necessity for the industry because of anticipated larger crops in the near future. To accomplish the second option, an increase in the salable percentage would be necessary. A recommendation for that purpose would need to be made prior to May 15, 1982.

The order permits the Board to include normal export requirements with domestic requirements in its estimate of trade demand when recommending the establishment of salable and reserve percentages for any crop year. This year, the Board included estimated exports in trade demand,

thereby making export a salable outlet rather than a reserve outlet. Because of this action, no portion of the reserve will be eligible for export to normal outlets under this action. Thus, an export percentage of 0 is established.

After consideration of all relevant matter available, including the Board's information and recommendation and other recommendations received by the Secretary, it is further found that the establishment of free, reserve, and export percentages for the 1981–82 crop year, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The marketing percentages are as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

Subpart —Salable, Reserve, and Export Percentages

§ 981.230 Salable, reserve, and export percentages for almonds during the crop year beginning July 1, 1981.

The salable, reserve, and export percentages during the crop year beginning July 1, 1981, shall be 75, 25, and 0 percent, respectively.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 27, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-25423 Filed 8-31-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 235 and 251

Inspection of Persons Applying for Admission; Arrival Manifest and Lists; Supporting Documents

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: These amendments to the regulations of the Immigration and Naturalization Service introduce minor changes in wording, and subdivide a paragraph relating to qualifications for aliens into seven parts for more comprehensive reading. Additionally, they reflect a significant change in the Service's interpretation relating to the inspection of vessels en route to the United States for bunkering purposes only, and for aircraft en route to the United States only to refuel. The regulations will permit such vessels or aircraft which seek only to bunker or refuel to be regarded as not arriving for inspection purposes. Also, if the vessel or aircraft is seeking to enter the United States, the inspection of such craft may be postponed to an onward port of arrival after refueling only at the first port of call.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536, Telephone: (202) 633–3048.

For specific information: Alvin Braunstein, Immigration Inspector, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536, Telephone: (202) 633–2725.

SUPPLEMENTARY INFORMATION: Two issues continue to arise relating to the inspection of vessels entering United States waters only for bunkering, and aircraft landing in the United States only to refuel:

One issue is whether or not a ship or aircraft coming to the United States only for bunkering or refueling is required to be inspected. The Commissioner of Immigration and Naturalization has the authority to prescribe by regulations the circumstances under which a vessel or aircraft shall be deemed to be arriving in, or departing from the United States. For immigration purposes, inspecting persons aboard such vessels or aircraft will serve no useful purpose, since no one will disembark during the bunkering or refueling operations.

The other issue relates to the legality of deferring the inspection of vessels and aircraft until the first U.S. port of call following the bunkering of a vessel or the refueling of an aircraft. Such action by the Immigration and Naturalization Service does not adversely affect the enforcement of immigration laws, nor does it present a serious threat through unauthorized landing of crew members. Section 271 of the Immigration and Nationality Act (8 U.S.C. 1321) imposes a $1,000 fine against the responsible party who does not prevent the unauthorized landing of an alien and this serves as a safeguard against any impropriety. This rule reduces the number of inspectional hours expended. Additionally, in the case of bunkering vessels, it contributes to the safety of immigration officers who presently may be required to travel under hazardous conditions from shore to the vessel.

Notice of proposed rule making was published in the **Federal Register** on May 14, 1981 at 46 FR 26653. During the 60 day public comment period, which ended July 13, 1981, two comments were received. Both commenters supported the proposed changes dealing with eliminating inspections when vessels or aircraft arrive at a port for the sole purpose of bunkering or refueling without disembarking passengers or crews.

One airline representative suggested additional amendatory language to § 235.1(d)(6) to provide that a change of crews at a refueling point for long distance international flights should not be regarded as an entry necessitating inspection of all the passengers as well as the disembarking crew. We believe the additional amendatory language proposed by the airline representative to be unnecessary. During aircraft refueling, passengers are taken off the aircraft by airline personnel for safety reasons. The passengers remain in in-transit lounges during the refueling operation and these passengers are not inspected by the Service unless they wish to enter the United States at that point. Disembarking crews, which will lay over in the United States, are inspected before they leave the airport.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The rule is not a major rule within the definition of section 1(b) of E.O. 12291. It is estimated that the Service will save about $224,000 annually in overtime pay to its inspectors by implementing the rule because inspections will no longer be required for vessels and aircraft arriving at U.S. ports for the sole purpose of bunkering or refueling, without disembarking passengers or crews.

Accordingly, Chapter I of Table 8, Parts 235 and 251 are amended as follows:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

In § 235.1, paragraphs (c) and (d) are revised to read as follows:

§ 235.1 Scope of examination.

* * * * *

(c) *Alien members of United States Armed Forces and members of a force of a NATO country.* Any alien member of the United States Armed Forces who is in the uniform of, or bears documents identifying him/her as a member of, such Armed Forces, and who is coming to or departing from the United States

under official orders or permit of such Armed Forces is not subject to the exclusion provisions of the Act. A member of the force of a NATO country signatory to Article III of the Status of Forces Agreement seeking to enter the United States under official orders is exempt from the control provision of the Act. Any alien who is a member of either of the foregoing classes may, upon request, be inspected under the provisions of the Act, and his/her entry as an alien may be recorded. If the alien does not appear to the examining immigration officer to be clearly and beyond a doubt entitled to enter the United States under the provisions of the Act, the alien shall be so informed and his/her entry shall not be recorded.

(d) *Qualifications for aliens.* The following general qualifications and requirements shall be met by each alien seeking to enter the United States for permanent, indefinite, or temporary stay, and regardless of the purpose for which he/she seeks to enter:

(1) He/she shall present whatever documents are required and shall establish to the satisfaction of the immigration officer that he/she is not subject to exclusion under the immigration laws, Executive Orders, or Presidential Proclamations and is entitled under all of the applicable provisions of the immigration laws and this chapter to enter the United States.

(2) For the purpose of this part, any alien coming to a United States port from a foreign port, from an outlying possession of the United States, from Guam, Puerto Rico, or the Virgin Islands of the United States, or from another port of the United States at which examination under this part was not completed, shall be regarded as an arrival.

(3) Any person, including an alien crewman, passing through the Canal Zone on board a vessel which enters and clears at the Canal Zone port only to transit the Zone, to refuel, or to land passengers or crewmen for medical treatment, shall not be regarded as coming from a foreign port solely by reason of such passage.

(4) Any person including an alien crewman, on board a vessel which after arrival at a United States port of entry passes the Great Lakes seaway en route to another United States port and which enters and clears at points in Canada only to transit the seaway, to refuel, or to land passengers or crewmen for medical treatment, shall not be regarded as coming from a foreign port solely by reason of such passage.

(5) Any person seeking to enter the United States, including an alien crewman, on board a vessel en route from one United States port to another United States port shall not be regarded as coming from a foreign port solely by reason of the vessel's stop at Freeport, Bahamas, for bunkering only.

(6) Any person, including an alien crewman on board a vessel en route to the United States solely for bunkering purposes or an aircraft en route to the United States solely for refueling purposes, who does not seek to enter the United States, shall be regarded as not arriving for purposes of immigration.

(7) The immigration inspection of any person, including an alien crewman, on board a vessel or aircraft, may be postponed to an onward port of arrival, if the vessel or aircraft will only bunker or refuel at the first port of call.

* * * * *

(Secs. 101, 103, 212, 213, 221, 234, 235, 238, 237, 238, 242; 8 U.S.C. 1101, 1103, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252)

PART 251—ARRIVAL MANIFESTS AND LISTS: SUPPORTING DOCUMENTS

In § 251.1, paragraphs (a) and (b) are revised to read as follows:

§ 251.1 Arrival manfests and lists.

(a) *Vessels.* The master or agent of every vessel arriving in the United States from a foreign place or from an outlying possession of the United States shall present to the immigration officer at the port where the immigration inspection is performed a manifest of all crewmembers on board on Form I–418 in accordance with the instructions contained thereon. A manifest shall not be required for crewmen aboard a vessel of United States, Canadian, or British registry engaged solely in traffic on the Great Lakes, or the St. Lawrence River, and connecting waterways herewith designated as a Great Lakes vessel, except crewmen of other than United States, Canadian, or British citizenship and, after submission of a manifest on the first voyage of a calendar year, a manifest shall not be required on subsequent arrivals unless there is employed on the vessel at the time of such arrival an alien crewman of other than United States, British, or Canadian citizenship who was not aboard and listed on the occasion of the submission of the last prior manifest. The master or agent of a vessel that only bunkers at a United States port pursuant to § 235.1(d)(7) of this part must annotate Form I–418 to indicate the time, date and place of bunkering.

(b) *Aircraft.* The captain or agent of every aircraft arriving in the United States from a foreign place or from an outlying possession of the United States, except an aircraft arriving in the United States directly from Canada on a flight originating in that country, shall present to the immigration officer at the port where the inspection is performed a manifest on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration of all the alien crewmembers on board, including alien crewmembers who are returning to the United States after taking an aircraft of the same line from the United States to a foreign place or alien crewmembers who are entering the United States as passengers solely for the purpose of taking an aircraft of the same line from the United States to a foreign port. The captain or agent of an aircraft that only refuels at the United States port pursuant to § 235.1(d)(7) of this part must annotate the manifest to indicate the time, date and place of refueling. The surname, given name, and middle initial of each alien crewman listed also shall be shown on the manifest. In addition, the captain or agent of the aircraft shall indicate in writing immediately below the name of the last alien listed on the Form or Declaration, the number of United States citizen crewmen on board, if any. If there are no alien crewmen aboard, the captain or agent shall indicate in writing on the Form or Declaration the number of United States citizen crewmen, followed by a statement that there are no alien crewmen.

* * * * *

(Secs. 101, 103, 212, 251, 252; 8 U.S.C. 1103, 1182, 1221, 1281, 1282)

Dated: August 25, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81–25477 Filed 8–31–81 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 331 and 381

[Docket No. 81–050F]

Designation of the State of Rhode Island Under Federal Meat Inspection and Poultry Products Inspection Acts

Note.—This document originally appeared in the Federal Register for August 31, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Food Safety and Inspection Service, USDA.

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of Rhode Island under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. Representatives of the Governor of the State of Rhode Island have advised this Department that the State of Rhode Island will no longer be in a position to continue administering State meat and poultry inspection programs after September 30, 1981. Accordingly, effective October 1, 1981, all establishments operating under the Rhode Island meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act. Additionally, effective October 1, 1981, all establishments operating under the Rhode Island poultry inspection program shall be subject to sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. By this designation, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Rhode Island, of administering the meat and poultry inspection programs with respect to establishments operating, and intrastate operations and transactions, wholly within that State.

The provisions concerning designated States are found in Parts 331 and 381, Subchapters A and C, Chapter III, Title 9 the Code of Federal Regulations.

EFFECTIVE DATES: This notice of designation is effective on August 31, 1981.

The effective date of this amendment is October 1, 1981.

As a result of this amendment, the provisions of titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act will apply to the State of Rhode Island on and after October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Joe Blair, Director, Federal-State Relations Branch, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6313.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Rhode Island, of administering the meat and poultry inspection programs with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action is being taken because the State of Rhode Island indicated it was no longer in a position to enforce requirements with respect to said establishments at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Since the State of Rhode Island has advised the United States Department of Agriculture that the State-operated meat and poultry inspection program will be discontinued due to lack of funding, the Federal Government is mandated by law to assume the responsibilities for the meat and poultry inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within the State. Therefore, no alternative actions under the law are available to the Department.

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. As stated above, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Rhode Island, of administering the meat and poultry inspection programs with respect to establishments operating, and operations and transactions, wholly within that State. This action will affect approximately 35 heretofore State inspected meat and poultry establishments in Rhode Island, most, if not all, of which may be presumed to be small businesses. However, this is not a substantial number of establishments given the approximately 10,000 small meat establishments and small poultry establishments nationwide, which are either federally or State inspected. Additionally, the application of certain Federal facility and other requirements to such establishments will be flexible insofar as each facility will be reviewed with regard to the circumstances peculiar to that establishment. Furthermore, it is not anticipated that significant costs will be incurred by these Rhode Island establishments as a result of this action. Those specific establishments for which some upgrading of facilities is indicated will be provided up to 36 months in which to make such changes.

Background

Representatives of the Governor of Rhode Island have advised this Department that the State of Rhode Island will no longer be in a position to continue administering a State meat inspection program after September 30, 1981, and have requested the Department to assume responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat and meat food products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

Also, representatives of the Governor of Rhode Island have advised this Department that Rhode Island will no longer be in a position to continue administering a State poultry inspection program after September 30, 1981, and have requested the Department to assume the responsibility for carrying out the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act with respect to establishments within the State of Rhode Island at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within the State, and with respect to operations and transactions wholly within the State concerning products or other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Rhode Island had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act, and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. However, such titles and sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the Rhode Island meat and poultry inspection programs, it is hereby determined that Rhode Island is not

effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act.

On and after October 1, 1981, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State, and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Federal Meat Inspection Act, and any establishment in the State which conducts any slaughtering or preparation of carcasses or parts or products thereof, as described above, must have Federal meat inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Also, on and after October 1, 1981, the provisions of sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Poultry Products Inspection Act, and any establishment in the State which conducts any slaughter or processing of poultry or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after September 30, 1981, should immediately communicate with the Regional Director for Meat and Poultry Inspection Operations as listed below, for information concerning the requirements and exemptions under the Acts and application for inspection and survey of the establishment:

Dr. M. C. McNay, Director, Northeastern Region, Meat and Poultry Inspection Operations, U.S. Department of Agriculture, Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102, (215) 597–4219.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Accordingly, Part 331 of the Federal meat inspection regulations (9 CFR Part 331) is amended as follows:

1. The authority citation for Part 331 reads as follows:

Authority: Secs. 21 and 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

§ 331.2 [Amended]

2. The table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

In the "State" column, "Rhode Island" is added immediately below "Puerto Rico".

In the "Effective date of application of Federal provisions" column, "October 1, 1981," is added on the line with "Rhode Island".

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Further, Part 381 of the poultry products inspection regulations (9 CFR Part 381) is amended as follows:

1. The authority citation for Part 381 reads as follows:

Authority: Secs. 5(c) and 14, 71 Stat. 441, as amended; 21 U.S.C. 454(c), 463.

§ 381.221 [Amended]

2. The table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

In the "State" column, "Rhode Island" is added immediately below "Puerto Rico".

In the "Effective date of application of Federal provisions" column, "October 1, 1981," is added on the line with "Rhode Island".

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that it is necessary to designate the State of Rhode Island immediately, in accordance with section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act, in order to carry out the Secretary's responsibilities under the Acts.

Therefore, it does not appear that additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to the public interest.

Done at Washington, D.C., on August 17, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-25378 Filed 8-28-81; 8:45 am]

BILLING CODE 3410-DM-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Participation Loans; Purchase, Sale and Pledge of Eligible Obligations; Correction

AGENCY: National Credit Union Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects the numbering of paragraphs in NCUA's participation loan regulation. Recently, NCUA removed certain paragraphs from the regulation. (The document making those changes appeared at page 38678 of the **Federal Register** for Wednesday, July 29, 1981 (45 FR 38678.) The remaining paragraphs were to be renumbered consecutively; however, the sentence renumbering one paragraph was inadvertently omitted.

FOR FURTHER INFORMATION CONTACT: John L. Culhane, Jr., Office of General Counsel; National Credit Union Administration; 1776 G Street, N.W., Washington, D.C. 20456. Telephone: (202) 357–1030.

Rosemary Brady,

Secretary, NCUA Board.

August 25, 1981.

Authority: 12 U.S.C. 1757, 1766(a), 1789(a)(11).

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Accordingly, NCUA is correcting 12 CFR 701.21–7 as follows:

§ 701.21–7 [Corrected]

1. Section 701.21–7 is amended by redesignating paragraph (b)(5) as paragraph (b)(4).

[FR Doc. 81–25488 Filed 8–31–81; 8:45 am]
BILLING CODE 7535–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C–3072]

Zale Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, that a Dallas, Texas retailer cease, in connection with the extension of open end credit, failing to comply with the billing error resolution procedures required by the Fair Credit Billing Act. The firm is required to send a prescribed "Billing Complaint Form" to specified customers and upon receipt of such form, investigate each billing error claim and either refund or credit the amount in error, or provide the customer with proof that the claim was incorrect; take reasonable steps to correct any erroneous credit report; and pay all unpaid credit balances which existed after April 1, 1975, plus daily interest. The order also requires the firm to include a specified disclosure on all future periodic statements which reflect a credit balance, and pay all credit balances upon written request, or automatically after 7 months if no request has been made.

DATE: Complaint and order issued August 4, 1981.[1]

[1] Copies of the Complaint and the Decision and Order filed with the original document.

FOR FURTHER INFORMATION CONTACT: Rachel Garson, 10R, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. (206) 399–4865.

SUPPLEMENTARY INFORMATION: On Thursday, May 28, 1981, there was published in the **Federal Register**, 46 FR 28661, a proposed consent agreement with analysis In the Matter of Zale Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533–20 Disclosures, 13.533–37 Formal regulatory and/or statutory requirements, 13.533–45 Maintain records, 13.533–55 Refunds, rebates, and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing To Comply with Affirmative Statutory Requirements: § 13.1048 Failing to comply with affirmative statutory requirements, 13.1048–45 Truth in Lending Act. Subpart—Neglecting Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements, § 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions, 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, *et seq.*)

Carol M. Thomas,

Secretary.

[FR Doc. 81–25111 Filed 8–31–81; 8:45 am]
BILLING CODE 6750–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79–14]

Natural Gas Policy Act of 1978; Incremental Pricing Acquisition Cost Thresholds

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8500.

SUPPLEMENTARY INFORMATION:

Issued: August 25, 1981.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of September 1981 is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I.—Incremental Pricing Acquisition Cost Threshold Prices

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar Year 1980												
Incremental pricing threshold	$1.702	$1.736	$1.750	$1.762	$1.776	$1.790	$1.804	$1.818	$1.834	$1.848	$1.862	$1.877
NGPA section 102 threshold	2.356	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA section 109 threshold	1.786	1.799	1.812	1.825	1.838	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130 of No. 2 fuel oil in New York City threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.488	7.580
Calendar Year 1981												
Incremental pricing threshold	1.891	1.908	1.925	1.942	1.954	1.967	1.980	1.980	2.000			
NGPA section 102 threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.898			
NGPA section 109 threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070			
130% of No. 2 fuel oil in New York City threshold	7.810	7.960	8.280	9.010	9.510	9.430	9.360	9.280	8.880			

[FR Doc. 81-25463 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-45-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs not Subject to Certification; Acepromazine Maleate Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Med-Tech, Inc., providing for the sale and effective use of acepromazine maleate injection for dogs as an aid in tranquilization and as a preanesthetic agent.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Med-Tech, Inc., P.O. Box 338, Elwood, KS 66024, filed an NADA (117-531) providing for safe and effective intravenous, intramuscular, or subcutaneous use of a 10-milligram-per-milliliter acepromazine maleate injection as an aid in tranquilization and as a preanesthetic agent for dogs. This approval is supported by controlled clinical and nonclinical studies, safety studies, and reprints from scientific literature establishing safe and effective use of the drug. The NADA is approved and the regulations are amended to reflect the approval. In addition, the existing regulation is editorially revised to delete the chemical name for this drug and to reflect current format.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 552—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by revising § 522.23 to read as follows:

§ 522.23 Acepromazine maleate injection.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains 10 milligrams of acepromazine maleate.

(b) *Conditions of use.* See No. 000856 in § 510.600(c) of this chapter for use in dogs, cats, horses as follows:

(1) *Indications for use.* It is used in dogs, cats, and horses as a tranquilizer.

(2) *Amount.* Dogs: 0.25 to 0.5 milligram per pound of body weight; Cats: 0.5 to 1.0 milligram per pound of body weight; Horses: 2.0 to 4.0 milligrams per 100 pounds of body weight.

(3) *Limitations.* The drug is administered intravenously, intramuscularly, or subcutaneously with the dosage individualized depending upon the degree of tranquilization required. Do not use in horses intended for food. Federal law restricts this drug to use by or on the order of a licenced veterinarian.

(c) *Conditions of use.* See No. 013963 in § 510.600(c) of this chapter for use in dogs as follows:

(1) *Indications for use.* It is used in dogs as an aid in tranquilization and as a preanesthetic agent.

(2) *Amount.* Dogs: 0.25 to 0.5 milligram per pound of body weight.

(3) *Limitations.* The drug is administered intravenously, intramuscularly, or subcutaneously with the dosage individualized depending upon the degree of tranquilization required. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective September 1, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: August 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-25301 Filed 8-31-81; 8:45 am]

BILLING CODE 4110-83-M

21 CFR Part 558

Animal Drugs, Feeds, and Related Products; New Animal Drugs for Use in Animal Feeds; Styrylpyridinium Chloride—Diethylcarbamazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by American Cyanamid Co., providing for use of a dry dog food containing styrylpyridinium chloride and diethylcarbamazine. The feed is used as an aid in control of large roundworms and hookworms, and in prevention of heartworm disease.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, filed an NADA (100–356) providing for use of a dry dog food containing 0.039 percent (178 milligrams per pound) styrylpyridinium chloride and 0.024 percent (107 milligrams per pound) diethylcarbamazine (as the base). American Cyanamid is sponsor of an approved NADA (49–555) for a similar dry dog food containing 0.035 percent (160 milligrams per pound) styrylpyridinium chloride and 0.021 percent (96 milligrams per pound) diethylcarbamazine. The increase in concentration of the drug components compensates for reduction in food consumption from 1.25 pounds to 1.0 pound per dog daily and in calories per pound of food for privately owned dogs. The basic safety and efficacy data supporting this application are contained in NADA 49–555 and is incorporated by reference. A waiver of adequate and well-controlled investigations to demonstrate effectiveness as required by § 514.1(b)(8)(v) (21 CFR 514.1(b)(8)(v)) for this combination drug is based on data in the supporting NADA.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended by revising § 558.565 to read as follows:

§ 558.565 Styrylpyridinium chloride, diethylcarbamazine.

(a) *Approvals.* To 010042 in § 510.600(c) of this chapter for a feed, each pound containing a combination of either:

Styrylpyridinium chloride	Diethylcarbamazine (base)
(1) 0.035 percent (160 milligrams/pound).	0.021 percent (96 milligrams/pound).
(2) 0.039 percent (178 milligrams/pound).	0.024 percent (107 milligrams/pound).

(b) *Conditions of use in dogs*—(1) *Amount.* (i) 0.035 percent styrylpyridinium chloride and 0.021 percent diethylcarbamazine (as base), administered: to maximum stressed dogs, an amount of feed in ounces equal to the dog's body weight in pounds divided by 4; to medium stressed dogs, an amount divided by 4.5; to low stressed dogs, an amount divided by 5; to underweight dogs, 10 percent more than the amounts specified; to overweight dogs, 10 percent less than the amounts specified, adjustments every 7 days until the desired body weight is obtained.

(ii) 0.039 percent styrylpyridinium chloride and 0.024 percent diethylcarbamazine (as base) administered at 4.5 ounces (1 packet) per 20 pounds of body weight, daily (2.5 milligrams of styrylpyridinium chloride and 1.5 milligrams of diethylcarbamazine per pound of body weight).

(2) *Indications for use.* Control of hookworms (*Ancylostoma caninum*) and roundworms (*Toxocara canis*), and prevention of heartworm disease (*Dirofilaria immitis*).

(3) *Limitations.* Dogs with established heartworm infections should not be treated until converted to a negative status. For prevention of heartworm infestation, administer before the mosquito season and as soon as young puppies are born. Administer continuously during periods of exposure to hookworm, roundworm, and heartworm to control recurring burdens of hookworms and roundworms and prevent maturation of immature heartworms (third stage infective larvae) into adults. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This amendment shall be effective September 1, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: August 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–25302 Filed 8–31–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 680

[Docket No. 79N–0097]

Allergenic Products; Antigen E Potency Test; Additional Standards for Miscellaneous Products; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 81–22365 appearing at page 39129 in the **Federal Register** for Friday, July 31, 1981, on page 39136, column 1, § 680.40 *Short ragweed pollen extracts* is corrected in paragraph (b)(2)(v) by inserting the word "in" between the words "decline" and "potency".

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Micheal L. Hooton, Bureau of Biologics (HFB–620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

Dated: August 25, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–25300 Filed 8–31–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2530

Rules and Regulations for Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Deferral of Effective Date

Note.—This document originally appeared in the Federal Register for August 31, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Interim deferral of effective date of final rule and request for comments.

SUMMARY: This document defers until October 1, 1981, the effective date of 29 CFR 2530.203–3, Suspension of Benefit Rules, and proposes deferring the effective date of this regulation until action is taken on proposed amendments to it. This regulation had been due to take effect on September 1, 1981. These actions are taken in order to permit proposed rulemaking which appears elsewhere in this issue of the Federal Register.

DATE: The effective date of 29 CFR 2530.203–3 is deferred until October 1, 1981. Comments on the proposal to defer the effective date of this regulation until action is taken on today's proposed amendments to the regulation must be received by the Department on or before September 14, 1981.

ADDRESSES: Written comments (preferably at least three copies) should be submitted to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N–4508, U.S. Department of Labor, Washington, D.C. 20216. Attention: Suspension of Benefits—Deferral. All Written comments will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Office of the Solicitor; 200 Constitution Avenue NW., Washington, D.C. 20216; Room C–4508; 202–523–8658.

SUPPLEMENTARY INFORMATION: On January 27, 1981, the Department of Labor published in the Federal Register (46 FR 8894) a final regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (ERISA) governing the circumstances under which it is permissible for a plan to suspend the payment of pension benefits (29 CFR 2530.203–3). As published, this regulation was due to take effect May 27, 1981.

On May 26, 1981, June 30, 1981, and July 31, 1981, the Department published documents (46 FR 28151, 33517, 39138) which announced its decision to defer the effective date of the suspension of benefits regulation until July 1, 1981, August 1, 1981, and September 1, 1981, respectively. These actions were taken in order to permit reconsideration of this regulation in accordance with Executive Order 12291, and to coordinate review by the Office of Management and Budget, as required by the Executive Order.

The Department has now determined to propose certain technical amendments to this regulation. A Notice describing these proposals appears elsewhere in today's issue of the Federal Register. In view of this action, it appears desirable to obtain public comment on whether the regulation should be permitted to take effect before a final decision is made regarding adoption of the amendments proposed today. Accordingly, the Department has decided to defer the effective date of the suspension of benefits regulation until October 1, 1981; and to propose for public comment deferring the effective date until action is taken on the proposed amendments published today.

For these reasons, and because this regulation is scheduled to become effective very shortly, the Department finds, pursuant to the Administrative Procedure Act (5 U.S.C. 553(b)), that additional notice and public procedure on this change of effective date would be impracticable, unnecessary and contrary to the public interest.

Accordingly, pursuant to the authority set forth in sections 203(a)(3)(B) and 505 of ERISA, the effective date of 29 CFR 2590.203–3 is hereby deferred until October 1, 1981.

Signed at Washington, D.C., this day of August, 1981.

Donald L. Dotson,

Assistant Secretary, Labor-Management Services Administration.

[FR Doc. 81–25490 Filed 8–28–81; 8:45 am]

BILLING CODE 4510–29–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[A–2–FRL 1909–5]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Regulations promulgated under the provisions of section 111(d) of the Clean Air Act require States to submit plans to the Environmental Protection Agency (EPA) to control fluoride emissions from existing primary aluminum plants and to control total reduced sulfur from kraft pulp mills. Alternatively, a State may submit to EPA "negative declarations" which certify that no such sources exist within the State's boundaries. Today's notice takes final action to approve "negative declarations" submitted by the Commonwealth of Puerto Rico.

DATE: This action is effective on September 1, 1981.

ADDRESSES: Copies of the "negative declarations" from Puerto Rico are available for inspection at the following addresses:

Environmental Protection Agency
Region II, Air Programs Branch, 26 Federal Plaza, Room 1005, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington D.C. 20408

Puerto Rico Environmental Quality Board, Division of Water and Air, Environmental Quality Board Building, Santurce, Puerto Rico 00910

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: The Commonwealth of Puerto Rico has submitted "negative declarations," on April 28, 1981, with regard to kraft pulp mills and primary aluminum plants. This fulfills the Commonwealth's responsibility for submitting State control plans as required by section 111(d) of the Clean Air Act, and by Subpart A of 40 CFR Part 62.

In the Federal Register of June 12, 1981 (46 FR 31026), EPA proposed approval of these "negative declarations." In this notice EPA invited the public to submit written comments on its proposed action. None were received. Therefore, EPA is hereby promulgating without change its approval of the "negative declarations" submitted by Puerto Rico. Furthermore, this action is being made effective immediately since it imposes no hardship on any source.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This action will impose no new regulatory requirements, but instead will exempt the Commonwealth of Puerto Rico from the requirements of Subpart B of 40 CFR Part 60 for the applicable designated pollutants.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it identifies areas where State plans are not needed, thereby reducing further regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Secs. 111 and 301(a), Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Dated: August 20, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

Part 62, Subpart BBB, Chapter I, Title 40 of the Code of Federal Regulations is amended by adding §§ 62.13102 and 62.13103 as follows:

Subpart BBB—Puerto Rico

* * * * *

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.13102 Identification of plan—Negative declaration.

The Commonwealth of Puerto Rico submitted on April 28, 1981, a letter certifying that there are no existing primary aluminum plants in the Commonwealth subject to Part 60 Subpart B of this Chapter.

Total Reduced Sulfur From Kraft Pulp Mills

§ 62.13103 Identification of plan—Negative declaration.

The Commonwealth of Puerto Rico submitted on April 28, 1981, a letter certifying that there are no existing kraft pulp mills in the Commonwealth subject to Part 60 Subpart B of this Chapter.

[FR Doc. 81-25464 Filed 8-31-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

Conferring Designated Port Status on Dallas/Fort Worth, Tex.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: Dallas/Fort Worth, Texas is now a Customs port of entry designated by the Service for the importation and exportation of wildlife under section 9(f) of the Endangered Species Act. This "designated port" status authorizes importers and exporters of wildlife, including wildlife parts and products, to use direct international air service to and from Dallas/Fort Worth, which eliminates the expenses and delays caused by the need previously to either route shipments through other designated ports or obtain a designated port exception permit.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343-9242.

SUPPLEMENTARY INFORMATION:

Background

The designated port is the keystone of the importation and exportation control process for fish and wildlife regulated by the Service. Authority for the designation of such ports, and the requirement, with limited exceptions, that all fish or wildlife be imported and exported through such a port are found in section 9(f) of the Endangered Species Act (ESA), 16 U.S.C. 1538(f). By regulation, these ports are designated by the Secretary of the Interior with approval of the Secretary of the Treasury after notice and opportunity for public hearing.

On July 14, 1980 (45 FR 47172), the Service proposed to add Dallas/Fort Worth, Texas (DFW) to the list of designated ports found at 50 CFR 14.12. This proposal was in response to a number of requests that DFW become a designated port to serve the needs of importers and exporters of wildlife in the southwestern United States.

To comply with the other requirements of section 9(f) of the ESA, the Service held a public hearing on the proposal on July 30, 1980, in Washington, D.C., and the Secretary of the Interior obtained the approval of the Secretary of the Treasury to add DFW as a designated port on September 23, 1980.

Summary and Analysis of Comments

The proposed rule invited comments for 30 days ending August 13, 1980. The Service received 5 comments during the comment period and 3 statements were presented at the public hearing. The comments and statements were divided between those supporting designated port status for DFW and those supporting that status for Houston, Texas, either in place of or in addition to DFW.

Supporting DFW. These comments affirmed the Service's position on the need for DFW to become a designated port which was presented in the preamble to the proposed rule.

Supporting Houston, Texas. These comments cited the tremendous economic growth which has occurred in Houston and presented a number of statistics indicating that Houston is now a center of world trade. The Service does not dispute those claims. In fact, DFW was proposed instead of Houston with full knowledge of Houston's economic development. The answers to two questions raised by the comments should shed additional light on the Service's selection of DFW for designated port status.

1. *What criteria were used to select DFW over Houston?*

The current alignment of designated ports was made under authority of the Endangered Species Conservation Act of 1969. Traditionally, the greatest amount of international trade has been concentrated at coastal, river, and

border cities. As a result the designated ports chosen followed this pattern.

Since the current alignment was chosen early in the last decade, several significant changes have occurred. First, the southwestern U.S. has experienced dramatic population growth, leaving a large number of wildlife importers and exporters without convenient access to a designated port. Second, an equally dramatic growth has occurred in air transportation. The increased use of air cargo (particularly containerized air cargo), expanded direct international air service, deregulation of the airline industry, and the advent of intermodal door-to-door transportation schemes have combined to alter the historic international trade routes by creating world trade centers at inland cities. These changes and the resulting effect on the Service regulation of wildlife have not gone unnoticed. Seventy percent (70%) of the wildlife inspected and cleared by the Service now arrives in the U.S. as air cargo and another ten percent (10%) as the accompanying personal baggage of airline passengers.

DFW is one of the cities principally benefiting from these changes. DFW Airport, which is already one of the world's busiest, is expected to continue its accelerated growth as its facilities are developed to their full potential. For these reasons the Service chose DFW over Houston, even though a preliminary Service regional report completed in 1979 recommended that Houston be named a designated port.

2. *Can Houston also become a designated port if DFW is selected?*

As noted above, the designated port is the keystone to controlling wildlife importation and exportation. No particular conditions are placed on the use of these ports. In addition to these, the Service has developed border and special ports through which certain wildlife may be imported and exported, and allowed certain wildlife to move through any port. This arrangement involves balancing the convenience to importers and exporters of having ports readily accessible with the funding and personnel ceilings available to the Service to staff the ports that are created.

While the designation of DFW does not rule out designated port status for Houston, it makes it unlikely in the near future. There is precedent for having two in one state, both Los Angeles and San Francisco, California are designated ports, so the fact that Texas would have two is not controlling. At this time, however, the Service is not considering the creation of a tenth designated port.

The Service is closely monitoring the wildlife traffic through the designated ports. If trends in wildlife traffic indicate a substantial reduction in the use of a particular designated port, a realignment of designated ports is possible. However, those trends will take several years to appear in the Service's statistics.

National Environmental Policy Act

The Service also solicited comments on the draft environmental assessment prepared in conjunction with the proposal. No comments were received. The final assessment is on file in the Service's Division of Law Enforcement, 1375 K Street, N.W., Washington, D.C., and may be examined during regular business hours. This assessment forms the basis for the decision that this final rule is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Effective Date of This Rule

Because this rule is a substantive rule which grants or recognizes an exemption or relieves a restriction, the Service has determined to make it effective immediately under authority of 5 U.S.C. 553(d)(1).

Determination of Effects

In accordance with Executive Order 12291 "Federal Regulation," the Department of the Interior has determined that this final rule is not major. This determination is discussed in more detail in a Determination of Effects prepared by the Service.

Because this rule was proposed before January 1, 1981, under Departmental rules promulgated to implement the Regulatory Flexibility Act, 43 CFR 14.1(c), the Department does not have to determine whether this rule will have a significant economic effect on a substantial number of small entities.

The primary author of this final rule is John T. Webb, Division of Law Enforcement, U.S. Fish and Wildlife Service.

Regulations Promulgation

For the reasons set out in the preamble, in Subchapter B, Chapter I of Title 50, Code of Federal Regulations Part 14 is amended as follows:

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

§ 14.12 [Amended]

1. Amend § 14.12(g) by removing the word "and."

2. Amend § 14.12(h) by removing the period and adding the word "and" preceded by a semicolon.

3. Amend § 14.12 by adding the following new paragraph (i):

* * * * *

(i) Dallas/Fort Worth, Texas.

Dated: July 31, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-25429 Filed 8-31-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 169
Tuesday, September 1, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Canned Apple Juice [2]

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Canned Apple Juice. The proposed rule was developed by the U.S. Department of Agriculture (USDA) at the request of the processed apple industry. The proposed rule would: (1) Provide uniform descriptive terms for the quality factors of color and flavor; (2) provide a separate defect requirement for Style I and Style II apple juice in Grade A; (3) change the minimum Brix requirement for Grade A; (4) replace dual grade nomenclature with single letter designations; and (5) change the format of the grade standards. The revision would improve the standards and promote efficient and orderly marketing.

DATE: Comments must be received on or before: October 30, 1981.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Romeo V. Villaluz, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–8247.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this proposed rule is not major. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because this reflects current marketing practices.

The processed apple industry, through the Processed Apple Institute, Inc. (PAI), has requested USDA to revise the voluntary U.S. Standards for Grades of Canned Apple Juice. These standards were last revised in 1971.

This proposal would update the grade standards for canned apply juice to meet industry and consumer demands. The proposal contains three changes requested by PAI as well as two other changes which are needed to make the standards more effective.

The first change would provide uniform descriptive terms for the quality factors of color and flavor. This action would change the terms "very good" color and "very good" flavor for Grade A to "good" color and "good" flavor. And for Grade A, Style II, Cloudy, the term "hazy" would be changed to "cloudy." This action would also change the terms "good" color and "good" flavor for Grade B to "reasonably good" color and "reasonably good" flavor. These descriptive terms are in line with the terms used in other U.S. grade standards, and this proposed change would not affect the quality requirements.

Secondly, the proposal would provide separate defect requirements for Style I, Clear and Style II, Cloudy in Grade A apple juice. The defect requirements for Grade A canned apple juice in Style I and Style II in the current standards allow a slight amount of sediment or residue of an amorphous nature. This proposed action would provide that Style I canned apple juice may possess a slight amount of sediment or residue of an amorphous nature and Style II may possess a moderate amount of sediment or residue of an amorphous nature.

The third proposed change would reduce the minimum Brix requirement for Grade A from 11.5 degrees Brix to 11.0 degrees Brix. The various reasons warranting this change, include differences in growing conditions in various parts of the country, increased use of more varieties of apples in the manufacture of canned apple juice, consumer preference for a less sweet product, and differences in processing techniques.

The fourth change would inplement the current policy of replacing dual grade nomenclature with single letter designations. Under the proposal, "U.S. Grade A" or "U.S. Fancy," and "U.S. Grade B" or "U.S. Choice" would become simply "U.S. Grade A" and "U.S. Grade B." Finally, this proposal would change the format of the grade standards to make them simple and easy to read.

The action is in concurrence with the recommendations and information submitted by the Processed Apple Institute, Inc.

Accordingly, the proposed revision of Subpart—United States Standards for Grades of Canned Apple Juice (7 CFR 2852.301 through 2852.312) would read as follows:

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[1] The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service by USDA Secretary's Memorandum 1000–1, issued June 17, 1981. A notice detailing the agencies' reorganization is being drafted for later publication.

[2] Compliance with provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

PART 2852—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Apple Juice

Sec.
2852.301 Product description.
2852.302 Styles of canned apple juice.
2852.303 Definitions of terms.
2852.304 Grades.
2852.305 Fill of container.
2852.306 Determining the grade.
2852.307 Determining the rating for each factor.
2852.308 Requirements for grades.
2852.309 Determining the grade of a lot.
2852.310 Score sheet for canned apple juice.
2852.311 [Reserved]
2852.312 [Reserved]

§ 2852.301 Product description.

(a) Canned apple juice is the unfermented juice obtained from sound, ripe apples, with or without parts. Concentrated apple juice may be added, provided that any added apple juice concentrate shall not contribute more than one-fourth of the total apple juice solids in the finished apple juice. No water may be added directly to the finished food. Natural volatile apple juice components (apple essence) may be restored to the extent they have been removed.

(b) The apple juice may be processed with or without the addition of antioxidants and is sufficiently processed to assure preservation of the product in hermetically sealed containers.

§ 2852.302 Styles of canned apple juice.

(a) Style I, Clear—typical of clarified apple juice.

(b) Style II, Cloudy—typical of non-clarified apple juice, but not a crushed or disintegrated apple product.

§ 2852.303 Definitions of terms.

(a) *Absence of defects* means the degree of freedom from sediment or other residue, dark specks, particles of seeds, coarse particles of pulp, or other defects.

(b) *Acid* means grams of acid, calculated as malic acid, per 100 ml of apple juice determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Brix* means the degrees Brix of canned apple juice when tested with a Brix hydrometer or refractometer calibrated at 20° C (68° F). If canned apple juice is tested at a temperature other than 20° C (68° F), the applicable temperature correction shall be made to the reading of the scale, as prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists."

(d) *Color* means the apple juice is typical of freshly pressed juice.

(e) *Flavor* means the degree of excellence and palatability of the apple juice with a distinct flavor and aroma typical of apple juice that has been properly processed.

§ 2852.304 Grades.

(a) *U.S. Grade A* is the quality of canned apple juice that:

(1) Meets the applicable requirements of Table I or Table II; and

(2) Scores not less than 90 points.

(b) *U.S. Grade B* is the quality of canned apple juice that:

(1) Meets the applicable requirements of Table I or Table II; and

(2) Scores not less than 80 points.

(c) *Substandard* is the quality of canned apple juice that fails to meet the requirements for U.S. Grade B.

§ 2852.305 Fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container is not a factor of quality for the purposes of these standards. It is recommended that each container be filled as full as practicable with apple juice and that the product occupies at least 90 percent of the volume of the container.

§ 2852.306 Determining the grade.

(a) The grade of canned apple juice is determined by considering the requirements of each grade with respect to the factors of color, absence of defects, and flavor.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors	Points
Color	20
Absence of defects	20
Flavor	60
Total score	100

§ 2852.307 Determining the rating for each factor.

The essential variations within each factor are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 2852.308 Requirements for grades.

Table I.—*Style I, Clear*

Factors	Grade A	Grade B
Color	Good, bright, sparkling	Reasonably good, slightly dull.
Score Points	18–20	16–17.
Absence of Defects:		
Amorphous sediment or residue.	Slight	Moderate.
Nonamorphous sediment or residue, dark specks.	Trace	Moderate.
Particles of seeds, pulp or other defects.	None	Slight.
Score Points	18–20	16–17.
Flavor	Good	Reasonably good.
Brix: Minimum	11.0 degrees	10.5 degrees.
Acid (calculated as malic):		
Minimum	0.25 g/100 ml	0.20 g/100 ml.
Maximum	0.70 g/100 ml	0.80 g/100 ml.
Score Points	54–60	48–53.
Total Score	90–100	80–88.

Table II.—*Style II, Cloudy*

Factors	Grade A	Grade B
Color	Good, slight translucent to definitely cloudy.	Reasonably good typical but not off-color.
Score Points	18–20	16–17.
Absence of Defects:		
Amorphous and nonamorphous sediment or residue.	Normal	Normal.
Dark specks	Trace	Moderate.
Particles of seeds, coarse particles of pulp or other defects.	None	Slight.
Score Points	18–20	16–17.
Flavor	Good	Reasonably good.
Brix: Minimum	11.0 degrees	10.5 degrees.
Acid (calculated as malic):		
Minimum	0.25 g/100 ml	0.20 g/100 ml.
Maximum	0.70 g/100 ml	0.80 g/100 ml.
Score Points	54–60	48–53.
Total Score	90–100	80–88.

§ 2852.309 Determining the grade of a lot.

The grade of a lot of canned apple juice covered by these standards is determined by the procedures found in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, Certain Other Processed Food Products" (7 CFR 2852.1 through 2852.83).

§ 2852.310 Score sheet for canned apple juice.

Size and kind of container _____
Container mark or identification _____
Label _____
Liquid measure (fl. oz and/or ml) _____
Vacuum (in inches) _____
Brix (degrees) _____
Acid (malic: grams/100 ml) _____

Factors		Score points	
Color	20	(A)	16-20
		(B)[1]	16-17
		(SSTD)[2]	0-15
Absence of defects	20	(A)	16-20
		(B)[1]	16-17
		(SSTD)[2]	0-16
Flavor	60	(A)	54-60
		(B)[1]	48-53
		(SSTD)[2]	0-47
Total score	100		
Grade			

[1] May not be graded above Grade B.
[2] May not be graded above Substandard.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C. on August 26, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-25839 Filed 8-31-81; 8:45 am]

BILLING CODE 3410-DM-M

Agricultural Marketing Service [1]

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Canned Applesauce[2]

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Canned Applesauce. The proposed rule was developed by the U.S. Department of Agriculture (USDA) at the request of the processed apple industry. The proposed rule would: (1) Provide uniform descriptive terms used for the quality factors of color and finish; (2) change the minimum Brix requirement for Grade A in sweetened style; (3) replace dual grade nomenclature with single letter designations; and (4) change the format of the grade standards.

The revision would improve the standards and promote efficient and orderly marketing.

DATE: Comments must be received on or before: October 30, 1981.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Romeo V. Villaluz, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202) 447-6247.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service has determined that this proposed rule is not major. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because this reflects current marketing practices.

The U.S. Standards for Grades of Canned Applesauce were last revised in 1974. The revision was made to bring the grade standards in line with the Food and Drug Administration Standards of Identity for Canned Applesauce and the Codex Alimentarius Recommended International Standards for Canned Applesauce.

Recently, the Processed Apple Institute, Inc. (PAI), a national organization consisting of twenty-five apple processors, requested the USDA to revise the voluntary grade standards for canned applesauce. This proposal includes two changes requested by PAI as well as two other changes which are needed to make the standards more effective.

The first change would provide uniform descriptive terms for the quality factors of "color" and "finish." This action would change the term "fairly bright" color for artificially colored applesauce in Grade B to "reasonably bright" color and would change the term "fairly good" finish for Grade B applesauce to "reasonably good" finish. These descriptive terms are in line with terms used in other U.S. grade standards, and this proposed change would not affect the quality requirements.

Second, the proposed rule would reduce the minimum Brix requirement for Grade A in sweetened applesauce from 16.5 degrees Brix to 15.5 degrees Brix. The various reasons warranting this change include differences in growing conditions in various parts of the country, increased use of more varieties of apples in the manufacture of canned applesauce, consumer preference for a less sweet product, and different processing techniques.

The third change would implement the current policy of replacing dual grade nomenclature with single letter designations. Under the proposal, "U.S. Grade A" or "U.S. Fancy," and "U.S. Grade B" or "U.S. Choice" would become simply "U.S. Grade A" and "U.S. Grade B." Finally, this proposal would change the format of the grade standards to make them simple and easy to read.

This action is in concurrence with the recommendations and information submitted by the Processed Apple Institute, Inc.

Accordingly, the proposed revision of Subpart—United States Standards for Grades of Canned Applesauce (7 CFR 2852.331 through 2852.349) would read as follows:

PART 2852—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Applesauce

Sec.

2852.331 Identity.
2852.332 Color types.
2852.333 Flavor types.
2852.334 Types of pack.
2852.335 Styles.
2852.336 Definitions of terms.
2852.337 Grades.
2852.338 Fill of container.
2852.339 Recommended sample unit size.
2852.340 Determining the grade.
2852.341 Determining the rating of each factor.
2852.342 Requirements for grades.
2852.343 Soluble solids determination.
2852.344 Determining the grade of a lot.
2852.345 Score sheet for canned applesauce.
2852.346 [Reserved]

[1] The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the agencies' reorganization is being drafted for later publication.

[2] Compliance with provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Sec.
2852.347 [Reserved]
2852.348 [Reserved]
2852.349 [Reserved]

§ 2852.331 Identity.

"Canned applesauce" is the product represented as defined in the Standards of Identify for Canned Applesauce (21 CFR 145.110) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 2852.332 Color types.

(a) *Natural color.* (1) Canned applesauce in which the color of the finished product is derived wholly from the apple ingredient.

(2) When a spice or spices have been added, consideration is given to the color, if any, imparted by the added spice or spices.

(b) *Artifically colored.* Canned applesauce in which the color of the finished product is derived from an artificial coloring substance as permitted in the Federal Food and Drug definitions and Standards of Identity.

§ 2852.333 Flavor types.

(a) *Natural Flavor.* Natural flavored canned applesauce is the product in which the flavor is derived from the apple ingredient and other permitted additives exclusive of flavorings or spices.

(b) *Flavored.* Flavored canned applesauce is the product in which the flavor is derived substantially from an added flavoring ingredient, including artificial flavorings.

(c) *Spiced.* Spiced canned applesauce is the product in which the flavor is derived substantially from the added spice or spices.

§ 2852.334 Types of pack.

(a) *Unsweetened.* Canned applesauce prepared without the addition of nutritive carbohydrate sweeteners. The product shall test not less than 9 degrees Brix.

(b) *Sweetened.* Canned applesauce with nutritive carbohydrate sweeteners added.

§ 2852.335 Styles.

(a) *Regular (or comminuted).* Canned applesauce in which the apple ingredient has been comminuted into granular particles.

(b) *Chunk (or chunky).* Canned applesauce in which the apple ingredient has been chopped into small pieces.

§ 2852.336 Definitions of terms.

(a) *Absence of defects* means the degree of freedom from particles of seeds, discolored apple particles, peel, carpel tissue, stamens, and other objectionable particles.

(b) *Carpel tissue* means the tough and sometimes hard and sharp tissue from the center portion (core) of the apple surrounding the seed cavity.

(c) *Color* means the color typical for the variety or varieties used in other than "spice flavored" or "artificially colored."

(d) *Consistency* means the flow characteristics of the product and the degree of separation of free liquid.

(e) *Discolored apple particles* mean apple particles that are discolored by bruise or other means to the extent that they do not blend well with the normal color of the product and are noticeable.

(f) *Finish* means the following: the texture and tenderness of the apple particles; the evenness of the division of apple particles in regualr (or comminuted) style; and the proportion of chunks or pieces of apples in relation to fine apple particles in chunk (or chunky) style.

(g) *Flavor* means the degree of excellence of the natural flavor and aroma of the apple ingredient; the apparent relationship of the acidity to sweetness; the freedom of undesirable flavors; and with respect to flavored and spiced types, the flavor balance of the apple ingredient in relation to the added flavor of spice ingredient(s).

(h) *Peel* means apple peel that does not blend well with the normal color of the product and is noticeable or that is tough whether or not it is visually noticeable.

(i) *Seed particles* mean whole seeds or pieces of seed and portion of the core of the apple.

(j) *Stamen* means the dark hairlike substance from the blossom end of the apple.

§ 2852.337 Grades.

(a) *U.S. Grade A* is the quality of canned applesauce that:

(1) Meets the applicable requirements of Table I or Table II; and

(2) Scores not less than 90 points.

(b) *U.S. Grade B* is the quality of canned applesauce that:

(1) Meets the applicable requirements of Table I or Table II; and

(2) Scores not less than 80 points.

(c) *Substandard* is the quality of canned applesauce that fails to meet the requirements for U.S. Grade B.

§ 2852.338 Fill of container.

The fill of container is not incorporated in the grades of the finished product, since fill of container is not a factor of quality for the purposes of these standards. The standard of fill of container as specified in the Standard of Fill of Container of Canned Applesauce [21 CFR 145.110(c)] issued under the Federal Food, Drug, and Cosmetic Act, is a fill of not less than 90 percent of the total capacity of the containers [21 CFR 130.12(b)]; except that in the case of glass containers having a total capacity of 192 ml (6½ fl oz) or less, the fill is not less than 85 percent.

§ 2852.339 Recommended sample unit size.

The sample unit size for evaluating the factors of absence of defects and consistency is the amount of applesauce required to fill level full a cylinder measuring 7.6 cm (3 in) inside diameter and 8.3 cm (3¼ in) high.

§ 2852.340 Determining the grade.

(a) The grade of canned applesauce is determined by considering the respective ratings for the factors of color, consistency, absence of defects, finish, and flavor, in conjunction with other non-scoreable requirements.

(b) The relative importance of each factor that is scored is expressed numerically on the scale of 0 to 100. The maximum number of points that may be given each factor is:

Factors	Points
Color	20
Consistency	20
Absence of defects	20
Finish	20
Flavor	20
Total score	100

§ 2852.341 Determining the rating of each factor.

The essential variations within each factor that is scored are so described that the value may be determined for each factors and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means, 18, 19, or 20 points).

§ 2852.342 Requirements for grades.

Table I.—*Regular (or Comminuted)*

Factors	Grade A	Grade B
Color:		
Natural	Bright practically uniform, typical of variety or varieties used. No discoloration due to oxidation or scorching.	Dull, reasonably uniform, typical of variety or varieties used. Slightly brown, slightly pink or slightly gray.
Spice flavored.	Characteristic of the color imparted by added spice, free from discoloration due to oxidation or scorching.	The color imparted by added spice may be slightly affected by pink or grey color, but is not off color
Artificially colored.	Bright and distinct	Reasonably bright and distinct
Score Points	18–20	16–17.
Consistency		
Product flow	Not more than 6.5 cm (2.5 in).	Not more than 8.5 cm (3.3 in).

Table I.—*Regular (or Comminuted)*—Continued

Factors	Grade A	Grade B
Free liquid	Not more than 0.7 cm (0.3 in).	Not more than 1 cm (0.4 in).
Score points	18–20	16–17.
Absence of defects:		
Dark stamens	Not more than 3	Not more than 5.
Seed particles, peel, discolored apple particles.	Not more than 0.25 cm^2 (0.06 in^2).	Not more than 0.5 cm^2 (0.16 in^2).
Medium and dark colored particles.	Not more than 0.25 cm^2 (0.04 in^2).	Not more than 0.5 cm^2 (0.06 in^2).
Score points	18–20	16–17.
Finish	Evenly divided, not lumpy, free from pasty or salvy.	Evenly divided, slightly salvy or pasty.
Score points	18–20	16–17.
Flavor	Good natural sugar-acid balance.	Reasonably good natural sugar-acid balance.
Unsweetened	Slightly tart or slightly bland. Free from astringent flavor.	Moderately tart may be bland, slightly astringent flavor.
Brix	Not less than 9.0 degrees.	Not less than 9.0 degrees.
Sweetened	Slightly tart to sweet. Free from astringent flavor.	May be tart, not excessively sweet, slightly astringent.
Brix	Not less than 15.5 degrees.	Not less than 14.5 degrees.
Spice flavored	Flavor is distinct and characteristic of the added spice(s) or flavoring(s) but not strong.	Flavor derived from added flavoring(s) or spice(s) may be slightly weak or strong but not objectionable.
Score points	18–20	16–17.
Total score.	90–100	80–89.

Table II.—*Chunk (or Chunky)*

Factors	Grade A	Grade B
Color:		
Natural	Bright, practically uniform, typical of variety or varieties used. No discoloration due to oxidation or scorching.	Dull, reasonably uniform, typical of variety or varieties used. Slightly brown, slightly pink or slightly grey.
Spice flavored.	Characteristic of the color imparted by added spice, free from discoloration due to oxidation or scorching.	The color imparted by added spice may be slightly affected by pink or grey color, but is not off color.
Artificially colored.	Bright and distinct	Reasonably bright and distinct.
Score Points	18–20	16–17.
Consistency:		
Product flow	Not more than 7.5 cm (2.95 in).	Not more than 8.5 cm (3.75 in)
Free Liquid	Slight amount	Moderate amount.
Score Points	18–20	16–17.
Absence of Defects:		
Dark stamens.	Not more than 3	Not more than 5.
Seed particles, peel, discolored apple particles.	Not more than 0.5 cm^2 (0.08 in^2).	Not more than 1 cm^2 (0.16 in^2).
Medium and dark colored particles.	Not more than 0.25 cm^2 (0.04 in^2).	Not more than 0.5 cm^2 (0.08 in^2).
Score Points	18–20	16–17.
Finish	High proportion of apple chunks. Any fine apple particles present, do not more than moderately affect the appearance or eating quality of the product.	Fairly high proportion of apple chunks. Any fine apple particles present, do not seriously affect the appearance or eating quality of the product.
Score Points	18–20	16–17.
Flavor	Good natural sugar-acid balance.	Reasonably good natural sugar-acid balance.
Unsweetened	Slightly tart or slighty bland. Free from astringent flavor.	Moderately tart, may be bland, slightly astringent flavor.
Brix	Not less than 9.0 degrees.	Not less than 9.0 degrees.
Sweetened	Slightly tart to sweet, free from astringent flavor.	May be tart, not excesively sweet, slightly astringent.
Brix	Not less than 15.5 degrees.	Not less than 14.5 degrees.
Spice flavored	Flavor is distinct and characteristic of the added spice(s) or flavoring(s) but not strong.	Flavor derived from added flavoring(s) or spice(s) may be slightly weak or strong but not objectionable.
Score Points	18–20	16–17.
Total score.	90–100	80–89.

§ 2852.343 Soluble solids determination.

The soluble solids content of canned applesauce is the soluble solids as determined by the refractometric method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," except that no correction is made for water-insoluble solids. The soluble solids is expressed as "degrees Brix".

§ 2852.344 Determining the grade of a lot.

The grade of a lot of canned applesauce covered by these standards is determined by the procedures set forth in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1 through 2852.83).

§ 2852.345 Score sheet for canned applesauce.

Size and kind of container .....
Container mark or identification .....
Label .....
Net weight (oz or g or kg) .....
Degrees Brix (by refractometer) .....
Style .....
Vacuum (in inches) .....

Factors		Score points	
Color	20	(A)	18–20
		(B)[1]	16–17
		(SStd)[2]	0–15
Consistency	20	(A)	18–20
		(B)[1]	16–17
Absence of defects	20	(SStd)[2]	0–15
		(A)	18–20
		(B)[1]	16–17
		(SStd)[2]	0–15
Finish	20	(A)	18–20
		(B)[1]	16–17
		(SStd)[2]	0–15
Flavor	20	(A)	18–20
		(B)[1]	16–17
		(SStd)[2]	0–15
Total	100		
Grade			

[1] May not be graded above Grade B.
[2] May not be graded above Substandard.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C., on August 26, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-25440 Filed 8-31-81; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Measurement of the Activity of Radiopharmaceutical Dosages

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations on human uses of byproduct material, to require specific medical licensees to (1) Measure the total activity of each radiopharmaceutical dosage, except those containing less than 10 microcuries or a pure beta-emitting radionuclide, before it is administered to a patient; (2) verify that smaller dosages contain less than 10 microcuries; and (3) keep a record of the measurements.

The assary of each radiopharmaceutical dosage before it is administered to a patient is currently required as a condition for a specific license. Measurement of the total activity of radiopharmaceutical dosage helps to protect patients from unnecessary radiation resulting from errors in labeling, calculating or dispensing dosages. The purpose of this rulemaking is:

(1) To simplify licensing by replacing a condition that appears in all medical licenses with one regulation, and

(2) To enhance patient radiation safety by minimizing potential misadministrations caused by not measuring the patient dosage.

DATES: Comment period expires November 30, 1981. Comments received after November 30, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions for consideration on the proposed amendment to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be delivered to Room 1121, 1717 H Street N.W., Washington, DC between 8:15 a.m. and 5:00 p.m. weekdays. Copies of the value/impact analysis, OMB clearance supporting statement, and comments received may be examined at the Commission's Public Document Room at 1717 H Street NW, Washington DC.

FOR FURTHER INFORMATION CONTACT: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (Telephone 301–427–4580).

SUPPLEMENTARY INFORMATION:

Background

NRC specific medial licensees are currently required by a license condition to measure the activity of radiopharmaceutical dosages before administering them to patients. The NRC is proposing to change the measurement requirement from a license condition to a regulation that would affect specific licensees. The benefits of changing the license condition to a regulation are the following:

(1) To stress that the measurement is applicable to all specific medical licensees,

(2) To increase the visibility of the measurement requirement, and

(3) To emphasize the importance of the measurement.

The activity of radiopharmaceutical dosages is measured by lowering the syringe, capsule, or vial containing the radioactive drug into an ionization chamber, such as a dose calibrator, and reading the total activity from the display. Measuring the activity before radiopharmaceuticals are administered is important because manufacturers can make mistakes in labeling. In addition, nuclear medicine personnel (technologists, radiopharmacists, or physicians) can make errors in reading labels, calculating dosages or dispensing volumes. These errors could result in unnecessary radiation to patients who could receive either larger dosages than prescribed or additional dosages if the initial dosages were too small. Measurement of the activity of radiopharmaceuticals administered to patients is, therefore, an important quality assurance function that can prevent certain misadministrations.

A few of the radioactive drug dosages used in nuclear medicine may be difficult to quantify accurately in a conventional dose calibrator. For example, the small activity used for vitamin B–12 studies is below the detection sensitivity of some dose calibrators. For this reason, the proposed total activity measurement is limited to activities greater than 10 microcuries. However, as provided for in the proposed rule, activities that are under this limit would be verified by placing the dosage in a dose calibrator to assure that the activity is actually less than ten microcuries. This stipulation would help to protect patients from errors made in reading units (for example, millicuries read as microcuries) and calculations incorrect by an order of magnitude (for example, 100 instead of 10). Pure beta-emitting radionuclides, such as phosphorus-32, are exempted from the proposed measurement because of the technical problems associated with their measurement in conventional dose calibrators. Most dosages would be covered by the proposed rule since over 90% of the radiopharmaceuticals administered to patients contain gamma-emitting radionuclides in quantities greater than 10 microcuries.

Description

The proposed rule would apply to all NRC medical licensees who have specific licenses for human use of byproduct material under § 35.11 (which applies to medical institutions) or § 35.12 (which applies to physicians in private practice outside a medical institution). The proposed § 35.15 would require these licensees to measure the total activity of all radiopharmaceutical dosages except those containing a pure beta-emitting radionuclide before administering them to patients. Dosages with activity less than 10 microcuries would be measured only to verify that the activity did not exceed 10 microcuries. The proposed § 35.16 would require licensees to keep a record of the measurements. The record would include the following information: (1) the generic name of the radiopharmaceutical, (2) the total activity at the time of measurement (or a notation that the total activity is less than 10 microcuries), and (3) the date and time of the measurement. Licensees would keep the measurement records for 1 year as a reasonable demonstration of compliance.

When the licensee has an "in house" nuclear pharmacy under the same license, the measurement and record made by the nuclear pharmacy would fulfill the requirements in §§ 35.15 and 35.16. However, when the licensee obtains radiopharmaceutical dosages from a nuclear pharmacy or drug manufacturer with a separate NRC license, the licensee administering the radiopharmaceutical would make the activity measurement and keep the record required by the proposed §§ 35.15 and 35.16.

Impact

The impact of the measurement requirement on the affected licensees should be minimal since they already measure the activity of radiopharmaceuticals administered to patients as a license condition, and thus have the equipment, personnel, and time to make the measurement. Personnel time required to perform the measurement—place the syringe in the chamber, wait for the readout, and retrieve the syringe from the chamber—is about 15 seconds. Therefore, the proposed rule would require a licensee to spend a total of about 7 hours annually to perform the measurements (derived by multiplying 15 seconds per assay by the average number of nuclear medicine procedures per licensee annually, about 1712, and converting the result into hours). In addition, based on published data, the maximum exposure to the hands of a worker during daily assay operations in a busy nuclear medicine department (12 mR/day) is estimated to be about 0.75 R per calendar quarter. This exposure results in about 4% of the maximum permissible dose per quarter of 18¾ rems to the hands of an individual working in a restricted area as established in § 20.101 of 10 CFR Part 20.

The impact of the recordkeeping requirement on the affected licensees should be minimal since most medical licensees currently maintain records similar to those proposed. The total time required by a licensee to make each record is estimated at about 40 seconds. Multiplying the time per record by the average number of nuclear medicine procedures per licensee (1712) and converting the result into hours yields an annual burden of about 19 hours per licensee to perform the proposed recordkeeping.

Paperwork Reduction Statement

The Paperwork Reduction Act of 1980 (Pub. L. 96–511) requires that this

proposed rulemaking be submitted to the Office of Management and Budget for clearance of the recordkeeping requirement contained in it. This clearance procedure has been initiated simultaneously with the publication of this proposed rule in the **Federal Register.** The "Request for Clearance" Supporting Statement and other related documentation submitted to OMB has been placed in the NRC Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 for inspection or copying for a fee.

Regulatory Flexibility Certification

Based upon the information available at this stage of the rulemaking proceeding and in accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that, if promulgated, this rule will not have a significant economic impact upon a substantial number of small entities. The proposed rule affects about 2000 specific licenses under 10 CFR 35.11 or 35.12. These licenses are issued principally to medical institutions. Small business entities, primarily physicians in private practice, comprise about 275 of the specific medical licenses. Since the affected licensees currently assay radiopharmaceutical dosages as a license condition, they have the equipment, personnel, time, and expertise to comply with the proposed rule. Although most licensees already maintain similar records, an additional expense might be incurred for the time required to keep the detailed measurement records proposed in the rule. The annual recordkeeping burden imposed by the proposed rule is estimated to be 19 hours for the average licensee.

The potential gains in patient protection significantly outweigh the economic impact on small medical licensees. However, the NRC is seeking comments and suggested modifications because of the widely differing conditions under which small medical licensees operate.

Any small entity subject to this regulation which determines that, because of its size, it is likely to bear a disproportionate adverse economic impact should notify the Commission of this in a comment that indicates:

(a) The licensee's size in terms of annual income or revenue, number of employees and, if the licensee is a treatment center, the number of beds and patients treated annually;

(b) How the proposed regulation would result in a significant economic burden upon the licensee as compared to that on a larger licensee;

(c) How the proposed regulations could be modified to take into account the licensee's differing needs or capabilities;

(d) The benefits that would be gained, or the detriments that would be avoided to the licensee, if the proposed regulations were modified as suggested by the commenter; and

(e) How the regulation, as modified, would still adequately protect the public health and safety.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 35 is contemplated.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

1. Part 35 is amended by adding immediately after § 35.14 a new undesignated centerhead to read as follows:

Special Requirements for Radiopharmaceutical Dosages

2. New §§ 35.15 and 35.16 are added to read as follows:

§ 35.15 Requirement to measure the activity of radiopharmaceutical dosages.

Any liensee authorized under §§ 35.11 or 35.12 for human use of byproduct material shall:

(a) Measure the total activity of each radiopharmaceutical dosage that contains more than 10 microcuries of a radionuclide that emits electromagnetic radiation in the form of gamma rays or X-rays before the dosage is administered to a patient.

(b) Measure to verify that the total activity does not exceed 10 microcuries for each radiopharmaceutical dosage with an activity of 10 microcuries or less.

§ 35.16 Records of measurements.

(a) The licensee shall preserve, for Commission inspection, the records of the measurements required in § 35.15 for 1 year following the date of the measurement.

(b) Records of the measurements made under § 35.15 must contain the:

(1) Generic name of the radiopharmaceutical;

(2) Total activity of the dosage at the time of measurement, or a notation that the total activity is less than 10 microcuries; and

(3) Date and time of the measurement.

(Secs. 81, 161b, and o, Pub. L. 83–703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201 (b and o)); Sec. 201 as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Bethesda, Maryland, this 12th day of August, 1981.

For the Nuclear Regulatory Commission.

E. Kevin Cornell,

Deputy Executive Director for Operations.

[FR Doc. 81-25465 Filed 8-31-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Ch. III

Request for Comments on Effects of Foreign Policy Export Controls

AGENCY: International Trade Administration, Commerce.

ACTION: Proposed rule; solicitation of comments.

SUMMARY: Section 6 of the Export Administration Act of 1979 provides that export controls imposed for foreign policy reasons expire one year after imposition unless extended. In preparation for revision or extension of controls on January 1, 1982, the Department is seeking comments on how controls imposed or extended effective January 1, 1981, and subsequently, have affected exporters and the general public.

DATE: Comments should be received by November 2, 1981 to assure full consideration in formulation of control policies.

ADDRESS: Written comments (six copies when possible) should be sent to: Mr. Richard J. Isadore, Director, Operations Division, Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Robert Cutter, Chief, Special Programs Branch, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377–4275.

SUPPLEMENTARY INFORMATION: The Export Administration Act of 1979 establishes criteria for the imposition, extension, or expansion of foreign policy export controls. Subsection 6(a)(2) of the Act provides that:

> Export controls maintained for foreign policy purposes shall expire on December 31, 1979, or one year after imposition, whichever is later, unless extended * * * Any such extension and any subsequent extension shall not be for a period of more than one year. For administrative reasons, the Department reviews all foreign policy controls on a calendar year basis, notwithstanding that certain controls

imposed during the year would expire on their anniversary date.

Foreign policy controls were extended or expanded January 1, 1981 and remain in effect at this time covering human rights, South Africa and Namibia, anti-terrorism, embargoed communist countries, oil and gas equipment for the Soviet Union and Afghanistan, transactions related to the 1980 Summer Olympics, and truck engine assembly lines for the Soviet Kama River Truck Complex (see 15 CFR Parts 376 & 385). Nuclear nonproliferation controls continue in effect pursuant to section 17(d) of the Act and section 309(c) of the Nuclear Nonproliferation Act of 1978 (15 CFR Part 378).

Two changes in the foreign policy controls were made during the year. Effective June 6, 1981, criteria for review of certain commodities were changed to relate to regional stability in order to reflect more accurately the foreign policy interests applicable to those commodities (previously reviewed under policy relating to crime control equipment) (46 FR 31407–31409, June 16, 1981).

Additionally, foreign policy controls on exports to the Republic of South Africa and Namibia were eased to permit the export of medical supplies and equipment and of commodities used to prevent unlawful interference with international civil aviation to any end-user in those countries, including military and police entities, effective June 30, 1981 (46 FR 33509–33510, June 30, 1981).

To assure maximum public participation in the review process, comments on the extension or revision of these existing foreign policy controls are solicited.

The Act requires the following criteria to be considered when imposing, expanding, or extending foreign policy export controls:

(1) The probability that such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls;

(2) The compatibility of the proposed controls with the foreign policy objectives of the United States, including the effort to counter international terrorism, and with overall United States policy toward the country which is the proposed target of the controls;

(3) The reaction of other countries to the imposition or expansion of such export controls by the United States;

(4) The likely effects of the proposed controls on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a supplier of goods and technology, and on individual United States companies and their employees and communities, including the effects of the controls on existing contracts;

(5) The ability of the United States to enforce the proposed controls effectively; and

(6) The foreign policy consequences of not imposing controls.

The Department is particularly interested in the experience of individual exporters in complying with these controls, with emphasis on economic impact and specific instances of business lost to foreign competitors.

Parties submitting comments are asked to be as specific as possible. However, respondents are reminded that the Department is soliciting only information that may be used publicly. No "confidential business information" will be accepted. Any information so designed will be returned to the commenter.

All comments received before the close of the comment period will be considered by the Department in the development of final regulations.

While comments received after the close of the comment period will be considered if possible, their consideration cannot be assured.

All public comments will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda that will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States government or foreign governments will not routinely be made available for public inspection.

The public record concerning these comments will be maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration's Freedom of Information Officer, at the above address or by calling (202) 377–3031

(Sections 6 and 13, Pub. L. 96–72, 93 Stat 503, 50 U.S.C. app. 2401 *et seq.*; E. O. No. 12214 (45 FR 29783, May 6, 1980); Dept. Org. Ord. 10–3 (45 FR 6141, January 25, 1980); ITA Org. & Functions Ords. 41–1 (45 FR 11882, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Date: August 27, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-25387 Filed 8-31-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76 (Colorado—14)]

High-Cost Gas Produced From Tight Formations; Colorado

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission has determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of Pipeline and Producer Regulation contains the amended recommendation of the Colorado Oil and Gas Conservation Commission that the Dakota Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on September 24, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on September 9, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie J. Lawner, (202) 357–8307 or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

Issued: August 25, 1981.

On May 4, 1981, a Notice of Proposed Rulemaking was issued to determine whether to adopt a recommendation of the Colorado Oil and Gas Conservation Commission (Colorado) that the Dakota Formation in Mesa and Garfield Counties, Colorado, be designated as a tight formation pursuant to § 271.703 of the Commission's regulations. This original Notice of Proposed Rulemaking appeared in the Federal Register on May 8, 1981 (46 FR 25643). One comment was received in response to the Notice in support of the recommendation.

On August 11, 1981, Colorado filed an amendment to its recommendation that the Dakota Formation be designated as a tight formation. The amendment contained additional data to support its recommendation. The amendment further sought to delete all of Sections 15, 16 and 22, Township 9 South, Range 100 West, 6th P.M., from the recommended area, inasmuch as expected production from wells completed in these sections, which are on the fringe of the recommended area, would be in excess of the production guideline found in § 271.703(c)(2)(i)(B).

The instant Notice of Proposed Rulemaking is issued to afford notice of, and an opportunity for comment on, the deletion of the above-described sections from Colorado's recommendation that the Dakota Formation be designated as a tight formation. Colorado's amended recommendation and supporting data are on file with the Commission and are available for public inspection.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Dakota Formation, as described and delineated in Colorado's recommendation as amended and filed with the Commission, be designated as a tight formation pursuant to § 271.703.

Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426 on or before September 24, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Colorado—14), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than September 9, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342)

PART 271—CEILING PRICES

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (64) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(64) *Dakota Formation in Colorado.* RM79–76 (Colorado—14).

(i) *Delineation of formation.* The Dakota Formation is found in Mesa and Garfield Counties, Colorado, and consists of all or portions of Townships 7 through 11 South, Ranges 96 through 100 West, 6th P.M.

(ii) *Depth.* The Dakota Formation occurs at an average measured depth of 7075 feet.

* * * * *

[FR Doc. 81–25468 Filed 8–31–81 8:45 am]
BILLING CODE 6450–85–M

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18 CFR Part 271

[Docket No. RM79–76 (New Mexico–5)]

High-Cost Gas Produced From Tight Formations; New Mexico

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico and the United States Geological Survey that the Mesaverde Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on September 24, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on September 9, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

Issued: August 25, 1981.

I. Background

On July 30, 1981, the State of New Mexico Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22,

1980), that the Mesaverde Formation located in Rio Arriba County, New Mexico, be designated as a tight formation. The United States Geological Survey (USGS) concurs with New Mexico's recommendation, however, the USGS recommends the addition of contiguous acreage, thereby enlarging the area recommended by New Mexico. The New Mexico and USGS recommendations and supporting data are on file with the Commission and are available for public inspection. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that certain portions of the Mesaverde Formation be designated a tight formation should be adopted and whether the USGS recommendation to include contiguous acreage should also be adopted.

II. Description of Recommendation

The Mesaverde Formation is located in Rio Arriba County, New Mexico, approximately 30 miles south of Dulce, New Mexico. The area recommended by New Mexico and the USGS is situated in Townships 2 and 3 North, Ranges 26 and 27 West along the eastern fringe of the main Blanco Mesaverde Gas Pool. The specified area is almost 11 miles in length and 4 miles in width. The Mesaverde Formation consists of two 40 to 100 feet thick sand members, the Cliff House and Point Lookout Sandstones, separated by about 300 feet of the Menefee shale member. The average depth to the top of the Mesaverde Formation is 5,563 feet. The recommended area is subject to New Mexico Order No. R-1670-T, issued November 14, 1974, which authorizes infill drilling in the Blanco Mesaverde field. Accordingly, certain portions within the proposed area may be subject to exclusion pursuant to § 271.703(c)(2)(i)(D) of the regulations.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7154 convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by New Mexico and the USGS that the Mesaverde Formation, as described and delineated in New Mexico's and the USGS recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, on or before September 24, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (New Mexico—5), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than September 9, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event New Mexico's and the USGS recommendation is adopted.

Kenneth A. Williams,
Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (63) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(48) through (62) [Reserved]

(63) *Mesaverde Formation in New Mexico.* RM79-76 (New Mexico—5).

(i) *Delineation of formation.* The Mesaverde Formation underlies portions of Townships 2 and 3 North, Ranges 26 and 27 West in Rio Arriba County, New Mexico. The proposed area is within the Blanco Mesaverde Gas Pool approximately 30 miles south of Dulce, New Mexico. It consists of the Cliff House and Point Lookout sandstone members, separated by the Menefee shale member.

(ii) *Depth.* The Mesaverde Formation is overlain by the Lewis Shale Formation and underlain by the Mancos Shale Formation. The average depth to the top of the Mesaverde Formation is 5,563 feet.

* * * * *

[FR Doc. 81-25468 Filed 8-31-81; 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Oklahoma—1)]

High-cost Gas Produced From Tight Formations; Oklahoma

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation

designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Oklahoma that the Atoka formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on September 24, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on September 9, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or John R. Johnson (202) 357–8731.

SUPPLEMENTARY INFORMATION:

Issued: August 25, 1981.

I. Background

On July 20, 1981, the State of Oklahoma Corporation Commission (Oklahoma) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Atoka formation located in Washita County, Oklahoma, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Oklahoma's recommendation that the Atoka formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Oklahoma's recommendation. Oklahoma's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Oklahoma recommends that the Atoka formation located in Western Oklahoma in the Anadarko Basin area approximately 80 miles west of Oklahoma City, Oklahoma, be designated as a tight formation. The present estimated areal extent is 40,320 acres and is located in the northeast corner of Washita County within townships 9N–14W, 10N–14W, 9N–15W, 10N–15W, 10N–16W, and 11N–16W.

The Stratigraphic location of the Atoka formation is described as the uppermost sandstone development in the Atokan Series of the Lower Pennsylvanian System which underlies the Cherokee/Red Fork Group and overlies the post-13 Finger Lime shale. The average depth to the top of the formation is approximately 14,800 feet. The average net productive interval is approximately 40 feet.

III. Discussion of Recommendation

Oklahoma claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause U.S. No. 9813, Order No. 193998 convened by Oklahoma on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day. Oklahoma further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Oklahoma that the Atoka formation, as described and delineated in Oklahoma's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 24, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Oklahoma—1), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commmission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than September 9, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Oklahoma's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulations.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (62) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(48) through (61) [Reserved]

(62) *Atoka Formation in Oklahoma.* RM79–76 (Oklahoma—1).

(i) *Delineation of formation.* The Atoka formation is found in Washita County, Oklahoma, in Township 9 North, Range 14 West, Sections 2 through 11; Township 9 North, Range 15 West, Sections 1 through 3, 11 and 12; Township 10 North, Range 14 West, Section 5 through 8, 17 through 21, and 27 through 35; Township 10 North, Range 15 West, Sections 6 through 30, 33 through 36; Township 10 North, Range 16 West, Sections 1 through 5, 8 through 14, 24 and 25; Township 11 North, Range 16 West, Sections 16, 20 through 22, 27 through 29, and 32 through 35.

(ii) *Depth.* The Atoka formation is defined as the uppermost sandstone development in the Atoka Series of the Lower Pennsylvanian System which underlies the Cherokee/Red Fork Group and overlies the post-13 Finger Lime shale. The average depth to the Atoka formation is approximately 14,800 feet.

* * * * *

[FR Doc. 81-25469 Filed 8-31-81 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Texas—1 Addition)]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Cotton Valley Sandstone be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on September 24, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on September 9, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter W. Lawson (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: August 25, 1981.

I. Background

On July 17, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Cotton Valley Sandstone located in the area of the Paige, N.E. Field, in the eastern portion of Bastrop County, be designated as a tight formation. The Commission previously adopted a recommendation that the Cotton Valley Group found in the northeastern part of the State of Texas, underlying 48 counties in Railroad Commission Districts 1, 3, 5 and 6, be designated as a tight formation (RM79-76 Texas—1, Order No. 105 issued October 24, 1980). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hearby issued to determine whether Texas' recommendation that the Cotton Valley Sandstone in the Paige, N.E. Field area be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Cotton Valley Sandstone in the Paige, N.E. Field area, encountered in the eastern portion of Bastrop County, Texas, Railroad Commission District 1, be designated as a tight formation. The boundaries of the recommended area are approximately 2.5 miles around the Hou-Tex Oil and Gas Co., No. 1 O.R. Mitchell well in the Paige N.E. (Cotton Valley) Field. This well discovered the Paige, N.E. Field located 2 miles from Paige, Texas in the Wm. Boatwright Survey, A-82. The depositional environment of the Cotton Valley Sands is believed to be a deltaic fan deposit with no definite strike, trending toward the coast of Texas.

In the type well the formation is shown to occur from 11,820 feet to a total depth of 12,780 feet. In a nearby well the gross thickness is 1,790 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Cotton Valley Sandstone in the Paige, N.E. Field area, as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 24, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Texas—1 Addition), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than September 9, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in

Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) subparagraph (1) is revised to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(1) *The Cotton Valley Group in Texas.* RM79–76 (Texas—1).

(i) *The Cottom Valley Group consists of the Cotton Valley Sandstone, the Bossier Shale and the Cotton Valley Lime Formations.*—(A) *Delineation of formation.* The northern boundary of the Cotton Valley Group is the Texas-Oklahoma border extending through Fannin, Lamar, and Red River Counties; the eastern boundary is formed by the Texas-Arkansas and Texas-Louisiana borders; the southern boundary is along the Angelina-Caldwell flexure running through Sabine, San Augustine, Angelina and Trinity Counties; the western boundary is set by the Mexia-Talco fault zone through Limestone, Navarro, and Kaufman Counties.

(B) *Depth.* Cotton Valley Sandstone is encountered at an average depth of approximately 7,000 feet to the north, 8,000 feet to the east, between 10,000 feet and 11,000 feet to the south, and 5,000 feet to the west; Bossier Shale is encountered at 7,700 feet to the north, 10,720 feet to the east, 12,600 feet to the south, and 5,340 feet to the west; Cotton Valley Lime is encountered at 8,000 feet to the north, 11,400 feet to the east, 13,200 feet to the south, and 5,500 feet to the west.

(ii) *The Cotton Valley Sandstone in the Paige, N.E. Field Area.*—(A) *Delineation of formation.* The Cotton Valley Sandstone in the Paige, N.E. Field area is found in the eastern portion of Bastrop County, Texas, Railroad Commission District 1. The boundaries of the recommended area are approximately 2.5 miles around the Hou-Tex Oil and Gas, No. 1 O.R. Mitchell well. This well discovered the Paige, N.E. Field located 2 miles from Paige, Texas in the Wm. Boatwright Survey, A–82.

(B) *Depths.* The top and base of the Cotton Valley Sandstone are found at the approximately subsea depths of—11,520 feet and—12,780 feet, respectively. The maximum thickness of the formation is approximately 1,790 feet.

* * * * *

[FR Doc. 81–25467 Filed 8–31–81; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 800

The Equal Pay Act

Cross Reference

For a document issued by the Equal Employment Commission proposing interpretations with respect to the enforcement of the Equal Pay Act, see FR Doc. 81–25516 published in the Proposed Rules section of this issue.

BILLING CODE 8570–06–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1620

The Equal Pay Act; Interpretations

AGENCY: Equal Employment Opportunity Commission (EEOC).

ACTION: Proposed rules.

SUMMARY: Pursuant to Reorganization Plan No. 1 of 1978 and E.O. 12144, responsibility for enforcement of the Equal Pay Act (The Act) was transferred from the Department of Labor to the EEOC. Pursuant to that authority, the Commission proposes interpretations with respect to the enforcement of the Equal Pay Act. These interpretations would replace those issued by the Department of Labor at 29 CFR Part 800.

DATE: Comments on the proposed regulations must be received on or before November 2, 1981. The Commission proposes to consider the submissions for a period of at least ten days thereafter before adopting any final regulations.

ADDRESSES: Interested persons are invited to submit written comments regarding the regulations to Treva McCall, Executive Officer, (1620–81) Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506. Copies of the comments submitted by the public will be available for review at the Social Sciences Library, Room 2003, EEOC, 2401 E Street NW., Washington, D.C. 20506, between the hours of 9:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Anthony J. De Marco (Acting Associate General Counsel) (tele: 202–634–6595) or Clement Hyland (tele: 202–653–5490), Office of General Counsel, Legal Counsel Division, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation (tele: 202–634–7060), Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Pursuant to Reorganization Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978), and E.O. 12144, 44 FR 37193 (June 26, 1979), responsibility and authority for enforcement of the Equal Pay Act of 1963, 29 U.S.C. 206(d), was transferred from the Department of Labor (DOL) to the Equal Employment Opportunity Commission (EEOC) on July 1, 1979. Effective July 1, 1979, the Commission adopted the Department of Labor's administrative procedures for investigation and enforcement under the Equal Pay Act and the Department of Labor's recordkeeping regulations. 44 FR 38670 (July 2, 1979). The Commission declined to adopt as its interpretation of the Equal Pay Act, the interpretations and opinions of the Wage and Hour Administrator, but stated that after July 1, 1979, employers could, until the Commission issued its own interpretations of the Equal Pay Act, continue to rely on existing interpretations and opinions of the Wage and Hour Administrator to the extent that they were not inconsistent with statutory revisions and judicial interpretations.

The Equal Pay interpretations of the Department of Labor are set forth in 29 CFR Part 800. The interpretations which the Commission proposes to issue will appear at 29 CFR Part 1620 and supersede 29 CFR Part 800. The interpretations of the Department of Labor, issued in 1965 and amended in 1967, have been revised to incorporate statutory changes to the Fair Labor Standards Act that occurred in 1972, 1974, and 1977, to conform to principles set forth in recent judicial decisions, and to reflect later experience obtained through enforcement of the Equal Pay Act.

Section 1620.1, titled "Basic Coverage of the Act," covers the subject matter included in §§ 800.0 through 800.12 which contain introductory material and

detailed discussion of coverage under the Fair Labor Standards Act, which is also applicable to the Equal Pay Act. The Fair Labor Standards Amendments of 1974 extended coverage of the Act to most local, State and Federal government employees not previously covered. The interpretations in this part apply to federal employees, but the procedural regulations for the filing of complaints by federal employees will appear in 29 CFR Part 1613.

Sections 1620.2 through 1620.5 discuss important statutory and judicial definitions and cover the subject matter included in § 800.110 which held that payments related to maternity are not wages. Section 1620.4 repudiates this position, as did DOL in its proposed revision of § 800.110, 43 FR 38029. Payments of benefits related to maternity are wages. The materials set forth in §§ 800.100, 800.101 and 800.109 are not included in these regulations since these sections merely set forth the text of the Equal Pay Act and information regarding the effective dates of the Act. Section 800.112 is not being included in these regulations because it is more applicable to a section on minimum wages than on equal pay.

The last sentence in §§ 1620.4 and 1620.5 titled "Fringe Benefits" deals with the subject matter which is covered by § 800.116(d) titled "contributions to employee benefit plans." On August 25, 1978, the Department of Labor proposed an amendment to § 800.116(d) to bring its position on fringe benefits into line with the principles enunciated in *City of Los Angeles, Department of Water and Power* v. *Manhart*, 435 U.S. 702 (1978), and also the Commission's guideline, 29 CFR 1604.9, under Title VII, which was cited with approval in *Manhart*. For the Department's proposed amendments see 43 FR 38029. Prior to the publication of that amendment in final form, the responsibility for the enforcement of the Act was transferred to the EEOC.

In *Manhart*, the Supreme Court was presented with two administrative interpretations of what constitutes sex-based discrimination in fringe benefits; the Court held that the EEOC's statutory interpretation contained in 29 CFR 1604.9 was the proper one, and, therefore, it rejected the Labor Department's interpretation under the Equal Pay Act. After *Manhart*, an employer is required to provide equal benefits under both Title VII and the Equal Pay Act. Before *Manhart*, there existed two alternative approaches to what constituted sex-based discrimination in fringe benefits; *Manhart* foreclosed one of the two alternatives. Thus, the Commission believes that there is no alternative method for implementing the Supreme Court's decision in *Manhart*.

In order to avoid duplicative regulations under the two statutes, both of which are now enforced by the Commission, § 1620.5 incorporates the language of the pre-existing Title VII regulation that appears at 29 CFR 1604.9.[1] The only notable difference between §§ 1620.5 and 1604.9 is that an additional example has been added to § 1620.5(d). This example provides that it shall be unlawful for an employer to make available benefits for the husbands and families of female employees where the same benefits are not made available for the wives and families of male employees. This example is simply the converse of the first example set forth in that section. The additional example is not a new theory or interpretation of the law, but rather it is a statement of applicable law.

Section 1620.6 is the same as § 800.111, with the only significant change being that the word "Commissions" has been inserted so as to make explicit that this system of pay is a method of pay encompassed by the term "wage 'rate'."

Sections 1620.7 through 1620.11 set forth basic interpretations of the Equal Pay Act and cover the subject matter included in §§ 800.114 through 800.132, which treat the same subjects. These sections have been rewritten for the sake of clarity and in order to include principles set forth in important judicial decisions. For example, § 1620.10 entitled "Time Unit for Determining Violations" makes it clear that under the Equal Pay Act, as well as other provisions of the FLSA, jobs performed during a particular work cycle, not during the full year, determine the right to receive equal pay for equal work; and § 1620.9, which defines "similar working conditions," is directly based on the Supreme Court's decision in *Corning Glass Works* v. *Brennan*, 417 U.S. 188 (1974).[2]

Section 1620.12 titled "Permissible bases for pay differentials" covers the subject matter included in §§ 800.140 through 800.145, which is titled "Exceptions to Equal Pay Standards." Section 1620.12 also includes a sentence on trainee programs which is discussed in § 800.148 and certain principles set forth in § 800.150.

Sections 1620.13, 1620.14 and 1620.15 simply condense and more explicitly state certain principles set forth in §§ 800.146, 800.147, 800.149 and 800.151. Section 1620.15 discussed the term "red circle" rate. Generally speaking a "red circle" rate is a higher rate paid to a particular employee when he or she is transferred to a job at a lower skill and rate of pay than his or her former job.

Sections 1620.16 through 1620.18 cover the subject matter included in §§ 800.160 through 800.162 and like those sections, describe the relationship of the Equal Pay Act with other laws. Regulations in § 800.163 have not been included in light of the caselaw which has invalidated such restrictive state laws.

These regulations have been reviewed in accordance with Executive Order 12291 and have been determined not to be a major rule. With respect to the last sentence in §§ 1620.4 and 1620.5, the principles enunciated are mandated by *City of Los Angeles, Department of Water and Power*, v. *Manhart*, 435 U.S. 702 (1978) and must be implemented. *See also EEOC* v. *Colby College*, 589 F.2d 1139 (1st Cir. 1978); *Norris* v. *Arizona Committee*, 486 F. Supp. 645 (D. Ariz. 1980); *Peters* v. *Wayne State University*, 476 F. Supp. 1343 (E.D. Mich. 1979; *Spirt* v. *Teachers Insurance and Annuity Association*, 475 F. Supp. 1271 (D. Or. 1975); *Reilly* v. *Robertson*, 266 Ind. 29, 360 N.E.2d 171 (1977) (based upon the 14th Amendment of the U.S. Constitution and the Constitution of the Sate of Indiana).

Most of the affected employers are already subject to the Commission's Title VII guideline, 29 CFR 1604.9; therefore any impact is limited to only those employers who are covered solely by the Equal Pay Act. Finally in the private sector, with respect to one form of fringe benefits, namely pensions, which has been the subject of most attention by commentators since *Manhart*, it is very unlikely that any of the small employers covered solely under the Equal Pay Act would be

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[1] Wording in § 1620.5 has been slightly modified to conform to the language of the Equal Pay Act; however, no difference in meaning is thereby intended. Also, the last sentence of 29 CFR 1604.9(f) referring to a General Counsel statement under Title VII is not applicable to the Equal Pay Act and is, therefore, deleted from § 1620.5.

[2] Due to ambiguous regulations, Courts, have held that "[a]lthough Section 7(a)(1) of the Fair Labor Standards Act (29 U.S.C. 207(a)(1)) uses the work week as its general standard for determining minimum wages and overtime pay due employees, the Equal Pay Provisions involved here do not specify a work week standard," and have interpreted former Labor Department regulations stating that "it will generally be necessary to scrutinize jobs as a whole and to look at the characteristics of the jobs being compared over a full work cycle" (29 CFR 800.119(d)) to mean that jobs should be compared over a full year even though women were employed on a part-year basis and higher paid men were employed on an annual basis. *EEOC* v. *Kenosha Unified School District No. 1*, 620 F. 2d 1220, 1224–1225 (7th Cir. 1980); *Marshall* v. *Dallas Independent School District*, 605 F. 2d 191 (5th Cir. 1979).

affected by the adoption of § 1620.5. A recent survey showed that two-thirds of small businesses surveyed in 1978 offered no pension plans at all. This survey regarded employers with less than 50 employees as small businesses.[3]

The proposed revised regulations appearing below, when adopted as final, will supersede 29 CFR Part 800.

Signed at Washington, D.C. this 28 day of July 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

29 CFR Part 1620 is proposed to be amended by adding new §§ 1620.1 thru 1620.18.

PART 1620—THE EQUAL PAY ACT

Sec.

1620.1 Basic applicability of the Equal Pay Act.
1620.2 "Employer," "employee," "employ" defined.
1620.3 Meaning of "establishment."
1620.4 Meaning of "wages."
1620.5 Fringe benefits.
1620.6 Wage "rate."
1620.7 "Equal work"—what it means.
1620.8 Pay differentials claimed to be based on extra duties.
1620.9 Jobs performed "under similar working conditions."
1620.10 Time unit for determining violations.
1620.11 Equality of wages—application of the principle.
1620.12 Permissible bases for pay differentials.
1620.13 "Head of household."
1620.14 Employment cost factors.
1620.15 Equalization of rates.
1620.16 Relation to Title VII of the Civil Rights Act.
1620.17 Relation to other equal pay laws.
1620.18 Relation to other labor laws.

Authority: Secs. 1–19, 52 Stat. 1060, as amended; Sec. 10, 61 Stat. 84; Pub. L. 88–38, 77 Stat. 56 (29 U.S.C. 201 et seq.); Sec. 1, Reorg. Plan No. 1 of 1978, 43 FR 19807; Executive Order No. 12144, 44 FR 37193.

§ 1620.1 Basic applicability of the Equal Pay Act.

Since the Equal Pay Act (hereinafter referred to as the Act) is a part of the Fair Labor Standards Act (hereinafter referred to as the FLSA), it has the same basic coverage as the FLSA except that it extends to executive, administrative, and professional employees and to outside sales employees who are exempted from the FLSA for most purposes by section 13(a)(1) of the statute. Most state and local government employees are subject to the Act even though they may not be protected under the FLSA. Specifically, the Act applies to an employer having employees subject to any of the provisions of section 6 of the FLSA within any establishment in which such employees are employed. Its requirements apply except as otherwise provided by a specific exemption to every employee who is "engaged in commerce or in the production of goods for commerce" and every employee who is "employed in an enterprise engaged in commerce or in the production of goods for commerce" or "by an establishment" qualifying as such an enterprise, as specified and defined in the FLSA, including most employees of the United States Government. Except for the exemption in subsection 13(a)(1) of the FLSA, the other exemptions of section 13(a) of the FLSA are applicable to the Act.

§ 1620.2 "Employer," "employee," "employ" defined.

The words "employer," "employee" and "employ" as used in the Act are defined in the FLSA. Economic reality rather than technical concepts determines whether there is employment within the meaning of the Act. An "employer," as defined in section 3(d) of the FLSA, "means any person acting directly or indirectly in the interest of an employer in relation to an employee and includes a public agency," as defined in section 3(x). An "employee," as defined in Section 3(e) of the FLSA, "means any individual employed by an employer." "Employ," as used in the Act, is defined in section 3(g) of the FLSA to include "to suffer or permit to work." Two or more employers may be both jointly or singly responsible for compliance with the statutory requirements applicable to employment of a particular employee.

§ 1620.3 Meaning of "establishment."

(a) The meaning of the word "establishment" as used in the Act is not defined in the FLSA, but guidance as to its meaning has been given in judicial decisions. In cases where a single distinct physical place of business is independently operated and controlled as an autonomous unit, such distinct physical place of business constitutes one "establishment" within the meaning of the Act. However, for purposes of the Act, in some situations where employees are employed in physically separated locations, two or more such separate locations together may constitute one "establishment." The following are types or examples of factors which tend to show that two or more locations or physical units together constitute a single "establishment": (1) Integration of activities at such locations, (2) centralized control of activities at such locations, (3) centralized personnel activities and policies, and (4) the utilization of centrally imposed pay practices which are applied on a system-wide, area-wide or other geographical-wide basis throughout such locations. When as a result of such factors, two or more locations together comprise a single "establishment," comparisons between men and women employees performing equal work may be made without regard to whether they work in the same or different locations so long as such employees are within such single "establishment."

(b) The equal pay provisions do not apply only to work performed inside a physical establishment. Although jobs must be tested under the establishment basis, this does not deprive employees of protection simply because their work is performed away from the physical premises of the establishment in which they are employed.

§ 1620.4 Meaning of "wages."

Under the Act, the term "wages" generally includes all payments made to or on behalf of the employee as remuneration for employment. "Wages" as used in the Act (the purpose of which is to assure men and women equal remuneration for equal work) will therefore include payments which may not be counted under section 3(m) of the FLSA toward the minimum wage (the purpose of which is to assure employees a minimum amount of remuneration unconditionally available in cash or in board, lodging or similar facilities). Similarly, the provisions of section 7(e) of the FLSA under which some such payments may be excluded in computing an employee's "regular rate" of pay for purposes of section 7 do not authorize the exclusion of any such remuneration from the "wages" of an employee in applying the Act. Thus, vacation and holiday pay, and premium payments for work on Saturdays, Sundays, holidays, regular days of rest or other days or hours in excess or outside of the employee's regular days or hours of work are remuneration for employment and therefore wage payments that must be considered in applying the Act, even though not a part of the employee's "regular rate." Fringe benefits are "wages" within the meaning of the Act. Employer contributions to employee benefit plans are not "wages" within the meaning of the Act but rather are employment costs, the equality or inequality of which is not relevant to the purposes of the Act.

[3] "Small Business As a Market For Insurance" at p. vii and ix (1978). Sponsored by The Marketing Department of U.S. News & World Report and Life Insurance Marketing and Research Association, conducted by Marketing Concepts, Inc.

§ 1620.5 Fringe benefits.

(a) "Fringe benefits," as used herein, includes medical, hospital, accident, life insurance and retirement benefits; profit-sharing and bonus plans; leave; and other terms, conditions, and privileges of employment.

(b) It shall be unlawful for an employer to discriminate between men and women with regard to fringe benefits.

(c) Where an employer conditions benefits available to employees and their spouses and families on whether the employee is the "head of the household" or "principal wage earner" in the family unit, the benefits tend to be available only to male employees and their families. Due to the fact that such conditioning discriminatorily affects the rights of women employees, and that "head of household" or "principal wage earner" status bears no relationship to job performance, benefits which are so conditioned will be found a prima facie violation of the prohibitions against sex discrimination contained in the Act.

(d) It shall be unlawful for an employer to make available benefits for the wives and families of male employees where the same benefits are not made available for the husbands and families of female employees; or to make available benefits for the husbands and families of female employees where the same benefits are not made available for the wives and families of male employees; or to make available benefits for the wives of male employees which are not made available for female employees; or to make available benefits to the husbands of female employees which are not made available for male employees. An example of such an unlawful employment practice is a situation in which wives of male employees receive maternity benefits while female employees receive no such benefits.

(e) It shall not be a defense under the Act to a charge of sex discrimination in benefits that the cost of such benefits is greater with respect to one sex than the other.

(f) It shall be unlawful for an employer to have a pension or retirement plan which, with respect to benefits, establishes different optional or compulsory retirement ages based on sex, or which otherwise differentiates in benefits on the basis of sex.

§ 1620.6 Wage "rate."

The term wage "rate" as used in the Act is considered to encompass all rates of wages whether calculated on a time, commission, piece, job, incentive, or other basis. The term includes the rate at which overtime compensation or other special remuneration is paid as well as the rate at which straight time compensation for ordinary work is paid. The term also includes the rate at which a draw, advance, or guarantee is paid against a commission settlement.

§ 1620.7 "Equal work"—What it means.

The Act prohibits discrimination by employers on the basis of sex in the wages paid for "equal work on jobs the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions * * *." 29 U.S.C. 206(d)(1). Equal work does not require that the jobs be identical, but only that they must be substantially equal. *Corning Glass v. Brennan,* 414 U.S. 188 (1974); *Schultz v. Wheaton Glass Co.,* 421 F.2d 259 (3rd Cir.) *cert. denied* 398 U.S. 905 (1970).

§ 1620.8 Pay differentials claimed to be based on extra duties.

Additional duties may not be a defense to the payment of higher wages to one sex where the higher pay is not related to the extra duties. For example, an employer cannot claim this defense where:

(a) Employees of the higher paid sex receive the higher pay without doing the extra work;

(b) Some members of the lower paid sex also perform extra duties of equal skill, effort, and responsibilities;

(c) Qualified members of the lower paid sex are not given the opportunity to do the extra work;

(d) The supposed extra duties do not in fact exist;

(e) The extra task consumes a minimal amount of time and is of peripheral importance; or

(f) Third persons (i.e., individuals who are not in the two groups of employees being compared) who do the extra task as their primary job are paid less than the members of the higher paid sex for whom there is an attempt to justify the pay differential.

§ 1620.9 Jobs performed "under similar working conditions."

The term "similar working conditions" encompasses two subfactors: "surroundings" and "hazards." "Surroundings" measure the elements, such as toxic chemicals or fumes, regularly encountered by a worker, their intensity and their frequency. "Hazards" take into account the physical hazards regularly encountered, their frequency and the severity of injury they can cause. *Corning Glass Works* v. *Brennan,* 417 U.S. 188, 202 (1974). The phrase "working conditions" does not encompass shift differentials.

§ 1620.10 Time unit for determining violations.

In applying the various tests of equality to the requirements for the performance of particular jobs, it is necessary to scrutinize each job as a whole and to look at the characteristics of the jobs being compared over a full work cycle. For the purpose of such a comparison the appropriate work cycle to be determined would be that performed by members of the lower paid sex and a comparison then made with job duties performed by members of the higher paid sex during a similar work cycle. The fact that the higher paid employee may be required to perform a regular additional task not included in the work cycle of the lower paid employee would not justify payment of a higher wage rate to that employee for *all* hours worked. Thus, for example, where men and women custodial workers, in a school system perform equal work during the academic year, the performance of unequal work by the men in the summer months would not preclude the application of the equal pay standard, and a higher wage rate for the men would not be justified for the period when the work was equal. Further, the denial of opportunity to work during the summer months would, if sex-based, violated Title VII where that law applies.

§ 1620.11 Equality of wages—Application of the principle.

Equal wages must be paid in the same medium of exchange. For instance, an employer would be prohibited from paying higher hourly rates to all male employees and then attempting to equalize the differential by periodically paying the women employees a bonus. The prohibition against unequal pay as to men and women employees is applicable in regard to employees working both concurrently and successively in an establishment. In a situation in which a violation has occurred where men and women employees were concurrently working, the violation continues even if all the members of the higher paid sex are transferred into different jobs or terminated. Similarly, if a particular job which has been performed in the past by a man becomes vacant and is then filled by a woman employee, the Act would prohibit paying the woman employee at lower wage rate than was paid for equal work when performed by the man.

§ 1620.12 Permissible bases for pay differentials.

(a) Pay differentials between men and women employees may be permissible

under the Act if based upon one or more of the following factors: (1) A merit system, (2) a seniority system, (3) a system based on quantity or quality of production, and (4) other systems or criteria based on "any other factor other than sex." None of these systems is a valid defense, however, if sex discrimination is any element of it either expressly or by implication. For instance, a seniority system which provides periodic increases is invalid if it prescribes dual wage rates for men and women performing equal work. A trainee program from which women employees are excluded and which is claimed as a basis for making a differential between male and female employees is invalid and discriminatory and therefore is not a defense.

(b) In determining whether such systems or employment practices are valid explanations of the pay differential, the following principles are applied:

(1) The standard system or test must be completely non-discriminatory and lacking any element of sex discrimination either expressly or impliedly.

(2) It must be uniformly applied to men and women employees.

(3) The system must be bona fide and must be the genuine basis of the pay differential.

(4) Even though the standard, system or test is neutral on its face, and purports to be based on a factor other than sex, it is discriminatory if it has an adverse impact on members of one sex in providing them in lower rate of pay and if it cannot be shown to be related to job performance.

(c) The employer has the burden of proving the existence of such seniority system, merit system, or other system based on factors other than sex.

§ 1620.13 "Head of household."

Since a "head of household" or "head of family" status bears no relationship to the requirements of the job or to the individual's performance on the job and would generally adversely affect members of one sex, a pay differential based on such a status is discriminatory and not a defense for equal pay violations.

§ 1620.14 Employment cost factors.

A wage differential based on claimed differences between the average cost of employing the employer's women workers as a group and the average cost of employing the men workers as a group is discriminatory and does not qualify as a differential based on any "factor other than sex," and will result in a violation of the equal pay provisions, if the equal pay standard otherwise applies. *Los Angeles Dept. of Water & Power* v. *Manhart*, 435 U.S. 702 (1978).

§ 1620.15 Equalization of rates.

(a) Under the express terms of the Act, when a prohibited sex-based wage differential has been proved, an employer can come into compliance only by raising the wage rate of the lower paid sex.

(b) The term "red circle" rate describes a higher than normal rate given to an employee for exceptional reasons. A red circle rate cannot be used for the purpose of maintaining permanent wage differentials for equal work. A red circle rate is permissible as a factor other than sex in such cases as, for example, temporary reassignment for ill health.

§ 1620.16 Relation to Title VII of the Civil Rights Act.

In situations where the jurisdictional prerequisites of both the Equal Pay Act and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq*, are satisfied, any violation of the Equal Pay Act is also a violation of Title VII. Furthermore, Title VII covers types of wage discrimination not actionable under the Equal Pay Act. Therefore an act or practice of an employer or labor organization that is not a violation of the Equal Pay Act may nevertheless be a violation of Title VII.

§ 1620.17 Relation to other equal pay laws.

The provisions of various State or other equal pay laws may differ from the equal pay provisions set forth in the Fair Labor Standards Act. No provisions of the Equal Pay Act will excuse noncompliance with any State or other law establishing fewer defenses or more liberal work criteria than those of the Equal Pay Act. On the other hand, compliance with other applicable legislation will not excuse violations of the Equal Pay Act.

§ 1620.18 Relation to other labor laws.

If a higher minimum wage than that required under the FLSA is applicable to a particular sex pursuant to State law, and the employer pays the higher State minimum wage to male or female employees, it must also pay the higher rate to employees of the opposite sex for equal work in order to comply with the Act. Similarly, if overtime premiums are paid to members of one sex because of a legal requirement, such premiums must also be paid to employees of the other sex.

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DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2530

Rules and Regulations for Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Proposed Amendments

Note.—This document originally appeared in the Federal Register for August 31, 1981. It is reprinted in this issue to meet requirements for publication on Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed amendments to final rule.

SUMMARY: In this document, the Department of Labor (Department) is proposing to adopt several amendments to a final regulation under the Employee Retirement Income Security Act of 1974 (ERISA), 29 CFR 2530.203–3, relating to suspension of pension benefit payments under certain circumstances. These amendments are intended to address concerns which have been presented to the Department with respect to possible effects of certain technical aspects of the regulation. Specifically, this document affects provisions of the regulation which govern benefit offsets and determinations of whether a person is "employed" in a manner which could give rise to a suspension of benefits.

DATES: Written comments on these proposed amendments must be received by the Department on or before September 30, 1981.

ADDRESSES: Written comments (preferably at least three copies) should be submitted to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N–4508, U.S. Department of Labor, Washington, D.C. 20216. Attention: Suspension of Benefits—Amendments. All written comments will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Progams, Department of Labor, Room N–4677, 200 Constitution Avenue, N.W. Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Office of the Solicitor, 200 Constitution Avenue, N.W.

Washington, D.C. 20216; Room C–4508; 202–523–8658.

SUPPLEMENTARY INFORMATION: On January 27, 1981, the Department published in the **Federal Register** (46 FR 8894) a final regulation under section 203(a)(3)(B) of ERISA governing the circumstances under which it is permissible for a plan to suspend the payment of pension benefits (29 CFR 2530.203–3). As published, this regulation was due to take effect May 27, 1981.

On May 26, 1981, June 30, 1981, and July 31, 1981, the Department published documents announcing deferrals of the effective date of the suspension of benefits regulation, originally until July 1, 1981, and then until August 1, 1981 and September 1, 1981. These actions were taken in order to permit reconsideration of the regulation, in accordance with Executive Order 12291. In those Notices, the Department also referred to a number of comments it has received in response to publication of the final rule, and stated that it would consider whether and to what extent these comments affect its analysis of the costs and benefits involved.

The Department has now determined that certain technical problems described below should be addressed, and is proposing several amendments to the regulation. In addition, elsewhere in this issue of the **Federal Register**, the Department is publishing a notice relating to further deferral of the effective date of the suspension of benefits regulation.

The technical amendments under consideration for permanent adoption concern items of administrative cost associated by the commentators with implementation of provisions of the regulation relating to benefit offsets and to determinations of whether an individual may be considered "employed" in "section 203(a)(3)(B) service." The specific areas of concern are described below.

1. *Definition of "hour of service."* Generally, the regulation permits a pension plan to provide for the permanent withholding of accrued benefits for each month of employment in "section 203(a)(3)(B) service." Paragraph (c) of the regulation states that "section 203(a)(3)(B) service" results during a calendar month if during that month the participant completes 40 or more hours of service, *as defined in 29 CFR 2530.200b–2(a)(1),* in certain types of employment. The cited portion of the regulation defining hour of service refers only to hours "for which an employee is paid, or entitled to payment, for the performance of duties for the employer."

Commentators have suggested that administrative problems could arise in this connection in some cases where the participant receives payment from the employer other than for the performance of duties. For example, the participant might not have worked 40 hours, but nevertheless might have received pay for sick leave or vacation from the employer equal to or in excess of the amount payable for 40 hours of work. Under such circumstances, it has been argued tht the periods for which such payments are made should also be counted as section 203(a)(3)(B) service: to preclude the possibility that a participant might become entitled to receive pension as well as, *e.g.,* vacation benefits for the same period of time; to avoid placing excessive administrative burdens on plans; and because the participant who recieves such payments should still b considered "employed" under the statute. Accordingly, the Department is proposing to amend the hour of service definition to include situations where the participant might receive compensation other than for the performance of duties.

2. *Payroll period and "period of employment."* Under the regulation, the period to be examined for determining whether a participant is "employed" is the calendar month, and a participant is considered employed in a month if he completes 40 or more hours of service in relevant employment. Commentators have noted that, while plans generally pay benefits monthly, it is not uncommon for an employer to maintain mechanized payroll systems on other than a calendar month basis. It appears that such an employer would experience significant difficulty in determining the number of hours worked in a calendar month, and that, because of this, the plan also would face increased administrative problems. The Department believes that some greater flexibility in the "period of employment" could be accomplished, and is proposing to amend the regulation in this regard to permit use of a four or five week payroll period in lieu of the calendar month as the period to be examined.

3. *Use of "equivalencies" and "elapsed time" methods.* In the preamble to the final regulation (46 FR 8894, 8897) the Department noted that many commentators urged that the regulation permit the use of the "equivalencies" or "elapsed time" methods of counting hours worked, described in Department regulations, for determining whether the "40 hour test" had been met. The Department rejected these suggestions because it did not appear that use of these methods would be appropriate for determining when benefits could be forfeited.

The Department has determined that the administrative costs to plans which use these methods is significant enough to warrant its reconsideration of possible ways to allow such plans to continue to use these methods, without the burdens which might arise if they had to count hours solely for suspension purposes, while at the same time safeguarding plan participants against harsh results. It appears to the Department that although it might be difficult for such plans (i.e. plans already using elapsed time methods or equivalencies for other purposes) to calculate the actual number of hours worked by a plan participant, there should not be any significant problem in determining the number of days for which compensation is paid to the participant for any given period, particularly in light of the fact that the Department is also proposing to allow use of payroll periods, in addition to the calendar month, for determinating a period of employment under the regulation. Accordingly, the Department is proposing to permit suspension of benefits by plans using equivalencies or the elapsed time method for all other purposes when a participant performs any services for pay for the employer on 10 or more days during a calendar month or variant. As discussed above, plans would be permitted to include in this calculation those days for which certain payments were made for reasons other than the performance of duties.

4. *"Offset" rules.* Paragraph (b)(3) of the regulation permits plans to deduct, from benefit payments to be made by the plan, any payments previously made during months in which the participant was employed in section 203(a)(3)(B) service, but limits such deduction (or offset) in any one month to not more than 25 percent of that month's benefit payment. Paragraph (b)(4) of the regulation prohibits the withholding of payments under this section until the plan gives notice of the withholding to the employee.

Commentators have argued that plans might not know until the end of an initial period of employment whether the participant engaged in section 203(a)(3)(B) service for that period, and to that extent the plan would always be in a position of having to go through the added administrative procedures of the offset rules in order to fully recapture amounts it is entitled to suspend.

The Department is proposing to address this problem by lifting the 25

percent limitation with regard to the initial payment to which the participant would be entitled upon resumption of benefits under paragraph (b)(2) of the regulation. Because paragraph (b)(2) authorizes a delay of up to two months between the time employment ceases and the time benefits must resume, this initial payment could routinely equal as much as three months' benefits. The Department believes that such an amount would generally be sufficient to cover the full extent of a plan's "overpayments."

E.O. 12291 Statement

Pursuant to the requirements of Executive Order 12291, it is the Department's initial determination that these proposed amendments are not a "major rule," as that term is used in the Order, because it does not appear that they will result in: an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Department views these proposed amendments as technical changes which would, if adopted, increase options available to plans under the suspension of benefits regulation, and facilitate less costly administration of suspension provisions, without themselves imposing additional costs on plans.

Regulatory Flexibility Act Statement

For the reasons set forth in the preceding paragraph, the undersigned has certified that these proposed amendments will not have a significant economic impact on a substantial number of small entities.

Statutory Authority

These amendments are proposed for final adoption under the authority contained in sections 203(a)(3)(B) and 505 of ERISA (Pub. L. 93–406, 88 Stat. 854, 894, 29 U.S.C. 1053, 1135).

PART 2530—RULES AND REGULATIONS FOR MINIMUM STANDARDS FOR EMPLOYEE BENEFIT PLANS

Accordingly, it is proposed that Chapter XXV of Title 29 of the Code of Federal Regulations be amended by revising the heading, paragraph (b) (1), (3) and the first sentence of (b)(4), (c)(1) and the introductory text of (c)(2), and (d) of § 2530.203–3 to read as follows:

§ 2530.203–3 Suspension of pension benefits upon employment.

* * * * *

(b) *Suspension rules*—(1) *General rule.* A plan may provide for the permanent withholding of an amount which does not exceed the suspendible amount of an employee's accrued benefit for each calendar month, or for each four or five week payroll period ending in a calendar month, during which an employee is employed in "section 203(a)(3)(B) service" as described in § 2530.203–3(c).

* * * * *

(3) *Offset rules.* A plan which provides for the permanent withholding of benefits may deduct from benefit payments to be made by the plan any payments previously made by the plan during those calendar months or pay periods in which the employee was employed in section 203(a)(3)(B) service, *Provided,* that such deduction or offset does not exceed in any one month 25 percent of that month's total benefit payment (excluding amounts described in paragraph (b)(2) of this section) which would have been due but for the offset.

(4) *Notification.* No payment shall be withheld by a plan pursuant to this section unless the plan notifies the employee by personal delivery or certified mail during the first calendar month or payroll period in which the plan withholds payments that his benefits are suspended.* * *

* * * * *

(c) *Section 202(a)(3)(B) Service*—(1) *Plans other than multiemployer plans.* In the case of a plan other than a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee, subsequent to the time the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment, results in section 203(a)(3)(B) service during a calendar month, or during a four or five week payroll period ending in a calendar month, if the employee, in such month or payroll period, (i) completes 40 or more hours of service (as defined in 29 CFR 2530.200b–2(a)(1) and including hours for which the employee took, and is entitled to payment for, vacation, holiday, jury duty, training, or sick leave) for an employer which maintains the plan, including employers described in § 2530.210 (d) and (e), as of the time that the payment of benefits commenced or would have commenced if the employee had not returned to employment; or (ii) receives from such employer payment for the performance of duties, or payment for vacation, holiday, jury duty, training, or sick leave, or both, for each of 10 or more days (or separate work shifts) in such month or payroll period, *Provided,* that the plan does not for any purpose determine or use the actual number of hours of service with which an employee is required to be credited under § 2530.200b–(2)(a).

(2) *Multiemployer plans.* In the case of a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee subsequent to the time the payment of benefits commence or would have commenced if the employee had not remained in or returned to employment results in section 203(a)(3)(B) service during a calendar month, or during a four or five week payroll period ending in a calendar month, if the employee, in such month or payroll period:

Completes 40 or more hours of service (as defined in § 2530.200b–2(a)(1) and including hours for which the employee took, and is entitled to payment for, vacation, holiday, jury duty, training, or sick leave); or

Receives payment for the performance of duties, or payment for vacation, holiday, jury duty, training, or sick leave, or both, for each of 10 or more days (or separate work shifts) in such month or payroll period, *Provided,* that the plan does not for any purpose determine or use the actual number of hours of service with which an employee is required to be credited under § 2530.200b–(2)(a); in

—An industry in which employees covered by the plan were employed and accrued benefits under the plan as a result of such employment at the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment, and

—A trade or craft in which the employee was employed at any time under the plan, and

—The geographic area covered by the plan at the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment.

* * * * *

(d) *Suspendible amount*—(1) *Life annuity.* In the case of benefits payable periodically on a monthly basis for as long as a life (or lives) continues, such as a straight life annuity or a qualified joint and survivor annuity, a plan may provide that an amount not greater than the portion of a monthly benefit payment derived from employer contributions may be withheld permanently for a calendar month, or for

a four or five week payroll period ending in a calendar month, in which the employee is employed in section 203(a)(3)(B) service.

(2) *Other benefit forms.* In the case of benefits payable in a form other than the form described in paragraph (d)(1) of this section, a plan may provide for the permanent withholding of an amount of the employer-derived portion of benefit payments for a calendar month, or for a four or five week payroll period ending in a calendar month, in which the employee is employed in section 203(a)(3)(B) service, not exceeding the lesser of (i) the amount of benefits which would have been payable to the employee if he had been receiving monthly benefits under the plan since actual retirement based on a single life annuity commencing at actual retirement age, or (ii) the actual amount paid or scheduled to be paid to the employee for such month. Payments which are scheduled to be paid less frequently than monthly may be converted to monthly payments for purposes of this paragraph (d)(2)(ii).

Signed at Washington, D.C., this 27th day of August, 1981.

Donald L. Dotson,

Assistant Secretary, Labor-Management Services Administration.

[FR Doc. 81-25459 Filed 8-28-81; 8:45 am]

BILLING CODE 4510-20-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1913-8]

Approval and Promulgation of State Implementation Plan; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing to approve, in part, a revised sulfur dioxide (SO_2) control strategy for Vigo County, Indiana as a revision to the State Implementation Plan (SIP). EPA is not, however, proposing any action today on an alternate method of determining compliance which permits the averaging of SO_2 emissions over 30 days. This proposed revision was submitted to EPA by the Indiana Air Pollution Control Board to meet the requirements of Part D of the Clean Air Act (CAA).

DATES: Comments must be received on November 2, 1981.

ADDRESSES: Comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. In reply refer to: File B15.

Copies of the regulation are available for review at the above address and at:

Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2922, 401 M Street, S.W., Washington, D.C. 20460

Air Pollution Control, Vigo County Health Department, 120 S. Seventh Street, Terre Haute, Indiana 47807

Indiana Air Pollution Control Division, 1330 W. Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Robert Miller, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (CAA), as amended in 1977, the EPA designated certain areas in each Region V State as not attaining the National Ambient Air Quality Standards (NAAQS) for SO_2. Vigo County, Indiana was designated as not attaining the primary standard.

Part D of the CAA, as added by the 1977 amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but for SO_2 not later than December 31, 1982. The requirements for an approvable SIP are described in the April 4, 1979 **Federal Register** (44 FR 20372) and in supplements dated July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761, 67182.)

EPA's proposed rulemaking action may take one of the following three forms: approval, disapproval, or conditional approval. EPA will conditionally approve the plan if the State proposal contains minor deficiencies, and if the State provides assurances that it will submit corrections on a specified schedule. Further details on conditional approval are contained in the July 2, and November 23, 1979 **Federal Register.**

In response to Part D of the CAA, on June 26, 1979, the State of Indiana submitted revised SO_2 control strategies and Air Pollution Control Regulation 13 (APC-13) to EPA. This submission included a control strategy for Vigo County that was developed by the Indiana Air Pollution Control Division and regulations which were promulgated by the State on June 19, 1979.

While the State developed its SO_2 plan for the County, an industrial task force developed its own control strategy. The Wabash Valley Environmental Association (WVEA), an organization of 20 local firms formed early in 1978, submitted its county-wide plan to the Indiana Air Pollution Control Board (IAPCB) in September 1979. After reviewing the WVEA plan, the State agreed to substitute the WVEA plan for the State plan in APC-13. Consequently, on October 4, 1979, the IAPCB officially withdrew its control strategy for Vigo County, including the portion of APC-13 pertaining to Vigo County. On January 7, 1980, the State promulgated the WVEA SO_2 plan as the control strategy for Vigo County. The new control strategy contained revised emission limitations for incorporation into APC-13.

On February 11, 1980, the State submitted its new SO_2 control strategy for Vigo County. Technical support materials were submitted in September 1979, on December 10, 1979 and on May 30, 1980. The September 1979 submission included the technical rationale for the new control strategy for SO_2 in Vigo County. The later submissions provided additional analysis to correct technical deficiencies in the initial submission.

The Strategy consists of a general, statewide regulation, APC-13, and an appendix to the regulation which establishes specific emission limitations for certain Vigo County sources, as well as for sources in other counties. On March 27, 1980, EPA proposed to approve, in part, the general, statewide SO_2 regulation APC-13 (45 FR 20743). EPA took no action at that time on the Vigo County portion of APC-13.

Today, EPA is proposing to approve, in part, the Vigo County portion of the SO_2 strategy. EPA will take no action on the 30-day averaging provision in the Vigo County strategy. EPA's detailed analysis of the strategy is contained in an EPA technical memorandum dated August 26, 1980, which is available for review at the above addresses. The conclusions of that memorandum are summarized in this notice.

The version of APC-13 currently enforceable as the federally approved SIP under federal law differs in some respects from the regulation being enforced by Indiana. The measures proposed for approval today are in addition to and not in lieu of existing SIP regulations. The present federally approved SIP will remain applicable and enforceable by EPA until the regulated sources comply with the newly promulgated and federally approved

regulation. Failure of a source to meet the presently existing SIP regulation may result in enforcement action including assessment of noncompliance penalties. Furthermore, if there is any delay or lapse in the applicablility or enforceability of the new regulation, because of a court order or for any other reason, the presently existing regulation will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the revised regulation and the requirements of the existing regulation such that it would be impossible for a source to comply with the current SIP requirements while moving toward compliance with the revised regulation. The State may exempt sources from compliance with the EPA approved regulations during the period when compliance with the existing requirements conflict with achieving compliance with the new requirements. Any exemption granted will be reviewed and acted on by the EPA as a future SIP revision.

The EPA enforceable APC-13 for Vigo County was promulgated by Indiana on September 14, 1972 and approved by EPA on May 14, 1973 (38 FR 12698). It set SO_2 emission limitations for existing sources in Vigo County ranging from 6.0 to 1.2 pounds of SO_2/MMBTU (10.8 to 2.16 grams/megacalorie) depending upon the size of the source. Indiana's proposed revision to the SO_2 strategy consists of the following:

(1) All SO_2 sources are given SO_2 emission limitations based on 1977 actual fuel characteristics.

(2) Public Service Indiana will construct a single taller stack of 137.15 meters (m) (through which the six existing units will be vented) for its Wabash River Power Plant. Also, the entire facility is derated by 10%.

(3) J. I. Case will construct a single taller stack of 30 m (through which the two existing units will be vented.)

(4) Anaconda Aluminum Co. will construct two taller stacks of 30 m to replace the two existing stacks serving aluminum melters #5 and #6.

EPA has the following comments on the proposed Vigo County control strategy: First, the proposed stack height increased at Anaconda and J. I. Case are within the de minimis level for "good engineering practice" requirements proposed in the January 12, 1979 **Federal Register** (44 FR 2608).

Second, the stack height increase for the PSI Wabash River plant is approvable because it is consistent with "good engineering practice" as calculated by EPA's proposed stack height formula (44 FR 2608, January 12, 1979; 46 FR 28650, May 28, 1981).

Third, the proposed emission limitations represent, in most cases, relaxations from the existing federally enforceable limits approved May 14, 1973. For these sources, no extension to the existing compliance dates can be granted.

Fourth, the short-term modeling was performed with RAM-urban, the approved EPA reference model. The input data base for the analysis consisted of the emissions inventory, the meteorological data, and the background concentrations. The emissions inventory included all significant point sources (greater than 10 tons/yr. or 9.07 megagrams/yr.) in Vigo County. Background levels were derived using all appropriate monitoring data according to reference methodology. The meteorological data base consisted of one full year of meteorological data (1975 Terre Haute/Peoria). EPA modeling guidelines and policy require the use of five years of representative National Weather Service (NWS) data or at least one year of on-site data, whenever available. If neither five years of NWS data nor at least one year of on-site data are available, then all available data should be used. At the time that the Vigo County strategy was developed, only one year of meteorological data was available for use. Because the strategy was developed prior to EPA's policy requiring five years of meteorological data, EPA is not requiring the State to remodel using five years of meteorological data. However, in all future modeling of the County five years of data must be employed since five years of Terre Haute data are now available.

Fifth, the modeling adequately demonstrated that the proposed strategy will ensure attainment of the NAAQS. The short-term analysis predicted highest second-high concentrations of 362 ug/m^3 (24-hour average) and 1024 ug/m^3 (3 hour average). The annual analysis predicted a high annual impact of 74 ug/m^3. These values, all less than the appropriate ambient standards, show that the proposed strategy will protect the standards.

Sixth, although the strategy ensures attainment of the NAAQS, no increment for growth was provided for in the modeling. The State intends to rely on its permit program for both existing and new/modified sources to maintain the ambient standards. EPA proposed to conditionally approve Indiana's Part D permit program in the March 27, 1980 **Federal Register** (45 FR 20432). EPA has recently taken final action on conditionally approving Indiana's permit program in the **Federal Register.**

Finally, the strategy contains three possible compliance determination methods:

(1) A stack test in accordance with 40 CFR Part 60, Appendix A, Method 6;

(2) Averaging emissions over a 30-day period; and

(3) Other methods as approved by the Indiana Air Pollution Control Board.

These three compliance methods are contained in the portion of 1979 APC-13 which is applicable statewide. In the March 27, 1980 notice of proposed rulemaking, EPA proposed to conditionally approve the statewide portion of Indiana's 1979 APC-13, except for the provision which allows SO_2 emissions to be averaged over a 30-day period, for all areas of the State except Vigo County. EPA has since initiated a review of its policies and procedures for regulating coal-fired power plants (February 14, 1980, 45 FR 9994). As part of this review, the Agency is investigating methods that use longer averaging times and at the same time insure the protection of the NAAQS. EPA will propose rulemaking on the 30-day averaging provision contained in the statewide regulation, APC-13 (1979), upon completion of this review and, therefore, is taking no action today on 30-day averaging as it applies to Vigo County. Additionally, all alternative compliance methods approved by the IAPCB must be submitted to EPA as revisions to the SIP.

Taking no action on the 30-day averaging and requiring submittal of alternative IAPCB approved compliance methods will not affect approvability of the Vigo County strategy as a whole, because 1979 APC-13 contains an approvable compliance method, stack testing in accordance with 40 CFR Part 60, Appendix A, Method 6. Final action on all provisions, except 30-day averaging, which are contained in the overall SO_2 portion of the SIP and which were proposed in the March 27, 1980 notice, will be announced in a **Federal Register** notice in the near future.

Conclusion

Based on its review, EPA proposes to approve, in part, the revised Vigo County SO_2 strategy as a revision to the SIP. EPA proposes that the compliance dates contained in the current federally approved APC-13 (May 14, 1973) will apply to those sources for which the revised SO_2 strategy contains less stringent emission limitations. In those cases where the revised SO_2 strategy requires more stringent emission limitations, the compliance timetables listed in Section 7 of 1980 APC-13 are proposed for approval in Vigo County.

Section 7 requires final compliance by December 31, 1981. EPA is taking no action on 30-day averaging. EPA solicits comments from all interested parties on the regulatory action proposed above.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified on January 27, 1981 (46 FR 8709) that approval of SIPs under Section 110 of the Act would not have a significant economic impact on a substantial number of small entities. This action only proposes to approve a State action under Section 110 of the Act and, therefore, imposes no new requirements, if promulgated, beyond these which the State has already imposed.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation, if promulgated, will not be "major" as defined by Executive Order 12291, because this action only approves a State action and, therefore, imposes no new requirements beyond those which the State has already imposed.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This Notice of Proposed Rulemaking is issued under the authority of Sections 110, 172, and 301(a) of the Clean Air Act, as amended.

Dated: July 22, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-25419 Filed 8-31-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

Excepting Taxidermists From the Import/Export License Requirement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: The Service is considering an amendment to the import/export license requirement found at 50 CFR 14.91 which would except taxidermists from the license requirement. Taxidermists who engage in business as importers or exporters of wildlife and who do not already qualify for an exception to the license requirement would be affected by such an amendment. The Service is soliciting comments, suggestions, or objections on this change. The Service is also requesting information on environmental and economic impacts, and effects on small entities that would result, as well as similar information on any suggested alternatives to the contemplated change.

DATES: Comments on this notice must be received by October 1, 1981.

ADDRESSES: Comments may be mailed to Director (LE), Fish and Wildlife, P.O. Box 28006, Washington, D.C. 20005, or delivered weekdays to the Division of Law Enforcement, Fish and Wildlife Service, 3rd Floor, 1375 K Street, N.W., Washington, D.C. 20005, between 7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 14-02-6. All materials received may also be inspected weekdays during normal business hours at the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343-9242.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 1980 (45 FR 56668), the Service published final rules revising 50 CFR Part 14 (Importation, Exportation, and Transportation of Wildlife) to implement provisions of a number of wildlife laws enforced by the Service. As part of that rulemaking and under authority of section 9(d) of the Endangered Species Act of 1973 [16 U.S.C. 1538(d)], an import/export license requirement was imposed on any person who engages in business as an importer or exporter of fish or wildlife unless that person imports or exports certain excepted wildlife or falls within one of the categories of persons excepted from the requirement by the rules. The license requirement went into effect January 1, 1981.

Licensees must: (1) Pay $50 for a license, (2) keep certain records and retain them for five years, (3) allow the Service to inspect records and inventories of imported wildlife, and (4) file any requested reports. Certain persons excepted from the license requirement by 50 CFR 14.92(b) must still: (1) Keep records which fully and correctly disclose each importation or exportation of wildlife by them, (2) keep records which fully and carefully disclose the subsequent disposition by them of the imported or exported wildlife, and (3) allow the Service to inspect records and inventories of imported wildlife.

Before the effective date of the license requirement, however, the Service received considerable comment that the requirement would impose disproportionately burdensome demands on small entities, particularly small businesses and individuals who only occasionally import or export wildlife for gain or profit. Therefore, on December 31, 1980 (45 FR 86496) the Service published a final rule, effective immediately, which excepted any person from the license requirement if the value of the wildlife that person imports and exports during a calendar year totals less than $25,000 [as declared on the Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177)]. This exception now appears in § 14.92(b)(6).

Why Is the Service Considering This change?

While the Service's most recent exception to the license requirement satisfied virtually all of those who objected to the requirement, it also created confusion for taxidermists. Under 50 CFR 14.91(c)(5), taxidermists importing or exporting wildlife in connection with the mounting, processing, or storage of trophies or specimens are required to obtain an import/export license. The $25,000 exception to the license requirement noted above, which the Service believes includes almost all taxidermists, has left some questioning whether they qualify. The Service has been asked what value should be declared on the Form 3-177 to determine whether the $25,000 limit has been exceeded during a calendar year. Should the wildlife's value be declared as the value to its owner, replacement cost, insured value, the cost of services performed or to be performed, or the value declared to the U.S. Customs Service (which generally is stated as "no commercial value")? To eliminate this ambiguity, under 50 CFR 14.92(b) the Service would except from the license requirement all taxidermists who are now required to obtain a license under 50 CFR 14.91(c)(5). A taxidermist who imports or exports wildlife in connection with the mounting, processing, or storage of trophies or specimens would not be required to obtain a license, unless that taxidermist also engages in a business activity identified in § 14.91(c) for which a license is required, such as importing or exporting wildlife products for sale, and does not qualify for the $25,000 exception to the license requirement.

Public Comments Invited

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to

participate in the rulemaking process. Interested persons are invited to submit written comments, suggestions, or objections regarding this notice, before a notice of proposed rulemaking is issued. These comments and any additional information received will be considered by the Department in adopting a proposed rule. Also, the Service is requesting information on environmental and economic impacts, as well as any effects on small entities (including small business, small organizations, and small governmental jurisdictions) that would result from the change outlined above. Similar information on possible alternatives to the change is also requested. This information will aid the Service in complying with the requirements of the National Environmental Policy Act, Executive Order 12291 entitled "Federal Regulation," and the Regulatory Flexibility Act.

The primary author of this notice is John T. Webb, Division of Law Enforcement, Fish and Wildlife Service.

Date: August 20, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-25461 Filed 8-31-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Parts 32 and 33

Proposed Addition of Fourteen National Wildlife Refuges to the List of Open Areas; Migratory Bird Hunting, Upland Game Hunting, and Big Game Hunting, and Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to add a number of refuges to the lists of open areas for migratory bird hunting; upland game hunting; big game hunting and sport fishing. The Director has received information that this action would be in accordance with the provisions of all applicable laws, would be compatible with the principles of sound wildlife management, would otherwise be in the public interest, and that such uses are compatible with the major purposes for which each refuge was established. The hunting of migratory birds, upland game, big game, and sport fishing, subject to annual special regulations, will provide additional public recreational opportunities.

DATE: Comments must be received on or before October 1, 1981.

ADDRESS: Comments may be addressed to the Director (FES/RF), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: William C. Reffalt, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240; Telephone 202-343-4791.

SUPPLEMENTARY INFORMATION: Ronald L. Fowler is the primary author of this proposed rulemaking. National Wildlife refuges are closed to hunting until officially opened by rulemaking. The Director may open refuge areas to hunting upon a determination that such uses are compatible with the major purposes for which such areas were established and that funds are available for development, operation, and maintenance of the permitted forms of recreation. This action would be in accordance with provisions of all laws applicable to the areas, would be compatible with the principles of sound wildlife management, and would otherwise be in the public interest. It is the purpose of this proposed rulemaking to seek input regarding the opening of the above cited refuges to the hunting of migratory birds, upland game, big game, and sport fishing.

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), environmental assessments have been prepared and are available for public inspection and copying at Room 2341, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, or by mail, addressing the Director at the address above. The policy of the Department of the Interior is whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestion, or objections, regarding the proposal. All relevant comments will be considered by the Department prior to issuance of a final rule.

Note.—The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354), and 43 CFR 14.

PART 32—HUNTING

Accordingly, it is proposed to amend 50 CFR Parts 32 and 33 by the addition of Overflow National Wildlife Refuge, Bogue Chitto National Wildlife Refuge Upper Ouachita National Wildlife Refuge, Mathews Brake National Wildlife Refuge, Morgan Brake National Wildlife Refuge, Panther Swamp National Wildlife Refuge, Lamesteer National Wildlife Refuge, Cedar Island National Wildlife Refuge, Mackay Island National Wildlife Refuge, Lake Zahl NWR, Lower Hatchie National Wildlife Refuge, Tennessee National Wildlife Refuge, McFaddin National Wildlife Refuge and Seedskadee National Wildlife Refuge in §§ 33.11, 32.21, 32.31 and 33.5 as follows:

§ 32.11 List of open areas; migratory game birds.

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Arkansas

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Overflow National Wildlife Refuge

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Louisiana

Bogue Chitto National Wildlife Refuge

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Mississippi

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Mathews Brake National Wildlife Refuge

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Montana

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Lamesteer National Wildlife Refuge

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North Carolina

Cedar Island National Wildlife Refuge

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Tennessee

Lower Hatchie National Wildlife Refuge

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§ 32.21 List of open areas; upland game.

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Arkansas

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Overflow National Wildlife Refuge

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Louisiana

Bogue Chitto National Wildlife Refuge

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Mississippi

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Mathews Brake National Wildlife Refuge

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Montana

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Lamesteer National Wildlife Refuge

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Tennessee

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Lower Hatchie National Wildlife Refuge

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§ 32.31 List of open areas; big game.

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Arkansas

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Overflow National Wildlife Refuge

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Louisiana

Bogue Chitto National Wildlife Refuge

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Mississippi

* * * * *

Mathews Brake National Wildlife Refuge

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Montana

* * * * *

Lamesteer National Wildlife Refuge

* * * * *

North Carolina

Mackay Island National Wildlife Refuge

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North Dakota

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Lake Zahl National Wildlife Refuge

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Tennessee

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Lower Hatchie National Wildlife Refuge

PART 33—SPORT FISHING

§ 33.4 List of open areas; sport fishing.

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Louisiana

Bogue Chitto National Wildlife Refuge

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Upper Ouachita National Wildlife Refuge

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Mississippi

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Mathews Brake National Wildlife Refuge

Morgan Brake National Wildlife Refuge

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Panther Swamp National Wildlife Refuge

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Tennessee

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Lower Hatchie National Wildlife Refuge

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Tennessee National Wildlife Refuge

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Texas

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McFaddin National Wildlife Refuge

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Wyoming

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Seedskadee National Wildlife Refuge

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(16 U.S.C. 460k 668dd)

Dated: August 11, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-25420 Filed 8-31-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 169
Tuesday, September 1, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1981 Extra Long Staple Cotton, Penalty Rate; Determination

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of 1981 extra long staple cotton penalty rate.

SUMMARY: This notice of determination announces the rate of penalty for exceeding the farm marketing quota applicable to the 1981 crop of extra long staple cotton as prescribed by the Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles J. Riley, Production Adjustment Division, ASCS, USDA, 3644 South Building, P.O. 2415, Washington, D.C. 20013 (202) 447–7633.

SUPPLEMENTARY INFORMATION: The program title and number from the "Catalog of Federal Domestic Assistance" is Cotton Production Stabilization, 10.052. This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum 1512–1, and has been classified not "major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

Section 347(c) of the Agricultural Adjustment Act of 1938, as amended, specifies that the rate of penalty prescribed in section 346 of the 1938 Act for exceeding the farm marketing quota with respect to each crop of extra long staple cotton shall be the higher of 50 percent of the parity price or 50 percent of the support price for extra long staple cotton as of June 15 of the calendar year in which the crop is produced. The parity price for extra long staple cotton as of June 15 as determined by the Crop Reporting Board of the Economics and Statistics Service of USDA and published in "Agricultural Prices" dated May 30, 1981, was 191 cents per pound and the extra long staple cotton loan rate applicable for the 1981 crop is 99 cents per pound. Accordingly, the Administrator has determined the 1981 ELS cotton penalty rate to be 95.5 cents per pound. The purpose of this notice is to announce this determination.

Since the penalty rate for the 1981 crop of ELS merely reflects mathematical computations set forth by statute and no administrative decisionmaking is prescribed, it is hereby detemined that no public rulemaking is required with respect to announcement of this determination of the penalty rate.

Determination

The 1981 ELS cotton penalty rate is 95.5 cents per pound.

(Secs. 346, 347, 373, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 63 Stat. 675, as amended, 52 Stat. 65, 66, as amended, 7 U.S.C. 1346, 1347, 1373, 1375)

Signed at Washington, D.C. on August 24, 1981.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81–25312 Filed 8–31–81; 8:45 am]

BILLING CODE 3410–05–M

Food and Nutrition Service

Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools; Income Eligibility Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: As required by section 803 of the Omnibus Reconciliation Act of 1981, the Department announces new Income Eligibility Guidelines to be used by schools participating in the National School Lunch, School Breakfast, and Special Milk Programs, and commodity only schools in determining a child's eligibility for free and reduced price meals or free milk. The new guidelines also apply to independent centers and sponsoring organizations of centers which participate in the Child Care Food Program (7 CFR Part 226). These new guidelines are based directly on Office of Management and Budget (OMB) guidelines and are *not* adjusted by the Department to reflect recent changes in the consumer price index. The eligibility limits for free meals are 130 percent of OMB's income poverty guidelines and the eligibility limits for reduced price meals are 185 percent of the OMB's income poverty guidelines. These guidelines are intended to direct benefits to those most in need and will affect the eligibility of some children for free and reduced price meals and free milk. These guidelines are required by the Omnibus Reconciliation Act (Pub. L. 97–35) to be effective immediately.

EFFECTIVE DATE: August 13, 1981.

FOR FURTHER INFORMATION CONTACT: James C. O'Donnell, Acting Branch Chief, Policy and Program Development Branch, School Programs Division, USDA, FNS, Washington, D.C. 20250, (202) 447–9069.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under Executive Order 12291 and has been classified as "not major". This notice will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete. This notice announces the revised Income Eligibility Guidelines that schools participating in the National School Lunch and Breakfast Programs, the Special Milk Program and commodity only schools will use to determine a child's eligibility for free and reduced price meals and free milk.

Because the Omnibus Reconciliation Act of 1981 requires these guidelines to become effective upon enactment, it is impracticable for the Department to follow the procedures set forth in Executive Order 12291. As provided by section 8(a) of that order, the Director of OMB has been notified of this circumstance.

This notice has been reviewed with regard to the requirements of Pub. L. 96–354. G. William Hoagland,

Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

Income Eligibility Levels

The Department requires schools and institutions which charge for meals and milk separately from other fees to serve free meals and, where applicable and at the option of the School Food Authority, free milk to all children from any family whose income is at or below 130 percent of the poverty level for that family's size. The Department also requires schools and institutions which charge for meals separately from other fees to serve reduced price meals to all children from any family whose income is more than 130 percent of the poverty level for that family's size but at or below 185 percent of the poverty level. These guidelines are required by Section 803 of the Omnibus Reconciliation Act of 1981.

Definition of Income

"Income," as the term is used in this notice, is similar to that defined in the Bureau of the Census report, "Characteristics of the Low-Income Population: 1971," Current Population Reports, series P–60, No. 86, December 1972. "Income" means income *before* deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following: (1) Monetary compensation for services, including wages, salary commissions or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trusts, or net rental income; (6) public assistance or welfare payments; (7) unemployment compensation; (8) Government civilian employee, or military retirement, or pensions or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the households; (12) net royalties; and (13) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources which would be available to pay the price of a child's meal.

"Income," as the term is used in this notice, does not include any income or benefits received under any Federal program which are excluded from consideration as income by any legislative prohibition, for example, income received by volunteers for services performed in the National Older Americans Volunteer Program as stipulated in the Domestic Volunteer Service Acts of 1973, Pub. L. 93–113, Title IV, c 418 (87 Stat. 413, 42 U.S.C. 5058). Furthermore, the value of assistance to children or their families shall not be considered as income if prohibited by the authorizing legislation, e.g., the National School Lunch Act, the Child Nutrition Act of 1966, and the Food Stamp Act of 1977.

A School Food Authority or institution shall consider the household's *current* rate of income at the time the application is submitted to determine eligibility for free and reduced price meals and free milk. Hardship deductions from a household's income shall no longer be allowed in the determination of eligibility.

New Guidelines

The following are the new Income Eligibility Guidelines to be effective until June 30, 1982.

Income Eligibility Guidelines

[Effective from August 13, 1981 to June 30, 1982]

Family size	OMB nonfarm poverty guidelines	Yearly		130 percent free lunches			185 percent RP lunches		
		Monthly	Weekly	Yearly	Monthly	Weekly	Yearly	Monthly	Weekly
48 States, District of Columbia, Territories Excluding Guam									
1	4,310	359	83	5,600	467	108	7,970	664	153
2	5,850	474	109	7,400	617	142	10,530	878	203
3	7,070	589	136	9,190	766	177	13,080	1,090	252
4	8,450	704	163	10,990	916	211	15,630	1,303	301
5	9,830	819	189	12,780	1,065	246	18,180	1,515	350
6	11,210	934	216	14,570	1,214	280	20,740	1,728	399
7	12,590	1,049	242	16,370	1,364	315	23,290	1,941	448
8	13,970	1,164	269	18,160	1,513	349	25,840	2,153	497
For each additional family member add	1,380	115	27	1,790	149	34	2,550	213	49
Alaska									
1	5,410	451	104	7,030	586	135	10,010	834	193
2	7,130	594	137	9,270	773	178	13,190	1,099	254
3	8,850	738	170	11,510	959	221	16,370	1,364	315
4	10,570	881	203	13,740	1,145	264	19,550	1,629	376
5	12,290	1,024	236	15,980	1,332	307	22,740	1,895	437
6	14,010	1,168	269	18,210	1,518	350	25,920	2,160	498
7	15,730	1,311	303	20,450	1,704	393	29,100	2,425	560
8	17,450	1,454	336	22,690	1,891	436	32,280	2,690	621
For each additional family member add	1,720	143	33	2,240	187	43	3,180	265	61
Hawaii and Guam									
1	4,960	415	96	6,470	539	124	9,210	768	177
2	6,560	547	126	8,530	711	164	12,140	1,012	233
3	8,140	678	157	10,580	882	203	15,060	1,255	290
4	9,720	810	187	12,640	1,053	243	17,990	1,499	346
5	11,300	942	217	14,690	1,224	283	20,910	1,743	402
6	12,880	1,073	248	16,740	1,395	322	23,830	1,986	458
7	14,460	1,205	278	18,800	1,567	362	26,750	2,229	514
8	16,040	1,337	308	20,850	1,738	401	29,670	2,473	571
For each additional family member add	1,580	132	30	2,050	171	39	2,920	243	56

(Pub. L. 97–35, 95 Stat. 521–535, 42 U.S.C. 1758)

Dated: August 24, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

FR Doc. 81-25123 Filed 8-31-81; 8:45 am]

BILLING CODE 3410-30-M

Rural Electrification Administration

Fall River Rural Electric Cooperative, Inc.; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22, (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America in the approximate amount of $130,000 to Fall River Rural Electric Cooperative, Inc., Ashton, Idaho. These loan funds will be used to finance front-end studies of a proposed hydroelectric generation facility having a nameplate rating of 6.5 MW. This facility if feasible will be installed at the existing Island Park Dam on Henry's Fork River in Fremont County, Idaho.

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Calvin Wickham, Manager, Fall River Rural Electric Cooperative, Inc., Box 617, Ashton, Idaho 83420.

In order to be considered, proposals must be submitted on or before October 1, 1981 to Mr. Wickham. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as Fall River Rural Electric Cooperative, Inc. and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 25th day of August, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-25361 Filed 8-31-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Filed under subpart Q of the Board's procedural regulations; Week ended August 21, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further procedings.

Date filed	Docket No.	Description
Aug. 17, 1981	[illegible]	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its certificate of public convenience and necessity for Route 1 to add the points Louisville, Kentucky and Syracuse, New York. Conforming Applications, motions to modify scope, and Answers may be filed by September 14, 1981.
Aug. 18, 1981	[illegible]	Action Air Cargo Corporation, c/o Stephen A. Alterman, Haffer & Alterman, 1730 Rhode Island Avenue, N.W., Washington, 20036. Application of Action Air Cargo Corporation pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity to provide scheduled, large aircraft service between and among the following points: Miami, Florida, on the one hand, and Bogata Baranquilla, Bucaramanga and Cartangena, Columbia, on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by September 15, 1981.
Aug. 19, 1981	[illegible]	The Flying Tiger Line Inc., 7401 World Way West, P.O. Box 92935, Los Angeles, California 90009. Application of The Flying Tiger Line Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authority to provide foreign air transportation of property and mail on a permissive basis: between a point or points in the United States, and a point or points in Argentina, Brazil, Colombia, the Dominican Republic Peru and Venezuela; and to transport one or more attendants with any shipment; subject to such terms, conditions, and limitations as the Board may find consistent with the public convenience and necessity. Conforming Applications, motions to modify scope, and Answers may be filed by September 16, 1981.
Aug. 21, 1981	[illegible]	Global International Airways Corp., Ambassador 1, Air World Center, 10920 Ambassador Drive, Kansas City, Missouri 64153. Conforming Application of Global International Airways Corp pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity authorizing it to engage in foreign air transportation in the United States and points within Argentina, Brazil, the Dominican Republic, Peru and Haiti. Answers may be filed by September 4, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25493 Filed 8-31-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39722]

Emergency Air Transportation Requirements

August 26, 1981.

By order 81–8–86, August 13, 1981, we directed interested persons to file comments on the exemptions granted in that order relating to the emergency situation created by the PATCO job disruption. Comments were due by September 1, 1981.

By this notice, the Civil Aeronautics Board postpones indefinitely the deadline for filing comments. The Board will discuss the status of these exemptions at its September 3rd open meeting, and will set a new deadline for the filing of comments at that time.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–25492 Filed 8–31–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–8–138]

Fitness Determination of Altus Flying Service, Inc. d.b.a. Altus Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–8–138, Order to Show Cause.

SUMMARY: The Board is proposing to find that Altus Flying Service, Inc. d.b.a. Altus Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than September 10, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–8–138.

FOR FURTHER INFORMATION CONTACT: Mr. John McCamant, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5082.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–8–138 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–8–138 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 24, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–25487 Filed 8–31–81; 8:45 am]

BILLING CODE 6320–01–M

Munz Northern Airlines, Inc.; Order Concerning Mail Rates

Order 81–8–154, August 25, 1981, Docket 38983, makes final the action proposed in Order 81–8–39 (46 FR 40780, August 12, 1981), amending paragraph 4 of Order 81–1–110, which fixed temporary mail rates for Munz Northern Airlines, Inc.

Copies of the order are available from the Civil Aeronautics Board Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–25488 Filed 8–31–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–8–151; Docket 39640]

Pan American World Airways; Show Cause Order

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81–8–151).

SUMMARY: The Board is proposing to award air route authority at the points listed in Appendix A to Pan American World Airways under expedited show-cause procedures.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by September 15, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39640. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Pan American World Airways; the mayor and airport manager of each city to which the pleading refers; and the state aeronautical commission of the state in which such city is situated.

FOR FURTHER INFORMATION CONTACT: Charles Stohr, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5000.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–8–151 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81–8–151 to that address.

By the Bureau of Domestic Aviation: August 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–25489 Filed 8–31–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket 39941]

Texasamerican Airways, Inc. Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled matter is assigned to be held on September 1, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

The issues in the proceeding will be those prescribed by the Board in Order 81–8–122. Parties will present at the conference requests for any evidence in addition to that submitted with the application and be prepared to propose further procedural dates.

Dated at Washington, D.C., August 25, 1981.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 81–25490 Filed 8–31–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Tapered Roller Bearings and Certain Components Thereof From Japan; Preliminary Results of Administrative Review and Tentative Revocation in Part of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review and Tentative Revocation in Part of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on tapered roller bearings and certain components thereof from Japan. The Department knows of five manufacturers and 43 other exporters of this merchandise to the United States. This review covers two of those manufacturers and 38 other exporters or transshippers. Review of one manufacturer was previously published. Review of the remaining firms will be published in a subsequent notice. The present review, with one exception, covers all periods not previously analyzed through July 31, 1980. This review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of this review the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value on each of their shipments during the periods of review.

Where companies failed to supply information or supplied information was inadequate or non-existent, the Department has used the best information available. The Department has also tentatively determined to revoke the finding with respect to one of the companies reviewed. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4273).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 18, 1976, a dumping finding with respect to tapered roller bearings and certain components thereof from Japan was published in the **Federal Register** as Treasury Decision 76–227 (41 FR 34974–5). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings.

As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on tapered roller bearings and certain components thereof from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

The Treasury Department published a tentative revocation for NTN Toyo Bearing Co., Ltd. on November 14, 1979. No final revocation was published by the Treasury prior to January 1, 1980. On February 27, 1981, a tentative revocation was published by the Department of Commerce. That final revocation is pending.

Scope of the Review

Imports covered by this review are shipments of tapered roller bearings, 4 inches or less in outside diameter when assembled, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States either as a unit or separately. Tapered roller bearings are currently classifiable under items 680.3932, 680.3934 and 680.3938 in the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 48 firms engaged in the manufacture and/or export of Japanese tapered roller bearings and certain components thereof to the United States. This review covers 40 of them. Results for one firm have been published previously and results for the remaining seven will be published shortly. With one exception, the review period covers all periods not previously reviewed by Treasury through July 31, 1980. For Toyota Motor Co. the review covers the most recent period. Previous periods will be examined in a future review. The applicable periods for each firm are indicated under *Preliminary Results of the Review.*

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980, and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Four exporters stated that they did not export tapered roller bearings and certain components thereof to the United States during periods for which information was requested. The estimated deposit rates for these firms will be the most recent information for each firm.

Fifteen exporters failed to respond or provided inadequate responses to our questionnaire. For these non-responsive exporters we proceeded to sue the best information available to determine the assessment and estimated deposit rates. The best information available is the highest current rate for responding firms with shipments.

One firm, Honda Motor Co., Ltd., requested a revocation. There were no importations by Honda at less than fair value from January 1, 1977 through July 31, 1980 and no evidence of any sales at less than fair value since that time.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as defined in section 772 of the Tariff Act or section 203 or 204 of the 1921 Act, as appropriate.

Purchase price was based either on the packed price to an unrelated purchaser in the United States, or to an unrelated Japanese trading company for export to the United States, as appropriate. Exporter's sales price was based on the packed price to the first unrelated purchaser in the United States. Where applicable, deductions were made for ocean freight, insurance, U.S. and foreign inland freight, U.S. duty, brokerage charges, inventory control adjustments, selling expenses, commissions to unrelated parties, and terminal, wharfage and handling charges, in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, or the price to purchasers in third countries when sufficient sales did not exist in the home market, both as defined in section 773 of the Tariff Act or section 205 of the 1921 Act. The foreign market values were adjusted, where applicable, for inland freight, insurance, discounts, and

differences in packing. Adjustments were also made for differences in credit costs, warranties, servicing, advertising and other selling expenses to offset U.S. commissions paid to unrelated parties, and exporter's sales price offsets, in accordance with § 353.15 of the Commerce Regulations and § 153.10 of the Customs Regulations. Claims for exporter's sales price offsets and level of trade adjustments were disallowed in some cases when they were not properly quantified. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value we preliminarily determine that the following margins exist:

Mfr./exporter/transshipper	Time period	Percent margin
Auto Dynamics International of Japan	1-79/7-80	32.9
Caterpillar Mitsubishi, Ltd	4-74/12-78	16.92
	1-79/7-80	32.9
Daido Enterprising Co	1-77/4-79	16.9
	5-79/7-80	2.7
Deer Island Industries, Ltd	4-79/7-80	[1] 9.8
Federal-Mogul Canada, Ltd., Canada	1-80/7-80	[illegible]
Flanders Enterprises, Ltd., Hong Kong	6-74/12-77	16.92
	1-78/7-80	[illegible]
Fuji Heavy Industries, Ltd	7-76/7-80	0
Hajime Industries, Ltd	7-76/12-76	0
	1-77/3-78	7
	4-78/9-78	17
	10-78/7-80	13.7
Honda Motor Co., Ltd	1-77/2-79	0
	3-79/7-80	0
Isuzu Motors Ltd	5-77/3-78	[illegible]
	4-78/3-79	[illegible]
	4-79/7-80	0
C. Itoh & Co. for Toyo Kogyo	5-77/4-78	0
	5-78/4-79	0
	5-79/7-80	0
C. Itoh & Co. for General Motors	5-77/3-78	9.6
	4-78/3-79	9.6
	4-79/7-80	0
John Deere Welland Works, Canada	1-76/7-80	[illegible]
Kanematsu-Gosho, Ltd	4-78/7-80	32.9
Kawasaki Heavy Industries, Ltd	10-77/7-80	0
Kobe Steel Co	6-74/7-80	[illegible]
Komatsu, Ltd	6-74/7-80	[illegible]
Kubota, Ltd	4-78/7-80	32.9
Maekawa Bearing Mfg. Co., Ltd	7-76/12-76	1.9
	1-77/3-78	7
	4-78/9-78	17
	10-78/7-80	0
Maruberi Corp	4-78/7-80	[illegible]
MC International, Inc	4-74/7-80	0
Mitsubishi Corp	1-74/3-79	16.92
	4-79/7-80	32.9
Nachi Canada, Canada	1-76/7-80	[illegible]
Nachi Fujikoshi Corp	4-78/7-80	32.9
Naniwa Kogyo Co., Ltd	1-77/7-80	32.9
Nichimen Co	6-74/7-79	16.92
	8-79/7-80	32.9
Niigata Converter Co., Ltd	4-78/3-79	[1] 0
	4-79/7-80	0
Nissan Motor Co., Ltd	6-74/6-76	0
	7-76/12-76	0
	1-77/3-78	0
	4-78/3-79	0
	4-79/7-80	0
Nissho-Iwai Co., Ltd	4-79/7-80	[1] 16.92
Schneider Engineering, Ltd	[illegible]	17
Sumitomo Shoji Kaisha (Sumitomo Corp.)	4-74/4-77	3.4
	5-77/4-78	0
	5-78/4-79	0
	5-79/7-80	0
Sumitomo Yale Co., Ltd	6-74/3-79	16.92
	5-79/7-80	32.9
Superior Bearing Industrial Supplies, Ltd., Canada	1-75/7-80	32.9
Suzuki Motor Co., Ltd	4-78/3-79	0
	4-79/7-80	0
Taisei Industries, Ltd	7-76/12-76	1.9
	1-77/3-78	7
	4-78/9-78	17
	10-78/7-80	4.7
Tatsumiya Kogyo Co., Ltd	1-77/7-80	32.9
Toyo Kogyo Co., Ltd	5-74/4-77	3.4
	5-77/4-78	0
	5-78/4-79	0
	5-79/7-80	0
Toyosha Co., Ltd	1-74/6-79	16.92
	7-79/7-80	3.6
Toyota Motor Sales Co., Ltd	4-79/7-80	0
United Trading Co., Ltd	4-79/7-80	[1] 9.8
Yamaha Motor Co., Ltd	6-74/4-79	0
	5-79/7-80	0

[1] No shipments during period.

As a result of our comparison of exporter's sales price to foreign market value, we have concluded that, for the period January 1, 1977 through July 31, 1980, there were no sales of tapered roller bearings and certain components thereof by Honda Motor Co., Ltd. made at less than fair value, and there is no indication of any sales at less than fair value since then. As provided for in § 353.54(e) of the Commerce Regulations, Honda Motor Co., Ltd. has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that tapered roller bearings and certain components thereof thereafter imported into the United States by Honda Motor Co., Ltd. are being sold at less than fair value.

Tentative Determination

As a result of our review of Honda Motor Co., Ltd. we tentatively determine to revoke the finding on tapered roller bearings and certain components thereof, sold by Honda Motor Co., Ltd., Japan. If this action is made final it will apply to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this preliminary notice.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the adminstrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, dumping duties on all entries made with purchase dates or export dates, as appropriate, during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of tapered roller bearings and certain components thereof entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, cash deposit shall be required at the highest rate for responding firms with shipment during the most recent period.

Firms for which review is still pending will be subject to the existing bond requirements. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This administrative review, tentative revocation in part, and noice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53 and 353.54(e) of the Commerce Regulations (19 CFR 353.53, 353.54(e)).

John Evans,

Acting Deputy Assistant Secretary for Import Administration.

August 26, 1981.

[FR Doc. 81-25386 Filed 8-31-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Approved Interpretation of Federal Standard COBOL (FIPS PUB 21-1)

Correction

In FR Doc. 81-22756, published at page 39874, on Wednesday, August 5, 1981, make the following corrections:

1. On page 39874, in the second column, the seventh and eigth lines read "**Federal Standard Cobol; Interpretation No. 7—The Occurs Clause**", they should be corrected to read "**Federal Standard COBOL; Interpretation No. 7—The OCCURS Clause**".

2. Also on page 39874 in the third column, after the fifth line of the COBOL program "DEPENDING ON B PICTURE IS X." insert

"•
▪
•"

3. On page 39875, in the first column, in the third paragraph, in the third line, "Standard-complaint" should be corrected to read "Standard-compliant.

BILLING CODE 1505-01-M

Approved Interpretation of Federal Standard COBOL (FIPS PUB 21-1)

Correction

In FR Doc. 81-22757, published at page 39875, on Wednesday, August 5, 1981, make the following corrections:

1. On page 39875, in the second column, the heading should read as set forth above.

2. In the same column, in the first paragraph, in the seventeenth line "through" should be corrected to read "throughout".

3. In the third column, in the *"Issues"* paragraph the excerpt from the COBOL program, should read as follows:

Issues: Given the following excerpt from a COBOL program:

```
I-O-CONTROL.
  SAME SORTIN-2E, SORTOUT-2E.
       •
       •
       •
PROCEDURE DIVISION.
  SORT SORTFILE-2E ON
    ASCENDING SORTFILE-KEY
    USING SORTIN-2E
      OUTPUT PROCEDURE OUT-
    PROCEDURE.
       •
       •
       •
  SORT SORTFILE-2E ON
    ASCENDING SORTFILE-KEY
      USING SORTIN-2E
      OUTPUT PROCEDURE
        OUTPROC.
OUTPROC SECTION.
OS-1. OPEN OUTPUT SORTOUT-2E.
OUT-PROCEDURE SECTION.
OPS-1. OPEN OUTPUT SORTIN-2E.
       •
       •
       •
```

BILLING CODE 1505-01-M

Federal Standard COBOL (FIPS PUB 21-1); Proposed Interpretations

Correction

In FR Doc. 81-23410, published at page 40782, on Wednesday, August 12, 1981, make the following corrections:

1. On page 40782, in the third column, the heading should read as set forth above.

2. On page 40783, in the third column in the second paragraph under **"Interpretation No. 9"**, in the seventh line "("D lines)" should be corrected to read "("D" lines)".

3. On page 40784, in the first column, in the first paragraph, in the eighth line, "monitored" should be corrected to read "monitor".

4. Also on page 40784, in the first column, in the third paragraph "non standard" should be corrected to read "non-standard".

5. On page 40784, in the second column, under **"Interpretation No. 10"**, paragraph (a), in the eighth line "It is" should be corrected to read "Is it".

6. Also on page 40784, in the second column, under **"Interpretation No. 10"**, paragraph (c), in the ninth line, "syntatic" should be corrected to read "syntactic".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

I. A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on September 9, 1981, at the Houstonian Inn, 111 North Post Oak Lane, Houston, Texas, beginning at 9:00 a.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. Emergency reserves of naphtha and bunkers.
3. Synthetic fuels.
4. Demand restraint (3 week lead time, etc.).
5. Product allocation to countries with insufficient refinery capacity.
6. IEA Secretariat's planned follow-up to Subcommittee A's survey of country data reporting systems.
7. Status report on stocks-at-sea data.
8. Non-emergency data system.
9. Trade discrepancies:

—Transshipment terminals;

—Non-reporting by traders in the Rhine area.

10. Action points for Allocation Systems Test-3 (AST-3).
11. Allocation Systems Test-4 (AST-4) (late Spring 1983), including pricing in an emergency.
12. Industry Supply Advisory Group seminar (November/December 1981) arrangements.
13. Future work program and meeting schedules.

II. A meeting of Subcommittee C of the IAB to the IEA will be held on September 10, 1981, at the Houstonian Inn, 111 North Post Oak Lane, Houston, Texas, beginning at 9:00 a.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. Application for legal clearances under the Treaty of Rome.
3. Status of U.S. legislation on the IEA antitrust defense and of U.S. antitrust clearances.
4. Revision of Industry Supply Advisory Group/IEA Secretariat Operations Manual Section V.
5. Emergency Management Manual language regarding rescission of Type 2 voluntary offers.
6. Future work program.

III. A meeting of the IAB to the IEA will be held on September 11, 1981, at the Houstonian Inn, 111 North Post Oak Lane, Houston, Texas, beginning at 9:00 a.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. Communications to and from the IEA and Reporting Companies.
3. Matters arising from the record notes of the IAB meetings of May 14 and July 1, 1981.
4. Report on, and discussion of, the July 9-10, 1981 meeting of the IEA Governing Board with IAB member companies.
5. Report by the IEA Secretariat on, and discussion of, the world-wide supply situation following July/August Questionnaire B submissions, and the outlook for future months.
6. U.S. Plan of Action.
7. Subcommittee A report, including:

A. Emergency reserves of naphtha and bunkers.

B. Synthetic fuels.

C. Demand restraint (3-week lead time, etc.).

D. IEA Secretariat's planned follow-up to Subcommittee A's survey of country data reporting systems.

E. Status report on stocks-at-sea data.

F. Non-emergency data system.

G. Trade discrepancies:

—Transshipment terminals;

—Non-reporting by traders in the Rhine area.

H. Action points from AST-3.

I. AST-4 (late Spring 1983), including pricing in an emergency.

J. Industry Supply Advisory Group seminar (November/December 1981) arrangements.

K. Future work program.

8. Subcommittee C report, including:

A. Application for legal clearances under the Treaty of Rome.

B. Status of U.S. legislation on the IEA antitrust defense, and status of U.S. antitrust clearances.

C. Revision of the Industry Supply Advisory Group/IEA Secretariat Operations Manual Section V.

D. Emergency Management Manual language regarding rescission of Type 2 voluntary offers.

E. Future work program.

9. Industry Supply Advisory Group Manager's report.

10. Future work program and meeting schedule.

IV. A meeting of the Industry Working Party (IWP) to the IEA will be held on September 16 and 17, 1981, at the office of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:30 a.m. on September 16. The agenda for the meeting is as follows:

1. Status of Standing Group on the Oil Market and IWP activities, and arrangements for future meetings.

2. Alternative crude cost and price information systems.

V. A meeting of the IWP to the IEA will be held on September 30, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 10:30 a.m. The purpose of this meeting is to permit attendance by representatives of the IWP at a meeting of an *Ad Hoc* Working Group of the IEA Standing Group on the Oil Market (SOM) which is being held in Paris on that date. The agenda for the meeting is under the control of the SOM *Ad Hoc* Working Group. It is expected that the following provisional agenda will be followed:

1. Adoption of the provisional agenda.

2. Review of the crude oil price register and crude cost information system and alternatives.

3. Other business.

4. Date of next meeting.

VI. A meeting of the IWP to the IEA will be held on October 1 and 2, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 10:15 a.m. on October 1. The purpose of this meeting is to permit attendance by representatives of the IWP at a meeting of the SOM which is being held in Paris on those dates. The agenda for the meeting is under the control of the SOM. It is expected that the following provisional agenda will be followed:

1. Adoption of the provisional agenda.

2. Approval of the Summary Record of the 38th session.

3. Review of the crude oil cost and price information systems.

4. Current oil market and stock situation.

5. Refinery flexibility.

6. Review of the financial information system.

7. Other business.

8. Date of next meeting.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C. August 26, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-25401 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-81-009; OFC Case Number 55027-3095-01,02,03-12]

ARCO Petroleum Products Co.; Redesignation of Petition for Exemption and Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Redesignation of Petition for Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and Notice of Availability of Tentative Staff Analysis.

SUMMARY: On March 18, 1981, ARCO Petroleum Products Company (ARCO) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for three major fuel burning installations (MFBI's) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. The procedures for petitioning and the criteria for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500, 501 and 503.

ARCO requested a permanent exemption under 10 CFR 503.32 based upon a lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum as a primary energy source for three new field-erected boilers (identified as Boiler House Units Nos. 1, 2, and 3), to be installed at ARCO's Philadelphia Refinery, Philadelphia, Pennsylvania. ARCO stated that the primary energy source proposed to be used in the new boilers would consist of on-site produced refinery waste gas and refinery fuel oil. On March 20, 1981, subsequent to filing its petition, ARCO filed a request for an alternate fuels determination pursuant to 10 CFR 500.2, seeking to have ERA determine the refinery waste gas produced at ARCO's Philadelphia Refinery to be an alternate fuel.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published the notice of its acceptance of ARCO's petition in the **Federal Register** on May 15, 1981, at 46 FR 26810.

In a letter dated June 11, 1981, ERA advised ARCO that, under Ruling 1981-2 issued on May 8, 1981, which clarifies the criteria for determining the commercial unmarketability of waste by-products, the gaseous waste by-product planned to be used as a fuel in the new units at the Philadelphia Refinery was determined to be an alternate fuel. ERA also stated that subject to ARCO's approval it will redesignate ARCO's petition, in accordance with 10 CFR 501.67, as a petition for a permanent fuels mixture exemption for each boiler, and publish notice of redesignation of the petition in the **Federal Register**.

In a letter to ERA dated July 15, 1981, ARCO approved the redesignation of its petition and submitted the certifications and checklist required for permanent fuels mixtures exemptions pursuant to 10 CFR 503.38. ERA's decision in this proceeding will determine whether ARCO will be granted the requested permanent exemptions to use petroleum and/or natural gas in a mixture with refinery waste gas in the new boilers in which the amount of petroleum or natural gas used will not exceed 25 percent of the total annual BTU heat input of the primary energy sources of the units.

Notice is hereby given that ARCO's original petition is redesignated as a petition for a fuels mixture exemption in accordance with 10 CFR 501.67 and that ARCO's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order granting ARCO the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of the availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of redesignation of ARCO's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and

501.34(b), interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATE: Written comments on the redesignation of ARCO's petition for exemption are due on or before October 16, 1981. Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of ARCO's petition.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA–FC–81–009 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Anthony M. Vaitekunas, Case Manager, Office of Fuels Conversion, 2000 M Street NW., Room 3128–K, Washington, D.C. 20461, Phone (202) 653–4237;

Contance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4226;

Douglas Mitchell, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: The MFBI's for which the petition for exemptions has been filed are three field-erected boilers at ARCO's Philadelphia Refinery, Philadelphia, Pennsylvania. The new MFBI's, designated as Boiler House Units Nos. 1, 2, and 3 by ARCO, each will have a design heat input rate of approximately 320 million Btu's per hour and will burn an on-site produced refinery waste gas (75%) in a mixture with refinery fuel oil (25%) as the primary energy source.

ARCO has utilized the certification alternative for the permanent fuels mixture exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture, component elements, and percentage and quantity of each component to be utilized; and duly executed certifications stating that:

(1) The amount of petroleum and/or natural gas to be used in the fuels mixture in Boiler House Units Nos. 1, 2, and 3 and will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

(2) Pursuant to the 10 CFR 503.15(b), ARCO will, prior to operating Boiler House Units Nos. 1, 2, and 3 under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) It will, upon grant of the requested exemption, agree to the following terms and conditions specified in 10 CFR 503.38(e):

The amount of petroleum and/or natural gas to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

All steam pipes will be insulated and all steam traps properly maintained;

The quality of any petroleum to be burned will be the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements; and

That it will comply with any terms and conditions which may be imposed pursuant to the environmental requirements of 10 CFR 503.15(b).

Redesignation of a petition or acceptance of a petition and its supporting documents pursuant to 10 CFR 501.3(d) does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis

The ERA staff has examined the aforementioned certifications made by ARCO in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.38(d). Accordingly, the ERA staff recommends that an order be issued, subject to the terms and conditions specified below, granting ARCO the requested permanent fuels mixture exemption for its Boiler House Units Nos. 1, 2, and 3. This tentative recommendation also takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption are to be used, i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude from the definition of primary energy source any fuel used of the purposes of unit ignition, startup, testing, flame stabilization and control for Boiler House Units Nos. 1, 2, and 3.

Terms and Conditions

Section 214(a) of FUA gives ERA the authority to attach appropriate terms and conditions to any order granting an exemption. Accordingly, should the order be issued, the staff tentatively recommends that it be subject to the following terms and conditions:

(1) The amount of petroleum and/or natural gas to be used in a mixture with an alternate fuel in Boiler House Units Nos. 1, 2, and 3, will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(2) The quality of any petroleum to be burned will be the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements; and

(3) Prior to operating Boiler House Units Nos. 1, 2, and 3, ARCO will secure all applicable environmental permits and approvals pursuant to, but not limited, to the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation Recovery Act.

Reporting Requirements

In addition to the above standard terms and conditions, ARCO will, pursuant to 10 CFR 503.38(g), submit to ERA the following:

(a) A certified statement indicating the date Boiler House Units Nos. 1, 2,

and 3 are first operated under the provisions of this order, and

(b) Within 30 days of each anniversary date of commencement of operation of Units Nos. 1, 2, and 3, a certified statement of the amount of petroleum and natural gas used in Boiler House Units Nos. 1, 2, and 3 during the preceding year. Such certifications shall be executed by a duly authorized representative of ARCO. Cite OFC Case Number 55027–3095–01,02,03–12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55027–3095–01,02,03–12, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

NEPA Categorical Exclusion Guidelines

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, was identified as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion). This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. ARCO has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI's under exemption. The Environmental Checklist completed and certified to by ARCO pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. ARCO's responses to the questions contained therein indicated that the operation of the new Boiler House Units Nos. 1, 2, and 3 will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. No contrary information has come to the attention of ERA. Therefore, unless substantial questions regarding the application of the categorical exclusion in this instance are raised during the proceeding on ARCO's petition which indicate otherwise, no additional environmental review is deemed to be required.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at ERA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on August 23, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–25402 Filed 8–31–81; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–80–013; OFC Case No. 55118–1648–20–12]

General Electric Co.; Order Granting an Exemption

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order Granting an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On April 16, 1980, the General Electric Company (GE) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. The procedure for petitioning and criteria for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500, 501 and 503.

GE requested a permanent exemption for an oil and natural gas-fired packaged boiler (identified hereafter as Unit No. 20) to be installed at its Central Powerhouse Building No. 31 located in Pittsfield, Massachusetts. The petition for exemption is based upon a claim of lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum in the MFBI for which the exemption is requested.

Pursuant to section 212(1)(A)(ii) of the Act and 10 CFR 503.32, and subject to specified terms and conditions stated herein, ERA hereby issues this order granting a permanent exemption based on the lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum which would permit GE to use natural gas and No. 6 fuel oil as a primary energy source in Unit No. 20.

DATE: In accordance with section 702(a) of FUA, this order and its provisions shall take effect on October 31, 1981.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, DC 20461 (202) 653–4033;

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128, Washington, DC 20461 (202) 653–4226;

Douglas Mitchell, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6B–178, Washington, DC 20585 (202) 252–2967;

Anthony M. Vaitekunas, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy 2000 M Street, NW., Room 3128–K, Washington, DC 20461 (202) 653–4237.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW, Washington, DC., Monday through Friday 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: GE filed its petition with ERA on April 6, 1980, under the provisions of 10 CFR 505.22 of the then effective interim rule (44 FR 28530 and 44 FR 28950, May 15 and 17, 1979, respectively). Subsequently, ERA adopted a final rule on June 6, 1980 (45 FR 38276), which became effective on August 5, 1980. Section 503.32 of the current rule sets forth the eligibility criteria and evidentiary requirements governing the permanent exemption based upon lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. The methodology for making this cost calculation determination is contained in 10 CFR 503.6.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published notice of its acceptance of GE's petition in the **Federal Register** on August 19, 1980 (45 FR 55258), commencing a 45-day public comment period. As required by section 701(f) and (g) of the Act, ERA provided a copy of GE's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. During the comment period, interested persons were also afforded

an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on October 3, 1980. No comments were received, nor was a public hearing requested.

On July 7, 1981, ERA published in the **Federal Register** a Notice of Availability of a Tentative Staff Analysis recommending that GE's petition be granted, and provided a 14-day period for interested persons to submit written comments or to request a public hearing (46 FR 35143). The conclusion of the Tentative Staff Analysis was that a finding could be made that GE satisfied the requirements of 10 CFR 503.6 to demonstrate that the difference between GE's discounted cost of using an alternate fuel and the cost of using imported petroleum would be greater than zero. The comment period ended July 21, 1981. No comments were received. No public hearing was requested.

Decision and Order

Based upon the entire record of this proceeding, ERA has determined that GE has satisfied all of the eligibility requirements for the requested exemption, as set forth in 10 CFR 503.32, by demonstrating to ERA's satisfaction that:

1. GE has made a good faith effort to obtain an adequate and reliable supply of an alternate fuel of the quality and quantity necessary to conform with design and operational requirements for use as a primary energy source in Unit No. 20; and

2. The cost of using stoker and pulverized coal, wood, electricity, low Btu gas generated through on-site gasification of coal, stoker fired coal with an oil or gas overfire mixture, and a coal-oil slurry considered by GE would substantially exceed the cost of using imported petroleum.

Accordingly, pursuant to section 212(a)(1)(ii) of FUA, ERA hereby granted GE a permanent exemption based upon a lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum which, subject to the term and condition stated below, permits the use of natural gas and No. 6 fuel oil in Unit No. 20.

Term and Condition

Section 214(a) of FUA provides ERA the authority to attach terms and conditions which are appropriate and consistent with the purposes of the Act to any order granting an examption. Accordingly, the following term and condition is attached to this order granting the requested exemption:

The quality of any petroleum to be burned in the unit will be the lowest grade available, technically feasible, and capable of being burned as the primary energy source for Unit No. 20 consistent with applicable environmental requirements.

National Environmental Policy Act of 1969 (NEPA) Review

On the basis of the analysis provided by the Office of Fuels Conversion, and reviewed by the Office of Environmental Protection, Safety, and Preparedness, with consultation from the Office of General Counsel, the Department of Energy concluded that the granting of this exemption will not be major Federal action significantly affecting the quality of the human environment, within the meaning of NEPA. Accordingly, neither an environmental impact statement nor an environmental assessment is required.

EFFECTIVE DATE OF ORDER: This order and its provisions shall take effect on October 31, 1981.

Judicial Review

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review at any time before the 60th day after the date of publication of this order in the **Federal Register** (October 31, 1981).

(Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7101 *et seq.*) as amended by Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620 and Pub. L. 95-621; Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620 (42 U.S.C. 8301 *et seq.*); E.O. 11790, 39 FR 23185 (June 25, 1974); E.O. 12009, 42 FR 46267 (September 15, 1977))

Issued in Washington, D.C. on August 23, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-25404 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-016; (OFC Case Number 55368-3194-01-12)]

Jones & Laughlin Steel Corp.; Acceptance of Petition

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On July 14, 1981, Jones & Laughlin Steel Corporation (J&L) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. The procedure for petitioning and criteria for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500, 501 and 503.

J&L requested a permanent fuels mixture exemption in order to burn petroleum and natural gas in a mixture with industrial and commercial waste oils including spent lubricants, crankcase sludge from gasoline service stations and blast furnace gas in a new field-erected boiler at its Aliquippa Works at Aliquippa, Pa.

Under the authority of section 212(d) of the Act, 10 CFR 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a mixture with alternate fuels. Under 10 CFR 503.38(d), a certification alternative is available for MFBI's which will not burn more than 25 percent petroleum or natural gas in a mixture with an alternate fuel. J&L utilized the certification alternative in its permanent fuels mixture exemption petition. ERA's decision in this proceeding will determine whether J&L will be granted the requested permanent exemption to use petroleum and natural gas in a mixture with non-refinery waste oil and blast furnace gas in the new MFBI. If the exemption is granted, the amount of petroleum and natural gas used must not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit.

ERA has determined that J&L's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). A review of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701 (c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATE: Written comments on the acceptance of J&L's petition for exemption are due on or before October 16, 1981. Any request for public hearing must also be made within the same 45 day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461.

Docket Number ERA–FC–81–018 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4226;

Anthony M. Vaitekunas, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128–K, Washington, D.C. 20461, Phone (202) 653–4237;

Douglas F. Mitchell, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 100 Independence Avenue, SW, Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a field-erected boiler at J&L's Aliquippa Works in Aliquippa, Pennsylvania. The new MFBI, designated as #61 Boiler by J&L, has a design heat input rate of approximately 732 million Btu's per hour and is designed to burn non-refinery waste oil and blast furnace gas in a mixture with petroleum and natural gas. J&L has utilized the certification alternative for the permanent fuels mixture exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture and its component elements, and the percentage and quantity of each component to be utilized; and the following duly executed certifications:

(1) That the amount of petroleum and natural gas to be used in the fuel mixture in the #61 Boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

(2) That pursuant to 10 CFR 503.15(b), J&L will, prior to operating that #61 Boiler under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act and Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) That it will, upon grant of the requested exemption, agree to the terms and conditions established by ERA pursuant to 10 CFR 503.38(e).

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, is among the classes of actions that DOE has proposed be categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. J&L has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. DOE's Office of Environment, in consultation with the Office of the General Counsel, has reviewed the completed Environmental Checklist submitted by J&L pursuant to 10 CFR 503.15(b)(2), together with other relevant information. Unless it appears during the proceeding on J&L's exemption that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

ERA hereby gives notice that J&L's petition for a permanent fuels mixture exemption for its #61 Boiler has been determined to be completed as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at ERA, Room B–110, 2000 M Street, NW., Washington, DC., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on August 25, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–25403 Filed 8–31–81; 8:45 am]

BILLING CODE 6450–01–M

Texaco, Inc.; Proposed Remedial Order and Opportunity for Objection

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed Remedial Order to Texaco, Inc. and Opportunity for Objection

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order issued to Texaco, Inc., White Plains, New York, In accordance with that section, a copy of the Proposed Remedial Order with confidential information, if any, deleted, may be obtained from the ERA.

II. The Proposed Remedial Order

Texaco is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products. Texaco was therefore subject to DOE regulations in effect prior to January 28, 1981. Under these regulations, the initial step in ascertaining the maximum allowable price for a covered petroleum product is the determination of the weighted average May 15, 1973 price to the class of purchaser concerned. "Class of purchaser" is defined as "purchasers to whom a person has charged a comparable price for comparable property or service pursuant to customary price differentials between those purchasers and other purchasers." Texaco's class of purchaser determinations, based on its historical pricing practices, were made on the basis of Texaco supply locations.

On February 1, 1974, Texaco became obligated under the Mandatory Petroleum Allocation Regulations to supply gasoline to certain New York State agencies and political subdivisions which has been supplied by Texaco in 1971–1972. For pricing purposes, Texaco was required to assign those agencies and subdivisions to the most similarly situated class of purchaser existing on May 15, 1973. Since Rochester, New York was the new supply terminal for these customers, application of Texaco's historical pricing practices required Texaco to place the customers in the

most similarly situated class of purchaser existing at the Rochester terminal on May 15, 1973. Nevertheless, these customers were placed in a class of purchaser which was supplied at Texaco's Canandaigua, New York, terminal, which had a higher May 15, 1973 price than the appropriate class at the Rochester terminal. As a result, Texaco calculated excessive maximum lawful selling prices to the New York State Agencies and political subdivisions and passed through to them, or banked for subsequent passthrough, costs of $260,147.68 in excess of the amounts permitted under the regulations for the period February 1, 1974 through September 1980.

The DOE proposes that Texaco be required to refund $260,147.68, plus interest, to the affected New York State Customers within thirty (30) days of the effective date of a final Remedial Order.

III. Notice of Objection

In accordance with 10 CFR § 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals within fifteen (15) days after the date of this publication. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, Northwest, Washington, D.C. 20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of the Proposed Remedial Order with confidential information deleted should be directed to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585.

Issued in Washington, D.C. August 18, 1981.

Avrom Landesman,

Acting Director, Office of Special Counsel.

[FR Doc. 81-25400 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-01-M

InterNorth, Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has executed a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

Comments by: October 1, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106–2466.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106–2466. Phone (816) 374–5932.

SUPPLEMENTARY INFORMATION: On August 12, 1981, the Office of Enforcement of the ERA executed a Consent Order with InterNorth, Inc. (InterNorth). Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

InterNorth, with its home office located in Omaha, Nebraska, is engaged in the sales of condensate recovered from gas pipelines, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of InterNorth, the ERA Office of Enforcement and InterNorth entered into a Consent Order, the significant terms of which are as follows:

1. The Office of Enforcement has examined InterNorth's books and records and reviewed all pertinent matters relating to InterNorth's compliance with the DOE petroleum price and allocation regulations in effect during the period from September 1, 1973 through January 28, 1981. All civil matters pertaining to compliance with the DOE petroleum price regulations by InterNorth in sales of condensate during the period September 1, 1973 through January 28, 1981 are resolved by this Consent Order.

2. InterNorth will refund the aggregate amount of $1,500,000 which includes interest through the date on which the Consent Order becomes effective, plus further interest as specified in the Consent Order.

3. Execution of the Consent Order constitutes neither an admission by InterNorth nor a finding by DOE that InterNorth has violated any statutes or applicable regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration or the Department of Energy.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, InterNorth agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $1,500,000 within 12 months after the Consent Order becomes effective. InterNorth agrees to refund the sum of $1,500,000 in the form of checks made payable to the United States Department of Energy and delivered to the Director of Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, overcharges may have been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Notices of Claim

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or in the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim on or before October 1, 1981 to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106–2466. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on InterNorth Consent Order." We will consider all comments we receive within 30 days after the publication of this notice. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 19th day of August, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-25479 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. PP-49-A]

San Diego Gas & Electric Co.; Amendment To Order Authorizing the Transmission of Electric Energy to Mexico

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Amendment to Order Authorizing the Transmission of Electric Energy to Mexico in Docket No. PP–49–A.

SUMMARY: The Department of Energy has amended the Order issued on January 13, 1981, in Docket No. PP–49–A. That Order, which authorized San Diego Gas & Electric Co. (SDG&E) to export electric energy until February 28, 1981, has been amended to remove the expiration date, and to permit SDG&E to export electric energy to Mexico in accordance with the terms and conditions set forth in the Order of January 21, 1980, as amended, in that docket.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Office of Emergency Operations, Department of Energy, Room 4209, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3889.

Lise Courtney M. Howe, Office of General Counsel, GC–11, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION: On May 26, 1981, San Diego Gas & Electric Co. (SDG&E) filed a request for an amendment to the Order in Docket No. PP–49–A, issued on January 13, 1981. As originally issued, the export authorization granted therein expired on February 21, 1981. However SDG&E has requested that the Ordering Paragraph (A) be amended by striking the words "until February 21, 1981 * * *" and that Ordering Paragraph (G) be amended to read: "The authorization herein granted shall supersede that heretofore granted by the aforementioned order of the ERA issued January 21, 1980." These changes are consistent with the general procedures for issuing export authorizations in that ERA typically does not place an expiration date in export authorizations. Instead, ERA continually monitors the levels of energy exported by requiring certain reports to be filed; ERA also reserves the right to limit or deny an export authorization, upon notice, at any time.

Notice of this application has not been given previously in the **Federal Register**. If any person desires to make any protest with reference to this Order, he should file with the ERA, Washington, D.C. 20461, on or before September 11, 1981, petitions to intervene or protest in accordance with the Rules of Practice and Procedure. ERA will consider all such petitions filed.

ERA Finds

(1) The proposed amendment to the Order of January 13, 1981, striking the expiration date, and permitting SDG&E to export electric energy to Mexico upon the terms and conditions of the Order issued in this docket on January 21, 1980, as amended, will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of ERA. However, it is unnecessary to supersede the Order of January 21, 1980, in its entirety, as requested by SDG&E, because that Order contains the terms and conditions for the export of electric energy in this docket, all of which remain valid, after the expiration date has been removed.

(2) The period of public notice given in this matter is reasonable, because no substantive changes in the export authorization are proposed.

ERA Orders

(A) Ordering Paragraph A of the Order issued on January 13, 1981, in Docket No. PP–49–A hereby is amended to read: "SDG&E hereby is authorized to transmit electric energy from the United States to Mexico in accordance with the terms and conditions set forth in the application of November 8, 1979, and subject to the provisions of the Order of January 21, 1980, as amended by this order."

(B) There hereby is deleted Ordering Paragraph (G) of the Order issued on January 13, 1981, in Docket No. PP–49–A, which reads as follows: "The aforementioned order of the ERA issued January 21, 1980, in ERA Docket No. PP–49, is hereby amended by extending that authorization until February 28, 1981."

Dated: August 18, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-25478 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-01-M

VGS Corp.; Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Order—Second Notice.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that a Consent Order was entered into between the Office of Enforcement, ERA and VGS Corporation on June 25, 1981.

A Notice of Action Taken and opportunity for comment on this Consent Order was published in 46 FR 133 (July 13, 1981). Written comments regarding terms and conditions of the

Consent Order were solicited during the 30 day period following publication in the **Federal Register**. No comments were received regarding terms of the Consent Order or the refund methodology.

Four letters were received regarding the portion of the **Federal Register** Notice allowing potential claimants to notify ERA of potential claims to refunded amounts. DOE considered all comments submitted during the comment period. Potential claimants are being advised of procedures for making proof of claim for the refunded amount.

Based upon the terms and conditions specified in the executed Consent Order, VGS Corporation shall deliver certified checks, not to exceed 24 equal monthly installments, the sum of one million and ten thousand dollars, plus interest, made payable to the U.S. Department of Energy. Delivery shall be to the Director, Office of Enforcement, ERA, 2000 M Street, NW, Washington, DC 20461. The Director, Office of Enforcement shall direct that these monies be distributed in a just and equitable manner in accordance with applicable laws and regulations.

For purposes of effecting the remedial terms and conditions specified in the Consent Order, the executed Consent Order will become effective September 11, 1981.

For further information regarding this Consent Order, please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street, NE, Atlanta, Georgia 30367, telephone number (404) 881–2396.

Issued in Atlanta, Georgia, on the 14th day of August 1981.

James C. Easterday,

District Manager.

Concurrence:

Susan P. Tate,

Acting Chief Enforcement Counsel.

[FR Doc. 81-25440 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RE81-121-000]

Central Lincoln People's Utility District; Application for Exemption

August 26, 1981.

Take notice that Central Lincoln People's Utility District (CLPUD) filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687), October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

In its application for exemption, CLPUD states that it should not be required to file the specified data for the following reasons (in part):

1. CLPUD accounting system does not lend itself to subpart B.
2. CLPUD does not own generating plant.
3. Depreciation accounts do not necessarily reflect cost elements in services.
4. CLPUD does not own or operate transmission services.
5. Cost of additions to the system are not projected beyond five years.
6. An alternate program for compliance with the goals of PURPA is proposed.
7. CLPUD is a distribution system and purchases all wholesale energy from the Bonneville Power Administration.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before October 16, 1981. Within that 45-day period such person must also serve a copy of such comments on: Ronald C. Benfield, Central Lincoln People's Utility District, 255 S.W. Coast Highway, Newport, Oregon 97365.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25441 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4362-000]

Inman Mills; Application for Short-Form License (Minor)

August 25, 1981.

Take notice that Inman Mills (Applicant) filed on March 18, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for rehabilitation and operation of a water power project to be known as Inman Mills Project No. 4362. The project is located on the Enoree River in Spartanburg County, South Carolina. Correspondence with the Applicant should be directed to: Mr. James A. Chapman, Jr., Chairman, Inman Mills, Inman, South Carolina 29349.

Project Description—The proposed project would consist of: (1) an existing reinforced concrete dam structure, approximately 14 feet high and 425 feet long; (2) a restored 9-foot diameter penstock, approximately 110 feet long; (3) a powerhouse containing a rebuilt 1,240 kW capacity generating unit; (4) an existing reservoir with a surface area of 9 acres at a normal pool elevation of 512 feet, and a gross storage capacity of 22 acre-feet; and (5) appurtenant facilities.

Purpose of Project—All energy generated would be used by Applicant's Riverdale textile mill. The estimated average annual generation is 5.42 GWh.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 21, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory, Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate

action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before October 26, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25442 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-43-000]

Lyle Tempus; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

August 26, 1981.

On July 7, 1981, Lyle Tempus filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a Jacobs 10 kilowatt Wind Electric System to be located in Aurora, Iowa. The primary energy source of the facility is wind. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility. Applicant states that this is the only unit installed at the site owned by Lyle Tempus.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before October 1, 1981 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25443 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-38-000]

McEachern Farms; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

August 26, 1981.

On June 19, 1981, McEachern Farms filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The 25 kilowatt wind electric system is located in Edmonson, Texas. The primary energy source of the facility is wind. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility. Applicant states that this is the only unit installed at the site owned by McEachern Farms.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before September 16, 1981 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25444 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-119-000]

Pacific Gas and Electric Co.; Application for Exemption

August 26, 1981.

Take notice that Pacific Gas and Electric Company, (PG&E), filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.302 (a) and (b) in part, 290.201(d)(2), 290.205, 290.304(a)(1), 290.304(a)(2), 290.304(b)(2), 290.304(b)(3), 290.304(b)(4)(i), 304(b)(4)(ii), 290.305(b)(2), 290.306(b), 290.403(b), 290.404(b), 290.501(a).

In its application for exemption PG&E states that it should not be required to file the specified data for the following reasons (in part):

1. An alternate program for compliance with the goals of PURPA is proposed.
2. Costing periods for accounting cost allocations are not used.
3. Transmission accounts are not distinguished by voltage level for present or future years.
4. Transmission operating expenses are calculated for one year beyond test year.
5. FERC Accounts 911-916 were discontinued.
6. "Small Rate Classes" are a minor portion of system load.
7. Time-differentiated accounted costs are not used.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, on or before October 16, 1981. Within that 45-day period such person must also serve a copy of such comments on: Ms. P. G. Rosput, Pacific Gas and Electric Co., 77 Beale Street, 31st Floor, San Francisco, California 94106.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25445 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-41-000]

Walter Poock; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

August 26, 1981.

On July 7, 1981, Walter Poock filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility

as a qualifying small power production facility pursuant to §292.207 of the Commission's rules.

The facility is a Jacobs 10 kilowatt Wind Electric System to be located in Sumner, Iowa. The primary energy source of the facility is wind. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility. Applicant states that this is the only unit installed at the site owned by Walter Poock.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before October 1, 1981 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25446 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-122-000]

Public Utility District No. 1 of Grays Harbor County; Application for Exemption

August 26, 1981.

Take notice that Public Utility District No. 1 of Grays Harbor County (Grays) filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under section 133 of the public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D, and E.

In its application for exemption, Grays states that it should not be required to file the specified data for the following reasons (in part):

1. An alternate program for compliance with the goals of PURPA is proposed.

2. Grays is a distribution system and purchases all wholesale energy (95% of requirement from Bonneville Power Administration).

3. Grays' system peak load serves residential, commercial, and industrial customers (residential and commercial—65%).

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, on or before October 16, 1981. Within that 45-day period such person must also serve a copy of such comments on: Ferris Gilkey, General Manager, Public Utility District No. 1 of Grays Harbor County, P.O. Box 480—2720 Sumner Ave., Aberdeen, Washington 98520.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25448 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-126-000]

Public Utility District No. 1 of Cowlitz County; Application for Exemption

August 26, 1981.

Take notice that Public Utility District No. 1 of Cowlitz County (Cowlitz) filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D, and E.

In its application for exemption, Cowlitz states that it should not be required to file the specified data for the following reasons (in part):

1. An alternate program for compliance with the goals of PURPA is proposed.

2. Cowlitz is a distribution system and purchases 85% of its total energy requirement from Bonneville Power Administration.

3. Cowlitz does not operate generating capacity for the purpose of meeting system load.

4. Over 70% of Cowlitz's energy sales are to two large industrial customers.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, or or before October 16, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Utility District District No. 1 of Cowlitz County, 960 Commerce Avenue, Longview, Washington 98632.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25447 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3721-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

August 25, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on November 13, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 3721 known as the Nooksack Falls Project located on the North Fork of the Nooksack River in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) A 5-foot high, 72-foot long existing rock-filled dam; (2) a 467-foot long existing concrete flume, a 566-foot long new pipe and a 1,025-foot long existing tunnel; (3) a 537-foot long existing penstock and a 550-foot long new penstock; (4) an existing powerhouse with total installed capacity of 1,700 kW and a new powerhouse with total installed capacity of 10 MW; and (5) a 7-mile long, 55-kV existing transmission line, a new substation and a new 100-foot long, 55-kV transmission line which would connect to the existing line. The Applicant estimates that the average annual energy production would be 56 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license

application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $250,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 26, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 26, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25449 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4160-001]

Rangen Research Station; Application for Preliminary Permit

Take notice that Rangen Research Station (Applicant) filed on June 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4160 to be known as the Rangen Research Water Power Project located on Billingsley Creek in Gooding County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Vernon Ravenscroft, President, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Project Description—The proposed project would consist of: (1) a 100-foot long, 30-inch diameter penstock conveying water from an existing canal to; (2) a powerhouse with a total installed capacity of 250 kW; and (3) a 0.25-mile long, 34.5-kV transmission line interconnecting with an existing Idaho Power Service transmission line. The Applicant estimates that the average annual energy output would be 1.564 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, hydrological, and economic studies; determine effect of the power project on fish rearing; and prepare either an FERC conduit exemption or an FERC license application. No new roads are required for these studies which are estimated to cost between $3,000 and $5,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 26, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 26, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25450 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-485]

Transcontinental Gas Pipe Line Co.; Availability of Environmental Assessment

August 26, 1981.

Notice is hereby given in the above docket that on September 1, 1981, an environmental assessment (EA) prepared by the staff of the Federal Energy Regulatory Commission, was made available.

This EA analyzes an application by Transcontinental Gas Pipe Line Corporation (Transco) for a limited-term certificate of public convenience and necessity to construct and operate

pipeline taps and appurtenant facilities for the injection of propane to enrich the Btu content of Transco's gas supply. The project would provide an interim source to offset the anticipated decline in traditional natural gas supplies. Up to 220,000 dekatherms per day would be injected during the winter heating season through a proposed 34-mile long, 10-inch diameter propane pipeline in Mississippi and a proposed 21-mile long, 8-inch diameter propane pipeline in the Carolinas. The EA concludes that the proposal does not constitute a major Federal action significantly affecting the quality of the human environment.

Copies of the EA are available from the Federal Energy Regulatory Commission's Office of Congressional and Public Affairs, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Comments on the EA from interested persons will be accepted until September 30, 1981. However, pursuant to the schedule established by the presiding administrative law judge for this proceeding, any parties in this proceeding wishing to contest the EA must file motions by September 15, 1981. Comments and motions should be filed with the Secretary of the Commission.

For further information, contact Mr. Chris Zerby, (202) 357-9037.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25457 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4897-000]

Utah Power & Light Co.; Application for Preliminary permit

August 28, 1981.

Take notice that Utah Power & Light Company (Applicant) filed on June 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4897 to be known as the Causey Hydro Project located on the Ogden River in Weber County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom, Executive Vice President & General Counsel, Utah Power & Light Company, 1407 West North Temple, Salt Lake City, Utah 84116.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Causey Dam and Reservoir, operated and maintained by the Weber Basin Water Conservation District, and would consist of: (1) a new penstock utilizing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 2,650 kW; (3) a tailrace; (4) a new 46–kV transmission line, 8 miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,300,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $15,000.

Competing Applications.—This application was filed as a competing application to the Utah Hydro Corporation's application for Porject No. 3544 filed on October 8, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 26, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25451 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4787-000]

Utah Power & Light Co.; Application for Preliminary Permit

August 25, 1981.

Take notice that Utah Power & Light Company (Applicant) filed on June 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4787 to be known as the Starvation Hydro Project located on the Strawberry River in Duchesne County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom, Executive Vice President & General Counsel, Utah Power & Light Company, 1407 West North Temple, Salt Lake City, Utah 84116.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Starvation Dam and Reservoir, and would consist of: (1) a new penstock utilizing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 2,750 kW; (3) a tailrace; (4) a new 69-kV transmission line, one mile long, or an alternate one, 6 miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 12,860,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an

application for an FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

Competing Applications—This application was filed as a competing application to the City of Ducheene, Utah's application for Project No. 3564 filed on October 14, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 26, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25462 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-56-000]

Young Refining Corp.; Filing of Petition

August 25, 1981.

Take notice that Young Refining Corporation on August 20, 1981 filed a Petition for Review under 42 U.S.C. 7194(b) (1977) (Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before September 9, 1981 with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before September 9, 1981 in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25453 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-57-000]

Young Refining Corp.; Filing of Petition

August 25, 1981.

Take notice that Young Refining Corporation on August 20, 1981 filed a Petition for Review under 42 U.S.C. 7194(b) (1977) (Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before September 9, 1981 with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before September 9, 1981 in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25454 Filed 8-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-55-000]

Young Refining Corp.; Filing of Petition for Review Under 42 U.S.C. 7194

August 25, 1981.

Take notice that Young Refining Corporation on August 20, 1981 filed a Petition for Review under 42 U.S.C. 7194(b) (1977) (Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before September 9, 1981 with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity

to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before September 9, 1981 in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25485 Filed 8–31–81; 8:45 am]

BILLING CODE 6450–85–M

FEDERAL MARITIME COMMISSION

[Docket No. 81–52]

Abbott Hospitals, Inc. v. Puerto Rico Maritime Shipping Authority; Filing of Complaint and Assignment

Notice is given that a complaint filed by Abbott Hospitals, Inc. against Puerto Rico Maritime Shipping Authority was served August 21, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(a) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81–25486 Filed 8–31–81; 8:45 am]

BILLING CODE 6730–81–M

[Docket No. 81–53]

Abbott Hospitals, Inc. v. Trailer Marine Transport Corp.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Abbott Hospitals, Inc. against Trailer Marine Transport Corporation was served August 21, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(a) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81–25384 Filed 8–31–81; 8:45 am]

BILLING CODE 6730–81–M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered thereof at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 21, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreements Nos.: 14–46 and 10107–11.

Filing Party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreements Nos. 14–46 and 10107–11 modify, respectively, the basic agreements of the Trans Pacific Freight Conference (Hong Kong) and F.M.C. Agreement No. 10107 by authorizing the Agreement Chairman/Secretary to execute agreement modifications on behalf of the parties.

Agreements Nos.: 5700–29 and 10108–7.

Filing Party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreements Nos. 5700–29 and 10108–7 would amend, respectively the New York Freight Bureau Agreement and Rate Agreement No. 10108 for the purpose of enlarging the scopes thereof to cover the movement of cargo to inland points and ports in the United States via Atlantic and Gulf Coast ports.

Agreements Nos.: 8220–8 and 8420–9.

Filing Party: Jeffrey W. Lawrence, Esquire, Billig, Sher & Jones, 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreements Nos. 8220–8 and 8420–9 would amend, respectively, the organic agreements of the North Atlantic/Israel Freight Conference and the Israel/U.S. North Atlantic Ports Westbound Freight Conference for the purpose of incorporating neutral body self-policing provisions, expanding the geographical scopes thereof to cover points in Israel and points and West and Gulf Coast ports in the United States, authorizing agreement on credit rules, increasing the admission fee, amending the quorum and voting requirements, changing the rules governing suspension and withdrawal from membership, and other ancillary changes attendant with the complete revision of the agreements.

Agreement No.: 9982 DR–4.

Filing Party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, Attorneys at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 9982 DR–4 modifies the Scandinavia Baltic/U.S.

North Atlantic Westbound Freight Conference Exclusive Patronage (Dual Rate) Contract System to extend the duration for an indefinite term beyond December 19, 1981.

Agreement No.: 9988–13.

Filing Party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, Attorneys at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 9988–13 would amend the Continental-U.S. Gulf Freight Association Agreement by adding new language to Article 11 to provide that the conference members may appoint a U.S. resident representative, and that they may appoint the Chairman of the Gulf European Freight Association, or a member of his staff, for that purpose. His duties shall include, among other things, reporting to the Association Chairman, performing such functions as the Chairman may assign and delegate, including committees and presiding at meetings held in North America, and assisting the Chairman in the implementation of shippers' request and complaint procedures.

Dated: August 27, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81–25682 Filed 8–31–81; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2055–R]

Anthony Transportation Service; Order of Revocation

On July 29, 1981, Anthony Transportation Service, 719 Bradfield Rd., Houston, TX 77060 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2055–R.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 2055–R issued to Anthony Transportation Service, be revoked effective July 29, 1981.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2055–R issued to Anthony Transportation Service be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Anthony Transportation Service.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81–25385 Filed 8–31–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Citizens Bancshares Corp.; Formation of Bank Holding Company

Citizens Bancshares Corporation, Bedford, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 60 per cent or more of the voting shares of Citizens National Bank of Bedford, Bedford, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–25485 Filed 8–31–81; 8:45 am]

BILLING CODE 6210–01–M

Commerce Group, Inc.; Proposed Acquisition of Commerce Savings Columbus, Inc.

Commerce Group, Inc., Lincoln, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Commerce Savings Columbus, Inc., Columbus, Nebraska.

Applicant states that the proposed subsidiary would conduct the activities of an industrial loan and investment company authorized by the laws of Nebraska, including issuing certificates of indebtedness, making commercial, consumer, and real estate loans, and acting as agent for the sale of credit life, health and accident insurance directly related to extensions of credit. These activities would be performed from offices of Applicant's subsidiary in Columbus, Nebraska, and the geographic areas to be served are Platte and Butler counties, and parts of Colfax, Madison, Boone, Nance and Merrick counties, Nebraska. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than September 24, 1981.

Board of Governors of the Federal Reserve System, August 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–25486 Filed 8–31–81; 8:45 am]

BILLING CODE 6210–01–M

Leland National Bancorp, Inc.; Formation of Bank Holding Company

Leland National Bancorp, Inc., Leland, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent, less

directors' qualifying shares, of the voting shares of Leland National Bank, Leland, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 17, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25497 Filed 8-31-81; 8:45 am]

BILLING CODE 6210-01-M

United Bancorporation of Wyoming, Inc., Formation of Bank Holding Company

United Bancorporation of Wyoming, Inc., Jackson, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent of the voting shares of Jackson State Bank, Jackson, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25496 Filed 8-31-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-11]

Secretary of Defense; Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of the Federal Government in communications proceedings which have been terminated.

2. *Effective date.* This regulation effective immediately.

3. *Expiration date.* This regulation expires on August 31, 1981.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked.

Number	Date	Subject
F-187	Feb. 14, 1973	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-191	Aug. 16, 1973	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-221	May 15, 1974	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-329	Jan. 31, 1975	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-331	Feb. 26, 1975	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-336	Apr. 14, 1975	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-342	June 10, 1975	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-345	June 27, 1975	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-354	Aug. 29, 1975	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-367	Dec. 30, 1975	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-374	Feb. 12, 1976	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-387	May 14, 1976	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-390	May 25, 1976	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-391	May 26, 1976	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-398	Aug. 19, 1976	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-400	Sept. 22, 1976	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-422	Apr. 4, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-426	May 19, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-428	June 15, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-438	Aug. 12, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-439	Aug. 12, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-440	Aug. 27, 1981	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-441	Aug. 25, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-442	Aug. 25, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-443	Aug. 26, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-444	Sept. 21, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-447	Oct. 19, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-450	Nov. 3, 1977	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-451	Jan. 30, 1978	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-456	Jan.30, 1978	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-457	Jan. 30, 1978	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-458	Jan. 30, 1978	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-474	Oct. 10, 1978	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-475	Oct. 10, 1978	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-476	Dec. 20, 1978	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-479	Dec. 20, 1978	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-481	Jan. 26, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.

Number	Date	Subject
F-483	Mar. 20, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-484	Apr. 1, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-485	Apr. 17, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-486	May 25, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-487	June 15, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-488	June 15, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-489	June 22, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-79-2	July 24, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-79-3	Sept. 21, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-79-4	Oct. 16, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-79-5	Nov. 21, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-79-7	Dec. 21, 1979	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-80-3	Mar. 31, 1980	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-80-4	Feb. 25, 1980	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-80-5	Apr. 24, 1980	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-80-7	May 15, 1980	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-80-10	June 20, 1980	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-80-12	July 21, 1980	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-80-15	Aug. 5, 1980	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.
F-80-16	Aug. 15, 1980	Delegation of Authority to the Secretary of Defense—Regulatory Proceedings.

Dated: August 21, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-25391 Filed 8-31-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel; Agenda Clarification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) clarifies the agenda of a meeting of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel scheduled for September 24 and 25, 1981. The meeting was announced in the **Federal Register** of August 21, 1981 (46 FR 42531). The agenda is clarified as follows:

Open committee discussion. The committee will discuss premarket approval applications for absorbable hemostatic agents (P810006 and P810040) and premarket approval applications originally submitted as new drug applications for surgical sutures (NDA 18-331 and NDA of 18-387).

Closed presentation of data. The committee will discuss data presented by sponsors of premarket approval applications for absorbable hemostatic agents (P810006 and P810040) and premarket approval applications originally submitted as new drug applications for surgical sutures (NDA 18-331 and NDA 18-387). This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Closed committee deliberations. The committee will discuss premarket approval applications for absorbable hemostatic agents (P810006 and P810040) and premarket approval applications originally submitted as new drug applications for surgical sutures (NDA 18-331 and NDA 18-387). This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mark F. Parrish, Bureau of Medical Devices (HFK-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7156.

Dated: August 27, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-25810 Filed 8-31-81; 8:45 am]

BILLING CODE 4110-03-M

National Institutes of Health

Allergy and Immunology Study Section, et al.; October-November 1981 Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for October through November 1981, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets of commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each ge a01se3.120Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time. All times are A.M. unless otherwise specified.

Study section	October-November 1981 meetings	Time	Location
Allergy and Immunology, Dr. Morton Rertman, Rm. 320, Tel. 301-496-7380.	Nov. 5-7	8:30	Holiday Inn, Georgetown, DC.
Bacteriology and Mycology-1, Dr. Miriam Gordon, Rm. 304, Tel. 301-496-7340.	Oct. 22-24	8:30	Holiday Inn, Bethesda, MD.

Study section	October–November 1981 meetings	Time	Location
Bacteriology and Mycology–2, Dr. William Branche, Jr., Rm. 436, Tel. 301–496–1882.	Oct. 29–31	9:00	Holiday Inn, Georgetown, DC.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 203, Tel. 301–496–7109.	Oct. 21–23	9:00	Dupont Plaza Hotel, Washington, DC.
Biochemical Endocrinology, Dr. Norman Gold, Rm. 226, Tel. 301–496–7430.	Oct. 28–30	8:30	Room 4, Bldg. 31A, Bethesda, MD.
Biochemistry, Dr. Adolphus Toliver, Rm. 318, Tel. 301–496–7516.	Nov. 4–7	9:00	Marriott Hotel, Washington, DC.
Bio-Organic and Natural Products Chemistry, Dr. Michael Rogers, Rm. A–27, Tel. 301–496–7107.	Oct. 21–23	9:00	Ramada Inn, Bethesda, MD.
Biophysical Chemistry, Dr. John Wolff, Rm. 236, Tel. 301–496–7070.	Oct. 14–16	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301–496–7058.	Nov. 16–20	9:00	Wellington Holiday Inn, Washington, DC.
Cardiovascular and Pulmonary, Dr. Constance E. Weinstein, Rm. 2A–04, Tel. 301–496–7316.	Oct. 28–30	8:00	Uniform Services Univ., Bethesda, MD.
Cardiovascular and Renal, Dr. Rosemary Morris, Rm. 321, Tel. 301–496–7901.	Oct. 28–30	8:30	Westpark Hotel, Rosslyn, VA.
Cell Biology, Dr. Gerald Greenhouse, Rm. 306, Tel. 301–496–7511.	Oct. 28–30	8:30	Landow Bldg., Rm. A, Bethesda, MD.
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301–496–7078.	Oct. 13–15	8:00	Holiday Inn, Bethesda, MD.
Communicative Sciences, Dr. Michael Hatasz, Rm. 225, Tel. 301–496–7560.	Oct. 28–30	8:30	Holiday Inn, Chevy Chase, MD.
Diagnostic Radiology, Dr. Catharine Wingate, Rm. 219, Tel. 301–496–7950.	Oct. 28–30	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Endocrinology, Mr. Morris M. Graff, Rm. 333, Tel. 301–496–7348.	Oct. 19–21	1 3:00	Linden Hill Hotel, Bethesda, MD.
Epidemiology and Disease Control, Dr. Ann Schlueder-berg, Rm. 203, Tel. 301–496–7246.	Oct. 20–23	8:30	Holiday Inn, Georgetown, DC.
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 234, Tel 301–496–7940.	Oct. 27–29	8:00	Marriott Hotel, Bethesda, MD.
Experimental Immunology, Dr David Lavrin, Rm. 222, Tel. 301–496–7238.	Oct. 21–23	8:30	Executive House, Washington, DC.
Experimental Therapeu-tics, Dr. Ira Kline, Rm. 319, Tel. 301–496–7091.	Oct. 21–24	1 12:30	Kenwood County Club, Bethesda, MD.
Experimental Virology, Dr. Eugene Zebovitz, Rm 206, Tel. 301–496–7474.	Oct. 18–21	1 2:00	Room 9, Bldg. 31C, Bethesda, MD.
General Medicine A, Dr. Harold Davidson, Rm. 354, Tel. 301–496–7797.	Oct. 26–27	8:30	Room 10, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Antonia Novello, Rm. 322, Tel. 301–496–7730.	Oct. 27–29	8:30	Holiday Inn, Georgetown, DC.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301–496–7271.	Oct. 22–24	9:00	Room 9, Bldg. 31C, Bethesda, MD.
Hematology, Dr. Clark Lum, Rm. 355, Tel. 301–496–7508.	Nov. 4–6	8:00	In-Town Motel, Bethesda, MD.
Human Develop-ment and Aging–1, Dr. Teresa Levitin, Rm. 303, Tel. 301–496–7025.	Oct. 26–30	8:30	Gramercy Inn, Washington, DC.
Human Develop-ment and Aging–2, Dr. Samuel Rawlings, Rm. 305, Tel. 301–496–7640.	Nov. 4–6	9:00	Holiday Inn, Georgetown, DC.
Human Embryology and Develop-ment, Dr Arthur Hoversland, Rm. 221, Tel. 301–496–7597.	Oct. 28–30	8:30	Linden Hill Hotel, Bethesda, MD.
Immunobio-logy, Dr. William Stylos, Rm. 225, Tel. 301–496–7780	Oct. 28–30	8:30	Linden Hill Hotel, Bethesda, MD.
Immunological Sciences, Dr. Lottie Kornfeld, Rm. 233, Tel. 301–496–7179.	Oct. 21–23	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Mammalian Genetics, Dr Elliott Stonehill, Rm. 349, Tel. 301–496–7271.	Nov. 12–14	8:30	Holiday Inn, Georgetown, DC
Medicinal Chemistry, Dr. Ronald Dubois, Rm A–27, Tel. 301–491–7107.	Nov. 19–21	9:00	Holiday Inn, Georgetown, DC.
Metabolism, Dr. Robert Leonard, Rm. 339, Tel. 301–496–7091.	Nov. 5–7	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Metallobiochemistry, Dr. Marjam Behar, Rm. 310, Tel. 301–496–7733.	Oct. 15–17	9:00	Holiday Inn, Georgetown, DC.
Microbial Physiology, Dr. Martin Slater, Rm. 238, Tel. 301–496–7183.	Oct. 21–23	8:30	Holiday Inn, Bethesda, MD.
Molecular Biology, Dr Donald Disque, Rm. 328, Tel. 301–496–7830.	Oct. 22–24	8:30	Holiday Inn, Bethesda, MD.
Molecular and Cellular Biophysics, Dr. James Cassatt, Rm. 236, Tel. 301–496–7060.	Oct. 16–18	8:30	Holiday Inn, Georgetown, DC.
Molecular Cytology, Dr Ramesh Nayak, Rm. 233, Tel. 301–496–7149.	Oct. 22–24	8:30	Room 7, Bldg. 31C, Bethesda, MD.

Study section	October–November 1981 meetings	Time	Location
Neurological Sciences, Dr. Edwin Bartos, Rm. 439, Tel. 301–496–7279.	Nov. 5–7	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Neurology A, Dr. William Morris, Rm. 326, Tel. 301–496–7095.	Nov. 5–7	9:00	Room 8, Bldg. 31C, Bethesda, MD.
Neurology B, Dr. Willard McFarland, Rm. 2A–03, Tel. 301–496–7422.	Nov. 4–7	8:30	Shoreham Hotel, Washington, DC.
Nutrition, Dr. John Schubert, Rm. 204, Tel. 301–496–7178.	Oct. 28–30	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Oral Biology and Medicine, Dr. Thomas Tarpley, Jr., Rm. 325, Tel. 301–496–7818.	Oct. 27–30	8:30	Holiday Inn, Silver Spring, MD.
Orthopedics and Musculoskeletal, Ms. Ileen Stewart, Rm. 350, Tel. 301–496–7581.	Oct. 26–28	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Pathobiological Chemistry, Dr. Clarice Gaylord, Rm. A–26, Tel. 301–496–7620.	Oct. 28–31	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Pathology A, Dr. Harold Waters, Rm. 337, Tel. 301–496–7305.	Oct. 28–31	8:00	Westpark Hotel, Rosslyn, VA.
Pathology B, Dr. Earl Fisher, Rm. 352, Tel. 301–496–7244.	Oct. 28–30	8:30	Holiday Inn, Bethesda, MD.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301–496–7408.	Oct. 27–29	8:30	Holiday Inn, Bethesda, MD.
Physical Biochemistry, Dr. Jeanne Ketley, Rm 218, Tel. 301–496–7120.	Oct. 19–21	9:00	Marriott Hotel, Bethesda, MD.
Physiological Chemistry, Dr. Harry Brodie, Rm. 339, Tel. 301–496–7837.	Nov. 5–7	8:30	Holiday Inn, Rosslyn, VA.
Physiology, Dr. Martin Frank, Rm. 209, Tel. 301–496–7878.	Oct. 28–31	[1]2:00	Holiday Inn, Chevy Chase, MD.
Radiation, Dr. Robert Straube, Rm. 219, Tel. 301–496–7073.	Nov. 2–4	9:00	Holiday Inn, Chevy Chase, MD.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301–496–7316.	Oct. 19–22	8:30	Ramada Inn, Bethesda, MD.
Social Sciences and Population, Ms. Carol Campbell, Rm. 210, Tel. 301–496–7506.	Oct. 23–25	8:30	Dupont Plaza Hotel, Washington, DC.
Surgery, Anesthesiology and Trauma, Dr. Keith Kraner, Rm. 319, Tel. 301–496–7771.	Oct. 22–23	8:30	Westpark Hotel, Rosslyn, VA.
Surgery and Bioengineering, Dr. Joe Atkinson, Rm. 303A, Tel. 301–496–7506.	Oct. 29–30	8:00	Room 6, Bldg. 31C, Bethesda, MD.
Toxicology, Faye Calhoun, Rm. 205, Tel. 301–496–7570.	Oct. 28–30	8:30	Holiday Inn, Washington, DC.
Tropical Medicine and Parasitology, Dr. Betty June Myers, Rm. 222, Tel. 301–496–7494.	Oct. 26–28	8:30	Uniform Services Univ., Bethesda, MD.
Virology, Dr. Claire Winestock, Rm. 309, Tel. 301–496–7605.	Oct. 22–24	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Visual Sciences A, Dr. Orvil Bolduan, Rm. 205, Tel. 301–496–7260.	Oct. 28–30	9:00	Shoreham Hotel, Washington, DC.
Visual Sciences B, Dr. Luigi Giacometti, Rm. 325, Tel. 301–496–7251.	Nov. 18–21	9:00	Holiday Inn, Georgetown, DC.

[1] Denotes p.m.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: August 18, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–25426 Filed 8–31–81; 8:45 am]

BILLING CODE 4110–08–M

Microbiology and Infectious Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases, October 1–2, 1981 at the National Institutes of Health, Building 31C, Conference Room 8, Bethesda, Maryland 20205.

The meeting will be open to the public on October 1 from approximately 8:30 to 9:00 a.m. to discuss program policy and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting of the Committee will be closed to the public for the review, evaluation, and discussion of individual grant applications and contract proposals from 9:00 a.m. until approximately 5:00 p.m. on October 1 and from 9:00 a.m. until approximately noon on October 2, 1981.

These applications, proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the application and proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Susan B. Spring, Executive Secretary, Microbiology and Infectious Diseases Advisory Committee, NIAID, NIH, Westwood Building, Room 706, telephone (301) 496–7465, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmalogical Sciences; 13.856, Microbiology and Infectious Diseases

Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: August 18, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–25425 Filed 8–31–81; 8:45 am]

BILLING CODE 4110–83–M

Public Health Service

Health Care Technology Study Section; Renewal of Advisory Committee

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463 (5 U.S.C. Appendix I), the Office of the Assistant Secretary for Health announces the renewal by the Secretary, HHS, with concurrence by the General Services Administration, of the following advisory committee:

Designation: Health Care Technology Study Section.

Purpose: The Study Section shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, and the Director, National Center for Health Care Technology, on research grant applications in the information sciences (computer science, communications technology), decision sciences (operations research, industrial engineering, healthcare administration), technology assessment, bioengineering, and related fields as applied to hospital-based, ambulatory, and community health care. The members of this Study Section shall survey, as scientific leaders, the status of research in their field.

Authority for this Committee will expire on October 31, 1981, unless the Secretary, HHS, with the concurence of the General Services Administration, formally determines that continuance is in the public interest.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics and Technology.

[FR Doc. 81–25396 Filed 8–31–81; 8:45 am]

BILLING CODE 4110–85–M

Health Services Research and Developmental Grants Review Committee; Renewal of Advisory Committee

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463 (5 U.S.C. Appendix I), the Office of the Assistant Secretary for Health announces the renewal by the Secretary, HHS, with concurrence by the General Services Administration, of the following advisory committee:

Designation: Health Services Research and Developmental Grants Review Committee.

Purpose: The Committee shall advise the Secretary and make recommendations to the Director, National Center for Health Services Research, concerning the scientific and technical merit of health services research grant applications.

Grant applications considered by the two Subcommittees of this Committee fall into two general types. One type of application involves primarily analysis and the use of economic, statistical, and other theoretical approaches to examine problems associated with the delivery of health services. The other type of application involves the analysis of the data that derive from both large and small scale experiments and demonstrations which are designed to test more cost-effective or efficient ways to provide health services.

Authority for this Committe will expire on October 31, 1981, unless the Secretary, HHS, with the concurrence of the General Services Administration, formally determines that continuance is in the public interest.

Dated: August 24, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics and Technology.

[FR Doc. 81–25397 Filed 8–31–81; 8:45 am]

BILLING CODE 4110–85–M

National Center for Health Care Technology; Workshop on Reuse of Hemodialyzers

The National Center for Health Care Technology (Center) announces that it is sponsoring a workshop on the reuse of hemodialyzers used in treatment of patients suffering from End-Stage renal disease (ESRD). The workshop will take place at the Lister Hill Center, National Institutes of Health, Bethesda, Maryland, November 2–3, 1981 (9:00 am to 5:00 pm each day).

Based on the deliberations of this workshop, a PHS recommendation will be formulated to assist those Federal agencies with ESRD responsibilities and other interested outside groups concerned with the safety and clinical effectiveness of this practice. The number of presentations will be determined on a "time-permitting" basis. Those wishing to present information concerning the safety and clinical effectiveness of this practice are invited to submit abstracts to the Center no later than September 18, 1981. Abstracts should be no longer than one typewritten page (250 words).

Written material should be submitted to: Mr. Dennis J. Cotter, Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact Mr. Cotter at the above address or by telephone (301)443–4990.

Dated: August 24, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81–25395 Filed 8–31–81; 8:45 am]

BILLING CODE 4110–85–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Number A 17000–D]

Arizona; Notice of Classification of Public Lands for State Indemnity Selection

In **Federal Register** Document 81–22484 appearing on pages 39479 and 39480 of the issue for August 3, 1981, the following changes should be made for application A 17000–D:

Under T. 6 N., R. 4 W., Section 26: E½W should be E½W½.

Dated: August 24, 1981.

William K. Barker,

District Manager.

[FR Doc. 81–25386 Filed 8–31–81; 8:45 am]

BILLING CODE 4310–84–M

[CA 7171 WR, CA 7215 WR]

California; Revocation of Small Tract Classification Nos. 11 and 14

August 21, 1981.

Pursuant to the authority delegated by Bureau Order No. 701 of July 23, 1964 (29 FR 10526), the following orders classifying lands under the Small Tract Act of June 1, 1938 (52 Stat. 609; U.S.C. 682a), as amended, which thereby segregated the lands from appropriation under all other public land laws, including location under the United States mining laws (30 U.S.C. Chap 2), are hereby revoked in their entirety:

1. Small Tract Classification No. 14 of December 2, 1941, as amended, published in **Federal Register** Vol. 6, No. 240, page 6364, December 11, 1941:

San Bernardino Meridian

T. 14 S., R. 2 E.,
Sec. 7, lots 13, 14, 16, 19, 20, 23, 24, 25, and 28 (all in formerly surveyed lots 1, 2, and 3), NE¼NE¼;
Sec. 8, W½NW¼.

The areas described aggregate 159.62 acres in San Diego County.

2. Small Tract Classification No. 11 of December 2, 1941, published in **Federal Register** Vol. 6, No. 240, page 6363, December 11, 1941:

San Bernardino Meridian

T. 13 S., R. 4 E.,
Sec. 15, lots 5, 8, 9, 10, 11, and 12, N½NE¼NE¼ S½NW¼NE¼NW¼, NW¼, N½S½NE¼NW¼, W½SW¼NW¼, SW¼NE¼SW¼NW¼, and that land situated within the boundaries of unpatented Copper Butte Lode and Red Hill Lode mining claims (all in formerly surveyed E½NW¼, SW¼NW¼), NW¼SW¼.

The areas described aggregate approximately 138 acres in San Diego County.

3. Of the lands described in paragraphs 1 and 2, the following remain in Federal ownership:

San Bernardino Meridian

T. 14 S., R. 2 E.,
Sec. 7, NE¼NE¼.
T. 13 S., R. 4 E.,
Sec. 15, lots 8 and 9, NW¼SW¼, and that land situated within the boundaries of unpatented Copper Butte Lode and Red Hill Lode mining claims.

The areas described aggregate approximately 124 acres in San Diego County.

4. The Small Tract Act of 1938 was repealed by Section 702 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2789); the classifications, therefore, serve no useful purpose.

5. At 10:00 a.m. on October 5, 1981, the public lands affected by this order shall be open to operation of the public land laws, generally, including location under the mining laws, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable laws.

6. Several small tracts of land scattered throughout the legal subdivisions described in paragraphs 1 and 2 have been patented pursuant to the Small Tract Act under which the mineral estates are reserved to the United States. Until appropriate rules and regulations are issued by the Secretary, the minerals on these *nonpublic lands will not be subject to location* under the United States mining laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

Richard F. Johnson,

Acting State Director.

[FR Doc. 81–26390 Filed 8–31–81; 8:45 am]

BILLING CODE 4310–84–M

[INT FEIS 81-36]

Hualapai-Aquarius Final Grazing Environmental Impact Statement; Availability

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of final environmental impact statement (FEIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared a FEIS on the proposed grazing management program for the Hualapai-Aquarius Planning Area, Mohave and Yavapai Counties, Arizona.

SUPPLEMENTARY INFORMATION: The FEIS is to be used in conjunction with the DEIS. The final statement is made up of the oral and written comments received and our responses to those comments.

Comments on the final statement can be submitted within 30 days of this notice, to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

A limited number of copies are available upon request to the State Director at the above address, the District Manager, Bureau of Land Management, 2929 W. Clarendon, Phoenix, Arizona 85017, and the Area Manager, Bureau of Land Management, 2475 Beverly Avenue, Kingman, Arizona 86401.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240; Telephone (202) 343–5717
Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone (602) 241–3706
Phoenix District Office, Bureau of Land Management, 2929 W. Clarendon Avenue, Phoenix, Arizona 85017, Telephone (602) 261–2501
Kingman Resource Area, Bureau of Land Management, 2475 Beverly Avenue, Kingman, Arizona 86401, Telephone (602) 757–4011

Dated: August 25, 1981.

Clair M. Whitlock,

State Director.

[FR Doc. 81–26430 Filed 8–31–81; 8:45 am]

BILLING CODE 3410–84–M

[M 44367]

Montana; Notice of Conveyance

August 24, 1981.

Notice is hereby given that pursuant to sec. 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and the regulations in 43 CFR Part 2200, a patent issued to Donald L. Wolff and Charlotte E. Wolff on July 21, 1981, for the following described land in Carter County:

Principal Meridian

T. 1 S., R. 59 E.,
Sec. 29, S½SW¼; and
Sec. 32, E½.
T. 2 S., R. 59 E.,
Sec. 12, SW¼NW¼ and SE¼SW¼.

Aggregating 480 acres.

A warranty deed issued to the United States for the following land, which becomes public land subject to administration by the Bureau of Land Management, Montana State Office:

Principal Meridian

T. 2 S., R. 58 E.,
Sec. 1, SE¼; and
Sec. 12, NE¼.
T. 2 S., R. 59 E.,
Sec. 7, Lots 1, 2, 3, and 4; and
Sec. 18, Lot 1.

Aggregating 603.11 acres.

Eugene D. Russell,

Chief, Division of Technical Services.

[FR Doc. 81–26404 Filed 8–31–81; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

Regulatory Storage Division, Central Arizona Project, Arizona; Intent To Prepare a Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an Environmental Impact Statement on the Regulatory Storage Division, Central Arizona Project (CAP), Arizona. This feature of the CAP currently is being investigated under the title Central Arizona Water Control Study (CAWCS). The draft environmental impact statement also will consider concurrent and coincident aspects of the Safety of Dams Programs, Salt River Project (SRP), Arizona, since the construction and operation of CAWCS and/or safety of dams features likely would involve both common timing and geography.

Construction of the Regulatory Storage Division (Orme Dam and Resevoir and power-pumping plant or suitable alternative) was authorized by section 301(a)(2) of the Colorado River Basin Project Act (Pub. L. 90–537). The principal purposes of this feature are:

1. To increase the operating efficiency of the CAP by providing regulatory storage capacity, conserving Salt and Verde River flows, and regulating

Colorado River water deliveries from the Granite Reef Aqueduct; and

2. To provide storage capacity to meet the flood control requirements of the Salt River through the Phoenix metropolitan area.

The Reclamation Safety of Dams Act (Pub. L. 95–578) directed the Secretary of the Interior to preserve the structural safety of Bureau of Reclamation dams and related facilities by performing such modifications as he determines to be reasonably required. Recent hydrologic analyses indicate that for the six SRP storage dams on the Salt and Verde Rivers, inadequate storage capacity and/or spillway and outlet capacity is available to contain and/or pass the maximum probable flood without overtopping. Such an occurrence could jeopardize the structural safety of these six dams.

To provide for the purposes of the authorized Regulatory Storage Division and to include, as practicable, means to insure the structural safety of the six dams, a number of alternative actions have been evaluated through the CAWCS planning process so as to determine those reasonable alternatives to be studied in detail.

The primary consideration of these detailed studies is to combine the CAP and safety of dams programs under a single plan concept to the extent possible so as to allow a timely decision on the proposed action for CAP while maximizing benefits and minimizing costs. The environmental impact statement would reflect such combination and would consider the reasonable alternatives in detail.

Based on the development and ranking of preliminary plans, eight candidate plans have been identified including a CAWCS "No Action" alternative. For ease of understanding and presentation, the plans have been grouped under three concepts:

A. Cliff Dam/New or Enlarged Roosevelt Dam/Reconstructed Stewart Mountain Dam

Plans under this concept rely on three structures: two for flood control, new conservation space for CAP water, and safety of dams; and one, Stewart Mountain Dam, is reconstructed for safety of dams purposes only.

Plan 1: Cliff Dam/New or Enlarged Roosevelt Dam/Reconstructed Stewart Mountain Dam

Under this plan, Roosevelt and Cliff Dams would provide flood control on the Salt and Verde Rivers, respectively, and include new conservation space for CAP water, in addition to safety of dams.

Plan 2: Cliff Dam/New or Enlarged Roosevelt Dam/Reconstructed Stewart Mountain Dam/SRP Reregulation/ Nonstructural

Under this plan, Roosevelt and Cliff Dams would be constructed for safety of dams. Flood control would be provided by SRP reregulation in combination with nonstructural flood damage reduction measures downstream (flood plain regulation, preparedness planning, and flood proofing). Dual use of the dedicated sediment space would provide an increased water supply from Roosevelt Dam for an interim period.

B. Confluence Dam/Cliff Dam/New Or Enlarged Roosevelt Dam/Reconstructed Stewart Mountain Dam

All plans under this concept include a Confluence Dam. However, for plans which include a Confluence Dam with safety of dams in a separate structure upstream, the design of the dam would differ, depending on which portion of a plan was implemented first. For this reason, several confluence options had to be developed.

Plan 3: Confluence Dam/Cliff Dam/New or Enlarged Roosevelt Dam/ Reconstructed Stewart Mountain Dam

Under this plan Cliff Dam, Roosevelt Dam, and a low Confluence Dam would be constructed concurrently. Roosevelt and Cliff Dams would provide flood control on the Salt and Verde Rivers, new conservation space, and safety of dams. A low Confluence Dam would be constructed for regulatory storage purposes and if feasible some flood control storage would be added to control the intermediate drainage below upstream dams.

Plan 4: Confluence Dam With a Large Spillway/Cliff Dam/New or Enlarged Roosevelt Dam/Reconstructed Stewart Mountain Dam

Under this plan, the Confluence Dam would be constructed first with a large service spillway (gated) to insure the safety of the structure and include flood control storage and regulatory storage capacity. Cliff and Roosevelt Dams would be constructed later for safety of dams purposes only.

Plan 5: Confluence Dam With Small Service Spillway and Emergency Spillway/Cliff Dam/New or Enlarged Roosevelt Dam/Reconstructed Stewart Mountain Dam

As in Plan 4, the Confluence Dam would be constructed first. However, instead of a large service spillway, the Confluence Dam would include a smaller service spillway (gated) and an emergency spillway (ungated) to insure the safety of the structure. Cliff and Roosevelt Dams would be constructed later for safety of dams purposes only.

C. New Waddell Dam/Cliff Dam/New or Enlarged Roosevelt Dam/ Reconstructed Stewart Mountain Dam

Under these plans, regulatory storage is provided at New Waddell Dam on the Agua Fria River.

Plan 6: New Waddell Dam/Cliff Dam/ New or Enlarged Roosevelt Dam/ Reconstructed Stewart Mountain Dam

New Waddell Dam would be constructed for regulatory storage only with flood control storage, new conservation space and safety of dams provided at Cliff and Roosevelt Dams.

Plan 7: New Waddell Dam/Cliff Dam/ New or Enlarged Roosevelt Dam/ Reconstructed Stewart Mountain Dam

This plan is the same as Plan 6, but would be operated to emphasize opportunities for environmental enhancement. A portion of the Water supply generated by the new conservation space at Cliff and Roosevelt Dams and regulatory storage at New Waddell Dam would be used for recreation and fish and wildlife purposes.

Plan 8: CAWCS "No Action"

With this option, CAP would be constructed but no CAWCS regulatory storage or flood control would be provided. Safety of dams studies would continue to select a preferred safety of dams solution which may differ from the Cliff Dam/Roosevelt Dam combination.

The "proposed action" is not identified at this time, because planning studies and public involvement activities are still ongoing. The proposed action will be selected for identification in the draft environmental impact statement.

The current CAWCS investigation has been underway since 1978 and over the past 3 years considerable input has been received from interested and affected Federal, State, and local agencies, affected Indian tribes, and other affected and interested persons. Consequently, no scoping meetings will be held although all interested parties are invited to participate in scoping the environmental impact statement.

A CAWCS Newsletter which explains the alternatives and significant issues will be available in August 1981. The newsletter will be distributed to the established CAWCS mailing list and will also be available upon request. A response form will be included in the newsletter to aid in making input to the

scope of the environmental impact statement. Newsletters will be available from the Commissioner, Bureau of Reclamation, Department of the Interior, 18th and C Streets, NW., Washington, DC 20240; the Regional Director, Lower Colorado Region, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005; or the Project Manager, Arizona Projects Office, Bureau of Reclamation, Suite 2200—Valley Center, Phoenix, Arizona 85073.

The contact person for this environmental impact statement will be Larry Morton, Chief, Environmental Divison, Arizona Projects Office, Bureau of Reclamation, 201 North Central Avenue, Phoenix, Arizona 85073, Telephone (602) 261–3577.

Dated: August 25, 1981.

Clifford I. Barrett,

Assistant Commissioner.

[FR Doc. 81–25361 Filed 8–31–81; 8:45 am]

BILLING CODE 4310–09–M

Bureau of Land Management

[W–75193]

Wyoming; Invitation for Coal Exploration License: Millard Moses

August 24, 1981.

Millard Moses hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following lands in Washakie County, Wyoming:

Sixth Principal Meridian, Wyoming

T. 46 N., R. 90 W.,
Sec. 2, Lots 5 and 6.
T. 47 N., R. 90 W.,
Sec. 35, SW¼, S½SE¼.
Containing 270.32 acres.

All of the coal in the above lands consists of unleased Federal coal and the purpose of the exploration program is to determine the quality and quantity of the coal within the boundaries of the above-described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W–75193): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, and the Bureau of Land Management, 1700 Robertson Avenue, Worland, Wyoming 82401.

This notice of invitation will be published in this newspaper once each week for two (2) consecutive weeks beginning the week of September 8, 1981, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Millard Moses no later than October 1, 1981. The written notices should be sent to the following addresses: Millard Moses, Box 273, Ten Sleep, Wyoming 82442, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulations, § 3410.2–1(d)(1).

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–25360 Filed 8–31–81; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Geological Survey, Interior.

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Gulf of Mexico OCS.

SUMMARY: The USGS, in accordance with Federal Regulations (40 CFR 1501.4 and § 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs), prepared by the USGS for the following oil and gas exploration Gulf of Mexico activities proposed on the OCS. This listing includes all proposals for which environmental documents were prepared by the Gulf of Mexico OCS Region in the 3-month period preceding this Notice.

Activity/ operator	Location	FONSI date
Ocean Production Company, EA No. 497, plan control No. N–0716.	OCS blocks 188 and 231, Charlotte Harbor area; (65 mi. southwest of Sarasota, Florida).	May 27, 1981.
Chevron U.S.A. Inc., EA No. 498, plan control No. N–0733.	OCS block 610, Vernon area; (120 mi. from the Florida coast).	June 12, 1981.
Chevron U.S.A. Inc., EA No. 499, plan control No. N–0734.	OCS block 715, Charlotte Harbor area; (102 mi. southeast of Sanibel Island, Florida).	June 12, 1981.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact the USGS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Deputy Conservation Manager, Offshore Operations Support, Gulf of Mexico OCS Region, U.S. Geological Survey, Post Office Box 7944, Metairie, Louisiana 70010, 504/837–4720.

SUPPLEMENTAL INFORMATION: The Conservation Division of the USGS prepares EAs and FONSIs for proposals which relate to exploration for oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–25362 Filed 8–31–81; 8:45 am]

BILLING CODE 4310–31–M

Chevron U.S.A., Inc.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1241, Block 52, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, Geological

Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 24, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25432 Filed 8-31-81; 8:45 am]

BILLING CODE 4310-31-M

Kerr-McGee Corp.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3168, Block 237, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geographical Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 24, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25433 Filed 8-31-81; 8:45 am]

BILLING CODE 4310-01-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 21, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, Department of the Interior, Washington, DC 20243. Written comments should submitted by September 14, 1981.

Carol Shull,

Acting Keeper of the National Register.

CALIFORNIA

Alameda County

Fremont, *Washington Union High School,* 38442 Fremont Blvd.

Inyo County

Bishop vicinity, *Laws Narrow Gauge Railroad Historic District,* NE of Bishop

Tuolumne County

Sonora, *Tuolumne County Courthouse,* 41 W. Yaney Ave.

NEBRASKA

Buffalo County

Kearney, *United States Post Office,* 2401 Central Ave.

Lancaster County

Lincoln, *State Arsenal,* 17th and Court Sts.

MISSOURI

Dunklin County

Kennett, *Kennett City Hall and Masonic Lodge,* 122 College St.

WISCONSIN

La Crosse County

La Crosse, *U.S. Fish Control Laboratory,* Riverside Park

The following is a list of corrections to properties listed on the "National Register." Additional corrections may appear in subsequent updates of the "Federal Register."

ARIZONA

Coconino County

Winslow vicinity, *Nuvakwewtaqa* (8–2–77) (previously listed as Chavez Pase Pueblo Site)

CALIFORNIA

Alameda County

Oakland, *Greek Orthodox Church of the Assumption,* 9th and Castro Sts. (5–22–78) (previously listed at 920 Brush St.)

GEORGIA

Fulton County

Atlanta, *Brookwood Hills Historic District,* Off U.S. 19 and GA 9 (12–21–79) (previously listed 12–21–80)

Jeff Davis County

Hazelhurst, *Jeff Davis County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9–18–80) (previously listed in Hazelhurst)

IDAHO

Valley County

McCall, *Rice Meetinghouse* (4–9–80) (previously listed as Rice Illinois Meetinghouse)

KENTUCKY

Nicholas County

Carlisle, *Carlisle Louisville and Nashville Passenger Depot,* Market and Locust Sts. (5–18–79) (previously listed as Louisville and Nashville Passenger Depot)

MAINE

Somerset County

Embden vicinity, *Hodgdon Site (Maine Archeological Survey No. 69–4)* (4–23–80) (previously listed as Hodgdin Site)

MICHIGAN

Saginaw County

Schultz Site (20SA2) Green Point Site (20SA1) Northesastern Saginaw County (12–8–78) (previously listed as Schultz Site)

MINNESOTA

St. Louis County

Chisholm *Saints Peter and Paul Ukrainian Catholic Church,* 530 Central Ave. (8–27–80) (previously listed as Saints Peter and Paul Eastern Rite Church

NEW HAMPSHIRE

Merrimack County

Concord, *Upham-Walker House,* 18 Park St. (5–15–80) (previously listed as Upham, Nathaniel G., House (Walker House)

NEW JERSEY

Bergen County

River Edge, *Steuben Estate Complex,* New Bridge Rd., Main St. and Hackensack River (12–18–70) (previously listes as Steuben House, now includes Demarest House, Westervelt Barn and Campbell-Christie House)

NEW YORK

New York County

Liberty Island, *Statue of Liberty National Monument, Ellis Island and Liberty Island* (10-15-66) (also in Hudson County, NJ) (previously listed as Statue of Liberty National Monument)

Suffolk County

Mastic Beach, *Floyd, William, House* (Old Mastic) 20 Washington Ave. (10-15-80) (previously listed as Old Mastic (William Floyd Estate)

NORTH CAROLINA

Bertie County

Windsor vicinity, *King House*, NW of Windsor off NC 308 (8-26-71) (previously listed NW of Windsor on SR 1116)

NORTHERN MARIANA ISLANDS

Mariana Islands District

Garapan Village, Saipan, *Japanese Hospital*, Rte. 3 (12-19-74) (previously listed under Trust Territory of the Pacific Islands) Navy Hill, Saipan, *Japanese Lighthouse*, Navy Hill at Garapan (12-19-74) (previously listed under Trust Territory of the Pacific Islands) Rota Island, *Rota Latte Stone Quarry* (12-13-74) (previously listed under Trust Territory of the Pacific Islands) Saipan, *Banzai Cliff*, Banadero (9-30-76) (previously listed under Trust Territory of the Pacific Islands) Saipan, *Suicide Cliff*, Banadero (9-30-76) (previously listed under Trust Territory of the Pacific Islands) Saipan, *Waherak Maihar*, Public Works Headquarters Compound (1-31-78) (previously listed under Trust Territory of the Pacific Islands) Tinian Island, *House of Taga* (12-19-74) (previously listed under Trust Territory of the Pacific Islands)

PENNSYLVANIA

Philadelphia County

Philadelphia, *Union Methodist Episcopal Church (Jones Tabernacle A.M.E. Church and Parish House)* 2019 W. Diamond St. (10-15-80) (previously listed as Union Methodist Episcopal Church)

* * * * *

The following properties were omitted from the listing in the "Federal Register," Part II, February 3, 1981.

CALIFORNIA

San Francisco County

San Francisco, *Rincon Annex*, 101-199 Mission St. (11-16-79)

COLORADO

Chaffee County

Nathrop vicinity, *St. Elmo Historic District*, Pitkin, 1st, Main and Poplar Sts. (9-17-79)

Denver County

Denver, *U.S. Customhouse*, 721 19th St. (10-16-79)

El Paso County

Manitou Springs, *Barker House*, 819 Manitou Ave. (10-11-79)
Manitou Springs, *First Congregational Church*, 101 Pawnee Ave. (10-16-79)

La Plata County

Durango, *Newman Block*, 801.813 Main Ave. (10-15-79)

Montezuma County

Pleasant View vicinity, *Lancaster, James A., Site (5MT4803) (4-14-80)*

GEORGIA

Floyd County

Cave Spring, *Cave Spring Multiple Resource Area (Partial Inventory)*. This area includes: *Cave Spring Commercial Historic District*, Alabama, Rome and Cedartown Rds., Broad and Padlock Sts.; *Dave Spring Residential Historic District*, U.S. 411 and GA 100; *Georgia School for the Deaf Historic District*, Padlock St.; *Rolator Park Historic District*, Off U.S. 411; *Carroll-Harper House*, Cedartown St.; *Carroll, John M., House*, Park St.; *Carroll-Richardson Grist Mill*, Mill St.; *Cave Spring Female Academy*, Rome St.; *Cave Spring High School*, Rome St.; *Cave Spring Railroad Station*, Alabama St.; *Conner, Wesley O., House*, Cedartown St.; *Cowdry, William D., Plantation*, Rome Rd.; *Fannin, Oliver P., House*, Cedartown St.; *Ford, Joseph, House*, Love and Alabama Sts.; *Mann, John T., House*, Rivers St.; *McKinney, Dr. W. T., House*, Cedartown St.; *Rivers Farm*, Rome St.; *Robbins, Samuel W., House*, Rome St.; *Roving House*, Rome St.; *Simmons House*, Cedartown St.; *Simmons, William S., Plantation*, Alabama St.; *Watts, George T., House*, Love St.; *Wharton-Trout House*, Rome St. (6-19-80)

Montgomery County

Glen Echo, *Carrousel at Glen Echo Park*, MacArthur Blvd. (7-4-80)
Glen Echo, *Chautauqua Tower*, Glen Echo Park (7-4-80)

MINNESOTA

Wright County

Wright County, Multiple Resource Area. This area includes: Albertville, *Albertville Roller Mill*, 5790 Main Ave., NE.; Clearwater, *Clearwater Mason Lodge No. 28 (G.A.R. Hall No. 112)* Oak and Main Sts.; *First Congressional Church of Clearwater*, Bluff and Elm Sts.; *Webster, William W., House*, Spring and Linn Sts.; Cokato, *Bull, Henry C., House*, 195 E. 3rd St.; Cokato vicinity, *Titrud, Olof M., Round Barn*, SR 30; Delano, *Delano Village Hall*, 127 River St.; *Eagle Newspaper and Job Printing Office*, 300 Railroad Ave.; *Weldele House*, 309 River St.; Delano vicinity, *Franklin Township School House No. 48*, Y.S. 12; Hanover, *Hanover Bridge*, Spans Crow River; Howard Lake, *Howard Lake City Hall*, 737, 739 and 741 6th St.; Howard Lake vicinity, *Marysville Swedesburg Lutheran Church*, SR 9; *Middleville Township Hall*, SR 6; Maple Lake vicinity, *St. Mark's Episcopal Chapel*, Off MN 24; Monticello, *Nicherson-Tarbox House, Shed and Barn*, 514 E. Broadway; *Rand, Rufus, Summer House and Carriage Barn*, Washington St.; *Simpson Methodist Church and Educational Building*, 4th and Linn Sts.; Monticello vicinity, *Hanaford Farm*, Off SR 106; Montrose, *Hawkins, Dr. E. P. Clinic, Hospital and House*, Buffalo St.; Rockford vicinity, *Marsh, Peter J., Octagon Barn*, Off SR 14; St. Michael, *St. Michael's Catholic Church*, Central Ave. and Main St. (12-11-79)

NEW HAMPSHIRE

Merrimack County

Concord, *Pierce, Franklin, House*, 52 S. Main St. (10-16-79)

NEW YORK

Kings County

New York, *Parachute Jump*, Coney Island (9-2-80)

PENNSYLVANIA

Lycoming County

Muncy, *Muncy Historic District*, Roughly bounded by Ridell Lane, Sherman, Washington and Mechanic Sts. (7-3-80)

TENNESSEE

Davidson County

Nashville, *Rutledge Hill Historic District*, Roughly bounded by Middleton, 2nd, Lea and Hermitage Aves. (7-8-80)

Gibson County

Humboldt, *Senter-Rooks House*, 2227 Main St. (7-9-80)

Grainger County

Blaine vicinity, *Poplar Hill*, NE of Blaine (7-8-80)
Rutledge vicinity, *Cocke, William, House*, NE of Rutledge (7-3-80)

Hamilton County

Chattanooga vicinity, *Cummings, Judge Will, House*, W of Chattanooga at 4025 Cummings Rd. (7-3-80)

Knox County

Knoxville, *Johnson, Andrew, Hotel*, 912 S. Gay St. (7-9-80)

Madison County

Jackson, *East Main Street Historic District*, Irregular pattern along E. Main St. (7-3-80)
Jackson vicinity, *Deberry-Hurt House*, SW of Jackson (7-8-80)

Montgomery County

Clarksville, *Oak Top*, 107 Madison Ter. (7-8-80)
Clarksville vicinity, *Ringgold Mill Complex*, NW of Clarksville on Mill Rd. (7-8-80)

Sevier County

Sevierville, *Andes, Riley H., House*, Douglas Dam Rd. (7-8-80)

Shelby County

Memphis, *Libertyland Grand Carousel*, Liberty Land Theme Park (7-3-80)
Memphis, *Stephens-Cochran House*, 784 Poplar Ave. (7-9-80)
Memphis, *U.S. Marine Hospital Executive Building and Laundry-Kitchen*, 360 and 374 W. California Ave. (7-2-80)

Trousdale County

Hartsville, *Hartsville Depot*, Broadway (7-3-80)

Washington County

Johnson City vicinity, *Bashor Mill*, NE of Johnson City (7–8–80)

Wiliamsen County

Franklin, *Wyatt Hall*, U.S. 31 (7–2–80)

* * * * *

The following properties have been demolished and/or removed from the "National Register of Historic Places." This action does not necessarily modify the applicablity, if any, of provisions of section 2124 of the "Tax Reform Act."

CALIFORNIA

Mariposa County

Yosemite Village, *Degnan House and Bakery*, Southside Dr., Yosemite National Park (9–5–75) (removed)

DELAWARE

Sussex County

Cool Spring vicinity, *Fisher House*, SE of Cool Spring, Broadkill Hundred (3–24–71) (removed)

ILLINOIS

Cook County

Chicago, *Sacred Heart Mission Church*, 11652 S. Church St. (1–28–80) (removed)

Rock Island County

Rock Island, *Industrial Home No. 94*, 2100 3rd Ave. (11–28–78) (demolished)

INDIANA

Dubois County

Jasper, *Gramelspacher-Gutzweiler House*, 7th and Main Sts. (11–2–78) (removed)

IOWA

Dallas County

Perry, *Perry Volunteer Fire Department Engine House*, 1208 1st St. (11–7–78) (demolished)

MICHIGAN

Monroe County

Monroe, *Fix House*, Sterling State Park (3–16–72) (demolished)

SOUTH CAROLINA

Spartanburg County

Moore vicinity, *Fredonia*, E of Moore off U.S. 221 (10–6–74) (demolished)

TENNESSEE

Madison County

Jackson, *Jones, Casey, Home and Railroad Museum*, 211 W. Chester St. (removed)

TEXAS

Collin County

McKinney, *McKinney, Collin, Cabin*, Finch Park (9–18–78) (demolished)

WEST VIRGINIA

Wood County

Parkersburg, *Parkersburg City Hall*, 5th and Market Sts. (12–11–79) (demolished)

[FR Doc. 81–25154 Filed 8–31–81; 8:45 am]

BILLING CODE 4310–03–M

Indicative Inventory of Potential Future U.S. Nominations to the World Heritage List (Draft); Request for Comment

AGENCY: National Park Service, Interior.

ACTION: Public Notice and Request for Comment.

SUMMARY: The Department of the Interior, through the National Park Service, has prepared an indicative invenory of cultural and natural properties in the United States that, based on preliminary examination, appear to qualify for World Heritage status and that may be considered for nomination to the World Heritage Committee over the next ten years. The draft inventory was prepared to satisfy provisions of the World Heritage Convention, and is based on previous recommendations and projects to identify possible U.S. nominations. Inclusion of a property on this inventory does not confer World Heritage status on it, but indicates that a property may be considered for nomination in the future. The inventory provides a comparative framework within which the outstanding universal value of a property may be effectively judged. Interested parties are encouraged to provide written comments regarding the merits of any property included on the draft inventory, or to recommend additional properties, with supporting documentation, for consideration as potential nominations. Once the comment period has expired, a final indicative inventory of potential U.S. World Heritage nominations will be prepared and submitted, on behalf of the United States, to the World Heritage Committee.

DATE: Written comments or recommendations regarding the draft indicative inventory of U.S. World Heritage nominations must be received no later than October 1, 1981.

ADDRESS: Comments should be sent to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 (Attn: World Heritage Convention—773).

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Ritsch, Acting Associate Director, Recreation Resources, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 (202–343–4462).

SUPPLEMENTARY INFORMATION: The Convention Concerning the Protection of the World Cultural and Natural Heritage, ratified by the United States and 58 other nations as of this date, has established a means through which natural and cultural properties of outstanding universal value to mankind may be recognized and protected. Sites are identified and nominated by participating nations for inclusion on the World Heritage List, which currently includes 85 properties. The 21-member nation World Heritage Committee judges the nominations against established criteria, which were published in a January 13, 1981, **Federal Register** notice (46 FR 3075). The country nominating a site for inclusion on the World Heritage List assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the protection, conservation, presentation, rehabilitation, and transmission to future generations of the property it nominates.

In the United States, the Secretary of the Interior is responsible for implementing provisions of the World Heritage List. Recommendations on World Heritage policy and nominations are made by the Federal Interagency Panel for World Heritage, which includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; and the Department of State.

The Department of the Interior, through the National Park Service, is implementing its responsibilities under the World Heritage Convention in accordance with the statutory mandate of Title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96–515; 16 U.S.C. 470a–1, a–2). On January 13, 1981, the Department announced its interpretive guidelines for implementing the World Heritage Convention in accordance with this new legislative mandate.

These guidelines (46 FR 3073) shall remain in effect until formal program rules are published. In particular, the legislation set forth several requirements which U.S. properties must satisfy to be nominated for World Heritage status. Before a property may be nominated:

1. *It must have previously been determined to be nationally significant,* e.g., designated as a national natural landmark or national historic landmark by the Secretary of the Interior, or established by the Congress of the United States as an area of national significance;

2. *Its nomination must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment.* For properties owned or controlled by Federal, State, and/or local governments, such evidence includes reference to all legislative and administrative measures that would ensure satisfactory maintenance and preservation of the property in perpetuity. For properties owned or controlled by private organizations or individuals, such evidence includes a written covenant prohibiting in perpetuity any use which threatens or damages the property's universally significant values, the opinion of counsel on the legal status and enforceability of such a prohibition, and other measures or requirements which the Department may prescribe; and

3. *Its owner or manager must concur in writing to such nomination.*

Indicative Inventory of Potential Future U.S. Nominations to the World Heritage List (Draft)

The indicative inventory which follows includes cultural and natural properties in the United States that appear to qualify for nomination to the World Heritage List and that may be considered for nomination during the next ten years. The inventory is indicative in nature, in that it indicates the types of properties that will be seriously considered for nomination, but does not represent a commitment to nominate any specific property at a specific point in time. This indicative inventory, which is not considered exhaustive, will enable both the United States and the World Heritage Committee to consider properties within a broad comparative context so that any property's claim of outstanding universal value can be effectively evaluated. Once completed, the indicative inventory will strengthen U.S. participation in the Convention and will provide direction for a rational, systematic nomination process.

The cultural properties in the inventory are grouped by theme, e.g., archeology, architecture, etc., and arranged alphabetically. The natural properties are grouped according to the physiographic province (Fenneman 1928) in which they occur, e.g., Rocky Mountains, Sonoran Desert, etc., and arranged alphabetically. Each property included in the inventory may not ultimately constitute a separate nomination, but rather, significant portions of various properties may be nominated together to represent an important theme, e.g., erosional formations of the Colorado Plateau, or architectural masterpieces of the Chicago School. The inventory is in draft form, and the Department welcomes comments and recommendations regarding both the merits of any property included on the inventory, or the significance of other properties that are not listed. Recommendations for additional properties must include detailed documentation describing the outstanding universal value of the property. In addition, the property should satisfy the legislative requirements set forth earlier in this notice.

I. Cultural Properties

Archaeology

Cape Krusenstern Archaeological District, Alaska. Marine beach ridges here contain evidence of nearly every major cultural period in Arctic history. Main period is 11,000–5,000 B.C. *Criteria:* (iii) Bears a unique testimony to a civilization which has disappeared.

Casa Grande Ruins National Monument, Arizona. Casa Grande is a four-story tower of packed earthen walls built over 600 years ago by the agricultural Indians of the Gila River Valley. The site also contains important Hohokam Indian remains dating from about 900 A.D. *Criteria:* (iii) Bears a unique testimony to a civilization which has disappeared.

Chaco Canyon Culture Historical Park, New Mexico. From 600 to 1200 A.D., this area was inhabited by a group of Pueblo Indians distinguished for the massiveness of the buildings they constructed and the excellence of their masonry—achievements that were realized to the fullest in the 11th and 12th centuries. Among the largest of the pueblos was Pueblo Bonito, built to a height of 5 stories on a floor plan exceeding 3 acres and capable of housing roughly 1200 persons in about 800 rooms. *Criteria:* (ii) Exerted great influence over a span of time and within a cultural area of the world, on developments in town-planning; and (iii) bears a unique testimony to a civilization which has disappeared.

Poverty Point, Louisiana. An archaeological site that flourished from 1,000–600 B.C. It contains a geometric earthwork complex, consisting of 11.2 miles of raised terraces arranged in six concentric octagons, and Poverty Point Mound, a bird-shaped ceremonial structure. *Criteria:* (iii) Bears an exceptional testimony to a civilization which has disappeared.

Taos Pueblo, New Mexico. A center of Indian culture since the 17th century, the pueblo of Taos, still active today, symbolizes Indian resistance to external rule. The mission of San Geronimo, one of the earliest in New Mexico, was built near Taos Pueblo in the early 17th century. *Criteria:* (v) An outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

European Exploration and Colonial Settlement

Columbus Landing Site, Virgin Islands. Columbus' skirmish with the Carib Indians here is the first recorded armed conflict between European explorers and American aborigines. This property should be compared to others associated with the "discovery" of America. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

La Fortaleza-San Juan National Historic Site, Puerto Rico. Spanish defenses at San Juan guarded their sea lanes to the Caribbean; at this site they founded one of their earliest colonies in the Americas. La Fortaleza, the first fortification of San Juan (built 1533–40), has been the residence of the island's governors since the 1620's. The massive masonry citadel of El Morro was begun in 1591. A comparative international study would be helpful in assessing the importance of this complex. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significance stage in history; and (vi) directly and tangibly associated with events of outstanding universal significance.

San Xavier Del Bac, Arizona. One of the finest Spanish colonial churches in the United States, having a richly ornamented baroque interior. Comparative international study will be necessary before the United States would consider nominating this property. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Vieux Carre Historic District, Louisiana. Laid out in 1721 on a gridiron plan, this original section of New Orleans was one of the first planned cities in the Americas. A continuum of architectural development is found within the district. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the

world, on developments in town-planning.

Architecture: Early United States

Monticello, Charlottesville, Virginia. Thomas Jefferson, the third American President, was a popularizer of the Classic Revival architectural style. In Monticello, his mansion, he combined elements of Roman, Palladian, and 18th-century French design with features expressing his extraordinary personal inventiveness. *Criteria:* (i) A unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time and within a cultural area of the world, on developments in architecture.

University of Virginia Historic District, Charlottesville, Virginia. Includes original classrooms and professors' quarters, housed in pavilions aligned on both sides of an elongated terraced court, as well as the domed Rotunda, a scaled-down version of the Pantheon which was the focal point of Thomas Jefferson's design. Jefferson envisioned a community of scholars living and studying in an architecturally unified complex of buildings. *Criteria:* (i) A unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time and within a cultural area of the world, on developments in architecture.

Modern Architecture

Auditorium Building, Chicago, Illinois. Constructed in 1889, this building is one of the most important works by Chicago School architects Dankmar Adler and Louis Sullivan. *Criteria:* (i) A unique artistic achievement, a masterpiece of creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Carson, Pirie, Scott, and Company Store, Chicago, Illinois. A commercial establishment designed by Louis Sullivan in an original and practical form, Carson, Pirie, Scott and Company was his last large commercial commission. An iron and steel framework supports the structure, which is most notable for its elaborate ironwork ornament on the first and second floor facades. Sullivan's designs combine organic and geometric shapes in intricate and delicate patterns, in a type of ornament that is the hallmark of his work. The addition was by Daniel H. Burnham in 1904–6. *Criteria:* (i) A unique artistic achievement, a masterpiece of creative genius; and (ii) has exerted great influence, over a span of time, and within the cultural area of the world, on developments in architecture.

Leiter II Building, Chicago, Illinois. Constructed in 1889–91, this building is the masterwork of architect William Le Baron Jenny. One of the earliest surviving examples of the Chicago School curtain wall proto-skyscraper. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Marquette Building, Chicago, Illinois. Architects William Holabird and Martin Roche made their first decisive statement on a new concept in building—steel framing. Constructed 1893–4. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Prudential (Guaranty) Building, Buffalo, New York. The last collaborative effort of Dankmar Adler and Louis Sullivan, the 13-story Prudential, constructed in 1895, is a triumph of early skyscraper design. It links two skyscraper periods and departs from the earlier commercial use of elaborate ornamentation in favor of an emphatically vertical appearance. Although appearing rectangular in shape, it is actually U-shaped due to light corridors above the first floor. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Reliance Building, Chicago, Illinois. This building (1890–5) by Daniel Burnham and John Root is a key monument of the "Chicago School." It has a steel framework and is covered with terra cotta sheathing except on the granite first floor. Windows form continuous bands and are "Chicago windows"—large single, fixed panes of glass which fill an entire bay except for narrow, movable, double hung sash in the projecting bays. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Rookery Building, Chicago, Illinois. One of the last great masonry structures of the 19th century, designed by Daniel Burnham and John W. Root. Constructed in 1886–8, the Rookery is a transitional structure which presaged the modern steel frame office building. It combines skeletal cast iron columns and spandrel beams supporting masonry with granite and brick and terra cotta. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

South Dearborn Street-Printing House Row North Historic District, Chicago, Illinois. This commercial district contains landmark structures in the development of skyscraper construction and some of the finest achievements of the "Chicago School" of architects: The Manhattan Building by William Le Baron Jenny, the first complete steel skeleton building, with wind bracing; the Daniel Burnham-designed Fisher Building, an early curtain wall structure; the Old Colony Building by Holabird and Roche, using Corydon Purdy's wind bracing system; and the Burnham and Root (north section) and Holabird and Roche (south section) Monadnock Building, one of the largest masonry bearing-wall structures ever built. Consideration will be given to the nomination of a "Chicago School" district, including this historic district and several of the other buildings included in this tentative list. *Criteria:* (ii) Has exerted great influence, over a span of itme, and within a cultural area of the world, on developments in architecture.

Wainwright Building, St. Louis, Missouri. Significant prototype of the modern office building, constructed in 1890–1. Sullivan's first commission involving the use of complete iron and steel framing. This building represents a deliberate attempt to create an ahistorical form expressive of the new mass of the multistory office block. For Sullivan, the potential aesthetic quality of the tall building lay in its unusual height. To emphasize this height to the maximum degree, he devised a system of closely ranked pierlike verticals that give the street elevations their forceful thrust. *Criteria:* (i) Represents a unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Wright School

Fallingwater, Pennsylvania. One of the most famous of Frank Lloyd Wright's designs, regarded by many as his masterwork. *Criteria:* (i) a unique artistic achievement, a masterpiece of the creative genius.

Robie House, Chicago, Illinois. This brick house, with its low horizontal emphasis, was designed by Wright in his "Prairie" style, utilizing an open plan focused on a large central chimney mass. He continued inside walls to the exterior to tie the surrounding landscape to the house. Constructed 1907–9. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Taliesin, Wisconsin. The second great center of Wright's activity, this combination of home, workshop, laboratory, and retreat consists of

several groupings of structures designed individually to suit their different uses. It is the summer home and studio of the Taliesin Fellowship. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Unity Temple, Oak Park, Illinois. Wright designed the Temple with a rooftop skylight, rather than a steeple. Constructed in 1906 of poured concrete, the Temple is basically a concrete cube with stark and largely unornamented interior walls. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Frank Lloyd Wright Home and Studio, Illinois. Wright lived and practiced here, in the Shingle-style home he built for his family, during the "First Golden Age" of his long career. Constructed 1889–98. *Criteria:* (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Engineering

Brooklyn Bridge, New York. Built by John A. and Washington A. Roebling, the Brooklyn Bridge was one of the world's first wire cable suspension bridges. The technical problems faced in its construction were solved by solutions that established precedents in bridge building. The cables themselves are supported by two massive Gothic pylons, each with two pointed arches. The main span is 1595 feet. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Eads Bridge, Illinois-St. Louis, Missouri. The first major bridge in the world in which steel was employed in the principal members. The secondary members and the tubes enveloping the steel staves forming the arch ribs are of wrought iron. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Washington Monument, District of Columbia. The hollow shaft, free of exterior decoration, is the tallest free-standing masonry structure in the world (555 feet). It commemorates the achievements of George Washington, first President of the United States. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Wheeling Suspension Bridge, West Virginia. At the time of its completion (1872), this crossing of the Ohio River (begun in 1849) was the longest suspension bridge in the world. It is presently believed to be the oldest existing long-span cable suspension highway bridge. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Science and Industry

Bell Telephone Laboratories, New York. From 1898 to 1967 America's largest industrial research laboratory, responsible for numerous contributions to pure science and pioneering work in telecommunications technology. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Drake Oil Well, Pennsylvania. The world's first successful oil well was drilled at this site in the summer of 1859. A museum and a replica of Drake's first derrick remain atop the original shaft. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Ether Dome, Massachusetts General Hospital, Boston, Massachusetts. The first publicized use of ether as an anesthetic took place here in 1846. Although other physicians and dentists of the time had used ether, their experiments had not been publicized. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

General Electric Research Laboratory, Schenectady, New York. A three-building complex recognized as the first industrial research facility in the United States. Since its construction in 1900, work at the laboratory has made many contributions to scientific knowledge, especially in the areas of physics and chemistry. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Goddard Rocket Launching Site, Massachusetts. At this site, on March 16, 1926, Dr. Robert H. Goddard launched the world's first liquid propellant rocket, an event that set the course for future developments in rocketry. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Lowell Observatory, Arizona. Astronomical research conducted at this observatory, founded by Dr. Percival Lowell, has greatly enhanced man's knowledge of the universe. Most significant of the observatory's discoveries was the first observable evidence of the expanding universe, made by Dr. V. M. Slipher in 1912. It is also noted for intensive studies of Mars, the discovery of Pluto, and researches in zodiacal light and sunspot phenomena.

The 24-inch Lowell refracting telescope, installed in 1896, is in operation today in its original housing. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

McCormick Farm and Workshop, Virginia. Of the inventions that revolutionized agriculture during the first half of the 19th century, the mechanical reaper (1834), was probably the most important. The well-preserved farmhouse and workshop of Cyrus McCormick, its inventor, are included in this property. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Pupin Physics Laboratories, Columbia University, New York. Enrico Fermi conducted his initial experiments on the fission of uranium in these laboratories. In addition, the uranium atom was split here on January 25, 1939, 10 days after the world's first splitting in Copenhagen. The cyclotron control room contains the table which held the instruments used on that night. The United States would consider nominating this site only if the Copenhagen location is no longer extant. *Criteria:* (vi) Directly and tangibly associated with an event of outstanding universal significance.

Trinity Site, New Mexico. The world's first nuclear device was exploded here in July 1945. *Criteria:* (vi) Directly and tangibly associated with an event of outstanding universal significance.

Humanitarian Endeavor and Social Reform

Kalaupapa Leprosy Settlement, Hawaii. The work of Belgian priest Father Joseph Damien at this place probably set the pattern for treatment of lepers elsewhere in the world. *Criteria:* (vi) Directly and tangibly associated with an event of outstanding universal significance.

New Harmony Historic District, Indiana. Founded by the Rappite religious sect in 1815, New Harmony was purchased in 1825 by British visionary and socialist reformer Robert Owen, who sought to alleviate evils spawned by the factory system. Some 35 structures from the Rappite-Hormonist period survive. This property should be compared to Owenite remains in the United Kingdom. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Volta Bureau, District of Columbia. Pioneering work in the education of the deaf was conducted by the Volta Laboratory, which moved to this location in 1885; the principal initial work was conducted by Alexander Graham Bell, the inventor of the telephone. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Warm Springs Historic District, Georgia. The National Foundation for Infantile Paralysis, which grew out of the Warm Springs Foundation established by Franklin D. Roosevelt, became one of the leading charitable institutions of the 20th century. Warm Springs Hospital was the major international center for the treatment of infantile paralysis (polio); the research that led to the development of the preventive vaccines had its roots here. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

International Affairs

Fur Seal Rookeries, Alaska. Originally frequented by the native peoples of Alaska, these islands have lured Russian, British, French, Spanish, and American fur hunters since the 18th century. The seal herds have several times been threatened with extinction due to indiscriminate hunting, but a notable 1911 convention between the United States, Great Britain, Russia, and Japan has provided them with international protection and management. Today's flourishing herds illustrate the international application of conservation principles. *Criteria:* (vi) Directly and tangibly associated with events of outstanding universal significance.

Statue of Liberty National Monument, New Jersey-New York. French historian Edouard Laboulaye suggested the presentation of this statue to the United States, commemorating the alliance of France and the United States during the American Revolution. The copper colossus was designed by Frederic Auguste Bartholdi and erected according to plans by Gustave Eiffel. The national monument also includes Ellis Island, the depot through which many millions of immigrants and emigrants passed. *Criteria:* (iv) An outstanding example of a type of structure which illustrates a significant stage in history, and (vi) directly and tangibly associated with events of outstanding universal significance.

II. Natural Properties

Appalachian Ranges

Great Smoky Mountains National Park, Tennessee/North Carolina, this tract, which includes one of the oldest uplands on earth, has a diversity of lush vegetation associated with its varied topography, including spruce-fir, hemlock, deciduous, and mixed forests. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena and areas of exceptional natural beauty.

Atlantic Coastal Plain

Okefenokee National Wildlife Refuge, Georgia/Florida. This tract includes a vast peat bog, interspersed with upland prairies, marshes, and open water. These diverse habitats are home for a wide range of uncommon, threatened, and endangered species, including the American alligator. *Criteria:* (ii) An outstanding example of biological evolution, and (iv) habitat of endangered animal species.

Brooks Range

Gates of the Arctic National Park, Alaska. Gates of the Arctic includes a portion of the Central Brooks Range and is characterized by jagged mountain peaks, gentle arctic valleys, wild rivers and numerous lakes. *Criteria:* (ii) An outstanding example of significant ongoing geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

William O. Douglas Arctic Wildlife Range, Alaska. This area's varied topography, extending from the Brooks Range north to the Arctic Ocean, is habitat for a tremendous diversity of wildlife, including caribou, polar and grizzly bears, musk ox, Dall sheep, Arctic peregrine falcons, and golden eagles. It is a virtually undisturbed arctic lansdsape, with coastal plain, tundra, valley, and mountain components. *Criteria:* (ii) An outstanding example of biological evolution, and (iii) superlative natural phenomena and areas of exceptional natural beauty.

Cascade Range

Crater Lake National Park, Oregon. This unique, deep blue lake lies at the center of Mount Mazama, an ancient volconic peak that collapsed centuries ago The lake is bounded by multicolored lava walls extending 500 to 2000 feet above the lake's waters. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Mount Rainier National Park, Washington. Mount Rainier National Park includes the greatest single-peak glacial system in the U.S., radiating from the summit and slopes of an ancient volcano. Dense forests and subalpine meadows here are characteristic of the Cascade Range. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution; and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

North Cascades National Park, Washington. The tall, jagged peaks of the North Cascades intercept moisture-laden winds off the Pacific Ocean, which produce glaciers, waterfalls, and ice falls in this wild alpine region where plant and animal communities thrive in mountain valleys. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Chihuahuan Desert

Big Bend National Park, Texas. This area has many excellent examples of mountain systems and deep canyons formed by a major river. A variety of unusual geological formations are found here, with many vegetation types—dry coniferous forest, woodland, chaparral, and desert—associated with them. It has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Carlsbad Caverns National Park, New Mexico. This series of connected caverns, which include the largest underground chambers yet discovered, have many magnificent and curious cave formations, including an array of speleothems. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Guadalupe Mountains National Park, Texas. Rising abruptly from the surrounding desert, the mountain mass constituting this national park contains portions of the world's most extensive and significant Permian limestone fossil reef. A tremendous earth fault and unusual flora and fauna are also found here. Criteria: (1) An outstanding example illustrating a major stage of the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

Colorado Plateau

Arches National Park, Utah. Arches National Park contains many extraordinary products of erosional processes, including giant arches, windows, pinnacles and pedestals. *Criteria:* (ii) An outstanding example of

significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Bryce Canyon National Park, Utah. Bryce Canyon includes innummerable highly colorful and bizarre pinnacles, walls and spires, perhaps the most colorful and unusual erosional forms in the world. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Canyonlands National Park, Utah. This area's diverse geological features, which include arches, fins, paillars, spires, and mesas, exemplify the array of erosional patterns carved primarily by running water. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Colorado National Monument, Colorado. Sheer-walled canyons, towering monoliths, bizarre formations, and dinosaur fossils are contained within this national monument. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Rainbow Bridge National Monument, Utah. Rainbow Bridge is the greatest of the world's known natural bridges, rising 290 feet above the floor of Bridge Canyon. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Zion National Park, Utah. Zion's colorful canyon and mesa vistas include erosion and rock-fault patterns that produce phenomental shapes and landscapes. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Hawaiian Islands

Hawaii Volcanoes National Park, Hawaii. This site contains outstanding examples of active and recent volcanism, along with luxuriant vegetational development at its lower elevations. *Criteria:* (i) An outstanding example illustrating the earth's evolutionary history, (ii) and outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

Mohave Desert

Death Valley National Monument, California. This large desert, which is nearly surrounded by high mountains, contains the lowest point in the Western Hemisphere. It is highly representative of Great Basin/Mohave Desert mountain and desert ecosystems. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena.

Pacific Mountain System

Aleutian National Wildlife Refuge, Alaska. The Aleutians represent a mixture of flora and fauna found in both the North American and Asian continents, and serve as a resting place for migratory species. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of biological evolution.

Denali National Park, Alaska. This tract embodies a unique and spectacular combination of geologic features, including active glaciers, major earthquake faults, and Mt. McKinley, the highest mountain peak in North America. It also includes outstanding examples of tundra and boreal forest ecosystems. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Glacier Bay National Park, Alaska. Great tidewater glaciers, a dramatic range of plant communities from rocky terrain recently covered by ice to lush temperate rainforest, and a large variety of animals, including brown and black bear, mountain goats, whales, seals and eagles, can be found in this Park. *Criteria:* (ii) An outstanding example of significant ongoing geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Katmai National Park, Alaska. This area's interior wilderness includes the Valley of 10,000 Smokes, the result of the 1917 volcanic eruption of Mt. Katmai. The eruption produced countless fumaroles, a few of which are still active. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

Rocky Mountains

Glacier National Park, Montana. With mountain peaks exceeding 10,000 feet, this site includes nearly 50 glaciers, many lakes and streams, and a wide variety of wild flowers and wildlife, including bighorn sheep, bald eagles and grizzly bears. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes, and (iii) an area of exceptional natural beauty.

Grand Teton National Park, Wyoming. Containing the most impressive portion of the Teton Range in the Rocky Mountains, this series of peaks rise more than a mile above surrounding sagebrush plains. The park includes the winter feeding ground of the largest American elk herd. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Rocky Mountain National Park, Colorado. Within this 412-square mile national park, peaks towering over 14,000 feet shadow wildlife and wildflowers that are characteristic of the Front Range of the Rocky Mountains. The area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Sierra Nevada

Sequoia/Kings Canyon National Parks, California. A combination of two adjoining national parks, this tract includes Mount Whitney, the tallest mountain in the United States outside of Alaska, Mineral King Valley, and two enormous canyons of the Kings River. Groves of giant sequoia, the world's largest living things are found here. This area has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena and areas of exceptional natural beauty.

Yosemite National Park, California. Granite Peaks and domes rise high above broad meadows in the heart of the Sierra Nevada, along with groves of sequoias and related tree species. Mountains, lakes, and waterfalls, including the nation's highest, are found here. *Criteria:* (ii) An outstanding example of significant geological processes and biolobical evolution, and (iii) contains superlative natural phenomena, formations and areas of exceptional natural beauty.

Sonoran Desert

Organ Pipe Cactus National Monument/Cabeza Prieta National Wildlife Range, Arizona. This tract contains block-faulted mountains separated by wide alluvial valleys, along with playas, lava fields, and sands. It includes representative examples of the Sonoran Desert found in this regional and nowhere else in the United States. Organ Pipe Cactus National Monument has been designated a Biosphere Reserve. *Criteria:* (ii) An outstanding example of biological evolution and (iii) contains superlative natural phenomena.

Saguaro National Monument, Arizona. Giant saguaro cactus, unique to the Sonoran Desert of southern Arizona and northwestern Mexico, reach up to 50 feet in height in the cactus forest in this park. *Criteria:* (ii) An outstanding example of significant biological evolution, and (iii) contains superlative natural phenomena.

Dated: August 27, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-25422 Filed 8-31-81; 8:33 am]

BILLING CODE 4310-75-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29717]

Genesee and Wyoming Railroad Co.; Purchase Consolidated Rail Corp. Between Groveland and B&O Junction, NY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intent to purchase.

SUMMARY: Genesee and Wyoming Railroad Company (GWRR) hereby gives notice of its intent to purchase certain trackage of the Consolidated Rail Corporation (Conrail). The purpose of the proposed acquisition is to acquire certain rail trackage prior to to its abandonment or further deterioration, and to preserve it as a regional "feeder" line for the benefit of local shippers and communities.

DATES: GWRR's application may be filed no earlier than November 13, 1981, and comments and competing applications are due no later than 30 days after the application is filed. All statements and application should refer to Finance Docket No. 29717.

ADDRESS: An original and 10 copies of all statements should be sent to: Section of Finance, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Wayne N. Michel (202) 275-7657 or Ellen D. Hanson (202) 275-7245.

SUPPLEMENTARY INFORMATION: Genesee and Wyoming Railroad Company (GWRR) has notified the Commission of its intent to apply to purchase certain trackage of the Consolidated Rail Corporation (Conrail) under the feeder line acquisition provisions of 49 U.S.C. 10910 and the final rules of the Commission in Ex Parte No. 395, served July 9, 1981, which were codified at 49 CFR Part 1128.

In its prospective application GWRR will seek to purchase the Conrail line segment extending between Groveland, NY (MP 325.8) in Livingston County and B&O Junction, NY (MP 350.3), in Genesee County a distance of approximately 24.5 miles. This line segment, sometimes referred to as the Groveland Branch, is currently listed in Category 2 of Conrail's system diagram map as under study for future abandonment pursuant to 49 CFR 1121.30(b)(2) and is thus eligible for acquisition as a feeder line.

GWRR seeks to acquire this segment to (1) expand its rail system and increase it revenues; (2) serve rail customers; (3) establish an interchange operation between GWRR and the Dansville and Mount Morris Railroad (DMM), at Groveland, NY; (4) create another interchange between GWRR and ConRail at North Alexander, NY or Attica, NY; (5) create the construction of a connection at B&O Junction, NY between GWRR and the Baltimore and Ohio Railroad Company (B&O), for the purpose of facilitating interchange and through-train operations, and (6) create and promote industrial expansion and increased customer rail usage on the acquired line and in the region.

Upon acquisition of the line, GWRR will provide regular 5-day per week service to shippers along the line, as well as provide competitive rail outlets for those customers of B&O and DH, and create new alternate rail routings.

GWRR is presently considering imposition of the following preconditions on service: (a) the right of decide whether to decline the shipment of extremely hazardous materials and (b) the right to impose surcharges.

GWRR presently intends to elect a full exemption from the provisions of the Interstate Commerce Act (except its joint-rates provisions).

DH now holds non-commercial trackage rights granted by Conrail over the line, and GWRR expects to grant DH the same privilege upon acquisition of the line. Upon commencing operations, GWRR will assume Conrail's current joint rates and divisions applicable to the line portion being acquired.

Any interested party may submit comments or recommendations to the Commission with respect to the Notice and application, and any interested and financially responsible persons may also propose to acquire the property through a competing application.

Persons wishing to contact GWRR regarding this matter should do so at the following address: James B. Gary, Jr., Esq., Harter, Secrest & Emery, 700 Midtown Tower, Rochester, NY 14604, (716) 232-6500.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25416 Filed 8-31-81; 8:45 am]

BILLING CODE 7035-01-M

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

This application for long- and short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before September 16, 1981.

No. 43934, Trans-Continental Freight Bureau, Agent (No. 562), reduced rates on Wheat, threshed, in carloads, and in trainloads, from Stations in Montana and North Dakota to Spokane, WA. Rates are to be published in section 6 of tariff ICC TCFB 4045-0, to become effective at the earliest possible date. Grounds for relief—Market Competition.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25414 Filed 8-31-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified

prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–241

Decided: August 24, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Chandler not participating in part.

MC 10761 (sub-3288), filed August 14, 1981. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 2843 E. Paris Rd., SE., Grand Rapids, MI 49508. Representative: William A. Chesnutt, Suite 960, 1333 New Hampshire Ave., N.W., Washington, DC 20036, (202) 659–5157. Transporting *general commodities* (except classes A and B explosives), serving points in CT, DE, GA, IL, IN, MD, MA, MI, MO, NC, RI, SC, VA and WI, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 93840 (Sub-65), filed August 14, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *commodities in bulk*, between points in IA, IL, MN, WI, MO, NE, and KS.

MC 118811 (Sub-20), filed August 12, 1981. Applicant: LAWRENCE McKENZIE TRUCKING SERVICE, INC., P.O. Box 135, Winchester, KY 40391. Representative: William L. Willis, Suite 708 McClure Bldg., Frankfort, KY 40601. Transporting *machinery*, between points in Bourbon County, KY, on the one hand, and, on the other, points in CO, IL, LA, NC, PA, SC, VA, VT, WY and WV.

MC 124370 (Sub-7), filed August 10, 1981. Applicant: ACE TRANSPORTATION CO., INC., P.O. Box 328, 1407 St. John Ave., Albert Lea, MN 56007. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402 (612) 333–1341. Transporting (1) *passengers and their baggage*, in the same vehicle with passengers, and (2) *baggage* of passengers, in a separate vehicle, in round-trip charter and special operations, beginning and ending (a) at points in Steele and Mower Counties, MN, and extending to points in the U.S. (except WY) and points on the international boundary line between the U.S. and Mexico, and (b) at points in Cerro Gordo, Emmet, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, Worth and Wright Counties, IA, and extending to points in the U.S. (except CO, IL, KS, MN, MO, MT, NE, SD, WI, and WY).

MC 133920 (Sub-28), filed April 22, 1981, and previously noticed in **Federal Register** issue of May 7, 1981. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting *clay, concrete, glass or stone products*, between points in GA, on the one hand, and, on the other, points in AL, CT, DE, FL, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and WI.

Note.—This republication includes NC in lieu of NE in the above radial movement.

MC 142080 (Sub-22), filed August 17, 1981. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Transporting *general commodities* (except classes A and B explosives), (1) between points in MA, CT, RI, NH, NY, ME, VT, NJ, PA, DE, OH, MI, MD, VA, KY, SC, NC, GA, and DC, and (2) between points in AZ, on the one hand, and, on the other, points in MA, CT, RI, NJ, NY, ME, VT, NJ, PA, DE, OH, MI, MD, VA, KY, SC, NC, GA, and DC.

MC 146821 (Sub-7), filed August 17, 1981. Applicant: RON BESTEMAN TRANSPORT, INC., 2240 Byron Center Rd. SW., Wyoming, MI 49509. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives), between the facilities of (a) Henry House, Inc., and (b) Bil-Mar Foods, Inc., in MI, on the one hand, and, on the other, points in the U.S.

MC 147321 (Sub-7), filed August 5, 1981. Applicant: BILL STARR TRUCKING, INC., 1041 S. Vista Dr., Independence, MO 64056. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sun City Warehousesm Inc., of El Paso, TX.

MC 149570 (Sub-4), filed August 14, 1981. Applicant: KMD, INC., P.O. Box B 88832 Tukwila Station, Seattle, WA 98188. Representative: Jim Pitzer, 15 South Grady Way—Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *textile mill products, pulp, paper and related products, chemicals and related products, rubber and plastic products, metal containers, machinery, and hazardous materials*, between Seattle, WA, Los Angeles, CA, and points in Santa Clara County, CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY. Condition: To the extent that the certificate in this proceeding authorizes the transportation of hazardous materials, it will expire 5 years from the date of issuance.

MC 157731, filed August 17, 1981. Applicant: GARDNER ENTERPRISES, INC., 195 N.E. 2nd Ave., John Day, OR 97845. Representative: John R. Gardner

(same address as applicant), (503) 575–1410. Transporting *malt beverages*, between points in the U.S., under continuing contract(s) with Dalton Distributing Co., Inc., of Burns, OR.

Volume No. OPY–3–149

Decided: August 24, 1981.

By the Commission, Review Board Numbers 2, Members Carleton, Kelly and Williams.

MC 60325 (Sub-13), filed August 14, 1981. Applicant: JEFFERSON LINES, INC., 1206 Currie Ave., Minneapolis, MN 55403. Representative: Linda L. Chalstrom, P.O. Box 280—Law Bldg., Harrisonville, MO 64701, (816) 884–3238. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in AR, IA, KS, MN, MO, and OK, and extending to points in the U.S.

MC 106775 (Sub-49), filed August 12, 1981. Applicant: ATLAS TRUCK LINE, INC., 15015 East Freeway, Houston, TX 77015. Representative: Sam Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741–6263. Transporting (1) *Mercer commodities*, (2) *those commodities which because of size or weight require the use of special handling or equipment*, (3) *building materials*, (4) *forest products*, (5) *lumber and wood products*, (6) *rubber and plastic products*, (7) *clay, concrete, glass or stone products*, (8) *metal products*, (9) *machinery*, and (10) *waste or scrap materials not identified by industry producing*, between points in the U.S.

MC 109294 (Sub-28), filed August 13, 1981. Applicant: COMMERCIAL TRUCK CO., LTD., 2120 United Blvd., Coquitlam, British Columbia, Canada V3J 6Z9. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101, (206) 623–7580. Transporting *general commodities* (except clases A and B explosives), (1) between points in WA, OR, ID, MT and CA; and (2) between WA, OR, ID, MT, and CA, on the one hand, and, on the other, points in AZ, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NV, NM, NY, NC, ND, OH, OK, PA, SC, SD, TX, UT, WI, and WY.

MC 123354 (Sub-3), filed August 7, 1981. Applicant: MARC TRANS., INC., Georgetown Lane, Beaver, PA 15009. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with St. Joe Minerals, Inc., and its subsidiaries St. Joe International, St. Joe Lead Company, St. Joe Resources Company, St. Joe Trading Company, and St. Joe Zinc Company, all of Monaca, PA.

MC 129444 (Sub-9), filed August 12, 1981. Applicant: KNOBLOCH TRUCKING CO., INC., Yaphank Avenue, Brooklyn, NY 11719. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) with CPC International Inc., of Englewood Cliffs, NJ.

MC 138805 (Sub-14), filed August 13, 1981. Applicant: S & L SERVICES, INC., RD No. 1, Milton, PA 17847. Representative: Terrance D. Jones, 2033 K Street N.W., Washington, DC 20006, (202) 223–8270. Transporting *pulp, paper and related products*, and *rubber and plastic products*, (1) between points in Adams County, IN, on the one hand, and, on the other, points in WI, IA, IL, MN, MI, IN, OH, KY, CT, MA, VT, NH, RI and ME, (2) between points in Allen County, OH, on the one hand, and, on the other, points in CT, MA, RI, VT, NH, and ME, (3) between points in Gwinnett and Bibb County, GA, on the one hand, and, on the other, points in PA, NJ, MD, DE and MA, and (4) between Hammond, IN and points in Lake County, IN, on the one hand, and, on the other, points in MN, MI, WI, OH, KY, IL, and Essex County, MA.

MC 140334 (Sub-11), filed August 11, 1981. Applicant: AM–CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting (1) *textile mill products*, (2) *pulp, paper and related products*, and (3) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Milliken & Company, of Spartansburg, SC.

MC 142114 (Sub-14), filed August 11, 1981. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067, (617) 784–6412. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with A.C. Inventory Control Corporaton, of Chestnut Hill, MA.

MC 142225 (Sub-3), filed August 12, 1981. Applicant: GYPSUM TRUCKING COMPANY, a corporation, Route 4, Tifton, GA 31794. Representative: William P. Jackson, Jr., 3426 N. Washington, Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *commodities in bulk*, between points in AL, FL, and GA.

MC 142935 (Sub-25), filed August 14, 1981. Applicant: PLASTIC EXPRESS, 2301 E. Francis Street, Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with The Pennzoil Company, of Los Angeles, CA.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it shall expire 5 years from the date of issuance.

MC 144115 (Sub-29), filed August 12, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 6670 11th Avenue SW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53094, (414) 677–2586. Transporting *food and related products*, between the facilities of Armour Foods Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144305 (Sub-8) filed August 10, 1981. Applicant: McCAIN TRANSPORT, INC., 5 Wade Rd., Washburn, ME 04786. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207) 773–5651. Transporting (1) *such commodities* as are dealt in by food houses, between points in the U.S. in and east of MN, IA, MO, OK, and TX; and (2) *petroleum and petroleum products*, between points in PA and NY, on the one hand, and, on the other, points in NY, RI, CT, MA, NH, VT, and ME.

MC 144624 (Sub-4) filed August 13, 1981. Applicant: AMERICAN STREVELL TRANSPORT, INC., P.O. Box 26828, 2205 West 15th South, Salt Lake City, UT 84125. Representative: Eugene D. Anderson, 910 17th Street, N.W., Suite 428, Washington, DC 20006, (202) 296–2550. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Western Supply, Inc., of Salt Lake City, UT.

MC 145054 (Sub-47) filed August 12, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264, (303) 861–4028. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 146084 (Sub-3) filed August 10, 1981. Applicant: THOMAS R. GOLTZ, d.b.a. GOLTZ TRUCKING, Box 91, Young America, IN 46998. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N.

Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *salt and salt products,* between points in the U.S., under continuing contract(s) with the International Salt Company of Clarks Summit, PA.

MC 146985 (Sub-13) filed August 12, 1981. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main St., P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200 Metro Bldg. Fort Wayne, IN 46802, (219) 423–3595. Transporting *general commodities* (except clases A and B explosives), between points in the U.S., under continuing contract(s) with Clark Equipment Company, of Buchanan, MI.

MC 148355 (Sub-4), filed August 11, 1981. Applicant: A–L DISPOSAL CORPORATION, P.O. Box 301, 400 Broad St., Plainwell, MI 49080. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *toxic/ hazardous waste materials, hazardous waste substances,* and *hazardous waste,* between points in the U.S.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 150425 (Sub-5), filed August 10, 1981. Applicant: TRANS-CONTINENTAL EXPRESS, INC., P.O. Box D, Clarksville, TX 75426. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Suite 1200, Gaslight Tower, Atlanta, GA 30303, (404) 522–2322. Transporting *such commodities* as are used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, between Iberia Parish, LA, and points in Van Zandt County, TX, on the one hand, and, on the other, points in AR, OK, TX, MO, LA, MS, AL, GA, SC, NC, TN, KY and OH.

MC 152414 (Sub-3), filed August 12, 1981. Applicant: PAUL M. MUNSEN, 120 E. Ogden Ave., Hinsdale, IL 60521. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Transporting *passengers and their baggage* in special and charter operations, beginning and ending at points in Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Pasco, Hernando, Citrus, Polk, Orange, Osceola and Lake Counties, FL, and extending to points in the U.S.

MC 154645, filed August 17, 1981. Applicant: JOHN FINK TRUCKING, INC., Route 1, Darlington, WI 53530. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *general commodities,* between points in the U.S., under continuing contract(s) with (1) The County Seedman, Inc., and (2) Southwest Supply, Inc., both of Platteville, WI, (3) John J. Fink, d.b.a. Fink's Grain, and (4) Lafayette Farm Co-op, both of Darlington, WI, (5) Bob Rock & Sons, Inc., of Dodgeville, WI, (6) Ross Soil Service, Inc., and (7) Terra Eastern Corporation, both of Mineral Point, WI.

MC 155354, filed August 11, 1981. Applicant: RYPKEMA OIL COMPANY, a corporation, Rural Route No. 1, Mora, MN 55051. Representative: Robert S. Lee, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *rubber and plastic products,* between points in Kanabec County, MN, Pinal County, AZ, and the Minneapolis-St. Paul, MN commercial zone, on the one hand, and, on the other, points in the U.S.

MC 155645, filed August 12, 1981. Applicant: LAND-LINK TRUCKING CORP., 807 Ocean Rd., Point Pleasant, NJ 08742. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *chemical products,* between points in the U.S., under continuing contract(s) with Royce Chemical Company, of East Rutherford, NJ.

MC 156294, filed August 11, 1981. Applicant: HENDRICKS AND ANDERSON, INC., 446 W. Cedar St., Franklin, KY 42134. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting (1) *pulp, paper and related products,* and (2) *printed matter,* between points in Simpson County, KY, Waseca County, MN, and Davidson County, TN, on the one hand, and, on the other, points in the U.S.

MC 156505, filed July 27, 1981. Applicant: HAMPTON ENTERPRISES, d.b.a. HAMPTON WATER SERVICE, P.O. Box 389, Sidney, MT 59270. Representative: Dennis R. Lopach, P.O. Box 514, Helena, MT 59624, (406) 442–8070. Transporting *natural water, brine water, fluids used in drilling for oil and gas, and hydrogen sulfide,* between points in MT, ND, WY and ID.

MC 157204 (Sub-1), filed August 17, 1981. Applicant: SUR-WAY TRANSPORT, INC., 1506 Radium Springs Rd., Albany, GA 31705. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. Transporting *general commodities* except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Procter & Gamble Company, of Cincinnati, OH.

MC 157614, filed August 10, 1981. Applicant: CHARLES E. ALEXANDER, d.b.a. BRUCE BUILDING SUPPLY, Box 686, Bruce, MS 38915. Representative: Edward G. Grogan, 2000 First Tennessee Bank Bldg., Memphis, TN 38103, (901) 526–2000. Transporting *lumber products* and *building materials,* between points in AL, AR, LA, MS, TN and TX.

MC 157694, filed August 13, 1981. Applicant: HAGGERTY'S TOUR AND TRAVEL SERVICE, Baken Park Shopping Center, Rapid City, SD 57701. Representative: Lowell H. Shuck (same address as applicant), (605) 348–1434. As a *broker,* at Rapid City, SD, in arranging for the transportation of *passengers and their baggage,* between points in SD, on the one hand, and, on the other, points in the U.S.

MC 157714, filed August 14, 1981. Applicant: LOW BOY SERVICE, INC., Rural Route #5, Minot, ND 58701. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *machinery,* between points in ND, on the one hand, and, on the other, points in MT, SD, and MN.

MC 156354 (Sub-1), filed July 23, 1981, previously noticed in the **Federal Register** on August 11, 1981. Applicant: FICEL SALES, INC., P.O. Box 1984, Blasdell, NY 14219. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845–6066. Transporting *metal products,* between the facilities of Bethlehem Steel Corporation, at points in Cambria, Dauphin, Lebanon, Lycoming, and Northampton Counties, PA, Baltimore County, MD, Porter County, IN, and Erie County, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, MA, MD, ME, MI, MO, NH, NJ, NY, OH, PA, RI, VT, and DC.

Note.—This republication adds "VT" to the territorial description.

Volume No. OPY–3–153

Decided: August 25, 1981.

By the Commission Review Board Number 2, Members Carleton, Kelly, and Williams.

MC 32505 (Sub-1), filed August 18, 1981. Applicant: VINCI'S EXPRESS, INC., 404 Madison Ave., Woodbine, NJ 08270. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives), between points in Atlantic, Cape May, Cumberland, Gloucester and Salem Counties, NJ, on the one hand, and, on the other, points in DE, MD, PA, NY, CT and DC.

MC 72465 (Sub-11), filed August 19, 1981. Applicant: DANIELS

TRANSPORTATION CO., INC., 91 Mechanic St., Lebanon, NH 03766. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, NY, RI, and VT, on the one hand, and, on the other, points in the U.S.

MC 120114 (Sub-2), filed August 19, 1981. Applicant: COLDIRON LINES, INC., 5325 South Madera St., Oklahoma City, OK 73129. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting (1) *general commodities* (except classes A and B explosives), between points in OK; and (2) *clay*, between points in Big Horn County, WY, on the one hand, and, on the other, points in OK and TX.

MC 138875 (Sub-307), filed August 19, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting *food and related products*, between points in OH and SC, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OH, OR, UT, WA and WY.

MC 143575 (Sub-2), filed August 10, 1981. Applicant: CENTRAL TRANSIT LINES, INC., 115 Passaic St., Rochelle Park, NJ 07662. Representative: Chandler L. Van Orman, 1729 H St., N.W., Washington, DC 20006, (202) 337–6500. Transporting *passengers and their baggage*, in special and charter operations, between Philadelphia, PA, and points in its commercial zone, on the one hand, and, on the other, points in Atlantic and Cape May Counties, NJ.

Note.—The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit to the Secretary's Office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 144115 (Sub-30), filed August 15, 1981. Applicant: DIVERSIFIED CARRIERS INC., 6670 11th Avenue SW, Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 981, West Bend, WI 53095, (414) 677–2586. Transporting *food and related products*, between points in the U.S., under a continuing contract(s) with John Morrell & Co., of Chicago, IL.

MC 146765 (Sub-6), filed August 18, 1981. Applicant: DAYTON ENTERPRISES, INC., 110 First Ave., Clarence, IA 52216. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *metal products*, from points in Putnam County, IL, to points in AL, AR, GA, MS, MO, OK, TN, and those in KS in and east of U.S. Hwy 77.

MC 154664, filed August 13, 1981. Applicant: KIRYAS JOEL TRANSIT CORP., 4 Hayes Court, Monroe, NY 10950. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022, (212) 759–3700. Over regular routes, transporting *passengers and their baggage*, between Monroe, NY, and New York, NY; from Monroe, NY over NY Hwy 17 to junction Interstate Hwy 87, then over Interstate Hwy 87 to NY Hwy 17, then over NY Hwy 17 to NY-NJ State line to NJ Hwy 17, then over NJ Hwy 17 to junction NJ Hwy 3, then over NJ Hwy 3 through the Lincoln Tunnel to New York, NY, and return over the same route.

MC 155394, filed August 14, 1981. Applicant: LANIER EXPRESS INCORPORATED, 2775 Highway 54 West, Fayetteville, GA 30214. Representative: Edward J. Kiley, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in AL, CA, FL, GA, NC, SC, TN, and TX.

MC 156085, filed August 18, 1981. Applicant: JAMES MORRIS, d.b.a. MORRIS TRUCKING, 71 Madrid Plaza, Mesa, AZ 85201. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773–4111. Transporting (1) *lumber and wood products*, (2) *clay, concrete, glass or stone products*, (3) *building materials*, and (4) *metal products*, between points in the U.S., under continuing contract(s) with Hamilton Materials, Inc. of Orange, CA and Domtar Gypsum American, Inc. of Oakland, CA.

MC 157195 (Sub-1), filed august 14, 1981. Applicant; DANIEL E. GAGAIN, d.b.a. D & L TRUCKING, 5715 Angola Rd., P.O. Box 7490, Toledo, OH 43615. Representative: Keith D. Warner, 5732 West Rowland Rd., Toledo, OH 43613, (419) 474–6883. Transporting *general commodities*, between points in IL, IN, KY, MI, and OH, on the one hand, and, on the other, points in the U.S., restricted to traffic having a prior or subsequent movement by rail or water.

Note.—The certificate granted in this proceeding to the extent it authorizes the transportation of classes A and B explosives shall expire 5 years from the date of issuance.

MC 157695, filed August 18, 1981. Applicant: ALL–AMERICAN TRANSPORT, INC., 10 West Third Street, Everett, MA 02149. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109, (617) 523–2660. Transporting *general commodities* (except classes A and B explosives), between points in Middlesex and Suffolk Counties, MA and those in Broward County, FL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK and TX.

MC 157734, filed August 14, 1981. Applicant: J & J LOGGING CO., INC., P.O. Box 588, Tonasket, WA 98855. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009–3641, (206) 453–0312. Transporting (1) *iron and steel articles*, (2) *pipe and tubing*, (3) *machinery*, (4) *lumber products*, and (5) *building materials*, between points in WA, OR, ID, MT, and UT.

MC 157754, filed August 18, 1981. Applicant: McNEECE BROS. OIL CO., INC., 1870–D Dogwood Rd., P.O. Box 1280, El Centro, CA 92243. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *petroleum and petroleum products*, between points in Riverside, Imperial, San Diego, San Bernadino and Los Angeles Counties, CA, and points in Yuma and Maricopa Counties, AZ.

MC 156845, filed July 13, 1981 previously published in the **Federal Register** issue of July 27, 1981. Applicant: WINN'S HAULING, INC., 6805 School Avenue, Richmond, VA 23228. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *solar systems and component parts thereof*, between points in the U.S.

Note.—This republication corrects the territorial description.

Volume No. OPY–4–343

Decided: August 26, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 21436 (Sub-6), filed August 18, 1981. Applicant: RELIANCE VAN COMPANY, INC., 215 West Second Ave., Conshohocken, PA 19428. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, between points in ME, NH, VT, NY, MA, CT, RI,NJ, DE, MD, OH, PA, VA, AL, FL, GA, KY, NC, SC, TN, WV, IN, IL, MI, WI, MS, and DC. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the

affidavit or proof of filing the applications(s) for common control to team 4, Room 5331.

MC 48386 (Sub-20), filed August 18, 1981. Applicant: GRAVER TRUCKING, INC., R.D. 7, Box 7655, Stroudsburg, PA 18360. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *salt and salt products,* between points in Tompkins County, NY, on the one hand, and, on the other, points in PA and NJ.

MC 99986 (Sub-3), filed July 30, 1981. Applicant: BELLEVILLE TRUCK LINE, INC., 7781 Martinsville Rd., Belleville, WI 53528. Representative: John L. Bruemmer, 121 W. Doty St., Madison, WI 53703, (608) 256–0606. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Footville, WI and Browntown, WI, over Interstate Hwy 11, (2) between Madison, WI and Evansville, WI, over U.S. Hwy 14, (3) WI Hwy 39 between WI Hwys 69 and 59, (4) WI Hwy 59 between WI Hwy 213 and Interstate Hwy 11, (5) WI Hwy 92 between U.S. Hwys 14 and 69, and (6) between Evansville, WI and Orfordville, WI, over U.S. Hwy 213, serving all intermediate points in routes (1) through (6).

MC 111963 (Sub-28), filed August 18, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001, (202) 628–9243. Transporting *rubber and plastic products,* (1) betwen points in Franklin and Trumbull Counties, OH, Indiana County, PA, and Salem, VA, on the one hand, and, on the other, points in the U.S., and (2) between points in AL, FL, GA, IL, MI, NC, OH, PA, SC, TN, and VA.

MC 147876 (Sub-7), filed August 14, 1981. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: Ralph B. Matthews, 235 Peachtree St., NE., Suite 1200, Atlanta, GA 30303, (404) 522–2322. Transporting *metal products,* between points in Allegheny and Washington Counties, PA and Chicago, IL, on the one hand, and, on the other, points in OK and TX, and those in the U.S. in and east of MN, IA, IL, KY, TN, and LA.

MC 147896 (Sub-8), filed August 17, 1981. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: David B. Rosenman, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *metal products;* between points in the U.S., under continuing contract(s) with Stoody Company, of City of Industry, CA.

MC 151516 (Sub-6), filed August 17, 1981. Applicant: JOSEPH W. HYDE, d.b.a. H. D. DELIVERY SERVICE., P.O. Box 1268, Ogden, UT 84402. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *general commodities* (except classes A and B explosives), between points in UT.

MC 156046, filed August 18, 1981. Applicant: HABIT MOTOR LINES, INC., 9959 Nathan Lane, Maple Grove, MN 55369. Representative: John B. Nan de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting (1) *office machines and supplies,* (2) *disc packs, tapes, and tape dispensers,* and (3) *paper and paper products,* between points in the U.S., under continuing contract(s) with Nashua Corporation, of Nashua, NH. Condition: The persons or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of an authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 5331.

MC 157766, filed August 17, 1981. Applicant: G & L TOURS, 201 Trap Post Rd., South Charleston, WV 25303. Representative: F. Gary (same address as applicant), (304) 744–8544. To engage in operations, in interstate or foreign commerce as a *broker,* at Charleston, WV, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* between points in WV, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25415 Filed 8–31–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications

for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–242

Decided: August 24, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Chandler not participating in part.

MC 157711, filed August 14, 1981. Applicant: DB TRANSPORT SERVICES, 2307 Bristol Pike, Croydon, PA 19020. Representative: Donald R. Brenner (same address as applicant). As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP1–Y–3–150

Decided: August 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 157645, filed August 10, 1981. Applicant: JACK E. MAUS, Box 196, Rollingstone, MN 55969. Representative: Jack E. Maus (same address as applicant), (507) 689–2366. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 157665, filed August 11, 1981. Applicant: TRANS MODAL SYSTEMS, INC., 1230 Northern Illinois Drive, Channahon, IL 60410. Representative: Fred H. Daly, Suite 475, 2550 M Street, N.W., Washington, DC 20037, (202) 293–3204. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157685, filed August 13, 1981. Applicant: ALTERNATIVE BROKERAGE, a division of ALTERNATIVE TRANSPORTATION, INC., 1915 Pine St., Grand Prairie, TX 75050. Representative: William Sheridan, P.O. Box Drawer 5049, Irving, TX 75062, (214) 255–6279. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–152

Decided: August 24, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 143365 (Sub-3), filed August 19, 1981. Applicant: NORTHERN COURIER SERVICE, INC., P.O. Box 23700, Minneapolis, MN 55423. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157704, filed August 13, 1981. Applicant: DON WILLIAMS, d.b.a. WILLIAMS TRANSPORT, Rt. 1 Pleasant Hills II, Bluff City, TN 37618. Representative: Don Williams (same as applicant) (615) 878–2243. (I) As a *broker* of *general commodities* (except household good), and (II) transporting (a) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (b) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157724, filed August 17, 1981. Applicant: ALFRED C. FLEENER, d.b.a. FLEENER TRUCKING CO., Rt. #2, P.O. Box 294, Beaver Dam, KY 42320. Representative: Alfred C. Fleener (same address as applicant), (502) 274–4105. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–348

Decided: August 24, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly, and Williams.

MC 108676 (Sub-166), filed August 13, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, TN 37917. Representative: Michael S. Teets (same address as applicant), (615) 637–2660. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons or munitions), for the United States Government, between points in the U.S.

MC 118846 (Sub-23), filed August 13, 1981. Applicant: DALE JESSUP, INC., RR 1, Box 252, Camby, IN 46113. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204 (317) 634–6313. Transportation *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Volume No. OPY–4–341

Decided: August 24, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 67646 (Sub-104), filed August 13, 1981. Applicant: HALL's MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (Same address as applicant) (717) 790–8543. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 142126 (Sub-16), filed August 12, 1981. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boaton, MA 02108 (617) 742–3530. Transporting (1) *rubber and plastic products*, (2) *furniture and fixtures*, and (3) *transportation equipment*, between points in the U.S., under continuing contract(s) with Recticel Foam Corporation, of Buffalo, NY.

MC 145516 (Sub-29), filed August 13, 1981. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., 8100 E. Independence Blvd., P.O. Box 1286, Matthews, NC 28105. Representative: T. Gene Stegall, Jr. (Same address as applicant) (704) 536–1122. Transporting *bananas*, between Albany, NY, Port Newark, NJ, Baltimore, MD, and Charleston, SC, on the one hand, and, on the other, points in the U.S.

MC 149576 (Sub-4), filed August 12, 1981. Applicant: TRANS-AMERICAN TRUCKING SERVICE, INC., Box 1247, Nixon Station, Edison, NJ 08817. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048 (212) 466–0220. Transporting *such commodities* as are dealt in or used by a manufacturer or distributor of heat exchangers, between points in the U.S., under continuing contract(s) with Yula Corporation, of Bronx, NY.

MC 157686, filed August 13, 1981. Applicant: MATT HUGHEY TRUCKING, INC., 25 Napanee Dr., Carmel, IN 46032. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846–6655. Transporting *lumber and wood products*, between points in WA, OR, CA, and ID, on the one hand, and, on the other, points in IN.

MC 157696, filed August 13, 1981. Applicant: MARGARET H. NORDGUIST, d.b.a. NORDQUIST TRUCKING, Rt. 1, Amery, WI 540011. Representative: Timothy J. Byrnes, Box 376, Turtle Lake, WI 54889 (715) 984–4151. Transporting *food and related products*, between points in WI, on the

one hand, and, on the other, points in IL and MN.

Volume No. OPY–4–342

Decided: August 24, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 4426 (Sub-4), filed August 17, 1981. Applicant: M & T TRANSPORT, INC., 7391 Richmond Rd., P.O. Box 292, East Syracuse, NY 13057. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202 (315) 472–8845. Transporting (1) *machinery, (2)* contractors' equipment, and (3) *commodities* used in the construction or maintenance of telephone and telegraph systems, between points in Onondago County, NY, on the one hand, and, on the other, points in ME, NH, and VT.

MC 105636 (Sub-42), filed August 14, 1981. Applicant: ARMELLINI EXPRESS LINES, INC., P.O. Box 2394, Stuart, FL 33494. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001 (202) 628–9243. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in Broward, Dade, and Palm Beach Counties, FL.

MC 118516 (Sub-7), filed August 17, 1981. Applicant: MAMMOTH OF ALASKA, INC., 1048 Whitney Rd., Anchorage, AK 99501. Representative: Arthur R. Hauver, Suite 200, 750 West 2nd Ave., Anchorage, AK 99501 (907) 276–6354. Transporting *general commodities* (except classes A and B explosives), between points in WA and AK.

MC 146996 (Sub-3), filed August 17, 1981. Applicant: MERCHANTS' DELIVERY SERVICE, INC., 221 Burleson, San Antonio, TX 78204. Representative: William E. Collier, 8918 Tesoro Dr., Suite 215, San Antonio, TX 78217 (512) 826–8496. Transporting *general commodities* (except classes A and B explosives), between points in Arkansas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brooks, Calhoun, Cameron, Caldwell, Colorado, Comal, Dewitt, Duvall, Dimmit, Fayette, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Harris, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kleberg, Lasalle, Live Oak, Maverick, McMullen, Medina, Nueces, Refugio, San Patricio, Starr, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Wilson, Zapata, and Zavalla Counties, TX.

MC 150026 (Sub-2), filed August 17, 1981. Applicant: McKINLEY TRUCKING, INC, 1162 Hillview Dr., Salt Lake City, UT 84117. Representative: Patricia S. Woolley (same address as applicant) (801) 268–4474. Transporting (1) *forest products,* (2) *lumber and wood products,* (3) *clay, concrete, glass or stone products,* (4) *metal products, and* (5) *building materials,* and between points in AR, AZ, CA, CO, IA, ID, KS, LA, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY.

MC 150526 (Sub-3), filed August 14, 1981. Applicant: YARMOUTH LUMBER, INC., North St., Box 46, Yarmouth, ME 04096. Representative: Donald E. Martin, 94 Auburn St., Portland, ME 04103 (207) 797–5194. Transporting *food and related products,* between points in ME, on the one hand, and, on the other, points in the U.S.

MC 152906 (Sub-1), filed August 14, 1981. Applicant: BILLIG TRUCKING SERVICE, INC., Box 136, Route 8, Allentown, PA 18104. Representative: Paul B. Kemmerer, 1620 N. 19th St., Allentown, PA 18104 (215) 432–7946. Transporting (1) *metal products,* (a) between points in Northampton, Lehigh, Montgomery, and Schuylkill Counties, PA, on the one hand, and, on the other, points in IA, AR, MO, TX, RI, and DC, (b) between points in Lycoming, Columbia, Lackawanna, Luzerne, Monroe, Lancaster, Berks, Bucks, and Philadelphia Counties, PA, and Warren County, NJ, on the one hand, and, on the other, points in MN, IA, AR, MO, TX, WI, IL, TN, MX, AL, LA, MI, IN, OH, KY, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME, and DC, and (c) between points in Harris County, TX and points in LA, MO, AR, OK, IL, IN, KY,TN, and MS; (2) *machinery,* between points in Lycoming, Columbia, Lackawanna, Luzerne, Monroe, Northampton, Lehigh, Berks, Lancaster, Montgomery, and Philadephia Counties, PA, on the one hand, and, on the other, points in MN, IA, AR, MO, TX, WI, IL, TN, MS, AL, LA, MI, IN, OH, KY, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NJ, ME, and DC; (3) *transportation equipment,* between points in Northampton and Berks Counties, PA, on the one hand, and, on the other, points in MN, IA, AR, MO, TX, WI, IL, TN, MS, AL, LA, MI, IN, OH, KY, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME, and DC; and (4) *waste or scrap materials not identified by industry producing,* between points in Schuylkill County, PA, on the one hand, and, on the other, points in MN, IA, AR, MO, TX, WI, IL, TN, MX, AL, LA, MI, IN, OH, KY, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NJ, ME, and DC.

Volume No. OPY–5–138

Decided: August 21, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 157498, filed August 3, 1981. Applicant: KENNETH RICHARD DOLLY, P.O. Box 4, Flintstone, MD 21550. Representative: William L. Wilson, 100 S. Liberty St., Cumberland, MD 21502 (301) 722–2515. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157656, filed August 10, 1981. Applicant: EDWARD R. CARL, 610 North Michigan St., Prairie Du Chien, WI 53821. Representative: Edward R. Carl (Same address as applicant.) (608) 326–2262. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 157678, filed August 10, 1981. Applicant: SATHER BROS., INC., 5612 11th Ave., South, Minneapolis, MN 55417. Representative: James K. Sather, Rt. 1, Box 164, Loretto, MN 55357 (612) 498–7490. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 157679, filed August 12, 1981. Applicant: ALLIANCE SHIPPERS, INC., 560—60th Street, West New York, NJ 07093. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001 (212) 279–3050. As a *broker* of *general commodities* (except household goods), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 157718, filed August 14, 1981. Applicant: DAVID DREY, P.O. Box 167,

504 E. 16th St., Gregory, SD 57533. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101 (605) 335–1777. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157738, filed August 14, 1981. Applicant: KENNETH J. KRUMP d.b.a. KEN KRUMP TRUCKING, P.O. Box 213, Hankinson, ND 58041. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108 (701) 237–4223. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25412 Filed 8-31-81; 9:45 am]

BILLING CODE 7035-01-M

[Volume No. 152]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: August 26, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 114045 (Sub-582)X, filed May 26, 1981 previously noticed in the **Federal Register** of June 8, 1981, republished as follows: Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North La Salle Street, Suite 3520, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 479, 486, 503F, 511F, 534F, 561F, 566F, 572F, and 122 certificates. This Board previously broadened commodity descriptions, expanded one-way authority to allow for two-way operations, deleted "except in bulk" and vehicle restrictions, removed "orginating at or destined to" and service limitations, and broadened specified points to county-wide authority. Applicant also sought to remove facilities restrictions in its Sub-No. 561F certificate. The Board did not publish as to that part of the application, contending that where facilities are not precisely located in the certificate, these limitations are not considered excessively narrow and are not appropriate for restriction removal. The Board has reconsidered its position in this particular case and notice is hereby given that applicant seeks to delete facilities restrictions appearing in its Sub-No. 561F certificate.

MC 120302 (Sub-4)X, filed August 14, 1981. Applicant: KNOX TRUCK LINES, INC., P.O. Box 12236, Grand Prairie, TX 75051. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Applicant seeks to remove restrictions in its Sub-No. 3 certificate to broaden the commodity descriptions from iron and steel articles to "metal products", and machinery used in the development and distribution of agricultural products to "machinery."

MC 121663 (Sub-2)X, filed August 3, 1981. Applicant: REFRIGERATED TRUCKING SERVICE, INC., 1477 Niagara Street, Buffalo, NY 14213. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. Applicant seeks to remove restrictions from its Sub-No. 1F cercificate to (1) remove all exceptions from its general commodity authority except Classes A and B explosives, (2) remove restriction limiting service to vehicles equipped with mechanical refrigeration, (3) change city to county-wide authority from Buffalo, NY, to Erie County, NY, and (4) change one-way to radial authority.

MC 124964 (Sub-71)X, filed August 10, 1981. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 35F permit to (1) change the commodity description to "food and related products" from canned and preserved foodstuffs; and (2) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 128384 (Sub-6)X, filed August 10, 1981. Applicant: JUNIOR EVERETT DePRIEST, d.b.a. JUNIOR DePRIEST TRUCKING CO., Route 3, Birchtree, MO 65438. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Applicant seeks to remove restrictions in its Sub-No. 5 permit to authorize service between points in the U.S. under contract(s) with a named shipper.

MC 128539 (Sub-18)X, filed August 10, 1981. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4718, Rocky Mount, NC 27801. Representative: James F. King, Jr., (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 1, 5, 6, 7, 8, 9, 10F, 13F, 15F, and 16F certificates to (A) broaden the commodity descriptions to (1) "chemicals and related products" from (a) fertilizer and fertilizer materials, in Sub-No. 1, and (b) dry terephthalic acid, in containers, in bulk, and in hoppertype vehicles, in Sub-No. 10F, (2) "petroleum, natural gas and their products" from (a) liquified petroleum gas, in bulk, in Sub-Nos. 6, 8, 9 and 16F, and (b) petroleum products, in bulk, in tank vehicles, in Sub-No. 7, (3) "building materials" from fibreboard and fibreboard products, and accessories and supplies used in the installation and application of fibreboard products and materials, equipment and supplies used in the manufacturing and distribution of the above-described commodities (except commodities in bulk), in Sub-No. 5, and (4) "food and related products" from (a) salt, in Sub-No. 1, and (b) corn products, in Sub-No. 15F; (B) authorize county-wide authority to replace existing facilities or city-wide authority: (1) Vance County, NC, for Henderson, NC, in Sub-No. 1, (2) Nash County, NC, for facilities at or near Spring Hope, NC, in Sub-No. 5, (3) points in VA east of Isle of Wight and Southampton Counties, VA,

(except Northampton and Accomack Counties, VA), for Portsmouth, VA, and points within 10 miles thereof, in Sub-No. 7, (4) Wake County, NC, for facilities at or near Apex, NC, (5) Chesterfield and Lexington Counties, SC, for facilities near Cheraw and Lexington, SC, and York County, SC, for facilities at Terzah, SC, in Sub-No. 9, (6) Davidson, Wake and Edgecombe Counties, NC, for Lexington, Raleigh and Rocky Mount, NC, in Sub-No. 15F, and (7) York County, VA, for Yorktown, VA, in Sub-No. 16F and (C) authorize radial authority to replace existing one-way authority between points in various combinations of eastern States, in Sub-Nos. 1, 5, 6, 8, 9, 10F, 15F and 16F.

MC 138438 (Sub-110)X, filed August 13, 1981. Applicant: D. M. BOWMAN, INC., Route #2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 105 certificate to broaden the commodity description from aluminum and aluminum products to "metal products".

MC 147883 (Sub-1)X, filed August 11, 1981. Applicant: TRANSPORT IMPROVERS, INC., 2350 S. E. 87th, Portland, OR 97266. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description to "petroleum, natural gas and their products and chemicals and related products" from lubricating oil, grease, undercoating and antifreeze, and, (2) broaden the territorial description to "between points in the U.S.," under continuing contract(s) with a named shipper.

MC 149546 (Sub-22)X, filed August 11, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in MC–134300 Sub-Nos. 38F, 39F, 44F, 46F, 47F, 48F, 49F and 50F certificates acquired in MC–F–14396F, to (1) broaden the commodity descriptions from (a) meats, meat products and meat byproducts, and articles distributed by meat-packing houses to "food and related products" in Sub-No. 38F; (b) plastic and iron pipe fittings and tubings and adhesive cement to "rubber and plastic products, metal products, and chemicals and related products" in Sub-No. 44F; (c) general commodities with exceptions to "general commodities (except classes A and B explosives)" in Sub-No. 46F; (d) games and toys, recreation equipment and materials and supplies used in the manufacture and distribution of games and toys and recreation equipment to "miscellaneous products of manufacturing" in Sub-No. 47F; (e) automobile accessories, home canning kits, cleaning compounds, plastic articles, metal articles, wooden articles, and rubber articles to "transportation equipment, machinery, chemicals and related products, rubber and plastic products, metal products, and lumber and wood products" in Sub-No. 48F; (f) cloth, dry goods and fabric to "textile mill products" in Sub-No. 49F; (2) eliminate the facilities limitation in Sub-Nos. 38F, 44F, and 47F; (3) expand city to county-wide authority from (a) Britt to Hancock County, IA, in Sub-No. 38F; (b) Shelby to Richland County, OH, in Sub-No. 44F; and (c) Huron to Beadle County, SD, and Savage to Scott County, MN, in Sub-No. 48F; (4) change one-way to radial authority in Sub-Nos. 39F, 44F, and 49F; and (5) remove the restrictions except hides and commodities in bulk in Sub-No. 38F; except commodities in bulk in Sub-Nos. 39F and 50F; and except AK and HI in Sub-No. 48F.

[FR Doc. 81–25413 Filed 8–31–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92–463, Federal Adivsory Committee Act, notice is hereby given of the meeting of the Joint Committee on Agricultural Development (JCAD) of the Board for International Food and Agricultural Development (BIFAD) on September 16–17, 1981.

On September 16, from 9:00 a.m. to noon the Regional Work Groups will meet as follows: Africa RWG in Room 2941, New State Department Building, Washington, D.C. (Mr. Lane E. Holdcroft, A.I.D. Federal Designee for this meeting can be contacted at (202/632–3650); Latin America RWG in Room 2242, New State Department Building (Mr. Albert Brown, A.I.D. Federal Designee for this meeting can be contacted at (202/632–8126); Near East RWG in Room 6484, New State Department Building (Mr. Keith Sherper, A.I.D. Federal Designee for this meeting can be contacted at (202–632–9256); and the Asia RWG in Room 609 Rosslyn Plaza "C" Building, 1601 North Kent Street, Rosslyn, Virginia (Mr. Allen C. Hankins, A.I.D. Federal Designee for this meeting can be contacted at (703/235–8870).

On September 16, from 1:30 p.m. to 4:30 p.m., the Work Groups on Training and Education, and Procurement Process will meet in Room 5941 and Room 2244, respectively, of the New State Department Building, Washington, D.C.

On September 17, from 9:00 a.m. to 1:00 p.m., the full JCAD will meet to dicuss such matters as JCAD's role in the evolving A.I.D. organization; the status of a study of university consortia, the Technical Support to Missions program, the Registry of Institutional Resources, discussions of Memoranda of Understanding between A.I.D. and universities, and review of Strengthening Programs; and the reports on activities of the Regional, Training and Education, and Procurement Process Work Groups. This meeting will be held in Room 5941, New State Department Building, Washington D.C.

The meetings are open to the public. Any interested person may attend, may file written statements with the Committee before or after the meetings, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meetings permit.

Mr. John C. Rothberg, BIFAD Support Staff, is designated A.I.D. Advisory Committee Representative at the September 16 and 17 meetings. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (202) 632–7937.

Dated: August 25, 1981.

John C. Rothberg,

A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 81–25456 Filed 8–31–81; 8:45 am]

BILLING CODE 4710–02–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Controlled Substances in Schedule I and II; Proposed Aggregate Production Quotas for 1982

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Proposed 1982 Aggregate Production Quotas.

SUMMARY: This notice proposes 1982 aggregate production quotas for

controlled substances in Schedule I and II of the Controlled Substances Act. The establishment of quotas is required by the Act and is intended to limit production of Schedule I and II substances to those amounts necessary for legitimate use.

DATE: Comments or objections should be received on or before October 1, 1981.

ADDRESS: Send comments or objections in quintuplicate to: Acting Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: 202–633–1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedule I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

The quotas are to provide adequate supplies of each substance for (1) the estimated medical, scientific, research, and industrial needs of the United States, (2) lawful export requirements, and (3) the establishment and maintenance of reserve stocks.

In determining the below listed proposed 1982 aggregate production quotas, the Acting Administrator of the Drug Enforcement Administration considered the following factors:

(1) Total actual 1980 and estimated 1981 and 1982 net disposal of each substance by all manufacturers.

(2) Projected trends in the national rate of net disposal of each substance.

(3) Estimates of inventories of each substance and of any substance manufactured from it, and trends in accumulation of such inventories.

(4) Projected demands as indicated by procurement quota applications which were filed pursuant to § 1303.12 of Title 21 of the Code of Federal Regulations.

Pursuant to § 1303.23(c) of Title 21 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration will in early 1982 adjust individual manufacturing quotas allocated for the year based upon 1981 year-end inventory and actual 1981 disposition data supplied by quota applicants for each basic class of Schedule I or II controlled substance.

Based upon consideration of the above factors, the Acting Administrator of the Drug Enforcement Administration hereby proposes that aggregate production quotas for 1982 for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class	Proposed 1982 quota
Schedule I	
2,5-Dimethoxyamphetamine	12,320,000
Tetrahydrocannabinols	25,000
Schedule II	
Alphaprodine	40,000
Amobarbital	6,016,000
Amphetamine	549,000
Cocaine	1,000,000
Codeine (for sale)	55,377,000
Codeine (for conversion)	4,173,000
Desoxyephedrine (1,377,000 grams for the production of levodesoxy-ephedrine for use in a non-controlled, non-prescription product, and 200,000 grams for the production of methamphetamine)	1,577,000
Dextropropoxyphene	56,926,000
Dihydrocodeine	1,635,000
Diphenoxylate	585,000
Ecgonine (for conversion)	800,000
Ethylmorphine	19,000
Fentanyl	4,000
Hydrocodone	991,000
Hydromorphone	107,000
Levorphanol	13,000
Meperidine	9,928,000
Methadone	1,234,000
Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)	1,763,000
Methylphenidate	1,082,000
Mixed Alkaloids of Opium	14,000
Morphine (for sale)	906,000
Morphine (for conversion)	91,196,000
Opium (tinctures, extracts etc. expressed in terms of USP powdered opium)	1,757,000
Oxycodone (for sale)	1,756,000
Oxycodone (for conversion)	6,000
Oxymorphone	3,000
Pentobarbital	14,000,000
Pethidine Intermediate A	7,464,000
Phenmetrazine	1,505,000
Phenylacetone	8,132,000
Secobarbital	6,866,000
Thebaine (for sale)	2,300,000
Thebaine (for conversion)	1,016,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object to or comment on the proposals relating to any one or more of the above mentioned substances without filing comments or objections regarding the others. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for this belief.

In the event that comments or objections to this proposal raise one or more issues which the Acting Administrator finds, in his sole discretion, warrant a hearing, he shall order a public hearing by notice in the Federal Register, summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of the order).

Pursuant to sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Acting Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The establishment of annual aggregate production quotas for Schedule I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Dated: August 18, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-25417 Filed 8-31-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Coastal Steel Corp., et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 17–21, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met:

(1) That a significant number or proportion of the workers' firm, or an appropriate subdivision thereof have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met; a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9384; Coastal Steel Corp., Woodbridge, NJ
TA–W–9684; Royal Park, Inc., Weatherford, TX
TA–W–10,551; Murray Corp., Refrigeration Div., Eastlake, OH
TA–W–10,714; Vulcan Rivet & Bolt Corp., Birmingham, AL
TA–W–10,873; Federal Mogul Corp., National Grinding Wheel Div., North Tonawanda, NJ
TA–W–10,935; Martin Bear, Inc., New York, NY
TA–W–10,953; Plabell Rubber Products Inc., Toledo, OH
TA–W–10,958 & 11,195; E. W. Bliss Co., Mackintosh-Hemphill Division, Gulf & Western Industries, Pittsburgh, & Midland, PA
TA–W–10,981; Arrow Molded Plastics, Inc., Napoleon, OH
TA–W–11,256; Textron, Inc., CWC Castings Div., Muskegon, MI
TA–W–11,320; Arcos Corp., Philadelphia, PA
TA–W–11,661; Beede Electrical Instrument Co., Inc., Penacook, NH
TA–W–11,723; Canton Malleable Iron Co., Canton, OH
TA–W–12,174; TRW, Inc., Rogersville, TN
TA–W–12,376; Washburn Wire Products Co., Inc., New York, NY
12,652; Santa Rosa Shoe Corp., Santa Rosa, CA

In each of the following cases the investigation revealed that criterion (3) has not been met; increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,644; Sunmark Industries, Baltimore, MD
TA–W–11,376; General Motors Corp., Rochester Products Div., Tuscaloosa, AL
TA–W–12,158; Chrysler Corp., California Emission Test Facility, Santa Fe Springs, CA

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason(s) specified.

TA–W–10,319; Raincraft Corp., Garfield, NJ

Manufacturers of which the subject firm produced under contract increased their contracts with other domestic firms.

TA–W–9480; Phelps Dodge Magnet Wire Co., Hopkinsville, KY

Aggregate U.S. import of magnet wire are negligible.

TA–W–10,599; Riverside Mfg. Industries, Inc., Ecorse, MI

Aggregate U.S. imports of wire harness components are negligible.

TA–W–11,620 & 11,621; Coats & Clark, Inc., Jamesville, NC and Newport News, VA

Aggregate U.S. imports of zippers did not increase as required for certification.

TA–W–11,920; Marx Haas Clothing, St. Louis, MO

Aggregate U.S. imports of men's and boy's tailored suits & Tailored dress coats and sport coats did not increase as required for certification.

TA–W–12,213 & 12,321; General Motors Corp., General Motors Assembly Div., Lakewood Plant, Atlanta, GA, & Wilmington, DE

Aggregate U.S. imports of subcompact automobiles did not increase as required for certification.

TA–W–12,262; Northwest Engineering Co, Green Bay, WI

Aggregate U.S. imports of cranes (including excavators, power shovels, draglines & log loaders) are negligible.

TA–W–12,345; White Engines, Inc., Canton, OH

Aggregate U.S. imports of gas engines and diesel engines did not increase as required for certification.

TA–W–12,403; Autodynamics Corporation of America, Madison Heights, MI

Aggregate U.S. imports of prototypes are negligible. With respect to workers engaged in employment related to the design, engineering, development and graphic illustration operations, the investigation revealed that the workers do not produce an article within the meaning of Section 222(3) of the Trade Act of 1974.

In the following case the investigation revealed that none of the workers at any Jones & Laughlin facility or at any subsidiary of Jones & Laughlin are currently certified as eligible to apply for adjustment assistance benefits.

TA–W–12,576; Jones & Laughlin Steel Corp., Corporate Headquarters, Pittsburgh, PA

I hereby certify that the aforementioned determinations were issued during the period August 17–21, 1981. Copies of these determinations are available for inspection in Room 10,322, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, during normal working hours or will be mailed to persons who write to the above address.

Dated: August 25, 1981.

Marvin M. Fooks,

Director of Office of Trade Adjustment Assistance.

[FR Doc. 81–25400 Filed 8–31–81; 8:45 am]

BILLING CODE 4510–28–M

Federal-State Job Service System; Hearing in the Matter of Willie Higgins v. Oklahoma Employment Security Commission, 81-WPA-2

The Oklahoma Employment Security Commission has requested review of the April 30, 1981 determination of Region VI Department of Labor Acting Regional Administrator Lewis R. Garibay, denying its request to sue Wagner-Peyser Act grant funds to pay a federal district court judgment against it, and ordering reimbursement of any grant funds used to defend in the court action. This request has been referred to the Chief Administrative Law Judge, U.S. Department of Labor for handling in accordance with the administrative hearing provisions of 20 CFR Part 658.

Pursuant to 20 CFR 658.707(c), 45 FR 39484 (June 10, 1980), this notice is being published in the **Federal Register** to invite interested parties to participate in the administrative proceeding. Any interested party wishing to participate must make written request to do so to the Chief Administrative Law Judge, U.S. Department of Labor, Suite 700, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036. The request to participate should identify the proceeding by its official caption, as follows: Willie Higgins v. Oklahoma Employment Security Commission, 81–WPA–2.

Signed at Washington, D.C., this 25th day of August 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81–25501 Filed 8–31–81; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or

threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 11, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 11, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C., this 24th day of August 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Angelo Productions, Ltd. (workers)	New York, N.Y.	8/18/81	8/14/81	TA-W-12,919	Women's sportswear, coats and raincoats.
FMC Corp., Alkali Chemicals Division (workers)	Modesto, Calif.	8/19/81	8/7/81	TA-W-12,920	Barium carbonate, strontium carbonate and strontium nitrate.
Georgetown Steel Corp (USWA)	Georgetown, S.C.	8/19/81	8/12/81	TA-W-12,921	Reinforcement rods, steel wire, etc.
Malden Mills, Inc. (ILGWU)	Hudson, N.H.	8/18/81	8/12/81	TA-W-12,922	Textiles, pile fabrics.
Middletown Leather Co. (company)	Hackettstown, N.J.	8/19/81	8/7/81	TA-W-12,923	Finished Leather.
Phyllis Sportswear, Inc. (ILGWU)	New York, N.Y.	8/19/81	8/13/81	TA-W-12,924	Ladies' sportwear.
Reid Stevens (workers)	Commack, N.Y.	8/13/81	8/3/81	TA-W-12,925	Ladies' coats and jackets.
Ford Motor Co., Cleveland Parts Distribution Warehouse (workers)	Cuyahoga Heights, Ohio	8/19/81	8/12/81	TA-W-12,926	Distribution of parts for Ford vehicles.

[FR Doc. 81-25489 Filed 8-31-81; 8:45 am]

BILLING CODE 4510-28-M

Mine Safety and Health Administration

[Docket No. M-81-166-C]

Gateway Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Gateway Coal Company, Box 155-A, R.D. #1, Waynesburg, Pennsylvania 15370 has filed a petition to modify the application of 30 CFR 75.1700 (barriers around oil and gas wells) to its Gateway Mine located in Greene County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternative to establishing and maintaining barriers, petitioner proposes to:

(a) Plug the affected wells using a technique developed by the U.S. Bureau of Mines, U.S. Department of Energy, and the coal industry which involves the placing of plugs in the wellbore below the base of the Pittsburgh coalbed which will prevent any natural gas from entering the mine after the well is mined through;

(b) Perform various tests and surveys to determine the location of the wellbore in the coalbed;

(c) Plug the wells back to the base of the Pittsburgh coalbed using an expandable cement and fly-ash-gel water slurry;

(d) Mine through and remove that segment of the plug existing between the mine pavement and the roof;

(e) Instruct all personnel in the affected areas to proceed with caution when mining into and through the well support pillar, with diligent efforts made at all times to assure a gas-free atmosphere in the affected areas. The petitioner will cooperate with MSHA in sampling for gas immediately before, during and after mining through the well;

(f) Make methane examinations by qualified personnel using approved methane detection equipment at least once during each shift during development and/or retreat mining and record results on a fireboss dateboard placed in the area.

3. Petitioner states that the proposed alternative method will guarantee at all time the miners no less than the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 1, 1981. Copies of the petition are available for inspection at that address.

Dated: August 21, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-25494 Filed 8-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-26-M]

Genstar Cement & Lime Co.; Petition for Modification of Application of Mandatory Safety Standard

Genstar Cement and Lime Company, Pool Station Road, San Andreas, California 95249 has filed a petition to modify the application of 30 CFR 56.4-27 (fire extinguishers on self-propelled mobile equipment) to its San Andreas Cement Plant located in Calaveras County, California. The petition if filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follow:

1. The petition concerns the requirement that self-propelled mobile

equipment be equipped with suitable fire fighting equipment.

2. As an alternative method which will provide the same or greater degree of safety for the miners affected, petitioner proposes to locate more than 80 fire extinguishers at specific locations throughout the facility. This will allow the equipment operator quick access to fire fighting equipment in the event of a fire and eliminate the problem of stolen extinguishers.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 1, 1981. Copies of the petition are available for inspection at that address.

Dated: August 21, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-25495 Filed 8-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-168-C]

Neumeister Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Neumeister Coal Company, R.D. #1, Ashland, PA 17921 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its No. 2 Slope located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a piller line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternative method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 1, 1981. Copies of the petition are available for inspection at that address.

Dated: August 26, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-25496 Filed 8-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-148-C]

Scotts Branch Co.; Petition for Modification of Application of Mandatory Safety Standard

Scotts Branch Company, Route 1, Box 819, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.1714 (availability of approved self-rescue devices; instruction in use and location) to its Scotts Branch Mine located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator shall make available to each miner employed by the operator who goes underground and to visitors authorized to enter the mine by the operator a self-rescue device or devices approved by the Secretary which is adequate to protect such person for one hour or longer.

2. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because the passenger rating and the capacity requirements of the elevator do not allow for the carriage or storage of approved self-contained self-rescuers on the elevator during ascent or descent. No other practical means of storage of the approved SCSR's is available on the elevator. In addition, damage could occur to the individual units through handling and transportation.

3. As an alternative method, petitioner proposes to provide the miners with an approved sixty-minute filter type self-rescuer as they ascend or descend on the elevator. In support of this proposed alternative method, petitioner states that:

a. The elevator is located in the intake air shaft; and

b. the time of ascent or descent in the elevator is seconds and all miners on the elevator would have the filter-type self-rescuer available.

4. The mantrip station is located immediately adjacent to the elevator entrance, or exit, and the petitioner requests approval to leave the approved SCSRs on the section mantrip station at the bottom of the elevator shaft.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office or or before October 1, 1981. Copies of the petition are available for inspection at that address.

Dated: August 26, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-25497 Filed 8-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-76-C]

Zakrewsky Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Zakrewsky Coal Company, Park Crest, Barnesville, PA 18214 has filed a petition to modify the application of 30 CFR 75.1714 (availability of approved self-rescue devices; instruction in use and location) to its Buck Slope located in Columbia County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator shall make available to each miner employed by the operator who goes underground and to visitors authorized to enter the mine by the operator a self-rescue device or devices approved by the Secretary which is adequate to protect such person for one hour or longer.

2. Petitioner states that the self-rescuers are too heavy and bulky as well as cumbersome to be worn in the narrow confines of the slope gun boat which serves as a man trip at the mine. In addition, the pitch of the mine does not allow the miners to safely carry the devices.

3. Heated areas are not available for storage at the mine. Severe winter temperatures may render the devices inoperable.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 1, 1981. Copies of the petition are available for inspection at that address.

Dated: August 26, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-25488 Filed 8-31-81; 8:45 am]

BILLING CODE 4510-43-M

MARINE MAMMAL COMMISSION

Marine Mammal Commission and Committee of Scientific Advisors on Marine Mammals; Meetings

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on October 22, 23, and 24, 1981, at the University Tower Hotel, 45th and Brooklyn N.E., Seattle, Washington 98105.

On October 22, from 10:30 a.m. to 5 p.m., and on October 23 from 9 a.m. to 5 p.m., the Commission and Committee will meet together in public session to discuss and consider the status of activities and problems affecting marine mammals, including matters related to:

(1) Review of steps being taken or needed to encourage the recovery of the endangered Hawaiian monk seal;

(2) The Columbia River marine mammal/fisheries interaction program;

(3) Review of actions taken and needed with respect to the Antarctic, particularly as such relate to the establishment and operation of the International Antarctic Commission and Scientific Committee;

(4) The results of the last meeting of the International Whaling Commission;

(5) Review of bowhead whale research activities;

(6) Review of research and management activities related to the West Indian manatee;

(7) Review of research and management activites related to the California sea otter;

(8) Review of research and management questions related to the polar bear;

(9) Review of research and management activities related to the North Pacific fur seal; and

(10) Such other matters as may appropriately come before the meeting.

The remainder of the meeting will consist of executive sessions of the Commission and Committee to be held on October 22 from 9 a.m. to 10:30 a.m. and on October 24 from 9 a.m. to 12 noon. These sessions will be devoted to the exchange of opinions and deliberations concerning internal personnel rules and practices, budget, interagency liaison, proposed policies and actions relating to international negotiations, proposed agency policies and actions, and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications and competence of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence. These sessions are concerned with matters listed in 5 U.S.C. 522b(c) (2), (3), (4), (6) and (9)(B), and therefore will not be open to the public.

John R. Twiss, Jr.,

Executive Director, Marine Mammal Commission.

August 27, 1981.

[FR Doc. 81-25428 Filed 8-31-81; 8:45 am]

BILLING CODE 6820-31-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Presidential Task Force on the Arts and Humanities Meeting

September 1, 1981.

Notice is hereby given of Plenary Meeting III of the Presidential Task Force on the Arts and the Humanities. The purpose of the meeting is to consider the resolutions adopted at Plenary Meeting II, and to discuss a draft report to the President related to such resolutions.

Plenary Meeting III will convene at 11:00 a.m. on Wednesday, September 16, 1981 in the Assembly Room, LM #649, Library of Congress, corner of Independence Avenue and First Street, S.E., Washington, D.C. This meeting will break for lunch at 12:30 p.m. and reconvene at 2:30 p.m. at the same location; the meeting will continue until approximately 4:00 p.m.

This meeting will be open to the public, however, since seating is limited to 100 persons, individuals wishing to attend must request a reservation by calling Jeanne Rhinelander of the Presidential Task Force at (202) 395-6830 after September 8, 1981 and not later than September 11, 1981.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-25491 Filed 8-31-81; 8:45 am]

BILLING CODE 7536-01-M

OFFICE OF PERSONNEL MANAGEMENT

Office of Administration, Executive Office of the President, et al.; Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by Civil Service Rule VI.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management is publishing on the fourth Tuesday of each month a notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213. This report is being published late due to administrative delay. Individual authorities established or revoked under Schedules A, B, or C since the last published update appear in a listing below. A consolidated listing of all authorities, scheduled to be published as of June 30 of each year, will be delayed this year until early September (notice of the delay was published at 46 FR 30227).

Schedule A

The following exceptions are established:

In the Office of Administration, Executive Office of the President, up to 30 positions, to provide administrative services and support to the White House Office. Effective April 7, 1981.

In the Department of State, Chief, Travel and Visitor Unit at the Embassy, Paris, France. No new appointments may be made under this authority after August 10, 1981. Effective June 4, 1981.

In the Department of State, one Presidential Trip Specialist. No new appointments may be made under this authority after June 11, 1981. No one may serve under this authority longer than 5 years. Effective May 12, 1981.

In the Department of State, all positions, GS–15 and below, on the staff of the Family Liaison Office, Office of the Under Secretary for Management. Effective May 15, 1981.

In the Department of the Treasury, up to 20 positions with an employment limitation not to exceed 4 years in the Office of the Secretary of the Treasury, which will supplement permanent staff involved in the study and analysis of complex problems in the area of domestic economic and financial policy. Effective June 17, 1981. The following exceptions are revoked:

In the U.S. Department of Agriculture, Schedule A authorities covering State Executive Directors in the Agricultural Stabilization and Conservation Service and State Directors and State Directors-at-Large in the Farmers Home Administration, revoked effective March 30, 1981, because the positions have been placed under Schedule C.

In the National Endowment of the Humanities, one Assistant Director, Program Development; revoked effective April 22, 1981, because the position has been placed under Schedule B.

In the General Services Administration, one position of Assistant to the Chairman, GSA Board of Contract Appeals; revoked effective May 14, 1981, because the authority has expired by its own terms.

In the National Aeronautics and Space Administration, forty-five positions in the Secretarial Science Program at Langley Research Center when occupied by students at Thomas Nelson Community College; revoked effective May 18, 1981, because the authority has expired by its own terms.

In the Department of Justice, positions at GS–15 and below on the staff of the Office of Special Counsel; revoked effective June 2, 1981, because authority is no longer needed.

In the Department of Health and Human Services, thirty positions at GS–15 and below on the staff of the White House Conference on Families; revoked effective June 5, 1981, because authority is no longer needed.

In the White House Small Business Conference Commission, all staff positions, GS–15 and below; revoked effective June 8, 1981, because authority has expired by its own terms.

Schedule C

The following exceptions are established:

In the Department of State, one Deputy Assistant Secretary, in the Office of the Assistant Secretary for Human Rights and Humanitarian Affairs. Effective November 26, 1980.

In the Department of State, one Special Assistant to the Assistant Secretary for Human Rights, in the Office of the Secretary, effective October 10, 1980.

In the Department of Defense, one Personal and Confidential Assistant to the Chief Judge, U.S. Court of Military Appeals, effective July 25, 1980.

In the Department of Justice, one Secretary (Steno) to the Assistant Attorney General for the Office for Improvements. Effective June 13, 1980.

In the Department of Justice, one Special Assistant to the Director of the Office of Justice Assistance, Research and Statistics. Effective October 20, 1980.

In the Department of Commerce, one Special Assistant to the Under Secretary for International Trade Administration. Effective May 29, 1980.

In the Department of Commerce, one Confidential Assistant to the Deputy Under Secretary for International Trade. Effective July 3, 1980.

In the Inter-American Foundation, one Confidential Assistant to the President. Effective June 2, 1980.

In the Inter-American Foundation, one Special Assistant to the President. Effective July 22, 1980.

In the Small Business Administration, one Special Assistant to the Associate Administrator for Financial Assistance and Director of Disaster Operations. Effective November 20, 1980.

In the Small Business Administration, one Special Assistant to the Associate Administrator for Women's Business Enterprise. Effective November 1, 1980.

In the Small Business Administration, one Special Assistant to the Assistant Administrator for Minority Small Business and Capital Ownership Development. Effective November 4, 1980.

The following exceptions are revoked:

In the Department of State one Confidential Assistant to the Under Secretary in the Office of the Under Secretary for Economic Affairs; revoked effective November 26, 1980, because the position is no longer needed.

In the Department of Justice, one Special Assistant to the Administrtor of the Law Enforcement Assistance Administration; revoked effective October 20, 1980, because the position has been organizationally transferred.

In the Small Business Administration, one Confidential Assistant to the Associate Administrator for Finance and Investment; revoked effective November 20, 1980, because the position is no longer needed.

In the Small Business Administration, one position of Special Assistant to the Assistant Administrator for Public Communication; revoked effective November 1, 1980, because the position is no longer needed.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81–25394 Filed 8–31–81; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11920; 812–4868]

Intercapital Dividend Growth Securities Inc., et al. and Dean Witter Reynolds Inc.; Filing of Application

August 26, 1981.

Notice Is Hereby Given that Intercapital Dividend Growth Securities Inc., Intercapital High Yield Securities Inc., Intercapital Industry-Valued Securities Inc. and Intercapital Natural Resource Development Securities Inc.

("Funds") 5 World Trade Center, New York, New York, 10048, and Dean Witter Reynolds Inc. ("Distributor") (collectively "Applicants") 130 Liberty Street, New York, New York 10048, filed an application on April 27, 1981, and amendments thereto on July 20, 1981, and August 4, 1981, for an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants from the provisions of section 22(d) of the Act and Rule 22d–1 thereunder to the extent necessary to permit sales of the Funds' securities at reduced sales charges to certain employees of the Distributor and its affiliated companies who open Individual Retirement Accounts ("IRA") offered by the Funds, as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Funds, which are organized under the laws of Maryland, are registered under the Act as open-end diversified management investment companies. The Funds are currently engaged in continuous public offerings of their shares through the Distributor at public offering prices equal to net asset value plus a sales charge. Each Fund provides a prototype IRA pursuant to the provisions of section 408 of the Internal Revenue Code of 1954 ("Code") as amended by the Employee Retirement Income Security Act of 1974. Each Fund's shares serve as the investment vehicle for its IRA. The First Jersey National Bank of Jersey City, New Jersey, is custodian for the IRA accounts.

The Distributor is a registered broker-dealer and the distributor of the Funds' shares. The Funds' investment manager is Dean Witter Reynolds Intercapital Inc. ("DWRI"). Both of these companies are wholly-owned subsidiaries of Dean Witter Reynolds Organization Inc. ("DWRO").

Applicants state that approximately 7,500 employees of the Distributor, DWRI and other subsidiaries of DWRO have been covered by a profit sharing plan qualified under section 401 of the Code ("Plan"). Applicants state that the Plan will be terminated and *in lieu* thereof benefits under a pension plan covering the same employees will be increased with the intention of providing greater retirement security for employees. Upon receipt of a determination letter from the Internal Revenue Service, the plan will be terminated and the funds now held in trust under it will be distributed to the employee participants. Applicants propose to permit those participants with $1,750 or more credited to their Plan accounts as of August 31, 1980, to roll over their distribution into an individual IRA provided by the Funds at a reduced sales charge determined in accordance with the schedule in the Funds' prospectuses as though made by a single person in a single transaction pursuant to the combined sales privilege available under the provisions of the Funds' prospectuses. Applicants propose to compute the reduced sales charge upon the aggregate of all purchases by the employees.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus, and if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except at a current public offering price described in the prospectus. Rule 22d–1(f) under the Act affords an exemption from the provisions of section 22(d) for certain employee benefit plans qualified under section 401 of the Code or for such non-qualified employee benefit plans as satisfy uniform criteria relating to realization of economies of scale in sales effort and sales related expenses and such uniform offer is described in the prospectus. As used in paragraph (f) "employee benefit plan" is defined to mean any plan or arrangement which provides a means for employees to purchase shares of a registered open-end investment company or companies by means of periodic deductions or otherwise.

Applicants state that while the term "employee benefit plan", as used in Rule 22d–1(f), may generally be considered to apply only to a specific legal entity and may not have been contemplated to include individual IRA's, both the language of the definition, which includes both plans and "arrangements", and the policy underlying Rule 22d–1(f) would appear to include such accounts. Further, Applicants argue that the uniform offer requirement of Rule 22d–1(f) does not require that the reduced sales charges be offered to all purchasers of the Funds' IRA's if the exclusion of some purchasers is based upon reasonable distinctions justifying the reduced charge. Applicants state that sales to their affiliated employees will involve economies of scale in sales effort and sales related expenses because the corporate relation of such employees to the Fund and the circumstances of the termination of the Plan make it unnecessary to involve the Distributor's sales organization as would be required in the case of sales to unaffiliated employees and besides the Distributor will incur costs in terminating the Plan and distributing the assets whether or not Plan participants elect to invest in the Funds' shares. Applicants argue that it therefore is appropriate to pass along these cost savings to the Plan participants who rollover their Plan distributions into the Fund/sponsored IRA's. Finally, Applicants state that compliance with the requirements of rule 22d–1(f) for a description of the proposed arrangement in the Fund's prospectus might be misleading because this proposal represents a "one-shot" transaction and not an on-going practice. Applicants state that after the exercise of the rollover option, no further investments into the Funds at reduced sales charges will be permitted by this proposal. Applicants further state that because this proposed sale arises solely out of the termination of the Plan, no further sales would fit within these unusual circumstances.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or any rule under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of the investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that permitting their affiliated employees to rollover the distributions from the termination of Applicants' stock option plan into Fund-sponsored individual IRA's at a reduced sales charge is appropriate in the public interest and consistent with the protection of investors because such sales will result in demonstrable economies of scale arising from the unique relationship of the Dean Witter companies to the Funds and thus is no unjustly discriminatory. Applicants also submit that such sales are consistent with the policy of rule 22d–1(f) to encourage retirement savings.

Applicants state that all eligible plan participants have received a brochure explaining the various options available to them regarding the distribution of their Plan balances. The brochure includes a form giving participants until August 31, 1981, to request further

information about the options in which they are interested. Those participants interested in rolling over their balances will receive a memorandum describing IRA rollover options. Plan participants must submit their final election by September 30, 1981. Those who have not will receive a lump sum distribution. After that date, the reduced sales charge will be calculated. Applicants state that prospectuses and existing sales literature of the Funds will be available to participants who express an interest in rolling over into a Fund IRA but no sales effort will be made by any salesman or independent dealer. The Distributor will coordinate the processing of purchases and will provide such related services as requested by the administrative committee or participants.

Finally, Applicants state that, as a condition of granting this relief, Applicants agree to require any participant who rolls over into an IRA and thereby receives a reduced sales charge to represent that the participant is acquiring shares of the Funds pursuant to the proposed arrangement for investment purposes and not for resale and that any sale of such shares will be made only to the Funds upon redemption thereof.

Notice is further given that any interested person may, not later than September 31, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

FR Doc. 81–25427 Filed 8–31–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 81–3]

Commerce in Explosives; List of Explosive Materials

Pursuant to the provisions of § 841(d) of Title 18, United States Code, and 27 CFR 181.23, the Director, Bureau of Alcohol, Tobacco, and Firearms, must publish and revise at least annually in the **Federal Register** a list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials. This Chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in section 841(c) of Title 18, United States Code.

Accordingly, the following is the 1981 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the **Federal Register** and blasting agents.

The list is intended to also include any and all mixtures containing any of the materials in the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is *not* all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in Section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the List of Explosive Materials dated August 8, 1980 (45 FR 52976).

List of Explosive Materials

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
*Ammonium nitrate explosive mixtures (non cap sensitive).
Aromatic nitro-compound explosive mixtures.
Ammonium perchlorate having particle size less than 15 microns.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
*ANFO [ammonium nitrate-fuel oil].

B

Baratol.
Baronol.
BEAF [1,2-bis (2,2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
*Blasting agents, nitro-carbo-nitrates, including non cap sensitive slurry and water-gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis (trinitroethyl) carbonate].
BTNEN [bis (trinitroethyl) nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclotol.

D

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [Glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM.
Dipicryl sulfone.
Dipicrylamine.

DNDP [dinitropentano nitrile].
DNPA [2,2-dinitropropyl acrylate].
Dynamite.

E

EDNA.
Ednatol.
EDNP [ethyl 4,4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive getatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive mixtures containing tetranitromethane (nitro form).
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive liquids.
Explosive powders.

F

Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate.]
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture,
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN)
Nitroguanidine explosives.
Nitroparaffins Explosive Grade and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.

P

PBX [RDX and plasticizer].
Pellet powder
Penthrinite composition.
Pentolite.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid (explosive grade).
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6,-trinitramine; hexahydro-1,3,5-trinitro-S-triazine].

S

Safety fuse.
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Siver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnic acid.

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene].
TATB [triaminotrinitrobenzene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole,

Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN (trimethylolethane trinitrate).
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethyl orthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).

X

Xanthamonas hydrophilic colloid explosive mixture.

FOR FURTHER INFORMATION CONTACT:
Explosives Technology Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202–566–7087).

Signed: August 24, 1981.

G. R. Dickerson,
Director.

[FR Doc. 81–25386 Filed 8–31–81; 8:45 am]
BILLING CODE 4810–31–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 169
Tuesday, September 1, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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National Mediation Board	2
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1

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 10:00 a.m., Wednesday, September 2, 1981.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Briefing on Power Lawn Mowers
   The staff will brief the Commission on implementing the provisions of the Omnibus Budget Reconciliation Act of 1981 which direct the Commission to modify the safety standard for walk-behind power lawn mowers (16 CFR Part 1205). (Decision scheduled for September 9.)
2. Operating Plan, FY–82
   The Commission will consider CPSC's Operating Plan for Fiscal Year 1982.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, DC 20207; Telephone (202) 634–7700.

[S–1312–81 Filed 8–28–81; 10:08 am]

BILLING CODE 6355–01–M

2

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, September 9, 1981.

PLACE: Board Hearing Room, eighth floor, 1425 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of August, 1981.

(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel: (202) 523–5920.

Dated: August 28, 1981.

[S–1313–81 Filed 8–28–81; 3:29 pm]

BILLING CODE 7550–01–M

3

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 42404, August 20, 1981.

STATUS: Open/closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, August 17, 1981.

CHANGES IN THE MEETING: Deletion/additional item. The following item was not considered at an open meeting scheduled for Thursday, August 27, 1981, at 10:00.

Consideration of whether to (1) affirm the decision of the FOIA Officer to release a letter from the Commission's file on the National Kinney Corp.; and (2) treat the request for confidential treatment of the appeal letter as part of the FOIA appeal of Bud G. Holman, Esq. For further information, please contact Christina Pfirrman at (202) 272–2432.

The following additional item was considered at a closed meeting scheduled for Thursday, August 27, 1981, following the 10:00 a.m. open meeting.

Regulatory matter bearing enforcement implications.

Chairman Shad and Commissioners Loomis, Evans and Longstreth determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

August 27, 1981.

[S–1311–81 Filed 8–28–81; 8:47 am]

BILLING CODE 8010–01–M

federal register

Tuesday
September 1, 1981

Part II

Department of Agriculture

Federal Grain Inspection Service

Termination of Designation of the Alabama Department of Agriculture and the D. R. Schaal Agency

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DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Termination of Designations of the Alabama Department of Agriculture and Industries and the D. R. Schaal Agency

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces that the designations of two official agencies will terminate on February 28, 1982, and requests applications from parties interested in being designated as an agency to conduct official inspection, official weighing and supervision of weighing services in the geographic area currently serviced by the Alabama Department of Agriculture and Industries and as an agency to conduct official inspection services in the geographic area currently serviced by the D. R. Schaal Agency.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, Room 2405 Auditors Building, Washington, DC 20250; (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore, the Executive Order does not apply to this action.

Sections 7(f)(1) and 7A(c)(2) of the U.S. Grain Standards Act, as amended (7 U.S.C. 71, *et seq.*, at 79(f)(1) and 79a(c)(2)) (Act), specify that the Administrator of the Federal Grain Inspection Service is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official inspection, official weighing and supervison of weighing services after a determination is made that the applicant meets the conditions as stated therein and is better able than any other applicant to provide official inspection, official weighing and supervision of weighing services in an assigned geographic area.

The Alabama Department of Agriculture and Industries (Alabama), Room 200, Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama 36109, was designated as an official agency under the Act for the performance of official grain inspection, official weighing and supervision of weighing functions on November 20, 1978. The D. R. Schaal Agency (Schaal), Highway 69 South, P.O. Box 213, Belmond, Iowa 50421, was designated as an official agency under the Act for the performance of official grain inspection functions on November 13, 1978. The two agencies' designations will terminate on February 28, 1982. Section 7(g)(1) of the Act states generally that designations of official agencies shall terminate no later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Alabama pursuant to Section 7(f)(2) and 7A(c)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the entire State of Alabama except those export port locations within the State.

The geographic area presently assigned to Schaal pursuant to Section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by the northern Kossuth County line from U.S. Route 169; the northern Winnebago, Worth, and Mitchell County lines;

Bounded: on the East by the eastern Mitchell County line; the eastern Floyd County line south to B60; B60 west to T64; T64 south to State Route 188; State Route 188 south to C33;

Bounded: on the South by C33 west to T47; T47 north to C23; C23 west to S56; S56 south to C25; C25 west to U.S. Route 65; U.S. Route 65 south to State Route 3; State Route 3 west to S41; S41 south to C55; C55 west to Interstate 35; Interstate 35 southwest to the southern Wright County line; the southern Wright County line west to U.S. Route 69; U.S. Route 69 to C54; C54 west to State Route 17; and

Bounded: on the West by State Route 17 north to the southern Kossuth County line; the Kossuth County line west to U.S. Route 169; U.S. Route 169 north to the northern Kossuth County line.

Also, the following location which is outside of the foregoing contiguous area, and which is presently assigned to Schaal and which is part of the geographic area that may be assigned to the applicant selected for designation is:

Farmers Co-op Company, Eagle Grove, Iowa, in Wright County.

Exceptions to the described geographic area are the following locations situated inside Schaal's area which have been and will continue to be serviced by the following official agencies:

Central Iowa Grain Inspection Service, Inc., to service the following locations:

1. Farmers Co-op Elevator Company, Chapin, Iowa, in Franklin County;
2. Hampton Farmers Co-op Company, Hampton, Iowa, in Franklin County; and
3. Farmers Community Co-op, Inc., Rockwell, Iowa, in Cerro Gordo County.

A. V. Tischer and Son, Inc., to service the following locations:

1. Cargill, Inc., Algona, Iowa, in Kossuth County;
2. Big Six Elevator, Burt, Iowa, in Kossuth County;
3. Farmers Elevator, Goldfield, Iowa, in Wright County; and
4. Farmers Co-op Elevator, Holmes, Iowa, in Wright County.

Interested parties, including Alabama and Schaal, are hereby given opportunity to apply for designation as the official agency for each respective specified geographic area, as described above, under the provisions of Section 7(f) and 7A of the Act and § 800.196(b) of the regulations issued thereunder, as applicable. The designations in each specified geographic area are for the period beginning March 1, 1982, and terminating February 28, 1985. Parties wishing to apply for any of these designations should contact the Chief, Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than October 1, 1981, to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official inspection service in the geographic areas, consideration will be given to all applications submitted and all other information available to the Administrator. All applications submitted pursuant to this notice will be available for public inspection at the Regulatory Branch, Compliance Division, during regular business hours.

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Done in Washington, D.C. on: August 12, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81–25080 Filed 8–31–81; 8:45 am]

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federal register

Tuesday
September 1, 1981

Part III

Department of the Interior

Bureau of Land Management

Geothermal Resources Leasing; General

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3200

Geothermal Resources Leasing; General

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would amend existing regulations by providing a procedure for leasing future interests in geothermal resources owned by the Federal Government and by including leases of a fractional and future interest in the computation of maximum acreage holdings. In addition, existing regulations would be revised to eliminate prorating of rentals and minimum royalties for fractional interests of geothermal leases. This would eliminate the situation where rentals and minimum royalties received are insufficient to cover administrative costs to the Government.

DATE: Comments by November 2, 1981.

ADDRESS: Comments should be sent to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington D.C. 20240.

Comments will be available for public review on regular working days from 7:45 a.m.-4:15 p.m. in Room 5555 at the above address.

FOR FURTHER INFORMATION CONTACT: Karl Duscher at the above address or call (202) 343-7722.

SUPPLEMENTARY INFORMATION: The Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) authorizes the Secretary of the Interior to lease geothermal steam and associated resources. Present regulations for geothermal leasing (43 CFR Part 3200) make no provision for leasing of geothermal interests which will vest in the United States at some future date. This proposed rulemaking provides a procedure for leasing of such interests. Holders of the present interest in the resource could then obtain a lease for the Government's future interest and be assured that production of the resource, if encountered, will continue when their present interest expires. Such assurance is necessary in many cases before present interest holders will commit the capital necessary to bring a geothermal prospect into production.

Existing regulations address, in part, fractional present geothermal interests (43 CFR 3202.2-7) which would be incorporated into a new § 3207.2-2 of the proposed rulemaking except subsection (b). Subsection (b) was intended to restrict development of Federal fractional interests on mineral reserved lands until the ownership question of such patented lands was resolved. In 1977, the 9th Circuit Court of Appeals held that "the mineral reservation in the patents reserved to the United States geothermal resources underlying the patented lands." *United States v. Union Oil of California*, 549 F 2d 1271 (9th Cir.) cert. denied 434 U.S. 930 (1977). As a result, the Federal fractional interests of geothermal resources on patented land could now be leased under the provisions of this rulemaking and subsection (b) would not be necessary.

Section 7 of the Geothermal Steam Act of 1970 prohibits a lessee from holding any direct or indirect interest in geothermal leases totalling more than 20,480 acres in any one State. This proposed rulemaking amends existing provisions of the regulations to include fractional and future interest leases in the computation of maximum acreage holdings.

In addition, this rulemaking would revise the present regulations which allow prorating of annual rentals and minimum royalties for fractional interests of geothermal leases (43 CFR 3205.3-4). The oil and gas regulations (43 CFR Part 3130) had a similar provision. However, prorating of rentals and minimum royalties for fractional interests of oil and gas leases has not been done since September 30, 1976 because prorating for fractional interests often resulted in charges that were less than the administrative cost of collection. Based on this experience, this proposed rulemaking would eliminate prorating rentals and minimum royalties for both present and future fractional interests of geothermal leases, and thus, eliminate the situation where rentals and minimum royalties received would be insufficient to cover administrative costs to the Government. Prorating of royalty on production, however, would remain unchanged. Under the proposed rulemaking, rentals and minimum royalties payable under leases for lands in which the United States owns an undivided present or future fractional interest would be paid for the full acreage in the leased lands.

This rulemaking, while important in specific instances, will have only limited application. The lands that may be affected are not extensive, but may contain valuable geothermal resources that, under existing regulations, would not be developed.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the information required in § 3207.2-2 of this rulemaking does not require clearance by the Office of Management and Budget since there are less than ten respondents annually. However, the information collection requirements contained in the application have been approved [OMB clearance No. 1004-0038].

The principal author of this proposed rulemaking is Karl Duscher, Division of Onshore Energy Resources, assisted by the Office of Legislation and Regulatory Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under Pub. L. 96-354.

It is hereby determined that this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) is required.

PART 3200—GEOTHERMAL RESOURCES LEASING; GENERAL

Under the authority of the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025) it is proposed to amend Part 3200 of Subpart C, Chapter II, Title 43 of the Code of Federal Regulations as set forth below:

1. Section 3201.2(b) is amended by adding two new sentences to the end as follows:

§ 3201.2 Acreage limitations.

* * * * *

(b) * * * Where the United States owns a present fractional interest in the geothermal resources in the leased lands, only that portion of the total acreage currently owned by the United States shall be charged as acreage holdings. The acreage embraced in a future interest lease shall not be chargeable as acreage holdings until the future interest vests in the United States.

* * * * *

§ 3202.2-7 [Removed]

2. Section 3202.2-7 is removed in its entirety.

3. Section 3205.3-4 is revised to read as follows:

§ 3205.3-4 Fractional interests.

Rentals and minimum royalties payable under leases for lands in which the United States owns only an undivided present or future fractional interest shall not be prorated, but shall be paid for the full acreage in the leased lands. However, royalty on production from such lands shall be payable in the

same proportion to the royalty provided for in § 3205.3–5 of this title as the undivided fractional interest of the United States in the geothermal resources is to the full geothermal resources interest.

4. A new Subpart 3207 is added as follows:

Subpart 3207—Leases For A Fractional or Future Interest

Sec.
3207.1 General.
3207.2 Noncompetitive leases.
3207.2–1 Qualifications.
3207.2–2 Applications.
3207.2–3 Leasing.
3207.2–4 Agency action on applications.
3207.3 Competitive leasing.
3207.3–1 Nominations for leases.
3207.3–2 Leasing.
3207.3–3 Award of lease.
3207.3–4 Agency action on applications.

Authority: Geothermal Steam Act of 1970 (30 U.S.C. 1001–1025).

Subpart 3207—Leases For A Fractional or Future Interest

§ 3207.1 General.

Leases for lands in which the United States owns only a fractional or future interest in geothermal resources may be issued whenever the public interest will be best served thereby. Where the United States owns both a present and a future interest in the geothermal resources in a tract, these interests may be leased separately or together at the discretion of the authorized officer.

§ 3207.2 Noncompetitive leases.

§ 3207.2–1 Qualifications.

Qualifications for noncompetitive lease applicants for either a fractional present or future interest in geothermal resources will be the same as those appearing in Subpart 3202 of this title with the exception that applicants for a lease of a noncompetitive future interest shall own, hold, or control at least 50 percent of the present operating rights in the geothermal resources.

§ 3207.2–2 Applications.

Applications for a noncompetitive lease for either a fractional present or future interest in geothermal resources owned by the United States shall be filed and adjudicated in accordance with Subpart 3210 of this title except for qualifications in § 3207.2–1 of this title. In addition, such applications shall include:

(a) A statement describing the extent of the applicant's present or future operating rights to the geothermal resources in a tract other than those resources owned by the United States in the lands covered by the application, together with:

(1) A certified abstract of title or certificate of title containing record evidence of the creation of such interest(s) in the geothermal resources (abstracts will be returned to the applicant when final action has been taken on the application), and

(2) A copy of the lease or contract if the applicant has acquired any of the operating rights to the described interest(s).

(b) The name of the Government agency administering the surface lands that must consent before a lease can be issued; or

(c) The name of the agency that may have records establishing ownership of the geothermal resources involved; and

(d) Identification of the project, if any, of which the lands are a part.

[Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the information required in § 3207.2–2 of this title does not require clearance by the Office of Management and Budget since there are less than ten respondents annually]

§ 3207.2–3 Leasing.

(a) A lease of a fractional present interest shall contain the same terms and conditions, including rentals as are included in leases for lands in which the United States owns the full interest in the geothermal resources. The acreage of the lease shall be chargeable according to § 3201.2 of this title.

(b) A lease for a future Federal geothermal interest shall become effective on the date that the interest in the geothermal resources vests in the United States. The terms and conditions of the lease shall be thed same as for a noncompetitive lease of a present interest issued under this part. The acreage in the lease shall become chargeable according to § 3201.2 of this title when the lease becomes effective.

(c) As consideration for the issuance of a lease of a future Federal geothermal interest, the applicant for a noncompetitive lease shall execute an interim agreement on a form approved by the Director, Bureau of Land Management. This agreement shall govern the relationship between the lessee and the United States until the date the lease becomes effective. The agreement shall provide that:

(1) The applicant pay minimum annual rental of $1 per acre until the future interest of the United States becomes possessory; and

(2) When a present interest in geothermal resources is relinquished, terminated, or cancelled, the interim agreement or lease of a future interest on the parcel involved shall be deemed to have been relinquished, terminated, or cancelled in the same manner and to the same degree; and

(3) No assignment of the interim agreement and the lease of a future interest shall be approved without a concurrent transfer, to the same extent and to the same party, of the rights to the present interest in the leased lands.

(d) The authorized officer shall not:

(1) Issue leases requiring consent of a Government agency until the applicant executes stipulations required by the consenting agency.

(2) Issue a lease for the Federal interests in the geothermal resources on a parcel to a person who, with the Federal interest, would control less than 50 percent of all interest in the operating rights to the geothermal resources in a parcel, unless the Secretary determines it is in the public interest to do so.

§ 3207.3 Competitive leasing.

§ 3207.3–1 Nominations for leases.

No special form is required for requests or nominations of eligible parcels. Nominations or requests to have leases offered competitively for lands known to contain geothermal resources shall, to the extent possible, include the information required for noncompetitive leases under § 3207.2–2 of this title.

§ 3207.3–2 Leasing.

(a) Fractional or future interests in geothermal resources owned by the United States in lands situated within a KGRA shall only be available for leasing under the provisions of this subpart and the provisions of subpart 3220 of this title.

(b) A lease of a future interest will become effective on the date that the interest in the geothermal resources vests in the United States. Its terms and conditions, including rental and royalty payments, shall be the same as for a lease of a present interest issued competitively under Subpart 3220 of this title. The acreage in the lease shall become chargeable according to § 3201.2 of this title when the lease becomes effective.

(c) Prior to the issuance of a lease for a future interest, the highest bona fide bidder shall execute an interim agreement on a form approved by the Director, Bureau of Land Management which will govern the relationship between the lessee and the United States until the date lease becomes effective. The agreement shall require payment of an annual rental at the same rate as specified under the terms of the lease of the future interest under § 3207.2–3(c)(1) of this title.

(d) If the controlling owner or holder of the present rights in an offered tract, is not the high bidder at the lease sale,

such party shall be given an opportunity to meet the highest bona fide bid submitted for the tract. Failure to do so within the time allowed, or failure to submit any bid for the offered tract, shall be considered a waiver of all rights to the competitive lease and the lease shall be awarded to the highest qualified bidder. In the event there are two or more holders of a present interest in an offered tract who have equal rights and are willing to meet the highest bona fide bid on the offered tract, the right to meet the highest bona fide bid shall be determined by a drawing conducted by the authorized officer within 30 days after the bids are opened. These provisions are in addition to the provisions under § 3220.6 of this title.

(e) The authorized officer shall not issue leases requiring consent of a Government agency until the highest bona fide bidder executes stipulations required by the consenting agency.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 16, 1981.

[FR Doc. 81-25462 Filed 8-31-81 8:45 am]

BILLING CODE 4310-84-M

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Federal Register
Vol. 46, No. 169
Tuesday, September 1, 1981

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FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

43823-43952 1

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSIS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA	MSPB/OPM		DOT/MA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—SEPTEMBER, 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
September 1	September 16	October 1	October 16	November 2	November 30
September 2	September 17	October 2	October 19	November 2	December 1
September 3	September 18	October 5	October 19	November 2	December 2
September 4	September 21	October 5	October 19	November 3	December 3
September 8	September 23	October 8	October 23	November 9	December 7
September 9	September 24	October 9	October 26	November 9	December 8
September 10	September 25	October 13	October 26	November 9	December 9
September 11	September 28	October 13	October 26	November 10	December 10
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September 16	October 1	October 16	November 2	November 16	December 15
September 17	October 2	October 19	November 2	November 16	December 16
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September 21	October 6	October 21	November 5	November 20	December 21
September 22	October 7	October 22	November 6	November 23	December 21
September 23	October 8	October 23	November 9	November 23	December 22
September 24	October 9	October 26	November 9	November 23	December 23
September 25	October 13	October 26	November 9	November 24	December 24
September 28	October 13	October 28	November 12	November 27	December 28
September 29	October 14	October 29	November 13	November 30	December 28
September 30	October 15	October 30	November 16	November 30	December 29

CFR CHECKLIST; 1980/81 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980/81. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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CFR Unit (Rev. as of Oct. 1, 1980):

42 Parts:	
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AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CSRS Cooperative State Research Service
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ERS Economic Research Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSIS Food Safety and Inspection Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
PSA Packers and Stockyards Administration
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
SRS Statistical Reporting Service
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
BIE Bureau of Industrial Economics
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department

NCH National Council for the Handicapped

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
RRO Refugee Resettlement Office
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
EQO Environmental Quality Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMREO Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department

ANTITRUST Antitrust Division
BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission
PB Prisons Bureau

LABOR Labor Department

BLS Bureau of Labor Statistics
ESA Employment Standards Administration

ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MA Maritime Administration
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

ACHP Historic Preservation, Advisory Council
ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

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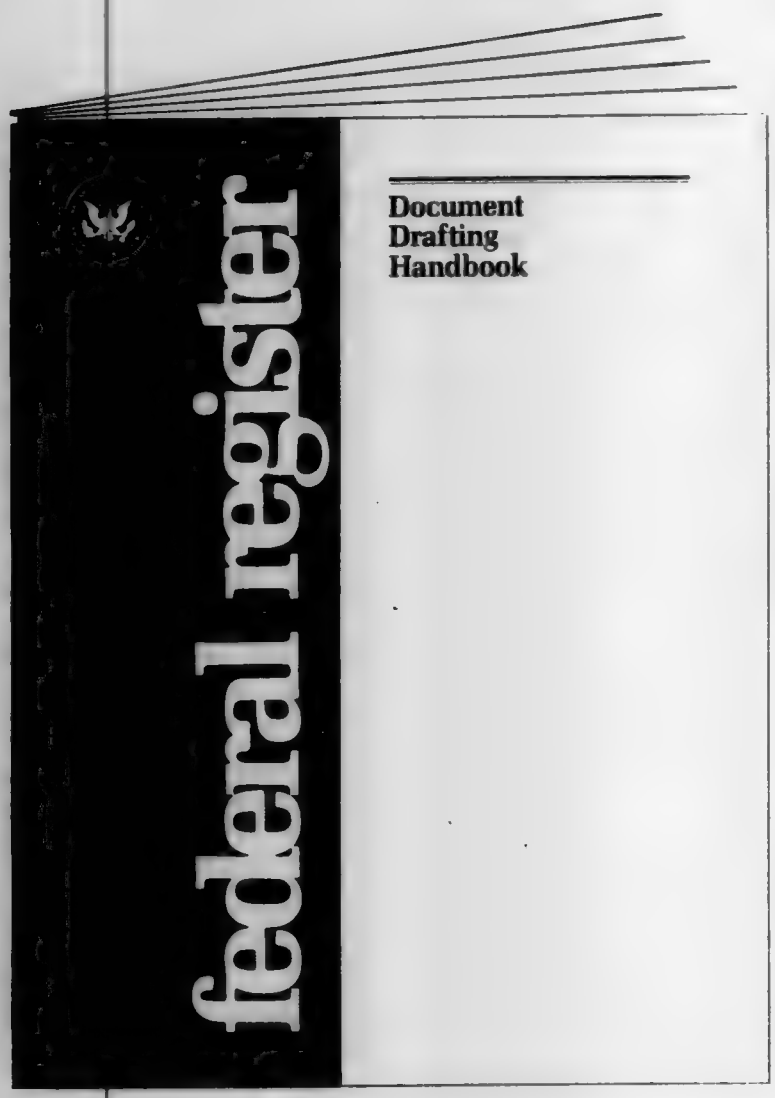

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Federal Register

Wednesday
September 2, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefing in Lexington, Ky., see announcement in the Reader Aids section at the end of this issue.

44144 **Mediterranean Fruit Fly** USDA/APHIS imposes restrictions on interstate movement of regulated articles from portions of Los Angeles and San Benito Counties and remaining portion of Santa Cruz County.

44007 **Water Resources** USDA/FS proposes standards and procedures for water resource projects on wild and scenic rivers.

44140 **Grant Programs—Education** ED amends regulations for award of grants under Bilingual Education Training Projects Program. (Part II of this issue)

43966 ED issues final regulations for Continuing Education Outreach—Special Projects Program.

44122 **Veterans' Housing** VA announces availability of Condominium Program evaluation.

43963 **Social Security** HHS/SSA requires States and interstate instrumentalities to deposit contributions within 30 days after the end of each calendar month in which wages are paid.

43998 **Railroad Retirement** RRB proposes revision of regulations on annuity beginning and ending dates.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

43955 **Aliens** Justice/INS changes rules on assignment of general attorneys to exclusion and deportation cases.

44055 **Federal Reserve System** FRS announces change in Federal Open Market Committee authorization for domestic open market operations.

44055 FRS issues Federal Open Market Committee Domestic Policy Directive of July 6–7, 1981.

44121 **Revenue Sharing** Treasury/RSO announces final date of adjustment demands and close of data definitions.

43957 **Air Rates and Fares** CAB revokes requirement that certified carriers provide fare summaries at all ticketing locations.

43958, 43959 **Air Carriers and Air Taxis** CAB exempts air carriers and air taxi operators from certain requirements of the Federal Aviation Act. (5 documents)

43960 CAB revises consumer credit regulations.

44083 **Environmental Protection** Mexico and United States, International Boundary and Water Commission prescribes policies and procedures to implement the National Environmental Policy Act and related laws and Executive orders.

43972 **Water Pollution Control** EPA extends compliance date for pretreatment standards for non-integrated electroplating facilities.

43976 **Endangered and Threatened Wildlife** Commerce/NOAA modifies sea turtle resuscitation procedures.

44000 **Liquor** Treasury/ATF proposes deregulation of bottle manufacturing industry.

43961 **Exports** Commerce/ITA requires validated license for export of technical data related to crime control and detection commodities.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 915

Avocados Grown in South Florida; Amendment of Container Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment of the Florida avocado container regulation permits the use of another container for export shipments. This action is designed to promote orderly marketing and expand export markets for Florida avocados.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This final rule amends § 915.305, effective Under 7 CFR Part 915—Subpart—Container and Pack Regulations, by authorizing the use of an additional container to be used only for export shipments. The container being authorized has inside dimensions of 14$^{9}/_{16}$ inches x 11$^{3}/_{16}$ inches x 4$^{3}/_{16}$ inches. The rule requires that avocados packed in such container be placed in one layer only and specifies a minimum net weight requirement of 8.8 pounds of avocados. The amendment permits the use of containers of a more appropriate size for packing avocados for the export market, especially Europe. This action is necessary to provide for standardized packing practices, maintain orderly marketing conditions and expand export markets for Florida avocados.

This amendment is issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Avocado Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553), in that (1) the handling of Florida avocados is now in progress subject to container and pack regulations effective under the order, (2) the committee recommended the amendment at a public meeting at which all interested parties were afforded an opportunity to express their views, and (3) the amendment relieves restrictions on the handling of Florida avocados.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Accordingly, § 915.305 is revised to read as follows:

§ 915.305 Florida avocado container regulation 5.

(a) On and after September 1, 1981, no handler shall handle any avocados for the fresh market from the production area to any point outside thereof in containers having a capacity of more than 4 pounds of avocados unless such containers meet the requirements specified in this section: *Provided,* That the containers authorized in this section shall not be used for handling avocados for commercial processing into products pursuant to § 915.55(c).

(1) Containers with inside dimensions of 11⅜ x 16 x 11 or 11 x 16¾ x 10 or 13½ x 16½ x 9 inches: *Provided,* That (i) the net weight of the avocados in such a container shall be not less than 34 pounds, except that for avocados of unnamed varieties, which are avocados that have not been given varietal names, and for Booth 1, Fuchs, and Trapp varieties, such weight shall be not less than 32 pounds; (ii) with respect to each lot of such containers, not to exceed 10 percent, by count, of the individual containers in the lot may fail to meet the applicable specified weight but no container in such lot may contain a net weight of avocados exceeding 2 pounds less than the specified net weight, and (iii) each avocado in such container in a lot shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in the lot may fail to meet such weight requirement but not more than double such tolerance shall be permitted for an individual container in the lot.

(2) Containers with inside dimensions of 14$^{9}/_{16}$ x 11$^{3}/_{16}$ x 4$^{3}/_{16}$ inches: *Provided,* That such containers shall only be used for export shipments.

(3) Containers with inside dimensions of 13½ x 16½ x 3¼ inches.

(4) Containers with inside dimensions of 13½ x 16½ x 3¾ inches.

(5) Containers with inside dimensions of 13½ x 16½ x 4½ inches.

(6) Containers with inside dimensions of 13½ x 16½ x 5 inches.

(7) Containers with inside dimensions of 13½ x 16½ x 6 inches.

(8) Containers with inside dimensions of 13½ x 16½ and depth varying from 6½ to 8 inches.

(9) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided,* That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(10) With respect to the containers prescribed in paragraph (a)(2) of this section, all avocados packed in such containers shall be placed in one layer only and the net weight of all avocados in any such container shall be not less than 8.8 pounds: *Provided,* That not to exceed five percent, by count, of such containers in any lot may fail to meet such weight requirement.

(11) With respect to the containers prescribed in paragraphs (a)(3) through (a)(7) of this section, all avocados packed in such containers shall be placed in one layer only and the net weight of all avocados in any such container shall be not less than 12½ pounds: *Provided,* That not to exceed 5 percent, by count, of such containers in any lot may fail to meet such weight requirement.

(12) With respect to the containers prescribed in paragraph (a)(8) of this section, all avocados in such containers shall be placed in two layers and the net weight of the avocados in any such container shall be not less than 25 pounds: *Provided,* That not to exceed 5 percent, by count, of such containers in any lot may fail to meet the applicable net weight requirement: *Provided further,* That the requirement as to placing avocados in two layers only shall not apply to such container if each of the avocados therein weighs 14 ounces or less.

(b) The limitations set forth in paragraph (a) of this section shall not apply to master containers for individual packages of avocados: *Provided,* That the individual packages within such master container are of a capacity not exceeding four pounds and the markings or labels, if any, on such packages do not conflict with the markings or labels on the master container.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 28, 1981, to become effective September 1, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-[illegible] Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1079

Milk in the Iowa Marketing Area; Temporary Revision of Shipping Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes the shipping requirements for pool supply plants under the Iowa Federal milk marketing order for the months of September, October and November 1981 to prevent uneconomic shipments of milk to the market and to maintain the pool status of producers who regularly supply the market. The revisions are made in response to a request of a pool supply plant operator who ships milk to several distributing plants regulated under the order.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202–447–7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: proposed temporary revision of shipping percentages: issued August 6, 1981; published August 11, 1981 (46 FR 40703).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the procedure in time to give interested parties timely notice that supply plant shipping requirements for September 1981 would be modified. The initial request for the action was received on July 30, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure that the market would be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1079.7(b)(1) of the Iowa milk order.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 40703) concerning a proposed decrease in the shipping requirements for pool supply plants for the months of September, October, and November 1981. The public was afforded the opportunity to comment on the proposal by submitting written data, views and arguments. Seven comments were received in favor of the proposed reduction. No comments in opposition to the proposal were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and agruments filed, and other available information, it is hereby found and determined that the supply plant shipping percentage should be lowered by 10 percentage points from the present 35 percent to 25 percent for each of the months of September, October, and November 1981.

Pursuant to the provisions of § 1079.7(b)(1) the supply plant shipping percentages set forth in § 1079.7(b) may be increased or decreased by up to 10 percentage points during any month to encourage additional milk shipments to pool distributing plants for Class I use or to remove the need for milk shipments to such plants merely to qualify a supply plant for pooling under the order.

For the first seven months of 1981, the proponent has been "back-hauling" an average of 1.1 million pounds of milk per month from a pool distributing plant. "Back-hauling" means that milk is hauled to a plant for use there, but that some of it that is not needed is hauled back to the supply plant. The proponent has projected that during September, October and November 1981 he would be required to back-haul more than 5 million pounds each month in order to satisfy the supply plant shipping requirements if the temporary revision is not granted. The impact of the back-hauling has been to assure the continued pooling of the supply plant which has regularly supplied the market. If the supply plant shipping percentage is not reduced, as provided herein, the uneconomic movement of milk to assure pooling for the proponent's plant, and any others similarly affected, will have to continue during September, October and November.

The proposed reduction was supported by another proprietary handler supplying the market. This handler stated that the 35 percent fall season shipping requirement for supply plants was structured during a period of significantly higher Class I utilization in the market than is reflected in the current data. He stated that the average Class I utilization of producer receipts during 1977 and 1978 was 44 and 42 percent, respectively; and that during 1980, this utilization had dropped to 34.7

percent. He further stated that each month of 1981 has reflected a further reduction in Class I utilization over 1980. He concluded by urging a reduction of the supply plant shipping requirement to reflect current marketing conditions.

Five cooperative associations supported the full 10 percentage point reduction in the supply shipping percentage.

For the first seven months of 1981, producer milk receipts for the market were about 16 percent greater than for the same months last year while pounds of pooled Class I milk were 5.8 percent more than for the comparable period last year. From the market data available, it is estimated that for the months of September through November 1981, pooled producer milk will be greater than the same period last year while the volume of pooled Class I milk for the market will be only slightly above last year.

It is concluded from these data that producer milk supplies for the market, currently and prospectively, are increasing substantially more than Class I sales, and that consideration for lowering the supply plant shipping percentage temporarily is warranted.

The shipping percentage reductions are aimed at facilitating the delivery of milk to the market from supply plants for Class I use without requiring uneconomic shipments merely for pooling purposes. It is concluded that the supply-demand conditions in the market warrant a lowering of the shipping requirements, as set forth above, on a temporary basis.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of September, October and November, 1981;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision. All comments received were in favor of the proposal.

Therefore, good cause exists for making this temporary revision effective upon publication of this document in the **Federal Register.** (September 2, 1981).

It is therefore ordered, That the aforesaid provisions of the order are hereby revised for the months of September, October and November 1981.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Effective date: September 2, 1981.

Signed at Washington, D.C., on August 27, 1981.

H. L. Forest,

Director, Dairy Division.

[FR Doc. 81-25545 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 236 and 242

Exclusion of Aliens; Proceedings to Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearings, and Appeal; Authority To Assign Trial Attorneys Revised

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule gives authority to the Immigration and Naturalization Service's chief legal officers, under the general supervision of the district directors, to assign general attorneys to exclusion and deportation cases. It also eliminates the power of the immigration judges to have general attorneys assigned to cases where the immigration judges request it. These amendments are based on the Service's Attorney Consolidation Plan, which provides that chief legal officers have immediate control over the general attorneys. The Service finds the assignment of general attorneys in every case where requested by the immigration judge to be unnecessary in certain uncontested cases. These amendments should result in more effective use of attorney time.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information:
Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536; Telephone: (202) 633–3048

For specific information:
Paul W. Schmidt, Deputy General Counsel, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536; Telephone: (202) 633–3195

SUPPLEMENTARY INFORMATION: On July 28, 1980, the Associate Attorney General of the Department of Justice approved the Attorney Consolidation Plan to consolidate all Immigration and Naturalization Service attorney functions under the direction of the INS General Counsel. The plan developed from a joint study by INS and the Justice Management Division of the Department. Under this plan, supervisory attorney, designated as chief legal officers, have been named in each district office.

Previously, 8 CFR 236.2(c) and 242.9(b) provided for the district director to assign a trial attorney under specified circumstances only. This amendment to 8 CFR 236.2(c) and 242.9(b) substitutes "general attorney" for each reference to "trial attorney" and provides for the chief legal officer, under the district director's supervision, to assign a general attorney in specified cases. This amendment recognizes that the chief legal officers are the immediate supervisors of the general attorneys. The amendment should lead to the efficient assignment of attorneys within the discretion of the chief legal officers and their supervisors, the district directors.

The former 8 CFR 236.2(c) and 242.9(b) also provided for assignment of a trial attorney at the immigration judge's request. This amendment to 8 CFR 236.2(c) deletes that provision. Removal of this provision should result in more efficient use of attorney time. The mandatory assignment of attorneys to uncontested cases, including multiple deportation hearings where there are no issues of deportability, in every case when requested by the immigration judge is eliminated.

This amendment is exempt from sections 2 and 3 of Executive Order 12291 of February 17, 1981, under section 1(a)(3) of that order. The requirements of 5 U.S.C. 553 as to notice and delayed effective date are inapplicable because the rule relates to internal management functions.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

PART 236—EXCLUSION OF ALIENS

In § 236.2, paragraph (c) is revised to read as follows:

§ 236.2 Hearing.

* * * * *

(c) *General attorney.* The district director shall direct the chief legal officer to assign a general attorney to each case in which an applicant's nationality is in issue. The district director may direct the chief legal officer to assign a general attorney to any case in which the district director deems such assignment necessary or advantageous. The duties of the general attorney include, but are not limited to, the presentation of evidence and the interrogation, examination, and cross-examination of the applicant and other witnesses. Nothing contained herein diminishes the authority of an immigration judge to conduct proceedings under this part.

* * * * *

(Secs. 103, and 236; 8 U.S.C. 1103, and 1226)

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

In § 242.9, paragraph (b) is revised to read as follows:

§ 242.9 Trial attorney.

* * * * *

(b) *Assignment.* The district director shall direct the chief legal officer to assign a general attorney to each case within the provisions of § 242.16(c) of this part, and to each case in which an unrepresented respondent is incompetent or under 16 years of age, and is not accompanied by a guardian, relative or friend. A general attorney shall be assigned to every case in which the Commissioner approves the submission of nonrecord information under § 242.17(a) of this part. In his discretion, whenever he deems such assignment necessary or advantageous, the district director may direct the chief legal officer to assign a general attorney to any other case at any stage of the proceeding.

* * * * *

(Secs. 103, and 242; 8 U.S.C. 1103, and 1252)

Dated: August 25, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-[illegible] Filed 9-1-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 331

[Docket No. 81-033F]

Designation of the State of Michigan Under the Federal Meat Inspection Act

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of Michigan under section 301(c)(3) of the Federal Meat Inspection Act. The Governor of the State of Michigan has advised this Department that the State of Michigan will no longer be in a position to continue administering a State meat inspection program after October 2, 1981. Accordingly, effective October 3, 1981, all establishments operating under the Michigan meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act. By this designation, the Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State.

The provisions concerning designated States are found in Part 331, Subchapter A, Chapter III, Title 9 of the Code of Federal Regulations.

EFFECTIVE DATES: This notice of designation is effective as of September 2, 1981.

The effective date of this amendment is October 3, 1981.

As a result of this amendment, the provisions of titles I and IV of the Federal Meat Inspection Act (9 CFR Part 331) will apply to such establishments and intrastate operations wholly within the State of Michigan on and after October 3, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Joe Blair, Director, Federal-State Relations Branch, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6313.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." The Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action is being taken because the State of Michigan indicated it was no longer in a position to enforce requirements with respect to said establishments at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Since the Govenor of the State of Michigan has advised the United States Department of Agriculture that the State-operated meat inspection program will be discontinued due to the lack of funding, the Federal Government is mandated by law to assume the responsibilities for the meat inspection program with respect to establishments operating, and intrastate operations and transactions wholly within the State. Therefore, no alternative actions under the law are available to the Department.

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. As stated above, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of administering the meat inspection program with respect to establishments operating, and operations and transactions, wholly within that State. This action will affect approximately 349 heretofore State inspected establishments in Michigan, most, if not all, of which may be presumed to be small businesses. However, this is not a substantial number of establishments given the approximately 10,000 small meat establishments nationwide, which are either federally or State inspected. Additionally, the application of certain Federal facility and other requirements to such establishments will be flexible insofar as each facility will be reviewed with regard to the circumstances peculiar to that establishment. Furthermore, it is not anticipated that significant costs will be incurred by

these Michigan establishments as a result of this action. Those specific establishments for which some upgrading of facilities is indicated will be provided up to 36 months in which to make such changes.

Background

The Governor of the State of Michigan has advised this Department that the State of Michigan will no longer be in a position to continue administering the State meat inspection program after October 2, 1981, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat and meat food products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Michigan had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act. However, such titles contemplate a continuous, ongoing program, and in view of the termination date now applicable to the Michigan program, it is hereby determined that Michigan is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act.

On and after October 3, 1981, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State, and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Federal Meat Inspection Act, and any establishment in the State which conducts any slaughtering or preparation of carcasses or parts or products thereof, as described above, must have Federal meat inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after October 2, 1981, should immediately communicate with the Regional Director for Meat and Poultry Inspection as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment: Dr. K. O. McDougall, Director, North Central Region, Meat and Poultry Inspection Operations, U.S. Department of Agriculture, Room 419, U.S. Courthouse Building, East First and Walnut Streets, Des Moines, Iowa 50309, (515) 862–4042.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Accordingly, Part 331 is amended to read as follows:

1. The authority citation for Part 331 reads as follows:

Authority: Secs. 21 and 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

§ 331.2 [Amended]

2. The table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

In the "State" column, "Michigan" is added immediately below "Massachusetts".

In the "Effective date of application of Federal provisions" column, "October 3, 1981," is added on the line with "Michigan".

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that it is necessary to designate the State of Michigan immediately, in accordance with section 301(c) of the Federal Meat Inspection Act, in order to carry out the Secretary's responsibilities under the Act.

Therefore, it does not appear that additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C. on August 17, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-25377 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-DM-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221a

[Docket 35139; ER-1240]

Fare Summaries at Ticketing Locations; Removal of Requirement

AGENCY: Civil Aeronautics Board.

ACTION: Revocation of rule.

SUMMARY: The CAB is revoking its requirement, already suspended, that certificated carriers provide fare summaries at all ticketing locations. This action is taken because the rule imposed significant burdens on the carriers without corresponding benefits for consumers.

DATES: Adopted: August 17, 1981. Effective: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Rules & Legislation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428: 202–673–5442.

SUPPLEMENTARY INFORMATION: In 1976, the Board adopted 14 CFR Part 221a, *Fare Summaries.* Until the effectiveness of that rule was suspended, Part 221a required certificated air carriers to provide consumers with pamphlets containing concise and easily understandable fare information at all ticket counters or by mail. The summaries listed both normal and discount fares, and the major qualifying conditions for each fare. The pamphlets had to be updated within 30 days of major changes or within 6 months of any minor changes.

American Airlines petitioned the Board to modify Part 221a to eliminate much of the required "forbidding detail," so that the summaries would be more comprehensible to the public. Delta argued that the entire rule should be revoked in order to give carriers flexibility to develop the most effective means to inform the public of their fares. In Order 79–8–116, August 23, 1979, the Board suspended the effectiveness of Part 221a because the rule appeared to impose significant burdens without corresponding benefits for consumers. The rule was temporarily suspended rather than revoked, pending a review of whether the rule should be amended to make it more usable to the public, or if it should be revoked. During this interim period, certificated carriers have not been required to provide fare summaries.

In EDR–424, 46 FR 25637, May 8, 1981, the Board proposed to revoke Part 221a. Since the Deregulation Act, discount

fares and their accompanying restrictions have been changing rapidly so that published information is often out of date. When the rule was in effect, relatively few passengers were aware that the summaries existed. A large percentage of passengers chose their flight and fare during a telephone conversation with a reservation clerk or a travel agent, so that they were not able to pick up a fare summary at a ticket sales location. Some passengers found the fare summaries too complex to understand. The information was of limited value to others because the summaries included only fares offered by a single carrier.

Comments on EDR–424 were filed by Air Midwest, American, Delta, Northwest Orient, Republic and one individual, Ted Mashos. All the carriers fully supported revocation of the rule. They noted that although the summaries were costly to produce, they were not an effective means of communicating fare information. Northwest observed that fare competition is now an established fact of life and fare advertising is one of a carrier's most important competitive tools. Only Mr. Mashos supported a continuation of the rule, arguing that fare summaries are the most effective method of assisting the traveler in pricing. Carriers, however, will still be free to offer pamphlets listing their fares. The revocation of this rule merely removes unnecessary governmental oversight, and gives carriers flexibility in their advertising methods.

Final Regulatory Flexibility Analysis

No comments were filed in response to the initial regulatory flexibility analysis in EDR–424. We have decided to revoke, rather than modify, Part 221a because we find that carriers themselves can best decide how to advertise their fares. The discussion above constitutes the Board's final regulatory flexibility analysis of this rule, pursuant to 5 U.S.C. 604. Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673–5432, by referring to the "ER" number at the top of the document.

PART 221a [REMOVED]

Accordingly, the Civil Aeronautics Board removes 14 CFR Part 221a, *Fare Summaries.*

(Secs. 204, 403, Pub. L. 96–726, as amended, 72 Stat. 743, 758; 49 U.S.C. 1324, 1373)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–25674 Filed 9–1–81; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 291

[Amendment No. 6; ER–1242]

Domestic Cargo Transportation; Exemption Rules

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendements.

SUMMARY: The CAB is amending its exemption rules to state clearly the Board's intent that an air carrier is exempt from the requirements of the Federal Aviation Act only if it complies with the terms of the Part containing the exemption.

DATES: Adopted: August 18, 1981. Effective: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Howard M. Schmeltzer, Chief, Legal Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5937.

SUPPLEMENTARY INFORMATION: A complete explanation concerning this amendment is included in ER–1241 issued today.

Since this is an interpretative and not a substantive rule, we find that notice and comment procedures are unnecessary and the rule may be made effective less than 30 days after publication.

PART 291—DOMESTIC CARGO TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 291, *Domestic Cargo Transportation,* as follows:

1. The authority for Part 291 is:

Authority: Secs. 102, 204, 407, 408, 416, and 418, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 766, 767, 771; 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1377, and 1388.

2. The authority citations following §§ 291.31, 291.32 and 291.33 are removed.

3. In § 291.31(a) the introductory language is revised to read:

§ 291.31 Exemptions for the Act for direct air carriers.

(a) Each direct air carrier providing domestic cargo transportation is, with respect to such transportation, exempted from the following section or subsection of the Act only if and so long as it complies with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit it to conduct domestic cargo transportation operations: * * *

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–25677 Filed 9–1–81; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 296

[Amendment No. 5; Regulation ER–1241]

Air Freight Forwarders and Cooperative Shippers Associations; Exemption Rules

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendment.

SUMMARY: The CAB is amending its exemption rules to state clearly the Board's intent that an air carrier or foreign air carrier is exempt from the certification requirements and other requirements of the Federal Aviation Act only if it complies with the terms of the Part containing the exemption.

DATES: Adopted: August 18, 1981. Effective: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Howard M. Schmeltzer, Chief, Legal Division, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5937.

SUPPLEMENTARY INFORMATION: CAB rules (14 CFR 291.31, 296.10, 297.10, 298.11, 372.10 and 380.20) currently exempt air taxis and different classes of direct and indirect U.S. and foreign air carriers from the section 401 certification requirements and other specified sections of the Federal Aviation Act. Certain of these exempted carriers have operating authority from the CAB under sections 101 and 416 of the Act to enable them to provide service to the public without undergoing the time and expense involved in the section 401 certification or section 402 permit process.

When the Board replaced several different forms of charter operations with one form, Public Charters (Part 380), it worded the exemption clause (§ 380.20) to make clear its intent (as expressed, for example, in *Hawaiian Airlines v. Skyway Air Cargo,* 45 CAB 165 (1966)) that an exemption should benefit only charter operators complying with the rules, not those operating in violation of them. Section 380.20 makes the exemption dependent upon the charter operator's compliance with the terms in Part 380, and permits the exemption only so long as the charter operator's compliance continues.

The exemption sections in the various other parts might not make sufficiently clear this intent. These amendments reword the exemption sections in 14 CFR 291.31, 296.10, 297.10, 298.11, and 372.10 to conform to that in § 380.20. As amended, these exemption sections clearly state the Board's intent to deny an exemption to a domestic cargo carrier, U.S. or foreign indirect cargo air carrier, air taxi operator, or overseas military personnel carrier operator violating its rules.

Since this is an interpretative and not a substantive rule, we find that notice and comment procedures are unnecessary and the rule may be made effective less than 30 days after publication.

PART 296—AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Accordingly, the Board amends 14 CFR Part 296, *Air Freight Forwarders and Cooperative Shippers Associations*, as follows:

1. The authority for Part 296 is:

Authority: Secs. 101(3), 102, 204, 407, 408, and 416 of Pub. L. 85–726, as amended; 72 Stat. 737, 740, 743, 766, 767, and 771; 49 U.S.C. 1301, 1302, 1324, 1377, 1378, and 1386.

2. In § 296.10, the introductory language of paragraph (a) is revised as follows:

§ 296.10 Relief and exemption from the Act.

(a) Indirect air carriers are hereby relieved from the following provisions of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to organize and arrange their air freight shipments: * * *

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25676 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 297

[Amendment No. 2; ER-1243]

Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations; Exemption Rules

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendment.

SUMMARY: The CAB is amending its exemption rules to state clearly the Board's intent that an indirect foreign air carrier is exempt from the foreign air carrier permit process and other requirements of the Federal Aviation Act only if it complies with the terms of the part containing the exemption.

DATES: Adopted: August 18, 1981. Effective: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Howard M. Schmeltzer, Chief, Legal Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5937.

SUPPLEMENTARY INFORMATION: A complete explanation concerning this amendment is contained in ER–1241 issued today.

Since this is an interpretative and not a substantive rule, we find that notice and comment procedures are unnecessary and the rule may be made effective less than 30 days after publication.

PART 297—FOREIGN AIR FREIGHT FORWARDERS AND FOREIGN COOPERATIVE SHIPPERS ASSOCIATIONS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations*, as follows:

1. The authority for Part 297 is:

Authority: Secs. 204, 416, Pub. L. 85–726, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386.

2. In § 297.10, the introductory language is revised to read:

§ 297.10 Exemption from the Act.

Foreign indirect air carriers with an effective registration under this part are exempted from the following section or subsections of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to organize and arrange their air freight shipments: * * *

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25678 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 298

[Regulation ER-1244; Amdt. No. 16]

Classification and Exemption of Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendment.

SUMMARY: The CAB is amending its exemption rules to state clearly the Board's intent that an air taxi operator is exempt from the certification requirements and other requirements of the Federal Aviation Act only if it complies with the terms of the part containing the exemption.

DATES: Adopted: August 18, 1981. Effective: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Howard M. Schmeltzer, Chief, Legal Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5937.

SUPPLEMENTARY INFORMATION: A fuller explanation concerning this amendment is included in ER–1241, issued today.

Since this is an interpretative and not a substantive rule, we find that notice and comment procedures are unnecessary and the rule may be made effective less than 30 days after publication.

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Accordingly, the Board amends 14 CFR Part 298, *Classification and exemption of air taxi operators*, as follows:

1. The authority for Part 298 is:

Authority: Secs. 204, 401, 407, 416, 418, Pub. L. 85–726, as amended; 72 Stat. 743, 754, 766, 771; 91 Stat. 1284; 49 U.S.C. 1324, 1371, 1386, and 1388.

2. In § 298.11, the introductory language is revised to read:

§ 298.11 Exemption authority.

Air taxi operators are hereby relieved from the following provisions of Title IV of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to conduct air taxi operations; * * *

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25679 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 372

[Regulation SPR-176; Amdt. No. 9]

Overseas Military Personnel Charters

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendment.

SUMMARY: The CAB is amending its exemption rules to state clearly the Board's intent that an indirect air carrier is exempt from the certification

requirements and other requirements of the Federal Aviation Act only if it complies with the terms of the part containing the exemption.

DATES: Adopted: August 18, 1981. Effective: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Howard M. Schmeltzer, Chief, Legal Division, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428; 202-673-5937.

SUPPLEMENTARY INFORMATION: A fuller explanation concerning this amendment is included in ER-1241, issued today.

Since this is an interpretative and not a substantive rule, we find that notice and comment procedures are unnecessary and the rule may be made effective less than 30 days after publication.

PART 372—OVERSEAS MILITARY PERSONNEL CHARTERS

Accordingly, the Board amends 14 CFR Part 372, *Overseas Military Personnel Charters*, as follows:

1. The authority for Part 372 is:

Authority: Secs. 101(3), 204, 401, 402, 407, and 416 of Pub. L. 85-726, as amended; 72 Stat. 737, 743, 754, 757, 766, and 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, and 1386.

2. Section 372.10 is revised to read:

§ 372.10 Exemption.

Charter operators are hereby relieved from the provisions of section 401 of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to organize and arrange overseas military personnel charters.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25675 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 374

[Regulation SPR-175; Docket 39547]

Implementation of the Consumer Credit Protection Act With Respect to Air Carriers and Foreign Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is revising its consumer credit regulations to include its enforcement responsibilities under the Equal Credit Opportunity Act, the Fair Debt Collection Practices Act, and the Electronic Fund Transfer Act, and to explicitly state the Board's power to assess civil penalties for violation of the Consumer Credit Protection Act. This rulemaking is at the Board's initiative in order to implement the recent amendments.

DATES: Adopted: August 17, 1981. Effective: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Rules & Legislation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Consumer Credit Protection Act, as amended, 15 U.S.C. 1601-1693r, and Regulations B and Z of the Federal Reserve Board, 12 CFR Parts 202 and 226, set forth requirements for consumer credit transactions. The Act explicitly states that if air carriers or foreign air carriers fail to meet this standard, it is a violation of the Federal Aviation Act of 1958 (the Act) and enforceable by the Board. The Board will find such violations unfair and deceptive practices, and unfair methods of competition under section 411 of the Act. The Board has authority to assess civil penalties for violations of the Consumer Credit Protection Act.

SPDR-81, 46 FR 25321, May 6, 1981, proposed to amend Part 374 to incorporate recent amendments to the Consumer Credit Protection Act and to clarify certain ambiguities. No comments were filed, and this final rule makes the changes as proposed.

14 CFR Part 374 as revised requires that each U.S. and foreign air carrier comply with the requirements of the Consumer Credit Protection Act and Regulations B and Z of the Federal Reserve Board. A description of the Board's responsibilities under the 1976 amendments to the Equal Opportunity Act and under the recently enacted Fair Debt Collection Practices Act and the Electronic Fund Transfer Act has been added to § 374.3. The citations to the Consumer Credit Protection Act in Part 374 have been changed from the relatively inaccessible Titles found in the Public Laws and Statutes at Large to those of the United States Code. The citation for Regulation Z is corrected and portions of the rule have been rewritten for clarity.

No final regulatory flexibility analysis is required. The Board certified in SPDR-81 that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

Accordingly, the Civil Aeronautics Board revises 14 CFR Part 374 to read:

PART 374—IMPLEMENTATION OF THE CONSUMER CREDIT PROTECTION ACT WITH RESPECT TO AIR CARRIERS AND FOREIGN AIR CARRIERS

Sec.

374.1 Purpose.
374.2 Applicability.
374.3 Compliance with Consumer Credit Protection Act and regulations.
374.4 Enforcement procedure.

Authority: Secs. 204, 411, Pub. L. 85-726, as amended, 72 Stat. 743, 769, 49 U.S.C. 1324, 1381; Consumer Credit Protection Act, as amended, 82 Stat. 147, 84 Stat. 49, 1126, 88 Stat. 1511, 89 Stat. 1159, 90 Stat. 197, 198, 251, 91 Stat. 161, 162, 874, 92 Stat. 2676, 3728, 15 U.S.C. 1601-1693r; 12 CFR Parts 202 and 226.

§ 374.1 Purpose.

The purpose of this part is to state the Board's responsibility to enforce air carrier and foreign air carrier compliance with Subchapters I, III, IV, V and VI of the Consumer Credit Protection Act and Regulations B and Z of the Board of Governors of the Federal Reserve System.

§ 374.2 Applicability.

This part is applicable to all air carriers and foreign air carriers engaging in consumer credit transactions.

§ 374.3 Compliance with the Consumer Credit Protection Act and regulations.

(a) Each air carrier and foreign air carrier shall comply with the requirements of the Consumer Credit Protection Act, 15 U.S.C. 1601-1693r. Any violation of the following requirements of that Act will be a violation of the Federal Aviation Act of 1958, enforceable by the Board:

(1) The Truth in Lending Act, as supplemented by the Fair Credit Billing Act, 15 U.S.C. 1601-1667, requiring disclosure of credit terms to the consumer and prohibiting inaccurate or unfair credit billing and credit card practices.

(2) The Fair Credit Reporting Act, 15 U.S.C. 1681-1681t, setting forth requirements to be met by consumer credit reporting agencies and persons who use consumer credit reports.

(3) The Equal Credit Opportunity Act, 15 U.S.C. 1691-1691f, prohibiting discrimination in credit transactions on the basis of race, color, religion, national origin, sex, marital status, age, or receipt of public assistance, or against applicants who have exercised their rights under that Act.

(4) The Fair Debt Collection Practices Act, 15 U.S.C. 1692-1692o, prohibiting abusive, deceptive, and unfair debt collection practices.

(5) The Electronic Fund Transfer Act, 15 U.S.C. 1693–1693r, establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer systems.

(b) Each air carrier and foreign air carrier shall comply with the requirements of Regulation B, 12 CFR Part 202, and Regulation Z, 12 CFR Part 226, of the Board of Governors of the Federal Reserve Board. Any violation of the requirements of those regulations will be a violation of the Federal Aviation Act of 1958, enforceable by the Board.

§ 374.4 Enforcement procedure.

The statutes and regulations referred to in § 374.3 may be enforced by an enforcement procedure as set forth in Subpart B of Part 302 of this chapter or by the assessment of civil penalties under section 901 of the Federal Aviation Act of 1958.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25600 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 379 and 399

Crime Control and Detection; General License GTDR

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Section 6(j) of the Export Administration Act of 1979 requires a validated export license for the export of crime control and detection instruments and equipment to any country other than members of NATO, Japan, Australia, New Zealand and other countries that the President designates. Section 376.14 of the Regulations specifies that this restriction applies also to technical data related to such instruments and equipment, but § 379.4, which deals with restricted technical data, currently makes no mention of this restriction. Accordingly, this revision, which neither expands nor limits the provisions of the Regulations, conforms § 379.4 with § 376.14. In addition, a footnote to an entry on the Commodity Control List (Supplement No. 1 to § 399.1) is revised to indicate the countries to which specified commodities in that entry may be exported under General License GLV (shipments of limited value).

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Washington, D.C. 20230 (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Accordingly, Part 379 of the Export Administration Regulations (15 CFR 368 *et seq.*) and the Commodity Control List (Supplement No. 1 to Part 399) are amended as follows:

PART 379—TECHNICAL DATA

1. A new paragraph (h) is added to § 379.4 to read as follows:

§ 379.4 General license GTDR: Technical data under restriction.

* * * * *

(h) *Restrictions applicable to technical data related to crime control and detection commodities.* The export of technical data related to crime control and detection instruments and equipment under General License GTDR is authorized *only* to Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey, and the United Kingdom. An individual validated export license is required for the export of such technical data to any other destination, unless the export is authorized under General License GTDA (§ 379.3). (See § 376.14 for a list of the Commodity Control List items affected by the validated license requirement.)

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 [Amended]

2. Footnote 2 to entry Number 1585A of the Commodity Control List (Supplement No. 1 to § 399.1) is revised to read as follows:

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[2] For sub-item (a)(3) of this entry, General License GLV applies only to exports to Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom.

* * * * * * *

Authority: Sections 4(e), 5, 6, 10, 12(e), 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. section 2401 *et seq.*; Executive Order No. 12214 (45 29783, May 8, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980).

Dated: April 17, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-25476 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9111]

Household Finance Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order dismisses the Commission's June 13, 1978 complaint charging one of the largest small-loan companies in the United States with violating the Truth in Lending Act (TILA). The Commission held that the company's practice of requiring customers to repay loans discharged in bankruptcy before receiving a new loan constituted "refinancing" under the TILA and therefore the amount of the discharged debt need not be disclosed as part of the "finance charge."

DATES: Complaint issued June 13, 1978. Final order issued August 6, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PD, David G. Grimes, Jr., Washington, D.C. 20580, (202) 724-1156.

SUPPLEMENTARY INFORMATION: In the Matter of Household Finance Corporation, a corporation.

The Final Order is as follows:

This matter has been heard by the Commission upon the appeal of respondent from the initial decision and upon briefs and oral argument in support of and in opposition to the appeal. For the reasons stated in the accompanying Opinon, the Commission has determined to sustain respondent's appeal. Complaint Counsels' motions to disregard a letter presented by respondent at oral argument and to request a statement of views from the Federal Reserve Board are granted and denied, respectively. Accordingly,

It is ordered that the complaint is dismissed.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-25672 Filed 9-1-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint, Initial Decision, Opinion and Final Order filed with the original document.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18066]

Dissemination and Display of Transaction Reports, Last Sale Data, and Quotation Information

AGENCY: Securities and Exchange Commission.

ACTION: Rule amendment.

SUMMARY: In order to allow time for final implementation and testing of certain quotation processing facilities, the Commission extends the effective date of portions of its rule governing the dissemination and display of market information to October 1, 1981.

EFFECTIVE DATE: August 26, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Colby, 202-272-2888, Room 390, Securities Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On February 19, 1980, the Commission announced the adoption of Rule 11Ac1-2 ("Vendor Display Rule") under the Securities Exchange Act of 1934 ("Act").[1] The Vendor Display Rule generally establishes minimum requirements governing the manner in which transaction, quotation and other market information is displayed by vendors of securities information. The Vendor Display Rule requires, among other things, that vendors providing quotation information provide either a best bid and offer display ("BBO") derived from quotations from all reporting market centers, or a montage of such quotations. The Commission has extended the effective date of the Rule on two previous occasions [2] to provide an opportunity for the participants in the Consolidated Quotation Plan ("CQ Plan") to jointly develop a central facility which would calculate and provide vendors with a BBO display.

The CQ Plan participants authorized the Securities Industry Automation Corporation ("SIAC"), the CQ Plan processor, to construct a BBO central processor. SIAC has proceeded to develop the BBO central processor, and in July and August 1981 commenced initial testing with CQ Plan participants and vendors of the compilation and dissemination of the BBO display; however, SIAC has indicated that it will not be able to provide the BBO display to vendors in a fully operational form until August 28, 1981. Certain vendors have indicated to the Commission that this schedule leaves insufficient time for certain vendors to adequately test their systems prior to the September 1, 1981, effective date of the Vendor Display Rule. Consequently, the Commission has decided to extend the effective date of Rule 11Ac1-2 from September 1, 1981, until October 1, 1981, to provide vendors an additional period in which to complete the testing necessary to ensure the reliability of their systems displaying the BBO.

Because of the urgency of extending the effective date of the Rule prior to its taking effect on September 1, 1981, and pursuant to the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, the Commission finds for good cause that notice and public comment procedures for this amendment are impracticable, unnecessary, and contrary to the public interest, and that there is good cause for making this amendment effective immediately.[3] The Commission also finds that adoption of the Rule Amendment does not impose any burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

The Securities and Exchange Commission, acting pursuant to the Act, hereby revises paragraph (h) of § 240.11Ac1-2 of Title 17 of the Code of Federal Regulations to postpone to October 1, 1981 the effective date of paragraphs (b)(2)(ii), (b)(2)(vi) and (c)(2)(i), (ii), (iv), (v) of § 240.11Ac1-2.

The text of the amendment is as follows:

§ 240.11Ac1-2 Display of transaction reports, last sale data, and quotation information.

* * * * *

(h) *Effective date.* The effective date of this section shall be April 5, 1980, except for paragraph c(2)(vi), which shall become effective on July 5, 1980, and paragraphs (b)(2)(ii), (b)(2)(vi) and (c)(2)(i), (ii), (iv), (v) which shall become effective on October 1, 1981

[1] Securities Exchange Act Release No. 16590 (February 19, 1980) 45 FR 12391.

[2] The effective date of Rule 11Ac1-2 was first extended from October 5, 1980 to January 3, 1981. Securities Exchange Act Release No. 16924 (June 24, 1980) 45 FR 44922. The second extension was from January 3, 1981 to September 1, 1981. Securities Exchange Act Release No. 17368 (December 11, 1980) 45 FR 83477.

[3] Thus, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, is inapplicable to this amendment, since this act is applicable only if a proposed action is subject to public notice and comment.

By the Commission.

George A. Fitzsimmons.

Secretary.

August 26, 1981.

[FR Doc. 81-25502 Filed 9-1-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Coverage of Employees of State and Local Governments; Final Regulations

AGENCY: Social Security Administration, HHS.

ACTION: Final regulations.

SUMMARY: These amendments finalize interim regulations governing the frequency with which States and interstate instrumentalities (which are treated as States to the extent practicable) must deposit social security contributions on wages and salaries paid to covered employees. These regulations require States and interstate instrumentalities to deposit contributions within 30 days after the end of each calendar month in which wages are paid. These regulations reflect section 503 of the Social Security Disability Amendments of 1980, enacted on June 9, 1980. They were published as interim regulations on October 31, 1980, at 45 FR 72110.

DATES: The amendments made by paragraph 1 below were effective July 1, 1980, the same date the statutory change became effective. The amendments made by paragraph 2 below were effective January 1, 1981. These dates were set by publication of the interim regulations.

FOR FURTHER INFORMATION CONTACT: Armand Esposito, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7455.

SUPPLEMENTARY INFORMATION: We published these amendments as interim regulations on October 31, 1980, at 45 FR 72110. We allowed the public until December 30, 1980, to comment on them. We received no comments on the interim regulations.

Section 218 of the Social Security Act (the Act) (42 U.S.C. 418) requires the Secretary of Health and Human Services, at a State's request, to enter into an agreement to provide social security coverage of the services of employees of that State and its local government units. All States (and about 65 interstate instrumentalities which are treated as States to the extent practicable) have such agreements. Prior to July 1, 1980 (the effective date of section 503 of the Social Security Disability Amendments of 1980), section 218(e)(1) of the Act gave the Secretary of Health and Human Services discretion to promulgate regulations governing when and how often States and interstate instrumentalities were to pay contributions equivalent to the social security taxes on wages. The regulations in effect prior to July 1, 1980 (20 CFR 404.1255(a)) required payment from the States by deposit in a Federal Reserve Bank on or before the 15th day of the second month after the calendar quarter in which wages were paid. For an interstate instrumentality, the contribution payments for a calendar quarter were due and payable on or before the last day of the first month of the next calendar quarter. These depository requirements were considerably less restrictive for State and local governmental employers than for private employers and resulted in losses of interest earnings to the Social Security trust funds. Consequently, the Social Security Administration undertook, by regulations, to accelerate the schedule of deposits. These final regulations (20 CFR 404.1255a) were published at 43 FR 54083 (November 20, 1978) with a delayed effective date of July 1, 1980. (Section 7 of Pub. L. 94-202 precluded a change in the frequency or due dates for payments and reports until at least 18 months after the change had been published in final form in the **Federal Register**.) These regulations provided that the State pay contributions for wages paid in a month as follows:

(a) For each of the first 2 months in a calendar quarter the payments were to be due on or before the 15th day of the following month; and

(b) For the third month in the calendar quarter, the payments were to be due on or before the 15th day of the second month of the next quarter. (For interstate instrumentalities, the payments for the third month were to be due on or before the last day of the following month.)

In addition, because of the cost savings and other advantages of annual wage reporting, which Congress mandated for the private employment sector beginning in 1978, we published final regulations prescribing annual wage reporting for State and local government employers. These regulations were published on June 28, 1979 (44 FR 37604), to go into effect on January 1, 1981. (The delayed effective date was to comply with Pub. L. 94-202.) While these regulations did not make any change in the frequency with which deposits were to be made, we amended the regulations (20 CFR 404.1255a) to require the filing of a contribution return when the contributions are paid.

On June 9, 1980, the Social Security Disability Amendments of 1980, Pub. L. 96-265, became law. Section 503 of that law amends section 218(e) of the Social Security Act to provide that States must pay their social security contributions within 30 days after the end of each calendar month in which wages are paid. That provision became effective July 1, 1980. These regulations (which supersede those on frequency of deposits which were published on November 20, 1978) reflect that statutory change.

Section 503(c) provides that the 18 months delay in the effective date required by Pub. L. 94-202 shall not apply to changes to regulations that carry out section 503(a).

Also, to carry out the clear intent of Congress, these regulations provide that contributions are to be deposited no later than the preceding workday where the last day for paying contributions falls on a Federal nonworkday and do not contain a good cause provision for permitting late payments without charging interest.

Effect on Wage Reports and Contribution Returns

The changes in the dates contributions are due did not affect the date contribution returns and wage reports were due during the period July 1 through December 31, 1980. They were still due quarterly rather than monthly.

Effective January 1, 1981, the annual reporting regulations (44 FR 37604, June 28, 1979) changed the date contribution returns and wage reports are due. Wage reports are due by February 28 of each year.

Contribution returns, however, are to be filed on the same date the contribution payment is due (§ 404.1255a(c)(2)(iii)). We are not changing this rule. However, due to the change in the date the contributions must be paid, there is an actual change in the date the contribution returns must be filed.

Changes to Interim Regulations

We have modified § 404.1255a(c)(2) to reflect the date and **Federal Register** page on which the interim regulations were published. A correction notice containing this change was published on November 26, 1980, at 45 FR 78633. We have also corrected a drafting omission

by adding three asterisks at the end of § 404.1255a(c)(2). The addition of these asterisks means that §§ 404.1255a(c)(2)(i), (c)(2)(ii), and (c)(2)(iii) are unchanged.

Accordingly, these rules are adopted as set forth below.

These regulations reflect a non-discretionary statutory change. They have been reviewed in that context against E.O. 12291 and do not meet any of the criteria for a major regulation. Therefore a Regulatory Impact Analysis is not required.

These regulations impose no reporting/record keeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 13.802–13.805, Social Security Program)

Dated: July 28, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: August 11, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

20 CFR Part 404 is amended as follows:

1. Effective July 1, 1980 § 404.1255a, paragraphs (a) and (c)(5) are revised to read as follows:

§ 404.1255a Place and time for filing contribution returns, and wage reports and making deposits of contributions—for months on or after July 1, 1980.

(a) *Deposits.* Contribution payments for wages paid in a month shall be made as prescribed in § 404.1223. Except as provided in paragraph (c)(2) of this section, contribution payments for wages paid in a calendar month are due and payable within the thirty-day period following the last day of that month.

* * * * *

(c) * * *

(5) *Due date is a Federal nonworkday.* If the due date for paying contributions for the wages paid in a month (as specified in paragraph (a) of this section) falls on a Federal nonworkday, the contributions shall be paid no later than the preceding Federal workday. If the last day for filing any wage report or contribution return falls on a Federal nonworkday, the contribution return or wage report may be filed on the next Federal workday.

* * * * *

2. Effective January 1, 1981, the heading and paragraphs (c)(2) and (c)(5) of § 404.1255a as published on June 28, 1979, at 44 FR 37608, are revised to read as follows:

§ 404.1255a Place and time for filing contribution returns, wage reports, and making deposits of contributions for months on or after January 1, 1981.

* * * * *

(c) *Contribution returns and wage reports*—(1) * * *

(2) *When to be filed.* (For the rules in effect during the period July 1, 1980 through December 31, 1980 see 43 FR 54087, November 20, 1978 and 45 FR 72110, October 31, 1980. * * *

* * * * *

(5) *Due date is a Federal nonworkday.* If the due date for paying contributions for the wages paid in a month (as specified in paragraph (a) of this section) falls on a Federal nonworkday, the contributions shall be paid, and the contribution return shall be filed, no later than the preceding Federal workday. If the last day for filing any wage report falls on a Federal nonworkday, the wage report may be filed on the next Federal workday.

* * * * *

(Secs. 205, 218, 1102, Social Security Act; 53 Stat. 1368, as amended, 64 Stat. 514 as amended, and 49 Stat. 647, as amended (42 U.S.C. 405, 418, 1302))

[FR Doc. 81-25548 Filed 9-1-81; 8:45 am]

BILLING CODE 4110-07-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP OH5260/T70; PH-FRL-1924-8]

Tolerances for Pesticides in Food; Propetamphos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This temporary food additive regulation establishes a regulation permitting residues of the insecticide propetamphos [(*E*)-1-methylethyl 3-[[(ethylamino)methoxyphosphinothioyl] oxy]-2-butenoate] in or on food resulting from its use in a proposed experimental program involving application of a 1.0 percent concentration in food handling establishments at 0.1 part per million (ppm). This regulation was requested by Sandoz, Inc.

EFFECTIVE DATE: Effective on September 2, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 403, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 23, 1980 (45 FR 49147) that Sandoz, Inc., 480 Camino Del Rio South, San Diego, CA 92108, had submitted a food additive petition (OH5260) to the EPA. The petition proposed that 21 CFR Part 193 be amended by establishing a regulation permitting residues of the insecticide, propetamphos [(*E*)-1-methylethyl 3-[[(ethylamino)methoxyphosphinothioyl] oxy]-2-butenoate] in or on food resulting from its use in a proposed experimental program involving application of a 1.0 percent concentration in food handling establishments at 0.1 part per million (ppm).

No comments were received in response to this notice of filing.

The scientific data reported and other relevant material were evaluated and it was determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

The toxicological data considered in support of the regulation included a 6-month dog feeding study and an interim report of a chronic mouse feeding study (at 77 weeks), both showing no observable effect levels (NOEL) of 0.05 mg/kg/day; a 13-week feeding study in rats with a NOEL of 4 ppm; an acute delayed neurotoxicity test in hens which showed that the chemical was not a delayed neurotoxic agent; a teratology study in rabbits which was negative; and an interim report on a three-generation rat reproduction study with results through generation three, litter two which showed no significant effects at dosages up to 20 ppm.

The acceptable daily intake (ADI) for humans, based on the NOEL of 0.05 mg/kg/day in the 6-month dog study and using a safety factor of 10 for cholinergic effects, has been calculated to be 0.005 milligrams (mg)/kilogram (kg) of body weight (bw) per day; the maximum permissible intake (MPI) is 0.3 mg/day for a 60 kg human. The theoretical maximum residue contribution (TMRC) in the human diet from the regulation is 0.15 mg/day; this value represents 50.0 percent of the ADI. There are no regulatory actions pending against registration of the pesticide, and no

temporary or permanent tolerance has previously been established.

No other considerations are involved in establishing this food additive regulation.

The metabolism of the pesticide is adequately understood for the purposes of this temporary food additive regulation and an adequate analytical method (gas chromatography using either a flame photometric detector or an alkali flame ionization detector) is available for enforcement purposes.

It is concluded that the pesticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA, as amended, (86 Stat. 973; 89 Stat. 973; 89 Stat. 751; U.S.C. 135(a) *et seq.*). Therefore, 21 CFR Part 193 is amended as set forth below.

Any person adversely affected by this regulation may, on or before October 2, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A–110), 401 M St., SW., Washington, DC 20460. Such must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to Section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on September 2, 1981.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))

Dated: August 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR Part 193 is amended by adding § 193.375 to read as follows:

§ 193.375 Propetamphos.

(a) A food additive regulation is established for residues of the insecticide propetamphos [(*E*)-1-methylethyl 3-[[(ethylamino)methoxyphosphinothioyl] oxy]-2-butenoate] in food items at 0.1 part per million resulting from the application of a 1.0 percent concentration of the insecticide in food handling establishments. Such residues may be present therein only as a result of application with the provisions of an experimental use permit and this regulation which expire August 11, 1982.

(b) Residues in food items not in excess of 0.1 part per million resulting from the use as described in paragraph (a) of this section remaining after expiration of the experimental use program will not be considered actionable if the insecticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and food additive regulation.

(c) Sandoz, Inc. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm will also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employer of the EPA or the Food and Drug Administration.

[FR Doc. 81–25571 Filed 9–1–81; 8:45 am]

BILLING CODE 6560–32–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2673

Termination for Multiemployer Plans; Announcement of Effective Date

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of effective date of final rule.

SUMMARY: The purpose of this notice is to advise the public that the Pension Benefit Guaranty Corporation's regulation on Termination for Multiemployer Plans is effective as of September 2, 1981. On July 20, 1981, the PBGC published a final regulation on Termination for Multiemployer Plans (46 FR 37244). The regulation prescribes the contents and procedures for a Notice of Termination which must be be filed by terminated multiemployer plans under Title IV of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. The Regulation was to be effective on the later of 30 days after publication in the **Federal Register** or receipt of approval from the Office of Management and Budget of the reporting requirements contained in the regulation, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). OMB approval was given on August 21, 1981. Accordingly, this regulation is effective as of the publication of this notice.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT:

James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street, N.W., Washington, D.C. 20006; 202–254–4862.

Issued at Washington, D.C., on this 28th day of August 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81–25582 Filed 9–1–81; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 212

Private Organizations on Military Installations

AGENCY: Department of the Army, DOD.

ACTION: Final rule; Technical correction.

SUMMARY: This document corrects the inadvertent removal of Part 212—Private Organizations on DOD Installations, 46 FR 37634, July 22, 1981.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. John O. Roach, II, Office of the Adjutant General, Attn: DAAG–AMR–R, Washington, DC 20310, Telephone: (202) 325–6163.

Dated: August 28, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

PART 212—PRIVATE ORGANIZATIONS ON DOD INSTALLATIONS

Accordingly, Part 212 is hereby reinstituted.

[FR Doc. 81-25394 Filed 9-1-81; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

34 CFR Part 606

Continuing Education Outreach—Special Projects Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Continuing Education Outreach—Special Projects Program. The regulations implement statutory changes contained in the Education Amendments of 1980. The regulations govern the administration of a program designed primarily to demonstrate the effectiveness of alternative providers and approaches to postsecondary education that serve the needs of underserved adult learners. The regulations insure that a wide range of applicants, including institutions of higher education, public and private organizations, States, business, industry, and labor, will be eligible to participate in the program.

DATES: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are usually transmitted to the Congress several days before they are published in the Federal Register. The effective date is changed by statute if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

ADDRESS: Any questions concerning these regulations should be addressed to Mr. John E. Donahue, U.S. Department of Education (Room 3717, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202–3310.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Donahue. Telephone: (202) 245–9868.

SUPPLEMENTARY INFORMATION: The Continuing Education Outreach—Special Projects Program is the successor to the Community Service and Continuing Education—Special Projects Program. The primary focus has been changed from assisting in the solution of national and regional problems to expanding access to continuing education opportunities for underserved adult learners. Eligibility for grants and contracts has been expanded to include public and private organizations, States, community-based educational institutions, business, industry and labor, in addition to institutions of higher education.

The President has proposed budget rescissions to the Congress that may eliminate funds for this program. If the Congress approves the proposed rescissions, a notice to the public will be published in the Federal Register, stating that the rescissions have been approved.

A Notice of Proposed Rulemaking was published in the Federal Register on December 30, 1980 (45 FR 86315–86317). Interested persons were given 60 days in which to submit written comments. One comment was received. That comment, and the Secretary's response to it, follow.

Section 606.11 Funding Priorities

Comment: The commenter expressed concern over the inclusion in the regulations of a provision stating that the Secretary of Education may establish annual funding priorities. The commenter felt that this section of the regulations exceeded the scope of the Secretary's statutory authority. The commenter also felt that priorities would limit the potential of the field to respond to the objectives of the program.

Response: No change is made. The Secretary of Education is granted substantive rulemaking authority under Section 414 of Title IV of the Department of Education Organization Act (Pub. L. 96–88, 20 U.S.C. 3474). This section provides, in pertinent part, that—

(a) The Secretary is authorized to prescribe such rules and regulations as the Secretary determines necessary and appropriate to administer and manage the functions of the Secretary or the Department * * *

Under this provision the Secretary is empowered to establish rules and regulations that apply to any program for which the Secretary is, by law, administratively responsible.

These rules and regulations may include rules affecting the process by which the Secretary awards discretionary grants and contracts. It is within the Secretary's discretion to establish annual funding priorities consistent with the objectives of a program statute if the Secretary determines that the use of program funds by recipients to conduct certain activities, serve certain populations, or investigate certain topics would be the most promising means of promoting the efficient and effective use of the limited resources available.

Under a recent amendment to the Education Department General Administrative Regulations (EDGAR), the Secretary has established procedures under which the Secretary may set annual funding priorities, invite applications that address a priority, and give competitive or absolute preference to an application that meets the priority (34 CFR 75.105).

The objectives of the Continuing Education Outreach—Special Projects Program are extremely broad in scope. In addition, there are few restrictions on who may apply for funds. Given the almost unlimited range of potential applicants and permissible activities, and the fact that program funds will always be relatively scarce, annual priorities establish programmatic focus and promote the effective and efficient use of limited resources. As long as the priorities are consistent with the objectives of the statute, and are published in the Federal Register, their establishment does not exceed the scope of the Secretary's statutory authority.

Other Changes

Provisions in §§ 606.20 and 606.32 of the NPRM relating to project length and continuation grants have been eliminated from the final regulations. Other editorial changes have been made.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance number not yet assigned)

Dated: August 28, 1981.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 606 of Title 34 of the Code of Federal Regulations to read as follows:

PART 606—CONTINUING EDUCATION OUTREACH—SPECIAL PROJECTS PROGRAM

Subpart A—General

Sec.

606.1 Continuing Education Outreach—Special Projects Program.
606.2 Eligible grantees.
606.3 Regulations that apply to the Continuing Education Outreach—Special Projects Program.
606.4 Definitions that apply to the Continuing Education Outreach—Special Projects Program.

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

Sec.
606.10 Eligible activities.
606.11 Funding priorities.

Subpart C—How Does One Apply for a Grant?

606.20 How to apply for funds.

Subpart D—How Does the Secretary Make a Grant?

606.30 Procedures for evaluating applications.
606.31 Criteria for evaluating applications.

Subpart E—What Condition Must be Met by a Grantee?

606.40 Matching requirement.

Authority: Title I of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1016), unless otherwise noted.

Subpart A—General

§ 606.1 Continuing Education Outreach—Special Projects Program.

Under the Continuing Education Outreach—Special Projects Program, the Secretary awards grants and contracts for projects designed primarily to demonstrate the effectiveness of alternative providers and approaches in increasing access to postsecondary continuing educational opportunities for underserved adult learners. These regulations govern the award of grants under this program.

(20 U.S.C. 1016)

§ 606.2 Eligible grantees.

The following parties are eligible to receive grants under this program:

(a) Institutions of higher education.

(b) Public and private institutions and organizations, including business, industrial, and labor organizations.

(c) States.

(d) Any combination of these institutions, organizations, or States.

(20 U.S.C. 1016)

§ 606.3 Regulations that apply to the Continuing Education Outreach—Special Projects Program.

The following regulations apply to the Continuing Education Outreach—Special Projects Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(b) The regulations in this Part 606.

(20 U.S.C. 1016; 20 U.S.C. 1221e-3(a)(1))

§ 606.4 Definitions that apply to the Continuing Education Outreach—Special Projects Program.

(a) *Definitions in EDGAR.* The following terms used in this part as defined in 34 CFR Part 77:

Applicant
Application
Budget period
Contract
EDGAR
Fiscal year
Grant
Grantee
Private
Project
Project period
Public
Secretary
State

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Act" means Title XII of the Higher Education Act of 1965, as amended.

"Adults whose educational needs have been inadequately served" means individuals 18 years of age or older who—because of circumstances of age, sex, low income, handicap, minority status, rural isolation, status of unemployment or underemployment, lack of education, or other significant barriers—have been discouraged from obtaining equal educational opportunities.

"Continuing education" means postsecondary instruction and support services designed to meet the educational needs of adults, including the expansion of available learning opportunities for adults whose educational needs are inadequately served by current educational offerings in their communities.

(20 U.S.C. 1018)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 606.10 Eligible activities.

The Secretary makes grants for projects that:

(a) Develop and evaluate innovative delivery systems, particularly those involving alternative providers, that increase access to postsecondary education for underserved adults;

(b) Expand the range of educational and community resources that meet the needs of underserved adults for continuing education;

(c) Promote the development of interstate educational delivery systems, cooperative and consortial arrangements, and programs—including telecommunications—that more effectively address regional needs for continuing education;

(d) Stimulate and evaluate creative approaches to the problems of access for adults inadequately served by existing educational offerings;

(e) Develop statewide, regional, or national programs to coordinate educational and occupational information, including information on student financial assistance, through the creation and expansion of data banks for the more effective coordination and dissemination of that information;

(f) Assist States to perform more effectively their functions of authorizing institutions of higher education in their State;

(g) Provide preservice and inservice training to the teachers and administrative personnel involved in child care, including the recruitment and training of low-income parents for positions in child care;

(h) Provide specialized training in early childhood education; or

(i) Develop improved teacher certification criteria for child-care programs.

(20 U.S.C. 1016)

§ 606.11 Funding priorities.

(a) For any fiscal year the Secretary establishes priorities for the funding of proposed projects. The priorities are consistent with the objectives listed in § 606.10. The Secretary announces priorities in the **Federal Register.**

(b) To be eligible for funding, a proposed project must respond to one of the priorities established by the Secretary.

(20 U.S.C. 1016)

Subpart C—How Does One Apply for a Grant?

§ 606.20 How to apply for funds.

An applicant requesting funds under this part shall use the following procedures:

(a) The procedures contained in EDGAR (34 CFR Part 75, Subpart C); and

(b) The following special application procedures:

(1) On or before the deadline date for submitting its application to the Secretary, the applicant shall submit a copy of its application, with a letter asking for comment, to the State agency responsible for comprehensive postsecondary educational planning under section 1203 of the Act (Federal-State relationship agreements).

(2) The applicant shall attach to its application to the Secretary a copy of its letter requesting the State agency to comment on the application.

(20 U.S.C. 1016)

Subpart D—How Does the Secretary Make a Grant?

§ 606.30 Procedure for evaluating applications.

(a) The Secretary evaluates an application on the basis of the criteria in § 606.31.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum score for each criterion is indicated in parentheses.

(d) The Secretary considers the rank order of applications in selecting projects to be awarded grants.

(20 U.S.C. 1015)

§ 606.31 Criteria for evaluating applications.

(a) *Plan of Operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (12 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (See 34 CFR 75.590—Evaluation by the grantee.)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (9 points)

The Secretary looks for information that shows—

(1) The facilities that the applicant plans to use are adequate; and

(2) The equipment and supplies that the applicant plans to use are adequate.

(f) *Innovation.* (10 points)

The Secretary reviews each application to determine the extent to which the proposed project differs from current or past activities in the field of continuing education.

(g) *Responsiveness to priorities.* (14 points)

The Secretary reviews each application to determine the extent to which the proposed project is responsive to one of the priorities established under § 606.11 for the fiscal year in which the application is submitted.

(h) *Replicability.* (12 points)

The Secretary reviews each application to assess the potential replicability or adaptability of the proposed project by other providers of continuing education.

(i) *Dissemination.* (12 points)

The Secretary reviews each application for information that describes the methods the applicant plans to use to disseminate the results of the project to the public and to professionals in the field of continuing education.

(j) *Value to the field of continuing education.* (15 points)

The Secretary reviews each application to assess the degree to which the proposed project would employ, or result in the development of, new approaches, methods, or materials of value in increasing the effectiveness of continuing education programs.

(20 U.S.C. 1016)

Subpart E—What Condition Must Be Met by a Grantee?

§ 606.40 Matching requirement.

A grantee shall pay from non-Federal funds at least one-third of the cost of its project funded under this part.

(20 U.S.C. 1019)

[FR Doc. 81-25597 Filed 9-1-81; 8:45 am]
BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1908-1]

Approval and Promulgation of Implementation Plans; California Rule Revisions for Two Air Pollution Control Districts

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve revisions to rules of the Bay Area and the South Coast Air Quality Management Districts and to incorporate them into the California State Implementation Plan (SIP). The intended effect of this action is to update rules and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: October 2, 1981.

ADDRESS: A copy of the revisions is located at: The Office of the Federal Register, 1100 "L" Street, NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Louise P. Gierach, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: On April 2, June 2, July 10, July 25, and August 15, 1980, the California Air Resources Board (ARB) submitted to EPA revisions to the

rules of two Air Quality Management Districts (AQMDs) for inclusion in the California SIP. Revised rules which are being acted upon by this notice include the following subjects:

Definitions, Storage Tank Seals, Submerged Fill Pipes, Exceptions From Organic Emissions, Nitrogen Oxides Emissions, Descriptions, Emission Standards, Violations Not Authorized, Circumvention Not Permitted, Regulations Not Intended to Apply to Workroom Atmosphere, Separation of Emissions, Combination of Emissions, Metric Governs, Severability, Equipment Malfunction, Administrative Procedures, Open Burning, Particulate Matter and Visible Emission, Lead, Rendering Plants, Asphalt Air Blowing, Sandblasting, Sulfur Dioxide, Fees, Anniversary Date, Exemptions, Change in Operation Parameters, Authority to Construct, Permit to Operate, and Lead Smelters—Sulfur Oxides.

A list of the rules being considered by this action can be found in the Notice of Proposed Rulemaking published on May 7, 1981 (46 FR 25481). As described in the Notice of Proposed Rulemaking, the rules were evaluated and found consistent with 40 CFR Part 51 requirements, with certain exceptions. Public comments were invited on the proposed rulemaking. EPA received comments from the Bay Area AQMD and the ARB.

Comment: The District noted that there has been no relaxation in sulfur dioxide (SO_2) emission limits since 1974. Therefore, they requested approval of Regulation 9–1–300 through 303, *Sulfur Dioxide Standards.*

Response: EPA has reevaluated these rules and determined that they should be approved since the Bay Area is attainment for SO_2 and the new rules do not represent any significant change from existing requirements.

Comment: The ARB noted that EPA's proposal to approve Regulation 1–520, *Emission Monitoring,* and retain the analogous, currently approved Rule 2:3210.5(B) could be confusing. The Bay Area AQMD indicated that Regulation 1–520 could be approved following transmittal to EPA of the District's Manual of Procedures (MOP). Further, in response to EPA's proposed no action on certain regulations which reference the MOP, the District noted that they had recently requested the ARB to formally transmit the MOP to EPA.

Response: EPA will address these rules in a future notice, after submittal of the MOP and EPA's subsequent review.

Comment: The District noted that Regulation 6–310.1, *Incineration or Salvage Operations,* is not a relaxation of requirements for 100 tons per day incinerators since there are no such sources existing in the District and since any new source exceeding 50 tons per day must meet more stringent particulate emission limitations.

Response: Based on this clarification, EPA is approving Regulation 6–310.1.

Comment: The District noted that approval of certain rules listed in the May 7, 1981 notice is unnecessary since they have been recodified.

Response: EPA agrees with the District and the changes are reflected in today's rulemaking notice.

It is the purpose of this notice to take final action on the rule revisions as described in the May 7 notice and modified above. Thus, all rules listed in the proposal notice are approved and incorporated into the California SIP, with the following exceptions.

No action is being taken on the following rules as they are not appropriate for incorporation into the SIP: Rule 6–305, *Visible Particles,* and Rule 9–1–309, *Emission Limitations for New Sulfuric Acid Plants.*

No action is being taken on the following rules at this time: Rules 1–112, *Breakdown,* 1–113, *Discretionary Enforcement Breakdown,* 1–520, *Emission Monitoring,* 1–600 through 1–604, 6–600 and 6–601, 9–1–600 through 9–1–605, and 11–1–600 through 11–1–603, all entitled *Manual of Procedures* and Rules 11–1–500, *Monitoring and Recording,* and 11–1–501, *Monitoring.* They will be acted upon in a later Federal Register notice.

In addition, on July 10, 1981 ARB submitted as a SIP revision changes to Rules 1–206, 1–218, 6–311 and 9–4–302 in order to correct typographic errors in the previously submitted rules. Since there are no substantive changes to these rules which are addressed in the May 7, 1981 proposed notice, EPA finds that good cause exists for going directly to final rulemaking.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not Major because they only approve state actions. They impose no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

(Sec.110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).

Dated: August 27, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraphs (c)(67)(ii), (70)(i)(B), (79)(ii), (86)(i)(C), and (88)(ii) are added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(67) * * *

(ii) Bay Area AQMD.

(A) New or amended Regulation 9, Rules 9–4–100, 9–4–101, 9–4–200 to 9–4–203, 9–4–300, 9–4–301, 9–4–303, and 9–4–400 to 9–4–404.

* * * * *

(70) * * *

(i) * * *

(B) New or amended Rule 1101.

* * * * *

(79) * * *

(ii) Bay Area AQMD.

(A) New or amended Regulation 1, Rules 1–100 to 1–111, 1–114, 1–200 to 1–205, 1–207 to 217, 1–219 to 1–232, 1–400 to 1–402, 1–410 to 1–412, 1–420, 1–430 to 1–434, 1–440, 1–441, 1–500 to 1–502, 1–510, 1–521, 1–530, 1–540, 1–541, 1–543, 1–544; Regulation 5, Rules 5–100, 5–101, 5–110, 5–111, 5–200 to 5–207, 5–300, 5–301, 5–400 to 5–404; Regulation 6, Rules 6–100, 6–101, 6–200 to 6–204, 6–300 to 6–304, 6–310, 6–312, 6–320, 6–330, 6–400, 6–401, 6–500 to 6–502; Regulation 11, Rules 11–1–100 to 11–1–102, 11–1–300 to 11–1–303; Regulation 12, Rules 12–2–100, 12–2–101, 12–2–200, 12–2–201, 12–2–300, 12–2–301, 12–2–500, 12–2–501, 12–3–100, 12–3–101, 12–3–300, 12–3–301, 12–3–500, 12–3–501–12–4–100 to 12–4–102, 12–4–200 to 12–4–212, and 12–4–300 to 12–4–307.

* * * * *

(86) * * *

(i) * * *

(C) New or amended Regulations, Rules 1–208, 1–218, 6–311, 9–1–100, 9–1–101, 9–1–110 9–1–200 to 9–1–204, 9–1–300 to 9–1–308, 9–1–310, 9–1–311, 9–1–400 to 9–1–404, 9–1–500 to 9–1–502, and 9–4–302.

* * * * *

(88) * * *

(ii) Bay Area AQMD.

(A) New or amended Regulation 3, Rules 3–100 to 3–103, 3–200 to 3–206, 3–208 to 3–211, 3–300 to 3–311, and 3–400 to 3–408.

* * * * *

[FR Doc. 81-25563 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1913-7]

Approval and Promulgation of Implementation Plans; Tennessee: 1979 Revisions for Nonattainment Areas, Supplemental Submittals

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its approval of portions of the implementation plan revisions which the Tennessee Air Pollution Control Division submitted pursuant to the terms of the conditional approval given to the Memphis carbon monoxide revisions on February 6, 1980 (45 FR 8004). This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective November 2, 1981.

ADDRESSES: Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Tennessee Air Pollution Control Division, 256 Capitol Hill Building, Nashville, Tennessee 37203

Division of Air Pollution Control, Memphis-Shelby County Health Department, 814 Jefferson Avenue, Memphis, Tennessee 38105.

Comments should be addressed to EPA Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Drew Peake, Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, 404/881–2864 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: The State of Tennessee was required to submit additional information by March 15, 1980, to satisfy the conditions of approval for the Memphis carbon monoxide (CO) control plan as stipulated in the February 6, 1980 **Federal Register** (45 FR 8004). Tennessee complied with this requirement, but there was a recognized deficiency in the submittal. The implementation schedule for the Memphis Vehicle Inspection and Maintenance Program (I/M) included in the submittal had some commitment dates which had already been missed. The Memphis and Shelby County Office of Planning and Development has modified the I/M schedule and forwarded it to the Technical Secretary of the Tennessee Air Pollution Control Board for formal inclusion in the Tennessee SIP. This schedule was submitted to EPA as a State Implementation Plan (SIP) revision on December 30, 1980.

The other conditions specified in 45 FR 8004 were satisfied as follows:

(1) On March 20, 1980 Tennessee Air Pollution Control Board (TAPCB) submitted a revised § 2.12.3.5 Appendix II to the EPA. This, coupled with correspondence from the Mayor of Memphis (dated August 24, 1979) and a Resolution from the Memphis Metropolitan Planning Office Executive Board and Executive Staff (dated September 5, 1979) committing to the implementation and enforcement of Transportation Control Measures (TCM), satisfies the first condition.

(2) Condition two was satisfied when TAPCB submitted a schedule for the analysis of the alternative transportation control measures under Section 108 as a SIP revision on March 20, 1980. Commitments were obtained in the correspondence mentioned in the preceding paragraph.

(3) The TAPCB submitted a Resolution (dated October 24, 1979) of the Memphis Area Transit Authority Board of Directors as a SIP revision on March 20, 1980. This submittal satisfied the third condition.

(4) The fourth condition was satisfied by the section 174 Memorandum of Understanding submitted (on March 20, 1980) to EPA as a SIP revision.

EPA has chosen to proceed directly to the final rule removing the conditions on the approval of the 1979 CO plan for Memphis, because further notice and comment are unnecessary. The public has already had the opportunity to comment on the conditions. The conditions were clearly stated and no comments were received. The State has satisfied these conditions.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it would have no significant economic impact. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan of the State of Tennessee was approved by the Director of the **Federal Register** on July 1, 1981.

(Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: August 27, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

1. In § 52.2220, paragraph (c) is amended by removing the last sentence of subparagraph (30), dealing with conditional approval of the Memphis CO plan, and by adding subparagraph (37), as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(37) Transportation related commitments and schedules, submitted on March 20 and December 17, 1980, by the Tennessee Division of Air Pollution Control to correct deficiencies in the Memphis CO plan given conditional approval on February 6, 1980.

§ 52.2225 [Amended]

2. In § 52.2225, paragraph (a), dealing with conditional approval of the Memphis CO plan, is removed.

[FR Doc. 81-25581 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[OPP-300052A; PH-FRL-1925-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Butyl Benzyl Phthalate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for the inert (or occasionally active) ingredient butyl benzyl phthalate when applied to cotton when used as an inert plasticizer in the formulation of controlled-released dispensers of the attractant gossyplure to disrupt the mating of the pink bollworm. This regulation was requested by Herculite Products, Inc.

EFFECTIVE DATE: Effective on September 2, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Peter Gray, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of June 19, 1981 (46 FR 32038) that Herculite Products, Inc., had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish an exemption from the requirement of a tolerance for the inert ingredient butyl benzyl phthalate, when used as an inert ingredient in laminated dispensers when dispensing gossyplure (a synthetic pheromone) on cotton only, to disrupt the mating of the pink bollworm.

No comments or request for referral to an advisory committee were received in response to this of proposed rulemaking.

Therefore, it is concluded that the amendment to 40 CFR Part 180 will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, on or before October 2, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: August 21, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1062 to read as follows:

§ 180.1062 Butyl benzyl phthalate; exemption from the requirement tolerance.

Butyl benzyl phthalate is exempt from the requirement of a tolerance for residues in or cottonseed, when used as an inert plasticizer in the formulation of controlled-release laminated dispensers of the attractant gossyplure [(*Z,Z*) and (*Z,E*) 7,11-hexadecadien-1-ol acetate] to disrupt the mating of the pink bollworm.

[FR Doc. 81-25572 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[OPP-300024A; PH-FRL-1924-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 1,2-Benzisothiazolin-3-One

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for the inert (or occasionally active) ingredient 1,2-benzisothiazolin-3-one in pesticide formulations. This regulation was requested by ICI Americas, Inc.

EFFECTIVE DATE: Effective on September 2, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Peter Gray, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the Federal Register of June 15, 1981 (46 FR 31279) that ICI Americas, Inc., Wilmington, DE 19897, had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish an exemption from the requirement of a tolerance for the inert ingredient 1,2-benzisothiazolin-3-one in all pesticide formulations.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the amendment to 40 CFR 180.1001(d) will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, on or before October 2, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such

objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on September 2, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(d)(e)))

Dated: August 21, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Part 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR Part 180 is amended as follows:

1. Section 180.1001(d) is amended by alphabetically inserting "1,2-benzisothiazolin-3-one * * *" in the table to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Use
•	•	•
1,2-Benzisothiazolin-3-one.	Not more than 0.1 pct of formulation. Not more than 0.02 lb to be applied per acre.	Preservative/stabilizer.
•	•	•

§ 180.1044 [Removed]

2. Section 180.1044 *1,2-benzisothiazolin-3-one; exemption from the requirement of a tolerance* is removed.

[FR Doc. 26570 Filed 9-1-81; 8:45 am]
BILLING CODE 6560-32-M

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40 CFR Part 413

[WH-FRL-1911-6]

Electroplating Point Source Category; Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Correction to final amendments.

SUMMARY: On January 28, 1981, the Environmental Protection Agency promulgated amendments to its pretreatment standards for the electroplating industry, 46 FR 9462. These standards establish limits on the amounts of certain pollutants which may be introduced into publicly owned treatment works by operations in the Electroplating Point Source Category. Facilities which do not combine electroplating wastestreams with other wastestreams before treatment, referred to as non-integrated facilities, were required to comply with these regulations by May 12, 1983. EPA is today amending these regulations to extend the compliance date for these facilities to January 28, 1984.

DATES: The effective date of this amendment is October 2, 1981. In accordance with 40 CFR 100.01, these regulations shall be issued for purposes of judicial review at 1:00 p.m. eastern time on September 16, 1981.

The compliance date for non-integrated facilities shall be January 28, 1984.

ADDRESS: The record for this rulemaking is available for inspection and copying at the EPA Public Information Reference Unit, Room 2402 (Rear) PM–213 (EPA Library). The EPA public information regulations (40 CFR Part 2) provide that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Kinch, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Telephone (202) 426–2582.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Environmental Protection Agency (EPA) promulgated amendments to its pretreatment standards covering all firms in the Electroplating Point Source Category that introduce pollutants into publicly owned treatment works (POTWs), 40 CFR Part 413, 46 FR 9462. The operations covered by these standards include electroplating, anodizing, conversion coating, electroless plating, chemical etching and milling, and the manufacture of printed circuit boards. These standards contain specific numerical limitations on the indirect discharge of cyanide and the following metals: lead, cadmium, copper, nickel, chromium, zinc and silver. In addition, these standards limit total metal discharge, which is defined as the sum of the individual concentrations of copper, nickel, chromium and zinc. For plants with a daily process wastewater flow of less than 38,000 liters (10,000 gallons), these standards limit only lead, cadmium and cyanide. The electroplating pretreatment standards cover both integrated and non-integrated facilities. Integrated facilities are defined in § 413.02(h) of the regulations. Any facility which is not an "integrated facility" is "non-integrated."

These standards were originally scheduled to be effective on March 16, 1981. However, in accordance with the President's Memorandum of January 29, 1981, their effective date was deferred until March 30, 1981, (46 FR 11972, February 12, 1981).

On January 28, 1981, EPA also promulgated amendments to its general pretreatment regulations, 40 CFR Part 403, 46 FR 9404. These amendments included changes to the provisions for variances from categorical pretreatment standards, such as the electroplating standards; amendments to the removal credit provision (which allow industrial facilities to increase their effluent limits by a factor that takes account of removal achieved by POTWs); and inclusion of a combined wastestream formula to determine discharge limits for integrated facilities that combine waste streams. These amendments were originally scheduled to take effect on March 13, 1981. Their effective date was deferred until March 30, 1981 under the President's Memorandum of January 29, 1981, (46 FR 11972, February 12, 1981). On March 25, 1981, the Vice President announced that the effective date of the general pretreatment amendments would be further deferred and that EPA would perform a Regulatory Impact Analysis on the pretreatment program in accordance with Executive Order 12291. On April 2, 1981, EPA published notice in the **Federal Register** announcing that the effective date of the general pretreatment amendments would be deferred pending further examination, 46 FR 19936. The general pretreatment regulations promulgated in 1978 (43 FR 27736, June 26, 1978) are, for the most part, currently in effect.

The deferral of the effective date of the amendments to the general pretreatment regulations is of special significance to the electroplating pretreatment standards. First, under § 413.01 of the electroplating standards, the compliance date for integrated facilities is three years from the effective date of the combined wastestream formula contained in § 403.6(e) of the amendments to the general pretreatment regulations. Since the effective date of this provision has been deferred, so too has the compliance date for integrated facilities under the electroplating pretreatment standards. Secondly, since the variances and amendments to the removal credit provisions contained in the amendments to the general pretreatment regulations are not in effect, non-intergrated facilities cannot take advantage of them.

Under section 307(b)(1) of the Clean Water Act EPA is to establish a compliance date for pretreatment standards which must be within three years of their date of promulgation. As stated above, these electroplating pretreatment standards were promulgated on January 28, 1981. Therefore, EPA could establish a date for compliance up to January 28, 1984. A compliance date of May 12, 1983 was established for non-integrated facilities when these regulations were promulgated in January based on a Settlement Agreement between EPA and the National Association of Metal Finishers and the Institute for Interconnecting and Packaging Electronic Circuits. Representatives of the non-integrated electroplating facilities have informed the Agency that in order to meet the present deadline for compliance they will have to begin committing capital and ordering equipment shortly.

The Agency has decided to extend the compliance date for non-integrated facilities until January 28, 1984. EPA is taking this action for several reasons. First the statute authorizes a period for compliance up to three years and given the circumstances presented here, EPA believes the full statutory period of time should be provided. In fact, the original version of these regulations provided three years for compliance (44 FR 52590, September 7, 1979). Second, this extension should allow EPA to complete its Regulatory Impact Analysis of the general pretreatment program under Executive Order 12291 before the industry has to commit substantial funds to comply with the electroplating standards. This analysis may suggest that the electroplating standards or related provisions of the general pretreatment regulations should be modified.

Extension of the non-integrated electroplating compliance date will also give EPA time to repromulgate necessary variance and credit provisions. In addition, representatives of the National Association of Metal Finishers, have requested EPA to evaluate alternatives to the treatment technologies upon which the regulations are based. EPA has requested the industry to provide specific suggestions for changes to the regulations. Upon receipt of such information, EPA will determine if any modification to the standards is appropriate. The extension of the compliance date will allow this evaluation of alternatives to occur before members of the industry must make substantial financial commitments to meet the current standards. If EPA decides to make substantial changes to the electroplating pretreatment standards or general pretreatment regulations, it will propose these changes for public comment.

Promulgation Without Notice and Comment

The Administrator has determined that there is good cause to promulgate this eight-month extension of the compliance date for non-integrated facilities without prior opportunity for public comment because these facilities will have to commit funds to meet the present compliance date for these standards before notice and comment procedures on the issue of extending the compliance date could be completed. Therefore, it would be impracticable and would defeat the purpose of this action to first propose this change. Furthermore, it is in the public interest to promulgate this change now in order to avoid uncertainty within the industry. EPA has estimated that there are approximately 2700 non-integrated facilities covered by the regulations. Many of these are small and economically vulnerable. It is therefore important that the extension of the compliance date be accomplished without the delay and uncertainty inherent in a notice and comment procedure.

Regulatory Impact Analysis and Regulatory Flexibility Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This correction notice is not major because it imposes no new obligations and merely extends the date for complying with existing obligations. This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. Although this rule is not subject to this requirement because it is not being proposed, EPA has determined that for the reasons discussed above, it does not have a significant adverse impact on small entities.

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

PART 413—ELECTROPLATING POINT SOURCE CATEGORY

Accordingly, EPA is amending 40 CFR Part 413 by revising the last sentence of § 413.01 as follows:

§ 413.01 Applicability.

(a) * * * The compliance deadline for non-integrated facilities is January 28, 1984.

(Sections 301, 304(g), 307, 501(a) of the Clean Water Act, as amended (33 U.S.C. 1311, 1314(g), 1317, 1341(a)))

[FR Doc. 81-25598 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-29-M

GENERAL SERVICES ADMINISTRATION

41 CFR 101

[FPMR Temp. Reg. E-75]

Requirement for Offices Purchasing From GSA Federal Supply Schedules, FSC Group 66

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation requires purchasing offices ordering from GSA Federal Supply Schedule contracts to send GSA a copy of any purchase order exceeding $10,000 for items in FSC Group 66, Instruments and Laboratory Equipment. The information will be used to identify expensive items in high Government-wide demand. Better negotiated prices and increased price competition will be sought for these items.

DATES:

Effective date: August 1, 1981.
Expiration date: July 31, 1983.
Comments due on or before: October 31, 1981.

ADDRESS: Comments should be addressed to the General Services Administration, Federal Supply Service (FA), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Mr. Warren F. Morris, Office of Acquisition Planning (703–557–1583).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E to read as follows:

Federal Property Management Regulations—Temporary Regulation E–75

August 7, 1981.

To: Heads of Federal agencies.

Subject: Requirement for offices purchasing from GSA Federal Supply Schedule FSC Group 66.

1. *Purpose.* This regulation requires Federal purchasing offices to submit a copy of any purchase order exceeding $10,000 for items from a GSA Federal Supply Schedule contract within FSC Group 66.

2. *Effective date.* This regulation is effective August 1, 1981.

3. *Expiration date.* This regulation expires on July 31, 1983.

4. *Applicability.* The provisions of this regulation apply to all executive departments and agencies of the Federal Government and any organization authorized to use GSA Federal Supply Schedule contracts.

5. *Background.* A major objective for improving GSA Federal Supply Schedule contracts is to secure increased price competition for expensive items offered to Federal agencies. Accomplishing this objective requires information from ordering offices on schedules contract purchases exceeding $10,000. With this ordering information, expensive items can be standardized, nationwide demand for a general item can be determined, and competitive procurements undertaken. This process would maximize economies of scale thereby providing substantially lower unit prices to the Government. A purchase order is the only single source document containing inclusive information, such as consignee, item identification, quantity ordered, and unit price necessary to undertake the desired improvements.

6. *Submission of information.* Each executive agency and any authorized organization shall submit one legible information copy to GSA of each purchase order exceeding $10,000 and any amendments thereto issued for Federal Supply Schedule items in FSC Group 66, Instruments and Laboratory Equipment. The information copies shall be submitted at the time of issuance to:

General Services Administration, Federal Supply Service (FA), Schedules Ordering Information, Washington, DC 20406

Each purchase order should include the name, address, and telephone number of the person issuing it.

7. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be submitted to the General Services Administration, Federal Supply Service (FA), Washington, DC 20406, no later than October 31, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–25512 Filed 9–1–81; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5980

[OR 23735]

Oregon; Withdrawal for Administrative Sites and Airport Surface Zone Protection

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 514.18 acres of public lands from the mining laws for protection of the McDermitt Airport approach, transitional, and primary surface zones and for Bureau of Land Management administrative sites.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, and reserved for the protection of airport zones.

Willamette Meridian

T. 41 S., R. 42 E.,
- Sec. 12, E½E½SE¼;
- Sec. 13, That portion of Lot 1 lying north and east of a line described as follows: Beginning at a point where the east boundary of the Camp McDermitt Hay Reservation intersects the east and west center line of the NE¼ of Section 13, thence northwesterly along the east boundary of the Hay Reservation to a point due south of the E–E¼₄ corner of Sections 12 and 13, thence north to the E–E¼₄ corner of Sections 12 and 13; and that portion of the SE¼NE¼ lying north of the Camp McDermitt Hay Reservation.

T. 41 S., R. 43 E.,
- Sec. 7, S½ of Lot 1, Lots 2, 3, and 4, SW¼NE¼NW¼, W½SE¼NW¼, and E½SW¼;
- Sec. 18, Lots 1, 2, 6, and 7, and E½NW¼.

The areas described aggregate 514.18 acres in Malheur County, Oregon.

2. Subject to valid existing rights, including those created by paragraph 1, the following described lands which are included within the withdrawal boundary established in paragraph 1, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, and reserved for protection of Bureau of Land Management administrative sites.

T. 41 S., R. 43 E.,
- Sec. 7, E½ of Lot 4, and SE¼SW¼;
- Sec. 18, That portion of Lot 2 lying within the SW¼, and Lots 6 and 7.

Aggregating approximately 123 acres.

3. The withdrawals made by this order do not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. The withdrawals shall remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

August 27, 1981.

[FR Doc. 81–25610 Filed 9–1–81; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-108; RM-3689]

FM Broadcast Station in Newberry, S.C.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 292A to Newberry, South Carolina, in response to a petition filed by Service Radio Company, Inc. The proposed station would provide a first local FM broadcast service to Newberry.

DATE: Effective October 26, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.

Released: August 25, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Newberry, South Carolina); report and order (proceeding terminated).

1. The Commission herein considers a *Notice of Proposed Rule Making*, 46 FR 15757, published March 9, 1981, which seeks the assignment of Channel 292A to Newberry, South Carolina, as its first FM assignment. The *Notice* was issued in response to a petition filed by Service Radio Company, Inc. ("petitioner"), licensee of AM Station WKMG, Newberry, South Carolina. Supporting comments were filed by the petitioner, restating its intent to apply for the channel, if assigned.

2. Newberry (pop. 9,866),[1] seat of Newberry County (pop. 31,111), is located approximately 65 kilometers (40 miles) northwest of Columbia, South Carolina. It is served locally by daytime-only AM Station WKMG (licensed to petitioner) and fulltime AM Station WKDK.

3. The *Notice* requested petitioner to furnish additional engineering data to demonstrate that city grade service could be provided to Newberry taking into account the need for an 11 kilometer (7 mile) site restriction. From the information submitted, it appears that the proposed transmitter site can provide a 70 dBu signal over the community.

4. In view of the apparent need for a first FM assignment, the Commission believes that the public interest would be served by assigning Channel 292A to Newberry, South Carolina. The transmitter site will be restricted to 11 kilometers (7 miles) northeast of the city to comply with spacing requirements and to avoid short spacing to Station WKET(FM), Toccoa, Georgia, and Station WYMX(FM), Augusta, Georgia.

5. Accordingly, pursuant to Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective October 26, 1981, the FM Table of Assignments (§ 73.202(b) of the Rules) is amended with respect to the following community:

City	Channel No.
Newberry, South Carolina	292A

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25535 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-107; RM-3690]

FM Broadcast Station in Selmer, Tenn.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 288A to Selmer, Tennessee, in response to a petition filed by James E. Wolfe, Jr. The proposed station would provide a first local FM broadcast service to Selmer.

DATE: Effective October 26, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.

Released: August 25, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Selmer, Tennessee); report and order (proceeding terminated).

1. The Commission herein considers a *Notice of Proposed Rule Making*, 46 FR 15756, published March 9, 1981, which seeks the assignment of Channel 288A to Selmer, Tennessee, as its first FM assignment. The *Notice* was issued in response to a petition filed by James E. Wolfe, Jr. ("petitioner"). Supporting comments were filed by Steve Smith.

2. Selmer (pop. 3,979),[1] seat of McNairy County (pop. 22,525), is located approximately 123 kilometers (80 miles) east of Memphis, Tennessee. It is served by daytime-only AM Station WDTM.

3. Smith, in comments, states that Selmer would benefit substantially from its own local aural facility. He also states that he will apply for the channel, if assigned.

4. The Commission believes that the public interest would be served by assigning Channel 288A to Selmer, since it would provide the community with an opportunity for its first local FM broadcast station. The transmitter site is restricted to 8 kilometers (5 miles) northwest of the city. Although the petitioner has not responded to our *Notice* (showing of a continued interest in the channel) we do have an expression of interest in the channel from another party.

5. Accordingly, pursuant to Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered that, effective October 26, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended with respect to the following community:

City	Channel No.
Selmer, Tennessee	288A

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25536 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S. Census.

[1] Population figures are taken from the 1980 U.S. Census.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

Regulations Modifying Threatened Sea Turtle Resuscitation Procedures

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: The National Marine Fisheries Service (NMFS) is amending the resuscitation procedures for threatened sea turtles described in 50 CFR 227.72(e)(1)(i) (1980). The procedures described in 50 CFR 227.72(e)(1)(i) require fishermen to attempt resuscitation of comatose threatened sea turtles incidentally caught in commercial fishing operations by turning them on their back and pumping their breastplate by hand or foot. These regulations add an alternative resuscitation technique, allow relocation of turtles to non-shrimping areas, and establish a method for release of turtles from vessels.

EFFECTIVE DATE: These regulations are effective September 2, 1981.

ADDRESS: Regional Director, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, Fishery Administrator, 9450 Koger Boulevard, St. Petersburg, Florida 33702, Telephone 813–893–3366, FTS 826–3366.

SUPPLEMENTARY INFORMATION:

Background

On October 7, 1980 (45 FR 66460), the National Marine Fisheries Service (NMFS) promulgated emergency regulations that modified the resuscitation procedures for threatened sea turtles described in 50 CFR 227.72(e)(1)(i) (1980). As provided by the Endangered Species Act of 1973, as amended, the emergency regulations were effective for 240 days, beginning on October 7, 1980 and expiring on June 3, 1981.

In the summer of 1980, approximately 1,850 sea turtle carcasses were reportedly washed up on southeast U.S. beaches. These wash-ups prompted a meeting of conservationists, shrimp industry representatives, State and NMFS officials in Charleston, South Carolina, on September 18, 1980. The group considered several options to reduce the mortality of sea turtles incidentally caught in shrimp trawls. There was agreement that the procedures for resuscitating incidentally caught sea turtles needed to be amended. Sea turtles caught and held under water are physiologically stressed and often become comatose and appear dead. However, death usually cannot be determined by appearance or lack of movement alone. A turtle often recovers after its lungs are drained. A comatose turtle thrown into the water before it has a chance to recover will drown.

The emergency regulations provided two methods of resuscitating sea turtles: (1) placing the comatose sea turtle on its breastplate (plastron) and elevating the turtle's hindquarters several inches, or (2) placing the turtle on its back (carapace) and pumping its breastplate with hand or foot. The regulations required that turtles be released over the stern of the boat, in areas where they were unlikely to be recaptured in trawls or injured by vessels, and that the vessel's engine gears be in neutral and trawls not be in use when turtles were released.

The agency has determined that the permanent implementation of these regulations is required in order to mitigate the loss of these threatened species. The effective implementation of these regulations will enhance the agency's overall turtle conservation effort and, coupled with sound enforcement, will be of significant benefit to the threatened turtle populations in the southeast United States. Delay in implementation would contribute to continued sea turtle mortalities.

Comments Received on Emergency Regulations

Simultaneous with publication of the regulations, NMFS invited comments on the desirability of finalizing and modifying the emergency regulations for 60 days ending December 8, 1980. Comments were received from nine sources including individuals, the Federal government, universities, state governments and businesses. The following summarizes the comments and suggestions received and actions taken.

Three commenters made no recommendations on the regulations except to support them. Other commenters suggested changes in the regulations to clarify them.

Several commenters questioned the use of the description "unquestionably dead" in 50 CFR 227.72(e)(1)(i) (A) and (B). The term was originally included to insure that reasonable and prudent efforts are made to resuscitate comatose turtles. Section B includes a requirement to return all turtles to the water if they fail to move within several hours and this provides adequate guidelines for determining if a turtle is dead. To avoid confusion, these sections have been revised to eliminate the word "unquestionably."

One reviewer suggested that all dead turtles be made available for scientific research. Although this would be advantageous from a scientific viewpoint, it could create an economic hardship for commercial interests to attempt to locate appropriate state and Federal officials to receive dead turtles. It would also hamper Federal and state conservation officers' efforts to enforce the prohibition against taking of a listed species. Therefore, the provision to make dead sea turtles available for scientific research is not added to these regulations.

Another commenter, Dr. Jack Frazier of the National Zoological Park, raised the question of whether resuscitated turtles survive more than a few hours after being returned to the sea. The NMFS has evidence that sea turtles survive for at least several weeks after being resuscitated and returned to the sea.

Applicability to Other Laws, Regulations, and Requirements

National Environmental Policy Act

The NMFS considers promulgation of these regulations a non-major Federal action and thus no environmental documents need be prepared pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*). Even if these regulations were considered a major Federal action they would, nonetheless, be exempt from the NEPA environmental document requirements pursuant to Section (6)(c)(1) of the revised NOAA Directive Implementing NEPA and Executive Order No. 12114 (45 FR 49312 (1980)). Section (6)(c)(1) categorically exempts amendments to actions within the scope of the major action described in a previously published Environmental Impact Statement (EIS). The environmental impacts of the original resuscitation procedures were fully addressed in the Final EIS regarding the Listing and Protecting of the Green Sea Turtle (*Chelonia mydas*), Loggerhead Sea Turtle (*Caretta caretta*), and Pacific Ridley Sea Turtle (*Lepidochelys olivacea*) under the ESA. These regulations do not alter the context or intensity of impact described in that document.

Executive Order 12291

These regulations have been effective for eight months on an emergency basis

and have had no apparent adverse economic effect on the shrimp fishing industry. The regulations allow shrimpers to attempt sea turtle resuscitation with little disruption to their normal fishing operations. Shrimpers will be able to continue their resuscitation and relocation efforts according to these regulations with which they are now familiar and which they have reviewed and endorsed.

Consequently, these regulations are unlikely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries or government agencies; and (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States based enterprise to compete with foreign-based enterprises in domestic or export markets. I have determined, therefore, that these regulations do not constitute a major rule and require no regulatory impact analysis under Executive Order 12291 (February 17, 1981).

Regulatory Flexibility Act

For the same reasons described above, I have determined according to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that this rule will have no significant economic impact on a substantial number of small entities. Therefore a regulatory flexibility analysis is not required.

Paperwork Reduction Act

I have also determined that the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, are inapplicable to these regulations as they impose no collection of information requirements on any persons or agencies, instrumentalities, or employees of the United States.

Administrative Procedures Act

Unless these regulations take effect immediately, large numbers of threatened sea turtles may be lost through incidental drowning during the current shrimping season. Although the existing sea turtle resuscitation regulations help reduce incidental mortalities, effective implementation of these regulations will enhance the agency's overall sea turtle conservation effort and coupled with sound enforcement, will be of significant benefit to the threatened sea turtle populations in the Southeast United States. I, therefore, for good cause find that a delay of 30 days in effectiveness under 5 U.S.C. 553 is impracticable and contrary to the public interest. These regulations thus become effective upon publication.

Authority: The Endangered Species Act of 1973, as amended (16 U.S.C. 1533(d))

The regulations are set forth below.

Dated: August 27, 1981.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

PART 227—THREATENED FISH AND WILDLIFE

The amendments to 50 CFR Part 227 are as follows:

§ 227.72 [Amended]

1. 50 CFR 227.72(e)(1)(i) is revised to read as follows:

* * * * *

(e) * * *

(1) * * *

(i) Any specimen so taken must be handled with due care to prevent injury to live specimens, observed for activity, and returned to the water according to the following procedures:

(A) Sea turtles that are dead or actively moving must be released over the stern of the boat. In addition, they must be released only when trawls are not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.

(B) Resuscitation must be attempted on sea turtles that are comatose or inactive but not dead by: (*1*) placing the turtle on its back (carapace) and pumping its breastplate (plastron) with hand or foot, or (*2*) placing the turtle on its breastplate (plastron) and elevating its hindquarter several inches for a period of one up to twenty-four hours. The amount of elevation depends on the size of the turtle; greater elevations are needed for larger turtles.

Sea turtles being resuscitated must be shaded and kept wet or moist. Those that revive and become active must be released over the stern of the boat only when trawls are not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels. Similarly, sea turtles that fail to move within several hours (up to twenty-four if possible) must be returned to the water in the same manner.

* * * * *

[FR Doc. 81-25513 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of final determinations and closure of the recreational fishery in subarea B.

SUMMARY: The Director, Northwest Region, (Regional Director) National Marine Fisheries Service (NMFS), has reviewed the most recent coho abundance and distribution information, ocean fishing effort, and coho harvests to date. The review confirms the accuracy of the preseason estimates of coho abundance and allowable ocean harvest north of Cape Falcon. Therefore, the commercial all-species ocean salmon fisheries in subareas A and B, and the recreational ocean fishery in subarea A, which were closed on August 21 and August 26, respectively, will not be reopened. To avoid exceeding any further the overall harvest guideline for both the recreational and commercial fisheries, the recreational fishery in subarea B is also being closed by this notice.

EFFECTIVE DATE: August 26, 1981 through September 20, 1981. Public comments on this notice of final determination are invited until September 17, 1981.

ADDRESS: Comments should be sent to: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT:

H. A. Larkins, 206–527–6150.

SUPPLEMENTARY INFORMATION:

Emergency regulations implementing the fishery management plan as amended in 1981 (50 CFR Part 661), were published in the **Federal Register** (46 FR 30633) and became effective on June 5, 1981. The emergency regulations were extended for an additional 45 days through September 3, 1981 (46 FR 37705). Those regulations specify at § 661.12(b)(2) that the Regional Director will, within 24 days of the opening of the commercial all-species season, based on catch data, make a preliminary projection of the total ocean harvests of coho that will occur by the end of the commercial and recreational salmon fishing seasons in subareas A, B, and C. The preliminary determinations for subareas B and C appeared in the **Federal Register** August 4, 1981 (46 FR 39634). The preliminary determinations for subarea A appeared

in the Federal Register August 21, 1981 (46 FR 42485).

The emergency regulations also specify in § 661.12(b)(3) that within 40 days following the opening of the commercial all-species season in subareas A or B, or the closest working day following, the Regional Director, following consultation with the Chairman of the Pacific Fishery Management Council, the Director of the Washington Department of Fisheries, and the Director of the Oregon Department of Fish and Wildlife, and taking into consideration information received will estimate coho stock abundance south of Cape Falcon, Oregon, and north of Cape Falcon and will make a final projection of fishing effort and total ocean harvests by the commercial and recreational fisheries that will occur by the end of the scheduled fishing seasons. The all-salmon species commercial season in subarea B opened on July 1, and in subarea A opened July 15.

If, based on the final projection and any other relevent data received by that time, the Regional Director determines that (1) actual condition of abundance and distribution of coho salmon and of fishing effort and catches differ from conditions anticipated prior to the opening of the fishing season, or (2) inseason modifications are reasonably necessary to provided adequate escapement of coho salmon from the ocean fisheries for spawing, to meet treaty Indian allocation requirements, or to maintain the historical harvest ration between commercial and recreational coho fisheries (60 percent for commercial trollers, 40 percent for recreational fishermen in subarea A; 71 percent for commercial trollers, 29 percent for recreational fishermen in subareas B and C) he may modify the open seasons or catch limits as necessary in subareas A and B.

On the 40th day following the opening of the all-species salmon season in subarea B, another determination was issued for subarea B and C on August 19, 1981 (46 FR 42070) which concluded that because of a lack of definitive data, a final determination regarding coho abundance for subareas B and C could not be made until August 24 when final determinations were to be made for subarea A.

Findings and final determinations of the Regional Director for subareas A, B, and C are as follows:

Coho Harvest to Date

Subarea A

An estimated 490,100 coho have been harvested by the ocean fisheries in subarea A as of August 9, 1981 (the latest date for which catch data are available). About 186,500 coho were caught by the recreational fishery, of which 156,100 were caught off Washington and 30,400 off Oregon north of Cape Falcon. Of the 303,600 caught by the commercial trollers, about 272,700 were caught off Washington and 30,900 off northern Oregon. The 303,600 caught by the commercial troll fishery to August 9 compares with 293,800 and 466,300 caught by corresponding dates in 1980 and 1979. The 1979 commercial troll season opened two weeks earlier than the 1980 and the 1981 seasons which accounts for the larger catches in 1979. The 186,500 coho caught by the recreational fishery compares with 334,000 and 221,800 caught by comparable dates in 1980 and 1979.

Subareas B and C

An estimated 554,600 coho have been harvested by the ocean fisheries in subareas B and C as of August 9. Of these about 101,200 were caught by the recreational fishery, 94,200 off Oregon south of Cape Falcon, and 7,000 off California. Of the 453,400 coho caught by the commercial trollers, 399,200 were caught off Oregon south of Cape Falcon, and 54,200 off California. The 453,400 caught by the troll fishery by August 9 compares with 301,700 and 716,000 by corresponding dates in 1980 and 1979. The 101,200 caught by the recreational fishery by August 9 compares with 263,100 and 128,700 caught to the corresponding date in 1980 and in 1979.

Effort Data

Subarea A

Commercial fishing effort through August 9 off Washington is about 14 percent above 1980 but about 20 percent below 1979. The 1979 effort was higher primarily because the all-species season opened July 1 rather than July 15. Commercial effort in Oregon north of Cape Falcon is 89 percent above 1980 and 15 percent below 1979.

Recreational effort off Washington is down considerably from both 1980 (21 percent) and 1979 (25 percent). Recreational effort off northern Oregon is 12 percent below 1980 and about comparable to 1979.

Subareas B and C

Troll effort through August 15 in California is 8 percent below 1980 and 6 percent below 1979. For Oregon south of Cape Falcon, the troll effort through August 9 is 19 percent above 1980 because the all-species season opening was delayed in 1980 until July 15 and is 28 percent less than effort to the corresponding date in 1979.

Recreational fishing effort off California is 20 percent below 1980 and 30 percent below 1979. Recreational effort off Oregon south of Cape Falcon also is below both 1980 (by 15 percent) and 1979 (by 5 percent).

Abundance Evaluations and Projections for the 1981 Season

Subarea A

The most recent coho abundance and distribution information, ocean fishing effort, and coho harvests to date by the commercial and recreational fisheries give no reason to modify the estimates of coho abundance or the allowable total ocean harvest (harvest guideline) north of Cape Falcon. In earlier action, the Regional Director predicted that the harvest guideline of 372,000 coho for the commercial fishery in subarea A would be met on August 21; the fishery was closed effective at midnight (PDT) on that date. Likewise the harvest guideline of 248,000 coho for the recreational fishery was predicted to be met on August 26th and the fishery was closed effective at midnight (PDT) on August 26th.

Subareas B and C

Available information on coho harvests and inseason stock assessment suggests that the preseason estimate of OPI stocks was low. Expected 1981 catch levels and contributions of coho from private hatcheries for the OPI areas are higher than preseason estimates. In concert, these factors suggest that the preseason estimate of stock abundance and the ocean harvest guideline south of Cape Falcon should be increased by 22,600 coho from 772,000 to 794,600. Latest information and projections indicate that the commercial harvest guidelines of 564,200 coho were exceeded (by about 135,000) before the fishery was closed by field order on August 21. In addition, the commercial fishing season in Oregon waters of subarea B, by unanticipated action of the Oregon Fish and Wildlife Commission (Commission), was kept open an additional 3 days (until August 24). This action was estimated to result in an additional overharvest of 25,000–30,000 coho by the commercial fishery.

Catch by the recreational fishery in subareas B and C was projected to be 145,000 coho as of August 21. No action was taken by the Commission to shorten the recreational season in Oregon waters south of Cape Falcon (scheduled to end September 20), although it did propose to close the recreational fishery

in Oregon waters north of Cape Falcon on September 7, 12 days after the Federal closure for the recreational fishery in subarea A (August 26).

Thus it appears that the total revised harvest guideline for subareas B and C of 794,600 coho already has been exceeded by 50,000–60,000 coho and further coho fishing in the fishery conservation zone of subarea B, either recreational or commercial, must be prevented to avoid exceeding any further the revised harvest quota. Few coho remain now in subarea C, so the salmon fisheries there will not need to be closed until their scheduled closures.

Field Order, Comments, and Subsequent Actions.

Effective at midnight PDT on August 29, 1981 through September 20, 1981, the recreational fishery in the fishery conservation zone in subarea B is closed.

In accordance with § 661.12(b)(6) of the emergency regulations, the Regional Director finds that public comment on these final determinations, for a period ending September 17, 1981, would be in the best interest of the public and the resources involved. Comments will also be considered in relation to final regulations which are to be effective after September 3. Relevant data on which these projections and determinations were based may be reviewed at the office of the Regional Director (address above).

(16 U.S.C. 1801 *et seq.* and 50 CFR 661.12)

Dated: August 28, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-25542 Filed 8-28-81; 12:31 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 170
Wednesday, September 2, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1001

[Docket No. AO-14-A58]

Milk in the New England Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the New England milk order based on industry proposals considered at a public hearing in September 1980. The principal change would increase the total amount of transportation allowance on milk moved from country locations to city plants in order to reflect more nearly the actual costs of transportation. Related changes would lower the zone 21, or base zone, Class I price and would restructure some of the pricing zones in southern New England. Other changes would permit the use of storage tanks at a non-pricing reload point, allow Class I classification of ending inventories of fluid milk products, and increase the level of allowable diversions of producer milk to nonpool plants. Changes also are made in the procedure for applying location adjustments to shipments from supply plants. The recommended changes are necessary to reflect current marketing conditions and to assure orderly marketing in the New England area.

DATE: Comments are due on or before September 22, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:
Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior document in this proceeding:

Notice of Hearing: Issued August 11, 1980, published August 14, 1980 (45 FR 54066).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New England marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by September 22, 1981. The exceptions should be filed in four copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Framingham, Massachusetts, on September 9–11, 1980, pursuant to notice thereof issued August 11, 1980 (45 FR 54066).

The material issues on the record of the hearing relate to:

1. Plant location adjustments.
(a) Revision of the base zone Class I price level.
(b) Automatic change in location adjustments.
2. Transportation credit on milk moved between pool plants.
(a) Set-aside allowance.
(b) Classification of inventories.
3. Plant definition.
4. Diversion of producer milk.
5. Butterfat accounting.
6. Proposals not supported.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Plant location adjustment.*

The total transportation allowance for milk moved from country plant locations to city plants should be increased to reflect the full costs of reloading and hauling milk. The allowance for variable costs of hauling should be increased from the present 1.8 cents to 2.5 cents per hundredweight for every 10-mile zone that milk is moved between zone 21 and zone 1. Between zones 14 and 15, the fixed hauling cost allowance should be changed from 8 cents to 12 cents per hundredweight, and the provision for reload costs increased from 6 cents to 10 cents per hundredweight. The combined effect of these changes will be to increase the Class I and blended price adjustment at zone 1 from the present 50 cents to 72 cents per hundredweight over the zone 21 prices. At locations beyond zone 21, Class I and blended prices should be adjusted downward by 2.5 cents per hundredweight per 10 miles rather than at the present rate of 1.5 cents.

Under the present terms of the order, milk from producers is priced at the location of the plant at which it is first received. The same plant location adjustment rates apply to Class I and producer blended prices. Prices are adjusted from the 201–210 mile base zone (zone 21), which is measured from Boston. The Class I milk price is increased 1.8 cents for each 10-mile zone less distant than the twenty-first zone and reduced 1.5 cents for each 10-mile zone more distant than zone 21. In addition to the transportation adjustments associated with distance, a 14-cent differential (8 cents per hundredweight for fixed costs of hauling and 6 cents per hundredweight for the cost of reloading milk from supply plants) between zones 14 and 15 is applicable to milk received at plants in zones 1–14.

A federation of cooperatives and a milk dealers' association submitted nearly identical proposals to change the location adjustment schedule in the New England order. A variable hauling rate allowance of 2.3 cents per

hundredweight per 10-mile zone, and allowances of 12 cents per hundredweight for fixed hauling costs and 10 cents per hundredweight for costs of reloading milk, were requested. However, both groups proposed maintaining the present 1.8-cent per hundredweight per zone price differences within the first 8 zones where most of the distributing plants are located. A price difference of 5.8 cents, rather than 1.8 cents, would then occur between zones 8 and 9 to absorb the amount of hauling costs at the 2.3-cent rate per zone for the first 8 zones that would not be reflected in the 1.8-cent rate for those zones. Originally, cooperatives proposed that prices for zones beyond zone 25 continue to be adjusted at the current 1.5-cent rate, while the milk dealers proposed that price adjustments beyond zone 25 be at the same rate as within the first 25 zones. During the hearing, however, both groups reversed their positions on this issue, each adopting the other's proposal.

These proposals to increase price differentials between zones are designed to include within the order transportation allowances that adequately provide for the cost of hauling bulk milk. Proponent witnesses testified to the necessity of reflecting the full cost of hauling in the location adjustment schedule in order to achieve equity between handlers who buy milk from different sources and between producers who sell milk priced at different locations.

Handlers who buy milk directly from producers and cooperatives pay for it at the price applicable at their plant locations, with the producers or cooperatives paying any hauling costs incurred in delivering the milk to that location. Transportation costs on milk purchased from supply plants and assigned to Class I, however, are presently credited to the selling handler by charging him the Class I price effective at his location while he collects the higher Class I price effective at the location of the buying handler in payment for his milk. When the price difference between the two locations is not great enough to defray the expenses of hauling milk from one to the other, either the buyer or seller must make up the difference. A buying handler who pays for the transportation of his milk supply will experience a cost disadvantage in competition with a distributing plant operator who purchases milk directly from producers. If a cooperative-operated supply plant subsidizes transportation costs not covered under the order, reduced proceeds from the sale of milk must be reblended in lower prices to member producers, creating inequity between them and non-member producers and encouraging them to leave the cooperative.

Inadequate adjustment of prices by location results in producer inequity when producers deliver milk to handlers at different locations. A producer delivering milk to a city distributing plant receives a price which is too low to recover the cost of hauling milk there, while a producer whose milk is received at a country manufacturing plant is paid a price which is too high in relation to the plant's distance from the city market. Dairy farmers whose milk is direct-delivered to the city are then at a competitive disadvantage to those whose milk is received at nearby country plants.

If the order is to fulfill its purpose of providing stable and orderly marketing conditions for producers and for the handlers through whom they market their milk, it is necessary that transportation allowances contained in the order do not fall too far short of the full costs of hauling bulk milk. A regression analysis of transportation costs for July 1980 which clearly demonstrates the inadequacy of present transportation allowances was introduced by a witness for the proponent cooperatives. The hauling rates negotiated with milk haulers by cooperatives on 47 different routes, each covering 50–250 miles between supply plants or reload points and city plants, were analyzed. This cost analysis shows that the fixed cost of hauling bulk milk in July 1980 was 12.12 cents per hundredweight, with a variable cost of 2.55 cents per hundred-weight per 10-mile zone. A cooperative representative further testified that in a survey of cooperative association managers an average cost of reloading milk at supply plants of 10 cents per hundredweight was determined.

In a February 1978 hearing concerning location pricing, a similar regression analysis for August 1977 was introduced showing a variable hauling rate of 1.99 cents per hundredweight per 10-mile zone. At that time, the rate proposed for inclusion in the transportation allowance was 1.8 cents, which rate was adopted in the final decision issued in September 1978. Witnesses in the current proceeding testified that the 1.8-cent rate was obsolete before it was adopted, and as hauling costs have increased steadily since that time the transportation allowance has become increasingly insufficient.

It is apparent from the evidence presented that the transportation allowance in the New England order should be updated. However, adoption of the proposed rate of 2.3 cents per hundredweight per 10-mile zone would seem to invite the same problems encountered after the most recent proceeding dealing with this issue. Incorporation of a variable hauling allowance of 2.3 cents per hundredweight per 10-mile zone when the actual cost just prior to the hearing was 2.55 cents would ensure that the amended order would be out of date before it could be adopted. Accordingly, the 2.55 cents variable cost rounded to 2.5 cents per hundredweight per 10-mile zone should become part of the order's amended location adjustment provision.

As requested by proponents and supported by testimony, allowances of 12 cents per hundredweight for fixed hauling costs and 10 cents per hundredweight for costs of reloading milk should be incorporated in the location adjustment schedule. The fixed hauling cost allowance is supported by the regression analysis, and the reload cost by the only testimony offered on that subject. No evidence or testimony was presented to dispute either rate. As in the present location adjustment schedule, allowances for fixed hauling and reload costs should be inserted between zones 14 and 15. There are no pool distributing plants outside zone 14, and most supply plants and reload points are located in zone 15 and beyond. Insertion of these allowances between zones 14 and 15 will avoid disrupting competitive relationships between distributing plants. The addition of these allowances, totalling 22 cents per hundredweight, will cover the cost of moving milk from the production area to the primary consumption centers and line up the cost of nearby direct-shipped milk with that of more distant reloaded and supply plant milk.

In the proponents' proposed location adjustment schedule the present 1.8-cent per hundredweight price relationship between zones is retained through zone 8, with a 5.8-cent differential between zones 8 and 9. Proponent witnesses justified retaining the 1.8-cent price difference within the interior zones on the basis that nearly all of the distributing plants are located in these zones and that increased price differences there would disrupt competition. The change from the previous nearby plant zone, within which most of the plants in the present zones 1–8 were subject to the same price, had been in effect for only two years, they maintained, and handlers need more time to adjust to the present

price differences before changes are made.

Several proprietary handlers objected to aspects of the proposed location adjustment schedule that they felt would disadvantage their operations relative to those of other handlers. A distributing plant operator located in zone 7, in competition with a zone 12 handler, asserted that the proposed schedule, with a price break between zones 7 and 9, would increase the present 9-cent price difference between zones 7 and 12 to 14.5 cents. This price difference, he claimed, would reflect more than the actual variable cost of hauling milk a distance of 5 zones, and would advantage his competitor unfairly. A zone 1 handler repeated the zone 7 handler's concern over the state of competition with a zone 12 handler if price relationships in zones 1–8 were to be frozen with more rapidly declining prices outside zone 8.

Establishing different price adjustments between zones 1–8 than between zones outside zone 8, with the proposed price break between zones 8 and 9, would disrupt competitive equity between plant operators located in zones 1–8 and those located beyond zone 8. Location adjustments exist for the purpose of getting milk from where it is produced to where it is needed for processing and packaging. Hauling costs have not been shown to be any less in zones 1–8 than in other zones. Accordingly, the 2.5-cent per hundredweight rate should be used to adjust prices between zones 1 through 8. There is, however, a basis for restructuring the zoning within the old nearby plant zone.

At the time of the last hearing on this subject, a shift in the primary production area from Vermont to New York was observable. More milk was moving from west to east, while north to south movements were declining a proportion of market production production. It was determined, therefore, that the zoning of the secondary consumption areas west of Boston and Providence should be computed on the basis of the distances of Hartford and Springfield from the nearer of Boston or Providence. Since it is 70 miles from Providence to Hartford, and 77 miles from Providence to Springfield, the Hartford area was designated zone 7, and the Springfield area zone 8. Since the last hearing, however, the trend of production for the New England market has been northward. The percentage of production from Vermont farms in December 1979 was 39.3%, compared to 37.8% in December 1977. New York production pooled on Order 1 over the same period changed from 27.8% to 27.0% of total pool milk. At the same time, an examination of New York milk production pooled in New England, by county, shows a shift from southeast and east central counties to counties in northeast New York.

In New England, milk movements from northwest to southeast and north to south rather than from west to east result in diminishing the difference in distances between the major production area and the primary and secondary consumption areas. Hartford, Springfield and Worcester remain significantly closer to any primary production area than Boston or Providence, and should be in lower-priced zones to encourage milk to move on into the primary consumption area. However, price zone differences should be reduced between the Hartford, Springfield, and Worcester areas and zone 1 to make these secondary consumption centers more competitive in the procurement of milk from the north and northwest portions of the production area for the market. This would require an average decrease of approximately 20 miles, or 2 zones, in the relative distances from the principal production areas to Hartford/Springfield/Worcester and from those production areas to Boston/Providence.

The area presently designed as zone 1 should be unchanged. All plants located in the State of Rhode Island, the Massachusetts counties of Barnstable, Bristol, Dukes, Norfolk, Plymouth, or Suffolk, or the area between Boston and Massachusetts highway number 128 are in zone 1. This zone includes the major cities of Boston and Providence and is generally described as southeastern New England. The Class I price at plants in this zone would be 72 cents per hundredweight above the Class I price at the 21st (base) zone.

Plants located in that portion of Middlesex County, Massachusetts, south of Massachusetts highway 2 and not in zone 1 and the Worcester County townships of Berlin, Blackstone, Bolton, Douglas, Hopedale, Mendon, Milford, Millville, Northborough, Northbridge, Southborough, Sutton, Upton, Uxbridge, Westborough, and that portion of Harvard township south of Massachusetts highway number 2 should be in zone 2. The Class I price in this zone would be 2.5 cents less than that in zone 1, and 69.5 cents more than the zone 21 Class I price.

All plants located in the eastern Connecticut counties of Middlesex (except the townships of Cromwell, Durham, Haddam, Middlefield, Middletown, and Portland), New London, Tolland (except the townships of Ellington and Somers), and Windham; or in the Worcester County, Massachusetts, townships of Auburn, Boylston, Charlton, Clinton, Dudley, Grafton, Holden, Lancaster, Leicester, Millbury, Oxford, Paxton, Shrewsbury, Southbridge, Sterling, Webster, West Boylston, and Worcester City should be in zone 3. The Class I price there would be 5 cents less than the zone 1 price and 67 cents more than the Class I price at the 21st zone.

The designation of the present zone 7 (western Connecticut) should be changed to zone 5. This area consists of the Connecticut counties of Fairfield, Hartford, Litchfield, New Haven; the townships of Cromwell, Durham, Haddam, Middlefield, Middletown and Portland in Middlesex County; and the townships of Ellington and Somers in Tolland County. In addition, the Massachusetts townships of Brimfield, Holland, Monson, Palmer and Wales in Hampden County; the township of Ware in Hampshire County; and the townships of Brookfield, East Brookfield, Hardwick, New Braintree, North Brookfield, Oakham, Spencer, Sturbridge and West Brookfield in Worcester County should be included in zone 5. In this zone, which includes the city of Hartford, the Class I price would be 10 cents less than in zone 1, and 62 cents greater than the Class I price in zone 21.

The area presently designated zone 8, which includes the city of Springfield, should be changed to zone 6. This zone consists of the Massachusetts counties of Hampden (except the townships of Brimfield, Holland, Monson, Palmer, and Wales) and Hampshire (except the township of Ware). At plants located in this area, the Class I price would be 12.5 cents less than at plants in zone 1, and 59.5 cents greater than for locations at zone 21.

The zone location of any plant located outside the specific zones previously listed should be determined on the basis of its highway mileage from Boston. In general, this area encompasses the territory north and west of the zones specified. Since plants located outside the specified zones are generally on a direct line between the major production and consumption areas, they should be zoned on a straight mileage basis.

Restructuring the present designated zones in Connecticut and Massachusetts was not the specific method proposed by proponents. However, this rezoning would result in very little change in price relationships among pool distributing plants, as requested by the proponents. The Class I price difference between zone 1 and the Springfield area would change from 12.6 cents to 12.5

cents. From zone 1 to the Worcester area, Class I prices would be reduced by 5 cents rather than by 5.4 cents. The Class I differential at Hartford would be 10 cents less than at zone 1, as compared to the present 10.8-cent difference. The rezoning adopted in this decision will also incorporate the actual variable hauling rate throughout all zones, avoiding the sharp price difference between zones 8 and 9 which several handlers testified would hurt them competitively. At the same time, the revised zone structure more accurately reflects the relative distances of the primary and secondary consumption areas from the primary sources of production.

A handler located in Franklin, Massachusetts, objected to the present designation of that location as zone 1, claiming that it is closer to the production areas of Vermont than Boston is, and that zone 4 (with a 5.4-cent lower Class I price) is less than 10 miles away from the plant location. He requested that a zone 3 designation for this location be considered, which would lower his present Class I price by 3.6 cents.

There is no justification for placing this handler in a lower-priced zone. Franklin, Massachusetts, is approximately the same distance from points in Vermont as Boston is, and is midway between Boston and Providence, the two population centers of zone 1. Furthermore, it is located more than 20 highway miles from any of the nearest zone 4 competitors in the Worcester area.

Another zone 1 handler located north of Boston expressed a desire to see location differentials updated to reflect the full cost of moving raw milk from the farm to the city, but also requested that the old nearby plant zone be reinstated so that all handlers in southern New England might compete on the basis of the same Class I price. This witness maintained that it is difficult for handlers located in zone 1 to compete in further-out zones with handlers who are subject to lower Class I prices. Furthermore, he claimed, by adjusting prices within the nearby plant zone government contributes to urban decay by encouraging industry to move out of the central city area where costs are higher.

This witness overlooks the principle behind location adjustments, which is to ensure that milk will be moved to where it is needed. Zone differentials cannot reflect the cost of moving milk to the city if no differentiation is to be made between cities which are varying distances from production areas. If the location adjustments reflect the cost of moving milk only to the periphery of the consumption area, the allowance would not be adequate for hauling milk into Boston. At the same time, if the cost of moving milk to Boston were incorporated into a Class I price that applies throughout the entire nearby plant zone, the expense of hauling milk to Springfield or Hartford would be overcompensated, attracting unneeded supplies of milk to those cities. As transportation costs and allowances increase, the inequity of either of these situations would become more pronounced.

It is not likely, as the handler contends, that the present pricing concept would encourage handlers to move their distributing plant operations to outlying areas. Handlers who move out of the central city in order to obtain lower raw product prices would incur higher costs in moving packaged milk to the city that would more than offset the lower costs for raw milk.

A handler whose plant is located in Rhode Island expressed a need for increased hauling allowances to cover the extra cost of moving milk from northern Vermont, past Boston, to Rhode Island without having to pay a Class I price greater than that in Boston. In a post-hearing brief filed by this handler, it was suggested that the extra cost be covered by a 7-cent pool credit allowed on Class I supply plant milk shipped to Rhode Island and southeastern Massachusetts. The transportation credit allowed handlers regulated under the New York-New Jersey milk order (Order 2) was used as a justification for the proposed 7-cent credit.

The transportation credit in the New York New-Jersey order exists because of farm point pricing. It covers part of the handler's cost of getting milk from the farm to the plant of first receipt. The handler credit is not applied to the entire pool but only to the proceeds due producers whose milk is moved in bulk form.

In New England, where milk is priced at the plant of first receipt, producers pay the hauling costs associated with moving their milk to a plant. If southeastern New England is significantly farther from the production area than Boston is, the price of milk to the handler should be enough to cover the additional cost of hauling. However, there was no testimony supporting a higher price in southeastern New England than in Boston. In testimony received at the hearing, The Rhode Island handler stated that the cost of hauling milk to his plant from zone 25 in northern Vermont was 21 cents more than the present transportation allowance in the order. This decision adopts an increase in the transportation allowance from zone 25 to zone 1 of 26 cents, from 56 cents to 82 cents. This increase would more than cover the handler's current shortfall in transportation allowance.

As advocated by producer groups, reduction of Class I and producer prices by zone should continue beyond zone 21 at a rate reflecting the full cost of hauling (2.5 cents/cwt/zone). Witnesses opposed maintaining the present "kink" in the rate of adjustment beyond zone 21. They maintained that no reduction in hauling costs outside zone 21 was indicated in the analysis of hauling costs. Furthermore, milk is customarily hauled from as far as zone 25 to zone 1, and the transportation allowance on that milk should cover the full cost of hauling over that distance. Several witnesses testified that zoning, and adjustment of prices, should cease for locations farther out than zone 24 or zone 25. They expressed the opinion that the cessation of zoning for farther-out locations would discourage the "leap-frogging" of distant producers over closer-in producers since the hauling costs from the distant areas would not be fully covered. The record, however, does not reveal that this is happening to any significant extent. Moreover, in the absence of zoning, handlers would be able to pool farther-out producers at manufacturing plants beyond zone 25 at the zone 25 price, thereby diluting the pool and the blend price for all closer-in producers. Accordingly, adjustment of Class I and blend prices by zone should continue downward beyond zone 21 at the same variable rate as prices for the inner zones.

(a) *Revision of the base zone Class I price level.*

The 22-cent increase in location adjustments between zone 21 and zone 1 should not be applied as a full 22-cent increase in Class I prices at zone 1. Instead, the Class I price at zone 21 should be reduced 14 cents, resulting in an 8-cent increase at zone 1. At the present time, the Class I price differential at zone 21, which is added to the basic formula price for the second preceding month, is $2.42. With transportation allowances, the Class I differential at zone 1 is $2.92.

The milk dealers' association proposed that with an 18-cent increase on location differentials, the Class I differential at zone 21 should be reduced 12 cents to avoid the full 18-cent increase in the zone 1 Class I price. Under this proposal, the zone 1 Class I price differential would be increased 6

cents, or to $2.96. The dealers testified that any greater price increase would seriously disrupt intermarket competition with handlers regulated under Order 2, and would increase the total returns to producers. They expressed the belief that although producer prices need to be realigned, a significant net increase in producer prices under current supply-demand conditions would encourage even greater milk production in a market with declining Class I sales.

Producer groups opposed reducing the Class I price differential at any zone. One representative of a cooperative association asserted that increased costs of hauling should be passed through marketing channels to consumers, not absorbed by producers. Another witness pointed out that the handlers' proposed price reduction at zone 21 would have a net price reduction outside zone 14 where one-third of the producer milk and 10 percent of Class I milk in New England is priced. In view of the increases in cost of production indices of 20 to 25 percent since 1978, to which he testified, this witness expressed the opinion that no producer prices should be reduced. Also, two cooperative representatives testified that the historical price difference between Order 1 and Order 2 at the 21st zone has been 17–18 cents. Justification of that difference based on the relative differences in distance of the two markets from Eau Claire, Wisconsin, was cited from a 1968 decision. On that basis, one witness claimed, the Order 1 price should not only be maintained at 17 cents over the Order 2 price, but the difference should be increased to 24 cents.

The addition of the full 22-cent transportation increase at zone 1, with the rezoning adopted herein for southern New England, would result in a weighted average Class I price increase for the market of 20 cents and an increase in the blend price to producers of about 11 cents. In the face of increased production and declining Class I use, there is no economic basis for enhancing producer returns. Under the price support program, higher production costs (not including hauling costs) result in increased prices paid by the Commodity Credit Corporation for manufactured dairy products. Changes in support prices are then reflected in order prices for both Class II and Class I milk through the Minnesota-Wisconsin price series for manufacturing grade milk. There is, therefore, no reason to reflect in the location pricing structure of the order those increased production costs represented by the indices introduced in testimony.

The cooperatives' proposal to add to the Class I prices in the first 8 zones all of the increase in the cost of hauling milk from zone 21 to zone 1 implies that all of the milk needed for Class I use at all locations in the old nearby plant zone must be moved from distant areas. This is not the case. Much of the milk received by distributing plants in southern New England comes from farms relatively close to these plants. An analysis of the market administrator's statistics describing where milk is produced, by county, shows that production from within the States of Connecticut, Massachusetts, and Rhode Island, the southernmost counties of Vermont and New Hampshire, and the southeastern counties of New York is of great enough volume to satisfy about two-thirds of the Class I needs of the New England marketing area. Under the current supply arrangements in this market, increasing the zone 1 Class I price by 8 cents and reducing the Class I price at other zones at the rate of 2.5 cents per zone would result in approximately the same total returns to producers as a group. The 14-cent reduction in the zone 21 Class I differential that would result would reflect the relative decline due to increased hauling costs in the value of milk produced and delivered in the country compared to that of milk produced and delivered closer to city locations.

Although the zone 21 Class I price difference between Order 1 and Order 2 has historically been 17–18 cents, the intermarket price relationship at that zone has become less important over time with the growth of direct delivery of producer milk to city locations. Much more milk is priced at city locations now than in 1968. Since 1968, location pricing in both orders has evolved with the object of encouraging milk to move where it is needed for fluid use. Location adjustments were revised most recently for New England in 1978, and for New York-New Jersey in 1977. Since those revisions, the Class I price difference between New York City and Boston has been 16 cents (New York City: $2.25 Class I differential at 201–210 mile zone plus 36-cent location adjustment plus 15-cent direct delivery differential equals $2.76; Boston: $2.42 Class I differential at 201–210 mile zone plus 50-cent location adjustment equals $2.92). Under a recent decision on proposed pricing changes for Order 2 that were considered at a June 1980 hearing, the Class I price differential effective at New York City would be $2.94, compared to a differential price of $3.00 at Boston under the changes adopted herein.[1] The difference in prices effective at the two cities, therefore, would remain at 16 cents.

An increase in the present Class I price in the lower-numbered zones by the amount of the added transportation allowance would result in a misalignment of prices with Order 2, increasing the incentive for Order 2 handlers to distribute milk in Order 1. Both dealer and cooperative association witnesses, even those protesting the proposed reduction of zone 21 Class I prices, stressed the importance of price alignment between Order 1 and Order 2. Several witnesses also commented on the need to consider the results of the June 1980 Order 2 hearing. The problem of interorder alignment occurs because the procurement and sales areas of both orders overlap. The importance of interorder alignment has recently become greater as some trade barriers established by health department regulations have been removed. According to one witness, three New York handlers are now licensed to sell milk in Massachusetts.

Several areas were mentioned in testimony as being of primary concern in an examination of interorder price alignment. None of the testimony received, however, indicated that price relationships presently existing between Order 1 and Order 2 in these areas present any alignment problems. Interorder price alignment probably would remain fairly satisfactory, therefore, if price relationships in these areas remain relatively unaltered.

An Order 1 handler in Danbury, Connecticut, with sales in the Order 2 area competes with handlers in the New York metropolitan area. If this handler were to adjust his sales volume between the two markets to become pooled under Order 2, he would still maintain sales in the Order 1 area in competition with Order 1 handlers. In these circumstances, orderly marketing would be maintained in this handler's sales area if the Class I price level at Danbury were the same, or nearly so, under both orders. Danbury is presently in zone 7 of Order 1 and in the 41–50 mile zone of Order 2. The Order 1 price at Danbury is presently 12.4 cents higher than the Order 2 price. Under the revised Order 1 zone structure, Danbury would be in zone 5, while remaining in the 41–50 mile zone in Order 2. Under the changes

[1] Official notice is taken of the Assistant Secretary's decision on proposed amendments to the New York-New Jersey order that was issued on June 22, 1981 (46 FR 33006).

adopted in this decision and the very recent Order 2 decision regarding the location adjustment schedules for both orders, the Order 1 price at Danbury would be 14.8 cents higher than the Order 2 price. If full hauling costs were incorporated into the Order 1 location adjustment schedule without adjusting the zone 21 Class I differential downward, however, the price difference between the two orders at Danbury would increase to 28.8 cents. A price discrepancy of that size might encourage the Danbury handler to adjust sales so as to be pooled in Order 2 at a lower price, while still competing with Order 1 handlers in New England.

Handlers located in southwestern New England should not be subject to Class I prices that make them unable to compete with Albany, New York, area handlers selling milk in the Hartford, Connecticut, or Springfield, Massachusetts, areas. The importance of alignment between these points has increased with the licensing of several New York handlers to sell milk in Massachusetts. The Class I price differences between Albany and Hartford and Albany and Springfield effective during the period preseding the most recent amendment proceedings for the two markets have been 43.6 and 41.8 cents, respectively. Albany is in the 131–140 mile zone in Order 2. The recent decision for Order 2 establishes a Class I price differential of $2.404 at that location. As a result of the changes adopted herein, the Class I price differential at Hartford would be $2.90, and at Springfield, $2.875, this widening the price differences between these locations and Albany to 49.6 and 47.1 cents, respectively.

Order I Class I prices in southwestern New England should not be so high as to exceed significantly the Order 2 Class I price at Albany plus the cost of hauling packaged milk from there to Hartford or Springfield. Misalignment problems could result if Albany handlers were able to transport packaged milk to Hartford and Springfield at a Class I price differential cost that is below the Order 1 Class I price differential cost to handlers in those areas. In the earlier Order 1 decision on this subject, the cost of hauling packaged milk from Albany to Hartford, 102 miles away, was determined to be 42.6 cents per hundredweight. On the basis of the same formula, using a Purdue University study of 1976 packaged milk transportation costs, the cost of hauling packaged milk 82 miles to Springfield from Albany was 36.2 cents. Because 1976 transportation costs are obsolete, that formula should be updated. Using the rate of change experienced in bulk hauling costs since 1977, as determined from the regression analysis of those costs submitted by proponents, fixed hauling costs have risen 29% and variable costs 28%. A rate of increase of thirty percent can, therefore, be employed to estimate the change in packaged milk transportation costs since 1976. As a result, hauling costs of about 55 cents from Albany to Hartford and about 47 cents from Albany to Springfield may be calculated.

The Class I differential cost to any Albany handler for packaged milk moved to the Hartford area would then become $2.404 + .55, or $2.954, compared to the Hartford area handler's Order 1 Class I price differential of $2.90. An Albany handler would experience no advantage in transporting fluid packaged milk to Springfield, either, at a differential cost of $2.404 + .47, or $2.874, which would be the same as a Springfield handler's Order 1 differential cost for Class I milk. If the cooperatives' proposal were adopted, however, and no downward adjustment at zone 21 were made to partially offset the increase in transportation allowances, Class I price differentials at Hartford and Springfield would become $3.04 and $3.015, respectively, giving Albany area handlers a potential competitive advantage of more than 8 cents at Hartford and 14 cents at Springfield.

(b) *Automatic change in location adjustments.*

Proposals to revise location adjustment rates automatically through the use of a formula, so that transportation allowances will follow transportation costs as represented by fuel prices, should not be adopted. Identical proposals were submitted by a federation of cooperatives and by an association of milk dealers to adjust zone price differentials for every 5-cent change in the price of a gallon of "Diesel to commercial customers, New England" as reported monthly by the Bureau of Labor Statistics of the U.S. Department of Labor. The proposed adjustment of .05 cents per hundredweight per zone was derived mathematically from the effect a 5-cent change in fuel prices has on the cost of hauling 100 pounds of milk 10 miles. Price differences between the first 8 zones, however, would be kept constant by using the 1-cent adjustment that would be computed for Zone 1 · (.05 × 20 zones = 1 cent) for each of the first 8 zones. Prices in Zones 9–20 would be adjusted upward by .05 cents per zone for each 5–cent increase in diesel fuel prices. The Zone 21 price would remain unchanged, whatever the fluctuations in fuel prices, with prices in Zones 22 and beyond being adjusted downward for each 5-cent increase in the price of diesel fuel.

A provision for automatically updating location adjustments by formula has become necessary, proponents testified, primiarly because of increasing fuel costs, which had more than doubled between December 1978 and the time of the hearing. Increases in costs of other items affecting hauling were summarized over a period of three years preceding the hearing. Rates of increase for these costs, including equipment, labor, and tires, ranged from 32.5 percent to 45.6 percent. In the face of rapidly rising transportation costs, both cooperative association and dealer witnesses expressed a desire to see the order incorporate a means of updating transportation allowances automatically without going through the time-consuming hearing procedure.

The formula proposed is designed to adjust transportation allowances only according to changes in fuel prices, and only for the proportionate impact of fuel prices on total hauling costs. It was emphasized by more than one witness that the proposed automatic adjustment is not "indexing" in the sense that total hauling costs would be recovered through location adjustments which no incentive for handlers or haulers to minimize those costs. Instead, the fuel prices used in the formula would be prices reported as determined by market forces. Competition in a milk hauling industry described as presently "highly competitive" by a consultant with the University of Vermont studying milk hauling in Vermont would serve to keep costs, and rates, at a minimum. By basing the adjustment formula solely on fuel price changes, witnesses testified, less than one-third of the total hauling costs would be incldued in the formaula. The formula, therefore, should result in transportation allowance adjustments that are conservative in relation to actual cost increases.

Witnesses testified that a large cooperative in New England and one in the Order 2 market rely on fuel formulas to adjust automatically rates paid to contract haulers, thereby avoiding contract re-negotiations as hauling rates increase. The importance of adjusting rates for every 5-cent increase in fuel prices, rather than waiting for 10-cent increments, was stressed in order that transportation allowances stay current with price increases. Adjustments at 5-cent increments under the proposed formula would result in ½-mill rate adjustments, which some handlers claimed would be difficult to

incorporate into already existing data processing systems. Other witnesses maintained that such changes would not be burdensome when compared to the problems resulting from inadequate location adjustments.

An exhibit was introduced which tracked the operation of the proposed formula as if it had been in effect since December 1978. The base location adjustment rate per zone with which this exhibit began was the 1.8-cent rate adopted in December 1978 which, according to testimony, was obsolete when adopted. Application of the proposed formula yielded an adjusted 2.25-cent rate for August 1980, which is comparable with the proposed 2.3-cent transportation allowance rate requested by proponents.

Using the actual variable 1.99-cent rate determined by regression analysis for August 1977 as a base rate for December 1978 and applying the proposed formula, an adjusted rate of 2.45 cents per zone would result for August 1980. This rate is more nearly comparable with the 2.55-cent variable cost rate determined for July 1980 by regression analysis than is the 2.25-cent rate computed from a base of 1.8 cents. If a base rate reflecting actual variable hauling costs is selected, therefore, adjustments computed by use of the proposed formula would appear to follow closely actual variations in hauling costs over the period August 1977 through July 1980.

The concept of adjusting transportation allowances automatically appears to have merit. Use of the hearing process to adjust relative prices according to location is time-consuming. In a period when the cost of hauling is increasing rapidly, transportation costs effective at the time a hearing is held are often out of date by the time a decision is issued and a revised adjustment rate is adopted. The formula proposed for use in keeping transportation allowances current would, on the basis of the exhibit simulating its operation, result in adjustments to those allowances which would differ little from actual changes in hauling costs as determined by regression analysis. However, the proposed application of the formula adjustor would result in automatically increasing Class I and producer prices with no opportunity for review of such increases. Price misalignment, both within the market and with other markets, would be likely to ensue.

The proposed application of adjustments determined by formula would increase prices at zone 1 through zone 8 locations by the amount of adjustment computed for transportation over a full 200 miles, even though two-thirds of the milk received at city locations for fluid use moves a much shorter distance. With automatic revisions of location adjustments, no control could be exercised over the effect of those revisions on Class I differentials in the interior zones. The greatest impact of the proposed rate adjustments would be in the first 8 zones where over ninety percent of Class I and two-thirds of producer milk is priced. Such an application would have a potentially great price-increasing effect with no opportunity for reviewing the desirability of increased prices. Automatically increasing prices which would be effective to Order 1 handlers competing with handlers regulated under Order 2 would very likely have a deleterious effect on interorder price alignment. With a 50-cent diesel fuel price increase, prices to handlers competitive with those in Order 2 would increase 10 cents, putting them at a serious competitive disadvantage.

As proposed in the fuel formula adjustor, the 1-cent increase computed for zone 1 for each 5-cent increase in the price of diesel fuel would also be applied to the location adjustments for zones 2–8 in order to maintain the present price relationships between those zones. A proponent witness asserted that the inclusion of the formula adjustor in the order would be important to maintain realigned prices within the market. If zoning within the old "nearby plant zone", however, is to reflect the relative distances of the principal consumption areas from the primary production areas, the rate adjustments for location between those zones should also change, or at least be reviewed, whenever transportation allowances are adjusted to reflect changes in hauling costs. Other witnesses expressed a valid concern that the proposed application of the formula would widen the present and proposed price differences between zones 8 and 9, giving handlers located outside zone 8 a growing competitive advantage over handlers in the lower-numbered zones. A steadily growing price difference at that location would have no economic justification.

The idea of revising location adjustment rates automatically on the basis of a formula using some measure of hauling costs is not intrinsically unacceptable, but several problems with the proposed application of such a formula would have to be overcome. First, Class I price increases for all zones less distant than the 201–210 mile zone would enhance producer returns by more than the additional amount needed to cover increased hauling costs, since on the average milk need not be moved as much as 200 miles to meet Class I needs of the market. The record gives only limited information about which zone would be representative of that distance, but shows clearly that the 201–210 mile zone is not. Second, in the absence of any evidence that variable hauling costs for moving milk to some zones differ from the costs of moving milk to other zones, revisions of location adjustment rates should be applied uniformly to all zones in order to maintain intraorder price alignment. Third, maintenance of interorder price alignment should be considered in the application of any formula to adjust location pricing. Fourth, a formula that purports to respond to less than one-third of the costs associated with the transportation of bulk milk would not be likely to keep pace with changes in those costs over any extended period of time. Finally, although the prospect of further cost savings resulting from advanced technology or procedures was dismissed by one witness as improbable, factors of that nature are difficult to predict. Any provision for adjusting transportation allowance rates automatically by formula could not be formulated in a satisfactory manner on the basis of the evidence adduced at the hearing.

2. *Transportation credit on milk moved between pool plants.*

Proposals to modify the classification of inventories, and to increase the level of "set-asides" in assigning a handler's receipts to his utilization, are designed to effect more uniform costs to handlers between milk received at distributing plants from country supply plants and milk received directly from producers and cooperative associations, and to reduce the reclassification of supply plant milk, both at pool time and on subsequent audits. The basic problems toward which these proposals are directed can be solved more directly by changing the provisions for classifying and assigning receipts of supply plant milk so as to account for it as Class I, unless Class II use is requested by both handlers; and by using a different "set-aside" provision to determine the amount of supply plant milk on which transportation credit will be allowed. To make supply plant milk more competitive with direct-delivered milk, and to allow for unavoidable Class II use, a set-aside provision that permits transportation credit on transfers of plant milk of up to 110 percent of skim milk in Class I and 150 percent of butterfat in Class I after subtraction of direct receipts should be included in the

computation of location adjustment credits. A proposal to expand the definition of Class I inventory should be modified to allow handlers to claim Class I classification of inventory held for fluid use in months with abnormally large inventories.

(a) *Set-aside allowance.*

Under the present provisions of the order, milk received at a pool plant from other pool plants is assigned to the receiving plant's Class I utilization only after direct receipts of producer milk and cooperative association bulk tank milk have been assigned. An amount of direct receipts equal to 6 percent of skim milk and 25 percent of butterfat in the plant's Class I route disposition is assigned, or set aside, to Class II before the remainder of direct receipts and receipts from pool plants are assigned. The intent of the Class II set-aside is to allow for unavoidable Class II use at pool distributing plants and increase the Class I assignment of receipts from other pool plants so that transportation allowances would be realized. The unavoidable uses on which the present set-aside percentages are based are cream from standardization, shrinkage and route returns.

A cooperative federation proposed increasing the set-aside allowance to 10 percent of skim milk in Class I while leaving butterfat at 25 percent. A dealers' association proposed increasing the skim milk set-aside to 15 percent and the butterfat allowance to 50 percent. Representatives of both producer and dealer groups testified that the present level of set-aside is not adequate to cover "unavoidable" Class II use at pool distributing plants. Unavoidable uses were described by both groups as Class II products which are necessarily associated with a Class I handler, in addition to those uses which are presently included in the set-aside.

Cream, sour cream, milk shake mix and yogurt were mentioned as Class II products which should be processed by a handler who wishes to maintain a full line of dairy products for consumers. It was stated by one witness that because the production and packaging of these items often use the same tanks, pasteurizers, and fillers that are needed for processing fluid milk products, such products may be produced more efficiently at the city plant than in a country location where capital is needlessly duplicated. In addition, because items such as cream and yogurt are not condensed in processing and are more costly to haul as packaged finished products than as bulk milk they may, when transportation is considered, be processed more economically in a city plant.

The result of these proposals would be to increase the amount of supply plant milk to which transportation allowances are applied by increasing the amount of such milk which is assigned to Class I at a distributing plant. Supply plant operators currently ship milk to the city assuming that it will be used in Class I and that it will be covered by the transportation allowance. If supply plant milk is not assigned to Class I, it is reclassified to Class II and thus no transportation allowance is reflected under the order. Frequently, upon receipt of handler reports and on subsequent audits of the purchasing handlers, supply plant milk is reclassified by the market administrator in applying the assignment provisions of the order.

The reclassification part of this problem can be remedied by classifying and assigning all transfers between pool plants as Class I unless both handlers request that they be Class II. The selling handler should be obligated to the pool for the Class I price at the location to which the milk is delivered. The buying handler would purchase it at that price and then be credited with a transportation allowance on the amount of supply plant milk needed for Class I use and unavoidable Class II use as determined according to a revised set-aside provision. Under this arrangement, the transportation allowance would be at the rate determined by the difference between the Class I prices appliciable at the selling and buying handlers' plant locations. In this way, a distributing plant operator has an incentive to purchase from a supply plant no more milk than is needed for Class I use plus unvavoidable Class II use unless he is willing to pay transportation costs on supply plant milk not included in the transportation credit.

Transportation allowances are to be applied only to milk transferred from more distant plants to distributing plants which is needed to meet Class I and unavoidable Class II uses. Milk used in manufactured products is processed and reduced in volume more economically in the country before being transported to the city than it is when moved in bulk form to be processed at a city plant. The "pool" covers the cost of moving supply plant milk to the city at the expense of all pooled producers, since the application of location adjustments to supply plant milk reduces the handler's pool obligation, the total value of the pool, and the blended price to producers. Alternatively, milk moved directly to city plants from producers' farms moves at the expense of those producers. Dairy farmers whose milk is moved long distances at substantial expense to themselves have an incentive to find an outlet for their milk located closer to their farms. When hauling costs on supply plant milk are covered under the order, however, neither buying nor selling handlers have an incentive to assure that the milk is not moved unnecessarily. Only when country plant milk is actually required to meet the market's fluid needs, therefore, should the "pool" bear the expense of moving it to the city.

The Class II uses advocated by proponents as unavoidable should not be included in the set-aside allowance. Milk shake and frozen dessert mixes require the use of a significant amount of condensed or powdered ingredients while the cream requirements for those products and for cream products can be met by utilizing the surplus butterfat derived from standardization, which is included in the set-aside allowance. Arguments that transportation of yogurt as a packaged product and duplication of capital equipment are more costly than processing it in the city are persuasive although no testimony about rate or cost differences was introduced. Yogurt, however, is processed at relatively few distributing plants, and an allowance large enough to cover yogurt production at those plants would permit the application of transportation credit on excessive amounts of Class II use at distributing plants not processing yogurt. A further consideration is that if a handler achieves transportation and operational savings from processing Class II products in the city in great enough amounts to justify moving milk there from country plants, perhaps the handler rather than the market's producers should bear those hauling costs.

While it is important to ensure that country plant milk not be moved unnecessarily to city plants at the expense of the pool, it is appropriate for reasons of equity between handlers that use supply plant milk and those that use direct-delivered milk that all truly unavoidable Class II use at distributing plants be included in the set-aside allowance. City handlers should be indifferent as to where their milk is obtained, and raw product costs to competing handlers should be comparable. A handler reimbursing a supply plant operator for hauling milk needed for Class I but assigned to Class II pays more for his milk than a handler whose receipts are delivered directly from producers who are bearing the entire cost of transportation. A further inequity results when cooperatives operating supply plants subsidize the

hauling of their members' milk to the city to avoid losing their outlets to competition from direct-delivered milk. The hauling subsidy must then be reblended in a lower payout to produces, disadvantaging cooperative members with respect to nonmember producers. An adequate allowance for unavoidable Class II utilization of not only direct-delivered receipts, but of supply plant receipts as well, in determining the applicability of location adjustments to supply plant milk is therefore important for achieving both handler and producer equity. The present set-aside allowance provides for unavoidable Class II use only at plants that have direct-delivered receipts. The allowance for unavoidable Class II use should be made applicable as well at a plant that receives milk from supply plants only.

When only genuinely unavoidable Class II uses are considered, the present set-aside allowances can be shown to be inadequate. Variations in inventory from one month to the next and an increase in the removal of butterfat from producer milk for standardization should be included in the set-aside allowance as unavoidable Class II use and considered in the determination of the application of transportation allowances to receipts from supply plants. Allowances for Class II use in shrinkage and route returns as presently provided for in the set-aside are adequate. Two percent of both skim milk and butterfat is generally considered a sufficient allowance for shrinkage, or receipts that are not accounted for in use, and experience of the New England market as shown in the market administrator's statistical reports indicates that total shrinkage represents intended Class I use that is returned to the handler by distributors. Such use is not identified specifically in statistical reports, but is usually included in livestock feed. Over the period represented by the statistical reports, use in livestock feed averaged 0.1 percent of Class I use, while the set-aside allowance for route returns is one percent.

Standardization, or the removal of butterfat from producer milk to achieve a lesser butterfat content for fluid use, is presently provided for in the set-aside allowance. The standardization allowance for butterfat, however, is not sufficient. According to the market statistics, the amount of butterfat that must be removed from producer milk for standardization is forty-one percent of the amount of butterfat in Class I dispositions. Skim milk that is removed with butterfat in standardization represents nearly two percent of the skim milk in Class I.

Variation in ending inventory is not presently included in the set-aside allowance, but should be considered as an unavoidable Class II use. The volume of ending inventory may vary considerably, depending on whether the last day of the month occurs on a day of the week on which the handler packages fluid milk products. Milk in inventory at the end of a month is not included in a distributing plant's Class I use on which location credits for the supply plant are determined. Not until the following month are fluid milk products in ending inventory during the prior month distributed on routes and included in Class I sales on which location adjustment credit apply. During the period of August 1979 through July 1980, for which pool statistics were submitted, the change in ending inventory from one month to the next for the market as a whole ranged from 0.04 percent to 5.7 percent of Class I use. An allowance of four percent of skim milk and butterfat in Class I use for inventory variation would cover the extent of that variation for eleven out of twelve months.

On the basis of data presented by the market administrator, a distributing plant primarily engaged in the processing of fluid milk products reasonably could have unavoidable Class II use in an amount up to ten percent of the skim milk and fifty percent of the butterfat contained in its Class I disposition.

No provision should be made for allowing an unused portion of a set-aside allowance at one plant to be used at another plant of the same handler. The witness for the dealers' association testified that inasmuch as some multi-plant handlers specialize in some Class II uses at certain plants, they should be entitled to share the set-aside allowances between all plants of a handler. Because the Class II products requested to be covered by the set-aside provision are not to be included, the potential benefits to the handler of their part of the dealers' proposal would be lost. Moreover, if the allowance adopted for unavoidable Class II use is more than is actually needed, it would detract from the intent of the limit on the allowance to accommodate pool transportation credit for supply plant milk intended for Class II product operations at another plant.

(b) *Classification of inventories.*

The provision for classifying fluid milk products in inventory at the end of each month should be changed to allow handlers more latitude in requesting that ending inventory be considered Class I. A handler who operates a pool distributing plant should be entitled to claim Class I classification on any or all inventories of fluid milk products at the end of each month, pending the final disposition of such fluid milk products. Also, the order should continue to provide that in the case of a handler who claims no Class II classification for any fluid milk product received, ending inventories of those fluid milk products should be classified as Class I, pending their final disposition.

At the present time, the inventory classification provision specified that inventories of fluid milk products may be classified as Class I only if the handler who requests such classification receives no milk directly from producers or cooperatives, or if a handler claims no Class II classification of any fluid milk product received. Under this provision, supply plant milk received for fluid use but held in inventory at a distributing plant which also receives direct-shipped milk must be classified as Class II, and thus is not eligible for any transportation allowance. The cooperative federation and the dealers' association made identical proposals that the inventory classification provision be amended to allow a handler who receives milk directly from producers or from cooperatives to request that fluid milk products in inventory at the end of the month be classified as Class I.

Witnesses testified that the present classification of inventory in Class II is responsible for large and frequent Class II classification of supply plant milk shipped to distributing plants. An ending inventory large enough to increase total Class II use over the amounts to be assigned under the set aside allowance may cause milk moved to a distributing plant for fluid use to be assigned to Class II. Proponents asserted that as the number of days in the week on which handlers bottle milk decreases, the occurrence of large fluid inventories becomes more frequent.

The classification of inventories also affects the amount of milk received from supply plants on which transportation credit is allowed. Milk transferred for fluid use but held in inventory and classified as Class II is not subject to transportation credit. Presently, large ending inventories expand the amount of Class II utilization to which receipts are assigned, increasing the likelihood that a handler will have greater Class II utilization than that provided for in the "set-aside" allowance. The receipts assigned to this excess Class II use caused by large ending inventories are supply plant receipts which are thereby denied the application of transportation

allowances. The representative for the dealers' association testified that the ability of handlers to classify some ending inventory as Class I would enable them to level off assignements of milk to Class II from month to month. The proposal was described as a means for relieving the effects of large inventory variations on transportation credits for supply plant milk.

To a great extent, the problems addressed by this proposal have been remedied elsewhere in this decision. The Class II classification of supply plant milk will be curtailed by the transfer of milk between pool plants on an agreed class basis. Milk moved for fluid use will be reported as Class I and assigned to Class I before receipts of producer milk are assigned. However, under the revised "set-aside" provision, assignment of supply plant milk to Class I will not ensure transportation allowances on that milk. While the increased "set-aside" percentages include an allowance for inventory variation established on the basis of market-wide averages, it cannot be expected that each handler will operate within the "set-aside" allowance for inventory variation every month, or that all handlers will experience similar inventory variations. A handler with an unusual inventory variation should be allowed to place some or all of his ending inventory in Class I in order to even out the effect extreme variations in inventory may have on the applicability of transportation credits to his receipts.

In the first month in which inventory is classified as Class I, it may be expected to have a significant impact on the amount of skim milk and butterfat available for location adjustment. In subsequent months, however, continued classification of inventory in Class I would be offset by Class I beginning inventory assigned to Class I use and deducted before the amount available for location adjustment is determined. It is not expected that use of this provision will result in any detrimental effects on the pool. The ultimate classification of producer milk is determined by its final use. Classification in inventory is always subject to adjustment in the following month, depending on the handler's actual utilization in that month. The effective use of Class I classification of inventory, then, would be to correct for inventory variations greater than those allowed for in the "set-aside" provision. The primary impact of allowing inventory to be reported as Class I on a handler's use value is that the handler pays the Class I price for milk in the month previous to its use in that class. At present interest rates, the cost of unnecessarily classifying inventory in Class I would be as must as 5 cents per hundredweight.

At the time a handler reports receipts and utilization of milk products to the market administrator for a particular month, the use of milk in inventory at the end of the month would be known to the handler. The handler should therefore be able to designate the classification of milk held in inventory on the last day of the month for use on the first day of the following month. Supply plant milk received for fluid use is more likely to be classified according to the use for which it was intended, and transportation credits are more likely to be allowed on such milk, if handlers are allowed more discretion in classifying inventory as Class I.

3. *Plant definition.*

The order should be changed to provide that a facility at which milk is reloaded through stationary storage enroute from producers' farms to processing plants, but at which no processing or packaging takes place, may be designated by the handler as a non-pricing point upon written notice to the market administrator before the first day of the period in which such designation is to be effective. Designation as a non-pricing point may be changed to give the facility status as a pricing location under the same notification requirements. A proposal to allow stationary storage facilities to be non-pricing points on the premises of a manufacturing or processing plant should not be adopted.

The order presently describes a plant as premises on which milk or milk products are received, processed, or packaged. Milk received at a plant is priced at the location of that plant. Bulk reload points, where milk is reloaded from one tank truck to another enroute from diary farmers' farms to a plant, are specifically excluded from the plant definition unless stationary storage tanks are maintained and used on the premises. Milk reloaded at bulk reload points is priced at the location of the plant where it is later received. If stationary storage tanks are in use at the reload point, however, the reloaded milk is considered a receipt there and priced at that location.

Cooperative and dealer groups both proposed that the definition of a reload point be expanded to include stationary storage facilities. The dealers' association proposed that no prohibition on the use of a pipeline connecting a stationary storage tank with a manufacturing or processing plant be included. Both groups requested that a handler have the option of designating a reload point with stationary storage as a pricing point. Proponents contended that the inclusion of stationary storage at a reload point, or non-pricing point, would help alleviate the competitive equity problem of supply plant milk relative to direct-delivered milk by allowing milk that is presently considered a supply plant receipt to be accounted for as a direct delivery to a distributing plant.

The representative of the proponent federation of cooperatives testified that reloaded milk will continue to be an important part of the milk supply in New England, and that stationary storage is an important factor in handling that milk supply efficiently and economically and in maintaining its quality. He stated that in areas relatively close to the interstate highway system and city consumption centers, the structure of dairy farming is not conducive to the use of large tractor trailers. The topography in these areas in southern Vermont and New Hampshire is often hilly, with narrow winding roads and small bridges making the use of tractor trailers hazardous. He indicated that many farms are not set up to have their milk picked up by large over-the-road tankers, and the density of the farms is often not great enough to make the use of such vehicles economical. For these reasons, he noted, it is unlikely that the trend toward farm pickup by over-the-road tankers will advance much further. In some areas, milk will continue to be picked up at the farm in smaller assembly vehicles and reloaded into tractor trailers to be hauled to plants.

According to witnesses for cooperatives, the presence of stationary storage facilities at reload points would contribute to the maintenance of milk quality by enabling handlers to unload, wash and sanitize assembly vehicles immediately upon completion of their routes rather than waiting for the arrival of a delivery vehicle. Furthermore, they stated, milk temperature would be better maintained and poor quality milk segregated more easily through the use of stationary storage tanks.

Proponents of both cooperative and dealer proposals, as well as other cooperative representatives, testified that the use of stationary storage at reload points would promote hauling efficiency and economy. Storage tanks would provide a margin for short-time fluctuations between volumes of milk receipts and shipments at country plants, giving handlers more flexibility in directing deliveries of milk as needed on a daily basis and accommodating the prevailing trend toward reduced numbers of bottling days at distributing plants. It was asserted that if stationary storage facilities were available at

reload points, gaps between assembly and delivery schedules would not require that trucks and drivers wait upon the completion of other routes. As a consequence, fewer assembly and delivery trucks may be required, resulting in savings in the costs of milk handling. Witnesses testified that unnecessary costs of 4 cents per hundredweight are presently incurred at ten to twelve locations where parked trailers are in use as "mobile" storage facilities. At some reload points the presence of stationary storage tanks which cannot be used without causing the location to become a pricing point represent a cost to handlers of unused capacity. No difficulties were foreseen in properly accounting for the disposition of producer milk reloaded through stationary storage facilities.

The proponent cooperative federation, although not originally proposing that a handler be allowed the option of designating a non-pricing reload point with stationary storage as a pricing point, modified their proposal during testimony to make such a choice available to a handler during any month of the year. The dealers' association had proposed that handlers be able to include such a facility as a "plant" in a group of plants during July through December in order to meet supply plant performance standards. The dealers' witness advocated the adoption of this option to enable a handler to meet qualifying shipments for his group of supply plants flexibly and efficiently. Cooperative witnesses pointed out that in the absence of their proposed option, a handler with no other plant may be unable otherwise to qualify his producers or his milk supply for pooling. Further, under an expanded reload point definition and without such an option, a plant at which processing has been taking place would lose its pricing status if its processing activities cease, potentially disrupting the pricing of producer milk received there. Witnesses from both groups testified that the market administrator should be notified in advance of a handler's intention to change the designation of his "reload point" to a "plant" or vice versa, so that milk handled there might be pooled, classified and priced properly. A cooperative witness suggested that it might be necessary for administrative reasons to limit a handler's use of the proposed option to certain months, or for the status of a reload facility with stationary storage to remain unchanged throughout the qualifying period.

The dealers' association proposal would allow a storage tank at a milk processing plant to be a non-pricing point, even if connected to the processing operation by a pipeline. The cooperative proposal would prohibit the connection by pipeline of non-pricing storage facilities with processing or packaging operations. The witness representing the milk dealers speculated that potential difficulties encountered by the market administrator in identifying a "pipeline" would make such a prohibition troublesome to administer. He stated that the use of a manufacturing plant as a non-pricing point would increase a handler's flexibility in the assembly and transportation of milk. Furthermore, he contended, when the list of activities presently allowed at a reload point is considered, it is apparent that such a facility may already be considered a complex milk plant at which processing, as well as stationary storage, would be a logical extension of permissible activities. Cooperative witnesses argued that a facility receiving milk should be either a pricing point or a non-pricing point, and should not perform in both capacities on the same premises at the same time. It was pointed out that administrative difficulties in determining whether a producer's milk had been received at a pricing or a non-pricing point would no doubt result from a provision of this nature. Determining whether milk delivered to city distributing plants is received from supply plants or through reload points would also become more difficult. The proponent witness conceded the difficulty of accounting for milk received at and reloaded from stationary storage tanks at a processing plant.

The record indicates that allowing the use of stationary storage tanks at non-pricing reload points will contribute to the marketing of milk in a more efficient and economic manner. It is apparent that handlers are incurring expenses of maintaining extra tank truck trailers for storages purposes which are operationally inefficient in order to circumvent the provision of the order that requires milk to be priced at a reload point if the milk is held in a stationary tank. The problem of whether the cost of hauling plant milk which is assigned to Class II will be paid by the buyer or the seller is currently avoided by reloading milk from mobile storage tanks and causing it to be priced as direct-delivered milk instead of plant milk. Convincing arguments were presented that significant efficiencies other than saving the expense of operating mobile storage facilities may be made in the operations of handlers assembling and delivering milk if stationary storage is permitted at reload points. If assembly and delivery trucks no longer need wait on each other and are free to complete more routes, both capital and labor savings may be accomplished through the need for reduced numbers of trucks and drivers. Idle storage facilities may be put into use without making a location a pricing point, freeing the trailers now being used as mobile storage for the transportation of milk. A facility that receives milk should remain within the definition of a plant. However, if no processing or packaging occurs on the premises of the plant during the same month in which milk is received and held there in stationary storage tanks to be reloaded and moved to other plants, the facility may be designated a non-pricing reload point by the handler.

Milk delivered to a facility and held in stationary storage on premises where processing or packaging is performed should be priced at that location. Allowing a handler to designate one portion of a manufacturing plant as a non-pricing point would result in insurmountable problems in determining whether producer milk received into stationary storage had been commingled with plant milk, and whether milk "reloaded" from there was producer milk or plant milk. The problem of defining a "pipeline" will be avoided by prohibiting the processing and packaging of milk on the same premises as a non-pricing point. The addition of stationary storage to those activities presently permitted on the premises of a reload point will not afford any increased ability to alter the characteristics of producer milk. If processing or packaging activities are present, however, maintaining the identity of producer milk would become a problem.

Some handlers may find it neccessary to retain plant status for a reload facility with stationary storage during some months of the year in order to qualify individual producers, or their entire milk supply, for pooling. When plant status is not required for pooling, however, those handlers should be allowed to exercise the same option available to other handlers of designating their facilities as non-pricing points. There is no need to require a handler to maintain either pricing or non-pricing status for such a facility throughout an entire year, and that requirement would be unnecessarily restrictive. Furthermore, a plant at which no processing or packaging occurs need not maintain the same pricing status for the entire August through December period during which supply plants must make minimum shipments if they want to be

automatically pooled in later months. Supply plant performance is determined each month for both individual plants and groups of plants. There is no basis for requiring any plant to be eligible to meet those standards for the entire period, or for prohibiting the plant from performing as a pool supply plant only for those months needed for qualifying producers for diversion.

The market administrator should be notified in writing of the designation of a reload point with stationary storage facilities as a non-pricing point, or the reversal of such designation before the first day of the month for which the pricing status is to be changed. Sufficient notification will ensure that producer milk received or reloaded there will be pooled, classified and priced properly. In addition, the status of the plant will be determined in time for handlers purchasing milk from or through that location to be aware of the manner in which the order will be applied to those receipts.

4. *Diversion of producer milk.*

Limits on the proportion of producer milk that may be diverted to nonpool plants and still be eligible for pooling should be increased to more nearly reflect the percentage of milk on the market that is in excess of the market's fluid needs. A handler's diversions of producer milk to nonpool plants should be limited to 35 percent of milk pooled in the months of September through November and 45 percent in the other months of the year instead of the present limit of 25 percent in each month. This modification should enable handlers to avoid uneconomic handling of milk that may currently be undertaken to qualify all of a handler's milk supply for pooling.

A spokesman for the cooperative proposing that the 25 percent limit on diversions of producer milk to nonpool plants be deleted testified that such a limit restricts only the method used to move milk to nonpool plants, and not the amount of milk. In addition, he pointed out that the present requirements for delivery of producer milk to pool plants are much more rigorous year-round than shipping standards for pool supply plants. The witness stated that his organization incurs substantial freight costs in addition to costs of 10–12 cents per hundredweight solely to move milk through its supply plants for the purpose of qualifying it for pooling, a procedure which is not only expensive but fuel-inefficient. A handler who sells a substantial portion of Class II milk to nonpool plants, he claimed, bears an undue and unfair burden of marketing costs in these unnecessary movements of milk. The witness further testified that the order provisions for individual producer qualifications assure that producers are adequately associated with the market, describing as stringent a requirement that a majority of shipments of a producer's milk be delivered to a pool plant for at least 2 months of a qualifying period. He stated that the diversion limit does nothing to ensure the adequate attachment of producers to the pool, and thereby preclude dilution of the pool. A final point made by this witness was that the Class I needs of the order currently are not only being met, but are declining; and that in a market with only 50 percent Class I use, a 75 percent delivery requirement is excessive.

A witness representing most of the cooperative on the market testified in opposition to the elimination of limits on diversions of producer milk to nonpool plants. He asserted that deleting the diversion limit would allow supplies of milk that are not really associated with the fluid market to share in the Class I pooling base, thereby reducing the uniform price to producers who are serving the Class I market. Since the diversion limit discourages pool riding by irresponsible parties who would be able regularly to divert milk to locations remote from the market, this witness expressed his conviction that milk would be available for Class I use whenever necessary only if the limit is retained. He pointed out that there are numerous pool manufacturing plants to which milk be diverted and still qualify for pooling.

The proponent's witness testified only generally about the extra costs resulting from unnecessarily hauling, receiving, and shipping milk for qualifying purposes, and did not indicate the extent to which such inefficient handling of milk is required of his organization. Cooperatives operating pool manufacturing plants are likely to experience few difficulties in pooling their milk within the diversion limits. Cooperatives without such outlets, however, may indeed operate at a disadvantage in meeting pool delivery requirements even if the actual utilization of their milk differs little from that of producer groups possessing pool manufacturing facilities.

In the absence of any testimony regarding the magnitude of the proponent's need for relief from the inefficiencies caused by operating within the present diversion limits, the only evidence available upon which to base a determination of an appropriate level for such limits is the extent to which producer milk is needed for fluid use on a marketwide average. The percentage of producer milk assigned to Class I use over the course of 1 year is contained in the monthly statistical reports for August 1979 through July 1980 submitted by the market administrator. These reports show a range in percent of Class I utilization of producer milk of 47 percent to 63 percent during that period, with an average of 56 percent. Since over half of the milk pooled in New England is needed for fluid use, some limit on the proportion that may be diverted to nonpool plants for manufacturing should be retained to ensure that groups of producers whose milk is to be pooled will maintain a regular association with the fluid milk market. A requirement that 75 percent of producer milk be delivered to pool plants when less than 65 percent in any month will be used in Class I, however, would appear to be overly restrictive.

The months in which the highest proportion of producer milk is used in Class I are the fall and winter months, including September through November when supply plant performance standards are highest. With a Class I utilization percentage that is slightly less than 65 percent in those months, a limit of 35 percent of diversions of producer milk to nonpool plants should ensure an adequate supply for fluid needs. For other months, in which the percent of Class I use averaged slightly less than 55 percent during the period for which statistics were submitted, a 45-percent limit on diversions ought to be sufficient to meet the market's need for fluid milk. Increased diversion allowances will better reflect the proportion of producer milk that is surplus to fluid needs and should alleviate, if not eliminate, the necessity of unnecessary hauling and handling for purposes of qualifying reserve milk supplies for pooling.

5. *Butterfat accounting.*

Three related proposals to change provisions relating to butterfat sampling and testing methods, shrinkage allowances and overage accounting should not be adopted.

One proposal, as written, would decrease the amount of time allowed a handler after the end of each sampling period to notify producers of their average butterfat tests as determined under certain testing procedures. Additionally, the proposed amendment would create contradictory requirements within the order for the time allowed to notify producers of some test results. The proponent's representative indicated in testimony, however, that the intent of this proposal is to establish the State or

commonwealth in which the milk is received as the authority for determinig whether sampling and testing methods used by the handler are acceptable. The market administrator or his representative would not be prohibited from doing independent testing and would continue to notify producers and handlers of the result of such testing. However, the witness specified that the market administrator would not be allowed to interfere with the normal and reasonable sampling and testing operations of a hauler or handler's representative.

No testimony was presented to indicate that the market administrator presently interferes, or has ever interfered, with a hauler or handler's testing operations or that any of the procedures followed by the market administrator in the performance of his verification duties are contrary to the methods approved by the States or commonwealths having jurisdiction in the marketing area. In addition, a witness representing most of the cooperative associations in the market testified that his organization would experience difficulties in meeting the proposed notification requirements, both in amount of time allowed after the end of the testing period (7 days instead of 10) and in frequency of notification (3 times per month instead of 2 because the use of the random fresh sampling technique results in 3 10-day sampling periods).

In view of the difficulties which adoption of this proposal would create for handlers and because no need was shown for further specifying the authority having jurisdiction over sampling and testing procedures, the proposal should not be adopted.

Another amendment proposed by the same handler would increase the Class II shrinkage allowance from 2 percent to 3 percent for butterfat receipts established on the basis of 4 or fewer samples during the month. Witnesses for the proponent testified that a combination of sampling problems makes it difficult to obtain accurate representative samples from either farm bulk tanks or over-the-road tankers when the methods used are those which are commonly practiced in the dairy industry.

Some evidence was presented that farm tests exhibit a bias in favor of the producer, overstating the butterfat for which a handler must account and resulting in excess butterfat shrinkage. Witnesses agreed that when more samples are used to determine butterfat content a more accurate test should be expected, but concerns over the administrative difficulties involved in keeping separate records for those receipts having been tested 4 or fewer times from those tested more than 4 times were expressed by two representatives of producer groups. One witness further commented that his proposal would result in differing butterfat shrinkage allowances to handlers depending on their testing procedures, protesting that such unequal treatment would not be permissible under the Act.

No evidence supporting the necessity for an increase in the allowance for Class II butterfat shrinkage was introduced. In fact, witnesses for the proponent testified that equipment that can sharply reduce sampling error and thereby eliminate one of the primary causes of butterfat shrinkage is currently available at a reasonable cost. An examination of the statistics in the record shows that total butterfat shrinkage as a percentage of producer butterfat averaged just over 1 percent during the period August 1979–July 1980. During none of these months did the percentage of shrinkage exceed 1.47 percent for the market as a whole. During each month some handlers apparently exceeded their shrinkage allowances since some Class I butterfat shrinkage appeared in each month, in amounts which averaged only 0.21 percent of butterfat in producer milk per month. Class I butterfat shrinkage ranged from 0.09 percent to 0.42 percent during August 1979–July 1980, never approaching the 1 percent additional allowance that the proponent requested. It would appear from these data that while some milk handlers may experience difficulty operating within the Class II butterfat shrinkage allowance provided by the order, others are able to do so while using little more than half of that allowance. When combined with the aspects of this proposal that would make its administration difficult and its impact on handlers inequitable, the failure to demonstrate its necessity makes it apparent that the proposal should be denied.

The third proposal regarding butterfat accounting would result in no charge being imposed on a handler who experiences an amount of butterfat overage which can be offset by skim milk shrinkage in the same month. The proposal limits the amount of offset not subject to charge to 1 percent of butterfat in milk handled during the month and the occurrence of such an offset to once every quarter in a year. The witness for the proponent testified that a handler's butterfat overages are often due to inaccurate sampling of producer milk and therefore the handler should not be charged for butterfat used in excess of butterfat received.

A provision of this sort would reflect the concept that there could be no actual butterfat overage if there were no overuse of total product. As an opponent of the proposal pointed out, however, an overage represents milk (or butterfat) which has been used by the handler but for which the producer has not been paid. A butterfat overage occurring with a skim shrinkage may be the result of sampling, testing or accounting errors in areas of a handler's operation other than receipts of producer milk. Such a provision, then, would eliminate the means by which producers are paid for receipts unreported by handlers.

With regard to exempting butterfat overages from a charge only once per quarter, while it is true that the situation for which the proposal was designed should occur infrequently, it should also occur randomly if due to no systematic error. Truly random occurrences would be just as likely in consecutive months as once per quarter, and no such restriction could be placed upon them. Frequent occurrence, however, would indicate that some constant problem exists in sampling, testing or accounting for milk received and used. One opponent of the proposal stated that such a provision would remove a handler's incentive to try to rectify accounting problems that lead to overage and excess shrinkage by removing the penalties associated with those problems.

As in the case of the other proposals related to butterfat accounting, neither need for nor benefit from any change in the current provisions was demonstrated by the proponents. No evidence was presented to show that existing allowances are inadequate. Instead, the only evidence available indicates that the experience of milk handlers falls well within the present allowances.

6. *Proposals not supported.*

Two proposals by the milk dealers' association which were included in the notice of hearing, but not supported in testimony, should be denied. One of these proposals would reduce supply plant shipping requirements 10 percentage points per month for the period August through December and allow diverted milk to be included as qualifying shipments. A representative of the cooperative federation testified on behalf of the federation that changes made in shipping standards by a December 1978 order amendment had alleviated sufficiently earlier problems

in meeting those requirements. The witness testified that while there may be isolated instances of handlers unable to maintain the present shipping standards, such occurrences were temporary and probably the result of recent abnormal producer shifts. Supply plant shipping standards in New England were characterized as modest when compared with those in other orders. A significant reduction in shipping requirements, it was feared, would lead to unneeded supplies of milk becoming attached to and pooled in New England, resulting in an adverse impact on producer blend prices.

The other proposal which was not supported by testimony was an alternative to the proposals to increase location adjustment rates and to adjust those rates automatically by a formula. This proposal would add a new section to the order in which supply plants would, in addition to current transportation allowances of milk assigned to Class I, be allowed an additional 8-cent credit for receiving and reloading costs and an additional ½ cent per hundredweight for each zone difference in location between the supply and distributing plants. The rate per hundredweight for each zone distant from Zone 1 would be adjusted by .05 cents for each 5-cent change in diesel fuel prices. A proprietary handler stated his intention to testify against this proposal if any testimony was received in favor of it.

Given the absence of testimony supporting either of these proposals, the failure to establish a need for revising supply plant performance standards, and the adoption of part of the proposal to increase transportation allowances elsewhere in this decision, there is no reason to adopt either of these proposals.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the New England marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1001—MILK IN THE NEW ENGLAND MARKETING AREA

1. In § 1001.4 paragraph (b) is revised to read as follows:

§ 1001.4 Plant.

* * * * *

(b) Bulk reload points (separate premises used for the purpose of transferring bulk milk from one tank truck to another tank truck while en route from dairy farmers' farms to a plant). If stationary storage tanks are used for transferring milk at the premises, the operator of the facility shall make an advance written request to the market administrator that the facility be treated as a reload point; otherwise it shall be a plant. The cooling of milk, collection or testing of samples, and washing and sanitizing of tank trucks at the premises shall not disqualify it as a bulk reload point.

2. In § 1001.15 paragraph (c) is revised to read as follows:

§ 1001.15 Diverted milk.

* * * * *

(c) Milk moved, as described in paragraphs (a) and (b) of this section, from dairy farmers' farms to nonpool plants in excess of 35 percent in the months of September through November and 45 percent in other months, of the total quantity of producer milk received (including diversions) by the handler during the month shall not be diverted milk. Such milk, and any other milk reported as diverted milk that fails to meet the requirements set forth in this section, shall be considered as having been moved directly from the dairy farmers' farms to the plant of physical receipt, and if that plant is a nonpool plant the milk shall be excluded from producer milk. If the handler fails to designate the dairy farmers whose milk is to be so excluded, the entire quantity of milk that the handler caused to be moved from dairy farmers' farms directly to nonpool plants during the month shall be excluded from producer milk.

3. Section 1001.41 is revised to read as follows:

§ 1001.41 Classification of inventories.

(a) A handler who operates a pool distributing plant may claim a Class I classification of some or all inventories of fluid milk products at the end of each month pending final disposition of such fluid milk products.

(b) If a handler does not claim a Class II classification of any fluid milk products received, inventories of fluid milk products at the end of each month shall be classified as Class I milk pending final disposition of such fluid milk products.

4. In § 1001.47 paragraphs (a), (b) and (c) are revised to read as follows:

§ 1001.47 Additional assignments to Class I and Class II milk.

(a) Assign to Class I milk bulk fluid milk products received from other pool plants, unless Class II utilization was requested by the transferee and transferor handlers.

(b) Assign to Class I milk the receipts of producer milk that have not been previously assigned pursuant to § 1001.43(d) and receipts of milk from cooperative associations in their capacity as handlers under § 1001.9(d).

(c) Assign to Class I milk the bulk fluid milk products received from other pool plants that have not been previously assigned.

* * * * *

§ 1001.50 [Amended]

5. In § 1001.50(a), the amount "$2.42" is changed to "$2.28".

6. In § 1001.52, paragraph (a) is revised, paragraphs (b), (c) and (d) are removed and reserved, and paragraph (g) is revised, as follows:

§ 1001.52 Plant location adjustments.

* * * * *

(a) The following zones are defined for the purpose of determining location adjustments:

(1) Zone 1 shall include the State of Rhode Island and the Massachusetts counties of Barnstable, Bristol, Dukes, Norfolk, Plymouth and Suffolk, and between Boston and Massachusetts highway route number 128.

(2) Zone 2 shall include the Massachusetts counties of Middlesex (only that portion south of Massachusetts highway route number 2 not included in Zone 1) and Worcester (only the townships of Berlin, Blackstone, Bolton, Douglas, Hopedale, Mendon, Milford, Millville, Northborough, Northbridge, Southborough, Sutton, Upton, Uxbridge, Westborough and that portion of Harvard township south of Massachusetts highway route number 2).

(3) Zone 3 shall include:

(i) The Connecticut counties of Middlesex (except the townships of Cromwell, Durham, Haddam, Middlefield, Middletown, and Portland), New London, Tolland (except the townships of Ellington and Somers), and Windham.

(ii) The Massachusetts county of Worcester (only the townships of Auburn, Boylston, Charlton, Clinton, Dudley, Grafton, Holden, Lancaster, Leicester, Millbury, Oxford, Paxton, Shrewsbury, Southbridge, Sterling, Webster, West Boylston, and Worcester City).

(4) Zone 5 shall include:

(i) The Connecticut counties of Fairfield, Hartford, Litchfield, Middlesex (only the townships of Cromwell, Durham, Haddam, Middlefield, Middletown and Portland), New Haven, and Tolland (only the townships of Ellington and Somers).

(ii) The Massachusetts counties of Hampden (only the townships of Brimfield, Holland, Monson, Palmer and Wales), Hampshire (only the township of Ware), and Worcester (only the townships of Brookfield, East Brookfield, Hardwick, New Braintree, North Brookfield, Oakham, Spencer, Sturbridge and West Brookfield).

(5) Zone 6 shall include the Massachusetts counties of Hampden (except the townships of Brimfield, Holland, Monson, Palmer and Wales), and Hampshire (except the township of Ware).

(b)–(d) [Reserved]

* * * * *

(g) The location adjustments for each plant shall be the amounts shown in the following table for the zone in which the plant is located:

Location Adjustments for Determination of Zone Price

Distance to Boston (miles)	Plant location zone	Class I and blended price adjustments (cents per hundredweight)
1 to 10	1	+72.0
11 to 20	2	+69.5
21 to 30	3	+67.0
31 to 40	4	+64.5
41 to 50	5	+62.0
51 to 60	6	+59.5
61 to 70	7	+57.0
71 to 80	8	+54.5
81 to 90	9	+52.0
91 to 100	10	+49.5
101 to 110	11	+47.0
111 to 120	12	+44.5
121 to 130	13	+42.0
131 to 140	14	+39.5
141 to 150	15	+15.0
151 to 160	16	+12.5
161 to 170	17	+10.0
171 to 180	18	+7.5
181 to 190	19	+5.0
191 to 200	20	+2.5
201 to 210	21	+0.0
211 to 220	22	−2.5
221 to 230	23	−5.0
231 to 240	24	−7.5
241 to 250	25	−10.0
251 and over	[1] 26	([2])

[1] Includes 26 and over.

[2] Class I and blended price location adjustments applicable to plants located in subsequent zones shall be obtained by extending the table at the rate of 2.5 cents for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month.

7. In § 1001.53, the word "and" at the end of paragraph (f) is removed, the period at the end of paragraph (g) is changed to a semicolon followed by the word "and", and a new paragraph (h) is added to read as follows:

§ 1001.53 Determination of applicable zone locations for pricing purposes.

* * * * *

(h) For purposes of computing the value of fluid milk products at class prices, any fluid milk products moved in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I milk shall be priced at the Class I price applicable at the location of the plant to which the milk was moved subject to a location adjustment credit for the transferee-plant determined by the market administrator as follows:

(1) After the assignments pursuant to § 1001.46 for the transferee-plant, multiply the remaining pounds of Class I skim milk by 110 percent and the remaining pounds of Class I butterfat by 150 percent;

(2) Subtract the respective pounds of skim milk and butterfat in bulk fluid milk products physically received at the plant from the following sources:

(i) Producers;

(ii) Cooperative associations in their capacity as handlers under § 1001.9(d);

(iii) Receipts of diverted milk from pool plants; and

(iv) Receipts (other than diverted milk) from pool plants at which the same or a higher Class I price applies;

(3) Assign any pounds remaining (which are not in excess of Class I transfers) to skim milk and butterfat in bulk receipts of fluid milk products (except diverted milk) from other pool plants at which a lower Class I price applies in sequence according to the zone location of the plants, beginning with the plant in the lowest numbered zone; and

(4) Multiply the hundredweight computed for each transferor-plant in paragraph (h)(3) of this section by the difference in the Class I prices applicable at the transferee-plant and transferor-plant and total such amounts.

8. In § 1001.60 paragraphs (a) (1) and (3), and (i) are revised to read as follows:

§ 1001.60 Computation of value of fluid milk products at class prices.

* * * * *

(a) * * * (1) Producer milk assigned under §§ 1001.43(d) and 1001.47(b) except that for any cooperative association in its capacity as a handler under § 1001.9(d) the quantity of producer milk shall be reduced by the total quantity of milk moved to pool plants during the month, to the limit of the quantity of producer milk;

(2) * * *

(3) Milk received at a pool plant from a cooperative association in its capacity as a handler under § 1001.9(d) and assigned under § 1001.47(b).

* * * * *

(i) Add together the amounts obtained under paragraphs (a) through (d) of this section, subtract therefrom the sum of the amounts obtained under paragraphs

(e) through (h) of this section, and subtract the amount of the location adjustment credit computed pursuant to § 1001.53(h).

Signed at Washington, D.C., on August 28, 1981.

William T. Manley,

Acting Administrator.

[FR Doc. 81-25690 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 1006, 1012, and 1013

[Docket Nos. AO-356-A17, AO-347-A20, AO-286-A28]

Milk in the Upper Florida, Tampa Bay, and Southeastern Florida Marketing Areas; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the Upper Florida, Tampa Bay, and Southeastern Florida milk orders based on industry proposals considerd at a public hearing in July 1981. Under each of the orders the classification of eggnog would be changed from Class I milk to the lower priced Class II milk. This recommended change in the Florida orders would provide more uniform classification of eggnog among Federal milk orders and is needed to insure orderly marketing in the marketing areas covered by the orders.

DATE: Comments are due on or before September 14, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued June 25, 1981; published June 30, 1981 (46 FR 33529).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

It is determined that this proposed action would not have a significant economic impact on a substantial number of small entities. There are only 26 handlers regulated under the Florida orders and this action pertains to less than 2 percent of the sales of regulated handlers in only two months of the year. Moreover, the action would remove an intermarket competitive disadvantage faced by Florida handlers.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the Federal Register. The period for filing exceptions needs to be limited in order to complete the prescribed procedures in this proceeding in the time span requested by the industry. The exceptions should be filed in four copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Orlando, Florida, on July 14, 1981, pursuant to notice thereof issued June 25, 1981 (46 FR 33529).

The material issue on the record of the hearing relates to the classification of eggnog under the three Florida orders.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Classification of eggnog. Skim milk and butterfat in eggnog disposed of by handlers should be classified as Class II use under each of the Florida orders. The Florida orders now classify eggnog in Class I. Reclassification to Class II will provide greater uniformity in classification of eggnog on an intermarket basis and, thus, will provide for more orderly marketing conditions for handlers regulated under the Florida orders.

The lower priced Class II classification of eggnog was proposed by a regulated handler that operates pool distributing plants in each of the Florida markets. In support of the proposal proponent witness pointed out that a number of out-of-State processors distribute eggnog in Florida. He contended that such processors are procuring their raw milk ingredients at prices comparable to the Class II prices under the Florida orders. Proponent claimed that he is thus disadvantaged under the Florida orders with respect to his sales of eggnog as a Class I use. Proponent urged that eggnog be classified under the Florida orders in a manner comparable to the classification of eggnog now prevailing under Federal orders for out-of-State markets.

At the hearing another handler who operates pool distributing plants in each of the Florida markets also testified in support of the proposed Class II classification of eggnog. The witness for this handler pointed out that one of the plants his firm operates at Jacksonville, Florida, has extensive milk and milk product sales competition with handlers regulated under the Georgia Federal order which classifies eggnog in Class II use. The proposal was not opposed by interested parties. A witness for cooperative associations in the Florida markets noted that although the proposal would mean a reduction in the minimum order price for skim milk and butterfat disposed of in eggnog, he recognized that it would be desirable to provide uniform classification on an intermarket basis under Federal milk orders.

It is in the interest of orderly marketing that eggnog be classified as Class II in each of the Florida orders. Such classification will place Florida handlers on a comparable basis with handlers in other regulated markets as to their cost under the orders for skim milk and butterfat disposed of as eggnog. None of the Federal orders except the Florida orders provides for Class I classification of eggnog. Florida handlers are in sales competition with out-of-State handlers, particularly handlers regulated under the Georgia order which classifies eggnog in an intermediate Class II classification.

Milk processors with plants in Albany, Atlanta, Columbus, and Waycross, Georgia, have sales routes in the Upper Florida marketing area. Also, a plant in Opelika, Alabama, has sales routes in the Upper Florida market. In turn, the sales routes of some Upper Florida regulated handlers extend into

Georgia and Alabama. Moreover, there is intermarket sales competition among handlers in each of the Florida order markets. Upper Florida area handlers distribute eggnog in the Tampa Bay and Southeastern Florida order marketing areas. Handlers regulated under the other Florida orders distribute eggnog in the Upper Florida marketing area.

The Class I classification of eggnog under the Florida orders places handlers at about a 6-cent per quart disadvantage in the cost of raw milk ingredients compared to their out-of-State competitors who are faced with the lower priced Class II classification of eggnog. A Class II classification for eggnog under the Florida orders would provide comparable pricing of skim milk and butterfat disposed of in eggnog on an intermarket basis in competition with out-of-State handlers. The Class II price under the Florida orders is 15 cents per hundredweight over the basic formula price (Minnesota-Wisconsin price). The same basic formula price plus 10 cents per hundredweight has been the pricing formula generally used for Class II pricing in other Federal order markets.

Eggnog sales in Florida are made only during the months of November and December. In 1980 eggnog sales by Florida regulated handlers amounted to 797,487 pounds in November and 3,277,332 pounds in December. These sales represented 0.5 percent of the total Class I sales of regulated handlers in November and 1.9 percent of regulated handlers' Class I sales in December. Classifying eggnog in Class II, rather than in Class I, thus will have a very limited impact on returns to producers in the Florida markets.

A number of changes in each of the Florida orders are required to implement the new classification of eggnog. Under the amendments adopted herein, eggnog is deleted from the "fluid milk product" definition. It should be noted, however, that flavored milk drinks (including eggnog flavor) would continue to be classified in Class I. As stated by proponent, only eggnog that meets the standards of identity issued by the Food and Drug Administration, United States Department of Health and Human Services, would be changes to a Class II classification.

In the other source milk definition, receipts of eggnog would be treated as a receipt of other source milk. This would be so irrespective of whether the product is received from other pool plants, other Federal order plants, or unregulated plants. No handler obligation would apply to such receipts of eggnog. Such receipts would be allocated directly to the handler's Class II utilization.

Eggnog disposed of from a pool plant would be classified as a Class II product, irrespective of whether it is distributed on routes or transferred to another plant. No change need be made in the transfer provisions with respect to the classification of eggnog since it is not likely that it would be used in other than a Class II use. Inventory of eggnog at the end of the month would be included in Class II. The ending Class II inventory, as Class II inventory on hand at the beginning of the following month, would be allocated in such following month directly to the handler's Class II utilization.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreements and Orders Amending the Orders

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. In § 1006.14 paragraph (b) is revised to read as follows:

1006.14 Other source milk.

* * * * *

(b) Receipts of packaged fluid cream products and eggnog from other plants;

* * * * *

2. Section 1006.15 is revised to read as follows:

1006.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including milkshake mix), filled milk, and concentrated milk.

3. In § 1006.40 paragraphs (b)(1–a) and (4) are revised to read as follows:

1006.40 Classes of utilization.

* * * * *

(b) * * *

(1–a) Skim milk butterfat disposed of in eggnog and in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of eggnog, fluid cream products, and bulk fluid milk products at the end of the month;

* * * * *

4. In § 1.006.44 paragraph (a)(2–c) is revised to read as follows:

1006.44 Classification of producer milk.

* * * * *

(a) * * *

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in each of the following:

(i) Inventory of eggnog at the beginning of the month; and

(ii) Inventory of packaged fluid cream products at the beginning of the month;

* * * * *

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. In § 1012.14 paragraph (b) is revised to read as follows:

§ 1012.14 Other source milk.

* * * * *

(b) Recipts of packaged fluid cream products and eggnog from other plants;

* * * * *

2. Section 1012.15 is revised to read as follows:

§ 1012.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including milkshake mix), filled milk, and concentrated milk.

3. In § 1012.40 paragraphs (b)(1–a) and (4) are revised to read as follows:

§ 1012.40 Classes of utilization.

* * * * *

(b) * * *

(1–a) Skim milk and butterfat disposed of in eggnog and in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of eggnog, fluid cream products, and bulk fluid milk products at the end of the month;

* * * * *

4. In § 1012.44 paragraph (a)(2–c) is revised to read as follows:

§ 1012.44 Classification of producer milk.

* * * * *

(a) * * *

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in each of the following:

(i) Inventory of eggnog at the beginning of the month; and

(ii) Inventory of packaged fluid cream products at the beginning of the month;

* * * * *

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.14 paragraph (b) is revised to read as follows:

§ 1013.14 Other source milk.

* * * * *

(b) Receipts of packaged fluid cream products and eggnog from other plants;

* * * * *

2. Section 1013.15 is revised to read as follow:

§ 1013.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including milkshake mix), filled milk, and concentrated milk.

3. In § 1013.40 paragraphs (b)(1–a) and (4) are revised to read as follows:

§ 1013.40 Classes of utilization

* * * * *

(b) * * *

(1–a) Skim milk and butterfat disposed of in eggnog and in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of eggnog, fluid cream products, and bulk fluid milk products at the end of the month;

* * * * *

4. In § 1013.44 paragraph (a)(2–c) is revised to read as follows:

§ 1013.44 Classification of producer milk.

* * * * *

(a) * * *

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in each of the following:

(i) Inventory of eggnog at the beginning of the month; and

(ii) Inventory of packaged fluid cream products at the beginning of the month;

* * * * *

Signed at Washington, D.C., on August 28, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81–25682 Filed 9–1–81; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 1011

[Docket No. AO–251–A22]

Milk in the Tennessee Valley Marketing Area; Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning proposed amendments to the Tennessee Valley milk order. Dairymen, Inc., a cooperative association which represents a majority of the producers associated with the market, requested the additional time.

DATE: Exceptions are now due on or before September 11, 1981.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5443.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Tennessee Valley Order

Notice of Hearing: Issued February 11, 1980; published February 14, 1980 (45 FR 9942).

Correction: Published February 21, 1980 (45 FR 11503).

Notice of Rescheduled Hearing: Issued February 28, 1980; published March 5, 1980 (45 FR 14216).

Recommended Decision: Issued July 1, 1981; published July 8, 1981 (46 FR 35264).

Extension of Time: Issued July 28, 1981, published August 3, 1981 (46 FR 39440).

Tennessee Valley Order (Reopening) and 28 Other Orders

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Extension of Time: Issued March 9, 1981; published March 12, 1981 (46 FR 16270).

Extension of Time: Issued March 19, 1981; published March 25, 1981 (46 FR 18558).

Final Decision: Issued July 8, 1981; published July 14, 1981 (46 FR 36151).

Order Amending Order: Issued August 25, 1981; published August 28, 1981 (46 FR 43371).

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tennessee Valley marketing area

which was issued on July 1, 1981 (46 FR 35264), is hereby extended to September 11, 1981.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on August 28, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-25681 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

RAILROAD RETIREMENT BOARD

20 CFR Parts 214, 218, 232, and 237

Annuity Beginning and Ending Dates

AGENCY: Railroad Retirement Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Railroad Retirement Board proposes to amend several parts of its regulations to create a new Part 218, Annuity Beginning and Ending Dates, under the Railroad Retirement Act. Amendment of the regulations is a part of an ongoing project of the Railroad Retirement Board to review, revise and reorganize its regulations.

DATES: Comments must be submitted on or before October 2, 1981.

ADDRESS: Secretary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Marilyn Berg or Eloise Sandle, Bureau of Retirement Claims, Railroad Retirement Board, Room 943, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4818 (FTS 387-4818).

SUPPLEMENTARY INFORMATION: Effective January 1, 1975, the Railroad Retirement Act of 1974 replaces the Railroad Retirement Act of 1937. Many of the Board's regulations, including the parts herein proposed to be revised, were promulgated under the Railroad Retirement Act of 1937 and are in need of revision to update them to the Railroad Retirement Act of 1974. In connection with this change in law and the emphasis placed on the revision of regulations to make them more readily understandable, the Board undertook a project to review and revise all of its regulations. The magnitude of such a massive revision has proved to be greater than was anticipated at the outset of the project. These proposed regulations are among the first portions of the revised regulations to be developed.

The proposed new Part 218 consolidates portions of Parts 214, 232, and 237 of the current regulations which concern the beginning and ending dates of annuities. For the most part the Railroad Retirement Act of 1974 did not make substantive changes in the beginning and ending dates of annuities or in the factors that might affect the beginning or ending date of an annuity. However, the Railroad Retirement Act of 1974, unlike the Railroad Retirement Act of 1937, does provide for the addition of a windfall benefit component to certain annuities, and the proposed Part 218 sets out in Subpart E the provisions for the beginning and ending of windfall benefits. Subpart E is being revised in accord with the recently enacted Budget Reconciliation Act and is not currently being published. The Railroad Retirement Act of 1974 provides that a disability benefit ceases at age 65 with the individual becoming eligible for a retirement annuity. Under the 1937 Act, entitlement to a disability annuity would continue after age 65. This change is reflected in section 218.26.

Under the Railroad Retirement Act of 1974 an employee, spouse or survivor annuity may begin on the first day of the month all eligibility requirements are met. Under the 1937 Act such annuities did not begin until the actual date the eligibility requirement was met. This change is reflected in section 218.5.

The proposed Part 218 reflects, more closely, the language of the Railroad Retirement Act of 1974, and reorganizes the regulations in a manner which makes them much easier to understand and to use. Sections 218.28 through 218.30 and 218.35 through 218.40 have been reserved because of recent legislative changes but will be dealt with in a subsequent rulemaking. Finally, the proposed Part 218 has been written in plain English to make it more understandable.

Title 20, Chapter II, is amended as follows:

PART 214—ANNUITY BEGINNING DATE [REMOVED]

1. Part 214 is removed. Regulations on annuity beginning dates are incorporated into a new Part 218.

2. Part 218 is added to read as follows:

PART 218—ANNUITY BEGINNING AND ENDING DATES

Subpart A—General

Sec.
218.1 Introduction.
218.2 Definitions.

Subpart B—When an Annuity Begins

Sec.
218.5 General rules.
218.6 When a supplemental annuity begins.
218.7 How to choose an annuity beginning date.
218.8 When chosen annuity beginning date is more than three months after filling date.
218.9 When an applicant can change the annuity beginning date.

Subpart C—How Work and Special Payments Affect an Employee or Spouse Annuity Beginning Date

218.15 Introduction.
218.16 Work started after annuity beginning date.
218.17 Vacation pay.
218.18 Sick pay.
218.19 Pay for time lost.
218.20 Separation, displacement, or termination pay.

Subpart D—When Annuity Ends

218.25 Employee age annuity.
218.26 Employee disability annuity.
218.27 Supplemental annuity.
218.28 Spouse annuity. [Reserved]
218.29 Surviving spouse annuity. [Reserved]
218.30 Child's annuity. [Reserved]
218.31 Parent's annuity.

Subpart E—When Windfall Benefit Begins and Ends

218.35 When an employee windfall benefit begins. [Reserved]
218.36 When an employee windfall benefit ends. [Reserved]
218.37 When a spouse windfall benefit beings. [Reserved]
218.38 When a spouse windfall benefit ends. [Reserved]
218.39 When a surviving spouse windfall benefit begins. [Reserved]
218.40 When a surviving spouse windfall benefit ends. [Reserved]

Authority: Sec. 5, Pub. L. 93-445, 88 Stat. 1332-1334 (45 U.S.C. 231d). Sec. 7, Pub. L. 93-445, 88 Stat. 1339 (45 U.S.C. 231f).

Subpart A—General

§ 218.1 Introduction.

This part tells when a person's entitlement to a monthly railroad retirement annuity begins and ends. The beginning and ending dates of the dual benefit windfall are also shown. Ordinarily, an annuity begins at the earliest date permitted under the Act. This part also tells when and how a person can select a later beginning date. Included is an explanation of how work and certain types of special payments affect the beginning date of an employee or spouse annuity.

§ 218.2 Definitions.

As used in this part—

"Applicant" means a person who signs an application for an annuity for

himself, herself or for some other person.

"Application" means a form described in § 217.6 of this chapter.

"Award" means to process a form to make a payment. An annuity is awarded on the date the payment form is processed. This date is shown on an award letter.

"Claimant" means a person who files for an annuity for himself or herself or the person for whom an application is filed.

"Filing date" means the date on which an application or written statement is filed with the Board.

Subpart B—When An Annuity Begins

§ 218.5 General rules.

(a) An employee, spouse or survivor annuity begins on the first day of the month in which the claimant becomes eligible for that annuity, as explained in Part 216 of this chapter, but not earlier than—

(1) The first day of the twelfth month before the month in which the application is filed;

(2) The date the applicant requests that the annuity being;

(3) The day after the claimant for an employee or spouse annuity stops working for a railroad employer or his or her last non-railroad employer; or

(4) The date the employee annuity begins if the claimant is a spouse.

(b) An annuity may not begin on the thirty-first day of a month, unless the claimant would lose benefits if the annuity beings on the first of the following month. No annuity is payable for the thirty-first day of any month.

§ 218.6 When a supplemental annuity begins.

A supplemental annuity begins on the first day of the month in which the employee becomes entitled, as shown in subpart C of part 216 of this chapter, but not earlier than the date the employee annuity begins. If the employee is entitled to a disability annuity and is eligible for a supplemental annuity before he or she becomes age 65, as shown in § 216.12(e) of this chapter, the supplemental annuity cannot begin more than 12 months before the month in which the employee gives up the right to return to work.

§ 218.7 How to choose an annuity beginning date.

(a) *When application is filed.* The applicant may choose an annuity beginning date by—

(1) Naming a specific date in an application accepted by the Board; or

(2) Including with the application a signed statement which tells when the annuity should begin.

(b) *After application is filed.* After an application has been filed, the applicant may choose an annuity beginning date by preparing a signed statement which tells when the annuity should begin.

§ 218.8 When chosen annuity beginning date is more than three months after filing date.

If the applicant for any type of annuity wants the annuity to begin in a month which is more than three months after the date the application is filed, the Board will deny the application (see § 217.30 of this chapter). The applicant must file a new application no earlier than three months before the month he or she wants the annuity to begin.

§ 218.9 When an applicant can change the annuity beginning date.

(a) *Before annuity is awarded.* An applicant may change the annuity beginning date to a date that agrees with the rules in other sections of these regulations if—

(1) The applicant requests the change in a signed statement; and

(2) The statement is received on or before the date of the claimant's death.

(b) *After annuity is awarded.* If the annuity has been paid, a change in the annuity beginning date is usually allowed under the rules on reopening final decisions. However, an employee receiving an age or disability annuity with a beginning date before July 1, 1974 may not change the annuity beginning date to July 1, 1974 or later to make the employee eligible for an employee annuity, as described in § 216.5(a)(2) of this chapter, or the spouse eligible for a spouse annuity, as described in § 216.20(c)(1) of this chapter. An award can be reopened to change the annuity beginnig date to a later date if—

(1) The annuitant requests the change in a signed statement;

(2) The statement is received on or before the date of the annuitant's death;

(3) The annuitant shows that it is to his or her advantage to have a later annuity beginning date; and

(4) All payments made for the period before the later annuity beginning date are recovered by cash refund or setoff.

Subpart C—How Work and Special Payments Affect an Employee or Spouse Annuity Beginning Date

§ 218.15 Introduction.

The rules in this subpart apply only to an employee, spouse, and supplemental annuity. They do not apply to any type of survivor annuity.

§ 218.16 Work started after annuity beginning date.

(a) *General.* An annuity can begin only after an employee or spouse stops any work for a railroad or last non-railroad employer. However, if the employee or spouse starts work after an "intent to retire" is established, that work will have no effect on the annuity beginning date. An annuity cannot be paid for any month the employee or spouse returns to work for a railroad or for the last non-railroad employer for whom he or she worked before the "intent to retire" was established.

(b) *Intent to retire.*

(1) *Disability annuity.* An "intent to retire" is established to pay a disability annuity when—

(i) The applicant files for a disability annuity; or

(ii) The employee gives up all rights to return to work for a railroad and any last non-railroad employer before starting any new work.

(2) *Age annuity.* An "intent to retire" is established to pay an employee age or spouse annuity when—

(i) The employee or spouse gives up all rights to return to work for a railroad or last non-railroad employer before starting any new work; or

(ii) The employee or spouse does not continue working through the chosen annuity beginning date or begin any new work for at least 6 months after that date.

§ 218.17 Vacation pay.

(a) *From railroad employer.* Vacation pay may be credited to the vacation period due the employee or to the last day of actual work for the railroad employer. If the vacation pay is credited to the vacation period, the annuity can begin no earlier than the date after the vacation period ends.

(b) *From non-railroad employer.* Vacation pay will not usually affect the annuity beginning date. The annuity can begin as early as the day after the employee or spouse last works for a non-railroad employer. However, if an employee or spouse is carried on the payroll during a vacation period, the annuity can begin no earlier than the day after the vacation period ends.

§ 218.18 Sick pay.

(a) *From railroad employer.* If the employee is carried on the payroll, the annuity can begin no earlier than the day after the last day of sick pay. However, sick pay received under an approved wage continuation plan established through company policy or a labor agreement is not considered

compensation and does not affect the annuity beginning date.

(b) *From non-railroad employer.* An employee or spouse who receives sick pay under a formal plan or system maintained by the employer is not considered to be working for that employer after the last day of actual work. The annuity can begin as early as the day after the employee or spouse last works for the employer. However, if the employer does not have a formal sick pay plan and carries the employee or spouse on the payroll, the annuity can begin no earlier than the day after the last day of sick pay.

§ 218.19 Pay for time lost.

Pay for time lost because of personal injury must be credited to an actual period of time lost. The annuity can begin no earlier than the day after that period ends. If a period of time lost is reported that extends beyond the date on which the annuity can otherwise begin, the employee may request the employer to credit the payment to an earlier period.

§ 218.20 Separation, displacement, or termination pay.

When an employee receives separation, displacement, termination, or similar pay from a railroad employer, the annuity beginning date depends on whether the payments are a separation allowance or monthly compensation payments, as follows:

(a) *Separation allowance.* When an employee accepts a separation allowance, the employee gives up his or her job rights. A separation allowance may be credited by the employer and the Board to the last day of actual work or the day the employee gives up job rights. The annuity can begin as early as the day after the day the separation allowance is credited.

(b) *Monthly compensation payments.* An employee who receives monthly compensation payments keeps his or her job rights while the payments are being made. The annuity cannot begin until after the end of the period for which payments are made.

Subpart D—When Annuity Ends

§ 218.25 Employee age annuity.

An employee annuity based on age ends with the month before the month in which the employee dies.

§ 218.26 Employee disability annuity.

(a) *Ending date.* An employee annuity based on disability ends with the earliest of—

(1) The month before the month in which the employee dies;

(2) The month before the month in which the employee becomes age 65 (the disability annuity is changed to an age annuity); or

(3) The second month following the month in which the disability ends.

(b) *Effective of ended disability annuity on eligibility for a later annuity.* The ending of a disability annuity will not affect an employee's rights to receive any annuity to which he or she later becomes entitiled. When a disability annuity ends before an employee becomes 65 years old, any additional railroad service the employee has after the disability annuity ends can be credited as if no annuity had previously been paid.

§ 218.27 Supplemental annuity.

A supplemental annuity ends with the earliest of—

(a) The month the employee age or disability annuity ends; or

(b) The month before the month in which the employee returns to work for a railraod employer after the supplemental annuity closing date (see § 216.13 of this chapter).

§ 218.28 Spouse annuity, [Reserved]

§ 218.29 Surviving spouse annuity. [Reserved]

§ 218.30 Child's annuity. [Reserved]

§ 218.31 Parent's annuity.

A parent's annuity ends with the earliest of—

(a) The month before the month the parent dies;

(b) The month before the month the parent remarries after the employee's death; or

(c) The month before the month the parent becomes entitled to a larger survivor annuity under Part 216 of this chapter, unless he or she elects to be paid the smaller annuity (see § 216.92 of this chapter).

Subpart E—When Windfall Benefit Begins and Ends

§ 218.35 When an employee windfall benefit begins. [Reserved]

§ 218.36 When an employee windfall benefit ends. [Reserved]

§ 218.37 When a spouse windfall benefit begins. [Reserved]

§ 218.38 When a spouse windfall benefit ends. [Reserved]

§ 218.39 When a surviving spouse windfall benefit begins. [Reserved]

§ 218.40 When a surviving spouse windfall benefit ends. [Reserved]

PART 232—SPOUSE[S'] ANNUITIES

§ 232.205 [Removed]

§ 232.403 [Removed]

3. Part 232 is amended by correcting the spelling of the title, Spouse's to Spouses', and by removing § 232.205 of Subpart B and § 232.403 of Subpart D.

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

§ 237.411 [Removed]

4. Part 237 is amended by removing § 237.411 of Subpart D.

Dated: August 28, 1981.

By authority of the Board.

Beatrice Ezerski,

For the Board.

[FR Doc. 81-25673 Filed 9-1-81; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 5, 19, 170, 173, 194, 250 and 251

[Notice No. 382]

Deregulation of Liquor Bottle Manufacturers and Other Miscellaneous Amendments

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to eliminate 27 CFR Part 173, Returns of Substances, Articles, or Containers. All sections pertaining to liquor bottle manufacturers will be deleted. Liquor bottle indicia requirements will be simplified and moved to 27 CFR Parts 19, 250 and 251. A section will be added to 27 CFR Part 194 to allow individuals to collect used liquor bottles for the purpose of recycling the glass. All sections of Part 173 which pertain to articles, substances, and containers will be moved to 27 CFR Part 170. Deregulation of the liquor bottle manufacturing industry is being proposed because registration and recordkeeping requirements have been determined to be of little benefit to ATF and an unnecessary burden on the affected industry. In addition to these changes, the Bureau is also proposing to simplify the distinctive liquor bottle regulations to allow the bottler or importer to get distinctive liquor bottles approved

without submission of sample bottles except where doubt exists as to the acceptability of the bottles. Several miscellaneous, clarifying and editorial changes are also proposed.

DATE: Comments must be received on or before December 1, 1981.

ADDRESS: Comments should be submitted to the Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044–0385

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, 202–566–7626.

SUPPLEMENTARY INFORMATION:

Liquor Bottle Manufacturers

Liquor bottle manufacturers have not been identified by the Bureau as a source of jeopardy to the Federal revenue nor is there any evidence that requiring them to register with ATF is a deterrent to illegal liquor operations. Therefore, ATF proposes to deregulate the liquor bottle manufacturing industry. To accomplish this objective, ATF proposes to delete 27 CFR Part 173, Returns of Substances, Articles, or Containers. All sections of Part 173 pertaining to liquor bottle manufacturers will be eliminated. Liquor bottle manufacturers will no longer be required to register with ATF, and ATF Form 4328, Notice of Intent to Manufacture Liquor Bottles and Assignment of Manufacturer's Number, will become obsolete. Since ATF will no longer assign liquor bottle manufacturers' numbers, these number will no longer be required on liquor bottles. However, liquor bottles bearing the obsolete manufacturer's number as part of the indicia may continue to be used. Under the proposed regulations liquor bottle indicia requirements for both domestic and imported liquor bottles will be simplified to require only the words "Liquor Bottle" and will be moved to the appropriate sections of 27 CFR Parts 19, 250 and 251. Additional information may be marked on liquor bottles as long as it does not conflict with the required marking. This proposal to deregulate the liquor bottle manufacturing industry will result in manpower savings to the Government and be more convenient to the industry. This proposal will not result in increased cost to the industry.

Substances, Articles or Containers

All sections of Part 173 which pertain to articles, substances and containers will be moved to 27 CFR Part 170 and added as Subpart B—Returns of Substances, Articles, or Containers. These sections of regulations are still required to ensuer that ATF has the necessary tools to effectively combat illegal liquor operations. All mention of Form 169 or 169A will be changed to read Form 3330.3, Return of Articles, Containers or Substances.

Recycling Liquor Bottles

The regulation in 27 CFR Part 194 governing possession of used liquor bottles will be revised to allow any person to assemble used liquor bottles for the purpose of recycling the glass. However, regulations in Part 194 prohibiting reuse/refilling of liquor bottles by unauthorized persons will remain in effect.

Elimination of References to Part 173

Due to the deletion of Part 173, minor changes will be made to Parts 5, 19, 250 and 251 in order to eliminate references previously citing Part 173.

Distinctive Liquor Bottles

Regulations in 27 CFR Parts 19, 250 and 251 will be changed to simplify the procedures whereby applicant proprietors, bottlers, or importers obtain approval to use distinctive liquor bottles. Proprietors, bottlers and importers will no longer be required to submit letter applications to get distincitive liquor bottles approved. Instead, the proprietor, bottler or importer will submit Form 1649, Application for and Certification of Label Approval under FAA Act, to the Director for approval. The applicant will certify as to the total capacity of a representative sample bottle before closure (expressed in milliliters) on Form 1649 in lieu of submitting the actual bottle or model. In addition, the applicant will affix a readily legible photograph (both front and back of the bottle) to the front of each copy of Form 1649, along with the label(s) to be used on the bottle. The applicant will not submit an actual bottle or an authentic model unless specifically requested to do so. Any applicant who wishes to use the same label on several different distinctive liquor bottles will be required to get new label approval for each botle on Form 1649. This procedure for getting distinctive liquor bottles approved as part of the label approval process is currently in effect as an alternate procedure. (See ATF Ruling 80–4; ATF Quarterly Bulletin 1980–2.) The proposed regulations will make the prior method of obtaining approval for distinctive liquor bottles on letter applications obsolete.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act, relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: Have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Public Participation

ATF invites all interested persons and industry members to submit written comments for consideration. All comments received before the closing date will be carefully evaluated. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. Copies of this notice and of the comments will be available for public inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC 20226.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 90 day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the Bureau and from the Treasury Department participated in developing the document, both on matters of substance and style.

Authority and Issuance

This notice of proposed rulemaking is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917, as amended) and in 27 U.S.C. 205 (49 Stat. 981, as amended).

In consideration of the foregoing, ATF proposes to amend Title 27 of the Code of Federal Regulations as follows:

PART 173—RETURNS OF SUBSTANCES, ARTICLES, OF CONTAINERS [REMOVED]

Par. 1. In 27 CFR Chapter I, Part 173 is removed from the table of contents.

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

§ 5.2 [Amended]

Par. 2. Section 5.2 is amended by removing "27 CFR Part 173—Returns of Substances, Articles or Containers." as a related regulation.

PART 19—DISTILLED SPIRITS PLANTS

§ 19.3 [Amended]

Par. 3. Section 19.3 is amended by removing "27 CFR Part 173—Returns of Substances, Articles or Containers." as a related regulation.

Par. 4. Section 19.632 is revised to eliminate reference to 27 CFR Part 173. As revised, this section reads as follows:

§ 19.632 Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart E of 27 CFR Part 5, including those for liquor bottles of less than 200 ml capacity. The use of any bottle size other than as authorized in Subpart E of 27 CFR Part 5 is prohibited for the packaging of distilled spirits for domestic purposes, except that 100 ml bottles may be used for packaging distilled spirits for sale in intrastate commerce only. Bottles bearing the indicia required under § 19.633 may be used, but need not be used, in bottling spirits for export.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

Par. 5. Section 19.633 is revised to eliminate reference to Part 173 and to specify the indicia requirements on liquor bottles used for packaging spirits for domestic use. As revised, this section reads as follows:

§ 19.633 Indicia for bottles.

Except as provided in § 19.634, all liquor bottles for domestic use shall be legibly blown, etched, sandblasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director with the words "Liquor Bottle." Additional information may also be placed on the liquor bottles provided such information does not conflict with information required to be placed on labels and is so located as not to obscure indicia required by this section or interfere with the labeling or stamping of the bottle, when filled, as provided in this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

Par. 6. Section 19.634 is revised to simplify the procedure whereby a proprietor can obtain approval of domestic liquor bottles of distinctive shape or design. As revised, this section reads as follows:

§ 19.634 Distinctive liquor bottles.

(a) *Application.* A proprietor desiring approval of domestic liquor bottles of distinctive shape or design, including bottles of less than 200 ml capacity, whether or not such bottles bear the indicia required under § 19,633, or, to use such distinctive liquor bottles, shall submit Form 1649, Application for an Certification of Label Approval under FAA Act, in duplicate to the Director for approval. The applicant shall certify as to the total capacity of a representative sample bottle before closure (expressed in milliliters) on each copy of the form. In addition, the applicant shall affix a readily legible photograph (both front and back of the bottle) to the front of each copy of Form 1649, along with the label(s) to be used on the bottle. The applicant shall not submit an actual bottle or an authentic model unless specifically requested to do so.

(b) *Approval.* Properly submitted Forms 1649 for approval of distinctive liquor bottles shall be approved by the Director if the bottles are found to—

(1) Meet the requirements of 27 CFR Part 5;

(2) Be distinctive:

(3) Be suitable for their intended purpose;

(4) Not jeopardize the revenue; and

(5) Not be deceptive to the consumer.

If Form 1649 is approved, the Director shall send one copy of the approved form, including one approved photograph (both front and back) of the distinctive liquor bottle, to the applicant. If Form 1649 is disapproved, the applicant shall be notified of the Director's decision and the reasons therefor.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

Par. 7. Section 19.638 is revised to eliminate reference to Part 173. As revised, this section reads as follows:

§ 19.638 Bottles not constituting approved containers.

The Director shall disapprove for use as a liquor bottle any bottle, including a bottle of less than 200 ml capacity, which he determines to be deceptive. Any such bottle, whether or not it bears the indicia required under § 19.633, is not an approved container for the purposes of § 19.581 of this part, and shall not be used for packaging distilled spirits for domestic purposes.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Par. 8. The table of sections to 27 CFR Part 170 is amended to change the center heading "Subparts B–D—[Reserved]" and to reflect the addition of Subpart B—Returns of Substances, Articles, or Containers, immediately following Subpart A—Restamping Packages of Distilled Spirits. As amended, the table of sections reads as follows:

* * * * *

Subpart B—Returns of Substances, Articles, or Containers

Sec.
170.21 Scope of subpart.
170.22 Forms prescribed.
170.23 Meaning of terms.
170.24 Returns required; substances and articles.

Sec.
170.25 Returns required; containers.
170.26 Rendition of returns.
170.27 Records required.
170.28 Tax.

Subparts C–D—[Reserved]

* * * * *

Par. 8. The regulations are revised to show a Subpart B center heading, to add §§ 170.21 through 170.28, and to show a Subparts C–D—[Reserved] center heading. As revised, the Subpart B center heading, §§ 170.21 through 170.28, and the Subparts C–D—[Reserved] center heading read as follows:

Subpart B—Returns of Substances, Articles, or Containers

§ 170.21 Scope of subpart.

The regulations in this subpart relate to the returns and records of the disposition of articles from which distilled spirits may be recovered, of the disposition of substances of the character used in the manufacture of distilled spirits, and of the disposition of containers of the character used for the packaging of distilled spirits.

§ 170.22 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this subpart, including bonds, applications, notices, reports, returns and records. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this subpart.

(b) ATF Publication 1322.1, Public Use Forms, is a numerical listing of forms issued by the Bureau of Alcohol, Tobacco, and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 Four Mile Run Drive, Arlington, Virginia 22206.

§ 170.23 Meaning of terms.

When used in this subpart and in forms prescribed under this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning as ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "include", "includes" and "including" do not exclude things not enumerated which are in the same general class.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this subpart.

Articles. Denatured spirits or any product or preparation which contains more than 25% by volume of denatured spirits.

CFR. The Code of Federal Regulations.

Container. Any receptable, vessel, barrel, cask, keg, bottle, jug, can, or jar of the character used for the packaging of distilled spirits.

Demand letter. The "demand letter" is the formal requirement of the special agent in charge that a person disposing of any article, container, or substance shall render a correct return.

Denatured spirits. Spirits to which denaturants have been added pursuant to formulas prescribed in Part 212 of this chapter.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

Dispose. "Dispose" and all forms of the word shall mean and include consign, sell, transfer, deliver, destroy, or lose, and all forms of those words.

Distilled spirits or spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine in any form (including all dilutions and mixtures thereof, from whatever source or by whatever process produced), but not denatured spirits unless specifically stated.

Importer. A person authorized to import distilled spirits into the United States.

Liquor bottle. A bottle made of glass or earthenware, or of other suitable material approved by the Director, designed or intended for use as a container for distilled spirits for sale for beverage purposes.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Region. A Bureau of Alcohol, Tobacco and Firearms region.

Regional regulatory administrator. The principal ATF regional official in charge of regulatory enforcement.

Render. To deliver the completed return to the office indicated in the demand letter, not later than the date required by the demand letter, or to mail such completed return, in an envelope properly addressed and stamped, in sufficient time for such envelope to be postmarked by the U.S. Postal Service not later than the date required by the demand letter. The time and date of the United States postmark shall constitute the time and date of delivery of the return to the designated office.

Special agent in charge. The principal official responsible for the ATF criminal enforcement program within an ATF district.

Substance. Includes any of the following: Any grade or type of sugar, syrup, or molasses derived from sugar cane, sugar beets, corn, sorghum, or any other source; starch; potatoes; grain, or corn meal, corn chops, cracked corn, rye chops, middlings, shorts, bran, or any other grain derivative; malt; malt sugar, or malt syrup; oak chips, charred or not charred; yeast; cider; honey; fruits; grapes; berries; fruit, grape, or berry juices or concentrates; wine; caramel; burnt sugar; gin flavor; Chinese bean cake or Chinese wine cake; urea; ammonium phosphate, ammonium carbonate, ammonium sulphate, or any other yeast food; ethyl acetate or any other ethyl ester; any other material of the character used in the manufacture of distilled spirits, or any chemical or other material suitable for promoting or accelerating fermentation; any chemical or material of the character used for the production of distilled spirits by chemical reaction; or any combination of any such materials or chemicals.

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

United States. The several States and the District of Columbia.

U.S.C. The United States Code.

§ 170.24 Returns required; substances and articles.

Every person in the United States who disposes of any substance or article, as defined in § 170.23, shall, when required by a demand letter issued by the special agent in charge and until notified to the contrary in writing by such officer, render in writing a correct return on Form 3330.3, Returns of Articles, Containers or Substances, or on such other form authorized by the special agent in charge. The return shall enable the special agent in charge to make a determination in accordance with law as to whether all taxes due with respect to any distilled spirits produced or recovered from such substances or articles have been paid. The return shall be rendered for the periods specified in the demand letter and shall show—

(a) The date of each disposition of such substances or articles, and in such quantities, as shall be specified by the special agent in charge in the demand letter;

(b) The quantity and kind of each substance or article disposed of;

(c) The name and complete address of each purchaser, consignee, and other person actually receiving such

substances or articles, and of any other person for, by, or through whom the substances or articles were ordered or disposed of;

(d) The date and method of shipment or delivery; and

(e) If delivered or shipped by truck or other conveyance, the State or city registration number of such truck or conveyance, and the name and complete address of the operator of such truck or conveyance as shown by his operator's license, giving the number of such operator's license and the State where issued. Where shipment is made by a common carrier, such as a railroad, trucking company, steamboat line, etc., the information required by paragraph (e) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment, full name and address of first carrier, and railroad car number or name of ship.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1373, as amended (26 U.S.C. 5291))

§ 170.25 Returns required; containers.

Every person in the United States who disposes of any containers, as defined in § 170.23, shall, when required by a demand letter issued by the special agent in charge, and until notified to the contrary in writing by such officer, for the purpose of protecting the revenue, render in writing a correct return on Form 3330.3 or on such other form authorized by the special agent in charge. The return shall be rendered for the periods specified in the demand letter and shall show—

(a) The date of each disposition of such containers, and in such quantities, as may be specified by the special agent in charge in the demand letter;

(b) The quantity and kind of containers disposed of;

(c) The name and address of each purchaser, consignee, and other person actually receiving such containers and of any other person for, by, or through whom the containers were ordered or disposed of;

(d) The date and method of shipment or delivery; and

(e) If delivered or shipped by truck or other conveyance, the State or city registration number of such truck or conveyance, and the name and complete address of the operator of such truck or conveyance as shown by his operator's license, giving the number of such operator's license and the State where issued. Where shipment is made by a common carrier such as a railroad, trucking company, steamboat line, etc., the information required by paragraph (e) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment, full name and address of first carrier, and railroad car number or name of ship.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

§ 170.26 Rendition of returns.

(a) The return shall be rendered on Form 3330.3 to the officer or employee of the Bureau of Alcohol, Tobacco and Firearms designated in the demand letter. However, the special agent in charge may authorize the return to be rendered in another from requiring the same information in lieu of Form 3330.3 where it is shown that this is necessary in order to use tabulating equipment, or business machines, and will not (1) unduly hinder the effective administration of this part or (2) jeopardize the revenue. A person who proposes to use a form other than Form 3330.3 shall submit a letterhead application to do so to the special agent in charge. Such application shall describe the proposed form and set forth the need therefor. The special agent in charge shall determine whether there is a need for the substitute form and whether approval thereof would unduly hinder the effective administration of this part or result in jeopardy to the revenue. The special agent in charge shall inform the applicant of his decision and the reasons therefor. A substitute form shall not be employed until approval is received from the special agent in charge.

(b) The return shall be prepared and rendered in accordance with the instructions contained in the demand letter for the designated reporting period.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1373, as amended, 1374, as amended (26 U.S.C. 5291, 5301))

§ 170.27 Records required.

Every person who has been required to render a return shall maintain at his place of business such books, records, documents, papers, invoices, bills of lading, etc., relating to or connected with any such disposition, as will enable such person to make the required return. Such books, records, documents, papers, invoices, bills of lading, etc., shall be maintained for a period of three years and shall be kept readily available for, and open to, inspection by any officer of the Bureau of Alcohol, Tobacco and Firearms during the hours of business of such person.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1373, as amended, 1374, as amended (26 U.S.C. 5291, 5301))

§ 170.28 Tax.

Any person who produces, withdraws, sells, transports, or uses denatured distilled spirits, or articles, as defined in § 170.23, in violation of law or regulations shall be required to pay tax on such denatured distilled spirits or articles, as provided by 26 U.S.C. 5001(a)(6).

(Sec. 201, Pub. L. 85–859, 72 Stat. 1314, as amended (26 U.S.C. 5001))

Subparts C-D [Reserved]

PART 173—RETURNS OF SUBSTANCES, ARTICLES, OR CONTAINERS [REMOVED]

Par. 10. Part 173 is removed from Title 27 CFR. All sections in Part 173 which deal with articles, substances or containers have been moved to Part 170, Subpart B.

PART 194—LIQUOR DEALERS

Par. 11. Section 194.263 is revised by the addition of paragraph (c) authorizing possession of used liquor bottles for recycling, and by making editorial changes. Section 194.263 is revised to read as follows:

§ 194.263 Possession of used liquor bottles.

The possession of used liquor bottles by any person other than the person who empties the contents thereof is prohibited except for the following:

(a) The owner or occupant of any premises on which such bottles have been lawfully emptied may assemble the same on such premises—

(1) For delivery to a bottler or importer on specific request of such bottler or importer;

(2) For destruction, either on the premises on which the bottles are emptied or elsewhere, including disposition for purposes which will result in the bottles being rendered unserviceable as bottles; or

(3) In the case of unusual or distinctive bottles, for disposition or sale as collectors' items or for other purposes not involving the packaging of any product for sale.

(b) Any person may possess, offer for sale, or sell unusual or distinctive bottles for purposes not involving the packaging of any product for sale.

(c) Any person may assemble used liquor bottles for the purpose of recycling the glass.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

Par. 12. Section 250.313 is revised by eliminating references to Part 173 and by including the requirements of liquor bottle indicia. As revised, § 250.313 reads as follows:

§ 250.313 Indicia for bottles.

Except as provided in § 250.314, all liquor bottles used for bringing distilled spirits into the United States from Puerto Rico or the Virgin Islands shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director with the words "Liquor Bottle." Additional information may be marked on liquor bottles provided such information does not conflict with information required to be placed on labels and is so located as not to obscure indicia required by this section or interfere with the labeling or stamping of the bottle, when filled, as provided in this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended, (26 U.S.C. 5301))

Par. 13. Section 250.314 is revised to simplify the procedure whereby an importer (filled bottles) or a bottler (empty bottles) can obtain approval to bring distinctive liquor bottles into the United States from Puerto Rico or the Virgin Islands. As revised, § 250.314 reads as follows:

§ 250.314 Distinctive liquor bottles.

(a) *Application.* Liquor bottles of distinctive shape or design, including bottles of less than 200 ml capacity, whether or not such bottles bear the indicia required under § 250.313, may be brought into the United States from Puerto Rico or the Virgin Islands by an importer (filled bottles) or a bottler (empty bottles). The importer or bottler, as applicable, shall submit Form 1649, Application for and Certification of Label Approval under FAA Act, in duplicate to the Director for approval prior to bringing such bottles into the United States. The applicant shall certify as to the total capacity of a representative sample bottle before closure (expressed in milliliters) on each copy of the form. In addition, the applicant shall affix a readily legible photograph (both front and back of the bottle) to the front of each copy of Form 1649, along with the label(s) to be used on the bottle. The applicant shall not submit an actual bottle or an authentic model unless specifically requested to do so.

(b) *Approval.* Properly submitted Forms 1649 to bring distinctive liquor bottles, either filled or empty, into the United States from Puerto Rico or the Virgin Islands shall be approved provided such bottles are found by the Director to—

(1) Meet the requirements of 27 CFR Part 5;

(2) Be distinctive;

(3) Be suitable for their intended purpose;

(4) Not jeopardize the revenue; and

(5) Not be deceptive to the consumer.

If Form 1649 is approved, the Director shall send one copy of the approved form, including one approved photograph (both front and back) of the distinctive liquor bottle, to the applicant. If Form 1649 is disapproved, the applicant shall be notified of the Director's decision and the reasons therefor. The applicant is responsible for furnishing a copy of the approved Form 1649, including a photograph of the distinctive liquor bottle, to Customs officials at each affected port of entry where the merchandise is examined.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

§ 250.316 [Amended]

Par. 14. Section 250.316 is amended by changing the reference to "Part 173 of this chapter" in the last sentence to read "§ 250.313".

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Par. 15. Section 251.203 is revised by eliminating references to Part 173 and by including the requirements for liquor bottle indicia. As revised, § 251.203 reads as follows:

§ 251.203 Indicia for bottles.

Except as provided in § 251.204, all liquor bottles used for the importation of distilled spirits for sale shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director with the words "Liquor Bottle." Additional information may be marked on the liquor bottles provided such information does not conflict with information required to be placed on labels and is so located as not to obscure indicia required by this section or interfere with the labeling or stamping of the bottle, when filled, as provided in this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

Par. 16. Section 251.204 is revised to simplify the procedure whereby an importer (filled bottles) or a bottler (empty bottles) can obtain approval to bring distinctive liquor bottles into the United States. As revised, § 251.204 reads as follows:

§ 251.204 Distinctive liquor bottles.

(a) *Application.* Liquor bottles of distinctive shape or design, including bottles of less than 200 ml capacity, whether or not such bottles bear the indicia required under § 251.203, may be imported by an imported (filled bottles) or a bottler (empty bottles). The importer or bottler, as applicable, shall submit Form 1649, Application for and Certification of Label Approval under FAA Act, in duplicate to the Director for approval prior to importation of the bottles. The applicant shall certify as to the total capacity of a representative sample bottle before closure (expressed in milliliters) on each copy of the form. In addition, the applicant shall affix a readily legible photograph (both front and back of the bottle) to the front of each copy of Form 1649, along with the label(s) to be used on the bottle. The applicant shall not submit an actual bottle or an authentic model unless specifically requested to do so.

(b) *Approval.* Properly submitted Forms 1649 to import distinctive liquor bottles shall be approved provided such bottles are found by the Director to—

(1) Meet the requirements of 27 CFR Part 5;

(2) Be distinctive;

(3) Be suitable for their intended purpose;

(4) Not jeopardize the revenue; and

(5) Not be deceptive to the consumer.

If Form 1649 is approved, the Director shall send one copy of the approved form, including one approved photograph (both front and back) of the distinctive liquor bottle, to the applicant. If Form 1649 is disapproved, the applicant shall be notified of the Director's decision and the reasons therefor. The applicant is responsible for furnishing a copy of the approved form 1649, including a photograph of the distinctive liquor bottle, to Customs officials at each affected port of entry whre the merchandise is examined.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

§ 251.206 [Amended]

Par. 17. Section 251.206 is amended to change the reference to "Part 173 of this chapter" in the last sentence to read "§ 251.203".

Signed: May 1, 1981.

G. R. Dickerson,

Director.

Approved: June 1, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-25703 Filed 9-1-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 204

Danger Zone; Pacific Ocean at San Miguel Island, California

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of proposal rulemaking.

SUMMARY: The Corps of Engineers proposed to amend the regulations which establish a danger zone in the Pacific Ocean at San Miguel Island, California. This amendment if approved will allow the regulations to continue, with a review in 5 years, make editorial changes to reflect a redesignation by the Navy, update sources for danger zone information, and change the agency authorized to permit landing on the Island.

DATE: Comments must be received on or before October 2, 1981.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Roman Zawadzki, at (213) 688-5606, or Mr. Ralph T. Eppard at (202) 272-0199.

SUPPLEMENTARY INFORMATION: Regulations were promulgated under 33 CFR 204.203 on January 21, 1966, to govern the use and navigation of a danger zone located in the Pacific Ocean at San Miguel Island, Santa Barbara County, California. This danger zone was established to meet security requirements of the U.S. Navy, Pacific Missile Range and the exceptional hazards to persons and property due to missile firings and related activities. At the request of the Navy we are proposing to make the following amendments:

a. Change all references to "Commander, Pacific Missile Range" to read "Commander, Pacific Missile Test Center." This reflects a recent redesignation by the Navy.

b. Change all references to "missile firings" to read "bomb drops." This reflects the current activities in the area.

c. Delete statements indicating that notices of bomb drops will appear in local newspapers and on bulletin boards outside Port Control offices at Santa Barbara, Port San Luis, Morro Bay, Port Hueneme, Santa Monica and at the Ventura and Channel Island marinas. Also, replace announcements on marine radio commencing 24 hours prior to operations with announcements at 0800 and 1200 local time, and/or one hour prior to operations.

d. Delete the provision that, when operations are about to be undertaken, surface craft in the zone will be informed by surface patrol boats or aircraft equipped with a loudspeaker system. It has been determined that the air units using the zone can adequately clear the area without use of extra resources from the mainland.

e. Change the agency authorized to permit landings on San Miguel Island from "Commander, Pacific Missile Test Center" to "Superintendent, Channel Islands National Park."

f. Change the review period from two years to five years to reduce paperwork and the related administrative burden. The Navy estimates that operations, at the rate of 250 per year, will continue unchanged over the next five years. The Corps of Engineers proposes to amend 33 CFR 204.203 with respect to paragraph (c) *The regulations.*, as set forth below.

Note.—This regulation is issued with respect to a military function of the Defense Department and accordingly the provisions of Executive Order 12291 do not apply. The Department of the Army has determined that this regulation will not have a significant economic impact on a substantial number of entities and thus does not require preparation of a regulatory flexibility analysis.

PART 204—DANGER ZONE REGULATIONS

Paragraph (c) of § 204.203 is revised to read as follows:

§ 204.203 Pacific Ocean at San Miguel Island, California; Naval Danger Zone.

* * * * *

(c) *The regulations.* (1) Except as prescribed in this section or in other regulations, the danger zone will be open to fishing and general navigation. Bomb drops between designated hours are expected to be intermittent, and when safe to do so, commercial fishing boats and other small craft will be granted permission to proceed through the danger zone. All vessels permitted to enter the zone during a scheduled bomb drop period, other than those owned or operated by the U.S. Government, shall proceed across the zone by the most direct route and clear the area as soon as possible. When bomb drops are not scheduled, the zone may be occupied without restriction.

(2) The anchoring, stopping, or loitering of any vessel, fishing boat, or recreational craft within the danger zone during scheduled firing/drop hours is expressly prohibited.

(3) The bomb drops will take place in the danger zone at frequent and irregular intervals throughout the year. Danger zone usage demands are identified in the Eleventh Coast Guard District, "Local Notice to Mariners." Announcements will also be made on marine radio channel 16, at 0800 local time 1200 local time and/or 1 hour prior to bomb drop operations. Status of the zone and/or permission to enter, may be requested by calling "Plead Control" on marine channel 16 or by calling the Pacific Missile Test Center (PMTC) on telephone number (805) 982-8280 or 982-8841.

(4) The Commander, PMTC will extend full cooperation relating to the public use of the danger zone area and will fully consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

(5) No seaplanes, other than those approved for entry by the Commander, PMTC, may enter the danger zone during firing periods.

(6) Landing or going ashore on San Miguel Island is specifically prohibited without prior permission of the Superintendent, Channel Islands National Park. Applications for such permission should be made to: Superintendent, Channel Islands National Park, 1699 Anchors Way Drive, Ventura, California 93003.

(7) The regulations in this section shall be enforced by personnel attached to the Pacific Missile Test Center, Point Mugu, California, and by such other agencies as the Commandant, 11th Naval District, San Diego, California, may designate.

(8) The regulations in this section shall be in effect until further notice. They shall be reviewed in 1986.

(33 U.S.C. 1, 3)

Dated: August 25, 1981.

Richard T. Robinson,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 81-25603 Filed 9-1-81; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 296

Water Resources Projects on Wild and Scenic Rivers

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal establishes standards and procedures for carrying out agency obligations under Section 7 of the Wild and Scenic Rivers Act by creating a new Part 296, Water Resources Projects on Wild and Scenic Rivers. Section 7 provides for the protection of these rivers from the effects of construction of any water resources projects. These standards apply only to wild and scenic rivers administered by the Department of Agriculture.

DATE: Comments must be received by October 2, 1981.

ADDRESS: Comments should be sent to: R. Max Peterson, Chief (LMP), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:
Douglas W. Shenkyr, Forest Service, Land Mgmt. Planning, P.O. Box 2417, Washington, D.C. 20013, Telephone: (202) 447–6390, or
James B. Snow, Attorney, U.S. Dept. of Agriculture, Office of the General Counsel, Natural Resources Division, Washington, D.C. 20250, Telephone: (202) 447–5769.

SUPPLEMENTARY INFORMATION: These regulations will provide a procedure to assist Federal agencies in securing compliance with the requirements of Section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1278) in the licensing or other authorization of water resources projects proposed for construction on rivers designated as components of the Wild and Scenic Rivers System or rivers designated for possible inclusion in the System. These regulations are intended to establish standards by which the applicability of Section 7 requirements to particular projects can be determined.

The scope and application of Section 7 of the Wild and Scenic Rivers Act was the subject of the lawsuit, *National Wildlife Federation, et al. v. Bergland,* Civil Action No. 80–1780, U.S.D.C., Dist. of Columbia. In that suit, the plaintiffs challenged the process and legal interpretations utilized by the Secretary of Agriculture in making a Section 7 determination for a water resources project on the Skagit Wild and Scenic River. As part of a Stipulation of Settlement and Dismissal of the lawsuit, the Department of Agriculture agreed to undertake and complete rulemaking on the scope and application of Section 7. These regulations are to be published by September 1981.

These regulations will apply only to Wild and Scenic Rivers administered by the Department of Agriculture. Various components and study rivers in the National Wild and Scenic Rivers System are under the jurisdiction of the Department of the Interior, and that Department may provide differing procedures for carrying out its responsibilities under Section 7. This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and it has been determined that this regulation is not a major rule. The regulation will have little or no effect on the economy since Section 7 of the Wild and Scenic Rivers Act only applies to Federal agencies. The regulation should decrease costs to industry and federal agencies since it clarifies and streamlines for the first time the congressionally mandated review requirements of Section 7. Because the regulation is essentially procedural and applicable only to federal agencies, the regulation will not adversely affect competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete on the foreign market.

This regulation has also be reviewed to assess whether there are administrative alternatives which would result in greater overall benefits to society at a reduced cost. There are no alternatives to the issuance of some regulation since that is required by the order of a federal court. Additionally, it is deemed that the procedure proposed by this regulation does maximize net benefits. By better defining the scope of Section 7 through this regulation, the consideration of wild and scenic river resources can be better integrated into agency planning and environmental analyses of water resources projects.

The Assistant Secretary of Agriculture for Natural Resources and the Environment has determined that this action will not have a significant economic impact on a substantial number of small entities because it is principally a procedural regulation applicable to other agencies of the federal government and does not directly affect the private sector. Furthermore, it does not indirectly result in additional procedures or paperwork not already required by the National Environmental Policy Act or other provisions of law.

For the reasons set out in the preamble, the Department of Agriculture, Forest Service, proposes to add a new Part. Accordingly, Part 296, is added to 36 CFR Chapter II to read as follows:

PART 296—WATER RESOURCES PROJECTS ON WILD AND SCENIC RIVERS

Sec.
296.1 General.
296.2 Scope and Application.
296.3 Definitions.
296.4 Requirements for Federal Agencies.
296.5 Consent.
296.6 Environmental Analysis requirements.

Authority: 16 U.S.C. 551, 1278(c), 1281(d).

§ 296.1 General.

Section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1278), as amended, provides for the protection of the free-flowing, scenic and natural values of rivers designated as components or potential components of the National Wild and Scenic Rivers System from the effects of construction of any water resources projects.

§ 296.2 Scope and application.

These regulations apply to Federal assistance in the construction of water resources projects affecting Wild and Scenic Rivers or Study Rivers administered in whole or part by the Secretary of Agriculture.

§ 296.3 Definitions.

(a) "Federal assistance" means any assistance by an authorizing agency including, but not limited to, the following:

(1) A license, permit, preliminary permit, or other authorization granted by the Federal Energy Regulatory Commission pursuant to sections 4(e) and 4(f) of the Federal Power Act, 16 U.S.C. 797(e.f);

(2) A license, permit, or other authorization granted by the Corps of Engineers, Department of the Army, pursuant to the Rivers and Harbors Act of 1899 (33 U.S.C. 401 *et seq.*), and Section 404 of the Clean Water Act (33 U.S.C. 1344); and,

(3) Any other license, permit, or authorization which may be required by an agency or Department of the Federal Government before, during, or after construction of a water resources project.

(b) "Construction" means any activity carried on with federal assistance affecting the free-flowing characteristics or the scenic or natural values of a Wild and Scenic River or Study River.

(c) "Water Resources Project" means any man-made structure of which any part may affect the scenic or natural values or the free-flowing

characteristics of a Wild and Scenic River or Study River.

(d) "Wild and Scenic River" means a river which has been designated a component of the National Wild and Scenic Rivers System pursuant to section 3(a) or 2(a)(ii) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a), 1274(a)).

(e) "Study River" means a river which is designated for study as a potential addition to the National Wild and Scenic Rivers System pursuant to Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)).

§ 295.4 Requirements for Federal agencies.

(a) No license, permit, or other authorization for a federally-assisted water resources project on any portion of a Wild and Scenic River or Study River within the scope of this regulation can be issued without consent of the Secretary of Agriculture.

(b) At least 60 days prior to the date of proposed agency action, a notice of intention to issue such license, permit, or other authorization shall be sent by the authorizing agency to the Chief, Forest Service, Department of Agriculture, Box 2417, Washington, D.C. 20013.

(c) The notice shall include the following information:

(1) Name and location of affected river.

(2) Location of the project.

(3) Nature of the permit or other authorization proposed for issuance.

(4) A description of the proposed activity.

(5) Any relevant information, such as plans, maps, and environmental studies, assessments, and invironmental impact statements.

§ 296.5 Consent.

Consent will not be given for the issuance of any Federal license, permit, or other authorization if it is determined that:

(a) The water resources project will have a direct and adverse effect on the values for which a Wild and Scenic River was or may be designated, as of the date of designation for study or as a system component, when the project is located:

(1) Within the area of the designated boundaries of a Wild and Scenic River; or

(2) Within the area of the upper and lower termini and one-quarter mile on either side of a Study River (or the Study River boundary if one is proposed by Congress), for a period of at least 3 fiscal years of the Act of Congress designating such river for study, or such additional time as may be provided by statute.

(b) The effects of the water resources project will invade or unreasonably diminish the scenic, recreational, and fish and wildlife values of the river, when the project is located:

(1) Above, below, or outside the designated boundaries of a Wild and Scenic River; or

(2) Above, below, or outside the upper and lower termini and one-quarter mile on either side of a Study River (or the Study River boundary if one is proposed by Congress) for a period of at least 3 fiscal years of the Act of Congress designating such river for study, or such additional time as may be provided by statute.

(c) Authorizing agencies are encouraged to consult with the Forest Service in order to identify measures which could eliminate any direct and adverse effects, thereby increasing the likelihood of securing consent. If consent is denied, the Forest Service will recommend measures to eliminate adverse effects and authorizing agencies may submit revised plans.

§ 296.6 National Environmental Policy Act environmental analysis requirements.

(a) The determination of the effects of a proposed water resources project shall be made in compliance with the National Environmental Policy Act (NEPA). To the extent possible, authorizing agencies should ensure that any environmental studies, assessments, or environmental impact statements prepared for a water resources project adequately address the environmental effects on resources protected by the Wild and Scenic Rivers Act.

John B. Crowell, Jr.,

Assistant Secretary, Natural Resources and Environment.

August 25, 1981.

[FR Doc. 81-25563 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-563; RM-3752]

FM Broadcast Station in Cheney, Grand Coulee, and Spokane, Wash.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes three alternative FM channel assignment plans involving Spokane, Cheney and Grand Coulee, Washington, at the request of Romarge-Turnbeaugh.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 12, 1981.

Released: August 26, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Cheney, Grand Coulee, and Spokane, Washington).

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Romarge-Turnbeaugh ("petitioner"), proposing the assignment of Channel 266 to Cheney, Washington, and the deletion of that channel from Grand Coulee, Washington, where it is presently unused.

(b) The proposed channel can be assigned in compliance with the applicable minimum distance requirements.

(c) Petitioner states that it will apply for the channel, if assigned. No responses to the petition have been received.

2. *Community Data:*

(a) *Population:* Cheney—6,358; Spokane—170,516; Spokane County—287,487; Grand Coulee—1,302; Grant County—41,881.[2]

(b) *Location:* Cheney is located in Spokane County approximately 21 kilometers (13 miles) southwest of Spokane, Washington. Grand Coulee is located in Grant County approximately 120 kilometers (75 miles) west of Spokane, Washington.

(c) *Local Aural Service:* Cheney has one noncommercial educational station (KEWC); Grand Coulee has fulltime AM Station KNCW and two unused FM assignments, Channels 253 and 266.

3. *Economic Considerations:* Petitioner has submitted little information concerning the economic growth and needs of Cheney. This omission should be corrected in its comments. In addition, as we discuss herein, data is requested concerning Spokane's demographics.

4. *Preclusion Considerations:* Forty-four communities of greater than 1,000

[1] Public Notice was given on September 10, 1980, Report No. 1248.

[2] Population data was taken from the 1970 U.S. Census.

population would sustain preclusion on one or more channels as a result of the proposed Channel 266 assignment. Petitioner does not list alternative channels for precluded communities; instead it states that such communities can receive service from channels allocated to larger cities. Petitioner should list alternative channels available to individual precluded communities of 1,000 or more population.

5. Canadian concurrence is required for the proposal.

6. Petitioner has established that Grand Coulee with two unoccupied Class C channels would not be deprived of service if Channel 266 were reassigned to Cheney. Our established policy is to reserve Class C channels for larger urban areas, a category which is descriptive of Spokane but not Cheney. Further, given the proximity of Cheney to Spokane, we must question which city the proposed Class C facility would actually serve. Petitioner has proposed a site two miles east of Cheney, which would provide a city grade signal over Spokane. In light of these considerations, which petitioner should address in its comments, a Class C assignment may not be appropriate for Cheney. Petitioner should supply a *Roanoke Rapids/Anamosa* study. If it can be determined that another Class C channel is warranted for this area, we believe that the larger and more important city of Spokane may be the more appropriate location for assignment. See *Albuquerque and Alameda, New Mexico*, BC Docket No. 80–160, 46 FR 10724, published February 4, 1981. We are also proposing, as an alternative, a Class A channel for Cheney which we believe to be more appropriate for assignment to this small community.

7. In a related proceeding involving Coeur D'Alene, Idaho, and Spokane, Washington, Station KRBX in Spokane has been ordered to switch channels from 216 to 212. As a result, the proposed Channel 266 assignment herein would require a site restriction of 6.4 miles west of the community. (I.F. spacing for 54 channels removed.) Petitioner should follow that proceeding (BC Docket No. 80–50) to determine if in fact the site restriction will be required. If this restriction is not desirable, then petitioner may search for a different Class C channel without the site restriction problem.

8. In view of the foregoing, we find it in the public interest to explore the possible assignment of Channel 266 to Cheney or to Spokane, Washington, or Channel 237A to Cheney, Washington, in a rule making proceeding.

Accordingly, we propose the following alternative revisions in the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following communities:

Alternative I

City	Channel No.	
	Present	Proposed
Spokane, Washington	225, 229, 251, 260, 280A, 289, [illegible] 300	225, 229, 251, [illegible] 280A, [illegible] 300
Grand Coulee, Washington	266, 253	253

Alternative II

Cheney, Washington		[illegible]
Grand Coulee, Washington	266, 253	253

Alternative III

Cheney, Washington	237A

9. The Commission's authority to institute rule making proceedings showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons

acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25537 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-593; RM-3872]

FM Broadcast Station in Spearfish, S. Dak.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 296A to Spearfish, South Dakota, as that community's first FM assignment. This action is in response to a petition filed by Spearfish Communications Company.

DATES: Comments must be filed on or before October 26, 1981, and reply comments on or before November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.

Released: August 26, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Spearfish, South Dakota).

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making[1] was filed by Spearfish Communications Company ("petitioner") proposing the assignment of FM Channel 296A to Spearfish, South Dakota, as its first FM channel. No comments opposing this proposal have been received. A letter expressing another interest in an assignment to Spearfish has been filed by CO-RAY-VAC.

(b) The proposed channel may be assigned to Spearfish in compliance with the applicable minimum distance requirements.

(c) Petitioner has expressed its intent to apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Spearfish is located in Lawrence County near the South Dakota-Wyoming border approximately 280 kilometers (175 miles) west of Pierre, South Dakota.

(b) *Population:* Spearfish-5,251[2] Lawrence County-18,339.

(c) *Present Aural Service:* Spearfish is currently served by noncommercial FM Station KBHU (Channel 206).

3. According to the petitioner, Spearfish is a growning college community located on the edge of the South Dakota Black Hills. Besides Black Hills State College, other major employers include saw mills, health care centers, contractors and agricultural related businesses.

4. Because the assignment of 296A to Spearfish would be that community's first FM assignment, a preclusion study has not been submitted. However, the assignment to Spearfish would not affect any of the existing stations or allocations within a 105 mile radius of Spearfish.

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Spearfish, as follows:

City	Channel No.	
	Present	Proposed
Spearfish, South Dakota		296A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before October 26, 1981, and reply comments on or before November 16, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303; 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

[1] *Public Notice* of the petition was given on April 7, 1981, Report No. 1279.

[2] Population figures are taken from the 1980 U.S. Census unless otherwise indicated.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceedings, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-25540 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-582; RM-3864]

FM Broadcast Station in Winamac, Ind.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 261A to Winamac, Indiana, as that community's first FM assignment. This action is in response to a petition for rule making filed by Thomas Jurek.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 18, 1981.

Released: August 26, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Winamac, Indiana).

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Thomas Jurek ("petitioner") proposing the assignment of FM Channel 261A to Winamac, Indiana.

(b) The proposed channel can be assigned to Winamac, Indiana, in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

(c) Petitioner has stated that he will apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Winamac, the seat of Polaski County, is located approximately 80 kilometers (50 miles) southeast of Gary, Indiana.

(b) *Population:* Winamac–2,370 [2] Pulaski County–13,258.

(c) Presently, neither Winamac nor Pulaski County has any local broadcast service.

3. The proposed assignment of Channel 261A to Winamac would provide a first FM service to an area of 371 square miles and a second FM service to an area of 249 square miles. Furthermore, the assignment of Channel 261A to Winamac would not cause new preclusion to any community of over 1,000 population.

4. Since the requested assignment is within 402 kilometers (250 miles) of the U.S. Canadian border, Canadian concurrence must be obtained.

5. In light of the above, we find it in the public interest to propose the following amendment to the FM Table of Assignments, § 73.202(b) of the Commission's Rules:

City	Channel No.	
	Present	Proposed
Winamac, Indiana		261A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note— A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] Public Notice of the petition was given on March 27, 1981, Report No. 1277.

[2] Population data are taken from 1980 U.S. Census.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Proceedings.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25538 Filed 9-1-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-595; RM-3828]

FM Broadcast Stations in Agana, Guam; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: This action proposes the assignment of FM Channel 262 to Agana, Guam, in response to a petition filed by Guam Radio Services, Inc. The proposed assignment could provide Agana with a third FM broadcast station.

DATES: Comments must be filed on or before October 26, 1981, and reply comments on or before November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.

Released: August 26, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Agana, Guam).

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making[1] was filed by Guam Radio Services, Inc. ("petitioner") proposing the assignment of FM Channel 262 to Agana, Guam. No comments opposing the assignment have been received.

(b) The proposed channel can be assigned to Agana, Guam, in compliance with the minimum distance separation requirements.

2. *Demographic Data:*

(a) *Location:* As the largest and most populated island in the Mariana Archipelago, 214 square miles, Guam is 3,700 miles west of Honolulu, Hawaii. Its capital is Agana.

(b) *Population:* Agana—2,119, Guam—84,990.[2]

(C) *Local Aural Broadcast Service:* Agana is currently served by three full-time AM stations and two FM stations (Channels 230 and 238).

3. *Economic Considerations:* According to the petitioner, Guam's population in 1979 was approximately 110,000. In addition to Federal Government expenditures, the economy is supported by tourism, construction, manufacturing and retailing.

4. The assignment of Channel 262 to Agana would exceed Commission population guidelines. However, due to the geographic isolation of the island and the large number of channels presently available to it, the Commission feels that there is no need to restrict the number of assignments. For that reason a preclusion study is not necessary for the proposed assignment.

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Agana, Guam	230, 238	230, 238, 262

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before October 26, 1981, and reply comments on or before November 16, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not

[1] Public Notice of the petition was given on January 27, 1981, Report No. 1287.

[2] Population figures are taken from the 1970 U.S. Census.

apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81–25539 Filed 9–1–81: 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte No. MC–43 (Sub-No. 13)]

Lease and Interchange of Vehicles

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission proposed to modify its existing leasing regulations, set forth at 49 CFR Part 1057, to (a) require specifically performance of lease provisions by carriers, (b) specify that payment to owner-operators for trip leases be made by the permanent lease carriers, (c) limit the paperwork which carriers may require prior to payment to owner-operators, (d) require carriers to furnish owner-operators with rated freight bills in all instances, regardless of the method of compensation, (e) require carriers to pay fines for overweight and oversize trailers in certain instances, (f) requires carriers to give refunds for returned base plates, and (g) require carriers to specify the amount of charge-back items and require refunds, with interest, on excessive deductions.

If the Commission is to promote efficient transportation and fair working conditions, it is imperative that owner-operators be free to negotiate contracts which prevent regulated carriers from taking unfair advantage when using their services. This proceeding arises out of attempts to solve serious and longstanding problems facing owner-operators.

DATE: Comments are due October 19, 1981.

ADDRESS: Send an original and 15 copies, if possible, of comments to: Ex Parte No. MC–43 (Sub-No. 13), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423

FOR FURTHER INFORMATION CONTACT: Wayne W. Miller, 202–633–6981, or Edward E. Guthrie, 202–275–7691.

SUPPLEMENTARY INFORMATION: The Motor Carrier Act of 1980 expands somewhat the transportation policy of the United States Government. Thus, 49 U.S.C. 10101(a) includes among its policy objectives (a) the promotion of safe, adequate, economical and efficient transportation and (b) encouragement of fair working conditions in the transportation industry. If the Commission is to promote efficient transportation and fair working conditions, it is imperative that owner-operators be free to negotiate contracts which prevent regulated carriers from taking unfair advantage when using their services. This proceeding arises out of attempts to solve serious and longstanding problems facing owner-operators. The proposed modifications or clarifications of the leasing rules reflect some of the concerns owner-

operators have expressed in meetings with representatives of this Commission and the Department of Transportation. We believe that the proposed modifications are important in the context of continued owner-operator participation in the surface transportation industry.

Discussion of Material Issues

1. *Performance by Carriers of Terms of Lease.* In a recent case, the Commission sought an injunction against a carrier for failure to pay its owner-operators within 15 days, as required by 49 CFR 1057.12(g). The carrier argued, and the Court agreed, that the Commission's regulations only required that the payment provision be included in the lease. The Court found that failure by the carrier to make the payment is a breach of contract, and that recourse would be by the owner-operator, rather than this Commission, in a court of law. We believe that forcing owner-operators to take their carriers to court gives an expensive and time-consuming remedy which may be inadequate to prevent carriers from breaching their agreements with owner-operators.

In Ex Parte No. MC–43 (Sub-No. 7), *Lease and Interchange of Vehicles,* 131 M.C.C. 286 (1978), the Commission stated its intention that the required provisions of a lease are to be adhered to by the carrier, and that failure to do so is grounds for Commission action. In order to clarify this intent in the regulations, we propose to modify Rule 1057. 12 specifically to provide that the required lease provisions shall be adhered to and performed by the carrier. Alternatively, this provision could be placed in 49 CFR 1057.1-Applicability, as follows:

The regulations in this part apply to the following actions, and shall govern the performance of such actions by motor carriers holding permanent or temporary operating authority. . . .

2. *Payment Within 15 Days.* We propose to modify 49 CFR 1057.12(g) to specify that payment to the owner-operator for trip-leases must be made by the permanent lease carrier within 15 days from the submission of necessary paperwork. The present rule does not clearly indicate whether the permanent lease carrier or the trip lease carrier is to make such payment. Carriers frequently refuse to pay trip leases citing lack of payment from the originating or trip lease carrier as a defense. Since the permanent lease carrier is frequently responsible for securing the trip lease and had dealt directly with the trip lease carrier it appears that the permanent carrier has more beverage than the owner-operator to collect the funds due. We believe that clarification of this rule to specify the obligations of the parties will reduce the need for difficult and costly case-by-case enforcement actions and should facilitate voluntary compliance with the leasing regulations.

3. *Required Paperwork.* We also propose to modify 49 CFR 1057.12(g) to specify what paperwork may be required by carriers prior to payment to owner-operators. Currently, the 15-day requirement is triggered by the owner-operator's submitting whatever required paperwork is demanded by the carrier. The rules are silent as to what paperwork is required, but the lease must specify what paperwork is a prerequisite to payment. Occasionally, carriers have abused their ability to specify paperwork to avoid their obligation to make prompt payments. For example, some carriers are now requiring the submission of a clean bill of lading (one on whcih no exceptions have been taken) as a prerequisite to payment. This, we believe, should not be permitted, since it allows carriers to withhold payment on shipments where a claim has not yet been and may never be, filed, and where the owner-operator may not be in any way responsible. As we stated in Ex Parte No. MC-43 (Sub-No. 7), *Lease and Interchange of Vehicles,* 131 M.C.C. 141, 146 (1979), it is not intended that any event, condition or requirement, other than submission of delivery documents and other paperwork, could frustrate the prescribed payment period. We, therefore, intend to limit the paperwork that may be required in a lease to those documents necessary for the carrier to secure payment from the shipper, such as freight bills and delivery receipts. Other documents, such as log books, could be required by the carrier, but not as a condition for payment. The owner-operators also indicated that carriers have imposed a private requirement that the owner-operator must submit the required paperwork to the carrier within 24 hours of completion of the run to trigger the 15-day payment period. We believe that this type of requirement is contrary to the rules and should be prohibited.

4. *Rated Freight Bills.*

Part 1057.12(h) requires that a copy of a rated freight bill be provided to the owner-operator only when payment is based on a percentage of total freight charges. We propose to modify this part to provide that the owner-operator be furnished with a copy of a rated freight bill in all instances, regardless of the method of compensation. The basis for this proposal is that, if the owner-operator is aware of the total revenues earned by the carrier (and generated by the owner-operator), he will be in a better position to bargain for an equitable distribution of revenues.

5. *Fines.* Owner-operators often are required to pay fines for overweight and oversize trailers. This might be appropriate where the owner-operator has a substantial measure of control over the load and its distribution in the trailer. However, when the trailer is preloaded, sealed, or the load is containerized, we believe that it is unreasonable to require the owner-operator to bear these fines. Although it seems that ultimately the shipper who loads the trailer should bear the risk of fines, shippers are not contracting parties. Since the carrier is in a position to bargain with and apply pressure to shippers to conform to the law, we believe that it should assume this risk. Similar treatment should be accorded to fines for improperly permitted over dimension loads, because proper permitting is the carrier's responsibility. Accordingly, we propose that 49 CFR 1057.12(f) be modified to require carriers to assume the risks and costs of fines for overweight and oversize trailers when the trailers are pre-loaded, sealed, or the load is containerized and for improperly permitted over dimension loads.

6. *Base Plates.* Carriers typically impose cost of base plates (ranging from $800 to $1,600), upon owner-operators but require that the plate be issued in the carrier's name. Our information is that refunds are rarely given for returned plates. An owner-operator would, therefore, suffer a substantial loss if he did not remain leased to the carrier until time for renewal of the base plates. If an owner-operator leases to a new carrier prior to that time, and additional expenditure of from $800 to $1,600 would have to be made for a new base plate. We also have evidence that some carriers repeatedly sell the same base plate without providing refunds and each new operator is charged the full fee. In order to counteract this practice, we propose that 49 CFR 1057.12(f) be further amended to require carriers to give pro-rated refunds for returned base plates issued in the name of the carrier.

7. *Charge Backs.* It appears that, in certain instances, carriers are defeating the intent of the present regulations by profiting from charge-back items at the expense of owner-operators. Chargebacks are items that may be paid for initially by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of

payment or settlement. We believe that all legitimate charge-backs and deductions should be clearly specified and identified in the lease and agreed upon between the parties. The carrier should not be in a position to manipulate these expenses in such a way that it makes a profit in its handling of these matters. To the extent that charge-backs to owner-operators reduce the carrier's legitimate expenses, resulting in losses to the owner-operator and a profit to the carrier, they are not legitimate charge-backs or deductions.

Currently, 49 CFR 1057.12(i) provides that the lease must specify what items, if any, a carrier may charge back to the owner-operator. We propose to modify this part to provide that the lease must specify not only what items are subject to charge back, but also how the amount for each item, including administrative costs, is calculated in clear and precise language. This modification allows owner-operators to anticipate their costs with a degree certainty.

We also propose to modify 49 CFR 1057.12(i), to require carriers to refund all amounts paid to the carriers which exceed the amount owed. Additionally, interest is to be paid and with interest computed by the same method as on escrow funds, for that portion of the amount deducted from owner-operator compensation which exceeds 110 percent of the amount which properly should have been deducted. This, we believe, will encourage carriers to calculate more closely the amount required to be deducted from owner-operator compensation and will discourage improper or excessive deductions. In this connection, we note that excessive charge-backs often occur in the area of public liability and cargo insurance, as carriers abuse their ability to pass on insurance costs by marking up the cost of insurance they pass on. The owner-operator generally has no real idea of the insurance he is purchasing. For this reason, we propose to modify 49 CFR 1057.12(k)(1) to require the carrier to summarize the insurance coverage provided to the owner-operator.

The proposed rules are set forth in the appendix to this notice.

Regulatory Flexibility, Environmental, and Energy Considerations

This decision will not have a significant economic impact on a substantial number of small entities. To the extent that it does, we believe such impact will be wholly beneficial.

We do not believe that the proposed rules will have any significant impact upon the quality of the human environment. We anticipate that further action by the Commission on this proceeding will improve motor carrier operating efficiencies, reduce empty mileages and increase productivity of revenue equipment, thus contributing to the conservation of energy resources. We invite comments which identify significant effects this proceeding may have on these matters.

This notice is issued under the authority contained in 49 U.S.C. 10321 and 11107, and at 5 U.S.C. 553.

Decided: August 24, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1057—LEASE AND INTERCHANGE OF VEHICLES

We propose to modify Title 49 CFR Part 1057 as follows: [Deletions in the existing regulations are bracketed.]

1. Section 1057.1 would be revised to read as follows:

§ 1057.1 Applicability.

The regulations in this part apply to the following actions, and shall govern the performance of such actions by motor carriers holding permanent or temporary operating authority from the Commission to transport property:

(a) The leasing of equipment with which to perform transportation regulated by the Commission.

(b) The leasing of equipment to motor private carrier or shippers.

(c) The interchange of equipment between motor common carriers in the performance of transportation regulated by the Commission.

2. The introductory text and paragraphs (f), (g), (h), (i), and (k)(1) of § 1057.12 would be revised to read as follows:

§ 1057.12 Written lease requirements.

Except as provided in the exemptions set forth in subpart C of these regulations, the written lease required under section 1057.11(a) shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier.

* * * * *

(f) *Items specified in lease.* The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, taxes, empty mileage, permits of all types, tolls, ferries, detention and accessorial services, base plates and licenses, and any unused portions of such items. The authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are pre-loaded, sealed, or the load is containerized, and for improperly permitted over dimension loads. Upon the return of base plates purchased by the lessor from, and issued in the name of, the authorized carrier, the authorized carrier shall refund, in full, the amount paid for the base plates by the lessor.

(g) *Payment period.* The lease shall specify that payment to the lessor under permanent or trip lease to the authorized carrier shall be made by the permanent lease carrier within 15 days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment. Payment to the lessor shall not be made contingent upon submission of a bill of lading to which no exceptions have been taken. The authorized carrier shall not set time limits for submission by the lessor of required delivery documents and other paperwork.

[The lease shall clearly specify the delivery documents and other paperwork that must be submitted before the lessor can receive payment].

(h) *Copies of freight bill.* Subject to the right of the authorized carrier to delete the names of shippers and consignees shown on the freight bill, the lease shall specify that the authorized carrier shall give the lessor a copy of the rated freight bill before or at the time of settlement. [To those lessors whose revenue is based on a percentage of the gross revenue for a shipment.] The lease shall clearly specify the right of the lessor [regardless of the method of compensation] to examine copies of the carrier's tariff.

(i) *Charge-back items.* The lease shall clearly specify all items and the amount of such items, including administrative costs, that may be initially paid for by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of payment of settlement. The carrier shall refund, with interest computed by the same method as on escrow funds under section 1057.12(1)(5), on deductions which exceed 110 percent of the amount shown on the lease as deductible from the lessor's compensation.

(k) *Insurance.* (1) The lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public pursuant to Commission regulations under 49 U.S.C. 10927. The lease shall further specify who is responsible for providing any other insurance coverage for the operation of leased equipment, such as bobtail insurance. If the authorized carrier will make a charge-back for any of this insurance, the lease shall specify the amount which will be charged-back to the lessor. The authorized carrier shall summarize in the lease the insurance coverage provided by it to the lessor.

* * * * *

[FR Doc. 81-25546 Filed 9-1-81; 8:45 am]

BILLING CODE 7035-01-M

V 46 / 170 S E 2 8 1 UMI

Notices

Federal Register
Vol. 46, No. 170
Wednesday, September 2, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Barley Crop Insurance Regulations; Extension of Sales Closing Date

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the closing date for accepting applications for barley crop insurance in certain states and counties effective for the 1982 crop year only. This action is necessary because the rapid expansion of the FCIC program has delayed implementation of the marketing system for such insurance which could extend beyond the closing date, thereby having an adverse effect on applicants.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: Under the provisions of 7 CFR Part 419, Barley Crop Insurance Regulations, the closing date for accepting applications for such insurance in certain states and counties, and on file in the office for the county, is prior to September 30. (Some areas; August 31, others on September 15)

Because of a delay in establishing a marketing system in these states and counties, it is possible that there will not be sufficient time before the September 30 date to properly contact potential policyholders.

Under the authority contained in 7 CFR 419.7(b) of the Barley Crop Insurance Regulations, such closing date may be extended by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result during the period of such extension. If adverse conditions should develop during such period, FCIC will immediately discontinue the acceptance of applications.

Accordingly, under the authority contained in 7 CFR 419.7(b), FCIC herewith gives notice that the closing date for accepting applications for barley crop insurance is hereby extended until the close of business on September 30, 1981, in the following states and counties, to be effective for the 1982 crop year only:

States	Counties
Colorado	All Counties.
Kansas	Do.
Massachusetts	Do.
New Mexico	Do.
New York	Do.
Oklahoma	Do.
Texas	Do.

Done in Washington, D.C., on August 28, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: August 28, 1981.

Approved:

Melvin E. Sims,

Chairman.

[FR Doc. 81-25605 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-08-M

Wheat Crop Insurance Regulations; Extension of Sales Closing Date

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of Extension of Sales Closing Date.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the closing date for accepting applications for wheat crop insurance in certain states and counties effective for the 1982 crop year only. This action is necessary because the rapid expansion of the FCIC program has delayed implementation of the marketing system for such insurance which could extend beyond the closing date, thereby having an adverse effect on applicants.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: Under the provisions of 7 CFR Part 418, Wheat Corp Insurance Regulations, the closing date for accepting applications for such insurance in certain states and counties and on file in the FCIC office for the county, is prior to September 30. (Some areas August 31, others on September 15)

Because of a delay in establishing a marketing system in these states and counties, it is possible that there will not be sufficient time before the September 30 date to properly contact potential policyholders.

Under the authority contained in 7 CFR 418.7(b) of the Wheat Crop Insurance Regulations, such closing date may be extended by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result during the period of such extension. If adverse conditions should develop during such period, FCIC will immediately discontinue the acceptance of applications.

Accordingly, under the authority contained in 7 CFR 418.7(b), FCIC herewith gives notice that the closing date for accepting applications for wheat crop insurance is hereby extended until the close of business on September 30, 1981, in the following states and counties, to be effective for the 1982 crop year only:

States	Counties
Colorado	Kit Carson, Lincoln, Elbert, El Paso, Pueblo, Las Animas, and all counties lying south and east thereof.
Kansas	All counties.
Maine	Do.
Massachusetts	Do.
Nebraska	Do.
New Mexico	Do.
New York	Do.
Oklahoma	Do.
South Dakota	All counties except Carson, Campbell, Edmunds, Spink, Beadle, Jerauld, Aurora, Douglas, Bon Homme, Counties, and all counties lying north and east thereof.
Texas	All counties.
Wyoming	Do.

Done in Washington, D.C., on August 28, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: August 28, 1981.

Approved:

Melvin E. Sims,

Chairman.

[FR Doc. 81-26608 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

North Kaibab Grazing Advisory Board; Meeting

The North Kaibab Grazing Advisory Board will meet at 1:00 P.M., Tuesday, October 6, 1981, at the Conconino County Building, Fredonia, Arizona.

The purpose of this meeting is:

1. Development of Allotment Management Plans.

2. Utilization of Range Betterment Funds.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor, Kaibab National Forest, 800 South 6th Street, Williams, Arizona 86046, Telephone: (602) 635-2681.

Those attending may express their views when recognized by the chairman.

Dated: August 27, 1981.

Leonard A. Lindquist,

Forest Supervisor.

[FR Doc. 81-25607 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-11-M

Packers and Stockyards Administration

Farmers Live Stock Exchange, Inc., Boonsboro, Maryland, et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.),* no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No.	Name, and location of stockyard	Date of posting
MD-102	The Farmers Live Stock Exchange, Inc., Boonsboro, Maryland.	Oct. 14, 1959
MD-106	Dukes Stockyard, Inc., Eden, Maryland.	Dec. 12, 1968
MD-118	Meteor Stables, Inc., Capitol Heights, Maryland.	July 18, 1975
NC-104	Norwood Stock Yard, Inc., Charlotte, North Carolina.	Apr. 1, 1959
NC-109	Franklin Livestock Auction, Franklin, North Carolina.	Apr. 3, 1959
NC-110	D. F. Foust Livestock Auction Market, Inc., Greensboro, North Carolina.	Apr. 7, 1959
NC-111	Greenville Live Stock Sales Greenville, North Carolina.	Apr. 30, 1959
NC-112	Jarman Stables, Greenville, North Carolina.	May 15, 1967
NC-115	Kinston Stockyards, Kinston, North Carolina.	May 13, 1959
NC-138	Shelby Stockyards, Shelby, North Carolina.	Apr. 1, 1959
Va-129	Petersburg Livestock Market, Petersburg, Virginia.	Mar. 9, 1959
VA-151	Abingdon Livestock Market, Inc., Abingdon, Virginia.	Aug. 10, 1978
WV-113	Point Pleasant Livestock Co., Inc., Point Pleasant, West Virginia.	Nov 5, 1959

Notice or other public procedure has not proceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register.** This notice shall become effective upon September 2, 1981.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 28th day of August 1981.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 81-25691 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Approval of Affirmative Action Plan

On August 13, 1981, the Federal Inspector, John T. Rhett, approved the Alaska Northwest Natural Gas Transportation Company's Affirmative Action Plan for employment and procurement activities on its segment of the Alaska Natural Gas Transportation System (ANGTS).

On May 12, 1980, the Equal Opportunity Regulations (43 CFR Part 34) for ANGTS became effective. These regulations were promulgated to carry out the requirements of Section 17 of the Alaska Natural Gas Transportation Act and Condition 11 of the President's *Decision,* directing Federal Officers and agencies to take affirmative action to ensure that no person will be excluded on the grounds of race, creed, color, national origin, or sex from participating in ANGTS-related activities. Section 34.8(a)(1) of the Regulations, 43 CFR 34.8(a)(1), requires project sponsors to have acceptable affirmative action plans approved by the Federal Inspector.

Alaska Northwest's Affirmative Action Plan contains the following goals for minority and femal employment and procurement:

1981 Employment Goals

	Minority (percent)	Female (percent)
Officials and managers	7.8	12.7
Professionals	9.4	8.7
Technicians	12.6	9.4
Clerical	20.0	45.6
Craft	14.9	2.9
Operatives	17.3	3.3
Laborers	21.5	5.5

The plan contains employment goals for each year through completion of construction. However, the goals were based upon 1985–1986 project completion, the outyear goals will have to be revised to reflect the new schedule (the project schedule has slipped at least one year).

Procurement

The plan projects Minority Business Enterprise (MBE)/Female Business Enetrprise (FBE) goals on an annual basis throughout construction. The goals are firm for 1981, and projected for later years. The dollar goals are given in 1980 dollars and are based on a project cost estimate that is being reviewed by the Federal Energy Regulatory Commission. A detailed chart showing the contractable opportunities and goals is contained in the affirmative action plan. Because this chart was based upon a 1985–1986 project completion date, the specific out-year opportunities and goals will have to be revised to reflect the new schedule. A summary of the goals is given below:

Year	Contractable opportunities (billions)	MBE/FBE (millions)
Pre 1981	$150	$15
1981	208	1 35
Outyears (1982-completion)	4.484	439
Totals	4.842	489

1 Minority businesses—$81 million or 15 percent of contractable opportunities. Female businesses—$4 million or 2 percent of contractable opportunities.

For Further Information Contact: Mr. John Alexander, Director, Equal Employment Opportunity/Minority Business Enterprise, Office of the Federal Inspector (ANGTS), Room 3212, Post Office Building, 1200 Pennsylvania Ave., NW. Washington, D.C. 20044 (202) 275-0682.

Dated: August 28, 1981.

John T. Rhett,

Federal Inspector.

[FR Doc. 81-25800 Filed 9-1-81; 8:45 am]

BILLING CODE 6820-AW-M

CIVIL AERONAUTICS BOARD

[Order 81-8-169; Docket 39835]

Application of Gulf Air for Certificate Authority Under Section 401(d)(3)

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81-8-169 application of Gulf Air Transport, Inc. for a certificate of public convenience and necessity for interstate and overseas charter air carrier authority, Docket 39835.

SUMMARY: The Board is proposing to grant a certificate of public convenience and necessity to Gulf Air Transport to authorize it to provide interstate and overseas charter air service and is tentatively determining that is fit, willing, and able to provide this service.

DATE: Objections: All interested persons having objections to the Board's issuing the proposed authority or to its tentative finding of fitness, shall file, and serve upon all persons listed below no later than September 15, 1981, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections should be filed in Docket 39835, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: James Lawyer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5088.

SUPPLEMENTARY INFORMATION: Objections should be served upon Gulf Air. The complete text of Order 81-8-169 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a post card request for Order 81-8-169 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 27, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25886 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 34806; Order 81-8-162]

Cochise Airlines, Inc.; Order Fixing Final Subsidy Mail Rate

August 27, 1981.

By Order 81-8-133, dated August 21, 1981, the Board directed Cochise Airlines, Inc., to show cause why the Board should not adopt the final subsidy mail rate set forth in that order as the fair and reasonable final rate to be paid Cochise for the transportation of mail or for the provision of facilities and services for the transportation of mail over Cochise's subsidy-eligible system for the period December 4, 1978, through June 30, 1981.

The time designated for filing notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision fixing the rate.

The Board, upon consideration of the record, hereby reaffirms and makes final all of the findings and conclusions set forth in Order 891-8-133.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, the Board's Procedural Regulations (14 CFR 302), and the authority duly delegated by the Board in its organization Regulations (14 CFR 385.14(b)):

1. The fair and reasonable final rate of compensation to be paid Cochise Airlines, Inc., for the transportation of mail over its subsidy-eligible system as constituted for the period December 4, 1978, through June 30, 1981, the facilities used and/or useful therefore, and/or the services connected therewith, shall be the rate set forth in Order 81-8-133.

2. This order shall be conditional upon the Board's issuance of an order in Docket 35035 removing or raising the annual subsidy ceiling set forth in the certificate of public convenience and necessity of Cochise Airlines, Inc.

3. This order shall be effective the date of service.

4. Persons entitled to petition the Board for review of this order pursuant to the Board's regulations (14 CFR 385.50) may file such petitions within ten days after the date of service of this order. Provided, however, that the filing of any such petition shall not preclude this order from being effective and becoming the action of the Civil Aeronautics Board upon the date of service. The Board has found under 14 CFR 385.6 that immediate action is required for the reason, *inter alia*, that there is an overall interest in the expedited finalization and settlement of the rates set forth in the order to show cause (Order 81-8-133). Moreover, the disposition of this matter is governed by Board precedent and policy, and, as indicated previously, ample opportunity to file notice of objection was given and none was filed.

5. This order shall be served on Cochise Airlines, Inc., and the Postmaster General of the United States.

This order shall be published in the **Federal Register.**

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25887 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-8-170]

Fitness Determination of Northern Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-8-170, order to show cause.

SUMMARY: The Board is proposing to find that Northern Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than September 14, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-8-170.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-8-170 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-8-170 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 27, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25685 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-8-164; Docket 37294]

Orders Concerning Mail Rates

Order 81-8-164, August 27, 1981, Docket 37294, makes final the domestic service mail rates proposed in Order 81-6-134 (46 FR 33352, June 29, 1981) for the period July 1 through December 31, 1981.

Order 81-8-165, August 27, 1981, Docket 37392, makes final the international service mail rates proposed in Order 81-6-135 (46 FR 33352, June 29, 1981) for the period July 1 through December 31, 1981.

Copies of the orders are available from the CAB Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25684 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Wisconsin Advisory Committee; Agenda and Notice of Open Meetings

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on September 21, 1981, at the Wisconsin Higher Educational Aide Board (Masonic Temple), Suite 40, 600 W. Walnut Street, Milwaukee, WI 53212. The purpose of this meeting is to review the Assessment of Bilingual Education in Wisconsin Project; to elect officers; to discuss and approve a new project and to hear a report from the Subcommittee on Vocational Education Study.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Herbert Hill, 2127 Van Hise Ave, Madison, WI 53705, 608/236-6647, or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, 312/353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 27, 1981.

John I. Binkley,

Advisory Committee Management.

[FR Doc. 81-25673 Filed 9-1-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

SES Performance Review/Executive Review Board; Redesignation and Membership Change

On January 18, 1980, the Economic Development Administration (EDA) published a notice in the **Federal Register** (45 FR 3626) announcing the establishment and composition of a General Performance Review Board for the Senior Executive Service (SES) at EDA.

As described in the January 1980 notice, the purpose of the board is to review performance agreements, performance appraisals and ratings, recommendations for certain personnel actions and other related materials, and to make appropriate recommendations to EDA's SES appointing authority concerning such matters in a manner that will assure fair and equitable treatment of senior executives and the organizations of which they are members.

The purpose of this notice is to redesignate the Board as the Executive Resource and Performance Review Board (ERPRB) and to update the list of members of the Board. No change is made to the function or purpose of the Board.

The current ERPRB members are:

Mr. John E. Corrigan, Director, Philadelphia Regional Office, Philadelphia, Pennsylvania
Mr. Edward G. Jeep, Director, Chicago Regional Office, Chicago, Illinois
Mr. Craig M. Smith, Director, Denver Regional Office, Denver, Colorado
Mr. Joseph B. Swanner, Director, Austin Regional Office, Austin, Texas
Ms. Phyllis Lamphere, Director, Seattle Regional Office, Seattle, Washington
Mr. H. W. Williams, Acting Assistant Secretary for Economic Development, Washington, D.C.
Mr. Edward M. Levin, Jr., Chief Counsel, Washington, D.C.
Mr. Lorin L. Goodrich, Director, Office of Management and Administration, Washington, D.C.
Mr. Charles W. Coss, Director, Office of Public Investments, Washington, D.C.
Mr. Thomas S. Francis, Director, Office of Eligibility and Industry Studies, Washington, D.C.
Mr. Charles E. Oxley, Special Assistant for Indian Affairs, Washington, D.C.
Mr. John B. Roose, Director, Office of Business Programs, Industry and Trade Administration, Washington, D.C.
Mr. Hugh L. Brennan, Director, Office of Organization and Management Systems, Office of the Secretary, Washington, D.C.

Persons desiring further information about the ERPRB or its membership may contact Ms. Michelle Oppenheimer, Chief, Personnel Management Division, Economic Development Administration, Washington, D.C. 20230, 202/377-3203.

Dated: August 26, 1981.

H. W. Williams,

Acting Assistant Secretary for Economic Development.

[FR Doc. 81-25577 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

[Case No. 607]

Robert C. Johnson; Order

The Office of Export Administration, United States Department of Commerce has initiated administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979, (50 U..C. app. 2401, *et seq.* (Supp. III 1979)) (the "Act") and the export Administration Regulations (15 CFR Part 366, *et seq.* (1980)) (the "Regulations") against Robert C. Johnson (Johnson) 11470 Summit Wood Road, Los Altos Hills, California 94022. The charging letter alleged that the respondent violated Sections 387.2, 387.4 and 387.6 of the Regulations promulgated pursuant to the Export Administration Act of 1969, as amended (50 U.S.C. 2401, et seq. (1976)).

The Department and the respondent have entered into a consent agreement, 15 CFR 388.17, whereby each party agreed to settle this matter (1) by a denial of all export privileges to Johnson to certain countries for a five-year period terminating on August 31, 1986, and (2) by a denial of validated export license privileges to Johnson to all other destinations for the period ending on August 31, 1986.

The terms of the consent agreement are approved by the undersigned. Therefore, pursuant to the authority vested in me, 15 CFR Part 388, it is Ordered:

FIRST. For a five-year period ending on August 31, 1986, Johnson is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities

or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations, with respect to the following countries: Albania, Bulgaria, Cuba, Czechoslovakia, Estonia, German Democratic Republic (including East Berlin), Hungary, Laos, Kampuchea, Latvia, Lithuania, Mongolian People's Republic, North Korea, Poland, Romania, the Union of Soviet Socialist Republics and Vietnam. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation (i) as a party or as a representative of a party to any validated export license application; (ii) in the preparation of filing of any export license application or reexport authorization, or of any document to be submitted therewith; (iii) in the obtaining or using of any validated or general export license or other export control document; (iv) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (v) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

SECOND. For a five-year period ending on August 31, 1986, Johnson is denied all privileges of participating, directly or indirectly, in any manner of capacity, in any transaction which (1) requires a validated export license or reexport authorization from the Office of Export Administration, and (2) involves commodities or technical data subject to the Export Administration Regulations which are exported or to be exported from the United States in whole or in part. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation (I) as a party or as a representative of a party to any validated export license application; (ii) in the preparation or filing of any export license application or reexport authorization; and (iii) in the obtaining or using of any validated export license.

THIRD. During the periods of denial of export privileges described above, the respondent must promptly inform the Hearing Commissioner of any changes in his affiliation, ownership, control, position of responsibility or other connection in the conduct of export trade or services related thereto with any person, firm, corporation or other business organization. An appropriate Order may be entered as necessary to reflect changes in related party status, following notice and opportunity for Johnson and any related party to comment.

The charging letters, the consent agreements, and this Order are available for public inspection. 15 CFR 388.20(c).

This Order is effective September 1, 1981.

Dated this 26th day of August, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-25475 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 594]

Ulrich Schneemann; Order Denying Export Privileges

In the matter of: Ulrich Schneemann, Martinstrasse 122, 3400 Klosterneuburg, Austria, Victoria, Republic of Seychelles, Respondent.

The Office of Export Administration, U.S. Department of Commerce, initiated proceedings by the service of a charging letter (January 1980) against Ulrich Schneemann. The letter alleged that Schneemann, then the general manager of Rohde & Schwarz Tektronix Gesellschaft, M.B.H.,[1] violated the Export Administration Act, 50 U.S.C. Supp. 2401 *et seq.*, as amended and supplemented, and the Regulations, 15 CFR Part 368. The respondent was charged with knowingly reexporting U.S. manufactured and controlled commodities (an oscilloscope and amplifier) to the U.S.S.R., in violation of law and regulations.[2]

Schneemann appeared in this matter by his lawyer. Although several extensions of time in which to answer were granted, the lawyer did not file an answer before he withdrew from the case in June 1981. Since then Schneemann has been afforded an opportunity to appear and defend himself. But letters addressed to him have been returned with advice that he may be operating from another country. Although he has been afforded a continued opportunity to reply and submit evidence and testimony in his own behalf, nevertheless, he is now in default. I find it is reasonably necessary for the national security and enforcement of the Export Administration Regulations to resolve this matter on the present evidence of record, subject to reopening at the request of the respondent.

An affidavit voluntarily submitted by Schneeman on September 3, 1980 in Vienna, makes clear that the respondent was general manager of Rohde & Schwarz Tektronix Gesellschaft M.B.H. and that he did voluntarily negotiate the sale and reexport of a controlled oscilloscope and amplifier with Franz. Eggling and/or Memisco Anstalt, which parties were then denied all export privileges. Furthermore, he knew that the commodities would be reexported to the U.S.S.R. There is no doubt that Schneemann knew that a reexport license was necessary to ship the commodities to the U.S.S.R. and he also knew, if formally requested, there was but a remote likelihood that a license would be issued. He voluntarily allowed himself to become an active participant in a scheme to subvert and violate the law and regulations.

I find that the respondent violated the Export Administration Act and regulations as alleged in the charging letter. Accordingly, I find that an order denying Schneemann all export privileges is reasonably necessary for the protection of the national security and the public interest and to permit and facilitate enforcement of the Export Administration Act and implementing regulations. Therefore, it is hereby

Ordered

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or of any

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[1] Rohde & Schwarz, originally, were parties in this proceeding in the capacity of the employer of the respondent. The firm was exonerated of any active participation in Ulrich Schneemann's illegal activities. See Order Case No. 594, May 14, 1981.

[2] Respondent was also charged with doing business with the denied parties, Franz Eggling and Memisco Anstalt, (32 FR 7223 May 13, 1967) (45 FR 43818, June 30, 1980).

document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United Sates, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of the Export Administration Regulations, the respondents may move at any time to vacate or modify this denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3810, 14th and Constitution Avenue, NW., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. At the request of Ulrich Schneemann the case may be re-opened to allow him to interpose a defense and to afford him a hearing. This order shall remain in effect until September 30, 1996.

Dated: August 26, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-25604 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Thin Layer Chromatographs With Flame Ionization Detection

The following is a consolidated decision on applications for duty-free entry of thin layer chromatographs with flame ionization detection pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW, Washington, D.C. 20230.

Docket Number: 81-00208. Applicant: University of California, San Diego, 3175 Miramar Road, La Jolla, CA 92093. Article: Iatroscan TH-10 TLC/FID Analyzer. Manufacturer: Iatroscan Laboratories, Japan. Intended use of article: See Notice on page 31446 in the **Federal Register** of June 16, 1981. Advice submitted by: Department of Health and Human Services: August 6, 1981. Article ordered: March 30, 1981.

Docket Number: 81-00216. Applicant: University of California at Los Angeles, Laboratory of Nuclear Medicine, 900 Veteran Avenue, Los Angeles, California 90024. Article: Iatroscan TH-10, Mark III and Accessories. Manufacturer: Iatron Laboratories, Japan. Intended use of article: See Notice on page 35326 in the **Federal Register** of July 8, 1981. Advice submitted by: Department of Health and Human Services. Article ordered: March 17, 1981.

Comments: No comments have been received in regard to either of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article combines thin-layer chromatography on coated chromatographic rods with flame ionization detection. The Department of Health and Human Services (HHS) advises in its respectively cited memoranda that the capabilities of the articles cited above are pertinent to the purposes for which each of the foreign articles is intended to be used. HHS also advises that it knows of no domestic instrument of apparatus of equivalent scientific value to the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foregin articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25578 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number: 81–00168. Applicant: The Pennsylvania State University, Department of Chemistry, Whitmore Laboratory, University Park, PA 16802. Article: Mass Spectrometer Instrumentation. Manufacturer: Kratos Scientific Instruments, United Kingdom. Intended use of article: See Notice on page 24222 in the **Federal Register** of April 30, 1981. Advice submitted by: Department of Health and Human Services: July 9, 1981.

Docket Number: 81–00173. Applicant: Stanford University, 851 Welch Road, Palto Alto, CA 94304. Article: Parts for GX–13 X-Ray Generator. Manufacturer: Marconi-Elliott Systems, Ltd., United Kingdom. Intended use of article: See Notice on page 27744 in the **Federal Register** of May 21, 1981. Advice submitted by: Department of Health and Human Services: July 9, 1981.

Docket Number: 81–00186. Applicant: Temple University School of Medicine, Department of Microbiology & Immunology, 3400 North Broad Street, Philadelphia, Pennsylvania 19104. Article: Bulk Specimen Holder Accessory, Model H–5001B. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: See Notice on page 28204 in the **Federal Register** of May 26, 1981. Advice submitted by: Department of Health and Human Services: July 23, 1981.

Docket Number: 81–00187. Applicant: University of Maryland, Baltimore County, 5401 Wilkens Avenue, Catonsville, Maryland 21228. Article: 35mm Camera, Model JEM 100CX–A35–4 for Electron Microscope Model 100CX. Manufacturer: Japan Electron Optics Laboratory, Japan. Intended use of article: See Notice on page 28204 in the **Federal Register** of May 26, 1981. Advice submitted by: Department of Health and Human Services: July 23, 1981.

Docket Number: 81–00202. Applicant: New York State Department of Health, Empire State Plaza Tower Bldg., Division of Labs and Research, Albany, New York 12201. Article: Compensating Coil (Choke). Manufacturer: Emile Haefely, Switzerland. Intended use of article: See Notice on page 31466 in the **Federal Register** of June 16, 1981. Advice submitted by: Department of Health and Human Services: August 6, 1981.

Docket Number: 81–00205. Applicant: Naval Medical Research Institute, Bethesda, MD 20014. Article: Cryokit, Model 14800–3 Complete. Manufacturer: LKB Produkter, Sweden. Intended use of article: See Notice on page 31466 in the **Federal Register** of June 16, 1981. Advice submitted by: Department of Health and Human Services: August 6, 1981.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufatured by the manufacturers which produced the instruments with which they are intended to be used. We are adivsed by the Department of Health and Human Services in its respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign article are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–25579 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–25–M

Steel Wire Rope From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on steel wire rope from Japan. The review covers the 116 known manufacturers and exporters of this merchandise to the United States. In general, the analyses cover the period April 1, 1978 through September 30, 1980. This review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of this review the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value or constructed value on each of their shipments during the period of review.

Where company-supplied information was inadequate or no information was received, the Department has used the best information available.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Fredi-Ellen Bove or Joseph Fargo, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3460).

SUPPLEMENTARY INFORMATION:

Procedural Background

On October 15, 1973, a dumping finding with respect to steel wire rope from Japan was published in the **Federal Register** as Treasury Decision 73–296 (38 FR 28571). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on steel wire rope from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of steel wire rope, except brass electroplated steel truck tire cord of cable construction specially packaged for protection against moisture and atmosphere. The steel wire rope covered by the review is currently classifiable under item numbers 642.1200, 642.1400, 642.1500, 642.1600, and 642.1700 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of a total of 115 Japanese firms and 1 transshipper engaged in the manufacture and exportation of steel wire rope to the United States. In general, this review covers the period April 1, 1978 through September 30, 1980.

We have a number of unanalyzed responses covering periods prior to April 1, 1978. These responses will be analyzed and the results published in the subsequent administrative reviews.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Fifty-six exporters stated that they did not export steel wire rope to the U.S. during the period April 1, 1979 through September 30, 1980. The estimated deposit rate for those firms shall be the most recent information for each firm, or if no prior rate for the firm is available, the highest rate for responding firms with shipments in the most recent period. Fourteen exporters failed to respond to our questionnaire for the most recent time period, April 1, 1979 through September 30, 1980. One firm failed to respond for the prior period. For these non-responsive firms we used the best information available to determine the assessment and estimated deposit rates. The best information available is the most recent rate (master list) for the firm, if higher than the rates for responding firms with shipments in the relevant review period, or, if no information is available, the highest fair value rate, if higher than the rates for responding firms with shipments in the relevant review period.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate.

Purchase price was based on the packed price, either to an unrelated purchaser in the United States or to an unrelated Japanese trading company for export to the United States, as appropriate. Where applicable, deductions were made for inland freight, storage at a forwarding agent, customs clearance fees, a weighing and measuring list fee, ocean freight, insurance, brokerage charges, U.S. duty, other shipping charges, and loading charges. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, or prices in third countries when home market sales were insufficient, or constructed value when sufficient sales (as described below) did not exist in the home market or in third countries, all as defined in section 773 of the Tariff Act, or sections 205 or 206 of the 1921 Act. The foreign market values were adjusted, where applicable, for inland freight, commissions to unrelated parties, packing differentials, and interest cost differentials. No other adjustments were claimed or allowed. Constructed values were calculated as the sum of materials; labor, fabrication costs, general expenses, profit, and the cost of packing. The amount added for general expenses constituted at least ten percent of the sum of materials, labor and fabrication costs. Profit was calculated at eight percent of the sum of all general expenses and cost.

For the period April 1, 1978 through March 31, 1979, the Department requested cost of production from all Japanese steel wire rope producers. Although complying in most respects, all Japanese manufacturers refused to supply to the Department the actual cost of wire rod, the major input in wire rope, and substituted the trigger price for wire rod for the actual prices. The Department did not use trigger prices and did use as best evidence the price for wire rod published in the Japanese trade magazine: Japan Metal Bulletin.

Many of the cost submissions the Department received were inadequate in other respects. A response was considered inadequate if a manufacturer (1) did not disggregate cost data to the level of coating, core, construction, and size (diameter) of wire rope, and (2) did not use size-specific physical input coefficients, derived from production experience, for materials and labor, but rather allocated materials and labor costs across sizes by a weight or sales value allocation factor. For each firm, the Department used the cost of each input given in the firm's submitted data if the input cost had been derived in the way defined in the preceding sentence. If not, cost of production data for the input was taken from a manufacturer that had derived the cost data in a satisfactory manner.

The Department decided to use ordinary least squares regressions to estimate the cost of production for the types of wire rope for which it lacked adequate information from any manufacturer. The Department used linear and non-linear regression models in which the cost or quantity of each input was a function of diameter (in millimeters) of the rope. For some inputs, the Department separated the wire rope data into different coatings and different cores, different constructions, and large and small sizes, and ran separate regressions for each subset of data. The Department used the regression coefficients to predict the cost of each input for each type of rope for which it lacked data. The Department summed the cost of all inputs for a particular type of rope, and thereby derived total cost for each of the 264 types of wire rope for which the Department lacked data.

Where sales of a particular type of wire rope in the home market or to purchasers in third countries were made over an extended period of time in substantial quanties, and at prices which did not permit recovery of all costs within a reasonable period of time, the Department excluded these sales from the analysis. A "type" of wire rope is defined by the four characteristics: core, coating, construction and size (diameter). If the remaining sales of a particular type of wire rope in the home market or to purchasers in third countries were not sufficient, the Department used constructed value.

The Department's analysis for the period April 1, 1978 through March 31, 1979 indicated that seven manufacturers had an insignificant amount of home market sales below cost. For the period April 1, 1979 through September 30, 1980 the Department requested cost of production date from those manufacturers who had not demonstrated an insignificant level of sales below cost in the previous period. For those firms which received a cost questionnaire and did not respond, the Department used the cost data applied to the company in the period April 1, 1978 through March 31, 1979, inflated by the Bank of Japan Wholesale Price index for iron and steel.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value or constructed value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Ace Industrial Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.66
Ako Rope & Wire Mfg. Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.66
Asahi Mini Rope Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.66
Chrysanthemum Nippon Wire Rope Co., Ltd./ Watanabe Trading Co.	4/1/78 to 3/31/79	.77
	4/1/79 to 9/30/80	1.86
Chrysanthemum Nippon Wire Rope Co., Ltd./ Kent-Moore Japan Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	3.27
Chrysanthemum Nippon Wire Rope Co., Ltd./ C. Itoh & Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80	0

Manufacturer/ exporter	Time period	Margin (per-cent)
Chuo Seisakusho Ltd./Kinyo Co., Ltd..	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Chuo Seisakusho Ltd./ Kohshin Co..	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Chuo Seisakusho Ltd./ Other Trading Companies.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0
Daido Corp	4/1/79 to 9/30/80[1]	5.68
Daisen Kogyo	4/1/79 to 9/30/80[1]	5.68
Daishin Shoji Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0.43
Daishin Shoji Co., Ltd./ Vanguard Steel Ltd. (transhipper).	4/1/79 to 9/30/80	0
Daiwa Steel Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Daiwa Kogyo, K.K.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Dia Enterprises, Ltd.	4/1/78 to 3/31/79	11.88
	4/1/79 to 9/30/80[1]	5.68
F. A. Industries Corp.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	9.68
J. Gerber & Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
Godo Tesseh Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Hakko Sangyo K.K./Mitsui and Co.		0
	4/1/79 to 9/30/80[1]	0
Hannan Wire Rope Mfg. Ltd./ Higashishiba & Co.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Hori Trading	4/1/79 to 9/30/80[1]	5.68
Igeta Wire Rope Co., Ltd./Mitsui & Co., Ltd..	4/1/78 to 3/31/79	3.81
	4/1/79 to 9/30/80[1]	3.81
Igeta Wire Rope Co., Ltd./Kimura Shoten, Ltd.	4/1/78 to 3/31/79[1]	3.81
	4/1/79 to 9/30/80	3.81
Ito-Ume and Co., Inc.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Iwata Wire Rope Mfg. Co., Ltd./ Mitsui and Co., Ltd.	4/1/78 to 3/31/79	.47
	4/1/79 to 9/30/80[1]	.47
Kasuga Seiko Co., Ltd./ Higashishiba & Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Kasuga Seiko Co., Ltd./Kohshin Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
Kasuga Seiko Co., Ltd./Nissho-Iwai.	4/1/78 to 3/31/79	.12
	4/1/79 to 9/30/80[1]	.12
Kasuga Seiko Co., Ltd./Sumitomo Shoji Kaisha, Ltd.	4/1/78 to 3/31/79	1.89
	4/1/79 to 9/30/80	3.42
Kawashma Trading Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Kawatetsu Wire Products Co., Ltd./Mitsui and Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
K-M International	4/1/78 to 3/31/79[1]	11.88
Kinki Steel Wire Rope Mfg. Co. Ltd./S.M. Industries.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	5.68
Kinki Steel Wire Rope Mfg. Co., Ltd./Yutoko and Co.	4/1/78 to 3/31/79	11.88
	4/1/79 to 9/30/80[1]	11.88
Kobayashi Metals, Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Kokoku Steel Wire Ltd./Nichimen Co., Ltd.	4/1/78 to 3/31/79	.28
	4/1/79 to 9/30/80	0
Kokoku Steel Wire Ltd./Nissho-Iwai.	4/1/78 to 3/31/79	.33
	4/1/79 to 9/30/80	0
Kokoku Steel Wire Ltd./Itotaka International.	4/1/78 to 3/31/79	.31
	4/1/79 to 9/30/80[1]	.31
Kokoku Steel Wire Ltd./Shinko Shoji Kaisha.	4/1/78 to 3/31/79	1.76
	4/1/79 to 9/30/80[1]	1.76
Kokoku Steel Wire Ltd./Mitsui and Co.	4/1/78 to 3/31/79	1.01
	4/1/79 to 9/30/80	2.55
Kokoku Steel Wire Ltd./Sumitomo Shoji Kaisha Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	9
Kokoku Steel Wire Ltd./Kanematsu-Gosho Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0
Kokoku Steel Wire Ltd./Yutoko & Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0
Kondo Iron Works Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Koshihara Iron Works Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Kyosei Industry Co., Ltd.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Kyowa Bussan, K.K.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	9.68
Kyowa Wire Rope Mfg. Co., Ltd./ Mitsui and Co.	4/1/78 to 3/31/79	.07
	4/1/79 to 9/30/80	0
Maruka Machinery Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Marusan Wire Rope Mfg. Co., Ltd./S. M. Industries.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	9.68
Meiji Rope Mfg. Co., Ltd./Mitsui and Co.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Misawa Trading Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Naigai Rope Mfg. Co., Ltd./Mitani Kogyo Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
Naniwa Wire Rope Mfg. Co. Ltd./ Mitsui and Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Naniwa Wire Rope Mfg. Co., Ltd./ Higashishiba & Co.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	2.59
Naniwa Wire Rope Mfg. Co., Ltd./ Other than Mitsui or Higashishiba.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	8.04
Nankai Senshu Steel Wire & Rope Co., Ltd./ Sumitomo Shoji Kaisha.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Nanri Trading Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Nihon Miniature Rope Mfg. Co., Ltd./S.M. Industries.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	9.68
Nihon Miniature Rope Mfg. Co., Ltd./Yutoko and Co., Ltd.	4/1/78 to 3/31/79	11.88
	4/1/79 to 9/30/80	9.68
Nikko Steel Wire Rope Mfg. Co., Ltd./Union Co.	4/1/78 to 3/31/79	11.88
	4/1/79 to 9/30/80	9.68
Nippon Miniature Rope Co., Ltd./ Kinyo Co., Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
Nippon Steel Wire Rope Co., Ltd./ Mitsui and Co.	4/1/78 to 3/31/79	0.13
	4/1/79 to 9/30/80	0
Nishimura Wire Rope Mfg. Co., Ltd./Kinyo Co., Ltd.	4/1/78 to 3/31/79	.35
	4/1/79 to 9/30/80[1]	.35
Nishimure Wire Rope Mfg. Co., Ltd./K-M International.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	5.68
Nisshi-Nippon Fujikara Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Nishiya Wire Rope Co., Ltd./Mitsui and Co.	4/1/78 to 3/31/79	.06
	4/1/79 to 9/30/80	.06
Nobuhara Mfg. & Supply Co.	4/1/79 to 9/30/80[1]	5.68
Osaka Wire Rope Mfrs. Assn./ Mitsui and Co.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Rope Service K.K.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	9.68
Ryoei Shoji Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Sakai & Co., Ltd	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Santeo Wire Rope Mfg. Co., Ltd./ Tokyo Trading Co.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Sanwa Seiko Co., Ltd./J. Gerber & Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	5.68
Sanyo Shokai K.K/ J. Gerber & Co., Ltd	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	5.68
Sasaki Kogyo Co., Ltd.	4/1/79 to 9/30/80[1]	9.68
Seiko Wire Rope Co., Ltd./Okura Trading Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 8/3/79	0
Seiko Wire Rope Co., Ltd./Kinyo Co., Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Seiko Wire Rope Co., Ltd./Syuto Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	9.68
Shibamoto & Co., Ltd	4/1/79 to 9/30/80[1]	5.68
Shigeyama & Co., Ltd	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Shinko Wire Rope Co./Mitsui and Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Shinko Wire Rope Co./Shinko Shoji Kaisha.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Shinko Wire Rope Co./Nissho-Iwai.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Shinko Wire Rope Co./Kanematsu-Gosho Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
Shinko Wire Rope Co./Watanabe Trading Co., Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
Shinyo Ropes Mfg. Co., Ltd./ Higashishiba & Co.	4/1/78 to 3/31/79	0
	4/1/79 to 8/7/80	0
Shinyo Ropes Mfg. Co., Ltd./Mitsui and Co.	4/1/78 to 3/31/79	.00
	4/1/79 to 8/7/80	0
Shinyo Ropes Mfg. Co., Ltd./S. M. Industries, Inc.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 8/7/80	0
Shinyo Ropes Mfg. Co., Ltd./ Vanguard Steel Ltd. (transshipper).	4/1/79 to 9/30/80	0
Shinyo Ropes Mfg. Co., Ltd./Yutoko and Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0
Shinyo Ropes Mfg. Co., Ltd./Other Trading Companies.	4/1/78 to 3/31/79	.00
	4/1/79 to 9/30/80	0
Showa Boeiu Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Sumiyoshi Kinzoku Kogyo.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	9.68
Taiho Seiko/Kinyo Co.	4/1/78 to 3/31/80	0
	4/1/79 to 9/30/80[1]	0
Tasei International Corp.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Y. Takeuchi and Co.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Tanaka Metals Corp.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Teikoku Sangyo Co., Ltd./ Sumitomo-Shoji Kaisha, Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Teikoku Sangyo Co. Ltd./The Tosho Co., Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Teikoku Sangyo Co., Ltd./Mitsui and Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Teikoku Sangyo Co., Ltd./ Nissho-Iwai.	4/1/78 to 3/31/79	1.00
	4/1/79 to 9/30/80[1]	1.00
Teikoku Sangyo Co., Ltd./ Watanabe Trading Co., Ltd.	4/1/78 to 3/31/79[1]	1.00
	4/1/79 to 9/30/80	0

[1] Publication date.

Manufacturer/exporter	Time period	Margin (percent)
Teikoku Sangyo Co., Ltd./ Mitsubishi Corporation.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80	0
Tokyo Rope Mfg. Co., Ltd./C. Itoh & Co., Ltd.	4/1/78 to 3/31/79	1.71
	4/1/79 to 9/30/80	2.21
Tokyo Rope Mfg. Co., Ltd./Alaska Boeki Co., Ltd.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Toyo Sangyo Co. Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.28
Union Wire Rope Mfg. Co./Sanyo Bussan Kaisha, Ltd.	4/1/78 to 3/31/79	.84
	4/1/79 to 5/7/80	0
The Union Co., Ltd.	4/1/78 to 3/31/79	11.88
	4/1/79 to 9/30/80	0
Yamasho Co., Ltd.	4/1/79 to 9/30/80	9.68
Yamato Industries Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Yuasa Sangyo K.K.	4/1/79 to 9/30/80[1]	5.68
C. T. Takahash & Co.	4/1/79 to 9/30/80[1]	5.68
Daimyo Bussan	4/1/79 to 9/30/80	9.68
Far East Industries	4/1/79 to 9/30/80[1]	5.68
Hori Trading Co., Ltd.	4/1/79 to 9/30/80	9.68
IBA Steel Rope Mfg. Co., Ltd.	4/1/79 to 9/30/80[1]	5.68
Izumi Trading Co., Ltd.	4/1/79 to 9/30/80	9.68
Japan Steel Wire Rope.	4/1/79 to 9/30/80[1]	5.68
Kanto Steel Wire Co., Ltd.	4/1/79 to 9/30/80[1]	5.68
Kiko Steel and Wire Rope Co./ Watanabe Trading Co., Ltd.	4/1/79 to 9/30/80	.72
Liberty Shokai, Ltd.	4/1/78 to 3/31/79[1]	5.88
Mitsubishi Shoji, Kaisha.	4/1/79 to 9/30/80	9.68
Nan Rope Co., Ltd.	4/1/79 to 9/30/80	5.68
Nissei Sangyo Co.	4/1/79 to 9/30/80[1]	5.68
Seo Hardware Corp.	4/1/79 to 9/30/80[1]	5.68
Taiyo Seiki Iron Works.	4/1/79 to 9/30/80[1]	5.68
Taiyo Iron Works	4/1/79 to 9/30/80[1]	5.68
Tokyo Special Wire Co., Mfg. Ltd.	4/1/79 to 9/30/80	5.88
Yasada and Co.	4/1/79 to 9/30/80	9.68
Taiyo Sunco Inc.	4/1/79 to 9/30/80[1]	5.68

[1] No shipments during period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of steel wire rope entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

John Evans,

Acting Deputy Assistant Secretary for Import Administration.

August 27, 1981

[FR Doc. 81-25505 Filed 9-1-81; 8:45 am]

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National Bureau of Standards

Membership of General and Limited Performance Review Boards

In notices published in the **Federal Register** on September 12, 1979, and September 25, 1979 (44 FR 53098 and 44 FR 55222), the National Bureau of Standards (NBS) announced the establishment, membership, and terms of the General Performance Review Board (GPRB). The purpose of the GPRB is to review performance agreements, performance appraisals and ratings, recommendations for certain personnel actions and other related material, and to make appropriate recommendations to the Director of NBS as the Appointing Authority for the Senior Executive Service at NBS concerning such matters in such a manner as will assure the fair and equitable treatment of senior executives and the organizations of which they are members and instill in the minds of such senior executives confidence in the integrity, competence, and impartiality of the GPRB. The GPRB performs its review functions for all NBS senior executives except those who are members of the NBS Executive Board and those who are members of the GPRB.

In notices published in the **Federal Register** on October 5, 1979, October 17, 1979, and June 17, 1981 (44 FR 57462, 44 FR 59930 and 46 FR 31699), NBS announced the establishment, membership and terms of the Limited Performance Review Board (LPRB). The purpose of the LPRB is the same as the GPRB. However, the LPRB performs its review functions for all NBS senior executives who are members of the NBS Executive Board (except the NBS Deputy Director) and those senior executives who are members of the NBS GPRB.

This notice announces the extension of the terms of the following members of those Boards to the dates shown.

GPRB

Mr. Karl E. Bell
Deputy Director of Administration
Office of the Director of Administration
National Bureau of Standards
Washington, D.C. 20234
Term extended to December 31, 1981

Dr. Robb M. Thomson
National Measurement Laboratory
National Bureau of Standards
Washington, D.C. 20234
Term extended to December 31, 1981

Dr. Edward S. Epstein
Director, Earth Sciences Laboratory
National Earth Satellite Service
National Oceanic and Atomospheric Administration
Washington, D.C. 20233
Term extended to December 31, 1981

LPRB

Dr. James S. Kane
Associate Director for Basic Energy Sciences
U.S. Department of Energy
Washington, D.C. 20545
Term extended to December 31, 1982

The full membership and expiration dates of the GPRB and LPRB as now constituted, including the changes made by this notice, are set out below.

GPRB

Dr. Howard E. Sorrows, Chair
Technology Adviser to the Director
National Bureau of Standards
Washington, D.C. 20234
Expiration of Appointment—September 11, 1982

Dr. Arthur O. McCoubrey
Associate Director for Measurement Services
National Measurement Laboratory
National Bureau of Standards
Washington, D.C. 20234
Expiration of Appointment—September 11, 1982

Mr. Samuel Kramer
Associate Director for Program Coordination
National Engineering Laboratory
National Bureau of Standards
Washington, D.C. 20234
Expiration of Appointment—September 11, 1982

Mr. Bascom W. Birmingham
Director, Boulder Laboratories
National Bureau of Standards
Boulder, Colorado 80303
Expiration of Appointment—September 11, 1982

Mr. Karl E. Bell
Deputy Director of Administration
Office of the Director of Administration
National Bureau of Standards
Washington, D.C. 20234

Expiration of Appointment—December 31, 1981

Dr. Robb M. Thomson
National Measurement Laboratory
National Bureau of Standards
Washington, D.C. 20234
Expiration of Appointment—December 31, 1981

Dr. Edward S. Epstein
Director, Earth Sciences Laboratory
National Earth Satellite Service
National Oceanic and Atmospheric Administration
Washington, D.C. 20233
Expiration of Appointment—December 31, 1981

LPRB

Dr. Edward L. Brady, Chair
Associate Director for International Affairs
National Bureau of Standards
Washington, D.C. 20234
Expiration of Appointment—October 4, 1982

Dr. James S. Kane
Associate Director for Basic Energy Sciences
U.S. Department of Energy
Washington, D.C. 20545
Expiration of Appointment—December 31, 1982

Dr. William P. Raney
Assistant Associate Administrator for Space and Terrestial Applications (Programs)
National Aeronautics and Space Administration
Washington, D.C. 20546
Expiration of Appointment—June 16, 1983

Persons desiring any further information about the GPRB, or the LPRB, or the membership of either, may contact Mrs. Elizabeth W. Stroud, Chief, Pesonnel Division, National Bureau of Standards, Washington, D.C. 20234, (301) 921–3555.

Dated: August 27, 1981.

Ernest Ambler,

Director.

[FR Doc. 81–25518 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–13–M

Proposed Changes Pertaining to Interface Standards Exclusion List

In a notice published in the **Federal Register** on March 19, 1979 (44 FR 16466), the National Bureau of Standards (NBS) announced the establishment of exclusion criteria and procedures for developing and maintaining an exclusion list pertaining to Federal Information Processing Standards Publication 60 (which has since been redesignated as 60–1), Input/Output (I/O) Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; and Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems. The approval of the Secretary of Commerce (Secretary) of those three Federal Information Processing Standards was previously announced in the **Federal Register** on February 16, 1979 (44 FR 10098–10101).The exclusion list also pertains to Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems, approval of which by the Secretary of Commerce was announced in the **Federal Register** on August 27, 1979 (44 FR 50078).

The March 19, 1979, notice stated that once the exclusion list was established, interested parties could obtain a copy of that list and would be invited to submit to the Director, Institute for Computer Sciences and Technology (ICST), comments or recommendations regarding additions to or removals from that list. The notice also advised that information regarding any proposed changes in the exclusion list would be published in the **Federal Register.**

Announcement of the establishment of the initial exclusion list and its availability from NBS upon request appeared in the **Federal Register** on June 29, 1979 (44 FR 37968). Numerous changes to that exclusion list have since been made and announced in the **Federal Register.** The latest changes to the exclusion list were announced by NBS in the **Federal Register** on July 20, 1981 (46 FR 373704).

Comments from interested parties specifically identifying candidate systems which should be added to or removed from the exclusion list have been and continue to be especially encouraged.

As a result of a review and analysis of comments and recommendations received recently, NBS is proposing the following additions to the exclusion list:

Manufacturer	Model
Formation	F4000.
Modular Computer Systems	Classic 7810.
Modular Computer Systems	Classic 7820.
Modular Computer Systems	Classic 7830.
Modular Computer Systems	Classic 7840.
Modular Computer Systems	Classic 7870
Prime	150II.
Prime	250II.
Prime	550II.
Sperry-Univac	DCT–6000.

Interested parties will be allowed until October 19, 1981, to submit written comments regarding the proposed changes. Such written comments should be submitted to the Director, ICST, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Following review of comments received in response to this notice, NBS will make a determination on the proposed changes and will announce that determination in a subsequent notice published in the **Federal Register.**

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments in response to this notice.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: August 27, 1981.

Ernest Ambler,

Director.

[FR Doc. 81–25517 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Scientific and Statistical Committee; Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilites under the Act. The Council, its SSC and AP will hold separate public meetings.

DATES: The Council meeting will convene on Thursday, September 24, 1981, at approximately 9 a.m., and will adjourn on Friday, September 25, 1981, at approximately 5 p.m., in the Kuskokwim Room, Sheraton Hotel, Anchorage, Alaska. The SSC meeting will convene on Tuesday, September 22, 1981, at aproximately 1:30 p.m., and meet through Wednesday, September 23, 1981, at the Council's Headquarters Conference Room, 333 West Fourth Avenue, Anchorage, Alaska. The AP meeting will convene on Wednesday, September 23, 1981, at approximately 9 a.m., in Room 311 of the Sheraton Hotel, Anchorage.

Proposed Agendas

Council—A detailed agenda will be sent to the public around September 8, 1981. The Council will elect new officers and will also hear reports on domestic and foreign fisheries, enforcement and surveillance, and the progress of various joint venture operations. The Council intends to discuss and take further action on a possible limited entry system for the halibut fishery off Alaska. the Council may also give final approval to the draft Bering Sea King Crab Fishery Management Plan to be sent to the Secretary of Commerce for review. The Council is also scheduled to give final consideration to amendment #3 of the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan, which is designed to reduce the catch of incidental species in the Bering Sea. Given Council approval, the amendment will be submitted to the Secretary of Commerce. The Council will also hear reports from the plan maintenance teams for the Bering Sea Herring and Gulf of Alaska Groundfish Fishery Management Plans and may consider revisions to them to go out for public review. The Council will also discuss alternatives for coastwide management of salmon and consider various contracts and research proposals. *SSC* and *AP* agendas will be similar to the Council's.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: August 26, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–25470 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Scientific and Statistical Committee; Public Meeting with a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Public Law 94–409, notice is hereby given of public meetings with a partially closed session of the Pacific Fishery Management Council. The Council, along with its Scientific and Statistical Committee (SSC), were established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act.

Meeting Agendas

Council (open meeting in the North Starlight Room)—consideration of herring, billfish and anchovy management; conduct a public comment period beginning at 4 p.m., on October 7; conduct other fishery management business and consider administrative matters.

Council (closed session)—discussion of the status of current maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and related staff having security clearances will be allowed to attend this closed session. *SSC* (open meeting)—consideration of herring, billfish and anchovy management; counduct a public comment period beginning at 3:30 p.m., on October 6, and evaluate and develop recommendation on other matters referred to the Committee by the Council.

DATES:

Council (open meeting) October 7–8, 1981 (11 p.m. to 5 p.m., on October 7; 8 a.m. to 5 p.m., on October 8).

Council (closed session) October 7, 1981 (8 a.m. to 10 a.m.) *SSC* (open meeting) October 6–7, 1981 (1 p.m. to 5 p.m., on October 6; 8 a.m. to 5 p.m., on October 7).

ADDRESS: The meetings will take place at the Hacienda Airport Hotel, 525 N. Sepulveda Boulevard, El Segundo, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526, S.W. Mill Street, Second Floor, Portland, Oregon 97201. Telephone: (503) 221–6352.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on June 19, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such an executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.)

Dated: August 26, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–25472 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council's Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Scientific and Statistical Committee, which will meet to review the precious corals, spiny lobster and billfish fishery management plans; a bottomfish planning document; research and data collection activities; the Fishery Conservation and Management Act national standards, as well as other Committee business.

DATES: The public meetings will convene on Thursday, October 1, 1981, at approximately 10 a.m., and will adjourn on Friday, October 2, 1981 at approximately 3 p.m.

ADDRESS: The meetings will take place at the National Marine Fisheries Service, Honolulu Laboratory, Southwest Fisheries Center, 2570 Dole Street, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Dated: August 26, 1981.

[FR Doc. 81–25471 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammal Recovery Foundation; Issuance of Permit

On July 21, 1981, Notice was published in the **Federal Register** (46 FR 37539), that an application had been filed with the National Marine Fisheries Service by the Marine Mammal Recovery Foundation, P.O. Box 463, Storrs, Connecticut 06268, for a permit to import from Canada tissue samples taken from dead beached and stranded or incidentally captured marine mammals for the purpose of scientific research.

Notice is hereby given that on August 28, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Scientific Research Permit to the Marine Mammal Recovery Foundation for the above import subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such permit: 1) was applied for in good faith; 2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and 3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

The Permit and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: August 28, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-25671 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Community College of the Air Force (CCAF) Advisory Committee, Meeting

The Community College of the Air Force Advisory Committee will hold a meeting on September 29, 1981 at 8:30 a.m. in the Conference Room, Number 121, Building 836, located at Maxwell Air Force Base, Montgomery, Alabama.

The meeting is open to the public.

Agenda items include: State of the College, Accreditation Information, CCAF Personnel Plan, Affiliation Visit Schedule, Proposed Computer System, and Program Changes.

For further information contact Maj. James H. Conely, 205–293–7937, Community College of the Air Force, Maxwell AFB, Alabama 36112.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-25474 Filed 9-1-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Medical Research and Development Advisory Panel, Subcommittee on Bacterial Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Bacterial Diseases

Date of meeting: 15 and 16 October 1981

Time and place: 0900 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC

Proposed agenda: This meeting will be open to the public on 15 October 1981 from 0900–1000 hours to discuss the scientific research program of the Bacterial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 1000–1200 hrs and from 1330 hrs to close of business on 15 October and from 0900–1200 hrs on 16 October for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research sbjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

For the Commander:

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-25619 Filed 9-1-81; 8:45 am]

BILLING CODE 3710-08-M

Medical Research and Development Advisory Panel, Subcommittee on Parasitic Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Parasitic Diseases

Date of meeting: 14 October 1981

Time and place: 0900 hrs, Room 3082, Walter Reed Army Institute of Research, Washington, DC

Proposed agenda: This meeting will be open to the public on 14 October 1981 from 0900–1000 hrs to discuss the scientific research program of the Parasitic Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, US Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 1000–1200 hour and from 1330–1730 hours for the review, discussion, and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

For the Commander:

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-25618 Filed 9-1-81; 8:45 am]

BILLING CODE 3710-08-M

Military Traffic Management Command; Military Personal Property Symposium; Notice of Public Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on 24 September 1981 at the Quality Inn, Pentagon City, 300 Army Navy Drive, Arlington, VA, and will convene at 0930 hours and adjourn at approximately 1500 hours.

Proposed Agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34–R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, ATTN: MT-

PPM, Washington, DC 20315. Topics to be discussed should be received on or before September 1981.

Dated: August 28, 1981.

Nathan R. Berkley,

Colonel, GS, Director of Personal Property.

[FR Doc. 81-25617 Filed 9-1-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Potential Alternatives To Provide Flood Damage Reduction at Specific Locations in the Pearl River Basin, Louisiana and Mississippi

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a DEIS.

SUMMARY:

1. The proposed action is to provide flood damage reduction for selected locations in the Pearl River Basin, Louisiana and Mississippi. Although a number of cities and communities are being investigated in connection with the need to provide flood damage reduction, the exact location of all proposed work is not known at this time. At this point in the study, flood damages indicate that a feasible project could be formulated for Jackson, Mississippi. Therefore, several alternatives have been developed for the Jackson area, though no specific plan has been selected. The DEIS will include an evaluation of the environmental, social, economic, and engineering impacts associated with each alternative plan considered at Jackson as well as for any other locations which may be formulated during the course of the study. The following alternatives will be considered at a minimum for the Jackson area:

2. a. *No Action.* This alternative will be the "without" condition against which the impacts of other alternative plans will be measured.

b. *Selective Clearing.* This alternative would consist of the selective removal of vegetation within the floodway.

c. *Raising the Existing Levees.* This alternative would increase the height of existing levees.

d. *Dam at the Head of Ross Barnett Reservoir.* This alternative would consist of a dry dam upstream of the existing 31,000-acre Ross Barnett Reservoir designed to control upstream flood flows.

e. *Channel Modification at Jackson.* This alternative would consist of channel enlargements and cutoffs to the Pearl River in Jackson.

f. *Additional Levees.* This alternative would entail the construction of additional levees in the study area.

g. *Combination of Above Alternatives.* This alternative would involve a combination of two or more of the above alternatives.

3. *Scoping Process.*

a. The scoping process as outlined by the Council on Environmental Quality in the November 29, 1978, **Federal Register**, National Environmental Policy Act Regulations, will be utilized to involve Federal, State, and local agencies, and other interested persons in the preparation of the DEIS. Identification of significant issues to be addressed in the DEIS will be determined through the scoping process. The views and concerns of agencies and individuals will be obtained through personal, telephone, and mail contacts as well as public workshops in lieu of a formal scoping meeting.

b. Coordination with the US Fish and Wildlife Service as required by the Fish and Wildlife Coordination Act and the Endangered Species Act is being undertaken. Coordination required by other laws will also be conducted.

4. *DEIS Preparation.* It is estimated that the DEIS will be available to the public in April 1982.

5. *Address.* Questions about the proposed action can be answered by: Ms. Carol Gorbics, PD–ES, US Army Engineer District, Mobile, PO Box 2288, Mobile, AL 36628.

Dated: August 26, 1981.

Robert H. Ryan,

Colonel, Corps of Engineers, Commander and District Engineer.

[FR Doc. 81-25608 Filed 9-1-81; 8:45 am]

BILLING CODE 3710-CR-M

DEPARTMENT OF EDUCATION

Advisory Panel on Financing Elementary and Secondary Education

AGENCY: Advisory Panel on Financing Elementary and Secondary Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forth-coming meeting of the Advisory Panel on Financing Elementary and Secondary Education. It also describes the functions of the Panel. Notice of this meeting is required under the Federal Advisory Committee Act, Section 10(a)(2). This document is intended to notify the general public of its opportunity to attend.

DATE: September 17 and 18, 1981.

TIME: 9:00 a.m. to 5:00 p.m.

ADDRESS: Room 800, 200 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Will S. Myers, Executive Director, Advisory Panel on Financing Elementary and Secondary Education, P.O. Box 19128 Washington, D.C. 20036, (202) 653–8278.

SUPPLEMENTARY INFORMATION: The Advisory Panel on Financing Elementary and Secondary Education was established by Section 1203, Title XII of the Education Amendments of 1978 (Pub. L. 95–561). The Panel provides the Secretary and the Congress with advice and counsel concerning public policies on raising and distributing revenues to support elementary and secondary education. The advisory Panel also provides advice to the Secretary concerning the conduct of studies authorized by Section 1203. The Advisory Panel will make interim reports to the President and the Congress in 1981 and 1982. The Advisory Panel will also provide recommendations for legislation or other appropriate action to Congress.

Agenda:

1. Consideration of draft Annual Report.

2. Selection of sites, dates, and topics of FY 82 meetings.

3. Discussion of relationship between schools, reindustrialization, productivity, and defense (presentation by speakers).

4. Report on the research of the School Finance Project.

Records are kept of all Advisory Panel proceedings and are available for public inspection at the office of the Advisory Panel on Financing Elementary and Secondary Education located at 1200 19th Street, NW., Room 724–A, Washington, D.C.

Signed at Washington, D.C. on August 27, 1981.

Will S. Myers,

Executive Director, Advisory Panel on Financing Elementary and Secondary Education.

[FR Doc. 81-25557 Filed 9-1-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Western Crude Oil, Inc.; Proposed Consent Order

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Office of Special Counsel (OSC) hereby gives the notice required by 10 CFR 205.199J that it has entered into a Consent Order with Western Crude Oil, Inc. (Western). The Consent Order settles civil matters relating to certain resales of domestic crude oil by Western during 1974 and 1975 and certain transactions involving exchanges of domestic for foreign crude oil during the period July 1975 to April 1976. To remedy any excess recovery that may have occurred in connection with these matters, Western agrees to remit $5,500,000 to the United States Treasury.

COMMENTS: To be considered, comments must be received by 5:00 p.m. on the thirtieth day following publication of this notice. Address comments to: Western Consent Order Comments, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue NW., Mail Stop 4111, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Jeffrey R. Whieldon, Deputy Solicitor, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461, 202–633–8870.

Copies of the Consent Order may be received free of charge by written request to: Western Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue NW., Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Ave., S.W., Room 1E–190.

SUPPLEMENTARY INFORMATION: Western became a wholly owned subsidiary of Getty Oil Company (Getty) in January, 1980. Getty is one of the 35 major refiners subject to audit by OSC to determine compliance with the federal petroleum price regulations.

The Consent Order

This Consent Order pertains to Western's compliance with the federal petroleum price regulations in connection with certain resales of domestic crude oil during the period 1974 and 1975 and certain transactions involving the exchange of domestic for foreign crude oil during the period July 1975 to April 1976. Specifically, it concerns Western's apparent recovery of sums in excess of those permitted by the federal petroleum price regulations through the miscertification of crude oil.

Since these transactions occurred prior to the ultimate refining of such crude oil into refined products which were, in turn, marketed through a multi-level distribution process, DOE has determined that it is impossible to identify particular consumers who may have suffered the ultimate consequences of these alleged violations. In addition, the effect of the DOE entitlements program further complicates any such determination. For these reasons, DOE has concluded that the only available remedy is a refund to the United States Treasury.

By the terms of the Consent Order, Western agrees to remit the sum of $5,500,000 in full settlement of any civil liability arising out of these transactions which could be sought by DOE.

Payment is to be in the form of a certified check made payable to the United States Treasury and to be delivered to DOE within fifteen days after receipt by Western of notification from DOE that the Consent Order has been made effective.

Compliance by Western with the Consent Order shall be deemed by DOE to constitute full compliance for civil purposes with the federal petroleum price regulations with regard to the matters covered by the agreement. The Consent Order constitutes neither an admission by Western nor a finding by DOE of any violation by Western of any statute or of any regulation. DOE believes that the Consent Order provides a satisfactory resolution of the issues described in the agreement and that the Consent Order is in the public interest.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this Consent Order to the address noted above. All comments received by 5:00 p.m. on the thirtieth day following publication of this notice will be considered by OSC before determining whether to adopt the Consent Order as a final order. Modifications of the Consent Order which, in the opinion of OSC, significantly change the terms or impact of the Consent Order will be published for comment.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C., August 25, 1981.

Avrom Landesman,
Acting Director, Office of Special Counsel.

[FR Doc. 81–25515 Filed 9–1–81; 8:45 am]
BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 81–30–NG]

Transcontinental Gas Pipe Line Corp.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application to Import Natural Gas From Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt, on July 17, 1981, of the application of Transcontinental Gas Pipe Line Corporation (Transco) to import up to 75,000 Mcf of natural gas per day into the United States from Canada during the period from November 1, 1983 through October 31, 1987, and to import a maximum quantity reduced by 15,000 Mcf per day each year thereafter until the expected cessation of deliveries on October 31, 1991.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m., September 17, 1981.

FOR FURTHER INFORMATION CONTACT:
J. Ellen Brown, (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street NW., Room 7108, RG–13, Washington, D.C. 20461, (202) 653–3288
Patricia J. Neel (Office of the General Counsel, Natural Gas and Mineral Leasing), Department of Energy, 1000 Independence Avenue, SW., Room 6E–042, GC–15, Washington, D.C. 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: Transco and Sulpetro Limited (Sulpetro) of Calgary, Alberta, Canada signed a Gas Sale Agreement on December 11, 1980, which succeeds two previous gas sale agreements between the companies. The more recent of the previous agreements between Transco and Sulpetro provides for delivery of gas through October 31, 1983, and is pending before ERA in Docket No. 81–26–NG. The December 11, 1980 agreement is effective from the date of signing until October 31, 1991. It

is estimated that deliveries under this contract would begin on November 1, 1983, upon expiration of the earlier gas sale contract.

The Gas Sale Agreement provides for the purchase by Transco of a Maximum Daily Volume (MDV) of 75,000 Mcf in the first four contract years. In each of the four remaining contract years, the maximum quantity is reduced, or stepped-down, by 15,000 Mcf per day. Accordingly, in the four contract years ending October 31, 1987, the MDV is 75,000 Mcf; during the contract year ending October 31, 1988, the MDV is 60,000 Mcf; during the contract year ending October 31, 1989, the MDV is 45,000 Mcf; during the contract year ending October 31, 1990, the MDV is 30,000 Mcf; and during the contract year ending October 31, 1991, the MDV is 15,000 Mcf. Transco states that if Sulpetro is able to develop sufficient additional volumes of gas to enter into a new gas sale contract, it is envisioned that the total quantities of gas to be imported by Transco from Sulpetro will not be stepped down. If such subsequent gas sale contract is entered into, Transco will file applications for appropriate regulatory authority to import the gas to be purchased thereunder.

The price of the gas delivered by Sulpetro to Transco under the December 11, 1980 Gas Sale Agreement is the international border price as set from time to time by the National Energy Board of Canada of any other regulatory authority having jurisdiction. The current ERA authorized border price for natural gas imported from Canada is $4.94 (U.S.) per MMBtu.

A provision not contained in previous gas sale contracts between Transco and Sulpetro provides that Transco shall request, in any one day, not less than 50 percent of the effective Maximum Daily Volume. On an annual basis, Transco is obligated to take or for 75 percent of the effective Maximum Daily Volume times the number of days in the contract year (Minimum Annual Volume). If, in any contract year, Transco has paid for gas not taken (prepaid gas), then in any remaining contract year, Transco may, after taking the Minimum Annual Volume, take any portion of the prepaid gas. The price to be paid for any prepaid gas is the weighted average price paid by Transco to Sulpetro for gas delivered in the contract year in which such prepaid gas incurred. Adjustments to the price of such gas will be made so that Transco will pay at least the then current international border price for any subsequently recovered prepaid gas. If, upon expiration of the term of the contract, Transco has not recovered all of the prepaid gas incurred in the last four contract years, Sulpetro will refund to Transco the weighted average price paid for gas delivered in those contract years, less any transportation costs Sulpetro has incurred to have the gas available.

Transco states that Sulpetro intends to make transportation arrangements with NOVA (formerly Alberta Gas Trunkline Company, Ltd.) and TransCanada Pipelines, Ltd. (TransCanada) to deliver the gas to Transco at the point of future interconnection between facilities of TransCanada and Lake Erie Pipeline Company facilities proposed to be constructed at the eastern end of Lake Erie. These new facilities are also intended to be used in connection with another recently proposed, larger import transaction between Transco and TransCanada now pending before ERA in Docket No. 81–29–NG. In addition, they are cited as a possible alternate delivery point in a joint application by Transco and Algonquin Gas Transmission Company to import gas from Pan-Alberta Gas Ltd. This matter is pending before ERA in Docket No. 81–02–NG.

Other Information

Any person wishing to become a party to the proceeding or to participate as a party in any conference or hearing which might be convened must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protest will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG–13, 2000, M Street, NW., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 pm., September 17, 1981.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or unless ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Transco's application is available for inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays.

Issued in Washington, D.C., August 24, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81–25514 Filed 9–1–81; 8:45 am]

BILLING CODE 6450–01–M

Homestake Production Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Program Operations Division, Office of Enforcement, Room 5204, 2000 M Street, NW, Washington, D.C. 20461, (202) 653–3517.

SUPPLEMENTARY INFORMATION: On June 26, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Homestake Production Company, (Homestake) of Tulsa, Oklahoma on June 1, 1979, 44 FR 37332 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Homestake pursuant to the Consent Order were requested to submit their notices of claim to the OE.

The following person submitted a notice of claim to the OE.

National Cooperative Refinery Association

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Homestake refunded the sum of $62,000 by certified check made payable to the United States Department of Energy on

June 5, 1979. This sum has been placed into a suitable account pending determination of its proper distribution.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $62,000, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on August 20, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 28th day of August 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-25686 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4589-000]

Amador County, Calif.; Application for Preliminary Permit

August 28, 1981.

Take notice that Amador County, California (Applicant) filed on April 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4589 to be known as the North Fork Mokelumne River Water and Power Project located on the North Fork Mokelumne River in Amador and Calaveras Counties, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred Joyce, Chairman of Board, County of Amador, 108 Court Street, Jackson, California 95642.

Project Description—The proposed project would include two developments with a combined estimated average annual energy output of 179,800 MWh.

The Blue Creek Development would consist of: (1) A 210-foot high, 1,200-foot long, earth fill dam located on Blue Creek; (2) a reservoir with a capacity of 7,200 acre-feet and a surface area of 70 acres at a pool elevation of 4,190 feet; (3) an 84-inch diameter, 4,800-foot long tunnel leading to a 60-inch diameter, 3,500-foot long steel penstock; (4) a powerhouse, located on the left bank of the North Fork Mokelumne River, containing a single 5,000-kW generating unit; and (5) a 4,000-foot long, 12.5-kV transmission line.

The Devil's Nose Development would consist of: (1) A 350-foot high, 1,200-foot long, earth fill dam located on the North Fork Mokelumne River; (2) a reservoir with a capacity of 88,000 acre-feet and a surface area of 750 acres at a pool elevation of 2,980 feet; (3) a 108-inch diameter, 10,500-foot long tunnel leading to an 84-inch diameter, 300-foot long steel penstock; (4) a powerhouse, located on the right bank of the North Fork Mokelumne River, containing a single 16,200 kW generating unit; and (5) a 4,000-foot long, 12.5-kV transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant would conduct studies to determine the technical, economic, financial, and environmental feasibility of the project. Those studies would include core borings and minor trenching. Applicant has stated that new access roads are not necessary and that all disturbed $500,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25686 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5176-000]

Bluepond Associates; Application for Preliminary Permit

August 28, 1981.

Take notice that Bluepond Associates (Applicant) filed on August 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5176 to be known as the Cardiff Hydro Project located on the Lower South Fork Michigan River in Jackson County, colorado and the Routt National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael D. White, Yegge, Hall and Evans, 2900 Energy Center One, 717 Seventeenth Street, Denver, Colorado 80202.

Project Description—The proposed project would consist of: (1) A collection system consisting of 19 wells, each with a 30 hp pump; (2) 18,000 feet of pipeline to collect pumped water from an aquifer under the Lower South Fork Michigan River to be known as the Cardiff and Glengarriff Groundwater Reservoirs; (3) a 13,900-foot long penstock; (4) a powerhouse containing a single turbine-generator with a total rated capacity of 520 kW; (5) a 20-mile long 14.4/24.9-kV transmission line; and (6) appurtendant facilities. Energy produced at the project would be sold to the Western Area Power Authority or the Tri-State G and T Association. The project would generate up to 2,700,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $125,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25657 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4955-000]

Harry A. Bogorad; Application for Preliminary Permit

August 28, 1981.

Take notice that Mr. Harry A. Bogorad (Applicant) filed on June 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 4955 to be known as the Peninsular Paper Company Dam located on the Huron River in Washtenaw County, Michigan. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Harry A. Bogorad, 1605 Shankin, Walled Lake, Michigan 48088.

Project Description—The proposed project would consist of: (1) An existing earth and concrete dam approximately 240 feet in length and 14 feet high; (2) an existing intake structure; (3) an existing reservoir with a maximum surface area of 72 acres and a storage capacity of 645 acre-feet; (4) the restoration of an existing powerhouse which will include generating facilities capable of obtaining an installed capacity of 680 kW; (5) a proposed transmission line; and (6) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 2.7 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time studies would be made to determine the engineering, environmental and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $17,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25658 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5090-000]

City of Idaho Falls; Application for Preliminary Permit

August 28, 1981.

Take notice that the City of Idaho Falls (Applicant) filed on July 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5090 to be known as the Shelley Hydroelectric Project located on Snake River in Bingham County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. G. S. Harrison, Manager, Electric Light Department, City of Idaho Falls, 140 S. Capitol, Box 220, Idaho Falls, Idaho 83401.

Project Description—The project would consist of: (1) A 30–foot high, 600-foot long earthfill dam; (2) a 0.8-mile long canal which would carry water from point of diversion to powerhouse; (3) a reservoir with 130-acre surface area and 1,300 acre-foot storage capacity; (4) a powerhouse with total installed capacity of 12,000 kW; and (5) a 0.25-mile long, 161-kV transmission line which would connect the powerhouse to the existing Utah Power and Light 161-kV transmission line. The Applicant estimates that the average annual energy production would be 70 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $100,000.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25669 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4285-001]

City of Logan, Utah; Application for Preliminary Permit

August 28, 1981.

Take notice that the City of Logan, Utah (Applicant) filed on July 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)) for Project No. 4285 known as the Logan River #2 Hydro Project located on the Logan River, near the City of Logan, in Cache County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Vaun Bethers, Assistant Manager, Logan City Light and Power Department, 61 West 1st North, Logan, Utah 84321.

Project Description—The proposed project would utilize an existing U.S.D.A.—Forest Service dam, would affect lands within the Cache National Forest, and would consist of: (1) A rehabilitated intake structure; (2) a new 9,500-foot long, 100-inch diameter penstock; (3) a new surge tank; (4) a refurbished powerhouse containing two generating units and a new powerhouse containing a new generating unit and having a total rated capacity of 3,000-kW; (5) a tailrace; (6) a substation; (7) a short 12–kV transmission line; and (8) appurtenant facilities. Project energy would be used within Applicant's municipal system. Applicant estimates that the average annual output would be 40,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years during which time it would complete a technical, economical, and financial feasibility study. Depending on the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $6,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments,

protests, or petitions to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25660 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5130-000]

Hat Creek Hydro, Inc.; Application for Preliminary Permit

August 28, 1981.

Take notice that Hat Creek Hydro, Inc. (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5130 to be known as the Lost Creek #2 Power Project located on Lost Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Floyd Bidwell, Box 547, Cassel, California 96016.

Project Description—The proposed project would consist of: (1) a 5-foot high, 60-foot long concrete diversion structure; (2) a 3,750-foot long, 50-inch diameter penstock; (3) a powerhouse to contain a single generating unit with a total rated capacity of 1,100 kW and associated electrical switching gear. The average annual energy output is 9.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited To submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be receive on or before October 30 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fed E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25661 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4593-000]

East Mississippi Electric Power Association; Application for Preliminary Permit

August 28, 1981.

Take notice that East Mississippi Electric Power Association (Applicant) filed on April 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4593 to be known as the Okatibbee Reservoir Project located at the U.S. Corps of Engineers Okatibbee Reservoir Dam on Okatibbee Creek in Lauderdale County, Mississippi. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Emmett H. Murray, General Manager, East Mississippi Electric Power Association, P.O. Box 5517, Meridian, Mississippi 39301 and Mr. Ernest B. Deas, Project Manager, Allen & Hoshall, Inc., 612 North State Street, Jackson, Mississippi 32901.

Project Description—The proposed project would consist of: (1) A proposed powerhouse located in the outlet area downstream of the Okatibbee Dam, containing a generating unit of approximately 500 kW capacity; (2) a proposed substation located adjacent to the proposed powerhouse; (3) a proposed 12.5-kV transmission line, approximately ¾ mile in length; and (4) appurtenant facilities. The Applicant estimates the annual generation to be 2,200,000 kWh. The energy generated would be used in Applicant's system.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would collect data, perform feasibility studies and prepare an application for license. The cost of the feasibility studies is estmated to be 420,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent

allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25662 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1175-000]

Kanawha Valley Power Co.; Application for New Major License

August 28, 1981.

Take notice that the Kanawha Valley Power Company filed on January 14, 1981, and most recently revised on June 22, 1981, an application for a new major license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for the continued operation of a constructed water power project known as the London/Marmet Project No. 1175. The project is located on the Kanawha River in Kanawha and Fayette Counties, West Virginia. The original license for Project No. 1175 expired on June 23, 1980. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John W. Vaughan, Kanawha Valley Power Company, 301 Virginia Street, East, Charleston, West Virginia 25327.

Project Description—The existing constructed project comprises two developments. Both developments utilize U.S. Army Corps of Engineers Dams.

The London Development consists of: (1) A forebay area protected by a log boom; (2) 150 feet of screened intake; (3) a concrete powerhouse 50' by 150' containing 3 turbine/generator units with a total installed capacity of 16,000 kW; (4) a tailrace which extends 420 feet downstream; (5) a substation containing two three-phase transformers and two auxiliary transformers; (6) two 46-kV transmission lines, each 0.38 mile long; and (7) appurtenant works. The average annual amount of energy produced at this development is 91,564,000 kWh.

The Marmet Development consists of: (1) A forebay area protected by a log boom; (2) 150 feet of screened intake; (3) a concrete powerhouse 50 feet by 150 feet containing three turbine/generator units with a total dependable capacity of 16,00 kW; (4) a tailrace which extends 450 feet downstream; (5) a substation containing two three-phase transformers and two auxiliary transformers; (6) two 46-kV transmission lines, each 0.78 mile long; and (7) appurtenant works. The average annual amount of energy produced at this development is 84,772,000 kWh.

A portion of project energy, from both developments, is provided to operate the U.S. Government's London and Marmet Locks. The remainder is sold to the Appalachian Power Company.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION" "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25663 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4688-000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 28, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on May 18, 1981 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4688 to be known as the High Dam and Lock 6 Project located on the Oswego River and Canal in Oswego County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of existing project works including: (1) High Dam, owned

by the New York State Department of Transportation, a concrete gravity structure 500 feet long and 32 feet high; (2) Lock No. 6; (3) a reservoir with a surface area of 206 acres and 1250 acre-feet of storage at a surface elevation of 289 feet m.s.l.; and new project works to include (4) crest gates and an intake structure at the eastern end of the dam; (5) a submersible powerhouse located immediately below the new crest gates and having an installed capacity of 6,325 kW; (6) a tailrace; (7) electrical facilities; and (8) other appurtenances. The Niagara Mohawk Power Corporation currently operates for the State of New York a hydroelectric project on the west bank of the river, and the Applicant proposes to develop the presently undeveloped energy potential of the site. Applicant estimates annual generation would be 9,250,000 kWh. Project energy would be marketed to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25661 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4706-000]

Northern States Power Co.; Application for Major License

August 28, 1981.

Take notice that Northern States Power Company (Applicant) filed on May 21, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for continued operation of the Hatfield Hydroelectric Project No. 4706. The project is located on the Black River in Jackson and Clark Counties, Wisconsin. Correspondence with the Applicant should directed to: Mr. E. M. Theisen, President, Northern States Power Company, 100 North Barstow Street, Eau Claire, Wisconsin 54701, and Mr. William J. Madden, Jr., Esq., Debevoise and Liberman, 1200 17th Street, N.W., Washington, D.C. 20036.

Project Description—The existing project utilizes the existing Hatfield Dam and Lake Arbutus. The project consists of: (1) A 3100-foot long and maximum 40-foot high dam composed of three earth dike sections; (2) a reservoir having a full water level elevation of 885.0 feet-NGVD with a maximum surface area of approximately 945 acres and a gross storage capacity of 10,800 acre-feet; (3) a 12,615-foot long power canal; (4) three steel penstocks with associated penstock headworks; (5) a powerhouse containing two generating units with a total rated capacity of 6000 kW; and (6) appurtenant facilities. The applicant estimates that the average energy output is 19,152 MWh.

Purpose of Project—Energy produced at Project No. 4706 is used by the Applicant for sale to its wholesale and retail customers.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 30, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests of other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be filed on or before October 28, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25665 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4254-001]

Paul T. Phillips II; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

August 28, 1981.

Take notice that Paul T. Phillips II (Applicant) filed with the Federal Energy Regulatory Commission on July 27, 1981, an application for exemption for the Exeter River Hydro No. 1 Project No. 4254 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 Subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Exeter River in the Town of Brentwood, Rockingham County, New Hampshire.

Correspondence with the Applicant should be directed to: Mr. Paul T. Phillips II, Main Street, Fremont, New Hampshire 03044.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) A 100-foot long and 15-foot high concrete dam; (2) a reservoir with a gross storage capacity of approximately 200 acre-feet at a normal water surface elevation of 140 feet msl; (3) a steel penstock 6 feet in diameter and 17 feet long, 15 feet of which would be newly installed; (4) a new trash rack and head gate; (5) a new 13 by 17-foot powerhouse containing two 36-kW turbine-generator units operating under a head of 11 feet; (6) a new 4.8-kV, 75-foot long transmission line and (7) appurtenant facilities. Applicant estimates that the average energy output would be 280,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of New Hampshire for distribution to customers in its service area.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New Hampshire Fish and Game Department are requested, for the purposes set forth in Section 408 of the act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If any agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 10, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25668 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

[Project No. 5131-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 28, 1981.

Take notice that Rust Hydro Generation Co. (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5131 to be known as the French Creek Power Project located on French Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002.

Project Description—The proposed project would consist of: (1) A 5-foot high, 75-foot long concrete diversion structure; (2) a 1,760-foot long, 24-inch diameter penstock; (3) a powerhouse to contain a single generating unit with a total rated capacity of 1,400 kW and associated electrical switching gear. The average annual energy output is 12.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application.

Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later that the time specified in 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25667 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5136-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 28, 1981.

Take notice that Rust Hydro Generation Co. (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5136 to be known as the Boulder Creek Hydroelectric Project located on Boulder Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002.

Project Description—The proposed project would consist of: (1) A 5-foot high, 50-foot long concrete diversion structure; (2) a 4,800-foot long, 24-inch diameter penstock; (3) a powerhouse to contain a single generating unit with a total rated capacity of 900 kW and associated electrical switching gear. The average annual energy output is 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be receive on or before October 30 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25668 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4716-000; Project No. 4814-000]

Weber Basin Water Conservancy District, Utah Municipal Power Agency; Application for Preliminary Permit

August 28, 1981.

Take notice that Weber Basin Water Conservancy District (WB) and Utah Municipal Power Agency (UM) (Applicants) filed on May 22, 1981 and June 8, 1981, respectively, competing applications for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project Nos. 4716 (WB) and 4814 (UM) to be known as the Causey Hydro Project located on the South Fork of the Ogden River in Weber County, Utah. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Keith Jensen, Manager, Weber Basin Water Conservancy District, 2837 East Highway 193, Layton, Utah 84041 (WB) and Mr. Grant Whitehead, Chairman, Utah Municipal Power Agency, P.O. Box 418, Payson, Utah 84651 (UM).

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Causey Dam and Reservoir, operated and maintained by the Weber Basin Water Conservancy District, and would consist of: (1) A penstock utilizing the existing outlet

works in the left dam abutment; (2) a powerhouse containing generating units having a total rated capacity of 900 kW (WB) or 2,500 kW (UM); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 3,280,250 kWh (WB) or 5,000,000 kWh (UM).

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicants seek issuance of a preliminary permit for a period of two years (WB) or three years (UM), during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be $50,000 (WB) or $40,000 (UM).

Competing Applications—These applications were filed as competing applications to Utah Hydro Corporation's application for Project No. 3544 filed on October 8, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. Copies of the applications may be obtained by agencies only directly from the Applicants. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25889 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of August 7 Through August 14, 1981

During the week of August 7 through August 14, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: August 26, 1981.

Richard W. Dugan,

Acting Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Aug. 7 through Aug. 14, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 7, 1981	Bergen County Utilities Authority, Little Ferry, N.J.	BEE-1681	Exception to the Entitlements Program. If granted: Bergen County Utilities Authority would receive an exception from the provisions of 10 CFR 211.67, regarding the firm's entitlements sales obligations.
Aug. 7, 1981	Young Refining Corp., Washington, D.C	BYX-0225	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Young Refining Corp. during its fiscal year ended March 31, 1978, to determine whether the level of relief accorded the firm was appropriate.
Aug. 10, 1981	Ashland Oil, Inc., Pittsburgh, Pa	BED and BEH-1676	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with Ashland Oil, Inc.'s Application for Exception (Case No. BEE-1676).
Aug. 10, 1981	Ashland Oil, Inc., Pittsburgh, Pa	BED and BEH-0170	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with Ashland Oil, Inc.'s Appeal (Case No. BEA-0710).
Aug. 10, 1981	Nortru, Inc., Southfield, Mich.	BEE-1682	Exception from the Entitlements Program. If granted: Nortru, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would qualify the firm as an eligible petroleum substitute producer.
Aug. 10, 1981	Paul S. Davis, Sepulveda, Calif	BFA-0715	Appeal of an Information Request Denial. If granted: The August 1, 1981, Information Request Denial issued by the Acting Inspector General, would be rescinded, and Paul K. Davis would receive access to certain DOE information.
Aug. 10, 1981	Southwestern Refining Co., Inc., Washington, D.C.	BEX-0226	Supplemental Order. If granted: The June 2, 1981, Decision and Order (Case No. BEE-1567) would be modified regarding the firm's entitlements purchase obligations.
Aug. 11, 1981	Eldon Spencer, Inc., McLean, Va.	BEG-0080	Petition for Special Redress. If granted: The Office of Hearings and Appeals would review the participation of the Administrative Litigation Division of the Office of General Counsel in the proceedings of Eldon Spencer, Inc's objection to a Proposed Remedial Order (Case No. BRO-1273).
Aug. 11, 1981	Fuel Oil Supply Terminaling, Inc., Washington, D.C.	BFA-0720	Appeal of an Information Request Denial. If granted: The July 13, 1981 Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Fuel Oil Supply Terminaling, Inc. would receive access to certain DOE information.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Aug. 7 through Aug. 14, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 11, 1981	Olokele Sugar Co., Kaumakaui, Hawaii	BEA–0719	Appeal. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Olokele Sugar Co. for participation in that program would be approved.
Aug. 11, 1981	Mauna Loa Macadamia Nut Corp., Hilo, Hawaii	BEA–0718	Appeal. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Mauna Loa Macadamia Nut Corp. for participation in that program would be approved.
Aug. 11, 1981	Hilo Coast Processing Co., Pepeekeo, Hawaii	BEA–0716	Appeal. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Hilo Coast Processing Co. for participation in that program would be approved.
Aug. 11, 1981	Ka'u Sugar Co., Inc., Pahala, Hawaii	BEA–0717	Appeal. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Ka'u Sugar Co., Inc. for participation in that program would be approved.
Aug. 11, 1981	OSC/Pennzoil Co., Houston, Tex	BEF–0072	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the July 9, 1981 Pennzoil Consent Order.
Aug. 11, 1981	OSC/Tenneco Oil Co., Houston, Tex	BEF–0073	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the May 5, 1981 Tenneco Consent Order.
Aug. 11, 1981	Silver Eagle Refining Co., LaBarge, Wyo	BEA–0721	Appeal of an Entitlements Notice. If granted: The January 1980 Entitlements Notice would be modified with respect to Silver Eagle Refining Co.'s entitlement purchase obligations.
Aug. 12, 1981	Adobe Refining Co., Washington, D.C	BEE–1684	Application for Exception. If granted: Adobe Refining Co. would receive an exception from the provisions of 10 CFR 211.69 (the entitlements "clean-up" rule) which would amend entitlements reports prior to October 1980.
Aug. 12, 1981	Alexander & Baldwin, Inc., Honolulu, Hawaii	BEA and BES–0723	Appeal and Application for Stay. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Alexander & Baldwin, Inc. for participation in that program would be approved.
Aug. 12, 1981	Davies Hamakua Sugar Co., Honolulu, Hawaii	BEA–0722	Appeal. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Davies Hamakua Sugar Co. for participation in that program would be approved.
Aug. 12, 1981	Gulf Oil Corp., Washington, D.C	BRZ–0107	Interlocutory Order. If granted: The Office of Hearings and Appeals would rule on specific discovery requests which it discussed in general terms in a prior Decision and Order.
Aug. 12, 1981	Office of Special Counsel, Washington, D.C	BRZ–0108	Interlocutory Order. If granted: The Office of Hearings and Appeals would issue a Decision and Order holding that certain factual findings in a Proposed Remedial Order issued to Atlantic Richfield Co. had been admitted.
Aug. 12, 1981	Phillips Petroleum Co., Bartlesville, Okla	BEE–1683	Exception from the Entitlements Program. If granted: Phillips Petroleum Co. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Aug. 12, 1981	Phillips Petroleum Co., Bartlesville, Okla	BEE–1686	Request for Exception. If granted: Phillips Petroleum Co. would receive an exception from the provisions of 10 CFR 211.67 which would permit the firm to refile its entitlements reports.
Aug. 12, 1981	Waialua Sugar Co., Inc., Waialua, Hawaii	BEA and BES–0724	Appeal and Application for Stay. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitute entitlements program effective as of January 28, 1981 would be rescinded and the application filed by Waialua Sugar Co., Inc. for participation in that program would be approved.
Aug. 12, 1981	The Nestle Co., Inc., White Plains, N.Y	BEA and BES–0726	Appeal and Application for Stay. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded and the application of The Nestle Co., Inc. for participation in that program would be approved.
Aug. 13, 1981	Amfac, Inc., Honolulu, Hawaii	BEA and BES–0725	Appeal and Application for Stay. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded and the application of Amfac, Inc. for participation in that program would be approved.
Aug. 13, 1981	Bracewell & Patterson, Washington, D.C	BFA–0727	Appeal of an Information Request Denial. If granted: The July 13, 1981 Information Request Denial issued by Office of Program Operations, Economic Regulatory Administration would be rescinded and Bracewell and Patterson would receive access to certain DOE information.

[FR Doc. 81–25689 Filed 9–1–81; 8:45 am]

BILLING CODE 5450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–59061; TSH–FRL–1925–8]

Certain Chemicals; Test Marketing Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of applications for exemptions from the premanufacture reporting requirements for test marketing purposes and requests comments on the

appropriateness of granting the exemptions.

DATE: The Agency must either approve or deny these applications by October 10, 1981. Persons should submit written comments on the applications no later than September 17, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For TME No.	Notice manager	Telephone	Room No.
81–30	Mary Cushmac	202–426–0501	E–229
81–31	Rose Allison	202–426–8615	E–222

Chemical Control Division (TX–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirements of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an oportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before September 17, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E–401, 401 M Street, SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59061]". Comments received may be seen in Rm. E–107 between 8 a.m. and 4 p.m., Monday through Friday excluding legal holidays.

TME 81–30

Close of Review Period. October 9, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Carbocyclic diisocyanate.

Use. Claimed confidential business information. Generic use information provided: The manufactuurer states that the TME substance will be used in polyurethane systems (80%) and as a site-limited intermediate (20%).

Production Estimates

	Kilograms per year
1st year	10,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral LD_{50}—>5 g/kg.
Acute dermal LD_{50}—>2 g/kg.
Primary skin irritation (at 10 times the standard quantity)—Moderate (maximum daily mean score of 3.9 out of 8).
Primary eye irritation:
Mild without washout (maximum daily mean score of 18 our of 110).
Mild with washout (maximum daily mean score of 15 out of 110).
Ames Salmonella Test—Non-mutagenic.

Exposure. The submitter states that 2–4 employees may have intermittent dermal and inhalation exposure 8 hr/day, 10 days/yr at 10–20 typical polyurethane production sites (not controlled by the submitter). The chemical will be manufactured in an essentially closed system with little personnel exposure. Although its vapor pressure is quite low, points of possible exposure will be controlled by exhaust systems and where necessary carbon filters used to purify any contaminated air. Protective clothing and respirators will be used as required. *Environmental Release/Disposal.* Claimed confidential business information.

TME 81–31

Close of Review Period. October 9, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organization information provided:
Manufacturing site—Middle Atlantic region.
Standard Industrial Classification Code—285e.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Polymer of an

alkenoic acid, alkyl alkenoate and a substituted alkyl alkenoate.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the substance will have an open use that will release more than 50 but less than 5,000 kg per year into the environment. Exposure during manufacture will involve potential skin and eye contact for chemical industry employees with a frequency of once a week or less. Exposure during processing will involve potential skin, eye and inhalation contact for non-chemical industry employees frequently during working hours. Its use will involve no potential for direct contact for consumers (as a formulated mixture). Consumer use will involve an infrequent potential for skin contact with an article containing the new substance in a used solid state.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	0	35,000

Physical/Chemical Properties

Solids @ 105° F—68.8%.
Solids @ 150° F—67.8%.
Viscosity—8.12 stokes.
Color—3.
Density—8.282 lbs/gal.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that a maximum of 17 workers may have skin and eye exposure 6 hr/day, 4 days/yr (total sites) during extraction and testing of samples for quality control or during filling of shipping containers, and in processing, a maximum of 40 workers may have skin and eye exposure 6 hr/day, 10 days/yr during filling of the thinning tank, filling of shipping containers and during cleaning of filtration equipment.

Environmental Release/Disposal. Trace amounts of the solvents and entering ingredients may be released through the scrubber system. Solvent used to cleanse the equipment is reclaimed by distillation. Sludge is incinerated.

Dated: August 27, 1981.

Denise E. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-25551 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-31-M

[OPP-C30202; PH-FRL-1925-1]

Diversey Wyandotte Corp.; Receipt of Application To Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to conditionally register the pesticide product Low Foam Iodine Sanitizer containing the active ingredients, 2-propanol-triiodide complex and phosphoric acid.

FOR FURTHER INFORMATION CONTACT: Arturo Castillo, Product Manager (PM) 32, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 303, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7172).

SUPPLEMENTARY INFORMATION: This notice announces that Diversey Wyandotte Corp., 1532 Biddle Ave., Wyanodotte, MI 48192 has submitted an application to conditionally register a pesticide product containing new active ingredients. The application proposes that Low Foam Iodine Sanitizer containing 24.57 percent of the active ingredient, 2-proponal-triiodide complex and 15.75 percent of phosphoric acid be registered for general use as a disinfectant. The product has been assigned EPA File Symbol 875–OA.

This application is made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6). Notice of receipt of an application does not indicate a decision by the agency on the application.

Notice of approval or denial of this application to conditionally register the pesticide product will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Interested persons are invited to submit written comments on this application. Comments may be submitted and inquiries directed to the product manager. The comments must be received on or before October 2, 1981, and should bear a notation indicating the document control number "[OPP–C30202]" and the file symbol. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: August 20, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-25550 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50550; PH-FRL-1926-5]

Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Divison (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

36638–EUP–2. Albany International, 110 A St., Needham Heights, MA 02194. This experimental use permit allows the use of 14.3 pounds of the pheromone cis-7,8-epoxy-2-methyloctadecane in forests to evaluate control of the gypsy moth. A total of 40 acres are involved. The program is authorized only in the State of Massachusetts. The experimental use permit is effective from June 7, 1981 to June 7, 1983. This permit is being issued with the limitation that none of the treated material will enter the food chain. (Franklin Gee, PM 17, Rm. 401, CM#2, (703–557–7028))

279–EUP–69. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use

of 713 pounds of the insecticide permethrin on lettuce, soybeans, and tomatoes to evaluate control of various insects. A total of 1,410 acres are involved. The program is authorized in the States of Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, Nebraska, New Mexico, North Carolina, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from July 15, 1981 to July 15, 1982. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Franklin Gee, PM 17, Rm. 401, CM#2, (703–557–7028))

279–EUP–77. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 4373.35 pounds of the insecticide permethrin on almonds, apples, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, chrysanthemums, cucumbers, dry beans, eggplant, grain sorghum, grapes, green peas, mushrooms, peaches, peanuts, pears, peppers, potatoes, small grains, squash, succulent beans, sugarbeets, sugarcane, sunflowers, sweet corn, and tobacco (burley, flue-cured) to evaluate control of various insects. A total of 3,172 acres are involved. The program is authorized in the States of Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Montana, Michigan, Minnesota, Missouri, Maryland, New York, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and Washington. The experimental use permit is effective from July 15, 1981 to July 15, 1982. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Franklin Gee, PM 17, Rm. 401, CM#2, (703–557–7028))

8730–EUP–6. Hercon Products Group, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of the remaining supply of 100 pounds of the insecticide gossyplure on cotton to evaluate control of pink bollworm. A total of 3,730 acres are involved. The program is authorized only in the State of Arizona and California. The experimental use permit is effective from May 15, 1981 to May 15, 1982. An exemption from the requirement of a tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.1043). (Franklin Gee, PM 17, Rm. 401, CM#2, (703–557–7028))

1023–EUP–35. The Upjohn Co., Kalamazoo, MI 49001. This experimental use permit allows the use of 2,307 pounds of the insecticide amitraz on citrus to evaluate control of various citrus pests. A total of 1,200 acres are involved. The program is authorized only in the States of Arizona, California, Florida, and Texas. The experimental use permit is effective from June 29, 1981 to June 29, 1982. Temporary tolerances for residues of the active ingredient in or on grapefruits, lemons, oranges, tangerines, meat, fat and meat byproducts of cattle, goats, hogs, horses, and sheep, and milk have been established. A food additive regulation for residues of the active ingredient in or on dried citrus pulp has been established. (Jay S. Ellenberger, PM 12, Rm. 400, CM#2, (703–557–7024))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: August 21, 1981.

Herbert Harrison,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–25558 Filed 9–1–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–59060; TSH–FRL–1925–4]

Polyester–Co–Polyether; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by October 3, 1981. Persons should submit written comments on the applications no later than September 17, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–222, 401 M Street, SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50544–Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b) (2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to

exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before September 17, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E–401, 401 M Street, SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59060]". Comments received may be seen in Rm. E–107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81–29

Close of Review Period. October 3, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$450,000,000

Manufacturing site—South Atlantic region

Standard Industrial Classification Code—282

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester-co-polyether.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used in textile fibers.

Production Estimates

	Pounds per year
Test Marketing	8,800

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. The manufacturer states that independent tests by outside laboratories have shown the material to be non-irritating to the skin. Fibers from the elastic co-polymer were subjected to repeated insult patch tests on 58 human subjects by Hill Top Research, Inc. of Miamiville, Ohio and found to be non-toxic in terms of contact sensitization and primary skin irritation.

Exposure. The submitter states that the polymer will be manufactured in a closed system, exposing one person to the new polymer approximately 2 hrs. per day each day of manufacture. At a maximum, one person will be exposed to the new polymer for 10 hours each week during the test marketing period.

Environmental Release/Disposal. The manufacturer states that by-product waste will either be recycled or discarded through a solid-waste disposal system.

Dated: August 25, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81–25549 Filed 9–1–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51305; TSH–FRL–1926–4]

Certain Chemicals; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMN's and provides a summary of each.

DATES: Written comments by: PMN 81–387, 81–388 & 81–392—October 11, 1981. PMN 81–391—October 12, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51305]" and the specific PMN's number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–387	Carrie Berlin	202–426–8815	E–222
81–388	Robert Jones	202–426–0503	E–229
81–391	Rose Allison	202–426–8815	E–222
81–392	Carrie Berlin	202–426–8815	E–222

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–387

Close of Review Period. November 11, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million.

Manufacturing site—Mid-Atlantic region.

Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of alkyl methacrylates and N-substituted methacrylamide.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that

the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, pale amber liquid.
Viscosity (100°C)—550 cSt.
Specific gravity—0.896.
Molecular weight—100,000 min.
Solubility in water—Non-soluble.

Toxicity Data

Oral LD_{50}—> 5 g/kg.
Dermal LD_{50}—> 5 g/kg.
Skin irritation—Moderate.
Eye irritation—Moderate.

Environmental Test Data

Aquatic LC_{50} 96 hr (Rainbow trout and Bluegill)—> 1,000 ppm.

Exposure. The manufacturer states that the only potential exposure to the new chemical product will be eye or skin contact during drumming, loading, sampling, analytical, disposal and equipment cleaning operations.

Environmental Release/Disposal. The manufacturer states that because of the low vapor pressure of the raw materials and the essential non-volatility of the substance, no atmospheric release during manufacture is expected. Solid waste produced during filtration operations will be disposed of in an approved landfill.

PMN 81-388

Close of Review Period. November 10, 1981.

Manufacturer's Identity. American Cyanamid Company, 1937 W. Main Street, Stamford, CT 06904.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyether urethane prepolymer.

Use. The manufacturer states that the PMN substance will be used in a molding of industrial rubber items.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Viscous pale yellow-colored liquid, practically odorless.
Solubility in water—Reacts.
Vapor pressure—Very low.
Isocyanate value—5.0%.
Free toluene diisocyanate—Below 0.5%.
Evaporation rate—Very low.
Melting point—<75°F, <25°C.
Specific gravity—1.05.

Toxicity Data

Acute oral LD_{50} (rats)—>5 g/kg.
Acute dermal LD_{50} (rabbits)—>2 g/kg.
Primary skin irritation (rabbits)—0.46 minimal irritation.
Primary eye irritation (rabbits)—Minimal without washout.[1] Minimal with washout.[2]

Exposure. The manufacturer states that a combined total of 40 workers during manufacture and processing will have inhalation, dermal and ingestion exposure for 7 hrs/day, 30 days/yr from drumming, collection, maintenance and operation procedures.

Environmental Release/Disposal. The manufacturer states that there will be a minimal release to water during manufacture and processing. Disposal of samples will be made by collection in steel drums and land filling in an approved site.

PMN 81-391

Close of Review Period. November 11, 1981.

Manufacturer's Identity. E. I. duPont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic polymer.

Use. The manufacturer states that the PMN substance will be used as a preparation for textile fibers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 258 workers may experience dermal and inhalation exposure at a range of 0-10 mg/m³ 160 days/yr.

Environmental Release/Disposal. The manufacturer states that the plant wastes involving the subject polymer will comprise three elements which will be disposed of using standard industrial practice. The largest portion, 2.5% of the total polymer produced, is nonsalable fibers which will be committed to landfill. A small amount of waste polymer (0.15%) will be disposed of in the same manner. In addition there are small amounts of spinning solution wastes (0.2% of total polymer) which will be incinerated on the plant site.

PMN 81-392

Close of Review Period. November 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trialkoxysilyl alkyl acrylamine.

Use. The manufacturer states that the PMN substance will be used as an additive in industrial coatings, additive miscellaneous packaging and molding applications.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, yellow liquid.
Specific gravity—>0.9.
Flash point, °F—255.
Viscosity, 25°C, Cstks—28.
Octanol/Water Partition.
Coefficient Calculated Log P—7.7+3.0
Experimental, Log P (range)—2.9+9.0
Hydrolysis rate:
Aqueous acetone, 96 hrs.—Nil.
Water, 64 hrs.—Nil.

Toxicity Data

Peroral intubation (rat)—16.0 ml/kg, killed 0 of 5
Percutaneous, LD_{50} (rabbit)—11.3 ml/g
Inhalation (rat) (substantially saturated vapor)—6 hrs, killed 0 of 6.
Uncovered skin irritation—None.
Eye irritation (rabbit)—None.
Ames Mutagenicity Salmonella Assay—Negative.

Environmental Test Data

Fish LC (Fathead minnows)—>1,000 mg/l.
BOD, 20 day, % of COD—<10.

Exposure. The manufacturer states that opportunities for significant worker exposure to the PMN substance during manufacture and drumming are limited by the low volatility of the substance, its manufacture in enclosed equipment and the provision of adequate ventilation in the work space.

Environmental Release/Disposal. The manufacturer states that environmental release of the PMN substance during manufacture, processing and industrial usage is not expected to occur.

Dated: August 26, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-25555 Filed 9-1-81; 8:45 am]
BILLING CODE 6560-31-M

[1] A volume of 0.1 ml of the test material was added to the eye. After instillation, the material was not rinsed out of the eye.

[2] A volume of 0.1 ml of the test material was added to the eye. Twenty seconds after instillation, the material was rinsed out of the eye.

[OPTS-51307; TSH-FRL-1926-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 81–315—October 15, 1981. PMN 81–393—October 13, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51307]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–315	Wendy Cleland-Hamnett	202–426–0503	E–229.
81–393	Rose Allison	202–426–6815	E–222.

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–315

Close of Review Period. September 24, 1981.

Manufacturer's Identity. Olin Corporation, P.O. Box 30–275, 275 South Winchester Avenue, New Haven, CT 06511.

Specific Chemical Identity. Propoxylated hydrazines.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as additives for functional fluids.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Guinea pig sensitization:
20-mole adduct—Non-sensitizing.
6-mole adduct—Non-sensitizing.
Acute dermal toxicity LD_{50} (rabbits):
20-mole adduct—>2.0 g/kg.
4-mole adduct—>2.0 g/kg.
Acute oral toxicity LD_{50} (rats):
20-mole—>3.5 g/kg.
4-mole—>5.0 g/kg.
Acute inhalation (rats):
20-mole adduct—200 mg/l.
4-mole adduct—200 mg/l.
Acute dermal irritation LD_{50} (rabbits)
20-mole adduct—>2g/kg.
4-mole adduct—>2g/kg.
Eye irritation (rabbit) (Draize):
20-mole adduct—0.1g per eye.
4-mole adduct—0.1g per eye.
Ames mutagenicity (Salmonella typhimurian):
4-mole adduct—0.5–5,000 mg/plate.
6-mole adduct—Non-mutagenic.
12-mole adduct—Non-mutagenic.
20-mole adduct—Non-mutagenic.

Environmental Test Data

Acute Toxicity of Propoxylated Hydrazine LC_{50} 48 hr (water flea):
6-mole adduct—270[a] estimated by moving average, (200–360)[b] 95% confidence internal.
12-mole adduct—>1,000 mg/l.
LC_{50} 96 hr. (rainbow trout):
6-mole adduct—>1,000 mg/l.
12-mole adduct—>1,000 mg/l.
LC_{50} 96 hr. (bluegill):
6-mole adduct—>1,000 mg/l.
12-mole adduct—>1,000 mg/l.

Exposure. The manufacturer states that exposure by any route should be minimal since a closed system is utilized for production.

Environmental Release/Disposal. The manufacturer states that residues remaining from cleaning operations will go to waste water treatment, i.e., bio-oxidation. The largest quantity of wastes in any eight-hour period is expected to be less than 90 lbs.

PMN 81–393

Close of Review Period. November 12, 1981.

Importer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—Over $500 million.
Manufacturing site—West South Central region.
Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted dithiocarbamic acid salt.

Use. Claimed confidential business information. Generic use information provided: The importer states that the PMN substance will be used in a contained use.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity—< 0.9 g/cc.
Appearance—Odorless, free-flowing powder.
Melting point—50–100°C.
Boiling point—>200°C.
Water solubility—Between 10^{-2} 1 g/l.
Moisture content—<5%.
Particle size—10–100 microns.
Purity—>95%.
Reactivity—Reacts with acid.
Combustion products—Oxides of carbon, nitrogen, sulfur.

Toxicity Data

Oral LD_{50} (rat)—>0.5< 5 g/kg.
Dermal LD_{50} (rat)—>20 g/kg.

Exposure. The importer states that 1 worker may experience dermal and inhalation exposure 1 hr/day, 180 days/yr during transfer of the new chemical substance.

Environmental Release/Disposal. The importer states that the potential environmental release would be to the air in the form of dust generated during transfer of the chemical from drums to process equipment. All of the chemical substance used in the process will eventually be disposed of by incineration.

Dated: August 26, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81–25554 Filed 9–1–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51310; TSH–FRL–1926–2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by: PMN 81–398, 81–399, and 81–400—October 19, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51310]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-398	Kathleen Ehrensberger.	202-426-8815	E-222.
81-399	Rose Allison	202-426-8815	E-222.
81-400	Rachel Diamond	202-426-2601	E-222.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-398

Close of Review Period. November 18, 1981.

Manufacturer's Identity. Borden, Inc., 990 Kingsmill Parkway, Columbus, OH 43229.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of vinyl acetate and acrylate esters.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that the only expected worker contact will be casual contact with the emulsion. The new substance is intended to replace existing similar materials so no increased worker exposure is anticipated. Reactor operators could be exposed to the new chemical substance during screening and packaging operations or during reactor or tank cleaning operations. Workers could also come in contact with the substance during mixing, packaging or cleaning operations.

Environmental Release/Disposal. The manufacturer states that the new polymer is intended to replace existing similar materials so little, if any, increase in environmental release is anticipated. The release would be through wash water which is estimated at less than 1 percent of the total polymer used. No special pollution control equipment is necessary to handle the polymer.

PMN 81-399

Close of Review Period. November 18, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of propenoic acid, alkyl propenoates, and glycol monomethacrylate.

Use. The manufacturer states that the PMN substances will be used as an intermediate used in metal coating.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st	5,000	25,000
2d	50,000	500,000
3d	500,000	1,000,000

Physical/Chemical Properties

Neat Polymer

Molecular weight—M_w 9,000 (GPC vs polystyrene).

Acid number—65 mg KOH/g.

Solubility—Aromatics, glycol ethers, ketones esters.

Viscosity—50% solution in 2-butoxyethanol 15 poise.

Aqueous Solution

pH—7.4.

Viscosity—6 poise.

Non-volatiles—50%.

Flash point—125° F.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and disposal, a combined total of 8 workers could experience dermal exposure 5 hrs/day, 330 days/yr. Exposure could occur during the fill off and filtration stages of the polymers process, in transferring the new chemical substance from drum to processing tanks and subsequent fill off from these tanks.

Environmental Release/Disposal. The manufacturer states that no material are anticipated being released to the environment. Filter cartridges and filter bags will be loaded in approved drums and removed to an approved landfill.

PMN 81-400

Close of Review Period. November 18, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted carbocycle azo substituted sulfocarbocycle azo substituted carbopolycycle.

Use. The manufacturer states that the PMN substance will be used as a leather and paper dye.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—>300° C.

pH of 1% solution—9.9.

Octano/Water Partition Coefficient

$$P = \frac{C\ Octano}{C\ Water} = 0.00138$$

Toxicity Data. The manufacturer states that available toxicity information for similar substances does not indicate the reported substance would be a health or environmental hazard.

Exposure. The manufacturer states that during grinding, blending, mixing, and repacking 2 workers could experience dermal and inhalation exposure 8 hrs/day, 3 days/yr.

Environmental Release/Disposal. The manufacturer states that no environmental release is expected. Scrubber waste and clean-up waste are subjected to carbon adsorption and biological treatment by extended aeration prior to discharge.

Dated: August 26, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-25553 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51309; TSH-FRL-1926-1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section

5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-396 & 81-397, October 16, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51309]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-396	Rose Allison	202-426-8815	E-222.
81-397	George Bagley	202-426-2601	E-210.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-396

Close of Review Period. November 15, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—Over $500 million
Manufacturing site—East South Central region

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Diester of mixed dibasic acids.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business infomation.

Physical/Chemical Properties

Appearance—Yellow-brown liquid
Boiling point—Above 600°F
Specific gravity—0.9225
Vapor pressure—Negligible
Evaporation rate—Negligible
Solubility in water 25°C—Negligible
Percent volatile by weight—Negligible

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 4 workers will have dermal exposure 16 hrs/day, approximately 40 days/yr. Worker exposure should be limited to sampling and drumming operations with some exposure associated with laboratory analysis during manufacture.

Environmental Release/Disposal. The manufacturer states that all chemical reactions will take place in an enclosed system, and there should be very minimal release to the environment. 10-100 kg/yr may be released to air, land and water 2 hrs/day, 40 days/yr. Individual releases are disposed of by scrubber system or by an on-site water treatment facility with effluent going into a shop underwater treatment facility.

PMN 81-397

Close of Review Period. November 15, 1981.

Manufacturer's Identity. American Hoechst Corporation, Route 202-206 North, Sommerville, NJ 08876.

Specific Chemical Identity. Benzenesulfonic acid, 4-(2-((4-((2-sulfooxyethyl)sulfonyl)2,6-dimethoxyhenyl)azo)acetoacetamido)-2-methyl-5-methoxy-.

Use. The manufacturer states that the PMN substance will be used in a fiber reactive dye.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—>275°C
Solubility—25% in water @ 20°C

Toxicity Data

Acute oral LD_{50} (rats)—>5.0 g/kg
Primary dermal irritation (rabbits)—Non-irritant
Eye irritation (rabbits)—Non-irritant

Exposure. The manufacturer states that exposure during manufacture will be limited to the drumming of the substance during removal from a drier. Total annual exposure is estimated at less than 30 man-hours at third year production volume. Exposure during use will occur during removal of the product from drums into a dye bath. At total annual third year production levels, exposure will be in the range of 1,000 to 4,000 man-hours.

Environmental Release/Disposal. The manufacturer states that during manufacture there will be no disposal other than residual amounts from equipment cleaning. These residues will be treated at an on-site national pollution discharge elimination system (NPDES) permitted biological treatment plant. Disposal during use will be of the residual dye remaining in the bath after the dying operation.

Dated: August 26, 1981

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-25552 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-31-M

[AMS-FRL-1926-7]

Fuel Economy Retrofit Devices; Fuel Economy Retrofit Device Evaluation for "SYNeRGY"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "SYNeRGY-1" device (fuel additive) under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

Origin of Request for Evaluation

On September 24, 1980, the EPA received a request from XRG International, Incorporated for evaluation of a fuel additive termed "SYNeRGY-1." This additive is intended to improve fuel economy and exhaust emission levels of two-and four-cycle gasoline-fueled engines.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the 'SYNeRGY–1' Fuel Additive Under Section 511 of the Motor Vehicle Information and Cost Savings Act." This entire report is contained in two volumes. The discussions, conclusions, and list of all attachments are listed in EPA–AA–TEB–511–81–16A, which consists of 7 pages. The attachments are contained in EPA–AA–TEB–511–81–16B, which consists of 43 pages. The attachments include correspondence between the Applicant and EPA and all documents submitted in support of the application.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunication System (FTS) 737–4650, Commercial: 703–487–4650.

Summary of Evaluation

The stated intent of the additive is to improve fuel economy and decrease emissions in gasoline engines.

The applicant did submit test data to support the claims made for "SYNeRGY–1." A portion of the test data did not support the applicant's claims. The remaining test data was not useful without further clarifications. Clarification of the data was requested of the applicant on two occasions; however, no additional information was received.

Previous EPA testing of other similar fuel additives has shown no significant impact on fuel economy or exhaust emission levels. Thus, there is no technical basis for EPA testing of the additive or to support any claims made for "SYNeRGY–1."

Notification to the applicant that the evaluation of "SYNeRGY–1" would be concluded based on available data also failed to produce a response. Eventually, the application for evaluation of "SYNeRGY–1" was superseded by an application for a new fuel additive termed "Gas Aid."

FOR FURTHER INFORMATION CONTACT:

Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: August 26, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–25589 Filed 9–1–81; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81–161, Transmittal Nos. 546 and 547]

Hawaiian Telephone Co.; Memorandum Opinion and Order

Adopted: August 14, 1981.

Released: August 26, 1981.

In the matter of Hawaiian Telephone Co., CC Docket No. 81–161, Transmittal No. 546, Tariff F.C.C. No. 19, Customer Indirect Network Exchange Access; Hawaiian Telephone Co., Transmittal No. 547, revisions to Tariff F.C.C. No. 11, Foreign Exchange Service. See also (46 FR 18349; 3–24–81.)

1. This order concludes our investigation of Hawaiian Telephone Company's (Hawaiian) proposed Tariff F.C.C. No. 19, Customer Indirect Network Exchange Access (CINEA), and revisions to its existing Tariff F.C.C. No. 11, Foreign Exchange Service (FX). See, *Hawaiian Telephone Company*, 85 FCC 2d 767 (1981). The CINEA tariff and FX revisions, which have been under suspension for five months, would establish for the first time access charges for use of Hawaiian's local exchange network in the provision of open end interstate private line services. Having examined the CINEA tariff and FX revisions in light of the comments submitted by the parties,[1] we find that Hawaiian has failed to show that these tariff proposals are just, reasonable and not unreasonably discriminatory under Sections 201(b) and 202(a) of the Communications Act, 47 U.S.C. 201(b) and 202(a). We, therefore, will not allow Hawaiian's proposed CINEA tariff and FX revisions to become effective.

Background

2. The CINEA tariff and FX revisions are two of three separate access charge proposals which were simultaneously filed by Hawaiian in December, 1980. Hawaiian's other access charge proposal was filed under Transmittal No. 545 as Tariff F.C.C. No. 18, Exchange Network Facilities for Interstate Access (ENFIA). While, as indicated, we suspended and set for investigation the CINEA tariff and FX revisions, we denied the petitions filed against Hawaiian's ENFIA tariff and allowed it to become effective without investigation. Hawaiian's ENFIA tariff sets forth charges applicable to other common carriers (OCCs) who access Hawaiian's local exchange network in order to provide end-to-end MTS/WATS-type services. Unlike the ENFIA tariff, the CINEA tariff would apply to Hawaiian's non-carrier customers, establishing charges for open end use of Hawaiian's local exchange network via indirect access from a customer's interstate or overseas private line (whether or not provided by Hawaiian).[2] Hawaiian's proposed FX revisions would replace the local basic exchange (individual business line, individual business rotary line, and private branch exchange trunk) charge segment of interstate FX service with an access charge for open end use of the local exchange network.[3]

3. The local exchange service provided under Hawaiian's ENFIA tariff for an MTS/WATS-type interconnection includes the following: (1) connection of the carrier's system to the local exchange network via Voice Grade Central Office Connecting Facilities (VGCOCF), (2) central office switching and trunking; and (3) local distribution facilities (non-traffic sensitive or jointly used subscriber plant). This last component consists of telephone terminal equipment, station connections, subscriber lines, circuit equipment and the subscriber side of the central office switch. Each is offered as a separate rate element. With respect to the VGCOCF rate element, the regulations, rates, and charges are the same as those

[1] Hawaiian has submitted a direct case, to which responsive comments were filed by the Ad Hoc Telecommunications Users Committee (Ad Hoc); Southern Pacific Communications Company (SPCC); United States Transmission Systems, Inc. (USTS), and the General Services Administration (GSA) and Defense Communications Agency of the Department of Defense (DOD) on behalf of the Federal Executive Agencies (FEA). Hawaiian has also filed a reply to these comments.

[2] The term indirect access, as used by Hawaiian in describing its CINEA service, denotes the manner by which a message reaches the local exchange over a customer's interstate private line. In brief, once the message passes through Hawaiian's central office to a customer's switch over a dedicated loop, it is routed back to the central office over the customer's local business line for delivery in the local exchange.

[3] Hawaiian's FX tariff proposal stems, in part, from the Commission's decision in *Hawaiian Telephone Company*, 78 F.C.C. 2d 1062 (1980). There it ordered Hawaiian to interconnect and provide local exchange service to DOD by allowing extensions of 19 private line interstate communications circuits, provided to DOD by Western Union International, Inc., and American Satellite Company, from the Navy Technical Control Center in Wahiawa, Hawaii, to Hawaiian's central office in Honolulu. DOD's purpose in seeking interconnection was to allow the GSA to use the excess capacity of its private lines for Federal Telecommunications System (FTS) service.

contained in Hawaiian's Tariff No. 4. The charges for the second and third elements (use of the local exchange switching and trunking facilities and jointly used subscriber plant) consist of flat monthly rates for each ENFIA connection.

4. Under Hawaiian's proposed CINEA and FX tariffs, the local exchange service provided for private line customers includes the same type facilities offered under the second and third rate elements of Hawaiian's ENFIA tariff, that is, the central office switching and trunking facilities and jointly used subscriber plant. However, under the CINEA and FX tariffs, the charge for these facilities would be expressed as a single rate element consisting of a flat monthly charge for access by each interstate private line channel. Hawaiian would provide the facilities connecting the CINEA customer's premises to the local exchange network under its local tariff offerings.

5. The ENFIA, CINEA, and FX rates covering the use of the local exchange switching and trunking facilities and jointly used subscriber plant were all developed using the same ratemaking methodology (See, paragraphs 6 through 9 below). Also, the underlying costs associated with these local exchange facilities were taken from Hawaiian's 1978 separations study for company operations adjusted to comport with the Separations Manual, 47 CFR Part 67. Hawaiian's support material shows identical unit costs for each of these tariff offerings. Nevertheless, the ENFIA, CINEA, and FX rates vary as a result of applying different average minutes of use projections to the unit costs for jointly used subscriber plant. The ENFIA monthly rate of $208.43 (exclusive of the charge for the VGCOCF) reflects a projected 3000 minutes of use per ENFIA connection. The CINEA monthly rate of $123.00 reflects a projected 1744 minutes of use per CINEA connection, as derived from a special study conducted by Hawaiian on local business trunk usage. Lastly, the FX monthly rate of $167.60 reflects a projected 2400 minutes of use per FX connection, as derived from an AT&T mainland study of FX usage of local exchange networks.[4]

6. The ratemaking methodology employed by Hawaiian to develop its ENFIA, CINEA, and FX rates is the same ratemaking methodology used by the Bell System Operating Companies (BSOCs) in establishing charges for local exchange interconnection facilities provided by the BSOCs to OCCs in their provision of end-to-end interstate MTS/WATS-type services. See, BOSC F.C.C. Tariff No. 8, Exchange Network Facilities for Interstate Access (ENFIA). This ENFIA tariff grew out of extensive negotiations under Commission aegis which resulted in an agreement between several OCCs and the American Telephone & Telegraph Company (AT&T) on the terms, conditions, and interim rate levels by which the BSOCs would be compensated for MTS/WATS-type interconnections within their local exchange networks.[5] The Commission accepted the ENFIA agreement and allowed this ENFIA tariff to become effective in *Exchange Network Facilities for Interstate Access*, 71 F.C.C. 2d 440 (1979).

7. As explained in our order instituting this investigation, the ENFIA ratemaking methodology seeks to compensate local telephone companies for originating and terminating OCC switched message services on the same basis as they would be compensated for originating and terminating AT&T Long Lines' switched messages services, Message Telecommunications Service (MTS) and Wide Area Telecommunications Service (WATS). However, the procedures by which OCCs and AT&T Long Lines compensate local telephone companies differ. On the one hand, the OCCs pay charges specified in the ENFIA tariff; AT&T Long Lines, by contrast, compensates the BSOCs through a process called "division of revenues" and independent telephone companies through a process called "settlements". The divisions/settlements process was designed to operate as a single system producing consistent earnings on interstate operations for Bell and non-Bell telephone companies. Thus, in each case, a telephone company that originates or terminates interstate calls receives compensation from an interstate revenue pool based upon that company's exchange and interexchange expenses and investment apportioned to the interstate operation. In turn, the procedures for determining the interstate expenses and investment are governed by the Separations Manual.

8. Under current separations procedures, non-traffic sensitive exchange plant costs associated with MTS and WATS are allocated to the interstate jurisdiction by use of the Subscriber Plant Factor.[6] SPF has the effect of assigning to the interstate jurisdiction approximately 3.3 times the actual number of interstate message minutes of use. Since these weighted minutes of use are used to allocate costs to the interstate jurisdiction, the compensation received by local telephone companies from the divisions/settlement process for use of exchange plant by interstate MTS and WATS is substantially greater than if calculated on a strict relative use basis. Open end interstate private line services, such a foreign exchange (FX) service and common control switching arrangements (CCSA) with off-network access lines (ONALS), are treated differently under current separations procedures. Exchange minutes for these services are counted as local minutes of use, rather than interstate message minutes subject to the application of SPF. As such, costs associated with open end interstate private line services are assigned to the intrastate jurisdiction as part of the costs remaining after interstate (or SPF related) jurisdictional costs are developed. These residual costs are recovered by local telephone companies under their state tariffs. Finally, under current separations procedures, exchange plant costs associated with dedicated private line services are based on the average cost of working loops used to provide the service and are directly assigned to either the interstate or intrastate jurisdiction depending upon the classification of the line as interstate or intrastate.

9. As stated, the ENFIA agreement was accepted by the Commission as an interim negotiated solution to a controversy concerning the level of compensation local telephone companies are to receive for access to their exchange networks by OCC interstate switched message services. Significantly, though, the scope of this agreement did not extend to matters concerning compensation for use of local exchange facilities by interstate private line services. Also, the ENFIA agreement reflects the fact that OCCs are not subject to the separations process and do not participate in the division/settlements process. The ENIFA ratemaking methodology relies

[4] Some per minute rate differences are apparently due to rounding in Hawaiian's cost calculations.

[5] GTE Service Corporation, an entity owned and controlled by the holding corporation which controls all the GTE domestic local telephone companies, including Hawaiian, was a signatory to the ENFIA agreement.

[6] The Subscriber Plant Factor (SPF) is defined in paragraph 23.44 of the Separations Manual and can be expressed in formula form as SPF = .85 SLU + 2 SLU × CSR. The subscriber line usage (SLU) equal the ratio of interstate holding time minutes to total holding time minutes and the composite station ratio (CSR) is a ratio reflecting the difference between the study area interstate traffic characteristics and the industry wide interstate traffic characteristics. Due to the instability of the CSR from year to year, AT&T has used a value of about 1.2 for the nationwide average CSR since 1971. Under the formula, then, with the CSR equal to 1.2, SPF equals 3.25 SLU.

on the Separations Manual in seeking to compensate local telephone companies for originating and terminating MTS/WATS-type services on the same basis as they would be compensated for AT&T message services, except rates covering OCC use of jointly used subscriber plant are based on a fixed percentage of SPF derived costs applied to an assumed average number of minutes of use per month per line.[7] Although the Commission left undecided in *ENFIA*, whether the ENFIA rates were cost based, it accepted the agreement as a reasonable means of avoiding complex and protracted litigation over methodologies, rate levels, and rate components. The Commission observed at that time that it would prescribe compensation should the agreement not continue beyond it initial three-year term.[8]

10. The Commission subsequently recognized, in the *MTS and WATS Market Structure* proceeding,[9] that the separations process and disparities in the methods by which local telephone companies are compensated for originating or terminating all interstate services (both message and private line) may result in unjust discrimination among competing carriers and, also, indirectly result in different end user rates which violates Section 202(a) of the Act. Thus, in recognition of the need to develop reasonable exchange access charges for all interstate services, the Commission proposed a tentative plan for uniform nationwide access charges and an exchange revenue pool.[10]

11. Since Hawaiian's ENFIA tariff sought compensation for access to its local exchange network by OCC interstate switched message services based on the ENFIA agreement and adhered to the ENFIA agreement in all material respects, we allowed it to become effective. On the other hand, we perceived that the CINEA and FX tariff proposals, which sought to compensate Hawaiian for use of the exchange by interstate private line customers, went beyond the scope of the negotiated ENFIA agreement. As such, without precluding the possible use of the ENFIA ratemaking methodology by Hawaiian, we ordered the present investigation into the lawfulness of its CINEA and FX tariff proposals on the following issues:

1. Whether Hawaiian's use of the NEFIA methodology establishes CINEA and FX rates which would yield revenues in excess of the company's jurisdictional revenue requirements as determined by the separations process.

2. With respect to Hawaiian's local usage studies:

(a) Whether under the CINEA minutes of use study the selection of large toll users as a universe and use of a weighted toll use factor of 50 percent can reasonably reflect local exchange network usage by interstate private line customers;

(b) Whether Hawaiian was justified in using an AT&T mainland minutes of use study in projecting usage for FX customers.

3. Whether Hawaiian's CINEA and FX tariff proposals would impose an unreasonable surcharge on interstate private line customers who wish to access the local exchange.

4. Whether Hawaiian's CINEA and FX tariffs are unlawfully discriminatory in that Hawaiian has proposed establishment of two separate tariffs, charging flat monthly rates based on average usage, where no cost or service differences are shown.

Discussion

12. We turn first to the issue of whether Hawaiian's use of the ENFIA ratemaking methodology would result in CINEA and FX rates which yield revenues in excess of Hawaiian's jurisdictional revenue requirements as determined by the separations process.[11] Our concern here stems from the fact that the amounts recoverable by Hawaiian from the interstate and intrastate jurisdictions for use of its facilities are based upon the aggregate cost assignments to each jurisdiction which are fixed by procedures in the Separations Manual. These procedures can only be modified by a Federal-State Joint Board and the Commission pursuant to Section 410(c) of the Act, 47 U.S.C. 410(c).

13. Under current separations procedures, non-traffic sensitive exchange plant costs associated with message services are allocated to the interstate jurisdiction through the application of SPF. SPF, however, is not used to assign dedicated private line exchange plant costs. Dedicated private line exchange plant costs are assigned directly to the interstate or intrastate jurisdiction depending on the classification of the line. However, exchange costs associated with open end interstate private line services are not. Rather, these latter costs comprise part of the intrastate revenue requirement recovered through state tariffs. In the use of open end interstate private line services, such as FX and CCSA–ONALS, exchange plant costs have been ostensibly recovered by applying local business line (B–1) rates. Since the ENFIA methodology develops rates on the basis of a percentage of SPF-related message exchange plant costs, Hawaiian's use of this ratemaking methodology could result in CINEA and FX private line access charges that yield revenues in excess of interstate revenue requirements as determined through the separations process. As such, we questioned whether rates predicated on this methodology would be just and reasonable. Thus, we called upon Hawaiian to establish that the costs shown are consistent with the overall costs assigned by the separations process.

14. Hawaiian's direct case on this point consist largely of assertions that the CINEA and FX rates would recover costs in accordance with the separations process and would not yield revenues in excess of its revenue requirements. No additional cost support material or analysis has been provided. Instead, Hawaiian argues that it was proper to develop CINEA and FX rates using the same methodology employed to develop its ENFIA rates because interstate customers taking service under its ENFIA or proposed CINEA and FX tariffs would all make similar use of local exchange facilities.[12]

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[7] The ENFIA agreement states that only 35 to 55 percent of the SPF related costs are to be recovered by the ENFIA rate. The percentage depends upon the level of combined revenues of all OCCs from MTS/WATS-type services.

[8] The ENFIA agreement expires on February 28, 1982, unless extended by the Commission.

[9] *MTS and WATS Market Structure*, 67 F.C.C. 2d 757 (1978), *Supplemental Notice*, 73 F.C.C. 2d 222 (1979), *Second Supplemental Notice*, 77 F.C.C. 2d 244 (1980) and *Report and Third Supplemental Notice*, 81 F.C.C. 2d 177 (1980).

[10] The proposed plan is designed to be used under any Separations Manual partly in recognition of the urgent need for new access charge arrangments and partly in recognition that revisions to the Separations Manual for that purpose would be a complex and time consuming process. Additionally, the Commission has convened a Federal-State Joint Board, pursuant to Section 410 (c) of the Communications Act, 47 U.S.C. 410 (c), to reexamine the cost apportionment procedures of the Separations Manual in light of comments filed in the *MTS and WATS Market Structure* proceeding. See, *Notice of Proposed Rulemaking and Order Establishing a Joint Board*, 78 F.C.C. 2d 837 (1980).

[11] Since the institution of this investigation, a recommendation by a Federal-State Joint Board to use the Separations Manual for rate and service integration between Hawaii and the mainland United States has been adopted by the Commission. See, *Integration of Rates and Services*, Docket No. 21283, FCC 81–312, released July 8, 1981; also, *Integration of Rates and Services*, W–P–C–649 et al., FCC 81–313, released July 8, 1981.

[12] As explained though, whether switched message services and private line services make similar use of local exchange plant and whether payment for this use should be on an equivalent basis is a matter of continuing controversy and one which the Commission is still in the process of resolving in the *MTS and WATS Market Structure* and other proceedings.

15. Even if we accept Hawaiian's premise, the matter is not resolved. Our concern in the designation order went to the effect the CINEA and FX rates would have on Hawaiian's revenue requirements as determined under current Separations Manual procedures. Our fear was that Hawaiian would exceed its interstate entitlement by earning excess revenues from its interstate operation. Hawaiian's answere in its direct case is simply to assure us without explication, that costs associated with the provision of CINEA and FX service would be specifically excluded from consideration when it develops intrastate revenue requirements for its next state rate case. The fact that Hawaiian must exclude part of its revenue requirement from the state jurisdiction implies that Hawaiian intends to increase its interstate revenue requirement by assigning additional costs to the interstate jurisdiction than are currently assigned under separations.

16. Hawaiian's interpretation of the Separations Manual as to classifying communications services for purposes of jurisdictional cost assignments is also faulty. The assertion here is that open end private line exchange services provided under the CINEA and FX tariffs are "hybrid" services which do not fall squarely within current Separations Manual service category definitions for "message" services and "private line" services. Since costs associated with all services must be assigned for jurisdictional purposes, it is argued that a proper interpretation of the Manual is to regard these "hybird" services as message services and assign associated exchange plant costs to the interstate jurisdiction based upon the factor applicable to such assignment: SPF. As such, Hawaiian urges that the SPF related costs used as a basis for developing Hawaiian's CINEA and FX rates would not be contrary to the Separations Manual nor result in excess revenues from the interstate jurisdiction.

17. We can not agree with this interpretation. The SPF formula was developed as part of the Ozark Plan, a negotiated agreement which revised the procedures for allocating exchange plant costs.[13] The adoption of the Ozark Plan was the last in a series of modifications to the Separations Manual designed to increase the compensation to local telephone companies for interstate use of their exchange facilities. The compromise encompassed by the Ozark Plan was result oriented. It was intended to provide a specific level of support by the interstate jurisdiction for local service. To achieve an agreement on an appropriate overall level of compensation, the Ozard plan embodied a complex series of compromises including the heavy weighting of interstate "message" service usage in apportioning exchange plant costs. SPF shifts to the interstate jurisdiction over three times the local carrier's costs of providing exchange service than would occur on a strictly relative use basis. On the other hand, some minutes associated with interstate services, such as tandem dial, CCSA, FX, EPSCS, PBX tie lines, remote access to commercial WATS channels, and access by Composite Data Service Vendors continued to be counted as local, rather than interstate minutes, thereby offsetting, to some extent the heavy weighting of MTS and WATS minutes.

18. Specifically, switched private line services, such as FX and CCSA, while not mentioned in the Manual, were in existence long before SPF came into use. Indeed, the practice prior to the adoption of the Ozard Plan was to count FX, CCSA, and other private line open end minutes as intrastate and to allocate the exchange plant costs associated with these minutes to the intrastate jurisdiction. This practice continued with the adoption of Ozark and no provision was added by Ozark permitting allocation of these services' exchange costs to the interstate jurisdiction or weighting them using interstate factors. Approval of this continued treatment was implied in the compromise reached under the Ozark Plan; that is, the overall level of compensation to the intrastate jurisdiction for local service agreed to under Ozark results from the continued counting as intrastate of exchange minutes associated with FX, CCSA and other interstate private line services. In a sense, this treatment of open end FX, CCSA, and other private line minutes as intrastate minutes was a quid pro quo for the heavy weighting assigned to exchange minutes associated with other interstate services. For these reasons, we perceive Hawaiian's interpretation of the Separations Manual to permit application of SPF to open end exchange minutes of use as cutting against the intent of the compromise reached by the Ozark Plan. In addition, the result of permitting Hawaiian to implement its proposal would be an increase in the value of SPF used to calculate the assignment of non-traffic sensitive exchange plant costs to Hawaiian's interstate customers and a concomitant increase in the costs for all interstate customers not just those utilizing CINEA and FX service. It follows, therefore, that it is improper for Hawaiian to employ a SPF based methodology to develop rates for CINEA and FX usage of its exchange.

19. We turn now to Hawaiian's showing on the issue of its projections of network usage. To reiterate, with respect to Hawaiian's CINEA minutes of use study, we questioned the reasonableness of using large toll users as a universe in a study projecting private line usage of its local exchange network. Hawaiian responds that the universe selected for its CINEA study reflects an appropriate composite mix which includes, not only large toll users, but all PBX and key system customers. This response, however, is not accompanied by sufficient information or explanatory justification to allow us to test whether this composite universe results in a reasonable projection of usage. Furthermore, the CINEA weighted toll factor of 50 percent, which was used to determine the indirect access portion of the composite usage figure, remains essentially unsupported. Although Hawaiian claims this percentage was based on marketing research revealing an upper potential CINEA usage of 85 percent, it failed to submit the marketing research to support that percentage despite our designation of that study as an issue in this investigation. As for FX customer network usage, Hawaiian still has not shown that the AT&T mainland study on which it relied is representative of its own customers' calling patterns. Accordingly, we must conclude that Hawaiian has failed to meet its burden of proof on this issue as well.[14]

20. We further called upon Hawaiian to show that the CINEA and FX tariff proposals would not impose an unreasonable surcharge on interstate private line customers who wish to access the local exchange. In this regard, we noted some evidence that Hawaiian might recover costs associated with private line use of its local exchange network more than once, expecially in the case of CINEA customers where local business charges

[13] See, *Prescription of Procedures for Separations and Allocating Plant Investment, Operating Expense, Taxes and Reserves between the Intrastate and Interstate Operations of Telephone Companies*, 28 F.C.C. 2d 247 (1970).

[14] We note in passing Ad Hoc's assertion that accurate and realistic estimates of local exchange network usage cannot be realized under any circumstances because Hawaiian has engaged in unlawful value of service ratemaking techniques under a result oriented ENFIA ratemaking methodology. Hawaiian for its part does not address this point. In any case, we need not reach this broader issue, since Hawaiian has not met its burden of showing that the local network usage projections are reasonable.

would still remain applicable. In its direct case, Hawaiian continues to claim that there would be no unreasonable surcharge. It relies in part on the assurance mentioned above that costs associated with CINEA and FX exchange services would be excluded from development of intrastate revenue requirements in its next state rate case. For reasons already explained, however, this statement standing alone provides no substantive basis upon which to make a determination as to whether Hawaiian's CINEA and FX rates would impose an unreasonable surcharge upon interstate private line customers seeking local exchange access. We must therefore conclude that Hawaiian has not sustained its burden on this issue either.

21. The remaining issue concerns possible unlawful discrimination between CINEA and FX users of Hawaiian's local exchange network. In brief, we questioned Hawaiian's choice of classifying CINEA and FX customers under separate tariffs with different rates where Hawaiian had not shown any discernible differences in either costs, means of access, or interconnection services provided these private line customers. We noted that the rate differences resulted solely from the different minutes of use projections made by Hawaiian with respect to each of these services. Furthermore, in light of the fact that Hawaiian had developed flat monthly rates based on average usage for each customer classification, we called upon it to explain why it had not chosen a single average rate applicable to all private line customers or, conversely, why it had not chosen a scheme whereby all private line customers would pay for actual usage on the same basis. Hawaiian responds that there would be no unlawful discrimination among CINEA and FX private line customers because the rates for these customers are based on the same cost per minute for use of the exchange network.[15] As noted however, Hawaiian has failed to justify its usage projections and, therefore, the rates based on their usage projections are not supportable.

22. In sum, we conclude that Hawaiian has not met its burden of proof and, further, that the CINEA tariff and FX tariff revisions are unjust and unreasonable and unlawfully discriminatory under Sections 201(b) and 202(a) of the Act.

[15] The tariffed rate for CINEA is computed by multiplying 7 cents per minute by an average usage of 1,744 minutes, while the FX rate is computed by multiplying the same 7 cents per minute by an average usage of 2,400 minutes.

23. Accordingly it is ordered, pursuant to authority delegated in § 0.291 of the Commission's Rules, 47 CFR 0.291, That Tariff F.C.C. No. 19, Customer Indirect Nework Exchange Access, submitted under Transmittal No. 546, and the revisions to Tariff F.C.C. No. 11, Foreign Exchange Service, submitted under Transmittal No. 547, will be returned to Hawaiian Telephone Company.

24. It is further ordered, that this proceeding in Docket No. 81-161 is terminated.

25. It is further ordered, that a copy of this Order shall be published in the **Federal Register.**

26. It is further ordered, that this Order is effective upon adoption.

Federal Communications Commission.

Jack D. Smith,

Acting Chief, Common Carrier Bureau.

FR Doc. 81-25506 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on August 6, 1981, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from $3 billion to $4½ billion the limit on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities, effective immediately, for the period ending with the close of business on August 18, 1981.

By order of the Federal Open Market Committee, August 28, 1981.

Note.—For paragraph 1(a) of the authorization see 36 FR 22897.

Normand Bernard,

Assistant Secretary.

FR Doc. 81-25533 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of July 6-7, 1981

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on July 6-7, 1981.[1]

[1] The Record of Policy Actions of the Committee for the meeting of July 6-7, 1981, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

The information reviewed at this meeting suggests that real GNP changed little in the second quarter, following the substantial expansion in the first quarter; prices on the average rose less rapidly than in the first quarter. The dollar value of total retail sales was virtually unchanged in May after having declined appreciably in April, and sales of new cars remained weak in June. Industrial production rose slightly on the average in April and May, while nonfarm payroll employment continued to advance, after adjustment for strikes. In June strike-adjusted nonfarm employment declined appreciably; the unemployment rate was 7.3 percent, somewhat lower than in May but unchanged from earlier months of 1981. In May housing starts declined sharply. Over the first six months of 1981, the rise in the index of average hourly earnings was slightly less rapid than during 1980.

The weighted average value of the dollar against major foreign currencies continued to rise through May and early June and then leveled off. In April-May the U.S. foreign trade deficit was somewhat above the first-quarter rate.

M1-B, adjusted for the estimated effects of shifts into NOW accounts, declined substantially in May and June following the sharp expansion in April, and growth in M2 slowed. The level of adjusted M1-B in the second quarter on the average was below the lower end of the Committee's range for growth over the year from the fourth quarter of 1980 to the fourth quarter of 1981; the level of M2 in the second quarter was slightly above the upper end of its range for the year. Since mid-May, on balance, short-term market interest rates have declined somewhat while long-term yields generally have changed little.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, promote sustained economic growth, and contribute to a sustainable pattern of international transactions. At its meeting in early February, the Committee agreed that these objectives would be furthered by growth of M1-A, M1-B, M2, and M3 from the fourth quarter of 1980 to the fourth quarter of the 1981 within ranges of 3 to 5½ percent, 3½ to 6 percent, 6 to 9 percent, and 6½ to 9½ percent respectively, abstracting from the impact of introduction of NOW accounts on a nationwide basis. The Committee recognized that the shortfall in M1-B growth in the first half of the year partly reflected a shift in public preferences toward other highly liquid assets and that growth in the broader aggregates

has been running somewhat above the upper ends of the ranges. The Committee reaffirmed its ranges for 1981, but in light of its desire to maintain moderate growth in money over the balance of the year, the Committee expected that growth in M1–B for the year would be near the lower end of its range. At the same time, growth in the broader aggregates may be high in their ranges. The associated range for bank credit was 6 to 9 percent. The Committee also tentatively agreed that for the period from the fourth quarter of 1981 to the fourth quarter of 1982 growth of M1, M2, and M3 within ranges of 2½ to 5½ percent, 6 to 9 percent, and 6½ to 9½ percent would be appropriate. These ranges will be reconsidered as warranted to take account of developing experience with public preferences for NOW and similar accounts as well as changing economic and financial conditions.

In the short run the Committee seeks behavior of reserve aggregates consistent with growth of M1–B from June to September at an annual rate of 7 percent after allowance for the impact of flows into NOW accounts (resulting in growth at an annual rate of about 2 percent from the average in the second quarter to the average in the third quarter), provided that growth of M2 remains around the upper limit of, or moves within, its range for the year. It is recognized that shifts into NOW accounts will continue to distort measured growth in M1–B to an unpredictible extent, and operational reserve paths will be developed in the light of evaluation of those distortions. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 15 to 21 percent.

By order of the Federal Open Market Committee, August 26, 1981.

Normand Bernard,

Assistant Secretary.

[FR Doc. 81–25534 Filed 9–1–81; 8:45 am]

BILLING CODE 6210–01–M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts or interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than September 23, 1981.

A. *Federal Reserve Bank of Minneaplis* (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

Northwest Bancorporation, Minneapolis, Minnesota (real estate investment, financial advisor activities; entire United States): To engage through its subsidiary, Banco Mortgage Company, in acting as a real estate investment or financial advisor in accordance with the Board's Regulation Y. These activities would be conducted from offices located in Minneapolis, Minnesota, serving the entire United States, including any commonwealth, territory, or possession of the United States.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–25537 Filed 9–1–81; 8:45 am]

BILLING CODE 6210–01–M

First International Bancshares, Inc.; Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of First International Bank Galleria, National Association, Dallas, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–25530 Filed 9–1–81; 8:45 am]

BILLING CODE 6210–01–M

First Prairie Corp.; Formation of Bank Holding Company

First Prairie Corp, Prairie City, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The First National Bank of Prairie City, Prairie City, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing

the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25531 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

Portis Bancorporation, Inc.; Formation of Bank Holding Company

Portis Bancorporation, Inc., Portis, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of First State Bank, Portis, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25532 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Independent Bancorp., Inc.; Formation of Bank Holding Company

Southwest Independent Bancorp, Inc., Grand Prairie, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of Grand Prairie State Bank, Grand Prairie, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25529 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

Western Oklahoma Bancshares, Inc.; Formation of Bank Holding Company

Western Oklahoma Bancshares, Inc., Elk City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Bank of Western Oklahoma, Elk City, Oklahoma. the factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25528 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-13]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Georgia Public Service Commission involving electric rates, Docket No. 3270-U.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Georgia Public Service Commission, Docket No. 3270-U.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: August 21, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-25561 Filed 9-1-81; 8:45 am]

BILLING CODE 6820-AM-M

[A-81-1]

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of th.. Federal Government in regulatory proceedings which have been terminated.

2. *Effective Date.* This regulation is effective immediately.

3. *Expiration Date.* This regulation expires August 31, 1981.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

Number	Date	Subject
E-56	Jan. 18, 1979	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
E-60	Feb. 23, 1979	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
E-62	Mar. 22, 1979	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-152	Aug. 24, 1972	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-154	Aug. 24, 1972	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-158	Oct. 19, 1972	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-184	June 26, 1973	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-203	Dec. 20, 1973	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-219	May 7, 1974	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-222	May. 23, 1974	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-228	Aug. 12, 1974	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-303	Sept. 23, 1974	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-337	Apr. 28, 1975	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-339	June 2, 1975	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-353	Aug. 2, 1975	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-355	Sept. 19, 1975	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-359	Oct. 21, 1975	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-372	Jan. 26, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-373	Feb. 6, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-374	Feb. 12, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-377	Mar. 5, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-396	Aug. 14, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-405	Dec. 9, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-406	Dec. 14, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-413	Feb. 15, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-414	Feb. 15, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-417	Feb. 25, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-419	Mar. 23, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-427	June 7, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-429	June 21, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-448	Oct. 19, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-461	Feb. 13, 1978	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-471	Sept. 12, 1978	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-472	Sept. 12, 1978	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
G-12	June 15, 1973	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
G-18	Oct. 15, 1974	Delegation of authority to the Secretary of Housing and Urban Development—Regulatory Proceedings.
G-20	Feb. 10, 1975	Delegation of authority to the Secretary of Housing and Urban Development—Regulatory Proceedings.
G-29	Sept. 27, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
G-30	Feb. 5, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
E-79-9	Sept. 6, 1979	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.

Dated: August 21, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-25562 Filed 9-1-81; 8:45 am]

BILLING CODE 6820-AM-M

Privacy Act of 1974; Annual Notice of Systems of Records

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give notice of certain records that they maintain. The purpose of this document is to fulfill the Privacy Act annual notice requirements by providing the **Federal Register** references to the current status of the GSA systems of records. In addition, this notice includes changes to the GSA systems of records that have not been previous published.

DATES: This document fulfills the Privacy Act annual notice requirements for 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, Chief, Records Management Branch, Information Management Division, (202)–566–0673.

Annual Notice of Systems of Records

1. The following notices of this agency that appeared in the **Federal Register** and the following changes not previously published constitute the current status of the GSA systems of records:

a. Annual publication of the GSA systems of records, 45 FR 57860 through 57904.

b. Notification of amended system of records, Investigation case files GSA/ADM–24 (23–00–0024), 45 FR 74051 through 74053.

c. Notification of altered system of records, Ridesharing system GSA/REGADM–6 (23–00–0102), 46 FR 1780 and 1781.

d. Notification of new system of records, Review/Consultant file GSA/NARS–11, 46 FR 10541.

e. Notification of corrected system of records, Employee related files GSA/AGENCY–1, 46 FR 11708.

f. Notification of new system of records, Federal parking fees claims GSA/PBS–4, 46 FR 39895 and 39896.

g. Notification of amended systems of records, Human resources files GSA/PPFM–4 (23–00–0035) and Security staff files GSA/HRO–37 (23–00–0110), 46 FR 39678 through 39681.

h. The system of records, Cataloging action master file—work measurement GSA/FSS–9 (23–00–0091), is deleted. It has been determined that this system of records no longer contains any personal data subject to the reporting requirements of the Privacy Act of 1974.

i. The system of records, Investigation case files GSA/ADM–24 (23–00–0024), is amended to reflect a change in the location of the computer data base. The Office of Inspector General's management information system, which constitutes a portion of the Investigation case files system, will be moved to the Department of Agriculture Computer Center on or about October 1, 1981. The system of records notice GSA/ADM–24 is amended to read as follows:

GSA/ADM–24 (23–00–0024)

SYSTEM NAME:

Investigation case files.

* * * * *

SYSTEM LOCATION:

The system is located in the Office of Inspector General, 18th and F Streets NW., Washington, D.C. 20405. The data base for this system is on computers at the U.S. Department of Agriculture Computer Center, Washington, D.C.

* * * * *

Dated: August 18, 1981.

Jon R. Halsall,

Acting Director of Administrative Services.

[FR Doc. 81-25655 Filed 9-1-81; 8:45 am]

BILLING CODE 8820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Work Group To Critique Recent In-Laboratory Study; Open Meeting

On September 18, 1981, the Centers for Disease Control will convene an open meeting of a work group consisting of four cooperating pathologists, one hospital administrator, and their chief technologists, to critique CDC's recent in-laboratory study. The meeting is open to the public, limited only by space available.

The meeting is schedule to begin at 2:00 p.m., in Room 154, Building 6, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

For further information, please contact: David F. Gunn, Licensure and Proficiency Testing Division, Laboratory Improvement Program Office, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephone: FTS: 236-3981, Commercial: 404/329-3981.

Dated: August 27, 1981

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-25564 Filed 9-1-81; 8:45 am]

BILLING CODE 4110-86-M

Health Care Financing Administration

Privacy Act of 1974; Report of New System

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records.

Study of the Comparative Effectiveness of State Approaches to the Regulation of Medicare Supplemental Policies: Medigap, HHS/HCFA/ORDS No. 09-70-0026.

We have provided background information about the proposed system in the "Supplementary Information" section below. HCFA invites public comments by October 2, 1981, with respect to routine uses of the system.

DATES: HCFA filed a new system report with the Speaker of the House, the President of the Senate, and the Director, Office of Management and Budget (OMB) on August 26, 1981. The new system of records, including routine uses, will be effective October 25, 1981, unless HCFA receives comments which would result in a contrary determination.

ADDRESS: The public should address comments to Shirley Mulhall, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room G-C-3, ELR, Baltimore, Maryland 21235. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Sangl, Division of Economic Analysis, Office of Research, Demonstrations, and Statistics, Room 4453 HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-7586.

SUPPLEMENTARY INFORMATION: HCFA proposes to initiate a new system of records containing data collected under the authority of Section 507 of Pub. L. 96-265 which amends Section 1882 of the Social Security Act.

This section states that:

The Secretary shall, in consultation with Federal and State regulatory agencies, the National Association of Insurance Commissioners, private insurers, and organizations representing consumers and the aged, conduct a comprehensive study and evaluation of the comparative effectiveness of various State approaches to the regulation of Medicare supplemental policies in:

- Limiting marketing and agent abuse;
- Assuring the dissemination of such information to individuals entitled to benefits under this title (and to other consumers) as is necessary to permit informed choice;
- Promoting policies which provide reasonable economic benefits for such individuals;
- Reducing the purchase of unnecessarily duplicative coverage; and
- Improving price competition.

Such a study shall also address the need for standards or certification of health insurance policies, other than Medicare supplemental policies, sold to individuals eligible for Medicare.

The purpose of this system of records is to provide information on consumers' purchasing behavior, the policies they hold and the circumstances of insurance sales transactions in order to analyze the above mentioned issues.

An independent contractor will administer questionnaires by means of personal interviews to approximately 4800 Medicare beneficiaries in no more than eight states selected by HCFA to represent the spectrum of insurance regulation. These questionnaires will provide information on each beneficiary concerning sociodemographic characteristics, knowledge of and experience with Medicare, number and type of private health insurance policies. identifying information about the policies held and purchasing behavior. A copy of each insurance policy will be obtained from the beneficiary if possible or from the insurance company with the policyholder's consent. Questionnaires will show beneficiary name and health insurance claim name (HI claim number) or other unique identifier. Insurance policies will have policyholder's identifying number.

The contractor will obtain the written consent of every individual from whom information is solicited and an additional consent form from an individual requesting his or her insurance company to release a copy of his or her insurance policy(ies), if the contractor cannot obtain a copy of the policies in any other manner.

The results of this study shall be utilized in the DHHS report to Congress and will address whether a mandatory Federal regulatory program is needed to assure marketing of appropriate types of Medicare supplemental policies, whether there are ways in which state regulations can be enhanced and whether there is a need for standards for other types of policies sold to Medicare eligibles.

As an addition to this study, the National Center for Health Services Research (NCHSR) in cooperation with HCFA will conduct a supplemental survey through the same independent contractor to determine the preference and willingness to pay for long-term care insurance by those consumers in the study sample.

The survey will be conducted by means of a self-administered questionnaire which will be distributed at the end of the personal interview and mailed back to the contractor. The results of the survey will be analyzed by NCHSR as part of a larger intramural research project to determine the market potential for long-term care insurance. This research component is entitled, "Study of Elderly Consumers Willingness to Pay for Long-Term Care Insurance."

The NCHSR questionnaire will be administered to the same study sample of Medicare beneficiaries and will provide information concerning each respondent's knowledge of the risks of needing insurance coverage for long-term care services, the availability of insurance for such risks, the preferences for specific insurance benefits for long-term care and their willingness to pay for those benefits.

Dated: August 26, 1981.

Paul Willging,

Deputy Administrator, Health Care Financing Administration.

09-70-0026

SYSTEM NAME:

Study of the Comparative Effectiveness of State Approaches to Regulation of Medicare Supplemental Policies: Medigap HHS/HCFA/ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The location cannot be given at this time since contract has not been awarded. The contractor site will be available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries who reside in the eight States that are participating in the study. The States will be known by September 1981.

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaires administered to approximately 4,800 Medicare beneficiaries. These questionnaires will provide information on each beneficiary concerning sociodemographic characteristics, such as education, knowledge of and experience with Medicare, number and type of private health insurance policies, identifying information about the policies held and purchasing behavior. A copy of each insurance policy will be obtained from the benficiary if possible or from the insurance company with the policyholder's consent. Questionnaires will show beneficiary name and health insurance claim name (HI claim number) or other unique identifier. Insurance policies will have policyholder's identifying number. The NCHSR questionnaire will be administered to the same study sample of Medicare beneficiaries and will provide information concerning each respondent's knowledge of the risks of needing insurance coverage for long-term care services, the availability of insurance for such risks, the preferences for specific insurance benefits for long-term care and their willingness to pay for those benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

HCFA authority is based on Section 1882 of the Social Security Act as amended by Section 507, paragraphs (f)(1) and (f)(2) of Pub. L. 96–265. NCHSR authority is based on Sections 304 and 305 of the Public Health Service Act, as amended by the Health Services Research, Health Statistics, and Medical Libraries Act of 1974, Pub. L. 93–353, and the Health Services Research, Health Statistics and Health Care Technology Act of 1978, Pub. L. 95–623.

PURPOSE OF THE SYSTEM:

The purpose of this system of records is to provide information on consumers' purchasing behavior, the policies they hold and the circumstances of insurance sales transactions in order to analyze the effectiveness of varying State insurance regulations on:

- Limiting marketing and agent abuse;
- Assuring the dissemination of such information to individuals entitled to benefits under this title (and to other consumers) as is necessary to permit informed choice;
- Promoting policies which provide reasonable economic benefits for such individuals;
- Reducing the purchase of unnecessarily duplicative coverage; and
- Improving price competition.

In addition the NCHSR system of records is to provide information on consumer's knowledge of the risks of needing long-term care, the availability of insurance for such risks, the preferences for specific insurance benefits and their willingness to pay for those benefits. This information will be used to contribute to a study of the market potential for private long-term care insurance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

1. The independent contractor will receive all information in the system from beneficiary questionnaires and their health insurance policies either in hard copy, magnetic tape, or cards and store it in a master file. The independent contractor will use this information to assess the comparative effectiveness of various State regulatory approaches to Medicare supplemental insurance. Once the beneficiary questionnaire information is linked with the health insurance policy information of the beneficiary, all personal identifiers will be removed from the file.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

3. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The independent contractor will store records in hard copy and magnetic tape form.

RETRIEVABILITY:

Recorders are indexed by Health Insurance claim number or other unique identifier.

SAFEGUARDS:

The independent contractor will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. Authorized HCFA representatives will, upon request, be granted access to premises where records are kept for the purpose of inspecting physical security arrangements. However, no data will be released with identifying information. For computerized records, the independent contractor will initiate automated data processing (ADP) system security procedures required by the Department's ADP Systems Manual, Part 6, ADP Systems Security, e.g., use of passwords.

RETENTION AND DISPOSAL:

The independent contractor will hold hard-copy records, magnetic tapes, and cards until beneficiary specific data are received and compiled. All identifying information and hard-copy will then be destroyed, thus protecting the

confidentiality of all information collected. The contractor will retain all records for the life of the contract and then these records will become the custody of the Office of Research, Demonstrations, and Statistics, HCFA. The independent contractor will not retain any beneficiary based files. Data supplied to HCFA and NCHSR will not include beneficiary identifiers. No data which would possibly identify an individual will be supplied.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations, and Statistics, Health Care Financing Administration, Room 4222, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the Systems manager at the address indicated above, specifying name, address and health insurance claim number. These notification and access procedures are in accordance with Department Regulations (45 CFR 5b).

RECORDS ACCESS PROCEDURE:

Individuals participating in the Survey may request their data records in writing. Access procedure is the same as the notification procedure. Requestor should reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b)).

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the system manager and reasonably identify and specify the information to be contested and reason for contesting, why it is inaccurate or incomplete. (These procedures are in accordance with Department Regulations (45 CFR 5b)).

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include Medicare beneficiaries, insurance companies, survey contractor and subcontractors (if any), and selected HCFA files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-25569 Filed 9-1-81; 8:45 am]

BILLING CODE 4110-35-M

Public Health Service

Privacy Act of 1974; Revision of Notice of System of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Response to a condition placed by the Office of Management and Budget on a waiver of the advance notice period required for a new system of records.

SUMMARY: The purpose of this notice is to respond to a condition placed by the Office of Management and Budget on the waiver granted for the new system of records entitled "Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA," No. 09-30-0034. The condition is met by deletion of a routine use from the system notice.

EFFECTIVE DATE: The deletion of the routine use is effective, September 2, 1981.

FOR FURTHER INFORMATION CONTACT:

Privacy Act Officer, NIDA, Office of Extramural Policy and Project Review, 5600 Fishers Lane, Room 10-42, Rockville, Maryland 20857.

SUPPLEMENTARY INFORMATION: OMB granted a waiver on January 12, 1981 of the 60-day advance notice period required for the new system of records entitled "Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA, "No. 09-30-0034. The notification of waiver was published in the **Federal Register** on Monday, February 9, 1981, 46 FR 11603. However, this waiver was granted with the condition that the National Institute on Drug Abuse be more specific in the first-listed routine use. The routine use allowed certain disclosures to Federal agencies outside the Department of Health and Human Services.

NIDA has reviewed the need for the routine use in question. Its intent was to permit response to other agencies' requests for information about their personnel who received National Training System (NTS) training. Since this information should be available to the other agencies from their own records, and if it is not, the written consent of the subject employees can be readily obtained, this routine use was determined to be unnecessary and has been deleted from the system notice. Other minor alterations have also been made to the system notice to improve its clarity and usefulness to the public. Although advance publication is not required, we are publishing the complete text of the revised system notice below. It contains no major alterations which would require the filing of a report with the Congress and the Office of Management and Budget.

Dated: August 27, 1981.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management, PHS.

SYSTEM NAME:

Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Training, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, Room 10A-46, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Health Control Systems, Inc., 11325 Seven Locks Road, Potomac, Maryland 20854.

Federal Records Center (WNRC), Suitland, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have participated in National Training System (NTS) courses either as trainees or as instructors/trainers. The term "trainees" encompasses all categories of persons who are students in NTS courses, whether or not they have experience yet in the substance abuse services and/or training fields. "Instructors" are persons qualified to teach one or several aspects of an NTS course, but not qualified in all aspects of teaching techniques and not authorized within NTS to validate another person's qualifications for training others to teach the course content. "Trainers" are persons who are qualified through NTS-recognized academic or specialized preparation in all aspects of an NTS course, and are certified by NTS to teach the course, train and supervise other persons to teach it, and validate other persons' qualifications to teach it for NTS. An individual's status can vary from course to course. Persons who have participated in substance abuse-related training activities that meet NTS standards but are provided by non-NTS organizations are also included in the registries at the participants' option.

CATEGORIES OF RECORDS IN THE SYSTEM:

Course records which include: name, birthdate, sex, address, employment, length of time employed in the field of substance abuse services training, name and version of course, course completion records, date of course,

name of instructor/trainer or trainees as appropriate, and training sponsor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act of 1972 as amended, Sections 410 and 501 (21 U.S.C. 1177 and 1191); Public Health Service Act, Section 301 (42 U.S.C. 241(a)).

PURPOSE OF THE SYSTEM:

The registries which constitute this system of records enable individuals to obtain confirmation of their successful completion of substance abuse training courses. This in turn enables them to obtain the certification of academic credit necessary to verify their qualifications for employment in the substance abuse training or services fields. Disclosures for this purpose are made only to subject individuals or others as subject individuals permit in writing, such as academic institutions and potential employers.

Individually identifiable information will not be otherwise disclosed to persons or organizations either within or outside the DHHS except as provided by the routine uses set forth and as otherwise provided by Section 3(b) of the Privacy Act (5 U.S.C. 552a(b)). The nonindividually identified aggregate data will be analyzed by the National Institute on Drug Abuse (NIDA) for quality control and will be available to the public for purposes of identifying drug abuse services training trends.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES;

1. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining the records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made to members of the Professional Development Program Standards Committee (PDPSC) to enable them to carry out their responsiblities for certification of instructors/trainers and confirmation of trainees' participation in courses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Batch control sheets, individual registration forms (automated and nonautomated), keypunch cards, computer tapes and discs are utilized.

RETRIEVABILITY:

The system is filed by the name of the trainee or instructor/trainer.

SAFEGUARDS:

Records are kept in premises with limited accessibility. Individually identifiable information in paper media (batch control sheets, registration forms, and keypunch cards) are stored in locked cabinets. For computerized records, safeguards established in accordance with the National Bureau of Standards guidelines and HHS's System Manual, Part 6, ADP System Security, are utilized. Specifically, premises are secured in accordance with existing security systems for safeguarding records at the Federal Government computer center in the Parklawn Building, Rockville, Maryland. Security personnel patrol the premises there 24 hours a day. Computer systems are secured through locked magnetic disc libraries as well as a password access computer system.

These safeguards are in accordance with the DHHS General Administration Manual, Chapters 45–13 and PHS.hf: 45–13.

Note.—NIDA contracts with non-Federal parties shall stipulate agreement to the above procedures on the part of the contractor.

RETENTION AND DISPOSAL:

The current NTS standard requires that NTS instructors/trainers teach a course every 18 months in order to be recertified. Most States and academic institutions similarly require their staffs to periodically update their knowledge and skills through continuing education courses. If individuals discontinue their participation in NTS or NTS-approved training, supporting records of their participation become obsolete rather rapidly for purposes of verifying qualifications. Therefore, records on an individual are retained for only three years following the individual's most recent completion of course requirements for earning academic credit and/or meeting employment qualifications. After three years with no further reported activity, only information on an individual's date(s) of certification(s) as instructor/trainer in NTS course(s) is retained indefinitely.

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER:

Registrar, Professional Development Program, Division of Training, NIDA, Alcohol, Drug Abuse, and Mental Health Administration, Room 10A–46, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself or herself upon written request with notarized signature. The following information should be provided: full name at the time of training and, if known, location and date when training was provided, course name, and name of instructor/trainer and/or sponsoring organization.

Your Social Security number would be helpful for record locating purposes, but it is not required.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Trainee registration form for each trainee in a course, containing personal and professional background information and course completion validation; and "batch control" sheet for each course, identifying instructor(s)/trainer(s) and trainees. For instructors/trainers, sources also include: reports from national, State, and regional certification authorities; NTS national workshop recommendations; and equivalent sources upon which the Professional Development Program Standards Committee (PDPSC) will base decisions on certification of instructors/trainers.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 81–25589 Filed 9–1–81; 8:45 am]
BILLING CODE 4110–88–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Harvey L. Leighton, et al.; Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered wildlife:

Applicant: Harvey L. Leighton, Gates Mills, Ohio—PRT 2–8316.

The applicant requests a permit to purchase in interstate commerce two captive-bred tigers (*Panthera tigris*) from Dr. David Meeks, Spartanburg, South Carolina for enhancement of propagation.

Applicant: Beak Consultants, Inc., Aurora, Colorado 80014—PRT 2–8360.

The applicant requests a permit to take the following endangered fish to determine the occurrence of these species in the Colorado River in western Colorado for enhancement of survival: Colorado squawfish (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), and bonytail chub (*G. elegans*). A small number of each species may be collected. The collection area is proposed for future oil shale development.

Applicant: Bernard Berwin, Gibsonton, Florida—PRT 2–8308.

The applicant requests a permit to import one male captive-bred tiger (*Panthera tigris*) from the Parc Safari, Quebec, Canada, for enhancement of propagation.

Applicant: San Diego Zoological Gardens, San Diego, California—PRT 2–8392.

The applicant requests a permit to import one male and one female Chinese monal pheasant (*Lophophorus lhuysii*) from the People's Republic of China, for enhancement of propagation.

Applicant: Myrna Watanabe, Brooklyn, New York—PRT 2–8382.

The applicant requests a permit to import a Chinese alligator (*Alligator sinensis*) eggshell fragment from the People's Republic of China, for scientific research.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, Va 22203.

Interested persons may comment on these applications on or before October 2, 1981, by submitting written data, views, or arguments to the above address. Please refer to the appropriate file number when submitting comments.

Dated: August 26, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–25568 Filed 9–1–81; 8:45 am]

BILLING CODE 4310–55–M

Fish and Wildlife Service Regional Director, Region 2; Endangered Species Permit; Receipt of Application

Applicant: U.S. Fish and Wildlife Service, Regional Director, Region 2, Albuquerque, NM 87103.

The applicant requests a permit amendment to include import and sacrifice of 250 leatherback sea turtle (*Dermochelys coriacea*) eggs from Mexico or Costa Rica to determine the relationship of incubation temperature to sex determination in sea turtles.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7088. Interested persons may comment on this application on or before October 2, 1981, by submitting written data, views, or arguments to the above address. Please refers to the file number when submitting comments.

Dated: August 27, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–25567 Filed 9–1–81; 8:45 am]

BILLING CODE 4310–55–M

Charles Sivelle; Endangered Species Permit; Receipt of Application

Applicant: Charles Sivelle, Dix Hills, New York.

The applicant requests a permit to import one breeding pair of Cabot's tragopan (*Tragopan caboti*) and six of their progeny from Glenn Howe, Aylmer, Ontario, Canada, for the enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–6984. Interested persons may comment on this application on or before October 2, 1981, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: August 28, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–25566 Filed 9–1–81; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Union Oil Co. of California

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3570, Block 299, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised

Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 26, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25611 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Transco Exploration Co.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Transco Exploration Co. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2130, Block 107, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 26, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25612 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A., Inc.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a development and production plan describing the activities it proposes to conduct on Lease OCS–G 1995, Block 145, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 26, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25613 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipts of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2849, Block 549, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 26, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25473 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[OR 6245]

Oregon; Termination of Proposed Withdrawal and Reservation of Land

Correction

In FR Doc. 81–16552 in the issue of Wednesday, June 3, 1981, appearing on page 29770, column 3, under the heading Willamette Meridian, line 4, now reading "Sec. 3, NE¼ and SE¼S½" should be corrected to read "Sec. 3, NE¼SE¼ and S½S½;".

BILLING CODE 1505-01-M

Utah; Pinyon Grazing Statement; Intent To Prepare an Environmental Statement and Scoping Meetings

The Department of the Interior, Bureau of Land Management, Cedar City District Office will be preparing a

Grazing Management Environment Impact Statement in connection with a 1974 Federal court order to prepare site specific environmental statements concerning the effects of livestock grazing activities on public lands. The BLM was directed to address specific areas, identify particular grazing management programs, analyze the environmental impacts associated impact associated with the management programs and analyze viable grazing management alternatives.

BLM administered lands in Beaver, Iron, and Washington Counties will be considered.

Three public meetings will be held for the purpose of scoping the environmental statement. Scoping is the process of determining the scope of issues to be addressed and identifying the significant issues related to the proposed grazing management alternatives.

The meetings will be held as follows: October 13, 1981, at the Library in Milford, Utah, from 3:00 p.m. to 7:00 p.m.; October 14, 1981, at the Community Center in Beryl, Utah, from 3:00 p.m. to 7:00 p.m.; October 15, 1981, at the BLM District Office in Cedar City, Utah, from 3:00 p.m. to 7:00 p.m. Interested individuals may attend any of the meetings or send written comments to the address below.

These meetings will be held as Open Houses. Those who wish to attend may come at their convenience and will have an opportunity to go over the Management Framework Plan grazing proposals which the environmental statement will address and provide any information they desire to an attendant employee at the Open House.

For information concerning the proposed grazing management programs or the environment statement, contact the following individual: District Manager, Bureau of Land Management, Post Office Box 724, Cedar City, Utah 84720, Area Code 801–586–2401.

Dated: August 26, 1981.

Art Tait,

Acting District Manager, Cedar City, Utah.

[FR Doc. 81–25609 Filed 9–1–81; 8:45 am]

BILLING CODE 4310–84–M

Office of the Secretary

Commission on Fiscal Accountability of the Nation's Energy Resources; Meeting

Notice is given that a meeting of the Commission on Fiscal Accountability of the Nation's Energy Resources will be held on September 22 and 23, 1981, in Washington, D.C., at a specific location yet to be determined.

Purpose of the Commission

The mission of this Commission includes the review of waste and loss of revenue due to the theft of oil and royalty management problems. The Commission will examine the problems of waste and loss of revenues from energy resources from Federal and Indian tribal lands. Concern has been expressed by Congress, the Department of the Interior, the General Accounting Office, the Indian community, State governments, and the taxpayers over the fiscal accountability of mineral royalty revenues. A final report of the Commission will be presented to the Secretary evaluating the Royalty Accounting System, internal controls and actions relating to the allegations of oil theft.

Purpose of this Meeting

The purpose of this meeting is to hear testimony relating to the problems of oil theft and royalty management particularly from State officials and Indian tribes. The hearing will be devoted to oral testimony to assist the Commission in understanding the nature and extent of the problems. It is possible that a portion of the first day will be a business meeting. The meeting will be open to the public. Any member of the public may file a written statement and/or present testimony concerning matters to be discussed by the Commission. Witnesses will be invited by the Commission to testify. Additional persons who wish to present testimony to the Commission should contact the Commission staff at Commission on Fiscal Accountability of the Nation's Energy Resources, Suite 403, 1111 18th Street, N.W., Washington, D.C. 20036, telephone (202) 653–9051. For additional information on the meeting contact the same office.

Minutes of the meeting will be available for public inspection within 30 days in Suite 403, 1111 18th Street, N.W., Washington, D.C. 20036.

Dated: August 28, 1981.

William L. Kendig,

Director, Office of Financial Management.

[FR Doc. 81–25541 Filed 9–1–81; 8:45 am]

BILLING CODE 4310–10–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29709]

Grand Trunk Western Railroad Company—Merger—Detroit and Toledo Shore Line Railroad Co.; Exemption

August 27, 1981.

The Detroit and Toledo Shore Line Railroad Company (DTSL) and Grand Trunk Western Railroad Company (GTW) have notified the Commission that they will merge, with GTW emerging as the surviving railroad. This is being done is order to effectuate corporate simplification, which comes within the exemption described at 49 CFR 1111.5(c)(3).

The integration of operating functions of GTW and DTSL was contemplated and control was approved in a prior consolidation proceeding. See *Norfolk & W.R. Co.—Control—Detroit, T. & I.R. Co.*, 360 I.C.C. 498 (1979). That control transaction was consummated and the parties now seek to merge into one entity.

The transaction is merely a "corporate simplification" which will not result in any change in service levels, operations, or the competitive balance with carriers outside the corporate family. GTW will not issue capital stock, bonds or other securities in exchange for the capital stock of DTSL but will succeed to all of the assets, property rights, privileges, leases, patents and franchises of DTSL subject to all of DTSL's liabilities and obligations.

The transaction is necessary to eliminate separate record keeping, intercompany billing and accounting and the administrative burden of maintaining the separate corporate existence of DTSL. The merger will assure the optimum level of operating efficiency.

As a condition to exemption, any DTSL employees affected by the merger shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 11347.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25523 Filed 9–1–81; 8:45 am]

BILLING CODE 7035–01–M

[F.D. No. 30,000 and Related Dockets]

Union Pacific Corp. and Union Pacific Railroad Co.—Control—Missouri Pacific Corp. and Missouri Pacific Railroad Co.

AGENCY: Interstate Commerce Commission (ICC), Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of availability of environmental assessment prepared for above-entitled proceeding.

SUMMARY: The ICC's Energy and Environment Branch has prepared a document which assesses the environmental impacts of the proposals contained in F.D. No. 30,000 and related dockets for the consolidation of the Union Pacific Railroad Company, the Missouri Pacific Railroad Company, and the Western Pacific Railroad Company. Copies of this assessment will be served on parties of record in the above-described proceedings. Other interested members of the public may request a copy of the environmental assessment by contacting: John O'Connell, Energy and Environment Branch, Room 5380, Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. 20423, Tel. (202) 275–7872.

Anyone who wishes to file written comments on the data or conclusions contained in the environmental assessment may do so by forwarding same to John O'Connell at the above address by September 30, 1981.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–25524 Filed 9–1–81; 8:45 am]
BILLING CODE 7035–01–M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

August 28, 1981.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of the notice.

FSA 43932, Southwestern Freight Bureau, Agent, carload rates on ground wood paper and newsprint paper, subject to various minima weights ranging from 40,000 to 120,000 pounds, from points in Canada to Southwestern Territory, in Tariff ICC SWFB 4571, to become effective September 13, 1981.

Grounds for relief: Market competition.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–25521 Filed 9–1–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Ombudsman's Office, (202) 275–7326.

Volume No. OPI–244

Decided: August 26, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating in part.

MC 145120 (Sub-10), filed August 14, 1981. Applicant: HOLMDEL TRUCKING COMPANY, INC., 18 Hackensack Ave., S. Kearny, NJ 07032. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036, (202) 296–2900. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153601 (Sub-4), filed August 17, 1981. Applicant: ITO LTD., 121 West Doty St., Madison, WI 53703. Representative: W. A. Myllenbeck, 1947 West County Rd. C, St. Paul, MN 55113 (612)–633–2661. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157830 filed August 21, 1981. Applicant: JOSEPH H. O'DONNELL, Bodwell Street, Avon, MA 02322. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697–7748. As a *broker* in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

Volume No. OP1–246

Decided: August 26, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating in part.

MC 143031 (Sub-19), filed August 10, 1981. Applicant: MURPHY & SONS TRUCKING CO., INC., Route 2, Box 139, Spring City, TN 37381. Representative: H. Stan Guthrie, Suite 500, Dome Bldg., Chattanooga, TN 37402 (615) 756–8203. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–2–163

Decided: August 25, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 116142 (Sub-31), filed August 14, 1981. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, P.O. Box M–25, York, PA 17405. Representative: John T. Keagel (same address as applicant). Transporting, for or on behalf of the United State Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 141523 (Sub-8), filed August 10, 1981. Applicant: C. R. KIDD PRODUCE, INC., P.O. Box 364, Springdale, AR 72764. Representative: Barry Weintraub, 8133 Leesburg Pike, Vienna, VA 22180; 703–442–8330. Transporting *general commodities* (except classes A and B explosives), between Snyder, Mist, and Hamburg, AR, Fallbrook, CA, Bell, FL, Primrose and Luthersville, GA, Astoria, Easton, Five Points, Clare, Esmond, and Lindenwood, IL, Minerva, Clemons, St. Anthony, Zearing, Stanhope, Stratford, and Corwith, IA, Tyro, Peru, Sedan, Cedarvale, and Dexter, KS, Millstone, Kona, and Fleming-Neon, KY, Taylor, Maywood, Durham, Ewing, Lewistown, La Belle, Knox City, Edina, Hurdland, and Brashear, MO, Elgin, Cedar Bluff, Colon, Ceresco, and Davey, NE, Lima and Livonia, NY, Stokesdale, NC, Cheyenne, Butler, and Reydon, OK, Keystone, SD, Allison, Briscoe, and Mobeetie, TX, Krakow, Green Valley, Gillett, Wittenberg, Tigerton, Marion, Burkhardt, Deer Park, Clear Lake, Clayton, Comstock, Cumberland, Barronett, and Shell Lake, WI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 144842 (Sub-15), filed August 14, 1981. Applicant: RIGGINS TRUCKING, INC., 1004 W. Maple St., Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th St., N.W., Washington, DC 20005, (202) 347–4332. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157672, filed August 12, 1981. Applicant: TUFCO TRANSPORTATION, division of UNITED TRUCKERS CONGRESS, INC., P.O. Box 1101, Hopkins, MN 55343. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036, (202) 223–5900. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157673, filed August 11, 1981. Applicant: BUSCH BROKERAGE & CO., INC., Suite 232, 100 Stockyard Rd., Livestock Exchange Bldg., South St. Paul, MN 55075. Representative: Kathleen Busch, 417 8th Ave. South, South St. Paul, MN 55075; 612–457–3298. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157723, filed August 14, 1981. Applicant: ROGER H. and MARY JANE JENSEN, d.b.a. GUINDON MOVING & STORAGE CO., 1600 Third Ave., N., Escanaba, MI 49829. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 157742, filed August 17, 1981. Applicant: LAMBERT FREIGHT, INC., 304 McCall Dr., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157743, filed August 17, 1981. Applicant: BOB BASS, 628 West Sequoyah, Vinita, OK 74301. Representative: Bob Bass (same address as applicant) (918) 256–3374. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157753, filed August 17, 1981. Applicant: LINUS SCHROEDER, INC., Route 1, Box 1204–A, Selah, WA 98942. Representative: Linus Schroeder (same as applicant) (509) 697–8286. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157812, filed August 20, 1981. Applicant: TRANS MARKETING, 1025 Metker, Irving, TX 75062. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062; 214–255–6279. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 131052 (Sub-3), filed August 14, 1981. Applicant: J. W. BOYLES, 500 S. Western, P.O. Box 25852, Oklahoma City, OK 73125. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036; 405–262–1322. Transporting *general commodities*, between Heaton, Laketon, Mobeetie, Briscoe, and Allison, TX, and Reydon, Mackie, Cheyenne, Strong City, Hammon, Butler, and Stafford, OK, on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25319 Filed 9–1–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the Commission later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-243

Decided: August 26, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating in part.

FF-561, filed July 27, 1981. Applicant: DOBSON INTERNATIONAL, 5024 South Garfield Road, Auburn, MI 48611. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036 (202) 785-0024. As a *freight forwarder*, in connection with the transportation of *household goods*, between points in the U.S.

MC 1940 (Sub-44), filed July 24, 1981, previously published in the **Federal Register** on August 11, 1981. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 625 Eighth Ave., New York, NY 10018. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201 (214)-655-7937. Over irregular routes, *transporting passengers and their baggage and express and newspapers, in the same vehicle with passengers*, (1) between New York, NY, and Springfield, MA: from New York Interstate Hwy 95 to New Haven, CT, then over Interstate Hwy 91 to Springfield, MA, and return over the same route, serving all intermediate points; (2) between Hartford, CT, and Boston, MA: from Hartford over Interstate Hwy 86 to junction Interstate Hwy 90 (near Sturbridge, MA), then over Interstate Hwy 90 to Boston, MA, and return over the same route, serving all intermeditate points; (3) between junction Interstate Hwy 90 and Interstate Hwy 290 (near Auburn, MA) and junction Interstate Hwy 90 and MA Hwy 122 (near Milbury, MA): from junction Interstate Hwy 90 and Interstate Hwy 290 over Interstate Hwy 290, to Worchester, MA, then over MA Hwy 122 to junction Interstate Hwy 90, and return over the same route, serving all intermediate points; and (4) between junction Interstate Hwy 91 and CT Hwy 66 and junction Interstate Hwy 91 and CT Hwy 9: from junction Interstate Hwy 91 to CT Hwy 66, then over CT Hwy 66 to Middletown, CT, then over CT Hwy 9 to junction CT Hwy 9 and Interstate Hwy 91, and return over the same route, serving all intermediate routes.

Note.—This republication corrects the territorial description.

MC 110191 (Sub-44), filed August 14, 1981. Applicant: TURNER'S EXPRESS INC., 1300 Shelton Ave., Norfolk, VA 23502. Representative: W. P. Davis, P.O. Box 1006, Norfolk, Va 23501 (804)-853-4344. Transporting *general commodities* (except classes A and B explosives), in cargo containers or trailers, between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC, restricted to traffic having a prior or subsequent movement by water.

MC 119961 (Sub-10), filed August 17, 1981. Applicant: MARSHALL MOTOR COACH, INC., 1409 East Anson, Marshalltown, IA 50158. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282-3525. Transporting *passengers and their baggage, in charter and special operations, beginning and ending at points in IA, and extending to points in the U.S. (except HI).*

MC 120761 (Sub-73), filed August 14, 1981. Applicant: NEWMAN BROS, TRUCKING COMPANY, 6559 Midway Rd., P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104 (817)-322-4415. Transporting *metal products*, between points in OK, on the one hand, and, on the other, points in the U.S.

MC 133490 (Sub-19), filed August 14, 1981. Applicant: LEE'S TRUCKING, INC., Route 2, Box 463, North Branch, MN 55056. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612)-542-1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Federal Cartridge Corporation, of Anoka, MN.

MC 143621 (Sub-58), filed August 18, 1981. Applicant: TENNESSEE STEEL HAULERS, INC., P.O. Box 100991, Nashville, TN 37210. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014 (301)-986-1410. Transporting (1) *metal products;* (2) *machinery;* and (3) *commodities which because of their size or weight require the use of special handling or equipment*, between points in TN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 146180 (Sub-8) (Republication) filed May 26, 1981, previously noticed in the **Federal Register** issue of June 9, 1981. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459-A, Klings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW., Washington, DC 20005 (202) 347-9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Allegheny International, of Pittsburgh, PA.

Note.—This republication shows Allegheny International, as the contracting shipper.

MC 152250, filed August 14, 1981. Applicant: WHITE TRANSPORT, INC., P.O. Box 2063, Sheridan, WY 82801. Representative: B. Frank Roberts, P.O. Box 3016, Sheridan, WY 82801 (307)-672-5866. Transporting *construction, mine and mill machinery, equipment and supplies*, between points in WY, MT, CO, UT, ID and NE.

MC 152261 (Sub-3), filed August 18, 1981. Applicant: M. W. ETTINGER, INC.,

2711 Fairview Avenue North, Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN, and its wholly-owned subsidiaries, (a) Burger King Corporation, of Miami, FL, (b) Green Giant Company, of Chaska, MN, (c) Poppin Fresh Pies, Inc., of Minneapolis, MN, and (d) Steak and Ale Restaurants of America, Inc., of Dallas, TX.

MC 155231 (Sub-1), filed August 14, 1981. Applicant: MAXAM TRUCKING, INC., R.D. #2, Bassette Rd., Interlake, NY 14847. Representative: Donald C. Carmien, Suite 501 Midtown Mall, P.O. Box 1922, Binghamton, NY 13902, (607) 772–6993. Transporting *salt and salt products,* between points in the U.S., under continuing contract(s) with the International Salt Company, of Clarks Summit, PA.

MC 156520, filed August 18, 1981. Applicant: PREMIER TRANSPORTATION SERVICES, INC., 2 East 106th Street, Room 150, Indianapolis, IN 46280. Representative: Buren V. Beaman (same address as applicant), (317) 243–6923. Transporting *cooper rods and wire,* between points in Allen County, IN, on the one hand, and on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 157340, filed August 10, 1981. Applicant: DAVID CARLIN, d.b.a. CARLIN UNITED TRUCKING, P.O. Box 344, Round Rock, TX 78664. Representative: George James "Jim" Mallios, 608 Brown Bldg., 708 Colorado, Austin, TX 78701, (512) 477–9469. Transporting *farm products, ores and minerals, coal, oil, lumber, concrete and stone, metal products, machinery, building materials,* between points in Travis and Williamson Counties, TX, on the one hand, and on the other, points in NM, CO, KS, OK, CA, MO, AR, LA, AZ, WY and IL.

MC 157681 (Sub-1), filed August 17, 1981. Applicant: DOUBLE E REFRIGERATED TRUCK LINE, INC., 5905 Lamar, Mission, KS 66202. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *such commodities* as are dealt in by grocery and food business houses, between Kansas City, MO, on the one hand, and on the other, points in AL, AR, AZ, CA, CO, FL, GA, IA, IL, KS, LA, MI, MN, MO, MS, NC, ND, NE, NM, NY, OH, OK, SC, TN, TX, UT, WI and WY.

MC 157750, filed August 14, 1981. Applicant: TENNESSEE OHIO EXPRESS, INC., 1040 Murfreesboro Rd., Nashville, TN 37217. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Nashville, TN and Cleveland, OH: from Nashville over Interstate Hwy 65 to junction Interstate Hwy 71, then over Interstate Hwy 71 to Cleveland, and return over the same route, serving all intermediate points and serving all points in OH as off-route points.

MC 157791, filed August 17, 1981. Applicant: IDEAL DISTRIBUTING COMPANY, INC., P.O. Box 424, Route 11 Guthrie Highway, Clarksville, TN 37040. Representative: William F. Peacher, (same address as applicant), (615) 552–3300. Transporting *paper products,* between points in the U.S., under continuing contract(s) with International Label Company, of Clarksville, TN.

Volume No. OP1–245

Decided: August 26, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating in part.

MC 38170 (Sub-33), filed August 19, 1981. Applicant: WHITE STAR TRUCKING, INC., 1750 Southfield Road, Lincoln Park, MI 48146. Representative: Rex Eames, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *general commodities* (except classes A and B explosives), between points in MI, WI, MN, IA, IL, MO, IN, KY, OH, WV, PA and NY.

MC 82841 (Sub-321), filed July 7, 1981, previously published in the Federal Register on July 23, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 I St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339–3003. Transporting *general commodities* (except classes A and B explosives), between the facilities of Clow Corporation and its subsidiaries, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

MC 108461 (Sub-138), filed August 18, 1981. Applicant: SUNDANCE FREIGHT LINES, INC., d.b.a. SUNDANCE TRANSPORTATION, 3737 West Buckeye Road, Phoenix, AZ 85009. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Southwest Beef, Inc., of Tolleson, AZ.

MC 124511 (Sub-73), filed August 17, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 135381 (Sub-11), filed August 14, 1981. Applicant: DRUM TRANSPORTATION COMPANY, R.D. #1, Montgomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *lumber or wood products,* between points in the U.S., under continuing contract(s) with Escambia Treating Company, of Pensacola, FL.

MC 142310 (Sub-38), filed August 10, 1981. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives) between points in IL, IN, IA, MI, MN, MO, NJ, NY, OH, PA, and WI.

MC 144821 (Sub-13), filed August 10, 1981. Applicant: FREEDOM FREIGHTWAYS, INC., 9060 Latty Ave., St. Louis, MO 63134. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3570. Transporting (1) *petroleum, natural gas and their products,* (2) *chemicals and related products,* and (3) *metal products,* between points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

MC 145380 (Sub-4), filed August 19, 1981. Applicant: CALIFORNIA-PACIFIC FREIGHT, INC., P.O. Box 7266, Los Angeles, CA 90022. Representative: Dean McCormick (same address as applicant), (213) 726–4013. Transporting *general commodities* (except classes A and B explosives), between points in

Imperial, Los Angeles, Orange, Riverside and San Bernardino Counties, CA.

MC 145490 (Sub-2), filed August 18, 1981. Applicant: ED WOLFE TRUCKING, INC., 20425 Ahha Lane, Bend, OR 97701. Representative: Philip G. Skofstad, Logus Block, 529 S.E. Grand Ave., Portland, OR 97214, (503) 239–4157. Transporting *chemical and related products,* (a) between ports of entry on the international boundary line between the U.S. and Canada at or near Blaine, WA, on the one hand, and, on the other, points in OR, (b) between points in Kitsap County, WA, on the one hand, and, on the other, points in OR and Modic, Lassen, and Siskiyou Counties, CA, (c) between points in Caldwell and Kootenai Counties, ID, on the one hand, and, on the other, points in WA, OR, NV, and Modoc, Lassen, and Siskiyou Counties, CA, and (d) between points in Benton County, WA, on the one hand, and, on the other, points in OR, ID, NV, UT, and Modoc, Lassen, and Siskiyou Counties, CA, and (e) between points in Salt Lake County, UT, on the one hand, and, on the other, points in NV, ID, WA, OR, and Modoc, Lassen, and Siskiyou Counties, CA.

MC 147421 (Sub-3), filed August 18, 1981. Applicant: J.N. L'HEUREUX, 95 College Ave., Waterville, ME 04901. Representative: Daniel J. L'Heureux (same address as applicant), (207) 872–8077. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Keyes Fibre Company, of Waterville, ME.

MC 152231 (Sub-4), filed August 10, 1981. Applicant: EME TRANSPORT CORP., 277 Fairfield Rd., Fairfield, NJ 07006. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting (1) *packaging materials,* between points in Passaic County, NJ, on the one hand, and, on the other, points in FL, ME, NH, VT, CT, MA, RI, NY, PA, DE, MD, VA, NC, SC, GA, and DC, and (2) *such commodities* as are dealt in by retail department and discount stores, between points in NY, NJ, MD, PA, CT, and MA, on the one hand, and, on the other, points in the U.S.

MC 152310 (Sub-3), filed August 7, 1981. Applicant: M & M EQUIPMENT CO., INC., 24400 East Alameda Ave., Aurora, CO 80011. Representative: Mark A. Davidson, 1600 Sherman St. #665, Denver, CO 80203, (303) 839–5856. Transporting *general commodities* (except classes A and B explosives) between points in CO, on the one hand, and, on the other, points in NY, NJ, KS, PA, MD, IL, IN, OH, and WI.

MC 152621 (Sub-5), filed March 24, 1981. previously noticed in **Federal Register** issue of April 24, 1981. Applicant: RUSH TRANSPORT, INC., 163 Main Street, Route 131, Sturbridge, MA 01566. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *rubber and plastic products,* between the facilities of (a) Chelsea Industries, Inc., and (b) Mobil Chemical Co., in the U.S., on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

Note.—This republication clarifies the territorial description.

MC 154661 (Sub-3), filed August 18, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., R.R. #2, Box 83B, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting (1) *metal products,* between points in Anoka, Ramsey, Hennepin, Dakota, Washington, Scott, and Carver Counties, MN, and LaCrosse County, WI, on the one hand, and, on the other, points in ND, SD, MT, ID, WA, NE, and IA, and (2) *machinery,* between points in Anoka, Ramsey, Hennepin, Dakota, Washington, Scott, and Carver Counties, MN, on the one hand, and, on the other, points in Cass County, ND.

MC 154780 (Sub-7), filed August 19, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Avenue, Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in FL, on the one hand, and, on the other, points in the U.S.

MC 155131 (Sub-1), filed August 10, 1981. Applicant: CISZAR INTERSTATE TRANSPORTATION CO., INC., P.O. Box 446, Dolton, IL 60419. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602, (312) 726–9722. Transporting *metal products,* between points in IN, IL, IA, KY, MI, MO, OH, and WI.

MC 156390, filed August 7, 1981. Applicant: PROGRESSIVE PIER DELIVERY, INC., 1 Freeman St., Newark, NJ 07105. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting *general commodities* (except classes A and B explosives) between New York, NY, on the one hand, and, on the other, points in CT, MA, RI, NY, NJ, DE, PA, MD, DC and Hillsborough County, NH.

MC 157581, filed August 6, 1981. Applicant: W. J. WALLHEIMER TRUCKING CO., 613 Hollywood Heights Rd., Caseyville, IL 62232. Representative: Walter Wallheimer (same address as applicant), (618) 345–1897, (618) 345–0780. Transporting *recyclable materials,* between points in the U.S., under continuing contract(s) with Alton Packaging Corporation, of St. Louis, MO.

MC 157710, filed August 14, 1981. Applicant: CURRY TRUCK COMPANY, a Corporation, Box 216, St. Elmo, IL 62458. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *petroleum, natural gas and their products,* between points in IL, IA, IN, and MO. Condition: To the extent that this certificate authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from date of issuance.

MC 157751, filed August 17, 1981. Applicant: CONDIT TRUCKING CO., a corporation, 1305 Hobbs Hwy., P.O. Box 960, Seminole, TX 79360. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *chemicals and related products,* between points in Eddy County, NM, on the one hand, and, on the other, points in TX.

MC 157790, filed August 19, 1981. Applicant: FIRST EXPRESS OF XENIA, 936 North Detroit St., Xenia, OH 45385. Representative: Wayne Hastings (same address as applicant), (513) 376–8126. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Carboline Co. and its division Moran Paint Co., both of Alpha, OH.

Volume No. OPY–2–165

Decided: August 25, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 61692 (Sub-20), filed August 17, 1981. Applicant: WARNERS MOTOR EXPRESS, INC., West Country Club Road, Red Lion, PA 17356. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *general commodities* (except classes A and B explosives), between points in WI, IL, MS, TN, KY,

IN, MI, OH, WV, VA, NC, SC, GA, AL, FL, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT, ME, and DC.

MC 95883 (Sub-4), filed August 14, 1981. Applicant: BASIL S. KINSON, INC., d.b.a. KINSON BUS LINES, 6 Railroad Ave., Georgetown, MA 01833. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, (617) 523–0800. Transporting *passengers and their baggage, in same vehicle with passengers,* in round-trip special and charter operations, beginning and ending at points in Essex, Middlesex, Suffolk, and Norfolk Counties, MA, and Rockingham and Hillsboro Counties, NH, and extending to points in the U.S.

MC 112123 (Sub-22), filed August 10, 1981. Applicant: BESTWAY TRANSPORTATION, 1813 E. Thomas Rd., Phoenix, AZ 85016. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602)–275–3124. Over *regular routes,* transporting *general commodities* (except classes A and B explosives) (1) between Santa Rosa and Los Angeles, CA, over U.S. Hwy 101, (2) between Redding and San Francisco, CA: from Redding over Interstate Hwy 5 to junction Interstate Hwy 505, then over Interstate Hwy 505 to junction Interstate Hwy 80, then over Interstate Hwy 80 to San Francisco, (3) between junction Interstate Hwy 80 and Interstate Hwy 580 and junction Interstate Hwy 580 and Interstate Hwy 5, over Interstate Hwy 580, (4) between junction Interstate Hwy 80 and Interstate Hwy 680 and junction Interstate Hwy 580 and Interstate Hwy 680, over Interstate Hwy 680, (5) between Redding and San Diego, CA, over Interstate Hwy 5, (6) between Sacramento and Wheeler Ridge, CA, over CA Hwy 99, (7), between Reno, NV and San Diego, CA, over U.S. Hwy 395, (8) between Bakersfield and Barstow, CA, over CA Hwy 58, (9) between San Francisco, CA and Cheyenne, WY, over Interstate Hwy 80, (10) between Sacramento, CA and Denver, CO: from Sacramento over U.S. Hwy 50 to junction U.S. Hwy 50 and Interstate Hwy 70, then over Interstate Hwy 70 to Denver, (11) between San Diego, CA and Ogden, UT, over Interstate Hwy 15, (12) between San Diego and El Centro, CA, over Interstate Hwy 8, (13) between Las Vegas, NV and Phoenix, AZ: from Las Vegas over U.S. Hwy 93 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Phoenix, (14) between Kingman and Williams, AZ, over Interstate Hwy 40, (15) between Flagstaff, AZ and Provo, UT, over U.S. Hwy 89, (16) between Provo, UT and junction NM Hwy 44 and Interstate Hwy 25: from Provo over U.S. Hwy 6 to junction Interstate Hwy 70, then over U.S. Hwy 163 to junction U.S. Hwy 666, the over U.S. Hwy 666 to junction U.S. Hwy 550, then over U.S. Hwy 550 to junction NM Hwy 44, then over NM Hwy 44 to junction Interstate Hwy 25, (17) between Las Cruces, NM and Cheyenne, WY, over Interstate Hwy 25, serving all intermediate points in (1) through (17) above, and serving all points in CA, NV, AZ, UT, CO, and NM, as off-route points in connection with applicant's existing regular route operations.

Note.—Applicant intends to tack this authority with its existing authorities.

MC 112713 (Sub-324), filed August 13, 1981. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 141652 (Sub-48), filed August 17, 1981. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39208. Representative: K. Edward Wolcott, Suite 1200, Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303, (404) 522–2322. Transporting *food and related products* between points in Gibson and Shelby Counties, TN, on the one hand, on the other, points in the U.S., under continuing contract(s) with Hunt-Wesson Foods, Inc., of Fullerton, CA.

MC 144603 (Sub-17), filed August 14, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant), 314–291–3030. *Transporting lumber and wood products* and *furniture and fixtures,* between points in Jackson County, OR, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

MC 146863 (Sub-3), filed August 17, 1981. Applicant: WEBB'S HOT SHOT SERVICE, INC., P.O. Box 1966, Rock Springs, WY 82901. Representative: Nancy R. Beiter, 725 Eighth St., SE., Washington, DC 20003, (202) 546–8700. Transporting *Mercer Commodities and electrical energy, ore, coal, geothermal and nuclear resources,* between points in AK, AZ, AR, CA, CO, ID, IL, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY.

MC 146992 (Sub-10), filed August 17, 1981. Applicant: PHIL-MART TRANSPORTATION, INC., P.O. Box 126, Braselton, GA 30517. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, 312–629–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Prime Packing Co., of Chicago, IL, and (b) Servbest Foods, Inc., of Highland Park, IL.

MC 149472 (Sub-7), filed August 17, 1981. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110, (215) 561–1030. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Baker Rubber, Inc., of South Bend, IN.

MC 151903, filed August 17, 1981. Applicant: D.T. ENTERPRISES, INC., 2709 Ellis Lane, Richmond, VA 23229. Representative: Robert R. Kaplan, P.O. Box 12085, Richmond, VA 23241, 804–771–9558. Transporting *building materials,* between points in the U.S., under continuing contract(s) with United Rockwool, Inc., of Woodbridge, VA.

MC 152202, filed August 14, 1981. Applicant: ARGO TRANSPORT LTD., 300 Canal Bank Road, Montreal, P.Q., Canada H8R 1H3. Representative: Adrien R. Paquette, 200 St. James Street, Suite 900, Montreal, P.Q., Canada (H2Y 1M1). Transporting *general commodities,* in containers (except classes A and B explosives), having a prior or subsequent movement by water, between the ports of entry on the international boundary line between the U.S. and Canada at points in NY, VT, NH and ME, on the one hand, and, on the other, points in VT, NH, MA, CT, ME, NY, NJ, DE, MD, RI, PA, OH, IN and IL.

MC 154543F, filed August 17, 1981. Applicant: MERLE BROWER, d.b.a., ALL CAL TRANSPORT, 628 W. Mitchell, Clovis, GA 93612. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *food and related products,* between points in Fresno County, CA, on the one hand, and, on the other, points in AZ, CT, FL, IL, IN, KY, MA, MD, MI, MO, NM, NY, OH, OR, PA, TN, TX, and WA.

MC 156042 (Sub-1F), filed August 3, 1981. Applicant: K & D ENTERPRISES, 2422 Highway 2 West, Kalispell, MT 59901. Representative: Kenneth P. Doty (same address as applicant), (406) 755–6565. Transporting *such commodities as are dealt in or used by producers or manufacturers of lumber, wood products, and forest products,* between points in MT and WA, on the one hand, and, on the other, points in the U.S.

MC 157453, filed August 17, 1981. Applicant: EMERGENCY MOTOR

FREIGHT, INC., Rte. 5, Box 452, Simpsonville, SC 29681. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, 803–288–6000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) American Monorail, Inc., of Simpsonville, SC, (b) The Boiler Tube Co. of America, of Lyman, SC, (c) The Cline Co., Inc., of Greenville, SC, (d) Owen Brothers, Inc., of Atlanta, GA, and (e) Storage & Handling Equipment, Inc., of Greenville, SC.

MC 157682, filed August 14, 1981. Applicant: STAR TRUCKING COMPANY, Rte. 3, Box 92, Tuttle, OK 73089. Representative Daniel O. Hands, Suite 200-A, 205 West Touhy Ave., Park Ridge, IL 60068, 312–698–2235. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Star Candy Company, of Tuttle, OK.

MC 157712, filed August 14, 1981. Applicant: HOLLY CITY TOURS, INC., 131 North High St., Millville, NJ 08332. Representative: Jeremy Kahn, 733 Investment Building, 1511 K St., NW., Washington, DC 20005, (202) 783–3525. As a *broker*, at Millville, NJ, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 157722, filed August 14, 1981. Applicant: MIKE DUZIK, d.b.a. N.D.N. TRUCKING, P.O. Box 874, Hayden, CO 81639. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203, 303–861–8046. Transporting *general commodities* (except classes A and B explosives), between points in AR, AZ, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NM, NV, NC, ND, OK, OR, SD, TX, UT, VA, WA, and WY.

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Decided: August 25, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 2304 (Sub-52), filed August 17, 1981. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43213, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between Toledo, OH, on the one hand, and, on the other, points in the U.S.

MC 7914 (Sub-7), filed August 11, 1981. Applicant: UTICA-ROME BUS CO., INC., Kirkland Ave., Clinton, NY 13323. Representative: Robert J. Brooks, 1828 L St., N.W., Suite 1111, Washington, DC 20036, (202) 466–3892. Transporting *passengers*, in charter and special operations, beginning and ending at points in Fulton, Hamilton, Herkimer, Lewis, Madison, Montgomery, Oneida, and Onondaga Counties, NY, and extending to points in the U.S.

MC 28985 (Sub-14), filed August 6, 1981. Applicant: SEASHORE TRANSPORTATION COMPANY, 812 Broad St., New Bern, NC 28560. Representative: David L. Ward, Jr., 1001 College Ct., P.O. Box 867, New Bern, NC 28560, (919) 633–1000. *Over regular routes*, (1) transporting *passengers and their baggage, mail and express*, between Jacksonville and Fayetteville, NC; from Jacksonville over NC Hwy 24 to junction NC Hwy 111, then over NC Hwy 111 to U.S. Hwy 70, then over U.S. Hwy 70 to U.S. Hwy 13, then over U.S. Hwy 13 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Fayetteville, NC; and (2) over irregular routes, transporting *passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Cumberland, Sampson and Duplin Counties, NC and extending to points in the U.S. (including AK but excluding HI).

MC 35334 (Sub-94), filed August 10, 1981. Applicant: COOPER-JARRETT, INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon (same address as applicant), (201) 267–9100. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S.

MC 85885 (Sub-3), filed August 10, 1981. Applicant: CARTER TRUCK LINES, INC., 2462 South West St., Indianapolis, IN 46225. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Delta Faucet Company, Division of Masco Corporation, of Greensburg, IN.

MC 111274 (Sub-76), filed August 17, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266–9773. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lumber Specialties, Ltd., of Delafield, WI.

MC 112395 (Sub-6), filed July 10, 1981, previously published in the FR of August 4, 1981. Applicant: CITIZEN EXPRESS, INC., 38 North French Broad Ave., Asheville, NC 28801. Representative: Robert D. Schuler, 100 West Long Lake Rd.—Suite 102, Bloomfield Hills, MI 48013, (313) 645–9600. Transporting *general commodities* (except classes A and B explosives), between points in NC, SC, Knox County, TN, and those in TN on and east of Interstate Hwy 75.

Note.—This republication corrects the territorial description.

MC 115975 (Sub-47), filed August 12, 1981. Applicant C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, IL 62095. Representative M. Burnell Watson (Same address as applicant), (618) 254–6770. Transporting (1) *coal and coal products*, (2) *petroleum and petroleum products*, (3) *natural gas and their products*, and (4) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Amoco Oil Company of Chicago, IL, Gulf Oil Company-U.S. of Houston, TX and Ashland Petroleum Company Division of Ashland Oil, Inc., of Ashland, KY.

MC 116544 (Sub-252), filed August 14, 1981. Applicant: ALTRUCK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415) 856–0117. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 119344 (Sub-9), filed August 17, 1981. Applicant: ELDON D. AYERS, 640 Canyon, Spearfish, SD 57783. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting *petroleum, natural gas and their products*, between points in MT, ND, SD, and WY.

MC 119765 (Sub-100), filed August 17, 1981. Applicant: EIGHT WAY XPRESS, INC., 5402 So. 27th St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land O Lakes, Inc. of Arden Hills, MN.

MC 119774 (Sub-116), filed August 11, 1981. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Rd., Forth Worth, TX 76116, (817) 731–8431. Transporting *general commodities* (except classes A and B explosives), between the facilities of Barshell Distributing, Inc. its dealers and distributors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 128544 (Sub-8), filed August 17, 1981. Applicant: IOWA STEEL EXPRESS, INC., 1600 C Ave. N.W., P.O. Box 1926, Cedar Rapids, IA 52406. Representative: Beverly J. Carfrae, 2960 Lafayette Dr., Boulder, CO 80303, (303) 494–4879. Transporting *metal products,* between points in MO, KS, CO, NE, IA, IL and MN.

MC 129414 (Sub-9), filed August 17, 1981. Applicant: BELL & MOONEY, INC., P.O. Box 9, Evans, CO 80620. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717-17th St., Denver, CO 80202, (303) 892–6700. Transporting *petroleum, natural gas, and their products,* between points in CO, MT, NE, ND, SD, UT and WY.

MC 134134 (Sub-99), filed August 11, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of household and restaurant appliances, between those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 136585 (Sub-1), filed August 14, 1981. Applicant: BUD COFER, INC., 4102 Creekside Ave., Toledo, OH 43612. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613, (419) 474–6883. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with A. Mindel & Son, Inc. of Toledo, OH.

MC 138184 (Sub-3), filed August 13, 1981. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A–71, Laurinburg, NC 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602, (919) 828–2421. Transporting *petroleum products,* between points in Scotland, Mecklenburg, New Hanover and Johnston Counties, NC, on the one hand, and, on the other, points in NC, SC, GA, FL, VA, MD, PA, WV, DE, RI, NY, NJ, ME, CT, VT, NH, MA, TN, KY, IN, OH, MO, KS, AR, LA, MS, AL, OK, TX, and DC.

MC 138875 (Sub-306), filed August 17, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting *metal products,* between points in IL and UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY.

MC 141745 (Sub-3), filed August 14, 1981. Applicant: ROBERT F. RANDGAARD, d.b.a. BOB'S TRUCKING, 2610 E. Whitton, Phoenix, AZ 85016. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012, (602) 274–5146. Transporting *textile and textile products,* and *vinyl and vinyl products,* between points in the U.S., under continuing contract(s) with American Textile & Trim Co., Inc., of New Orleans, LA.

MC 144624 (Sub-5), filed August 13, 1981. Applicant: AMERICAN STREVELL TRANSPORT, INC., P.O. Box 26828, 2205 W. 15th So., Salt Lake City, UT 84125. Representative: Eugene D. Anderson, 910 17th St., N.W., Suite 428, Washington, D.C. 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Stokely Van Camp, Inc. of Indianapolis, IN.

MC 146964 (Sub-18), filed August 14, 1981. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Avenue, York, PA 17403. Representative: Michael Valencik (same address as applicant), (717) 845–7030. Transporting *such commodities* as are dealt in by retail variety stores, between points in the U.S., on the one hand, and, on the other, the facilities of McCroy Stores, Division of McCroy Corporation, at points in the U.S.

MC 147915 (Sub-3), filed August 14, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Boulevard and Bridge Plaza, Commerce Square, Burlington, NJ 08106. Representative: Robert R. Harris, 1730 M Street, NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *pulp, paper and related products* and *rubber and plastic products,* between Philadelphia, PA, Wilmington DE, and points in Middlesex and Monmouth Counties, NJ, Montgomery, Delaware and Chester Counties, PA, on the one hand, and, on the other, points in IL, IN, OH, PA, VA, MD, DE, NJ, and NY.

MC 148284 (Sub-5), filed August 10, 1981. Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 997–1134. Transporting *petroleum products,* between points in Orange and Jefferson Counties, TX, on the one hand, and, on the other, points in AR.

MC 151004 (Sub-1), filed August 13, 1981. Applicant: WARNACO TRUCKING CORP., 350 Lafayette St., Bridgeport, CT 06602. Representative: John F. Ryan (same address as applicant), (203) 579–8006. Transporting *paper products,* between points in the U.S., under continuing contract(s) with Keyes Fibre, an Arcata Company of Waterville, ME.

MC 152024, filed August 12, 1981. RUMM ASSOCIATES, INC., P.O. Box 521, Grand Blanc, MI 48439. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *general commodities* (except classes A and B explosives), between points in the upper peninsula of MI, on the one hand, and, on the other, points in MI, OH, IL, WI, MN, MO, KY, IN, PA, and NY.

MC 152024 (Sub-1), filed August 14, 1981. Applicant: RUMM ASSOCIATES, INC., P.O. Box 521, Grand Blanc, MI 48439. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *iron and steel articles,* between points in the U.S. under continuing contract(s) with the General Motors Corporation of Troy, MI.

MC 153085 (Sub-1), filed August 17, 1981. Applicant: DUSTY BULLOCK, INC., Rt. 1, Box 207, Caryville, TN 37714. Representative: Peter A. Greene, 1920 N. St. N.W., Suite 700, Washington, D.C. 20036, (202) 331–8800. Transporting *food and related products,* between points in Campbell County, TN, on the one hand, and, on the other, points in FL, IL, IA, KS, PA, TX and WI.

MC 154004 (Sub-1), filed August 17, 1981. Applicant: TRANSPORTATION TECHNIQUES, INC., 10 Potomac Lane, Southington, CT 06489. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *general commodities* (execpt classes A and B explosives), between points in the U.S., under continuing contract(s) with James River Corporation, of Richmond, VA.

MC 157715, filed August 14, 1981. Applicant: LESTER C. SMITH, d.b.a. D & S TRUCKING, 1013 Pine Tree Rd., Mary Ester, FL 32569. Representative: Lester C. Smith (same as applicant) (904) 581–3085. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Berg Steel Pipe Corporation, of Panama City, FL.

MC 157735, filed August 14, 1981. Applicant: IVAN R. MARTIN, R. D. #1, Box 138, Narvon, PA 17555. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602, (717) 299–1181. Transporting *agricultural limestone,* (1) between points in Lancaster County, PA, on the one hand, and, on the other, points in NY, NJ, DE, MD and VA and (2) between points in Kent and Sussex Counties, DE, on the one hand, and, on the other, points in MD and VA.

MC 157664, filed August 12, 1981. Applicant: GEORGE WEIR, 871 Pymouth St., Abington, MA 02351. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. As a *broker*, arranging for the transportation of *household goods*, between points in ME, NH, MA, and RI, on the one hand, and, on the other, points in the U.S.

MC 157725, filed August 17, 1981. Applicant: DENNIS HOGAN, d.b.a. FAIRWAY AUTO TRANSPORT, East 2027 Sprague, Spokane, WA 99202. Representative: Dennis Hogan (same as applicant) (509) 535–0415. Transporting *used automobiles and used trucks*, between points in WA, OR, ID and MT.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25520 Filed 9-1-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 153]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: August 27, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF 496 (Sub-1)X, filed August 12, 1981. Applicant: ROBERT DEMORRO, d.b.a. CONTRAN'S, 25 James Street, New Haven, CT 06513. Representative: Donald Baillie, P.O. Box 765, Cheshire, CT. Applicant seeks to remove restrictions in its lead permit to change one-way authority to radial authority between points in CT on the one hand, and, on the other, points within the limits of the Harbor of New York, NY, and harbors contiguous thereto, as defined in 49 CFR 1070.1(a), and New Haven, Bridgeport and New London, CT.

MC 2153 (Sub-53)X, filed August 13, 1981. Applicant: MIDWEST MOTOR EXPRESS, INC., 5015 East Main, P.O. Box 1058, Bismarck, ND 58501. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Applicant seeks to remove restrictions from its Sub-No. 51 certificate to broaden the commodity description from general commodities, with exceptions, to "general commodities (except classes A and B explosives)."

MC 44801 (Sub-23)X, filed August 12, 1981. Applicant: DICK HARRIS & SONS TRUCKING CO., INC., 4000 Harris Lane, P.O. Box 10277, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-No. 17F certificate to broaden certain commodity descriptions in part (1), as follows: to "metal products and lumber and wood products" from container closures and container components: "clay, concrete, glass or stone products" from glassware: "pulp, paper and related products, rubber and plastic products, and textile mill products" from packing products: and "waste or scrap materials" from scrap materials.

MC 75593 (Sub-3)X, filed August 10, 1981. Applicant: A & A TRANSPORT, INC., Route 87, Franklin, CT 06254. Representative: William J. Meuser, Esq., 86 Cherry Street, P.O. Box 507, Milford, CT 06460. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) remove exceptions to its general commodities, except classes A and B explosives and household goods; and (2) broaden the territorial description from one way to radial and to change the description from points in RI and CT within 30 miles of New London to New London, Hartford, Windham, Tolland, Middlesex and New Haven Counties, CT, and Washington, and Kent and Counties, RI, and from New London, CT to New London County, CT

MC 105902 (Sub-29)X, filed August 12, 1981. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, NY 14527. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its lead and Subs-Nos. 3, 5, 7, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21F, 22F, 24F, 25F, 26, and 28 certificates to (1) broaden the commodity description in each of these certificates from general commodities (with exceptions) to "general commodities, except Classes A and B explosives"; (2) replace one-way regular route authority with two-way authority between Utica and Norwich, NY, and one-way irregular route authority with radial authority between points in Oneida and Madison Counties, NY and between points in Fulton County, NY and, Herkimer and Montgomery Counties, NY, in Sub-No. 16; (3) allow service at all intermediate points on its regular-route authority as follows: (a) in the lead, between Elmira, NY and New York, NY, between Elmira, NY and Olean, NY, between Elmira, NY and Penn Yan, NY, (b) in Sub-No. 16, between Utica, NY, and Norwich, NY, between South New Berlin, NY and Binghamton, NY, and between South New Berlin, NY and Oneonta, NY, and (c) in Sub-No. 20, between Philadelphia, PA and Binghamton, NY and between Philadelphia, PA and Elmira, NY; and (4) change specified off-route points to counties as follows: (a) in Sub-No. 11, Tonawanda, North Tonawanda, Lancaster, Fairport, Youngstown, Jordan, Clifton Springs, Shortsville, Albion, Medina, and Webster, NY with Cayuga, Erie, Monroe, Niagara, Onondaga, Ontario, Oreleans, and Wayne Counties, NY, (b) in Sub-No. 16, Hubbardsville, NY with Madison County, NY, Jordanville, Salt Springville, Springfield Center, and Van Hornesville, NY with Herkimer, Montgomery, and Otsego Counties, NY, Bennettsville, Columbus, Endicott, Endwell, Franklin, Guilford, Johnson City, Langdon, Laurens, Masonville, New Lisbon, North Franklin, North Treadwell, Port Crane, Port Dickinson, Sanitaria Springs, South Edmeston, Treadwell, Union, Vestal, West Edmeston, and Willow Point, NY with Broome, Chenango, Delaware, Madison, Otsego, and Tioga Counties, NY, and Smyrna, South Plymouth, and Sherburne Four Corners, NY with Chenango County, NY, (c) in Sub-No. 18, Altamont, Delanson, and Voorheesville, NY with Albany, Schenectady, and Schoharie Counties, NY, Rennselaer, Cohes, Scotia, and Franklin, NY with Albany, Delaware, Rennselaer, and Schenectady Counties, NY,

Lackawanna, Lockport, Livonia, Alfred, Troupsburg, Howard, Lindley, Perkinsville, Pine City, Presho, Seeley Creek, and Springwater, NY with Allegany, Chemung, Erie, Livingston, Niagara, and Steuben Counties, NY and Bradford County, PA, and Wellsburg, Erin, and Straits Corners, NY with Chemung and Tioga Counties, NY and Bradford County, PA, (d) in Sub-No. 20, Wind Gap, PA with Monroe and Northampton Counties, PA, and (e) in Sub-No. 26, Ampthill, VA with Chesterfield County, VA; (5) remove the restriction to the transportation of traffic having an immediate prior or subsequent movement by rail in Sub-No. 24F; (6) remove the restrictions precluding service to the entire commercial zones of Utica, NY and Binghamton, NY in Sub-No. 16; and (7) remove the for joinder only restriction in Sub-No. 20.

MC 106002 (Sub-4)X, filed August 13, 1981. Applicant: JOHN F. HARRIS, d.b.a. HOGAN'S TRANSFER & STORAGE CO., 1122 S. Davis Ave., Elkins, WV 26241. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in MC–116119 Sub-No. 24 permit to (1) broaden the commodity description from new furniture and finished wood panels and materials and supplies used in the manufacture and distribution of new furniture and finished wood panels (except commodities in bulk) to "furniture and fixtures and materials, equipment and supplies used in their manufacture, production and sale"; and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 107913 (Sub-22)X, filed August 17, 1981. Applicant: F & W EXPRESS, INC., 165 S. Parkway West, Memphis, TN 38109. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Applicant seeks to remove restrictions in its authority acquired in MC–F–14241F to (1) broaden the commodity discription by removing exceptions to general commodities (except classes A and B explosives); (2) serve all intermediate points on its regular routes between Benton, KY and Dyersburg, TN, and between St. Louis, MO, and Dyersburg, TN; and (3) remove a restriction against the transportation of malt beverages and new furniture destined to Dyersburg, TN, and points in its commercial zone.

MC 111687 (Sub-42)X, filed August 19, 1981. Applicant: BEN RUEGSEGGER TRUCKING SERVICE, INC., Route 1, Kawkawlin, MI 48631. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Applicant seeks to remove a restriction from its Sub-No. 41 certificate to broaden the commodity description from malt beverages to "food and related products."

MC 119741 (Sub-305)X, filed August 17, 1981. Applicant: GREEN FIELD TRANSPORT CO., INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 300X certificate to broaden the territorial description (a) from points within 25 miles of Elwood, IA, to Cedar, Clinton, Dubuque, Jackson, Jones and Scott Counties, IA, (b) from points within 15 miles of Marquoketa, IA, to Cedar, Clinton, Jackson and Jones Counties, IA and (c) points within 60 miles of Fulton, IL, to Bureau, Carroll, Henry, Jo Daviess, Knox, LaSalle, Lee, Marshall, Mercer, Ogle, Putnam, Rock Island, Stark, Stephenson, Whiteside, and Winnebago Counties, IL.

MC 124111 (Sub-69)X, filed August 10, 1981. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins, P.O. Box 2297, Sandusky, Ohio 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 11, 14, 15, 17, 18, 19, 23, 24, 25, 26, 27, 29, 31, 32, 35, 38, 39, 40, 42, 44, 45, 46, 50, 51, 53, 55, 57, 59F, 60F, 61F, 62F, 65F, certificates and E–1 letter notice, to (1) broaden the commodity description to (a) "food and related products" from meats, meat products, and meat by-products in Sub-Nos. 3, 11, 15, 17, 18, 19, 24, 27, 59F, and 60F, bananas in Sub-Nos. 4, 23, 32, 35, 38, 40, 51, 55, 57 and E–1, oleomargarine, salad dresssing, coconut oil, vegetable oil, vegetable oil-fatty acids, cooking oil, shortening, stearine, stearate and mayonnaise in Sub-No. 14, lard in Sub-No. 15, cheese products in Sub-No. 24, prepared foods, cabbage, sauerkraut, pickles, sugar, fresh fruits and vegetables, packaged vegetables, fresh tomatoes, tomato pulp, tomato juice, ketchup in Sub-No. 25, cole slaw, salads, bakery goods in Sub-No. 26, foodstuffs in Sub-Nos. 27, 31, and 62F, frozen foods and frozen prepared foods in Sub-Nos. 27, 39, and 42, vegetable oil shortening in Sub-No. 44, prepared flour mixes and frosting mixes in Sub-No. 45, food and food products in Sub-No. 46, frozen bakery products in Sub-Nos. 50 and 53, frozen bread, salad dressings, croutons and popcorn in Sub-No. 61F, and spaghetti, macaroni, and noodle products in Sub-No. 65F, non-carbonated fruit drinks, chocolate drink, cider and frozen yogurt in Sub-No. 29, (b) "printed matter" from advertising material in Sub-Nos. 14 and 25; (c) "metal products" from steel, steel stampings, cans and bottle caps in Sub-No. 25; (d) "clay, concrete, glass or stone products" from glass containers, enamelware and enamelware products in Sub-No. 25; (e) "rubber and plastic products" from electric refrigerator parts in Sub-No. 25; (f) "waste or scrap materials" from scrap metals in Sub-No. 25; (g) "chemical and related products" from salt in Sub-No. 25; (h) "coal and coal products" from coal in Sub-No. 25; (i) "furniture and fixtures" from office supplies in Sub-No. 25 (2) replace facilities limitations and specific point authority with city-wide or county-wide authority to (a) Erie County, OH from Sandusky, OH in Sub-Nos. 3 and 48, (b) Columbus, OH for facilities at Columbus, OH in Sub-Nos. 14, 26, and 62F, (c) Highland County, OH for Greenfield, OH in Sub-Nos. 15 and 17 and facilities at Greenfield, OH in Sub-No. 59F, (d) Sandusky County, OH for Fremont, Cincinnati and Clyde, OH in Sub-No. 25, (e) Huron County, OH for Bellevue, OH in Sub-No. 25, (f) Ottawa County, OH for Oak Harbor, OH in Sub-No. 25; (g) Wood County, OH for Bowling Green, OH in Sub-No. 25, (h) Trumbull County, OH for Warren, OH in Sub-No. 25, (i) Mahoning County, OH for Youngstown, OH in Sub-Nos. 25 and 32, (j) Wayne County, OH for Orrville, OH in Sub-No. 27 (k) Seneca County, OH for New Riegel and Tiffin, OH in Sub-No. 27, (l) Cuyahoga County, OH for Bedford Heights, OH in Sub-No. 61 and facilities at Solon, OH in Sub-No. 31, (m) Jackson, OH for facilities at Wellston, OH in Sub-No. 42, (n) Dayton, OH for facilities at Dayton, OH in Sub-No. 60F, (o) Preble County, OH for facilities at Lewisburg, OH in Sub-No. 60F, (p) Kane County, IL for facilities at North Aurora, IL in Sub-No. 11, (q) Madison County, IL for Alton, IL in Sub-No. 25, (r) Daviess County, IN for Washington, IN in Sub-No. 24, (s) Fayette County, IN for Connersville, IN in Sub-No. 25, (t) Grant County, IN for Gas City, IN in Sub-No. 25, (u) Adams County, IN for facilities at Decatur, IN in Sub-No. 44, (v) Hillsdale County, MI for Jonesville, MI in Sub-No. 25, (w) Kent County, MI for Grand Rapids, MI in Sub-No. 32, (x) Detroit, MI for facilities at Detroit, MI in Sub-No. 39, (Y) Washtenaw County, MI for facilities at Chelsea, MI in Sub-No. 45, (z) Wayne County, MI for facilities at Livonia, MI in Sub-Nos. 50 and 53, (aa) Erie County, NY for Buffalo, NY in Sub-Nos. 25 and 27, (bb) Onondaga County, NY for Syracuse, NY in Sub-Nos. 25 and 27, (cc) Chautauqua, Cattaraugus and Monroe Counties, NY for Jamestown, Olean and Rochester, NY in Sub-No. 27, (dd)

Allegheny County, PA for New Kensingston, PA in Sub-No. 25, (ee) Beaver County, PA for Ambridge, PA in Sub-No. 25, (ff) New Castle County, DE for Wilmington, DE in Sub-No. 23, (gg) Cumberland and Hudson Counties, NJ for Rosenhayn and Weehawken, NJ in Sub-No. 55, (hh) Youngstown, OH, with Mahoning County, OH, Grand Rapids, MI, with Kent County, MI, Fort Wayne, IN, with Allen County, IN, in Sub-No. 4; (3) replace existing one-way authority with radial authority between cities and counties named in (2) and points in several States throughout the United States in Sub-Nos. 3, 4, 11, 14, 15, 17, 18, 19, 23, 24, 25, 26, 27, 29, 31, 32, 35, 38, 39, 40, 42, 44, 45, 46, 50, 51, 53, 55, 57, 59F, 60F, 61F, 62F, 65F, and E–1; (4) delete restrictions (a) originating at and destined to named points in Sub-Nos. 11, 14, 15, 17, 24, 26, 27, 31, 42, 44, 45, 46, 50, 53 and 59F, (b) commodities in bulk, in tank vehicles in Sub-Nos. 11, 14, 15, 17, 45, 46, 59F and 60F, (c) in vehicles equipped with mechanical refrigeration in Sub-Nos. 14, 29, 31, and 62F, (d) hides and pelts in Sub-Nos. 11, 18 and 19, (e) animal and vegetable oil, in bulk, in tank vehicles in Sub-No. 19, (f) meat, meat products, meat by-products in Sub-No. 27; (5) delete restriction against the transportation of traffic moving to points in Canada in Sub-No. 4; (6) delete restriction to traffic originating at points in Seneca and Wyandot Counties, OH, in Sub-No. 18; (7) delete mixed loads restriction in Sub-Nos. 23, 57, and E–1; (8) remove restriction limiting transportation to shipments having a prior movement by water with specific destinations in Sub-No. 23; and (9) delete restriction against the transportation of glass containers from three named points in PA in Sub-No. 25.

MC 124170 (Sub-183)X, filed August 17, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant Seeks to remove restrictions in its Sub-No. 57 certificate to (1) broaden the commodity description from bananas, and agricultural commodities the transportation of which is otherwise exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with bananas to "food and related products"; (2) replace Charleston, SC with county-wide authority to serve Charleston, Dorchester and Berkeley Counties, SC; (3) change its one-way to radial authority between Charleston, Dorchester and Berkeley Counties, SC, and points in IL, IN, KY, MI, NY, OH, PA, TN and WV; and (4) eliminate the ex-water restriction.

MC 124984 (Sub-72)X, filed August 14, 1981. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 63F permit to broaden the commodity description from vegetable, cooking, and salad oil, and shortening (except in bulk), to "food and related products and chemicals and related products"; and (2) expand the territorial authorization to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 133085 (Sub-20)X, filed August 14, 1981. Applicant: TRENCO, INCORPORATED, P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 16F certificate to (1) eliminate the restriction prohibiting the transportation of (a) commodities in bulk, in tank vehicles, and (b) traffic to AK and HI; and (2) replace facilities authority with city-wide authority: facilities at or near Des Plaines, IL, with Cook and DuPage Counties, IL.

MC 139127 (Sub-3)X, filed August 17, 1981. Applicant: TODD TRANSIT, INC., P.O. Box 6383, Rockford, IL 61125. Representative: Marc J. Blumenthal, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F certificates to (1) broaden the commodity description to "general commodities, except Classes A and B explosives" from general commodities with usual exceptions; (2) eliminate the restriction limiting service to the transportation of traffic having a prior or subsequent movement by air or water; and (3) broaden the territorial description by replacing O'Hare Airport, Illinois and points within ten miles thereof with the Chicago, IL Commercial Zone, in Sub-No. 1F.

MC 133099 (Sub-18)X, filed August 12, 1981. Applicant: THE GLASGOW & DAVIS COMPANY, P.O. Box 1717, Salisbury, MD 20810. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Applicant seeks to remove the restrictions in its lead and Sub-Nos. 2, 3, 5, 6, 10, 13, 15F, 16F, and 17F certificates to (1) broaden the commodity descriptions from (a) agricultural commodity containers to "pulp, paper and related products, rubber and plastic products, metal products, containers, carriers or devices, shipping, returned empty" in the lead; (b) waste paper and waste cardboard for recycling purposed to "pulp, paper and related products, waste or scrap materials not identified by industry producing" in Sub-No. 2; (c) malt beverages and foodstuffs to "food and related products" in Sub-Nos. 3, 5, 6, 10, 13, and 17F; and (d) precast concrete products and brick and block products to "clay, concrete, glass or stone products and building materials" in Sub-Nos. 15F and 16F; (2) expand territorial description from (a) Woodland, NC, and points within 15 miles thereof to Hertford, Northampton, Bertie and Halifax Counties, NC, in the lead; (b) West Point, VA to King and Queen, King Williams, and New Kent Counties, VA, in Sub-No. 2; (c) South Volney, NY to Oswego County, NY, in Sub-No. 3; (d) Detroit, MI to Wayne, Washtenaw, Oakland, Macomb, and Monroe Counties, MI, in Sub-No. 5; (e) Eden, NC to Rockingham County, NC, in Sub-No. 6; (f) Winston-Salem, NC, to Forsyth, Davidson, Guilford, and Yadkin Counties, NC, in Sub-No. 10; and (g) Albany, GA to Lee and Dougherty Counties, GA, in Sub-No. 17F; (3) change one-way to radial authority; and (4) remove the "except frozen and except in bulk" restriction in Sub-No. 13.

MC 144599 (Sub-8)X, filed August 13, 1981. Applicant: TRANSFER, INC., 4750 Kentucky Ave., Indianapolis, IN 46241. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in Sub-Nos. 1F, 2F and 7F certificates to: (1) broaden the commodity descriptions in Sub-No. 1F from dry plastics, in bulk to "commodities in bulk"; remove the "in hopper-type vehicles" restriction; broaden Indianapolis, IN to Marion County, IN; and expand existing one-way authority to radial authority; (2) broaden the commodity description in Sub-No. 2F, from dry corn starch, in bulk, to "corn products"; replace named facilities at Indianapolis, IN with County-wide authority in Marion County, IN; eliminate the "AK and HI" exceptions; expand existing one-way authority with radial authority; and eliminate the "originating at" restriction; (3) in Sub-No. 7F, remove the "household goods" exception from its general commodities authority; and eliminate the facilities limitation.

MC 145753 (Sub-5)X, filed August 12, 1981. Applicant: C & K BROKERAGE, INC., d.b.a. NORTHERN TRANSPORTATION, R.D. 1, Gouverneur, NY 13642. Representative: Dixie C. Newhouse, 1329 Pennsylvania

Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 4F permits to: (1) broaden the commodity descriptions: in part (1) of Sub-No. 1 to "pulp, paper and related products and printed matter" from printing paper; in part (1) of Sub-No. 4F to "pulp, paper, waste paper and related products and printed matter" from printing paper, waste paper, and processed waste paper; (2) broaden the territorial descriptions in Sub-Nos. 1 and 4F to between points in the U.S. under continuing contract(s) with named shippers; and (3) in Sub-Nos. 1F and 4F to remove the except commodities in bulk restriction.

MC 146585 (Sub-6)X, filed August 19, 1981. Applicant: DOUBLE DD TRUCK LINE, INC., P.O. Box 230, Canby, OR 97013. Representative: John A. Anderson, 1600 One Main Place, 101 SW Main Street, Portland, OR 97204. Applicant seeks to remove the restriction from its Sub-No. 2 certificate to change one-way authority to radial authority between OR and WA, and, points in twenty-two States.

MC 146598 (Sub-3)X, filed August 14, 1981. Applicant: NORMAN J. LENZ, Route 2, County Gate Lane, Black Creek, WI 54106. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions its Sub-No. 2F certificate as follows: (1) substitute "pulp, paper, and related products", for paper and paper products; (2) substitute radial service for existing one-way authority; (3) eliminate the originating at and destined to restriction; and (4) expand the territorial coverage from facilities at Appleton, WI, to Outagamie and Winnebago Counties, WI.

MC 144695 (Sub-3)X, filed August 17, 1981. Applicant: N & S TRUCKING, INC., Route 1, Francisco, IN 47649. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian Street, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F permits to (1) broaden the commodity description (a) to "rubber and plastic products and materials used in the manufacture of vehicle and plastic products" from rubber caster wheels and materials used in the manufacture of rubber products (except commodities in bulk) in Sub-No. 1F, and (b) to "chemicals and related products" from chemicals (except in bulk) in Sub-No. 2F; and, (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shippers.

MC 147323 (Sub-34)X, filed August 18, 1981. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Avenue, Dearborn, MI 48126. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in its MC-146146 Sub-No. 1F permit to (1) broaden the commodity description from fluid drives, couplings, gas and air moving equipment, dust collectors, industrial coils and equipment materials and supplies to "metal products, machinery, transportation equipment and those commodities which, because of size or weight, require the use of special equipment or special handling, and materials equipment and supplies used in the manufacture and distribution of the above commodities"; and (2) broaden the territorial authority to between points in the U.S., under a continuing contract(s) with a named shipper.

MC 149283 (Sub-2)X, filed August 14, 1981. Applicant: HAYWARD TRUCKING, INC., 6549 Robinson Road, P.O. Box 23462, Jacksonville, FL 32217. Representative: Norman J. Bolinger, Suite 225, 3100 University Blvd. S., Jacksonville, FL 32216. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description to "commodities in bulk" from road building and construction aggregates, in bulk.

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BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seeks authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-149

The following applications were filed in region 2. Send protests to: ICC Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 146820 (Sub-II-12TA), filed August 24, 1981. Applicant: B & G TRUCKING, INC., 579 High St., Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular; Plastic products, equipment, materials and supplies* used in the manufacture distribution of plastic products, between points in Cook, Sangamon and Will Counties, IL, on the one hand, and, on the other, points in IN, KY, MI, MO, OH, PA, NY, WV and WI, for 270 days. Under continuing contract(s) with Mobil Chemical Co. Supporting shipper: Mobil Chemical Company, Pittsford, NY 14534.

MC 157809 (Sub-II-1TA), filed August 20, 1981. Applicant: JOHN LAHOTSKI, STEPHEN, LAHOTSKI, WILLIAM LAHOTSKI & PAUL LAHOTSKI d.b.a. BLUE & WHITE TRUCKING, 181 Phillips St., Throop, PA 18512. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. (1) *Coal and coal products (in export service only)* from Lackawanna and Luzerne Counties, PA to New York, NY; Newark and Elizabeth, NJ and Philadelphia, PA; and (2) *scrap metal* between Lackawanna County, PA, on the one hand, and, on the other, points in NY, NJ, CT, for 270 days. Supporting shipper(s): DeNaples Auto Parts, 118 Bush St., Dunmore, PA 18512.

MC 488 (Sub-II-20TA), filed August 24, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same address as applicant). *Contract, irregular, machinery (except electrical),* between points in the United States under continuing contract(s) with Heckett, Div. of Harsco Corp, Butler, PA, for 270 days.

An underlying ETA seeks 120 days authority. Supporting shipper: Heckett Engineering, P.O. Box 1071, Butler, PA 16001.

MC 146876 (Sub-II–8TA), filed August 24, 1981. Applicant: BURKS TRUCKING, INC., P.O. Box 37, Old Fort, OH 44861. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. (1) *Sodium bicarbonate* (except in bulk), from Fremont, OH to points in AR, DE, GA, IN, IL, IA, KY, MD, MI, MO, NJ, NY, PA, TN, VA, WV, and WI, and (2) *materials and supplies used in the manufacture and distribution of sodium bicarbonate* (except in bulk), from points in AR, DE, GA, IN, IL, IA, KY, MD, MI, MO, NJ, NY, PA, TN, VA, WV, and WI to Fremont, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Church & Dwight Co., P.O. Box 369, Piscataway, NJ 08854.

MC 146202 (Sub-II–2TA), filed August 20, 1981. Applicant: CONTRACTUAL CARRIER$, INC., Alan Dr., Harmony Industrial Park, Newark, DE 19711. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, and those requiring special equipment), between points in New Castle County, DE, on the one hand, and, on the other points in MI, IN, IL, OH, SC, NC, GA, and MA. An underlying ETA seeks 120 days authority. Supporting shipper: D & S Warehousing, Inc., Harmony Industrial Park, Newark, DE 19711.

MC 153287 (Sub-II–3TA), filed August 24, 1981. Applicant: DRESSER TRANSPORTATION SERVICE, INC., 400 W. Wilson Bridge Road, Worthington, OH 43085. Representative: George C. Sanders, 4445 Weaver Court, N., Hilliard, OH 43026. *Machinery or Machines, NOI: SU, KU. Machine Parts, NOI. Mud or Compounds, gas or oil well drilling, or Gas or Oil Well Drilling Mud Treating Compounds, in bags or barrels* between Appleton and Wausau, WI on the one hand, and, on the other, points in the US for 270 days. Supporting shipper(s): Dresser Industries, Inc., Magcobar Group, PO Box 6504 DCOB Room 187, Houston, TX 77005.

MC 107012 (Sub-II–188TA), filed August 24, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *General commodities* (except class A & B explosives and household goods) between points in the United States, restricted to traffic originating at and/or destined to the facilities of Keller Industries, Inc. for 270 days. Supporting shipper: Keller Industries, Inc., 18000 State Road 9, Miami, FL 33162.

Note.—Common control may be involved.

MC 152640 (Sub-II–9TA), filed August 20, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Contract, irregular: *such merchandise as is dealt in and distributed by retail department stores and discount houses,* between Philadelphia, PA; Orangeburg and Conway, SC; and Hialeah, FL, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Fishman & Tobin, Inc. and its subsidiaries, for 270 days. Supporting shipper(s): Fishman & Tobin, Inc., 176 Loudon St., Philadelphia, PA 19120.

MC 157853 (Sub-II–1TA), filed August 24, 1981. Applicant: VAN HEUSEN TRANSPORTATION CORPORATION, P.O. Box 307, Schuylkill Haven, PA 17972. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *General commodities (except classes A and B explosives),* between points in AL, AR, CT, DE, DC, FL, GA, LA, MA, MD, MS, NJ, NY, NC, PA, RI, SC, TN, TX, VA, WV, for 270 days. Supporting shippers: There are five (5) statements of support, which may be examined at the ICC Reg. Ofc., Phila., PA.

MC 153979 (Sub-II–4TA), filed August 24, 1981. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Rd., Richmond, VA 23234. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. Contract, irregular: *Plastic (Cellulose acetate), granular or flakes, in bulk,* between York County, SC, on the one hand, and, on the other, Giles County, VA, for 270 days. An underlying ETA seeks 120 days authority. Under continuing contract with Celanese Fibers Co., Charlotte, NC. Supporting shipper: Celanese Fibers Co., P.O. Box 32414, Charlotte, NC 28232.

MC 144907 (Sub-1TA), filed August 24, 1981. Applicant: WILSON'S MILK HAULING, INC., 4971 Pleasant Avenue, Hamilton, OH 45014. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. *Fertilizer and fertilizer materials,* between points in IN, KY, OH and the lower peninsula of MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ohio Farmers Grain & Supply Association, 455 W. 4th St., P.O. Drawer M, Fostoria, OH 44830.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 154103 (Sub-3–4TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Paint and chemicals for paint manufacturing along with packaging materials and containers,* from the facilities of Enterprise Paint at Wheeling, IL, to points in the U.S. Supporting shipper: Enterprise Paint, 1191 Wheeling Road, Wheeling, IL 60090.

MC 154103 (Sub-3–3TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Metal products, paint, sheet metal fireplaces, gas grills, laundry dryers, sheet steel coal, wood burning fireplaces, sheet metal duct pipe, sheet metal smoke flues, single wall sheet steel boxes with open and closed walls, related parts for manufacturing, firebrick,* from the facilities of Temtex Products, Inc. at Nashville, TN to points in the U.S. Supporting shipper: Temtex Products, Inc., 4101 Charlotte Avenue, Nashville, TN 37209.

MC 157406 (Sub-3–1TA), filed August 25, 1981. Applicant: AUTAUGA TRANSPORT, INC., Rt. 3, Box 363A, Prattville, AL 36067. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104. *Contract; Irregular;* (1) *Paper machine clothing, and (2) materials, supplies, and equipment used in the production, sale distribution of paper machine clothing,* (1) From the facilities of Albany International Corp., Appleton Wire Division, in Montgomery, AL, to Portland, TN; Jacksonville, FL; Albany and Atlanta, GA; Charlotte, NC; Tumwater, WA; Portland, ME; Los Angeles, CA; Appleton, WI; Delaware City, DE; Albany, NY, and points in their commercial zones; and (2) From Delaware City, DE; Albany, and Hoerner, NY; Columbia, SC; and Atlanta, GA, and their commercial zones, to the facilities of Albany International Corp., Appleton Wire Division, in Montgomery, AL, under continuing contract(s) with Albany International Corp., Appleton Wire Division of Montgomery, AL. Supporting shipper: Albany International Corp., Appleton Wire Division, P.O. Box 1066, Montgomery, AL 36198.

MC 143621 (Sub-3–20TA), filed August 25, 1981. Applicant: TENNESSEE STEEL HAULERS, INC., Post Office Box 100991,

Nashville, TN 37210. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. *Lumber and wood products* between points in Greene County, TN, on the one hand, and, on the other, points in AL, GA, SC, KY, IA, WI, MS, IL, IN, MD, MI, MO, OH, PA, VA, and WV. Supporting shipper: Spartanburg Forest Products, Inc., Box 2882, Spartanburg, SC 29304.

MC 142232 (Sub-3–2TA), filed August 25, 1981. Applicant: BARRETT TEXTILE TRANSPORT INC., P.O. Box 6, Industrial Park, Kings Mountain, NC 28086. Representative: Dr. Peter T. Barrett, 2757 Loch Lane, Charlotte, NC 28211. *Contract Carrier, irregular: synthetic yarn & fiber* between points in the U.S. under continuing contract with Barnet Southern Corporation of Arcadia, SC. Supporting shipper: Barnet Southern Corporation, Arcadia, SC 29320.

MC 157916 (Sub-3–1TA), filed August 25, 1981. Applicant: RONALD C. JOHNSTON, d.b.a. R.C. JOHNSTON TRUCKING, P.O. Box 422, Dolomite, AL 35061. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35021–0217. *Metal Products,* between Warrior, AL, on the one hand, and, on the other, points in AL, FL, GA, LA, MC, NC, SC, TN and TX. Supporting shipper: H & H Fabricators, Inc.; P.O. Box 187, Warrior, AL 35180.

MC 150193 (Sub-3–3TA), filed August 25, 1981. Applicant: DARICA TRUCKING CO., 338 S. Oliver St., Elberton, GA 30635. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. (1) *granite* from points in Elbert, Madison and Oglethorpe Counties, GA to points in the U.S. west of TX, OK, KS, NE, IA and MN; and (2) *equipment, materials and supplies used in the mining, processing and distribution of granite* on return. Supporting shipper: Elberton Granite Finishing Co., Inc., P.O. Box 110, Elberton, GA 30635.

MC 150133 (Sub-3–4TA), filed August 25, 1981. Applicant: DDI TRANSPORT, INC., 2344 Bee Ridge Road, Sarasota, FL 33579. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005, (202) 347–9332. *General commodities (except classes A and B explosives),* between the facilities of Trojan Shippers Association, Inc., and its members, at points in Miami and Montgomery Counties, OH, on the one hand, and, on the other, points in the US. Supporting shipper: Trojan Shippers Association, Inc., P.O. Box 598, Big Four Railroad and Crawford Streets, Troy, OH 45373.

MC 128539 (Sub-3–1TA), filed August 25, 1981. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4508, Rocky Mount, NC 27801. Representative: James F. King, Jr. (address same as above). *Corn products* from Charlotte, NC to points in AL, FL, GA, KY, MD, NC, SC, TN, VA, WV, and DC. Supporting shipper: Clinton Corn Products, P.O. Box 6166, Greenville, South Carolina 29606.

MC 59150 (Sub-3–19TA), filed August 26, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *General Commodities (except Classes A and B explosives)* between the facilities of Exposaic Industries, Inc. in the U.S., on the one hand, and, on the other, points in the U.S. Supporting shipper: Exposaic Industries, Inc., P.O. Box 1122, Mt. Airy, NC 27030.

MC 154103 (Sub-3–1TA), filed August 25, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Recycled waste products,* from the facilities of Steiner Liff Co. at Nashville, TN to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Steiner Liff Co., 400 Davidson Street, Nashville, TN 37213.

MC 157884 (Sub-3–1TA), filed August 25, 1981. Applicant: W.S. "RED" HANCOCK, INC., P.O. Box 207, Bentonia, MS 39040. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Oilfield equipment* between points in the States of AL, AR, FL, GA, LA, MS, OK, TN and TX. Supporting Shipper: Helmerich & Payne International Drilling Co., P.O. Box 6173, Pearl, MS 39208.

MC 148334 (Sub-3–1TA), filed August 25, 1981. Applicant: BLUE MOUNTAIN TRUCKING CORPORATION, P.O. Box 86, Blue Mountain, MS 38610. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Expanded plastic articles* between Worcester County, MA and Salt Lake County, UT on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, KS, KY, LA, MS, MO, NC, NJ, NM, NY, OH, OK, PA, SC, TN, TX, VA and WV. Supporting shipper: Korfil, Inc., P.O. Box 123, Chicopee, MA 01014.

The following applications were filed in region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 87966 (Sub-4–7TA), filed August 20, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 South 76th Avenue, Hickory Hills, IL 60457. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Furniture and fixtures, and materials and supplies used in the manufacture thereof,* between Fargo, ND on the one hand, and, on the other, points in the U.S. Supporting shipper: Palliser Furniture Corp., 1001–25th St North, Fargo, ND 58102.

MC 119936 (Sub-4–3TA), filed August 20, 1981. Applicant: FAIRFIELD MOTOR TRANSPORTATION CO., 4350 W. 123rd St., Alsip, IL 60658. Representative: Stephen H. Loeb, Suite 2027, 33 N LaSalle St., Chicago, IL 60602. (1) *Solar equipment, furnaces, air-conditioning machinery, heaters, and containers, and (2) equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above,* between the facilities of Rheem Mfg. Co., at Indianapolis, IN, Chicago, IL, and Ft. Smith, AR, on the one hand, and, on the other, points in WI, MI, MN, IN, IL, OH, KY, MO, IA and AR. Supporting shipper: Rheem Mfg. Co., 7600 S. Kedzie, Chicago, IL 60652.

MC 134452 (Sub-4–1), filed August 13, 1981. Applicant: EUREKA CARTAGE COMPANY, INC., 5821 West Ogden Ave., Cicero, IL 60650. Representative: Gilbert J. Green, 5957 South Rutherford Ave., Chicago, IL 60638. *Contract carrier:* irregular routes, *Electrical Equipment, namely: Household Appliances: Personal Care Applicances, such as Shavers, Hair Driers, etc; and, Parts and Materials used in the manufacturing of such appliances and necessary packaging materials,* Between Cook County, IL. on the one hand, and, on the other Memphis, TN. with continuing contract(s). An ETA application was filed on July 28, 1981. Supporting shipper: Sunbeam Appliance Co., 5400 W. Roosevelt Rd., Chicago, IL. 60650.

MC 140276 (Sub-4–4 TA), filed August 19, 1981. Applicant: LARRY SCHEFUS TRUCKING, INC., Route 1, Box 202, Redwood Falls, MN 56283. Representative: William J. Gambucci, Hovland & Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. *Lumber and wood products,* from points in AR and GA to points in MN, WI, IA, SD, ND and NE. Supporting shipper: Everstrong Marketing, Inc., Box 431, Redwood Falls, MN.

MC 146213 (Sub-4–2 TA), filed August 20, 1981. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box

76, Wisconsin Dells, WI 53965.Representative: Stanley C. Olsen, Jr., Attorney at Law, 5200 Willson Road Suite 307, Edina, MN 55424. *Food and related products,* between points in Dane County, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, and MO. An underlying ETA seeks 120 day authority. Supporting shipper: Alpha Distributors Ltd., P.O. Box 8043, Madison, WI 53708.

MC 147299 (Sub-4–3TA), filed August 20, 1981. Applicant: REDWAY CARRIERS, INC., P.O. Box 104, Waukegan, IL 60085. Representative: Paul J. Maton, 10 South LaSalle St., Suite 1620, Chicago, IL 60603. *Contract;* irregular; *Steel wire, Rope, and Wire Rope Products* between Kenosha, WI, on the one hand, and, on the other, all points east of the Mississippi River, including the Commercial Zones of Memphis, TN and New Orleans, LA, under continuing contracts with MacWhyte Wire Rope Co. of Kenosha, WI, 53141. An underlying ETA seeks 120 days authority. Supporting shipper: MacWhyte Wire Rope Co., 2906 14th Ave., Kenosha, WI 53141.

MC 153196 (Sub-4–5TA), filed August 19, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086. *Printing paper* from the facilities of Midtec Paper Corp., in Kimberly, WI to points in CA, OR and WA. Supporting Shipper: Midtec Paper Corp., N. Main St., Kimberly, WI 54136.

MC 155358 (Sub-4–2), filed August 20, 1981. Applicant: WING TRANSPORT, INC., 450 Ford Road, St. Louis Park, MN 55426. Representative: Stanley C. Olsen, Jr., Attorney at Law, 5200 Willson Road, Suite 307, Edina, MN 55424. *Fibre drums and barrels,* between Minneapolis, MN, on the one hand, and, on the other, Omaha, NE, and points in IA and WI. Supporting shipper: Grief Brothers Corp., 3755 University Ave., N.E., Minneapolis, MN 55421.

MC 157820 (Sub-4–1TA), filed August 21, 1981. Applicant: SCHULZ TRUCKING, INC., Route 1, Box 306, Antigo, WI 54409. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *dairy products* between Langlade County, WI, on the one hand, and, on the other hand, points in IL, MN, MO, PA, and the Upper Peninsula of MI restricted to transportation performed under continuing contract(s) with A. F. Schulz Creamery, Inc. and Schulz Dairy Products, Inc. an underlying ETA seeks 120 days authority. Supporting shippers: A. F. Schulz Creamery, Inc., Route 1, Box 306, Antigo, WI 54409; and Schulz Dairy Products, Inc., Route 1, Box 306, Antigo, WI 54409.

MC 157821 (Sub-4–1TA), filed August 21, 1981. Applicant: CLAUDE LAFRENIERE TRUCKING LTD., 3 Demers, P.O. Box 1024, Chapleau, Ontario, Canada POM 1KO. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Lumber* and *wool products* from border crossing points on the U.S.-Canada boundary line in MI and NY to points in MI, OH, IN, IL, WI, NY and PA. Supporting shippers: J. E. Martel & Sons Lumber Limited, P.O. Box 758, Chapleau, Ont., Canada POM 1KO; Santiam-Midwest Lumber Co., 1675 Viewpond, S.E., Kentwood, MI 49508; A. L. Lafreniere Lumber Ltd., Box 340, Chapleau, Ont., Canada POM 1KO.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102. Captioned: August 24, 1981.

MC 16334 (Sub-5–3TA), filed August 24, 1981. Applicant: DEBRICK TRUCK LINE COMPANY, P.O. Box 421, Paola, KS 66071. Representative: Arnold E. Debrick, R.R. #2, Paola, KS 66071. *(1) Hides (2) materials and supplies used in the processing and distribution of (1) above* between points in the United States. Supporting shippers: 33.

MC 52460 (Sub-5–40TA), filed August 24, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., Tulsa, OK 74107. *(1) Malt Beverages and related advertising materials, (2) Empty used Beverages containers and materials and supplies used in and dealt with by Breweries,* (1) Saint Clair County, IL, and Vanderburgh County, IN, to points in TX (2) From points in TX, to Saint Clair County, IL, and Vanderburgh County, IN. Supporting shipper: McMillan Distributing Co., 346 N. Bivens, Amarillo, TX 79107.

MC 59367 (Sub-5–6TA), filed August 24, 1981. Applicant: DECKER TRUCK LINE, INC., P.O. BOX 915, Ft. Dodge, IA 50501. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Metal products,* from the facilities of American Can Company in the Chicago, IL, commercial zone to pts in the U.S in and west of MI, OH, KY, TN, GA and FL. Supporting shipper: American Can Company, 6017 South Western Avenue, Chicago, IL 60636.

MC 61231 (Sub-5–12TA), filed August 24, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. BOX 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Empty glass bottles,* from Mt. Vernon, OH, Corsicana, TX, and Mineral Wells, MS, to pts in AZ, AR, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, ND, NM, OH, OK, OR, SD, TN, TX, UT, WA, WI and WY. Supporting shipper: Chattanooga Glass Company, 400 West 35th Street, Chattanooga, TN 37410.

MC 61396 (Sub-5–16TA), filed August 24, 1981. Applicant: HERMAN BROS, INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Cement,* from the facilities of Ideal Basic Industries, Cement Division, in Washington County, TN to pts in AL, KY, WV, VA, NC, SC, and GA. Supporting shipper: Ideal Basic Industries, Cement Division, 950 17th Street, Denver, CO 80202.

MC 88360 (Sub-5–6TA), filed August 24, 1981. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, Fort Worth, TX 76106. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. *Iron and steel articles and materials, equipment and supplies used in the manufacture thereof,* between points of St. John the Baptist Parish, LA, on the one hand, and, on the other, points in the United States. Supporting shipper: Bayou Steel Corp., P.O. Box 5000, LaPlace, LA 70066.

MC 123076 (Sub-5–5TA), filed August 24, 1981. Applicant: PRATT TRANSPORTATION CO., INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Cement,* from the facilities of Ideal Basic Industries, Cement Division, in Washington County, TN to pts in AL, KY, WV, VA, NC, SC, and GA. Supporting shipper: Ideal Basic Industries, Cement Division, 950 17th Street, Denver CO 80202.

MC 126045 (Sub-5–10TA), filed August 24, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Metal products,* from Chicago, IL, Detroit, MI, Gary, Hammond, East Chicago, and Burns Harbor, IN, to pts in WI, IA and OH. Supporting shipper: Mars Steel Corp., 360 Melvin Drive, Northbrook, IL 60062.

MC 129032 (Sub-5–9TA), filed August 24, 1981. Applicant: TOM INMAN TRUCKING, INC., P.O. Box 3728, Tulsa, OK 74121. Representative: Michael H. Lennox, 531 N. Portland, Oklahoma City,

OK 73147. *Rug cleaning compounds and equipment used in the application of rug cleaning compounds,* between St. Louis, MO and Fresno, CA on the one hand, and on the other, points in the U.S. Supporting shipper: Rug Doctor, Inc., P.O. Box 7750, Fresno, CA 93727.

MC 136246 (Sub-5–2TA), filed August 24, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Contract—Irregular *Lumber, lumber products and building materials,* between pts in the U.S., under a continuing contract with North Star Forest Materials, Inc. Supporting shipper: North Star Forest Materials, Inc., 633 South Concord Street, So. St. Paul, MN 55075.

MC 136275 (Sub-5–3TA), filed August 24, 1981. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 777 Executive Blvd., El Paso, TX 79922. Representative: Dann L. Drewry (same as applicant). Contract; Irregular. *Cement and cement by-products and commodities used in the manufacture and production of cement,* between points in the U.S. except AK and HI, under a continuing contract with Southwestern Portland Cement Company, P.O. Box 392, EL Paso, TX.

MC 140665 (Sub-5–80TA), filed August 24, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *General Commodities; (except in bulk, and except Classes A and B explosives and hazardous materials),* between points in the US (except AK and HI), restricted to traffic originating at or destined to the facilities utilized by Amway Corporation and its suppliers and vendors. Supporting Shipper: Amway Corporation, 7575 E. Fulton Road, Ada, MI, 49355.

MC 141443 (Sub-5–7TA), filed August 24, 1981. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Wine,* from Napa and Sonoma, CA to Dallas, Houston and San Antonio, TX. Supporting Shipper(s): American Wine & Importing Co., Inc., P.O. Box 20637, Dallas, TX 75220.

MC 141523 (Sub-5–4TA), filed August 24, 1981. Applicant: C. R. KIDD PRODUCE, INC., Post Office Box 364, Springdale, AR 72764. Representative: Dean G. Cannon, Post Office Box 364, Springdale, AR 72764. *Food and related products, (except in bulk),* between the facilities of J. R. Wood, Inc. and its affiliates, in CA, KS, MO, NV, and OR, on the one hand, and, on the other, points in the US (except AK and HI.). Supporting shipper: J. R. Wood, Inc., Post Office Box 545, Atwater, CA 95301.

MC 143179 (Sub-5–9TA), filed August 24, 1981. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant). Contract; Irregular. *Expanded polystyrene products,* between Lester Prairie, MN on the one hand, and on the other, pts in IA, NE and WI. Supporting shipper: Poly Foam, Inc., Lester Prairie, MN 55354.

MC 144858 (Sub-5–13TA), filed August 24, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72219. Representative: Scott E. Daniel (same as applicant). *Alcoholic Beverages, in bottles,* between points in Tampa, FL, on the one hand, and on the other, points in the U.S. Supporting Shipper: Tampa Wholesale Liquors, Inc., Post Office Box 15397, Tampa, FL 33684.

MC 146876 (Sub-5–2TA), filed August 24, 1981. Applicant: WILLIAM W. EGGERS, d.b.a. CEDAR VALLEY TRANSPORT, Box 309, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Food products* between Madison, WI on the one hand, and, on the other, pts in Scott, Muscatine and Johnson Counties, IA. Supporting shipper: Louis Rich, Inc., Box 2690, Davenport, IA 52809.

MC 147969 (Sub-5–7TA), filed August 24, 1981. Applicant: JOE. S. BOWEN, INC., Post Office Box 262, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Edible flour and materials, equipment and supplies used in the manufacture thereof,* between the facilities of Golden Dipt Company, in Saint Clair County, IL, on the one hand, and, on the other, points in the U.S. Supporting shipper: Golden Dipt Company, 100 East Washington, Millstadt, IL 62260.

MC 148035 (Sub-5–10TA), filed August 24, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Liquid fertilizer,* from Red Oak, IA to pts in NE, MO, and KS. Supporting shipper: Red Oak Farm Supply, Inc., R.R. 1, Red Oak, IA 51566.

MC 149157 (Sub-5–6TA), filed August 24, 1981. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. Contract; Irregular. *Such commodities as are dealt in, or used by, home furnishings outlets,* between Marshalltown, Ottumwa, Oskaloosa, Ft. Dodge, Mason City, Charles City, Cedar Rapids, Waterloo, IA and Albert Lea, MN on the one hand, and, on the other, points in GA, IN, MS, NH, NC, OH, PA and VA. Supporting shipper: The McGregor Co., 109–113 West Main, Marshalltown, IA 50158.

MC 150086 (Sub-5–9TA), filed August 24, 1981. Applicant: WADE TRUCK LINES, INC., Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66601. *Such commodities as are dealt in or used by wholesale, retail and chain grocery or food businesshouses and institutions,* from points in CA, FL, OR, WA and WI, to points in Greene County, MO and Kansas City, KS. Supporting shipper: Lady Baltimore Foods, Inc., 1601 Fairfax Trafficway, Kansas City, KS 66115.

MC 153442 (Sub-5–1TA), filed August 24, 1981. Applicant: TEXAS EASTERN TRANSPORT COMPANY, INC., P.O. Box 432, Lufkin, TX 75901. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. *(1) Meat, meat products, meat by-products and articles distributed by meat packing houses as described in Section A, B, and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766" (except hides and commodities in bulk)* and (2) *Imported bananas* (1) from points and places in CO, IA, IL, MN, KS, MO, ND, SD, OH, PA, WI, WY, AR, GA, ID, MI, MS, NE, OK, and TN to points and places in TX, OK, and LA and (2) from the ports of Gulfport, MS and Galveston, TX to points and places in MS, AL, GA, TN, KY, IN, OH, MI, IL, MO, KS, AR, LA, TX, OK, NM, CO, WY, ND, SD, IA, NE, MN, and WI. Supporting shippers: 7.

MC 154158 (Sub-5–3TA), filed August 24, 1981. Applicant: KINNEY TRUCK LINE, INC., 124 W. Willis Avenue, Perry, IA 50220. Representative: Steven C. Schoenebaum, 1200 Register and Tribune Bldg., Des Moines, IA 50309. *Agricultural machinery, agricultural implements, and agricultural machinery and implement parts* from Appleton, WI and Havana, IL to Patterson, CA. Supporting shipper: Leroy Hagen, Composite Products, Inc., P.O. Box 1087, Patterson, CA 95363.

MC 155090 (Sub-5–5TA), filed August 24, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City,

MO 64101. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular. *Printed matter; pulp, paper, or allied products* from Kansas City, KS, to points in IL, WI, IN, MN, MD, MI, IA, NE, MO, ME, OH, MD, PA, CO, FL, GA, KY, MA, NJ, NY, TX, VA, and DC. Supporting shipper: National Envelope Corporation, 11 Lincoln Street, Kansas City, MO 66103.

MC 157606 (Sub-5-1TA), filed August 10, 1981. Applicant: PAUL POSTMAN, d.b.a. P & P DOZER SERVICE, Box 460, Maud, OK 74854. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Oilfield machinery (including heavy machinery), materials, supplies and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum,* between points in the States of CA, CO, IL, KS, MS, MO, NM, OK, LA, ND, SD, TX, WI and WY. Supporting shippers: M. L. Brown Company, Box 11320, Kansas City, MO 64112; Johnson-Bates Drilling Company, Inc., P.O. Box 128, Konawa, OK 74849; TransAmerican Company, Inc., 11500 South Meridian, Okla. City, OK 73173.

MC 157852 (Sub-5-1TA), filed August 24, 1981. Applicant: A. D. WINCH TRUCKING, INC., 1135 Robert Street, Pearland, TX 77581. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. *Mercer commodities, pipe, metal and metal products, plastic and plastic products, and machinery,* between points in TX, NM, OK, LA, AZ, CA, WY, KS, and CO. Supporting shippers: 9.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 157502 (Sub-6-1TA), filed August 19, 1981. Applicant: ROBERT B. HIFAI, d.b.a. A.B.H. TRUCKING CO., 2000 Otool Way, San Jose, CA 95127. Representative: Robert B. Hifai, 3514 Pine Ridge Way, San Jose, CA 95127. *Steel and steel products* between San Jose, CA on the one hand, and on the other. All points in OR, WA, NV, AZ and UT for 270 days. An ETA seeks 120 days authority. Supporting shipper: K.C. Metals, 1960 Hartog Dr. San Jose, CA 9515.

MC 134387 (Sub-6-22TA), filed August 17, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Michael J. O'Neill, 811 S. 59th Ave., Phoenix, AZ 85043. *General commodities,* between points in CA, OR, WA, AZ, CO, NV, NM, MT, WY, UT, ID, TX, OK, ND, SD, NE and KS, restricted to traffic originating at, or destined to, the facilities of Pay'N Save Corporation and/or its Subsidiaries and Affiliates, for 270 days. Supporting shipper: Pay'N Save, 1511 6th Ave., Seattle, WA 98101.

MC 134387 (Sub-6-23TA), filed August 18, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Michael J. O'Neill, 811 S. 59th Ave., Phoenix, AZ 85043. (1) *Foodstuffs,* (2) *Equipment, materials and supplies* used in the manufacture and distribution of foodstuffs, between points in Delta County, CO, on the one hand, and, on the other, points in CA, OR, AZ, CO, NV, NM, UT, ID, TX, OK, NE and KS, for 270 days. Supporting shipper: Skyland Food Corporation, P.O. Box 250, Delta, Co 81416.

MC 134387 (Sub-6-24TA), filed August 18, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Paint,* from Alameda County, CA to points in OR & WA, for 270 days. Supporting shipper: Sherwin Williams Co., 2950 7th St., Berkeley, CA 94710.

MC 157793 (Sub-6-1TA), filed August 20, 1981. Applicant: C.S.A. TRANSPORT, INC., 651 W. 600 S., Salt Lake City, UT 84104. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Furniture or fixtures,* between points in the U.S. in and west of MT, WY, CO, and NM for 270 days. An underlying ETA seeks 120 days authority. There are (7) shippers. Their statements may be examined at the Regional Office listed above.

MC 150770 (Sub-6-1TA), filed August 17, 1981. Applicant: COTANT TRUCK LINES, INC., 420 W. Chubbuck Rd., Chubbuck, ID 83201. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Beverages and related advertising materials,* from points in UT and WA to points in ID, for 270 days. Supporting shipper(s): Twin Falls Coca-Cola Bottling Co., Inc., P.O.B. 86, Twin Falls, ID; N. V. Swire Bottlers, Inc., 2269 South 3270 West, West Valley, UT 84119.

MC 141742 (Sub-6-4TA), filed August 21, 1981. Applicant: FLOWERS TRANSPORTATION, INC., P.O.B. B, Station A, Auburn, CA 95603. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Angle Channel Rounds and Flat Steel,* between the facility of Nucor Steel Corporation at Jewett, TX on the one hand, and, on the other hand, NM, AR, CA, CO, UT, OR and NV, for 270 days. Supporting shipper: Nucor Steel Corporation, P.O.B. 126, Jewett, TX 75846.

MC 150756 (Sub-6-5TA), filed August 21, 1981. Applicant: GUTHMILLER TRUCKING, INC., 30700 Dyer St., Union City, CA 94587. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. *Containers, container closures and tin plate,* from Oakland, Sacramento and San Leandro, CA, to points in OR and WA., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Del Monte Corporation, P.O.B. 3575, San Francisco, CA 94119.

MC 155223 (Sub-6-2TA), filed August 21, 1981. Applicant: HIGHWAY EXPRESS, INC., P.O.B. 580, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Contract carrier,* irregular routes: *mirrors, mirrored products and laminated glass, and materials, equipment and supplies* used in the manufacture and distribution of such commodities, between the facilities of Binswanger Mirror Products in Chandler, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuous contract(s) with Binswanger Mirror Products for 270 days. Supporting shipper: Binswanger Mirror Products, 188 S. McKemey, Chandler, AZ 85224.

MC 157841 (Sub-6-1TA), filed August 21, 1981. Applicant: MIDNIGHT EXPRESS TRUCKING COMPANY, 1630 Gibson, Clovis, CA 93612. Representative: Edward L. Fanucchi, 2409 Merced, Suite 3, Fresno, CA 93721. *Bananas* (not in bulk), from the facilities of Standard Fruit Company and United Fruit Company, at the ports of Long Beach, Willmington, Port Hueneme, and Los Angeles, CA, on the one hand, to points in the County of Fresno, CA, on the other hand, for 270 days. Supporting shippers: Hobbs-Parsons Produce, 951 "H", Fresno, CA 93721; O K Produce, 1502 "G", Fresno, CA 93706.

MC 144572 (Sub-6-31TA), filed August 17, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O.B. G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Food and related products,* from Vernon, CA to Dallas, TX; Detroit and Otsego, MI; Tulsa, OK; and Chicago, IL, for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: Camino Real Foods, Inc, 2638 E. Vernon Ave., Vernon, CA 90058.

MC 144572 (Sub-6-32TA), filed August 17, 1980. Applicant: MONFORT

TRANSPORTATION COMPANY, P.O.B. G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Food and related products,* from Larimer Cty., CO to Chicago, IL; Los Angeles, San Francisco and Stockton, CA; Oklahoma City, OK; Kansas City, MO; Omaha, NE; Salt Lake City and West Jordan, UT; and Wichita, KS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Donoho Beef Co., Inc., 3541 E. Vine Dr., Ft. Collins, CO 80524.

MC 153896 (Sub-6–2TA), filed August 19, 1981. Applicant: LONNIE POWELL, d.b.a. PACIFIC TANK LINES, 825 W. Olympic Blvd., Montebello, CA 90640. Representative: Lonnie Powell (same address as applicant). *Contract Carrier,* Irregular routes: *Lacquers, Paint Resins and related commodities* from Los Angeles, CA and its commercial zone to points in NM and TX for the account McCloskey Varnish for 270 days. Supporting shipper: McCloskey Varnish, 5501 E. Slauson, Commerce, CA 90040.

MC 157770 (Sub-6–1TA), filed August 17, 1981. Applicant: RUBIN SINGH, d.b.a. PALOMINO EXPRESS, P.O. Box 859, Verdi, NV 98439. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier,* irregular routes: *epoxy resin, plastic materials and molding compounding, granules or pellets* from the facilities of Morton Chemicals, a Division of Morton-Norwich Products, Inc., at McHenry County, IL and Milwaukee, WI to Long Beach, Los Angeles, Oakland, San Francisco, San Pedro and Wilmington, CA and Seattle, WA for 270 days under continuing contract(s) with Morton Chemicals. An underlying ETA seeks 120 days authority. Supporting shipper: Morton Chemicals, A Division of Morton-Norwich Products, Inc., 1275 W. Lake Avenue, Woodstock, IL 60098.

MC 157625 (Sub-6–1TA), filed August 21, 1981. Applicant: DEAN M. RETTINGER, d.b.a. RETTINGER RANCH AND TRUCKING, R.R. 2, Box 39, New England, ND 58647. Representative: Renée Rettinger, (same as applicant). *Processed wood* from Billings, MT to New England, ND for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Scenic Construction, New England, ND 58647.

MC 157824 (Sub-6–1TA), filed August 20, 1981. Applicant: SCOTT FREIGHT LINES, INC., 1765 6th Avenue So., Seattle, WA 98134. Representative: Robert G. Gleason, 1127 10th E., Seattle, WA 98102. *General commodities,* between points in WA and OR, for 270 days. Supporting shipper(s): There are nine supporting shippers. Their statements may be examined at the Regional office listed.

MC 155155 (Sub-6–2TA), filed August 17, 1981. Applicant: E. S. VAN ETTEN and LYLE E. VAN ETTEN, d.b.a. VAN ETTEN TRUCKING, P.O.B. 267, Umatilla, OR 97882. Representative: E. S. Van Etten and Lyle E. Van Etten (same as above). *Contract Carrier;* Regular routes: *Gravel and Sand,* in bulk from Jones Scott pit at Umatilla, OR to the St. Michelle job site at Patterson, WA on Hwy 14 and country roads for 270 days. Supporting shipper: Jones Scott Company, P.O.B. 29, Umatilla, OR 97882.

MC 157706 (Sub-6–1TA), filed August 21, 1981. Applicant: KENNETH LEON and KATHRYN WALKER, P.O. Box 286, Fort Laramie, WY 82212. Representative: Leon and Kathryn Walker (same as above). *Contract Carrier,* Irregular routes: *Limestone,* from Goshen County, WY to points in NE for the account of Holly Sugar Company for 270 days. An underlying E.T.A. seeks 120 authority. Supporting shipper: Holly Sugar Corporation, P.O. Box 1052, Colorado Springs, CO 80901.

MC 112989 (Sub-6–19TA), filed August 13, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same as applicant). *Containers, container closures and container accessories,* from points in CA to points in AZ and NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Glass Containers Corp., 535 North Gilbert Ave., Fullerton, CA 92634.

MC 142573 (Sub-6–1TA), filed August 20, 1981. Applicant: WORTHEN VAN SERVICE, INC., P.O.B. 2578, Gillette, WY 82716. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203. *Contract carrier,* irregular routes: *passengers and their baggage in the same vehicle with passengers,* between points in Red Willow County, NE on the one hand, and, on the other points in Cheyenne, Sherman, Rawlings, Thomas, Decatur, Sheridan, Norton and Phillips Counties, NE and Logan and Washington Counties, CO for the account of Burlington Northern Railroad for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Burlington Northern Railroad, 3700 Globeville Rd, Denver, CO 80216.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25525 Filed 9–1–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO (UNITED STATES SECTION)

Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969, Other Laws Pertaining to Specific Aspects of the Environment and Applicable Executive Orders

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Final Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969, Other Laws Pertaining to Specific Aspects of the Environment and Applicable Executive Orders.

SUMMARY: This document prescribes policies and procedures utilized or to be utilized by the United States Section in implementing Section 102 of the National Environmental Policy Act of 1969, Other Laws Pertaining to Specific Aspects of the Environment and Applicable Executive Orders in the planning, design and construction of treaty projects along the United States and Mexico international boundary and to the United States Section's operation and maintenance activities in connection with treaty projects.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Frank P. Fullerton, Legal Adviser, United States Section, International Boundary and Water Commission, United States and Mexico, 4110 Rio Bravo, El Paso, Texas 79902. Telephone: (915) 543–7393—FTS: 572–7393.

SUPPLEMENTARY INFORMATION: On October 26, 1979, the Section published proposed procedures in the **Federal Register** (44 FRR 61665), governing its procedures for implementing Section 102 of the National Environmental Policy Act of 1969, Other Laws, Pertaining to Specific Aspects of the Environment and Applicable Executive Orders. A 57-day period was provided during which comments were to be received from other federal agencies, state agencies, private businesses, universities, and individuals.

Comments were received only from the Council on Environmental Quality in response to the Federal Register notice containing the proposed procedures. The Council on Environmental Quality suggested revision of §100.3, *Applicability,* to provide that the Section shall comply with the procedures and CEQ regulations except where compliance would be inconsistent

with statutory or Treaty requirements and the deletion of those parts of the procedures inconsistent therewith; certain editing for clarity, consultation with CEQ regarding emergency actions; and provisions should be included for seeking recommendations from the Advisory Council on Historic Preservation. All the above recommendations are incorporated in the final version. Certain typographical errors were corrected as a result of internal United States Section review.

By letter dated August 3, 1981, the General Counsel, Council on Environmental Quality (CEQ) advised the Legal Adviser of the United States Section that the council has determined that the proposed procedures, as revised, address all the section's regulations of the Council required to be addressed by Section 1507.3(b) of the regulations.

Dated: August 24, 1981.

Frank P. Fullerton,

Legal Adviser, United States Section, International Boundary and Water Commission, United States and Mexico.

100. National Environmental Policy Act

The National Environmental Policy Act of 1969, as amended, (NEPA) (Public Law 91–190, 42 U.S.C.A. 4321); Executive Order No. 11514 (E.O. 11514), Protection and Enhancement of Environmental Quality, dated March 5, 1970; Executive Order No. 11991 (E.O. 11991), Relating to Protection and Enhancement of Environmental Quality, dated May 24, 1977; and the Regulations of the Council on Environmental Quality (CEQ or Council), dated November 29, 1978; provide that environmental considerations are to be given careful attention and appropriate weight in every recommendation or report on proposals for legislation and for other federal actions significantly affecting the quality of the humnan environment. The requirements of NEPA are to be integrated with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively. The United States Section will hereafter be referred to as the Section.

100.1 Purpose

The Operational Procedures:

a. Prescribe guides to be utilized by the Section to implement NEPA and supplement CEQ Final Regulations for Implementation of NEPA, dated Novembver 29, 1978 (43 FR 55978).

b. Insure commencement of NEPA process by the Section at the earliest possible time, provide for assistance and consultation to individuals and non-federal entities who plan to take action before involvement of the Section, appropriate state and local agencies, and with interested private persons and organizations.

d. Designate the major decision points for principal programs of the Section.

e. Advise where interested persons may obtain information or status reports on environmental impact statements and other elements of the NEPA process.

f. Identify categorical exclusions.

g. Provide that environmental information is to be made available to the public before decisions are made about actions that significantly affect the human environment.

h. Direct that documents are to concentrate on the issues that are timely and significant to the action in question.

i. Establish early identification of actions that have significant effects on the human environment.

100.2 Policy

The Section's Policy is to:

a. Give proper attention to actions that could impact the environment to enable early and appropriate consideration of such actions on all environmental values, and achieve the purposes and goals of Section 101 of NEPA and provide the means (Section 102) for carrying out the policies of NEPA.

b. Invite early and continued cooperation, where appropriate, from federal, state, local and regional authorities and the public, in the Section's planning and decision-making processes to develop alternatives and measures which will protect, restore or enhance the quality of the environment, and minimize and mitigate unavoidable harmful effects.

c. Recognize the international and long-range character of environmental concerns and, when consistent with the foreign policy of the United States and its own responsibilities, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation, anticipating and preventing a decline in the quality of the world environment.

d. Implementing domestic legislation to the extent practicable without impairing the Section's international mission because the international projects under the jurisdiction of the International Boundary and Water Commission are partly or wholly located within the United States.

100.3 Applicability

The operational Procedures apply to all Section programs and activities to the maximum extent possible without impairing its international mission. Domestic requirements must not impair the Section's performance of the United States' international obligations with are carried out consistent with the treaties and foreign policy of the United States. The Section shall comply with these procedures and the CEQ regulations except where compliance would be inconsistent with statutory or treaty requirements.

100.4 References

a. *Treaties and International Agreements.* 1. Convention between the United States and Mexico concerning the equitable distribution of the waters of the Rio Grande (T.S. 455, 54 Stat. 2953, signed May 21, 1906, entered into force January 16, 1907).

2. Treaty Between the United States of America and Mexico entitled "Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande" (T.S. 994, 59 Stat. 1219, signed February 3, 1944, entered into force November 8, 1945).

3. Convention Between the United States of America and Mexico entitled "Rectification of the Rio Grande" (T.S. 864, 48 Stat. 1621, signed February 1, 1933, entered into force November 13, 1933).

4. Convention Between the United States of America and the United Mexican States for the Solution of the Problem of the Chamizal (T.S. 5515–15 U.S.T. 21, signed August 29, 1963, entered into force January 14, 1964).

5. Treaty Between the United States of America and the United Mexican States entitled "Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary (TIAS 7313, signed November 23, 1970, entered into force April 18, 1972).

b. *International Agreements.* International projects were constructed in accordance with the provisions of the above-referenced treaties. In addition, the United States and Mexico, through the International Boundary and Water Commission, have constructed international projects in accordance with each of the following agreements.

1. Minute No. 144, "Plans for Final Location of Rectified Channel of the Rio Grande in the El Paso-Juarez Valley," signed June 14, 1934.

2. Minute No. 148, "Allocation of Works for each Government to Undertake on the Rio Grande Rectification Project in Accordance with the Convention of February 1, 1933," signed October 28, 1935.

3. Minute No. 165, "Adoption of Rules and Regulations for the Maintenance and Preservation of the Rio Grande Rectification Project, in the El Paso-Juarez Valley," signed August 13, 1938.

4. Minute No. 174, "Supplemental Construction Work Which Each Government Should Undertake Under the Convention of February 1, 1933 to Preserve the Benefits that Have Been Obtained by Previous Construction on Rio Grande Rectification Project in the El Paso-Juarez Valley," signed March 3, 1942.

5. Minute No. 182, "Approval of Joint Report on Engineering Conference on Studies, Investigations and Procedures for the Planning of Works to be Built in Accordance with the Treaty of February 3, 1944," signed September 23, 1946.

6. Minute No. 187, "Determinations as to Site and Required Capacities of the Lowest Major International Storage Dam to be Built on the Rio Grande, in Accordance with the Provisions of Article 5 of the Treaty Concluded February 3, 1944,"signed December 20, 1947.

7. Minute No. 190, "Allocation to the Two Sections of the Commission of Remaining Items of Work Preparatory to Construction of Falcon Dam," signed August 13, 1948.

8. Minute No. 192, "Plans and Procedures for Construction of Falcon Dam and Recommendations for Construction of Falcon Hydroelectric Plants," signed September 7, 1949.

9. The Lower Rio Grande Flood Control Project was approved in an exchange of Notes in 1932 between the two Governments in which each country agreed to a coordinated plan for flood protection and to perform the work within its own territory. Subsequently, additions and modifications to the plan were adopted in the following agreements: Minute No. 212, "Improvement of the Channel of the Lower Rio Grande," signed December 22, 1961; and Minute No. 238, "Improvement of the International Flood Control Works of the Lower Rio Grande," signed September 10, 1970.

10. The Joint Report of the United States and Mexican Commissioners for a coordinated plan of international flood protection facilities for Nogales, Arizona and Nogales, Sonora, signed on November 22, 1932, was subsequently approved by the two Governments by an exchange of Notes.

11. Minute No. 202, "Bases for Joint Operation and Maintenance of the Falcon Dam and Hydroelectric Plant and for Division of Costs Thereof," signed January 11, 1955.

12. Minute No. 207, "Consideration of Joint Report of the Principal Engineers on Site, Capacities and Type of Dam for the Second Major International Storage Dam on the Rio Grande," signed June 19, 1958.

13. Minute No. 210, "Recommendations Regarding Construction of Amistad Dam," signed January 12, 1961.

14. Minute No. 215, "Design and procedures for Construction of Amistad Dam," signed September 28, 1963.

15. Minute No. 217, "Clearing of the Colorado River Channel Downstream From Morelos Dam," signed November 30, 1964.

16. Minute No. 220, "Improvement and Expansion of the International Plant for the Treatment of Douglas, Arizona and Agua Prieta, Sonora Sewage," signed July 16, 1965.

17. Minute No. 222, "Emergency Connection of the Sewage System of the City of Tijuana, Baja California to the Metropolitan Sewage System of the City of San Diego, California," signed November 30, 1965.

18. Minute No. 224, "Recommendations Concerning the Lower Rio Grande Salinity Problem," signed January 16, 1967.

19. Minute No. 225, "Channelization of the Tijuana River," signed June 19, 1967.

20. Minute No. 227, "Enlargement of the International Facilities for the Treatment of Nogales, Arizona and Nogales, Sonora Sewage," signed September 5, 1967.

21. Minute No. 235, "Division of Operation and Maintenance Costs of Amistad Dam," signed December 3, 1969.

22. Minute No. 236, "Construction of Works for Channelization of the Tijuana River," signed July 2, 1970.

23. Minute No. 242, "Permanent and Definitive Solution to the International Problem of the Salinity of the Colorado River," signed August 30, 1973.

24. Minute No. 247, "International Plan for the Protection of the Presidio-Ojinaga Valley Against Floods of the Rio Grande," signed February 7, 1975.

25. Minute No. 258, "Modification of the United States Portion of the Plan for the Channelization of the Tijuana River," signed may 27, 1977.

26. Minute No. 262, "Recommendations for Works to Preserve for the Rio Grande its Character as the International Boundary in the Reach from Cajoncitos, Chihuahua to Haciendita, Texas," signed December 26, 1979.

c. *Laws.* 1. National Environmental Policy Act of 1969, as amended, 42 U.S.C.A. 4321.

2. Fish and Wildlife Coordination Act, 16 U.S.C.A. 661.

3. Endangered Species Act Amendments of 1978, 16 U.S.C.A. 1531.

4. National Historic Preservation Act of 1966, 16 U.S.C.A. 470 *et seq.*

5. Archeological and Historic Preservation Act of 1974, 16 U.S.C.A. 469a–1.

6. Archeological Resources Protection Act of 1979, 16 U.S.C.A. 470aa.

7. Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.A. 1251.

8. Clean Water Act of 1977, 33 U.S.C.A. 1251 *et seq.*

9. The Clean Air Act Amendments of 1977, 42 U.S.C.A. 7401 *et seq.*

10. Safe Drinking Water Act, 42 U.S.C.A. 300f *et seq.*

11. Coastal Zone Management Act Amendments of 1976, 16 U.S.C.A. 1451 *et seq.*

12. Estuary Protection Act, 16 U.S.C.A. 1221 *et seq.*

13. Federal Water Project Recreation Act, 16 U.S.C.A. 4601–12 *et seq.*

14. Wild and Scenic Rivers Act, 16 U.S.C.A. 1271 *et seq.*

15. Resource Conservation and Recovery Act of 1976, 42 U.S.C.A. 6901 *et seq.*

16. Watershed Protection and Flood Prevention Act, 16 U.S.C.A. 1001 *et seq.*

17. River and Harbor Act of 1899, as amended, 33 U.S.C.A. 401 *et seq.*

18. Rio Grande Bank Protection Act, Public Law 40, 59 Stat. 89; Act of April 25, 1945.

d. *Executive Orders.* 1. Executive Order No. 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970; 35 FR 4247.

2. Executive Order No. 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971; 36 FR 8921.

3. Executie Order No. 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities," December 17, 1973; 38 Fr 34793.

4. Executive Order No. 11988, "Floodplain Management," May 24, 1977; 42 FR 26951.

5. Executive Order No. 11990, "Protection of Wetlands," May 24 1977; 42 FR 26961.

6. Executive Order No. 11991, "Relating to Protection and Enhancement of Environmental Quality," May 24, 1977; 42 Fr 26967.

7. Executive Order No. 12114, "Environmental Effects Abroad of Major Federal Actions," Janury 4, 1979; 44 FR 1957.

e. *Regulation.* Council on Environmental Quality: "National Environmental Policy Act, Implementation of Procedural

Provisions; Final Regulations," dated November 29, 1978; 43 FR 55978.

100.5 Responsibilities Within the Section

a. *Chief, Planning and Report Branch.* The Chief, Planning and Reports Branch, under the supervision of the Principal Engineer, Investigations and Planning Division, is designated as the responsible official within the meaning of Section 102 of NEPA and is responsible for the preparation and the processing of environmental assessments, environmental impact statements (EIS) (draft and final), and memorandums in implementing the requirements of the Act. For each proposed action, he will submit through the Principal Engineer to the Commissioner, Head of the Agency, an outline of the environmental actions to be taken including analyses and the coordination and consultation with other agencies, groups and individuals. When it is appropriate to obtain supplemental information in evaluating the environmental impact of a proposed action, he will solicit information from within the Section, other government agencies (federal, state and local) with jurisdiction by law or special expertise with respect to any environmental impact involved, and interested individuals, associations or groups.

Chief, Planning and Reports Branch, will draft and obtain Section approval of all notices to be published in the **Federal Register** except when another agency or agencies act as agent for the Section.

In the case of an agency or agencies acting as agent for the Section in the design and construction of a project (as distinguished from merely preparing an EIS for the Section's use) that agent will prepare, distribute, and coordinate the review of the EIS according to established procedures, except that the formal transmittal of the EIS to the Department of State and to EPA (as representing CEQ) will be by the Commissioner. The agent has the responsibility to confer with the Section through the agency's responsible official and to keep it fully informed.

Persons interested in obtaining information of status reports on EIS and other elements of the NEPA process should address their requests to: Chief, Planning and Reports Branch, United States Section, International Boundary and Water Commission, 4110 Rio Bravo, El Paso, Texas 79902.

b. *Principal Engineer, Investigations and Planning Division.* In addition to responsibilities under subparagraph a. above, the Principal Engineer, Investigations and planning Division, will assure review is made of studies and analyses to insure the professional and scientific integrity of discussion, analyses and conclusions in the environmental documents, and that an interdisciplinary approach has been used in the evalutions.

The Principal Engineer will also be responsible for consultation with the Fish and Wildlife Service on mitigation and/or enhancement measures, the Advisory Council on Historic preservation regarding recommendations concerning historical properties and the transmittal to agencies, associations and individuals of draft statements.

c. *Secretary.* The Secretary will be responsible for providing policy guidance on the international aspects of proposals, inputs to the environmental documents pertaining to international consideration, including treaties and agreements, and review of draft environmental documents for international considerations.

d. *Legal Adviser.* The Legal Adviser shall provide staff advice concerning legislative actions covered by NEPA, interpretations of NEPA and other acts, executive orders, regulations, and all legal requirements pertaining to environmental actions.

When uncertainty exists within the Section as to the requirement in a specific case for preparing an environmental assessment or an EIS, the Legal Adviser will initiate consultations with the Office of Environment and Health (OES/ENH—Department of State), and follow through to a final determination. In every case where the Section determines from an environmental assessment that an EIS is not required, the Legal Adviser shall so inform OES/ENH.

The Legal Adviser will approve and be responsible for the publication of the necessary notices in the **Federal Register.**

100.6 Categories of Environmental Actions

a. *Categorical Exclusions.* Some Section program or activities, or parts thereof, do not normally create significant or cumulative impacts and therefore will not be considered a major federal action significantly affecting the quality of the human environment for the purposes of NEPA. For example, the following general classes of actions ordinarily do not require the preparation of an environmental assessment or an EIS.

1. Normal Section housekeeping functions (procedural, ministerial, internal) including, but not limited to, personnel actions, procurement for general supplies, contract for personal services.

2. Reports or recommendations on legislation not initiated by the Section.

3. Legislative proposals that only request apropriations.

4. Participation in research or study projects which do not cause significant environmental impacts.

5. Actions specifically required under any treaty or international agreement, or pursuant thereto, to which the United States is a party, or required by the decision of international organizations (including courts), authorities or consultations in which the United States is a member or participant.

6. Mapping and surveying activities.

7. Stream gaging and sampling, routine hydrologic test drilling, well logging, aquifer response testing, and similar data-gathering activities in connection with water resources investigations.

8. Leases of government land for grazing and agricultural purposes.

9. Emergency actions after consultation with CEQ.

10. Recreational leases to any city, county, state or federal agency.

11. Leases of licenses regarding buried utilities, including gas, water and sewer pipelines, and telephone cables, irrigation drains, and storm sewers, sanitary sewers discharging treated effluent, telephone and electric power poles and lines, irrigation pumps, drain structures and ditches, fences, roads, highways and bridges, water wells, boat docks and boat launching facilities.

12. Temporary or single-time permit of project facilities.

13. Any actions or works for which an EIS or environmental assessment has been submitted and filed by others.

In an extraordinary circumstance, as determined by the Commissioner, in which a normally excluded action may have a significant environmental effect, an environmental assessment will be prepared.

b. *Criteria for Environmental Assessments.* An environmental assessment will be prepared for any proposed action which is not categorically excluded, or when there is not sufficient information to indicate whether the preparation of an EIS should be initiated. The environmental assessment will describe the proposed action, the need for the action, alternatives to the proposed action, discussion of the extent of impacts, if any, of the proposed action and alternatives, a summary of the agencies and persons consulted and the view of each, and conclude with a supported recommendation of whether to prepare

an EIS or a finding of no significant impact.

c. *Criteria for Environmental Impact Statements.* An EIS will be prepared when the proposed action is a "major Federal" action which involves the quality of the human environment, either by directly effecting human beings or by indirectly affecting human beings through adverse effects on the environment and are not listed as categorical exclusions. The following criteria will be employed in deciding whether a proposed action requires the preparation of an EIS.

1. "Major actions," defined by these operational procedures include, but are not limited to:

(a) Projects and activities, existing and proposed, that are part of treaties or other international commitments which significantly affect the quality of the human environment in the United States and to which domestic requirements may be applied without impairing the international obligations of the United States.

(b) Recommendations or reports to the Congress, or to others, for legislation authorizing a project or affecting existing projects, except for emergency measures.

(c) Initiation of construction or land acquisition on projects which are not yet started for which funds have been appropriated or are provided by an Appropriation Act.

(d) Budget submissions requesting funds for the initiation of construction or land acquisition on authorized projects.

(e) Policy and procedure making, especially proposed actions which are highly controversial.

2. The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated) and reasonable alternatives thereto, including those not within the authority of the Section. Such actions may be localized in their impact, but if there is potential that the quality of the human environment may be significantly affected, an EIS is to be prepared.

Proposed action, the environmental impact of which is likely to be highly controversial or where unresolved conflicts concerning alternative use of available resources exist, shall be covered by an EIS. In considering what constitutes a "major Federal action significantly affecting the quality of the human environment," the Section personnel will bear in mind that the effect of many federal decisions about a project or complex of projects can be individually limited, but cumulatively significant. This can occur when one or more agencies over a period of years, put into a project, individually minor, but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases, or represents a decision in principle about a future major course of action, or when several government agencies individually make decisions about partial aspects of a major federal action. The lead agency shall prepare an EIS if it is reasonable to anticipate a cumulatively significant effect on the quality of the human environment from the federal action.

3. Section 101(b) of NEPA indicates the broad ranges of aspects of the environment to be surveyed in any assessment of significant effect. NEPA also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals.

Significant effects can also include actions which may have both beneficial and detrimental effects even if, on balance, an agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human being through adverse effects on the environment.

Careful attention will be given to identifying and defining the purpose and scope of the action which would most appropriately serve as the subject of the EIS. In many cases, broad program statements will be required to assess the environmental effects of a number of individual actions on a given geographical area, or environmental impacts that are common to a series of agency actions, or the overall impact of a large-scale program or chain of contemplated projects. Subsequent EIS on major individual actions will be necessary where such actions have significant environmental impacts not adequately evaluated in the program statement.

d. *Criteria for Supplemental Statements.* A supplement may be prepared to either a draft or final EIS if the Section determines that:

1. The proposed action has been significantly changed to involve environmental concerns; or

2. New environmental concerns are found which had not been covered in the previously circulated document; or

3. One or more additional alternatives should be discussed; or

4. The purposes of NEPA will be furthered by doing so.

100.7 Procedures

a. *Categorical Exclusions.* An environmental memorandum will be prepared which includes a description of the proposed action, and a finding that the action is categorically excluded and no further environmental action is needed to comply with NEPA, executive orders, regulations and other acts. This memorandum shall be referenced in decision documents.

b. *Environmental Assessments.*—1. *Proposed Action and Alternatives.* The possible environmental effects of a proposed action must be considered along with technical, economic and other factors, in the earliest planning. At this stage, the responsible official shall take the necessary steps to comply with the requirements of NEPA by the preparation of an environmental assessment. The assessment, to be meaningful for review and decision, will provide a concise description of the proposed action, need for action, and alternatives to be considered. The assessment will be prepared using an interdisciplinary approach, with the discipline of the preparers appropriate to the environmental impacts of the proposed action and alternatives to be considered.

2. *Environmental Impacts.* The assessment is to be brief, yet provide sufficient evidence of environmental impacts to determine whether to prepare an EIS. It shall include an appraisal of environmental effects, good and bad, if any, of the proposed action and the alternatives. In no case will adverse effects, either real or potential be ignored or slighted. Similarly, care must be taken to avoid overstating favorable effects, unless a categorical exclusion applies. The National Register of Historic Places will be consulted and notation made whether National Register properties or properties eligible for listing in the Register will be affected by the proposed action and whether historical or archeological resources would be affected.

If the Chief, Planning and Reports Branch, determines, as a result of cultural resources investigations and coordination that there will be an effect on sites included in or determined by the Secretary of the Interior as being eligible for inclusion in the National Register, he will provide the Advisory Council on Historic Preservation an opportunity to comment on the matter. Any comments provided by the Advisory Council will be considered by the Chief, Planning and Reports Branch,

when he takes into account the effect of the project or other undertaking on any property included in or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act states that the Advisory Council for Historic Preservation will have an opportunity to comment on any proposed federal undertaking which will affect a historic property which is listed or is eligible for listing in the National Register of Historic Places.

The assessment will note the result of the review of the lists of historic properties designated or proposed for designation, of the endangered species in the area, and have a sufficient basis to state the impact the proposed action will have on the historic properties, the endangered species or habitat critical to the continuation of these species. Discussion will be included in connection with the existing federal, state or local legislation action program or study on which the proposed action would have an effect.

3. *Consultation with Agencies and Individuals.* After preparing the draft description of the proposed action and alternatives, representatives of appropriate federal, state and local legislative agencies, conservation associations and individuals in the area will be consulted to obtain their views, comments, and suggestions on the effects, if any, of the proposed action and alternatives. The extent of these consultations will vary with the type and subject matter of the action being considered, with consideration being given to consultation on most matters with the Environmental Protection Agency, Fish and Wildlife Service, State Fish and Wildlife Agency, State Historical Preservation Officer and the regional council of governments or planning council. Individuals and environmental associations who have expressed an interest in specific areas or subjects will be contacted for their comments. The assessment will list the agencies and individuals consulted and summarize their views.

4. *Finding of No Significant Impact.* When an environmental assessment concludes the proposed action will not have a significant effect on the human environment, a draft "Finding of No Significant Impact" shall accompany the assessment through the Section's internal review process. The draft finding shall include a description of the proposed action and the alternatives considered, shall state an assessment has been made and the findings thereof, and the name and address of the person from whom additional information can be obtained. The finding shall be circulated for comments to agencies, associations and individuals in the general area, or who have expressed an interest in the proposed action, with at least thirty (30) days allowed for comments, and be published in the **Federal Register.**

5. *Recommendation.* Findings in the environmental assessment, supported by the information obtained from various sources, will be summarized and lead to the recommendation that the Section:

(a) Prepare a finding of no significant impact, or

(b) Prepare an EIS.

The internal routing memorandum for Section review of the assessment will describe what further actions, if any, are necessary under other acts, regulations and executive orders, and recommend actions to accomplish such actions. As appropriate to the recommendation in the assessment, one of the following will accompany the assessment:

(a) A draft finding of no significant impact, including a mailing list for the finding.

(b) For the initiation of a draft EIS:

(1) A draft notice of intent to prepare an EIS.

(2) A mailing list for the notice.

(3) A draft letter inviting participation in a meeting for determining the scope of the EIS; and

(4) A list of individuals, associations and agencies to invite to participate in the scoping.

6. *Circulation.* After internal Section approval of the assessment one of the following two procedures will be adopted:

a. The finding of no significant impact shall be published in the **Federal Register** and mailed to federal, state and local agencies, conservation associations and individuals, and include the sentence, "An environmental impact statement will not be prepared unless additional information which may affect this decision is brought to our attention within thirty (30) days of the date of this Notice."

b. A Notice of Intent to Prepare an Environmental Impact Statement will be circulated to federal, state and local agencies, conservation associations and individuals, be published in the **Federal Register** and sent to news media. This notice should describe the proposed action and include an invitation to federal, state and local agencies, conservation associations and individuals to participate in the scoping of the studies to be done.

c. Environmental Impact Statement. The EIS process will usually have the following major stages, with some variations depending upon the nature and extent of the proposed action:

(1) Defining the environmental studies to be done;

(2) Performing the studies;

(3) Concurrent action under other laws and executive orders;

(4) Assessing the impacts;

(5) Writing the draft EIS;

(6) Circulating the draft EIS; and

(7) Preparation of and circulation of the final EIS.

(1) *Defining the Environmental Studies to be Done.* CEQ Regulation 1501.7 describes the purpose and extent of the scoping process, and Regulation 1508.25 defines the scope and the range of actions, alternatives and impacts to be considered in an EIS. In scoping the Section will:

(1) Identify and categorize significant environmental issues so that an analytical EIS can be prepared that will reduce paperwork and avoid delay.

(b) Arrange "Scoping meeting" with federal, state or local agencies that have special expertise or legal jurisdiction concerning resource values that may be significantly affected. The meeting will identify agencies that may become cooperating agencies.

(c) Determine and define the range of actions, alternatives and impacts to be included in the EIS. Tiering may be used to define the relation of the proposed EIS to other statements.

(d) Schedule periodic meetings of the cooperating agencies which are to be held at important decisionmaking points to provide timely interagency interdisciplinary participation.

(e) Include the items listed in Section 1501.7(a) of the CEQ Regulation dated November 29, 1978, and may also include any of the activities in Section 1501.7(b).

(f) Promote public participation by making timely notifications. The objective of the scoping process is to determine the significant issues to be analyzed in depth in the EIS, to eliminate from detailed study the issues which are not significant, and to narrow the discussion of these issues in the EIS to a brief presentation of why they do not have a significant impact.

Where appropriate and possible, a field examination of the area of the proposed action should be made in conjunction with the scoping meeting. The invitation to participate in the scoping meeting should include a description of the proposed action and the alternatives to be considered.

The time schedule for the studies will be established, the preparation of the draft EIS will be initiated at or immediately following the scoping

meeting, consistent with Regulation 1501.8, and agreement will be reached between the Section and cooperating agencies on the details of assignments and the time schedule for completing the assignments. In drafting the time schedule, consideration will be given to having periodic meetings between representatives of the Section, other interested agencies, associations and individuals to discuss the results being obtained and to receive further input on the studies.

A federal agency which has jurisdiction by law regarding a specific aspect of the environent shall be a cooperating agency. In addition, any other federal agency which has special expertise with respect to any environmental issue which should be addressed in the EIS may be a cooperating agency upon request of the Section while acting as the lead agency.

The Section will request the participation of each cooperating agency at the earliest possible time and in advance of the initial scoping meeting.

The extent of participation desired from each cooperating agency will be described by the Section in accordance with CEQ Regulation 1501.6.

The Section's staff will make diligent efforts to involve the public in implementing its NEPA procedures in accordance with CEQ Regulation 1506.6. Notices of public meetings and of the availability of environmental documents will be sent to interested conservation associations, individuals, and to the news media. The notices of public meetings will include requests for information from the public and encourage their participations. The notices will also provide a clear description of the proposed action and the alternatives being considered so the public can provide meaningful information and data contributions. Additional meetings with the public may be scheduled at intervals during the planning stage to provide additional opportunities for public participation in the environmental considerations. The Section's responsible official shall maintain lists of agencies, associations and individuals to whom notices will be provided.

(2) *Performing the Studies.* Environmental studies to provide basic information and to forecast changes under proposed conditions will be performed by professionally competent personnel using generally recognized and accepted scientific methods. The disciplines of the preparers shall be appropriate to the scope and issues identified in the scoping process. Studies may be performed by the staff, by consultants, including university personnel, and by federal, state or local agencies. Staff studies will be scheduled with the approval of the Principal Engineer, Investigations and Planning Division. The scope of studies to be performed by consultants and agencies and the agencies or consultants to perform the studies will be recommended to the Commissioner by the Principal Engineer, Investigations and Planning Division. The Section's responsible official will be the Section's representative in monitoring studies being performed for it, and be responsible for review of the draft reports of the studies.

(3) *Concurrent Action Under Other Laws, Regulations and Executive Orders.* During planning and environmental studies, the responsible official will take all appropriate actions to assure that there will be concurrent consideration of the requirements established in other laws, regulations and in executive orders, as stated in CEQ Regulation 1502.25 and by these operational procedures. This concurrent consideration will be documented and summarized in the draft EIS.

(4) *Assessing the Impacts.* Interdisciplinary evaluations will be made of the proposed actions and alternatives considered, and will include comparison between the proposed action and the no-action alternative. Evaluations will give emphasis to the significant issues selected in the scoping process for in-depth analysis. For evaluations of proposed projects, the analyses shall consider separately the impacts from initial construction, and from the operation and maintenance. The evaluations shall be objective appraisals of the effects, good and bad, and where possible, include the benefit to cost ratios of the alternatives or the differences in annual costs. In no case will adverse effects, either real or potential, be ignored or slighted in an attempt to justify a proposed action. Similarly care must be taken to avoid overstating favorable effects.

Impacts should be quantified where possible, and described and compared qualitatively where it is not possible to quantify impacts. The comparisons should describe the impacts of alternatives in terms and with understandable illustrations so that the severity or mildness of the adverse or beneficial impacts is clear.

Evaluations should provide responses to the five points in NEPA and the international considerations and, as appropriate, the engineering, hydraulic and hydrologic, social and economic, and the ecological consequences of the alternatives. The engineering analyses shall include a comparison of initial and annual energy requirements.

The reports of investigations and of the analyses of impacts should contain a description of the methodology used and make explicit reference to the scientific and other sources relied upon. Methods which are in general use can be referenced by name and publication citation, while new or relatively unknown methods should be described.

Analyses shall include the requirements for mitigation, if needed. for proposed action and each alternative, in accordance with CEQ Regulations 1502.14(f), 1502.16(h), 1503.3(d), 1505.2(c), 1505.3 and 1508.20. The methodology used in determining mitigation needs shall be described in a supporting memorandum. Mitigation may include a monitoring and/or enforcement program where such is applicable.

(5) *Writing the Draft Statement.* The EIS shall be written in plain language and make use of appropriate illustrations so that the public can readily understand its contents, meaning and application and the effect of the proposed project. The preliminary draft EIS shall be prepared minimizing the use of technical terms and shall be rewritten or edited to assure clarity. The edited draft shall be given a thorough review by qualified personnel to assure its accuracy. The statement length shall be limited to not more than 150 pages, and the appended material (appendix) limited to not more than 150 pages.

The format shall follow that described in CEQ Regulations 1502.10 through 1502.18. The focus of the EIS should be on the alternatives including the proposed action, the affected environmental and the environmental consequences. The EIS will be analytic and be directed to the significant issues determined during the scoping process while avoiding unnecessary detail. The affected environment will be described only in sufficient detail for the reviewer to understand the alternatives and consequences. Where possible, photographs which assist in understanding important topics will be used. Extraneous data and information should be omitted from the statement and be included in the investigation's supporting information file or record.

The EIS will cover the five points in NEPA; primary and secondary impacts; impacts on environmental resources of national or regional significance when the impact extends beyond the immediate area; and discuss the significant relationships between the proposal and other existing, authorized or proposed developments. A section

will be included describing the scoping, coordination and consultation procedures; the views including objections raised by other agencies, interested individuals, associations and groups; and the disposition of these issues.

The EIS shall state which of the alternatives the Section considers to be (1) its preferred alternative, and (2) the environmentally preferred alternative; and the reasons for the selection of each.

Where international consequences of the proposed action are a significant factor, the preliminary draft EIS shall be provided to the Department of State for its consideration and comment.

The approach to preparing the appendix shall be to limit its length and include only that information which is required in the CEQ Regulations and relevant to the decision to be made. Other information shall be included in supporting reports which will be prepared in limited number and be provided to libraries and specific agencies for the convenience of the public when reviewing the EIS. The appendix shall include the list of preparers, the list of supporting reports, the list of agencies, organizations and persons to whom copies of the statement are sent, the listing of references, bibliography, a summary of the scoping meeting(s), tables, photographs, and exhibits. Generally correspondence, reports and methodology will be included where appropriate as supporting reports, but a particularly relevant letter, such as the Fish and Wildlife Service advice on endangered species, may be included in the appendix.

(6) *Circulating the Draft Statement.* The draft EIS shall be circulated in accordance with CEQ Regulations 1502.19 and 1503.1, with five copies sent to the Environmental Protection Agency, Washington, D.C. which acts as the reviewer for CEQ. A notice of availability of the EIS shall be published in the **Federal Register** and information furnished to news media should include a description of the proposed action and alternatives considered, the environmental consequences, the coordination and consultation procedure, and prior public meetings. The letter transmitting the draft EIS should include the date and place for a public meeting on the draft EIS, if such a meeting is planned. This information will also be furnished to the news media.

The letter of transmittal shall specify the date when comments are requested, and unless prior approval has been obtained from the CEQ for a shorter time, at least forty-five days will be allowed for the receipt of comments.

The draft EIS shall be transmitted by the Commissioner or his designee to the United States Department of State and with their concurrence to the Environmental Protection Agency.

For international undertakings the United States Commissioner shall consult with the Mexican Commissioner and provide him a copy of the draft EIS at the time he deems appropriate for consideration by Mexico and submittal of such views and comments as it may desire to provide.

(7) *The Final Statement.* The final EIS shall be prepared in accordance with CEQ Regulations 1502.9(b) and 1503.4.

In instances where only minor comments are received, the final EIS may take the form of a description of comments received, the changes made to the text of the draft EIS, the change, if any, in the conclusions as a result of the comments and copies of the significant comments received.

For clarity or where the comments raise significant questions or issues, the Section may prepare the final EIS as a revision of the draft EIS, making such changes and additions as are determined appropriate to accurately reflect the pertinent comments received.

The final EIS shall contain a discussion of the pertinent comments received and the actions taken by the Section in response to the comments.

The final EIS will be circulated by providing copies to Environmental Protection Agency and to each agency, organization and individual who provided comments on the draft EIS. A notice of the availability of the final statement shall be published in the **Federal Register** and information furnished to news media on the availability of the final EIS.

d. *Supplemental Environmental Impact Statements.* The supplemental EIS will be prepared, circulated and filed in the same manner as a draft EIS except that the scoping process may be omitted.

(1) When a supplemental is issued to a draft EIS:

(a) Combined comments should be requested on the original draft, plus the supplement; and

(b) The final EIS should be issued as a new document covering the draft EIS as amended by the supplement and as a result of the comments received on the combined draft and supplement EIS.

(2) When a supplement is issued to a final EIS:

(a) Combined comments should be requested on the previously circulated final EIS, plus the supplement; and

(b) A revised final EIS shall be issued and include a discussion of the comments received on the combined EIS, and the responses made to these comments. If the supplement considers alternatives not previously considered or considers significant impacts not covered in the first EIS, the revised final EIS should reflect that the agency has reconsidered its preferred alternative and provide further discussion, as appropriate, for its selection of the preferred alternative.

e. *Exceptions.* The nature of negotiations and relations at the international level may make it necessary to depart in some instances from the procedures in the CEQ Regulations. CEQ foresaw the need for such departures in its Regulation 1507.3(c). Exceptions applicable to the Section are set forth below.

(1) The environmental documents which are written to comply with NEPA should not normally include any classified or administratively controlled material nor should they normally include statements with respect to positions other than the preferred position of the United States in any ensuing negotiation or discussion. Although environmental documents should, whenever possible, be unclassified and hence available to the public, there may be situations where such documents cannot adequately discuss environmental effects without disclosure of classified information. In these instances the EIS will be appropriately classified. Whenever possible, the classification should terminate on a specified date or upon the happening of a described event. Such EIS, so long as it is classified, will not be made available to the public. Consultation will be carried on with appropriate agencies on classified matters.

(2) Since final EIS may not be available until the conclusion of negotiations for an agreement or of a discussion, the 30-day time delay between submission of such a document and final federal action set out in CEQ Regulation 1506.10(b)(2) will not apply to actions taken in these situations. Every attempt will be made to comply with the 90-day period which Regulation 1506.10(b)(1) requires between submission of the draft EIS and final EIS, with the draft EIS circulation being limited to appropriate agencies. Where schedules of international conferences make this impossible, the Section will notify CEQ as soon as possible of the circumstances with the purpose of fulfilling the intent of NEPA insofar as possible.

(3) In certain exceptional instances it may be necessary to reduce the 45-day period for agency comments set out in CEQ Regulation 1506.10(c). When this is the case, all agencies to whom the draft EIS has been sent will be informed by the Section of the reduced time period. The reduced time period must also be included in the public notice published in the **Federal Register.**

(4) From time to time there will arise good and valid reasons for a deviation from these procedures. The procedures are not intended to be a substitute for sound professional judgment. Accordingly, if and as problems arise which justify a deviation, the proposed deviation and supporting rationale shall be forwarded to the United States Commissioner.

(5) Section 2(b) of Executive Order 11514 and CEQ Regulation 1506.6 establish requirements for providing public information on federal actions and impact statements, and envisions extensive use of public hearings. Public hearings will be utilized by the Section only upon a determination by the head of the Section (United States Commissioner) that the requirements of carrying on international relations, including the constraints of time and the posture of the United States in negotiations allow such hearings to be carried out without prejudice to the national interests.

(6) In those instances wherein the draft and/or final EIS is submitted to the Department of State (OES/ENH) for concurrence before distribution outside the Section, the Department has agreed to make its comments within thirty (30) days of receipt of an EIS from the Section.

f. *Decision Documents.* Environmental documents shall upon completion be made available to decision makers at each decision point.

At the time of the decision or, if appropriate, its recommendation to the Congress, a concise public record of decision shall be prepared in accordance with CEQ Regulation 1505.2 and shall:

(1) State what the decision was;

(2) Identify all alternatives considered and specify the Section's preferred alternative and the environmentally preferred alternative;

(3) Identify and discuss the factors leading to the decision including international consideration, national policy, economic and technical factors, and the Section's statutory mission; and

(4) Describe mitigation measures which are being included if the proposed action adversely impacts the environment.

No administrative action, to the maximum extent possible, is to be taken sooner than ninety (90) days after a draft EIS has been furnished to and received by the Environmental Protection Agency for CEQ, circulated for comment and, except where advance public disclosure will result in significantly increased cost of procurement to the Government, made available to the public. Further, no administrative action should be taken sooner than thirty (30) days after the final EIS, together with comments, has been received by the Environmental Protection Agency and made available to the public. In the event the final EIS is filed within ninety (90) days after a draft EIS has been circulated for comment, received by the Environmental Protection Agency and made public pursuant to these procedures, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap. The time periods shall be computed from the date the Environmental Protection Agency publishes in the **Federal Register** that the EIS has been received and is available for public comment.

g. *Actions Planned by Private Applicants.* Actions planned by a private applicant or non-federal entities prior to or concurrent with the initiation of the Section's studies, or involving an existing project shall be handled in the following manner in accordance with CEQ Regulations 1501.2(d)(1), 1501.4(b), 1501.8(a), 1502.19(b), 1503.1(a)(3), 1506.1(d), 1506.5(a) and 1506.5(b):

(1) The potential applicant shall be advised by letter of the action being studied by the Section and that information pertaining to the studies is available and that the policies and types of information which may be required of a future applicant can be obtained from the Section's responsible official;

(2) Applicants shall be requested to participate in the Section's scoping process and any subsequent meetings;

(3) The Section shall provide time limits for processing the application if the applicant requests them;

(4) Copies of environmental documents prepared by the Section will be furnished to the applicant with a request for comments;

(5) The applicant will be informed of the results of studies conducted by the Section as to whether development by applicants of plans or designs or performance of other work necessary to support an application for federal, state or local permits or assistance is appropriate;

(6) The Section will assist the applicant by outlining the types of information required for either an environmental assessment or an EIS;

(7) The Section will review any assessment or EIS prepared by a private applicant or a non-federal entity to verify its accuracy and shall make its own evaluation of the environmental document.

100.8 Definition of Key Terms

The definition contained within CEQ Regulations, Part 1508, apply to these Procedures.

100.9 Budget Process

The requirement of NEPA, Water Quality Improvement Act, Executive Order No. 11514, applicable Regulations and Office of Management and Budget Bulletin No. 72-6, shall be met through the Section's budget process to the maximum extent practicable. The following requirements of the budget process will be met:

a. *Legislation.* This Section is responsible for indentifying those of its legislative proposals, or favorable reports on bills on which it is the principal agency concerned, that would require the preparation of the EIS and receipt of the comments required under Section 102 of NEPA. When there is doubt as to which is the principal agency concerned the Legal Adviser shall consult with the Office of Management and Budget's Legislative Reference Division.

The proposed Section 102(2) EIS and the required comments shall accompany legislative proposals and reports when these are sent to the Office of Management and Budget for clearance. Copies of this material shall have been previously furnished directly to the CEQ for its information. As a part of the normal clearance process, the Office of Management and Budget will circulate the proposed statements along with the proposals or reports to appropriate federal agencies and will consult with CEQ. In certain cases the clearance process may disclose the need for a Section 102(2)(C) EIS where none has been prepared. In this event the Office of Management and Budget will request the Section to develop and submit an EIS.

After differences, if any, with other agencies over the legislative proposals or report have been resolved and after the legislative proposal or report has been cleared by the Office of Management and Budget, the final EIS and comments shall accompany the proposal or report to the Congress as supporting material.

b. *Annual Budget Estimates.* In the event the Section has major program

actions which significantly affect the quality of the human environment, annual budget estimates shall be accompanied by a special summary statement explaining generally the environmental impact expected to result from those activities and programs for which it is not possible to make an assessment of the potential impact on specific areas of the environment. Special summary statements shall include relevant information about general environmental problems that may be caused by proposed actions but which still must be assessed as plans for programs and activities are further refined. The special summary statement shall also include the following information by appropriation or fund account:

1. *Action, project or activity.* Identify the agency actions and individual projects and activities and the amounts of funds involved that are considered subject to Section 102(2)(C). Where the action is a part of a larger activity, identify only the project or action subject to Section 102(2)(C) and the amount involved.

2. *Final EIS completed.* If there are significant unresolved issues with other agencies, include a copy of the EIS with the submission to the Office of Management and Budget.

3. *EIS being prepared.* Give the status (e.g.—awaiting comments from interested parties) and estimated completion date.

If the Section prepares an EIS for any of its authorizing legislation it shall submit the EIS in lieu of a special summary statement required by paragraph b. above, except that the information required for the special summary exhibit shall be submitted along with the EIS. Copies of the special summary statement or the EIS (accompanied by information for the special summary exhibit) shall be furnished directly to the CEQ.

100.10 Lease, License, and Permit Applications

Lease, license and permit applications except for those types of leases and licenses which were previously enumerated as Categorical Exclusions, will be coordinated with federal, state and local agencies which are authorized to develop and enforce environmental standards. (Comments from such agencies or from the Section will be presented to the applicant who will be given the opportunity to modify the application so as to remove the cause, if any, for an agency's objection that there will be a significant effect on the quality of the human environment.

The applicant may be required to develop at the applicant's expense the necessary environmental assessment as may be required by the Section, in addition to any information the applicant may wish to furnish in order to demonstrate that granting of the lease, license or permit is in the public interest. A summary of the information on which the EIS is based will be furnished to the public in the notice of public hearing and at the hearing if one is held. In the event an applicant does not take action to remove an objection, the Section will prepare the assessment or EIS required by Section 102(2)(C) of NEPA at the applicant's expense.

The applicant may propose mitigation measures to offset the ecological impacts of the proposed action, or the section may prescribe such mitigation measures as it deems appropriate. Any such measures will be made a requirement of the lease, license or permit.

The granting of the lease, license or permit is the "federal action" which may require an environmental document. While the applicant has the duty and responsibility to undertake the environmental assessment and investigation, the Section has the primary and non-delegable responsibility for determining environmental impact of an action at every distinctive and comprehensive state. The Section may adopt the assessment after verifying it and concurring with the scope and conclusions of the assessment.

Failure of an applicant to furnish the requested information shall result in the denial of an application.

Leases, licenses or permits granted or approved by the Section will contain provisions to assure compliance with applicable air and water quality standards; to conserve and protect the environment including wetlands and to avoid, minimize or correct hazards to the public health and safety. The lessee, licensee or permittee will be required to provide adequate measures (mitigation) to avoid, control, minimize or correct erosion, contamination or other abuses and damages to the environment within or without the premises under lease, license or permit that may result from or have been caused by operations conducted on the premises.

Farming and grazing operations shall be conducted in accordance with recognized principles of good practice, conservation and prudent management. Land use stipulations or conservation plans to define such use and the measures necessary for the conservation, protection and control of the environment shall be incorporated in and made a part of the lease, license or permit.

Commercial and industrial developments may be permitted to be conducted on the premises under lease, license or permit if appropriate measures are taken so that the quality of the human environment will not be significantly affected, and providing such developments are in accord with the requirements of Executive Order No. 11988, "Floodplain Management," Executive Order No. 11990, "Protection of Wetlands," and the 1970 Boundary Treaty. Leases, licenses and permits shall contain provisions for the lessee, licensee or permittee to submit for advance approval, general and comprehensive plans of any proposed construction or developments for the use and conduct of operations as authorized for the premises prior to commencing any actual construction or development activities. Such plans, including architects' designs, construction specifications, machinery or equipment installation and operation or specifications for other operations or developments, shall provide measures necessary to protect, control or abate environmental pollution or abuses and avoid, minimize or correct hazards to the public health and safety.

Other uses as authorized by leases, licenses or pemits issued shall conform to the requirements and provisions formulated for each such use as adapted to local conditions and the environmental factors which are in need of protection and control measures.

Due to the nature of this Section's leasing, licensing and permit program, all factors are to be carefully considered before determining what is needed for the protection of the environment, conservation and land use requirements.

Application involving power transmission lines will be prepared in accordance with the Bureau of Land Management, Department of the Interior, Regulations as published in Subchapter B, Subpart 2850 of Title 43 CFR 2851.2–1 or any revisions or amendments thereto.

100.12 Operations at Construction Sites

Some operations that contribute to pollution and noise at construction sites and therefore require close surveillance, are enumerated in the following list:

a. *Air Pollution.*

1. Burning.
2. Earth moving operations (dust).
3. Sandblasting.
4. Sprayed-on coatings.
5. Soil stabilization operations (cement or lime).
6. Concrete mixing plant (dust).

7. Batch truck operation (dust).
8. Winter heating equipment (smoke and fumes).
9. Gunite operations (rebound).
10. Asphalt operations (dust, smoke, volatiles).

b. *Water Pollution.*
1. Solid wastes.
2. Earth moving operations (runoff).
3. Clearing operations (erosion).
4. Core drilling and grouting operations (waste water).
5. Wellpoint system runoff (erosion).
6. Concrete operations:
(a) Aggregate washing.
(b) Spillage.
(c) Water curing.
(d) Washing of mixers and batch trucks.

c. *Noise.*
1. Pile driving.
2. Equipment noise.
3. Drilling and blasting.
4. Rock crushing.

The construction-engineer should ascertain that the contractor complies with:

1. The current applicable federal regulations.
2. The current applicable local regulations.
3. Methods and restrictions of operations that are contract, permit and license requirements.

On projects where regulations and contract requirements do not specifically outline procedures, the contractor's cooperation should be encouraged in an effort to obtain a clean and safe operation.

Appropriate provisions will be included in the contract specifications for the works to be performed requiring compliance with federal, state and local pollution laws, regulations and rules. Examples of contract specifications are attached at Appendix A.

100.1 Section 309 of the Clean Air Act Amendments of 1970

Sections 1504.1 and 1508.19 of the CEQ's Regulation's require that, in addition to normal coordination procedures, the following procedures shall apply to coodination with the EPA:

a. Upon circulation of draft EIS to the EPA, comments shall be requested under both the NEPA and Section 309 of the Clean Air Act.

b. Comments of the administrator, EPA, or his designated representative will accompany each final EIS on matters related to air or water quality, noise control, solid waster disposal, radiation criteria and standards or other provisoins relating to the authority of EPA.

c. Copies of basic proposals (studies, proposed legislation, rules, leases, permits, etc.) will be furnished to EPA with each statement. For actions for which EIS are not being prepared but which involve the authority of EPA, EPA will be informed that no EIS will be prepared and that comments are requested on the proposal.

d. In the event EPA should, as a result of their considerations of factors covered during continuing coordination, indicate that the proposed action as presented is unsatisfactory from the standpoint of public health or welfare or invironmental quality, the Principal Engineer, Investigations and Planning Division, shall make every attempt to resolve the differences with EPA prior to completion of the draft EIS.

100.13 *Predecision Referrals to CEQ*

If a federal agency should refer an unresolved difference to CEQ for decision under Regulation 1504, the responsible official shall in fifteen (15) days after the Section's response to the referring agency's recommendation addressing fully the issues raised in the referral, and providing evidence to support the Section's position.

If the Section determines, after unsuccessful attempts to resolve differences with a lead agency, an EIS for a proposed action has potential adverse environmental impacts, Chief, Planning and Reports Branch, shall document the impacts, the differences with the lead agency, the actions taken to resolve the differences, and include all information identifed in CEQ Regulation 1504.3. The Legal Adviser shall prepare the outgoing documents listed in Regulation 1504.3 for consideration by the Commissioner after review by the Principal Engineer, Investigations and Planning.

100.14 · *Responsibility as a Commenting Agency*

The Chief, Planning and Reports Branch, will review draft and final EIS submitted by other agencies and prepare the draft letter of comments for the Section in keeping with the intent of CEQ Regulations 1503.2 and 1503.3. Such comments should be as specific, substantive and factual as possible without undue attention to matters of form as in an EIS. Emphasis should be placed on the assessment of the environmental impacts of the proposed action, including the international aspects of the acceptability of those impacts on the quality of the environment, particularly as contrasted with impacts of reasonable alternatives to the action. The Section may in its comments recommend modifications to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts. The Section's comments should indicate the environmental interrelationship of the proposed action to any of our existing projects, or those being planned. The comments may include the nature of any monitoring of the environmental effects of the proposed project that appears particularly appropriate. If comments cannot be provided in the forty-five (45) day comment period, a request should be made for an extension of time, normally fifteen (15) days. In the event there are significant international factors to be considered, and completion of comments will require a longer extension of time, the request should explain the reason for the longer periods.

100.15 Effective Date

These procedures supersede any draft of proposed procedures which has been published in the **Federal Register** and/or circulated to other agencies (local, state or federal), interested individuals, associations or groups. These procedures become effective upon the date of their publication in final form in the **Federal Register.**

Frank P. Fullerton,
Legal Adviser.

Appendix A

SC Landscape Preservation

A. General—The Contractor shall exercise care to preserve the natural landscape and shall conduct his construction operations so as to prevent any unnecessary destruction, scarring or defacing of the natural surroundings in the vicinity of the work. Except where clearing is required for permanent works, for approved construction roads and for excavation operations, all trees, native shrubbery, and vegetation shall be preserved and shall be protected from damage which may be caused by the Contractor's construction operations and equipment. Movement of crews and equipment within the right-of-way and over routes used for access to the work shall be performed in a manner to prevent damage to grazing land, crops, or property.

No special reseeding or replanting will be required under these specifications; however, on completion of the work all work areas shall be smoothed and graded in a manner to conform to the natural appearance of the landscape. Where unnecessary destruction, scarring, damage, or defacing may occur as a result of the Contractor's operations, as determined by the Contracting Officer, the same shall be repaired, replanted, reseeded, or otherwise corrected at the Contractor's expense.

B. Construction roads—The locations, alignment, and grade of construction roads shall be subject to approval of the Contracting Officer. When no longer required

by the Contractor, construction roads shall be made impassable to vehicular traffic and the surfaces shall be scarified and left in a condition which will facilitate natural revegetation.

C. Contractor's yard area—The Contractor's shop, office, and yard area shall be located and arranged in a manner to preserve trees and vegetation to the maximum practicable extent. On abandonment, all storage construction buildings including concrete footings and slabs, and all construction materials and debris shall be removed from the site, or subject to the Contracting Officer's approval, may be buried on the site. The yard area shall be left in a neat and natural appearing condition.

D. Costs—Except as otherwise provided, the cost of all work required by this paragraph shall be included in the prices bid in the schedule for other items of work.

SC Prevention of Water Pollution

The Contractor shall comply with applicable federal and state laws, orders, and regulations concerning the control and abatement of water pollution.

The Contractor's construction activities shall be performed by methods that will prevent entrance, or accidental spillage of solid matter, contaminants, debris, and other objectionable pollutants and wastes into streams, flowing or dry watercourses, lakes and underground water sources. Such pollutants and wastes include, but are not restricted to, refuse, garbage, cement, concrete, sewage effluent, industrial waste, radioactive substances, oil and other petroleum products, aggregate processing tailings, mineral salts, and thermal pollution. Sanitary wastes shall be disposed of in accordance with state and local laws and ordinances.

Unwatering work for structure foundations or earthwork operations near streams or watercourses shall be conducted in a manner to prevent excessive muddy water and eroded materials from entering the streams or watercourses by construction of intercepting ditches, bypass channels, barriers, settling ponds, or by other approved means.

Waste waters from aggregate processing, concrete batching, or other construction operations shall not enter streams, watercourses, or other surface waters without the use of such turbidity control methods as settling ponds, gravel filter entrapment dikes, approved flocculating processes that are not harmful to fish, recirculation systems for washing of aggregates, or other approved methods. Any such waste waters discharged into surface waters shall be essentially free of settleable material. For the purpose of these specifications, settleable material is defined as that material which will settle from the water by gravity during a 1-hour quiescent detention period.

Sanitary facilities shall be provided and maintained in accordance with the Department of Labor "Safety and Health Regulations for Construction."

The costs of complying with this paragraph shall be included in the prices bid in the schedule for the various items of work.

SC *Abatement of Air Pollution*

The Contractor shall comply with applicable federal, state, interstate, and local laws and regulations concerning the prevention and control of air pollution.

In the conduct of construction activities and operation of equipment, the Contractor shall utilize such practicable methods and devices as are reasonably available to control, prevent, and otherwise minimize atmospheric emissions or discharges of air contaminants. Equipment and vehicles that show excessive emissions shall not be operated until corrective repairs or adjustments are made.

The Contractor's methods of storing and handling cement shall include means of controlling atmospheric discharges of dust.

Burning of materials resulting from clearing of trees and brush, combustible construction materials, and rubbish will be permitted only when atmospheric conditions for burning are considered favorable and the burning is done in accordance with Texas Air Control Board and local air pollution regulations. In lieu of burning, such combustible materials shall be removed from the site and disposed of in accordance with applicable regulations and laws.

During the performance of the work required by these specifications or any operations appurtenant thereto, whether on right-of-way provided by the Government or elsewhere, the Contractor shall furnish all the labor, equipment, materials, and means required, and shall carry out proper and efficient measures wherever and as often as necessary to reduce the dust nuisance, and to prevent dust which has originated from his operations from damaging crops, vegetation, lands and dwellings, or causing a nuisance to persons. The Contractor will be held liable for any damages resulting from dust originating from his operations under these specifications on the Government right-of-way or elsewhere.

If the Contractor does not provide and perform the necessary dust control measures within a reasonable time after need for such control arises, the Government will cause the work to be performed and will backcharge the Contractor for such work.

The costs of complying with this paragraph, including the cost of sprinkling for dust control or other methods of reducing formation of air pollution shall be included in the prices bid in the schedule for the various items of work.

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INTERNATIONAL TRADE COMMISSION

Certain Tobacco; Report to the President on Investigation No. 22-43

August 21, 1981.

Findings and recommendations

On the basis of the information developed in the course of the investigation, the Commission[1] finds and recommends that tobacco, provided for in items 170.3210, 170.3500, 170.6040, and 170.8045 of the Tariff Schedules of the United States Annotated (TSUSA), is not being and is not practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the flue-cured tobacco program or the burley tobacco program of the Department of Agriculture, or to reduce substantially the amount of any product being processed in the United States from such tobacco.

Background

The Commission instituted its investigation on March 5, 1981, following the receipt on January 18, 1981, of a request from the President. The investigation was instituted pursuant to section 22(a) of the Agricultural Adjustment Act (7 U.S.C. 624(a)) to determine whether tobacco, provided for in items 170.3210, 170.3500, 170.6040, and 170.8045 of the TSUSA, is being or is practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with, the tobacco program of the Department of Agriculture, or to reduce substantially the amount of any product being processed in the United States from such tobacco.

Notice of the Commission's investigation was published in the **Federal Register** of March 11, 1981 (46 F.R. 16162). A public hearing was held in Washington, D.C., on June 24 and 25, 1981. All interested parties were afforded an opportunity to appear and to present information for consideration by the Commission.

This report is being furnished to the President in accordance with section 22(a) of the Agricultural Adjustment Act. The information in the report was obtained at the public hearing, from interviews by members of the Commission's staff, from information provided by other Federal and State agencies, and from the Commission's files, submissions from the interested parties, and other sources.

[1] Commissioner Bedell dissents in part. Commissioner Bedell finds that flue-cured tobacco, provided for in items 170.3210, 170.3500, 170.6040, and 170.8045 of the TSUSA, is being or is practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the flue-cured tobacco program of the Department of Agriculture, or to reduce substantially the amount of any product being processed in the United States from such tobacco.

Statement of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioner Paula Stern

I. Introduction

Section 22 provides that relief from import competition shall be granted if the President finds that articles "are being or are practically certain to be imported. . . in such quantities as to render or tend to render ineffective, or materially interfere with . . ." certain agricultural programs.[2] The statute thus requires that two different events occur before relief is granted. First, with regard to the imports, the article must be imported or be practically certain to be imported. The "practically certain" standard means that the probability of imports must be highly likely. Mere speculation as to future imports that will cause harm to a program is not sufficient.

Second, after the import test has been met, it also must be shown that harm to the program is occurring or is threatened by those imports. The most severe harm would "render ineffective" the program. Relief from imports may also be provided if imports are shown to "materially interfere with" a program. Material interference is more than slight interference but less than major interference. A program which has been rendered ineffective has also suffered material interference, although the reverse may not be true. Therefore, material interference is the less stringent of these two standards. We believe that the Commission should consider both of these standards in order to provide the fullest advice possible to the President.

Finally, relief from prospective harm by imports may be provided if their importation is practically certain to materially interfere with or tend to render ineffective a program.[3] Tendency to render ineffective must, of course, be more than speculative. A real and imminent harm to the program in question must be shown. In this case we find that none of the requisite harms to the program is present and, therefore, find that relief is not warranted.

II. Summary of reasons

Our determination in this case is based upon several factors which indicate to us that the conditions for imposing import restrictions under Section 22 do not exist. In reaching our conclusions we have considered the impact of imports on the purposes established for the programs and the impact on the operation of the programs.

While there has been a large increase in the volume of imports of burley and flue-cured tobacco since 1975, imports in prior years characteristically have been very low and, in our view, the market share enjoyed by imports is not sufficient to materially affect the USDA tobacco programs.

Furthermore, the information presented to us during this investigation clearly indicates that the programs are healthy and are not suffering the type of harm or interference contemplated by the statute. USDA concedes this fact with respect to the burley program. With respect to the flue-cured program, the evidence weighs against USDA's repesentations. For example, loan stocks of flue-cured tobacco have been steadily declining since 1978 and are now at their lowest level since 1977. The amount of tobacco placed under loan each year has been significantly lower since 1978 than during 1974–77.

In addition, we have found that the cost to the Government of operating the program quite plainly has not been increasing relative to past years. In light of recently developed information, USDA estimates of financial losses on the 1975 crop and on subsequent crops appear to be exaggerated. While there was a slight loss of $5.6 million on the 1974 crop and there may be a loss of about $11 million on the 1975 crop, these losses are not comparable to the average losses experienced in the period 1950–70. They simply are not of a magnitude to suggest material interference or ineffectiveness of the program. Moreover, in stark contrast to USDA estimates, the Flue-cured Stabilization Cooperative (FCS) projects that substantial profits will be made on sales from crop years 1976–80.

With respect to the prospective impact of imports on the programs, there is no evidence to demonstrate that imports are tending to ender the program ineffective or that they are parctically certain to be imported so as to cause future harm. While the best estimates do indicate a long term growth in imports, such an event is too protracted to be a basis for concluding imminent harm. Moreover, information on the current crop is that because of its high quality auction prices are high, loan placements are down sharply over prior years, and precessors are dipping into loan stocks to obtain lower grade tobacco. While USDA is alarmed by the apparent long-term decline in U.S. competitiveness vis-a-vis other tobacco producing countries, the facts before us do not suggest that harm is imminent.

Finally, the purposes of the tobacco programs, including assuring adequate income to farmers and fair prices to consumers, maintaining a balanced supply, and providing a balanced flow of tobacco in interstate and foreign commerce, are currently being achieved.

III. The tobacco programs of the USDA

The purposes of USDA programs dealing with tobacco, as well as with certain other agricultural commodities, are set forth in section 2 of the Agricultural Adjustment Act of 1938:

> It is hereby declared to be the policy of Congress to continue the Soil Conservation and Domestic Allotment Act, as amended, for the purpose of conserving national resources, preventing the wasteful use of soil fertility, and of preserving, maintaining, and rebuilding the farm and ranch land resources in the national public interest; to accomplish these purposes through the encouragement of soil-building and soil-conserving crops and practices; *to assist in the marketing of agricultural commodities for domestic consumption and for export; and to regulate interstate and foreign commerce in cotton, wheat, corn, tobacco, and rice to the extent necessary to provide an orderly, adequate and balanced flow of such commodities in interstate and foreign commerce through storage of reserve supplies, loans, marketing prices for such commodities and parity of income, and assisting consumers to obtain an adequate and steady supply of such commodities at fair prices.* (Emphasis added.)

There are no other specific legislative purposes articulated for the tobacco programs.

With respect to types of tobacco covered by this investigation, the purposes set forth in the 1938 Act are accomplished through two different programs administered by USDA: the flue-cured tobacco program, and the burley tobacco program.[4] Section 22 provides for relief when the President finds that "any article or articles are being or are practically certain to be imported . . . as to render or tend to render ineffective, or materially interfere with, *any program or operation undertaken under this chapter or the*

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[2] The statute also includes a clause referring to products processed from agricultural commodities. This clause is more fully discussed below and in a memorandum to the Commission form the General Counsel (GC-E-197), Appendix H of the report.

[3] It is the view of Vice Chairman Calhoun that relief from prospective harm from imports may be provided if imports are practically certain to be imported under such conditions and in such quantities as to materially interfere with a program or if their importation is such as to tend to render ineffective a program.

[4] A thorough discussion of the distinctions between the programs may be found in Appendix H of the report (memorandum to the commission form the General Counsel, GC-E-198). Also, it is possible that small amounts of other types of tobacco which may be grown in the United States are included in some of the TSUSA categories mentioned in our notice of investigation. However, the best information available indicates that imports of those tobaccos are insignificant. Therefore, this investigation is only concerned with burley and flue-cured tobacco.

Soil Conservation and Domestic Allotment Act . . . or any loan purchase or other program or operation undertaken by the Department of Agriculture . . . ." We therefore have made findings and recommendations with regard to each program.

The specific programs of the Department of Agriculture that are of concern to the Commission in this investigation are those which support the flue-cured and burley types of tobacco. Under these programs, the price farmers receive for their tobacco is supported by a loan program that establishes minimum prices for every grade of these tobaccos. The average support price of tobacco is set by a formula based on the parity index (index of prices paid by farmers). A support price for each individual grade is established by USDA to reflect market conditions to the extent possible, provided that the average of prices of all grades weighted by the historical share of each grade in the overall crop must equal the statutory support price. This average price is $1.58 per pound for 1981.

The support programs further require that the Secretary of Agriculture establish annually a national poundage quota for both types of tobacco and, in the case of flue-cured tobacco, also and acreage allotment, thereby limiting the amount of tobacco which can be brought to market by growers. With the exception of allowing up to 10 percent overmarketing by a farmer (which is then subtracted from his quota in the next year), any tobacco grown in excess of a farmer's prorated marketing quota cannot be marketed except with severe penalties. The purpose of these marketing limitations is essentially to assure that the market will not be oversupplied with tobacco, causing market prices to decline below the support price and causing increased quantities of tobacco to be placed in the Government stocks.

Producers may place any or all of their tobacco under loan if auction of that tobacco does not bring a bid from prospective buyers at least equal to the appropriate support price for the grades offered. The grower, whether he places his tobacco under loan or sells it to a dealer, receives payment immediately through the auction management. The tobacco placed under loan is generally processed by agents of the USDA into the strip form and then stored until after the auction season is complete. At that time the tobacco is made available for sale at a price no lower than 105 percent of the support price. Certain fees, carrying charges, and interest charges are added to this price during the time tobacco remains under loan. When all tobacco under loan from a particular crop is sold or otherwise disposed of, a financial accounting is made. After expenses are paid the remainder of any proceeds are applied by the Commodity Credit Corporation (CCC) against the loan principal and then against the outstanding interest. The surplus of income over expenses, if any, is not accumulated by the CCC. These so-called profits are distributed to the growers through their associations while losses, if any, are absorbed by the CCC.

IV. The question of harm to the burley program

USDA testified before the Commission that only the flue-cured tobacco program is being adversely affected by imports. Imports of burley and other types of tobacco which are entered into the United States under the four TSUSA numbers covered by this investigation are not believed by USDA to be harming the USDA burley program. We concur with the USDA in this assessment.

The burley tobaco program is unquestionably healthy. Although imports of this type of tobacco are believed to have increased in recent years, this increase is clearly in response to increased demand for burley tobacco. The basic marketing quota for burley was stable at about 614 million pounds [5] from the 1979 crop year through the 1980 crop year and was increased to 660 million pounds in 1981. The effective quota, that is, the basic quota adjusted for under- or over-marketing of the previous year, has been increased to 851 million pounds. Stocks both under loan and held by dealers and cigarette manufacturers have declined. Loan stocks are practically non-existent, no burley was placed under loan in 1980, and the CCC reports no losses from sales or other disposal operations.

No testimony at the Commission's hearing and no other information available to the Commission supports an argument that imports are adversely affecting the burley program. We, therefore, determine that burley tobacco is not being imported and is not practically certain to be imported under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the burley program of the Department of Agriculture.

V. The question of harm to the flue-cured program

USDA and other participants testified that imports of flue-cured tobacco were materially interfering with this program and that projected increases in such imports will materially interfere in the future. Major elements of testimony in favor of relief included the following:

(1) Imports have increased from an annual level of 30 million pounds or less before 1976 to as much as 85 million pounds in 1979. USDA projects imports to increase by about 8 percent each year until at least 1986.

(2) Imports have displaced at least 225 million pounds of tobacco from the 1975–80 crops which would otherwise have been purchased by dealers or cigarette manufacturers, causing the displaced domestically produced tobacco to be placed under loan. During the next five years additional displacement is expected to exceed 400 million pounds.

(3) Because of the addition of imports to domestic inventory, marketing quotas have been reduced substantially since 1975.

(4) Because of the availability of foreign tobacco at prices well below that of domestic tobacco from either the auction floor or from loan stocks, the Flue-cured Stabilization Cooperative which handles the stocks has been unable to sell and will continue to be unable to sell substantial quantities of tobacco otherwise competitive with imports, suffering financial losses projected at as much as $123 million from the 1975–80 crops currently under loan, and over $200 million from future crops.

In order to halt the interference with the program and to prevent future interference, USDA suggested that a quota on imports be established at the average level of such imports from 1978–80, or approximately 72 million pounds.

Of the standards for finding harm to the flue-cured tobacco program under section 22, only material interference was claimed. No participant in this investigation alleged, nor does any information before us suggest, that the quantity of imports is such as to render the program ineffective. Regarding the assertion that imports are materially interfering with the program, we can find no such interference, nor do we find indications of imminent harm. While there are troublesome factors affecting the operation of the flue-cured program, imports are not entering at such a level or under such conditions as to cause the

[5] This and other references to poundage in this opinion are in terms of farm-sales weight, the weight of tobacco when sold by the grower at auction. After processing and packing, the weight of tobacco is somewhat reduced. One pound packed weight is approximately equal to 1.4 pounds farm-sales weight.

requisite interference; nor is the program suffering or facing the adverse circumstances contemplated by section 22.

Imports. Imports of flue-cured tobacco have indeed increased to record high levels in recent years. In 1976 imports began to increase dramatically, reaching 54 million pounds in 1977, 74 million pounds in 1978, and 85 million pounds in 1979. While imports of flue-cured tobacco appear to have declined to 76 million pounds in 1980, import penetration has remained near the record high level of 15 percent of domestic utilization. From the time the program was created by the Congress, until 1975, imports were at a very low level, never exceeding 30 million pounds in any year. Import penetration during that period did not exceed 3 percent of domestic utilization of U.S. produced flue-cured tobacco. Therefore, while recent increases appear dramatic, it must be remembered that they are from a very low level.

Domestic utilization of tobacco is not the only yardstick by which the impact of imports can be measured. Nearly one-half of all domestic tobacco production is destined for export markets. Even a large portion of tobacco used for domestic production of cigarettes is ultimately exported in that processed form. Although imports are at record high levels, they remain at less than one-sixth of the level of flue-cured tobacco exports and import penetration relative to all utilization of U.S. produced flue-cured tobacco is only 8 percent.

It is apparent that the major reason for the increase in imports in recent years is the price differential which has resulted from the rapid escalation of the U.S. support price. Prices paid by cigarette manufacturers for U.S. produced tobacco are substantially above those for tobacco from other producing nations. Much U.S. produced tobacco is of higher quality than that available abroad. This is a fact clearly domonstrated by the large volume of U.S. exports despite their high prices. However, there is also significant foreign production comparable to lower quality, neutral flavored domestic tobacco at prices below the support price. The average price of imported flue-cured tobacco in the United States was $.60 per pound below that of domestic tobacco, even after adjusting for quality differences.

It is quite possible that imports will increase further under these conditions of competition, as predicted by USDA. However, though these imports undoubtedly will have some effect upon the program, we do not believe that they have reached or are likely to reach in the immediate future a level which would constitute material interference.

The question of present harm. We believe that the program is healthy and is not suffering the type of harm contemplated by the statute. USDA testified that dealers and cigarette manufacturers have been purchasing and placing in inventory increased quantities of imported tobacco. It suggested that, as a result, those buyers were reducing their purchases from FCS-held loan stocks casuing those stocks to increase. In addition, buyers were purchasing imports rather than domestic tobacco from the tobacco auctions causing FCS to purchase the displaced tobacco at the suport price, thereby raising the level of loan stocks and causing unusual expenditures. In order to balance supply (which includes the larger quantities under loan) with demand, USDA testified it had reduced marketing quotas. We have examined all these factors in detail.

The level of uncommitted stocks (those still available for sale)[6] as of the beginning of each crop year has been declining steadily since 1978 and, by July 1, 1981 had declined to 468 million pounds. Recent sales in the first few weeks of the 1981 crop year have caused uncommitted stocks to decline even further to what may be the lowest level since at least mid-1977. We cannot speculate as to what level these stocks might be were imports not available during recent years, but the trend is in a positive direction despite the lower quality of recent harvests and the higher volume of imports in recent years.

Another indicator of material interference specifically identified by USDA and other supporters of import restrictions is the amount of tobacco being placed under loan each year. This amount reached 277 million pounds in 1976, declined to about 64 million pounds in 1978 and increased to 138 million pounds in 1980. However, an examination of changes in the amount of flue-cured tobacco placed under loan shows that there is no discernible positive correlation between that quantity and the level of imports. In fact, to the extent a relationship exists between import levels and the amount of flue-cured tobacco placed under loan, it appears to be a negative correlation.[7] Furthermore, the amount of tobacco placed under loan each year has been significantly lower since 1978 than during 1974–77.

The level of tobacco placed under loan is a function of demand in the market for the tobacco offered at a price which can be no lower than the support price. Since support prices are set in advance of the harvest, there is no method by which USDA can adjust the support prices on the approximately 150 grades of flue-cured tobacco to perfectly reflect market conditions. If a crop is of generally low quality, it is probable that the support prices on some, and possibly many, of the various grades will be higher than prospective buyers believe appropriate. Such tobacco will inevitably be placed under loan. Similarly, it is probable that in the event of a low quality crop, and particularly if that crop is large, there will be more of some lower quality grades than the market can comfortably absorb at support prices. Under such conditions it would be expected that farmers will place larger than desirable quantities under the loan program. Such tobacco would remain as part of loan stocks until demand for those grades at the offered prices increased relative to the supply at the tobacco auctions. This is precisely one of the means by which a commodity buffer stock is intended to accomplish its purpose of maintaining stable prices and supplies. The smooth operation of the flue-cured stabilization mechanism points to a system that is functioning as intended.

USDA has in recent years made adjustments in the program which will serve to encourage lower loan stock levels in future years. Among these are incentives to farmers not to harvest the lowest quality tobacco which is in least demand, and the removal of price support for a number of grades covering this lower quality tobacco. As a separate matter, the interest rate policy of the CCC may have operated as a cause, different from imports, of large FCS-held uncommitted stocks. The interest rate charged by the CCC was set for the life of the loan and, owing to escalating costs of money, rapidly fell below commercial interest rates. For example, the interest charged on tobacco now under loan is as low as 6 percent. By 1981, the commercial rates exceeded the loan rate by as much as 14 percentage points. So long as it is

[6] USDA has suggested that because total FCS-held stocks have been higher since 1977 than during the period 1973–76, material interference is occurring. However, these total FCS-held stocks comprise two categories of tobacco. These categories are 1) uncommitted stocks still available for sale and 2) committed stocks which are already sold on paper but have not yet been removed from FCS control. These latter stocks are, in effect, the same as privately held stocks, and they should not be considered still under loan.

[7] For example, in crop years 1977 and 1978 imports increased singificantly while loan placements decreased from the preceding years. In 1980 imports declined while placements nearly doubled. See the tabulation on p. A–32 and table 4.

reasonable to expect commercial interest rates to remain high or to increase, there is clear incentive for flue-cured purchasers to maintain a measure of their inventory under FCS control, thereby availing themselves of what is essentially a subsidized inventory. Although there will continue to be an interest rate differential between the CCC rate and commercial rates, recent changes in policy now provide for a higher variable interest rate on CCC loans. The reduced differential between loan rates and commercial rates, although still about 5 percentage points at this time, will be less likely to encourage a build-up in FCS-held tobacco stocks.

In addition, it is our view that the current condition of the loan program is not an indication of harm. Rather it is the result of the proper operation of the system. When harvests were of good quality relative to other years, as in 1978 and 1979, the average price paid to farmers exceeded the support price by a considerable margin. In those years tobacco placed under loan was in relatively small quantities, suggesting that demand was strong relative to supply and suggesting that imports increased in those years partially because of this strong demand. In other years, such as 1977 and 1980, when the crop was rather poor quality, market prices were close to the support price and large quantities were placed under support. In 1975 the quantity offered was simply too large for the market to clear at prevailing prices.

If the system is working properly, tobacco which is placed under loan is ultimately sold at little or no cost to the program. USDA testified that the losses already incurred and likely to be incurred in the immediate future were the most telling indicators of harm from imports. A loss of about $6 million had already occurred in sales from the 1974 crop and, on the basis of some sales at a loss over the period December 1979 to March 1981, USDA projected that losses would continue into the future. However, in our view such losses are not likely to occur.

The only loss which has actually occurred during the last decade is that on sales from the 1974 crop. Production in that year was among the highest in the decade and all but 25 million pounds were sold at auction at prices which exceeded the $0.83 support price by an average of $0.22 per pound. This was nearly the smallest quantity placed under loan in well over a decade, and this tobacco was described in testimony as the "leavings of the leavings." The loss incurred on these sales cannot be convincingly laid at the door of imports.

USDA states that, on the basis of sales prices obtained in recent bid sales of the 1975 crop, losses likely to be incurred on that crop can be estimated at $34 million. However, FCS, which is directly responsible for determining list prices and conducting the sale of stocks, estimates losses at $11.6 million if those stocks are sold at list price. The extreme estimate made by USDA is belied by the most recent events in sales by FCS.

Since the 1981 markets opened in late July, over 40 million pounds of tobacco have been sold from stocks of the 1975 crop, and these sales included large quantities of that tobacco which previously had been made available for sale at bid. This tobacco was not sold owing to lack of interest among potential buyers at a price acceptable to FCS. All 40 million pounds, accounting for over one-third of the remaining stocks of the 1975 crop, were sold at list price. Only a small amount of tobacco from the 1975 crop similar to that previously offered in bid sales remains in loan stocks (approximately 5 million pounds). There is no reason to believe that this tobacco, or any other from the 1975 crop, will be sold at a loss approaching that projected by USDA.

Moreover, if the remaining stocks are sold at list prices, the loss would more nearly approximate the lower FCS estimate than that of the USDA. High auction prices for the 1981 crop and the removal of interest rate incentives are likely to increase the appeal of tobacco now held by FCS. The increased demand for the grades currently held under loan may allow FCS to revalue the tobacco upward, reducing losses further. An additional encouraging indication is that this crop has been held by FCS for only about 6 years. The average length of time before complete disposal of crops from 1955–70 was over eight years, and the average for the 1971–74 crops was over six years. Of those crops after 1966, only the 1974 crop was sold at a loss; others were sold at profits of up to $16 million.

USDA further suggested that if losses on the 1975 crop were $34 million, other crops held by FCS would also be sold at substantial losses. However, since there is no convincing evidence that the 1975 crop will be sold at a loss greater than that estimated by FCS, there is no reason to doubt the FCS estimates on other crop years as well. FCS estimates that stocks from each of those crops will be sold at substantial profit and that the net profit for all crops under loan through 1980 will be about $17 million. It should be noted that FCS is not permitted by the legislation to carry over any profit it may make from sales of one year's crop to balance losses incurred from sales of another year's crop and, technically, it cannot make a profit. All gains must be distributed to the farmers participating in the program after expenses have been paid. It may be desirable that each and every crop be sold at no loss to the program, but losses must be expected on occasion. Only the size and frequency of such losses are in question. The operation of the program has certainly improved since 1950–70 during which the program incurred frequent and, sometimes, large losses. We do not believe that the relatively small loss from sales of the 1974 crop and the uncertain loss from other crops constitutes material interference from imports.

USDA also argues that material interference to the program has manifested itself in the need to reduce the marketing quotas since 1976. Marketing quotas for flue-cured tobacco have decreased from the level of the mid-1970's. In 1975 the basic quota was 1,491 million pounds and, in 1981, it is only 1,013 million pounds. However, the 1975 quota was a record high quota which exceded the levels of preceding years by nearly 40 percent. The decline since that time is in fact only a return from several years of abnormally high marketing quotas to the levels in effect before 1974.

As support for its decision to reduce marketing quotas, USDA noted that the domestic utilization of flue-cured tobacco has declined by 17 percent since 1972 while exports have declined only slightly (although exports have declined by 18 percent from 1973 levels). Utilization of U.S. produced flue-cured tobacco in 1980 was 113 million pounds below utilization in 1971 while imports had increased by 65 million pounds. Thus, USDA argues that processors are turning more and more to imports to replace domestic tobacco. However, in the same period, cigarette manufacture in the United States increased 24 percent to about 714 billion cigarettes in 1980. It is apparent that factors other than imports are at play here. In particular, cigarette manufacturers have apparently become considerably more efficient in the use of tobacco in their product or have shifted the tobacco content of cigarettes from flue-cured to some other type of tobacco. In 1971 manufacturers produced about 860 cigarettes from a single pound of flue-cured tobacco (blending it with other tobaccos, both domestic and imported). In 1980 manufacurers produced 1,140 cigarettes from each pound of flue-cured tobacco purchased either domestically

or from foreign sources, an increase of one-third. We find, therefore, that it is not primarily the presence of imports which have caused the decrease in the marketing quotas, but rather a variety of other factors which are beyond the control of the program and are also beyond the scope of section 22.

USDA testified that material interference had already occurred, but their recommendation of a 72 million pound quota on imports of flue-cured tobacco is not consistent with that conclusion. This level is the average of imports during the most recent three years for which data are available. However, imports during those years were the highest in the history of the program, and only in 1979 did imports substantially exceed the recommended quota. If a level of imports substantially lower than 72 million pounds was interfering with the program as early as 1976 and imports are now materially interfering with the program, there can be no justification to allow that quantity to be entered in the future.

The question of future harm to the program. From the language of the statute, there are two alternative standards by which the prospective impact of imports may be sufficient to warrant relief. The first standard is that articles are practically certain to be imported under such conditions and in such quantities as to materially interfere with the flue-cured program. The second standard is that articles are being imported or are practically certain to be imported under such conditions and in such quantities as to tend to render ineffective the flue-cured program.

As is the case with allegations of current injury, no representation has been made nor data collected by us which suggests that the program is likely to be rendered ineffective. The remaining statutory basis for considering future harm to the program is that there are articles being imported which are practically certain to materially interfere with the program. Again, we can find no data which allow for a conclusion that there is a quantum of flue-cured tobacco which is "practically certain to be imported" under conditions or in quantities which would materially interfere with the support program.

In the first instance, the USDA forecast of 8 percent yearly import growth through 1986 does not support a conclusion that imports are practically certain to cause material interference. Second, current information on the 1981 harvest indicates that the quality of the tobacco being sold at recent auctions is better than that in most recent years, and there appears to be a short supply of lower grade tobacco similar to that which has been most prevalent in FCS loan stocks. Prices offered at auction are reported by the USDA to be signficantly higher than the support price—which is itself 12 percent higher than in 1980—and the quantity of tobacco being placed under loan in the first few weeks of this auction season is well below the rate of 1980. As noted above, the higher market prices provide incentive for purchases of older tobacco from FCS. In fact, there have been significant purchases from FCS stocks, at list prices, of grades of tobacco which USDA suggested might be sold only at a loss.

We recognize that these events do not necessarily guarantee a long term positive trend in all the factors which we have considered. It is possible that, as with any agricultural commodity, conditions in the tobacco markets may change very rapidly. We are, however, of the view that unless some entirely unforeseen event causes a rapid turn-around in the market, that these imports cannot be said to be practically certain to harm the program in the foreseeable future.

The purposes of the Program. Finally, we have concluded that the purposes of the programs are currently being achieved. The primary purpose of the program, according to USDA, is the maintenance of farmers' incomes from growing and marketing flue-cured tobacco. The first factor which determines income is the price at which a farmer's tobacco is sold. The price of tobacco is guaranteed by the price support legislation to be some percentage of parity—that is, the price of a pound of tobacco is guaranteed to be able to buy some percentage of what it could buy during the period 1910–14. This percentge has been changed during the history of the program, most recently in 1960. The legislation has essentially defined by this process what Congress considers to be a minimum fair price for tobacco both for growers and for consumers. This price is still guaranteed through the price support system. Provided the program operates effectively there is no manner in which imports can interfere with a grower obtaining that price for any tobacco he markets within his quota.

The second factor which determines growers' incomes is the quantity of tobacco which they are allowed to place on the market for sale at or above the support price. As discussed above, this quantity has varied considerably over time. However, we note that the gross returns from sale of tobacco has increased. In 1972, 1,022 million pounds were marketed at an average price of $0.853 per pound (13 cents above the support price) for a total crop value of $872 million. In 1975, marketings reached an all-time record of 1,415 million pounds at an average price of $0.998 per pound (6.6 cents above support) for a total value of $1,412 million. In 1980, the support price had risen to $1.42 per pound and farmers received an average of $1.45 per pound on a total crop of 1,086 million pounds for a total value of $1,571 million. In each year, the value of the crop has increased and the average price has been above the support price determined by the statutory formula. The gross return on an acre of harvested tobacco in 1977 was over $2,300, far exceeding most other crops including those which have support programs (e.g. sugar, peanuts). While tobacco accounted in 1977 for only 0.3 percent of total acreage planted in the United States, it accounted for 4.4 percent of the total value of the crops. Additionally, from 1972 to 1979 the average return to land, management, and allotment for flue-cured tobacco in North Carolina increased from $8,200 to $15,400, or 89 percent.[8] The increase in the support price during the same period was only 79 percent, suggesting that growers have improved their position relative to the support price established by Congress. Without addressing the issues implicit in the income distribution effects of the practice of leasing tobacco allotments, we note that testimony at the hearing indicated that the average lease value of an allotment was about $0.40 per pound in 1980 and had increased in recent years. Therefore, either the actual growers (who often are not the same as allotment holders) are willing to make less money on their tobacco operations, or the guaranteed price of tobacco has increased more than have the costs of growing and curing the tobacco. We cannot under these conditions find otherwise than that the purpose of the tobacco program in providing tobacco farmers with a fair income is being accomplished.

The program is also designed to provide for balanced supply-demand relationships in the marketplace for flue-cured tobacco. This is primarily accomplished through the process of setting marketing quotas. Such quotas

[8] The USDA study which presents this farm income data also found that, while the number of growers had decreased, the size of each farm increased. The income of growers is a stated purpose of the program, but stability in the number of farmers is not. Therefore, it is actually the income per farm which is most relevant to an examination of grower income, rather than the growth in total crop value.

are largely determined by a formula in which the main variables are the historical levels of domestic utilization, exports, existing inventory both in private and FCS stocks, and the expected crop size. The North Carolina Farm Bureau observed in its post-hearing brief that no mention is made in the 1938 Act of the role of imports in the determination of marketing quotas and that all variables are defined in terms of U.S. produced tobacco only. Regardless, the legislation does allow the Secretary of Agriculture the discretion to adjust the marketing quota according to other factors, such as imports, which he might deem relevant. We do not believe that the term "adequate and balanced flow" in the 1938 Act is necessarily to be interpreted as an increasing or even stable market for domestic tobacco, but only that there should not be unexpected but otherwise avoidable imbalances in the markets for tobacco. There has been a gradual decline in marketing quotas which roughly parallels the decline in utilization of flue-cured tobacco. The similarity in these changes indicates that the system is operating as it should despite the presence of import competition. We find no evidence that there is an import-induced imbalance in the marketplace for flue-cured tobacco.

Another purpose of the program is the regulation of foreign commerce. Although the tobacco legislation does not define the importance of exports to the programs, they are clearly a significant factor in their operation. The formula by which the Secretary of Agriculture determines marketing quotas includes as one of its variables the average level of exports. In the determination of support prices for individual grades, USDA has considered the possible effects of overpricing tobacco grades favored by foreign buyers. In recent years exports consistently have accounted for nearly one-half of total utilization of U.S. produced flue-cured tobacco and, despite the recent increases in the level of imports, currently exceed imports by a six to one ratio.

Any complete discussion of the tobacco program must include the positive contribution of exports to the purposes of the program and the potential impact upon those exports of import restrictions. It is our view that although the appeal of U.S. produced flue-cured tobacco in foreign markets continues to be strong, it is experiencing increasing competition on the basis of both quality and price. The declining trend in U.S. exports, both absolutely and relative to other countries' exports, is particularly disturbing as it may indicate potential for tougher competition in the domestic market from foreign producers. Close attention should be given to the causes and solutions for the ailing export market in any examination of the industry and the program.

VI. The Processing Clause

Section 22 includes a clause which states that if imports "reduce substantially the amount of any product processed in the United States from" a commodity which is the subject of a USDA program, restrictions may also be imposed by the President. This clause no longer appears to have relevance to investigations under section 22.[9]

The processing clause was added to section 22(a) to provide an avenue of relief of processors of agricultural articles subject to a processing tax that was part of the Agricultural Adjustment Act of 1933. That processing tax was struck down as unconstitutional in 1936 in *United States v. Butler,* 297 U.S. 1 (1936), and the clause has not formed the basis for a Commission determination since that time.

Nevertheless, we note that the products which we consider to be the "product processed" from tobacco are cigarettes. Production of cigarettes has increased steadily during any recent period which might be chosen. Since 1972, production has risen by about 24 percent to 714 billion cigarettes in 1980. These is likewise no indication that imports will reduce production of cigarettes in the foreseeable future. We therefore find that tobacco, either flue-cured or burley, is not being imported under such conditions and in such quantities as to reduce substantially the amount of any product processed in the United States from domestic flue-cured or burley tobacco.

Statement of Commissioner Catherine Bedell

On the basis of the information before me in this investigation I have found that—

(1) Flue-cured tobacco, provided for in items 170.3210, 170.3500, 170.6040, and 170.8045 of the Tariff Schedules of the United States Annotated (TSUSA) is being or is practically certain to be imported into the United States under such conditions and in such quantities as to materially intefere with the flue-cured tobacco program of the Department of Agriculture, but that

(2) Burley tobacco, provided for in items 170.3500, 170.6040, and 170.8045 of the TSUSA, is not being and is not practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the burley tobacco program of the Department of Agriculture, or to reduce substantially the amount of any product being processed in the United States from such tobacco.

Therefore, I recommend that the President proclaim a quota on imports of flue-cured tobacco in order that the entry of such tobacco will not materially interfere with the flue-cured tobacco program.

Before discussing the data supporting my respective findings and recommendation, I wish to discuss four points central to my decision in this case. The first three points are also central to my decision in section 22 cases in general.

First, the Commission's task in a section 22 investigation is to determine the impact, if any, that imports are having on a Department of Agriculture (USDA) program or on a product processed from a product covered by such a program. While the Commission, in assessing such impact, must examine the program and its method of operation in order to understand how it works, it is not the Commission's responsibility or function to question its merits or the manner in which the Department of Agriculture administers it. The programs are authorized by Congress and administered by the Department of Agriculture. Thus, any criticisms of the programs directed to the Commission during the investigation are not relevant to a Commission finding under section 22 and accordingly are not taken into account.

Second, keeping in mind the purpose of the particular program and its method of operation, I have considered in this and in prior cases [10] certain economic factors and data which I believe are key in determining the impact, if any, of imports on the operations of a program. For example, I have considered such factors as import levels, domestic production and inventory levels, inventories held by USDA under the particular program, changes in the cost to the Government in running the program, price differences between the domestic and imported products, world

[9] See memorandum to the Commission from the General Counsel, GC-E-197, Appendix H of the report.

[10] *See,* for example, my statement or statements in which I joined in investigation No. 22-42, Peanuts, USITC Publication 1124, January 1981, pp. 5-9; investigation No. 22-41, Sugar, USITC Publication 881, April 1978, pp. 14-16; investigation No. 22-40, Dried Milk Mixtures, USITC Publication 783, July 1976, pp. 8-9; investigation No. 22-39, Cheddar Cheese, TC Publication 653, March 1974, pp. 6-8; and investigation No. 22-38, Wheat and Wheat Milled Products, TC Publication 675, May 1974, pp. 8-10.

stocks of the imported product, and whether various objectives of the program are being met. The key test is whether imports are rendering or tending to render a program ineffective or materially interfering with it. Basic objectives of a program may be satisfied, but a program may nevertheless be materially interfered with if imports are causing increases in domestic stocks under loan and losses to the program.

Third, officials of the USDA are the most expert witnesses to testify and present information during a section 22 investigation. USDA has administered the programs for almost 50 years, is the closest party to them, and should be in the best position to know when a program is in difficulty and what is causing the difficulty. Other parties may of course rebut the assertions made by USDA and from time to time have successfully done so. However, when other parties have been unable to persuasively rebut the contentions and supporting information of the Department, I have given great weight to the sworn testimony of the Department.

Fourth, in the present case the scope of investigation covered imports of flue-cured and burley tobacco. Both types are grown in the United States, and each type is the subject of a different USDA program. Imports of both, whether viewed by type or in the aggregate, do not necessarily have the same impact on both programs. Further, the programs, while sharing many features and objectives, are different. For example, the flue-cured tobacco program includes an acreage allotment system, and the burley tobacco program does not. Thus, I have examined the impact of imports on each program and have, in so doing, made separate findings with respect to the impact of imports on each program.

My findings with respect to the impact of imports on each of the two programs, together with my recommendation of a quota on imports of flue-cured tobacco, are discussed in detail immediately below.

Flue-Cured Tobacco

The program.—The authority for USDA's flue-cured tobacco program (as well as that for its burley tobacco and other programs) is set forth in the Agricultural Adjustment Act of 1938, the Agricultural Adjustment Act of 1949, and the Commodity Credit Corporation Charter Act. The objectives of the programs are set forth in the 1938 act and include the stabilizing, supporting, and protecting of farm income and prices, assistance in the maintenance of balanced and adequate supplies of the subject commodities, including tobacco, and the facilitation of an orderly distribution of such commodities.[11]

The flue-cured tobacco program consists of three parts—marketing quotas, an acreage allotment program, and price supports. The marketing quota specifies the quantity of tobacco that may be sold without penalty in a given marketing year from a qualifying farm. The acreage allotment specifies the maximum acreage that may be planted in tobacco in a given year on a qualifying farm. The 1949 act provides that when marketing quotas are in force, price supports are available to any producer who is unable to sell his tobacco for at least the price-support rate (also known as the loan level). Price supports are made available by means of nonrecourse loans made through producer cooperative associations, with financing by the Commodity Credit Corporation (CCC).[12]

Material interference.—Flue-cured tobacco is being or is practically certain to be imported under such conditions and in such quantities as to materially interfere with the flue-cured tobacco programs.

Imports increased steadily during the past 10 years from 10 million pounds, farm-sales-weight equivalent, in marketing year 1970 to 84 million pounds in 1980.[13] Imports are projected to have been 76 million pounds for the marketing year ended in June 1981.[14] U.S. utilization of domestically grown flue-cured tobacco declined during this period, and as a result imported flue-cured tobacco, which in 1970 accounted for less than 2 percent of U.S. utilization, accounted for 13 percent in 1980.[15] Furthermore, USDA projects that these trends will continue, with imports reaching 118 million pounds and accounting for nearly 19 percent of U.S. utilization by marketing year 1985.[16]

In large part because of imports, national marketing quotas for flue-cured tobacco were reduced in 4 of the last 6 crops years (1975–80) and had to be reduced a fifth time in 1981.[17] The marketing quota for the 1981 crop year, the most recent, had to be reduced 7.5 percent from the 1980 level because domestic supplies were considered excessive.[18] The 1981 quota level is 32 percent less than the 1975 level. This downward adjustment of annual marketing quotas caused in part by increased imports has had a negative effect on farm income. While the farm income objective of the program technically has been met through adjustment of the price-support levels, farm income undoubtedly is lower than it would otherwise have been because of the marketing quota reductions.[19]

Most of the imported flue-cured tobacco competes directly with lower quality, lower stalk domestic flue-cured tobacco, which accounts for the major portion of the domestic tobacco currently under loan from the 1975–80 crops.[20] USDA estimates the quantity of domestic flue-cured tobacco from the 1975–79 crops diverted into loan stocks because of imports at 169 million pounds (farm-sales weight), with a loan value of $198 million.[21] It projects additional displacement from the 1980 crop at 56 million pounds, with a loan value of $80 million, and future displacement for the next 5 marketing years (1981–85) at 414 million pounds, with a loan value of $833 million.[22] As of May 1, 1981, uncommitted flue-cured loan stocks from the 1975–80 crops amounted to 476 million pounds (farm-sales weight), representing principal and interest of about $682 million.[23] Although there have been several major sales in recent weeks by the CCC of lower quality, lower stalk tobacco from 1975–76 crop years under loan, it is too early to conclude that these sales represent a trend or basic change in the market situation.[24]

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[11] See sec. 2 of the 1938 act and USDA testimony during the Commission hearing, transcript, p. 29.

[12] For more information on the program, see the report, pp. A–5A–10 and USDA hearing testimony, transcript, pp. 29–40.

[13] Report, p. A–27.

[14] Id.

[15] Id.

[16] Id., and hearing transcript, p. 32.

[17] Hearing transcript, p. 174.

[18] Id.

[19] Id., p. 171.

[20] Lower quality, lower stalk stocks are nevertheless quite salable. Cigarettes are made from blends of tobacco, and most blends include a considerable amount of lower quality, lower stalk tobacco.

Unlike most other agricultural products, tobacco is not quickly perishable. In fact, it is at its best after it has been aged for several years. It is not uncommon for tobacco to be held by cigarette manufacturers and other firms and by producer cooperative associations for several years before being used. However, after 5 or more years the tobacco begins to deteriorate, and it is not generally salable after 10 years. Thus, stocks under loan from the 1975–76 crop years are the ones of most immediate concern to USDA in managing the program because they are reaching the point where they will have to be sold. See report, pp. A–36–A–38.

[21] Report, p. A–28. USDA considers diversion or displacement to occur when imports exceed a penetration level of 3 percent. Thus, figures showing displacement used in this paragraph represent imports in excess of 3 percent penetration. USDA's rationale for this figure is set forth on pp. 66–70 of the hearing transcript.

[22] Report, p. A–28.

[23] Id., p. A–29.

[24] Data concerning these recent sales is set forth in a memorandum from the staff to the Commission, dated July 31, 1981, memorandum No. INV–E–100.

Import penetration is largely the result of lower import prices, which can eventually be translated into losses to the CCC under the program. After adjusting for quality differences, imported flue-cured tobacco is underselling similar domestic tobacco by 60 cents per pound, or by 30 percent.[25] Because tobacco is perishable over a period of time, it will be necessary for the tobacco under loan from the 1975–80 crops to be sold, probably at a substantial price discount, in order to prevent deterioration. USDA projects that the CCC will lose $34 million from the eventual sale of the 1975 crop and $123 million on the 1975–80 crops (including interest).[26] USDA estimates that the projected displacement of an additional 414 million pounds in crop years 1981–85 could cost the CCC an additional $100 million to $150 million.[27]

The price advantage of imports in combination with growing inventories of foreign flue-cured tobacco stores both in the United States and abroad make it practically certain that USDA's flue-cured tobacco program will continue to be interfered with for several years to come if no ceiling on import levels is set. During the last decade domestic stocks of foreign-grown flue-cured tobacco increased steadily from 14 million pounds in 1971 to 166 million pounds in 1980.[28] These stocks accounted for 8.3 percent of total stocks of domestic flue-cured tobacco on July 1, 1980, compared with 3.8 percent on July 1, 1970.[29] Furthermore, a recent study on tobacco by the World Bank shows that there is presently an abundance of low-quality filler grade flue-cured tobacco in world markets and that this abundance will continue for at least the next 4 to 5 years due to expanded production in Brazil, Korea, and Malawi.[30]

In summary, I have found, on the basis of increased and projected increases in imports, import pentration, stocks under loan in the program, and loan losses, that imports are materially interfering with USDA's flue-cured tobacco program. Further, I have found, on the basis of the lower prices of imported flue-cured tobacco and the abundance of such tobacco in world markets, that imports of flue-cured tobacco are practically certain to continue to materially interfere with USDA's flue-cured tobacco program. I have found nothing in the information before me that convincingly refutes or rebuts the facts, figures, and projections provided by the Department of Agriculture.

Recommended relief.—I have considered the various relief proposals made by interested parties in this investigation and have concluded that the proposal made by the Department of Agriculture is the most appropriate in the present situation. Therefore, in order that the entry of flue-cured tobacco will no longer materially interfere with USDA's flue-cured tobacco program, I recommend that the President proclaim a quota restricting imports of flue-cured tobacco to an annual level of 72 million pounds, farm-sales weight (52 million pounds, declared weight). This level is equal to the average of estimated flue-cured tobacco imports for the period 1976–80, which I consider to be representative. I suggest that such a quota be applied on a global rather than a country-by-country basis.

I favor the USDA's proposed limitation for several reasons. First, it will halt the rapid increase in flue-cured tobacco imports and reduce them slightly (1980 marketing year imports were 84 million pounds, farm-sales weight, and 1981 imports are projected to be 76 million pounds). At the same time I feel that such a quota is unlikely to disrupt manufacturers' operations, cause domestic shortages, or adversely affect U.S. tobacco and tobacco product exports. Second, I believe that a quota in this amount will reduce the likelihood that the CCC will be forced to sell the tobacco now under loan at a substantial loss. Third, such a quota should have little, if any, disrupting effect on world markets and therefore cannot serve as a basis for retaliatory action by any of our trading partners (the 1955 waiver under the General Agreement on Tariffs and Trade notwithstanding).

Because marketing conditions affecting an agricultural product like tobacco can change radically from year to year due to the weather and other factors, I suggest that any limitation be reviewed by the Department annually and that the Commission be asked to reevaluate the situation in 3 to 5 years in order to advise whether the quota should be modified or terminated.

Burley tobacco

As stated above, USDA's burley tobacco program is similar to its flue-cured tobacco program. A major difference, of course, is that growers of burley tobacco are not subject to an acreage allotment system.

Market conditions relevant to the flue-cured and burley tobacco programs are quite different. Burley tobacco has been in tight supply in world markets for the past 2 years, and the World Bank predicts that this situation is not likely to change much in the next 3 to 4 years.[31] Demand for U.S. burley tobacco is increasing both here and abroad.[32] Virtually no burley tobacco is presently under loan (an estimated 1.3 million pounds, farm-sales weight, was under loan in 1981, compared with 600 million pounds of flue-cured tobacco in 1981), and therefore there is no likelihood of significant losses to the CCC under that program in the foreseeable future.[33] Finally, the USDA, which administers the burley tobacco program and which therefore is the party most knowledgeable about its operations, is of the view that imports are not adversely affecting that program.[34]

Issued: August 21, 1981.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 81-25620 Filed 9-1-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-106]

Certain Airtight Cast-Iron Stoves; Termination of Investigation and Issuance of Consent Orders

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation and issuance of consent orders.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has approved and issued two consent orders in the above-captioned investigation, thereby terminating the investigation.

SUPPLEMENTARY INFORMATION: In connection with the complaint filed on May 21, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) alleging unfair acts and methods of competition in the importation into or the sale in The United States of certain airtight cast-iron stoves, the Commission investigative attorney and the respondents entered into a consent order agreement. The Commission investigative attorney is the complaining party and the respondents are Franklin Cast Products, Inc., of Warwick, Rhode Island, and Oriental Kingsworld

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[25] Report, pp. A–26–A–27.

[26] Hearing transcript, pp. 37–38; and report, p. A–29.

[27] Report, pp. A–30–A–31.

[28] Id., p. A–14.

[29] Id.

[30] World Bank, "Tobacco: Background Note on World Situation and Outlook," unpublished, Economic Analysis Department, 1981.

[31] Report, p. A–20.

[32] Id., p. A–25.

[33] Id., p. A–57.

[34] Hearing transcript, p. 61.

Industrial Company Ltd., of Taipei, Taiwan. In a notice of investigation published in the Federal Register on July 8, 1981 (46 FR 35386), the Commission stated that the investigation was being undertaken to determine whether section 337 is being violated by reason of false and deceptive advertising, the passing off of imported copies as domestic airtight cast-iron stoves, and the infringement of certain common-law trademarks.

Copies of the Commission's Action and Order, the consent orders, and all other non-confidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

Issued: August 26, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–25624 Filed 9–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–105]

Certain Audiovisual Games and Components Thereof (viz, Pac Man and Ralley-X); Amendment of Complaint

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has granted a motion pursuant to section 210.22(a) of the Commission's Rules of Practice and Procedure to amend the complaint in this investigation.

SUMMARY: On August 24, 1981, the Commission granted a motion (Motion 105–7) to amend the complaint in this investigation by adding an allegation of copyright and trademark infringement of complainant Midway Manufacturing Company's Rally-X game by respondent Artic International, Inc.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION: On August 3, 1981, complainent moved (Motion 105–7) to amend the complaint by addition of an allegation that respondent Artic International, Inc., is infringing complainant's copyright and trademark rights in the Rally-X game. Artic opposed the motion. On August 14, 1981, the presiding officer issued a recommended determination that the motion be granted.

Issued: August 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–25625 Filed 9–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 22–44]

Casein; Investigation

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 22(a) of the Agricultural Adjustment Act (7 U.S.C. 624(a)) to determine whether lactalbumin and casein and mixtures in chief value of casein, provided for in items 190.15 and 493.12 and 493.17 of the Tariff Schedules of the United States, are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program for milk of the Department of Agriculture, or to reduce substantially the amount of products processed in the United States from domestic milk.

EFFECTIVE DATE: August 24, 1981

FOR FURTHER INFORMATION CONTACT: Mr. J. Frederick Warren, 202–724–0090, or Mrs. Bonnie J. Noreen, 202–523–1255.

SUPPLEMENTARY INFORMATION:

Background

The investigation (No. 22–44) was instituted following receipt of a letter dated August 5, 1981, from the President directing the Commission to conduct it. The letter stated that the President agreed with advice from the Secretary of Agriculture that there is reason to believe that casein and mixtures in chief value thereof and lactalbumin are being imported or are practically certain to be imported under such conditions and in such quantities as to materially interfere with the price-support program for milk undertaken by the Department of Agriculture.

Public hearing

The Commission will hold a public hearing in connection with this investigation beginning at 10 a.m., e.s.t., on Monday, November 9, 1981, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.) on October 28, 1981. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 204 (19 CFR Part 204) and Part 201 (19 CFR Part 201).

Prehearing procedures

A prehearing conference will be held on Thursday, October 29, 1981, at 10:00 a.m., e.s.t., in Room 117 of the U.S. International Trade Commission Building.

To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary to the commission no later than the close of business on November 2, 1981. Copies of any prehearing briefs submitted will be available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with section 201.12(d) of the Commission's Rules of Practice and Procedure (19 CFR 201.12 (d)), statements are unnecessary if briefs are submitted. Oral presentation should, to the extent possible, be limited to issues raised in the prehearing briefs.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined in this notice.

Written submissions

In addition to or in lieu of an appearance at the hearing, interested persons may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Written statements should be addressed to the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, and must be received not later than November 20, 1981. All written submissions, except for confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential must be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the

requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Issued: August 25, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-25622 Filed 9-1-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-84]

Chlorofluorohydrocarbon Drycleaning Process, Machines and Components Therefor; Settlement Agreement and Request for Public Comments

AGENCY: U.S. International Trade Commission.

ACTION: Request for public comments on the proposed termination of the above-captioned investigation on the basis of a proposed settlement agreement.

SUMMARY: Notice is hereby given that the presiding officer in the above-captioned investigation has certified to the Commission for action a joint motion to terminate the investigation, along with a settlement agreement executed by the complainant and the respondents. Before taking final action on the proposed termination of this investigation, the Commission requests that interested members of the public submit written comments thereon.

DATES: In order to be considered, comments must be received on or before October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 523-0350.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1981, the complainant, all respondents, and the Commission investigative attorney filed a joint motion (motion 84-28) to terminate the investigation pursuant to rule 210.51(a) of the Commission's Rules of Practice and Procedure on the basis of a settlement agreement executed by all the parties. On July 22, 1981, the Commission investigative attorney filed a motion (motion 84-29) for a partial waiver of the requirements of rule 210.51(c) of the Commission's rules as authorized by rule 201.4(b).

On July 28, 1981, the presiding officer (Judge Duvall) recommended that both motions 84-28 and 84-29 be granted. The Commission granted motion 84-29, and the proposed termination of this investigation based on the settlement agreement is now before the Commission.

The Settlement Agreement

The substantive provisions of the settlement agreement are summarized as follows:

Preamble: The agreement is made between complainant Research Development Company and respondents E. I. duPont de Nemours & Co.; American Permac, Inc.; Harvcons Universal, Inc.; Spencer America, Inc.; Bowe Maschinenfabrik Gmbh; A.M.A. Universal S.P.A.; Neil & Spencer, Ltd.; I. Golfarb & Sons; Machine Suprema; United Tex-Care Co.; and Union S.R.L.

Complainant warrants that it is the owner of all rights in U.S. Letters Patent 3,728,074, and that it has asserted and continues to assert that machines manufactured by respondents are used to perform a process which infringes one or more claims of its patent.

Paragraph 1. The agreement incorporates all agreements and understandings between the parties regarding the subject matter of the investigation.

Paragraph 2. Complainant, its successors and/or assigns, grants an irrevocable nonexclusive license under the claims of the patent to foreign manufacturers Bowe, Neil & Spencer, AMA, Union, and Suprema, and to their successors and/or assigns, to sell or use in the United States imported machines which perform the process claimed in the patent.

Paragraph 3. In consideration of the license granted in paragraph 2, each of the said manufacturers shall pay a royalty to complainant of 2 percent of the first $2,500.00 and 1 percent on any remaining portion of the f.o.b. (plant of manufacture) wholesale price of the alleged infringing machines imported into the United States.

Paragraph 4. Complainant, its successors and/or assigns, grants an irrevocable nonexclusive license under the claims of the patent to Du Pont, Harvcons, United Tex-Care, Spencer America, Permac, and Goldfarb (which are the firms which have allegedly imported such machinery during the 6 years preceding this investigation), and to their successors and/or assigns, to sell and/or use in the United States imported machines which perform the process claimed in the patent.

Paragraph 5. In consideration of the license granted in paragraph 4, each of the said importers shall pay a royalty to complainant, to be calculated as set forth above, if said machines are imported from a foreign manufacturer other than the respondents herein.

Paragraph 8. The manufacturers set forth in paragraph 3 for each of the manufacturers' machines licensed to perform the patented process and imported into the United States on or after April 17, 1980.

Paragraph 9. The importers set forth in paragraph 4 shall pay a royalty as set forth in paragraph 5 for each of the machines licensed to perform the patented process and imported into the United States by or for the said importers on or after April 17, 1980.

Paragraph 11. No respondent admits that the patent is valid, that any machine imported into the United States infringes it, that any respondent has induced or contributed to infringement, or that any imported machine is capable or infringing the patent.

Paragraph 12. The agreement terminates on the expiration date of the patent or upon a declaration of invalidity by a court of competent jurisdiction.

The complete text of the settlement agreement, except for confidential business information contained therein, is available for public inspection during normal business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Submission of Comments

All comments should conform to rule 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 210.8) and should be addressed to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436. All comments should reference investigation No. 337-TA-84.

Issued: August 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-25626 Filed 9-1-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-84]

Chlorofluorohydrocarbon Drycleaning Process, Machines and Components Therefor; Partial Waiver of Rule

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has granted a motion to partially waive the requirements of rule 210.51(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.51(c)) in this investigation.

SUMMARY: On August 24, 1981, the Commission granted a motion (Motion 84–29) for a partial waiver of rule 210.51(c) in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 523–0350.

SUPPLEMENTARY INFORMATION: On July 1, 1981, the complainant, all respondents, and the Commission investigative attorney filed a joint motion (Motion 84–28) to terminate the above-captioned investigation, pursuant to rule 210.51(a) of the Commission's Rules of Practice and Procedure, on the basis of a settlement agreement executed by all the parties. On July 22, 1981, the Commission investigative attorney filed a motion (Motion 84–29) to partially waive the requirements of rule 210.51(c) of the Commission's Rules of Practice and Procedure as authorized by rule 210.4(b) (19 CFR 201.4(b)).

On July 28, 1981, the presiding officer recommended that the motion be granted.

Rule 210.51(c) requires that a motion for termination of an investigation on the basis of a settlement agreement contain an affidavit executed by the parties stating that there are no other agreements concerning the subject matter of the investigation. The Commission waived the affidavit requirement because the settlement agreement incorporates the substance and purposes of the affidavit, because it was negotiated in the presence of the Commission investigative attorney, because it is likely to be time-consuming to obtain affidavits from all the parties, and because the affidavits would add nothing to the substance of the agreement.

Issued: August 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–25627 Filed 9–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–95]

Certain Surface Grinding Machines and Literature for Promotion Thereof; Request for Comments Regarding Proposed Termination of Respondent Based on Consent Order Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Request for public comment on the proposed termination of respondent based on consent order agreement.

SUMMARY: The consent order agreement would result in the termination of the investigation as to respondent Lian Feng Machine Company. This notice requests comments from the public on the proposed consent order agreement within thirty (30) days of publication of this notice in the **Federal Register**.

DATES: Comments will be considered if received by October 2, 1981. Comments should conform with section 201.8 of the Commission's Rules of Practice and Procedure (18 CFR § 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: Complainant Brown and Sharpe Mfg. Company, respondent Lian Feng Machine Company, and the Commission investigative attorney have moved jointly for termination of this investigation as to Lian Feng on the basis of a consent order agreement. On July 20, 1981, the presiding officer recommended that the joint motion be granted.

Notice of the institution of this investigation was published in the **Federal Register** of January 22, 1981 (46 FR 7107).

CONSENT ORDER AGREEMENT: The consent order agreement, which includes a proposed consent order, provides in pertinent part as follows:

It is ordered that LIAN FENG . . . will refrain from importing, buying, selling leasing, or otherwise transferring Surface Grinding Machines into the United States directly or indirectly from Taiwan or other countries, of the type and style which

(a) are reproductions, copies, colorable imitations, or simulations in whole or significant part of BROWN & SHARPE Surface Grinding Machines that have been sold under the designations "510", "612", "618", "818", "824", "1024", "1030", "1244", and "1236", or

(b) are of the type or style offered for sale heretofore by LIAN FENG, under the designations "612", "618", "718", "818", and "1030", and/or those identified as Exhibit 14 attached to the BROWN & SHARPE Complaint in this investigation.

LIAN FENG shall:

(a) refrain from copying, reprinting, using, selling or distributing any unauthorized copies of manuals, catalogs, brochures, or other printed material prepared or owned by BROWN & SHARPE and bearing a BROWN & SHARPE copyright notice;

(b) refrain from using or distributing for use any BROWN & SHARPE manual, catalog, or other printed material, or copies thereof, whether or not protected by copyright, in connection with the maintenance, repair or sale of Surface Grinding Machines or components thereof, other than BROWN & SHARPE Surface Grinding Machines or components thereof;

(c) refrain from using photographs of BROWN & SHARPE Surface Grinding Machines in any manner to market Surface Grinding Machines except those of BROWN & SHARPE;

(d) refrain from using BROWN & SHARPE Micromaster, B&S or other registered trademarks of BROWN & SHARPE or colorable imitations thereof except in connection with the sale of BROWN & SHARPE products;

(e) refrain from using any name, with the sale of BROWN & SHARPE products;

(f) refrain from using any name, language, picture, or combination thereof which implies, suggests or creates an impression that LIAN FENG is selling Surface Grinding Machines made by BROWN & SHARPE except to the extent that such is true.

It is further ordered that LIAN FENG shall file a report under oath with the Commission within 30 days of the anniversary date of the effective date of this order indicating whether or not it is complying with [the consent] order and attaching copies of photographs, brochures, or advertising material it is using in connection with the sale of Surface Grinding Machines to the United States.

It is further ordered that LIAN FENG notify the Commission at least 30 days prior to any proposed material change . . . which may affect compliance obligations arising out of the order.

It is further ordered that:

(1) In determining whether there has been compliance with the requirements and prohibitions of this Consent Order, the Commission may consider evidence of any activity engaged in by LIAN FENG which is brought to its attention or of which it becomes aware.

(2) For the purposes of securing compliance with this Consent Order, LIAN FENG shall retain any and all records relating to the importation, sale or distribution of Surface Grinding Machines . . . for a period of one (1) year from the close of the fiscal year to which they pertain, and in summary form for a period of two (2) years from the close of the fiscal year to which they pertain from which compliance with the order may be determined.

(3) For the purpose of determining or securing compliance with this Consent

Order . . . duly authorized representatives of the Commission shall . . . be permitted:

(a) Access to and the right to inspect and copy in LIAN FENG's principal office during the office hours of LIAN FENG, and in the presence of counsel or other representative if respondent chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents . . . in the possession of or under the control of LIAN FENG relating to any of the matters contained in this Consent Order; and

(b) . . . to interview officers, directors, agents, partners or employees of LIAN FENG, who may have counsel present, regarding any of the matters contained in this Consent Order.

Written Comments Requested

In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondent Lian Feng Machine Company on the basis of the consent order on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than October 2, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information

The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. All comments must be filed by October 2, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523-0148.

Issued: August 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-25621 Filed 9-1-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-95]

Certain Surface Grinding Machines and Literature For Promotion Thereof; Request for Comments Regarding Proposed Termination of Respondents Based on Settlement Agreements

AGENCY: U.S. International Trade Commission.

ACTION: A request for public comment on the proposed termination of two respondents based on settlement agreements.

SUMMARY: The settlement agreements would result in the termination of the investigation as to respondents Ralmike's Tool-A-Rama and Langford Machinery. This notice requests comments from the public on the proposed settlement agreements within thirty (30) days of publication of this notice in the *Federal Register*.

DATES: Comments will be considered if received by October 2, 1981. Comments should conform with section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR § 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C 20436.

SUPPLEMENTARY INFORMATION: Complainant Brown and Sharpe Manufacturing Company and respondents Ralmike's Tool-A-Rama and Langford Machinery moved in separate joint motions for termination of this investigation as to those respondents on the basis of settlement agreements. The Commission investigative attorney supported the motions. On July 20, 1981, the presiding officer recommended that the joint motions be granted.

Notice of the institution of the investigation was published in the **Federal Register** of January 22, 1981 (46 FR 7107).

Settlement Agreements

The two settlement agreements, which are identical except for the differences noted, provide in pertinent part as follows:

Pending a determination by the U.S. International Trade Commission of the complaint filed in the Investigation, RESPONDENT shall refrain from importing, buying, selling, leasing, or otherwise transferring Surface Grinding Machines into the United States directly or indirectly from Taiwan or other countries, of the type and style which

(a) are reproductions, copies, colorable imitations, or simulations of B & S [Brown and Sharpe Manufacturing Company] High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 824, 1024, 1030, 1244, and 1236, or

(b) are of the type offered for sale heretofore by Lian Feng Machine Co. of Taiwan, China, identified as Exhibit 14 attached to the B & S complaint in the investigation.

Respondent shall refrain from copying, reprinting, using, selling, or distributing any unauthorized copies of manuals, catalogs, brochures, or other printed material prepared or owned by B & S and bearing a B & S copyright notice.

Respondent shall refrain from using any B & S manual, catalog, or other printed material, whether or not protected by copyright, in connection with the maintenance, repair, or sale of surface grinding machines or components thereof, other than B & S surface grinding machines or components thereof.

Respondent shall refrain from importing, buying, selling, or otherwise transferring Surface Grinding Machines made in foreign countries which simulate the trade dress of B & S High Precision Surface Grinding Machines as Exemplified by Exhibits 14, 15, and 16B of the Complaint filed in the Investigation.

Respondent agrees to give to B & S two copies of all catalogs, manuals, advertisements, and promotional pieces promoting or making reference to surface grinding machines made by Lian Feng Machine Co. that have been used, sold, or distributed by RESPONDENT.

Respondent shall deliver to B & S prior to March 27, 1981 in affidavit form a statement relating to RESPONDENT'S purchase and sale of surface grinding machines made or sold by Lian Feng Machine Co., including (a) the total number purchased (b) the dates of purchase;

(c) the price paid; (d) the total number in inventory; (e) the total number sold; (f) the price of each sale; (g) the date of each sale.

Respondent shall deliver to B & S prior to March 27, 1981, all copies of catalogs, manuals, and advertisements in its possession that were prepared by or for Lian Feng Machine Co. that contain reference to surface grinding

machines that are reproductions, copies, colorable limitations, or simulations of B & S High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 824, 1024, 1030, 1244, and/or 1236.

B & S and the RESPONDENT agree to file a joint motion before the U.S. International Trade Commission to terminate the Investigation with respect to RESPONDENT without prejudice.

B & S agrees to refrain from instituting any civil action for any matters which have been raised in the complaint filed before the U.S. International Trade Commission.

B & S hereby releases the RESPONDENT from claims of copyright and trademark infringement and unfair competition arising from those issues raised in the B & S complaint filed in the Investigation.

In paragraphs 1(a) and 7, Brown and Sharpe's agreement with Ralmike's Tool-A-Rama includes high precision surface grinding machines designated as 818.

In paragraph 2, Brown & Sharpe's agreement with Ralmike's Tool-A-Rama includes the following:

Respondent shall refrain from printing, distributing, or authorizing the printing or distributing of any promotional material containing references to B & S or its trademarks, except in connection with the sale or servicing of B & S equipment.

In paragraph 10, Brown & Sharpe's agreement with Ralmike's Tool-A-Rama provides as follows:

B & S hereby releases the RESPONDENT from any and all claims arising from those issues raised in the B & S Complaint filed in the investigation, including, but not limited to copyright and trademark infringement and unfair competition.

Written Comments Requested

In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondents Ralmike's Tool-A-Rama and Langford Machinery on the basis of the settlement agreements on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission on later than October 2, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information

The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161. All comments must be filed no later than October 2, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0148.

Issued: August 26, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–25623 Filed 9–1–81; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Attorney General

U.S. v. Martin-Marietta Aluminum, Inc.; Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Martin-Marietta Aluminum, Inc.*, Civil Action No. C–80–295, has been lodged with the United States District Court for the Eastern District of Washington. The proposed consent decree calls for Martin-Marietta to pay $100,000 to the United States Treasury in settlement of all claims asserted by the United States in an action to bring Martin-Marietta Aluminum's aluminum smelting plants at Goldendale, Washington and The Dalles, Oregon into compliance with the Clean Water Act, 33 U.S.C. 1251 *et seq.*

The Department of Justice will receive until October 2, 1981, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *Martin-Marietta Aluminum, Inc.*, D.J. Ref. No. 90–5–1–1–1122.

The proposed consent decree may be examined at the office of the United States Attorney, Eastern District of Washington, 841 U.S. Courthouse, West 920 Riverside, Spokane, Washington 99201; at the Region X office of the Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101 and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–25616 Filed 9–1–81; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Dance Panel; General Services to the Field and Grants to Dance Presenters Section; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the General Services to the Field and Grants to Dance Presenters Section of the Dance Advisory Panel to the National Council on the Arts will be held on September 9–10, 1981, from 8:30 a.m.—5:30 p.m. and on September 11, 1981 from 8:30 a.m.—5:00 p.m.; Room 1426, Columbia Plaza, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 18, 1981.

[FR Doc. 81–25894 Filed 9–1–81; 9:05 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on September 17 and 18, 1981, Argonne National Laboratory, Building 208, Room C–234, Argonne, IL to discuss matters relating to the development of liquid metal fast breeder reactor safety design criteria. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday and Friday, September 17 and 18, 1981, 8:30 a.m. until conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives the NRC Staff, the Department of Energy, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: August 27, 1981.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 81–25585 Filed 9–1–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Decay Heat Removal System; Meeting Change

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting at 12:00 noon instead of 1:00 p.m. on September 8, 1981 in Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

All other items regarding this meeting remain the same as announced in the **Federal Register** published Thursday, August 20, 1981 (FR 46 42374).

Further information can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone: 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: August 28, 1981.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 81–25586 Filed 9–1–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Grand Gulf Nuclear Station Units 1 and 2; Meeting

The ACRS Subcommittee on Grand Gulf Nuclear Station Units 1 and 2 will hold a meeting on September 17 and 18, 1981, Waterways Experiment Station, 3909 Halls Ferry Road, New Auditorium—Building 1006, Vicksburg, MS. The Subcommittee will discuss the Mississippi Power and Light Company's request for an operating license. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transpcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance. However, portions of this meeting may be closed to the public to prevent discosure of safeguards information which is specifically exempted from disclosure by Section 147 of the Atomic Energy Act, 42 U.S.C. 2167 (Sunshine Act Exemption (3)). To the extent practicable, these closed sessions will be held so as to minimize inconvience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, September 17, 1981, 1:00 p.m. until the conclusion of business Friday, September 18, 1981—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions

with representatives of the Mississippi Power and Light Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. Herman Alderman (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Richard Major.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption 3 to the Sunshine Act, 5 U.S.C. 552b(c)(3).

Dated: August 28, 1981.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 81-25587 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Postponement

The ACRS Subcommittee on Reliability and Probabilistic Assessment scheduled for September 9, 1981 has been postponed indefinitely. Notice of this meeting was published Friday, August 21, 1981 (FR 46 42553).

Dated: August 27, 1981.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 81-25586 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-61, to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility), located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the instantaneous release rate limit for noble gases in the Environmental Technical Specifications by incorporating a new X/Q factor and reducing the beta fraction used in the instantaneous release rate equation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 16, 1980, as revised by letter dated October 16, 1980, (2) Amendment No. 40 to License No. DPR-61, and (3) the Commission's related Environmental Evaluation. All these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of August, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-25589 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-414]

Duke Power Co.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received the following additional advice, pursuant to Section 105c of the amended Atomic Energy Act of 1954, from the Attorney General of the United States, dated July 31, 1981, with respect to the construction permit application for Catawba Nuclear Station, Unit 2:

You have requested our advice pursuant, to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase of an ownership interest in Duke Power Company's (Duke) Catawba Nuclear Station, Unit 2 by Piedmont Municipal Power Agency (PMPA).

Duke's participation in the above-captioned nuclear units was the subject of an antitrust review conducted by the Department of Justice (Department) in 1973. As a result of that review the Department recommended that a hearing be held to determine whether Duke's proposed activities under the license would create or maintain a situation inconsistent with the antitrust laws. Because Duke was willing to have certain conditions attached to its license for the Catawba plant, the Department recommended that the antitrust proceeding it had initiated be terminated. More recently, in October 1980, the Department had occasion to review an application to include North Carolina Electric Membership Corporation and Saluda River Electric Cooperative as co-owners of Catawba Nuclear Station, Unit 1 and co-applicants for the construction permit for that facility. After reviewing the information submitted for antitrust review purposes, the Department advised the Commission that no antitrust hearing was necessary.

Review of the information submitted to the Department has not disclosed antitrust problems attending PMPA's participation in the plant. PMPA's participation, consisting of a 25% individual ownership interest in Catawba Nuclear Station, Unit 2, will not create or maintain a situation inconsistent with the antitrust laws. We do not, therefore, believe it necessary for the Commission to hold an antitrust hearing.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

Argil Toalston,

Acting Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81-25590 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-201]

Nuclear Fuel Services, Inc. and New York State Energy Research & Development Authority (Western New York Nuclear Service Center); Receipt and Availability of Application for Amendment of License No. CSF-1

Nuclear Fuel Services, Inc. and New York State Energy Research and Development Authority (as successor to the New York State Atomic and Space Development Authority) hold provisional Operating License No. CSF-1. The license, issued under section 104b. of the Atomic Energy Act, authorizes operation of a spent nuclear fuel reprocessing and radioactive waste disposal facility at the Western New York Nuclear Service Center in West Valley, New York (the Center).

Under the West Valley Demonstration Project Act, Pub. L. 96-368, (the West Valley Act), the Department of Energy has been authorized to carry out a high level radioactive waste management demonstration project at the Center for the purpose of demonstrating solidification techniques which can be used for preparing high level liquid radioactive waste for disposal. The West Valley Act provides for the Secretary of the Department of Energy to enter into a cooperative agreement with the State of New York under which the State will among other things, carry out the following:

Submission jointly by the Department of Energy and the State of New York of an application for a licensing amendment as soon as possible with the Nuclear Regulatory Commission providing for the demonstration.

On August 19, 1981, the Commission received an application for amendment of License No. CSF-1 to authorize transfer of the facility to the Department of Energy. The application was submitted by the New York State Energy Research and Development Authority joined by the Department of Energy. The application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at Local Public Document Rooms maintained at the Buffalo and Erie County Public Library, Lafayette Square, Buffalo, New York; and the Town of Concord Public Library, 23 North Buffalo Street, Springville, New York.

Dated at Silver Spring, Maryland, this 26th day of August, 1981.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 81-25561 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-528A, STN 50-529A, and STN 50-530A]

Arizona Public Service Co., et al.; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Arizona Public Service Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust reviews as required by 10 CFR Part 50, Appendix L. This information concerns two proposed additional ownership participants, the Los Angeles Department of Water and Power and the Southern California Public Power Authority, for the Palo Verde Nuclear Generating Station. The current holders of the construction permits are Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, and Public Service Company of New Mexico.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for three pressurized water reactors. Construction was authorized on May 25, 1976 at the Palo Verde site located in Maricopa County, Arizona.

The original application was docketed on October 7, 1974, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on October 22, 1974 (39 FR 37527). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Environmental Report; and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published in the **Federal Register** on July 11, 1980 (45 FR 46941). Subsequently, the Notice of Hearing was published in the **Federal Register** on April 22, 1981 (46 FR 23001).

A copy of the above documents are available for publication examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004.

Any person who wishes to have his views on the antitrust matters with respect to the Los Angeles Department of Water and Power and the Southern California Public Power Authority presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Chief, Utility Finance Branch Office of Nuclear Reactor Regulations, on or before November 9, 1981.

Dated at Bethesda, Md., this 26th day of August 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-25482 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Operating License and the Technical Specifications to incorporate certain of the TMI-2 Lessons Learned Category "A" requirements.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for

amendment dated March 11, 1981 and April 27, 1981, (2) Amendment No. 72 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 24th day of August 1981.

For The Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-25483 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revises administrative controls for controlling personnel access to localized high radiation areas where the dose rate exceeds 1000 mrem per hour.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulation in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 21, 1981, (2) Amendment No. 61 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 20th day of August 1981.

For the Nuclear Regulatory Commission.

Charles M. Trammell III,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-25484 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised the license and Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment reflects completion of the Control Building modification program by: (1) deleting license requirements on interim operation of the facility which were applicable prior to completion of the Control building modifications; (2) deleting license conditions on the performance of Control Building and modification work which is now completed; and (3) updating the Design Features section of the Technical Specifications to appropriately describe the now-modified Control-Auxiliary-Fuel Building structures and the manner in which the modified structures are to be maintained.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendments.

For further details with respect to this action, see (1) the applications for amendment dated July 13 and 27, 1981, (2) Amendment No. 67 to License No. NPF-1 and (3) the Commission's related letter dated August 25, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md. this 25th day of August 1981.

For the Nuclear Regulatory Commission.

Eben L. Conner,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-25485 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

Regional State Liaison Officers' Meeting

On September 23 and 24, 1981, the Nuclear Regulatory Commission will sponsor a regional meeting with the Governor-appointed State Liaison Officers from Illinois, Michigan, Minnesota, Missouri, Ohio, Indiana, Iowa and Wisconsin to discuss mutual regulatory interests.

The meeting will be conducted in the Washington Room at the Americana Congress Hotel, 520 South Michigan Avenue, Chicago, Illinois. The meeting is open to the public for attendance and observation and will take place from 9:00 a.m. until 5:15 p.m. on Wednesday, September 23, and from 8:30 a.m. until 12:15 p.m. on Thursday, September 24, 1981.

Questions regarding this meeting should be directed to Sue Weissberg at (301) 492-9877.

Dated at Bethesda, Md., this 26th day of August 1981.

For the Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-25486 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Privacy Act of 1974; Proposed Modification of System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notification of proposal to modify an existing system of records.

SUMMARY: The Securities and Exchange Commission proposes to modify an existing system of records, which was previously identified as SEC-42, Name Relationship Index System ("NRS"), 46 FR 22091 (April 15, 1981). This proposed modification is being published for public comment.

DATE: This amendment will become effective November 2, 1981, unless the Commission determines otherwise based upon comments received.

ADDRESSES: Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's public reference section, Room 6101, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Andrew W. Sidman, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2454.

SUPPLEMENTARY INFORMATION: The NRS is a computerized system of records that relates the name of individuals who make certain filings with the Commission or are involved in investigations or enforcement actions instituted by the Commission, with the particular filing or enforcement action, and contains additional information concerning these matters.

The Commission, on this date, has proposed to create a new system of records, designated Matters Under Inquiry ("MUI") (SEC.-101). The MUI, which presentlay is part of the Division of Enforcement Investigative Working Files System (SEC.-24), contains information concerning persons and entities who are involved in matters subject to preliminary inquires by the Commission's staff. These inquiries are conducted to determine if there is evidence of possible violations of the federal securities laws and, if so, may result in a more formal investigation.

The proposed modification of the NRS would expand the categories of individuals and categories of records covered by that system of records, by including within it information contained in the MUI system. This alteration will enable the Commission's staff to determine whether a person is the subject of a MUI without having to duplicate the computerized name search capability already available in NRS, and will thus enhance the staff's ability to obtain complete information through the NRS.

A report of the proposal to alter this system of records was filed, pursuant to 5 U.S.C. 552a(o), with Congress and the Office of Management and Budget on July 28, 1981. The amended portion of the notice is italicized.

SEC-42

SYSTEM NAME:

Name-Relationship Index System (NRS)—SEC.

SYSTEM LOCATION:

Securities and Exchange Commission, Washington, D.C. 20549.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on principals and other individuals listed in filings by corporate issuers of securities; principals and other individuals listed in applications for registration and amendments thereto filed by broker-dealers, investment advisers, transfer agents (non-bank), municipal securities dealers (which are banks or separately identifiable departments or divisions of banks), clearing agencies (non-bank), and securities information processors; individuals who are required to file ownership reports as corporate insiders; *individuals who are the subjects of matters under inquiry;* individuals, including defendants, respondents and witnesses, named in investigations and enforcement actions relating to securites violations; and individuals listed in filings by self-regulatory organizations regarding the entry or re-entry of statutorily disqualified persons into the securities business.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records are computerized and contain index information that relates the name of the individual to the docketed name of the formal filing or the case name when an enforcement or litigation proceeding is involved. The records include the SEC file numbers, date information on the relationship, the social security number of the individual (if available), disposition of cases (if available), and violations alleged (if any).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 15, United States Code, Sections 77e, 77f, 77g, 77j, and 77o; 78f, 78*l*, 78m, 78*o*, 78o-1, 78p, 78q-1, and 78u; 79c, 79f, 79g, 79r, and 79s; 77eee, 77mmm, 77nnn, 77ttt, and 77uuu; 80a-8, 80a-20, 80a-29, 80a-32, 80a-40, 80a-44, and 80a-45; 80b-3, 80b-4, 80b-12, and 80b-16.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used as follows:

1. By authorized SEC personnel in connection with their official functions including, but not limited to, the processing of documents filed with the Commission, the conduct of investigations into possible violations of the Federal securities laws, and other matters relating to the Commission's regulatory and law enforcement functions.

2. To conduct name searches upon the request of authorized individuals in other governmental agencies (Federal, State, local or foreign) or securities self-regulatory organizations for purposes of carrying out their designated functions.

3. Where there is an indication of a violations or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulations, rule or order issued pursuant thereto, the relevent records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

10. To aid in responding to inquires from Members of Congress, the press and the public concerning matters that are within the Commission's jurisdiction.

11. In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws, or State or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the Federal Banking authorities, including but not limited to the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, State Securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

12. Records in this system may be disclosed as routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws or the Commission's Rules of Practice, 17 CFR 201.1 *et seq.*, or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

13. Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

14. A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

15. Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in Federal securities laws.

16. Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

17. Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735–1 *et seq.*, and who assists in the investigation by the Commission of possible violations of Federal securities laws, in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

18. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on magnetic disk and tape.

RETRIEVABILITY:

Information is retrieved by the name of the individual. Access for inquiry purposes is either by special request forms that are keypunched and processed by computer or by direct means via a computer terminal.

SAFEGUARD:

The special request forms must be authorized by the division or office head or by a member of the staff pursuant to delegated authority. Direct data access via computer terminals is restricted to certain authorized personnel.

RETENTION AND DISPOSAL:

A record of search transactions, either through the forms or via the computer terminals, is maintained on magnetic storage media. Computer tape and disk files, on which the data is stored, are available only through the librarian or chief of operations of the Office of Information Systems Management. Backup master files on tape are stored at a secured auxiliary SEC storage facility. Records are maintained indefinitely at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Information Systems Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

NOTIFICATION PROCEDURE:

All request to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C., or by

mail addressed to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

RECORD SOURCE CATEGORIES:

The sources include filings made by issuers, brokers-dealers, investment advisors, insiders, self-regulatory organizations, and others; documents relating to matters under inquiry and enforcement actions. The enforcement documents are comprised of SEC opinions and orders, recommendations from SEC enforcement officials for institution of docketed investigations, court pleading, and findings and orders issued by State and Federal courts, State securities boards, national securities exchanges and self-regulatory organizations, and individuals, including the individual to whom the information relates. Information may also be received from other State, local or foreign law enforcement or regulatory organizations.

By the Commission

George A. Fitzsimmons,

Secretary.

August 25, 1981.

[FR Doc. 81-25574 Filed 9-1-81; 8:45 am]

BILLING CODE 8010-01-M

Privacy Act of 1974; Proposed Creation of System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notification of proposal to create a system of records.

SUMMARY: The Securities and Exchange Commission proposes to create a system of records, Matters Under Inquiry ("MUI") (SEC–101), which was previously part of another system of records, Division of Enforcement Investigative Working Files (SEC–24), 41 FR 41571 (Sept. 22, 1976). This proposed modification is being published for public comment.

DATE: This amendment will become effective September 28, 1981, unless the Commission determines otherwise based upon comments received.

ADDRESSES: Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's public reference section, Room 6101, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Andrew W. Sidman, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2454.

SUPPLEMENTARY INFORMATION: The Division of Enforcement Investigative Working Files System (SEC–24) contains records on individuals and entities that engage in activities that may involve violations of the federal securities laws or the rules of securities self-regulatory organizations. One aspect of this system, designated Matters Under Inquiry ("MUI"), is a computerized system containing information concerning persons and entities who are involved in matters subject to preliminary inquiries by the Commission's staff. These inquiries are conducted to determine if there is evidence of possible violations of the federal securities laws and if so may result in a more formal investigation.

The Commission proposes to alter the MUI system in two major respects to enhance the staff's ability to compile, analyze, and retrieve the information contained therein, and, accordingly, the Commission also proposes to separate the MUI system from the Division of Enforcement Investigative Working Files System, SEC–24. First, the Commission will transfer the MUI system to its nationwide telecommunications network as an on-line system, which will enable authorized regional office and home office staff to gain immediate access to system data and to enter data, through computer terminals located in most Commission offices. Second, the revised MUI system will contain information concerning the disposition of each MUI, thereby aiding Commission managers in planning future programs and providing assurances that each matter entered into the system has been appropriately considered before it is removed from that system.

A report of the proposal to create this system of records was filed, pursuant to 5 U.S.C. 552a(o), with Congress and the Office of Management and Budget on July 28, 1981.

SEC–101

SYSTEM NAME:

Matter Under Inquiry (MUI)—SEC.

SYSTEM LOCATION:

Securities and Exchange Commission, Washington, D.C. 20549. Records also may be maintained in regional and branch offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are established and maintained on individuals, corporations, partnerships, and other entities that may have engaged, or may be engaging, in activities that involve violations of the Federal securities laws, the rules and regulations thereunder, or the rules of self-regulatory securities organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records are computerized and contain index information that relates the name of the individual or entity to the subject of a preliminary inquiry by the enforcement staff. The records include MUI number; SEC staff person responsible; SEC office; date entered; state(s) of residence(s) or location(s) of principal executive office of person under inquiry; regions affected by suspected activity; primary trading market(s) involved; type(s) of security involved; possible violation(s); and disposition of the MUI.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 15, United States Code, Sections 77s, 77t; 78u, 78w; 79r, 79t; 77sss, 77uuu; 80a–37, 80a–41; 80b–9, 80b–11.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and the information contained in these records may be used for the following:

1. By authorized SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. To conduct name searches upon the request of authorized individuals in other governmental agencies (Federal, State, local or foreign) or securities self-regulatory organizations for purposes of carrying out their designated functions.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or self-regulatory, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the

statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a self-regulatory organization involving one or more of its members.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

11. By the Commission to prepare and publish information concerning violations of the Federal securities laws as authorized by 15 U.S.C. 78u(a), as amended.

12. In connection with regulatory and enforcement responsibilities mandated by the Federal securities laws or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory authorities, or law enforcement agencies of a foreign government.

13. Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws or the Commission's rules of practice, 17 CFR 202.1 *et seq.*, or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's rules of practice.

14. Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

15. A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

16. Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

17. Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

18. Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735–1 *et seq.*, and who assists in the investigation by the Commission of possible violations of Federal securities laws, in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

19. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on magnetic tapes and disks.

RETRIEVABILITY:

The system is indexed by MUI number or the name of the matter although information regarding an individual can be obtained through use of the Commission's Name-Relationship Index system using the name of the individual as the index.

SAFEGUARD:

Access to and use of these records are limited to those persons whose official duties require such access. Direct data access via on-line terminals is limited to certain authorized personnel through use of special identification codes and other automatic access restrictions.

Personnel screening is employed to prevent unauthorized disclosure. Physical security is primarily obtained by limitation of access to the building in which the records are maintained.

RETENTION AND DISPOSAL:

The information in the system is transmitted to data entry personnel via a form designed for that purpose. The form is destroyed upon data entry and

verification. Information regarding any specific matter under inquiry, once in the system, will be reclassified for more formal action or closed within one year of entry. Within two years from date of entry, the information will be completely purged from the system. A computer generated form will be developed to obtain the disposition of the matter under inquiry for use in reclassifying the MUI. This form, which will contain sufficient information to enable the staff to distinguish among the several MUI's they may have pursued, will be destroyed upon entry and verification of the dispositions into the system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Information Systems Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Section, Room 6101 at 1100 L Street NW., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Information for these records is obtained from the Commission's files, newspaper articles, court papers, securities brokerage firms, corporations, banks, public utilities, credit organizations, individuals, and Federal, State, local and foreign law enforcement and securities self-regulatory organizations.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 25, 1981.

[FR Doc. 81-25575 Filed 9-1-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11227]

Dart & Kraft, Inc. and Dart Industries Inc.; Application and Opportunity for Hearing

August 27, 1981.

Notice is hereby given that Dart & Kraft, Inc. ("Dart & Kraft") and Dart Industries Inc. ("Dart Industries") (collectively, the "Applicants") have filed an application dated July 29, 1981 (the "Application") under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "1939 Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Morgan Guaranty Trust Company of New York ("Morgan Guaranty") under (i) an Indenture dated as of July 15, 1972 between Dart Industries and Morgan Guaranty, as trustee, heretofore qualified under the 1939 Act (the "Domestic Indenture"), as supplemented by a First Supplemental Indenture dated as of July 20, 1981 (the "Domestic Supplemental Indenture") among Dart & Kraft, Dart Industries and Morgan Guaranty, as trustee, providing for the guaranty by Dart & Kraft of the payment of principal of and premium, if any, and interest on the 4¼% Subordinated Debentures due July 15, 1997, Exchangeable on and after August 1, 1973 for common stock of Minnesota Mining and Manufacturing Company, of Dart Industries (the "Domestic Debentures") issued and outstanding under the Domestic Indenture, and (ii) an Indenture dated as of August 16, 1972 (the "Eurodollar Indenture"), not qualified under the 1939 Act for the reasons set forth in the Application, as supplemented by a First Supplemental Indenture dated as of July 20, 1981 (the "Eurodollar Supplemental Indenture") among Dart & Kraft, Dart Industries and Morgan Guaranty, as trustee, providing for the guarantee by Dart & Kraft of the payment of principal of a premium, if any, and interest on the 4¾% Subordinated Debentures due August 15, 1987, Exchangeable on and after September 1, 1973 for common stock of Minnesota Mining and Manufacturing Company, of Dart Industries (the "Eurodollar Debentures") issued and outstanding under the Eurodollar Indenture (the Domestic Supplemental Indenture and the Eurodollar Supplemental Indenture being hereinafter collectively referred to as the "Subject Supplemental Indentures," the Domestic Indenture and the Eurodollar Indenture, as supplemented by the applicable Subject Supplemental Indenture, being hereinafter collectively referred to as the "Subject Indentures,"

the Domestic Debentures and the Eurodollar Debentures being hereinafter collectively referred to as the "Subject Debentures" and the Dart & Kraft guarantee of payment of the principal of and premium, if any, and interest on each of the Subject Debentures being hereinafter referred to as the "Dart & Kraft Guarantee"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as trustee under either of the Subject Indentures.

Section 310(b) of the 1939 Act provides in part that if a trustee under an indenture qualified under the 1939 Act has or shall acquire any conflicting interest (as defined in such Section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, *inter alia*, that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicants allege that:

(1) As of the date of the Application, (A) $59,990,000 aggregate principal amount of outstanding Domestic Debentures issued under the Domestic Indenture were held by registered holders other than Dart Industries and its affiliates, and (B) $20,000,000 aggregate principal amount of outstanding Eurodollar Debentures issued under the Eurodollar Indenture were held by registered holders other than Dart Industries and its affiliates.

(2) Prior to the execution of the Subject Supplemental Indentures, which took effect on July 22, 1981, when they were executed by Morgan Guaranty, as trustee, the Commission issued an Order dated November 27, 1972, upon application dated September 14, 1972 (the "Prior Application") and required notice, that the trusteeship of Morgan Guaranty under the Domestic Indenture and the Eurodollar Indenture was not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as trustee under any of such Indentures.

(3) The terms of the Subject Supplemental Indenture, except for the references therein to the appropriate Subject Indenture and Subject Debentures, are substantially the same and in each case provide for the Dart & Kraft Guarantee with respect to the appropriate Subject Debentures and the filing by Dart & Kraft with the Trustee of copies of certain reports and other documents that Dart & Kraft may be required to file with the Commission pursuant to the Securities Exchange Act of 1934, as amended. Dart & Kraft has not guaranteed the performance by Dart Industries of any other of Dart Industries' covenants, agreements or obligations under the Domestic Indenture or the Eurodollar Indenture.

(4) The Domestic Indenture contains the provisions permitted by the proviso to Section 310(b)(1) of the 1939 Act and the Eurodollar Indenture does not contain such provisions because it was not required to be, and therefore was not, qualified under the 1939 Act.

(5) (i) Each of the Subject Indentures is wholly unsecured. (ii) Dart Industries is not in default of its obligations under the Subject Indentures. (iii) Dart & Kraft's obligation to make payments pursuant to each Dart & Kraft Guarantee ranks equally with its obligation to make payments under the other Dart & Kraft Guarantee. (iv) Morgan Guarantee is not a trustee under any indenture qualified pursuant to the 1939 Act under which any securities have been issued with respect to which Dart & Kraft is the primary obligor. (v) Except for variations as to amounts and interest rates, maturity dates, dates of payment of principal and interest, redemption procedures, redemption dates and redemption prices, and certain other variations (listed in the Application) between the Domestic Indenture and the Eurodollar Indenture which were present prior to the execution of the Subject Supplemental Indentures and were set forth in the Prior Application, there are no material variations between the Subject Indentures with respect to Dart & Kraft's obligations to make payments under the Dart & Kraft Guarantees applicable thereto.

(6) Dart & Kraft and Dart Industries each believes that such differences as exist among the Subject Indentures are not so likely to involve a material conflict of interest as to make it

necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as trustee under any of the Subject Indentures.

The Applicants have waived notice of hearing any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with the matter.

For a more detailed statement of the matters of fact and law asserted here, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 1100 L Street, N.W., Washington, D.C. 20005.

Notice is further given that any interested person no later than September 21, 1981 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communications or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25601 Filed 9-1-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11224]

Dart & Kraft, Inc., etc.; Application and Opportunity for Hearing

August 26, 1981.

Notice is hereby given that Dart & Kraft, Inc. ("Dart & Kraft") Dart Industries, Inc. ("Dart Industries") and Duracell International Inc. ("Duracell") (collectively, the "Applicants") have filed an application dated July 28, 1981 (the "Application") under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "1939 Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of The Chase Manhattan Bank (National Association) ("Chase Manhattan") under (i) an Indenture dated as of April 1, 1971 between Dart Industries and Chase Manhattan, as trustee, heretofore qualified under the 1939 Act (the "Dart Industries Indenture") among Dart & Kraft, Dart Industries and Chase Manhattan, as trustee, providing for the guarantee by Dart & Kraft of the payment of principal of and premium, if any, and interest on the 7½% Skining Fund Debentures Due April 1, 1996 of Dart Industries (the "Dart Debentures") issued and outstanding under the Dart Industries Indenture, (ii) an Indenture dated as of September 15, 1976 between P.R. Mallory & Co. Inc. (a predecessor name of Duracell) and Chase Manhattan, as trustee, heretofore qualified under the 1939 Act, as supplemented by a First Supplemental Indenture dated as of March 1, 1979 among Dart Industries, P. R. Mallory & Co. Inc. and Chase Manhattan, as trustee (such Indenture and First Supplemental Indentures being hereinafter collectively referred to as the "Duracell 1976 Indenture"), as supplemented by a Second Supplemental indenture dated as of July 20, 1981 (the "Duracell 1976 Second Supplemental Indenture") among Dart & Kraft, Dart Industries, Duracell and Chase Manhattan, as trustee, providing for the guarantee by Dart & Kraft of the payment of principal of and premium, if any, and interest on the 8⅞% Sinking Fund Debentures Due 1996 of Duracell (the "Duracell 8⅞% Debentures") issued and outstanding under the Duracell 1976 Indenture, and (iii) an Indenture dated as of June 15, 1978 between P.R. Mallory & Co. Inc. and Chase Manhattan, as trustee, heretofore qualified under the 1939 Act, as supplementd by a First Supplemental Indenture dated as of March 1, 1979 among Dart Industries, P.R. Mallory & Co. Inc. and Chase Manhattan, as trustee (such Indenture and First Supplemental Indenture being hereinafter collectively referred to as the "Duracell 1978 Indenture"), as supplemented by a Second Supplemental Indenture dated as of July 20, 1981 (the "Duracell 1978 Second Supplemental Indenture") among Dart & Kraft, Dart Industries, Duracell and Chase Manhattan, as trustee, providing for the guarantee by Dart & Kraft of the payment of any premium, if any, and interest on the 9⅛% Sinking Fund Debentures Due 2003 of Duracell (the "Duracell 9⅛% Debentures") issued and outstanding under the Duracell 1978 Indenture (the Dart Industries First Supplemental Indenture, the Duracell 1976 Second Supplemental Indenture and the Duracell 1978 Second Supplemental Indenture being hereinafter collectively referred to as the "Subject Supplemental Indentures",

the Dart Indenture, the Duracell 1976 Indenture and the Duracell 1978 Indenture, as supplemented by the applicable Subject Supplemental Indenture, being hereinafter collectively referred to as the "Subject Indentures", the Dart Debentures, the Duracell 8½% Debentures and the Duracell 9⅛% Debentures being hereinafter collectively referred to as the "Subject Debentures" and the Dart & Kraft guarantee of payment of the principal of and premium, if any and interest on each of the Subject Debentures being hereinafter referred to as the "Dart & Kraft Guarantee"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protction of investors to disqualify Chase Manhattan from acting as trustee under any of the Subject Indentures.

Section 310(b) of the 1939 Act provides in part that if a trustee under an indenture qualified under the 1939 Act has or shall acquire any conflicting interest (as defined in such Section), it shall within ninety days after ascertaing that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, *inter alia,* that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicants allege that:

(1) As of the date of the Application, (A) $43,817,000 aggregate principal amount of outstanding Dart Debentures issued under the Dart Indenture were held by registered holders other than Dart Industries and its affiliates, (B) $27,990,000 aggregate principal amount of outstanding Duracell 8⅞% Debentures issued under the Duracell 1976 Indenture were held by registered holders other than Duracell and its affiliates, and (C) $20,000,000 aggregate principal amount of outstanding Duracell 9⅛% Debentures issued under the Duracell 1978 Indenture were held by registered holders other than Duracell and its affiliates.

(2) Prior to the execution of the Subject Supplemental Indentures, which took effect on July 23, 1981, when they were executed by Chase Manhattan, as trustee, the Commission issued an Order dated June 22, 1979, upon application and required notice, that the trusteeship of Chase Manhattan under the Dart Industries Indenture, the Duracell 1976 Indenture and the Duracell 1978 Indenture was not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase Manhattan from a acting as trustee under any of such Indentures.

(3) The terms of the Subject Supplemental Indentures, except for the references therein to the appropriate Subject Indenture and Subject Debentures, are substantially the same and in each case provide for the Dart & Kraft Guarantee and the filings by Dart & Kraft with the Trustee of copies of certain reports and other documents which Dart & Kraft may be required to file with the Commission pursuant to the Securities Exchange Act of 1934, as amended, Dart & Kraft has guaranteed the performance by Dart Industries of any other of Dart Industries' covenants, agreements or obligations under the Dart Industries Indenture or the Dart Industries Debentures and has not guaranteed the performance by Duracell of any other of Duracell's covenants, agreements or obligations under the Duracell Debentures or the Duracell Indentures.

(4) Each of the Subject Indentures contains the provisions permitted by the proviso to Section 310(b)(1) of the 1939 Act.

(5) (i) Each of the Subject Indentures is wholly unsecured. (ii) Dart Industries is not in default of its primary obligations under the Dart Industries Indenture or its secondary obligations under the Duracell 1976 Indenture or the Duracell 1978 Indenture, and Duracell is not in default of its obligations under the Duracell 1976 Indenture or the Duracell 1978 Indenture. (iii) Dart & Kraft's obligation pursuant to each Dart Kraft Guarantee ranks equally with its obligation to make payments to make payments under each of the other Dart & Kraft Guarantees. (iv) Chase Manhattan is not a trustee under any indenture qualified pursuant to the 1939 Act under which any securities have been issued

with respect to which Dart & Kraft is the primary obligor. (v) Except for variations as to amounts and interest rates, maturity dates, dates of payment of principal and interest, redemption procedures, redemption dates and redemption prices, there are not material variations among the Subject Indentures with respect to Dart & Kraft's obligations to make payments under the Dart & Kraft Guarantees.

(6) Dart & Kraft, Dart Industries and (with respect to the Duracell Indentures) Duracell each believes that such differences as exist among the Subject Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase Manhattan from acing as trustee under any of the Subject Indentures.

The Applicants have waived notice of hearing any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with the matter.

For a more detailed statement of the matters of fact and law asserted here, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 1100 L Street, NW., Washington, D.C. 20005.

Notice is hereby given that any interested person, no later than September 21, 1981, may submit to the Commission in writing, his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communications or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25502 Filed 9-1-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 771]

Bureau of Oceans and International Environmental and Scientific Affairs

AGENCY: Department of State.

ACTION: Finding of no significant impact.

SUMMARY: The Department of State has prepared an environmental assessment regarding an application for a permit authorizing Fraser, Inc. to construct a steam pipeline project across the St. John River between Edmunston, New Brunswick and Madawaska, Maine. The company operates pulp and paper plants on opposite sides of the river, and proposes to transport steam generated in Edmunston through the pipeline across the St. John River (the U.S.-Canádian boundary). The pipeline would cross the river on a new bridge. The total steamline length is approximately 6,000 feet.

Based upon the findings of the environmental assessment, the Department anticipates no significant adverse impacts will result from issuance of the international permit. No irreversible or irretrievable commitments of water, land or air resources have been identified.

Prior notification of the proposed project appeared in the **Federal Register,** (46 FR 14248) February 26, 1981; (46 FR 32722) June 24, 1981; and United States Coast Guard Public Notice 01-06-81, May 20, 1981. Copies of the Environmental Assessment may be obtained from Ms. Irene Friedrichs, OES/ENH, Room 7820, Department of State, Washington, D.C. 20520 (202-632-2311).

Dated: August 27, 1981.

Donald R. King,

Director, Office of Environment and Health.

[FR Doc. 81-25504 Filed 9-1-81; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket S-700]

Lykes Bros. Steamship Co., Inc.; Applications for Amendment of Operating-Differential Subsidy Agreement

Notice is hereby given that Lykes Bros. Steamship Co., Inc. has filed an application dated August 10, 1981, to amend its present Operating-Differential Subsidy Agreement, Contract MA/MSB-451, so as to add the privilege of calling

at ports in the West Indies (including the Greater and Lesser Antilles, the islands of Jamaica, Trinidad, Tobago, and Barbados) to its subsidized Trade Route 31, Line F—West Coast South America service. Lykes is currently authorized to serve the West Indies as a privilege on three of its services: Trade Route 13, Line C—Mediterranean Line; Trade Route 22, Line D—Orient Line; and Trade Route 15B, Line E—Africa Line. The three services, Lines C, D, and E, have a combined contractual annual maximum sailings limitation of 132. Lykes has requested that a maximum of 132 serve as a combined maximum for U.S. Gulf/West Indies service by vessels operating on Lines C, D, E, and F.

Lykes has also filed an application dated August 17, 1981 to amend the Line F service description so as to (1) increase the annual maximum sailings permitted from 36 to 48, and (2) make the privilege ports of Atlantic coast Republic of Panama, the former Panama Canal Zone, and north coast of Colombia required ports on the service. Lykes' Line F service is between U.S. Gulf ports and ports on the west coast of South America, with contractual minimum/maximum sailings of 24/36 per annum. Lykes warrants that at least 24 sailings on the service as proposed to be amended would serve the west coast of South America. Thus the potential is provided for up to 24 sailings per annum to serve the Caribbean area exclusively without transiting the Panama Canal to the west coast of South America.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

Any person, firm, or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Maritime Administration, Washington, D.C. 20590 by the close of business on September 10, 1981.

Note.—Maritime Administration was transferred from the Department of Commerce to the Department of Transportation by Pub. L. 97–31, Aug. 6, 1981.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By Order of the Acting Maritime Administrator.

Dated: August 28, 1981.

Georgia Pournaras Stamas,

Assistant Secretary.

[FR Doc. 81–25790 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–15–M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

Final Date of Adjustment Demands and Close of Data Definitions

AGENCY: Office of Revenue Sharing, Department of the Treasury.

ACTION: Data and allocation notice.

SUMMARY: This notice announces that on September 30, 1981 the General Revenue Sharing allocations to eligible governments for Entitlement Period Eleven will become final unless a demand for adjustment has been received by September 30, 1981, and that the data definitions will become final for Entitlement Period 13.

DATE: September 30, 1981 effective date.

FOR FURTHER INFORMATION CONTACT: Matthew Butler, Manager, Data and Demography Division, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226, telephone (202) 634–5166.

SUPPLEMENTARY INFORMATION: Section 102(b) of the State and Local Fiscal Assistance Act of 1972, as amended by Section 6(e)(2) of the State and Local Fiscal Assistance Amendments of 1976 (Pub.L. 94–488; 90 Stat. 2347; 31 U.S.C. 1221) provides that for entitlement periods beginning after December 31, 1976, no adjustment shall be made in a government's payments for an entitlement period, unless a demand for adjustment has been made by the recipient government or the Secretary of the Treasury within one year after the end of that entitlement period. A demand by the Director or Deputy Director of the Office of Revenue Sharing is treated as a demand for adjustment by the Secretary.

Therefore, the allocations to recipient governments for Entitlement Period 13 (October 1, 1979—September 30, 1980) will become final, unless a government or the Secretary of the Treasury has a demend for adjustment pending with the Office of Revenue Sharing on September 30, 1981. A demand accompanied by adequate supporting documentation pending at the close of business on the September 30, 1981 deadline will be researched and a written decision on the data challenge will be rendered. Any government which receives a data change as a result of an adjustment

demand will be eligible for an adjustment to its allocation, and will be notified of any adjustment amount at the completion of the adjustment process.

In accordance with § 51.23(a) of the revenue sharing regulations, the Office of Revenue Sharing also announces that the data definitions upon which the allocations are based for Entitlement Period 13 (October 1, 1981–September 30, 1982) will become final on September 30, 1981. These data definitions were sent to all eligible governments and notice of that fact was published in the **Federal Register** on May 21, 1981 (46FR 27829).

According to § 51.23(a) of the revenue sharing regulations, the data definitions include the provisions of Section 109(e)(2)(B) of the Revenue Sharing Act (31 U.S.C. 1228(e)(2)(B)), the so-called "Memphis Rule." This provision allows the Governor of a State to certify for the computation of local tax effort, that certain county sales taxes are eligible to be credited to local governments in the county. That certification must be received by the Office of Revenue Sharing on or before September 30, 1981 to be effective for Entitlement Period 13.

This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 et seq.) and Treasury Department Order No. 224, January 26, 1973 (33 FR 3342) as amended by Treasury Department Order No. 242, Revision No. 1, May 17, 1977.

Dated: August 27, 1981.

Judith A. Denny,

Acting Director, Office of Revenue Sharing.

[FR Doc. 81-25585 Filed 9-1-81; 8:45 am]

BILLING CODE 4810-28-M

VETERANS ADMINISTRATION

Availability of Report of 38 U.S.C. 219 Program Evaluation

Notice is hereby given that the program evaluation of the Veterans Administration's Condominium Program has been completed.

Single copies of the Condominium Report are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: August 26, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-25559 Filed 9-1-81; 8:45 am]

BILLING CODE 8320-01-M

Central Office Education and Training Review Panel; Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel will be held in room 444E, Veterans Administration Central Office, 810 Vermont Avenue, N.W., Washington, D.C. on September 30, 1981, at 10 a.m. The meeting will be held for the purpose of reviewing the charges that the Oregon Meatcutting School, Cottage Grove, Oregon 97424, willfully and knowingly submitted false certifications which have or could result in improper payment of allowances, and willfully repeated a violation of law after having been notified in writing of the violation. The recommendation of the Station Committee on Educational Allowances (Veterans Administration Regional Office, Portland, Oregon) was not unanimous. The Director of that office referred the matter to the Veterans Administration Central Office in accordance with 38 CFR 21.4207.

The Panel will consider whether VA educational benefits should be discontinued because requirements of the law are not being met or have been violated.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Larry R. Stockmoe, Education Service, Veterans Administration Central Office (phone 202-389-2850) prior to September 21, 1981.

Dated: August 26, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-25558 Filed 9-1-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 170
Wednesday, September 2, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 43354, August 27, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., September 2, 1981.

CHANGES IN THE MEETING: Addition of the following item to the open session:

3. Agreement No. 9355–8: Modification of the Atlantic and Gulf American-Flag Berth Operators Agreement to add intermodal authority.

Withdrawal of the following item from the closed session:

2. Docket No. 81–10: General Rate Increases in the Puerto Rico and Virgin Island Trades—Consideration of Request for Oral Argument and Possible Consideration of the Record.

[S–1314–81 Filed 8–31–81; 10:42 am]

BILLING CODE 6730–01–M

2

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Tuesday, September 8, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed cost-saving initiatives for Federal Reserve Banks.

2. Request by the General Accounting Office for Board comment on a draft report concerning regulatory agencies' internal auditing procedures.

3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: August 31, 1981.

William W. Wiles,

Secretary of the Board.

[S–1316–81 Filed 8–31–81; 10:57 am]

BILLING CODE 6210–01–M

3

INTERNATIONAL TRADE COMMISSION.

[USITC SE–80–26A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 41898, August 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Tuesday September 1, 1981.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4), Commissioners Alberger, Calhoun, Bedell, and Stern voted by action jacket INV–81–121 to hold a portion of the discussion with respect to item No. 6 [Investigation 731–TA–48 [Preliminary] (Certain Amplifier Assemblies and Parts Thereof from Japan)—briefing and vote] in closed session.

Commissioners Alberger, Calhoun, Bedell, and Stern determined, pursuant to 19 CFR 201.37(b) that Commission business requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1315–81 Filed 8–31–81; 11:05 am]

BILLING CODE 7020–02–M

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federal register

Wednesday
September 2, 1981

Part II

Department of Education

Bilingual Education: Training Projects Program

V 46 / 170 / S E 2 8 1 UMI

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

34 CFR Part 510

Bilingual Education: Training Projects Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues amendments to the regulations governing the award of grants under the Bilingual Education Training Projects Program. These amendments clarify statutory requirements concerning advisory councils and advisory committees and give priority to applications that propose to serve areas having the greatest need for training projects.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these final regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Dr. Kelly Acosta, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 421, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. Telephone (202) 447-9273.

SUPPLEMENTARY INFORMATION: On November 23, 1980 the Secretary proposed amendments to the regulations governing the Bilingual Education: Training Projects Program to clarify statutory requirements concerning advisory councils and to give greater consideration to the relative need for training projects in the areas that applications under this program propose to serve. Only three commenters responded to the Secretary's invitation to submit comments and recommendations during the 60 day comment period. Based on their comments, the Secretary made a language change to the regulations establishing advisory committee requirements.

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Summary of Comments and Responses

A summary of the comments on the proposed regulations and the Secretary's responses follow. The comments are addressed in the order of the sections of the proposed regulations to which they pertain.

§ 510.21 What requirements pertain to advisory councils and advisory committees?

Comment. One commenter asked why the proposed regulations did not repeat the legislative language in describing the types of training projects covered under the statutory advisory council and advisory committee requirements. The commenter asked why the proposed regulations limited the applicability of those requirements to training projects designed to meet the needs of particular LEAs.

Response. No change has been made. The amendments do not repeat the legislative language which describes the types of training projects required to form advisory councils and advisory committees because the legislative language pertaining to eligible training activities is implemented in the regulations issued on April 4, 1980 (as 45 CFR Part 123e) to carry out the training authority. These regulations are recodified as 34 CFR Part 510.

The amendments cover the types of training projects listed in the legislation and provide a reasonable interpretation of the applicability of the advisory council and advisory committee requirements to training projects. The amendments apply those requirements only to applications proposing training activities designed to improve the conduct of programs of bilingual education in particular LEAs. Section 703(a)(4)(E) of the Bilingual Education Act requires that the advisory committee be selected by and predominantly composed of parents of children participating in the bilingual education program funded under the grant. A reasonable application of this provision to the Training Projects Program would appear to require that particular LEAs be identified as affected by the training project in order to permit the selection of the advisory committee by parents of children participating in bilingual education programs in those LEA's schools.

The Secretary considers it appropriate that applicants notify and involve parents in the planning and implementation of training activities that will affect the education of their children. However, where applicants are proposing training activities that are national or regional in scope, it would be difficult, if not impossible, to identify the children who will benefit from the training activities. The Secretary therefore considers it unreasonably burdensome to require those applicants to form parent advisory committees.

Comment. One commenter asked why the proposed regulations established a minimum membership for an advisory committee, when the law does not specify a minimum.

Response. The regulations adopt by cross-reference the existing requirement for Basic Projects advisory committees establishing a mimimum membership of seven. That requirement was based on the belief that a committee composed of less than seven members would not be appropriate representative. The Department will be reviewing those pre-existing regulations under Executive Order 12291 (Regulations Review), including review of the requirement in question.

§ 510.42 What requirements pertain to the establishment of an advisory committee?

Comment. One commenter feared that parental involvement in the implementation of a project would detract from effective project administration and would cause confusion over the authority of a grantee relative to its project committee and over a grantee's responsibility for the project's success.

Response. The law requires a grantee to consult frequently with its advisory committee in carrying out the project. However, a grantee does not delegate decisionmaking authority or responsibility for administration of the project to its advisory committee.

Comment. One commenter asked why the proposed regulations included parents of children who will be participating in programs of bilingual education as committee members in addition to parents of children currently participating in programs of bilingual education.

Response. The regulations include as advisory committee members parents of children who will be participating in programs of bilingual education because many training projects are designed to train teachers and other education personnel to start new programs of bilingual education or to expand existing programs. A project's advisory committee should include parents of children eligible for programs of bilingual education that will be implemented or expanded as a result of

training activities conducted under the project.

Comment. One commenter asked why the regulations do not specifically state that secondary school representatives on a project's advisory committee must be representative of the secondary school students to be served in the programs of bilingual education that will benefit from the training activities carried out in the project.

Response. A change has been made. The commenter's recommendation has been adopted.

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority placed in parentheses on the line following each substantive provision of the regulations.

(Catalog of Federal Domestic Assistance No. 84.003, Bilingual Education Program)

Dated: August 26, 1981.

T. H. Bell,

Secretary of Education.

PART 510—BILINGUAL EDUCATION: TRAINING PROJECTS

The Secretary of Education amends Title 34 of the Code of Federal Regulations by amending Part 510 as follows:

1. The table of contents is amended by adding the following entries:

Sec.

* * * * *

510.21 What requirements pertain to advisory councils and advisory committees?

510.34 What factors does the Secretary consider in awarding grants?

510.42 What requirements pertain to the establishment of an advisory committee?

2. A new § 510.21 is added to read as follows:

§ 510.21 What requirements pertain to advisory councils and advisory committees?

An applicant that proposes a training project designed to provide preservice or inservice training to persons who are participating in, or preparing to participate in, programs of bilingual education in a particular LEA or LEAs shall—

(a) Comply with the requirements in 34 CFR 501.20 (a) and (b) pertaining to advisory councils; and

(b) Submit with its application an assurance that, in carrying out its project, it will provide for continuing consultations with, and participation by, the advisory committee described in § 510.42.

(20 U.S.C. 3223(a)(4)(E), 3233(a)(8))

3. In § 510.32, the introductory paragraph is revised; paragraph (a) is deleted; and (b)–(f) is redesignated as (a)–(e) as follows:

§ 510.32 What selection criteria does the Secretary use for applications proposing to provide short-term or year-round training institutes?

The Secretary considers the following criteria worth a total of 85 points:

(a) Impact (45 points) * * *

(b) Evaluation plan (5 points) * * *

(c) Plan of operation (10 points) * * *

(d) Budget (5 points) * * *

(e) Personnel (20 points) * * *

(20 U.S.C. 3233(a)(1))

4. A new § 510.34 is added to read as follows:

§ 510.34 What factors does the Secretary consider in awarding grants?

(a) The Secretary considers the following factors in awarding a grant:

(1) The rank order of the application as determined by applying the selection criteria in § 510.31 (for applications proposing to provide training programs at institutions of higher education), § 510.32 (for applications proposing to provide short-term or year-round training institutes), or § 510.33 (for applications proposing to provide training projects for SEA personnel).

(2) The need for the training project in the area to be served by the applicant.

(b) In determining need under paragraph (a)(2) of this section, the Secretary considers—

(1) The number of children of limited English proficiency who would benefit from the training to be provided to persons participating in the project;

(2) The number and kinds of personnel currently participating in or preparing to participate in programs of bilingual education for these children, compared to the number and kinds of personnel needed; and

(3) The number and kinds of personnel that applicants propose to train under this program and other programs supported under the Act.

(c) In determining need under paragraph (a)(2) of this section, the Secretary uses—

(1) Information provided by the applicant;

(2) Information provided by the SEA under 34 CFR 500.20;

(3) Information on current and past training activities supported under the Act; and

(4) Other statistical information available to the Secretary.

(20 U.S.C. 3231(c), 3233(a)(1))

5. A new § 510.42 is added to read as follows:

§ 510.42 What requirements pertain to the establishment of an advisory committee?

(a) A grantee carrying out training activities designed to provide preservice or inservice training to persons who are participating in, or preparing to participate in, programs of bilingual education in a particular LEA or LEAs shall—

(1) Establish an advisory committee within 60 days after it receives an award; and

(2) Provide for continuing consultation with the committee in carrying out its project.

(b) The members of the committee must be selected by parents of children who are or will be participating in programs of bilingual education in that LEA.

(c) Parents of children who are or will be participating in programs of bilingual education in that LEA must be a majority of the committee.

(d) In the case of projects to train persons to participate more effective in programs of bilingual education at secondary schools, the committee must include representatives of the students who would be served under those programs of bilingual education.

(e) The committee may also include—

(1) Parents of children attending schools in that LEA;

(2) Teachers in that LEA; and

(3) Other interested individuals.

(f) A member of the advisory council described in § 510.21 also may serve as a member of the advisory committee.

(20 U.S.C. 3223(a)(4)(E), 3233(a)(8))

[FR Doc. 81-25396 Filed 9-1-81; 8:45 am]

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federal register

Wednesday
September 2, 1981

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Mediterranean Fruit Fly; Regulated Areas

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the Mediterranean fruit fly quarantine and regulations which quarantine California and impose restrictions on the movement of regulated articles from regulated areas in California by adding to the list of regulated areas portions of Los Angeles and San Benito Counties and that portion of Santa Cruz County not previously designated as a regulated area (with this addition the entire county of Santa Cruz is now designated as a regulated area). This action is necessary as an emergency measure for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. The effect of this action is to impose restrictions on the interstate movement (movement from California into or through any other State, Territory, or District of the United States) or regulated articles from the portions of Los Angeles, San Benito, and Santa Cruz Counties added to the list of regulated areas.

DATES: Effective date of amendment September 2, 1981. Written comments concerning this interim rule must be received on or before November 2, 1981.

ADDRESSES: Written comments should be submitted to Thomas Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Shannon Wilson, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 610 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–6365.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule will have an estimated annual effect on the economy of less than $275,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Due to the possibility that the Mediterranean fruit fly could be spread artifically to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and a final document discussed comments received and any amendments required will be published in the **Federal Register** as soon as possible.

In addition, because of the need for immediate action, it is impracticable for the Department to follow the procedures established by Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from portions of Los Angeles, San Benito, and Santa Cruz Counties in California. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the U.S. Department of Agriculture, it has been determined that approximately 85 small entities move such articles interstate from such portions of Los Angeles, San Benito, and Santa Cruz Counties. Further, the overall economic impact from this action is estimated to be less than $275,000.

Background

The Mediterranean fruit fly, *Ceratitis capitata* Wiedemann, is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Because of infestations of the Mediterranean fruit fly found in areas in California, Mediterranean fruit fly quarantine and regulations were made effective on July 22, 1981 (46 FR 37706–37713), and were amended on August 7, 1981 (46 FR 40203–40205) and on August 19, 1981 (46 FR 42072–42073). The quarantine and regulations are set forth in 7 CFR 301.78 through 301.78–10.

For the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas in the United States, the quarantine and regulations restrict the interstate movement (movement from California into or through any other State, Territory, or District of the United States) of articles designated as regulated articles from areas designated as regulated areas. For the reasons explained below, it is necessary to amend the quarantine and regulations on an emergency basis by adding portions of Los Angeles San Benito, and Santa Cruz Counties to the list of regulated areas. Regulated areas are listed in § 301.78–3(c) of the quarantine and regulations.

Prior to the effective date of this document, all of Alameda, San Mateo, and Santa Clara Counties in California and portions of Santa Cruz and Stanislaus Counties in California were designated as regulated areas. However, based on trapping surveys conducted by inspectors of the U.S. Department of Agriculture and State agencies of California, it has now been determined that the Mediterranean fruit fly has spread into portions of San Benito and Los Angeles Counties and into that portion of Santa Cruz County not previously designated as a regulated area. Therefore, because of the

occurrence of the Mediterranean fruit fly, it is necessary as an emergency measure in order to prevent the further spread of the Mediterranean fruit fly to amend § 301.78–3(c) of the quarantine and regulations by adding to the list of regulated areas that portion of Santa Cruz County not previously designated as a regulated area (with this addition the entire county of Santa Cruz is now designated as a regulated area) and by adding to the list of regulated areas the following areas in Los Angeles and San Benito Counties:

Los Angeles County. That portion of the county bounded by a line beginning at a point where the southern boundary of the Angeles National Forest meets San Gabriel Canyon Road; then southwesterly along San Gabriel Canyon Road to Azusa Avenue; then southerly along Azusa Avenue to Foothill Boulevard; then easterly along Foothill Boulevard to Alosta Avenue; then easterly along Alosta Avenue to its intersection with Grand Avenue; then southerly along Grand Avenue to the northern city limits of Walnut; then southwesterly along the Walnut and West Covina City limits to Nogales Street; then southerly along Nogales Street to Valley Boulevard; then westerly along Valley Boulevard to Hacienda Boulevard; then southerly on Hacienda Boulevard to the Pomona Freeway (Interstate 60); then westerly along the Pomona Freeway to Rosemead Boulevard; then northerly on Rosemead Boulevard to Huntington Drive; then easterly along Hungington Drive to Santa Anita Avenue; then northerly along Santa Anita Avenue to Foothill Boulevard; then easterly on Foothill Boulevard to the city limits on Monrovia; then northerly along the city limits of Monrovia and Arcadia to the southern boundary of the Angeles National Forest; then easterly along the Angeles National Forest boundary to point of beginning.

San Benito County. That portion of the county bounded by a line beginning at a point where La Gloria Road intersects the Monterey-San Benito County line; then northerly on said county line to the San Benito-Santa Cruz County line; then easterly on said county line to the San Benito-Santa Clara County line; then easterly on said county line to San Benito-Merced County line; then southerly on said county line to the point where San Benito, Merced, and Fresno County lines intersect; then westerly from said intersection on an imaginary line to the intersection of La Gloria Road and State Highway 25; then westerly on La Gloria Road to the point of beginning.

Amendment to Regulations

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, the Mediterranean fruit fly quarantine and regulations (7 CFR 301.78 *et seq.*), which, as noted above, became effective on July 22, 1981, and were amended on August 7, 1981 and August 19, 1981, (46 FR 37706–37713, 40203–40205, 42072–42073), are further amended by revising § 301.78–3(c) to read as follows:

§ 301.78–3 Regulated areas.

* * * * *

(c) The areas described below are designated as regulated areas:

California

Alameda County. The entire county.

Los Angeles County. That portion of the county bounded by a line beginning at a point where the southern boundary of the Angeles National Forest meets San Gabriel Canyon Road; then southwesterly along San Gabriel Canyon Road to Azusa Avenue; then southerly along Azusa Avenue to Foothill Boulevard; then easterly along Foothill Boulevard to Alosta Avenue; then easterly along Alosta Avenue to its intersection with Grand Avenue; then southerly along Grand Avenue to the northern city limits of Walnut; then southwesterly along the Walnut and West Covina City limits to Nogales Street; then southerly along Nogales Street to Valley Boulevard; then westerly along Valley Boulevard to Hacienda Boulevard; then southerly on Hacienda Boulevard to the Pomona Freeway (Interstate 60); then westerly along the Pomona Freeway to Rosemead Boulevard; then northerly on Rosemead Boulevard to Huntington Drive; then easterly along Hungington Drive to Santa Anita Avenue; then northerly along Santa Anita Avenue to Foothill Boulevard; then easterly on Foothill Boulevard to the city limits on Monrovia; then northerly along the city limits of Monrovia and Arcadia to the southern boundary of the Angeles National Forest; then easterly along the Angeles National Forest boundary to point of beginning.

San Benito County. That portion of the county bounded by a line beginning at a point where La Gloria Road intersects the Monterey-San Benito County line; then northerly on said county line to the San Benito-Santa Cruz County line; then easterly on said county line to the San Benito-Santa Clara County line; then easterly on said county line to San Benito-Merced County line; then southerly on said county line to the point where San Benito, Merced, and Fresno County lines intersect; then westerly from said intersection on an imaginary line to the intersection of La Gloria Road and State Highway 25; then westerly on La Gloria Road to the point of beginning.

San Mateo County. The entire county.

Santa Clara County. The entire county.

Santa Cruz County. The entire county.

Stanislaus County. That portion of the county beginning at a point where the San Joaquin River intersects the San Joaquin-Stanislaus County line, then southerly along the San Joaquin River to Hills Ferry Road, then westerly along Hills Ferry Road to its intersection with State Route J 18, then westerly along State Route J 18 to its intersection with Interstate 5, then due west from the intersection of State Route J 18 and Interstate 5 along an imaginary line to its intersection with Orestimba Creek, then westerly 3 miles along Orestimba Creek, then due north along an imaginary line to its intersection with the San Joaquin-Stanislaus County line, then easterly along said line to the point of beginning.

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); 37 FR 28464, 28477, as amended; 38 FR 19141.)

Done at Washington, D.C., this 1st day of September 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81–25675 Filed 9–1–81; 10:01 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/SLSDC			DOT/SLSDC	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of September 6 through September 12, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

35907 7–13–81 / Gypsy moth; hazardous recreational vehicle sites; comments by 9–11–81

35912 7–13–81 / Inspection and handling of livestock for exportation; deletion and addition to ports of embarkation of animals; comments by 9–11–81

Food and Nutrition Service—

35658 7–10–81 / Food Stamp Program; Wage matching; comments by 9–8–81

Food Safety and Inspection Service—

35660 7–10–81 / Definitions and standards of identity or composition; Braunschweiger, Liver Sausage, and Liverwurst; comments by 9–8–81

CIVIL AERONAUTICS BOARD

42872 8–25–81 / Elimination of rules tariffs; notice to passengers of conditions of carriage; comments by 9–9–81

35664 7–10–81 / Proposal to allow foreign indirect air carriers to organize chartes and consolidate freight in interstate and overseas markets; comments by 9–8–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

40518 8–10–81 / High Seas Salmon off Alaska; comments by 9–9–81

CONSUMER PRODUCT SAFETY COMMISSION

35296 7–8–81 / Exemption from child-resistant packaging of all unit-dose forms of potassium supplements containing not more than 50 milliequivalents of potassium per unit-dose; comments by 9–8–81

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

40893 8–13–81 / Interstate rate ceilings on money market certificates and small savers certificates; comments by 9–9–81

ENVIRONMENTAL PROTECTION AGENCY

40218 8–7–81 / Air quality implementation plans; Commonwealth of Pennsylvania; comments by 9–8–81

40220 8–7–81 / Chlorothalonil; proposed tolerance; comments by 9–8–81

40774 8–12–81 / Texas; proposed revision to State Implementation Plan; comments by 9–11–81

FEDERAL COMMUNICATIONS COMMISSION

39630 8–4–81 / Automatic aviation weather reporting systems at certain airports; reply comments by 9–11–81

37058 7–17–81 / FM broadcast station in Natchitoches, La.; proposed changes in table of assignments; comments by 9–8–81

35131 7–7–81 / FM broadcast station in North Muskegon, Mich.; changes in table of assignments; reply comments by 9–8–81

37921 7–23–81 / FM broadcast station in Redmond, Oregon; changes int able of assignments; comments by 9–6–81

40536 8–10–81 / Frequency allocations and radio treaty matters geneal rules and regulations; comments by 9–8–81

38390 7–27–81 / Regulatory and deregulatory requirements for medical services radio systems operating in the 450–460 MHz band in the Special Emergency Radio Service; comments by 9–8–81

FEDERAL EMERGENCY MANAGEMENT AGENCY

35921 7–13–81 / Consultation with appropriate local officials when undertaking a study of flood elevations; comments by 9–11–81

FEDERAL TRADE COMMISSION

38105 7–24–81 / Inclusion of furnaces in category of appliances requiring energy efficiency labeling provisions; comments by 9–8–81

35668 7–10–81 / Proprietary vocational and home study schools; comments by 9–8–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

35122 7–7–81 / Blood grouping serum, amendment of additional standards to permit use of chemically modified antisera; comments by 9–8–81

35121 7–7–81 / Hepatitis requirements, amendments of restrictions on use as injectiable biological products; comments by 9–8–81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary—

40498 8–7–81 / Mobile home construction and safety standards, procedural and enforcement regulations and consumer manual requirements; comments by 9–8–81

40496 8–7–81 / Mobile home procedural and enforcement regulations; comments by 9–8–81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

42887 8–25–81 / Endangered and threatened wildlife and plants; special rule for African Elephant; comments by 9–9–81

26464 5–12–81 / Petition submitted by the International Council for Bird Preservation, U.S. Section, Inc. to list 77 birds as endangered or threatened under the Endangered Species Act of 1973; comments by 9–9–81

Land Management Bureau—

37725 7–22–81 / Oil and gas leasing—National Petroleum Reserve—Alaska; Proposed rulemaking authorizing oil and gas leasing; comments by 9–8–81

Surface Mining Reclamation and Enforcement Office—

40047, 40049 8–6–81 / Abandoned mine lands reclamation program; comments by 9–8–81

2043 1–6–81 / Surface Coal Mining and reclamation enforcement operations; permanent regulatory program reporting and recordkeeping requirements; exemption for coal extraction incident to Government-financed highway or other construction; comment period extended to 9–10–81

[*See also* 44 FR 35192, 6–18–79]

INTERSTATE COMMERCE COMMISSION

43219 8–27–81 / Fuel surcharge program; LTL surcharge and new surcharge for household goods carriers; comments by 9–11–81

40221 8–7–81 / Modification of the Motor Carrier Fuel Surcharge Program; comments by 9–8–81

JUSTICE DEPARTMENT

Drug Enforcement Administration—

35529 7–9–81 / Schedules of controlled substances; proposed placement of Tiletamine and Zolazepam into Schedule 1 and the proposed placement of certain preparations which contain both Tiletamine and Zolazepam into Schedule III, comments by 9–8–81

MERIT SYSTEMS PROTECTION BOARD

40702 8–11–81 / Practices and procedures provisions; comments by 9–8–81

NATIONAL CREDIT UNION ADMINISTRATION

36862 7–16–81 / Organization and operation of Federal Credit Unions; Share, Share Draft, and Share Certificate of Accounts; comments by 9–7–81

NUCLEAR REGULATORY COMMISSION

38374 7–27–81 / Codes and standards for Nuclear Power Plants; comments by 9–10–81

35662 7–10–81 / Receipt of petition for rulemaking from the National Bureau of Standards, Commerce, to exempt certain radioactive material from certain specific license application requirements; comments by 9–8–81

34595 7–2–81 / Reporting of changes to the Quality Assurance Program; comments by 9–8–81

PERSONNEL MANAGEMENT OFFICE

35658 7–10–81 / Retirement; Health Care Employees; comments by 9–8–81

35108 7–7–81 / Temporary and term employment; noncompetitive career appointments; former employees of legislative or judicial branch; comments by 9–8–81

TRANSPORTATION DEPARTMENT

Coast Guard—

38378 7–27–81 / COLREGS demarcation lines, Savannah River, GA, to Amelia Island, Fl; comments by 9–10–81

Federal Aviation Administration—

40527 8–10–81 / Advisory material for flight attendant seats; comments by 9–9–81

Research and Special Programs Administration—

40540 8–10–81 / Carriage of tear gas devices aboard aircraft; comments by 9–9–81

TREASURY DEPARTMENT

Customs Service—

35682 7–10–81 / Changes in field organizations; Saginaw-Bay City-Flint, Mich., et al; comments by 9–8–81

Deadlines for Comments on Proposed Rules for the Week of September 13 through September 19, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

40892 8–13–81 / Fresh peaches grown in designated counties in Washington; comments by 9–14–81

42492 8–21–81 / Implementation of user fees for cotton classification service to producers; comments by 9–10–81

42490 8–21–81 / Revision in fees for cotton and cottonseed; comments by 9–10–81

Animal and Plant Health Inspection Service—

41519 8–17–81 / Citrus blackfly regulations; comments by 9–16–81

36148 7–14–81 / Mediterranean fruit fly; addition of portions of Alameda and Santa Clara Counties and all of San Mateo County, Calif. to list of regulated areas; (interim rule); comments by 9–14–81

37706 7–22–81 / Mediterranean Fruit Fly; emergency designation; comments by 9–14–81

36711 7–15–81 / Screwworms; relief of restrictions to prevent spread; comments by 9–14–81

Food Safety and Inspection Service—

36113 7–14–81 / Cattle Post-mortem inspection staffing standards (interim rule); comments by 9–14–81

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

39764 8–4–81 / Minimum guidelines and requirements for accessible design; comments by 9–18–81 [2 documents]

CIVIL AERONAUTICS BOARD

35936 7–13–81 / Elimination of rules tariffs and notice to passengers of conditions; reply comments by 9–14–81

DEFENSE DEPARTMENT

Air Force Department—

41527 8–17–81 / Environmental impact analysis process; comments by 9–16–81

Office of the Secretary—

42083 8–19–81 / Enforcement of state traffic laws on DOD installations; comments by 9–18–81

EDUCATION DEPARTMENT

3880, 3889 — 7–29–81 / College housing progam; comments by 9–14–81 (2 documents)

ENVIRONMENTAL PROTECTION AGENCY

39175 — 7–31–81 / Air programs; delayed compliance order for New England Power Company, Salem Harbor Generating Station, Mass.; comments by 9–14–81

36716 — 7–15–81 / Approval and promulgation of implementation plans; Iowa; Comments by 9–14–81

42089 — 8–19–81 / Chlorpyrifos; proposed insecticide tolerances on Chinese Cabbage; comments by 9–18–81

42088 — 8–19–81 / Chlorpyrifos; proposed tolerance for insecticide in or on peppers; comments by 9–18–81

36717 — 7–15–81 / Control of air pollution from motor vehicles and motor vehicle engines; exclusion and exemption; comments by 9–14–81

41818 — 8–18–81 / Designation of area for air quality planning purposes attainment status; Ohio; comments by 9–17–81

42472 — 8–21–81 / Municipal wastewater treatment works; construction grants; draft availability; comments by 9–15–81

32599 — 6–24–81 / National emission standards for hazardous air pollutants; benzene fugitive emissions; comment by 9–14–81

41104 — 8–14–81 / Noise emission standards for portable air compressors, medium and heavy trucks, motorcycles and motorcycle replacement exhaust systems, truck mounted solid waste compactors, and noise labeling requirements for hearing protectors; comments by 9–14–81

41817 — 8–18–81 / Standards of performance for new stationary sources; fossil fuel fired steam generator; comments by 9–17–81

FEDARAL COMMUNICATIONS COMMISSION

37923 — 7–23–81 / Amendment to permit increased antenna height of Class A FM Commercial Broadcast Stations in Puerto Rico and the Virgin Islands; comments by 9–15–81

34609 — 7–2–81 / FM broadcast station in Canton, Ill.; proposed changes in table of assignments; reply comments by 9–14–81

37919 — 7–23–81 / FM broadcast station, College, Alaska; changes in table of assignments; comments by 9–14–81

34608 — 7–2–81 / FM broadcast station in DeRidder, La.; proposed changes in table of assignments; reply comments by 9–14–81

34605 — 7–2–81 / FM broadcast station in Leone, American Samoa; proposed changes in table of assignments; reply comments by 9–14–81

35132 — 7–7–81 / FM broadcast station in Lowville, N.Y.; changes in table of assignments; reply comments by 9–17–81

35133 — 7–7–81 / FM broadcast station in Midland, Texas; changes in table of assignments; reply comments by 9–17–81

34606 — 7–2–81 / FM broadcast station in Petal, Miss.; proposed changes in table of assignments; reply comments by 9–14–81

34603 — 7–2–81 / FM broadcast station in St. Johns, Arizona; proposed changes in table of assignments; reply comments by 9–14–81

34607 — 7–2–81 / FM broadcast station in Sidney, N.Y.; proposed changes in table of assignments; reply comments by 9–14–81

37925 — 7–23–81 / FM broadcast station in Tremonton, Utah; changes in table of assignments; comments by 9–15–81

35127 — 7–7–81 / FM broadcast stations in Yuma, Ariz.; proposed changes in table of assignments; reply comments by 9–17–81

42478 — 8–21–81 / Inquiry into future role of TV translators and low-power television broadcasting in national telecommunications systems; comments by 9–15–81

43068 — 8–26–81 / Process regarding Equal Access to Justice Act rules; comments by 9–15–81

40536 — 8–10–81 / Reallocation of UHF–TV broadcast Channel 17 for common carrier fixed relay and control operations in the State of Hawaii; reply comments by 9–15–81

37927 — 7–23–81 / Release, allocation, assignment and criteria for use of the remaining 250 channels in the 800 MHz private land mobile reserve band; comments by 9–14–81

41820 — 8–18–81 / Short-term operation without prior approval; creation of new auxiliary broadcast service license class to permit non-broadcast station license holders to be licensed and operate radio relay stations for direct rebroadcast of program material; comments by 9–14–81

37916 — 7–23–81 / TV auxiliary broadcast pickup stations on a secondary basis, allocating a certain frequency band; comments by 9–18–81

FEDERAL EMERGENCY MANAGEMENT AGENCY

35942 — 7–13–81 / Environmental considerations; providing temporary housing to individual disaster victims; comments by 9–15–81

FEDERAL HOME LOAN BANK BOARD

42273 — 8–20–81 / Eligibility of partnerships to hold NOW accounts at member institutions; interpretive rule; comments by 9–18–81

42275 — 8–20–81 / Treatment of gains and losses from the sale of mortgage assets; comments by 9–14–81

FEDERAL RESERVE SYSTEM

32592 — 6–24–81 / Credit by brokers and dealers and credit by banks for the purpose of purchasing or carrying margin stocks; comments by 9–15–81

37516 — 7–21–81 / Securities credit by persons other than banks, brokers, or dealers; credit by brokers and dealers; credit by banks for the purpose of purchasing or carrying margin stocks; comments by 9–15–81

INTERSTATE COMMERCE COMMISSION

41825 — 10–16–81 / Special procedures governing recovery of expenses by parties to commission adjudicatory proceedings; comments by 9–17–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

36130 — 7–14–81 / Bioavailability and bioequivalence requirements; updating of drug list; (final rule); comment by 9–14–81

LABOR DEPARTMENT

Federal Contract Compliance Programs Office—

42490 — 8–21–81 / Advance notice of affirmative action requirements for government contractors; comments by 9–14–81

36213 — 7–14–81 / Affirmative action requirements for Government contractors including federally assisted construction contractors; comments by 9–14–81

PERSONNEL MANAGEMENT OFFICE

41077 — 8–14–81 / Pay under the general schedule; comments by 9–14–81

TRANSPORTATION DEPARTMENT

Coast Guard—

37002 — 7–16–81 / Annex I to Inland Navigation Rules—positioning and technical details of lights and shapes; comments by 9–14–81

37008 — 7–16–81 / Annex III to Inland Navigation Rules—technical details of sound signal appliances; comments by 9–14–81

37012 — 7–16–81 / Annex V to Inland Navigation Rules; pilot rules; comments by 9–14–81

Federal Aviation Administration—

39606 8-4-81 / Provisions for operation of the air traffic control system and activation of national traffic control contingency plan (phase II); (final rule); comments by 9-15-81

Federal Railroad Administration—

39461 8-3-81 / General safety inquiry; comments by 9-15-81

Research and Special Program Administration—

31294 6-15-81 / Definition of Oxidizer; comments by 9-14-81

TREASURY DEPARTMENT

Internal Revenue Service—

36198 7-14-81 / Individual retirement plans and simplified employee pensions; comments by 9-14-81

40774 8-12-81 / Installment sales; general rules for reporting gains; comments by 9-17-81

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42944 8-25-81 / Arts and Humanities Foundation, Humanities Panel, Washington, D.C. (closed), 9-9-81

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws

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Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week

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43078 8–26–81/ED—Trust Territory of the Pacific Islands, intent to waive applicability of certain title IV and title V Elementary and Secondary Education Act requirements; comments by 9–25–81

43417 8–28–81/EPA—Grants for construction of wastewater treatment works; class deviation from rules; effective 8–17–81

43504 8–28–81/HHS/SSA—Low Income Energy Assistance program; reallotment of funds for 1981

43529 8–28–81/LSC—Grants and contracts; Legal Aid Society of Metropolitan Denver, Colo.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register in cooperation with Lexington Technical Institute.

WHAT: Special public briefing (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: September 17 at 9:00 a.m.

WHERE: Room 215, Lexington Technical Institute, Cooper Drive, Lexington, Ky.

RESERVATIONS: Call Martha Birchfield, (606) 258–4918.

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Thursday
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44157 **Mortgage Insurance and Improvement Loans** HUD/FHC increases debenture interest rate on certain home and project mortgages and loans.

44408 **Grant Programs—Juvenile Justice** Justice/JJDPO solicits comments on proposed requirements and procedures for formula grants to State governments. (Part III of this issue)

44332 **Airports** DOT/FAA announces availability of preliminary regulatory evaluation of proposed Metropolitan Washington airports' management and operation policy.

44159 **Air Pollution Control** EPA establishes ambient air monitoring and data reporting requirements for lead.

44149 **Nuclear Materials** NRC clarifies jurisdiction over persons using byproduct, source or special nuclear materials in certain offshore waters.

44195 **Imports** Treasury/Customs proposes alternative procedure for an importer of record to pay duties through a licensed customhouse broker.

44292 **Outer Continental Shelf—Oil and Gas** Interior/GS announces availability of second summary report for Gulf of Alaska and Lower Cook Inlet.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 679]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 4–10, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 1, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges continues to improve.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

Section 908.979 is added as follows:

§ 908.979 Valencia Orange Regulation 679.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 4, 1981, through September 10, 1981, are established as follows:

(1) District 1: 350,000 cartons;
(2) District 2: 350,000 cartons;
(3) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 2, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

(FR Doc. 81–26011 Filed 9–2–81; 11:43 am)
BILLING CODE 3410–02–M

7 CFR Part 1135

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action will continue through December 1981 the present suspension of a portion of the pooling standards for distributing plants and the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The suspension is based on proposals of two cooperative associations that were considered at a public hearing held on July 15, 1981, in Boise, Idaho, and on subsequent market information. Continuation of the suspension will enable producers who are regularly associated with the fluid market to continue to have their milk pooled and priced under the order pending a decision on whether the order should be amended to relax the pooling standards and diversion limits in the manner proposed by the cooperatives.

EFFECTIVE DATE: Effective upon September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued June 22, 1981; published June 25, 1981 (46 FR 32873).

Notice of Proposed Suspension: Issued June 22, 1981; published June 25, 1981 (46 FR 32874).

Order Suspending certain provisions: Issued July 15, 1981; published July 20, 1981 (46 FR 37237).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that Grade A dairy farmers in the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area.

PART 1135—MILK IN SOUTHWESTERN IDAHO-EASTERN OREGON MARKETING AREA

It is hereby found and determined that for the months of September through December 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

§ 1135.7 [Amended]

1. In § 1135.7 paragraph (a)(2).

§ 1135.13 [Amended]

2. In § 1135.13 paragraphs (f) (3) through (6).

Statement of Consideration

This action continues through December 1981 the current suspension of (1) the provision that at least 40 percent of the receipts of milk at a pool distributing plant be disposed of as fluid milk products on routes, and (2) the provision limiting the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The present order provides that a cooperative association may divert up to 60 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 70 percent in other months. Similarly, the operator of a pool plant or a proprietary bulk tank handler may divert during the months of September through February up to 60 percent of their producer receipts that are not under the control of a cooperative association, and 70 percent in other months. The current suspension, which has been in effect since July 1981, expires August 31, 1981 (46 FR 37237).

The need to continue the suspension of these provisions is based on evidence received at a public hearing held on July 15, 1981, at Boise, Idaho, and on subsequent market information. Two cooperative associations (Mountain Empire Dairymen's Association, Inc., and Dairymen's Creamery Association, Inc.) that represent a large majority of the producers associated with the market and handle most of the market's reserve milk supplies proposed that emergency amendatory action be taken to relax the pooling and diversion provisions in question. The cooperatives testified that the amendments are needed to accommodate the pooling and efficient handling of the expanded reserve milk supplies now on the market. Because of the time to complete any amendatory action, they requested that the present suspension be continued until a final decision is reached on the proposed amendments.

The evidence developed at the hearing substantiates the Department's findings in connection with the first suspension that present marketing conditions are considerably different from those existing when the provisions in question were being developed. Hearings on a new order for this market were held in December 1978 and February 1980. The new order, including the provisions in question, became fully effective on July 1, 1981. The order provisions proposed by dairy farmers and generally adopted by the Department were predicated on marketing conditions existing at the time the new order was being proposed. Since then, milk supplies available to the market have increased considerably, thereby necessitating a review of the appropriateness of the current order provisions.

As indicated in the final decision for the new order, it was estimated that producer receipts would average about 27 million pounds monthly, with 40–45 percent of the milk being used in Class I. Market information for the first month that the order was fully effective (July) reflects about 48 million pounds of pooled milk and 18 percent Class I utilization. The substantially greater volume of milk on the market than was projected initially apparently is because of two things. Cooperatives have chosen to associate more producers with the market than was contemplated earlier. Also, production in general has increased considerably. Production in the State of Idaho, for example, was 12 percent higher in 1980 than in 1979. Production in July 1981 was 14 percent above the July 1980 production.

Under these circumstances, a public hearing to review the order provisions initially adopted was considered necessary. While no decision has been reached on the proposed amendments on the basis of the hearing evidence, there is sufficient indication that some modification of the order may be appropriate. Because of this, the current suspension should be continued pending a final decision on the hearing proposals. Continuation of the suspension for four additional months will accommodate the pooling and efficient handling of reserve milk supplies for the market pending the outcome of the hearing proceeding.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who regularly supply the market otherwise could be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for this suspension action were fully reviewed at a public hearing held on July 15, 1981, where all interested parties had the opportunity to be heard on this matter.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register** (September 3, 1981).

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of September through December 1981.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Effective date: September 3, 1981.

Signed at Washington, D.C. on August 28, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81–25820 Filed 9–2–81; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 31 and 150

NRC's Jurisdiction Over Persons Using Byproduct, Source or Special Nuclear Materials in Certain Offshore Waters

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations (1) to clarify that it has jurisdiction vis-a-vis Agreement States over persons using byproduct, source, or special nuclear materials in certain offshore waters bounded by the U.S. Outer Continental Shelf, (2) to recognize Agreement State specific licenses in an NRC general license covering activities in these waters, and (3) to allow Agreement States to perform inspections and other functions for NRC in these waters.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas F. Dorian, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301–492–8690).

SUPPLEMENTARY INFORMATION:

The Problem

Several incidents in the Gulf of Mexico involving actual or potential overexposures to radiographers have disclosed to the Commission the need to clarify its jurisdiction vis-a-vis that of coastal Agreement States [1] over offshore radiographic, well-logging, and other operations using byproduct, source, or special nuclear materials. Licensing, regulatory, and enforcement problems have arisen because it has been unclear whether a person with a specific license from an Agreement State or from NRC, operating in offshore waters, namely, in the area, beyond a coastal Agreement State's Submerged Lands Act jurisdiction (see 43 U.S.C. 1301, *et seq.*) (that is, outside State boundaries which normally extend three miles or three marine leagues from the coastline), but on or above the Outer Continental Shelf, should be licensed and regulated by the Agreement State or by the Commission.

The Comments

On October 30, 1980, NRC published a proposed rule, in the **Federal Register** (45 FR 71807) addressing the issue of jurisdiction including several concerns raised by Louisiana and Texas with respect to this issue. During the comment period, the Department of Justice was the sole commenter on the proposed rule,[2] agreeing with the proposal and suggesting several word changes to clarify the concept of "offshore waters." In essence, the Department suggested that "offshore waters" should be defined as those waters beyond Agreement States' "Submerged Lands Act jurisdiction and above the U.S. Outer Continental Shelf," rather than, as defined in the proposed rule, those waters beyond Agreement States' "territorial waters and within the area of the U.S. Outer Continental Shelf."

The Submerged Lands Act (Pub. L. 31, 43 U.S.C. 1301, *et seq.*) was promulgated in order to extend Federal jurisdiction and control to the submerged lands off the U.S. Outer Continental Shelf. It deals, in pertinent part, with the rights and claims of the States to the seabed and its resources beyond historic State boundaries. See House Report No. 215, accompanying H.R. 4198, in 1953 *U.S. Code Cong. and Admin. News*, at 1385.

The Commission has accepted the changes suggested by the Department of Justice, with some additional minor modifications discussed with it. The modifications make clear that "offshore waters" include both the land and water areas, beyond Agreement States' Submerged Lands Act jurisdiction, on or above the U.S., Outer Continental Shelf.

Shortly after the comment period ended, Louisiana and an independent consultant notified the Commission [2] that, though they agreed with the principal substantive provisions of the proposed rule (that is, that NRC has the requisite jurisdiction over persons in the defined offshore waters), nonetheless, they and many licensees were concerned about two minor procedural requirements the proposed rule would have imposed upon licensees. The Commission learned that Texas was similarly concerned. Both requirements have now been changed, as discussed later. One would have required Agreement State licensees (working in the offshore area under the proposed NRC general license) to file NRC–241 forms to allow the Commission to track their activities in order to make inspections. The other would have required them to apply for specific licenses after 180 days (measured cumulatively over a calendar year) of operating under the general license.

Examination of the Jurisdictional Issue

Three principles underlying the amendments should be made clear before a fuller examination of the jurisdictional issue. First, the Agreement States of Texas and Florida (on the Gulf of Mexico only) have Submerged Lands Act jurisdiction beyond the Federal territorial sea. The Commission intends to recognize the jurisdiction of these States to the seaward limits of their seabed resources jurisdiction. Second, the Outer Continental Shelf includes only the seabed underlying the sea beyond the limits of the Agreement States' seabed resource jurisdiction, not the superjacent water. Third, the high seas begin at the limit of the Federal territorial sea and extend to another country's territorial sea.

After examining the issue of jurisdiction, the Commission has concluded that NRC retains jurisdiction vis-a-vis coastal Agreement States over persons using byproduct, source, and special nuclear materials when these materials are used in the offshore waters previously described. NRC's jurisdiction over persons using these materials extends seaward from the limit of the States' jurisdiction, above the U.S. Outer Continental Shelf, continues past the Shelf onto the high seas, and, in most instances, stops at another country's territorial sea, as recognized by the United States. This conclusion is based on several considerations.

The Commission's jurisdiction over persons using byproduct, source, or special nuclear materials is found in sections 81 and 82 (byproduct material), 62, 63, and 64 (source material), and 53, 54, and 57 (special nuclear material) of the Atomic Energy Act, as amended. These sections grant NRC *in personam* jurisdiction, that is, jurisdiction over a person (when stating, "No person may * * *").

Until the tidelands and submerged lands dispute about the Outer

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[1] An Agreement State is a State with which NRC has an agreement under section 274 of the Atomic Energy Act. Section 274 of the Atomic Energy Act was enacted in 1959, to recognize the States' interest in atomic energy activities, to clarify the respective responsibilities of the States and the Commission under the Act, and to provide a statutory means by which the Commission can discontinue certain of its regulatory responsibilities with respect to byproduct, source, and special nuclear materials and by which the States can assume these responsibilities. An agreement made pursuant to section 274b. carries out the basic Congressional intent that either the State or the Commission—but not both—should regulate a given atomic energy activity from the point of view of radiation protection. One of the evils that Congress sought to avoid was "dual regulation." This means that, insofar as regulation of these materials by the State and the Commission is concerned, the activities discontinued under the agreement will be regulated only by the State, and that the activities reserved by the Commission will be regulated only by the Commission.

[2] Copies of comments are available for inspection at NRC's Public Document Room at 1717 H Street, NW., Washington, D.C.

Continental Shelf arose between the Federal Government and certain States, the Atomic Energy Commission (AEC) followed a personal, as opposed to a territorial, approach to offshore jurisdiction. This allowed Agreement States, with AEC's acquiescence, to regulate their own citizens' offshore uses of materials within the purview of an agreement under section 274b. of the Atomic Energy Act (described in the footnote); in 1967, in light of the submerged lands controversy, this practice was changed in part because the Federal Government argued that things, such as oil drilling rigs, attached to the U.S. Outer Continental Shelf were subject to its exclusive jurisdiction; for the AEC, this meant that an Agreement State did not have jurisdiction to regulate possession and use of byproduct, source or special nuclear materials on such things as oil rigs in offshore waters, as previously described.

At the time of the submerged lands controversy, the AEC was negotiating a standard agreement with Louisiana pursuant to section 274b. of the Atomic Energy Act. So as not to compromise the pending litigation between the Federal Government and Louisiana, the AEC and Louisiana also entered into a Memorandum of Understanding and an agreement under section 274i. of the Act. The Memorandum of Understanding, which is still in effect between NRC and Louisiana, states, in essence, that AEC (now NRC) retains regulatory authority over the disputed area in the Gulf of Mexico and that the agreement made pursuant to section 247b. of the Act shall not prejudice the position of either the United States or Louisiana in the pending litigation. The agreement under section 274i. of the Act, which is also still in effect, invokes the authority granted to the Commission under section 274i. of the Act to enter into agreements with States "to perform inspections or other functions on a cooperative basis as the Commission deems appropriate." The agreement authorizes Louisiana to perform certain inspections and other functions for and on behalf of the Commission.

This rule would allow Louisiana and NRC to terminate the Memorandum of Understanding and to enter into a revised agreement under section 274i. of the Act.

The Supreme Court in a series of cases has settled the Federal-State dispute over the Outer Continental Shelf in the Gulf of Mexico. *United States* v. *Louisiana*, 389 U.S. 155 (1967), 394 U.S. 1 (1969) (cited as the Texas Boundary Case), 394 U.S. 11 (1969) (cited as the Louisiana Boundary Case), and 404 U.S. 388 (1971) (also cited as the Louisiana Boundary Case).

It is now clear that the Outer Continental Shelf Lands Act has placed the Outer Continental Shelf under exclusive Federal jurisdiction, extending the laws of the United States to the subsoil and seabed of the Shelf and to all artificial islands and fixed structures erected thereon (see 43 U.S.C. 1331, *et seq.*). It should be noted, however, that for some purposes State law is adopted as a surrogate for Federal law under the Act to the extent that such State law is "applicable and not inconsistent with * * * other Federal laws." 43 U.S.C. 1333(a)(2); *Rodriguez* v. *Aetna Casualty Co.*, 395 U.S. 352, 365 (1969); *Union Oil Company* v. *Oppen*, 501 F.2d 558, 561 (1974); *Oppen* v. *Aetna Insurance Co.* 485 F.2d 252, 255, (1973.) It should also be noted that the Act does not apply to the sea above the subsoil and seabed. 43 U.S.C. 1332(b).

It is thus clear as regards oil drilling rigs, for example, that NRC has jurisdiction over persons in offshore waters beyond an Agreement State's Submerged Lands Act jurisdiction using byproduct, source, or special nuclear materials on these rigs, for these rigs are attached to the Outer Continental Shelf and are considered fixed structures erected on the seabed.

It is also clear that NRC has jurisdiction over persons in offshore waters beyond an Agreement State's Submerged Lands Act jurisdiction and above the Outer Continental Shelf using byproduct, source, or special nuclear materials on free-floating objects, such as lay barges or other vessels, or in offshore diving activities. This view is based on the *in personam* jurisdiction argument described before and supported by another argument.

Sections 274b. and 274d. of the Atomic Energy Act, under which NRC may either retain or discontinue certain parts of its regulatory authority, do not provide for discontinuance of the Commission's regulatory authority over byproduct, source, or special nuclear materials not "within a State". Thus, the Commission retains jurisdiction over persons using these materials and specifically licensed by the Commission or Agreement States when these persons are not within an Agreement State. This jurisdiction extends on the high seas seaward from the limits of the State's jurisdiction, but normally stops when it would conflict with another country's territorial sea, as recognized by the United States.

Resolution of the Problem

The General License

Since the present problem is limited to incidents in offshore waters, and because the Commission has jurisdiction in these waters, it has extended its general licensing scheme to activities of specific licensees of Agreement State in this land and water area. It has done so in two compatible ways. First, it has recognized Agreement State specific licenses in a new NRC general license (without a time limitation) covering activities in offshore waters. (It should be noted, by the way, that NRC specific licensees currently authorized to operate in offshore waters, of course, would not need to request a license amendment in order to continue to do so.) Second, it has extended a reporting requirement (it already uses on land) to monitor the activities of these licensees—except that it would not impose this requirement when an Agreement State has an agreement with the Commission under section 274i. of the Atomic Energy Act to perform inspections for it.

The Commission believes that the regulation change will remove present ambiguities and go a long way toward providing administrative simplicity. It therefore has broadened the scope of Parts 31 and 150 to provide for Commission regulatory authority in the form of general licensing over persons in offshore waters, namely, beyond Agreement States' Submerged Lands Act jurisdiction and on or above the Outer Continental Shelf.

As presently drafted, §§ 31.6 and 150.20 grant general licenses to a person with a specific license from an Agreement State to conduct the licensed activity within non-Agreement States. However § 150.20 presently authorizes a person to engage in activities in non-Agreement States under NRC's general license for no more than 180 days (calculated cumulatively) in any calendar year. Presently, at the end of this period, the general license expires and the person needs a specific license from the Commission to continue to engage in these activities in non-Agreement States. The reason for obtaining such a license is described *In the Matter of Chem-Nuclear Systems, Inc.*, 10 NRC 865 (1979), namely, that long-term field operations should be controlled through specific licensing. Operations in offshore waters, however, are short term and of a somewhat different character than those on land (for example, radiography is performed on board lay barges moving back and forth between jurisdictions, i.e., between the shore and oil rigs far from the shore).

Moreover, simplified regulation between NRC and Agreement States is desirable in this area. Therefore, in response to the comments received, under §§ 31.6 and 150.20 new general licenses have been created for the offshore area. These are modified versions of the general license for activities on land. They allow persons operating in the offshore area to do so under the general licenses without having to apply for a specific license after the 180-day period.

The NRC–241 Form

As mentioned before, Louisiana questioned the need for Agreement State licensees (working in the offshore area under the NRC general license) to file NRC–241 forms, since similar forms are already filed with respect to its own inspections. The Commission wanted to extend this requirement (presently used on land with respect to general licensees) to the offshore area to enable it to track the activities of its general licensees in order to make its own inspections. After discussions with Louisiana, the Commission has decided to continue to allow that State to perform inspections for NRC in the defined offshore area under the previously-described 274i. Agreement and to update that Agreement. Additionally, after discussions with the other coastal Agreement States, the Commission has also decided to permit all these States to perform inspections for it under similar 274i. agreements.

In light of this development, the final rule now states that the Commission requires the filing of the NRC–241 form, unless the licensee provides to the Agreement State that issued the specific license timely notification of its offshore activities and that State is listed in the rule as agreeing to perform inspections for NRC under a 274i. agreement. Louisiana is the only State now listed in the rule because it already has the requisite agreement. The rule will contain a complete list as soon as the Commission has section 247i. agreements with the other coastal Agreement States. It is presently pursuing discussions with them toward that end. Thus, the issues of offshore inspection and of the use of the reporting forms have been resolved simultaneously by allowing Agreement States to perform inspections on NRC's behalf, thereby simplifying the Commission's regulatory efforts and avoiding dual reporting for the defined offshore area.

Definition of "Offshore Waters"

It should be noted that the rule defines "offshore waters" as "that area of land and water, beyond Agreement States' Submerged Lands Act jurisdiction, on or above the U.S. Outer Continental Shelf" without specifying for each Agreement State the exact boundaries of these waters and the land area of the Shelf. The definition of offshore waters is designed to keep the proposed rule simple. Aside from the fact that it is not feasible to draw cartographic lines in any regulation, it is unnecessary to do so. The Supreme Court has decided the Federal-State dispute over the land areas of the Outer Continental Shelf and, as a matter of law, defined the necessary boundary lines. Further, as a practical matter, the three-mile limit is depicted generally on large-scale nautical charts of the United States published by the National Ocean Survey of the Department of Commerce.

In addition, in the cases of Texas and Louisiana cited before, the Supreme Court defined the necessary boundary lines as a matter of fact. Thus, in the case of Louisiana, for example, its jurisdiction over the seabed of the Shelf extends three nautical miles from its coastline; and, in the case of Texas, for example (and the same is true for Florida), as a technical legal matter having to do with its admission as a State of the Union, its jurisdiction over the seabed of the Shelf extends up to nine nautical miles from its coastline.

Thus, the definition in the proposed rule is intended to cover, in an understandable and simple fashion, the Commission's jurisdiction over persons operating beyond the Agreement States' normal three-mile jurisdictional limit, just described, and using byproduct, source, or special nuclear materials on things, such as oil rigs, attached to the seabed of the Outer Continental Shelf as well as the Commission's jurisdiction over persons using these materials in diving activities or on free-floating objects, such as lay barges and other vessels, in the waters above the seabed of the Shelf.

It should also be noted that the rule is focused on the Outer Continental Shelf area and not on the high seas beyond the Shelf. Thus, beyond the Outer Continental Shelf, NRC will continue, as has been the case historically, its licensing authority over certain kinds of persons, such as the Navy using nuclear material on naval vessels, while Agreement States will retain their authority over other kinds of persons, such as, for example, those using nuclear materials on State-chartered research vessels. In other words, the Commission acknowledges its present practice of regarding possession and use of nuclear materials on those high seas beyond the Shelf by certain citizens of littoral States as also subject to those States' regulatory authorities. However, in light of the previous jurisdictional statement, the Commission reserves the right to alter or amend such practice at any time.

Paperwork Reduction Act

This final rule contains no new or amended requirements for recordkeeping, reporting, plans or procedures, applications or any other type of information collection.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 31 and 150, are published as a document subject to codification.

PART 31—GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

1. The introductory paragraph of § 31.6 is revised and the authority citation for § 31.6 is, as follows:

§ 31.6 General license to install devices generally licensed in § 31.5.

Any person who holds a specific license issued by an Agreement State authorizing the holder to manufacture, install, or service a device described in § 31.5 within such Agreement State is hereby granted a general license to install and service such device in any non-Agreement State and a general license to install and service such device in offshore waters, as defined in § 150.3(f) of this chapter: *Provided*, That:

* * *

* * * * * *

(Secs. 81, 161b., 274, Pub. L. 83–703, as amended, 68 Stat. 935, 948, 73 Stat. 688 (42 U.S.C. 2111, 2201b., 2021))

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

2. The title of 10 CFR Part 150 is changed to read, "Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters Under Section 274".

3. Section 150.1 is revised to read:

§ 150.1 Purpose.

The regulations in this part provide certain exemptions to persons in Agreement States from the licensing requirements contained in Chapters 6, 7, and 8 of the Act and from the

regulations of the Commission imposing requirements upon persons who receive, possess, use or transfer byproduct material, source, or special nuclear material in quantities not sufficient to form a critical mass; and to define activities in Agreement States and in offshore waters over which the regulatory authority of the Commission continues. The provisions of the Act, and regulations of the Commission apply to all persons in Agreement States and in offshore waters engaging in activities over which the regulatory authority of the Commission continues.

4. In § 150.3, a new paragraph (f) is added as follows and former paragraphs (f)–(k) are redesignated as paragraphs (g)–(l) respectively.

§ 150.3 Definitions.

As used in this part: * * *

* * * * *

(f) "Offshore waters" means that area of land and water, beyond Agreement States' Submerged Lands Act jurisdiction, on or above the U.S. Outer Continental Shelf.

* * * * *

5. A new heading is added after § 150.5, to read as follows:

Continued Commission Regulatory Authority in Offshore Waters

6. A new § 150.7 is added before the heading, "EXEMPTIONS IN AGREEMENT STATES," to read as follows:

§ 150.7 Persons in offshore waters not exempt.

Persons in offshore waters are not exempt from the Commission's licensing and regulatory requirements with respect to byproduct, source, and special nuclear materials.

7. Section 150.20(a) is revised to read:

§ 150.20 Recognition of Agreement State licenses.

(a) Subject to the provisions of paragraph (b) of this section, any person holding a specific license from an Agreement State where the licensee maintains an office for directing the licensed activity, and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the same activity in non-Agreement States and a general license to conduct the same activity in offshore waters: *Provided,* That the specific license does not limit the activity authorized by either general license to specified installations or locations.

* * * * *

8. The first paragraph of § 150.20(b) is revised to read:

* * * * *

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person engaging in activities in a non-Agreement State or in offshore waters under the general licenses provided in this section, the general licenses provided in this section are subject to the provisions of §§ 30.14(d), 30.34, 30.41, and 30.51 to 30.63, inclusive, of Part 30 of this chapter; §§ 40.41, 40.51, 40.61 to 40.63 inclusive, 40.71 and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.42, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Parts 19, 20, and 71 and Subpart B of Part 34 of this chapter. In addition, any person engaging in activities in non-Agreement States or in offshore waters under the general licenses provided in this section:

* * *

* * * * *

9. Section 150.20(b)(1) is revised to read:

* * * * *

(b) * * *

(1) Except as specified in paragraph (c) of this section, shall, at least 3 days before engaging in each such activity, file 4 copies of Form NRC–241 (revised), "Report of Proposed Activities in Non-Agreement States," and 4 copies of its Agreement State specific license with the Director of the Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix D of Part 20 of this chapter for the region in which the Agreement State that issued the license is located. That Director may authorize the licensee to begin the activity upon notification by telephone of the licensee's intent to conduct the proposed activity under the general license: * * *

* * * * *

10. Section 150.20(b)(2) is revised to read:

* * * * *

(b) * * *

(2) Shall not, in any non-Agreement State or in offshore waters, transfer or dispose of radioactive material possessed or used under the general licenses provided in this section, *except* by transfer to a person (i) specifically licensed by the Commission to receive such material, or (ii) exempt from the requirements for a license for such material under § 30.14 of this chapter;

* * *

* * * * *

11. Section 150.20(b)(3) is revised to read:

* * * * *

(b) * * *

(3) Shall not, under the general license concerning activities in non-Agreement States, possess or use radioactive materials, or engage in the activities authorized in paragraph (a) of this section, for more than 180 days in any calendar year, *except* that, the general license in paragraph (a) of this section concerning activities in offshore waters authorizes that person to possess or use radioactive materials, or engage in the activities authorized, for an unlimited period of time.

12. A new paragraph (c) is added to § 150.20 to read as follows:

* * * * *

(c) A person engaging in activities in offshore waters under the general license provided for that purpose in paragraph (a) of this section need not file a Form NRC–241 (revised) with the Commission under paragraph (b)(1) of this section, *Provided,* That:

(1) At least 3 days before engaging in each such activity the person notifies the Agreement State that issued the specific license about the activity, including in the notification (i) a description of the activity, (ii) the location, (iii) the dates scheduled, (iv) a list of the sealed sources, or devices containing sealed sources, which will be possessed, used, installed, serviced, or tested, and (v) a description of the type and quantity of radioactive material contained in each sealed source or device; and (2) The Agreement State that issued the specific license is listed in paragraph (d) of this section as having entered into an agreement to perform inspections and other functions for the Commission.

13. A new paragraph (d) is added to § 150.20 to read as follows:

* * * * *

(d) The following Agreement State has entered into an agreement to perform inspections and other functions for the Commission: Louisiana.

(Sections 150.1, 150.3, 150.7 and 150.20 are also issued under secs. 51, 53, 57, 62, 63, 81, 161o., 222, 223, 274, Pub. L. 83–703, as amended, Pub. L. 91–161, Pub. L. 90–190, 68 Stat. 929, 930, 932, 933, 935, 948, 83 Stat. 444, 81 Stat. 575, 73 Stat. 688 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2111, 2201o., 2272, 2273, 2021); sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C. this 28th day of August 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-25637 Filed 9-2-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-GL-13; Amdt. 39-4206]

Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Model Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revocation of airworthiness directive (AD).

SUMMARY: Amendment 39-3594 (44 FR 60722) AD79-21-07 specified an increased torque for the bolts which attach the aft centerbody of the thrust reverser/fixed nozzle on General Electric model CF6-45 and CF6-50 series engines. It has since been determined that the loss of the aft centerbody was due to the substitution of unapproved nutplates during engine maintenance. Amendment 39-3594 is no longer necessary and is therefore being revoked.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Henry A. Jackson, Engine Projects Section (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

There have been five incidents in which the aft centerbody has been lost from a CF6-50 series engine. A subsequent survey of airlines uncovered a number of attachment bolts missing or loose, and a wide range of bolt torque values. It was determined that nutplates had lost their locking feature, allowing bolts to become loose and fall out. Therefore, an emergency telegraphic AD was adopted and made effective September 21, 1979, to all operators of General Electric CF6-45 and CF6-50 model turbofan engines installed in McDonnell Douglas DC-10, Boeing 747, and Airbus Industrie A-300 series aircraft.

The emergency AD instructed operators to check, and retorque to 110-130 inch pounds, the 8 bolts that attach the aft centerbody to forward centerbody of the thrust reverser/fixed nozzle. The previous torque value was 55-70 inch pounds. AD79-21-07 was issued as a final rule, amendment 39-3594, and published in the Federal Register on October 22, 1979.

Subsequent to issuance of the above AD, it has been discovered that the loss of the aft centerbodies was caused by the substitution of unapproved nutplates during engine maintenance.

Therefore, both the previous emergency telegraphic AD dated September 21, 1979, and the final rule, AD79-21-07, published as amendment 39-3594 in the Federal Register on October 22, 1979, are revoked.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13) is amended by revoking amendment 39-3594 (44 FR 60722) AD79-21-07. This revocation becomes effective August 31, 1981.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12291, as implemented by DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). Since this regulation action relieves an undesirable maintenance requirement and imposes no additional burden on any person, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts on August 21, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-25503 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-54-AD; Amdt. 39-4209]

Airworthiness Directives: McDonnell Douglas Model DC-9-10, -20, -30, -40, -50 Series Airplanes (Including Military C9A, C9B, and VC9C Airplanes) Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive which requires periodic inspection of the horizontal stabilizer rear spar on certain McDonnell Douglas Model DC-9 Series Airplanes. This amendment provides operators with an optional modification which, if they choose to accomplish it, allows them to discontinue the repetitive inspections.

DATES: Effective Date September 15, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Harry J. Irwin, Aerospace Engineer, Airframe Branch, ANW-120L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2826.

SUPPLEMENTARY INFORMATION: AD 80-08-09, Amendment 39-3743 (45 FR 25048, April 14, 1980) requires repetitive visual and eddy current inspection to detect fatigue cracks and prevent failure of the left and right horizontal stabilizer upper and lower rear spar caps.

After issuing Amendment 39-3743, the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region, evaluated substantiating data and additional service instructions submitted by the manufacturer. It was determined that the procedures and modifications specified in McDonnell Douglas DC-9 Service Bulletin 55-31, dated February 27, 1981, to replace horizontal stabilizer upper and lower rear spar caps with fatigue resistant caps provide an acceptable alternate means of compliance and terminating action for the original AD.

Since this amendment provides an alternate means of compliance, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended

by amending AD 80-08-09, Amendment 39-3743 (45 FR 25048, April 14, 1980) by adding a new paragraph (i) to read as follows:

* * * * *

(i) The replacement of horizontal stabilizer upper and lower rear spar caps in accordance with Part 2 Accomplishment Instructions of McDonnell Douglas DC-9 Service Bulletin 55-31 dated February 27, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region, constitutes terminating action for the repetitive inspections required by paragraphs (a) thru (f) of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60).

These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108 or Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This Amendment becomes effective September 15, 1981.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. This amendment is not major under Executive Order 12291 (46 FR 13193; February 19, 1981), and not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on August 26, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-25406 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-15]

Alteration of Transition Area; Fergus Falls, Minn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Fergus Falls, Minnesota, in order to accommodate a revised instrument approach procedure into the Fergus Falls Municipal Airport, which was established on the basis of a request from the local Airport officials. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-630, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 33284 of the **Federal Register** dated June 29, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the transition area near Fergus Falls, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 26, 1981, as follows:

§ 71.181 [Amended]

In § 71.181 (46 FR 540), the following transition area is amended:

Fergus Falls, Minnesota

That airspace extending upward from 700' above the surface within 6½ miles of the Fergus Falls Municipal Airport (latitude 46°17'15"N, longitude 096°09'45"W) at Fergus Falls, Minnesota, and 1½ miles either side of the 138° (true) radial of the FFM VOR extending from 6½ miles to 7 miles and 3 miles either side of the 188° (true) radial of the FFM VOR extending 6½ to 8½ miles and 3 miles each side of the 343° (true) radial of the FFM VOR from 6½ miles to 8 miles.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on August 19, 1981.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 81-25408 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-10]

Designation of Transition Area; Gladwin, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Gladwin, Michigan, in order to accommodate a new instrument approach into Gladwin Municipal Airport, Gladwin, Michigan, which was established on the basis of a request from the local Airport officials to

provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 32878 of the Federal Register dated June 25, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add transition area airspace near Gladwin, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 26, 1981, as follows:

§ 71.181 [Amended]

In § 71.181 (46 FR 540), the following transition area is added:

Gladwin, Michigan

That airspace extending upward from 700' above the surface within 6.5 miles of the Gladwin Airport (latitude 43°58'20" N, longitude 084°28'50" W) at Gladwin, Michigan, and 3 miles either side of the 081° bearing from the Gladwin Airport extending from 6.5 miles to 8.5 miles.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulation (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on August 19, 1981.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 81-25407 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-18]

Alteration of Transition Area; Howell, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near Howell, Michigan, to accommodate a VOR Runway 31 instrument approach procedure into the Livingston County Airport, Howell, Michigan, which was established on the basis of a request from the Livingston County Airport officials to provide that airport with an additional instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above surface to 700 feet for a distance of approximately one-half mile beyond that now depicted. The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 33286 of the Federal Register dated June 29, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the transition area airspace near Howell, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 26, 1981, as follows:

§ 71.181 [Amended]

In § 71.181 (46 FR 540), the following transition area is amended:

Howell, Michigan

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Howell, Michigan, Livingston County Airport (latitude 42°37'30" N., longitude 83°58'45" W.), and within 2 miles each side of the Salem, Michigan, 308° radial extending from the 6.5 mile radius area to 7.5 miles southeast of the airport.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory

evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on August 19, 1981.

George W. MacArthur,

Acting Director, Great Lakes Region.

[FR Doc. 81-25405 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-8]

Alteration of Transition Area; Boonville, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Boonville, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Jessee Viertel Memorial Airport, utilizing the Hallsville VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Jessee Viertel Memorial Airport, Boonville, Missouri, is being established utilizing the Hallsville VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the alteration of the transition area at Boonville, Missouri, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 30353, 30354 of the **Federal Register** dated June 8, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Boonville, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

§ 71.181 [Amended]

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT November 26, 1981, by altering the following transition area:

Boonville, Missouri

That airspace extending upwards from 700 feet AGL within a 5-mile radius of the Jessee Viertel Memorial Airport (latitude 39°56'50" N, longitude 92°41'19" W) and within 4 miles each side of the 249° radial of the Hallsville VOR from the 5-mile radius area to 19 miles southwest of the Hallsville VOR, and within 3 miles each side of the 012° bearing from the Jessee Viertel Airport, extending from the 5-mile radius area to 8 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69)).

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on August 14, 1981.

John E. Shaw,

Acting Director; Central Region.

[FR Doc. 81-25409 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-19]

Establishment of Transition Area; Casa Grande, Ariz.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This rule designates a 700-foot transition area for Casa Grande Municipal Airport, Casa Grande, Arizona, in order to provide additional controlled airspace for aircraft executing an instrument approach procedure to the Casa Grande Municipal Airport.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

On July 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area for Casa Grande, Arizona (46 FR 37906). Establishment of this transition area will provide controlled airspace for protection of instrument operations at Casa Grande Municipal Airport.

Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 was republished in the **Federal Register** on January 2, 1981 (46 FR 540).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes a transition area at Casa Grande, Arizona. This transition area provides protection for instrument operations at Casa Grande Municipal Airport, increases air traffic safety and improves flow contol procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901, September 3, 1981, by adding the following:

§ 71.181 [Amended].

Casa Grande, Arizona

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Casa Grande Municipal Airport (latitude 32°57'11"N, longitude 111°45'54"W.) and within 3 miles each side of the localizer course extending from the 5-mile radius area to the Casa Grande VORTAC.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a); Sec 6(c),

Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on August 21, 1981.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 81-25410 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-7]

Revocation and Designation of VOR Federal Airways; Oklahoma; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects a final rule that revokes and designates VOR Federal Airways in the vicinity of Gage, OK, as published in the **Federal Register** on July 27, 1981 (46 FR 38345). Inadvertently, the description of the new VOR Federal Airway V-402 was not published correctly and this action amends that description.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished and amended (46 FR 409 and 11951) is further amended, effective 0901 Gmt, October 1, 1981, as follows:

§ 71.123 [Amended]

By amending V-402 by deleting the words "INT Amarillo 072° and Gage, OK, 214° radials;" and substituting for them the words "INT Amarillo 072° and Gage, OK, 215° radials;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on August 25, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-25408 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-11]

Designation of Transition Area; Yoakum, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Yoakum, Texas. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Yoakum Municipal Airport. This amendment is necessary to provide protection for aircraft executing approaches using the proposed nondirectional radio beacon (NDB) located on the airport.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 4, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 24961) stating that the Federal Aviation Administration proposed to designate the Yoakum, Texas, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.M.T., November 26, 1981, as follows:

Yoakum, Texas

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yoakum Municipal Airport (latitude 29°18'50" N., longitude 97°08'18" W.) and within 3 miles each side of the 132° bearing of the NDB (latitude 29°18'45" N., longitude 97°08'19" W.) extending from the 5-mile radius area to 8.5 miles southeast of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. § 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 25, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25506 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 207 and 220

[Docket No. R-81-931]

Debenture Interest Rates; Increase

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule change provides for an increased debenture interest rate applicable to all home and project mortgages and loans under the National Housing Act (the Act), as amended, except for debentures issued under the Act's Section 221(g)(4) provisions,

committed or endorsed on or after July 1, 1981. The Secretary of the Treasury determines debenture interest rates in accordance with established procedure and the Act. The intended effect of this rule change is to increase debenture interest rates for appropriate mortgages.

EFFECTIVE DATE: Effective date of this change is July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Arnold H. Diamond, Director, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6186, Washington, D.C. 20410 (202) 426–4325. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Secretary of the Treasury has determined in accordance with the provisions of Section 224 of the National Housing Act, as amended, that the interest rate for the month of May 1981 is 12⅞% and has approved the establishment of debenture interest rates at 12⅞% to be effective as of July 1, 1981.

The Secretary of Housing and Urban Development has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that good cause exists for making this change effective as soon as possible. For these same reasons, it is not appropriate to delay the effective date of these provisions for the 30-day period provided in 5 U.S.C. 553(d).

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, D.C. 20410.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance program numbers are 14.117, 14.118, 14.122, 14.127, 14.134 and 14.139.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is revised to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the day the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6⅛	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6⅝	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709))

2. Section 203.479 is revised to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6⅛	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6⅝	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709))

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

3. In 207.259 paragraph (e)(6) is revised to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6⅛	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6⅝	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	

* * * * *

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 207, 52 Stat. 16, as amended; (12 U.S.C. 1713))

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

4. Section 220.830 is revised to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

	On or after	Prior to
Effective rate (percent):		
6⅛	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6⅝	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.

	On or after	Prior to
8	Jan. 1, 1979	July 1, 1979.
8½	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 220, 68 Stat. 596, as amended; (12 U.S.C. 1715k))

Issued at Washington, D.C., August 4, 1981.

Philip D. Winn,

Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 81-25849 Filed 9-2-81; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 51, and 58

[AD-FRL 1827-4]

Air Programs; Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Today's action promulgates revisions to Part 58 that establish ambient air monitoring and data reporting requirements for lead comparable to those already established for the other criteria pollutants. These revisions were proposed on October 10, 1980 (45 FR 67564). Included within these regulations are requirements for reporting and for assuring the quality of ambient lead data. Also included are requirements for the design of lead monitoring networks and the siting of lead monitors which will supersede less complete requirements currently contained in § 51.17b, which are being revoked in this action, and in EPA's "Supplementary Guidelines for Lead Implementation Plans" (EPA/450-2-78-038, 8/78). Provisions are also established which allow State or local agencies to operate special purpose ambient air quality monitors according to specifications approved by the Regional Administrator where the data are to be used for SIP-related functions other than a demonstration of attainment or non-attainment. Appendix G of Part 50 is being revised to incorporate provisions dealing with the Federal Reference Method for lead which were included in § 51.17b.

DATES: This regulation takes effect on October 5, 1981.

ADDRESS: Docket No. A-80-33 containing material relevant to this action, is located in West Tower Lobby, Gallery 1, U.S. Environmental Protection Agency, Central Docket Section, 401 M Street, S.W., Washington, D.C. 20460.

The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Sleva, Chief, Monitoring Section, Monitoring and Data Analysis Division (MD-14), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5651.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1978 (43 FR 46246), the Administrator of the Environmental Protection Agency promulgated a national ambient air quality standard for lead and regulations for the preparation, adoption, and submittal of implementation plans for attaining and maintaining the lead air quality standard.

A new § 51.17b was established in these regulations to set forth requirements for air quality surveillance relative to plans for attaining and maintaining the lead air quality standard. Section 51.17b called for the States to establish and operate networks for monitoring ambient lead and to report the resulting data to EPA. The data were to be used, among other things, for developing control strategies, tracking attainment and maintenance of the national ambient air quality standard (NAAQS), and in analyzing air quality trends. However, complete requirements for quality assurance and certain aspects of monitor siting had not yet been developed by October 1978; only those minimum requirements related to plan development and surveillance of ambient levels were contained in the October 1978 action. Additional guidance on monitor siting was presented in the "Supplementary Guidelines for Lead Implementation Plans." At the time these regulations were promulgated, EPA was actively involved in a major revision to the ambient air quality monitoring and data reporting requirements for all of the other criteria pollutants (proposed on August 7, 1978, 43 FR 34892). In addition to presenting far more comprehensive requirements than had been in effect since 1971, a key portion of the August 1978 action proposed the creation of a new Part 58 to include most of the regulatory requirements dealing with air quality monitoring. On May 10, 1979 (44 FR 27558), final rules were promulgated to establish Part 58 which provided complete and detailed requirements for air quality monitoring, data reporting, and surveillance for all of the criteria pollutants except lead. Today's action carries out the intent expressed in the October 5, 1978 and May 10, 1979 actions, by establishing requirements for lead that are closely patterned after the requirements for the other criteria pollutants.

In addition to the requirements dealing solely with lead, today's action revises § 58.14 to give State and local agencies additional flexibility in conducting special ambient monitoring studies. These changes allow a State to use the data collected from special purpose monitors (SPM) for purposes other than demonstrating attainment or nonattainment or computing a design value for control purposes without meeting the SLAMS requirements, provided the monitors are located and operated according to requirements approved by the Regional Administrator. Such requirements would include a monitoring schedule, instrument methodology, quality assurance procedures, and probe-siting criteria for each instrument.

Public Comments

EPA received a total of 19 written comment letters on the proposal of October 10, 1980. The origin of the letters is as follows: Federal Agencies, 4; Industry, 4; State Air Pollution Control Agencies, 8; Local Air Pollution Control Agencies, 2; and State Laboratories, 1.

The bulk of the letters dealt with the proposed changes to Part 58; however, three organizations commented on several matters related to Reference No. 10, EPA's "Guidance for Lead Monitoring in the Vicinity of Point Sources." At the time of proposal, this guideline was available only as a draft dated June 15, 1979. In January 1981, this guideline was revised and issued in final form (EPA-450/4-81-006). The purpose of this guideline is to present technical considerations which may be of use in designing a network which meets the monitoring objective of determining the impact of point sources on ambient lead levels.

Five comments on the point source guideline were received. One commenter requested that EPA withhold finalization of the October 10, 1980 proposal to Part 58 pending peer review and finalization of the June 15, 1979 draft guideline. Since it has never been the Agency's intent to incorporate by reference in Part 58 the procedures contained in this guideline, the Agency decided not to provide formal notice of opportunity to comment on this

guideline. However, all of the comments received were considered in preparing the final version of the guideline. These comments are discussed below.

Two commenters expressed the view that measurement of background concentrations must include contributions from other sources in the common geological region around a source. EPA agrees that background measurements should include other sources of lead being transported into the area of the point source. The final guideline reflects revisions which present siting guidance for multi-source areas.

Two commenters suggested that after modeling has been used to estimate the areas of maximum impact for purposes of monitor siting, monitor locations should be restricted to populous areas. EPA rejects this suggestion primarily because it implies that the standards have to be met only where substantial numbers of people are exposed. In fact, the standards apply to all areas meeting the definition of "ambient air" contained in 40 CFR 50.1(e). Under that section, "ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access. Given this requirement and definition, EPA contends it is a valid monitoring objective to determine the impact of significant lead sources in all places meeting the definition of "ambient air" whether the area is sparsely or densely populated. The final guideline specifies that monitors should be placed in those locations satisfying the definition of ambient air in situations where significant ambient concentrations are expected.

One commenter suggested that Appendix D to Part 58 should state that data collected using the guideline not be used for determining compliance with the ambient lead standard and that the purpose of lead point source monitors should be limited to determining where SLAMS monitors should be placed. EPA rejects this suggestion, for essentially the same reasons cited in response to the previous comment. Where monitors are sited according to the guideline and placed in locations that satisfy the definition of ambient air, there are no technical or legal constraints from using the data to determine compliance with the National Ambient Air Quality Standard (NAAQS).

Two commenters suggested that the guideline should be flexible as to the number and location of monitors because of factors such as terrain, meteorology, population density, and population distribution. EPA agrees that such flexibility is desirable and attempted to indicate this in the draft guideline. The need to employ a case-by-case approach relative to the location and number of monitors has been emphasized in the final version of the guideline.

Differences Between the Final Rule and Proposal

The following discussion lists each section of the regulation where a change was proposed in the October 10, 1980 action, presents the respective comments received for each, and explains what action is being taken for each section by today's rulemaking.

Addition to Part 50, Appendix G. No comments were received on the proposed change. Today's action carries out the revision proposed on October 10, 1980. In summary, today's action takes the substance of § 51.17b(h) and moves it to Appendix G of Part 50. The substance of the affected wording provides for the analysis of individual lead samples or composites of samples collected over a calendar month or quarter. As discussed below, today's action revokes all of § 51.17b.

Revocation of Section 51.17b. No comments were received on the proposed change. Today's revisions to Appendices D and E of Part 58 incorporate the substance of what was contained in § 51.17b(b), (c), (d) and (f). The substance of § 51.17b(e) is already contained in § 58.13(b). Today's action moves the substance of § 51.17b(g) to §§ 58.23 and 58.34. The substance of § 51.17b(j) is already contained in § 58.20(e) and the substance of § 51.17b(k) is already contained in Part 58, Appendix C, section 2.1.

Section 58.1—Definitions. One commenter pointed out the need for clarifying the U.S. Census Bureau's figures for population of urbanized areas, since in Appendix D population is one of the criteria used to determine areas requiring monitoring stations. Section 58.40 defined urbanized areas for purposes of index reporting as those listed in the U.S. Bureau of Census, October 1976 Supplementary Report. This report updated the 1970 census figures for urbanized areas and has been used in determining the number of National Air Monitoring Stations for other criteria pollutants. Concerning lead monitoring, it is EPA's intent to also use this report in determining which areas are urbanized and which meet the 500,000 population criteria. Therefore, the definition of urbanized area has been added to the list of definitions in § 58.1.

Section 58.14—Special purpose monitors. One comment was received relative to this section. The commenter urged that States should not only be allowed to perform special purpose monitoring but encouraged to anticipate and measure possible air quality problems which may not be identifiable by the SLAMS network. While suggesting no particular change to what was proposed, the commenter appeared to feel that perhaps the discretion given to each Regional Administrator relative to standardizing siting and operational procedures would not provide sufficient flexibility for some types of investigations. EPA believes that the changes proposed should provide sufficient flexibility for special purpose studies since case-by-case decisions can be made by the Regional Administrator. Today's action makes final the revisions to § 58.14 which were proposed on October 10, 1980.

Section 58.20—Air quality surveillance: Plan content. EPA inadvertently proposed to revise the introductory sentence of § 58.20 to require the States to revise their SIPs to incorporate descriptions of their lead monitoring networks by April 1, 1981. EPA intended to require the States to make their network descriptions available to the Regional Administrators as required for the other criteria pollutants by § 58.20(e). EPA did not intend to require the States to revise their SIPs to include lead network descriptions. Accordingly, EPA is withdrawing the proposed change to the introductory sentence of § 58.20 and inserting a reference to lead networks in § 58.20(e). EPA is making this change without providing an additional opportunity to comment because it will not impose additional requirements on the States. In fact, this change will eliminate the need for the States to comply with SIP revision procedures when preparing their network descriptions.

EPA received three comments requesting additional time for the preparation of lead network descriptions because States would not be able to finish planning their networks by April 1, 1981. EPA realizes that the April 1, 1981 deadline has passed. EPA is revising § 58.20(e) to require these descriptions to be made available by December 1, 1981.

EPA is also revising paragraph (c) of § 58.20 to add the words "except Pb" as proposed.

Section 58.23—Monitoring network completion. Two comments were received on the proposed revision and both recommended that additional time be provided for completion of the approved SLAMS network for lead. The revision to this section proposed in October 1980 would have required that

by January 1, 1982, each lead monitor in the approved SLAMS network must:

Be in operation;

Be sited in accordance with Appendix E;

Be located as described on the station's SAROAD identification form; and

Meet all of the quality assurance requirements pertinent to lead in Appendix A.

After considering the current status of the lead networks, the delays in making today's action final and the additional resources needed by some control agencies, EPA believes it appropriate to withdraw the proposed changes in § 58.23. Thus, today's action provides that the lead portion of the approved SLAMS networks must meet all requirements of Part 58 by January 1, 1983. This is the same compliance date which applies to the SLAMS network for the other pollutants.

Section 58.30—NAMS network establishment. Two comments were received on the proposed revision and both recommended that additional time be provided for establishment of the NAMS network. Both felt that the changes proposed to Appendix D would require many agencies to move existing urban monitors. Given this input and the delay in issuing today's rulemaking, the Administrator believes that an eight-month deferral of the date proposed is appropriate. Thus, today's action adds "with the exception of Pb, which shall be by December 1, 1981" after "January 1, 1980" in paragraph (a). The purpose of this revision is to set a date by which the lead NAMS portion of the SLAMS network must be fully described and documented in a submittal to the Administrator (through the appropriate Regional Office).

Section 58.34—NAMS network completion. Two comments were received on the proposed revision and both recommended that additional time be provided for completion of the NAMS network. As discussed above, the Administrator recognizes that bringing the NAMS into full compliance may require additional time and resources and may not be possible for all agencies to accomplish during 1981. Given this situation, the completion date proposed is deferred by 6 months. Today's action adds "with the exception of Pb, which shall be by July 1, 1982" after "January 1, 1981" in the introductory sentence. This means that by July 1, 1982, all lead NAMS must be in operation, be sited in accordance with the criteria in Appendix E, be located as described in the station's SAROAD site identification form, and be operated under the quality assurance requirements of Appendix A.

Section 58.35—NAMS data submittal. The single comment received on this section expressed the view that the submission of ambient lead data within 90 days after the completion of each calendar quarter will not be possible for many small agencies. After reviewing data from a survey of State and local agenices, EPA believes that most agencies view the 90 day schedule as reasonable. Therefore, no change is being made to this portion of § 58.35. As a result of the deferral of the requirements of § 58.34, the Administrator believes that also delaying the first quarterly reporting of ambient lead data by six months is appropriate. Today's action deletes the current wording in paragraph (d) and replaces it with the following: "For TSP, SO_2, CO, O_3, and NO_2, the first quarterly report will be due on or before June 30, 1981, for data collected during the first quarter of 1981. For Pb, the first quarterly report will be due on December 31, 1982, for data collected during the third quarter of 1982." The purpose of this revision is to establish a date for submission of the first quarterly reports of data from Pb NAMS and to make it clear that the June 30, 1981 date applies only to TSP, SO_2, CO, O_3 and NO_2. States having one or more Pb NAMS operating according to all Part 58 criteria prior to July 1, 1982, are encouraged to submit data from those monitors in accordance with the reporting requirements of this section for other pollutants.

Appendix A—Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS). The overall purpose of today's revisions to Appendix A is to establish requirements for assuring the quality of ambient lead data produced by the SLAMS networks which are comparable to the requirements for the other criteria pollutants already in Appendix A. Today's revisions, therefore, present procedures for assessing the precision and accuracy of lead data and generally require quarterly submissions of calculated precision and accuracy data to EPA similar to that required for the other pollutants.

It should be noted that many of the requirements already contained in Appendix A will also apply to lead. In general, the sections relating to manual methods will pertain to lead as well as to TSP. Persons reviewing today's revisions to Appendix A are urged to refer to the materials already in this Appendix and to the references of Appendix A.

Three commenters urged that EPA supply lead audit samples to all laboratories performing analyses of lead from the SLAMS networks. One suggested that Appendix A be revised to specify that standardized audit samples be made available by EPA through its national audit program. The Agency disagrees with this suggestion because for EPA to supply such standards would seriously compromise the independence of the EPA audit from routine SLAMS audit procedures. Therefore, no action will be taken to revise the EPA audit program to adopt this suggestion.

Since the sampling methods for TSP and Pb are identical, four commenters urged that Appendix A be changed to allow a reporting organization to use collocated TSP sites to serve as the collocated sites for estimating the precision of lead measurements. This change would eliminate the need for paired hi-volume samplers at the lead sites and would significantly reduce the equipment and manpower requirements of the operating agency. EPA agrees with the need to minimize resource requirements but is also concerned about obtaining Pb precision estimates from sites closely representing the highest ambient Pb concentrations. Since some selected collocated TSP sites may not adequately reflect the highest Pb concentrations, section 3.2.1 of Appendix A has been modified to require Pb precision estimates to be determined from a single Pb site. The estimates would be determined by analysis of duplicate strips taken from one filter. This approach eliminates the additional expense of collocated Pb samplers and is responsive to the intent of the commenters.

One commenter urged that Appendix A be revised to require only one collocated lead monitor per reporting organization rather than the two required. This suggestion is closely related to those discussed in the preceding paragraph. As discussed above, the revisions to Appendix A now allow precision to be estimated from a single site. Thus, no collocation is required.

One commenter suggested that Appendix A be revised to combine the TSP and lead networks for accuracy flow audits. Thus, the requirement to audit 25% of the TSP monitors and 25% of the lead monitors could be met by auditing not less than 25% of the combined network. EPA agrees that the implementation of this suggestion should reduce manpower requirements while still providing an adequate assessment of flow rates. A new paragraph (d) has been added to section 3.2.2 to allow the quarterly flow audits

to be based on 25% of the entire hi-vol network.

One commenter expressed the view that the samples used in the intralaboratory audit program should be more representative of actual air samples. To do this, such samples would contain insoluble lead compounds typically present in ambient air. The type of audit sample described in the October proposal has worked well in current EPA audits and may be prepared by State and local agencies. Audit samples of the type suggested are not producible by most State and local agencies. Therefore, today's action makes final the procedures for preparing audit samples as proposed in October 1980.

Two commenters suggested that accuracy audits be performed once every quarter or once every two quarters, rather than each day that samples are analyzed. After reviewing this suggestion, EPA believes it has some merit but would trade off too much information on accuracy. EPA believes that estimates of accuracy are needed throughout the analytical period. Performing such audits only once every 3 or 6 months would not yield enough data to make meaningful estimates of accuracy. In response to this suggestion, today's action modifies Appendix A to require at least six audit sample analyses spread out over a calendar quarter. EPA believes that this will produce sufficient information on accuracy while requiring less manpower than the requirement proposed in October 1980.

One commenter urged that sites with the highest quarterly averages rather than sites with the highest yearly averages be selected for collocation. As discussed above, Appendix A has been altered so that collocation is no longer required and that sites reflecting the highest average concentrations will be used for estimating precision.

One commenter urged that control agencies be allowed to continue to do their lead analyses under existing quality assurance plans even if they do not require audit samples. This suggestion would change a cornerstone of EPA's quality assurance program since without the use of audit samples there would be no estimate of the accuracy of the data being produced. Today's rulemaking takes no action on this request.

Although not specifically addressed during the public comment period, the EPA has received technical suggestions for correcting a current problem with section 3.1.2 of Appendix A. This section requires audits of the SLAMS monitored each calendar quarter and specifies four audit point concentration ranges. Audit point number 3 specifies a concentration range of 0.40–0.45 ppm for SO_2, NO_2, and O_3 and of 40–45 ppm for CO. In attempting to adhere to the reference method calibration procedure for NO_2, it has been found that it is impossible to generate audit points within the audit point number 3 range of 0.40–0.45 ppm. To resolve this unintended technical error, EPA is changing the range of audit point number 3 from 0.40–0.45 to 0.35–0.45 ppm for SO_2, NO_2, and O_3. For consistency reasons, the audit range for CO is changed from 40–45 to 35–45 ppm.

Appendix B—Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring. The purpose of today's revision to Appendix B is to establish, as required by §§ 51.24m and 52.21m, requirements for quality assurance procedures for the monitoring of ambient lead for PSD purposes. A substantial amount of the TSP requirements already contained in Appendix B will also apply to Pb. Thus, readers of today's revisions should refer to the material currently in Appendix B. Since the requirements for lead are very similar to those for TSP, the equipment and manpower requirements for carrying out the Pb quality assurance procedures are minimal.

There were no specific comments suggesting changes to the proposed revisions to Appendix B. However, changes are being made to the audit point table in section 3.2 for the same technical reasons that were presented in the preceding discussion of Appendix A. The changes are in audit point number 3 and are identical to those noted in Appendix A.

To conserve resources, EPA has changed section 3.3.2 by adding a sentence that would allow collocated TSP samplers to serve as the collocated lead samplers. EPA believes that precision of the Pb monitors can be adequately assessed in this manner.

Appendix D—Network Design for State and Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS). Today's action establishes requirements which closely parallel the requirements on monitor location which have been contained in § 51.17b and also reflect criteria very similar to the material on network design presented in the "Supplementary Guidelines for Lead Implementation Plans." Today's action establishes section 2.7 which presents the overall network design requirements for the SLAMS network and section 3.6 which specifies network design requirements for NAMS. Of the 19 responses received on the October 1980 proposal, nine raised one or more issues related to Appendix D. The majority of these comments were constructive but did not call for major changes to the proposed requirements. The modifications to Appendix D being made final today, therefore, reflect these comments but differ little from those proposed. The following paragraphs present the comments received and explain what action has been taken.

Two commenters expressed the view that the Regional Administrator would have too much authority in setting the number of SLAMS monitors in the lead network. This type of authority is already provided to the Regional Administrator for the other criteria pollutants. The purpose of EPA participation in network design is to insure that all monitoring necessary for purposes of the SIP are carried out. Adequate monitoring is essential to the development of effective strategies for pollution control. EPA has broad responsibilities to ensure that the SIPs contain effective pollution control strategies. Therefore, EPA is providing the Regional Administrator with authority to approve the State's networks as proposed.

Three commenters recommended that changes be made to the criteria for determining the need for monitors within the SLAMS network. One felt that the period for counting violations of the ambient standards should start in 1977 rather than 1974. The suggestion was in reaction to a situation where NAAQS exceedances had been experienced during one quarter of 1975 but all subsequent data from these sites had shown no exceedances. While EPA agrees that the issue raised here has merit, it believes that the Regional Administrators have adequate discretion to determine through case-by-case reviews which areas are clearly attaining the lead NAAQS and do not require monitors. To clarify the Administrator's intent on this matter, a new provision has been added to section 2.7 which allows the Regional Administrator to waive lead monitoring where there have been no violations of the lead NAAQS for the most recent eight quarters preceding the submission of the SLAMS network description for lead required by section 58.20. For locations where monitors are no longer being operated, data showing attainment during the final eight quarters of operation may provide the basis for such a waiver. This change should virtually eliminate the need for monitoring in smaller urban areas where historical data show clear evidence of attainment. One commenter suggested

that the requirement calling for two NAMS stations in any urbanized area with a population exceeding 500,000 be revised to employ a criteria of 1,000,000. No action has been taken on this comment. EPA believes that the 500,000 population criterion is representative of potential problem areas from mobile sources.

One commenter felt that since leaded gasoline sales are declining annually, many urban areas are projecting attainment within the next 1–2 years. Given this situation, this commenter felt that requiring such areas to establish lead monitoring networks would strain the resources of State or local control agencies unnecessarily. While EPA recognizes the very real resource constraints facing control agencies, it does not agree that operating lead networks for 1–2 years in such areas is unnecessary. If ambient lead levels are in fact dropping due to decreasing sales of leaded gasoline, ambient data to document this occurrence need to be obtained. Since the lead NAAQS is based upon health-related criteria, agencies concerned with protecting public health have a need to regularly evaluate the impact of areas exceeding the NAAQS.

Three commenters recommended that some mechanism be added to overcome the difficulties they foresee in establishing and operating sites meeting the requirements proposed for category (a) stations. The commenters felt that adherence to the microscale setback criteria would often be difficult to achieve, particularly in urban areas where schools or other large public facilities are located close to heavily traveled roadways. Other problems foreseen were obtaining electric power, exposure to vandalism, and difficult operator access. A related comment also questioned whether the 5–15 meter setback was reasonably related to population exposure, given the 3–month averaging time for the lead NAAQS. After evaluating these comments, EPA agrees that substantial practical difficulties would be likely in satisfying the category (a) requirements as proposed. To provide control agencies greater flexibility in establishing and operating their maximum concentration sites, Appendix D has been modified to allow either a middle scale or microscale site and in rare cases, a neighborhood scale site to serve as the category (a) station in NAMS and SLAMS. This change will allow those areas that have the maximum traffic on limited access highways with large fences, rights of way, and restricted operator access to use a middle scale site to satisfy the requirements for a category (a) station. This change should also be useful in areas where schools or nursing homes are located close to major arterial highways.

Appendix E—Probe Siting Criteria for Ambient Air Quality Monitoring. One commenter felt that minimizing re-entrainment and eliminating non-representativeness should serve as the primary basis for the 2-meter minimum height specified for lead monitors. The commenter felt that this requirement should not be based on considerations such as the security of the equipment or the prevention of vandalism. The Agency agrees and as a partical response to this comment, the discussion within Appendix E has been amended to explain that the lower limit reflects a compromise between ease of servicing the sampler and the desire to avoid unrepresentative conditions due to re-entrainment from dusty surfaces. The upper limit represents a compromise between the desire to have measurements which are most representative of population exposures and a consideration of the practical factors noted above.

One commenter pointed out that the 5–15 meter setback distance for the micro and middle scales proposed in Table 5 was inconsistent with section 7.3 which specifies a setback distance of greater than 15 meters for all scales larger than the microscale. This problem was corrected by revising Table 5. The middle scale no longer shares the same criteria as the microscale. The middle scale has been aligned with the neighborhood, urban, and regional scale and shares their criteria. Therefore, middle scale sites are no longer limited to a 5–15 meter setback from major roadways but may be set back from roadways according to guidance in Table 4 of Appendix E.

Appendix F—Annual SLAMS Air Quality Information. No comments were received; thus the final rulemaking appears as proposed.

Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action imposes no new major regulatory requirements, but principally recodifies existing lead ambient air monitoring and data reporting requirements and establishes them in a format similar to those established for the other criteria pollutants. The additional resources necessary for network design, instrument probe siting, and quality assurance are not considered significant since only the procedures for quality assurance are new requirements. On the other hand, the reporting requirements in the revised regulations should slightly reduce the overall data reporting burden of State and local agencies since the amount of data required to be reported quarterly will decrease substantially.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This regulation has also been submitted to OMB for review under the Paperwork Reduction Act of 1980 (44 U.S.C. Sec. 3501 et seq.)

This rulemaking is promulgated under authority of Sections 110, 301(a) and 319 of the Clean Air Act 42 U.S.C 7410, 7601(a), 7619.

Dated: August 24, 1981.

Anne M. Gorsuch,

Administrator.

EPA amends Chapter I, Title 40, *Code of Federal Regulations*, as follows:

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

1. Appendix G to Part 50 is amended by adding new sentences after the first sentence in Section 1.1 as follows:

1. *Principle and Applicability.*

1.1 * * * The analysis of the 24-hour samples may be performed for either individual samples or composites of the samples collected over a calendar month or quarter, provided that the compositing procedure has been approved in accordance with section 2.8 of Appendix C to Part 58 of this chapter—*Modifications of methods by users.* (Guidance or assistance in requesting approval under Section 2.8 can be obtained from the address given in section 2.7 of Appendix C to Part 58 of this chapter.)

(Secs. 110, 301(a) and 319 of the Clean Air Act (42 U.S.C. 7410, 7601(a), 7619))

PART 51—PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

§ 51.17b [Removed]

1. Section 51.17b is removed.

(Secs. 110, 301(a) and 319 of the Clean Air Act (42 U.S.C. 7410, 7601(a), 7619))

PART 58—AMBIENT AIR QUALITY SURVEILLANCE

1. Section 58.1 is amended by adding a new paragraph (r) as follows:

§ 58.1 Definitions.

* * * * *

(r) "Urban area population" means the population defined in "1970 Census of Population; Supplementary Report:

Population of Urbanized Areas Established Since the 1970 Census, for the United States; 1970," U.S. Bureau of Census, PC(S)–106, U.S. Government Printing Office, Washington, D.C., October, 1976.

2. Section 58.14 is revised to read as follows:

§ 58.14 Special purpose monitors.

(a) Any ambient air quality monitoring station other than a SLAMS or PSD station from which the State intends to use the data as part of a demonstration of attainment or nonattainment or in computing a design value for control purposes of the National Ambient Air Quality Standards (NAAQS) must meet the requirements for SLAMS described in § 58.22 and, after January 1, 1983, must also meet the requirements for SLAMS as described in § 58.13 and Appendices A and E to this part.

(b) Any ambient air quality monitoring station other than a SLAMS or PSD station from which the State intends to use the data for SIP-related functions other than as described in paragraph (a) of this section is not necessarily required to comply with the requirements for a SLAMS station under paragraph (a) but must be operated in accordance with a monitoring schedule, methodology, quality assurance procedures, and probe or instrument-siting specifications approved by the Regional Administrator.

* * * * *

§ 58.20 [Amended]

3. Section 58.20 is amended by adding "except Pb," after "per pollutant" in paragraph (c) and by adding in the second sentence of paragraph (e), "except for Pb which must be available by December 1, 1981" after "plan revision submittal."

§ 58.30 [Amended]

4. Section 58.30 is amended by adding "with the exception of Pb, which shall be by December 1, 1981," after "January 1, 1980," in paragraph (a).

§ 58.34 [Amended]

5. Section 58.34 is amended by adding "with the exception of Pb, which shall be by July 1, 1982," after "January 1, 1981," in the introductory sentence.

6. Section 58.35, paragraph (d), is revised to read as follows:

§ 58.35 NAMS data submittal.

* * * * *

(d) For TSP, CO, SO_2, O_3, and NO_2, the first quarterly report will be due on or before June 30, 1981, for data collected during the first quarter of 1981. For Pb, the first quarterly report will be due on December 31, 1982, for data collected during the third quarter of 1982.

Appendix A [Amended]

7. Appendix A is amended as follows:

a. In section 2.2, a new sentence is inserted after the first sentence as follows:

2. *Quality Control Requirements.*

* * * * *

2.2 * * * Section 2.09 of Reference 2 describes specific guidance for the development of a quality control program for SLAMS automated analyzers and manual methods.* * *

* * * * *

b. In section 3, the table in section 3.1.2 listing audit points and concentration ranges is amended; a new paragraph is added at the end of section 3.2.1; in section 3.2.2, the introductory text is revised, and paragraph (d) is added as set forth below:

3. Data Quality Assessment Requirements

* * * * *

3.1.2 *Accuracy.* * * *

Audit point	Concentration range, ppm	
	SO_2, NO_2, O_3	CO
1	0.03–0.08	3–8
2	0.15–0.20	15–20
3	0.35–0.45	35–45
4	0.80–0.90	80–90

* * * * *

3.2 *Manual Methods*

3.2.1 *Precision.* * * *

* * * * *

For the Pb reference method, precision will be estimated from duplicate filter strip analyses performed on samples from the expected highest concentration lead site. The precision of an equivalent lead method may be assessed by analyzing identical aliquots of the samples collected at the expected highest concentration lead site. For each day lead samples are collected, cut two identical strips from the filter or take two identical aliquots. Designate the first strip/aliquot as the sample which will be used to report air quality for the site and designate the other as the duplicate sample. The difference in measured concentration ($\mu g/m^3$) between the two samples is used to calculate precision as described in 4.2.1.

* * * * *

3.2.2 *Accuracy.* The accuracy of manual sampling methods is assessed by auditing a portion of the measurement process. For TSP, the flow rate during sample collection is audited. For Pb, the flow rate and analytical measurement are audited. The flow audit should be scheduled so as to avoid interference with a scheduled sampling period. For SO_2 and NO_2 methods, the analytical measurement is audited.

* * * * *

(d) *Pb Methods.* For the reference method (Appendix G of Part 50 of this chapter) the flow rates of the high volume Pb samplers are to be audited as part of the TSP network using the same procedures described in 3.2.2(a) above. For agencies operating both TSP and Pb networks, 25 percent of the total number of high volume samplers are to be audited each quarter.

Each calendar quarter, audit the Pb reference method analyses using glass fiber filter strips containing a known quantity of Pb. Audit samples are prepared by depositing a lead solution on 1.9 cm by 20.3 cm (¾ inch by 8 inch) unexposed glass fiber filter strips, and allowing to dry thoroughly. The audit samples must be prepared using reagents different from those used to calibrate the lead analytical equipment being audited. Prepare audit samples in the following concentration ranges:

Range	Pb concentration μg/strip	Equivalent ambient Pb concentration[1] $\mu g/m^3$
1	100–300	0.5–1.5
2	600–1000	3.0–5.0

[1] Equivalent ambient Pb concentration in $\mu g/m^3$ is based on sampling at 1.7 m^3/min for 24 hours on 20.3 cm × 25.4 cm (8 inch × 10 inch) glass fiber filter.

Audit samples must be extracted using the same extraction procedure used for exposed filters.

Analyze three audit samples in each of the two ranges each quarter samples are analyzed. The audit sample analyses are to be spread out as much as possible over the entire calendar quarter. The percent difference between the audit concentration (in μg Pb/strip) and the analyst's measured concentration (in μg Pb/strip) is used to calculate analysis accuracy as described in section 4.2.2.

The accuracy of an equivalent method is assessed in the same manner as the reference method. The flow auditing device and Pb analysis audit samples must be compatible with the specific requirements of the equivalent method.

* * * * *

c. In section 4, the introductory sentence of section 4.2.1 and the list of pollutants in paragraph (a) of section 4.2.1 are revised; in section 4.2.2, paragraph (c) is revised and a new sentence is added to paragraph (d) and new paragraphs (e) and (f) are added as follows:

4. Calculations for Data Quality Assessment

* * * * *

4.2.1 *Precision.* Estimates of precision are calculated from the results obtained from collocation of two samplers or from the analyses of duplicate strips/aliquots as described in section 3.2.1. * * *

a. *Single Instruments Precision.* * * *

TSP less than 20 $\mu g/m^3$
SO_2 less than 40 $\mu g/m^3$
NO_2 less than 30 $\mu g/m^3$
Pb less than 0.15 $\mu g/m^3$

* * * * *

4.2.2 *Accuracy.* * * *

* * * * *

(c) *Single-Analysis-Day Accuracy (SO_2, NO_2, and Pb).* For each of the audits of the analyses for SO_2, NO_2 and Pb described in section 3.2.2(b), (c), and (d) let X_i represent the known value of the audit sample and Y_i the indicated value of SO_2, NO_2, and Pb. Calculate the percentage difference (d_i) for each audit at each concentration level using equation 1.

(d) *Accuracy for Reporting Organization (SO_2, NO_2, and Pb).* Calculate * * * Calculate the 95 Percent Probability Limits for the accuracy for the reporting organization using equations 6 and 7 and record these limits on the back of Form 1 for each concentration level under columns 40–57 for SO_2 and NO_2, and under columns 40–45 and 46–51 for the Range 1 and Range 2 Pb concentrations, respectively.

(e) *Single Sampler Accuracy (Pb).* For high-volume samplers, flow audit calculations and reporting audit results are included with the TSP determinations as described in section 4.2.2(a) and (b) above. The remainder of paragraphs (e) and (f) apply to equivalent methods which do not use the high-volume sampler.

For the flow rate audit described in section 3.2.2(d), let X_i represent the known flow rate and Y_i represent the indicated flow rate. Calculate the percentage difference (d_i) for each audit using equation 1.

(f) *Sampling Accuracy for Reporting Organization (Non-High Volume Sampler Pb Methods).* Using equation 8, calculate the average ($\bar{D}$) of the individual percent differences for all samplers audited during the calendar quarter. Compute the standard deviation (S_a) of all the percentage differences for all of the instruments audited during the calendar quarter using equation 9.

Calculate the 95 Percentage Probability Limits for the accuracy of a reporting organization using equations 6 and 7, and record these limits on the back of Form 1 under columns 52–57. Note that since the audit is conducted at only one level, columns 40–45 and 46–51 are not used for reporting accuracy during sampling; however, these columns will be used for reporting accuracy during analyses as described in (d). For reporting organizations having four or fewer samplers for Pb, which will be the usual case, only one audit is required each quarter. For such reporting organizations, the audit results of two consecutive quarters are required to calculate an average and a standard deviation using equations 8 and 9. Therefore, semi-annual reporting (instead of quarterly) of probability limits is required.

d. In section 5, the instructions in section 5.3 are amended as follows:

(*1*) By revising the instructions for Automated Analyzers, blocks 34 and 35, and adding instructions for new blocks 63–65 as follows:

5. *Reporting Requirements*

* * * * * *

5.3 Instructions for Form 1

* * * * *

Block No.	Automated analyzers (form 1, front)
25 to 27	* * *
34	*Traceability.* If audit gases were traced to NBS by the reporting organization, put 1 in block 34. If audit gases were traced to NBS by someone outside the reporting organization, put 2 in block 34.
35	*Source of Local Primary Standard:* For accuracy determination, refer to code listed in Note 2.
63 to 65	*Number of Audits at Level 4:* Report the total number of audits performed at level 4

* * * * *

(*2*) By revising the instructions for manual methods for blocks 20–23, block 36, and the Table of Information for blocks 40–57, and by adding instructions for new blocks 58–60 as follows:

Block No.	Manual methods (form 1, back)
20 to 23	*Number of Collocated samples below the limit:* TSP–20μg TSP/m³ SO_2–40μg SO_2/m³ NO_2–30μg NO_2/m³ Pb–0.15μg Pb/m³
36	Not applicable
40 to 57	*Probability Limits, Accuracy:* * * *

Blocks	Levels	TSP cfm	Pb cfm	Audit concentrations	
				Pb μg/strip[1]	SO_2, NO_2, μg/ml
40–45	1			100 to 300	0.2 to 0.3.
46–51	2	One within 40–60 cfm.		600 to 1,000	0.5 to 0.6.
52–57	3		[2]		0.8 to 0.9
58–60			[2]	[2]	

[1] Audit ranges apply only to the Pb reference method. Audit ranges for an equivalent Pb method must be compatible with the specific requirements of the equivalent method.
[2] Flow audit of equivalent method should be in normal operating range of the sampler.
[3] *Number of Valid Collocated Data Pairs:* Enter the total number of data pairs from all the collocated sites.

e. The Data Assessment Report Form front and back, is revised to read as follows:

BILLING CODE 6560-26-M

OMB No. 158-R0012
Expires

DATA ASSESSMENT REPORT

STATE | REPORTING ORGANIZATION | YEAR | QUARTER | SEND COMPLETED FORM TO REGIONAL OFFICE WITH COPY TO EMSL/RTP

1 2 | 3 4 5 | 6 7 | 8

NAME OF REPORTING ORGANIZATION _____

AUTOMATED ANALYZERS

		PRECISION		
		NO OF ANALYZERS[1] (15-17)	NO OF PRECISION CHECKS (18-21)	PROBABILITY LIMITS (22-27) LOWER +/- UPPER +/-
A	CO	C 4 2 1 B 1 (9-14)		
B	NO_2	C B 2 B 0 2 (9-14)		
C	O_3	C 4 4 2 0 1 (9-14)		
D	SO_2	C 4 2 4 0 1 (9-14)		
E	___	C (9-14)		

ACCURACY

		TRACEABILITY (28-33)		SOURCE OF LOCAL PRIMARY STANDARD[2] (35)	NO OF AUDITS (36-38)	PROBABILITY LIMITS LEVEL 1 (39-44)	LEVEL 2 (45-50)	LEVEL 3 (51-56)	LEVEL 4 (57-62)	NO OF AUDITS AT LEVEL 4 (63-68)
A	CO	C 4 2 1 0 1								
B	NO_2	C 4 2 6 0 2								
C	O_3	C 4 4 2 0 1								
D	SO_2	C 4 2 4 0 1								
E	___	C								

[1] COUNT ONLY REFERENCE OR EQUIVALENT MONITORING METHODS

[2] Identify according to the following code
A. NBS SRM
B. EMSL REFERENCE GAS
C. VENDER CRM
D. PHOTOMETER
E. GAKI
F. OTHER, SPECIFY_____

FIGURE 1 FORM 1 (FRONT)

OMB No. 158-R0012
Expires

DATA ASSESSMENT REPORT

OMB No. 158-R0012
Expires

DATA ASSESSMENT REPORT

STATE | REPORTING ORGANIZATION | YEAR | QUARTER | SEND COMPLETED FORM TO REGIONAL OFFICE WITH COPY TO EMSL/RTP

1 2 | 3 4 5 | 6 7 | 8

NAME OF REPORTING ORGANIZATION _____

MANUAL METHODS

PRECISION

		NO. OF SAMPLERS [1]	NO. OF COLLOCATED SITES	NO. OF COLLOCATED SAMPLES < LIMIT	PROBABILITY LIMITS LOWER	PROBABILITY LIMITS UPPER	LIMITS APPLICABLE TO BLOCKS 20-23	NO. OF VALID COLLOCATED DATA PAIRS
A. TSP	110101 (9-14)	(15-17)	(18-19)	(20-23)	+/- (24-29)	+/-	TSP: 20 µg TSP/m³	(58-60)
B. SO_2	142401 (9-14)	(15-17)	(18-19)	(20-23)	+/- (24-29)	+/-	SO_2: 40 µg SO_2/m³	(58-60)
C. NO_2	142602 (9-14)	(15-17)	(18-19)	(20-23)	+/- (24-29)	+/-	NO_2: 30 µg NO_2/m³	(58-60)
D. Pb	112128 (9-14)	(15-17)	(18-19)	(20-23)	+/- (24-29)	+/-	Pb: 0.15 µg Pb/m³	(58-60)

ACCURACY

			NO. OF AUDITS	PROBABILITY LIMITS LEVEL 1 LOWER	LEVEL 1 UPPER	LEVEL 2 LOWER	LEVEL 2 UPPER	LEVEL 3 LOWER	LEVEL 3 UPPER
A. TSP	110101 (30-35)	A (36)	(37-39)	+/- (40-45)	+/-	+/- (46-51)	+/-	+/- (52-57)	+/-
B. SO_2	142401 (30-35)	B (36)	(37-39)	+/- (40-45)	+/-	+/- (46-51)	+/-	+/- (52-57)	+/-
C. NO_2	142602 (30-35)	C (36)	(37-39)	+/- (40-45)	+/-	+/- (46-51)	+/-	+/- (52-57)	+/-
D. Pb	112128 (30-35)	D (36)	(37-39)	+/- (40-45)	+/-	+/- (46-51)	+/-	+/- (52-57)	+/-

[1] COUNT ONLY REFERENCE OR EQUIVALENT MONITORING METHODS.

FIGURE 1 FORM 1 (BACK)

BILLING CODE 6560-38-C

Appendix B [Amended]

8. Appendix B is amended as follows:

a. In section 2, a new sentence is inserted after the first sentence of section 2.2 to read as follows:

2. *Quality Control Requirements.*

* * * * *

2.2 * * * Section 2.09 of Reference 2 describes specific guidance for the development of a quality control program for PSD automated analyzers and manual methods. * * *

* * * * *

b. In section 2.2, the second sentence is amended by removing the word "Method" and inserting the word "Many".

c. In section 3, the concentration range table in section 3.2 is amended, and sections 3.3.2 and 3.4.2 are added in the appropriate places as set forth below:

3. Data Quality Assessment Requirements.

* * * * *

3.2 *Accuracy of Automated Methods.*

* * *

* * * * *

Audit point	Concentration range, ppm	
	SO_2, NO_2, O_3	CO
1	0.03–0.08	1–5
2	0.15–0.20	15–20
3	0.35–0.45	35–45
4	0.80–0.90	80–90

* * * * *

3.3.2 *Pb Method.* The operation of collocated samplers at one sampling site must be used to assess the precision of the reference or an equivalent Pb method. The procedure to be followed for Pb methods is the same as described in 3.3.1 for the TSP method. If approved by the permit granting authority, the collocated TSP samplers may serve as the collocated lead samplers.

* * * * *

3.4.2 *Pb Method.* For the reference method (Appendix G of Part 50 of this chapter) during each sampling quarter audit the flow rate of each high-volume Pb sampler at least once. The procedure to be followed for lead methods is the same as described in section 3.4.1 for the TSP method.

For each sampling quarter, audit the Pb analysis using glass fiber filter strips containing a known quantity of lead. Audit samples are prepared by depositing a Pb solution on 1.9 cm by 20.3 cm (¾ inch by 8 inch) unexposed glass fiber filter strips and allowing to dry thoroughly. The audit samples must be prepared using reagents different from those used to calibrate the Pb analytical equipment being audited. Prepare audit samples in the following concentration ranges:

Ranges	Pb concentration µg/strip	Equivalent ambient Pb concentration [1] µg/m³
1	100 to 300	0.5 to 1.5
2	600 to 1,000	3.0 to 5.0

[1] Equivalent ambient Pb concentration in µg/m³ is based on sampling at 1.7 m³/min for 24 hours on 20.3 cm x 25.4 cm (8 inch x 10 inch) glass fiber filter.

Audit samples must be extracted using the same extraction procedure used for exposed filters.

Analyze at least one audit sample in each of the two ranges each day that samples are anlayzed. The difference between the audit concentration (in µg Pb/strip) and the analyst's measured concentration (in µg Pb/strip is used to calculate accuracy as described in section 5.4.

The accuracy of an equivalent method is assessed in the same manner as the reference method. The flow auditing device and Pb analysis audit samples must be compatible with the specific requirements of the equivalent method.

d. In section 5, section 5.1 is revised and sections 5.3 and 5.4 are added as set forth below:

5. *Calculations for Manual Methods.*

5.1 *Single Instrument Precision for TSP and Pb.* Estimates of precision for ambient air quality measurements from the TSP and Pb methods are calculated from results obtained from the collocation of two samplers at one sampling site as described in section 3.3.1 for TPS and 3.3.2 for Pb. At the end of each sampling quarter, calculate and report a precision probability interval using weekly collocation sampler results. Directions for calculation are given below and directions for reporting are given in section 6.

For the paired measurements described in section 3.3.1 or 3.3.2 calculate the percentage difference (d_i) using equation 1 where Y_i is the TSP or Pb concentration measured by the duplicate sampler and X_i is the TSP or Pb concentration measured by the sampler reporting air quality for the site. Calculate the quarterly average percentage difference ($\bar{d}_j$), equation 2, standard deviation (S_j), equation 3, and upper and lower 95 percent probability limits for precision (equations 6 and 7).

Upper 95 Percent Probability Limit =

$$\bar{d}_j + 1.96 S_j \sqrt{2} \quad (6)$$

Lower 95 Percent Probability Limit =

$$\bar{d}_j - 1.96 S_j \sqrt{2} \quad (7)$$

* * * * *

5.3 *Single Instrument Accuracy for Pb.* Each organization, at the end of each sampling quarter, shall calculate and report the percentage difference for each high-volume lead sampler audited during the quarter. Directions for calculation are given in 5.2 and directions for reporting are given in section 6.

5.4 *Single-Analysis-Day Accuracy for Pb.* Each organization, at the end of each sampling quarter, shall calculate and report the percentage difference for each Pb analysis audit during the quarter. Directions for calculations are given below and directions for reporting are given in section 6.

For each analysis audit for Pb described in section 3.4.2, let X_i represent the known value of the audit sample and Y_i the indicated value of Pb. Calculate the percentage difference (d_i) for each audit at each concentration level using equation 1.

6. *Organization Reporting Requirements [Amended]*

e. In section 6, the first paragraph is amended by deleting the words "section 5.2" and inserting in their place the words "sections 5.2 and 5.3."; and the first sentence of the second paragraph is amended by deleting the word "quarterly" and adding the phrase "for the entire sampling quarter" after the word "information".

Appendix D [Amended]

9. Appendix D is amended as follows:

a. In the Table of Contents, section 2.7 and 3.6 are added in the appropriate places as follows:

* * * * *

2.7 Lead (Pb) Design Criteria for SLAMS.

* * * * *

3.6 Lead (Pb) Design Criteria for NAMS.

* * * * *

b. In section 1, the fourth sentence of the third paragraph is revised to read as set forth below:

1. *SLAMS Monitoring Objectives and Spatial Scales.*

* * * * *

* * * It should be noted that this appendix contains no criteria for determining the total number of stations in SLAMS networks, except that a minimum number of lead SLAMS is prescribed. * * *

* * * * *

c. In section 2, the term "Slams" is corrected to read "SLAMS" in the title and section 2.7 is added as follows:

2. *SLAMS Network Design Procedures.*

* * * * *

2.7 *Lead (Pb) Design Criteria for SLAMS.* Presently, about 90 percent of the lead concentration in air originates from automobile exhaust, while the remaining 10 percent comes from industrial processes and stationary combustion sources. (6) The most important spatial scales to effectively characterize the emissions from both mobile and stationary sources are the micro, middle, and neighborhood scales. For purposes of establishing monitoring stations to represent large homogeneous areas other than the above scales of representativeness, urban or regional scale stations would also be needed.

Microscale—This scale would typify areas such as downtown street canyons and traffic corridors where the general public would be exposed to maximum concentrations from mobile sources. Because of the very steep ambient Pb gradients resulting from Pb emissions from mobile sources, (7) the dimensions of the microscale for Pb generally would not extend beyond 15 meters from the roadway. Emissions from stationary sources such as primary and secondary lead smelters, and primary copper smelters may under

fumigation conditions likewise result in high ground level concentrations at the microscale. In the latter case, the microscale would represent an area impacted by the plume with dimensions extending up to approximately 100 meters. Data collected at microscale stations provide information for evaluating and developing "hot-spot" control measures.

Middle Scale—This scale generally represents lead air quality levels in areas up to several city blocks in size with dimensions on the order of approximately 100 meters to 500 meters. However, the dimensions for middle scale roadway type stations would probably be on the order of 50–150 meters because of the exponential decrease in lead concentration with increasing distances from roadways. The middle scale may for example, include schools and playgrounds in center city areas which are close to major roadways. Pb monitors in such areas are desirable because of the higher sensitivity of children to exposures to Pb concentrations. (7) Emissions from point sources frequently impact on areas at which single sites may be located to measure concentrations representing middle spatial scales.

Neighborhood Scale—The neighborhood scale would characterize air quality conditions throughout some relatively uniform land use areas with dimensions in the 0.5 to 4.0 kilometer range. Stations of this scale would provide monitoring data in areas representing conditions where children live and play. Monitoring in such areas is important since this segment of the population is more susceptible to the effects of lead.

Urban Scale—Such stations would be used to present ambient Pb concentrations over an entire metropolitan area with dimensions in the 4 to 50 kilometer range. An urban scale station would be useful for assessing trends in city-wide air quality and the effectiveness of larger scale air pollution control strategies.

Regional Scale—Measurements from these stations would characterize air quality levels over areas having dimensions of 50 to hundreds of kilometers. This large scale of representativeness would be most applicable to sparsely populated areas and could provide information on background air quality and interregional pollutant transport.

Monitoring data for ambient Pb levels are required in major urbanized areas, particularly where Pb levels have been shown or are expected to be of significant concern such locations are to be expected in urban areas having high population densities and accompanying high traffic densities. The total number and type of stations for SLAMS are not prescribed but must be determined on a case-by-case basis. As a minimum there must be two stations in any urbanized area which has a population exceeding 500,000. Also, as a minimum, there must be two stations in any area where lead concentrations currently exceed or have exceeded 1.5 $\mu g/m^3$ quarterly arithmetic mean measured since January 1, 1974. For those areas less than 500,000 population where the lead concentrations have exceeded 1.5 $\mu g/m^3$ quarterly arithmetic mean, the Regional Administrator may waive the requirement for establishing SLAMS provided the State can demonstrate that measured lead concentrations have not exceeded the NAAQS for the eight quarters preceding the lead monitoring plan submission required by § 58.20. For locations where monitors are not being operated at the time of the Pb monitoring plan submission, data showing attainment during the final eight quarters of operation will generally provide the basis for the waiver. The EPA Regional Administrator may specify more than two monitoring stations if it is found that two stations are insufficient to adequately determine if the Pb standard is being attained and maintained. The Regional Administrator may also specify that stations be located in areas outside the boundaries of the urbanized areas.

Concerning the previously discussed required minimum of two stations, one of the stations must be a category (a) type station and the second a category (b) station. Both of these categories of stations are defined in section 3. For areas where the predominant lead levels come from automotive sources, the category (a) station must be a microscale or middle scale station located near a major roadway [>30,000 average daily traffic, (ADT)] in order to measure maximum Pb concentrations from mobile sources. In areas where there are no roadways exceeding 30,000 ADT, the station should be located near the roadway with the largest traffic volume. Studies (7, 8) indicate that lead levels decrease exponentially with distance from roadways. Thus, the higher concentrations are close to the roadway and stations located in such areas because of the steep concentration gradients, are most often found to represent the microscale and middle scale dimension. For areas where predominant lead levels come from point sources, the category (a) station generally represents the microscale or middle scale impact of the point source. However, in a few cases, sufficient mixing may occur during transport of the emissions from the source to the ground so that the category (a) station represents a neighborhood scale. The required category (b) station must be a neighborhood scale station since the microscale and middle scale station would not represent the air quality over large geographical areas and frequently may not be located in highly populated areas. It is recognized that in certain areas, a middle scale station may be located at schools or playgrounds near major roadways. However, in most cases, they are not located in such areas and since children (7) are the segment of the population most susceptible to the effects of lead and are more likely to live and play in the residential section of the urban area, the category (b) station should be located in residential areas having a combination of high population and traffic density. In the case where lead levels come primarily from point sources, the category (b) station generally represents a neighborhood scale impact of the point source.

To locate monitoring stations, it will be necessary to obtain background information such as stationary and mobile source emissions inventories, morning and evening traffic patterns, climatological summaries, and local geographical characteristics. Such information should be used to identify areas that are most suitable to the particular monitoring objective and spatial scale of representativeness desired. Reference 9 provides additional guidance on locating sites to meet specific urban area monitoring objectives and must be used in locating new stations or evaluating the adequacy of existing stations.

After locating each Pb station, and, to the extent practicable, taking into consideration the collective impact of all Pb sources and surrounding physical characteristics of the siting area, a spatial scale of representativeness must be assigned to each station.

Guidance on locating monitoring stations in the vicinity of stationary lead sources is given in reference 10. This reference provides assistance in designing a network to meet the monitoring objective of determining the impact of point sources on ambient Pb levels.

d. In section 3, the third paragraph is revised to read as follows and section 3.6 is added as set forth below:

3. *Network Design for National Air Monitoring Stations (NAMS).*

* * * * *

Category (a): Stations located in the area(s) of expected maximum concentrations (generally neighborhood scale, except microscale for CO, microscale or middle scale for Pb, and urban scale for O_3);

* * * * *

3.6 *Lead (Pb) Design Criteria for NAMS.* In order to achieve the national monitoring objective, two of the SLAMS located in urbanized areas with populations greater than 500,000 will be designated as NAMS. One of the stations must be a microscale or middle scale category (a) station, located adjacent to a major roadway (≥ 30,000 ADT) or near the roadway with the largest traffic volume if the volume is less than 30,000 ADT. A microscale location is preferred, but a middle scale is also acceptable if a suitable microscale location cannot be found.

The second station must be a neighborhood scale category (b) station located in a highly populated residential section of the urbanized area where traffic density is high, preferably (≥ 30,000 ADT) or near the roadway with the largest traffic volume if the volume is less than 30,000 ADT.

In certain urbanized areas greater than 500,000 population, point sources may have a significant impact on air quality lead levels in populated areas. To measure the impact of such sources, other monitors in the SLAMS network would normally be used.

e. In section 4, Table 4 is revised to include Pb and a title is added to the table as follows:

4. *Summary*

Table 4.—*Summary of Spatial Scales for SLAMS and Required Scales for NAMS*

Spatial scale	Scales applicable for SLAMS						Scales required for NAMS					
	TSP	SO_4	CO	O_3	NO_2	Pb	TSP	SO_4	CO	O_3	NO_2	Pb
Micro			√			√			√			√
Middle	√	√	√	√	√	√						√
Neighborhood	√	√	√	√	√	√	√	√	√	√	√	√
Urban	√	√		√	√	√				√	√	
Regional	√	√		√		√						

* * * * *

f. In section 5, the list of references is amended by adding references 6 through 10 as follows:

5. *References*

* * * * *

6. Control Techniques for Lead Air Emissions. OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA–450/2–77–012. December 1977.

7. Air Quality Criteria for Lead. Office of Research and Development, U.S. Environmental Protection Agency, Washington, DC. EPA–600/8–77–017. December 1977.

8. Johnson, D. E., et al. Epidemiologic Study of the Effects of Automobile Traffic on Blood Lead Levels. Southwest Research Institute, Houston, TX. Prepared for U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA–600/1–78–055. August 1978.

9. Optimum Site Exposure Criteria for Lead Monitoring. PEDCo Environmental, Inc., Cincinnati, OH. Prepared for U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA Contract No. 68–02–3013. (May 1981.)

10. Guidance for Lead Monitoring in the Vicinity of Point Sources. Office of Air Quality Planning and Standards, and Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA–450/4–81–006. January 1981.

10. Appendix E is amended as follows:

a. The Table of Contents is amended by adding a new section 7 and renumbering the original sections 7 through 10 as sections 8 through 11 as follows:

Appendix E—Probe Siting Criteria for Ambient Air Quality Monitoring

* * * * *

7. Lead (Pb).
7.1 Vertical Placement.
7.2 Spacing from Obstructions.
7.3 Spacing from Roadways.
8. Probe Material and Pollutant Sample Residence Time.
9. Waiver Provisions.
10. Discussion and Summary.
11. References.

1. Introduction [amended].

b. In Section 1, the last sentence of the second paragraph is amended by changing the term "Section 8" to "Section 9".

2. Total Suspended Particulates (TSP) [amended].

c. In section 2.3, *Spacing from Roads*, the fourth sentence in the first paragraph is amended by deleting the words "special purpose monitoring studies" and adding the word "situations" in their place. Also, in section 2.3 a new sentence is inserted after the fourth sentence to read as follows: "NAMS would not be located to measure the impact of one or two point sources if the impact only extends over a geographic scale smaller than a neighborhood scale."

d. Section 7 is revised to read as follows:

7. Lead (Pb).

7.1 *Vertical placement.* Several studies (*5, 14–15*) on the relationship between roadway placement of lead samplers and measured ambient concentrations do not typically indicate large gradients within the first 6 to 7 meters above ground level. Similar to monitoring for other pollutants, optimal placement of the sampler inlet for lead monitoring should be at breathing height level. However, practical factors such as prevention of vandalism, security, and safety precautions must also be considered when siting a lead monitor. Given these considerations, the sampler inlet for microscale lead monitors must be 2–7 meters above ground level. The lower limit was based on a compromise between ease of servicing the sampler and the desire to avoid unrepresentative conditions due to re-entrainment from dusty surfaces. The upper limit represents a compromise between the desire to have measurements which are most representative of population exposures and a consideration of the practical factors noted above.

For middle or larger spatial scales, increased diffusion results in vertical concentration gradients which are not as great as for the small scales. Thus, the required height of the air intake for middle or larger scales is 2–15 meters.

7.2 *Spacing from Obstructions.* The sampler should be placed at least 20 meters from trees, since trees absorb particles as well as restrict airflow. The sampler must be located away from obstacles such as buildings, so that the distance between obstacles and the sampler is at least twice the height that the obstacle protrudes above the sampler.

A minimum of 2 meters of separation from walls, parapets, and penthouses is required for rooftop samplers. No furnace or incinerator flues should be nearby. The height and type of flues and the type, quality, and quantity of waste or fuel burned determine the separation distances. For example, if the emissions from the chimney have high lead content and there is a high probability that the plume would impact on the sampler during most of the sampling period, then other buildings/locations in the area that are free from the described sources should be chosen for the monitoring site.

There must be unrestricted airflow in an arc of at least 270° around the sampler. Since the intent of the category (a) site is to measure the maximum concentrations from a road or point source, there must be no significant obstruction between a road or point source and the monitor, even though other spacing from obstruction criteria are met. The predominant direction for the season with the greatest pollutant concentration potential must be included in the 270° arc.

7.3 *Spacing from Roadways.* Numberous studies have shown that ambient lead levels near mobile source are a function of the traffic volume and are most pronounced at ADT >30,000 within the first 15 meters, on the downwind side of the roadways. (1, 16–19) Therefore, stations to measure the peak concentration from mobile sources should be located at the distance most likely to produce the highest concentrations. For the microscale station, the location must be between 5 and 15 meters from the major roadway. For the middle scale station, a range of acceptable distances from the major roadway is shown in Table 4. This table also includes separation distances between a roadway and neighborhood or larger scale stations. These distances are based upon the data of reference 16 which illustrates that lead levels remain fairly constant after certain horizontal distances from the roadway. As depicted in the above reference, this distance is a function of the traffic volume.

Table 4.—*Separation Distance Between Pb Stations and Roadways (Edge of Nearest Traffic Lane)*

Roadway average daily traffic vehicles per day	Separation distance between roadways and stations, meters		
	Micro-scale	Middle scale	Neighborhood urban regional scale
<10,000	5–15	[1]>15–50	[1]>50
20,000	5–15	>15–75	>75
>40,000	5–15	>15–100	>100

[1] Distances should be interpolated based on traffic flow.

e. The original section 7 (Probe Material and Pollutant Sample Residence Time) is amended by renumbering it as section 8, and the references are renumbered as follows: references "14–18" to "20–24", references "19 to 25", references "20 to 26", and references "21–22" to "27–28".

f. The original section 8 (Waiver Provisions) is amended by renumbering it as section 9.

g. The original section 9 (Discussion and Summary) is renumbered as section 10; the table, therein, is renumbered as Table 5; and the text and table are revised to read as follows: 10. Discussion and Summary.

Table 5—*Summary of probe siting criteria*

Pollutant	Scale	Height above ground, meters	Distance from supporting structure, meters		Other spacing criteria
			Vertical	Horizontal[a]	
TSP	All	2–15	—	>2	1. Should be >20 meters from trees. 2. Distance from sampler to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the sampler.[b] 3. Must have unrestricted airflow 270° around the sampler. 4. No furnace or incineration flues should be nearby.[c] 5. Must have minimum spacing from roads. This varies with height of monitor and spatial scale (see Figure 1).
SO_2	All	3–15	>1	>1	1. Should be >20 meters from trees. 2. Distance from inlet probe to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the inlet probe.[b] 3. Must have unrestricted airflow 270° around the inlet probe, or 180° if probe is on the side of a building. 4. No furnace or incineration flues should be nearby.[c]
CO	Micro	3±½	>1	>1	1. Must be >10 meters from intersection and should be at midblock location. 2. Must be 2–10 meters from edge of nearest traffic lane. 3. Must have unrestricted airflow 180° around the inlet probe.
	Middle, neighborhood	3–15	>1	>1	1. Must have unrestricted airflow 270° around the inlet probe, or 180° if probe is on the side of a building. 2. Spacing from roads varies with traffic (see Table 1).
O_3	All	3–15	>1	>1	1. Should be >20 meters from trees. 2. Distance from inlet probe to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the inlet probe. 3. Must have unrestricted airflow 270° around the inlet probe, or 180° if probe is on the side of a building. 4. Spacing from roads varies with traffic (see Table 2).
NO_2	All	3–15	>1	>1	1. Should be >20 meters from trees. 2. Distance from inlet probe to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the inlet probe.[b] 3. Must have unrestricted airflow 270° around the inlet probe, or 180° if probe is on the side of a building. 4. Spacing from roads varies with traffic (see Table 3).
Pb	Micro	2–7	—	>2	1. Should be >20 meters from trees. 2. Distance from sampler to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the sampler. 3. Must have unrestricted airflow 270° around the sampler. 4. No furnace or incineration flues should be nearby.[c] 5. Must be 5 to 15 meters from major roadway.
	Middle, neighborhood, urban, and regional.	2–15	—	>2	1. Should be >20 meters from trees. 2. Distance from sampler to obstacle, such as buildings, must be at least twice the height the obstacle protrudes above the sampler. 3. Must have unrestricted airflow 270° around the sampler. 4. No furnace or incineration flues should be nearby.[c] 5. Spacing from roads varies with traffic (see Table 4).

[a] When probe is located on rooftop, this separation distance is in reference to walls, parapets, or penthouses located on the roof.
[b] Sites not meeting the criterion would be classified as middle scale (see text).
[c] Distance is dependent on height of furnace or incineration flue, type of fuel or waste burned, and quality of fuel (sulfur, ash, or lead content). This is to avoid undue influences from minor pollutant sources.

Table 5 presents a summary of the requirements for probe-siting criteria with respect to distances and heights. It is apparent from Table 5 that different elevation distances above the ground are shown for the various pollutants. The discussion in the text for each of the pollutants described reasons for elevating the monitor or probe. The differences in the specified range of heights are based on the vertical concentration gradients. For CO, the gradients in the vertical direction are very large for the microscale, so a small range of heights has been used. The upper limit of 15 meters was specified for consistency between pollutants and to allow the use of a single manifold for monitoring more than one pollutant.

h. The original section 10 (References) is renumbered as section 11, six new references are added after reference 13, and the original references 14 through 22 are renumbered as references 20 through 28 and reference 26 is amended by inserting Anal. Chem. after ozone as follows:

11. References

* * * * *

14. Lead Analysis for Kansas City and Cincinnati, PEDCo Environmental, Inc., Cincinnati, OH. Prepared for U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA Contract No. 68–02–2515, June 1977.

15. Barltrap, D. and C. D. Strelow. Westway Nursery Testing Project. Report to the Greater London Council. August 1976.

16. Daines, R. H., H. Moto, and D. M. Chilko. Atmospheric Lead: Its Relationship to Traffic Volume and Proximity to Highways. Environ. Sci. and Technol., 4:318, 1970.

17. Johnson, D. E., *et al.* Epidemiologic Study of the Effects of Automobile Traffic on Blood Lead Levels, Southwest Research Institute, Houston, TX. Prepared for U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA–600/1–76–055, August 1976.

18. Air Quality Criteria for Lead. Office of Research and Development, U.S. Environmental Protection Agency, Washington, D.C. EPA–600/8–77–017. December 1977.

19. Lyman, D. R. The Atmospheric Diffusion of Carbon Monoxide and Lead from an Expressway, Ph.D. Dissertation, University of Cincinnati, Cincinnati, OH. 1972.

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26. Butcher, S. S. and R. E. Ruff. Effect of Inlet Residence Time on Analysis of Atmospheric Nitrogen Oxides and Ozone, Anal. Chem., 43:1890, 1971.

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11. Appendix F is amended as follows:

a. The Table of Contents is amended by correcting the term "Slams" to read "SLAMS" in the title, and by adding sections 2.6, 2.6.1, and 2.6.2 as follows:

Appendix F. Annual SLAMS Air Quality Information

* * * * *

2.6 Lead (Pb).
2.6.1 Site and Monitoring Information.
2.6.2 Annual Summary Statistics.

b. A new section 2.6 is added to section 2 immediately following the table of section 2.5.2 as set forth below:

* * * * *

2.6 *Lead (Pb).*

2.6.1 *Site and Monitoring Information*—City name (when applicable), county name, and street address of site location, SAROAD site code. SAROAD monitoring method code. Sampling interval of submitted data, e.g., twenty-four hour or quarterly composites.

2.6.2 *Annual Summary Statistics*—The four quarterly arithmetic averages given to two decimal places for the year together with the number of twenty-four hour samples included in the average, as in the following format:

Quarter	Number of 24-hour samples	Quarterly arithmetic average ($\mu g/m^3$)
Jan.–March		
April–June		
July–Sept.		
Oct.–Dec.		

* * * * *

(Secs. 110, 301(a) and 319 of the Clean Air Act (42 U.S.C. 7410, 7601(a), 7619))

[FR Doc. 81-25421 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 52

[A-5-FRL 1878-3]

Revision to the Illinois State Implementation Plan

AGENCY: Environmental Protection Agency (EPA or U.S. EPA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to announce final rulemaking on revisions to the Illinois State Implementation Plan (Plan) which address attainment of the particulate matter national ambient air quality standards in areas of Illinois designated as nonattainment for this pollutant. These revisions were prepared by Illinois to meet the requirements of Part, D, "Plan Requirements for Nonattainment Areas", of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* EPA takes final action to conditionally approve, as a whole, the Illinois strategy to control particulate emissions from iron and steel sources in nonattainment areas. Specific provisions of the proposed revisions are approved, conditionally approved, or disapproved in accordance with EPA's analysis of the Illinois submittal.

EFFECTIVE DATE: This action is effective on October 5, 1981.

ADDRESSES: Copies of the SIP revisions submitted by Illinois, supplementary information, and public comments are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Region V, Air Enforcement Branch, 13th Floor, 230 S. Dearborn Street, Chicago, Illinois 60604.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

Copies of the Plan revisions and supplementary information are also available for inspection during normal business hours at the following addresses: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Carol Wilmowski, Docket Clerk, Air Enforcement Branch, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312: 353–2082.

SUPPLEMENTARY INFORMATION:

I. Background

A. General Discussion

On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Clean Air Act (Act), as amended in 1977, EPA designated specific geographical areas within each state that had failed to achieve attainment of the National Ambient Air Quality Standards for particulate matter, (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_x), and nitrogen dioxide (NO_2).

Part D of the Act, added by the 1977 amendments to the Act, requires each state to revise its state implementation plan (Plan) to meet specific air pollution control requirements for geographic areas designated as nonattainment. These Plan revisions must provide for attainment of the Primary National Ambient Air Quality Standards by December 31, 1982, and in specific circumstances no later than December 31, 1987, for ozone and/or carbon monoxide. EPA's requirements for approval of a State Part D Plan revision are described in a **Federal Register** notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

On April 3, 1979, the State of Illinois submitted to EPA proposed revisions to the Illinois Plan pursuant to the requirements of Part D of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* The revisions addressed, in part, those geographic areas in Illinois that had not attained the National Ambient Air Quality Standards for particulate matter. The purpose of the revisions was to implement measures for controlling particulate matter emissions in the designated nonattainment areas to insure attainment of the national standards as expeditiously as practicable, but not later than December 31, 1982.

On July 2, 1979, (44 FR 38587) EPA announced receipt of the Illinois submittal, the results of EPA's review of the submittal, and invited public comment. Final rulemaking on the July 2, 1979 proposal was completed on February 21, 1980 (45 FR 11470). Expressly omitted, however, in the July 2, 1979 announcement was EPA's review and proposed action for that portion of the Illinois Part D submittal which addressed particulate matter emissions from iron and steel process sources.

On August 9, 1979 (44 FR 46894), EPA published notice of receipt and availability for public review of the review of the revisions to the Illinois iron and steel process source regulations. On July 31, 1980 (45 FR 50825), EPA published the results of its review of the proposed revisions and invited public comment. Comments on this proposal and EPA's action were due September 2, 1980. On September 8, 1980 (45 FR 59198), EPA announced the availability of a guidance document which summarizes emissions limitations for particulate matter which EPA believes are generally achievable on a retrofit basis for iron and steel process sources. In conjunction with the notice of the guidance document, EPA announced its intent to evaluate a state's analysis of such technology in light of the underlying technical data. On October 3, 1980 (45 FR 65628), the public comment period for the proposed revisions was subsequently extended to October 31, 1980 to accommodate specific requests from the Illinois iron and steel industry and an Illinois-based environmental group. The requests were made to permit review of the documents which formed the basis for the technical guidance summary.

In response to EPA's July 31, 1980 Notice of Proposed Rulemaking and EPA's notice of availability of its reasonably available control technology (RACT) guidance document, comments and supplemental information were received from the Illinois Environmental Protection Agency, the iron and steel industry in Illinois, and an environmental interest group. These comments addressed the legal basis for EPA's proposed action as well as the technical rationale for EPA's proposed action. As applicable, these comments are addressed in Section II, "Comments

Addressed to EPA Policy;" and Section III, "Comments and Action on Proposed Rule 203(d)," of today's notice.

Based upon its review of the supplemental information and comments received, EPA is now taking final action to conditionally approve the Illinois Implementation Plan revisions that address the attainment of the primary national ambient air quality standards for iron and steel particulate matter sources located in designated geographic nonattainment areas within Illinois.

During the period when today's rulemaking was under preparation EPA intended that today's rulemaking would complete Part D rulemaking for particulates in Illinois subject to fulfillment of the conditions established during this and previous actions.

Recently, the United States Court of Appeals for the Seventh Circuit invalidated that portion of EPA's action that applied to the Illinois New Source Review rules. *Citizens For A Better Environment* v. *United States Environmental Protection Agency,* ——— F.2d ———, No. 80-1531 (7th Cir. May 26, 1981) [hereafter CBE]. New Source Review rules are required by Sections 110(a)(2)(I), 172(b)(6) and 173 of the Act. EPA action on Illinois' attempt to replace the New Source Rule and complete Part D rulemaking will be the subject of a subsequent Federal Register notice.

B. Summary of Illinois' Approach To Control Particulate Matter Emissions From Iron and Steel Process Sources

The Illinois attainment strategy for national ambient air particulate matter standards relies on existing regulations and new regulations which deal with particulate emissions from iron and steel mills, industrially related fugitive dust, and from malfunctions. Despite the application of regulations representing reasonably available control technology for traditional sources of particulate matter, analysis conducted by Illinois demonstrates that without further controls attainment of the primary particulate matter standard will not be achieved by December 31, 1982. As a consequence, Illinois proposed to conduct studies on non-traditional particulate sources to determine whether more particulate matter controls are feasible. If such studies support additional regulations, Illinois proposed to have these new regulations in place by December 31, 1981 with compliance by December 31, 1982. 45 FR 11472.

To further control particulate matter emissions from iron and steel process sources within non-attainment areas Illinois has proposed revisions to Illinois Rule 203(d). Rule 203(d) addresses particulate matter emissions from manufacturing processes at Illinois steel mills located primarily in the south Chicago-northwest Indiana Air Quality Control Region and Granite City, Illinois. The revised Rule consolidates emissions standards for process sources of particulate matter at steel mills and sets forth specific requirements for by-product coke plants, sinter processes, blast furnace casthouses, basic oxygen furnaces (BOFs), electric arc furnaces, argon-oxygen decarburization vessels, and liquid steel charging. With certain exceptions, previously approved particulate matter emissions standards for new and existing sources [Rule 203 (a) and (b)] are made inapplicable. The previously approved visible emission standard [Rule 203(d)(6)(i)(bb)] for certain by-product coke plant emission points is made inapplicable. 45 FR 50827.

II. Comments Addressed to EPA Policy

The majority of comments received by EPA can be grouped into these categories:

(1) The legality of EPA's action to conditionally approve the Illinois Part D Plan revisions, (2) EPA's use of its reasonably available control technology guidance document in this rulemaking, (3) the participation of EPA enforcement personnel in the rulemaking process, and (4) EPA's action on specific provisions of Illinios Rule 203(d).

The following are comments received by EPA and EPA's responses:

Comment: EPA's reliance on its "conditional approval" mechanism to approve revisions to the Illinois Plan is unauthorized in law. EPA must either approve or disapprove proposed revisions to the Illinois Plan. If disapproval is warranted, the Administrator has a non-discretionary duty to promulgate revisions to the Illinois Plan which meet the requirements of Part D of the Clean Air Act, which include a demonstration of attainment of the primary standards for particulate matter by December 31, 1982.

Response: A discussion of conditional approval and its practical effect appears at 44 FR 38583, July 2, 1979, and 44 FR 67182, November 23, 1979. Generally, EPA will approve revisions to a state's plan which are in substantial compliance with the requirements of Part D of the Act provided that noted deficiencies will be remedied within a prescribed period of time.

In its Final Rulemaking on the Illinois Plan (45 FR 11472), U.S. EPA reiterated its policy of conditionally approving a Plan which requires, at a minimum, RACT on all "traditional" sources of particulate matter emissions plus a showing by the State that despite such application of RACT to traditional sources, the Plan fails to demonstrate attainment of the national primary particulate matter standard. In this case, approval of the Illinois revisions is conditioned on the State's commitment to conduct additional studies on the causes for the particulate nonattainment, including the degree to which nontraditional area sources of particulate matter affect air quality, and to develop and to submit to U.S. EPA additional enforceable strategies adequate to demonstrate attainment of the primary standard by December 31, 1982. This policy stems from EPA's recognition that nontraditional sources significantly impact the potential for attainment of the national standards for particulate matter. In addition, EPA is aware that there exists a problem in identifying and developing control strategies for "nontraditional" sources, such as fugitive dust, resuspended road dust, and dust from construction. It became apparent that by January 1979, the deadline for the States to submit Part D Plans, it was still not possible in many cases to identify, without further studies, the specific sources of the nonattainment problem. Also, control measures for nontraditional sources were in the infancy of their development.

EPA believes that its conditional approval policy is consistent with Congress' intent and purpose in enacting Part D of the Act. A primary purpose of Part D is to permit reasonable economic growth in nonattainment areas at the same time that reasonable further progress is being made toward attainment of the National Ambient Air Quality Standards. "Reasonable further progress" is defined in Sections 171 and 172(b) of the Act as annual incremental reductions in emissions sufficient to achieve attainment, including such reductions from existing sources as may be obtained, at a minimum through adoption of RACT. Illinois has provided adequate information that demonstrates that certain strategies are RACT for specific sources, has agreed to conduct further studies to identify and control nontraditional sources, and has agreed to submit additional control measures to demonstrate attainment by the statutory attainment date on an expeditious schedule. EPA believes that, considered as a whole, the Illinois approach to its nonattainment problem assures the level of protection required by Part D of the Act. Under these circumstances, disapproval of the Plan would not serve the purpose intended by Congress.

The Illinois particulate Plan, including, the iron and steel provisions which are conditionally approved today, contains regulations requiring RACT on stationary sources or a commitment to adopt same. EPA's approval of New Source Review rules which will require the offset of emission reductions from existing sources greater than those projected from proposed new sources was recently invalidated by the *CBE* court. Illinois will effect positive reductions in particulate matter emissions during the period in which the State is developing and adopting the additional regulations necessary to achieve attainment and address the *CBE* court's concerns.

If the Administrator acted to disapprove the Plan, rather than accept the State's schedule to develop and adopt necessary additional control measures, EPA would have to conduct the same type of studies which the State itself has voluntarily undertaken in order to develop control strategies which accurately demonstrate attainment. Should EPA be obligated to conduct such studies and engage in rulemaking for each nonattainment area in each State with a nontraditional source problem, it is likely EPA's assumption of the regulatory process at this point would serve no purpose but to delay further Congress' goal of attaining the primary particulate standard by December 31, 1982.

EPA believes that its conditional approval policy is procedurally consistent with Section 110(c)(1) of the Act. By proposing conditional approval, the Administrator notified the State that further revisions were required to make the Plan fully approvable and, as contemplated by that subsection, the State and EPA's Regional Office will negotiate a prescribed time period which will be the subject of rulemaking to correct the deficiencies. If the State fails to meet its commitments to remedy the deficiencies, the Administrator will then take such further action as is necessary to provide for attainment of the national ambient particulate matter standards.

As for the development of the regulations for nontraditional sources, EPA agrees with the State that a technically sound basis for adopting such regulations must await completion of the studies now in process, and neither the State nor EPA can do more to assure attainment by the statutory deadline. Disapproval of the entire Plan and subsequent Federal action would serve merely to delay further the implementation of the Act's goal to achieve attainment of the air quality standards by the end of 1982.

Comment: EPA's proposed rulemaking is a violation of Section 110 (a)(2) and (a)(3) of the Act because the Illinois revisions do not require nor does the Illinois Plan require source monitoring and reporting provisions. The commentator further claimed that in light of this deficiency, the Administrator has a duty under Section 110(c) of the Act to promulgate such regulations.

Response: In the Administrator's view, comments related to deficiencies under Section 110(a)(2)(F) of the Act are not properly before the Agency in the context of the present Part D rulemaking. Rather, the commentator's objections are actually challenges to the Administrator's implementation of this statute at 40 CFR 51.19(e). This regulation, promulgated on October 6, 1975 (40 FR 46247), required that States include certain procedures in their plans for continuous emission monitoring of four specific source categories; requirements pertaining to iron and steel sources were not included. The Agency indicated at that time that the chosen categories represented "significant source of emissions," and that the list would be expanded:

> * * * from time to time when the economic and technological feasibility of continuous emissions monitoring is demonstrated and where such monitoring is deemed appropriate for other significant source categories. (40 FR 46241).

Thus, the remedy for parties believing that 40 CFR 51.19(e) was deficient for failure to include emission monitoring requirements for certain sources was to challenge this promulgation under Section 307(b) of the Clean Air Act, within the appropriate time frame and in the proper forum. Similarly, if new information on this issue has arisen subsequent to the Agency's October 1975 promulgation, the remedy lies with the appropriate Federal Apellate Court within the statutory time period "after such grounds arise." See Section 307(b)(1).

It should be noted that, as a matter of national policy, U.S. EPA is examining current requirements for monitoring emissions from various pollution sources. As noted by the commentator, however, the language of the Clean Air Act "allows the exercise of broad discretion by the rulemaking authority" in implementing Section 110(a)(2)(F). As of this rulemaking the Administrator has not yet determined that categorical imposition of specific monitoring requirements on iron and steel sources is appropriate.

Comment: EPA's utilization of its "relaxation", "revocation", and "continuity" policies as criteria for approving Part D Plan revisions is unlawful. Further, if the revisions require attainment of the air quality standards by the statutorily mandated date, a State is free to choose any strategy to attain the standards, which may include the revocation or relaxation of pre-existing regulations.

Response: Under the commentators' analysis, a submitted strategy could conceivably permit a State to delay the effective date of compliance with all air pollution regulations until the last permissible statutory attainment date of December 31, 1982. However, in enacting the 1977 Amendments to the Clean Air Act, Congress did not intend the 1982 attainment date to authorize relaxations or delays in compliance with existing requirements.

The first suggestion was that the Act be amended to make clear that a revised attainment date under Section 172(a) would not be the basis for delaying the effective date of the emission limit for any source in effect prior to the adoption and submission of a plan revision under Part D. This Amendment was deemed unnecessary. Delays or relaxations of emission limits were not generally authorized or intended under Part D. (123 Cong. Rec. H 11958 daily ed. Nov. 1, 1977) (Remarks of Representative Rogers)

Further evidence of Congressional intent to avoid relaxation or revocation of pre-existing regulations through the Part D SIP revision process is found in Section 120 of the Clean Air Act. This section, contained in the 1977 Amendments to the Act, provides that failure of a source to meet applicable existing requirements will render that source liable to assessment of noncompliance penalties, with very few enumerated exceptions. 42 U.S.C. 7620.

The Administrator therefore believes it would be inconsistent with the Congressional intent to permit relaxation or revocation of existing requirements. As discussed in the General Preamble at 44 FR 20373–20374 (April 4, 1979), U.S. EPA continuity policy reflects and is consistent with the Congressional intent to prevent avoidance of pre-existing plan requirements. Present emission control requirements must be retained in order to prevent the operation of facilities without controls, or with less stringent controls while sources move toward compliance with, or challenge, the new requirements.

There are certain exceptions to the policies discussed above, as outlined in the General Preamble at 44 FR 20374, April 4, 1979. The exception most

pertinent to today's rulemaking is the acknowledgement that a State may submit a revocation of an existing requirement if an existing requirement conflicts with a new, more stringent requirement, making it highly impractical for a source to comply with the old requirement.

Comment: EPA's use of its guidance summary of reasonably available control technology for iron and steel process sources violates the Clean Air Act and the Due Process Clause of the Fifth Amendment to the Constitution of the United States.

Response: Commentators have challenged EPA's use of certain technical support documents as the basis for its July 31, 1980 proposed rulemaking. They contend that EPA intends to impose its assessments of what constitutes RACT, as outlined in the technical support documents, upon the States without the accompanying procedural due process safeguards, such as public hearings on the data, which are regularly imposed by formal rulemaking under the Clean Air Act and the Administrative Procedure Act. They base this argument predominantly upon the fact that in its Notice of Proposed Rulemaking of *July 31, 1980,* 45 FR 50827 EPA stated:

> Where a state proposes regulations which are not technically supported by U.S. EPA's data, the State must submit adequate data supporting its proposal as representing RACT.

EPA believes that commentators have misunderstood EPA's goal in developing a technical support docket. Under the scheme of the Clean Air Act, each State has a statutory obligation pursuant to Section 172 to develop a revised Plan for designated nonattainment areas. Each Plan must include sufficient information for EPA to evaluate whether such revised Plan meets the requirements of Section 172, including the requirement to adopt measures to reduce emissions through the adoption, at a minimum, of reasonably available control technology. See Section 172(b)(3). While the Clean Air Act specifies that U.S. EPA is required to pursue formal rulemaking pursuant to Section 307(d) for certain actions, no such requirement applies to agency action on state submitted implementation plan revisions.

The applicable guidelines for agency action on State submitted Plan revisions appear in the Administrative Procedure Act (APA), 5 U.S.C. 553. These guidelines require publication of notice of the proposed rulemaking, including a statement of the time, place and nature of the proceedings, reference to the legal authority under which the rule is proposed, and either the terms or substance of the proposed rule or a description of the subjects and issues involved. In addition, the Agency is required to give interested persons an opportunity to participate in the rulemaking through submission of written data, views or arguments. EPA has followed these guidelines in all its rulemaking on revisions to Illinois Plan regulations which apply to Illinois iron and steel sources.

Neither is the agency required by the Act to establish a rulemaking docket for its action in reviewing Part D Plan revision submittals. Nevertheless, in the course of pursuing its statutory obligation to review State submitted Part D Plan revisions, EPA has assembled a docket which contains legal and technical rationale for agency action on proposed Part D Plan revisions. The data accumulated in the technical support portion of the docket to which commentators refer, consists of comprehensive iron and steel emissions data from facilities across the country, and was compiled in direct response to EPA's mandated duty to evaluate the proposed Part D revisions in terms of Section 172 of the Act. This data is invaluable in analyzing the levels of emission control achievable for specific categories of sources within the iron and steel industry and is also useful in evaluating case-by-case RACT limitations in the event a State submits limitations which consider technological and economic feasibility. In contrast to commentators' contentions, EPA does not suggest that emission limitations and standards reflected in these documents constitute uniform and presumptive RACT standards for the iron and steel industry. In the same July 3, 1980, Notice of Proposed Rulemaking quoted *infra* by commentators, EPA explained its understanding of the Part D revision process and the uses to which it would put the technical support documents:

> U.S. EPA believes the burden of demonstrating that a regulation represents RACT rests on the State. In reviewing a proposed SIP [Plan] revision to determine its adequacy, EPA can verify independently that the provisions in the State plan represent RACT. Although EPA has not specified uniform RACT standards for the iron and steel industry, it has collected data which reflects the emission limitations achieved by various iron and steel sources applying control technology. Where a State proposes regulations which are not technically supported by EPA's data, the State must submit adequate data supporting its proposal as RACT.

The intention is to indicate that the State must submit justification to support its RACT determinations. EPA then considers the information submitted by the State, together with the data in the technical support docket and any public comments received to determine whether the specific regulatory revision satisfies the requirements of the Act for RACT.

EPA further clarified its position regarding the technical support documents in a September 8, 1980, **Federal Register** Notice of availability of guidance document, 45 FR 59198:

> By gathering and evaluating the available data, U.S. EPA does not intend to set uniform RACT standards which the States are required to adopt, and the summary should not be so construed. The limitations and standards summarized in the table should not be regarded as categorical RACT requirements for iron and steel sources, but solely as guidance which EPA will utilize as the starting point in its review and evaluation of a State's submission. The State may develop its RACT requirements independently of EPA's guidance * * * EPA * * * will carefully review and evaluate in detail the State's analysis to determine whether it in fact supports the State's proposed RACT requirements.

Only in those instances where U.S. EPA is actually engaged in promulgating uniform standards would rulemaking pursuant to Section 307(d) be appropriate. In the instant case, EPA has internally developed a guidance document designed to aid its evaluation of proposed revisions to state implementation plans in accordance with its statutory obligation under the Clean Air Act, and has made these documents publicly available. EPA has made clear its intent not to coerce a State into accepting a particular standard or technology but to require that a State technically justify its RACT determinations. In today's rulemaking, for example, EPA has changed its position on coke quenching operations in Illinois as a result of comments which justify the State's position.

Comment: EPA's use of technical material to assess RACT without also weighing the economic and sociological costs and benefits involved is improper. Evidence of the costs of meeting various limitations was introduced at the State hearing and absent testimony or evidence to the contrary EPA should be bound by the State's determination.

Response: Though some testimony regarding costs of compliance with proposed State rules was included in the State hearing record, for the most part nothing in the record supports a conclusion that Illinois iron and steel sources stand apart geographically, technically, or otherwise from those

sources identified in EPA's technical guidance document.

Many commentators also complained that EPA was not reviewing the State's proposals with the broad deference commentators read into EPA's early guidance. That guidance was intended (and continues) to permit the State to tailor regulations to the specific characteristics of its industrial community. It was not an invitation to ignore a large body of data demonstrating achievable control limitations. EPA's review of the State proposal must begin with some reference point from which to determine whether RACT has been required. Though a reference point is established, EPA's approach includes the flexibility to analyze economic or sociological factors which support variations from the conclusions it has reached. In other words, EPA will consider any State proposal differing from that based on its purely technical analysis where the State has articulated the site specific considerations justifying a different conclusion.

Certain Illinois proposals vary from EPA's conclusions. However, Illinois has not articulated a rationale for those variations nor provided economic or technological information from which such a rationale can be discussed. Consequently, EPA's analysis is therefore confined to the information before it. In addition, EPA cannot independently judge the adequacy of a State proposal by limiting its review to those matters raised during State rulemaking. EPA should not ignore its data as the commentator implies. In this instance EPA compared proposed Illinois requirements with documented performance by better control systems.

In a similar vein, a commentator urged EPA to accept certain standards based on site specific considerations. Certainly such considerations are appropriate to RACT determinations. However, because the State record reveals no factors to distinguish Illinois iron and steel sources from others in this country, the comment is inapposite.

Comment: That portion of EPA's guidance document for reasonably available control technology which addresses charging emissions contains flawed data and omissions of significant data from the iron and steel industry. The document also fails to include a technical rationale for the judgments contained therein.

Response: EPA has reviewed the commentator's argument and limited supporting documentation to determine whether the guidance document contains flawed data. Specific issues by the commentator are discussed in the appropriate sections below. In general, EPA has determined that the data based errors, to the extent they exist, in its guidance document are insignificant. Consequently, EPA believes its technical judgments contained in the guidance document are sound.

Comment: EPA failed to articulate what data in the technical portion of the rulemaking docket provided the basis for EPA's technical based decisions on the rules, and further, this omission made impossible the rendering of meaningful comment.

Response: Because the technical data in the rulemaking docket was indexed by process category, EPA believes that adequate reference to support data was provided to permit meaningful comment. All commentators who requested an extension of the comment period for the stated purpose that such was needed to review the docket materials were granted an extension equal to or greater than that requested.

Additional opportunity for comment will be afforded at the State level as the State promulgates regulatory revisions in response to today's rulemaking. In addition, as EPA stated in its Supplement to the General Preamble published on November 23, 1979, when the State submits supporting data for its proposed revisions, or submits new revisions, EPA will review the adequacy of the State's submission and publish its determination as either a proposed or final rulemaking, depending on the nature of the submittal.

Therefore, EPA believes that adequate opportunity has been provided to comment on EPA's data.

Comment: EPA's use of its enforcement personnel in this rulemaking violates the Due Process Clause of the United States Constitution and the Administrative Procedures Act, 5 U.S.C. 554(d)(2), in that it is improper for personnel involved in the enforcement of air pollution control regulations to review the adequacy of proposed regulations.

Response: EPA believes the participation by certain members of EPA's Region V Enforcement Division in the review of the proposed iron and steel regulations does not violate either the separation of functions provisions of the Administrative Procedure Act or the Due Process Clause of the United States Constitution.

The Agency believes that the separation of functions requirement of the Administrative Procedure Act (APA) is not applicable to the present rulemaking. This requirement is relevant only when the applicable statute mandates a hearing on the record. *Bethlehem Steel Corporation* v. *U.S. EPA*, —— F.2d ——, No. 79-2382 (7th Cir. December 22, 1980). See also *Buckeye Power Inc.* v. *EPA*, 481 F.2d 162, (6th Cir. 1973). Since the Clean Air Act does not require such a hearing for Plan approvals under Section 110(a), the APA's separation of functions requirement is inapplicable.

The Administrator has also examined the commentator's contention in light of the Due Process Clause and applicable case law. Region V's Office of Regional Counsel has reviewed the nature of involvement of Region V enforcement personnel in the instant rulemaking. The Agency has concluded that the commentator's claims of impropriety are groundless. A copy of the Regional Counsel's opinion is in the docket for public review.

Comment: EPA has no right to consider "enforceability" by reviewing State regulations for clarity and specificity.

Response: Section 110 of the Act generally requires that a plan be enforceable. See Sections 110(a)(1), (a)(2)(D). Based on those requirements, EPA must determine whether a plan is, in fact, enforceable. In determining whether a plan provision is enforceable, emission limitations and other requirements must be reviewed for clarity and specificity. Emission limitations and other controlled terms must be well defined, and must clearly state which sources and processes are being regulated, when the required actions are to be taken and by whom, and what constitutes compliance. In addition, the plan provision must specify any necessary test method by which compliance is to be determined, and, if the provision requires compliance at a future date, it must contain an adequate schedule for compliance. See 44 FR 20372, April 4, 1979. The requirements for enforceability would not be satisfied by unclear or imprecise plan provisions. Vagueness as to regulatory requirements or applicability would make it difficult, if not impossible, to enforce regulations against specific sources.

Comment: Several commentators argued that EPA is restricted in its rulemaking to concurrence with the testimony of its representatives at the Illinois public hearings held prior to State promulgation of the Plan revisions.

Response: EPA has the responsibility to review Part D revisions to state plans and approve such if the requirements of Section 110 *et seq.* and Section 172 *et seq.* are met. The Act's requirements include the installation of RACT on emitting sources in designated nonattainment areas. To provide a reference point from which to evaluate a

state's Part D submittal, EPA amassed and reviewed technical data from iron and steel sources located throughout the country.

EPA personnel testified before the Board in 1978 to provide the State with the Agency's initial evaluation of Illinois' proposed Part D Plan revisions. Though EPA personnel indicated that, with few exceptions, the proposed Part D revisions were acceptable, it was also indicated that EPA would not be precluded from changing its position in the rulemaking context.

Comment: EPA's compilation of a guidance document which summarizes emissions limitations for particulate matter for iron and steel manufacturing processes after the Notice of Proposed Rulemaking on Illinois Part D plan revisions is improper. See 45 FR 59198. EPA violates the due process rights of the iron and steel sources in Illinois if U.S. EPA's rulemaking is supported in any way by this guidance document.

Response: The summary of emission limitations referred to by the commentator does not establish regulatory requirements. Rather, as stated above, it represents guidance for use in the development and evaluation of State Implementation Plan provisions for iron and steel sources in the context of the RACT requirements of the Act. A State may develop its RACT requirements independently of EPA's guidance. EPA will approve any submitted RACT requirement that the State shows will satisfy the requirements of the Act for RACT, based on the economic and technical circumstances of the particulate sources being regulated. Subsequent to the compilation of the guidance document, EPA extended the public comment period to provide adequate time for review of the data. In total, the public was provided with 90 days to complete its review and respond accordingly.

Comment: EPA has no authority to require, as part of its conditional approval of the proposed regulations, authoritative interpretations of the regulations under consideration.

Response: Section 110(a)(2)(D) of the Act requires that a State's Plan provide, among other things, for the enforcement of emission limitations to assure that ambient air quality standards are achieved and maintained. Effective enforcement of emission limitations requires that regulations embodying such limitations be clear and concise. EPA determined that several of the provisions of Illinois Rule 203(d) were sufficiently vague to jeopardize their effective enforcement. As a consequence, EPA requested that specific portions of Rule 203(d) be clarified to remove the vagueness.

The request for clarification was made to the Illinois Environmental Protection Agency, who by the terms of the Illinois Environmental Protection Act, has responsibility for enforcing the Illinois air pollution control regulations. EPA believes that the State agency empowered to enforce the State's regulations is in the best position to clarify how those regulations will be enforced.

III. Comment and Action on Proposed Rule 203(d)

The following is a synopsis of today's action on specific proposed revisions to the Illinois Plan for the control of particulate matter from iron and steel process sources:

Approval and Effected Sources

Rule 203(d)(5)(B)(i)—General opacity
Rule 203(d)(5)(B)(iv)(bb)—Coke oven doors
Rule 203(d)(5)(B)(vii)—Coke battery stacks
Rule 203(d)(5)(C)—Center plants
Rule 203(d)(5)(E)(i)and (ii)—Basic oxygen furnaces
Rule 203(d)(5)(F)—Hot metal desulfurization
Rule 203(d)(5)(G)—Electric arc furnaces
Rule 203(d)(5)(H)—A-O decarburization
Rule 203(d)(5)(I)—Leak liquid steel charging
Rule 203(d)(5)(J)—Scarfing

Conditional Approval

Rule 203(d)(5)(B)(iv)(aa)—Coke oven doors
Rule 203(d)(5)(B)(v)—Coke oven lids
Rule 203(d)(5)(B)(vi)—Coke offtake piping
Rule 203(d)(5)(B)(viii)—Coke quenching

Disapproval

Rule 203(d)(5)(B)(ii)—Coke oven charging
Rule 203(d)(5)(B)(iii)—Coke oven pushing
Rule 203(d)(5)(D)—Blast furnace cast houses
Rule 203(d)(5)(K)—Measurement methods
Rule 203(d)(5)(L)—Compliance Dates

No Action

Rule 203(d)(5)(B)(ix)—Work rules

The above synopsis depicts the result of EPA's analysis and review of supplemental information provided by commentators during the public comment period. The following summarizes specific comments raised during the public comment period about specific provisions of proposed Rule 203(d). A complete discussion of the comments appears in the docket for this rulemaking.

Today's notice contains, in part, conditional approval of portions of proposed Rule 203(d)(5). The conditions for approval will have to be satisfied by the State on an expeditious schedule. Failure of the State to meet the conditions will require EPA to take such further actions as necessary to provide for attainment of the national ambient particulate matter standards. If the State elects to meet the conditions, a schedule for such will have to be approved by EPA. The State will have sixty days from today's notice to submit to EPA a schedule to meet the conditions. A notice soliciting public comment on the acceptability of this schedule will be published in a subsequent **Federal Register**. Rule 203(d)(5)(B)(i) *By-Product Coke Plants.*

EPA proposed to approve this rule which states that the general opacity regulation in Illinois, Rule 202, does not apply to by-product coke plants. All commentators agreed with EPA's proposal.

EPA Final Action: EPA approves Rule 203(d)(5)(B)(i).

Rule 203(d)(5)(B)(ii) *By-Product Coke Plant Charging Emissions.*

EPA stated in the Notice of Proposed Rulemaking (45 FR 50625) on the Illinois SIP that it intended to disapprove Illinois Rule 203(d)(5)(B)(ii), because Illinois had not submitted a method or procedure for determining compliance with the proposed charging standard and because this standard was not sufficiently stringent to be considered reasonable available control technology (RACT). Comments have been received on both points from the State of Illinois (IEPA), from steel companies in Illinois, and from Citizens for a Better Environment (CBE).

EPA has carefully reviewed all comments received and has developed a lengthy response to the significant arguments received during this public comment period concerning its proposed action on this rule. This response has been formally docketed and is available for public inspection. In summary, EPA believes the deficiencies noted in the Notice of Proposed Rulemaking are not cured by the IEPA's promulgation of the administrative definitions and inspection techniques. EPA believes the Illinois submittal is vague because of the absence of definition of specific terms of the Rule. Also, and equally important, even if the submitted rule did not suffer the infirmity of vagueness, the record supports a more stringent standard than 170 seconds for 5 charges.

Approving the rule standard would result in approval of a regulation which could allow an entire charge to emit essentially uncontrolled puffing particulate matter. Specifically, when the IPCB issued the submitted standard it exempted via its opinion "mere wisps of smoke" and stated that only "sustained-smoke evolution" is to be counted, even though the State asserts the rule requires counting the total number of seconds that emissions are visible. Though the propose of the rule is to limit the magnitude and duration of

emissions, the exempting of wisps without further clarification can result in the emission of wisps of a sustained duration. Determination of compliance with the submitted standard is not possible because the terms "mere wisps of smoke" and "sustained smoke evolution" are wholly undefined.

EPA believes that 170 seconds for 5 charges, even if it were based on all visible emissions, is not RACT. As an example of an appropriate definition of RACT for Illionis, EPA has described a standard of 125 seconds for 5 consecutive charges with a one-in-20 charge exception (125–5(1/20)), in accordance with the observation and data reduction procedures it placed in Illinois' docket at the time the Notice of Proposed Rulemaking was published. The 125/5 (1-in-20) standard would result in significantly less emissions than that which the submitted Rule 170/5 will permit, at no increase in risk of violation and no change in the technology employed to comply. Therefore, EPA will disapprove the submitted rule.

IEPA, the steel industry commentators, and CBE disagree with EPA's determination that the submitted standard was not RACT. The first two commentators state that the rule submitted by Illinois is RACT and criticized EPA's data base contained in the above-referenced technical docket document. CBE states that the submitted rule does not represent RACT and recommends that a standard more stringent than the acceptable to EPA be promulgated by EPA. However, EPA concludes from its analysis that its position stated in the Notice of Proposed Rulemaking is sound in that the submitted standard for by-product coke plant charging emissions does not represent RACT for this source of particulate matter emissions. In this rulemaking EPA can act only on the proposed rule as submitted. EPA believes Illinois coke batteries can achieve, via its recommended testing and reduction procedures, a visible emission performance of 125 seconds for 5 consecutive charges because coke plants of similar configuration have been observed to do so. A review and summary of the data upon which EPA bases its judgment is docketed for public review.

EPA Final Action: EPA disapproves Rule 203(d)(5)(B)(ii). Consequently, the approved Illinois Plan regulation which controls by-product coke plant charging emissions is Rule 203(a)(6)(B)(i).

Rule 203(d)(5)(B)(iii) *By-Product Coke Plant Pushing Emissions.*

EPA proposed to disapprove this rule as submitted because: (1) the mass emission limitations of the rule are not acceptable due to its failure to define "pushing emissions," (2) the 0.03 grains per dry standard cubic foot (g/dscf) mass standard for sheds does not represent RACT, and (3) 90 percent capture efficiency for fugitive pushing emissions is not a determinable quantity and, as it is only a design standard, will not limit actual emissions from occurring.

The State of Illinois responded by stating: (1) the definition of "pushing operations" is widely known and therefore not a fatal flaw in the submitted rule, (2) Illinois Rule 203(f) [fugitive emissions] is an alternative to opacity standard that applies to by-product coke plant fugitive pushing emissions, (3) the burden of proof for demonstrating the capture efficiency of a particular source rests with the source and an adequate capture efficiency must be demonstrated before the State will issue an operating permit, and (4) there is only one shed system in Illinois and it will cease operations in 1982; therefore, the mass limitation proposed is appropriate.

Industry commented that competent engineers can determine whether a system is designed to achieve a stated capture efficiency and technical data does not support the basis for an opacity standard for pushing operations. The steel industry also remarked that there is no means to enforce an opacity standard were one approved. CBE commented that: (1) EPA should propose an opacity standard to evaluate the capture efficiency of pushing control systems, and (2) EPA should propose a 0.010 gr/dscf standard for shed systems and a 0.040 gr/dscf standard for mobile pushing control systems because the data base indicates these levels have been achieved on existing by-product coke plants.

EPA has analyzed the above comments and docketed its analysis for public inspection. EPA concludes from its analysis that: First, that the mass limitation provisions are unapprovable because, although the 0.06 gr/dscf provision for mobile systems represents, according to this record, RACT in Illinois, the submitted rule is: (1) ambiguous about the applicability of the 0.03 or 0.06 gr/dscf limitation to traveling hood stationary gas cleaner control systems and that while the 0.03 gr/dscf standard would be an appropriate RACT standard for such systems, a 0.06 gr/dscf is not RACT, (2) the term "stationary hood system" applies to coke side sheds and an emissions limitation of 0.03 gr/dscf is excessively lenient because of unique shed dilution effects; and, (3) the lack of testing definitions is a serious deficiency. Second, with respect to the fugitive component of pushing emissions, EPA concluded that (1) the 90 percent design efficiency provision does not prevent coke batteries and/or their pushing systems from emitting excessive emissions because it is not an actual emission limitation and is not a determinable quantity even on a design basis, and (2) the 203(f) alternative is wholly inapplicable to coke pushing emissions. EPA finds there is a need and supported basis for a pushing opacity standard.

EPA believes these deficiencies require disapproval of the rule as proposed.

EPA Final Action: EPA disapproves Rule 203(d)(5)(B)(iii). Because the approved Illinois Plan regulation which controls by-product coke plant pushing emissions (Rule 203(a)(6)(B)(ii)) contains neither an opacity or mass emission limitation, approval of the overall Part D Plan is conditioned on submittal of a RACT rule for coke oven pushing. The Illinois commitment to satisfy this condition and the schedule for doing so should be submitted with the schedule referred to above.

Rule 203(d)(5)(B)(iv)(aa) and (bb) *By-product Coke Plant Oven Door Emissions.*

EPA proposed to conditionally approve Illinois Rule 203(d)(5)(B)(iv)(aa) on the condition that Illinois make a commitment during the comment period to correct deficiencies relating to the absence of a test procedure, within a time period which was to be negotiated between the appropriate Illinois and U.S. EPA Region V officials. In response to that proposal Illinois EPA promulgated procedures for determining compliance with the Illinois Pollution Control Board coke oven regulations and submitted such for the docket as Exhibit 6. Section 110(a)(2)(D) of the Act requires that an approved plan and subsequent revision include a program for the enforcement of emission limitations and regulation. Since the close of the comment period, the United States Court of Appeals for the Seventh Circuit has determined that the Illinois Pollution Control Board (IPCB) is the proper entity, under the terms of the Illinois Environmental Protection Act, to promulgate substantive environmental control standards. Such standards, if promulgated by the IEPA, are invalid as a matter of State law. The Court did not distinguish between "substantive" and procedural rules and EPA thinks it remains unclear whether such a distinction survives this decision.

Therefore, satisfaction of this condition will require submission of the IEPA procedures, or similarly acceptable procedures, which have been validly promulgated and meet the requirements for plan revisions.

EPA reviewed the IEPA promulgated rules and believes they clarify the definition of a "door" in that it would eliminate the ambiguity noted by U.S. EPA relative to chuck doors. The formula provided in the Illinois testing procedure clearly limits the door standard to operating ovens, consistent with another U.S. EPA request. A description of emissions to be observed, where the observers ought to be located, and other pertinent testing details have also been provided. EPA had also noted that it was unclear whether the IPCB door standard was to apply as a battery or plant-wide average regulation. The steel commentator stated, and EPA agrees, that the Board's Opinion contains the requirement that the 10 percent door standard pertains to each battery separately. IEPA appears to have made significant progress toward formulating the necessary testing procedure.

Comment 1: One commentator believes that the submitted door regulation itself is "specifically definite in its present form and must be approved by U.S. EPA," and that a test procedure is not necessary.

Response 1: This commentator, in apparent reference to Exhibit 6, also noted that IEPA has been in the process of formulating an observation procedure applicable to door leaks and that it would be submitting this procedure to U.S. EPA. EPA considers the observation procedure it conditioned Rule approval upon to be absolutely essential, particularly in light of the *Donner-Hanna* case.

Otherwise, as stated in the Notice of Proposed Rulemaking, the coke oven door standard submitted by Illinois is potentially undefined and therefore unenforceable.

As an illustration consider a 50 oven coke battery, containing 50 coke side doors, 50 pusher side doors, and 50 chuck doors [1] which is observed to have six leaking coke side doors and six leaking pusher side doors. Under one possible rule interpretation this pattern would be a 12 percent leakage rate—(12 leaking doors divided by 100 total doors excluding the 50 chuck doors), and thus a violation of the submitted standard. Another possible interpretation (12 leaking doors divided by 150 doors) would lead to the same leak pattern to be defined as an 8 percent leak rate and thus in compliance with the IPCB door standard. Therefore, the requirement that Illinois adopt an inspection technique in conjunction with its door regulation is necessary.

Comment 2: The steel industry commentator also comments on EPA's assertion that it considers a 10 percent door standard to represent RACT. Its RACT comments are offered despite its expression that EPA must approve the submitted regulations. The commentator argues that EPA collected its clean plant door leak data via a procedure known as "Method C." The commentator notes that Method C provides a list of those structural elements of a coke battery which are not to be counted by the procedure (p. 500922). The commentator then goes on to say that IEPA, via Exhibit 6, is formulating a procedure which requires an observer to count all door area leaks, including those from areas which Method C does not count.

Response 2: EPA has reviewed the commentator's methodology point and agrees that much of the technical data that EPA placed in this docket was collected by Method C observations. These were the same type of data considered by the IPCB when it promulgated the submitted Rule.

The commentator's criticism of the use of Method C is predicated on the assumption that Exhibit 6's method for observing doors is the rule upon which EPA is acting. However, in EPA's review of the door emissions rule and supporting IPCB's opinion (and the underlying state hearing record) nowhere did it find any reference made to the term "door area." That phrase only entered this rulemaking proceeding via IEPA's Exhibit 6, which was first proposed in Illinois by IEPA on August 22, 1980, three weeks after the Federal Notice of Proposed Rulemaking on the Illinois door standard was published in the **Federal Register**, and approximately one year after the coke oven door standard became effective in Illinois. In the IPCB's Opinion it states, "The Board's Final Order allows no more than 10 percent of the coke oven *doors* on a given battery to leak at a given time." The Board cites two witnesses who had testified about the achievability of a 10 percent *door* standard. Both of these witnesses testified about the percentage of door, not door area, leaks. The EPA witness, who was one of the two witnesses the Board cites, testified on the basis of Method C *door* data. The Illinois Pollution Control Board stated that it found that a 10 percent door standard was achievable.[2] Therefore, this commentator is arguing that the 10% door standard submitted by Illinois as modified by the adoption by IEPA's door area procedure is more stringent than RACT.

Despite the potential modification of the meaning of the IPCB standard, if the Illinois door standard is more restrictive than RACT, EPA will still approve the Rule under discussion. Under Section 116 of the Clean Air Act (42 U.S.C. 7416) the State has the right to adopt a regulation requiring more than RACT. For purposes of Section 172(b)(3) of the Act, it is only necessary that a coke oven door emission standard be *at least* as stringent as RACT, and be enforceable, for EPA to approve.

EPA Final Action: EPA conditionally approves Rule 203(d)(5)(B)(iv)(aa) and approves Rule 203(d)(5)(B)(iv)(bb).

Rule 203(d)(5)(B)(v) *By-Product Coke Plant Oven Lid Emissions.*

EPA stated in the Notice of Proposed Rulemaking that it intended to conditionally approve the submitted rule on the condition that during the comment period the State make a commitment to correct noted testing deficiencies. These testing deficiencies were of the same character as noted for doors and offtake piping, namely that the submitted rule needed to be precise about the inspection technique utilized to define compliance.

Illinois has adopted a set of testing rules which it submitted as a comment to this record as Exhibit 6. With respect to oven port lids the inspection technique it adopted is satisfactory with respect to each of the points that EPA noted.

As with the door rule EPA will approve the proposed rule upon submission of the IEPA test procedures.

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[1] The coke oven door is a structure which weighs 3–5 tons, is 10–20 feet high, and 2–3 feet wide. The purpose of the door is to keep coal contained in a coke oven and also to retain heat and emissions. Within the pusher side door is a smaller door which can be opened even though the main door is latched to the oven opening on the pusher side. The purpose of this chuck door is to admit, during the charing operation, a horizontal bar on the pusher machine for the purpose of leveling coal piles during the charging operation. Both coke side and pusher side doors are mounted on oven openings, one on each side of an oven, between vertical support beams, called buckstays. The space between the vertical outer edges of a coke oven door and these buckstays, which principally consists of oven brickwork, is defined by Exhibit 6 as part of the "door area" which Exhibit 6 makes part of the door inspection procedure.

[2] Commentator asserts that it is a deficiency of the coke oven door data base relative to this proceeding that no data on door emissions from any coke battery in Illinois is contained in the record. Yet, the other of the two witnesses which the IPCB specifically cites, Mr. Petkus from the City of Chicago, testified that coke oven doors at Wisconsin Steel Corporation's Chicago coke plant complied with 10 percent door standards.

or similarly acceptable test procedures, which have been validly promulgated and meet the requirements for plan revisions.

Comment 1: The steel industry commentator stated that the proposed Illinois regulation is approvable in its present form and that approval should not be conditioned on the basis of enforceability considerations.

Response 1: This commentator raised the same question with a respect to coke oven doors. U.S. EPA's response to this comment is found in response to coke oven door Comment 1.

Comment 2: IEPA stated that it believes that Exhibit 6 rectifies the deficiencies noted by EPA.

Response 2: The substance of Exhibit 6, as stated above, is satisfactory to EPA. Exhibit 6, however, is not yet part of the Illinois SIP. Illinois needs to submit Exhibit 6 as a SIP revision in order to satisfy the condition of the approval of its submitted regulation.

Comment 3: CBE states that it disagrees with EPA's proposal to approve a five percent lid standard. It states that visible emissions data in the technical record show that a three percent level has been achieved by careful maintenance practices. CBE states that EPA should disapprove the Illinois standard and propose a three percent standard. CBE also states that EPA should base the standard on total operating coke ovens rather than on the total number of offtake lids because otherwise the stringency of the rule would be impaired.

Response 3: On the last point, IEPA's Exhibit 6 bases the allowable percent leaks on an operating oven basis.

EPA has carefully considered CBE's point about the achievability of a three percent standard. Table I below, indicates that the CBE suggested 3% level and the Illinois proposed 5% level are both highly achievable. Of particular interest to EPA is the observation that raising the standard from 3% to 5% does not appear, for the coke battery inspections in this record, to increase the proportion of inspections which would be termed in compliance. For example, about 60% of the data base consists of observations at the Clairton Works of U.S. Steel Corporation. Table I shows that 99.6% of the inspections at this plant met the 3% level and 99.9% met the Illinois standard. At the J&L coke plant in Pittsburgh, 99.5% of the battery traverses [3] met both the 3% and 5% levels. The same is true for the Bethlehem, PA batteries cited by CBE (99.1% at each level). In all of these cases, there was an extremely high percentage of the traverses that were under the 3% level (but not 100%) and which experienced no greater degree of compliance at the 5% level.

In the case of one plant (National) whose compliance rate with a 3% level was only 65%, Table I shows that increasing the standard to 5% did not produce a significantly different compliance rate. Therefore, for this plant, a change in the standard from 3% to 5% would not have produced compliance. This last plant is one which EPA found during its inspection not to be consistently using the good maintenance practices which CBE mentions and it violated the 5% rule.

TABLE 1.—Summary of Oven Port (LID) Leak Rates: Data in Illinois Record

Plant and battery No.	Inspection dates	Performance observations	Number of traverses	Percent of traverses over (under) 3 percent	Percent of traverses over (under) 5 percent	Leak rate range of percents	Number of courses over 3 percent	Number of traverses under 5 percent
US Steel, Clairton Works	July 9, 1979	EPA and US Steel	1,584	99.6	99.9	0.0–6.3	6	2
Kaiser Steel Corp., Fontana, CA: F, G	May 1979	EPA	15	100	100	0–1.7	0	0
US Steel, Fairfield Works Batteries: 2, 6, 9, 5	Dec. 1978, June 1979	EPA	88	96.8	100	03.2	1	0
Bethlehem Steel, Bethlehem, PA: A, 2, 3, 5	Aug.–Oct. 1975, Sept. 1973	EPA/PA DER	111	99.1	99.1	0–19.J	1	1
BSC, Johnstown, PA	Dec. 1978	EPA	2	100	100	0.6–1.3	0	0
J & L Pittsburgh Works: P–1, P–2, P–3S	Jan. 10, 1978	PA DER	199	99.5	99.5	0–5.1	1	1
CF&I Steel, Pueblo, CO: B, C, D	July 1977 [1], Mar. 1978, June, 1978	EPA	101	62.4	73.2	0–20.7	95	24
CF&I, same	July 1978–May 1979.	EPA	835	98.5	100	0–3.8	5	0
National Steel, Weirton Batteries: 1, 5, 6, 7, 8 [1]	Oct. 1978	EPA	54	65	72	6.0–17.0	10	15
Interlake [2]	Oct. 1978–June 1980.	EPA	8	100	100	0–2.0	0	0
Overall			2,498	97.2	98.3		71	43

[1] U.S. EPA observed that this plant was not consistently using wet sealing practice during this inspection.
[2] CBE submitted data of U.S. EPA inspections.

Unlike coke charging, lid emissions, on a pounds per hour mass basis, are approximately proportional to the number of leaks that occur on a battery. A battery with a 10% leak rate is emitting roughly twice the amount of emissions as a battery with a 5% leak rate. Unlike coke charging, there is no disproportionate increase in mass emissions associated with a 3%-to-5% increase.

EPA considers oven port (lid) leaks to be a very small source of particulate emissions. Mass emission rates have not yet been established because the emissions are fugitive. Nevertheless, they are a relatively minor source at coke plants. EPA believes the difference between 5% and 3%, which for a 50 oven, 4 hole battery (typical of Illinois batteries) is the difference between 10 lid leaks (5%) and 6 leaks (3%) to be even smaller.

Therefore, no useful purpose would be served if the submitted 5% rule were disapproved. In the subsequent time period which would be required by Illinois or EPA to set forth a 3% standard, emissions from coke oven lids in Illinois could occur at a 50%, 75% or 100% level because the 5% standard would not be applicable.

EPA Final Action: EPA conditionally approves Rule 203(d)(5)(B)(v).

Rule 203(d)(5)(B)(vi) *By-Product Coke Plant Offtake Piping Emissions.*

EPA proposed to conditionally approve the submitted offtake rule if the State committed to correct deficiencies relating to the absence of a test procedure and the definition of the source which the 10% leak rate standard applies.

Illinois submitted as a comment its Exhibit 6 which contains a testing procedure for coke battery offtakes. This

[3] A traverse is a single battery inspection.

procedure does define clearly each of the properties discussed in the Notice of Proposed Rulemaking. As with the door rule EPA will approve the proposed rule upon submission of the IEPA test procedures, or similarly acceptable test procedures, which have been validly promulgated and meet the requirements for plan revisions.

Comment 1: The steel industry commentator asserts that a specific testing procedure is unnecessary for EPA to approve the rule which it states must be approved in its present form. Commentator CBE agrees with EPA's Notice of Proposed Rulemaking position.

Response 1: U.S. EPA provided this response in its discussion of the proposed standard for by-product coke plant door emissions. The issues here are the same.

Comment 2: CBE disagrees with EPA's proposed approval of the rule because it states the standard is not stringent enough to be RACT. Its reasons is that batteries at U.S. Steel's Clairton Works and at other plants have demonstrated they could meet a 5% standard.

The commentator is correct that Clairton batteries 1, 2, 16, 17 met a 5% level in 1978 and 1979. So did battery 3 and batteries 7–10 in 1978. On the other hand batteries 11, 12, 19, 20, 21, and 22 met the 10% but not the 5% level during 1978 and 1979 inspections. Batteries 7–14 met 10% but not 5% in 1979, reversing earlier behavior.

Data in this record from other plants are also spotty. Two of Fairfield's three short batteries were far more successful at the 10% level than at 5%, but one battery met both. Republic Steel of Gadsden did meet 5% but CF&I's and Kaiser batteries did not meet 5%. (It is also true that the latter two plants also did not meet 10%). Process data in the record do not generally allow one to differentiate between the better and more mediocre performances. Therefore, EPA believes approval of the 10% Rule is reasonable.

EPA Final Action: EPA conditionally approves Rule 203(d)(5)(B)(vi).

Rule 203(d)(5)(B)(vii) *By-Product Coke Plant Combustion Stacks Emissions.*

Illinois proposed a mass emission concentration standard of 0.05 gr/dscf, which EPA proposed to approve. The only commentator, CBE, contends that "it would be arbitrary, capricious and a violation of the enforceability requirements of Section 110 and 172 for EPA to approve the Illinois standard for coke oven stack without a *visible* emission limitation," because visible emission, regulated by an opacity standard, provide "an early warning system as long as periodic source monitoring and reporting is not required, in order to guarantee that a battery has not been allowed to deteriorate and, therefore, requires control equipment." CBE contends that the intermittent fluctuating nature of particulate emissions from waste heat stacks, combined with the "time and expense of lengthy stack test procedures" enhances the need for a visible emission standard for this source category.

Nevertheless, mass tests can be performed because these emissions are vented to the atmosphere via a stack, and are measurable by standard EPA and Illinois methods (U.S. EPA Method 5, 40 CFR Part 60, Appendix A). Thus unlike the situation with fugitive coke oven emissions where mass tests are infeasible, (e.g. charging), a visible emission standard is not essential for the determination of the amount of air pollution emitted from waste heat stacks.

Therefore, EPA will approve this rule.

Comment: CBE recommends that EPA should propose a specific visible emission standard, which would permit exceedances of 20% opacity but only for periods aggregating less than 3 minutes in any one hour (which it contends is being achieved at batteries in Pennsylvania).

Response: CBE appears to recognize that mass may not relate to opacity at a combustion stack. And, CBE does not present test data indicating a relationship between the Illinois 0.05 gr/dscf standard and this particular visible emission standard.

By approving the specific mass rule which Illinois proposes, EPA does not forfeit its authority to observe the coke batteries stacks to determine whether a mass test is indicated. The visual appearance of a stack is readily apparent to any observer, who usually need not be in a coke plant proper to observe such emissions. Intense visible emissions may well indicate a mass emissions problem. Therefore, U.S. EPA does not agree with CBE's comment that "companies which have allowed their batteries to deteriorate can avoid any emission controls while waiting for an agency to go to the time and expense of lengthy stack test procedures."

EPA Final Action: EPA approves Rule 203(d)(5)(B)(vii).

Rule 203(d)(5)(B)(viii) *By-Product Coke Plant Quenching Emissions.*

EPA stated in the Notice of Proposed Rulemaking that it proposed to disapprove the submitted Illinois quenching regulation because EPA believed this regulation permitted coke to be quenched with water containing as much as 3000 mg/l total dissolved solids (TDS). EPA had stated that it thought that Illinois coke plants were using water containing about 400–450 mg/l TDS and therefore, that, the submitted rule permitted more air emissions than were actually being emitted. Comments were received from the IEPA and from the steel industry on this standard.

After reviewing these comments, EPA has determined that it will conditionally approve the submitted rule because it now believes that the 1500 mg/l limitation of total dissolved solids in the quench make-up water is a reasonable limitation for Illinois coke plants.

EPA believes that a linear relationship exists between the air emission rates from a coke quench tower (in lb/ton of coke) and the quality of water used for quenching coke (mg/l of total dissolved solids, TDS). This conclusion derives from three studies of quench tower emissions. Tests have been conducted at quench towers at the U.S. Steel Corporation plants in Lorain, Ohio (by U.S. EPA and its contractor) and in Gary, Indiana (by the company), and at the Dominion Foundry and Steel Company (Dofasco) plant in Hamilton, Ontario (by a contractor for that company). Reports of these tests are in the record at p. 508889, 509249, 509305, 509337, 509943, and 510243.

The pertinent data are summarized in Table I and Figures 3–5 of a review paper prepared by EPA and placed in the docket of this proceeding. On a filterable solids basis (EPA Method 5, 40 CFR Part 60, App. A), an increase of 1000 mg/l TDS in quench water results in an increase in air emission rates of about 0.32 lb/ton of coal charged into a coke oven. Therefore, EPA believes that controlling the TDS levels in water applied to coke affects air emission rates. After reviewing the comments submitted by commentators in this action EPA still believes this to be true.

EPA had thought that water with TDS levels of about 400–450 mg/l was consistently available to Illinois coke producers. Comments received, as discussed below, indicate that actual TDS levels range upwards from that, depending upon when a river is sampled. Persuasive to EPA is the statement by the IEPA that:

> A review of data referenced (in its submission) might lead U.S. EPA to suggest a limit somewhat lower than 1500 mg/l. However, the data clearly does not support a limit of 400–450 mg/l as suggested by U.S. EPA * * *. Although the IEPA is of the opinion that the 1500 mg/l limit is sufficient to ensure the continuation of current operating practices and will not, as a practical matter, result in any increase in emissions, it is willing to concede that a somewhat lower theoretical limit might be established on the basis of available data. However, the IEPA is also of the firm opinion

that the establishment of this lower limit would have absolutely no real impact on pollutant emissions, and, thus, does not warrant the expenditure of the resources required to bring about the necessary regulatory change.

IEPA submitted information indicating that the principal Chicago water source for the steel industry, the Little Calumet River, has been sampled at TDS levels in excess of 800 mg/l during a long sampling period in the mid-1970's. IEPA also submitted information indicating that TDS levels in the Mississippi River in the vicinity of the Granite City Steel coke plant ranged from 200 to 800 mg/l. In addition, the only other source of clean water for the Chicago area coke producers, Lake Michigan, may not be available to these operators because diversion of Lake Michigan water for industrial use would require the obtaining of a permit which IEPA believes is highly unlikely to be granted. Therefore, a standard of 1500 mg/l does seem reasonable to EPA.

Additionally, EPA has re-examined one of its assumptions stated in the Notice of Proposed Rulemaking, that "* * * the proposed Illinois standard, 1500 mg/l TDS in the make-up water, is roughly equivalent to 3000 mg/l TDS in the quench water." This concentration effect, which EPA had thought to exist because of the Lorain tests, is inconsistent with the results obtained by U.S. Steel at the Gary plant. The Gary plant experienced make-up water/quench water ratios of 1:1; therefore, scientific evidence on the matter of TDS concentration in a quench tower system is mixed. Since it is possible that Illinois quench towers which receive 1500 mg/l TDS make-up water will quench coke with water of the same quality, EPA, which was willing to accept the 1500 mg/l limit provided it applied to water actually sprayed on incandescent coke, is willing to accept the 1500 level in make-up water.

Illinois has not submitted a method by which their 1500 mg/l limit is to be sampled, however. The method of analyzing for dissolved solids, the number of samples to be taken over a specified time period, and the definition of make-up water need to be defined. On the condition that Illinois develops and submits such a method as a revision to the Illinois Plan, EPA will approve Rule 203(d)(5)(B)(viii).

Comment 1: IEPA stated that the two Chicago area rivers supplying the steel industry and the Mississippi, which supplies Granite City Steel, contain total dissolved solvents concentrations, at times, in excess of 400 mg/l, the EPA limit. IEPA states that the Little Calumet River experienced periods from 1972 through 1977 in which values up to 900 mg/l TDS occurred. In addition, it states that the Little Calumet River during the period 1975–1977 had a lower limit of 600 mg/l. IEPA states that the Mississippi River is sampled in the vicinity of or at 200–800 mg/l.

Response 1: EPA accepts these assertions as being true. Support data was supplied. Their significance to this action is discussed above.

Comment 2: The steel industry commentator asserts that the Calumet River has TDS concentrations of 800 to 1800 mg/1 during certain periods and, that, therefore EPA is incorrect about its characterization that make-up water in Illinois currently is available in the range 400-450 mg/1 TDS. This commentator also stated that the 450 level was too restrictive for Granite City Steel which has experienced makeup water TDS concentration as high as 757 mg/1.

Response 2: EPA accepts the statement by this commentator that 450 mg/1 is too restrictive a limit for make-up water on a daily basis.

Comment 3: IEPA states that the phrasing of their rule to prohibit the "direct inclusion of coke by-product plant effluent in the make-up water" was intended to prohibit the use, as quench tower make-up water, of coke plant effluent which had been treated in a steel plant waste water treatment facility, and to allow the use of this type of water for quenching only indirectly, as a result of extraction from a river, after substantial dilution has occurred.

Response 3: EPA thinks this is a useful clarification because the prohibition of flushing liquor produced at by-product coke plants containing very high TDS limits is what the Agency believes to constitute reasonably available control technology.

Comment 4: IEPA states that extracting water from Lake Michigan for industrial process use, an alternative to using Little Calumet River water in Chicago, is highly unlikely to be permitted because of an existing water resources restriction.

Response 4: EPA agrees with this, as is stated above.

Comment 5: The steel commentator asserts that there is no direct relationship between TDS level in quench water and the amount of particulate matter emitted from a quench tower.

Response 5: EPA completely disagrees with this assertion. EPA has performed a review of the commentator's Gary data and the other two studies mentioned above. These constitute all the quenching data in this record. U.S. Steel's measurements indicate that for conventional quench towers equipped with internal baffles, air emission rates increase from 0.32 lb/ton of coal to 0.64 lb/ton when make-up water concentrations increased from 466 mg/1 TDS to approximately 1500 mg/1.

Comment 6: The steel commentators assert that Interlake Steel had stated to the IPCB that if it would have to construct a water treatment facility, a capital cost in excess of $8,000,000 and an annual operating cost of $1.7 million would be incurred. A more stringent limitation on the level of TDS in the make-up water than 1500 mg/1 may trigger this cost is the implication of the comment.

Response 6: By its action today, EPA is conditionally approving the submitted Rule.

EPA Final Action: EPA conditionally approves Rule 203(d)(5)(B)(viii).

Rule 203(d)(5)(B)(ix) *Work Rules.*

EPA omitted comment on this rule in its Notice of Proposed Rulemaking. This rule requires that no person shall cause or allow the operation of a by-product coke plant except in accordance with operating and maintenance work rules approved by the [IEPA] Agency.

During the public comment period Illinois demanded that EPA review this rule and comment on its approvability.

Prior to the CBE opinion, *supra,* EPA determined that it could take no action on non-specific work rules not submitted as revisions to the Illinois Plan. This determination was made because of EPA's belief that specific process operating requirements, if not part of an approved Plan, were not enforceable by EPA. This belief was raised as an argument before the CBE Court, *supra,* and rejected. The Court discussed the enforceability of operating programs in effect as a result of an EPA approved rule though not specifically approved as a revision to a State's Plan.

In light of the Court's decision EPA will review Illinois Rule 203(d)(5)(B)(ix), to determine if, consistent with the holding in *CBE,* that rule would provide federally enforceable site-specific operating requirements for the controlled sources. Because EPA omitted proposing action on this rule in the Notice of Proposed Rulemaking, a separate notice will issue in the near future describing EPA's proposed action and soliciting public comments.

EPA Final Action: Consistent with the above comments, EPA takes no action on Rule 203(d)(5)(B)(ix) in today's notice.

Rule 203(d)(5)(C) *Sinter Processes.*

EPA proposed to approve the rule as proposed by the State. All commentators agreed with EPA's proposed action with the caveat by

industry that the rule should only apply to existing sinter plants.

EPA Final Action: EPA approves Rule 203(d)(5)(C).

Rule 203(d)(5)(D) *Blast Furnace Cast House.*

EPA had stated in the Notice of Proposed Rulemaking that it proposed to disapprove the submitted rule because (1) the mass emissions test upon which the rule is based is substantially vague, rendering the test both undefined and unenforceable, (2) the link between mass and visible emissions, coupled to the vagueness of the mass emissions test, renders the visible emissions rule unenforceable, and (3) the equipment which is required if the mass emissions limit is exceeded, is neither well defined nor RACT.

EPA has examined this position in the light of comments received from industry, the Illinois EPA, and from CBE. EPA also examined its proposed action in light of a recent Illinois Court of Appeals opinion relative to emissions control for casthouses and also with respect to a major technological development which has occurred since the close of this record. EPA disapproves the submitted rule because of the first and third reasons above based on this record.

The submitted regulation is based upon a limitation of mass emissions from the top of a casthouse with compliance to be determined by a high volume sampler test. In lieu of meeting this standard, compliance can only be effected by the installation of specific hooding equipment to capture and clean some casthouse emissions.

EPA has examined the test procedure contained in the submitted rule and finds that it is vague or silent on almost all the necessary aspects of a mass testing procedure, thereby transferring to technical field test personnel the effective definition of the mass limitation itself. The regulation, therefore is without meaning as submitted as to both its actual stringency and enforceability. This is explained in detail in an analysis placed in the docket.

In addition to the foregoing, EPA has had reason to change its view of what constitute RACT for blast furnace casthouses due to a major technological innovation since the publication of the Notice of Proposed Rulemaking. EPA believes that the alternative hood/gas cleaner requirement imposed by the submitted rule is significantly more expensive and less emissions reductive for existing casthouses than is now achievable by the new non-capture operating and maintenance practices.

EPA believes that the retention of a visible emission rule is necessary to maintain a definition of RACT in the Illinois SIP because the most effective and least costly means for reducing such emissions is not equipment-based. The opacity data which EPA just placed in the docket relevant to non-capture techniques provides a basis for development of such a regulation. Negative experience with the development of mass emissions testing, especially in the casthouse environment, further suggests the value of the opacity approach.

Therefore, the acceptability of existing Rule 202(b), in light of current opacity data, should be reexamined. The non-capture technique opacity data indicate that performance better than that required by existing Rule 202(b) has been measured. However, EPA is also aware that this conclusion has not been subject to wide discussion. Illinois is encouraged to examine its visible emission regulation in this regard.

Therefore, U.S. EPA believes deficiencies in the submitted rule require disapproval as proposed.

EPA Final Action: EPA disapproves Rule 203(d)(5)(D). Consequently, the approved Illinois Plan regulations which control blast furnace casthouse emissions are Rule 202(b) and Rule 203(a).

Rule 203(d)(5)(E)(i) and (ii) *Basic Oxygen Furnace (BOF) Emissions.*

EPA proposed to approve Rule 203(d)(5)(E)(i), which controls charging, refining, and tapping operations upon clarification that the operation of Rule 203 requires application of Rule 203(a) to the controlled operations. EPA proposed to disapprove Rule 203(d)(5)(E)(ii), which controls hot metal transfer, hot metal desulfurization, and ladle lancing operations, because the rule failed to contain a specific method of measurement for qualification under exemption provisions contained therein. In addition, another cited deficiency of Rule 203(d)(5)(E)(ii) was that the method set forth to determine the process weight rate is not relevant when determining a process weight rate for ladle lancing operations.

The State of Illinois responded by clarifying that Rule 203(a) rather than Rule 203(b) applies to all BOF sources in Illinois and that Rule 203(d)(5)(E)(ii)(bb) will be used only if a source proves compliance with Rules 203(a) or 203(b). Illinois stated it would require a most rigorous proof that a source operator was entitled to an exemption under Rule 203(d)(5)(E)(ii).

Industry commented that Illinois Rule 203(b) applies to existing sources and, though the exception to Rule 203(d)(5)(E)(ii) is difficult to prove, the difficulty is not grounds to disapprove the rule as proposed.

EPA believes the clarification by the State that Rule 203(a) applies to charging, refining, and tapping operations is sufficient to remove the concern about the operation of Rule 203(d)(5)(E)(i). EPA also agrees, upon reconsideration, that difficulty in determining whether an exemption is warranted under the provisions of Rule 203(d)(5)(E)(ii)(bb) is not grounds for disapproving the rule. EPA believes, however, that operating permits issued as a result of the operation of Rule 203(d)(5)(E)(ii)(bb) should be closely monitored by enforcement personnel to assure continuing compliance.

EPA Final Action: EPA approves Rule 203(d)(5)(E)(i) and (ii).

Rule 203(d)(5)(F) *Hot Metal Desulfurization Not Located in the BOF.*

EPA proposed to approve this rule. All commentators agreed with EPA's proposed action.

EPA Final Action: EPA approves Rule 203(d)(5)(F).

Rule 203(d)(5)(G) *Electric Arc Furnaces.*

EPA proposed to approve this rule upon clarification by the State that: (1) the aggregate of the process weights from melt down, refining, charging, tapping, slagging, electrode port leakage, and ladle lancing is used to calculate the emission limitation for each furnace, and (2) that Illinois Rule 203(a) rather than Illinois Rule 203(b) applies to all electric arc furnaces in Illinois.

The State of Illinois responded to EPA's comment by stating that the regulation requires the aggregation of all process weights in order to determine a single emission limitation for each electric arc furnace. The State further stated that, as of April 14, 1972, no electric arc furnace in Illinois was in compliance with Rule 203(b). Therefore, Rule 203(a) applies to electric arc furnaces in Illinois.

Industry commented, without analysis, that Rule 203(b) applies to at least one electric arc furnace in Illinois and that there is no data in the docket to support EPA's technical discussion of the rule.

EPA believes the clarification by Illinois that an aggregation of all process weights to determine a shop's emission limitation is sufficient to remove EPA's concern about the operation of the Rule. Though industry's comment concerning the applicability of Rule 203(b) to existing furnaces in Illinois is noted, EPA believes that deference is proper to the IEPA position.

EPA Final Action: EPA approves Rule 203(d)(5)(G).

Rule 203(d)(5)(H) *Argon-Oxygen Decarburization (AOD) Vessel.*

EPA proposed to approve this rule upon clarification by the State that the aggregate of the process weights from charging, refining, alloy addition, and tapping operations is used to calculate the emission limitation; and, that Illinois Rule 203(a) rather than Illinois Rule 203(b) applies to all argon-oxygen decarburization vessels in Illinois.

The State responded by providing clarification similar to that necessary for approval of Rule 203(d)(5)(G) [Electric Arc Furnaces]. EPA believes this clarification is sufficient to remove the concern it expressed about the proposed rule.

Industry remarked, without analysis, that the proposed rule on its face required the application of Illinois Rule 203(b) to existing sources and asserted that EPA failed to provide a technical basis for its determination that application of Rule 203(b) to AOD vessels in Illinois is not RACT.

EPA has reviewed and analyzed all commentator remarks about its proposed action and believes the judgment expressed in the Notice of Proposed Rulemaking is sound.

EPA Final Action: EPA approves Rule 203(d)(5)(H).

Rule 203(d)(5)(I) *Liquid Steel Charging.*

EPA proposed to approve this Rule in the notice of proposed rulemaking. All commentators agreed with EPA's proposed action.

EPA Final Action: EPA approves Rule 203(d)(5)(I).

Rule 203(d)(5)(J) *Hot Scarfing Machines.*

EPA proposed to approve this rule upon clarification by the State that the testing period shall occur only during the hot scarfing operation. IEPA asserted in its comments that it will not accept any test of a hot scarfing process unless its test period coincides with the process operation. EPA will defer to the IEPA interpretation of the Illinois rule.

EPA Final Action: EPA approves Rule 203(d)(5)(J).

Rule 203(d)(5)(K) *Measurement Methods.*

This rule provides opacity and mass emission test procedures for compliance determinations. EPA had stated in the Notice of Proposed Rulemaking that it would disapprove the Illinois submission because it extended U.S. EPA Reference Method 9 to intermittent plumes and because the proposed mass stack test measurement procedure did not specify that stack testing is to be performed only during periods of actual process operation.

Comments were received from the steel commentator, CBE, and IEPA. After reviewing these comments, EPA has determined that the submitted rule cannot be approved because of the first reason stated above.

Rule 203(d)(5)(K) merely adopts the Federal opacity test procedure. The Illinois Rule reads, "visible emission evaluation for determining compliance shall be conducted in accordance with procedures published in 40 CFR Part 60, Appendix A, Method 9. 42 FR 41754, *et seq.*, (August 18, 1977)." This procedure, however, does not apply to intermittent plumes (See **Federal Register** of November 12, 1974, Vol 39, No. 219). Yet, Illinois' opacity regulation, Rule 202(b), applies to all plumes. Illinois is either attempting to adopt the Federal visible emission procedure for both continuous and intermittent plumes or has left a deficiency in its regulations relative to intermittent plumes.

Important sources of intermittent plumes in the steel industry include emissions from charging and tapping of basic oxygen furnaces and electric arc furnaces. These operations are characterized by durations of only several minutes while emitting significant amounts of pollution during these durations. Reference Method 9 contains a data reduction procedure (Section 2.5) which requires that opacity is to be averaged over 24 consecutive observations which are recorded at 15-second intervals. EPA recognized that this 6-minute averaging procedure is inapplicable to plumes which only occur over shorter durations. (For example, the charging of hot metal into a basic oxygen furnace may only take one minute). Therefore, Rule 203(d)(5)(K) is deficient.

Though not a basis for this disapproval, but of concern to EPA is that the interpretation of the 8-minute exception in Rule 202(b) is still ambiguous as to all plumes. It states that "no person shall cause or allow the emission of smoke or other particulate matter from any other emission source into the atmosphere of any opacity greater than 30 percent" except that "The emission of smoke or other particulate matter from any such emission source may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period * * *." Adoption of Method 9 with its 6-minute averaging procedure is in conflict with the 8-minute time aggregated exception rule to the 30 percent limitation. If the 30 percent limitation is to be 6-minute averaged, EPA finds the exception to be undefined because it appears to be stated as an aggregated exception to an instantaneous 30 percent limit.

Rule 203(d)(5)(K), therefore, is deficient because of the absence of an opacity test procedure for intermittent plumes by the adoption by Illinois of Reference Method 9, and because the aggregated time exception provision of Rule 202(b) is still unclear.

Substantively, the disapproval of Rule 202(d)(5)(K) means that the opacity regulation, Rule 202(b), cannot be enforced for intermittent sources. EPA considers Rule 202(b) necessary for the definition of RACT for basic oxygen furnace, electric arc furnace, and certain other iron and steel sources, because of the fugitive nature of some of their emissions.

It is possible to adopt alternative test procedures to 6-minute averaging which address this problem. EPA placed in the docket, for example, a data reduction procedure which permits the direct aggregation of individual 15-second readings, rather than averaging 24 consecutive such reading.

Illinois adopted EPA's mass test procedures, as Methods 1–5 (front half). EPA believes that its original position, to disapprove the rule because it did not specify that stack testing is performed only during periods of process operation, is incorrect. One commentator pointed out that this requirement is implicit in Reference Method 5 itself. This comment prompted EPA to reevaluate whether appropriate definitions of the beginning and ending of test periods for major steel source emissions limitations are specified or reasonably inferred in the applicable emissions limitation proper. This examination leads EPA to conclude that sufficient definition exists.

Comment 1: The steel commentator states that U.S. EPA did not suggest an alternative procedure to Method 9 for intermittent plumes but tells the states to develop such a procedure. IEPA states, EPA, uniquely, has the resources to do this.

Response 1: EPA did recommend a procedure which it previously had incorporated into consent decrees with three of the four steel companies of the commenting consortium.

Comment 2: The steel commentator believes that the stack testing deficiency noted in the Notice of Proposed Rulemaking is actually taken care of by the mass limitations of the Plan.

Response 2: Though EPA will disapprove Rule 203(d)(5)(K), EPA substantially agrees with this view. EPA

elected not to act differently as to different portions of the rule.

EPA Final Action: EPA disapproves Rule 203(d)(5)(K). Consequently, EPA Reference Methods 9 and 1–5 apply to the Illinois Rules. 40 CFR 52.12.

Rule 203(d)(5)(L) *Compliance Dates.*

EPA proposed to disapprove this Rule because the compliance dates for iron and steel particulate emission sources were determined to be equal to or less restrictive than existing federally approved rules for these sources. EPA further commented that the proposed compliance dates do not insure reasonable further progress or expeditious compliance.

The State of Illinois in its response to EPA's comments stated: (1) the rule as proposed requires each steel mill to reduce its total particulate emissions in one-third increments by December 31, 1982, (2) concurrent reduction of fugitive particulate emissions from iron and steel sources as required by Illinois law makes compliance with Rule 203(d)(5) expensive and unreasonable prior to December 31, 1982, (3) several of the previous rules applicable to iron and steel sources were unenforceable, therefore, overall reductions in particulate emissions under the submitted rules will be greater than the reduction possible under existing rules, (4) existing consent decree compliance dates executed by EPA and Illinois steel sources will remain unaffected by the submitted rule, and (5) as a matter of executive and legislative national policy, the steel industry is being seriously considered for a relaxation of compliance dates to cure its economic ills.

Industry likewise commented that more restrictive compliance dates would be economically unreasonable, and, in any event, the proposed regulations are more stringent than those they replace. Industry further commented that EPA's action was simply a restatement of its "Relaxation", "Revocation," and "Continuity" policies and therefore its action was improper in these proceedings.

EPA believes the proposed rule must be disapproved because the application of specific provisions of Rule 203(d)(5)(B) does not require the installation of additional control equipment. Therefore, in many instances, additional time is not necessary to achieve compliance with the applicable emission limitations. Further, the provisions of proposed Rule 203(d)(5)(B)(L)(iii) do not provide specific requirements that can be federally enforced against specific sources. That is, the compliance plans will not be part of the Illinois Plan and therefore fail to meet the requirements of Section 110(a)(2)(D) of the Act. Further, requirements of consent decrees are not part of state implementation plans. Any relief provided through legislation will have to be implemented according to the terms of such legislation.

EPA Final Action: EPA disapproves Rule 203(d)(5)(L).

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and therefore, subject to the requirements of a regulatory impact analysis. EPA has determined that today's action does not constitute a major regulation. It approves or conditionally approves regulatory requirements which were developed by the State and are currently applicable to certain sources in the State. It also disapproves certain limitations which are currently in force in the State. This disapproval does not constitute a major regulation because the iron and steel sources in the State will as of the time of this rulemaking, remain subject to pre-existing State TSP limitations. This final rulemaking was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Incorporation by reference of the Illinois State Implementation Plan was approved by the Director of the Federal Register on July 1, 1981.

This notice of final rulemaking is issued under the authority of Sections 170 and 172 of the Clean Air Act (42 U.S.C. Sections 7410 and 7502).

Dated: August 20, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of Code of Federal Regulations, Chapter I, Subchapter C, Part 52 is amended as follows:

1. Section 52.720 is amended by revising paragraph (c)16 as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(16) On April 4, 1979, the State submitted its draft nonattainment area plan for all areas designated nonattainment as of March 3, 1978 and as revised on October 5, 1978. This submittal contained a request for extensions of the statutory attainment deadline for CO and O3. The submittal also included a vehicle emission inspection and maintenance program and a new source review plan. Although the State submittal also included the following provisions, U.S. EPA is taking no action to include them in the federally approved SIP at this time: the portions of Rules 101, 103 and 105 relating to the provisions addressing malfunctions, general requirements of the Clean Air Act which are not Part D requirements, and the provisions covering open burning, mobile source emission standards, diesel locomotive emission standards, adoption of ambient air quality standards, organic emission from organic water separation, carbon monoxide emissions from petroleum and petroleum chemical catalyst incinerators, sulfuric acid mist emissions, sulfur dioxide emissions for fuel combustion sources other than major metropolitan areas, emissions from hydrogen sulfide flares at chemical manufacturing plants, compliance dates for organic emission limitations, carbon monoxide from poly basic organic acid partial oxidation processes, nitrogen dioxide emissions from new facilities burning coal refuse, emission limitations for air furnaces, particulate emissions from low carbon waste incinerators, and adoption of Federal New Source Performance Standards. In addition, U.S. EPA is not rulemaking at this time on those portions of the following rules which contain specified changes made between the publication of the Notice of Proposed Rulemaking and the final rulemaking action:

* * * * *

§ 52.725 Control strategy: particulates. [Amended]

2. Section 52.725(a)(3) is revised to read as follows:

* * * * *

(a) * * *

(3) The State submit a schedule which provides for the expeditious submission of source definitions and testing methods for Rules 203(d)(5)(B)(iv)(aa), 203(d)(5)(B)(v), 203(d)(5)(B)(vi) and 203(d)(5)(B)(viii) as revisions to the Illinois Plan.

* * * * *

3. Section 52.725(b) is revised to read as follows:

* * * * *

(b) Part D—Disapproval

(1) U.S. EPA disapproves the provisions of Rule 203(f) which allow the use of an equivalent method without review and approval of that method. Any source subject to Rule 203(f) which chooses to use an equivalent method must have that equivalent method submitted to U.S. EPA and approved as a SIP revision.

(2) U.S. EPA disapproves the following portions of Rule 203(d)(5) which regulate the control of particulate

matter from specific sources within the iron and steel industry: Rule 203(d)(5)(B)(ii), Rule 203(d)(5)(B)(iii), Rule 203(d)(5)(D), Rule 203(d)(5)(K) and Rule 203(d)(5)(L).

Neither the disapproval contained in § 52.725(b)(1) nor the disapproval contained in § 52.725(b)(2) result in the growth restrictions of Section 110(a)(2)(I) of the Clean Air Act.

* * * * *

4. Section 52.725(c) is removed.

[FR Doc. 81-25594 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1920-4]

Revision to the Massachusetts State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this Notice is to approve a Massachusetts submission as satisfying one of the conditions, which the Environmental Protection Agency (EPA) imposed on Massachusetts State Implementation Plan (SIP) revisions submitted to EPA on December 31, 1978 and May 16, 1979. This condition required the State to submit, by October 7, 1980, policy guidance on the preparation of a comprehensive air quality analysis for transportation projects. This guidance was submitted to EPA on January 5, 1981 as Appendix J and EPA proposed to approve it on June 8, 1981 (46 FR 30365). One comment was received during the public comment period on the Notice of Proposed Rulemaking.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Wholley, Mobile Source Emissions Section, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223-5630.

ADDRESSES: Copies of the State's submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460; the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, DC; and the Massachusetts Department of Environmental Quality Engineering, Division of Air Quality Control, One Winter Street, 8th floor, Boston, Massachusetts 02110.

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking (NPR) published on June 8, 1981, (46 FR 30365), EPA proposed to approve the January 5, 1981 SIP revision submittal from DEQE entitled "Appendix J, Transportation Project Level Guideline." In response to the NPR, EPA received one letter of comment from the Federal Highway Administration (FHWA). The FHWA view was that each individual project requiring an Environmental Impact Statement (EIS) must demonstrate that the non-methane hydrocarbon (NMHC) emissions under the build option will be less than NMHC emissions under no-build conditions in order to be in conformance with the SIP. FHWA stated that this mesoscale analysis, comparing the build option with the no-build option should be prepared on a system-wide basis, not on a project specific basis.

EPA agrees that a system-wide analysis is far superior to a project by project analysis. In the Appendix J submittal, the State acknowledges that it should move toward a system-wide analysis and has proposed the project level mesoscale analysis as an interim procedure pending the development of system-wide analysis techniques. EPA agrees that a mesoscale analysis is a good interim technique for determining conformancy, since any project which will result in a reduction of NMHC is consistent with the goal of the SIP. EPA will work with the state and the FHWA to develop a system-wide procedure as expeditiously as practicable.

Action:

EPA approves the "Appendix J Transportation Project Level Guidelines".

Pursuant to the provisions of 5 U.S.C. Section 605(b), I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

After evalution of the state's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110(a) and Section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7401(a) and 7601(a))

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Massachusetts was approved by the Director of the Federal Register on July 1, 1981.

Dated: August 27, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c) is amended by adding subparagraph (35) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(35) On January 5, 1981, the Acting Director of the Division of Air Quality Control, Massachusetts Department of Environmental Quality Engineering submitted a revision entitled "Appendix J Transportation Project Level Guidelines" relating to policy guidance on the preparation of air quality analysis for transportation projects.

[FR Doc. 81-25852 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[Docket No. AH092VA; A-3-FRL 1919-6]

Approval and Promulgation of Implementation Plans; Revision of the Commonwealth or Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Commonwealth of Virginia has submitted to the Environmental Protection Agency (EPA) a variance to its Air Pollution Control Regulations as a revision to the Virginia State Implementation Plan (SIP). This revision was submitted to EPA on May 1, 1981 and consists of a variance from Part IV, Section 4.71 of the Regulations for the Municipal Incinerator (Oyster Point Road) located in Newport News, Virginia. This notice announces the Administrator's approval of the variance to the Virginia SIP. This action will be effective on November 2, 1981, unless notice is received by October 5, 1981 that someone wishes to submit adverse or critical comments.

DATE: This action is effective November 2, 1981.

ADDRESSES: Written comments should be addressed to Mr. James E. Sydnor of the EPA, Region III, Air Media and Energy Branch at the address shown below. Copies of the materials submitted by the Commonwealth may be examined during normal business hours at the following locations:

Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460

U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106; Attn: Patricia Sheriden (3AH11)

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219; Attn: Mr. John M. Daniel, Jr.

Office of the Federal Register, 1100 L Street, SW, Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Ms. Lillie Ellerbe at the EPA Region III address above or call 215/597–8170.

SUPPLEMENTARY INFORMATION: On May 1, 1981 the Commonwealth of Virginia submitted a variance which it had issued to the City of Newport News on April 6, 1981 to be reviewed and processed as a revision to the Virginia SIP. In addition to the variance, the Commonwealth also submitted its technical and modeling analyses. The revision consists of a variance from Part IV, § 4.71 of the Regulations for the Control and Abatement of Air Pollution for the Municipal Incinerator on Oyster Point Road located in Newport News, Virginia.

The Commonwealth has provided proof that, after adequate public notice, a public hearing was held with regard to this variance. The dates of the public notice and hearing as well as the hearing location are shown below:

Date of public notice: December 26, 1980
Date of public hearing: February 12, 1981
Location: Virginia Beach, VA

There was no opposition to the variance at the public hearing.

The City of Newport News has requested a variance to continue operation of the Municipal Incinerator until a new landfill site is selected and in operation. This variance would terminate on July 1, 1982, at which time the incinerator would be shut down. For the duration of this variance, the emission rate of the incinerator shall not exceed 0.5 grains/dscf (corrected to 12% CO_2). Furthermore, the City of Newport News shall adhere to the reporting schedule contained in the variance.

EPA has reviewed the Commonwealth's technical and modeling analyses and finds them acceptable. Furthermore, EPA conducted its own screening analysis and found that continued operation of the Newport News incinerator would not cause or contribute to a violation of either the primary or secondary air quality standards. For particulate matter the maximum 24-hour ground level concentration due to the plant's emissions is estimated to be in the range of about 10 $\mu g/m^3$. The maximum measured 24-hour background particulate concentration in the area is 84 $\mu g/m^3$. Adding the incinerator's impact to that background yields a value of 94 $\mu g/m^3$, which is well below the secondary particulate national ambient air quality standards (150 $\mu g/m^3$).

Based upon the above, EPA is today approving the revision to the Virginia SIP exempting the Newport News incinerator from Section 4.71 of the Virginia Air Pollution Control Regulations without prior proposal. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days from today that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. §§ 7401–642)

Dated: August 27, 1981.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Virginia was approved by the Director of the Federal Register on July 1, 1981.

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart VV—Virginia

1. Section 52.2420 is amended by adding a new paragraph (c)(46) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(46) The variance issued to the Municipal Incinerator on Oyster Point Road located at Newport News, Virginia exempting the incinerator from Section 4.71 until July 1, 1982, submitted on May 1, 1981 by the Secretary of Commerce and Resources.

[FR Doc. 81-26582 Filed 9-2-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL 1918-7]

Approval and Promulgation of Implementation Plans; Revision to the Virgin Islands Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces Environmental Protection Agency (EPA) approval of a revision to the Virgin Islands Implementation Plan. EPA approval has the effect of allowing Martin Marietta Alumina and Hess Oil Virgin Islands Corporation, both located on the Island of St. Croix, to use for a one-year period fuel oil with a maximum sulfur content of 1.5 percent, by weight. The currently applicable sulfur content regulatory limitation is 0.5 percent, by weight. Receipt of the subject plan revision request from the Virgin Islands was announced in the June 22, 1981 issue of the **Federal Register** at 46 FR 32271, where it is fully described.

EFFECTIVE DATE: This action becomes effective September 3, 1981.

ADDRESSES: Copies of the plan revision are available for public inspection during business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Office of the Commissioner, Charlotte Amalie, St. Thomas. 00801

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On April 9, 1981 the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States submitted to the Environmental Protection Agency (EPA) a proposed revision to the Virgin Islands Implementation Plan for attaining and maintaining national ambient air quality standards. The revision concerns an "administrative order" which allows Martin Marietta Alumina (MMA) and Hess Oil Virgin Islands Corporation (HOVIC) to continue using for a one-year period fuel oil with a sulfur content of 1.5 percent, by weight, at certain of their fuel burning sources. MMA and HOVIC, both located in the Southern Industrial Complex on the Island of St. Croix, currently are required to burn fuel oil with a maximum sulfur content of 0.50 percent, by weight.

This revision is described in detail in a notice of proposed rulemaking which was published in the **Federal Register** on June 22, 1981 (46 FR 32271). The reader is referred to that notice for a detailed description of the revision. The notice also advised the public that comments would be accepted as to whether the proposed revision to the Virgin Islands Implementation Plan should be approved or disapproved. No comments were received.

Based upon EPA's analysis of a technical analysis submitted by the Virgin Islands, which indicates that no violation of national ambient air quality standards or applicable Prevention of Significant Deterioration (PSD) increments will occur, EPA approves this revision to the Virgin Islands Implementation Plan. EPA finds this revision consistent with the requirements of Section 110(a) of the Clean Air Act and EPA regulations found at 40 CFR Part 51. Furthermore, this action is being made effective immediately because it imposes no hardship on the affected sources, and no purpose would be served by delaying its effective date.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C 605(b) I certify that implementation plan approvals under Section 110 and 172 of the Clean Air Act will not a have a significant economic impact on a substantial number of small entities. The attached rule constitutes an implementation plan approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because, generally, it only proposes to approve a regulation that presently applies under Virgin Islands law.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Note.—Incorporation by reference of the Implementation Plan for the Virgin Islands was approved by the Director of the Federal Register on July 1, 1981.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C., 7410 and 7601))

Dated: August 27, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart CCC—Virgin Islands

1. In § 52.2770, paragraph (c) is amended by adding new subparagraph (12) as follows:

§ 52.2770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(12) Revision submitted on April 9, 1981 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an "administrative order" under Title 12 V.I.C. § 211 and Title 12 V.I.R. & R. §§ 204-26(d). This "administrative order" relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of St. Croix.

[FR Doc. 81-25855 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5979

[C 017768]

Colorado; Modification of Public Land Order No. 1608

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will provide for the continuation of a withdrawal made by Public Land Order No. 1608 of March 28, 1958, for a period of 20 years. These lands will continue to be used for administrative sites by the Bureau of Land Management.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Alvah Q. Whitledge, Colorado State Office 303–837–5551.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The withdrawal of public lands for Bureau of Land Management administrative sites at Craig and Norwood, Colorado, by Public Land Order No. 1608, March 28, 1958, shall continue for an initial period of 20 years from the date of this order. The lands affected are more particularly described as follows:

Sixth Principal Meridian

T. 7 N., R. 91 W.,
Sec. 35, a tract of land described by metes and bounds in the SE¼SE¼, containing approximately 1 acre in Moffat County.

New Mexico Principal Meridian

T. 45 N., R. 13 W.,
Sec. 27, a tract of land described by metes and bounds in the NE¼NE¼, containing approximately .688 acres in San Miguel County.

2. This withdrawal will be reviewed within 20 years of the date of this order, and at subsequent 20-year intervals, if appropriate, to ensure that the lands are still being used for the purpose for which they were originally dedicated.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
August 27, 1981.

[FR Doc. 81–25851 Filed 9–2–81; 8:45 am]
BILLING CODE 4310–84–M

43 CFR Public Land Order 5982

[C–25780]

Colorado; Withdrawal of Public Land for Fruita Paleontological Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 280 acres of public land near Fruita, Colorado, and reserves them for protection of their paleontological values.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Alvah Q. Whitledge, Colorado State Office, 303–837–2825.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C., Ch. 2, but not the mineral leasing laws, for protection of their paleontological values:

Ute Meridian

T. 1 N., R. 3 W.,
Sec. 13, SW¼SW¼;
Sec. 24, W½NE¼, NW¼.
The area described aggregates 280 acres in Mesa County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
August 27, 1981.

[FR Doc. 81–25847 Filed 9–2–81; 8:45 am]
BILLING CODE 4310–84–M

43 CFR Public Land Order 5981

[U–41671]

Utah; Withdrawal for Dugway Proving Grounds

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 640 acres of public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, for the Dugway Proving Grounds for a period of 20 years.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Darrell Barnes, Utah State Office, 801–524–4245.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is hereby ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, for use by the Department of Defense.

Salt Lake Meridian

Beginning at an existing fence corner which point is S. 89°39'03" W., 1,061.254 feet, more or less, from the north quarter corner of Section 21, T. 9 S., R. 10 W., SLB&M, and running thence S. 5°50'15" W., 261.273 feet along an existing fence, thence S. 14°10'56" W., 328.435 feet along an existing fence, thence S. 4°53'42" W., 250.692 feet along an existing fence, thence S. 14°37'27" W., 300.303 feet along an existing fence, thence S. 0°36'42" E., 4,182.311 feet, more or less, along an existing fence to an existing fence corner, thence S. 89°25'35" W., 5,225.630 feet along an existing fence to an existing fence corner, thence N. 0°33'14" W., 5,026.626 feet, more or less, along an existing fence to an existing fence corner, thence N. 61°04'28" W., 571.999 feet, more or less, along an existing fence to an existing fence corner, which point is N. 89°28'28" E., 951.804 feet from the northwest corner of Section 20, T. 9 S., R. 10 W., SLB&M, thence N. 89°26'17" E., 1,894.796 feet, more or less, along an existing fence to the north quarter corner of Section 20, thence N. 89°27'45" E., 2,646.610 feet, more or less, along an existing fence to the northeast corner of Section 20, thence N. 89°45'41" E., 1,582.528 feet, more or less, along an existing fence to the point of beginning.

The area described aggregates 640.852 acres in Tooele County.

2. This withdrawal will remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
August 27, 1981.

[FR Doc. 81–25848 Filed 9–2–81; 8:45 am]
BILLING CODE 4310–84–M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Parts 1000, 1005, 1006, 1012, 1015, 1026, 1062, and 1063

Civil Rights Regulation; Correction

AGENCY: Community Services Administration.

ACTION: Correction to final rule.

SUMMARY: This change in FR Doc. published at 46 FR 43690–91 on August 31, 1981, retains 45 CFR 1010 which is CSA's main nondiscrimination regulation. It was to be eliminated as duplicative in view of the closeout of CSA, but it is being retained pending coordination with OMB, to insure that the civil rights of grantee employees and

beneficiaries are fully protected at all times. CSA has determined this is not a major regulation under the definition in Executive Order 12291.

EFFECTIVE DATE: This correction reduces the scope of the final rule and is, therefore, effective September 30, 1981, when the rule becomes effective.

FOR FURTHER INFORMATION CONTACT: Mr. Merritt Van Sant, Acting Assistant Director for Policy, Planning and Evaluation, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506; telephone (202) 632–6630.

Authority

The provisions of this rule are enacted under the authority of Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Dwight A. Ink,
Director.

FR Doc. 81–25526, filed August 28, 1981 and published at 46 FR 43690–91 is hereby corrected by deleting "1010" from list of parts removed in the amendatory language so it reads:

"45 C.F.R. Chapter X is amended as follows: Parts 1000, 1005, 1006, 1012, 1015, 1026, 1062, 1063 [Removed]

1. By removing Parts 1000, 1005, 1006, 1012, 1015, 1026, 1062, 1063 in their entirety.

2. * * *"

[FR Doc. 81–25836 Filed 9–2–81; 8:45 am]
BILLING CODE 6315-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13, Amdt. No. 10, Docket No. 80–56]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Prohibition of Filing Temporary Amendments

AGENCY: Federal Maritime Commission.

ACTION: Stay of final rule.

SUMMARY: The Commission's decision in the preceding removed the provisions of 46 CFR 536.10(c), which would prohibit the practice of accepting the filing of temporary amendments to tariffs published by carriers and conferences of carriers in the foreign commerce of the United States, effective September 8, 1981. Various conferences have filed petitions requesting a stay of the effective date to allow opportunity to comment on the rationale explained by the Commission in arriving at its decision. The Commission now has decided to stay the effective date of its order so that it may have the benefit of a full staff analysis and recommendation on the issues raised by petitioners.

DATE: Stay is effective September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Room 11101, Washington, D.C. 20573 (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Commission published its final rule in this proceeding July 7, 1981, (46 FR 35092). The rule contains a provision which prohibits the filing of any type of temporary tariff amendment. The Commission has received petitions from various conferences requesting a stay of the effective date of its decision to allow interested parties the opportunity to comment on the rationale explained by the Commission in arriving at its decision to prohibit the acceptance of temporary tariff amendments. So that the Commission may have the benefit of a full staff analysis and recommendation on the issues raised by the petitioners, the effective date must necessarily be stayed.

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Therefore, it is ordered, that the effective date of the removal of 46 CFR 536.10(c) is stayed pending further order of the Commission.

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 81–25822 Filed 9–2–81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–82; RM–3686]

FM Broadcast Station in Sparks, Nevada; Changes in Table of Assignments; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action corrects the *Report and Order* adopted August 4, 1981, in BC Docket No. 81–82 (RM–3686), relating to an assignment of an FM broadcast station in Sparks, Nevada, to reflect an earlier assignment of FM Channel 265A to Sparks, Nevada, in lieu of Channel 252A.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Released: August 25, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Sparks, Nevada); BC Docket No. 81–82 RM–3686.

1. On August 4, 1981, a *Report and Order* was adopted in the above-captioned proceeding, Mimeo No. 29901, amending the FM Table of Assignments to reflect the allocation of Channel 221A to Sparks, Nevada, as that community's second FM assignment. That *Report and Order* inadvertently made reference in footnote 1 and at paragraph 6 to Channel 252A as the other channel assigned to Sparks, Nevada.

2. Earlier on February 24, 1981, a *Report and Order* was adopted in BC Docket No. 80–91, 46 FR 15710, published March 9, 1981, wherein Channel 265A was substituted for Channel 252A at Sparks, Nevada. Thus, the FM Table of Assignments for Sparks, Nevada (46 FR 41508; column three), should read as follows:

City	Channel No.
Sparks, Nevada	221A, 265A

Federal Communications Commission.

Martin A. Blumenthal,
Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–25788 Filed 9–2–81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1493; Amdt. No. 6]

Escanaba and Lake Superior Railroad Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 6 to Service Order No. 1493.

SUMMARY: Amendment No. 6 extends the expiration date of Service Order No. 1493, which authorizes Escanaba and Lake Superior Railroad Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad

Company, Debtor, (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on compensation and that he concurs with this extension.

EFFECTIVE DATE: 11:59 p.m., August 31, 1981, and continuing in effect until 11:59 p.m., September 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:
M. F. Clemens, Jr. (202) 275–7840.

SUPPLEMENTARY INFORMATION:
Decided August 28, 1981.

Upon further consideration of Service Order No. 1493 (46 FR 10742, 14896, 19822, 25311, 34593, and 39148), and good cause appearing therefor:

§ 1033.1493 [Amended]

It is ordered, That Service Order No. 1493 *Escanaba and Lake Superior Railroad Company Authorized To Use Tracks and/or Facilities of the Chicago, Milwaukee, St. Paul and Pacific, Debtor, (Richard B. Ogilvie, Trustee),* is amended by substituting the following paragraph (n) for paragraph (n) thereof:

* * * * *

(n) *Expiration date.* The provisions of this order are extended to permit an additional (30) thirty days for the Escanaba and Lake Superior Railroad Company to continue compensation negotiations, and shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1981.

This action is taken under the authority of 49 U.S.C. 10304–10305 and section 122, Pub. L. 96–254.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and William F. Sibbald, Jr. Joel E. Burns not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–25825 Filed 9–2–81; 8:45 am]
BILLING CODE 7035–01–M

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49 CFR Part 1100

Change in Telephone Number in Rules Governing Applications for Operating Authority

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: At 45 FR 86771, December 31, 1980, the Commission adopted final rules governing applications for operating authority. In a note to applicants in the section which describes how to apply for operating authority, a toll-free Department of Transportation number for obtaining information concerning safety and hazardous materials regulations was given. That telephone number has been changed and is no longer toll free.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Peter Metrinko, 202–275–7805.

SUPPLEMENTARY INFORMATION:

PART 1100—GENERAL RULES OF PRACTICE

Title 49 of the Code of Federal Regulations, § 1100.251 is amended as follows:

The "Note to applicants" at the end of § 1100.251(h)(5) is revised to read as follows:

§ 1100.251 How to apply for operating authority.

* * * * *

(h) * * *
(5) * * *

Note to applicants: These regulations are found in Title 49 of the Code of Federal Regulations, Parts 171 to 179 and Parts 300 to 399. Information concerning safety and hazardous materials regulations may be obtained by calling 202–426–1724 (1 only).

* * * * *

(5 U.S.C. 553)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–25831 Filed 9–2–81; 8:45 am]
BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 46, No. 171
Thursday, September 3, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Ch. II

[Docket No. ERA-R-81-07]

Proposed Procedures for Owners and Operators of Electric Powerplants

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the U.S. Department of Energy (DOE) is proposing procedures for the owners and operators of electric powerplants which have received Proposed Prohibition Orders under former section 301 (b) or (c) of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA"), Pub. L. 95-620, to elect continued coverage under those sections in lieu of coverage under Section 1021 of the Omnibus Budget Reconciliation Act of 1981 ("OBRA"). OBRA repealed the former section 301 of FUA and includes a new section 301 which provides authority for the Secretary of Energy to prohibit oil or natural gas use, where the owner or operator of an existing powerplant has certified to the unit's technical and financial capability to use an alternate fuel.

Because the statute provides only a short period in which to make such elections, the procedures set forth herein will neither be assigned section numbers, nor codified in the Code of Federal Regulations.

DATES: Written comments are invited with respect to the procedures proposed in this notice. Ten copies of all comments should be submitted to Public Hearing Management, Docket No. ERA-R-81-07, Department of Energy, Room B-210, 2000 M Street, NW., Washington, D.C. 20461. We will consider all comments received by 4:30 p.m. September 21, 1981.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-4055

Donald E. Kreps, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 7002, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3217

Robert L. Davies, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3002, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3649

Henry Garson, Office of the General Counsel, Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION:

I. Background

Section 1022(b) of OBRA provides that any powerplant issued a proposed prohibition order under former Section 301 (b) or (c) of FUA, which has not been made final as of August 13, 1981, the date of enactment of OBRA, may elect continued coverage under former Sections 301 (b) or (c) of FUA rather than to be covered under the provisions of Section 1021 of OBRA. ERA proposes that the following procedures, which, because of the short period of time in which such election may be made, will not be codified in the Code of Federal Regulations, govern such elections:

II. Procedures

(a) *What to file.* The owner or operator of any facility described above may elect continued coverage under former Sections 301 (b) or (c) of FUA rather than to be covered under Section 1021 of OBRA, by filing with ERA a written "FUA Election Under OBRA," signed by a duly authorized representative. Any such election must be clearly labeled as such both on the election and on the outside of the envelope in which it is sent, and should identify the name, docket number, owner, unit and location of the facility as it appeared in the related proposed prohibition order. Each election may include either a single unit or multiple units at a common site.

(b) *Where to file.* Any election under this notice shall be filed with the Office of Fuels Conversion, Case Control Unit, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

(c) *When to file.* Any election under this notice shall be filed at the above address no later than 60 days after this rule is published in final form in the **Federal Register**. Any eligible facility not filing an election pursuant to this notice prior to this date, will, by operation of law, be covered under the provisions of Section 1021 of OBRA, rather than former Section 301 (b) or (c) of FUA. Any election made under this rule is irrevocable.

(d) *Notice.* ERA will notify persons filing elections under the final rule, in writing, that such elections are recognized not later than 30 days after receipt of the election.

(e) *Status of orders.* The validity of any proposed prohibition order issued under former Section 301 (b) or (c) of FUA shall not be affected in the case of powerplants filing elections under this notice.

III. Procedural Matters

(a) *Section 102 of the National Environmental Policy Act* (NEPA). The Acting Assistant Secretary for Environmental Protection, Safety, & Emergency Preparedness has determined that this regulation, as proposed, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this proposal is not required.

(b) *Regulatory Flexibility Act.* ERA has determined that these proposals, if adopted, will primarily impact large public utilities. ERA certifies that, for the reason discussed above, the promulgation of this rule will not have a significant economic impact on a substantial number of "small entities" within the meaning of the Regulatory Flexibility Act. Therefore, a regulatory flexibility analysis will not be prepared.

(c) *Executive Order No. 12291.* ERA has determined that this is not a major rule as defined in Executive Order No. 12291 (46 FR 13193 (February 9, 1981)) as the proposed rule merely establishes the means for the election provided for under Section 1022 of OBRA. Due to the requirement contained in Section 1022 of

OBRA to promulgate this regulation within 45 days of enactment, DOE cannot comply with Executive Order No. 12291 procedures. In accordance with section 8(a)(2), this proposed rule has been reported to the Office of Management and Budget (OMB).

(d) *Paperwork Reduction Act of 1980.* When finalized, this rule must be submitted to OMB for clearance under the provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511. Any data submitted in compliance with provisions of the final rule may require revision or addition as a result of OMB's action.

(Department of Energy Organization Act, Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*; Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, (42 U.S.C. 8301 *et seq.*); Omnibus Budget Reconciliation Act of 1981)

In consideration of the foregoing, these procedures are proposed to be adopted.

Issued in Washington, D.C., August 27th, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81–25881 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81–ASW–31]

Proposed Designation of Transition Area; Weatherford, Oklahoma

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes designation transition area at Weatherford, Oklahoma. The intended effect of the proposed action is to provide controlled airspace for aircraft executing new instrument approach procedure to the Thomas P. Stafford Airport.This action is necessary to provide protection for aircraft executing an instrument approach procedure using the proposed nondirectional radio beacon (NDB) located on the airport.

DATES: Comments must be received on or before October 5, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of a transition area at Weatherford, Oklahoma, will necessitate an amendment to this subpart. This amendment will be required at Weatherford, Oklahoma, since there is a proposed NDB to be installed on the Thomas P. Stafford Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ASW–31." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Weatherford, Oklahoma

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Weatherford, Oklahoma, Thomas P. Stafford Airport (latitude 35°32'36", longitude 98°40'08") and within 3 miles each side of 182° bearing from the NDB (latitude 35°31'46" N, longitude 98°40'13" W) extending from the 6.5-mile radius area to 8.5 miles north of the NDB.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on August 25, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81–25907 Filed 9–3–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 75

[Airspace Docket No. 81-AAL-11]

Revocation of Jet Route; Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke Jet Route No. J-135 from Bethel, AK, to Unalakleet, AK. A recent traffic survey indicates that J-135 is rarely utilized; therefore, we recommend this route be revoked. This action would reduce chart clutter.

DATES: Comments must be received on or before October 5, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81-AAL-11, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AAL-11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to revoke Jet Route J-135 from Bethel, AK, to Unalakleet, AK. This jet route is seldom used, provides no operational advantage, does not facilitate flight planning, and is a single segment within navaid limitations where direct routes can be used. Since J-135 is not utilized, this action would revoke that route. Section 75.100 was republished in the **Federal Register** on January 2, 1981 (46 FR 834).

The Proposed Amendment

§ 75.100 [Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) by removing the title and text of Jet Route No. 135.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on August 28, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-25705 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 201, 230 and 240

[Release Nos. 33-6333, 34-18009, and IC-11889; File No. S7-895]

Proposed Revision of Regulation C, Registration and Regulation 12B, Registration and Reporting

Correction

In FR Doc. 81-23440, appearing at page 41971, in the issue of Tuesday, August 18, 1981, make the following change:

On page 41979, in the first column add the following material to the end of the second paragraph:

The limitation of incorporation by reference to specific categories of documents described in current Rule 12b-23(a) would be eliminated. Under integrated disclosure, the primary source of information is the periodic reporting system under the Exchange Act. The basic purpose of requiring the filing of incorporated materials as exhibits to Exchange Act reports is to assure that the Exchange Act reports constitute a full and complete source of information about the registrant.

Rule 12b-23(a), as proposed, allows incorporation by reference into Exchange Act reports subject to special provisions relating to financial statements and incorporation from other parts of the same report, drawn from current Rule 12b-23 (a) and (c) (and similar to paragraphs (b)(2) and (b)(3) of proposed Rule 411). Paragraph (a)(4) of proposed Rule 12b-23 would include the requirement of an exhibit filing, "except that a proxy or information statement incorporated by reference in response to Part III of Form 10-K (17 CFR 249.310) need not be filed as an exhibit." The latter exception has been added because of the inconvenience to registrants

caused by multiple filings of the registrant's proxy statement. Persons seeking full copies of a Form 10–K annual report from the Commission's files should be aware, however, that it will be necessary to obtain the proxy statement separately.

Paragraph (b) of proposed Rule 12b–23 contains the same general provisions as paragraph (c) of Rule 411, specifically the requirement of clear identification of incorporated matter, the prohibition of incorporation resulting in incomplete, unclear or confusing statements, and the reference to the restrictions in Rule 24 of the Rules of Practice on incorporation by reference to documents which themselves incorporate other information by reference.

BILLING CODE: 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 24, 111 and 141

Discharge of an Importer's Liability for Duties

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to establish an alternative procedure for an importer of record to pay duties on imported merchandise through a licensed customhouse broker. The purpose of the proposal is to aid importers of record in discharging their personal liability for the payment of duty. Presently, when an importer uses a broker and pays by check or draft, the importer often furnishes the broker one check or draft covering both duties and the broker's fees and charges. The broker then pays the duties to Customs on behalf of the importer. Under the alternative procedure, the importer may elect to submit to the broker a separate check or draft for the duties, payable to the "U.S. Customs Service." The broker would then deliver the importer's check or draft to Customs.

This document also proposes to amend the Customs Regulations to require brokers to state on invoices or statements to clients that if the clients are importers of record, payment to the broker would not relieve the clients of liability for Customs charges in the event the charges are not paid by the broker. Clients also would be advised that if they elect to pay by check, they may pay Customs charges with a separate check payable to the "U.S. Customs Service."

DATE: Comments must be received on or before November 2, 1981.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:
Legal Aspects: Edward B. Gable, Jr., Office of Regulations and Rulings (202–566–5865).

Operational Aspects: Herbert H. Geller, Duty Assessment Division (202–566–5307), U.S. Customs Service 1301 Constitution Avenue, NW., Washington D.C. 20229

SUPPLEMENTARY INFORMATION:

Background

Section 141.1(b), Customs Regulations (19 CFR 141.1(b)), provides that duties on imported merchandise, both regular and additional, are a personal debt of the importer which may be discharged only by payment in full to Customs, unless relieved by law or regulation. The importer may pay Customs by any of the applicable means provided in § 24.1(a), Customs Regulations (19 CFR 24.1(a)). One commonly used method of payment is direct payment from the importer to Customs. However, many importers use licensed customhouse brokers to transact Customs business on their behalf. In such cases, when the importer elects to pay by check or draft, the importer often issues the broker one check or draft covering both broker's fees and charges, and duties. The broker then pays the duties to Customs on behalf of the importer.

To aid importers of record in discharging their personal liability for the payment of duties, by notice published in the **Federal Register** on July 2, 1979 (44 FR 38571), Customs proposed to amend § 141.1(b) to provide an alternative procedure by which importers, who use brokers and pay by check, may elect to submit to a broker a separate check for duties, payable to the "U.S. Customs Service." The broker would then deliver the importer's check to Customs. Although payment of duties by a separate check to the broker does not discharge the liability of the importer, this voluntary alternative procedure, which has been in effect in New York and several other Customs regions since February 1977, could help assure the importer that Customs receives the duty. Because this procedure is optional, an importer could continue to submit one check to the broker covering both the duties and the broker's fees and charges.

Interested parties were given until August 31, 1979, to submit comments on the proposed amendment. Based upon the comments received and its own review, Customs made several changes in the proposed rule.

However, Customs now believes it is necessary to amend Part 111, Customs Regulations (19 CFR Part 111), to make a related regulatory change. Accordingly, it is proposed to add a new paragraph to § 111.29, Customs Regulations (19 CFR 111.29), to require brokers to state on their invoices or statements to clients that if the clients are importers of record, payment to broker would not relieve the clients of liability for Customs charges in the event the charges are not paid by the broker. Clients also would be advised that if they elect to pay by check, they may pay Customs charges with a separate check payable to the "U.S. Customs Service."

By requiring brokers to so notify clients on invoices or statements, as well as Customs informing importers of their alternative methods of payment, we believe that importers will have more than adequate knowledge of the various methods available for paying Customs obligations.

As an alternative to requiring brokers to print the required information on the invoices or statements, Customs considered the possibility of permitting brokers to attach the information to the invoices or statements. However, Customs believes that the alternative is not satisfactory. It is possible that through error, the attachment may not be sent to the client, or the attachment, if sent, may become separated from the invoice or statement.

If these proposals are adopted, it is anticipated that there would be a 6-month delayed effective date of the final rule to provide brokers the time needed to use their existing stock of invoices and statements and to print new invoices and statements containing the new information.

Because adding a new paragraph to § 111.29, Customs Regulations, would impose a requirement on brokers, it is necessary to publish another notice of proposed rulemaking in the **Federal Register** incorporating the substance of the proposed rule published on July 2, 1979, and the new requirement relating to Part 111.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with

§ 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

The Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601, *et seq.*), the Secretary of the Treasury has determined that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these proposed amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. The proposed amendments to 19 CFR Part 141 merely clarify the Customs Regulations and do not entail any real change in existing practice. The proposed amendment to 19 CFR 111.29 could entail some increased costs for brokers, but these costs are expected to be minimal.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Authority

This document is proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), section 1, 19 Stat. 247 (19 U.S.C. 197), section 1, 36 Stat. 965, as amended (19 U.S.C. 198), section 505, 46 Stat. 732, as amended (19 U.S.C. 1505).

Proposed Customs Regulations Amendments

It is proposed to amend Parts 24, 111, and 141, Customs Regulations (19 CFR Parts 24, 111, 141) as set forth below:

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

It is proposed to revise the introductory paragraph of § 24.1(a), Customs Regulations (19 CFR 24.1(a)) to read as follows:

§ 24.1 Collection of Customs duties, taxes, and other charges.

(a) Except as provided in paragraph (b) of this section, the following procedure shall be observed in the collection of Customs duties, taxes, and other charges (see §§ 111.29(b) and 141.1(b) of this chapter):

* * * * *

PART 111—CUSTOMHOUSE BROKERS

It is proposed to amend §111.29, Customs Regulations (19 CFR 111.29), by adding a new heading to the present paragraph and designating that paragraph as paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 111.29 Diligence in correspondence and paying monies.

(a) *Due diligence by broker.* * * *

(b) *Notice to client of method of payment.* When a broker provides an invoice or statement to a client in connection with entries made by the broker, and the invoice or statement includes charges for duties, taxes, or other debts owed the U.S. Customs Service, the following information shall appear on that invoice or statement:

If you are the importer of record, payment to the broker will not relieve you of liability for Customs charges in the event the charges are not paid by the broker. Therefore, if you pay by check, Customs charges may be paid with a separate check payable to the "U.S. Customs Service."

PART 141—ENTRY OF MERCHANDISE

It is proposed to revise § 141.1(b), Customs Regulations (19 CFR 141.1(b)), to read as follows:

§ 141.1 Liability of importer for duties

* * * * *

(b) *Payment of Duties.*—(1) *Personal debt of importer.* The liability for duties, both regular and additional, attaching on importation, constitutes a personal debt due from the importer to the United States which can be discharged only by payment in full of all duties legally accruing, unless relieved by law or regulation. Payment to a broker covering duties does not relieve the importer of liability if the duties are not paid by the broker. The liability may be enforced notwithstanding the fact that an erroneous construction of law or regulation may have enabled the importer to pass his goods through the customhouse without payment. Delivery of a Customs bond with an entry is solely to protect the revenue of the United States and does not relieve the importer of liabilities incurred from the importation of merchandise into the United States.

(2) *Means of Payment.* An importer or his agent may pay Customs by using any of the applicable means provided in § 24.1(a).

(3) *Methods of payment.* An importer may pay duties either—

(i) Directly to Customs whether or not a licensed customhouse broker is used; or

(ii) Through a licensed customhouse broker. When an importer uses a broker and elects to pay by check or draft, the importer may issue the broker either—

(A) One check or draft payable to the broker covering both duties and the broker's fees and charges, in which case the broker shall pay the duties to Customs on behalf of the importer, or

(B) Separate checks or drafts, one covering duties payable to the "U.S. Customs Service," for transmittal by the broker to Customs, and the other covering the broker's fees and charges. The importer's check or draft for duties shall be delivered to Customs by the broker.

William T. Archey,

Acting Commissioner of Customs.

Approved: July 24, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-25850 Filed 9-2-81; 8:45 am]

BILLING CODE 4810-22-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[EN-2-FRL-1927-5]

Delayed Compliance; Receipt of an Administrative Order Issued by New Jersey Department of Environmental Protection to Ekco Products, Inc.,

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The New Jersey Department of Environmental Protection Agency ("NJDEP") issued an administrative order on July 1, 1981 requiring Ekco Products, Inc., to control the emissions from the Inta-Roto Texture Shears, Nos. 1 and 2 (N.J. 24 and 25) to bring its plant at Clayton Borough, New Jersey into compliance with N.J.A.C. 7:27-8.1 *et seq.*, and 7:27-16.1 *et seq.*, a part of the federally-approved New Jersey Implementation Plan. The date for final compliance established by the order is January 15, 1983. The purpose of this notice is to invite public comment on whether EPA should approve the order under Section 113(d)(2) of the Clean Air

Act, 42 U.S.C. 7401 *et seq.*, ("the Act"). If approved by EPA, the order will become effective as a delayed compliance order under Section 113(d) of the Act and will constitute an addition to the New Jersey Implementation Plan. While a delayed compliance order places a noncomplying source on a remedial compliance schedule, it does not alter the underlying State Implementation Plan compliance date. Under Section 113(d)(10) of the Act, EPA approval of the order would also insulate the source from federal enforcement action under Section 113 of the Act and from citizen enforcement action under Section 304 of the Act for violations of the regulation covered by the order during the period the order is in effect and the source is complying with its terms.

DATE: Written comments must be received on or before October 5, 1981.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York, 10278. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Judith K. Meritz, Esq., Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264–4471.

SUPPLEMENTARY INFORMATION: Ekco Products, Inc. operates a kitchenware products manufacturing plant at Clayton Borough, New Jersey. The order under consideration addresses emissions from the Inta-Roto Texture Shears, Nos. 1 and 2 (N.J. 24 and 25) at the plant, which are subject to N.J.A.C. 7:27–8.1 *et seq.* and 7:27–16.1 *et seq.* These regulations limit the emission of vilatile organic substances (compounds) (VOS(c)) and are part of the federally-approved State Implementation Plan. The order requires final compliance with the regulations by January 15, 1983. During the period covered by this order, Ekco Products, Inc. must meet the following increments of progress:

(1) Complete engineering study and evaluate the proposals by August 1, 1981;

(2) Select air pollution control equipment and submit the permit application(s) by September 1, 1981;

(3) Purchase the air pollution control equipment by December 1, 1981;

(4) Complete the installation of the air pollution control equipment, start-up and debug the entire system(s) by January 15, 1983.

Because this order has been issued to a major source of VOS(c) emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Act. EPA may approve the order only if it satisfies the appropriate requirements of this subsection. If the order is approved by EPA, compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violation of the regulations covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. However, source compliance with the order will not preclude assessment of noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2)(B) or (C). All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. Final approval or disapproval will also be published in the **Federal Register.**

Dated: August 18, 1981.

Richard T. Dewling,

Acting Regional Administrator, Region II.

[FR Doc. 81–25840 Filed 9–2–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 163

[PH–FRL–1927–7; OPP–250030]

Pesticides and Devices; Notification to the Secretary of Agriculture of a Proposed Regulation Prescribing Labeling Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a proposed regulation prescribing labeling requirements for pesticides and devices.

FOR FURTHER INFORMATION CONTACT: Jean Frane, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509, Cm#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7136).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 92–516, 86 Stat. 973; Pub. L. 94–140, 89 Stat. 753; 7 U.S.C. 136 et seq.) provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing regarding the regulation within 30 days after receiving it, the Administrator shall publish in the **Federal Register,** with the proposed regulation, the comments of the Secretary, and the response of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the regulation for publication in the **Federal Register** any time after the 30-day period.

Under FIFRA section 25(a)(3), a copy of this regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. This regulation was also submitted to the FIFRA Scientific Advisory Panel as required by section 15(d) of FIFRA.

(Sec. 25 (Pub. L. 92–515, 86 Stat. 973; Pub. L. 94–140, 89 Stat. 753 (7 U.S.C. 136, et seq.)))

Dated: August 27, 1981.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–25829 Filed 9–2–81; 8:45 am]

BILLING CODE 6560–32–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 100 Through 199

Transport of Radioactive Materials; Public Meeting and Availability of Comments Received on Proposed Changes to International Regulations

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: A public meeting will be held for discussion of the comments which have been received by MTB on the International Atomic Energy Agency's (IAEA) proposed revision to its "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6."

DATE: September 14, 1981, at 9:00 a.m.

ADDRESS: Department of Transportation, Nassif Building, 400 Seventh St., S.W., Washington, D.C. in room 8236.

FOR FURTHER INFORMATION CONTACT:
R. R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202–426–2311.

SUPPLEMENTAL INFORMATION: On May 7, 1981, (46 FR 25491) MTB published notice of the availability of a draft revision of the IAEA "Regulations for the Safe Transport of Radioactive Materials" which is scheduled for adoption in 1983. Subsequently, MTB extended the public comment on the available draft until August 21, 1981 (46 FR 40540; August 10, 1981).

All of the comments received by MTB will be compiled and correlated to the IAEA draft. This compilation will be available to requestors on September 1, 1981, from the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426–3148.

A public meeting has been scheduled to discuss the substance of this compilation and obtain input on any conflicting comments which may have been received. The meeting will focus specifically on this compilation of comments but, if time permits, other comments on the IAEA proposed revision will be received.

In order to most efficiently utilize the time available (9:00 a.m. to noon and 1:00 to 5:00 p.m.) persons wishing to make oral presentations are requested to notify Mr. Richard R. Rawl by September 9, 1981. This notification should include the speaker's name, affiliation and sections of the IAEA draft revision for which there will be comments. Time will be allocated as the number of identified speakers allows.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81–25683 Filed 9–2–81; 8:45 am]

BILLING CODE 4910–60–M

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49 CFR Part 173

[Docket HM–178, Advance Notice]

Definition of Flammable Solid; Extension of Comment Period

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Extension of time to file comments.

SUMMARY: On May 7, 1981, the Materials Transportation Bureau (MTB) published an advance notice of proposed rulemaking under Docket HM–178 (46 FR 25492) pertaining to the definition of a flammable solid. The notice requests comments on efforts to make that definition more specific and to provide tests which shippers may use to determine whether their products are flammable solids for purposes of transportation. By this notice, MTB is extending the comment period 90 days, from August 20, 1981, to November 19, 1981.

DATE: The time for filing comments is extended from August 20, 1981 to November 19, 1981.

FOR FURTHER INFORMATION CONTACT:
Dr. Charles Ke, Sciences Branch Technical Division, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. (202–426–2311).

SUPPLEMENTARY INFORMATION: In consideration of a request made by the Aluminum Recycling Association for additional time in which it may file comments on this advance notice of proposed rulemaking, MTB is extending the comment period by 90 days. This period should allow member companies of the Aluminum Recycling Association ample time in which they may assemble technical and historical information on molten aluminum transported in commerce as background for their comments on this presently unregulated material and its relationship to this Docket.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.)

Issued in Washington, D.C. on August 21, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81–25694 Filed 9–2–81; 8:45 am]

BILLING CODE 4910–60–M

Federal Highway Administration

49 CFR Part 395

[BMCS Docket No. MC–70–1; Notice No. 81–5]

Limits on Hours of Service of Commercial Vehicle Drivers; Termination of Rulemaking

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Termination of rulemaking and docket closing notice.

SUMMARY: The FHWA has been considering options for revisions to the regulations which limit the hours of service of commercial vehicle drivers engaged in interstate or foreign commerce. Following a review of the responses to the two advance notices previously published, the testimony received at the public hearings, and a number of studies prepared as part of this rulemaking action, the FHWA has determined that none of the proposed options should be adopted at this time. The FHWA's decision is based on the absence of evidence of a direct relationship between hours of service and a significant reduction in accidents and on the economic impact of the proposed options on motor carrier operations and the Nation's distribution system.

FOR FURTHER INFORMATION CONTACT:
Mr. Gerald J. Davis, Bureau of Motor Carrier Safety, (202) 426–9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426–0346; Federal Highway Administration, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Present Regulations

The current hours of service regulations stipulate that no motor carrier shall permit or require any driver to (1) drive more than 10 hours following 8 consecutive hours off duty, (2) drive for any period after having been on duty 15 hours following 8 consecutive hours off duty, and (3) be on duty more than 60 hours in any 7 consecutive days, except if a carrier operates every day of the week, in which case the limit is 70 hours in any 8 consecutive days. Drivers using sleeper-berth equipment may accumulate the 8 hours off duty in two periods, neither of which can be less than 2 hours. On duty time is defined as, "All time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from

work and all responsibility for performing work."

Current Rulemaking

This rulemaking proceeding was initiated by the issuance of an Advance Notice of Proposed Rulemaking (ANPRM) on February 12, 1976 (41 FR 6275). Because the comments did not provide sufficient data to determine whether the hours of service should be amended, a second ANPRM was issued on May 22, 1978 (43 FR 21905). This second advance notice invited comments on three different plans for limiting driver's hours. Over 1200 interested persons submitted comments to the docket and seven hearings were held in various locations throughout the country. These hearings generated 9,000 pages of testimony and submissions. Responses were received by the FHWA's Bureau of Motor Carrier Safety (BMCS) from motor carriers and their drivers, associations, labor unions, and shippers. Federal and state agencies, special interest groups and concerned citizens, also submitted comments.

Before the 1976 ANPRM was issued, the FHWA had contracted for a study of the relationship between fatigue, accidents and commercial motor vehicle driving. Phase I was completed before the 1976 ANPRM. Phase II of the fatigue study, the accident study, and the Heat, Noise and Vibration study were completed either during the comment period on the first and second ANPRM or following the close of the comment period. All studies referenced in this document have been placed in the public docket for review.

Analysis

When the hours of service regulations were initiated 40 years ago, the ICC concluded that a fatigued driver, whether the driver's fatigue results from excessive hours of work or other causes, may become inattentive, careless, or otherwise unsafe. The regulations were designed to prevent or minimize the unsafe conditions associated with fatigue. The rationale for hours of service regulations is based on the concept that the longer a driver works, the more fatigued the driver becomes with the result that the driver is more susceptible to being involved in an accident.

Over the past 10 years the BMCS has conducted a series of research studies to test the gypothesis that driver fatigue manifested by drowsiness or loss of alertness is a major contributor to many truck accidents. At least two of these studies (the fatigue studies) document a significant reduction in reaction time for drivers who approach the maximum permitted driving periods under the present rules. Although one might infer from the data that there is a relationship between fatigue and accident experience the studies did not reveal any direct evidence correlating the fatigue factors with actual accident experience. Similarly, the accident study commissioned by the FHWA to determine whether there was any relationship between fatigue and motor vehicle accidents was inconclusive. Thus, the studies do not prove that safety would be enhanced, much less significantly so, by adopting the changes mentioned in the ANPRM.

From an economic standpoint, it also appears that none of the proposed changes would be cost effective.

The commenters who mentioned the economic impacts in their submissions to the docket are consistent in arguing that any significant change in the hours of service regulations would have a severe economic impact on the motor carrier industry, the merchandising industry, and perhaps on the economy of the country as a whole. Most commenters felt that the adoption of any new rule would increase operating costs, cause carriers to hire new drivers, result in carriers having to obtain new equipment, cause carriers to employ new support personnel, and cause the relocation of certain terminal facilities. These measures would in turn increase freight rates and passenger fares, result in demands for higher wages by drivers, or reduce the incomes of drivers and cause certain carriers to go out of business.

The FHWA studied the costs and benefits of three options to the hours of service regulations. These options were similiar, but not identical, to the plans proposed in the second ANPRM. The studies showed that excessive costs and severe economic impact would occur under each option. Further, aggregate costs are far in excess of any foreseeable societal benefits emanating from possible changes to the existing regulations.

In addition to identifying costs and basically confirming industry comments, the FHWA's independent cost benefit study considered the projected benefits that might be derived from the reduction of the hours a driver could drive or be on duty. Even with these projected benefits considered, the study establishes the severe economic impact of the proposed rule changes. The total cost to industry under each option is approximately $11 billion (Option I, $11.5 billion; Option II, $10.6 billion; and Option III, $11.0 billion) with possible societal benefits calculated at about $450 million.

Explanation of Studies and Comments

Prior Study

In 1938, the Interstate Commerce Commission (ICC) responded to growing public concern regarding the safety of motor carriers by commissioning a study by the Public Health Service to investigate the issues of driver work hours. The goal was to provide data for establishing a rational limit on the time a driver should be permitted to spend in the operation of a motor vehicle. This study was extensive, but provided little in the way of data regarding the relationship between fatigue and driving performance.

The First Fatigue Study

The first fatigue study, Phase I,[1] focused on the experience of randomly selected regular route carriers. This study indicated that there appeared to be a slowing of reaction time as drivers drive longer hours. The study's major findings were (1) driver performance errors increased and psychophysiological arousal decreased within the current 10-hour limit; (2) rest breaks contributed favorably to driver performance levels and psychophysiological arousal, but the longer a person drove the less beneficial the break; (3) sleeper-berth drivers recovered less completely than relay drivers; (4) being on duty over a period of days had a cumulative effect on a driver's level of psychophysiological arousal and driver performance; (5) the adverse effect of fatigue was more pronounced for older drivers; and (6) the time of day had a significant impact on the psychophysiological arousal, with the lowest levels occurring between 2 a.m. and 7 a.m.

The first fatigue study contained, as background information, a limited study to determine the relationship between the number of hours driven and accidents. This study, which was based on an analysis of 500 accidents reported by a single large common carrier, indicated that fatigue may have been a causative factor in some of the accidents.

The Second Fatigue Study

The more comprehensive fatigue study, Phase II,[2] focused on the effect of prolonged driving on alertness and fatigue of truck and bus drivers who do

[1] "A Study of the Relationships Among Fatigue, Hours of Service, and Safety of Operations of Truck and Bus Drivers" (Contract No. DOT–FH–7777, June 1971–November 1972).

[2] "Effects of Hours of Service Regularity of Schedules, and Cargo Loading on Truck and Bus Driver Fatigue" (Contract No. DOT–HS–6–01142, May 1975–October 1978).

not operate on regular schedules. The study involved a comprehensive review of the literature on driver performance and measured physiological methods of monitoring alertness and fatigue, and the effects of irregular schedules in other industries. A nationwide survey of commercial drivers was conducted to establish data. A comprehensive analysis of accident data was performed to identify the relationship between accidents and length of driving time, time of day, and other features of accidents.

This study confirmed some of the basic findings of the initial fatigue study, particularly the fact that driver errors increase and psychophysiological arousal decreases the longer a person drives, that sleeper-berth drivers experience more fatigue than relay drivers, that cumulative fatigue effects appear after 4 consecutive days on duty and that the time of day has a significant impact on fatigue and psychophysiological arousal. In addition, the study found that relay drivers suffer greater fatigue than regular run drivers, that fatigue sets in more quickly with these drivers and that moderately heavy loading activities have a beneficial effect on drivers engaged in short runs but a detrimental effect on drivers engaged in long runs.

Accident and Heat/Noise and Vibration Studies

In the course of this rulemaking proceeding, the FHWA completed a study of the relationship between accident data and drivers' hours of service.[3] The FHWA also conducted a separate study of heat, noise, and virbration in relation to driver performance.[4]

The accident study was an effort to determine the relationship between traffic accidents and the hours of service for commercial motor vehicle drivers subject to the Federal hours of service regulations. It is based on data of a greater volume than the average research study and of more detail than is usually collected for administrative purposes. The study analyzed over 5,000 single vehicle accidents. These accidents were selected for the reason that single vehicle accidents were the ones most likely to be fatigue related. The Bureau, therefore, considers this study to be more reliable than the study of the relationship between fatigue and accidents performed as part of the Phase I Fatigue study.

A direct relationship between fatigue and hours of service was not established. The data showed that:

(1) There was no consistent patterns in the data to imply that the number of driving hours were related to the frequency or severity of truck accidents;

(2) Truck drivers who had accidents early in the trip did not have on-duty-not-driving time prior to driving;

(3) Drivers with accidents later in the trip tended to have at least a few hours on duty not driving time before the accident;

(4) The amount of the last extended rest period (8 hours or more) did not have a consistent relation to when the accident occurred during the trip; and

(5) Accidents presumably caused by fatigue were proportionately more frequent during the hours of 11:00 p.m. to 8:00 a.m. than all the other accident classifications.

When the hourly distribution of accidents between periods of 8 hours off duty was examined, the results showed an erratic pattern.

The heat, noise, and vibration study was designed to determine the relationship among noise, vibration, effective temperature, driver performance and physiological reactions. It was conducted to determine whether these factors had an independent effect on driver performance and whether they magnified the effects of normal fatigue resulting from long hours. The study showed that these conditions caused somewhat adverse effects, but that the adverse effects were not greater than those that would result from fatigue normally experienced during long periods of driving. It also showed that truck drivers have a wide tolerance for these environmental phenomena.

Study of the Impact of the Proposed Hours of Service Revisions

The last study contracted for by BMCS in connection with this rulemaking proceeding was designed to evaluate the costs and benefits of the various alternative proposals for amending the hours of service regulations.[5] The results of this study have been adopted by the FHWA. The options selected were based on the results of the fatigue studies and the comments to the second ANPRM. The comments contained convincing evidence that certain of the ANPRM proposals were impracticable or nonworkable and an evaluation of such proposals would be of little value. For example, requiring drivers to remain off duty for a period in excess of 8 hours at locations other than home could contribute to driver fatigue by allowing additional awake hours being spent in nonproductive activities. The options studied involved the following changes fromthe present rule:

Option I would reduce the current 10 hour maximum driving time to 8 hours and the total on duty time from 15 to 12 hours. In addition, it would (1) limit a driver's duty tour to 15 consecutive hours and prohibit intermittent off duty time; (2) require driving relief periods and meal breaks during a given duty tour; (3) increase the required off duty time between duty tours at home terminals, and (4) require 24 consecutive hours off duty after 6 driving days.

Option II would (1) eliminate the current differences in time allowances for driving time, on-duty time, and duty tour by specifying that each have a limitation of 12 hours; (2) require mandatory relief periods, meal periods, longer off duty times at home terminal, a 24 consecutive hours off duty period per week consecutive hours during any 14 day period; and (3) require that sleeper berth periods of less than 8 hours be logged as on-duty time.

Option III would ban driving between 12 p.m. and 6 a.m.

The costs of these options will be discussed in a later section of this document. With regard to the benefits expressed in terms of safety, the contractor made a number of assumptions concerning reduction in accidents that might result from adoption of the changes proposed in the various options.

With regard to the reduction in driving time, Option I data established that a disproportionately high number of accidents occur in the first few hours of each driving shift. Reduction in the current driving hours would cause the initiation of additional driving shifts and, therefore, increase accident exposure by increasing the number of drivers who are in the first few hours of driving.

The reduction in on-duty time in either Option I or Option II would probably decrease present accident levels, because of the study finding that there is a probable relationship between length of duty tour and accidents. A precise estimate of the number of accidents that might be prevented is not possible because of unavailability of reliable accident data directly relating fatigue with individual accidents.

[3] "Analysis of Accident Data and Hours of Service of Interstate Commercial Motor Vehicle Drivers" (August 1978) (Contract No. DOT-FH-11-9325)

[4] "A Study of Heat, Noise, and Vibrations In Relation to Driver Performance Physiological Status" (Contract No. DOT-H5-241-1-420), (June 1972-June 1974)

[5] (Assessment of the Impacts of Proposed Hours of Service Revisions-Booz-Allen and Hamilton, Inc.)

Comments Concerning the Impact of Proposed Changes on Safety

In the context of completing this evaluation, the FHWA analyzed thousands of pages of comments received in response to both the first and second ANPRMs and reviewed thousands of pages of public testimony and the contract studies. All of these studies and comments are included in the public docket in this proceeding.

A large majority of comments received in response to the second ANPRM opposed any change in the present hours of service regulations. Seventy carriers out of 324 specifically stated that adoption of the new rules would cause more accidents. The principal reasons given were: hiring of new, inexperienced drivers; more exposure because of more trucks on the road; and difficulty in finding competent drivers.

Motor carriers and motor carrier organizations took issue with the claim that the proposed changes would result in increased safety on the highway. These commenters pointed out that the relationship between fatigue and accidents had not been definitely established and criticized the proposals as being based on incomplete data. They provided data showing that a large number of accidents occurred during the early driving hours rather than later in the driving period when the drivers would tend to be fatigued. They pointed out that certain drivers may come to work fatigued and that this may have an impact on the number of accidents being experienced. The commenters emphasized that the causes of motor carrier accidents are often complex with many contributing factors.

Commenters argued that further reduction of driving hours would probably result in increased accident totals because of the high incident rates during the first few hours of driving. They asserted that if the hours were reduced, the carriers would have to hire new drivers with the result that many more inexperienced drivers would be on the road resulting increase in accidents.

Of the drivers commenting, 21 percent expressed total or partial support of the changes while 62 percent expressed opposition to any change. Most commenters in this category felt that the present regulations are adequate if enforced.

One organization, the Professional Drivers Council (PROD), argued that the present hours of service regulations results in dangerous levels of fatigue among truck drivers presently on the road and urged that the hours of service be modified in order to reduce the incidence of fatigue. The PROD asserted that fatigue is the number one safety problem in the trucking industry.

The International Brotherhood of Teamsters agreed that fatigue is a major factor in accidents. They supported some of the ANPRM's proposed changes and opposed others. Some of the proposed changes they supported were: (1) limiting duty tours to 15 consecutive hours; (2) requiring 12 hours off duty at the home terminal and 8 hours off duty at destination terminal; and (3) requiring fixed notification times for starting work. The changes they opposed included the imposition of mileage limits, mandatory meal periods, and driving relief periods.

Economic Impact

A number of carriers, associations, unions and drivers addressed the economic impacts of any significant change in the present regulations. The majority asserted that the adoption of any significant rule change would raise prices, add to inflation and signficantly damage the economy.

Many of the commenters pointed out that adoption of significant changes in the hours of service regulations would result in higher labor costs because of the reduction in driving time and on-duty time, mandatory rest stops, and mandatory off duty periods.

The American Trucking Association, Inc. (ATA), for example, stated that many of the largest motor carriers in terms of size would suffer a 20 percent to 30 percent loss of productivity if the present hours of service regulations are substantially altered.

Other commenters asserted that additional equipment would be required because the new regulations would require drivers to lay over when they ran out of hours rather than returning the equipment to the terminals. The purchase of this equipment was said to have a high cost. For example, the National Tank Truck Carriers, Inc., which represents 225 carriers, stated that the cost of putting one tractor and one petroleum carrying trailer on the road represents a $70,000 capital expense. In addition, some carriers stated that intermediate terminals would have to be built to accommodate relief equipment and drivers, which in turn would require additional maintenance facilities and employees. Thus, maintenance costs would be higher under any of the significant changes proposed.

Other nondriving costs would also increase, according to many commenters. Additional dispatchers and clerical personnel would be required because the routing and control of traffic would be much more complex.

Another concern expressed by commenters was that the new rules would cause a reduction in the on-duty time of presently employed drivers with a commensurate reduction in wages. As an example, a driver who lost 5 hours a week through meal and break time requirements would lose approximately $2,600 per year. Many commenters believe that these drivers would not accept this loss of earnings but would instead demand higher wages for the fewer hours they would be able to work. A number of Teamsters Union locals stated that wage increases would be needed in order to offset the expected loss of earnings.

Many carriers provided detailed information on the expected impact of the proposed regulations on their particular operations. The ATA presented the economic analyses prepared by three carriers and shippers. They found that one private carrier estimated additional annual costs of between $13.3 and $22.5 million per year under the various proposals. A major shipper organization cited by the ATA estimated that increased costs of truck transportation could range between $2.7 and $15.5 billion per year. A major meatpacker estimated an increase in costs of $755 million annually for the delivery of its product if the new regulations were adopted. One of the larger carriers in the country, Roadway Express Inc., estimated the additional annual costs at between $49 and $61 million per year based on the proposed rule changes. Another large carrier, East Texas Motor Freight Lines, Inc., estimated $150,000 additional expenses due to drivers' wages alone.

Many of the carriers predicted that the increased operating expenses caused by adoption of the proposed changes would have to be passed on to the public. The fifteen carriers who provided statistical data on the additional cost of transporting goods which would be passed on to consumers estimated increases of 3.3 to 35 percent.

The bus industry had some particular concerns about the adoption of the proposed changes and the resulting impact on bus operations. The industry believes that the proposed regulations would lengthen trips, cause delays, create passenger inconvenience, and aggravate scheduling problems. Consequently, they asserted that the bus industry would lose its competitive price advantage over other modes of passenger transportation, and that passengers would switch to those other modes. This would come at a time when

the bus industry is experiencing reduced profitability, particularly on regular route passenger service. The bus industry also asserts that the proposed regulations would severely hamper the industry's ability to handle charter operations, which account for most of the profit in smaller bus companies. With regard to dollar amounts, Greyhound estimates that the impact of some of the proposed changes on its regularly scheduled operations would be between $45 million and $52 million per year and that its charter revenue loss would be approximately $34 million.

FHWA's Study of the Economic Impact

The Booz-Allen study commissioned by the FHWA to determine the costs of adopting the proposed changes to the hours of service regulations supported the positions taken by the commenters on economic impact. This study showed that the adoption of any of the proposed major changes to the regulations would result in severe economic disruption of the motor carrier industry and the national economy.

The study projected the costs that would be involved if certain changes were made. The cost projections were based upon a survey of current operations of motor carriers and the recent cost figures for vehicle miles traveled. The costs were quantified in terms of increased equipment requirements and the projected reduced productivity of the work force in the motor carrier industry.

Current driver practices were used as the base for projections. The vehicle miles traveled were rearranged based on the estimates of the effects of the various changes to the regulations. The costs are: Option I, $11.496 billion; Option II, $10.642 billion; and Option III, $11.019 billion.

The study balanced the expected costs against anticipated benefits (i.e., reduction of accidents and related fatalities, injuries, and property damage). The benefits in monetary terms were: Option I, $424 million; Option II, $468 million; and Option III, $63 million.

Conclusions

Based on its review of the entire record and mindful of the responsibility to regulate motor carriers and establish reasonable requirements concerning maximum hours of service of employees in the motor carrier industry, the FHWA has determined that none of the options proposed in the ANPRM should be adopted at this time. The relationship between fatigue and accident experience is not sufficient to support any of the proposed options, particularly in light of the anticipated economic consequences of those options.

Accordingly, this rulemaking action is terminated and the docket is closed effective immediately.

This rulemaking proceeding is considered significant under the DOT's regulatory policies and procedures. A regulatory impact analysis/regulatory flexibility analysis is available for inspection in the public docket and may be obtained by contacting Mr. Gerald J. Davis at the address specified above under "For Further Information Contact."

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

(49 U.S.C. 304; 49 CFR 1.48(b) and 301.60)

Issued on: August 31, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 81-25615 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking submitted by Mercedes-Benz of North America, Inc. The petition requested the agency to amend Standard No. 203, *Impact Protection for the the Driver from the Steering Control System,* and Standard No. 204, *Steering Control Rearward Displacement,* so that they do not apply to passenger cars that use automatic restraints conforming to injury criteria of Standard No. 208, *Occupant Crash Protection.* Because of the possibility that even automatic belt systems may not in fact be used by drivers, the agency again concludes that the impact protection afforded by Standards No. 203 and 204 is necessary and appropriate.

FOR FURTHER INFORMATION CONTACT: Mr. William Smith, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-2242.

SUPPLEMENTARY INFORMATION: On March 9, 1981, Mercedes-Benz of North America, Inc. (Mercedes) petitioned the agency to amend Standard No. 203, *Impact Protection for the Driver from the Steering Control System,* and Standard No. 204, *Steering Control Rearward Displacement.* Mercedes sought an amendment providing that neither of those standards applies to passenger cars that meet the injury criteria of Standard No. 208 with an automatic restraint system.

Standard No. 203

The purpose of Standard No. 203 is to reduce driver injuries and fatilities by requiring steering assemblies to absorb the impact forces that occur when the driver strikes the steering column in a frontal crash. The standard uses a laboratory test in which the steering assembly is impacted at a speed of 15 m.p.h. by a body block resembling a human torso and head. The standard specifies that the force imposed by the body block on the steering control system must not exceed 2,500 pounds.

The standard currently exempts cars that meet the injury criteria of Standard No. 208 by means other than seat belt assemblies. That exemption was proposed on September 23, 1974 (39 FR 34062), at the request of General Motors Corp. (GM). GM requested the exemption so that it could modify its steering system to incorporate an air cushion restraint system. Those modifications made it difficult, and in some cases, impossible to comply with Standard No. 203.

In commenting on that proposal, several manufacturers, including Mercedes, asked the agency to exempt automatic restraint systems that use seat belts. On April 24, 1975 (40 FR 17992), the agency issued a final rule adopting the exemption as proposed.

The agency decided not to exempt automatic belt systems because of the need for Standard No. 203 crash protection even in conjunction with those systems. The agency believed that there was a significantly greater likelihood that automatic seat belt systems employed to comply with FMVSS 208 would be subject to disconnection or non-use than would crash-deployed automatic protection, such as an air cushion restraint system. A further consideration was that the steering column does not have to be modified in order to install automatic belts. By contrast, in the case of the air cushion restraint system, the column would require modification in such a way that compliance with Standard No. 203 would be difficult and in some cases impossible. Thus, since it was not

necessary to modify the steering control system to install automatic belt systems, no reason existed to reduce or eliminate the protection afforded by Standard No. 203.

On August 13, 1975 (40 FR 33977), the agency denied a petition for reconsideration that again sought an exemption from Standard No. 203 for cars equipped with automatic belt systems. The agency restated its concern that automatic belts might be disconnected or not used. In addition, the agency said that because of the potential that even a belt-restrained driver might impact the steering control system, the protection of Standard No. 203 was necessary.

In its March 9, 1981 petition, Mercedes argued that because the agency now permits the use of seat belt assemblies with load limiters, cars with belts meeting the injury criteria of Standard No. 208 should be exempt from Standard No. 203. (A load-limiter is a seat belt assembly component or feature that controls tension on the seat belt and modulates or limits the forces that are imparted to a restrained occupant by the belt assembly during a crash.)

The agency's January 12, 1981 (46 FR 2618) decision to allow the use of load-limiting belts does not support exempting cars equipped with such systems from Standard No. 203. The purpose of that decision was to allow the use of load-limiting manual belts in an automatic restraint system. The use of such manual belts along with an air cushion restraint system can achieve a significant reduction in head and upper torso injuries. The use of load-limiters, however, does nothing to promote the usage of either automatic or manual belts—the key issue for requiring Standard No. 203 protection in conjunction with automatic belt systems. The agency, therefore, has decided to deny Mercedes' petition.

Standard No. 204

The purpose of Standard No. 204 is to reduce driver injuries and fatalities by limiting the rearward motion of the steering column in a frontal crash. The standard prohibits more than five inches of rearward displacement by the vehicle's steering assembly in a 30 m.p.h. frontal barrier crash.

Mercedes argued that the rearward displacement limit of Standard No. 204 is unnecessary for passenger cars that meet the injury criteria for automatic restraints in Standard No. 208, *Occupant Crash Protection*. The criteria limit the forces imposed on the head, chest and legs of a test dummy during a 30 m.p.h. frontal barrier crash test. Since Standard No. 208, in effect, limits the forces imposed by the steering column, restraint system and other vehicle structure, Mercedes argued that Standard No. 204's limit on rearward displacement does not contribute to occupant protection.

Mercedes also argued that to measure the full amount of rearward displacement occurring during a crash, it must conduct the test without a test dummy at the driver's seating position. If a test dummy were present during the test, Mercedes said that the dummy would hit the steering wheel and push the wheel forward.

Thus, to comply with both Standards Nos. 204 and 208, Mercedes said it must conduct two separate barrier crash tests. It must conduct a crash test without a driver test dummy, to determine compliance with Standard No. 204. It must also conduct a crash test with a driver test dummy in place, to determine compliance with Standard No. 208. To eliminate the need for two tests, Mercedes requested that Standard No. 204 not apply to passenger cars that meet the injury criteria requirements of Standard No. 208.

The basis for denial of the related petition on Standard No. 203 also requires denial of this Standard No. 204 petition. Because of the possibility of driver disconnection or non-use of the protection afforded by an automatic belt system, the agency concludes that the protection provided by Standard No. 204's limit on steering column rearward displacement continues to be necessary and appropriate.

In so concluding, the agency also notes that even controlled rearward movement of the steering assembly can present safety problems not prevented by Standard No. 208. For example, although the forces generated in the driver's impact with the steering assembly might not exceed the injury limits set in Standard No. 208, the continued movement of the column could pin the driver in the car, making extrication difficult.

The agency therefore denies Mercedes' petition on Standard No. 204.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392 and 1407); delegation of authority at 49 CFR 1.50)

Issued on: August 27, 1981.

Raymond A. Peck, Jr.,
Administrator.

[FR Doc. 81–25791 Filed 9–2–81; 8:45 am]
BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 671

Tanner Crab Off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notice of initial approval and availability of plan amendment.

SUMMARY: NOAA issues proposed rules and a notice of initial approval and availability for Amendment 7 to the fishery management plan for Tanner crab off Alaska. This amendment would (1) eliminate the existing foreign fishery for *Chionoecetes opilio* Tanner crab in the Bering Sea district by specifying that the domestic annual harvest for such crab equals the optimum yield; and (2) change optimum yield specifications for *C. bairdi* Tanner crab in the Bering Sea district and for all Tanner crab in the South Peninsula and Chignik districts. The elimination of the foreign fishery for *C. opilio* Tanner crab in the Bering Sea is based upon economic considerations, and is intended to encourage expansion of the United States fishery for this stock, which appears to be hindered by the existence of the foreign fishery. The other changes in optimum yield specifications reflect information about the biological condition of Tanner crab stocks, and are intended to maintain the biological productivity of those stocks.

DATES: Written comments must be received on or before October 19, 1981

ADDRESSES: Comments should be mailed to Mr. Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, or delivered to Room 453, Federal Building, 709 West 9th Street, Juneau, Alaska. Copies of the amendment may be otained from the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510, telephone 907–274–4563.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Regional Director, Alaska Region, NMFS, 907–586–7221.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska (FMP) was developed by the North Pacific Fishery Management Council (Council) and approved and implemented by the Assistant Administrator for Fisheries,

NOAA (Assistant Administrator) under the Magnuson Fishery Conservation and Management Act, Pub. L. 94–265 as amended, 16 U.S.C. 1801–1887 (Magnuson Act). The FMP was published in the Federal Register on May 16, 1978 (43 FR 21170). Following initial implementation of the FMP in December 1978, the Assistant Administrator approved and implemented six amendments to the FMP that had been developed by the Council. Amendment 6 was published with proposed implementing rules on December 8, 1980 (45 FR 80857). Content of an Rationale for Amendment 7.

The Council developed Amendment 7 to the FMP late in 1980. The Assistant Administrator has reviewed and initially approved Amendment 7, having found that it is supported by the best available scientific information; that it is necessary and appropriate to the conservation of Tanner crab resources off the coast of Alaska; and that it is consistent with the National Standards of the Magnuson Act, section 301, with other provisions of the Magnuson Act and with other applicable law. Amendment 7 would make the following changes in the FMP:

(1) Specify the optimum yield (OY) for *Chionoecetes opilio* Tanner crab in the Bering Sea district to equal the domestic annual harvest (DAH) estimate of 39.5 to 91.0 million pounds or 17,900 to 41,300 metric tons (mt), thereby reducing the total allowable level of foreign fishing (TALFF) to 0.

(2) Specify the OY for *C. bairdi* Tanner crab in the Bering Sea district as a range from 28.0 to 36.0 million pounds, or 12,700 to 16,300 mt.

(3) Specify the OY for all Tanner crab in the new Chignik district as 5.0 million pounds or 2,268 mt.

(4) Specify the OY for all Tanner crab in the modified South Peninsula district as 6.0 million pounds or 2,700 mt.

(5) Change the metric ton expression of the OY for all Tanner crab in the Kodiak district from 15,665 mt to 15,880 mt.

OY for C. Opilio in the Bering Sea

The species composition of the Tanner crab catch from the Bering Sea has changed rapidly since 1978. Previously it was composed principally of *C. bairdi*, but it has gradually shifted to *C. opilio*. In 1980 the *C. opilio* catch made up 52.1 percent of the total U.S. Tanner crab catch from the Bering Sea.

The maximum sustainable yield (MSY) for *C. opilio* in the Bering Sea is specified as 218 million pounds or 98,890 mt per year. The acceptable biological catch (ABC) for *C. opilio* in the Bering Sea is estimated to be 91 million pounds or 41,300 mt per year. ABC constitutes an adjustment of MSY to take account of biological factors peculiar to the current short-term period. In 1980, U.S. fishermen caught only 39.5 million pounds or 17,900 mt of *C. opilio* Tanner crab in the Bering Sea. If they caught the same amount in 1981, and if, as in the case of the other Tanner crab stocks covered by the FMP, the OY were specified to equal the ABC, there would be a TALFF for *C. opilio* in the Bering Sea of 51.5 million pounds or 23,400 mt, and foreign fishing vessels would be authorized to take this amount. This would result because TALFF (the amount that foreign vessels may harvest) is equal to the difference between OY (the total amount that may be harvested) and DAH (the amount that United States vessels will actually harvest).

The relatively poor performance of the 1980 U.S. fishery for *C. opilio* Tanner crab in the Bering Sea led the Council's staff to investigate the merits of a long standing allegation that the availability to Japanese fishing vessels of the existing *C. opilio* TALFF for the Bering Sea interfered with the development of markets for U.S. harvested *C. opilio*.

An analysis by the Council's staff economist of the Japanese Tanner crab market concluded that it was likely that the availability of the Tanner crab allocation to Japan encourages certain anticompetitive practices by Japanese fishing companies tending to hinder the growth of Japanese demand for U.S. harvested *C. opilio*. A number of these companies have ownership interests in U.S. fish processors, and therefore have the means to affect directly the market available to U.S. fishermen for *C. opilio*. The analysis concluded that the U.S. fishermen's ability to utilize the *C. opilio* resources fully depended upon an improvement in their bargaining position relative to the Japanese companies, and the removal of any incentive those companies might have to weaken the market for U.S.-harvested *C. opilio*. The analysis further suggested that elimination of the *C. opilio* TALFF could be a means for doing this, because (1) it would cut off a Japanese source of supply to the Japanese market, thereby forcing that market to turn to alternative sources of supply, including the U.S. harvest; and (2) it would eliminate a possible incentive for Japanese fishing companies to weaken the market for U.S. harvested *C. opilio* by precluding the prospect of a TALFF when U.S. fishermen fail to take the entire ABC. Based upon experience with king crab, the analysis concluded that cutting off the Japanese supply would not reduce the Japanese market for Tanner crab, and that U.S.-harvested crab would fill the gap readily. Richardson, *Market Aspects of the Foreign Allocation of C. opilio Tanner Crab in the Bering Sea Under the Framework of the Fishery Conservation and Management Act of 1976* (Anchorage: North Pacific Fishery Management Council, 1980).

The Council's Scientific and Statistical Committee (SSC) concluded that this analysis and its supporting information constituted the best available scientific information, and that the OY for *C. opilio* Tanner crab in the Bering Sea should be specified to equal DAH, even when this was lower than the ABC. This specification would eliminate the TALFF, and would constitute a modification of MSY by a "relevant economic factor," within the meaning of section 3(18)(B) of the Magnuson Act. The SSC concluded that DAH in 1981 should not be less than the 39.5 million pounds or 17,900 mt taken by U.S. fishermen during 1980, and that it should not be allowed to exceed the ABC of 91 million pounds or 41,300 mt. Based upon the SSC's conclusions, the Council specified both OY and DAH for *C. opilio* Tanner crab in the Bering Sea as a range between these two amounts: 39.5–91.0 million pounds or 17,900–41,300 mt. This contrasts with the previous OY of 130 million pounds or 58,984 mt.

This change in the OY accommodates the developing U.S. fishery for *C. opilio* in the Bering Sea and reflects current marketing conditions. In addition, a 1980 National Marine Fisheries Service (NMFS) survey and observer reports indicate a decline in the *C. opilio* resource north of 58° North latitude, where the foreign fishery has taken place, and the recruitment of more small *C. opilo* Tanner crab into the fishery.

The average size of crab in the Japanese harvest north of 58° North latitude has declined: about 25 percent of the 1980 harvest was below the size range for mature males. Wolotira and Armetta, *Summary of Observation of Japanese Tanner Crab Fleets in the Eastern Bering Sea, 1980* (Seattle: Northwest and Alaska Fisheries Center, 1980; INPFC Document 2365). Nearly 50 percent of the 1980 Japanese harvest was below the United States preferred market size of 110 millimeters carapace width. Reducing the TALFF to zero will allow Tanner crab in the Bering Sea north of 58° North latitude to grow to a marketable size and encourage eventual expansion of the United States Tanner crab fishery into the north part of the Bering Sea.

OY for C. Bairdi in the Bering Sea

The OY specification for *C. bairdi* in the Bering Sea that would be introduced by the amendment is 28.0 to 36.0 million pounds or 12,700 to 16,300 mt, in contrast with the previous OY specification of 22.0–33.0 million pounds or 10,000 to 15,000 mt. It is based upon NMFS 1980 trawl survey data presented in Reeves, *Assessment of Tanner Crab Stocks From the 1980 NMFS Trawl Survey in the Eastern Bering Sea* (Seattle: Northwest and Alaska Fisheries Center, 1980); and in Otto, *Distribution and Relative Abundance of Tanner Crab derived from the 1980 NMFS Trawl Survey of the Eastern Bering Sea* (Kodiak: Northwest and Alaska Fisheries Center, 1980). The OY is equal to ABC, which is currently higher than the MSY of 22.0 million pounds or 9,980 to 14,970 mt, due to a short-term increase in the abundance of the resource.

OY for the Chignik and South Peninsula Districts

The new Chignik district was separated from the rest of the former South Peninsula district under Amendment 6 to the FMP. The OY for all Tanner crab specified for the Chignik district by this amendment is based on Alaska Department of Fish and Game (ADF&G) estimates of the resource available for harvest in that district. It is equal to the ABC of 5.0 million pounds or 2,268 mt, and has not been adjusted for socioeconomic factors. The ABC is the lower end of an MSY range of 5 to 10 million pounds or 2,268 to 4,536 mt.

The OY specification for the reduced South Peninsula district is also based on ADF&G resource availability estimates. it is equal to an ABC of 6.0 million pounds or 2,722 mt, which is substantially lower than the MSY or 20.0 million pounds or 9,072 mt due to low short-term resource abundance.

The combined OY specifications for the two new districts, equal to 11.0 million pounds or 4,968 mt, contrast with the previous OY for the former South Peninsula district of 20.0–30.0 million pounds or 9,072 to 13,608 mt.

Metric Ton Expression of OY for the Kodiak District

The OY specification for all Tanner crab in the Kodiak district is currently expressed as 15,865 mt. The amendment would change this to 15,880 mt, which is a more accurate conversion of the OY as expressed in pounds.

Classification

The Assistant Administrator has determined that approval and implementation of Amendment 7 would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act. An environmental assessment and negative determination of significant environmental impact has been prepared on this proposed action, was filed with the Environmental Protection Agency on February 3, 1981, and may be obtained at the addresses set forth above.

The Administrator of NOAA has determined that the proposed rule implementing Amendment 7 is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it: will not result in an annual effect on the economy of $100 million or more; will not result in a major increase in costs or prices to consumers; individual industries, Federal, State, or local government agencies, or geographic regions; and will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. By reducing foreign control of the markets available to U.S. Tanner crab fishermen and processors, and by enhancing the long-term productivity of the Tanner crab resource and thus its availability to U.S. fisherman and consumers, this rule can be expected to enhance investment in, and the productivity of, the U.S. fishing industry.

The Administrator has also certified that this proposed rule will not have a significant effect on a substantial number of small entities, and thus does not require preparation of a regulatory flexibility analysis under 5 USC sections 603 and 604 of the Regulatory Flexibility Act.

This proposed rule does not contain a collection of information requirement, and does not involve any agency in conducting or sponsoring the collection of information.

Dated: August 31, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Parts 611 and 671 are proposed to be amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 is revised to read as follows.

Authority: 16 USC 1821 and 1855.

§ 611.20 [Amended]

2. In Part 611, entry 4C of Appendix 1 to § 611.20, specifying OY, DAH, DAP JVP, DNP, Reserve, and TALFF for Alaska Tanner crab, is removed.

§ 611.91 [Removed]

3. In Part 611, § 611.91 is removed.

PART 671—TANNER CRAB OFF ALASKA

4. The authority citation for Part 671 is revised to read as follows:

Authority: 16 USC 1855.

5. In § 671.21(a), Table I, is revised to read as follows:

§ 671.21 Optimum Yield.

(a) * * *

Table I

Registration area	Optimum yield (metric tons)[1]	Species
A (Southeast-Yakutat)	2,495	All.
E (Prince William Sound)	3,175	All.
H (Cook Inlet)	2,404	All.
J (Kodiak District)	15,880	All.
J (South Peninsula District)	2,722	All.
J (Chignik District)	2,268	All.
J (Aleutian District)	[OT]	All.
J (Bering Sea District)	12,700–16,300	*C. bairdi.*
	17,300–41,300	*C. bairdi.*

[1] Catches of Tanner crab in a State of Alaska registration area or district will be considered part of the optimum yield specified for the contiguous Federal registration area or district of the same name.

* * * * *

[FR Doc. 81-25668 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 171
Thursday, September 3, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Naches Pass Road; Mt. Baker-Snoqualmie and Wenatchee National Forests, Yakima County, Washington; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service will prepare an environmental impact statement in response to an application by Burlington Northern to build a road over the Cascade Mountains near Naches Pass on the Mt. Baker-Snoqualmie and Wenachee National Forests, in Yakima, Kittitas, and Pierce Counties in Washington.

Burlington Northern has applied for approval to construct a road to provide access over Naches Pass to transport logs from their lands in the Little Naches drainage to western Washington markets.

The environmental impact statement will evaluate several alternative road locations to provide a basis for a decision on Burlington Northern's request. The range of alternatives to be considered will include a no-action alternative which would defer a decision until the Forest Land and Resource Management Plans for the two Forests are completed. The alternative of providing access over the existing road system to east side markets will also be evaluated.

The decision on public use of the routes that cross the crest of the Cascades will be based on the Forest Plans and will not be addressed in this analysis. Any of the routes, if selected, would be suitable for public use if a decision permitting such use is later provided in the Forest Plans.

As an early step in the analysis, Federal, State, and local agencies, organizations and individuals who may be interested in or affected by the decision will be invited to participate in:

(a) Identification of the issues to be addressed in the analysis,

(b) Identification of the issues to be analyzed in depth, and

(c) Elimination from detailed study of issues that are not significant or which have been covered by prior environmental review.

Public notification of the preparation of this environmental impact statement has been accomplished through the distribution of a news release to the news media and through the land management planning newsletter distributed to the Wenatchee and Mt. Baker-Snoqualmie National Forests' general mailing lists of about 3,600 people. Additional notification is being accomplished through publication of this notice in the **Federal Register** and in a newspaper of general circulation in the area of proposed action.

Through this initial publicity, we hope to develop a mailing list of interested persons wishing to receive subsequent information on this environmental analysis. Persons wishing to have their names added to the mailing list should write to the address listed below. Additional news releases will be issued at appropriate stages in the environmental analysis.

The Responsible Official is R. E. Worthington, Regional Forester, Pacific Northwest Region, Portland, Oregon.

It is anticipated that the draft environmental impact statement should be available for public review by October 1981. The final environmental impact statement is scheduled to be completed by approximately March 1982.

For further information about this project, or the environmental impact statement, contact: Paul Hart, Public Information Officer, Wenatchee National Forest, 301 Yakima Street, P.O. Box 811, Wenatchee, WA 98801.

Written comments and suggestions concerning this analysis should be sent to the above name and address.

Dated: August 26, 1981.

James F. Torrence,

Acting Regional Forester.

[FR Doc. 81-25642 Filed 9-2-81; 8:45 am]

BILLING CODE 3410-11-M

Challis National Forest Grazing Advisory Board; Meeting

The Challis National Forest Advisory Board will meet at 1:00 p.m., MDT, on October 9, 1981 at the Challis National Forest Supervisor's Office, Challis, Idaho. The purpose of this meeting is to discuss, and receive advice and recommendations for, the utilization of range betterment funds, and development of allotment management plans for fiscal year 1984.

The meeting will be open to the public. Persons who wish to attend should notify Ross McElvain at the Challis Ranger District Office, Challis, Idaho. 879-4321. Written statements may be filed with the committee before or after the meeting.

Dated: August 26, 1981.

Jack E. Bills,

Forest Supervisor.

[FR Doc. 81-25613 Filed 9-2-81; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Privacy Act of 1974; Systems of Records

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of an Additional System of Records.

SUMMARY: This notice is to inform the public that Veterinary Services intends to convert the present recordkeeping methods for maintaining brucellosis program documents to a computerized system. Information on herds and individual animals tested, studied, or restricted under the program; epidemiologic studies; State and Federal personnel; contractual personnel; livestock markets; slaughtering establishments; milk processing plants; livestock dealers (including agents and brokers); and laboratories engaged in or affected by brucellosis program activities will continue to be included in the new automated system. Conversion to computerized recordkeeping procedures will greatly improve information retrievability and will allow the responsible State and Federal agencies to more economically and efficiently perform the eradication activities of disease detection, disease confinement, and disease elimination.

DATES: Written comments may be submitted on or before October 5, 1981. This new system of records will be added effective November 2, 1981 without further publication, unless the comments received disclose a need for further consideration.

ADDRESSES: Interested persons may submit written comments to the APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8099.

FOR FURTHER INFORMATION CONTACT: Dr. W. C. Ray, Chief Staff Veterinarian, Cattle Diseases Staff, APHIS, VS, USDA, Federal Building, Room 808, Hyattsville, MD 20782, 301–436–8713.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS), shares responsibility with the various States for the control and eradication of animal diseases. One of these diseases, brucellosis, is prevalent in cattle and swine. This disease is also contracted by other animals, including man (undulant fever). In addition to being a public health hazard, this disease costs the livestock industry and the consumers millions of dollars annually in losses due to aborted calves and pigs, decrease in milk production, and infertility in adult animals.

The Cooperative State-Federal Brucellosis Eradication Program is designed to eradicate brucellosis in cattle and swine. Conversion of the program's records from the present systems to a unified computerized system will allow the State and Federal agencies to more effectively and efficiently perform the cooperative eradication activities of disease detection, confinement, and elimination.

The records maintained in the computer system will include: information on herds and individual animals tested, studied, or restricted under the program; epidemiologic studies; State and Federal personnel; contractual personnel; livestock markets; slaughtering establishments; milk processing plants; livestock dealers (including agents and brokers); and laboratories engaged in or affected by brucellosis program activities.

A new system report was filed for this system with the Director, Office of Management and Budget, the Speaker of the House of Representatives, and the President of the Senate on May 14, 1980. The following is the new system notice which will be added:

USDA/APHIS–6

SYSTEM NAME:

Veterinary Services—Brucellosis Information System

SYSTEM LOCATION:

U.S. Department of Agriculture, Fort Collins Computer Center, Colorado, and each of the various States.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Herd owners whose animals or herds are tested, studied, or restricted because of brucellosis; livestock markets, slaughter establishments; and livestock dealers (including agents and brokers) handling livestock covered by the program; milk processing plants receiving milk or cream from dairy farms; laboratories conducting brucellosis program tests or procedures; State, Federal, and contractual personnel engaged in program activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on herds and individual animals tested, studied, or restricted under the brucellosis program; epidemiologic studies; animals, specimens, or premises sampled, identified, inspected, tested, handled, or restricted under the brucellosis program by State, Federal or contractual personnel; animal identification, health, and movement data of animals covered under program activities for traceback of disease from livestock markets, slaughter plants, and livestock dealers or livestock brokers or commission firms; milk and cream samples and related identification data for brucellosis testing from milk processing plants receiving fresh farm milk; and brucellosis test data from laboratories approved to do brucellosis program testing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 111, 112, 114, 114a–1, 115, 120, 121, 125, 134a–134f and Title 9, Code of Federal Regulations, Part 51 and Part 78.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records maintained in the computer system will be routinely used by the Federal and State government personnel for: (1) detecting the foci of infection to reduce the rate of spread of infection to new herds; (2) evaluating brucellosis program activities of State, Federal, and contractual personnel; (3) preparing mailing labels and preaddressed forms to enhance field activities; (4) evaluating program effectiveness; (5) detecting factors of epidemiologic importance in containing or eliminating foci of infected herds; (6) assuring that brucellosis indemnities are promptly and properly paid; (7) notification of livestock owners with animals at high risk of exposure to brucellosis because of livestock movements or an outbreak of disease or presence of quarantined premises in a community; (8) referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law concerning animal disease control and eradication, or of enforcing or implementing a statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law concerning animal disease control and eradication, whether civil, criminal, or regulatory in nature, and either arising by general statute or particular program statute, or by rule, regulation, or court order issued pursuant thereto; (9) presentation or disclosure to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (10) presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate, or administrative tribunal; (11) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records will be maintained on two mediums depending on how current they are. These are: (1) On-line disk storage and (2) Magnetic Tape.

RETRIEVABILITY:

Under the new system, it will be possible to retrieve and organize data by any of the categories which have been recorded. This will greatly improve the ability to retrieve existing records and to serve the livestock industry in the eradication of brucellosis.

SAFEGUARDS:

The only individuals with access to this system will be Federal and State government employees with a need to know. The data base will be secured on a State-by-State basis. The brucellosis national planning staff will have access to all information in the computerized system without restrictions. The computer files and tapes will be kept in a safeguarded environment with access only by authorized personnel.

RETENTION AND DISPOSAL:

(1) Herd records will be maintained in the data base as follows: (a) Infected herds not depopulated or sold out will always be on-line. (b) Depopulated or sold out herds will be archived. (c) Tested herds but not infected will be kept on-line for 6 months after testing, and then archived on a fiscal year basis. Archived data will be kept for 6 years.

(2) Records pertaining to animals, specimens or premises sampled, identified, inspected, tested, handled, or restricted by State, Federal, or contractual personnel will be kept on-line as long as the individual is working in brucellosis programs. Once employment or accreditation is terminated, the information will be archived by fiscal year for 6 years.

(3) Livestock market, slaughter establishment, livestock dealer, milk processing plant, and laboratory records pertaining to animal or herd information will be retained as described under (1) above.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Veterinary Services, USDA/APHIS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to: APHIS Privacy Act Coordinator, Administrative Services Division, USDA/APHIS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

RECORD ACCESS PROCEDURE:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

CONTESTING RECORD PROCEDURES:

All inquiries should be addressed to the APHIS Privacy Act Coordinator.

RECORD SOURCE CATEGORIES:

(1) Epidemiologic information for herds and animals is obtained from documents and reports completed by Federal and State employees or contractual personnel as a part of testing a herd or animal(s) or as a part of investigating the source and spread of brucellosis within the livestock population.

(2) Information for work related activities is made available by the appropriate State or Federal office for personnel and contractual employees paid from their funds.

(3) Livestock market, slaughter establishment, livestock dealer, milk processing plant, and laboratory information is acquired in the course of obtaining other program activity information such as where samples were collected, where animal identification was applied, where samples were tested, and how the samples or animals were handled or processed prior to or following collection or testing.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4 p.m., Monday to Friday, except holidays) in a manner convenient to the public business.

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 31st day of August.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-25619 Filed 9-2-81; 8:45 am]

BILLING CODE 3410-34-M

Soil Conservation Service

Authorization for Watershed Planning

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of authorization for watershed planning.

FOR FURTHER INFORMATION CONTACT: Concerned State Conservationists of the Soil Conservation Service: Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North 8th Street, Boise, Idaho 83702, telephone number (208) 334-1601; Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, Springer Federal Building, 301 North Randolph Street, Champaign, Illinois 61820, telephone number (217) 398-5267; Robert L. Eddleman, State Conservationist, Soil Conservation Service, Corporate Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone number (317) 269-6516; Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Building, University of Maine, Orono, Maine 04473, telephone number (207) 866-2132; Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone number (614) 469-6962; and Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624-4360.

Notice.—The concerned State Conservationists of the Soil Conservation Service have been authorized to provide planning assistance to local organizations for the following six watersheds: Hazelton Butte Watershed, Idaho; Ash-Loop Creek Watershed, Illinois; Bruce Lake Watershed, Indiana; Sebasticook Lake Watershed, Maine; Upper Killbuck Creek Watershed, Ohio; and Deer Creek Watershed, Oklahoma. The State Conservationists may proceed with investigations and surveys as necessary to develop the watershed plan under authority of the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and in accordance with requirements of the National Environmental Policy Act of 1969, Pub. L. 91-190.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 25, 1981.

[FR Doc. 81-25785 Filed 9-2-81; 8:45 am]

BILLING CODE 3410-16-M

Lazarus Creek Soil and Water Management for Agricultural-Related Pollution Control RC&D Measures, Minnesota; No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Harry M. Major, State Conservationist, Soil Conservation Service, Room 200, U.S. Courthouse and Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 612-725-7675.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lazarus Creek Soil and Water Management for Agricultural-Related Pollution Control

RC&D Measure, Yellow Medicine County, Minnesota.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Harry M. Major, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

Finding of No Significant Impact

The Measure concerns a plan for reducing agricultural related pollution and erosion in the Lazarus Creek Watershed. The planned works of improvement include animal waste management systems and erosion control practices such as terraces, grassed waterways, critical area planting, contour farming, proper grazing use, conservation tillage, field windbreaks, wildlife upland habitat management, and pasture and hayland planting.

The Notice of Finding of No Significant Impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Harry M. Major. The Finding of No Significant Impact has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the Finding of No Significant Impact are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–25786 Filed 9–2–81; 8:45 am]

BILLING CODE 3410–16–M

Middle Fork, Maple Creek Watershed, Nebr.; Authorization of Federal Assistance

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of authorization of Federal assistance in the installation of works of improvement.

FOR FURTHER INFORMATION CONTACT: Mr. Albert E. Sullivan, State Conservationist, Soil Conservation Service, Federal Building, 100 Centennial Mall, Lincoln, Nebraska 68501, telephone 402–471–5300.

Notice.—Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1008) has been authorized for the Middle Fork, Maple Creek Watershed, Nebraska.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83–566, 16 U.S.C. 1001–1008)

Dated: August 18, 1981.

Norman A. Berg,

Chief.

[FR Doc. 81–25787 Filed 9–2–81; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

August 27, 1981.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39930, from Transocean Air Lines, Inc., P.O. Box 6154, Newport Beach, California 92660 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application within twenty-one (21) days after publication of this notice in the **Federal Register.** An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–25814 Filed 9–2–81; 8:45 am]

BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 1:30 p.m. and will end at 4:30 p.m., on September 21, 1981 at Northwest Open Housing Center, 650 South Lake Street, Gary, Indiana. The purpose of this meeting is to review and comment on the Housing Study data received from Muncie, Terre Haute, Lake and Porter Counties. New business and public comments are also on the agenda.

Persons desiring additional information or planning a presentation to the Committee, should contact the Vice-chairperson, Mrs. Lotte Meyerson, 650 N. Tippecanoe Street, Gary, IN 46403, 219/938–3910 or the Mid-western Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, 312/353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 28, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–25774 Filed 9–2–81; 8:45 am]

BILLING CODE 6335–01–M

Nebraska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12:00 p.m., on September 25, 1981, at the Airport Inn Best Western, Eppley Airfield, Omaha, Nebraska. The purpose of this meeting is to discuss the status of the Omaha police-community relations project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Shirley M. Marsh, 2701 S. 34th Street, Lincoln, Nebraska 68509, (402) 488–2871, or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 374–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 30, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–25775 Filed 9–2–81; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 13–81]

Proposed Foreign-Trade Zone at Bridgeport, Conn.; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Bridgeport, Connecticut (the City), requesting authority to establish a general-purpose foreign-trade zone in Bridgeport, within the Bridgeport Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 26, 1981. The applicant is authorized to make this proposal under Public Act No. 76–160 of the Laws of Connecticut.

The City proposes to establish a 3-acre zone within the Foreign-Trade Zone Industrial Park covering 13 acres of City land located at Cedar Creek and Bostwick Avenue in southwestern Bridgeport. The project is one of the City's efforts to rebuild the area's manufacturing base. A 30,000 square feet multi-purpose building is planned to accommodate initial zone users.

The application contains evidence of the need for zone services in the Bridgeport area. According to a City marketing survey a variety of firms have indicated an interest in using zone procedures for the storage, testing, processing, assembly and light manufacturing of molded plastic products, custom rubber products, highway guardrails and barriers, electronic equipment, and artist and drafting supplies.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: David L. Binder (Chairman), Division Director, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner (Operations), Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel C. E. Edgar III, Division Engineer, U.S. Army Engineer Division, New England, 424 Trapeld Road, Waltham, Massachusetts 02154.

As part of its investigation, the examiners committee will hold a public hearing on October 1, 1981, beginning at 9:00 a.m., in the Common Council Chambers, City of Bridgeport City Hall, 45 Lyon Terrace, Bridgeport, Connecticut 06604. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by September 23, 1981. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through October 31, 1981. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Customs Service, District Office, 120 Middle Street, Bridgeport, Connecticut 06603.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2006, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: August 31, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81–25698 Filed 9–2–81; 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

University of Arizona; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00151. Applicant: University of Arizona, Institute of Atmospheric Physics, Tucson, Arizona 85721. Article: Carbon Dioxide Laser. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: See Notice on page 22248 in the Federal Register of April 16, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides 4 joules/30 milliwatts power with a beam quality of 0.6 milliradians while used with an unstable resonator. The National Bureau of Standards advises in its memorandum dated July 27, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–25801 Filed 9–2–81; 8:45 am]

BILLING CODE 3510–25–M

Duke University Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00105. Applicant: Duke University Medical Center, Department of Anatomy, Box 3011, Durham, North Carolina 27710. Article: Reichert-Jung Cryofract 250 Freeze-Fracture-etch Unit. Manufacturer: Reichert-Jung, France. Intended use of article: See Notice on page 19842 in the Federal Register of April 1, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article operates at a vacuum of about 10^{-9} torr and maintains specimens at liquid Helium temperatures. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–25800 Filed 9–2–81; 8:45 am]

BILLING CODE 3510–25–M

NASA/Goddard Space Flight Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81–00087. Applicant: NASA/Goodard Space Flight Center, Greenbelt Road, Greenbelt, MD 20771. Article: Exciemer Rare Gas Halide Laser, Model TE–861M with Accessories. Manufacturer: Lumonics Inc., Canada. Intended use of article: See Notice on page 18570 in the Federal Register of March 25, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a pulse rate of 50 Hertz and a pulse width of 9–10 nanoseconds for XeF. The National Bureau of Standards advises in its memorandum dated August 12, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–25799 Filed 9–3–81; 8:45 am]

BILLING CODE 3510–25–M

University of Oregon Health Sciences Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00104. Applicant: University of Oregon Health Sciences Center, 3181 S.W. Sam Jackson Park Road, Portland, Oregon 97201. Article: Counter-Current Distribution Apparatus and Accessories. Manufacturer: University of Lund, Sweden. Intended use of article: See Notice on page 19842 in the Federal Register of April 1, 1981.

Comments: No comments have been received with respect to this application.

Decision: Applicant approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides counter-current thin layer chromatography with its thin layer two-phase polymer system and its precisly machined partitioning plates. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–25798 Filed 9–3–81; 8:45 am]

BILLING CODE 3510–25–M

St. Agnes Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81–00090. Applicant: St. Agnes Medical Center, Skin Bank, 1900 South Broad Street, Philadelphia, PA 19145. Article: Evaporimeter #EPIC. Manufacturer: Servo-Med AB, Sweden. Intended use of article: See Notice on page 18570 in the Federal Register of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States. Reasons: The foreign article has a sterilizable probe and can measure skin surface evaporation rate as well as temperature. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the characteristics of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25798 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

Wayne State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00076. Applicant: Wayne State University, 5050 Cass Avenue, Detroit, Michigan 48202. Article: Gammacell-40 Irradiator with Accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of Article: See Notice on page 18566 in the **Federal Register** of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a dual cesium 137 source which provides a uniform (±5%) dose distribution over a sample tray (30.5 centimeter (cm) inside diameter X 10.2 cm high) centered in the radiation chamber. The Department of Health and Human Services (HHS) advises in its memorandum dated July 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25796 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

Spirits From Ireland; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration; Department of Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: As a result of a request by the Government of Ireland, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on spirits from Ireland would not cause injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION: On May 25, 1914, in T.D. 34466, the Department of the Treasury imposed countervailing duties on certain classes of spirits imported directly or indirectly from the United Kingdom of Great Britain and Ireland. On June 20, 1935, in T.D. 47753, the Department of the Treasury stated that countervailing duties continued to be applicable to spirits from Ireland, notwithstanding the establishment of the Irish Free State.

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of spirits from Ireland entered, or withdrawn from warehouse, for consumption on or after that date.

On June 25, 1981, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (46 FR 32923). The Department determined that a net subsidy on spirits from Ireland of 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits was being conferred during the period of review and reported that rate to the ITC.

On July 29, 1981, the ITC published its determination that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reasons of imports of spirits from Ireland covered by the order if the order were revoked (46 FR 38780). As a result, the Department is revoking the countervailing duty order concerning spirits from Ireland (T.A. 47753) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after April 3, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. Entries, or withdrawals from warehouse, for consumption made prior to April 3, 1980, are subject to countervailing duties as set forth in the final results of the administrative review.

This revocation is in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: August 27, 1981.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-25570 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Open Meeting of the U.S. Delegation to the International Laboratory Accreditation Conference

The Fifth Annual International Laboratory Accreditation Conference (ILAC/81) will be held in Mexico City, Mexico, October 26–30, 1981. In order to prepare for this Conference and to develop the U.S. position for the ILAC/81 session, including the preparation of any resolutions or comments on the working group documents that are received from the Secretariat ILAC/81, the U.S. Delegation to ILAC will hold a pre-conference meeting at the National Bureau of Standards, Gaithersburg, Maryland, on Tuesday, October 6, 1981, at 10:00 a.m. in Room A–166, Building 225 (Technology).

Copies of documents that are received from the Secretariat may be obtained upon request from Dr. Stanley I. Warshaw, Director, Office of Engineering Standards, Room B–154, Building 225 (Technology), National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921–3751.

The public is invited to attend this meeting on an unreserved, first-come first-served, basis to the limit of available facilities.

Dated: August 28, 1981.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 81–25783 Filed 9–2–81; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Hearing and Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the scheduled and proposed agenda of a forthcoming preliminary hearing and meeting of the Legislative, Rules and Regulations Committee of the National Advisory Council on Indian Education concerning the Reauthorization of the Indian Education Act, Pub. L. 92–318, which expires September 30, 1984. Written testimony is required for the hearing. Oral testimony is limited to a 5–10 minute summary of the written testimony. The two-day meeting following the hearing will be to review the Indian Education Act Regulations for the purpose of determining where unnecessary regulations may impede the delivery of services to Title IV grantees.

DATES: Preliminary Hearing: September 15, 1981, 10:30 a.m. to 6:30 p.m. Two-day meeting: September 16, 1981, 9:00 a.m. to 5:00 p.m. and September 17, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESS: Ramada Inn, King Avenue & I–90, Billings, Montana 59101 (406) 248–7151.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 (202) 376–8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92–318 (20 U.S.C. 1221g). The Council is established to:

(1) Submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81–874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92–318 and amended by Pub. L. 93–380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81–874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92–318), and make recommendations to the Secretary with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) Assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81–874) as added by Title IV, Part A, of Pub. L. 92–318;

(7) Submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) Be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92–318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The hearing and meeting will be open to the public. The proposed agenda includes: Preliminary public hearing of the Reauthorization of the Indian Education Act, Pub. L. 92–318 and, a meeting to review the Indian Education Act Regulations for the purpose of determining where unnecessary regulations may impede the delivery of services to Title IV grantees.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

Dated: August 31, 1981. Signed at Washington, D.C.

Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81–25835 Filed 9–2–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Establishment of Performance Review Board; Names of Board Members, and Schedule for Awarding Senior Executive Service Bonuses

Section 4314(c) of title 5 United States Code (as amended by the Civil Service Reform Act of 1978) requires that the Department of Energy establish, in

accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Board(s) to review, evaluate and make a final recommendation on performance appraisals assigned to Departmental members of the Senior Executive Service. The Performance Review Board established for the Department of Energy also makes written recommendations to the Executive Personnel Board or Chairman of the Federal Energy Regulatory Commission regarding Senior Executive Service performance bonuses, awards, and performance-related actions.

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid. The Department of Energy intends to award bonuses for the performance rating cycle of August 16, 1980, through July 31, 1981, with payouts scheduled by September 30, 1981.

Section 4314(c)(4) of title 5 United States Code requires that notice of appointment of Performance Review Board members be published in the **Federal Register.** The following persons have been appointed to serve on the performance review board standing register for the Department of Energy:

Walter R. Pettis, Bernard Rusche, Ronald Cochran, Michael T. Kelley, Rebecca Lambert, Matthew Abruzzo, Constance Stuart, James V. DeFrancis, John McKenna, Addison Wilson, Avrom Landesman, Gordon Harvey, Charles E. Williams, Alex J. Fremling, Wray Smith, Robert H. Bauer, Robert J. Hart, John C. Geidl, Yvonne Bishop, Richard Tedrow, Joe B. Lagrone, James K. Wright, Thomas Wieker, Edward L. Heller, Thomas C. Newkirk, Peter T. Johnson, Robert McPhail, Donald L. Bauer, Stephen Greenleigh, Jimmie L. Petersen, William Voight, Elizabeth C. MacRae, Maxine L. Savitz, Thomas Dillion, Melvin Chiogioji, Robert San Martin, Richard Schreiver, James S. Moose, George Jordy, F. Scott Bush, Robert L. Davies, Charles Eddington, Robert E. King, John Shepard, Harry A. Jones, David Newman, Robert J. Cross, Ed Itnyre, Harry F. Wright, Aaron Edmonson, James B. Hammett, Carl W. Guidice, Constantine Tseronis, Anthony L. Liccardi, Edward J. Lievens, Jr., Joseph Olivo, Harry R. Johnson, John H. Chiles, Augustine A. Pitrolo, Sun W. Chun, Sheldon Meyers, Julio L. Torres, Robert T. Duff, Francis C. Gilbert, George Weisz, Robert L. Morgan, Mahlon E. Gates, J. Ronald Young, Antoinette G. Joseph, James S. Kane, James E. Leiss, Edwin E. Kintner, J. Merle Schulman, K. Dean Helms, Raymond G. Romatowski, Richard Hecklinger, Holsey Handyside, John LeBarre, Gene K. Fleming, John W. Polk, Ronald S. Schwartz, David J. Ball, Berton J. Roth, Thomas Anderson, Cleo N. Mitchell, Jr., William G. McDonald, Lawrence R. Anderson, Charles Moore, Kenneth A. Williams, William W. Lindsay, Lynn R. Hargis, Howard Kilchrist, Randolph E. Mathura, Charles A. McManus, Jr., Robert C. Means, Louis Mendosa, Jerome Nelson, Robert E. Anderson, Andrew W. Battese, Raymond A. Beirne, Charles E. Bullock, Robert E. Cackowski, Bernard B. Chew, Marilyn L. Doria, Loren H. Drennan, Jr., Russel E. Faudree, Jr., Jerome M. Feit, Morris R. Fitzgerald, John B. O'Sullivan, Kenneth M. Pusateri, Leon J. Slavin, Joseph J. Solters, Theodore I. Sonde, Robert J. Szekelay, Bernard Wexler.

Issued in Washington, D.C., on August 26, 1981.

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

[FR Doc. 81-25776 Filed 9-2-81; 8:45 am]
BILLING CODE 6450-01-M

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Federal Energy Regulatory Commission

[Volume 496]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 26, 1981.

********** OHIO DEPARTMENT OF NATURAL RESOURCES **********							
-AMERICAN PETROEL INC		RECEIVED: 08/10/81 JA: OH					
8144874	3416725909	107-DV	RUTH KALB #1	INDEPENDENCE	15.0		
-BEREA OIL AND GAS CORPORATION		RECEIVED: 08/10/81 JA: OH					
8144877	3411925542	103	K LEPAGE #2	UNION	0.0	COLUMBIA GAS TRAN	
-BERRESFORD ENTERPRISES INC		RECEIVED: 08/10/81 JA: OH					
8144878	3403122689	103	RICK HAWKINS #1	MONROE	0.0		
-BROWN PETROLEUM CORP		RECEIVED: 08/10/81 JA: OH					
8144885	3407522645	103	BRUMME R K #3	RICHLAND	10.0	COLUMBIA GAS TRAN	
8144889	3407522884	103	BRUMME R K #5	RICHLAND	10.0	COLUMBIA GAS TRAN	
8144891	3407522886	103	BRUMME R K #6	RICHLAND	10.0	COLUMBIA GAS TRAN	
8144890	3407522885	103	BRUMME R K #7	RICHLAND	10.0	COLUMBIA GAS TRAN	
8144883	3407522520	103	BRUMONE RK #2	KILLBUCK	10.0	COLUMBIA GAS TRAN	
8144887	3407522830	103	CANTLEBERRY #2	KILLBUCK	10.0	COLUMBIA GAS TRAN	
8144888	3407522831	103	CANTLEBERRY #3	KILLBUCK	10.0	COLUMBIA GAS TRAN	
8144886	3407522829	103	FLINTSTONE #4	KILLBUCK	10.0	COLUMBIA GAS TRAN	
8144893	3407522903	103	FLINTSTONE #5	KILLBUCK	10.0	COLUMBIA GAS TRAN	
8144895	3407522979	103	FLINTSTONE #6	KILLBUCK	10.0	COLUMBIA GAS TRAN	
8144882	3407522457	103	HUSTON #2	KILLBUCK	10.0	COLUMBIA GAS TRAN	
8144892	3407522895	103	HUSTON #3	KILLBUCK	10.0	COLUMBIA GAS TRAN	
8144884	3407522637	103	TOMSIK #1	KILLBUCK	10.0	COLUMBIA GAS TRAN	
8144894	3407522950	103	TOMSIK #2	KILLBUCK	10.0	COLUMBIA GAS TRAN	
-C W RIGGS INC		RECEIVED: 08/10/81 JA: OH					
8144961	3416725293	107-DV	CLARENCE RINARD #2	RENO	10.9	COLUMBIA GAS TRAN	
-CHANSE PETROLEUM CORPORATION		RECEIVED: 08/10/81 JA: OH					
8144896	3408721436	103	JEANNE FETTERS #1	DORSET	3.6		
-DORAN & ASSOCIATES INC		RECEIVED: 08/10/81 JA: OH					
8144897A	3412725169	103	SNOOK-KING #1	HOPEWELL	12.0	NATIONAL GAS & OI	
8144897B	3412725169	107-TF	SNOOK-KING #1	HOPEWELL	12.0	NATIONAL GAS & OI	
-FORTUNE GAS AND OIL INC		RECEIVED: 08/10/81 JA: OH					
8144904	3411522161	107-TF	F FOX #1	BLOOM	30.0	EAST OHIO GAS CO	
8144905	3411522169	107-TF	G FOX UNIT #1	BLOOM	15.0	EAST OHIO GAS CO	
8144901	3411521858	107-TF	HAMER WILSON #1	BRISTOL	30.0	EAST OHIO GAS CO	
8144900	3411521858	107-TF	HAMER WILSON #2	BRISTOL	30.0	EAST OHIO GAS CO	
8144902	3411521860	107-TF	HARLAN REX #1	BRISTOL	30.0	EAST OHIO GAS CO	
8144898	3411521832	107-TF	KLIES #1	BLOOM	30.0	EAST OHIO GAS CO	
8144907	3412122346	107-TF	METTLER-CLARK #1	JACKSON	25.0	EAST OHIO GAS CO	
8144906	3411522248	107-TF	PARMITER #1	BLOOM	0.0	EAST OHIO GAS CO	
8144899	3411521854	107-TF	ROBERTS #1	BLOOM	30.0	EAST OHIO GAS CO	
8144903	3411521855	107-TF	ROBERTS #3	BLOOM	30.0	EAST OHIO GAS CO	
-GEO ENERGY INC		RECEIVED: 08/10/81 JA: OH					
8144908	3403124132	103	ELDER #4-1	BETHLEHEM	7.0		
8144909	3403124132	107-TF	ELDER #4-1	BETHLEHEM	7.0		

JOB NO	PERMIT	API NO	E SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-GIANT PETROLEUM CORPORATION			RECEIVED: 08/10/81 JA: OH				
8144911		3400721660	103	BENTON #1	ORWELL	20.0	EAST OHIO GAS CO
8144909		3400721177	103	PARKER #2	ORWELL	20.0	
8144910		3400721659	103	ZEVCHIK #2	COLEBROOK	20.0	
-HOLMCO PARTNERS			RECEIVED: 08/10/81 JA: OH				
8144912		3407523000	103	K SPURGEON #1	MONROE	12.0	
8144912		3407523000	107-TF	K SPURGEON #1	MONROE	12.0	
-JOHN C MASON			RECEIVED: 08/10/81 JA: OH				
8144931		3407522817	107-TF	EMANUEL NABER #1	BERLIN	15.0	COLUMBIA GAS TRAN
-JONSU CORP			RECEIVED: 08/10/81 JA: OH				
8144913		3403124112	103	R WRIGHT #1	PERRY	5.0	
8144914		3403124125	103	R WRIGHT #2	PERRY	0.0	
-K S T OIL & GAS CO INC			RECEIVED: 08/10/81 JA: OH				
8144915		3415521818	103	GRAND VALLEY ENTERPRISES INC #9	BLOOMFIELD	130.0	
-KENOIL			RECEIVED: 08/10/81 JA: OH				
8144916		3403124295	107-TF	MYRON YOUNG #1-N	CLARK	6.0	COLUMBIA GAS TRAN
8144917		3403124296	107-TF	MYRON YOUNG #1-S		6.0	COLUMBIA GAS TRAN
-L & M OPERATING INC			RECEIVED: 08/10/81 JA: OH				
8144921		3401921401	103	PRICE UNIT #4	ORANGE	7.0	BONANZA GAS LINE
8144921		3401921401	107-TF	PRICE UNIT #4	ORANGE	7.0	BONANZA GAS LINE
8144920		3401921400	103	WENDELL PRICE #3	ORANGE	7.0	BONANZA GAS LINE
8144920		3401921400	107-TF	WENDELL PRICE #3	ORANGE	7.0	BONANZA GAS LINE
8144919		3401921264	103	WENDELL PRICE #5	ORANGE	7.0	BONANZA GAS LINE
8144919		3401921264	107-TF	WENDELL PRICE #5	ORANGE	7.0	BONANZA GAS LINE
-LBJ DRILLING DBA JEFF MORAN			RECEIVED: 08/10/81 JA: OH				
8144918		3408322885	103	HERMAN & PRISCELLA LESCALLEET #1	CLAY	18.0	
-LESLIE OIL & GAS CO INC			RECEIVED: 08/10/81 JA: OH				
8144923		3410322364	103	CLARK WELL #1	SPENCER	4.0	COLUMBIA GAS TRAN
8144924		3410322415	103	CLARK WELL #2	SPENCER	7.0	COLUMBIA GAS TRAN
8144930		3415521657	103	DONALDSON WELL #2	SOUTHINGTON	7.0	COLUMBIA GAS TRAN
8144927		3410322481	103	HANGE WELL #3	SPENCER	10.0	COLUMBIA GAS TRAN
8144926		3410322480	103	HANGE WELL #4	SPENCER	251.2	COLUMBIA GAS TRAN
8144928		3410322483	103	HANGE WELL #7	SPENCER	10.0	COLUMBIA GAS TRAN
8144929		3410322488	103	HANGE-HALE UNIT #1	SPENCER	10.0	COLUMBIA GAS TRAN
8144925		3410322416	103	R SMITH WELL #2	SPENCER	10.0	COLUMBIA GAS TRAN
-MERIDIAN OIL & GAS ENT INC			RECEIVED: 08/10/81 JA: OH				
8144933		3400721501	103	ALVIN R SHARP JR WELL #1	DORSET	10.0	EAST OHIO GAS CO
8144934		3400721502	103	BARBARA J HUFFMAN WELL #1	DORSET	15.0	EAST OHIO GAS CO
8144932		3400721476	103	MAYNARD G SHEFFIELD WELL #1	DORSET	20.0	EAST OHIO GAS CO
8144935		3400721701	103	WILLIAM L SPENCER WELL #1-A	DORSET	15.0	EAST OHIO GAS CO
-MONROE-NOBLE INVESTORS LTD			RECEIVED: 08/10/81 JA: OH				
8144937		3412122515	103	HARRY SMITH #1	ELK	30.0	COLUMBIA GAS TRAN
8144938		3412122522	103	ROBERT SCHOTT #1	ELK	30.0	COLUMBIA GAS TRAN
8144936		3412122513	103	W H MASON #1	ELK	30.0	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC			RECEIVED: 08/10/81 JA: OH				
8144939		3412795102	103	MARIE REICHLEY #3	READING	0.0	
-NORTHEASTERN ENERGY DEV CORP			RECEIVED: 08/10/81 JA: OH				
8144942		3410322232	103	CONSERVATION LEAGUE WELL #1	WADSWORTH	0.0	EAST OHIO GAS CO
8144942		3410322232	107-TF	CONSERVATION LEAGUE WELL #1	WADSWORTH	0.0	EAST OHIO GAS CO
8144945		3410322859	103	FARNSWORTH WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8144945		3410322859	107-TF	FARNSWORTH WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8144941		3410322231	103	PARMELEE-CONSERVATION LEAGUE #4	WADSWORTH	21.0	EAST OHIO GAS CO
8144941		3410322231	107-TF	PARMELEE-CONSERVATION LEAGUE #4	WADSWORTH	21.0	EAST OHIO GAS CO

JOB NO	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144940	3410322230		103		PARMELEE-HALL #3	WADSWORTH	21.0	EAST OHIO GAS CO
8144940	3410322230		107-TF		PARMELEE-HALL #3	WADSWORTH	21.0	EAST OHIO GAS CO
8144943	3410322335		103		RENSE WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8144943	3410322335		107-TF		RENSE WELL #1	WADSWORTH	21.0	EAST OHIO GAS CO
8144944	3410322600		103		SNELL WELL #1	GUILFORD	21.0	EAST OHIO GAS CO
8144944	3410322600		107-TF		SNELL WELL #1	GUILFORD	21.0	EAST OHIO GAS CO
-OHIO PARTNERS OIL CO			RECEIVED: 08/10/81 JA: OH					
8144947	3405921573		107-TF		D MONROE #1	WESTLAND	100.0	EAST OHIO GAS CO
8144948	3405922680		107-TF		D MONROE #2	WESTLAND	100.0	EAST OHIO GAS CO
8144946	3400922130		103		SIMMS #2	YORK	20.0	COLUMBIA GAS TRAN
8144946	3400922130		107-TF		SIMMS #2	YORK	20.0	COLUMBIA GAS TRAN
8144949	3405922740		103		T BROWN #1	WESTLAND	20.0	EAST OHIO GAS CO
8144949	3405922740		107-TF		T BROWN #1	WESTLAND	20.0	EAST OHIO GAS CO
-PAGE P BLAKEMORE			RECEIVED: 08/10/81 JA: OH					
8144880	3416725650		103		HACKATHORNE NO 4 WELL	GRANDVIEW	19.2	
8144879	3416721236		103		WARD-COOPER NO 2	GRANDVIEW	18.3	
8144881	3416725774		103		WORSTELL #4	WEBB	20.5	
-PATRICK T DONNELLY DBA LANDPROVEST			RECEIVED: 08/10/81 JA: OH					
8144922	3411925585		103		WARDEN WEST #5A	SONORA	25.0	
-PENN-OHIO ENERGY CORP			RECEIVED: 08/10/81 JA: OH					
8144951	3407522924		103		ABE MILLER W-2-1	WALNUT CREEK TOWNSHIP	25.0	COLUMBIA GAS TRAN
8144951	3407522924		107-TF		ABE MILLER W-2-1	WALNUT CREEK TOWNSHIP	25.0	COLUMBIA GAS TRAN
8144952	3407523036		103		CECIL MAYNARD SR #3A	KILLBUCK	32.0	COLUMBIA GAS TRAN
8144950	3407522919		107-TF		TILLIE HOCHSTETLER B-3-1	BERLIN	75.0	COLUMBIA GAS TRAN
-PETROLEUM SECURITIES FUND - 80			RECEIVED: 08/10/81 JA: OH					
8144954	3407522941		103		E LASTOMEIN #1	PRAIRIE-HOLMES POOL	54.0	COLUMBIA GAS TRAN
8144955	3416922380		103		H E DOTTERER #1	MILTON-WAYNE POOL	28.0	COLUMBIA GAS TRAN
8144958	3416922642		103		H G KRABILL TRUST #4	CANAAN-WAYNE POOL	40.5	COLUMBIA GAS TRAN
8144959	3416922643		103		H G KRABILL TRUST #5	CANAAN-WAYNE POOL	9.0	COLUMBIA GAS TRAN
8144953	3403124258		103		HAINES-BASHOOR #5	TIVERTON	30.0	
8144956	3416922568		103		J N SCHAR #1	MILTON-WAYNE POOL	54.0	COLUMBIA GAS TRAN
8144957	3416922583		103		WILBUR C WISE #2	PLAIN-WAYNE POOL	14.0	COLUMBIA GAS TRAN
-PIONEER OIL COMPANY INC			RECEIVED: 08/10/81 JA: OH					
8144960	3407322452		107-DP		#1 C CARSON	STARR	10.0	COLUMBIA GAS TRAN
-R WOLFE OIL & GAS			RECEIVED: 08/10/81 JA: OH					
8144972	3400922028		103		SEEL #3 P 2028	ROME	5.0	COLUMBIA GAS CO
8144973	3400922054		103		SEEL #4 P 2054	ROME	15.0	COLUMBIA GAS CO
8144975	3400922076		103		WEBB #1 P 2076	ROME	5.0	COLUMBIA GAS CO
8144974	3400922058		103		WILLIAMS #1 P 2058	CANAAN	10.0	COLUMBIA GAS CO
-SANDHILL ENERGY INC (OH)			RECEIVED: 08/10/81 JA: OH					
8144962	3416726090		103		HARRY WEDDLE #2	GRANDVIEW	10.0	
8144963	3416726566		103		NORMAN RIDGEWAY #4	GRANDVIEW	15.7	
8144964	3416726588		103		THURMAN ENOCHS #2	LUDLOW	5.0	
-SHY OIL & GAS CO			RECEIVED: 08/10/81 JA: OH					
8144966	3403124221		103		YODER #2	MILLCREEK	25.0	
8144966	3403124221		107-TF		YODER #2	MILLCREEK	25.0	
-SKY PETROLEUM CORP			RECEIVED: 08/10/81 JA: OH					
8144967	3403124138		107-TF		DENNIS & EVELYN HUFF #1	WASHINGTON	0.0	
-STOCKER&SITLER INC			RECEIVED: 08/10/81 JA: OH					
8144968	3408924052		103		NO 2 HUNTER UNIT	GRANVILLE	2.0	BARDCORP INC
-SUNSET PETROLEUM INC			RECEIVED: 08/10/81 JA: OH					
8144969	3407523020		103		MONROE WEAVER #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
8144969	3407523020		107-TF		MONROE WEAVER #1	SALT CREEK	10.0	COLUMBIA GAS TRAN

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JC NO	CA PT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-THE BENATTY CORPORATION			RECEIVED: 08/10/81 JA: OK				
8144875		3412122265	103	HUDSON-NOLETTI #1	BUFFALO	30.0	COLUMBIA GAS TRAN
8144875		3412122265	107-TF	HUDSON-NOLETTI #1	BUFFALO	30.0	COLUMBIA GAS TRAN
8144876		3412122268	103	HUDSON-NOLETTI #2	BUFFALO	30.0	COLUMBIA GAS TRAN
8144876		3412122268	107-TF	HUDSON-NOLETTI #2	BUFFALO	30.0	COLUMBIA GAS TRAN
-THUNDERBIRD PETROLEUM CORP			RECEIVED: 08/10/81 JA: OH				
8144970		3416726568	103	HASKEL SWAIN #1	LUDLOW	40.0	
-TIGER OIL INC			RECEIVED: 08/10/81 JA: OH				
8144971		3412122450	107-DV	V CUNNINGHAM #1	ELK	0.0	COLUMBIA GAS TRAN
-W E SHRIDER CO			RECEIVED: 08/10/81 JA: OH				
8144965		3408924153	103	FRANK KREAGER #1	MADISON	3.0	NATIONAL GAS & OI
********** OKLAHOMA CORPORATION COMMISSION **********							
-AMAREX INC			RECEIVED: 08/04/81 JA: OK				
8144797	10018	3504321121	103	L & E FARMS #1	N W OAKWOOD	0.0	
-AN-SON CORPORATION			RECEIVED: 08/04/81 JA: OK				
8144770	11786	3500722064	102-4	EADES NO 2	IVANHOE	1000.0	NORTHERN NATURAL
8144770	11786	3500722064	103	EADES NO 2	IVANHOE	1000.0	NORTHERN NATURAL
*8144839	11317	3503920420	102-4	STIDHAM #1	EAST CLINTON	986.0	PRODUCERS GAS CO
-ANADARKO PRODUCTION COMPANY			RECEIVED: 08/04/81 JA: OK				
8144824	11657	3513921268	102-4	DIXON A NO 1	HOUGH SOUTH	18.0	PHILLIPS PETROLEU
-ANADARKO PRODUCTION COMPANY			RECEIVED: 08/05/81 JA: OK				
8144853	11875	3500721874	102-4	JUDY B NO 1	HOCANE	36.0	PANHANDLE EASTERN
8144853	11875	3500721874	103	JUDY B NO 1	HOCANE	36.0	PANHANDLE EASTERN
-ANDOVER OIL COMPANY			RECEIVED: 08/04/81 JA: OK				
8144792	11508	3501721800	102-2	E MILLS #20-3		175.0	DELHI GAS PIPELIN
8144792	11508	3501721800	103	E MILLS #20-3		175.0	DELHI GAS PIPELIN
8144791	11507	3501721892	102-2	GLEICHMAN #12-4		100.0	DELHI GAS PIPELIN
8144791	11507	3501721892	103	GLEICHMAN #12-4		100.0	DELHI GAS PIPELIN
8144840	11314	3512521000	102-2	SAUNDERS #29-1		100.0	PUBLIC SERVICE CO
8144840	11314	3512521000	103	SAUNDERS #29-1		100.0	PUBLIC SERVICE CO
8144843	11242	3501721824	102-2	SHEPARD #25-1		100.0	DELHI GAS PIPELIN
8144843	11242	3501721824	103	SHEPARD #25-1		100.0	DELHI GAS PIPELIN
-ANDOVER OIL COMPANY			RECEIVED: 08/05/81 JA: OK				
8144864	09976	3501721833	103	GLEICHMAN #12-3		170.0	DELHI GAS PIPELIN
8144856	11837	3501721882	102-2	SCHUMACHER #22-3		175.0	DELHI GAS PIPELIN
8144856	11837	3501721882	103	SCHUMACHER #22-3		175.0	DELHI GAS PIPELIN
-APOLLO PRODUCTION LTD			RECEIVED: 08/05/81 JA: OK				
8144858	10867	3507322651	102-4	GRELLNER NO 25-14	SOONER TREND	440.7	SID RICHARDSON CA
8144858	10867	3507322651	103	GRELLNER NO 25-14	SOONER TREND	440.7	SID RICHARDSON CA
8144854	11902	3507323087	102-4	RUETER NO 36-1	N E OKARCHE	0.0	SID RICHARDSON CA
8144854	11902	3507323087	103	RUETER NO 36-1	N E OKARCHE	0.0	SID RICHARDSON CA
-BARUCH-FOSTER CORP			RECEIVED: 08/04/81 JA: OK				
8144825	11698	3508121274	102-4	B F COOK A #2	RAVENDALE	60.0	CITIES SERVICE GA
8144826	11699	3511921231	102-4	HARVEY COLLINS #1	RAVENDALE	150.0	CITIES SERVICE GA
8144827	11700	3511921433	102-4	STATE OF OKLAHOMA D #1	RAVENDALE	20.0	CITIES SERVICE GA
-BEARD OIL COMPANY			RECEIVED: 08/04/81 JA: OK				
8144773	09892	3510920396	103	FRANKIE K #1	CHOCTAW	35.0	OKLAHOMA NATURAL
-BEREN CORPORATION			RECEIVED: 08/04/81 JA: OK				
8144832	11343	3500721985	102-4	PYLE NO 1-34	EAST HOYD	164.0	KANSAS-NEBRASKA N
-BOGERT OIL CO			RECEIVED: 08/04/81 JA: OK				
8144758	09933	3508321499	103	WAYNE 1-18	SOONER TREND	105.0	EASON OIL CO

JOB NO	API NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BROCK HYDROCARBONS INC			RECEIVED: 08/05/81 JA: OK			
8144867	03272	3504520837	102-4 THURMOND #1-36	GAGE	0.0	PANHANDLE EASTERN
-BURKHART PETROLEUM CORP			RECEIVED: 08/04/81 JA: OK			
8144841	11308	3505320623	102-4 MITCHELL 1-33	S E SALT FORK	350.0	CRA INC
8144841	11308	3505320623	103 MITCHELL 1-33	S E SALT FORK	350.0	CRA INC
-CENTEX OIL & GAS INC			RECEIVED: 08/04/81 JA: OK			
8144762	09879	3505920875	103 RUBLE NO 1-12	N BOILING SPRINGS	186.0	DELHI GAS PIPELIN
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 08/04/81 JA: OK			
8144849	09940	3509321774	103 MILDRED E VOLZ NO 3	EAST CHANEY DELL	90.0	CHAMPLIN PETROLEU
-CLARK RESOURCES INC			RECEIVED: 08/04/81 JA: OK			
8144776	11524	3504722643	102-4 WELLS 13-2	SOONER TREND	170.0	CRA INC
8144776	11524	3504722643	103 WELLS 13-2	SOONER TREND	170.0	CRA INC
8144786	09998	3507322801	103 WITTROCK 18-1	SOONER TREND	109.0	PHILLIPS PETROLEU
-CONOCO INC			RECEIVED: 08/04/81 JA: OK			
8144816	10969	3503920408	102-2 MEACHAM NO 14-1	S CUSTER CITY	98.0	
-COTTON PETROLEUM CORPORATION			RECEIVED: 08/04/81 JA: OK			
8144775	13167	3501521048	107-DP MANNING NO 1	SOUTH VERDEN	1200.0	SOUTHERN NATURAL
8144794	11768	3501121465	102-4 ROY KEITH BURNS NO 1	SQUAW CREEK	250.0	TRANSOK PIPE LINE
-DAWN ENERGY CO			RECEIVED: 08/04/81 JA: OK			
8144844	11235	3505921011	102-4 HUDSON #1-35	S E MAY	146.0	PANHANDLE EASTERN
-DEMINEX US OIL COMPANY			RECEIVED: 08/04/81 JA: OK			
8144769	09131	3504921367	102-4 GREEN NO 1	S W PAOLI A	72.0	WARREN PETROLEUM
-EARTH ENERGY RESOURCES INC			RECEIVED: 08/04/81 JA: OK			
8144777	11718	3511921390	102-4 MCKENZIE NO 8	MEHAN	200.0	CITIES SERVICE GA
-F C D OIL CORP			RECEIVED: 08/04/81 JA: OK			
8144767	09840	3507322699	103 GRELLNER 2-32	SOONER TREND	12.8	DALCO PETROLEUM I
-F M BUXTON			RECEIVED: 08/04/81 JA: OK			
8144812	10018	3508321544	103 HERREN 5 NO 1	SOONER TREND	91.0	CONOCO INC
-FUNK EXPLORATION INC			RECEIVED: 08/04/81 JA: OK			
8144764	10893	3500721868	102-4 FOSTER #1-18	DORBEY	0.0	PANHANDLE EASTERN
-GENIE OIL & GAS CORP			RECEIVED: 08/04/81 JA: OK			
8144768	10055	3508321059	103 GERDEN #1	N E CRESCENT	150.0	EASON OIL CO
-GEORGE RODMAN INC			RECEIVED: 08/05/81 JA: OK			
8144857	10054	3508720522	103 SHOBERT NO 1-23	PAYNE	16.7	SUN GAS CO
-GULF OIL CORPORATION			RECEIVED: 08/04/81 JA: OK			
8144817	11472	3501721685	102-2 J C LODES NO 1-9	OKARCHE SW	23.0	ONG-WESTERN INC
8144809	09893	3501121490	103 RAY ORDENHOFF #1-36	SOUTH OMEGA	3.0	OKLAHOMA NATURAL
-HARPER OIL COMPANY			RECEIVED: 08/04/81 JA: OK			
8144834	11432	3503920578	102-2 KENNEY #1	S LEEDY	290.0	
-HARPER OIL COMPANY			RECEIVED: 08/05/81 JA: OK			
8144859	11431	3504321225	102-4 ELLA #1	S E FONDA	275.0	PHILLIPS PETROLEU
-HELMERICH & PAYNE INC			RECEIVED: 08/04/81 JA: OK			
8144795	11499	3514920110	102-2 FLAMING NO 1-20 (RF)	NORTH COLONY	183.0	MICHIGAN WISCONSI
-HOLDEN ENERGY CORP			RECEIVED: 08/04/81 JA: OK			
8144772	11820	3501922208	102-4 DOANN 18-1	JOINER CITY	32.0	AMINOIL USA INC
8144771	11819	3501922213	102-4 REED 28-2	JOINER CITY	26.0	AMINOIL USA INC
-INTERNORTH INC			RECEIVED: 08/05/81 JA: OK			
8144861	09967	3500721592	103 BECKWITH #1-22	S BALKO	37.0	INTERNORTH INC
-J L THOMAS ENGINEERING INC			RECEIVED: 08/04/81 JA: OK			
8144779	09927	3508320750	103 DALE #1	SOONER TREND	109.5	PANHANDLE EASTERN
8144848	09959	3509321985	103 KIRKENDALL #1	SOONER TREND	73.0	PIONEER GAS PRODU
-JIMMY W GRAY			RECEIVED: 08/04/81 JA: OK			
8144811	10015	3504921429	103 KATHY NO 1 WELL	WHITEHEAD WEST	0.0	WARREN PETROLEUM

JOB NO	DA. KT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8144810	10014	3504921403	103	SHAMLEY 1-18	ANTIOCH EAST	0.0	WARREN PETROLEUM
-JONES EXPLORATION CO			RECEIVED: 08/04/81 JA: OK				
8144845	10851	3501922204	102-3	AMERADA-HESS NO 1		108.0	LONE STAR GAS CO
-JOSEPH I ONEILL JR			RECEIVED: 08/05/81 JA: OK				
8144855	10053	3500720961	108	SMITH #1	MOCANE-LAVERNE	12.0	NORTHERN NATURAL
-KAISER-FRANCIS OIL COMPANY			RECEIVED: 08/04/81 JA: OK				
8144847	09964	3501720703	103	EVA PRAIRIE	S E WATONGA	400.0	DELHI GAS PIPELIN
-KEITH F WALKER			RECEIVED: 08/04/81 JA: OK				
8144759	10006	3501966107	103	J B MOORE ESTATE	OIL CITY	36.5	MOBIL OIL CORP
-KEPCO INC			RECEIVED: 08/04/81 JA: OK				
8144831	11496	3503120707	102-4	GLOVER #1-22	SOUTH STERLING	45.0	CITIES SERVICE GA
-L & W EXPLORATION INC			RECEIVED: 08/04/81 JA: OK				
8144765	10114	3508321484	103	LOWE NO 3-24	W LAURIE	1.0	EASON OIL CO
-L G WILLIAMS OIL COMPANY INC			RECEIVED: 08/05/81 JA: OK				
8144862	09970	3501721720	103	HOWARD NO 8-1	NW MUSTANG	7.3	PHILLIPS PETROLEU
-L O WARD			RECEIVED: 08/04/81 JA: OK				
8144804	10027	3502720443	103	HARLOW ROYALTIES #1	W NORMAN	36.0	SUN GAS CO
8144846	09987	3502720377	103	OKLAHOMA B-16 #2	NW NORMAN	36.0	SUN GAS CO
8144813	10026	3502720469	103	OKLAHOMA C-16 #2	W NORMAN	36.0	SUN GAS CO
-LADD PETROLEUM CORPORATION			RECEIVED: 08/04/81 JA: OK				
8144837	11121	3507322829	102-4	VOGT #2	OKARCHE NORTH	150.5	DELHI GAS PIPELIN
8144837	11121	3507322829	103	VOGT #2	OKARCHE NORTH	150.5	DELHI GAS PIPELIN
-LUBELL OIL CO			RECEIVED: 08/04/81 JA: OK				
8144803	09848	3506321221	103	LUBELL NO 1-16 BARBER	NORTH WETUMKA	200.0	
8144814	09849	3512120760	103	LUBELL NO 1-29 PEARSON	ULAN	150.0	
-MACK OIL CO			RECEIVED: 08/04/81 JA: OK				
8144788	09967	3501700000	103	GLEN #1		75.0	TRANSOK PIPE LINE
-MAJOR OIL CORP			RECEIVED: 08/04/81 JA: OK				
8144850	09939	3509321972	103	VIOLA WOLF 1-20	MENO-RINGWOOD	75.0	PIONEER GAS PRODU
-MAR-BAR ENTERPRISES INC			RECEIVED: 08/04/81 JA: OK				
8144838	11321	3513166429	102-2	EDINGER #1	WEST DOLAGAH	0.0	DIAMOND-S GAS SYS
-MIN-TEX OIL CORP			RECEIVED: 08/05/81 JA: OK				
8144873	11919	3501032653	102-4	LANE NO 1	NW MARATHON	456.0	
-MOBIL OIL CORP			RECEIVED: 08/04/81 JA: OK				
8144761	10017	3513921440	103	GUEST (UNIT 134) NO 2	GUYMON - HUGOTON	85.0	CITIES SERVICE GA
-MOORE OIL & GAS INC			RECEIVED: 08/04/81 JA: OK				
8144819	11290	3514321259	102-2	ALLEN #1	COLLINSVILLE	42.0	DIAMOND S GAS SYS
-MORAN EXPLORATION INC			RECEIVED: 08/05/81 JA: OK				
8144869	09709	3501721801	103	KIRKEGARD #1	YUKON AREA	0.0	PHILLIPS PETROLEU
-MUSTANG PRODUCTION CO.			RECEIVED: 08/04/81 JA: OK				
8144763	11284	3501520994	102-2	LUELLEN #1-5	S E HYDRO	300.0	ARKANSAS LOUISIAN
-NATURAL GAS ANADARKO INC			RECEIVED: 08/04/81 JA: OK				
8144842	11268	3508721923	102-4	VENABLE #1-28	WEST SIX MILE	360.0	INTERNORTH INC
-NORTH AMERICAN ROYALTIES INC			RECEIVED: 08/04/81 JA: OK				
8144778	09937	3501721753	103	WRIGHT #2 (017-65344)	YUKON	365.0	PHILLIPS PETROLEU
-OIL LIFT INC			RECEIVED: 08/04/81 JA: OK				
8144836	11065	3510523273	102-2	OESTMANN #1 (API NO 10523273)	SOUTH COFFEYVILLE	11.0	PELICAN PIPELINE
8144830	11064	3510521453	102-2	OSHEL #1 (API NO A10521453)	SOUTH COFFEYVILLE	45.6	PELICAN PIPELINE
8144830	11064	3510521453	103	OSHEL #1 (API NO A10521453)	SOUTH COFFEYVILLE	45.6	PELICAN PIPELINE
8144829	11063	3510523665	102-2	TITUS #1 (API NO 10523665)	SOUTH COFFEYVILLE	41.6	PELICAN PIPELINE
8144829	11063	3510523665	103	TITUS #1 (API NO 10523665)	SOUTH COFFEYVILLE	41.6	PELICAN PIPELINE
8144807	11062	3510523663	102-2	WILBUR HARDEN #1-15 API 10523663	SOUTH COFFEYVILLE	54.8	PELICAN PIPELINE
8144807	11062	3510523663	103	WILBUR HARDEN #1-15 API 10523663	SOUTH COFFEYVILLE	54.8	PELICAN PIPELINE

JOB NO	DA. KT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

OPR NO	JA CERT	API NO	D	SEC	CAT	WELL NAME
-PACIFIC OIL & GAS CO						RECEIVED: 08/05/81 JA: OK
8144860	11765	3509321657		102-2		BOSTON #2
-PETROLEUM INC						RECEIVED: 08/05/81 JA: OK
8144868	09708	3508720526		103		WELCHEL #1
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 08/05/81 JA: OK
8144866	4514	3513914875		108-ER		BACKHOUSE #1
8144865	10049	3507300000		108		OKLAHOMA NATURAL GAS CO
-PIONEER PRODUCTION CORPORATION						RECEIVED: 08/04/81 JA: OK
8144833	11351	3515121854		102-2		WILBER W MADDOX #1-27
-POST PETROLEUM COMPANY INC						RECEIVED: 08/04/81 JA: OK
8144774	09958	3507322737		103		OVERLAND-MAXON #2
-PROVIDENCE ENERGY CORP						RECEIVED: 08/04/81 JA: OK
8144852	1226	3505520196		108-PB		BAYLIFF #1
8144802	09731	3505920950		103		SINGER-FLEISCHAKER #1
-RESOURCES INVESTMENT CORPORATION						RECEIVED: 08/04/81 JA: OK
8144801	09969	3502720435		103		JENKINS #2
-RICKS EXPLORATION CO						RECEIVED: 08/04/81 JA: OK
8144822	11523	3502920249		102-2		MCENTIRE ESTATE 10A
-ROY LAWRENCE DRILLING CO INC						RECEIVED: 08/04/81 JA: OK
8144805	10278	3511700000		102-2		HALE NO 1
8144805	10278	3511700000		103		HALE NO 1
8144806	10279	3511700000		102-2		WICHITA NO 1
8144806	10279	3511700000		103		WICHITA NO 1
-SEARCH DRILLING CO						RECEIVED: 08/04/81 JA: OK
8144785	09997	3500722005		103		BOCKELMAN B #1-5
-SENECA OIL COMPANY						RECEIVED: 08/04/81 JA: OK
8144823	11547	3509322168		102-0		STATE 1-36
-SENECA OIL COMPANY						RECEIVED: 08/05/81 JA: OK
8144872	11918	3504321263		102-2		BECKLOFF #2-28
8144871	11917	3513921473		102-2		WEHMEIER #2-13
8144871	11917	3513921473		103		WEHMEIER #2-13
-SERVICE DRILLING CO						RECEIVED: 08/04/81 JA: OK
8144820	11327	3507122314		102-2		GRAHAM #2-19
-SOUTHPORT EXPLORATION INC						RECEIVED: 08/04/81 JA: OK
8144828	11168	3504520029		102-4		RICHARDS NO 1-28
-SOUTHWESTERN EXPLOR CONSULTANTS INC						RECEIVED: 08/04/81 JA: OK
8144835	11487	3508321854		102-4		CHAPPELL #1
-STEVE JERNIGAN INC						RECEIVED: 08/04/81 JA: OK
8144768	08472	3507322637		103		WIER #1
-SULLIVAN AND CO						RECEIVED: 08/04/81 JA: OK
8144789	11325	3512521125		102-2		C CALL NO 1
-SULLIVAN AND CO						RECEIVED: 08/05/81 JA: OK
8144863	09971	3508121231		103		L P CARPENTER NO 2
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 08/04/81 JA: OK
8144800	08199	3504700000		108		S E FLYNN UNIT NO 45-2
-SUNDANCE ENERGY CORP						RECEIVED: 08/04/81 JA: OK
8144788	10802	3504722271		103		RODNEY NO 1
-SUNRISE EXPLORATION INC						RECEIVED: 08/05/81 JA: OK
8144870	09765	3514920885		103		LEONARD NO 1
-SWALA OIL & GAS CORP						RECEIVED: 08/04/81 JA: OK
8144808	09881	3513921317		103		GROUNDS NO 1
-TENNECO OIL COMPANY						RECEIVED: 08/04/81 JA: OK
8144766	09279	3509321267		103		CLASSEN #1

FIELD NAME	PROD	PURCHASER
E BADO	8.8	PHILLIPS PETROLEU
N DIBBLE	0.7	SUN GAS CO
	0.0	MICHIGAN WISCONSI
SOONER TREND	5.5	OKLAHOMA NATURAL
FARRY NE	204.0	PANHANDLE EASTERN
SW REEDING	0.0	CONOCO INC
CHESTER	0.0	NORTHERN NATURAL
LAVERNE	400.0	NORTHERN NATURAL
N W NORMAN	89.6	SUN GAS CO
WARDVILLE	313.0	ARKANSAS LOUISIAN
MERAMEC POOL	1.3	PHILLIPS PETROLEU
MERAMEC POOL	1.3	PHILLIPS PETROLEU
MERAMEC POOL	3.5	PHILLIPS PETROLEU
MERAMEC POOL	3.5	PHILLIPS PETROLEU
N E HOLLAND	900.0	EL PASO NATURAL G
SOUTHWEST DANE	200.0	PANHANDLE EASTERN
OAKWOOD	450.0	DELHI GAS PIPELIN
S W DOMBEY	270.0	PANHANDLE EASTERN
S W DOMBEY	270.0	PANHANDLE EASTERN
W SHIDLER	44.0	CITIES SERVICE GA
SOUTH PODUNK FIELD	146.0	
CRESCENT	0.0	EASON OIL CO
SOONER TREND	0.0	PHILLIPS PETROLEU
N W TECUMSEH	229.0	
SOUTHWEST PRAIRIE GEM	1.0	SUN OIL CO
DOVER-HENNESSEY	0.1	EXXON CORP
W DOUGLAS	189.0	ONG WESTERN INC
ELK CITY	365.0	
GUYRON-HUGOTON	55.0	PHILLIPS PETROLEU
BADO EAST	5.5	DELHI GAS PIPELIN

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JD NO	JA DT	API NO	P SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXACO INC			RECEIVED: 08/04/81 JA: OK				
8144818	11322	3508520450	102-2	COPELAND NO 1	SIMON-NORTH	4.0	AMINOIL USA INC
8144798	09954	3507322768	103	LINCOLN NORTH UNIT TR 20 #2	SOONER TREND	28.0	EXXON CO U S A
8144799	09953	3507322664	103	LINCOLN NORTH UNIT TR 30 #2	SOONER TREND	8.0	EXXON CO USA
8144793	09955	3507322682	103	LINCOLN NORTH UNIT TR 42 #2	SOONER TREND	15.0	EXXON CO U S A
8144796	09952	3507322779	103	LINCOLN NORTH UNIT TR 6 #3	SOONER TREND	41.0	EXXON CO U S A
-THE WIL-MC OIL CORP			RECEIVED: 08/04/81 JA: OK				
8144851	09938	3506320642	103	HULA #1	SW CLYDE	900.0	SUN GAS CO
-TOWNER PETROLEUM CO			RECEIVED: 08/04/81 JA: OK				
8144781	09896	3509321944	103	EDWARDS #7-1	WEST FAIRVIEW	200.0	PHILLIPS PETROLEU
8144780	09895	3509321939	103	JORDAN #6-2	WEST FAIRVIEW	256.0	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF			RECEIVED: 08/04/81 JA: OK				
8144821	11511	3508520417	102-4	HERRING #1-3	N E ORR	75.0	LONE STAR GAS CO
8144821	11511	3508520417	103	HERRING #1-3	N E ORR	75.0	LONE STAR GAS CO
-UNIT DRILLING & EXPLORATION CO			RECEIVED: 08/04/81 JA: OK				
8144782	09990	3500721981	103	KILE NO 1	W ELMWOOD	91.0	PHILLIPS PETROLEU
8144783	09991	3507720219	103	P S O NO 1	HARTSHORNE	292.0	ARKANSAS LOUISIAN
8144784	09992	3507920395	103	RACHEL GAMBLE NO 1	SPIRO	948.0	ARKANSAS LOUISIAN
8144815	09989	3500721915	103	YATES NO 1	W ELMWOOD	29.0	PHILLIPS PETROLEU
-VULCAN ENERGY CORP			RECEIVED: 08/04/81 JA: OK				
8144787	09999	3507322668	103	COMBS #2	SOONER TREND	36.0	PHILLIPS PETROLEU

OTHER PURCHASERS VOLUME NO :496

8[illegible]839 NORTHERN NATURAL GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25770 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

JD NO	JA DKT	API NO	I SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION							
-ANADARKO PRODUCTION COMPANY		RECEIVED: 08/10/81 JA: KS					
8145135	K 81-0199	1512920484	103	HAAR E NO 1	PANOMA COUNCIL GROVE	37.0	PANHANDLE EASTERN
8145127	81-0160	1512920458	103	INTERSTATE B NO 6	INTERSTATE	18.0	PANHANDLE EASTERN
8145139	K 80-1067	1512920482	103	KNELLER E NO 1	PANOMA	36.5	CIMARRON-QUINQUE
-CHAMPLIN PETROLEUM COMPANY		RECEIVED: 08/10/81 JA: KS					
8145131	K 81-0349	1505520425	103	U I POTTER D-1	PANOMA COUNCIL GROVE	150.0	NORTHERN NATURAL
-DOME PETROLEUM CORP		RECEIVED: 08/10/81 JA: KS					
8145137	K 80-0558	1507520334	103	CHEATUM #2-A	BRADSHAW	1.2	KANSAS-NEBRASKA N
-F G HOLL		RECEIVED: 08/10/81 JA: KS					
8145136	K 81-0953	1515120737	103	HAKANSON NO 1-33	HARDING WEST	54.7	CENTRAL STATES GA
8145138	K 80-0954	1515120724	103	MILLER C NO 1-34	HARDING	54.7	CENTRAL STATES GA
-J MARK RICHARDSON		RECEIVED: 08/10/81 JA: KS					
8145134	K 81-0026	1509720603	103	BRENSING B #1	FRALICK WEST EXT	400.0	PANHANDLE EASTERN
-KANSAS NATURAL GAS INC		RECEIVED: 08/10/81 JA: KS					
8145129	K 81-0456	1509320707	103	CAMPBELL #2-CG-10	PANOMA - COUNCIL GROVE	100.0	KANSAS-NEBRASKA N
8145128	K 81-0455	1509320705	103	FROST #1-CG-5	PANOMA - COUNCIL GROVE	100.0	KANSAS-NEBRASKA N
8145130	K 81-0457	1509302070	103	TATE #2-CG-11	PANOMA - COUNCIL GROVE	100.0	KANSAS-NEBRASKA N
-ZENITH DRILLING CORPORATION INC		RECEIVED: 08/10/81 JA: KS					
8145133	K 81-0318	1515520686	103	LANG #1	ZENITH PEACE CREEK MISSI	37.0	PEOPLES NATURAL G
8145132	K 81-0319	1515520728	103	WEBER C-1	ZENITH PEACE CREEK MISSI	55.0	PEOPLES NATURAL G
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
-CRYSTAL OIL COMPANY		RECEIVED: 08/11/81 JA: MI					
8145144		2108734112	102-4	AURAND ROSS #1 - 17	MARATHON	91.3	CONSUMERS POWER C
8145142		2104934285	102-4	CHADWELL ET AL #1 - 13	OTTER LAKE	13.5	CONSUMERS POWERS
8145147		2108734141	102-4	CLARK #1 - 16	MARATHON FIELD	63.9	CONSUMERS POWER C
8145143		2108734142	102-4	FLYNN #1 - 17	MARATHON	36.5	CONSUMERS POWER C
8145145		2108732963	102-4	HAROLD & PAULINE FULLER #1	MARATHON FIELD	109.5	CONSUMERS POWER C
8145148		2108732794	102-4	JAMES & DORIS RICHARDSON #1	MARATHON FIELD	59.9	CONSUMERS POWER C
8145146		2108734111	102-4	RICHARDSON - AURAND #1 - 17	MARATHON FIELD	73.0	CONSUMERS POWER C
-DART OIL & GAS CORPORATION		RECEIVED: 08/07/81 JA: MI					
8145140		2106308008	102-3	MASON #10-36 (34293)	AETNA	20.0	CONSUMERS POWER C
-PATRICK PETROLEUM CORP OF MICHIGAN		RECEIVED: 08/11/81 JA: MI					
8145141		2105534280	102-4	HAGGERTY - CONWAY 1-33	GRANT 33	0.0	
OKLAHOMA CORPORATION COMMISSION							
-AMAREX INC		RECEIVED: 08/04/81 JA: OK					
8145121	11393	3512920509	102-2	FARRELL #1	OMEGA WEST (S CHEYENNE P	200.0	
-AMERICAN QUASAR PETROLEUM CO		RECEIVED: 08/07/81 JA: OK					

JD NO	JA CRT	API NO	L SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
8145073	13016	3514920167	107-DP TALL BEAR #1-18		8.0	MICHIGAN-WISCONSI
			RECEIVED: 08/04/81 JA: OK			
-ANDOVER OIL COMPANY						
8145110	09851	3501721664	102-2 MILLER #30-3		180.0	DELHI GAS PIPELIN
8145110	09851	3501721664	103 MILLER #30-3		180.0	DELHI GAS PIPELIN
			RECEIVED: 08/04/81 JA: OK			
-ARCO OIL AND GAS COMPANY						
8145103	09691	3509300000	108 M F GORANFLO UNIT SP #1	NE CEDARDALE	11.3	MICHIGAN WISCONSI
			RECEIVED: 08/07/81 JA: OK			
-ARCO OIL AND GAS COMPANY						
8145079	11470	3510321104	102-4 M D ATKINSON NO 1	N W STILLWATER AIRPORT	73.0	
			RECEIVED: 08/04/81 JA: OK			
-B & H EXPLORATION CO						
8145113	10024	3513120908	103 CONSTIEN #2		19.5	DIAMOND S GAS SYS
8145099	10022	3513120911	103 CONSTIEN #3		1.2	DIAMOND S GAS SYS
8145112	10025	3513121567	103 CONSTIEN #4		3.5	DIAMOND S GAS SYS
			RECEIVED: 08/07/81 JA: OK			
-BROCK HYDROCARBONS INC						
8145093	08271	3509321818	102-2 KLUCKNER #1-30	SE BADO	0.0	PANHANDLE EASTERN
			RECEIVED: 08/07/81 JA: OK			
-CHASE EXPLORATION CORP						
*8145092	09808	3507121825	103 BRAUNER #2-18		11.3	CITIES SERVICE GA
*8145097	09798	3507121673	103 CURFMAN #2-6		2.3	CITIES SERVICE GA
*8145090	09806	3507121822	103 EISENHAUER #1-14		0.0	CITIES SERVICE GA
*8145091	09807	3507121824	103 ELLIOTT #2-17		22.1	CITIES SERVICE GA
*8145088	09801	3507121200	103 LESEMANN #1-4		0.0	CITIES SERVICE GA
8145089	09802	3507121745	103 LEVEN #2-33		0.0	CITIES SERVICE GA
			RECEIVED: 08/07/81 JA: OK			
-CLARK RESOURCES INC						
8145087	09886	3507322744	103 DUFFY 17-1	SOONER TREND	49.0	PHILLIPS PETROLEU
8145080	09887	3507322827	103 LUELLA 3-1	SOONER TREND	57.0	EASON OIL CO
8145075	11808	3507323068	102-4 MERCER 20-2	SOONER TREND	190.0	CITIES SERVICE GA
8145075	11808	3507323068	103 MERCER 20-2	SOONER TREND	190.0	CITIES SERVICE GA
			RECEIVED: 08/04/81 JA: OK			
-CURRIE PETROLEUM & GAS CORP				S HASKELL	182.0	PHILLIPS PET CO
8145120	11178	3510120907	103 BETTY SUE CARTER 3-20			
			RECEIVED: 08/07/81 JA: OK			
-DALCO PETROLEUM INC				SOONER TREND	91.3	DALCO PETROLEUM U
8145094	08320	3507322470	103 ERNEST #1			
			RECEIVED: 08/04/81 JA: OK			
-DLB ENERGY CORP				NORTH PIEDMONT	400.0	CONOCO OIL CO
8145116	11491	3501721904	102-4 HENTHORN AND HULL	NORTH PIEDMONT	400.0	CONOCO OIL CO
8145116	11491	3501721904	103 HENTHORN AND HULL			
			RECEIVED: 08/07/81 JA: OK			
-EASON OIL COMPANY				YUKON	148.0	DORIC PETROLEUM I
8145095	08441	3501721652	103 TULLOS-HENDERSON #4			
			RECEIVED: 08/04/81 JA: OK			
-EBERLY & MEADE				DOG CREEK	0.0	ARKANSAS LOUISIAN
8145123	09770	3507920242	103 EBERLY AND MEADE #2-10 REED			
			RECEIVED: 08/07/81 JA: OK			
-EL PASO NATURAL GAS COMPANY				ELK CITY MORROW UPPER	2710.0	EL PASO NATURAL G
8145068	13235	3514920169	107-DP ROGER SPEARS #1			
			RECEIVED: 08/07/81 JA: OK			
-F E B OIL CORP				SOONER TREND	11.0	EASON OIL CO
8145084	9841	3507322613	103 CORA 1-30	LOVELL	82.9	EASON OIL CO
8145085	9842	3508321474	103 JACK 2-6			
			RECEIVED: 08/04/81 JA: OK			
-GETTY OIL COMPANY				SHO-VEL-TUM	255.0	OKLAHOMA NATURAL
*8145111	09816	3513722449	103 TEMPLES UNIT WELL NO 5 (SYCAMORE)			
			RECEIVED: 08/07/81 JA: OK			
-HAMILTON BROTHERS OIL CO				WILDCAT	1080.0	MICHIGAN WISCONSI
8145074	12013	3504520891	102-2 STATE NO 1-36			
			RECEIVED: 08/04/81 JA: OK			
-HARPER OIL COMPANY				WILDCAT	365.0	
8145117	13135	3501500000	107-DP CHAORISTAN #1			
			RECEIVED: 08/04/81 JA: OK			
-HAWKINS OIL & GAS INC				DOMBEY	50.0	KANSAS NEBRASKA N
8145125	09631	3500721927	103 BLAKEMORE 1-35			
			RECEIVED: 08/04/81 JA: OK			
-HAZLEWOOD OIL & GAS CO				SHO-VEL-TUM	5.0	
8145098	10005	3513722317	103 PRESLEY NO 1	SHO-VEL-TUM	72.0	
8145126	10005	3513722514	103 RINGER NO 1			

JD #	JR PRT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-JAKE L HAMON				RECEIVED: 08/04/81 JA: OK					
8145122	09755	3504321090		103		LADD NO 1	CESTOS (CHESTER)	274.0	DELHI GAS PIPELIN
-JET OIL COMPANY				RECEIVED: 08/04/81 JA: OK					
8145124	09874	3508121106		103		DONAHOO #1	W RED MOUND	146.0	SUN GAS CO
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 08/07/81 JA: OK					
8145072	12015	3503920367		102-A		HORTON #1	ANTHON	360.0	ARKANSAS LOUISIAN
H145072	12015	3503920367		103		HORTON #1	ANTHON	360.0	ARKANSAS LOUISIAN
-MACKELLAR INC				RECEIVED: 08/04/81 JA: OK					
8145107	10031	3507322765		103		CLARK #1	SOONER TREND	0.0	CITIES SERVICE GA
-MAY PETROLEUM INC				RECEIVED: 08/04/81 JA: OK					
8145106	10670	3505121051		102-2		BARNETT #1 (015-66147)		547.5	MICHIGAN WISCONSI
H145106	10670	3505121051		103		BARNETT #1 (015-66147)		547.5	MICHIGAN WISCONSI
-MILLER & STANLEY OPERATING CO				RECEIVED: 08/07/81 JA: OK					
8145078	10126	3508900000		108		CHICK #1	SOUTH CRICK	11.0	EL PASO NATURAL G
-MUSHROOM OIL CO				RECEIVED: 08/04/81 JA: OK					
8145108	10945	3514721651		102-2		MOORE B NO 4	WILDCAT	72.0	CITIES SERVICE GA
-NIXON-DAVIS ENERGY CO INC				RECEIVED: 08/04/81 JA: OK					
8145109	07847	3508321349		103		NOWLIN #1	WEST MULHALL	50.0	EASON OIL CO
-PETROLEUM INC				RECEIVED: 08/04/81 JA: OK					
8145115	11479	3513921332		102-A		JOLIFFE #35/36	CARRICK	260.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 08/04/81 JA: OK					
8145102	09956	3501121505		103		CONNELLY TRUST A #1		0.0	OKLA NATURAL GAS
8145100	09958	3505121007		103		FOLSOM A #1		0.0	
8145101	09957	3501721751		103		SCHWEITZER A #1		0.0	
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 08/07/81 JA: OK					
8145086	09875	3501702068		108		NIEMAN C #1		0.0	OKLAHOMA GAS & EL
-RICKS EXPLORATION CO				RECEIVED: 08/07/81 JA: OK					
8145070	12056	3515321096		102-A		BURKHART 11A	N E MOORELAND	1215.0	PANHANDLE EASTERN
8145070	12056	3515321096		103		BURKHART 11A	N E MOORELAND	1215.0	PANHANDLE EASTERN
-ROBERT P HESS				RECEIVED: 08/07/81 JA: OK					
8145096	09310	3511100000		108		REYNOLDS #1	MORRIS	27.0	PHILLIPS PETROLEU
-RODMAN PETROLEUM CORP				RECEIVED: 08/04/81 JA: OK					
8145118	11233	3508321589		102-2		BAKER #27-1	EAST MERIDIAN	151.0	CITIES SERVICE GA
-SANTA FE ENERGY PRODUCTS CO				RECEIVED: 08/07/81 JA: OK					
8145076	13236	3505120995		107-DP		GRAHAM #1		266.0	SOUTHERN NATURAL
-SEARCH DRILLING CO				RECEIVED: 08/04/81 JA: OK					
8145114	09942	3508721989		103		JACKSON #2-24	BALKO	82.8	INTERNORTH INC
-SERVICE DRILLING CO				RECEIVED: 08/04/81 JA: OK					
8145119	10991	3507122203		102-2		GRAHAM #1-19	W SHIDLER	0.0	CITIES SERVICE GA
-TENNECO OIL COMPANY				RECEIVED: 08/07/81 JA: OK					
8145081	10032	3515300000		108		ANTIS 1-20	VICI	4.0	NORTHERN NATURAL
-TEXAS OIL & GAS CORP				RECEIVED: 08/07/81 JA: OK					
8145071	11996	3508721686		102-A		SMYRES #1	E LORENA	199.0	WESTERN GAS INTRA
-THE GHK COMPANY				RECEIVED: 08/07/81 JA: OK					
8145069	13018	3508920365		107-DP		RICE 1-35	EAST ELK CITY	4781.0	
-TOWNER PETROLEUM CO				RECEIVED: 08/04/81 JA: OK					
8145105	09812	3509321943		103		JORDAN #6-3		70.0	PHILLIPS PETROLEU
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 08/07/81 JA: OK					
8145077	10058	3507322617		103		CHANNEL #1-31	SOONER TREND	167.9	CITIES SERVICE GA
8145082	10037	3507322724		103		LEWIS #1-16	SOONER TREND	102.2	CITIES SERVICE GA
8145083	10038	3507322756		103		PETERS #1-25	SOONER TREND (MISS LIME)	89.4	PHILLIPS PETROLEU
-WHITSON OIL CO INC				RECEIVED: 08/04/81 JA: OK					
8145104	09661	3510120391		108		COOK 1-11 101 56986	COOK	1.6	PHILLIPS PETROLEU

JD NO	JD EXT	API NO	D SEQ	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
-BENEDUM INTERESTS			RECEIVED: 08/10/81 JA: PA					
8144977	8412	3706322197	108		C E STRICKLAND #1	INDIANA	9.0	PEOPLES NATURAL G
8144976	8411	3706322300	108		C E STRICKLAND #2	INDIANA	10.0	PEOPLES NATURAL G
8144983	8418	3706320778	108		CLAIR L DUNCAN #1	CRETE	13.0	PEOPLES NATURAL G
8144980	8415	3706322302	108		DONNA L FETTERMAN #1	PARKWOOD	18.0	PEOPLES NATURAL G
8144989	8424	3706322209	108		GLENN E CAMPBELL #1	INDIANA	9.0	PEOPLES NATURAL G
8144978	8413	3706322210	108		JOSEPH NUDGE #1	INDIANA	13.0	PEOPLES NATURAL G
8144985	8420	3706320740	108		L A ANDERSON #1	CRETE	3.0	PEOPLES NATURAL G
8144984	8419	3706320760	108		L A ANDERSON #2	CRETE	6.0	PEOPLES NATURAL G
8144982	8417	3706320878	108		L F MCVITTY #1	CRETE	11.0	PEOPLES NATURAL G
8144988	8423	3706322636	108		NED B GLESSNER #2	INDIANA	10.0	PEOPLES NATURAL G
8144990	8425	3706322262	108		PAUL BAIR #1	PARKWOOD	14.0	PEOPLES NATURAL G
8144986	8421	3706322637	108		PAUL J BAIR #2	PARKWOOD	10.0	PEOPLES NATURAL G
8144979	8414	3706322303	108		ROBERT C BROWN #1	INDIANA	18.0	PEOPLES NATURAL G
8144981	8416	3706322257	108		ROY MILLEN #1	PARKWOOD	14.0	PEOPLES NATURAL G
8144987	8422	3706322296	108		V C L & T C #1	INDIANA	4.0	PEOPLES NATURAL G
-BITTINGER - BARRETT LEASEHOLD			RECEIVED: 08/10/81 JAI PA					
8144991	\8469	3706324500	108		DAVID L BONACCI #1	WEST MAHONING	8.0	PEOPLES NATURAL G
8144993	8471	3706323509	108		J ELMER ELKIN #1	WEST MAHONING	8.0	PEOPLES NATURAL G
8144994	8473	3706300000	108		J ELMER ELKIN #3	WEST MAHONING	8.0	PEOPLES NATURAL G
8144992	8470	3706324027	108		R E BARRETT #1	WEST MAHONING	8.0	PEOPLES NATURAL G
-CASTLE GAS CO INC			RECEIVED: 08/10/81 JA: PA					
8144995	8387	3706324614	108		J B COY #1 (C-541) IND-24614	CENTER TOWNSHIP	18.5	COLUMBIA GAS TRAN
8145007	8399	3706323911	108		R&P COAL CO A H MIKESELL #1 (C-445	WHITE TWP	17.6	COLUMBIA GAS TRAN
8144999	8391	3706324657	108		R&P COAL CO D KRIBBS #6 (C-546)	CENTER TOWNSHIP	18.0	COLUMBIA GAS TRAN
8145001	8393	3706323883	108		R&P COAL CO F M LOWRY #1 (C-442)	WHITE TOWNSHIP	16.9	COLUMBIA GAS TRAN
8145002	8394	3706323884	108		R&P COAL CO F M LOWRY #2 (C-443)	WHITE TOWNSHIP	16.9	COLUMBIA GAS TRAN
8145003	8395	3706323909	108		R&P COAL CO F M LOWRY #3 (C-444)	WHITE TOWNSHIP	17.0	COLUMBIA GAS TRAN
8145004	8396	3706323913	108		R&P COAL CO F M LOWRY #4 (C-450)	WHITE TOWNSHIP	16.9	COLUMBIA GAS TRAN
8145005	8397	3706324073	108		R&P COAL CO F M LOWRY #5 (C-471)	WHITE TOWNSHIP	17.1	COLUMBIA GAS TRAN
8145006	8398	3706324074	108		R&P COAL CO F M LOWRY #6 (C-472)	CENTER TWP	17.0	COLUMBIA GAS TRAN
8145009	8392	3706324525	108		R&P COAL CO J O LEWIS #1 (C-523)	WHITE TOWNSHIP	14.3	COLUMBIA GAS TRAN
8145008	8400	3706324198	108		R&P COAL CO J PHILLIPS EST 1 C-496	CENTER TOWNSHIP	13.5	COLUMBIA GAS TRAN
8144997	8389	3706323973	108		R&P COAL CO W J GUTHRIE #2 (C-453)	WHITE TOWNSHIP	16.7	COLUMBIA GAS TRAN
8144998	8390	3706324156	108		R&P COAL CO W J GUTHRIE #3 (C-489)	CENTER TOWNSHIP	15.9	COLUMBIA GAS TRAN
8144996	8388	3706323908	108		W J GUTHRIE #1 (C-445) IND-23908	WHITE TOWNSHIP	16.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 08/10/81 JA: PA					
8145014	8432	3703321065	103		ALDEN BECK WN-1843	BURNSIDE TOWNSHIP	10.6	GENERAL SYSTEM PU
8145013	8301	3706326172	103		GERTRUDE WILLIAMS WN-1841	MONTGOMERY	0.0	GENERAL SYSTEM PU
8145010	8297	3703321039	103		JOSEPH D TONKIN WN-1831	BURNSIDE	1.7	GENERAL SYSTEM PU
8145011	8297	3703321040	103		JOSEPH D TONKIN WN-1832	BURNSIDE	11.1	GENERAL SYSTEM PU
8145015	8433	3703321078	103		PAUL BOWDEN WN-1844	BURNSIDE TOWNSHIP	28.9	GENERAL SYSTEM PU
8145012	8299	3706326180	103		SAMUEL POWELL WN-1840	MONTGOMERY	0.0	GENERAL SYSTEM PU
8145016	1502	3706300000	108		WILLIAM CRAWFORD N-1101	ARMSTRONG 025073	0.0	GENERAL SYSTEM PU
-DELTA DRILLING CO			RECEIVED: 08/10/81 JA: PA					
8145020	8405	3706321762	108		E D CLOWSER #1	MAHONING SOUTH	7.8	PEOPLES NATURAL G
8145018	8403	3706322190	108		FLEMING #2	CREEKSIDE SW	8.7	PEOPLES NATURAL G
8145019	8403	3706322639	108		FYOCK #2	CREEKSIDE SW	21.0	PEOPLES NATURAL G
8145017	8401	3706321994	108		MUSSERS FORESTE #1	CREEKSIDE SW	19.4	PEOPLES NATURAL G
8145021	8406	3706322638	108		NICK ERNICK #1	CREEKSIDE SW	21.5	PEOPLES NATURAL G

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JD	JA DAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145025	8468	3706322227	108	R C CHAPMAN #1	CREEKSIDE SW	9.9	PEOPLES NATURAL G
8145022	8467	3706322191	108	R HAWKHURST #1	CREEKSIDE SW	7.0	PEOPLES NATURAL G
8145024	8469	3706322189	108	SAM TRIMARCHI #1	CREEKSIDE SW	8.9	PEOPLES NATURAL G
-EARL M RICHARDS			RECEIVED: 08/10/81 JA: PA				
8145042	8476	3700520940	108	ALTMIRE #1	RORING RUN	6.3	PEOPLES NATURAL G
8145043	8477	3700520118	108	DALE BOYER #1	BLANCO	1.3	PEOPLES NATURAL G
8145049	8486	3700500000	108	IRENE FULTON #1	SPRING CHURCH	2.9	PEOPLES NATURAL G
8145046	8481	3706321523	108	J CLOID RINN	CREEKSIDE	1.9	PEOPLES NATURAL G
8145048	8485	3700500000	108	JAMES S MCMARTNEY	RORING RUN	0.0	PEOPLES NATURAL G
8145045	8480	3712720205	108	MCCAULEY #1	SALTSBURG	4.1	PEOPLES NATURAL G
8145050	8487	3700500000	108	SHULL #1	SPRING CHURCH	1.9	PEOPLES NATURAL G
8145047	8483	3700500000	108	SLOAN #1	RORING RUN	3.0	PEOPLES NATURAL G
8145044	8479	3700520155	108	VERNON BOYER #4	BLANCO	2.1	PEOPLES NATURAL G
-EMPIRE DRILLING CO			RECEIVED: 08/10/81 JA: PA				
8145026	8466	3706323740	108	DIXON #1	DIXON (ORVILLE G DIXON)	7.5	PEOPLES NATURAL G
8145025	8465	3706322579	108	LEISENRING #1	JAMES LEISENRING	0.0	PEOPLES NATURAL G
-FAIRMAN DRILLING CO			RECEIVED: 08/10/81 JA: PA				
8145027	2921	3706324097	108	CARL HENRY NO 1 F-2012	RICHMOND	21.0	CONSOLIDATED GAS
8145029	8493	3700521617	108	JOHN ZACZYK HEIRS NO 1 F-1084	PLUMVILLE	19.0	PEOPLES NATURAL G
8145028	8459	3706324296	108	LAYARD GASTON NO 2 F-1022	RICHMOND	22.0	CONSOLIDATED GAS
-GAIL B CLARE			RECEIVED: 08/10/81 JA: PA				
8145009	8426	3700500000	108	R BOWSER #28118 OUTSIDE WELL	MANOR	2.7	PEOPLES NATURAL G
-GOAL DRILLING CO			RECEIVED: 08/10/81 JA: PA				
8145034	8431	3703120153	108	H R KELLY #52	CLARION	4.3	PEOPLES NATURAL G
8145033	8430	3703120197	108	H R KELLY #53	CLARION	4.3	PEOPLES NATURAL G
8145032	8429	3703120028	108	P WOMELDORF #20	CLARION	3.6	PEOPLES NATURAL G
8145031	8428	3703120048	108	P WOMELDORF #22	CLARION	3.0	PEOPLES NATURAL G
8145030	8427	3703120068	108	P WOMELDORF #31	CLARION	3.0	PEOPLES NATURAL G
-ORVIS A HOLLOBAUGH			RECEIVED: 08/10/81 JA: PA				
8145035	8303	3700520767	108	HOLLOBAUGH NO 1	DISTANT	1.3	COLUMBIA GAS TRAN
8145037	8305	3700520970	108	HOLLOBAUGH NO 2	DISTANT	1.3	COLUMBIA GAS TRAN
8145036	8304	3700520990	108	HOLLOBAUGH NO 3	DISTANT	1.3	COLUMBIA GAS TRAN
-PEOPLES NATURAL GAS CO			RECEIVED: 08/10/81 JA: PA				
8145039	8463	3706325463	103	FRED MUSSER #1 5467	RAYNE TOWNSHIP	0.0	COLUMBIA GAS TRAN
8145038	8462	3706325408	103	H D FAIR #1 (5462)	RAYNE TOWNSHIP	0.0	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO			RECEIVED: 08/10/81 JA: PA				
8145041	8475	3706326243	103	GEORGE L CHRISTY #1	CANOE	35.0	
8145040	8373	3703321084	103	JOHN VINCENT FERGUSON ET UX #1	LUMBER CITY BORE	25.0	
-UNION DRILLING INC			RECEIVED: 08/10/81 JA: PA				
8145054	8340	3706326005	103	GILBERT ZILNER ET AL #1 0732	CHERRYHILL TWP	0.0	COLUMBIA GAS TRAN
8145052	8338	3706325767	103	HENRY DEABENDERFER #1 0727	CHERRYHILL TWP	0.0	COLUMBIA GAS TRAN
8145053	8339	3706325774	103	ROBERT B BARCLAY #1 0726	CHERRYHILL TWP	0.0	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO			RECEIVED: 08/10/81 JA: PA				
8145063	8450	3706321140	108	BEERS #3 IND-1140	BEERS	11.5	PEOPLES NATURAL G
8145062	8449	3700520271	108	BIRDELL ARM-271 #1	BIRDELL	1.5	PEOPLES NATURAL G
8145064	8451	3700520422	108	FRACCHIA #1 ARM-422	FRACCHIA	5.8	PEOPLES NATURAL G
8145065	8452	3706320483	108	FRACCHIA #2 ARM-483	FRACCHIA	6.0	PEOPLES NATURAL G
8145061	8448	3706320348	108	GEORGE #2 IND-348	GEORGE	2.5	PEOPLES NATURAL G
8145056	8441	3706320929	108	GEORGE #3 IND-929	GEORGE	7.0	PEOPLES NATURAL G
8145057	8443	3700520987	108	H K BELL ARM-987	H K BELL	7.0	PEOPLES NATURAL G
8145055	8440	3706320347	108	KERR #1 IND-347	KERR	4.7	PEOPLES NATURAL G
8145060	8446	3700521119	108	MCCULLOUGH #2 ARM-1119 R	MCCULLOUGH	6.0	PEOPLES NATURAL G
8145059	8445	3700521208	108	MCCULLOUGH #3 ARM-1208 R	MCCULLOUGH	6.0	PEOPLES NATURAL G

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JD	JA DAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	T SEC CNT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145058	8444	3700521266	108	MCCULLOUGH #4 ARM-1266 D	MCCULLOUGH	5.3	PEOPLES NATURAL G
8145066	8453	3706320710	108	RINN (J F JONES #2) IND-710	RINN (J F JONES #2)	4.0	PEOPLES NATURAL G
-W R TUSTIN			RECEIVED: 08/10/81 JA: PA				
8145051	8439	3705900000	108	W R TUSTIN #1	GILMORE TOWNSHIP	2.2	PEOPLES NATURAL G
-ZENITH EXPLORATION COMPANY			RECEIVED: 08/10/81 JA: PA				
8145067	8454	3712521349	103	AUDREY HILLMAN HILLIARD ET AL #2	SMITH	27.0	

OTHER PURCHASERS

8145088	CHASE GATHERING SYSTEMS
8145090	CHASE GATHERING SYSTEMS
8145091	CHASE GATHERING SYSTEMS
8145092	CHASE GATHERING SYSTEMS
8145097	CHASE GATHERING SYSTEMS
8145111	LONE STAR GAS CO

BILLING CODE 6460-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25771 Filed 9–2–81; 8:45 am]

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 26, 1981.

JD NO	JA KT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION							
-QUINTANA PETROLEUM CORP			RECEIVED: 08/05/81 JA: CA				
8145153	81-4-C062	0402961915	103	USA #18-1 (PERMITTED AS THE USA #1)	BUENA VISTA	36.5	ARCO OIL & GAS CO
KENTUCKY DEPARTMENT OF MINES & MINERALS							
-ALAN S SMITH			RECEIVED: 08/13/81 JA: KY				
8145198	502300	1605100000	103	BURCHELL 1		0.0	COLUMBIA GAS TRAN
8145199	502301	1605100000	103	CAUDILL & JACKSON 1		0.0	COLUMBIA GAS TRAN
8145200	502302	1605100000	103	JACKSON 1 (G)		0.0	COLUMBIA GAS TRAN
8145197	502299	1605100000	103	KEITH 1		0.0	COLUMBIA GAS TRAN
8145196	502298	1605100000	103	SMITH & HOSKINS 1		0.0	COLUMBIA GAS TRAN
8145195	502297	1605100000	103	STEWART 1 (G)		0.0	COLUMBIA GAS TRAN
-APPALACHIAN NATURAL GAS CORP			RECEIVED: 08/13/81 JA: KY				
8145192	502294	1612700000	107-DV	APPALACHIAN NO 1 - PERMIT #2098	APPALACHIAN NO 1 (RIDGEW	36.6	COLUMBIA GAS TRAN
-BRADCO OIL CO			RECEIVED: 08/13/81 JA: KY				
8145171	500118	1607100000	108	J B BOYD HEIRS #1 PERMIT #11191	APPLACHIAN	12.0	COLUMBIA GAS TRAN
8145169	500110	1607100000	108	L B HOLBROOK #1 PERMIT #33391	APPLACHIAN	10.0	INLAND GAS CO INC
8145206	502308	1607100000	107-DV	L B HOLBROOK #1 PERMIT #33391	APPLACHIAN	10.0	INLAND GAS CO
8145170	500111	1615900000	108	RALPH FITZPATRICK #1 PERMIT #32676	APPLACHIAN	13.0	COLUMBIA GAS TRAN
8145188	502290	1615900000	107-DV	RALPH FITZPATRICK #1 PERMIT #32676	APPLACHIAN	13.0	COLUMBIA GAS TRAN
-BRADLEY DRILLING CO			RECEIVED: 08/13/81 JA: KY				
8145207	502309	1607100000	107-DV	J B BOYD HEIRS #1 PERMIT #11191	APPLACHIAN	12.0	COLUMBIA GAS TRAN
-CONTROLLED RESOURCES OIL & GAS CORP			RECEIVED: 08/13/81 JA: KY				
8145174	501992	1615900000	108	B A RICE ESTATE C70-5 (16305)	BRUSHY CREEK	3.0	COLUMBIA GAS TRAN
8145213	502315	1619500000	108	DEWEY ELKINS HEIRS #34630	PIKE COUNTY KENTUCKY CAR	12.0	COLUMBIA GAS TRAN
8145216	502318	1615900000	103	JAMES S MUNCY 79-1	MEATHOUSE	30.0	COLUMBIA GAS TRAN
8145217	502319	1615900000	103	JAMES S MUNCY 79-2	MEATHOUSE	7.0	COLUMBIA GAS TRAN
8145178	502280	1615900000	103	P P MCCOY 80-15	WOLF CREEK	90.0	COLUMBIA GAS TRAN
8145175	501993	1619500000	108	S WILLIAMSON EX 2	BRUSHY CREEK	3.0	COLUMBIA GAS TRAN
-EQUITABLE LIFE ASSURANCE SOCIETY			RECEIVED: 08/13/81 JA: KY				
8145218	502320	1506142458	107-DV	EQUITABLE/DENVIL JOHNSON #1	SHREWSBERRY GAS FIELD	7.0	MIDWESTERN GAS TR
8145220	502322	1608547469	107-DV	EQUITABLE/HERMAN NASH #2	SHREWSBERRY GAS FIELD	9.0	MIDWESTERN GAS TR
8145187	502289	1608540779	107-DV	EQUITABLE/SHELBY MUDD #1	SHREWSBERRY GAS FIELD	8.0	MIDWESTERN GAS TR
8145219	502321	1608542645	107-DV	EQUITABLE/TRAVIS KERR #2	SHREWSBERRY GAS FIELD	14.0	MIDWESTERN GAS TR
-FALCON ENERGY INC			RECEIVED: 08/13/81 JA: KY				
8145186	502286	1615900000	107-DV	FE #1		28.0	
-GLENN C SPRADLIN			RECEIVED: 08/13/81 JA: KY				
8145204	502306	1619500000	107-DV	GEORGE HARP WELL #1	APPLACHIAN	20.0	COLUMBIA GAS TRAN
8145201	502303	1611900000	107-DV	IDA DAVIS WELL #1	APPLACHIAN	5.0	COLUMBIA GAS TRAN
8145202	502304	1611900000	107-DV	IDA DAVIS WELL #2	APPLACHIAN	5.0	COLUMBIA GAS TRAN
8145203	502305	1611900000	107-DV	MILES HOPKINS #1	APPLACHIAN	9.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	E SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-HAR-KEN OIL COMPANY			RECEIVED: 08/13/81 JA: KY				
8145210	502312	1610700000	102-2	BRADBURY ET AL UNIT #1	MT CARMEL CHURCH	0.0	ANACONDA ALUMINUM
8145211	502313	1610700000	102-2	OLIVER HUNT-RICHARD CRICK NO 1	MT CARMEL CHURCH	85.0	ANACONDA ALUMINUM
8145212	502314	1610700000	102-2	VIRGINIA & HARLON HEATHERY NO 2	MT CARMEL CHURCH	85.0	ANACONDA ALUMINUM
-NOXXE CO			RECEIVED: 08/13/81 JA: KY				
8145173	500128	1607100000	108	ROLLA M HALL #1 PERMIT #33158	APPLACHIAN	12.0	COLUMBIA GAS TRAN
8145191	502293	1607100000	107-DV	ROLLA M HALL #1 PERMIT #33158	APPLACHIAN	12.0	COLUMBIA GAS TRAN
8145189	502291	1607100000	107-DV	RUSSELL FRAZURE #1	APPLACHIAN	12.0	COLUMBIA GAS TRAN
8145190	502292	1607100000	108	RUSSELL FRAZURE #1	APPLACHIAN	12.0	COLUMBIA GAS TRAN
-PLATEAU RESOURCE DEVELOPMENT COMP			RECEIVED: 08/13/81 JA: KY				
8145194	502296	1615900000	107-DV	DON & KATHERINE CLINE WELL NO PR 5	EASTERN KENTUCKY	3.6	COLUMBIA GAS TRAN
8145193	502295	1615900000	107-DV	J E JUDE ET AL WELL NO PR-4	EASTERN KENTUCKY	11.0	COLUMBIA GAS TRAN
-R E RILEY & THADEUS SCOTT			RECEIVED: 08/13/81 JA: KY				
8145214	502316	1619500000	107-DV	CITY PARK WELL #1	PIKE	11.0	CITY OF PIKEVILLE
8145215	502317	1619500000	107-DV	MAUD CLINE YOST WELL #1		28.0	CITY OF PIKEVILLE
-S F BRADLEY			RECEIVED: 08/13/81 JA: KY				
8145172	500119	1615900000	108	Z FANNIN #2 PERMIT #15042	APPLACHIAN	3.0	COLUMBIA GAS TRAN
8145205	502307	1615900000	107-DV	Z FANNIN #2 PERMIT #15042	APPLACHIAN	3.0	COLUMBIA GAS TRAN
-TEXAS INTERNATIONAL PET CORP			RECEIVED: 08/13/81 JA: KY				
8145209	502311	1617500000	107-DV	LOWELL HOPKINS #1	WILDCAT	36.0	
8145208	502310	1617500000	107-DV	WALTER MCCLAIN #1	WILDCAT	22.0	
-W W LINDSEY			RECEIVED: 08/13/81 JA: KY				
8145185	502287	1611900000	107-DV	FIELDIX KING (KING-BREEDING WELL)		17.0	KENTUCKY WEST VIR
-W W LINDSEY & W E ELLIOTT			RECEIVED: 08/13/81 JA: KY				
8145184	502286	1619500000	108	CHARLES H ELLIOTT (ELLIOTT-HOBBS)		6.0	KENTUCKY WEST VIR
8145182	502284	1619500000	107-DV	GUS HEATHLEY (ARMSTRONG-HEATHLEY)		6.0	KENTUCKY WEST VIR
8145183	502285	1619500000	108	JOE WRIGHT WELL		3.0	KENTUCKY WEST VIR
8145179	502281	1613300000	107-DV	JOSEPH GILLESPIE ETAL #2 (DEANE #2)		2.0	KENTUCKY WEST VIR
8145180	502282	1613300000	107-DV	LETCHER COUNTY COAL & IMPROVEMENT		5.0	KENTUCKY WEST VIR
8145181	502283	1619500000	107-DV	MYRTLE HOWARD (HUGHES-HOWARD WELL)		7.0	KENTUCKY WEST VIR
-WHITELAND PETROLEUM CORP			RECEIVED: 08/13/81 JA: KY				
8145176	502232	1612700000	107-DV	FITCH #1	JERRY LEE FITCH	12.0	COLUMBIA GAS TRAN
8145177	502233	1612700000	107-DV	WALBRIDGE #1	WALBRIDGE #1	12.0	COLUMBIA GAS TRAN
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES							
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-ADOBE OIL & GAS CORPORATION			RECEIVED: 08/13/81 JA: PA				
8145222	8512	3706325024	103	HARRY RAY #1	CLYMER	28.0	COLUMBIA GAS TRAN
8145221	8511	3706325026	103	HARRY W RAY ESTATE 1-A	CLYMER	22.0	COLUMBIA GAS TRAN
-C & C TROYER BROTHERS			RECEIVED: 08/13/81 JA: PA				
8145227	8508	3704920972	102-2	BRICE MILLER #1 (#20)	WATERFORD	12.0	NATIONAL FUEL GAS
8145224	8504	3704921173	102-2	C AUSTIN #1 (#33)	EDINBORO	12.0	NATIONAL FUEL GAS
8145226	8506	3704921125	102-2	I O MURPHY #1 (#31)	EDINBORO	25.0	NATIONAL FUEL GAS
8145225	8505	3704921169	102-2	P WALKER #1 (#32)	EDINBORO	10.0	NATIONAL FUEL GAS
8145223	8503	3704921331	102-2	WILLIAM & DONALD KUHN #1 (36)	EDINBORO	15.0	NATIONAL FUEL GAS
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 08/13/81 JA: PA				
8145253	8559	3703320662	103	A J PALUMBO WN-1647	HUSTON	5.8	GENERAL SYSTEM PU
8145231	8526	3703321063	102-2	ALDEN BECK WN-1883	BURNSIDE	0.0	GENERAL SYSTEM PU
8145270	8536	3706521070	108	ANTHONY J DESTEFAN WN-1348	HENDERSON TOWNSHIP	0.1	GENERAL SYSTEM PU
8145234	8540	3703320861	103	ARMAND D ELLINGER WN-1749	BRADY	12.4	GENERAL SYSTEM PU
8145256	8562	3706521656	103	AUGUST WERNER WN-1632	MCCALMONT	36.8	GENERAL SYSTEM PU
8145255	8561	3706521581	103	CLAIR G LONDON WN-1634	YOUNG	11.0	GENERAL SYSTEM PU
8145252	8558	3703320689	103	CLARENCE A KEISER JR ET AL WN-1650	PENN	10.1	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	E SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JOB NO	JA EXT	API NO	E SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145257	8563	3704720488	103	CONSOLIDATED GAS SUPPLY WN-1623	FOX	8.7	GENERAL SYSTEM PU
8145236	8542	3706521732	103	CORA O SCHAFFER WN-1742	HENDERSON	19.4	GENERAL SYSTEM PU
8145242	8548	3706521688	103	D W HENRY WN-1711	PERRY	14.6	GENERAL SYSTEM PU
8145263	8569	3703320626	103	DUBOIS DEPOSIT NATL BANK WN-1573	BRADY	32.4	GENERAL SYSTEM PU
8145239	8545	3703320847	103	EFFIE GRAPE WN-1738	BRADY	33.5	GENERAL SYSTEM PU
8145247	8553	3706324058	103	FLOYD E SCHROCK WN-1685	NO MAHONING	17.9	GENERAL SYSTEM PU
8145254	8560	3706521555	103	FRANCIS J KOELLER WN-1642	MCCALMONT	5.3	GENERAL SYSTEM PU
8145238	8544	3703320848	103	FRANK A KNARR WN-1739	BELL	110.0	GENERAL SYSTEM PU
8145258	8564	3706521443	103	G W PHILLIPS WN-1611	MCCALMONT	5.1	GENERAL SYSTEM PU
8145260	8566	3706521408	103	IDILO CATIVERA WN-1606	WINSLOW	65.7	GENERAL SYSTEM PU
8145233	8510	3703321081	103	J L DUMM WN-1847	BURNSIDE	19.4	GENERAL SYSTEM PU
8145264	8570	3706521412	103	JACKSON H SHEPLER WN-1572	HENDERSON	7.6	GENERAL SYSTEM PU
8145235	8541	3703320862	103	JAMES MITCHELL EST WN-1745	BELL	8.8	GENERAL SYSTEM PU
8145251	8557	3706521514	103	JOE B LONDON WN-1654	MCCALMONT	12.4	GENERAL SYSTEM PU
8145229	8580	3702120099	102-2	JOHN BAKER WN-1846	SUSQUEHANNA	0.0	GENERAL SYSTEM PU
8145248	8554	3706521525	103	JOHN MASLOWSKI WN-1670	MCCALMONT	16.1	GENERAL SYSTEM PU
8145237	8543	3706521718	103	JOHN R MASLOWSKI WN-1740	MCCALMONT	4.3	GENERAL SYSTEM PU
8145232	8489	3706325826	103	JOSEPH VEHOVIC WN-1836	PINE	47.5	GENERAL SYSTEM PU
8145261	8567	3706521402	103	JOYCE L REDDING WN-1605	BELL	9.7	GENERAL SYSTEM PU
8145262	8568	3703320631	103	LOIS G SQUIRES WN-1585	BLOOM	2.0	GENERAL SYSTEM PU
8145228	8579	3703321085	102-2	P DUMM WN-1845	BURNSIDE	0.0	GENERAL SYSTEM PU
8145309	8460	3703321063	103	P DUMM WN-1845	BURNSIDE	64.6	GENERAL SYSTEM PU
8145230	8625	3703321078	102-2	PAUL BOWDEN WN-1844	BURNSIDE	0.0	GENERAL SYSTEM PU
8145259	8565	3703320630	103	PIRL DUSH WN-1609	BRADY	10.7	GENERAL SYSTEM PU
8145266	8572	3706521658	103	R & P COAL CO WN-1564	MCCALMONT	8.8	GENERAL SYSTEM PU
8145250	8556	3706521499	103	R & P COAL UNIT WN-1657	MCCALMONT	18.8	GENERAL SYSTEM PU
8145245	8551	3706521662	103	R&P COAL CO WN-1700	MCCALMONT	18.4	GENERAL SYSTEM PU
8145240	8546	3706521703	103	RICHARD LINGENFELTER WN-1715	OLIVER	8.8	GENERAL SYSTEM PU
8145246	8552	3703320832	103	ROBERT A MILLS WN-1696	BELL	18.4	GENERAL SYSTEM PU
8145269	8490	3706521761	108	ROBERT V MAINE WN-1703	GASKILL TOWNSHIP	10.8	GENERAL SYSTEM PU
8145265	8571	3706521445	103	ROCHESTER & PITTSB COAL CO WN-1566	MCCALMONT	41.5	GENERAL SYSTEM PU
8145241	8547	3703320834	103	ROSE M BARNES WN-1712	PENN	3.7	GENERAL SYSTEM PU
8145243	8549	3703320851	103	RUTH ZEITLOW WN-1710	BRADY	3.8	GENERAL SYSTEM PU
8145244	8550	3703320843	103	VICTOR D SCHINDLEY WN-1709	BRADY	5.3	GENERAL SYSTEM PU
8145249	8555	3706521523	103	WALTER G DAUGHENBAUGH WN-1668	PERRY	9.0	GENERAL SYSTEM PU
8145267	8573	3706521392	103	WALTER G DAUGHENBAUGH 1562	PERRY	2.1	GENERAL SYSTEM PU
8145268	8574	3706521292	103	WARD B KOUGHER WN-1523	WINSLOW	8.4	GENERAL SYSTEM PU
-DELTA DRILLING CO			RECEIVED: 08/13/81 JA: PA				
8145272	8585	3706326098	103	M WOLFE #1 IND 26098	BRADFORD SHALLOW	0.0	PEOPLES NATURAL G
8145273	8586	3706326037	103	K J MCCRACKEN #1 IND 26034	BRADFORD SHALLOW	0.0	PEOPLES NATURAL G
8145275	8588	3706326043	103	M GRESKO #1 IND 26043	BRADFORD SHALLOW	0.0	PEOPLES NATURAL G
8145274	8587	3706326085	103	W E MURDICK #1 IND 26085	BRADFORD SHALLOW	0.0	PEOPLES NATURAL G
8145271	8584	3706326108	103	W KOPCZYK #1 IND 26108	BRADFORD SHALLOW	0.0	PEOPLES NATURAL G
-DORAN & ASSOCIATES INC			RECEIVED: 08/13/81 JA: PA				
8145276	8630	3703320963	103	HARRIS UNIT #1 KM-5	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
8145277	8631	3703320954	103	R SEYLER #2 KM-6	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
-EARL M RICHARDS			RECEIVED: 08/13/81 JA: PA				
8145305	8482	3708520490	108	HAAS WELL #1	SPRING CHURCH	2.1	PEOPLES NATURAL G
8145307	8488	3708500000	108	RICHARDS - AMENT #2	SPRING CHURCH	2.0	PEOPLES NATURAL G
8145306	8484	3708500000	108	VERNON BOYER #2	BLANCO	1.0	PEOPLES NATURAL G
8145304	8478	3708520189	108	VERNON BOYER #5	BLANCO	1.0	PEOPLES NATURAL G
-ENVIROGAS INC			RECEIVED: 08/13/81 JA: PA				
8145278	8676	3704921288	102-4	L MORTON #1	WILDCAT	18.0	NATIONAL FUEL GAS

JOB #	DA PT	API #	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-EPSILON 1980 S T JOINT VENTURE			RECEIVED: 08/13/81 JA: PA				
8145279	8530	3706522293	103	1ST NATIONAL BANK REYNOLDSVILLE #1		0.0	NATIONAL FUEL GAS
-FAIRMAN DRILLING CO			RECEIVED: 08/13/81 JA: PA				
8145286	8516	3706321939	108	ARTHUR J PETERMAN NO 1 F-756	CREEKSIDE	4.0	PEOPLES NATURAL G
8145287	8517	3706321940	108	ARTHUR J PETERMAN NO 2 F-757	CREEKSIDE	4.0	PEOPLES NATURAL G
8145288	8518	3706321933	108	C ANDERSON NO 1 F-752	CREEKSIDE	6.0	PEOPLES NATURAL G
8145282	8494	3712920701	108	CHARLES HELENYZER NO 1 F-1051	WEBSTER	3.0	PEOPLES NATURAL G
8145285	8515	3706322331	108	HOWARD MANDIGO JR #1 F-935	CREEKSIDE	12.0	PEOPLES NATURAL G
8145284	8514	3706322375	108	JIMMY MANDELL NO 1 F-945	CREEKSIDE	9.0	PEOPLES NATURAL G
8145283	8513	3706322410	108	JOHN J CEROVICH NO 1 F-955	CREEKSIDE	12.0	PEOPLES NATURAL G
8145289	8519	3706321932	108	M LYDICK NO 1 F-753	CREEKSIDE	3.0	PEOPLES NATURAL G
8145280	8491	3706321988	108	RICHARD FLICKINGER NO 1 F-781	PLUMVILLE	3.0	PEOPLES NATURAL G
8145281	8492	3706322504	108	RICHARD FLICKINGER NO 2 F-1016	PLUMVILLE	3.0	PEOPLES NATURAL G
-M D HOUGH AGENT			RECEIVED: 08/13/81 JA: PA				
8145291	8578	3700522460	103	M D HOUGH DRILL PROJ 5 PATTERSON 3	RURAL VALLEY	12.0	PEOPLES NATURAL G
8145290	8577	3700522459	103	M D HOUGH DRILL PROJ 6 PATTERSON 4	RURAL VALLEY	15.0	PEOPLES NATURAL G
8145292	8575	3700521980	108	S C PATTERSON WELL NO 1	RURAL VALLEY	7.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC			RECEIVED: 08/13/81 JA: PA				
8145308	7817	3706324422	103	R & P COAL CO #1	YOUNG	200.0	T W PHILLIPS GAS
-MID-EAST OIL CO			RECEIVED: 08/13/81 JA: PA				
8145299	8609	3712921510	108	ANDREW STROSKO #1	MOUNT PLEASANT	6.7	PEOPLES NATURAL G
8145298	8608	3712921511	108	ANDREW STROSKO #2	MOUNT PLEASANT	6.7	PEOPLES NATURAL G
8145297	8612	3706325764	103	BLAINE MCADOO #2	ROCHESTER MILLS	13.0	PEOPLES NATURAL G
8145296	8610	3706324546	103	REED SPENCE #2	ERNEST	20.4	T W PHILLIPS GAS
8145300	8611	3706324547	108	REED SPENCE #3	ERNEST	12.0	T W PHILLIPS GAS
-P & G EXPLORATION INC			RECEIVED: 08/13/81 JA: PA				
8145301	8474	3706326034	103	DARRELL EVANS IND-26034	BRUSHVALLEY	15.0	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO			RECEIVED: 08/13/81 JA: PA				
8145302	6879	3706324771	108	WILLIAM A GEORGE ET AL #1	CENTER	7.0	COLUMBIA GAS TRAN
8145303	693A	3703320828	108	WILSON S HOYT ET AL #1	CENTER	16.0	CONSOLIDATED GAS
-ROBERT K MCGAHA			RECEIVED: 08/13/81 JA: PA				
8145293	8520	3700300000	108	D D STURGEON NO 1	BRADDOCK QUAD	1.3	PEOPLES NATURAL G
8145295	8522	3712900000	108	D D STURGEON NO 3	IRWIN QUAD	2.6	PEOPLES NATURAL G
8145294	8521	3700300000	108	UNION RAILROAD COMPANY NO 1	BRADDOCK QUAD.	1.3	PEOPLES NATURAL G
-ZETA S T JOINT VENTURE 80			RECEIVED: 08/13/81 JA: PA				
8145311	8532	3706522186	103	GEORGE DAY #1		25.0	NATIONAL FUEL GAS
8145310	8531	3703321009	103	LEE #1		25.0	NATIONAL FUEL GAS
8145312	8533	3703321807	103	MUTH #1		25.0	NATIONAL FUEL GAS
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WEST VIRGINIA DEPARTMENT OF MINES							
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-NRM PETROLEUM CORPORATION			RECEIVED: 07/06/81 JA: WV				
8145149		4709701972	103	STONESTREET #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
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** U.S. GEOLOGICAL SURVEY - DENVER,CO							
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-ARCO OIL AND GAS COMPANY			RECEIVED: 08/10/81 JA: CO 1				
8145157	CD 0248-81	0506706375	103	SOUTHERN UTE 32-2 33-8 (DK)	IGNACIO BLANCO	136.0	NORTHWEST PIPELIN
-COSEKA RESOURCES (USA) LIMITED			RECEIVED: 08/10/81 JA: CO 1				
8145161	CD 0247-81	0504506173	108	FEDERAL 2-T-2	WILDCAT	1.7	NORTHWEST PIPELIN
8145162	CD 0249-81	0510308184	108	TIAGA FEDERAL #12-J-22	THUNDER	10.9	NORTHWEST PIPELIN
8145160	CD 0246-81	0510308238	108	TIAGA FEDERAL #6-I-9-4S-102W	WILDCAT	4.0	NORTHWEST PIPELIN
8145164	CD 0250-81	0510308196	108	TIAGA FEDERAL 1-R-22	WILDCAT	2.7	NORTHWEST PIPELIN

JD	JA NI	API	I	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145163	CD 0248-81	0510308111		108	TIAGA FEDERAL 20-M-15-4S-102W	WILDCAT	9.0	NORTHWEST PIPELIN
8145165	CD 0251-81	0510308241		108	TIAGA FEDERAL 4-E-9-4S-102W	WILDCAT	1.0	NORTHWEST PIPELIN
-MITCHELL ENERGY CORPORATION				RECEIVED: 08/10/81 JA: CO 1				
8145158	CD 0235-81	0507708306		103	PERSIGO WASH UNIT #4-33-9-100	WILDCAT	55.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 08/10/81 JA: CO 1				
8145155	CD 0255-81	0506705715		108	NORTHWEST CEDAR HILLS 32-10 17	IGNACIO BLANCO MESAVERDE	21.0	NORTHWEST PIPELIN
-TENNECO OIL COMPANY				RECEIVED: 08/10/81 JA: CO 1				
8145159	CD 0068-81	0504506154		108	FEDERAL #21-3	SOUTH CANYON	14.0	WESTERN SLOPE GAS
8145167	CD0069-81	0504506160		108	FEDERAL #8-3	SOUTH CANYON	18.0	COLORADO INTERSTA
-TEXAS GAS EXPLORATION CORP				RECEIVED: 08/10/81 JA: CO 1				
8145168	CD 0210-81	0507708234		102-#	FEDERAL 14-24 WELL	BAR X	0.0	
-HELCO PETROLEUM CORPORATION				RECEIVED: 08/10/81 JA: UT 1				
8145156	UD 0244-81	4304730857		103	STAGECOACH 19-33	STAGECOACH	0.0	MOUNTAIN FUEL SUP
-CONOCO INC				RECEIVED: 08/10/81 JA: UT 1				
8145166	UD0051-80	4304730726		103	CONOCO JENKS ET AL 5 NO 11	OURAY	330.0	MOUNTAIN FUEL SUP
8145154	UD0057-80	4304730666		103	CONOCO UTE TRIBAL 35 NO 16	OURAY	200.0	MOUNTAIN FUEL SUP
** DEPARTMENT OF ENERGY								
-NAVAL PETROLEUM RESERVES IN CALIFOR				RECEIVED: 08/10/81 JA: CA 9				
*8145151		0402900000		102-2	4G - #353A	NAVAL PETROLEUM RESERVES	73.0	CHEVRON USA INC
*8145152		0402900000		102-2	4G - #365	NAVAL PETROLEUM RESERVES	73.0	CHEVRON USA INC
*8145150		0402900000		103	7R - #376	NAVAL PETROLEUM RESERVES	329.0	CHEVRON USA INC

OTHER PURCHASERS

8145150 GETTY OIL CO
8145151 GETTY OIL CO
8145152 GETTY OIL CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

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Categories within each NGPA section are indicated by the follwing codes:

Section 102–1: New OCS lease
- 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25772 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 26, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
						NEW MEXICO DEPARTMENT OF ENERGY & MINERALS			
-COQUINA OIL CORPORATION						RECEIVED: 08/17/81 JA: NM			
8145409		3001523675		102-2		NYMEYER #1	UNDESIGNATED NORTH LOVIN	185.0	EL PASO NATURAL G
-DOYLE HARTMAN OIL OPERATOR						RECEIVED: 08/17/81 JA: NM			
8145412		3002527098		103		STATE UTP NO 2	RHODES-YATES	3.6	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY						RECEIVED: 08/17/81 JA: NM			
8145413		3003922411		103		SAN JUAN 29-7 UNIT #32E	BASIN DAKOTA	118.0	EL PASO NATURAL G
-HNG OIL COMPANY						RECEIVED: 08/17/81 JA: NM			
8145411		3002500000		103		BELL LAKE 2 STATE #1	VACA DRAW (MORROW)	315.5	
8145414		3002527178		107-DP		BELL LAKE 2 STATE #1	VACA DRAW (MORROW)	315.5	
8145410		3001523729		102-2		LOVING 1 STATE #1	LOVING NORTH MORROW	464.0	
						OKLAHOMA CORPORATION COMMISSION			
-APOLLO PRODUCTION LTD						RECEIVED: 08/12/81 JA: OK			
8145393	12130	3507322905		102-4		AHLDEN NO 14-11	NE OKARCHE	0.0	SID RICHARDSON CA
8145393	12130	3507322905		103		AHLDEN NO 14-11	NE OKARCHE	0.0	SID RICHARDSON CA
8145392	12129	3507322780		102-4		GRELLNER NO 25-12	NE OKARCHE	0.0	SID RICHARDSON CA
8145392	12129	3507322780		103		GRELLNER NO 25-12	NE OKARCHE	0.0	SID RICHARDSON CA
-CLARK RESOURCES INC						RECEIVED: 08/12/81 JA: OK			
8145405	11809	3504721566		102-4		WELLS 13-3	SOONER TREND	200.0	CRA INC
8145405	11809	3504721566		103		WELLS 13-3	SOONER TREND	200.0	CRA INC
-ELMER G HALSTEAD						RECEIVED: 08/12/81 JA: OK			
8145395	09562	3516120578		103		MANGRUM - CHEZ #1	BALDHILL	360.0	PHILLIPS PETROLEU
-GETTY OIL COMPANY						RECEIVED: 08/12/81 JA: OK			
*8145408	11979	3513722444		102-4		STIEFEL B WELL NO 1-X	SHO-VEL-TUM	300.0	OKLAHOMA NATURAL
-KENNEDY & MITCHELL INC						RECEIVED: 08/12/81 JA: OK			
8145404	11791	3515300000		102-4		CLIFFORD #27-445	UNDESIGNATED (C NE SEC 6	400.0	NORTHERN NATURAL
-MCBRIDE EXPLORATION INC						RECEIVED: 08/12/81 JA: OK			
8145399	11449	3511921540		102-2		STATE NO 16-2	PARADISE	65.0	
-RENAISSANCE RESOURCES INC						RECEIVED: 08/12/81 JA: OK			
8145402	11674	3503722937		102-2		GREENWOOD #1	GREENWOOD #1	2800.0	COLORADO GAS COMP
8145403	11675	3503700000		102-2		WORTMAN A-1	WORTMAN A-1	2800.0	COLORADO GAS COMP
8145401	11673	3503723134		102-2		WORTMAN 1	WORTMAN 1	2800.0	COLORADO GAS COMP
8145400	11672	3503723134		102-2		WORTMAN 2	WORTMAN 2	280.8	COLORADO GAS COMP
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 08/12/81 JA: OK			
8145396	10074	3505920986		103		F STINSON -A- UNIT #3L	MOCANE-LAVERNE GAS AREA	894.0	COLORADO INTERSTA
8145397	10076	3505920980		103		L F MOORE UNIT #4L	MOCANE-LAVERNE GAS AREA	310.0	COLORADO INTERSTA
8145398	10077	3505920980		103		L F MOORE UNIT #4U	MOCANE-LAVERNE GAS AREA	377.0	COLORADO INTERSTA
-THE OHK COMPANY						RECEIVED: 08/12/81 JA: OK			
8145394	13298	3500920385		107-DP		THORNTON 2-30	CARPENTER	416.1	PANHANDLE EASTERN
-TOWNER PETROLEUM CO						RECEIVED: 08/12/81 JA: OK			

JO NO	JA NT	API NO	V SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145407	11888	3501721836	102-2	NITZEL #30-1	FORT RENO	0.0	PHILLIPS PETROLEU
-TRANS-WESTERN EXPLORATION INC		RECEIVED: 08/12/81 JA: OK					
8145406	11859	3504321233	102-4	DAVIS 3-10	N OAKWOOD	85.0	PHILLIPS PETROLEU
8145406	11859	3504321233	103	DAVIS 3-10	N OAKWOOD	85.0	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF		RECEIVED: 08/12/81 JA: OK					
8145390	12120	3501922217	102-4	KITTRELL #1-35	SOUTH REEK	27.0	
8145390	12120	3501922217	103	KITTRELL #1-35	SOUTH REEK	27.0	
-WOODS PETROLEUM CORPORATION		RECEIVED: 08/12/81 JA: OK					
8145391	12062	3504321153	102-4	KUNC TRUST #27-1	PUTNAM	208.0	

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WEST VIRGINIA DEPARTMENT OF MINES

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-APPALACHIAN ENERGY INC		RECEIVED: 08/13/81 JA: WV					
8145371	4703372218	103	V KELLS A-E-162		TENNILE	50.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC		RECEIVED: 08/13/81 JA: WV					
8145358	4703902061	108	EASTERN GAS & FUEL #48 - 042390		PAINT CREEK	15.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION		RECEIVED: 08/13/81 JA: WV					
8145367	4710721057	107-DV	C DAVIS #5		UNION	1.9	CONSOLIDATED GAS
-CARSON PETROLEUM CORP		RECEIVED: 08/13/81 JA: WV					
8145383	4701702908	103	CATHOLIC CHURCH #1		ST CLAIR	25.0	CONSOLIDATED GAS
8145382	4701702907	103	GEELHAAR #1		ST CLAIR	25.0	CONSOLIDATED GAS
8145384	4701702929	103	GEELHAAR #2		ST CLAIR	25.0	CONSOLIDATED GAS
8145380	4701702896	103	H SCHMIDT #4		ST CLAIR	25.0	CONSOLIDATED GAS
8145386	4701702931	103	KREEN #1		ST CLAIR	30.0	CONSOLIDATED GAS
8145387	4701702958	103	KREEN #2		ST CLAIR	20.0	CONSOLIDATED GAS
8145388	4701702961	103	KREEN #3		ST CLAIR	25.0	CONSOLIDATED GAS
8145378	4701702861	103	RASTLE #1		ST CLAIR	25.0	CONSOLIDATED GAS
8145385	4701702930	103	RASTLE #3		ST CLAIR	40.0	CONSOLIDATED GAS
8145381	4701702906	103	V HAUGHT #1		ST CLAIR	25.0	CONSOLIDATED GAS
8145379	4701702889	103	WYSONG #3		ST CLAIR	25.0	CONSOLIDATED GAS
8145377	4701702890	103	WYSONG #4		ST CLAIR	25.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 08/13/81 JA: WV					
8145372	4703302377	103	A G SWIGER 12538		EAGLE	22.7	GENERAL SYSTEM PU
8145361	4703301027	103	I N BURNSIDE 12320		UNION	7.2	GENERAL SYSTEM PU
8145369	4703301046	103	I N BURNSIDE 12321		UNION	3.5	GENERAL SYSTEM PU
8145370	4703301007	103	L J AYERS 12313		UNION	18.4	GENERAL SYSTEM PU
8145374	4701701856	103	L M STOUT 12257		SOUTHWEST	7.9	GENERAL SYSTEM PU
8145349	4704700595	108	MCDOWELL-POCAHONTAS COAL 104 TD		PINEVILLE FIELD AREA A-5	13.0	GENERAL SYSTEM PU
8145348	4704700727	108	POCAHONTAS LAND 12363		PINEVILLE FIELD AREA A-5	20.0	GENERAL SYSTEM PU
8145364	4703301045	103	TAYLOR WARD 12295		SARDIS	25.3	GENERAL SYSTEM PU
8145360	4703301011	103	W A LAW 12309		UNION	7.8	GENERAL SYSTEM PU
8145363	4703301043	103	W B MAXWELL 12291		UNION	27.4	GENERAL SYSTEM PU
8145362	4703301031	103	WALLO BROWN 12253		UNION	5.1	GENERAL SYSTEM PU
-D C MALCOLM INC		RECEIVED: 08/13/81 JA: WV					
8145366	4703903598	107-DV	ALDERSON #1		BLUE CREEK	45.0	COLUMBIA GAS TRAN
-DENNIS D BLAUSER		RECEIVED: 08/13/81 JA: WV					
8145353	4700700906	108	C W KNIGHT #1		SALTLICK	8.0	EQUITABLE GAS CO
8145351	4708523581	108	NATHAN DOLL #1		CLAY	8.5	EQUITABLE GAS CO
8145352	4708523582	108	NATHAN DOLL #2		CLAY	8.4	EQUITABLE GAS CO
-DORAN & ASSOCIATES INC		RECEIVED: 08/13/81 JA: WV					
8145373	4703302493	103	W MCCARTY #1 M-2-12		EAGLE	30.0	CONSOLIDATED GAS
-GLENN L HAUGHT & SONS		RECEIVED: 08/13/81 JA: WV					
8145365	4708504744	107-DV	NATHANIEL HENDRICKS H-519		GRANT DISTRICT	20.0	CONSOLIDATED GAS

JO NO	JA KT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-GULF OIL CORPORATION			RECEIVED: 08/13/81 JA: WY				
8145389		4702103152	108	KELLER #1	VADIS	0.3	EQUITABLE GAS CO
-HANLEY & BIRD			RECEIVED: 08/13/81 JA: WY				
8145376		4701702866	103	#1 F G WISE ETAL	FLINT - SEDALIA	18.5	CONSOLIDATED GAS
-JIM EMES PETROLEUM CO			RECEIVED: 08/13/81 JA: WY				
8145354		4709500683	108	CLAIR STARKEY #1		15.0	CONSOLIDATED GAS
8145356		4709500688	108	CLAIR STARKEY #2		6.0	CONSOLIDATED GAS
8145355		4709500684	108	CLAIR STARKEY #3		2.0	CONSOLIDATED GAS
8145357		4709500689	108	CLAIR STARKEY #4		0.6	CONSOLIDATED GAS
-PATTY R RICHNER			RECEIVED: 08/13/81 JA: WY				
8145368		4710900844	102-4	BUZZO #1	BEAR HOLE	0.8	ROARING FORK GAS
-PLAUGER OIL & GAS CO			RECEIVED: 08/13/81 JA: WY				
8145375		4701702783	103	F M WILLIAMS #1	MEATHOUSE FORK - BRISTOL	25.0	COLUMBIA GAS TRAN
-ROY G WILDRETH ET AL			RECEIVED: 08/13/81 JA: WY				
8145358		4701300305	108	LOGAN-MCDONALD #1	SHERMAN DISTRICT	7.7	CONSOLIDATED GAS
-WACO OIL AND GAS CO INC			RECEIVED: 08/13/81 JA: WY				
8145359		4702103678	103	WALTER JONES IA	ELLIS	15.0	CONSOLIDATED GAS
WYOMING OIL & GAS CONSERVATION COMMISSION							
-AMOCO PRODUCTION CO			RECEIVED: 08/13/81 JA: WY				
8145336	NG 105-81	4904120260	102-2	BURTON HOLLOW NO 3	YELLOW CREEK	527.0	MOUNTAIN FUEL SUP
8145322	NG 91-81	4902320295	107-RT	CHAMPLIN 149 AMOCO I NO 1	BRUFF	300.0	CITIES SERVICE GA
8145330	NG 99-81	4902320284	107-RT	CHAMPLIN 186 AMOCO E WELL NO 1	VERNE	90.0	CITIES SERVICE GA
8145323	92-81	4902320294	107-RT	CHAMPLIN 186 AMOCO G NO 1	BRUFF	175.0	CITIES SERVICE GA
8145332	NG 101-81	4903721226	107-RT	CHAMPLIN 285 AMOCO D WELL NO 1	FABIAN DITCH	350.0	CITIES SERVICE GA
8145337	NG 106-81	4904120248	102-2	CHAMPLIN 323 AMOCO B NO 1	WHITNEY CANYON	18.3	NATURAL GAS PIPEL
8145338	NG 107-81	4900720507	107-TF	CHAMPLIN 337 AMOCO G NO 1	STANDARD DRAW	118.7	CITIES SERVICE GA
8145333	NG 102-81	4903720953	107-RT	CHAMPLIN 449 AMOCO A NO 1		35.0	CITIES SERVICE GA
8145334	NG 103-81	4903720953	102-2	CHAMPLIN 449 AMOCO A NO 1	WAMSUTTER	35.0	CITIES SERVICE GA
8145331	NG 100-81	4902320305	107-RT	SEVEN MILE GULCH NO 8	SEVEN MILE GULCH	657.0	CITIES SERVICE GA
8145327	NG 96-81	4902320288	107-RT	WHISKEY BUTTES UNIT NO 16	WHISKEY BUTTES	300.0	CITIES SERVICE GA
8145335	NG 104-81	4902320371	107-TF	WHISKEY BUTTES UNIT NO 37	WHISKEY BUTTES UNIT	109.0	CITIES SERVICE GA
8145324	NG 93-81	4902320358	107-TF	WHISKEY BUTTES UNIT NO 39	WHISKEY BUTTES	250.0	CITIES SERVICE GA
8145325	NG 94-81	4902320289	107-RT	WHISKEY BUTTES UNIT WELL #20	WHISKEY BUTTES	200.0	CITIES SERVICE GA
8145326	NG 95-81	4902320261	107-RT	WHISKEY BUTTES UNIT WELL NO 18	WHISKEY BUTTES UNIT	200.0	CITIES SERVICE GA
8145328	NG 97-81	4902320242	107-RT	WHISKEY BUTTES UNIT WELL NO 9	WHISKEY BUTTES	600.0	CITIES SERVICE GA
8145329	NG 98-81	4902320377	107-TF	WILSON RANCH UNIT NC 19	WILSON RANCH	73.0	CITIES SERVICE GA
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 08/13/81 JA: WY				
8145313	NG77-81	4903721087	103	#9A WAMSUTTER CSW 33-21N-94W	WAMSUTTER	420.0	COLORADO INTERSTA
8145345	NG 117-81	4900720547	102-2	CHAMPLIN 1-9 UPRR	JOHNSON SPRINGS	128.0	
-CHEVRON U S A INC			RECEIVED: 08/13/81 JA: WY				
8145341	NG 112-81	4904120278	102-2	PAINTER RESERVOIR UNIT 23-25D	PAINTER RESERVOIR	825.0	INTERNORTH
-CITIES SERVICE COMPANY			RECEIVED: 08/13/81 JA: WY				
8145321	NG 88-81	4900525616	102-2	CHRISTENSEN D-1	PUMPKIN BUTTES	36.5	
8145320	NG 87-81	4900525639	102-2	PFISTER D-1	PUMPKIN BUTTES	36.5	
-DAVIS OIL COMPANY			RECEIVED: 08/13/81 JA: WY				
8145319	NG 86-81	4900921617	102-2	MORTONS SCOTT #2	SCOTT	51.8	PHILLIPS PETROLEU
-FELMONT OIL CORPORATION			RECEIVED: 08/13/81 JA: WY				
8145343	NG 114-81	4900902180	102-4	W C STATE 16-1	SCOTT	15.8	PHILLIPS PETROLEU
8145344	NG 115-81	4900902180	102-4	W C STATE 16-2	SCOTT	18.8	PHILLIPS PETROLEU
-INTERNORTH INC			RECEIVED: 08/13/81 JA: WY				
8145317	NG 84-81	4900921648	103	DONNELLY NO 1-7	SCOTT FIELD	30.0	PHILLIPS PETROLEU

JI NO	JA ..T	-PI NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-LARIO OIL & GAS COMPANY			RECEIVED: 08/13/81 JA: WY				
8145342	NG 113-81	4904521452	103	KEELINE #1		56.0	PHILLIPS PETROLEU
-MWJ PRODUCING CO			RECEIVED: 08/13/81 JA: WY				
8145339	NG 110-81	4900900000	103	SPRACKLEN A 3-6	MANNING	13.0	MIGC INC
8145340	NG 111-81	4900900000	103	SPRACKLEN 34-15	MANNING	18.0	MIGC INC
-SAMEDAN OIL CORPORATION			RECEIVED: 08/13/81 JA: WY				
8145315	NG 80-81	4900500000	103	ANNIE HINES NO 1	KITTY	275.0	MCCULLOCH GAS PRO
8145314	NG 79-81	4900500000	103	ANNIE HINES NO 2	KITTY	75.0	MCCULLOCH GAS PRO
-TEXACO INC			RECEIVED: 08/13/81 JA: WY				
8145318	NG 85-81	4903721827	103	TABLE ROCK UNIT NO 46	TABLE ROCK	86.7	COLORADO INTERSTA
-UNION OIL COMPANY OF CALIF			RECEIVED: 08/13/81 JA: WY				
8145316	NG 83-81	4902521219	107-DP	WEST POISON SPIDER UNIT #35-D11	WEST POISON SPIDER	424.0	
** U.S. GEOLOGICAL SURVEY - DENVER,CO							
-TENNECO OIL COMPANY			RECEIVED: 08/11/81 JA: CO 1				
8145346	CC221-G	0504586156	103	LEWIS USA 25-15		600.0	SOUTHWEST GAS COR
8145347	CC 222-G	0504586164	103	LEWIS USA 36-1	PRAIRIE CANYON	588.0	SOUTHWEST GAS COR

OTHER PURCHASERS

8145408 LONE STAR GAS CO

BILLING CODE 6460-86-C

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

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Categories within each NGPA section are indicated by the following codes:

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Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
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107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–25773 Filed 9–2–81; 8:45 am]
BILLING CODE 6450–85–M

[Docket No. RM79–34 and ST81–342]

Transportation Certificates for Natural Gas Displacement of Fuel Oil; Self-Implementing Transactions

August 31, 1981.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commissions Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to Section 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested peson may file a complaint concerning such transactions pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interestate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,
Secretary.

Docket No.	Transporter/seller	Recipient	Dated filed	Part 284 subpart	Expiration date [1]	Transportation rate (¢/mmBtu)
ST81-342	Natural Gas Pipeline Co. of America	El Paso Natural Gas Co	7/2/81	G		
ST81-343	Tennessee Gas Pipeline Co	Orange and Rockland Utilities, Inc	7/1/81	F		
ST81-344	Louisiana Intrastate Gas Corp	Trans Louisiana Gas Co., Inc	7/6/81	C	12/3/81	$20.00
ST81-345	El Paso Natural Gas Co	Northern Natural Gas Co	7/2/81	G		
ST81-346	Transcontinental Gas Pipe Line Corp	Delmarva Power and Light Co	7/6/81	B		
ST81-347	Natural Gas Pipeline Co. of America	El Paso Natural Gas Co	7/6/81	G		
ST81-348	Mountain Fuel Supply Co	Pacific Gas and Electric Co	7/7/81	B		
ST81-349	Michigan Wisconsin Pipe Line Co	Michigan Consolidated Gas Co	7/6/81	B		
ST81-350	Michigan Wisconsin Pipe Line Co	Michigan Consolidated Gas Co	7/6/81	B		
ST81-351	Valero Transmission Co	Texas Eastern Transmission Corp	7/2/81	C	11/28/81	15.00
ST81-352	Columbia Gas Transmission Corp	Consolidated Gas Supply Corp	7/6/81	G		
ST81-353	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	7/7/81	B		
ST81-354	Tennessee Gas Pipeline Co	Transcontinental Gas Pipe Line Corp	7/7/81	G		
ST81-355	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	7/7/81	F		
ST81-356	Tennessee Gas Pipeline Co	Fitchburg Gas and Electric Light Co	7/9/81	B		
ST81-357	Northern Illinois Gas Co	United Gas Pipe Line Co	7/10/81	G(HS)		
ST81-358	Northern Illinois Gas Co	Delhi Gas Pipeline Corp	7/13/81	B		
ST81-359	Tennessee Gas Pipeline Co	United Gas Pipe Line Co	7/14/81	G		
ST81-360	United Gas Pipe Line Co	Transcontinental Gas Pipe Line Corp	7/15/81	G		
ST81-361	Louisiana Intrastate Gas Corp	Columbia Gas Transmission Corp	7/14/81	C	12/11/81	[illegible]
ST81-362	Tennessee Gas Pipeline Co	Manchester Gas Co	[illegible]	B		
ST81-363	Tennessee Gas Pipeline Co	Connecticut Natural Gas Corp	6/3/81	B		
ST81-364	Tennessee Gas Pipeline Co	Haverhill Gas Co	[illegible]	B		
ST81-365	Tennessee Gas Pipeline Co	Valley Gas Co	6/3/81	B		
ST81-366	Tennessee Gas Pipeline Co	The Connecticut Gas Co	6/3/81	B		
ST81-367	Tennessee Gas Pipeline Co	Gas Service, Inc	[illegible]	B		
ST81-368	Tennessee Gas Pipeline Co	Southern Connecticut Gas Co	[illegible]	B		
ST81-369	Tennessee Gas Pipeline Co	Fitchburg Gas and Electric Light Co	[illegible]	B		
ST81-371	Panhandle Eastern Pipe Line Co	West Lake Arthur Distribution Co	7/17/81	B		
ST81-372	Transcontinental Gas Pipe Line Corp	United Gas Pipe Line Co	7/17/81	G		
ST81-373	Tennessee Gas Pipeline Co	Channel Industries Gas Co	7/20/81	G		
ST81-374	Northern Illinois Gas Co	Trans Louisiana Gas Co., Inc	7/20/81	G(HS)		
ST81-375	Texas Eastern Transmission Corp	Mississippi River Transmission Corp	7/20/81	G		
ST81-376	Tennessee Gas Pipeline Co	Columbia Gas Transmission Corp	7/22/81	G		
ST81-377	Consumers Power Co	West Lake Arthur Distribution Co	7/23/81	G(HT)		
ST81-378	Southern Natural Gas Co	Tennessee Gas Pipeline Co	7/23/81	G		
ST81-379	Southern Natural Gas Co	United Gas Pipe Line Co	7/23/81	G		

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date [1]	Transportation rate (c/mmBtu)
ST81-380	Natural Gas Pipeline Co. of America	United Gas Pipe Line Co	7/24/81	G		
ST81-381	Louisiana Intrastate Gas Corp	Southern Natural Gas Co	7/23/81	C	12/20/81	87.00
ST81-382	United Gas Pipe Line Co	Natural Gas Pipeline Co. of America	7/24/81	G		
ST81-383	United Gas Pipe Line Co	Southern Natural Gas Co	7/24/81	G		
ST81-384	Delhi Gas Pipeline Corp.	United Gas Pipe Line Co	7/24/81	D	12/21/81	[illegible]
ST81-385	Delhi Gas Pipeline Corp.	United Gas Pipe Line Co	7/24/81	C		
ST81-386	Trunkline Gas Co	Tennessee Gas Pipeline Co	7/29/81	G		
ST81-387	Transcontinental Gas Pipe Line Corp	Southern Natural Gas Co	8/5/81	G		
ST81-388	Michigan Wisconsin Pipe Line Co	Michigan Consolidated Gas Co	7/30/81	B		
ST81-389	Michigan Wisconsin Pipe Line Co	Trans Louisiana Gas Co., Inc.	7/30/81	B		
ST81-390	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	7/30/81	F		
ST81-391	Transcontinental Gas Pipe Line Corp	Northern Natural Gas Co	7/30/81	G		
ST81-392	Transcontinental Gas Pipe Line Corp	Texas Eastern Transmission Corp	7/30/81	G		
ST81-393	Northwest Pipeline Corp	Moutain Fuel Resources, Inc	7/30/81	G		
ST81-394	Columbia Gulf Transmission Co	Natural Gas Pipeline Co. of America	7/31/81	G		

[1] The intrastate Pipeline has sought Commission approval of its transportation rate.

Pursuant to § 284.123(b)(2) of the Commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 81-25790 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-13746-004, et al.]

Mobile Oil Exploration & Producing Southeast Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

August 26, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure base
G-13746-004, D, Aug. 17, 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corporation, Ship Shoal 72 Field, Offshore Louisiana.	(1)	
C67-1085-000, D, Aug. 10, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	El Paso Natural Gas Company, Hamon Field, Reeves County, Texas.	(1)	
C77-517-003, C, Aug. 17 1981	Exxon Corporation, Post Office Box 2180, Houston, Texas 77001.	Mid-Louisiana Gas Company, East Cameron Block 335, Offshore Louisiana.	(1)	15.025
C79-673-002, C, Aug. 17, 1981[1]	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corporation, Ship Shoal 72 Field, Offshore Louisiana.	(1)	15.025
C81-458-000, B, Aug. 14, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Phillips Petroleum Company, State 666 Lease, Lea County, New Mexico.	(1)	
C81-459-000, B, Aug. 17, 1981	Hondo Oil & Gas Company, Post Office Box 2819, Dallas, Texas 75221.	Tipperary Corporation, Denton Gasoline Plant, Lea County, New Mexico.	(1)	
C81-460-000, A, Aug. 17, 1981	Pennzoil Producing Company P.O. Box 2967, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company High Island Block A-325, East, Addition, South Extension, Offshore Texas.	(1)	14.65
C81-461-000, A, Aug. 17, 1981	Pennzoil Oil & Gas Inc., P.O. Box 2967, Houston, Texas 77001.	do	(1)	14.65
C81-462-000, A, Aug. 17, 1981	Union Oil Company of California, P.O. Box 7600, Los Angeles, California 90051.	Transcontinental Gas Pipe Line Corp., Block A-442, South Addition, High Island Area, Offshore Texas.	(1)	14.65
C81-463-000 (G-15471), B, Aug. 18, 1981.	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	Trunkline Gas Company, Chocolate Bayou Field, Brazoria County, Texas.	(1)	
G-2589-000, D, Aug. 3, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	Trunkline Gas Company, McAllen Field, Hidalgo County, Texas.	(1)	
C64-1285-000, C, Aug. 3, 1981	do	do	(1)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure Base
CI64-1291-000, D, Aug. 3, 1981	do	El Paso Natural Gas Company Blanco-Pictured Cliffs Field, San Juan and Rio Arriba Counties, New Mexico.	(14)	
CI75-585-004, C, Aug. 19, 1981	Coastal Oil & Gas Corporation, Nine Greenway Plaza, Houston, Texas 77046.	Colorado Interstate Gas Company, Natural Buttes Unit, Uintah County, Utah.	(14)	15.025
CI77-483-004, C, Aug. 19, 1981	CIG Exploration Inc., Nine Greenway Plaza Houston, Texas 77046.	Colorado Interstate Gas Company, Natural Buttes Unit, Uintah County, Utah.	(14)	15.025
CI64-1288-000, C, Aug. 3, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	El Paso Natural Gas Company, Blanco-Pictured Cliffs Field, San Juan and Rio Arriba Counties, New Mexico.	(14)	14.65

[1] The certificate in Docket Nos. G-13746 and CI79-673 are related certificates.
[2] Ship Shoal 72 Field is to be deleted from G-13746 and added to the certificate issued in Docket No. CI79-673, under the rollover contract dated July 15, 1981.
[3] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.
[4] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.
[5] There is longer any production from acreage covered by this contract and none is planned. Contract has been terminated according to its terms effective as of July 15, 1980.
[6] Contract was terminated effective May 12, 1980. Hondo no longer has any interest in the properties covered by this contract.
[7] Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.
[8] Applicant is filing under Gas Purchase Contract dated July 23, 1981.
[9] Contract is being terminated by its own terms and contractual authority and gas is unavailable for this sale.
[10] Under rollover contract dated July 15, 1081, Ship Shoal 72 Field is to be added to the certificate in Docket No. CI79-673 from the certificate in Docket No. G-13746.
[11] The certificate applications in Docket No. CI64-1285-000 and G-2599-000 are related certificates.
[12] The acreage covered under Docket No. G2599 duplicates acreage covered under the certificate issued in Docket No. CI64-1285. Conoco proposes to consolidate acreage under Docket No. G-2599 into CI64-1285.
[13] The certificate applications in Docket No. CI64-1288-000 and CI64-1291-000 are related certificates.
[14] The acreage covered under Docket No. CI64-1291-000 duplicates acreage filed by Conoco in a supplement to the certificate issued in CI64-1288. Conoco proposes to consolidate acreage under Docket No. CI64-1291 into CI64-1288.
[15] Applicant is filing under Gas Purchase Agreement dated February 3, 1981.
[16] Applicant is filing under Gas Purchase Agreement dated June 29, 1981.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 81-25719 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS81-101-000, etc.]

Cookson Hills Gas Corp., et. al.; Applications for "Small Producer" Certificates [1]

August 26, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No.	Date filed	Applicant
CS81-101-000	7/2/81	Cookson Hills Gas Corp., Suite 1900, 5444 Westheimer, Houston, Texas 77056.
CS81-102-000	7/6/81	EADS Operating Co., P.O. Box 36448, Houston, Texas 77036.
CS81-103-000	7/1/81	Pat Legan, 4402 Vance Jackson, San Antonio, Texas 78230.
CS81-104-000	7/24/81	Bryan H. Hillstrom, 467 Oak St., San Francisco, California 94102.
CS81-105-000	7/24/81	KV Oil & Gas Inc., P.O Box 597, Danville, Kentucky 40422.
CS81-106-000	8/12/81	Comanche Production Inc., 4121 W. 83rd Street, Prairie Village, Kansas 66208.
CS81-107-000	8/19/81	Petrogen Company, Inc., 216 Suzanne Drive, Austin, Louisiana 70402
CS81-108-000	8/17/81	Marilyn A. Fujiwara, 3448 Bryant St., Palo Alto, California 94301
CS81-109-000	8/17/81	Russell A. Fujiwara, Estate, 4665 Lowry Rd., Oakland, California 94605
CS81-110-000	8/17/81	Donald S. Fujiwara, 4665 Lowry Rd., Oakland, California 94605.
CS81-111-000	8/17/81	St. Joint Venture 1981A, P.O Box 5061, Westport, Connecticut 06880
CS79-343-001	[1] 8/3/81	A. L. Parker, P.O. Box 1191 Sherman, Texas 75090

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Applicant requests that the effective date of its Small Producer Certificate should be made retroactive to January 1, 1975, or in the alternative, it should be determined that the Small Producer Certificate issued to Walter H. Gant in Docket No. CS72-586 covers the interest of Applicant in the natural gas produced and sold by Gant from the subject well from January 1, 1975 to February 26, 1979.

[FR Doc. 81-25720 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP77-52-017, *et al.*]

Alabama-Tennessee Natural Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

August 26, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street.

NE, Washington, D.C. 20426, on or before September 10, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing	Company	Docket No.	Type
8/3/81	Alabama-Tennessee Natural Gas Co.	RP77-62-017	Report
8/5/81	Texas Gas Transmission Corp.	RP81-102-001 [1].	Report
8/10/81	Southern Natural Gas Co.	RP78-36-011	Report
8/17/81	Columbia Gas Transmission Corp.	RP81-122-000	Report
8/17/81	East Tennessee Natural Gas Co.	RP81-112-000	Report
8/17/81	Midwestern Gas Transmission Co.	RP81-113-000	Report

[1] All future UFUT flow-through refunds will retain the same by-company docket number.

[FR Doc. 81-25711 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5146-000]

City of Allentown, Pa.; Application for Preliminary Permit

September 1, 1981

Take notice that the City of Allentown, Pennsylvania (Applicant) filed on July 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5146 to be known as the Hamilton Street Dam Project located on the Lehigh River in Lehigh County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Frank Fischl, City Hall, 435 Hamilton Street, Allentown, Pennsylvania 18101.

Project Description—The proposed project would consist of: (1) The proposed Hamilton Street Dam, a 20-foot-high, 490-foot-long concrete gravity dam, which would be built at the site of an existing crib dam; (2) an existing 98-acre reservoir; (3) a proposed 2,000-foot-long power canal; (4) a proposed powerhouse with an installed generating capacity of 2,490 kW; and (5) appurtenant works. The Hamilton Street Dam would be owned and built by the Commonwealth of Pennsylvania and operated by the Applicant. The project would have an average annual generation of 12,670,000.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d))1980)] or notice of intent [See 18 CFR 4.33 (b) and (c))1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25759 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5114-000]

American Hydro Power Co.; Application for Preliminary Permit

September 1, 1981

Take notice that the American Hydro Power Co. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5114 to be known as the Peterborough, Hydroelectric Project located on the Nubanusit Brook at Peterborough, in Hillsborough County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, American Hydro Power Co., Two Aldwyn Center, Villanova, Pennsylvania 19085.

Project Description—The proposed project would utilize the existing Verney Mill dam, a concrete gravity structure 253 feet long and 11.5 feet high, owned by the U.S. Army Corps of Engineers with a reservoir of negligible storage capacity and a surface area of about 1.9 acres at spillway crest elevation 900 feet m.s.l. Applicant proposes to modify the dam to increase the spillway crest to 904 feet m.s.l. thereby increasing the surface area of the reservoir to 4 acres and the storage capacity to 10 acre-feet (pool surface elevation will rise to 905.7 feet m.s.l. when the flow is 650 c.f.s.). The project would consist of: (1) A new intake structure; (2) a new penstock 2,700 feet long and 4.5 feet in diameter; (3) a new powerhouse with an installed capacity of 700 kW; (4) a new transmission line about 2,300 feet long; (5) a new tailrace about 40 feet long; and (6) other appurtenances. Applicant estimates annual generation would be 2,480,000 kWh. Project energy would be sold to the Public Service Company of New Hampshire.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 12 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the

outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before November 1, 1981.

Filing and Service or Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25786 Filed 9-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5074-000]

L. Maurice Baker; Application for Preliminary Permit

August 27, 1981.

Take notice that L. Maurice Baker (Applicant) filed on July 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 5074 to be known as the Mill Creek Project located on Mill Creek in Douglas County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Maurice Baker, Suite 1211 Oregon Bank Building, 319 SW. Washington, Portland, Oregon 97204.

Project Description—The proposed project would consist of: (1) A 9-foot high small diversion structure; (2) a 300-foot long and 6-foot diameter penstock; (3) a powerhouse containing a total installed capacity of 8,590 kW; and (4) a transmission line. The average annual energy generation is estimated to be 26 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $140,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specifed in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25628 Filed 9-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1618-000]

William R. Bisson; Application

August 27, 1981

The filing individual submits the following:

Take notice that on August 20, 1981, William R. Bisson filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President and Director, Blackstone Valley Electric Company
Vice President and Director, Montaup Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-25629 Filed 9-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 2361-000]

Blandin Power Co.; Application for Transfer of License

August 26, 1981.

Public notice is hereby given that an application was filed jointly and severally on July 9, 1981, under the Federal Power Act, 16 U.S.C 791(a)–825(r), by the Blandin Power Company (Licensee) and the Minnesota Power & Light Company (Transferee) for transfer of license for the Prairie River Project No. 2361 to the Minnesota Power & Light Company. The Prairie River Project No. 2361 is located on the Prairie River near Grand Rapids, in Itasca County, Minnesota. Correspondence with Licensee should be directed to: Mr. W. J. Licke, General Counsel, Blandin Power Company, Grand Rapids, Minnesota 55744. Correspondence with Transferee should be directed to: Mr. Philip R. Halverson, Attorney, Minnesota Power & Light Company, 30 West Superior Street, Duluth, Minnesota 55802.

Project No. 2361 has an installed hydroelectric capacity of 1,084 kW. The energy from this project would be used in the transferee's own power system.

Minnesota Power & Light Company is an investor-owned public utility, organized in and domesticated under the laws of the State of Minnesota. The transferee will submit certified copies of all instruments of conveyance upon the completion of such conveyance when the Commission has given its approval for transfer of license.

Transferee proposes to continue to operate the Prairie River Project No. 2361 in the same manner and for the same purpose for which it is now operated, namely, as a source of power and energy for the public in central and northeastern Minnesota.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protests, or petitions to intervene must be received on or before October 7, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-25726 Filed 9-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5088-000]

California Lumber; Application for Preliminary Permit

August 27, 1981.

Take notice that California Lumber (Applicant) filed on July 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5088 to be known as the West Branch Feather River Hydroelectric Project located on West Branch Feather River in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roy D. Berridge, Manager, California Timber and Lands, Diamond International, P.O. Box D, Red Bluff, California 96080.

Project Description—The project would consist of: (1) A 5-foot high, 40-foot long concrete diversion structure; (2) a 13,000-foot long, 42-inch diameter low pressure pipe; a 9,000-foot long, 27-inch diameter low pressure pipe; a 7,000-foot long, 30-inch diameter low pressure pipe and a 9,000-foot long, 42-inch diameter penstock; (3) A powerhouse with total installed capacity of 8.9 MW and (4) a 2.5-mile long, 12-kV transmission line which would connect the powerhouse to an existing 12-kV transmission line of Pacific Gas and Electric Company. The Applicant estimates that the average annual energy production would be 47 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO

INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25630 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5087-000]

California Lumber; Application for Preliminary Permit

August 27, 1981.

Take notice that California Lumber (Applicant) filed on July 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5087 to be known as the Butte Creek Hydroelectric Project located on Butte Creek in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roy D. Berridge, Manager, California Timber and Lands, Diamond International, P.O. Box D, Red Bluff, California 96080.

Project Description—The project would consist of: (1) A 5-foot high, 40-foot long concrete diversion structure: (2) a 20,000-foot long, 36-inch diameter low pressure pipe; a 16,000-foot long, 36-inch diameter penstock; (3) a powerhouse with total installed capacity of 7.2 MW and (4) a 5.7-mile long 12-kV transmission line which would connect the powerhouse to an existing 12-kV transmission line of Pacific Gas and Electric Company. The Applicant estimates that the average annual energy production would be 38 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25631 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5085-000]

California Lumber; Application for Preliminary Permit

August 27, 1981.

Take notice that California Lumber (Applicant) filed on June 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5085 to be known as the Long Ravine Hydroelectric Project located on Long Ravine Creek in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roy D. Berridge, Manager, California Timber and Lands, Diamond International, P.O. Box D, Red Bluff, California 96080.

Project Description—The project would consist of: (1) A 5-foot high concrete diversion structure: (2) a 4,000-foot long, 48-inch diameter penstock; (3) a powerhouse with total installed capacity of 1.0 MW; and (4) a 0.5-mile long, 12-kV transmission line which would connect the powerhouse to an existing 12-kV transmission line of Pacific Gas and Electric Company. The Applicant estimates that the average annual energy production would be 5.3 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25833 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4620-000]

Carrasan Power Co.; Application for Preliminary Permit

August 26, 1981.

Take notice that the Carrasan Power Company (Applicant) filed on May 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4620 known as the Horse Pasture River Power Project located on the Horse Pasture River in Transylvania Co., North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard Bean, P.O. Box 1406, Brevard, North Carolina 28712.

Project Description—The proposed project would consist of: (1) A concrete diversion structure that is approximately 250 feet long by 5 feet high and 8 feet wide; (2) a proposed powerhouse to include generating facilities capable of obtaining an installed capacity of 12.3 MW; (3) a proposed transmission line approximately 1.2 miles north of the site; and (4) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 79.6 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $196,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25728 Filed 9-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-466-000]

Columbia Gas Transmission Corp; Application

August 28, 1981.

Take notice that on August 17, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-466-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell on a best-efforts basis up to 50,000 dekatherms (dt) equivalent of natural gas per day to Con Ed through October 31, 1981, pursuant to a limited-term interruptible gas sales agreement dated August 10, 1981. Applicant states that it has agreed that on any day when it has additional surplus gas volumes available for sale an additional 50,000 dt equivalent may be made available to Con Ed if it desires to purchase such volumes.

Applicant proposes to deliver the gas sold to Con Ed hereunder at the interconnection between the pipeline facilities of Applicant and Consolidated System LNG Company at or near Applicant's Loudoun compresssor station in Loudoun County, Virginia, and/or such other points of interconnection between Applicant and other interstate pipeline companies which have the capability of delivering gas to Con Ed as may be agreed upon by Applicant and Con Ed.I11Applicant asserts that the natural gas to be purchased by Con Ed hereunder would be used in its electric and steam generation system to replace distillate and residual fuel oil. Applicant states that it would not be necessary for Applicant to construct any facilities to accomplish the sale and delivery of gas proposed herein. Applicant further asserts that the has it proposes to sell to Con Ed is in excess of its current market requirements.

Applicant states that Con Ed would pay for the gas purchased hereunder at the higher of Applicant's Zone 2 SR (Surplus Interruptible Service) Rate at the time of Con Ed's purchase or the price determined and published by the Commission pursuant to Section 102 of the Natural Gas Policy Act of 1978 in effect at the time of Con Ed's purchase.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25646 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-335, CP81-376, CP81-381 and CP81-396]

Columbia Gas Transmission Corp., Informal Conference

August 28, 1981.

Take notice that on September 10, 1981, at 10:00 a.m. an informal conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. among the parties in the above referenced proceedings.

The informal conference is being held at the request of Petitioner and certain Interveners in Docket Nos. CP81-335 and CP81-381 to discuss concerns expressed by the interveners and to consider the appropriate resolution of the applications.

Although the above referenced proceedings are not consolidated, they all concern applications by Petitioner for certificates of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing certain limited-term, off-system sales.

The informal conference is open to the public; however, attendance or participation at the informal conference will not serve to make the attendees parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the Petitioner's filings are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25741 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP81-117-000, et al.]

Columbia Gas Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

August 26, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also known on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 10, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
Aug. 14, 1981	Columbia Gas Transmission Corporation	RP81-117-000 [1]	Report.
Do.	Consolidated Gas Supply Corporation	RP81-114-000 [1]	Report.
Aug. 17, 1981	Florida Gas Transmission Company	RP81-124-000 [1]	Report.
Do.	Mid Louisiana Gas Company	RP81-106-000 [1]	Report.
Aug. 14, 1981	Natural Gas Pipeline Company of America	RP81-120-000 [1]	Report.
Aug. 12, 1981	Northern Natural Gas Company	RP81-110-000 [1]	Report.
Aug. 14, 1981	Michigan Wisconsin Pipe Line Company	RP81-123-000 [1]	Report.
Do.	Panhandle Eastern Pipe Line Company	RP81-109-000 [1]	Report.
Do.	Sea Robin Pipeline Company	RP81-116-000 [1]	Report.
Aug. 10, 1981	Southern Natural Gas Company	RP81-105-000 [1]	Report.
Aug. 14, 1981	Texas Eastern Transmission Corporation	RP81-121-000 [1]	Report.
Do.	Trunkline Gas Company	RP81-118-000 [1]	Report.
Do.	United Gas Pipe Line Company	RP81-115-000 [1]	Report.

[1] All future LFUT flow-through refunds will retain the same by-company docket number.

[FR Doc. 81-25712 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-111-000]

Colorado Interstate Gas Co.; Proposed Changes in FERC Gas Tariff

August 26, 1981.

Take notice that Colorado Interstate Gas Company (Applicant), on August 13, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 2. The proposed changes will cancel Rate Schedule X-11 which provides for the incremental additional cost to Applicant for providing

increased delivery pressures at the Hugo, Colorado delivery point for gas volumes tendered to Peoples Natural Gas Company, Division of InterNorth Inc. (Peoples).

The Applicant states that the provisions under Rate Schedule X-11 have not been exercised during the past few seasons and Applicant and Peoples believe that there is no further need for such rate schedule. The proposed termination date is October 1, 1981.

Authority for the transactions under Rate Schedule X-11 was granted in Docket No. RP75-112.

Copies of this filing have been mailed to Peoples.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26729 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4625-000]

Delta Utilities Corp.; Application for Preliminary Permit

September 1, 1981.

Take notice that Delta Utilities Corporation (Applicant) filed on May 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4625 to be known as the Wallahatch Water Power Project located on the Tallapoosa River in Tallapoosa and Elmore Counties, Alabama. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert L. Harris, 139 Lee Street, Montgomery, Alabama 36104.

Project Description—The proposed project would consist of: (1) A proposed concrete gravity dam approximately 980 feet long and 79 feet high; (2) a proposed spillway 470 feet long with a crest elevation of 154 feet m.s.l.; (3) a proposed reservoir with a surface area of approximately 10 acres and a storage capacity of 26 acre-feet at a normal pool elevation of 197 feet above m.s.l.; (4) a proposed powerhouse to include 3 generating units with a combined capacity of 22.3 MW; (5) an existing transmission line one half of a mile from the project; and (6) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 79 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $400,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before Novermber 2, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26730 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-687-000]

Duke Power Co.; Filing

August 27, 1981.

Take notice that on August 17, 1981, Duke Power Company ("Duke") filed with the Commission pursuant to Section 35.12 of the Commission's Regulations an interconnection Agreement with Piedmont Municipal Power Agency ("PMPA"). Under the terms of the Agreement, Duke will interconnect its generation and transmission system with the Catawba Nuclear Station, presently being constructed, and wheel electric power and energy to the members of PMPA.

Duke states that the Interconnection Agreement is one of three agreements between it and PMPA which are concerned with the sale of PMPA of a 25 percent undivided interest in Unit No. 2 of the Catawba Nuclear Station. The other two agreements between Duke and PMPA are a Purchase, Construction and Ownership Agreement and an Operating and Fuel Agreement.

In addition to the interconnection of facilities and the wheeling by Duke of electric power and energy to the members of PMPA, the Interconnection Agreement provides for the following:

(1) Determination of amount of power and energy to be supplied from Catawba to members of PMPA.

(2) Determination of amount of power and energy sold from Catawba to Duke.

(3) A reliability exchange between the Catawba Units, and between the Catawba Units and the McGuire Nuclear Station owned by Duke.

(4) Determination of amount of supplemental capacity and energy to be supplied by Duke to fulfill electric requirements of members of PMPA.

(5) Determination of reserves required by PMPA, deficiency energy and unused supplemental energy when needed by PMPA to supply their electric needs when Catawba Unit No. 2 is not running.

(6) Sales by PMPA of surplus energy.

(7) Transmission services and deliveries.

(8) Metering.

(9) Billing and payments.

(10) Default and resolution of disputes.

(11) Formulas to compute rates and charges of Duke and PMPA for all services.

Duke further states that it expects to initiate service to PMPA under the interconnection agreement on or after March 1984, with the commencement of the commercial operation of either Units No. 1 or No. 2 of the Catawba Nuclear Station. Duke requests a waiver of the notice requirement to permit the agreement to go into effect upon the initiation of service in March 1984.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-75713 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2761]

El Dorado County Water Agency and El Dorado Irrigation District; Public Meeting

August 28, 1981.

El Dorado County Water Agency and El Dorado Irrigation District (joint applicants), of Placerville, California filed on November 14, 1979 an application to construct a conventional hydroelectric and water supply project with an installed generating capacity of 110.4 MW on the South Fork American River and tributaries in El Dorado County, California. The action would require (1) two major diversion structures (dams), one each on the upper South Fork American River and the Silver Fork American River; (2) seven minor diversion structures on tributaries of the South and Silver forks of the American River; (3) a major diversion structure (dam) and storage reservoir on Alder Creek, a tributary of the South Fork American River; (4) approximately 34 miles of water conveyance structures; (5) three powerhouses; (6) approximately 29 miles of transmission lines; (7) three new access roads; (8) new and improved recreational facilities; and (9) other appurtenant facilities. Construction would commence subsequent to issuance of a license.

A final environmental impact statement has been prepared by the staff of the Federal Energy Regulatory Commission and was issued in May, 1981.

A public meeting will be held on October 1 and 2, 1981 in Placerville, California in order to provide a further opportunity for the public to express their views on this proposed project. Members of Commission staff will be present to conduct the meeting and listen to opinions expressed. A stenographer will be present to transcribe the oral presentations. Speakers will not be sworn under oath nor will there be cross-examination of those offering comments.

The meetings will take place at 7 p.m. on October 1, 1981 in the auditorium of the El Dorado High School, 561 Canal, Placerville, California and at 9:30 a.m. on October 2, 1981 in the Veterans Building on the El Dorado County Fairgrounds, also in Placerville.

If you are unable to attend the meeting or send a representative or if there is insufficient time to offer your comments verbally, you are encouraged to mail written comments to the Commission staff. The record of the meeting will be held open until October 13, 1981 to receive such submittals. They will be included in the record of the meeting as though given orally.

Questions should be directed to Mark Robinson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426 at (202) 376-9060.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25634 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4690-000]

Fall River Rural Electric Cooperative, Inc.; Application for Preliminary Permit

August 26, 1981.

Take notice that Fall River Rural Electric Cooperative, Inc. (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 4690 known as the North Fremont Gravity Irrigation Hydroelectric Power Project located on the Falls River, a tributary to Henry's Fork of the Snake River, near the City of Ashton in Fremont County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Calvin H. Wickham, Fall Rural Electric Cooperative, Inc., P.O. Box 617, Ashton, Idaho 83420.

Project Description—The proposed project would affect lands of the United States within the Targhee National Forest and would consist of: (1) a 10-foot high and 150-foot long overflow-type dam with crest elevation 5,760 m.s.l. replacing an existing 4-foot high and 100-foot long dam owned by the Yellowstone Canal Company; (2) a reservoir with negligible storage capacity; (3) a 10.5-mile long buried steel pipeline varying in diameter from 144 to 96 inches replacing an existing open irrigation canal owned by the Marysville Canal Company; (4) the Upper Development comprising: (a) a powerhouse containing a generating unit having a rated capacity of 3,500-kW at a 150-foot head and a 323 cfs flow; (b) appurtenances to direct the discharge flow into the proposed North Fremont Gravity Pressure Irrigation System or to the proposed Lower Development; (5) the Lower Development comprising: (a) a 0.5-mile long 96-inch diameter steel penstock; (b) a powerhouse containing a generating unit having a rated capacity of 2,200-kW at a 95-foot head; (c) a tailrace along the Falls River; (6) a 0.5-mile long 12.47-kV transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 25,200 MWh from the Upper Development and 11,500 MWh from the Lower Development. Project energy would be

used by Applicant locally within its system.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare a feasibility report, conduct geotechnical, engineering, economic, financial, and environmental studies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $130,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 2, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency dose not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before, November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE" as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25714 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4691-000]

Fall River Rural Electric Cooperative, Inc.; Application for Preliminary Permit

August 27, 1981.

Take notice that Fall River Rural Electric Cooperative, Inc. (Applicant) filed on May 18, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4691 known as the Warm River Project located on the Warm River, a tributary to Henry's Fork of the Snake River, near the City of Ashton in Fremont County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Calvin H. Wickham, Fall Rural Electric Cooperative, Inc., P.O. Box 617, Ashton, Idaho 83420.

Project Description—The proposed run-of-river project would affect lands of the United States within the Targhee National Forest and would consist of: (1) A 10-foot high and 80-foot long overflow-type dam with crest elevation 5,760 m.s.l., (2) a reservoir with negligible storage capacity; (3) a 4,500 foot long 10-foot diameter steel penstock; (4) a powerhouse containing a generating unit having a rated capacity of 4,500-kW at a 200-foot head; (5) a short tailrace; (6) a switchyard; (7) a 3,000-foot long 12.47–kV underground transmission line; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 25,000 MWh. Project energy would be used by Applicant locally within its system.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare reconnaissance and feasibility reports, conduct geotechnical, engineering, economic, financial, and environmental studies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency dose not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before, October 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25635 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP80-481-001 and CP80-300-001]

Florida Gas Transmission Co., etc.; Petition To Amend

August 27, 1981.

Take notice that on August 20, 1981, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 254, Houston, Texas 77002, filed in Docket No. CP80-481-001 a joint petition to amend the order issued June 10, 1981, in Docket No. CP80-481-000 so as to reduce FGT's ownership interest in certain facilities offshore Texas and Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued June 10, 1981, in Docket No. CP80-481-000 FGT and Tennessee were authorized to construct and operate certain onshore and offshore pipeline and appurtenant facilities extending from the Sabine Pass Area, offshore Texas and Louisiana, to points of interconnection with FGT's and Tennessee's existing onshore pipeline facilities in Calcasieu Parish, Louisiana (Phase I facilities). It is further submitted that the capacity of the Phase I facilities was estimated to be 470 billion Btu of natural gas per day (156 billion Btu for FGT with the balance to Tennessee).

Petitioners state that pursuant to a July 20, 1981, agreement FGT reduced its participation in the Phase I facilities while Tennessee increased its participation by the same percentage and, therefore, FGT's capacity through the Phase I facilities would be 117 billion Btu of gas per day with the balance of the available capacity allocated to Tennessee.

Petitioners assert that pursuant to such agreement FGT would own an undivided 21.5 percent and Tennessee would own an undivided 78.5 percent of the following Phase I facilities:

(a) 20.2 miles of 30-inch pipeline from the proposed pipeline central gathering platform in Sabine Pass Block 18 to the onshore compressor station site indicated in (d) below;

(b) 4.7 miles of 24-inch pipeline extending from a subsea connection in Sabine Pass Block 10 to the proposed central gathering platform in Sabine Pass Block 18;

(c) a central gathering platform located in Sabin Pass Block 18;

(d) a 1,100 horsepower compressor station with dehydration for up to 470,000 Mcf of gas per day located in Cameron Parish, Louisiana; and

(e) certain miscellaneous facilities appurtenant to the foregoing.

It is also asserted that FGT would own an undivided 76.2 percent and Tennessee would own an undivided 23.8 percent of the following Phase I facilities:

(a) Metering facilities on the producer-owned platform in Sabine Pass Block 17; and

(b) 3.0 miles of 10-inch pipeline extending from the Sabine Pass Block 17 platform to the Sabine Pass Block 10 platform.

Petitioners also assert that FGT would own an undivided 71.5 percent and Tennessee would own an undivided 28.5 percent of the necessary metering and compression facilities as part of the Phase I facilities on the Sabine Pass Block 10 platform, and FGT would own an undivided 75 percent and Tennessee would own an undivided 25 percent of one-tenth of a mile of 24-inch pipeline as part of the Phase I facilities such pipeline to extend from the Sabine Pass Block 10 plaftform to a subsea connection with the 4.7 miles of 24-inch pipeline described above.

Petitioners further assert that Tennessee would own 100 percent of the following Phase I facilities:

(a) A meter station on each of the producer-owned production platforms in Sabine Pass Blocks 11, 13 and 18;

(b) 1.5 miles of 16-inch pipeline extending from Platform 18-C to a subsea tie-in near Platform 18-A;

(c) 0.5 mile of 16-inch pipeline from Platform 18-A to the proposed pipeline central gathering platform in Sabine Pass Block 18;

(d) 9.7 miles of 16-inch pipeline extending from the Sabine Pass Block 13-A Platform to the jointly owned facilities; and

(e) 2.2 miles of 12-inch pipeline extending from Platform 11-A to a subsea tie-in with the aforementioned 9.7 miles of 16-inch pipeline.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25742 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-50-000]

Inter-City Minnesota Pipelines Ltd., Inc.; Application for Adjustment

August 27, 1981.

Take notice that on July 6, 1981, Inter-Ciy Minnesota Pipelines Ltd., Inc. (Inter-City), 1004 Cloquet Avenue, Cloquet, Minnesota 55720, in Docket No. SA81-50-000 filed an application for an adjustment under the regulations implementing the natural gas curtailment policy for essential agricultural uses (Priority 2) pursuant to Section 401 of the Natural Gas Policy Act of 1978. Inter-City seeks exemption from all filing requirements imposed by 18 CFR §§ 281.204(b)(2), 281.205(c)(2) and 281.212 (b) and (c). In support of its application Inter-City states that it has no end-users classified in curtailment priority 2 and has never experienced supply deficiencies.

The procedures applicable to the conduct of this adjustment proceeding are found in Section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the provisions of § 1.41. All petitions to intervene must be filed by September 18, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25715 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-72-000]

Iowa Power & Light Co.; Application

August 27, 1981.

Take notice that on August 19, 1981, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed

an application, pursuant to Section 204 of the Federal Power Act to issue on or before December 31, 1983, bank notes maturing not more than one year after date of issue and commercial paper notes maturing not more than nine months after the date of issue in principal amounts not exceeding $175,000,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25636 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-71-000]

Iowa Power & Light Co.; Application

August 27, 1981.

Take notice that on August 19, 1981, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an application, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate for the placement of up to $60 million of First Mortgage Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25637 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5136-000]

University of Iowa; Application for Preliminary Permit

August 31, 1981.

Take notice that the University of Iowa (Applicant) filed on July 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 5136 to be known as the Burlington Street Dam Hydroelectric Project located on the Iowa River in Johnson County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ray Mossman, 114 Jesup Hall, University of Iowa, Iowa City, Iowa 52242.

Project Description—The proposed project would consist of: (1) an existing concrete overflow dam 20-foot high and 284–foot long; (2) an existing reservoir with a surface area of approximately 110 acres and an estimated normal storage capacity of 640 acre-feet; (3) an existing powerhouse to include generating facilities capable of obtaining an installed capacity of 2.0 MW; (4) proposed transmission lines to connect the generators to the existing distribution system; and (5) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 8.76 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR § 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in a all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25753 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-693-000]

Jersey Central Power and Light Co.; Filing

August 27, 1981.

The filing company submits the following:

Take notice that on August 20, 1981, Jersey Central Power and Light Company (Jersey Central) tendered for filing a revised fuel cost adjustment clause for service under Jersey Central's FERC Electric Tariff, Original Volume No. 1. The revision provides for the replacement of Jersey Central's lagging fuel clause with one that recovers for actual fuel costs on a current basis.

Jersey Central requests a waiver of the advance notice requirement to permit an effective date of October 19, 1981 for the rate schedule revision.

Copies of this filing have been sent to Allegheny Electric Co-Operative, Inc., the Boroughs of Butler, Lavellette, Madison, Pemberton and Seaside

Heights, and the New Jersey Board of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25716 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4703-000]

City of Kalispell, Montana; Application for Preliminary Permit

August 26, 1981.

Take notice that the City of Kalispell (Applicant) filed on May 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 4703 to be known as the Lower Crow Dam Project located on Lower Crow Reservoir on Crow Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Grisley, 1485 S. 300 W., Salt Lake City, Utah 84115.

Project Description—The proposed project would consist of: (1) A 1,600-foot long and 5-foot diameter penstock through the outlet works of the existing Bureau of Indian Affairs' 84-foot high earth-filled Crow Creek Dam; (2) a powerhouse containing two generating units, each rated at 1,000 kW; and (3) a transmission line. The Applicant estimates that the average annual energy output would be 10.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $68,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 9, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25726 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4543-000]

City of Kalispell, Montana; Application for Preliminary Permit

September 1, 1981

Take notice that the City of Kalispell (Applicant) filed on April 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4543 known as the Tongue River Dam Water Power Project located at the existing Tongue River Dam on the Tongue River in Big Horn County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Grisley, 1485 South 300 West, Salt Lake City, Utah 84115.

Project Description—The proposed project would utilize the existing Tongue River Dam owned by the Montana Department of Natural Resources and Conservation Water Resources Division. Project works would consist of: (1) An existing earth-fill dam with a concrete spillway, (2) an existing reservoir with an active storage capacity of 88,040 acre-feet, (3) a proposed 8-foot penstock; (4) a proposed powerhouse with two 1,000-kw generating units, and (5) appurtenant facilities. The estimated annual generation is 13,200,000 kWh. The Applicant states that the Tongue River Electric Cooperative, the Bonneville Power Administration, and The Montana Power Company are the most probable potential purchasers of the project power.

Proposed Scope of Studes Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental and economic feasibility of the project. The cost of studies is estimated to be $152,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent

allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25756 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1290-000.]

Kanawha Valley Power Co.; Application for New Major License

August 27, 1981.

Take notice that the Kanawha Valley Power Company filed on January 14, 1981, and most recently revised on June 22, 1981, an application for a new major license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for the continued operation of a constructed water power project known as the Winfield Project No. 1290. The project is located on the Kanawha River in Kanawha and Putnam Counties, West Virginia. The original license for Project No. 1290 will expire on January 16, 1984. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John W. Vaughan; Kanawha Valley Power Company; 301 Virginia Street, East; Charleston, West Virginia 25327.

Project Description—The existing constructed project utilizes the U.S. Army Corps of Engineers Winfield Lock and Dam and consists of: (1) a forebay area protected by a log boom 410.0 feet long; (2) a screened intake 150.0 feet wide; (3) a concrete powerhouse 50′ by 230′ containing 3 turbine/generator units with a total rated capacity of 19,000 kW; (4) a tailrace which extends 410 feet downstream; (5) a substation containing a generator step-up bank of three transformers and three auxiliary transformers; (6) a 69–kV transmission line 9.5 miles long; and (7) appurtenant works. The average annual amount of energy produced at this project site is 110,860,000 kWh. A portion of project energy generated is provided to the U.S. Government to operate the Winfield Lock with the remainder being sold to the Appalachian Power Company.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25699 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. CP81-454-000]

Kentucky West Virginia Gas Co.; Application

August 28, 1981.

Take notice that on August 7, 1981, Kentucky West Virginia Gas Company (Applicant), P.O. Box 1388, Ashland, Kentucky 41101, filed in Docket No. CP81-454-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to make deliveries of natural gas to its corporate parent, Equitable Gas Company (Equitable), for resale to 23 right-of-way grantors in the state of Kentucky, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate minor facilities and to make deliveries of natural gas to Equitable for resale to 23 right-of-way grantors. It is stated that the estimated domestic usage by each of these right-of-way grantors would be approximately 250 Mcf per year on the average. Applicant states that the average cost of each tap would be $254.75 which would be financed from cash on hand.

Applicant proposes to construct and operate facilities for the following right-of-way grantors:

1. Applicant's 2-inch Line No. W–1728. Georgia Blackburn, Beckley, West Virginia. Bill C. Burchett, Pikeville, Kentucky.
2. Applicant's 2-inch Line No. W–KP50. James D. Burchett, Prestonburg, Kentucky.
3. Applicant's 2-inch Lines W–1690 & W–1699. Lawrence E. Cook, Ashcamp, Kentucky.
4. Applicant's 2-inch Line No. W–333. Billy Samuel Nelson, Dwale, Kentucky.
5. Applicant's 2-inch Line No. W–5474. Wallace R. Collins, Van Lear, Kentucky.
6. Applicant's 3-inch Line No. 53–1E. Astor Whittaker, Hallie, Kentucky.
7. Applicant's 6-inch Line No. 575C. Bonnie Madden, Hazard, Kentucky Benton Campbells, Hallie, Kentucky.
8. Applicant's 4-inch Line No. N–520. Clyde E. Sanders, Ashcamp, Kentucky. Edwin A. Morris, Ashcamp, Kentucky. Cornelius Wallace, Ashcamp, Kentucky. Kenneth J. Cook, Ashcamp, Kentucky.
9. Applicant's 4-inch and 6-inch Line No. 9C. Enoch Combs, Garrett, Kentucky.
10. Applicant's 3-inch Line No. N–521. Henry Ison, Skyline, Kentucky. Bobby Ray Ison, Charlestown, Indiana. Maude E. Bolling, Cumberland, Kentucky. Jeanette Day Owens, Clinton, Tennessee.
11. Applicant's 2-inch Line No. W–1727. Eston Sexton, Leburn, Kentucky.
12. Applicant's 2-inch Line No. W–7. Frank DeRossett, Prestonsburg, Kentucky. Robert DeRossett, Prestonsburg, Kentucky. Ollie Lafferty, Prestonsburg, Kentucky.
13. Applicant's 16-inch Line No. 42. James Hatcher Estate, Ivel, Kentucky. Denver Collins, Ivel, Kentucky.
14. Applicant's 3-inch Line No. W–5070. Virgil Conley, Garrett, Kentucky.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25639 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4687–000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 26, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4687 known as the Hudson River/Champlain Canal Lock 2 Project located on the Hudson River in Saratoga and Rensselaer Counties, New York. The application is on file with the Commission and is avaiable for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description—The proposed project would consist of: (1) The existing Lock 2 Dam, a concrete gravity structure 18 feet high and 1000 feet long; (2) the existing Lock 2; (3) the Lock 2 reservoir having a surface area of 290 acres at a mean surface elevation of 47.0 feet (USGS datum); (4) a new intake structure; (5) a new power canal; (6) a new powerhouse containing new turbine/generator units with a rated capacity of 4,500 kW; (7) a new tailrace; (8) new switchyard equipment; (9) a new transmission line; and (10) appurtenant works. The existing structures are owned by the New York State Department of Transportation. Project energy generated would be sold to the Niagara Mohawk Power Corporation. The Applicant estimates that the average annual energy output be 27,500,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981 either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consult all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25721 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4685-000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 26, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 4685 to be known as the Oswego River and Canal/Lock No. 7 Project located on the Oswego River and Oswego Canal in Oswego County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Paul J. Elston and Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of existing project works including: (1) Oswego Dam, owned by the New York State Department of Transportation, a curved masonry structure 517 feet long and 14 feet high with a 250 foot long side channel spillway; (2) Lock No. 7; (3) a reservoir with a surface area of 47 acres and 650 acre-feet of storage at surface elevation of 268.5 m.s.l.; and new project works to include; (4) an intake structure and low level box culvert penstocks; (5) a powerhouse with an installed capacity of 3,170 kW; (6) a tailrace; (7) a switchyard; (8) a transmission line; and (9) other appurtenances. applicant estimates average annual energy production would be 8,650,000 kWh. Project energy would be marketed to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25722 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4792-000]

Mac Hydro-Power Company, Inc.; Application for Preliminary Permit

August 26, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on June 3, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4792 to be known as the Aikens Creek Project located on Aikens Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. H. L. Childers, President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Hwy., Auburn, California 95603.

Project Description—The proposed project would consist of: (1) A 20-foot long, 5-foot high diversion structure; (2) a 1,500-foot long, 24-inch diameter diversion conduit; (3) a 600-foot long, 12-inch diameter penstock; (4) a powerhouse with a total installed capacity of 255 kW; and (5) a 300-foot long, 12.5-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. the Applicant estimates that average annual energy production would be 2.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental and economic studies; negotiate with the utility for sale of power generated; and prepare an FERC exemption application. No new roads are required for conducting these studies which are estimated to cost $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25733 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5122-000]

Mac Hydro-Power Company, Inc.; Application for Preliminary Permit

August 27, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on July 22, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5122 to be known as the Mill Creek Project located on Mill Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. H. L. Childers, President, 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) A 5-foot high diversion structure; (2) a 16,000-foot long diversion conduit; (3) a 3,600-foot long and 36-inch diameter penstock; (4) a powerhouse containing one or more generating units with a total installed capacity of 3,000 kW; and (5) a 12.5–kV, 2.5-mile-long transmission line. The average annual energy generation is estimated to be 26 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25648 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5020-000]

Mac Hydro-Power Company, Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5020 to be known as the North Yuba River Power Project located on North Yuba River in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary A. McKnight, Vice President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) a 5-foot high, 30-foot long concrete diversion structure; (2) a 4,600-foot long, 60-inch diameter low pressure conduit; (3) an 800-foot long, 36-inch diameter penstock; (4) a powerhouse with total installed capacity of 2,500 kW and (5) a 300-foot long, 12.5-kV transmission line which would connect the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 22 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct

technical, environmental and economic studies; and prepare an FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25761 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5123-000]

Mac Hydro-Power Company, Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on July 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5123 to be known as the Pauley Creek-Lavezzola Creek Project located on Pauley Creek and Lavezzola Creek in Sierra County, California. The application is on file with the Commission and is avilable for public inspection. Correspondence with the Applicant should be directed to: Mr. H. L. Childers, President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) two 5-foot high diversion structures, one on Pauley Creek and one on Lavezzola Creek; (2) a 7,500-foot long diversion conduit on Lavezzola Creek; (3) a 12,000-foot long diversion conduit on Pauley Creek; (4) a 1,500-foot long and 30-inch diameter penstock on Lavezzola Creek; (5) a 6,500-foot long and 36-inch diameter penstock on Pauley Creek; (6) a powerhouse containing one or more generating units with a total installed capacity of 8,500 kW; and (7) a 1.5-mile-long transmission line. The average annual energy generation is estimated to be 74 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $40,000–$60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25762 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5002-000]

Mac Hydro-Power Co., Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power

Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5002 to be known as the Haypress Creek (Upper Facility) Power Project located on Haypress Creek (Upper Facility) in Sierra County, California. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary A. McKnight, Vice President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The project would consist of: (1) a 5-foot high, 30-foot long concrete diversion structure; (2) a 5,500-foot long, 60-inch diameter low pressure conduit; (3) a 800-foot long, 36-inch diameter penstock; (4) a powerhouse with total installed capacity of 2,500 kW and (5) a 2.5-mile long, 12.5-kV transmission line which would connect the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 22 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25763 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5003-000]

Mac Hydro-Power Co., Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5003 to be known as the Haypress Creek Power Project located on Haypress Creek in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary A. McKnight, Vice President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The project would consist of: (1) a 5-foot high, 30-foot long concrete diversion structure; (2) a 6,000-foot long, 60-inch diameter low pressure conduit; (3) a 2,000-foot long, 36-inch, diameter penstock; (4) a powerhouse with total installed capacity of 3,400 kW and (5) a 500-foot long, 12.5-kV transmission line which would connect the powerhouse to an existing Pacific Gas & Electric Company transmission line. The applicant estimates that the average annual energy production would be 30 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those

copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25734 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-691-000]

Montana Light & Power Co.; Filing

August 27, 1981.

The filing company submits the following:

Take notice that Montana Light & Power Company (ML&P) on August 19, 1981, tendered for filing proposed changes in its Rate Schedule FERC No. 2 by adding Supplement No. 6 to said Rate Schedule for nonfirm thermal energy to Pacific Power & Light (PP&L) effective July 1, 1981. Supplement No. 6 increases the rate for nonfirm energy from 16 mills per kWh to 20 mills per kWh for on-peak energy and from 12 mills to 13 mills per kWh for off-peak energy.

Montana Light and Power Rate Schedule FERC No. 2 provides that the rate is determined solely by the buyer, PP&L, and may be altered by PP&L unilaterally seven days after written notice to ML&P.

ML&P further requests that this Commission grant it a Waiver of Notice Requirement to permit an effective date of July 2, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25717 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5165-000]

Modesto Irrigation District; Application for Preliminary Permit

September 1, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 31, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5165 to be known as the Frazier Creek Power Project located on Frazier Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 5-foot high, 20-foot long concrete diversion structure; (2) a 60-inch diameter, 8,600-foot long conduit; (3) a 48-inch diameter, 4,800-foot long steel penstock; (4) a powerhouse which will house a single generating unit with a rated capacity of 4,100 kW; and (5) a 1.5 mile long, 12-kV transmission line extending from the powerhouse to an existing Pacific Gas and Electric Company's transmission line. The estimated average annual energy output is 38 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, environmental and economic feasibility studies as well as propare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

Competing Applications—This application was filed as a competing application to the Frazier Creek Power Project No. 5021 filed on June 26, 1981, by Mac Hydro-Power Co. under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25768 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2919]

Municipal Electric Authority of Georgia; Surrender of Preliminary Permit

August 26, 1981.

Take notice that Municipal Electric Authority of Georgia (MEAG), Permittee for the U.S. Army Corps of Engineers' New Savannah Bluff Lock and Dam Project No. 2919, has requested that its preliminary permit be terminated. The preliminary permit was issued on December 19, 1979, and would have expired on December 1, 1982. The project would have been located on the Savannah River in Richmond County, Georgia. MEAG cites that after extensive investigation, "it was concluded that at this time the site does not lend itself for hydroelectric development by MEAG."

MEAG filed its request on June 15, 1981, and the surrender of its permit for Project No. 2919 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25718 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-7-001]

Natural Gas Pipeline Co. of America; Extension Reports

August 31, 1981.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1979 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. The letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before September 24, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Comission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 Subpart	Effective date
ST80-7-001	Southwestern Gas Pipeline, Inc., 2001 Timberloch Place, The Woodlands, TX	Natural Gas Pipeline Co. of America	6/24/81	C	10/1/81
ST80-9-001	Dow Pipeline Co., P.O. Box 4286, Houston, TX 77210	Tennessee Gas Pipeline Co	7/15/81	C	10/15/81
ST80-50/001	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001	El Paso Natural Gas Co	7/27/81	C	10/26/81
ST80-59-001	Oasis Pipe Line Co., P.O. Box 1188, Houston, TX 77001	El Paso Natural Gas Co	7/27/81	C	10/26/81
ST80-127-001	Seagull Pipeline Corp., 1100 Louisiana, Houston, TX 77002	El Paso Natural Gas Co	[1] 7/15/81	C	7/27/81
ST80-307-001	Southwestern Gas Pipeline, Inc., 2001 Timberloch Place, The Woodlands, TX 77380.	Natural Gas Pipeline Co. of America	6/24/81	C	10/1/81

[1] This filing was not received within the time limit prescribed by Part 284 of the regulations, and is the subject of a separate order.

FR Doc. 81-25743 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3059-000; 3119-000; 3120-000]

North Carolina Electric Membership Corporation and the City of Jefferson, North Carolina; Surrender of Preliminary Permits

August 26, 1981.

Take notice that North Carolina Electric Membership Corporation and the City of Jefferson, North Carolina, Permittee for the proposed High Falls Dam, Dallas Lake Dam, and Long Shoals Dam, Projects Nos. 3059, 3119 and 3120, respectively, has requested withdrawal of the aforementioned Preliminary Permits. The Preliminary Permit for Project No. 3059 was issued on March 13, 1981, for a term of 18 months; the Preliminary Permit for Project No. 3119 was issued on March 11, 1981, for a term of 18 months; and the Preliminary Permit for Project No. 3120 was issued on November 3, 1980, for a term of 24 months. Project No. 3059 would have been located on the Deep River in Moore County, North Carolina. Projects Nos. 3119 and 3120 would have been located on the South Fork, Catawba River in Gaston and Lincoln Counties, North Carolina, respectively. The Permittee states that an analysis of the three projects has been completed and that there is not sufficient feasibility to continue further with the studies under the permits.

The Permittee filed the request for withdrawal on March 18, 1981, and the Surrender of the Preliminary Permits for Projects Nos. 3059, 3119 and 3120 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25720 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-668-000]

Northern Indiana Public Service Co.; Filing

August 27, 1981.

The filing Company submits the following:

Take notice that on August 17, 1981, Northern Indiana Public Service Company (NIPSCo) tendered for filing Third Revised Sheet No. 3 to its FERC Electric Service Tariff—Third Revised

Volume No. 1 which has been revised to include an additional delivery point for Wabash Valley Power Association—Kankakee Valley Rural Electric Membership Corporation—Jacob W. Mack. Northern Indiana Public Service Company also tendered for filing the following:

Exhibit B–13, a supplement to the Service Agreement between NIPSCo and Wabash Valley Power Association—Kankakee Valley Rural Electric Membership Corporation, which covers the supply of electric energy for resale at a delivery point located in Porter Township, Porter County, Indiana.

Copies of this filing were served upon all customers receiving electric service under NIPSCO's FERC Electric Service Tariff—Third Revised Volume No. 1 and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25721 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–34–002]

Panhandle Eastern Pipe Line Co.; Petition To Amend

August 28, 1981.

Take notice that on August 4, 1981, Panhandle Eastern Pipe Line Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80–34–002 a petition to amend the order issued May 7, 1980, in the instant docket pursuant to Section 7 of the Natural Gas Act so as to authorize Petitioner to implement an amended gas purchase, transportation and exchange agreement dated April 21, 1981, with Colorado Interstate Gas Company (CIG), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on December 1, 1978, Petitioner and CIG entered into a gas purchase, transportation and exchange agreement which provides for system-wide transportation by Petitioner of natural gas which has been secured by CIG at locations remote from CIG's transmission system but which are in close proximity to the transmission systems of Petitioner. Petitioner further states that the agreement provides for a transportation service to be rendered by CIG to Petitioner for the purpose of transporting natural gas from supply sources remote from Petitioner's transmission systems but which are located in close proximity to the transmission system of CIG. It is stated that the agreement also provides each party an option to purchase 25 percent of the gas delivered. It is stated that by order issued May 7, 1980, Petitioner was authorized to perform the service contemplated by the subject agreement.

Petitioner proposes herein to increase the level of CIG's transportation and exchange volumes and to abandon the sale of natural gas to CIG.

Petitioner proposes to implement an amendment dated April 21, 1981, to the subject agreement with CIG which provides for the following major changes:

1. Delete the option of both parties to purchase up to 25 percent of the delivery volumes by either party;
2. Increase the level of transportation and exchange volumes from 298,371 Mcf per day to 400,000 Mcf per day;
3. Revise the method by which transportation charges are computed. Currently, the transportation charge is based on the net difference of exchange gas multiplied by the jurisdictional rate of the party providing the transportation service. The amendment provides for each party to charge its jurisdictional rate multiplied by the redelivery volumes transported for the other party; and,
4. Provide for a minimum annual bill which Petitioner would pay to CIG basd upon a minimum annual volume which shall be not less than 82.6 percent of the then effective annualized total volumes as listed in Exhibit C of the amendment. In addition, Petitioner would have the option to charge CIG for transporting a minimum annual volume in a manner similar to that charged by CIG. In the event the delivering party does not own or have committed to it sufficient subject gas to meet the minimum annual volume then in effect it may substitute for the deficiency gas committed to or owned by third parties.

It is stated that the subject amendment would not be effective until authorization is received and CIG's facilities are completed and in service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25640 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5052–000]

Plumas County Flood Control and Water Conservation District; Application for Preliminary Permit

August 25, 1981.

Take notice that Plumas County Flood Control and Water Conservation District (Applicant) filed on July 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 5052 to be known as the Mosquito Creek Water Power Project located on Mosquito Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. Brock, Coordinator, PCFC & WCD, Rte. 1, Box 279, Quincy, California 95971.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a 11,000-foot long conduit; (3) a 725-foot long, 42-inch diameter penstock; (4) a powerhouse to contain generating units with a combined rated capacity of 2,900 kW; and (5) a 0.3-mile long, 12.5-kV transmission line. The estimated average annual energy output is 11.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental and economic feasibility studies as well as, consult with Federal, State, and local agencies

to prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an FERC license application is $50,000.

Competing Applications—This application was filed as a competing application to the Mosquito Creek Project No. 4381 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25723 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5047-000]

Village of Poland, Ohio; Application for Preliminary permit

September 1, 1981.

Take notice that the village of Poland (Applicant) filed on July 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a) 825(r)] for Project No. 5047 known as the Muskingum River Lock & Dam No. 3 Project located on the Muskingum River in Washington County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Merle Madrid, 308 S. Main Street, Poland, Ohio 44514, and Mr. Frank Lyman, Attorney, LeBoeuf, Lamb, Leiby, & MacCrae, 1333 New Hampshire Avenue, NW, Washington, D.C.

Project Description—The proposed run-of-the-river project would consist of: (1) the existing Lowell Lock and Dam No. 3 which includes a rockfill crib and concrete capped dam 20 feet high and 900 feet long and a lock structure 35 feet wide, and 20 feet high. The Lock and Dam are owned by the State of Ohio; (2) an existing canal 5,400 feet long, 75 feet wide and 4 feet deep; (3) an impoundment extending upstream approximately 10 miles at surface elevation 607.64 feet m.s.l.; (4) a new powerhouse below the south (right) abutment of the dam with an installed capacity of up to 5,400 kW; (5) electrical facilities; and (6) other appurtenances. An alternative location for the powerhouse will be considered immediately upstream of the lock chamber utilizing the canal as a raceway. Applicant estimates annual generation would be 25,000,000 kWh. Project energy will be sold to the American Electric Power System or wheeled to another utility system.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be $100,000.

Competing Applications—This application was filed as a competing application to the Lowell Lock and Dam No. 3 Project No. 4291 filed on March 4, 1981, by W. M. Lewis & Associates, Inc. under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25755 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-235-001]

Public Service Company of New Mexico; Filing

August 26, 1981.

The filing company submits the following:

Take notice that on August 6, 1981, Public Service Company of New Mexico (PNM) tendered for filing a motion to reopen this proceeding and accept for filing the agreement originally tendered pursuant to the Commission's order issued September 4, 1980.

By order dated September 4, 1980, the FERC denied PNM's request for waiver of the notice requirement, but provided in paragraph (B) that approval of the docket was deferred and held in abeyance, without prejudice, for PNM to request the proceeding to be reopened one year in advance of the expected in service date of its San Juan Unit 4.

The agreement between PNM and San Diego Gas and Electric Company (SDGE), initially filed in February of 1980, provides for PNM to sell power and energy to SDGE for an approximate six-year period in the amount of 236 megawatts. This sale is of contingent capacity from PNM's San Juan Generation Station Unit No. 4. San Juan Unit 4 is expected to go in service in May 1982. Thereafter the proposed agreement would continue until April 30, 1988.

Copies of the motion to reopen have been mailed to the New Mexico Public Service Commission and the Attorney General of the State of New Mexico.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25784 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2114-007]

Public Utility District No. 2 of Grant County, Washington; Application for Amendment of License

August 27, 1981.

Take notice that on December 5, 1980, the Public Utility District No. 2 Grant County (Licensee) filed an application for amendment of its license for the existing Priest Rapids Project No. 2114, located on the Columbia River in Yakima, Kittitas and Grant Counties, Washington. Correspondence concerning the application should be sent to Mr. Larry D. Peterson, Manager, Public Utility District No. 2 of Grant County, P.O. Box 878, Ephrata, Washington 98832.

The existing Priest Rapids Project for which the Commission issued a 50-year license on November 4, 1955, consists two developments—Priest Rapids and Wanapum—each comprising a dam, a reservoir and a ten-generating unit powerhouse. The total installed capacity of the project is 1,620 MW.

The Licensee seeks authorization to: (1) Extend the existing powerhouse, within the Priest Rapids Dam, eastward and install four generating units with a total rated capacity of 320 MW; (2) extend the existing powerhouse within the Wanapum Dam southward and install four generating units with a total rated capacity of 320 MW; (3) raise the normal maximum operating level of the Priest Rapids Reservoir from elevation 486.5 feet (msl) to elevation 491.5 feet (msl); and (4) construct 230 kV transmission links between the new generating facilities and the existing Bonneville Power Administration Switchyards at Midway in the case of Priest Rapids Powerhouse, and Vantage, in the case of Wanapum Powerhouse.

The Licensee estimates the capital cost of the proposed action at $539 million, assuming that the constuction starts in October 1981, and the new units are in commercial operation by late 1984 to early 1985.

Project energy is and will be used to serve the Licensee's loads, with excess energy to be sold to other utilities.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any protest or petition to intervene must be filed on or before October 5, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25841 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-127-000]

Public Works Commission of the City of Fayetteville, North Carolina; Application for Exemption

August 27, 1981

Take notice that Public Works Commission of the City of Fayetteville, North Carolina (PWC) filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in §§ 290.403 and 290.404.

In its application for exemption, PWC states that it should not be required to file the specified data for the following reason:

An alternate program for compliance with the goals of PURPA is proposed.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW, Washington, D.C. 20426, on or before October 19, 1981. Within that 45-day period such person must also serve a copy of such comments on: Public Works Commission, 508 Pearson St., P.O. Drawer 1089, Fayetteville, North Carolina 28302.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25722 Filed 9-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4055-002]

Vernon F. Ravenscroft; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

August 31, 1981

Take notice that on July 24, 1981, Vernon F. Ravenscroft (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. Sections 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 4055-002 would be located on the Malad River in Gooding County, Idaho. Correspondence with the Applicant should be directed to: Vernon F. Ravenscroft. Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Project Description—The proposed project would consist of: (1) a small diversion structure; (2) a 50-foot long and 30-inch diameter penstock; (3) a powerhouse containing four generating units, each rated at 175 kW; and (4) a transmission line. The Applicant estimates that the average annual energy output would be 3.0 million kWh.

Purpose of Project—The energy produced by the proposed project would be sold to a local utility.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Dept. of Fish & Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 10, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc., are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedures, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 N. Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-25744 Filed 9-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4229-000 and Project No. 4457-000]

City of Redding, California Trinity Power, Inc., Applications for Preliminary Permit

September 1, 1981.

Take notice that the City of Redding and Trinity Power, Inc. (Applicants) each filed on February 20, 1981, and March 31, 1981, respectively, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Projects Nos. 4229 and 4457 known as the Lewiston Dam Power Project located at the base of the existing U.S. Bureau of Reclamation's (USBR) Lewiston Dam in Trinity County, California. The applications are on file with the Commission and are available for public inspection. Correspondence with the City of Redding should be directed to: City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001. Correspondence with Trinity Power, Inc. should be directed to: Mr. David Frase, President, Trinity Power, Inc., P.O. Box 1192, Waverville, California 96093.

Project Description—Each proposed project would consist of: (1) A powerhouse to contain a Francis-type, turbine-generating unit with a rated capacity of 2.2 MW; (2) a tailrace channel; and (3) a 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company line.

A 740-kW powerhouse is presently being operated by USBR at the Lewiston Dam.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Each Application seeks issuance of a 36-month preliminary permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980) or a notice of intent [See 18 CFR 4.33(b)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. (A copy of each application may be obtained by agencies directly from the Applicants.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Projects Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of each Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25757 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-54-000]

Rio Blanco Natural Gas Company, Equity Oil Company, et al.; Application for Staff Adjustment

August 27, 1981.

Take notice that on August 7, 1981, Rio Blanco Gas Company and Equity Oil Company filed with the Commission an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. sections 3101 *et seq.*, and § 1.41 of the Commission's rules of practice and procedure. The applicants request, on behalf of themselves and all other parties with an interest in certain specified wells,[1] an adjustment from § 274.205(e)(2) of the Commission's regulations (as it implements § 271.703(b)(3)) which provides that where a well had been drilled prior to July 16, 1979, in order for natural gas produced from the well to qualify as recompletion tight formation gas, the well must not have been completed for production from the tight formation prior to July 16, 1979. The applicants seek an adjustment from this requirement so that natural gas produced from the specified wells can qualify as recompletion tight formation gas and be eligible for the maximum lawful price set for such gas.

In support of their request, the applicants presented the following facts. The four specified wells were drilled by the applicants prior to July 16, 1979 in the Rio Blanco Unit in Rio Blanco County, Colorado. The wells were completed for production from the designated tight formation at that time, but there was no market for the gas produced from these wells. The applicants further state that the only available market was a transmission line (which itself was not available to all four wells) with an operating pressure of 400 PSI. The line pressure would have required that the individual well compressors be installed, but this was not economically feasible at the market price then available for the gas ($1.62 per Mcf plus a severance tax of 5.1% which reduced the value to $1.54 per Mcf).

The applicants state that these wells characteristically make small amounts of water, and because of the low flow rates experienced by these wells, the wells will load up with water and die when producing into back pressure caused by sales line pressure. Therefore, applicants maintain that pumping equipment is necessary to economic and continuous operation of these wells. For the Boise No. 1 Well, the nearest pipeline was 5½ miles away and a gathering line would have had to have been installed.

The applicants therefore assert that the cost of the installation of all facilities required for each of four wells to have actually commenced production as of July 16, 1979 would not have been justified in view of the rate of return that would have been realized. The applicants further state that without the tight formation incentive price, such investments are still not economically feasible.

Applicants therefore request that the Commission rule that the four subject wells qualify as recompletion tight formation gas wells under Order No. 99, which adopted § 271.703 and § 274.205(e) of the Commission's regulations, on the ground that these wells were not "completed for production" in the designated tight formation prior to July 16, 1979.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's rules of practice and procedure. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25724 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[1] The wells specified in the application are in the Rio Blanco Unit in Rio Blanco County, Colorado, and are the Sulphur Creek No. 1 Well, the Sulphur Creek No. 5 Well, the Sulphur Creek No. 7 Well, and the Boise No. 1 Well.

[Project No. 4956-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 27, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 4956 known as the Devils Canyon Creek, Trinity Project located on Devils Canyon Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The project would consist of: (1) A 165-foot long, 5-foot high diversion structure; (2) a 8,400-foot long diversion conduit; (3) a 1,150-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 3,900 kW; and (5) a 12-mile long transmission line. The average annual energy generation is estimated to be 15.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, is issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would

conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Devils Canyon Creek, Trinity Project No. 4405 filed on March 24, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any comments, protests or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filing must also state that it is made in response to this notice of application for preliminary permit for Project No. 4956. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25632 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5134-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 31, 1981.

Take notice that Rust Hydro Generation Company (Applicant) filed on July 27, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5134 to be known as the Duzel Creek Hydroelectric Project located on Duzel Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrance A Rust, 2315 N. Bechelli Lane, Redding, CA 96002.

Project Description—The project would consist of: (1) A 5-foot high, 60-foot long diversion structure on Duzel Creek; (2) a 60-inch diameter, 3400-foot long diversion conduit; (3) a 48-inch diameter, 300-foot long penstock; (4) a powerhouse with a total installed capacity of 900 kW; and (5) a 1.5-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 6.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare a FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.00.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25745 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5143-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 27, 1981.

Take notice that Rust Hydro Generation Company (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5143 to be known as the Kelsey Creek Hydroelectric

Project located on Kelsey Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002.

Project Description—The project would consist of: (1) A 5-foot high, 50-foot long diversion structure; (2) a 32-inch diameter, 5,000-foot long diversion conduit; (3) a 24-inch diameter, 550-foot long penstock; (4) a powerhouse containing a total installed capacity of 900 kW, and (5) a 2-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Power & Light transmission line. The applicant estimates that the annual average energy output would be 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies; and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (see 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitons to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb

Secretary.

FR Doc. 81-25647 Filed 9-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5139-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 27, 1981.

Take notice that Rust Hyrdo Generation Company (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5139 to be known as the Tomkins Creek Hydroelectric Project located on Tomkins Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrence A. Rust, 2315 N. Bechelli Lane, Redding, CA 96002.

Project Description—The project would consist of: (1) A 5-foot high, 50-foot long diversion structure on Tomkins Creek; (2) a 50-inch diameter, 3500-foot long diversion conduit; (3) a 40-inch diameter, 850-foot long penstock; (4) a powerhouse with a total installed capacity of 900 kW; and (5) a 3-mile long 12-kV transmission line from the powerhouse to an existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct technical, environmental and economic studies, and also prepare an FERC license. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.00.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing.

Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25648 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5133-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 27, 1981.

Take notice that Rust Hydro Generation Company (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5133 known as the Sugar Creek Hydro-electric Project located on Sugar Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002.

Project Description—The project would consist of: (1) A 5-foot high, 90-foot long diversion structure on Sugar Creek; (2) a 5-foot high, 80-foot long diversion structure on South Fork Sugar Creek; (3) 30-inch and 36-inch diameter diversion conduits; (4) a 50-inch diameter, 940-foot long penstock; (5) a powerhouse with an installed capacity of 900 kW; and (6) a two-mile long 12-kV transmission line from the powerhouse to an existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, evenironmental and economic studies; and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be &45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25649 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5135-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 27, 1981.

Take notice that Rust Hydro Generation Company (Applicant) filed on July 27, 1981 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5135 to be known as the Horse Range Creek Hydro-Electric Project located on Horse Range Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002.

Project Description—The project would consist of: (1) A 6-foot high, 60-foot long diversion structure on Horse Shoe Creek; (2) a 20-inch diameter, 4500-foot long penstock; (3) a powerhouse with an installed capacity of 1100 kW; and (4) a 2-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 10 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC License application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit

comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25660 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3177-002]

Sacramento Municipal Utility District; Application for a New Major License

September 1, 1981.

Take notice that on December 22, 1980, the Sacramento Municipal Utility District (Applicant) filed an application with the Federal Energy Regulatory Commission under the Federal Power Act, 16 U.S.C. 791(a)—825(r) for new major license for the constructed Rock Creek-Cresta Project No. 3177 located on the North Fork Feather River in the counties of Plumas, Butte, Yuba and Sutter, California. The existing license for this project (Licensee: Pacific Gas and Electric Company) will expire on September 30, 1982. Correspondence with the Applicant should be directed to: Mr. William C. Walbridge, General Manager, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

The existing Rock Creek-Cresta Project with a total installed capacity of 180,800 kW would consist of:

A. Rock Creek Development comprising: (1) the Rock Creek Reservoir with a gross storage capacity of 4,400 acre-feet and a surface area of 118 acres at elevation 2,216.2 feet; (2) the Rock Creek Dam, a concrete gravity overflow structure, 126 feet high (from stream bed to the top of spillway gates), with a crest elevation of 2,230.2 feet and crest length of 567 feet; (3) a main spillway at elevation 2,188.2 feet containing two 124-foot wide bays, controlled by hydraulically operated drum gates; (4) a 22.5-foot wide supplementary spillway at elevation 2,210.2 feet, located to the west of the drum gates, controlled by a radial gate; (5) an intake structure within the reservoir about 100 feet upstream of the dam near the western abutment; (6) a 25/19-foot diameter, 34,110-foot long tunnel; (7) a surge chamber; (8) two 12/9.75-foot diameter penstocks, 906 and 938 feet long; (9) a powerhouse containing two generating units with total installed capacity of 113,400 kW; and (10) a switchyard, adjacent to the powerhouse, containing two 13.8/230-kV transformer units.

B. Cresta Development comprising: (1) the Cresta Reservoir with a gross storage capacity of 4,140 acre-feet and a surface area of 95 acres at elevation 1,681.2 feet; (2) the Cresta Dam, a concrete gravity overflow structure, 114 feet high (from stream bed to the top of spillway gates) with a crest elevation of 1,690.2 feet and crest length of 377.4 feet; (3) a main spillway at elevation 1,653.2 feet containing two 124-foot wide bays, controlled by hydraulically operated drum gates; (4) a 22.5-foot wide supplementary spillway at elevation 1,666.2 feet, located to the east of the drum gates, controlled by a radial gate; (5) an intake structure within the reservoir, about 100 feet upstream of the dam near the eastern abutment; (6) a $^{25}/_{19}$-foot diameter, 21,080-foot long tunnel; (7) a surge chamber; (8) two 12-foot diameter penstocks, 800 and 775 feet long; (9) a powerhouse containing two generating units with a total installed capacity of 67,400 kW; and (10) a switchyard adjacent to the powerhouse containing two 11.5/230-kV transformer units.

C. Two 230-kV transmission lines, Rock-Rio Oso Nos. 1 and 2, each about 72 miles long, extending from Rock Creek Switchyard to Rio Oso Substation, with Line No. 2 making a 1.4 mile loop into and out of Cresta Switchyard.

Applicant proposes to increase the installed capacity of the project by approximately 14 percent by modifying the project as follows:

A. Rock Creek Development: (1) modifying the existing penstock rocktrap to accommodate greater bed volume; (2) uprating the capacity of the two existing turbines to a new rating of 85,000 HP each by replacing the existing runners; (3) rewounding and reinsulating the existing generator units to accommodate additional power output resulting in a new rating of 63,900 kW each; (4) constructing a power plant (developing the fish water releases) to be notched into the existing dam downstream of the Center pier containing a single generating unit with a rated capacity of 747 kW; (5) a switchyard located on the Rock Creek dam; (6) a transmission line to tie into the existing Pacific Gas & Electric Company transmission line.

B. Cresta Development: (1) modifying the existing penstock rocktrap to accommodate greater bed volume; (2) uprating the capacity of the existing turbines to a new rating of 53,000 HP each by replacing the existing runners; (3) rewounding and reinsulating generating units to accommodate additional power output resulting in a new rating of 38,700 kW each; (4) constructing a new power plant (developing the fish water releases) to be notched into the existing dam downstream of center pier, housing a single generating unit with a rated capacity of 369 kW; (6) a switchyard located on the Cresta Dam; and (7) a transmission line tying into the existing Pacific Gas & Electric Company transmission line.

Applicant estimates the cost of the proposed modifications at $11.5 million. Applicant would utilize the project energy to meet the load demands of its service area.

Competing Applications—This application was filed as a competing application to the Pacific Gas and Electric Company's application for license for the Rock Creek-Cresta Project No. 1962 on the North Fork Feather River in the Counties of Plumas, Butte, Yuba, and Sutter, California, under 18 CFR 4.33 (*as amended*, 44 FR 61328, October 25, 1979), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to

take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 25, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25766 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4951-000]

City and County of San Francisco; Application for Preliminary Permit

August 27, 1981.

Take notice that The City and County of San Francisco (Applicant) filed on July 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 4951 known as the South Fork Tuolumne Water Power Project located on Middle Fork and South Fork Tuolumne Water River in Tuolumne County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dean W. Coffey, General Manager, Hetch Hetchy Water and Power, City and County of San Francisco, 693 Vermont Street, San Francisco, California 94107.

Project Description—The project would consist of: (1) A 220-foot high, 420-foot long concrete gravity dam; (2) a reservoir with 30-acre surface area and 1,600-acre foot storage capacity; (3) a 4,500-foot long, 8-foot diameter tunnel; (4) a 1,100-foot long, 48-inch diameter steel penstock; (5) a powerhouse with total installed capacity of 15.2 MW; and (6) a 1-mile long, 230-kV transmission line which would connect the powerhouse to an existing 230-kV transmission line. The Applicant estimates that the average annual energy production would be 59.9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $300,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25643 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4950-000]

City and County of San Francisco; Application for Preliminary Permit

August 27, 1981.

Take notice that the City and County of San Francisco (Applicant) filed on June 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 4950 known as the Harden Flat Water Power Project located on Middle Fork and South Fork Tuolumne River in Tuolumne County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dean W. Coffey, General Manager, Hetch Hetchy Water and Power, City and County of San Francisco, 693 Vermont Street, San Francisco, California 94107.

Project Description—The project would consist of: (1) A 20-foot high concrete dam on the Middle Fork Tuolumne River; (2) a 1,600-foot long open canal and a 2,500-foot long flume; (3) a 235-foot high, 750-foot long earthfill dam and a reservoir with 430-acre surface area, 42,000-acre foot storage capacity on the South Fork Tuolumne River; (4) a 42,000-foot long open canal, a 2,000-foot long flume and a 2,000-foot long inverted siphon; (5) a forebay with 25-acre surface area, 50-acre foot storage capacity; (6) a 3,400-foot long steel penstock with 54-inch inlet and 42-inch outlet diameter; (7) a powerhouse with total installed capacity of 22 MW; and (8) a 1-mile long, 230-kV transmission line which would connect the powerhouse to an existing 230-kV transmission line. The applicant estimates that the average annual energy production would be 90.7 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $500,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent

allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no commenters.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25644 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5184-000]

San Juan Hydro Inc.; Application for Preliminary Permit

August 31, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5184 to be known as the Fall River Project located on the Fall River in the town of Fredonia, Greenwood County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The project would utilize the existing U.S. Army Corps of Engineers' Fall River flood control dam and reservoir and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 3 MW, a tailrace channel and a transmission line. Energy produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 6,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25645 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5190-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

August 31, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 5190 to be known as the Toronto Project located on the Verdigris River in the town of Toronto, Woodson County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Toronto Lake flood control dam and reservior and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 4 MW, a tailrace channel and a transmission line. Energy

produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 7,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Numer of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25747 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5191-000]

San Juan Hydro, Inc.; Applications for Preliminary Permit

August 31, 1981.

Take notice that San Juan Hydro, Inc. (Applicants) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Projects Nos. 5191 to be known as the Elk City Project located on the Elk River in Elk City, Montgomery County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers Elk City flood control dam and reservoir and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 2 MW, a tailrace channel and a transmission line. Energy produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 5,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. (A copy of each application may be obtained by agencies directly from the Applicants). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Projects Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of each Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-[illegible] Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5188-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

August 31, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 5188 to be known as the Council Grove Project located on Neosho River in Council Grove, Morris County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Council Grove flood control dam and reservoir and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 1.25 MW, a tailrace channel and a transmission line. Energy produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 2,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25749 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5183-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

August 31, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 5183 to be known as the Cheney Project located on the North Fork Ninnescah River in the town of Cheney, Sedgwick County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Cheney flood control dam and reservoir and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 2 MW, a tailrace channel and a transmission line. Energy produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 1,900,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all

protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25750 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4849-000]

Saranac Energy Corp.; Application for Preliminary Permit

August 26, 1981.

Take notice that Saranac Energy Corporation (Applicant) filed on June 10, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(4)) for Project No. 4849 to be known as the Inglis Dam Hydropower Project located on the Withlocoochee River in Levy County, Florida. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles B. Mierek, Saranac Energy Corporation, 838 Arlington Drive, Tucker, Georgia 30084.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' Dam and Reservoir. Project No. 4849 would consist of: (1) A proposed powerhouse located downstream of the spillway structure with an estimated installed capacity of 2.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 16 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 10, 1981, either the competing application itself (see 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitons to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb

Secretary.

FR Doc. 81-25736 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5167-000]

Scott Paper Co.; Application for Preliminary Permit

August 31, 1981.

Take notice that Scott Paper Company (Applicant) filed on August 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. sections 791(a)–825(r)] for Project No. 5167 to be known as the Boulder Creek Project located on Boulder Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James Short, Scott Paper Company, P.O. Box 925, Everett, Washington 98206.

Project Description—The proposed project would consist of: (1) A 5-foot high, 40-foot long reinforced concrete diversion weir; (2) a 3,000-foot long pipeline extending from the diversion weir to the surge tank; (3) a 5,500-foot long penstock extending from the surge tank to the powerhouse; (4) a powerhouse to contain a single generating unit with a rated capacity of 3,500 kW; (5) a switchyard adjacent to the powerhouse; and (6) a 1,500-foot long, 55-kV transmission line extending from the powerhouse to an existing transmission system. The estimated average annual energy output is 15 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorized construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental and economic feasibility studies, as well as prepare an application for an FERC license. No new roads would be required to conduct these studies. The estimated cost of conducting these studies and preparing

an application for an FERC license is $150,000.

Competing Applications—This application was filed as a competing application to the Boulder Creek Water Power Project No. 4270 filed on February 27, 1981, by Mountain Rhythm Resources under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25751 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 5142-000]

City of Searcy, Arkansas and Little Red Power Developers; Application for Preliminary Permit

August 31, 1981.

Take notice that the City of Searcy, Arkansas and the Little Red Power Developers (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5142 to be known as the Lower Dam Project located on the Little Red River in White County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glenn N. Sink, Little Red Power Developers, P.O. Box 1052, Searcy, Arkansas 72143.

Project Description—The proposed project would consist of: (1) An existing City-owned dam, now 5 feet high and 200 feet long, to be raised to a height sufficient to provide a 10-foot power head; (2) a small reservoir with negligible storage; (3) a new powerhouse containing turbine/generator units with a combined capacity of 1,494 kW; (4) a new switchyard; (5) a new low-voltage transmission line leading to a nearby Arkansas Power & Light substation and (6) appurtenant facilities. The 5.6 million kWh of generated energy would be sold to the Arkansas Power & Light Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $14,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25740 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4920-000]

Siskiyou County Flood Control and Water Conservation District; Application for Preliminary Permit

August 27, 1981.

Take notice that Siskiyou County Flood Control and Water Conservation District (Applicant) filed on June 19, 1981 an application for preliminary

permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4920 known as the East Fork Indian Creek Project located on East Fork Indian Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David A. Gravenkamp, District Engineer. Siskiyou County Flood Control and Water Conservation District, 305 Butte Street, Yreka, California 96097.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete diversion structure; (2) a 1,600-foot long steel penstock; (3) a powerhouse containing one generating unit rated at 2100 kW; (4) a 3.5-mile long transmission line. The average annual energy generation is estimated to be 7.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the East Fork Indian Creek Project No. 4075 filed on January 29, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 27, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25681 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-692-000]

Southern California Edison Co.; Filing

August 28, 1981.

The filing Company submits the following:

Take notice that on August 19, 1981, Southern California Edison Company ("Edison") tendered for filing a firm emergency transmission service agreement with the Department of Water and Power of the City of Los Angeles ("Los Angeles").

Under the terms and conditions of the agreements, Edison will make available to Los Angeles firm emergency transmission service from Midway Substation in Central California to the Sylmar Receiving Station in Los Angeles, California.

Edison states that transactions have occurred under the Agreement and, therefore, requests waiver of the Commission's notice requirement and assignment of an effective date of August 21, 1980, for the Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the Department of Water and Power of the City of Los Angeles.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25782 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-689-000]

Southwestern Electric Power Co.; Filing

August 27, 1981.

The filing Company submits the following:

Take notice that on August 17, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing an interconnection agreement between SWEPCO and Oklahoma Gas and Electric Company (OGE). SWEPCO indicates the agreement provides for the parties to obtain mutual benefits in planning and operation and opportunities from time to time to purchase, sell and/or exchange power and energy.

SWEPCO requests waiver of the prior notice requirement to allow an effective date of April 30, 1981.

A copy of the filing was furnished to the Oklahoma Corporation Commission, the Arkansas Public Service Commission and Oklahoma Gas & Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25709 Filed 9-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5070-000]

Sunnyside Valley Irrigation District; Application for Preliminary Permit

August 28, 1981.

Take notice that Sunnyside Valley Irrigation District (Applicant) filed on July 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5070 to be known as the Little Naches Hydroelectric Project located on Little Naches River in Yakima & Kittitas Counties, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Howard Frye, Manager, Sunnyside Valley Irrigation District, P.O. Box 239, Sunnyside, Washington 98944.

Project Description—The project would consist of: (1) A 270-foot high, 1,000-foot long earth-fill dam; (2) a reservoir with 1,300-acres surface area and 125,000 acre-foot storage capacity; (3) a 1,140-foot long, 8-foot diameter pensock; (4) a powerhouse with a total installed capacity of 10,000 kW; and (5) a 1.5-mile long, 12.5-kV transmission line which would connect the powerhouse to the existing Pacific Power and Light transmission line located near Naches. The Applicant estmates that the average annual energy production would be 57 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical environmental and economic studies; and prepare an FERC license application. No new roads or temporary access would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $500,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25736 Filed 9-2-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-462-000]

Texas Eastern Transmission Corp.; Application

August 28, 1981.

Take notice that on August 12, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-462-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas on behalf of Con Ed which Con Ed has arranged to purchase from Columbia Gas Transmission Corporation (Columbia Gas). Applicant states Con Ed has arranged to make quantities of natural gas available to Consolidated Gas Supply Corporation (Consolidated) for delivery to Applicant via transportation arrangements. Applicant proposes to receive up to 100,000 dekatherms (dt) equivalent of natural gas per day from Consolidated for the account of Con Ed at an existing point of interconnection located at Applicant's meter station 1744 in Juniata County, Pennsylvania, meter station 1745 in Franklin County, Pennsylvania, or at other mutually agreeable existing delivery points in Applicant's Zone D and to redeliver equivalent quantities, less applicable shrinkage, to Con Ed at the existing point of interconnection between Applicant and Con Ed located at Applicant's meter station 058 in Richmond County, New York, or at other mutually agreeable existing points of delivery.

Applicant further proposes in the alternative as agreed to by Applicant and Con Ed to transport and deliver the stated quantities of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Con Ed at the existing point of interconnection between Applicant and Transco at Skippack, Pennsylvania, for redelivery to Con Ed at the existing point of interconnection located at Transco's meter station 249 in Montgomery County, Pennsylvania, or at other mutually agreeable existing points of delivery.

Applicant states that the proposed transportation service is for a term beginning on the date of initial deliveries and ending on October 31, 1981. Applicant asserts that the transportation would be interruptible and would be subordinate to existing transportation arrangements on Applicant's system and is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Applicant proposes to charge Con Ed 6.99 cents per dt equivalent under Applicant's Rate Schedule TS-1 for the

proposed transportation service provided, however, for quantities transported and delivered by Applicant which when added to the quantities delivered to Con Ed under Applicant's Rate Schedules TS–1 and SS–II and other transportation agreements exceed the combined total curtailment of natural gas sales to Con Ed under all of Applicant's firm sales rate schedules. Applicant would charge Con Ed the presently applicable effective TS–1 excess rate of 8.01 cents per dt equivalent. Applicant further proposes to retain 3.0 percent of the gas transported for shrinkage from April 16 through November 15 of each year and 6.0 percent of all gas received for transportation from November 16 through April 15 of each year.

Applicant proposes to retain all revenues resulting from the transportation of natural gas for Con Ed.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duty given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

FR Doc. 81–25652 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5079–000]

Trinity Hydro, Inc.; Application for Preliminary Permit

August 28, 1981.

Take notice that Trinity Hydro, Inc. (Applicant) filed on July 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5079 to be known as the Cow Creek #1 Hydroelectric Project located on Old Cow Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Donald Nelson, 50 Wilshire Drive, Redding, California 96002.

Project Description—The project would consist of: (1) A 4-foot high, 35-foot long concrete diversion structure; (2) a 6,000-foot long, 42-inch diameter low pressure pipeline; (3) a 700-foot long, 42-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 800 kW; and (5) a 800-foot long, 12.5-kV transmission line which would connect the powerhouse to the existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 4.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24-months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 26, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) 1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 and 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 26, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25737 Filed 9–3–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–450–000]

Union Electric Co.; Filing

August 26, 1981.

Take notice that on July 30, 1981, Union Electric Company (Union) tendered for filing a compliance report pursuant to the Commission's Order of July 2, 1981. According to Union, the compliance report reflects a reduction of the rates proposed by Union's May 8 tariff filing to reflect summary

disposition of three elements of the rate case.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 9, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25738 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5081-000]

Utah Board of Water Resources; Application for Preliminary Permit

August 31, 1981.

Take notice that the Utah Board of Water Resources (Applicant) filed on July 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5081 to be known as the White River Hydroelectric Power Project located on the White River in Uintah County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lloyd H. Austin, Utah Division of Water REsources, 231 East 400 South, Suite 300, Salt Lake City, Utah 84111.

Project Description—The proposed unconstructed project would affect lands of the United States under the jurisdiction of the Bureau of Land Management and would consist of: (1) a 129.5-foot high, 2,700-foot long earth and rock dam having spillway crest elevation 5,017 feet m.s.l.; (2) a reservoir having a surface area of 1,890 acres and a gross storage capacity of 109,000 acre-feet at normal pool elevation 5,017 feet m.s.l.; (3) a gated intake control structure; (4) a 10-foot diameter penstock and a 42-inch diameter bypass outlet through the dam; (5) a powerhouse containing three generating units having a total rated capacity of 15,000 kW; (6) a 5.5-mile long, 138-kV transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 30 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has concluded that the White River Project is engineering and economically feasible. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would proceed with studies, design, and obtaining the permits necessary for the construction of the project.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25754 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-121-000]

Virginia Electric & Power Co.; Order Granting Rehearing and Vacating Condition to Approval of Settlement

August 26, 1981.

This order is in response to applications for rehearing of a letter order issued on July 20, 1981, in this docket. The order approved a settlement agreement between Virginia Electric and Power Company (VEPCO) and its affected wholesale customers, subject to the condition that the settlement rates would remain subject to refund pending the Commission's action on any findings arising form its investigation of VEPCO's practices in Docket Nos. IN80–14 and ER78–522.

On March 31, 1981, VEPCO filed proposed rates to supersede those it had submitted in this docket. These new proposed rates were suspended for three months by order of the Commission on May 28, 1981, to go into effect subject to refund on September 1, 1981. As a result, the settlement rates in this docket will be in effect for a locked-in period of approximately 7 and ½ months.

All of VEPCO's wholesale customers that signed the settlement agreement with VEPCO have filed applications for rehearing of the Commission's letter order.[1] VEPCO, in turn, filed a notice of withdrawal of the settlement agreement. However, VEPCO expressed its willingness to reinstate the settlement agreement if the Commission approves the agreement unconditionally. Because this order grants rehearing to vacate the previously imposed condition and because the settlement agreement already has been filed and is before the Commission, we shall deem the settlement agreement to have been resubmitted.

Discussion

The order approving the settlement found that based upon the facts available to the Commission on the record in Docket No. ER81–121–000, the proposed settlement and the rates involved were in the public interest. This conclusion was supported by our

[1] These were ElectriCities of North Carolina, Old Dominion Electric Cooperative, Prince William Electric Cooperative, North Carolina Electric Membership Cooperatiave, and Albemarle Electric Membership Corporation.

overall analysis of the settlement provisions and rate level, without reference to the merits of unresolved issues in other dockets. However, in order to account for the possibility that any ultimate findings in Docket No. IN80–14 would affect the justness and reasonableness of VEPCO's rates for the period encompassed by the settlement, we conditioned our acceptance upon the outcome of that investigation and a continuing refund obligation. This provision in the letter order was intended to provide maximum protection to VEPCO's affected customers.

In their applications for rehearing, VEPCO's wholesale customers state that as part of the overall settlement, they voluntarily gave up the right to any further refunds in Docket No. ER81–121–000 that might have arisen as a result of Docket No. IN80–14. Since the customers have shown their willingness to waive the protection afforded by our earlier order, the settlement applies to a relatively short, locked-in period at rates which are otherwise in the public interest, and we are addressing a settlement agreement that carries no weight as precedent, we have determined that good cause exists to grant the applications for rehearing and approve the settlement agreement unconditionally.

The Commission orders:

(A) The applications for rehearing are granted and the refund condition imposed by the Commission's letter order of July 20, 1981, is hereby vacated.

(B) The last two paragraphs of the Commission's letter order of July 20, 1981, shall be amended to read as follows:

In accordance with the terms of the settlement agreement, all revenues recovered in excess of the revenues under the proposed settlement rates shall be refunded with interest at rates prescribed by § 35.19a of the regulations on or before September 15, 1981. Within 15 days after refunds have been made, the company shall file with this Commission a compliance report showing the monthly interest computed together with a summary of such information for the total refund period. In addition, the company shall furnish a copy of such report to the state commissions within whose jurisdictions the customers distribute and sell electric energy at retail.

This order is without prejudice to any claims or contentions which have been made or which will hereinafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Virginia Electric and Power Company.

(C) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25654 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5004–000]

Walker River Irrigation District; Application for Preliminary Permit

September 1, 1981.

Take notice that Walker River Irrigation District (Applicant) filed on June 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5004 known as the Bridgeport Dam Water Project located on The East Fork of the Walker River in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jim Weishaupt, Manager, Walker River Irrigation District, P.O. Box J, Yerington, Nevada 89447

Project Description—The proposed project would consist of: (1) a 50-foot high, 900-foot long existing earthfill dam; (2) an existing reservoir with 2914-acre surface area, 42,455-acre foot storage capacity; (3) a 350-foot long, 36-inch diameter proposed supply siphon; (4) a proposed powerhouse with installed capacity of 1000 to 1200 kW and (5) a 3.5-mile long transmission line which would connect to the existing Southern California Edison transmission line. The Applicant estimates that the average annual energy production would be 4.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36-months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new access roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 31, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Porject Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–25708 Filed 9–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5120-000]

West Dudley Power Co.; Application for Preliminary Permit

September 1, 1981.

Take notice that West Dudley Power Company (Applicant) filed on July 22, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5120-000 to be known as the West Dudley Project located on the Quinebaug River in the town of Dudley, Worcester County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John H. Wasserlein, Division General Manager, Boise Cascade, Specialty Paperboard Division, P.O. Box 498, Brattleboro, Vermont 05301.

Project Description—The proposed project would utilize existing structures owned by the Applicant and would consist of: (1) a 17-foot high, 199-foot long concrete dam built in two sections; (2) a reservoir with a total storage capacity of 201 acre-feet; (3) a powerhouse located midstream between the two dam sections containing a new 230-kW turbine-generator; (4) a 100-foot, long 4.16-kV transmission line; and (5) appurtenant facilities. The project would generate up to 900,000 kWh annually. Energy produced at the project would be sold to Massachusetts Electric Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plan, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 2, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If a agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petition to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25767 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-52-003 (PGA81-2)]

Western Gas Interstate Co.; PGA Rate Adjustment (Revised)

August 26, 1981.

Take notice that on August 14, 1981, Western Gas Interstate Company ("Western") filed herein Substitute Seventeenth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective May 1, 1981.

The above described tariff sheet reflects a net decrease from those rates tendered for filing on May 19, 1981, of 4.13¢ per Mcf for Rate Schedule G-S.

Western states that Commission's order dated June 15, 1981 conditionally accepted the PGA rate adjustment filed by Western on May 19, 1981, subject to the filing of revised rates to reflect the adjustments detailed in such order.

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

FR Doc. 81-25736 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4506-000]

City of Westernport, Md.; Application for Preliminary Permit

August 26, 1981.

Take notice that the City of Westernport, Maryland (Applicant) filed on April 10, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 4506 known as the Bloomington Dam Project located on the North Branch of the Potomac River in Garrett County, Maryland and Mineral County, West Virginia. The applicant is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Honorable James H. Wills; Mayor of Westernport; P.O. Box 266; Westernport, Maryland 21562.

Project Description—The proposed project would utilize the proposed U.S. Army Corps of Engineers' Bloomington Dam and would consist of: (1) An intake structure; (2) a concrete lined tunnel; (3) a control valve to divert water to; (4) a 40-foot long penstock; leading to (5) a powerhouse containing new generators with a rated capacity of 10,000 kW; (6) a tailrace; (7) a transmission line and

switchyard equipment; and (8) appurtenant works. The Applicant estimates that the average annual energy output would be 40,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. The Applicant estimates the cost of studies under the permit would be $45,000.

Competing Applications—This application was filed as a competing application to FERC Project No. 4011 filed January 11, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 22, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4506. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Room 208 RB, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25727 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-690-000]

Wisconsin Power & Light Co.; Filing

August 27, 1981.

The filing company submits the following:

Take notice that on August 18, 1981, Wisconsin Power and Light Company, (WPL) tendered for filing an amendment to the wholesale power contract, dated July 15, 1981, between the City of Broadhead, Wisconsin Water and Light Commission and WPL. The amendment updates the existing wholesale power contract originally signed on April 29, 1970 and designated FPC Rate Schedule No. 83, Supplement 12.

The amendment provides for a division of the municipality's existing load between two substation facilities, the newest of which will be energized in early August, 1981.

WPL requests a waiver of the notice requirements to allow an effective date of August 10, 1981.

Copies of the amendment have been provided to the City of Brodhead Water and Light Commission and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25709 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-347]

Wisconsin Power & Light Co.; Refund Report

August 27, 1981.

Take notice that on August 14, 1981, Wisconsin Power and Light Company (WPL) filed a refund report in compliance with the Commission's Order dated July 2, 1981.

WPL states that a copy of the refund report has been sent to each W-3 customer, the attorney for the Municipal Wholesale Power Group and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 15, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25710 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5116-000]

Yakima-Tieton Irrigation District; Application for Preliminary Permit

August 27, 1981.

Take notice that Yakima-Tieton Irrigation District (Applicant) filed on July 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5116 known as the Tieton Canal Drop Project located on the Tieton River and Yakima-Tieton Irrigation District Canal in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Warren E. Dickman, Yakima-Tieton Irrigation District, Rt. 6, Box 193, Yakima, Washington 98908.

Project Description—The proposed project would consist of: (1) A diversion structure to be built on the existing Yakima-Tieton Irrigation District Canal; (2) a 900-foot long and 17-foot diameter

penstock; (3) a powerhouse containing two generating units with a total installed capacity of 10,500 kW; and (4) a 3.5-mile long transmission line. The average annual energy generation is estimated to be 28.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. The cost of the work to be done under the preliminary permit is estimated to be $85,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25653 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[TSH-FRL-1927-6; OPTS-51311]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMN's and provides a summary of each.

DATE: Written comments by:

PMN 81-401, 81-402, 81-403 and 81-404, October 19, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51311]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice Manager	Telephone	Room No.
81-401	Richard Green.	202-426-2601	E-208.
81-402	Richard Green.	202-426-2601	E-208.
81-403	Richard Green.	202-426-2601	E-208.
81-404	Richard Green.	202-426-2601	E-208.

Mail address of notice manager: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-401

Close of Review Period. November 18, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: C. I. Disperse Red 332 (Impurity of).

Use. The manufacturer states that the PMN substance will be used as a dye for polyester and acetate fibers.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
1st year	0	10,000
2d year	0	15,000
3d year	0	20,000

Physical/Chemical Properties

Appearance—Red paste
Purity—6 percent
Solubilities to water—Below 1 part per million (ppm)
To ethanol—500 ppm
To acetone—3,000 ppm
To acetonitril—2,500 ppm
To chloroform—15,000 ppm
To n-hexane—Below 10 ppm

Toxicity Data

TLm_{48} (orange medaka), 190 ppm

Exposure. No data were submitted.

Environmental Release/Disposal. Do data were submitted.

PMN 81-402

Close of Review Period. November 18, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: C. I. Disperse Yellow 226.

Use. The manufacturer states that the PMN substance will be used as a dye for polyester and acetate fibers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance, Yellow paste
Purity, 18 percent
Solubilities

To water, Below 1 ppm
To ethanol, 200 ppm
To acetone, 8,000 ppm
To acetonitril, 10,000 ppm
To chloroform, 50,000 ppm
To n-hexane, Below 10 ppm

Toxicity Data

TLm_{48} (orange medaka), 155 ppm
Exposure. No data were submitted.
Environmental Release/Disposal. No data were submitted.

4PMN 81–403

Close of Review Period. November 18, 1981.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: C. I. Disperse Red 332.
Use. The manufacturer states that the PMN substance will be used as a dye for polyester and acetate fibers.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	0	10,000
2d year	0	15,000
3d year	0	20,000

Physical/Chemical Properties

Appearance, Red paste
Purity, 6 percent
Solubilities,
To water, below 1 ppm
To ethanol, 500 ppm
To acetone, 3,000 ppm
To acetonitril, 2,500 ppm
To chloroform, 15,000 ppm
To n-hexane, below 10 ppm

Toxicity Data

TLm_{48} (orange medaka), 190 ppm
Exposure. No data were submitted.
Environmental Release/Disposal. No data were submitted.

PMN 81–404

Close of Review Period. November 18, 1981.
Manufacturer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: C. I. Disperse Violet 96.
Use. The manufacturer states that the PMN substance will be used as a dye for polyester and acetate fibers.
Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance, blue paste
Purity, 23 percent
Solubilities,
To water, below 1 ppm
To ethanol, 100 ppm
To acetone, 4,000 ppm
To acetonitril, 2,000 ppm
To chloroform, above 10,000 ppm
To n-hexane, below 10 ppm

Toxicity Data

TLm_{48} (orange medaka), 260 ppm
Exposure. No data were submitted.
Environmental Release/Disposal. No data were submitted.

Dated: August 27, 1981.

Denise F. Swink,
Acting Director for Management Support Division.

[FR Doc. 81–25602 Filed 9–3–81; 8:45 am]
BILLING CODE 6560–31–M

FEDERAL HOME LOAN BANK BOARD

Senior Executive Service—Performance Awards; Schedule for Awarding Bonuses

In accordance with the Office of Personnel Management directive dated July 21, 1980, the Federal Home Loan Bank Board hereby gives notice that SES bonuses will be awarded on or after September 20, 1981.

For Further Information Contact: Doris H. McGhee, Director of Personnel, Federal Home Loan Bank Board, (202) 377–6050.

J. J. Finn,
Secretary to the Board, Federal Home Loan Bank Board.

[FR Doc. 81–25607 Filed 9–3–81; 8:45 am]
BILLING CODE 6725–01–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Performance Review Board; Membership

Notice is hereby given in accordance with 5 U.S.C. 4314 of the membership of the Federal Mediation and Conciliation Service Performance Review Board for fiscal year 1981. The members are as follows:

Bernard M. O'Keefe, Director, Region 5, Chicago, Illinois, Chair—one year.
John C. Zancanaro, Associate Director of Mediation Services, Washington, D.C., Three years.
Richard D. Williams, Director, Region 7, San Francisco, California, Two years.
Paul Yager, Director, Region 1, New York, New York, Alternate.

Kenneth E. Moffett,
Acting Director, Federal Mediation and Conciliation Service.

[FR Doc. 81–25612 Filed 9/2/81; 8:45 am]
BILLING CODE 6732–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974

AGENCY: Department of Health and Human Services (HHS); Office for Civil Rights.

ACTION: Addition of routine uses to a Privacy Act system of records notice, 09–90–0051, "Complaint Files and Log", HHS/OS/OCR.

SUMMARY: In accordance with the requirements of the Privacy Act, the Office for Civil Rights (OCR) is publishing notice of a proposal to add routine uses to the notice for the system of records for Complaint Files and Log.

DATES: OCR invites interested persons to submit comments on the proposed routine use changes on or before October 5, 1981. The Office for Civil Rights will adopt the changed routine use notice on October 5, 1981, unless OCR receives comments which would result in a contrary determination.

ADDRESS: Comments may be addressed William van den Toorn, Acting Director, Office of Public Affairs, Office for Civil Rights, 330 Independence Avenue, S.W., Washington, D.C. 20201. Comments received will be available for inspection weekdays at the same address, Room 5156, 9:00 a.m.–5:30 p.m.

FOR FURTHER INFORMATION CONTACT: Larry Velez, address above. Telephone number (202) 245–9470.

SUPPLEMENTARY INFORMATION: The changes in the routine use notice make clear that OCR may have to consult

other Federal and State agencies in making a compliance determination in a particular case. This consultation may involve disclosure of some information from the files. Under the regulation implementing civil rights statutes, OCR often looks to the State agency to assure and secure compliance with respect to its subrecipients. Under block grant legislation OCR is obligated to notify State Governors of violations and provide the States the opportunity to secure compliance with respect to some programs funded by the Department. At the Federal level there may be occasions, because of overlapping jurisdictions, when OCR needs to consult other Federal agencies about the handling of a particular case. In addition, the implementing regulations provide that OCR may refer cases to the Justice Department for enforcement instead of proceeding administratively.

OCR may contract with a private firm for the purpose of collating, aggregating, or otherwise refining records in this system because the volume of such data requires automation and is beyond OCR's capacity to do so.

In addition, data collected for civil rights enforcement purposes may require specialized analysis skills not possessed by OCR staff.

The system notice was last published in the **Federal Register** on December 22, 1980, P. 84424, and is republished in its entirety below to incorporate the proposed changes in routine uses.

Dated: August 28, 1981.

Betty Lou Dotson,

Director, Office for Civil Rights.

09-90-0051

SYSTEM NAME:

Complaint Files and Log. HHS-OS-OCR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix 1, System 09-90-0050, **Federal Register**, December 22, 1980, p. 84424.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file complaints alleging discrimination under the statutes identified below (Authority for Maintenance).

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint allegations, information gathered during the complaint investigation, findings, and results of the investigation, and correspondence relating to the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the 1964 Civil Rights Act; Sections 799 A and 855 of the Public Health Service Act; Section 504 of the 1973 Rehabilitation Act; the Age Discrimination Act; The Equal Employment Opportunity Provisions of the Public Telecommunications Financing Act of 1978; Title VI and Title XVI of the Public Health Service Act; Title IX of the 1972 Education Amendments; Section 407 of the Drug Abuse Office and Treatment Act; and Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

PURPOSE(S):

This file system is designed to store the results of all OCR regional investigations, for retrieval of information on the resolutions of complaints. Files are maintained to record the results of the complaint investigations so that OCR can determine if there was discrimination as charged in the original complaint.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files may be reviewed by the Department of Justice, the Equal Employment Opportunity Commission, or other Federal and State agencies when necessary to complete an investigation, enforce the statutes, or assure proper coordination.

OCR may contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and file cards.

RETRIEVABILITY:

By name for use by OCR staff in complaint investigations.

SAFEGUARDS:

Printed materials are filed in lockable cabinets. The Department's ADP Systems Manual, Part 6, ADP Systems Security, govern the control. Categories of users include OCR investigators, team leaders, branch chiefs, division directors, PRMs unit staff, Office of Compliance and Enforcement staff.

RETENTION AND DISPOSAL:

2 years from date complaint is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Office of Compliance and Enforcement. Office for Civil Rights, 330 Independence Avenue, S.W., Washington, D.C. 20201. And Regional Directors, see Appendix 1 to Case Information Management System HHS OS/OCR System 09-90-0050, **Federal Register**, December 22, 1980, p. 84424.

NOTIFICATION PROCEDURE:

Contact system manager (above) or Regional Directors (see Appendix 1). Include name and address of complainant, a copy or summary of allegations contained in the original complaint, name of the institution against which the allegation was filed, and the date of the original allegation.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Request should be made to the system manager in the regional office where the record is most likely to be kept (determined by location of the institution or facility against which the allegation was originally filed). When this location is in doubt request should be made to the Deputy Director, Office of Compliance and Enforcement, Washington, D.C. (see above, System Manager).

CONTESTING RECORD PROCEDURES:

Contact the official(s) at the address specified under system manager or Appendix 1, and reasonably identify the record and specify the information to be

contested. (These procedures are in accordance with Department Regulations (45 CFR § 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Complaint and information filed with the Department by or on behalf of the individual complainant, also data provided by the alleged discriminator and other parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-25845 Filed 9-2-81; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-81-1088]

Privacy Act of 1974; System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective October 3, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5333. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is the Priority Consideration/Special Reassignment Files which will contain information (name, Social Security number, date of birth, home address, home telephone number, job title and occupational group (series), name and title of immediate supervisor, office telephone number, annual salary, date employed by the agency, work experience, training, and related items and correspondence or documents related to priority consideration/special reassignment) on current or former HUD employees who are eligible for priority consideration/special reassignment. Appendix A, which lists the addresses of HUD field offices, was published at 45 FR 67626 (October 10, 1980). A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on July 21, 1981.

HUD/DEPT-75

SYSTEM NAME:

Priority Consideration/Special Reassignment Files.

SYSTEM LOCATION:

Headquarters and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former HUD employees who have been demoted without personal cause: who did not receive proper consideration in an earlier merit staffing action; or who are entitled to grade retention due to a demotion through no personal cause.

CATEGORIES OR RECORDS IN THE SYSTEM:

These files are comprised of copies of the eligible's Personal Qualifications Statement (SF-171); the eligible's current performance evaluation, and where appropriate, an appraisal of potential; certification of the eligible for priority consideration/special reassignment; correspondence both from and to the eligible concerning priority consideration/special reassignment; documentation relating to non-selection of the eligible; and any other correspondence or documentation relating to the priority consideration/special reassignment process.

The following data will be included in the records: name of employee, Social Security number, date of birth, home address, home telephone number, job title and occupational group (series), name and title of immediate supervisor, office telephone number, annual salary, and date employed by the agency, work experience, training, and related items.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301; 5 U.S.C. 5364.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Merit Systems Protection Board, the Federal Labor Relations Authority, and the Equal Opportunity Commission, when requested in performance of authorized duties for examination of effectiveness of HUD priority consideration and special reassignment procedures; to the Office of Personnel Management for personnel inspections of the Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Individual name and occupational grouping (series).

SAFEGUARDS:

Files are kept in a secured area, with access limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with officially approved mandatory standards contained in HUD Handbooks 2225.6 (HUD Records Schedules), and 2228.2 (General Records Schedules).

SYSTEM MANAGER AND ADDRESS:

Director, Employment Planning and Standards Division, Office of Personnel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appeals initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Participating individual; Department personnel files and records.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C. August 28, 1981.

Robert F. Fegin,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 81-25784 Filed 9-2-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-27285]

Alaska, Publication; Alaska Native Claims Selection

Correction

In FR Doc. 81-22215, appearing on page 39044, in the issue of Thursday, July 30, 1981, make the following change:

On page 39040, in the first column the line beginning Sec. 32, remove the comma at the end of the line.

BILLING CODE 1505-01-M

[AA-8489-A]

Alaska Native Claims Selection

On September 30, 1980, a Decision to Issue Conveyance (DIC) was issued to Chickaloon Moose Creek Native Association, Inc. The DIC reserved an easement (EIN 1a D9) for an access trail affecting Secs. 18 and 19, T. 18 N., R. 3 E., Seward Meridian. The easement was described as follows: *25 Foot Trail*—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. (EIN 1a D9) An easement for an existing access trail, twenty-five (25) feet in width located on the right bank of Wolverine Creek, from Sec. 13, T. 18 N., R. 2 E., Seward Meridian, easterly through the selection. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

On October 31, 1980, Chickaloon Moose Creek Native Association, Inc., filed an appeal with the Alaska Native Claims Appeal Board (ANCAB), VLS 80-53, taking issue with the above easement as stated in their "Statement of Reasons and Interests Affected" presented to ANCAB February 18, 1981. Subsequent proceedings have resulted in ANCAB remanding Secs. 18 and 19, for possible relocation of that portion of EIN 1a D9 lying within those sections.

The decision is hereby amended to change the above easement as follows:

a. (EIN 1a D9) An easement twenty-five (25) feet in width for an existing access trail: Beginning in Sec. 19, T. 18 N., R. 3 E., Seward Meridian, northeasterly to Wolverine Creek; then easterly paralleling Wolverine Creek to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Times*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solocitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 5, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Chickaloon Moose Creek Native Association, Inc., 2600 Fairbanks Street, Anchorage, Alaska 99503

Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501

Except as amended by this decision, the decision of September 30, 1980, stands as written.

Barbara A. Lange,

Acting Chief, Branch of Adjudication.

[FR Doc. 81-25789 Filed 9-2-81; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Multiple Use Advisory Council Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Cedar City District Multiple Use Advisory Council will be held on September 24 and 25, 1981.

The meeting will begin at 9:30 at the Cedar City District Office 1579 North Main, Cedar City, Utah. The agenda will consist of a field tour and discussion of planning issues in the Pinyon Planning Unit. Those wishing to make the tour must provide their own transportation and sleeping arrangements.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 9:30 a.m. on the 24th at the District Office or file written statements for the Council's consideration. Anyone wishing to make oral statements must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by September 23, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman.

Dated: August 28, 1981.

Morgan S. Jensen,

District Manager.

[FR Doc. 81-25793 Filed 9-2-81; 8:45 am]

BILLING CODE 4310-84-M

[Sale CA-10683]

California Realty Action; Public Lands in El Dorado County

The following described land has been identified as suitable for disposal by sale under Sec. 203 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2743, 43 U.S.C 1713, at no less than the fair market value shown. Legal description: Lot 6 in sec. 20, T. 10 N., R. 12 E., Mount Diablo Meridian, California, containing 3 acres; value, $12,500. The sale will not be held until 60 days after the date of this notice. Robert and Gail Anderson own adjoining property on the west side of the subject land. The property on the

east side of the subject land is owned by Carl and Jean Alf. The purpose of this sale is to resolve the unauthorized use of the subject land by the Andersons and the Alfs who have homes which are partially located on the subject land. It has been determined that the most equitable way to resolve this matter would be by a direct sale to one of these landowners. Both parties have indicated that the land should be sold to Robert and Gail Anderson; however, a notarized written agreement between the Andersons and the Alfs indicating that a satisfactory resolution has been reached concerning their improvements on the subject land must be presented to the Bureau's Area Manager, Folsom Area Office, before the land is offered to the Andersons; otherwise there will be no direct sale. Because of the unauthorized structures on the subject land, it is difficult and uneconomic to manage as part of the public lands, and the presence of the structures makes it unsuitable for management by another Federal agency. The sale is consistent with the Bureau's planning system for the subject land. The public interest would be served by offering this land for sale. The land will be sold subject to: (1) a right-of-way thereon for ditches or canals constructed by the authority of the United States, 43 U.S.C. 945, (2) a right-of-way or easement more particularly described in an instrument recorded in the California State Office, Bureau of Land Management, under serial number CA 4032, Act of December 5, 1924, 43 Stat. 704, 43 U.S.C. 417; and (3) a reservation to the United States of all minerals in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary of the Interior may prescribe. Detailed information concerning the sale, including the land report and enviornmental assessment report, is available for review at the California State Office, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: August 27, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81–25610 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–84–M

[Colorado 31716]

Colorado: Realty Action—Correction and Amendment; Non-Competitive Sale of Public Lands in Garfield County

August 28, 1981.

In FR Doc. 81–20758, appearing on pages 36951, 36952 of the Thursday, July 16, 1981 issue the legal description reading sec. 28, lot 19, is corrected to read sec. 27, lot 19.

The first sentence of the third paragraph is amended to read: "The sale of this land will be held on approximately the 20th day of October, 1981".

George C. Francis,

State Director.

[FR Doc. 81–25609 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Realty Action; Non-Competitive Sale of Public Lands in Lander County

The following described lands have been identified as suitable for disposal by direct sale under Sections 203 (a) and (f) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at fair market value:

Mount Diablo Meridian

T. 20 N., R. 43 E.,
Sec. 11, lots 11, 12, 13 and 15;
Sec. 14, N½NW¼.

The above-described land, comprising 151.31 acres, is being offered by direct sale to Mr. James Gallagher, the owner of the improvements (ranch buildings, alfalfa fields and fences) existing thereon. Mr. Gallagher bought an 80-acre parcel of private land which was located in the 1920's based upon an 1867 contract survey. This survey was shown to be incorrect by a 1978 Cadastral Survey re-survey. All the improvements connected with the ranch were shown to be on public lands. These lands are being sold under the authority of section 203(a) of Pub. L. 94–579, as the disposal of these lands serves an important public objective. The lands are being sold without competitive bidding under section 203(f) of Pub. L. 94–579 as a special consideration to the adjoining landowner, whose improvements were unintentionally placed on public lands.

The proposed sale is consistent with the Bureau planning objectives for the area which include the statement that public lands are to be transferred "into private ownership that meet the requirements of the Unintentional Trespass Act." Although this act is no longer the authority for disposal, the above lands meet the disposal criteria.

The sale of this tract has been discussed with the Board of Lander County Commissioners. They have no objections to the proposed sale. The public interest would be served by offering these lands for direct sale to Mr. Gallagher.

The terms and conditions applicable to the sale are:

1. All minerals will be reserved to the United States.

2. A right-of-way for ditches and canals will be reserved to the United States.

3. The sale of these lands will be subject to valid existing rights.

4. An easement 30 feet in width will be reserved to the United States for public and Government use along existing roads in the N½NW¼ of Sec. 14 and in Lot 11 of Section 11 of T. 20 N., R. 43 E., MDM.

The decision to conduct the sale is based on information contained in the environmental assessment and land report written for this case. These documents are available for inspection at the Bureau of Land Management, Battle Mountain District Office, Second and Scott Streets, P.O. Box 194, Battle Mountain, Nevada 89820.

The land will not be offered for sale for at least 60 days after the date of this notice.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, Nevada State Office (N–943), P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81–25608 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–84–M

Montana and North Dakota; Intent To Prepare Regional Environmental Statement (EIS) For Proposed Leasing of Federal Coal in Fort Union Coal Region; Establishment of Preliminary Leasing Target

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an EIS, establishment of a preliminary leasing target, notice of proposed tract ranking subfactors, and related matters.

SUMMARY: Notice is hereby given in accordance with the National Environmental Policy Act and the Council on Environmental Quality Regulations (43 CFR 1508.22) that the Bureau of Land Management (BLM) will prepare an EIS to address potential effects of new competitive coal leasing in the Fort Union region of Montana and North Dakota. The proposed action is the leasing of a combination of tracts within the Fort Union region to meet a regional leasing target. Alternatives to the proposed action include leasing different combinations of tracts, no leasing of additional federal coal (no action), and leasing at alternative levels to those designed to meet the above target. Prior to the preparation of the EIS, the tracts identified in accordance with the Federal Coal Management regulations (43 CFR 3420.4) will be ranked, selected, and scheduled by the Fort Union Regional Coal Team. The preliminary leasing target, established by the Assistant Secretary, Land and Water, on August 24, 1981, for the Fort Union Coal Region is a range of leasing from .8 to 1.2 billion tons of recoverable federal coal. This target will be the subject of further evaluation and public comment, including hearings noted below, before a final leasing target is established late in 1981.

SUPPLEMENTARY INFORMATION: This proposed leasing is needed to meet a Department of Interior Federal coal leasing target, in accordance with the Federal Coal Management Program as announced by the Secretary of the Interior on June 4, 1979 (43 CFR Part 3400). Twenty-four potential lease tracts have been delineated by U.S. Geological Survey from land found acceptable for further consideration for coal development during BLM land use planning. The Miles City District in Montana identified acceptable areas for eastern Montana in the Redwater Management Framework Plan and the Dickinson District in North Dakota identified acceptable areas in the Golden Valley Management Framework Plan and the West Central North Dakota Management Framework Plan. Preparation of the EIS is scheduled to begin in January 1982. A draft EIS should be available for public review and comment by July 1982. A final EIS is scheduled to be filed with the Environmental Protection Agency in January 1983. The Secretary of the Interior is tentatively scheduled to make the leasing decision in March 1983. A lease sale is scheduled for June 1983.

Public involvement is invited to determine the scope and the significant issues to be analyzed in the EIS. Public participation will be sought by direct contact and mailings to interested and affected parties, announcements in local media, and review of the EIS and decision documents. Initial public meetings are now scheduled in areas that would be directly affected. These meetings are a part of the overall scoping process. In addition, these initial meetings will solicit comments on proposed tract ranking sub-factors (see below) and views on the findings in the individual tract analyses now being completed, and will provide specific periods for formal testimony on the preliminary leasing target for the Fort Union region.

The meetings, where individuals may ask questions or discuss matters individually with RCT members and project staff personnel, will consist of an open house session from 7:00–8:00 p.m., followed by a group meeting beginning at 8:00 p.m. to solicit comments. The meeting schedule is as follows:

October 7—Hazen, North Dakota, City Hall
October 8—Garrison, North Dakota, City Auditorium
October 13—Wibaux, Montana, Wibaux County Courthouse
October 14—Killdeer, North Dakota, Basement of the County building
October 15—Dickinson, North Dakota, Stark County Court House Auditorium
October 19—Circle, Montana, Vets Club
October 20—Sidney, Montana, Public Library, 121 Third Avenue NW
October 21—Glendive, Montana, Dawson County Courthouse

Any individual, company, group, or agency who wishes to be included in the mailing list for notifications, to submit information that would be useful in preparing the EIS, or to provide comments and suggestions should contact the Fort Union Coal Project Manager, Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107. Telephone inquiries should be directed to David Darby, Project Manager, at the following numbers: (406) 656–6632 (commercial phone) or 585–6632 (Federal Telecommunications System).

Proposed Tract Ranking Sub-Factors

At its meeting in Bismarck, North Dakota on May 28, 1981, the Fort Union Regional Coal Team proposed the following sub-factors as those which would be used to rank potential leasing tracts in the Fort Union region.

Comments will be sought at the above public meetings on the sub-factors, and wirtten comments may be submitted to the Fort Union Coal Project Manager, address above.

Category: Coal Economics

Coal quality
Coal quantity
Coal conservation and maintenance of production
Energy production
Liklihood of leasing and development

Category: Impacts to the Natural Environment

Air quality
Minerals other than coal
Water
Wildlife
Cultural features
Amenity values
Special management areas/unique resource impacts
Other land uses and transportation
Reclamation potential
Unsuitability criteria

Category: Social and Economic Effects

Economic changes
Community service assessment
Agricultural operations
Public attitudes
Life style and social structure
Consistency with other plans and policies
Major agency or group recommendations

At 8:00 p.m. during the meetings in Dickinson, North Dakota and Glendive, Montana, formal hearings will be convened, a major purpose of which is to solicit testimony on the Secretary of the Interior's preliminary leasing target for the Fort Union region in compliance with 43 CFR 3420.3. However, comments may also be offered at the hearings on matters dealing with the scope of the EIS, the proposed ranking sub-factors, and the individual tract evaluations.

Michael J. Penfold,
BLM Montana State Director.
August 25, 1981.
[FR Doc. 81-25511 Filed 9-2-81; 8:45 am]
BILLING CODE 4310-84-M

Geological Survey

Outer Continental Shelf (OCS) Oil and Gas Information Program; Availability of OCS Summary Report 2 for Gulf of Alaska and Lower Cook Inlet

SUMMARY: A second OCS Summary Report for the Gulf of Alaska and Lower Cook Inlet has been published by the U.S. Geological Survey, Department of the Interior. The objective for issuing the report is to provide information on Outer Continental Shelf oil and gas activities and resulting onshore impacts so that affected States may plan accordingly.

The "Gulf of Alaska and Lower Cook Inlet Summary Report 2" is a revision and follow-up of the initial report, "Outer Continental Shelf Oil and Gas Activities in the Gulf of Alaska

(including Lower Cook Inlet) and their Onshore Impacts: A Summary Report, September 1980." It focuses on current oil and gas resource estimates, reserves, and production levels; the magnitude and timing of OCS exploration, development, and production; strategies for transporting oil and gas; and the nature and location of onshore facilities.

A Summary Report is in progress for the Arctic (Beaufort Sea) area and is projected to be published by November 1981.

EFFECTIVE DATE: Immediately.

ADDRESSES: Copies of the report may be obtained upon request from the Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Nystrom, Chief, Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092, (703) 860–7166.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81–25839 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) (5 U.S.C. App. 1 Section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, October 2, 1981.

The Commission was established pursuant to Pub. L. 91–383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Advisory Commission are as follows:

Dexter M. Keezer, Truro
Francis R. King, Wellfleet
Nathan Malchman, Provincetown
Barbara S. Mayo, Provincetown
Joshua A. Nickerson, Chatham
David F. Ryder, Chatham
Sherrill B. Smith, Jr., Orleans
Clifford H. White, Wrentham
Elizabeth F. Worthing, Eastham
Paul F. Nace, Jr., Woods Hole

At the meeting at 1:30 pm the Commission will consider the following matters: Presentation of Pheiffer Report on Historic Structures of the Seashore; Interim Report on the Archeological Survey of Seashore; and Status of Wellfleet Landfill.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, Telephone 617–349–3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: August 27, 1981.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

[FR Doc. 81–25818 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–70–M

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission wil be held beginning 7:30 p.m. (EDT), on Thursday, September 24, 1981, at Happy Days Visitor Center located on State Route 303 (Streetsboro Road), 1 mile west of State Route 8 near Peninsula, Ohio. Parking is on the north side of Route 303 and a pedestrian tunnel leads to the building on the south side of the highway.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff–4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mottershead
Mr. C. W. Eliot Paine
Mr. Melvin J. Rebholz
Mr. F. Eugene Smith
Ms. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater

Matters to be discussed at this meeting include:

1. Proposed sanitary landfill in the city of Independence.
2. Presentation of the activities of the Cuyahoga Valley Communities Council.
3. Update on Park operations.

The meeting will be open to the public. It is expected that about 200 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650–4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: August 27, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81–25810 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–70–M

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 10:30 a.m. (PST) on Saturday, September 26, 1981, at the West Marin School, Point Reyes, California.

The Advisory Commission was established by Pub. L. 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the Natonal Park Service systems in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margo Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Duane "Doc" Mattison

Mr. John Mitchell
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda items for this meeting will be staff briefings, Committee Reports, new Committee assignments, a commendation for Lisa Dapprich and a presentation by the Point Reyes Committee on the proposed Bear Valley Visitor Center at Point Reyes National Seashore.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123; telephone (415) 556–2920.

Minutes of the meeting will be available for public inspection by October 26, 1981 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: August 26, 1981.

John H. Davis,

Acting Regional Director, Western Region.

[FR Doc. 81-25817 Filed 9-2-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Oil Shale Lease Detailed Development Plan; Public Hearings

Pursuant to Section 10(a) of the U.S. Department of the Interior Oil Shale Lease, the Department announces the availability of the Detailed Development Plan, submitted September 1, 1981, for Oil Shale Lease Tracts U-a, Serial No. Utah 25918 and U-b, Serial No. Utah 26194.

Prior to commencing any operations on the leased lands, under the Detailed Development Plan, the lessees must obtain the approval of the USGS Deputy Conservation Manager-Oil Shale.

Notice is is hereby given that public hearings will be held for the purpose of receiving comments relating to the Tracts U-a and U-b Detailed Development Plan on the following dates and at the following locations:

October 21, 1981: Uintah County Courthouse, 147 East Main Street, Vernal, Utah

October 28, 1981: Ramada Inn, 999 South Main Street, Alta Rooms 3 and 4, Salt Lake City, Utah

Hearings at both locations will begin in the afternoon at 1:00 p.m. and continue until all present are heard, or 3:00 p.m., whichever comes first. In the evening, hearings at both locations will begin at 7:00 p.m. and continue until all present are heard, or 9:00 p.m. whichever comes first. The Salt Lake City hearing will be in conjunction with a meeting of the Oil Shale Environmental Advisory Panel in which the plan will be under review.

Interested individuals, representatives of organizations and public officials wishing to appear at the hearings should contact the U.S. Geological Survey, Oil Shale Office, 131 North 6th Street, Grand Junction, Colorado 81501, no later than October 16, 1981. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings must be received at the above address on or before November 2, 1981.

All written statements received pursuant to this notice will be included in the hearing record. Oral statements at the hearings will be limited to a period of ten minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the Hearing's Officer will give others present an opportunity to be heard.

Notice is also given that copies of the Tracts U-a and U-b Detailed Development Plan and related reports are available for public inspection during regular business hours at the following locations:

U.S. Geological Survey, Oil Shale Office, 131 North Sixth, Grand Junction, Colorado
U.S. Geological Survey, Conservation Division, Building 85, Denver Federal Center, Denver, Colorado
U.S. Geological Survey, Conservation Division, Reston, Virginia
Oil Shale Environmental Advisory Panel, Building 67, Denver Federal Center, Denver, Colorado
Bureau of Land Management, Colorado State Office, 2000 Arapahoe, Denver, Colorado
Bureau of Land Management Area Office, Meeker, Colorado
Bureau of Land Management, Utah State Office, 125 South State, Salt Lake City, Utah
Bureau of Land Management District Office, 170 South 500 East, Vernal, Utah
Bureau of Land Management Wyoming State Office, Federal Center, 2120 Capitol Avenue, Cheyenne, Wyoming
Mesa College Library, Grand Junction, Colorado
Mesa County Public Library, Grand Junction, Colorado
Rangley Public Library, Rangely, Colorado
Moffat County Library, Craig, Colorado
Colorado Mountain College Library, Glenwood Springs, Colorado
Rifle Public Library, Rifle, Colorado
Uintah County Public Library, Vernal, Utah
Salt Lake City Public Library, Salt Lake City, Utah
Colorado State Library, 1362 Lincoln, Denver, Colorado
Library, Department of the Interior, Main Interior Building, Washington, D.C.
Colorado State University Library, Fort Collins, Colorado
Colorado School of Mines Library, Golden, Colorado
U.S. Geological Survey Library, National Center, Reston, Virginia
U.S. Geological Survey Library, Denver, Colorado
Denver Public Library, Conservation Library, Denver, Colorado
Utah State University Library, Logan, Utah
Brigham Young University Library, Provo, Utah
University of Utah Library, Salt Lake City, Utah
University of Wyoming Library, Laramie, Wyoming

David C. Russell,

Assistant Secretary of the Interior.

[FR Doc. 81-25823 Filed 9-2-81; 8:45 am]

BILLING CODE 4310-10-M

Oil Shale Environmental Advisory Panel; Meeting

Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Oil Shale Environmental Advisory Panel will be held October 28 and 29, 1981, at the Ramada Inn, 999 South Main Street in Salt Lake City, Utah. The meeting will begin at 8:30 a.m. on Wednesday, October 28, in the Alta Rooms 3 and 4 and conclude at 4:00 p.m., Thursday, October 29.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program.

The purpose of this meeting is to review the Detailed Development Plan for Lease Tracts U-a and U-b which has been submitted by White River Shale Project. It is being held in conjunction with a public hearing on the same matter. The Panel will begin its review on Wednesday morning, October 28, and recess at noon for the hearing which will begin at 1:00 p.m. in the same

meeting room with an evening session at 7:00 p.m. The Panel will reconvene at 8:30 a.m. on Thursday, October 29, to complete its review and adopt appropriate advice to the U.S. Geological Survey on the plan.

The Panel will also receive reports from Interior officials, from various workgroups, discuss panel operations and annual reports of the prototype lease projects and any other matters which have come before it.

The meeting is open to the public. It is expected that space will permit at least 100 persons to attend the meeting in addition to the panel members. Interested persons may make brief presentations to the Panel on Thursday morning, October 29, or file written statements with the Chairman. Requests to speak to the Panel should be made to Mr. Henry O. Ash, Chairman, Office of the Oil Shale Environmental Advisory Panel, Department of the Interior, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234–3275.

Further information concerning this meeting may be obtained from Mr. Ash's office. Minutes of the meeting and the public hearing record will be available for public inspection 30 days after the meeting at the panel office.

David C. Russell,

Assistant Secretary of the Interior.

[FR Doc. 81–25821 Filed 9–2–81; 8:45 am]

BILLING CODE 4310–10–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–248

Decided: August 27, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier. Member Fortier not participating in part.

MC 157801, filed August 20, 1981. Applicant: SCOTT & SONS MOVING & STORAGE, INC., 2472 So. Santa Fe Ave., Vista, CA 92083. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036 (202) 785–0024. (1) As a *broker* of *general commodities* (except household goods), between points in the U.S.; and (2) Transporting (a) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (b) *used household goods*, for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense; and (c) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds; between points in the U.S.

Volume No. OPY–4–345

Decided: August 26, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 118527 (Sub-7), filed August 17, 1981. Applicant: SOURDOUGH EXPRESS, INC., P.O. Box 73398, 600 Driveway Street, Fairbanks, AK 99707. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055 (206) 235–4730. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–5–141

Decided: August 26, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 114098 (Sub-58), Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, D.C. 20004 (202) 628–4600. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 118789 (Sub-2), filed August 19, 1981. Applicant: MAIL DELIVERY SERVICE, INC., P.O. Box 473, Buffalo, NY 14240. Representative: Michael R. Werner, 423 Edgewood Ave., Teaneck, NJ 07666 (202) 575–8660. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157258 (Sub-1), filed August 17, 1981. Applicant: GERALD F. ROZEK d.b.a. METROPOLITAN TRAFFIC ASSOCIATES, 703 Foster Avenue,

Bensenville, IL 60106. Representative: Gerald F. Rozek (same address as applicant) (312) 766–6770. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157759, filed August 18, 1981. Applicant: BILLY C. HAWKINS, Mount Carmel Rd., Rt. 4 Box 287, Asheville, NC 28806. Representative: Norman Q. Blakely (same address as applicant) (704) 253–8616. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157769, filed August 18, 1981. Applicant: L. W. BEASLEY, 10422 Fox Hollow, San Antonio, TX 78217. Representative: L. W. Beasley (same address as applicant.) (512) 653–4531. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157779, filed August 19, 1981. Applicant: JAMES M. LAWRENCE, d.b.a. L.D.T. TRUCKING CO., 1712 Neville Lane, Rocky Mount, NC 27801. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, DC 20036 (202) 223–5900. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–155

Decided: August 20, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 153124, (Sub-2) filed August 20, 1981. Applicant: COMPANIES TRANSPORT, INC., P.O. Box 186, Lincoln Park, NJ 07035. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202 (716) 845–6066. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons or munitions), between points in the U.S., (2) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (3) as a *broker of general commodities* (except household goods), between points in the U.S.

MC 157874, filed August 12, 1981. Applicant: T D EXPRESS, INC., 2434 52nd Ave. Court, Greeley, CO 80634. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203 (303) 839–5856. Transporting *food and other edible products and byproducts intended for human consumption* (except alchoholic beverages and drugs, *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25778 Filed 9-2-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving dully noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In take absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquires to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–247

Decided: August 27, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier. Member Fortier not participating in part..

MC 78400 (Sub-102), filed August 21, 1981. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, Hwy. 50 (P.O. Box 151), Gerald, MO 63037. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *hazardous waste*, between Jefferson City, MO, on the one hand, and, on the other, St. Louis, MO. Condition: The certificate issued in this proceeding shall expire 5 years from the date of issuance.

MC 117201 (Sub-57), filed August 20, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228–3807. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Gerber Products Company, of Fremont, MI.

MC 117940 (Sub-371), filed August 21, 1981. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359 (612) 479–1864. Transporting *general commodities*

(except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Mills, Inc., of Minneapolis, MN.

MC 120880 (Sub-5), filed August 20, 1981. Applicant: RONALD B. PEARSON d.b.a. PEARSON'S EXPRESS, P.O. Box 274, Lincoln, RI 02865. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103 (203) 728–0700. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, and RI, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, PA, OH, IL, IN, MO, KY, TN, MD, OK, TX, VA, NM, AZ, CA and DC.

MC 133221 (Sub-45), filed August 20, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Hwy., Lawrenceville, GA 30245. Representative: W. D. Beaver (same address as applicant) (404) 963–6212. Transporting *plastic articles and materials,* between the facilities of Amoco Foam Plastic Products Company, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135231 (Sub-63), filed August 21, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457–6889. Transporting *paper and paper products,* between points in St. Croix County, WI, Kenton County, KY, Hillsborough County, FL, Cameron County, TX, and Wayne County, MI, on the one hand, and, on the other, points in the U.S.

MC 143250 (Sub-8), filed July 13, 1981, previously published in the **Federal Register** on August 3, 1981. Applicant: WILDCAT CONSTRUCTION COMPANY, INC., P.O. Box 145, St. Albans Bay, VT 05481. Representative: Samuel L. Watts, TDS, Inc., 54 Middlesex Turnpike, Burlington, MA 01803 (617)729–7449. Transporting *general commodities* (except classes A and B explosives), having a prior or subsequent movement by rail, between points in CT, MA, ME, NH, NJ, NY, RI and VT, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

MC 145950 (Sub-96), filed August 20, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001–4594. Transporting (1) *leather and leather products, rubber and plastic products, electrical machinery, and textile mill products,* between points in Webb, Val Verde, and Tom Green Counties, TX, on the one hand, and, on the other, points in Walker County, GA, and Wayne and Burke Counties, NC, (2) *chemicals and related products,* between the facilities used by Agrandi, Ltd., at points in the U.S., on the one hand, and, on the other, points in the U.S., and (3) *clay, concrete, glass or stone products,* between points in Adams County, PA, on the one hand, and, on the other, points in the U.S.

MC 146820 (Sub-17), filed August 21, 1981. Applicant: B & G TRUCKING, INC., 579 High St., Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *plastic products,* between points in the U.S., under continuing contract(s) with Mobile Chemical Company, of Macedon, NY.

MC 146890 (Sub-38), filed August 21, 1981. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001 (202) 628–9243. Transporting *chemical and related products,* between Baltimore, MD, Philadelphia, PA, and points in Greenville County, SC, Dallas County, TX and Nassau County, NY, on the one hand, and, on the other, points in the U.S.

MC 147671 (Sub-2), filed August 21, 1981. Applicant: R & R TRUCKING, a corporation, 2211 E. 72nd St., Tacoma, WA 98404. Representative: Richard T. Kassuhn (same address as applicant) (206) 535–5566. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Brady International Hardwoods Co., Coastcraft, Lilyblad Petroleum, Inc., Fred Tebb & Sons, Inc., Traffic Control Signs Company, and Woodlam, Inc., all of Tacoma, WA, Pacific Roof Structures, of Orange, CA, Norris Paint Co., of Salem, OR, and United States Rock Co., of San Mateo, CA.

MC 147891 (Sub-1), filed August 20, 1981. Applicant: W. E. FERGUSON, d.b.a. FERGUSON TRUCKING, Route 5, Box 340–A, Hillsboro, MO 63050. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105 (314) 727–0777. Transporting *metal containers,* between points in the U.S., under continuing contract(s) with United Nesco Container Company, of Granite City, IL.

MC 149020 (Sub-3), filed August 21, 1981. Applicant: MYERS MEN, INC., 4429 Hamilton Blvd., Allentown, PA 18103. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 South 12th St., Philadelphia, PA 19107 (215) 922–1400. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Air Products and Chemicals, Inc., of Allentown, PA.

MC 151471 (Sub-10), filed August 20, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203 (303) 839–5856. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Superior Packing Company, Inc., of Ellensburg, WA and John Morrell & Co., of Chicago, IL.

MC 151841, filed August 21, 1981. Applicant: R. L. HARRISON TRUCKING COMPANY, INC., 1107 Airlane Drive, Benton, AR 72015. Representative: Allan Gates, 400 Gaines Place, 3rd & Gaines St., Little Rock, AR 72201 (501) 376–3151. Transporting *alcoholic beverages,* between Lynchburg and Tullahoma, TN, on the one hand, and, on the other, Denver, CO, Salt Lake City, UT, Las Vegas and Reno, NV, and points in CA.

MC 152460, filed August 19, 1981. Applicant: ROW-DOM, INC., 1 Washington St., Cumberland, MD 21502. Representative: John H. LeSeur, 1224 Seventeenth St., NW., Washington, DC 20036 (202) 347–7170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Celanese Fibres Company, of Charlotte, NC.

MC 156310, filed August 20, 1981. Applicant: CECIL R. HAWKINS d.b.a. HAWKINS TRUCKING, P.O. Box 542, Pagosa Springs, CO 81147. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203–1670 (303)–861–8046. Transporting *coal and coal products,* between points in AZ, CO, NM and UT.

MC 157771, filed August 17, 1981. Applicant: J. CUSMANO & SON STEEL TRANSPORTATION, INC., 110 Mt. Elliott St., Detroit, MI 48207. Representative: Frank J. Kerwin, P.O. Box 319, St. Clair Shores, MI 48080 (313) 777–0400. Transporting *metal products,* between points in the U.S.

Volume No. OPY–3–154

Decided: August 26, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 32775 (Sub-21), filed August 19, 1981. Applicant: HERMANN FORWARDING COMPANY, a

corporation, P.O. Box 1, North Brunswick, NJ 08902. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. N.W., Washington, D.C. 20005 (202) 783–7900. Transporting *general commodities* (except classes A and B explosives), between points in NY, PA, VA, MD, WV, ME, VT, NH, CT, RI, MA, DE, NJ, and DC.

MC 144115 (Sub-28), filed August 11, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 6670 11th Ave. SW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095 (414) 677–2586. Transporting *general commodities* (except classes A and B explosives), between the facilities of Alberto Culver Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148445 (Sub-5), filed August 20, 1981. Applicant: WLD TRUCKING COMPANY, a corporation, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, 85012 (602) 266–2224. Transporting *printed matter*, between points in the U.S. under continuing contract(s) with Danner Press Corporation, of Canton, OH.

MC 152915 (Sub-2), filed August 18, 1981. Applicant: SUNNYDALE DISTRIBUTING CORPORATION, Airport Road, P.O. Box 688, Jamestown, ND 58401. Representative: Daniel J. Sweeney, 1750 Pennsylvania Ave., NW., Washington D.C. 20006 (202) 393–5710. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) North Pacific Canners and Packers, and (2) Lamb-Weston, Inc., both of Portland, OR, (3) The Gillette Company, of Boston, MA, (4) The J. B. Williams Company, Inc., of Cranford, NJ, (5) Carter-Wallace, Inc., of Cranbury, NJ, (6) Knouse Foods, of Peach Glen, PA, (7) White Drug Enterprises, Inc., of Jamestown, ND, (8) Jovan, Inc., of Bensenville, IL, (9) Helene Curtis Industries, Inc., of Chicago, IL, (10) PATCO Products, of Kansas City, MO, and (11) Abbott Laboratories, of North Chicago, IL.

MC 155094 (Sub-2), filed August 20, 1981. Applicant: JOSEPH LAND AND CO., INC., West Central Avenue, P.O. Drawer 3310, Lake Wales, FL 33853. Representative: M. Craig Massey, 215 East Lime St., P.O. Drawer 1109, Lakeland, FL 33802 (813) 682–1178. Transporting *such commodities* as are dealt in or used by food chains, between points in the U.S., under continuing contract(s) with Acme Markets, Inc., of Philadelphia, PA.

MC 157705, filed August 14, 1981. Applicant: ELDEN REUTER TRUCKING, INC., Route 3, Box 254, Centralia, IL 62801. Representative: Delmar O. Koebel, 109 West St. Louis St., P.O. Box 70, Lebanon, IL 62254 (618) 537–4468. Transporting (1) *farm equipment and parts*, (2) *tires*, and (3) *household appliances*, between St. Louis, MO, on the one hand, and, on the other, points in Marion and Clinton Counties, IL, and Jamesway, WI.

MC 157675, filed August 10, 1981. Applicant: INTERMOUNTAIN TRANSPORT & HOT SHOT SERVICE, P.O. Box 335, Cleveland, UT 84518. Representative: Irene Warr, Suite 280, 311 South State St., Salt Lake City, UT 84111 (801) 531–1300. Transporting *machinery* and *metal products*, between Carbon and Emery Counties, UT, on the one hand, and, on the other, points in CO, WY, NM, ID, and AZ.

MC 157764, filed August 18, 1981. Applicant: A&B MOVING & STG. d.b.a. BAKER MOVING & STG., 12000 Ironton Rd., Little Rock, AR 72206. Representative: Marion G. Baker (same address as applicant) (501) 888–2525. Transporting *household goods*, between points in the U.S.

MC 157804, filed August 20, 1981. Applicant: GOLDCOAST, INC., 6570 S.W. 47th Ct., Ft. Lauderdale, FL 33314. Representative; Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166 (305) 592–0036. Transporting *such commodities* as are ordinarily transported in dump vehicles, between points in and south of Brevard, Seminole, Orange, Polk, and Pasco Counties, FL.

Note.—The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control of Team 3, Room 2158.

MC 157805, filed August 20, 1981. Applicant: TRANS-BAY EXPRESS, INC., P.O. Box 34296, San Francisco, CA 94134. Representative: Marshall G. Berol, 601 California St., Suite 1900, San Francisco, CA 94108 (415) 986–4812. Transporting *general commodities* (except classes A and B explosives), between points in Mendocino, Colusa, Glenn, Butte, Tehama, Shasta, Lake, Sonoma, Napa, Yolo, Sutter, Yuba, Nevada, Placer, El Dorado, Sacramento, Solano, Marin, San Francisco, Contra Costa, San Joaquin, San Mateo, Alameda, Santa Cruz, Santa Clara, Stanislaus, Monterey, San Benito, Merced, Fresno, Madera, Kings, Tulare, San Luis Obispo, Kern, Santa Barbara, Ventura, Los Angeles, Orange and San Diego Counties, CA.

Volume No. OPY–4–344

Decided: August 26, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 98047 (Sub-2), filed August 10, 1981. Applicant: ALEXANDER NAHIGIAN d.b.a. ALEXANDER TRANSPORT, 31 Middleby Road, Lexington, MA 02173. Representative: Alexander Nahigian (same address as applicant) (617) 862–4901. Transporting *general commodities* (except classes A and B explosives) between points in MA, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, and RI.

MC 105367 (Sub-6), filed August 10, 1981. Applicant: THE HALL TRUCK LINE, INC., P.O. Box 188, Olathe, Kansas 66061. Representative: Everett J. Sellers (same address as applicant) (913) 782–0850. Transporting *general commodities* (except classes A and B explosives) (1) from Garett, KS to Coffeyville, KS over U.S. Hwy. 169 serving all intermediate points and off-route points within 25 miles of route, (2) from Stanley, KS to Baxter Springs, KS over U.S. Hwy. 69 to Crestline, KS, then over Hwy. 26. to Hwy. 66 then over Hwy. 66 to Baxter Springs, KS. serving all intermediate points and off-route points within 25 miles of route.

Note.—Applicant intends to tack this authority with existing authority and to interline.

MC 118937 (Sub-2), filed August 18, 1981. Applicant: FRANK E. MARES d.b.a. MARES SERVICE, 4611 West 33rd Street, Cicero, IL 60650. Representative: John J. Grevenites, 4611 West 33rd Street, Cicero, IL 60650. Transporting *wrecked and disabled motor vehicles* and *replacement vehicles* therefor, by use of wrecker equipment only, between points in the U.S.

MC 145797 (Sub-15), filed August 12, 1981. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Dr., Chesterfield, MO 63017. Representative: R. Thomas Grasso, 111 Hilltown Village Center, Chesterfield, MO 63017 (314) 532–7035. Transporting (1) *chemicals and related products*, (2) *diagnostic products*, (3) *food and related products*, (4) *laboratory instruments and supplies*, and (5) *toilet preparations*, between the facilities of Mallinckrodt, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146557 (Sub-1), filed August 14, 1981. Applicant: THE ONPACO

DIVISION OF GEEM TRANSPORT (CANADA) LTD., 7701 West Jefferson Ave., Detroit, MI. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract with The Ontario Paper Company, Limited, of St. Catarines, Ontario, Canada.

MC 149137 (Sub-9), filed August 17, 1981. Appliant: MASTER TRANSPORT SERVICE, INC., 5000 Wyoming Avenue—Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. restricted to traffic originating at or destined to facilities of Brent Chemical Corporation.

MC 150617 (Sub-5), filed August 14, 1981. Applicant: TRANSCONTINENTAL FREIGHT SYSTEMS, INC., 2559 So. Archer Ave., Chicago, IL 60608. Representative: Edward G. Bazelon, 39 So. La Salle St., Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in AL, IL, IN, IA, KY, MA, MI, MO, NJ, NY, OH and PA.

MC 153497 (Sub-1), filed August 17, 1981. Applicant: UNITED AMERICAN FREIGHT, INC., 9324 Harrison Rd., Romulus, MI 48174. Representative: Gordon Disley (same address as applicant) (313) 946–8600. Transporting *such commodities* as are used in the manufacture and distribution of transportation equipment, between points in Michigan, on the one hand, and, on the other, points on the International Boundary line at Detroit and Port Huron, MI.

MC 153557 (Sub-3), filed August 14, 1981. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY 40213. Representative: William L. Willis, Suite 708, McClure Building, Frankford, KY 40601 (502) 227–7384. Transporting *such commodities as are dealt in the manufacture and distribution of electric and petroleum heaters* between points in Warren County, KY, on the one hand, and, on the other, points in the U.S.

MC 154117, filed August 14, 1981. Applicant: DALCON EXPRESS, INC., P.O. Box 36229, Dallas, TX 75235. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with (1) Burlington Industries, Inc. of Burlington, NC; (2) Reliance Electric Co. of Cleveland, OH; (3) Western Publishing Company, Inc. of Racine, WI; (4) International Playtex, Inc. of Dover, DE; (5) TPS Freight Distributors of Irving, TX; (6) Genesco, Inc. of Nashville, TN; and (7) Dresser Industries, Inc. of Dallas, TX and its subsidiaries.

MC 157687, filed August 13, 1981. Applicant: COUNTY WIDE TRUCKING, INC., 18520 Kishwaukee Valley Road, Woodstock, IL 60098. Representative: G. J. Balek, (same address as applicant) (815) 568–8344. Transporting *clay, concrete, glass, stone and metal products,* between points in CA, IL, IN, MO, NY, PA, WI, on the one hand, and, on the other, points in the U.S.

MC 157717 filed August 14, 1981. Applicant: FRIENDLY FOLKS TOURS, 131 West College Street, Cannonsburg, PA 15317. Representative: Donald J. Balsley, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *broker,* at Cannonsburg, PA in arranging for the transportation of *passengers* and their baggage, between points in the U.S.

Volume No. OPY–4–348

Decided: August 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

MC 4966 (Sub-28), filed August 21, 1981. Applicant: JONES TRANSFER COMPANY, 300 Jones Ave., Monroe, MI 48161. Representative: Thomas M. Hummer (same address as applicant) (313) 241–4120. Transporting *general commodities* (except classes A and B explosives), between points in IN, KY, MI, OH, and TN.

MC 30446 (Sub-20), filed August 20, 1981. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 No. Graham St., P.O. Box 5647, Charlotte, NC 28225. Representative: Leon Thompson (same address as applicant) (704) 376–8101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Federated Department Stores, of Cincinnati, OH.

MC 120736 (Sub-9), filed August 24, 1981. Applicant: STROTHMAN EXPRESS, INC., 11890 Enterprise Dr., Cincinnati, OH 45241. Representative: Andrew J. Burkholder, 275 East State St., Columbus, OH 43215 (614) 228–8575. Transporting *general commodities* (except classes A and B explosives), between points in IN, IL, MI, OH, and KY.

MC 142956 (Sub-4), filed August 21, 1981. Applicant: M & S TRUCKING CO., INC., Rural Rt. 1, Meadville, MO 64656. Representative: Donald J. Quinn, Commerce Bank Bldg., Suite 232, 8901 State Line, Kansas City, MO 64114 (816) 444–7474. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Hickman Packing Company, of Newark, NJ.

MC 144686 (Sub-10), filed August 20, 1981. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom St., Zeeland, MI 49464. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740 (301) 739–4880. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL, and Lotte U.S.A., Inc., of Battle Creek, MI.

MC 145628 (Sub-76), filed August 19, 1981. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul St., Burlington, VT 05401. Representative: L. C. Major, Jr., 6121 Lincolnia Rd., Suite 400, Overlook Office Bldg., Alexandria, VA 22312 (703) 750–1112. Transporting *passengers and their baggage,* in charter and special operations, between points in Cheshire and Sullivan Counties, NH, and points in that part of Grafton County, NH west of U.S. Hwy 3, and points in VT, on the one hand, and, on the other, points in NY, CT, RI, MA, ME, and NH.

MC 145986 (Sub-2), filed August 21, 1981. Applicant: EVERETT P. GLAZE, d.b.a. GLAZE TRUCKING COMPANY, 995 Marion Rd., Columbus, OH 43207. Representative: Richard H. Brandon, P.O. Box 97, Dublin, OH 43017 (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 150086 (Sub-2), filed August 3, 1981. Applicant: WADE TRUCK LINES, INC., P.O. Box 156 Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601 (913) 234–0565. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) with The R. T. French Company, of Springfield, MO.

MC 157778, filed August 19, 1981. Applicant: DEBBI-TOURS, 1414 Garfield, Marquette, MI 49855. Representative: Laurence Bernard Dube, P.O. Box 81, 380 Stoneville Rd., Ishpeming, MI 49849 (906) 486–8697. To engage in operations, in interstate or foreign commerce as a *broker,* at Marquette, MI, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* between points in the Upper Peninsula of MI, on

the one hand, and, on the other, points in the U.S.

MC 157606, filed August 18, 1981. Applicant: INTERCONEX TRANSPORT INTERNATIONAL, INC., 52 Vanderbilt Ave., New York, NY 10017. Representative: Robert L. McGeorge, 1000 Potomac St., N.W., 5th Floor, Washington, DC 20007 (202) 965–6670. As a *broker of household goods,* between points in the U.S.

MC 157816, filed August 20, 1981. Applicant: DANIEL E. KOCH, INC., Star Rt. Box 20, Scappoose, OR 97056. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205 (503) 224–4840. Transporting (1) *metal articles,* (2) *machinery,* (3) *construction materials,* and (4) *non-metal mineral products,* between points in OR, WA, ID, MT, and WY.

Volume No. OPY–5–139

Decided: August 25, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 12598 (Sub-1), filed August 18, 1981. Applicant: LEHIGH VALLEY MOTOR CLUB, 1020 Hamilton St., Allentown, PA 18101. Representative: Neil E. Wenner, 41 North 5th St., P.O. Box 1872, Allentown, PA 18105 (215) 434–1533. To operate as a *broker* at points in PA, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in special or charter operations, beginning and ending at points in PA, and extending to points in the U.S.

MC 55889 (Sub-76), filed August 17, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014 (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in Morgan, Madison, Limestone, Colbert, Lauderdale, Lawrence, and Franklin Counties, AL, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its otherwise authorized regular route operations.

MC 119789 (Sub-734), filed August 14, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant) (214) 579–7110. Transporting *general commodities* (except classes A and B explosives), between the facilities of Norris Industries and its divisions at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136798 (Sub-8), filed August 17, 1981. Applicant: THE FORTUNE CORPORATION, d.b.a. MAUST TRANSFER CO., 1726 Sixth Ave. South, Seattle, WA 98104. Representative: George S. Holzapfel, 6000 Westland Bldg., 100 South King St., Seattle, WA 98104 (206) 624–1230. Transporting *canned salmon,* between points in the U.S., under continuing contract(s) with the Port of Bellingham, South Terminal, of Bellingham, WA.

MC 149378 (Sub-8), filed August 17, 1981. Applicant: KIRBY TRANSPORT, INC., 8023 E. Slauson Ave., Montebello, CA 90640. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837 (201) 494–8765. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Interstate Freight Service, Inc., of Montebello, CA.

MC 150249 (Sub-2), file August 17, 1981. Applicant: RICHLAND TRUCKING, INC., Route 1, Tillar, AR 71670. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 6444–3337. Transporting (1) *forest products,* (2) *lumber and wood products* and (3) *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Potlatch Corporation, of San Francisco, CA.

MC 151269, filed August 17, 1981. Applicant: FRONCKOWIAK, 1476 Harlem Road, Buffalo, NY 14206. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202 (716) 853–0200. Transporting *furniture and fixtures,* between points in the U.S., under continuing contract(s) with The Gunlocke Co., Inc., of Wayland, NY.

MC 151318, filed August 18, 1981. Applicant: CALIFORNIA CONTRACT CARRIERS, 2315 Industrial Way, Ceres, CA 95307. Representative: J. R. Fallabel (same address as applicant) (209) 538–4248. Transporting *printing paper,* between the facility used by Simpson Paper Company in San Joaquin County, CA, on the one hand, and, on the other, points in AZ.

MC 151609 (Sub-4), filed August 18, 1981. Applicant: BRIAN KARGMAN d.b.a., B. K. LEASING CO., Dutch Mill Road, Franklinville, NJ 08322. Representative: David Earl Tinker, 1000 Connecticut Avenue, NW., Suite 1112, Washington, DC 20036 (202) 887–5868. Transporting *canned foods,* between points in the U.S., under continuing contract(s) with Minot Food Packers, Inc., of Bridgeton, NJ.

MC 155768, filed August 19, 1981. Applicant: ENVIRONMENTAL INTERNATIONAL, INC., 912 Scott, Kansas City, KS 66105. Representative: Ted T. Topolski, Sr., 7308 Hedges, Raytown, MO 64133 (816) 356–2440. Transporting *toxic and hazardous waste* between points in AL, AZ, AR, CA, CO, FL, ID, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, OH, OK, TN, TX, UT, WI, and WY.

MC 155779 (Sub-2), filed August 14, 1981. Applicant: DIAMONDHEAD FREIGHT SYSTEM, INC., P.O. Box 462, Decatur IN 46733. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. Transporting (1) *such commodities* as are dealt in or used by manufacturers of swimming pools and spas, under continuing contract(s) with Ft. Wayne Pools, Inc., of Ft. Wayne, IN. (2) *clothing,* under continuing contract(s) with Jay Garment Co., of Portland, IN, and (3) *steel forgings, under continuing contract(s) with Teledyne Portland Portland Forge, of Portland, IN, between points in the U.S.*

MC 157719, filed August 14, 1981. Applicant: GEORGIA SOUTHERN TRANSPORTATION, INC., Rt. 1, Box 1, Courtland Hwy., Decatur, IL 35601. Representative: Paul M. Daniell, 235 Peachtree St., NE., Atlanta, GA 30303 (404) 522–2322. Transporting (1) *general commodities* (except classes A and B explosives) between Memphis and Chattanooga, TN and points in GA, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, and TN, (2) *textile mill products,* between points in AL, GA, MS, NC, SC, FL, and TN, (3) glassware, between points in DeSoto and Harrison Counties, MS, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, and TN, (4) *automobile pulleys,* between points in Alcorn County, MS and Houston County, AL, on the one hand, and, on the other, points in GA, SC, AL, TN, and FL.

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Decided: August 26, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 136479 (Sub-2), filed August 17, 1981. Applicant: WALBERT TRUCKING INC., P.O. Box 403, Glascow, KY 42141. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *such commodities* as are dealt in or used by a manufacturer of printed matter, between points in the U.S. under continuing contract(s) with R.

R. Donnelley & Sons Co., of Glasgow, KY.

MC 139858 (Sub-40), filed August 19, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H St., NW., Washington, D.C. 20006 (202) 337–6500. Transporting *wall coverings and wall panels,* between points in the U.S., under continuing contract(s) with Laminating Services, Inc., of Louisville, KY.

MC 141889 (Sub-17), filed August 17, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Rt. 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256–7444. Transporting *paper and paper products,* and *printed material,* between points in Ventura County, CA, on the one hand, and, on the other, points in the U.S.

MC 143739 (Sub-55), filed August 18, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 328, Albert Lea, MN 56007. Representative: Leonard K. Sackson (same address as applicant) (507) 373–1467. Transporting *chemicals and related products* between the facilities of Monsanto Company and its subsidiaries at points in IL, IN, IA, MI, MN, MO, NE, ND, OH, SD, and WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 144268 (Sub-3), filed August 17, 1981. Applicant: HIRSON TRUCKING, INC., 4901 Coliseum Way, Oakland, CA 94601. Representative: Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, CA 94104 (415) 986–5778. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, LA, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 149259 (Sub-2), filed August 14, 1981. Applicant: RON BIGLER, INC., 610 Fair Ave., NW., New Philadelphia, OH 44663. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *such commodities* as are dealt in or used by trading stamp companies or retail outlet stores, between points in the U.S., under continuing contract(s) with Top Value Enterprises, Inc., of Kettering, OH.

MC 150008 (Sub-3), filed August 19, 1981. Applicant: KUELLA, INC., Route 2, King City, MO 64463. Representative: Michael A. Knepper and Lee Reeder, 310 Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105 (816) 842–8874. Transporting (1) *animal hides and leather,* under continuing contract(s) with Prime Tanning Co., Inc., of Berwick, ME, (2) *metal products,* under continuing contract(s) with Century Brass Products, Inc., of Waterbury, CT, and (3) *insulating materials,* under continuing contract(s) with Rockwool Industries, Inc., of Denver, Co., between points in the U.S.

MC 157308, filed August 18, 1981. Applicant: TRANS-NATIONAL CARRIERS, INC., 6 Kensington Drive, Lincolnshire, IL 60015. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603 (312) 236–9375. Transporting (1) *metal products,* between points in the U.S., under continuing contract(s) with Scott Forge of Spring Grove, IL, and (2) *concrete products,* between points in the U.S., under continuing contract(s) with Contemporary Pre-Cast, Inc., of Prairie View, IL.

MC 157748, filed August 14, 1981. Applicant: CARRI, INC., RR #2, Box 132, Lebanon, IL 62254. Representative: Delmar O. Koebel, 109 West St. Louis St., P.O. Box 70, Lebanon, IL 62254 (618) 537–4468. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with Venture Stores, Inc., a division of May Department Stores Company, of St. Louis, MO. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 157768, filed August 18, 1981. Applicant: ROBERT C. EGGLESTON, R.D. 2 Box 36 (c), Corinth, NY 12822. Representative: Richard Rueda, 135 North 4th Street, Philadelphia, PA 19106 (215) 627–1923. Transporting *paper and paper products,* between points in NY, on the one hand, and, on the other, points in ME, VT, NH, MA, RI, CT, PA, NJ, DE, MD, VA, OH, and DC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25781 Filed 9-2-81; 8:45 am]

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[Volume No. OP3–242]

Motor Carriers, Permanent Authority Decisions; Decision-Notice

Decided: July 7, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of these supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which

the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification or effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce over irregular routes, except as otherwise noted.

MC 119755 (Sub-5), filed November 27, 1979, previously published in the **Federal Register** issue of March 27, 1980 and March 2, 1981. Applicant: WEST-TRADE TRANSPORT LTD., 2453 Gilmore Ave., P.O. Box 5300, Vancouver, B.C., Canada V6B4B6. Representive: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting in foreign commerce only, *machinery* including construction machinery and equipment as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, between ports of entry on the international boundary line between the U.S. and Canada, located in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, UT, and AZ. Condition: The persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under Section 49 U.S.C. 11343(a), or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 20 days from the date of publication.

[FR Doc. 81-25780 Filed 9-2-81; 8:45 am]

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[Volume No. 154]

Motor Carrier; Permanent Authority Decisions; Restriction Removal; Decision-Notice

Decided: August 28, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of undully narrow authority is consistent with 49 U.S.C. 10922(h).

In the absense of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF-378 (Sub-1)X, filed August 17, 1981. Applicant: ENGEL STORAGE CORPORATION, 901 Julia St., Elizabeth, NJ 07201. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions in lead permit to (1) broaden the community description from (a) used household goods to "household goods," and (b) used automobiles to "transportation equipment"; (2) remove the except AK restriction; and (3) remove the export and import restriction.

MC 1977 (Sub-56)X, filed July 31, 1981. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Applicant seeks to remove

restrictions in its Sub-Nos. 12, 14, 15, 19, 21, 23, 25, 26, 28F, 34F, 36F, 38F, 39F, 40F, 41F, 42F, 46, 47F, 51F, and 54 certificates and in those authorities authorized to be issued to it in (a) MC–F–12072 (assigned Sub-No. 43), (b) MC–F–13681 (assigned Sub-No. 44), (c) MC–F–14030F (assigned Sub-No. 45), and (d) MC–F–14245F (no Sub-No. assigned) to (A) broaden the commodity descriptions from (1) general commodities (with the usual exceptions except classes A and B explosives) to "general commodities" in Sub-Nos. 12, 25, 28F, 41F, 42F, 43, and 44, (2) general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)" in Sub-Nos. 12, 14, 15, 19, 21, 23, 34F, 36F, 38F, 39F, 40, 44, 45, 46, 51F, and in authority from MC–F–14245, (3) fiberglass to "clay, concrete, glass or stone products" in Sub-No. 26, (4) chemicals to "chemicals and related products" in Sub-No. 44, and (5) special-purpose trailers to "transportation equipment" in Sub-No. 43, (B) broaden territorial descriptions from (1) Salt Lake City, UT, to Salt Lake and Davis Counties, UT, in Sub-Nos. 12, and 43, (2) Blackfoot, ID, to Bingham County, ID, in Sub-Nos. 23, 28F, and 43, (3) Brigham City, UT, to Box Elder County, UT, in Sub-Nos. 25, and 28F, (4) Mantua, Perry, Willard, Avon, Bert, Lakeside, Hot Springs, Corinne, and Promontory Point, UT, to Box Elder and Cache Counties, UT, and Cheyenne, WY, to Laramie County, WY, in Sub-No. 28F, (5) Cortez, CO, to Montezuma County, CO, in Sub-No. 40F, (6) Broomfield, Littleton, and portions of Jefferson County, CO, to Boulder, Arapahoe, and Jefferson Counties, CO, in MC–F–14245F, (7) Ogden, UT, to Weber County, UT, in Sub-No. 43, (8) Pocatello and Idaho Falls, ID, to Bannock and Bonneville Counties, ID, in Sub-Nos. 23, 28F, and 43, (9) Boise, ID, to Ada County, ID, in Sub-Nos. 23, 25, 28F, and 43, (10) Trinidad, CO, to Las Animas County, CO, in Sub-No. 40, (11) Montrose, Manitou, and Avondale, CO, to Montrose, El Paso, and Pueblo Counties, CO, in Sub-No. 12, (12) Rosario, NM, to Santa Fe County, NM, and Dolores, CO, to Montezuma County, CO, in Sub-No. 15, (13) Pasco, WA, to Franklin County, WA, in Sub-No. 44, (14) Moxee City, WA, to Yakima County, WA, in Sub-No. 39F, (15) Hollister and Salinas, CA, to San Benito and Monterey Counties, CA, Casa Grande, Tucson, and Nogales, AZ, to Pinal, Pima, and Santa Cruz Counties, AZ, in Sub-No. 42F, (16) Richland, White Bluffs, Hanford Engineering Project, Clarkston, Ayer, Wawawai, Brownlee Dam Site, and Ox Bow Dam Site, WA, to Bention, Franklin, Asotin, Washington, Adams, Walla Walla, and Whitman Counties, WA, in Sub-No. 44, (17) Lucky Peak Dam Site and Arco, ID, to Boise, Elmore and Butte Counties, ID, in Sub-No. 44, (18) Yoder, Lagrange, and Huntley, WY, to Goshen County, WY, in Sub-No. 45, (19) within one mile of NE Hwy 29 between Gering and Scottsbluff, NE, to Scotts Bluff County, NE, in Sub-No. 45, and (20) Carson City, NV, Herlong, Yuba City, and Marysville, CA, and Lake Havasu City, AZ, to Carson City County, NV, Lassen, Sutter, and Yuba Counties, CA, and Mohave County, AZ, in Sub-No. 54, (C) remove facility restrictions in Sub-Nos. 26 and 44, (D) expand service to all intermediate points in connection with applicant's regular-route authority in Sub-Nos. 12, 14, 21, 34F, 36F, 38F, 39F, 42F, 44, and 45, and (E) remove originating at or destined to restrictions, specified point exceptions, duplicating authority restrictions, service point excpetions, and specified commodity exceptions in Sub-Nos. 12, 14, 15, 21, 26, 28F, 36F, 38F, 39F, 40F, 41F, and 44.

MC 6801 (Sub-12)X, filed June 26, 1981 and previously noticed in the **Federal Register** of July 27, 1981, republished as corrected this issue. Applicant: G. H. HARNUM, INC., 867 Woburn St., Wilmington, MA 01887. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 3, 5, 6, 8, 9, 10 and 11 certificates and E2, E3 and E4 letter-notices as previously noticed and, in addition, to replace city-wide with county-wide authority in Sub-No. 11, from Worcester, MA to Worcester County, MA. The purpose of this republication is to correct an inadvertent omission in the prior notice.

MC 16502 (Sub-22)X, filed August 14, 1981. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39773. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-No. 21X certificate to (1) broaden off-routes on its regular routes at named plant sites and municipalities to countywide authority as follows: Chickasaw County, MS, from Egypt, MS; Clay County, MS, from Tibbee, MS, and for points on MS Hwy 10 between West Point, MS, and junction MS Hwy 10 and Alt U.S. Hwy 45, not including West Point; Kemper County, MS, for facilities at Lynville, MS; Lauderdale County, MS; for facilities near Meridian, MS; Lowndes County, MS, for Artesia, Bent Oak, Billups, Columbus, Columbus Air Base, Mayhew, and facilities at Columbus, MS; Monroe County, MS, for Gibson, Hamilton, and Prairie, MS; Noxubee County, MS, for Brookville, MS; and Oktibbeha County, MS, for Sessums and State College, MS.

MC 41347 (Sub-13)X, Filed August 19, 1981. Applicant: DE BACK CARTAGE COMPANY, INC., 4841 West Burnham Street, Milwaukee, WI 53219. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5 and 11F permits to (1) broaden the commodity descriptions from (a) metal shipping containers, metal stampings and products manufactured therefrom, builders' hardware, luggage hardware, frames, and trimmings, toilet, lavatory, and dressing-room steel stall partitions, and steel shower stalls, to "metal products" in the lead and Sub-No. 5; and (b) fire brick shapes, furnace lining cement, crushed fire brick, fire brick plastic, and high-temperature mortar to "clay, concrete, glass or stone products" in Sub-No. 11F; and (2) broaden the territorial descriptions to "between points in the U.S.", under continuing contract(s) with a class of shippers, in the lead, and named shippers, in Sub-Nos. 5 and 11F.

MC 48958 (Sub-225)X, filed August 14, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189. Applicant seeks to remove restrictions in its Sub-No. 215F certificate by removing all exceptions from its general commodities authority.

MC 86423 (Sub-5)X, filed August 13, 1981. Applicant: SMITH TRANSPORT (INTERNATIONAL), LIMITED, 227 Eugene St. East, Windsor, Ontario, CD. Representative: William J. Hirsch, 1125 Covention Tower, 43 Court St., Buffalo, NY 14202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3 and 4 certificates to (1) broaden its commodity descriptions from general commodities (with exceptions) to general commodities (except classes A and B explosives)", in the lead and Sub-Nos. 3, and 4 part 2; (2) replace its cities with county-wide authority (a) in the lead, Detroit, MI and points within 6 miles of Detroit, with Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties, MI, (b) in Sub-No. 3, facilities at Romeo, MI, with Macomb County, MI, and (c) in Sub-No. 4, Buffalo, NY, with Erie and Niagara Counties, NY; and (3) expand ports of entry at Detroit, MI, to all ports of entry in MI, in the lead and Sub-No. 3; and at the Peace Bridge, to all points in NY, in Sub-No. 4.

MC 97068 (Sub-25)X, filed August 14, 1981. Applicant: H. S. ANDERSON TRUCKING COMPANY, P.O. Box 3656, Port Arthur, TX 77640. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 6, 7, 9, 10, 15, 18F, 20F, 21 and 22F certificates to (A) broaden the commodity description (1) to "Metal products" from (a) iron and steel articles in Subs 6, 9, 10, and 20F, (b) iron and steel articles, iron and steel tanks, aluminum articles, aluminum tanks, and parts, attachments and accessories related to the named commodities in Sub-No. 15, and (c) to "metal products and materials equipment and supplies used in the manufacture and distribution of metal products" from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution thereof in Sub 22F; (2) to "metal products, machinery, and those commodites which because of their size or weight require the use of special handling or equipment," from structural and plate steel, reinforcing steel, and tank steel, contractors' machinery, equipment and supplies, and such commodities as require the use of special equipment by reason of size or weight, and parts thereof, and such ship building, ship repair, ship maintenance and marine equipment, materials, and supplies as require the use of special equipment because of size or weight in Sub-No. 7; (3) to "lumber and wood products, pulp, paper and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery, transportation equipment, instruments and photographic goods, and waste or scrap materials identified by industry producing," from pipe, fittings, valves, hydrants, castings, parts and accessories therefor, and materials and supplies used in the installation thereof, and metal articles in Sub-No. 18F; and (4) to "lumber and wood products, pulp, paper and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, transportation equipment, and waste or scrap materials not identified by industry producing," from tubing and iron and steel articles in Sub-No. 21; (b) broaden the territorial description from facilities or city-wide authority to county-wide authority: Nueces and San Patricio Counties, TX, for Corpus Christi, TX, and Galveston County, TX, for Galveston, TX, in Sub-No. 6; Mobile County, AL, for Mobile, AL, in Sub-No. 7; Jefferson County, TX, for Port Arthur, TX, in Sub-No. 9; Harris County, TX, for Baytown, TX, in Sub-No. 10; Jefferson County, AL, for Bessemer and Birmingham, AL, in Sub-No. 18F; Harris County, TX, for Baytown, TX, in Sub-No. 20F; Montgomery County, TX, for Conroe, TX, in Sub-No. 21; and Leon County, TX, for a plantsite near Jewett, TX, in Sub-No. 22F; and (c) authorize radial authority to replace existing one-way authority between points in various southern States, in Sub-Nos. 6, 9, 10, 15, and 20F.

MC 106451 (Sub-22)X, filed August 6, 1981. Applicant: COOK MOTOR LINES, INC., P.O. Box 370, Akron, OH 44309. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in the lead and Sub-Nos. 5, 6, 7, 8, 9, 13G, 14, 15, 16, 18F, 19F, 20F, and 21 certificates to (1) remove all exceptions to general commodity authority (except classes A and B explosives) in the lead and Sub-Nos. 5, 6, 7, 8, 9, 13G, 14, 15, 16, 18, 19, and 21; (2) remove the restriction to service at Dover, OH for purpose of joinder only in the regular-route portion of the lead; (3) remove the restriction against service to portions of named counties in WV in Sub-Nos. 5, 8, 13G, 14, and 16; (4) remove restriction to service at Parkersburg, WV for purpose of joinder only in Sub-No. 9; (5) remove restriction to traffic moving on freight forwarder bills of lading in Sub-No. 21; (6) remove restriction to traffic moving to and from and points west of routes between (a) Wellesille, OH and Salineville, OH and (b) Salem, OH and Columbiana, OH, in connection with service to Lisbon, OH as an off-route point in Sub-No. 21; (7) broaden off-route points to county-wide authority from Hubbard, Poland, Petersburg, Middletown and Struthers, OH, New Kensington and Beaver Falls, PA to Trumbull and Mahoning Counties, OH and Westmoreland and Beaver Counties, PA in Sub-No. 21; (8) remove facility limitation and replace Burnaugh, KY with Boyd County, KY as an off-route point in Sub-No. 6; (9) remove facilities limitation in Sub-Nos. 7 and 13G and replace New London, OH with Huron County, OH; (10) remove the originating at and destined to named plantsite restriction in Sub-Nos. 7 and 13G; (11) allow service at all intermediate points in connection with regular routes between (a) junction unnumbered highway and US Hwy 40, (b) Caldwell, OH and Malta, OH, (c) Beverly, OH and named plantsites, in Sub-No. 15; (12) broaden the commodity description from rolling mill equipment to "metal products and machinery"; from used or scrap rolling mill rolls to "waste or scrap materials not identified by industry producing" and from earthenware to "clay, concrete, glass or stone products"; (13) change one-way to radial authority in the regular-route portion of Sub-No. 15, and the irregular-route portion of Sub-No. 21.

MC 110325 (Sub-180)X, filed August 4, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome E. Biniasz (same address as above). Applicant seeks to remove restrictions in Sub-Nos. 95, (authority acquired in MC-F-13525), 154 (authority acquired in MC-F-13902F), and 159 (authority acquired in MC-F-11411) in which service is authorized in CO, IL, IA, MN, MO, MT, NE, OH, OR, VA, WA, WI and WY to: In its regular-route authority (1) remove all exceptions from its general commodity authority except "classes A and B explosives"; (2) remove territorial restrictions which limit service to some intermediate points, no intermediate points, exclude specific intermediate points, or which provide for service for joinder purposes only, to authorize service to all intermediate points; (3) change facility limitations and service to named off-route points to provide county-wide authority as follows: In Sub-No. 154, Bettendorf, IA, with Scott County, IA; Delaware and Masonville, IA, with Delaware County, IA; Peosta, IA with Dubuque County, IA; Pecatonica and Winnebago, IL, with Winnebago County, IL; Ridott, Lena and Pearl City, IL, with Stephenson County, IL; Hanover, IL, with Jo Daviess County, IL; Robbinsdale, St. Louis Park, Hopkins, Edina and Fort Snelling, MN, with Hennepin County, MN; Invergrove and South St. Paul, MN, with Dakota County, MN; Newport, MN, with Washington County, MN; North St. Paul, MN, with Ramsey County, MN; Columbia Heights, MN, with Anoka County, MN; in Sub-No. 159, points within 12 miles of central post office of Des Moines, IA, with Polk and Warren Counties, IA; Fairfax and Rockport, MO, with Atchison County, MO; Forest City, Maitland and Bigelow, MO, with Holt County, MO; Joliet, IL with Will County, IL; points within 15 miles of Ice Harbor Dam, WA, with Benton, Franklin and Walla Walla Counties, WA; Dorchester, NE, with Saline County, NE; Albin, WY, with Laramie County, WY; Lagrange and Yoder, WY, with Goshen County, WY; Gering, NE, with Scottsbluff County, NE; Moore, MT, with Fergus County, MT; sites within 5 miles of Rocky Reach Dam, with Chelan and Douglas County, WA; Ronald, Roslyn, South CleElum, Thorp, Kittitas, Tieton and points within 3 miles of Wenatchee, WA, with Kittitas County, WA; Naches, Selah, Wiley City, Moxee City, Tampico, Wapato, Harrah, White Swan, Toppenish, Granger,

Emerald, Mabton and Outlook, WA, with Yakima County, WA; facility near Malaga, WA, with Chelan County, WA; points within 20 miles of Chief Joseph Dam with Douglas and Okanogan County, WA; Superior, MT and points within 10 miles, with Mineral County, MT; Lind, WA, with Adams County, WA; Connell and Pasco, WA, with Franklin County, WA; Kennewick, WA, with Benton County, WA; facility near Quadlok, WA, with Thurston County, WA; Casper, WY, with Natrona County, WY; Yoder, WY, with Goshen County, WY; Red Bird, WY, with Niobrara County, WY. Applicant also seeks in its irregular-route authority in Sub-Nos. 95 and 159, which authorizes service in IL, IA, OH and VA to (1) remove all exceptions from general commodities, except "classes A and B explosives", and (2) delete the originating at, destined to restriction which appears in its Sub-No. 159.

MC 113981 (Sub-18)X, filed August 13, 1981. Applicant: VEGAS TRUCKING CO., 2853 Cedar Street, Las Vegas, NV 89104. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Applicant seeks to remove restrictions in its Sub-No. 14F certificate (1) broaden the commodity description to "general commodities, except classes A and B explosives" from general commodities (with usual exceptions and petroleum products, in bulk); and (2) authorize service at all intermediate points to replace existing authority to serve a specified intermediate point, on its described regular route between Los Angeles, CA and Las Vegas, NV.

MC 119226 (Sub-128)X, filed August 3, 1981. Applicant: LIQUID TRANSPORT CORP., R.R. 10, Box 100B, Greenfield, IN 46140. Representative: Robert W. Loser II, 1101 Chamber of Commerce Building, 320 North Meridan Street, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-Nos. 1, 12, 13, 16, 17, 20, 21, 24, 25, 26, 28, 31, 33, 35, 36, 37, 38, 40, 41, 42, 45, 47, 50, 52, 55, 58, 61, 65, 68, 70, 74, 75, 76, 79, 81, 84, 86, 87, 89, 90, 91, 93, 94, 95, 97, 99, 100, 103F, 104F, 107F, 110F, 111F, 113, 114, 117, 118F, 120F, and 123F certificates and E–1 letter notice. It seeks to (A) broaden commodity descriptions as follows: Sub-No. 1, to "food and related products" from liquid sugar and blends, corn syrup, lard, animal fats, tallow, oils and greases, soybean oil, molasses, dry sugar, wine and corn steepwater: "chemicals and related products" from liquid chemicals, grain fermentation residue, and vinyl pyridine: "metal products" from fly ash: "petroleum, natural gas and their products" from petrolatum and lubricating oil, coal tar products and coal tar and pitch; Sub-No. 12, "chemicals and related products" from liquid toilet preparations; Sub-No. 13, "chemicals and related products, and food and related products" from varnishes and lacquers, and animal fats and oils and greases; Sub-Nos. 16, 17, 21, 33, 36, 38, 42, 45, 47, 50, 65, 70, 90, 93, 97, 100, 113, 117, and 123, to "chemicals and related products" from varnishes, lacquers, enamels, finishing materials, paints, thinners, dry fertilizer and compounds and ingredients, grain neutral spirits, liquid sequestrants, chemicals, polyvinyl acetate, liquid adhesives, trifluralin solution, acetic acid, liquid weed killing compounds, alcohol, dry plastic, and liquid chemicals; Sub-Nos. 20, 25, 26, 28, 31, 35, 37, 40, 41, 52, 55, 58, 61, 66, 74, 75, 76, 79, 81, 84, 86, 87, 89, 94, 95, 99, 103, 104, 107, 110, 114, 118, 120, and E–1, to "food and related products" from inedible animal fats, greases, tallow, lard and tallow oil, lecithin, liquid corn products and blends, lards, vegetable oils and blends, syrups, sweetners, starch, dextrim, steepwater, corn oil, corn flour, liquid foodstuff, sugar products, soybean products, and sorbitol; Sub-No. 24, "food and related products, and petroleum, natural gas and their products" from edible and inedible oils; Sub-No. 91, "food and related products, and clay, concrete, glass or stone products" from soybean products, and limestone; and Sub-No. 111, "chemicals and related products, and food and related products" from chemicals, vegetable oils, animal fats, and products of these commodities; (B) remove the "in bulk, in tank, hopper-type, or specially-built vehicle" restrictions in all certificates, and remove the "in liquid form" limitation in Sub-No. 1; (C) remove exceptions restricting the transportation of certain named commodities in Sub-Nos. 1, 24, 38, 41, 47, 68, and restricting the transportation of named commodities on service from and to specified points in Sub-Nos. 20 and 75; (D) replace named facilities and points with city-wide or county-wide authority as follows: Sub-Nos. 1, 13, 16, 17, 21, 81, 84, 89, 95, 99, 100, and 114, Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan and Hendricks Counties, IN (Indianapolis, IN); Sub-Nos. 1, 110, and 117, Vigo County, IN and Clark and Edgar Counties, IL (facilities at Terre Haute, IN); Sub-Nos. 1 and 40, Peoria, Tazewell and Woodford Counties, IL (Peoria, IL); Sub-Nos. 1 and 114, Jefferson, Oldham and Bullitt Counties, KY and Floyd, Clark and Harrison Counties, IN (Louisville, KY); Sub-Nos. 1 and 31, Bartholomew County, IN (Columbus, IN); Sub-Nos. 1 and 79, Clinton County, IA and Whiteside County, IL (Clinton, IA); Sub-Nos. 12, 38, 70, and 111, Hamilton County, OH (facilities at St. Bernard, OH); Sub-Nos. 1 and 13, Daviess County, KY and Spencer County, IN (Owensboro, KY); Sub-Nos. 20, 84, and 103 (part 3), Ford and McLean Counties, IL (facilities near Gibson City, IL); Sub-Nos. 33 and 79, Muscatine County, IA and Rock Island County, IL (Muscatine, IA); Sub-Nos. 50, 55, 86, 90, 93, 94, 113, and 123, Tippecanoe County, IN (facilities near Lafayette, IN); Sub-Nos. 24, 47, and 120, Franklin, Delaware, Licking, Fairfield, Pickaway, Madison and Union Counties, OH (Columbus, OH); Sub-Nos. 25 and 52, Johnson, Bartholomew and Shelby Counties, IN (Edinburgh, IN); Sub-Nos. 74, 84, and 103 (part 2), Adams County, IN (plantsite near Decatur, IN); Sub-Nos. 87 and 97, Macon County, IL (facilities near Decatur, IL); Sub-No. 1, Summit, Medina, Portage and Stark Counties, OH (Akron, OH): East Baton Rouge and West Baton Rouge Parishes, LA (Baton Rouge, LA): Tazewell and Peoria Counties, IL (Argo and Pekin, IL): New London County, CT (Groton and New London, CT): Butler County, PA (Karns City, PA): McKean County, PA and Cattaraugus County, NY (Bradford, PA): Suffolk, Norfolk, Plymouth, Middlesex and Essex Counties, MA (Boston and Charlestown, MA): Orleans, St. Bernard, Plaquemines, Jefferson, St. Charles, St. John the Baptist and St. Tammany Parishes, LA and Hancock County, MS (New Orleans, LA): Henderson County, KY and Vanderburgh County, IN (Henderson, KY): Champaign, Madison and St. Clair Counties, IL and St. Louis County, MO (Champaign and Granite City, IL): Washentaw County, MI (Ann Arbor, MI): Cuyahoga, Lake, Lorain, Medina and Summit Counties, OH (Cleveland, OH): Bulter and Hamilton Counties, OH (Hamilton, OH): Marion County, WV (Fairmont, WV): Ontario, Chautauqua and Ulster Counties, NY (Canandaigua, Fredonia, and Highland, NY): Middlesex and Somerset Counties, NJ (New Brunswick, NJ): and Bedford County, TN (Shelbyville, TN); Sub-No. 12, Vermilion County, IL and Vermillion and Warren Counties, IN (Danville, IL); Sub-No. 13, Marshall County, AL (Albertville, AL); Sub-No. 16, Guilford, Randolph and Davidson Counties, NC (High Point, NC): Worcester County, MA (Templeton and Gardner, MA): and Shelby, Fayette and Tipton Counties, TN and Crittenden County, AR and DeSoto County, MS (Memphis, TN); Sub-No. 20, Allegheny, Westmoreland and Washington Counties, PA (Pittsburgh and Carnegie, PA); Sub-No. 26,

Vanderburgh, Warrick and Posey Counties, IN and Henderson County, KY (Evansville, IN); Sub-No. 36, Lake County, IL (Waukegan, IL); Sub-No. 37, Ogle County, IL (plantsite at Rochelle, IL); Sub-No. 38, Hamilton County, OH (Fernald, OH) and Johnson County, IA (Iowa City, IA); Sub-No. 40, Kankakee County, IL (Bradley, IL); Cerro Gordo County, IA (Mason City, IA); Woodbury and Plymouth Counties, IA, Dakota County, NE and Union County , SD (Sioux City, IA); Leavenworth and Wyandotte Counties, KS and Platte County, MO (Leavenworth, KS); Dodge, Douglas and Saunders Counties, NE (Fremont, NE); Douglas and Sarpy Counties, NE and Pottawattamie County, IA (Omaha, NE); Washington, Ramsey and Dakota Counties, MN (South St. Paul, MN); Winona County, MN and Buffalo County, WI (Winona, MN); and Dane County, WI (Madison, WI); Sub-No. 41, Shelby, Johnson, Tipton and Fayette Counties, TN (Memphis, TN); Sub-No. 42, Dearborn County, IN and Hamilton County, OH (Lawrenceburg, IN); Sub-No. 45, St. Joseph County, IN and Berrien and Cass Counties, MI (South Bend, IN); Sub-No. 50, Pulaski County, AR (plantsite near North Little Rock, AR); Sub-No. 61, Tulsa, Osage, Creek, Wagoner and Rogers Counties, OK (Tulsa, OK); and Dallas County, TX (Irving, TX); Sub-No. 65, Elkhart and St. Joseph Counties, IN and Cass County, MI (Elkhart, IN); and Lucas, Ottawa and Wood Counties, OH and Monroe County, MI (Toledo, OH); Sub-No. 68, Wayne County, OH (Orrville, OH); and Kent, Ottawa, Calhoun and Kalamazoo Counties, MI (Battle Creek and Grand Rapids, MI); Sub-No. 70, Iowa City, IA and Kansas City, KS (plantsites at Iowa City, IA and Kansas City, KS); Sub-No. 75, Will County, IL (plantsite in Will County, IL); Sub-No. 79, Linn, Benton, Johnson and Lee Counties, IA and Hancock County, IL and Clark County, MO (Cedar Rapids and Keokuk, IA); Sub-No. 84, Allen, Van Wert, Putnam, Huron, Seneca, Sandusky, Erie and Marion Counties, OH (Delphos, Bellevue, and Marion, OH); Sub-No. 91, Cass County, IN (facilities near Logansport, IN); Sub-No. 104, Cincinnati, OH (facilities at Cincinnati, OH); Sub-No. 107, Shelby County, OH (facilities near Sidney, OH); Sub-No. 111, Hamilton County, OH (facilities at Ivorydale, OH); and Sub-No. 114, Park County, IN (Clinton, IN); (E) replace one-way authority with radial authority; (F) remove restrictions limiting traffic to that originating at or destined to the facilities of a named company in Sub-Nos. 37, 55, 58, 70, 75, 79, 86, 87, 89, 91, 94, 95, 99, and 103; (G) remove restrictions against service at: Sub-No. 1, Decatur and Bloomington, IL (sheet 2), Indianapolis, IN (sheet 3), and Memphis, TN (sheet 4); Sub-No. 40, Knoxville, TN; Sub-No. E-1, Memphis, TN; Sub-Nos. 55, 75, 79, 86, 87, 94, 118, and 123, AK and HI; Sub-No. 89, AK, HI, and IN; and Sub-No. 97, IL, AK and HI; (H) remove restrictions against: tacking "on intransit traffic only"; "interlining at Bradley, IL"; and "foreign commerce originating at or destined to points in Canada moving through specific ports of entry in NY and MI" in Sub-No. 40; tacking to permit origin of traffic at Jacksonville, IL and points in its commercial zone in Sub-No. 41; transportation of shipments destined to points in Canada in Sub-No. 42; and transportation of traffic from the terminal of a named company in Sub-No. 100.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.10.

MC 127602 (Sub-29)X, filed August 10, 1981. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., P.O. Box 1774, Litchfield Park, AZ 85340. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its MC-127602 (Sub-Nos. 10, 15 and 20) certificates to (1) broaden the commodity descriptions to "food and related products" from meat, meat products, and meat by-products, and articles distributed by meat packinghouses; (2) remove the facilities restriction in Sub-No. 10; (3) replace city with county authority as follows: Sioux Center, IA with Sioux County, IA in Sub-No. 10; Fort Morgan, CO with Morgan County, CO in Sub-Nos. 15 and 20; Greeley, CO with Weld County, CO in Sub-No. 15; and Sterling, CO with Logan County, CO in Sub-Nos. 15 and 20; (4) remove "originating at and destined to" restrictions in Sub-Nos. 10 and 15; (5) remove restrictions "hides, skins, and pieces thereof, and liquid commodities, in bulk" (Sub-No. 10); "hides and commodities in bulk" (Sub-No. 15); and "commodities in bulk, in tank vehicles" (sub-No. 20; and (6) authorize two-way authority (Sub-Nos. 10, 15, and 20) in place of one-way authority.

MC 133037 (Sub-8)X, filed August 17, 1981. Applicant: MILE-HI EXPRESS, INC., 1335 E. 40th St., Denver, CO 80205. Representative: Jack B. Wolfe, 1600 Sherman St. #665, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5F, and 6F certificates to (1) broaden its commodity description in all Subs to "food and related products" from foodstuffs and meat, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B and C of Appendix I to the Report in the *Descriptions* case, 61 M.C.C. 209 and 766; (2) remove the restriction prohibiting the transportation (a) of specified commodities in vehicles equipped with mechanical refrigeration, and (b) traffic destined to a named point in Sub-No. 2; (3) replace city-wide authority with county-wide authority: Denver, CO in all Subs, with Denver, Adams, Arapahoe, Jefferson and Douglas Counties, CO; and (4) expand one-way authority to radial authority between points in 3 western States, in all Subs.

MC 134133 (Sub-4)X, filed August 24, 1981. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, NH 03820. Representative: Mary E. Kelley, 22 Stearns Avenue, Medford, MA 02155. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, and 3 certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all three Sub-Nos.; (2) broaden named facilities and cities to counties; Logan International Airport located in Boston, MA, to Suffolk, Middlesex, Norfolk, Essex, and Plymouth Counties, MA, in all three Sub-Nos.; Seabrook, Hampton, Newmarket, Newington, Rochester, Durham, Exeter, Somersworth, Portsmouth, and Dover, NH, to Rockingham, and Strafford Counties, NH, in Sub-No. 1; and (3) delete restriction limiting transportation to traffic weighing not more than 200 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day in all Sub-Nos.

MC 136818 (Sub-132)X, filed August 10, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 West Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Applicant seeks to remove restrictions from its certificate in MC-136818, Sub-Nos. 2, 6, 17, 21, 28, 34, 35, 36, 37, 39, 40, 45, 51, 52, 53, 55, 66, 67, 68, 69, 72, 73, 75, 76, 82, 86, 93, 94, 95, 98, 99, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 115, 120, 122, 123 and 126 and its permits in MC-136897 and Sub-Nos. 4, 5, 6, 13, 16, 23, 24, 25, 26, 27, 28, and 30 to (1) broaden the certificate commodity descriptions as follows: Sub-No. 2, from iron and steel scrap, compressed auto bodies and reinforcing iron and steel bars to "metal products"; Sub-No. 6, from scrap metal and flattened automobile bodies to "metal products";

Sub-No. 17, from frozen foods to "food and related products"; Sub-No. 35, from petroleum and petroleum products to "petroleum natural gas and their products"; Sub-No. 36, part (1), from glass, glass spheres, and thermo plastic marking materials to "clay, concrete, glass or stone products, rubber and plastic products"; Sub-No. 37, from iron and steel articles to "metal products"; Sub-No. 40 from (1) general commodities (except articles of unusual value and Classes A and B explosives) and (2) used containers, used trailers and used trailer chassis to "general commodities, except Classes A and B explosives"; Sub-No. 51, from laminated wood beams to "building materials"; Sub-No. 53, from lime to "building materials"; Sub-No. 55, from iron and steel articles to "metal products"; Sub-No. 66, from non-frozen canned goods to "food and related products"; Sub-No. 67, from foodstuffs to "food and related products"; Sub-No. 68, from petroleum products to "petroleum, natural gas and their products"; Sub-No. 72, from frozen foods to "food and related products"; Sub-No. 76, from (1) paper and paper products (except in bulk) and (2) commodities produced or distributed by manufacturers and converters of paper and paper products (except in bulk) to "pulp, paper and related products"; Sub-No. 93, from sugar to "food and related products"; Sub-No. 94, from bananas to "food and related products"; Sub-No. 95, from bastnasite ore to "ores and minerals"; Sub-No. 99, from insulation materials to "building materials"; Sub-No. 103, from foodstuffs and canned goods to "food and related products"; Sub-No. 104, from foodstuffs to "food and related products"; Sub-No. 105, from scrap paper to "pulp, paper and related products"; Sub-No. 106, from cheese products and synthetic cheese to "food and related products"; Sub-No. 107, from alcoholic liquors, Sub-No. 111, from (1) furniture, (2) furniture parts and (3) materials, equipment and supplies used in the manufacture of the commodities in (1) and (2) above to "furniture and fixtures"; Sub-No. 113, from cheese and cheese products, and materials, equipment and supplies used in the manufacture of cheese to "food and related products"; Sub-No. 120, from iron and steel articles to "metal products"; Sub-No. 122, and 123 from alcoholic beverages to "food and related products"; Sub-No. 126, from salt and salt products to "food and related products"; (2) replace one way with radial authority in Sub-Nos. 2, 17, 21, 28, 34, 35, 36, 37, 45, 51, 52, 53, 55, 66, 67, 68, 69, 72, 73, 75, 76, 93, 94, 95, 96, 99, 103, 105, 106, 109, 111, 112, 113, 115, 120; (3) remove facility restrictions or originating at and destined to restrictions in Sub-Nos. 2, 21, 28, 51, 52, 73, 76, 82, 95, 98, 99, 103, 104, 106, 107, 109, 110, 111, 112, 120; (4) remove in bulk in tank vehicles, in packages in vehicles equipped with mechanical refrigeration, in containers or in trailers, in mixed loads restrictions in Sub-Nos. 21, 28, 34, 35, 39, 40, 45, 52, 67, 68, 69, 73, 76, 82, 86, 93, 104, 107, 109, 110, 111, 112; (5) remove and/or replace named facilities limitations with county-wide authority in Sub-No. 2, Phoenix and Tempe, AZ, with Maricopa County, AZ; Sub-No. 17, Ontario, OR, Burley, ID, Phoenix and Tempe, AZ, with Malheur County, OR, Cassia County, ID, and Maricopa County, AZ; Sub-No. 21, Springfield, MO, with Greene County, MO; Sub-No. 28, Pocatello, ID, with Bannock County, ID; Sub-No. 36, Jackson, MS, with Hinds County, MS; Sub-No. 39, Searcy, AR, with White County, AR; Sub-No. 45, Golden, CO, with Jefferson County, CO; Sub-No. 51, Magna, UT, with Salt Lake County, UT; Sub-No. 52, Carroll, Denison, Iowa Falls, Cherokee, Des Moines, Fort Dodge, Sioux City, IA, and Crete, Lincoln, Omaha, NE, with Carroll, Crawford, Harding, Cherokee, Polk, Webster, Woodbury Counties, IA, and Saline, Lancaster, Douglas Counties, NE; Sub-No. 53, Dolomite, UT, with Tooele County, UT: Sub-No. 66, Belledeau, St. Francisville, LA, and Hoopeston and Princeville, IL, with Rapides, West Feliciana Parishes, LA, and Vermillion, Peoria Counties, IL: Sub-No. 68, Maryland Heights, MO, with St. Louis County, MO; Sub-No. 69, Branson, MO, Pachuta, MS, Waupaca, WI, Dickinson, ND, White City, OR, Ocala, FL, with Taney County, MO, Clarke County, MS, Waupaca County, WI, Stark County, ND, Jackson County, OR, Marion County, FL; Sub-No. 72, Ontario, OR, Burley, ID, with Malheur County, OR, Cassia County, ID; Sub-No. 75, Meta, MO, with Osage County, MO; Sub-No. 93 Reserve, LA, with St. John Baptist Parish, LA; Sub-No. 94, Gulfport, MS, Galveston, TX, with Harrison County, MS, Galveston County, TX; Sub-No. 95, Mountain Pass, CA, Beverly, Philo and Circleville, OH, York, PA, with San Bernardino County, CA, Washington, Muskigum and Pickaway Counties, OH, and York County, PA; Sub-No. 98, McPherson, KS, Hillsboro and Waco, TX, with McPherson County, KS, McLennan and Hill County, TX; Sub-No. 99, Fruita, CO, with Mesa County, CO; Sub-No. 103, Delta, CO, with Delta County, CO; Sub-No. 104, Weslaco, TX, with Hidalgo County, TX; Sub-No. 107, FT. Smith, AR, Bardstown and Louisville, KY, Plainfield, IL, with Sebastian County, AR, Jefferson and Nelson Counties, KY, and Will County, IL; Sub-No. 109, Tracy, CA, with San Joaquin County, CA; Sub-No. 110, Newark, CA, with Alameda County, CA; Sub-No. 111, Tempe and Phoenix, AZ, with Maricopa County, AZ; Sub-No. 112, Holcomb, KS with Finney County, KS; Sub-No. 115, Phoenix and Tolleson, AZ, with Maricopa County, AZ; Sub-No. 120, Plymouth, UT, with Box Elder County, UT; (6) Sub-No. 40, remove the restriction requiring traffic to have an immediately prior or subsequent movement by water; Sub-No. 107, remove the exceptions of AK and HI and Denver and Pueblo, CO. Sub-Nos. 10, 111, 115, remove the exceptions of AK and HI; (6) broaden the permit commodity descriptions as follows: lead permit MC–136897 and Sub-No. 4, from printing paper to "pulp, paper and related products"; Sub-No. 24, from tires and tubes to "rubber and plastic products"; Sub-No. 26, from automatic storage and retrieval systems to "metal and machinery proudcts"; Sub-No. 16 and 28, from iron and steel articles (with exceptions) to "metal products"; Sub-No. 30, from plastic containers to "rubber and plastic articles"; (7) broaden the territorial description to "between points in U.S.", under continuing contract(s) with the named shippers in the lead permit MC–136897 and Sub-Nos. 4, 5, 6, 13, 16, 23, 24, 25, 26, 27, 28 and 30; and (8) remove except commodities in bulk and hides (lead and Sub-Nos. 6, 25, and 27); except newsprint (lead); other than newsprint (Sub-No. 4); commodities in bulk in tank vehicles (Sub-No. 6); except commodities in bulk; lumber and forest products and commodities which because of size or weight require the use of special equipment (Sub-No. 13 and 25); except wearing apparel loose on hangers (Sub-No. 23).

MC 138875, (Sub–309)X, filed August 13, 1981. Applicant: SHOWMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: David E. Wishney, Attorney at Law, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 39, 53, 54, 58, 81F, 83F, 95F, 102F, 104F, 105F, 117F, 158F, 188F, 197F, 219F, 221F, 265F, 280F, 281F, 287F, 294 and 295 certificates to (1) broaden the commodity description to "such commodities as are dealt in by grocery and food business houses and food and related products" from (a) frozen foods and potato products other than frozen, (except in bulk, and except meats, meat products, and meat by-products, and articles distributed by meat packing houses as described in sections A and C

of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766) in Sub-Nos. 39, 53 and 54; (b) frozen foods in Sub-Nos. 83F, 95F, 104F, and 105F; (c)(1) frozen foods and (2) frozen vegetables in Sub-No. 102F; (d) frozen foods (except commodities in bulk, and except meats, meat products, and meat by-products, and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766) and potato products (except frozen) in Sub-No. 265F; (e) foodstuffs in Sub-Nos. 219F and 280F; (f)(1) foodstuffs and (2) materials and supplies used in the manufacture of (1) above in Sub-No. 287F; (g) foods in Sub-No. 81F; (h) bakery products in 158F; (i) frozen bakery products in Sub-No. 197F; (j) confectionery products in Sub-No. 281F; (k)(1) wines, (2) advertisting materials, racks and supplies related to (1) above in Sub-No. 58; (l) wines in Sub-No. 117F; (m)(1) feed and feed ingredients, and (2) materials and supplies used in the manufacture and distribution of the commodities in (1) above, and (3) commodities the transportation of which is otherwise exempt from economic regulation under the provisions of 49 U.S.C. 10526 (a)(6) (formerly section 203 (b)(6) of the Interstate Commerce Act) in mixed loads with the commodities in (1) and (2) above in Sub-No. 188F; (n) feed, ingredients and feed supplements in Sub-No. 221F; and (o) alcoholic beverages, malt liquors, wine and empty containers in Sub-No. 294 and 295; (2) replace authority to serve specified cities and facilities with county-wide authority; facilities at Plover, WI with Portage County, WI in 81F; facilities at Borah, Burley and Fruitland, ID and Ontario, OR with Boise, Ada, Cassia and Payette Counties, ID and Malheur County, OR in Sub-No. 83F; facilities at Greenville, MI with Montcalm County, MI in Sub-No. 95F; facilities at Wethersfield, CT with Hartford County, CT in Sub-No. 104F; facilities at Greenville, MI with Montcalm County, MI in Sub-No. 105F; facilities at McComb, OH with Hancock County, OH in Sub-No. 158F; facilities at Lake City, PA and Massillon, OH with Erie County, PA and Stark County, OH in Sub-No. 197F; and facilities at Muscatine and Iowa City, IA, Holland, MI, Fremont and Toledo, OH, Pittsburgh, PA and Tracy, CA with Muscatine and Johnson Counties, IA, Ottawa County, MI; Sandusky and Lucas Counties, OH, Allegheny County, PA and San Joaquin County, CA in Sub-No. 280F; (3) eliminate bulk restriction in Sub-Nos. 39, 53, 54, 58, 81F, 95F, 105F, 117F, 158F, 188F, 219F, 221F, 265F, 280F, 281F, and 287F; (4) change all one-way to radial authority; and (5) remove the equipment restrictions in Sub-Nos. 58, 117, and 188F, and remove the originating at and destined to restrictions in Sub-Nos. 58, 81F, 83F, 104F, 105F, 117F, 197F, 280F, and 287F.

MC 140615 (Sub-66)X, filed August 20, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 55 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) delete restriction limiting transportation from the facilities of named shippers associations located at Chicago, IL, Philadelphia, PA, and Hoboken, NJ; and (3) authorize radial authority in place of existing one-way authority between the cities listed above, and points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 140902 (Sub-18)X, filed August 7, 1981. Applicant: DPD, INC., 3600 NW 82nd Avenue, Miami, FL 33166. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 6F, and 11F permits to (1) change the commodity descriptions to: Sub-No. 3, "transportation equipment" from such commodities as are dealt in or used by manufacturers and dealers of automobile parts; Sub-No. 6, "rubber and plastic products, and metal products" from tires and tire parts, inner tubes and inner tube parts, and wheels; and Sub-No. 11, "lumber and wood products, pulp, paper and related products, clay, concrete, glass or stone products, and metal products" from prefabricated buildings, and parts of buildings; and (2) broaden the territorial description in each permit to authorize service between points in the U.S., under continuing contract(s) with named shippers (Chrysler Corporation, Service and Parts Division, of Highland Park, MI, in Sub-No. 3).

MC 141700 (Sub-4)X, filed August 12, 1981. Applicant: KENNETH SCHUCK TRUCKING, INC., R. D. #8, Box 392, Allentown, PA 18104. Representative: Robert J. Brooks, Suite 1115, 1828 L Street NW., Washington, D.C. 20036. Applicant seeks to remove restriction in its lead permit to (A) broaden the commodity description to: "rubber and plastic products, and materials, equipment, and supplies used in their installation, manufacture, and distribution" form plastic pipe, ducts, tubes, fittings and attachments, and materials and supplies used in the installation, of manufacture, and distribution of plastic pipe, ducts, and tubes and (B) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 144622 (Sub-211)X, filed July 13, 1981 and noticed in the **Federal Register** of July 30, 1981, republished as corrected in this issue. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J.B. Stuart, P.O. Box 179, Bedford, TX 76021. Applicant seeks to remove restrictions in its Sub-Nos. 27F, 42F, 85, 119F, 121F, 148F, 151F, 169, 171F, 176F, 186, 188, and 189 certificates to (1) broaden the commodity descriptions from (a) foodstuffs, rubber articles, plastic articles, and drugs to "food and related products, rubber and plastic products, and chemicals and related products" in Sub-Nos. 27F and 42F; (b) household products, dessert preparations, milk food liquid, beverage preparations noncarbonate water, hair care toiletries and hair care equipment, shampoo, drugs, soap, and toilet articles to "household products, food and related products, and chemicals and related products" in Sub-No. 119F; (c) chemical products to "chemicals and related products" in Sub-No. 121F; (d) household applicances and parts and accessories for household applicances to "machinery and household appliances and parts and accessories" in Sub-No. 148F; (e) television sets and recorders to "machinery" in Sub-No. 169; (f) petroleum products, chemicals and plastic materials to "petroleum, natural gas and their products, chemicals and related products, and rubber and plastic products" in Sub-No. 176F; (g) canned frozen citrus juice concentrate and canned juices, and canned foodstuffs to "food and related products" in Sub-No. 186; (h) drugs, toilet preparations, health care items, alumina hydroxice, magnesium hydroxide, and bottles to "chemicals and related products, rubber and plastic products, and clay, concrete, glass or stone products" in Sub-No. 188; and (i) chemicals, petroleum products and cleaning products to "chemicals and related products, and petroleum, natural gas and their products" in Sub-No. 189; (2) delete the "except in bulk, size and weight, frozen, and vehicle restrictions" in Sub-Nos. 85, 151F, 171F, 176F, and 186; (3) delete the facilities restrictions in Sub-Nos. 27F, 42F, 85, 119F, 121F, 148F, 151F, 169, and

171F; (4) remove the "originating at" restriction in Sub-Nos. 27F and 42F; (5) broaden cities to counties as following: (a) Columbus, OH to Franklin County, OH and Altavista, VA to Campbell County, VA in Sub-No. 27F; (b) Columbus, OH to Franklin County, OH in Sub-No. 42F; (c) Cleveland, OH to Cuyahoga County, OH in Sub-No. 121F; (d) Little Rock, AR to Pulaski County, AR, Louisville, KY to Jefferson County, KY, Chicago, IL to Cook County, IL, Milwaukee, WI to Milwaukee County, WI, Columbia, MD to Howard County, MD, Columbia, TN to Maury County, TN, Decatur, AL to Morgan County, AL, and Bloomington, IN to Monroe County, IN in Sub-No. 148F; (e) Little Rock, AR to Pulaski County, AR in Sub-No. 169: (f) Opeliko, AL to Lee County, AL; Menlo Park and Torrance, CA to San Mateo and Los Angeles Counties, CA, Eatonton and Waycross, GA to Putnam and Ware Counties, GA, Dunkirk and Eaton, IN to Jay and Delaware Counties, IN, Elizabeth, NJ to Union County, NJ, Bedford Heights, Columbus, Coshocton, Jackson, Lancaster, Leesburg, Massillon, Mt. Sterling, Roseville, Sandusky, and Wapakoneta, OH to Cuyahoga, Franklin, Coshocton, Jackson, Fairfield, Highland, Stark, Madison, Muskingum, Erie and Auglaize Counties, OH, and Fort Worth, TX to Tarrant County, TX in Sub-No. 171F; and (g) Big Spring, TX to Howard County, TX, Calumet City, IL to Cook County, IL, Orange, CA to Orange County, CA, Hammond, IN to Lake County, IN, and Windsor and Trenton, NJ to Mercer County, NJ in Sub-No. 176F; (6) eliminate the exception of service to AK and HI in Sub-Nos. 85, 171F, and 176F; and (7) authorize radial service in lieu of one-way authority between the cities and counties named above and points throughout the U.S. in Sub-Nos. 27F, 42F, 119F, 121F, 148F (part 2), 151F, and 169. The purpose of this republication is to correct the docket number in this proceeding as noticed in the FR of July 30, 1981, this application was erroneously identified as No. MC-144622 (Sub-No. 22)X.

MC 145102 (Sub-78)X, filed August 12, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 South Union Avenue, Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3F, 9F, 12F, 14F, 17F, 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, 30F, 32F, 34F, 36F, 37F, 38F, 40F, 43F, 44F, 45F, 46F, 47F, 48F, 49F, 50F, 52, 53F, 54F, 55, 56F, 57, 58F, 59F, 60, 61F, 62F, 63F, 64F, 65F, 66F, 67F, 68F, 69F, 70, and 72 certificates to (1) remove the following restrictions: (a) "except commodities in bulk" in Sub-Nos. 1, 3F, 9F, 12F, 17F, 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, 36F, 38F, 40F, 44F, 46F, 47F, 48F, 50F, 55, 59F, 60, and 63F; (b) except "hides" in Sub-Nos. 3F, 9F, 20F, 21F, 23F, 24F, 26F, 27F, 40F, 44F, 48F, 50F, and 63F; (c) "in vehicles equipped with mechanical refrigeration" in Sub-No. 1; (d) "except AK and HI" in Sub-Nos. 12F, 37F, 47F, 49F, 55, 57, 59F, 63F, and 69F; and (e) the "originating at and/or destined to" restrictions in Sub-Nos. 1, 3F, 9F, 12F, 14F, 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, 36F, 37F, 38F, 46F, 48F, 50F, 59F, 60, 61F, 63F, 64F, and 65F; (2) change one-way to radial authority in Sub-Nos. 1, 3F, 9F, 12F, 14F, 17F, 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, 30F, 32F, 34F, 36F, 37F, 40F, 43F, 44F, 45F, 47F, 48F, 49F, 50F, 52, 53F, 54F, 55, 56F, 57, 58F, 60, 61F, 62F, 63F, 64F, 65F, 66F, 67F, 68F, 69, and 70; (3) remove the facilities limitations in Sub-Nos. 30F, 44F, 49F, 62F, and 72 (Part 2); (4) change city-wide authority as follows: (Sub-No. 1)-Bismarck and Fargo, ND to Burleigh, Morton, and Cass Counties, ND and Clay County, MN; Champaign, IL to Champaign County, IL; Greensburg, PA to Westmoreland County, PA; Hopkings, MN to Hennepin County, MN; Fort Wayne, IN to Allen County, IN; Indianola, MS to Sunflower County, MS; Green Bay, WI to Brown County, WI; Xenia, OH to Greene County, OH; Anniston, AL to Calhoun County, AL; and Mitchell, SD to Davison County, SD; (Sub-3F)-Esterville, IA to Emmet County, IA and Worthington, MN to Nobles County, MN; (Sub-No. 9F)-Albert Lea, MN to Freeborn County, MN; Cedar Rapids and Cherokee, IA to Linn and Cherokee Counties, IA; Logansport, IN to Cass County, IN; Monmouth, IL to Warren County, IL; and Marshall, MO to Saline County, MO; (Sub-No. 14F)-Appleton and Combined Locks, WI to Outagamie and Winnebago Counties, WI; (Sub-No. 20F)-Mason City and Britt, IA to Cerro Gordo and Hancock Counties, IA; (Sub-No. 21F)-New London, WI to Waupaca and Outagamie Counties, WI; (Sub-No. 22F)-Green Bay, Mosinee, and Columbus, WI to Brown, Marathon, Columbia, and Dodge Counties, WI; (Sub-No. 23F)-Green Bay, WI to Brown County, WI; (Sub-No. 24F)-Sioux City, IA to Woodbury County, IA and Dakota County, NE; (Sub-No. 25)-Appleton, WI to Outagamie and Winnebago Counties, WI; (Sub-No. 26F)-Worthington, MN to Nobles County, MN; (Sub-No 27F)-Denison, Vinton, and Dubuque, IA to Crawford, Benton, and Dubuque Counties, IA and Jo Daviess County, IL; (Sub-No. 32F)-Henderson, KY to Henderson County, KY; Romulus, MI to Wayne County, MI; Frankfort, OH to Ross County, OH; and Clear Lake, Ventura, and Dubuque, IA to Cerro Gordo and Dubuque Counties, IA and Jo Daviess County, IL; (Sub-No. 36F)-Austin and Owatonna, MN to Mower and Steele Counties, MN; (Sub-No. 40F)-Schuyler, NE to Colfax County, NE; (Sub-No. 43F)-Lena, WI to Oconto County, WI; (Sub-No. 44F)-Austin, MN to Mower County, MN; Fort Dodge and Ottumwa, IA to Webster and Wapello Counties, IA; and Fremont, NE to Dodge County, NE; (Sub-No. 45F)-Monroe and Sun Prairie, WI to Green and Dane Counties, WI; (Sub-No. 46F)-Green Bay, Menasha, Kaukauna, Kimberly, and Appleton, WI to Brown, Winnebago, and Outagamen Counties, WI; (Sub-No. 47F)-Paynesville and Rochester, MN to Stearns and Olmsted Counties, MN; (Sub-No. 48F)-Carroll, Cherokee, Denison, Fort Dodge, Iowa Falls, and Sioux City, IA to Carroll, Cherokee, Crawford, Webster, Hardin, and Woodbury Counties, IA and Dakota County, NE; and Crete and Lincoln, NE to Saline and Lancaster Counties, NE; (Sub-No. 49F)-Sheboygan Falls, WI to Sheboygan County, WI; (Sub-No. 50F)-Cherokee, Postville, Storm Lake, and Sioux City, IA to Cherokee, Allamakee, Clayton, Buena Vista, and Woodbury counties, IA and Dakota County, NE; (Sub-No. 52F)-Beaver Dam, WI to Dodge County, WI; (Sub-No. 53F)-Rochester, MN to Olmsted County, MN; (Sub-No. 54F)-Denison, TX to Grayson County, TX; (Sub-No. 55F)-Eau Claire, WI to Eau Claire and Chippewa Counties, WI; (Sub-No. 56F)-Ripon, WI to Fond du Lac County, WI; (Sub-No. 57F)-Waterloo, WI to Jefferson County, WI; (Sub-No. 58F)-St. Francisville, LA to West Feliciana Parish, LA; and Hoopeston and Princeville, IL to Vermilion and Peoria Counties, IL; (Sub-No. 59F)-Hammond, IN to Lake County, IN; Muscatine, IA to Muscatine County, IA; Versailles, KY to Woodford County, KY; Taunton, MA to Bristol County, MA; and Ossining, NY to Westchester County, NY; (Sub-No. 60)-Southgate, CA to Los Angeles County, CA and Marion and London, OH to Marion and Madison Counties, OH; (Sub-No. 61F)-New Hope, MN to Hennepin County, MN; (Sub-No. 62F)-Appleton, WI to Outagamie and Winnebago Counties, WI; (Sub-No. 64F)-Terminal Island, CA to Los Angeles County, CA; (Sub-No. 65F)-LaMars, IA to Plymouth County, IA and Mankato and Wichita, KS to Jewell and Sedgwick Counties, KS; (Sub-No. 66F)-Livingston, WI to Grant and Iowa Counties, WI; and (Sub-No. 72)-Sioux City, IA to Woodbury County, IA and Dakota County, NE; and (5) broaden the commodity descriptions to: (a) "food and related products", in (1) Sub-Nos.

3F, 9F, 20F, 21F, 23F, 24F, 26F, 27F, 40F, 44F, 48F, 50F, and 63F, from meats, meat products, and meat by-products, and articles distributed by meat packing houses as described in *Sections A & C of Appendix I to the Report and descriptions in Motor Carrier certificates, 61 MCC 209 and 766;* (2) Sub-Nos. 12F,43F, 47F, 53F, 66F, from cheese and cheese products; (3) Sub-No. 30F from frozen bakery products; (4) Sub-Nos. 36F, 45F, 52F, 55F, 56F, 57F, 61, and 65F from foodstuffs; (5) Sub-No. 54F, from prepared foodstuffs; (5) Sub-No. 58F canned goods; (6) Sub-No. 64F from canned goods and pet food; (7) Sub-No. 68F from dairy products and synthetic dairy products; (8) Sub-No. 69F from cheese and cheese products and foodstuffs"; (9) Sub-No. 70 from food products; and (10) Sub-No. 72 from meats, meat products, meat by-products and articles distributed by meat packing houses; (b) "pulp, paper, and related products" from paper and paper products in Sub-Nos. 14F, and 34F; (c) "chemicals and related products" from cleaning solutions in Sub-No. 22F; and (d) "transportation equipment" from wheels, rims, spindles, hub caps, grease caps, and brake drums" in Sub-No. 32F.

MC 147323 (Sub-35)X, filed August 13, 1981. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Avenue, Dearborn, MI 48126. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in its permit No. MC–146146 Sub-No. 7F to (a) broaden the commodity description from (1) iron and steel articles, (2) machinery, (3) contractors' equipment, and (4) materials, equipment, and supplies, used in the manufacture and distribution of the commodities in (1) through (3) above, except commodities in bulk), to "metals, machinery, transportation equipment and those commodities which, because of size or weight, require the use of special equipment or special handling" and materials, equipment, and supplies used in their manufacture and distribution" (b) change the territorial description to between points in the United States under contract w/named shippers.

MC 149137 (Sub-10)X, filed August 20, 1981. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Ave., Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (A) broaden its commodity description in part (1) to "rubber and plastic products", from plastics and plastic articles; (B) remove facilities restriction and broaden Troy, MI to Wayne, Oakland, and Macomb Counties, MI; and (C) eliminate the AK and HI exception.

[FR Doc. 81-25779 Filed 9-2-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 45)]

Burlington Northern Railroad Company Exemption for Contract Tariff ICC–BN–C–0016

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and its contract and contract tariff to be filed may be made effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:
Jane F. Mackall
(202) 275–7656.

SUPPLEMENTARY INFORMATION:

The Burlington Northern Railroad Company (BN) filed on August 25, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit it to make tariff ICC–BN–C–0016 effective on September 1, 1981.

The contract between the BN and John Deere Company gives farmers in Minnesota, North Dakota, and Montana an opportunity to view and evaluate new agricultural implements transported by the BN. The normal practice of "in the field" demonstrations is not feasible because the agricultural implements to be utilized are prototypes and full scale assembly has not begun. September 1, 1981 was the target date set to effect this contract publication. The contract expires on October 17, 1981.

Under 49 U.S.C. 10713 (e) contracts must be filed to become effective on not less than 30 nor more than 60 day's notice. There is no provision for waiving this requirement. Cf. Former section 10762 (d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

BN shall be granted a waiver and may file its contract and contract tariff on one day's notice to be effective September 1, 1981. It appears that every effort was made to submit this contract on at least 30 days' notice to make the effective date of September 1, 1981. Due to the uniqueness of the movement, however, additional time was required to provide both John Deere and the BN with satisfactory contract provisions. For example, additional time was necessary to coordinate efforts at beneficial stop-offs in conjunction with a workable schedule, to eliminate conflicts with the fall harvest, and to determine what prototype equipment would be available. We thus conclude that this is the type of exceptional circumstance which warrants an exemption.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505 (c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: August 28, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commisssioner Taylor did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-25830 Filed 9-2-81; 8:45 am]
BILLING CODE 7035-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-64)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council.

DATE AND TIME: September 30, 1981, 9 a.m. to 3:30 p.m.

ADDRESS: NASA Headquarters, Room 7002, 400 Maryland Avenue SW., Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB–4, National Aeronautics and Space Administration, Washington, D.C. 20546 (202/755–8383).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Council is chaired by Dr. William A. Nierenberg and is composed of twenty members. Standing committees containing additional members report to the Council and provide advice in the substantive areas of aeronautics, life sciences, space and terrestrial applications, space science, space systems and technology, and history, as they relate to NASA's activities.

Visitors will be admitted to the meeting room up to its capacity, which is approximately 60 persons including Council members and other participants. Visitors will be requested to sign a visitor's register.

TYPE OF MEETING: Open.

Agenda

September 30, 1981.
9 a.m.—Introduction.
9:15 a.m.—Report of Solar System Exploration Committee.
9:45 a.m.—Discussion of Council Report to NASA.
1 p.m.—Council Report to NASA.
3:30 p.m.—Adjourn.

Russell Ritchie,
Deputy Associate Administrator for External Relations.
August 28, 1981.
[FR Doc. 81–25702 Filed 9–2–81; 8:45 am]
BILLING CODE 7510–01–M

[Notice 81–62]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Transport Aircraft.

DATE AND TIME: September 21, 1981, 9 a.m. to 5:30 p.m.; September 22, 1981, 9 a.m. to 5 p.m.; September 23, 1981, 9 a.m. to 12 Noon.

ADDRESS: NASA Dryden Flight Research Center, Building 4800, Conference Room No. 1, Edwards, CA.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Winblade, National Aeronautics and space Administration, Code RJT–2, Washington, DC 205436, (202/755–3000).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Transport Aircraft has been established to assist the NASA in assessing the current adequacy of transport aircraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in transport advanced aerodynamics, active controls, materials, propulsion, avionics, and safety. The Subcommittee, chaired by Mr. Russell Hopps, is comprised of eight members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

Agenda

September 21, 1981
9 a.m.—Opening Remarks.
9:30 a.m.—Overview of Office of Aeronautics and Space Technology (OAST) Aeronautical Programs/ Management.
10 a.m.—Update of NASA FY 82 Budget and Outlook.
10:30 a.m.—Review of NASA Research & Technology Base Activities Applicable to Transports.
5:30 p.m.—Adjourn.
September 22, 1981
9 a.m.—Transport Aircraft Composite Structure Program.
11 a.m.—Potential All-Electric Transport Program.
1 p.m.—Status of Langley Research Center (LRC) National Transonic Facility.
1:30 p.m.—Update of Advanced Turboprop Program.
2 p.m.—Redefinition of Laminar Flow Programs.
5 p.m.—Adjourn.
September 23, 1981
9 a.m.—Subcommittee Recommendations.
12 Noon—Adjourn.

Russell Ritchie,
Deputy Associate Administrator for External Relations.
August 27, 1981.
[FR Doc. 81–25701 Filed 9–2–81; 8:45 am]
BILLING CODE 7510–01–M

[Notice (81–63)]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on General Aviation Technology.

DATE AND TIME: September 24, 1981, 8:30 a.m. to 5 p.m.; September 25, 1981, 8 a.m. to 3:30 p.m.

ADDRESS: NASA Langley Research Center, Building 1219, Room 225, Langley Field, VA.

FOR FURTHER INFORMATION CONTACT: Mr. Harry W. Johnson, National Aeronautics and Space Administration, Code RJG–2, Washington, DC 20546, (202/755–2380).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on General Aviation Technology was established to assist the NASA in assessing the adequacy of its aeronautics research and technology program to meet the specific needs of general aviation, including commuter transport aircraft, and to recommend any modifications or augmentations of current and planned activities deemed necessary to increase their value and effectiveness in achieving commuter and general aviation program objectives. These objectives include advanced technology for increased safety, energy efficiency, utility, environmental compatibility, and economic usefulness. The program is multidisciplinary in scope, encompassing aerodynamics and flight dynamics, propulsion, materials and structures, avionics, controls and human factors. The Subcommittee, chaired by Mr. John W. Olcott, is comprised of seven members. The meeting will be open to the public up to the capacity of the room (approximately 50 persons including Subcommittee members and participants).

TYPE OF MEETING: Open.

Agenda

September 24, 1981
8:30 a.m.—Introductory Remarks.
9 a.m.—Status of Current Program.
2 p.m.—Identification and Discussion of Issues.
5 p.m.—Adjourn.
September 25, 1981
8 a.m.—Continuation of Discussion of Issues.
1 p.m.—Formulation of Conclusions and Recommendations.
3:30 p.m.—Adjourn.

Russell Ritchie,
Deputy Associate Administrator for External Relations.

August 27, 1981.

[FR Doc. 81-27700 Filed 9-3-81; 8:45 am]
BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-36]

Reports, Recommendations, Responses; Availability

• **Highway Accident Report:** *East Side Church of Christ Bus Skid and Overturn, U.S. Route 183, Near Luling, Texas, November 16, 1980 (NTSB–HAR–81–4).*—As a result of its investigation of this accident, the Board on August 3 issued these Class II, Priority Action recommendations to—

National Highway Traffic Safety Administration: Accelerate its activity to establish rulemaking action for minimum frictional quality standards for commercial vehicle tires **(H–81–33).** Advise State Motor Vehicle Inspection agencies of the problems associated with operating vehicles equipped with tires worn to noncontinuous tread groove depths **(H–81–34).** Issue model inspection criteria to prohibit the use of tires worn to noncontinuous tread groove depths **(H–81–35).** Reevaluate its Federal Motor Vehicle Safety Standard No. 119 to eliminate tire designs that produce noncontinuous tread grooves before the tire is worn to the tread wear indicators **(H–81–36).**

Federal Highway Administration: Revise 49 CFR 393.75(b) and (c) to prohibit the use of tires worn to noncontinuous tread groove depths on any axle of a commercial interstate vehicle **(H–81–37).** Issue an On-Guard Bulletin to advise owners, operators, maintenance personnel, and State commercial vehicle inspectors of the problems associated with operating vehiclesequipped with tires worn to noncontinuous tread groove depths **(H–81–38).** Evaluate Pennsylvania Department of Transportation policies for the placement of "slippery when wet" signs and the detection and correction of potential wet pavement problem locations for national policy purposes **(H–81–39).**

Texas Department of Public Safety: Revise its tire tread depth inspection criteria to prohibit the use of tires worn to noncontinuous tread groove depths **(H–81–40).** Reevaluate its tire tread depth inspection criteria that limits the tread depth criteria to only one tire in each set of dual wheels while permitting that tire to have less than 2/32 inch of tread depth in the shoulder grooves at the same time **(H–81–41).**

Texas Department of Highways and Public Transportation: Post "slippery when wet" with flashing lights at the accident location until the pavement surface is repaired and its skid resistance qualities are improved **(H–81–42).** Repair and improve the skid resistance qualities of the pavement surface at the accident location after those locations with high accident histories and low frictional quality are improved **(H–81–43).**

• **Pipeline Accident Report:** *Williams Pipe Line Company, Gasoline Explosion and Fire, Roseville, Minnesota, April 16, 1980 (NTSB–PAR–81–3).*—Class II recommendations resulting from this accident investigation were issued by the Board on July 28 to —

Williams Pipe Line Company: Revise its equipment installation procedures to include hydrostatic tests in accordance with the provisions of 49 CFR 195.302, General Requirements, and 49 CFR 195.304, Testing of Components **(P–81–17).** Evaluate its existing facilities to determine the need for explosion-proof electrical equipment **(P–81–18).** Provide appropriate written instructions to its employees covering precautionary measures to be taken in a hazardous atmosphere, particularly in regard to emergency shutdown procedures **(P–81–19).**

American Petroleum Institute, American Gas Association, and Interstate Natural Gas Association of America: Advise its member companies of the circumstances of this accident and urge that they review the adequacy of their explosion-proof electrical systems and their hydrostatic test procedures **(P–81–20).**

• **Safety Recommendation Letters:** Class II, issued to the Federal Aviation Administration, August 26:

Review the approval of Supplemental Type Certificate SA 1596 CE and the effect of the installation of the STC in Lockheed JetStar Model 1329 aircraft **(A–81–92).**

Evaluate the adequacy of the electrical system fault protection devices on Israel Aircraft Industries 1124 aircraft to ensure that the protective devices will minimize hazards to the aircraft when short circuits occur **(A–81–93)**

• **Responses to Recommendations:**

A–77–16 and –17, from the Federal Aviation Administration (August 12).—**A–77–16:** Amending 14 CFR 139.45 to require retroactive application of extended runway safety area criteria to all certificated airports would unreasonably burden airport operators; FAA may amend Part 139 to require extended safety areas in new airports, new runways, and major runway extensions; Advisory Circular 150/5335–4, emphasizing extended safety areas, was issued June 11, 1980. **A–77–17:** FAA now has an extensive program to retrofit approach landing system structures with frangible materials. (42 FR 21676, 4–28–77)

A–81–61 and –62, from the Federal Aviation Administration (August 13).—**A–81–61:** 14 CFR 121.417(b)(2)(iv) and (c)(1) require each crewmember to be trained on, and actually operate, each type of emergency exist in normal and emergency modes. Apr. 18, 1980, letter reminded all FAA Regional Flight Standards Division Chiefs of ventral exits on certain B–727 aircraft. **A–81–62:** An Airworthiness Directive which requires design change or revised placarding concerning location of emergency operating control for the ventral airstair door is not sufficiently justified. (46 FR 35588, 7–9–81)

H–81–24, from the National Association of County Engineers (July 21).—To protect natural resources, some States prohibit removal of trees without regard for highway safety; however, local agencies exert every effort to make highway systems safe within funding restraints. (46 FR 35588, 7–9–81)

M–80–93 through –96, from Shell Oil Company/Shell Chemical Company (August 7).—Shell does not concur, concluding that its actions were prudent in view of U.S. Coast Guard instructions, weather conditions, etc., prevailing at the time of the incident. (45 FR 75028, 11–13–80)

M–81–18 through –22, from the Federal Highway Administration (August 14).—**M–81–18 and –19:** FHWA's Dec. 8, 1980, memorandum to regional administrators, providing guidance for the design and warrants for span failure warning systems, states that most practical is an electrical conductor system attached to the bridge which will activate warning systems when its continuity is disrupted by span failure or collapse. **M–81–20:** A recent study, "The State of the Art of Bridge Protective Systems and Devices," in response to earlier Board recommendation H–78–2 and a nearly completed followup study to laboratory-test bridge protection models apply equally to pier protection above or below the water surface; FHWA and Coast Guard will recommend design criteria to the American Association of State Highway and Transportation Officials and the American Railway Engineers Association. **M–81–21:** A prospectus, "Ship Collisions with Bridges," has been prepared by the Marine Board, National Research Council, Assembly of Engineering, but formal requests for proposals have not yet been sent out. **M–81–22:** When results of the Marine Board study are available, FHWA will advise State highway agencies of results and recommendations; Federal-aid highway funds may be used for installing systems on bridges on Federal-aid highways. (46 FR 28772, 5–28–81)

P–81–11 and–12: from the American Gas Association (August 13).—There are serious objections to transmitting these recommendations to member companies. **P–81–11:** Indiscriminate shutdown of a system can result in greater hazards than no shutdown at all; each emergency is unique and onsite conditions must be considered. **P–81–12:** Alternatively, AGA recommends that unrestrained compression couplings be checked for proper installation *in conjunction*

with other regularly scheduled maintenance. (46 FR 34734, 7–2–81)

R–78–39, from National Railroad Passenger Corporation (Amtrak) (August 7).—All new locomotives and self-propelled equipment purchased to Amtrak specifications are equipped with cab signal and automatic train control Amtrak has asked for information regarding use of cab signal and automatic train control on equipment which it operates, but does not own; this equipment performs extensive commuter service in the Northeast Corridor, and prohibiting its use or restricting it beyond provisions of Amtrak timetable Order 1562–A1 could significantly disrupt service. (45 FR 81695, 12–11–80)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Dated: August 28, 1981.

Margaret L. Fisher,

Federal Register Liaison Officer.

[FR Doc. 81–25593 Filed 9–2–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–364]

Alabama Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. NPF–8 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The ammendment redefines a group of containment cooling fans to be one fan instead of two fans. Analysis has shown one fan in each of two fan groups (originally defined as two fans per group) is required.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 24, 1981, supplemented August 25, 1981 and August 27, 1981, (2) Amendment No. 7 License No. NPF–8, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama. 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of August, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–25803 Filed 9–2–81 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–335]

Florida Power Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR–67, issued to Florida Power and Light Company, which revised Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility) located in St. Lucie County, Florida. The amendment is effective as of its date of issuance and expires October 1, 1981.

The amendment modifies the Technical Specifications to reduce the number of incore detectors which must be operable for the incore detection system to be considered operable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 13, 1981 as supplemented August 20, 1981, (2) Amendment No. 41 to License No. DPR–67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of August, 1981.

For the Nuclear Regulatory Commission.

Eben L. Conner,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81–25804 Filed 9–2–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–331]

Iowa Electric Light and Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications which pertain to (1) inservice inspection requirements

for snubbers and (2) several changes of an administrative nature.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 7, 1981, (2) Amendment No. 71 to License No. DPR-49, and (3) the Commission's letter to Iowa Electric Light and Power Company dated August 26, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 26th day of August 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No., 2 Division of Licensing.

[FR Doc. 81-25605 Filed 9-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-305]

Wisconsin Public Service Corp., et al. Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Plant (the facility) located in Kawaunee, Wisconsin. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications in respect to power distribution limits consequent upon extended burn up for fuel supplied by Exxon Nuclear Company.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement of negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 7, 1981, as supplemented August 21, 1981, (2) Amendment No. 36 to License No. DPR-43 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of August, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-25606 Filed 9-2-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

August 31, 1981

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working

days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Food and Nutrition Service
Work Registration Forms Job Search Reporting
ES–511, 511C, & work search plan
Annually
Individuals or households/State or local governments
Food stamp applicants and participants
SIC: 881, 943
Food and nutrition assistance: 3,666,180 responses; 1,047,428 hours; $1,276,105 Federal cost; 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Is needed to (1) require certain members of food stamp households to register for work, inquire about employment, and report the results of this inquiry and (2) provide for a management plan to detail operational guidelines of work registration and job search,

Revisions

• Economics and Statistics Service
December Enumerative Survey
Annually
Farms
Farmers in selected tracts
SIC: 011, 013, 021, 024, 025
Small businesses or organizations
Agricultural research and services: 22,870 responses; 8,760 hours; $1,700,000 Federal cost; 2 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

Provides national and state indication of wheat and rye acreage seeded in the fall. As a subsampale of the June enumerative survey (40–R2766) area frame used to measure incompleteness of various commodity lists, also used to prepare other statistical estimates. Estimates used throughout Government and agriculture in production and marketing decisions.

Extensions (Burden Change)

• Food and Nutrition Service
ATP Reconciliation Report—Food Stamp Program
FNS 46
Monthly
State or local governments
State welfare agencies
SIC: 943
Food and nutrition assistance: 6,324 responses; 6,324 hours; $43,930 Federal cost; 1 form; not applicable under 3054(h)
Charles A. Ellett, 202–395–8340

Food stamp regulations part 273.8 requires each state agency operating an authorization to participate card (ATP) issuance system for food stamp households to report monthly to FNS on the reconciliation of the transacted ATP's against the master file of those households actually authorized to participate. The result of this process identifies State agency liability for losses reduces waste and regulate program abuse.

Reinstatements

• Food and Nutrition Service
Food Stamp Mail Issuance Report
FNS–259
Quarterly
State or local governments
State agencies and project area
SIC: 943 Food and nutrition assistance: 10,800 responses; 8,100 hours; $23,293 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

In order to conform with the food stamp regulations, this form is required. The form provides management information on the number and dollar amounts of mail issuance, the replacement of mail losses, and the action(s) taken to reduce the occurrence of such losses.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
January 1982 CPS Supplement—Foreign-Born Population Survey
CPS–1
Nonrecurring
Individuals or households
Interviewed Households in the January 1982 CPS sample
Other advancement and regulation of commerce; 58,000 responses; 970 hours; $100,000 Federal cost; 1 form, not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

The data obtained on the foreign-born population will assist in formulating immigration policy and improve the accuracy of our postcensal population estimates.

• Bureau of the Census
1981 (Additional Questions To Obtain Data on Persons With New Jobs To Begin Within 30 Days)
Addition CPS–1
Nonrecurring
Individuals or households
Interviewed hsehlds in ¼ of the November 1981 CPS
Other advancement and regulation of commerce; 14,800 responses; 123 hours; $20,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

This question will provide data on individuals who have new jobs which are scheduled to begin within 30 days. These data are needed to determine the impact the inclusion of this item could have on the unemployment rate if it were included in the redesigned CPS.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Departmental and Others
Champus/Champva Claim Form
Champus 500
On occasion
Individuals or households/businesses or other institutions
Other prof. providers of medical care
SIC: 801, 809, 832

Small businesses or organizations
Department of Defense—military; 2,200,000 responses; 550,000 hours; $1,417,400 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 203–395–3785

Collection is necessary to evaluate eligibility for civilian health benefits authorized by 10 U.S.C., chapter 55, and to issue payment upon establishment of eligibility and determination that medical care received is authorized by law. Used to control and process medical claims.

Reinstatements

• Departmental and Others
Police Record Check
DD 369
On occasion
State or local governments
Law enforcement agencies (10,000)
SIC: Multiple
Department of Defense—military; 1,776,000 responses; 59,200 hours; $1,152,032 Federal cost; 1 form; $236,000 public cost; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Postsecondary Education
Application for Grants Under the Challenge Grant Program
ED 853
Annually
State of local governments/businesses or other institutions
Institutions of higher education
SIC: 822
Higher education: 25 responses; 8,650 hours; $200,000 Federal cost; 1 form; $86,500 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The attached application form must be completed by all institutions applying for grants under the challenge grant program, title III of the Higher Educaton Act of 1965, as amended by Pub. L. 96–374. The application will enable the secretary to evaluate the needs of the applicants to determine which applications should be funded and the total amount of any grant that may be awarded.

• Office of Elementary and Secondary Education
Title I, Elementary and Secondary Education Act, Migrant Education program, Financial Status Report
ED 361–1
Annually
State or local governments
State educational agencies
SIC: 822
Elementary, secondary, and vocational education: 51 responses; 255 hours; $510 Federal cost; 1 form; $1,020 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Grantees are required to file a financial status report annually in accordance with the education department grants administrative regulations and the Department of Education's general administration regulations. The information collected will be used for future programmatic decisions.

• Office of Postsecondary Education
Guarantee Agency Request for Reimbursement for Claims Paid
Request for Reimbursement Under Agreement for Fed. Reinsurance—Request for Reimburse. on Death/Disability
ED 1189, 1189–1, 1189–3
Monthly
Businesses or other institutions
Guarantee agencies
SIC: 822
Higher education: 600 responses; 1,050 hours; $58,000 Federal cost; 3 forms; $8,400 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

ED form 1189 is used by the guaranteed agency to request reimbursement on claims paid and should always accompany the Ed 1189–1 and 1189–3. The 1189–1 is used for reimbursement on death and disability claims prior to Dec. 15, 1968 and for all bankruptcy claims. The 1189–3 is for reimbursement of death and disability claims after Dec. 15, 1968.

Revisions

• Office of Special Education and Rehabilitative Services
Fiscal year 1982 Financial Status and Performance Report, P.I. 94–142
9039–1 9039–2
Annually
State of local governments
State educational agencies
SIC: 821
Elementary, secondary, and vocational education: 174 responses; 464 hours; $5,000 Federal cost; 2 forms; $5,600 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Edgar (34 CFR 76.720) requires that grantees for State-administered programs submit financial performance reports on an annual basis. OSE uses the data/information for program management, compliance, and in the Pub. L. 94–142 annual report to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• National Institutes of Health
East Boston
Annually
Individuals or households
Res. of East Boston, Mass., aged 65 years of age or older
Health: 5,220 responses; 8,717 hours; $550,000 Federal cost; 1 form; $87,170 public cost; not applicable under 3504(h)
Gwendlolyn Pla, 202–395–6880

This project will conduct epidemiologic investigations in East Boston, Mass. in order to develop new knowledge concerning the medical and social factors in health and diseases of the aged. The community setting from which the population is to be drawn is representative of real conditions encountered by the elderly.

• Health Care Financing Administration
301–Requiring add'l info. with phys. therapy claims
HCFA–298
On occasion
Business on other institutions
Medicare providers—home health agencies
SIC: 808
Small businesses or organizations
Health: 3,480 responses; 580 hours; $13,442 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA's Office of Direct Reimbursement uses this information to determine whether physical therapy services billed are covered under part B medicare requirements.

• Social Security Administration
State Plan for Title IV–A of the Social Security Act: Financial Assistance Aid to Families With Dependent Children
SSA–1346 (*8–81)
On occasion
State or local governments
State agencies administering AFDC program
SIC: 944
Other income Security: 54 responses; 4,158 hours; $80,000 Federal Cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

States are required as a condition to receiving funds under the AFDC program to enter into certain agreements and supply certain data to HHS. These preprints represent the mode for such activity.

• Social Security Administration
State Plan for Child Support Collection and Establishment of Paternity Under Title IV–D of the Social Security Act
OCSE–100
On occasion
State or local governments
States receiving Federal funds for social programs
SIC: 944
Other income security: 54 responses; 1,620 hours; $21,825 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Participation in the child support program requires states to have a plan approved. This plan describes the State's program and is a comment to operate in conformity with Federal law and regulations. These preprinted forms provide a mechanism for obtaining approval of the initial plan and subsequent amendments.

• Alcohol, Drug Abuse, and Mental Health Administration
Supplemental Instructions: Research Scientist Development/Award Program
Nonrecurring
Individuals or households
Individuals applying for research scient. dev./award grants
Health: 150 responses; 1,500 hours; $2,500 Federal cost, 1 form; $15,000 public cost; not applicable under 3504(h)
Gwedolyn Pla, 202–395–6880

Supplementary information is needed on applicants for this program to enable a review committee and program staff to make decisions on merit and award.

• Health Care Financing Administration
329 Proper Documentation of Patients Medical Records
HCFA–296
On occasion
Businesses or other institutions
Home Health agen. serviced by office of direct reimbursement
SIC: 808
Small Businesses or organizations
Health: 4,222 responses; 1,407 hours; $15,165 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

In order for the Office of Direct Reimbursement to make a medical determination of home health visits that are medicare-covered it is necessary to review medical records. The medical records should contain narrative notations on patients condition, drug give, patient reactions, and treatment. This direct dealing letter requires home health provides to include this narrative in their medical records.

Revisions

• Centers for Disease Control
Development and Evaluation of Sex Education Programs
On occasion
Individuals or households
Teenagers and parents of teenagers in sex ed. programs
Health: 24,315 responses; 4,863 hours; $88,000 Federal cost 9 forms; $48,630 public cost; not applicable under 3504 (h)
Gwendolyn Pla, 202–395–6880

To provide formative evaluation necessary to further improvement of locally developed sex education programs sponsored by schools, youth organizations, churches, and family planning organizations. Clearance is being requested to complete project started in fiscal year 1981.

Extensions (burden change)

• Food and Drug Administration
Request for Certification or Testing of FD 1677 an Antibiotic Batch
On occasion
Businesses or other institutions
Antibiotic manufacturers
SIC: 283
Consumer and occupational health and safety; 18,000 responses; 18,000 hours; $5,646,000 public cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880
Used for requesting certification or release of an antibiotic batch.

Certification or release is mandated for every such batch by the FD&C Act unless the product is exempted by Regulation.

Extensions (no change)

• Social Security Administration
Statement of Employer
SSA–7011
Businesses or other institutions
Employer who has wages to report for an employee
Small businesses or organizations
General retirement and disability insurance: 850,000 responses; 283,333 hours; $1,589,500 Federal cost; 1 form not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is needed to obtain wage data for workers who have alleged receipts of wages (other than agricultural wages) which do not appear on SSA's earnings record. The information is used to process claims for social security benefits.

• Social Security Administration
Statement of Agriculture Employer
SSA–1002
On occasion
Farms, businesses or other instructions
Agriculture employers having knowledge of wages paid
SIC: multiple
Small businesses or organizations
General retirement disability insurance: 200,000 responses; 33,333 hours; $374,000 Federal cost; 1 form not applicable under 3504(h)
Robert Neal, 202–395–6880

Form is needed to resolve cases involving farm workers who have alleged that their employer had either not reported their wages or reported them incorrectly. It is completed by agricultural employers having knowledge of wages paid to agricultural employees.

Reinstatements

• Alcohol, Drug Abuse, and Mental Health Administration
Annual Census of Patient Characteristics—1979 State and County Mental Hospital Inpatient Services
ADM: 45–1
Annually
State or local governments
State and County Mental Hospitals and St. Mental Hlth. Statist.
SIC: 943
Health: 103 responses; 206 hours; $10,125 Federal cost; 1 form; $2,480 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Data derived from the census are invaluable for studying changes in the utilization patterns of State hospitals by different age-sex-diagnosis over time. These data, the only available patient characteristics by State, are useful in measuring how utilization patterns are effected by State administration programs and hospitals closure.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Extensions (No change)

• Housing Programs
Application for mobile home appraisal
92802
On occasion
Businesses or other institutions
Mobile home purchaser
Sic: 953
Small businesses or organizations
Mortgage credit and thrift insurance: 1,200 responses; 250 hours; $5,000

Federal cost: 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Authority for this report is Section 210 of the National Act (P. 479, 48 Stat 1246, 12 U.S.C. 1701 et seq.). Submitted by the lender as a claim for reimbursement for losses on loans made under the HUD Mobile Home Loan Program. The form gives HUD the information necessary to review.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Land Management
Test Packet Questionnaire for Automated Simultaneous Oil and gas Lease Application
Nonrecurring
Individuals or households
Prospective applicants in simult. oil and gas leasing prgrm.
Conservation and land management: 1,000 responses; 166 hours; 1 form: not applicable under 3504(h)
Robert Shelton, 202–395–7340

Proposed test packet to be used in conjunction with introduction of "Automated Simultaneous Oil and Gas Lease Application," BLM form 3112–6(A) and (B). The test is being conducted to determine the suitability of the form.

• Bureau of Land Management
Automated Simultaneous Oil and Gas Lease Application 3112–6 (A) and (B)
Other—See SF83
Individuals or households/farms/businesses or other institutions
Participants in simultaneous oil and gas leasing program
SIC: 131
Small Businesses or organizations
Conservation and land management: 300,000 responses; 75,000 hours; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

BLM form 3112–6 (A) and (B) is the revised machine readable application form through which winners are selected to available parcels of land in the simultaneous oil and gas leasing program (see 43 CFR, subpart 3112).

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Employment and Training Administration
Statement of Selected Workloads and Expenditures of Federal Funds for Unemployment Compensation for Federal Employment Agencies
ETA 191
Quarterly
State or local governments
State employment security agencies
SIC: 944
Training and employment: 212 responses; 636 hours; $8,268 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Data reported on this form will be used to bill Federal agencies for reimbursement of unemployment compensation benefits paid to employees and former employees of a particular agency.

• Pension Benefit Guaranty Corporation
Variances for Sale of Assets—Procedures for Individual and Class Variances for Exemptions
Nonrecurring
Businesses or other institutions
Purchasers or sellers seeking an exemption from PBGC
SIC: multiple
Small businesses or organizations
General retirement and disability insurance: 50 responses; 100 hours; $25,000 Federal cost; 0 form; $200 Public cost; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The information required by this regulation is necessary and is not otherwise available to PBGC. Under the statute, PBGC may grant variances or exemptions from certain statutory requirements that would otherwise be imposed when an employer ceases work under a multiemployer plan as a result of a sale of assets. In order to make such determinations, the PBGC needs certain information from the party who applies for the exemption.

Extensions (no change)

• Employment Standards Administration
Employment Information Form (English and Spanish Version)
WH–3
On occasion
Individuals or households
Other labor services: 40,000 responses; 13,333 hours; $124,400 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This form is used to obtain information from individuals about alleged violations under the laws enforced by wage-hour. In addition to obtaining information about compliance with labor standards this form is also used as a screening device to determine whether the division has jurisdiction in handling an alleged violation.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Estate Tax Notice of Installment Due
249C/SC
Annually
Businesses or other institutions
Estate of deceased individuals
SIC: All
Central fiscal operations: 6,512 responses; 3,256 hours; $12,227 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The letter is used to inform an estate that an annual payment of estate tax is due. This applies to those estates which pay tax under an extended payment election. The executor is also required to certify the status of the estate by signing a copy of the letter.

• Internal Revenue Service
517 Notice to file Form 1120S
"C" LTR 517
Nonrecurring
Farms/businesses or other institutions
All taxpayers who elect to be taxed as a small business
SIC: All
Small businesses or organizations
Central fiscal operations: 6,688 responses; 13,376 hours; $44,182 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

As prescribed in 26 U.S.C. 1371, this letter notifies a tax payer that they need to file form 11205 (rather than form 1120) because they previously elected to be taxed as small business.

• Internal Revenue Service
Questionnaire—Alien Status
IO–565
On occasion
Individuals or households
Aliens residing in the United States
Central fiscal operations: 2,000 responses; 1,000 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Tax Law provides significant differences in the tax treatment of resident and nonresident aliens. Aliens residing in the United States are requested to provide details of their alien status so that the Service can determine whether the appropriate tax treatment has been applied.

• Internal Revenue Service
Understanding Taxes—Student Evaluation

5618
Other—see SF83
Individuals or households/State or local governments/ businesses or other ins jr./sr. high sch. students who taught high sch. tax course
SIC: 821, 822, 823, 824, 866
Central fiscal operations: 10,000 responses; 1,667 hours; $7,600 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

A triennial student evaluation is conducted to review the understanding taxes course from the student's viewpoint. Teachers are asked to forward three student questionnaires per class to the IRS data center along with their evaluation. Necessary changes to the student text are made based on the responses.

• Internal Revenue Service
Communication Control
ROWR 1443
On occasion
Individuals or households/farms/ businesses or other institutions
Individual taxpayers, businesses, and organizations
SIC: All
Small businesses or organizations
Central fiscal operations: 92,534 responses; 46,267 hours; $334,238 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Intelephone inquiries to IRS concerning tax accounts, ROWR form 1443 is used to obtain and record social security numbers, employer indentification numbers, or other information necessary to research our records and reply to the inquiries. ROWR form 1443 is also used as a history sheet to record all actions taken.

• Internal Revenue Service
Request for Payment
CP Notice 14 form 3446
On occasion
Individuals or households
Individual taxpayers having a balance due after tax return
Central fiscal operations: 3,998,655 responses; 999,664 hours; $23,626,042 Federal cost; 1 form not applicable under 3504(h)
Kevin Broderick, 202–395–6880

CP 14 is used to advise the taxpayer that there is a balance due on their account. The bottom portion of the CP is to be used for making payment or inquiry.

• Internal Revenue Service
Employer Summary of Form W–2 Magnetic Media
Form 6560
Annually
State or local governments/farms/ businesses or other institutions
All employers making wage or other compensation payments
SIC: All
Small businesses or organizations
Central fiscal operations: 6,500 responses; 1,625 hours; $17,125 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

Employers are required to file wage and other compensation information with the Social Security Administration (SSA). If they elect to do this on magnetic media, they are required to submit form 6560 information to provide balancing totals to ensure that all records were processed.

• Internal Revenue Service
Computation of Net Operating Loss and/or Unused Credit Carryback from Single (etc.) to Joint Year
MSC TA–22
On occasion
Individuals or households/separated/ unmarried head of household filers
Central fiscal operations: 2,000 responses; 4,000 hours; $15,557 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

If taxpayers who file as single, married filing separately, or unmarried head of household are carrying back certain losses and/or credits to a year they filed jointly, special computations for the carryback year must be made. MSC Form TA–22 is used to ensure accurate tax adjustments.

• Internal Revenue Service
Letter Requesting Specific Material Necessary To Complete Action on Return
F1841 (rev 3–81)
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
All taxpayers
SIC: All
Small businesses or organizations
Central fiscal operations: 88,000 responses; 264,000 hours; $149,992 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The F1841 letter is needed to obtain additional information from taxpayers (e.g., when a return is incomplete or unsigned, or when the wrong return or form is filed). The Service uses the information to complete action on the return.

• Internal Revenue Service
Application for Magnetic Media Reporting of Information Returns
Form 4419
Nonrecurring
State or local governments/farms/ businesses or other institutions
Filers of IRS required income information
SIC: All
Small businesses or organizations
Central fiscal operations: 1,000 responses; 1,000 hours; $7,561 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6041 and 6042 and the regulations thereunder require all persons making certain payments in excess of certain specified amounts to file information returns with IRS. Payers who wish to file these returns on magnetic media instead of paper documents must complete form 4419 to receive authorization for filing on tape.

• Internal Revenue Service
Information Requested To Determine Filing Status, Exempt Organizations
F1594
Nonrecurring
Businesses or other institutions
Tax exempt organizations and ogan. that may qual. for te stat.
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 1,000 responses; 250 hours; $2,248 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter is used to request information to determine if an organization has received tax-exempt status so that correct filing requirements and employment code may be established. The publication 557 that is enclosed provides needed information if the taxpayer has not yet applied for exemption.

• Internal Revenue Service
Form 1178 Not Received From Taxpayer, Follow-up Letter FL752
On occasion
Farms/businesses or other institutions
Taxpayers who have paid for preparation of tax returns
SIC: All
Small businesses or organizations
Central fiscal operations: 100 responses; 30 hours; $456 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Letter F1752 gathers information needed to determine if a penalty under IRC, sec. 6060 should be assessed. We use this information to assure that paid tax preparers comply with the law.

Without this information the penalty may not be able to be assessed, even when called for.

• Internal Revenue Service
Request Denied for Extension of Time to File Corporate Tax Return Explanation
194 (C/SC)
On occasion
Farms/businesses or other institutions
All taxpayers doing business as corporations
Sic: All
Small businesses or organizations
Central fiscal operations: 231 responses; 58 hours; $11,420 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter is used to advise a taxpayer that their request for extension of time to file their corporation tax return has been denied because they did not request the extension by the deadline date.

• Internal Revenue Service
Application for Approval of Prototype or Employer Sponsored Individual Retirement Account
Form 5306
Nonrecurring
Farms/businesses or other institutions
Banks and insur. co. any emp. wishing to estab. an IRC., etc.
Sic: Multiple
Small businesses or organizations
Central fiscal operations: 600 responses; 298 hours; $23,267 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This application is used by employers who want to establish an individual retirement account trust to be used by their employees. The application is also used by persons who want to establish approved prototype individual retirement accounts or annuities. The data collected is used to determine if plans may be approved.

• Bureau of Government Financial Operations
First Letter to Payee Requesting a Collection Refund When a Double Payment Exists
TFS 1022
Nonrecurring
Individuals or households
Private households
Central fiscal operations: 4,590 responses; 382 hours; $66,798 Federal cost; 1 form; $10,695 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Initiating a collection action when a payee has been paid twice for one obligation by cashing both the original and substitute checks. Request for overpayment to be refunded.

• Internal Revenue Service
Questionnaire—Rental Income and Expenses
IO–87
On occasion
Individuals or households
U.S. citiz. res. and nonres. aliens who own rental property
Central fiscal operations: 200 responses; 150 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The form requests detailed information on rental income and expenses to support those shown on an individual's tax return. During an examination, the Service uses the information to determine whether such income and expenses have been properly computed and reported.

• Internal Revenue Service
Duplicate of Refund Return Requested
109C 109SC
On occasion
Individuals or households
Individual taxpayers who file returns expecting a refund
Central fiscal operations: 8,052 responses; 4,026 hours; $57,145 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6011 and 6012 require individuals to file tax returns under certain requirements. When a taxpayer writes about a refund he/she is expecting and IRS cannot locate the return, letter 109C is sent requesting the taxpayer to file another return and complete the statement at the end of the letter.

• Internal Revenue Service
Letter to Taxpayer Requesting Partnership Reconciliation Information
SWR E–2427
On occasion
Individuals or households / farms / businesses or other institutions mbrs of a partnership whose partnersp ret. is being exam.
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 10,000 responses; 5,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Examiners send this letter to members of a partnership when the amount reported on the partnership return and the amount reported on the income tax return of the partner(s) (for the partner's share of the partnership's income (or net loss) do not agree. The information is used to reconcile the differences, and to determine the correct tax liability.

• Internal Revenue Service
Additional Information Needed to Process Tax Return 179 (C) Letter
On occasion
Individuals or households / farms / businesses or other institutions
All taxpayers (indiv. or bus.) who are req. to file tax ret.
SIC: All
Small businesses or organizations
Central fiscal operations: 5,468 responses; 912 hours; $4,869 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Letter 179(C) is used to advise the taxpayer that the tax period shown on the tax return does not match our records. This information is necessary to properly process the tax return per 26 U.S.C. 441.

• Internal Revenue Service
Information Needed to Perfect Applications for Exemption From Excise Tax-Form 637
FL–1560
On occasion
Farms / businesses or other institutions
Mfgs of art. buyers of cert. art. for resale or furt. mfgr.
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 300 responses; 150 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used to secure additional information on a taxpayer's application for exemption from excise tax—Form 637. If we do not receive this information, taxpayers may be assessed taxes even though they may qualify for exemption under one of the five criteria.

• Internal Revenue Service
Questionnaire—Taxes 4743
On occasion
Individuals or households
Individual taxpayers
Central fiscal operations: 150,000 responses; 75,000 hours; $176,400 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4743 provides the taxpayers with a simple format for presenting information to support their tax deduction for items such as real estate taxes, State and local income taxes, sales taxes, etc. The information is used during an examination to determine whether the claimed deduction should be allowed.

• Internal Revenue Service

Multiple payer transmittal for magnetic media reporting forms 4802, 4802 PR and 4802 SS
Annually
State or local governments/farms/businesses or other institutions
Filers of IRS required income information returns
SIC: All
Small businesses or organizations
Central fiscal operations, 68,500 responses; 13,700 hours; $75,986 Federal cost; 3 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Forms 4802, 4802 PR and 4802 SS are used by filers of information returns required by 26 U.S.C. 6041–6043, 6047, 6049, and 6109 to provide balancing information for files submitted via magnetic media.

• Internal Revenue Service
Requests for information to adjust taxpayers' accounts
FL–27 Spanish
On occasion
Individuals or households/farms/businesses or other institutions
Individual taxpayers, farms and businesses
SIC: All
Small businesses or organizations
Central fiscal operations, 75 responses; 38 hours; $19 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

After receipt of a bill a taxpayer may allege the bill is incorrect and an adjustment is needed. The form FL–27 is sent to the taxpayer to request documents needed to initiate an adjustment of his account. The service uses this information to verify the balance due or abate any excess tax liability.

• Internal Revenue Service
Statement of annual income (corporation)
3439–A
On occasion
Businesses or other institutions
Corporate taxpayers who submit an offer in compromise
SIC: All
Small businesses or organizations
Central fiscal operations, 8,000 responses; 4,000 hours; $96,600 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick 202–395–6880

Form 3439–A is used by corporate taxpayers to report their annual income and compute the amount due under a future income collateral agreement. Information is used to determine whether to accept the corporation's offer to compromise their tax liability.

• Internal Revenue Service
Statement of tax due IRS
6335
On occasion
Individuals or households/State or local governements/farms/businesses or other institutions
Any taxpaying entity that has an outstanding tax with IRS
SIC: All
Small businesses or organizations
Central fiscal operations, 238,152 responses; 119,076 hours; $1,233,239 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is a notice and demand for payment of assessed tax. The taxpayer must permit payment or provide identifying information to help us trace payment if payment was previously made. Payment is mandated under section 6155(A) of the Internal Revenue Code.

• Internal Revenue Service
Questionnaire—Exemption claimed for dependent
2038
On occasion
Individuals or households
Individuals
Central fiscal operations, 301,000 responses; 301,000 hours; $537,400 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick 202–395–6880

Form 2038 is used as an aid to taxpayers under examination when dependent exemptions are being reviewed. Data is needed to determine whether claimed exemption should be allowed.

• Interanl Revenue Service
Questionnaire—Casualty or theft loss
4748
On occasion
Individuals or households
Individual taxpayers
Central fiscal operations, 10,000 responses; 5,000 hours; $50,500 Federal cost; 1 form, not applical be under 3504(h)
Kevin Broderick, 202–395–6880

Form 4748 provides taxpayer with a simple format for presenting information needed to support their deduction claim for a casualty loss or theft. This information is used to determine whether the claimed deduction should be allowed.

• Internal Revenue Service
Initial contact letter
566 (SC)
On occasion
Individuals or households
Individual taxpayers
Central fiscal operations, 110,000 responses; 55,000 hours; $781,660 Federal cost; 1 form, not applicable under 3504(h)
Kevin Brodrick, 202–395–6880

This contact letter is sent to taxpayers to initiate examination of Federal income tax returns by correspondence. It requests the information necessary to support various items reported on the return.

• Internal Revenue Service
Statement of annual income (individual)
On occasion
Individuals or households
Individuals taxpayers who submit an offer in compromise
Central fiscal operations, 50,000 responses; 25,000 hours; $210,000 Federal cost; 1 form, not applicable under 3504(h)
Kevin Brodrick, 202–395–6880

Form 3439 is used by individual taxpayers to report their annual income and compute the amount due under a future income collateral agreement. Information is used to determine whether to accept the taxpayers' offer to compromise their tax liability.

• Internal Revenue Service
Contact letter for estate tax examination
Letter 1028(DO)
On occasion
Individuals or households/businesses or other institutions
Individual/executors of estates
SIC: All
Central fiscal operations, 25,000 responses; 50,000 hours; $52,960 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To determine an estate's tax, it is necessary that its valuation be known to the IRS. Letter 1028(DO) is used to notify the estate representative that an appointment has been scheduled to determine the estate's tax liability. Also, indicated are the records required to complete the examination.

• Internal Revenue Service
Extension of time to file form 1040
582C 582SC
On occasion
Individuals or households
Individual taxpayers requesting extension to file tax
Central fiscal operations, 24 responses; 12 hours; $38 Federal cost; 2 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6081(A) provides the taxpayer with an extension of time for filing his/her tax return. Form 4868 is used to request the automatic two month extension and letter 582C is used to advise the taxpayer that the application is either accepted or denied.

If denied, the taxpayer is given instructions as to what they need to do.

• Internal Revenue Service
Questionnaire—Cost of living differential
IO–668
Annually
Individuals or households
U.S. citizens residing in foreign countries (physically)
Central fiscal operations: 3,000 responses; 1,500 hours; $150 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form to be completed by taxpayer to support his claim for a deduction for a cost of living differential. To claim the deduction, the taxpayer must be either physically present in or a bona fide resident of a foreign country.

• Internal Revenue Service
Application for Reward for Original Information
211
On occasion
Individuals or Households
Informants
Central fiscal operation: 6,800 responses; 1,133 hours; $23,090 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form 211 is the official claim form used by persons claiming rewards for submitting information concerning alleged violations of the tax laws by other persons. Such rewards are authorized by section 7623 of the IRC. The data is used to determine and pay awards.

• Internal Revenue Service
Tape Label For Form W–4
6468,6469
On occasion
State or local governments/farms/businesses or other institutions
Employers of businesses/organizations submitting W–4
SIC: All
Small businesses or organizations
Central fiscal operations; 150 responses; 37 hours; $631 Federal cost; 2 forms; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

26 U.S.C. 3402 requires all employers making payment of wages to deduct (withhold) tax upon such payment employers are further required by section 37.3402–1 of the temporary I.T. regulations to submit certain withholding certifications (W–4's) to the IRS. Form 6469 (labels) are sent to employers who prefer to file this information on magnetic tape, and form 6468 provides instructions for completing the label.

• Internal Revenue Service
Estimated Tax—Explanation for Failure To Pay Not Acceptable
548C
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers required to make estimated tax payments
SIC: All
Small businesses or organizations
Central fiscal operations: 8,107 responses; 2,702 hours; $56,765 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6654 requires that a penalty be assessed if taxpayers do not make estimated tax payments as required. There are some exceptions to this penalty and this letter requests the information necessary for determining if the taxpayer qualifies under one of the exceptions.

• Internal Revenue Service
Questionnaire—Credit for Child & Dependent Care Expenses
4746
On occasion
Individuals or households
Individual taxpayers claiming child care/expenses
Central personnel management: 10,000 responses; 5,000 hours; $30,688 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form 4746 provides taxpayers with a simple format for presenting information needed to support their claim for credit for child and dependent care expenses upon examination. The information is used to determine whether the claimed expenses should be allowed.

• Internal Revenue Service
Questionnaire—Employee Expenses or Miscellaneous Deductions
4749
On occasion
Individuals or households
Taxpayers claiming employee expenses or misc. deductions
Central fiscal operation: 50,000 responses; 25,000 hours; $147,944 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form 4749 provides taxpayers with a simple format for presenting information to support their deduction for expenses claimed in connection with their employment or miscellaneous deductions. The information is used during the examination of the taxpayer's return to determine whether the claimed expenses should be allowed.

• Internal Revenue Service
Request For Decedent Information
822(C), (DO)
On occasion
Individuals or households/businesses or other institutions
Commercial banks
SIC: 602
Central fiscal operations: 5,000 responses; 5,000 hours; $25,000 Federal cost; 2 forms; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

To determine an estates liabilities, it is necessary that its valuation be known to the IRS. Letters 822(c), (DO) are used to secure certain information relating to the valuations of an estate's assets.

• Internal Revenue Service
Pension, Annuity, or Sick Pay Recipient's Request for Federal Income Tax Withholding
W–4P
Other-see SF83
Individuals or households
Indiv. receiving pensions, annuities, 3rd party sick pay
Central fiscal operations: 517,790 responses; 198,831 hours; $60,166 Federal cost; 1 Form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Section 3402 (O) of the code permits a pension, annuity, or sick pay recipient to request voluntary withholding from pensions, annuities, or third-party sick pay. This information is used to determine the amount to be withheld from each pension, annuity, or third-party sick pay payment.

• Internal Revenue Service
Employee Census
5302
Nonrecurring
Farms businesses or other institutions
Employers wanting qualified pension profit sharing plan
SIC: All
Small businesses or organizations
Central fiscal operations: 52,000 responses; 419,396 hours; $11,606 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used in conjunction with forms 5300, 5301 and 5307 when applying to IRS for a determination letter stating the pension or profit-sharing plan of the employer meets the requirements of section 401(a) of the IRC. The data submitted allows the IRS to determine that the plan does not discriminate in favor of the prohibited group.

• Internal Revenue Service

Letter Providing/Requesting Information Concerning the Non-Receipt of Income Tax Refund
500–6–1 (1–81)
On occasion
Individuals or households
Taxpayers have not received income tax refunds
Central fiscal operations; 192,000 responses; 48,000 hours; $7,200 Federal cost; 1 Form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Inquiries are received from TP'S concerning non-receipt of tax refunds. These require written responses from IRS with information regarding the delay or additional information needed from TP to process. The service uses the information to verify whether a TP is liable for tax and if a correct, complete return has been filed.

• Internal Revenue Service
Request for Information to Process T/P'S Claim for Refund of Federal Excise Tax
LTR 1417
On occasion
Businesses or other institutions
Sole proprietors, partnerships, corporation
SIC: 631 632 633 639
Small businesses or organizations
Central fiscal operations: 1,200 responses; 600 hours; $850 Federal Cost; 1 Form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This is a request for additional information to process a claim for refund of excise tax on policies issued by foreign insurers covered by the treaty with United Kingdom.

• Internal Revenue Service
Response to Nonresident Aliens Inquiry About Refund of Social Security
LTR 1114C
On occasion
Individuals or households
F or J visa nonresident aliens
Central fiscal operations: 59 responses; 20 hours; $419 Federal costs; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 3121(B) (19) exempts nonresident aliens in the United States under "F" or "J" type visas from paying social security tax. Letter 1114C is used when a taxpayer is requesting a refund of the erroneously withheld social security tax, to obtain additional information so the refund can be issued.

• Internal Revenue Service
Alimony or Separate Maintenance Statement
3559
On occasion
Individuals or households
Individuals—separated or divorced
Central fiscal operations: 47,300 responses; 23,650 hours; $165,908 Federal cost; 1 form not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used ot secure pertinent data from the taxpayer relating to alimony deductions. Verification of the payment, inclusion in income by the payee, evaluation of the nature of payment, and the timeliness of the payment are essential elements for determining the quilifications for deduction.

• Internal Revenue Service
Request Information Re Invalid SSN—Ref Issued
486C 486SC
On occasion
Individuals or households
All individual taxpayers who file tax returns
Central fiscal operations: 741 responses; 247 hours; $8,676 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Correct social security numbers are required on all individual tax returns per 26 U.S.C. section 6109. If the name or social security number reported on the return does not agree with our information, further verification is needed to properly process the return.

• Internal Revenue Service
Additional Information Requested to Complete Adjustment of Tax on Special Tax Return
Letter 396C
Other—See SF83
Businesses or other institutions
Sole proprietors, partnerships and corporations
SIC: 592 518 348 594 208
Small businesses or organizations
Central fiscal operations: 385 responses; 193 hours; $2,627 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Taxpayer has requested an adjustment to his special tax return but there is not sufficient information to process. When information is received, adjustment action is determined.

Extensions (Burden Change)

• Internal Revenue Service
Amended US Individual Income Tax Return
1040X
Annually
Individuals or households/farms/businesses or other institutions
Indivs. who must change the income deductions
SIC: Multiple
Central Fiscal operations: 1,107,099 responses; 2,824,225 hours; $8,172,004 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1040X is used by individuals to claim a refund of income taxes, pay additional income taxes, or designate a dollar to a Presidential election fund. The information is needed to help verify that the individual has correctly figured his or her income tax.

• Internal Revenue Service
Corporation Application for Quick Refund of Overpayment of Estimated Tax
4466
On occasion
Farms/businesses or other institutions
Corporations
SIC: All
Small businesses or organizations
Central fiscal operations, 15,000 responses; 11,100 hours; $177,397 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4466 is used by a corporation to file for an adjustment (quick refund) of overpayment of estimated income tax for the tax year. This information is used to process the claim, so the refund can be issued.

• Internal Revenue Service
Statement for recipients of interest on bearer certificates of deposit
1099–BCD
Annually
Businesses or other institutions
Taxpayers carrying on the banking business
SIC: 602, 603, 605, 612, 614, 672
Small Businesses or Organizations
Central fiscal operations, 23,000 responses; 9,453 hours; $8,033 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by banks to report interest paid on bearer certificates of deposit under $100,000 where No 1099–INT will be issued the information is used to verify whether the recipient reported the correct amount of interest income.

• Bureau of Alcohol, Tobacco and Firearms
Bonded Dealer's Report of Specially Denatured Spirits
ATF F 1478 (5150.10)
Monthly
Businesses or other institutions
Dealers in denatured alcohol
SIC: 518
Small businesses or organizations

Federal law enforcement activities, 576 responses; 576 hours; $23,850 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This report serves as an accounting summary of alcohol received and disposed of by authorized dealers. It is used for statistical purposes and to monitor the amount of alcohol usage.

• Bureau of Alcohol, Tobacco and Firearms
Monthly Report of Concentrate Manufacturer
ATF F 1695 (5520.2)
Monthly
Businesses or other institutions
Manufacturers of fruit flavor concentrates
SIC: 203
Small businesses or organizations
Federal law enforcement activities, 684 responses; 228 hours; $1,900 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

On a monthly basis, manufacturers of fruit flavor concentrates account for the production and removal of concetrates. This is for accounting and statistical purposes.

• Bureau of Alcohol, Tobacco and Firearms
User's Report of Denatured Alcohol or Rum
ATF F 1482 (5150.18)
Monthly
Businesses or other institutions
Manufacturers using denatured alcohol
SIC: 208
Small businesses or organizations
Federal law enforcement activities, 2,639 responses; 2,639 hours; $7,000 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Permittees who use specially denatured alcohol account for their usage of the alcohol on this report. This report is used for statistical purposes and also to check on alcohol accountability.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202–377–6025

New

Savings and loan holding company reports
Nonrecurring, on occasion
Businesses or other institutions
Savings and loan holding companies
SIC: 671
Mortgage credit and thrift insurance, 435 responses; 4,216 hours; $5,400 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To determine a savings and loan holding company's adherence to the statutes, regulations and rules governing savings and loan holding companies and whether any holding company activities would be injurious to the operation of any subsidiary insured institution regarding its financial condition and prospects.

Revisions

• General recordkeeping by savings and loans
On occasion
Businesses or other institutions
Financial institutions that are FHLB members
SIC: 612
Mortgage credit and thrift insurance, 600 responses; 48,000 hours; 0 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

These requirements represent minimum standards for maintenance of records by prudent management operating in a safe and sound manner. Regulations are issued pursuant to "Safe and Sound Operations" provisions in Federal Home Loan Bank, Home Owners Loan, and National Housing Acts. Included are 12 CFR 523.13, 523.29, 545.1–1, 545.1–3, 545.2, 546.6, 545.6–2, 545.6–4, 545.6–13, 545.7–4, 545.9–4, 545.14, 545.15, 545.20, 545.24, 545.29, 552.11, 563.8, 563.9, 563.9–3.

• Contractor Progress Report
Other—See SF83
Individuals or households/businesses or other institutions
Contractors performing research studies
Small businesses or organizations
Mortgage credit and thrift insurance, 120 responses; 240 hours; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Progress reports are used for the purpose of ascertaining that contractor is meeting requirements, project is on schedule and costs are not exceeded (41 CFR 1–1.000).

• Information necessary for contract award
SF18, SF21, SF26, SF35, SF129, SF19, SF25, SF33
Monthly, other—see SF83
Individuals or households/businesses or other institutions
Contractors seeking to do business with the Government
Small businesses or organizations
Mortgage credit and thrift insurance, 12,160 responses; 2,238 hours; 9 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Data from forms used primarily for reporting requirements to sponsor agencies, and adherence to Federal procurement regulations (41 CFR 1–1.000).

• Claim for insurance and assignment of insured account
FHLBB 681, 683, 844, 13L, 927 & 927A
On occasion
Individuals or households
Insured savers of defaulted institutions
Mortgage credit and thrift insurance, 3,250 responses; 3,250 hours; $30,853 Federal cost; 6 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The insurance claim and assignment package is used in the event of an FSLIC payout of insured accounts. The forms are required to allocate money found in several accounts with the same or different co-owners. The purpose of the allocation is to determine the insurance coverage of the accounts in question and to make payment in accordance with the FSLIC regulations.

• Federal Home Loan Bank Board applicant indentification
1233
Nonrecurring
Individuals or households
Job applicants
Mortgage credit and thrift insurance: 1,000 responses; 250 hours; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information requested is to be utilized in conjunction with supplemental qualifications statement 1234 to evaluate applicants for the position of savings & loan examiner, GS–570–5/7. The data obtained form this form will help provide required information necessary to process the idividual's application.

• Federal Home Loan Bank Board Supplemental Qualifications Statement Savings and loan Examiner, GS–570–5/7
1234
Nonrecurring
Individuals or households
Job applicants
Mortgage credit and thrift insurance: 1,000 responses; 2,000 hours; $35,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information requested is to be utilized to evaluate applicants for the position of savings and loan examiner, GS–570–5/7. The data obtained from the applicant's questionnaire will be used to rank the individual's quailifications for this position.

Extensions (Burden Change)

• Criminal Activity

FHLBB 94, FHLBB 366
On occasion
Businesses or other institutions
FSLIC insured financial institutions
SIC: 612
Mortgage credit and thrift insurance: 6,427 responses; 1,263 hours; $7,000 Federal cost; 2 forms; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

In order to monitor non-employee theft and losses due to employee dishonesty, FSLIC-insured institutions are required to report such incidents to this agency (12 CFR 563a.5 (c) & 563.18(e)). To discourage thefts, institutions are required to establish security programs and to justify variations from minimum standards for security devices (12 CFR 563a.4(a) & 563a.3(c)).

• Annual Disclosure Report
Annually
Businesses or other institutions
FSLIC insured financial institutions
SIC: 612
Mortgage credit and thrift insurance: 375 response; 15,000 hours; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

12 CFR 563.45 requires FSLIC-insured institutions to send an annual report disclosing financial condition, material transactions with "insiders", etc, to voting members (owners). Institutions that make similar SEC disclosures and those meeting certain other criteria are exempted. Small institutions generally disclose only to this agency, not to members.

• Compliance With Approval Resolution
Nonrecurring
Businesses or other institutions
Savings and loan industry
SIC: 612
Mortgage credit and thrift insurance; 304 responses; 304 hours; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

An association is required to submit evidence of its compliance with conditions established by the board in connection with its approval of an application. Compliance materials are reviewed to assure that the materials adequately meet the board's requirements.

• Marketable Certificate of Deposit Form
Nonrecurring
Businesses or other institutions
Savings and loan industry
Mortgage credit and thrift insurance; 462 responses; 1,848 hours; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

12 CFR section 545. 1–4 requires a Federal association to submit a copy of any certificate of deposit form which may be used as a negotiable instrument. This form must be accompanied by an opinion from its counsel that the form complies with applicable law and regulations and the association's charter.

• Request for Modification or Waiver of Condition
Nonrecurring
Businesses or other institutions
Savings and loan industry
SIC: 612
Mortgage Credit and thrift insurance: 17 responses, 68 hours; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Associations may request that the bank board waive or modify specific conditions contained in FHLBB resolutions approving an application. Such request is evaluated to assure that the modification is not contrary to existing statutes, regulations or board policy, and will not adversely affect the safety and soundness of an association.

• Request for Extension of Time
Nonrecurring
Businesses or Other Institutions
Savings and Loan Industry
SIC: 612
Mortgage credit and thrift insurance, 368 responses; 1,464 hours, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This request enables an institution to petition the FHLBB to extend the amount of time established by the board for the association to comply with a condition of a board resolution approving an application.

• Monthly Financial Report (of Savings and Loan Associations)
FHLBB 107
Monthly
Businesses or other institutions
FSLIC-Insured Savings and Loan Associations
SIC: 612
Mortgage credit and thrift insurance, 48,000 responses; 240,000 hours, $130,916 Federal cost, 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Major means of monitoring individual association activities and detecting potential problems between examinations and semi-annual reporting as required by statute. Provides aggregate national and regional data for monitoring industry developments that may require changes in FHLBB credit and regulatory policies.

Extensions (No Change)

• Examination Advance Package
250 863
On occasion
Businesses or other institutions
FSLIC insured financial institutions
SIC: 612
Mortgage credit and thrift insurance, 4,021 responses; 76,399 hours, 19 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

12 CFR 563.17–1 requires FLSIC-insured institutions to be examined periodically and to maintain records of business transacted. We ask institutions to complete these forms prior to each examination to facilitate the examiner's review of financial condition and regulatory compliance.

• Semiannual Report (of Savings and Loan Associations)
Special sections: (g); supplemental data: (H); deposits: I;
Income tax: (J); securities: (K); deposit rate and structure FHLBB 777 FHLBB 778 FHLBB 791 FHLBB 154
Annually, Semiannually
Businesses or other institutions
FSLIC-insured savings and loan associations
SIC: 612
Mortgage Credit and Thrift Insurance, 28,000 responses; 44,800 hours, $120,896 Federal cost, 4 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Provides detail required to monitor association utilization (individually and in the aggregate) of regulatory and statutory authority to invest in various types of securities and mortgages and to offer various types of deposits and the need for changes in such authority. Provides basis for analyzing tax law changes and secondary market activity of associations. Also provides national aggregates used for analyzing financial and mortgage market activity.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202–523–5326

New

• General Order 10—Greenhide Weighing Practices
On occasion
Businesses or other institutions
Water common carriers in U.S. Export foreign commerce
SIC: 441
Water transportation; 80 responses, 40 hours, $200 Federal cost, not applicable under 3504(h)
William T. Adams, 202–395–4814

Section 43 of the Shipping Act, 1916, gives the commission the authority to implement rules. This rule minimizes discrepancies in the weighing of the freight commodity "Green Salted Hides" in the U.S. foreign export trade.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—202–452–2903

New

- Temporary Weekly Survey of Retail Repurchase Agreements[1]

FR 3017
Weekly
Businesses or other institutions
All depository institutions, sample insured commercial banks
SIC: 602 603 605 612
General government; 7,813 responses, 3,907 hours, $200,000 Federal cost, 1 form, $56,605 public cost, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

These data are used by the Federal Reserve Board and the Federal Open Market Committee to construct and interpret the monetary aggregates.

Extensions (No Change)

- Survey of Debits to Demand and Savings Deposits

Accounts
FR 2573
Monthly
Businesses or other institutions
Commercial banks members of Federal Reserve System
SIC: 602
Small businesses or organizations
General government; 3,840 responses, 3,840 hours, $68,963 Federal cost, 1 form, $76,400 public cost, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report collects information on debits to demand and savings deposit accounts from a sample of member banks. Debits information is used in formulating banking and credit policies. These data are also used in conjunction with other data to interpret money-stock movements and to determine the turnover rate for various sectors of economy.

- Monthly Survey of Loan Commitments

FR 2039
Monthly
Businesses or other institutions
Sample of selected large commercial banks
SIC: 602
General government; 1,500 responses, 9,000 hours, $5,715 Federal cost, 1 form, $135,000 public cost, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Survey provides information on the volume and composition of loan commitments at selected large commercial banks. Data are used in the current analysis of banking developments and credit market condition and can have important implications for monetary policy.

FEDERAL TRADE COMMISSION

Agency Clearance Officer—Carl Hevener—202–523–3373

Extensions (Burden Change)

- Food Distribution Industries Enforcement Policy—Retailers

1859 A & B & Supplemental Form
On occasion
Businesses or other institutions
Grocery stores
SIC: 541
Small businesses or organizations
Other advancement and regulation of commerce; 12 responses, 180 hours, $3,200 Federal cost, 3 forms, not applicable under 3504(h)
Paula Daigneault, 202–395–7340

Special report involving acquisitions or mergers in the food distribution industry, used in antitrust enforcement to identify possible violations by corporate chains pursuant to the Commission enforcement policy statement concerning prevention of increased concentration in food retailing.

- Food Distribution Industries Enforcement Policy—Distributors

1859 A & B & Supplemental Form
On occasion
Businesses or other institutions
Food wholesalers
SIC: 514
Small businesses or organizations
Other advancement and regulation of commerce; 6 responses, 90 hours, $1,500 Federal cost, 3 forms, not applicable under 3504(h)
Paula Daigneault, 202–395–7340

Special report involving acquisitions or mergers in the food distribution industry, used in antitrust enforcement to identify possible violations by wholesalers or food distribution groups pursuant to the Commission enforcement policy statement concerning prevention of increased concentration in food wholesaling

INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—202–523–0267

Revisions

- Importers' Annual Questionnaire—Color Television

Receivers and subassemblies
332–95
Quarterly
Businesses or other institutions
Importers of color television receivers
SIC: 365
Small businesses or organizations
Conduct of foreign affairs; 28 responses, 560 hours, $60,000 Federal cost, 1 form, not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Pursuant to section 332 of the Tariff Act of 1930, the U.S.I.T.C. is required to periodically provide current statistical information on the color television industry to the President. This data is used to monitor the impact of imports on the industry and/or to assess the impact of tariff relief previously granted to producers of color televisions.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

New

- Waybill transmittal form

OPAD–2
Monthly
Businesses or other institutions
Class I, II and III railroads
SIC: 401
Ground transportation, 1,140 responses; 570 hours; $451 Federal cost; 1 form not applicable under 3504(h)
Donald Arbuckle, 202–395–1340.

Transmittal form OPAD–2 insures that each reporting railroad has adequately sampled and accounted for the waybills for each audit period.

NATIONAL FOUNDATION ON THE HUMANITIES

Agency Clearance Officer—Victor Loughnan—202–724–0306

New

- Workshop participation follow-up evaluation

Nonrecurring
Individuals or households
Postsecondary educators, primarily from 2 year institutions
Research and general education aids, 40 responses; 240 hours; $344 Federal cost; 1 form not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

[1] This survey has already been approved because data are urgently needed to assess the implications for interpretations of the monetary aggregates and flows in financial markets.

To assess and offer support for workshop participants' progress toward the goals stated as reasons for workshop participation.

• Workshop evaluation form
Nonrecurring
Individuals or households
Postsecondary educators, primarily from 2 years institutions
Research and general education aids, 150 responses; 75 hours; $74 Federal cost; 2 forms not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

To assess effectiveness of workshop, both of its specific activities and of its immediate usefulness.

RAILROAD RETIREMENT BOARD

Agency clearance Officer—Pauline Lohens—312–751–4692

New

• Designation of contact officials
G–117A
On occasion
Businesses or other institutions
Railroad Employers
SIC: 401
Small businesses or or organizations
General retirement and disability insurance, 650 responses; 144 hours; $1,000 Federal cost; 1 form not applicable under 3504(h)
Robert Neal, 202–395–6880

To expedite adjustments of Board records and to insure proper addressing of correspondence, the Board maintains a list of designated railroad officals. The collection will obtain the information needed to keep the list current.

Extensions (Burden Change)

• Application for reimbursement for hospital insurance service
In Canada
AA–104
On occasion
Individuals or households
Applicants for Canadian hospital insurance services
General retirement and disability insurance, 175 responses; 29 hours; $23,800 Federal cost; 1 form not applicable under 3504(h)
Robert Neal, 202–395–6880

The Board administers, the medicare program for persons covered by the Railroad Retirment System. The request will obtain information to be used by the Board's agent in Canada, Ontario Blue Cross, to pay for covered medical services in Canada.

SECURITIES AND EXCHANGE COMMISSION

Agency Clerance Officer—George G. Kundahl—202–272–2142

New

• Self-underwriting by SECO broker-dealer, Rule 15B10–9
Rule 15B10–9 (C)(3)
On occasion
Businesses or other institutions
Broker-dealers that are not members of the NASD, Inc., etc.
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce, 6 responses; 3 hours; $13,000 Federal cost; $132 public cost; 1 form not applicable under 3504(h)
Robert Veeder, 202–395–4814

The proposed amendment would porovide an exception to Rule 15B10–9 (adopted in 1972) for certain SECO broker-dealers that deliver to their customers a disclosure document containing certain facts. The proposed amendment will facilitate compliance with the rule for certain SECO broker-dealers and will provide investors with acts of significance in a self-underwritten offering.

• Financial recordkeeping and reporting of currency and foreign transactions
Rule 17A–8
On occasion
Businesses or other institutions
Broker-dealers and exchange members
SIC: 621
Other advancement and regulation of commerce, 1,750,000 responses; 1 hour; $5,063 federal cost; 1 form, not applicable under 3504(H)
Robert Veeder, 202–395–4814

It is anticipated that rule 17A–8 will take effect on November 1, 1981. This rule will require brokers and dealers to make certain reports and records which are useful in regulatory investigations or proceedings and are essential to the commission in its obligation to protect the investing public.

• Regulation B under the 1933 Act, exemption relating to fractional undivided interests in oil and gas rights. Schedules A, B, C (cont'd)
259 4403
On occasion
Businesses or other institutions
Iss. of cert. offr. of fract. undiv. int. in oil & gas right
SIC: 138
Small businesses or organizations
Other advancement and regulation of commerce, 259 responses; 4,403 hours; $61,236 Federal cost; $274,600 public cost; 259 forms, not applicable under 3504(H)
Robert Veeder, 202–395–4814

Regulation B and the schedules and forms thereunder are necessary to provide a basis for the exemtion from registration under the 1933 act of fractional undivided interests in oil and gas rights and, at the same time, to provided protection for investors in such securities.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Betty Osborne—202–653–7738

New

• Annual report guide (503 Certified Development Company Program)
SBA 1253
Annually
Businesses or other institutions
Develop. Co. Cert. under Sec. 108.503 of SBA's rules & regs.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 250 responses; 250 hours; $36,000 Federal cost; $10,000 public cost; 1 form not applicable under 3504(H)
Edward C. Springer, 202–395–4814

Section 108.503–3 requires the CDE to submit annual reports and data that analyze the impact of its assistance to small business. This is a portion of the data required.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

• Compensation, pension and dependency and indemnity program evaluation
Nonrecurring
Individuals or households
VA beneficiaries—compensation or pension programs
Other veterans benefits and services, 2,430 responses; 607 hours; $195,000 Federal cost; 5 forms, not applicable under 3504(H)
Robert Neal, 202–395–6880

The compensation, pension and dependency & indemnity programs serve approximately 3.7 million beneficiaries. These programs are closely related and all will be evaluated at the same time for efficiency, effectiveness and impact in part by means of questionnaires mailed to a sampling of beneficiaries.

• Supplemental information for change of program or reenrollment after unsatisfactory progress or conduct
22–8873
On occasion
Individuals or households

Veterans, servicepersons/eligible dependents of survivors
Veterans education, training, and rehabilitation, 55,000 responses; 18,334 hours; $199,700 Federal cost; 1 form not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

This form is used to obtan information required for the determination of the suitability of a veteran or other eligible person, who requests a second or subsequent change of his/her training objective, to the new program being requested. Benefit payments cannot be resumed unless the VA finds that the cause of the unsatisfactory progress or conduct has been removed and is not likely to recur. (38 U.S.C. 1674, 1724, & 1791, 38 CFR 21.4234 and 21.4278)

Extensions (No change)

- Application for payment of matured endowment policy 29–5767

On occasion
Individuals or households
Insured veterans
Income security for veterans, 750 responses; 125 hours; $2,560 Federal cost; 1 form, not applicable under 3504(H)
Robert Neal, 202–395–6880

The completed form is required by law, 38 CFR 8.92 and 6.69. The information collected is used to process the insured's request for the payment of the proceeds of a matured endowment in installments.

- Statement of heirs for refund of credits

29–595 FL29–596
On occasion
Individuals or households
Claimant
Income security for veterans, 600 responses; 150 hours; $5,606 Federal cost; 1 form, not applicable under 3504(H)
Robert Neal, 202–395–6880

The completed form is required by law, 38 CFR 6.56 and 8.54. The information collected is used to determine the rightful heir(s) in order to pay the credits due the estate of a deceased veteran.

Arnold Strasser,

Acting Assistant Administrator for Reports Management.

[FR Doc. 81-[illegible] Filed 9-2-81; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

Privacy Act of 1974; Modification of Notice of System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Modification of notice of system of records.

SUMMARY: The Securities and Exchange Commission is modifying a notice of system of records, Notification of Exemption from Registration uder the Securities Act of 1933 (SEC–3), 41 FR 41552 (Sept 22, 1976), to make clear that that system contains information filed with the Commission pursuant to Rule 146, 17 CFR 230.146, concerning transactions by an issuer deemed not to involve any public offering of securities.

DATES: This amendment will become effective August 28, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew W. Sidman, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2454.

SUPPLEMENTARY INFORMATION: The system of records designated Notification and Exemption from Registration under the Securities Act of 1933 (SEC–3) contains information on officers, directors, principal shareholders, and certain other persons having a relationship or a transaction with a registrant that has utilized one of the exemptions from the registration provisions of that Act. The notice of the system of records, which was published prior to the adoption of Rule 146, enumerates several of those exemptive provisions, but, of course, does not mention Rule 146. The amended system notice is intended to make clear that information filed with the Commission pursuant to Rule 146 is included within SEC–3. The amended notice also makes clear that portions of the records within the system are stored in machine-readable form, and may be retrieved in that manner.

In view of the non-substantive nature of this amendment to the notice of the system of records, the Commission is not required to provide advance notice to Congress and the Office of Management and Budget ("OMB"). *See* Section (o) of the Privacy Act, 5 U.S.C. 552a(o); OMB Circular No. A–108, Transmittal Memorandum No. 1. The amended portion of the notice is italicized.

SEC–3

SYSTEM NAME:

Notification and Exemption from Registration under the Securities Act of 1933—SEC.

SYSTEM LOCATION:

These records are maintained in the Commission's Regional and Branch Offices for the geographical areas covered by those offices. Duplicated copies also may be maintained in the headquarters office in Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records include information on officers, directors, principal shareholders, and certain other persons having a relationship with or a transaction with a registrant that has utilized one of the exemptions, such as Regulations A, B, E *and Rule 146* under the Securities Act of 1933.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records described in the individual's relationship to a registrant and other relevant material business information about the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 15, United States Code, Section 77c(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and the information in the records may be used as follows:

1. By SEC personnel in processing registration statements and periodic reports and other documents required to be filed with the Commission under provisions of the Federal securities laws; may also be used in responding to inquiries from Members of Congress or the public concerning a registrant and in preparing no-action letters.

2. By SEC personnel for purposes of investigating violations of the Federal securities laws. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may br referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the

statute, or rule, regulation or order issued pursuant thereto.

3. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

4. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

7. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

8. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

9. In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

10. Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws or the Commission's rules of practice, 17 CFR 201.1 *et seq.* or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

11. Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

12. A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for the use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

13. Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

14. Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's rules of conduct, 17 CFR 200.735–1 *et seq.*, and who assists in the investigation by the Commission of possible violations of Federal securities laws, in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

15. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are maintained in hard copy form and are stored on shelving. *Records or portions of records may be maintained in machine readable form.*

RETRIEVABILITY:

Records are accessed by name and/or file number assigned to applicant. Individual name access is available through the Commission's Name-Relationship Index system.

SAFEGUARD:

Records contain public information and are available through public reference section. Records are maintained in central records office, which is locked at night.

RETENTION AND DISPOSAL:

These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Records Officer, Securities and Exchange Commission, 1100 L Street, NW., Washington, D.C. 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, NW., Washington, D.C. or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

CONTESTING RECORD PROCEDURES:

See Records access procedures above.

RECORD SOURCE CATEGORIES:

Documents and other information required to be filed under Regulation A, B, E, and F, *and Rule 146,* promulgated pursuant to provisions of the Securities Act of 1933.

Dated: August 25, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25777 Filed 9-2-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18067, SR-BSE-81-7]

Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change

August 28, 1981.

On July 1, 1981, the Boston Stock Exchange, Inc. ("BSE"), One Boston Place, Boston, MA 02108, filed with the Commission, pursuant to Section 19)b)(1) of the Securities Exchange Act of 1934, ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change to provide for a paid, full-time Chairman of the Board of Governors who would be designated the Chief Executive Officer of the Exchange, and to make corresponding changes in the definition and responsibilities of the Vice Chairman and President. The rule change also would create a Hearing Committee to conduct disciplinary proceedings and redefine the scope of jurisdiction of the Committee on Business Conduct.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17954, July 20, 1981) and by publication in the Federal Register (46 FR 38193, July 24, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25842 Filed 9-2-81; 8:45 am]

BILLING CODE 8010-01-M

National Association of Securities Dealers, Inc., Order Approving Amended Proposed Rule Change

[Release No. 18070; SR-NASD-80-16]

August 28, 1981.

On October 10, 1980, the National Association of Securities Dealers, Inc. (the "NASD") 1735 K Street, N.W., Washington, D.C. 20006, filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which would amend Schedule D of the NASD's By-Laws concerning the inclusion of rights and warrants on the NASDAQ System. The proposed rule change would permit rights and warrants to be included on the NASDAQ System only if the total number of rights and warrants issued is not less that 100,000. In addition to a number of technical clarifications, the proposed rule change further provides that, if the underlying security is listed on NASDAQ or on a registered national securities exchange, the number of rights and warrants issued will be considered only at the time of initial authorization. The NASD has indicated that the requirement that a minimum number of rights and warrants be issued is necessary to help ensure that there is a sufficient supply of the securities in the market to deter any potential manipulation.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release 17306, (November 17, 1980)) and by publication in the Federal Register (45 FR 77212, November 21, 1980). [1]No comments were received with respect to the proposed rule filing.

The Commission finds that the amended proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned amended proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25843 Filed 9-2-81; 8:45 am]

BILLING CODE 8010-01-M

[1]On December 30, 1980 and on August 21, 1981, the NASD filed technical amendments to the proposed rule change.

[Release No. 22178; 70-6536]

National Fuel Gas Corp., et al.; Proposed Increase in Short-Term Unsecured Debt and Gas Inventory Borrowings; Increase in Authorized Borrowings by One Subsidiary From Money Pool

August 28, 1981.

In the matter of National Fuel Gas Corp., 308 Seneca Street, Oil City, Pennsylvania 16301; Penn-York Energy Corp., 10 Lafayette Square, Buffalo, New York 14203; National Fuel Gas Distribution Corp., 10 Lafayette Square, Buffalo, New York 14203; National Fuel Gas Co., 30 Rockefeller Plaza, New York, New York 10112.

National Fuel Gas Company ("National"), a registered holding company, and three of its subsidiary companies, National Fuel Gas Distribution Corporation ("Distribution"), National Fuel Gas Supply Corporation ("Supply") and Penn-York Energy Corporation ("Penn-York") (collectively "System") have filed a post-effective amendment to their application-declaration previously filed and amended pursuant to Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42, 43, 45, 50(a)(2), 50(a)(3) and 50(a)(5) thereunder.

By prior order dated February 2, 1981 (HCAR No. 21903) in this proceeding, National was authorized to incur short-term debt up to a maximum principal amount of $138,700,000 through external borrowings. The applicant-declarants were also authorized to institute a System money pool through which the System companies could borrow and lend funds on a short-term basis. By the terms of that order, the maximum principal outstanding amount of unsecured debt authorized for the System from bank borrowings, commercial paper sales, surplus fund loans or any other source is limited to

$92,687,764, which was 20% of the System's consolidated capitalization at September 30, 1980.

The balance of the short-term debt was authorized to be incurred for Supply's gas inventory purposes. That order also authorized Penn-York to borrow up to $40,000,000 from the System money pool.

By post-effective amendment, the System seeks authorization (1) to incur short-term unsecured debt up to a maximum principal amount of $96,244,711, which is equal to 20% of the System's capitalization as of June 30, 1981, (2) to incur up to $42,455,289 of short-term debt for Supply's gas inventory purposes and (3) for Penn-York to borrow up to $50,000,000 from the System money pool. The terms and conditions of the transactions would remain as authorized by the Commission order of February 2, 1981 (HCAR No. 21903).

Penn-York has been incurring short-term debt to finance the development of underground gas storage facilities that it will use to provide gas storage service to non-affiliated utilities. Penn-York is expected to incur this higher level of short-term debt because the price of base-gas that Penn-York is purchasing for injection into its underground storage facilities has risen to a level that was not originally anticipated.

Although external financing will not be increased, the System's unsecured short-term debt and borrowings for Supply's gas inventory may increase to the proposed levels because of the timing of System's long-term financing arrangements.

The application-declaration as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 21, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended by the post-effective amendment or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25644 Filed 9-2-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 770]

Brownsville, Tex. and Cameron County, Tex.; Application for Bridge Permit

Notice is hereby given that the Department of State has received an application for a permit authorizing the construction of a Bridge between Brownsville, Texas and H. Matamoros, Tamaulipas, Mexico. The application has been filed jointly by the City of Brownsville, Texas and the County of Cameron, Texas, which propose to construct, operate and maintain a seven traffic lane, two pedestrian sidewalk bridge for vehicular and pedestrian traffic at the extension of U.S. Highway 77/83, located three river miles east of the existing Gateway International Bridge.

The Department's jurisdiction with respect to this application is based upon Executive Order 11423, dated August 16, 1968, and the International Bridge Act of 1972. (Pub. L. 92-343, 86 Stat. 731, approved September 26, 1972.)

As required by E.O. 11423, the Department of State is circulating this application to concerned agencies for comment. In addition, the Office of Environment and Health of the Department of State is reviewing an assessment of the Environmental effects of the proposal, which has been submitted as part of the application, in order to determine if an environmental impact statement will be required.

Interested persons may submit their views regarding this application in writing by October 1, 1981 to Mr. John R. Crook, Assistant Legal Adviser for Economic and Business Affairs, Room 6420, Department of State, 2201 C Street, NW, Washington, D.C. 20520.

The application and related documents made part of the record to be considered by the Department of State in connection with this application are available for inspection and copying in the Office of the Assistant Legal Adviser for Economic and Business Affairs during normal business hours.

Any questions relating to this notice may be addressed to Mr. Crook at the above address, (202-632-0242) or to Mr. James V. Hackney (202-632-9311).

Dated: August 27, 1981.

John R. Crook,

Assistant Legal Adviser for Economic and Business Affairs.

[FR Doc. 81-25782 Filed 9-2-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-065]

User Fees; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of Informational Meeting on Coast Guard user fees.

SUMMARY: The Department of Transportation will hold a meeting with the public to present information concerning the establishment of user fees for certain Coast Guard services. The meeting will provide an opportunity for the public and Department of Transportation officials to discuss the overall philosophy of user fees, details of the Coast Guard budget process including program cost allocation procedures, and other informational items related to the user fee concept as a basis of future legislation.

DATES: The informational meeting will be held at 9:30 a.m. on September 11, 1981. Written comments will be accepted until October 31, 1981.

ADDRESSES: The informational meeting will be held in Room 2230, Department of Transportation, 400 7th Street, S.W., Washington, D.C. Written comments may be submitted to Commandant (CMC/44 (CGD 81-065)), U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Lt Rebecca L. Feemster, (G-LLX/34), U.S. Coast Guard Headquarters, 2100 Second St., SW, Washington, D.C. 20593, (202) 426-1467, 7 a.m. to 5 p.m., Monday through Thursday, except holidays.

Dated: August 27, 1981.

E. H. Daniels,

Rear Admiral, U.S. Coast Guard, Chief Counsel.

[FR Doc. 81-25580 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Docket No. 21955]

Preliminary Regulatory Evaluation; Metropolitan Washington Airports Policy

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Document.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Regulations and Enforcement Division, Office of the Chief Counsel, AGC–200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: (202) 426–3073.

NOTICE: The FAA has completed the Preliminary Regulatory Evaluation of the Proposed Metropolitan Washington Airports Policy (46 FR 36068, July 13, 1981). Any person may obtain a copy of the document by submitting a request to the Federal Aviation Administration, Rules Docket, 800 Independence Avenue, SW., Room 916, Washington, D.C. 20591 or by calling the phone number listed above. A copy of the evaluation is also available for review in the Rules Docket weekdays, except Federal Holidays, between 8:30 a.m. and 5:00 p.m. The closing date for submittal of comments on Notice No. 81–8 is August 31, 1981.

Dated: August 26, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

[FR Doc. 81–25693 Filed 9–2–81; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 142—Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment to be held on September 22–23, 1981 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Ninth Meeting Held on June 24–26, 1981; (3) Discuss Guidelines for Review of Fourth Draft of Committee Report on DABS Minimum Operational Performance Standards; (4) Review of Fourth Draft of Committee Report; (5) Identification and Assignment of Tasks to Complete Committee Actions; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on August 24, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81–25692 Filed 9–2–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Montgomery County, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Montgomery County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P.O Box 1086, Harrisburg, Pennsylvania 17108, Telephone: (717) 782–2276, or Robert L. Rowland, P.E., District Engineer, Pennsylvania Department of Transportation, 200 Radnor-Chester Road, St. Davids, Pennsylvania 19087, Telephone: (215) 687–1600.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will be preparing an Environmental Impact Statement (EIS) on a proposal to construct a highwaylink of the Mid-County Expressway (I–476) between its current terminus north of the Schuylkill Expressway (I–76) and the Northeast Extension Interchange of the Pennsylvania Turnpike, Plymouth Township, Montgomery County, Pennsylvania. The proposed 1.5 miles of limited access divided highway would extend from an existing section of the Mid-County Expressway, which is open to traffic from I–76 north to Chemical Road, to a proposed Toll Plaza of the Pennsylvania Turnpike.

A connection to the existing Norristown Interchange of the Pennsylvania Turnpike will also be provided along with ramps to the existing local roads. The remainder of the Mid-County Expressway linking I–95 in Philadelphia to the Pennsylvania Turnpike is either constructed or is in the final design stage. Completion of the expressway will eliminate congestion and delay on the existing routes in Philadelphia and the surrounding counties and provide better north-south access for the surrounding region.

The project has been under consideration for many years and several alignments have been studied. Various alignments were eliminated because of traffic congestions, safety deficiencies, community opposition, potential urban impacts, or consideration of the Plymouth Meeting Historical District. The two alignments now under study pass between the Pennsylvania Turnpike to the north and the Plymouth Meeting Historical District to the south. The no-build alternative and the no-build with low-capital Transportation System Management (TSM) alternative will also be included. The alternatives will be studied in detail in the areas of air quality, noise pollution, preliminary engineering, historical and archaeological resources, traffic/transportation/ energy, water resources, social-economic and land use, terrestrial ecology, cost analysis of effective alternatives, and consultation/ coordination.

Early inter-agency coordination meetings were held throughout the first half of 1981, to identify issues pertinent to the project scope. These meetings were held with a broad range of appropriate Federal, State, and local agencies. An open house public meeting attended by 100 interested citizens was conducted in April 1981. The purpose of the public meeting was to solicit opinions regarding critical and sensitive issues, as well as to advise the public of proposed studies. Further interagency and public involvement will continue throughout development of the EIS through a scoping process.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

Issued on August 28, 1981.

George L. Hannon,

Acting Division Administrator Harrisburg, Pennsylvania.

[FR Doc. 81-25615 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

Colonial Bank; Approval of Applicant as Trustee

Notice is hereby given that Colonial Bank, with offices at 81 West Main Street, Waterbury, Connecticut, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: August. 31, 1981.

By Order of the Acting Maritime Administrator

Robert J.Patton, Jr.,

Secretary.

[FR Doc. 81-25611 Filed 9-2-81; 8:45 am]

BILLING CODE 3510-15-M

National Highway Traffic Safety Administration

Rulemaking, Research and Enforcement Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on September 23, 1981, to answer questions from the public and industry regarding the Agency's rulemaking, research and enforcement programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At the September meeting, representatives of DOT will answer questions received from the industry and the public relating to NHTSA's rulemaking, research and enforcement programs (including defects). The purpose of this is to focus on those phases of these NHTSA activities which are technical, interpretative or procedural in nature. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions).

Questions for the September 23 meeting should be submitted in writing by September 9 to Michael M. Finkelstein, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, S.W., Washington, D.C. 20590. Every effort will be made to answer appropriate questions received. Questions received after the September 9 date may be answered at the meeting, if sufficient time is available. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by September 9 and the issues to be discussed will be mailed to interested persons on or before September 14, 1981, and will be available at the meeting. This list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies of the transcript will then be available at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon receipt to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

The Agency specifically requests at this time comments or suggestions from any interested persons on how the format, procedural aspects or conduct of future such meetings might be modified so as to improve the nature and scope of the discussion. Such comments or suggestions may be submitted at this meeting, or sent directly to Michael M. Finkelstein on or before October 1, 1981.

Issued in Washington, D.C., on August 28, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-25795 Filed 9-2-81; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

[Notice 81-6]

Senior Executive Service Performance Review Boards (PRB); Membership

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: DOT publishes the names of the persons selected to serve on the various Departmental Performance Review Boards (PRB) established by DOT under the Civil Service Reform Act (CSRA).

FOR FURTHER INFORMATION CONTACT: Robert S. Smith, Director, Office of Personnel and Training, and Executive Secretary, DOT Executive Resources Board, (202) 426-4088.

SUPPLEMENTARY INFORMATION: The CSRA of 1978, which created the Senior Executive Service, requires that each agency implement a performance appraisal system making senior executives accountable for organizational and individual goal accomplishment. As part of this system, CSRA requires each agency to establish one or more PRB's, the function of which is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on one or more Departmental PRB's.

Issued in Washington, D.C., on August 27, 1981.

Robert L. Fairman,

Assistant Secretary for Administration.

Department of Transportation—Senior Executive Service Performance Review Boards

Office of the Secretary

Rosalind A. Knapp, Deputy General Counsel
Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement
William H. Fitzgerald, Director, Office of Budget
B. Kelley Andrews, Director, Office of Intergovernmental Affairs
Franklin K. Willis, Deputy Assistant Secretary for Planning and Policy Analysis
Richard F. Walsh, Director, Office of Transportation Economic Analysis
Martin Convisser, Director, Office of Environment and Safety
C. Shannon Roberts, Deputy Director, Office of Management Planning
Marvin N. Gordon, Director, Office of Automated Systems Policy
Robert E. Jones, Director, Transportation Computer Center
James L. McInerney, Special Assistant to the Deputy Secretary

United States Coast Guard

Karen S. Lee, Deputy Assistant Secretary for Administration, Office of the Secretary
Wesley A. Plummer, Director, Office of Civil Rights, Office of the Secretary
Thomas F. Garnett, Associate Director for Labor Relations, Office of Personnel and Training, Office of the Secretary
Arthur Varnado, Director, Rockey Mountain Region, Federal Aviation Administration
RADM Richard P. Cueroni, Chief, Office of Personnel
RADM Wayne E. Caldwell, Chief, Office of Marine Environment and Systems
RADM William P. Kozlovsky, Comptroller

Federal Aviation Administration

Charles F. Bingman, Special Assistant to the Deputy Secretary, Office of the Secretary
Albert P. Albrecht, Associate Administrator for Engineering and Development
Wayne J. Barlow, Director, Great Lakes Region
James L. Bispo, Associate Administrator for Air Traffic and Airway Facilities
Benjamin Demps, Jr., Director, Aeronautical Center

Robert L. Faith, Director, Alaskan Region
Charles R. Foster, Director, Northwest Region
Walter S. Luffsey, Associate Administrator for Aviation Standards
Clarence R. Melugin, Director, Southwest Region
Donald R. Segner, Associate Administrator for Policy and International Aviation
William F. Shea, Associate Administrator for Airports
Murray E. Smith, Director, Eastern Region
Arthur Varnado, Director, Rocky Mountain Region
Leon C. Watkins, Director, Office of Civil Rights
Charles E. Weithoner, Associate Administrator for Administration
Robert E. Whittington, Director, New England Region

Federal Highway Administration

J. Kenneth Klinge, Special Assistant to the Secretary, Office of the Secretary
Donald E. Trull, Regional Federal Highway Administrator, Region 5
Daniel Markoff, Associate Administrator for Administration
Richard D. Morgan, Associate Administrator for Engineering and Traffic Operations
R. Edward Quick, Director, Office of Civil Rights
Richard B. Robertson, Associate Administrator for Planning and Policy Development
Donald L. Ivers, Chief Counsel
Morris C. Reinhardt, Regional Federal Highway Administrator, Region 8

Federal Railroad Administration

J. Kenneth Klinge, Special Assistant to the Secretary, Office of the Secretary
Katherine M. Anderson, Director, Executive Secretariat, Office of the Secretary
John H. Broadley, Chief Counsel
R. Edward Quick, Director, Office of Civil Rights, Federal Highway Administration
Daniel Markoff, Associate Administrator for Administration, Federal Highway Administration
Richard D. Morgan, Associate Administrator for Engineering and Traffic Operations, Federal Highway Administration
Donald E. Trull, Regional Federal Highway Administrator, Region 5, Federal Highway Administration

National Highway Traffic Safety Administration

J. Kenneth Klinge, Special Assistant to the Secretary, Office of the Secretary
Diane K. Steed, Deputy Administrator
Frank A. Berndt, Chief Counsel
Lynn L. Bradford, Associate Administrator for Enforcement
Michael M. Finkelstein, Associate Administrator for Rulemaking

Urban Mass Transportation Administration

Charles F. Bingman, Special Assistant to the Deputy Secretary, Office of the Secretary
Steven A. Barsony, Director, Office of New Systems Applications
Thomas R. Hunt, Associate Administrator for Administration
Robert H. McManus, Associate Administrator for Planning Management and Demonstrations
Harold B. Williams, Director, Office of Civil Rights
Charles H. Graves, Director, Office of Planning Assistance
Raymond J. Sander, Executive Director

Research and Special Programs Administration

James L. McInerney, Special Assistant to the Deputy Secretary, Office of the Secretary
Charles F. Bingman, Special Assistant to the Deputy Secretary, Office of the Secretary
James Costantino, Director, Transportation Systems Center
Leon D. Santman, Director, Materials Transportation Bureau
Gregory T. Haugan, Director, Transportation Programs Bureau

Office of the Inspector General

Joseph A. Sickon, Inspector General (Designate), General Services Administration
Wallace E. Busbee, Jr., Executive Assistant to the Inspector General, Veterans Administration
Raymond F. Randolph, Assistant Inspector General for Auditing, Small Business Administration
Donald R. Trilling, Director, Office of Industry Policy, Office of the Assistant Secretary for Policy and International Affairs, Office of the Secretary
James L. McInerney, Special Assistant to the Deputy Secretary, Office of the Secretary

[FR Doc. 81-25782 Filed 9-2-81; 8:45 am]
BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

[Supplement to Department Circular—Public Debt Series—No. 27-81]

Notes Designated Series F-1986; Interest Rate

August 28, 1981.

The Secretary announced on August 27, 1981, that the interest rate on the notes designated Series F-1986, described in Department Circular—Public Debt Series—No. 27-81, dated August 20, 1981, will be 16⅛ percent. Interest on the notes will be payable at the rate of 16⅛ percent per annum.

Paul H. Taylor,
Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-25699 Filed 9-2-81; 8:45 am]
BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 171
Thursday, September 3, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 a.m. (eastern time), Friday, September 4, 1981.

PLACE: Commission Conference Room, No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open.

1. Freedom of Information Act Appeal No. 81–6–FOIA–33–DA, A request for documents in a file concerning a Commission's charge.
2. Recommended Tribal Employment Rights Office (TERO) FY'81 Contract Extensions.
3. Ninety-Day Notice Concerning *County of Washington v. Gunther*
4. Quarterly Review of Section 603 of the Compliance Manual, Volume 2, Identifying and Processing Charges Which Raise Issues Not Covered by a Commission Decision Precedent and Exhibit 603–A. Partial Index of Commission Decision Precedent Decisions.
5. Eight Proposed contracts for services needed in connection with litigation matters.
6. Report on Commission Operations by the Executive Director.

Closed:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This notice issued August 28, 1981.

[S–1319–81 Filed 9–1–81; 11:00 am]

BILLING CODE 6570–06–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, September 8, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda: Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 1, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1320–81 Filed 9–1–81; 11:31 am]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, September 8, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

First Mountain Bank, a proposed new bank, to be located at 42142 Big Bear Boulevard, Big Bear Lake, California.

Southbridge Savings Bank, Southbridge, Massachusetts, an operating noninsured mutual savings bank.

Union Planters Bank of Nashville, a proposed new bank, to be located in the Hillsboro Shopping Center, 3900 Hillsboro Road, Green Hills, Nashville, Tennessee.

Application for consent to establish a branch:

Dollar Savings Bank of New York, New York (Bronx), New York, for consent to establish a branch at 1330–1332 First Avenue, New York (Manhattan), New York.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liqudating agent of those assets:

Memorandum and Resolution re: Surety Bank and Trust Company, Wakefield, Massachusetts.

Memorandum and Resolution re: Notice of amendments to and annual

publication of systems of records required by the Privacy Act of 1974.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Foreclosure Bids

Memorandum re: Reports Required Under Delegated Authority Compromise Settlements

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 1, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1321–81 Filed 9–1–81; 11:31 am]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, August 31, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Applications of Hudson City Savings Bank, Jersey City, New Jersey, for consent to establish two branches at the following locations: the northeast corner of Applegarth and Prospect Plains-Cranbury Roads, Monroe Township, New Jersey; and within the West Milford Shopping Center, Marshall Hill and Union Valley Roads, West Milford, New Jersey.

Application of Bank of Downey, Downey, California, for consent to merge, under its charter and with the title "Southern California Bank," with National Bank of Whittier, Whittier, California, and to establish the six offices of National Bank of Whittier as branches of the resultant bank.

Application of Branch Banking and Trust Company, Wilson, North Carolina, for consent to merge, under its charter and title, with Independence National Bank, Gastonia, North Carolina, and to establish the twenty-nine offices of Independence National Bank as branches of the resultant bank.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was parcticable; that the public interest did not require consideration of the matters in a meeting open to public observation: and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: August 31, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1322–81 Filed 9–1–81; 11:31 am]

BILLING CODE 6714–01–M

5

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., September 3, 1981.

PLACE: 1700 G Street, N.W., Sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Consideration of Merger (two cases) Suspension and Prohibition

[S–1325–81 Filed 9–1–81; 3:28 p.m.]

BILLING CODE 6720–01–M

6

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., September 10, 1981.

PLACE: 1700 G Street, N.W., Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Request for a Commitment to Insure Accounts—Cypress Savings & Loan Association, Plantation, Florida (New, State-Stock)

Permission to Organize a New Federal Association—Mary S. Lambert, et al. Livingston, Louisiana

Permission to Organize a New Federal Association—Robert B. Evans, et al. Gretna, Louisiana

Merger of—Fort Hills Federal Savings & Loan Association, Clemson, South Carolina *into* First Federal Savings & Loan Association of Greenville, Greenville, South Carolina

Conversion, Merger and Retention of Facilities—Perpetual Savings & Loan Association, Beverly Hills California *into* Home Federal Savings & Loan Association of San Diego, San Diego, California

Proposed Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance and Transfer of Stock—Home Federal Savings & Loan Association, Macon, Georgia *into* Georgia Federal Savings & Loan Association, Atlanta, Georgia

No. 535, September 1, 1981.

[S–1324–81 Filed 9–1–81; 3:23 pm]

BILLING CODE 6720–01–M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on September 24, 1981.

PLACE: Room 1101, 1823 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: August 31, 1981.

[S–1317–81 Filed 9–2–81; 10:52 am]

BILLING CODE 7600–01–M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on September 10, 1981.

PLACE: Room 1101, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: August 31, 1981.

[S-1316-81 Filed 9-1-81; 10:52 am]

BILLING CODE 7600-01-M

9

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 7, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, September 9, 1981, at 10:00 a.m. and on Thursday, September 10, 1981, following the 10:00 a.m. open meeting. Open meetings will be held on Wednesday, September 9, 1981, at 2:30 p.m. and on Thursday, September 10, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i)and (10).

Chairman Shad and Commissioners Loomis, Evans, and Longstreth determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, September 9, 1981, at 10:00 a.m., will be:

Freedom of Information Act appeals.
Settlement of administrative proceedings of an enforcement natural.
Formal orders of investigation.
Settlement of injunctive action.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive actions.
Subpoena enforcement action.
Litigation matter.

The subject matter of the closed meeting scheduled for Thursday, September 10, 1981, following the 10:00 a.m. open meeting, will be:

Regulatory matter bearing enforcement implications.

The subject matter of the open meeting scheduled for Wednesday, September 9, 1981, at 2:30 p.m., will be:

The Commission will review and discuss major policy issues with respect to options trading with representatives of the Options Committee of the Securities Industry Association. These policy issues include multiple trading, side-by-side trading, the development of a national market system in options, entry of the New York Stock Exchange, Inc. and National Association of Securities Dealers, Inc. into the options markets, Government National Mortgage Association debt options, Trans Canada Options and commodity options. For further information, please contact Richard T. Chase at (202) 272-2411.

The subject matter of the open meeting scheduled for Thursday, September 10, 1981, at 10:00 a.m., will be:

1. Consideration of whether to grant the appeal of Gerald j. Newbrough from the determination of the Freedom of Information Act Officer denying him access to internal memoranda and other material pursuant to Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5). For further information, please contact Robert Lipsher at (202) 272-2493.

2. Consideration of whether to release to the public a study, entitled *Staff Report on the Securities Industry in 1980*. For further information please contact William J. Atkinson at (202) 532-5493.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272-2467.

September 1, 1981.

[S-1323-81 Filed 9-1-81; 3:04 pm]

BILLING CODE 8010-01-M

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federal register

Thursday
September 3, 1981

Part II

Department of Energy

Bonneville Power Administration

Final Action Concerning Power Sales and Residential Exchange Contracts Required by Pacific Northwest Electric Power Planning and Conservation Act

DEPARTMENT OF ENERGY

Bonneville Power Administration

Final Action Concerning Power Sales and Residential Exchange Contracts Required by Pacific Northwest Electric Power Planning and Conservation Act

AGENCY: Bonneville Power Administration (BPA), Department of Energy.

ACTION: Notice of final action concerning power sales and residential exchange contracts, including verbatim terms of the contracts, summary of major comments provided by the public, and BPA evaluation of the public comments.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act or Pub. L. 96–501) requires in section 5(g) that BPA simultaneously offer, within 9 months of the date of enactment (September 5, 1981), long-term power sales contracts to (1) existing public body and cooperative customers and investor-owned utility customers; (2) Federal agency customers; (3) electric utility customers participating in the residential exchange; and (4) the direct-service industrial customers. On Friday, August 28, BPA took final action concerning these contracts by sending final power sales and residential exchange offers to eligible entities in the Pacific Northwest. This action fully completed BPA's development of these contracts and satisfied BPA's statutory obligation to negotiate and offer these contracts pursuant to the requirements of section 5(g). Executed contracts may be amended in the future upon mutual agreement of the parties.

BPA published summaries of its draft prototype power sales and residential exchange contracts and a draft report on the environmental considerations associated with the contracts on June 11, 1981, (46 FR 31238). This Notice summarizes the major issues identified by the public and BPA's evaluation of the public comments related to those issues which were received following publication of the draft prototype contracts and during earlier opportunities for public review and comment (46 FR 18331 and 46 FR 23287). This Notice also includes verbatim, in Attachments 1–3, the terms of the prototype Utilities Power Sales Contract, the prototype Residential Exchange Contract, and the prototype Direct-Service Industries Power Sales Contract, including the General Contract Provisions. Certain exhibits to the contracts have not been published because they have been previously published in the **Federal Register** or are included in this Notice only once where they are incorporated into more than one contract. References to where these exhibits can be found are included in the contracts where they are normally located.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, Extension 4261. BPA maintains toll-free lines for the use of persons within the region. Oregon callers outside of the Portland area may use the toll-free line, 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California: 800–547–6048. Messages received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines.

SUPPLEMENTARY INFORMATION: The Regional Act requires that BPA simultaneously offer, within 9 months of the date of enactment, long-term power sales contracts to: (1) Existing public body and cooperative customers and investor-owned utility customers; (2) Federal agency customers; (3) electric utility customers participating in the residential exchange; and (4) the direct-service industrial customers. From the outset, BPA recognized that the public should be and wished to be involved in the implementation of the Regional Act and could play an important role in the negotiation of the power sales contracts. On December 1, 1980, BPA initiated its public involvement under the Regional Act by mailing to 8,000 addressees in the region a summary of the Regional Act, a series of questions and answers relating to the Regional Act, a summary of the tasks which BPA planned to undertake for implementing the Regional Act, and an announcement of the availability of toll-free numbers for questions. The Administrator announced in that mailing that four technical meetings would be held in Portland in mid-December for interested parties (investor-owned utility customers; direct-service industrial customers; preference customers; and Federal agency customers; and environmental and consumer organizations). The purpose of these meetings was to explain the Regional Act and the actions which BPA must undertake prior to adoption of an initial regional power plan by the Pacific Northwest Electric Power and Conservation Planning Council (Regional Planning Council) established by the Regional Act.

On December 5, 1980, the Administrator sent letters to each customer group and to other interested individuals and groups telling them where and when the technical meetings would be held. Principal environmental and public interest groups, local government bodies, and Northwest Indian tribes were included in this mailing.

On December 31, 1980, the Administrator sent informational material regarding the upcoming negotiations to all customers and technical meeting attendees. The material included lists of the contract types as well as the task teams BPA proposed to negotiate the contracts.

On January 5, 1981, BPA issued a press release announcing a series of 26 town hall meetings to be held throughout the region from January 8 through 22. (An additional meeting was scheduled later when a particular community requested that one be held in that locality.) BPA placed advertisements concerning the meetings in regionwide newspapers in order to reach the maximum number of interested people. The meetings were designed to explain the major provisions of the Regional Act to the public and especially local government officials. They were conducted by BPA Area office and District office personnel. The Administrator stated that the town hall meetings were one way BPA would keep the public informed and involved during the policymaking process.

On January 12, 1981, BPA announced to its customers that an organizational meeting for contract negotiations pursuant to the Regional Act would be held on January 23 in Portland. On January 14, a direct invitation to attend the meeting was also extended to interested individuals through the press and mailings. On January 20, BPA issued a press release to further alert the public on the upcoming organizational session. This meeting preceded the start of actual negotiations. Its main purpose was to develop the organizational framework within which negotiations would be conducted and to determine the mechanics of the development of the specific prototype contracts. BPA invited its customers to select representative teams to attend the meeting.

From January 23 to May 29, negotiations between BPA and its customers were conducted at BPA headquarters in Portland, Oregon. Early in January, BPA's Public Involvement office established a weekly meeting calendar. The calendar included conferences, seminars, and other

meetings including contract negotiation sessions and was sent to the public on request. Similar information was contained in calendars maintained and distributed throughout the region by the Public Power Council, the Pacific Northwest Utilities Conference Committee, and the Direct-Service Industrial Customer office. The section of the calendar dealing specifically with the contract negotiation sessions was reproduced and posted every Monday in the BPA Headquarters lobby. It was also included in the weekly mailings of negotiation materials to individuals who requested these materials.

Issues regarding the power sales and rural-residential exchange contracts were discussed and clarified in the negotiating sessions. Interested individuals were free to observe the negotiation sessions between BPA and participating parties, and to submit oral and written comments during and at the conclusion of individual negotiating sessions. Upon request, BPA each week furnished to the public copies of all documents distributed at the sessions.

On March 25, 1981, BPA published a notice in the **Federal Register** (46 FR 18331) titled "Notice of Public Participation in Negotiation of Initial Long-Term Power Sales and Certain Other Contracts." The notice outlined the approach BPA was taking to include the public in the contract negotiation process and restated the availability of the meeting calendar so that interested parties could attend the negotiation sessions. It also invited interested individuals to request weekly mailing of documents distributed at the negotiation sessions so that individuals unable to attend some or all of the negotiation sessions would still be able to participate. This invitation to participate in the sessions was also mailed directly to individuals and groups who had expressed an interest.

On April 8, 1981, in response to urging from fisheries and environmental groups for expanded public involvement, BPA announced its plans to hold two evening meetings (one west of the Cascades and one east of the Cascades) where the Acting Power Manager would receive advice and accept comments from interested people on contract issues identified by them. The letter directed to "Public Interest Groups and Individuals particularly Interested in BPA's 1981 Contract Negotiation Process" requested their help in identifying items for the meeting agenda and their suggestions for the specific location.

On April 24, 1981, BPA mailed letters to over 3,000 public interest groups and individuals stating that it would hold two public meetings in May to receive advice and accept comments on items of concern that had been identified in response to the April 8 letter. These evening meetings, held in Seattle, Washington, and Boise, Idaho, were announced in the **Federal Register** (46 FR 23287). The invitation was also extended to BPA customers. Congressman Ron Wyden (D-Or) and Acting Administrator Earl Gjelde issued a press release announcing the public meetings and the opportunity to submit written comments for contract items. An additional meeting, a special evening session with BPA's negotiating teams held in Portland, was later announced. This additional opportunity to comment on matters to be dealt within the contracts was publicized in newspaper advertisements in the vicinity of the meeting locations. Over 300 people attended these public meetings which were recorded and transcribed. BPA representation included the Acting Power Manager, the Power Management Chief of Staff, five Division Directors in their role as principal negotiators, the Contract Negotiations Branch Chief, the Conservation Division Director, and the Fish and Wildlife Coordinator as well as Public Involvement, Environmental, Area office, and District staff. BPA contract leaders were also present at the Portland session. Attendees were given a brief written explanation of the contracts as they registered. Forty-one people presented statements at the Seattle and Boise meetings, and 19 people commented at the special evening session held in Portland.

On June 8, 1981, BPA sent summaries of the testimony received at the three public meetings and the written comments received through May 29, 1981, to meeting attendees as well as others who had indicated an interest in the contract negotiation process. The transcripts of the meetings and the summaries were also given to the various negotiating parties.

The Administrator issued a press release on May 13, 1981, announcing the remainder of the schedule for the negotiations. On June 11, 1981, BPA again contacted by mail those interested in the contract process advising them concerning the availability of draft prototype power sales and residential exchange contract, together with a draft report on associated environmental considerations. The **Federal Register** notice (46 FR 31238) sent with the letter announced a 30-day review-and-comment period ending July 13, 1981, and contained a summary of the significant elements of the draft contracts and of the major points of disagreement, as well as a notice of availability of a draft environmental report. The notice also advised interested parties of four public meetings scheduled in Seattle, Spokane, Portland, and Boise where they could comment orally on the draft contracts and environmental report. An additional public meeting was later scheduled and announced in Missoula, Montana. The meetings were publicized in newspaper advertisements in the localities, and were conducted by BPA Area office and District office personnel. The meetings were recorded and transcribed. The transcripts of the meetings and summaries of the testimony and written comments received through July 2, 1981, were given to the negotiating parties and those who had requested copies of all material distributed at the negotiating sessions.

As announced, written comments could be submitted through July 13, 1881. The comments which were received by July 13, 1981, from the public at large and from those who would be contract signators were read by a representative group of BPA, the Inter-Company Pool, the Public Power Council, the Direct Service Industries, and members of the public. BPA then began its formal in-house review and assessment of the comments submitted. The issues raised by the public comments and BPA's evaluation of these comments are explained below.

BPA's customer comments have also been read, analyzed, and considered. It is BPA's position that the contract itself is BPA's final response to the issues as they have evolved during the negotiations process. Therefore, BPA has decided not to respond in this evaluation to each and every issue raised by its customers. BPA feels that the eight months of negotiations have provided the forum in which its customers could express their views on the issues. BPA has also responded directly to its customers in the negotiations process.

In order to respond fully to its customers, regarding those issues that remained unclear or unresolved at the end of the negotiations process, BPA set aside the week of August 3–7, at the Jantzen Beach Red Lion in Portland, Oregon, to discuss and resolve those issues. This was an intensive week of meetings directed at issue resolution. BPA attendees included the Administrator, Deputy Administrator, members of General Counsel's staff, plus the BPA negotiating teams. The week culminated on Friday, August 7, in sessions between BPA and each customer class, at which time the Administrator and Deputy

Administrator reviewed the issues, reviewed the week's discussions and where possible stated the resolution of the issues as understood by BPA at the end of the negotiating process. The customers then responded, and a discussion of the issues followed. The week of the negotiations and the Friday review allowed all parties to have a clear understanding of the status of the issues on the final day of negotiations.

On Friday, August 28, 1981, BPA took final action on the proposed contracts by sending its offerial contract offers to eligible regional entities. Final utility power sales offers were sent to regional publicly-owned and investor-owned utilities, specific Federal Agencies, and current direct-service industrial customers. Final residential exchange contract offers were sent to utilities which had requested residential exchange contracts.

On and after September 14, 1981, BPA will make available to the public for inspection and copying the Official Record of this process, including the Administrator's Record of Decision and the Final Environmental Report and BPA's Staff Evaluation of Public Comment listing the comments of individual commentors on the major issues.

PUBLIC COMMENT AND ANALYSIS

Prototype Utilities Power Sales Contracts: the Major Issues Identified and Addressed by the Public and BPA's Evaluation of Those Comments

A. Fish and Wildlife

1. *Issue.* Should language addressing PBA's and its customers' fish and wildlife responsibilities under the Regional Act and other laws should be included in all power sales contracts and exchange contracts?

2. *Evaluation.* Much of the public comment was in response to an earlier stage of the negotiating process where the National Marine Fishery Service (NMFS) stated its opinion that BPA and its customers were being unresponsive to its fish and wildlife language. Subsequently, an ad hoc fisheries committee consisting of a group of representatives from NMFS, fisheries interests, utilities, and DSI's, met to discuss specific contract provisions, and contract language has been drafted and agreed upon by representatives of the fish and wildlife agencies, fisheries' interests, Indian tribes, BPA, and most of BPA's customers. As a result, language addressing fish and wildlife concerns is in the contract.

Customer concern about fish and wildlife language being included in the power sales contract related to two issues. First, BPA customers were concerned that measures taken to assure the protection, mitigation, and enhancement of fish runs would reduce the amount of power and energy they would otherwise be entitled to under their contracts. Second, BPA's customers were concerned that their autonomy might be eroded by BPA undertaking actions which in their view went beyond the authority granted to BPA in the Regional Act.

The fisheries' interests, on the other hand, felt the Regionl Act had made the "protection, mitigation, and enhancement" of fish a co-equal partner to BPA's principal charge, the sale of power and energy at wholesale rates and, where required, transmission of that power and energy.

In response to these concerns BPA has written into the contracts language which assures that possible future reductions in the capabilities of existing resources because of fish and wildlife measures not only cannot be blocked on grounds of power sales contracts, but in fact are built into the method of determining resource capability. Any capability that is lost can and under sections 6(a)(2)(B), 8(a), and 4(e)(3)(D)(ii) *must* be taken into account and replaced with the acquisition of substitute capability. As a result no BPA customer has a contractual basis for arguing that the capability of particular Federal generating units cannot be reduced, if implementation of fish and wildlife measures requires a reduction. BPA's contracts also contain provisions to deal with an absolute shortage of capability, on both an operating and planning basis.

A second concern to both BPA's customers and the fishery interests is that a BPA customer which owns a hydroelectric generating facility previously could not reduce the capability of its generating resources (and thus increase its demands on BPA) without incurring one of a variety of cost or rate penalties. The fisheries' interests have felt this situation has made it more difficult to gain acceptance for fisheries measures that would reduce the generating capabilities of these non-Federal dams. In response to this concern the contract negotiation sessions produced a change in BPA policy, incorporated in section 15(d) of the utilities power sales contracts, which allows a BPA customer to change easily and without contract limitation the "assured capability" of its resources to carry out the fish and wildlife obligations. BPA will be obligated by contract to make available increased electric power and energy to offset any reduction in the capability of a BPA customer's own resources if that reduction is attributable to fish and wildlife obligations.

B. Conservation

1. *Issues.* Should the power sales contracts include a provision requiring BPA customers to implement BPA's conservation programs, or their own equivalent programs, as a condition of BPA service?

What should the power sales contracts require of BPA and its customers with respect to conservation?

2. *Evaluation.* BPA's staff feels that conservation language should appear in the power sales contracts. The issue has concerned what BPA and its customers are required to do so as to be in conformance with the conservation priority and mandates of the Regional Act.

The Regional Act, repeatedly and unambiguously, requires BPA to acquire all conservation resources that are cost-effective and to continue its efforts in acquisition of conservation. The Regional Act also requires the Regional Council to include conservation in its plan, including in the plan's load and resource forecast, and to adopt model conservation standards that are designed to be effectively enforced through surcharges on BPA power for BPA customers in non-complying jurisdictions. Nothing in the contracts will permit any utility to block BPA's or the Regional Council's conservation efforts. The Regional Act specifically recognizes that BPA may make direct arrangements with consumers through local entities other than utilities, and, if necessary, without any local intermediaries of any kind.

The Regional Act also contains several incentives for utilities who exercise their responsibilities in ways designed to help achieve and implement conservation. These incentives include billing credits for all independent conservation efforts, including voluntarily adopted retail rate structures that encourage conservation (section 6(h)(5)) which BPA is required to assist under section 9(j)(2), for requesting customers. Surcharges to induce compliance with model conservation standards adopted by the Regional Council and to be included in its plan are another substantial incentive. Most important, however, is that the ability of any utility to assure itself of the power supply and power resource financing benefits for conservation offered by the Regional Act. The power sales contract depends ultimately on the utility providing the means to meet its own load growth (see section 5(e)), and since

meeting that load growth with resources which require any direct or indirect BPA financial assistance, either purchase or billing credits, requires that the resources themselves meet the statutory criteria of section 4(e) (1) and (2), including as applicable, consistency with the Regional Council's plan is furthered. This is the "carrot and stick" approach of the Regional Act to BPA customers, as distinct from the direct approach taken for BPA and Regional Council conservation responsibilities; both the "carrots" and the "sticks" are strong inducements.

However the Regional Act does not require the utility itself to engage in conservation. If the utility fails to do so, it will suffer the economic and load consequences, including potential surcharges of 50-percent on its BPA purchase of power and the inability to assure itself of meeting its loads during any period of insufficient power supply (insufficiency). Under the Regional Act, the utility may exercise its own options under local control and to explain to its ratepayers and relevant governmental bodies why it chose to exercise such control in the manner it did.

BPA's principal contractual concern on this point is that no utility is able by its exercise of local control or otherwise to frustrate either BPA's or the Regional Council's efforts to assure that conservation is achieved in the utility's service territory. Section 6(e)(2) of the Regional Act permits BPA to act directly through other local entities, and a utility cannot prevent the Regional Council's model conservation standards from applying in the utility's service territory as long as the utility is a BPA customer. It may be noted that utilities are not generally resisting conservation efforts; many of BPA's customers are already among the nation's leading promoters of it. In negotiations utilities did object to BPA authority to make section 5 power sales obligations *contingent upon* particular affirmative conservation actions to be taken by the utility itself. The utilities have argued that this would undermine local control and their ability to respond to the incentives of the Regional Act described above in a manner that recognizes their own responsibilities, innovativeness, and ability to understand the mechanisms of the Regional Act and the regional planning process. BPA staff believes the provisions of the Regional Act effectively compel conservation by utilities that become BPA customers; BPA understands that the Regional Act does not directly *require* such action by utilities. BPA staff finds no basis in the Regional Act and no intent in the legislative history to support the proposition that BPA should make its section 5 power sales obligations contingent upon a customer taking action which the Regional Act itself does not require the customer to take. A rulemaking which will address the imposition of surcharges will be undertaken upon adoption of a methodology by the Regional Council.

C. National Environmental Policy Act

1. *Issues.* Is BPA in compliance with the National Environmental Policy Act of 1969 by offering power sales contracts before producing and circulating an Environmental Impact Statement?

2. *Evaluation.* Public comments generally assert that in the process of negotiation and offer of initial contracts under section 5(g) of the Regional Act, BPA has failed to comply with the National Environmental Policy Act requirements for an EIS. The comments assert that BPA has discretion and takes discretionary action over what provisions it will include in the contracts, that BPA should consider alternative forms for the contract, that the contracts are long range, and that the offer must be consistent with applicable environmental law. For these reasons BPA should prepare an EIS, and allow the contracts to be amended for changes recommended in an EIS.

BPA recognizes and has sought throughout this process to comply with the requirements of the Regional Act and NEPA to the fullest extent possible. BPA has prepared the Environmental Report on the contracts for the purpose of compliance with the non-EIS procedures of NEPA. In consideration of the directives of 5(g) of the Regional Act, BPA finds that the procedures of 102(2)(C) of NEPA for an EIS should not and do not apply to the process of negotiation and offer of the initial contracts under the Regional Act.

Congress has allowed only 9 months to negotiate and offer initial long-term contracts. It has been generally found that to finalize site-specific individual EIS's, including preparation of draft, circulation, review and comment, rewriting, and final filing takes a year or more. Programmatic EIS's take considerably longer since they concern more complex issues and analysis. (See remarks by the Council on Environmental Quality at 46 FR 18037, March 23, 1981). No one can question that many of the provisions of the Regional Act which must find reflection and implementation through provisions in the section 5(g) contracts are themselves complex. The contractual provisions are correspondingly complex, as necessarily are the analyses of issues and alternatives. Therefore, the EIS which would be required by the contracts would be similar to a programmatic EIS and take considerably longer than 9 months to complete due to the very nature of its analyses. If an EIS of relatively simple scope takes an average of 12 months to compete, it would be an impossibility to produce an EIS on far more complex issues within 9 months.

Moreover, the congressionally directed process of negotiation and offer does not permit even 9 months to prepare an EIS in this instance. BPA was admonished in the legislative history of the Regional Act that it was not to negotiate on a take-it-or-leave-it basis BPA and the participants in negotiations developed issues and draft language for four months prior to the assembly of June 5, 1981, draft prototype contracts. Public review of the drafts consumed another month or more. Coincident with and subsequent to public review further negotiations were conducted. Decisionmaking and particularization of the contracts was reserved to the month of August. An EIS could not be prepared on the contracts before the proposed terms of the contracts had solidified from negotiation (CEQ regulations 40 CFR 1508.23). If an EIS were to be useful it would have to be completed prior to decisionmaking and finalization in August. Therefore, BPA had between 30 and 60 days to complete an EIS, a clearly insufficient time for an EIS with complex issues and analyses.

Furthermore, BPA should take seriously as a statutory deadline the section 5(g) language to negotiate and offer contracts within 9 months of the date of enactment. We agree that a statutory deadline by itself may not create a NEPA exemption, but a 9-month deadline together with the requirement that a major part of the 9 months is for negotiation of contract terms does create the basis for a NEPA exemption. These points had been considered prior to the passage of the Regional Act, and Congress was no doubt aware of the time it takes to negotiate contracts and prepare an EIS when it imposed a 9-month deadline. It would be impossible to prepare an EIS within the time allowed. The statutory directives in this instance are clearly in conflict, and where such a conflict exists, courts have held that NEPA yields.

There has been considerable public misunderstanding of the nature and type of process within which BPA was acting to develop contracts, and with the purpose of the Environmental Report. As the process has unfolded, BPA hopes

that its responses to comments will clarify this process for the public. As for the Environmental Report, BPA has produced the report as part of its compliance with the non-EIS procedures of NEPA. The purpose of the report was to provide written description of possible environmental consequences of proposed contract terms and alternative terms. As stated above, time was simply insufficient to produce detailed analyses of potential environmental consequences.

D. Term of Utility Power Sales Contract/Conformance With Council Plan

1. *Issues.* Should BPA offer power sales contracts with less than 20-year terms?

Does offering power sales contracts with 20 year terms render the Regional Council's plan less effective, since the Regional Council will not have its plan ready for two years?

Should there be language in the contracts stating BPA and its customers will conform to the Regional Council's plan?

2. *Evaluation.* The public comments generally concern the effect of 20 year contracts on long range planning and load forecasts. The comments assert that a shorter contract term of 5 or 10 years would give more flexibility and permit BPA to be responsive to the Regional Council.

The term, or length, of the proposed power sales and exchange contracts has been the subject of considerable public concern.

Section 5(g)(1) of the Regional Act specifies that BPA must offer "initial long-term" power sales contracts to Federal agency customers, direct-service industrial customers, public body customers, cooperative customers, and investor-owned utility customers. Section 5(g)(1) also specifies that long-term contracts will be offered to electric utility customers to effect the residential purchase and sale referred to in section 5(c) of the Regional Act. Section 5(a) of the Bonneville Project Act provides that contracts shall not exceed "in the aggregate twenty years."

Since passage of the Bonneville Project Act in 1937, the phrase "long-term" has meant the maximum cited in the Bonneville Project Act (i.e., 20 years). With more than 40 years' experience in the implementation and interpretation of the various statutes and orders pertaining to BPA and the region regarding contractual power marketing, when applied to utility power sales contracts long term has continuously and consistently meant a 20 year period to BPA, utilities, and industries. Contracts for 20 years allow the longest possible planning period for the region consistent with the express intent of Congress, as stated in the purposes of the Regional Act, to facilitate the orderly planning of the region' power system. A duration of less than 20 years, whether 5 and 10 year periods suggested by some public commentary, would not afford the necessary planning certainty that accompanies a longer-term contract period.

Furthermore, by offering long-term 20 year contracts, BPA is following clear legislative history as presented in the Commerce Report (House Report 96–976, Part 1, p. 61), which states that "initial long-term 20-year contracts are to be offered by BPA" to the DSIs in accordance with section 5(g) of the Act. Similar language regarding all 5(g) contracts is found in the same House Report (p. 63) where the Committee notes: "Section 5(g)(1) specifies that the Administrator *must* simultaneously offer appropriate customers the initial long-term 20-year contracts * * *" (emphasis added). The Senate Energy Committee report (Senate Report 96–272, p. 33) states that section 9(c), the section of the Senate bill that corresponded to section 5(g)(1), "requires the Administrator to offer long term (20 year) contracts * * *."

This 20-year time frame is considered standard and reasonable utility practice, and allows for stability in resource planning and long-term resource decisions. A shortened planning horizon contributes to uncertainties about the future availability of power; this uncertainty in turn can affect resource development by causing overbuilding of generating resources within the region (Schneider 1980a, NEPP 1978, Ernst & Ernst 1976b). Purchasers need to be assured of a long-term resource supply in order to make informed decisions on major plant investment and capital expenditures. It is important to remember that the 20-year contracts establish only the relationship between the parties, and that a party is not precluded from independent resource development.

A great deal of concern has been expressed by the public concerning the coordination of respective timetables for the contracts offered and the adoption of the Regional Council's plan. In cooperation with the Regional Council, BPA and its customers have agreed on language to include in the power sales contract by which the parties to the contract agree to negotiate amendments to the power sales contract, as necessary, to permit the plan adopted by the Regional Council pursuant to the Regional Act, including but not limited to provisions pertaining to conservation, renewable resources, and fish and wildlife, to be effective in the manner and for the purposes set forth in sections 4 and 6 of the Regional Act. Inclusion of the above paraphrased language has answered the concerns of the public and of the Regional Council over implementation of the plan and any possible frustration or difficulty with the terms of the power sales contract. This language strikes the proper balance between BPA's obligations to consider the fish and wildlife program and the resource acquisition plan developed by the Council, while meeting its obligations to supply power to the customers under its power sales contract.

E. New Large Single Load

1. *Issue.* Under the new large single load (NLSL) provision of the Regional Act, section 3(13), should a facility's incremental load growth of less than 10 average megawatts per 12-month period since September 1, 1979, but in excess of 10 average megawatts since September 1, 1979, be a new large single load for the purposes of the Regional Act?

If a consumer with a load greater than 10 average megawatts had contracted for, or committed to service by a particular utility prior to September 1, 1979, and then the utility's service area is taken over by another utility, should the load be considered a NLSL and billed at the 7(f) rate?

2. *Evaluation.* Two issues were of paramount concern in the public comments on the New Large Single Load (NLSL) section (Section 8) of the utility power sales contract.

The first issue deals with the two interpretations developed during the course of negotiations of section 3 (13) (A) and (B) of the Regional Act dealing with the determination of *when* a load becomes a NLSL.

The first, or "restrictive" interpretation, states that a load becomes a NLSL when the increase in load associated with facility exceeds by 10 or more average megawatts the load which was contracted for, or committed to as of September 1, 1979. Once the increase in load is classified as a NLSL all future increases shall be charged at the New Resource Firm Power Rate. Monitoring of the load would begin on September 1, 1979, and would continue until the load exceeded 10 average megawatts and became a NLSL.

The second interpretation, called the "permissive" approach, would allow service of any increase in the load

above that contracted for, or committed to on September 1, 1979, of a preference customer at the lower Priority Firm Power Rate, so long as the increase in load at a consumer's facility did not reach or exceed 10 average megawatts in any consecutive 12-month period, as measured against the preceding 12-month period. The permissive interpretation would allow a consumer of a preference purchaser to bring on loads of up to 9.9 average megawatts in consecutive 12-month periods at the priority Firm Power Rate. A consumer could do this year after year, so long as the load did not reach 10 average megawatts in a 12-month period. Once the load increase exceeds 10 average megawatts in 12 months, the load would be billed at the New Resource Firm Power Rate.

Much of the public comment has been in support of the restrictive approach for the following reasons. Many individuals and groups do not want to see new industry attracted to the Pacific Northwest. They feel the "permissive" approach might attract such industry. Many feel new or increased industrial loads should pay only the New Resource Firm Power Rate. They feel this is in keeping with the intent of Congress and the mandates of the Regional Act. There is concern that the "permissive" approach may prematurely draw down power from the Federal Base System Resources, which in turn could force BPA to go out and acquire new and more expensive resources to fill in the Federal Base System pool. This would have the effect of raising the Priority Firm Power Rate, as well as increasing the costs of the residential exchange to the investor-owned utilities, and until 1985, to the direct-service industries.

BPA in the early stages of the negotiation process advocated the "restrictive" interpretation. However, after closely examining the language of section 3(13) of the Regional Act, reading the legislative history on section 3(13), and talking with those who had been involved in drafting the Regional Act, it became apparent that the language of section 3(13) was never intended to support such a narrow interpretation of load growth, and as a result BPA dropped its advocacy of this interpretation early on in the negotiation process.

This position is based on the fact that section 3(13) of the Regional Act talks about increases in load associated with a consumer's facility which will impose an increase in the power requirements on such customer (the utility serving the consumer) of 10 average megawatts (energy measure) in any consecutive 12-month period. The contractual language has slightly adapted this to look at the increase in load at a consumer's facility. Nowhere in the Regional Act, or the legislative history, does it say that once increases in load over any time duration (as measured from September 1, 1979) cumulatively reach 10 average megawatts, that that is all the load growth such a facility is allowed.

What section 3(13) does say is that an increase in load associated with a consumer's facility is not a NLSL, unless such increase will reach 10 average megawatts in a 12-month period as measured against the preceding 12-month period.

The major negative aspect of the permissive approach, the more rapid drawdown of the Federal Base System Resource by industrial loads, which might force BPA to acquire more expensive replacement power is largely negated by a contractual limitation that once a consumer's facility is classified a NLSL all subsequent increases in load, of whatever size, shall be considered NLSLs. Another impact of the permissive approach is that it allows the cost of resources used to serve such loads to be included in the averge system cost of resources acquired by BPA under the residential exchange contracts.

The second NLSL issue commented on involves a consumer's load (over 10 average megawatts) which has been contracted for, or committed to by a utility prior to September 1, 1979, and subsequently the utility's service area is taken over by a different or newly formed utility. The issue is whether that consumer's load should be treated as a "contracted for" load, or whether it is a new load to "such customer." If the new utility is a preference customer, the issue is whether the customer can buy power from BPA (to serve the load) at the Priority Firm Power Rate or at the New Resource Firm Power Rate. If the new utility is an investor-owned utility, the issue is whether the resource used to serve the load can or cannot be included in its average system cost of resources for the residential exchange.

Such a load should be treated as a NLSL because it is being served by a new purchaser. The principal reason is to prevent the diminution of the Federal Base System by large industrial loads. The facilities most likely to be impacted by this decision are facilities that were receiving power from investor-owned utilities and were never eligible for Federal Base System power. If the consumer's facilities had continued receiving service from an investor-owned utility, it would never receive power from the purchaser at the 7(b) rate, because under the Regional Act, investor-owned utilities that wish to serve new large industrial loads with BPA power may do so only with power purchased from BPA at the New Resources Firm Power rate.

The section 3(13)(B) of the Regional Act references to "such purchaser" refers to the contractual relationship that existed on September 1, 1979, between, a specific purchaser and a specific consumer. Therefore, once a consumer begins to receive service from a different purchaser, under a different contract, the contractual relationship with the new purchaser is no longer "grandfathered."

F. Federal Base System

1. *Issues.* With what specificity should the Federal Base System (FBS) Resources be described?

What should BPA's replacement policy be for the Federal Base System Resources?

2. *Evaluation.* BPA's definition of Federal Base System Resources has been critized by the public for overrating the plant capacity factors of WNP Nos. 1, 2, 3, and Trojan, and for including Hanford and the Southwest-Northwest Exchange contracts in the definition of FBS. The general criticism is that BPA has grossly inflated the size of the FBS. This is of concern because the Regional Act mandates that BPA replace FBS resources and critics fear BPA is building a rationale to replace lost FBS resources with noncost-effective resources, particularly WNP Nos. 4 and 5.

BPA originally proposed that a quantitative definition of the FBS be included in the contracts. The quantitative amount is based on currently accepted planning assumptions used by the Pacific Northwest Utilities Conference Committee for resource planning. Stating the quantitative amount would provide planning certainty for the region's utilities.

The Senate report on pg. 22 explains that the category of contractual resources includes "the net-billed thermal plants, other specific generating resources and electric power the Administrator is entitled to receive from the utilities within and outside the region in exchange for services or other consideration." BPA has interpreted "other specific generating resources" to be Hanford and the wind turbines at Goodnoe Hills. BPA had acquired the output of the new production reactor at Hanford under contracts which were executed in the mid-60's. The current contract, which allocates the costs of

operating the new production reactor, is based on BPA's acquisition of the output of Hanford under the original contracts.

In response to public comment challenging the validity of the planning assumptions used to establish plant capacity factors, it is appropriate not to fix the quantitative amount of the Federal Base System for 20 years. BPA should identify the contractual resources as of the effective date of the Regional Act and the installed capability of these resources.

We have not yet determined to what extent these resources would be replaced or where BPA would obtain replacement resources. BPA has included a provision in the Equitable Adjustment of Rates section of the General Contract Provisions which requires the resource acquisition agreement to specify whether a resource may be used as a replacement for Federal Base System resources and limits the extent to which BPA will purchase replacement resources for delays in the completion of WNP Nos. 1, 2, 3.

Exchange Contract: the Major Issues Identified and Addressed by the Public and BPA's Evaluation of Those Comments

A. Conservation

1. *Issues.* Should the power sales contracts include a provision requiring BPA customers to implement BPA's conservation programs, or their own equivalent programs, as a condition of BPA service?

What should the power sales contract require of BPA and its customers with respect to conservation?

2. *Evaluation.* Section 5(c) of the Regional Act states that BPA "shall" exchange the amount of residential load which a utility offers to BPA to be exchanged. BPA is required to exchange any amount of residential load (up to the limits in the Regional Act which are applicable before July 1, 1985) which a utility wishes to exchange. The utility determines the amount to be exchanged—not BPA.

Thus, the exchange arrangement is mandated by the Regional Act to provide residential rate parity in the region for residential consumers' wholesale power costs. BPA does not have discretion to not enter into the arrangement, nor does it have discretion as to the amount of residential load covered by the exchange. Those decisions were made by Congress, with the exact level of load served to be decided by utility participation in the exchange.

B. Termination

1. *Issue.* Should the exchange contract include termination provisions allowing a utility to terminate the arrangement other than the termination provision stated in the Regional Act?

2. *Evaluation.* This issue has been reviewed carefully due to the magnitude and substance of public comment. While BPA believes that the viability of contracts requires that they be for a long term, and that termination or terms other than that expressed under section 5(c)(4) of the Regional Act was not considered by Congress, some mechanism had to be developed to assure that the contemplated residential exchange would take place. Absent a mechanism for minimizing the possibility of net negative results, utilities and public utility commission representatives expressed doubts that the contracts would be signed. The result would be a failure to achieve one of the major objectives of the Regional Act—to make the benefits of the Federal Base System available to the residential and small farm customers of the investor-owned utilities.

Thus, BPA has agreed to allow a participating utility to "deem" its average system cost to be equal to BPA's Firm Power Rate anytime during the life of the contract. This allows the utility to suspend the effects of the exchange arrangement when it would result in detriment while still preserving the "long-term" contract requirement of the Regional Act. Having "opted out" of the exchange, the utility may resume full participation in the exchange only after it has foregone economic benefits equal to the cost it would have paid had the utility's average system cost not been deemed equal to BPA's Firm Power Rate. This compromise has been embraced by all BPA customer groups.

C. Farm Definition

1. *Issue.* Is BPA's definition of "farm" is reasonable?

2. *Evaluation.* The Regional Act specifically includes the usual electrical loads of farms (with the 400 hp limitation on irrigation loads) in its definition of residential load. The legislative history indicates that the focus of Congressional concern was land use, as opposed to size, ownership, or any other issue. Therefore, a farm should be defined as a parcel of land owned or leased by one or more persons, including partnerships and corporations, which is used primarily for agriculture. Agriculture is defined to include the raising and incidental primary processing of crops, pasturage, or livestock. Usual farm use has been defined to include incidental primary processing ordinarily associated with agriculture. Such incidental primary processing means those activities necessarily undertaken to prepare agricultural products for safe and efficient storage or shipment.

Such a definition avoids including the irrigation loads of golf courses and swimming pools, for example, while also avoiding such technical definitions as those used for tax purposes based on the dollar value of products sold, type of ownership, or acreage.

D. Rates

1. *Issue.* Is BPA carrying out the overall intent of Congress under the proposed exchange agreement with regard to its rate provisions in the contract?

2. *Evaluation.* The exchange contracts will result in a wider discrepancy between the incremental cost of electrical power and the retail rates charged residential and small farm consumers served by participating utilities in the region. In this sense the contracts will result in increased divergence between the price signal received by consumers served by utilities and the cost of new resources. However, section 5(c) of the Regional Act requires BPA to offer to sell power on an exchange basis and defines the parameters under which the exchange must take place. Section 5(c)(3) requires that the cost benefits of the exchange be passed directly through to the participating utility's residential customers.

It is anticipated that the provisions of the Regional Act will foster an improved balance of electricity rates throughout the region. The exchange provisions of the Regional Act will reduce the current discrepancy which tends to exist between rates to residential and small farm consumers served by preference customers versus those served by investor-owned utilities.

BPA's new power sales contract provide for rate increases as necessary in order to meet cost increases. The contracts do require BPA to provide advance notice of its intent to adjust rates. Notice must be given no less than 9 months nor more than 12 months prior to the date on which the proposed adjustment would take effect.

BPA operates on a self-financing basis. Its rates are designed to recover revenue sufficient to meet all operation and maintenance expenses and to amortize within a reasonable period and pay interest upon Federal investment.

E. Miscellaneous Provisions

1. *Issue.* Whether miscellaneous provisions in the exchange agreement are reasonable and effectuate the intent of the Regional Act?

2. *Evaluation.* BPA agrees that access to utility records is required to verify the costs of resources being exchanged and has written into the contract provisions giving BPA the right to review and investigate the records of the utility regarding costs of resources to be exchanged.

The notice provision regarding in lieu purchases has been changed from ten years to seven years. This is the same notice period the utility must give BPA under its power sales contract to reduce demand on BPA. This was a negotiated change with the utilities and precludes a utility from being "surplused" by BPA because of an in lieu arrangement.

BPA has no knowledge of or reason to believe that utilities will divert energy to Utah and Nevada to serve military and industrial loads. The exchange agreement is not a power supply arrangement, but rather a rate arrangement and puts no constraints on a utility's resource operations.

Direct Service Industry Power Sales Contract: the Major Issues Identified and Addressed by the Public and BPA's Evaluation of those Comments

A. Fish and Wildlife Language

1. *Issue.* Should language addressing BPA's and its customers' fish and wildlife responsibilities under the Regional Act and other laws be included in all power sales contracts and exchange contracts?

2. *Evaluation.* BPA's service to the DSIs will fulfill BPA's obligations to protect, mitigate, and enhance fish and wildlife, while assuring the Region an adequate, efficient, economical, and reliable power supply. Those obligations are reaffirmed in section 11 of the DSI contract.

Furthermore, in the General Environmental Provision in the General Contract Provisions applicable to all Power Sales Contracts, the parties agree to "comply fully with all applicable Federal, State, and local environmental laws." Service to the First and Second Quartiles is subject to these provisions, by law, and as reaffirmed in the contract.

Current planning considers spills required for fish flows in critical rule curves. The hydro-system is available for multiple uses, and, although shifting FELCC and Advance Energy will draw down reservoirs faster than if those actions did not occur, fish and wildlife are considered in those actions.

The Corps of Engineers has participated actively in determining the method of serving the First Quartile. The method that has been chosen, as stated in the August 14 letter referred to in the contract, is more acceptable to the Corps than a full-year shift or 6-month shift of FELCC because of the reduced impact on reservoirs. Furthermore, the agreement with the Corps the Bureau of Reclamation for drafting reservoirs to provide Advance Energy is premised on the fact that such drafts do not have a major adverse impact on nonpower uses. Thus, concern for fish and wildlife has had a significant impact on BPA plans to operate to serve the First Quartile.

The Second Quartile has not been restrictable for fish and wildlife obligations in the past. There is Congressional direction that the DSI,s should receive an equivalent amount of power to the amount they received under their IF agreements. If the Second Quartile, being a BPA firm load, is restrictable for fish and wildlife obligations, then all firm loads, including utility loads, should also be restrictable for fish and wildlife obligations.

Sections 2 and 10 of the Regional Act do not speak as directly to BPA's fish and wildlife obligations as does section 4, and therefore, those sections were not mentioned in section 11 of the DSI contract.

B. Conservation

1. *Issue.* What should the DSI power sales contracts require with respect to conservation?

Should the DSI contract contain specific conservation incentives for the DSI's?

2. *Evaluation.* BPA should provide incentives for voluntary DSI conservation, rather than attempt to mandate programs that might prove unworkable or even counterproductive. There are sufficient incentives for DSI conservation in the limit on amount of power available to the DSI,s, the higher DSI rates along with the threat of a surcharge, financial assistance, and the mechanism of billing credits to achieve workable DSI conservation.

Under section 5(d) of the Regional Act, each DSI must be offered a contract entitling it to the amount of power to which it is entitled under its present contractual arrangements with BPA. In essence, this sets a limit on the BPA power available to each DSI—a situation no utility or utility customer faces. In addition, the DSI rates go up sharply under the Regional Act. Depending upon the cost of the section 5(c)(2) exchange, DSI rates in the first year of the Regional Act may increase as much as 240 percent (or as little as 150 percent); this increase follows an increase of more than 100 percent in December 1979, for a 400 to 600 percent increase over the past 2 years. As noted in the House Commerce Committee report, this combination of a contractually limited power supply and very much higher rates is itself a potent incentive to improve efficiency, and one not faced by other Northwest consumers.

Over the past few years, partly in anticipation of new limited-supply contracts with higher rates, the DSI,s have invested heavily in process improvements; hundreds of millions of dollars of such improvements have been installed. In addition, following passage of the Regional Act, one DSI has annunced an $800 million modernization program for its facilities, and another has indicated its tentative interest in qualifying for billing credits in return for reducing what would otherwise be its contractual entitlement to power (hence reducing BPA's need to acquire additional resources).

This follows the clear understanding and intent of the Regional Act. Each DSI is entitled to a certain amount of power; it may improve its efficiency in order to make more product with that power, and perhaps use sales of the increased production to help pay for the investment that makes the improved efficiency possible. Alternatively, the DSI may improve its efficiency and simultaneously agree to reduce its entitlement to power, in which event it will be eligible for billing credits or other financial assistance from BPA under the Regional Act. BPA will not, however, provide any financial assistance under the Regional Act for DSI efficienty improvements which do not reduce DSI power demands on BPA, nor will BPA provide financial assistance to DSI's for reductions in power demands unaccompanied by efficiency improvements (e.g., BPA will not pay for partial or complete plant shutdowns).

No specific provisions are provided in the DSI contracts on these points because the statute is quite clear, and because no issue can arise unless and until a DSI seeks financial assistance from BPA. Any such assistance would be provided, if at all, in a separate contract, not in the power sales contract, and would require a specific agreement by the DSI to reduce its contractual power entitlement in order to qualify for assistance.

C. *Improved DIS Power Quality*

1. *Issue.* Is improved power quality for the DSI First Quartile required by the Regional Act or in contravention of it?

Are there unfavorable consequences to the Region as a result of improved DSI power quality?

Should First and Second Quartile restriction rights be greater than they are in the contract draft?

2. *Evaluation.* Section 5(d)(1)(B) of the Regional Act provides that each DSI shall receive "an amount of power equivalent to which such customer is entitled under its contract for * * * the sale of industrial firm power existing at the passage of the Regional Act." The contracts provide for a singel class of power and divide service into four approximately equal "quartiles." BPA plans to develop and acquire firm resources to serve 75 percent of the DSI load as firm and serve the top quartile or additional 25 percent, " * * * as if it were firm." (S. Rep. 96–272, 96th Cong., 2d Sess. 59 (1979)). This is characterized in section 8(a)(1) of the BPA–DSI contract, "as a firm load for purposes of resource generation only."

BPA characterizes top quartile service as "quasi-firm," having undeniable firm characteristics and served by operating resources to provide a power quantity with firm characteristics, while not installing resources to meet it on an absolutely firm basis. The Regional Act provides a clear statutory basis for service in this manner. By section 5(d)(1)(A), sales to DSI's are "to provide a portion of the Administrator's reserves for firm power loads * * *." The term "reserves," as defined by the Regional Act, means "the electric power needed to avert particular planning or operating shortages for the benefit of firm power customers * * *." Section 3(17). In other words, service to the top quartile cannot be restricted to provide service to nonfirm loads or to make sales of nonfirm energy.

Any suggested ambiguity from the section 5(d)(1)(A) reference to DSI sales as "[s]uch sales," (i.e., whether it refers to three quartiles of nondisputed firm or treats the top quartile as quasi-firm) is resolved by the Regional Act's legislative history. The Senate Energy Committee Report directs BPA to plan and develop " 'firm' resources under critical streamflow conditions to carry 75 percent of the total DSI requirement," with the additional 25 percent, or "top quartile," to "be served with resources which are in excess of critical planning amounts but operated to meet the entire DSI load as if it were firm." S. Rep. No. 272, 96th Cong., 2d Sess. 59 (1979). In addition, the House Interior Committee Report states that:

> Sales to existing DSI's are required to provide a portion of BPA's power system reserves * * *. The DSI's will provide two types of energy reserves. Approximately 25 percent of the DSI load is to be treated as a firm load for purposes of resource operation and will provide an operating reserve which may be restricted by BPA at any time in order to protect the Administrator's firm loads within the region * * *. An additional 25 percent of the DSI load will be treated as firm load for both planning and operating purposes and will provide a planning reserve to protect the Administrator's firm loads. . . .

Senators Jackson and McClure, the past and present Chairmen of the Senate Committee on Energy on Energy and Natural Resources, have concurred that the House Interior Committee Report reflects the accurate position of the Senate on the "reserves" question. See 126 Cong. Rec. 14691 (daily ed. Nov. 19, 1980) (remarks of Senator Jackson) and *Id.* at 14698 (remarks of Senator McClure).

The DSIs play a vital part in the regional power scheme. DSI revenues will pay the cost of the residential exchange through June 1985. After June 1985, DSI revenues will continue to be important. The DSIs alleviate the need for BPA to acquire additional expensive generating resources for reserves. Improved first quartile DSI power quality will generate additional revenues.

Both restrictions and operations were extensively debated among BPA customer groups before the final provisions were adopted. The provisions adopted are intended to provide the DSIs with the power quality required by law with minimum cost and minimum adverse impacts on other customer groups.

The "August 14 letter" operating plan, which serves as a safety net for first quartile operations, minimizes shift of FELCC from later Critical Period years for first quartile service, thus reducing reservoir drawdown over the Critical Period and adverse impacts on other systems. This plan would serve as the basis for first quartile operations throughout the contract term, and could only be replaced with a plan with equivalent risks and benefits to the DSIs and BPA. Furthermore, service with Advance Energy is maintained, which is returnable based on need in the same Contract Year, improving chance of refill. The August 14 letter also provides for borrowing FELCC from later in the same Contract Year, with return provisions tied to need later in the same year, again improving chances of refill. These methods of serving the first quartile, shifting and borrowing FELCC and Advance Energy, along with pre-Critical Period surplus energy early in the Contract Year, are all limited to the date that the first reliable runoff forecast is available, presently January 10. After that date, the first quartile would be served with water in excess of critical planning amounts.

BPA has generally retained the same restriction rights it had in the previous contracts with the exceptions of improved first quartile power quality and additional second quartile restriction rights for failure of an operating resource. The DSI second quartile would provide a reserve for one half of such an outage for seven years. Forced outage and stability reserves have been increased slightly. Availability credits are no longer provided for, which the House Interstate and Foreign Commerce Committee Report on S. 885 at page 62 noted had reduced BPA flexibility.

The BPA obligation to acquire resources to serve the DSI load is limited to acquiring resources for 75 percent of their load. BPA is obligated to purchase resources that are reasonably priced and legally available to serve the part of the first quartile served with shifted FELCC. This is because that shifted FELCC comes from the DSI third quartile of later Critical Period years, which is part of the DSI load for which BPA is obligated to acquire resources before making the subsequent third quartile restriction. Because BPA is obligated to treat the second quartile as part of its firm load for resources acquisition purposes, there is also an obligation to acquire legally available reasonably priced resources before imposing or continuing a second quartile restriction.

The "legally available" qualification means that such resources can only be acquired consistent with BPA's cost effectiveness obligations established in the Regional Act for long-term acquisition, and other provisions including environmental criteria. The term "reasonable cost" does not require BPA to acquire single cycle gas turbine energy, unless BPA determines that such energy is reasonably priced at the time of the acquisition.

Dated: August 29, 1981.

Peter T. Johnson,

Administrator.

Attachment 1

Contract No. _____

August 25, 1981.

Power Sales Contract Executed by the United States of America, Department of Energy, Acting by and Through the Bonneville Power Administration and ————

Metered Requirements and Computed Requirements

Index to Sections

Sec.

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12. Purchaser's Firm Resources
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19. Computed Requirements Payment for Power Sold
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21. Termination of Offer
Exhibit A (Wholesale Power Rate Schedules and General Rate Schedule Provisions)
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Exhibit J (Assured Capability)
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Exhibit L (Special Provisions)

This power sales contract, executed ————— —, 19— by the United States of America (Government), Department of Energy, acting by and through the Bonneville Power Administration (Bonneville) and ————, (Purchaser), a ———— of the State of ————,

Witnesseth

Whereas the Purchaser is a ———— which is distributing electric power and energy to ultimate consumers in ———— County, ———— and adjacent areas, and as such, is included in certain statutes which require Bonneville to give reference and priority to public bodies and cooperatives in disposing of electric power and energy; or

Whereas the Purchaser is an investor-owned utility serving electric power and energy to ultimate consumers within the Pacific Northwest; or

Whereas the Purchaser is a Federal agency using electric power and energy to perform activities in the Pacific Northwest authorized by the Congress of the United States of America; and

Whereas the parties hereto, on ————, executed a power sales contract, Contract No. ———— (which as the same may be amended is hereinafter called "Prior Contract"), which provides for the sale of electric power and energy by Bonneville to the Purchaser, and the parties agree to terminate such contract and provide for the sale of electric power and energy by Bonneville to the Purchaser pursuant to the terms of this contract; and

Whereas the Purchaser pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96–501) is entitled to purchase and Bonneville is authorized to sell electric power and energy to serve all or a portion of the Purchaser's firm load requirements; and

Whereas Bonneville is obligated to acquire sufficient resources to meet the electric power requirements placed on Bonneville consistent with implementing cost effective conservation measures and to protect, mitigate and enhance fish and wildlife consistent with Pub. L. 96–501;

Whereas Bonneville is required under section 4(g)(1) of Pub. L. 96–501 to maintain comprehensive programs to insure widespread public involvement in the formulation of regional power polices; and

Whereas Bonneville is authorized pursuant to law to dispose of electric power and energy generated at various federal hydroelectric projects in the Pacific Northwest or acquired from other resources, to construct and operate transmission facilities, to provide transmission and other services, and to enter into agreements to carry out such authority;

Now, therefore, the parties hereto mutually agree as follows:

1. *Termination of Prior Contract.* The Prior Contract, if any, is hereby terminated as of the effective date of this contract. All liabilities accrued thereunder are hereby preserved until satisfied.

2. *Term of Contract.* This contract shall be effective on the first day of the next Billing Month following the date at least five calendar days after Bonneville acknowledges receipt of an executed contract and shall continue until 2400 hours on June 30, 2001. Bonneville shall acknowledge receipt of an executed contract upon receipt of a contract signed by the Purchaser and any authorizing resolution necessary for the execution of such contract.

3. *Definitions.* (a) "Actual Computed Requirements" means the basis on which a designated Computed Requirements Purchaser, pursuant to section 17(c), purchases Firm Power from Bonneville.

(b) "Actual Firm Peak Load" and "Actual Firm Energy Load" mean the actual maximum integrated one-hour monthly peak and average monthly energy loads, respectively, of the Purchaser's system in the Pacific Northwest, for each Billing Month, after adjustment pursuant to section 17(e). Such actual loads shall not include any load to the extent that the Purchaser had a unilateral right to interrupt such load during such month, even if such load was not actually interrupted, but shall include the amount of any load which the Purchaser actually interrupted for the purpose of backing up or providing economic operation of its Firm Resources. In addition, any New Large Single Load or portion of such load shall not be included in the Purchaser's firm loads hereunder prior to the date Bonneville is obligated to supply such load with Firm Power pursuant to the terms of section 8(e). Contractual obligations of the Purchaser to utilities outside its normal service area may, if permitted by the terms of section 12(a), be included in the Purchaser's Firm Resources, but shall not be included in the Purchaser's Actual Firm Loads hereunder. Actual Firm Peak Load and Actual Firm Energy Load shall be referred to collectively as "Actual Firm Load."

(c) "Assured Peak Capability" and "Assured Energy Capability" mean the total of the firm peak and firm energy capabilities, respectively, for all of the Purchaser's Firm Resources, as determined pursuant to section 16, which the Purchaser can deliver on a firm basis to its loads. Assured Peak Capability and Assured Energy Capability shall be referred to collectively as "Assured Capability."

(d) "Billing Month," when used with respect to a Purchaser designated to purchase on the basis of Metered Requirements, means the interval between meter-reading dates which normally will be approximately 30 days. If service is for less or more than the normal billing month, the monthly charges stated in the applicable rate schedule shall be appropriately adjusted. Winter and summer periods identified in the rate schedules shall begin and end for a Purchaser with the beginning and ending of the Billing Month having meter-reading dates closest to the periods so identified.

When used with respect to a Purchaser designated to purchase on the basis of Computed Requirements, means a calendar month.

(e) "Computed Average Energy Requirement" means the amount by which the Purchaser's Actual Firm Energy Load for a month exceeds its Assured Energy Capability for such month, after adjustment pursuant to section 17(d). The term "average energy computed demand" as used in the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit has the same meaning.

(f) "Computed Energy Maximum" means an amount of electric energy equal to the product of the Purchaser's Computed Average Energy Requirement for a month and the number of hours in such month.

(g) "Computed Maximum Requirements" means the hourly amounts of power Bonneville is obligated to deliver to the Purchaser during the Heavy Load Hours of a month, as defined in section 17(g)(1).

(h) "Computed Peak Requirement" means the amount by which the Purchaser's Actual Firm Peak Load for a month exceeds its Assured Peak Capability for such month. The

term "peak computed demand" as used in the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit has the same meaning.

(i) "Computed Requirements" means the basis on which the Purchaser, if so designated as specified in section 13, purchases from Bonneville its requirements for Firm Power which exceed its Assured Capability. The term "computed demand" as used in the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit has the same meaning. All references to "Computed Requirements" shall be deemed to include Actual Computed Requirements, Planned Computed Requirements, and Contracted Requirements.

(j) "Consumer" means an end user of electric power or energy.

(k) "Contracted Requirements" means the basis on which a designated Computed Requirements Purchaser, pursuant to section 17(b), purchases Firm Power from Bonneville.

(l) "Coordination Agreement" means the Agreement for Coordinated Operations among Power Systems of the Pacific Northwest (BPA Contract No. 14–03–48221), as amended or replaced.

(m) "Critical Period" when used with respect to Firm Resources which are included in Coordination Agreement planning, means the same herein as that term is defined in the Coordination Agreement; when used with respect to Firm Resources which are not included in Coordination Agreement planning means the one or more months in any one Operating Year in the historical streamflow period of record normally used for hydroelectric resource planning the Pacific Northwest, during which the Purchaser's system of such Firm Resources, together with all of the Purchaser's Seasonal Storage which is not included in the Coordination Agreement planning, is able to produce the least energy in a monthly distribution, represented by the difference between the Purchaser's Estimated Firm Energy Load and that Estimated Firm Energy Load, if any, submitted under Coordination Agreement planning: *Provided, however,* That for the Firm Resources of the Montana Power Company which are hydroelectric resources located on the Missouri River or its tributaries, the Critical Period so determined shall not be limited to the months in any one Operating Year.

(n) "Customer" means any entity which contracts for the purchase of electric power or energy from Bonneville.

(o) "Estimated Firm Peak Load" and "Estimated Firm Energy Load" mean the best estimate of the maximum integrated one-hour monthly peak and average monthly energy loads of the Purchaser's system in the Pacific Northwest which are equally likely to be less than or greater than the Purchaser's actual peak and energy loads in each month under normal weather conditions, except that the Purchaser may increase the largest of such monthly peak loads during the Operating Year to represent the peak load which is equally likely to be less than or greater than the Purchaser's actual peak load during the Operating Year. Such system loads shall be reduced by any and all loads to the extent that the Purchaser has unilateral rights to interrupt deliveries to such load during each month of such Operating Year, excepting loads which the Purchaser has a right to interrupt for the purpose of backing up or providing economic operation of its Firm Resources. In addition, any New Large Single Load or portion of such load shall not be included in the Purchaser's firm loads hereunder prior to the date Bonneville is obligated to supply such load with Firm Power pursuant to the terms of section 8(e). Contractual obligations of the Purchaser to utilities outside its normal service area may, if permitted by the terms of section 12(a), be included in the Purchaser's Firm Resources, but shall not be included in the Purchaser's firm loads hereunder. Estimated Firm Peak Load and Estimated Firm Energy Load shall be referred to collectively as "Estimated Firm Load."

(p) "Firm Capacity" means capacity which Bonneville assures will be available to the Purchaser in the amounts and during the period or periods specified in the contract except when operation of the generation or transmission facilities used by Bonneville to serve such Purchaser is suspended, interrupted, interfered with, curtailed or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service sections of the General Contract Provisions Exhibit.

(q) "Firm Energy" means electric energy which Bonneville assures will be available to the Purchaser during the period or periods specified in the contract except when the operation of the generation or transmission facilities used by Bonneville to serve the Purchaser is suspended, interrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service sections of the General Contract Provisions Exhibit.

(r) "Firm Peak Load Carrying Capability," "Firm Energy Load Carrying Capability" and "Firm Load Carrying Capability" mean the same herein as those terms are defined in the Coordination Agreement.

(s) "Firm Power" means electric power which Bonneville will make continuously available to the Purchaser on a Metered or Computed Requirements basis to meet its Actual Firm Loads except when restricted because the operation of generation or transmission facilities used by Bonneville to serve the Purchaser is suspended, interrupted, interfered with, curtailed or restricted as the result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service sections of the General Contract Provisions Exhibit. Unless related to specific facilities serving the Purchaser, restrictions of Firm Power shall not be made until Bonneville has exercised its rights to restrict industrial firm power, modified firm power, and all other power subject to restriction in favor of the Purchaser. Firm Power shall be a collective reference to Firm Capacity and Firm Energy.

(t) "Firm Resource" means that portion of each of the generating resources or contractual resources of the Purchaser dedicated to the Purchaser's Actual Firm Load as set forth in the Purchaser's Firm Resources Exhibit. The term Firm Resource includes the Purchaser's firm contractual obligations to utilities outside its normal service area, if any, as set forth in the Purchaser's Firm Resources Exhibit.

(u) "Fexibility Account" means the account kept by the Purchaser which shows as of the end of each month of the Operating Year the accumulated balance of adjustments made by the Purchaser to its Assured Energy Capability. Such account shall be established and maintained pursuant to section 17(d).

(v) "Heavy Load Hours" means those hours between 7 a.m. and 10 p.m., Monday through Saturday, or such other hours as may be specified in the wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit or its successor.

(w) "Integrated Demand" means the number of kilowatts equal to the number of kilowatthours recorded by a meter during a clock-hour.

(x) "Intra-Class Excess Entitlement" means the portion, if any, of the Purchaser's entitlement to Firm Capacity or Firm Energy from the Purchaser's entitlement of Federal base system resources, if any, and resources acquired by Bonneville from or on behalf of the Purchaser under Pub. L. 96–501 as determined in the Allocation Formulas Exhibit which is in excess of the amount of Firm Capacity or Firm Energy necessary to serve Bonneville's obligation to the Purchaser on a Metered or Computed Requirements basis for any Operating Year in a period of insufficiency.

(y) "Light Load Hours" means those hours of the month which are not Heavy Load Hours.

(z) "Measured Amounts", when used with respect to a Purchaser designated to purchase on the basis of Computed Requirements but which does not schedule amounts of power to be interchanged with Bonneville, means the amounts assigned to Firm Power purchased pursuant to this agreement in the tabulation of hourly interchange prepared by the Purchaser pursuant to section 17(h).

When used with respect to a Purchaser designated to purchase on the basis of Computed Requirements and which schedules amounts of power to be interchanged with Bonneville, means the hourly amounts of Firm Power requested by the Purchaser in accordance with section 17(g) and scheduled to the Purchase in accordance with the provisions of section 18 of this agreement.

(aa) "Measured Demand," when used with respect to a Purchaser designated to purchase on the basis of Metered Requirements, means the largest of the Integrated Demands for each Point of Delivery, adjusted as appropriate to such Point of Delivery, for Heavy Load Hours during a Billing Month.

When used with respect to a Purchaser designated to purchase on the basis of Computed Requirements, means the largest of the Measured Amounts for Heavy Load Hours during a month; *Provided, however,* That if Bonneville has, pursuant to section 17(g)(1), limited its obligation to make power available to the Purchaser during such month below the largest of the Measured Amounts for Heavy Load Hours in such month, the

Measured Demand shall be the lowest level to which the Purchaser was so limited during such month.

(bb) "Measured Energy," when used with respect to a Purchaser designated to purchase on the basis of Metered Requirements, means the number of kilowatt delivered to any Point of Delivery during a Billing Month. Such number of kilowatthours shall be the reading which is recorded during a Billing Month by a meter specifically installed to measure such kilowatthours and which is adjusted as appropriate to such Point of Delivery.

When used with respect to a Purchaser designated to purchase on the basis of Computed Requirements, means the sum of the Measured Amounts for all hours in a Billing Month, after adjustment, if any, for energy delivered to the Purchaser on the last day of the Billing Month and returned to Bonneville in the next Billing Month pursuant to section 2(a)(4) of the Power Scheduling Procedures Exhibit.

(cc) "Metered Requirements" means the basis on which the Purchaser, if so designated as specified in section 13, purchases from Bonneville its requirements for Firm Power.

(dd) "New Large Single Load" means any load associated with a new facility, an existing facility, or an expansion of an existing facility:

(1) Which is not contracted for, or committed to, as detemined by Bonneville, by a public body, cooperative, investor-owned utility, or Federal agency Customer prior to September 1, 1979, and

(2) Which will result in an increase in power requirements of such Customer of ten average megawatts or more in any consecutive twelve-month period.

(ee) "Operating Year" means the period commencing each year on July 1 and ending the following June 30.

(ff) "Pacific Northwest" means the same herein as such term is defined in Pub. L. 96–501.

(gg) "Planned Computed Requirements" means the basis on which a designated Computed Requirements Purchaser, pursuant to the provisions of section 17(a), purchases Firm Power from Bonneville.

(hh) "Point of Delivery" means a point of delivery listed in the Points of Delivery Exhibit.

(ii) "Seasonal Storage" means the ability to store water in reservoirs and to thereby increase or decrease the planned or actual energy generation at hydroelectric facilities in one month and to compensate for such change in another month, either using the Purchaser's own facilities or the facilities of others which the Purchaser has firm rights to use pursuant to contracts.

(jj) "Year Preceding Insufficiency" means the Operating Year immediately preceding the initial Operating Year in a continuous period of one or more years for which Bonneville has issued a notice or notices of restriction in which Bonneville actually determines a final allocation of Firm Capacity or Firm Energy for any Purchaser in the public body and cooperative class or Federal agency class.

4. *Exhibits; Interpretation.* The rights and obligations of the parties hereunder shall be subject to and governed by this contract, including Exhibits A through L attached hereto and by this reference made a part of this contract in accordance with the specific provisions of this contract relating to each exhibit. This contract sets forth the entire agreement of the parties as of the effective date of the contract. The headings used in this contract are for convenient reference only, and shall not affect the interpretation of this contract.

5. *Agreement as to Bonneville's Decision in Acquiring Resources to Serve Load.* (a) Bonneville agrees to serve the firm load obligations of the Purchaser placed upon Bonneville pursuant to this contract. Bonneville shall meet the load utilizing resources available to Bonneville or acquired by Bonneville in accordance with Pub. L. 75–329, Pub. L. 93–454, Pub. L. 96–501, and other applicable law. Bonneville's acquisition of resources under Pub. L. 96–501, to the extent appropriate, shall be consistent with the plan adopted by the Pacific Northwest Electric Power and Conservation Planning Council.

(b) Except as expressly provided in this contract and in applicable provisions of law, Bonneville's obligations under this contract are not contingent upon action taken or to be taken by the Purchaser.

To the extent that the Purchaser obligates Bonneville to serve all or a portion of its load growth pursuant to this contract in lieu of using Firm Resources to meet such load growth, the Purchaser and Bonneville recognize that resources must be made available by or on behalf of the Purchaser to Bonneville if Bonneville is to have the ability to meet its obligations hereunder. The Purchaser therefore agrees that it will use its best efforts either to serve its load growth using Firm Resources, or to make available for acquisition by Bonneville, in accordance with the conservation and resource priorities and other requirements of Pub. L. 96–501, resources equivalent to the load growth of the Purchaser which is served hereunder. Such resources will be made available to Bonneville pursuant to mutually agreeable contracts providing appropriate compensation to the Purchaser and other necessary terms. In making such resources available, the Purchaser may act individually or in cooperation with others.

The parties acknowledge that cost-effective conservation measures will be implemented in accordance with Pub. L. 96–501 and that Bonneville is required to give priority to the development and acquisition of certain types of resources under Pub. L. 96–501. The Purchaser agrees to make a good faith effort to cooperate with Bonneville in implementing and initiating the resource responsibilities placed on Bonneville, and providing services necessary thereto, pursuant to Pub. L. 96–501.

6. *Interpretation of Fish and Wildlife Responsibilities.* In meeting its obligations under this contract, Bonneville affirms its obligations under Section 4 and 6 of Pub. L. 96–501 and other applicable law with respect to implementation of measures and objectives for the protection, mitigation, and enhancement of fish and wildlife, while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. This contract shall not impair compliance with such obligations.

The Purchaser affirms its legal obligations related to fish and wildlife established in any license or order issued by the Federal Energy Regulatory Commission. This contract shall not expand, impair, or in any way alter the Purchaser's legal obligations related to fish and wildlife established in a license or order issued by the Federal Energy Regulatory Commission.

7. *Allocation Provisions in the Event of Planning Insufficiency.* (a) *Notice of Restriction.* For purposes of issuing notices of restriction under this contract Bonneville's Customers shall be divided into three classes: (1) Public body and cooperative; (2) Federal agency; and (3) investor-owned utility. If Bonneville determines for any Operating Year that it cannot on a planning basis acquire sufficient resources to fully supply Bonneville's estimated obligation to the Purchaser or any member of the Purchaser's class of Customers and Bonneville's estimated commitments to other Customers whose supply from Bonneville is not subject to restriction in favor of the Purchaser, Bonneville may issue a written notice of restriction to the Purchaser and its class of Customers for such Operating Year. Such notice shall be dated no earlier than provided for in paragraph (2) below and must be consistent with the provisions of paragraphs (3), (4), and (5) below. The notice of restriction may limit Bonneville's obligation in such Operating Year to supply Firm Power to the Purchaser pursuant to section 14 or section 17 below, as applicable.

The notice of restriction shall specify Bonneville's best estimate of the Purchaser's entitlement to Firm Capacity and Firm Energy for such Operating Year, Bonneville's estimate of the Purchaser's allocation, including the loads and resources on which such estimate is based and Bonneville's estimate of the expected duration of any period of insufficiency. Any notice of restriction issued hereunder shall be subject to the following limitations:

(1) Notice periods shall not commence until the start of next Operating Year following the date a notice is issued.

(2) Bonneville shall not issue a notice of restriction to any class of Customers prior to December 5, 1985, to allow Bonneville a reasonable period of experience under Pub. L. 96–501.

(3) Any notice of restriction which limits Bonneville's obligation to supply Firm Energy to the Purchaser if it is a member of the public body and cooperative class or Federal agency class shall not be effective prior to the expiration of the eighth Operating Year following the commencement date applicable to such notice.

(4) Any notice of restriction which limits Bonneville's obligation to supply Firm Power if the Purchaser is a member of the investor-owned utility class or Firm Capacity if the Purchaser is a member of the public body and cooperative class or the Federal agency class shall not be effective prior to the expiration of the fifth Operating Year following the commencement date applicable to such notice.

(5) Any notice of restriction issued to the public body and cooperative class or Federal

agency class shall not be effective prior to the Operating Year for which Bonneville estimates that its combined obligations to both classes to supply Firm Capacity or Firm Energy equal or exceed the firm peak capability or firm energy capability, respectively, of the Federal base system resources.

(6) A notice of restriction issued to any Purchaser under this section shall not be effective for any Operating Year to the extent Bonneville has not exercised its rights in a timely manner to restrict Bonneville's obligations to other Customers whose supply from Bonneville is subject to restriction in favor of the Purchaser.

Bonneville shall use its best efforts to annually advise the Purchaser of Bonneville's estimate of the Purchaser's allocation of Firm Capacity and Firm Energy for any Operating Year for which a notice of restriction was issued. Such advisement shall include current estimates of the Purchaser's allocation of Firm Capacity and Firm Energy for all Operating Years for which a notice of restriction has been issued.

Notwithstanding the issuance of a notice of restriction to the Purchaser, Bonneville shall use its best efforts to acquire sufficient resources to supply in full its obligations to the Purchaser pursuant to section 14 or section 17 below, as applicable, and its similar obligations to the Purchaser's class of Customers. Bonneville may cancel a notice of restriction by giving written notice to the Purchaser and thereby reduce or eliminate the limits on Bonneville's obligation to supply Firm Capacity or Firm Energy to the Purchaser and its class of Customers at any time. Such cancellation shall be made whenever Bonneville determines it will have sufficient resources to supply in full its obligations to the Purchaser pursuant to section 14 or section 17 below, as applicable, and its similar obligations to such class of Customers. Any such cancellation shall be made only after Bonneville consults with the Purchaser and Bonneville's other Customers.

(b) *Determination of Purchaser's Allocation.* The Purchaser's contractual entitlement to and allocation of Firm Capacity or Firm Energy shall be based on the formulas in the Allocation Formulas Exhibit. Such formulas shall be used for determining both estimated allocations and final allocations of Firm Capacity and Firm Energy based on the Purchaser's entitlement to firm peak capability and firm energy capability determined under the formulas. In addition to the loads and resources which Bonneville would normally consider in establishing Bonneville's obligations to the Purchaser pursuant to section 14 or section 17, as applicable, Bonneville shall deduct the planning capability of the Purchaser's Firm Resources for Customers purchasing on a Metered Requirements basis in determining its obligation to the Purchaser pursuant to this section. The planning capability of the Purchaser's Firm Resources for Customers purchasing on Metered Requirements for the purpose of determining Bonneville's obligation to such Purchaser shall either be established by (1) a service agreement with Bonneville or another entity; (2) contracts for the delivery of amounts of power by Bonneville or other entities; or (3) a planning capability supplied by the Purchaser for each of its Firm Resources along with the data used to determine such planning capability. Planning capabilities supplied by the Purchaser shall be reasonable and in conformance with usual practices used by the Purchaser, Bonneville, and other Pacific Northwest utilities for resource planning.

Bonneville shall revise every notice of restriction which has not been cancelled by the January 1 prior to the Operating Year it becomes effective. Such revision shall specify either (1) that Bonneville shall be obligated to serve the Purchaser on a Metered Requirements basis pursuant to section 14 except that the output of the Purchaser's Firm Resources must be at least the planning capability of such resources determined in the paragraph above or to serve the Purchaser on a Computed Requirements basis pursuant to section 17 during the next Operating Year, as applicable; or (2) Bonneville's estimate of the Purchaser's allocation of Firm Capacity and Firm Energy available to serve the Purchaser's Actual Firm loads for such Operating Year. Such estimated allocation shall be determined using the best available estimates of loads and resource capabilities at that time.

Such estimated allocation shall establish Bonneville's obligations to the Purchaser and be used to determine the billing factors for demand and energy established by the Purchaser's allocation for each month of the Operating Year until a final allocation is issued. The billing factor for allocated demand for each month shall be based on monthly allocations of Firm Capacity based on amounts of firm peak capability determined from the formulas in the Allocations Formula Exhibit. The billing factor for allocated energy for each month shall be established from the yearly allocation of Firm Energy based on the amount of firm energy capability determined from the formulas in the Allocation Formulas Exhibit. If the Purchaser has sufficient Seasonal Storage to allocate its Assured Energy Capability among months of the Operating Year in the manner set forth in section 16(c)(2), the Purchaser shall substitute its yearly allocation of Firm Energy for its annual energy requirement on Bonneville to distribute its yearly allocation of Firm Energy among months of the Operating Year. Bonneville shall distribute the yearly allocation of Firm Energy among months for all other Purchasers using the same assumption as that used by Bonneville to constrain its loads to its resources in subsection (d) below to determine the firm capability of the Federal base system resources.

Bonneville shall determine the Purchaser's final allocation of Firm Capacity and Firm Energy as soon as practicable after August 15 of each Operating Year. Such allocation shall be based on the best available estimates of loads and resource capabilities and include any allocations to the Purchaser of Firm Capacity and Firm Energy under subsection (g) below. Such final allocation shall specify the Purchaser's allocations and billing factors for the remainder of the Operating Year with the billing factors determined in the same manner as specified above under the estimated allocation.

Notwithstanding any allocations of Firm Capacity or Firm Energy established in this section by a notice of restriction, Bonneville shall use its best efforts to acquire sufficient resources to supply in full its obligations to the Purchaser pursuant to section 14 or section 17, as applicable, and its similar obligations to the Purchaser's class of Customers. Bonneville may suspend the limitations imposed by a notice of restriction during periods within the Operating Year such notice is effective. Any such suspension shall be made only after Bonneville consults with the Purchaser and Bonneville's other Customers.

(c) *Federal Base System Resources.* The firm capability of the Federal base system resources shall be calculated from:

(1) The firm capability of the Federal Columbia River Power System hydroelectric projects, existing or hereafter constructed;

(2) The firm capability of resources listed below acquired by Bonneville under long-term contracts in force on the effective date of Pub. L. 96–501:

	Installed capability (Mw)
(A) Hanford	860
(B) WNP No. 1	1250
(C) WNP No. 2	1100
(D) 70% of WNP No. 3	1240
(E) 30% of Trojan	1130
(F) Peak/Energy Exchange (PNW and PSW).	N/A
(G) Wind turbines	7.5; and

(3) The firm capability of resources acquired by Bonneville to replace reductions in the capability of the hydroelectric projects in the event of loss of generation facilities at one or more hydroelectric projects, reductions in the capability of the hydroelectric projects due to constraints on the use of streamflows at such projects for the production of electric power and energy for such constraints which were not planned prior to December 5, 1980, or reductions in the firm capability of the contractual resources in (2) above.

(d) *Determination of the Firm Capability of the Federal Base System Resources.* The firm capability for a future Operating Year of the Federal base system resources shall be determined by using streamflows to generate electric power and energy within the constraints on use of the rivers due to irrigation withdrawals, navigation, recreation needs, minimum streamflows, fisheries and wildlife operations and other authorized uses. Such capability shall be determined by using such resources' contribution to Bonneville's Firm Load Carrying Capability. Such contribution shall be determined in the same manner as specified in section 16(b)(1) for determining the contribution to Assured Capability of the Firm Resource of a Customer which is included by such Customer in Coordination Agreement planning. Such contribution may be further adjusted to provide other appropriate adjustments for reserves which are in accordance with Coordination Agreement

procedures to recognize regional planning uncertainties.

For purposes of this section 7, Bonneville shall determine the firm peak capability of the Federal base system resources by shaping all of Bonneville's firm resources to meet Bonneville's monthly obligations to supply all of the firm energy loads of its Customers. Such firm peak capability shall be such resources' proportional contribution to the monthly firm peak capability determined by shaping Bonneville's resources to meet its energy obligations.

If Bonneville has issued a notice of restriction to meet the energy loads of Customers, Bonneville shall, in determining the firm peak capability of the Federal base system resources for purposes of this section 7, develop the firm capability of its resources by constraining its loads to its resources based on the assumption that Bonneville's Customers to whom such notice applies will provide firm energy as a single class in equal amounts for each month in the Operating Year to meet the difference between Bonneville's Firm Energy obligation prior to restriction and Bonneville's limited Firm Energy obligations after restriction. Bonneville may change such assumption after consultation with its Customers.

The loads used to determine the contribution of resources to Bonneville's Firm Load Carrying Capability shall include the pumping loads of the U.S. Bureau of Reclamation which are authorized by law as obligations of the hydroelectric projects in (c)(1) above and the losses of electric energy resulting from delivery of electric power and energy to Bonneville's Customers in the Pacific Northwest. The firm capability of the Federal base system resources shall be reduced to meet such loads and the proportional share of such losses.

(e) *Determination of Firm Capability of Acquired Resources.* The firm capability of a resource acquired by Bonneville under Pub. L. 96–501 from or on behalf of the Purchaser shall be such resource's contribution to Bonneville's Firm Load Carrying Capability using the estimated peak and energy capability of such resource specified in the resource purchase agreement. The contribution of a resource to firm peak capability and firm energy capability shall be determined using the same loads and in the same manner as the Federal base system resources. The firm capability of such resources shall not include amounts of peak and energy capability specified in the resource purchase agreement as a replacement for Federal base system resources or an amount purchased in lieu of an amount of electric power offered to Bonneville by another utility at such utility's average system cost.

Bonneville may rerate the peak and energy capability of a resource based on the actual performance of such resource by giving seven years' prior written notice of such adjustment. Such rerating shall be consistent with any terms of the resource purchase agreement and reflect actual operating experience.

(f) *Principles for Allocating Intra-Class Excess Entitlements.* Bonneville shall allocate amounts of Intra-Class Excess Entitlements under the formulas in the Allocation Formulas Exhibit for each Operating Year in a period of insufficiency based on the following principles:

(1) If the sum of the Intra-Class Excess Entitlements for a class of Customers is greater than Bonneville's estimate for such Operating Year of the amounts needed to supply the Firm Capacity or Firm Energy requirements of the Customers of such class after providing such Customers their entitlement to the Federal base system resources, if any, and their entitlement to any resources acquired by Bonneville under Pub. L. 96–501 from or on behalf of such Customers, Bonneville shall supply Firm Capacity or Firm Energy to all Customers of such class pursuant to subsection (b)(1) above.

(2) If the sum of the Intra-Class Excess Entitlements for the public body and cooperative class or Federal agency class of Customers is less than Bonneville's respective estimate for such Operating Year of the amounts needed to supply the Firm Capacity or Firm Energy requirements of the Customers of such class after providing such Customers their entitlement to the Federal base system resources and their entitlement to any resources acquired by Bonneville under Pub. L. 96–501 from or on behalf of such Customers, Bonneville shall use the Intra-Class Excess Entitlements for the public body and cooperative class or the Federal agency class to first meet its obligation to supply to each Customer of each class, respectively, an amount of Firm Capacity and Firm Energy equal to the amounts actually supplied by Bonneville in the Year Preceding Insufficiency.

(3) Bonneville shall allocate the sum of the Intra-Class Excess Entitlements for the investor-owned utility class of Customers and any amounts for the public body and cooperative class or Federal agency class remaining after Bonneville meets its respective obligations for such classes specified in paragraph (2) above in a pro rata manner based on formula F of the Allocation Formulas Exhibit.

Intra-Class Excess Entitlements shall be allocated on the basis of an allocation factor which establishes each Customer's entitlement on a pro rata basis to the sum for such Customer's class of the Intra-Class Excess Entitlements. Such allocation factor shall be established by starting with a factor determined by comparing the resources actually developed by each Customer to that amount of Firm Capacity or Firm Energy which each Customer needed to develop in order to meet its load growth and load-resource deficits, if any, existing in the year prior to enactment of Pub. L. 96–501, squaring the resulting factor for each Customer to increase the allocation of those Customers which have been the most successful in developing resources and adjusting the resulting factor so that the sum of such factors for all Customers in a class equals one. The resulting factor shall establish each Customer's allocation factor in such class.

Subject to the reduction specified in paragraph (4) below, the Intra-Class Excess Entitlements shall be allocated to fully meet the deficiencies of the Customers in a class or until the Intra-Class Excess Entitlements for such class are exhausted. If the Intra-Class Excess Entitlements are not exhausted in meeting the deficiencies of the Customers in a class as reduced by paragraph (4) below, such remaining amount of Intra-Class Excess Entitlements, which are the amounts by remaining, if any, due to paragraph (4) below, shall be allocated by multiplying such remaining amount each Customer's allocation factor until the Intra-Class Excess Entitlements for such class are exhausted.

(4) Bonneville shall reduce its obligation to the Purchaser under paragraph (3) above by Bonneville's estimate of the Firm Capacity or Firm Energy necessary to serve the amount which the Purchaser's Actual Firm Peak Loads or Actual Firm Energy Loads would have been reduced by cost-effective Bonneville conservation programs which the Purchaser declined to implement. Such reduction shall not be made to the extent Bonneville determines the Purchaser has implemented similar measures which accomplished the same purpose and were sufficiently comparable to the Bonneville programs to permit evaluation of their degree of effectiveness. Cost-effective shall be as defined in Pub. L. 96–501.

(g) *Allocation of Additional Government Resources.* Bonneville may allocate an additional amount of Firm Capacity or Firm Energy to the Purchaser from the Intra-Class Excess Entitlements of another class which are excess to the needs of such other class or from other resources available to Bonneville. Bonneville shall determine the methods for making such allocations after consultation with its Customers.

8. *Determination of New Large Single Loads.* (a) *Determination of a Facility.* Bonneville and the Purchaser shall make a reasonable determination of what constitutes a single facility, for the purpose of identifying a New Large Single Load, based upon the following criteria: (1) Whether the load is operated by a single Consumer; (2) whether the load is in a single location; (3) whether the load serves a manufacturing process which produces a single product or type of product; (4) whether separable portions of the load are interdependent; (5) whether the load is contracted for, served or billed as a single load under the individual Purchaser's customary billing and service policy; (6) consistent application of the foregoing criteria in similar fact situations; and (7) any other factors the parties determine to be relevant.

Bonneville shall show an increase in load associated with a Consumer's facility which has been determined to be a New Large Single Load on Table 1 of the New Large Single Load Determinations Exhibit. Bonneville shall show loads associated with a Consumer's facility which Bonneville has determined were contracted for, or committed to prior to September 1, 1979, on Table 2 of the New Large Single Load Determinations Exhibit. Bonneville shall have the unilateral right to amend Table 1 or make additions to Table 2 of such exhibit to reflect such determinations when made.

(b) *Determination of Ten Average Megawatt Increase.* An increase in load shall be considered a New Large Single Load if the energy consumption of the Consumer's load associated with a new facility, existing facility or expansion of an existing facility during the immediately past twelve-month period exceeds by ten average metawatts or more the Consumer's energy consumption for such new facility, existing facility or expansion of an existing facility for the consecutive twelve-month period one year earlier, or the amount of the contracted for, or committed to load of the Consumer as of September 1, 1979, whichever is greater.

The contracted for, or committed to load as of September 1, 1979, shall be the maximum amount of energy specified in such contract or commitment, the maximum energy consumption of the load or the capacity limitation contained in such contract or commitment if energy is not specified or limited.

(c) *Identification of Potential New Large Single Loads.* The Purchaser shall make reasonable efforts to identify potential New Large Single Loads, and shall report to Bonneville (1) the addition of electrical equipment of ten MVA or more by a single Consumer; (2) the installation of additional transformation capacity of ten MVA or more by the Purchaser or a Consumer which is designed to serve a single facility; or (3) the potential change in operation of a facility which may result in an increase of ten average megawatts or more in a twelve-month period.

(d) *Agreed Upon Monitored Loads.* All of this subsection (d) except for the last paragraph regarding consultation on billing of New Large Single Loads shall not apply if the Purchaser is an investor-owned utility.

Based upon the available information concerning an increase in load, Bonneville and the Purchaser may agree that an increase in load associated with a new facility, existing facility or expansion of an existing facility should be considered a New Large Single Load from the date of commencement of commercial operation of such increase in load. If Bonneville and the Purchaser cannot determine or agree that the increase in load should be considered a New Large Single Load, the energy used by the facility shall be monitored and reported monthly by the Purchaser to Bonneville following the commencement or the change in operation of the load. If requested, Bonneville and the Purchaser will agree to a Purchaser-specific monitoring procedure.

When Bonneville and the purchaser cannot determine at the outset that an increase in load will become a New Large Single Load, the Purchaser shall have the option of backbilling or rebating during said load's first year of commercial operation. At the end of the first year of commercial operation a determination will be made whether or not the increase is a New Large Single Load. Whether the Purchaser chooses backbilling or rebating, the load shall be monitored for a twelve-month period. The energy used by the load during such period shall be compared to the energy used during the preceding twelve-month period one year earlier, or the amount of the contracted for, or committed to load as of September 1, 1979.

Under backbilling the Purchaser shall be billed for the increase in load at the Priority Firm Power Rate Schedule or its successor rate schedule during any consecutive twelve-month monitoring period. If the energy consumption of the increase in load reaches 87,600,000 kWh within any consecutive twelve-month monitoring period, the increase in load becomes a New Large Single Load. The Purchaser shall be backbilled for the difference between the Priority Firm Power Schedule actually charged and the New Resource Firm Power Rate Schedule in effect during the monitoring period with interest from the date the increase in load becomes a New Large Single Load; the Purchaser shall then be billed at the New Resource Firm Power Rate Schedule or its successor rate schedule for the New Large Single Load thereafter. If the increase in load does not reach 87,600,000 kWh within any consecutive twelve-month monitoring period, the Purchaser continues to be billed for the entire increase in load at the Priority Firm Power Rate Schedule or its successor.

Under rebating, the Purchaser shall be billed for the increase in load at the New Resource Firm Power Rate Schedule or its successor rate schedule during the monitoring period. If the increase in load reaches 87,600,000 kWh within any consecutive twelve-month monitoring period, the increase in load becomes a New Large Single Load and billing at the New Resource Firm Power Rate Schedule or its successor rate schedule for that load continues thereafter. If the increase does not reach 87,600,000 kWh during any consecutive twelve-month monitoring period, the load shall not be classified a New Large Single Load. The rate schedule applicable to such load becomes the Priority Firm Power Rate Schedule or its successor rate schedule. At the Purchaser's option, Bonneville shall (1) rebate to the Purchaser the difference between the New Resource Firm Power Rate Schedule actually charged during the monitoring period and the Priority Firm Power Rate Schedule in effect during the monitoring period plus interest; or (2) shall make such adjustment to the Purchaser's next wholesale power bill.

Bonneville shall establish billing procedures for New Large Single Loads in consultation with the Purchaser.

(e) *Service To New Large Single Loads.* Subject to the limitations of section 9, Bonneville shall supply Firm Power to serve the Purchaser's New Large Single Loads unless the Purchaser agrees to serve all or a portion of a New Large Single Load either (1) prior to the execution of this Contract, or (2) at the time the Purchaser notifies Bonneville of such load pursuant to section 8(c) and 9(c), or to section 9 if the Purchaser wishes to serve all or a portion of such New Large Single Load with resources other than Firm Resources. That portion of such New Large Single Load which the Purchaser wishes to serve with resources other than Firm Resources shall be treated as a load which Bonneville is not obligated to serve and shall not be included in the Purchaser's Actual Firm Loads until the Purchaser requests Bonneville to supply Firm Power for that portion of such load and Bonneville agrees to supply the remaining portion of such power. Bonneville shall treat each request for additional power supply under section 9 as though the Purchaser had requested service for the entire New Large Single Load.

If a Consumer of a Purchaser provides a renewable or cogeneration resource to serve all or a portion of a load associated with a facility which would otherwise be a New Large Single Load, and thereby reduces the demand on the Purchaser, that portion of such load on the Purchaser, if any, shall not be a New Large Single Load, unless the load or portion thereof on the Purchaser is ten average megawatts or more: *Provided, however,* That if a Consumer sells, displaces or removes a resource or portion thereof from service to the Consumer's load at such facility, all such load shall be a New Large Single Load unless Bonneville, after consultation with the Purchaser and the Consumer, determines that uncontrollable events prevent service to the Consumer's load by such resource.

(f) *Normalization of Consumer's Load.* For the sole purpose of computing the increase in energy consumption between any two consecutive twelve-month periods of comparison under this section 8, reductions in the Consumer's load associated with a facility during the first twelve-month period of comparison due to unusual events reasonably beyond the control of the

Consumer shall be determined, and the energy consumption shall be computed as if such reductions had not occurred.

(g) *Changes in Load.* If an increase in load becomes a New Large Single Load, such increase shall, subject to the last paragraph of this subsection, remain a New Large Single Load and all subsequent increases in such load or portion thereof shall also be considered a New Large Single Load.

Load reductions to a Consumer's Load of a facility shall be on a last on, first off basis. Any load reductions made by a Consumer of a facility shall first reduce that portion of the Consumer's load of that facility which has been identified as a New Large Single Load.

If a Consumer with a New Large Single Load physically and permanently removes equipment which imposes a load at a facility identified as a New Large Single Load, the Consumer's load may be reclassified as no longer being a New Large Single Load if Bonneville determines such equipment imposed a load equivalent to the original increase in load at such facility which caused such load to be classified as a New Large Single Load.

(h) *Renewal, Relocation, and Transfer.* The following events shall not cause a load to be considered a New Large Single Load if such event does not result in an increase in power requirements of a Consumer on the Purchaser of ten average megawatts or more during any consecutive twelve-month period as herein above provided: (1) Renewal or replacement of a contract between the Purchaser and the Consumer based on the original commitment or contract if the capacity specified in the new contract does not exceed the capacity specified in the contract being renewed or replaced; (2) relocation, replacement, or renovation of a Consumer's facility within the Purchaser's service area; and (3) transfer of a facility to a successor in interest provided that the service or product associated with the facility is essentially unchanged.

(i) *Compliance.* Bonneville and the Purchaser agree that should a Purchaser fail to report a New Large Single Load of which the Purchaser has, or reasonably should have had knowledge, such Purchaser shall be backbilled from the date the increase in load became a New Large Single Load. For this subsection only, such backbilling shall include the following costs: (1) The difference between the Priority Firm Power Rate Schedule or its successor rate schedule and the New Resource Firm Power Rate Schedule or its successor rate schedule; (2) interest charges on the backbilled amount determined at Bonneville's prevailing interest rate; and (3) a late payment charge on the backbilled amount.

9. *Limitation on Increases of Single Loads.* (a) The limitations of this section shall apply only to industrial facilities of Consumers. Such facilities are defined as those facilities whose primary function falls into one of the following categories, as defined in the Standard Industrial Classification Manual (1972), U.S.O.M.B.:

(1) Agriculture, Forestry, and Fishing;
(2) Mining;
(3) Construction;
(4) Manufacturing;
(5) Transportation, Communications, Electric, Gas and Sanitary Services; and
(6) Wholesale Trade. Such facilities do not include those facilities whose primary function falls into one of the following categories:
(1) Finance, Insurance, and Real Estate;
(2) Retail Trade;
(3) Services; and
(4) Public Administration

(b) The Purchaser shall notify Bonneville as soon as possible if service by the Purchaser to a new facility of a Consumer or additional service to an existing facility of a Consumer is reasonably expected to result in an increase of 35 average megawats or more within any twelve-month period or an increase of 75 average megawatts or more within any sixty-month period in the Purchaser's Actual Firm Energy Loads for such period in what would otherwise be the Purchaser's Actual Firm Energy Loads for such period. Bonneville shall be obligated to supply the increased load with Firm Energy on the earlier of (1) the date Bonneville determines and notifies the Purchaser that Firm Energy is available to supply such increase; or (2) seven years from the date of the Purchaser's notice to Bonneville. The foregoing limitations notwithstanding, Bonneville shall use its best efforts to acquire Firm Energy to serve such increased load at the time requested by the Purchaser.

(c) The Purchaser shall notify Bonneville when service by the Purchaser to a new facility of a Consumer or additional service to an existing facility of a Consumer is reasonably expected to result in an increase of ten average megawatts or more within any twelve-month period in the Purchaser's Actual Firm Energy Loads for such period in what would otherwise be the Purchaser's Actual Firm Energy Loads for such period. Bonneville shall be obligated to supply the increased load with Firm Energy two years from the date of the Purchaser's notice to Bonneville subject to the limitations in subsection (b) above. Notice by the Purchaser to Bonneville that a monitoring plan needs to be established for the facility of a Consumer pursuant to section 8(d) shall be deemed to be notice under this subsection.

(d) If the Purchaser has a resource other than a Firm Resource which it has identified to serve all or a portion of an increase in load, the portion served by such resource shall be excluded in determining whether the limitations of subsection (b) above apply to such increase in load. If the Purchaser identifies such a resource, Bonneville and the Purchaser shall agree on the portion of such load which such resource is capable of serving. If the Purchaser subsequently includes such resource in its Firm Resources Exhibit pursuant to section 12, the portion of such increase in load to be served by such resource as agreed pursuant to the preceding sentence shall not be treated as a load which Bonneville is not obligated to serve pursuant to section 8(e) and shall be included in the Purchaser's Actual Firm Load.

(e) The limitations of subsection (b) above shall not apply if the Purchaser has developed adequate resources to meet its load growth including the increase in load resulting from service to new facility of a Consumer or additional service to an existing facility of a Consumer and replace reductions in its Firm Resources which are included as 5(b)(1)(A) resources in its Firm Resources Exhibit. The Purchaser shall be deemed to have built adequate resources for Bonneville to supply such increase in load if the Purchaser has developed resources which were dedicated to its load or sold to Bonneville equal to the sum of (1) reductions in 5(b)(1)(A) resources between the '79–80 Operating Year and the date specified in subsection (b)(2) above, and (2) growth in Actual Firm Energy Load between (A) the '82–83 Operating Year and the date specified in (b)(2) above for public bodies, cooperatives and Federal agencies or (B) the '79–80 Operating Year and the date specified in (b)(2) above for investor-owned utilities.

(f) Bonneville shall reduce the notice period specified in subsection (c) above for 100 average megawatts of load for which the Purchaser or other Customers under similar contracts have requested service for loads from 10 to 35 average megawatts during any Operating Year. The notice period for such requests shall be the period necessary to include service to such loads in the New Resources Firm Power Rate. If Bonneville receives more than one request from the Purchaser and other Customers under similar contracts to serve increases in load which exceed the foregoing limitations, Bonneville shall allocate its available power supply among such competing requests in the order that written notice of request for service was first received.

(g) The foregoing limitations shall not apply to increases in load which were contracted for or committed to as of September 5, 1981. The determination whether a load was contracted for or committed to as of September 5, 1981, shall be made by Bonneville.

10. *Planning and Operating Information.* (a) *General Information Requests.* Bonneville and Purchaser agree to cooperate in the full exchange of such planning and operating information as may be reasonably necessary for the timely and efficient performance of the parties' obligations or the exercise of rights under this contract. Such information shall be provided pursuant to subsection (b) below on a timely basis and no reasonable request shall be refused, including requests to provide information or data in a specified manner or on a special form.

(b) *Provision of Information.* To the extent such information can be provided at a nominal cost each party agrees to provide the information. Otherwise, a party may respond to a request for information (1) by providing the information subject to reimbursement of reasonable expenses necessarily incurred; or (2) to the extent the supplying party finds the timing or effort of meeting an information request burdensome, by offering the requesting party access to the sources from which the information can be obtained.

(c) *Provision of Statistical Data.* Bonneville and the Purchaser agree to cooperate in the full exchange of data showing kilowatthours generated at each party's generating facilities as shown on Federal Energy Regulatory Commission reports Form 1 and 12, as may be subsequently amended or superseded, including purchases from generating facilities

on the Purchaser's system, sales of energy, demands therefor if available, by class of Consumer and revenues derived therefrom, the Purchaser's annual report to its stockholders and Bonneville's annual report. If the Purchaser is not required by the Federal Energy Regulatory Commission to file Form 1 or Form 12 reports, the Purchaser shall provide such equivalent information as Bonneville requires on a form provided by Bonneville or on one provided by the Purchaser which is acceptable to Bonneville.

(d) *Long-Range Planning.* Bonneville and the Purchaser agree to provide information necessary to develop their long range generation, transmission and distribution plans. Bonneville shall use its bests efforts to supply anually to the Purchaser a load-resource document showing its load-resource balance, its program for acquisition of resources and the firm loads it expects to supply for at least ten years. Bonneville shall provide additional customer service facilities to supply electric power or energy to the Purchaser in accordance with the Customer Service Objectives Exhibit and applicable Customer Service Policy.

11. *Compensation Program for Regional Curtailment of Firm Loads.* (a) The parties agree to commence negotiations as soon as practicable to develop a comprehensive agreement among utilities in the Pacific Northwest to buy and sell electric energy made available due to curtailments in consumption or from resources on a party's system during periods when governmental bodies having the authority to do so have so ordered such curtailments or sales.

(b)(1) If the Bonneville Power Administrator and the Governor of the State encompassing the Purchaser's service area publicly appeal for curtailments of electric power consumption or if mandatory curtailments of electric power consumption in the Purchaser's service area are ordered by governmental bodies having the authority to so order, Bonneville shall compensate the Purchaser as provided in this section for any reduction in Bonneville's obligation to supply Firm Power to the Purchaser. If the Purchaser's service area extends into more than one State and all of such States do not participate in the curtailments described above, the procedures of this section shall be applied only to those loads in service areas in the participating States.

Compensation under this section shall not be available to the Purchaser during any Operating Year that the Purchaser is purchasing Firm Power from Bonneville on a Computed Requirements basis. The compensation under this section may be reduced partially or in its entirety as described in paragraph (4) below.

Compensation shall begin with the first full month following such appeal for curtailment or ordered curtailment. Compensation shall end with the month during which the Bonneville Power Administrator and the appropriate State political leaders publicly indicate that a need for curtailment no longer exists or such State officials rescind an order for curtailment.

(2) Bonneville shall pay the Purchaser each month an amount equal to the product of the rate set forth in this paragraph and the amount of load curtailment determined in paragraph (3) below unless such amount of load curtailment is reduced partially or in its entirety as set forth in paragraph (4) below. Such rate shall be the amount per kilowatthour by which the Purchaser's average revenue from retail sales of electric energy exceeds the wholesale firm power rate the Purchaser would have paid Bonneville for the increment of energy determined pursuant to pargraph (3) below.

(3) The amount of regional load curtailment on the Purchaser's system during a month shall be deemed to be the amount, if any, by which the Purchaser's Estimated Firm Energy load, after adjustment as specified below, exceeds the Purchasers Actual Firm Energy Load for such month after adjustment, if any, as set forth below. If the Purchaser does not regularly publish an Estimated Firm Energy Load, such Purchaser's Estimated Firm Energy Load for purposes of this section shall be the Purchaser's component of Bonneville's latest published estimate of its firm energy loads.

The Purchaser's most recently published Estimated Firm Energy Load shall be used herein to determine amounts of regional load curtailment in conjunctin with information submitted by the Purchaser to Bonneville as soon as possible following the end of each month in which a regional load curtailment program is in effect. Such information shall be provided for each such month and for the three most recent, but not necessarily consecutive, months in which a regional load curtailment program was not in effect. Such information shall include: (A) The Purchaser's Actual Firm Energy Load for such months; and (B) detail on any separately identifiable significant changes in the Purchaser's Actual Firm Energy Load from its Estimated Firm Energy Load which were not the result of a regional load curtailment program.

The Purchaser's Actual Firm Energy Loads for all months used for calculations herein shall be adjusted to reflect only those loads in the Purchaser's service area which are in States participating in the regional curtailment program. Such adjustment shall be made by subtracting the portion of the Purchaser's Actual Firm Energy Load in States which are not participating in the regional curtailment program from the Purchaser's Actual Firm Energy Load for such month. Such adjustment may be changed monthly to reflect changes in the States which are participating in the regional curtailment program.

The Purchaser's Estimated Firm Energy Load for all months for which information was requested above shall first be adjusted to reflect separately identifiable changes in load which were not the result of a regional load curtailment program. The Estimated Firm Energy Load shall then be adjusted in the manner specified for Actual Firm Energy Loads above to reflect only those loads in the Purchaser's service area which are in States participating in the regional curtailment program. An adjusted Estimated Firm Energy Load for each month in which a regional load curtailment program is in effect shall then be determined by multiplying the Estimated Firm Energy Load for such month, as adjusted above, by the ratios of the Purchaser's Actual Firm Energy Load, as adjusted above, for the three most recent, but not necessarily consecutive, months in which a regional load curtailment program was not in effect.

(4) If regional curtailment has been requested after July 1, 1983, because Bonneville is unable to acquire sufficient resources to meet its firm obligations, Bonneville shall reduce the amount of load curtailment determined in paragraph (3) above during any month if the Purchaser's load growth after July 1, 1983, as specified in subparagraph (A) below exceeds the amount of resources which the Purchaser has dedicated to its own load or made available to Bonneville as specified in subparagraph (B) below. Such amount of load curtailment for each month shall be reduced partially or in its entirety by the amount which (A) exceeds (B) below:

(A) The excess of the Purchaser's Actual Firm Energy Load in average megawatts over the Purchaser's Actual Firm Energy Load in average megawatts for the same month during the '82–'83 Operating Year; and

(B) the annual firm energy capability in average megawatts of (i) resources acquired by Bonneville from the Purchaser under Pub. L. 96–501; and (ii) the portion of the Purchaser's Firm Resources which are included as 5(b)(1)(B) resources in its Firm Resources Exhibit. Such resources shall not include conservation programs to the extent such programs have been reflected in the Purchaser's Actual Firm Energy Load in subparagraph (A) above.

12. *Purchaser's Firm Resources.* (a) Each of the Purchaser's Firm Resources which the Purchaser anticipates will be used during the initial seven Operating Years under this agreement either (1) to calculate its Assured Peak Capability and Assured Energy Capability if the Purchaser is purchasing on a Computed Requirements basis; or (2) to serve its Actual Firm Loan if the Purchaser is purchasing on a Metered Requirements basis shall be identified in the initial Firm Resources Exhibit attached hereto on the effective date of this contract. Contracts under which the Purchaser is obligated to deliver, transfer or exchange power with another utility and which either: (1) Were in effect on or before December 5, 1980; (2) have been approved for inclusion as Firm Resources in writing by Bonneville; or (3) would not increase Bonneville's total firm obligations to supply power shall be treated as negative Firm Resources. The Firm Resources Exhibit shall separately show those Firm Resources described by section 5(b)(1)(A) and those described by section 5(b)(1)(B) of Pub. L. 96–501.

(b) Prior to January 1 of each year, the Purchaser shall prepare and submit to Bonneville a revised Firm Resources Exhibit. Each such exhibit shall delete the information applicable to the current Operating Year, show new information for the seventh succeeding Operating Year as permitted by this subsection, and show any changes for the first six Operating Years as are permitted by this subsection (b). Such new Firm Resources Exhibit shall be prepared in the same format as the initial Firm Resources

Exhibit or such other format as Bonneville and the Purchaser may agree upon. Such new Firm Resources Exhibit will supersede the prior Firm Resources Exhibit on the following July 1.

Changes in the Purchaser's Firm Resources Exhibit shall be permitted only if specifically provided for as follows:

(1) The peak capability of any Firm Resource may be added for the fifth year of the Firm Resources Exhibit and the energy capability of any Firm Resource may be added for the seventh year of the Firm Resources Exhibit, upon designation of the Purchaser.

(2) Any Firm Resource may be added for any Operating Year to the extent that such resource is in accordance with Bonneville's annual program which implements the plan of the Pacific Northwest Electric Power and Conservation Planning Council or Pub. L. 96–501.

(3) Any Firm Resource may be added in any Operating Year to the extent that Bonneville reasonably determines that it can market or otherwise dispose of any of its resulting firm load-resource surplus without sustaining an adverse economic effect. In determining the amount of such surplus, purchases which Bonneville is not committed to make at the time of such determination shall not be considered.

(4) Any Firm Resource which is a renewable or cogeneration resource and which has a planned capability for the generating facility of 50 average megawatts or less may be added beginning with the Operating Year for which the Purchaser had notice of the availability of such resource, but in no event earlier than the Operating Year commencing 30 months from the January 1 on which the Firm Resources Exhibit showing such addition is submitted. If the owner or developer of a generating facility which is a qualifying facility requires the Purchaser to acquire the output of such facility pursuant to the provisions of Pub. L. 95–617 (PURPA), the planned capability of such generating facility may be added as a Firm Resource pursuant to this paragraph at the beginning of the Operating Year for which the Purchaser had notice of the availability of such resource: *Provided, however,* That the Purchaser shall use its best efforts to provide the minimum notice of availability specified in this paragraph.

(5) Any Firm Resource in regard to which an irrevocable option to purchase has been granted in favor of Bonneville pursuant to a written, executed agreement may be added in any revised Firm Resources Exhibit submitted within 2 years after Bonneville declines for any reason to exercise its option to purchase pursuant to that agreement. Such Firm Resource may be included in such Firm Resources Exhibit for any Operating Year or Years up to the amounts offered to Bonneville in the agreement granting the option to Bonneville.

(6) Irrespective of whether or not an option had been granted in favor of Bonneville, any Firm Resource which has been offered to Bonneville pursuant to section 9(i)(3) of Pub. L. 96–501 and which is not accepted by Bonneville under the terms of the offer may be added effective on the date of commercial operation in any revised Firm Resources Exhibit upon a minimum of 2 years' written notice.

(7) Any Firm Resource may be added if and to the extent that Bonneville is expected to have an excess of firm load over its firm resources in the first Operating Year for which the Purchaser proposes to add such Firm Resource. Bonneville's expected firm load-resource balance will be determined from the then latest publication of Boneville's firm loads and planned firm resources issued by Bonneville: *Provided, however,* That purchases by Bonneville which are shown in such publication but which Bonneville has not at the time of such determination made a commitment to purchase shall be removed from Bonneville's resources before such determination is made. Prior to the sumittal of any Firm Resources Exhibit which includes such addition, the Purchaser shall notify Bonneville in writing of the times and amounts of Firm Resources it proposes to add pursuant to this paragraph. If the Purchaser and other Customers under similar contracts propose to add Firm Resources in excess of Bonneville's expected firm load-resource deficiency, Bonneville shall allocate the amount of Firm Resources which each such Purchaser may add giving priority among competing requests in the order that written notice of addition was first received. Bonneville shall notify the Purchaser in writing within 30 days after receipt of such notice of any limitation on the amount of Firm Resources which it may add.

(8) Any Firm Resource may be removed for any Operating Year if the use of such Firm Resource is permanently discontinued because of loss of resource or loss of contract rights resulting from factors beyond the reasonable control of the Purchaser and which the best efforts of the Purchaser are unable to remedy. Any Firm Resource may be removed if the use of such resource is permanently discontinued because of obsolescence or retirement to the extent and for the Operating Years that the Purchaser has consulted with Bonneville regarding such discontinuance and Bonneville has agreed in writing to such discontinuance. Lack of an adequate power supply to replace the discontinued resource shall not be sufficient reason for Bonneville to withhold its agreement to such discontinuance.

The peak capability of any Firm Resource to which the preceding portion of this paragraph (8) does not apply may be removed for the fifth Operating Year of the Firm Resources Exhibit and the energy capability of such resource may be removed for the seventh Operating Year.

Firm Resources which are returned to service subsequent to their removal pursuant to this paragraph (8) shall be treated as new resources for the purpose of this subsection (b).

(9) Any Firm Resource may be removed if and to the extent that Bonneville is expected to have an excess of firm resources over its firm load in the first Operating Year for which the Purchaser proposes to remove such Firm Resource. Bonneville's expected firm load-resource balance will be determined from the then latest publication of Bonneville's firm loads and planned firm resources issued by Bonneville. Prior to the submittal of any Firm Resources Exhibit which includes such removal, the Purchaser shall notify Bonneville in writing of the times and amounts of Firm Resources it proposes to remove pursuant to this paragraph. If the Purchaser and other Customers under similar contracts propose to remove Firm Resources in excess of Bonneville's expected firm load-resource surplus, Bonneville shall allocate the amount of Firm Resources which each such Purchaser may remove giving priority among competing requests in the order that written notice of removal was first received. Bonneville shall notify the Purchaser in writing within 30 days after the receipt of such notice of any limitation on the amount of Firm Resources which it may remove.

(10) Any Firm Resource may be removed from the Purchaser's Firm Resources Exhibit for any Operating Year or Years to the extent that equivalent peak and energy capability from another Firm Resource is added to the Purchaser's Firm Resources Exhibit for such year or years. Such added resource shall be one which was not planned as of December 5, 1980, to meet the firm load growth in the Pacific Northwest or, if so planned, has been offered for sale to Bonneville and Bonneville has declined such offer.

(11) Any Firm Resource may be added or removed for any Operating Year to the extent that such Firm Resource is correspondingly removed from or added to the Firm Resources of other Bonneville Customers in such a manner that Bonneville's total firm obligations to supply power are not changed.

(12) Any Firm Resource may be removed for any Operating Year to the extent such resource was acquired by Bonneville from the Purchaser pursuant to a separate agreement or added for any Operating Year to the extent such resource was recovered from Bonneville by the Purchaser pursuant to a separate agreement.

(13) Any Firm Resource may be added or removed for any Operating Year to the extent that the Purchaser gains or loses the Firm Resource as the result of a withdrawal pursuant to agreements in existence on December 5, 1980, between the Purchaser and others and which provide for withdrawal of resources on shorter notice than the Purchaser must give Bonneville pursuant to the provisions of this section 12: *Provided, however,* That the Purchaser shall not make any such addition or removal on any shorter notice pursuant to this paragraph (13) than the notice period provided for in the subject agreements.

(14) Any Firm Resource may be added or removed for any Operating Year if and to the extent that Bonneville has given prior written consent.

13. *Designation of Basis for Purchasing Firm Power.* (a) If the Purchaser operates automatic generation control equipment and is thereby able to schedule amounts of power to be interchanged with Bonneville, it shall be designated to purchase Firm Power under this contract on the basis of Computed Requirements. Such Purchaser shall be subject to the definition of Measured Amounts for a Purchaser designated to purchase on the basis of Computed

Requirements and which schedules amounts of power to be interchanged with Bonneville and to all of the provisions of this contract except sections 14 and 15. The Purchaser shall not discontinue the operation of automatic generation control equipment such that it is unable to schedule amounts of power to be interchanged with Bonneville unless it has requested that its designation for purchase under this contract be changed and Bonneville has determined that such change would not have a significant adverse effect on Bonneville and has agreed in writing to such change.

(b) If the Purchaser does not operate automatic generation control equipment but either: (1) Has sold generation from its Firm Resources in such a manner as to increase Bonneville's obligation to deliver Firm Power to the Purchaser in an amount in excess of Bonneville's obligation prior to such sale or has notified Bonneville that it intends to do so; or (2) has Firm Resources in amounts set forth below which have the ability to redistribute generation among months in such a manner as to cause losses of power or revenue to Bonneville, it shall be designated to purchase Firm Power under this contract on the basis of Computed Requirements unless the Purchaser requests that it be designated to purchase on the basis of Metered Requirements and Bonneville agrees to such designation. Such Purchaser designated to purchase on the basis of Computed Requirements pursuant to this subsection shall be subject to the definition of Measured Amounts for a Purchaser which is designated to purchase on the basis of Computed Requirements but which does not schedule amounts of power to be interchanged with Bonneville and to all of the provisions of this contract except sections 14(a) through (c), section 15 and section 18: *Provided, however,* That section 2 of the Power Scheduling Procedures Exhibit shall apply to such Purchaser. The amounts of the Purchaser's Firm Resources referred to in (2) above are those which either: (1) Total 50 megawatts or more of peak capability or include one or more units of 15 megawatts or more of peak capability; or (2) include portions of a generating unit which the Purchaser and other Customers under similar power sales contracts with Bonneville have included as Firm Resources totaling 50 megawatts or more of peak capability for all such Customers. In determining whether any of the Purchaser's Firm Resources have the ability to redistribute generation among months in such a manner as to cause losses of power or revenue to Bonneville, Bonneville shall exclude any Firm Resource in regard to which the Purchaser has entered into either: (1) A separate aggreement with Bonneville under which Bonneville assumes control of the generation of the Firm Resource and provides the Purchaser with an equivalent amount of Firm Power; or (2) an agreement with another utility or joint operating agency with has been approved in writing by Bonneville for the purpose of this determination.

(c) If the Purchaser is not designated to purchase on the basis of Computed Requirements pursuant to subsections (a) or (b) above, the Purchaser shall be designated to purchase Firm Power under this contract on the basis of Metered Requirements. Such Purchaser shall be subject to the definition of Measured Demand and Measured Energy for a Purchaser designated to purchase on the basis of Metered Requirements and to all of the provisions of this contract except sections 16, 17, 18 and 19.

(d) If the Purchaser operates any Firm Resources or other resources within Bonneville's automatic generation control areas, Bonneville shall provide generation control services including planned outage reserves, forced outage reserves, spinning reserves and frequency control to the extent the Purchaser does not otherwise arrange to provide such services. The Purchaser shall pay Bonneville for such services at the charges set forth in Section II of the Service Charges Exhibit. Section II of the Service Charges Exhibit shall be revised upon determination by Bonneville that any charge contained therein must be changed to properly compensate Bonneville for reasonable costs incurred by Bonneville to provide such services. The charges set forth in Section II of the Service Charges Exhibit shall not be increased more frequently than once a year. Bonneville shall provide the Purchaser and other Customers with a reasonable opportunity of not less than 90 days to comment prior to the effective date of such proposed revised charges. Revised charges shall take effect on the date specified by Bonneville in its written notice to the Purchaser of its intention to revise these charges.

(e) If the Purchaser's electrical system is interconnected with the electrical system of one or more other utilities which are interconnected directly or indirectly with the Bonneville electrical system and if such Purchaser does not operate automatic generation control equipment, the Purchaser shall: (1) Submit to Bonneville the amounts of power scheduled to be interchanged between the Purchaser and such other utilities in accordance with the provisions of section 1 of the Power Scheduling Procedures Exhibit; and (2) install and operate at its expense at interconnections which are normally operated closed the equipment necessary to supply Bonneville with telemetered signals indicating: (A) Continuously the actual rate of power flowing on each of the interconnection between the Purchaser and such other utilities; and (B) at the end of each hour the amount of power which has flowed on each such interconnection during each clock hour.

(f) If Bonneville determines that the Purchaser shall be designated to purchase on a Computed Requirements basis due to a sale of generation, Bonneville shall promptly notify the Purchaser in writing, and such change in designation shall be effective on the July 1 following such notice. If Bonneville determines that the Purchaser shall be designated to purchase on a Computed Requirements basis due to the Purchaser's notice to Bonneville of intent to sell generation, Bonneville shall promptly notify the Purchaser in writing, and such change in designation shall be effective on the July 1 preceding the date of such sale as specified in the Purchaser's notice.

Following January 1 of each year Bonneville shall review the revised Firm Resources Exhibit submitted by the Purchaser on such January 1 to determine whether any of the Firm Resources added or removed are sufficient to change the Purchaser's designation between subsections (b) and (c) above. If Bonneville determines a change in designation is indicated by the provisions of such subsections, Bonneville shall promptly notify the Purchaser in writing, and such change in designation shall be effective on the July 1 immediately preceding the date that the Firm Resource addition or removal is indicated in the Purchaser's revised Firm Resources Exhibit. If the Purchaser would have been designated to purchase on a Computed Requirements basis due to its addition of Firm Resources in the amounts specified in section 13(b) above, but the Purchaser has requested and Bonneville has agreed not to make such designation, Bonneville shall not thereafter designate the Purchaser to purchase on a Computed Requirements basis due to such addition of such Firm Resources on less than two years' notice.

14. *Purchaser's Metered Requirements and Amount of Power Sold.* (a) Bonneville shall make Firm Power available to the Purchaser and the Purchaser shall purchase from Bonneville in accordance with the provisions of this contract at the Points of Delivery, Firm Power to meet the Purchaser's Actual Firm Loads less the output, if any, from the Purchase's Firm Resources unless Bonneville's obligation to make Firm Power available is limited under the terms of section 7. For the purpose of this subsection, the output from the Purchaser's Firm Resources means the amounts of power delivered to Bonneville for the Purchaser pursuant to contracts with entities other than Bonneville which are Firm Resources of the Purchaser, amounts of power which Bonneville is obligated to deliver to the Purchaser pursuant to contracts other than this contract which are Firm Resources of the Purchaser, and either (1) the firm peak and energy capability of each of the Purchaser's Firm Resources in regard to which the Purchaser has a services agreement with Bonneville or another entity if such agreement is approved in writing by Bonneville; or (2) the entire variable output, if any, of each of the Purchaser's Firm Resources in regard to which no such agreement exists with Bonneville or any other entity.

(b) The Purchaser may request and Bonneville shall provide services to ensure that the entire output of the Purchaser's Firm Resources does not exceed the Purchaser's Actual Firm Load in any hour of the Operating Year unless Bonneville determines such services cannot be furnished without substantial interference with its power marketing program, applicable operating limitations or existing contractual obligations. Such services shall include but not be limited to the following:

(1) Transmission;
(2) Load factoring;
(3) Seasonal storage;
(4) Scheduling and management; and
(5) Services specified in section 13(d).

Bonneville shall enter into agreements to provide any or all of these services. Charges

for such services shall be set forth in such agreements.

(c) The purchaser may request and Bonneville shall provide services to establish a planning capability for any or all of the Purchaser's Firm Resources unless Bonneville determines such services cannot be furnished without substantial interference with its power marketing program, applicable operating limitations or existing contractural obligations. The planning capability of such resource or resources shall be the monthly amounts of peak capability and energy capability determined under the applicable services agreement. Such services shall be provided at the charges set forth in such agreement to recover the costs of such services less a credit established in such agreement to compensate the Purchaser for the output of such resources in excess of the firm planning capability.

(d) Bonneville may from time to time request that the Purchaser operate its Firm Resources or other resources which are within Bonneville's automatic generation control area or arrange to receive power available to it under contracts in such a manner as to assist Bonneville in meeting its total loads. If so requested the Purchaser shall fully comply with such request to the extent that the output of such resources or such contract rights are not otherwise committed and can be controlled by the Purchaser. If, as a result of such compliance the Purchaser reasonably and necessarily incurs any additional costs or loss of revenue, the Purchaser may submit to Bonneville an itemized statement of such additional costs or loss of revenue and Bonneville shall pay the Purchaser for such additional costs or loss of revenue. Additional costs may include, but shall not be limited to, fuel costs, operating and maintenance costs or costs of power it purchases from Bonneville under this contract less any billing amounts not incurred by the Purchaser under this contract which would have been payable to Bonneville if Bonneville had not made much request.

15. *Metered Requirements Payment for Power Sold.* (a) The Purchaser shall pay Bonneville each Billing Month for the Firm Power delivered hereunder at the rate specified in subsection (b) below from the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit. Such payment shall be in accordance with the terms of such rate schedule and the General Contract Provisions Exhibit. The Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit shall be changed in accordance with the provisions of the Equitable Adjustment of Rates section of the General Contract Provisions Exhibit.

(b) If the Purchaser is a public body, cooperative or Federel agency, payment shall be at the Priority Firm Power Rate for the Purchaser's Measured Demand and Measured Energy for such Billing Month; *Provided, however,* That, after determining the billing factors for Firm Power delivered hereunder, the New Resource Firm Power Rate Schedule shall be substituted for the Priority Firm Power Rate Schedule for that portion of the Purchaser's billing demands, if any, identified pursuant to section 8 for service to New Large Single Loads. If the Purchaser is an investor-owned utility, payment shall be at the New Resource Firm Power Rate for the Purchaser's Measured Demand and Measured Energy. If the Purchaser's Measured Demand or Measured Energy exceed Bonneville's obligations, as set forth in section 14(a), to make Firm Power available to the Purchaser, such excess shall be treated as power that cannot be assigned to a class of power which Bonneville delivers on such hour pursuant to contracts between Bonneville and the Purchaser or to a type of power which the Purchaser acquires from sources other than Bonneville which Bonneville delivers during such hour.

(c) Bonneville shall pay the Purchaser amounts which reimburse the Purchaser for additional costs incurred pursuant to section 14(d). Such payments shall be net billed, if possible, pursuant to the Net Billing section of the General Contract Provisions Exhibit on the next power bill after the Purchaser submits an itemized statement of such costs.

(d) Bonneville shall pay the Purchaser amounts which compensate the Purchaser for reductions in Bonneville's obligation to supply Firm Power as set forth in section 11(b). Such payments shall be net billed, if possible, pursuant to the Net Billing section of the General Contract Provisions Exhibit on the next power bill after the Purchaser submits the information required by section 11(b)(3).

(e) The Purchaser shall pay Bonneville each month for any service charges assessed pursuant to section 13(d) at the applicable charge or charges, if any, specified in section II in the Service Charges Exhibit. Such payments shall be net billed, if possible, pursuant to the Net Billing section of the General Contract Provisions Exhibit.

16. *Determination of Purchaser's Assured Capability.* (a) On or before the effective date of this contract, and thereafter, on or before July 1 of each year, the Purchaser shall submit an Assured Capability Exhibit showing its Assured Peak Capability and Assured Energy Capability for each month of such Operating Year, calculated in the manner described in this section. If the Purchaser is a party to the Coordination Agreement, such exhibit shall be an estimated exhibit until such time as the final regulation data are available under the Coordination Agreement. The purchaser shall submit a final Assured Capability Exhibit based on such final data within 15 days of the date on which such final data are available under the Coordination Agreement.

In the event the Assured Capabilities of the estimated and final exhibits differ, the Purchaser shall change its monthly Assured Capabilities to reflect such differences and may adjust its Flexibility Account up to the limits permitted in section 17(d). To the extent that the Purchaser is unable to make such adjustments because of the limits of section 17(d), the Purchaser shall not be liable for any payment at the rates for reserve power or unauthorized increase. Notwithstanding the provisions of section 19(b)(1)(B), the provisions of the Relief from Overrun Exhibit shall not be applied if the Purchaser does not adjust its Flexibility Account to reflect such differences up to the limits permitted by section 17(d).

(b) For the purpose of determining Assured Capability, the Purchaser shall use its best efforts to plan the use of its Firm Resources shown in the Firm Resources Exhibit with the objective of placing on Bonneville the least monthly requirements for energy, and, to the extent consistent with such objective, the least monthly requirements for capacity, except as otherwise permitted in this subsection (b) and in subsection (c) below. For the purpose of determining Assured Capability, the Purchaser shall allocate its Assured Energy Capability among months and years in a manner consistent with subsection (c) below. the Purchaser's Assured Peak Capability and Assured Energy Capability shall be the sum of the amounts determined in paragraphs (1) and (2) below.

(1) The Purchaser's Assured Capabilities shall equal the amounts determined by adjusting the Purchaser's Firm Load Carrying Capability for all Firm Resources or portions of Firm Resources of the Purchaser developed in accordance with Coordination Agreement planning for each month for the subject Operating Year in the manner described below.

(A) The Purchaser's Firm Peak Load Carrying Capability shall be reduced by the peak capabilities of those generating resources or portions of generating resources which are included in Coordination Agreement planning but which are not included in the Purchaser's Firm Resources Exhibit. Further adjustment shall be made by adding to the Firm Peak load Carrying Capability any reserves attributable to such resources under Coordination Agreement planning. The Purchaser's Firm Energy Load Carrying Capability shall be reduced by the energy capabilities of those generating resources which are included in Coordination Agreement planning but which are not included in the Purchaser's Firm Resources Exhibit. Further adjustments shall be made to accommodate restoration and reserves attributable to such resources under Coordination Agreement Planning. The Purchaser may provide a procedure for calculating sustained peaking adjustment in conformance with subsection (d) below. Upon Bonneville's agreement with such procedure the Firm Peak Load Carrying Capability shall be further reduced to reflect loss of peak capabilities due to sustained peak requirements to the extent that such loss is not accounted for in Coordination Agreement planning.

(B) In determining the Purchaser's Assured Capabilities the monthly peak and energy which the Purchaser plans to obtain on a firm basis under each contract set forth in the Purchaser's Firm Resources Exhibit and which is not included in the Purchaser's Firm Load Carrying Capability shall be added to the Purchaser's Firm Peak Load Carrying Capability and Firm Energy Load Carrying Capability, respectively.

(C) In determining the Purchaser's Assured Capabilities the monthly peak and energy which the Purchaser is obligated to deliver pursuant to each contract set forth in the Purchaser's Firm Resources Exhibit shall be

subtracted from the Purchaser's Firm Peak Load Carrying Capability and Firm Energy Load Carrying Capability, respectively.

The Purchaser's Assured Capabilities determined under this paragraph (1) shall equal the amounts determined in subparagraphs (A) plus (B) minus (C).

(2) The Purchaser's Assured Capabilities for all Firm Resources or portions of Firm Resources of the Purchaser which are not included in Coordination Agreement planning for each month for the subject Operating Year shall equal the amounts determined in the manner described below.

(A) The contribution of hydroelectric generating resources to the Purchaser's Assured Energy Capability in the months of the Operating year which are within the Critical Period shall be the energy capability which can be produced by such resources by combining the release of all of the Purchaser's Seasonal Storage with Critical Period streamflow conditions. In the months in the Operating Year which are outside the Critical Period, such contribution shall be the lesser of (i) the energy capability of such resources during each such month; or (ii) the product of the Purchaser's Estimated Firm Energy Load in each such month and the ratio of the energy capability of such resources during the months of the Operating Year which are within the Critical Period to the Purchaser's Estimated Firm Energy Load in such months. Such energy capabilities shall be reduced for an energy reserve for generating unit forced outages equal to 5 percent of the energy capability of each hydroelectric generating resource during each month in which the energy capability of such resource is greater than 85 percent of its peak capability as shown on the Purchaser's Firm Resources Exhibit.

(B) The contribution of generating resources other than hydroelectric generating resources to the Purchaser's Assured Energy Capability shall be the energy capabilities distributed among months of the Operating Year in a manner which takes into account planned and unplanned outages and which equals the product of the peak capability and the annual plant factor shown in the Firm Resources Exhibit for such Firm Resource. In preparing the Firm Resources Exhibit the Purchaser shall use reasonable estimates based on adverse availability of fuel (fossil, wind, solar, etc.), and the effects of planned and unplanned outages on the energy capabilities of such resources.

(C) The contribution of hydroelectric resources to the Purchaser's Assured Peak Capability shall be the peak capability of each Firm Resource as set forth in the Firm Resources Exhibit after appropriate reduction in each month of the Operating Year to reflect the operation of such resources to produce the energy capability determined pursuant to (A) above. The contribution of generating resources other than hydroelectric resources to the Purchaser's Assured Peak Capability shall be the peak capability of each Firm Resource as set forth in the Firm Resources Exhibit after appropriate reduction in each month of the Operating Year in which an outage is planned to reflect such planned outages. The sum of such contribution from all generating resources of the Purchaser shall be reduced by the amount of reserves necessary to result in a 5 percent probability of loss of load in the Operating Year due to generator forced outages. Individual unit forced outage rates, peak load probabilities, and other information needed to make the loss of load probability computation will be the same as is used in the Coordination Agreement or such other information as is agreed upon by the Purchaser and Bonneville.

(D) The contribution of each of the Purchaser's contractual resources to the Purchaser's Assured Capability in each month of the Operating Year shall be the monthly peak and energy which the Purchaser plans to obtain on a firm basis under each contract set forth on the Purchaser's Firm Resources Exhibit.

(E) The contribution of each of the Purchaser's contractual obligations to the Purchaser's Assured Capability in each month of the Operating Year shall be the monthly peak and energy which the Purchaser is obligated to deliver under each contract set forth on the Purchaser's Firm Resources Exhibit.

The Purchaser's Assured Energy Capability determined under this paragraph (2) shall equal the amounts determined in subparagraphs (A) plus (B) plus (D) minus (E). The Purchaser's Assured Peak Capability shall equal the amounts determined in subparagraphs (C) plus (D) minus (E).

(c) If and to the extent that the Purchaser has Seasonal Storage, the Purchaser shall, for the purpose of determining Assured Capability, allocate its Assured Energy Capability among months and years in accordance with the following limitations:

(1) The Purchaser shall allocate its Assured Energy Capability among years in the Critical Period in a manner which results in annual energy requirements on Bonneville which increase between such years in amounts not greater than the amount by which the Purchaser's Estimated Firm Energy Load increases between such years plus the amount by which the total energy capability of the Purchaser's Firm Resources decreases between such years as a result of resource removals pursuant to section 12. Annual average amounts for years in which the Critical Period begins or ends shall be the average of the appropriate amounts in the months which are within the Critical Period.

(2) The Purchaser shall allocate its annual Assured Energy Capability among months of each Operating Year in a manner which results in a requirement on Bonneville each month equal to or between the amounts determined by (A) or (B); (A) One-twelfth of the Purchaser's total annual energy requirement on Bonneville for that Operating Year; and (B) a fraction of the Purchaser's total annual energy requirement on Bonneville obtained by dividing the Estimated Firm Energy Load for that month by the total of the twelve Estimated Firm Energy Loads for that Operating Year: *Provided, however*, For years in which the Critical Period begins or ends, such monthly and annual Estimated Firm Loads shall be only for the months within the Critical Period. If requested by the Purchaser and if Bonneville agrees, the Purchaser may allocate its annual Assured Energy Capability so as to place monthly requirements on Bonneville other than those determined by (A) or (B) above to reflect a period of planned thermal maintenance or other causes, The Purchaser's annual energy requirement on Bonneville shall not be changed by such reallocation.

(d) Methods used for calculating peak and energy capabilities of Firm Resources shall be the usual methods used by the Purchaser, Bonneville, and other Pacific Northwest utilities for such purpose. Operating constraints, including but not limited to such nonpower constraints as irrigation, navigation, flood control, recreation, and fish and wildlife obligations, and data relating water flow, head, energy, peak capability, usable peak capability and other variables to each other shall be supplied by the Purchaser for each of its Firm Resources when such data are first needed pursuant to this contract and may be revised by the Purchaser from time to time but such revisions shall not include reductions amounting to discontinued use unless permitted by section 12(b)(8). Such constraints and data shall be reasonable and in conformance with the usual practices used by the Purchaser, Bonneville, and other Pacific Northwest utilities for resource planning.

(e) Bonneville may require that the capabilities of any of the Purchaser's Firm Resources be verified by test or other substantiating data acceptable to Bonneville. Such verification shall not be required more often than once each year.

(f) The Purchaser shall provide and demonstrate to Bonneville at its request that the Purchaser has firm transmission capacity, either through its own facilities or through contracts, in amounts sufficient to transmit to its firm load or the firm load of others through contractual exchanges of resource capabilities the peak capability of each Firm Resource claimed in the Purchaser's Firm Resources Exhibit.

17. *Purchaser's Computed Requirements and Amount of Power Sold.* (a) Prior to May 15 of each year, the Purchaser may request in writing that Bonneville sell to it during the Operating Year beginning on the next July 1 on a Planned Computed Requirements basis as provided for in this subsection (a). The Purchaser shall also submit with such request its Estimated Firm Load for such Operating Year. If the Purchaser submits such a request, Bonneville shall approve such request by July 1 unless Bonneville determines that the Purchaser's Estimated Firm Load does not conform to the definition in this agreement. In the event such a request has been made by the Purchaser prior to February 1, Bonneville shall notify the Purchaser of its approval or disapproval of such request prior to March 15. If such request is not approved by Bonneville, it shall identify specific deficiencies in the Purchaser's Estimated Firm Load and the Purchaser may submit a revised request, including revised Estimated Firm Load. If the Purchaser's request or revised request is approved by Bonneville, the Purchaser shall, prior to July 1, prepare an addendum to its Assured Capability Exhibit setting forth for each month of the Operating Year: (1) The Estimated Firm Load which has

been agreed upon by Bonneville and the Purchaser; (2) the Purchaser's Computed Average Energy Requirements; and (3) the Purchaser's Computed Peak Requirements. The Estimated Firm Load set forth in such addendum shall be deemed to be the Purchaser's Actual Firm Load during such Operating Year for the purpose of determining the Purchaser's Computed Peak Requirements and Computed Average Energy Requirements and for the purpose of determining whether the Purchaser is using its purchase from Bonneville for resale.

(b) On or before the effective date of this contract, and thereafter, as provided in paragraph (1) below, the Purchaser may request in writing to purchase on the basis of Contracted Requirements by submitting the data and proposed schedule of Contracted Requirements purchases of peak and energy pursuant to paragraph (2) below. Bonneville shall approve such request and schedule of Contracted Requirements purchases unless Bonneville determines that the Purchaser's Estimated Firm Loads do not conform to the definitions in this contract or that the proposed schedule of purchases does not conform to the requirements of this subsection (b), or that the Purchaser has failed to comply with the provisions of paragraph (9) below. If Bonneville determines that the Purchasers' Estimated Firm Loads do not conform to the definitions in this contract or that the proposed schedule of purchases does not conform to the requirements of this subsection (b), Bonneville shall notify the Purchaser of the specific deficiencies and the Purchaser may submit revised data or revised schedule of Contracted Requirements purchases.

If the Purchaser determines that its estimated Assured Capability, together with the assured capability of resources it has acquired on a firm basis will be sufficient to meet its Estimated Firm Loads, after taking into account the effect of any conservation or direct application renewable resource measures paid for by Bonneville directly or through billing credits, the proposed schedule of Contracted Requirements purchases submitted by the Purchaser with its request to purchase on the basis of Contracted Requirements pursuant to this subsection (b) shall be equal to zero. Bonneville shall approve or disapprove such request on the same basis as any other request to purchase on the basis of Contracted Requirements.

(1) The Purchaser may request that it begin to purchase on a Contracted Requirements basis at the time of submittal of any revised Firm Resources Exhibit. Such request shall become effective, if approved by Bonneville pursuant to this subsection (b), for the seventh Operating Year of such exhibit, or for an earlier Operating Year if Bonneville is expected to have an excess of firm load over its firm resources in the first Operating Year for which the Purchaser requests to purchase on a Contracted Requirements basis. Bonneville's expected firm load-resource balance and the priority of competing requests for purposes of allocating the availability of this paragraph (1) shall be determined in the manner described in section 12(b)(7) above.

The Purchaser may elect to cease purchasing on a Contracted Requirements basis at the time of submittal of any revised Firm Resources Exhibit. Such election shall became effective for the seventh Operating Year of such exhibit, or for an earlier Operating Year if Bonneville is expected to have an excess of firm resources over its firm load in the first Operating Year for which the Purchaser proposes to cease purchasing on a Contracted Requirements basis. Bonneville's expected firm load-resource balance and the priority of competing requests for purposes of allocating the availability of this paragraph (1) shall be determined in the manner described in section 12(b)(9) above.

(2) If the Purchaser requests to purchase on the basis of Contracted Requirements, it shall submit to Bonneville in the Purchaser's initial Firm Resources Exhibit in addition to data required in section 12(a), the Purchaser's annual Estimated Firm Peak Load, the annual average of Purchaser's estimated Firm Energy Load, the estimated Assured Capabilities of the Purchaser's Firm Resources corresponding to the time period of such loads, and a schedule of annual Contracted Requirements purchases of peak and energy for each of the first seven Operating Years. If the Purchaser's Contracted Requirements peak purchase amount for any such Operating Year is based on its Estimated Firm Peak Load for the months June through November, such amount shall be the Purchaser's Contracted Requirements peak purchase amounts for June through November and the Purchaser shall also submit a lower amount which is based on its Estimated Peak Load for the months December through May. With each revised Firm Resources Exhibit submitted in accordance with section 12(b), such Purchaser shall submit a new schedule deleting the amounts of Contracted Requirements peak and energy purchases for the current Operating Year and adding the amounts to be purchased in the seventh succeeding Operating Year together with Purchaser's annual Estimated Firm Peak Load and annual average Estimated Firm Energy Load in the seventh Operating Year, and new information on the estimated Assured Capability of all Firm Resources for which information is required under paragraph (3) below. Such revised Firm Resources Exhibits shall be prepared in the same format as the initial Firm Resources Exhibit or such other format as Bonneville and the Purchaser may agree upon.

(3) The amounts of power shown in the Purchaser's schedule of Contracted Requirements purchases, as submitted with the Firm Resources Exhibit for an Operating Year, shall not be less than an amount which, when added to the Purchaser's estimated Assured Capability, is sufficient to serve at least 90 percent of the Purchaser's Estimated Firm Load, nor greater than an amount which, when added to such estimated Assured Capability, is sufficient to serve 100 percent of the Purchaser's Estimated Firm Load.

A determination of conformance to the above limitations shall be made at the time the schedule is first submitted and shall not be revised thereafter except when such Estimated Firm Loads, Firm Resources, or Assured Capabilities are changed as specifically permitted by paragraphs (4) and (5) below. The Estimated Firm Load on which the Purchaser's Contracted Requirements purchases for each Operating Year were based shall be deemed to be the Purchaser's Actual Firm Load during such Operating Year for the purpose of determining whether the Purchaser is using its purchase from Bonneville for resale.

(4) If the Purchaser makes a change in its Firm Resources as permitted by section 12(b), the Purchaser shall, at the time such change is submitted to Bonneville, make a change in its schedule of Contracted Requirements purchases shown in its Firm Resources Exhibit. Such change shall be equal and opposite to the change in the Purchaser's Assured Capability resulting from such change in Firm Resources.

(5) If the Purchaser's Estimated Firm Loads change for any Operating Year for which the Purchaser is purchasing on a Contracted Requirements basis, and if such change corresponds to changes in Purchaser's Firm Resources which are permitted by sections 12(b)(7), (9), and (11) (as though an increase in Estimated Firm Loads corresponds to a removal of Firm Resource and a decrease in Estimated Firm Loads corresponds to an addition to Firm Resource) the Purchaser may submit such changed loads to Bonneville at the time it submits a revised Firm Resources Exhibit and may, at such time, make an equivalent change in its schedule of Contracted Requirements purchases shown in its Firm Resources Exhibit.

(6) The schedule of Contracted Requirements purchases shown in the Purchaser's Firm Resources Exhibit may be changed for any Operating Year if and to the extent that Bonneville has given prior written consent.

(7) On or before July 1 of each Operating Year, the Purchaser shall prepare an Assured Capability Exhibit as provided for in section 16 above and shall allocate its annual Contracted Requirements energy purchase among months of such Operating Year in a manner which results in a requirement on Bonneville each month equal to or between the amounts determined by (A) or (B): (A) One-twelfth of the Purchaser's annual Contracted Requirements energy purchase from Bonneville for that Operating Year; and (B) a fraction of such annual Contracted Requirements energy purchase obtained by dividing the Estimated Firm Energy Load for that month by the total of the twelve Estimated Firm Energy Loads for that Operating Year. If requested by the Purchaser and if Bonneville agrees, the Purchaser may allocate its annual Contracted Requirements energy purchase among months so as to place monthly requirements on Bonneville other than those determined by (A) or (B) above to reflect a period of planned thermal maintenance or other causes. The Purchaser's total Contracted Requirements purchase shall not be changed by such reallocation.

(8) For the purpose of determining the amount of power Bonneville shall make available to the Purchaser under this contract, the Purchaser's Contracted Requirements peak purchases shown in its schedule of such purchases submitted pursuant to paragraph (2) above shall be deemed to be the Purchaser's Computed Peak

Requirement in each month of the Operating Year as specified in such schedule and the twelve monthly amounts of energy determined pursuant to paragraph (7) above shall be deemed to be the Purchaser's Computed Average Energy Requirement for each such month of the Operating Year.

(9) Prior to each Operating Year, a Contracted Requirements Purchaser shall acquire on a firm basis resources having an amount of assured capability, determined in the manner provided in section 16, which, together with the Assured Capability of its Firm Resources, determined in the manner provided in section 16, are sufficient to meet the excess of the Purchaser's then current Estimated Firm Loads for such Operating Year as set forth in its submittal for such Operating Year, over the amount of its Contracted Requirements purchases from Bonneville as shown on the schedule of such purchases. For the purpose of determining whether the Purchaser is in compliance with the provisions of this paragraph (9), a portion of the Purchaser's loads equivalent to the following shall not be considered:

(A) Resource capability lost temporarily or permanently due to circumstances beyond the reasonable control of the Purchaser, if such loss of resource could not have been reasonably anticipated by the Purchaser within sufficient time to make necessary replacement acquisitions, and

(B) The amount by which the Purchaser's then current Estimated Firm Loads exceed its Estimated Firm Loads as accepted by Bonneville under this subsection (b) if, after the date of such acceptance, such excess could not have been reasonably anticipated by the Purchaser within sufficient time to make necessary resource acquisitions.

In any event, the Purchaser shall be deemed to be in compliance with the provisions of this paragraph (9), unless Bonneville determines within 30 days of an initial request and thereafter by the later of July 1 of such year or 30 days after the date on which final regulation data are available under the Coordination Agreement for such year that the Purchaser does not have a firm load-resource balance within reasonable limits for such Operating Year.

In the event that the Purchaser is not in compliance with the provisions of this paragraph (9) for an Operating Year, Bonneville may disapprove the Purchaser's initial request and thereafter any future request by the Purchaser to purchase on the basis of Contracted Requirements, unless Bonneville determines that the Purchaser can reasonably be expected to comply with the provisions of this paragraph (9).

(10) The schedule of power purchases shall not include for any Operating Year the amount of actual power savings resulting from conservation or direct application renewable resource measures paid for by Bonneville directly or through billing credits to the extent such reduction was not reflected in the Estimated Firm Energy and Estimated Firm Peak Loads used to determine the amounts of Firm Power to be made available pursuant to this subsection (b). The amount of actual power savings shall be agreed upon by the Purchaser and Bonneville at the time Bonneville agrees to pay for such measures, unless otherwise agreed by the parties. Such estimates may be revised prior to January 1 of any Operating Year for succeeding Operating Years upon agreement of Bonneville and the Purchaser. At the time such estimates are revised, an equivalent change shall be made in the schedule of Contracted Requirements power purchases.

(c) If the Purchaser does not request that Bonneville sell to it on the basis of Planned Computed Requirements or Contracted Requirements or if Bonneville disapproves such request, the Purchaser shall purchase on the basis of Actual Computed Requirements and its Computed Peak Requirement and Computed Average Energy Requirement shall be determined after the end of each month based on the Purchaser's Actual Firm Load.

(d) If the Purchaser purchases on the basis of Actual Computed Requirements and has Seasonal Storage, it may adjust its monthly Assured Energy Capability subject to the limitations of this subsection (d). The Purchaser shall keep a Flexibility Account which shall show as of the end of each month of the Operating Year the accumulated balance of adjustments made by the Purchaser to its Assured Energy Capability. The Flexibility Account balance shall initially be zero on July 1 of each Operating year: *Provided, however,* That if a Purchaser begins to purchase on the basis of Actual computed Requirements under this contract other than at the beginning of an Operating Year, the initial balance in the Flexibility Account shall be the same as if the Purchaser had been purchasing on the basis of Actual Computed Requirements from the beginning of such Operating Year. A reduction in the Assured Energy Capability in any month shall be accumulated as a positive number in the Flexibility Account and an increase in the Assured Energy Capability in any month shall be accumulated as a negative number in the Flexibility Account.

(1) The Purchaser shall make all adjustments to the Purchaser's Assured Energy Capability in accordance with the following:

(A) The Flexibility Account balance shall be brought to zero at the end of each Operating year and at the end of the Critical Period if the Critical Period ends within the Operating Year.

(B) The Flexibility Account balance shall at no time have a larger negative balance than the sum of the following:

(i) For those Firm Resources which the Purchaser includes in Coordination Agreement planning, five percent of that portion of the Purchaser's Firm Energy Load Carrying Capability attributable to such Firm Resources as determined pursuant to section 16(b)(1)(A) remaining between the date of such balance and the date the Flexibility Account balance is required to be zero pursuant to subparagraph (A) above and

(ii) For those Firm Resources which the Purchaser does not include in Coordination Agreement planning, five percent of the energy capability of the hydroelectric resources and other than hydroelectric resources, as computed in section 16(b)(2) (A) and (B), remaining between the date of such balance and the date the Flexibility Account balance is required to be zero pursuant to subparagraph (A) above.

(C) The Flexibility Account shall at no time have a larger positive balance than the amount by which the Purchaser's Firm Resources and other arrangements are capable of supporting an increase in the Purchaser's Assured Energy Capability in the month or months in which the Purchaser intends to use such increased capability. At the end of each month for which the Purchaser's Flexibility Account has a positive balance, the Purchaser shall submit in writing to Bonneville documentation substantiating such increased capability.

(D) To the extent that the adjustments to the Flexibility Account are attributable to Firm Resources which the Purchaser includes in Coordination Agreement planning, such adjustments shal be the same as the adjustments which are reported monthly to Coordination Agreement parties pursuant to section 9(m) of the Coordination Agreement.

(2) If the Purchaser intends to adjust its Assured Energy Capability for any month, the Purchaser shall submit written notice to Bonneville within ten days of the last day of such month showing the Purchaser's best estimate of its Actual Firm Energy Load and a tentative adjusted Assured Energy Capability for such month. If no such notice is given within ten days after the end of such month, the Assured Energy Capability determined for such month prior to the Operating Year shall be applied to such month and shall not be changed thereafter. If such notice has been submitted, the Purchaser shall submit a final adjusted Assured Energy Capability within 30 days of the last day of such month or such later date approved by Bonneville which shall not differ from the tentative adjusted Assured Energy Capability by more than the difference between the Purchaser's Actual Firm Energy Load for such month and the estimate of that load shown in such notice.

(e) If the Purchaser purchases on the basis of Actual Computed Requirements and the Purchaser's Firm Resources are unable to produce their Assured Capability, such Purchaser may implement a load curtailment program as provided in this subsection (e) to support the Assured Capability of its Firm Resources. The Purchaser shall notify Bonneville prior to implementing such a program and shall provide documentation to Bonneville of its actual implementation of the program at the end of each month such program is in effect. Such documentation shall be in the form of contracts, regulatory orders, filed tariffs, newspaper copy, media coverage, public information brochures, or other form sufficient to demonstrate to Bonneville the actual implementation of a load curtailment program. If Bonneville determines on the basis of such documentation that the Purchaser has implemented a load curtailment program, such program shall be reflected in the Purchaser's billing for each month such program is in effect in the following manner:

(1) If the Purchaser implements a load curtailment program to support its Assured Energy Capability, the Purchaser shall submit to Bonneville as soon as possible following the end of each such month: (A) Its Actual Firm Energy Load for such month; (B) detail

on any separately identifiable significant changes in the Purchaser's Actual Firm Energy Load by which it is appropriate to adjust its Actual Firm Energy Load for such month pursuant to paragraph (2)(A) below; and (C) detail sufficient to verify the amount of each load curtailment.

(2) If the Purchaser implements a load curtailment program to support its Assured Energy Capability and such program is implemented by means other than provided for in paragraph (4) below, the Purchaser's Estimated Firm Energy Load for each month in which a load curtailment program is in effect shall be adjusted in the following manner:

(A) The Purchaser's Estimated Firm Energy Load for all months pertinent to computation pursuant to this paragraph (2) shall be adjusted to reflect any separately identifiable significant changes in the Purchaser's Actual Firm Energy Energy Load which were not a result of the Purchaser's load curtailment program.

(B) The Purchaser's Estimated Firm Energy Load, after adjustment pursuant to subparagraph (A) above, shall be further adjusted by deducting the amount of any load curtailment in the current month pursuant to paragraph (4) below from such adjusted Estimated Firm Load for all months pertinent to computation pursuant to this paragraph (2). The amount deducted shall include any portion offered to and purchased by Bonneville.

(C) A further adjustment to Estimated Firm Energy Load for each month in which a load curtailment program is in effect shall be made by multiplying the Estimated Firm Energy Load for such month by the average of the ratios of the Purchaser's Actual Firm Energy Load to Estimated Firm Energy Load for the three most recent, but not necessarily consecutive, months in which no load curtailment program was in effect. Computations pursuant to this subparagraph (C) shall use Estimated Firm Energy Loads after adjustment pursuant to subparagraphs (A) and (B) above.

(3) If the Purchaser implements a load curtailment program to support its Assured Peak Capability and such program is implemented by means other than provided in paragraph (4) below, the amount of any load curtailment resulting from such program shall be determined by a reasonable method agreed to by Bonneville and the Purchaser prior to the implementation of such program.

(4) If the Purchaser implements load curtailment measures with specific Consumers or wholesale purchasers which result in determinable reductions in its obligations to supply peak or energy, the Purchaser shall provide a method for documenting the amount of any load curtailment resulting from such arrangements. Such method shall be agreed upon by Bonneville, the Purchaser, and the Consumer or wholesale purchaser prior to the implementation of such measures. If the Purchaser implements such measures it: (A) Shall offer Bonneville the opportunity to purchase any amount of such load curtailment which exceeds the Purchaser's estimate of the amount of the Purchaser's Assured Capability which the Purchaser's Firm Resources are unable to produce; and (B) may offer Bonneville the opportunity to purchase an additional portion of such load curtailment specified by the Purchaser. The Purchaser shall offer such opportunity to purchase and Bonneville shall accept or reject such offer prior to each month such program is in effect. If Bonneville accepts such offer, it shall pay the Purchaser an amount equal to the Purchaser's payment to the Consumer or wholesale purchaser for such month multiplied by the percentage of such arrangement offered to and accepted by Bonneville.

(5) The amount of the Purchaser's firm load curtailment to support the Purchaser's Assured Energy Capability which is attributable to such load curtailment program shall be deemed to be the sum of: (A) The product of (i) the amount, if any, by which the Purchaser's Estimated Firm Energy Load for such month, after adjustment pursuant to paragraph (2) above, exceeds the Purchaser's Actual Firm Energy Load for such month, and (ii) a fraction the numerator of which is the amount by which the Purchaser's Actual Firm Energy Load for such month exceeds its Measured Energy for such month and the denominator of which is the Purchaser's Actual Firm Energy Load for such month; and (B) the amount, if any, of load curtailment pursuant to paragraph (4) above less the portion, if any, offered to and purchased by Bonneville.

(6) The amount of the Purchaser's firm load curtailment to support the Purchaser's Assured Peak Capability which is attributable to such load curtailment program shall be deemed to be the sum of: (A) The amount, if any, of load curtailment pursuant to paragraph (3) above, and (B) the amount, if any, of load curtailment pursuant to paragraph (4) above less the portion, if any, offered to and purchased by Bonneville.

(7) For the purpose of determining the Purchaser's Computed Average Energy Requirement or Computed Peak Requirement during any month in which the Purchaser has implemented a load curtailment program, the Purchaser's Actual Firm Energy Load and Actual Firm Peak Load for such month shall be increased by the amount of load curtailment attributable to such program as determined pursuant to paragraph (5) and paragraph (6), above, respectively.

(f) The Purchaser's Computed Average Energy Requirement in each month of the Operating Year shall be the amount, if any, by which the Purchaser's Actual Firm Energy Load for such month after adjustment, if any, pursuant to subsection (e) above exceeds the Purchaser's Assured Energy Capability for such month after adjustment, if any, pursuant to subsection (d) above, and the Purchaser's Computed Peak Requirement in each month of the Operating Year shall be the amount, if any, by which the Purchaser's Actual Firm Peak Load for such month after adjustment, if any, pursuant to subsection (e) above exceeds the Purchaser's Assured Peak Capability for such month.

(g) Unless Bonneville's obligation to make Firm Power available is limited under the terms of section 7 above, Bonneville shall, subject to the conditions in the General Contract Provisions Exhibit, make available to the Purchaser hourly amounts of power as requested by the Purchaser up to the amounts specified in paragraphs (1), (2), and (3) below. If the Purchaser operates automatic generation control equipment and is thereby able to schedule amounts of power to be interchanged with Bonneville, Bonneville shall schedule such amounts to the Purchaser in accordance with the provisions of section 18. If the Purchaser does not operate automatic generation control equipment, Bonneville shall deliver the amounts which the Purchaser takes from Bonneville at the Purchaser's Points of Delivery, and the Purchaser shall prepare a tabulation pursuant to section 17(h) showing the amount of Firm Power taken from Bonneville under this contract.

(1) During Heavy Load Hours: the larger of the Purchaser's Computed Peak Requirement or its Computed Average Energy Requirement; *Provided, however,* That Bonneville may limit the amounts of power it makes available during up to six Heavy Load Hours of each day designated by Bonneville to amounts less than the Purchaser's Computed Average Energy Requirement but not less than the Purchaser's Computed Peak Requirement. Bonneville shall not so limit the amounts of power it makes available unless: (A) Bonneville has informed the Purchaser's representative by the time specified in the Power Scheduling Provisions Exhibit that Bonneville will make such limitation; (B) Bonneville has determined that such limitation is reasonably necessary to enable Bonneville to meet its firm obligations and its other loads in the Pacific Northwest; and (C) Bonneville has limited all other Customers having contracts which permit this limitation approximately in proportion to the amount by which each such Customer's Computed Average Energy Requirement exceeds its Computed Peak Requirement for such month. The hourly amounts of power Bonneville is obligated to make available pursuant to this paragraph (1) shall be termed Computed Maximum Requirements.

Bonneville shall consult with the Purchaser and other Customers having similar contracts before increasing its firm obligations to deliver capacity to entities outside the Pacific Northwest if such increased obligations would tend to increase the frequency with which Bonneville would invoke the limit provided for in this paragraph (1).

(2) During Light Load Hours: The product of the Purchaser's Computed Average Energy Requirement and a percentage sufficiently in excess of 100 percent to permit the Purchaser to request during Light Load Hours all of the energy to which it has a right during the month and which it did not request or receive during Heavy Load Hours during such month, as limited by the percentage determined pursuant to the Power Scheduling Procedures Exhibit.

(3) During each month: The Purchaser's Computed Energy Maximum. (h) If the Purchaser has been designated to purchase on the basis of Computed Requirements but does not operate automatic generation control equipment, such Purchaser shall prepare and submit to Bonneville within ten days of the last day of each month a

preliminary tabulation assigning the net hourly amounts of power taken from Bonneville during such month to classes of power received from or delivered to Bonneville on such hour pursuant to contracts between Bonneville and the Purchaser or to a type of power which the Purchaser acquired from sources other than Bonneville which Bonneville delivered to the Purchaser during such hour. The Purchaser shall submit a final tabulation of such amounts within the later of 30 days of the last day of such month or ten days of the date on which all final metered data which the Purchaser needs to determine its load are available.

(i) Prior to January 15 of each year the Purchaser shall advise Bonneville in writing of its best estimate of its monthly Computed Peak Requirements and Computed Average Energy Requirements for the 48-month period beginning on the next July 1. Information so obtained will be used by Bonneville in its operational planning. Information submitted pursuant to this subsection (i) shall be as accurate as possible, but shall not be binding on the Purchaser.

(j)(1) Upon request of the Purchaser, Bonneville shall use its best efforts to acquire on behalf of the Purchaser replacement power in amounts up to 50 percent of the amount specified in the Purchaser's Firm Resources Exhibit for a resource of the type specified in subsection (2) below, under the following conditions:

(A) The date of commercial operation of such resource is delayed due to uncontrollable events by at least three months from the date of resource addition specified in the Purchaser's Firm Resources Exhibit;

(B) The Purchaser is unable to remove such Firm Resource to the extent of the delay according to the provisions of section 12;

(C) Bonneville has sufficient time to include any excess cost of such acquisition not paid by the Purchaser pursuant to this subsection (j) in its wholesale power rates for the Operating Year for which such replacement has been requested.

Such replacement acquisition shall be for the period beginning 3 months after the resource addition date specified in the Purchaser's Firm Resources Exhibit and ending either 21 months later, or on the date of commercial operation, whichever is earlier.

(2) This subsection (j) shall be applicable for a delayed Firm Resource which meets the following conditions:

(A) The firm resource is a renewable or cogeneration resource, and;

(B) The delayed portion of such resource has not been included as a 5(b)(1)(A) resource in the Purchaser's Firm Resources Exhibit or in the Firm Resources Exhibit of any other Customer with a similar power sales agreement.

(3) If the Purchaser operates automatic generation control equipment and is thereby able to schedule amounts of power to be interchanged with Bonneville, Bonneville shall schedule the hourly amounts of power Bonneville acquires on behalf of the Purchaser pursuant to paragraph (1) above to the Purchaser in accordance with the provisions of section 18. If the purchaser does not operate automatic generation control equipment, Bonneville shall deliver such hourly amounts to the Purchaser at the Purchaser's Points of Delivery, and the Purchaser shall include such amounts in the tabulation it prepares pursuant to section 17(h).

18. *Power Scheduling.* (a) All schedules between Bonneville and the Purchaser shall be submitted according to the provisions of this section and of the Power Scheduling Procedures Exhibit, as follows:

(1) All schedules of Firm Power to be made available pursuant to section 17 of this contract shall be subject to the provisions of the Power Scheduling Procedures Exhibit.

(2) All schedules of power made available under other agreements which refer to the Purchaser's power sales contract for scheduling provisions or power to be made available under this contract other than Firm Power to be made available pursuant to section 17 shall be subject to the times for submissions set out in section 1 of the Power Scheduling Procedures Exhibit.

(b) Bonneville and the Purchaser shall endeavor to avoid requesting changes in schedules hereunder. The parties shall hold deviations from schedules to a minimum and shall correct therefor as promptly as possible under conditions approximately equivalent to the conditions under which the deviation occurred. The amounts scheduled for delivery shall be deemed delivered.

(c) The Power Scheduling Procedures Exhibit may be revised from time to time as provided in this subsection. Revised exhibits shall be effective upon written agreement by Bonneville and at least 80 percent of the number of Customers operating automatic generation control equipment and designated to purchase on a Computed Requirements basis at the time of such revision. The Power Scheduling Procedures Exhibit shall be revised only in such a manner as to better effectuate the following principles:

(1) To achieve an operation of all the power generating resources of Bonneville, the Purchaser and other Customers which meets the total loads of such parties through the use of all such resources in the most efficient manner possible, as if all of such resources were operated as a single system. Assessment of most efficient operation shall include, but not be limited to, providing the required generation at the least economic and environmental costs, in the long run. To achieve this goal, the Power Scheduling Procedures Exhibit may under abnormal conditions place certain requirements on Bonneville or the Purchaser to change preschedules for the benefit of the other, but not without reasonable compensation for additional costs necessarily incurred by the party responding to such requirements.

(2) To provide both Bonneville and the Purchaser with a workable procedure which enables them to accomplish all of the complex tasks of arranging power sales, power purchases and power generation in an efficient and timely fashion.

(d) Bonneville shall separately schedule for delivery to the Purchaser during each hour in each month:

(1) The electric power and energy that the Purchaser requests Bonneville make available pursuant to section 17.

(2) The nonfirm energy and emergency and breakdown relief power requested for such hour by the Purchaser which Bonneville determines can be made available pursuant to the Nonfirm Deliveries section and the Emergency or Breakdown Relief section of the General Contract Provisions Exhibit.

(3) The electric power and energy which Bonneville is obligated to make available to the Purchaser for such hour pursuant to agreements which refer to this contract for purposes of scheduling.

(e) The Purchaser shall separately schedule for delivery to Bonneville during each hour in each month:

(1) The energy which the Purchaser is obligated to return to Bonneville pursuant to the Relief from Overrun Exhibit.

(2) The nonfirm energy and emergency and breakdown relief power requested for such hour by Bonneville which the Purchaser determines can be made available pursuant to the Nonfirm Deliveries section and the Emergency or Breakdown Relief section of the General Contract Provisions Exhibit.

(3) The electric power and energy which the Purchaser is obligated to make available to Bonneville for such hour pursuant to agreements which refer to this contract for purposes of scheduling.

19. *Computed Requirements Payment for Power Sold.* (a) The determination of amounts due to Bonneville by the Purchaser and amounts due to the Purchaser by Bonneville shall be made according to the provisions of this section, the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit, the General Contract Provisions Exhibit, the Relief from Overrun Exhibit, and the Service Charges Exhibit, as such exhibits may be amended or replaced. The Wholesale Power Rate Schedules and the General Rate Schedule Provisions Exhibit shall be changed in accordance with the provisions of the Equitable Adjustment of Rates section of the General Contract Provisions Exhibit. The Relief from Overrun Exhibit shall be changed upon written agreement of Bonneville and at least 80 percent of the Purchasers to whom it is then applicable. Section I of the Service Charges Exhibit shall apply only to charges assessed pursuant to the Relief from Overrun Exhibit. Section I of the Service Charges Exhibit shall be revised upon determination by Bonneville that any charge contained therein must be changed to properly compensate Bonneville for reasonable costs incurred by Bonneville to provide such services. Bonneville shall provide the Purchaser and other Customers with a reasonable opportunity of not less than 90 days to comment prior to the effective date of such proposed revised charges. Revised charges shall take effect on the date specified by Bonneville in its written notice to the Purchaser of its intention to revise these charges. The charges set forth in section I of the Service Charges Exhibit shall not be increased more frequently than once a year.

(b) The Purchaser shall pay Bonneville each Billing Month for all amounts described in the following paragraphs in accordance with the terms of the rate schedules specified below, the payment provisions of the General

Contract Provisions Exhibit and of the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit.

(1) For Firm Power delivered hereunder in accordance with the following:

(A) If the Purchaser is a public body, cooperative or Federal Agency, payment shall be at the rate specified in the Priority Firm Power Rate Schedule for the Purchaser's Measured Demand and Measured Energy: *Provided, however,* That, after determining the billing factors for the Firm Power delivered hereunder, the New Resource Firm Power Rate shall be substituted for the Priority Firm Power Rate Schedule for that portion of the Purchaser's billing demands, if any, identified pursuant to section 8 for service to New Large Single Loads. If the Purchaser is an investor-owned utility, payment shall be at the rate specified in the New Resources Firm Power Rate Schedule for the Purchaser's Measured Demand and Measured Energy.

(B) If the Purchaser purchases on the basis of Actual Computed Requirements, and if the Purchaser would, due to load estimating errors, otherwise be billed for an unauthorized increase in accordance with the provisions of the Priority Firm Power Rate Schedule or New Resource Firm Power Rate Schedule, the procedures set forth in the Relief from Overrun Exhibit shall, except as provided in section 16(a), be applied for the purpose of reducing or possibly eliminating amounts due for unauthorized increases befor amounts due are computed pursuant to paragraph (1)(A) above.

(C) If a portion of a Purchaser's Measured Demand for a Billing Month is being billed at the Reserve Power Rate pursuant to the Relief from Overrun Exhibit and if the billing demand for such month as specified in the applicable firm power rate is determined by a billing factor established in a previous month ("ratcheted demand"), then such billing demand shall be reduced by the lesser of the portion of the Measured Demand billed at the Reserve Power Rate or the excess of the Measured Demand over the Computed Maximum Requirement which applies to the same hour as such Measured Demand.

(D) If the Purchaser adds to its Firm Resources in the manner specified in section 12, all billing factors which are based on previous billing periods ("ratcheted demands") shall be correspondingly decreased effective on the date of resource addition as shown in the Firm Resources Exhibit in the amount by which the Purchaser's Assured Capability is increased.

(2) For any nonfirm energy delivered by Bonneville to the Purchaser hereunder at the rate specified in the Wholesale Nonfirm Energy Rate Schedule.

(3) For any Measured Demand converted to reserve power pursuant to the Relief from overrun Exhibit at the rate specified in the Reserve power Rate Schedule.

(4) For any service charges assessed pursuant to the Relief from Overrun Exhibit at the applicable charge specified in Section I of the Service Charges Exhibit.

(5) For any service charge assessed pursuant to section 13(d) at the applicable charge or charges, if any specified in Section II of the Service Charges Exhibit.

(6) For any emergency and breakdown relief power delivered pursuant to the Emergency or Breakdown Relief section of the General Contract Provisions Exhibit at the rate agreed upon in advance of delivery by representatives of Bonneville and the Purchaser. Bonneville shall furnish a statement to the purchase showing such rate for the energy or power so delivered.

(7) For replacement power delivered to the Purchaser by Bonneville pursuant to section 17(j) at the rate specified in the New Resource Firm Power Rate Schedule.

(c) Bonneville shall pay the Purchaser each Billing Month for all amounts described in the following paragraphs by net billing, if possible, pursuant to the Net Billing section of the General Contract Provisions Exhibit.

(1) For any nonfirm energy delivered by the Purchaser to Bonneville pursuant to the Nonfirm Deliveries section of the General Contract Provisions Exhibit, or any emergency and breakdown relief power delivered by the Purchaser to Bonneville pursuant to the Emergency or Breakdown Relief section of the General Contract Provisions Exhibt at the rate agreed upon in advance of delivery by representatives of the Purchaser and Bonneville. The Purchaser shall furnish a statement to Bonneville showing such rate for the energy or power so delivered.

(2) For any amounts due as payment for load curtailments as determined pursuant to secton 17(e)(4).

20. *Miscellaneous.* (a) Any determinations, estimates, consents, agreements or approvals under this agreement by either party shall be reasonable.

(b) Except as otherwise expressly provided to the contrary in this contract with regard to specific exhibits, the provisions of this contract may be amended only by the mutual written agreement of the parties hereto subsequent to the date of this contract. This subsection (b) shall not prevent oral waiver of performance on a temporary basis by either party or temporary, informal arrangements between the parties in response to operational conditions on the system of either party not specifically provided for in this contract.

(c) If Bonneville offers to enter into a written amendment of any other similar long-term power sales contract other than informal arrangements between the parties referred to in subsection (b) above, Bonneville shall offer to the Purchaser a corresponding amendment of this contract, to the extent such a corresponding amendment would be applicable to the Purchaser under this contract. Bonneville shall advise and use reasonable efforts to consult with the Purchaser during the development or consideration of any offer to enter into such amendments. This contract is offered pursuant to sections 5(b) and 5(g), including, but not limited to section 5(g)(7), of Pub. L. 96-501, and amendments hereto shall not be construed to represent the offer of a new contract.

21. *Termination of Offer.* The Purchaser shall have one year from the date it receives a signed copy of this contract from Bonneville to accept this contract. Bonneville's offer to make Firm power available to the Purchaser under the terms of this contract shall expire on such date unless Bonneville has received a signed contract from the purchaser by such date.

In witness whereof, the parties hereto have executed this agreement in several counterparts.

United States of America,
Department of Energy
By _____
Bonneville Power Administrator
(Purchaser)
By _____
Title _____
Attest:
By _____
Title _____
Date _____

Exhibit A.—Wholesale Power Rate Schedules and General Rate Schedule Provisions

Published in the **Federal Register** in its entirety at 46 FR 33542 (June 30, 1981).

Exhibit B.—General Contract Provisions

August 25, 1981.

GCP Form PSC-1

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Exhibit B.—General Contract Provisions

August 25, 1981.

I. Relating to all purchasers

A. In Reference to Meaning

1. *Definitions.* The definitions in the body of this contract and the following additional definitions apply to this exhibit.

(a) "Billing Month," when used with respect to a Direct-Service Industrial Customer, means a calendar month.

(b) "Contractor" means the Purchaser.

(c) "Direct Service Industrial Customer" means a purchaser of industrial firm power, modified firm power, or similar classes of power under contracts providing for the purchase of any such class of power directly from Bonneville.

(d) "Federal System" or "Federal System Facilities" means the facilities of the Federal Columbia River Power System, which for the purposes of this contract shall be deemed to include the generating facilities of the Government in the Pacific Northwest for which Bonneville is designated as marketing agent; the facilities of the Government under the jurisdiction of Bonneville; and any other facilities.

(1) From which Bonneville receives all or a portion of the generating capability (other than station service) for use in meeting Bonneville's loads, such facilities being included only to the extent Bonneville has the right to receive such capability; *Provided, however,* That "Bonneville's loads" shall not include that portion of the loads of any Bonneville customer which are served by a nonfederal generating resource purchased or owned directly by such customer which may be scheduled by Bonneville;

(2) Which Bonneville may use under contract, or license; or

(3) To the extent of the rights acquired by Bonneville pursuant to the Treaty, between the Government and Canada, relating to the cooperative development of water resources of the Columbia River Basin, signed in Washington, D.C., on January 17, 1961.

(e) "Federal Energy Regulatory Commission" means the Federal Energy Regulatory Commission or its successor.

(f) "Measured Demand" when used with respect to a Direct Service Industrial Purchaser means the largest of the Integrated Demands, adjusted as appropriate to the Point of Delivery, for the time periods for which there is a demand charge specified in the applicable rate schedule in the Wholesale Power Rate Schedule and General Rate Schedule Provisions Exhibit during a Billing Month.

(g) "Point(s) of Delivery" means the point(s) of delivery listed either in the Points of Delivery exhibit to this contract or in the body of this contract.

(h) "Pub. L. 96–501" means the Regional Act.

(i) "Transferor" means an entity which recieves Bonneville's power or energy at one point on such entity's system and makes such power or energy available at another point on its system for the account of Bonneville.

(j) "Uncontrollable Forces" means:

(1) Strikes or work stoppage affecting the operation of the Purchaser's works, system, or other physical facilities or of the Federal System Facilites or the physical facilities of any Transferor upon which such operation is completely dependent; the term "strikes or work stoppage" shall be deemed to include threats of imminent strikes or work stoppage which reasonably require a party or Transferor to restrict or terminate its operations to prevent substantial loss or damage to its works, system, or other physical facilities; or

(2) Such of the following events as the Purchaser or Bonneville or any transferor by exercise of reasonable diligence and foresight, could not reasonably have been expected to avoid:

(A) Events, reasonably beyond the control of either party or any Transferor, causing failure, damage, or destruction of any works, system or facilities of such party or Transferor; the word "failure" shall be deemed to include interruption of, or interference with, the actual operation of such works, system, or facilities;

(B) Floods or other conditions caused by nature which limit or prevent the operation of, or which constitute an imminent threat of damage to, any such works, system, or facilities; and

(C) Orders and temporary or permanent injunctions which prevent operation, in whole or in part, of the works, system, or facilities of either party or any transferor, and which are issued in any bona fide proceeding by:

(i) Any duly constituted court of general jurisdiction; or

(ii) Any administrative agency or officer, other than Bonneville or its officers, provided by law (a) is said party or Transferor has no right to a review of the validity of such order by a court of competent jurisdiction; or (b) if such order is operative and effective unless suspended, set aside, or annulled by a court of competent jurisdiction and such order is not suspended, set aside, or annulled in a judicial proceeding prosecuted by said party or Transferor in good faith; *Provided, however,* That if such order is suspended, set aside, or annulled in such a judicial proceeding, it shall be deemed to be an "uncontrollable force" for the period during which it is in effect: *Provided, further,* That said party or Transferor, shall not be required to prosecute such a proceeding, in order to have the benefits of this section, if the parties agree that there is no valid basis for contesting the order.

The term "operation" as used in this subsection shall be deemed to include contsruction, if construction is required to implement the contract and is specified therein.

(k) "Utility" means a party to a residential purchase and sale agreement offered pursuant to section 5(c) of Pub. L. 96–501 which shall also be referred to as the "Purchaser" for the purposes of this exhibit.

2. *Interpretation.* (a) The provisions in this exhibit shall be deemed to be a part of the contract body to which they are an exhibit. If a provision in such contract body is in conflict with a provision contained in this exhibit, the former shall prevail.

(b) If a provision in the General Rate Schedule Provisions incorporated in the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit is in conflict with a provision contained in this exhibit or the contract body, this exhibit or the contract body shall prevail.

(c) Nothing contained in this contract shall, in any manner, be construed to abridge, limit, or deprive any party hereto of any means of enforcing any remedy, either at law or in equity, for the breach of any of the provisions of this contract which it would otherwise have.

B. In Reference to Computation of Charges

3. *Measurements.* Each measurement of each meter mentioned in this contract shall be the measurement automatically recorded by such meter or, at the request of either party, the measurement as mutually determined by the best available information.

If it is provided in this contract that measurement made by any of the meters specified therein are to be adjusted for loses, such adjustments shall be made by using

factors, or by compensating the meters, as agreed upon by the parties hereto. If changes in conditions occur which substantially affect any such loss factor or compensation, it will be changed in a manner which will conform to such change to conditions.

4. *Adjustment for Change of Conditions.* Changes in conditions may occur after the date of execution of this contract which substantially affect factors required by this contract to be used in determining (a) the charge for a service or for use of facilities provided by Bonneville other than charges for the sale of electric power and energy or (b) the amount of losses from the transmission or transformation of electric power or energy. Such factors will then be changed in an equitable manner which will conform to such changes in conditions.

5. *Adjustment for Inaccurate Metering.* If any meter mentioned in this contract fails to register, if the measurement made by such meter during a test made as provided in section 26 hereof varies by more than one percent from the measurement made by the standard meter used in such test or if an error in meter reading occurs, adjustment shall be made correcting all measurements for the actual period during which such inaccurate measurements were made, if such period can be determined. If such period cannot be determined the adjustment shall be made for the period immediately preceding the test of such meter which is equal to the lesser of (a) one-half the time from the date of the last preceding test of such meter or (b) 6 months. Such corrected measurements shall be used to recompute the amounts due from the Purchaser for the electric power and energy made available under this contract during such period and shall be used, when applicable, in future billings to the Purchaser. If the total amount due from the Purchaser for such period as recomputed varies from the total amount previously billed by Bonneville, Bonneville shall adjust the wholesale power bill(s) as soon as practicable.

6. *Adjustment for Unbalanced Phase Demands.* If the Purchaser fails to make promptly the changes mentioned in section 24 hereof, Bonneville may, after giving written notice one month in advance, determine that the Measured Demand of the Purchaser at the Point of Delivery in question during each month thereafter, until such changes are made, is equal to the product obtained by multiplying by three the largest of the Integrated Demands on any phase adjusted as appropriate to such point during such month.

7. *Reducing Charges for Interruptions.* If deliveries of electric power and energy to the Purchaser are suspended, interrupted, interfered with or curtailed due to Uncontrollable Forces on either the Purchaser's system, the Federal System or any Transferor's system, or if Bonneville or any Transferor interrupts or reduces deliveries to the Purchaser for any of the reasons stated in section 14 hereof, the charges for power shall be appropriately reduced. Partial interruptions shall be converted to an equivalent outage of total Measured Demand. No total outage or equivalent outage of less than 30 minutes duration shall be considered for computation of such reduction in charges.

C. In Reference to Rates

8. *Equitable Adjustment of Rates.* (a) Bonneville shall establish, periodically review and revise rates for the sale and disposition of electric power, capacity or energy sold pursuant to the terms of this contract. Such rates shall be established in accordance with applicable law.

(b) As used in this section, the words "Rate Adjustment Date" mean any date as specified by Bonneville in a notice of intent to file revised rates as published in the **Federal Register**; *Provided, however,* That such date shall not occur sooner than (1) nine months from the date that such notice of intent is published; or (2) twelve months from any previous Rate Adjustment Date. By giving written notice to the Purchaser 45 days prior to such Rate Adjustment Date, Bonneville may delay such Rate Adjustment Date for up to 90 days if Bonneville determines either that the revenue level of the proposed rates differs by more than five percent from the revenue requirements indicated by most recent repayment studies entered in the hearings record or that external events beyond Bonneville's control will prevent Bonneville from meeting such Rate Adjustment Date. Bonneville may cancel a notice of intent to file revised rates at any time (1) by written notice to the Purchaser, or (2) by publishing in the **Federal Register** a new notice of intent to file revised rates which specifically cancels a previous notice.

(c) The Purchaser shall pay Bonneville for the electric power and energy made available under this contract during the period commencing on each Rate Adjustment Date and ending at the beginning of the next Rate Adjustment Date at the rate specified in any rate schedule available at the beginning of such period for service of the class, quality, and type provided for in this contract, and in accordance with the terms thereof, and of the General Rate Schedule Provisions as changed with, incorporated in or referred to in such rate schedule. Now rates shall not be effective on any Rate Adjustment Date unless they have been approved on a final or interim basis by a governmental agency designated by law to approve Bonneville rates. Rates shall be applied in accordance with the terms thereof, the General Rate Schedule Provisions as changed with, incorporated in or referred to in such rate schedule and the terms of this contract.

(d)(1) Bonneville reserves the authority to impose a conservation surcharge as provided by section 4(f) and 7(h) of Pub. L. 96–501. The Purchaser shall pay the amount of any such surcharge so imposed as part of its payment to Bonneville for wholesale power.

(2) Bonneville and the Purchaser recognize that cost-effective model conservation standards are to be adopted by the Pacific Northwest Electric Power and Conservation Planning Council ("the Council") pursuant to Pub. L. 96–501, and that, in accordance with section 4(f) of Pub. L. 96–501, such standards are required to include, but are not limited to, standards applicable to Customer and governmental conservation programs. Bonneville will make available financial assistance to implement such cost-effective standards pursuant to its obligations under section 6(a)(1) and 6(e)(1) of Pub. L. 96–501, and as described at page 43 of the Report of the Committee on Interior Affairs of the U.S. House of Representatives (Report No. 96–976, Part II) regarding section 4(f).

(3) Upon adoption of a methodology as provided in section 4(f)(2) and section 4(e)(3)(G) of Pub. L. 96–501, Bonneville will give notice of intent to adopt a rule, provide opportunity for public comment, and publish draft procedures in the **Federal Register** for imposing surcharges. Such rule shall include:

(A) Standards to be met before Bonneville will excuse surcharges which would otherwise be appropriate, consistent with Bonneville's obligation to implement cost-effective conservation measures to the maximum extent practicable;

(B) That Bonneville will impose surcharges to the extent not excused or suspended under the terms of the rule;

(C) An opportunity for interested persons to present views, data, questions, and arguments to Bonneville relevant to the imposition of surcharges in specific instances, and the adquacy of financial assistance made available by Bonneville;

(D) That surcharges imposed will be continued to the extent and for the period projected energy savings attributable to cost-effective model conservation standards are not achieved;

(E) For recovery from the Purchaser of the additional costs (including increases in the Utility's average system cost) that Bonneville will incur because the projected energy savings attributable to model conservation standards have not been achieved, subject to the limitations set forth in sections 4(f)(1) and 4(f)(2) of Pub. L. 96–501: *Provided, however,* That surcharges will not be levied as a result of an increase in a Utility's average system cost except to the extent that the Utility failed to implement conservation measures that are designed to be cost-effective for its Consumers in terms of the electric rates its Consumers pay.

(4) Nothing in this section shall waive or prejudice the right of any person or Customer to assert any of its legal rights with respect to the model conservation standards, their application, or the imposition of any surcharges.

(e) Bonneville's wholesale power rates established on any Rate Adjustment Date shall be developed consistent with the provisions of section 7 of Pub. L. 96–501. Bonneville shall develop in consultation with its utility Customers and shall publish by July 1 , 1983, methodologies as required for implementing section 7(b)(2).

(f) *Power Cost Allocations After July 1, 1985.* Power cost allocations among Customer classes will follow the same methods set forth in Appendix B of the Senate Report S. 885 (S. Rep. 272, 96 Cong., 1st Sess. 1979) for the period after July 1, 1985, and in the same general manner as further explained in the 1981 Bonneville wholesale power rate case by Exhibit U submitted in such rate case and the accompanying Bonneville testimony.

(h) *Individual Customer Rate Limit Under Section 7(f) of Pub. L. 96–501.* (1) The provisions of this subsection shall apply to any Customer from whom or on behalf of whom Bonneville has acquired a resource

pursuant to section 6 of Pub. L. 96–501, if and to the extent such Customer purchases Firm Power from Bonneville at a rate established pursuant to section 7(f) of Pub. L. 96–501.

(2) The rate established pursuant to section 7(f) charged to any such Customer for an amount of Firm Power not exceeding that acquired by Bonneville from or on behalf of such Customer, exclusive of any costs allocated to such rate in accordance with sections 7(b)(3), 7(g), and 7(h) of Pub. L. 96–501, shall not exceed the average cost of the resources acquired by Bonneville from such Customer, exclusive of resources whose costs are allocated by Bonneville pursuant to section 7(g) and any resources acquired under section 5(c). The average cost of such resources shall be adjusted for any additional costs such Customer would have incurred in order to provide itself the same quantity and quality of power from such resources if such resources had not been acquired by Bonneville.

(3) Bonneville shall develop a methodology for performing the adjustments required by paragraph (2) by procedures comparable to those employed in establishing the methodology referred to in subsection (e) above.

(4) Costs not recovered from any Customer because of the provisions of paragraph (2) shall be recovered from other Customers through rates established pursuant to section 7(f), to the extent that such recovery can be made without exceeding the allowable section 7(f) rates for such other Customers pursuant to paragraph (2). To the extent such recovery cannot be made without exceeding the allowable section 7(f) rates established pursuant to paragraph (2), the unrecovered balance shall be spread on a pro rata kilowatt and kilowatthour basis among all Firm Power purchased by Customers under rates established pursuant to section 7(f) and not be borne by other Customer classes under rates established pursuant to sections 7(b) and 7(c) of Pub. L. 96–501. The pro rata recovery shall be limited to rates established pursuant to section 7(f) and shall not increase the cost of the "other resources" specified in section 7(b)(1) of Pub. L. 96–501.

(i) Rates for Firm Power sold pursuant to sections 14 and 17 of the utility power sales contract shall be established in such a fashion that the Purchaser shall not be billed for Firm Power during any twelve-month rate period in excess of the amount to which the Purchaser was entitled to take during such twelve-month period.

(j) *Allocation of Certain Section 7(g) Costs.* Costs of uncontrollable events, including but not limited to costs of a terminated generating facility, and costs of experimental resources, in excess of the cost of cost-effective resources, shall be allocated pursuant to section 7(g) of Pub. L. 96–501 and shall be allocated among Customers on a uniform per kilowatt or kilowatthour basis. Beginning on July 1, 1985, such costs and other costs allocated pursuant to section 7(g) of Pub. L. 96–501 will be reflected in the rates charged Direct-Service Industrial Customers only to the extent they modify Bonneville's wholesale power rates to public body and cooperative Customers for power that serves such Customers' retail industrial Consumers.

(k) Bonneville's wholesale power rates shall include the amount by which the cost of resources acquired either at the request of the Purchaser pursuant to section 17(j) of the utility power sales contract or at the request of other Customers under similar power sales contracts exceed the estimated revenues Bonneville expects to recover for sale of such power pursuant to section 19(b)(1)(E) of such contract or similar power sales contracts. Such costs shall be recovered from Bonneville's Customers pursuant to section 7(g) of Pub. L. 96–501, as the cost of an uncontrollable event.

(l) *Allocation of Exchange Resources.* The energy or capacity, or both, associated with resources acquired by Bonneville pursuant to section 5(c)(2) of Pub. L. 96–501 shall be allocated at the cost thereof to Customers purchasing Firm Power under rates established pursuant to section 7(b) of Pub. L. 96–501 to the extent that the load requirements of such Customers exceed the amount of Federal base system resources, including replacements thereto, determined to be available for ratemaking purposes. Such energy and capacity allocated to Customers purchasing Firm Power under rates established pursuant to section 7(f) of Pub. L. 96–501 shall be allocated at the cost thereof. The total cost of resources acquired under section 5(c) of Pub. L. 96–501 allocated to Direct-Service Industrial Customers purchasing power under rates established pursuant to section 7(c)(1)(A) of Pub. L. 96–501 shall not exceed the average costs associated with the amount of such resources determined by Bonneville to be required to serve that portion of the firm load of Direct-Service Industrial Customers not served by other resources.

(m) Revenue obtained by Bonneville through the recapture of costs associated with section 5(c)(7)(C) of Pub. L. 96–501 shall be equitably allocated through Bonneville's wholesale power rates to Customer classes in proportion to the respective prior payment of such costs by such classes through Bonneville's wholesale power rates.

(n) Bonneville shall consult with the Purchaser and other Customers prior to making a determination to replace reductions in the capability of the Federal base system resources and shall make such replacements in an economically prudent manner. Resources acquired as a replacement shall not be from resources purchased by Bonneville under section 5(c) of Pub. L. 96–501. All or a portion of a resource acquired from or on behalf of the Purchaser may be used as a replacement according to the terms specified in the resource purchase agreement. Bonneville may replace reductions in the capability of the Federal base system resources for plant delays when and to the extent needed to meet the sum of (1) Bonneville's obligation to supply Firm Power during an Operating Year to public bodies, cooperatives and Federal agencies; and (2) Bonneville's firm contractual obligations with its other Customers in place on the effective date of Pub. L. 96–501 and which contracts are or would have been effective during such Operating Year.

D. In Reference to Delivery of Power

9. *Character of Service.* Unless otherwise specifically provided for in the contract, electric power or energy made available pursuant to this contract shall be in the form of three-phase current, alternating at a nominal frequency of 60 hertz.

10. *Point(s) of Delivery and Delivery Voltage.* Electric power and energy shall be delivered to each Purchaser at the Point(s) of Delivery and at such voltage(s) as specified. Unless otherwise agreed, delivery at more than one voltage shall constitute delivery at more than one point.

11. *Metered Quantities.* The amount(s) of energy, Integrated Demands therefor and amount(s) of reactive energy delivered to the Point(s) of Delivery during each month shall be determined from measurements made by meters installed for such Point(s) of Delivery in the circuit specified.

12. *Where Additional Facilities Required.* If additional delivery point facilities must be constructed or installed to enable Bonneville to supply any increase in the Purchaser's contract demand, or in the Purchaser's requirements if Bonneville agrees by this contract to supply such requirements, Bonneville shall not be required to provide such additional facilities unless the parties mutually agree: (a) That Bonneville's providing such facilities is in accordance with its customer service policies; (b) that reasonable utilization has been made of existing facilities; and (c) that reasonable utilization of such additional facilities will be assured. If the parties so agree, Bonneville nevertheless shall not become obligated to supply such increase in such demand or requirements until such period of time has elapsed as may be reasonably necessary to complete the installation of such additional facilities.

13. *Uncontrollable Forces.* Each party shall notify the other as soon as possible of any Uncontrollable Forces which may in any way affect the delivery of power hereunder. In the event the operations of either party are interrupted or curtailed due to such Uncontrollable Forces, such party shall exercise due diligence to reinstate such operations with reasonable dispatch.

14. *Continuity of Service.* The Purchaser, Bonneville or a Transferor may temporarily interrupt or reduce deliveries of electric power or energy if the Purchaser, Bonneville or the Transferor determines that such interruption or reduction is necessary or desirable in case of system emergencies, or in order to install equipment in, make repairs to, make replacements within, make investigations and inspections of, or perform other maintenance work on, the Purchaser's facilities, the Federal System or the Transferor's system. Except in case of emergency and in order that the Purchaser's operations will not be unreasonably interfered with, Bonneville shall give notice to the Purchaser of any such interruption or reduction, the reason therefor, and the probable duration thereof to the extent Bonneville has knowledge thereof. The Purchaser or Bonneville shall effect the use of temporary facilities or equipment to minimize

the effect of any such interruption or outage to the extent reasonable or appropriate.

15. *Delivery by Transfer.* If it is provided in this contract that delivery to the Purchaser at any Point of Delivery will be made by transfer over the facilities of a Transferor or Transferors:

(a) Bonneville shall be obligated to make available to the Purchaser at such point only such amounts of electric power and energy as are made available to the Purchaser by such Transferor or Transferors at such point, and the obligation of Bonneville to make electric power and energy available to the Purchaser at such point shall be in all respects subject to all provisions contained in the agreement or agreements executed, or to be executed, if not already in effect, by Bonneville and such Transferor or Transferors providing for such transfer;

(b) Bonneville shall use its best efforts to effect a quality of service to the Purchaser comparable to that provided under direct service from Bonneville; and

(c) Bonneville's right to terminate deliveries at such point, under the agreement or agreements providing for such transfer, shall not be exercised while such Transferor or Transferors meet their obligations to make such deliveries under such agreement or agreements unless (1) the Purchaser consents thereto; or (2) Bonneville determines that the Purchaser's requirements for electric power and energy at such point may be adequately supplied under reasonable conditions and circumstances at another point or points (A) directly from the Federal System (B) indirectly from the facilities of another Transferor or Transerors, or (C) both.

E. In Reference to Payment for Power

16. *Determination of and Assignment of Measured Demand.* Bonneville in determining Measured Demand shall exclude any abnormal Integrated Demand or Measured Amount due to or resulting from (a) emergencies or breakdowns on, or maintenance of, the Federal System Facilities; and (b) emergencies on the Purchaser's facilities to the extent Bonneville determines that such facilities have been adequately maintained and prudently operated.

If timely determination of Measured Demand cannot be made, such determination shall be made in accordance with section 19 below.

Where Bonneville delivers, pursuant to this or other contracts, more than one class of electric power to the Purchaser at any Point of Delivery, the portion of the Measured Demand assigned to each such class of power shall be as specified in such contracts. Any portion of Measured Demand which is not assigned to other classes of power delivered pursuant to this or other contracts shall be deemed to be a Firm Power delivery under this contract.

17. *Billing At Multiple Points of Delivery.* For electric power or energy made available hereunder to the Purchaser at more than one Point of Delivery, the Purchaser shall be billed for each Point of Delivery separately on a non-coincidental basis under the applicable rate schedule in the Wholesale Power Rate Schedules and General Rate Schedule Provisions Exhibit, unless otherwise provided herein. The Points of Delivery Exhibit may provide for combined billing on a coincidental basis under specified conditions and terms either when delivery at more than one point is beneficial to Bonneville or when the flow of power at several Points of Delivery is reasonably beyond the control of the Purchaser.

If deliveries at more than one Point of Delivery are billed on a coincidental basis for the convenience of the Puchaser, a charge shall be made for the diversity among Measured Demands at such Points of Delivery. Charges for diversity shall be specified in the Special Provisions Exhibit and determined in a uniform manner among Customers.

At any rate adjustment date after January 1, 1982, Bonneville may establish its wholesale power rate schedules applicable to this contract using Customers' coincidental peak demands as the basis for proportioning its revenue recovery. In such event all diversity factors or charges applicable to Measured Demands determined on a coincidental basis shall be invalid and appropriate factors to reduce Measured Demands determined on a non-coincidental basis shall be developed and applied.

18. *Payment of Bills.* Bills for power shall be rendered monthly and shall be payable at Bonneville's headquarters. Failure to receive a bill shall not release the Purchaser from liability for payment. Each calculated monetary amount in a wholesale power bill shall be rounded to a whole dollar amount, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

If Bonneville is unable to render the Purchaser a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed by the final bill. Such estimated bill, if so issued, shall have the validity of and be subject to the same payment provisions as shall a final bill.

Bills not paid in full on or before the date specified in the Payment of Bills section, or its successor, of the General Rate Schedule Provisions incorporated in the Wholesale Power Rate Schedules and General Rate Schedule Provisons Exhibit shall bear additional charges as specified therein.

Remittances received by mail will be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the 20th day after the date of the bill. If the 20th day after the date of the bill is a Sunday or other nonbusiness day of the Purchaser, the next following business day shall be the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the 20th day must bear a postal department cancellation in order to avoid assessment of such further charges.

Bonneville may, whenever a power bill or a portion thereof remains unpaid subsequent to the 20th day after the date of the bill, and after giving 30 days advance notice in writing, cancel the contract for service to the Purchaser, but such cancellation shall not affect the Purchaser's liability for any charges accrued prior thereto.

19. *Determination of Estimated Billing Data.* If the amounts of power or energy which have been delivered hereunder must be estimated from data other than metered quantities, scheduled quantities or tabulations of hourly interchange prepared by the Purchaser, Bonneville and the Purchaser shall agree on estimated billing data to be used in preparing the bill.

20. *Average Power Factor.* The formula for determining average power factor is as follows:

$$\text{Average Power Factor} = \frac{\text{Kilowatthours}}{\sqrt{(\text{Kilowatthours})^2 + (\text{Reactive Kilovolt-ampere-hours})^2}}$$

The data used in the above formula shall be obtained from meters which are ratcheted to prevent reverse registration.

When deliveries to a Purchaser at any Point of Delivery include more than one class of power or are under more than one rate schedule, and it is impracticable to separately meter the kilowatthours and reactive kilovolt-ampere-hours for each class, the average power factor of the total deliveries for the month shall be used, where applicable, as the power factor for each of the separate classes of power and rate schedules.

F. In Reference to Use of Power

21. *Changes in Requirements or Characteristics.* The Purchaser will, whenever possible, give reasonable notice to Bonneville of any unusual increase or decrease of its demands for electric power and energy on the Federal System, or of any unusual change in the load factor or power factor at which the Purchaser will take delivery of electric power and energy under this contract.

22. *Electric Disturbance.* (a) For the purposes of this section an electric disturbance is any sudden, unexpected, changed, or abnormal electric condition occurring in or on an electric system which causes damage.

(b) Each party shall design, construct, operate, maintain, and use its electric system in conformance with accepted electric utility practices:

(1) To minimize electric disturbances such as, but not limited to, the abnormal flow of power which may interfere with the electric system of the other party or any electric system connected with such other party's electric system; and

(2) To minimize the effect on its electric system and on its customers of electric disturbances originating on its own or another electric system.

(c) If both parties to this contract are parties to the Western Interconnected Electric System Agreement, their relationship with respect to system damages shall be governed by that agreement.

(d) During such time as a party to this contract is not a party to the Agreement Limiting Liability Among Western Interconnected Systems, its relations with the other party with respect to system damages shall be governed by the following sentence.

notwithstanding the fact that the other party may be a party to said Agreement Limiting Liability Among Western Interconnected Systems. A party to this contract shall not be liable to the other party for damage to the other party's system or facilities caused by an electric disturbance on the first party's system, whether or not such electric disturbance is the result of negligence by the first party, if the other party has failed to fulfill its obligations under subsection (b)(2) above.

(e) If one of the parties to this contract is not a party to the Agreement Limiting Liability Among Western Interconnected Systems, each party to this contract shall hold harmless and indemnify the other party, its officers and employees, from any claims for loss, injury, or damage suffered by those to whom the first party delivers power not for resale, which loss, injury, or damage is caused by an electric disturbance on the other party's system, whether or not such electric disturbance results from the negligence of such other party, if such first party has failed to fulfill its obligations under subsection (b)(2) above, and such failure contributed to the loss, injury, or damage.

(f) Nothing in this section shall be construed to create any duty to, any standard of care with reference to, or any liability to any persons not a party to this contract.

23. *Harmonic Control.* Each party shall design, construct, operate, maintain and use its electric facilities in accordance with good engineering practices to reduce to acceptable levels the harmonic currents and voltages which pass into the other party's facilities. Harmonic reductions shall be accomplished with equipment which is specifically designed and permanently operated and maintained as an integral part of the facilities of the party which owns the system on which harmonics are generated.

24. *Balancing Phase Demands.* If required by Bonneville at any time during the term of this contract, the Purchaser shall make such changes as are necessary on its system to balance the phase currents at any Point of Delivery so that the current of any one phase shall not exceed the current on any other phase at such point by more than 10 percent.

C. In Reference to Facilities

25. *Measurements and Installation of Meters.* Bonneville may at any time install a meter or metering equipment to make the measurements for any Point of Delivery required for any computation or determination mentioned in this contract, and if so installed, such measurements shall be used thereafter in such computation or determination.

26. *Tests of Metering Installations.* Each party to this contract shall, at its expense, test its metering installations associated with this contract at least once every two years, and, if requested to do so by the other party, shall make additional tests or inspections of such installations, the expense of which shall be paid by such other party unless such additional tests or inspections show the measurements of such installations to be inaccurate as specified in section 5 hereof. Each party shall give reasonable notice of the time when any such test or inspection is to be made to the other party who may have representatives present at such test or inspection. Any component of such installations found to be defective or inaccurate shall be adjusted, repaired, or replaced to provide accurate metering.

27. *Permits.* (a) If any equipment or facilities associated with any Point of Delivery and belonging to a party to this contract are or are to be located on the property of the other party, a permit to install, test, maintain, inspect, replace, repair, and operate during the term of this contract and to remove such equipment and facilities at the expiration of said term, together with the right of entry to said property at all reasonable times in such term, is hereby granted by the other party.

(b) Each party shall have the right at all reasonable times to enter the property of the other party for the purpose of reading any and all meters mentioned in this contract which are installed on such property.

(c) If either party is required or permitted to install, test, maintain, inspect, replace, repair, remove, or operate equipment on the property of the other, the owner of such property shall furnish the other party with accurate drawings and wiring diagrams of associated equipment and facilities, or, if such drawings or diagrams are not available, shall furnish accurate information regarding such equipment or facilities. The owner of such property shall notify the other party of any subsequent modification which may affect the duties of the other party in regard to such equipment, and furnish the other party with accurate revised drawings, if possible.

28. *Ownership of Facilities.* (a) Except as otherwise expressly provided, ownership of any and all equipment and all salvable facilities installed or previously installed by a party to this contract on the property of the other party shall be and remain in the installing party.

(b) Each party shall identify all movable equipment and all other salvable facilities which are installed by such party on the property of the other, by permanently affixing thereto suitable markers plainly stating the name of the owner of the equipment and facilities so identified. Within a reasonable time subsequent to initial installation, and subsequent to any modification of such installation, representatives of the parties shall jointly prepare an itemized list of said movable equipment and salvable facilities so installed.

29. *Inspection of Facilities.* Each party may for any reasonable purpose under this contract inspect the other party's electric installation at any reasonable time. Such inspection, or failure to inspect, shall not render such party, its officers, agents, or employees, liable or responsible for any injury, loss, damage, or accident resulting from defects in such electric installation, or for violation of this contract. The inspecting party shall observe written instructions and rules posted in facilities and such other necessary instructions or standards for inspection as the parties agree to. Only those electric installations used in complying with the terms of this contract shall be subject to inspection.

30. *Facilities for Maintenance of Voltage.* Bonneville shall design and construct Federal System Facilities to maintain, under normal conditions and in accordance with generally accepted operating practices, the voltage at each Point of Delivery from the Federal System within a range of 5 percent above or below the operating voltage agreed upon by the operators of the parties to this contract where such voltage is 25 kV or less. Where the delivery voltage is in excess of 25 kV, Bonneville will design and construct Federal System Facilities to maintain such operating voltage within a range of 10 percent above or below such voltages. The parties shall jointly plan and operate their interconnected electrical facilities so that the flow of reactive power accompanying or resulting from deliveries of electric power and energy under this contract will not adversely affect the system of either party.

H. Miscellaneous Provisions

31. *General Environmental Provisions.* (a) *Policy.* Bonneville in the performance of this contract shall comply with all of its obligations pursuant to the National Environmental Policy Act.

(b) *Affirmative Obligations.* The parties agree to:

(1) Comply fully with all applicable Federal, State, and local environmental laws;

(2) To assist and to cooperate with each other in meeting each other's environmental obligations, to the fullest extent economically and technically practicable and mutually agreeable; and

(3) Provide upon request of the other party a copy of pollution abatement plans as required by the Clean Air Act, by the Clean Water Act, by other Federal statutes, or by an agency having jurisdiction and within a reasonable time submit evidence that such plans have been approved or have not been objected to by agencies with jurisdiction.

(c) *Breach of Obligations.* A breach of this General Environmental Provision exists only if a final determination, including all appeals, has been entered by a court or pollution control agency or agencies having jurisdiction that the Purchaser's facility is not in compliance with applicable laws respecting the control and abatement of environmental pollution.

(d) *Remedy.* Bonneville, after consulting with state or local agencies having jurisdiction may restrict delivery of electric capacity or energy to the Purchaser pursuant to this contract, if Bonneville determines that:

(1) A breach of this General Environmental Provision exists;

(2) Such breach is resulting in a significant adverse effect on the environment;

(3) No governmental agency has jurisdiction or authority to impose sanctions or to seek remedy for such significant adverse effect on the environment; and

(4) Restriction of delivery is the only appropriate remedy and bears a reasonable relationship to the breach.

Before restricting delivery of capacity or energy pursuant to this section, Bonneville shall give the Purchaser written notice and a reasonable opportunity to cure the breach and to seek any legal recourse available to the Purchaser.

32. *Dispute Resolution and Arbitration.* (a) Pending resolution of a disputed matter the

parties will continue performance of their respective obligations pursuant to this contract. If the parties cannot reach timely mutual agreement on any matter in the administration of this contract Bonneville shall, unless otherwise specifically provided for in subsection (b) below and, to the extent necessary for its continued performance, make a determination of such matter without prejudice to the rights of the other party. Such determination shall not constitute a waiver of any other remedy belonging to the Purchaser.

(b) The questions of fact stated below shall be subject to arbitration. Other questions of fact under this contract may be submitted to arbitration upon written mutual agreement of the parties. The party calling for arbitration shall serve notice in writing upon the other party, setting forth in detail the question or questions to be arbitrated and the arbitrator appointed by such party. The other party shall, within 10 days after the receipt of such notice, appoint a second arbitrator, and the two so appointed shall choose and appoint a third. In case such other party fails to appoint an arbitrator within said 10 days, or in case the two so appointed fail for 10 days to agree upon and appoint a third, the party calling for the arbitration, upon 5 days' written notice delivered to the other party, shall apply to the person who at the time shall be the presiding judge of the United States Court of Appeals for the Ninth Circuit for appointment of the second and third arbitrator, as the case may be.

The determination of the question or questions submitted for arbitration shall be made by a majority of the arbitrators and shall be binding on the parties. Each party shall pay for the services and expenses of the arbitrator appointed by or for it, for its own attorney fees, and for compensation for its witnesses or consultants. All other costs incurred in connection with the arbitration shall be shared equally by the parties thereto.

The questions of fact to be determined as provided in this section shall be limited to:

(1) The determination of the measurements to be made by the parties hereto pursuant to section 3 above;

(2) The occurrence of changes in conditions for purposes of section 4 above;

(3) The correction of the measurements to be made pursuant to section 5 above;

(4) Whether the changes mentioned in section 6 hereof were made "promptly";

(5) The duration of the interruption or equivalent interruption mentioned in section 7 above;

(6) The occurrence of an abnormal nonrecurring demand and the amount and time thereof;

(7) Any fact mentioned in section 21 above and in section 24 above;

(8) Whether a party has complied with section 22(b) above; and

(9) The acceptable level of harmonics for purposes of section 23 above.

The questions of fact in the body of the Power Sales Contract with Public Agency, Cooperative, Federal Agency, and Investor-Owned Utility Purchasers to be determined as provided in this section shall be limited to:

(1) The order of receipt of written notices of addition of Firm Resources under section 12(b)(7);

(2) Whether the Purchaser's electrical system is interconnected with electrical systems of other utilities directly or indirectly connected with Bonneville's electrical system for purposes of section 13(d);

(3) Whether a Purchaser's documentation under section 17(e) demonstrates the actual implementation of a load curtailment program; and

(4) The level of base load under section 8.

33. *Enforcement of Rights for Benefit of Transferors.* If delivery of electric power and energy under this contract is to be made by transfer over the facilities of any Transferor or Transferors, Bonneville may enforce Government rights under the power factor clause of the Government's applicable rate schedule incorporated in this contract, and under sections 6, 13, 14, 21, 22, 23, 24, 27, 28, and 29, hereof, for the benefit of such Transferor or Transferors, and all references to the Federal System, property, or Facilities in said section shall be deemed to include the facilities of the Transferor or Transferors being used to deliver electric power or energy for the account of Bonneville.

34. *Net Billing.* Upon mutual agreement of the parties, payments due one party may be offset against payments due the other party under all contracts between the Purchaser and Bonneville for the sale and exchange of electric power and energy, use of transmission facilities, operation and maintenance of electric facilities, lease of electric facilities, mutual supply of emergency and standby electric power and energy, and under such other contracts between such parties as the parties may agree unless otherwise provided in existing contracts between the parties. Under contracts included in this procedure all payments due one party in any month shall be offset against payments due the other party in such month, and the resulting net balance shall be paid to the party in whose favor such balance exists unless the latter elects to have such balance carried forward to be added to the payments due it in a succeeding month.

35. *Contract Work Hours and Safety Standards.* This contract, if and to the extent required by applicable law or if not otherwise exempted, is subject to the following provisions:

(a) *Overtime Requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, apprentices, trainees, watchmen, and guards shall require or permit any laborer, mechanic, apprentice, trainee, watchman, or guard in any workweek in which such worker is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer, mechanic, apprentice, trainee, watchman, or guard receives compensation at a rate not less than one and one-half times such worker's basic rate of pay for all such hours worked in excess or eight hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; Liability for Unpaid Wages; Liquidation of Damages.* In the event of any violation of the provisions of subsection (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for such employee's unpaid wages. In addition, such Contractor and subcontractor shall be liable to the Government for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, apprentice, trainee, watchman, or guard employed in violation of the provisions of subsection (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed in such work in excess of eight hours or in excess of such employee's standard workweek of 40 hours without payment of the overtime wages required by subsection (a) above.

(c) *Withholding for Unpaid Wages and Liquidated Damages.* Bonneville may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in subsection (b) above.

(d) *Subcontracts.* The Contractor shall insert subsections (a) through (d) of this section in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

36. *Convict Labor.* In connection with the performance of work under this contract, the Contractor agrees, if and to the extent required by applicable law or if not otherwise exempted, not to employ any person undergoing sentence of imprisonment except as provided by Pub. L. 89-176, September 10, 1965 (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

37. *Equal Employment Opportunity.* During the performance of this contract, if and to the extent required by applicable law or if not otherwise exempted, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by Bonneville setting forth the provisions of the Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all

qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which said Contractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided by Bonneville, advising the labor union or workers' representative of the Contractor's commitments under the Equal Opportunity clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor, or pursuant thereto, and will permit access to said Contractor's books, records, and accounts by Bonneville and the Secretary of Labor for purposes of investigations to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Contractor maybe declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of subsections (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as Bonneville may direct as a means of enforcing such provisions, including sanctions for noncompliance. In the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by Bonneville, the Contractor may request the Government to enter into such litigation to protect the interests of the Government.

38. *Assignment of Contract.* This contract shall inure to the benefit of, and shall be binding upon the respective successors and assigns of the parties to this contract. Such contract or any interest therein shall not be transferred or assigned by either party to any party other than the Government or an agency thereof without the written consent of the other except as specifically provided in this section. The consent of Bonneville is hereby given to any security assignment or other like financing instrument which may be required under terms of any mortage, trust, security agreement or holder of such instrument of indebtedness made by and between the Purchaser and any mortgagee, trustee, secured party, subsidiary of the Purchaser or holder of such instrument of indebtedness, as security for bonds or other indebtedness of such Purchaser, present or future; such mortgagee, trustee, secured party, subsidiary, or holder may realize upon such security in foreclosure or other suitable proceedings, and succeed to all right, title, and interests of such Purchaser.

39. *Waiver of Default.* Any waiver at any time by any party to this contract of its rights with respect to any default of any other party thereto, or with respect to any other matter arising in connection with such contract, shall not be considered a waiver with respect to any subsequent default or matter.

40. *Notices and Computation of Time.* Any notice required by this contract to be given to any party shall be effective when it is received by such party, and in computing any period of time from such notice, such period shall commence at 2400 hours on the date of receipt of such notice.

41. *Interest of Member of Congress.* No Member of or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit.

42. *Priority of Pacific Northwest Customers.* (a) The provisions of sections 9 (c) and (d) of Pub. L. 96–501 and the provisions of Pub. L. 88–552 as amended by section 8(e) of Pub. L. 96–501 ("the Provisions") are by this reference incorporated herein.

(b) To further the policy of the Provisions, Bonneville agrees that the Purchaser, together with other Customers in the Pacific Northwest, shall have priority on electric power and energy Bonneville has available for sale, in conformity with the Provisions.

(c) Bonneville agrees that it will comply with all restrictions and requirements of the Provisions, and will perform all duties and obligations imposed on it by the Provisions, as the Provisions existed on the effective date of this contract, regardless of any subsequent modification, amendment or repeal of the Provisions.

(d) Bonneville further agrees that, to the extent and at such times as may be necessary to meet demands for energy or peaking capacity at any established rate for use within the Pacific Northwest, it will exercise its rights, under contractual provisions required by the Provisions to be included in contracts for the disposition of surplus energy or surplus peaking capacity for use outside of the Pacific Northwest, to require:

(1) The return of energy delivered in connection with its supplying peaking capacity for use outside the Pacific Northwest; and

(2) The delivery within the Pacific Northwest of energy, peaking capacity, or both, which Bonneville has the right to receive in any exchange for energy, capacity, or both, which it has delivered for use outside the Pacific Northwest.

43. *Resource Acquisition and Management.* (a) *Principles of Resource Acquisition.* (1) Bonneville is obligated under section 6(a)(2) of Pub. L. 96–501 to acquire sufficient firm resources to meet its firm loads after taking into account planned savings from conservation.

(2) Bonneville is obligated to attempt to meet its firm loads pursuant to section 6(a)(2) with resources, including conservation, implemented or acquired on a long-term basis pursuant to Pub. L. 96–501.

(3) To the extent Bonneville is unable to acquire, on a planning basis, sufficient resources on a long-term basis to meet its firm obligations, Bonneville is obligated to and will attempt to meet its remaining firm load obligations through the acquisition of additional resources pursuant to section 11(b)(6) of the Federal Columbia River Transmission System Act. The obligation contained in this subparagraph is a continuing one, and applies on both a planning basis and during the Pacific Northwest Coordination Agreement Critical Period.

(b) *Principles of Resource Management.* Bonneville will manage the resources of the Federal Columbia River Power System and resources acquired pursuant to Pub. L. 96–501 and the Federal Columbia River Transmission System Act for the purpose of meeting the loads of its customers at the lowest possible expected cost to Bonneville, to the extent consistent with Bonneville's legal obligations, environmental responsibilities, and prudent operating criteria, particularly for firm loads, without reducing its obligation to acquire sufficient resources to meet its firm loads, and with due regard for the risks and expected reliability of such resources.

(c) *Consultation with Customers.* In the development of its plans and programs to effect the provisions of this section, including for ratemaking purposes, Bonneville will provide a timely opportunity for prior consultation with its customers.

44. *Cooperation with Regional Council.* The parties will negotiate amendments to this contract as may be necessary to permit the plan or program adopted by the Pacific Northwest Electric Power and Conservation Planning Council pursuant to Pub. L. 96–501, including but not limited to provisions pertaining to conservation, renewable resources, and fish and wildlife, to be effective in the manner and for the purposes set forth in sections 4 and 6 of Pub. L. 96–501.

45. *Rights of the Purchaser.* No provision of this contract nor any action or lack of action by the Purchaser pursuant to the terms of this contract shall be construed to abrogate, modify, limit or otherwise waive in any respect any right of the Purchaser including the right of the Purchaser to exercise its preference and priority as provided by law.

II. Relating only to Preference Agencies

46. *Separation of Electric Operations and Funds (All Public Agencies).* (a) The Purchasers shall operate its electric system as a separate department from other utility functions, if any, and shall establish and maintain a separate fund for the revenues

derived from the operation of such system. Such revenues shall not be commingled with funds or accounts of other departments, if any.

47. *Statement of General Policies and Practices (Cities).* (a) Publicly owned city electric systems should be operated and maintained:

(1) Primarily for the benefit of the users of electricity;

(2) In accordance with reasonable standards of safety, reliability, quality, and efficiency; and

(3) To maintain the cost of electric power at the lowest level consistent with good service and proper maintenance.

(b) Revenue requirements shall insure a financially sound and self-supporting electrical system. This requires that revenues be sufficient for:

(1) Reasonable and necessary current maintenance and operating expenses, including salaries, wages, cost of power at wholesale, materials, supplies, insurance, necessary renewals and replacements of plant, and the establishment of reasonable funds for such purposes, contingencies, and other lawful charges.

(2) Interest and principal of indebtedness incurred for the electric plant and payments required to be made into any special bond funds.

(3) Depreciation of electric system property to the extent not adequately provided for by amortization of debt and by renewals and replacement.

(4) Payments made into a governmental entity general fund via taxes or payments in lieu of taxes. The percentage of gross electric revenues used for this purpose shall be an amount not exceeding the greater of the following:

(i) An amount is equal to five percent of the gross electric revenues, unless a greater amount is provided pursuant to the city charter or agreements in effect as of December 5, 1980; or

(ii) The amount of State or local taxes levied upon the Purchaser's electric system or its operations.

(c) A local governmental entity, when acting in its governmental capacity, and receiving electric service, shall be a Consumer and be billed for such services consistent with the rates charged other Consumers in the same class. The Purchaser shall receive prompt payment for such electric services. Payments by the Purchaser for necessary services or materials received by the Purchaser from governmental departments, shall be limited to a fair, reasonable and nondiscriminatory charge.

(d) Taxpayers' investments in the electric system, made through use of general government funds of the city, should be treated in the same manner as funds borrowed by the electric system from outside sources, and should receive a return approximating the market rate of interest on comparable securities. Such market rate of interest shall not exceed 6 percent per annum unless a larger amount is approved by Bonneville.

(e) All surplus revenues from retail sales remaining after meeting the requirements of subsections (b), (c), and (d) above, where applicable, should be applied to reduction of rates. Surplus revenues earned in any year may properly be devoted to the purchase or retirement of system indebtedness before maturity, to the extent that such use thereof is consistent with the above principles and practices.

48. *Approval of Contract.* If the Purchaser borrows from the Rural Electrification Administration or any other entity under an indenture which requires the lender's approval of contracts, this contract and any amendment thereto shall not be binding on the parties thereto if they are not approved by the Rural Electrification Administration or such other entity. The Purchaser shall notify Bonneville of any such entity. If approval is given, such contracts or amendment shall be effective at the time stated in such contract or amendment.

49. *Prior Demands.* (a) If Bonneville has delivered electric power or energy to the Purchaser at any Point of Delivery specified in this contract prior to the time this contract takes effect, the Purchaser's Measured Demands, if any, at such point or Measured Demands for its system for Purchasers on Computed Requirements prior to such time shall be considered for the purpose of determining the charges to the Purchaser for the electric power and energy delivered under this contract, during any month in the term hereof, in the same manner as if this contract had been in effect.

(b) If Bonneville has delivered electric power and energy to the Purchaser at any Point of Delivery specified in this contract or in any previous contract with the Purchaser, and such Point of Delivery is superseded by another Point of Delivery specified in this contract, the Purchaser's Measured Demands, if any, at such superseded point shall be considered for the purpose of determining the charges to the Purchaser for the electric power and energy deliverd under this contract at such superseding point.

III. Relating Only to Public Body, Cooperative, Federal Agency and Investor-Owned Utility Purchasers

A. In Reference to Computation of Charges

50. *Effect of Reduction of Contract Demand.* If the Purchaser's contract demand is specified in this contract and is reduced after this contract is executed, the prior Measured Demands, if any, of the Purchaser shall, for the purpose of computing charges for electric power and energy delivered thereafter, be reduced by the amount of such reduction.

51. *Combining Deliveries Coincidentally.* (a) If it is provided in this contract that charges for electric power and energy made available at two or more Points of Delivery will be made by combining deliveries at such points coincidentally:

(1) The total Measured Demand to be considered in determining the billing demand for each Billing Month shall be the largest sum obtained by adding for each demand interval of such month the corresponding Integrated Demands of the Purchaser at all such points after adjusting said Integrated Demands as appropriate to such points;

(2) The number of kilowatthours to be used in determining the energy charge, if any, and the average power factor at which electric energy is delivered at such points under this contract, during such month, shall be the sum of the amounts of electric energy delivered at such points under this contract during such month; and

(3) The number of reactive kilovolt-ampere-hours to be used in determining such average monthly power factor shall be the sum of the reactive kilovolt-ampere-hours delivered at such points under this contrct during such month.

(b) If electric power and energy is made available under this contract to the Purchaser at two or more Points of Delivery, Bonneville may, upon two years written notice, place the Purchaser on a coincidental billing demand basis pursuant to the terms of this section.

52. *Combining Deliveries Noncoincidentally.* If it is provided in this contract that charges for electric power and energy made available at two or more Points of Delivery will be made by combining deliveries at such points noncoincidentally:

(a) The total Measured Demand to be considerd in determining the billing demand for each month in the period specified in such contact shall be the sum obtained by adding together the Measured Demands of the Purchaser for each of such points during such month;

(b) The number of kilowatthours to be used in determining the energy charge, if any, and the average monthly power factor at which electric energy is delivered at such points under this contract, during such month, shall be the sum of the amounts of electric energy delivered at such points under this contract during such month; and

(c) The number of reactive kilovolt-ampere-hours to be used in determining such average monthly power factor shall be the sum of the reactive kilovolt-ampere-hours delivered at such points under this contract during such month.

53. *Power Factor Adjustment.* Except as it is otherwise specifically provided in this contract, no adjustment shall be made for power factor at any Point of Delivery for any period of time during which the reactive power delivered at such point is not measured.

B. In Reference to Purchasers' Operating Policies

54. *Retail Rates.* (a) Copies of the Purchaser's schedules of retail rates, including special contract rates, if any, in effect when this contract is executed, and those hereafter adopted, endorsed with the effective date thereof, shall be furnished to Bonneville, and Bonneville shall keep said rates on file. The Purchaser agrees to serve each of its Consumers at, and in accordance with, the rates, charges, and provisions set forth in the applicable rate schedules on file where and as required by law or on file in Bonneville's office. Notice of the intent to change retail rates shall be given to Bonneville either 45 days prior to their effective date or as soon as the regulatory process allows or shall be mailed to Bonneville on the same day as a notice of a rate change given to a state regulatory authority by the Purchaser, whichever will

result in the later receipt of such notice by Bonneville.

(b) The retail rates and changes shall be reasonable and nondiscriminatory, consistent with the principles of the Bonneville Project Act, subject to the right of the Purchaser to adopt retail rates designed to achieve cost-effective conservation or renewable resources: *Provided, however,* That rates and charges which have been approved in accordance with the procedures of a state regulatory agency having jurisdiction shall be deemed prima facie reasonable and nondiscriminatory. The Purchaser shall maintain records containing the data, analyses, and other factors which are used to develop and form the basis for its proposed or final retail rates. At Bonneville's request, such records as are available for public inspection shall be supplied during the rate development process or after the rates have been adopted.

(c) At the Purchaser's request, Bonneville shall (1) provide assistance in analyzing and developing rate structures, incuding retail rate structures that will encourage cost-effective conservation and Consumer-owned renewable resources; (2) provide estimates of the probable power savings and the probable amount of billing credits under section 6(h) of Pub. L. 96-501 that might be realized by the Purchaser adopting and implementing such retail rate structures; and (3) solicit additional information and analytical assistance from appropriate state regulatory bodies and Bonneville's other Customers.

C. In Reference to Use of Power

55. *Resale of Power.* The Purchaser shall not resell Firm Power delivered under this contract except to those Consumers and utilities within its service area in the Pacific Northwest to the extent such Consumers and utilities are normally dependent on the Purchaser for their firm power supplies. The Purchaser shall not sell power from its firm Resources in such a manner as to increase the Purchaser's Computed Peak Requirement or computed Average Energy Requirement on Bonneville in any month. These prohibitions on resale in this section shall not be interpreted as a general prohibition against the Purchaser simultaneously purchasing Firm Power from Bonneville and selling power generated at its own facilities to other utilities.

D. In Reference Only to Purchasers With Generating Facilities

56. *Nonfirm Deliveries.* (a) At the request of either the Purchaser or Bonneville, the other party will make available on the terms stated herein, such thermal-generated energy or hydro-generated energy as the supplying party determines, when such request is made, that it has available for delivery to the requesting party.

(b) Neither party, by this contract, assures the other that it has, or will have available, any thermal-generated energy or hydro-generated energy for delivery to such other party, and the determination made by the supplier, provided for in subsection (a) above, of the amount, if any, of such energy which it will supply to the other party shall be final and conclusive as to both parties.

(c) Nothing in this contract shall prohibit supply of nonfirm, emergency or breakdown relief energy under any other contract.

57. *Emergency or Breakdown Relief.* (a) If a breakdown of, or emergency on, the system of either the Purchaser or Bonneville occurs, while such breakdown or emergency exists, the other party will make available upon request, all or such part of the electric energy required for such system as the supplier determines it can supply, consistent with its obligations to its other customers. The determination so made by the supplier shall be final and conclusive as to both parties.

(b) If either party supplies electric energy to the other party pursuant to the provisions of subsection (a) of this section and requests replacement thereof, the other party shall make an equivalent amount of electric energy available to such supplier at such times as may be agreed upon by the dispatchers of the parties hereto.

58. *Effect on Generating Utility by Direct Service Industrial Customer Power Sales Contract Provisions.* Bonneville will notify the Purchaser of the proposed adoption of an annual operating plan, annual operating agreement or energy accounting system in the Direct-Service Industrial Customers' power sales contracts. If, in Bonneville's sole determination, the system of a generating utility will be materially affected by a proposed annual operating plan, annual operating agreement, or energy accounting system provided in the Direct Service Industrial Customers' power sales contracts, Bonneville will consult with such utility prior to adopting such proposed plan, agreement, or accounting system.

IV. Relating Only to Direct-Service Industry Purchasers

A. In Reference to computation of Charges

59. *Demands.* During periods when Bonneville is delivering to the Purchaser hourly amounts of electric power or energy under the terms of agreements other than this contract, such amounts shall be subtracted each hour from the Integrated Demand for deliveries hereunder for each such hour after adjusting such Integrated Demands as appropriate to the Point of Delivery.

B. In Reference to Purchase

60. *Use and Resale of Power.* All electric power and energy delivered under this contract shall be used by the Purchaser in its own operations, and the Purchaser shall not resell such electric power and energy delivered under this contract, or any part thereof. If the Purchaser resells such electric power and energy, or any part thereof, Bonneville shall immediately terminate this contract.

Exhibit C.—Table 1

August 23, 1981.

Customer Service Objectives Exhibit

Table 1 of the Customer Service Objectives Exhibit is applicable to the Purchaser if the Purchaser is a public body, cooperative or Federal agency. The provisions of Table 1 are subject to the provisions of Bonneville's Customer Service Policy, which Bonneville may amend from time to time.

Bonneville will provide service to its Customers by constructing transmission lines (115 kV or higher), and stepdown substations to the Customers utilization voltage (12.5 kV or higher), (Customer Service Facilities), which are necessary to provide the widest possible, diversified and efficient use of electric power. To accomplish this objective, construction of new Customer Service Facilities will be undertaken following studies conducted jointly by Bonneville and the Customer to determine the best engineering, economic, and environmental plan of service based on a one utility concept of evaluation.

Bonneville's primary transmission responsibility is to provide a stable and reliable transmission system for the integration and delivery of the bulk power requirements in the Pacific Northwest. It is intended that the Customer will assume the primary role for distribution of this power to the Consumer. In recognition of this basic division of responsibility, Bonneville will construct the necessary Customer Service Facilities, providing that capital recovery is reasonably assured, until such time that the load density in the area under consideration reaches a point that requires construction of customer service substations in relatively close proximity. At this point, the Customer will assume, as part of its distribution utility responsibility, construction of the transmission lines and stepdown substations required to serve the loads within this high load density area. Therefore, the scope of Bonneville's participation will be narrowed to providing the required high voltage transmission facilities into the load area and stepdown substations to the local transmission level while conforming with Bonneville's published reliability standards, which may be amended by Bonneville from time to time. It is the intent that the dividing line between Bonneville's transmission responsibility and the Customer's distribution responsibility be a dynamic relationship which will shift from Bonneville to the Customer as the load density in a particular area increases.

Joint utility planning and one utility concept of evaluation will be the foundation for all Bonneville customer service planning efforts. These concepts have become more important in recent years to insure maximum electrical system efficiencies, and minimize impact on the environment in addition to meeting other economic and engineering criteria.

Bonneville's Customer Service Policy will encourage additional joint utility planning including (1) better long-range planning; (2) energy loss reduction studies, including common standards of conductor economics, and distribution voltage levels; (3) voltage regulation on the transmission and distribution system; and (4) elimination of duplicate facilities such as may result from separate substations and low voltage circuit breakers.

Table 2

August 23, 1981.

Customer Service Objectives Exhibit

Table 2 of the Customer Service Objectives Exhibit is applicable to the Purchaser if the Purchaser is an investor-owned utility. Bonneville and the Purchaser have not agreed on objectives for the provision of new Customer Service Facilities by Bonneville. Bonneville shall not have any obligation to provide Customer Service Facilities to the Purchaser until Bonneville and the Purchaser mutually agree upon a set of objectives for the provision of such facilities.

Exhibit D

August 23, 1981.

Allocation Formulas Exhibit

The Purchaser's contractual entitlement to and allocation of Firm Capacity or Firm Energy shall be based on the following formulas. Bonneville's obligation to supply Firm Power to the Purchaser shall not be increased by any formula beyond Bonneville's obligation prior to issuing a notice of restriction.

1. *General Allocation Formulas for Firm Energy Capability (Formula A).* The respective formulas below shall be used (a) for determining the allocation of Firm Energy to public body, cooperative and Federal agency Customers during a combined allocation of the Federal base system resources including the Montana reservation; and (b) for determining the allocation of Firm Energy to investor-owned utilities.

(a)

$\frac{A}{II}$ times C+(R+S+W) (b) R+W

2. *Montana Determination Formula (Formula B).* This formula shall be used to determine whether Montana public body, cooperative and Federal agency Customers as a class would receive a greater allocation of Firm Energy from the combined Federal base system resources including the Montana reservation than the allocation they would receive solely from the Montana reservation.

If

$\frac{D}{II}$ times C is greater than M, use formula A

for determining the allocation of Firm Energy of all public body, cooperative and Federal agency customers. If not, use formulas C and D.

3. *Montana Reservation Allocation Formula (Formula C).* This formula shall be used for determining the allocation of Firm Energy to Montana public body, cooperative and Federal agency Customers when such Customers receive a greater allocation of Firm Energy solely from the Montana reservation.

$\frac{A}{D}$ times M+(R+S+W)

4. *Allocation Formula For All Other Public Body, Cooperative, and Federal Agency Customers During A Montana Reservation Allocation (Formula D).* This formula shall be used for determining the allocation of Firm Energy to public body, cooperative and Federal agency Customers other than Montana Customers when Montana Customers receive an allocation solely from the Montana reservation.

$\frac{A}{B-D}$ times (C–M)+(R+S+W)

5. *General Allocation Formula for Firm Peak Capability (Formula E).* These formulas shall be used for determining the allocation of Firm Capacity for each month of an Operating Year for (a) public body, cooperative, and Federal agency Customers; and (b) investor-owned utilities.

(a)

$\frac{G}{H}$ times C+(R+S+W) (b) R+W

6. *Pro Rata Formula Based on Resources Developed (Formula F).* These formulae shall be used for the allocation of Intra-Class Excess Entitlements for investor-owned utilities and any amounts of Intra-Class Excess Entitlements remaining for the public body and cooperative class or Federal agency class after Bonneville reduces the Intra-Class Excess Entitlements of such classes as specified in section 7(f)(2).

The initial allocation factor "T" is established as the ratio of resources the Customer developed "Q" compared to what it should have developed "Z." The initial allocation factor "I" is then squared to establish the value "J" for determining the Customer's allocation ordinal. The "J" values for each Customer in each class are then scaled to a per unit value by dividing "J" for each Customer by the sum of all "J"'s to express the final allocation factor "K" (the sum of "K" for each class equals one).

$I=\frac{Q}{Z}$

$J=I^2$

$K=\frac{J}{L}$

The allocation of the sum of such Intra-Class Excess Entitlements for each Customer is calculated by multiplying the final allocation factor "K" times the sum for such Customer's class of the Intra-Class Excess Entitlements or the remaining amount of such sum, as the case may be. This process shall be repeated until the Intra-Class Excess Entitlements are exhausted or the deficiencies of all Customers in that class as reduced by section 7(f)(4) are fully met. The final allocation factor "K" may be recalculated, if necessary, for allocations of the remaining amounts of such sum by excluding the "J" values of those Customers in a class whose deficiencies as reduced by section 7(f)(4) have been fully met.

P=[K times (E–T) for Customers where X is greater than zero] + [K times (the remaining amount of (E–T) from Customers in a class which have exceeded the limit specified below after the allocation in the previous bracket) for such Customers which did not exceed the limit specified below in the allocation in the previous bracket] with such allocation process continuing until (E–T) is exhausted. P may not exceed (X–U) for each Customer in a class.

If the sum for such Customer's class of the Intra-Class Excess Entitlements has not been exhausted after fully meeting the deficiencies of the Customers in that class as reduced by section 7(f)(4), such remaining amount of Intra-Class Excess Entitlements, which are the amounts remaining, if any, due to section 7(f)(4), shall be allocated to Customers of each class whose deficiencies in the first series of iterations were reduced pursuant to section 7(f)(4). Such allocation shall be made in the same manner used in the first series of iterations by multiplying the final allocation factor "K" by such remaining amount of Intra-Class Excess Entitlements or amounts remaining after previous allocations of such remaining amounts, as the case may be. This process shall be repeated until such remaining amount of Intra-Class Excess Entitlements is exhausted. The final allocation factor "K" may again be recalculated, if necessary, for allocation of the amounts remaining after previous allocations of such remaining amount by excluding the "J" values of those Customers in a class whose deficiencies have been fully met.

O=[K times N for Customers where (U) is greater than zero]+ [K times (the remaining amount of N from Customers in a class which have exceeded the limit specified below after the allocation in the prior bracket) for such Customers which did not exceed the limit specified below in the allocation in the prior bracket] with such allocation process continuing until N is exhausted. O may not exceed (U) for each Customer in a class.

7. *Definitions.*

A=The larger of (a) the sum of Purchaser's Actual Firm Energy Loads, exclusive of its New Large Single Loads, in the Year Preceding Insufficiency; or (b) the arithmetic average of such loads for the Year Preceding Insufficiency and the two Operating Years immediately preceding such year, less either the contribution of the Purchaser's Firm Resources as limited below to the sum of the Purchaser's Assured Energy Capability for such year or the planning capability of the energy output of such resources for a Purchaser on Metered Requirements. The Purchaser's Firm Resources to be considered above shall be limited to those resources which are included as 5(b)(1)(A) resources in the Purchaser's Firm Resource Exhibit.

B=The total of A for all public body, cooperative and Federal agency Customers.

C=The firm energy capability for the Operating Year or the firm peak capability for each month of such year of the Federal base system resources described in section 7(c) and 7(d).

D=The total of A for all Montana public body, cooperative and Federal agency Customers.

E=The respective sum of the Intra-Class Excess Entitlements for each class of Customers.

G=The larger of the Purchaser's Actual Firm Peak Load, exclusive of its New Large Single Loads, for each month in the Year Preceding Insufficiency or the arithmetic average of such load for such months in the Year Preceding Insufficiency and the two Operating Years immediately preceding such year, less either the contribution of the Purchaser's Firm Resources as limited below to the Purchaser's Assured Peak Capability for such months or the planning capability of the peak output of such resources for such months for a Purchaser on Metered Requirements.

The Purchaser's Firm Resources to be considered above shall be limited to those resources which are included as 5(b)(1)(A) resources in the Purchaser's Firm Resource Exhibit.

H=The total of "G" for each month of the Operating Year for all public body, cooperative and Federal agency Customers.

I=The initial allocation factor which is determined by comparing what the Purchaser developed "Q" to what it should have developed "Z." "I" shall be deemed to be 0.01 for Customers where "I" is less than 0.01 but greater than zero.

J=The value which is used to establish the final allocation factor for determinng the Purchaser's share of the sum for such Customer's class of the Intra-Class Excess Entitlements.

K=The final allocation factor for members of each Customer class.

L=The respective sum of "J" for all Customers in each class of Customers.

M=The firm capability as determined by Bonneville of the reservation under law of electric power primarily for use in the State of Montana.

N=The remaining amount of Intra-Class Excess Entitlements for a class after the deficiencies of the Customers in a class, as reduced by section 7(f)(4), have been fully met as specified in section 7(f)(3).

O=The allocation of the remaining amounts of Intra-Class Excess Entitlements to Customers in each respective class whose entitlements under section 7(f)(3) have been reduced pursuant to section 7(f)(4) after meeting the deficiencies of all Customers in such class as reduced by section 7(f)(4). "O" may be zero for the Purchaser.

P=The initial allocation for each Customer from the sum for such Customer's class of the Intra-Class Excess Entitlements as specified in section 7(f)(3).

Q=The best estimate of the sum of the firm energy capability for the Operating Year at the time of the determination of the estimated allocation prior to such Operating Year or the firm peak capability for each month of such year of (1) resources (including conservation) acquired from or on behalf of the Purchaser as specified in section 7(e); (2) conservation and direct application renewable resources of the Purchaser which have reduced the Purchaser's Actual Firm Load in an amount which the Purchaser has documented and that Bonneville has agreed was accomplished, and (3) the portion of the Purchaser's Firm Resources which are included as 5(b)(1)(B) resources in its Firm Resource Exhibit.

R=The best estimate of the sum of the firm energy capability for the Operating Year for which the determination of each estimated or final allocation is made or the firm peak capability for each month of such year of resources (including conservation) acquired from or on behalf of the Purchaser as specified in section 7(e).

S=An additional allocation of firm peak and firm energy capability necessary to ensure that the Purchaser's allocation is not less than the amount of Firm Power actually supplied by Bonneville to meet its obligation under section 14 or section 17, as applicable, to supply Firm Capacity in each month and Firm Energy in the Year Preceding Insufficiency. "S" may be zero for the Purchaser.

T=The respective sum of "S" for all Customers in the public body and cooperative or Federal agency class. "T" is zero for the investor-owned utility class.

U=The firm peak and firm energy capability necessary to serve the amount which the Purchaser's Actual Firm Peak Loads or Actual Firm Energy Loads would have been reduced by any cost-effective conservation programs which Bonneville offers to the Purchaser and the Purchaser declines to implement. Such amount of firm peak capability and firm energy capability shall be determined based on such programs' standards for measuring load reductions but shall not include amounts of firm peak capability or firm energy capability to the extent the Purchaser implemented similar measures which accomplished the same purposes and were comparable to Bonneville programs in enough ways to evaluate their degree of effectiveness. In the event the Purchaser implemented equivalent conservation programs which Bonneville determines resulted in reductions less than would have resulted from the Bonneville conservation programs, Bonnevilee shall reduce the Purchaser's allocation by the difference between the reductions which would have resulted from the Bonneville conservation programs and the reductions resulting from the Purchaser's conservation programs. "U" shall not exceed "X" for determining the Purchaser's entitlement to Intra-Class Excess Entitlements.

W=The Purchaser's allocation of the sum for the Purchaser's class of the Intra-Class Excess Entitlements based on the following formulas:

(1) W=X for all Customers in a class, if (E–T) is equal to or greater than Y.

(2) W=P–U+O for all Customers in a class, if (E–T) is less than Y.

X=The remaining deficiency of firm peak capability or firm energy capability between the Purchaser's allocation prior to the Purchaser receiving an entitlement of Intra-Class Excess Entitlements for its class and the amount of Firm Power necessary to meet Bonneville's obligations pursuant to section 14 or section 17, as applicable, to supply Firm Capacity for each month or Firm Energy for an Operating Year. Such remaining deficiency for an Operating Year shall be the difference between the Purchaser's Estimated Firm Load, if provided, or Bonneville's estimate of the Purchaser's Actual Firm Load and the sum of either the Assured Capabilities for a Purchaser on Computed Requirements or the planning capability of its Firm Resources for a Purchaser on Metered Requirements and the Purchaser's allocation of "C", "S" and "R."

Y=The respective sum of "X" for all Customers in each class.

Z=The load growth of the Purchaser since passage of Pub. L. 96–501 and any deficits of investor-owned utilities determined by subtracting from Bonneville's estimate of the Purchaser's Actual Firm Load for the Operating Year for which the allocation will apply either (1) the Purchaser's Actual Firm Load in the '82–'83 Operating Year for public body, cooperative and Federal agency Customers; or (2) the contribution to the Purchaser's Assured Capabilities for such Operating year for a Purchaser on Computed Requirements or the planning capability for a Purchaser on Metered Requirements of any Firm Resources which were included as 5(b)(1)(A) resources in the Purchaser's Firm Resource Exhibit for investor-owned utilities. "Z" shall be deemed to be one for Customers where "Z" is less than one.

Exhibit E

Power Scheduling Procedures Exhibit

August 23, 1981.

1. *Submission of Prescheduled Amounts.* (a) Preschedules shall be completed by Bonneville and the Purchaser on each day which both Bonneville and the Purchaser observe as a regular workday (Workday) for each hour of the following day or days through the following Workday unless otherwise agreed.

(b) The Purchaser shall submit estimates of prescheduled amounts on such Workdays by 1100 hours Pacific Time (PT) or 2 hours after Bonneville issues its report of the Chief Joseph Project uncoordinated discharge, whichever is later.

(c) Final prescheduled amounts shall be submitted on such day by 1400 hours PT or 2 hours after the estimated preschedules provided pursuant to subsection (b) above have been submitted, whichever is later.

(d) Final prescheduled amounts shall be submitted no later than 1000 hours PT on such day when both Bonneville and the Purchaser are offering energy for sale under the Exportable Energy Agreement (Bonneville Contract No. 14–03–73155).

(e) If Bonneville limits the amounts of power it makes available during Heavy Load Hours pursuant to section 17(g)(1), it shall inform the Purchaser's representative of its intention to make such limitation by 1200 hours PT of the day prior to the effective date of such limitation.

(f) Bonneville may request by 1200 hours PT on any Wednesday estimates of energy that the Purchaser anticipates it will schedule with Bonneville for each day for the ensuing ten days, and the Purchaser shall submit such estimates to Bonneville by 1200 hours PT on the Workday following the request.

2. *Hourly Distribution of Scheduled Amounts.* (a) This subsection (a) applies to all

Computed Requirements Purchasers, except as provided in subsections (b) and (c) below.

(1) The Purchaser may preschedule during Heavy Load Hours up to the amounts Bonneville is obligated to make available pursuant to section 17(g)(1).

(2) The Purchaser may preschedule during Light Load Hours on any day, Monday through Saturday, not more than 160 percent of the sum of:

(A) The Purchaser's Computed Average Energy Requirement and

(B) The amount, if any, by which the Purchaser's Computed Average Energy Requirement (CAER) exceeds the average amount of energy which the Purchaser preschedules from Bonneville under this agreement during Heavy Load Hours of the same calendar day (AAE during HLH).

(This Light Load Hour (LLH) limit can be expressed mathematically as: MON–SAT LLH SCHEDULE LIMIT = 160% [CAER + (CAER − AAE during HLH)]

This formula will allow approximately 120 percent of the monthly Computed Average Energy Requirement to be taken on any week day having 15 Heavy and 9 Light Load Hours. It will also allow a higher limit on Light Load Hours to the extent the Purchaser chooses to move energy from Heavy Load Hours into Light Load Hours or Bonneville exercises its right to limit deliveries during Heavy Load Hours pursuant to section 17(g)(1).)

(3) The Purchaser may preschedule during all hours on Sunday as follows: Not more than 120 percent of the Purchaser's Computed Average Energy Requirement between 0700 and 2200 hours PT and not more than 320 percent of the Purchaser's Computed Average Energy Requirement on all other hours: *Provided, however,* The total amount of energy prescheduled during each seven day period ending on 2400 hours PT Sunday shall be limited to the product of 168 hours and 120 percent of the Purchaser's Computed Average Energy Requirement.

(4) Except as provided in section 2(c)(2) above, the Purchaser may preschedule in any day up to the greater of the product of 8 hours and the Purchaser's Computed Peak Requirement or the product of 24 hours and 120 percent of the Purchaser's Computed Average Energy Requirement. If the Purchaser preschedules energy on any day using this rule which exceeds the product of 24 hours and 120 percent of the Purchaser's Computed Average Energy Requirement, the Purchaser shall return such excess within the calendar day following the taking of such energy or later if agreed by Bonneville and the Purchaser, at a rate no greater than 100 percent of the Computed Peak Requirement. An adjustment will be made in the billing process to reflect the obligation to return energy associated with capacity taken on the last day of the billing period.

(5) In the event the Purchaser is unable to preschedule energy up to the amounts otherwise allowed in this section on certain hours due to minimum generation limitations of the Purchaser's Firm Resources, Purchaser may, by prior agreement of Bonneville, preschedule energy during other hours up to levels that may exceed the preschedule limits otherwise available to the Purchaser in this section. If such inability is due to limitations imposed by Bonneville pursuant to section 17(g)(1), Bonneville shall agree to the Purchaser's request unless Bonneville determines that operating conditions on its system prevent it from making such delivery without spilling water which it would not otherwise have spilled, purchasing power which it would not otherwise have purchased, or restricting deliveries of power to its own firm loads, which for the purpose of this paragraph (1) shall include deliveries which Bonneville would otherwise have made to its direct-service industrial purchasers. If needed by Bonneville, such preschedule will be reducible at Bonneville's option down to the scheduling limits otherwise available to the Purchaser in this section at any time prior to the actual delivery. If scheduled amounts arranged under this paragraph exceed the limits otherwise allowed in this section, the amounts in excess of such limits will not be used in determining any unauthorized increase or Measured Demand of the Purchaser.

(b) In addition to and not in limitation of subsection (a) above, Computed Requirements Purchasers shall arrange schedules according to this subsection (b). Since the determination of the Purchaser's Computed Peak Requirement and Computed Average Energy Requirement depends on the relationship of the Purchaser's Assured Capabilities and Actual Firm Loads, such requirements for any month cannot be determined until after the end of that month. As each Purchaser must estimate its own firm load, and is in the best position to follow the load development from day to day, it will be the Purchaser's responsibility to request preschedules of Firm Power, including any increase over previously established demands, on the basis estimated by the Purchaser to result in the most advantageous purchase of the power to be billed at the end of the month. When used in this section 2 with respect to Computed Requirements Purchasers, the terms Computed Peak Requirement and Computed Average Energy Requirement mean the Purchaser's best estimate of such quantities. The Purchaser shall have the right to change its estimate of its Computed Peak Requirement and Computed Average Energy Requirement at any time based on corresponding changes in the Purchaser's estimate of its firm loads or to reflect changes in its Assured Energy Capability allowed by te provisions of section 17(d). Changes in prescheduled amounts shall be as permitted in section 3 below.

(c) In addition to subsection (a) above, Customers purchasing on the basis of Planned Computed Requirements or Contracted Requirements shall schedule according to this subsection (c).

(1) Except as otherwise provided in this exhibit the Purchaser shall not schedule Firm Power under this contract in any month in excess of its Computed Average Energy Requirement times the number of hours in such month.

(2) If during a month, a Planned Computed Requirements or Contracted Requirements Purchaser which has a Computed Average Energy Requirement greater than 20 percent of its Computed Peak Requirement for such month reaches the limit for scheduling Firm Power specified in paragraph (1) above, such Purchaser shall thereafter during such month be subject to the provisions of secton 2(a)(4) above, except: (1) The Purchaser's Computed Average Energy Requirement as used in section 2(a)(4) shall be zero; and (2) that, under adverse operating conditions, Bonneville may request that the Purchaser return energy delivered pursuant to section 2(a)(4) by the later of six hours from delivery or the end of the current Heavy Load Hour period and the Purchaser shall use its best efforts to comply with such request: *Provided, however,* That, in any event, the Purchaser shall return such energy prior to 0700 hours of the following day. For purposes of this paragraph (2), adverse operating conditions shall mean an inability of the Government's generating system to increase its generation to produce such energy without subsequent spillage of water on the Government's generating system, without requiring a susequent purchase of power by Bonneville, or without subsequently causing Bonneville to violate any operating restriction on the Government's generating system.

3. *Changes from Preschedules.* (a) In the application of the procedures controlling changes from preschedules, it is Bonneville's intention to comply with the Purchaser's requests for schedule changes to the maximum extent practicable, so as to maximize the power production of the region's resources in the most efficient manner possible. Bonneville shall coply with requests for schedule changes to the extent such changes are within the capability of the Federal system unless, due to the lateness of the request for change, Bonneville would suffer energy, capability, or economic loss (not including any economic loss resulting from making the requested change instead of making secondary sale) that would have been avoided if this request had been made at the preschedule time. If Bonneville would suffer such loss and if the Purchaser agrees prior to delivery to reimburse Bonneville for the estimated loss in order to make the change, Bonneville shall make such change. The Purchaser shall endeavor to avoid requesting schedule changes.

(b) Except under emergency conditions, requests for schedule changes shall be submitted no later than 20 minutes before the beginning of the automatic generation control process ramp time used by Bonneville. This ramp time now begins 10 minutes before the hour.

(c) With prior agreement of Bonneville, the Purchaser may increase its schedules of capacity up to the amounts the Purchaser had a right to preschedule in a manner which is not otherwise provided for, if the Purchaser agrees to return the energy associated with such increase within 6 hours.

(d) When requested by Bonneville, the Purchaser shall make schedule changes in blocks of 6 hours at one time, subject to subsequent changes permitted by this exhibit, to enable Bonneville to develop a revised operational plan in an efficient manner. Such schedule changes shall incorporate the

Purchaser's latest and best information about its future operation.

(e) In addition to the schedule changes allowed pursuant to subsections (a) through (d) above, if the Purchaser has been designated to purchase on the basis of Actual Computed Requirements, it may make schedule changes without limitation by Bonneville subject to the following conditions:

(1) The Purchaser is not delivering energy for sale under the Exportable Energy Agreement concurrently with Bonneville;

(2) The Purchaser is making full use of the capability of its Firm Resources up to the Assured Capability levels of such resources or such capability is being replaced with other purchases or resources, and the Purchaser is making full use of its rights to change schedules under other contracts: *provided, however,* That hydroelectric resources need be used only to the maximum extent possible within the limits of normal pondage and available streamflows; and

(3) The schedule change is necessary in order to meet the Purchaser's Actual Firm Loads; or the changed schedule would serve to conserve energy which would otherwise be lost to the region.

Exhibit F

Relief From Overrun Exhibit

August 23, 1981.

The following procedures are available pursuant to section 19(b)(1)(B) for use by Purchasers to avoid certain unauthorized increase charges which would otherwise occur due to load estimating errors. If used, such procedure shall be followed in its entirety in the order set forth below. These procedures are available only to Purchasers which purchase on the basis of Actual Computed Requirements.

1. *Conversion of Measured Amounts to Nonfirm Energy.* If any of the Purchaser's Measured Amounts during Heavy Load Hours during the month exceed the Purchaser's Computed Maximum Requirement for the corresponding hour, Bonneville shall convert such excess to nonfirm energy to the extent that Bonneville determines it would have had additional nonfirm energy available for the Purchaser during such hours. The amounts so converted shall be billed as nonfirm energy pursuant to section 19(b)(2). The Purchaser's Measured Amounts for such hours and the Purchaser's Measured Energy for the month shall be reduced by the amounts so converted to nonfirm energy. If the Purchaser's Measured Demand is based on a Measured Amount which is reduced pursuant to this section, such Measured Demand shall be reduced by the amount converted to nonfirm energy for such hour.

2. *Mandatory Adjustment of Assured Capability.* If the Purchaser's Measured Energy for the month, after reduction pursuant to section 1 above, exceeds the Purchaser's Computed Energy Maximum for such month, the Purchaser shall, to the extent permitted by section 17(d), reduce its Assured Energy Capability for such month, to the extent necessary to increase its Computed Energy Maximum so that it equals its Measured Energy, after reduction of such Measured Energy pursuant to section 1 above, for such month. The Purchaser's computed Average Energy Requirement and Computed Maximum Requirement for such month shall be increased as appropriate to reflect the decrease, if any, in the Purchaser's Assured Energy Capability made pursuant to this subsection 2.

3. *Conversion of Measured Energy to Nonfirm Energy.* If the Purchaser's Measured Energy for the month, after reduction pursuant to section 1 above, exceeds its Computed Energy Maximum for such month, after adjustment pursuant to section 2 above, Bonneville shall convert a portion of such excess to nonfirm energy. Such portion shall be equal to the product of such excess and the ratio of the number of Light Load Hours during such month that Bonneville determines it would have had additional nonfirm energy available for the Purchaser to the total number of Light Load Hours in such month. The amounts so converted shall be billed as nonfirm energy pursuant to section 19(b)(2). The Purchaser's Measured Energy for the month shall be further reduced by the amounts so converted to nonfirm energy.

4. *Disposition of Demand Overrun.* If any of the Purchaser's Measured Amounts during Heavy Load Hours during the month, after reduction pursuant to section 1 above, exceed the Purchaser's Computed Maximum Requirement for the corresponding hour, after adjustment pursuant to section 2 above, but none of such Measured Amounts are greater than 110 percent of such Computed Maximum Requirement for the corresponding hour, the largest of the anounts by which the Purchaser's reduced Measured Amounts during such hours exceed the Purchaser's adjusted Computed Maximum Requirement for the corresponding hour shall, subject to adjustment pursuant to section 6 below, be billed at the demand charge for reserve power pursuant to section 19(b)(3) and a service charge for the portions of such Measured Amounts which exceed such Computed Maximum Requirements for corresponding hours shall, subject to adjustment pursuant to section 6 below, be billed at the charge for energy advanced during Heavy Load Hours pursuant to section 19(b)(4). If any of the Purchaser's Measured Amounts during Heavy Load Hours during the month, after reduction pursuant to section 1 above, exceed 110 percent of the Computed Maximum Requirement for the corresponding hour, after adjustment pursuant to section 2 above, a charge for the portions of such Measured Amounts which exceed such Computed Maximum Requirements for corresponding hours shall be billed as unauthorized increase pursuant to section 19(b)(1)(A). The Purchaser's Measured Energy for the month shall be further reduced by the amounts billed as unauthorized increase.

5. *Relief from Energy Overrun.* If the Purchaser's Measured Energy for the month, after reduction pursuant to section 1, 3 and 4 above, is less than the relief margin set forth below, the Purchaser shall return the portion of such Measured Energy in excess of the Purchaser's Computed Energy Maximum, after adjustment pursuant to section 2 above, at mutually agreeable times and rates within 30 days after Bonneville notifies the Purchaser that such return is required or at times and rates otherwise mutually agreed upon. A service charge for the excess energy so returned shall be billed at the charge for energy advanced during unspecified Heavy or Light Load Hours pursuant to section 19(b)(4). To the extent such excess is not so returned it shall be billed as unauthorized increase pursuant to section 19(b)(1)(A). The Purchaser's Measured Energy for the month shall be further reduced by the excess amounts returned to Bonneville or billed as unauthorized increase. The relief margin is 101 percent of the Purchaser's Computed Energy Maximum for each month, after adjustment pursuant to section 2 above, except that in the month before the month in which the Purchaser's Flexibility Account balance must be brought to zero pursuant to section 17(d)(1)(A) the relief margin is 103 percent and in the month that the Purchaser's Flexibility Account must be so brought to zero the relief margin is 105 percent. If the Purchaser's Measured Energy for such month, after reduction pursuant to sections 1, 3 and 4 above, exceeds the relief margin set forth above, the entire excess over its Computed Energy Maximum after adjustment pursuant to section 2 above, shall be billed as unauthorized increase pursuant to section 19(b)(1)(A). The Purchaser's Measured Energy for the month shall be further reduced by the amounts billed as unauthorized increase.

6. *Adjustment of Demand Overrun.* If any of the Purchaser's Measured Energy for the month is billed at the unauthorized increase rate pursuant to section 5 above and if any demand has been billed at the demand charge for reserve power and if any energy has been billed at the service charge pursuant to section 4, the amount of demand so billed and the amount of energy so billed shall be reduced by amounts obtained by multiplying the amounts billed pursuant to section 4 by the ratio of the amount billed at the unauthorized increase rate pursuant to section 5 to the amount of energy billed at the service charge pursuant to section 4. If such ratio is greater than one, the amount of demand billed at the demand charge for reserve power and the amount of energy billed at the service charge pursuant to section 4 shall be reduced to zero.

7. *Disposition of Remainder.* The Purchaser's Measured Amounts, Measured Demand, and Measured Energy for the month, after reduction and adjustment pursuant to sections 1 through 6 above, shall be billed pursuant to section 19(b)(1)(A).

Exhibit G

Service Charges Exhibit

August 21, 1981.

Section I. Service charges arising from the Relief from Overrun Exhibit. The following charges shall be applied to services provided by Bonneville pursuant to this agreement.

1. For energy advanced during Heavy Load Hours—3.0 mills per kilowatthour.

2. For energy advanced during unspecified Heavy or Light Load Hours—2.0 mills per kilowatthour.

3. Heavy Load Hours and Light Load Hours mean the same herein as in the body of this agreement.

Section II. Service charges arising from services provided by Bonneville to Purchaser's Firm Resources or other resources which are within Bonneville's automatic generation control area. No Charges have been established as of the date of execution of this agreement.

EXHIBIT H.—Points of Delivery

This exhibit is unique to the Customer.

EXHIBIT I.—Firm Resources

This exhibit is unique to the Customer.

EXHIBIT J.—Assured Capability

This exhibit is unique to the Customer.

EXHIBIT K.—New Large Single Load Determinations

This exhibit is unique to the Customer.

EXHIBIT L.—Special Provisions

This exhibit is unique to the Customer.

Attachment 2

Contract No. ————————
August 25, 1981.

Power Sales Contract Executed by the United States of America, Department of Energy, Acting by and Through the Bonneville Power Administration and ————

Index to Sections

Sec.

1. Termination of Prior contracts
2. Term of Contract
3. Exhibits
4. Sale and Purchase of Power
5. Amount of Power
6. Provisions Relating to Delivery
7. Restriction of Deliveries
8. Operations
9. Curtailment by the Purchaser
10. Use of Power
11. Fish and Wildlife Responsibilities
12. Mid-Term Contract Review
13. Miscellaneous
14. Definitions
Exhibit A (Wholesale Power Rate Schedule for Industrial Firm Power and General Rate Schedule Provisions)
Exhibit B (General Contract Provisions [GCP Form PSC–1])
Exhibit C (Purchaser's Demands)
Exhibit D (Points of Delivery and Special Provisions)

This power sales contract, executed ————, 198–, by the United States of America (Government), Department of Energy, acting by and through the Bonneville Power Administration (Bonneville), and ———— (Purchaser), a corporation incorporated under the laws of the State of ————,

Witnesseth

Whereas, pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501 (Regional Act), Bonneville is obligated to offer an initial long-term contract for the sale of electric power and energy to each direct-service industrial customer (Industrial Purchaser(s)) which was a party to a direct-service contract with Bonneville on December 5, 1980; and

Whereas, the Purchaser is a direct-service industrial customer of Bonneville, and is a party to power sales contracts with Bonneville (Contract No. 14–03————, which as amended is called MF Contract, and Contract No. 14–03————, which as amended is called IF Contract) which were each in existence on December 5, 1980, and is a party to an agreement with Bonneville relating to principles of operation of Bonneville's power system (Contract No. ————), all of which are referred to as "Prior Contracts"; and

Whereas, Bonneville is obligated to offer the Purchaser this contract which provides for an amount of power equivalent to that which the Purchaser is entitled to under its IF Contract providing for the sale of Industrial Firm Power, a portion of which may be restricted to provide a portion of Bonneville's reserves for its Firm Obligations; and

Whereas, Bonneville is obligated to implement and acquire sufficient resources, including cost-effective conservation measures throughout the region, to meet its Firm Obligations with the goal of achieving and maintaining load/resource balance, so as to assure its Customers an adequate, efficient, economic and reliable power supply; and

Whereas, the parties have executed Contract No. ———— (IRE Agreement) which provides that Bonneville, as agent for the Purchaser and at the Purchaser's request and expense, will acquire non-Federal electric power and energy for the Purchaser from time to time in order to replace electric power and energy that is or may be restricted hereunder, and the parties intend to amend said IRE Agreement concurrently with the execution of this contract or as soon thereafter as possible; and

Whereas, the Purchaser desires to purchase electric power and energy for use at its production facility, or facilities, within the Region (Plant); and

Whereas, Bonneville is required under section 4(g)(1) of the Regional Act to maintain comprehensive programs to insure widespread public involvement in the formulation of major regional power policies; and

Whereas, Bonneville is authorized pursuant to law to market electric power and energy generated at various Federal hydroelectric projects in the Region or acquired from other resources, to construct and operate transmission facilities, to provide transmission and other services, and to enter into agreements to carry out such authority;

Now, therefore, the parties hereto mutually agree as follows:

1. *Termination of Prior Contracts.* The Prior Contracts shall be terminated, upon this contract being effective, as of 2400 hours on June 30, 1981, but all liabilities accrued thereunder are hereby preserved until satisfied.

2. *Term of Contract.* (a) Unless earlier terminated pursuant to other provisions herein, this contract shall be effective for a term of 20 years commencing at 2400 hours on June 30, 1981 (Effective Date).

(b) The Purchaser may for any reason terminate service hereunder, in part or in whole, by giving Bonneville a one-year prior written notice. If all or a portion of service to the Purchaser is so terminated, (1) the Purchaser shall reimburse Bonneville for any otherwise unrecoverable costs incurred by Bonneville through June 30, 2001 by reason of such termination: *Provided, however,* That Bonneville shall use its best efforts to mitigate such costs; and (2) the Purchaser shall not subsequently purchase during the term hereof the electric power and energy associated with the amount of service so terminated from a utility served by Bonneville unless Bonneville at its sole discretion determines there is no material adverse impact on the Federal System. Termination shall not be considered curtailment for purposes of this contract.

(c) If this contract is terminated or expires pursuant to this section, all liabilities accrued hereunder shall be preserved until satisfied.

3. *Exhibits.* Exhibits A through D, attached hereto, are by this reference incorporated herein and made part of this contract.

4. *Sale and Purchase of Power.* (a) Subject to the other provisions of this contract, Bonneville shall sell to the Purchaser, and the Purchaser shall purchase from Bonneville, Industrial Firm Power in an amount up to and including the Purchaser's Contract Demand, as specified by the Purchaser's Operating Demand, Curtailed Demand or Restricted Demand, each as in effect from time to time.

(b) Subject to the other provisions of this contract, Bonneville shall sell to the Purchaser, and the Purchaser shall purchase from Bonneville, Auxiliary Power in the amount up to the Purchaser's Auxiliary Demand in effect from time to time.

(c) The Purchaser shall pay Bonneville for Industrial Firm Power and Auxiliary Power sold hereunder at the rate specified in Exhibit A, and in accordance with the provisions of Exhibit A, including section 4 of the Wholesale Power Rate Schedule for Industrial Firm Power of Exhibit A.

(d) The Purchaser may arrange to have new facilities, that are not served by Bonneville under this contract, served by a utility, whether or not a Bonneville Customer, or by another source: *Provided, however,* That such new facilities may be electrically interconnected with facilities served by Bonneville only upon mutual agreement.

(e) If the Purchaser's Plant is shut down in whole or in part because of a restriction pursuant to section 7, or a curtailment pursuant to section 9, or a combination thereof, payment pursuant to subsection (c) above shall be computed using the average of the daily measured demands from the beginning of restoration of Plant operation through the end of the period covered by the schedules submitted pursuant to sections 7(j)(4) or 9(f).

(f) If an Uncontrollable Force or event described in the Continuity of Service section of the General Contract Provisions (Event) prevents or interrupts either party from performing hereunder, both parties shall be excused from performance to the extent that the Uncontrollable Force or Event prevents or interrupts such performance for the duration of such Uncontrollable Force or Event, and for the period required to restore the affected party's operations to the condition existing prior to the occurrence thereof. Each month during the period of the Uncontrollable Force or Event and for the period required to

restore the affected party's operation to the condition existing prior to the occurence of the Uncontrollable Force or Event, payment pursuant to subsection (c) above shall be computed using the average of the daily measured demands for each such month.

5. *Amount of Power.* (a) *Contract Demand.* Subject to the other provisions of this section, the Purchaser's Contract Demand for Industrial Firm Power shall be as specified in Exhibit C.

(b) *Operating Demand.* (1) Subject to the other provisions of this section, the Purchaser's Operating Demand for Industrial Firm Power shall be as specified in Exhibit C until the Purchaser gives notice of an increase thereof pursuant to paragraph (3) below. No notice of an increase in Operating Demand shall be necessary with respect to increases in Operating Demand specifically set forth in Exhibit C. The Operating Demand shall at no time exceed the Contract Demand.

(2) If the Purchaser cannot operate, or does not operate for a period of two years, substantially at the level of, or at the time indicated for, an Operating Demand specified or requested hereunder, exclusive of curtailments, restrictions, Uncontrollable Forces or Events, Bonneville may amend Exhibit C to decrease said Operating Demand to the operating level upon 30 days' notice. In the event of a decrease, the Purchaser shall reimburse Bonneville for any otherwise unrecoverable costs incurred by Bonneville through June 30, 2001, because of such decrease. Bonneville shall use it best efforts to mitigate such costs.

(3) The Purchaser may alter the schedule of increases in Operating Demand set forth in Exhibit C, and otherwise may increase its Operating Demand, upon 90-day notice to Bonneville: *Provided, However,* That Bonneville may agree to waive all or any part of such notice. Notwithstanding such 90-day notice, the Purchaser shall give Bonneville as much advance notice as possible of any increase.

(4) In addition to the Purchaser's rights concerning curtailment as set forth in section 9, upon mutual agreement by the parties hereto, the Purchaser may reduce its Operating Demand in whole or in part to the level, for the period, and effective on the date, as specified in a notice provided to Bonneville not less than 90 days prior to the beginning of any Contract Year. If the Purchaser so reduces its Operating Demand, the Purchaser shall reimburse Bonneville for any otherwise unrecoveable costs incurred by Bonneville because of such reduction: *Provided, however,* That Bonneville shall use its best efforts to mitigate such costs. Such reduction shall not be considered a curtailment for purposes of this contract.

(c) *Auxiliary Demand.* The Purchaser's Auxiliary Demand for Auxiliary Power shall be as specified in Exhibit C.

(d) *Technological Allowances.* Subject to the conditions listed below, the Purchaser's Contract Demand, Operating Demand and/or Auxiliary Demand shall be changed by and amount equal to the Purchaser's request for increases or decreases in service for technological reasons other than Plant expansion.

(1) As used in this subsection, "* * * service for technological reasons other than Plant expansion * * *" means electric power and energy for improvement in the operation of the equipment installed in the Purchaser's Plant, modification of such equipment, installation of additional equipment auxiliary thereto, and installation of additional envirnmental protection equipment (hereinafter called "Technological Allowance").

(2) From time to time during the term of this contract, the Purchaser may submit written requests to Bonneville for Technological Allowances, which shall state that electric power and energy is required for technological reasons other than Plant expansion, and which shall specify the contemplated use for the energy, the quantity required, and the period for which it is required.

(3) The Purchaser shall give notice to Bonneville on or before December 1, 1981 of any change in Technological Allowances desired to begin in the Contract Year beginning July 1, 1981. The Purchaser shall give Bonneville written notice of any change in Technological Allowances desired in any succeeding Contract Year prior to the February 1 preceding such Contract Year. Bonneville shall respond in writing within 60 days after receipt of such notice from the Purchaser of its determination whether such request qualifies, in whole or in part, as a Technological Allowance.

(4) If Bonneville determines that all or portion of the Purchaser's request qualifies as a Technological Allowance, then such Technological Allowance shall be served by Industrial Firm Power, and the Purchaser's Contract Demand and Operating Demand under subsections (a) and (b) above each shall be increased or decreased by such amount, subject to paragraphs (5) through (8) below.

(5) The maximum amount of electric power and energy that Bonneville will make available for Technological Allowances during each Contract Year to all Industrial Purchasers in the aggregate (Technological Allowance Pool) shall be equal to the following:

(A) One percent of the maximum contract demands for Industrial Firm Power for each Contract Year for the period July 1, 1978, through June 30, 1981, for all of the Industrial Purchasers under their respective IF Contracts; plus

(B) One percent of the contract demands as of the Effective Date for Industrial Firm Power for each Contract Year for all of the Industrial Purchasers under power sales contracts entered into pursuant to sections 5(d) and 5(g) of the Regional Act (DSI Contracts) for the period July 1, 1981, through the end of the Contract Year for which the computation is made: *Provided, however,* That if such contract demands are reduced to a level below the initial contracts demands, subsequent additions to the Technological Allowance Pool shall be based on the reduced contract demands; minus

(c) The Technological Allowances then committed to being served by Bonneville.

To the extent that the Technological Allowance Pool is not fully committed in any Contract Year, it shall be carried forward and shall be available for Technological Allowances in subsequent Contract Years.

(6) The maximum amount in kilowatts of Technological Allowances which each Industrial Purchaser may receive during the term of this contract which is not subject to recall under this paragraph shall be the total amount of kilowatts that will be in the Technological Allowance Pool during the term of this contract because of such Industrial Purchaser's IF Contract and DSI Contract. To the extent such Industrial Purchaser's requests exceed the aggregate amount in the Technological Allowance Pool because of such Industrial Purchaser's IF Contract and DSI Contract as of the end of the Contract Year in which the service requested is to begin, Bonneville shall serve such excess on a tentative basis to the extent electric power and energy is available in the Technological Allowance Pool. The amount served on a tentative basis shall remain available in the Technological Allowance Pool to serve requests of any other Industrial Purchaser which has first priority status pursuant to paragraph (7) below, to the extent such requests do not cause the Technological Allowances of such Industrial Purchaser to exceed the aggregate amount then in the Technological Allowance Pool because of such Industrial Purchaser's IF Contract and DSI Contract, and to the extent that there otherwise would be an insufficiency of electric power and energy in the Technological Allowance Pool to serve such requests. Amounts served on a tentative basis which are necessary to serve such requests of other Industrial Purchasers shall be recalled by Bonneville pro rata from the Industrial Purchasers which then are being served on a tentative bases.

(7) If Bonneville receives requests for Technological Allowances to begin in any Contract Year in excess of the amount which will be in the Technological Allowance Pool during such Contract Year, Bonneville shall give first priority status to each Industrial Purchaser whose fulfilled requests prior to the beginning of the Contract Year do not exceed the aggregate amount that is in the Technological Allowance Pool as of such date because of such Industrial Purchaser's IF Contract and DSI Contract. The date on which a request is made for a Technological Allowance shall not affect the determination of priority status. As between requests of equal priority, the Technological Allowance Pool available during each Contract Year shall be allocated in the ratio that the amount requested by each such Industrial Purchaser bears to the total amount requested by all Industrial Purchasers entitled to the same priority. If the Technological Allowance Pool for a Contract Year exceeds the sum of the requests of Industrial Purchasers with first priority status for Technological Allowances to begin in such Contract Year, the balance in the Technological Allowance Pool after allocation to completely serve the requests of Industrial Purchasers with first priority status, shall be allocated among the requesting Industrial Purchasers which do not have first priority status in the ratio that the amount requested by each such Industrial Purchaser bears to the total amount requested by all Industrial Purchasers not entitled to first priority status. In the event

any allocation causes an Industrial Purchaser to be allocated less than its request, such Industrial Purchaser may reduce, withdraw, or defer its request. Allocations in accordance with this paragraph shall be recomputed if any Industrial Purchaser reduces, withdraws, or defers its request.

(8) (A) If requests for Technological Allowances hereunder by the Purchaser for its production facility or for each of its production facilities, as the case may be, are reasonably expected to result in an increase in load over the immediate past 12-month period:

(i) Of 13,300 kilowatts to 46,699 kilowatts during the subsequent 12-month period, Bonneville shall not be obligated to serve any portion of such increase with Industrial Firm Power until the start of the Contract Year commencing two years after the date the Purchaser has notified Bonneville in writing of the proposed request; and

(ii) Of 46,700 kilowatts or more during the subsequent 12-month period, or 100,000 kilowatts during the subsequent 60-month period, Bonneville shall not be obligated to serve any portion of such increase with Industrial Firm Power until the start of the Contract Year commencing seven years after the date the Purchaser has notified Bonneville in writing of the proposed request, or such earlier date specified by Bonneville.

(B) Bonneville shall serve the Technological Allowances requested under subparagraph (A) above with Auxiliary Power, to the extent Bonneville determines it is available for such purpose, until the earlier of the date that sufficient Industrial Firm Power is available to serve it or Bonneville becomes obligated to serve the Technological Allowances with Industrial Firm Power pursuant to subparagraph (A) above. At such time service shall convert to Industrial Firm Power, and the Purchaser's Contract Demand and Operating Demand shall be increased by such amount. If such service is required because of a Governmental or judicial order, Bonneville shall make every effort to provide such service with Industrial Firm Power on the date such service is required.

(9) For purposes of forecasting regional energy needs pursuant to discharging its obligations under the Regional Act, Bonneville shall make provision for only those Technological Allowances that, at the time of the forecast, have been identified by an Industrial Purchaser and are reasonably likely to meet the requirements of Technological Allowances.

(e) *Wheel Turning Load.* From time to time the Purchaser may have electrical load which is not integral to its industrial process and is not a part of a Technological Allowance (Wheel Turning Load). The parties contemplate that such Wheel Turning Load, whether existing on the Effective Date or in the future, may be served under the following methods:

(1) Wheel Turning Loads currently served by a local utility, and additions to those loads, shall continue to be so served.

(2) Other Wheel Turning Loads may be served as a portion of the demand for Industrial Firm Power.

(3) If any Wheel Turning Loads are properly documented for Bonneville's approval and can be or are metered separately at the Purchaser's or a local utility's expense, the Purchaser may make an arrangement with the local utility for service to such load. Bonneville contemplates that if such Wheel Turning Loads are to be served by a local utility, joint feasibility studies will be conducted by Bonneville, the Purchaser, and the local utility to determine the manner of service. For such Wheel Turning Loads which are in existence on the Effective Date and which are transferred from Bonneville to a local utility for service after the Effective Date, the Contract Demand and the Operating Demand will be reduced by the amount of the load transferred.

(f) *Revision of Demands.* The parties shall execute a revised Exhibit C to reflect changes in Contract Demand, Operating Demand and Auxiliary Demand hereunder from time to time as appropriate.

6. *Provisions Relating to Delivery.* Electric power and energy shall be made available hereunder by Bonneville at the point(s) of delivery hereinafter described in Exhibit D directly over the Federal System at all times during the term of this contract and at the approximate voltage specified therefor. Amounts of electric energy, Integrated Demands therefor, and varhours delivered at such point(s) during each month shall be determined from measurements made by meters installed at the location(s) and in the circuit(s) specified in Exhibit D.

7. *Restriction of Deliveries.* (a) The restrictions provided for in this section are independent of each other and may be made separately or in any combination, and shall be retained as indicated in section 8(a)(2). Except as provided in subsection (b) below, for the purposes of this section Bonneville may not restrict in total more than 75 percent of the Purchaser's Operating Demand.

(b) *Forced Outage and Stability Reserves.* Bonneville may restrict delivery of Industrial Firm Power to the Purchaser in the proportions and for the durations specified below to the extent necessary to prevent, if possible, or to minimize restriction of any Bonneville Firm Obligation (1) when such restriction is necessary to insure stability of the Federal System; (2) when such restriction is necessary to insure stability of any system directly or indirectly connected with the Federal System which could affect operation of the Federal System; or (3) when a forced outage suspends, interrupts, interferes with, or curtails the operation of the Federal System Facilities:

(1) Up to 100 percent of the Operating Demand not to exceed 15 Minutes: *Provided, however,* That one such restriction in any 24-hour period may be followed by a 30-minute restriction of up to 50 percent of the load operating at the time of the initial restriction: *Provided, further,* That a restriction under this paragraph shall not apply to the amount of power reasonably required by the Purchaser to maintain Plant security and safety: *Provided, further,* That if such restriction equals or exceeds 50 percent of the load operating at the time of the initial restriction and is immediately followed by a restriction pursuant to paragraph (2) below, the resulting, combined restriction period shall not exceed 2 hours: *Provided, further,* That when a restriction under this paragraph ends, Bonneville shall permit, without additional demand or unauthorized increase charges, short-term, nonrecurring demand overruns of the prior operating level as provided in section 7(j)(7);

(2) Up to 50 percent of the load then operating for not more than two hours in any one day: *Provided, however,* That the accumulation of all restrictions under this paragraph during any calendar year shall not exceed in kilowatthours the Contract Demand multiplied by 50: *Provided, further,* That when a restriction under this paragraph ends, Bonneville shall permit, without additional demand or unauthorized increase charges, short-term, nonrecurring demand overruns of the prior operating level as provided in section 7(j)(7); and

(3) Up to 25 percent of the Operating Demand: *Provided, however,* That the accumulation of all restrictions under this paragraph during any calendar year shall not exceed in kilowatthours the Contract Demand multiplied by 375: *Provided, further,* That such restriction shall apply only to that portion of the Operating Demand which is in excess of 50 percent of such Operating Demand: *Provided, further,* That when a restriction under this paragraph ends, Bonneville shall permit, without additional demand or unauthorized increase charges, short-term nonrecurring demand overruns of the prior operating level as provided in section 7(j)(7).

Bonneville shall serve demand overruns pursuant to paragraphs (1), (2) and (3) above with Auxiliary Power, if available, and will bill the Purchaser at the energy charge associated with the overrun.

If the purchaser is operating its Plant or portion thereof in other than the normal manner because of a prior restriction imposed by Bonneville under this section or because of an Uncontrollable Force or an Event, and believes that restriction of its Operating Demand pursuant to this subsection would therefore entail the risk of abnormal harm to the Plant facilities, the Purchaser may request Bonneville to determine whether another Industrial Purchaser is willing to take the Purchaser's place in any plan for restrictions under this subsection if such plan involves sequential restriction of the Industrial Purchasers' Operating Demands rather than simultaneous restrictions. If another Industrial Purchaser is so willing, Bonneville will attempt to alter the sequence of restrictions to accommodate the Purchaser's request during all or a specified portion of such operation by the Purchaser, to the extent that such alteration is, in Bonneville's sole determination, feasible and prudent.

(c) *First Quartile Restriction Rights.* Bonneville may restrict deliveries of Industrial Firm Power in amounts up to 25 percent of the Purchaser's Operating Demand, at any time and for any reason in order to protect Bonneville's ability to meet its Firm Obligations, subject to the provisions of this subsection. Bonneville may also restrict deliveries in such amounts for the purpose of displacing the operation or use of Federal System resources, if and to the extent

that displacement is consistent with Bonneville's legal rights, legal obligations, and policies concerning displacement. Such restriction shall not be made for the purpose of selling nonfirm energy under the NF–1 rate schedule, its successor, or any other rate schedule. Except as provided in paragraph (2) below, Bonneville shall not be obligated to plan for or acquire resources for the purpose of serving the Purchaser's First Quartile load, but Bonneville will treat the Purchaser's First Quartile as a firm load for purposes of resource operation, which firm load shall be subject to the restriction rights provided by this subsection.

(1) The total of such restrictions and the amount of curtailment by the Purchaser pursuant to sections 8(b)(3), 8(b)(4) and 9(b) shall not at any time exceed 25 percent of the Purchaser's Operating Demand.

(2) During any portion of a Contract Year into which Bonneville shifts FELCC pursuant to section 6 to serve all or a portion of the Purchaser's First Quartile load, Bonneville shall retain its First Quartile restriction rights but shall acquire or recall any electric energy which it is legally authorized to acquire or recall, and which is available at a Reasonable Cost, before restricting or continuing to restrict that portion of the Purchaser's First Quartile.

(3) During each Contract Year, Bonneville shall conserve (including by storage) electric power and energy in excess of amounts required to serve its Firm Obligations, including for purposes of this paragraph the Industrial Purchasers' total Operating Demands, for service to the Industrial Purchasers' First Quartile loads: *Provided, however,* That such conservation will, in Bonneville's sole determination, be prudent under the circumstances.

(4) If the Purchaser shuts down all or a portion of its Plant as a result of a restriction under this subsection, the restrictions shall remain in effect, unless the parties otherwise agree, until a date specified by Bonneville in a notice to the Purchaser, in which notice Bonneville states that it expects to be able to resume deliveries on the specified date and to continue them for at least 90 days thereafter: *Provided, however,* That if Bonneville elects to make such restrictions over only the peak load hours of a day, and if one of the following occurs, the Purchaser may elect to shut down all or a portion of its Plant until the resumption date specified by Bonneville in a subsequent notice given pursuant to this paragraph:

(A) One-fourth of the Operating Demand is restricted for one or more hours each day over a period of 14 consecutive days;

(B) One-fourth of the Operating Demand is restricted for five hours in any 24-hour period or more than ten hours in any 72-hour period;

(C) The total number of kilowatt hours restricted in any 14-day period exceeds two percent of a number obtained by multiplying the Operating Demand by 336; or

(D) In any 24-hour period more than 15 percent of the Operating Demand is restricted for more than 10 hours or more than 20 percent of the Operating Demand is restricted for more than 5 hours.

(d) *Second Quartile Restriction Rights.* (1) In order to meet its Firm Obligations, Bonneville may restrict deliveries of Industrial Firm Power to the Purchaser consistent with subsections (f)(3), (f)(4) and (j)(3) below in amounts up to the lesser of: (i) 25 percent of the Purchaser's Operating Demand, or (ii) the Purchaser's share, based on Operating Demand, of the amount by which Bonneville is unable to meet its Firm Obligations by reason of power and energy unavailable due to:

Delay. (A) a delay from the initially planned date of commerical operation of a Federal System generating unit or Conservation Investment Resource, subject to subparagraph (C) below;

Unexpected Poor Performance. (B)(i) Unexpected poor performance of a planned Federal System generating unit or Conservation Investment Resource which fails to attain initially its design capability for technological reasons including, but not limited to, design error or equipment failure, subject to subparagraph (C) below;

(ii) The inability of an existing, or a new, Federal System generating unit or Conservation Investment Resource that has attained commercial operation to perform at its expected capability for technological reasons including, but not limited to, design error or equipment failure, as determined by Bonneville or an appropriate regulatory agency having jurisdiction; or

Governmental Order. (C) a delay or failure to attain capability pursuant to subparagraphs (A) and (B)(i) above, but not subparagraph (B)(ii) above, if such conditions are due to the order or orders of any governmental agency having jurisdiction over such matters: *Provided, however,* That laws or ordinances enacted by legislative bodies or through ballot measures shall not be considered orders of governmental agencies.

The total of restrictions pursuant to this subsection and the amount of curtailment of the Second Quartile pursuant to section 9(c) shall not at any time exceed 25 percent of the Purchaser's Operating Demand.

(2) *Federal System Operating Reserve.* In order to protect Bonneville's Firm Obligations from occurrences that otherwise might require Bonneville to restrict such Firm Obligations during the Contract Year of such occurrences, Bonneville shall have the right to make restrictions during such Contract Year pursuant to paragraphs (1)(B)(i) and (ii) above, subject to the limitations contained herein and in paragraphs (4), (5) and (6) below.

(A) Restrictions pursuant to paragraph (1)(B)(i) above shall be limited, in the Contract Year of occurrence, to the lesser of 25 percent of the Purchaser's Operating Demand or the Purchaser's share, based on Operating Demand, of one-half the amount of energy by which Bonneville estimates, after such occurrence, but prior to acquiring or recalling additional resources and prior to an actual restriction or region-wide appeal hereunder, that it will be unable to meet its Firm Obligations during the remainder of such Contract Year because of such occurrence. If the occurrence continues in subsequent Contract Years, such limitation to the Purchaser's share of one-half the amount of energy shall not apply during such subsequent Contract Years, and Bonneville shall give notice of potential restriction, if necessary, pursuant to subsection (f)(3) below, and subject to the limitations contained in subsection (f) and this subsection.

(B) Restrictions pursuant to paragraph (1)(B)(ii) above shall be limited to the lesser of 25 percent of the Purchaser's Operating Demand or the Purchaser's share, based on Operating Demand, of one-half the amount of energy by which Bonneville estimates that it will be unable to meet its Firm Obligations because of such occurrence. In the case of such restrictions during the Contract Year of occurrence, such limitation shall be calculated for the remainder of the Contract Year, prior to and excluding the effects of the acquisition or recall of additional resources after such occurrence, and of any actual restriction or region-wide appeal hereunder. In the case of such restrictions for each subsequent Contract Year, such limitation shall continue and shall be reflected in any notice pursuant to subsection (f)(3) below.

(C) Bonneville shall give as much notice of an actual restriction hereunder as is practicable under the circumstances, but in no event less notice than that required to permit an orderly reduction of any portion of the Purchaser's operation that may be reduced as a result of such restriction. In the event of an actual restriction, the Purchaser may submit a proposal under which the Purchaser will provide Bonneville the energy associated with the actual restriction, in accordance with subsection (f)(4)(D) below.

(D) Simultaneously with any actual restriction pursuant to paragraphs (1)(B)(i) and/or (1)(B)(ii) above, Bonneville shall publicly call for a region-wide voluntary curtailment of non-essential uses of electric energy, and shall include in its region-wide appeal the information that Bonneville's ability to continue to meet its Firm Obligations depends on such voluntary curtailment as well as on actual restrictions of the Purchaser's load hereunder. In the case of actual restrictions imposed in Contract Years subsequent to the year of occurrence, such appeal shall be made simultaneously with such actual restrictions. All such appeals shall be repeated at regular intervals during any period when actual restrictions hereunder remain in effect.

(3)(A) Prior to its determination of the planned capabilities and planned completion dates of Federal System resources or Conservation Investment Resources that Bonneville plans to use to meet its Firm Obligations, other than Federal System resources committed to prior to the Effective Date, Bonneville shall afford to the Purchaser a reasonable opportunity to review and comment upon: (i) The preliminary determinations of such capabilities and dates, and (ii) the methodology used by Bonneville as the basis for such determinations. Such opportunity shall be afforded only for the purpose of assisting Bonneville in assembling information, including but no limited to technical data, that may be useful to Bonneville in making its final determinations as accurate and realistic as possible. The same opportunity shall be afforded by Bonneville prior to any

significant adjustment in such capabilities or completion schedules if adjustments in previously planned capabilities or completion dates are proposed for resources to be included in future final lists furnished pursuant to subparagraph (B) below. In the case of non-major resource programs involving more than one individual resource, Bonneville may to the extent necessary and appropriate determine the planned capability and planned completion date of the program as a whole, rather than specify individual resource capabilities and completion dates, and in such a case Bonneville shall also specify the average planned capability per individual unit, the planned number of units, and the planned schedule of implementation.

(B) Bonneville shall furnish the Purchaser by each June 1 a list of Federal System resources and Conservation Investment Resources for which the Purchaser's Second Quartile provides a reserve for the following Contract Year, listing initially planned completion dates and capabilities determined after the opportunity to comment pursuant to subparagraph (A) above. Such annual list shall be deemed a part of this contract. Such list shall be final for purposes of determining potential restrictions in such Contract Year in the case of restrictions for which notice is required prior to such Contract Year.

(4)(A) Delays in the construction of generating units to the extent caused by insufficient appropriated funds, or delays in the implementation of Conservation Investment Resources to the extent caused by a demonstrable insufficiency of funding, shall not be a cause for restriction of Industrial Firm Power under this subsection.

(B) Bonneville shall use its best efforts consistent with its legal obligations to avoid any delays, unexpected poor performance, or other reductions in resource capability to which it is entitled, including but not limited to delays or other reductions required by order of any governmental agency having jurisdiction, if such resource capability is needed to serve Bonneville's Firm Obligations.

(5) In order to avoid making or continuing a restriction of Industrial Firm Power under this subsection, Bonneville shall acquire or recall any electric power and energy which it is legally authorized to acquire or recall from any source, including the Industrial Purchasers, and which is available at a Reasonable Cost.

(6) No restriction or right to restrict pursuant to this subsection shall be effective for more than seven years from the date of the event described in paragraph (1) above which gave Bonneville the right to restrict. Following loss or other reduction of resource capability for any cause, Bonneville shall use its best efforts, consistent with prudent utility practice and its obligations under the Regional Act and other applicable provisions of law, to plan for and to acquire resources sufficient to meet any resource deficiency caused by resource capability which is delayed or otherwise reduced for any reason to the extent such capability is required to enable Bonneville to meet its Firm Obligations.

(7) Delay from the initially planned date of commercial operation of a planned Federal System resource, which in Bonneville's sole determination is due to an estimated lack of Firm Obligations to support the need for a resource (Resource Slowdown), shall not be a cause for restriction under paragraph (1)(A) above. In the event of such a determination, the limitation period specified in paragraph (6) above shall be suspended for the duration of such Resource Slowdown due to lack of Firm Obligations, and the initially planned date of commerical operation of the resource shall (for the purpose of measuring delay) be changed to the new date selected after the Resource Slowdown has ended.

(8) *Conservation Investment Resources.* (A) The restriction rights provided in paragraph (1) above shall be available to protect Bonneville's ability to meet its Firm Obligations in the event of the delayed completion or unexpected poor performance of planned Conservation Investment Resources that are implemented or acquired by Bonneville or, if implemented or acquired by another entity, relied upon by Bonneville in the calculation of its ability to meet its Firm Obligations.

(B) The term "Conservation Investment Resource" shall mean a conservation measure or resource for which power is (or is planned to be) saved by means of physical improvements, alterations, devices or other installations measurable in units, as distinct from conservation efforts that rely upon or promote changes in Consumer behavior. The restriction rights provided by this subsection (d) are not intended to, and do not, provide a reserve for unanticipated load growth, including unanticipated load growth caused by the failure of Consumers to behave in a manner that saves energy.

(C) Bonneville shall include in the list of resources to be made available to the Purchaser pursuant to paragraph (3)(B) above those Conservation Investment Resources to which this subsection applies. A description of the Conservation Investment Resource, its planned schedule of implementation, and the planned savings it is expected to achieve for each Contract Year during such schedule, shall also be included for the purpose of determining planned completion dates and planned performance. Such list shall also include the available information on the actual rate of implementation of such resource in the case of lists made available to the Purchaser after the plan date on which implementation of the resource was to have begun.

(D) For purposes of determining the amount of electric power and energy to have been saved but not saved in fact by any such Conservation Investment Resource, the following formula shall be used to compute actual savings achieved in each Contract Year, and such savings shall be deemed to have been achieved in the absence of reliable evidence to the contrary:

A_s = Actual savings deemed achieved;
A_u = Actual physical units improved, altered, installed or otherwise appropriately implemented;
P_u = Physical units planned to have been improved, altered, installed or otherwise implemented; and
P_s = Planned savings (to be determined by multiplying planned savings per unit times P_u).

(E) The determination of P_u, P_s and planned savings per unit in the foregoing formula shall be made independently by Bonneville for all Conservation Investment Resources, on the basis of historical experience and realization factors, and other available information likely to help produce realistic values for these variables: *Provided, however,* that in the case of Conservation Investment Resources relied upon by Bonneville in the calculation of its ability to meet its Firm Obligations but planned to be implemented or acquired by another party, such determination may be made through a process selected by Bonneville and available for review and comment by the Purchaser as contemplated in subsection (d)(3) above. Such determination shall give particular weight to the appropriate historical experience, if any, with similar resources, which shall be the starting point in determining the estimated amount of power those types of resources may produce, with the goal of arriving at values for P_s and P_s that are likely to equal A_s and A_u respectively. The parties agree that the objective of a Conservation Investment Resource program is that P_s should not exceed A_u, and P_s should not exceed A_u, except for unforeseeable reasons, and that the values adopted for P_s and P_s should be readily achievable in actual practice.

(F) In accordance with the foregoing provisions, a Conservation Investment Resource shall be deemed to have been delayed in completion or to have had unexpected poor performance if, and to the extent, that A_s is less that P_s, each determined as set forth above. Bonneville shall make such determination of A_s prior to each June 1, based on A_u for the prior calendar year.

(G) If and when Bonneville learns that A_s is less than P_s for any given Conservation Investment Resource, at any point during the implementation of such resource, subject to the provisions of paragraph (6) above, Bonneville shall take appropriate steps to replace the capability unavailable to it, as if a planned generating resource had been delayed in completion or had failed to achieve its designed capability.

(e) *Third Quartile Restriction Rights.* (1) Bonneville may restrict deliveries of Industrial Firm Power to the Purchaser to serve its Third Quartile load during a Contract Year, subject to the provisions of paragraph (5) below, up to the amount of electric energy evidenced by:

(A) The greater of the outstanding debits in the Purchaser's Delivered FELCC Account or the Purchaser's applicble Shifted FELCC Account, if, for such Contract Year, the FELCC is established from the last Contract Year of a Critical Period; or

(B) The lesser of the outstanding debits in the Purchaser's Delivered FELCC Account or the Purchaser's applicable Shifted FELCC Account, if, for such Contract Year, the FELCC is established from other than a last Contract Year of a Critical Period.

(2) Simultaneously with any actual restriction in a Contract Year for which FELCC is established from the last Contract Year of a Critical Period Regulation pursuant

to paragraph (1)(A) above, that Bonneville shall publicly call for a region-wide voluntary curtailment of non-essential uses of electric energy, and shall include in its region-wide appeal the information Bonneville's ability to continue to meet its Firm Obligations depends on such voluntary curtailment as well as on actual restrictions of the Purchaser's load hereunder. All such appeals shall be repeated at regular intervals during any period when actual restrictions hereunder remain in effect.

(3) If during a Contract Year Bonneville borrows FELCC from later months of such Contract Year and uses such borrowed FELCC to serve the Purchaser's First Quartile load, Bonneville may restrict deliveries of Industrial Firm Power later in such Contract Year up to 25 percent of the Purchaser's Operating Demand. Such restriction shall not exceed the lesser of (A) the amount of energy delivered to the Purchaser as borrowed FELCC, or (B) the Purchaser's share of the amount of energy by which Bonneville is otherwise unable to meet its Firm Obligations during such Contract Year by reason of the borrowed FELCC during such Contract Year.

(4) Bonneville shall use its best efforts to store and conserve water and energy associated therewith in order to avoid or to reduce the Purchaser's exposure to restriction pursuant to paragraphs (1) and (3) above.

(5) The total of restrictions pursuant to this subsection shall not exceed in any case the lesser of:

(A) 25 percent of the Purchaser's Operating Demand less the amount of the Purchaser's Third Quartile load curtailment pursuant to section 9(c); or

(B) The Purchaser's share of the amount of energy by which Bonneville is otherwise unable to meet its Firm Obligations, by reason of the borrowed or Shifted FELCC, after using its full FELCC, including the operation or replacement of all the resources included therein.

(6) Bonneville shall not restrict the Purchaser's Third Quartile load for the purpose of selling nonfirm energy under the NF–1 rate schedule, its successor, or any other rate schedule. Bonneville shall not be obligated to plan for or acquire resources to alleviate a Third Quartile restriction pursuant to this subsection, but Bonneville will treat the Purchaser's Third Quartile load as a firm load for purposes of resource operation.

(f) *Notices and Purchaser Proposals.* (1) *Auxiliary Demand and First Quartile.* Bonneville shall give as much advance notice as possible for a restriction pursuant to subsection (c) above, or subsection (i) below.

(2) *Forced Outage and Stability.* Bonneville may impose a restriction pursuant to subsection (b) above without notice.

(3) *Annual Notice—Second and Third Quartiles.* (A) By June 1, Bonneville shall give written notice to the Purchaser of any potential restriction pursuant to subsections (d) and/or (e)(1) above, except for a restriction made during the Contract Year of occurrence pursuant to subsection (d)(2) above, that Critical Period Regulation indicate may be required during the next Contract Year, including anticipated delays. The notice shall inform the Purchaser of the potential amount and period of potential restriction applicable in each such Critical Period Regulation pursuant to each such subsection. Such notice shall also inform the Purchaser of Bonneville's estimate of the FELCC which will be established for the next Contract Year.

If any of the possible Critical Period Regulationsa indicate a possible need for a restriction pursuant to subsection (d) above, Bonneville will specify the unit(s), resource(s), or measure(s), initially planned capability(s), and initially planned date(s) of commercial operation involved, along with the amount of reduction(s) from initially planned capability and/or estimated delay(s).

(B) If Bonneville expects that it will need to impose a restriction pursuant to subsections (d) and/or (e)(1) above between July 1 and August 31 of the Next Contract Year, it shall so state in the June 1 notice, indicating the subsections pursuant to which it expects to restrict and its estimate of the amounts and periods of restriction for each such subsection.

If between June 1 and August 31, Bonneville revises the estimated amount or period of any such restriction, it shall notify the Purchaser as soon as possible. Bonneville may begin imposing such restrictions on the date and in the amount specified in the latest notice to the Purchaser.

(C) Not later than August 15, Bonneville shall notify the Purchaser of the FELCC established for that Contract Year, and of any revisions of the information provided in notices since June 1. Bonneville may begin a restriction pursuant to such notice at 2400 hours on August 31.

(4) *Notice of Actual Restriction—Second and Third Quartiles.* (A) *Second Quartile.* Bonneville will determine actual restrictions of energy under subsection (d) above for the Purchaser by multiplying the actual amount of restriction in kilowatthours for all Industrial Purchasers by the ratio of the amount of Operating Demand subject to restriction in subsection (d) above for the Purchaser to the total amount of Operating Demands subject to the same restriction for all Industrial Purchasers. Such actual restriction shall not exceed the amount of potential restriction indicated in the applicable notice given to the Purchaser pursuant to paragraph (3) above.

(B) *FELCC—Third Quartile.* Bonneville shall determine the amount of energy needed for an actual restriction pursuant to subsection (e)(1) above.

(C) *Flexibility—Third Quartile.* Pursuant to section 8(d)(3), Bonneville will determine the amount of Flexibility Replacement Energy required, if any, for a restriction pursuant to subsection (e)(3) above, and the date by which the Purchaser and other Industrial Purchasers shall deliver their respective shares of Flexibility Replacement Energy.

(D) *Notice and Proposal.* Bonneville will notify the Purchaser as soon as possible of any actual restriction necessary under subsections (d) and/or (e) above, including any restriction pursuant to subsection (d)(2) above. The notice shall state the date by which the restriction will be implemented. Upon receipt of the notice, the Purchaser shall as soon as practicable submit a proposal which will provide delivery to Bonneville, prior to the date specified in the notice, of the energy associated with the actual restriction in the amounts determined in this paragraph (4), under conditions which enable Bonneville to use such energy to supply its Firm Obligations. The Purchaser shall supply such energy by any method including, but not limited to, reductions of its load on the Federal System. The Purchaser shall not be required to reduce its load on the Federal System to less than 25 percent of its Operating Demand but will have the option of doing so. Bonneville will notify the Purchaser in a timely manner whether or not the proposal is acceptable. If the Purchaser does not submit a timely proposal which Bonneville accepts, Bonneville will implement the restriction pursuant to subsections (d) and/or (e) above, as the case may be.

(g) *Revision of Quartile Restrictions.* Bonneville may revise the amount and estimated duration of any actual restrictions imposed in accordance with subsections (c), (d), and (e) above. If so revised, Bonneville shall give the Purchaser as much advance notice as possible. The total amount of such revised restriction(s) may not exceed the lesser of the maximum amounts permitted in accordance with said subsections or the amounts set forth in the notices submitted pursuant to subsections (f)(3) and (f)(4) above.

(h) *Restriction for Advance Replacement Energy.* If the Purchaser fails to submit a satifactory proposal for delivery of Advance Replacement Energy in accordance with section 8(c)(10), Bonneville shall impose a restriction of deliveries to the Purchaser. Said restriction will be in the amount and for the duration of the period estimated by Bonneville in its notice to deliver Advance Replacement Energy pursuant to section 8(c)(10), unless Bonneville notifies the Purchaser of a different amount and period of restriction prior to imposing the restriction.

(i) *Auxiliary Demand Restriction Rights.* Bonneville may restrict deliveries of Auxiliary Power in whole or in part for any reason.

(j) *General Provisions Regarding Restrictions.* (1) Bonneville shall to the extent practicable apportion restrictions among the Purchaser's production facilities in the region as requested by the Purchaser.

(2) Upon mutual agreement of the parties, this contract may be amended to adjust the provisions whereby Bonneville restricts the delivery of Industrial Firm Power to the Purchaser in order to reflect changed operating conditions, or to use means other than restrictions of the Purchaser's demands to provide more cost-effective reserves for Bonneville's Firm Obligations.

(3) Unless otherwise agreed, restrictions of deliveries under subsections (c), (d), and (i) above shall be made proportionately among all Industrial Purchasers on the basis of their respective Operating Demands and/or Auxiliary Demands subject to such restrictions: *Provided, however,* That restrictions pursuant to subsection (i) above shall be made before restrictions pursuant to subsections (c), (d) and (e) above: *Provided, further,* That an Industrial Purchaser which

has voluntarily curtailed deliveries pursuant to sections 9(a), 9(b), and/or 9(c) shall not be further restricted until all other Industrial Purchasers have been restricted to the same percentage of Auxiliary Demand and/or Operating Demand, as applicable. Commencing with the billing period next following the imposition of such restrictions, the nondelivery of electric power and energy shall be treated for all purposes as a restriction, and not a curtailment, up to the amount of the restriction.

(4) if the Purchaser's Plant is shut down in whole or in part because of a restriction pursuant to this section, whether alone or in combination with the exercise of the Purchaser's option under sections 9 (e) and/or (f), prior to the resumption of deliveries of power under this contract, the Purchaser shall supply Bonneville with a schedule of requested deliveries for a period, not in excess of three months, during which the Purchaser's Plant will return to full operation, or, if deliveries are only partially restored during such period, the optimum operation possible with such partial restoration. The Purchaser shall use its best efforts to restore Plant operation in accordance with such schedule. The three months' period may be extended at Bonneville's discretion for such additional time as is justified by the requirements of resumption of full operation.

(5) Bonneville shall use its best efforts to include contractual oversight provisions in its resource acquisition contracts with resource owners and operators to assure prudent construction and operation of their resources in order to minimize restrictions hereunder.

(6) The restriction rights provided in subsection (d) above do not provide a reserve for the purpose of meeting unanticipated load growth or because the Region has failed to plan adequate resources.

(7) Prior to a restriction under subsections (c), (d), or (e) above, Bonneville shall permit, without additional demand or unauthorized increase charges, nonrecurring demand overruns of the existing operating level necessary for the Purchaser to adequately prepare for such restriction. When any such restriction ends, Bonneville shall also permit, without additional demand or unauthorized increase charges, nonrecurring demand overruns of the resumed scheduled operating level. Such overruns shall not exceed a period of four hours: *Provided, however,* That overruns occasioned by peak restrictions pursuant to subsection (c)(4) above, or forced outage and stability restrictions pursuant to subsection (b) above shall not exceed a period of 24 hours. Bonneville shall serve such overruns with Auxiliary Power, if available, and will bill the Purchaser at the energy charge associated with the overrun.

8. *Operation.* (a) *Principles.* (1) Bonneville is obligated to and will treat 75 percent of the Industrial Purchasers' Operating Demands as a firm load for purposes of both resource planning and operation, and the remainder of such Operating Demands as a firm load for purposes of resource operation only.

(2) Bonneville will meet the foregoing obligaton while retaining the restriction rights set forth in this contract. Nonfirm energy will not be sold under the NF–1 rate schedule, its successor, or any other rate schedule if, in Bonneville's sole determination, such energy could be prudently conserved for service to the Industrial Purchasers' First Quartile loads.

(3) In addition to conserving energy, consistent with section 7(c), for service to the First Quartile, Bonneville will provide First Quartile service through use of techniques and rights enabling Bonneville to move firm load and/or firm power between and among periods of time, subject to prudent operation, to the extent permitted by law and other operating limitations, including but not limited to the Coordination Agreement.

(A) The purpose of these efforts by Bonneville is to achieve the highest possible availability of Industrial Firm Power, consistent with the treatment of the First Quartile as a firm load for purposes of resource operation, to the extent this load can be met without diminishing the level of protection of all of Bonneville's Firm Obligations against the worst historical streamflows and maintaining an ability to exercise the restriction rights pursuant to section 7, and other rights provided hereunder.

(B) The techniques that Bonneville will or may use to achieve this purpose include, but are not necessarily limited to:

(i) The shifting of FELCC from one year of the Critical Period to another;

(ii) The borrowing of FELCC within given years of the Critical Period;

(iii) The use of FELCC available to Bonneville prior to the beginning of the Critical Period in the early months of given Contract Years; and

(iv) The use of Advance Energy and other provisional reservoir drafts.

(C) The terms and conditions applicable to such techniques when used to provide First Quartile service shall be those described in this section, unless otherwise mutually agreed. In the event that Bonneville allocates energy associated with any of the techniques in subparagraph (B) above, Bonneville will deliver such energy to the Purchaser in the order, if any, and during the periods, if any, specified in the operating agreements or annual operating plans described in paragraph (4) below, or such longer period as determined by Bonneville.

(D) The techniques in subparagraph (B) above are independent of one another and may be used by Bonneville either separately or in any combination.

(4) Operating agreements between Bonneville and the Industrial Purchasers exist as of the Effective Date of this contract. Operating agreements or annual operating plans are contemplated to exist from time to time during the term of this contract. The annual operating agreement for the 1981–82 Contract Year presented in the letter dated August 14, 1981, from Bonneville to the Industrial Purchasers is hereby incorporated herein.

(A) Such operating agreements or annual operating plans may, and ordinarily will, differentiate between operations providing service for the First Quartile and operations providing service in lieu of restriction for other Quartiles, reflecting the distinctions set forth in paragraph (1) above.

(B) The parties shall use their best efforts to arrive at an operating agreement or annual operating plan prior to each Contract Year.

(C) If an operating agreement or annual operating plan for First Quartile service is not agreed upon by the parties, Bonneville will use its best efforts under this section to provide First Quartile service in accordance with the annual operating agreement for the 1981–82 Contract Year, or under an annual operating plan that would provide comparable service for the first half of the Contract Year with comparable risks and benefits for the Industrial Purchasers and Bonneville.

(D) Operating agreements or annual operating plans may by agreement alter the provisions that would otherwise apply pursuant to sections 7, 8, and 9 of this contract.

(E) Unless Bonneville determines, upon agreement with the Industrial Purchasers, that a larger or longer shift of FELCC would be prudent under the circumstances, Bonneville shall not shift non-surplus FELCC for service to the Purchaser's first Quartile load into that portion of the Contract Year following the date of availability of the forecast, determined by Bonneville to be the first reliable forecast, of the Columbia River Basin volume runoff. This limitation shall not apply to Advance Energy or Flexibility Energy.

(F) Bonneville shall consult with the Industrial Purchasers in order to attempt to develop an energy accounting system for the purpose of reflecting the impact of operations under this section on Bonneville's ability to meet its Firm Obligations, and adjusting the obligation of the Industrial Purchasers for replacement of energy accordingly.

(G) Prior to agreeing to any modification of the Coordination Agreement or taking any other action that would reduce the expected average availability of Industrial Firm Power under this contract by altering Bonneville's ability to operate the resources available to it, or by altering the bases on which Bonneville plans its acquisition or operation of resources, Bonneville will consult with the Industrial Purchasers as to any amendments to the DSI Contracts that may be possible to preserve for the Industrial Purchasers such expected average availability. In the event of any such modification or action, Bonneville will use its best efforts to continue to provide the Industrial Purchasers with Industrial Firm Power in the average amounts expected to be available pursuant to the DSI Contracts, and both parties will negotiate in good faith any such contract amendment.

(b) *Shift of FELCC.* (1) During the period February through July of each year, the Firm Energy Load Carrying Capability (FELCC) of the Federal Columbia River Power System is determined for the next Critical Period according to the terms of the Coordination Agreement. Subject to the terms and conditions of this section, the Coordination Agreement and prudent utility practice, Bonneville shall shift non-surplus FELCC (Shifted FELCC) and Surplus FELCC into the first Contract Year, or portion thereof, of the Critical Period to serve the Industrial Purchasers' First Quartile loads in addition to

Bonneville's other Firm Obligations. Bonneville shall make available and deliver such energy subject to the provisions of this subsection and subsection (d) below.

(A) Bonneville shall determine in its sole discretion how Shifted FELCC shall be made available. Bonneville will specify whether: (i) Shifter FELCC shall be made available for limited periods or amounts, or (ii) Shifted FELCC shall be allocated. If it is to be allocated, Bonneville shall allocate such energy proportionately among all Industrial Purchasers on the basis of each Industrial Purchaser's projected operating level in excess of 75 percent of its Operating Demand unless otherwise agreed by the parties.

(B) For each Contract Year of a Critical Period Bonneville will maintain an account and will record therein in kilowatthours the resulting debits and credits to be made to the Purchaser hereunder based on FELCC shifted from such year for the purpose of making Shifted FELCC available to the Purchaser by Bonneville pursuant to this subsection (Shifted FELCC Account).

Prior to the first Contract Year of each Critical Period during the term hereof, the Purchaser will receive for each succeeding Contract Year of such Critical Period a debit of one kilowatthour for each kilowatthour of FELCC shifted from such succeeding Contract Year to be made available during the first Contract Year of such Critical Period pursuant to this subparagraph; *Provided, however,* That the total of all such debits shall not be greater than the amount of Shifted FELCC indicated for the Purchaser in the most recent notice given pursuant to section 7(f)(3). Monthly amounts of outstanding debits used for purposes of subparagraph (B)(iii) below shall be determined based on the actual deliveries of Shifted FELCC or the last month in which Bonneville determines such Shifted FELCC was made available.

At the beginning of each Contract Year during the term hereof, the Purchaser will receive for each month of the previous Contract Year:

(i) A credit or debit, as the case may be, of one kilowatthour for each kilowatthour of Shifted FELCC reassigned pursuant to paragraph (b)(4) below;

(ii) A credit to the Shifted FELCC Account for the Contract Year, determined by Bonneville at the time of the restriction, of one kilowatthour for each kilowatthour of (I) Shifted FELCC which was not delivered because of a restriction pursuant to section 7(c) or Uncontrollable Force or an Event during such month, and (II) Shifted FELCC returned to Bonneville through a restriction pursuant to section 7(e)(1) during such month; and

(iii) A debit of kilowatthours in the amount of FELCC head Losses associated with the net outstanding debits in the Shifted FELCC account for such month.

(C) Bonneville will maintain an account and will record therein in kilowatthours the debits and credits to be made to the Purchaser based upon Shifted FELCC made available to the Purchaser by Bonneville hereunder (Delivered FELCC Account). At the end of each month in the term hereof, the Purchaser will receive:

(i) A credit of one kilowatthour for each kilowatthour of (I) Shifted FELCC which was not delivered because of a restriction pursuant to section 7(c) or Uncontrollable Force or an Event during such month, and (II) Shifted FELCC returned to Bonneville through a restriction pursuant to section 7(e)(1) during such month;

(ii) A debit of kilowatthours in the amount of FELCC Head Losses associated with the net outstanding debits in the Delivered FELCC Account for such month; and

(iii) A debit of one kilowatthour for each kilowatthour of Shifted FELCC to be made available to the Purchaser by Bonneville during the following month;

Provided, however, That for the purpose of section 7(e)(1)(A) the total of outstanding debits for all the Industrial Purchasers shall not exceed at any time the amount by which Bonneville determines that the appropriate Reservoirs' contents were below the contents they would have attained had Bonneville not actually delivered such Shifted FELCC to the Industrial Purchasers.

(D) The outstanding debits in the Purchaser's Shifted FELCC Account shall be cancelled and no credits or debits shall accrue to such account thereafter:

(i) For the current Contract Year of any Critical Period at 2400 hours on June 30 of such Contract Year;

(ii) For a Contract Year for all Critical Periods other than the Critical Period from which such Contract Year's FELCC is established, at 2400 hours on July 31, of such Contract Year; and

(iii) For each Contract Year of a Critical Period at such time as the FELCC for the first Contract Year of such Critical Period is established from a Contract Year other than the first Contract Year of such Critical Period.

(E) The Outstanding debits in the Purchaser's Delivered FELCC Account shall be cancelled as of the beginning of a Contract Year if, for such Contract Year, the FELCC is established from a first Contract Year of a Critical Period.

(2) If the FELCC which is established for the Contract Year includes service to part or all of the Industrial Purchasers' First Quartile loads Bonneville shall use all of its firm resources, including its rights to secure energy to support FELCC, to serve such portions of the Operating Demands so included up to the amount of energy shifted therefor in paragraph (1) above.

(3) *Rejection of Proposed First Quartile FELCC Shift.* (A) Upon receipt of Preliminary Regulation results, Bonneville shall notify the Industrial Purchasers of the anticipated amount of Shifted FELCC to be made available for the succeeding Contract Year and the portion of such year in which it is anticipated to be made available (First Quartile FELCC Shift). Within two weeks thereof, the Purchaser may by written notice reject all or any portion of its share of a First Quartile FELCC Shift for the following Contract Year, and Bonneville shall not shift for the Purchaser the amount so rejected. Such notice shall specify the amount of First Quartile FELCC Shift rejected and the period covered by the rejection (a minimum of 30 consecutive days unless waived by Bonneville).

(B) For the period specified in the notice or the period of First Quartile FELCC Shift, whichever is shorter (Prior Notice Period), Bonneville may, but will not be obligated to, serve the portion of the First Quartile that could have been served with rejected FELCC. The Purchaser may curtail its Plant load, but if it does not or if it restores Plant load during the Prior Notice Period after a curtailment, and if Bonneville is able to serve such portion of the First Quartile, such service will be provided with Auxiliary Power, which may not be displaced by the Purchaser's use of non-Federal energy. With respect to the demand associated with any portion of the load not served by Bonneville during the Prior Notice Period and which is not curtailed and could have been served with the rejected FELCC, the Purchaser shall pay Bonneville the partial demand charge specified in section 9(c)(2), subject to the conditions specified therein.

(C) The conditions in subparagraph (B) above shall apply unless:

(i) Bonneville indicates in its notice by August 15, pursuant to section 7(f)(3)(C), the established FELCC did not include a non-surplus FELCC shift for the First Quartile; or

(ii) Bonneville is able to find another Industrial Purchaser(s) who will agree to accept within the same Prior Notice Period the rejected FELCC shift: *Provided, however,* That deliveries of Industrial Firm Power to such other Industrial Purchaser(s) shall not in total exceed 100 percent of each such other Industrial Purchaser's Operating Demand, nor exceed the amount of energy that can be returned through Third Quartile restriction rights pursuant to section 7(e) in years from which FELCC was shifted.

(4) *Rejection After First Quartile FELCC Shift.* By written notice to Bonneville at least 24 hours before the first day of any month, the Purchaser may reject all or a portion of deliveries of First Quartile FELCC Shift without reducing its Plant load, but it may elect to do so under the same or a separate notice. Such written notice shall specify the amount of First Quartile FELCC Shift rejected and the period covered by the rejection. Each such rejection shall be in force in the amount, and for the period of time, specified in the Purchaser's notice (but at least 30 consecutive days unless waived by Bonneville), unless subsequently changed by the Purchaser giving similar notice. For the period specified in the notice or the period of First Quartile FELCC Shift, whichever is shorter (Post Notice Period), such rejection shall not reduce the Purchaser's Third Quartile restriction obligations unless Bonneville is able to find another Industrial Purchaser(s) who will agree to accept within the same Post Notice Period (unless otherwise agreed by Bonneville) the energy associated with the rejected FELCC shift and the subsequent return obligation: *Provided, however,* That deliveries of Industrial firm Power to such other Industrial Purchaser(s) shall not in total exceed 100 percent of each such other Industrial Purchaser's Operating Demand, nor exceed the amount of energy that can be returned through Third Quartile restriction rights pursuant to section 7(e) in years from which

FELCC was shifted. Bonneville shall not be obligated to treat as a firm load for the purpose of resource operation that portion of the Purchaser's First Quartile load that could have been served with the energy associated with the rejected FELCC shift.

If the Purchaser has reduced its Plant load, it may, after a minimum period of 30 days from the initial date of the Post Notice Period, unless waived by Bonneville, increase its Plant load prior to the end of the Post Notice Period. In such event, Bonneville shall operate to serve the increased portion of the Purchaser's First Quartile load as though it were firm to the extent that it is possible to do so with any previously rejected FELCC, and to the extent that Bonneville at that time is providing similar service to the other Industrial Purchasers. If insufficient rejected FELCC is available, Bonneville may serve the increase with Auxiliary Power, if it is available, or the Purchaser may serve such increase with non-Federal energy.

(5) For the duration of the Post Notice Period, the Purchaser shall pay Bonneville the full charges pursuant to Exibit A for the portion of its Operating Demand not directly served by Bonneville because of rejected FELCC. Bonneville will endeavor to mitigate such charges. Energy shall be determined on the basis of the average Plant load factor experienced over the three months prior to such notice period.

(c) *Advance Energy.* (1) Bonneville at its sole discretion may make available to its Industrial Purchasers such Advance Energy as it determines can be make available by making releases from Federally controlled and Canadian reservoirs (hereinafter called "Reservoirs"), in addition to those releases it would otherwise make. Advance Energy so made available will be accounted for in the Advance Energy Account as provided in paragraph (8) below.

(2) Bonneville shall determine in its sole discretion how Advance Energy shall be made available. Bonneville will specify whether: (A) Advance Energy shall be made available for limited periods or amounts to minimize restriction by Bonneville; (B) Advance Energy may be used by the Purchaser in conjunction with other supplies of energy within a time specified by Bonneville; and (C) Advance Energy will be made available only to serve a portion of the Purchaser's Operating Demand. The Purchaser may reject all or a portion of the Advance Energy under the same conditions provided for rejection of FELCC pursuant to subsection (b)(3) above; *Provided, however,* That use of FELCC may be extended as provided in subsections (a)(3)(C), (a)(4), and (b)(4) above.

(3) Prior to each delivery of Advance Energy Bonneville shall determine, and notify the Purchaser, whether it shall be used as it is made available to the Industrial Purchasers or be allocated among the Industrial Purchasers. If it is to be allocated, such allocation shall be in proportion to the Industrial Purchasers' respective Operating Demands at the time Advance Energy is first made available, unless Bonneville determines that such allocation would not treat the Industrial Purchasers equitably; in such event, Bonneville shall allocate in proportion to the Industrial Purchasers' respective Plant operating levels, supplied by Bonneville, at the time Advance Energy is first made available, or to some previous respective Plant operating levels, supplied by Bonneville, of the Industrial Purchasers. Any allocation of Advance energy in such Contract Year shall be made in the manner specified in the notice pursuant to paragraph (4) below. Bonneville reserves the right to exclude allocations of Advance Energy to load supplied with Auxiliary Power.

(4) On or before August 15 of each Contract Year, if possible, or in any event prior to the delivery of Advance Energy in such Contract Year, Bonneville will notify the Purchaser of the terms of availability and of allocation, if any, pursuant to paragraph (3) above, of such Advance Energy and the Replacement Correction Factor to be in effect for such Contract Year. Such notification will request any information required of the Purchaser by Bonneville with respect to the Purchaser's method of use of Advance Energy. As soon as any additional amount of Advance Energy is available or the period of availability is extended, Bonneville will as soon as practicable notify the Purchaser.

(5) Bonneville may, but under ordinary conditions will not, make Advance Energy available to the Purchaser hereunder:

(A) During any period in which the total number of debits in the Advance Energy Account of this and similar contracts with the Industrial Purchaser equals or exceeds the product obtained by multiplying 3.4 billion kilowatthours by the appropriate Replacement Correction Factor, provided in the notice pursuant to paragraph (4) above, in effect during the period in which such debits were entered;

(B) During any period in which forecasts of future loads and resources, including forecasts of Columbia River Basin volume runoff based on reliable indices such as snowpack, indicate a substantial failure to refill the Reservoirs before the next August 15; or

(C) In an amount which, including the application of the Replacement Corection Factor, is in excess of the amount which the Purchaser could replace in the manner described in paragraph (10) below over the period which in Bonneville's judgement is the minimum period in which such replacement can be effected.

(6) As soon as the following information is available for each Contract Year, Bonneville will furnish to the Purchaser:

(A) At the Purchaser's request, Bonneville's proposed operating plans, based on the latest load and resource estimates available, for the Reservoirs for such year under both critical year streamflow conditions and median month streamflow conditions; and

(B) A date when the Purchaser's uncancelled obligation to replace Advance Energy delivered during such Contract Year will terminate: *Provided, however,* That such date shall not be later that two years after the end of the Critical Period which begins with such Contract Year.

(7) Bonneville will maintain an account and will record therein in kilowatthours the debits and credits to be made to the Puchaser hereunder ("Advance Energy Account"). At the end each month in the term hereof the Purchaser will receive:

(A) A debit of one kilowatthour for each kilowatthour of Advance Energy delivered to the Purchaser by Bonneville during such month;

(B) A credit of one kilowatthour for each kilowatthour of Advance Replacement Energy, delivered to Bonneville pursuant to paragraph (10) below; and

(C) A debit of kilowatthours in the amount of Advance Head Losses associated with the net outstanding debits in the Advance Energy Account.

(8) All outstanding debits in the Advance Energy Account will be cancelled at any time when (A) the Reserviors from which water was released to make the Advance Energy available, or to which such a release is, or can be considered as having been, transferred, are completely full or at or above the maximum elevations permitted by flood control requirements; (B) water is released from such Reservoirs for the primary purpose of providing space for flood control; or (C) Bonneville determines that it has sufficient electric energy to meet its Firm Obligations, without requiring the return of Advance Replacement Energy pursuant to paragraph (10) below. The elevations of the Reservoirs will be examined periodically. If such Reservoirs do not refill or reach the maximum level required by flood control or other appropriate constraints, but do refill at any time above the highest level, adjusted for non-Federal storage, at which the Reservoirs could hold the return of all the Advance Energy released from such Reservoirs, plus any release of Advance Energy from another reservoir which is, or can be considered as having been, transferred to such Reservoirs (Maximum Level), outstanding debits will be cancelled at that time to the extent of the energy equivalent of refill above the Maximum Level. Outstanding debits entered for a particular Contract Year will be cancelled on the date specified for that Contract Year pursuant to paragraph (6)(B) above; *Provided, however,* That Bonneville may cancel all or any portion of the outstanding debit at any earlier time.

(9) To the extent that Bonneville sells nonfirm energy in accordance with the provisions of this contract using water which could have been stored or conserved for purpose of avoiding or reducing the Purchaser's Advance Replacement Energy obligation, Bonneville shall acquire or recall any electric energy which it is legally authorized to acquire or recall, and which is available at a Reasonable Cost, before requiring delivery of Advance Replacement Energy.

(10)(A) At any time Bonneville determines that, as a result of prior deliveries of Advance Energy hereunder, there will be a shortage of energy to supply its Firm Obligations, Bonneville may require the Purchaser to replace all or any portion of the electric energy evidenced by outstanding debits in the Purchaser's Advance Energy Account ("Advance Replacement Energy"). If Bonneville so determines that such shortage of energy exists or is anticipated, it shall promptly notify the Purchaser in writing of

the amount of such shortage and the date by which the Purchaser and other Industrial Purchasers shall deliver their respective shares of Advance Replacement Energy, based on the then outstanding debits of the Advance Energy Accounts for all Industrial Purchasers.

(B) Upon receipt of the notice, the Purchaser shall as soon as practicable submit a proposal which will provide delivery to Bonneville of the required amount of Advance Replacement Energy, prior to the date specified in the notice, under conditions which will enable Bonneville to use such energy to supply its Firm Obligations. The Purchaser shall supply such Advance Replacement Energy by any method, including but not limited to, reduction of its load on the Federal System. The Purchaser shall not be required to reduce its load on the Federal System to less than 25 percent of its Operating Demand but shall have the option of doing so. Bonneville will notify the Purchaser on a timely basis whether the proposal is acceptable. If the Purchaser does not submit a timely proposal which Bonneville accepts, Bonneville will implement a restriction pursuant to section 7(h). Except as provided in section 7(h), Advance Replacement Energy supplied by reduction of load on the Federal System shall not include any energy associated with a restriction, pursuant to section 7, in effect at the time of such reduction.

(C) Bonneville shall not enter into any Firm Obligations, subsequent to delivery of Advance Energy, which on a planning basis can be served only by recall of such Advance Energy.

(11) Any outstanding debits in the Advance Energy Account as accrued under the Prior Contracts are hereby transferred to the Advance Energy Account established under this agreement as of the Effective Date.

(d) *Borrowed FELCC (Flexibility Energy).* (1) Bonneville may provide service to the Purchaser's First Quartile loads during a Contract Year using FELCC borrowed from later months of such Contract Year (borrowed FELCC or Flexibility Energy) as permitted under the Coordination Agreement.

(2) Bonneville will maintain an account and will record therein in kilowatthours the debits and credits to be made to the Purchaser hereunder (Flexibility Account). At the end of each month in the term hereof the Purchaser will receive:

(A) A debit in the amount of the kilowatthours of Flexibility Energy delivered to the Purchaser by Bonneville during such month; and

(B) A credit of one kilowatthour for each kilowatthour of Flexibility Replacement Energy obtained by:

(i) Minimizing deliveries of Flexibility Replacement Energy pursuant to paragraph (4) below;

(ii) Restrictions of energy pursuant to section 7(e)(3); and

(iii) Other returns of energy approved by Bonneville for the purpose of reducing the Flexibility Account.

(3) To the extent that Bonneville determines at any time that there will be a shortage of FELCC to meet its Firm Obligations in the Contract Year in which the FELCC was borrowed, Bonneville may require the Purchaser to return all or any portion of the electric energy evidenced by outstanding debits in the Purchaser's Flexibility Account (Flexibility Replacement Energy).

(4) Bonneville will use its best efforts, including use of water previously stored in reservoirs for this purpose, to avoid the need for return of Flexibility Energy. To the extent that returns are not required in any month in which such returns had been originally indicated pursuant to paragraph (3) above, Bonneville will credit the Purchaser's Flexibility Account equal to the difference between the return originally required for such month and the actual return.

(5) At the end of each Contract Year any remaining balance in the Flexibility Account shall be cancelled, and the account reduced to zero: *Provided, however,* That Bonneville may cancel all or any portion of the outstanding debit at any earlier time.

(e) *Surplus FELCC.* To the extent possible, as permitted under the Coordination Agreement, Bonneville shall use FELCC in excess of its Firm Obligations, whether from the current Contract Year or shifted from other periods of the Critical Period into such Contract Year (Surplus FELCC), to serve the Industrial Purchasers' First Quartile loads, and shall do so prior to proceeding under subsections (b), (c), and (d) above. The Purchaser shall not be obligated to provide Third Quartile restriction rights for such use of Surplus FELCC.

9. *Curtailment by the Purchaser.* (a) *Curtailment of Auxiliary Power.* By written notice to Bonneville given at least 24 hours prior to the first day of any month, the Purchaser may curtail deliveries of Auxiliary Power, beginning on or after the first day of such month. Each such curtailment shall be in force in the amount(s), and for the period of time specified in the Purchaser's notice (but at least 30 consecutive days unless waived by Bonneville), unless subsequently changed by the Purchaser giving a similar notice.

(b) *Curtailment Above Level of First Quartile FELCC Shift.* By written notice to Bonneville given at least 24 hours prior to the first day of any month, the Purchaser may curtail deliveries of Industrial Firm Power, beginning on or after the first day of such month, in amounts not greater than the lesser of 25 percent of its Operating Demand or the amount by which the Purchaser's First Quartile load exceeds the non-surplus FELCC shifted to meet the Purchaser's First Quartile load at any time during the period of such curtailment (First Quartile FELCC). Such written notice shall specify the level of curtailment and probable duration thereof. Each such curtailment shall be in force in the amount(s), and for the period of time specified in the Purchaser's notice (but at least 30 consecutive days unless waived by Bonneville), unless subsequently changed by the Purchaser giving a similar notice.

(c) *Curtailment Below First Quartile.* By written notice to Bonneville at least 30 days prior to the beginning of curtailment, the Purchaser may curtail deliveries of Industrial Firm Power below the First Quartile in amounts up to and including the remaining 75 percent of its Operating Demand. Each such curtailment shall be in force in the amount(s), and for the period of time specified in the Purchaser's notice (but at least 30 consecutive days unless waived by Bonneville), unless subsequently changed by the Purchaser giving similar notice: *Provided, however,* That in any sequence of notices, the Purchaser shall give Bonneville 60 days' notice prior to partial or complete revocation of curtailment under this subsection.

(1) The "contract kilowatt-months" on any date in the term hereof shall be the sum of products computed by multiplying each Contract Demand for Industrial Firm Power specified in this contract by the number of months or fractions thereof during which each such Contract Demand has been and is to be in effect. In making such computation such Contract Demand shall not be reduced as the result of any curtailment in Operating Demand made, or which could be made, under this section, section 8, or as the result of any restriction in Operating Demand made or which could be made, pursuant to section 7.

(2) For each month during periods of curtailment of deliveries in accordance with this subsection, the Purchaser shall pay Bonneville, in addition to the payment for electric power and energy provided under this contract, the product obtained by (A) multiplying the difference in the billing demand for Industrial Firm Power, determined as provided in paragraph (3) below, by the appropriate demand charge in Exhibit A, and (B) multiplying the product so obtained by whichever of the following factors is applicable:

(i) 0.4, during the period when such curtailments (expressed in kilowatt-months) total not more than 3.75 percent of such contract kilowatt-months;

(ii) 0.9, during the period when such curtailments total more than 3.75 percent, but not more than 7.5 percent of the contract kilowatt-months; or

(iii) 1.0, during the period when such curtailments total more than 7.5 percent of the contract kilowatt-months.

If a curtailment is in effect under this subsection during a portion of a month, the charge computed as provided in this subsection shall be reduced by multiplying it by the ratio of the number of days in such month that the curtailment was in effect to the total number of days in such month.

(3) The "difference in the billing demand" shall be the lesser of the difference calculated by subtracting the requested Curtailed Demand from (A) 75 percent of the Operating Demand, and from (B) the Restricted Demand in effect at the time of request or any subsequent lower Restricted Demand: *Provided, however,* That if Bonneville imposes a Restricted Demand less than the Curtailed Demand said "difference in the billing demand" shall be zero.

(d) The curtailments provided in this section are independent of one another and may be made separately or together: *Provided, however,* That curtailment pursuant to subsection (c) above may be made only if and to the extent that the Purchaser's First Quartile load is restricted pursuant to section 7, curtailed pursuant to

this section or section 8, or served with non-surplus FELCC or Advance Energy. The total curtailments pursuant to subsection (b) and sections 8(b)(3), and 8(b)(4), and restrictions pursuant to section 7(c) in effect from time to time may not exceed 25 percent of the then effective Operating Demand.

(e) The Purchaser may completely shut down the Plant (including in response to any restriction by Bonneville hereunder), but will remain liable for amounts due under this contract after giving effect to all billing adjustments for curtailments and/or restrictions made or permitted pursuant to this contract.

(f) If the Purchaser's Plant is shut down in part because of a curtailment pursuant to this section, or in whole pursuant to subsection (e) above, at least two weeks prior to the resumption of deliveries of power under this contract the Purchaser shall supply Bonneville a schedule of requested deliveries for a period, not in excess of three months, during which the Purchaser's Plant will return to full operation or, if deliveries are only partially restored during such period, the optimum operation possible with such partial restoration. The Purchaser shall use its best efforts to restore Plant operation in accordance with such schedule. The three-month's period may be extended at Bonneville's discretion for such additional time as is justified by the requirements of resumption of full operation.

(g) The Purchaser shall not submit more than three levels of Curtailed Demand for any month if notices of curtailment are given under this section.

(h) If Bonneville restricts all or any portion of the Purchaser's Operating Demand and the Purchaser is physically unable to reduce its Plant load to the Restricted Demand level, the Purchaser may make additional load reduction to achieve a practical operating level. Such additional reduction shall not be treated as a curtailment. Bonneville will not assess any demand charge against the portion of the Purchaser's Operating Demand not served because of such additional reduction.

10. *Use of Power.* The power to be delivered to the Purchaser hereunder shall be used by the Purchaser only for the production of ———— and related products.

11. *Fish and Wildlife Responsibilities.* In meeting its obligations under this contract, Bonneville affirms its obligations under sections 4 and 6 of the Regional Act and other applicable law with respect to implementation of measures and objectives for the protection, mitigation, and enhancement of fish and wildlife, while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. This contract shall not impair compliance with such obligations.

12. *Mid-Term Contract Review.* To facilitate mutual planning, the parties agree that on the 5th, 10th, and 12th year of this contract, and at other mutually agreed times, the parties shall review:

(a) The status of Bonneville's planned and existing resources;

(b) Forecasts of Bonneville's need for such resources to serve firm load and other obligations; and

(c) Each party's then current expectations regarding their ability and intent to negotiate new contract service for later time periods.

If the Purchaser desires service from Bonneville beyond the term of this contract, the Purchaser shall request a new power sales contract not later than the end of the 12th Contract Year. Bonneville shall not be obligated to offer the Purchaser a new power sales contract because of any request, but shall promptly proceed to attempt to acquire sufficient resources to enable it to grant such request. If, as a result of such request, Bonneville acquires resources or makes other expenditures to serve the Purchaser under a new power sales contract and offers to negotiate in good faith a new power sales contract with the Purchaser, the Purchaser shall reimburse Bonneville for all otherwise unrecoverable costs incurred as a result of said acquisitions or other expenditures should the Purchaser fail to sign such contract. Bonneville shall use its best efforts to mitigate such costs.

13. *Miscellaneous.* (a) Any determinations, estimates, consents, agreements, or approvals under this contract by either party shall be reasonable.

(b) Except as otherwise expressly provided to the contrary in this contract with regard to specific exhibits, the provisions of this contract may be amended only by the mutual written agreement of the parties hereto subsequent to the date of execution of this contract. This subsection (b) shall not prevent oral waiver of performance on a temporary basis by either party, or temporary informal arrangements between the parties in response to operational conditions on the system of either party not specifically provided for in this contract.

(c) If Bonneville offers to enter into a written amendment of any other Industrial Purchaser's power sales contract, other than informal arrangements between the parties referred to in subsection (b) above, Bonneville shall offer to the Purchaser a corresponding amendment of this contract, to the extent such a corresponding amendment would be applicable to the Purchaser under this contract. Bonneville shall advise and use reasonable efforts to consult with the Purchaser during the development or consideration of any offer to enter into such amendments. This contract is offered pursuant to sections 5(d) and 5(g), including, but not limited to, section 5(g)(7), of the Regional Act, and amendments hereto shall not be construed to represent the offer of a new contract.

(d) The Purchaser shall have one year from the date it receives a signed copy of this contract from Bonneville to accept the contract. Bonneville's offer to make Industrial Firm Power available hereunder shall expire unless Bonneville has received a signed contract from the Purchaser by the end of such year.

(e) Provisions of sections 7 and 8 notwithstanding, Bonneville reserves the right to enter into separate arrangements, with certain Industrial Purchasers, that Bonneville determines are appropriate to fulfill the intention of the Regional Act, including section 7(d)(2) thereof. Such separate arrangements may contain provisions relative to operations and restrictions of deliveries that differ significantly from the operation and restriction provisions of this contract and that affect the operations and restrictions among Industrial Purchasers as provided in this contract.

14. *Definitions.* (a) *"Advance Head Losses"* means the quantity of energy, in addition to the amount of Advance Energy delivered, which is required to restore Bonneville's reservoirs to the same condition they would have been if no Advance Energy had been delivered. (For example, if the Replacement Correction Factor was "1.008 per month," such quantity of energy would be determined monthly as the product of 0.008 and the outstanding balance in the Advance Energy Account.)

(b) *"Auxiliary Power"* means an amount of electric power associated with the Auxiliary of electric energy used on an intermittent basis.

(c) *"Contract Year"* means the period commencing each July 1 and ending the following June 30.

(d) *"Coordination Agreement"* means that contract among bonneville and Northwest generating entities, providing for coordinated operation of regional resources, designated as Contract No. 14-03-48221, as amended or replaced.

(e) *"Curtailed Demand"* means the number of kilowatts of Industrial Firm Power which results from the Purchaser's request for such power in amounts less than the Operating Demand specified therefor in Exhibit C, determined pursuant to sections 8 and 9.

(f) *"Customer"* means anyone who contracts for the purchase of electric power or energy from Bonneville.

(g) *"FELCC Head Losses"* means the quantity of energy, in addition to the energy shifted, required to restore the Federal reservoirs to the same condition they would have been had FELCC not been shifted. FELCC Head Losses are computed in the same manner as Advance Head Losses, using the Replacement Correction Factor, or such smaller factor as may be determined by Bonneville. The Industrial Purchasers shall not be assessed any FELCC Head Losses associated with Surplus FELCC, Flexibility energy or FELCC shifted but subsequently restricted.

(h) *"Firm Obligations" means all of Bonneville's firm commitments to supply electric power and/or energy (Firm Commitments:)*

(1) Existing on the Effective Date,

(2) In the Region incurred on or after the Effective Date,

(3) Other Firm Commitments that Bonneville may incur that are supported by Bonnevill's firm resources when incurred.

Seventy-five percent of the Industrial Purchasers' Operating Demands shall be a Firm Obligation for purposes of both resource planning and operation, and, in addition, 25 percent of such Operating Demands (the Industrial Purchasers' First Quartiles) shall be a Firm Obligation for the purpose of resource operation only, subject to restriction provisions pursuant to section 7. In its

application of restrictions pursuant to section 7, and in its operations pursuant to section 8, Bonneville shall first serve the remaining 75 percent of the Industrial Purchasers' loads before serving the Industrial Purchasers' First Quartiles.

Bonneville will compensate the Purchaser for the restriction rights provided in this contract in the determination of Bonneville's rate through the rate adjustment process. If in such process it is determined that such compensation is not already povided, and/or that Bonneville is relying on such restriction rights for use in circumstances in which the Purchaser is not required by the Regional Act to provide reserves, appropriate additional compensation shall be provided through such process. By accepting this contract, including this definition of the term "Firm Obligations," the Purchaser does not waive, and expressly preserves, any rights or claims the Purchaser may have or assert with respect to the acts or omissions of third parties that result in a restriction or restrictions of deliveries to the Purchaser under circumstances in which the Purchaser is not required by the Regional Act to provide reserves.

(i) *"Industrial Firm Power"* means a unified class of electric power which Bonneville will make continupusly available to the Purchasr on a contract Demand basis subject to:

(1) the restriction applicable to deliveries of all firm power pursuant to Uncontrollable Forces and Continuity of Service provisions of Exhibit B;

(2) the additional restrictions that apply to the Purchaser under section 7; and

(3) a restriction which is made necessary because the operation of generation or transmission facilities used by Bonneville to serve the Purchaser and one or more priority and new resource firm power purchasers is suspended, interrrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service provisions of Exhibit B, at which time Bonneville shall restrict the Purchaser's Operating Demand for Industrial Firm Power to the extent necessary to prevent, if possible, or minimize restriction of priority and new resource firm power; the extent of such restrictions shall be limited for Industrial Firm Power by section 7 of this contract.

(j) *"Integrated Demand"* means the number of kilowatts which is equal to the number of kilowatt hours delivered to any point during a clock hour.

(k) *"Reasonable Cost"* means that cost of electric power and energy up to a level fixed by power supply circumstances base on the price that Bonneville would prudently pay for a resource at a given time to prevent restriction of a Firm Obligation. The cost of a resource acquired by Bonneville, the use or opertion of which is deferred until a later period in the Coordination Agreement Critical Period by means of shifting FELCC for the benefit of firm loads or by other similar techniques, is a Reasonable Cost for the amount so deferred.

(l) *"Region"* means the Pacific Northwest region as defined in the Reginal Act.

(m) *"Replacement Correction Factor"* means Bonneville's determination of a factor which, when multiplied by the Advance Energy delivered, would result in the quantity of energy required to restore the Reservoirs to the same condition they would have been had no Advance Energy been delivered. (For example, if the Replacement Correction Factor was "1.008 per month," such quantity of energy would increase each month by the amount of energy determined as the product of 0.008 and outstanding balance in the Advance Energy Account.)

(n) *"Restricted Demand"* means the number of kilowatts of Industrial Firm Power which results when Bonneville has restricted delivery of such power below the Operating Demand specified therefor in Exhibit C for one clock-hour or more pursuant to section 7.

(o) *"Quartile"* means 25 percent of the Purchaser's Operating Demand. *"First Quartile"* means the 25 percent of the Purchaser's Operating Demand which is not treated as a firm load for Bonneville's resources acquisition planning purposes.

In witness whereof, the parties hereto have executed this contract in several counterparts.

United States of America, Department of Energy.

By ————,

Bonneville Power Administrator.

By———— ————
Title———— ————
Date———— ————

Attest:
By———— ————
Title———— ————
Date———— ————

Exhibit A.—Wholesale Power Rate Schedule For Industrial Firm Power and General Rate Schedule Provisions

Published in the **Federal Register** in its entirety at 46 FR 33542 (June 30, 1981).

Exhibit B.—General Contract Provisions

See Exhibit B of Attachment 1.

Exhibit C.—Purcher's Demands

This exhibit is uique to the Customer.

Exhibit D.—Points of Delivery and Special Provisions

This exhibit is unique to the Customer.

Attachment 3

Contract No. DE–MS79–81BP9———— ————
August 22, 1981.

Residential Purchase and Sale Agreement Executed by the United States of America, Department of Energy, Acting by and Through the Bonneville Power Administration and ————

Index to Sections

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1. Term of Agreement
2. Purchase by Bonneville
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4. In Lieu Purchase by Bonneville
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6. Accounting, Review, and Budgeting
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Exhibit A (Priority Firm Power Rate Schedule PF–1) and General Rate Schedule Provisions)
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Exhibit F (Determination of New Large Single Loads)

This agreement, executed ————, by the United States of America (Government), Department of Energy, acting by and through the Bonneville Power Administration (Bonneville), and ———— (Utility), a corporation of the State of————,

Witnesseth

Whereas the 96th Congress of the United States of America at the Second Session enacted the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501, as amended (Regional Act); and

Whereas the Regional Act, among other matters, provides that a Pacific Northwest electric utility may sell electric power to Bonneville at the average system cost (ASC) of that utility's resources and that Bonneville shall sell in return an equivalent amount of electric power for resale to that utility's residential and farm users within the Pacific Northwest (Region); and

Whereas, Bonneville is required under Section 4(g)(1) of the Regional Act to maintain comprehensive programs to insure widespread public involvement in the formulation of regional power policies; and

Whereas Bonneville is authorized pursuant to law to dispose of electric power and energy generated at various hydroelectric projects in the Pacific Northwest or acquired from other resources, to construct and operate transmission facilities, to provide transmission and other services, and to enter into related agreements to carry out such authority;

Now, therefore, the parties hereto mutually agree as follows:

1. *Term of Agreement.* This agreement shall be effective on the later of (1) 2400 hours on the date of execution; or (2) 2400 hours on September 30, 1981, and shall terminate at 2400 hours on June 30, 2001, unless terminated pursuant to section 9 below. Notwithstanding termination of this agreement, all liabilities incurred hereunder shall continue until satisfied.

2. *Purchase by Bonneville.* Subject to the provisions of section 4 below and subject to the per centum limitations specified in section 5(c)(2) of the Regional Act which shall apply separately to each Jurisdiction, as defined in Exhibit C, in which the Utility provides service, the Utility shall sell and Bonneville shall purchase each month an amount of electric power not in excess of the Utility's Residential Load, as defined in Exhibit D, for such month. The amount of power to be sold by the Utility under this section shall be determined pursuant to

Exhibit D at the ASC determined pursuant to Exhibit C. The Utility may sell power hereunder only for Residential Load that is associated with its retail service areas. An exception to this is that the Utility may also sell power for the Residential Loads of another utility as agent for the other utility in accordance with an agreement with the other utility that is approved by Bonneville and terminable at will by the other utility.

3. *Purchase by the Utility.* Subject to the per centum limitations in section 5(c)(2) of the Regional Act, Bonneville shall sell and the Utility shall purchase each month an amount of electric power not in excess of the Utility's Residential Load for the month. The amount of energy purchased shall be determined pursuant to Exhibit D, and the purchase price shall be the rate determined pursuant to Exhibit A. Exhibit A shall be the then effective rate established pursuant to section 7(b) of the Regional Act. For billing purposes, the Utility's load factor shall be as determined pursuant to Exhibit E.

4. *In Lieu Purchase by Bonneville.* (a) In lieu of purchasing all or a portion of the electric power referred to in section 2 above, Bonneville may acquire an equivalent amount of electric power from other sources if the cost of such acquisition is less than the cost of purchasing the electric power referred to in section 2. For the purpose of determining the cost of any such in lieu purchase, transmission and production costs, and transmission losses, as determined by Bonneville, shall be included. Bonneville shall give the Utility not less than seven years prior written notice of Bonneville's intent to use such acquisition in lieu of purchasing all or a portion of the electric power referred to in section 2 above. This notice shall state the amount, duration, source, estimated cost and estimated scheduling provisions of the intended acquisition. Any intended acquisition shall be at least five years in duration.

(b) The Utility shall elect upon reciept of such notice: (1) To reduce, in a manner determined by Bonneville pursuant to prudent utility practice, the amount of power purchased by Bonneville pursuant to section 2 above by the amount of the intended acquisition; or (2) to reduce to the cost of the intended acquisition the ASC applicable to a portion of the power purchased by Bonneville pursuant to section 2 above equal to the amount of the intended acquisition. A Utility shall have 60 working days from the receipt of the notice in subsection (a) above to elect (1) or (2).

(c) Bonneville shall not acquire power from a resource for an in lieu purchase hereunder if the Utility or another utility under a similar contract has reduced its ASC rate pursuant to section 4(b)(2) above. Such resource may be used for an in lieu purchase hereunder if such utility which reduced its ASC later terminates its purchase from Bonneville under this agreement of such similar agreement.

(d) Bonneville shall acquire power from a resource for an in lieu purchase hereunder only if such resource is not needed to meet Bonneville's obligations to supply firm power to customers in the Region, and such resource shall not be a resource the cost of which previously has been assigned to Bonneville's New Resource Firm Power rate under section 7(f) of the Regional Act. Bonneville shall not execute a resource purchase agreement to acquire power on behalf of the Utility in lieu of the electric power offered by the Utility hereunder during periods when Bonneville has issued a notice of restriction to any investor-owned utility, public body, cooperative, or Federal agency.

5. *Provisions Relating to Delivery.* The Utility shall submit to Bonneville no more frequently than once in any 30-day period an accounting invoice with supporting documentation for the Utility's Residential Load billed during the billing period selected by the Utility. Such documentation shall include the kilowatthours of energy which the Utility billed to its Residential Load in each Jurisdiction. This accounting invoice shall be deemed to be the receipt for the purchase and sale of power under this agreement.

6. *Accounting, Review, and Budgeting.* The Utility shall keep up-to-date records and documents showing all transactions and other arrangements made pertaining to the terms of this agreement. These records and documents shall contain information supporting the Utility's ASC as determined pursuant to Exhibit C and the Utility's Residential Load. The Utility shall retain these records and documents on file for at least five years. At Bonneville's expense, Bonneville or its designee may, from time to time, conduct reviews or inspection of the Utility's records, accounts, and related documents pertaining to this agreement. The Utility shall fully cooperate in good faith with any such reviews or inspections.

7. *Payment.* Within 30 days after receipt of the invoice referred to in section 5 above, Bonneville shall verify the invoice, compute the amount due the Utility from the sale under section 2 and the amount due Bonneville from the sale under section 3, and either pay or bill the Utility for the difference, as appropriate.

8. *Cost Benefits.* The cost benefits to the Utility within each Jurisdiction attributable to Bonneville's providing electric power and energy to the Utility's Residential Load under this agreement shall be passed through directly to the Utility's Residential Load within such Jurisdiction. Cost benefits means the reduction in the Utility's wholesale power costs during the term of this agreement as a result of this agreement.

9. *Termination of Agreement.* The Utility may terminate of suspend this agreement for a period of at least one year if the supplemental rate charge provided for in section 7(b)(3) of the Regional Act is applied by Bonneville and the cost of electric power sold to the Utility under section 3 of this agreement exceeds the ASC of the power sold to Bonneville under section 2.

10. *Election to Equalize Rates.* The Utility may elect to have its Exhibit C rate for any Jurisdiction deemed equal to the Exhibit A rate. Such election shall be made in writing to Bonneville within 25 working days following confirmation and approval by the Federal Energy Regulatory Commission or its successor agency (FERC), on an interim or final basis, of a change in the Exhibit A rate or in Exhibit C methodology, and will take effect as of the effective date of that change.

During any period that such election is in effect, Bonneville shall debit to a separate account the net exchange payment to Bonneville, if any, that would have been required of the Utility if the Utility had not made such election and shall credit to that account any exchange payments that would have been made. The net balance in such account shall accumulate interest at the rate specified in section IV.E. of Exhibit C.

During the period of any such election, any portion of the costs for terminated resources associated with section 7(g) of the Regional Act included in the Exhibit A rate which would have been charged to the Utility shall be payable by the Utility by means of a surcharge tro the Utility's power sales contract payments pursuant to section 5(b) of the Regional Act or, if the Utility is not party to such a contract, monthly in cash as accrued. Such surcharge payments shall not exceed the total costs incurred by Bonneville during the same period and attributable to terminated resources which the Utility has sold to Bonneville and which total costs are not otherwise recovered currently through such section 7(g) allocations to any other rate or rates paid by the Utility. Such payment also shall not exceed the payments which the Utility would have made to Bonneville during each exchange period had it not made such election. Section 7(g) costs so paid shall be excluded from the separate account maintained pursuant to this section.

The Utility may rescind such election and resume full participation in the exchange provided at that (a) the debit balance of such separate account be less than or equal to zero; or (b) the Utility makes payments to Bonneville in agreed upon installments to bring the debit balance to zero. Such rescission may be either by notice in writing effective upon delivery to Bonneville within 25 working days following confirmation and approval by FERC, on an interim or final basis, of a change in Exhibit A, or by notice in writing effective on a date to be agreed upon by Bonneville and the Utility, which date shall be within 13 months following delivery to Bonneville of the notice of rescission.

Upon termination of this agreement, any debit balance in such separate account shall not be a cash obligation of the Utility, but shall be carried forward to apply to any subsequent exchange by the Utility for the Jurisdiction under any new or succeeding agreement.

11. *Relating Only to Residential Purchase and Sale Agreements.* The Utility agrees to comply with the following statutes, Executive Orders, and regulations to the extent applicable:

(a) the Rehabilitation Act of 1973, Pub. L. 93–112, as amended, and 41 CFR Part 60–741 (affirmative action for handicapped workers);

(b) the Vietnam Era Veterans Readjustment Assistance Act of 1974, Pub. L. 92–540, as amended, and 41 CFR Part 60–250 (affirmative action for disabled veterans and veterans of the Vietnam era);

(c) Executive Order 11625 and 41 CFR 1–1.1310–2(a) (utilization of minority business enterprises);

(d) The Small Business Act, as amended,

(e) Certification of Nonsegregated Facilities, 41 CFR 1–12.803–10.

12. *Exhibits.* Exhibit A (Priority Firm Power Rate, Schedule PF–1, and General Rate Schedule Provisions), Exhibit B (General Contract Provisions [GCP Form PSC–1), Exhibit C (Average System Cost Methodology), Exhibit D (Residential Load Definition), Exhibit E (Load Factor Specification), and Exhibit F (Determination of New Large Single Loads) are hereby made part of this contract. Exhibit D shall be revised to incorporate additional qualifying tariff schedules, subject to Bonneville's determination that the loads served under these schedules are qualified under the Act. Each time Bonneville has a new rate adjustment date, the Utility shall submit a revised Exhibit E, prepared in the same manner as Exhibit E attached hereto, to Bonneville within 20 working days of such date. The revised Exhibit E shall become effective as of such date.

In witness whereof, the parties have executed this Agreement in several counterparts.

United States of America,
Department of Energy
By _____
Bonneville Power Administrator
By _____
Title _____
Date _____
Attest:
By _____
Title _____
Date _____

Exhibit A.—Priority Firm Power Rate Schedule PF–1 and General Rate Schedule Provisions

Published in the Federal Register in its entirety at 46 FR 33542 (June 30, 1981).

Exhibit B.—General Contract Provisions

See Exhibit B of Attachment 1.

Exhibit C.—Average System Cost Methodology

I. Summary

This exhibit sets forth the method for computation and payment of "average system cost" for the purpose of an exchange of power between Bonneville and a Utility pursuant to section 5(c) of Pub. L. 96–501 (Regional Act). The method provides that for an exchanging Utility the average system cost (ASC) is: the costs allowed or established for retail ratemaking that are eligible for exchange divided by the kilowatthours of load assumed for retail ratemaking, adjusted consistent with this methodology. Under this method, a separate ASC will be calculated for each exchanging Utility for each jurisdiction in which the Utility does business. Each ASC so calculated will be changed when revised retail rates go into effect.

This exhibit sets forth specific procedures for reporting cost items and recognition of those items in determining ASC, including procedures for the exclusion of particular costs as required by statute. The exhibit also sets forth the procedures for the filing of relevant data by the Utility and for the review of that data by Bonneville.

II. Definitions

The following definitions apply to all sections of Exhibit C.

A. "Average System Cost" or "ASC" means for each Jurisdiction and each Exchange Period the quotient obtained by dividing Contract System Costs by Contract System Load.

B. "Commission" means a State regulatory body, preference Utility governing body, or other entity authorized to establish retail electric rates in a Jurisdiction.

C. "Contract System Costs" means the Utility's costs for production and transmission resources, including power purchases and conservation measures, which costs are includable in, jurisdictionally allocated by, and subject to the provisions of Appendix 1. Contract System Costs do not include costs required to be excluded from ASC by section 5(c)(7) of the Regional Act; the exclusion of these costs is provided for in Footnote 15 to Appendix 1.

D. "Costs" means the aggregate dollar amount or any portion of the amount allowed or relied upon by the Commission to determine the Test Period revenue requirement for the Utility in a Jurisdiction.

E. "Exchange Period" means the period of time during which a Utility's Jurisdictional retail rate schedules are in effect, commencing with the effective date of these schedules and ending with the effective date of new retail rate schedules in the Jurisdiction: *Provided,* That no Exchange Period shall commence prior to or extend beyond the term of the Utility's Residential Purchase and Sale Contract Agreement.

F. "Contract System Load" means the firm energy load used by the Commission for the purpose of establishing retail rates, adjusted pursuant to Appendix 1.

G. "Jurisdiction" means the service territory of the exchanging Utility within which a Commission has authority to approve the retail rates.

H. "New Large Single Load" means that load defined in section 3(13) of the Regional Act, and as determined by Bonneville as specified in power sales contracts with its customers.

I. "Regional Power Sales Customer" means any entity that contracts directly with Bonneville for the purchase of power for delivery in the region as defined by section 3(14) of the Regional Act.

J. "Test Period" means the time period, not to exceed 12 months, used by the Commission to determine Costs for retail ratemaking.

III. Procedures for Determining Average System Cost

The procedures set forth in this section will enable Bonneville to determine the ASC, in accord with the methodology in Appendix 1, for each exchanging Utility for each Jurisdiction within the region where the Utility provides service. The ASC so determined will be in effect during the Exchange Period and will apply to the amount of exchange power acquired by Bonneville from the Utility during the Exchange Period. The amount of exchange power will be equal to the Utility's eligible load within the Jurisdiction. Bonneville will determine and pay a separate ASC for the exchange power related to the Utility's eligible load in each Jurisdiction. The procedures are as follows:

A. Appendix 1 is a form that identifies Contract System Costs and Contract System Load and permits the calculation of ASC. Appendix 1 is an integral part of this document.

B. For each Exchange Period and for each regional Jurisdiction in which a Utility provides service, the Utility shall complete and file with Bonneville five copies of Appendix 1 as follows:

1. On or prior to the effective date of the Utility's residential exchange contract, the Utility shall file an Appendix 1 reflecting its existing Costs for each Jurisdiction for which it is participating in the exchange. Subject to the provisions of Section IV, the ASC determined from each Appendix 1 shall be the rate applicable to exchange power from that Jurisdiction during the initial Exchange Period.

2. Thereafter, not later than five working days after filing for a Jurisdictional rate change or otherwise commencing a rate change proceeding, the Utility shall file with Bonneville a preliminary Appendix 1, setting forth the Costs proposed by the Utility. In addition, within five working days from the day a Utility files for a Jurisdictional rate change or otherwise commences a rate change proceeding, the Utility shall deliver to Bonneville all information initially provided to the Commission. The Utility also will provide to Bonneville within a reasonable period of time any other information reasonably requested by Bonneville.

3. Not later than five working days following the commencement date of a new Exchange Period, the Utility shall file with Bonneville a revised Appendix 1, reflecting its Costs as approved by the Commission. In addition, the Utility shall provide within 20 working days following the commencement date of a new Exchange Period a reconciliation of all differences between the preliminary Appendix 1 and the revised Appendix 1. Subject to the provisions of Section IV, the ASC included in the revised Apendix 1 will be the ASC applicable to exchange power for that Jurisdiction during the Exchange Period: *Provided,* That if a Utility files a revised Appendix 1 after the five-day deadline Bonneville may make the new ASC payable only from the date the revised Appendix 1 was actually filed. However, Bonneville shall not delay as a result of a late filing of an Appendix 1 the effective date of any change in the ASC for power provided to it under this agreement if the late filing was the result of unavoidable delay or excusable neglect, and the Utility proceeded to correct the filing error in good faith and with diligence.

C. If Bonneville or any of its Regional Power Sales Customers have been denied the right to participate in a Jurisdictional rate review proceeding on the basis of standing as an intervenor or otherwise with rights equivalent to any retail customer of the Utility, no change in ASC based on a change of Costs authorized in that proceeding shall

be effective until Bonneville has completed its review pursuant to Section IV.

IV. Bonneville Review Process

A. Each Appendix 1 shall be reviewed by Bonneville or its designate to determine whether the Costs are not inconsistent with generally accepted accounting principles for electric utilities, whether Contract System Costs contains only allowed Costs, and whether the Appendix 1 complies with the requirements of this Exhibit C including applicable definitions and requirements incorporated from the FERC Uniform System of Accounts. If a retail rate change is authorized without substantive Commission findings as to Costs or if Bonneville or any of its Regional Power Sales Customers are denied the right to participate in a Jurisdictional rate review proceeding on the basis of standing as an intervenor or otherwise with rights equivalent to any retail customer of the Utility, the review by Bonneville or its designate also may consider whether Contract System Costs have changed by the amount of the retail rate change, and Bonneville shall not be obligated to pay an ASC different than the ASC based on Contract System Costs as determined by Bonneville.

B. The Appendix 1 described in Section III(B)(1) shall be subject to review for a period of 180 days following the effective date of the contract. A revised Appendix 1 described in Section III(B) (2) and (3) shall be subject to review for a period of 120 days from the start of the relevant Exchange Period.

C. Bonneville or its designate will conduct its review as promptly as reasonably possible, shall make a written report of its determinations, and shall make any resulting increase or decrease in the ASC for the relevant Exchange Period; provided, that if Bonneville has not issued a report as of the last date of the review period, then the ASC rate shown on the revised Appendix 1 described in Section III(B)(3) filed by the Utility shall be the ASC for the Exchange Period.

D. Bonneville will afford its Regional Power Sales Customers and other interested persons an opportunity to comment in writing on each Appendix 1 filed by a Utility. To facilitate this process, a Utility filing an Appendix 1 shall mail written notice thereof to each of Bonneville's Regional Power Sales Customers or their designates, in accordance with a list provided by Bonneville. This notice shall summarize the adjustment to costs proposed, make reference to the customers' right to comment thereon, and specify where materials relevant to the Cost adjustment process may be examined. The Utility and Bonneville shall permit Regional Power Sales Customers and interested parties to examine each Appendix 1 submitted to Bonneville. The utilities shall respond to reasonable information requests revelant to ASC from Bonneville and its Regional Power Sales Customers, provided that the furnishing of proprietary or confidential information to Bonneville or to a Regional Power Sales Customer may be made contingent on the granting of proper safeguards to prevent unauthorized use or disclosure. All comments from Bonneville's Power Sales Customers and interested parties must be received in writing by Bonneville no later than 20 days prior to the end of Bonneville's review period. All such comments will be included as part of the record supporting the ASC determined by Bonneville.

E. If Bonneville determines that the ASC computed by the Utility in Appendix 1 was excessive or inadequate, the injured party shall recover the excess or deficiency with interest which shall be computed from time to time on the outstanding balance at the rate or rates of interest charged to Bonneville by the U.S. Treasury during the period unless another form of refund is ordered by the Joint State Board, the FERC, or a reviewing court. If a final order of the Joint State Board, the FERC or a reviewing court revises Bonneville's ASC determination, the difference between this revised ASC and the ASC determined by Bonneville, together with the interest at the above rate, shall be paid to the party entitled thereto by the other party, unless another interest rate is so ordered.

F. If costs associated with a generating facility are included in ASC and that generating facility is later terminated prior to the date of initital commercial operation, Bonneville shall be entitled to recover revenues as follows.

For any exchange period in which Construction Work in Progress (CWIP) was incuded in the rate base:

1. If the CWIP included in the rate base was identified with a particular generating facility terminated prior to the date of initial commercial operation, Bonneville shall recover revenue based on the amount of CWIP identified with that terminated facility that was included in the ASC rate base.

2. If the terminated facility was among a group of facilities for which CWIP was allowed in the ASC rate base, Bonneville shall recover revenues based on the amount that the CWIP included in the ASC rate base exceeded the utility's total available jurisdictional CWIP for the same group of facilities, after exclusion of any CWIP for generating facilities subsequently terminated prior to the date of initial commercial operation.

When a generating plant is terminated prior to the date of initial commercial operation, the Utility will submit to Bonneville a calculation of the recoverable revenue attributable to the inclusion of the amount of CWIP specified above, if any, for each exchange period, including a reconcilation with the final Appendix 1 for that period. This calculation shall include the effect of any inclusion of Allowance For Funds During Construction (AFUDC) as an offset to test year revenue requirement and the impact on related taxes. The interest rate on revenue to be recovered shall be calculated as in Section IV(E). Bonneville shall bill the Utility in equal monthly installments over a period of the same length as the period during which costs of the terminated facility were included in ASC unless another arrangement is mutually agreed upon.

V. FERC Procedure (Applicable Only to Utilities Subject to Part II of the Federal Power Act)

A. Each Utility that is subject to the FERC's jurisdiction under Part II of the Federal Power Act shall file Bonneville's written report, the ASC determined by Bonneville, and the Utility's Appendix 1 with the FERC, its delegate or successor, within 15 working days of Bonneville's determination of ASC according to Section IV(C) above. During the period between the date of Bonneville's determination of ASC and the date of the final order issued by the FERC, its delegate or successor, the ASC determined by Bonneville shall be in effect.

This filing with the FERC shall be deemed to be compliance by the Utility with Section 205(c) of the Federal Power Act. The ASC ordered by the FERC, its delegate or successor, shall be the lawful ASC in effect from the start of the relevant Exchange Period, and the FERC shall be deemed to have so ordered under Section 205(d) of the Federal Power Act. The Utility may contest any ASC adjustment made by Bonneville in any ASC review proceeding before the FERC, its delegate or successor, and may argue for an ASC to be effective from the start of the relevant Exchange Period calculated pursuant to the Appendix 1 described in Section III(B)(3) it filed with Bonneville.

B. The Utility shall notify all parties that made comment to Bonneville on the Utility's Appendix 1 of its ASC filing with the FERC. The FERC shall publish notice of the filing in the **Federal Register**. The notice shall specify that parties will be allowed an opportunity to comment in writing and to respond in writing to comments filed by any other party. If one or more members of the FERC, its delegate or successor, determine that a substantial issue of fact or law exists, an opportunity for oral presentation of arguments shall be provided.

C. The FERC's review of ASC shall ascertain whether Bonneville's ASC was determined in accord with the methodology described in this Exhibit C. If the FERC, its delegate or successor, should determine that Bonneville's ASC rate was not determined in accord with the methodology, it shall order that such ASC be changed, specifying in the order the necessary changes. The FERC shall publish its final order approving or disapproving the ASC in the **Federal Register**

VI. Change in Average System Cost Methodology

The Administrator, at his or her discretion, or upon written request from three-quarters of the utilities who are parties to contracts pursuant to section 5(C) of the Regional Act, or from three-quarters of his preference customers, or from three-quarters of Bonneville's direct-service industry customers, shall initiate a consultation process as provided for in section 5(c) of the Regional Act. After completion of this process, the Administrator may propose a new ASC methodology: *Provided;* That any consultation process may not be initiated sooner than 1 year after the immediately previous ASC methodology has been adopted by Bonneville and approved by the FERC.

Exhibit C.—Appendix 1, Instructions

Average System Cost Methodology

Exhibit C—Appendix 1 is the form on which a Utility participating in a Residential Purchase and Sale Agreement shall report its Contract System Costs and other necessary data for the calculation of ASC.

The form consists of six schedules that shall be completed by the Utility in accord with these instructions and the provisions of the footnotes following the schedules. Any items not applicable to the Utility shall be so identified.

The schedules are as follows:

1 Plant Investment/Rate Base/Rate-of-Return
2 Capital Structure and Cost of Capital
3 Expenses
4 Income Taxes
5 Average System Cost
6 Total Utility and Jurisdictional Results of Operations

The filing Utility shall reference and attach workpapers that support Costs, including details of allocation and functionalization.

All references to the FERC accounts are to the FERC Uniform System of Accounts as of October 1, 1981. The Costs includable in the attached schedules are those includable by reason of the definitions in the FERC accounts. If the FERC accounts are later revised or renumbered, any changes shall be incorporated into this form by reference, except to the extent that Bonneville, upon a showing of good cause, demonstrates that a particular change results in a substantial change in the type of Costs allowable for exchange purposes. If the Utility does not follow the FERC accounts, its filing must include a reconciliation between its accounts and the items allowed as Contract System Costs.

Bonneville may require the Utility to account for purchase power transactions with affiliated entities as though the affiliated entities were owned in whole or in part by the utility, if necessary to properly determine and/or functionalize the utility's costs.

A Utility operating in more than one jurisdiction shall allocate its total system costs among jurisdictions in accord with the same allocation methods and procedures used by the Commission to establish jurisdictional Costs and resulting revenue requirements. Appendix 1 shall include details of the allocation. This allocation also accomplishes the exclusion of the Costs of additional resources to meet loads outside the region, as required by section 5(c)(7) of the Regional Act.

All schedule entries and supporting data shall be in accord with generally accepted accounting principles and practices as these principles and practices apply to the electric utility industry.

Exhibit C.—Appendix 1, Schedule 1

Bonneville Power Administration Residential Purchase and Sale Agreement; Average System Cost Methodology

Plant Investment/Rate Base/Rate-of-Return Jurisdiction

Line No.	Items/FERC accounts/footnotes (1)	Jurisdiction total (2)	Excluded amount [1][2][3]	Total to be functionalized (4)	Functionalization			
					Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
1	Plant-in-Service/310–373[1][7][9]							
2	General Plant/389–399[8]							
3	Intangible Plant/301–303[8]							
4	CWIP/107, 120.1[9]							
5	Acquisition Adjustment/114[1]							
6	Total Gross Plant							
7	Less:							
8	PIS Depreciation Reserve/108[1][4]							
9	General Plant Depreciation Reserve/108[4]							
10	Accumulated Amortization/111, 115[6]							
11	Total Plant Deductions							
12	Total Net Plant							
13	Plant Held for Future Use/105[9]							
14	Nuclear Fuel/120.2–120.4 Less 120.5[7]							
15	Accumulated Deferred Debits/186[8]							
16	Less:							
17	Customer Advances/252[10]							
18	Accumulated Deferred Investment Tax Credits/255[9]							
19	Accumulated Deferred Income Taxes/281–283[8]							
20	Other Accumulated Deferred Credits/253, 256–257[9]							
21	Total Net Accumulated Deferred Debits/Credits							
22	Cash Working Capital/Various[6]							
23	Materials and Supplies/151–157, 163[9]							
24	Other/105, 124, 184, Various[8][10]							
25	Total Rate Base							
26	Times Rate-of-Return@—%[12][13]							

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 1A

Bonneville Power Administration Residential Purchase and Sale Agreement; Average System Cost Methodology

Rate Base Summary Jurisdiction

Line No.	Items (1)	Jurisdiction total (2)	Excluded amount [1][2][3] (3)	Total to be functionalized (4)	Functionalization			
					Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
1	Utility Plant-in-Service							
2	Less: Accumulated Provision for Depreciation and Amortization Net Utility Plant-in-Service							
3	Net Utility Plant-in-Service							
4	Construction Work in Progress							
5	Plant Held for Future Use							
6	Utility Plant Acquisition Adjustments							
7	Nuclear Fuel							
8	Customer Advances for Construction							
9	Materials and Supplies							
10	Cash Working Capital							

Bonneville Power Administration Residential Purchase and Sale Agreement; Average System Cost Methodology—Continued

Rate Base Summary Jurisdiction

Line No.	Items	Jurisdiction total	Total to be Excluded amount [1][2][c]	Total to be functionalized	Functionalization: Production	Functionalization: Transmission	Functionalization: Total for exchange	Functionalization: Other
	(1)	[2]	(3)	(4)	[5]	[6]	[7]	[8]
11	Unamortized Leasehold Improvements and Other Miscellaneous Deferred Items							
12	Weatherization-Interest Free Loans							
13	Extraordinary Property Losses							
14	Total Rate Base							
	Electric Plant-In-Service Jurisdiction							
1	Intangible Plant Production Plant:							
2	Steam Production Plant							
3	Nuclear Production Plant							
4	Hydraulic Production Plant							
5	Other Production Plant							
6	Total Production Plant							
7	Transmission Plant							
8	Distribution Plant							
9	General Plant							
10	Total Electric Plant-in-Service							
	Reserve for Depreciation and Amortization of Electric Plant-in-Service Jurisdiction							
	Depreciation Reserve							
	Production Plant:							
1	Steam Production							
2	Nuclear Production							
3	Hydraulic Production							
4	Other Production							
5	Transmission							
6	Distribution							
7	General							
8	Total Depreciation Reserve							
9	Amortization Reserve							
10	Total Depreciation and Amortization Reserve							

Note: 1. Supporting workpapers are to be attached; 2. Footnotes referenced on Schedule 1 will be relied upon in determining ASC.
See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 2

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Capital Structure and Cost of Capital Jurisdiction

Line No.	Items/Footnotes	Amount	Ratio	Component cost	Weighted cost
	(1)	(2)	(3)	[4]	(5)
1	Debt				
2	Preferred Stock				
3	Common Equity				
4	Deferred Income Taxes [10]				
5	Deferred Investment Tax Credit [10]				
6	Total Weighted Cost				

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 2A

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Debt Summary [11] Jurisdiction

Line No.	Items	Date of issue	Date of maturity	Interest rate	Face amount	Premium	Discount	Issue expense	Net proceeds	Interest expense
		(1)	[2]	(3)	(4)	(5)	(6)	(7)	(8)	(9)

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 2B

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Preferred Stock Summary Jurisdiction

Line No.	Items	Shares issued	Dividend rate	Outstanding balance	Premium	Issueexpense	Net proceeds	Dividends
		(1)	(2)	(3)	(4)	(5)	(6)	(7)

Exhibit C.—Appendix 1, Schedule 3

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Expenses Jurisdiction

Line No.	Items/FERC accounts/footnotes	Jurisdiction total	Excluded amount [1][3][c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Production:							
2	Fuel/501, 518, 547[1]							
3	Purchased power/555[1]							
4	Other/500, 502–517, 519–546, 548–577[1]							
5	Transmission/560–573[1][4]							
6	Distribution/580–598[1][6]							
7	Customer accounting/901–905[1][9]							
8	Customer assistance/907–910[21]							
9	Admin. and general/920–932[12]							
10	Total operations and main							
11	Depreciation and amortization/403–407[1][6]							
12	Taxes other than Federal income/408, 409.1[3][12][14]							
13	Federal income tax/409.1, 410.1, 411.1, 411.4[3]							
14	Other/411.6, 411.7[3]							
15	Less:							
16	Nonfirm sales for resale rev./447[22]							
17	Other operating rev./450–456[3][25]							
18	Billing credits[5]							
19	Total operating expenses							
20	Return from schedule 1							
21	Less subsidiary income							
22	Total cost[1][9]							

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 3A

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Electric Operating Expenses Jurisdiction

Line No.	Items	Jurisdiction total	Excluded amount [1][3][c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Power production expenses:							
	Steam Power Generation:							
3	Other							
4	Maintenance							
5	Total Steam Power Generation							
	Nuclear Power Generation:							
6	Operation:							
7	Fuel							
8	Other							
9	Maintenance							
10	Miscellaneous Nuclear Research							
11	Total Nuclear Power Generation							
	Hydraulic Power Generation:							
12	Operation							
13	Maintenance							
14	Total Hydraulic Power Generation							
	Other Power Generation:							
15	Operation							

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology —Continued

Electric Operating Expenses Jurisdiction

Line No.	Items	Jurisdiction total	Excluded amount [a]-[c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
16	Maintenance							
17	Total Other Power Generation							
	Other Power Supply Expenses:							
18	Purchased Power							
19	Other							
20	Total Other Power Supply Expenses							
21	Total Power Production Expenses							
	Transmission expenses:							
22	Operation:							
23	Wheeling							
24	Other							
25	Maintenance							
26	Total Distribution Expenses							
	Distribution expenses:							
27	Operation							
28	Maintenance							
29	Total Distribution Expenses							
30	Customer accounts expenses							
31	Customer service and information expenses							
	Administrative and general expenses:							
32	Operation							
33	Maintenance							
34	Total Administrative and General Expenses							
35	Total electric operating expenses							

NOTE.—1. Supporting workpapers are to be attached. 2. Footnotes referenced on Schedule 3 will be relied upon in determining ASC.
See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 3B

Bonneville Power Administration, Residential Purchase and Sale Agreement, Average System Cost Methodology

Depreciation and Amortization Accrual Jurisdiction

Line No.	Items	Jurisdiction total	Excluded amount [a]-[c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Depreciation:							
1	Steam Production Plant							
2	Nuclear Production Plant							
3	Hydraulic Production Plant							
4	Other Production Plant							
5	Transmission Plant							
6	Distribution Plant							
7	General Plant							
8	Total Depreciation							
9	Amortization of Limited-Term Plant							
10	Amortization of Utility Plant Acquisition Adjustment							
11	Amortization of Property Losses							
12	Total Depreciation and Amortization Accrual							

NOTE.—1. Supporting workpapers are to be attached. 2. Footnotes referenced on Schedule 3 will be relied upon in determining ASC.
See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 3C

Bonneville Power Administration—Residential Purchase and Sale Agreement

[Average system cost methodology]

Line No. and items (1)	Taxes other than Federal income taxes Jurisdiction—			Functionalization			
	Jurisdiction total (2)	Excluded amount 15b and c/(3)	Total to be functionalized (4)	Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
Federal							
1 —Insurance Contributions							
2 —Unemployment							
State:							
California:							
3 —Property							
4 —Unemployment							
Oregon:							
5 —Property							
6 —Tri-Met							

Bonneville Power Administration—Residential Purchase and Sale Agreement—Continued

[Average system cost methodology]

Line No.	Line No. and items (1)	Taxes other than Federal income taxes Jurisdiction— Jurisdiction total (2)	Excluded amount 15b and c/(3)	Total to be functionalized (4)	Functionalization Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
7	—Lane County							
8	—Unemployment							
9	—Regulatory Commission							
	Washington:							
10	—Property							
11	—Unemployment							
12	—Generating Tax							
13	—Pollution Control Credit							
14	Idaho—Property							
	Montana:							
15	—Property							
16	—Unemployment							
	Wyoming:							
17	—Property							
18	—Unemployment							
19	Utah—Property							
20	Local—Occupation and Franchise							
21	State income taxes							
22	In-lieu taxes							
23	Other							
24	Total							

Note: 1. Supporting workpapers are to be attached; 2. Footnotes referenced on Schedule 3 will be relied upon in determining ASC.
See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 4

Bonneville Power Administration—Residential Purchase and Sale Agreement

[Average system cost methodology]

Line No.	Line No. and items (1)	Income taxes jurisdiction— Jurisdiction total (2)	Excluded amount 15b and c (3)	Total to be functionalized (4)	Functionalization Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
1	Federal income taxes							
2	Deferred income taxes							
3	Income taxes deferred in prior years							
4	Investment tax credit adjustment							
5	Total Federal taxes							

See footnotes in Appendix I.

Exhibit C.—Appendix 1, Schedule 4A

Bonneville Power Administration—Residential Purchase and Sale Agreement

[Average system cost methodology]

Line No.	Line No. and items (1)	Federal taxes on income jurisdiction— Jurisdiction total (2)	Excluded amount 15b and c (3)	Total to be functionalized (4)	Functionalization Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
	Income							
1	Operating revenues							
	Deductions							
2	Operating and maintenance expense							
3	Depreciation expense							
4	Amortization expense							
5	Taxes other than Federal income taxes							
6	Interest expense							
7	Total deductions							
8	Net income before Federal income tax							
	Tax adjustments							
9	Book depreciation							
10	Tax depreciation							
11	Charges to construction							
12	Coal depletion							
13	Other adjustments							
	1							
	2							
14	Total tax adjustments							
15	Taxable income							
16	Preferred dividends paid—credit							
17	Total taxable income							
18	Federal income tax							
19	Less investment credit							
20	Net Federal income tax							

Note: 1. Supporting work papers are to be attached; 2. Footnotes referenced on Schedule 4 will be relied upon in determining ASC.
See footnotes in Appendix 2.

Exhibit C.—Appendix 1, Schedule 4B

Bonneville Power Administration—Residential Purchase and Sale Agreement

[Average system cost methodology]

Line No.	Line No. and items/FERC account (1)	Other included items jurisdiction— Jurisdiction total (2)	Excluded amount 15b and c (3)	Total to be functionalized (4)	Functionalization Production (5)	Transmission (6)	Total for exchange (7)	Other (8)
	Operating revenues:							
1	Nonfirm sale for resale/447							
2	1							
3	2							
4	3							
	Other operating revenues/450–456							
5	Acct. 450							
6	Acct. 451							
7	Acct. 452							
8	Acct. 453							
9	Acct. 454							
10	Acct. 465							
11	Acct. 456							
12	Total revenues							
	Other items:							
13	Investment tax credit adjustment/411.S							
14	Deferred current year							
15	Restored current year							
16	Restored from prior years							
17	Total ITC adjustment							
18	Deferred income tax—current/410.1							
19	Deferred income tax from prior years/411.1							
20	Other accounts							

Note: 1 Supporting workpapers are to be attached; 2. Footnotes referenced on Schedule 4 will be relied upon in determining ASC.
See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 5

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Average system cost jurisdiction]

Line	Items	Amount
1	Contract System Cost:	
2	Production Cost (from Schedule 3)	
3	Transmission Cost (from Schedule 3)	
4	Total Contract System Costs	
5	Contract System Load:	
6	Total Load (MWh)	
7	Less:	
8	Nonfirm Adjustment (MWh)	
9	Other Adjustments (MWh)	
10	Net Load (MWh)	
11	Plus:	
12	Distribution Losses (MWh)[17]	
13	Total Net Load (MWh)	
14	Less:	
15	Excluded Load (MWh)	
16	Excluded Load Distribution Losses (MWh)	
17	Total Contract System Load (MWh)	
18	Average System Cost (mills/kWh)	
	(Line 4 ÷ Line 17)	

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6A

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Electric plant-in-service jurisdiction]

Line No.	Items (1)	Total utility (2)	Allocation basis [15b] (3)	Jurisdictional amount (4)
1	Intangible Plant			
	Production Plant:			
2	Steam Production Plant			
3	Nuclear Production Plant			
4	Hydraulic Production Plant			
5	Other Production Plant			
6	Total Production Plant			
7	Transmission Plant			
8	Distribution Plant			

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology—Continued

[Electric plant-in-service jurisdiction]

Line No.	Items	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
9	General Plant			
10	Total Electric Plant-in-Service			

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6B

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Reserve for depreciation and amortization of electric plant-in-service jurisdiction]

Line No.	Items	Total Utility	Allocation basis 15a/	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Depreciation Reserve			
	Production Plant:			
1	Steam Production			
2	Nuclear Production			
3	Hydraulic Production			
4	Other Production			
5	Transmission			
6	Distribution			
7	General			
8	Total Depreciation Reserve			
9	Amortization Reserve			
10	Total Depreciation and Amortization Reserve			

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6C

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Rate base summary jurisdiction]

Line No.	Items	Total utility	Allocation basis 15a/	Jurisdictional amount
	(1)	(2)	(3)	(4)
1	Utility Plant-in-Service			
2	Less: Accumulated Provision for Depreciation and Amortization			
3	Net Utility Plant-in-Service			
4	Construction Work in Progress			
5	Plant Held for Future Use			
6	Utility Plant Acquisition Adjustments			
7	Nuclear Fuel			
8	Customer Advances for Construction			
9	Materials and Supplies			
10	Cash Working Capital			
11	Unamortized Leasehold Improvements and Other Miscellaneous Deferred Items			
12	Weatherization-Interest Free Loans			
13	Extraordinary Property Losses			
14	Total Rate Base			

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6D

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Electric operating expenses jurisdiction]

Line No.	Items	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	[2]	(3)	(4)
	Power Production Expenses:			
	Steam Power Generation:			
1	Operation			
2	Fuel			
3	Other			

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology—Continued

[Electric operating expenses jurisdiction]

Line No.	Items	Total utility	Allocation bases [a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
4	Maintenance			
5	Total Steam Power Generation			
	Nuclear Power Generation:			
6	Operation			
7	Fuel			
8	Other			
9	Maintenance			
10	Miscellaneous Nuclear Research			
11	Total Nuclear Power Generation			
	Hydraulic Power Generation:			
12	Operation			
13	Maintenance			
14	Total Hydraulic Power Generation			
	Other Power Generation:			
15	Operation			
16	Maintenance			
17	Total Other Power Generation			
	Other Power Supply Expenses:			
18	Purchased Power			
19	Other			
20	Total Other Power Supply Expenses			
21	Total Power Production Expenses			
	Transmission Expenses:			
22	Operation			
23	Wheeling			
24	Other			
25	Maintenance			
26	Total Distribution Expenses			
	Distribution Expenses:			
27	Operation			
28	Maintenance			
29	Total Distribution Expenses			
20	Customer Accounts Expenses			
31	Customer Service and Information Expenses			
	Administrative and General Expenses:			
32	Operation			
33	Maintenance			
34	Total Administrative and General Expenses			
35	Total Electric Operating Expenses			

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6E

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Depreciation and amortization accrual jurisdiction]

Line No.	Items	Total utility	Allocation Bases [a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
1	Depreciation:			
2	Steam Production Plant			
3	Nuclear Production Plant			
4	Hydraulic Production Plant			
5	Other Production Plant			
6	Transmission Plant			
7	Distribution Plant			
8	General Plant			
9	Total Depreciation			
10	Amortization of Limited-Term Plant			
11	Amortization of Utility Plant Acquisition Adjustments			
12	Amortization of Property Losses			
13	Total Depreciation and Amortization Accrual			

Exhibit C.—Appendix 1, Schedule 6F

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Taxes other than Federal income taxes jurisdiction]

Line No.	Items	Total utility	Allocation basis [1b]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Federal:			
1	Insurance Contributions			
2	Unemployment			
	State:			
	California:			
3	Property			
4	Unemployment			
	Oregon:			
5	Property			
6	TriMet			
7	Lane County			
8	Unemployment			
9	Regulatory Commission			
10	Excise			
	Washington:			
11	Property			
12	Unemployment			
13	Generating Tax			
14	Pollution Control Credit			
	Idaho:			
15	Property			
	Montana:			
16	Property			
17	Unemployment			
	Wyoming:			
18	Property			
19	Unemployment			
	Utah:			
20	Property			
21	Local: Occupation and Franchise			
22	In-Lieu Taxes			
23	Total			

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6G

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Federal taxes on income jurisdiction]

Line No.	Items	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Income:			
1	Operating Revenues			
	Deductions:			
2	Operating and Maintenance Expense			
3	Depreciation Expense			
4	Amortization Expense			
5	Taxes Other Than Federal Income Taxes			
6	Interest Expenses			
7	Total Deductions			
8	Net Income Before Federal Income Tax			
	Tax Adjustments:			
9	Book Depreciation			
10	Tax Depreciation			
11	Charges to Construction			
12	Coal Depletion			
13	Other Adjustments			
	1			

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology—Continued

[Federal taxes on income jurisdiction]

Line No	Items	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	2.			
	3.			
	4.			
	5.			
14	Total Tax Adjustements			
15	Taxable Income			
16	Preferred Dividends Paid—Credit			
17	Total Taxable Income			
18	Gross Federal Income Tax			
19	Less Investment Credit			
20	Net Federal Income Tax			
WP–PLB–0016n				

See footnotes in Appendix 1.

Exhibit C.—Appendix 1, Schedule 6H

Bonneville Power Administration Residential Purchase and Sale Agreement—Average System Cost Methodology

[Other included items jurisdiction]

Line No.	Items/FERC accounts	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	(2)	(3)	
1	Operating Revenues:			
2	Nonfirm Sale for Resale/447			
3	1.			
4	2.			
5	3.			
6	Other Operating Revenues/450–456			
7	Acct. 450			
8	Acct. 451			
9	Acct. 452			
10	Acct. 453			
11	Acct. 454			
12	Acct. 455			
13	Acct. 456			
14	Total Revenues			
15	Other Items:			
16	Investment Tax Credit Adjustment/411.S			
17	Deferred Current Year			
18	Restored Current Year			
19	Restored from Prior Years			
20	Total ITC Adjustment			
21	Deferred Income Tax-Current/410.1			
22	Deferred Income Tax from prior years/411.1			
23	Other Accounts			

See footnotes in Appendix 1.

Appendix 1, Footnotes

Average System Cost Methodology Footnotes

[1] Functionalized directly from the FERC Uniform System of Accounts.

[2] Unless it can be determined that a plant item or plant related item is associated directly with regional generation, transmission, distribution, customer or other directly functionalized category, the item shall be functionalized on the following basis in the following order:

(a) If the location codes of the plant item can be used to identify a principal generation, transmission, distribution or customer-related facility at that location, the plant item shall be functionalized based on the functionalization of such principal facility.

(b) For plant items not otherwise functionalized, the functionalization formula in footnote 24 shall apply.

[3] See the following:

(a) The utility shall functionalize these items according to an analysis it performs that demonstrates the actual and/or intended functional use of the items, or the plant item related thereto, and include a detailed showing of the factors used to determine the functionalization as a supplement to Exhibit C, Appendix 1. Costs incurred only because the utility is engaged in the retail distribution of electricity shall be functionalized to Other. These items include, for example, retail revenue taxes and uncollectible amounts for retail sales.

(b) In cases where items included are not directly assigned to a particular function, these items shall be separately identified, and a statement shall be provided as to why the items are not directly functionalized by the 3(a) procedure. The functionalization formula described in footnote 24 herein shall apply to these items.

[4] Calculation of functionalized amount is to be consistent with property items included in functionalized Total Gross Plant.

[5] The offset against Contract System Costs for billing credit revenue arising from implementation of conservation measures and retail rate structures that induce conservation shall limited to the costs included in Contract System Cost of the related conservation measures and retail rate structures. These billing credit revenues shall be functionalized on the same basis as the cost of the related conservation measure.

[6] Functionalization is to be directly related to the functional nature of the items included in the Working Capital calculation approved by the Commission. Should items included in the approved Working Capital calculation not be directly assignable to a function and should there be no footnote in this methodology directing the functionalization of the item, these items shall be separately identified and the functionalization formula in footnote 24 shall apply.

[7] Transmission plant means all land, conversion structures, and equipment employed at a primary source of supply (i.e., generating station or point of receipt in the case of purchased power) to change the voltage or frequency of electricity for the purpose of its more efficient or convenient transmission; all land, structures, lines switching and conversion stations, high tension apparatus and their control in protection of equipment between a generating or receiving point and the entrance to a distribution center or wholesale point; and all lines and equipment whose primary purpose is to augment, integrate or tie together the source of power supply. The entrance to a distribution center means all land, structures, conversion equipment, lines, line transformers and other facilities utilized to deliver power to specific customers or distribution substations.

[9]Distribution plant means all land, structures, conversion equipment, lines, line transformers, and other facilities employed between the primary source of supply (i.e., generating station, or point of receipt in the case of purchased power) and of delivery to customers, which are not includable in transmission system, as defined in footnote 7, whether or not such land, structures, and facilities are operated as part of a transmission system or as part of a distribution system.

NOTE.—Stations that change electricity from transmission to distribution voltage shall be classified as distribution stations.

Where poles or towers support both transmission and distribution conductors, the poles, towers, anchors, guys, and rights-of-way shall be classified as transmission system. The conductors, crossarms, braces, grounds, tiewire, insulators, etc., shall be classified as transmission or distribution facilities, according to the purpose for which they are used.

Where underground conduit contains both transmission and distribution conductors, the underground conduit and right-of-way shall be classified as distribution facilities. The conductors shall be classified as transmission or distribution facilities according to the purpose for which they are used.

Land (other than rights-of-way) and structures used jointly for transmission and distribution purposes shall be classified as transmission or distribution according to their major use.

[9]Functionalized as specified in Schedule 4.

[10]If these items are treated in Schedule 1 as deductions from gross plant investment in determining rate base, these items shall not be included in the capital structure.

[11]Should a Commission approve a method for determining debt costs by a means other than that shown here, Schedule 2A shall be modified in a manner that shows the approved method, including accompanying explanatory material.

[12]Expensed related to the FERC Accounts 9020–932 shall be functionalized in accord with the following:

FERC account	Functionalization method (footnotes)	FERC account	Functionalization method (footnotes)
920	3	927	[illegible]
921	3	928	19
922	3	929	[illegible]
923	3	930.1	-19
924	3(a) or 24(a)	930.2	3
925	3	931	3
926	13	932	[illegible]

[13]Functionalization is to be determined on a pro rata percentage basis using the salary and wage data for production, transmission, and distribution/other functions included in the Test Period costs on which Appendix 1 is based. If, however, this informatin is unavailable, comparable data shall be used for the most recent calendar year as reported on the FERC Form 1 (at page 355), or similar document. Futhermore, a portion of this expense shall be included in Schedule 3, column 3, Excluded Amount, based on the amount of labor-related costs included therein.

[14]A tax-exempt Utility may include in-lieu taxes up to an amount that is comparable, for each unit of government paid in-lieu taxes, with taxes that would have been paid by a non-tax exempt Utility to that unit of government, but in no event shall the jurisdictional total in column 2 be greater than the actual amount paid.

[15]Excluded Resources:

(*) The cost of additional resources in an amount sufficient to meet any additional load outside the region occurring after December 5, 1980, will be determined by utilizing allocation notes of multi-State utilities as assigned and utilized in State retail rate filings.

(*) The cost of additional resources sufficient to serve any New Large Single Load that was not contracted for, or committed to, prior to September 1, 1979, is to be determined as follows:

(1) To the extent that any New Large Single Loads are served by dedicated resources, at the cost of those resources, including applicable transmission;

(2) In the amount that New Large Single Loads are not served by dedicated resources, at Bonneville's New Resource rate as established from time to time pursuant to section 7(f) of the Regional Act and as applicable to the Utility, and applicable Bonneville transmission charges if transmission costs are excluded in the determination of Bonneville's New Resource rates, to the extent such costs are recovered by the Utility's retail rates in the applicable jurisdiction; and

(3) To the extent that New Large Single Loads are not served by dedicated resources plus the Utility's purchases at the New Resource rate, the costs of such excess load shall be determined by multiplying the kilowatthours not served under subsections (1) and (2) above by the cost (annual fixed plus variable cost, including an appropriate portion of general plant, administrative and general expense and other items not directly assignable) per kilowatthour of all baseload resources and long term power purchases (five years or more in duration), as allowed in the regulatory jurisdiction to establish retail rates during the Exchange Period, exclusive of the following resources and purchases: (a) purchases at the New Resources rate pursuant to section 7(f) of the Act; (b) purchases at the Federal Base System rate, pursuant to section 5(c) of the Act; (c) resources sold to Bonneville, pursuant to section 6(c)(1) of the Act; (d) dedicated resources specified in footnote 15(b)(1) of this agreement; (e) resources and purchases committed to the Utility's load as of September 1, 1979 under a power requirements contract or that would have been so committed had the Utility entered into such a contract; and (f) experimental or demonstration units or purchases therefrom. Transmission needed to carry power from such generation resources or power purchases shall be priced at the average cost of transmission for the Jurisdiction during the Exchange Period.

(4) Any kilowatthours of New Large Single Loads not met under subsections (1), (2), or (3) above will be assumed to be supplied from the most recently completed or acquired baseload resource(s) or long term power purchase(s), exclusive of dedicated resources and experimental or demonstration resources or purchases therefrom, that are committed to the Utility's load as of September 1, 1979 under a power requirements contract with Bonneville or would have been so committed had the Utility entered into such a power requirements contract. The cost of these generation resources and long-term power purchases and the transmission cost associated with these resources or purchases will be calculated as specified in subsection (3) above.

(5) If the New Large Single Load is served on an energy or capacity interruptible basis, the Utility shall prepare a calculation subject to review by Bonneville of the fixed (if any) and variable costs of providing such service, except that amount excluded from ASC for the New Large Single Load shall not be less than the transmission and generation costs included in the retail rate charged the New Large Single Load.

(*) Any costs associated with a generation facility that is terminated prior to initial commercial operation shall be excluded if termination occurred after December 5, 1980.

[16]Authorized Jurisdictional rate of return as specified in Schedule 2.

[17]The losses shall be the distribution energy losses occuring between the transmission portion of the Utility's system and the meters measuring firm energy load used by the Commission for the purpose of establishing retail rates. Losses shall be established according to a study (engineering, statistical or other) that is submitted to Bonneville by the exchanging Utility subject to review by Bonneville. This study shall be in sufficient detail so as to accurately identify average distribution losses associated with the Utility's total load, excluded loads, and the Residential load. Distribution losses shall include losses associated with distribution substations, primary distribution facilities, secondary distribution transformers, secondary distribution facilities and service drops.

[18]This amount is to be reduced by revenues from firm sales for resale (to the extent that these sales are included in the Jurisdictional allocation factors) to be determined by the firm resale revenue for the Test Period as used for retail ratemaking purposes.

[19]Functionalize entirely to distribution/other unless Utility demonstrates that other functionalization treatment is appropriate.

[20]"Other" rate base items may include Unclassified Plant-In-Service (106), Extraordinary Property Losses (182), Other Investments (124), or other investments approved for rate base treatment by a Commission consistent with the provisions of this Exhibit.

[21]Only the conservation-related portion is to be functionalized to production.

[22]These revenues shall be divided proportionally between Excluded Amount and Total To Be Functionalized based on the total expenses in those two categories shown on Schedule 3 (sum of lines 1 to 13, 19, and 20), less all terminated plant expenses excluded pursuant to footnote 15(c). The portion to be functionalized shall be functionalized to production.

[23]Public Agencies shall be allowed a total return (operating income) on Schedule 1, line 26, column 2, equal to their demonstrated need for revenues exceeding Total Operating Expenses shown on Schedule 3 to cover the cost of capital. These demonstrated capital costs generally will be in the form of coverage requirements or the need to maintain an equity ratio consistent with favorable bond ratings for that Utility. In order to receive an operating income in addition to interest expense, the utility must submit evidence of the specific coverage or equity ratio needed by that utility and a calculation of the corresponding minimum operating income. Assignment to excluded resources and functionalization of the operating income shall be based on the assignement and functionalization of the rate base.

[24]Functionalization of these items shall be based on a formula that averages on an equal weighting basis the percentages for generation, transmission, distribution, and customer-related functions for (a) the gross plant in each function, including general plant and other plant items functionalized in step 1 of footnote 2 and, (b) the functionalized operations and maintenance (O&M) expenses shown in Schedule 3, except that the fuel cost included in O&M shall not include the cost of fuel acquired from non-Utility sources. Matenal detailing the application of this functionalization formula shall be included as a supplement to Appendix 1.

[25]Revenues from the transmission of electricity for others shall be functionalized to transmission.

Exhibit D.—Residential Load Definition

I. The Utility's Residential Load means the sum of the Regional loads the Utility elects to use as a basis for the exchange under the tariff schedules described below adjusted for distribution losses as determined pursuant to Exhibit C, as the same may be amended, supplemented, or superseded. If Bonneville determines that any such action changes the Utility's general tariffs or service schedules in a manner which would allow loads other than residential loads, as defined in the Regional Act, to be included under these tariff schedules, such nonresidential loads shall, from the date the Utility is notified of Bonneville's determination, be excluded from the residential purchase and sale transaction hereunder.

Such tariff schedules, as presently effective include:

A. all schedules listed below, the following designated percentages, or ——— kilowatthours of the load supplied by the Utility under:

B. a portion of the load as determined pursuant to section II below supplied by the Utility under:

II. Any farm's monthly irrigation and pumping load qualifying hereunder for each billing period shall not exceed the amount of the energy determined by the following formula:

400 × 0.746 × days in billing period × 24: *Provided, however,* That this amount shall not exceed that farm's measured energy for the same billing period.

where:

400 is equal to the horsepower limit defined in the Regional Act, 0.746 is the factor for converting horsepower to kW, days in billing period is determined in accordance with prudent and normal utility business practices, and 24 is the number of hours in a day.

III. When more than one farm is supplied from a common pumping installation, the irrigation and pumping load of the installation shall be allocated among the farms using the installation, based on the method (e.g., water shares, acreage) that the farms use to allocate the power costs among themselves. These allocated loads shall then be combined with any other irrigation and pumping loads attributed to the farms under section II above. In no instance shall any farm's total qualifying irrigation loads for any billing month exceed 222,000 kWh.

IV. For purposes of this contract, a farm is defined as a parcel or parcels of land owned or leased by one or more persons (person includes partnerships, corporations, or any legal entity capable of owning farm land) that is used primarily for agriculture. Agriculture is defined to include the raising and incidental primary processing of crops, pasturage, or livestock. Incidental primary processing means those activities necessarily undertaken to prepare agricultural products for safe and efficient storage or shipment. All electrical loads ordinarily associated with agriculture as defined above shall be considered as usual farm use.

Contiguous parcels of land under single-ownership or leasehold shall be considered to be one farm and noncontiguous parcels of land under single-ownership or leasehold shall be considered as one farm unit when operated as a single farm, unless demonstrated otherwise by the owner or lessee of the parcels.

A number of factors shall determine whether contiguous or noncontiguous parcels constitute one or more farms. These factors shall include but are not limited to:

—size
—use
—ownership
—control
—operating practices
—distance between parcels
—custom in the trade
—billing treatment by the utility.

V. Unused irrigation allocations may not be reallocated to other farms or to another billing period.

VI. The operator of a farm may be required to certify to the Utility all irrigation accounts, including horsepower rating, with the Utility for that farm, including all irrigation accounts commonly shared.

Exhibit E.—Load Factor Specification

Using data from the 60 months prior to the last Bonneville rate filing, the monthly Load Factor of the Utility shall be averaged over each seasonal period in Bonneville's demand charge according to the formula below. The seasonal period is all months of the year that have the same demand charge in Exhibit A.

$$\text{Load Factor} = \frac{E}{D} \times \frac{N}{H} \text{ for each month:}$$

where,

E = the sum of monthly energy loads in the seasonal periods the Utility filed with the FERC or other appropriate body for the previous five years.

D = the sum of monthly peak demands in the seasonal periods the Utility filed with the FERC or other appropriate body for the previous five years.

N = the number of months in the seasonal period.

H = the sum of hours in the month for all months in the seasonal period.

If the Utility acts as an agent for another utility (Principal Utility) the Load Factor for the portion of the purchase equal to the Residential Load of the Principal Utility shall be determined based on the Principal utility's own load data.

If Bonneville commences billing the majority of its public agency customers on a basis other than monthly noncoincidental demand, the Utility's Load Factor shall be computed from the 60 month historic data using a basis comparable to the billing criteria applied to the majority of public agencies.

The historic data used for Load Factor computation shall not be adjusted for normal temperature or streamflow. The historic data used for Load Factor computations shall not include surplus or special sales. The Utility shall provide, at Bonneville's request, the necessary information regarding the incidence and timing of such sales.

Exhibit F.—Determination of New Large Single Loads

(a) *Determination of a Facility.* Bonneville and the utility shall make a reasonable determination of what constitutes a single facility, for the purpose of identifying a New Large Single Load, based upon the following criteria: (1) Whether the load is operated by a single Consumer; (2) whether the load is in a single location; (3) whether the load serves a manufacturing process which produces a single product or type of product; (4) whether separable portions of the load are interdependent; (5) whether the load is contracted for, served, or billed as a single load under the individual Utility's customary billing and service policy; (6) consistent application of foregoing criteria is similar fact situations; and (7) any other factors the parties determine to be relevant.

(b) *Determination of Ten Average Megawatt Increase.* An increase in load shall be considered a New Large Single Load if the energy consumption of the consumer's load associated with a new facility, existing facility or expansion of an existing facility during the immediately past 12-month period exceeds by 10 average megawatts or more the consumer's energy consumption for such new facility, existing facility, or expansion of an existing facility for the consecutive 12-month period one year earlier, or the amount of the contracted for, or committed to load of the consumer as of September 1, 1979, whichever is greater.

The contracted for, or committed to load as of September 1, 1979, shall be the maximum amount of energy specified in such contract or commitment, or the maximum energy consumption of the load or the capacity limitation contained in such contract or commitment if energy is not specified or limited.

(c) *Identification of Potential New Large Single Loads.* The Utility shall make reasonable efforts to identify potential New Large Single Loads, and shall report to Bonneville (1) the addition of electrical equipment of ten MVA or more by a single consumer; (2) the installation of additional transformation capacity of ten MVA or more by the utility or a consumer which is designed to serve a single facility; or (3) the potential change in operation of a facility which may result in an increase of 10 average megawatts or more in a 12-month period.

(d) *Service to New Large Single Loads.* If a consumer of a purchaser provides a renewable or cogeneration resource to serve all or a portion of a load associated with a facility which would otherwise be a New Large Single Load, and thereby reduces the demand on the Utility, that portion of such load on the Utility, if any, shall not be a New Large Single Load, unless the load or portion thereof on the Utility is 10 average megawatts or more: *Provided, however,* That if a consumer sells, displaces or removes a resource or portion thereof, from service to the consumer's load at such facility, then all the load on the Utility shall be a New Large Single Load unless Bonneville, after consultation with the Utility and the consumer, determines that uncontrollable events prevent service to the consumer's load by such resource.

(e) *Normalization of Consumer's Load.* For the sole purpose of computing the increase in energy consumption between any two consecutive 12-month periods of comparison under this exhibit, reductions in the consumer's load associated with a facility during the first 12-month period of comparison due to unusual events reasonably beyond the control of the consumer shall be determined, and the energy consumption shall be computed as if such reductions had not occurred.

(f) *Changes in Load.* If an increase in load becomes a New Large Single Load, such increase shall, subject to the last paragraph of this subsection, remain a New Large Single Load and all subsequent increases in such load or portion thereof shall also be considered a New Large Single Load.

Load reductions to a consumer's load at a facility shall be on a last on, first off basis. Any load reductions made by a consumer at a facility shall first reduce that portion of the consumer's load at that facility which has been identified as a New Large Single Load.

If a consumer with a New Large Single Load physically and permanently removes equipment which imposes a load at a facility identified as a New Large Single Load the consumer's load may be reclassified as no longer being a New Large Single Load if Bonneville determines such equipment imposed a load equivalent to the original increase in load at each facility which caused such load to be classified as a New Large Single Load.

(g) *Renewal, Relocation, and Transfer.* The following events shall not cause a load to be considered a New Large Single Load, if such event does not result in an increase in power requirements of a consumer on the Utility of 10 average megawatts or more during any consecutive 12-month period: (1) Renewal or replacement of a contract between the Utility and the consumer if the capacity specified in the new contract based on the original

commitment or contract does not exceed the capacity specified in the contract being renewed or replaced; (2) relocation, replacement, or renovation of a consumer's facility within the Utility's service area; and (3) transfer of a facility to a successor-in-interest: *Provided,* That the service or product associated with the facility is essentially unchanged.

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federal register

Thursday
September 3, 1981

Part III

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Formula Grants for Juvenile Justice; Proposed Rulemaking

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

28 CFR Part 31

Formula Grants Program for Juvenile Justice; Request for Public Comment

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Proposed regulations: request for public comment.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing for additional public comment proposed regulations to implement the formula grant program authorized by Part B of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended by the Juvenile Justice Amendments of 1980 (Pub L. 96–509 December 8, 1980). This program allocates funds among the States by formula to undertake juvenile justice improvement efforts in accord with broad statutorily-specified purposes.

DATE: All comments are due on or before October 5, 1981. All comments will be considered in the publication of the final regulations.

ADDRESS: Send all comments to David D. West, Director, Formula Grants and Technical Assistance Division, OJJDP, 633 Indiana Avenue, NW., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: Frank M. Porpotage, II (202) 724–5911.

SUPPLEMENTARY INFORMATION: Draft regulations were originally published in the **Federal Register** on June 1, 1981 for public comment. Upon review of written responses from 23 separate organizations and individuals, the Office has rewritten the proposed regulations. Three major changes have occurred through this process. First, the regulations have been shortened and redrafted to streamline the formula grant application requirements and to simplify overall program administration. Secondly, the redraft encourages States to allocate additional resources to the violent juvenile crime area. This encouragement has taken the form of a written declared policy (see § 31.303(e)). Thirdly, substantive changes were made in the proposed "valid court order" exception to the deinstitutionalization mandate of the Act. These changes are proposed after careful consideration of comments received. They would permit judges to hold status offenders alleged to have violated a valid court order in secure detention, pending a violation hearing, based on a judicial determination, at a hearing, that there is probable cause to believe the juvenile violated the court order. Such a juvenile could then be held for such period of time as is permitted by State law, with a recommended maximum of ten days. Following the violation hearing, the judge would be required to "determine" that all the elements of a valid court order were provided at the violation hearing (rather than providing a "certification on the record") and there would be no requirement for a finding of "no rational alternative" to incarceration of the juvenile.

The change to permit secure detention prior to a due process violation hearing is based on the fact that a plain reading of the statute excepts juveniles *alleged* to have violated a valid court order, as well as those adjudicated, from the scope of the deinstitutionalization requirement. The requirement that the judge "determine" that the elements have been met leaves the State free to establish appropriate procedures to meet this requirement. The deletion of the "no rational alternative" language does no harm to the substantive protections afforded juveniles by the regulation.

Since substantive revisions have been made to the originally proposed regulations, OJJDP invites comment for an additional period of 30 days. Particular attention should be directed toward § 31.303(e) and (i)(3) and the streamlining of State requirements for administration of the formula grant program.

This announcement does not constitute a "major" rule as defined by Executive Order 1229 because it does not result in: (a) An effect on the economy of $100 million or more, (b) a major increase in any costs or prices; or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

This rule will not have "significant" economic impact on a substantial number of small "entities", as defined by the Regulatory Flexibility Act (P.L. 96–354).

Accordingly, it is proposed to revise 28 CFR Part 31 to read as follows:

PART 31—FORMULA GRANTS

Subpart A—General provisions

Sec.

31.1 General.
31.2 Statutory authority.
31.3 Submission date.

Subpart B—Eligible Applicants

31.100 Eligibility.
31.101 Establishment of State Criminal Justice Council.
31.103 Membership.

Subpart C—General

Sec.

31.200 General.
31.201 Audit.
31.202 Civil Rights.
31.203 Open meetings and public access to records.

Subpart D—Juvenile Justice Act Requirements

31.300 General.
31.301 Fund allocation.
31.302 State Council.
31.303 Substantive requirements.
31.304 Definitions.

Subpart E—General Conditions and Assurances

31.400 Compliance with Statute.
31.401 Compliance with other Federal Laws, Orders, Circulars.
31.402 Application on File.
31.403 Non-discrimination.

Authority: Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (42 U.S.C. 5601 et seq).

Subpart A—General Provisions

§ 31.1 General.

This part defines eligibility and sets forth requirements for application for and administration of formula grants to State governments authorized by Part B, Subpart I, of the Juvenile Justice and Delinquency Prevention Act.

§ 31.2 Statutory authority.

The statute establishing the Office of Juvenile Justice and Delinquency Prevention and giving authority to make grants for juvenile justice and delinquency prevention improvement programs is the *Juvenile Justice and Delinquency Prevention Act of 1974,* as amended (42 U.S.C. 5601 et seq).

§ 31.3 Submission Date.

Juvenile Justice Plans for Fiscal Year 1982 shall be submitted to the OJJDP 60 days after States are notified of FY 1982 Formula Grant allocations.

Subpart B—Eligible Applicants

§ 31.100 Eligibility.

All States as defined by Section 103(7) of the JJDP Justice and Delinquency Prevention Act.

§ 31.101 Establishment of State Criminal Justice Council.

Each State which chooses to apply for a formula grant shall establish or designate by law a State Criminal Justice Council unless an alternative State agency is approved pursuant to Section 261(c) of the JJDP Act. States must assure they have available for review a copy of the State law

establishing the Council, and a current list of Council membership.

§ 31.102 Membership of Council.

Pursuant to Section 1301(i) of the Justice System Improvement Act (JSIA) of 1979, States participating in the formula grant program of the Juvenile Justice and Delinquency Prevention Act, must include on the Council the chairperson and at least two additional citizen members of any advisory group established pursuant to Section 222(a)(3) of that Act. For purposes of this requirement a citizen member is defined as any person who is not a full-time government employee or elected official. Any executive committee of the Council must include the same proportion of juvenile justice advisory group members as are included in the total Council membership.

Subpart C—General Requirements

§ 31.200 General.

This subpart sets forth general requirements applicable to formula grant recipients under the JJDP Act of 1974, as amended. Applicants must assure compliance or submit necessary information on these requirements.

§ 31.201 Audit.

The State must assure that it adheres to the audit requirements enumerated in the "Financial and Administrative Guide for Grants" Manual, Guideline OJARS 7100.1B. Chapter 8 of the Manual contains a comprehensive statement of audit policies and requirements relative to grantees and subgrantees.

§ 31.202 Civil Rights.

(a) To carry out its Federal civil rights responsibilities the State plan must:

(1) Designate a civil rights contact person who has lead reponsibility in insuring that all applicable civil rights requirements, assurance, and conditions are met and who shall act as liaison in all civil rights matters with OJJDP and the OJARS' Office of Civil Rights Compliance (OCRC).

(2) Contain the Council's Equal Employment Opportunity Program (EEOP), if required to maintain one under 28 CFR 42.301 *et.seq.*, where the application is for $500,000 or more.

(b) The application must provide assurance that the State will:

(1) Require that every applicant required to formulate an EEOP in accordance with 28 CFR 42.301 *et. seq.*, submit a certification to the State that it has a current EEOP on file, which meets the requirement therein.

(2) Require every criminal or juvenile justice agency applying for a grant of $500,000 or more to submit a copy if its EEOP (if required to maintain one under 28 CFR 42.301, *et. seq.*) to OCRC at the same time it submits its application to the State;

(3) Inform the public and subgrantees of affected persons' rights to file a complaint of discrimination to OCRC for investigation;

(4) Cooperate with OCRC during compliance reviews of recipients located within the State; and

(5) Comply, and that its subgrantees and contractors will comply with the requirement that, in the event that a Federal of State court or administration agency makes a finding of discrimination on the basis of race, color, religion, national origin, or sex (after a due process hearing) against a State or a subgrantee or contractor, the affected recipient or contractor will forward a copy of the finding to OCRC.

§ 31.203 Open Meetings and Public Access to Records.

The State must assure that it will comply with the requirements of Section 402(c)(2) of the Justice System Improvement Act.

Subpart D—Juvenile Justice Act Requirements

§ 31.300 General.

This subpart set forth specific JJDP Act requirements for application and receipt of formula grants.

§ 31.301 Funding.

(a) *Allocation to States.* Each State receives a base allotment of $225,000 except for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands where the base amount is $56,250. Funds are allocated among the States on the basis of relative population under 18 years of age.

(b) *Funds for Local Use.* At least two-thirds of the formula grant allocation to the State must be used for programs *by local government,* or local private agencies unless the State applies for and is granted a waiver by the Office of Juvenile Justice and Delinquency Prevention.

(c) *Match.* Formula grants under the JJDP Act shall be 100% of approved costs, with the exception of planning and adminstration funds. Construction projects funded under Section 227(a)(2), require a 50% cash match.

(d) *Funds for Administration.* Not more than 7.5% of the total annual formula grant award may be utilized to develop the annual juvenile justice plan and pay for administrative expenses, including project monitoring and evaluation. These funds are to be matched on a dollar for dollar basis. The State shall make available needed funds for planning and administration to units of local government or combinations on an equitable basis. Each annual application must identify uses of such funds.

§ 31.302 Applicant State Agency.

(a) Pursuant to Section 223(a)(2) and Section 261(c) of the JJDP Act, the State assures that a Council or other State agency has been designated as the sole agency for supervising the preparation and administration of the plan and has the authority to implement the plan.

(b) The Chief Executive shall establish a Juvenile Justice Advisory Group pursuant to Section 223(a)(3) of the JJDP Act. The State shall provide a list of all current advisory group members, indicating their respective dates of appointment and how each member meets the membership requirements specified in this Section of the Act.

(c) The State shall assure that it complies with the requirements of 222(d) and 223(a) of the JJDP Act.

§ 31.303 Substantive requirements.

(a) *Consultation with and Participation of Units of General Local Government.* The State assures that it complies with Sections 223(a) (4) and (6) of the Act.

(b) *Participation of Private Agencies.* The State assures that it will comply with Section 223(a)(9) of the Act.

(c) *Pass-Through Requirement.* The State assures that it shall comply with Section 223(a)(5) of the Act. For purposes of this requirement, local private agency is defined as a private non-profit agency or organization that provides program services within an identifiable unit or a combination of units of general local government.

(d) *Rights of Privacy of Recipients of Services.* Pursuant to Section 223(a)(17) and 229 of the JJDP Act, the State shall assure that it has established procedures to meet this requirement.

(e) *Serious and Violent Juvenile Offender Emphasis.* Pursuant to Sections 101(a)(8), 223(a)(10) and 223(a)(22) of the JJDP Act, the Office encourages States that have identified serious and violent juvenile offenders as a priority problem, to allocate a minimum of 30% of the formula grant award to programs designed for these offenders. Particular attention should be given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation. In accord with future Administration policy direction, the

Office will attempt to assist States to reach this goal.

(f) *Deinstitutionalization of status offenders and non-offenders.* Pursuant to Section 223(a)(12)(A) of the JJDP Act, the State shall:

(1) Describe its plan, procedure, and timetable covering the three-year planning cycle, for assuring that the requirements of this section are met. Refer to § 31.303(i)(3) for the rules related to the valid court order exception to this Act requirement.

(2) Describe the barriers the State faces in achieving full compliance with the provisions of this paragraph.

(3) For those States that have achieved "substantial compliance" as outlined in Section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach documentation.

(4) Those States which, based upon the most recently submitted monitoring report, have been found to be in full compliance with Section 223(a)(12)(A) must, in lieu of addressing paragraphs (f) (1), (2), and (3) of this section, provide an assure that adequate plans and resources are available to maintain full compliance.

(5) Submit the report required under Section 223(a)(12)(B) of the Act as part of the annual monitoring report required by Section 223(a)(15) of the Act.

(g) *Contact with incarcerated adults.* (1) Pursuant to Section 223(a)(13) of the JJDP Act the State shall:

(i) Describe its plan and procedure, covering the three-year planning cycle, for assuring that the requirements of this section are met. The term regular contact is defined as sight and sound contact with incarcerated adults, including inmate trustees. This prohibition seeks as complete a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults. In addition, include a timetable for compliance and justify any deviation from a previously approved timetable.

(ii) In those isolated instances where juvenile criminal type offenders remain confined in adult facilities or facilities in which adults are confined, the State must set forth the procedures for assuring no regular sight and sound contact between such juveniles and adults.

(iii) Describe the barriers which may hinder the separation of alleged or adjudicated criminal type offenders, status offenders and non-offenders from incarcerated adults in any particular jail, lockup, detention or correctional facility.

(iv) Those States which, based upon the most recently submitted monitoring report, have been found to be in compliance with Section 223(a)(13) will, in lieu of addressing paragraphs, (g)(1)(i), (ii), and (iii) of this section, provide an assurance that adequate plans and resources are available to maintain compliance.

(v) Assure that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. However, this does not prohibit or restrict waiver of juveniles to criminal court for prosecution, according to State Law. It does, however, preclude a State from administratively transferring a juvenile offender to an adult correctional authority or a transfer within a mixed juvenile and audit facility for placement with adult criminals either before or after a juvenile reaches the statutory age of majority. It also precludes a State from transferring adult offenders to a juvenile correctional authority for placement.

(2) *Implementation.* The requirement of this provision is to be planned and implemented immediately by each sate in light of the constraints on immediate implementation. Immediate compliance is required where no constraints exist. Where constraints exist, the date of period of time provided within the latest approved plan is the compliance period deadline. Those states not in compliance must show progress toward achieving compliance annually until compliance is reached.

(h) *Removal of juveniles from adult jails and lock-ups.* Pursuant to Section 223(a)(14) of the JJDP Act, the State shall:

(1) Describe its plan, procedure, and timetable for assuring that requirements of this section will be met by December 8, 1985. Refer to § 31.303(i)(4) to determine the special (exceptional) circumstances which would have to exist to permit, in areas characterized by low population density with respect to the detention of juveniles and where no existing acceptable alternative placement is available, the temporary detention of juveniles accused of serious crimes against persons.

(2) Describe the barriers which the State faces in removing all juveniles from adult jails and lock-ups.

(3) For those States that have achieved "substantial compliance" with Section 223(a)(14) as specified in Section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach documentation.

(4) Those States which, based upon the most recently submitted monitoring report, have been found to be in full compliance with Section 223(a)(14) must, in lieu of addressing paragraphs (h)(1), (2), and (3) of this section, provide an assurance that adequate plans and resources are available to maintain full compliance.

(i) *Monitoring of jails, detention facilities and correctional facilities.*

(1) Pursuant to Section 223(a)(15) of the JJDP Act, and except as provided by paragraph (i)(7) of this section, the State shall:

(i) Indicate how it will annually identify and survey all secure detention or correctional facilities, jails, lock-ups, and other facilities usable for the detention and confinement of juveniles.

(ii) Provide a plan for an annual on-site inspection of all such facilities identified in paragraph (i)(1)(i) of this section. Such plan shall include a procedure for reporting and investigating compliance complaints in accordance with Section 223(a)(12)(A), (13), and (14).

(iii) Include a description of the barriers which the State faces in developing a monitoring system to establish and report the level of compliance with Sections 223(a) (12), (13), and (14).

(2) For the purpose of monitoring for compliance with Section 223(a)(12)(A) of the Act a secure detention or correctional institution or facility is:

(i) Any secure public or private facility used for the lawful custody of *accused* or adjudicated juvenile offenders or non-offenders; or

(ii) Any secure public or private facility, which is also used for the lawful custody of accused or convicted adult criminal offenders.

(3) *Valid Court Order.* For the purpose of determining whether a valid court order exists and a juvenile has been found to be in violation of that valid order all of the following conditions must be present, where applicable, prior to secure incarceration:

(i) The juvenile must have been brought into a court of competent jurisdiction and made subject to an order issued pursuant to proper authority. The order must be one which regulates future conduct of the juvenile.

(ii) The court must have entered a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.

(iii) The juvenile in question must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile in writing or be

reflected in the court record and proceedings.

(iv) All judicial proceedings related to an alleged violation of a valid court order must be held before a court of competent jurisdiction. A juvenile accused of violating a valid court order may be held in secure detention beyond the 24-hour grace period permitted for a noncriminal juvenile offender under OJJDP monitoring policy, only if there has been a judicial determination, based on a hearing, that there is probable cause to believe the juvenile violated the court order. In such case the juvenile may be held, pending a violation hearing, for such period of time as is provided by State law, but in no event should detention prior to a violation hearing exceed ten days. A juvenile found in a violation hearing to have violated a court order may be held in a secure detention or correctional facility.

(v) Prior to and during the violation hearing the following full due process rights must be provided:

(A) The right to have the charges against the juvenile in writing served upon him a reasonable time before the hearing;

(B) The right to a hearing before a court;

(C) The right to an explanation of the nature and consequences of the proceedings;

(D) The right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(E) The right to confront witnesses;

(F) The right to present witnesses;

(G) The right to have a transcript or record of the proceedings; and

(H) The right of appeal to an appropriate court.

(vi) In entering any order that directs or authorizes disposition of placement in a secure facility, the judge presiding over an initial probable cause hearing or violation hearing must determine that all the elements of a valid court order, (paragraphs (i)(3), (i), (ii), (iii)) of this section and, in the case of a violation hearing, the applicable due process rights, (paragraph (i)(3), (v) of this section), were afforded the juvenile.

(4) *Removal Exception (Section 223(a)(14).* The following conditions must be met in order for an accused juvenile to be temporarily detained (for up to 48 hours) in an adult jail or lock-up:

(i) The geographic area which has jurisdiction over the juvenile has been certified as having a low population density, based upon specific criteria developed by the State and approved by OJJDP. The criteria developed must take into account total county population per square mile. The State must provide rationale for the criteria proposed.

(ii) The juvenile must be accused of a serious crime against persons to include: Criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, and extortion accompanied by threats of violence.

(iii) A determination has been made that there is no existing acceptable alternative placement available pursuant to criteria developed by the State.

(iv) The county is not served by a local or regional juvenile detention facility.

(5) *Reporting Requirement.* The State shall report annually to the Administrator of OJJDP on the results of monitoring for Sections 223(a) (12), (13) and (14) of the JJDP Act. Three copies of the report shall be submitted to the Administrator of OJJDP no later than December 31 of each year.

(i) To demonstrate the extent of compliance with Section 223(a)(12(A) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of public and private juvenile detention and correctional facilities AND the number inspected on-site.

(C) Total number of accused status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.303(i)(2) for longer than 24 hours excluding those held pursuant to a judicial determination, based upon a hearing, that there is a probable cause to believe the juvenile violated a court order.

(D) Total number of adjudicated status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.303(i)(2) excluding those held pursuant to a finding of violation of a valid court order.

(E) Total number of status offenders held in any secure detention or correctional facilities pursuant to a judicial determination that there is probable cause to believe the juvenile violated a court order or pursuant to a finding of a violation of a valid order.

(F) Total number of accused and adjudicated status offenders and non-offenders held in any adult jail or lock-up as defined in § 31.304.

(ii) To demonstrate the extent to which the provisions of Section 223(a)(12)(B) of the JJDP Act are being met, the report must include the total number of accused and adjudicated status offenders and non-offenders placed in facilities that are:

(A) Not near their home community;

(B) Not the least restrictive appropriate alternative; and

(C) Not community-based.

(iii) To demonstrate the progress and extent that the requirements of Section 223(a)(13) of the JJDP Act are being met, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Designated date for achieving full compliance.

(B) The total number of facilities that can be used for the secure detention and confinement of both juvenile offenders and adult criminal offenders.

(C) Both the total number of facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the past 12 months AND the number inspected on-site.

(D) The total number of facilities used for secure detention and confinement of both juvenile offenders and adult criminal offenders AND those which did not provide adequate separation.

(E) The total number of juvenile offenders and non-offenders NOT adequately separated in facilities used for the secure detention and confinement of both juveniles and adults.

(iv) To demonstrate the progress and extent of compliance with Section 223(a)(14) of the JJDP Act the report must at least include the following information for the baseline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of adult jails in the State AND the number inspected on-site.

(C) Total number of adult lock-ups in the State AND the number inspected on-site.

(D) Total number of adult jails holding juveniles during the past twelve months.

(E) Total number of adult lock-ups holding juveniles during the past twelve months.

(F) Total number of adult jails and lock-ups in areas meeting the "removal exceptions" as noted in subparagraph 4 above, including a list of such counties.

(G) Total number of juveniles held in all adult jails in excess of six hours.

(H) Total number of juveniles held in all adult lock-ups in excess of six hours.

(I) Total number of juveniles held in adult jails in areas meeting the "removal exception" as noted in paragraph (i)(4) of this section.

(J) Total number of juveniles held in excess of 48 hours in jails and lock-ups in areas meeting the "removal exceptions" as noted in paragraph (i)(4) of this section.

(6) *Compliance.* A State must demonstrate the extent to which the requirements of Section 223(a)(12)(A), (13), and (14) of the Act are met and should a state fail to demonstrate the requirements of these Sections within the designated time frame, eligibility for formula grant funding shall terminate. The compliance levels are:

(i) Substantial compliance with Section 223(a)(12)(A) requires within three years of initial plan submission achievement of a 75% reduction in the aggregate number of status offenders and non-offenders held in secure detention or correctional facilities; or through removal of 100% of such offenders from secure correctional facilities only, and the State has made an unequivocal commitment through appropriate executive and legislative action to achieve full compliance within two additional years. Full compliance is achieved when a State has removed 100% of such juveniles from secure detention and correctional facilities or can demonstrate full compliance with *de mimimis* exceptions pursuant to the policy criteria contained in the Federal Register of January 9, 1981 (46 FR 2466–2569).

(ii) Compliance with Section 223(a)(13) has been achieved when a State can demonstrate that:

(A) The last submitted monitoring report, covering a full 12 months of data, demonstrates that no juveniles were incarcerated in circumstances that were in violation of Section 223(a)(13); or

(B)(*1*) State law, regulation, court rule, or other established executive and judicial policy clearly prohibits the incarceration of all juvenile offenders in circumstances that would be in violation of Section 223(a)(13);

(*2*) All instances of noncompliance reported in the last submitted monitoring report were in violation of, or departures from, the State law, rule, or policy referred to in paragraph (i)(6)(B)(1) of this section;

(*3*) The instances of noncompliance do not indicate a pattern or practice but rather constitute isolated instances; and

(*4*) Existing mechanisms for the enforcement of the State law, rule, or policy referred to in paragraph (i)(6)(B)(1) of this section are such that the instances of noncompliance are unlikely to recur in the future.

(iii) Substantial compliance with Section 223(a)(14) requires the achievement of a 75% reduction by December 8, 1985 in the number of juveniles held in adult jails and lock-ups and that the State has made a unequivocal commitment, through appropriate executive or legislative action, to achieving full compliance within two additional years.

(7) *Monitoring Report Exceptions.* States which have been found by the OJJDP Administrator to have achieved full compliance with Section 223(a)(12)(A) and compliance with Section 223(a)(13) of the Juvenile Justice Act and which wish to be exempted from the annual monitoring report must submit a written request to the OJJDP Administrator which demonstrates that:

(i) The State provides for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to enable an annual determination of State compliance with Sections 223(a)(12)(A), (13), and (14) of the JJDPA;

(ii) State legislation has been enacted which conforms to the requirements of Sections 223(a)(12)(A) and (13) of the Juvenile Justice Act; and

(iii) The enforcement of the legislation is statutorily or administratively prescribed, specifically providing that:

(A) Authority for enforcement of the statute is assigned;

(B) Time frames for monitoring compliance with the statute are specified; and

(C) Adequate sanctions and penalties that will result in enforcement of the statute and procedures for remedying violations are set forth.

(j) *Juvenile crime analysis.* Pursuant to Section 223(a)(12) (A) and (B) the State shall conduct an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs.

(1) *Analysis.* The analysis must be provided in the multi-year application. A suggested format for the analysis is provided in the Formula Grant Application Kit.

(2) *Product.* The product of the analysis is a series of brief written problem statements set forth in the application that define and describe the priority problems.

(3) *Programs.* Applications are to include descriptions of programs to be supported with Juvenile Justice Act formula grant funds. A suggested format for these programs is included in the application kit.

(4) *Performance Indicators.* A list of performance indicators must be developed and set forth for each program. These indicators show what data will be collected at the program level to measure whether objectives and performance goals have been achieved and should relate to the measures used in the problem statement and statement of program objectives.

(k) *Concentration of State Effort.* Pursuant to Section 223(a)(8)(C) the State shall assure that it has on file a plan for the concentration of State efforts as they relate to the coordination of all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities.

(l) *Annual Performance Report.* Pursuant to Section 223(a) and Section 223(a)(21) the State Plan shall provide for submission of an annual performance report. The State shall report on its progress in the implementation of programs, as described in the three-year plan. The performance indicators will serve as the objective criteria for a meaningful assessment of progress toward achievement of measurable goals.

(m) *Equitable Distribution of Juvenile Justice Funds and Assistance to Disadvantaged Youth.* The State shall assure that it complies with Section 223(a)(7) and (16) of the JJDP Act.

(n) *Advanced Techniques.* The State shall assure that it complies with Section 223(a)(10) of the JJDP Act.

(o) *Analytical and Training Capacity.* The State Council shall assure that it complies with Section 223(a) (11) and (12) of the JJDP Act.

(p) *Equitable Arrangements for Employees Affected by Assistance Under the Act.* Pursuant to Section 223(a)(18) the State shall assure that fair and equitable arrangements are made to protect the interest of employees affected by assistance under the Act.

(q) *Technical Assistance.* States shall include, within their plan, a description of technical assistance needed. Specific directions regarding the development and inclusion of all Technical Assistance needs and priorities will be provided in the "Application Kit for Formula Grants under the JJDPA."

(r) *Other Terms and Conditions.* Pursuant to Section 223(a)(22) of the JJDP Act, States shall agree to other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of programs assisted under the formula grant.

§ 31.304 Definitions.

(a) *Private Agency.* A private non-profit agency, organization or institution is:

(1) Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control; and

(2) Any other agency, organization or institution which operated primarily for scientific, educational, service, charitable, or similar public purposes, but which is not under public supervision or control, and not part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of Section 501(c)(3) of the 1954 Internal Revenue Code.

(b) *Secure.* As used to define a detention or correctional facility this term includes residential facilities which have fixtures designed to physically restricted the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures.

(c) *Facility.* A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

(d) *Juvenile who is accused of having committed an offense.* A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occured alleging that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender, and no final adjudication has been made by the juvenile court.

(e) *Juvenile who has been adjudicated as having committed an offense.* A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal-type offender, or a status offender.

(f) *Juvenile Offender.* An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law.

(g) *Criminal-type Offender.* A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(h) *Status Offender.* A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(i) *Non-Offender.* A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

(j) *Lawful Custody.* The exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law of a judicial order or decree.

(k) *Other individual accused of having committed a criminal offense.* An individual, adult or juvenile, who has been charged with committing a criminal offense in a court exercising criminal jurisdiction.

(l) *Other individual convicted of a criminal offense.* An individual, adult or juvenile, who has been convicted of a criminal offense in a court exercising criminal jurisdiction.

(m) *Adult Jail.* An locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

(n) *Adult Lockup.* Similar to jail for adults except that is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Subpart E—General Conditions and Assurances

§ 31.401 Compliance with statute.

The applicant State must assure and certify that the State and its subgrantees and contractors will comply with applicable provisions of the Omimbus Crime Control and Safe Streets Act of 1968, Pub. L. 90–35, as amended, and with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, as amended, and the provisions of the OJARS Financial and Administrative Guide for Grants, M 7100.1B.

§ 31.402 Compliance with other Federal Laws, Orders, Circulars.

The applicant State must further assure and certify that the State and its subgrantees and contractors will adhere to regulations of the Department and other applicable Federal laws, orders and circulars. These general Federal laws and regulations are described in greater detail in the "Fiscal Year 1982 Application Kit for Formula Grant under the JJDP Act."

§ 31.403 Application on file.

Any Federal funds awarded pursuant to an application must be distributed and expended pursuant to and in accordance with the programs contained in the applicant State's current approved application and any advance funds will not be awarded for any program not specifically approved and clearly set forth in the current comprehensive application. Any departures therefrom, other than to the extent permitted by current program and fiscal regulation and guidelines, will be submitted for advance approval by the Administration or of OJJDP.

§ 31.404 Non-discrimination.

The State assures that it will comply, and that its subgrantees and contractors will comply, with all applicable nondiscrimination requirements, including:

(a) Section 815(c)(1) of the Justice System Improvement Act of 1979, as made applicable by Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended;

(b) Title VI of the Civil Rights Act of 1964;

(c) Section 504 of the Rehabilitation Act of 1973, as amended;

(d) Title IX of the Education Amendments of 1972;

(e) The Age Discrimination Act of 1975; and

(f) The Department of Justice's Nondiscrimination Regulations, 28 CFR, Subparts C, D, E, and G.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81–25833 Filed 9–2–81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSIS
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DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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Now Available 1979 Microfilm Edition of the Federal Register

The microfilm edition of the **Federal Register** for 1979, (volume 44), is now available at a cost of $325. This volume covers 77,498 pages and the annual index, plus the quarterly index of List of CFR Sections Affected. It is microfilmed on 35mm rolls only. This microfilm publication, (M190), now comprises 361 rolls and spans the years 1936–1979. The entire publication is for sale at $4693. Further information concerning the 1979 volume or any other volume may be obtained from the Publications Sales Branch (NEPS), National Archives & Records Service, Washington, D.C. 20408. Institutional orders may be placed directly with NEPS.

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federal register

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44508 **Grant Programs—Social Services** HHS/HDSO establishes Federal allotments to States for social services block grants for FY 1982.

44712 **Food Stamp Programs** USDA/FNS restricts eligibility and reduces benefits for certain households. (Part VIII of this issue)

44452 **Child Nutrition Programs** USDA/FNS proposes to change meal pattern and crediting requirements for the National School Lunch, School Breakfast and Child Care Food Programs.

44424 **Aviation Safety** DOT/FAA establishes certain procedures for operation of National Air Traffic Control System.

44444 **Mortgage Insurance and Home Improvement Loans** HUD/FHC increases maximum allowable finance charge on Title I property improvement, mobile homes combination and mobile home lots, historic preservation, and insured home and project loans. (2 documents)

44420 **"NOW" Accounts** FRS suspends effective date on eligibility of depositors to maintain accounts at member banks.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

44422 Credit Unions NCUA allows Federal credit unions to offer "All Savers Certificates" (tax-exempt savings certificates).

44421 NCUA issues interpretive ruling and policy statement on examination of companies engaged by credit unions to perform accounting or EDP services.

44730 Comprehensive Employment and Training Act Labor/ETA issues rules on Governors Special Grant Programs under Title II and Youth Programs under Title IV. (Part IX of this issue)

44477 Gasoline EPA proposes to substitute (R+M)/2 for Research Octane Number to measure unleaded gasoline octane.

44696 Energy DOE/ERA proposes rule establishing administrative procedures for applications to import or export natural gas. (Part VII of this issue)

44686 Minority Businesses DOE establishes policies and procedures for granting loans for bid or proposal preparation by minority business enterprises seeking DOE contracts and assistance. (Part VI of this issue)

44590 Minimum Wages Labor/ESA/W&H publishes minimum wages for Federal and Federally assisted construction. (Part II of this issue)

44548 Small Businesses SBA's Regulatory Identification Working Group requests comments on specific regulations which burden small businesses.

44660 Endangered and Threatened Wildlife and Plants Interior/FWS amends list of species for which import and export are controlled. (Part III of this issue)

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Rules and Regulations

Federal Register
Vol. 46, No. 172
Friday, September 4, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Chapter I

Review of Regulations Under Regulatory Flexibility Act

AGENCY: Office of Personnel Management.

ACTION: Determination Under the Regulatory Flexibility Act.

SUMMARY: The Office of Personnel Management has completed a review of all existing regulations to determine their effect on small entities. This review is required by the Regulatory Flexibility Act (5 U.S.C. 610). The Director certifies that none of the regulations reviewed affect small entities.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Beverly McCain Jones, Issuance System Office, 202–254–7086.

SUPPLEMENTARY INFORMATION: One of the requirements of the Regulatory Flexibility Act is that each agency publish in the **Federal Register** a plan for the periodic review of rules which will have a significant economic impact on small entities. This review is in addition to the semiannual agenda review. Although the Act allows us to complete the review over a period of ten years, OPM staff reviewed all existing regulations codified in the 1981 version of 5 CFR, and all regulations issued from January 1, 1981, through February 28, 1981. After March 1, 1981, each regulation contained a statement on the applicability of the Regulatory Flexibility Act.

Office of Personnel Management.
Beverly McCain Jones,
Issuance System Manager.
[FR Doc. 81–25873 Filed 9–3–81; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 771

Agency Administrative Grievance System

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is amending its regulations on agency administrative grievance systems. These regulations provide criteria for the establishment and publication of an administrative grievance system by each agency and define the employee and action coverage to comply with those provisions of the Civil Service Reform Act of 1978 which affect employee administrative grievance rights. These amendments further define the employee and action coverage of the system.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Gary D. Wahlert, (202) 632–7778.

SUPPLEMENTARY INFORMATION: Proposed amendments to Part 771, Agency Administrative Grievance System, were published in the **Federal Register** on February 24, 1981 (46 FR 13729). Each of the four amendments affects § 771.206(c) which sets forth certain exclusions from coverage under the agency administrative grievance system.

The first amendment affects paragraphs (c)(1)(v) of § 771.206 which is concerned with employees of the Senior Executive Service (SES). No commenters recommended changes in the amendment as proposed. Accordingly, "an officer or employee" is changed to "a career appointee" to precisely reflect the type of employee affected by this exclusion. In addition, "or another pay system" is inserted after "General Schedule" to reflect the fact that some career appointees to the SES may have previously occupied positions not in the General Schedule.

The second amendment redesignates paragraphs (c)(1)(vi) through (xii) of § 771.206 as paragraphs (c)(1)(vii) through (xiii) in order to add a new paragraph (c)(1)(vi) also concerning employees of the SES. No commenters recommended changes in the amendment as proposed. Accordingly, the amendment excluding grievances over a reassignment of an SES appointee following the receipt of an unsatisfactory rating under section 4314 of title 5, United States Code, is adopted. The exclusion of grievances concerning reassignments under these circumstances in consistent with the mandatory nature of the statute requiring action (reassign, transfer or remove). It is also noted that the current paragraph (c)(1)(xiii) excludes grievances concerning performance evaluations under Subchapter II of Chapter 43 of title 5, United States Code, entitled "Performance Appraisal in the Senior Executive Service."

With paragraph (c)(1)xiii) redesignated as paragraph (c)(1)(xv), a new paragraph (c)(1)(xiv) concerning employees of the SES is added to § 771.206. No commenters recommended changes in this third amendment as proposed. Accordingly, the amendment excluding grievances concerning terminations of SES career appointees during probation for unacceptable performance under Subpart D of Part 359 of the Code of Federal Regulations is adopted. This exclusion is consistent with that currently set forth in paragraph (c)(1)(xii) concerning the termination of other probationary employees for unsatisfactory performance under Subpart H of Part 315 of the Code of Federal Regulations.

The fourth amendment adds a new paragraph (c)(1)(xvi) which as proposed would have provided a new exclusion as follows: "An action taken in accordance with the terms of an agreement voluntarily entered into by an employee which: (A) Assigns the employee from one geographical location to another within the continental United States or (B) returns an employee from an overseas assignment." However, several commenters have suggested changes in the content of the amendment—some of which we have adopted as discussed below.

One commenter suggested that the word "formal" be inserted before agreement. We agree that this suggested change would serve to emphasize the importance of spelling out in an agreement the terms of employment

with regard to mobility so that they are clearly understood by the parties to the agreement. Accordingly, this suggestion is adopted.

Another commenter recommended that subsection A concerning assignments from one geographical location to another within the continental United States not be included in the final amendment. The commenter noted that voluntary agreements to accept reassignments are not necessary for a manager to reassign an employee and that reassignment is a matter that is normally grievable. We, of course, agree that voluntary agreements are not necessary in order for a manager to reassign an employee; however, this exclusion is addressed to those situations wherein an employee and the manager (agency) have entered into a formal agreement, the terms of which are clearly understood by the parties to the agreement at the outset. In this instance, the employee may choose not to enter into such an agreement. If the employee does choose to enter into an agreement, the agency should not then have to entertain grievances concerning the mere effectuation of that agreement. In other situations where there is no voluntary agreement, reassignment, of course, would normally be grievable by a dissatisfied employee. Accordingly, the commenter's recommendation to delete subsection A is not adopted.

One commenter noted that voluntary agreements may be concerned with assignments from one geographical location to another other than just within the continental United States. We agree. Accordingly, we have deleted "within the continental United States" from the amendment.

Another commenter recommended that "consistent pursuant to 5 U.S.C. 3395" be inserted after "An action taken * * *". Since this exclusion applies to all employees covered by the agency administrative grievance system and not just employees of the SES, this recommendation is not adopted.

This commenter also recommended that "provided that such action will not be taken as a punitive or disciplinary measure" be added to the final line of the amendment. An employee could choose not to enter into an agreement that permitted actions to be taken as punitive or disciplinary measures. Accordingly, we see no need for this change and do not adopt the recommendation.

One commenter opposed the entire fourth amendment stating that it would make "* * * in effect, the non-voluntary return of employees in foreign areas with return rights a nongrievable matter." We agree. However, as noted previously, an employee may choose not to enter into a formal agreement, the terms of which are clearly understood by the parties to the agreement at the outset. Again, we do not believe that an agency should have to entertain grievances concerning the mere effectuation of that type of agreement. An employee dissatisfied with the concept of the exclusion of grievances concerning actions taken in accordance with the terms of an agreement which return an employee from an overseas assignment should not enter into such an agreement. Accordingly, the modified amendment is published in the form discussed above.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulations, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance Systems Manager.

PART 771—AGENCY ADMINISTRATIVE GRIEVANCE SYSTEM

Accordingly, the Office of Personnel Management is amending Part 771 of Title 5, Code of Federal Regulations, as follows:

§ 771.206 Exclusions. [Amended]

1. In § 771.206, revise paragraph (c)(1)(v) to read as follows:

* * * * *

(c) * * *

(1) * * *

(v) A return of a Senior Executive Service career appointee to the General Schedule or another pay system during the one year period of probation or for less than fully successful executive performance under section 3592 of title 5, United States Code;

* * * * *

2. In § 771.206, paragraph (c)(1)(xiii) is redesignated as paragraph (c)(1)(xv) and paragraphs (c)(1) (vi) through (xii) are redesignated paragraphs (c)(1) (vii) through (xiii). A new paragraph (c)(1)(vi) is added to read as follows:

* * * * *

(c) * * *

(1) * * *

(vi) A reassignment of a Senior Executive Service appointee following the appointee's receipt of an unsatisfactory rating under section 4314 of title 5, United States Code;

* * * * *

3. In § 771.206 add paragraph (c)(1)(xiv) to read as follows:

* * * * *

(c) * * *

(1) * * *

(xiv) The termination under Subpart D of Part 359 of this title of an SES career appointee during probation for unsatisfactory performance.

* * * * *

4. In § 771.206 add paragraph (c)(1)(xvi) to read as follows:

* * * * *

(c) * * *

(1) * * *

(xvi) An action taken in accordance with the terms of a formal agreement voluntarily entered into by an employee which: (A) assigns the employee from one geographical location to another or (B) returns an employee from an overseas assignment.

(5 U.S.C. 1302, 3301, 3302, 7301; E.O. 9830, 3 CFR 1943–1948 Comp., pp. 606–624; E.O. 11222, 3 CFR 1964–1969 Comp., p. 306)

[FR Doc. 81–25887 Filed 9–3–81; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 321]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service. USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 6–12, 1981. Such action is needed to provide for orderly marketing of fresh lemons for

this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 6, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 1, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.621 is added as follows:

§ 910.621 Lemon Regulation 321.

The quantity of lemons grown in California and Arizona which may be handled during the period September 6, 1981, through September 12, 1981, is established at 226,904 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 2, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–26259 Filed 9–3–81; 2:00 p.m.]

BILLING CODE 3410–02–M

Food Safety and Inspection Service

9 CFR Part 331

[Docket No. 81–033F]

Designation of State of Michigan Under Federal Meat Inspection Act

Note.—This document originally appeared in the **Federal Register** for September 2, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Food Safety and Inspection Service, USDA.

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretay of Agriculture hereby designates the State of Michigan under section 301(c)(3) of the Federal Meat Inspection Act. The Governor of the State of Michigan has advised this Department that the State of Michigan will no longer be in a position to continue administering a State meat inspection program after October 2, 1981. Accordingly, effective October 3, 1981, all establishments operating under the Michigan meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act. By this designation, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State.

The provisions concerning designated States are found in Part 331, Subchapter A, Chapter III, Title 9 of the Code of Federal Regulations.

EFFECTIVE DATES: This notice of designation is effective as of September 2, 1981.

The effective date of this amendment is October 3, 1981.

As a result of this amendment, the provisions of titles I and IV of the Federal Meat Inspection Act (9 CFR Part 331) will apply to such establishments and intrastate operations wholly within the State of Michigan on and after October 3, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Joe Blair, Director, Federal-State Relations Branch, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (202) 447–6313.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action is being taken because the State of Michigan indicated it was no longer in a position to enforce requirements with respect to said establishments at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises, to compete with foreign-based enterprises in domestic or export markets.

Since the Governor of the State of Michigan has advised the United States Department of Agriculture that the State-operated meat inspection program will be discontinued due to the lack of funding, the Federal Government is mandated by law to assume the responsibilities for the meat inspection program with respect to establishments operating, and intrastate operations and transactions wholly within the State.

Therefore, no alternative actions under the law are available to the Department.

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. As stated above, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of administering the meat inspection program with respect to establishments operating, and operations and transactions, wholly within that State. This action will affect approximately 349 heretofore State inspected establishments in Michigan, most, if not all, of which may be presumed to be small businesses. However, this is not a substantial number of establishments given the approximately 10,000 small meat establishments nationwide, which are either federally or State inspected. Additionally, the application of certain Federal facility and other requirements to such establishments will be flexible insofar as each facility will be reviewed with regard to the circumstances peculiar to that establishment. Furthermore, it is not anticipated that significant costs will be incurred by these Michigan establishments as a result of this action. Those specific establishments for which some upgrading of facilities is indicated will be provided up to 36 months in which to make such changes.

Background

The Governor of the State of Michigan has advised this Department that the State of Michigan will no longer be in a position to continue administering the State meat inspection program after October 2, 1981, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishment with the state at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat and meat food products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Michigan had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act. However, such titles contemplate a continuous, ongoing program, and in view of the termination date now applicable to the Michigan program, it is hereby determined that Michigan is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act.

On and after October 3, 1981, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State, and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Federal Meat Inspection Act, and any establishment in the State which conducts any slaughtering or preparation of carcasses or parts or products thereof, as described above, must have federal meat inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Therefore, the operator, of each such establishment who desires to continue any such operations after October 2, 1981, should immediately communicate with the Regional Director for Meat and Poultry Inspection as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment: Dr. K. O. McDougall, Director, North Central Region, Meat and Poultry Inspection Operations, U.S. Department of Agriculture, Room 419, U.S. Courthouse Building, East First and Walnut Streets, Des Moines, Iowa 50309, (515) 862–4042.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Accordingly, Part 331 is amended to read as follows:

1. The authority citation for Part 331 reads as follows:

Authority: Secs. 21 and 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

§ 331.2 [Amended]

2. The table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

In the "State" column, "Michigan" is added immediately below "Massachusetts".

In the "Effective date of application of Federal provisions" column, "October 3, 1981," is added on the line with "Michigan".

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that it is necessary to designate the State of Michigan immediately, in accordance with section 301(c) of the Federal Meat Inspection Act, in order to carry out the Secretary's responsibilities under the Act.

Therefore, it does not appear that additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, DC, on: August 17, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-25377 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, and 70

Regional Licensing Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations concerning the domestic licensing of byproduct material to provide information concerning the NRC's regional licensing program. The amendment specifies that applications or amendments for certain licenses must be sent to regional offices in regions where the regional licensing program is in effect. The amendment is necessary to inform current or prospective licensees of current NRC practice.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Vandy L. Miller, NMSS, Telephone: (301) 427–4002.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is amending its regulations on communications concerning the domestic licensing of byproduct material to reflect current NRC practices under

its regional licensing program. The revised communications provisions (§§ 30.6, 40.5, and 70.5) specify that all inquiries concerning NRC regulations in 10 CFR Parts 30–35, Part 40 and Part 70 and applications for certain types of licenses or license renewals or revisions in Regions I and III be sent to the regional office. This requirement would not apply to Agreement States, Federal facilities or the District of Columbia.

Background

The NRC conducted a two year pilot regional licensing program in Region III from March, 1978 to March, 1980. The program was designed to determine whether better service could be provided to licensees through field offices than would be given through Headquarters. The pilot program was also intended to determine the equipment and personnel needed for a formal regional program and to identify problems that could result from full regionalization.

Pilot Program Results

The pilot program indicated that better services to applicants and licensees can be provided by a regional licensing program. Under the pilot program, response time for licensing actions was reduced, the number of deficiency letters to applicants declined, and the quality of license reviews by the regional staff was consistent with that of the headquarters staff. In addition, the quality of license reviews and enforcement action as well as the training of licensing and inspection staffs benefited from the regional program.

As a result the NRC is continuing the regional licensing program in Region III and establishing a similar program in Region I.

The Regulation

The changes to §§ 30.6, 40.5, and 70.5 are nonsubstantive amendments. These amendments are intended to inform current and prospective licensees of current, NRC practices. The new §§ 30.6, 40.5, and 70.5 indicate the types of licenses covered under the regional licensing program and the proper addresses in Regions I and III for submitting covered licensing actions.

This is a nonsubstantive, administrative amendment. Since this is a minor procedural amendment the notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) do not apply and good cause exists for making the amendment effective September 4, 1981.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended and 5 U.S.C. 552 and 553, the following amendments to 10 CFR Parts 30, 40, and 70 are published as a document subject to codification.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 reads as follows:

Authority: Secs. 81, 82, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842 and 5846), unless otherwise noted.

Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273) § 30.34(c) issued under sec. 161b, 68 Stat. 948 (42 U.S.C. 2201(b)) and §§ 30.51 and 30.52 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 30.6 is revised to read as follows:

§ 30.6 Communications.

(a) Unless otherwise specified, or covered under the regional licensing program as provided in paragraph (b) of this section, any communication or report concerning the regulations in Parts 30–35 of this chapter, and any application filed under these regulations may be submitted to the Commission as follows:

(1) By mail addressed to—Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(2) By delivery in person to the Commission offices at—

(i) 1717 H Street, NW., Washington, DC; or

(ii) 7915 Eastern Ave., Willste Bldg., Silver Spring, Maryland.

(b) The Commission is conducting a regional licensing program for selected parts of its material licensing program. Any communication, report, or application covered under the Commission's regional licensing program for Regions I and III must be submitted as specified in paragraph (b)(2) of this section.

(1) The regional licensing program includes—

(i) All licenses for the medical use of radioisotopes except teletherapy sources and nuclear powered pacemakers;

(ii) All academic licenses except irradiators;

(iii) All industrial licenses authorizing research and development;

(iv) Licenses for the industrial use of stationary and portable gauges; and

(v) Licenses of sources contained in gas chromatographs and x-ray fluorescence analyzers.

(2) The following regions are participating in the regional licensing program.

(i) *Region I.* With the exception of Federal facilities and the District of Columbia, the regional licensing program involves the following Region I Non-Agreement States: Connecticut, Delaware, Maine, Massachusetts, New Jersey, Pennsylvania, and Vermont. All inquiries and each application for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section may be sent to—U.S. Nuclear Regulatory Commission, Region I, Material Licensing Section, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

(ii) *Region III.* With the exception of Federal facilities, the regional licensing program involves the following states: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. All inquiries and each application for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section may be sent to—U.S. Nuclear Regulatory Commission, Region III, Radioisotopes Licensing Section, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. The authority citation for Part 40 reads as follows:

Authority: Secs. 62, 63, 64, 65, 161, 182, 183, 68 Stat. 932, 933, 948, 953, 954, as amended (42 U.S.C. 2092, 2093, 2094, 2095, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846), unless otherwise noted.

Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273) § 40.41(c) issued under sec. 161b., 68 Stat. 948 (42 U.S.C. 2201(b)) and §§ 40.23(e)(3), 40.61 and 40.62 issued under sec. 161o., 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

4. Section 40.5 is revised to read as follows:

§ 40.5 Communications.

(a) Unless otherwise specified, or covered under the regional licensing program as provided in paragraph (b) of this section, any communication or report concerning the regulations in this part and any application filed under these regulations may be submitted to the Commission as follows:

(1) By mail addressed to—Director of Nuclear Material, Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(2) By delivery in person to the Commission offices at—

(i) 1717 H Street, NW, Washington, DC; or

(ii) 7915 Eastern Ave., Willste Bldg., Silver Spring, Maryland.

(b) The Commission is conducting a regional licensing program for selected parts of its material licensing program. Any communication, report, or application covered under the Commission's regional licensing program for Regions I and III must be submitted as specified in paragraph (b)(2) of this section.

(1) The regional licensing program includes—

(i) All licenses for the medical use of radioisotopes except teletherapy sources and nuclear powered pacemakers;

(ii) All academic licenses except irradiators;

(iii) All industrial licenses authorizing research and development;

(iv) Licenses for the industrial use of stationary and portable gauges; and

(v) Licenses of sources contained in gas chromatographs and x-ray fluorescence analyzers.

(2) The following regions are participating in the regional licensing program.

(i) *Region I.* With the exception of Federal facilities and the District of Columbia, the regional licensing program involves the following Region I Non-Agreement States: Connecticut, Delaware, Maine, Massachusetts, New Jersey, Pennsylvania, and Vermont. All inquiries and each application for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section may be sent to—U.S. Nuclear Regulatory Commission, Region I, Material Licensing Section, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

(ii) *Region III.* With the exception of Federal facilities, the regional licensing program involves the following states: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. All inquiries and each application for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section may be sent to—U.S. Nuclear Regulatory Commission, Region III, Radioisotopes Licensing Section, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

5. The authority citation for Part 70 reads as follows:

Authority: Secs. 51, 53, 161, 182, 68 Stat. 929, 930, as amended, 948, as amended, 953, as amended, 954 (42 U.S.C. 2071, 2073, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846) unless otherwise noted.

For the purposes of Sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 70.3, 70.19(c), 70.21(c), 70.22(a), (b), (d)–(k), 70.24(a) and (b), 70.32(a)(3), (5), and (i), 70.36, 70.39(b), and (c), 70.41(a), 70.42(a) and (c), 70.56, are issued under Sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.20a(d), 70.32(a)(6), (c), (d), (e), and (g), 70.36, 70.51(c)–(g), 70.56, 70.57(b) and (d), 70.58(a)–(g)(3) and (h)–(j) are issued under Sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.32(h), 70.51(b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58(g)(4), (k) and (l), 70.59 are issued under Sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

6. Section 70.5 is revised to read as follows:

§ 70.5 Communications.

(a) Unless otherwise specified, or covered under the regional licensing program as provided in paragraph (b) of this section, any communication or report concerning the regulations in this part and any application filed under these regulations may be submitted to the Commission as follows:

(1) By mail addressed to—Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(2) By delivery in person to the Commission offices at—

(i) 1717 H Street, NW., Washington, DC; or

(ii) 7915 Eastern Ave., Willste Bldg., Silver Spring, Maryland.

(b) The Commission is conducting a regional licensing program for selected parts of its material licensing program. Any communication, report, or application covered under the Commission's regional licensing program for Regions I and III must be submitted as specified in paragraph (b)(2) of this section.

(1) The regional licensing program includes—

(i) All licenses for the medical use of radioisotopes except teletherapy sources and nuclear power pacemakers;

(ii) All academic licenses except irradiators;

(iii) All industrial licenses authorizing research and development;

(iv) Licenses for the industrial use of stationary and portable guages; and

(v) Licenses of sources contained in gas chromatographs and x-ray fluorescence analyzers.

(2) The following regions are participating in the regional licensing program.

(i) *Region I.* With the exception of Federal facilities and the District of Columbia, the regional licensing program involves the following Region I Non-Agreement States: Connecticut, Delaware, Maine, Massachusetts, New Jersey, Pennsylvania, and Vermont. All inquiries and each application for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section may be sent to—U.S. Nuclear Regulatory Commission, Region I, Material Licensing Section, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

(ii) *Region III.* With the exception of Federal facilities, the regional licensing program involves the following states: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin. All inquiries and each application for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section may be sent to—U.S. Nuclear Regulatory Commission, Region III, Radioisotopes Licensing Section, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

Dated at Bethesda, Maryland this 28th day of August 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-25987 Filed 9-3-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Reg. Q; Docket No. R-0356]

Depositors Eligible To Maintain NOW Accounts; Suspension of Effective Date

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Suspension of effective date.

SUMMARY: On August 14, 1981, the Board of Governors issued an interpretation of Regulation Q—Interest on Deposits (12 CFR Part 217) to clarify the rules concerning the class of depositors eligible to maintain NOW accounts at member banks. The Board has suspended the effective date of the interpretation in light of litigation pending in the United States District Court for the District of Columbia (*American Bankers Association* v. *Federal Home Loan Bank Board, et al.*

(Civil Action No. 81–1933, U.S. District Court for the District of Columbia)).

DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452–3625), or Paul S. Pilecki, Senior Attorney (202/452–3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96–221) ("Act") authorized depository institutions nationwide (except credit unions which are authorized to offer share draft accounts) effective December 31, 1980, to permit the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties (12 U.S.C. 1832(a)(1)). Under the statute, NOW accounts are available only to individuals and to certain qualifying organizations (12 U.S.C. 1832(a)(2)).

On August 14, 1981, the Board issued an interpretation to clarify the rules concerning the class of depositors eligible to maintain NOW accounts (46 FR 42060). The Federal Home Loan Bank Board issued an interpretation on August 13, 1981, that provides for a broader class of eligibility for NOW accounts (46 FR 42250). On August 18, 1981, the American Bankers Association brought suit in the United States District Court for the District of Columbia challenging the interpretations of both agencies.

The Board believes that its interpretation is the correct interpretation of the Act in that it is consistent with its existing regulations and interpretations. However, as a matter of convenience to member banks, the Board has suspended the effective date of the interpretation in view of the pending litigation. It should be noted that the current regulations of the Board concerning eligibility for NOW accounts at member banks (12 CFR 217.1(e)(3)), as well as the regulations of the other agencies remain in effect notwithstanding the suspension of the effective date of the August 14 interpretation. Accordingly, the effective date of 12 CFR 217.157 is hereby suspended.

By order of the Board of Governors, August 31, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81–25899 Filed 9–3–81; 8:45 am]

BILLING CODE 6210–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Interpretive Ruling and Policy Statement; Examination of Independent Credit Union Service Centers

AGENCY: National Credit Union Administration.

ACTION: Statement of interpretation and policy.

SUMMARY: This document states that whenever any credit union, subject to examination by NCUA, engages a company or other organization to perform any accounting or EDP services, whether on or off its premises:

(1) Such performance or provision shall be subject to examination by the Administration to the same extent as if the services were being performed by the credit union itself on its own premises;

(2) Any resulting examination report, whether or not it was prepared by NCUA, may be distributed to any federally insured credit union receiving services from the organization examined; and

(3) Any examination report prepared by NCUA may be distributed to other Federal or state regulatory agencies where institutions under their purview receive services from the examined organization.

EFFECTIVE DATE: September 1, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert S. Monheit, Senior Attorney, Office of General Counsel, Dan Kinne, EDP Audit Specialist or Nick Veghts, Corporate Specialist, Office of Examination and Insurance at the above address. Telephone: (202) 357–1030 (Mr. Monheit), (202) 357–1065 (Messrs. Kinne and Veghts).

SUPPLEMENTARY INFORMATION: Independent credit union servicers are having an increasing impact on the credit union industry because of the wide range of products and services being offered. The products and services referred to include computer processing of credit union records, accounting services, and sale of application software to credit unions. It is imperative that, to maintain a comprehensive examination program in light of current technology and the dynamic nature of the credit union industry, NCUA expand its scope of examination to include these independent organizations.

IRPS 81–6

NCUA interprets the general supervisory powers of NCUA stated in sections 106 and 204 of the Federal Credit Union Act, (12 U.S.C. 1756 and 1784) to include a power of examination over those institutions providing accounting and recordkeeping services to federally insured credit unions. While the other Federal financial institution regulatory agencies have specific statutory authority to conduct these examinations (12 U.S.C. 1865), the legislative history of that provision reveals that it merely codified existing implicit authority. Analogous implicit authority exists for NCUA, like the other Federal financial institution regulatory agencies, to conduct examinations of independent EDP organizations and credit union service centers.

NCUA also interprets its authority under the Federal Credit Union Act to include distribution of an examination report on any examined EDP or service organization, regardless of the nature of the organization to the extent reasonably necessary to accomplish the purpose for which the report was created; without waiving its privilege to withhold the same report from others under Exemption of the Freedom of Information Act, 5 U.S.C. 552(b)(8). Therefore, so long as a report is distributed to inform a Federal or federally insured state credit union of the quality of EDP or accounting services used for accounting or recordkeeping provided by a particular organization, distribution is proper. Reports, even after distribution, remain the property of NCUA and further distribution by the credit union may not be made without the Agency's written approval.

Distribution of these EDP or credit union service center examination reports to other Federal and state regulatory agencies furthers the effective supervision of banks and other thrift institutions and is, therefore, proper. Federal and state regulatory agencies may distribute reports to individually serviced financial institutions for which they have regulatory responsibility, provided they do so in furtherance of their regulatory/supervisory responsibilities. Similarly, NCUA may distribute examination reports received from other agencies to applicable credit unions to the extent that these agencies permit distribution.

Approved by the NCUA Board on August 27, 1981.

Rosemary Brady,
Secretary of the NCUA Board.
August 27, 1981.

[FR Doc. 81-25860 Filed 9-3-81; 8:45 am]
BILLING CODE 7535-01-M

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12 CFR Part 701

Share, Share Draft and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: On August 13, 1981, the Economic Recovery Tax Act of 1981 became law. Section 301 of the Tax Act provides that a qualified institution (defined to include Federal and state insured credit unions) can issue a tax-exempt savings certificate, the so-called "All Savers Certificate". This amendment to Part 701.35 of the NCUA rules and regulations facilitates the issuance of the All Savers Certificate by Federal credit unions.

DATES: Effective date: October 1, 1981. Expiration date: December 31, 1982 or as otherwise ordered by the NCUA Board.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Randall Miller, Acting Director, Office of Policy Analysis or Steven R. Bisker, Senior Attorney, Office of General Counsel, at the above address. Telephone numbers: (202) 357-1090 (Mr. Miller), (202) 357-1030 (Mr. Bisker).

SUPPLEMENTARY INFORMATION: On August 13, 1981, the President signed the Economic Recovery Tax Act of 1981. Section 301 of that Act provides for a depository institution tax-exempt savings certificate, the so-called "All Savers Certificate." Individuals holding such certificates may exclude up to $1000 in dividend or interest income during the tax years 1981 to 1983; those filing jointly may exclude up to $2000.

An All Savers Certificate is a certificate that:

(1) Is issued by a depository institution (including credit unions) after September 30, 1981 and before January 1, 1983;

(2) Has a maturity of one year;

(3) Has an effective yield (total yield inclusive of compounding) equal to 70% of the average investment yield for the most recent auction of 52 weeks U.S. Treasury bills prior to the week in which the certificate is issued; and

(4) Is made available in a denomination of $500.

Federal credit unions are authorized to offer All Savers Certificates subject to the following limitation. The amount of the certificates issued by a credit union may not exceed the total amount of "qualified net savings" in a credit union as of September 30, 1981, plus 10% of the excess over the total amount as of the close of each succeeding calendar quarter. "Qualified net savings" as applied to Federal credit unions is the total savings excluding: (1) accounts of $100,000 or more and (2) share draft accounts.

Specific Regulatory Issues Pertaining to All Savers Certificates

Information on the 52 Week Treasury Bill Rate

Fifty-two week Treasury bills are usually auctioned the fourth Thursday of every month. The new rate ceiling governing All Savers Certificates would be effective the following Monday. It is anticipated that the Department of the Treasury will announce the new ceiling rates in the same manner that they currently announce money market certificates and 2½ year ceiling rates. In addition, such rates will be published in the *Wall Street Journal* and will be available on NCUA's toll free "Hot Line" (800-424-5531 and 202-357-0104 in Washington, D.C.).

Denomination

All Savers Certificates, if offered, must be made available in a denomination of $500. However, provided that a $500 denomination is available, All Savers Certificates may be offered in any other denomination.

Compounding

Compounding is permitted on All Savers Certificates. However, since the ceiling rate governing the certificates is the total yield inclusive of compounding, there may be no advantage to compounding. If a credit union were to compound, it would have to advertise an annual rate for All Savers Certificates lower than the ceiling rate.

Additions

Under current NCUA regulations governing share certificates, Federal credit unions are permitted to accept additions without extending the maturing of the certificate. However, with respect to an All Savers Certificate, this may cause a loss of the dividend tax exclusion. This question is currently being reviewed by IRS. FCU's will be notified by NCUA of the final IRS position.

Early Withdrawal Penalties

If a credit union member redeems any part of the principal of an All Savers Certificate, then the member loses the tax exclusion. In addition, the premature withdrawal of principal will subject the member to the usual minimum early withdrawal penalty governing share certificates; the lesser of all dividends for 90 days on the amount withdrawn or all dividends on the amount withdrawn since the date of issuance or renewal.

The provision of the Act governing the All Savers Certificate also requires that if a member uses the All Savers Certificate as collateral for a loan, then the member will be considered as having redeemed the certificate prior to maturity and will lose the tax exclusion on the dividends earned. However, in this case, the NCUA minimum early withdrawal penalty regulation would not apply. (In this connection, credit unions that routinely include a general pledge of shares clause in their loan notes should include in their All Savers Certificate contracts a specific waiver of the pledge.)

NCUA regulations permit the withdrawal of dividends credited to a share certificate account without penalty. These provisions would continue to apply in the case of All Savers Certificates. However, subsequent IRS regulations governing All Savers Certificates may require the loss of the tax exclusion if dividends are withdrawn. This is another issue which will be resolved by IRS. NCUA will notify all FCU's when that opinion is rendered.

Disclosure and Advertising Requirements

Current NCUA regulations, §§ 701.35(k) and 701.35(l), require that certain information be included in advertisements and in disclosure statements given to the member when the account is issued. In offering the All Savers Certificate, credit unions will be advertising the tax exclusion on the dividends earned. In order to obtain the tax exclusion, the terms and conditions governing All Savers Certificates must be met. Members should be properly apprised of the significant terms and conditions on All Savers Certificates which include (but are not limited to): (1) the maturity; (2) the yield; (3) the minimum denomination requirement; (4) the tax penalty for premature withdrawal of principal; (5) the tax penalty for using the certificate as collateral on a loan; (6) the NCUA early withdrawal penalty; (7) conditions governing automatic renewals of

maturing certificates; and (8) the ability to make additions at any time and whether this affects the ability to claim the tax exclusion. These disclosures would be in addition to those that are otherwise required by the regulations.

Earnings and Dividends

The Tax Act specifies a rate on All Savers Certificates "*equal* to 70 percent" of the 52 week Treasury Bill rate. NCUA has received inquiries as to whether this presents a conflict with the fact that FCUs may not guarantee dividends. It is the present belief of NCUA that if a Federal credit union in good faith is unable to pay the specified dividend because of insufficient earnings, a lesser dividend may be declared without adverse tax consequences to the member.

Reporting Requirements

NCUA regulations impose no reporting requirements on credit unions issuing All Savers Certificates. However, the IRS will likely be requiring separate reporting on Form 1099 of dividends earned during a taxable year on All Savers Certificates.

Foreign Branches

The Act stipulates that deposits in foreign branches or facilities must be excluded from the computation of "qualified net savings" used to determine the total amount of All Savers Certificates a depository institution may issue. It is NCUA's position that overseas branches of Federal credit unions do not fall under the definition of "foreign branch or facility" and therefore, their deposits may be included when determining "qualified net savings."

Renewing Certificates

During the period from October 1, 1981 to December 31, 1982, All Savers Certificates can be automatically renewed at the prevailing authorized ceiling rate once they have reached maturity. Credit union members can also hold any number of All Savers Certificates. However, regardless of the number of All Savers Certificates a member may obtain, the total amount of dividends that may be excluded from gross income cannot exceed $1000 for an individual ($2000 for joint filing) during the three taxable years for which All Savers Certificates may be outstanding. For example, if an individual excludes $200 of dividend income on an All Savers Certificate obtained on October 1, 1981, then he or she can exclude no more than $800 of dividend income during 1982.

Waiver of Early Withdrawal/Penalties on Existing Share Certificates

This amendment to § 701.35 authorizes a Federal credit union, at its discretion, to waive the mandatory penalty provision of paragraph (e)(2) so as to allow its members to withdraw all or a part of their funds from existing share certificates prior to maturity and to redeposit the funds in the All Savers Certificates.

In the event that a credit union member transfers only a part of an existing certificate (e.g., money market certificate) to an All Savers Certificate, the balance remaining in the existing certificate must satisfy any minimum denomination requirement. If the remaining balance falls below the minimum balance, then the funds must be transferred to a regular share account, share draft account, or some other share certificate for which the minimum denomination requirement, if any, can be satisfied. Credit unions would be permitted to conduct such transfers without imposing the early withdrawal penalty. On existing share certificates other than money market certificates, credit unions may at their discretion waive any established minimum denomination requirements, since no minimum denomination is required by regulation.

Regulatory Procedures

The NCUA Board has determined that notice and public comment on this rule are impracticable and not in the public interest. 5 U.S.C. 553(b)(B). For the most part, the authority granted by this amendment is already contained in other subsections of 701.35, therefore notice and public comment is unnecessary. This amendment is intended to clarify FCU authority to issue the All Savers Share Certificate. In addition, the amendment is necessary to permit FCU's to pay a dividend at a rate that may be in excess of that currently authorized by § 701.35(h)(2). Further, the amendment is necessary to relieve the mandatory penalty for early withdrawal on those share certificates which a member may wish to rollover into the All Savers Certificate. Because the All Savers Certificate will greatly ease the potential threat to the safety and soundness of individual credit unions imposed by high money market rates, an expeditious amendment is needed to allow FCU's to begin offering these certificates on October 1, 1981. This hastened process will benefit both FCU's and their members. For these reasons and because the rule relieves a restriction, the Board has determined not to provide a 30 day delayed effective date. 5 U.S.C. 553(d).

For the reasons noted above and because the change will increase the management flexibility and competitive positions of small credit unions, a regulatory flexibility analysis is not required. 5 U.S.C. 603(a), 604(a). However, if the Regulatory Flexibility Act did apply the Board would be willing to certify that this rule will not have a significant economic impact on a substantial number of small Federal credit unions.

The NCUA Board finds that full and separate consideration of all the requirements of the Regulatory Simplification Act is impracticable inasmuch as the rule will relieve burdens and delay may cause unnecessary harm.

Accordingly, NCUA amends § 701.35 of its rules and regulations as set forth below.

(12 U.S.C. 1757(6), 1766(a))

Rosemary Brady,

Secretary, National Credit Union Administration Board.

August 31, 1981.

1. Section 701.35(h) is amended by adding a new subparagraph (5) as follows:

§ 701.35 Share, share draft and share certificate accounts.

* * * * *

(h) * * *

(5) Notwithstanding paragraph (h)(2) of this section, effective October 1, 1981 and expiring after December 31, 1982, Federal credit unions may pay, on share certificates made available in a denomination of $500 and having a maturity of one year, a dividend (inclusive of compounding) equal to 70 percent of the average investment yield on 52 week United States Treasury bills as most recently announced before the week in which the certificate is issued. Federal credit unions may also offer such certificates in any other denomination of the credit union's choice, as long as a $500 denomination certificate is made available. For the purpose of permitting members to deposit their funds in the share certificates authorized by this subsection from deposits currently held in other share certificates, Federal credit unions may waive the mandatory penalty provision of paragraph (e)(2) of this section. If a member transfers only a portion of the funds from an existing money market certificate (issued pursuant to paragraph (h)(4) of this section), the remaining balance must equal or exceed the $10,000 minimum, or

it must be withdrawn or transferred to another certificate or account as agreed to between the credit union and the member.

[FR Doc. 81-25919 Filed 9-3-81; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

14 CFR Part 91

Federal Aviation Administration

[Docket No. 22050; SFAR No. 44-1]

Special Federal Aviation Regulation No. 44-1; Air Traffic Control System; Interim Operations Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment to Special Federal Aviation Regulation (SFAR) No. 44 establishes certain procedures for the operation of the National Air Traffic Control System, including the establishment of air traffic reduction schedules for 22 airports, until at least April 24, 1982. Since the August 3, 1981, action by air traffic controllers has reduced the level of air traffic control services that the FAA is capable of providing, the Administrator has determined that a situation still exists which requires the continuation of the current special air traffic control provisions established under SFAR No. 44, as modified by this amendment, to provide for the efficient and safe movement of air traffic.

DATES: Effective September 9, 1981. Comments are invited on this Interim Operations Plan so long as it remains in force or until June 1, 1982, whichever date is later.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204) Docket No. 22050, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service (Telephone (202) 426-3731), or

John R. Ryan, Operations Division, Air Traffic Service (Telephone (202) 426-8310), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this amendment is in the form of an emergency final rule which concerns immediate flight safety throughout the United States, and, thus, is not preceded by notice and public procedure, comments are invited on the Interim Operations Plan so long as it remains in force or until June 1, 1982, whichever date is later. The need for immediate regulatory response and background material is stated at 46 FR 39606, *et seq.* Comments on the rule should be submitted to the address indicated above. Comments are specifically invited on any aspects of the operation of the Air Traffic Control system under this amendment or SFAR No. 44 that suggest a need to modify the regulation, or which should be considered should the occasion arise in the future to operate the Air Traffic Control system under emergency conditions. Comments received will be reviewed on a continuing basis and this amendment and the Interim Operations Plan may be changed in the light of comments received. Commenters wishing the FAA to acknowledge receipt of their comments in response to this rule must submit with those comments a self-addressed, stamped post card on which the following statement is made: "Comments to Docket No. 22050." The post card will be date/time stamped and returned to the commenter.

Air Traffic Control System Interim Operations

The actions of certain members of the Professional Air Traffic Controllers Organization (PATCO) has significantly reduced the number of air traffic controllers who are available to operate the Air Traffic Control (ATC) system. This has resulted in the need to reduce the level of services that the FAA provides at various ATC facilities.

This has been accomplished by the operation of the ATC system under normal air traffic control procedures with the aid of "flow control" measures that result in a reduction of user demands on the system (SFAR No. 44 (46 FR 39606, Aug. 3, 1981)).

This procedure utilizes the airlines' published schedules in the Official Airline Guide (OAG) for allocating the reduced flight operations at airports irrespective of IFR or VFR operations. Use of the OAG eliminates the need for duplicate information to be submitted to the FAA and provides the industry and the public with a usable schedule. Since use of OAG has worked well, it forms the basis of the Interim Operations Plan. The procedures have permitted the safe and efficient operation of the ATC system based upon the air traffic work force available at each ATC facility within the system. The reduction in user demand necessary because of the reduced work force has been accomplished while allowing the air carriers the maximum possible control over their operations. In addition, it has permitted adjustments to the system to provide for many of the seasonal and other changes in air carrier schedules that routinely occur. The procedures also have permitted normal flight planning and fuel conservation techniques by users. They further provide some flexibility to accommodate new or additional services that may occur at an airport as air carrier operations and the ATC work force at that airport change. In addition, the Plan provides ATC service to meet as many other aviation needs as can be accommodated with the available work force.

Accordingly, the Administrator has determined that the National Air Traffic Control system should continue to operate under the Interim Operations Plan, as modified by this amendment, until at least April 24, 1982. The schedule reductions currently in effect at the 22 airports specified in the Notices to Airmen (NOTAMs) issued under SFAR No. 44 and § 91.100 of the Federal Aviation Regulations will continue until further notice. Schedule reductions may also be imposed at other airports if any changes in the current status of an airport cannot be safely and efficiently handled by the controller work force at the ATC facilities involved. Changes will be coordinated in advance and the Plan will be updated as conditions at each airport change.

Many members of the public and in industry have urged the FAA to develop a plan which will be in effect for a finite period of time to allow air carriers to plan schedules, make decisions involving staffing and equipment and which would allow the public to make plans. It is for this reason that this plan will remain in effect until at least April 24, 1982. This is the date on which summer schedules are usually issued.

The FAA recognizes that an OAG which contains the complete flight schedules of the air carriers rather than the actual flights scheduled under the reductions required by the Plan is of limited value to the public in scheduling their travel. It places the burden on air carriers to inform the public of their actual flight schedules by telephone and means other than the OAG. To permit actual flight schedules to be published in future OAGs, this amendment requires air carriers to develop their

normal (full) schedule at each airport they serve for the period to be covered by the OAG and then apply the specified reduction percentage for the hourly operations periods at the designated airports. Accordingly, the air carriers have been requested to develop schedules for publication in the OAG which reflect the actual flight operations of each air carrier. Thus, the schedules submitted by the air carrier to the OAG and subsequently published in the OAG for the 22 designated airports will be the reduced schedules developed in accordance with the appendix to this amendment.

To prevent possible abuse of the system as future schedules are developed by the air carriers for publication in the OAG, the number of daily arrival operations an air carrier may use as the basis for making the reductions specified for the designated airports shall not exceed the average daily arrival operations, on an hourly basis, at each airport, by the air carrier for the first six months of calendar year 1981 as shown in the OAG. The number of daily arrival operations scheduled by an air carrier at airports that are not "designated" airports shall also meet this average daily arrival criteria. New or additional services into any airport must be approved by the Director of Air Traffic Service. The schedule developed by an air carrier for a designated airport using the average daily arrival criteria may be revised and flights added or deleted from the schedule by the Director of Air Traffic Service at the request of the air carrier, if the Director determines that the changes to the schedule can be accommodated by the work force available at the ATC facilities involved. Approval of any additional flights into a designated airport will be made equitably among the air carriers requesting new or additional service into that airport. Service approved and operating today by an air carrier, which is in addition to the average daily arrival criteria, will be considered in approving additional operations. The schedule submitted to OAG should include revisions and changes requested by the air carrier and approved by the Director of Air Traffic Service.

Changes to schedules that are listed in an OAG may be requested during the period the OAG is effective. However, the requested changes should not exceed 5% of an air carrier's operations under that OAG in order that the requests may be timely considered. Requests for changes should be submitted to the FAA Air Traffic Control Command Center (ATCCC), Jacksonville, Florida, by 0800 EDT of the Wednesday prior to the week in which the change is to take effect. Approved changes shall be effective at 0600 EDT each Sunday.

A new air carrier that had an application for operating authority on file with the Civil Aeronautics Board prior to August 3, 1981, will receive approval for some operations. Other new entrants may be authorized to operate at the designated airports only if the then current capacity permits. Comments are specifically invited on the issue of how to provide service for new entrants.

Unscheduled flights by air carriers such as charters, training, extra sections, etc. into a designated airport will be approved on an individual basis by the Director of Air Traffic Service if ATC system capacity permits. General aviation and military operations will continue to be accommodated through the flow control procedures that result in a reduction in user demands on the system when needed, and will be processed basically on a first come first serve basis. International flights will continue to be processed in accordance with the current procedures established for international flight.

Requests for IFR reservations and cancellations of scheduled flights should be forwarded to the ATCCC, Jacksonville, Florida, in a timely manner to assure proper consideration requests and maintain the integrity of the ATC data base.

This amendment does not change the present authority of the Director of Air Traffic Service to restrict, prohibit or permit VFR and/or IFR operations at any airport, TCA or other terminal and enroute airspace; to give priority at any airport to flights that are military necessities, medical emergency flights, Presidential flights, and flights transporting critical FAA employees; and to implement flow control management procedures, including reduction of flight operations, at any airport or within enroute airspace. Under the current conditions in the ATC system, the FAA's Air Traffic Control Command Center has the ability to maintain an efficient flow of air traffic within a framework of predetermined levels of system capacity. Therefore, it does not appear that it will be necessary to activate the more restrictive National Air Traffic Control Contingency Plan (Phase III). However, the Director of Air Traffic Service continues to be authorized to activate that Contingency Plan if conditions develop that require its use in order to provide for the safe and efficient movement of air traffic.

The basic rules and orders necessary for operation under the Interim Operations Plan will continue to be disseminated, in accordance with § 91.100 of the Federal Aviation Regulations, by Notices to Airmen (NOTAM).

The continued operation of the National Air Traffic Control System in a safe and efficient manner requires the immediate adoption of this regulation in the public interest. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest. I further find that good cause exists for making this regulation effective in less than 30 days after its publication in the **Federal Register**.

Adoption of the Rule

Accordingly, Special Federal Aviation Regulation No. 44, as amended, (14 CFR Part 91) is revised to read as follows, effective September 9, 1981:

Special Federal Aviation Regulation No. 44–1

1. Each person shall, before conducting any operation under the Federal Aviation Regulations (14 CFR Chapter I), familiarize himself with all Notices to Airmen issued under § 91.100; when activated, with the provisions of the National Air Traffic Control Contingency Plan (FAA Order 7110.86), available for inspection at operating Air Traffic facilities and Regional air traffic division offices; and with all other available information concerning that operation.

2. Notwithstanding any provision of the Federal Aviation Regulations to the contrary, no person may operate an aircraft in the airspace under the jurisdiction of the United States—

(a) Contrary to any restriction, prohibition, procedure or other action specified in this Special Federal Aviation Regulation or specified by the Director of Air Traffic Service pursuant to paragraph 3 of this regulation and announced in a Notice to Airmen pursuant to §91.100 of the Federal Aviation Regulations, or

(b) If the National Air Traffic Control Contingency Plan is activated pursuant to paragraph 4 of this regulation, except in accordance with the pertinent provisions of the Contingency Plan (FAA Order 7110.86, dated February 27, 1981, as amended by Errata Change issued March 10, 1981, Errata Change No. 2 issued March 18, 1981, and Errata Change No. 3 issued June 19, 1981).

3. As conditions warrant or until activiation of the National Air Traffic Control Contingency Plan (Phase III), the

Director of Air Traffic Service is authorized to—

(a) Restrict, prohibit or permit VFR and/or IFR operations at any airport, Terminal Control Area or other terminal and enroute airspace;

(b) Give priority at any airport to flights that are military necessities, medical emergency flights, Presidental flights, and flights transporting critical Federal Aviation Administration employees;

(c) Implement at any airport or within enroute airspace flow control management procedures, including reduction of flight operations. Reduction of flight operations shall to the extent feasible made pro rata among and between air carrier, commercial operator, military and general aviation operations; and

(d) Implement the reduction schedule set forth in the Appendix to this regulation at the 22 airports specified in that Appendix; impose schedule reductions at other airports if operations at an airport cannot be safely and efficiently handled by the controller work force at the air traffic control facilities involved; and limit the number of daily operations of an air carrier at any airport based on the average daily arrival operations, on an hourly basis, at each airport, by the air carrier during the first six months of calendar year 1981, as shown in the Official Airline Guide.

4. If the actions taken in accordance with paragraph 3 of this regulation do not provide for the orderly movement of air traffic, the Director of Air Traffic Service may activate the National Air Traffic Control Contingency Plan (Phase III).

5. Upon activation of the National Air Traffic Control Contingency Plan (Phase III) and notwithstanding any provision of the Federal Aviation Regulations to the contrary, the Director of Air Traffic Service is authorized to suspend or modify any airspace designation (or chart).

6. All restrictions, prohibitions, and procedures established, and other actions taken by the Director of Air Traffic Service under this regulation with respect to the operation of the Air Traffic Control system will be announced by Notices to Airmen issued pursuant to § 91.100 of the Federal Aviation Regulations.

7. The Director of Air Traffic Service may delegate his authority under this regulation to the extent he considers necessary for the safe and efficient operation of the National Air Traffic Control System.

Appendix—Reduction Schedule for Designated Airports

1. Each air carrier conducting operations at an airport designated in this appendix shall determine a level of operations irrespective of IFR or VFR operations at each of the airports by taking the reduction percentage, multiplied by the number of its normally scheduled arrival flights for each hour specified. However, the number of daily arrival operations an airline uses as the basis for reductions at an airport shall not exceed the average daily arrival operations, on an hourly basis, at that airport, by the air carrier during the first six months of calendar year 1981 as shown in the Official Airline Guide (OAG). The results may be rounded to the nearest whole number. One-half or greater fraction shall be rounded to the next higher whole number. However, if during any hour of the six month period, only one flight was regularly scheduled, that flight need not be cancelled.

2. Each air carrier shall submit to the Director of Air Traffic Service the average daily arrival operations per hour computed under paragraph 1 of this appendix.

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HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
ATL PLAN			
1200Z	41%	2000Z	41%
1300	42	2100	43
1400	44	2200	45
1500	43	2300	45
1600	44	0000	50
1700	43	0100	50
1800	43	0200	29
1900	43	0300	41
BOS PLAN			
1100Z	29%	1900Z	57%
1200	53	2000	39
1300	21	2100	63
1400	29	2200	53
1500	36	2300	46
1600	35	0000	50
1700	25	0100	67
1800	52		
CLE PLAN			
2300Z	25%		
0000	28		
DFW PLAN			
1200Z	44%	2000Z	47%
1300	43	2100	47
1400	11	2200	60
1500	45		
1600	42		
1700	40		
1800	14		
1900	53		

HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
DEN PLAN			
1400Z	44%	0100Z	48%
1500	4	0200	8
1600	46		
1700	52		
2000	40		
2100	32		
2300	49		
0000	52		
DTW PLAN			
1200Z	40%	2000Z	30%
1300	34	2100	40
1400	48	2200	52
1500	20	2300	46
1600	25	0000	42
1800	46		
1900	52		
EWR PLAN			
1200Z	24%		
1900	13		
2000	37		
2100	24		
2200	24		
2300	27		
0000	24		
0100	36		
FLL PLAN			
No reductions			
IAH PLAN			
1200	22%	2100Z	39%
1400	24	2200	39
1500	29	2300	46
1600	29	0000	38
1700	29	0100	37
1800	30	0200	20
1900	36		
2000	23		

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HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
JFK PLAN			
1800Z	14%		
1900	54		
2000	66		
2100	48		
2200	32		
2300	50		
0000	32		
LAS PLAN			
1600Z	34%	0200Z	8%
1700	32		
1800	31		
1900	18		
2100	34		
2200	14		
0000	13		
0100	13		
LGA PLAN			
1100Z	27%	1900Z	35%
1200	49	2000	53
1300	37	2100	57
1400	33	2200	47
1500	45	2300	45
1600	50	0000	41
1700	33	0100	33
1800	50		
LAX PLAN			
1700Z	31%		
1900	19		
2300	27		
0000	30		
0100	41		
0200	30		
0300	37		
0400	18		
MIA PLAN			
1500Z	13%		
1600	10		
MCI PLAN			
No reductions			

HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
MSP PLAN			
2100Z	16%		
2200	21		
ORD PLAN			
1200Z	33%	2000Z	46%
1300	46	2100	27
1400	30	2200	56
1500	46	2300	63
1600	44	0000	38
1700	31	0100	57
1800	48		
1900	46		
PHL PLAN			
1100Z	41%	1900Z	46%
1200	40	2000	55
1300	52	2100	50
1400	35	2200	50
1500	41	2300	41
1600	42	0000	46
1700	40	0100	35
1800	41		
PIT PLAN			
1100Z	35%	2000Z	53%
1200	59	2100	41
1300	55	2200	58
1500	34	2300	60
1600	47	0000	43
1700	45		
1800	49		
1900	53		

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HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
SFO PLAN			
1500Z	23%	2300Z	20%
1600	33	0000	47
1700	32	0100	43
1800	44	0200	48
1900	32	0300	48
2000	35		
2100	34		
2200	20		
1200Z	12%		
1300	47		
1600	39		
1700	16		
1800	50		
2000	60		
2200	65		
2300	43		
DCA PLAN			
1200Z	46%	2000Z	43%
1300	37	2100	38
1400	35	2200	43
1500	35	2300	47
1600	35	0000	48
1700	35	0100	52
1800	38		
1900	43		

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3. The Director of Air Traffic Service is authorized to—

(a) Make revisions and additions to the operations schedule established by an air carrier pursuant to paragraph 1 of this appendix to the extent the controller work force at the air traffic control facilities involved can accommodate those changes.

(b) Establish schedule reductions for any hour not specified in paragraph 1 of this appendix (nonpeak-operation hours) if excessive flights are rescheduled for any of those hours.

(c) Approve new or additional service into a designated airport. A new air carrier that had its application for an operating certificate on file with the Civil Aeronautics Board prior to August 3, 1981, will receive approval for some operations. Adjustments to other air carrier operations schedules may be made by the Director of Air Traffic Service to accommodate new air carriers. Other new entrants may be authorized to operate at the designated airports only if the then current capacity permits.

(Secs. 307 (a) and (c), 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348 (a) and (c), 1354(a), and 1421(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291 and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is impracticable for the FAA to follow the procedures of Executive Order 12291 applicable to regulations not issued in response to emergency situations because the safety and efficiency of the national air transportation system require immediate implementation of the rule. Voluntary compliance with this regulation is expected. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the persons identified under the caption "For Further Information Contact."

This is a final rule of the Administrator issued in accordance with the Federal Aviation Act of 1958, as amended. Thus, in accordance with section 1006 of the Act (49 U.S.C. 1486), it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C. on September 2, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-26155 Filed 9-3-81; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 135

[Docket No. 78P-0374]

Frozen Desserts; Ice Cream, Frozen Custard, Ice Milk, and Sherbet; Amendment to the Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standards of identity for ice cream and frozen custard, ice milk, and sherbet to permit, in addition to sweet whey that is now permitted, the use of acid whey and modified whey products made from sweet and acid wheys as a source of whey solids. These whey sources may be used singly or in combination as long as the total whey solids do not exceed the maximum limits for whey solids allowed in the applicable frozen dessert standard. The maximum limits for total whey solids in these standardized frozen desserts remain unchanged.

DATES: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date.

Voluntary compliance: November 3, 1981.

Objections by: October 5, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 17, 1979 (44 FR 48265), FDA published a proposal to amend the standards of identity for ice cream and frozen custard, and sherbet (21 CFR 135.110 and 135.140, respectively) and, by cross-reference, the standard of identity for ice milk (21 CFR 135.120). FDA published the proposal in response to a citizen petition filed by the International Association of Ice Cream Manufacturers (IAICM), the Whey Products Institute (WPI), and Foremost Foods Co. The proposed amendment would permit the use of sweet whey, acid whey, and modified whey products made from sweet and acid wheys as a source of whey solids as long as the total amount of whey solids used does not exceed current limits in the frozen dessert standards.

FDA concludes that the proposed provisions for the use of whey and modified whey products are reasonable and is so providing in §§ 135.110(b) and 135.140(b) of the final regulations set forth below.

Eleven letters, each containing one or more comments, were received in response to the proposal. The issues raised in the comments and the agency's responses are as follows:

1. One comment objected to the proposal because it would allow more synthetic additives and less natural food.

FDA disagrees. The current ice cream regulation provides for the use of sweet whey (derived from the manufacture of sweet-curd-type cheeses) in an amount not to exceed 25 percent by weight of the total nonfat milk solids content of the finished product. The proposal to amend the regulation retains the 25-percent maximum usage level but would allow the optional use of acid whey (derived from the manufacture of acid-curd-type cheeses) and modified forms of sweet and acid wheys as a source of whey solids. Because both types of whey are derived from cheeses, the change in the standard does not allow the use of more synthetic additives.

2. One comment considered the terminology for "modified whey" in the preamble to the frozen dessert proposal to be inconsistent with the common or usual name proposed in the GRAS affirmation document published in the **Federal Register** of June 22, 1979 (44 FR 36416). In addition, one comment asserted that the absence of uniform common or usual names for acid whey and modified whey products would create unnecessarily confusing labeling requirements.

FDA disagrees. The GRAS affirmation proposal would establish common or usual names for acid whey and modified whey products, and these are the names to be used. The terminology for "modified whey" published in the preamble to the frozen dessert proposal was submitted by the International Association of Ice Cream Manufacturers as part of its petition. It was included in the preamble only as background

information and was not part of the proposal. It is not a part of the final regulation set forth below. Therefore, the standards of identity for frozen desserts require that when whey or modified whey products are used, they must be declared on the label by the common or usual name established by the final GRAS affirmation regulation, published elsewhere in this issue of the **Federal Register**.

The sole purpose of making reference in these standards to whey and modified whey products determined to be GRAS for use in frozen desserts, rather than listing each such ingredient by name, is to permit the use of whey or any ingredient derived from whey that is either affirmed as GRAS for such use in the final GRAS affirmation regulation or that may be affirmed as GRAS for such use by FDA at some future date. Thus, this amendment makes unnecessary further amendments to the frozen dessert standards for this purpose.

3. One comment questioned the nutritional equivalency concept as a valid basis for the use of acid whey and modified whey products.

FDA advises that, although nutritional equivalency is important, the primary basis for this amendment is to allow the use of additional suitable ingredients in frozen desserts. Further, independent studies and FDA's own nutrient comparison investigations demonstrate that the limited use of whey and modified whey products, as provided for in the final regulations, will not result in a measurable reduction in the nutrient value of frozen desserts. Copies of the reports on these studies and on FDA's investigations are on file with the Dockets Management Branch, Food and Drug Administration.

4. One comment recommended that 21 CFR 101.4(b)(7) be amended to read: "Whey, concentrated whey, reconstituted whey, dry whey, reduced lactose whey, reduced minerals whey, and whey protein concentrate may be declared as 'whey' ".

FDA believes that this recommendation goes beyond the scope of the proposal. Any interested person who believes that 21 CFR 101.4(b)(7) should be amended to permit modified whey products to be declared as "whey" may submit a petition presenting reasonable grounds in support of this proposed amendment.

5. One comment asked whether the phrase "determined to be generally recognized as safe (GRAS)" refers to the other optional dairy ingredients listed in the standard as well as "modified wheys" or "whey and modified wheys".

FDA advises that the "other optional dairy ingredients" are already provided for in the frozen desserts standards. Any reconsideration of their status as ingredients in frozen desserts is not within the scope of these amendments to the frozen dessert standards.

6. One comment suggested that the frozen dessert standards would be revised to permit the use of any safe and suitable wheys or whey fractions so that the development of new kinds of whey fractions can continue. The comment suggested that, if this revision is not possible, FDA should at least permit the use of whey products determined independently by manufacturers to be GRAS, as well as those wheys and modified whey products listed in the GRAS affirmation proposal of June 22, 1979. The comment also suggested that, for clarity, the specific names of the wheys and modified whey products affirmed as GRAS should be listed in the revised standards.

FDA believes that it cannot assure that a measurable reduction in nutrient value of frozen desserts will not occur if it permits the use of any safe and suitable wheys and modified whey products or provides for the use of whey products determined independently to be GRAS. FDA recognizes that 21 CFR 170.30 states that general recognition of safety may be based on the views of experts qualified by scientific training and experience to evaluate the safety of substances directly or indirectly added to foods, and that such language would permit an independent evaluation of the GRAS status of such ingredients. However, the fact that a substance is GRAS only reflects its safety and not its nutritional value. The intent of these amendments to the frozen dessert standards is to permit the use in frozen desserts of those additional modified whey products that are not merely GRAS but that will not cause a measurable reduction in the nutrient value. FDA has determined that acid whey and the modified whey products that it has affirmed as GRAS will not cause such a reduction, and therefore, it is permitting their use.

FDA agrees that a clarification of the kinds of modified whey products permitted should be included in the standards. Thus, the phrase "* * * and whey and modified wheys determined to be generally recognized as safe (GRAS)" is changed to read "* * * and whey and those modified whey products (e.g., reduced lactose whey, reduced minerals whey, and whey protein concentrate) that have been determined by FDA to be generally recognized as safe (GRAS) for use in this type of food."

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 135 is amended as follows:

PART 135—FROZEN DESSERTS

1. In § 135.110 by revising paragraph (b) to read as follows:

§ 135.110 Ice cream and frozen custard.

* * * * *

(b) *Optional dairy ingredients.* The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milkfat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form that has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, and whey and those modified whey products (e.g., reduced lactose whey, reduced minerals whey, and whey protein concentrate) that have been determined by FDA to be generally recognized as safe (GRAS) for use in this type of food. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Any whey and modified whey products used contribute, singly or in combination, not more than 25 percent by weight of the total nonfat milk solids content of the finished food. The modified skim milk, when adjusted with water to a total solids content of 9 percent, is substantially free of lactic acid as determined by titration with 0.1*N* NaOH, and it has a pH value in the range of 8.0 to 8.3.

* * * * *

2. In § 135.140 by revising paragraph (b) to read as follows:

§ 135.140 Sherbet.

* * * * *

(b) *Optional dairy ingredients.* The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milkfat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, and whey and those modified whey products (e.g., reduced lactose whey, reduced minerals whey, and whey protein concentrate) that have been determined by FDA to be generally recognized as safe (GRAS) for use in this type of food. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent calculated as lactic acid. The term "milk" as used in this section means cow's milk.

* * * * *

Any person who will be adversely affected by the foregoing amendments may at any time on or before October 5, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each number objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin November 3, 1981, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1983, shall fully comply. FDA will publish in the **Federal Register** notice of the filing of objections, or that no objections were filed.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: August 11, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–25544 Filed 9–3–81; 8:45 am]

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21 CFR Part 184

[Docket No. 78N–0369]

GRAS Status of Whey, Whey Products and Hydrogen Peroxide

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming that whey and certain modified whey products are generally recognized as safe (GRAS) as direct human food ingredients, and that hydrogen peroxide is GRAS for use as an antimicrobial agent in cheesemaking and whey processing. This action is taken in response to petitions requesting such affirmations.

EFFECTIVE DATE: September 4, 1981. Compliance with the labeling provisions of this final regulation may begin immediately. Labeling of all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1983 shall comply with these provisions.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–4750.

SUPPLEMENTARY INFORMATION: Under the procedures established in § 170.35 (21 CFR 170.35), Foremost-McKesson, Inc., Crocker Plaza, One Post St., San Francisco, CA 94104, submitted a petition (GRASP 3G0011) requesting affirmation that delactosed whey, demineralized whey, and delactosed-demineralized whey are GRAS for use in foods, and that hydrogen peroxide is GRAS for use as an antimicrobial agent in the processing of whey. FDA published a notice of the filing of this petition in the **Federal Register** of March 7, 1973 (38 FR 6215). Seven comments were received in response to this notice. A subsequent petition by the Whey Products Institute, to establish common or usual names for whey and modified whey products, made it evident that additional safety information from other whey processors was needed to determine the proper regulatory status of these products before common or usual names could be adopted for the ingredients. In the **Federal Register** of December 17, 1975 (40 FR 58485), FDA requested submission of additional GRAS affirmation petitions and safety data on modified whey products produced by other processors. As stated in that notice, the agency intended to make a class determination whether sufficient safety data were available to affirm the GRAS status of these products and to establish common or usual names through GRAS regulations if sufficient data were available.

In response to the above notice, FDA received nine additional petitions. FDA published notice of the filing of these petitions in the **Federal Register** of June 22, 1979 (44 FR 36416). No comments were received in response to the notice. The petitioners and the GRAS numbers assigned to their petitions are as follows:

GRAS Petition

Number	Petitioner
6G0063	Frank Thomas, Greenwood, WI 54437.
6G0065	Dean Foods Co., 1126 Kilburn Ave., Rockford, IL 61101.
6G0068	Stauffer Chemical Co., Westport, CT 06880.
6G0070	Western General Dairies, Inc., 195 West 7200 South, Midvale, UT 84047.
6G0071	Purity Cheese Co., P.O. Box 27, Mayville, WI 53050.
6G0073	Borden, Inc., 180 E. Broad St., Columbus, OH 43215.
6G0075	Land O'Lakes, Inc., P.O. Box 116, Minneapolis, MN 55440.
6G0076	Kraftco Corp., 135 S. LaSalle St., Chicago, IL [illegible]
6G0078	Tetroid Co., Inc., Hamilton, NY 13346.

A copy of each petition was made available for public examination and comment at the Dockets Management Branch (formerly the Hearing Clerk's office), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

In response to the petitions, the agency published a proposed regulation in the **Federal Register** of June 22, 1979

(44 FR 36416). The proposed regulation listed common or usual names and definitions for the whey products, descriptions of the manufacturing processes, approximate compositions, methods of analyses, specifications, and indicated good manufacturing practice (GMP) uses and levels of use in foods for the ingredients. The publication of regulations proposing affirmation of GRAS status for hydrogen peroxide and for whey and modified whey products followed a determination by FDA, based on the data and information that had been submitted, that the proposed uses of these ingredients were GRAS.

FDA received no comments that questioned the safety of the whey products or the hydrogen peroxide. However, a prepublication manuscript of an animal study by Ito, Watanabe, and Niato suggested that hydrogen peroxide may cause cancer in the duodenum of mice. (An official of the Embassy of Japan in Washington, DC, provided FDA with the manuscript.) The Japanese study was a lifetime carcinogenicity study in which hydrogen peroxide in drinking water at 0.1 percent and 0.4 percent was administered to C57B1/6J mice for 108 weeks.

The agency has considered the available safety data on hydrogen peroxide, including the Japanese study and subsequent clarification obtained from the authors. FDA concludes after this review that there is not sufficient evidence from the Japanese study and elsewhere to conclude that hydrogen peroxide is a duodenal carcinogen. The agency made the same determination in adopting the regulation that permits the use of hydrogen peroxide as a sterilizing agent for polyethylene used in contact with food (21 CFR 178.1005) (46 FR 2341; January 9, 1981). The manuscripts of the Japanese study and memoranda of FDA's Cancer Assessment Committee meetings, along with other articles referenced, are on public file under the docket number for this document at the Dockets Management Branch (address above), and may be seen from 9 a.m. to 4 p.m., Monday through Friday.

The agency has also evaluated whether any residual hydrogen peroxide may occur in cheese and whey products from use in processing. Hydrogen peroxide rapidly decomposes to oxygen and water when used as a bleaching agent or, as in cheesemaking and whey processing, as an antimicrobial agent. However, because of analytical limitations for detecting residual hydrogen peroxide in food (the detection limit is approximately 10 parts per million (ppm)), the degree of decomposition of hydrogen peroxide at levels less than 10 ppm is unknown. It is well known, however, that hydrogen peroxide is very reactive, and that many substances either promote or catalyze its decomposition. Either added or naturally occurring catalase and peroxidase enzymes cause an extremely rapid decomposition of hydrogen peroxide, while many metal ions and organic substances cause much slower decomposition. Increases in temperature and an increase in pH also contribute to more rapid rates of decomposition of this substance.

In evaluating potential residual levels below 10 ppm of hydrogen peroxide in food, it is relevant that Amin and Olson (Ref. 1) have shown that 500 ppm of hydrogen peroxide underwent negligible decomposition after 2 hours in distilled water at 37.8° C (100° F). Under similar conditions, breakdown amounted to 5 percent in standard phosphate buffer, 30.3 percent in sterilized reconstituted nonfat dry milk, 37.2 percent in sterilized homogenized whole milk, and 66.2 percent in raw milk in the same time period. The significantly enhanced rate of decomposition observed in raw whole milk was attributed to the naturally occurring presence of catalase and peroxidase enzymes in raw milk. Dempsey, et al. (Ref. 2) also found that the half-life for the decomposition of hydrogen peroxide in sterilized reconstituted skim milk was about 2 hours at 25° C (77° F).

During the preparation of demineralized whey, delactosed whey, and demineralized-delactosed whey, hydrogen peroxide is added at a maximum level of 400 ppm, prior to demineralization and lactose crystallization, to prevent bacterial growth that is likely to occur under the conditions of elevated temperatures (29.4° to 48.9° C (85° to 120° F)) employed during these steps. Following whey fractionation, catalase is then added to eliminate the hydrogen peroxide. Analytical measurements following catalase treatment are unable to detect hydrogen peroxide residues at a level of 10 ppm in the liquid-fractionated whey.

In a similar use for cheesemaking, hydrogen peroxide is added to milk at a maximum level of 500 ppm to reduce the number of bacteria in the milk at the beginning of the cheesemaking process. The hydrogen peroxide decomposes rapidly, and catalase enzymes are added to destroy any residual hydrogen peroxide prior to the addition of cheesemaking enzymes. This use of hydrogen peroxide has been practiced since at least the early 1950's without any known detrimental effect or any observed residual levels of hydrogen peroxide in the cheese or whey byproduct.

Based on experimental data in the cited articles (Refs. 1 and 2), it appears that nearly all added hydrogen peroxide is destroyed in cheesemaking and whey fractionation before the addition of catalase, and that the addition of catalase enzyme virtually assures its destruction. As a result, the agency concludes that the projected level of hydrogen peroxide in either the processed whey or in the subject cheeses, although not analytically detectable, approaches the intracellular level reported to be in the liver of rats (and supposedly humans as well) and is so low that the two uses of hydrogen peroxide in cheesemaking and whey manufacture can be affirmed as GRAS.

Of the 45 comments on the proposal, 35 were from individual firms, 6 were from associations, 2 were from attorneys, and 2 were from other agencies in the Federal government. A summary of the comments and the agency's responses follow:

1. Two comments concerned the use of hydrogen peroxide in the processing of cheese and whey. The U.S. Department of Agriculture (USDA) stressed the need for the final regulation to permit the use of hydrogen peroxide according to good manufacturing practices and not to serve as a substitute for them. The other comment objected to the proposed use of hydrogen peroxide "in the holding tank before processing," because this phrase suggested that the hydrogen peroxide may be added only to the stored whey before processing and not during its fractionation.

FDA agrees with USDA's comment that all uses of hydrogen peroxide must be limited to the minimum amount necessary to produce the intended technical effects and cannot be substituted for other good manufacturing practices, including sanitary practices. The use levels of hydrogen peroxide affirmed as GRAS in this regulation are the maximum levels of good manufacturing practice (GMP) use reported to the agency and should not be interpreted as encouragement to use these levels if it is not necessary to do so. Section 184.1 (21 CFR 184.1) of the GRAS affirmation regulations clearly states this policy.

In response to the second comment, FDA has amended the final regulation to permit the continued existence of hydrogen peroxide in whey during fractionation. Although hydrogen peroxide is usually added to the processing tank, it need not be removed, with catalase, before fractionation.

2. Twenty comments took issue with the indicated GMP technical effects, food categories, and levels of use in the proposal for these whey and whey products. New technical effects and an expansion of use to include virtually all food categories, at various levels, were requested for whey, reduced lactose whey, reduced minerals whey, and whey protein concentrate. The comments stated further that the proposed regulation did not establish any safety basis to limit use of these ingredients to present uses. In addition, a comment argued that these limits would serve only to prevent developing technology aimed at increasing the use of these highly nutritious and, at present, largely wasted food materials. Another comment pointed out that it would be inconsistent to establish the same GMP levels for use in food of two substances that may vary widely in their composition. For example, one whey protein concentrate may contain 30 percent protein, while another contains 80 percent protein. It was also argued that the levels of use of these whey and whey products are self-limiting, because of the taste factor. Finally, comments expressed concern the GMP levels of use in these GRAS regulations would exceed those levels permitted in the food standards.

After full consideration of these comments, FDA has concluded that designation of GMP technical effects, food categories, and levels of use should not be included in this final regulation. These matters were included in the proposal to list the technical effects, food categories, and levels of use that were presented to FDA as part of the several petitions it received and not to limit potential future use of these substances. There is no known safety hazard with present or potential food uses of these ingredients, and, therefore, there is no basis to establish or to imply that these ingredients need to be limited for future food use on the basis of safety. The final regulations have been amended to state that whey, reduced lactose whey, reduced minerals whey, and whey protein concentrate may be used in food in accordance with good manufacturing practice as indicated in § 184.1(b)(1).

Removal of the listing of the food categories and subcategories from the final regulation is also responsive to the concerns raised by several comments over the possibility of conflict between these GRAS regulations and certain food standards. The agency emphasizes, however, that the limitations established in the food standards take precedence over any use suggested by the GRAS regulations. Removal of food standard limitations requires submission of a petition and FDA's approval of changes in those standards.

3. Four comments expressed concern that the intended labeling provisions for whey, reduced lactose whey, reduced minerals whey, and whey protein concentrate in the proposed regulation were not clear for bulk packaging and did not address packaging for finished food products. Six additional comments requested that § 101.4(b)(7) (21 CFR 101.4(b)(7)) be amended to permit all of these ingredients to be labeled as "whey" in finished food products, while three other comments favored amending § 101.4(b)(7) to permit reduced lactose whey, reduced minerals whey, and whey protein concentrate to be labeled "modified whey." Other comments stated that requirements for bulk labeling in these whey regulations were unnecessary and were provided by § 184.1(f), that these whey and whey products were exempted from bulk labeling under § 101.9(h)(8) (21 CFR 101.9(h)(8)), and that the need for labeling was eliminated by § 102.5(b)(1) (21 CFR 102.5(b)(1)), which deals with nonstandardized foods.

In the proposed regulation, FDA did not address the labeling requirements for whey and whey products on finished food labels because it was unnecessary to do so. Section 101.4(b)(7) clearly permits the use of the name "whey" on finished food labels when whey, concentrated whey, reconstituted whey, and dried whey are used as source ingredients. Therefore, this final regulation does not affect the finished food labeling for whey, concentrated whey, reconstituted whey, and dried whey. This final regulation does however, establish names, definitions, approximate compositions and specifications for identifying these ingredients except for reconstituted whey, when supplied to food manufacturers. Reconstituted whey is not addressed in this regulation because it is the name of a product produced by adding water to dry whey. Thus, the resultant product is equivalent to whey or concentrated whey, depending on the amount of added water. Section 184.1(f) also applies to bulk labeling for these ingredients when sold to food manufacturers. The regulation for whey has been modified to clarify FDA's intent.

Adoption in the proposed regulation of specific names and descriptions for reduced lactose whey, reduced minerals whey, and whey protein concentrate was intended to establish common or usual names for these ingredients. These names may be used on finished food labels and on intermediate mixes sold to food manufacturers. Because § 101.4(a) permits the use of common or usual names for finished food labels, it is not necessary to adopt these names in § 101.4(b)(7). However, the proposed regulation did not make it clear that finished food products would need to declare only reduced lactose whey, reduced minerals whey, or whey protein concentrate and would not need to include the more descriptive names required for intermediate mix labeling, i.e., reduced lactose whey (55 percent lactose). This final regulation has been modified to clarify FDA's intent.

The agency has also considered whether it should amend Part 101 (21 CFR Part 101) to permit the use of names such as "modified whey" or "whey products" for ingredient listing of reduced lactose whey, reduced minerals whey, and whey protein concentrate on finished food product labels, and whether it should expand the use of the term "whey" for this purpose. FDA has decided that both of these actions are inappropriate because the more descriptive names of "reduced lactose whey," reduced minerals whey," and "whey protein concentrate" better identify these ingredients. Therefore, FDA has not made any substantive change in the final regulation to respond to these comments.

4. Eleven comments expressed concern about the proposed definition of whey. Specific concern was expressed about the limited definition of whey as "obtained from cheesemaking." One comment argued that this limited definition would have the effect of eliminating casein whey from food use. Many of these comments expressed concern about the narrow definitions of sweet whey and acid whey. In the proposed regulation, these types of whey were differentiated only on the basis of the amount of lactose converted to lactic acid. The comments observed that this differentiation does not consider wheys obtained from production of such cheese products as cottage cheese, that are made by directly acidifying with acids and without relying on lactic acid to contribute significantly to the acidity. Also, there was general disagreement with the proposed regulation's intent to define sweet whey and acid whey within the general definition for whey. In addition, three comments argued that intermediate pH wheys are obtained from cheesemaking process, and that it was therefore necessary to define a third type of whey if the proposed approach is adopted.

After considering these comments, the agency concludes that if information were provided to the food processor on the percent titratable acidity in the whey, it would not be necessary for this regulation to define sweet whey or acid whey. However, to provide that whey may be either sweet or acid, without specific identification of the titratable acidity of either type of whey, requires that at least one of these types of whey be defined in the general definition for whey. The proposed definition for sweet whey therefore has been retained in the final regulation. However, FDA also has amended the regulation to permit whey suppliers to identify whey, concentrated whey, and dried whey as sweet products or as acid products or to declare the percent titratable acidity on the label of the intermediate mix.

Finally, FDA has considered whether it is desirable to identify a third type of whey within this definition (intermediate pH whey). The agency has concluded that such a definition could be confusing and possibly misleading. In addition, because this type of whey falls in the titratable acidity range of acid whey, its identity is disclosed by the name acid whey or by the titratable acidity level.

Even with these changes in the final regulation, food manufacturers are free to require that whey suppliers provide detailed information on the acidity of their products, as well as other compositional data, if this information is needed.

The proposed definition of whey included only whey from cheesemaking because no petitions were submitted on casein whey. As a result, the final regulation does not deal with casein whey. FDA approval of this substance will require the submission of a separate GRAS affirmation or food additive petition under the procedures outlined in § 170.35 or § 171.1 (21 CFR 171.1). FDA has retained the original reference to cheesemaking in the final regulation.

FDA has changed the final regulation to eliminate the reference to substantial lactic acid acidity as part of the definition for acid whey. The regulation states that acid whey may be obtained from direct acidification cheesemaking processes.

5. Sixteen comments objected to some aspect of the identified names for the whey products or their definitions. Most objected to the use of the word "dried" as part of the title for all whey products, because these whey products are commercially available as fluid, concentrated, and dry products. Other comments expressed a preference for the term "condensed," rather than "concentrated," for those wheys from which some moisture has been removed. In addition, the comments stated that the terms "dry" and "condensed" would be most appropriate because these terms have been used to describe similar milk products intended for human consumption.

The words "dried" and "concentrated" were used in the proposed regulations for whey and whey products because these words are used in § 101.4(b)(7) to identify the forms of whey that can be listed as "whey" on a package label. The agency agrees that "dry" and "dried" are synonymous as they relate to both whey and milk products, and it has modified the regulation to provide for the use of "dry" or "dried" as the descriptor. Thus, the industry can continue its present practice of identifying whey intended for human consumption as "dry whey" and whey intended for animal uses as "dried whey." However, the words "concentrated" and "condensed" do not relate to whey and milk products that are similar. In the milk standards, the term "condensed" is associated with a product to which a nutritive carbohydrate sweetener is added, and from which some water is removed. However, "concentrated milk" is a term for a product from which some water is removed but to which no sweetener is added. Only the latter product is analogous to concentrated whey. Thus, the term "concentrated whey" has been established and has been retained as the descriptive name for this form of whey.

6. Some comments on the proposed regulation objected to the use of the term "selective removal" to describe removal of lactose and minerals to produce reduced lactose whey and reduced minerals whey. The comments emphasized that in the process of producing these whey products, it is impossible to prevent the removal of components other than the one named. In addition, the comments insisted that the requirement for the removal of a stated percentage of lactose or of minerals to produce these reduced wheys is both needless and unenforceable, because of the variable ingredient percentages in the starting wheys. Furthermore, the comments argued that the regulation should rely on the label statement of the percentage of the ingredients in the final product.

FDA is replacing the term "selective removal" with the term "removal". This change will make it clear that components other than the one indicated in the title may also be removed in the manufacture of reduced lactose whey and reduced minerals whey. The final regulation has also been modified to eliminate reference to the amounts of lactose or minerals expected to be removed from the starting whey and to make it clear that the final product compositions are the only relevant limitations for these products.

7. Nine comments addressed the proposed methods of preparation for reduced lactose whey, reduced minerals whey, and whey protein concentrate. Some stated that the proposed regulation failed to list all the methods used to prepare the modified wheys, such as reverse osmosis, ultrafiltration, and other membrane technology. The Comments expressed concern that the listed methods were the only ones that would be permitted. Other comments stated that descriptions of the methods for preparing the modified wheys should be shorter and more general or not included in the regulation at all. One comment stated that the methods of preparation had been described in the petition; that they are common knowledge throughout the industry; and that their inclusion in the regulation would inhibit the development of more efficient acceptable practices.

FDA realizes that to describe all manufacturing processes in detail would result in a regulation that is unnecessarily specific. Also, the agency did not believe that discussions of the methods are needed in the regulation because a number of the methods were already discussed in detail in the preamble to the proposed regulation. The agency does not intend to limit the processing methods that may be used. Furthermore, the agency has no objection to the use of newly developed physical separation techniques, if there are no new toxicants introduced as a result of use of these techniques, and if these techniques do not result in a concentration of natural toxicants in whey products. FDA believes that such results can be avoided by the use of good manufacturing practices and by the establishment of specifications for heavy metals. Therefore, the agency has used the term "prepared by physical separation techniques *such as* precipitation, filtration, or dialysis" (emphasis added) to describe briefly the methodologies that have been reviewed and at the same time to avoid eliminating other acceptable methods.

8. Thirteen comments objected to the methods proposed to determine the levels of fat, protein, ash, lactose, and moisture in whey and whey products. The comments were concerned that the proposed Association of Official Analytical Chemists (AOAC) methods were for cereal products and liquid milk.

The comments suggested use of alternative AOAC methods, except those for fat and moisture determinations. The methods suggested for fat determination were the same as those in the proposal, and the methods for moisture analysis was one published in a USDA directive. The Comments stated that these methods were used by industry in milk and whey analyses.

The agency has examined the methodology recommended in the proposed regulation and the alternative methods proposed by these comments. There are only two differences between these methods: the type of sample and the size of the sample. FDA's proposed method, the AOAC method, analyzes a liquid sample weighing 5 grams. The industry uses a dried sample weighing 1 gram. Although the latter sample is smaller, the analysis is done on a larger amount of solids, because liquid milk contains about 13 percent solids. Additionally, the description of these products permits both liquid and solid forms. As a result, the agency has adopted both AOAC methods for analysis of ash, protein, and lactose for appropriate forms of the product. However, this final rule does not adopt the method for moisture analysis described in the USDA directive. Although the USDA method may be an acceptable screening method, § 2.19 (21 CFR 2.19) requires that FDA use AOAC methods of analysis, when available, for enforcement purposes. Therefore, the agency has replaced the proposed AOAC method for determining moisture in cereals with another more applicable AOAC method for determining moisture in milk.

9. Five comments objected to the proposed percentage increments for use in the label declarations on bulk packages of whey and whey products for protein (5 percent), lactose (5 percent), and minerals (2 percent) as being impractical, unnecessary, or representing too great an economic variation. These comments preferred 2 percent increments for protein and lactose and 1 percent increments for minerals, because they contended that food processors needed more accurate information on the component levels than the proposed increments would provide.

The agency had proposed the indicated increments for stating the percentages of the components on the labels for whey products to enable the whey processor to meet the bulk lable declarations regardless of the slight variability that may result from processing methodology. FDA believed that the large proposed increments would enable the whey processor to standardize its procedures and still meet the desired percentage of the appropriate component in the whey products. FDA did not anticipate the five comments' desire for more exact statements of percentages. It is the agency's opinion, however, that insistence on label declarations using smaller increments might cause compliance problems for smaller firms. Therefore, the agency has resolved the matter by permitting a choice of using either the proposed increments on the lable declarations or smaller incremental declarations. If smaller increments are used, an analysis, as described by the regulations, must be supplied to the food manufacturer. FDA has changed the regulations to permit this choice.

10. Eight comments requested changes in the proposed component ranges for the various whey products. Several comments expressed concern that the percentage ranges did not resemble those found in existing whey products. One comment suggested that the ranges be adjusted to relate to other whey products. For example, because whey protein concentrate contains a minimum of 25 percent protein, the percent protein level in the reduced lactose or reduced minerals whey should be as high as 24 percent, which is easily attainable in a reduced lactose whey. Similarly, whey and whey products could have a range of fat from 0.2 to 4.0 percent, depending on the milk source used to make the cheese.

The agency agrees that the percentage ranges stated in the comments are consistent with those found in current products and has modified the percentage ranges for the various components of whey and whey products to conform to those ranges that were suggested in the comments.

11. Three comments objected to the agency's failure to include in the proposed regulation two proposed modified whey products, whey minerals concentrate and whey lactose concentrate. Whey minerals concentrate is produced by the removal of high percentages of protein and lactose. Whey lactose concentrate is produced by the removal of high percentages of protein and minerals. The comments stated that these products were mentioned in the preamble to the proposed regulation by use of the term "liquid permeate".

FDA did not consider these two whey products in the proposed regulation because data submitted to the agency suggested that the permeate byproducts of reduced lactose whey, reduced minerals whey, and whey protein concentrate were processed further to remove lactose, and then discarded. The agency was informed by one petitioner that potential permeate uses were clearly not as human food but as bacterial media ingredients and cattle mineral sources. However, the agency believes that these two products are suitable subjects for food additive or GRAS affirmation petitions, if any interested person wishes approval of these products for human uses.

12. One comment requested information on the status of a "reduced" lactose whey, in which lactose reduction involved the enzymatic or other hydrolysis of lactose in whey to glucose and galactose.

FDA's intent in this review has been to evaluate the safety of physical separation methods for producing whey products. The agency has not reviewed the safety or established specifications for modified whey products produced by chemical hydrolysis or enzymatic processes and cannot comment on the applicability of these methods without more information. Important information required to evaluate these processes would include the chemical system used to produce hydrolysis, the bacteriological source of the enzymes, and the specifications for the finished reduced lactose whey. The agency, therefore, recommends the submission of a food additive or GRAS affirmation petition containing such information.

13. Four comments expressed concern about the proposed classification of their currently marketed products, which are sold as denatured albumin, concentrated reduced minerals whey, concentrated reduced lactose whey, and concentrated whey protein concentrate.

In the proposed regulation, the agency discussed the review of precipitation procedures to isolate whey protein. With the use of heat, whey protein is denatured and precipitates out of solution. It is then removed by the use of a centrifugal decanter and filtration. This method is capable of producing a whey protein concentrate with a level of protein greater than 90 percent on a dry basis.

When FDA prepared the proposal, it did not include concentrated reduced lactose whey, concentrated reduced minerals whey, and concentrated whey protein concentrate because FDA believed that the dried form was the article of commerce and did not know that the liquid and concentrated forms of the whey products also were articles of commerce. However, the agency has corrected this error in the final regulation and believes that these

products will fit into established whey product categories.

14. One comment requested information on whether FDA intends to permit unlimited pH adjustment for whey. A second comment requested that FDA permit pH adjustment for reduced minerals whey, reduced lactose whey, and whey protein concentrate.

The agency does not believe there is cause for concern in permitting the use of pH-adjusting agents in whey or whey products, because the use of these agents is self-limiting. The pH of whey is on the acidic side. The use of alkali to elevate the pH could result in precipitation of the protein if the isoelectric pH is reached. If the pH reaches the alkaline side, precipitation in the form of alkaline lactalbuminates will occur. Therefore, FDA expects that the pH-adjusting agents will be used only in accordance with good manufacturing practice for minor pH adjustment. The agency did not intend to imply in the proposed regulation, by mentioning pH adjustment for whey and not for whey products, that pH adjustment was not permitted for whey products. FDA has revised the final regulation for clarity.

15. One comment requested information about how a product composed of a mixture of whey protein concentrate and a soy protein concentrate should be labeled.

The agency does not believe that it should consider the labeling of this mixture in this final regulation. Nevertheless, FDA advises that a mixture of these two ingredients should be labeled in accordance with Part 101 and § 184.1(f). Section 184.1(f) indicates that the concentration of each of the two protein sources must be declared on the label of the intermediate mix.

16. Two comments stated that the issuance of GRAS regulations for whey, whey protein concentrate, reduced minerals whey, and reduced lactose whey were inappropriate because these products are foods rather than food ingredients, additives, or chemicals. The comments suggested that these definitions should be established through food standard regulations.

The agency believes that it is appropriate to regulate whey and whey products as food ingredients. Whey is a byproduct of cheesemaking, and whey protein concentrate, reduced minerals whey, and reduced lactose whey are manufactured substances made from whey. These substances are used as components in many food categories, including many standardized foods. In addition, as indicated by the petitions that have been submitted, the whey processors themselves consider these substances to be food ingredients.

Furthermore, it is incorrect to conclude that GRAS regulations are issued only for "chemicals". Although it is true that most GRAS ingredients are synthetically produced, there are also numerous naturally produced and refined natural ingredients included in GRAS regulations. Therefore, the agency concludes that GRAS regulations for these ingredients are appropriate.

References

1. Amin, V. M. and N. F. Olson, "Effect of Temperature on Stability of Hydrogen Peroxide in Milk," *Journal of Dairy Science*, 50(8): 1336–1338, 1967.

2. Dempsey, P. M., J. O'Leary, and S. Condon, "Polargraphic Assay of Hydrogen Peroxide Accumulation in Microbial Cultures," *Applied Microbiology*, 29: 170–174, 1975.

There is no requirement to prepare a Regulatory Impact Analysis under section 3(a) of Executive Order 12291, because this rule is not a major rule as defined in section 1(b) of Executive Order 12291. Because the effect of this rule will be to affirm the safety and maintain all known uses of the ingredients reviewed that are current practice within the food industry, this rule will not result in an annual effect on the economy of $100 million or more; will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. By adding new § 184.1366, to read as follows:

§ 184.1366 Hydrogen peroxide.

(a) Hydrogen peroxide (H_2O_2, CAS Reg. No. 7722–84–1) is also referred to as hydrogen dioxide. It is made by the electrolytic oxidation of sulfuric acid or a sulfate to persulfuric acid or a persulfuric acid salt with subsequent hydrolysis and distillation of the hydrogen peroxide formed; by decomposition of barium peroxide with sulfuric or phosphoric acid; by hydrogen reduction of 2-ethylanthraquinone, followed by oxidation with air, to regenerate the quinone and produce hydrogen peroxide; or by electrical discharge through a mixture of hydrogen, oxygen, and water vapor.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), pp. 146–147,[1] which is incorporated by reference.

(c) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level of use in milk during the cheesemaking process of 0.05 percent of the weight of the milk and of 0.04 percent of the weight of the whey during the processing of the whey. In either case, the residual hydrogen peroxide is removed by using a suitable catalase preparation.

(e) This regulation is issued before completion of general evaluation of the use of this ingredient in order to affirm as GRAS the specific use named.

2. By adding new § 184.1979, to read as follows:

§ 184.1979 Whey.

(a)(1) *Whey.* Whey is the liquid substance obtained by separating the coagulum from milk, cream, or skim milk in cheesemaking. Whey obtained from a procedure, in which a significant amount of lactose is converted to lactic acid, or from the curd formation by direct acidification of milk, is known as acid whey. Whey obtained from a procedure in which there is insignificant conversion of lactose to lactic acid is known as sweet whey. Sweet whey has a maximum titratable acidity of not more than 0.16 percent, calculated as lactic acid, and an alkalinity of ash of not more than 225 milliliters of 0.1*N* Hydrochloride per 100 grams. The acidity of whey, sweet or acid, may be adjusted by the addition of safe and suitable pH-adjusting ingredients.

(2) *Concentrated whey.* Concentrated whey is the liquid substance obtained by the partial removal of water from whey, while leaving all other

[1] Copies may be obtained from the National Academy of Sciences, 2101 Constitution Ave. NW, Washington, DC 20037, or examined at the Office of the Federal Register, 1100 L St. NW, Washington, DC 20408.

constituents in the same relative proportions as in whey.

(3) *Dry or dried whey.* Dry or dried whey is the dry substance obtained by the removal of water from whey, while leaving all other constituents in the same relative proportions as in whey.

(b) The ingredients meet the following specifications:

(1) The analysis of whey, concentrated whey, and dry (dried) whey, on a dry product basis, based on analytical methods in the referenced sections of "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed. (1980),[2] which is incorporated by reference, is:

(i) Protein content, 10 to 15 percent—as determined by the methods prescribed in section 16.036 (liquid sample), entitled "Total Nitrogen—Official Final Action" under the heading "Total Solids," or in section 16.193 (dry sample), entitled "Kjeldahl Method" under the heading "Protein—Official Final Action."

(ii) Fat content, 0.2 to 2.0 percent—as determined by the methods prescribed in section 16.059 (liquid sample), "Reese-Gottlieb Method [Reference Method] (11)—Official Final Action" under the heading "Fat," or in section 16.199 (dry sample), entitled "Fat in Dried Milk (45)—Official Final Action."

(iii) Ash content, 7 to 14 percent—as determined by the methods prescribed in section 16.035 (liquid sample), entitled "Ash (5)—Official Final Action" under the heading "Total Solids," or in section 16.196 (dry sample), entitled "Ash—Official Final Action" under the heading "Dried Milk, Nonfat Dry Milk, and Malted Milk."

(iv) Lactose content, 61 to 75 percent—as determined by the methods prescribed in section 16.057 (liquid sample), entitled "Gravimetric Method—Official Final Action" under the heading "Lactose," or in section 31.061 (dry sample), entitled "Lane-Eynon General Volumetric Method" under the heading "Lactose—Chemical Methods—Official Final Action."

(v) Moisture content, 1 to 8 percent—as determined by the methods prescribed in section 16.192, entitled "Moisture (41)—Official Final Action" under the heading "Dried Milk, Nonfat Dry Milk, and Malted Milk."

(vi) Solids content, variable—as determined by the methods prescribed in section 16.032, entitled "Method I—Official Final Action" under the heading "Total Solids."

(vii) Titratable Acidity, variable—as determined by the methods prescribed in section 16.023, entitled "Acidity (2)—Official Final Action" under the heading "Milk," or by an equivalent potentiometric method.

(2) Limits of impurities are:

Heavy metals (as lead). Not more than 10 parts per million (0.001 percent) as determined by the method described in the Food Chemicals Codex, 3d ed. (1981), pp. 512–513,[1] which is incorporated by reference.

(3) The whey must be derived from milk that has been pasteurized, or the whey and modified whey product must be subjected to pasteurization techniques or its equivalent before use in food.

(c) Whey, concentrated whey, and dry (dried) whey may be used in food in accordance with good manufacturing practice as indicated in § 184.1(b)(1).

(d) The label on the whey form sold to food manufacturers shall read as follows:

(1) For whey: "(Sweet or acid) whey" or "whey (——% titratable acidity).

(2) For concentrated whey: "Concentrated (sweet or acid) whey, ——% solids" or "Concentrated whey (——% titratable acidity), ——% solids".

(3) For dry (dried) whey: "Dry (dried) (sweet or acid) whey" or "dry (dried) whey, (——% titratable acidity)".

(e) Whey, concentrated whey, or dry (dried) whey in a finished food product shall be listed as "whey."

3. By adding new § 184.1979a, to read as follows:

§ 184.1979a Reduced lactose whey.

(a) Reduced lactose whey is the substance obtained by the removal of lactose from whey. The lactose content of the finished dry product shall not exceed 60 percent. Removal of the lactose is accomplished by physical separation techniques such as precipitation, filtration, or dialysis. As with whey, reduced lactose whey can be used as a fluid, concentrate, or a dry product form. The acidity of reduced lactose whey may be adjusted by the addition of safe and suitable pH-adjusting ingredients.

(b) The reduced lactose whey meets the following specifications:

(1) The analysis of reduced lactose whey, on a dry product basis, based on analytical methods in the referenced sections of "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed. (1980),[2] which is incorporated by reference, is:

(i) Protein content, 16 to 24 percent—as determined by the methods prescribed in section 16.036 (liquid sample), entitled "Total Nitrogen—Official Final Action" under the heading "Total Solids," or in section 16.193 (dry sample), entitled "Kjeldahl Method" under the heading "Protein—Official Final Action."

(ii) Fat content, 1 to 4 percent—as determined by the methods prescribed in section 16.059 (liquid sample), "Reese-Gottlieb Method [Reference Method] (11)—Official Final Action" under the heading "Fat," or in section 16.199 (dry sample), entitled "Fat in Dried Milk (45)—Official Final Action."

(iii) Ash content, 11 to 27 percent—as determined by the methods prescribed in section 16.035 (liquid sample), entitled "Ash (5)—Official Final Action" under the heading "Total Solids," or in section 16.196 (dry sample), entitled "Ash—Official Final Action" under the heading "Dried Milk, Nonfat Dry Milk, and Malted Milk."

(iv) Lactose content, not more than 60 percent—as determined by the methods prescribed in section 16.057 (liquid sample), entitled "Gravimetric Method—Official Final Action" under the heading "Lactose," or in section 31.061 (dry sample), entitled "Lane-Eynon General Volumetric Method" under the heading "Lactose—Chemical Methods—Official Final Action."

(v) Moisture content, 1 to 6 percent—as determined by the method prescribed in section 16.192, entitled "Moisture (41)—Official Final Action" under the heading "Dried Milk, Nonfat Dry Milk, and Malted Milk."

(vi) Solids content, variable—as determined by the methods prescribed in section 16.032, entitled "Method I—Official Final Action" under the heading "Total Solids."

(vii) Titratable Acidity, variable—as determined by the methods prescribed in section 16.023, entitled "Acidity (2)—Official Final Action" under the heading "Milk," or by an equivalent potentiometric method.

(2) Limits of impurities are:

Heavy metals (as lead). Not more than 10 parts per million (0.001 percent), as determined by the method described in the Food Chemicals Codex, 3d ed. (1981), pp. 512–513,[1] which is incorporated by reference.

(3) The reduced lactose whey shall be derived from milk that has been pasteurized, or the reduced lactose whey shall be subjected to pasteurization techniques or its equivalent before use in food.

(c) Reduced lactose whey may be used in food in accordance with good manufacturing practice as indicated in § 184.1(b)(1).

(d) The percent of lactose present on a dry product basis, i.e., "reduced lactose

[2] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or examined at the office of the Federal Register, 1100 L St. NW, Washington, DC 20408.

whey (——% lactose)", shall be declared on the label of the package sold to food manufacturers. The percent of lactose may be declared in 5-percent increments, expressed as a multiple of 5, not greater than the actual percentage of lactose in the product, or as a actual percentage provided that an analysis of the product on which the actual percentage is based is supplied to the food manufacturer.

(e) The presence of reduced lactose whey in a finished food product shall be listed as "reduced lactose whey."

4. By adding new § 184.1979b, to read as follows:

§ 184.1979b Reduced minerals whey.

(a) Reduced minerals whey is the substance obtained by the removal of a portion of the minerals from whey. The dry product shall not contain more than 7 percent ash. Reduced minerals whey is produced by physical separation techniques such as precipitation, filtration, or dialysis. As with whey, reduced minerals whey can be used as a fluid, concentrate, or a dry product form. The acidity of reduced minerals whey may be adjusted by the additional of safe and suitable pH-adjusting ingredients.

(b) The reduced minerals whey meets the following specifications:

(1) The analysis of reduced minerals whey, on a dry product basis, based on analytical methods in the referenced sections of "Official Methods of Analysis of the Association of Official Analytical Chemists, 13th ed. (1980),[2] which is incorporated by reference, is:

(i) Protein content, 10 to 24 percent—as determined by the methods prescribed in section 16.036 (liquid sample), entitled "Total Nitrogen—Official Final Action" under the heading "Total Solids," or in section 16.193 (dry sample), entitled "Kjeldahl Method" under the heading "Protein—Official Final Action."

(ii) Fat content, 1 to 4 percent—as determined by the methods prescribed in section 16.059 (liquid sample), "Reese-Gottlieb Method [Reference Method] (11)—Official Final Action" under the heading "Fat," or in section 16.199 (dry sample), entitled "Fat in Dried Milk (45)—Official Final Action."

(iii) Ash content, maximum 7 percent—as determined by the methods prescribed in section 16.035 (liquid sample), entitled "Ash (5)—Official Final Action" under the heading "Total Solids," or in section 16.196 (dry sample), entitled "Ash—Official Final Action" under the heading "Dried Milk, Nonfat Dry Milk, and Malted Milk."

(iv) Lactose content, maximum 85 percent—as determined by the methods prescribed in section 16.057 (liquid sample), entitled "Gravimetric Method—Official Final Action" under the heading "Lactose," or in section 31.061 (dry sample), entitled "Lane-Eynon General Volumetric Method" under the heading "Lactose—Chemical Methods—Official Final Action."

(v) Moisture content, 1 to 6 percent—as determined by the methods prescribed in section 16.192, entitled "Moisture (41)—Official Final Action" under the heading "Dried Milk, Nonfat Dry Milk, and Malted Milk."

(vi) Solids content, variable—as determined by the methods prescribed in section 16.032, entitled "Method I—Official Final Action" under the heading "Total Solid."

(vii) Titratable Acidity, variable—as determined by the methods prescribed in section 16.023, entitled "Acidity (2)—Official Final Action" under the heading "Milk," or by an equivalent potentiometric method.

(2) Limits of impurities are: Heavy metals (as lead). Not more than 10 parts per million (0.001 percent), as determined by the method described in the Food Chemicals Codex, 3d ed. (1981), pp. 512–513,[1] which is incorporated by reference.

(3) The reduced minerals whey shall be derived from milk that has been pasteurized, or the reduced minerals whey shall be subjected to pasteurization techniques or its equivalent before use in food.

(c) The reduced minerals whey may be used in food in accordance with good manufacturing practice as indicated in § 184.1(b)(1).

(d) The percent of of minerals present on a dry product basis, i.e., "reduced minerals whey (——% minerals)", shall be declared on the label of the package sold to food manufacturers. The percent of minerals may be declared in 2-percent increments expressed as a multiple of 2, not greater than the actual percentage of minerals in the product, or as an actual percentage provided that an analysis of the product on which the actual percentage is based is supplied to the food manufacturer.

(e) The presence of reduced minerals whey in a finished food product shall be listed as "reduced minerals whey".

5. By adding new § 184.1979c, to read as follows:

§ 184.1979c Whey protein concentrate.

(a) Whey protein concentrate is the substance obtained by the removal of sufficient nonprotein constituents from whey so that the finished dry product contains not less than 25 percent protein. Whey protein concentrate is produced by physical separation techniques such as precipitation, filtration, or dialysis. As with whey, whey protein concentrate can be used as a fluid, concentrate, or dry product form. The acidity of whey protein concentrate may be adjusted by the addition of safe and suitable pH-adjusting ingredients.

(b) The whey protein concentrate meets the following specifications:

(1) The analysis of whey protein concentrate, on a dry product basis, based on analytical methods in the referenced sections of "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th ed. (1980),[2] which is incorporated by reference, is:

(i) Protein content, minimum 25 percent—as determined by the methods prescribed in section 16.036 (liquid sample), entitled "Total Nitrogen—Officials Final Action" under the heading "Total Solids," or in section 16.193 (dry sample), entitled "Kjeldahl Method" under the heading "Protein—Official Final Action."

(ii) Fat content, 1 to 10 percent—as determined by the methods prescribed in section 16.059 (liquid sample), "Reese-Gottlieb Method [Reference Method] (11)—Official Final Action" under the heading "Fat," or in section 16.199 (dry sample), entitled "Fat in Dried Milk (45)—Official Final Action."

(iii) Ash content, 2 to 15 percent—as determined by the methods prescribed in section 16.035 (liquid sample), entitled "Ash (5)—Official Final Action" under the heading "Total Solids," or in section 16.196 (dry sample), entitled "Ash—Official Final Action" under the heading "Dried Milk, Nonfat Dry Milk, and Malted Milk."

(iv) Lactose content, maximum 60 percent—as determined by the methods prescribed in section 16.057 (liquid sample), entitled "Gravimetric Method—Official Final Action" under the heading "Lactose," or in section 31.061 (dry sample), entitled "Lane-Eynon General Volumetric Method" under the heading "Lactose—Chemical Methods—Official Final Action."

(v) Moisture content, 1 to 6 percent—as determined by the methods prescribed in section 16.192, entitled "Moisture (41)—Official Final Action" under the heading "Dried Milk, Nonfat Dry Milk, and Malted Milk."

(vi) Solids content, variable—as determined by the methods prescribed in section 16.032, entitled "Method I—Official Final Action" under the heading "Total Solids."

(vii) Titratable Acidity, variable—as determined by the methods prescribed in section 16.023, entitled "Acidity (2)—

Official Final Action" under the heading "Milk," or by an equivalent potentiometric method.

(2) Limits of impurities are:

Heavy metals (as lead). Not more than 10 parts per million (0.001 percent), as determined by the method described in the Food Chemicals Codex, 3d ed. (1981), pp. 512–513,[1] which is incorporated by reference.

(3) The whey protein concentrate shall be derived from milk that has been pasteurized, or the whey protein concentrate shall be subjected to pasteurization techniques or its equivalent before use in food.

(c) The whey protein concentrate may be used in food in accordance with good manufacturing practice as indicated in § 184.1(b)(1).

(d) The percent of protein present on a dry product basis, i.e., "whey protein concentrate (——% protein)", shall be declared on the label of the package sold to food manufacturers. The percent of protein may be declared in 5-percent increments, expressed as a multiple of 5, not greater than the actual percentage of protein in the product, or as an actual percentage provided that an analysis of the product on which the actual percentage is based is supplied to the food manufacturer.

(e) The presence of whey protein concentrate in a finished food product shall be listed as "whey protein concentrate".

Effective date. This regulation shall be effective on September 4, 1981. Compliance with the labeling provisions of this final regulation may begin immediately. Labeling of all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1983, shall comply.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Dated: August 11, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

Note.—Incorporation by reference of Association of Official Analytical Chemists, 13 ed., approved by the Director of the Office of the Federal Register on August 18, 1981, and incorporation by reference of the Food Chemicals Codex, 3d ed., approved by the Director of the Office of the Federal Register on August 18, 1981.

[FR Doc. 81-25547 Filed 9-3-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 452

[Docket No. 81N-0226]

Antibiotic Drugs; Erythromycin Enteric-Coated Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the certification of a new strength of erythromycin enteric-coated tablet. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective September 4, 1981; comments, notice of participation, and request for hearing by October 5, 1981; data, information, and analyses to justify a hearing by November 3, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new strength (333 milligrams) of erythromycin enteric-coated tablet. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Part 452 (21 CFR Part 452) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

PART 452—MACROLIDE ANTIBIOTIC DRUGS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 452 is amended in § 452.110b by revising the second sentence in paragraph (a)(1) to read as follows:

§ 452.110b Erythromycin enteric-coated tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* * * * Each tablet contains 100, 250, or 333 milligrams of erythromycin. * * *

* * * * *

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act, FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective upon the date of publication in the **Federal Register.**

However, interested persons may, on or before October 5, 1981, submit written comments on this rule to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before October 5, 1981, a written notice of participation and request for hearing, and (2) on or before November 3, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and

substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information probibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective September 4, 1981.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: August 27, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81–25704 Filed 9–3–81: 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Diethylcarbamazine Citrate Tablets

Correction

In FR Doc. 81–23512, appearing on page 41038, in the issue of Friday, August 14, 1981, make the following change:

On page 41038 in the fifth line from the top of the second column, change the 5 to 25.

BILLING CODE 1505–01–M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Roxarsone Tablets

Correction

In FR Doc. 81–24191 appearing on page 42448 in the issue of Friday, August 21, 1981, first column, first paragraph of "SUPPLEMENTARY INFORMATION", the fifth line should read as follows:

"1951, providing for use of roxarsone".

BILLING CODE 1505–01

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Acepromazine Maleate Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Med-Tech, Inc., providing for the safe and effective use of acepromazine maleate tablets for dogs as an aid in tranquilization and as a preanesthetic agent.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Med-Tech, Inc., P.O. Box 338, Elwood, KS 66024, filed an NADA (117–532) providing for safe and effective oral use of a 10- and 25-milligram acepromazine maleate tablet as an aid in tranquilization and as a preanesthetic agent for dogs. This approval is supported by controlled clinical and nonclinical studies, safety studies, and reprints from scientific literature establishing safe and effective use of the drug. The NADA is approved and the regulations are amended to reflect the approval. In addition, the existing regulation is editorially revised to delete the chemical name for this drug and to reflect current format.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 520—ORAL DOSAGE FROM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by revising § 520.23 to read as follows:

§ 520.23 Acepromazine maleate tablets.

(a) *Specifications.* Each tablet contains 10 or 25 milligrams of acepromazine maleate.

(b) *Conditions of use.* See No. 000856 in § 510.600(c) of this chapter for use in dogs and cats as follows:

(1) *Indications for use.* It is used in dogs and cats as a tranquilizer.

(2) *Amount.* Dogs: 0.25 to 1.0 milligram per pound of body weight; Cats: 0.5 to 1.0 milligram per pound of body weight.

(3) *Limitations.* The drug is administered orally. Dosage may be repeated as required. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(c) *Conditions of use.* See No. 013983 in § 510.600(c) of this chapter for use in dogs as follows:

(1) *Indications for use.* It is used in dogs as an aid in tranquilization and as a preanesthetic agent.

(2) *Amount.* Dogs: 0.25 to 1.0 milligram per pound of body weight.

(3) *Limitations.* The drug is administered orally. Dosage may be repeated as required. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective September 4, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: August 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–25543 Filed 9–3–81: 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner (Federal Housing Administration)

24 CFR Part 201

[Docket No. R-81-934]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable finance charge on Title I property improvement, mobile home loans, combination and mobile home lot loans, and historic preservation loans. The change is necessitated by the high interest rates prevalent for such loans. This action by HUD is designed to bring the maximum financing charges into line with other competitive market rates and help assure an adequate supply of financing for such loans.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Office of Title I Insured Loans, Office of Single Family Housing, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202–755–6680).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum finance charge on mobile home loans has been raised from 18.00 percent to 19.00 percent, and the finance charge on combination loans for the purchase of a mobile home and a developed or undeveloped lot has been raised from 17.50 percent to 18.50 percent. The maximum charge on property improvement and historic preservation loans has been raised to 19.00 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart A—Eligibility Requirements—Property Improvement Loans

1. Section 201.4(a) is revised to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 19.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart B—Eligibility Requirements—Mobile Home Loans

2. Section 201.540(a) is revised to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 19.00 percent simple interest per annum. No points or discounts of any kind may be assessed or collected in connection with the loan transaction, except that a one percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart D—Eligibility Requirements—Combination and Mobile Home Lot Loans

3. Section 201.1511(a), subparagraph (1) is revised to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.*

* * * * *

(1) 18.50 percent per annum.

* * * * *

Subpart E—Eligibility Requirements—Historic Preservation Loans

4. Section 201.1625(a) is revised to read as follows:

§ 201.1625 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge, exclusive of fees and charges as provided by paragraph (b) of this section, which may be directly or indirectly paid to, or collected by the insured in connection with the loan transaction, shall not exceed a 19.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

(Sec. 3(a), 82 Stat. 113; 12 U.S.C. 1709–1; sec. 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3534(d))

Issued at Washington, D.C., August 25, 1981.

Philip D. Winn,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 81-25828 Filed 9-3-81; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Parts 203, 205, 207, 213, 220, 221, 232, 234, 235, 236, 241, 242, and 244

[Docket No. R-81-935]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable finance charge on insured home and project loan programs. This action by HUD is designed to bring the maximum financing charges into line with other competitive market rates and

help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202–426–4667).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been raised from 15.50 percent to 16.50 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 16.00 percent to 17.00 percent for graduated payment home loan programs (GPM). For insured multifamily project mortgage loan programs, the maximum interest rate has been raised from 15.50 percent to 16.50 percent for permanent financing loans. The maximum interest rate for multifamily construction and for Title X land development loans has been increased from 19.00 percent to 20.00 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, Chapter II of Title 24 of the Code of Federal Regulations is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. Section 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after August 17, 1981.

* * * * *

2. Section 203.45 paragraph (b) is revised to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent per annum with respect to mortgages insured on or after August 17, 1981.

* * * * *

3. Section 203.46 paragraph (c) is revised to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent per annum with respect to mortgages insured on or after August 17, 1981.

* * * * *

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT [TITLE X]

Subpart A—Eligibility Requirements

4. Section 205.50 is revised to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 20.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

5. Section 207.7 paragraph (a) is revised to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

6. Section 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

Subpart C—Eligibility Requirements Individual Properties Released From Project Mortgage

7. Section 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after August 17, 1981.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

8. Section 220.576 paragraph (a) is revised to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

9. Section 221.518 paragraph (a) is revised to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in mortgages involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

10. Section 232.29 paragraph (a) is revised to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

11. Section 232.560 paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 16.50 percent per annum with respect to loans insured on or after August 17, 1981.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

12. Section 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after August 17, 1981.

* * * * *

13. Section 234.75 paragraph (b) is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent per annum with respect to mortgages insured on or after August 17, 1981.

* * * * *

14. Section 234.76 paragraph (c) is revised to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent annum with respect to mortgages insured on or after August 17, 1981.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

15. Section 235.540(a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to morgages insured on or after August 17, 1981.

* * * * *

PART 236—MORGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

16. Section 236.15(a) is revised to read as follows:

§ 236.15 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

17. Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans insured on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and includiing the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

18. Section 242.33(a) is revised to read as follows:

§ 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES [TITLE XI]

Subpart A—Eligibility Requirements

19. Seciton 244.45(a) is revised to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

(Section 3(a), 82 Stat. 113; 12 USC 1709–1; Section 7 of the Department of Housing and Urban Development Act, 42 USC 3535(d).

Issued at Washington, D.C., August 25, 1981.

Philip D. Winn,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 81–25827 Filed 9–3–81; 8:45 am]

BILLING CODE 4210–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL 1902–5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The U.S. Environmental Protection Agency (USEPA) proposed approval on March 27, 1980 (45 FR 20431) of the portions of Indiana's plan submitted in response to these general requirements of the Clean Air Act, as amended: Section 121—Consultation, Section 110(a)(2)(K)—Permit Fees, Section 126—Interstate Pollution, Section 127—Public Notification, Section 128—State Boards and Section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring.

Indiana made submittals in response to USEPA's Notice of Proposed Rulemaking on April 17, 1980, June 25, 1980, September 8, 1980, October 6, 1980, November 10, 1980, December 9, 1980, and December 31, 1980. One other comment was received. Based on its review of these submittals, USEPA approves the Consultation, Permit Fee, Interstate Pollution, Public Notification, State Boards and Continuous Monitoring Sections of the SIP.

EFFECTIVE DATE: This final rulemaking is effective on October 5, 1981.

ADDRESSES: Copies of the materials submitted by the State are available at:

U.S. Environmental Protection Agency, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

Office of the Federal Register, 1100 L Street, SW., Room 8401, Washington, D.C.

Indiana State Board of Health, Air Pollution Control Division, 1330 West Michigan Street, Indianapolis, Indiana 46206.

FOR FURTHER INFORMATION CONTACT: Gerald S. Kellman, Air Planning Section, Air Programs Branch Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6070.

SUPPLEMENTARY INFORMATION: The following general requirements are contained in the Clean Air Act Amendments of 1977: section 121—consultation, section 110(a)(2)(K)—Permit Fees, Section 126—Interstate Pollution, Section 127—Public Notification, Section 128—State Boards, and Section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring. Indiana responded to these requirements on June 26, 1979. USEPA proposed rulemaking on the State's response on March 27, 1980 (45 FR 20431). The State responded to this proposal on April 17, 1980; June 25, 1980, September 8, 1980, October 5, 1980, November 10, 1980, December 9, 1980, and December 31, 1980. One other comment was received. USEPA's response to any comments, a summary of USEPA's proposed action, and USEPA's final determination follows.

Section 121—Consultation

As part of its June 26, 1979 submittal, Indiana included a copy of a local agency agreement which provided for a process of consultation with local air agencies. On March 27, 1980, USEPA proposed to approve Indiana's process of consultation providing Indiana forwarded to USEPA copies of the executed agreements and that the agreements meet the requirements of 40 CFR 51.245 (44 FR 351–81) which states that the SIP "shall provide for an opportunity for Federal, State, and local involvement in such consultation process no later than December 18, 1979."

In a June 25, 1980 submittal, Indiana responded to USEPA's notice of proposed rulemaking and stated that "all local agency agreements will be made to conform with the Clean Air Act, as amended, Section 121 requirements." On August 6, 1980, the State submitted a description of agreements it had made with local planning commissions. On November 10, 1980 and December 31, 1980, the State submitted documentation of agreements it had made with local air pollution control agencies.

USEPA has reviewed these submittals and they contain the necessary commitments for consultation.

Final Determination

Approval of Indiana's process of consultation.

Section 110(a)(2)(K)—Permit Fees

In the March 27, 1980 **Federal Register**, USEPA proposed to approve Indiana's system of permit fees.

Final Determination

Approval of Indiana's System of Permit Fees.

Section 126—Interstate Pollution

In the March 27, 1980, **Federal Register**, USEPA proposed to approve Indiana's conformity with Section 126(a)(2) which requires the State to identify existing major sources which may significantly contribute to levels of air pollution in neighboring states. Also in the March 27, 1980, notice, USEPA proposed to approve Indiana's conformity with Section 126(a)(1) providing the State developed procedures for identifying and giving written notice to nearby states of any proposed major stationary source which

may significantly contribute to levels of air pollution in excess of the National Ambient Air Quality Standards in those states. On December 9, 1980 Indiana submitted these procedures to USEPA. USEPA has reviewed the procedures and finds that they meet the requirements of the act.

Final Determination

USEPA approves Indiana's conformity with the act's requirements for notification of interstate pollution.

Section 127—Public Notification

In the March 27, 1980 **Federal Register**, USEPA proposed to approve Indiana's procedure for notification of the public of instances or areas in which any national primary air quality standard is exceeded, for advising the public of hazards associated with such pollution, and for informing the public of measures which can be taken to prevent such standards from being exceeded, providing Indiana submits a procedure for notifying the public of air pollution alerts, warnings, and emergencies. On December 9, 1980, Indiana submitted these procedures. This submittal also contained a list of publications and events which the State uses to enhance public awareness of the measures which can be taken to prevent such standards from being exceeded and the ways in which the public can participate in regulatory and other efforts to improve air quality. USEPA has reviewed the procedures and finds that they meet the requirements of the act.

Final Determination

USEPA approves Indiana's public notification procedures.

Section 128—State Boards

Section 128 of the Clean Air Act requires that any boards which approve permits or enforcement orders under the Clean Air Act contain a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Act and that members of any such board adequately disclose any potential conflicts of interest.

In the March 27, 1980, **Federal Register**, EPA proposed to approve Indiana's procedure for certifying that a majority of the Indiana Air Pollution Control Board members represent the public interest providing that all disclosures of present board members are submitted. In the April 17, 1980 submittal, the State provided USEPA with previously unsubmitted disclosures of board members. USEPA has reviewed this submittal, and it contains adequate documentation of compliance with Section 128.

Final Determination

Approval of Indiana's State Board Requirement portion of the SIP

Section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring

In the March 27, 1980, **Federal Register**, USEPA proposed to approve Indiana's procedures for continuous emissions monitoring providing the state corrected two typographical errors contained in Indiana Regulation APC 8, which contains these procedures. On October 6, 1980, Indiana submitted a revised version of APC 8 (325 IAC 3) in which the two errors were corrected.

USEPA received one comment on Section 110(a)(2)(F). The comment noted that Indiana's continuous emission monitoring requirement only applies to four types of sources. The comment asserts that Section 110(a)(2)(F) requires monitoring for all sources.

USEPA notes that 110(A)(2) does not specify the sources for which monitoring is required, but addresses stationary sources in general. The lack of specificity in this section of the Act enables the Administrator to determine which sources should be required to monitor their emissions continuously. The Administrator made this determination by promulgating 40 CFR 51.19(e) and Appendix P. The State's regulation meets these requirements.

Final Determination

USEPA approves Indiana's procedures for continuous emission monitoring and 325 IAC 3.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation will not be "major" as defined by Executive Order 12291, because this action only approves State actions.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this SIP action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by USEPA to enforce these requirements.

(Secs. 110, 121, 126, 127, and 128 of the Clean Air Act, as amended)

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1981.

Dated: August 28, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart P—Indiana

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, Subpart P—Indiana is amended as follows:

1. Section 52.770(c) is amended by adding subparagraph 22.

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(22) On June 26, 1979, Indiana made submittals pertaining to Section 121 Consultation, Section 110(a)(2)(K)—Permit Fees, Section 126—Interstate Pollution, Section 127—Public Notification, Section 128—State Boards and Section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring Additional commitments were secured on April 17, 1980, June 25, 1980, August 1, 1980, November 10, 1980, December 9, 1980, and December 31, 1980. A revised version of Indiana's continuous emission monitoring regulation (325 IAC 3) was submitted on October 6, 1980.

* * * * *

[FR Doc. 81-25952 Filed 9-3-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1913-6]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves a revision of the Maryland State Implementation Plan (SIP) originating from an amendment to the Maryland Air Quality Control Regulations, pertaining to the control of sulfur dioxide emmissions. The amendment establishes a new emission standard for sulfur oxides from existing solid fuel-fired, cyclone type fuel-burning equipment having an actual heat input in excess of 1,000 million BTU per hour. This revision is approvable

because it meets the applicable requirements of the Clean Air Act.

EFFECTIVE DATE: October 5, 1981.

ADDRESSES: Copies of the SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Harold A. Frankford.

Air Management Administration, State of Maryland, O'Conor Office Building, 201 W. Preston Street, Baltimore, MD 21201, ATTN: George P. Ferreri.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, Phone: 215–597–8176.

SUPPLEMENTARY INFORMATION: On February 20, 1980, the Administrator of Air Quality Programs for the State of Maryland submitted to EPA, Region III, amendments to its air pollution control regulations and requested that it be reviewed and processed as a revision of the Maryland State Implementation Plan (SIP). The amendments, applicable to the Baltimore and Washington areas only, consist of changes to section .04D(4) of COMAR 10.18.04 and 10.18.05 and establish a new emission standard for sulfur oxides from existing solid fuel-fired, cyclone type fuel-burning equipment having an actual heat input in excess of 1,000 million BTU per hour. The existing SIP regulation limits the sulfur content of solid fuel used in all fuel-burning equipment to 1% or less by weight. The amendments establish an allowable sulfur oxide emission standard for cyclone type fuel-burning equipment of 3.5 pounds per million BTU actual heat input which is equivalent to appproximately 2.3% sulfur by weight. While the definition of "solid fuel" is not explicitly defined in Maryland's regulations, both EPA and Maryland interpret "solid fuel" to include "coal."

The Baltimore Gas and Electric Company, C.P. Crane Generating Station, Units 1 and 2 (200 Megawatts each) in Baltimore County, wishes to convert from 1% sulfur oil to coal under the new regulation. The Crane Station is currently under a Department of Energy prohibition order and is a prime candidate to receive a notice of effectiveness. The Crane Station cyclone furnaces require a low ash fusion temperature coal which is normally a high sulfur coal (greater than 2% sulfur by weight). The best information indicates that a 1% sulfur coal with the necessary ash fusion temperature characteristic is unavailable. Therefore, Maryland has submitted this revision to their SIP to allow B.G. and E. Crane Station to burn higher sulfur coal.

The State of Maryland is requiring B.G. and E. Crane Station to use Continuous Emission Monitoring (CEM) under COMAR 10.18.01.06B(1). This regulation requires specific installations to install, use, and maintain monitoring equipment or employ other methods as requested by the Department. Maryland's Technical Memorandum 77–01 details the requirements for CEM and reporting methods for the information obtained through the use of such equipment. During times of sustained outages of the CEM equipment, Maryland plans to institute a detailed coal sampling program to determine, on as close to real time basis as possible, the maximum sulfur dioxide contribution made at this facility. Maryland will enforce the SO_2 emission limitation on a 24-hour basis.

The State submitted a modeling study for total suspended particulates (TSP) and sulfur dioxide (SO_2). The modeling study was based on the assumption that the Baltimore Gas and Electric Company, C.P. Crane Generating Station, Units 1 and 2, is the only facility being converted to coal under this revision. The State of Maryland has certified by letter dated October 1, 1980, that the Crane Units 1 and 2 constitute the only fuel-burning equipment of cylcone type in State Area III (Metropolitan Baltimore AQCR) and IV (Washington Metropolitan AQCR), making this assumption true. The model employed is the standard single-source EPA CRSTER model, using five years of National Weather Service meteorological data. Other sources in the area were also modeled to determine background concentrations.

The study predicted ground level concentrations of SO_2 at 100%, 75% and 50% load conditions using urban coefficients to simulate an urban type of terrain. A refined grid (spacing of 0.2 Km) was run using the two years of highest indicated SO_2 ground level concentrations. For comparison purposes, rural coefficients were also used. Only minor differences were indicated in the results.

The study concluded that the emission standard set forth in (Section .04D(4) of COMAR 10.18.04 and 10.18.05) will not cause violations of either the primary or secondary NAAQS for SO_2. The modeling study further concluded that the PSD increments will not be violated.

The State submitted proof that a public hearing was held on November 28, 1979 in Baltimore, Maryland in accordance with the notice and public hearing requirements of 40 CFR Section 51.4 and all relevant State procedural requirements.

Notice of Proposed Rulemaking

On February 10, 1981, 46 FR 11678, EPA acknowledged receipt of the amendments, proposed them as a revision of the Maryland State Implementation Plan (SIP), and provided for a 30-day public comment period ending March 12, 1981. During the public comment period no comments were received.

EPA Evaluation

A review of Maryland's modeling analysis by EPA indicates that SO_2 emissions from the plant will not cause or contribute to violations of the primary or secondary NAAQS for SO_2, and that the revision fully complies with EPA's current policy regarding SO_2 emissions relaxations. EPA also concludes that the PSD increments will not be exceeded, although 82% of the 24-hour increment and 73% of the 3-hour increment would be consumed by the Crane Station Units 1 and 2.

Currently, the Baltimore area is in violation of both primary and secondary National Ambient Air Quality Standards for TSP. Therefore, the PSD increment is not applicable for TSP. The nonattainment plan for this area which EPA approved in part on August 12, 1980 45 FR 53461, contains regulations for only fugitive TSP emissions and does not require any additional TSP compliance plans for power plants beyond current SIP requirements. EPA has concluded, from the modeling demonstration, that the increased TSP levels due to the conversion of Crane Station Units 1 and 2 will be less than the de minimus impact for TSP ($1\mu g/m^3$ annual, $5\mu g/m^3$ 24-hour) and therefore will not interfere with the plans for TSP attainment of this area.

In view of the above evaluation, EPA approves the amendments to section .04D(4) of COMAR 10.18.04 and 10.18.05 as a revision of the Maryland SIP, effective October 5, 1981. Accordingly, 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) is revised to incorporate both the regulatory amendment and the October 1, 1980 letter from the State of Maryland to EPA certifying the B.G.&E. Crane generating Station to be the only source affected by

this regulatory change, into the approved Maryland SIP.

In EPA's review of the revision, EPA makes note of the fact that the term "solid fuel" is not defined. The State of Maryland may wish to define this term in a future SIP revision to clarify its regulations.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401–642)

Dated: August 28, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register, on July 1, 1981.

In Part 52, Title 40 of the Code of Federal Regulations, Subpart V, § 52.1070(c) is amended by adding subparagraphs (46) and (47) to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Subpart V—Maryland

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(46) Amendments to section .04D(4) of COMAR 10.18.04 and COMAR 10.18.05 establishing a revised sulfur oxides emissions limitation for all existing solid fuel-fired, cyclone type fuel burning equipment having an actual heat input in excess of 1,000 million Btu/hour; submitted on February 20, 1980 by the Governor.

(47) October 1, 1980 letter from George P. Ferreri, Maryland Office of Environmental Programs to James E. Sydnor, EPA, certifying that the Baltimore Gas & Electric Company's C. P. Crane Generating Station is the sole facility to which COMAR 10.18.04.04D(4) and 10.18.05.04D(4) would apply.

[FR Doc. 81–25988 Filed 9–3–81; 8:45 am]

BILLING CODE 6560–35–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5983

Arizona; Public Land Order No. 5868; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct a typographical error in a land description contained in Public Land Order No. 5868 of May 15, 1981 (46 FR 28164, May 26, 1981).

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

A description of lands in Public Land Order No. 5868 of May 15, 1981, in FR Doc. 81–15542 appearing at page 28164 in the issue of Tuesday, May 26, 1981, in the second column following sec. 31, N½., the penultimate line reads "T. 6 S., R. 18 W.,". It should be corrected to read "T. 7 S., R. 18 W.,".

Garrey E. Carruthers,

Assistant Secretary of the Interior.

August 27, 1981.

[FR Doc. 81–23904 Filed 9–3–81; 8:45 am]

BILLING CODE 4310–84–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Ninth Revised Service Order No. 1474]

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Ninth Revised Service Order No. 1474.

SUMMARY: Service Order No. 1474 authorized various railroads to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Since that time, certain carriers have been granted permanent authority by the Commission. This Ninth Revision deletes those carriers from the original service order. Service Order No. 1474 is further revised by extending its expiration date until October 30, 1981.

EFFECTIVE DATE: 11:59 p.m., August 31, 1981.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: August 28, 1981.

Pursuant to section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254, the Commission is authorizing various railroads to provide interim service over Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee), (MILW) and to use such tracks and facilities as are necessary for that operation.

Appendix A of Eighth Revised Service Order No. 1474 is revised by deleting, in this order, the following authorities.

Item 3. Consolidated Rail Corporation at Momence, Illinois.

Item 4. Pend Oreille Valley Railroad, Inc., (POV): in the area of New Port and Metaline Falls, Washington.

Item 5. St. Maries River Railroad Company (SMRR): in the area of Bovill, St. Maries, and Plummer, Idaho.

Appendix A is renumbered accordingly.

The deletion of the temporary authorities occurring in this order resulted from recent Commission decisions which granted permanent authority to those carriers; and in the case of item 3 of the previous order, the track was conveyed to the industry. Carriers recently granted permanent authority are reminded to comply with all conditions stipulated in the order to

assure that the decision remains in force. All items are renumbered accordingly.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct operations, also identified in the attachment, using MILW tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1474 Service Order 1474.

(a) *Various Railroads authorized to use Tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), as listed in Appendix A to this order, in order to provide interim service over the MILW.

(b) The Trustee shall permit the affected carriers to enter upon the property of the MILW to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of these operations over the MILW lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by interim operators over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, all interim operators involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees.* In providing service under this order interim operators, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 11:59 p.m., August 31, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the **Federal Register.**

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and William F. Sibbald, Jr. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A

MILW Lines Authorized To Be Operated by Interim Operators

1. Illinois Central Gulf Railroad Company (ICG):

A. In Sioux City, Iowa, from Pearl Street west approximately 1.5 miles to Tri-View Industrial area, and from Court Street to Virginia Street.

2. Seattle and North Coast Railroad Company (SNC):

A. Between Port Angeles and Port Townsend, Washington, including Pier 27 and associated track in Seattle, Washington.

3. Burlington Northern Inc. (BN):

A. In Sioux City, Iowa, between milepost 509.77 and milepost 512.62, a distance of approximately 2.85 miles.

4. Racoon River Railroad, Inc. (RAC):

A. Between Lohrville and Rockwell City, Iowa, a distance of approximately 11.3 miles.

*5. Des Moines Union Railway Company (DMU):

A. Between Des Moines (milepost 0) and Clive (milepost 8.5) Iowa; and between Clive (milepost 0) and Grimes, Iowa (milepost 7), a total distance of 15.5 miles.

*Renumbered.

[FR Doc. 81–25826 Filed 9–3–81; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 46, No. 172
Friday, September 4, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 220, and 226

National School Lunch, School Breakfast, and Child Care Food Programs; Meal Pattern Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would (1) simplify administration of the meal requirements in the National School Lunch Program, School Breakfast Program, and Child Care Food Program; (2) reduce meal pattern quantity requirements; and (3) change some meal crediting requirements, i.e., how food items are counted towards meeting meal requirements. The Department is proposing this rule to reduce federal regulation and program costs. The Department believes that this rule would simplify local administration, reduce local costs, and provide local programs with more flexibility.

DATE: Comments must be postmarked on or before October 5, 1981.

ADDRESSES: Comments may be mailed to Cynthia Ford, Branch Chief, Room 556, Technical Assistance Branch, Nutrition and Technical Services Division, Food and Nutrition Service, USDA, Washington, D.C. 20250. Comments may be delivered to the above address during regular business hours (8:30 am to 5:00 pm, Monday through Friday). Comments received may also be inspected at Room 556 between 8:30 am and 5:00 pm.

FOR FURTHER INFORMATION CONTACT: Virginia Wilkening, 202–447–9067.

SUPPLEMENTARY INFORMATION:

Classification

This proposed action has been reviewed under Executive Order 12291 and has been classified major. We anticipate that the proposal will have an impact on the economy of $100 million. This proposed rule will substantially increase costs by providing States, School Food Authorities, and institutions with more flexibility in administering the child nutrition programs. The proposal will not have adverse effects on competition, employment, investment, innovation, or on the ability of U.S. enterprises to compete with foreign enterprises. Because the Omnibus Reconciliation Act of 1981 requires that these cost savings to become effective 90 days after enactment and because the Department needs to provide for public comment, it is impracticable for the Department to follow the procedures set forth in Executive Order 12291. As provided by section 8(a) of that order, the Director of OMB has been notified of this conflict. An impact analysis will be available when the final rule is published.

The proposal has also been reviewed with regard to the requirements of Pub. L. 96–354. Since this action may have a significant economic impact on a substantial number of small entities, the impact analysis will address the issues required in Section 603 of Pub. L. 96–354, the Regulatory Flexibility Act.

This regulation does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

Introduction

The U.S. Department of Agriculture (USDA) is responsible for the administration of the child nutrition programs. These include the National School Lunch Program, the School Breakfast Program, the Child Care and Summer Food programs, and the Special Milk Program for Children. USDA issues regulations for the operation of the child nutrition programs, and State agencies that operate the programs in conformance with the regulations earn Federal payments based on the number of meals served to eligible children by schools and institutions. Similarly, schools and institutions receive payments from their State agencies to cover the cost of their program food service.

Current Basis of Meal Pattern Policy

The National School Lunch Act and the Child Nutrition Act of 1966 require that the Secretary of Agriculture set minimal nutritional requirements for meals served in the child nutrition programs, but give the Secretary broad discretion to determine those requirements. Meal pattern requirements have been established for specific types and amounts of food to be served in each of the programs that the Department administers. The meal patterns are minimal standards, based on the most current knowledge about the nutritional needs of program participants and their food consumption habits and preferences. The patterns are designed to allow for sufficient flexibility so that the meals planned are appealing as well as nutritionally sound. USDA also provides guidance materials related to menu planning and to the nutritional composition and cost of foods that are available for use in the programs.

The National School Lunch Program, the largest of the child nutrition programs, was first authorized by the National School Lunch Act in 1946. At that time, the school lunch pattern was established, with a goal of providing approximately one-third of the Recommended Dietary Allowances (RDA) of nutritions for 10- to 12-year old children as established by the Food and Nutrition Board, National Research Council, National Academy of Sciences. School lunch regulations do not require that each lunch provide thirty-three percent of the nutrients that children need, but it is expected that on average, over a period of time, the meals will provide approximately one-third of the RDA. This figure has traditionally been used as a goal in menu planning.

Periodically lunch pattern requirements are reviewed and revised to reflect new knowledge about the nutritional aspects of the program. Over the years the Department has recognized that the nutritional needs of children differ. A nutritional goal based on a standard for one age group of children may not be appropriate for children of all ages. Also, there is reason to recognize the existence of both overnutrition and undernutrition as health problems in this country. Not only is it important for children to consume all of the nutrients that they need, but also, to avoid obesity, it is important that they not consume more calories than they need.

The Department revised the school lunch pattern in 1980 to bring it into conformance with revisions of the RDA.

At that time efforts were made to increase the variety of foods that could be served a part of the lunches. Also, to accommodate children's individual preferences and to help reduce plate waste in schools, the Department allowed schools to vary serving sizes.

In this proposed rule the Department is considering further changes in the meal patterns in response to provisions of the Omnibus Reconciliation Act of 1981 that require the Department to "review regulations promulgated under section 10 of the Child Nutrition Act of 1966 (including regulations pertaining to nutritional requirements for meals) for the purpose of determining ways in which cost savings might be accomplished at the local level * * *." (sec. 818, Pub. L. 97–35).

Trends in Program Operating Characteristics, 1970–1980

Prior to 1980 the child nutrition programs experienced a period of rapid growth and, consequently, a growth in Federal expenditures. As a result, the programs are estimated to cost the Federal government approximately $4.5 billion in fiscal year 1981 compared to a total program cost of approximately $700 million in fiscal year 1970. The approximately 22 percent annual growth rate was the result of increases in program expenditures emanating from a number of specific statutory requirements which include:

Provision of specified amounts of cash and commodity subsidies for all meals served regardless of the family income of the participant;

Provision of specified amounts of special cash assistance for meals served free or at a reduced price to eligible children;

Semi-annual adjustments in payment rates to reflect increases in food prices;

Encouragement of all eligible schools and institutions to offer programs; and

Encouragement of participation by every child with access to a program.

Recent Legislation

In the Omnibus Reconciliation Act of 1980, Pub. L. 96–499, the first cost saving measures were enacted to curtail spending in the child nutrition programs. Reductions of approximately eight percent were made in the fiscal year 1981 program budget primarily through small decreases in subsidy and eligibility levels. In the Omnibus Reconciliation Act of 1981, Pub. L. 97–35, the changes initiated in the 1980 Act were continued and further reductions in program spending were enacted. As a result, the fiscal year 1982 program budget will decrease by approximately 25 percent.

While the changes made in the 1981 Act do not significantly alter the form of the benefits provided nor the nature of the programs, they do change the distribution of program benefits to direct federal spending more towards meals served to children from low income families. There are two major changes. First the income eligibility standards have been changed to limit the number of children who may receive free and reduced price meals to those in families with the lowest family income. Second, the subsidy levels provided for food service operations have been reduced. The reductions are made primarily by lowering, but not eliminating, Federal payments for meals served to children who pay the full price or receive reduced price meals. The subsidy levels for free meals are changed slightly. The following table indicates the changes in subsidies that will be in effect for the 1981–1982 school year.

Comparison of per Meal Subsidy Levels

	Previous law (cents)	Current law (cents)	Differences (cents)
Lunch/supper (cash and commodities): [1]			
Paid	32.50	21.50	−11.00 (34)
Reduced price	104.00	80.25	−23.75 (23)
Free	124.00	120.25	−3.75 (3)
Schools in School Food Authorities that served 60% or more of their lunches in the second preceding school year free or at a reduced price receive 2 cents more.			
Breakfast: [1]			
Regular:			
Paid	16.25	8.25	−8.00 (49)
Reduced price	46.75	28.50	−18.25 (39)
Free	57.00	57.00	0 (0)
Severe need:			
Paid	16.25	8.25	−8.00 (49)
Reduced price	63.50	38.50	−25.00 (39)
Free	68.50	68.50	0 (0)
Supplements: [1]			
Paid	5.50	2.75	−2.75 (50)
Reduced price	22.25	15.00	−7.25 (33)
Free	30.50	30.00	−.25 (26)

[1] Figures in parentheses in percent.

Effects of Legislation on Local Food Service

The changes of the 1981 legislation in subsidy levels and eligibility occur at a time when food service costs are rising due to inflationary pressures in the economy. The joint effects of subsidy reductions and inflation will necessarily cause increases in the prices charged for meals served to children from middle and higher income families. Since paid meals have traditionally accounted for approximately 55 percent of participation in the school lunch program, local program operators have expressed concern that sharp rises in prices charged may substantially reduce participation and potentially jeopardize the continued operation of programs.

This concern is addressed in Pub. L. 97–35. Section 818 of the law provides that "The Secretary shall review regulations promulgated under section 10 of the Child Nutrition Act of 1966 (including regulations pertaining to the nutritional requirements for meals) for the purposes of determining ways in which cost savings might be accomplished at the local level in the operation of meal programs under the National School Lunch Act and the Child Nutrition Act of 1966 without impairing the nutritional value of such meals * * *."

The Statement of Managers provides further guidance concerning the nature of this requirement by indicating that the intent of the section is that "* * * before the Secretary changes current meal pattern requirements, he shall exhaust all alternatives for lowering local program costs. Further, any proposed change must have a demonstrated local fiscal impact and a sound nutritional basis. The conferees understand that the phrase (without impairing the nutritional value of meals) should not be interpreted as requiring one-third RDA for every meal provided."

Alternative Cost Saving Measures

Prior to the passage of Pub. L. 97–35 the Department formed task forces of Regional, State, and local food service personnel and members of public interest groups, to identify areas in which to reduce costs directly, or indirectly by reducing Federal regulation. The task forces covered five subjects: State Plan, Meal Patterns, Administrative Requirements, Review and Oversight, and Financial Management/Accountability.

There are at least two broad program areas in which the Department might be able to reduce local costs without affecting the meal patterns: (a) general administration, including counting and claiming meals and cost accounting; and (b) eligibility determinations. The following program changes to reduce local costs are currently under consideration by the Department or are required by the Omnibus Reconciliation Act of 1981.

(a) *Administration.* 1. *Eliminate the requirement to report cost records, except for the Special Milk Program and for severe need breakfast reimbursement.* The major initiative, besides reductions in meal pattern requirements, that the Department can implement to help reduce local costs in the short term is already required by Section 819 and other sections of the Omnibus Reconciliation Act of 1981. These provisions eliminate the Federal

requirements to maintain records of incurred costs sufficient to justify reimbursement. The current requirement to include cost as a factor in determining subsidy levels to local agencies has been a major source of recordkeeping burdens. Schools and institutions needed to keep detailed records of direct and indirect costs by program to justify reimbursement. The elimination of this requirement should provide direct savings.

2. *Reduce reporting requirements.* Besides eliminating the requirement to report costs, the Department is reducing other costly paperwork burdens. It is eliminating the requirement that schools report estimates of the number of children eligible for free or reduced price meals in October and March. In addition, by eliminating the State Plan requirement, the Department is freeing schools and institutions from reporting any supporting data that States needed to develop their Plans. These changes also are required by the Omnibus Reconciliation Act of 1981, section 812.

(b) *Eligibility determinations.* 1. *Remove hardship provisions.* The Department is eliminating the special hardship deductions that families can claim for specific unexpectedly high costs. From 1973 until the passage of the Omnibus Reconciliation Act of 1980, the Department allowed a family to deduct from its stated income the cost of certain "hardships" that the family could not reasonably anticipate or control. The hardship deductions were: (a) unusually high medical expenses; (b) shelter costs in excess of 30 percent of income; (c) special education expenses due to the mental or physical condition of a child; and (d) disaster or casualty losses. School administrators then had to take these special hardship deductions into account in determining a child's eligibility for free or reduced price meals or free milk. This was often a complicated and time consuming exercise that could lead to mistakes. Most parental appeals of eligibility determinations were based on a contested application of the hardship deductions. The Omnibus Reconciliation Act of 1981 made permanent the elimination of hardship deductions first instituted on a temporary basis by Pub. L. 96-499.

2. *Simplify midyear announcements.* The Department is planning to simplify the procedures that schools must follow if the Income Eligibility Guidelines change during the school year, by eliminating the rquirement that School Food Authorities send home to parents new letters and new applications at that time. This simplification will save schools the cost of time and materials in printing and distributing these papers.

Meal patterns

Cost savings from changes in administration and eligibility determinations are very difficult to quantify at the national level due to the many variations among local programs. None of these changes by themselves result in substantial cost savings, though taken together they provide important relief in administrative burdens to local operators. There are at least three related areas in which meal pattern changes can be made to realize cost savings: (a) administration, (b) crediting requirements, and (c) quantity requirements. The task force on meal patterns addressed all three areas. The changes proposed in this regulation are largely the task force's recommendations.

(a) *Simplify administration.* The task force recommended two administrative simplifications: (1) reduce the number of age/grade patterns and allow State and local programs to determine the ages or grades to be served each pattern within broad guidelines and (2) make meal patterns consistent among programs. This proposal adopts both suggestions. The task force also recommended that the Department intensify its technical assistance efforts. Finally, the task force suggested that the Department redefine "reimbursable meal" to emphasize the production of bulk quantities.

(1) *Number of age/grade groups.* The proposal reduces the maximum number of age/grade patterns in school lunch regulations from five to three and divides them into broad categories—"preschool", "elementary", and "secondary"—rather than definite age/grade groups. States or with State approval, local programs may define "preschool", "elementary", and "secondary". States and local programs are to make their determinations based on the ages of the children served, not the nature of the institution. It is not the Department's intention, for example, that an older child who attends a day care facility licensed as a "preschool" facility after school should be served the preschool pattern.

(2) *Consistency.* This proposal also makes meal pattern portion sizes consistent for the school lunch, school breakfast, and child care programs. It updates the school infant patterns to reflect the child care program infant patterns. The school infant patterns are served primarily in residential child care institutions.

(3) *Technical Assistance.* The task force also recommended strongly that the Department concentrate on improved technical assistance. The task force felt that many savings are possible through improved administrative efficiency in such areas as meal planning, pricing, and procurement and the use of labor and equipment. Within the next year, the Department will issue the results of its food service cost studies. These studies examine factors that affect meal production efficiency. For example, they examine the relative importance of processed versus unprocessed food purchases in terms of the available supply and cost of labor and equipment. These results and others should help local School Food Authorities plan for long term meal production cost savings.

(4) *Reimbursable meal.* The Department is also developing a separate rulemaking proposal describing a Federal meal monitoring system for the school programs. That proposal would require schools to monitor the production of bulk food quantities rather than individual quantities served per plate. We anticipate that this system should relieve schools of the need to overproduce to insure that individual items meet the minimum quantity requirements when served. However, States would be allowed to develop their own monitoring system which could include per plate quantity monitoring, if they choose not to adopt the Federal system.

The changes proposed today lay the groundwork for the meal monitoring system, by stressing quantities as prepared and allowing schools in the school lunch program to reduce the amount of food prepared based on the amount of food they expect the students to decline under offer versus serve. This proposal would also allow schools and institutions, if not inconsistent with State policy, to vary portion sizes as served in response to individual children's desires.

(b) Simplify crediting requirements.

(1) *Meat and Meat Alternates.*—Several foods are proposed to be added to the list of allowable meat alternates as a result of public requests and in an effort to increase flexibility in menu planning.

—*Nuts and seeds*—Peanut butter has been a creditable meat alternate since the inception of the school lunch and child care programs. Peanuts have not been credited as a meat/meat alternate for two reasons: (1) peanuts have been considered a snack food, not a main dish item as are the other acceptable meat/meat alternates, and (2) allowing peanuts as a meat alternate might conflict with nutrition education

principles and good menu planning practices by allowing meals to be served that might not provide a traditionally recognized entree.

This proposed regulation would allow schools and institutions to credit peanuts, as well as all other nuts and seeds and their butters, recognizing the nutritional comparability of these items. To maintain a traditionally recognized entree and to maximize acceptability of the meal, it is recommended that nuts and seeds fulfill no more than one-half of the meat/meat alternate requirement.

—*Yogurt*—The Department has received many requests from program participants and the food industry to allow yogurt as a "creditable" food as a substitute either for the milk or the meat/meat alternate component. The Meal Pattern Task Force recommended that yogurt, plain or flavored, be credited as a milk alternate on an ounce-for-ounce basis. Inasmuch as yogurt is often consumed as an entree, the Department is proposing that at the option of the School Food Authority or institution yogurt be allowed to meet either the milk or meat alternate requirement. While yogurt is not as good a source of iron as most meat/meat alternates, it is equivalent to cheese. Allowing yogurt to count as a milk alternate or meat alternate (1) would permit local operations to be responsive to the desires of the community and local food preferences; (2) may increase participation; (3) may increase variety in the meal pattern, especially addressing the desires of secondary students; and (4) may help satisfy children's appetites.

—*Tofu*—Tofu is a soybean curd which has the general color and shape of a light cheese. Three basic types of tofu are manufactured in this country. Silken or soft tofu (kinugoshi) is the softest, most liquid type of tofu available; it contains a minimum of 5 percent protein. Regular tofu (Japanese style) is of medium firmness with an 8 percent minimum protein content. This type of tofu is the most readily available on a commercial scale. The third type of tofu is firm tofu (doufu). This type is the firmest of the three and has a minimum of 11 percent protein. Over the past few years, the Department has received a number of requests that tofu be credited toward fulfilling the meat/meat alternate requirement in child nutrition programs. Although schools and institutions may serve tofu, currently they cannot count tofu toward meeting meal pattern requirements.

Because tofu contains adequate protein, is relatively inexpensive, and is a versatile meat alternate, the Department is proposing to allow the use of tofu as a meat alternate. To determine the required serving size for tofu, the protein level of regular tofu (the form most readily available) was compared to the protein level of one-half cup cooked dry beans and peas. The comparable amount of tofu is three ounces (weight) or one-half cup (volume).

—*Equivalencies of cooked dry beans or peas and eggs*—In final rules published in May 16, 1980, meat alternate equivalencies for cooked dry beans or peas and eggs were increased to provide more nutritional comparability between the various meat/meat alternates. The preamble of the regulation also discussed a similar change in the equivalency for cottage cheese. The implementation date was July 1, 1980; however, because of anticipated administrative and operational hardships for schools using commercially prepared products, schools were allowed to apply to State agencies for exemptions until July 1, 1981, so that food suppliers could alter their manufacturing practices in accordance with the new equivalencies. On July 17, 1981, as a result of requests from schools and food manufacturers for a further delay in implementation, the Department delayed full implementation until July 1, 1982.

Because of the administrative difficulties schools and food manufacturers have encountered in trying to comply with the new meat alternate equivalencies, the proposed regulations would return to the former equivalencies; i.e., one-half cup of cooked dry beans or peas, or one large egg will be considered equal to a two ounce portion of cooked lean meat. As no difficulties were reported with cottage cheese, it is proposed that cottage cheese remain as stated in the *Food Buying Guide for School Food Service* (PA–1247); i.e., one-half cup is equivalent to two ounces of cooked lean meat.

—*Main dish and one other item*—An additional change within the meats or meat alternate component involves the current requirement that the meat or meat alternate must be in the main dish or the main dish and one other menu item. This requirement was made to prevent the planning of a menu which would have small amounts of meat/meat alternates spread throughout the meal without a recognizable entree.

To increase flexibility at the local level and to achieve food cost reductions, the Department is proposing to delete this requirement. This would allow all meats or meat alternates to be counted toward the total meat or meat alternate requirement regardless of how many menu items are represented. It is expected that good menu planning practices will insure that a substantial amount of the requirment will be served in the main dish resulting in a recognizable entree.

—*One food item contributing toward the meat or meat alternate and another component*—Currently, cooked dry beans or peas may be counted as a meat alternate or as a vegetable, but not as both in the same meal; and enriched macaroni with fortified protein may count as a meat alternate or as a bread alternate but not as both in the same meal. Similarly, it is proposed that yogurt count as a meat alternate or as a milk alternate but not as both in the same meal. It is the Department's intent that these items may be planned to contribute to two components if they are prepared in sufficient quantities. As an example, a one-half cup of cooked dry beans may contribute ¼ cup toward the meat or meat alternate requirement and ¼ cup toward the vegetable or fruit requirement; however, the ½ cup cannot be counted to meet ½ cup of the meat or meat alternate *and* ½ cup of the vegetable or fruit requirement. This proposal amends the regulations to clarify current policy.

(2) *Vegetables and Fruits.*

—*Two or more servings*—Since July 1958, schools have been required to serve two or more servings of vegetables or fruits or both to fulfill the vegetable or fruit requirement. This provision was required to insure that a variety of foods would be offered, and a variety of nutrients would be available. This proposal would modify that requirement to allow two or more vegetables or fruits to be served, separately or combined. This modification continues to recognize the need for a variety of foods, yet allows greater flexibility in menu planning when serving several different vegetables or fruits in one menu item, for example chef salads.

—*Concentrates*—An additional proposed change in crediting policy would allow vegetable and fruit concentrates to be credited on a single-strength reconstituted basis rather than on the basis of the actual volume as served. For example, one tablespoon of tomato paste could be credited as ⅛ cup single-strength tomato juice. Previously, it was only credited as 1 tablespoon, the volume as served. This change eliminates the so-called "water" requirement. While not specified in regulations, this policy will be addressed in program aids.

—*Service of vegetable or fruit juice*—Current school lunch program regulations and lunch/supper child care

program regulations specify that full-strength vegetable or fruit juice may be used to meet not more than one-half of the total vegetable/fruit requirement. This restriction is being removed to simplify Federal regulations and to be consistent with breakfast regulations which do not restrict the amount of full-strength juice served. Good menu planning practiced would suggest that juice not be used to fulfill a major part of the vegetable/fruit requirement.

(3) *Bread and Bread Alternates.*

—*Inconsistencies in crediting*—There are currently several inconsistencies among child nutrition programs in crediting specific bread items. Not all food items which contain enriched or whole-grain cereal, flour, or meal are allowed as creditable bread items in all child nutrition programs. For a food item to be credited as bread in the school lunch program, it must serve the cutomary function of bread in a meal as an accompaniment to, or an integral part of, the main dish. Accordingly, dessert items such as cakes, cookies,and dessert pie crusts have not been credited as bread.

In the child care program, the same policy regarding the customary function of bread in a meal applies to the bread/bread alternate component for lunch and supper. However cookies have been authorized as a bread alternate in supplements (snacks) because of their popularity and customary role as a snack food. Items such as doughnuts and sweet rolls when made with enriched or whole-grain flour can be credited as bread in the school breakfast program and in the child care program.

To remove these inconsistencies, it is being proposed that (1) any food containing enriched or whole-grain flour or meal; or enriched, whole-grain, or fortified cereal as its primary ingredient be allowed to contribute ot the bread/bread alternate requirement, and (2) all foods on the list of acceptable bread/bread alternates in Appendix A be allowed to contribute toward the bread/bread alternate requirement in any child nutrition program. It is expected that good menu planning practices will insure that food items credited as bread will generally be served as an accompaniment to, or an integral part of, the main dish.

—*Appendix A*—The requirement for the bread/bread alternate food item specifies that bread/bread alternate products must be enriched or whole-grain or, in the case of cereals, must be enriched, whole-grain, or fortified. The required amount of food item is defined as a serving. Further detailed listings of acceptable bread/bread alternate and servings sizes have not been specified in detail in the program regulations, but provided as guidance in program aids such as *The Food Guide for School Food Service (PA–1247).* These regulations propose adding the list of acceptable bread/bread alternates to Appendix A of the regulations. This would make compliance and monitoring easier.

(4) *Milk.*

—*Requirement for a form of lowfat milk*—In revisions to school lunch pattern requirements in 1979, regulations were amended to require that schools offer unflavored fluid lowfat milk, skim milk, or buttermilk in an effort to decrease the level of fat and sugar in school lunches. Other types of milk could be offered as choices. This provision was never extended to the school breakfast or the child care programs.

Since implementation of this requirement, the Department has learned that some schools have completely discontinued offering whole milk as a beverage choice. In addition, this requirement has resulted in administrative and financial difficulties. Some schools providing a choice of more than one type of milk have experienced storage and inventory problems, increased service time, and added recordkeeping burdens.

This proposed regulation would delete the lowfat milk requirement and place the decision as to the type(s) of milk to be served at the local level, thereby increasing flexibility and simplifying program administration.

—*Yogurt*—As discussed above, it is proposed that yogurt be allowed to meet the milk or the meat/meat alternate requirement.

(5) *Other Changes in Crediting Requirements.* FNS crediting policies have been developed for a national program. The Department realizes there are many foods that have not been addressed specifically as well as new foods that are continually being developed.

The use of these foods can be desirable in increasing menu variety, exposing children to new foods, and promoting nutrition education. It is therefore proposed that while general guidance on crediting specific forms of food will be provided by FNS, the State agencies will have discretionary authority regarding the crediting of specific food items or categories as long as the States' decisions are not inconsistent with FNS regulations and are reported to the appropriate FNS Regional Office; for example, a State could not credit as a bread a food that is not enriched or whole-grain, or milk that is not fluid milk, but could credit a condiment such as pickle relish as a vegetable.

This policy should result in increased flexibility and improved responsiveness to the needs of individual child nutrition programs. It should also allow for earlier implementation of possible cost savings.

(c) *Reduce quantity requirements.*

We anticipate that the proposed changes discussed under the preceding sections entitled "Simplify administration" and "Simplify crediting requirements" will generate some local cost savings. However, the amount of savings will vary greatly among schools and institutions, and we do not anticipate that the savings generated will be significant. Therefore, to carry out the requirements of section 818 of the Omnibus Reconciliation Act of 1981 to significantly reduce local costs, we have determined it is necessary to reduce the quantity requirements of the meal patterns.

A reduction in the quantity of food that is required to be served can result in immediate cost savings on the local level. To develop new meal patterns the Department relied on what is known about current school and child care operations. Quantity reductions were made to reduce plate waste or to reduce the cost of the meals.

Although the Department is proposing to decrease the quantity of food served, the nutritional balance of the meals will be preserved. Schools will still be required to offer five food items from each of the four food components. Therefore, meals will continue to provide a wide variety of nutrients. The food items of the pattern provided continue to be excellent nutrient sources.

The Department has developed nutrient profiles for the proposed lunch patterns. The average nutrient composition for each meal component of the lunch pattern was determined using information about what was served in 1,200 lunches in 60 schools. These data were used to interpret the nutritional content of the proposed lunch pattern. Nutrients provided by the proposed lunch pattern were then compared to the average RDA of 1- to 4-year olds, 5- to 11-year olds, and 12- to 17-year olds as appropriate (Table 1). The calculations demonstrate that lunches served under the proposed lunch pattern can continue to make a significant contribution to children's known dietary needs.

It is important to recognize that the proposed requirements are *minimum* requirements. Larger portions may be served. In fact, a demonstration project sponsored by the Department during the 1978–1979 school year indicates that on

the average, schools served more food than was required. The project was conducted to assess the feasibility and implications of changes in the school lunch pattern that were proposed at that time. Baseline data on the average serving sizes of menu items served in 382 schools in 43 states were collected for a one week period. At that time the required minimums serving size for meat and meat alternate items was 2 ounces. The data show that the average serving size in secondary schools then was 2.44 ounces. In elementary schools the average actual serving size was found to be 2.19 ounces. The required minimum serving size for bread and bread alternate items per meal was one slice, but the data show that secondary schools were actually serving an average of 8.5 servings per week of bread or bread alternates. Therefore, the Department expects that many of the meals served in the school lunch program will contribute greater amounts of nutrients than the values reported in Table 1 indicate. Those nutrient values are for portion sizes that are specified in these proposed regulations.

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TABLE 1. NUTRITIONAL VALUE OF NEW LUNCH/SUPPER PATTERNS

	Preschool		Elementary		Secondary	
	Amount	% RDA (age 1-4)	Amount	% RDA (age 5-11)	Amount	% RDA (age 12-17)
Energy (Calories)	251	18	364	17	440	18
Protein (gm)	13.2	53	19.7	56	24.9	52
Vitamin A (I.U.)	1438	68	1545	47	1653	37
Vitamin C (mg)	15.4	34	15.9	35	16.5	30
Niacin (mg NE)	5.0	50	7.2	51	8.8	55
Riboflavin (mg)	.34	38	.50	38	.63	45
Thiamin (mg)	.19	24	.29	26	.33	28
Vitamin B_6 (mg)*	.26	26	.34	23	.41	22
Vitamin B_{12} (mcg)*	.86	41	1.28	46	1.71	57
Calcium (mg)	200	25	296	35	380	32
Iron (mg)	2.0	14	2.6	24	2.9	16
Magnesium (mg)*	42.7	28	59.0	30	72.2	24

* Estimates based on limited food composition data.

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These proposed changes reflect discussions that the Department has had with the General Accounting Office (GAO). After a recent review of the school lunch program, GAO said that one option open to the Secretary would be dropping an RDA goal if it cannot be achieved within acceptable limits of plate waste, cost, and student participation. The following tables 2–6 present the proposed quantity reductions.

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TABLE 2. NATIONAL SCHOOL LUNCH PROGRAM

	Preschool		Elementary		Secondary	
	Current	Proposed	Current	Proposed	Current	Proposed
MEAT OR MEAT ALTERNATE	1, 1 1/2 oz (or equivalent)	1 oz (or equivalent)	1 1/2, 2 oz (or equivalent)	1 1/2 oz (or equivalent)	2 oz (or equivalent)	2 oz (or equivalent)
VEGETABLE/FRUIT	1/2 cup	1/2 cup	1/2, 3/4 cup	1/2 cup	3/4 cup	1/2 cup
BREAD OR BREAD ALTERNATE	5, 8 servings per week	1/2 serving per day	8 servings per week	1 serving per day	8 servings per week	1 serving per day
MILK	6 oz	4 oz	8 oz	6 oz	8 oz	8 oz

TABLE 3. SCHOOL BREAKFAST PROGRAM

TABLE 3. SCHOOL BREAKFAST PROGRAM

	Preschool		Elementary		Secondary	
	Current	Proposed	Current	Proposed	Current	Proposed
VEGETABLE/FRUIT	1/4, 1/2 cup	1/2 cup	1/2 cup	1/2 cup	1/2 cup	1/2 cup
BREAD OR BREAD ALTERNATE	1/2 serving per day	1/2 serving per day	1 serving per day	1 serving per day	1 serving per day	1 serving per day
MILK	4, 6 oz	4 oz	8 oz	6 oz	8 oz	6 oz

TABLE 4. CHILD CARE FOOD PROGRAM - LUNCH/SUPPER

	Preschool		Elementary	
	Current	Proposed	Current	Proposed
MEAT OR MEAT ALTERNATE	1, 1 1/2 oz (or equivalent)	1 oz (or equivalent)	2 oz (or equivalent)	1 1/2 oz (or equivalent)
VEGETABLE/FRUIT	1/4, 1/2 cup	1/2 cup	3/4 cup	1/2 cup
BREAD OR BREAD ALTERNATE	1/2 serving per day	1/2 serving per day	1 serving per day	1 serving per day
MILK	4, 6 oz	4 oz	8 oz	6 oz

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TABLE 5. CHILD CARE FOOD PROGRAM - BREAKFAST

	Preschool		Elementary	
	Current	Proposed	Current	Proposed
VEGETABLE/FRUIT	1/4, 1/2 cup	1/2 cup	1/2 cup	1/2 cup
BREAD OR BREAD ALTERNATE	1/2 serving per day	1/2 serving per day	1 serving per day	1 serving per day
MILK	4, 6 oz	4 oz	8 oz	6 oz

TABLE 6. CHILD CARE FOOD PROGRAM - SUPPLEMENT

	Preschool		Elementary	
	Current	Proposed	Current	Proposed
MEAT OR MEAT ALTERNATE	1/2 oz (or equivalent)	1/2 oz (or equivalent)	1 oz (or equivalent)	1 oz (or equivalent)
VEGETABLE/FRUIT	1/2 cup	1/4 cup	3/4 cup	1/2 cup
BREAD OR BREAD ALTERNATE	1/2 serving per day	1/2 serving per day	1/2 serving per day	1/2 serving per day
MILK	4 oz	4 oz	8 oz	6 oz

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Timeframes and Note to Commentors

Schools and institutions are already evaluating their food service programs with regard to the impacts of Pub. L. 97–35 and potential price changes. The Omnibus Reconciliation Act of 1981 instructs the Department to publish cost saving regulations within 90 days of the law's enactment. Since the law was enacted August 13, the Department needs to publish interim regulations by November 13. For these reasons it is impracticable for the Department to allow an extended comment period. Therefore, only a 30 day comment period will be provided. The Department will provide a longer comment period on the interim rule to allow schools and institutions to submit comments based on operational experience.

Commentors should concentrate on the provisions concerning administrative simplifications, quantity requirements, and crediting requirements. The Department is publishing the other provisions of the meal pattern sections only for the reader's convenience and to reorganize these sections. The extension of offer versus serve to all grades in the school lunch program is required by the Omnibus Reconciliation Act of 1981 and is being implemented in another final regulation. The infant pattern in the school programs has been changed to be consistent with the child care program. The Department is not planning changes in the infant pattern at this time; however, comments received will be kept on file.

The Department recognizes that there may be other cost saving alternatives that it has not considered. Therefore, commentors are encouraged to submit cost saving alternatives to changing meal pattern requirements during the comment period.

Accordingly, Parts 210, 220, and 226 are proposed to be amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In Part 210, § 210.10 is proposed to be revised to read as follows:

§ 210.10 Requirements for lunches.

(a) *General food item requirements.* Lunches shall be prepared to contain five food items: fluid milk or yogurt, a meat or meat alternate, 2 or more vegetables or fruits or both, and a whole-grain or enriched bread or bread alternate. Lunches for infants shall be prepared according to the infant pattern in paragraph (g) of this section.

(b) *Offer versus serve.* Each school shall offer its students all five food items of the lunch. However, senior high students and, when approved by the local School Food Authority, students in any grade level, may decline one or two of the five food items. The student's decision to decline food items shall not affect the charge for the lunch. State and local educational agencies shall define "senior high."

(c) *Quantity requirements.* Lunches shall be prepared based on at least the minimum quantities provided in the following School Lunch Pattern Table and the infant pattern in paragraph (g) of this Section; however, if not inconsistent with State policy, an individual portion served may vary in size according to the student's preference. The total quantity of each food item prepared may be reduced by the total amount of that food item all students are expected to decline under the offer versus serve option. The size of a serving of bread alternates and the conditions governing the use of cheese alternate products and enriched macaroni products with fortified protein are in Appendix A to this Part. If a School Food Authority implements the offer versus serve option in its elementary schools, its lunches, at least for grades 4 and above, shall be prepared to contain 2 ounces of meat or an equivalent amount of meat alternate as provided in the Table for secondary schools.

(d) *Service to preschool children.* With State approval, schools that serve preschool children may divide the service of the specified quantities and food items into two distinct service periods. Schools may divide the quantities or food items between these service periods in any combination.

(e) *Emergency conditions.* If emergency conditions keep a school from being able to serve fluid milk or yogurt, the State agency, or FNSRO where applicable, may approve the service of lunches without fluid milk or yogurt during the emergency period. In the event of a natural disaster FNS may temporarily allow schools to serve lunches for reimbursement that do not meet the requirements of this section.

(f) *Lunches without milk.* If a school cannot secure fluid milk or yogurt on a continuing basis, it may still serve lunches for reimbursement. In these schools the State agency, or FNSRO where applicable, may approve the service of lunches without fluid milk or yogurt if the school uses an equivalent amount of canned, whole dry, or nonfat dry milk in lunch preparation.

(g) *Infant pattern.* Lunches for infants shall be prepared to contain the following food items and quantities. Schools may serve these food items and quantities over a span of time consistent with the infant's eating habits. Schools should introduce solid foods to children age 4 months and older on a gradual basis with the intent of ensuring their nutritional well-being.

(1) *Age 0 to 4 months*—four to six fluid ounces of infant formula.

(2) *Age 4 to 8 months*—six to eight fluid ounces of infant formula; one to two tablespoons of infant cereal; one to two tablespoons of fruit or vegetable of appropriate consistency or a combination of both; zero to one tablespoon of meat, fish, poultry or egg yolk or zero to one-half ounce (weight) of cheese or zero to one ounce (weight or volume) of cottage cheese or cheese food or cheese spread or appropriate consistency.

(3) *Age 8 months to 1 year*—six to eight fluid ounces of infant formula, or six to eight fluid ounces whole fluid milk and zero to three fluid ounces of full-strength fruit juice; three to four tablespoons of fruit or vegetable of appropriate consistency or infant cereal or combinations of these foods; one to four tablespoons of meat, fish, poultry, or egg yolk or one-half to two ounces (weight) of cheese or one to four ounces (weight or volume) of cottage cheese or cheese food or cheese spread of appropriate consistency.

(h) *Substitutions for individual children.* A school may substitute an alternate food for any of the five food items of the lunch if supported by a statement from a recognized medical authority which indicates that the child cannot eat the food item because of a medical or special dietary need. The statement must specify an alternate food or foods.

(i) *Variations for specific schools.* FNS may approve variations in the food items of the lunch on an experimental or on a continuing basis in any school where there is evidence that the variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

(j) *Variations for specific States.* In American Samoa, Puerto Rico, and the Virgin Islands, schools may serve a starchy vegetable, such as yams, plantains, or sweet potatoes, to meet the bread/bread alternate requirement. Schools in the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands may serve lunches which meet the meal pattern specified in these State agencies' written agreements required under § 210.3 in place of the meal pattern of this section.

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SCHOOL LUNCH PATTERN TABLE

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SCHOOL LUNCH PATTERN TABLE

		Preschool	Elementary[1]	Secondary
Meat or Meat Alternate	Cooked lean meat, poultry or fish	1 oz.	1 1/2 oz.	2 oz.
	Cheese	1 oz.	1 1/2 oz.	2 oz.
	Egg, large	1/2	3/4	1
	Cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup
	Tofu	1/4 cup	3/8 cup	1/2 cup
	Nuts/seeds, nut/seed butters	1 oz.	1 1/2 oz.	2 oz.
	Yogurt, plain or flavored	2 Tbsp.	3 Tbsp.	4 Tbsp.
	or an equivalent quantity of any of combination of the above	4 oz.	6 oz.	8 oz.
Vegetables or fruits	Two or more served separately or combined	1/2 cup	1/2 cup	1/2 cup
Bread or Bread Alternate[2]	Bread	1/2 serving	1 serving	1 serving
	Biscuits, rolls, muffins, etc.	1/2 serving	1 serving	1 serving
	Cold dry cereal[3]	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.	3/4 cup or 1 oz.
	Cooked cereal, cereal grains, pasta, or noodle products or an equivalent quantity of any combination of the above	1/4 cup	1/2 cup	1/2 cup
Milk	Fluid Milk	4 oz.	6 oz.	8 oz.
	Yogurt, plain or flavored	4 oz.	6 oz.	8 oz.

[1] If a School Food Authority implements offer versus serve in its elementary schools, lunches, at least for grades 4 and above, shall be prepared to contain 2 ounces of meat or an equivalent amount of meat alternate.

[2] Bread, biscuits, pasta, or noodle products, and cereal grains shall be whole-grain or enriched; cereal shall be whole-grain, enriched, or fortified.

[3] Either volume (cup) or weight (oz.), whichever is less.

BILLING CODE 3410-30-C

PART 220: SCHOOL BREAKFAST PROGRAM

2. In Part 220, § 220.8 is proposed to be revised as follows:

§ 220.8 Requirements for breakfast.

(a) *General food item requirements.* Except as provided in Appendix A, breakfasts shall contain three food items: fluid milk or yogurt, one or more vegetable or fruits, and a whole-grain or enriched bread or bread alternate. Schools are encouraged to serve meat or meat alternates as part of the breakfast as often as possible. Breakfasts for infants shall be prepared according to the infant pattern in paragraph (e) of this section.

(b) *Quantity requirements.* Except as provided in Appendix A to this Part, breakfasts shall be prepared based on at least the minimum quantities provided in the following School Breakfast Pattern Table and the infant pattern in paragraph (e) of this section; however, if not inconsistent with State policy, an individual portion served may vary in size according to the student's preference. The size of a serving of bread and bread alternates are in Appendix A to this Part.

(c) *Emergency conditions.* If emergency conditions keep a school from being able to serve fluid milk or yogurt, the State agency, or FNSRO where applicable may approve the service of breakfasts without fluid milk or yogurt during the emergency period. In the event of a natural disaster FNS may temporarily allow schools to serve breakfasts for reimbursement that do not meet the requirements of this section.

(d) *Breakfasts without milk.* If a school cannot secure fluid milk or yogurt on a continuing basis, it may still serve breakfasts for reimbursement. In these schools the State agency, or FNSRO where applicable, may approve the service of breakfasts without fluid milk or yogurt if the school uses an equivalent amount of canned, whole dry, or nonfat dry milk in breakfast preparation.

(e) *Infant pattern.* Breakfasts for infants shall be prepared to contain the following food items and quantities. Schools may serve these food items and quantities over a span of time consistent with the infant's eating habits. Schools should introduce solid foods to children age 4 months and older on a gradual basis with the intent of ensuring their nutritional well-being.

(1) *Age 0 to 4 months*—four to six fluid ounces of infant formula.

(2) *Age 4 to 8 months*—six to eight fluid ounces of infant formula; one to three tablespoons of infant cereal.

(3) *Age 8 months to 1 year*—six to eight fluid ounces of infant formula, or six to eight fluid ounces whole fluid milk and zero to three fluid ounces of full-strength fruit juice; two to four tablespoons of infant cereal.

(f) *Substitutions for individual children.* A school may substitute an alternate food for any of the three food items of the breakfast if supported by a statement from a recognized medical authority which indicates that the child cannot eat the food item because of a medical or special dietary need. The statement must specify an alternate food or foods.

(g) *Variations for specific schools.* FNS may approve variations in the food items of the breakfast on an experimental or on a continuing basis in any school where there is evidence that the variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

(h) *Variations for specific States.* In American Samoa, Puerto Rico, and the Virgin Islands, schools may serve a starchy vegetable, such as yams, plantains, or sweet potatoes, to meet the bread/bread alternate requirement. Schools in the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands may serve breakfasts which meet the meal pattern specified in these State agencies' written agreements required under § 220.3 in place of the meal pattern of this section.

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SCHOOL BREAKFAST PATTERN TABLE

SCHOOL BREAKFAST PATTERN TABLE

		Preschool	Elementary	Secondary
Milk	Fluid, Milk Yogurt, plain or flavored	4 oz. 4 oz.	6 oz. 6 oz.	8 oz. 8 oz.
Vegetables or Fruits		1/2 cup	1/2 cup	1/2 cup
Bread or Bread Alternate[1]	Bread Biscuits, rolls, muffins, etc. Cold dry cereal[2] Cooked cereal, cereal grains, pasta, or noodle products or an equivalent quantity of any combination of the above	1/2 serving 1/2 serving 1/3 cup or 1/2 oz 1/4 cup	1 serving 1 serving 3/4 cup or 1 oz 1/2 cup	1 serving 1 serving 3/4 cup or 1 oz 1/2 cup

[1] Bread, biscuits, pasta or noodle products,and cereal grains shall be whole-grain or enriched; cereal shall be whole-grain, enriched, or fortified.

[2] Either volume (cup) or weight (oz.), whichever is less.

BILLING CODE 3410-30-C

PART 226—CHILD CARE FOOD PROGRAM

3. In Parts 226, paragraphs (a)–(i) of § 226.20 are proposed to be revised to read as follows:

§ 226.20 Requirements for meals.

(a) General food item requirements.—(1) *Meals for infants.* Meals for infants shall be prepared according to the infant pattern in paragraph (f) of this section.

(2) *Breakfast.* Breakfast shall contain three food items: fluid milk or yogurt, one or more fruits or vegetables, and a whole grain or enriched bread or bread alternate. Institutions and facilities are encouraged to serve meat or meat alternates as part of the breakfast as often as possible.

(3) *Lunch or Supper.* Lunches or suppers shall contain five food items: fuild milk or yogurt, a meat or meat alternate, 2 or more fruits or vegetables or both, and a whole-grain or enriched bread or bread alternate.

(4) *Supplements.* Supplements shall include at least two of the following four food items: fluid milk or yogurt, meat or meat alternate, one or more fruits or vegetables, and a whole-grain or enriched bread or bread alternate. An institution or facility shall not serve a fruit or vegetable juice when it serves milk as the only other supplemental food.

(b) *Quantity requirements.* Breakfasts, lunches, suppers, or supplements shall be prepared based on at least the minimum quantities provided in the appropriate table of this section, Child Care Breakfast Pattern, Child Care Lunch or Supper Pattern, or Child Care Supplement Pattern, and the infant pattern in paragraph (f) of this section; however, if not inconsistent with State policy, an individual portion served may vary in size according to the child's preference. The size of a serving of bread and bread alternates are in Appendix A to this Part.

(c) *Emergency conditions.* If emergency conditions keep an institution or facility from being able to serve fluid milk or yogurt, the State agency, or FNSRO where applicable, may approve the service of breakfasts, lunches or suppers without fluid milk or yogurt during the emergency period. In the event of a natural disaster FNS may temporarily allow institutions and facilities to serve meals for reimbursement that do not meet the requirements of this Section.

(d) *Meals without milk.* If an institution or facility cannot secure fluid milk or yogurt on a continuing basis, it may still serve breakfasts, lunches or suppers for reimbursement. In these institutions or facilities the State agency, or FNSRO where applicable, may approve the service of breakfasts, lunches, or suppers without fluid milk or yogurt if the institution or facility uses an equivalent amount of canned, whole dry, or nonfat dry milk in meal preparation.

(e) *Infant pattern.* Meals and supplements for infants shall be prepared to contain the following food items and quantities. Institutions and facilities may serve these food items and quantities over a span of time consistent with the infant's eating habits. Institutions and facilities should introduce solid foods to children age 4 months and older on a gradual basis with the intent of ensuring their nutritional well-being.

(1) *Age 0 to 4 months*

(i) Breakfast—four to six fluid ounces of infant formula.

(ii) Lunch or supper—four to six fluid ounces of infant formula.

(iii) Supplements—four to six fluid ounces of infant formula.

(2) *Age 4 to 8 months*

(i) Breakfast—six to eight fluid ounces of infant formula; one to three tablespoons of infant cereal.

(ii) Lunch or supper—six to eight fluid ounces of infant formula; one to two tablespoons of infant cereal; one to two tablespoons of fruit or vegetable of appropriate consistency or a combination of both; zero to one tablespoon of meat, fish, poultry or egg yolk or zero to one-half ounce (weight) of cheese or zero to one ounce (weight or volume) of cottage cheese or cheese food or cheese spread of appropriate consistency.

(iii) Supplements—two to four fluid ounces of infant formula or full-strength fruit juice; zero to one-fourth slice of crusty bread or zero to two cracker type products made from whole-grain or enriched meal or flour that are suitable for an infant for use as a finger food when appropriate.

(3) *Age 8 Months to 1 year*

(i) Breakfast—six to eight fluid ounces of infant formula, or six to eight fluid ounces whole fluid milk and zero to three fluid ounces of full-strength fruit juice; two to four tablespoons infant cereal.

(ii) Lunch or supper—six to eight fluid ounces of infant formula, or six to eight fluid ounces whole fluid milk, and zero to three fluid ounces of full-strength fruit juice; three to four tablespoons of fruit or vegetable of appropriate consistency or infant cereal or combinations of these foods; one to four tablespoons of meat, fish, poultry, or egg yolk or one-half to two ounces (weight) of cheese or one to four ounces (weight or volume) of cottage cheese or cheese food or cheese spread of appropriate consistency.

(iii) Supplements—two to four fluid ounces of infant formula or whole fluid milk or full-strength fruit juice; zero to one-fourth slice of crusty bread or zero to two cracker type products made from wholegrain or enriched meal or flour that are suitable for an infant for use as a finger food when appropriate.

(f) *Substitutions for individual children.* An institution may substitute an alternate food for any of the food items of a meal if supported by a statement from a recognized medical authority that says that the child cannot eat the food item because of a medical or special dietary need. The statement must specify as alternate food or foods.

(g) *Variations for specific institutions.* FNS may approve variations in the food items of a meal on an experimental or on a continuing basis in any institution or facility where there is evidence that the variations are nutritionally sound and are necessary to ethnic, religious, economic, or physical needs.

(h) *Variations for specific States.* In American Samoa, Puerto Rico, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marine Islands, institutions or facilities may serve a starchy vegetable, such as yams, plantains, or sweet potatoes, to meet the bread/bread alternate requirement. Institutions or facilities in the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands may also serve breakfasts, lunches, or suppers which meet the meal patterns specified in these State agencies' written agreements required under § 210.3 and § 220.3 of this chapter in place of the meal patterns of this section.

BILLING CODE 3410-30-M

CHILD CARE BREAKFAST PATTERN TABLE

CHILD CARE BREAKFAST PATTERN TABLE

		Preschool	Elementary[3]
Milk	Fluid, Milk Yogurt, plain or flavored	4 oz. 4 oz.	6 oz. 6 oz.
Vegetable and/or Fruit		1/2 cup	1/2 cup
Bread and Bread Alternate[1]	Bread Biscuits, rolls, muffins, etc. Cold dry cereal[2] Cooked cereal, cereal grains, pasta, or noodle products or an equivalent quantity of any combination of the above.	1/2 serving 1/2 serving 1/3 cup or 1/2 oz. 1/4 cup	1 serving 1 serving 3/4 cup or 1 oz. 1/2 cup

[1] Bread, biscuits, pasta or noodle products, and cereal grain shall be whole-grain or enriched; cereal shall be whole-grain, enriched, or fortified.

[2] Either volume (cup) or weight (oz.), whichever is less.

[3] If children older than age 12 are served, they should be served larger portions.

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CHILD CARE LUNCH/SUPPER PATTERN TABLE

		Preschool	Elementary[3]
Meat or Meat Alternate	Cooked lean meat, poultry or fish	1 oz.	1 1/2 oz.
	Cheese	1 oz.	1 1/2 oz.
	Egg, large	1/2	3/4
	Cooked dry beans or peas	1/4 cup	3/8 cup
	Tofu	1/4 cup	3/8 cup
	Nuts/seeds, nut/seed butters	1 oz.	1 1/2 oz.
	Yogurt, plain or flavored	2 Tbsp.	3 Tbsp.
	or an equivalent quantity of any combination of the above	4 oz.	6 oz.
Vegetables or fruits	Two or more served separately or combined	1/2 cup	1/2 cup
Bread or Bread Alternate[1]	Bread	1/2 serving	1 serving
	Biscuits, rolls, muffins, etc.	1/2 serving	1 serving
	Cold dry cereal[2]	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.
	Cooked cereal, cereal grains, pasta, or noodle products or an equivalent quantity of any combination of the above.	1/4 cup	1/2 cup
Milk	Fluid Milk	4 oz.	6 oz.
	Yogurt, plain or flavored	4 oz.	6 oz.

[1] Bread, biscuits, pasta or noodle products, and cereal grains shall be whole-grain or enriched; cereal shall be whole-grain, enriched, or fortified.

[2] Either volume (cup) or weight (oz.), whichever is less.

[3] If children older than 12 are served, they should be served larger portions.

SUPPLEMENT PATTERN TABLE

[3] If children older than 12 are served, they should be served larger portions.

SUPPLEMENT PATTERN TABLE

Select two out of the following four food items:		Preschool	Elementary*
Meat or Meat Alternate	Cooked lean meat, poultry, fish	1/2 oz.	1 oz.
	Cheese	1/2 oz.	1 oz.
	Egg, large	1/4	1/2
	Cooked dry beans or peas	1/8 cup	1/4 cup
	Tofu	1/8 cup	1/4 cup
	Nuts/seeds,	1/2 oz.	1 oz.
	nut/seed butters	1 Tbsp.	2 Tbsp.
	Yogurt, plain or flavored	2 oz.	4 oz.
	or		
	equivalent quantity of any combination of the above		
Vegetable or Fruit		1/4 cup	1/2 cup
Bread or Bread Alternate	Bread	1/2 serving	1 serving
	Biscuits, rolls, muffins, etc.	1/2 serving	1 serving
	Cold dry cereal	1/3 cup or 1/2 oz.	3/4 cup or 1 oz.
	Cooked cereal, cereal grains,	1/4 cup	1/2 cup
	pasta, or noodle products		
	or		
	an equivalent quantity of any combination of the above		
Milk	Fluid milk	4 oz.	6 oz.
	Yogurt, plain or flavored	4 oz.	6 oz.

*If children older than age 12 are served they should be served larger portions.

BILLING CODE 3410-30-C

4. In Parts 210, and 220 a new section is added to the end of Appendix A to read as follows:

Appendix A—Alternate Foods for Meals

* * * * *

Bread and Bread Alternates

To meet meal pattern requirements, a wide variety of foods listed below may contribute to the bread/bread alternate requirement. The lists are not intended to be all inclusive.

1. Schools may use a food as a bread/bread alternate if it is or contains whole-grain or enriched flour or meal, or whole-grain, enriched or fortified cereal as the primary ingredient by weight.

2. The serving size of a bread or bread alternate depends on its moisture content, nutrients, and grain content of approximately 18 grams. There are five groups of bread/bread alternates. The required grain content is the basis for determining the minimum weight of a serving for each group.

Group A—Breads and Rolls: 1 serving=25 grams (0.9 oz): Bagels, Biscuits, Cobbler Crust, Corn Bread, Cracked Wheat Bread, English Muffins, French or Vienna Bread, "Fry Bread", Italian Bread, Muffins, Pie and Turnover crust, Pizza Crust, Pretzels (soft), Pumpernickel, Raisin Bread, Rolls, Rye Bread, Stuffing, Bread (weights apply to the bread in the stuffing), Syrian Bread (flat), Tortillas, White Bread, Whole Wheat Bread.

Group B—Crackers and Low Moisture Breads: 1 serving=20 grams (0.7 oz): Bread Sticks (dry), Chips (corn, wheat, or other grains), Graham Crackers, Melba Toast, Pretzels (hard), Rye Wafers, Saltine Crackers, Soda Crackers, Taco Shells, Zwieback.

Group C—High Moisture Breads, Cookies, Cakes and Specialty Items: 1 serving=35 grams (1.3 oz): Cakes, Cookies, Corn Dog Batter, Boston Brown Bread, Doughnuts, Dumplings, Hush Puppies, Pancakes, Sopaipillas, Spoonbread, Waffles, Fruit/Vegetable/Nut Breads (applesauce, carrot, banana, etc).

Group D—Pasta, Cereal Grains, and Cooked Cereals: 1 serving=½ cup: Bulgur, Corn Grits, Corn Meal, Farina, Lasagna Noodles, Macaroni, Noodles (egg), Rice, Rolled Oats, Rolled Wheat, Spaghetti.

Group E—Dry Cereals: 1 serving=¾ cup or 1 ounce, whichever is less: Dry cereals—puffed, flaked, shredded, etc., Granola.

5. In Part 226, the existing Appendix is deleted and a new Appendix A is added to read as follows:

Appendix A—Alternate Foods for Meals

Bread and Bread Alternates

To meet meal pattern requirements, a wide variety of foods listed below may contribute to the bread/bread alternate requirement. The lists are not intended to be all inclusive.

1. Schools may use a food as a bread/bread alternate if it is or contains whole-grain or enriched flour or meal, or whole-grain, enriched or fortified cereal as the primary ingredient by weight.

2. The serving size of a bread or bread alternate depends on its moisture content, nutrients, and grain content of approximately 18 grams. There are five groups of bread/bread alternates. The required grain content is the basis for determining the minimum weight of a serving for each group.

GroupA—Breads and Rolls: 1 Serving=25 grams (0.9 oz): Bagels, Biscuits, Cobbler Crust, Corn Bread, Cracked Wheat Bread, English Muffins, French or Vienna Bread, "Fry Bread", Italian Bread, Muffins, Pie and Turnover Crust, Pizza Crust, Pretzels (soft), Pumpernickel, Raisin Bread, Rolls, Rye Bread, Stuffing, Bread (weights apply to the bread in the stuffing), Syrian Bread (flat), Tortillas, White Bread, Whole Wheat Bread.

Group B—Crackers and Low Moisture Breads: 1 serving=20 grams (0.7 oz): Bread Sticks (dry); Chips (corn, wheat, or other grains), Graham Crackers, Melba Toast, Pretzels (hard), Rye Wafers, Saltine Crackers, Soda Crackers, Taco Shells, Zwieback.

Group C—High Moisture Breads, Cookies, Cakes and Specialty Items: 1 serving=35 grams (1.3 oz): Cakes, Cookies, Corn Dog Batter, Boston Brown Bread, Doughnuts, Dumplings, Hush Puppies, Pancakes, Sopaipillas, Spoonbread, Waffles, Fruit/Vegetable/Nut Breads (applesauce, carrot, banana, etc.).

Group D—Pasta, Cereal Grains, and Cooked Cereals: 1 serving=½ cup: Bulgur, Corn Grits, Corn Meal, Farina, Lasagna Noodles, Macaroni, Noodles (egg), Rice, Rolled Oats, Rolled Wheat, Spaghetti.

Group E—Dry Cereals: 1 serving=¾ cup or 1 ounce, whichever is less: Dry cereals—puffed, flaked, shredded, etc., Granola.

(Section 19 of the National School Lunch Act; Section 10 of the Child Nutrition Act of 1966; the Omnibus Reconciliation Act of 1981 (Pub. L. 97-35))

Signed in Washington, D.C. on September 1, 1981.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 81-25935 Filed 9-3-81; 8:45 am]
BILLING CODE 3410-30-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins Specification for Low-Loss Buried Distribution Wire, PE-44, Bulletin 345-42 and Specification for Plastic-Insulated Line Wire, PE-21, Bulletin 345-17

AGENCY: Rural Electrification Administration, Agriculture.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A by withdrawing Bulletin 345-42, Specification for Low-Loss Buried Distribution Wire, PE-44, and Bulletin 345-17, Specification for Plastic-Insulated Line Wire, PE-21. A survey of REA borrowers and manufacturers indicated that these products are no longer being produced or used in rural telephony. Withdrawal of these specifications will, therefore, have no impact on the private sector and will enable the government to save printing and handling costs associated with the documents.

DATE: Public comments must be received by REA no later than Noember 3, 1981.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827. The Draft Regulatory Impact Analyses describing the options considered in developing this proposed rule and the impact of implementing each option are available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A by withdrawing Bulletin 345-42, Specification for Low-Loss Buried Distribution Wire, PE-44, and Bulletin 345-17, Specification for Plastic-Insulated Line Wire, PE-21. This proposed action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major." A Regulatory Flexibility Analysis is not required, and an OMB Circular A-95 review is not applicable to this action.

A survey of borrowers and manufacturers indicated that neither of these products was currently being produced by manufacturers or in use on the systems of REA borrowers. As other existing materials are filling the borrowers' needs, it was felt that withdrawal of the specifications was best for all concerned.

Maintaining existing specifications was considered, however, as material is not manufactured or used in accordance with these documents so that this would be a useless proliferation of paperwork. Revising the documents to force manufacturers to develop innovative and useful products was also considered. Insofar as borrowers' needs are being met with existing products, and the marketplace will force the

evolution of new products, this option was also rejected.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

REA, in its effort to assure the best, most cost-effective telecommunications for rural America, proposes to withdraw PE–44 and PE–21 as these materials are no longer used in the systems of REA borrowers. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Dated: August 27, 1981.

Jack Van Mark,

Acting Administrator.

[FR Doc. 81–25841 Filed 9–3–81; 8:45 am]

BILLING CODE 3410–15–M

Agricultural Marketing Service [1]

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Lemon Juice [2]

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Canned Lemon Juice by incorporating into it the current grading standards for concentrated lemon juice for manufacturing and adding new grading standards for lemon juice from concentrate. All three products are subject to the newly established Food and Drug Administration (FDA) standards of identity and fill or container for lemon juice. This proposed rule would make the U.S. Department of Agriculture (USDA) grading standards consistent with FDA's standards of identity and fill of container and would promote orderly and efficient marketing.

DATE: Comments must be received on or before May 31, 1982.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Graesanto V. Berbano, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6193.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this proposed rule is not major. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). Because this reflects current marketing practices.

Canned lemon juice is the unfermented juice extracted from sound mature lemon fruit. The juice may have been concentrated and later reconstituted with water and/or lemon juice. Concentrated lemon juice for manufacturing is the unfermented concentrated juice obtained from sound mature lemon fruit. However, FDA published new standards of identity and fill of container regulations on February 5, 1980 (45 FR 7784), which became effective July 1, 1981. Both "lemon juice" (7 CFR 2852.5481–2852. 5492) and "concentrated lemon juice for manufacturing" (7 CFR 2852.3951–2852.3963) are subject to the new FDA regulations. Further, FDA's regulations, together with current marketing practices, indicate that a third product—lemon juice from concentrate—should also be provided grading standards.

The newly established FDA standards of identity and fill of container for lemon juice will: (1) Permit the addition of concentrated lemon juice to single strength lemon juice in such quantity so that the increase in acidity, calculated as anhydrous citric acid, does not exceed 15 percent of the acidity of the finished food; (2) allow for the use of safe and suitable preservatives as a method of preservation, in addition to physical methods of preservation; (3) standardize "lemon juice from concentrate" at a minimum soluble solids content of 6 percent by weight, uncorrected for acidity, and a minimum acidity of 4.5 percent by weight, calculated as anhydrous citric acid; and (4) establish a standard fill of container based on a minimum of 90 percent of the total capacity of the container but exempting frozen lemon juice and certain individual serving-size packages (1/2 fluid ounces or less) of the food from such a fill of container requirement.

The current voluntary grade standards for canned lemon juice were last revised in 1962. The current voluntary grade standards for concentrated lemon juice for manufacturing were last revised in 1959. Since then, changes in food processing technology, marketing practices, and consumption practices have prompted the FDA to establish the new standards of identity and fill of container for lemon juice to promote honesty and fair dealing in the marketplace and facilitate international trade. The USDA proposal would align the grade standards for both canned lemon juice and concentrated lemon juice for manufacturing with the newly established FDA standards.

Accordingly, the U.S. Standards for Grades of Concentrated Lemon Juice for Manufacturing will be removed from 7 CFR 2852.3951–2852.3963 and will be merged into the U.S. Standards for Grades of Canned Lemon Juice (7 CFR 2852.5481–2852.5492), which are also amended, including new grading standards for lemon juice from concentrate, as follows. The Table of Contents would be revised accordingly:

PART 2852—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Sec.

2852.3951–2852.3963 [Reserved]

Subpart—United States Standards for Grades of Lemon Juice

Sec.

2852.5481 Product description.
2852.5482 Definitions of terms.
2852.5483 Recommended sample unit size.
2852.5484 Grades
2852.5485 Factors of quality and analysis.

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[1] The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service of USDA by USDA Secretary's Memorandum 1000–1, issued June 17, 1981. A notice detailing the agencies' reorganization is being drafted for later publication.

[2] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Sec.
2852.5486 Requirements for grades.
2852.5487 Sample size.
2852.5488 Lot requirements.
2852.5489 [Reserved]
2852.5490 [Reserved]
2852.5491 [Reserved]
2852.5492 [Reserved]

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§ 2852.3951–§ 2852.3963 [Reserved]

* * * * *

Subpart—United States Standards for Grades of Lemon Juice

§ 2852.5481 Product description.

(a) *Lemon juice* is the product represented as defined in the Standards of Identity for Lemon Juice (21 CFR 146.114), issued under the Federal Food, Drug, and Cosmetic Act.

(b) *Lemon juice from concentrate* is the product represented as defined in the Standards of Identity for Lemon Juice (21 CFR 146.114), issued under the Federal Food, Drug, and Cosmetic Act.

(c) *Concentrated lemon juice for manufacturing* is the product processed by concentrating and preserving the product by physical or other permissible means and which product is represented as defined in the Standards of Identity for Lemon Juice (21 CFR 146.114), issued under the Federal Food, Drug, and Cosmetic Act. Any safe and suitable optional ingredient(s) permissible under the Federal Food, Drug, and Cosmetic Act may be used.

§ 2852.5482 Definitions of terms.

As used in these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Acid* means the percent, by weight, of total acidity (calculated as anhydrous citric acid).

(b) *Appearance* means the physical properties of lemon juice which are visually evaluated.

(c) *Brix* means the percent, by weight, of lemon soluble solids, uncorrected for acidity.

(d) *Coagulated pulp* means the curdled pulp.

(e) *Color.*

(1) *Good color* means the lemon juice is bright and typical of properly processed juice extracted from mature well-ripened lemon. Lemon juice that has a good color may be assigned a score of 36 to 40 points.

(2) *Reasonably good color* means the lemon juice is slightly affected by browning due to scorching, oxidation, improper storage or any other cause. Lemon juice that has a reasonably good color may be assigned a score of 32 to 35 points and shall not be graded above U.S. Grade B, regardless of the total score for the product.

(3) *Poor color* means the lemon juice fails to meet the requirements for "reasonably good color." Lemon juice that has a poor color may be assigned a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product.

(f) *Defect* means the degree of freedom from seeds or particles of seeds, dark specks, or any other quality feature that adversely affects the appearance or usability of the product.

(1) *Practically free from defects* means defects may be present but not in excess of the amount normally expected in lemon juice. Lemon juice that is practically free from defects may be assigned a score of 27 to 30 points.

(2) *Reasonably free from defects* means the presence of defects does not seriously affect the appearance or usability of the lemon juice. Lemon juice that is reasonably free from defects may be assigned a score of 24 to 26 points and shall not be graded above U.S. Grade B, regardless of the total score for the product.

(3) Lemon juice that fails to meet the requirements for "reasonably free from defects" may be assigned a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product.

(g) *Fine centrifuged pulp* means pulp that settles out on centrifuging after first separating the light membranous material from the sample by pouring it through a No. 20 sieve.

(h) *Flavor.*

(1) *Good flavor* means:

(i) Lemon juice and lemon juice from concentrate that has the distinct flavor of properly prepared, freshly extracted lemon juice which is practically free from any trace of terpenic, oxidized, scorched, or caramelized flavors and is free from abnormal flavors of any kind.

(ii) Concentrated lemon juice for manufacturing that is practically free from traces of scorching, oxidation, caramelization and terpenic flavors and is free from abnormal flavors of any kind.

(iii) Lemon juice which may be assigned a score of 27 to 30 points.

(2) *Reasonably good flavor* means:

(i) Lemon juice and lemon juice from concentrate that has a normal flavor which may have a slightly caramelized, oxidized, scorched or terpenic flavor, but is free from off-flavors of any kind.

(ii) Concentrated lemon juice for manufacturing that has a normal lemon flavor which is reasonably free from terpenic, oxidized, caramelized, or scorched flavors and is free from off-flavors of any kind.

(iii) Lemon juice which may be assigned a score of 24 to 26 points and shall not be graded above U.S. Grade B, regardless of the total score for the product.

(3) *Poor flavor* means the lemon juice fails to meet the requirements for "reasonably good flavor." Lemon juice that has a poor flavor may be assigned a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product.

(i) *Gelation* means the formation of gel-like properties in the lemon juice.

(j) *Light membranous materials* means pulp including juice sacs but exclusive of peel particles.

(k) *Pulp* means light membranous materials and fine centrifuged materials.

(l) *Reconstituted juice* means the product obtained by thoroughly mixing the concentrated lemon juice with a volume of water and/or lemon juice so that the concentration is reduced to approximately 5.7 grams acid per 100 grams of juice.

(m) *Reconstitutes properly* means that the concentrate dissolves readily in water and/or lemon juice.

(n) *Sample unit* means a portion of lemon juice used for grading.

(o) *Terpenic flavor* means a specific flavor found in oils and resins.

§ 2852.5483 Recommended sample unit size.

The requirements for all factors of quality are based on the following:

(a) The entire contents of a container;

(b) A representative portion of the contents of a container; or

(c) A combination of the contents of two or more containers.

§ 2852.5484 Grades.

(a) *U.S. Grade A* is the quality of lemon juice that:

(1) Meets the applicable requirements of Tables I and II; and

(2) Scores not less than 90 points.

(b) *U.S. Grade B* is the quality of lemon juice that:

(1) Meets the applicable requirements of Tables I and II; and

(2) Scores not less than 80 points.

(c) *Substandard* is the quality of lemon juice that fails to meet the requirements for U.S. Grade B.

§ 2852.5485 Factors of quality and analysis.

The grade of a lot of lemon juice is based on observation and analysis of lemon juice, concentrated lemon juice, and reconstituted lemon juice for the following quality and analytical factors:

(a) Quality:

(1) Appearance;
(2) Coagulation;
(3) Color;
(4) Defects;
(5) Flavor;
(6) Gelation;
(7) Reconstitution; and
(8) Total score points.
(b) Analytical:
(1) Acid;
(2) Brix measurement (uncorrected for acidity);
(3) Fine centrifuged pulp; and
(4) Light membranous materials.

§ 2852.5486 Requirements for grades.

Table I.—*Lemon Juice and Lemon Juice From Concentrate*

Factors	Grade A	Grade B
Quality:		
Appearance	Fresh lemon juice	Fails grade A.
Coagulation	None	Slight.
Color	Good	Reasonably good.
Defects	Practially free	Reasonably free.
Flavor	Good	Reasonably good.
Reconstitution [2]	Reconstitutes properly.	Reconstitutes properly.
Analytical:		
Acid	5–7 g/100 g juice	4.5–7.5 g/100 g juice
Brix (minimum)	6°	
Fine centrifuged pulp (maximum).	13% by volume	16% by volume.
Light membranous materials.	Slightly affect appearance or usability.	Materially affect appearance or usability.

[2] Applicable to Lemon Juice from Concentrate.

Table II.—*Concentrated Lemon Juice for Manufacturing*

[Reconstituted prior to quality evaluation and analysis]

Factors	Grade A	Grade B
Quality:		
Appearance	Fresh lemon juice	Fails grade A.
Coagulation	None	Slight.
Color	Good	Reasonably good.
Defects	Practically free	Reasonably free.
Flavor	Good	Reasonably good
Gelation [3]	Slight	Material
Reconstitution	Reconstitutes properly	Reconstitutes properly
Analytical:		
Acid	5–7 g/100 g juice	4.5–7.5 g/100 g juice.
Brix (minimum)	6°	6°.
Fine centrifuged pulp (maximum)	Slightly affect appearance or usability.	Materially affect appearance or usability.
Light membranous materials.	Slightly affect apperance or usability.	Materially affect appearance or usability.

[3] Concentrate state.

§ 2852.5487 Sample size.

The sample size to determine meeting the requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1 to 2852.83).

§ 2852.5488 Lot requirements.

A lot of lemon juice is considered as meeting requirements for quality if:
(a) The requirements specified in Tables I and II, as applicable, are met; and
(b) The sampling plans and procedures in 7 CFR 2852.1 to 2852.83 are met.

§ 2852.5489 through 2852.5492 [Reserved]

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C. on August 31, 1981.

William T. Manley,
Deputy Administrator Marketing Program Operations.

[FR Doc. 81-25832 Filed 9-3-81: 8:45 am]
BILLING CODE 3410-DM-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Public Comment Period and Opportunity for Public Hearing on Modified Portions of the Maryland Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Maryland permanent regulatory program (hereinafter referred to as the Maryland program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Maryland program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments from members of the public must be received on or before 4:00 p.m. on October 5, 1981 to be considered in the decision on whether the proposed amendments satisfy the conditions.

A public hearing on the proposed modifications has been scheduled for September 24, 1981, from 7:00 p.m. to 9:00.

Any person interested in making an oral or written presentation at the hearing should contact the person listed below by September 11, 1981.

If no person has contacted Ms. Struminski to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: Written comments should be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement; Attention: Maryland Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

The public hearing will be held at: Beall High School Auditorium, East Main Street, Route 40, Frostburg, Maryland.

Copies of the Maryland program, the proposed modifications to the program, a listing of scheduled public meetings, and all written comments are available for review at the OSM Region I Office and the office of the state regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia 25301; Telephone: (304) 342–8125
Office of Surface Mining Reclamation and Enforcement, Interior South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone: (202) 343–4728
Department of Natural Resources, Tawes State Office Building, Annapolis, Maryland 21401; Telephone: (301) 269–2261

FOR FURTHER INFORMATION CONTACT: Christine M. Struminski, Assistant Regional Director, Division of State and Federal Programs, 603 Morris Street, Charleston, West Virginia 25301; Telephone: (304) 342–8125.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed regulatory program from the State of Maryland. On December 1, 1980, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior approved the program conditioned on the correction of minor deficiencies in the State law and regulations. Conditions relating to State law or regulations requiring a statutory change were to be corrected by October 1, 1981. Conditions relating to regulation changes only were to be corrected by April 1, 1981. The

approval was effective upon publication of the notice of conditional approval in the December 1, 1980, **Federal Register** (45 FR 79430–79451).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explorations of the conditions of approval of the Maryland program can be found in the December 1, 1980, **Federal Register** (45 FR 79430–79451).

The Secretary of the Interior determined that the Maryland program contained the following minor deficiencies in the State Regulation (COMAR).

1. COMAR 08.13.09.01B(92) and 08.13.09.31A defined "topsoil" inconsistently with 30 CFR 701.5.

2. COMAR 08.13.09.01B(39)(a) defined "hydrologic balance" inconsistently with 30 CFR 701.5 by not providing for the relationship between the quality and quantity of water.

3. COMAR 08.13.09.23J did not provide for the diversion of water into underground mine workings as provided in 30 CFR 817.55.

4. COMAR 08.13.09.05A(13) did not provide for the use of the best technology currently available to maintain environmental integrity in coal recovery as provided in 30 CFR 816.59 and 817.59.

5. COMAR 08.13.09.25C(4)(b)(ii) did not provide for a four hour aggregate of blasting as provided in 30 CFR 816.64(b)(2)(ii).

6. COMAR 08.13.09.26A and 08.13.09.26D(6) did not provide for the protection of fish and wildlife, including the use of the best technology currently available, to minimize adverse impacts and the prevention of fires to minimize adverse impacts as provided in 30 CFR 816.97(d) and 816.97(d)(8).

7. COMAR 08.13.09.35A(5) did not provide for the maintenance of necessary fences and proper management practices on revegetated areas as provided in 30 CFR 816.116(e)(1).

8. COMAR 08.13.09.35D(1) did not provide for the success of revegetation of cropland be determined on the basis of crop production and productive capability be determined by on-site measurement of bromus, crop yields, tree heights or some other measure of the actual vegetation productivity as provided in 30 CFR 816.116(b) and 816.116(b)(3)(iii).

9. COMAR 08.13.09.03G(1) did not provide for jurisdiction over facilities connected by transportation mechanisms involving the use of public roads as provided in Section 701(28) of SMCRA.

10. COMAR 08.13.09.020(4)(d) and 08.13.09.02M(10) did not provide for the underground permit application requirements for coal development waste and mine development waste as provided in 30 CFR 783.25(i) and 784.11(b)(4).

11. COMAR 08.13.09.02Q and 08.13.09.02R did not provide for the monitoring of subsidence as provided in 30 CFR 784.20 and 784.23(b)(12).

12. COMAR 08.13.09.02S did not provide for the inclusion of specific details in an operator's plan for return of coal processing waste to abandoned underground mine workings provided in 30 CFR 784.25.

13. COMAR 08.13.09.03D(4)(a) did not provide for the requirements that postmining land use of prime farmland must be cropland as provided in 30 CFR 785.17(d).

14. COMAR 08.13.09.41A(2) and 08.09.41C did not provide for the assessment of each day of each continuing violation as a separate violation and relating to the maximum and penalty amount of $5,000 as provided in Section 518(a) of SMCRA.

15. COMAR 08.13.09.41B(4) and 08.13.09.41B(6) did not provide for any outside time limits for the payment of penalties as provided in 30 CFR 845.18.

16. COMAR 08.13.09.41A(5) did not provide for mandatory alternative enforcement actions beyond the 30-day period during which a penalty for nonabatement is assessed as provided for in 30 CFR 845.15.

17. COMAR 08.13.09.42A(5) and 08.13.09.42A(6) did not provide for mandatory issuance of a show cause order and the specific criteria for the issuance of a show cause order under certain situations as provided in 30 CFR 843.13(a)(2) and (3).

18. COMAR 08.13.09.40F(1) did not provide for the basis for issuance of cease orders at being independent of each other is provided in 30 CFR 843.11.

19. COMAR 08.13.09.40G(3) did not provide for a written response being given to the citizen requesting an inspection within ten days of the inspection or within fifteen days if no inspection is conducted as provided in 30 CFR 842.12(d).

20. COMAR 08.13.09.430 did not provide for the awarding of costs in accordance with 43 CFR Part 4, Subpart L, as proivided in 30 CFR 840.15.

21. COMAR 08.13.09.44 did provide for public participation in the enforcement of the Maryland program consistent with the discovery procedures for administrative hearings in 43CFR 4.1130 et. seq. as provided in 30 CFR 840.15.

22. COMAR 08.13.09.40H did not provide for the notification of the public and public participation in mine site hearings as provided in 30 CFR 843.15.

23. COMAR 08.13.09.42D did not provide for the notification of the public of hearings on the suspension or reviolation of permits as provided in 30 CFR 843.13(d).

In accepting the Secretary's conditional approval, Maryland agreed to correct deficiences in the regulations which did not require revisions in the Maryland law by April 1, 1981, and the statutory deficiencies and regulation changes requiring legislative action by October 1, 1981.

On February 11, 1981, OSM received a letter from the Maryland Department of Natural Resources (See Maryland Administrative Record MD–151) transmitting proposed regulations to the Maryland program to satisfy certain conditions set forth by the Secretary on December 1, 1980. On April 9, 1981, OSM received a letter from the Maryland DNR (See Maryland Administrative Record MD–157) transmitting a copy of the Notice of Final Action, published in the Maryland Register on April 3, 1981, promulgating regulations to satisfy the conditions of the Maryland program approval as presented above. The Secretary now seeks public comment on the adequacy of these regulations in satisfying the conditions of the Maryland program approval.

Additional Determination:

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292 (d), no environmental impact statement need be prepared on this rulemaking.

Dated: August 28, 1981.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 81–26156 Filed 9–3–81; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD–FRL–1914–2]

Requirements for Preparation, Adoption, and Submittal of State Implementation Plans; Experimental State Implementation Plan Processing Techniques

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent.

SUMMARY: This notice describes a number of actions the Environmental Protection Agency has implemented on an experimental basis in an effort to test new and innovative approaches to processing State Implementation Plan (SIP) revisions.

FOR FURTHER INFORMATION CONTACT: Jane Kelly, Control Programs Operations Branch, MD–15, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541–5665; FTS: 629–5665.

SUPPLEMENTARY INFORMATION: Over the past several years, numerous concerns have been raised both within EPA and the air pollution control community in general regarding the time and complexities involved in processing SIP revisions. As a result of these concerns, EPA has initiated several experimental processing approaches that are expected to improve and enhance the SIP process. These include shortening the time necessary to complete rulemaking actions, providing the States with EPA formal comments on a more timely basis, and reducing the uncertainty felt by States and industry regarding EPA's position on specific issues.

The following are descriptions of these efforts.

Parallel Processing

Presently, SIP revisions are developed between the State and the EPA through independent rulemaking processes. First, the State develops and adopts a regulation following State administrative procedures. Then, EPA incorporates the regulation in the SIP. This sequential rulemaking may lead to tension between the State and EPA because the total review process is lengthy. Also, if significant changes are required by EPA, the State may have to repeat their rulemaking process.

Using the *parallel processing* procedure, the EPA Regional Office will work more closely with the State as the State develops a major regulation and proceeds through the State rulemaking process. EPA rulemaking will be carried on simultaneously with the State process. Ideally, the State and EPA will propose the regulation at the same time, announce concurrent comment periods, and jointly review the comments. The Regional Office will consult with all other appropriate EPA offices as the regulation is being developed and during the State and Federal rulemaking process to ensure that all issues are identified before the State adopts the regulation.

If no comments are received by the State or EPA that necessitate significant changes to the regulation, the regulation will be adopted by the State and submitted to EPA. The adopted regulation will then be processed by EPA as a final rulemaking. If significant changes do have to be made to the proposed regulation, EPA may need to repropose the regulation.

EPA rulemaking to incorporate a State regulation in a SIP may also be initiated when a rule has been proposed by the State but not yet adopted. This will allow the total Federal/State processing time to be reduced in cases where State rulemaking has progressed too far to allow the ideal parallel processing procedure.

The parallel processing approach includes the earlier involvement of EPA in the SIP revision process and so reduces the processing time by several months.

Immediate Final Rulemaking

Presently, the SIP revision process requires that all revisions be proposed for public comment before going to final rulemaking. The comment period is 30 or 60 days depending on the anticipated public interest in the revision. Both the proposed rulemaking and the final rulemaking must go through internal EPA review before being published. Because of the straightforward nature of some actions or the narrowness of their scope, many SIP revisions get few, if any, comments from the public during the comment period. Therefore, as part of the experimental SIP processing program, SIP revisions that are judged by the EPA Regional Office to be noncontroversial will be published as a final rulemaking without going through a proposed rulemaking. The public will be advised that no comments are anticipated and that unless notice is received within 30 days that someone wishes to submit adverse or critical comments, the revision will be effective 60 days from the date the **Federal Register** notice is published. However, if within 30 days notice is received that someone wishes to submit adverse or critical comments, the action will be withdrawn and EPA will publish subsequent notices before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

If SIP revisions do not require substantial changes due to public comments—and past experience indicates that this is often the case—this approach can save time and resources while maintaining the public's right to comment.

Other Actions

Other administrative measures are being taken for the purpose of streamlining internal Agency review. The Agency expects to review all of these innovative processing techniques and develop final procedures over the next year.

Dated: August 12, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–25906 Filed 9–3–81; 8:45 am]

BILLING CODE 6560–29–M

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40 CFR Part 80

[EN–FRL 1866–8]

Fuels and Fuel Additives; Measure of Octane of Unleaded Gasoline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This rule would amend the unleaded gasoline regulations (40 CFR 80.22(b)), substituting (R+M)/2 for Research Octane Number as a measure of unleaded gasoline octane. Research Octane Number (RON) and Motor Octane Number (MON) are the two standard laboratory methods of measuring gasoline octane. (R+M)/2, which is also referred to as AKI, or anti-knock index, is equal to half the sum of the research and motor octane numbers. Stations now required to offer for sale at least one grade of unleaded gasoline of at least 91 RON would instead be required to offer for sale at least one grade of unleaded gasoline of at least 87 AKI. This change is being made to bring EPA's rule into conformity with current practice, and should not appreciably alter the effect of the existing requirement.

DATE: Comments must be received no later than October 5, 1981. EPA will hold a public hearing on this proposed rule if requests for a hearing are received by September 21, 1981. If requests for a hearing are received, the date of a hearing will be announced in the **Federal Register.**

ADDRESS: Comments should be sent to Public Docket No. EN–81–11, U.S. Environmental Protection Agency, Central Docket Section (A–130), West Tower Lobby, Gallery I, 401 M Street, S.W., Washington, D.C. 20460. This docket may be inspected between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT:

Robert Gelman, Fuels Sections, Field Operations and Support Division (EN–397), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460 at (202) 472–9367.

SUPPLEMENTARY INFORMATION: On January 10, 1973, EPA published unleaded gasoline regulations (38 FR 1254), which included the requirement that, beginning July 1, 1974, all retail gasoline outlets selling more than a specified volume of gasoline per month would have to offer for sale at least one grade of unleaded gasoline meeting or exceeding a minimum octane standard. This was designed to make gasoline readily available in time for use by 1975 model year vehicles.

At the time these regulations were published, RON was the most commonly used octane designation. Particularly, most automobile owner's manuals used RON to specify octane requirements. Since then, the refining and automobile manufacturing industries, the ASTM (American Society for Testing and Materials), and the Congress, through the Petroleum Marketing Practices Act, have adopted (R+M)/2 as the general standard to designate octane. This standard is considered to be a more reliable indicator of fuel anti-knock characteristics when used in today's engines than either RON or MON alone. The (R+M)/2 designation is now required to be posted on all gasoline pumps, and it is the designation now mentioned in most automobile owner's manuals.

Although there is no absolute correspondence between RON and (R+M)/2 values, 87 (R+M)/2 is generally recognized as approximately equivalent to 91 RON, as the MON is normally about eight numbers lower than the RON. Therefore, EPA feels that a simple substitution of 87 (R+M)/2 for 91 RON will eliminate much confusion on the part of motorists without altering the effect of the regulation and will make compliance much easier for retail outlets by eliminating the need to work with two sets of octane numbers.

EPA specifically asks for comments from the industry on whether this proposed change in designation will simplify the gasoline distribution process.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The only effect of this action is to make it easier for gasoline retail outlets and wholesale purchaser-consumers to comply with EPA's unleaded gasoline regulations.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. This modification should not have a significant adverse impact on any of the affected entities, which are primarily retail gasoline outlets and wholesale purchaser-consumers. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have significant economic impact on a substantial number of small entities.

Dated: August 28, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Accordingly, notice is hereby given that 40 CFR Part 80 is proposed to be amended as follows:

1. In § 80.2, by revising paragraph (d) to read as follows:

§ 80.2 Definitions.

* * * * *

(d) "Octane number, (R+M)/2 method" means measurement of a gasoline's anti-knock characteristics which is obtained by dividing the sum of the Research Octane Number and the Motor Octane Number by two, as explained by the American Society for Testing and Materials (ASTM) in ASTM D439, entitled "Standard Specifications for Automotive Gasoline." The Research Octane Number is determined by ASTM standard test method D2699, and the Motor Octane Number is determined by ASTM standard test method D2700.

§ 80.22 [Amended]

2. In § 80.22, by amending paragraph (b) so that the phrase, "* * * not less than 91 Research Octane Number: * * *" is changed to read, "* * * not less than 87 Octane, (R+M)/2 method: * * *".

[FR Doc. 81–25838 Filed 9–3–81; 8:45 am]

BILLING CODE 6560–33–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–594; RM–3896]

FM Broadcast Station in Bozeman, Montana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 236 to Bozeman, Montana, in response to a petition filed by the Mayfish Corporation. The assignment could provide Bozeman with a second local commercial FM service.

DATES: Comments must be filed on or before October 26, 1981, and reply comments on or before November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.

Released: August 27, 1981.

In the matter of an amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Bozeman, Montana); BC Docket No. 81–594, RM–3896; notice of proposed rule making.

1. A petition for rule making [1] was filed by the Mayfish Corporation ("petitioner"), requesting the assignment of Class C FM Channel 236 to Bozeman, Montana, as that community's second commercial FM assignment. Petitioner states that it will apply for the channel if assigned as proposed. No responses to the petition have been filed, and the assignment can be made in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Bozeman (population 18,670),[2] the seat of Gallatin County (population 32,505), is located in southwestern Montana, approximately 600 kilometers (380 miles) north of Salt Lake City, Utah. It is served locally by fulltime AM

[1] Public Notice of the petition was given on May 20, 1981, Report No. 1287.

[2] Population figures are extracted from the 1970 U.S. Census, unless otherwise indicated.

Stations KBMN, KBOZ and KXXL, by noncommercial educational FM Station KGLT (Channel 220), and by commercial FM Station KBZN (Channel 229).

3. Petitioner states that because Bozeman is situated in very mountainous terrain, the area is restricted in the variety of FM reception available locally. It indicates that Bozeman is Montana's sixth largest city, that during the period 1960–1970, its population increased 28 percent, and that it expects this trend will continue (preliminary 1980 Census figures, according to petitioner, indicate Bozeman's population to be 21,611 and 42,821 for Gallatin County). Further, it asserts that the community's economy is diversified, with tourism, electronics, lumber, agriculture, and education as significant elements. It states that Bozeman is the retail trade center for a vast area of Montana, and that it had retail sales in 1977 totalling $148,069,000. Additionally, it indicates that Montana State University, which had a fall 1979 enrollment of 10,000 students, is located in Bozeman. Overall, petitioner has submitted sufficient data to demonstrate a need for a second commercial FM assignment to its community.

4. An assignment of Class C FM Channel 236 to Bozeman will cause preclusion on Channel 233 within 65 miles; Channel 234 within 65 miles; Channel 235 within 150 miles; Channel 236 within 180 miles; and Channel 237A within 105 miles. However, petitioner states that alternative channels are assigned or available to the precluded communities which have a population in excess of 1,000 persons.

5. Petitioner did not that its proposal would cover any unserved and underserved areas. *See, Roanoke Rapids, North Carolina*[3] and *Anamosa, Iowa.*[4] Its engineering statement merely indicates that the assignment "* * * would provide a choice of FM * * * service over a wide area and would make possible a diversification of programming over a wide area in southwestern Montana. * * * ." If petitioner wishes us to consider such supporting information, it should submit a study in its comments. Otherwise, since there is already an FM assignment, we would assume no first FM service would be provided.

6. Since the proposed assignment is within 400 kilometers (250 miles) of the U.S.-Canada border, Canadian concurrence must be obtained.

7. In view of the apparent need for a second local commerical FM assignment, which could provide a first competitive FM outlet for Bozeman, as well as a sixth local aural service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Bozeman, Mont.	229	229, 236

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before, October 26, 1981, and reply comments on or before November 16, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 Fed. Reg. 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Nancy Joyner, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81–25941 Filed 9–3–81; 8:45 am]

BILLING CODE 6712–01–M

[3] F.C.C. 2d 672 (1967).

[4] F.C.C. 2d 520 (1974).

47 CFR Part 73

[BC Docket No. 81-596; RM-3904]

FM Broadcast Station in Cadillac, Mich.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 296A to Cadillac, Michigan, in response to a petition filed by MacDonald Broadcasting Company. The assignment could provide Cadillac with a third FM service.

DATE: Comments must be filed on or before October 26, 1981, and reply comments on or before November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.

Released: August 27, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), table of assignments, FM Broadcast Stations, (Cadillac, Michigan), BC Docket No. 81-596 RM-3904; notice of proposed rule making.

1. A petition for rule making [1] was filed by MacDonald Broadcasting Company ("petitioner"), requesting the assignment of Channel 296A to Cadillac, Michigan, as that community's third FM assignment. Petitioner states that it will apply for the channel, if assigned as proposed. No responses to the petition have been filed.

2. Cadillac (population 9,900),[2] the seat of Wexford County (population 19,717), is located approximately 280 kilometers (175 miles) northwest of Detroit, Michigan. It is served locally by two fulltime AM stations (WATT and WWAM) and 2 FM stations (WITW, Channel 244A, and WKJF, Channel 225).

3. Petitioner states that the population of Cadillac increased approximately 6.8 percent between 1960-1970, and it anticipates this growth trend will continue. According to petitioner, approximately 60 percent of the economy of its community is derived from industry, farming and service-related activities, as well as that generated by considerable tourism. Further, it adds that many manufacturing plants are located in the area, and that the largest employers in the county are Mercy Hospital and the Cadillac public school system.

4. Petitioner did not submit a preclusion study to indicate what communities having populations in excess of 1,000 persons and currently without any FM assignment would be affected by this proposal. Since the request seeks a third assignment to a community of less than 50,000, preclusion data is important to justify an exception to our population criteria which places a limit of two channels to such communities. Petitioner should list alternate channels which could be assigned to any precluded communities. This data should be submitted by the date set forth herein for filing comments to justify an exception to our population criteria.

5. The transmitter site for this proposal must be located approximately 5.4 kilometers (3.4 miles) south of Cadillac to avoid short-spacing to Station WWRM (Channel 294), in Gaylord, Michigan. Petitioner acknowledges the need for a site limitation, and indicates that a substantial area exists to the west and south of Cadillac which can accommodate a transmitter site that would assure compliance with the mileage separation requirements. Additionally, since the proposed assignment is within 400 kilometers (250 miles) of the U.S.-Canada border, Canadian concurrence must be obtained.

6. In view of the foregoing, the Commission proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows for the community listed:

City	Channel No.	
	Present	Proposed
Cadillac, Mich.	225, 244A	225, 244A, 296A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 26, 1981, and reply comments on or before November 16, 1981.

9. The Commission had determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contract Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments offically filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066 1082; 47 U.S.C. 154, 308)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in the *Notice*, they will be considered as

[1] Public Notice of the petition was given on June 4, 1981, Report No. 1290.

[2] Population figures are taken from the 1970 U.S. Census.

comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25942 Filed 9-3-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-597; RM-3874]

FM Broadcast Stations, Ontonagon, Mich.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 252A to Ontonagon, Michigan, in response to a petition filed by Harvey L. Desnick. This assignment could provide a first local FM station to Ontonagon.

DATES: Comments must be filed on or before October 26, 1981, and reply comments on or before November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.
Released: August 28, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Ontonagon, Michigan); BC Docket No. 81-597, RM-3874; notice of proposed rule making.

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Harvey L. Desnick ("petitioner") proposing the assignment of FM Channel 252A to Ontonagon, Michigan. No comments opposing this assignment have been received.

(b) The proposed channel can be assigned to Ontonagon in compliance with the minimum distance separation requirements.

(c) Petitioner intends to apply for the channel, if assigned to Ontonagon.

2. *Demographic Data:*

(a) *Location:* Ontonagon, the seat of Ontonagon County, is located on the shores of Lake Superior, approximately 152 kilometers (95 miles) west of Marquette, Michigan.

(b) *Population:* Ontonagon–2,432 [2] Ontonagon County–10,548.

(c) *Present Aural Service:* Ontonagon is presently served by 10-watt FM Station WOAS (Channel 203).

3. The assignment of a Class A channel to Ontonagon would be the first FM assignment to any city in Ontonagon County.

4. Major area employers include Hoerner Waldorf, White Pine Copper Company, and the Upper Peninsula Shipbuilding Company. According to the petitioner, these industries support an "adequate retail trade area for the subsistence of a well managed FM radio station."

5. Since the requested assignment is within 402 kilometers (250 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

6. In light of the above, the Commission finds it in the public interest to propose amending § 73.202(b) of the Commission's Rules, the FM Table of Assignments, with regard to the following community:

City	Channel No.	
	Present	Proposed
Ontonagon, Mich		252A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 26, 1981, and reply comments on or before November 16, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

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[1] *Public Notice* of the petition was given on April 7, 1981, Report No. 1279.

[2] Population figures are taken from the 1970 U.S. Census.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

FR Doc. 81-25643 Filed 9-3-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1310

[Ex Parte No. MC-77 (Sub-No. 3)]

Elimination of Certificates as Measure of "Holding Out"

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule; supplemental notice.

SUMMARY: In an earlier notice of proposed rulemaking the Commission proposed to re-examine the duty imposed on motor common carriers of property to provide transportation coextensive with all points and services contained in their certificates of public convenience and necessity. Comments were due on or before March 9, 1981. Upon consideration of the record in this proceeding, further development, in the form of briefs and oral argument, is desired. Oral argument is scheduled during the week of September 28, 1981, in Washington, D.C. Briefs, not to exceed 25 pages in length, may be filed on or before September 15, 1981. Any person desiring to make oral representations to the Commission must file a brief indicating clearly a desire to do so and must confine argument to points contained in the brief.

DATE: Briefs must be filed on or before September 15, 1981. The date, time, and place of oral argument, as well as a schedule of appearances will be issued subsequently.

ADDRESS: Briefs should be addressed to: James H. Bayne, Assistant Secretary, Room 2215, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: James H. Bayne, telephone: (202) 275-7428.

SUPPLEMENTARY INFORMATION: The Commission desires further development of the record in this proceeding to determine the extent, if any, to which the traditional concept of the common carrier obligation should be modified. For this purpose, oral argument has been scheduled. Briefs, not to exceed 25 pages in length, may be filed by any interested person. Only persons filing briefs indicating clearly a desire to participate in oral argument will be permitted to do so. To assure that everyone has an equal opportunity to participate, we urge that individuals and groups with similar interests designate a single spokesperson to advance commonly held views and arguments. It is not anticipated that more than one day will be necessary for oral argument and questions.

To assist in understanding the issues, we here summarize the significant features of this rulemaking. The prior notice (46 FR 8604, January 27, 1981, as amended at 46 FR 13751, February 24, 1981), recognized that the common carrier obligation is a principle rooted in the common law. In the context of present-day operations, the common carrier obligation contemplates rendition, upon reasonable request, of for-hire motor carrier service, on a nondiscriminatory basis, to the extent of a carrier's certificated authority. This concept was developed originally, and exists today, expressly for the protection of the public which relies upon common carrier services to meet its transportation needs.

It was observed in the prior notice that the common carrier obligation has been codified in the Interstate Commerce Act, as amended. Given the policy objectives of the 1980 Act, however, particularly that of enhancing competition, it was questioned whether the traditional view of the common carrier obligation was compatible with the new legislation or whether eased entry standards would require concomitant easing of the common carrier obligation. Alternative means for measuring the extent of the common carrier obligation were suggested. These included:

(1) Formal means, including:

(a) Use of tariffs to restrict service to less than the full range of a carrier's certificated authority, and

(b) Declaration (in the **Federal Register**) of a carrier's marketplace and services, and

(2) Informal means, such as advertising.

Under any alternative, one complaining of discrimination would have to demonstrate the absence of alternatives, the likelihood of a long-term failure of service, an intent by the carrier to harm by discrimination, or some other form of unfair practice before the Commission would challenge the carrier's allocation of its resources to other markets or customers.

Another possibility, not mentioned specifically in the prior notice but raised in public comments, is retention of the traditinal concept of the common carrier obligation.

We would appreciate briefs and oral argument addressing, among other matters, the following:

(1) Does the Motor Carrier Act of 1980 require a reinterpretation of the traditional concept of the common carrier obligation?

(2) What is (or what should be) the relationship between the common carrier obligation and the Commission's licensing policy?

(3) How would interested parties be affected by the various interpretations of the common carrier obligation?

(4) To what extent might the various interpretations involve the potential for discrimination among shippers?

(5) What enforcement role should the Commission play with respect to the common carrier obligation?

(6) What practical problems are there with the enforcement of the common

carrier obligation under any of the proposed alternatives?

(7) What, if any, administrative actions might be appropriate to promote service consistent with the common carrier obligation?

This action will not affect significantly either the quality of the human environment or the conservation of energy resources.

This document is issued under the provisions of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: September 1, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gilliam concurred with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Gilliam, concurring:

I'm pleased that the Commission has called for oral argument in this proceeding and has set issues for discussion in a way that fully includes the issues and comments received in its notice of January 22, 1981 (49 CFR Part 1310).

However, less the apparent neutrality of the notice of oral argument cloud the clear and sharp nature and full ramifications of the proceeding, I feel constrained to stress to participants that the decision ultimately reached here offers a rare opportunity to arrive at a definitive answer to the often-asked but rarely answered question of *how much* ICC regulation remains under the implementation of the Motor Carrier Act of 1980. The policy choices and the legal ramifications already appear clear and should be further developed at oral argument.

I would particularly appreciate respondents speaking to the interrelationships that these policy choices necessarily carry with them. For example, does a restrictive certificate or tariff measure of holding out *necessitate* the existence of a correspondingly large governmental enforcement and monitoring force? Would the adoption of a restrictive holding out theory in effect require a wholesale re-examination of recently adopted Commission licensing standards (Ex Parte No. 55 (Sub-No. 43) and Ex Parte No. MC-142 (Sub-No. 1)) which require broad territorial and commodity grants? Are there implications for small community service? Is there a private sector solution? All of these questions have tremendous implications with respect to the long-term implementation of the Motor Carrier Act of 1980. I submit that this proceeding is a litmus test for this Commission on these issues and I urge parties to directly address the legal and policy choices facing us.

[FR Doc. 81-25953 Filed 9-3-81: 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 172
Friday, September 4, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

General Conference Committee of the National Poultry Improvement Plan; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of a meeting of the General Conference Committee of the National Poultry Improvement Plan.

SUMMARY: The purpose of this document is to give notice of a meeting of the General Conference Committee of the National Poultry Improvement Plan (NPIP).

PLACE, DATE, AND TIME OF MEETING: Room 2 W, Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C., 9:00 a.m. to 5:30 p.m., September 22, 1981 and 9:00 a.m. to 12:00 (noon), September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. R. D. Schar, Senior Coordinator, National Poultry Improvement Plan, APHIS, VS, Building 265, BARC–E, Beltsville, MD 20705, 301–344–2227.

SUPPLEMENTARY: The General Conference Committee of the NPIP was established by Secretary's Memorandum No. 1891, Revised, dated July 29, 1980. The purpose of the committee is to make recommendations to the Department relative to the successful operation of the NPIP.

The meeting is to advise the Department on keeping the programs of the NPIP geared to the needs of the industry and to make recommendations to the Department on interpretation of and changes in certain provisions of the NPIP.

Matters scheduled for consideration at the meeting are:

1. Recommendations concerning the certification of flocks and products destined for export.
2. Consideration of cooperative efforts with the cage pet bird industry and of other ways to reduce the risk of introduction of exotic Newcastle disease into the United States.
3. Review of possible changes in NPIP provisions for consideration at the Biennial Plan Conference.
4. Exploration of ways to expedite the elimination of flocks infected with fowl typhoid disease.
5. Determination whether proposed changes in the NPIP regulations are sufficient to justify holding the 1982 National Plan Conference.
6. Selection of participants for an animal welfare special work group.

The meeting will be open to the public. Written statements concerning these matters may be filed with the committee before or at the time of the meeting.

Written statements may be forwarded to Mr. R. D. Schar, Senior Coordinator, National Poultry Improvement Plan, APHIS, VS, Building 265, BARC–E, Beltsville, MD 20705, 301–344–2227.

Dated: September 2, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81–26137 Filed 9–3–81; 8:45 am]
BILLING CODE 3410–34–M

Forest Service

Rifle Winter Sports Site; White River National Forest, Garfield County, Colo.; Intent to Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement concerning development of the proposed Rifle Winter Sports Site.

The Rifle Ski Corporation, in its application for a special use permit, proposes to develop an Alpine Ski Area with attendant facilities on both public and private lands in the Cache and Cottonwood Creek Drainages. The area proposed for development is located about ten miles southwest of Rifle, Colorado, and is within the boundaries of the White River National Forest. An initial capacity of 4,000 Skiers-At-One-Time (SAOT) is proposed.

The evaluation and analysis of the proposal is being coordinated by the Joint Review Committee, as provided by a Memorandum of Understanding dated July 13, 1981. Members of the Committee include representatives of USDA, Forest Service (Lead Agency); State of Colorado; Garfield County, Colorado; and the Rifle Ski Corporation.

The alternatives of no action and of permitting development as proposed will be evaluated. Additional alternatives may be identified and considered.

Scoping meetings were held with members of the Joint Review Committee during the spring of 1981 to identify issues and concerns. An issue paper was prepared and made available to the public in May 1981. On June 2, 1981, a public meeting was held in Rifle, Colorado, to take comment and receive any additional issues which should be considered in the environmental analysis. Subsequent to that meeting the Joint Review Committee identified those issues to be addressed and analyzed in depth. Insignificant issues were eliminated. The assignment of responsibilities has been made in cooperation with the Joint Review Committee. No future scoping meetings are planned at this time.

The U.S. Department of the Interior, Bureau of Land Management and the cities or towns of Rifle, Parachute, and Silt, Colorado have all been invited to serve as advisors.

Richard E. Woodrow, Supervisor of the White River National Forest, is the responsible official.

The draft Environmental Impact Statement is scheduled for completion in October 1981, and the final Environmental Impact Statement is scheduled for filing in February 1982. If the decision is to proceed with development, a special permit for use of public land will be issued during the spring of 1982. Construction could begin in the summer of 1982.

Questions about the proposed actions and Environmental Impact Statement should be directed to John P. Halligan, Community Planner, White River National Forest, phone (303) 945–2521.

Dated: August 26, 1981.

Richard E. Woodrow,

Forest Supervisor.

[FR Doc. 81-25922 Filed 9-3-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

East River Electric Power Cooperative, Inc., Madison, S. Dak.; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22, (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America in the approximate amount of $200,000 to East River Electric Power Cooperative, Inc., Madison, South Dakota. These loan funds will be used to finance feasibility studies of a proposed 30 MW wind electric generation facility. If feasible the proposed generation facility would be installed near Huron, South Dakota.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the proposed schedule for the advances to the borrower of the guaranteed loan funds, from Mr. Loren A. Zingmark, Manager, East River Electric Power Cooperative, Inc., P.O. Drawer E, Madison, South Dakota 57042.

In order to be considered, proposals must be submitted by October 5, 1981, to Mr. Zingmark. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as East River Electric Power Cooperative, Inc. and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 28th day of August 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-25878 Filed 9-3-81; 8:45 am]

BILLING CODE 3410-15-M

United Power Association, Elk River, Minn., Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America in the approximate amount of $400,000 to United Power Association of Elk River, Minnesota. These loan funds will be used to finance front-end and feasibility studies of proposed combined cycle power plants and wind electric generation facilities. The most appropriate sites for and capacities of these facilities are to be determined as part of these studies.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Philip O. Martin, Manager, United Power Association, Elk River, Minnesota 55330.

In order to be considered, proposals must be submitted by October 5, 1981, to Mr. Martin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as United Power Association and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 31st day of August 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-25877 Filed 9-3-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Bajura Watershed, Puerto Rico; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT: Ivan R. Emmanuelli, Director, Caribbean Area, Soil Conservation Service, Federal Building, Room 633, Chardon Avenue, Hato Rey, Puerto Rico 00918, telephone number (809) 753-4206. *Notice:* Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Bajura Watershed project, Cabo Rojo, Hormogueros, Mayaguez, Las Marias, Maricao, San German, Sabana Grande Municipalities, Puerto Rico, effective on August 17, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: August 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-25879 Filed 9-3-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Air Caravane, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 81-8-185.

SUMMARY: The Board's staff proposes to cancel the foreign air carrier permits held by Air Caravane, Inc. (Order 75-1-50), Northward Airlines Limited (Order 78-3-26), Ontario World Air Limited (Order 79-5-110), and Transair Limited (Order 74-12-19). The permits authorize charters with large aircraft between points in Canada and the United States, except Air Caravane's permit which

authorizes charters with small aircraft only.

OBJECTIONS: All interested persons having objections to the staff's tentative finding and conclusion that these foreign air carrier permits should be canceled, as described in the order cited above, shall, no later than September 24, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the carriers, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the staff's tentative finding and conclusion and cancel the permits.

ADDRESS FOR OBJECTIONS: Docket 39967, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the CAB Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Nancy Pitzer Trowbridge, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, extension 202–673–5134.

By the Civil Aeronautics Board: August 31, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–25927 Filed 9–3–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket 39696]

Application of Southeast Alaska Airlines for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81–8–177 applications of Southeast Alaska Airlines under Subpart Q for a certificate of public convenience and necessity for 6 Alaska points, Docket 39696.

SUMMARY: The Board is proposing a grant a certificate of public convenience and necessity to Southeast Alaska Airlines to authorize it to provide service to the Alaska points listed in its application, is tentatively determining that it is fit, willing, and able to provide this service.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority or to its tentative finding of carrier fitness shall file, and serve upon all persons listed below no later than October 1, 1981, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections should be filed in Docket 39696, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Neil G. Whitehouse, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5328.

SUPPLEMENTARY INFORMATION: Objections should be served upon the persons listed in paragraph 5 of Order 81–8–177. The complete text of Order 81–8–177 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a post card request for Order 81–8–177 to the Distribution Service, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 28, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–25928 Filed 9–3–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket 39941]

Texasamerican Airways, Inc., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-titled proceeding is assigned to be held on September 10, 1981, at 10 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., August 31, 1981.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 81–25929 Filed 9–3–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket 39941]

Texasamerican Airways, Inc., Fitness Investigation; Cancellation of Prehearing Conference

Notice is hereby given that pursuant to the request by the applicant in which the Bureau of Domestic Aviation concurred the prehearing conference in the above-titled matter assigned to be held on September 1, 1981 is cancelled.

Dated at Washington, D.C., August 31, 1981.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 81–25930 Filed 9–3–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Fresh Cut Roses From Israel; Amendment to Final Countervailing Duty Determination and Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Amendment to Final Countervailing Duty Determination and Countervailing Duty Order.

SUMMARY: On September 4, 1980, we announced our determination that the Government of Israel confers benefits upon the production or export of fresh cut roses which constitute bounties or grants (subsidies) within the meaning of section 303 of the Tariff Act of 1930. We directed the U.S. Customs Service to require the deposit of estimated countervailing duties in the amount of 2.02 percent of the f.o.b. value of the merchandise at the time of its entry, or withdrawal from warehouse, for consumption.

We are amending our determination by directing the U.S. Customs Service to require the deposit of estimated countervailing duties in the amount of 1.55 percent of the f.o.b. value of the merchandise at the time of entry, or withdrawal from warehouse, for consumption.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo, Office of Compliance, Room 2804, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1168).

SUPPLEMENTARY INFORMATION: The Department of Commerce published in the **Federal Register** of September 4, 1980 (45 FR 58516) a notice of "Final Countervailing Duty Determination and Countervailing Duty Order" with regard to fresh cut roses from Israel. The published aggregate net subsidy was 2.02 percent of the f.o.b. value of the exported merchandise. Our notice stated that, in calculating the *ad valorem* benefit to flower packing houses from accelerated depreciation and direct tax reduction under the Encouragement of

Capital Investments Law, we multiplied the absolute benefit conferred by 33.5 percent, the proportion of total flower exports accounted for by roses. This figure was then allocated over rose exports resulting in an *ad valorem* benefit of 0.71 percent for this program. However, in making the calculation, the multiplication by 33.5 percent was omitted. Thus the value of this benefit was overstated. When the benefits to packing houses are multiplied by 33.5 percent and allocated over total rose exports, the correct *ad valorem* benefit is 0.24 percent. The correct total net subsidy equals 1.55 percent of the f.o.b. value of the exported merchandise.

Accordingly, we are directing the U.S. Customs Service, effective on the date of publication of this notice and until further notice, to require the deposit of estimated countervailing duties at the time of entry, or withdrawal from warehouse, for consumption in the amount of 1.55 percent of the f.o.b. value of the merchandise.

This notice is published in accordance with sections 303 and 706 of the Tariff Act of 1930 (19 U.S.C. 1303, 1671e) and § 355.36 of the Department of Commerce Regulations (19 CFR 355.36).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

August 31, 1981.

[FR Doc. 81-25863 Filed 9-3-81; 8:45 am]

BILLING CODE 3510-25-M

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Telecommunications Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Commitee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (c) licensing procedures which affect the level of export controls applicable to telecommunications equipment or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place:

September 29, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 7808, 14th Street and Constitution Avenue, NW., Washington, D.C.

This meeting is called on short notice because of the need to obtain and consider the Committee's advice in preparation for revising the multilateral COCOM control list.

Agenda

General Session

(1) Open remarks by the Acting Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of CCL entries 1519, 1522, 1526, 1527 and 1548, as they relate to fiber optic communication, components, and systems.

(4) Industry comments on relevant control parameters for export licensing purposed are requested.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meetings.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4117.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-2583.

Dated: August 28, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-25864 Filed 9-3-81; 8:45 am]

BILLING CODE 3510-25-M

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tool or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: September 29, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 5230, 14th Street and Constitution Ave., NW., Washington, D.C.

Agenda

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of procedural or organizational matters relating to the Technical Advisory Committee.

(4) Discuss methods of gathering data at the Hannover Machine Tool Show (EURO-4).

(5) New Business.

Executive Session

(6) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: August 31, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81–25865 Filed 9–3–81; 8:45 am]

BILLING CODE 3510–25–M

[A–588–028]

Roller Chain, Other Than Bicycle, From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of Administrative Review of antidumping finding.

SUMMARY: On March 17, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on roller chain, other than bicycle, from Japan. The review covered 10 manufacturers and 95 other exporters, and generally covered the period April 1, 1979 through March 31, 1980.

Interested parties were given an opportunity to submit oral or written comments, and a public hearing was conducted on April 6, 1981. The petitioner and various exporters and importers provided comments at the public hearing and during the comment period. Based on these comments the Dapartment has made adjustments to the margins for seven firms. The margins in the preliminary notice remain unchanged for all other firms. However, appraisement of entries by 13 firms will continue to be suspended pending the Department's review of a level-of-trade issue.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: William L. Matthews or Alfredo Montemayor, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2291).

SUPPLEMENTARY INFORMATION:

Background

On April 12, 1973, a dumping finding with respect to roller chain, other than bicycle, from Japan was published in the **Federal Register** as Treasury Decision 73–100 (38 FR 9226). On March 17, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (46 FR 17066–70). The Department has now completed its administrative review of the antidumping finding.

Scope of the Review

The imports covered by this review are shipments of roller chain, other than bicycle, currently classifiable under various provisions of the Tariff Schedules of the United States Annotated (TSUSA), ranging from item numbers 652.1300 through 652.3800. The Department knows of a total of 105 Japanese firms engaged in the manufacture and exportation of roller chain, other than bicycle, to the United States. For the majority of the firms this review covered the period April 1, 1979 through March 31, 1980. For firms with different accounting periods, we reviewed data from their most recent accounting cycle. The response received from Mitsubishi Motors Corporation did not afford the Department adequate time for analysis. The analysis of that data will be included in the next administrative review. Preliminary results of the administrative review of IBM Japan indicated that merchandise exported by this company was not subject to the finding. This matter will be addressed in a subsequent notice.

The Department is currently reviewing the method of adjusting home market prices to reflect different levels of trade for certain firms.

While the margins shown in this notice for the following companies will remain in effect for the purpose of determining estimated cash deposits, liquidation of entries for these firms will continue to be suspended:

(1) Deer Island
(2) Fuji Seiko
(3) Kawasaki
(4) Kashima Trading
(5) Katayama
(6) Meiho Yoko
(7) Naniwa Kogyo
(8) Shinyo Industries
(9) Tabard
(10) Toyota Motor Sales
(11) Taiyo Shokai
(12) Yamaha Motors
(13) Yoshida Auto

A decision concerning the actual assessment of dumping liabilities, if any, for entries by the above firms with purchase dates or export dates, as appropriate, during the periods indicated in this notice will be addressed in a subsequent notice.

Analysis of Petitioner's Comments

(1) *Comment:* The Department is required by law to calculate United States prices on an entry-by-entry basis. Failure to do so may result in errors in currency conversion and determinations of dates of exportation.

Position: Certain exporters provided the Department with sales data based on price lists rather than individual sales. In these situations the Department determined the United States price by deducting from the list price for each particular model the largest possible discount available and then attributing that derived price to all U.S. sales for that model. The Department considers this methodology appropriate as the best information available.

(2) *Comment:* The dumping liability for unreported U.S. sales of roller chain should be based on the highest margin found in our analysis.

Position: In the past, some firms inadvertently failed to report all sales. Our evidence indicates the volume of unreported sales is minimal. Where firms failed to submit data on certain roller chain models the Department used the best information available for each firm to determine the appropriate liability. The best information available

is the individual firm's average margin on reported sales or two percent, whichever is higher. Two percent is the best evidence of the overall margin on all sales of roller chain to the U.S. during the review period.

(3) *Comment:* Certain cost of production data provided to the Department by two Japanese manufacturers are not consistent with data provided to the Japanese Ministry of Finance.

Position: Cost of production data submitted by these manufacturers were verified by the Department. We found no evidence contradicting any of the data submitted. The manufacturers' data relied upon by the petitioner clustered elements of expense treated separately by the Department.

(4) *Comment:* The Department of the Treasury, the Tariff Commission, and the Department have inadequately defined the scope of the finding.

Position: During the course of this administrative review attorneys representing a Japanese roller chain manufacturer and a roller chain importer requested a ruling on the scope of the roller chain finding. This request argued for a very narrow definition of roller chain which would include only chain included in ANSI (American National Standards Institute) standards B 29.1 and B 29.3. We have considered all arguments presented in writing and at the oral hearing by both the respondents and the original petitioner, the American Chain Association. It is our determination that a ruling limiting the roller chain finding to ANSI standards B 29.1 and B 29.3 would be an improper change of the scope of the original finding. The roller chain finding was defined in very broad terms and was purposely never defined in terms of any specific standards or classification numbers. This was done to include *all* roller chain in the finding and to avoid problems when standards and classifications changed. The following breakdown of roller chain is provided as a general guide to the many variations of chain, all of which are "roller chain, other than bicycle chain". This breakdown is not necessarily all inclusive, and new variations of roller chain which generally fit the below categories and are manufactured and imported in the future will be subject to this finding.

The term "roller chain, other than bicycle chain" as used in this finding includes chain, with or without attachments, whether or not plated or coated, and whether or not manufactured to American or British standards, which is used for power transmission and/or conveyance. Chain of this type which complies with one of the following descriptions is included in the finding:

A series of alternately assembled roller links and pin links in which the pins articulate inside the bushings and the rollers are free to turn on the bushings. Pins and bushings are press fit in their respective link plates. Chain may be single strand having one row of roller links, or multiple strand having more than one row of roller links. The center plates are located between the strands of roller links. Such chain may be either single or double pitch and may be used as power transmission or conveyor chain.

This finding also covers leaf chain, which consists of a series of link plates alternately assembled with pins in such a way that the joint is free to articulate between adjoining pitches.

(5) *Comment:* "Non-operational costs" should be included in cost of production calculations, and "non-operational revenues" should be excluded from such calculations rather than used to offset "non-operational costs".

Position: Such non-operational costs were included in cost of production calculations. Non-operational revenues that could not be directly related to roller chain sales were not in fact included in our cost of production calculations.

(6) *Comment:* Selling, general, and administrative expenses should be allocated on the basis of the cost of manufacturing (materials, subcontractor costs, and fabrication), rather than sales revenues.

Position: Selling, general, and administrative expenses are properly allocated on the basis of sales revenues. General and administrative expenses are not related only to sales; however, sales are a better reflection of the total activity of a company than is cost of manufacturing.

(7) *Comment:* The Department should determine and state in this notice that administrative reviews should be conducted with respect to all unliquidated entries.

Position: All unliquidated entries which are not subject to appraisement instructions ("master lists") issued prior to January 1, 1980, are subject to the administrative review provisions of the Trade Agreements Act of 1979. The issue concerning unliquidated entries which are the subject of master lists issued prior to January 1, 1980, is currently under review by the Department. We are continuing suspension of liquidation of such entries pending a decision whether such entries must be the subject of a 751 review.

(8) *Comment:* Review of data released under an administrative protective order pertaining to three Japanese firms indicates that the Department used inappropriate methodologies by not proceedingh with an entry-by-entry analysis, by not making comparisons at the "primary level" (manufacturer's level), and by not adding the correct profit factor to constructed value computations.

Position: Our discussion of Comment #1 addresses the situation concerning entry-by-entry analyses. Our choice of the level at which our comparisons are made is based on who controls the pricing structure of sales to the United States and of sales in the home market, or, where appropriate, to third countries. In the case referenced by the petitioner, we used the prices from an exporter to the United States and in the home market because the exporter controlled the pricing structure. We used the appropriate profit figure in our constructed value computations for each company.

(9) *Comment:* Methods of allocation used by two manufacturers concerning certain elements of cost of production, such as general expenses, were inappropriate and could lead to understated costs of production.

Position: The Department verified that the referenced methods were an integral part of those firms' accounting systems and were, therefore, accepted as appropriate methods.

Analysis of Respondents' Comments

(10) *Comment:* Several respondents alleged that determinations by the Department of the Treasury and the International Trade Commission (previously the Tariff Commission) concerning sales at less than fair value and domestic injury were not established according to law.

Position: This section 751 proceeding is not the proper forum for this issue.

(11) *Comment:* Several respondents argued that in certain instances the Department arbitrarily deducted the highest discounts available, thus deriving the lowest possible purchase prices or exporter's sales prices.

Position: All comparisons are in compliance with the applicable statute. When certain firms chose to submit data in a format not provided for in the Department's antidumping questionnaire, e.g., a price list for U.S. sales prices, the Department proceeded with analyses based on the best information available (See discussion of Comment #1).

(12) *Comment:* Due to the lack of margins for reporterd sales of certain

firms, no "automatic" dumping margins should be applied to unreported sales.

Position: It would be inappropriate to assume that no margins existed on unreported sales. Such an assumption would encourage the submission of data only on sales with no known dumping liability (See discussion of Comment #2).

(13) *Comment:* Firms should be permitted to either submit additional data on unreported sales, which were unreported due to either inadvertence or the absence of a ruling by the Department concerning the definitional scope of the finding. Firms also should be permitted to withdraw data concerning chains determined by the Department not to be within the scope of the finding.

Position: The Department will not accept additional data unless a firm can show that the failure to submit such data was due solely to a reasonable misunderstanding of the definitional scope of the finding. Data concerning chains not subject to the finding may be withdrawn.

(14) *Comment:* The Department erred in its calculation of the United States price by not accepting information from certain firms on weighted-average prices for all sales.

Position: Section 772 of the Tariff Act of 1980 ("the Tariff Act") specifically charges the Department with the responsibility of arriving at "the price". The Tariff Act precludes the use of weighted-average prices in the United States price calculations. In those instances where firms failed to provide data on an entry-by-entry basis, the Department used the best information available.

(15) *Comment:* The use of section 751 reviews by the Department for entries made prior to January 1, 1980, may deprive importers of legal rights acquired through the act of importation prior to January 1, 1980.

Position: Administrative reviews under section 751 are required for all unliquidated entries not subject to master lists issued prior to January 1, 1980. The Department applies the substantive provisions of the Antidumping Act of 1921 ("the 1921 Act") to entries made prior to January 1, 1980. The legal remedies available to firms subject to an administrative review under section 751 completely replac the procedural provisions of the 1921 Act for entries made prior to January 1, 1980 not subject to such master list.

(16) *Comment:* Arithmetical and methodological errors, such as the use of varying percentages to reflect general expenses in constructed value calculations, in the computation of certain exporter's sales prices, purchase prices, and constructed values resulted in inaccurate margin determinations.

Position: The Department has reviewed the specific instances cited by various respondents. Where appropriate, we made adjustments to the final results of our analyses. We adjusted the calculations for the following firms:

Honda Motor
Daido Kogyo
Enuma Chain
Meisei Trading
Pulton Chain
Sugiyama/HKK America (Importer).

(17) *Comment:* Certain chains are not subject to the finding because no manufacturer in the United States produces such chain.

Position: Antidumping orders or findings are, in part, based upon determinations concerning injury, the likelihood of injury to an industry, or determinations concerning the prevention of establishment of an industry in the United States. The inclusion of specific items in, or their exclusion from, the scope of a finding or order is not dependent on the presence or absence of manufacturing facilities in the United States for the production of specific types of merchandise. Further, the issue really addresses the question of whether domestic producers of a like product are being materially injured. Accordingly, the International Trade Commission, not the Department, is the proper forum for addressing this issue.

(18) *Comment:* Margins computed for certain firms should be adjusted by the use of volume data to reflect weighted-average margins rather than average margins.

Position: When firms failed to submit data with their response to the antidumping questionnaire which would have enabled the Department to compute a weighted-average margin, the Department used the best information available to determine the firm's margin. It would be inappropriate to consider additional data at this time.

(19) *Comment:* Final revocations should be pursued in light of the tentative revocations listed in the preliminary notice and the results of this administrative review.

Position: Our position remains unchanged from the notice of preliminary results. Since our analysis indicated that margins exist for three of the four firms for which tentative revocations were published, no further action concerning revocation proceedings will be initiated for these firms. Our review of Honda Motor Co., Ltd. (Honda) indicated *de minimis* margins for the period October 1978 through September 1979. In a subsequent notice the Department will publish its proposed disposition of the revocation issue as it pertains to Honda.

(20) *Comment:* The Department should determine a firm's margin to be the amount actually computed, and not round a percentage to the nearest whole number.

Position: We agree, and none have been rounded to whole numbers.

(21) *Comment:* The list of companies stated in the preliminary notice includes firms that need not be separately reported.

Position: The companies listed in the preliminary notice represent the most complete information available to the Department to reflect sales activity for roller chain, other than bicycle, from Japan.

(22) *Comment:* Certain firms, termed "non-responsive" by the Department, did not ship merchandise to the United States which is subject to the finding. These firms should not be subject to the margin determined by the Department for "non-responsive" firms.

Position: The Department received information from the Customs Service that these firms did ship merchandise subject to the finding during the period covered by this review. Our position concerning these firms remains unchanged.

Final Results of the Review

Based on our analysis of comments received the Department has made adjustments to the margins for seven firms. The margins in the preliminary notice remain unchanged for all other firms. However, appraisement of entries by 13 firms will continue to be suspended pending the Department's review of a level-of-trade issue.

Manufacturer/exporter	Time period	Margin (percent)
A & K Company	Apr. 1, 1979 to Mar. 31, 1980.	1.84
Aija Kikei Boeki	do	1.84
APC Corporation	do	[illegible]
Asia Machinery	do	2.00
Auto Dynamics	do	[1] 5.36
C. Itoh	May 1, 1979 to Mar. 31, 1980..	[illegible]
Central Automotive	Apr. 1, 1979 to Mar. 31, 1980..	[illegible]
Cherry Industrial	do	[1] 20.00
Daido Enterprising	do	2.00
Daido Kogyo	Apr. 1, 1979 to Sept. 30, 1979.	1.18
Daiho Sangyo	Apr. 1, 1979 to Mar. 31, 1980.	[1] 5.36
Deer Island	do	[illegible]
Detroit Industries	do	[1] 5.36
Empire Motor	do	[1] 5.36
Enuma Chain	June 1, 1979 to Sept. 30 1979.	1.18

Manufacturer/exporter	Time period	Margin (percent)
Fee International	Apr. 1, 1979 to Mar 31 1980.	[1] 1.84
Fuji Lumber	...do	[redacted]
Fuji Motors (Zenoah)	...do	[1] 5.36
Fuji Seiko	...do	[redacted]
Fukoku	...do	[1] 5.36
Hajime	...do	[1] 5.36
Hanma Enterprise	...do	[redacted]
Henry Abe	...do	[1] 5.36
Hic Trading Co., Ltd.	...do	[redacted]
Hiro Enterprise	...do	[redacted]
Hitachi Metals/Hitachi International (Importer).	...do	2.76
Hitachi Metals/All other importers.	[redacted]	1.84
HKS Japan	...do	[1] 20.00
Hodaka Kogyosho	...do	[1] 5.36
Honda Motor	Oct. 1, 1978 to Sept. 30, 1979	0.096
I & OC	Apr. 1, 1979 to Mar 31 1980	5.36
Iketoku	...do	[1] 5.36
Izumi Chain	Oct. 1, 1979 to Mar 31, 1980	6.93
Jaico	Apr. 1, 1979 to Mar 31, 1980	[redacted]
Kago Kogyo (Kaga Ind.).	...do	[redacted]
Kaga/APC	...do	0
Kaga Koken/TK Products.	...do	1.09
Karl Mayer Textile	...do	[1] 0
Kashima Trading	...do	48.29
Katayama	...do	[redacted]
Kawasaki	Sept. 1, 1978 to Aug 31, 1979	1.00
Kotusai	Apr. 1, 1979 to Mar 31, 1980	[1] 5.36
Marubeni	...do	0
Maruka Machinery	...do	[1] 5.36
MC International	...do	[1] 5.36
Meiho Yoko	...do	43.29
Meisei Trading	Apr. 1, 1979 to Sept 30, 1979	1.16
Meiwa Trading	Apr 1, 1979 to Mar 31, 1980	[1] 3.06
Mitsui	...do	[1] 13.40
Mitsubishi	...do	[1] 5.36
Mitsubishi Boeki	...do	[1] 34.80
Mitsubishi Motors	Oct. 1, 1975 to Mar 31, 1978.	[1] 5.36
Myasaka Shoka	Apr. 1, 1979 to Mar 31, 1980	[1] 5.36
Nanwa Kogyo	...do	43.29
Nankai Buhin	...do	[1] 5.36
Nickel & Lyons	...do	[1] 5.36
Nippo Buhin	...do	[1] 5.36
Nissan Motor	Apr. 1, 1979 to Nov 30, 1979	0
Nissei Co.	Apr 1, 1979 to Mar 31, 1980.	[1] 12.80
Nissho-Iwai	Apr. 1, 1979 to Oct 31, 1979.	0
Normura Shoji	Apr. 1, 1979 to Mar 31, 1980.	[1] 5.36
Oriental Chain	July 1, 1979 to Dec 31, 1979.	[redacted]
Osaka Buhin	Apr. 1, 1979 to Mar 31, 1980	[1] 5.36
Pulton Chain	...do	[redacted]
Pulton/Hic Trading	...do	[redacted]
Pulton/IOC	...do	0
Refac International	...do	[1] 5.36
Rocky Asia	Oct. 1, 1979 to Mar 31, 1980.	[redacted]
Royal Industries	Apr. 1, 1979 to Mar 31, 1980do.	[redacted]
Ryobi Limited	...do	2.06
Sanko Co.	...do	9.37
Schneider Engineering	...do	2.00
Shima Trading	Oct. 1, 1979 to Mar. 31, 1980	[redacted]
Shinyei Kaisha	Apr 1, 1979 to Mar 31, 1980.	[1] 5.36
Shinyo Ind	...do	43.29
Sugiyama/Fuji Lumber	...do	[redacted]
Sugiyama/Harima Entpz.	...do	[redacted]
Sugiyama/HKK America (Importer).	Jan. 1, 1979 to Mar. 31, 1980.	16
Sugiyama/I&OC	Apr. 1, 1979 to Mar. 31, 1980	0
Sugiyama/All other importers.	...do	0
Sumitomo Shoji Kaisha	...do	[1] 5.36
Suzuki Motor	Apr. 1, 1979 to Aug 31, 1979	[redacted]
Tabard	Apr. 1, 1979 to Mar 31, 1980	[1] 43.29
Takyo Sangyo	...do	0
Taiyo Shokai	...do	[1] 43.29
Takara Auto Parts	...do	[1] 29.52
Takasago	...do	[1] 5.36
Tanaka Kogyo	...do	[1] 5.36
Tashiro	...do	[1] 5.36
Tatsumiya Kogyo	...do	[redacted]
Tec Engineering	...do	[1] 5.36
Teijin Shoji Kaisha Ltd.	...do	[1] 5.36
TK Products	...do	1.00
Tokyo Enterprise	...do	[1] 5.36
Tokyo Incentive	...do	[1] 5.36
Tokyo Ryuki Seizo	...do	0
Tosho	...do	[1] 5.36
Toyo Kogyo	...do	0
Toyo Menka Kaisha	...do	[1] 5.36
Toyota Motor Sales	...do	43.29
Tsubakimoto Chain	Apr. 1, 1979 to Nov 30, 1979	0
Tsujimoto Shokai	Apr. 1, 1979 to Mar 31, 1980	[1] 5.36
United Trading Co., Ltd	...do	[1] 5.36
Universal Trading	...do	[1] 5.36
Y-K Brothers Shokai	...do	[1] 5.36
Yamaha Motor	Apr. 1, 1979 to May 31, 1979	[redacted]
Yamakyu Chain	Apr. 1, 1979 to Mar 31, 1980	9.37
Yoshida Auto	...do	43.29
Yoshimura	...do	[1] 5.36
Zushi Industries	...do	[1] 5.36

[1] No shipments during period.

For all exporters for which we have completed our review, the Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates or export dates, as appropriate, during the time periods involved. Individual differences between United States price and foreign market value or, where appropriate, purchase price or exporter's sales price and foreign market value and constructed value, may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of roller chain, other than bicycle, entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. Because the weighted-average margins for Honda and Sugiyama/HKK America are *de minimis*, the Department shall not require cash deposits on their shipments. This requirement, and the waiver for Honda and Sugiyama/HKK America, shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of April, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John L. Evans,

Acting Deputy Assistant Secretary, Import Administration.

August 27, 1981.

[FR Doc. 81-25824 Filed 9-3-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Approval of Federal Information Processing Standard; Optical Character Recognition (OCR) Character Positioning

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. On October 17, 1980, notice was published in the **Federal Register** (45 FR 68993-68994) that a standard for Optical Character Recognition (OCR) Character Positioning was being proposed for Federal use. Interested parties were invited to submit written comments concerning this proposed standard to the National Bureau of Standards (NBS).

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NBS. On the basis of this review, NBS recommended to the Secretary his approval of the standard as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation. The purpose of this notice is to announce that the Secretary has approved the standard as a FIPS, and that the standard shall be published as FIPS Publication 89. The provisions of the standard are effective on September 4, 1981.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW, Washington, D.C. 20230.

The objective of this standard is to facilitate effective information interchange when the information is

recorded in a manner that can be recognized by computer recognition systems. This standard specifies the nominal position with allowable tolerances, of OCR characters, Styles A and B as specified in FIPS PUB 32–1, in relation to their location to other machine readable characters or sensed marks and to the document edges.

The approved FIPS contains two portions: (1) an announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard and (2) a specifications portion which deals with the technical requirements of the standard. Only the announcement portion of the standard is provided in this notice. With certain qualifications noted in the announcement portion, this FIPS represents the adoption of American National Standard X3.93M–1981, Optical Character Recognition (OCR) Character Positioning.

By arrangement with the American National Standards Institute, interested parties may purchase copies of this standard, including the specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies section of the announcement portion of the standard.

Persons desiring further information about this standard may contact Mr. Thomas Bagg, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921–3723.

Dated: August 28, 1981.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 89—Announcing the Standard for Optical Character Recognition (OCR) Character Positioning

September 4, 1981.

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations.

Name of Standard. Optical Character Recognition (OCR) Character Positioning (FIPS PUB *89*).

Category of Standard. Hardware Standard, Character Recognition.

Explanation. This standard specifies the nominal position with allowable tolerances, of OCR characters, Styles A and B as specified in FIPS PUB 32–1, in relation to their location to other machine readable characters or sensed marks and to the document edges.

Approving Authority. Secretary of Commerce.

Maintenance Agency. U.S. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. American National Standard for Optical Character Recognition (OCR) Character Positioning (ANSI X3.93M–1981).

Related Documents. a. American National Standard for Character Set for Optical Character Recognition (OCR–A), ANSI X3.17–1981.

b. American National Standard for Character Set for Optical Character Recognition (OCR–B), ANSI X3.49–1975.

c. Federal Information Processing Standards Publication (FIPS PUB) 32–1, Character Sets for Optical Character Recognition (OCR).

d. Federal Information Processing Standards Publication (FIPS PUB) 40, Guideline for Optical Character Recognition Forms.

e. Federal Information Processing Standards Publication (FIPS PUB) 85, Optical Character Recognition (OCR) Inks.

Applicability. This standard is applicable to the acquisition of printers, readers, and printed forms which use OCR Style A or B characters as specified in FIPS PUB 32–1:

(1) where the interchange of machine readable information between different systems may be required, or

(2) where these products are produced by different manufacturers.

Users of existing equipment and printed forms are encouraged to employ this standard. Equipment and forms not in accordance with this standard should be evaluated periodically by Federal agencies because printers, readers, or forms with improperly positioned characters may seriously reduce productivity by causing misreadings (errors).

Specifications. This standard adopts in whole the American National Standard for Optical Character Recognition (OCR) Character Positioning (ANSI X3.93M–1981).

Qualifications. None.

Implementation Schedule. All applicable equipment and printed forms ordered on or after the date of this FIPS PUB must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below.

Exceptions to this standard are made in the following cases:

a. For equipment installed or on order, or for printed forms in stock or on order prior to the effective date of this standard.

b. Where procurement actions are in the solicitation phase (i.e., Requests for Proposals or Invitations for Bids have been issued) prior to the effective date of this standard.

Waivers. Heads of agencies may request that the requirements of this standard be waived in instances where it can be clearly demonstrated that there are appreciable performance or cost advantages to be gained and that the overall interests of the Federal Government are best served by granting the requested waiver. Such waiver requests will be reviewed by and are subject to the approval of the Secretary of Commerce. The waiver request must address the criteria stated above as the justification for the waiver.

Forty-five days should be allowed for review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for a Waiver to a Federal Information Processing Standard. No agency shall take any action to deviate from the standard prior to the receipt of a waiver approval from the Secretary of Commerce. No agency shall begin any process of implementation or acquisition of non-conforming equipment or forms unless it has already obtained such approval.

Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. When ordering, refer to Federal Information Processing Standards Publication 89 (FIPS–PUB 89), and title. Payment may be made by check, money order, or deposit account.

[FR Doc. 81–25699 Filed 9–3–81; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Fishery Market News Reports; Annual Subscription Rates

Notice is hereby given that annual subscription rates for Fishery Market News Reports will be increased as of November 1, 1981. The subscription rate for the full service report (issued Monday, Wednesday, and Friday) will be $45 per year and the weekly summary, including the Friday report, will be $20 per year. Current rates are $35 and $15 respectively. The rates for

changing from a weekly to a full service report during a subscription year are listed below:

1st month	$25
2nd month	23
3rd month	21
4th month	19
5th month	17
6th month and after	15

No changes will be made from a full service report to a weekly summary. These rates are in effect for all new subscriptions and renewed subscriptions on or after November 1, 1981. Persons subscribing to these reports should make checks (drawn on a U.S. bank) and money orders, in U.S. dollars, payable to:

U.S. Department of Commerce, NOAA

Mail check or money order to the National Marine Fisheries Service office that issues the report being subscribed to (see below):

(Blue Sheet), Room 10, Commonwealth Pier, Boston, MA 02210
(Green Sheet), 201 Varick Street, 11th Floor, New York, NY 10014
(Goldenrod Sheet), 546 Carondelet Street, Room 412, New Orleans, LA 70130
(Buff Sheet), 300 South Ferry Street, P.O. Box 3286, Terminal Island, CA 90731
(Pink Sheet), 7600 Sand Point Way N.E., Bin C15700, Seattle, WA 98115

DATE: These amended rates become effective November 1, 1981.

FOR FURTHER INFORMATION CONTACT: B. G. Thompson, Acting Chief, Resource Statistics Division—F/SR1, National Marine Fisheries Service, Washington, D.C. 20235 (202) 634–7366.

SUPPLEMENTARY INFORMATION: Effective July 1, 1975, the National Marine Fisheries Service (NMFS) made the Fishery Market News Reports available on a paid subscription basis (40 FR 16116, April 9, 1975). Subscription rates for the reports were established to recover the expenses for printing, distribution, and mailing of the reports, depreciation of equipment used to produce the reports, associated overhead charges, and postage. Collection of the data is concluded through the use of appropriated funds.

Subscription rates for Fishery Market News Reports have not increased since the subscription system began July 1, 1975. Increases in postage rates during this year interval have been offset by efficiencies in producing the reports. However, the recent postage increase, and increases in costs of supplies and labor no longer can be offset by changes in operations. The rates being charged represent the cost of the government for the printing, handling, distribution, and postage of the Market News Reports.

Dated: August 31, 1981.

Robert K. Crowell,

Acting Marine Fisheries Service.

[FR Doc. 81–25986 Filed 9–3–81; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Additional Official of the Government of Pakistan Authorized To Issue Export Visas for Certain Cotton Textiles and Textile Products

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Adding the name of Mirza Sadiq Husain to the list of officials authorized by the government of Pakistan to issue visas for cotton textiles and cotton textile products exported to the United States.

SUMMARY: Pursuant to the export visa requirement established between the Governments of the United States and Pakistan (37 FR 13365), as amended, concerning certain cotton textiles and cotton textile products produced or manufactured in Pakistan and exported to the United States, the Government of Pakistan has notified the United States Government that Mirza Sadiq Husain, Deputy Director of the Export Promotion Bureau, Government of Pakistan, Karachi, has been authorized to issue export visas in addition to those officials previsouly named. A complete list of authorized officials follows this notice.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Officials of the Government of Pakistan Authorized to Issue Export Visas for Certain Cotton Textiles and Cotton Textile Products Exported to the United States.

Abid Javed Akbar
Shaikh Bashir Ahmed
Shafiq Ahmad Bajwa
M. Y. Bhutta
Mirza Sadiq Husain
Muhammad Ashraf Khan
Zahid Hussain Khan
Taj Mohammad Khan
M. Zafar Umar Khan
Abdul Wahab Khan
Abdul Malik
Allah Rakha
S. M. H. Tirmizi

[FR Doc. 81–25989 Filed 9–3–81; 8:45 am]

BILLING CODE 3510–25–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1981 commodities to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: September 4, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On June 26, 1981 and April 17, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 33069 and 46 FR 22420) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committe has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1981:

Class 2540

Cushion Assembly, Back Rest, 2540–00–737–3308

Class 7920

Towel, Paper, 7920–00–823–9772 (For GSA Regions 4,6,7 only)

Class 8415

Hood, Anti-Flash, 8415–00–275–3159

C. W. Fletcher,

Executive Director.

[FR Doc. 81–25990 Filed 9–3–81; 8:45 am]

BILLING CODE 6325–33–M

Procurement List 1981; Deletions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Deletions from procurement List.

SUMMARY: This action deletes from Procurement List 1981 a commodity produced by and a service provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: September 4, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On July 2, 1981 and June 26, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 34620 and 46 FR 33069) of proposed deletions from Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity and service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodity and service are hereby deleted from Procurement List 1981:

Class 8465

Club, Policeman's, 8465–00–641–8551

SIC 7641

Furniture Rehabilitation, Metal and Wood Portions, Eielson Air Force Base, Alaska and Fairbanks, Alaska, plus 30-mile radius

C. W. Fletcher,

Executive Director.

[FR Doc. 81–25902 Filed 9–3–81; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: OCTOBER 7, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or severely handicapped.

It is proposed to add the following services to Procurement List 1981, November 12, 1980 (45 FR 74836):

SIC 7349

Janitorial/Custodial Services, Ellsworth Air Force Base, South Dakota

SIC 7369

Commissary Shelf Stocking and Custodial Services, Naval Air Station, Moffett Field, California, Mare Island Naval Shipyard, California

C. W. Fletcher,

Executive Director.

[FR Doc. 81–25901 Filed 9–3–81; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; Notice of System of Records: Change

AGENCY: Office of the Secretary, Defense.

ACTION: Notice of change to system of records notice.

SUMMARY: The Office of the Secretary of Defense proposes to change the system notice for one system of records subject to the Privacy Act of 1974. The specific change is set forth below.

DATES: This notice shall be changed as proposed without further notice on October 5, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register.**

FR Doc. 81–897 (46 FR 6427) January 21, 1981
FR Doc. 81–5568 (46 FR 12772) February 18, 1981
FR Doc. 81–6246 (46 FR 14031) February 25, 1981
FR Doc. 81–6491 (46 FR 14154) February 26, 1981
FR Doc. 81–7597 (46 FR 16114) March 11, 1981
FR Doc. 81–8041 (46 FR 16926) March 16, 1981
FR Doc. 81–8127 (46 FR 17074) March 17, 1981
FR Doc. 81–8281 (46 FR 17243) March 18, 1981
FR Doc. 81–8282 (46 FR 17243) March 18, 1981
FR Doc. 81–10201 (46 FR 20260) April 3, 1981
FR Doc. 81–10722 (46 FR 21228) April 9, 1981
FR Doc. 81–11473 (46 FR 22257) April 16, 1981
FR Doc. 81–11765 (46 FR 22632) April 20, 1981
FR Doc. 81–12892 (46 FR 23967) April 29, 1981
FR Doc. 81–13225 (46 FR 24620) May 1, 1981
FR Doc. 81–14226 (46 FR 26365) May 12, 1981
FR Doc. 81–14406 (46 FR 26676) May 14, 1981
FR Doc. 81–14909 (46 FR 27373) May 19, 1981
FR Doc. 81–14975 (46 FR 27373) May 19, 1981
FR Doc. 81–15770 (46 FR 28470) May 27, 1981
FR Doc. 81–17763 (46 FR 31306) June 15, 1981
FR Doc. 81–19042 (46 FR 33074) June 26, 1981
FR Doc. 81–20404 (46 FR 35963) July 13, 1981
FR Doc. 81–21228 (46 FR 37306) July 20, 1981
FR Doc. 81–21498 (46 FR 37751) July 22, 1981
FR Doc. 81–23482 (46 FR 40788) August 12, 1981

This proposed change is not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or altered system reports.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

August 31, 1981.

DMRA&L 15.0

SYSTEM NAME:

Reports of Defense Related Employment (46 FR 6427, January 21, 1981).

CHANGES:

RETENTION AND DISPOSAL:

Delete the entry under the above heading, and insert:

"Retire to WNRC when three years old. Destroy when 10 years old.".

DMRA&L 15.0

SYSTEM NAME:

Reports of Defense Related Employment

* * * * *

RETENTION AND DISPOSAL:

Retire to WNRC when three years old. Destroy when 10 years old.

* * * * *

[FR Doc. 81–25853 Filed 9–3–81; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-81-020; ERA Case Nos. 55096-9211-51-21, 24]

Federal Paper Board Co., Inc.; Powerplant and Industrial Fuel Use Act; Acceptance of Exemption Requests

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Acceptance of Exemption Requests.

SUMMARY: On July 20, 1980, Federal Paper Board Company, Inc. (FPB) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for both a temporary public interest exemption and a permanent cogeneration exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in new powerplants and prohibit the construction of new powerplants without alternate fuel capability. The procedure for petitioning and criteria for a temporary public interest exemption and for a permanent cogeneration exemption are published, respectively, at 10 CFR 501.3 and 503.25, and at 10 CFR 503.37 (interim rule, 44 FR 28950).

FPB proposes to install a 20.1 MW natural gas-fired combustion turbine, with oil back-up, and a 3.5. MW steam turbine generator to produce electricity and hot water heat for the Company's production process.

FUA imposes statutory prohibitions against the construction of new powerplants without alternate fuel capability and the use of petroleum or natural gas by new powerplants. ERA's decision in this matter will determine whether the proposed powerplant qualifies for the requested exemptions.

ERA has accepted these petitions pursuant to 10 CFR 501.3 and 501.63. In accordance with the provisions of section 701(c) and (d) of FUA, and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before October 19, 1981. A request for a public hearing must be made by any interested person on or before October 19, 1981.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Case Control Unit (FUA), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA-FC-81-020 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055.

Louis T. Krezanosky, New Powerplants Branch, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3012B, Washington, D.C. 20461, Phone (202) 653-4208.

Douglas Mitchell, Office of General Counsel, Room 6B-178 Forrestal Building, Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE), on May 15, 1979, and May 17, 1979, published in the **Federal Register** (44 FR 28530, 28950), and interim rule to implement provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). A final rule published on June 6, 1980 (45 FR 38276), became effective August 5, 1980, but those sections of the interim rule relating to the cogeneration exemption (44 FR 28994) remain in effect. FUA prohibits the construction of new powerplants without alternate fuel capability and the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption has been granted by ERA.

FPB plans to install a 23.5 MW gas-fired (with oil backup) cogeneration powerplant to produce electricity and steam at its Commerce, California facility. Two existing boilers would be shut down once the cogeneration facility becomes operational. The cogeneration facility will consist of a 20.1 MW General Electric LM 2500 gas turbine generator connected to a 3.5 MW steam turbine and a heat recovery steam generator. The gas turbine has a design heat input rate of 195.6 MM BTU's per hour. The heat recovery steam boiler will receive no supplemental firing. All of the electricity (approximately 23.5 MW) produced by the gas turbine will be sold to local utilities. FPB will then purchase approximately 3.5 MW of electricity from Southern California Edison Company. This electricity, along with the heat exhaust from the turbine will be utilized to provide power and steam to FPB's plant. The cogeneration facility will be treated as a powerplant because more than half of its annual electric power generation will be sold. FPB estimates that the cogeneration facility will consume up to 1,643,040 MM BTU's of natural gas per year (195.6 MM BTU's per hour x 8400 operating hours), and expects that it will begin commercial operation in the fall of 1982. In accordance with 10 CFR 503.37, FPB petitioned ERA for a permanent cogeneration exemption from the provisons of FUA to enable it to burn natural gas as a primary energy source in the facility on the basis of net oil and gas savings and on the grounds that it would be in the public interest to grant the exemption.

FPB has also petitioned for a temporary public interest exemption on the ground that construction and operation of this unit is needed to maintain industry in urban areas in the face of soaring costs of energy to the plant.

FPB has furnished information required by § 502.8 (Mixtures General Requirement), § 502.11 (Petroleum and Natural Gas Consumption), § 502.12 (Conservation Measures), and § 502.13 (Environmental Impact Analysis) of the Interim Rules.

ERA retains the right to request additional relevant information from FPB at any time during the pendency of these proceedings where circumstances or procedural requirements may so require. Acceptance of the petitions by ERA does not consititute a determination that FPB is entitled to the exemptions requested.

The public file, containing documents on these proceedings and supporting materials is available for inspection upon request at: ERA, Room B-110, 2000 M Street NW., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on August 28, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-25949 Filed 9-3-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51312, TSH-FRL 1928-6]

Certain Chemicals

Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before the manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seven PMN's and provides a summary of each.

DATES: Written comments by: PMN 81–405 and 81–406, October 22, 1981. PMN 81–407, 81–408, and 81–409, October 23, 1981. PMN 81–410 and 81–411, October 24, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51312]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No	Notice manager	Telephone	Room No
81–405	Kathleen Ehrensberger	202–426–8815	E–222
81–406	Carne Berlin	202–426–8815	E–222
81–407	Kathleen Ehrensberger	202–426–8815	E–222
81–408	George Bagley	202–426–2601	E–210.
81–409	Rose Allison	202–426–8815	E–222
81–410	George Bagley	202–426–2601	E–210.
81–411	Mary Cushmac	202–426–0503	E–229

Mail address of notice managers: Chemical Control Division (TS–794). Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–405

Close of Review Period. November 21, 1981.

Manufacturer's Identity. C. J. Osborne Chemicals, Inc., P.O. Box 1310 Merchantville, NJ 08109.

Specific Chemical Identity. Coconut-diethylene glycol-adipicisophthalic resin.

Use. The manufacturer states that the PMN substance will be used as a flexible coating.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	21,800	27,300
2d year	27,300	45,400
3d year	45,400	87,300

Physical/Chemical Properties

Solids—100%.
Viscosity—U–X
Acid number—10–20
Color—3 maximum
Weight per gallon—9.85 ± 0.1.
Solvent—None.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that workers will not be exposed to the new polymer under standard operations since manufacture will be carried out in a closed system. The only possible exposure would be incidental skin contact during sampling and discharging the material into drums.

Environmental Release/Disposal. No data were submitted.

PMN 81–406

Close of Review Period. November 21, 1981.

Importer's Identity. Duolite International, Inc., 800 Chestnut Street, Redwood City, CA 94063.

Specific Chemical Identity. Benzenemethanamine, benzene-ethenyl-N-methano-phosphoric acid/disodium salt, polymer with diethyl benzene.

Use. The importer states that the PMN substance will be used in a selective removal of multivalent cations from monovalent cation-containing solutions.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	40,000
2d year	30,000	80,000
3d year	50,000	150,000

Physical/Chemical Properties

Matrix—Crosslinked polystrene.
Physical form—Spherical, beige-colored beads.
Functional group—NH Ch^2–PO_3Na_2 (salt form).
Total exchange capacity (eg/L)—1.5.
Specific gravity (H_2O = 1)—About 1.12 (Na + form).
Bulk density (kg/L)—About 0.75.
Particle size (mm)—0.3–1.2.
Ionic form—NA_+ of PO_3H_2.
Moisture content (%)—60–65.
Chemical resistance—Insoluble in water, dilute acids and bases, and common solvents.

Toxicity Data. No data were submitted.

Exposure. The importer states that the only route of exposure, although unlikely, would be dermal contact during loading the holding tank on initial startup, or later during unloading for disposal when the resin becomes exhausted.

Environmental Release/Disposal. No data were submitted.

PMN 81–407

Close of Review Period. November 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyether polyaminoalcohol.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a totally enclosed industrial application.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–408

Close of Review Period. November 22, 1981.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkenyl pyridine.

Use. Claimed confidential business information.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	<1	1
2d year	<1	10
3d year	<1	10

Physical/Chemical Properties

Specific gravity—0.953–0.973 @ 25°C.
Solubility in water—Slightly soluble.
Appearance—Pale to light yellow.
Form—Liquid.
Refractive Index @ 25°C—1.532–1.540.
Flash point—Above 100°F.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—2.8 g/kg.

Acute dermal toxicity LD_{50} (rabbits)—>2 g/kg.

Primary skin irritation, 100% concentration (rabbits)—Not a primary irritant.

Primary eye irritation, 100% concentration (rabbits)—Not a primary occular irritant.

Human Repeated Insult Patch Test 100% concentration—No irritation, no sensitization.

Photosensitization in human subjects. 10% concentration—Not a photosensitizer.

Exposure. The importer states that the chemical substance will only be imported as a low-concentration component (less than 100 ppm). At these concentrations, its vapor pressure is neglible and the concentration in air and worker exposure are insignificant.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to air less than 1 hr/day, 100 days/yr.

PMN 81-409

Close of Review Period. November 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Manufacturing site—Middle Atlantic region Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Polymer of an alkenoic acid, alkyl alkenoate and a substituted alkyl alkenoate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	0	330,000
2d year	0	660,000
3d year	0	2,000,000

Physicial/Chemical Properties:
Solids @ 105°F—68.8%
Solids @ 150°F—67.8%
Viscosity—8.12 stokes
Color—3—
Density—8.28 lbs/gal
Flash point—109°F

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that exposure during manufacture will involve potential skin and eye contact for chemical industry employees with a frequency of once a week or less. Exposure may occur during extraction and testing of samples for quality control or during filling of shipping containers. Exposure during processing will involve potential skin, eye and inhalation contact for non-chemical industry employees frequently during working hours. Workers will be exposed to the new substance during the filling of the thinning tank, during the filling of shipment containers and during the cleaning of filtration equipment. Its use will involve no potential for direct contact for consumers (as a formulated mixture). Consumer use will involve an infrequent potential for skin contact with an article containing the new substance in a cured solid state.

Environmental Release/Disposal. The manufacturer states that trace amounts of the solvents and entering ingredients may be released through the scrubber system. After further condensation reactor vapor passes through a tower containing a saddle type packing and a water spray. The used clean air then passes to the atmosphere. Solvent is used to cleanse the equipment as needed and is reclaimed by distillation. Sludge is incinerated.

PMN 81-410

Close of Review Period. November 23, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Salt of Bis(substituted carbomonocyclic) substituted carbopolycycle.

Use. The manufacturer states that the PMN substance will be used as a chemical intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	400	700
2d year	400	700
3d year	400	700

Physical/Chemical Properties.
Solubility distilled water—~1%
Octonal—<0.1
Melting point—>300°C

Toxicity Data.
Acute oral LD_{50}—>3,000 mg/kg
Acute dermal LD_{50}—>1,000 mg/kg
Skin irritation—Slight
Eye irritation—Slight
Repeated 10 day skin application—Little or no exacerbation
Skin sensitization—None
Repeated 2-week feeding study (rats) 0.1% and 1.0% in diet—There were no significant effects on weight gain, feed intake, clinical chemistry, organ weights, gross and histopathology

Environmental Test Data.
TOD—1.86 g/g
COD—1.95 g/g
BOD_5—0.025 g/g
BOD_{20}—0.035 g/g
Secondary Waste Treatment—A solution of 300 ppm did not affect microbiological carbon metabolism
Acute Effects on Four Aquatic Species—A solution of 100 ppm showed no effect on four aquatic species

Exposure. The manufacturer states that 8 workers could experience dermal and inhalation exposure 1 hr/day, 1 day/yr. Exposure could occur during manual and mechanical transfer operations.

Environmental Release/Disposal.

Production Process Equipment. Emissions of vapor and dusts are scrubbed before release to the atomsphere in accordance with applicable state regulations. Wastewater is collected in decanting sumps where heavy layers and light layers are removed for incineration; the clarified waste water is treated in a wastewater treatment system. Liquid wastes containing combustible organics are collected and transported to an incinerator. Solid wastes containing combustible chemicals are transported to an incinerator.

Incineration. A combustible waste incinerator operating above 1600° F burns solid and liquid wastes. Flue gases pass through high energy scrubber systems. Scrubber water and ash quench water are discharged to a wastewater treatment system. Incinerators comply with applicable federal and state regulations.

Wastewater Treatment System. Wastewater is treated in an activated sludge wastewater treatment system. Organic chemicals are oxidized and/or absorbed on the produced biological sludge. The sludge is dewatered and then burned. The treated wastewater fully complies with its National Pollution Discharge Elimination System (NPDES) permit.

PMN 81-411

Close of Review Period. November 23, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of benzene carboxylic acids and alkanediols.

Use. The manufacturer states that the PMN substance will be used as a powder coating component.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data.

Acute oral LD_{50} (rat)—>5,000 mg/kg
Acute dermal LD_{50} (rat)—>3,000 mg/kg
Primary skin irritation (rabbit)—No irritation
Primary eye irritation (rabbit)—No irritation
Acute inhalation LC_{50} (rat)—>850 mg/m^3
Skin sensitization (guinea pig)—None
Ames mutagenicity—Negative

Exposure. The manufacturer states that no worker exposure is anticipated except for accidental breakage of containers. During use little exposure is anticipated due to current practices in handling powder coatings.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release to the environment except for accidental spillage.

Dated: August 28, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-25906 Filed 9-3-81; 8:45 am]

BILLING CODE 6560-31-M

[OPP-50547, PH-FRL-1928-5]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below:

Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

36638-EUP-3. Albany International, 110 A St., Needham Heights, MA 02194. This experimental use permit allows the use of 738 pounds of the pheromones (Z)-9-tetradecenal and (Z)-11-hexadecenal on cotton to evaluate control of the tobacco budworm. A total of 15,000 acres are involved. The program is authorized only in the States of Arizona, Arkansas, California, Mississippi, and Texas. The experimental use permit is effective from July 10, 1981 to July 10, 1982. A temporary exemption from the requirement of a tolerance for residues of the active ingredients in or on cottonseed has been established. (Franklin Gee, PM 17, Rm. 401, CM #2, (703-557-7028))

36638-EUP-5. Albany International, 110 A St., Needham Heights, MA 02194. This experimental use permit allows the use of 5.4 pounds of the pheromones (Z)-4-tridecen-1-yl acetate and (E)-4-tridecen-1-yl acetate on tomatoes to evaluate control of tomato pinworms. A total of 40 acres are involved. The program is authorized only in the States of Arizona and California. The experimental use permit is effective from July 20, 1981 to July 20, 1982. A permanent exemption from the requirement of a tolerance for residues of the active ingredients in or on tomatoes has been established (40 CFR 180.1064). (Franklin Gee, PM 17, Rm. 401, CM #2, (703-557-7028))

8340-EUP-6. American Hoechst Corporation, Route 202-206 N., Somerville, New Jersey 08876. This experimental use permit allows the use of 60 pounds of the insecticide [1R[1(S*)3(RS*)]]-2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)cyclopropanecarboxylic acid α-cyano-3(3-phenoxylphenyl)methylester on cotton to evaluate control of various insects. A total of 200 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, North Carolina, Tennessee, and Texas. The experimental use permit is effective from July 1, 1981 to July 1, 1982. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Franklin Gee, PM 17, Rm. 401, CM #2, (703-557-7028))

46157-EUP-1. Arizona Commission of Agriculture and Horticulture, 1688 W. Adams, Phoenix, AZ 85007. This experimental use permit allows the use of 110 pounds of the insecticide aldicarb and 55 pounds of the herbicide pendimethalin on guayule to evaluate control of sucking, piercing insects, and weeds. A total of 110 acres are involved. The program is authorized only in the State of Arizona. The experimental use permit is effective from July 17, 1981 to July 17, 1982. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Jay S. Ellenberger, PM 12, Rm. 400, CM #2, (703-557-7024))

464-EUP-68. Dow Chemical Co., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 2,010 pounds of the insecticide chlorpyrifos on lemons and oranges to evaluate control of weevils. A total of 200 acres are involved. The program is authorized only in the State of Florida. The experimental use permit is effective from June 30, 1981 to June 30, 1982. Temporary tolerances for residues of the active ingredient in or on lemons, oranges, and in dried pulp have been established. (Jay S. Ellenberger, PM 12, Rm. 400, CM #2, (703-557-7024))

279-EUP 86. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 2591.8 pounds of the insecticide (±)cyano(3-phenoxyphenyl)methyl(±) *cis-trans* 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate on alfalfa, almonds, apples, cabbage, cotton, field corn, grapes, lettuce, peaches, peanuts, pears, pecans, potatoes, sorghum, soybeans, sunflowers, sweet corn, tomatoes, and walnuts to evaluate control of various insects. A total of 2,022 acres are involved. The program is authorized in the States of Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia and Wisconsin. The experimental use permit is effective from June 5, 1981 to June 5, 1983. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Franklin Gee, PM 17, Rm. 401, CM #2 (703-557-7028))

8730-EUP-11. Health-Chem Corporation, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of 3.3 pounds of the pheromone (Z)-11-hexadecenal on artichokes to evaluate the control of the artichoke plume moth. A total of 40 areas are involved. The program is authorized only in the State of California. The experimental use permit is effective from July 14, 1981 to July 14, 1982. A temporary exemption from the

requirement of a tolerance for residues of the active ingredient in or on artichokes has been established. (Franklin Gee, PM 17, Rm. 401, CM #2, (703–557–7028))

10182–EUP–23. ICI Americas, Inc., Concord Pike & New Murphy Rd., Wilmington, DE 19897. This experimental use permit allows the use of 0.10 pound of the rodenticide brodifacoum in or around homes, industrial buildings, commercial and agricultural buildings, and inside transport vehicles and related port or terminal buildings to evaluate control of house mice, and norway and roof rats. A total of 200 sites are involved. The program is authorized only in the States of Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Iowa, Illinois, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Virginia, Washington and West Virginia. The experimental use permit is effective from July 2, 1981 to July 2, 1982. (William Miller, PM 16, Rm. 403, CM #2 (557–7040))

748–EUP–17. PPG Industries, Inc., P.O. Box 31, Barberton, OH 44203. This experimental use permit allows the use of 110 pounds of the plant growth regulator isopropyl *m*-chlorocarbanilate on tobacco to evaluate its potential as a sucker control agent in flue-cured tobacco. A total of 80 acres are involved. The program is authorized only in the States of Florida, Georgia, North Carolina, South Carolina, and Virginia. The experimental use permit is effective from July 7, 1981 to July 7, 1983. (Robert Taylor, PM 25, Rm. 412, CM #2, (703–557–7066))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: August 25, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–25907 Filed 9–3–81; 8:45 am]

BILLING CODE 6560–32–M

[ER–FRL–1929–5]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A–104), Environemtal Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EIS's), which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of August 24, 1981 to August 28, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from September 4, 1981 and will end on October 19, 1981. The 30-day review period for final EIS's, as calculated from September 4, 1981, will end on October 4, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street Arlington, Virginia 22209, (703) 558–8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 245–3006.

Dated: September 1, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A–104).

Department of Agriculture

FS: Final—Little Annie Ski Area Development, Pitkin County, Colorado (EIS order No. 810691).

Army Corps of Engineers

Final—Charlotte County Beach Erosion Control Project, Florida (EIS order No. 810695).

Final—Homer Small Boat Harbor Navigation Improvement Project, Alaska (EIS order No. 810698).

Final—Dickey-Lincoln School Lakes Project and Transmission Facilities, Maine, New Hampshire and Vermont (EIS order No. 810709).

Department of Housing and Urban Development

Draft—Weber West Housing Development, Mortgage Insurance, Weld County, Colorado (EIS order No. 810701).

Final—Landen Subdivision, Mortgage Insurance, Warren County, Ohio (EIS order No. 810690).

Final—Rippon Landing, Mortgage Insurance, Prince Williams County, Virginia (EIS order No. 810707).

Department of the Interior

BLM: Final—Cal-Neva Planning Unit Land Management Plan, Lassen County, California and Washoe County, Nevada (EIS order No. 810696).

BLM: Final—Big Desert Grazing Management Plan, Blaine, Bonneville, Butte and Power Counties, Idaho (EIS order No. 810697).

BLM: Final—Hualapai-Aquarius Planning Area Grazing Management Plan, Mohave and Yavapai Counties, Arizona (EIS order No. 810699).

BLM: Final—OCS Oil and Gas Lease Sale #67 and #69, Gulf of Mexico (EIS order No. 810708).

BR : Draft—Creston Generating Station and Transmission Facilities, Lincoln County, Washington; the review period for this EIS has been extended until November 30, 1981 (EIS order No. 810692).

Department of the Navy

Draft—Department of Defense Family Housing Units, San Diego County, California (EIS order No. 810705).

Department of Transportation

FHWA: Final—Ohio River Bridge Construction, Scioto County, Ohio and Greenup County, Kentucky (EIS order No. 810694).

FHWA: Final—I–30, I–820 to Summit Avenue, Tarrent County, Texas (EIS order No. 810710).

Department of State

Reestablishment of EIS availability date: Draft—International Center Modification, District of Columia—published FR August 21, 1981—based on the actual availability of this EIS, EPA has reestablished the date filed as August 25, 1981 and the end of the review period as October 19, 1981 (EIS order No. 810650).

Environmental Protection Agency

EPA4: Draft—Hardee County Phosphate Mining NPDES Permit, Florida; the review period for this EIS has been extended until October 30, 1981 (EIS order No. 810706).

EPA5: Draft—Nettle Lake Area Wastewater Treatment System, Case Study #6, Williams County, Ohio (EIS order No. 810703).

EPA5: Final—St. Croix and Taylor Falls Wastewater Treatment Facilities, Polk County, Wisconsin and Chicago County, Minnesota (EIS order No. 810700).

EPA6: Draft—Twining Wastewater Treatment Facilities, Taos County, New Mexico; the review period for this EIS has been extended until November 3, 1981 (EIS order No. 810704).

Federal Energy Regulatory Commission

Draft—Red Lake Salt Cavern Gas Storage Project, Mohave County, Arizona (EIS order No. 810693).

[FR Doc. 81-25984 Filed 9-3-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1929-6]

Intent To Prepare an Environmental Impact Statement; Gulf of Mexico

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of intent to prepare a draft environmental impact statement (EIS) for offshore platform hazardous waste facility.

PURPOSE: EPA has identified a need to prepare an EIS and publishes this Notice of Intent in order to allow interested parties to input the EIS process.

FOR FURTHER INFORMATION CONTACT: Mr. Conrad Kleveno, Project Monitor, Hazardous Response Support Division (WH-548A), U.S. Environmental Protection Agency, Washington, D.C. 20460, Telephone: 202/245-3048.

SUMMARY: The U.S. EPA proposes to prepare an EIS for the proposed offshore platform hazardous waste facility in the Gulf of Mexico. This action is undertaken by EPA pursuant to the authorities of Section 102(C) of the Marine Protection, Research and Sanctuaries Act which authorizes EPA to designate sites and times for ocean waste disposal. The purpose of the action is to combine an opportunity to augment both the long and short term capacities for disposal of hazardous wastes in the United States with an opportunity to obtain a unique, and possibly suitable, disposal site at no cost to the Federal Government. The action involves the location of a high temperature incinerator on an abandoned oil platform in the Gulf of Mexico.

EPA has conducted meetings with Federal and State representatives. Any persons, organizations and governments interested in being placed on the mailing list to receive information and the EIS as it becomes available, should contact the Project Monitor identified above. Written responses to this Notice will be accepted until September 25, 1981.

Dated: September 1, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81-25985 Filed 9-3-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-521; File No. 21278-CD-P-1-80]

Continental Telephone Co. of California; Application for Hearing on Stated Issues

Memorandum Opinion and Order

Adopted August 6, 1981.

Released August 14, 1981.

In re Application of Continental Telephone Company of California for a construction permit for an additional frequency on 152.75 MHz for Station KMM670 in the Domestic Public Land Mobile Radio Service near Garberville, California.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, is the captioned application of Continental Telephone Company of California (Continental). This application has neither been protested nor is it electrically mutually exclusive with any other application. However, our review of this application has raised a question concerning whether Continental has demonstrated a need for an additional frequency for Station KMM670. We find the applicant to be otherwise qualified.

2. The application includes a traffic loading study pursuant to Section 22.516 of our Rules in an attempt to demonstrate a need for the additional two-way frequency it requests. However, the loading study does not show sufficient traffic to justify an additional frequency. The traffic loading study shows a probability of blocking of .46 for one channel. As a result, we will designate an issue as to whether the applicant has adequately demonstrated a need for an additional frequency.

3. Accordingly, it is ordered, That the application of Continental Telephone Company of California, is designated for hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issue:

(a) To determine whether applicant for Station KMM670 has demonstrated a need for an additional frequency.

4. It is further ordered, That the hearing shall be held at the Commission offices at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to this proceeding.

6. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for a hearing and present evidence on the issue specified in this Memorandum Opinion and Order.

7. The Secretary shall cause a copy of this Order to be published in the Federal Register.

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-25939 Filed 9-3-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-598 File No. 21090-CD-P-(2)-81 and CC Docket No. 81-599 File No. 21672-CD-P-(2)-81]

Edward C. Smith, d.b.a. Answerite Professional Telephone Service and Repeater Supply Corp.; Applications for Hearings

Adopted August 25, 1981.

Released August 26, 1981.

In re Applications of Edward C. Smith d.b.a. Answerite Professional Telephone for construction permit for a new two-way station on frequencies 454.025 MHz and 454.100 MHz in the Domestic Public Land Mobile Radio Service at Daytona Beach, Florida and Repeater Supply Corporation for construction permit for a new two-way station on frequencies 454.025MHz and 454.100 MHz in the Domestic Public Land Mobile Radio Service at Daytona Beach, Florida.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Edward C. Smith d.b.a. AnsweRite Professional Telephone Service and Repeater Supply Corporation. These applications are electically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Edward C. Smith d.b.a. AnsweRite Professional Telephone Service, File No. 21090-CD-P-(2)-81 and Repeater Supply Corporation, File No. 21672-CD-P-(2)-81, are designated for

hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis: the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within 39 dBu contours,[1] based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[2] and to determine and compare the need for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the preceeding.

5. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-25940 Filed 9-3-81; 8:45 am]

BILLING CODE 6712-01-M

[1] For the purpose of this proceeding, the interference-free area is defined as the area within the 39 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6406, equation 8.

[2] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450–470 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

FEDERAL HOME LOAN BANK BOARD

[No. 81-352-B]

Proposed Fee Schedule for Federal Home Loan Bank Demand Deposit Services

Correction

In FR Doc. 81-22298 appearing at page 39031, in the issue of Thursday, July 30, 1981, please make the following changes:

(1) On page 39033, third column, under the italics heading "Demand Deposit Service Fees", in the chart of service charges, first line, the price, "$1.05" which appears under the word "paper" should be changed to read ".05."

(2) On page 39035, second column, in the chart under the heading "Federal Home Loan Bank of San Francisco", first line, the price "$0.016" which appears under the word "Fee" should be changed to read, "0.060".

BILLING CODE 1505-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities; Chemical New York Corp., et al.

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comments on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than September 28, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York 10045:

1. **Chemical New York Corporation,** New York, New York (financing and insurance activities; Georgia): to continue to engage, through its subsidiary, Sunamerica Corporation, in the previously approved activities of making direct loans, purchasing installment sales finance contracts, and acting as agent or broker for the sale of credit life, accident and health insurance and credit property and casualty insurance. These activities will be conducted from an office in Atlanta, Georgia, servicing Cobb County and the cities of Marietta and Smyrna. This application is for relocation of an office.

2. **Citicorp,** New York, New York (consumer finance and insurance activities; Georgia): to relocate two offices of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., from locations in Atlanta and Smyrna, Georgia to a consolidated office at 5575 Peachtree Dunwoody Road, Atlanta, Georgia and to expand the service area of the consolidated office. The previously approved activities which will be relocated to the new office are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The service area of the consolidated office is the entire State of Georgia. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

3. **Citicorp,** New York (consumer finance and insurance activities; North Carolina, Kentucky, Tennessee, Virginia, and West Virginia): to engage *de novo* through its subsidiary, Citicorp Person-

to-Person Financial Center, Inc., in the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; and the servicing, for any person, of loans and other extensions of credit. These activities would be conducted from an office of the subsidiary located in Richmond, Virginia serving the States of North Carolina, Kentucky, Tennessee, Virginia, and West Virginia. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

4. **Manufacturers Hanover Corporation,** New York, New York (sales finance lending, motor vehicle lending, home equity lending, and insurance activities; Alabama): to continue to hold the shares of Termplan Incorporated of Alabama ("Termplan") a wholly-owned indirect subsidiary, after Termplan establishes two *de novo* offices from which Termplan would engage in the activities of purchasing installment sales finance contracts, and acting as agent or broker for the sale of single credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit; and from which Termplan would engage in purchasing motor vehicle sales finance contracts, and acting as agent or broker for the sale of single credit life insurance; and from which Termplan would engage in the activities of arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, and acting as an agent or broker for the sale of single credit life insurance which is directly related to such loans and extensions of credit. Tempco Life Insurance Company would reinsure such credit life and accident and health insurance. These activities would be conducted from two *de novo* offices. The first office will be located in Montgomery, Alabama, serving the Counties of Coosa, Chilton, Tallapoosas, eastern Perry, western Lee, Autauga, Elmore, Macon, Montgomery, Bullock, Pike, Crenshaw, northern Butler, Lowndes, eastern Dallas, and eastern Wilcox. The second *de novo* office will be located in Homewood, Alabama, serving the Counties of Cullman, Blout, eastern Etowah, southeastern Winston, Walker, Jefferson, Saint Clair, eastern Fayette, eastern Tuscaloosa, Shelby, Talladega, southwestern Clay, northwestern Coosa, northern Chilton, Bibb, and western Calhoun.

5. **Manufacturers Hanover Corporation,** New York, New York, (motor vehicle lending activities and insurance activities; Louisiana): to engage through its subsidiary, Termplan Incorporated of Louisiana ("Termplan"), in purchasing motor vehicle sales finance contracts, and in the sale of credit life insurance directly related to such lending activity. These activities would be conducted from a Termplan office located in Metairie, Louisiana, serving the following parishes: Orleans, Jefferson, St. John The Baptist, St. Charles, Plaquemines, St. Bernard, and Lafourche, Louisiana.

6. **Manufacturers Hanover Corporation,** New York, New York (home equity lending, sales finance lending, motor vehicle lending, and insurance activities; Louisiana): to continue to hold the shares of Termplan Incorporated of Louisiana ("Termplan"), a wholly-owned indirect subsidiary, after Termplan establishes a *de novo* office from which Termplan would engage in the activities of arranging, making, or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, and acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit; and from which Termplan would engage in the activities of purchasing installment sales finance contracts, and acting as agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit; and from which Termplan would engage in purchasing motor vehicle sales finance contracts, and acting as agent or broker for the sale of single and joint credit life insurance. Tempco Life Insurance Company would reinsure such credit life and accident and health insurance.

These activities would be conducted from a *de novo* office located in Baton Rouge, Louisiana, and serving the following parishes: West Feliciana, East Feliciana, St. Helena, westernern Tangipahoa, eastern St. Landry, Pointe Coupee, East Baton Rouge, Livingston, St. Martin, Iberville, West Baton Rouge, Ascension, St. John the Baptist, eastern Iberia, northern St. Mary, northwestern Lafourche, and northwestern St. Charles, Louisiana.

7. **Manufacturers Hanover Company,** New York, New York (home equity lending, and insurance activities; Tennessee); to continue to hold the shares of Termplan Incorporated of Tennessee ("Termplan"), a wholly-owned indirect subsidiary, after Termplan establishes a *de novo* office from which Termplan would engage in the activities of arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, and acting as an agent or a broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit. Tempco Life Insurance Company would reinsure such credit life insurance. These activities would be conducted from a *de novo* office located in Memphis, Tennessee, and serving the following counties: southern Lauderdale, western Haywood, western Hardeman, Fayette, Tipton and Shelby, Tennessee.

B. *Federal Reserve Bank of San Franciso* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (escrow activities; Washington): to engage through its subsidiary, Security Pacific Escrow, Inc., d/b/a Summit Escrow, Inc., in acting as escrow agent for the purchase and sale of real property and the execution of all documents and dispersal of funds relating to loan transactions, and all other activities engaged in by an escrow company. These activities would be conducted from an office of Security Pacific Escrow, Inc., d/b/a Summit Escrow, Inc., located in Puyallup, Washington, serving the State of Washington.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, August 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25936 Filed 9-3-81; 8:45 am]

BILLING CODE 6210-01-M

Chaffee Bancorporation, Inc.; Formation of Bank Holding Company

Chaffee Bancorporation, Inc., Chaffee, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Chaffee, Chaffee, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25935 Filed 9-3-81; 8:45 am]

BILLING CODE 6210-01-M

Cumberland Bancorp, Inc.; Formation of Bank Holding Company

Cumberland Bancorp, Inc., Burkesville, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Cumberland, Burkesville, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25934 Filed 9-3-81; 8:45 am]

BILLING CODE 6210-01-M

Denver West Bankshares, Inc.; Formation of Bank Holding Company

Denver West Bankshares, Inc., Golden, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Denver West Bank and Trust, Golden, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25932 Filed 9-3-81; 8:45 am]

BILLING CODE 6210-01-M

First Lafayette Bancorporation; Formation of Bank Holding Company

First Lafayette Bancorporation, Lafayette, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Lafayette, Lafayette Louisiana. The factors that are considered in acting on the applicaiton are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25936 Filed 9-3-81; 8:45 am]

BILLING CODE 6210-01-M

First Lakefield Bancorp., Inc.; Formation of Bank Holding Company

First Lakefield BanCorporation, Inc., Lakefield, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88.7 percent of the voting shares of First Trust Bank of Lakefield, Lakefield, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25937 Filed 9-3-81; 8:45 am]

BILLING CODE 6210-01-M

Galena Bancorp, Inc.; Formation of Bank Holding Company

Galena Bancorp, Inc., Galena, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Galena State Bank and Trust Company, Galena, Illinois. The factors that are considered in acting on the application are set forth

in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25933 Filed 9-3-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-12]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Public Utility Commission of Texas involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Service Act of 1949, 63 Stat. 377, as amended, particularly Sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Public Utility Commission of Texas involving the application of the Southwestern Bell Telephone Company for an increase in rates for telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: August 21, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-25921 Filed 9-3-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by James C. Simmons, District Director, Cincinnati District Office, Cincinnati, OH.

DATE: The meeting will be held 11 a.m. Tuesday, September 22, 1981.

ADDRESS: The meeting will be held at the Findlay Street Neighborhood House, Findlay and Baymiller Sts., Cincinnati, OH 45214.

FOR FURTHER INFORMATION CONTACT: Theresa C. Hoog, Consumer Affairs Officer, Food and Drug Administration, 1141 Central Parkway, Cincinnati, OH 45202, 513-684-3501.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Cincinnati District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 28, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-25605 Filed 9-3-81; 8:45 am]

BILLING CODE 4110-03-M

Office of Child Support Enforcement

Privacy Act of 1974: Report of New Routine Uses

AGENCY: Department of Health and Human Services, Office of Child Support Enforcement.

ACTION: New routine uses.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(11), we are proposing to establish new routine uses of information in the Privacy Act System of records entitled Federal Parent Locator System, HHS, OCSE, 09-90-0074. This proposal will permit the disclosure of home and employment addresses and Social Security Numbers from the Parent Locator System (PLS) to assist in locating absent parents and children under the following circumstances:

(1) Any State agency having an agreement under new section 463 of the Social Security Act (42 U.S.C. 663) may obtain the information for use by

(a) Agents or attorneys of that State charged with enforcing child custody determinations or with investigations, enforcement activities, or prosecutions concerning the unlawful taking or restraint of a child.

(b) Agents or attorneys of the United States who are authorized to conduct Federal investigations, enforcement proceedings, and prosecutions concerning that State with respect to the unlawful taking or restraint of a child.

(c) Courts (or agents of courts) of that State having jurisdiction to make or enforce a child custody determination.

(2) Agents and attorneys of the United States, who are authorized to conduct Federal investigations, prosecutions, and enforcement activities involving the unlawful taking or restraint of a child in cases which concern States which do not have agreements under Section 463 of the Social Security Act, may obtain address information for those purposes directly from the PLS.

As explained in the supplementary information section below, we are proposing these disclosures pursuant to recent amendments to Title IV-D of the Social Security Act and expressions of Congressional intent in those amendments.

The purpose of this Notice is to provide public awareness of the proposal and meet the technical requirements of the Privacy Act. We invite comments on these proposed routine use disclosures.

DATES: The proposed routine uses will become effective, as proposed, without further notice on October 5, 1981, unless we receive comments on or before that

date which would result in a contrary determination.

ADDRESSES: Individuals may comment on this proposal by writting to the Deputy Director, Office of Child Support Enforcement, 10th floor, 6110 Executive Blvd., Rockville, Maryland 20852, Attention: Policy Branch. The comments will be available for public inspection Monday through Friday, 8:30 AM to 5:00 PM, in Room 1010 at the above address.

FOR FURTHER INFORMATION CONTACT: Eileen Brooks, Policy Analyst, Policy Branch, 10th Floor, Office of Child Support Enforcement, 6110 Executive Boulevard, Rockville, Md. 20852, telephone (301) 443–5350.

SUPPLEMENTARY INFORMATION: In accordance with provisions of Title IV–D, Sections 453 and 454 of the Social Security Act, as amended (42 U.S.C. 653 and 654), we maintain and operate the Federal Parent Locator Service (PLS) to assist State Child Support Enforcement Agencies (IV-D Agencies) in locating absent parents for the purpose of establishing or enforcing child support obligations. Basically, Section 453 authorizes disclosure of PLS information, which is obtained from Federal and State agencies, to authorized State officials only when such information is needed to operate State and local Child Support Enforcement programs. Congress, however, recently enacted a law which calls for a broader use of PLS information as indicated below. In order to implement this law, we are proposing to adopt new routine uses under the Privacy Act.

On December 28, 1980, Congress enacted Pub. L. 96–611, the Parental Kidnapping Prevention Act of 1980. Section 9 of this Act amended Section 454 of the Social Security Act and added a new Section 463 which provides for disclosure of address information to any State agency, having an agreement with the Secretary under that new section, when such information is to be used to locate an absent parent or child for the purpose of making or enforcing a child custody determination or for investigation, prosecution or enforcement activities relating to the unlawful taking or restraint of a child. The statutory amendment clearly provides that State and Federal attorneys and agents and State courts, charged with responsibilities regarding child custody and parental kidnapping, are to be the ultimate recipients of the information.

Moreover, Section 10 of Public Law 96–611 clearly expresses congressional intent that certain provisions of the Federal Criminal Code (18 U.S.C. 1073) apply to cases involving parental kidnapping and interstate or international flight to avoid prosecution under State felony statutes.

Accordingly, we propose the following new statements of routine use:

Provide the most recent home and employment addresses and Social Security Numbers to State agencies under agreements covered by Section 463 of the Social Security Act (42 U.S.C. 663) for the purpose of locating absent parents or children in connection with activities by State courts and State and Federal attorneys and agents charged with making or enforcing child custody determinations or conducting investigations, enforcement proceedings or prosecutions concerning the unlawful taking or restraint of children;

Provide the most recent home and employment addresses and Social Security Numbers to agents and attorneys of the United States, involved in activities in States which do not have agreements under Section 463 of the Social Security Act (42 U.S.C. 663, for purposes of locating absent parents or children in connection with Federal investigations, enforcement proceedings or prosecutions involving the unlawful taking or restraint of children.

The disclosure of PLS information to States having agreements under Section 463 of the Social Security Act for the above purposes is specifically required as one of our responsibilities under Title IV-D, as amended by Pub. L. 96–611, and amendments to regulations which we will publish in the **Federal Register.**

Disclosure directly to Federal agents and attorneys, who would use the information in connection with investigations, enforcement, and prosecution activities in cases of unlawful taking or restraint of children involving States which do not have agreements covered by Section 463 of the Social Security Act, serves the same purpose as disclosure to State IV-D agencies which have such agreements and serves the congressional intent expressed in the Parental Kidnapping Prevention Act of 1980. For these reasons, we believe that the purposes served by the new routine uses are compatible with the purposes for which the PLS information is maintained.

All location requests from the State IV–D Agency must certify that (1) they are being made to locate an absent parent for the purpose of establishing paternity or securing child support or for locating an absent parent or child in cases of parental kidnapping or child custody determinations and for no other purpose; (2) the State IV–D agency has in effect protective measures to safeguard the personal information being transferred and received from the Federal Parent Locator Service; and (3) the State IV–D agency will use or disclose this information only for the purposes prescribed in 45 CFR 303.70 of the amended regulations. All Federal, State and contractor personnel who handle this information are required to take a non-disclosure oath. All inputs and outputs will be stored in a locked receptacle in a locked room. All outputs will be labeled "For Official Use Only" and treated accordingly.

Dated: August 24, 1981.

Robert J. Myers,

Acting Director, Office of Child Support Enforcement.

09–90–0074

SYSTEM NAME:

Federal Parent Locator System, HHS OCSE

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Child Support Enforcement
Department of Health and Human Services
6110 Executive Blvd.
Rockville, Md. 20852

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on parents being sought for the purpose of establishing or enforcing support obligations against such a parent, or for locating a parent or child in cases of parental kidnapping or child custody determinations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of Absent Parent or Child, Social Security Number (when available). Date of Birth, Place of Birth, Mother's maiden name, Father's full name, State case identification number, local indentification number (State use only), State or locality originating request, date of origination, type of case (AFDC, non-AFDC full service, non-AFDC locate only, parental kidnapping), type of military service (Army, Navy, Marines, Air Force, Coast Guard, not in service, retired military (yes or no), Federal employee (yes or no), recent employer's address, known alias (last name only), date requests sent to Federal departments (SSA, IRS, DOD, NPRC, VA, RRB), date of Federal departments' responses, and indication of the type of information received; such as last home or employer address was returned, and/or a Social Security Number was returned. The actual

information returned pursuant to a request is retained in a separate file long enough to communicate that information to the State. (See Retention and Disposal section below).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 93–647
Public Law 96–611

PURPOSE(S):

Sections 453 and 454 of the Social Security Act require the Secretary to establish and conduct a Parent Locator Service to obtain information as to the whereabouts of any absent parent when such information is to be used for establishing or enforcing support obligations against such absent parent, establishing or enforcing child custody determinations, or in cases of parental kidnapping.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Federal Parent Locator Service will use and disclose information from the records maintained in this system to:

(1) Request the most recent home and employment addresses and Social Security Numbers of absent parents from any State or Federal government department, agency or instrumentality which might have such information in its records;

(2) Provide the most recent home and employment addresses and Social Security Numbers to State agencies under agreements covered by title IV–D of the Social Security Act for the purpose of locating absent parents in connection with establishing or enforcing child support obligations.

(3) Provide the most recent home and employment addresses and Social Security Numbers to State agencies under agreements covered by Section 463 of the Social Security Act (42 U.S.C. 663) for the purpose of locating absent parents or children in connection with activities by State courts and Federal attorneys and agents charged with making or enforcing child custody determinations or conducting investigations, enforcement proceedings or prosecutions concerning the unlawful taking or restraint of children;

(4) Provide the most recent home and employment addresses and Social Security Numbers to agents and attorneys of the United States, involved in activities in States which do not have agreements under Section 463 of the Social Security Act (42 U.S.C. 663) for purposes of locating absent parents or children in connection with Federal investigations, enforcement proceedings or prosecutions involving the unlawful taking or restraint of children.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

PLS records are maintained on disk and magnetic tape, and hard copy. The record is defined as a request for address information.

RETRIEVABILITY:

System records can be accessed by either a State assigned case identification number or Social Security Number.

SAFEGUARDS:

All requests from the State IV–D Agency must certify that (1) they are being made to locate an absent parent for the purpose of establishing paternity or securing child support, or in cases involving parental kidnapping or child custody determinations and for no other purpose; (2) the State IV–D agency has in effect protective measures to safeguard the personal information being transferred and received from the Federal Parent Locator Service; and (3) the State IV–D Agency will use or disclose this information for the purposes prescribed in 45 CFR 302.70. All Federal and State personnel and contractors, are required to take a nondisclosure oath. All input documents will be inventoried and accounted for. All inputs and outputs will be stored in a locked receptacle in a locked room. All outputs will be labeled "For Official Use Only" and treated accordingly. Operations control will be vested under a single system manager. Every State using the system will be verified via three levels of user ID's. All data files will be protected by unique passwords and security codes. Remote users have "read only" system access capabilities and cannot read any other function on the system. The system complies with the HHS, ADP Systems Manual Part 6, "ADP Systems Security".

RETENTION AND DISPOSAL:

Records of address information provided in response to requests are maintained only long enough to communicate the information to the State or the Federal agent or attorney requesting it. After this time they are destroyed. A record of the request only which includes information provided by the State, Federal agencies contacted, and an indication of the type of information so returned is stored on a history tape and hardcopy. All history data will be retained for five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Information and Management Systems Division Office of Child Support Enforcement Department of Health and Human Services 6110 Executive Blvd., Rockville, Md. 20852

NOTIFICATION PROCEDURE:

Contact the system manager in writing at the above address and provide your name and address. Additional information, such as your Social Security Number, date of birth or mother's maiden name, may be requested by the system manager in order to distinguish between individuals having the same or similar names.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under system manager above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES

Information is obtained from departments, agencies, or instrumentalities of the United States or any State.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–25974 Filed 9–3–81 8:45 am]
BILLING CODE 4110–12–M

Food and Drug Administration

[Docket No. 80N–0012; DESI 8884, 8924, 9049, 9405, 10367, 10826, 50168, and 50234]

Prescription Topical Anti-Infective Drug Products for Dermatologic Use; Drug Efficacy Study Implementation; Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) gives notice of two public informational meetings to announce a forthcoming **Federal Register** notice implementing the Drug Efficacy Study Implementation (DESI) review as it pertains to certain prescription topical anti-infective drug products for dermatologic use. One meeting will be directed toward health professionals, the other toward pharmaceutical manufacturers. At the meetings, the DESI review and this

specific proposed DESI action will be explained.

DATE: Both meetings will be held on September 24, 1981. The meeting for health professionals will be held from 10:30 a.m. to 12 m. The meeting for pharmaceutical manufacturers will be held from 1:30 p.m. to 3 p.m. The forthcoming DESI notice may be seen on September 24, 1981.

ADDRESS: Both meetings will be held in the Main Lobby Auditorium of the Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201. The forthcoming DESI notice may be seen at the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., and at the Food and Drug Administration Press Office (HFI–40), Rm. 3807, 200 C St. SW., Washington, D.C. 20204, from 9 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Robert J. Rice, Jr., Regulations Policy Staff (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: The DESI program is FDA's mechanism for implementing the 1962 effectiveness amendments to the Federal Food, Drug, and Cosmetic Act. The amendments require that drugs approved for marketing on the basis of safety before 1962 be reviewed for effectiveness and removed from the market if not shown to be effective.

As part of the DESI review, the Bureau of Drugs will soon publish in the **Federal Register** a notice pertaining to 112 prescription topical anti-infective drug products for dermatologic use, as well as to any identical, similar, or related products. Some of the products are very widely prescribed. (The notice will cover antibiotic or other anti-infective/steroid combinations, antibiotic combinations, and single-entity antibiotics.) The notice will revoke a temporary exemption that was granted pending studies of their effectiveness and will evaluate the results of the studies.

This notice is a step toward final resolution of the question of whether the products are effective. If the agency ultimately finds that the products lack substantial evidence of effectiveness, they will be removed from the market. However, there are further procedural steps before the final determination of effectiveness is made.

The agency will hold two open public meetings to explain the DESI review and this specific DESI action. Both meetings are open to the public and will be of similar content. It is expected, however, that the morning meeting will be of most interest to health professionals. At that meeting, the DESI review generally and its effect on the practice of medicine will be explained. The meeting for pharmaceutical manufacturers will focus primarily on the requirement for data from adequate and well-controlled clinical trials.

Both meetings will be held on September 24, 1981, in the Main Lobby Auditorium of the Hubert H. Humphrey Bldg. (address above). The health professionals meeting will be held from 10:30 a.m. to 12 m. The pharmaceutical manufacturers meeting will be held from 1:30 p.m. to 3 p.m. Seating will be on a first-come basis.

Limited numbers of copies of the DESI notice will be made available at both meetings. That notice also will be placed on public display on September 24, 1981, and may be seen at the Dockets Management Branch and at the FDA Press Office (addresses above) from 9 a.m. to 4 p.m.

Dated: September 1, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–25880 Filed 9–3–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81M–0258]

Radiometer America, Inc.; Premarket Approval of TCM10 TC Carbon Dioxide Monitoring System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the TCM10 TC Carbon Dioxide Monitoring System sponsored by Radiometer America, Inc., Westlake, OH. After reviewing the recommendation of the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by October 5, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, RM. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On December 29, 1980, Radiometer America, Inc. (formerly The London Co.), Westlake, OH, submitted to FDA an application for premarket approval of the TCM10 TC Carbon Dioxide Monitoring System. The application was reviewed by the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, an FDA advisory committee, which recommended approval of the application for the use of this device on neonates and infants. The use of this device on adults is still investigational. On August 7, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Henry Goldstein (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to

grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 5, 1981, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 28, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-25858 Filed 9-3-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0004/CP]

Tomato Juice Deviating From Identity Standards; Extension and Further Amendment of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the extension and further amendment of a temporary permit issued to Libby, McNeill & Libby, Inc., to market test tomato juice from concentrate to which ascorbic acid is added to attain a vitamin C level of 4 milligrams per fluid ounce. This action enables Libby, McNeill & Libby, Inc., to improve the quality of information to be derived from the market test by increasing the number of container sizes available to the consumer.

DATES: This amended permit is effective on September 4, 1981, and shall terminate either on the effective date of an affirmative order ruling on the FDA proposal to amend the identity standard for tomato juice, which was published in the **Federal Register** of May 9, 1978 (43 FR 19864), or 30 days after a negative order ruling on the proposal, whichever the case may be.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: A temporary permit was issued for a 15-month period to Libby, McNeill & Libby, Inc., under § 130.17 (21 CFR 130.17) on temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of the permit was published in the **Federal Register** of May 13, 1980 (45 FR 31498). Notice of the amended permit was published in the **Federal Register** of August 19, 1980 (45 FR 55281). The amended permit provided for the temporary marketing of 100,000 cases of twelve 46-ounce cans, 17,000 cases of twenty-four 12-ounce cans, and 60,000 cases of forty-eight 5½-ounce cans per month of the product to be distributed in all States except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

Libby, McNeill & Libby, Inc., asked that its existing temporary permit be extended and further amended by increasing the number of container sizes available to the consumer and expanding the areas of distribution for the 5½-ounce size can. Citing a recent market test in the Kansas City, MO, market the company stated, "Sales of the test product in fact showed a slight increase over sales of the regular label product meeting the standard of identity set forth in 21 CFR 156.145, thereby suggesting a significant consumer acceptance, if not preference, for the test product, at least in that test market." The applicant indicated, however, that the marketing of its test product was insufficient to obtain adequate data to assess the acceptability of the product in other size and glass containers.

The company has asked that its temporary permit be extended for the duration of the administrative proceeding on the proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978.

FDA concludes that it will be in the consumers' interest to extend the time period of the temporary permit and, in addition to the quantities provided for in the existing permit, to permit monthly market testing of 10,000 cases of six 46-ounce glass bottles, 25,000 cases of twelve 32-ounce glass bottles, and 12,000 cases of twenty-four 18-ounce cans of the product in all States except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, and Washington, except that 87,500 cases per month of forty-eight 5½-ounce cans will be distributed in all States except Alaska and Hawaii.

Under § 130.17, all interested persons may participate in the market test under the conditions that apply to Libby, McNeill & Libby, Inc., including the labeling requirements and the amounts to be distributed. The designated areas of distribution do not apply to such interested persons. Any interested person who elects to participate in the extended market test shall notify FDA in writing of that fact, the amount to be distributed, and the area of distribution, and shall submit, along with this notification, the labeling under which the food is to be distributed.

This permit extension, as issued to Libby, McNeill & Libby, Inc., and others who participate in accordance with the provisions set forth in this notice, is effective on September 4, 1981, and expires either on the effective date of an affirmative order ruling on the FDA proposal of May 9, 1978, or 30 days after a negative order ruling on the proposal, whichever the case may be.

Dated: August 31, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-25859 Filed 9-3-81; 8:45 am]

BILLING CODE 4110-03-M

Office of Human Development Services

Federal Allotments to States for Social Services Expenditures Pursuant to the Title XX—Social Services Block Grant Act; Promulgation for Fiscal Year 1982

AGENCY: Office of Program Coordination and Review, Office of Human Development Services, Department of Health and Human Services.

ACTION: Notice of Allocation of Title XX—Social Services Block Grant allotments for Fiscal Year 1982.

SUMMARY: This issuance sets forth the individual allotments to States for Fiscal Year 1982 pursuant to Title XX of the Social Security Act, as amended. This issuance supersedes the allotments for Fiscal Year 1982 which were promulgated in the **Federal Register,** Vol. 45, No. 237, for December 8, 1980.

FOR FURTHER INFORMATION CONTACT: HDS Regional Administrators.

SUPPLEMENTARY INFORMATION: Subtitle C of Pub. L. 97-35, enacted August 13, 1981, amended Title XX of the Social Security Act, replacing the program of grants to States for social services and for personnel training and retraining directly related to social services with the Title XX—Social Services Block Grant Program. As amended, Section

2003 of the Social Security Act authorizes $2.4 billion for Fiscal Year 1982 and provides that it be allocated as follows:

(1) Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands each receive an amount which bears the same ratio to $2.4 billion as its allocation for Fiscal Year 1981 bore to $2.9 billion;

(2) The remainder of the $2.4 billion is alloted to each State and the District of Columbia in the same proportion as that State's population is to the population of all States, based upon the most recent data available from the Department of Commerce.

For Fiscal Year 1982, the allotments are based upon the Bureau of Census 1980 Decennial Census.

EFFECTIVE DATE: These allotments shall be effective October 1, 1981.

FY 1982 Federal Allotments to States for Social Services—Title XX Block Grants

Total	$2,400,000,000
Alabama	40,989,347
Alaska	4,214,843
Arizona	28,639,857
Arkansas	24,087,827
California	249,402,791
Colorado	30,441,703
Connecticut	32,749,329
Delaware	6,269,579
District of Columbia	6,722,674
Florida	102,631,424
Georgia	57,574,754
Guam	413,793
Hawaii	10,168,309
Idaho	9,947,029
Illinois	120,312,691
Indiana	57,848,719
Iowa	30,694,594
Kansas	24,899,184
Kentucky	38,576,350
Louisiana	44,297,999
Maine	11,854,246
Maryland	44,424,444
Massachusetts	60,451,384
Michigan	97,552,539
Minnesota	42,959,786
Mississippi	26,564,047
Missouri	51,810,956
Montana	8,292,703
Nebraska	16,543,258
Nevada	8,419,149
New Hampshire	9,704,676
New Jersey	77,595,258
New Mexico	13,698,239
New York	184,999,992
North Carolina	[illegible]
North Dakota	6,880,731
Northern Mariana Islands	82,759
Ohio	113,789,147
Oklahoma	31,874,749
Oregon	27,744,203
Pennsylvania	125,043,851
Puerto Rico	12,413,793
Rhode Island	9,978,641
South Carolina	32,865,237
South Dakota	7,270,604
Tennessee	48,375,959
Texas	149,921,962
Utah	15,394,714
Vermont	5,384,462
Virgin Islands	413,793
Virginia	56,331,375
Washington	43,518,253
West Virginia	20,547,359
Wisconsin	49,577,090
Wyoming	4,982,977

Dated: August 27, 1981.

Teresa Hawkes,

Director, Office of Program Coordination and Review.

Approved: August 31, 1981.

Jaime L. Manzano,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 81-25680 Filed 9-3-81; 8:45 am]

BILLING CODE 4110-92-M

Public Health Service

Privacy Act of 1974

AGENCY: Department of Health and Human and Services; Public Health Service.

ACTION: Notification of new systems of records:

09–25–0147: Records of Participants in programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI.

09–25–0149: Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS.

09–25–0150: Records of participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to establish three new systems of records: 09–25–0147: Records of participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI; 09–25–0149: Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS; 09–25–0150: Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS. We are also proposing routine uses for these systems.

The National Institutes of Health (NIH) will collect, maintain and analyze records in the proposed systems of records in order to evaluate the methods, materials, activities and services which NIH uses in pursuing program goals.

PHS invites interested persons to submit comments on the proposed routine uses on or before October 5, 1981.

DATES: PHS has sent a report of New Systems to the Congress and to the Office of Management and Budget on August 25, 1981. The systems of records will be effective 60 days from the date submitted to OMB unless PHS receives comments on the routing uses which would result in a contrary determination.

ADDRESS: Comments should be addressed to the NIH Privacy Act Coordinator at the address listed below. Comments received will be available for inspection between 9 a.m. and 3 p.m., Monday through Friday, in Room 3B03, Building 31, at that address.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth Thibodeau, NIH Privacy Act Coordinator, Building 31, Room 3B07, 9000 Rockville Pike, Bethesda, MD 20205 (or call 301–496–4606).

SUPPLEMENTARY INFORMATION: NIH was established to improve the health of the American people by conducting biomedical research, supporting such research elsewhere by means of grants, contracts and other awards, and promoting communication and dissemination of the knowledge generated by such research. To achieve these goals, NIH sponsors a large number of programs and projects in its own facilities, throughout the nation, and overseas as well. From time to time, NIH conducts special reviews to determine how well these programs and projects are achieving their specific goals. In many cases such studies do not involve any records subject to the Privacy Act. In other cases NIH conducts studies using information contained in an existing system of records. In two general cases, however, program evaluation studies will require the maintenance of records under a system specifically devoted to evaluation studies:

(1) Evaluation studies may take the form of surveys in which individuals who have or could participate in, contribute to, or benefit from NIH programs are asked to provide opinions, suggestions or other information useful in judging how successful the programs have been. For example, surveys of how much the public knows about certain methods for reducing the risk of disease may be used to evaluate the success of programs which aim at disseminating information about disease prevention.

(2) Other special studies may collect information from existing sources. For example, in order to estimate the success of research training progams, NIH may assemble information from

scientific bibliographies about publications by individuals who have received research training support, or from NIH grant files about research grants subsequently awarded to such individuals.

The special studies may be conducted by NIH staff or by contracts awarded to other organizations. Such contracts might be awarded when NIH staff is not available to conduct a study or when other organizations are in better positions to perform such a study.

Records collected under these systems will be organized and maintained according to the particular evaluation study of which they are a part. Records will not be entered into a general or comprehensive data base; however, each institute is covering the separate sets of records it will maintain as a single umbrella system under the Privacy Act (1) because all of the sets of records serve the same purpose, (2) in order to apply consistent policies and practices in the maintenance of such records, and (3) to make it easier for subject individuals to obtain notification of or access to their records.

The routine uses proposed for all three systems are identical, and they are compatible with the purpose of evaluating NIH programs. The first three proposed routines uses are needed to accomplish the purpose of each system. Information would be disclosed as stipulated in these routine uses in the conduct, review, analysis or followup of evaluation studies. A fourth routine use, for disclosure to the Department of Justice, is proposed in order to promote fair information practices by obtaining the advice of that Department on releasing or withholding information requested by third parties under the Freedom of Information Act. The fifth proposed routine use, for disclosure to a congressional office, would not violate the privacy of an individual because such disclosure would be made only pursuant to a request initiated by the individual.

Dated: August 31, 1981.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-25-0147

SYSTEM NAME:

Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung and Blood Institute, HHS/NIH/NHLBI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records in this system are located in National Institutes of Health (NIH) facilities in Bethesda, Maryland, or in facilities of contractors of the National Heart, Lung and Blood Institute (NHLBI). Inactive records may be retired to Federal Records Centers. The address of the NIH office responsible for records in this system is that of the System Manager listed below. The addresses of current locations at contractors sites and Federal Records Centers may be obtained by writing to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system may include (1) patients of NHLBI or in NHLBI-sponsored programs, (2) participants in research studies supported by NHLBI, (3) recipients of grants, fellowships, traineeships or other awards from NHLBI, (4) employees and consultants, (5) persons, such as researchers, health care professionals or patients, who use, receive or are aware of NHLBI programs and services, and (6) members of health professions or of the general public who provide opinions or suggestions for evaluating NHLBI programs and services.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records containing two general types of information: (1) Information identifying subject individuals, and (2) information which enables NHLBI to evaluate its programs and services.

(1) Identifying information usually consists of a name and address, but it might also include a patient identification number, grant number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.

(2) Evaluative information varies according to the program which is being evaluated by a given study. Categories of evaluative information include personal and medical data on participants in clinical and research programs; publications, professional achievements and career history of employees, consultants and recipients of awards; and opinions and other information received directly from individuals in surveys and studies of NIH programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system comes from the basic legislation which defines the mission of the National Heart, Lung and Blood Institute (42 U.S.C. 229b, 241, 242*l*, 287 to 287i, 289*l*–1 to 289*l*–4).

PURPOSE OF THE SYSTEM:

This system supports evaluation of the methods, materials, activities and services used by NIH in fulfilling its legislated mandate to conduct and support biomedical research into the causes, prevention and cure of diseases, to support training of research investigators, and to support communication of biomedical information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors and collaborating researchers, organizations, and state and local officials for the purpose of improving the effectiveness of NIH programs. The recipients will be required to protect the confidentiality of such records.

2. The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

3. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, bound notebooks, or computer-accessible forms (e.g. tapes, discs or punched cards).

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number.

SAFEGUARDS:

A variety of safeguards is implemented for the various sets of

records included under this system according to the sensitivity of the data they contain. Information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information such as personal or medical history or individually identified opinions, is protected according to the level of sensitivity of the data.

Minimal safeguards for the protection of information which is not available to the general public include:

(1) *Authorized Users:* Regular access to information is limited to NIH or to contractor employees and collaborating researchers who are conducting, reviewing or contributing to the evaluation study. Other special access is granted only on a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of Information Act), as authorized by the System Manager or designated responsible official.

(2) *Physical Safeguards:* Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use.

(3) *Procedural Safeguards:* Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in computers is accessed only through the use of key words known only to authorized personnel.

In addition, sensitive records are kept in locked metal filing cabinets or in a secured room or closed containers at all times when not in use; sensitive records are not left exposed to unauthorized persons at any time.

These practices are in compliance with the standards of chapter 45–13 of the HHS General Administration Manual, supplementary chapter PHS hf: 45–13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

While reports, statistical compilations and final recommendations derived from the evaluation studies are permanent records which will be offered to the National Archives when 22 years old, individually identified records are kept for five years and then destroyed under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B–361), item 1100–C–12. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Program Planning & Evaluation
Building 31, Room 5A03
National Heart, Lung and Blood Institute (NHLBI)
Bethesda, Maryland 20205

NOTIFICATION PROCEDURE: To determine if a record exists, write to:

NHLBI Privacy Act Coordinator
Building 31, Room 5A29
National Institutes of Health
Bethesda, MD 20016

Requesters must provide the following information:

1. Full name
2. Name and location of the evaluation study or other NHLBI program in which the requester participated
3. Approximate dates of participation

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a 5,000 dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the System Manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, from other records maintained by the operating programs of NHLBI, its contractors, grantees or collaborating researchers, or from publicly available sources such as bibliographies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09–25–0149

SYSTEM NAME:

Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records in this system are located in National Institues of Health (NIH) facilities in Bethesda, Maryland, or in facilities of contractors of the National Institute of General Medical Sciences (NIGMS). Inactive records may be retired to Federal Records Centers. The address of the NIH office responsible for records in this system is that of the System Manager listed below. The addresses of current locations at contractor sites and Federal Records Centers may be obtained by writing to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system may include (1) patients of NIGMS or in NIGMS-sponsored programs, (2) participants in research studies supported by NIGMS, (3) recipients of grants, fellowships, traineeships or other awards from NIGMS, (4) employees and consultants, (5) persons, such as researchers, health care professionals or patients, who use, receive or are aware of NIGMS programs and services, and (6) members of health professions or of the general public who provide opinions or suggestions for evaluating NIGMS programs and services.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records containing two general types of information: (1) information identifying subject individuals, and (2) information which enables NIGMS to evaluate its programs and services.

(1) Identifying information usually consists of a name and address, but it might also include a patient identification number, grant number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.

(2) Evaluative information varies according to the program which is being evaluated by a given study. Categories of evaluative information include personal and medical data on participants in clinical and research programs; publications, professional achievements and career history of

employees, consultants and recipients of awards; and opinions and other information received directly from individuals in surveys and studies of NIH programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system comes from the basic legislation which defines the mission of the National Institute of General Medical Sciences (42 U.S.C. 229b, 241, 242*l*, 289e, 289g, 289*l*–1 to 289*l*–4, 300b–1, 300d–21).

PURPOSE OF THE SYSTEM:

This system supports evaluation of the methods, materials, activities and services used by NIH in fulfilling its legislated mandate to conduct and support biomedical research into the causes, prevention and cure of diseases, to support training of research investigators, and to support communication of biomedical information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors and collaborating researchers, organizations, and state and local officials for the purpose of improving the effectiveness of NIH programs. The recipients will be required to protect the confidentiality of these records.

2. The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

3. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, bound notebooks, or computer-accessible forms (e.g. tapes, discs or punched cards).

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number.

SAFEGUARDS:

A variety of safeguards are implemented for various sets of records included under this system according to the sensitivity of the data they contain. Information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information such as personal or medical history or individually identified opinions, is protected according to the level of sensitivity of the data.

Minimal safeguards for the protection of information which is not available to the general public include:

(1) *Authorized Users:* Regular access to information is limited to NIH or to contractor employees and collaborating researchers who are conducting, reviewing or contributing to the evaluation study. Other special access is granted only on a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of Information Act), as authorized by the System Manager or designated responsible official.

(2) *Physical Safeguards:* Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use.

(3) *Procedural Safeguards:* Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in computers is accessed only through the use of key words known only to authorized personnel.

In addition, sensitive records are kept in locked metal filing cabinets or in a secured room or closed containers at all times when not in use; sensitive records are not left exposed to unauthorized persons at any time.

These practices are in compliance with the standards of chapter 45–13 of the HHS General Administration Manual, supplementary chapter PHS hf: 45–13, and Part 6, Systems Security, of the HHS Systems Manual.

RETENTION AND DISPOSAL:

While reports, statistical compilations and final recommendations derived from the evaluation studies are permanent records which will be offered to the National Archives when 22 years old, individually identified records are kept for five years and then destroyed under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B–361), item 1100–C–12. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGER AND ADDRESS:

Health Science Administrator, Cellular and Molecular Basis of Disease Program, National Institute of General Medical Sciences (NIGMS), Westwood Building, Room 907, Bethesda, Maryland 20205.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: NIGMS Privacy Act Coordinator, Westwood Building, Room 9A10, National Institutes of Health, Bethesda, MD 20016.

Requesters must provide the following information:

1. Full name.

2. Name and location of the evaluation study or other NIGMS program in which the requester participated.

3. Approximate dates of participation.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a 5,000 dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the System Manager and reasonably identify the record, specify the information being contested and

state the corrective action sought and the reasons for the correction.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, from other records maintained by the operating programs of NIGMS, its contractors, grantees or collaborating researchers, or from publicly available sources such as bibliographies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0150

SYSTEM NAME:

Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records in this system are located in National Institutes of Health (NIH) facilities in Research Triangle Park, North Carolina, or in facilities of contractors of the National Institute of Environmental Health Sciences (NIEHS). Inactive records may be retired to Federal Records Centers. The address of the NIH office responsible for records in this system is that of the System Manager listed below. The addresses of current locations at contractor sites and Federal Records Centers may be obtained by writing to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system may include (1) patients of NIEHS or in NIEHS-sponsored programs, (2) participants in research studies supported by NIEHS, (3) recipients of grants, fellowships, traineeships or other awards from NIEHS, (4) employees and consultants, (5) persons, such as researchers, health care professionals or patients, who use, receive or are aware of NIEHS programs and services, and (6) members of health professions or of the general public who provide opinions or suggestions evaluating NIEHS programs and services.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records containing two general types of information: (1) Information identifying subject individuals, and (2) information which enables NIEHS to evaluate its programs and services.

(1) Identifying information usually consists of a name and address, but it might also include a patient identification number, grant number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.

(2) Evaluative information varies according to the program which is being evaluated by a given study. Categories of evaluative information include personal and medical data on participants in clinical and research programs; publications, professional achievements and career history of employees, consultants and recipients of awards; and opinions and other information received directly from individuals in surveys and studies of NIH programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system comes from the basic legislation which defines the mission of the National Institute of Environmental Health Sciences (42 U.S.C. 229b, 241, 242*l*, 289*l*–1 to 289*l*–4, 15 U.S.C. 793).

PURPOSE OF THE SYSTEM:

This system supports evaluation of the methods, materials, activities and services used by NIH in fulfilling its legislated mandate to conduct and support biomedical research into the causes, prevention and cure of diseases, to support training of research investigators, and to support communication of biomedical information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HHS contractors and collaborating researchers, organizations, and state and local officials for the purpose of improving the effectiveness of NIH programs. The recipients will be required to protect the confidentiality of these records.

2. The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act Safeguards with respect to such records.

3. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, bound notebooks, or computer-accessible forms (e.g. tapes, discs or punched cards).

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number.

SAFEGUARDS:

A variety of safeguards is implemented for the various sets of records included under this system according to the sensitivity of the data they contain. Information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information such as personal or medical history or individually identified opinions, is protected according to the level of sensitivity of the data.

Minimal safeguards for the protection of information which is not available to the general public include:

(1) *Authorized Users:* Regular access to information is limited to NIH or to contractor employees and collaborating researchers who are conducting, reviewing or contributing to the evaluation study. Other special access is granted only on a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of Information Act), as authorized by the System Manager or designated responsible official.

(2) *Physical Safeguards:* Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use.

(3) *Procedural Safeguards:* Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in computers is accessed only through the use of key words known only to authorized personnel.

In addition, sensitive records are kept in locked metal filing cabinets or in a

secured room or closed containers at all times when not in use; sensitive records are not left exposed to unauthorized persons at any time.

These practices are in compliance with the standards of chapter 45–13 of the HHS General Administration Manual, supplementary chapter PHS hf: 45–13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

While reports, statistical compilations and final recommendations derived from the evaluation studies are permanent records which will be offered to the National Archives when 22 years old, individually identified records are kept for five years and then destroyed under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B–361), item 1100–C–12. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGER AND ADDRESS:

Program Analyst, Office of Program Planning and Evaluation, National Institute of Environmental Health Sciences (NIEHS), P.O. Box 12233, Research Triangle Park, N.C. 27709.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: Program Analyst, Office of Program Planning and Evaluation, National Institute of Environmental Health Sciences (NIEHS), P.O. Box 12233, Research Triangle Park, N.C. 27709.

Requesters must provide the following information:

1. Full name.
2. Name and location of the evaluation study or other NIEHS program in which the requester participated.
3. Approximate dates of participation.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a 5,000 dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the System Manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, from other records maintained by the operating programs of NIEHS, its contractors, grantees or collaborating researchers, or from publicly available sources such as bibliographies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–25803 Filed 9–3–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Dickinson District Advisory Council Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Meeting.

SUMMARY: The citizen advisory council for the Bureau of Land Management's Dickinson District will meet October 15 and 16, 1981. There will be five topics before the council: leasing target for federal coal in the Fort Union Coal Region; ranking factors to be used in recommending federal coal tracts for leasing; BLM environmental documents covering the 24 Fort Union coal tracts; the regional environmental impact statement for federal coal leasing to be published in 1982; and the Southwest and McKenzie-Williams management framework plans.

District staff will take the council on a field tour of the Dunn Center Southeast coal tract (in Dunn County) on October 15. Later that day, the council will attend an open house and public hearing sponsored by the regional coal team. The formal council meeting will begin at 8:00 a.m. MDT on October 16.

The council is chartered by the Secretary of the Interior to give citizen counsel and advice to the Dickinson District Manager regarding planning and management of public lands and resources. The tour, open house and hearing, and formal council meeting are open to the public; however, transportation for the tour will be provided only for the council members. Persons wishing to submit a written statement to the council should contact the Dickinson District Manager. Those wishing to make an oral statement before the council can do so at 10:00 a.m., October 16.

DATE, TIME, LOCATION: *Field Tour*—Leave Dickinson at 12:30 p.m. October 15 from the parking lot of the Gate City Building, 204 Sims Street. Return to Dickinson by 5:00 p.m.

Open House—7:00 p.m. October 15 in the auditorium of the Stark County Courthouse, Dickinson.

Hearing—8:00 p.m. October 15, same location as open house.

Advisory Council Meeting—8:00 a.m. until Noon, October 16. Community Room (basement) of the Gate City Building, 204 Sims Street, Dickinson.

FOR FURTHER INFORMATION CONTACT: Charles E. Steele, Dickinson District Manager; P.O. Box 1229; Dickinson, North Dakota 58601–1229. Telephone (701) 225–9148.

Kenneth H. Burke,

Acting District Manager.

[FR Doc. 81–25886 Filed 9–3–81; 8:45 am]

BILLING CODE 4310–84–M

Outer Continental Shelf; Alaska Regional Technical Working Group Committee Notification of Advisory Committee Vacancies (Discretionary Secretarial Appointments)

Committee: Alaska Regional Technical Working Group Committee, Outer Continental Shelf Advisory Board.

Purpose: To advise the Secretary, through the Director, Bureau of Land Management, on technical matters of regional concern relating to the Outer Continental Shelf (OCS) oil and gas leasing program in the Alaska region.

The Committee is responsible for providing recommendations and information regarding pre-lease and post-lease sale activities, including environmental statement preparation and stipulation development, regional environmental studies, and transportation planning.

Number of Vacancies: 5.

Total Number of Discretionary Secretarial Appointments: 7.

Length of Term: 2 years.

Compensation: Travel/per diem for attendance at meetings.

Qualifications: Appointees will be selected to effect a balance in terms of points of view, and on the basis of technical or other expertise relevant to OCS-related activities. Applicants for

membership should be familiar with the OCS oil and gas program. Applicants should also be capable of dealing with specific technical problems of production and transportation of offshore oil and gas as well as the economic and environmental factors involved. Additionally, applicants should have experience in or a working understanding of interagency coordination at the Federal or State level and should possess competence in or more of the following disciplines;

a. Geology
b. Oceanography
c. Oil and Gas Transportation Planning
d. Land-use Planning
e. Economics
f. Marine Recreation
g. Terrestrial Wildlife
h. Fisheries Biology
i. Engineering
j. Marine Biology.

Remarks: The Regional Technical Working Group (RTWG) Committees represent one of three types of committees of the OCS Advisory Board. The Board includes, in addition to the RTWG Committees, a National Scientific Committee and a National Policy Committee. The RTWG Committees have been established in each of the six OCS leasing regions and provide the forum which is used in the operation of the Intergovernmental Planning Program for OCS Oil and Gas Leasing, Transportation and Related Facilities. This program of technical level coordination and planning was established in 1979 and is administered by the Bureau of Land Management. The RTWG Committees are comprised of representatives from the States within each leasing region and include regional representatives from the Bureau of Land Management, U.S. Geological Survey, U.S. Fish and Wildlife Service, Environmental Protection Agency, National Oceanic and Atmospheric Administration, and the U.S. Coast Guard; representatives from the oil and gas industry; and other private and special interests.

Note.—This vacancy announcement is for recruitment of private sector members only. State members are nominated by the Governors of the affected States and Federal agency members by affected Federal agency heads.

Letters of recommendation should be accompanied by brief resumes and should be directed to Ms. Esther Wunnicke, Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510.

The final date for receipt of applications will be October 21, 1981. For additional information with regard to this committee vacancies, contact Mr. Gordon Euler at the above address or telephone 907–276–2955.

Dated: August 29, 1981.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 81–25867 Filed 9–3–81; 8:45 am]

BILLING CODE 4310–84–M

Outer Continental Shelf; Gulf of Mexico Regional Technical Working Group Committee Notification of Advisory Committee Vacancies (Discretionary Secretarial Appointments)

Committee: Gulf of Mexico Regional Technical Working Group Committee, Outer Continental Shelf Advisory Board.

Purpose: To advise the Secretary, through the Director, Bureau of Land Management, on technical matters of regional concern relating to the Outer Continential Shelf (OCS) oil and gas leasing program in the Gulf of Mexico region.

The Committee is responsible for providing recommendations and information regarding pre-lease and post-lease sale activities, including environmental statement preparation and stipulation development, regional environmental studies, and transportation planning.

Number of Vacancies: 5.

Total Number of Discretionary Secretarial Appointments: 7.

Length of Term: 2 years.

Compensation: Travel/per diem for attendance at meeting.

Qualifications: Appointees will be selected to effect a balance in terms of points of view, and on the basis of technical or other expertise relevant to OCS-related activities. Applicants for membership should be familiar with the OCS oil and gas program. Applicants should also be capable of dealing with specific technical problems of production and transportation of offshore oil and gas as well as the economic and environmental factors involved. Additionally, applicants should have experience in or a working understanding of interagency coordination at the Federal or State level and should possess competence in one or more of the following disciplines:

a. Geology
b. Oceanography
c. Oil and Gas Transportation Planning
d. Land-use Planning
e. Economics
f. Marine Recreation
g. Terrestrial Wildlife
h. Fisheries Biology
i. Engineerting
j. Marine Biology.

Remarks: The Regional Technical Working Group (RTWG) Committees represent one of three types of committees of the OCS Advisory Board. The Board includes, in addition to the RTWG Committees, a national Scientific Committee and a national Policy Committee. The RTWG Committees have been established in each to the six OCS leasing regions and provide the forum which is used in the operation of the Intergovernmental Planning Program for OCS Oil and Gas Leasing, Transportation and Related Facilities. This program of technical level coordination and planning was established in 1979 and is administered by the Bureau of Land Management. The RTWG Committees are comprised of representatives from the States within each leasing region and include regional representatives from the Bureau of Land Management, U.S. Geological Survey, U.S. Fish and Wildlife Service, Enviromental Protection Agency, National Oceanic and Atmospheric Administration, and the U.S. Coast Guard; representative from the oil and gas industry; and other private and special interests.

Note.—This vacancy announcement is for recruitment of private sector members only. State members are nominated by the Governors of the affected States and Federal agency members by affected Federal agency heads.

Letters of recommendation should be accompanied by brief resumes and should be directed to Mr. John Rankin, Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130.

The final date for receipt of applications will be October 21, 1981. For additional information with regard to this committee vacancies, contact Mr. Sydney Verinder at the above address or telephone 504–582–6541.

Dated: August 29, 1981.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 81–25869 Filed 9–3–81; 8:45 am]

BILLING CODE 4310–84–M

Outer Continental Shelf; North and Mid-Atlantic Regional Technical Working Group Committees Notification of Advisory Committee Vacancies (Discretionary Secretarial Appointments)

Committee: North and Mid-Atlantic Regional Technical Working Group Committees, Outer Continental Shelf Advisory Board.

Purpose: To advise the Secretary, through the Director, Bureau of Land Management, on technical matters of regional concern relating to the Outer Continental Shelf (OCS) oil and gas leasing program in the North and Mid-Atlantic regions. These two Committees will meet as one for the time being.

The Committee is responsible for providing recommendations and information regarding pre-lease and post lease sale activities, including environmental statement preparation and stipulation development, regional environmental studies, and transportation planning.

Number of Vacancies: 12.

Total Number of Discretionary Secretarial Appointments: 16.

Length of Term: 2 years.

Compensation: Travel/per diem for attendance at meeting.

Qualifications: Appointees will be selected to effect a balance in term of points of view, and on the basis of technical or other expertise relevant to OCS-related activities. Applicants for membership should be familiar with the OCS oil and gas program. Applicants should also be capable of dealing with specific technical problems of production and transportation of offshore oil and gas as well as the economic and environmental factors involved. Additionally, applicants should have experience in or a working understanding of interagency coordination at the Federal or State level and should possess competence in one or more of the following disciplines:

a. Geology
b. Oceanography
c. Oil and Gas Transportation Planning
d. Land-use Planning
e. Economics
f. Marine Recreation
g. Terrestrial Wildlife
h. Fisheries Biology
i. Engineering
j. Marine Biology

Remarks: The Regional Technical Working Group (RTWG) Committees represent one of three types of committees of the OCS Advisory Board. The Board includes, in addition to the RTWG Committees, a national Scientific Committee and a national Policy Committee. The RTWG Committees have been established in each of the six OCS leasing regions and provide the forum which is used in the operation of the Intergovernmental Planning Program for OCS Oil and Gas Leasing, Transportation and Related Facilities. This program of technical level coordination and planning was established in 1979 and is administered by the Bureau of Land Management. The RTWG Committees are comprised of representatives from the States within each leasing region and include regional representatives from the Bureau of Land Management, U.S. Geological Survey, U.S. Fish and Wildlife Service, Environmental Protection Agency, National Oceanic and Atmospheric Administration, and the U.S. Coast Guard; representatives from the oil and gas industry; and other private and special interest.

Note.—This vacancy announcement is for recruitment of private sector members only. State members are nominated by the Governors of the affected States and Federal agency members by affected Federal agency heads.

Letters of recommendation should be accompanied by brief resumes and should be directed to Mr. Frank Basile, Manager, New York Outer Continental Shelf Office, Bureau of Land Management, 26 Federal Plaza, Federal Building, Suite 32–120, New York, New York 10278.

The final date for receipt of applications will be October 21, 1981. For additional information with regard to this committee vacancies, contact Mr. Richard Barnett at the above address or telephone 212–264–1061.

Dated: August 29, 1981.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 81–25866 Filed 9–3–81; 8:45 am]
BILLING CODE 4310–84–M

Outer Continental Shelf; Pacific Regional Technical Working Group Committee Notification of Advisory Committee Vacancies (Discretionary Secretarial Appointments)

Committee: Pacific Regional Technical Working Group Committee, Outer Continental Shelf Advisory Board.

Purpose: To advise the Secretary, through the Director, Bureau of Land Management, on technical matters of regional concern relating to the Outer Continental Shelf (OCS) oil and gas leasing program in the Pacific region.

The Committee is responsible for providing recommendations and information regarding pre-lease and post lease sale activities, including environmental statement preparation and stipulation development, regional environmental studies, and transportation planning.

Number of Vacancies: 3.

Total Number of Discretionary Secretarial Appointments: 7.

Length of Term: 2 years.

Compensation: Travel/per diem for attendance at meeting.

Qualifications: Appointees will be selected to effect a balance in terms of points of view, and on the basis of technical or other expertise relevant to OCS-related activities. Applicants for membership should be familiar with the OCS oil and gas program. Applicants should also be capable of dealing with specific technical problems of production and transportation of offshore oil and gas as well as the economic and environmental factors involved. Additionally, applicants should have experience in or a working understanding of interagency coordination at the Federal or State level and should possess competence in one or more of the following disciplines.

a. Geology
b. Oceanography
c. Oil and Gas Transportation Planning
d. Land-use Planning
e. Economics
f. Marine Recreation
g. Terrestrial Wildlife
h. Fisheries Biology
i. Engineering
j. Marine Biology

Remarks: The Regional Technical Working Group (RTWG) Committees represent one of three types of committees of the OSC Advisory Board. The Board includes, in addition to the RTWG Committees, a national Scientific Committee and a national Policy Committee. The RTWG Committees have been established in each of the six OCS leasing regions and provide the forum which is used in the operation of the Intergovernmental Planning Program for OCS Oil and Gas Leasing, Transportation and Related Facilities. This program of technical level coordination and planning was established in 1979 and is administered by the Bureau of Land Management. The RTWG Committees are comprised of representatives from the South within each leasing region and include regional representatives from the Bureau of Land Management, U.S. Geological Survey, U.S. Fish and Wildlife Service, Environmental Protection Agency, National Oceanic and Atmospheric Administration, and the U.S. Coast Guard; representatives from the oil and

gas industry; and other private and special interests.

Note.—This vacancy announcement is for recruitment of private sector members only. State members are nominated by the Governors of the affected State and Federal agency members by affected Federal agency heads.

Letters of recommendation should be accompanied by brief resumes and should be directed to Mr. William E. Grant, Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 1340 W. Sixth Street, Room 200, Los Angeles, California 90017.

The final date for receipt of applications will be October 21, 1981. For additional information with regard to this committee vacancies, contact Ms. Ellen Aronson at the above address or telephone 213–688–6758.

Dated: August 29, 1981.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 81-25870 Filed 9-3-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf; South Atlantic Regional Technical Working Group Committee Notification of Advisory Committee Vacancies (Discretionary Secretarial Appointments)

Committee: South Atlantic Regional Technical Working Group Committee, Outer Continental Shelf Advisory Board.

Purpose: To advise the Secretary, through the Director, Bureau of Land Management, on technical matters of regional concern relating to the Outer Continental Shelf (OCS) oil and gas leasing program in the South Atlantic region.

The Committee is responsible for providing recommendations and information regarding pre-lease and post lease sale activities, including environmental statement preparation and stipulation development, regional environmental studies, and transportation planning.

Number of Vacancies: 3.

Total Number of Discretionary Secretarial Appointments: 7.

Length of Term: 2 years.

Compensation: Travel/per diem for attendance at meeting.

Qualifications: Appointees will be selected to effect a balance in terms of points of view, and on the basis of technical or other expertise relevant to OCS-related activities. Applicants for membership should be familiar with the OCS oil and gas program. Applicants should also be capable of dealing with specific technical problems of production and transportation of offshore oil and gas as well as the economic and environmental factors involved. Additionally, applicants should have experience in or a working understanding of interagency coordination at the Federal or State level and should possess competence in one or more of the following disciplines:

a. Geology
b. Oceanography
c. Oil and Gas Transportation Planning
d. Land-use Planning
e. Economics
f. Marine Recreation
g. Terrestrial Wildlife
h. Fisheries Biology
i. Engineering
j. Marine Biology

Remarks: The Regional Technical Working Group (RTWG) Committees represent one of three types of committees of the OCS Advisory Board. The Board includes, in addition to the RTWG Committees, a national Scientific Committee and a national Policy Committee. The RTWG Committees have been established in each of the six OCS leasing regions and provide the forum which is used in the operation of the Intergovernmental Planning Program for OCS Oil and Gas Leasing, Transportation and Related Facilities. This program of technical level coordination and planning was established in 1979 and is administered by the Bureau of Land Management. The RTWG Committees are comprised of representatives from the States within each leasing region and include regional representatives from the Bureau of Land Management, U.S. Geological Survey, U.S. Fish and Wildlife Service, Environmental Protection Agency, National Oceanic and Atmospheric Administration, and the U.S. Coast Guard; representatives from the oil and gas industry; and other private and special interests.

Note.—This vacancy announcement is for recruitment of private sector members only. State members are nominated by the Governors of the affected States and Federal agency members by affected Federal agency heads.

Letters of recommendations should be accompanied by brief resumes and should be directed to Mr. Frank Basile, Manager, New York Outer Continental Shelf Office, Bureau of Land Management, 26 Federal Plaza, Federal Building, Suite 32–120, New York, New York 10278.

The final date for receipt of applications will be October 21, 1981. For additional information with regard to this committee vacancies, contact Mr. Richard Barnett at the above address or telephone 212–264–1061.

Dated: August 29, 1981.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 81-25871 Filed 9-3-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming and Montana; Powder River Regional Coal Team Meeting

August 28, 1981.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Agenda Amendment.

SUMMARY: The **Federal Register** Notice, Vol. 46, No. 141, page 37984, July 23, 1981, stated the Powder River Regional Coal Team will meet October 2, 1981, to formally review the Draft Environmental Impact Statement and all public comments and to review their selection of alternatives. Also to be included in the meeting agenda will be a discussion of the AMAX Northern Cheyenne exchange proposal which includes portions of the Duck Nest Creek tract. It is requested that any companies interested in the leasing of the Duck Nest Creek tract attend the regional coal team meeting and be prepared to discuss the extent of their interest in the tract; generally, how they would mine and transport the coal, and how they would deal with the intervening private lands. The purpose of this discussion is to bring all the facts to the surface in a public forum. The regional coal team will not vote on a resolution.

The regional coal team will also request public comments on the matter of the scheduling of the proposed lease sale in the Powder River Region.

FOR FURTHER INFORMATION CONTACT: Robert O. Buffington, Regional Coal Team Chairperson, 208–324–1401, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Boise, Idaho 83724, or J. Stan McKee, Project Manager, 307–778–2220, extension 2413, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

F. William Eikenberry,

Associate State Director.

[FR Doc. 81-25794 Filed 9-3-81; 8:45 am]

BILLING CODE 4310-84-M

[INT FES 81-37]

Gulf of Mexico Outer Continental Shelf; Availability of Final Environmental Impact Statement for Proposed OCS Oil and Gas Lease Sales No. 67 and 69

Pursuant to Section 102(2)(c) the National Environmental Policy Act of

1969 the Bureau of Land Management had prepared a final environmental impact statement relating to proposed oil and gas lease sales of 478 tracts of submerged lands on the Outer Continental Shelf of the Gulf of Mexico (OCS Sale Nos. 67 and 69).

Single copies of the final environmental impact statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the final environmental impact statement will also be available for review in the following libraries:

Austin Public Library, 401 West Ninth Street, Austin, Texas
Houston Public Library, 500 McKinney Street, Houston, Texas
Rosenburg Library, 2310 Sealy Street, Galveston, Texas
Dallas Public Library, 1954 Commerce Street, Dallas, Texas
New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana
Lafayette, Public Library, 301 West Congress Street, Lafayette, Louisiana
Calcasieu Parish Library, Downtown Branch, Lake Charles, Louisiana
Harrison County Library, 21st Avenue & Beach Street, Gulfport, Mississippi
Brazoria County Library, 410 Brazosport Boulevard, Freeport, Texas
La Ratama Library, 505 Mesquite Street, Corpus Christi, Texas
Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Texas
West Florida Regional Library, 200 West Gregory Street, Pensacola, Florida
Northwest Regional Library, System, 25 West Government Street, Panama, Florida
Leon County Public Library, 127 North Monroe Street, Tallahassee, Florida
Mobile Public Library, 701 Government Street, Mobile, Alabama
Montgomery Public Library, 445 South Lawrence Street, Montgomery, Alabama
St. Peterburg Public Library, 3745 Ninth Avenue North, St. Petersburg, Florida
Lee County Free Library, 3355 Fowler Street, Fort Myers, Florida
Charlotte-Glades Regional Library System, 801 NW Aaron Street, Fort Charlotte, Florida
Tampa-Hillsborough County Public Library System, 800 North Ashley Street, Tampa, Florida

Bruce Blanchard,

Director, Environmental Project Review.

September 1, 1981.

[FR Doc. 81-25918 Filed 9-3-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Draft National Waterfowl Management Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Service announces availability for public comment of a revised draft National Waterfowl Management Plan. The purpose of the plan is to guide the efforts of State and Federal agencies who share a public interest in the welfare of waterfowl. The document sets forth national goals, objectives, policies and strategies for the cooperative management of waterfowl in the United States, and provides a basis for developing detailed management plans for each of the four waterfowl flyways. It contributes to the eventual development of a North American waterfowl management plan.

DATES: Comments on this revised draft plan will be accepted until October 5, 1981.

ADDRESSES: Send comments to: Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Copies of the revised draft plan may be obtained from: U.S. Fish and Wildlife Service, Office of Migratory Bird Management, 1717 H Street, N.W. (Room 555), Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: George K. Brakhage, Assistant Chief, Office of Migratory Bird Management at (202) 254-3207.

Dated: September 1, 1981

F. Eugene Hester,

Acting Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-25931 Filed 9-3-81; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524 (b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Cardinal Paper Company, Inc., 220 East Reno, P.O. Box 25187, Oklahoma City, Oklahoma 73125.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation: (i) Artex-Lane Company, Inc., a Texas Corporation.

1. Parent corporation and address of principal office: Congoleum Corporation, a Delaware corporation, P.O. Box 4040, 600 State Street, Portsmouth, New Hampshire 03801.

2. Wholly-owned subsidiaries which will participate in the operations and status of incorporation: Bath Iron Works Corporation, a Maine corporation; Congoleum Cartage Corporation, a Delaware Corporation.

1. Parent corporation and address of principal office: Overhead Door Corporation (an Indiana corporation), 6750 LBJ Freeway, P.O. Box 400150, Dallas, Texas 75240.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(1) Architectural Engineering Products Company, San Diego, California

(2) DaFran Corporation (dba Overhead Door Company of Tampa Bay), Tampa, Florida

(3) General Aluminum Corporation, Carrollton, Texas (Sales subsidiary, only)

(4) Heritage Door Company, Philadelphia, Pennsylvania

(5) Johnson International Sales Corp., Richmond, Indiana

(6) W.B. McGuire Co. Inc., Hudson, New York; W.B. McGuire Co. Internatonal, Inc., Hudson, New York

(7) OHD Corporation, Dallas, Texas; Childers Manufacturing Division, Dallas, Texas

(8) OHD Financial Services Group, Inc., Dallas, Texas

(9) OHD International, Inc., Dallas, Texas

(10) Overhead Door Company of Canada, Ltd., Oakville, Ontario; Woodchuck Manufacturing Division, Coquitlam, British Columbia

(11) Overhead Door Company of Denver, Inc., Denver, Colorado

(12) Overhead Door Corporation of Texas
Andes-Kwikway Division, Mt. Pleasant, Texas
Conso Tool Division, Dallas, Texas
Horton Automatics Division, Corpus Christi, Texas
National Fireplace Division, Richardson, Texas
Overhead Door Company of Houston, Texas
Processing Division, Dallas, Texas
Texas Division, Dallas, Texas

(13) Prospect Garage Door Company, Inc. (dba Overhead Door Company of Chicagoland), Chicago, Illinois

(14) Span Metals Corporation, Dallas, Texas

(15) Spartan Casket Shell, Inc., Lynn, Indiana

(16) UEC Manufacturing Company, Oklahoma City, Oklahoma.

3. Divisions which will participate in the operations, and State(s) of incorporation:

(1) Advance Industries Division, Appleton, Wisconsin
(2) California Division, Rancho Cordova, California
(3) Flush Door Division, Ft. Worth, Texas
(4) General Aluminum Division, Carrollton, Texas & Boise, Idaho
(5) Georgia Division, Athens, Georgia
(6) Indiana Division, Hartford City, Indiana
(7) Johnson Sheet Metal Works Division, Richmond, Indiana
(8) Kentucky Division, Covington, Kentucky
(9) McKinney Electronics Division, Costa Mesa, California
(10) Nebraska Division, Grand Island, Nebraska
(11) New York Division, Cortland, New York
(12) Operator Division, Shelbyville, Indiana
(13) Oregon Division, Salem, Oregon
(14) Pennsylvania Division, Lewistown, Pennsylvania
(15) Todco Door Division, Florence, Alabama; Fresno, California; Marion, Ohio; Womelsdorf, Pennsylvania
(16) Todco Engineered Products Division, Cattaraugus, New York
(17) Todco Jifflox Division, Hayward, California
(18) Todco Mechanical & Hydraulic Division, Toledo, Ohio.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25891 Filed 9-3-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-3-158

Decided: August 28, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly, and Williams. Member Williams not participating.

MC 147915 (Sub-4), filed August 21, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Boulevard & Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street NW., Suite 501, Washington, DC 20036, (202) 296-2900. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157815, filed August 20, 1981. Applicant: S & E TRUCKING, 3858 West 6290 South, West Jordan, UT 84084. Representative: Sharon S. McClellan (same address as applicant) (801) 966-4870. Transporting *food and other edible products, and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157854, filed August 21, 1981. Applicant: CENTRAL DISPATCH, INC., Box 39B, Route #2, Glyndon, MN 56547. Representative: Jeffrey J. Pitsenbarger, P.O. Box 1066, Moorhead, MN 56560, (218) 233-2495. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157855, filed August 21, 1981. Applicant: H.O. COBB, P.O. Box 65, Bergheim, TX 78004. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457-0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-346

Decided: August 28, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly, and Williams.

MC 157757, filed August 18, 1981. Applicant: CROSS COUNTRY BROKERS, INC., 163 Main St., Route 131, Sturbridge, MA 01566. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. As a *broker of general commodities* (except household goods), between points in the U.S.

Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 5331.

MC 157767, filed August 18, 1981. Applicant: R & A CORRUGATED SERVICES, INC., 1250 West Airline Hwy, P.O. Box 453, Reserve, LA 70084. Representative: Randall R. Rodgers, #9 Clevner, Kenner, LA 70062, (504) 467–1972. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157777, filed August 19, 1981. Applicant: VERNON PUNT, d.b.a. VERNON PUT TRUCKING, Route 1, box 68, Stickney, SD 57375. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101, (605) 335–1777. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25893 Filed 9–3–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–164

Decided: August 26, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 8973 (Sub-82), filed August 14, 1981. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Ave., Fairview, NJ 07022. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 44302 (Sub-15), filed August 17, 1981. Applicant: DeFAZIO EXPRESS, INC., 1028 Springbrook Ave., Moosic, PA 18507. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, 914–835–441. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT, and DC.

MC 105713 (Sub-4), filed August 17, 1981. Applicant: SERVICE TRUCK LINE OF TEXAS, INC., P.O. Box 811, Highway 90 East, Jennings, LA 70546. Representative: C. W. Ferebee, 14614 Falling Creek, Suite 124 Houston, TX 77068 (713) 537–8156. Transporting (1) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *earth drilling machinery and equipment and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production storage and transmission of commodities resulting from drilling operations at well or hole site, and (d) the injection or removal of commodities into or from holes or wells, between TX and LA, on the one hand, and, on the other, points in MS, AL, FL, AR, OK, NM, and CO.

MC 107012 (Sub-734), filed August 18, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant) (219) 429–2224. Transporting *general commodities* (except classes A and B explosives), between Longview, WA, and Portland, OR, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-735), filed August 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219–429–2110. Transporting *such commodities* as are dealt in or used by manufacturers of packaging products, between points in

Los Angeles County, CA, Cook County, IL, and Gloucester County, NJ, on the one hand, and, on the other, points in the U.S.

MC 140283 (Sub-3), filed August 19, 1981. Applicant: McHENRY TRUCK LINE, INC., 3939 Albany St., McHenry, IL 60050. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, 414–722–2848. Transporting *general commodities* (except classes A and B explosives), between points in McHenry County, IL, on the one hand, and, on the other, points in Winnebago County and Chicago, IL.

MC 140302 (Sub-4), filed August 20, 1981. Applicant: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Point Rd., Baltimore, MD. 21225. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201–572–5551. Transporting *waste liquid products* (1) between points in CT, IN, ME, MA, NH, RI, and VT, on the one hand, and, on the other, Baltimore, MD, and (2) between points in CT, DE, IN, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, and WV, on the one hand, and, on the other, New York, NY and Philadelphia, PA.

MC 144622 (Sub-212), filed August 21, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021, 817–282–8344. Transporting *food and related products,* between points in Denver County, CO, Warren County, IL, Cass County, IN, Cherokee, Linn, Page, and Polk Counties, IA, Jefferson County, KY, Prince Georges County, MD, Freeborn County, MN, Saline County, MO, Douglas County,, NE, and Oklahoma County, OK, on the one hand, and, on the other, points in the U.S.

MC 145742 (Sub-9), filed August 14, 1981. Applicant: BOLES TRUCKING, INC., Rural Route No. 1, Ina, IL 62846. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 344–5468. Transporting *iron and steel articles,* between points in the U.S., under continuing contract(s) with Jennmar Corporation, of Flora, IL.

MC 147323 (Sub-33), filed August 18, 1981. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440 (216) 652–2789. Transporting *metals, machinery, transportation equipment and those commodities* which, because of size or weight, require the use of special handling, or special equipment, between points in the U.S., under continuing contract(s) with Douglas and Lomason Company, of Farmington Hills, MI.

MC 148482 (Sub-2), filed August 19, 1981. Applicant: CRUSADER COACH LINES, INC., 422 East 7th Street, Logan, IA 51546. Representative: David P. OLovell, Route #1, Logan, IA 51546 (712) 644–2308. Transporting *passengers and their baggage* in the same vehicle, in charter and special operations, between those points in NE east of U.S. Highway 83 and those in IA west of U.S. Highway 65, on the one hand, and, on the other, points in the U.S.

MC 149472 (Sub-8), filed August 20, 1981. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Rd., Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, 215–561–1030. Transporting *textile mill products,* between points in Cleveland County, NC, on the one hand, and, on the other, points in the U.S.

MC 151483 (Sub-2), filed August 21, 1981. Applicant: LOVE'S TRUCKING, INC., 1841 E. State Rte. 55, Troy, OH 45373. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *metal products,* between points in Delaware County, OH, on the one hand, and, on the other, points in the U.S.

MC 152353 (Sub-4), filed August 20, 1981. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Rte. 1, Eden, WI 53019. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, 608–273–1003. Transporting *metal products,* between Chicago, IL and points in WI and MI.

MC 152602, filed August 3, 1981. Applicant: HENRY SCHMAELZLE, 85 Foxon Rd. Rear, New Haven, CT 06513. Representative: Henry D. Schmaelzle, Courtland 5–J, 640 Mix Ave., Hamden, CT 06514 (203) 248–1034. Transporting *telephone cable, reels, and scrap cable,* (a) between points in MA, CT, NY, NJ, PA, DE, and MD, and (b) between points in New Haven County, CT, on the one hand, and, on the other, Cicero, IL.

MC 154423, filed August 18, 1981. Applicant: RAY SHIPLEY, d.b.a. SHIPLEY CARPET, 1842 So. Main, Jacksonville, IL 62650. Representative: Michael W. O'Hara, 300 Reisch Bldg. Springfield, IL 62701 (217) 544–5468. Transporting *carpeting, cushions and glue,* between points in GA and Hamilton County, TN, on the one hand, and, on the other, points in IA, IL, IN, KY, and MO.

MC 154682, filed August 18, 1981. Applicant: LARRY BURKE AND GEORGE BROWN, d.b.a. BURKE & BROWN TRANSPORTATION, 129 Brighton WY., Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306 (805) 872–1106. Transporting (1) *building materials,* between points in Josephine County , OR, on the one hand, and, on the other, points in AZ, ID, NM, TX, UT, and WA, and (2) *mercer commodities,* (a) between points in CA, on the one hand, and, on the other, points in CO, KS, LA, MT, ND, NM, NV, OK, OR, TX, UT, WA, and WY, (b) between points in MT, on the one hand, and, on the other, points in LA, OK, and TX, (c) between points in WY, on the one hand, and, on the other, points in CO, MT, ND, OK, OR, TX, UT, and WA, (d) between points in TX, on the one hand, and, on the other, points in ND, and (e) between points in NM, on the one hand, and, on the other, points in MT.

MC 154993, filed August 19, 1981. Applicant: H. & W. ENTERPRISES, South Witham Rd., Auburn, ME 04210. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114 (216) 781–1600. Transporting *textile mill products* between points in the U.S., under a continuing contract(s) with Carlton Woolen Milles, Inc., of Winthrop, ME.

MC 156993, filed August 20, 1981. Applicant: TAYLOR'S TRUCKING COMPANY, 1105 Pauline Ave., Charleston, SC 29402. Representative: David Popowski, P.O. Box 1064, Charleston, SC 29402, 803–722–8301. Transporting *forest products* and *lumber and wood products,* between points in the U.S., under continuing contract(s) with Champion International Corporation, of Hamilton, OH.

MC 157062, filed August 14, 1981. Applicant: BOB ROGERS TRUCKING INC., 1533 East Brill, Phoenix, AZ 85006. Representative: Bob Rogers (same address as applicant) (602) 253–8809. Transporting *pepper sauce, cocktail mixes, and table sauces,* between points in the U.S., under continuing contract(s) with McIlhenny Company, of Avery Island, LA.

MC 157692, filed August 13, 1981. Applicant: KRONEBUSCH FARMS, INC., R.R. #1, Box 3, Altura, MN 55910. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, LaCrosse, WI 54601 (608) 788–2000. Transporting *Food and related products,* between points in MN & WI on the one hand, and, on the other, points in ND, SD, NE, KS, OK, TX, LA, AK, MO, IA, IL, MI, IN, OH, NY, PA, NJ, DEL, CT, MA, RI, NY, VT, ME, MD, VA, WV, KY, TN, NC, SC, GA, TN, MS, AL, and FL.

MC 157732, filed August 17, 1981. Applicant: TRIANGLE TRANSPORTATION, INC., 4219 N.

Produce Plaza, Los Angeles, CA 90058. Representative: Fred H. Mackensen, Suite 4150, 2029 Century Park East, Los Angeles, CA 90067 (213) 879–5955. Transporting *general commodities* (except classes A and B explosives, between points in CA.

MC 157733, filed August 17, 1981. Applicant: BRANTLEY SEASHORE COACH TOURS, 1106 Tremont Road, Wilson, NC 27893. Representative: Luray D. Brantley (same as applicant) (919) 291–9882. As a *broker* at Wilson, NC, in arranging for the transportation, by motor vehicle, of passengers and their baggage, in special and charter operations, between points in NC, on the one hand, and, on the other, points in the U.S.

MC 157813, filed August 20, 1981. Applicant: LEISURE–WAY TRAVELERS, LTD., 109 South 17th Ave., Wausau, WI 54401. Representative: Glenn E. Schneider (same address as applicant) 715–842–3233. As a *broker,* at Wausau, WI, in arranging for the transportation by motor vehicle of *passengers and their baggage,* between points in Vilas, Oneida, Lincoln, Langlade, Marathon, Portage, Wood, Clark, Taylor, and Price Counties, WI, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–3–157

Decided: August 28, 1981.

By the Commission, Review Board Number 2. Members Carleton, Kelly, and Williams. Member Williams not participating.

MC 109365 Sub 20, filed August 24, 1981. Applicant: VALLEY TRANSPORTATION INC. t/a CONNECTICUT AMERICAN CHARTERS, 516 Oxford Rd., Oxford, CT 06483. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg, 6121 Lincolnia Rd., Alexandria, VA 22312 (703) 750–1112. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at New York, NY, and points in Westchester and Nassau Counties, NY and extending to points in the U.S.

MC 126045 (Sub-40), filed August 21, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603 (312) 236–9375. Transporting *metal products,* between points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, PA, SD, TN, TX and WI.

MC 138875 (Sub-308), filed August 20, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant) (208) 376–5757. Transporting *structural wood,* between points in OR, on the one hand, and, on the other, points in IA, IL, IN, KS, MI, MN, MO, NE, OH, and WI.

MC 146765 (Sub-7), filed August 21, 1981. Applicant: DAYTON ENTERPRISES, INC., 110 First Avenue, Clarence, IA 52216. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016 (312) 298–1094. Transporting *metal products,* between Chicago, IL, on the one hand, and, on the other, points in CO, KS, MO, MT, NM, ND, OK, SD, TX, and WY.

MC 148445 (Sub-6), filed August 21, 1981. Applicant: WLD TRUCKING COMPANY, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012, (602) 266–2224. Transporting *printed matter,* between points in the U.S., under continuing contract(s) with Ingram Book Company of Nashville, TN.

MC 150134, filed August 24, 1981. Applicant: SAVINI MOTORS, INC., 2445 N. Marmora Ave., Chicago, IL 60639. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting (1) *pulp, paper and related products,* (2) *chemicals and related products,* and (3) *waste or scrap materials not identified by industry producing,* between points in Cook County, IL, on the one hand, and, on the other, points in IN, IA, KY, MI, MN, MO, OH and WI.

MC 157755, filed August 18, 1981. Applicant: MICHIANA NEWS SERVICE, INC., 2232 S. Eleventh St., Niles, MI 49120. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives), between the facilities of U.S. Aviex Company and Simplicity Pattern Co., Inc., at Niles, MI, on the one hand, and, on the other, points in the U.S.

MC 157774, filed August 21, 1981. Applicant: CHRISTIAN TOURS, INC., 2241 Laneway Circle, Oklahoma City, OK 73159. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting *passengers and their baggage,* in the same vehicle with passengers in round-trip, charter and special operations, beginning and ending at points in OK, and extending to points in TX, KS, CO, NM, AR, TN, MS, MO and LA.

MC 157794, filed August 20, 1981. Applicant: AEPHYR FACTORS, INC., P.O. Box 206, Bend, OR 97701. Representative: Jerry R. Woods, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting *construction material,* between points in OR, on the one hand, and, on the other, points in CA, CO, ID, MT, NV, UT, WA, and WY.

MC 157795, filed August 20, 1981. Applicant: ADAMS TRAVEL SERVICE, 130 Market Square, Newington, CT 06111. Representative: James Adams (same address as applicant) (203) 667–0843. As a *broker,* at Newington, CT, in arranging for the transportation, by motor vehicle, of *passengers,* in charter operations, beginning and ending at points in Hartford, CT, and extending to points in the U.S.

MC 157814, filed August 20, 1981. Applicant: WALTER J. BUSKE, d.b.a. WALLY'S CARTAGE, 1917 N. Monroe, Litchfield, IL 62056. Representative: Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting *general commodities* (except classes A and B explosives), between points in Montgomery County, IL, on the one hand, and, on the other, points in Montgomery, Macoupin, Jersey, Bond, Madison, St. Clair and Clinton, IL.

MC 157834, filed August 21, 1981. Applicant: MAKO SERVICES, INC., P.O. Box 71, Monson, MA 01075. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with James River Graphics, Inc., of South Hadley, MA.

MC 146404 (Sub-4), filed July 28, 1981, previously noticed in the Federal Register on August 13, 1981. Applicant: C & J TRUCKING, INC., 2200 McKinley Ave., Columbus, OH 43215. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transportating *metal products,* between Columbus, OH, and points in Butler County, OH, on the one hand, and, on the other, points in IN, IL, KY, MI, and WV.

Note.—This republication corrects the territorial description.

Volume No. OPY–4–347

Decided: August 28, 1981.

By the Commission, Review Board Number 2, Members Carleton, Kelly, and Williams.

MC 34087 (Sub-14), filed August 14, 1981. Applicant: NORMAN HILLS, Route 60, Fredonia, NY 14063. Representative: Norman Hills (same address as applicant), (716) 672–4312.

Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Heinz USA, Div. of H. J. Heinz Co., of Pittsburgh, PA, Giant Eagle Markets, Inc., of Pittsburgh, PA, Purex Corporation, of St. Louis, MO, Anaconda Industries-Brass Division, of Kenosha, WI, Swift & Company, of Chicago, IL, Acquarium Systems, Inc., of Mentor, OH, Continental Can Company, U.S.A., of Wayne, NJ, O-Cel-O/A, Division of General Mills, Inc., of Tonawanda, NY, Stover & Co., Inc., of Cheswick, PA, Ball Corporation, of Muncie, IN, The Red Wing Company, Inc., of Fredonia, NY, American Can Company, of Greenwich, CT, and Seaboard Allied Milling Corporation, of Shawnee Mission, KS.

MC 145557 (Sub-17), filed August 14, 1981. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64148. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. Transporting *food and related products,* between the facilities of Amour Food Company, at points in CA, TX, SD, KY, NE, ID, MD, MN, WI, IA, PA, OR, and IL, on the one hand, and, on the other, points in the U.S.

MC 147777 (Sub-4), filed August 18, 1981. Applicant: TRAVEL TIME BUS LINES, INC., 99 Arnold St., Springfield, MA 01119. Representative: Robert M. Santaniello, Esq., 95 State Street, Suite 1010, Springfield, MA 01103. Transporting *passengers and their baggage in special and charter operations,* beginning and ending at points in Berkshire, Hampden, Hampshire, Franklin and Worcester Counties, CT and extending to points in the U.S.

MC 152207 (Sub-1), filed August 17, 1981. Applicant: C.W.C. CO., 4700 Quebec Ave., New Hope, MN 55428. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Transporting *building materials* between points in Harris County, TX, on the one hand, and, on the other, points in IA, IL, MN, ND, SD and WI.

MC 156227, filed August 17, 1981. Applicant: STATELINE SYSTEMS, INC., P.O. Box 101020, Nashville, TN 37210. Representative: Stephen L. Edwards, 315 Union Street, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting *general commodities (except classes A & B explosives) having a prior or subsequent movement by rail* between Shelby County, TN, on the one hand, and, on the other, points in TN.

MC 157037, filed August 17, 1981. Applicant: SPICER TRUCKING, Hwy 81 North, Grand Forks, ND 58201. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402-1026. Transporting *food and related products,* between the facilities of the Pillsbury Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 157637, filed August 10, 1981. Applicant: OILEX TANK LINES, INC., P.O. Box 2087, Sebastian, FL 32958. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518, (215) 385-6086. Transporting *petroleum products,* between the facilities of Truck World, Inc., at points in IN, MI, OH, PA, and WV, on the one hand, and, on the other, points in IN, MI, OH, PA, and WV.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25894 Filed 9-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 155]

Motor Carriers; Permanent Authority Decisions Restriction Removals; Decision-Notice

Decided: August 31, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C 10922(h).

In the absence of a comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF 487 (Sub-1)X, filed: August 18, 1981. Applicant: STEVENS FORWARDERS, INC., 121 S. Niagara Street, Saginaw, MI 48605. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions from its FF-487 certificate by changing used household goods to "household goods" and changing used automobiles to "transportation equipment," and by removing "excluding AK"; and by removing its restriction against the transportation of import-export traffic..

MC 1893 (Sub-12)X, filed: August 17, 1981. Applicant: SPOKANE—ST. MARIE'S AUTO FREIGHT, INC., Spokane Industrial Park, Bldg. N-7, 3808 North Sullivan, Spokane, WA 99216. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 9 and 10 certificates to (A) broaden the commodity description from beverages and wines to "food and related products" in Sub-No. 10; (B) remove "in bulk" restriction in Sub-No. 10; and (C) authorize radial service in Sub-Nos. 9 and 10.

MC 8515 (Sub-44)X, filed: August 24, 1981. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 4, 6, 8, 9, 10, 15F, 23F, 24F, 40F, and 41 certificates to (1) broaden the general commodities descriptions by eliminating all exceptions other than classes A and B explosives, in each certificate above except Sub-No. 23F, and eliminate except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment in Sub-No. 23F; (2) allow service at all intermediate points on its regular route authority as follows: (a) between Princeton and Chicago, IL in the lead; (b) between Rock Falls and Prophetstown, IL in Sub-No. 8; (c) between Metamora, IL and junction U.S. Hwys. 52 and 66 in Sub-No. 8; (d) between Peoria and Mapleton, IL in Sub-No. 9; and (e) between Davenport, IA and Princeton, Rockland, Peoria and Galva, IL in Sub-No. 24F; and (3) remove the except AK and HI restriction on its irregular routes in Sub-Nos. 40F and 41.

MC 34767 (Sub-44)X, filed August 12, 1981. Applicant: GOOD'S TRANSFER,

INC., 234 Charles Street, Harrisonburg, VA 22801. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Applicant seeks to remove restrictions in its lead and Sub-No. 42 certificates to (1) broaden certain commodity descriptions to: (a) "farm products" from alfalfa meal, livestock and hay; (b) "food and related products" from butter and dressed poultry, food products, meats, packinghouse products, and frozen foods, dressed poultry, frozen foods, canned foods, poultry and eggs, eggs (other than frozen), fresh fruits, fresh fruits and vegetables, apples and peaches, apples, ingredients for animal and poultry food and meat scrap, feeds, feed materials, feed materials and seeds, cottonseed meal, corn, wheat, flour, flour and mixed feed, coffee and tea, malt beverages, feathers, offal of fowls and animals and oils, greases and solids therefrom, feather meal in bulk and in bags, feathers in bags, dressed poultry fresh or frozen, and poultry plant and packinghouse waste products; (c) remove all exceptions in the general commodities authority "except classes A and B explosives"; (d) "petroleum, natural gas and their products" from oils and greases, and inedible oil and grease; (e) "pulp, paper and related products, and rubber and plastic products" from bags, empty containers for feathers, and empty bags; (f) "farm products and food and related products" from farm and dairy products (other than frozen); (g) "lumber and wood products, pulp, paper and related products, rubber and plastic products," from egg cases and chicken coops; (h) "lumber and wood products, and food and related products" from egg crates and fresh fruits; (i) "chemicals and related products, and food and related products" from fertilizer and wholesale grocery products; (j) "chemicals and related products" from fertilizer and fertilizer materials, and fungicides and insecticides; (k) "food and related products and machinery" from feed and feed materials, hardware and wholesale food products; (l) "clay, concrete, glass or stone products" from bottles, and marble and marble products; (m) "machinery" from bottle washing machine parts and fittings, and dairy and refrigeration equipment; (n) "petroleum, natural gas and their products, and machinery" from oils, greases, and filling station equipment; (o) "lumber and wood products" from lumber, and empty barrels; (p) "building materials" from roofing; (q) "metal products" from small castings, empty containers used in the transportation of the commodities specified on sheet 10, para 8; (r) "furniture and fixtures" from pianos; (s) "coal and coal products" from coal; (t) "containers" from empty malt beverage containers; and (u) "commodities in bulk" from offal of fowl in bulk or in barrels, in the lead certificate; and in Sub-No. 42, "food and related products" from animal and poultry feed ingredients and supplements; (2) broaden regular-route authorities in the lead certificate to: authorize service at all intermediate points; remove restrictions limiting service to "delivery only" or "pickup only," and specifying "other than Timberville, VA and points within 10 miles thereof" on service from Rockingham County (sheet 6, para 3); and change one-way service to authorize two-way authority; (3) broaden off-route points in the lead certificate to county-wide authority as follows: Shenandoah, Rockingham, Augusta and Page Counties, VA (Lantz Hills, Broadway, Timberville, Weyers Cave, Elkton, Bridgewater, Luray, and Stanley, VA): Albemarle, Augusta, Greene, Madison, Page, Rockingham and Shenandoah Counties, VA (points within 25 miles of Harrisonburg, VA): and, Page, Rockingham and Warren Counties, VA (Shenandoah, Elkton, Luray, Stanley, Dayton, Front Royal, and Riverton, VA); (4) broaden irregular-route authorities in the lead and Sub-No. 42 certificates to substitute radial authority in place of one-way service; and broaden named points to county-wide authority as indicated: lead certificate, Rockingham County, VA (Broadway, VA and points within 2 miles thereof): Frederick County, VA (Alma, VA and points within 2 miles of Alma): Albermarle County, VA (Crozet and Greenwood, VA): Shenandoah County, VA (New Market, VA and points within 4 miles thereof): Augusta County, VA (Stuarts Draft, VA and points within 4 miles thereof): Pendleton County, WV (Brandywine, WV): Hardy County, WV (Moorefield, WV): Shenandoah County, VA (Strasburg, Edinburg, Woodstock, and Mt. Jackson, VA): Page County, VA (Luray, Shenandoah, and Stanley, VA): Frederick County, VA (Stephens City, VA): Pulaski County, KY (Somerset, KY): Grant and Hardy Counties, WV (Moorefield, WV and points in WV within 12 miles thereof): Washington County, MD (Hagerstown, MD): Frederick County, MD (Knoxville and Frederick, MD): Gloucester County, NJ (Pitman, NJ): Jefferson County, PA (Schwenckville, PA): Orange County, VA (Orange, VA): Warren County, VA (Front Royal, VA): Fauquier County, VA (Marshall and Warrenton, VA): Rockingham County, VA (Bridgewater, Broadway, Elkton, Timberville, Cross Keys, Lantz Mills, Mt. Crawford, and Linville, VA): Page, Rockingham and Shenandoah Counties, VA (Timberville, VA and points in VA within 10 miles thereof): Augusta County, VA (Fishersville, Crimora, Weyers Cave, Mt. Solon, and Fort Defiance, VA): Albemarle, Augusta, Greene, Page, Rockingham and Shenandoah Counties, VA (points in VA within 20 miles of Harrisonburg, VA): Adams County, PA (Gettysburg, PA): Berkeley County, WV (Martinsburg, WV): Hampshire County, WV (Romney, WV): Newport News, VA (Denbigh, VA): Jefferson County, WV (Charles Town and Shepherdstown, WV): Essex County, NJ (Irvington, NJ): Hudson County, NJ (Harrison, NJ): Sussex County, NJ (Newton, NJ): Howard County, MD (Ellicott City, MD): Botetourt County, VA (Cloverdale, VA): Rockbridge County, VA (Raphine, VA): Culpeper County, VA (Culpeper, VA): Anne Arundel County, MD (Camp Meade, MD): Kershaw County, SC (Kershaw and Camden, SC): Lee County, SC (Bishopville, SC): Lancaster County, SC (Lancaster, SC): Darlington County, SC (Hartsville, SC): Wake County, NC (Raleigh, NC): Cabarrus County, NC (Concord, NC): Gaston County, NC (Gastonia, NC): Forsyth, Davidson, Davie and Yadkin Counties, NC (Winston-Salem, NC): Randolph and Guilford Counties, NC (High Point, NC): Stokes and Rockingham Counties, NC (Pine Hall, NC): Chester County, SC (Lando, SC): York County, SC (Rock Hill, SC): Chesterfield County, SC (Pageland, SC): Fairfield County, SC (Winnsboro, SC): Albemarle, Augusta, Greene, Madison, Page, Rockingham and Shenandoah Counties, VA (points in VA within 25 miles of Harrisonburg, VA): Rockingham County, NC (Reidsville, NC): Guilford County, NC (Greensboro, NC): York County, PA (York and Cly, PA): Lancaster County, PA (Lancaster, PA): Philadelphia County, PA (Lester, PA): Schuylkill County, PA (Pottsville and Tower City, PA): Dauphin County, PA (Lykens and Williamstown, PA): Allegany County, MD and Mineral County, WV (Cumberland, MD): Berks County, PA (Reading, PA): Rockingham County, PA (points on a described highway between Broadway and Timberville, VA): and Jessamine County, KY (Nicholasville, KY); and in Sub-No. 42, Rockingham County, VA (Linnville, VA).

MC 43038 (Sub-499)X, filed August 11, 1981. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive—4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Paul H. Jones, 29725 Shacket Avenue,

Madison Heights, MI 48071. Applicant seeks to remove restrictions from its lead and Sub-No. 444 certificates, in part, to (1) in the lead, sheet 11, broaden the commodity description from new automobiles, automobile bodies, automobile chassis, and automobile parts and accessories moving in connection therewith, automobile show equipment and paraphernalia, and farm and garden tractors and parts and accessories thereof moving in connection therewith, in initial movements, in truckaway and driveaway service, to "Machinery"; sheet 13, from cable reel carriers, in initial movements, in truckaway service, to "Machinery"; from utility rental property trailers, designed to be drawn by passenger automobiles, in truckaway service, to "transportation equipment"; sheet 14, from farm tractors, except those the transportation of which, because of size or weight, requires the use of special equipment, to "machinery"; Sheet 15, from lumber to "lumber or wood products except furniture"; and in Sub-No. 444, paragraph 1, broaden the commodity description from farm tractors, moving in mixed loads with automobiles and trucks authorized below, to "machinery"; (2) in the lead, sheet 11, replace Willow Run with Washtenaw County, MI; in Sheet 13, eliminate the "AK and HI" exceptions on its nationwide authority; (3) in Sub-No. 444, paragraph 1, remove the "originating at" facilities restriction and eliminate the ex-rail or ex-water restriction; and (4) replace existing one-way authority with radial authority in the above referred to portions of the certificates.

MC 59117 (Sub-86)X, filed August 24, 1981. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, OK 74301. Representative: Patricia F. Scott, P.O. Box 258, Liberty, MO 64068. Applicant seeks to remove restrictions in its Sub-No. 76F certificate to (1) remove the fuels exception and (2) broaden territorial description to county-wide authority from points along the Arkansas and Verdigris Rivers in Muskogee, Tulsa and Rogers Counties in OK to points in the above named counties.

MC 66571 (Sub-13)X, filed August 17, 1981. Applicant: RED LINE, INC., 2310 Orange Avenue, N.E., Roanoke, VA 24168. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its Sub-Nos. 8F, 9F, and 10F certificate to (1) broaden the commodity description from cleaning products to "chemicals and related products" in Sub-Nos. 8F and 9F, and from plastic containers to "containers" in Sub-No. 10F, (2) change city to county-wide authority from Bristol, PA, South Kearney and Hackensack, NJ and New Castle, DE to Bucks County, PA, Essex, Hudson and Bergen Counties, NJ, and New Castle County, DE in Sub-No. 8F, (3) remove facilities limitation at specified points in Sub-Nos. 8F and 10F, (4) remove in bulk restriction in Sub-Nos. 8F and 9F, (5) change one-way to radial authority in all Subs.

MC 98701 (Sub-8)X, filed August 20, 1981. Applicant: CLEVELAND EXPRESS, INC., P.O. Box 158, Cleveland, TN 37311. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, and 6F certificates to broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)".

MC 105501 (Sub-53)X, filed March 23, 1981, published in the **Federal Register** of April 10, 1981, republished as follows. Applicant: TERMINAL TRANSPORT, INC., 1851 Raddison Rd., N.E., Blaine, MN 55434. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its lead and 22 Sub-No. certificates. This Board previously broadened these authorities by (1) expanding the commodity descriptions, (2) removing named facility limitations and "originating at/destined to" restrictions, (3) broadening cities to counties and (4) replacing one-way operations with two-way radial authority. Applicant also sought to broaden points in a mileage radii to points in the appropriate counties. The Board did not publish as to that part of the application, contending that the restriction removal rules did not allow for the expansion of mileage radii territory descriptions to counties. Because of a recent Commission decision allowing for the expansion of mileage radii territorial descriptions to counties, the Board has decided to renotice the application. Notice is hereby given that applicant seeks to substitute "points in Roberts, Marshall, and Day Counties, SD and points in Richland and Sargent Counties, ND" for points in North Dakota and South Dakota within 30 miles of Rosholt, SD in Sub-No. 2: "points in Polk, Norman, Mahnomen and Red Lake Counties, MN" for points within 20 miles of Mentor, MN, in Sub-No. 4, and "points in Isanti, Chisago, Sherourne, Wright, Carver, Scott, Dakota, Washington, Hennepin, Rice, Le Seur, Anoka, and Ramsey Counties, MN" for points in Minnesota within 35 miles of Minneapolis, MN, including Minneapolis, in the lead.

MC 109443 (Sub-35)X, filed August 24, 1981. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, PA 18512. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Applicant seeks to remove restrictions in its Sub-Nos. 22, 25, 27 and 29F certificates to (1) broaden the commodity description from dry litharge, in bulk, or litharge, dry, in bulk to "commodities in bulk"; (2) replace Dunmore, PA, with Lackawanna County, PA; and (3) change its one-way to radial authority between points in Lackawanna County, PA, and, points in several States.

MC 114533 (Sub-375)X, filed August 17, 1981. Applicant: GELCO COURIER SERVICES, INC., P.O. Box 1975, St. Paul, MN 55111. Representative: Arthur E. Yeske (same as applicant). Applicant seeks to remove restrictions in its MC-128616 and Sub-Nos. 5, 6, 7, 8, 13, 16, 19, 20, 23, 24, 25, 27F, 30F and 31F permits to broaden the territorial scope to "between points in the United States" under continuing contract(s) with banks and banking institutions, including bank-owned computer companies.

MC 119741 (Sub-306)X, filed August 17, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). Applicant seeks to remove restrictions from its Sub-No. 265F and 269F certificates to (1) broaden the commodity descriptions from advertising matter, magazines, periodicals, printed matter, and equipment, materials, and supplies used in the printing/publishing business in Sub-No. 265F and paper and paper products in Sub-No. 269F to "pulp, paper and related products"; (2) replace named facilities at Dayton, OH with Montgomery County, OH in Sub-No. 265F, and replace named facilities at Hazelwood, MO with St. Louis County, MO in Sub-No. 269F; and (3) replace existing one-way authority with radial authority in each of the above-numbered certificates.

MC 123675 (Sub-9)X, filed August 20, 1981. Applicant: SOLDIER BROS. A B T LINE, INC., 614 Paine Ave., Toledo, OH 43605. Representative: Keith D. Warner (same as applicant). Applicant seeks to remove restrictions in its lead certificate to (a) change its one-way to radial authority, and (b) remove the restriction against tacking in parts 1 to 6.

Note.—Carrier's ability to tack will be governed by 49 CFR 1042.10(b).

MC 124170 (Sub-184)X, filed August 24, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-No. 96F certificate to (1) remove except commodities in bulk, in tank vehicles restriction; (2) remove plantsite restriction and replace Paducah, KY, with McCracken County, KY; (3) remove AK and HI restriction and (4) remove originating at or destined to the named facilities restriction.

MC 124174 (Sub-184)X, filed August 14, 1981. Applicant: MOMSEN TRUCKING CO., 2405 Hiway Boulevard, Spencer, IA 51301. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its lead and Sub-No. 162 certificates to (i) in the lead: (a) broaden from general commodities, with several exceptions, to "general commodities (except classes A and B explosives)"; (b) broaden authority to serve all intermediate points and replace one-way with two-way authority; (c) delete restrictions against service on specified commodities to and from off-route points, and against pickup and delivery; (d) broaden off-route points at Knoxville, Ackworth, Indianola, Adel, Dexter, Casey, Anita, Atlantic, Oakland, Pleasantville, Beech, Menlo, Grinnell and Gilman, IA and points within 35 miles of Oskaloosa, IA and within 5 miles of Gilman, IA in A(1)(a) to Marion, Warren, Dallas, Adair, Cass, Pottawattamie, Guthrie, Poweshiek, Jasper, Mahaska, Keokuk, Jefferson, Wapello, Davis, Appanoose, Monroe, Lucas, Warren, Polk and Marshall Counties, IA; (e) broaden off-route points at Rock Island, Moline, Rock Falls, East Moline and Sandwich, IL and points within 35 miles of Oskaloosa and 5 miles of Gilman, IA in A(1)(b) to Rock Island, Moline, Rock Falls, East Moline and Dekalb County, IL, and Jasper, Mahaska, Poweshiek, Iowa, Keokuk, Jefferson, Wapello, Davis, Appanoose, Monroe, Lucas, Warren, Marion, Polk and Marshall Counties, IA, (f) broaden A(2) from livestock and agricultural commodities to "farm products and agricultural commodities", (g) expand off-route points of New Market, IA and points within 10 miles of Gravity, IA and Hopkins, MO to Taylor and Page Counties, IA and Nodaway County, MO, (h) expand commodity in A(3) from livestock to "farm products"; (i) broaden off-route points within 35 miles of Oskaloosa and 5 miles of Gilman, IA; in A(3) (a) and (b) to Jasper, Mahaska, Poweshiek, Iowa, Keokuk, Jefferson, Wappello, Davis, Appanoose, Monroe, Lucas, Warren, Marion, Polk and Marshall Counties, IA, (j) expand B(1) from flour, feed, and building materials to "food and related products and building materials"; (k) broaden off-route points within 15 miles of Wiota, IA to Cass County, IA; (l) broaden livestock authority in B(2) to "farm products"; (m) broaden off-route points within 15 miles of Sherburn, MN, in B(2) to Martin, Wantonwan, Cottonwood and Jackson Counties, MN and Dickinson and Emmet Counties; IA; (n) broaden in B(3) from silo materials, to "farm products"; (o) expand off-route points within 15 miles of Sherburn, MN to Martin, Wantonwan, Cottonwood and Jackson Counties, MN, Dickinson and Emmet Counties, IA, in B(3); (p) delete interline restriction in B(4); (q) expand from Stillwater, Fairmont, Owatonna, Hopkins and Mankato, MN, and Swea City, IA and points within 25 miles of Swea City, IA to Washington, Martin, Steele, Hennepin and Blue Earth Counties, MN and Kossuth, Emmet, Palo Alto, Hancock and Winnebago Counties, IA and Martin and Faribault Counties, MN, in B(4) (a); (r) expand B(4)(b) from Spencer, IA to Clay County, IA and delete interline restriction; (s) expand B(4)(c) from Anita, IA and points within 15 miles thereof to Cass, Adair, Guthrie and Audubon Counties, IA; (t) change B(5) from points in NE, IA, KS, and MO within 60 miles of Auburn, NE, to Richardson, Pawnee, Jefferson, Nemaha, Johnson, Gage, Otoe, Lancaster and Saline Counties, NE; Taylor, Fremont, Page, Montgomery, Mills and Pottawattamie Counties, IA; Marshall, Nemaha, Brown, and Doniphan Counties, KS; and Atchison, Nodaway, Holt and Andrew Counties, MO, (u) change B(6) from livestock to "farm products"; (v) change B(6) from Swea City, IA and points within 25 miles of Swea City and points in Minnesota within 100 miles of the Iowa-Minnesota State line to Kossuth, Emmet, Palo Alto, Hancock and Winnebago Counties, IA; Martin and Faribault, Counties, MN and Lac Qui Parle, Yellow Medicine, Lincoln, Pipestone, Rock, Nobles, Murray, Lyon, Chippewa, Kandiyohi, Renville, Redwood, Cottonwood, Jackson, Watonwan, Brown, Meeker, McLeod, Sibley, Nicollett, Blue Earth, Freeborn, Waseca, Le Sueur, Carver, Hennepin, Scott, Rice, Steele, Mower, Dodge, Goodhue, Dakota, Washington, Ramsey, Wabasha, Olmstead, Fillmore, Winona, and Houston Counties, MN, (w) broaden B(7) from livestock, and feed, to "farm products and food and related products," (x) expand from Auburn, NE, and points within 20 miles thereof and St. Joseph, MO to Nemaha, Otoe, Johnson, Pawnee and Richardson Counties, NE, Fremont County, IA, and Atchison and Holt Counties, MO, and Buchanan County, MO; (y) expand B(8) from animal and poultry feed and animal and poultry feed ingredients to "food and related products"; (z) expand B(8) from Racine County, WI to Burlington, WI, (aa) expand B(9) from cottonseed meal, cottonseed cakes, and cottonseed pellets, to "food and related products"; (bb) expand B(10) from seed and grain dryers, knocked down, to "machinery"; (cc) replaced Des Moines, IA in B(10) with Polk County, IA; (dd) expand B(11) from fly spray and mange oil, in drums or cans, empty bags and sacks, and advertising material used in connection with the sale and distribution of animal and poultry feed, and fly spray and mange oil to "such commodities as are dealt in by farm supply stores"; (ee) expand Burlington, WI, to Racine County, WI, in B(11); (ff) broaden B(13) from Cherokee, Emmetsburg, Le Mars, Sheldon, Sioux City, Spencer, Storm Lake, Algona, Chalton, Grinnell, Estherville, Charles City, Clinton, Webster City, Waverly, Iowa Falls, Carroll, Oelwein, Ft. Madison, Red Oak, Centerville, Clarinda, Ft. Dodge, Perry, Atlantic, Waterloo, Boone, Marshalltown, Harlon, Denison, Albia, Maquoketa, Knoxville, Fairfield, Creston, Waukon, Decorah, Shenandoah, Manchester, and Jefferson, IA, to county-wide authority of Cherokee, Palo Alto, Plymouth, O'Brien, Woodbury, Clay, Buena Vista, Kossuth, Lucas, Poweshiek, Emmet, Floyd, Clinton, Hamilton, Bremer, Hardin, Carroll, Fayette, Lee, Montgomery, Appanoose, Page, Webster, Dallas, Cass, Black Hawk, Boone, Marshall, Shelby, Crawford, Monroe, Jackson, Marion, Jefferson, Union, Allamakee, Winneshiek, Fremont, Delaware, Wright and Greene Counties, IA; (gg) expand B(14) from O'Neill, Wayne, Norfolk, Fremont, and Westpoint, NE, to countywide authority of Holt, Wayne, Madison, Dodge and Cuming Counties, NE; (hh) change B(15) from malt beverages to "food and related products"; (ii) broaden B(15) from Estherville and Spencer, IA to Emmet and Clay Counties, IA; (jj) broaden B(17) from beverages and gas in cylinders to "food and related products, and petroleum, natural gas and their products"; (kk) broaden Algona and Sibley, IA to Kossuth and Osceola Counties, IA, in B(17); (ll) expand B(19) from animal and poultry feed, and animal and poultry feed ingredients, to

"food and related products"; (mm) expand B(19) from Mankato, Howard Lake, New Prague, Minneapolis and St. Paul, MN, Omaha, Fremont, Arlington and South Sioux City, NE, and Owen, Mishicot, Livingston, Fenceville, Green Bay, and Burlington, WI, Spencer, IA and points within 50 miles of Spencer, IA to Blue Earth, Wright, Le Sueur and Scott Counties, and Minneapolis and St. Paul, MN, Omaha, NE, and Dodge, Washington and Dakota Counties, NE, and Clark, Manitowoc, Grant,. Milwaukee, Brown and Racine Counties, WI, and Dickinson, Emmet, Kossuth, Clay, Palo Alto, Humboldt, Webster, Pocahontas, Calhoun, Sac, Buena Vista, Ida, Cherokee, Plymouth, O'Brien, Sioux, Lyon and Osceola Counties, IA, and Cottonwood, Nobles, Jackson and Martin Counties, MN; (nn) broaden B(20) from alfalfa meal to "food and related products"; (oo) broaden Lake Park, IA to Dickinson County, IA in B(20); (pp) expand B(21) from canned goods to "food and related products"; (qq) expand B(21) from Dekalb and Rochelle, IL, and Davenport, IA to Dekalb and Ogle Counties, IL, and Scott County, IA; (rr) broaden B(22) from livestock to "farm products"; (ss) broaden B(22) from Pleasantville, IA, and points within 15 miles thereof to Polk, Jasper, Marion and Warren Counties, IA; (tt) expand Des Moines, IA to Polk County, IA; (uu) change B(22) (d) and (e), points within 100 miles of Des Moines, IA (except Pleasantville, IA and points within 15 miles thereof) to Page, Taylor, Ringgold, Decatur, Wayne, Appanoose, Davis, Van Buren, Jefferson, Wapello, Monroe, Lucas, Clark, Union, Adams, Montgomery, Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mahaska, Keokuk, Washington, Johnson, Iowa, Poweshiek, Jasper, Polk, Dallas, Audubon, Shelby, Crawford, Carroll, Greene, Boone, Story, Marshall, Tama, Benton, Linn, Buchanan, Black Hawk, Grundy, Hadrin, Hamilton, Webster, Calhoun, Sac, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Butler, Bremer, Floyd, Cerro Gordo, Hancock, Kossuth, Guthrie Counties, IA;

Ottumwa, IA to Wapello County, IA; and St. Joseph, MO to Buchanan County, MO; (vv) change B(23) from paints, oils, glass, and painters' supplies to "chemicals and related products and building materials"; (ww) broaden B(23) Orange City, IA to Sioux County, IA; (xx) broaden B(24) from eggs and butter to "food and related products"; (yy) broaden B(24) from Orange City, Boyden, Sanborn, Rock Valley, Sheldon, Matlock, and Hull, IA to Sioux and O'Brien Counties, IA; (zz) broaden B(25) from dressed poultry to "food and related products"; (aaa) broaden B(25) from Orange City, Boyden, Sanborn, Rock Valley, Sheldon and Alton, IA to Sioux and O'Brien Counties, IA; (bbb) expand B(26) from fresh meats to "food and related products"; (ccc) expand B(26) from Spencer, IA and Joliet, IL to Clay County, IA and Will County, IL; (ddd) broaden B(27) from meats, meat products, and meat by-products, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 to "food and related products"; (eee) expand B(27) from Spencer, IA to Clay County, IA; (fff) broaden B(28) from roofing to "building materials"; (ggg) broaden B(28) from Chicago, Heights, and Wilmington, IL, Altoona, Blairstown, Colfax, Fairfax, Killduff, Mingo, Mitchellville, Newton, Norway, Pleasantville, Reasonor, Sully, Taintor, and Tracy, IA to Cook and Will Counties, IL, Polk, Benton, Jasper, Linn, Marion, and Mahaska Counties, IA; (hhh) expand B(29) from agricultural implements to "machinery and metal products"; (iii) expand B(29) from Moline, IL, and Menlo, IA to Rock Island County, IL, and Guthrie County, IA; (jjj) broaden B(30) from agricultural implements and machinery, tractors, and binder twine to "machinery, metal products and textile mill products"; (kkk) expand B(30) from Eddyville, Taintor, Monroe, New Sharon, Knoxville, Sigourney, and What Cheer, IA to Wapello, Mahaska, Jasper, Marion and Keokuk Counties, IA; (lll) expand B(31) from binder twine to "textile mill products"; (mmm) expand B(31) from New Sharon, IA and points within 15 miles of New Sharon to Jasper, Poweshiek, Keokuk, Mahaska and Marion Counties, IA; (nnn) expand B(32) from farm machinery to "machinery"; (ooo) expand B(32) from Rock Island, Sterling, and Sandwich, IL, and New Sharon, IA and points within 15 miles of New Sharon to Rock Island, Whiteside and Dekalb Counties, IL and Jasper, Poweshiek, Keokuk, Mahaska and Marion Counties, IA; (ppp) expand B(33) from farm machinery and parts, binder twine, and animal feed to "machinery, food and related products and textile mill products"; (qqq) expand B(33) from Rock Island and Moline, IL and Pleasantville, IA to Rock Island County, IL and Marion County, IA; (rrr) expand B(34) from fresh fruits and vegetables to "food and related products"; (sss) expand B(34) from Oskaloosa, IA to Mahaska County, IA: (ttt) expand B(35) from fruit to "food and related products"; (uuu) expand B(35) from Oskaloosa, IA to Mahaska County, IA; (vvv) expand B(36) from Chicago Heights, IL, Pleasantville, IA and points within 15 miles of Pleasantville, to Cook County, IL, and Polk, Jasper, Marion and Warren Counties, IA. (II) in Sub-No. 182, (a) broaden authority to allow service to all intermediate points and expand from one-way to two-way authority; (b) delete restrictions against pickup and delivery and against transportation of specified commodities, (c) broaden authority at off-route points within 10 miles of Barnes, KS to Washington and Marshall Counties, KS; and from North Kansas City, MO to Jackson, Clay, Platte Counties, MO; (d) broaden (2) and (4) from general commodities with specific exceptions to "general commodities (except classes A and B explosives)"; (e) expand (3) and (2I) from livestock and feed to "farm products and food and related products"; (f) expand (3) off-route points within 10 miles of Barnes to Washington and Marshall Counties, KS; (g) expand off-route points in (4) (A) at Kansas City, Blue Rapids and Bigelow, KS to Wyandotte, Johnson and Marshall Counties, KS; (h) expand off-route points in (4) (c) from Olsburg and Randolph, KS to Pottawattamie and Riley Counties, KS; (i) expand (5) from hatchery supplies and equipment, liquid, petroleum products in containers, and empty liquid petroleum products containers to "agricultural supplies and equipment and petroleum, natural gas and their products"; (j) broaden off-route points (5) from Kansas City and Waterville, KS to Wyandotte and Johnson Counties, KS; (k) broaden (6) from livestock to "farm products"; (l) broaden off-route points in (6) at Kansas City, KS and points within 15 miles of Cleburne, KS, to Wyandotte, Johnson, Riley, Wabaunsee and Pottawattamie Counties, KS; (m) expand (7) from livestock and agricultural commodities to "farm products and agricultural commodities"; (n) expand in (7), (8), (9), and (10) off-route points in Kansas City, KS and points within 15 miles of Marysville, KS to Wyandotte, Johnson, Marshall and Washington Counties, KS; (o) expand (8) from livestock, feed, and farm machinery and parts to "farm products, food and related products, and machinery"; (p) expand (9) from livestock, agricultural commodities and empty containers for petroleum products to "farm products, agricultural commodities, and metal products"; (q) expand (10) from livestock, feed, farm machinery and parts, and petroleum products, in containers to "farm products, food and related products, machinery and petroleum, natural gas and their products"; (r) expand (11) from agricultural implements and parts and

twine to "machinery and agricultural supplies"; (s) expand paragraphs (11) and (12) from Waterville, KS to Marshall County, KS; (t) expand (12) from seeds to "food and related products"; (u) expand (13) from insulating materials and fertilizer to "building materials and chemicals and related products"; (v) broaden (13) from Blue rapids, KS, to Marshall County, KS; (w) expand (14) from sugar to "food and related products"; (x) expand (14) from Belleville, Concordia, Greenleaf, and Barnes, KS to Republic, Cloud, and Washington Counties, KS; (y) expand (15) from feed to "food and related products"; (z) expand authority at Blue Rapids, KS and points within 30 miles of Blue Rapids, KS to Nemaha, Marshall, Potawattamie, Clay, Riley and Washington Counties, KS, Pawnee, Gage, and Jefferson Counties, NE; (aa) expand (16) from road machinery, tractors, and culverts to"machinery, metal products, and building materials"; (bb) expand (16) from Morrowville, Washington, Greenleaf and Barnes, KS to Washington County, KS; (cc) expand (17) from livestock, agricultural commodities and agricultural implements and parts to "farm products, agricultural commodities and machinery"; (dd) expand Barnes, KS and points within 15 miles of Barnes, KS in (17) to Marshall, Pottawattamie, Clay, Washington and Riley Counties, KS and from St. Joseph, MO to Buchanan County, MO; (ee) expand (18) from livestock, feed, agricultural implements, and parts, binder twine, windmills and parts, building and fencing materials, paint, bailing wire, coal, and furniture to "farm products, food related products, machinery, agricultural supplies and equipment, building materials, metal products, chemicals and relate products, coal and their products, and furniture and fixtures"; (ff) expand (19) from livestock, feed, and building materials to "farm products, food and related products and building materials"; (gg) expand St. Joseph, MO in (19) to Buchanan County, MO; (hh) expand (20) from livestock, feed, seeds, binder twine, and agricultural implements and implement parts to "farm products, food and related products, agricultural supplies, and machinery"; (ii) expand (20) from Irving, KS and points within 15 miles of Irving to Riley, Pottawattamie, Geary and Wabaunsee Counties, KS and from St. Joseph, MO to Buchanan County, MO; (jj) expand (21) (a) from Blue Rapids, KS to marshall County, KS, and points within 30 miles of Blue Rapids to Nemaha, Marshall, Pottawattamie, Clay, Riley, and Washington Counties, KS, Pawnee, Gage and Jefferson Counties, NE, and from St. Joseph, MO to Buchanan County, MO; (kk) expand in (21) (b), (22), and (23) from points within 15 miles of Marysville to marshall and Washinton Counties, KS, (ll) expand paragraph (23) from livestock to "farm products".

MC 133846 (Sub-9)X, filed August 19, 1981. Applicant: FLITE LINE SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Representative: Russell S. Bernhard, 1625 K. St., N.W., Washington DC 20006. Applicant seeks to remove restrictions in its Sub-No. 8 certificate to (1) eliminate all exceptions to its general commodities authority other than Classes A and B explosives; (2) replace "passenger terminals at the Philadelphia International Airport" with "Philadelphia, PA"; and (3) remove ex-air and weight restrictions.

MC 136310 (Sub-6)X, filed August 18, 1981. Applicant: R. WALKER TRUCKING, INC., Route 2, Box 290, Yakima, WA 98902. Representative: Philip G. Skofstad, Logus Block, 529 S.E. Grand Avenue, Portland, OR 97214. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 7 permits to (1) broaden the commodity description in (a) Sub 1 to "chemicals and related products" from polyethelyn resin, and "rubber and plastic products" from polyethelyn bags and sheets, (b) Sub-No. 7 to "rubber and plastic products" from plastic expanded foam, cellular, nested trays and cartons; (2) broaden the territorial description in Sub-Nos. 1 and 7 to between points in the U.S. under continuing contract(s) with named shippers; and (3) remove the in bulk restriction in Sub-No. 1.

MC 138157 (Sub-282)X, filed August 17, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above). Applicant seeks to remove restrictions in its Sub-No. 108F certificate to (1) change the commodity description from plastic granules, expanded plastics, plastic bags, plastic film, agricultural insecticides, and disinfectants to "rubber and plastic products, and chemicals and related products"; (2) eliminate the restriction against commodities in bulk; (3) delete facilities limitation; (4) authorize radial authority in place of one-way authority; and (5) replace city-wide and county-wide authority as follows: Pittsburg, Fresno, and Torrance with Contra Costa, Fresno, and Los Angeles Counties, CA.

MC 143892 (Sub-1)X, filed August 30, 1981. Applicant: SHIVELY'S SERVICES, INC., R.D. No. 8, Box 392, Allentown, PA 18104. Representative: Robert J. Brooks, Suite 1115, 1828 L Street, NW, Washington, DC 20036. Applicant seeks to remove restrictions in authority acquired in MC-FC-77076 to (1) remove all exceptions to general commodities authority except classes A and B explosives, and (2) change city to county-wide authority from Allentown, PA to Berks, Bucks, Lehigh, and Northhampton Counties, PA.

MC 148180 (Sub-3)X, filed August 24, 1981. Applicant: SATELLITE TRANSPORT, INC., P.O. Box 207, Flora, IN 46929. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commoditiy description to "food and related products" from feed and feed ingredients, animal health aids and sanitation products; and, (2) remove the except liquid bulk commodities in tank vehicles restriction.

[FR Doc. 81-25954 Filed 9-3-81; 8:45 am]
BILLING CODE 7035-01-M

Preliminary Certification of Railroad Cost Accounting System Compliance With the Uniform System of Accounts (USOA)

AGENCY: Interstate Commerce Commission.

ACTION: Order.

SUMMARY: By Notice served October 30, 1980, the Commission announced its intent to implement Section 302 of the Staggers Rail Act of 1980 (recodified as Section 11164 of the Interstate Commerce Act) by requiring all Class I railroads to file a request for preliminary certification of their cost accounting systems.

Upon filing their request for certification each railroad was requested to certify that (1) the conversion system used to convert internal accounting data to Commission reports produced data in accordance with the USOA; (2) converted data was subjected to regular edits for compliance and reasonableness; and (3) all accounting exceptions taken by Commission auditor during their most recent compliance audit have been corrected or formally resolved with the Regional Auditor.

All Class I railroads filed requests for preliminary certification by the March 30, 1981 due date. This Order grants preliminary certification.

DATES: Carriers and interested parties have until October 19, 1981, to comment on this Order.

ADDRESS: Director, Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., Phone No. (202) 275–7448.

SUPPLEMENTARY INFORMATION: All Class I railroads regulated by the Commission filed requests for preliminary certification of their compliance with the USOA. Commission auditors have reviewed the representations of each railroad in their certification request. As a result, the Commission is granting preliminary certification to those railroads listed in Appendix A of this Order.

We would like to emphasize that this preliminary certification is only a formal acknowledgement of railroad compliance with the USOA. It is not a statement of Commission concurrence with cost accounting systems and methodologies employed by these railroads. We recognize there are inherent problems and deficiencies in certain railroad cost accounting systems. We will address and help resolve these problems after issuing formal cost accounting standards and providing ample time for their implementation.

This Order does not significantly affect the quality of the human environment, the conservation of energy resources or small entities.

This Order is issued under the authority of 49 U.S.C. 10321.

Decided: August 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

Certification Granted

1. Missouri Pacific Railroad
2. Missouri-Kansas-Texas
3. Union Pacific Railroad
4. Pittsburgh & Lake Erie
5. Conrail
6. Chicago & Northwestern
7. Duluth, Mesabi & Iron Range
8. Grand Trunk Western
9. Soo Line
10. Detroit, Toledo & Ironton
11. Norfolk & Western
12. Delaware & Hudson
13. Boston & Maine
14. Burlington Northern
15. Elgin, Joliet & Eastern
16. Florida East Coast
17. Long Island RR.
18. Southern Ry.
19. The Alabama Great Southern
20. Central of Georgia
21. The Cincinnati, New Orleans & Texas Pacific
22. Chicago, Milwaukee, St. Paul & Pacific
23. Bessemer & Lake Erie
24. Denver & Rio Grande Western
25. Ft. Worth & Denver
26. Colorado & Southern
27. Western Pacific
28. Seaboard Coast Line
29. Louisville & Nashville
30. Clinchfield Railroad
31. Atchison, Topeka & Santa Fe
32. Kansas City Southern
33. Southern Pacific
34. St. Louis Southwestern
35. Illinois Central Gulf
36. Baltimore & Ohio
37. Chesapeake & Ohio
38. Western Maryland

[FR Doc. 81–25880 Filed 9–3–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 346 (Sub-No. 7)]

Railroad Exemption—Export Coal

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: The Norfork and Western Railway Company has petitioned the Commission to exempt export coal traffic handled by rail and moving through Atlantic and Gulf ports from regulation. It contend that this traffic meets the criteria for exemption found in 49 U.S.C. 10505. The petition is supported by the Chessie System Railroads and the Family Lines Rail System. The Commission is seeking comment on the merits of exempting all export coal traffic through all U.S. ports from some or all of our regulations.

DATES: Statements of intent to participate are due within 10 days of the date this notice is published in the **Federal Register.** As soon as practicable thereafter, a service list and due dates for comments and replies will be served on all parties who filed an intention to participate.

ADDRESS: Statements of intent to participate should be sent to: Interstate Commerce Commission, Room 5340, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Norfolk and Western Railway Company (N&W) has petitioned the Commission to exempt from regulation all export coal traffic moving by rail via Atlantic and Gulf ports. The N&W request is limited to the scope of its interest, i.e., Atlantic and Gulf ports. We believe it would be useful to study this issue on a nationwide basis, including West Coast ports. We thus request evidence on the characteristics of export coal movements through all U.S. ports.

The Commission's exemption authority for rail services is found in 49 U.S.C. 10505. We are seeking comments on whether export coal traffic meets the statutory standards for exemption. Section 10505, as amended by the Staggers Rail Act, states that the Commission shall exempt a person, transaction or service from regulation if: (1) regulation is not necessary to carry out the national transportation policy of 49 U.S.C. 10101a; and (2) either the transaction or service is of limited scope, or regulation is not needed to protect shippers from the abuse of market power.

N&W argues that export coal traffic meets the statutory criteria and, therefore, should be exempted from regulation. The Chessie System and the Family Lines Rail System concur and support the petition. The opposite view is taken by the Coal Exporters Association of the United States, Inc. (CEA). CEA is supported by Alla-Ohio Valley Coals, Inc., the National Coal Association, and the Water Transport Association. CEA and Alla-Ohio contend that export coal traffic cannot meet the criteria for exemption under section 10505 and have sought immediate dismissal of the N&W petition. We do not believe that the current record provides a basis for granting either the exemption of the request for dismissal, and are serving this notice to obtain further comment. The views of all parties are summarized and discussed below. Specific questions relating to the issues are also presented to focus the comments of the participants in this proceeding.

Competitive Criteria

Both sides concentrate on the competitive issues surrounding the petition. N&W contends that rail transportation of export coal is affected by competitive pressures from several sources and that these are sufficient to insure reasonable rates and protect shippers from the abuse of market power. CEA questions the effectiveness of these competitive pressures by emphasizing conditions in the market for export coal that, they assert, make most domestic coal suppliers captive to a single rail carrier.

The source of competitive pressure most extensively discussed by N&W is the world market for export coal. N&W presents evidence attempting to demonstrate that the United States has been and will continue to be engaged in vigorous competition with other nations for the sale of export coal. N&W argues

that this competition is intensified by the fact that purchasers of export coal are large, sophisticated buyers who obtain their coal from a variety of sources in the world market. The result, it is argued, is that if domestic rail carriers were to charge excessively high rates for transporting this coal, the United States would be placed at a competitive disadvantage vis-a-vis other exporting nations. This would, arguably, not be in the interest of the railroads since the result would be a reduction in U.S. sales of export coal and, consequently, a diminution of rail traffic and revenues. Therefore, N&W argues, because of the competitive pressures in the world market for export coal, railroads would be restrained from charging unreasonable rates for such traffic or engaging in behavior that would otherwise be detrimental to domestic suppliers.

The second source of competitive pressure cited by N&W is competition among domestic rail carriers. It argues that, in addition to U.S. competition in the world market, domestic suppliers of export coal compete intensively among themselves. These suppliers are often served by different rail carriers delivering to different ports. As a consequence, the traffic and revenues of each rail carrier would depend on how successfully the supplier it serves can compete with other domestic suppliers of export coal. Since ability to compete depends, in part, on the costs of transporting the coal, it would, N&W avers, not be in the interest of a rail carrier wishing to carry such traffic to charge excessively high rates. The thrust of this argument is that, even in the absence of worldwide competition for coal geographic competition in the domestic market for export coal would suffice to keep rail rates for this traffic at reasonable levels and otherwise protect shippers from the abuse of market power.

Two other potential sources of competition are also cited by N&W. These are intra- and intermodal competition and product competition. As to intra- and intermodal competition, N&W argues that "there exists very substantial competition among carriers serving the same source." Barge, and to a lesser extent, truck may be used in some instances in lieu of rail to transport export coal. In a limited number of cases, supply sources are served by more than one rail carrier. Combinations of modes such as rail-barge, rail-barge-rail, truck-rail and truck-barge may also be used depending on the region. It is argued the existence of such transportation alternatives places direct competitive pressure on rail carriers carrying export coal

Finally, the N&W petition briefly discusses product competition as a factor restraining rail behavior detrimental to coal exporters. To the extent that foreign users may substitute for coal other sources of energy (oil, atomic energy, etc.), the ability of domestic rail carriers to raise rates and, therefore, the delivered price of export coal, is somewhat constrained.

The coal exporters strongly question the effectiveness of the major sources of competitive pressure cited in the N&W petition. They argue that the various sources of export coal are not readily substitutable for one another. The quality or chemical content of coal is said to vary considerably among the domestic and international coal regions. The foreign public utilities purchasing export coal are technologically constrained to use only a specific type or mix of coal. The alleged implication of this is that, at least in the short term, foreign users have a very limited number of feasible sources from which they can draw their coal. Arguably, domestic coal exporters would, in the short term, face little, if any, competitive pressures in the world or national coal markets. Since foreign purchasers would be captive to a specific source of export coal, domestic rail carriers would have little fear of losing traffic and revenues as consequence of raising rates or engaging in other activity that would be detrimental to the coal suppliers they served. In short, it is argued that the restraining effects on rail behavior of domestic and foreign sources competition at the domestic level would, in the event of exemption, be either nonexistent or far less effective than the N&W petition implies.

CEA also contends that competition from alternative sources is undermined by the extensive use of long term supply contracts for export coal. CEA argues that once quantity and price are settled in these contracts the exporter is bound by the terms and must absorb any increase in production costs, including increased transportation costs. CEA continues that the railroads, in the absence of rate controls, would be able to raise rates just short of the point where production would cease, taking monopoly profits in the process.

The effectiveness of intramodal and intermodal competition is also questioned by CEA and its supporters. For example, they argue that intramodal competition is insignificant since only a very small percentage of the domestic coal fields or mines is served by more than one rail carrier. The alleged effectiveness of intermodal competition is questioned as well. Barges, the most important of the other modes transporting coal, do not have direct access to coal fields or mines. Since, in many instances, coal must be transported by rail to the water, the possibility of using barge for a portion of the movement does not appreciably reduce the market power of the originating rail carrier. While truck can be used to transport or originate coal that may be later transloaded onto barge or rail, the costs of transporting coal by truck greatly exceed those of rail, especially for long hauls. Thus, the use of truck as an alternative to rail may be feasible only in a limited number of cases. In sum, it is the view of these parties that, although intramodal and intermodal competition are not affected by technological restrictions and long term supply contracts which constrain foreign purchasers to specific sources of supply, such forms of competition are not sufficiently prevalent to keep rail rates at reasonable levels or otherwise protect shippers from the abuse of market power.

In our view, the issues concerning competition must be resolved before we can determine whether export coal traffic can qualify for an exemption. Further development of these issues is necessary. For example, would the constraints imposed by technological restrictions and long term supply eliminate either the effectiveness of U.S. competition in the world market or geographic competition at the domestic level in restraining abuse of market power by rail carriers? While shippers may be captive in the short term as a consequence of these constraints, is it true in the long term? Would it be a sufficient constraint that a rail carrier charging excessive rates or otherwise engaging in activity detrimental to a captive shipper is still threatened by a future loss in traffic and revenues? Arguably, the shipper has the option of choosing from other supply sources after the contract has expired or the technological restrictions are no longer binding. As provided in section 208 of the Staggers Rail Act, shippers can now legally negotiate transportation contracts with rail carriers. Since such contracts may be made simultaneously with long term supply contracts and at a time when shippers may choose from several coal supply sources and transportation alternatives, is it true that the abuse of market power associated with captivity can be averted?

In sum, the effectiveness of long term competition and transportation contracts in restraining rail behavior must be carefully considered before we

can determine whether export coal meets the criteria for exemption. Because we recognize the potential magnitude of this problem, we are particularly interested in receiving comments on this issue.

The Limited Scope Criterion

N&W argues that, in addition to being subject to intense competition, export coal traffic also qualifies for exemption on the basis of the limited scope criterion. To support this view, N&W states that such traffic represents only three percent of the railroads' total originated carloadings nationwide and less than four percent of Eastern and Southern district carloadings. Further, it reports that this amounts to one-fourth of the world coal trade.

In contrast, CEA argues that the exemption of export coal is not of limited scope because it encompasses all movements of export coal via Atlantic and Gulf ports, all rail carriers transporting coal to them, and all statutory sections applicable to rail transport. It compares export coal traffic to exemptions granted for fresh fruits and vegetables and TOFC/COFC [2] arguing that in these instances the exemption was granted because the railroads' share of the market for the commodities being transported was small and the railroads lacked significant market power. CEA indicates that the same circumstances do not exist with respect to export coal. It states that the railroads' market share for export coal moving via the Atlantic and Gulf ports is well above 90 percent. Additionally, it reports that export coal traffic represents 23 percent of the total tonnage handled by N&W in 1980, and it constitutes, in terms of carloadings, the eight or ninth largest commodity in the AAR list of commodities transported by U.S. railroads. This, CEA argues, implies that the export coal traffic moved by rail cannot be construed to be of limited scope.

The evidence submitted by both parties reflects considerable ambiguity with respect to the meaning of the term "limited scope." The term has been applied to a variety of measures associated with rail transportation of export coal (modal share, percent of rail carloadings, percent of originated tons, etc.). Section 10505 provides insufficient guidance as to the intended meaning of the term. We seek comment on what "limited scope" should mean in the context of this proceeding, and on the parties' views as to whether the criterion is met.

Other Issues

Several other matters pertaining to the market for export coal received extensive discussion by both parties. One is N&W's argument concerning the negative effect of regulation on the willingness of shippers to negotiate acceptable transportation contracts with rail carriers. The other is the reasonableness of rates for export coal. Various aspects of this issue were raised by both parties.

N&W contends that regulation is harmful to the ability of railroads to enter into long-term transportation contracts with shippers. It states that these shippers have no incentive to negotiate acceptable rate contracts since the "regulatory backstop" affords them a procedure for filing complaints and obtaining perhaps more advantageous rates from the Commission. In other words, shippers are unwilling to negotiate contracts containing rate agreements unless such contracts also include a clause requiring the lowering of the agreed-upon rate in the event of any decision by the Commission requiring the lowering of a similar rate. This is unacceptable to the railroads since the predictability of rates and, therefore, revenues is crucial for determining the profitability of investment in rail facilities. As a consequence, in N&W's view, the failure to negotiate acceptable rate contracts has precluded the growth of an environment conducive to adequate rail investment. The amount of investment required for the efficient handling of export coal is substantial, and railroads are reluctant to undertake such investment if they are uncertain of the revenues it will generate. For these reasons, N&W asserts that continued regulation of export coal is inconsistent with the goals of the national transportation policy (49 U.S.C. 10101a) to create an environment conducive to adequate investment and efficient provision of rail services.

CEA asserts that there is little evidence to support this argument, and states that, in fact, a large number of such contracts have been negotiated since passage of the Staggers Act (which legalized contracts between rail carriers and shippers and established rules governing their enforcement). This would imply that the historical failure to negotiate long-term contracts for export coal was due to the uncertainties surrounding their legality and enforceability rather than the reasons cited by N&W. We are especially interested in receiving comment on this issue, including non-confidential information about the number and circumstances of post-Staggers Act contracts covering transportation of export coal.

Numerous pre-Staggers Act rail rates for export coal have recently been challenged before the Commission and the courts. Challenges to some of these rates were filed by CEA and Alla-Ohio in March, 1981 under Section 229 of the Staggers Act. (Section 229 established a 180 day period, beginning with the effective date of the Act, for rates in effect prior to that date to be challenged as unreasonable.) CEA cites the challenged rates as evidence that the railroads have abused their market power over this traffic. The revenue/variable cost ratios for all of these rates are argued to be in excess of 200 percent, and several allegedly exceed 300 percent. As additional evidence that railroads have and do execrcise market power over export coal traffic, CEA indicates that they have, in every instance, taken full general rate increases for this traffic.

N&W argues that the rate challenges for export coal were filed simultaneously with its petition for exemption and that, to its knowledge, there have been no other instances in which such rates have been challenged. It interprets this as evidence that shippers have, in the past, considered these rates reasonable. As additional indication of the resasonableness of export coal rates, N&W points to the fact that these rates have in recent years increased at a much slower pace than the delivered price of coal. For example, N&W's export coal rates increased approximately 26% between 1969 and 1979, while the mine-mouth price of coal increased approximately 622% over the same period.

We solicit all parties views on the implications of these arguments. Would an exemption improve or worsen matters?

Additional Questions

The evidence submitted by the parties does not provide us with a sufficient basis for determining whether export coal traffic nationwide or through Altantic and Gulf ports qualifies for exemption. This is expecially true with respect to the competitive issues. We are, therefore, seeking further comment on the arguments summarized and discussed in this notice as well as comments on relevant issues that were not addressed by the parties. Specifically, the petition does not satisfactorily address the following, and we ask commenting parties to do so:

[2] See Ex Parte No. 346 (Sub-No. 1), Rail General Exemption Authority—Fresh Fruits and Vegetables, 361 I.C.C. 211, (1979), 361 I.C.C. 374 (1979); and Ex Parte No. 230 (Sub-No. 5).

1. In light of the constraints imposed by quality restrictions on coal usage and by long-term supply contracts, how effective are geographic competition at the domestic level and U.S. competition in the world market in preventing abuse of market power by rail carriers?

2. What transportation alternatives are available to domestic suppliers for originating export coal traffic? Is truck an economically feasible alternative for originating such traffic and transloading it onto other modes (rail or barge)? How many carrier or mode combinations are usually available for transporting export coal from a given supply source to a port?

3. How do revenue/variable cost ratios for export coal traffic compare with those for domestic coal traffic?

4. Do high revenue/variable cost ratios for export coal traffic necessarily indicate that rates are unreasonable?

5. N&W argues that regulation (in the sense of guaranteed recourse to the Commission) has prevented the negotiation of long-term supply contracts because shippers have insisted on clauses that require the lowering of the agreed-upon rate in the event of Commission action to lower an allegedly similar rate. Would an exemption of this traffic be likely to result in more successful negotiations between shippers and carriers? Would this be beneficial to the public? Are contracts that include clauses requiring rates to be lowered (or raised) in defined circumstances less desirable to rail carriers than no contracts at all?

6. In the future, can shippers negotiate long-term transportation contracts simultaneously with long-term supply contracts?

7. Exemption of export coal would include the elimination of antitrust immunity for collective ratemaking. How would this affect competition among domestic rail carriers for the trnaportion of export coal?

8. Is Commission regulation necessary in view of the protection afforded by the antitrust laws to compel competition? Would application of the antitrust laws produce reasonable levels of rates and service?

9. The Water Transport Association has expressed their concern that exempting export coal from regulation will allow the railroads to undermine rail-water competition through practices that are unlawful under Section 707 of the Staggers Act. Discuss to what extent, if any, the exemption of export coal would permit practices that are unlawful under Section 707. Do the antitrust laws provide sufficient protection from the practices identified in Section 707? Would they satisfy the Commission's obligations here?

10. With respect to the goals of the national rail transportation policy (49 U.S.C. 10101a), in what ways is continued regulation of export coal traffic beneficial or detrimental to the railroad industry, the export coal industry, and the nation?

Conclusion

Upon review of the comments, the relief sought may be granted or denied or the Commission, in its discretion, may institute a general rulemaking proceeding or take such other action as may be appropriate.

The N&W petition and the replies are available for public inspection in the Office of the Secretary of the Commission, I.C.C., Washington, D.C. 20423.

We also request comment on whether this proposal affects significantly the quality of the human environment or conservation of energy resources. While we do not believe an exemption here would have a significant effect on a substantial number of small entities, copy of this proposal is being forwarded to the Chief Counsel for Advocacy, Small Business Administration.

(49 U.S.C. 10321, 10505 and 5 U.S.C. 553).

Decided: August 18, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25892 Filed 9-3-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Carpenter Technology Corp., et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 14, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 14, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 31st day of August 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.–	Articles produced
Carpenter Technology Corp. (company)	Reading, Pa	8/26/81	8/14/81	TA-W-12,927	Stainless and tool steel, corp. offices.
Do	Hapeville, GA	8/26/81	8/14/81	TA-W-12,928	Warehousing steel and steel products.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
[redacted]	Mansfield, Mass	8/26/81	8/14/81	TA-W-12,929	Warehousing steel and steel products.
Do	Charlotte, N.C	8/26/81	8/14/81	TA-W-12,930	Warehousing steel and steel products.
Do	Melrose Park, IL	8/26/81	8/14/81	TA-W-12,931	Warehousing steel and steel products.
Do	Cincinnati, Ohio	8/26/81	8/14/81	TA-W-12,932	Warehousing steel and steel products.
Do	Cleveland, Ohio	8/26/81	8/14/81	TA-W-12,933	Warehousing steel and steel products.
Do	Dallas, Tex	8/26/81	8/14/81	TA-W-12,934	Warehousing steel and steel products.
Do	Troy, Mich	8/26/81	8/14/81	TA-W-12,935	Warehousing steel and steel products.
Do	Hartford, Conn	8/26/81	8/14/81	TA-W-12,936	Warehousing steel and steel products.
Do	Houston, Tex	8/26/81	8/14/81	TA-W-12,937	Warehousing steel and steel products.
Do	Indianapolis, Ind	8/26/81	8/14/81	TA-W-12,938	Warehousing steel and steel products.
Do	Los Angeles, Calif	8/26/81	8/14/81	TA-W-12,939	Warehousing steel and steel products.
Do	Memphis, Tenn	8/26/81	8/14/81	TA-W-12,940	Warehousing steel and steel products.
Do	Milwaukee, Wis	8/26/81	8/14/81	TA-W-12,941	Warehousing steel and steel products.
Do	Minneapolis, MN	8/26/81	8/14/81	TA-W-12,942	Warehousing steel and steel products.
Do	W. Caldwell, N.J	8/26/81	8/14/81	TA-W-12,943	Warehousing steel and steel products.
Do	Fort Washington, Pa	8/26/81	8/14/81	TA-W-12,944	Warehousing steel and steel products.
Do	Rochester, N.Y	8/26/81	8/14/81	TA-W-12,945	Warehousing steel and steel products.
Do	St. Louis, Mo	8/26/81	8/14/81	TA-W-12,946	Warehousing steel and steel products.
Do	Belmont, Calif	8/26/81	8/14/81	TA-W-12,947	Warehousing steel and steel products.
Do	South Bend, Ind	8/26/81	8/14/81	TA-W-12,948	Warehousing steel and steel products.
General Electric Company (UE)	Ontario, Calif	8/24/81	8/18/81	TA-W-12,949	Household flat irons.
Ralco Sewing Industries, Inc. (United Brick & Clay Wrks of Amer).	Olive Hill, Ky	8/24/81	8/4/81	TA-W-12,950	Contractor of insulated outerwear and insulated underwear.
Smart Modes of Calif., Inc. (ILGWU)	Los Angeles, Calif	8/25/81	8/19/81	TA-W-12,951	Ladies' and misses' coats and rainwear.
Victoreen, Inc. (IAMAW)	Cleveland, Ohio	8/24/81	8/19/81	TA-W-12,952	Nuclear radiation measuring instrument electronic components, environmental systems.
Vulcan Corp. (workers)	Amesbury, Mass	8/21/81	8/18/81	TA-W-12,953	Soles and heels.

[FR Doc. 81-25970 Filed 9-3-81; 8:45 am]

BILLING CODE 4510-28-M

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications; Keymark Corp.

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: David O. Williams, Administrator, U.S. Employment Service, Room 8000, Patrick Henry Building, Employment & Training Administration, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 1st day of September 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending September 5, 1981

Name of Applicant and Location of Enterprise and Principal Product or Activity

Keymark Corporation, Mohawk, New York—Manufacture of aluminum extrusions—subs. manufacture of aluminum windows & doors

[FR Doc. 81-25917 Filed 9-3-81; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,381]

Dayton-Walther Corp., Camden Casting Center, Camden, Tennessee; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 9, 1981 in response to a worker petition received on March 2, 1981 which was filed on behalf of workers at Camden Casting Center, Camden, Tennessee, of Dayton-Walther Corporation.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-12,309). Consequently further investigation in this case would

serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C., this 28th day of August 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-25857 Filed 9-3-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,771]

Inspiration Consolidated Copper Co., Claypool, Arizona; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 24, 1980, in response to a worker petition received on November 14, 1980, which was filed by the United Steelworkers of America on behalf of the workers at Inspiration Consolidated Copper Company, Claypool, Arizona.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 21st day of August 1981.

Harold Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-25861 Filed 9-3-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,390]

McEwen Manufacturing Co., McEwen, Tenn.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 9, 1981, in response to a worker petition received on March 2, 1981, which was filed on behalf of workers at McEwen Manufacturing Company, McEwen, Tennessee.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,818). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 26th day of August 1981.

Harold Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-25859 Filed 9-3-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,103, 11,103A, 11,103B, and 11,196]

Mr. Fine, Inc., Graham, Tex., Jacksonville, Tex., Dallas, Tex., and Athens, Tex.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigations were initiated on September 29, 1980 and October 6, 1980 in response to petitions which were filed on behalf of workers of the Graham, Texas (TA-W-11,103) and Athens, Texas (TA-W-11,196) facilities of Mr. Fine, Incorporated. The investigation was expanded to include the Jacksonville, Texas (TA-W-11,103A) and Dallas, Texas (TA-W-11,103B) facilities of Mr. Fine, Incorporated. Workers at all facilities produce women's apparel.

U.S. imports of women's, misses' and children's slacks and shorts, blouses and shirts, coats and jackets, and women's and misses' dresses increased absolutely in 1980 compared with 1979.

Mr. Fine, Incorporated began importing women's apparel in August, 1980, subsequently closing their four domestic production facilities, the subject plants, in September 1980. Presently the company relies on imports and domestic contractors for supplies of women's apparel. Reliance on domestic contractors has remained stable, while imported garments have replaced in-house production requirements.

Customers of the subject firm were surveyed for their purchases of women's sportswear—slacks and jeans, blouses, dresses and blazers in 1978, 1979, and 1980 to determine the impact of imports on sales and employment declines prior to subject firm procurement of imported garment supplies. Survey respondents accounting for a significant portion of subject firm sales and sales declines reported they did not purchase imports or their reliance on imports did not increase significantly during the period under investigation.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' pants, blouses, skirts and dresses produced at Mr. Fine, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Graham (TA-W-11,103), Jacksonville (TA-W-11,103A), Dallas (TA-W-11,103B) and Athens (TA-W-11,196), Texas facilities of Mr. Fine, Incorporated who became totally or partically separated from employment on or after September 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of August 1981.

Robert O. Deslongchamps,

Acting Deputy Administrator, Unemployment Insurance Service.

[FR Doc. 81-25959 Filed 9-3-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,197]

Municipal Castings, Inc., Madison, Minn.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 6, 1980 in response to a worker petition received on September 30, 1980 which was filed on behalf of the workers at Municipal Castings, Inc., Madison, Minnesota.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 26th day of August 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-25986 Filed 9-3-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,662]

National Gypsum Co., Decorative Products Division, Hatfield, Mass.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 30, 1981, in response to a worker petition received on April 27, 1981, which was filed on behalf of the workers at National Gypsum Company, Decorative Products Div., Hatfield, Massachusetts.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been

issued (TA–W–12,600). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 26th day of August 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–25860 Filed 9–3–81; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–12,233]

Portera Garments, Inc., Brooklyn, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 9, 1981 in response to a worker petition received on February 2, 1981 which was filed on behalf of the workers at Portera Garments, Incorporated, Brooklyn, New York.

The petioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA–W–11,150). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 26th day of August 1981.

Harold Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–25862 Filed 9–3–81; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–9748]

Progressive Machinery Corp., Pontiac, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 4, 1980 in response to a worker petition received on July 27, 1980 which was filed on behalf of the workers at Progressive Machinery Corporation, Pontiac, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 26th day of August 1981.

Marvin M. Fooks,

Director, Office of Trade Admustment Assistance.

[FR Doc. 81–25865 Filed 9–3–81; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–11,229]

Samoset Processing Co., Woonsocket, R.I.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on October 6, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers at Samoset Processing Company, Woonsocket, Rhode Island. The workers produce men's and boys' outercoasts and jackets.

U.S. imports of men's and boys, nontailored outer jackets increased absolutely in 1980 compared to 1979.

Company imports of men's and boys' outercoats and jackets increased absolutely and as a proportion of company sales from 1979 to 1980 in the first five months of 1981 compared to the same period in 1980.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and boys' outercoats and jackets produced at Samoset Processing Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Samoset Processing Comapany, Woonsocket, Rhode Island who became totally or partially separated from employment on or after September 1, 1980 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of August 1981.

Robert O. Deslongchamps,

Acting Deputy Administrator, Unemployment Insurance Service.

[FR Doc. 81–25866–9–3–81; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–9524]

S. M. Frank and Co., Inc., Richmond Hills, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 28, 1980 which was filed on behalf of workers and former workers producing smoking pipes at S. M. Frank and Company, Incorporated, Richmond Hills, New York.

The Notice of Investigation was published in the **Federal Register**. No public hearing was requested and none was held.

Section 221(a) of the Trade Act of 1974 states that a petition for certification of eligibility to apply for adjustment assistance may be filed with the Secretary of Labor by a group of workers or by their certified or recognized union or other duly authorized representative. During the course of the investigation, it was established that the petitioner is neither an authorized representative of the workers of S. M. Frank and Company, Incorporated nor a company official. Consequently, the investigation has been terminated.

Signed in Washington, D.C., this 21st day of August 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–25864 Filed 9–3–81; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–10,458 and TA–W–10,458A]

Tag-A-Long Handbags and Accessories, Inc., East Haven, Conn., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 25, 1980 in response to a petition which was filed on behalf of workers at Tag-A-Long Handbags and Accessories, Incorporated, East Haven, Connecticut. The workers produce handbags. The investigation was expanded to include

workers of the New York, New York office of Tag-A-Long Handbags and Accessories, Incorporated.

U.S. imports of handbags increased absolutely during 1980 compared to 1979 and during the first quarter of 1981 compared to the first quarter of 1980. U.S. imports of handbags increased ralative to domestic production during 1979 compared to 1978 and during 1980 compared to 1979.

A survey of customers of Tag-A-Long Handbags and Accessories, Incorporated was conducted by the Department of Labor. Survey results revealed that major customers reduced purchases of handbags from Tag-A-Long and increased purchases of imported handbags during 1980 compared to 1979. Results also revealed that customers who responded to the survey, in the aggregate, increased their reliance on imported handbags during 1980 compared to 1979 and during 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with handbags produced at Tag-A-Long Handbags and Accessories, Incorporated, East Haven, Connecticut contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Tag-A-Long Handbags and Accessories, Incorporated, East Haven, Connecticut and New York, New York who became totally or partialy separated from employment on or after August 31, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of August 1981.

Robert C. Deslongchamps,

Acting Deputy Administrator, Unemployment Insurance Service.

[FR Doc. 81-25967 Filed 9-3-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,418]

Tel-Aviv Fashions, Inc., Hoboken, N.J.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 16, 1981 in response to a worker petition received on March 9, 1981 which was filed by the International Ladies Garment Workers Union on behalf of workers at Tel-Aviv Fashions, Incorporated, Hoboken, New Jersey.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-12,280). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C., this 28th day of August 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-25968 Filed 9-3-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11-220]

Tenna Corp., Cleveland, Ohio; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 6, 1980, in response to a worker petition received on October 1, 1980, which was filed by the Allied Industrial Workers on behalf of the workers at Tenna Corporation, Cleveland, Ohio.

The petioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,007). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 28th day of August 1981.

Harold Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-25963 Filed 9-3-81; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-70; Exemption Application No. D-2370]

Exemption from the Prohibitions for Certain Transactions Involving the Tharco Affiliated Companies Profit Sharing Plan Trust Located in San Lorenzo, Calif.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the proposed loan (the Plan Loan) of money by the Tharco Affiliated Companies Profit Sharing Plan Trust (the Plan) to Tharco Containers Colorado, Inc., a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. Horace C. Green of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 2, 1981, notice was published in the **Federal Register** (46 FR 29568) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of Section 406 (a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of Section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of Section 4975 (c)(1)(A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No requests for a hearing were received by the Department, but a letter was received from the applicant's representative who stated that the applicant was unable to distribute the notice to interested persons prior to June 17, 1981, which was the deadline for such distribution. The applicant completed the distribution of the notice on July 2, 1981 and requested that the comment period be extended from July 17, 1981 August 2, 1981, so as to provide interested parties with the required 30 day comment period. The applicant stated that the notice informed interested parties that the comment period had been extended to August 2, 1981. The Department agreed to the applicant's modified compliance with the notice provisions of the proposed exemption. No comments other than the applicant's were received by the Department. The notice of pendency was issued and the exemption is being granted sloely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under Section 408(a) of the Act and Section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of Section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with Section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of Section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption does not extend to transactions prohibited under Section 406(b)(3) of the Act and Section 4975(c)(1)(F) of the Code;

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and Section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of Section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of Section 4975 of the Code, by reason of Section 4975 (c)(1)(A) through (E) of the Code, shall not apply to the Plan Loan provided the terms of the Plan Loan remain at least as favorable as an arms-length transaction would be with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 31st day of August 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–25971 Filed 9–3–81; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 81–69; Exemption Application No. D–2211]

Exemption From the Prohibitions for Certain Transactions Involving Hardy Coal Company Employees' Pension Plan & Trust Located in Sugarcreek, Ohio

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption retroactively permits the contribution to Hardy Coal Company Employees' Pension Plan and Trust (the Plan) on September 11, 1979, of two parcels of real property (the Properties) by Holmes Land Company (Holmes), a wholly-owned subsidiary of GEX Hardy, Inc. (the Employer), the Plan sponsor, in satisfaction of the minimum required contribution to the Plan for the year ending December 31, 1978.

FOR FURTHER INFORMATION CONTACT: Mr. Horace C. Green of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 26, 1981, notice was published in the **Federal Register** (46 FR 33141) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of Section 406(a) , 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of Section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of Section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, Section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under Section 408(a) of the Act and Section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with Section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other

provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in EDISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of Section 406(a), 406 (b)(1) amd (b)(2) of the Act and the sanctions resulting from the application of Section of the Code, by reason of Section 4975 4975(c)(1) (A) through (E) of the Code, shall not apply to the contribution on September 11, 1979 of the Properties by Holmes to the Plan for the year ending December 31, 1978: *Provided*, That: (1) The Employer's federal tax deduction for the contribution of the Properties to the Plan was not greater than the fair market value of the Properties on the date of contribution; and (2) the contribution was valued at its fair market value by the Plan on the date of the contribution.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction that is the subject of the exemption.

Signed at Washington, D.C., this 31st day of August, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–25972 Filed 9–3–81; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before October 5, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day August 31, 1981, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, and application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Isotope		
Transnuclear, Aug. 14, 1981, Aug. 17, 1981, XSNM01[illegible].	3.85% enriched uranium	Additional 139,176.420.	Additional 4,945.718.	Additional material to cover 5 reloads for Goegen-Danium.	Switzerland.
Transnuclear, Aug. 25, 1981, Aug. 25, 1981, ISNM81020.	93% enriched uranium Plutonium	27.2700.9 gms	12.114	Irradiated fuel elements for reprocessing	U.S. (from W Germany).
Transnuclear, Aug. 24, 1981, Aug. 25, 1981, ISNM81012(01).	1 13% enriched uranium	Aditional 000.000.	Additional 108.281	Increase maximum enrichment of U/235. Feed material for domestic UE Contract DUE4104.	U.S. (from France).

[FR Doc. 81–25975 Filed 9–3–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–261]

Carolina Power & Light Co. Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR–23 issued to Carolina Power and Light Company (the licensee), which adds a new license condition for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment sets conditions related to the operation and surveillance of steam generators from the time this unit returns to power subsequent to the August 1981 steam generator inspection and to remain in effect until the next refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) that application for amendment dated August 27, 1981, as revised by letter dated August 28, 1981, (2) Amendment No. 60 to License No. DPR–23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenue, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of August, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-25976 Filed 9-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment was effective on August 4, 1981.

This amendment modifies the Technical Specifications to permit until October 1, 1981, isolation of a primary relief line by using a deenergized shut power operated relief valve (PORV) rather than an inoperable and shut PORV block valve. This amendment was issued on an expedited basis to allow isolation of a packing leak on the inoperable PORV block valve by opening (backseating) the block valve.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 3, 1981, (2) Amendment No. 42 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Fla. A copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of August, 1981.

For the Nuclear Regulatory Commisison.

Eben L. Conner,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-25977 Filed 9-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-458, 50-459]

Gulf States Utilities Co. and Cajun Electric Power Cooperative, (River Bend Station, Units 1 and 2; Receipt of Application for Facility Operating Licenses; Consideration of Issuance of Facility Operating Licenses; Availability of Applicants' Environmental Report; Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating licenses from Gulf States Utilities Company (the applicant), on its own behalf and, as to ownership of 30 percent of Unit 1, on behalf of Cajun Electric Power Cooperative, to possess, use, and operate the River Bend Station, Units 1 and 2, two boiling water nuclear reactors (the facilities), located on Gulf States Utilities Company's site in West Feliciana Parish, Louisiana. Each of the reactors is designed to operate at a core power level of 2894 megawatts thermal, with an equivalent net electrical output of approximately 936 megawatts.

The applicant also submitted, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, which discusses environmental considerations related to the proposed operation of the facilities. The report is being made available at the Office of State Clearinghouse, Department of Urban & Community Affairs, P.O. Box 44455, Capitol Station, Baton Rouge, Louisiana 70804, and the Capital Region/Planning Commission, P.O. Box 3355, Baton Rouge 70821.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register**.

The Commission will consider the issuance of facility operating licenses to the applicant, which would authorize the applicant to possess, use and operate the River Bend Station, Units 1 and 2, in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Construction of the facilities was authorized by Construction Permit Nos. CPPR-145 and CPPR-146, issued by the Commission on March 25, 1977. The latest completion dates specified in the above construction permits is March 31, 1983 for Unit 1, and March 31, 1985 for Unit 2.

Prior to issuance of any operating licenses, the Commission will inspect the facilities to determine whether they have been constructed in accordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and

security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By October 5, 1981, the applicant may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his or her petition without prior approval of the presiding officer at any time up to fifteen (15) days prior to the first prehearing conference; thereafter, a petition may be amended only with approval of the presiding officer. Any amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter and the bases for each contention set forth with reasonable specificity. A petitioner who fails to include a valid contention in his or her original petition or in the supplement will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by October 5, 1981. A copy of the petition should also be sent to the Executive Legal Director, Nuclear Regulatory Commission, Washington, D.C., 20555, and to Troy B. Conner, Jr., Esq., Conner & Wetterhahn, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006, attorney for the applicant. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses and the applicant's environmental report, which are available for public inspection at the Commission's public document room, 1717 H Street, NW., Washington, D.C., and at the local public document rooms at the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisville, Louisiana 70775, and the Louisiana Street University Library, Government Documents Department, Baton Rouge, Louisiana 70803. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committe on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Maryland, this 25th day of August 1981.

For the Nuclear Regulatory Commisison.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-25978 Filed 9-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Byproduct Material License No. 34-13774-01 EA 81-72]

John C. Haynes Co.; Order To Modify License

I

John C. Haynes Company, 800 Hebron Road, Heath, Ohio 43055 (the "licensee") is the holder of Byproduct Material License 34-13774-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the possession and use of byproduct material under certain conditions specified therein. This license was originally issued on August 18, 1970. The license was due to expire on August 31, 1980; however, a timely renewal has been received.

II

The licensee is currently authorized to use americium-241 to irradiate crystalline materials. However, the licensee's program has been inactive for some time. The licensee is currently in possession of approximately 25 curies of americium, some of it in the form of contamination of the facility (floors, glove boxes, drainage lines, etc.).

On February 6 and 7, 1980 and March 14, 1980, the licensee's activities authorized by License 3-13774-01 and located at 800 Hebron Road, Heath, Ohio, were inspected by representatives

of the NRC Office of Inspection and Enforcement for health and safety purposes. On August 14, 1980, the Commission sent Invoice 1677M to the licensee requesting payment within 30 days of the inspection fee of $390 required by 10 CFR Part 170 of the Commission's regulations. A second notice of payment due, together with a Notice of Violation, was sent to the licensee on September 14, 1980. A final notice of payment due was sent to the licensee on October 14, 1980. To date the fee required by Part 170 has not been paid by the licensee.

On August 28, 1980, following notification by the licensee that he wanted to convert his license to storage only, NRC (Material Licensing Branch) requested that the licensee submit a radiation survey and decontamination report in accordance with applicable guidelines for removable and fixed contamination at his facility.

No adequate radiation survey or decontamination report has been submitted by the licensee.

The property on which Mr. Haynes has conducted his licensed activities is subject to a mortgage held by the Central Trust Company of Newark, Ohio. By letter dated July 14, 1981, the Commission was informed by counsel for the Central Trust Company that an action in foreclosure had been instituted naming all parties in interest including Mr. Haynes, and that a motion for the appointment of the receiver had been filed.

By letter dated August 18, 1981, the Commission was informed by counsel for the Central Trust Company that the Licking County Common Pleas Court appointed a receiver over the property on which Mr. Haynes had conducted his licensed activities. That letter stated that the receiver intended to take physical possession of the property and bar the licensee access to it.

On the basis of the foregoing, I have determined that I no longer have adequate assurance that the licensee is financially capable of conducting its activities in accordance with Commission requirements to protect the health and safety of the public. Therefore, the public health, safety and interest require that the licensee's facility be decontaminated and decommissioned at this time.

III

Pursuant to sections 81, 161(b), 161(o), and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2, 20, and 30, it is hereby ordered effective immediately that:

A. License No. 34–13774–01 is amended to authorize only storage of americium-241 oxide and decontamination of the licensed facilities.

B. Within 20 days of the date of this Order the licensee shall:

(1) Submit to the Commission for review a radiation survey of the facility.

(2) Submit to the Commission a statement of the quantity and location of all licensed material in the facility.

(3) Submit to the Commission for review and approval a plan based on the above survey for immediate decontamination of the licensed facility in accordance with the Decontamination Guide previously provided to the licensee by letter dated August 28, 1980. This plan shall identify the individual(s) performing the work and his (their) qualifications for performing such work.

(4) Submit to the Commission for review and approval a plan for immediate packaging for shipment all licensed material at the site in accordance with applicable NRC and DOT regulations.

No decontamination or packaging activities shall be commenced until the Commission has approved the licensee's decontamination and packaging plan.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing within 25 days after issuance of this Order. Any answer to this Order or any request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, Nuclear Regulatory Commission, Washington, D.C. 20555. Copies shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address. If a person other than the licensee requests a hearing that person shall describe specifically, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of Section III of this Order.

V

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether the licensee should be required to take the actions proposed in Section III of this Order.

Dated at Bethesda, Maryland, this 28th day of August 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81–25879 Filed 9–3–81; 8:45 am]

BILLING CODE 7590–01–M

[NUREG–0808]

Issuance and Availability of "Mark II Containment Program Evaluation and Acceptance Criteria"

The Nuclear Regulatory Commission (NRC) staff has prepared a report entitled, "Mark II Containment Program Evaluation and Acceptance Criteria," (NUREG–0808) dated August, 1981. This report provides the staff's resolution of the NRC's Task A–8, "Mark II Containment Pool Dynamic Loads." This issue was identified as an "Unresolved Safety Issue" in the 1978 Annual Report, pursuant to Section 210 of the Energy Reorganization Act of 1974.

This NUREG report provides the staff's evaluation of the Mark II Owners' Long Term Program. It identifies and provides the bases for generic LOCA-related pool dynamic loads that the staff finds acceptable for the evaluation of plants with Mark II containment designs.

The staff will assure that all applicants with Mark II containment designs document the degree to which their plant-unique evaluations utilized the loads identified in this report. Mark II LOCA-related pool dynamic loads acceptable to the staff are identified in Appendices A and C of NUREG–0808. Deviations from these loads shall be identified and justified in the plant-unique Design Assessment report during the FSAR review of each Mark II plant. Those Mark II Owners possessing an Operating License based on a review against the NUREG–0487, "Lead Plant Pool Dynamic Loads," shall perform an assessment of their containment design to the loads identified in NUREG–0808.

Copies of the report will be available after September 1981. Copies will be sent directly to utilities, utility industry groups and associations and environmental and public interest groups. Other copies will be available for review at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C.; and the Commission's Local Public Document Rooms located in the vicinity of nuclear power plants. Addresses of these Local Public Document Rooms can be obtained from the Chief, Local Public Document Room Branch, Nuclear Regulatory Commisison, Washington, D.C. 20555, telephone (301) 492–7536.

Dated at Bethesda, Md., this 31st day of August 1981.

For the Nuclear Regulatory Commission.

Frank Schroeder,

Acting Director, Division of Safety Technology, Office of Nuclear Reactor Regulation.

[FR Doc. 81-25980 Filed 9-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York (the Licensee), which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of issuance.

The amendment revises Section 6.0 Administrative controls of Appendix A and organization figures of Appendix B to reflect recent organization and management title changes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated June 15, 1981, (2) Amendment No. 60 to License No. DPR-59, and (3) the Commission's letter to the licensee dated August 31, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A single copy of items (2), and (3), may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 31st day of August 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-25981 Filed 9-3-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guides; Issuance and Availability

The Nuclear Regulatory Commission has issued revisions to two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 18, "Design and Fabrication Code Case Acceptability—ASME Section III Division 1," and Regulatory Guide 1.85, Revision 18, "Materials Code Case Acceptability—ASME Section III Division 1," list those code cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. These two guides were revised to update the listings of acceptable code cases and to include the results of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publication Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 31st day of August 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-25982 Filed 9-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commisison (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-24, and Amendment No. 59 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments update reactor coolant system temperature and pressure operating curves for Unit 1 and make minor related administrative changes to the Unit 2 Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 31, 1981, (2) Amendment Nos. 53 and 59 to License Nos. DPR-24 and DPR-27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at

the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241,. A copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commisison, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland., this 28th day of August 1981.

For the Nuclear Regulatory Commission.

Christian C. Nelson,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-25983 Filed 9-3-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. A81-4; Order No. 397]

Seapines Station, Virginia Beach, Va. 23451 (Mrs. Forrest P. Anderson, Petitioner); Order of Filing of Appeal

August 31, 1981.

On August 17, 1981, the Commission received a letter from Mrs. Forrest P. Anderson (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to close the Seapines station in Virginia Beach. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be construed as a petition for review pursuant to § 404(b) of the Act (39 U.S.C. 404(b)), so as to preserve Petitioner's right to appeal which is subject to a 30-day time limit.[1] The petition does not conform perfectly with the Commission's rules of practice, which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, section of the Commission's rules of practice calls for a liberal construtions of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to "ensure that such persons will have an opportunity to present their views." [4] The petition requests that the decision to close the Seapines station be reconsidered. From the face of the petition it is unclear whether any hearings were held and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under § 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

Upon preliminary inspection, the petition appears to raise the following issues of law;

1. Whether the Postal Service's actions with regard to the Seapines station in Virginia Beach, Virginia must comply with the requirements of 39 U.S.C. 404(b).

2. Whether the Postal Service considered the change the closing would cause in the community's use of the postal services under the effect on postal service factor, § 404(b)(2)(C).

The first issue, whether a closing of the Seapines station is a consolidation or closing of a post office within the meaning of 39 U.S.C. 404(b), is a threshold question which should be addressed at an early stage in this proceeding. Therefore, we are requesting the Postal Service to file, within 20 days of the issuance of this Order, a memorandum on this subject. The Postal Service is to serve Petitioner with a copy of the memorandum. In the interests of procedural fairness and administrative efficiency, we will modify the usual schedule for the filing of the Petitioner's brief so that it is due 30 days after the Postal Service is to file its memorandum rather than 30 days after the petition is filed.

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in Lone Grove, Texas, *et al.*, docket Nos. A79-1, *et al.* (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by § 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service in addition to the one requested previously in this Order on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the determination and record pursuant to § 113 of the rules of practice (39 CFR 3001.113) make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dimiss for want of prosecution in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in § 404(b) cases,[8] and none is being appointed.

The Commission orders that:

(A) The letter of August 17, 1981, from Mrs. Forrest P. Anderson be construed as a petition for review pursuant to § 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register**.

(C) The Postal Service shall file a memorandum by September 21, 1981, on

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[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 CFR 3001.111(a).

[3] 39 CFR 3001.1.

[4] 39 U.S.C. 404(b)(1).

[5] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] 39 U.S.C. 101(b).

[7] 43 F.R. 59079-85 (November 17, 1977); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[8] In the matter of Gresham, S.C., Route #1. Docket No. A76-1 (May 11, 1976).

whether 39 U.S.C. 404(b) is applicable to the action of the Postal Service complained of in the petition.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Appendix

August 17, 1981—Filing of Petition.
August 31, 1981—Notice and Order of Filing of Appeal.
September 14, 1981—Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).
September 21, 1981—Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
September 21, 1981—Filing of Postal Service's legal memorandum.
October 12, 1981—Petitioner's initial brief (*see* 39 CFR 3001.115(a)).
October 27, 1981—Postal Service answering brief (*see* 39 CFR 3001.115(a)).
November 11, 1981:
(1) Petitioner's reply brief, should petitioner choose to file such brief (*see* 39 CFR 3001.115(c)).
(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
December 5, 1981—Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 81-26872 Filed 9-3-81; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18068; File No. SR-Amex-81-16]

American Stock Exchange, Inc.; Proposed Rule Change; Self-Regulatory Organization

Proposed Rule Change relating to Implementation of OARS for Options.

Comments requested on or before September 25, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 17, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange proposes to amend Rule 950 to provide for the implementation and operation of the Opening Automated Report Service ("OARS" or the "Service") for options and to amend Exchange Rules 960, 963, and 116 to reflect technical changes necessitated by the adoption of option OARS.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it recieved on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) *Purpose.* The proposed rule changes will provide for the implementation and operation of options OARS, an electronic system to store and automatically report executions of market orders for options received before the opening of trading, and special trade comparison and clearing procedures to be used in conjunction with the Service. The Service will operate in the same manner as the existing equity OARS system which the Commission recently approved (see File No. SR–Amex–81–5), with the exception of trade comparison. Also proposed are technical amendments to Exchange rules which are necessary in connection with the implementation of option OARS.

Amendment of Rule 950

Option OARS, like equity OARS, is intended to assist specialists with openings of active securities, reduce the clerical workload at the opening, reduce paperwork, and provide immediate execution reports and guaranteed comparisons of all eligible orders received in the system. Pursuant to proposed Rule 950(m), the Service, which is an enhancement to the existing Amex Options Switching System ("AMOS"), will operate in the following manner to enable a specialist to open or reopen any option series using OARS:

1. OARS will accept and store all AMOS eligible market orders received prior to the opening.

2. The specialist will recieve, at designated times, a report indicating the contract volume to buy and to sell, and the resulting imbalance, if any.

3. When the specialist is ready to open the option series, he will enter the opening price into the system and a system "freeze" will be effected; new orders reaching the system will be printed at the post, cancellations and administrative messages will be held in a pending state and a message will print at the post indicating the final "buy" total, "sell" total, imbalance and opening price.

4. The specialist will then verify and reenter the opening price and the system will transmit execution reports for all orders stored in the system.

5. Each execution report will name "ASE" as the contra clearing name for comparison; such report will be guaranteed a compared trade.

6. Any OARS imbalance will be filled from the book, the crowd, or the specialist's own account; the "give up" name for the imbalance will be "AUTO".

While option OARS as described abve is identical to equity OARS with regard to trading, there is a significant difference in trade comparison as the result of the shorter next-day settlement cycle for options as compared to the five-day cycle for equities. For both equities and options, pseudo-clearing names are interposed between orders represented in the system and other orders, outside the system, which are executed against the imbalance. These names are not permitted to have a net position on either side of the market, and therefore must balance out in comparison. because equities settlement permits two days to research errors and omissions while options settlement requires that a balance be achieved on trade date, the options comparison system has been programmed to force a balance of the pseudo-clearing names automatically. Pursuant to proposed Rule 950(m), the comparison system will therefore operate in the following manner:

1. The "ASE" side of trades entered through AMOS and executed in OARS will be submitted to comparison by the OARS system and compared with clearing member input in the normal way; if the member fails to submit the trade correctly by the time of the Final Comparison Cycle, the system will automatically generate a comparison entry using the execution report from the OARS system, resulting in a compared trade.

2. The trades for which the specialist has given up "AUTO" will be submitted

by the specialist to the Exchange for comparison with clearing member input, and comparison processing will be the same as for normal trades. The Specialist's clearing firm will receive the lists of uncompared items involving "AUTO", and will attempt to correct errors and omissions prior to the Final Comparison Cycle; if the "ASE" and "AUTO" names do not balance out in the Final Comparison Cycle, the system will automatically generate a trade comparison entry between "AUTO" and the specialist's account to force a balance. The specialist will then be advised of such an entry on his final option contract lists, and will take over any related claims against clearing members for failing to compare with "AUTO," until the item can be researched the following day.

Technical Amendments

Exchange Rule 960 is proposed to be amended to provide that all options transactions stored in OARS shall be cleared and compared in accordance with Rule 950(m) rather than in accordance with the usual option comparison and clearance rule. Rule 963 requires the Exchange to off-set comparisons of trade information submitted by clearing members of The Options Clearing Corporation and to issue to each member contract lists and uncompared trade lists. It is proposed to amend Rule 963 to require the Exchange to additionally effect comparison of trade information submitted by the Exchange for option transactions involving orders stored in OARS and to issue uncompared trade lists of trade reported by the Exchange (called "advisory trades") involving orders stored in OARS. Rule 116, which sets forth OARS procedures for equities is proposed to be amended to reflect that OARS is generally applicable to options trading as well.

(b) *Basis.* The proposed rule changes are generally consistent with the Securities Exchange Act of 1934 (the "Act") and rules and regulations thereunder. In particular, they further the objectives of Section 6(b)(5) of the Act in that they will foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitiating transactions in securities. The extension of new data processing and communications techniques to options trading will also result in more efficient and effective market operations, consistent with section 11A(a)(1)(B) of the Act. Furthermore, they advance the objective of Section 17A(a) of the Act by facilitating the prompt and accurate clearance and settlement of securities transactions and by introducing more efficient procedures for the clearance and settlement operation.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule changes will not have an impact on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received, or are to be solicited in the future, with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before October 9, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 25, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

August 28, 1981

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25825 Filed 9-3-81; 8:45 am]

BILLING CODE 8010-01

[Release No. 34-18071; File No. SR-DTC-81-4]

Depository Trust Co.; Proposed Rule Change Self-Regulatory Organizations

Proposed rule change relating to eligibility of Units at The Depository Trust Company. Comments requested on or before September 25, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 31, 1981, The Depository Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Participants of DTC in several discussions with senior management over the past several years have urged that Units be made eligible for inclusion in the computerized book-entry pledge and transfer system in effect at DTC. The Participants felt the lack of a centralized method for the handling of Units increased the difficulty of control in the handling and accounting for the Units and concomitantly increased the cost to each individual Participant as well as in overall increase in "fails-to-deliver" in the securities industry in general. The proposed change in the Participant Operating Procedures allows the processing of Units and their components through the book-entry system at DTC, enabling Participants to separate a Unit into its components or combine the components to create a Unit, by book-entry, pursuant to instructions of each Participant on or after separation date.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of

and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is consistent with the requirements of the Securities and Exchange Act of 1934 and the rules and regulations thereunder applicable to DTC because the change permits the inclusion of Units, which presents accounting and handling problems for members of the financial and securities industry including Participants of DTC, in the computerized book-entry transfer and pledge system in effect at DTC. The proposed rule change expands the number of issues eligible for services provided by DTC.

An additional degree of flexibility in management of the Participant's account is provided with the eligibility of Units; a Participant may change its position from Units to components and from components to Units by book-entry as they wish thus enabling a Participant to quickly and easily manage its DTC position in anticipation of subsequent book entry activity in DTC or for compatibility with the Participant's internal accounting system.

The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible, because DTC's existing safeguards for securities, including its insurance programs, physical security, and internal and external auditing procedures, will be applicable to units and unit components.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments on the proposed rule change from DTC Participants or others have not been solicited. Participants have been notified of the proposed rule change by the DTC Important Notice attached as Exhibit 1A to DTC's filing on Form (b)–4, File Number SR–DTC–81–4.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and sub-paragraph (E) of the Securities Exchange Act Rule 19b–4. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 25, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 28, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–25924 Filed 9–3–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18072; File No. SR–OCC–81–8]

Options Clearing Corp.; Proposed Rule Change; Self-Regulatory Organizations

Proposed Rule Change relating to the elimination of exercise settlement accounts with correspondent clearing corporations.

Comments requested on or before September 25, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 24, 1981, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

OCC Proposes to amend its Rules 913(c) and 914 to eliminate the present requirement that Clearing Members maintain exercise positions in a separate exercise settlement account with their correspondent clearing corporations. Under the proposed change, OCC's obligation with respect to an exercised option will terminate at the opening of business on the exercise settlement date provided that the exercise has been reported to the designated clearing corporations of the Delivering and Receiving Clearing Members. OCC proposes to delete Rules 915 and 916 to eliminate OCC's responsibility in the event of a default by a correspondent clearing corporation in its obligation with respect to exercise positions.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Purpose of, and Statutory Basis for, the Proposed Rule Change

Under OCC's By-laws, OCC is obligated to option holders upon exercise of the option contract: (1) in the case of a call, to sell to the holder the underlying security at the exercise price and (2) in the case of a put, to purchase the underlying security from the holder at the exercise price. Exercises are ordinarily transmitted to the designated correspondent clearing corporation of

the Clearing Member for settlement. The exercises then become the obligation of the correspondent clearing corporation. Positions resulting from exercises are presently carried in a special "exercise settlement account" of the exercising Clearing Member at the correspondent clearing corporation. To the extent that exercise positions are held in such accounts, OCC in effect guarantees the performance by the correspondent clearing corporation of its obligation with respect to those positions. Segregation in a special account is an essential term of the guarantee because exercise positions would otherwise be indistinguishable from other long and short valued positions in the same securities existing in the Clearing Member's regular account.

Special exercise accounts have not been favored by Clearing Members because they reduce the amount of netting which could otherwise occur in Clearing Members' regular accounts and because they create additional bookkeeping and clerical expenses for the Clearing Members. The only purpose served by the accounts is to identify exercise positions which are subject to OCC's guarantee in the event of the correspondent clearing corporation's failure to perform.

The proposed rule change will eliminate exercise settlement accounts by eliminating the need for them. The proposed change will alter the terms of OCC's obligation to holders of option contracts in that OCC will be deemed to have performed its obligation to an option contract holder as of the opening of business on the exercise settlement date.

Given the history of satisfactory performance by all clearing corporations subject to the regulatory jurisdiction of the Commission, OCC believes that the risk of loss to a Clearing Member through the default of a correspondent clearing corporation is minimal and does not justify the expense and inefficiency inherent in exercise settlement accounts. Moreover, OCC believes that the risk of loss to the exercising option holder is minimal since, under current trade practice, the receipt and delivery of securities by brokers is not allocated to customers on a trade by trade basis. Accordingly, OCC believes that the proposed rule change promotes the prompt and accurate clearance and settlement of securities transactions, removes impediments to and perfects the mechanism of a national system for the clearance and settlement of securities transactions, and generally protects investors and the public interest, all as required by section 17A(b)(3)(F) of the Securities Exchange Act of 1934 (the "Act").

It is intended that the proposed rule change will be applicable only with respect to options series which are first opened after the change becomes effective.

(B) Burden on competition

The proposed rule change will have no effect on competition.

(C) Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change. No written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before October 9, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements, with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before September 25, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

August 28, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25823 filed 9-3-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 10/13-5027]

Alyeska Investment Co.; License Surrender

Notice is hereby given that Alyeska Investment Company, 234 East 2nd Avenue, Anchorage, Alaska 99501, has surrendered its license to operate as a small business investment company pursuant to 13 CFR 107.105 (1981) of the Small Business Administration's Rules and Regulations governing small business investment companies.

Alyeska Investment Company was licensed on June 18, 1971, to operate as a Section 301(d) small business investment company whose investment policy is to invest in small concerns owned, controlled and operated by socially or economically disadvantaged persons under the provisions of the Small Business Investment Act of 1958 (the Act) as amended (15 U.S.C. 661 *et seq.*)

Under the authority vested by the Act and pursuant to the cited Regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises therefrom are cancelled.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 27, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-25946 Filed 9-3-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09-09-0292]

California Capital Investors, Ltd.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (CFR 107.102(1981)), under the name of California Capital Investors, Ltd., a limited partnership, 2001 South Barrington Avenue, Suite 111, Los Angeles, California 90025, for a license

to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 611 *et seq.*), and the Rules and Regulations promulgated thereunder.

The Proposed General Partner and Limited Partners Owning 10 or More Percent of the Partnership Capital

General Partner

California Capital Investors, Inc., 2001 South Barrington Avenue, Suite 111, Los Angeles, California 90025
Harold A. Haytin, 667 Ledo Way, Los Angeles, Ca. 90049, Chairman of the Board, 50 percent
Arthur H. Bernstein, 2612 Claray Drive, Los Angeles, Ca 90024, President, Director, 50 percent
Barbara E. Bernstein, 2612 Claray Drive, Los Angeles, Ca 90024, Director
Lois Haytin, 667 Ledo Way, Los Angeles, Ca. 90049, Director

Limited Partners

Harold A. Haytin, 667 Ledo Way, Los Angeles, Ca. 90049a, 11.5
Mechanics National Bank, 16250 Gundry Avenue, Paramount, Ca 90723, 17.4

More Than 10 Percent Owners of Mechanics National Bank

Albert N. Greenfield, 2795 McConnell Drive, Los Angeles, Ca 90064
Frank R. Randall, 511 Via Lido Soud, Newport Beach, Ca 92663

California Capital Investors, Inc., is a California General Partnership organized solely to organize and capitalize the Applicant which will begin operations with an initial capitalization of $870,000. No concentration in any particular industry is planned. The Applicant anticipates investing a material portion of its assets in existing companies, although new and emerging enterprises will be considered as well. The Applicant intends initially to conduct its operations principally in the State of California.

Matters involved in SBA's consideration of the application include (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing would be in furtherance of the purpose of the Act.

Notice is hereby given that any person may not later than September 21, 1981, submit to SBA, in writing relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Companies)

Dated: August 27, 1981.

Peter F. McNeish,

Actng Associate Administrator for Investment.

[FR Doc. 81-25948 Filed 9-3-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 07/07-5082]

Central System Equity Corp.; Issuance of License To Operate as a Small Business Investment Company

On March 3, 1981, a notice was published in the **Federal Register** (46 FR 15015), stating that an application had been filed by Central Systems Equity Corporation, 350 W. Douglas, Wichita, Kansas 67202, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), for a license to operate as a section 301(d) small business investment company.

Interested parties were given until the close of business March 18, 1981, to submit their written comments to SBA. No comments were received. Notice is hereby given that, pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 07/07-5082, on July 29, 1981, to Central Systems Equity Corporation to operate as a section 301(d) Licensee.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 27, 1981.

Peter F. McNeish,

Acting Associate Administration for Investment.

[FR Doc. 81-25944 Filed 9-3-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5265]

Pacific Capital Fund, Inc.; Isssuance of a License To Operate as a Small Business Investment Company

On October 21, 1980, a notice was published in the **Federal Register** (45 FR 69618), stating that Pacific Capital Fund, Inc., located at 500 Airport Boulevard, Suite 400, Burlingame, California 94010, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1980), for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business November 5, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-5265 to Pacific Capital Fund, Inc., on July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 27, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-25945 Filed 9-3-81; 8:45 am]

BILLING CODE 8025-01-M

Request for Identification of Regulations Burdensome to Small Business

The Regulatory Identification Working Group of the Small Business Administration requests comments on specific regulations which are adversely affecting small businesses. The SBA Working Group is part of the Administration's Task Force on Regulatory Relief chaired by Vice President Bush. Small business owners and managers are asked to report the specific regulations causing a compliance or paperwork burden and any cost estimates which can be developed. Organizations and associations may comment on behalf of their small business members. Please submit comments by October 1st, to: Regulatory Identification Working Group, Office of the Chief Counsel for Advocacy, Room 1012, 1441 L Street, NW., Washington, D.C. 20416.

Dated: August 31, 1981.

Frank S. Swain,

Chief Counsel for Advocacy.

[FR Doc. 81-25947 Filed 9-3-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 172
Friday, September 4, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMISSION ON CIVIL RIGHTS.

DATES AND TIME: Wednesday, September 9, 1981, 1:30–5:00 p.m.; Thursday, September 10, 9:00 a.m.–12 noon; 1:30–5:00 p.m.

PLACE: Room 512, 1121 Vermont Avenue, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: September 9, 1981:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Review of Affirmative Action Statement
IV. Review of Battered Women and the Administration of Justice
V. Review of Federal Response to Battered Women Report Recommendations

September 10, 1981:

VI. Update on Regulatory Developments
VII. State Advisory Committee Re-charters
  A. Kansas
  B. Montana
  C. Illinois
  D. South Carolina
  E. District of Columbia
  F. Maryland
VIII. State Advisory Committee Interim Appointments
  A. Alaska
  B. South Dakota
IX. State Advisory Committee Reports
  A. Action re: Minnesota Advisory Committee Report Entitled *Police Practices in the Twin Cities*
  B. Transmittal of District of Columbia Report Entitled *Police-Community Relations in Washington, D.C.*
  C. Transmittal of Iowa Advisory Committee Report Entitled *Race Relations in Tama County*
  D. Transmittal of New Jersey Advisory Committee Report Entitled *Equal Employment Opportunity in State and Local Government*
X. Civil Rights Developments in the Mid-Atlantic Region
XI. Staff Director's Report (July and August)
  A. Status of Funds
  B. Personnel Report
  C. Office Directors' Reports

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division (202) 254–6697.

[S–1326–81 Filed 9–2–81; 9:35 am]

BILLING CODE 6335–01–M

2

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 10:45 a.m., September 14, 1981.

PLACE: Room 104, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board Meeting on July 6, 1981 and July 29, 1981.
2. Docket WCP 319 re: Extended storage use guarantees to insure CCC long-term storage for grain and processed commodities.
3. Docket WCX 312 re: Food security wheat reserve.
4. Memorandum re: Commodities available for sale to foreign governments or their agents and international relief organizations during fiscal years 1981 and 1982.
5. CCC Board ratification of New Zealand butter sale.

Closed portion of meeting:

6. Docket FCZ 247, Revision 1, Amendment 2 re: Policy on CCC interest rates on commodity loans, grain reserve loans, farm storage and drying equipment loans and certain price support purchase transactions.
7. Resolution re: CZ 286, Resolution 19, Commodities available for Public Law 480 during fiscal year 1982.

CONTACT PERSON FOR MORE INFORMATION: Edward D. Hews, Secretary, Commodity Credit Corporation, Room 3088-South Building, U.S. Department of Agriculture, Washington, D.C. 20013; telephone (202) 447–7583.

[S–1327–81 Filed 9–2–81; 10:41 am]

BILLING CODE 3410–05–M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, September 9, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor conference room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Proposed Contract Market Designation—Mid-America Commodity Exchange
15-Year United States Treasury Bond Futures Contract

TIME AND DATE: 10 a.m., Tuesday, September 8, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:
Consideration of Proposed Commission Regulations for Exchange-Traded Options.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1328–81 Filed 9–2–81; 11:36 am]

BILLING CODE 6351–01–M

4

LEGAL SERVICES CORPORATION.

Committee on Appropriations and Audit

TIME AND DATE: 9 a.m.–5 p.m., Saturday, September 12, 1981.

PLACE: Legal Services Corporation, Eighth floor conference room 2, 733 15th Street, N.W., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of March 5, 1981 Meeting.
3. Report on Fiscal Year Appropriation.
4. Third Quarter Budget Review for Fiscal Year 1981.
5. Fiscal Year 1982 Budget.
6. Fiscal Year 1983 Budget Request Mark.
7. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Khasakhala, Office of the President, telephone (202) 272–4040.

Issued: September 2, 1981.

Dan J. Bradley,
President.

[S–1329–81 Filed 9–3–81; 3:12 p.m.]

BILLING CODE 6820–35–M

5

NATIONAL TRANSPORTATION SAFETY BOARD.

[N-AR 81-32]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 43793, August 31, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Wednesday, September 9, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Special Study:* Cabin Safety in Large Transport Aircraft and *Recommendations* to the Federal Aviation Administration.
2. *Special Investigation Report:* Evacuation of a United Airlines DC-8-61, Sky Harbor International Airport, Phoenix, Arizona, December 29, 1980, and *Recommendations* to the Federal Aviation Administration.
3. *Special Study:* Pipeline Excess Flow Valves, and *Recommendations* to the Gas Research Institute, the American Society of Mechanical Engineers Gas Piping Standards Committee, and the Research and Special Programs Administration.
4. *Special Study:* Major Marine Collisions and Effects of Preventive Recommendations, and *Recommendations* to the U.S. Coast Guard.
5. *Special Study:* Fatalities and Injuries Associated With Riding in Open-Cargo Areas of Vehicles.
6. *Safety Effectiveness Evaluation:* Coordination of the federal Highway Administration and the National Highway Traffic Safety Administration in Small Car Vehicle-Highway-Driver Safety Problems.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

September 2, 1981.

[S-1331-81 Filed 9-2-81; 3:33 pm]

BILLING CODE 4910-58-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of September 7, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, September 8:*

10:00 a.m.:
1. Discussion of Management-Organization and Internal Personnel Matters (closed meeting)

2:00 p.m.:
1. Discussion and Possible Vote on Operating License for Sequoyah Unit 2 (public meeting) (postponed from September 1)

Wednesday, September 9:

2:00 p.m.:
1. Discussion and Possible Vote on Revised Licensing Procedures—Proposed Rule Change to Part 2 and Modifications to Immediate Effectiveness Rule (public meeting)

Thursday, September 10:

10:00 a.m.:
1. Discussion of Congressional Testimony (closed meeting)

2:00 p.m.
1. Discussion of Low-Power Operating License for Diablo Canyon (open/closed meeting) (approximately 1½ hours)
2. Affirmation/Discussion Session (open/closed meeting)

Items to be affirmed and/or discussed:
a. Response to Requests for Hearings in the Matter of Proposed Decontamination of Dresden Unit 1
b. EDO Delegations of Authority
c. Modifications to Immediate Effectiveness Rule with Regard to Fuel Loading and Low-Power Operating Licenses
d. Integrated Operational Experience Reporting System
e. Psychological Impacts in the TMI-1 Restart Proceeding
f. Fees for Withdrawn Applications for Power Reactor Construction Permits, Operating Licenses, and Other Approvals or Reviews
g. Rulemaking to Incorporate in 10 CFR Part 2 APA's "Military and Foreign Affairs Exception" to Adjudications (closed discussion)

ADDITIONAL INFORMATION: By a vote of 4-0, Commissioner Bradford not present, on August 26, the Commission determined pursuant to 5 U.S.C. 552b(e) and §9.107(a) of the Commission's Rules that Commission business required that Discussion of Pending Litigation, held that day, be held on less than one week's notice to the public and in closed session.

Affirmation of Protection of Unclassified Safeguards Information, scheduled for August 26, was cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

September 1, 1981.

Walter Magee,

Office of the Secretary.

S-1330-81 Filed 9-3-81 3:33 pm]

BILLING CODE 7590-01-M

Friday
September 4, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama: AL80–1069—June 6, 1980; AL80–1091—Sept. 5, 1980; AL81–1265—July 10, 1981; AL81–1266—July 24, 1981; AL81–1267—July 10, 1981; AL81–1273—July 31, 1981.
Florida: FL81–1260—July 6, 1981.
California: CA81–5119—May 15, 1981; CA81–5128—July 6, 1981; CA81–5132—July 10, 1981.
Georgia: GA81–1191—Mar. 6, 1981; GA81–1196–Mar. 20, 1981.
Hawaii: HI81–5141—Aug. 14, 1981.
New York: NY81–3016—Mar. 6, 1981; NY81–3048—July 17, 1981.
Utah: UT81–5117—May 8, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama: AL79–1129(AL81–1288)—Sept. 21, 1979; AL79–1134(AL81–1289)—Nov. 9, 1979; AL80–1070(AL81–1284—June 6, 1980.
Colorado: CO81–5133(CO81–5145)—July 31, 1981; CO81–5134(CO81–5146)—July 31, 1981; CO81–5135(CO81–5147)—July 31, 1981; CO81–5137(CO81–5148)—July 31, 1981; CO80–5126(CO81–5149)—Sept. 5, 1980.
Kentucky: KY80–1106(KY81–1283)—Oct. 17, 1980.
Massachusetts: MA80–3064(MA81–3054)—Oct. 31, 1980.
Michigan: MI78–2023(MI81–2059)—Mar. 10, 1978.
Mississippi: MS81–1223(MS81–1287)—May 8, 1981; MS81–1224(MS81–1285)—May 8, 1981; MS81–1284(MS81–1286)—July 10, 1981.

Oklahoma: OK80-4065(OK81-4069)—July 25, 1980; OK80-4067(OK81-4072)—July 25, 1980; OK80-4068(OK81-4070)—Aug. 1, 1980.
Pennsylvania: PA80-3030(PA81-3051)—May 30, 1980.
South Dakota: SD81-5121(SD81-5150)—May 22, 1981; SD81-5122(SD81-5151)—May 22, 1981.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 28th day of August 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

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Modification Page 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AL80-1069 - MOD. #2 (45 FR 38239 - June 6, 1980)					
Tuscaloosa County, Alabama Building Construction					
CHANGE:					
SHEET METAL WORKERS	$12.88	.79	1.07		.09
DECISION NO. AL80-1091 - MOD. # 2 (45 FR 59094 - September 5, 1980)					
Jefferson, Shelby, & St. Clair Counties, Alabama Building Construction					
CHANGE:					
SPRINKLER FITTERS	$13.69	.95	1.40		.08
TILE SETTERS	11.00		.60		
SHEET METAL WORKERS	12.88	.79	1.07		.09
DECISION NO. AL81-1265 - MOD. #1 (46 FR 35859 - July 10, 1981)					
Etowah County, Alabama Building Construction					
CHANGE:					
SHEET METAL WORKERS	$12.88	.79	1.07		.09
DECISION NO. AL81-1266 - MOD. #1 (46 FR 38241 - July 24, 1981)					
Lawrence, Limestone, and Morgan Counties, Alabama BUILDING CONSTRUCTION					
CHANGE:					
ELECTRICIANS:					
Electricians & Linemen	$13.00	.65	3% + .70		
Cable Splicers	13.25	.65	3% + .70		
Groundmen	12.00	.65	3% + .70		
SHEET METAL WORKERS	12.88	.79	1.07		.09

Modification Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AL81-1267 - MOD. # 1 (46 FR 39360 - July 10, 1981)					
Madison County, Alabama Building Construction					
CHANGE:					
ELECTRICIANS	$13.00	.65	3% + .70		
SHEET METAL WORKERS	12.88	.79	1.07		.09
DECISION NO. AL81-1273 - MOD. # 1 (46 FR 39364 - July 31, 1981)					
Mobile County, Alabama Building Construction					
CHANGE:					
IRONWORKERS, Structural, Ornamental, & Reinforcing	$12.66	.65	.60		.10
DECISION NO. FL81-1260 - MOD. #4 (46 FR 34968 - July 6, 1981)					
Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Sites in Brevard & Volusia Counties, Florida					
Change:					
Elavator Constructors					
Mechanic	$11.56	1.345	1.08	a + b	.035
Helper	8.09	1.345	1.08	a + b	.035
Line Construction					
Linemen & Class A Operators	12.77	.45	3%		1%
Cable Splicers	12.92	.45	3%		1%
Class B operators	8.94	.45	3%		1%
Groundmen	6.59	.45	3%		1%
Roofers					
Roofers	10.00	.40	.25		.05
Kettlemen	8.55	.40	.25		.05

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Modification Page 3

DECISION NO. CA81-5119 - Mod. #2
(46 FR 27017 - May 15, 1981)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tuolumne, Yolo, and Yuba Counties, California					
Change:					
Boilermakers	$17.61	$1.30	$1.25	$1.00	.04
Bricklayers:					
Area 6	16.35	1.60	1.70		.20
Brick Tenders:					
Area 1	13.73	1.30	1.75		
Area 2	12.23	1.15	2.25	1.55	
Electricians:					
Area 2:					
Electricians	18.60	1.35	3%+3.50		.10
Area 4:					
Electricians	19.06	1.34	3%+2.65		1/4%
Cable Splicers	21.44	1.34	3%+2.65		1/4%
Area 9:					
Electricians	19.66	1.15	3%+4.92		.20
Cable Splicers	22.12	1.15	3%+4.92		.20
Area 12:					
Electricians	19.66	1.15	3%+4.92		.20
Cable Splicers	22.12	1.15	3%+4.92		.20
Ironworkers:					
Fence Erectors	14.46	1.44	3.81	2.50	.12
Reinforcing; Ornamental; Structural	15.35	1.44	3.81	2.50	.12
Roofers:					
Area 1:					
Roofers	15.25	1.27	2.50	2.00	.10
Mastic Workers;					
Kettleman (2 kettles w/o pumps)	15.50	1.27	2.50	2.00	.10
Bitumastic; Enamelers; Pipewrapper; Coal Tar built up	17.25	1.27	2.50	2.00	.10

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DECISION NO. CA81-5119 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 4:					
Roofers	$15.00	$1.10	$1.95	$2.99	.10
Mastic Workers;					
Kettleman (2 kettles w/o pumps)	15.25	1.10	1.95	2.99	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar built up	17.50	1.10	1.95	2.99	.10
Area 7:					
Roofers	15.50	1.20	1.90	2.59	.10
Mastic Workers;					
Kettlemen (2 kettles w/o pumps)	15.75	1.20	1.90	2.59	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar	17.50	1.20	1.90	2.59	.10
Sheet Metal Workers:					
Area 3	18.51	1.25	2.68		.13
Area 5	19.36	1.30	3%+2.60		.16
Laborers:					
Group 1	13.19	1.30	1.75	1.40	.10
Group 1a	13.415	1.30	1.75	1.40	.10
Group 1b	13.69	1.30	1.75	1.40	.10
Group 1c	13.24	1.30	1.75	1.40	.10
Group 1d	13.44	1.30	1.75	1.40	.10
Group 1e	13.74	1.30	1.75	1.40	.10
Group 1f	13.775	1.30	1.75	1.40	.10
Group 1g	13.39	1.30	1.75	1.40	.10
Gunnite:					
Group 1	13.65	1.30	1.75	1.40	.10
Group 2	13.06	1.30	1.75	1.40	.10
Group 3	12.94	1.30	1.75	1.40	.10

AREA DESCRIPTIONS

CARPENTERS:
Area 1: Alameda, Contra Costa, Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solono and Sonoma Counties

Area 2: Amador, Calaveras, Del Norte, El Dorado, Humboldt, Mariposa, Merced, Nevada, Placer, Sacramento, San Joaquin, Sutter, Tuolumne, Yolo and Yuba Counties

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DECISION NO. CA81-5119 (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.08	$15.08	$2.09*	$3.00	$1.55	.34
Group 2	13.49	15.49	2.09*	3.00	1.55	.34
Group 3	13.74	15.74	2.09*	3.00	1.55	.34
Group 4	14.39	16.39	2.09*	3.00	1.55	.34
Group 5	14.64	16.64	2.09*	3.00	1.55	.34
Group 6	14.82	16.82	2.09*	3.00	1.55	.34
Group 7	15.00	17.00	2.09*	3.00	1.55	.34
Group 8	15.52	17.52	2.09*	3.00	1.55	.34
Group 9	15.78	17.78	2.09*	3.00	1.55	.34
Group 10	16.04	18.04	2.09*	3.00	1.55	.34
Group 10-A	16.18	18.18	2.09*	3.00	1.55	.34
Group 11	16.39	18.39	2.09*	3.00	1.55	.34
Group 11-A	17.75	19.75	2.09*	3.00	1.55	.34
Group 11-B	18.09	20.09	2.09*	3.00	1.55	.34
Group 11-C	18.46	20.46	2.09*	3.00	1.55	.34

*Includes $.44 per hour to Pensioned Health and Welfare Fund.

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DECISION NO. CA81-5128 - Mod. #2
(46 FR 34951 - July 6, 1981)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
PAINTERS:					
Area 4:					
Brush, Pot Tender	$15.98	1.25	1.83		.03
Paperhangers, Paste Machine Operators	16.23	1.25	1.83		.03
Iron and Steel	16.23	1.25	1.83		.03
Spray, Taper, Sandblaster	16.48	1.25	1.83		.03
Steeplejack	16.98	1.25	1.83		.03
PLASTERERS' TENDERS: Area 7:	17.59	1.37	2.90	1.45	
SHEET METAL WORKERS: Area 6:	17.82	1.20	2.57		.06
OMIT:					
SHEET METAL WORKERS: Area 7:					

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Modification Page 8

DECISION NO. CA81-5132 - Mod. #2
(46 FR 35860 - July 10, 1981)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Area 5:					
Electricians; Technicians	$19.00	$1.34	3%+2.65		1/4%
Cable Splicers	21.44	1.34	3%+2.65		1/4%
Area 11:					
Electricians	19.66	1.15	3%+4.92		.20
Cable Splicers	22.12	1.15	3%+4.92		.20
Area 14:					
Electricians	19.66	1.15	3%+4.92		.20
Cable Splicers	22.12	1.15	3%+4.92		.20
Lathers:					
Area 8	16.46	.95	.90		.01
Line Construction:					
Area 6:					
Groundman	14.87	1.15	3%+3.72		
Linemen, Technicians	19.82	1.15	3%+4.96		
Cable Splicers	22.27	1.15	3%+4.96		
Area 14:					
Groundmen	14.87	1.15	3%+3.72		
Linemen	19.82	1.15	3%+3.72		
Cable Splicers	22.27	1.15	3%+3.72		
Plasterers:					
Area 7	15.06	1.25	1.35	2.50	.01
Plumbers;Steamfitters					
Area 8	21.14	1.60	3.12		.25
Area 7	21.17	1.35	4.09	1.00	.36
Area 6	14.32	1.60	4.00	2.00	.10
Plumbers					
Area 1	22.67	1.85	1.37		.15
Area 2	22.33	1.85	1.89		.30

DECISION NO. CA81-5132 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers:					
Area 1:					
Roofers	$15.25	$1.27	$3.50	$2.00	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	15.50	1.27	2.50	2.00	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar Built up	17.25	1.27	2.50	2.00	.10
Area 5:					
Roofers	15.00	1.10	1.95	2.99	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	15.25	1.10	1.95	2.99	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar Pitch	17.00	1.10	1.95	2.99	.10
Area 8:					
Roofers	15.50	1.20	1.90	2.59	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	15.75	1.20	1.90	2.59	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar	17.50	1.20	1.90	2.59	.10
Sheet Metal Workers:					
Area 3	16.51	1.25	2.68		.13
Area 5	19.36	1.30	3%+2.60		.16
Omit:					
Carpenters (entire schedule as previously issued)					
Add:					
Carpenters:					
Area 1:					
Carpenters; Millwrights	16.95	1.705	1.95	1.35	.12
Communications Technician	12.81	.78	.70	1.58	

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DECISION NO. CA81-5132 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Hardwood Floorlayers; Shinglers; Power Saw Operator; Steel Scaffold Erector and Steel Shoring; Saw Filers	$17.10	$1.705	$1.95	$1.35	.12
Area 2: Carpenters	16.05	1.705	1.95	1.35	.12
Hardwood Floorlayers; Shinglers; Power Saw Operators; Steel Scaffold Erector and Steel Shoring; Saw Filers	16.20	1.705	1.95	1.35	.12

AREA DESCRIPTIONS

CARPENTERS:

Area 1: Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma

Area 2: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA81-1191 - Mod. #5 (46 FR 15645 - March 6, 1981) Clayton, DeKalb, & Fulton Counties, Georgia					
CHANGE:					
Laborers:					
Group 1	$ 8.56	.40	.47		.10
Group 2	8.78	.40	.47		.10
Group 3	9.06	.40	.47		.10
Group 4	9.31	.40	.47		.10
Group 5	9.63	.40	.47		.10
Group 6 (85¢ above rate for classification under which employed)					
DECISION #GA81-1196 - Mod. #2 (46 FR 17987 - March 20, 1981) DeKalb & Fulton Counties, Georgia					
CHANGE:					
Laborers:					
Unskilled	$ 8.56	.40	.47		.10
Air tool operators (air, electric, or gas powered, such as jackhammer, paving breaker, tamper, vibrator, spade, chipping hammer, & barco tamp), & pipe layers	8.78	.40	.47		.10
Tunnel laborers	9.31	.40	.47		.10
Powdermem	9.63	.40	.47		.10
Miners	11.16	.40	.47		.10
DECISION NO. HI81-5141 - Mod #2 (46 FR 41312 - August 14, 1981) Statewide Hawaii					
CHANGE:					
ASBESTOS WORKERS	$13.88	.90	2.90		.06
PLASTERERS	13.04	1.45	2.45	.70	.21
PLUMBERS, Steamfitters	14.00	1.05	2.05	158	.15

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DECISION NO. NY81-3016 - Mod #3
(46 FR 15657, March 6, 1981)
Dutchess County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Description of Work does not include Water Well Drilling					

DECISION NO. NY81-3048 - Mod. #1
(46 FR - 37197 July 17, 1981)
Nassau & Suffolk Counties, New York

Change:					
LABORERS, BUILDING	11.74	1.53	1.53	1.00	
LABORERS, HEAVY & HIGHWAY					
Concrete & curb form setters, asphalt rakers	10.04	10%	13%	.75+a	
Asphalt workers & roller boys, asphalt top shovelers & smoother, asphalt tampers	9.83	10%	13%	.75+a	
Jackhammers, drill men, hoppermen, carpenters' tenders, pile jointers & setters, concrete (structures), stone spreading, trackman, grading & excavating, yard laborers, puddlers on concrete pavement, asphalt plant (batch & hopperman), all other unskilled laborers	9.41	10%	13%	.75+a	

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DECISION NO. UT81-5117 - Mod. #5
(46 FR 25986 - May 8, 1981)
Statewide, Utah

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:	AREA 1	AREA 2				
Power Equipment Operators						
Building Construction:						
Group 1	$10.78	$12.78	$1.33	$1.785	$1.00	.08
Group 2	11.17	13.17	1.33	1.785	1.00	.08
Group 3	11.37	13.37	1.33	1.785	1.00	.08
Group 4	11.48	13.48	1.33	1.785	1.00	.08
Group 5	11.99	13.99	1.33	1.785	1.00	.08
Group 6	12.16	14.16	1.33	1.785	1.00	.08
Group 7	12.28	14.28	1.33	1.785	1.00	.08
Group 8	12.61	14.61	1.33	1.785	1.00	.08
Group 9	12.68	14.68	1.33	1.785	1.00	.08
Group 10	12.84	15.84	1.33	1.785	1.00	.08
Group 11	13.02	15.02	1.33	1.785	1.00	.08
Group 12	13.51	15.51	1.33	1.785	1.00	.08
Group 13	14.47	16.47	1.33	1.785	1.00	.08
Group 14	14.96	16.96	1.33	1.785	1.00	.08
Group 15	15.24	17.24	1.33	1.785	1.00	.08
Laborers:						
Heavy and Highway Construction:						
Group 1	9.72	11.72	.70	.35	.25	.04
Group 2	9.85	11.85	.70	.35	.25	.04
Group 3	9.97	11.97	.70	.35	.25	.04
Group 4	10.22	12.22	.70	.35	.25	.04
Group 5	10.72	12.72	.70	.35	.25	.04
Tunnel and Shaft Work:						
Group 1	9.87	11.87	.70	.35	.25	.04
Group 2	9.97	11.97	.70	.35	.25	.04
Group 3	10.17	12.17	.70	.35	.25	.04
Group 4	10.62	12.62	.70	.35	.25	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Entire Laborer's Schedule for Building Construction as previously issued					
Add:					
Laborers:					
Building Construction:					
Laborers	$ 9.12	.70	.35	.25	.04
Powdermen and Drillers	10.12	.70	.35	.25	.04

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SUPERSEDEAS DECISION

STATE: ALABAMA — COUNTIES: *See Below
DECISION NO.: AL81-1288 — DATE: Date of Publication
Supersedes Decision No. AL79-1129 dated September 21, 1979 in 44 FR 54846

DESCRIPTION OF WORK: Heavy Construction Projects excluding Sewer and Water line construction and Drainage projects.
*Counties: Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Marengo, Monroe Washington, and Wilcox.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$11.57	.65	.50		.10
CEMENT MASONS	9.74	.40	.50		
ELECTRICIANS - Wiremen	13.57	.80	3% + .50		.05
IRONWORKERS - Structural & Reinforcing	12.04	.65	.50		.05
LABORERS:					
Zone 1: Baldwin, Clarke, Escambia, Mobile, Monroe, & Washington Counties					
Asphalt Raker, Air Tool Operator, Chain Saw Operator, Concrete Saw Operator, Vibrator Operator	6.59	.40	.45		.05
General Laborer, Hand Blade Operator, Hatch Truck Dumper	6.82	.40	.45		.05
Pipelayer, Mucker, Mortar Mixer	6.94	.40	.45		.05
Powderman & Blaster	7.77	.40	.45		.05
Zone 2: Choctaw, Marengo, & Wilcox Counties					
Asphalt Raker, Air Tool Operator, Chain Saw Operator, Concrete Saw Operator, Vibrator Operator	6.14	.40	.45		.05
General Laborer, Hand Blade Operator, Batch Truck Dumper	5.97	.40	.45		.05
Pipelayer, Mucker, Mortar Mixer	6.07	.40	.45		.05
Powderman & Blaster	6.91	.40	.45		.05
PAINTERS:					
Industrial Brush	11.75	.65	.40		.01
Industrial Spray	12.50	.65	.40		.01
Spraying Epoxy	12.00	.65	.40		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group A	$12.09	.65	.50		.10
Group B	11.70	.65	.50		.10
Group C	10.99	.65	.50		.10
Oilers	8.58	.65	.50		.10
PLUMBERS & PIPEFITTERS	13.65	.70	1.10		.05
PILEDRIVERMEN	11.88	.65	.50		.05
TRUCK DRIVERS:					
1. Truck Drivers up to but not including 1½ tons	7.25	.40	.50		
2. Drivers 1½ tons up to but not including 5 tons	7.84	.40	.50		
3. Rec and issuing truck	8.15	.40	.50		
4. Scaleman	8.36	.40	.50		
5. Truck drivers on rated 5 tons or 6 yards and over including heavy equipment such as pole truck, miss or corning wagons, dumpsters, semi drivers, agitators, ross carriers dempsey dump euclid trucks, forklift trucks in warehouses & similar equipment such as tractors, ten wheeler, jeeps, or dump trucks, pickup trucks pulling 2 or 4 wheel trailers hauling equipment (not applicable to pulling equipment which rolls on its own wheels)	9.15	.40	.50		
6. Auto Mechanics	9.87	.40	.50		
WELDERS - Rate for Craft					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).					

POWER EQUIPMENT OPERATORS: Classification Definitions

Group A: Heavy duty mechanic, crane, shovel, derrick op. 2 or more drums, dragline, piledriver operator, hoist operator (2 or more drums), tug boat, cableways, excavators, front end loaders, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machine, cherry picker, side boom tractors, paving machines, motor patrol, pump crete machines, gradalls Johnson mixers, hydro-lift trucks all batch plants and header house operators, panel board (redi-mix) Hydro hammer on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains

Group B: Dozer scraper, turnapull, 1 drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractor with power - control attachments, winch truck, riding, trenching and ditching machines, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, forklift, (well point and dewatering system), subgraders, finishing machines, motorized compactors, wagonbilas, and push carts

Group C: Light plant generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, piledriver hammer, (diesel gas, air, or electric), fireman, outboard motor boat operators and brakeman

STATE: ALABAMA COUNTIES: *See Below
DECISION NO.: AL81-1289 DATE: Date of Publication
Supersedes Decision No.: AL79-1134 dated November 9, 1979 in 44 FR 65307
DESCRIPTION OF WORK: Heavy Construction Projects
*Counties: Calhoun, Etowah, Green, Jefferson, Pickens, ST. Clair, Shelby, Sumter, Talladega, Tuscaloosa, and Walker

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$9.50				
CARPENTERS:					
1.Green, Pickens, Sumter, and Tuscaloosa Cos.	9.50				.06
2.Jefferson, Shelby, Walker, and that portion of St. Clair, and Talladega Co. west of Highway 231 from the Blount Co. line south to Interstate 20. Also that portion of St. Clair and Talladega Cos. south of Interstate 20 and west of U.S. Alternate 231 south, not including the City of Talladega and that portion of Talladega Co. south, of of the City of Talladega and west and south of the Talladega National Forest.	9.97	.55	.35		.08
3.Calhoun, Etowah, and Remainder of St. Clair, and Talladega Cos.	8.16	.65	.50		.06
ELECTRICIANS	13.45	.55	3% + .40		½ of 1%
IRONWORKERS	12.35	.76	.82		.06
LABORERS:					
Zone 1: Jefferson, St. Clair, Shelby, Talladega, and Walker Cos.					
1. Asphalt Raker, Air Tool Operator, Chain Saw Oper., Concrete Saw Oper., Vibrator Oper.	6.99	.40	.45		.05
2. General Laborers, Hand Blade Oper., Batch Truck Dumper	6.82	.40	.45		.05
3. Pipelayer, Mucker, Mortar Mixer	6.94	.40	.45		.05

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LABORERS: cont'd Zone 1	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
4. Powderman & Blaster	$7.77	.40	.45		.05
5. Tunnel Work - -					
Tunnel Miner	7.74	.40	.45		.05
Tunnel Laborer	7.28	.40	.45		.05
Chuck Tender	7.44	.40	.45		.05
Pneumatic Concrete Gun Oper., & Nuzzleman	7.62	.40	.45		.05
Zone 2: Calhoun, Etowah, Green, Pickens, Sumter, and Tuscaloosa Counties					
1. Asphalt Raker, Air Tool Oper., Chain saw oper., Concrete Saw Oper., Vibrator Oper.,	6.33	.40	.45		.05
2. General Laborer, Hand Blade Oper., Batch Truck Dumper	6.16	.40	.45		.05
3. Pipelayer, Mucker, Mortar Mixer	6.28	.40	.45		.05
4. Powderman & Blaster	6.99	.40	.45		.05
5. Tunnel Work --					
Tunnel Miner	7.07	.40	.45		.05
Tunnel Laborer	6.62	.40	.45		.05
Chuck Tender	6.79	.40	.45		.05
Pneumatic Concrete Gun Oper., & Nuzzleman	6.96	.40	.45		.05
PLUMBERS & PIPEFITTERS	9.45	.30	.30		.05
POWER EQUIPMENT OPERATORS:					
CLASS A	11.41	.90	.50		.10
CLASS B	10.69	.90	.50		.10
CLASS C	10.15	.90	.50		.10
CLASS D	9.33	.90	.50		.10
TRUCK DRIVERS:					
Up to 1-1½ tons	6.97	.50			.03
1½ up to 3 tons	7.24	.50			.03
3 up to 5 tons	7.57	.50			.03
Off Road Truck	8.24	.50			.03

POWER EQUIPMENT OPERATORS: Classifications Definitions

CLASS A: Asphalt plant, asphalt spreader, backhoe, boat operator, (inboard), boom tractor, bulldozer, cableways, cherry picker, compressors-2, or more within 200 ft. radius, concrete plants-stationary, mixer operator, concrete pump, conveyors-2 or more up to 4, core driller-crane-derricks-draglines-deck hoist on construction barges, crane-hydro, dinky locomotive, distributors-bituminous surface, dredge operator, farm tractor with attachments (30 HP or more-which are an integral part of tractor), forklift, front end loader, gradall, headhouse operator, heavy duty, mechanic, hoist-2 drums or more, ice plant in connection with concrete, mixers-5 bags or over, motor graders, piledriver, push tractor, quarry master and rock crusher, rollers-asphalt, scraper, scrapers in tandem(operator to receive 25 ¢ per hour for each additional scraper), shovels, trenching machines and all similar equipment

CLASS B: Crawler, tractor, hoist-1drum, pumps-2 or more 4 inch and over, under 5 within 200 ft, radius, rollers (other than asphalt), winch truck, well points and other equipment used for dewatering

CLASS C: Air compressor, blade graders-pull type, farm tractor with attachments finishing machine-screed mounted self-propelled, mixers-under 5 bags

CLASS D: Outboard boats, air compressor-125 and under, conveyor-one, (1) tended by oiler, pumps-under 4 inch or under, welding machines-3 or under, oiler in-board boats, deckhand

Unlisted classifications needed for work not included within the the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ALABAMA COUNTIES: Colbert and Lauderdale
DECISION NUMBER: AL81-1284 DATE: Date of Publication
Supersedes Decision No.: AL80-1070 dated June 6, 1980 in 45 FR 38239
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.85	.66	.85		.10
BOILERMAKERS	12.90	1.37[illegible]	1.20		.04
BRICKLAYERS:					
Bricklayers, Blocklayers, and Stonemasons	12.66				
Saw Operator	12.91				
CARPENTERS:					
Carpenters, Soft Floor Layers	11.95		.35		.10
Piledrivermen	12.20		.35		.10
Millwrights	12.45		.35		.10
CEMENT MASONS:					
Cement Masons	10.40	.40			
Power Tool Operators	10.65	.40			
ELECTRICIANS:					
Electricians	13.00	.65	3%+.65		
Cable Splicers	13.25	.65	3%+.65		
ELEVATOR CONSTRUCTORS	11.68	1.1[illegible]5	.95	a+b	.035
IRONWORKERS	11.57	.75	.75		.08
LABORERS:					
Unskilled, Mason Tenders, Mortar Mixers & Plasterers Tenders	8.02	.40	.50		
Air Tool Operators & Pipelayers	7.02	.40	.50		
PAINTERS:					
Commercial	9.35	.40	.25		.05
Industrial	10.50	.40	.25		.05
PLASTERERS	10.69	.40			
PLUMBERS AND STEAMFITTERS	13.85	.85	1.00		.13
ROOFERS	10.25				
SHEET METAL WORKERS	12.88	.79	1.07		.09
SPRINKLER FITTERS	13.69	.95	1.40		.08

FOOTNOTES:

a. Paid Holidays: New year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day

b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

DECISION NO. AL81-1284

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$12.13	.60	.65		.05
GROUP B	10.59	.60	.65		.05
GROUP C	9.67	.60	.65		.05

GROUP A - Backhoe, Bulldozers, Crane, Crane Car , Central Mixing Plant, Concrete Pump, Derrick, Dragline, Dredge, Drill Elevating Grader, Finishing Machine (concrete), Forklift, Front End Loader, Grade-all, Grout Pump, Helicopter Pilot, Hoist, Locomotive Engineer, Mechanic, Motor Patrol, Mucking Mechanic, Master Pilot, Pile Driver, Post Hole Digger, Scrapper (pull type & self Prop.), Shovel, Sweeper, Tractor (spec. equip.,) Trenching Machine, Well Point & Winch Truck Operators

GROUP B - Bituminous Dist., Central Air Comp., Concrete Mixer (port.) Firemen Floating Equipment, Front End Loader, Rubber Tire, ½ cu. yd. & under, Locomotive Brakeman, Lomotive Flagman, Locomotive Switchman, Oiler-Driver, (35 tons crane & over) Outboard Motor Boat (when used for towing), Paving Machine, Post Hole Digger Mounted on Farm Type Tractor & Walk behind type Trenching Machine Operators

GROUP C - Air Compressor (port.), Conveyer, Fireman Stationary Equipment, Oiler, Outboard Motor Boat & Pump Operators

Oiler Driver - additional $.10 per hour

All Crane, Derrick and Gantry Tower Crane Opeators Operating such Equipment with an overall height of 150 ft. including jobs - additional $.50 per Hour

All Scraper Operators Operating Tandem Scrapers receive $.25 per hour additional for each addition Scraper (bowl).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld

DECISION NUMBER: CO81-5145
DATE: Date of Publication
Supersedes Decision No. CO81-5133 dated July 31, 1981, in 46 FR 39365
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.39	.75	$1.49		
BOILERMAKERS	14.97	.375	1.15		.05
BRICKLAYERS; Stonemasons:					
Eagle County	12.29	.85	1.10		.06
Boulder and Grand Counties	13.65	.85	1.10		.05
Elbert, Lake and Park Counties	13.70	.85	.95		.06
Larimer County	12.29	.85	1.10		.05
Remaining Counties	12.29	.85	1.10		.06
CARPENTERS:*					
Area 1:					
Zone 1	11.065	1.00	1.00	.95	.09
Zone 2	12.45	1.00	1.00	.95	.09
Zone 3	13.83	1.00	1.00	.95	.09
Area 2:					
Zone 1	11.065	1.00	1.00	.95	.09
Zone 2	12.45	1.00	1.00	.95	.09
Zone 3	13.83	1.00	1.00	.95	.09
Area 3	11.065	1.00	1.00	.95	.09
Area 4:					
Zone 1	11.22	1.10	1.00	1.00	.10
Zone 2	11.72	1.10	1.00	1.00	.10
Zone 3	11.97	1.10	1.00	1.00	.10
CEMENT MASONS:					
Cement Masons	12.04	.60	1.15		.13
Working with composition materials and color	12.54	.60	1.15		.13
Working on scaffold, swing stage, or temporary platform over 25'	12.29	.60	1.15		.13
DRYWALL INSTALLERS	11.72	1.00	.85	1.00	.07
ELECTRICIANS:					
Elbert and Park Counties:					
Electricians	12.75	.72	3%+.65		.015
Remaining Counties:					
Electricians	16.10	.85	3%+1.25		3/10%
Cable Splicers	16.35	.85	3%+1.25		3/10%

*See AREA and ZONE Descriptions Page 4

DECISION NO. CO81-5145 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	$14.88	$1.345	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPER	10.42	1.345	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPER (Prob.)	7.44				
GLAZIERS	15.32	.92	.60	b	
IRONWORKERS:					
Structural, Ornamental, and Reinforcing	12.35	1.04	1.25		.12
LATHERS	13.44				.01
MARBLE SETTERS:					
Elbert, Lake, and Park Counties	12.53	.85	.70		
Remaining Counties	15.53	1.30	1.45		.04
MILLWRIGHTS	12.66	1.00	.85		.14
PAINTERS:					
*Park County (southern half)					
Brush, Roller, Taper, hand texture	11.54	.95	.70		.04
Steel and Paperhanger	12.04	.95	.70		.04
Spray	12.29	.95	.70		.04
Remaining Counties including northern half of Park County:*					
Brush and Roller; Hardwood Finisher	15.01	.95	1.15		.08
Drywall Finisher (hand)	15.26	.95	1.15		.08
Drywall Finisher (tool); Spray; Swing Stage and Chair; Sandblast (exterior); Paperhanger	15.61	.95	1.15		.08
Sandblast (interior); Steeplejack	16.93	.95	1.15		.08
PLASTERERS	13.44				.01
PLUMBERS; Steamfitters:					
Southern portions of Douglas, Elbert, and Park Counties*	12.90	.85	1.15	1.60	.10
Boulder County	14.40	1.00	1.25	1.00	.15

DECISION NO. CO81-5145 Page 3

DECISION NO. CO81-5145 Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: Steamfitters: (Cont'd):					
Remaining Counties (including northern portions of Douglas, Elbert, and Park Counties)	$14.47	$1.00	$1.25	$1.00	.08
ROOFERS:					
Eagle County and southern portions of Lake, Jefferson, Park, Douglas, and Elbert Counties**	11.81	.59	.40		
Remaining Counties including northern portions of Lake, Park, Jefferson, Douglas, and Elbert Counties	13.32	.85	.50		.08
SHEET METAL WORKERS	14.96	3%+.90	1.51		.17
SOFT FLOOR LAYERS	13.14	.80	1.30	1.00	.13
SPRINKLER FITTERS	15.31	.95	1.40		.08
TERRAZZO WORKERS	15.53	1.30	1.45		.04
TILE LAYERS:					
Elbert, Lake, and Park Counties	12.53	.85	.70		
Remaining Counties	15.53	1.20	1.30		.04
TILE, MARBLE and TERRAZZO FINISHERS:					
Finishers	9.55	1.20	1.30	.50	
Floor Grinders	9.70	1.20	1.30	.50	
Base Grinders	10.25	1.20	1.30	.50	

*Park County dividing Line: Line from the S.W. corner of Jefferson County to the S.E. corner of Lake County

** Area south of Lake County to a point 2 miles north of the City of Leadville to a point 1/2 mile north of the City of Limon at the west border of Lincoln County

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for over 5 years service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

b. 15 days Paid Vacation after 1600 hours

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA and ZONE DESCRIPTIONS

CARPENTERS:

Area 1: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, and Jefferson Counties; Park County (northern area):

(a) Denver Metropolitan Area including Louisville, Golden, Boulder, and Longmont basing points:

Zone 1: 0 to 20 miles
Zone 2: 20 to 50 miles
Zone 3: 50 miles and over

Area 2: Morgan and Weld Counties:

(b) Denver Northeastern Area of Colorado including Greeley, Loveland, and Fort Morgan basing points:

Zone 1: 0 to 20 miles
Zone 2: 20 to 50 miles
Zone 3: 50 miles and over

Area 3: Larimer County (S.E. portion within Loveland basing point, Zone 1)

Area 4: Larimer (Remainder of County); Eagle, Lake, and Park Counties (south 40 miles); Summit County:

Zone 1: 0 to 40 miles from Post Office in Leadville or Fort Collins
Zone 2: 40 to 75 miles from Post Office in Leadville or Fort Collins
Zone 3: All work outside of the 75 mile radius from Post Office in Leadville or Fort Collins

LABORERS:	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 6.25	$6.75	.84	.70	.50	.05
Group 2	9.40	9.90	.84	.70	.50	.05
Group 3	9.68	10.18	.84	.70	.50	.05
Group 4	10.20	10.70	.84	.70	.50	.05

See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of Tilt-up Panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters

Group 4: Pipelayers on Building Construction; Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS: (Other than for work in Tunnels, Shafts, and Raises):	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.05	$11.80	.93	1.10	.55	.12
Group 2	11.40	12.15	.93	1.10	.55	.12
Group 3	11.75	12.50	.93	1.10	.55	.12
Group 4	11.90	12.65	.93	1.10	.55	.12
Group 5	12.05	12.80	.93	1.10	.55	.12
Group 6	12.20	12.95	.93	1.10	.55	.12
(For work in Tunnels, Shafts, and Raises):						
Group 1	11.20	11.75	.93	1.10	.55	.12
Group 2	11.55	12.30	.93	1.10	.55	.12
Group 3	11.65	12.40	.93	1.10	.55	.12
Group 4	11.90	12.65	.93	1.10	.55	.12
Group 5	12.05	12.80	.93	1.10	.55	.12
Group 6	12.45	13.20	.93	1.10	.55	.12
Group 7	12.20	12.95	.93	1.10	.55	.12

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

POWER EQUIPMENT OPERATORS (Cont'd)

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Tender to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments Rodman, Chainman, Grade Checker; Compressors, 360 C.F.M. or less

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck; Instrument Man

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Pile-driver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mucking Machines and Front End Loaders, underground, Slusher; Mine Hoist Operator

Group 6: Mole

Group 7: Mechanic - Welder, heavy duty

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TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1	ZONE 2				
Group 1	$ 9.36	$9.86	.94	.70	.40	
Group 2	9.46	9.96	.94	.70	.40	
Group 3	9.56	10.06	.94	.70	.40	
Group 4	9.61	10.11	.94	.70	.40	
Group 5	9.66	10.16	.94	.70	.40	
Group 6	9.71	10.21	.94	.70	.40	
Group 7	9.76	10.26	.94	.70	.40	
Group 8	9.81	10.31	.94	.70	.40	
Group 9	9.91	10.41	.94	.70	.40	
Group 10	9.96	10.46	.94	.70	.40	
Group 11	10.06	10.56	.94	.70	.40	
Group 12	10.21	10.71	.94	.70	.40	
Group 13	10.26	10.76	.94	.70	.40	
Group 14	10.36	10.86	.94	.70	.40	
Group 15	10.46	10.96	.94	.70	.40	
Group 16	10.56	11.06	.94	.70	.40	
Group 17	10.66	11.16	.94	.70	.40	
Group 18	10.86	11.36	.94	.70	.40	

See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

TRUCK DRIVERS

Group 1: Pickups; Tenders; Dumpmen

Group 2: Dump Trucks, to and including 6 cu. yds.; Sweepers; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Washers; Greasemen; Servicemen; Ambulance Drivers

Group 3: Dump Trucks, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Tenders; Man Haul Shuttle Truck or Bus

Group 4: Straddle Truck; Lumber Carrier; Liquid and Bulk Tankers, tandem axle

Group 5: Fork Lift Driver; Fuel Truck; Grease Truck; Combination Fuel and Grease

Group 6: Distributor Truck Driver; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination

Group 7: Multi-purpose Truck; Specialty and Hoisting

Group 8: Dump Trucks, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment

Group 9: Truck Driver, Snow Plow

Group 10: Cement Mixer, Agitator Truck, over 10 cu. yds., to and including 15 cu. yds.

Group 11: Dump Trucks, over 29 cu. yds. to and including 39 cu. yds.

Group 12: Cement Mixer, Agitator Truck, over 15 cu. yds.

Group 13: Dump Trucks, over 39 cu. yds. to and including 54 cu. yds.; Tireman

Group 14: Mechanic

Group 15: Dump Trucks, over 54 cu. yds. to and including 79 cu. yds.

Group 16: Heavy Duty Diesel, Mechanic, Body Men, Welders or Combination Men

Group 17: Dump Trucks, over 79 cu. yds. to and including 104 cu. yds.

Group 18: Dump Trucks, over 104 cu. yds.

SUPERSEDEAS DECISION

COUNTY: El Paso

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR. 5.5 (a)(1)(ii)).

ZONE DESCRIPTIONS

LABORERS

CITIES within ZONES 1 and 2:

Boulder	Denver	Dillon
Eagle	Golden	Fort Collins
Fort Morgan	Leadville	Granby
Greeley	Littleton	Vail

ZONE 1 - That area encompassed By 0 to 30 driving miles from the Main Post Office
ZONE 2 - That area encompassed by 30 or more driving miles from the Main Post Office

POWER EQUIPMENT OPERATORS and TRUCK DRIVERS

A. Counties entirely within Zone 1:

Boulder	Denver	Douglas
Clear Creek	Gilpin	Jefferson
Larimer	Morgan	Weld

B. Counties entirely within Zone 2:

Grand Lake Park Summit

C. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert Counties lying west of the Township lines between R59W and R60W of the 8th Guide Meridian West; and all of Eagle County lying West of the Township line between R80W and R81W of the 10th Guide Meridian West

D. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are included within Zone 2, as follows:

All of Adams, Arapahoe, Elbert Counties lying East of the Township line between R59 and R60W of the 8th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: El Paso
DECISION NO. CO81-5146 DATE: Date of Publication
Supersedes Decision CO81-5134 dated July 31, 1981, in 46 FR 39370
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.39	.75	$1.49		
BOILERMAKERS	13.87	1.375	1.15		.05
BRICKLAYERS; Stonemasons	13.70	.85	.95		.06
CARPENTERS:					
Zone 1: 0-40 miles from Post Office in Colorado Springs	11.72	1.10	1.00	1.00	.10
Zone 2: 40-75 miles from Post Office in Colorado Springs	11.72	1.10	1.00	1.00	.10
Zone 3: 75 miles and over	11.97	1.10	1.00	1.00	.10
CEMENT MASONS:					
Cement Masons	12.04	.59	1.15		.13
Working with composition materials and color	12.54	.59	1.15		.13
Working on temporary platform over 25'	12.29	.59	1.15		.13
DRYWALL INSTALLERS	11.72	1.00	.85	1.00	.07
ELECTRICIANS	15.45	1.00	3%+1.00		.015
ELEVATOR CONSTRUCTORS	14.88	1.345	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPER	15.12	1.345	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPER (Prob.)	7.44				
GLAZIERS	15.32	.92	.60	b	
IRONWORKERS:					
Structural, Ornamental, and Reinforcing	12.35	1.04	1.25		.12
LATHERS	12.64				.01
MARBLE SETTERS	12.53	.85	.70		
MILLWRIGHTS	12.66	1.00	.85		.14
PAINTERS:					
Brush and Roller; Tapers, hand texture	11.54	.95	.70		.04
Paperhangers; Steel Brush	12.04	.95	.70		.04
Spray Painters	12.29	.95	.70		.04
Steel, Spray	12.79	.95	.70		.04
PLASTERERS	13.44				.01
PLUMBERS; Pipefitters	14.05	1.00	1.25	1.60	.10
ROOFERS	11.41	.59	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$14.96	3%+.90	$1.51		.17
SOFT FLOOR LAYERS	13.14	.80	1.30	1.00	.13
SPRINKLER FITTERS	15.31	.95	1.40		.08
TERRAZZO WORKERS	15.53	1.30	1.45		.04
TILE SETTERS	12.53	.85	.70		
TILE, MARBLE and TERRAZZO FINISHERS:					
Finishers	9.55	1.20	1.30	.50	
Floor Grinders	9.70	1.20	1.30	.50	
Base Grinders	10.25	1.20	1.30	.50	
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for over 5 years' service; 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A through F, plus the Friday after Thanksgiving Day
b. 15 days Paid Vacation after 1600 hours

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LABORERS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1	ZONE 2				
Group 1	$ 6.25	$6.75	.84	.70	.50	.05
Group 2	9.40	9.90	.84	.70	.50	.05
Group 3	9.68	10.18	.84	.70	.50	.05
Group 4	10.20	10.70	.84	.70	.50	.05

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of Tilt-up Panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters

Group 4: Pipelayers on Building Construction.
Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.
Tender, Mason and Plaster

ZONE DESCRIPTIONS

ZONE 1: That area encompassed by 0 to 30 driving miles from the Main Post Office in Colorado Springs
ZONE 2: That area encompassed by 30 or more driving miles from the Main Post Office in Colorado Springs

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Other than for work in Tunnels, Shafts, and Raises):	ZONE 1	ZONE 2				
Group 1	$11.05	$11.80	.93	$1.10	.55	.12
Group 2	11.40	12.15	.93	1.10	.55	.12
Group 3	11.75	12.50	.93	1.10	.55	.12
Group 4	11.90	12.65	.93	1.10	.55	.12
Group 5	12.05	12.80	.93	1.10	.55	.12
Group 6	12.20	12.95	.93	1.10	.55	.12
(For work in Tunnels, Shafts, and Raises)						
Group 1	11.20	11.75	.93	1.10	.55	.12
Group 2	11.55	12.30	.93	1.10	.55	.12
Group 3	11.65	12.40	.93	1.10	.55	.12
Group 4	11.90	12.65	.93	1.10	.55	.12
Group 5	12.05	12.80	.93	1.10	.55	.12
Group 6	12.45	13.20	.93	1.10	.55	.12
Group 7	12.20	12.95	.93	1.10	.55	.12
See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications						

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts, and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Tender to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments Rodman, Chainman, Grade Checker; Compressors, 360 C.F.M. or less

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck; Instrument Man

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Pile-driver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

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POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mucking Machines and Front End Loaders, underground, Slusher; Mine Hoist Operator

Group 6: Mole

Group 7: Mechanic - Welder, Heavy Duty

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$9.36	.94	.70	.40	
Group 2	9.46	.94	.70	.40	
Group 3	9.56	.94	.70	.40	
Group 4	9.60	.94	.70	.40	
Group 5	9.66	.94	.70	.40	
Group 6	9.71	.94	.70	.40	
Group 7	9.76	.94	.70	.40	
Group 8	9.81	.94	.70	.40	
Group 9	9.91	.94	.70	.40	
Group 10	9.96	.94	.70	.40	
Group 11	10.06	.94	.70	.40	
Group 12	10.21	.94	.70	.40	
Group 13	10.26	.94	.70	.40	
Group 14	10.36	.94	.70	.40	
Group 15	10.46	.94	.70	.40	
Group 16	10.56	.94	.70	.40	
Group 17	10.66	.94	.70	.40	
Group 18	10.86	.94	.70	.40	

Group 1: Pickups; Tenders; Dumpmen

Group 2: Dump Trucks, to and including 6 cu. yds.; Sweepers; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Greasemen; Servicemen; Ambulance Drivers

Group 3: Dump Trucks, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Tenders; Man Haul Shuttle Truck or Bus

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Delta, Garfield

TRUCK DRIVERS (Cont'd)

Group 4: Straddle Truck; Lumber Carrier; Liquid and Bulk Tankers, tandem axle

Group 5: Fork Lift Driver; Fuel Truck; Grease Truck; Combination Fuel and Grease

Group 6: Distributor Truck Driver; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination

Group 7: Multi-purpose Truck; Specialty and Hoisting

Group 8: Dump Trucks, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, dumptor type Youngbuggy, Jumbo and similar type equipment

Group 9: Truck Driver, Snow Plow

Group 10: Cement Mixer, Agitator Truck, over 10 cu. yds., to and including 15 cu. yds.

Group 11: Dump Trucks, over 29 cu. yds. to and including 39 cu. yds.

Group 12: Cement Mixer, Agitator Truck, over 15 cu. yds.

Group 13: Dump Trucks, over 39 cu. yds. to and including 54 cu. yds.; Tireman

Group 14: Mechanic

Group 15: Dump Trucks, over 54 cu. yds. to and including 79 cu. yds.

Group 16: Heavy Duty Diesel, Mechanic, Body Man, Welders or Combination Men

Group 17: Dump Trucks, over 79 cu. yds. to and including 104 cu. yds.

Group 18: Dump Trucks, over 104 cu. yds.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin

DECISION NUMBER: CO81-5147 DATE: Date of Publication

Supersedes Decision No. CO81-5135 dated July 31, 1981, in 46 FR 39374

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.39	.75	$1.49		
BOILERMAKERS	13.87	1.375	1.15		.05
BRICKLAYERS; Stonemasons:					
Pitkin County	12.29	.85	1.10		.06
Remaining Counties	11.90	.85	1.10		.05
CARPENTERS:					
Post Office basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose:					
Zone 1: 0-40 miles from nearest basing point	11.22	1.10	1.00	1.00	.10
Zone 2: 40-75 miles from nearest basing point	11.72	1.10	1.00	1.00	.10
Zone 3: 75 miles and over from nearest basing point	11.97	1.10	1.00	1.00	.10
CEMENT MASONS:					
Cement Masons	12.04	.59	1.15		.13
Working with composition materials and color	12.54	.59	1.15		.13
Working on scaffold, swing stage or temporary platform over 25'	12.29	.59	1.15		.13
DRYWALL INSTALLERS	11.72	1.00	.85	1.00	.07
ELECTRICIANS:					
Electricians	14.85	1.00	3%+.50		1%
Cable Splicers	15.10	1.00	3%+.50		1%
ELEVATOR CONSTRUCTORS	14.88	1.345	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPER	10.42	1.345	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (	7.44				
GLAZIERS	15.32	.93	.60	b	
IRONWORKERS:					
Structural, Ornamental and Reinforcing	12.35	1.04	1.25		.12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Delta, Gunnison, and Montrose Counties	$11.94				.01
Garfield, Mesa, and Pitkin Counties	13.44				.01
MARBLE and TILE SETTERS; TERRAZZO WORKERS	15.53	1.30	1.45		.04
MILLWRIGHTS	12.66	1.00	.85		.14
PAINTERS:					
Brush, Roller and Drywall Finishers	15.01	.95	1.15		.08
Paperhangers, Spray, Swing Stage	15.61	.95	1.15		.08
PLASTERERS	13.44				.01
PLUMBERS	12.85	.85	1.15		.10
ROOFERS:					
Garfield, Mesa, and Pitkin Counties	13.32	.85	.50		.08
Remainder of Counties	11.41	.59	.40		
SHEET METAL WORKERS	14.96	3%+.90	1.51		.17
SOFT FLOOR LAYERS	13.14	.80	1.30	1.00	.13
SPRINKLER FITTERS	15.31	.95	1.40		.08
TILE, MARBLE and TERRAZZO FINISHERS:					
Finishers	9.55	1.20	1.30	.50	
Floor Grinders	9.70	1.20	1.30	.50	
Base Grinders	10.25	1.20	1.30	.50	

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A through F, plus the Friday after Thanksgiving Day.
b. 15 days Paid Vacation after 1600 hours

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LABORERS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1	ZONE 2				
Group 1	$ 6.25	$6.75	.84	.70	.50	.05
Group 2	9.40	9.90	.84	.70	.50	.05
Group 3	9.68	10.18	.84	.70	.50	.05
Group 4	10.20	10.70	.84	.70	.50	.05

See ZONE DESCRIPTIONS - Following TRUCK DRIVERS' Classifications

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of Tilt-up Panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters

Group 4: Pipelayers on Building Construction.
Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Rollers and Stummers on Caisson Work.
Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Other than for work in Tunnels, Shafts, and Raises)	ZONE 1	ZONE 2				
Group 1	$11.05	$11.80	.93	$1.10	.55	.12
Group 2	11.40	12.15	.93	1.10	.55	.12
Group 3	11.75	12.50	.93	1.10	.55	.12
Group 4	11.90	12.65	.93	1.10	.55	.12
Group 5	12.05	12.80	.93	1.10	.55	.12
Group 6	12.20	12.95	.93	1.10	.55	.12
(For work in Tunnels, Shafts, and Raises)						
Group 1	11.20	11.75	.93	1.10	.55	.12
Group 2	11.55	12.30	.93	1.10	.55	.12
Group 3	11.65	12.40	.93	1.10	.55	.12
Group 4	11.90	12.65	.93	1.10	.55	.12
Group 5	12.05	12.80	.93	1.10	.55	.12
Group 6	12.45	13.20	.93	1.10	.55	.12
Group 7	12.20	12.95	.93	1.10	.55	.12
See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications						

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Tender to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conyeyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments Rodman, Chainman, Grade Checker; Compressors, 360 C.F.M. or less

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck; Instrument Man

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Pile-driver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

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POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts, and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mucking Machines and Front End Loaders, undergeoung; Slusher; Mine Hoist Operator

Group 6: Mole

Group 7: Mechanic Welder, Heavy duty

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1	ZONE 2				
Group 1	$ 9.36	$9.86	.94	.70	.40	
Group 2	9.46	9.96	.94	.70	.40	
Group 3	9.56	10.06	.94	.70	.40	
Group 4	9.61	10.11	.94	.70	.40	
Group 5	9.66	10.16	.94	.70	.40	
Group 6	9.71	10.21	.94	.70	.40	
Group 7	9.76	10.26	.94	.70	.40	
Group 8	9.81	10.31	.94	.70	.40	
Group 9	9.91	10.41	.94	.70	.40	
Group 10	9.96	10.46	.94	.70	.40	
Group 11	10.06	10.56	.94	.70	.40	
Group 12	10.21	10.71	.94	.70	.40	
Group 13	10.26	10.76	.94	.70	.40	
Group 14	10.36	10.86	.94	.70	.40	
Group 15	10.46	10.96	.94	.70	.40	
Group 16	10.56	11.06	.94	.70	.40	
Group 17	10.66	11.16	.94	.70	.40	
Group 18	10.86	11.36	.94	.70	.40	

See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Pickups; Tenders; Dumpmen

Group 2: Dump Trucks, to and including 6 cu. yds.; Sweepers; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Greasemen; Servicemen; Ambulance Drivers

Group 3: Dump Trucks, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Tenders; Man Haul Shuttle Truck or Bus

TRUCK DRIVERS (Cont'd)

Group 4: Dump Trucks, over 14 cu. yds. to and including 20 cu. yds.; Flat Rack, tandem axle; Mechanics; Mechanics Welder; Oilers; Transit Mix Drivers

Group 5: Dump Trucks, over 20 cu. yds. to and including 30 cu. yds.; Lowboy, single axle; Mechanic Welder, Heavy Duty

Group 6: Dump Trucks, over 30 cu. yds. to and including 50 cu. yds.; Lowboy, tandem axle

Group 7: Dump Trucks, over 50 cu. yds. to and including 100 cu. yds.; Lowboy, tandem axle, 50 tons and over

Group 8: Dump Trucks, over 100 cu. yds.

ZONE DESCRIPTIONS

ZONE 1: Basic Hourly Rate

ZONE 2: Basic Hourly Rate plus $0.50 per hour

TRUCK DRIVERS (Cont'd)

Group 4: Straddle Truck; Lumber Carrier; Liquid and Bulk Tankers, tandem axle

Group 5: Fork Lift Driver; Fuel Truck; Grease Truck; Combination Fuel and Grease

Group 6: Distributor Truck Driver; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination

Group 7: Multi-purpose Truck; Specialty and Hoisting

Group 8: Dump Trucks, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment

Group 9: Truck Driver, Snow Plow

Group 10: Cement Mixer, Agitator Truck, over 10 cu. yds., to and including 15 cu. yds.

Group 11: Dump Trucks, over 29 cu. yds. to and including 39 cu. yds.

Group 12: Cement Mixer, Agitator Truck, over 15 cu. yds.

Group 13: Dump Trucks, over 39 cu. yds. to and including 54 cu. yds.; Fireman

Group 14: Mechanic

Group 15: Dump Trucks, over 54 cu. yds. to and including 79 cu. yds.

Group 16: Heavy Duty Diesel, Mechanic, Body Men, Welders or Combination Men

Group 17: Dump Trucks, over 79 cu. yds. to and including 104 cu. yds.

Group 18: Dump Trucks, over 104 cu. yds.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

ZONE DESCRIPTIONS

LABORERS

ZONE 1: That area encompassed by 0 to 30 driving miles from the Main Post Office in each of the following Cities:

Aspen	Glenwood Springs	Grand Junction
Gunnison	Montrose	Naturita
	Rifle	

ZONE 2: That area encompassed by 30 or more driving miles from the Main Post Office of the Cities listed in Zone 1

POWER EQUIPMENT OPERATORS and TRUCK DRIVERS

A. Counties entirely within Zone 1:
Delta Garfield Mesa

B. Counties entirely within Zone 2:
Gunnison Pitkin

C. Legal description of the portion of Montrose County which is included within Zone 1, as follows:
All of Montrose County lying north of the North Line of Ouray County and said North Line extended West to the Township Line between R11W and R12W, said part lying East of said Township Line of the New Mexico Principal Meridian

D. Legal description of the portion of Montrose County which is included within Zone 2, as follows:
All of Montrose County except that part lying north of the North Line of Ouray County and said North Line extended West of said Township Line between R11W and R12W, said point being East of said Township Line of the New Mexico Principal Meridian

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SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: CO81-5148

DATE: Date of Publication

Supersedes Decision No. CO81-5137 dated July 31, 1981, in 46 FR 39379

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.39	.75	$1.49		
BOILERMAKERS	13.87	1.375	1.15		.05
BRICKLAYERS	13.57	.85	1.10		.07
CARPENTERS	11.22	1.10	1.00	1.00	.10
CEMENT MASONS:					
Cement Masons	12.14	.59	1.15		.13
Working with composition material and color	12.64	.59	1.15		.13
Working on scaffold, swing stage or temporary platform over 25'	12.39	.59	1.15		.13
DRYWALL INSTALLERS	11.71	1.00	.85	1.00	.07
ELECTRICIANS:					
Contract over $100,000.00:					
Electricians;					
Technicians	15.49	1.00	3%+1.00		1½%
Cable Splicers	17.04	1.00	3%+1.00		1½%
Contract under $100,000.00:					
Electricians;					
Technicisns	11.50	1.00	3%+.80		1½%
ELEVATOR CONSTRUCTORS	14.88	1.345	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPER	10.42	1.345	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPER (Prob.)	7.44				
GLAZIERS	15.32	.92	.60	b	
IRONWORKERS:					
Structural; Ornamental and Reinforcing	12.35	1.04	1.25		.12
LATHERS	10.80				.01
MARBLE and TILE SETTERS' TERRAZZO WORKERS	15.53	1.30	1.45		.04
MILLWRIGHTS	12.66	1.00	.85		.14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush and Roller Painters; Tapers and Hand Texture Men:					
Zone 1: 0-20 miles	$11.54	.95	.70		.04
Zone 2: 20-35 miles	12.54	.95	.70		.04
Zone 3: 35 miles and over	13.29	.95	.70		.04
Tapers using Automatic tools, Spray Painters, and Sandblasters:					
Zone 1: 0-20 miles	12.29	.95	.70		.04
Zone 2: 20-35 miles	13.29	.95	.70		.04
Zone 3: 35 miles and over	14.07	.95	.70		.04
Paper and Vinyl Hangers; Steel Brush Painters:					
Zone 1: 0-20 miles	12.04	.95	.70		.04
Zone 2: 20-35 miles	13.04	.95	.70		.04
Zone 3: 35 miles and over	13.82	.95	.70		.04
Steel Spray Painters and Sandblasters:					
Zone 1: 0-20 miles	12.79	.95	.70		.04
Zone 2: 20-35 miles	13.79	.95	.70		.04
Zone 3: 35 miles and over	14.57	.95	.70		.04
PLASTERERS	13.44				.01
PLUMBERS:					
Zone 1: 0 to 15 miles from Post Office	15.22	1.00	1.25		.10
Zone 2: 15 to 20 miles from Post Office	15.79	1.00	1.25		.10
Zone 3: 20 to 40 miles from Post Office	16.22	1.00	1.25		.10
Zone 4: 40 miles and over from Post Office	17.245	1.00	1.25		.10
ROOFERS	11.41	.59	.40		.17
SHEET METAL WORKERS	14.96	3%+.90	1.51		.13
SOFT FLOOR LAYERS	13.14	.80	1.30	1.00	1.3
SPRINKLER FITTERS	15.31	.95	1.40		.08
TILE, MARBLE and TERRAZZO FINISHERS:					
Finishers	9.55	1.20	1.30	.50	
Floor Grinders	9.70	1.20	1.30	.50	
Grinders	10.25	1.20	1.30	.50	

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A through F. plus the Friday after Thanksgiving Day

b. 15 days Paid Vacation after 1000 hours

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LABORERS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1	ZONE 2				
Group 1	$ 6.25	$6.75	.84	.70	.50	.05
Group 2	9.40	9.90	.84	.70	.50	.05
Group 3	9.68	10.18	.84	.70	.50	.05
Group 4	10.20	10.70	.84	.70	.50	.05

See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of Tilt-up Panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters

Group 4: Pipelayers on Building Construction.
Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work,
Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS: (Other than for work in Tunnels, Shafts, and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1	ZONE 2				
Group 1	$11.05	$11.80	.93	$1.10	.55	.12
Group 2	11.40	12.15	.93	1.10	.55	.12
Group 3	11.75	12.50	.93	1.10	.55	.12
Group 4	11.90	12.65	.93	1.10	.55	.12
Group 5	12.05	12.80	.93	1.10	.55	.12
Group 6	12.20	12.95	.93	1.10	.55	.12
(For work in Tunnels, Shafts, and Raises)						
Group 1	11.20	11.75	.93	1.10	.55	.12
Group 2	11.55	12.30	.93	1.10	.55	.12
Group 3	11.65	12.40	.93	1.10	.55	.12
Group 4	11.90	12.65	.93	1.10	.55	.12
Group 5	12.05	12.80	.93	1.10	.55	.12
Group 6	12.45	13.20	.93	1.10	.55	.12
Group 7	12.20	12.95	.93	1.10	.55	.12

See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

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POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Tender to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments Rodman, Chainman, Grade Checker; Compressors, 360 C.F.M. or less

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck; Instrument Man

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Pile-driver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts, and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

Group 7: Mechanic - Welder, heavy duty

TRUCK DRIVERS	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.36	$9.86	.94	.70	.40	
Group 2	9.46	9.96	.94	.70	.40	
Group 3	9.56	10.06	.94	.70	.40	
Group 4	9.61	10.11	.94	.70	.40	
Group 5	9.66	10.16	.94	.70	.40	
Group 6	9.71	10.21	.94	.70	.40	
Group 7	9.76	10.26	.94	.70	.40	
Group 8	9.81	10.31	.94	.70	.40	
Group 9	9.91	10.41	.94	.70	.40	
Group 10	9.96	10.46	.94	.70	.40	
Group 11	10.06	10.56	.94	.70	.40	
Group 12	10.21	10.71	.94	.70	.40	
Group 13	10.26	10.76	.94	.70	.40	
Group 14	10.36	10.86	.94	.70	.40	
Group 15	10.46	10.96	.94	.70	.40	
Group 16	10.56	11.06	.94	.70	.40	
Group 17	10.66	11.16	.94	.70	.40	
Group 18	10.86	11.36	.94	.70	.40	

See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Pickups; Tenders; Dumpmen

Group 2: Dump Trucks, to and including 6 cu. yds.; Sweepers; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Greasemen; Servicemen; Ambulance Drivers

Group 3: Dump Trucks, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Tenders; Man Haul Shuttle Truck or Bus

TRUCK DRIVERS (Cont'd)

Group 4: Straddle Truck; Lumber Carrier; Liquid and Bulk Tankers, tandem axle

Group 5: Fork Lift Driver; Fuel Truck; Grease Truck; Combination Fuel and Grease

Group 6: Distributor Truck Driver; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination

Group 7: Multi-purpose Truck; Specialty and Hoisting

Group 8: Dump Trucks, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment

Group 9: Truck Driver, Snow Plow

Group 10: Cement Mixer, Agitator Truck, over 10 cu. yds., to and including 15 cu. yds.

Group 11: Dump Trucks, over 29 cu. yds. to and including 39 cu. yds.

Group 12: Cement Mixer, Agitator Truck, over 15 cu. yds.

Group 13: Dump Trucks, over 39 cu. yds. to and including 54 cu. yds.; Fireman

Group 14: Mechanic

Group 15: Dump Trucks, over 54 cu. yds. to and including 79 cu. yds.

Group 16: Heavy Duty Diesel, Mechanic, Body Man, Welders or Combination Men

Group 17: Dump Trucks, over 79 cu. yds. to and including 104 cu. yds.

Group 18: Dump Trucks, over 104 cu. yds.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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ZONE DESCRIPTIONS

LABORERS

ZONE 1: that area encompassed by 0 to 30 driving miles from the Main Post Office in each of the following Cities:

Pueblo La Junta Trinidad

ZONE 2: that area encompassed by 30 or more driving miles from the Main Post Office in the Cities listed in Zone 1

POWER EQUIPMENT OPERATORS and TRUCK DRIVERS

A. Counties entirely within Zone 1:
Otero Pueblo

B. Portions of Las Animas County which are included within Zone 1, as follows:
All of Las Animas County lying west of the Township Line between R59W and R60W of the 7th Guide Meridian West

C. Portions of Las Animas County which are included within Zone 2, as follows:
All of Las Animas County lying East of the Township Line between R59W and R60W of the 7th Guide Meridian West

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Statewide
DECISION NUMBER: CO81-5149 DATE: Date of Publication
Supersedes Decision No. CO80-5126 dated September 5, 1980, in 45 FR 59095
DESCRIPTION OF WORK: Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:*					
Carpenters:					
Zone 1	$10.52	$1.00	$1.00	.95	.07
Zone 2	11.02	1.00	1.00	.95	.07
Underground Carpenters:					
Zone 1	10.72	1.00	1.00	.95	.07
Zone 2	11.22	1.00	1.00	.95	.07
Working on creosoted coated lumber or other toxic materials, Sawmen continuously assigned to 1½HP saw at job site	10.82	1.00	1.00	.95	.07
High work 35' above ground or above permanent floor or deck	10.87	1.00	1.00	.95	.07
CEMENT MASONS:*					
Zone 1	10.76	.59	1.25	.30	.13
Zone 2	11.26	.59	1.25	.30	.13
ELECTRICIANS:*					
Area 1:					
Electricians	14.25	.70	3%+1.25		3/10%
Cable Splicers	14.50	.70	3%+1.25		3/10%
Area 2:					
Electricians	14.00	.75	3%+.25		1%
Cable Splicers	14.25	.75	3%+.25		1%
Area 3:					
Zone 1:					
Electricians	13.64	.72	3%+1.00		1½%
Cable Splicers	15.00	.72	3%+1.00		1½%
Zone 2:					
Electricians	14.47	.72	3%+1.00		1½%
Cable Splicers	15.83	.72	3%+1.00		1½%
Zone 3:					
Electricians	15.02	.72	3%+1.00		1½%
Cable Splicers	16.38	.72	3%+1.00		1½%
Zone 4:					
Electricians	15.71	.72	3%+1.00		1½%
Cable Splicers	17.07	.72	3%+1.00		1½%

*See AREA and ZONE Descriptions - Pages 4, 5, and 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 3: (Cont'd)					
Zone 5:					
Electricians	$16.39	.72	3%+1.00		1½%
Cable Splicers	17.75	.72	3%+1.00		1½%
Electricians on electrical contracts less than $20,000 in Zones 4 and 5	11.00	.72	3%+1.00		1½%
Area 4:					
Electricians	13.90	.75	3%+.65		.015
IRONWORKERS:					
Structural, Ornamental, and Reinforcing	12.35	1.04	1.25		.12
LINE CONSTRUCTION:					
Cable Splicers	15.58	.45	3%+.50		3/4%
Journeyman Lineman; Cableman	14.56	.45	3%+.50		3/4%
Journeyman Lineman	14.49	.45	3%+.50		3/4%
Line Equipment Maintenance Man	12.31	.45	3%+.50		3/4%
Line Equipment Operator, Class 1:					
Crawler Equipment, Wire equipment pullers, Tensioners, Cranes, over 8 tons, Heavy Pole Trucks (such as diesel, twin screws), All Bucket Trucks - 75 ft. reach and over and Backhoes	12.31	.45	3%+.50		3/4%
Line Equipment Operators, Class 2:					
Trenchers under 4 ft. depth, Hydro Cranes, under 8 tons, Bobcats, Trucks under 3 tons, C.T.M. classification	10.90	.45	3%+.50		3/4%
Groundman	10.12	.45	3%+.50		3/4%

*See AREA and ZONE Descriptions - Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:*					
Area 1:					
Brush	$12.11	.75	$1.15		.07
Spray, Swing Stage	12.71	.75	1.15		.07
Area 2:					
Brush	9.57	.75	.50		.04
Steel	10.07	.75	.50		.04
Spray	10.57	.75	.50		.04
Steel Spray	11.07	.75	.50		.04
Area 3:					
Brush	10.44	.75	.50		.04
Spray	11.19	.75	.50		.04
Steel	10.94	.75	.50		.04
Steel Spray	11.69	.75	.50		.04

*See AREA Descriptions - Page 6

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ZONE DESCRIPTIONS

CARPENTERS:

Counties entirely within Zone 1:

Adams	Crowley	Gilpin	Morgan
Alamosa	Custer	Huerfano	Otero
Arapahoe	Delta	Jefferson	Phillips
Archuleta	Denver	La Plata	Prowers
Bent	Douglas	Lake	Pueblo
Boulder	Eagle	Larimer	Rio Grande
Chaffee	El Paso	Las Animas	Sedgwick
Clear Creek	Elbert	Logan	Teller
Conejos	Fremont	Mesa	Weld
Costilla	Garfield	Montezuma	

Counties entirely within Zone 2:

Baca	Jackson	Moffat	Routt
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lincoln	Pitkin	Summit
Gunnison	Mineral	Rio Blanco	Yuma
Hinsdale			

Legal description of the portions of Montrose, Saguache, and Washington Counties which are included within Zone 1, as follows:

All of Montrose County lying Northerly of the North Line of Ouray County and said North Line extended to the Township Line between R11W and R12W, said part being East of said Township Line of the New Mexico Principal Meridian and the Eastern portion of Saguache County; from Highway #285 to the Town of Saguache, and Highway #114 to the County Line, and all of Washington County lying North of the 40°00'00" Latitude Base Line

Legal description of the portions of Montrose, Saguache and Washington Counties which are included within Zone 2, as follows:

All of Montrose County except that part lying Northerly of the North Line of Ouray County and said North Line extended West to the Township Line between R11W and R12W, said point being East of said Township Line of the New Mexico Principal Meridian and the Western portion of Saguache County; from Highway #285 to town of Saguache and Highway #114 to County Line, and all of Washington County lying South of the 40°00'00" Latitude Base Line.

ZONE DESCRIPTIONS

CEMENT MASONS:

Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	La Plata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose, and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert, and Las Animas Counties lying west of the Township Line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township Line between R80W and R81W of the 10th Guide Meridian West. All of Montrose County lying East of said Township Line of the New Mexico Principal Meridian and all of Washington County lying North of the 40°00'00" Latitude Base Line

Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose, and Washington Counties which are included within Zone 2, as follows:

All of Adams, Arapahoe, Elbert, and Las Animas Counties lying East of the Township Line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township Line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North Line between R11W and R21W, said point being East of said Township Line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line

ZONE DESCRIPTIONS (Cont'd)

ZONE DESCRIPTIONS (Cont'd)

ELECTRICIANS:

Area 1: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld, and Yuma Counties

Area 2: Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Juan, and San Miguel Counties

Area 3: Alamosa, Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache Counties:
Zone 1: Within 12 miles from Pueblo Main Post Office
Zone 2: 12 to 20 miles from Pueblo Main Post Office
Zone 3: 20 to 30 miles from Pueblo Main Post Office
Zone 4: 32 to 50 miles from Pueblo Main Post Office
Zone 5: 50 miles and over from Pueblo Main Post Office

Area 4: Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park, and Teller Counties

PAINTERS:

Area 1: Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan; Park County (northern half); Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties

Area 2: Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo Counties

Area 3: Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray; Park County (southern half); Rio Grande, Saguache, San Juan, San Miguel, and Teller Counties

LABORERS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1	ZONE 2				
Group 1	$9.40	$9.90	.84	.70	.50	.05
Group 2	9.50	10.00	.84	.70	.50	.05
Group 3	9.80	10.30	.84	.70	.50	.05
Group 4	9.95	10.45	.84	.70	.50	.05
Group 5	10.15	10.65	.84	.70	.50	.05
Group 6	10.20	10.70	.84	.70	.50	.05
(Tunnels)						
Group 1	9.40	9.90	.84	.70	.50	.05
Group 2	10.30	10.880	.84	.70	.50	.05
Group 3	10.40	10.90	.84	.70	.50	.05
Group 4	10.48	10.98	.84	.70	.50	.05
Group 5	10.55	11.05	.84	.70	.50	.05
Group 6	11.45	11.95	.84	.70	.50	.05
(Shafts, Raises, Missile Silos and all underground work other than Tunnels)						
Group 1	10.40	10.90	.84	.70	.50	.05
Group 2	10.55	11.05	.84	.70	.50	.05
Group 3	10.65	11.15	.84	.70	.50	.05
Group 4	10.93	11.43	.84	.70	.50	.05
Group 5	10.98	11.48	.84	.70	.50	.05
Group 6	11.58	12.08	.84	.70	.50	.05

Zone 1: The area encompassed by 15 driving miles from the Main Post Office at Craig, Steamboat Springs, and Meeker. Also, included are all other Counties not outlined in Zone 2.

Zone 2: The Counties of Jackson, Moffat, Rio Blanco and Routt.

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LABORERS

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core, and Diamond Drill Tenders, Powdermen Tenders; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torch on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than Gang Saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Tender; Sand Blaster, Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frost proofing; Any Laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as safety requirement. (All lines and safety belts used shall be of a type approved by State and Federal Laws); Gunniting and Shotcrete Tenders; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or Stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in Trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphones, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; wiping of Joint Concrete Pipe, inside and out; Labor applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

LABORERS (Cont'd)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on trunk pipe lines in connection with highway work; Relining Pipe; Mixer Man; Pipelayer; Hydrobroom

Group 4: Wagon Drills and Air Tracks; Jackhammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal Laws; Pugs and Galleys in Dams

Group 6: Mason Tenders, Brick and Plaster

(TUNNELS)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Tenders on Shotcrete, Gunniting and Sand Blasting; Tenders, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Tender, applying of concrete processing materials

Group 6: Collapsible Form Movers and Setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete Placement Men

LABORERS (Cont'd)
(Shafts, Raises, Missile Silos and all Underground Work other than Tunnels)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

Group 3: Tenders in Shotcrete Gunniting and Sand Blasting; Tenders on Core and Diamond Drills; Pot Tenders; Cement Finisher Tenders, applying concrete processing materials

Group 4: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 5: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal Laws

Group 6: Collapsible Form Movers and Setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel) support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Other than for work in Tunnels, Shafts, and Raises)	ZONE 1	ZONE 2				
Group 1	$11.05	$11.80	.93	$1.10	.55	.12
Group 2	11.40	12.15	.93	1.10	.55	.12
Group 3	11.75	12.50	.93	1.10	.55	.12
Group 4	11.90	12.65	.93	1.10	.55	.12
Group 5	12.05	12.80	.93	1.10	.55	.12
Group 6	12.20	12.95	.93	1.10	.55	.12
(For work in Tunnels, Shafts, and Raises)						
Group 1	11.20	11.75	.93	1.10	.55	.12
Group 2	11.55	12.30	.93	1.10	.55	.12
Group 3	11.65	12.40	.93	1.10	.55	.12
Group 4	11.90	12.65	.93	1.10	.55	.12
Group 5	12.05	12.80	.93	1.10	.55	.12
Group 6	12.45	13.20	.93	1.10	.55	.12
Group 7	12.20	12.95	.93	1.10	.55	.12
See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications						

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POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: ~~Air Compressor; Asphalt Screed; Oiler; Brakeman;~~ Drill Operator - smaller than Williams MF and similar; Tender to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments Rodman, Chainman, Grade Checker; Compressors, 360 C.FM. or less

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck; Instrument Man

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Pile-driver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts, and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Mine and similar push unit; Scrapers single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mucking Machines and Front End Loaders, underground, Slusher; Mine Hoist Operator

Group 6: Mole

Group 7: Mechanic - Welder, Heavy duty

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TRUCK DRIVERS

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1	ZONE 2				
Group 1	$ 9.36	$9.86	.94	.70	.40	
Group 2	9.46	9.96	.94	.70	.40	
Group 3	9.56	10.06	.94	.70	.40	
Group 4	9.61	10.11	.94	.70	.40	
Group 5	9.66	10.16	.94	.70	.40	
Group 6	9.71	10.21	.94	.70	.40	
Group 7	9.76	10.26	.94	.70	.40	
Group 8	9.81	10.31	.94	.70	.40	
Group 9	9.91	10.41	.94	.70	.40	
Group 10	9.96	10.46	.94	.70	.40	
Group 11	10.06	10.56	.94	.70	.40	
Group 12	10.21	10.71	.94	.70	.40	
Group 13	10.26	10.76	.94	.70	.40	
Group 14	10.36	10.86	.94	.70	.40	
Group 15	10.46	10.96	.94	.70	.40	
Group 16	10.56	11.06	.94	.70	.40	
Group 17	10.66	11.16	.94	.70	.40	
Group 18	10.86	11.36	.94	.70	.40	

*See Zone Descriptions following Truck Drivers' classifications

TRUCK DRIVERS

Group 1: Pickups; Dumpmen

Group 2: Dump Trucks, to and including 6 cu. yds.; Sweepers; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Washers; Greasermen; Servicemen; Ambulance Drivers

Group 3: Dump Trucks, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack; Tandem Axle; Battery Men; Mechanics' Tenders; Man Haul Shuttle Truck or Bus

Group 4: Straddle Truck; Lumber Carrier; Liquid and Bulk Tankers, tandem axle

Group 5: Fork Lift Driver; Fuel Truck; Grease Truck; Combination Fuel and Grease

Group 6: Distributor Truck Driver; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination

Group 7: Multi-purpose Truck; Specialty and Hoisting

Group 8: Dump Trucks, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, electric or similar; Truck Drivers; Dumptor type Youngbuggy, Jumbo and similar type equipment

Group 9: Truck Driver, Snow Plow

Group 10: Cement Mixer, Agitator Truck, over 10 cu. yds. to and including 15 cu. yds.

Group 11: Dump Trucks, over 29 cu. yds. to and including 39 cu. yds.

Group 12: Cement Mixer, Agitator Truck, over 15 cu. yds.

Group 13: Dump Trucks, over 39 cu. yds. to and including 54 cu. yds.; Tireman

Group 14: Mechanic

Group 15: Dump Trucks, over 54 cu. yds. to and including 79 cu. yds.

Group 16: Heavy Duty Diesel, Mechanics, Body Man, Welders or Combination Man

Group 17: Dump Trucks, over 79 cu. yds. to and including 104 cu. yds.

Group 18: Dump Trucks, over 104 cu. yds.

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ZONE DESCRIPTIONS

POWER EQUIPMENT OPERATORS and TRUCK DRIVERS:

Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	La Plata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose, and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert, and Las Animas Counties lying west of the Township Line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township Line between R80W and R81W of the 10th Guide Meridian West. All of Montrose County lying east of said Township Line of the New Mexico Principal Meridian and all of Washington County lying north of the 40°00'00" Latitude Base Line

Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose, and Washington Counties which are included within Zone 2, as follows:

All of Adams, Arapahoe, Elbert, and Las Animas Counties lying east of the Township Line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township Line between R80W and R81W of the 9th Guide Meridian West, and all of Montrose County except that part lying Northerly of the North Line between R11W and R12W, said point being East of said Township Line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: See below
DECISION NUMBER: KY81-1283 DATE: Date of Publication
Supersedes Decision Number KY80-1106, dated October 17 1980 in 45 FR 69142
DESCRIPTION OF WORK: HEAVY AND HIGHWAY CONSTRUCTION PROJECTS
Allen, Ballard, Butler, Caldwell, Calloway, Carlisle Christian, Crittenden Daviess, Edmondson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall. Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren & Webster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$11.59	.6[illegible]	.40		
Carpenters					
Heavy	12.20	.75	.55		.05
Highway	11.30	.75	.55		.05
Cement Masons	12.45	.90	.40		.05
Electricians	13.75	.55	13%		% of 1%
Ironworkers	15.90	.55	1.05		.045
Millwrights					
Heavy	12.95	.75	.55		.05
Highway	12.05	.75	.55		.05
Painters					
Brush & Roller	12.30	.70			
Sandblast & Powertools	12.85	.70			
Bridge	13.30	.70			
Piledrivermen					
Heavy	12.45	.75	.55		.05
Highway	11.55	.75	.55		.05
Plumbers & Pipefitters	16.00	75	1.10		.08
Welders - Rate for craft					

KY81-1283 cont. LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$9.72	.70	.70		
Group 2	9.97	.70	.70		
Group 3	10.02	.70	.70		
Group 4	10.62	.70	.70		

Group 1 - Asphalt plant laborers. concrete laborers, asphalt laborers. storm & sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers & placers, landscaping & seeding, planters & tree-trimmers, sign guard rail & fence installers, grade checkers, aging & curing of concrete, truck spotters & dumpers, batch truck dumpers, flagmen, rip-rap & grouters, dredging laborers, right of way laborers, wrecking & demolition laborers, drill tender, & all hand digging & hand back filling

Group 2 - Wagon drills, jack hammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia Buggy or wheel barrow, sand blaster & concrete chippers, green concrete cutting, brickmason tenders & mortar mixers, pipe layers. joint maker, batter board man (sanitary & storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, walk-behind trenching machine, surface grinderman, hand operated grouter & grinder machine operator & deckhand scow man, burner & welder

Group 3 - Powderman & blasters, side rail setters - including rail paved ditches, tunnel laborers (free air), gunnite operators & mixer man, gunnite nozzleman, asphalt luteman & rakeman, air tract driller (all types), grout pump operator

Group 4 - Tunnel blasters, tunnel muckers (free air), miners & drillers (free air), caisson workers (free air)

KY81-1283 cont. POWER EQUIPMENT OPERATORS Heavy Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$13.22	.65	1.20		.08
Class B	10.39	.65	1.20		.08
Class C	9.59	.65	1.20		.08
Class D	13.72	.65	1.20		.08

NOTE: Railroad and Highway bridges across commercially navigable rivers; i.e. navigable to loaded barge tow, (including setting of super structure steel on bridges) shall recieve the HEAVY rate of pay

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge, engineer, elevator (used for hoisting building materials), elevating grader & all types of loaders, hoe-type machine, hoisting engine, locomotive, Le ourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, Orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck. push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, grade all. hoist (two or more drums), hyster, pumpcrete, Ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KaCal loader, tower cranes (French, German & other types), hydrocrane, backfiller, gurries, subgrader

Class B - All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 HP & over), bull float, finish machine, outboard motor boat, well points, flex-plane, fireman, boom type tamping machine truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic tender, whirley oiler, tractair & road widening trencher, grout pump, electric vibrator, compactor self-propelled compactor, throttlevalve, elevator (one drum or buck hoist), power sweeper (riding type), core drill & caisson drill helper (truck mounted)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap & curing machine, hydro-seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill & caisson drill helper (track or skid mounted)

Class D - Operators on cranes with booms one hundred fifty feet (150') & over including jib

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KY81-1283 cont. POWER EQUIPMENT OPERATORS Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$11.72	.65	1.20		.08
Class B	9.30	.65	1.20		.08
Class C	9.68	.65	1.20		.08
Class D	9.04	.65	1.20		.08

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick boat, ditching & trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, Ross carrier, side boom, rotary drill (5" & over), mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German & other types), hydrocrane, backfiller, gurries, subgrader, tailboom & dredge engineer

Class B - All air compressors (over 900 cu. ft. per min.), bi uminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 HP or over), bull float, finish machine, outboard motor boat, electric vibrator, compactor, self-propelled compactor, boom type tamping machine, truck crane oiler, switchman or brakeman, mechanic helper, whirley oiler, tractair & road widening trencher, joint sealing machine, rotary drill (under 5"), throttlevalve man, tugger, well points, flexplane, fireman, & hoist (one drum)

Class C - Greaser on grease facilities servicing heavy equipment

Class D - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap & curing machine, hydro-seeder, power form handling equipment, deckhand oiler, & hydraulic post driver

KY81-1283 cont. TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Driver - single axle dump, flat bed trucks, semi-trailer or pole trailer when used to pull building materials or equipment, dump truck tandem axle, driver of distributors, drivers on mixed trucks (all types)	$10.93		a		
Driver - Euclid & other heavy earth moving equipment & low boy - winch truck & A-Frame truck, when used in transporting materials & Ross carrier, fork lift truck when used to transport building materials, driver on pavement breakers	10.94		a		
Truck Mechanic	10.08		a		
Truck Tender, mobile batch truck helper	9.00		a		
Greaser, tire changer, & mechanic helper	9.85		a		

FOOTNOTES

a. Pension is $51.00 per week - applies to employees who have been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer

UNLISTED CLASSIFICATIONS needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

SUPERSEDEAS DECISION

STATE: Massachusetts

COUNTIES: Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk

DECISION NUMBER: MA81-3054

DATE: Date of Publication

Supersedes Decision No. MA80-3064 dated October 31, 1980, in 45 FR 72442

DESCRIPTION OF WORK: Building Projects (including Residential), Heavy and Highway Projects and Marine Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
BARNSTABLE CO. (Barnstable, Borne, Falmouth, Mashpee, and Sandwich); NORFOLK CO. (Bellingham, Franklin, Plainville and Wrentham); PLYMOUTH CO. (Lakeville, Mattapoisett, Middleboro, Rochester and Wareham); BRISTOL CO. (all except Easton); Dukes; Nantucket	13.18	1.45	1.63		
SUFFOLK, MIDDLESEX, ESSEX COUNTIES: BARNSTABLE (Remainder of County); NORFOLK (Remainder of Co.): PLYMOUTH (Remainder of Co.); BRISTOL (EASTON)	15.91	1.50	1.20		.05
BOILERMEKERS	14.63	1.275	10%		.03
BRICKLAYERS: Stone Masons, Plasterers, Cement Masons (except Suffolk, Essex, Middlesex, and Brookline and Milton in Norfolk Co.), Pointers, Caulkers, and Cleaners:					
SUFFOLK CO.; MIDDLESEX (Arlington, Cambridge, Everett, Malden, Melford, Melrose and Somerville); NORFOLK (Brookline and Milton)(except plasterers)	11.55	.85	1.40		.12
Residential	9.24	.85	1.40		.12
Veneer Plastering	9.24	.85	1.40		.12
NORFOLK (Avon, Holbrook, Randolph and Stoughton); PLYMOUTH (Aington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Pembroke, Plymouth, Norwell (except					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
plasterers) Rockland, W. Bridgewater & Whitman); BRISTOL CO. (Easton, N & S Easton)	11.80	.85	1.15		.09
Residential	9.44	.85	1.15		.10
Veneer Plastering	9.44	.85	1.15		.09
DUKES; NANTUCKET; NORFOLK (Bellingham, Canton, Dedham, Foxboro, Franklin Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood and Wrentham); PLYMOUTH CO. (Lakeville only); BRISTOL (Attleboro, N. Attleboro, Mansfield, Raynham, Barrowsville, Taunton, Berkley, North Dighton, Rehoboth, Seekonk)	11.60	1.40	.80		.09
Residential	9.28	1.40	.80		.10
Veneer Plastering	9.28	1.40	.80		.09
MIDDLESEX (Reading, N. Reading, Wakefield); ESSEX CO.	11.85	.70	1.25		.09
Residential	9.48	.70	1.25		.10
Veneer Plastering	9.48	.70	1.25		.09
MIDDLESEX (Belmont, Burlington, Concore, Lexington, Lincoln, Stoneham Sudbury, Waltham, Watertown, Wayland, Eston, Winchester & Woburn	11.65	.75	1.40		.09
Residential	9.64	.75	1.00		.09
Veneer Plastering	9.64	.75	1.00		.09
MIDDLESEX (Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, North Acton, Pepperell, Shirley, South Acton, Tewksbury, Townsend,					

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DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Tyngsboro, West Acton, Westford, & Wilmington	12.20	.90	.70		.09
Residential	9.76	.90	.70		.09
Veneer Plasterers	9.76	.90	.70		.09
BARNSTABLE CO.; PLYMOUTH (Marion, Mattapoisett, Rochester, and Wareham); BRISTOL (Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. & S. Dartmouth Somerset, Swansea, Westport)	11.60	1.20	1.00		.09
Residential	9.28	1.20	1.00		.09
Veneer Plastering	9.28	1.20	1.00		.09
MIDDLESEX (Ashland, Farmington, Holliston, Hopkington, Hudson, Sherborn, Stow) NORFOLK (Medfield, Medway, Millis)	11.60	1.20	1.00		.09
Residential	9.28	1.20	1.00		.09
Veneer Plastering	9.28	1.20	1.00		.09
MIDDLESEX (Newton only); NORFOLK (Dover, Needham, Wellesley)	11.75	.65	1.40		.12
NORFOLK (Braintree, Cohasset, N. Weymouth, Quincy, S. Weymouth, Weymouth); PLYMOUTH (Hingham, Hull, Scituate, and the Islands of Quincy)	11.70	1.10	1.00		.09
Residential	9.36	1.10	1.00		.09
Veneer Plastering	9.36	1.10	1.00		.09

DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: Soft Floor Layers					
MIDDLESEX (Ashby, Ayer, Lunenburg, Shirley, Lancaster, Harvard, Groton, Pepperell, Townsend, W. Groton, and W. Townsend	12.50	.75	1.00		.07
ESSEX (Methuen, Lawrence, Andover, N. Andover)	12.10	1.00	1.00		.05
ESSEX (Ipswich, Essex, Gloucester, Rockport, Topsfield, Hamilton, Wenham, Middleton, Danvers, Beverly, Manchester, Peabody, Salem, Marblehead)	11.50	1.00	1.00		.03
SUFFOLK, MIDDLESEX (Remainder of County); Norfolk (all except Avon, Holbrook, Randolph and Stoughton); ESSEX (Remainder of County); PLYMOUTH (Duxbury, Hanover, Hingham, Hull, Marshfield, Norwell, Pembroke, Rockland and Scituate); Bristol (Attleboro, N. Attleboro, & Seekonk)	12.25	1.00	1.00		07
BARNSTABLE; NORFOLK (Avon, Holbook, Randolph and Stoughton); PLYMOUTH (Remainder of Co.); BRISTOL (Remainder of County); DUKES; NANTUCKET	12.83	.70	1.15		.07
CEMENT MASONS: SUFFOLK; MIDDLESEX (Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester and Woburn); NORFOLK (Brookline and Milton)	12.15	1.15	.60		.20

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MIDDLESEX (Bedford, Burlington, Lowell, Billerica, Tyngsboro, Westford, Tewksbury, Acton, Littleton, Dracut, Wilmington, Dunstable, Chelmsford, Carlisle)	10.40	.90	.70		.02
MIDDLESEX (Ashby, Ayer, Boxboro, Groton, N. Acton, Pepperell, Shirley, S. Acton, Townsend)	12.20	.90	.70		.10
MIDDLESEX (Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborne, and Stow	11.60	1.20	1.00		.09
MIDDLESEX (Newton only)	11.75	.65	1.40		.12
MIDDLESEX (Belmont, Concord, Lexington, Sudbury, Waltham, Watertown, Wayland, Weston)	11.65	.75	1.40		.09
MIDDLESEX (Reading, N. Reading); ESSEX (Andover, Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, N. Andover, Salisbury)	11.69	.70	.75		
ESSEX (Remainder of County)	11.85	.70	1.25		.09
ELECTRICIANS:					
MIDDLESEX (Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington)	13.60	1.15	1.40+3%		.02
MIDDLESEX (Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, Townsend)	13.20	.75	1.35+3%		.02
MIDDLESEX (Ashland, Hopkinton, Hudson, Marlboro and Stow)	14.28	8%	.94+3%		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SUFFOLK CO.; MIDDLESEX (Remainder of County); NORFOLK (all except Avon, Holbrook, Randolph, Stoughton and Plainville); ESSEX (Lynn, Lynnfield, Nahant, Saugus, Swampscott); PLYMOUTH (Hingham, Hull)	16.68	1.05	1.80+3%		.10
BARNSTABLE CO.; PLYMOUTH (Mattapoisett, Rochester, Wareham); BRISTOL COUNTY (Acusnet, Dartmouth, Fairhaven, New Bedford, N. & S. Dartmouth); DUKES; NANTUCKET	12.40	1.30	1.35+3%		f
BRISTOL (Fall River, Freetown, Seekonk, Somerset, Swansea, Westport	11.30	7%	1.00+3%	6%	4%
BRISTOL (Attleboro, N. Attleboro); NORFOLK (Plainville)	13.85	.73	1.05+3%		.02
BRISTOL (Mansfield, Norton, Taunton, Raynham, Rehoboth, Dighton, Berkley)					
PLYMOUTH (Lakeville, Middleboro)	13.50	1.00	1.00+3%		1/10of1%
Residential	10.25	1.00	1.00+3%		1/10of1%
NORFOLK (Avon, Holbrook, Randolph, Stoughton); PLYMOUTH (Remainder of County); BRISTOL (Easton)					
Electricial Contracts over $75,000	14.58	1.02	1.02+3%	1.00	4 of 1%
Electrical Contracts over $75,000	10.94	.77	.77+3%	1.00	4 of 1%
ESSEX (Andover, Lawrence, Methuen, N. Andover, Salisbury, W. Newbury, Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley	12.37	1.00	.75+3%		.02

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DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ESSEX (Remainder of County)					
Contracts over $30,000	12.65	1.04	1.56+3%		.05
Contracts $30,000 or less	11.50	1.04	1.56+3%		.05
ELEVATOR CONSTRUCTORS	13.88	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.72	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS" PROBATIONARY HELPERS	6.94				
GLAZIERS:					
SUFFOLK; MIDDLESEX; NORFOLK; ESSEX; PLYMOUTH (all except Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, Wareham); DUKES; NANTUCKET	14.70	.92	1.19		.03
BARNSTABLE; PLYMOUTH (Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, Wareham); BRISTOL CO.	12.09	.62	1.60		.01
IRONWORKERS:					
BRISTOL (except Easton); BARSTABLE; PLYMOUTH (Lakeville, Middleboro, Rochester, Wareham, Marion, Mattapoisett); NORFOLK (plainville); DUKES NANTUCKET	12.13	1.15	2.55		.05
SUFFOLK; NORFOLK (Remainder of Co.); ESSEX (Manchester Beverly, Peabody, Salem, Lynn, Lynnfield, Saugus, Swampscott, Marblehead, Nahant); PLYMOUTH (Remainder of County); BRISTOL (Easton, N. Easton); MIDDLESEX (Sherborn, Natick, Framingham, Weston, Newton, Arlington, Belmont, Cambridge, Somerville, Waltham, Medford, Malden,					

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DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stoneham, Woburn, Winchester, Burlington, Bedford, Lincoln, Lexington, Sudbury, Maynard, Concord, Everett	13.25	1.15	2.05		.10
MIDDLESEX (Ashby, Shirley, Ayer, Boxboro, Stow, Hudson, Marlboro, Ashland, Hopkinton, Holliston)	13.25	1.15	2.05		.10
ESSEX (Remainder of County); MIDDLESEX (Remainder of County)	13.59	1.15	3.25		.06
LATHERS	11.90	1.00	.55		.03
LINE CONSTRUCTION:					
Lineman	13.50	.70	.50+3%	d	3/[illegible] of 1%
Driver Groundman	9.64	.70	.50+3%	d	3/[illegible] of 1%
Groundman	8.82	.70	.50+3%	d	3/[illegible] of 1%
Equipment Operators	12.06	.70	.50+3%	d	3/[illegible] of 1%
MARBLE, TILE & TERRAZZO WORKERS	11.40	.85	1.50		
MILLWRIGHTS	14.45	1.00	1.00		.10
PAINTERS:					
BARNSTABLE, PLYMOUTH (Marion, Mattapoisett, Rochester, Wareham); BRISTOL (Acushnet, Dartmouth, Fairhaven, New Bedford, N. & S. Dartmouth); DUKES; NANTUCKET					
Brush/Roller	11.63	.90	.85		
Taping	11.73	.90	.85		
Spray	12.98	.90	.85		
Sandblast, Chipping Hammer, Power Brush	13.13	.90	.85		
Paperhangers, Vinyl Installer	12.13	.90	.85		
Steel	14.88	.90	.85		
Steel Spray	16.23	.90	.85		
Sandblast, Chipping Hammers, Power Tools (Steel)	16.38	.90	.85		

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DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
MIDDLESEX (Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford and Wilmington)					
Brush/Taper/Paper-Hanging	12.81	1.18	1.70		.04
Spray/Steel/Sandblast	14.31	1.18	1.70		.04
Repaint	10.89	1.18	1.70		.04
MIDDLESEX (Ashby, Townsend, Pepperell, Groton, Shirley, and Ayer)					
Brush	13.43	.90	1.65		.04
Spray/Sandblast	14.43	.90	1.65		.04
Steel	15.55	.90	1.65		.04
Repaint	11.42	.90	1.65		.04
Residential	10.07	.90	1.65		.04
MIDDLESEX (Boxboro, Action, Concord, Stow, Maynard, Lincoln, Lexington, Hudson, Sudbury, Wayland, Weston, Waltham, Watertown, Newton, Marlboro, Framingham, Natick, Ashland, Sherborn, Hopkinton, Holliston); NORFOLK (Dover, Medfield, Medway, Millis, Needham, Wellesley)					
New Construction:					
Brush	11.85	.85	.80		.03
Steel	13.10	.85	.80		.03
Spray, Sandblasting & Epoxy	12.85	.85	.80		.03
Repaint and Residential:					
Brush	11.30	.85	.80		.03
Steel	12.55	.85	.80		.03
Spray, Sandblasting & epoxy	13.85	.85	.80		.03

DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SUFFOLK, ESSEX, PLYMOUTH (remainder of County); BRISTOL (Remainder of Co.); MIDDLESEX (Remainder of County); NORFOLK (Remainder of County)					
New Construction:					
Brush/Taper	13.71	.82	1.90		.04
Spray/Sandblast	14.71	.82	1.90		.04
Steel	16.12	.82	1.90		.04
Repaint:					
Brush/Taper	12.29	.82	1.90		.04
Spray/Sandblast	13.29	.82	1.90		.04
Steel	16.12	.82	1.90		.04
SIGN PAINTERS	10.85	1.00	.50		.04
PILEDRIVERMEN	13.15	1.00	1.00		
PLASTERERS:					
SUFFOLK, MIDDLESEX (Arlington, Cambridge, Everett, Malden, Melford, Melrose, Somerville); NORFOLK (Brookline, Milton);					
PLYMOUTH (Norwell only)	12.55	.85	1.60		.02
PLASTERERS TENDERS	9.80	.75	1.10		.10
PLUMBERS AND STEAMFITTERS:					
BARNSTABLE; BRISTOL (Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. & S. Dartmouth, Somerset, Swandea, Westport, and Seekonk) PLYMOUTH (Marion, Mattapoisett Rochester, and Wareham);					
DUKES, NANTUCKET	12.89	1.05	1.00		.20
Resident	11.60	1.05	1.00		.20
MIDDLESEX (Ashby, Townsend, Groton, Shirley, Ft. Devens, Ayer-West of Greenville Branch of the Boston and Maine RR)	11.71	.90	.90	.47	.05

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DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS AND PIPEFITTERS:					
MIDDLESEX (Acton, Ayer - except West of Greenville Branch of the Boston and Maine RR, Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford and Wilmington)	13.72	1.10	1.10		.02
MIDDLESEX (Ashland, Belmont, Concord, Framington, Holliston, Hopkington, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Sudbury, Stow, Waltham, Wayland, Weston, Hudson); NORFOLK (Medway, Medfield, Dover, Wellsley)	16.77	1.30	1.08		.05
SUFFOLK, MIDDLESEX (Remainder of Co.); NORFOLK (except Avon, Holbrook, Randolph, Stoughton, Dover, Medfield, Medway, Wellesley); ESSEX (Lynn, Lynnfield, Nahant, Saugus, Swampscott); PLYMOUTH (Hingham, Hull, Scituate,					
PLUMBERS	16.65	1.02	2.73		.08
PIPEFITTERS	16.15	1.10	2.45		.07
PLYMOUTH (Remainder of Co.); BRISTOL (Remainder of County); NORFOLK (Avon, Holbrook, Randolph, Stoughton)	14.25	.95	.80		.05

DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS, PIPEFITTERS AND STEAMFITTERS:					
ESSEX (Methuen, Lawrence, Groveland, Georgetown, Andover, North Andover)	15.05	1.12	1.50		.10
ESSEX (Remainder of Co.)	13.40	1.65	.87		.05
ROOFERS:					
BARNSTABLE CO., PLYMOUTH (Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, Wareham and Hingham); BRISTOL (Seekonk, Rehoboth, Dighton, Berkley, Swansea, Somerset, Fall River, Freetown, Westport, Dartmouth, New Bedford, Achushnet, Fairham); DUKES; NANTUCKET	10.45	1.00	.55		
PLYMOUTH (Brockton)	8.50				
ESSEX (Harver Hill)	7.65			e	
SUFFOLK, MIDDLESEX, NORFOLK, ESSEX (Remainder of Co.); BRISTOL (Remainder of Co.)					
Journeyman	13.25	.70	1.85		.17
Pitch Work	14.25	.70	1.85		.17
SHEET METAL WORKERS:					
BARNSTABLE, PLYMOUTH (Marion, Mattapoisett, Rochester, Wareham); BRISTOL (Acushnet, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, Rehoboth, Seekonk, Somerset, Swansea, Westport, & New Bedford); DUKES; NANTUCKET	11.24	1.05	1.34		.04
SUFFOLK, MIDDLESEX, NORFOLK, ESSEX, PLYMOUTH (Remainder of County); BRISTOL (Remainder of County)	14.62	1.16	1.95		.10

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DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	16.30	.85	1.20		.06
TILE AND MARBLE FINISHERS	10.34	.90	.75		
TERRAZZO FINISHERS	10.95		1.10		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 8% if basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F and the day after Thanksgiving Day

c. Holidays: A through F, Washington's Birthday, Good Friday & Christmas Eve provided employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday

d. Holidays: A through F, Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays

e. Holidays: A through F, Patriots' Day, Washington's Birthday, Columbus Day, Veteran's Day, 1 week of vacation after 1 year's employment

f. Apprentice Training: $1.00 per week per journeyman

DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING):					
CLASS I:					
Laborers, Carpenter Tenders, Wrecking Laborers	10.80	.75	1.10		.10
CLASS II:					
Jackhammer Op., Pavement Breakers, Asphalt Rakers, Carbide Core Drilling Machine, Chain Saw Op., Pipelayer, Barco Type Jumping Tampers; Laser Beam, Concrete Pump, Mason Tenders, Motorized Mixers, Ride-on Motorized Buggy, Fence and Beam Rail Erectors	11.05	.75	1.10		.10
CLASS III:					
Air Track, Block Pavers, Rammers Curb Setter	11.55	.75	1.10		.10
CLASS IV:					
Blasterers, Powdermen	11.80	.75	1.10		.10
CLASS V:					
Pre Cast Floor and Roof Plank Erectors	11.30	.75	1.10		.10

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DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY AND HIGHWAY LABORERS:					
CLASS I	10.80	.75	1.10		.10
CLASS II	11.05	.75	1.10		.10
CLASS III	11.55	.75	1.10		.10
CLASS IV	11.80	.75	1.10		.10

CLASS I - Carpenter Tenders, Cement Finisher Tenders, Laborers, Wrecking Laborers

CLASS II - Asphalt Rakers, Fence and Guard Rail Erector, Laser Beam Op., Mason Tender, Pipelayer, Pneumatic Drill Op., Pneumatic Tool Op., Wagon Drill Op.

CLASS III - Air Track Op., Block Pavers, Hammer, Curb Setters

CLASS IV - Blasters, Powdermen

DECISION NO. MA81-3054	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:					
CLASS I	15.26	1.18	1.15	a	.08
Hourly premium for boom lengths including jib:					
Over 150 feet + .55					
Over 185 feet + .99					
Over 210 feet + 1.37					
Over 250 feet + 2.08					
Over 295 feet + 2.90					
CLASS II	15.14	1.18	1.15	a	.08
CLASS III	12.81	1.18	1.15	a	.08
CLASS IV	13.94	1.18	1.15	a	.08
CLASS V	11.38	1.18	1.15	a	.08
CLASS VI	12.06	1.18	1.15	a	.08

CLASSIFICATIONS

CLASS I - Cranes, shovels, truck cranes, cherry pickers, dragline, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pump-crete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site, crusher plant (on site), paving concrete mixers, timber jacks

CLASS II - Sonic or vibratory hammers, graders, tandem scrapers, concret pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III - Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete Mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

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CLASSIFICATIONS CONT'D

CLASS IV - Assistant engineers (firemen)
CLASS V - Assistant engineers (other than truck cranes and gradalls)
CLASS VI - Assistant engineers (on truck cranes and gradalls)

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriot Day

HEAVY AND HIGHWAY CONSTRUCTION:					
POWER EQUIPMENT OPERATORS:					
CLASS I	15.26	1.18	1.15	a	.08
Hourly premium for boom lengths including jib:					
Over 150 feet + .55					
Over 185 feet + .99					
Over 210 feet + 1.37					
Over 250 feet + 2.08					
Over 295 feet + 2.90					
CLASS II	15.14	1.18	1.15	a	.08
CLASS III	12.81	1.18	1.15	a	.08
CLASS IV	13.94	1.18	1.15	a	.08
CLASS V	11.38	1.18	1.15	a	.08
CLASS VI	12.06	1.18	1.15	a	.08

DECISION NO. MA81-3054

CLASSIFICATIONS

CLASS I - Power shovels, cranes, truck cranes, derricks, pile divers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks
CLASS II - Sonic or vibratory hammers, graders; scrapers; tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, potable steam boilers, portable steam generators, rollers, spreaders, asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers
CLASS III - Pump (1-3 grouped), compressors; welding machine (1-3 grouped), generators, lighting plants, heaters (power drivén) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)
CLASS IV - Assistant engineers (firemen)
CLASS V - Assistant engineers (other than truck cranes and gradalls)
CLASS VI - Assistant engineers (on truck cranes and gradalls)

FOOTNOTES:

a. Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

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DECISION NO. MA81-3054

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS					
CLASS I	15.26	1.18	1.15	a	.08
Hourly premium for boom lengths including jib:					
Over 150 feet + .55					
Over 185 feet + .99					
Over 210 feet + 1.37					
Over 250 feet + 2.08					
Over 295 feet + 2.90					
CLASS II	15.14	1.18	1.15	a	.08
CLASS III	12.81	1.18	1.15	a	.08
CLASS IV	13.94	1.18	1.15	a	.08
CLASS V	11.38	1.18	1.15	a	.08
CLASS VI	12.06	1.18	1.15	a	.08

CLASSIFICATIONS

CLASS I - Shovels, Cranes, Truck Cranes, Cherry Pickers, Derricks, Pile Drivers two or more Drum Machines, Lighterns, Derrick Boats, Trenching, Mechanic Hoists Pavement Breakers, Cement Concrete Paveers, Draglines, Hoisting Engines, Pumpcrete Machines, Elevating Graders, Shovels, Dozers, Frontend Loaders, Backhoe, Gradalls, Cable Way, Boring Machines, Rotary Drills, Post Hole Hammer, Post Hole Diggers, Fork Lifts, Timber Jacks, Asphalt Plant (on site), Concrete Batching &/or Mixing Plant (on site), Crusher Plant, (on site), Paving Concrete Mixers

CLASS II - Portable Steam Boilers, Portable Steam Generators, Sonic or Vibratory Hammer, Graders, Scrapers, Tandem Scrapers, Concrete Pumps, Bulldozers, Tractors, York Rakes, Mulching Machines, Rollers, Spreader, Tamper self-propelled or Tractor Drawn, Asphalt Pavers, Concrete Mixers with side Loaders, Mechanics - Maintenance, Cal Trucks, Ballast, Regulator, Switch Tampers, Rail Anchor Machines, Tire Trucks

CLASS III - Pumps, Compressors, Welding Machines, Heaters (Power Driven), Valves controlling Permanent Plan Air or Steam, Well Point Systems, Augers - Powered by Independence Engines & Attached to Pile Drivers, Hydraulic Saws, Generators, Lighting Plants, Syphons-Pulsometers, Concrete Mixers, Conveyors

CLASS IV - Assistant engineers (firemen)

CLASS V - Assistant engineers (other than truck cranes and gradalls)

CLASS VI - Assistant engineers (on truck cranes and gradalls)

FOOTNOTES:

a. Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

DECISION NO. MA81-3054

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
TRUCK DRIVERS					
CLASS I	10.56	1.10	1.20	a+b	
CLASS II	10.73	1.10	1.20	a+b	
CLASS III	10.80	1.10	1.20	a+b	
CLASS IV	10.92	1.10	1.20	a+b	
CLASS V	11.02	1.10	1.20	a+b	
CLASS VI	11.31	1.10	1.20	a+b	
CLASS VII	11.60	1.10	1.20	a+b	

CLASSIFICATIONS

CLASS I - Station Wagons, Panel Trucks and Pickup Trucks

CLASS II - Two axle Equipment; Helpers on Low Bed When Assigned at the Discretion of the Employer, Warehousemen, Forklift Operators

CLASS III - Three Axle Equipment and Firemen

CLASS IV - Four and Five Axle Equipment

CLASS V - SPecialized Earth Moving Equipment under 35 tons other than Convential type trucks,Low Bed, Vachual, Mechanics, Paving Restoration Equipment, Mechanics

CLASS VI - Specialized Earth Moving Equipment over 35 Tons

CLASS VII - Trailers for Earth Moving Equipment (Double Hookup)

FOOTNOTES:

a. Paid Holidays: New Year's Day, Washington's Birthday, Patriot's Day, Memorial Day, Independence Day, Labor Day, COlumbus Day, Veterans Day, Thanksgiving Day, and Christmas Day

b. Paid Vacation: 4 months to 1 year - ½ day's pay er month; 1-5 years - 1 week; 5-10 years - 2 weeks; 10 years or more - 3 weeks. Employee must have received pay for 120 days during last year of employment

SUPERSEDEAS DECISION

COUNTIES: KENT & MONTCALM

SUPERSEDEAS DECISION

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: KENT & MONTCALM
DECISION NUMBER: MI81-2059
DATE: DATE OF PUBLICATION
Supersedes Decision Number MI78-2023, dated March 10, 1978, in 43 FR 10193.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 9.74				
CARPENTERS	8.04				
CEMENT MASONS	8.78				
DRYWALL FINISHERS & TAPERS	8.50				
DRYWALL HANGERS	8.53				
ELECTRICIANS	8.35				
FORM SETTERS	8.00				
LABORERS:					
General	6.54				
Landscape	5.33				
PAINTERS	7.05				
PLASTERERS	8.00				
PLUMBERS & PIPEFITTERS	8.99				
ROOFERS	8.50				
SHEET METAL WORKERS	7.80				
SOFT FLOOR & CARPET LAYERS	10.00				
TILE SETTERS	11.25				
TRUCK DRIVERS	8.37				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	8.38				
Bulldozer	8.68				
Crane	8.46				
Front end loader	7.96				
Motor grader	9.92				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI
COUNTIES: HANCOCK, HARRISON, JACKSON, and PEARL RIVER
DECISION NUMBER: MS81-1287
DATE: Date of Publication
Supersedes Decision No.: MS81-1223, dated May 8, 1981 in 46 FR 25920.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 (four) stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Hancock & Pearl River Cos.	$12.50	.65	1.30		.07
Harrison & Jackson Cos.	13.15	.90	1.25	a	.02
BOILERMAKERS	12.90	1.375	1.20		.04
BRICKLAYERS:					
Bricklayers	11.45		.60		.01
Blockmasons	11.45		.60		.01
Caulkers & Pointers	11.45		.60		.01
Marble Masons	11.45		.60		.01
Plasterers	11.35		.60		.01
Stone Mason	11.45		.60		.01
Terrazzo Workers	11.35		.60		.01
Tile Setters	11.35		.60		.01
CEMENT MASONS	10.85		.60		.01
CARPENTERS:					
Carpenters	10.55	.45	.45		.10
Millwrights	11.30	.45	.45		.10
Soft Floor Layers	10.55	.45	.45		.10
ELECTRICIANS:					
Cable Splicers	13.35	5%	5%		1/8%
Electricians	13.10	5%	5%		1/8%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.65	1.345	1.085	b	.035
Helpers	8.155	1.345	1.085	b	.035
IRONWORKERS:					
Structural, Ornamental, & Reinforcing					
Jackson Co. & eastern 1/3 of Harrison Co.(including Biloxi, Keesler AFB, & towns of Howison & Success	12.66	.65	.60		.10
Hancock & Pearl River Cos. and western 2/3 of Harrison Co.	12.52	.93	.68		.08
LABORERS:					
Asphalt Rakers	7.15	.40	.20		.05
Mason Tenders	7.15	.40	.20		.05
Mortar Mixers	7.15	.40	.20		.05
Pipelayers & Wrappers	7.15	.40	.20		.05
Plasterers Tenders	7.15	.40	.20		.05
Post Hole Diggers	7.15	.40	.20		.05
Unskilled	7.00	.40	.20		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Cable Splicers	$13.35	5%	5%		1/2%
Linemen	13.10	5%	5%		1/2%
PAINTERS:					
Commercial:					
Brush	7.50		.40		.20
Roller	7.50		.40		.20
Spray	8.25		.40		.20
Industrial:					
Brush	8.20		.40		.20
Spray	9.50		.40		.20
Sandblasting	9.50		.40		.20
PILEDRIVERMEN	9.55	.45			.03
PLUMBERS & STEAMFITTERS	12.28	.66	.85		.05
POWER EQUIPMENT OPERATORS:					
Group 1	11.28	.60	.30		.05
Group 2	10.23	.60	.30		.05
Group 3	9.98	.60	.30		.05
Group 4	9.03	.60	.30		.05
Group 5	7.63	.60	.30		.05
Group 6	7.63	.60	.30		.05
Group 7	12.13	.60	.30		.05
ROOFERS:					
Roofers	10.00		.30		
Kettleman	7.75		.30		
SHEET METAL WORKERS	11.35	3%+.65	1.11		14
SPRINKLER FITTERS	13.69	.95	1.40		.08
TRUCK DRIVERS:					
Group 1	7.25	.40	.50		
Group 2	7.84	.40	.50		
Group 3	9.15	.40	.50		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

POWER EQUIPMENT OPERATORS: Classification Definitions

Group 1: Engineer (operating under pressure)
Group 2: Mechanic
Group 3: Air tugger (2 drum), asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator (power belt), forklift, hoist (2 drum), locomotive engineer, marine engineer (chief), master pilot, mixer mobile, motor patrol and similar type equipment, paver (21 c.f. or larger), piledriver, recharger, roaming greaser (1st), scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), tournapull, DW-10 and similar pull type scrapers, trascavator and similar endloaders, welders, welding machine or s/w pumps (2 to 6), well driller, well point pumps
Group 4: Air Tugger, asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, firemen, heating plant, hoist, marine engineer (assistant), mixer, payloader, and similar endloaders, pilot power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machine (18" or smaller bucket line width), tugboat, winch truck.
Group 5: Air compressor, form grader, locomotive hostler, oiler (truck crane), pump, roughneck, tractor (without attachments), welding machine.
Group 6: Batch scale, deckhand, motorboat (in or outboard), oiler, scowman.
Group 7: Operating engineers servicing boilermakers, electricians, ironworkers, piledrivers, and pipefitters.

TRUCK DRIVERS: Classification Definitions

Group 1: Truck drivers on equipment up to but not including 1½ tons, station wagons, jeeps, and automobiles, truck spotters
Group 2: Truck drivers on equipment 1½ tons and up but not including 5 tons
Group 3: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss or corning wagons, dumpsters, semi-drivers, agitators, ross carriers, dempsey dumps, euclid trucks, forklift trucks in warehouse and similar equipment, such as tractors, 10 wheelers, jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment

Footnotes:
a. two paid holidays
b. employer contributes 6% of basic hourly rate for 6 months to 5 years service and 8% for over 5 years service as vacation pay credit; also seven paid holidays

SUPERSEDEAS DECISION

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTY: WARREN
DECISION NUMBER: MS81-1285 DATE: Date of Publication
Supersedes Decision No.: MS81-1224, dated May 8, 1981 in 46 FR 25921
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.79	.84	.50		.02
BOILERMAKERS	12.90	1.375	1.20		.04
BRICKLAYERS:					
Bricklayers	11.40	.35	.25		.05
Stone, Block, Marble Masons	11.40	.35	.25		.05
Caulkers, Pointers, Cleaners	11.40	.35	.25		.05
Tile & Terrazzo Workers	11.25	.35	.25		.05
CARPENTERS:					
Carpenters	10.25	.45	.25		.10
Millwrights	10.85	.45	.25		.10
Piledrivermen	10.85	.45	.25		.10
CEMENT MASONS	9.85	.35	.25		.05
ELECTRICIANS:					
Electricians	12.25	.35	3% + .50		.04
Cable Splicers	12.50	.35	3% + .50		.04
ELEVATOR CONSTRUCTORS					
Mechanics	11.65	1.375	1.085	a	.035
Helper	8.155	1.375	1.085	a	.035
GLAZIERS	9.84				
IRONWORKERS	11.50	.60	.9[illegible]		.04
LABORERS:					
Mortar Mixers	6.90	.25	.20		.05
Unskilled	6.65	.25	.20		.05
LATHERS	9.40	.45	.25		.10
PAINTERS:					
Brush	8.50	.50	.10		
Drywall Tapers	8.50	.50	.10		
Roller	8.50	.50	.10		
Spray	9.00	.50	.10		
PLASTERERS	8.55	.35	.50		.05
PLUMBERS & PIPEFITTERS	12.74	.55	.67	a	.05
POWER EQUIPMENT OPERATORS:					
Group 1	10.53	.50	.30		.05
Group 2	9.73	.50	.30		.05
Group 3	9.48	.50	.30		.05
Group 4	8.88	.50	.30		.05
Group 5	7.23	.50	.30		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$10.00		.30		
SHEET METAL WORKERS	10.55	.45	.45		.07
SPRINKLER FITTERS	13.69	.95	1.40		.08
TRUCK DRIVERS:					
Group 1	7.25	.40	.50		
Group 2	7.84	.40	.50		
Group 3	9.15	.40	.50		

POWER EQUIPMENT OPERATORS: Classification Definitions

Group 1: Engineer (operating under pressure)
Group 2: Mechanic
Group 3: Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick car, derrick boat, dragline, dredge, elevating grader, excavator (power belt), forklift (5tons & over), hoists (2 drums in active use), locomotive engineer, marine engineer (chief), master pilot, mixer-mobile, motor patrol and similar equipment, paver (21 C.F. or larger), piledriver, recharger, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnapull (DW-10 and similar pull type scrapers), trascavator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps
Group 4: Asphalt spreader (bituminous distributor and mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, forklift, (over 2 tons and less than 5 tons), heating plant, hoist (1 drum), marine engineer's assistant, mixer payloader and similar endloader, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (18" or smaller bucket line width), tugboat, winch truck and tractor, small rubber tire with backhoe attachment.
Group 5: Air compressor, batch scale, deckhand, forklift (2 tons and under), form grader, locomotive hostler, motor boat (in or outboards), oiler, pump, roughneck, scowman, tractor (with attachments), welding machine

Booms, including jib;
100 ft to 200 ft - 50¢ per hour above regular pay
201 ft to 300 ft - 75¢ per hour above regular pay
301 ft and over - $1.00 per hour above regular pay

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TRUCK DRIVERS: Classifications Definitions

Group 1: Truck drivers on equipment up to but not including 1½ tons, station wagons, jeeps and automobiles, truck spotters
Group 2: Truck drivers on equipment 1½ tons and up but not including 5 tons
Group 3: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss or corning wagons, dumpsters, semi-drivers, agitators, ross carriers, dempsey dumps, euclid trucks, forklift trucks in warehouse and similar equipment, such as tractors, 10 wheelers, jumps or dump trucks or pickup trucks pulling two ur four wheel trailers hauling equipment

Footnotes:
a. Employer contributes 6% of basic hourly rate for 6 months to 5 years service and 8% for over 5 years service as vacation pay credit; also seven paid holidays.
b. Two paid holidays.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Hinds
DECISION NUMBER: MS81-1286 DATE: Date of Publication
Supersedes Decision Number MS81-1264, dated July 10, 1981 46 FR 35802
DESCRIPTION OF WORK: Building Construction Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.70	.84	.50		.02
BOILERMAKERS	12.90	1.375	1.20		.04
BRICKLAYERS:					
Bricklayers	11.40	.35	.25		.05
Stone,Block, & Marble Masons	11.40	.35	.25		.05
Caulkers, Pointers, & Cleaners	11.40	.35	.25		.05
Tile & Terrazzo Setters	11.25	.35	.25		.05
CARPENTERS:					
Carpenters	10.55	.45	.40		.10
Power Saw Operators (1 hp. or over)	10.80	.45	.40		.10
Fiber Glass Insulation Application	10.70	.45	.40		.10
Millwrights	11.15	.45	.40		.10
Piledrivermen	10.90	.45	.40		.10
CEMENT MASONS:					
Cement Masons	8.90	.45	.50		.05
Float Machine Operator	9.10	.45	.50		.05
ELECTRICIANS:					
Electricians	12.25	.35	3%+.50		.04
Cable Splicers	12.50	.35	3%+.50		.04
ELEVATOR CONSTRUCTORS	11.65	1.345	1.085	a+b	.035
GLAZIERS	9.84				
IRONWORKERS	11.50	.60	.95		.04
LABORERS:					
Laborers	6.65	.25	.20		.05
Wrecking & Demolition	6.65	.25	.20		.05
Mason Tenders	6.80	.25	.20		.05
Plasterer Tenders	6.80	.25	.20		.05
Pipelayers	6.80	.25	.20		.05
Mortar Mixer	6.90	.25	.20		.05
Mechanical Tools, Motorized (GA) Buggy Operators	6.90	.25	.20		.05
LATHERS	8.65				.01
LINE CONSTRUCTION:					
Linemen	11.63	.45	3%	c+2%	½%
Cable Splicers	11.93	.45	3%	c+2%	½%
Groundman	7.05	.45	3%	c+2%	½%

DECISION NO. MS81-1286

	Basic Hourly Rates	Fringe Benefits Payments			
PAINTERS:		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Brush and Roller	8.50	.50	.10		
Spray	9.00	.50	.10		
Sandblast	9.50	.50	.10		
PLASTERERS	9.85	.55	.50		.05
PLUMBERS, STEAMFITTERS, & PIPEFITTERS	12.50	1.05	1.00		
ROOFERS:					
Roofers	11.30		.40		
Kettlemen	8.60		.40		
Paper Roller	8.60		.40		
SHEET METAL WORKERS	12.05	.45	.50		.10
SPRINKLER FITTERS	12.80	.85	1.20		.08

FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day, Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee with more than 5 years service; 6% for employees with less than 5 years.

c. One week vacation after one year's service.

DECISION NO. MS81-1286

	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	11.53	.50	.30		.05
GROUP II	10.65	.50	.30		.05
GROUP III	10.38	.50	.30		.05
GROUP IV	9.72	.50	.30		.05
GROUP V	7.93	.50	.30		.05

Boom including jib:
$.50 above regular rate - 100 ft. thru 200 ft.
$1.00 above regular rate - 201 ft. thru 300 ft.
$2.00 above regular rate - 301 ft. thru 400 ft.
$3.00 above regular rate - 401 ft. thru 500 ft.
$3.25 above regular rate 501 ft. and above

GROUP I - Engineer operating under air pressure.

GROUP II _ Mechanic

GROUP III - Asphalt Plant, Backhoe, Blacksmith, Boom Tractor, Bulldozer, Central Mixing Plant, Cherry Picker, Clamshell, Crane, Derrick Car, Derrick, Derrick Boat, Dragline, Dredge Elevating Grader, End Loader, Excavator (power belt), Fork Lift (5 tons & over), Hoists (2 drums in active use), Locomotive Engineer, Marine Engineer (chief), Master Pilot, Mixer-Mobile, Motor Patrol and similar Equipment, Paver (21 c.f. or larger), Pile Driver, Recharger, Scoop (skimmer), Scraper, Shovel, Trenching Machine (over 18" bucket line width), Turnapull (DW-10 and similar pull type scrapers), Traxcavator and similar Endloaders, Welder, Welding Machines and Pumps (operating 2 to 6 Machines, Well Driller, Well Point Pumps

GROUP IV - Asphalt spreader (bituminous distributor), Asphalt Spreader (bituminous mixer), Backfilling Machine, Conveyor, Drill (earth), Finishing Machine, Fireman, Forklift (over 2 tons and less than 5 tons), Heating Plant, Hoist (one drum), Marine Engineer's Assistant, Mixer Payloader and similar Endloaders, Pilot, Power Generating Plant, Pump (concrete), Roller, Scoopmobile, Tractor (with power take-off), Trenching Machines (19" or smaller bucket line width), Tugboat, Winch Truck and Tractor, Small Rubber Tired with Backhoe Attachment.

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DECISION NO. MS81-1286

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP V - Air Compressor, Batch Scale, Deckhand, Forklift (2) tons & under), Form Grader Locomotive Hostler, Motorboat (in or out-board), Oiler, Pump, Roughneck, Scowman, Tractor (with attachments), Welding Machine

Booms including jib:
$.50 above regular rate - 100 ft. thru 200 ft.
$.75 above regular rate - 201 ft. thru 300 ft.
$1.00 above regular rate - over 300 ft.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Wagoner
DECISION NO. OK81-4069 DATE: Date of Publication
SUPERSEDES DECISION NO. OK80-4065 dated July 25, 1980 in 45FR49832
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.19	.75	1.00		.03
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS	14.00	.70	.70		.05
CARPENTERS:					
Carpenters	11.20	.65	.75		.08
Millwrights-Piledrivermen	11.70	.65	.75		.08
CEMENT MASONS:					
Zone I - that portion of Wagoner County on a diagonal line from the N/E corner of Okmulgee to the S/E corner of Mayes	12.29		.40		.10
ZONE II - Remainder of Co.	9.90				
ELECTRICIANS:					
ZONE I					
Electricians	12.55	.60	3%		1%
Cable splicers	12.95	.60	3%		1%
ZONE II					
Electricians	12.95	.60	3%		1%
Cable splicers	13.35	.60	3%		1%
ZONE III					
Electricians	14.35	.63	3%+.61		.10
Cable splicers	14.60	.63	3%+.61		.10

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITIONS

Blue Mount, Coweta, Gatesville, Shannon, Tullahassee, Porter and Stone Bluff Townships.
ZONE I - A thirty (30) mile radius from the Post Office in Muskogee
ZONE II - That area outside Zone I
ZONE III - Adams, Creek, Lone Star and Shahan Townships Only.

ELEVATOR CONSTRUCTORS	13.54	1.345	.95	a+b	.035
ELEVATOR CONSTRUCTORS' HELPER	70%JR	1.345	.95	a+b	.035
GLAZIERS	12.62	.70	.30		.01
IRONWORKERS	13.35	.80	1.15		.12
LABORERS:					
Construction laborers	7.85	.25	.40		
Mason tenders, mortar mixers, sewer drain; tile layers; machine tool operator	8.15	.25	.40		
Powdermen (make-up) wagon drill operator	8.35	.25	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Linemen	$12.50		3%		1/2%
Cable splicers	13.25		3%		1/2%
Hole digger operator	11.33		3%		1/2%
Heavy equipment operator for pole cat equivalent)	11.33		3%		1/2%
Line truck driver (winch operator)	10.27		3%		1/2%
Jackhammerman	9.35		3%		1/2%
Powderman	11.33		3%		1/2%
Groundman	8.34		3%		1/2%
Truck driver (flat bed, ton and half and under)	8.91		3%		1/2%
PAINTERS (Southeastern half of Wagoner):					
Brush and roller	11.05		.40	.20	.10
Highwork and stage	11.65		.40	.20	.10
Sandblasting and spray	11.90		.40	.20	.10
Hot or bituminous	12.55		.40	.20	.10
PAINTERS (Northwestern half of Wagoner):					
Brush and roller	12.85		.40		.10
Highwork or stage	13.25		.40		.10
Sandblasting or spray	13.85		.40		.10
Hot or bituminous	14.15		.40		.10
Sheetrock hand tools	12.85		.40		.10
Sheetrock power tools	13.25		.40		.10
PLUMBERS-STEAMFITTERS	15.60	.80	1.10		.20
POWER EQUIPMENT OPERATORS:					
Group I	13.40	.70	.75		.12
Group II	12.90	.70	.75		.12
Group III	12.40	.70	.75		.12
Group IV	12.15	.70	.75		.12
Group V	11.90	.70	.75		.12
Group VI	11.65	.70	.75		.12
Group VII	11.40	.70	.75		.12
Group VIII	10.40	.70	.75		.12
POWER EQUIPMENT OPERATORS DEFINITIONS (SEE ATTACHED)					
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
SPRINKLER FITTERS	13.71	.85	1.20		.08
SOFT FLOOR LAYERS	11.46	.70	.70		.03

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 300' of boom or over (including jib)

GROUP II
All crane type equipment with 200-300' of boom (including jib)

GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more

GROUP IV
Sideboom (booms 30' and over); Guy Derrick

GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)

GROUP VI
Fork lift (35' and over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machines

GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck drane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

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DECISION NO. OK81-4069 Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Group I	10.43				
Group II	10.53				
Group III	10.63				
Group IV	10.58				
Group V	10.73				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I - Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such dump trucks, flat beds, stake bodies
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tournerpulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready-mix concrete trucks up to but not including 3 yards
GROUP V - Ready-mix concrete trucks 3 yards and over

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTIES: Latimer, Leflore Haskell, Sequoyah & Pushmataha

DECISION NO: OK81-4072 DATE: Date of publication

Supersedes Decision #OK80-4067 dated July 25, 1980 in 45FR 49034

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.90	.75	1.00		.03
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS-STONEMASONS	14.00	.70	.70		.05
CARPENTERS:					
AREA I					
Carpenters	9.80	.55	.85		.05
Millwrights & Piledrivermen	11.15	.55	.85		.05
AREA II					
Carpenters	9.89	.50	.60		.04
Millwrights & Piledrivermen	10.64	.50	.60		.04
AREA III					
Carpenters	11.28	.65	.75		.08
Millwrights & Piledrivermen	11.78	.65	.75		.08
AREA IV					
Carpenters	8.75	.55	.10		
Millwrights & Piledrivermen	9.42	.55	.10		

CARPENTERS, MILLWRIGHTS & PILEDRIVERMEN AREA DEFINITIONS

AREA I
That portion of Leflore County south of the northern boundary of the Ouachita National Forest; Latimer County and that portion of Haskell County South of Highway 9
AREA II
That portion of Leflore County east of Highway 82 with the line extending south of the Highway 82 to Highway 9 and the northern portion of Leflore County north of the Ouachita National Forest; Sequoyah County east of Highway 82 excluding the city of Vivan
AREA III
Remainder of Haskell and Sequoyah Counties
AREA IV
Pushmataha County

CEMENT MASONS:					
Leflore County and the Southern portion of Sequoyah County	11.40	.35			.03
Pushmataha County	12.29		.40		.16
Remaining portion of Sequoyah County	9.90				
Latimer & Haskell Counties	8.00				

DECISION NO. OK81-4072 (Cont'd) Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Area I	11.50	1.00	1.00		.03
Area II	11.50	1.00	1.00		.03
Area III	11.50	1.00	1.00		.03
Area IV	11.50	1.00	1.00		.03
ELEVATOR CONSTRUCTORS	13.50	.75	1.00		.03
GLAZIERS	11.50	.75	.75		.03
IRONWORKERS:					
Area I	11.50	.75	.75		.03
Area II	11.50	.75	.75		.03
Area III	11.50	.75	.75		.03
Area IV	11.50	.75	.75		.03
LABORERS:					
Area I	9.50	.55	.50		.05
Area II	9.50	.55	.50		.05
Area III	9.50	.55	.50		.05
Area IV	9.50	.55	.50		.05
LATHERS	11.50	.75	.75		.03
PAINTERS:					
Area I	9.50	.55	.50		.05
Area II	9.50	.55	.50		.05
Area III	9.50	.55	.50		.05
Area IV	9.50	.55	.50		.05
PLASTERERS	11.50	.75	.75		.03
PLUMBERS & PIPEFITTERS	11.50	.75	.75		.03
POWER EQUIPMENT OPERATORS:					
Area I	11.50	.75	.75		.03
Area II	11.50	.75	.75		.03
Area III	11.50	.75	.75		.03
Area IV	11.50	.75	.75		.03
ROOFERS	11.50	.75	.75		.03
SHEETMETAL WORKERS	11.50	.75	.75		.03
TERRAZZO WORKERS	11.50	.75	.75		.03
TILE SETTERS	11.50	.75	.75		.03

DECISION NO. OK81-4072 (Cont'd) Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Area I					
Group I	9.50	.55	.50		.05
Group II	9.60	.55	.50		.05
Group III	9.70	.55	.50		.05
Group IV	9.65	.55	.50		.05
Group V	9.80	.55	.50		.05
Area II					
Group I	9.50	.55	.50		.05
Group II	9.60	.55	.50		.05
Group III	9.70	.55	.50		.05
Group IV	9.65	.55	.50		.05
Group V	9.80	.55	.50		.05
Area III					
Group I	9.50	.55	.50		.05
Group II	9.60	.55	.50		.05
Group III	9.70	.55	.50		.05
Group IV	9.65	.55	.50		.05
Group V	9.80	.55	.50		.05
Area IV					
Group I	9.50	.55	.50		.05
Group II	9.60	.55	.50		.05
Group III	9.70	.55	.50		.05
Group IV	9.65	.55	.50		.05
Group V	9.80	.55	.50		.05

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I - Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such dump trucks, flat beds, stake bodies
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tournerpulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready-mix concrete trucks up to but not including 3 yards
GROUP V - Ready-mix concrete trucks 3 yards and over

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
AREA I					
Electricians	13.67	.60	3%+5.5%		1/4%
Cable splicers	13.92	.60	3%+5.5%		1/4%
AREA II					
Electricians	12.55	.60	3%		1/2%
Cable splicers	12.95	.60	3%		1/2%
AREA III					
Electricians	12.95	.60	3%		1/2%
Cable splicers	13.35	.60	3%		1/2%

ELECTRICIANS-CABLE SPLICERS AREA DEFINITIONS

AREA I
Braden, Pocola and Spiro Townships only in Leflore County; that part of Sequoyah County east of Brent, Prices, Chapel, Rocky Mount and Sallisaw

AREA II
That part of Sequoyah County within a five mile radius of the post office in Sallisaw

AREA III
Remainder of Leflore County; remainder of Sequoyah County; All of Haskell, Pushmataha and Latimer Counties.

GLAZIERS	12.62	.70	.30		.01
IRONWORKERS	13.35	.80	1.15		.12
LABORERS (Haskell, Leflore and Sequoyah Counties)					
Area I	7.85	.25	.40		
Area II	8.15	.25	.40		
Area III	8.35	.25	.40		
Area IV	8.35	.25	.40		
LABORERS (Latimer and Pushmataha Counties)					
Area I	7.45	.25	.40		
Area II	7.75	.25	.40		
Area III	7.95	.25	.40		
Area IV	7.95	.25	.40		

LABORERS CLASSIFICATION DEFINITION

AREA I - Unskilled laborers
AREA II - Semi-skilled laborers, mason tenders, mortar mixers, air tool operator, (jackhammer, vibrator), pipelayers, concrete and clay, sewer drain and plasterer tenders.
AREA III - Wagon drill operator
AREA IV - Powderman or blasterers

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Lineman	$12.50		3%		1/2%
Cable splicers	13.25		3%		1/2%
Hole digger operator	11.33		3%		1/2%
Heavy equipment operator (or pole cat equivalent)	11.33		3%		1/2%
Line truck driver (winch op	10.27		3%		1/2%
Jackhammer man	9.35		3%		1/2%
Powderman	11.33		3%		1/2%
Groundman	8.34		3%		1/2%
Truck driver (flat bed, ton and half and under)	8.91		3%		1/2%
MARBLE SETTERS	14.02	.90	.60		
TILE & TERRAZZO WORKERS	14.02	.90	.60		
TILE & TERRAZZO FINISHERS:					
Experienced finishers	11.63	.90			
Floor machine operator	11.80	.90			
Base machine operator	12.10	.90			
PAINTERS:					
Brush and roller	11.05		.40	.20	.10
Highwork and stage	11.65		.40	.20	.10
Sandblasting and spray painting	11.90		.40	.20	.10
Hot or bituminous	12.55		.40	.20	.10
PLASTERERS:					
Leflore County	10.50				.02
Sequoyah County	13.05				.01
PLUMBERS & PIPEFITTERS:					
Pushmataha County	14.99	.85	.85		.12
Leflore, Sequoyah, Latimer and Haskell Counties	15.60	.80	1.10		.20
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
SOFT FLOOR LAYERS	11.46	.70	.70		.03
SPRINKLER FITTERS	13.71	.85	1.20		.08
TRUCK DRIVERS:					
Group 1	10.43				
Group 2	10.53				
Group 3	10.63				
Group 4	10.58				
Group 5	10.73				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Pick-up 1½ tons, or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over inlcuding heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready-mix concrete trucks up to but not including 3 yards.
GROUP V - Ready-mix concrete trucks 3 yards and over

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 300' of boom or over (including jib)

GROUP II
All crane type equipment with 200-300' of boom (including jib)

GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more

GROUP IV
Sideboom (booms 30' and over); Guy Derrick

GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)

GROUP VI
Fork lift (35' and over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 11 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machines

GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 10 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck crane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

FOOTNOTES:
a - PAID HOLIDAYS
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

WELDERS--Receive rate prescribed for craft performing operation to which welding is incidental.

Unlsited classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: OKLAHOMA COUNTY: Comanche

DATE: Date of Publication

SUPERSEDEAS DECISION

STATE: OKLAHOMA COUNTY: Comanche
DECISION NO. OK81-4070 DATE: Date of Publication
SUPERSEDES DECISION #OK80-4068 dated August 1, 1980 in 45FR51422
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.63	.70	1.50		.04
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS-Stonemasons	11.91	.62	1.00		.12
CARPENTERS:					
Carpenters	10.85	.65	.50		.04
Millwrights-Piledrivermen	11.35	.65	.50		.04
Power saw operator	10.975	.65	.50		.04
ELECTRICIANS	12.75	.60	3%		1/4%
ELEVATOR CONSTRUCTORS	13.94	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS HELPER	70%JR	1.345	1.085	a+b	.035
GLAZIERS	11.10		.30		
IRONWORKERS	13.35	.80	1.15		.12
LABORERS:					
Group I	7.30	.25	.40		
Group II	7.55	.25	.40		
Group III	8.05	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tenders; and common laborers.

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping teating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete, handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating and sand blaster, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader.

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$12.50		3%		1/2%
Cable splicers	13.25		3%		1/2%
Hole digger operator	11.33		3%		1/2%
Heavy equipment operators (or pole cat equivalent)	11.33		3%		1/2%
Line truck driver(winch op.	10.27		3%		1/2%
Jackhammerman	9.35		3%		1/2%
Powdermen	11.33		3%		1/2%
Groundmen	8.34		3%		1/2%
Truck driver (flat bed, ton and half and under)	8.91		3%		1/2%
MARBLE SETTERS	13.52		.90		
PAINTERS:					
Brush and roller	9.90		.25	.70	.08
Brush & roller (structural steel)	10.15		.25	.70	.08
Spray	10.55		.25	.70	.08
Swing stage, bosun chair work	10.15		.25	.70	.08
Taping & bedding(hand tools)	10.20		.25	.70	.08
Sandblasting	10.25		.25	.70	.08
PLASTERERS	14.20				.01
PLUMBERS & PIPEFITTERS	14.99	.85	.85		.12
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	14.80	.88	1.53		.11
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	12.10	.60		1.00	.03
SPRINKLER FITTERS	13.71	.85	1.20		.08
TERRAZZO WORKERS	13.52		.90		
TILE LAYERS	13.52		.90		
POWER EQUIPMENT OPERATORS:					
Group I	13.40	.70	.75		.12
Group II	12.90	.70	.75		.12
Group III	12.40	.70	.75		.12
Group IV	12.15	.70	.75		.12
Group V	12.90	.70	.75		.12
Group VI	12.65	.70	.75		.12
Group VII	12.40	.70	.75		.12
Group VIII	10.40	.70	.75		.12

DECISION NO. OK81-4070 (Cont'd) Page 3

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 300' of boom or over (including jib)
GROUP II
All crane type equipment with 200-300' of boom (including jib)
GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more
GROUP IV
Sideboom (booms 30' and over); Guy Derrick
GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)
GROUP VI
Fork lift (35' and over); dozer (engine H.P. 85 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type
GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machines
GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck drane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

DECISION NO. OK81-4070(Cont'd) Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Group I	9.70				
Group II	9.70				
Group III	9.40				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Truck drivers for heavy equipment such as lowboys, heavy winch and floats
GROUP II - Heavy earth moving equipment such as dump trucks and euclids
GROUP III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks

FOOTNOTES:
a - 1st 6 mos. to 5 yrs. 6%; over 5 yrs. 8% of basic hourly rate.
b - Paid Holidays, A through F
PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

Page 2

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Luzerne
DECISION NUMBER: PA81-3051 DATE: Date of Publication
Supersedes Decision No. PA80-3030 dated May 30, 1980, in 45 FR 36764
DESCRIPTION OF WORK: Building Construction, including single family homes and apartments up to and including 4 stories, excluding Sewage and Water Treatment plant projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.225	.80	.90		.01
BOILERMAKERS	16.67	1.275	1.00		.02
BRICKLAYERS: Stonemasons:					
Nescopeck, Hollenback and Salem Townships	12.15	.55	.70		.01
Remainder of County	12.80	1.05	.95		
CARPENTERS:					
Hazleton, Freeland, Black Creek, Butler, Dennison, Foster, Hazle, Hollenback, Nescopeck, Sugarloaf and lower part of Salem Twps.	12.72	.70	.90		.05
Remainder of County	12.89	.70	.90		.05
CEMENT MASONS:					
Pittston, Yatesville, Laflin, Exeter Wyoming, Deruea and Avoca	12.55				
All North of Hazleton, extending half-way between Wilkes-Barre and Hazleton, Harleigh, Jeddo, Cranberry; Foster Twps., Butler Twps., Dennison Twps., Sugarloaf Twps., Conyngham, Drums, S. Johns, Borough of Freeland & White Haven, Banks Twps; Beaver Meadows, Tresckow, Jeansville & Audenried	13.50				.01
Remainder of County	12.70				
ELECTRICIANS:					
That portion east of a line following the Susquehanna River south to the City of Pittston, east & south on the limits of Pittston but excluding it, to U. S. Highway 11, east on 11 to Dupont Borough & Highway 215, and southeast on 215. Also that portion of Luzerne County South and					

DECISION NO. PA81-3051	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
east of a line following the Thornhurst Road, southwest to State Highway 115 and southeast on 115 to the Monroe County line.					
Zone A - From 20 to 30 miles from zero milestone marker	13.20	.90	3%+.60	1.00	.10
Zone B - All distance beyond 30 miles	13.70	.90	3%+.60	1.00	.10
Hazleton, Nescopeck, Hollenbach, Black Creek, Sugar Loaf, Hazle, Butler, Foster Twps., and the Borough of White Haven in their entirety and that portion of Dennison Twp., south and west of the Central Railroad of New Jersey line between Wright Township and White Haven	13.27	.65	3%+1.00	a	.05
Remainder of County	13.69	.65	3%+1.25		.03
ELEVATOR CONSTRUCTORS	11.695	1.195	.95	c+d	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.95	c+d	.035
ELEVATOR CONSTRUCTORS' (PROB.)	50%JR				
GLAZIERS	11.85	.70	1.20		
IRONWORKERS:					
Structural & Ornamental	14.75	e			.10
Reinforcing	14.65	e			.10
LABORERS:					
Hazleton:					
Laborers	8.59	.80	1.10		
Mason tenders including scaffold builders	8.99	.80	1.10		
Pneumatic, electric and mechanical tool operators					

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DECISION NO. PA81-3051	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS (CONT'D)					
2" pumps - non-metallic pipelaying and making joint clay, terra cotta, ironstone vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers & blasters' helpers, Power buggies, walk along hoist	8.69	.80	1.10		
Plasterers' tenders, blasters, and wagon drill operators	8.84	.80	1.10		
Remainder of County;					
Building					
Unskilled Laborers	10.87	.80	1.10		
Semi skilled laborers, pneumatic and other mechanical tool operators; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason; non-mentallic pipelayer & making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot material, cement finishers and blasters' helpers	11.07	.80	1.10		
Plasterers' tenders, blaster, wagon drill operators	11.19	.80	1.10		
Mason tenders and scaffold builders	11.27	.80	1.10		
LATHERS:					
Pittston, Avoca, Dupont & Duryea	11.54		.10		.01
Remainder of County	11.43		.35		.01

DECISION NO. PA81-3051	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LEADBURNERS	10.75	.40	.25	f	.01
LINE CONSTRUCTION:					
Linemen, Dynamitemen, Heavy equipment operator	13.37	.55	3%		3/8%of1%
Groundman	8.97	.55	3%		3/8%of1%
Winch truck driver	9.38	.55	3%		3/8%of1%
MARBLE SETTERS:					
Pittston & Hazleton	12.80	1.05	.95		
Remainder of County	12.45		.95		
MILLWRIGHTS	14.42	.70	.90		.05
PAINTERS:					
Pittston:					
Brush and Roller	11.35		1.20		
Structural Steel	12.35		1.20		
Remainder of County:					
Brush	10.85	.75	.60		.10
Tapers	11.51	.75	.60		.10
Hazardous	12.51	.75	.60		.10
PILEDRIVERMEN	12.97	3.13	1.40	g	.13
PLASTERERS:					
Hazleton	13.50				.01
Pittston, Yatesville, Laflin, Exeter, Wyoming, Duryea and Avoca	13.50				.01
Remainder of County	12.78				
PLUMBERS	13.59	.95	1.55		.10
POWER EQUIPMENT OPERATORS:					
GROUP 1	13.41	7.9%	10.3%	a	1.8%
GROUP 2	12.85	7.9%	10.3%	a	1.8%
GROUP 3	11.97	7.9%	10.3%	a	1.8%
GROUP 4	11.20	7.9%	10.3%	a	1.8%
GROUP 5	10.72	7.9%	10.3%	a	1.8%
GROUP 6	9.80	7.9%	10.3%	a	1.8%
GROUP 7	13.39	7.9%	10.3%	a	1.8%
GROUP 7-A	13.64	7.9%	10.3%	a	1.8%
GROUP 7-B	13.89	7.9%	10.3%	a	1.8%

DECISION NO. PA81-3051

POWER EQUIPMENT OPERATORS - CLASSIFICATIONS

GROUP 1 - Machines doing hook work; any machine handling machinery; Cable spinning machines; Helicopters; Machines similar to above

GROUP 2 - All types of Cranes & backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench Shovels; Trenching machines; Hoists with two towers; Pavers, 21E & over; All types of overhead cranes; Building hoists (double drum); Gradalls; Mucking machines in tunnel; All front end loaders, 3½ cu. yds. & over; Tandem scrapers; Pippin type backhoes; Boat captains; Batch plant operators (concrete); Drills; Self-contained rotary drills; Fork lifts, 20 ft. lift & over; Machines similar to above

GROUP 3 - Conveyors; Building hoists (single drum); Scrapers & Tournapulls; Spreaders; High or low pressure boilers; Concrete pumps; Well drillers; Bulldozers & tractors; Asphalt plant engineers; Roller (high grade finishing); Ditch witch type trencher; All loaders under 3½ cu. yds.; Mechanic-welder; Motor patrols; Driller helper-self contained rotary drills; Core drill operator; Forklift trucks, under 20 ft. lift; Machines similar to above.

GROUP 4 - Welding machines; Well points; Compressors; Pumps; Heaters; Farm tractors; Form line graders; Fine grade machines; Road finishing machines; Concrete breaking machines; rollers; seaman pulverizer mixer; power broom; seeding spreaders; tireman (for power equipment); machines similar to above

GROUP 5 - Fireman, Grease truck

GROUP 6 - Oilers & deck hands (personnel boats); core drill helper

GROUP 7 - All machines with booms (including jib, masts, leads, etc.); 100 ft and over

GROUP 7-A - 150 ft and over

GROUP 7-B - 200 ft and over

DECISION NO. PA81-3051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers, Composition and Kettlemen	11.15	.90	.85		
SHEET METAL WORKERS	13.21	.80	.86		.04
SOFT FLOOR LAYER	10.98	.70	.90		.05
STEAMFITTERS	13.59	.70	1.80		.10
SPRINKLER FITTERS	15.56	.95	1.40		.08
TRUCK DRIVERS:					
Pittston:					
Class 1	11.07				
Class 2	11.14				
Class 3	11.63				
Remainder of County:					
Pickup, service dump and flat including 2 license	8.07	h	j		
All trucks over 2 license	8.12	h	j		
Fork lifts; Tow motors; tired loaders	8.08	h	j		
WELDERS: Recieve rate for craft					

TRUCK DRIVER CLASSIFICATIONS
PITTSTON

Class 1: Helper; Stake Body truck (single axle dumpster)

Class 2: Dump trucks; Tandem and batch trucks; Semi-trailers; Agitator mixer trucks; Ready mix and dumpcrete type vehicles asphalt distributors; farm tractor when used for transportation; Stake body truck (tandem)

Class 3: Euclids type; Off-highway equipment - back or belly dump trucks and double-hitched equipment; Straddle (Ross Carrier); Low-bed trailers

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DECISION NO. PA81-3051

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: C and D

c. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

e. Employer contributes $2.95 per hour to Health and Welfare and Pension Fund.

f. Paid Holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

g. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day.

h. $41.00 per month for employees who have worked 60 hours or more during the month

j. $25.00 per month to employees employed for over 13 weeks.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(i)(ii)).

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: SD81-5150 DATE: Date of Publication
Supersedes Decision No. SD81-5121 dated May 22, 1981, in 46 FR 28130

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.40	.60	$1.50		
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS; Stonemasons	13.60	.55	.75		
CARPENTERS:					
Carpenters, Piledrivers, Drywall, and Acoustical	11.86		.20		.05
Millwrights	12.82		.20		.05
CEMENT MASONS	12.20				
ELECTRICIANS:					
Electricians	12.55	.50	3%+1.15	6%	1%
Cable Splicers	13.81	.50	3%+1.15	6%	1%
GLAZIERS	8.54				
LABORERS:					
Laborers	4.35				
Mortar Mixers, Paving Breakers, Jack Hammer Operator (Nozzleman Gunite, Sandblast and Shotcrete)	4.60				
LATHERS	9.96				.01
PAINTERS:					
Brush	9.00				
Spray	9.50				
Tapers	9.25				
PLASTERERS	10.99				.01
PLUMBERS; Steamfitters	12.59	.55	.75	.82	.03
SHEET METAL WORKERS	11.45		.51	1.25	.05
SPRINKLER FITTERS	13.93	.95	1.40		.08

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

SUPERSEDEAS DECISION -

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD81-5151 DATE: Date of Publication
Supersedes Decision Number SD81-5122 dated May 22, 1981, in 46 FR 28131
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.40	.60	$1.50		
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS; Stonemasons	13.05		.50		
CARPENTERS:					
Carpenters; Acoustical Drywall Applicators	10.81	.30			.05
Piledrivermen	11.06	.30			.05
Millwrights	11.31	.30			.05
CEMENT MASONS	10.80	.65	.40		
ELECTRICIANS:					
Electricians	12.35	.75	3%+1.00	6%	1%
Cable Splicers	12.90	.75	3%+1.00	6%	1%
IRONWORKERS	11.05	.70	1.25		.25
LABORERS:					
Laborers; Power Tool Operator (all mechanical, air, gas or electric tools, including self-propelled buggies, wagon and air track drills); Pipelayer (non-metallic); Sandblasting	6.62	.50	.15		
Mortar Mixer, Mason Tender; Plaster Tender	6.77	.50	.15		
Gunnite Nozzleman, Powderman, Miner, Timberman	7.12	.50	.15		
PAINTERS:					
Brush	9.00				
Spray	9.50				
Tapers	9.25				
PLASTERERS	10.20				
PLUMBERS; Steamfitters	12.09	.75	.60		.03
SHEET METAL WORKERS	11.85		.36	.7%	.07
SPRINKLER FITTERS	13.93	.95	1.40		.08

WELDERS; Receive rate prescribed for craft performing operation
RIGGERS: to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

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federal register

Friday
September 4, 1981

Part III

Department of the Interior

Fish and Wildlife Service

Amendments to Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Amendments to Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: Regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in the United States include a list of wildlife and plant species for which import and export are controlled. These are species that have been included in appendices to CITES in accordance with procedures set forth in this treaty.

This notice amends the list of species in 50 CFR Part 23, incorporating changes in Appendices I and II adopted at the recent meeting of countries that are party to CITES. The Department of the Interior has determined that the U.S. would enter no reservations on these amendments, which means that this country will honor the CITES requirements for international trade in all species added to the appendices at that meeting.

EFFECTIVE DATE: September 4, 1981.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received concerning this notice are available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 536, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653–5948.

SUPPLEMENTARY INFORMATION: The Service published a notice of changes in the appendices in the April 7, 1981, **Federal Register** (46 FR 20713). The notice contained a list of amendments to Appendices I and II that were adopted at the Third Meeting of the Conference of the Parties to CITES, held on February 25 to March 6, 1981, at New Delhi, India.

Reservations

Article XV of CITES provides that any party country may enter a reservation on an amendment during the 90 days immediately following its adoption. The effect of a reservation is that the country entering it is considered not to be a party to CITES for the species in question. The deadline for existing parties to enter reservations on amendments adopted at New Delhi was June 6, 1981.

The Service's **Federal Register** notice of April 7, 1981, invited comments from the public on whether the U.S. should enter a reservation on any of these new amendments. By the end of the comment period on May 8, 1981, the Service received a total of 688 letters from persons and organizations opposing any reservations, and 483 letters from persons and organizations requesting that the U.S. enter a reservation on the inclusion of the order Psittaciformes (parrots and related species) to Appendix II. The Service wishes to thank the many persons who submitted comments.

Representatives of the various Federal agencies concerned with U.S. implementation of CITES met on May 14, 1981, to discuss this issue. Their concensus view was that the U.S. should not enter any reservations, but that it should communicate to foreign governments its serious concern about the listing of psittacine birds. Specific points raised by the public and agencies are discussed below.

The purpose of CITES is to regulate international trade in certain species of wild animals and plants in order to protect them from over-exploitation. Article II of CITES provides that Appendix II is to include (a) all species that are potentially threatened with extinction unless international trade is controlled, and (b) other species that must be regulated in order to effectively control international trade in potentially threatened species.

Both the U.S. and the United Kingdom submitted proposals to list the order Psittaciformes in Appendix II. However, the U.S. withdrew its proposal at New Delhi following a reassessment of law enforcement needs. The Service determined that the listing of most psittacine species was unnecessary as a measure to effectively control international trade in those particular species of psittacines that are currently or potentially threatened. The U.S. position at New Delhi was that this control is better achieved by providing training and identification aids to the officers at ports of entry than by broadly listing all species. The U.S. pointed out that even if export permits were required for all psittacine birds, the inability of customs inspectors to identfy species would make this broad listing ineffective as a means of controlling trade in certain species that need protection. The countries that favored the proposal apparently felt it was adequate, if not on scientific grounds, on the grounds of the inability of the average customs officer to distinguish between species.

Despite opposition by the U.S., Switzerland, Lichtenstein, and Chile, the parties overwhelmingly voted to adopt the U.K. proposal. Among the 32 parties favoring the proposal were many countries that export psittacine birds. India, the host for the meeting, initially opposed the proposal, but later voted in favor after the U.K. agreed to delete a common Indian parakeet from the listing.

The need to list species because of similarity in appearance to other potentially threatened species depends on the identification skills of customs officers. Although some U.S. officers are trained in this area, those of most other countries are not. Many other parties believe that the only solution is to list the entire order. They also point to evidence of massive trade in psittacine birds as a potential threat to their survival. On close examination, the U.S. found sufficient data to propose only 21 potentially threatened species of psittacine birds for Appendix II. The U.S. identified another 13 species it favored listing because of similarity in appearance.

The listing of psittacine birds would affect persons involved in importing or exporting these species to the extent that they would have to obtain a permit or certificate from a designated government official in the country of export or reexport for each shipment. Because the listing concerns only import and export, it would have no direct effect on commerce or breeding of psittacine birds within the U.S. After June 6, 1981, all party countries that do not enter reservations should require exporters to obtain CITES permits. Approximately 84 percent of all psittacine birds currently imported into the U.S. originate in countries that are party to CITES. Very few of the 69 parties are likely to have entered reservations, including those parties that export these birds.

Reserving might do very little to relieve importers in the U.S. from the need for foreign export permits because the Lacey Act (18 U.S.C. 42–44) makes it a Federal offense to import into the U.S. any wildlife taken or exported in violation of foreign conservation laws (including CITES permit requirements of other countries). A reservation by the U.S. also would provide exporters in this country with little relief from the need for U.S. export documents. Receiving countries that are party to CITES will

generally require equivalent documentation from the U.S. if it enters a reservation, because the CITES parties have agreed to allow trade with nonparties (including reserving parties) only if they issue documents containing all of the information required in CITES permits or certificates.

If the U.S. entered a reservation, both importers and exporters would be in a confusing situation where CITES requirements are imposed by other countries and not by the U.S. This could lead persons to unintentionally violate laws of foreign countries that honor the listing, as indicated by the large number of commenters who appear to believe that a reservation would relieve them from CITES permits.

CITES requirements might encourage smuggling by some persons who have difficulty obtaining export permits from other countries, whether the U.S. enters a reservation or not. It has been argued by some persons that this could increase the likelihood that exotic Newcastle disease is introduced because smuggled birds are not quarantined. On the other hand, Customs and Fish and Wildlife Service agents are likely to obtain better foreign documentation on the identity and legality of shipments as a result of this listing.

The entering of a reservation could interfere with one of the major U.S. goals under CITES: full and active participation in this treaty by all countries. Other countries might be less responsive to U.S. requests to participate if they knew the U.S. had entered a reservation. This applies both to countries that have not yet ratified and to party countries that have taken harmful reservations, which we would like to see them withdraw.

On the other hand, the entering of a reservation could serve another major U.S. goal: to insure that the list of species in the CITES appendices is appropriate in terms of the purpose of CITES. A reservation might help arrest the trend of parties toward mass listing of species.

The Department of State, as a matter of general policy, does not favor the U.S. taking reservations under any treaty except in those cases where, absent a reservation, the treaty would conflict with U.S. law or be impossible to implement. In this instance, the Department of State recommended that it would not be in the best interests of the U.S. to enter a reservation.

In view of these considerations, the Department of the Interior determined not to enter a reservation on the listing of psittacine birds, but to inform other countries about this country's displeasure with the listing through diplomatic channels. A message is being prepared, in consultation with the Department of State, to express the concern that this listing raises serious problems regarding the purposes and implementation of CITES, and that it should be reconsidered during the review of appendices to be concluded at the next meeting of party countries.

Revision of List

The present notice amends the list of species contained in Part 23 of Title 50, Code of Federal Regulations. This list was previously revised on April 3, 1980 (45 FR 22848) to incorporate amendments to Appendices I and II adopted at the Second Meeting of the Conference of the Parties in San Jose, Costa Rica. In addition to incorporating amendments adopted at New Delhi, this notice corrects several minor errors in the list of species contained in Part 23.

The U.S., as a party to CITES, is obligated to honor the treaty's requirements for all amendments that have entered into effect. By incorporating the list of species in the Code of Federal Regulations, the Service intends to inform the public about measures required under this international agreement. The present notice is issued for the convenience of the public, which otherwise would lack information about these measures. Accordingly, this notice is not a major action under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601).

This notice is issued under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884, as amended), and was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority.

Amendments to the appendices contained in this list have entered into effect by the terms of CITES and cannot be the subject of reservations by the U.S. at this time. Earlier **Federal Register** notices allowed an opportunity for comment on these amendments. Therefore, this amendment of the Code of Federal Regulations is made effective on September 4, 1981.

Dated: July 9, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

PART 23—ENDANGERED SPECIES CONVENTION

Part 23 of Title 50 of the Code of Federal Regulations is amended by revising the list of species in § 23.23 to read as follows:

§ 23.23 Species listed in Appendices I, II, and III.

* * * * *

Species	Common name	Appendix	Date listed (month/day/year)
CLASS MAMMALIA:	MAMMALS		
Order Monotremata:	Monotremes:		
Zaglossus spp	Spiny anteaters	II	2/4/77
Order Marsupialia:	Marsupials:		
Bettongia spp (except species listed below)	Rat kangaroos	I	6/28/79
B. penicillata	Brush-tailed rat kangaroo, Woylie	I	7/1/75
B. lesuer	Lesueur's rat kangaroo, Boodie	I	7/1/75
B. tropica	Queensland rat kangaroo, Northern rat kangaroo.	I	7/1/75
Burramys parvus	Mountain pigmy possum	II	7/1/75
Calopymnus campestris	Desert rat kangaroo	I pe	7/1/75
Chaeropus ecaudatus	Pig-footed bandicoot	I pe	7/1/75
Dendrolagus bennettianus	Bennett's tree kangaroo, Dusky tree kangaroo.	II	6/28/79
D. inustus	Tree kangaroo	II	7/1/75
D. lumholtzi	Lumholtz's tree kangaroo	II	6/28/79
D. ursinus	Grizzled tree kangaroo	II	7/1/75
Lagorchestes hirsutus	Western hare-wallaby, Wurrup	I	7/1/75
Lagostrophus fasciatus	Banded hare-wallaby, Munning	I	7/1/75
Lasiorhinus krefftii	Queensland hairy-nosed wombat	I	7/1/75
Macrotis lagotis	Rabbit bandicoot, Bilby	I	7/1/75
M. leucura	Lesser rabbit bandicoot, Yallara	I	7/1/75
Onychogalea frenata	Bridled nail-tailed wallaby	I	7/1/75
O. lunata	Crescent nail-tailed wallaby	I	7/1/75
Perameles bougainvillei	Barred bandicoot, Long-nosed bandicoot, Marl.	I	7/1/75
Phalanger maculatus	Spotted cuscus	II	6/28/79
P. orientalis	Gray cuscus	II	6/28/79
Sminthopsis longicaudata	Long-tailed marsupial mouse, Long-tailed dunnart.	I	7/1/75
S. psammophila	Large desert marsupial mouse, Sandhill dunnart.	I	7/1/75
Thylacinus cynocephalus	Thylacine, Tasmanian wolf	I pe	7/1/75
Order Insectivora:	Insectivores:		
Erinaceus frontalis	African hedgehog	II	7/1/75
Order Chroptera:	Bats:		
Vampyrops lineatus (all parts and derivatives).	White-lined bat	III (Uruguay)	7/14/76

	Species	Common name	Appendix	Date listed (month/day/year)
Order Primates:		Primates: Monkeys, Apes, etc:		
	All species except those in app. I or with earlier date in app. II.		II	2/4/77
	Allocebus spp	Hairy-eared dwarf lemur	I	7/1/75
	Alouatta palliata (=villosa)	Mantled howler monkey	I	7/1/75
	Ateles geoffroyi frontatus	Black-handed spider monkey	I	7/1/75
	A. geoffroyi panamensis	Black-handed spider monkey	I	7/1/75
	Avahi spp	Avahis, Woolly lemurs	I	7/1/75
	Brachyteles arachnoides	Woolly spider monkey	I	7/1/75
	Cacajao spp	Uakaris	I	7/1/75
	Callimico goeldii	Goeldi's monkey, Callimico	I	7/1/75
	Callithrix aurita	White-eared marmoset	I	2/4/77
	C. flaviceps	Buff-headed marmoset	I	2/4/77
	Cebus capucinus	White-throated capuchin	II	7/1/75
	Cercocebus galeritus galeritus	Tana River mangabey, Agile mangabey	I	7/1/75
	Cercopithecus diana	Diana monkey	I	2/4/77
	Cheirogaleus spp	Dwarf lemurs	I	7/1/75
	Chiropotes albinasus	White-nosed saki	I	7/1/75
	Colobus badius kirkii	Zanzibar red colobus	I	7/1/75
	C. badius rufomitratus	Tana River red colobus	I	7/1/75
	C. badius gordonorum	Uhehe red colobus	II	7/1/75
	C. verus	Olive colobus	II	7/1/75
	Daubentonia madagascariensis	Aye-aye	I	7/1/75
	Hapalemur spp	Gentle lemurs	I	7/1/75
	Hylobates spp	Gibbons	I	7/1/75
	Gorilla gorilla	Gorilla	I	7/1/75
	Indri spp	Indri	I	7/1/75
	Lemur spp	Lemurs	I	7/1/75
	Lepilemur sp	Sportive or weasel lemur	I	7/1/75
	Leontopithecus (=Leontideus) spp	Golden lion tamarin	I	7/1/75
	Loris tardigradus	Slender loris	I	7/1/75
	Macaca silenus	Lion-tailed macaque	I	7/1/75
	M. sylvanus	Barbary ape	II	7/1/75
	Microcebus spp	Mouse lemurs	I	7/1/75
	Nasalis larvatus	Probościs monkey	I	7/1/75
	Nycticebus coucang	Slow loris	II	7/1/75
	Pan paniscus	Pygmy chimpanzee, Bonobo	I	7/1/75
	P. troglodytes	Chimpanzee	I	7/1/75
	Papio (=Mandrillus) leucophaeus	Drill	I	2/4/77
	P. (=Mandrillus) sphinx	Mandrill	I	2/4/77
	Phaner sp	Fork or fork-marked mouse lemur	I	7/1/75
	Pongidae spp (all species in family except those with earlier date).	Chimpanzees, Gorillas, Orangutans	I	2/4/77
	Pongo pygmaeus abelii	Orangutan	I	7/1/75
	P. pygmaeus pygmaeus	Orangutan	I	7/1/75
	Presbytis entellus	Gray or common Indian langur	I	7/1/75
	P. geei	Golden langur	I	7/1/75
	P. johnii	Nilgiri langur	II	7/1/75
	P. pileatus	Capped langur	I	7/1/75
	P. potenziani	Long-tailed langur, Mentswai leaf monkey	I	2/4/77
	Propithecus spp	Sifakas	I	7/1/75
	Pygathrix nemaeus	Douc langur	I	7/1/75
	Rhinopithecus roxellanae	Snub-nosed langur	II	7/1/75
	Saguinus bicolor	Pied tamarin	I	2/4/77
	S. leucopus	White-footed tamarin, Silvery-brown bare-face tamarin.	I	2/4/77
	S. oedipus (including S.o. geoffroyi)	Cotton-top tamarin	I	2/4/77
	Saimri oerstedii	Red-backed squirrel monkey	I	7/1/75
	Simias concolor	Pagai Island langur	I	7/1/75
	Symphalangus syndactylus	Siamang	I	7/1/75
Order Edentata:		Anteaters, Sloths, Armadillos:		
	Bradypus boliviensis	Three-toed sloth	II	7/1/75
	B. griseus (all parts and derivatives)	Three-toed sloth	III (Costa Rica)	10/28/76
	Choloepus hoffmanni (all parts and derivatives).	Two-toed sloth	III (Costa Rica)	10/28/76
	Cabassous centralis (all parts and derivatives).	Five-toed armadillo	III. (Costa Rica)	10/28/76
	C. gymnurus (latouay) (all parts and derivatives).	Naked-tailed armadillo	III. (Uruguay)	7/14/76
	Myrmecophaga tridactyla	Giant Anteater	II	7/1/75
	Priodontes giganteus (=maximus)	Giant armadillo	I	7/1/75
	Tamandua tetradactyla (all parts and derivatives).	Tamandua, Collared anteater	III (Guatemala)	4/23/81
	T. tetradactyla chapadensis	Tamandua, Collared anteater	II	7/1/75
Order Pholidota:		Pangolins, Scaly Anteaters:		
	Manis crassicaudata	Thick-tailed or Indian pangolin	II	7/1/75
	M. gigantea (all parts and derivatives)	Giant pangolin	III (Ghana)	2/26/76
	M. javanica	Malayan pangolin	II	7/1/75
	M. longicaudata (all parts and derivatives)	Long-tailed pangolin	III (Ghana)	2/26/76
	M. pentadactyla	Chinese pangolin	II	7/1/75
	M. temminckii	Common African ground pangolin	I	7/1/75
	M. tricuspis (all parts and derivatives)	African tree pangolin	III (Ghana)	2/26/76
Order Lagomorpha:		Rabbits, Hares:		
	Caprolagus hispidus	Hispid hare, Assam rabbit		7/1/75
	Nesolagus betscheri	Sumatra short-eared rabbit	I	7/1/75
	Romerolagus diazi	Mexican volcano rabbit	I	7/1/75
Order Rodentia:		Rodents:		
	Anomalurus spp. species native to Ghana, (all parts and derivatives).	Scaly-tailed flying squirrels	III (Ghana)	2/26/76
	Chinchilla spp. (populations of South America except subspecies below).	Chinchilla	I	2/4/77
	C. brevicaudata boliviana	Chinchilla	I	7/1/75

Species	Common name	Appendix	Date listed (month/day/year)
Coendou spinosus (all parts and derivatives)..	Prehensile-tailed porcupine	III (Uruguay)	7/14/76
Cynomys mexicanus	Mexican prairie dog	I	7/1/75
Dipodomys phillipsii phillipsii	Phillips kangaroo rat	II	7/1/75
Epixerus ebii (all parts and derivatives)	African palm squirrel	III (Ghana)	2/26/76
Hystrix, spp. species native to Ghana (all parts and derivatives).	Crested porcupines	III (Ghana)	2/26/76
Idiurus spp. species native to Ghana (all parts and derivatives).	Pigmy flying squirrels	III (Ghana)	2/26/76
Lariscus hosei	Four-striped or Bornean black-striped ground squirrel.	II	7/1/75
Leporillus conditor	Australian stick-nest rat	I	7/1/75
Notomys spp. (except species listed below)	Australian hopping mice	II	6/28/79
N. aquilo	Australian northern hopping mouse, Cape York hopping mouse.	II	7/1/75
Pseudomys fumeus	Smokey mouse	I	7/1/75
P. praeconis	Shark Bay mouse	I	7/1/75
P. shortridgei	Western pseudo rat, Shortridge's mouse	II	7/1/75
Ratufa spp.	Giant squirrels	II	7/1/75
Sciurus deppei (all parts and derivatives)	Deppe's squirrel	III (Costa Rica)	10/28/76
Xeromys myoides	False water rat	I	7/1/75
Zyzomys pedunculatus	McDonnell Range rock rat	I	7/1/75
Order Cetacea:	Whales, Porpoises, Dolphins:		
All species except those in app. I or with earlier date in app. II.		II	6/28/79
Balaena mysticetus	Bowhead whale	I	7/1/75
Balaenoptera borealis	Sei whale	I	2/4/77
B. musculus	Blue whale	I	7/1/75
B. physalus	Fin whale	I	2/4/77
Eubalaena spp.	Right whale	I	7/1/75
Eschrichtius robustus (*glaucus*)	Gray whale	I	7/1/75
Lipotes vexillifer	White flag dolphin, Chinese river dolphin.	I	6/28/79
Megaptera novaeangliae	Humpback whale	I	7/1/75
Monodon monoceros	Narwhal	II	11/16/75
Neophocaena phocaenoides	Finless porpoise	I	6/28/79
Phocoena sinus	Gulf of California harbor porpoise, Cochita.	I	6/28/79
Physeter catodon	Sperm whale	I	2/4/77
Platanista spp.	Ganges and Indus River Dolphins	I	7/1/75
Pontoporia (*Stenodelphis*) *blainvillei*	LaPlata River dolphin	II	7/14/76
Sotalia spp.	Humpbacked dolphins	I	6/28/79
Sousa spp.	Humpbacked dolphins	I	6/28/79
Order Carnivora:	Carnivores: Cats, Bears, etc.:		
Acinonyx jubatus	Cheetah	I	7/1/75
Ailurus fulgens	Lesser panda	II	7/1/75
Aonyx microdon	West African "clawless" otter	I	7/1/75
Bassaricyon gabbii (all parts and derivatives)..	Bushy-tailed olingo	III (Costa Rica)	10/28/76
Bassariscus sumichrasti (all parts and derivatives).	Cacomistle	III (Costa Rica)	10/28/76
Canis lupus (all subspecies and populations except those listed below).	Gray wolf	II	2/4/77
C. lupus (India, Pakistan, Bhutan and Nepal populations).	Gray wolf	I	2/4/77
C. lupus crassodon	Gray wolf	II	7/1/75
C. lupus irremotus	Gray wolf	II	7/1/75
C. lupus monstrabilis	Gray wolf	II	7/1/75
C. lupus pallipes	Gray wolf	II	7/1/75
Chrysocyon brachyurus	Maned wolf	II	7/1/75
Conepatus humboldti	Humboldt's hognose skunk	II	6/28/79
Cryptoprocta ferox	Fossa	II	2/4/77
Cuon alpinus	Dhole	II	7/1/75
Cynogale bennetti	Otter civet	II	7/1/75
Dusicyon culpaeus	Culepo fox	II	6/28/79
D. fulvipes	Chiloe fox	II	6/28/79
D. griseus	Chico gray fox, Argentine gray fox	II	6/28/79
Enhydra lutris nereis	Southern sea otter	I	7/1/75
Eupleres goudoti	Malagasy mongoose	II	2/4/77
E. major	Malagasy mongoose	II	2/4/77
Felidae spp. (all species in Family except those in app. I or *Felis catus*).	Cats (not including house cats)	II	2/4/77
Felis bengalensis bengalensis	Leopard cat	I	7/1/75
F. caracal (Asian population)	Caracal	I	7/1/75
F. concolor coryi	Florida puma	I	7/1/75
F. concolor costaricensis	Costa Rican puma	I	7/1/75
F. concolor couguar	Eastern puma, Adirondack cougar	I	7/1/75
F. jacobita	Andean cat	I	7/1/75
F. (*Lynx*) *rufa escuinapae*	Mexican bobcat	I	7/1/75
F. marmorata	Marbled cat	I	7/1/75
F. nigripes	Black-footed cat	I	7/1/75
F. pardalis mearnsi	Ocelot	I	7/1/75
F. pardalis mitis	Brazilian ocelot	I	7/1/75
F. planiceps	Flat-headed cat	I	7/1/75
F. rubiginosa (Indian population)	Rusty spotted cat	I	2/4/77
F. temminicki	Asian golden cat	I	7/1/75
F. tigrina oncilla	Tiger cat	I	7/1/75
F. wiedii nicaraguae	Central American margay	I	7/1/75
F. wiedii salvinia	Guatemalan margay	I	7/1/75
F. yagouaroundi cacomitli	Gulf Coast jaguarundi	I	7/1/75
F. yagouaroundi fossata	Guatemalan jaguarundi	I	7/1/75
F. yagouaroundi panamensis	Panamanian jaguarundi	I	7/1/75
F. yagouaroundi tolteca	Sinaloan jaguarundi	I	7/1/75

	Species	Common name	Appendix	Date listed (month/day/year)
	Fennecus zerda (all parts and derivatives)	Fennec fox	III (Tunisia)	4/22/76
	Fossa fossa	Fanaloka	II	2/4/77
	Galictis allamandi (all parts and derivatives)	Grison	III (Costa Rica)	10/28/76
	Hemigalus derbyanus	Banded palm civet	II	2/4/77
	Helarctos malayanus	Sun bear	I	7/1/75
	Hyaena brunnea	Brown hyaena	I	7/1/75
	Lutrinae spp. (all species in subfamily except those in app. I).	Otters	II	2/4/77
	Lutra felina	Marine otter	I	7/1/75
	L. longicaudis	Long-tailed or neotropical otter	I	7/1/75
	L. lutra	European otter	I	2/4/77
	L. provocax	Southern river otter of South America	I	7/1/75
	Mellivora capensis (all parts and derivatives)	Honey badger, Ratel	III (Ghana and Botswana)	2/26/76
	Mustela nigripes	Black-footed ferret	I	7/1/75
	Nasua nasua solitaria (all parts and derivatives)	Coatimundi	III (Uruguay)	7/14/76
	Neofelis nebulosa	Clouded leopard	I	7/1/75
	Panthera leo persica	Indian lion	I	7/1/75
	P. onca	Jaguar	I	7/1/75
	P. pardus	Leopard	I	7/1/75
	P. tigris (all subspecies except *P. tigris altaica*).	Tiger	I	7/1/75
	P. uncia	Snow leopard	I	7/1/75
	Prionodon linsang	Banded linsang	II	7/1/75
	P. pardicolor	Spotted linsang	I	7/1/75
	Proteles cristatus (all parts and derivatives)	Aardwolf	III (Botswana)	4/24/78
	Pteronura brasiliensis	Giant otter	I	7/1/75
	Selenarctos thibetanus (except subspecies listed below).	Asiatic black bear	I	6/28/79
	S. thibetanus gedrosianus	Baluchistan black bear	I	2/4/77
	Speothos venaticus	Bush dog	I	2/4/77
	Tremarctos ornatus	Spectacled bear	I	2/4/77
	Ursus arctos (all North American subspecies except that listed below).	Brown bear, Grizzly	II	7/1/75
	U. arctos (Italian population)	European Brown bear	I	7/1/75
	U. arctos nelsoni	Mexican grizzly bear	I	7/1/75
	U. arctos pruinosus	Tibetan blue bear	I	7/1/75
	U. arctos isabelinus	Red bear	I	6/28/79
	U. (=Thalarctos) maritimus	Polar bear	II	7/1/75
	Viverra civetta (all parts and derivatives)	African civet	III (Botswana)	4/24/78
	Vulpes cana	Blanford's fox	II	2/4/77
	V. velox hebes	Swift fox	I	7/1/75
Order Pinnipedia:		Seals, Sea lions:		
	Arctocephalus spp. (except species listed below).	Southern fur seals	II	7/4/77
	A. australis	Southern fur seal	II	7/1/75
	A. galapagoensis	Galapagos fur seal	II	7/1/75
	A. philippii	Juan Fernandez fur seal	II	7/1/75
	A. townsendi	Guadalupe fur seal	I	7/1/75
	Mirounga angustirostris	Northern elephant seal	II	7/1/75
	M. leonina	Southern elephant seal	II	7/1/75
	Monachus spp.	Monk seals	I	7/1/75
	Odobenus rosmarus (all parts and derivatives).	Walrus	III (Canada)	11/16/75
Order Tubulidentata:		Aardvarks:		
	Orycteropus afer	Aardvark	II	7/1/75
Order Proboscidea:		Elephants:		
	Elephas maximus	Asian elephant	I	7/1/75
	Loxodonta africana	African elephant	II	2/4/77
Order Sirenia:		Dugongs, Manatees:		
	Dugong dugon (except for Australian population).	Dugong	I	7/1/75
	D. dugon (Australian population)	Dugong	II	7/1/75
	Trichechus inunguis	South American or Amazonian manatee	I	7/1/75
	T. manatus	West Indian manatee	I	7/1/75
	T. senegalensis	West African manatee	II	7/1/75
Order Perissodactyla:		Odd-toed ungulates:		
	Equus grevyi	Grevy's zebra	I	6/28/79
	E. hemionus (except subspecies listed below).	Asian wild ass	II	7/1/75
	E. hemionus hemionus	Asian wild ass	I	7/1/75
	E. hemionus khur	Asian wild ass	I	7/1/75
	E. przewalskii	Przewalski's horse	I	7/1/75
	E. zebra hartmannae	Hartmann's mountain zebra	II	6/28/79
	E. zebra zebra	Cape mountain zebra	I	7/1/75
	Tapirus bairdii	Central American tapir	I	7/1/75
	T. indicus	Asian tapir	I	7/1/75
	T. pinchaque	Mountain tapir	I	7/1/75
	T. terrestris	South American tapir	II	7/1/75
	Rhinocerotidae spp. (all species in the family except those with earlier date on app. I).	Rhinoceroses	I	2/4/77
	Ceratotherium simum cottoni	Northern white rhinoceros	I	7/1/75
	Diceros bicornis	Black rhinoceros	I	7/1/75
	Didermocerus (=Dicerorhinus) sumatrensis	Sumatran rhinoceros	I	7/1/75
	Rhinoceros sondaicus	Javan rhinoceros	I	7/1/75
	R. unicornis	Great Indian one-horned rhinoceros	I	7/1/75
Order Artiodactyla:		Even-toed Ungulates:		
	Addax nasomaculatus	Addax	II	7/1/75
	Ammotragus lervia (all parts and derivatives)	Barbary sheep, Aoudad	III (Tunisia)	4/22/76

Species	Common name	Appendix	Date listed (month/day/year)
Antilocapra americana mexicana	Mexican pronghorn	II	7/1/75
A. americana peninsularis	Baja pronghorn	I	7/1/75
A. americana sonoriensis	Sonoran pronghorn	I	7/1/75
Antilope cervicapra (all parts and derivatives).	Blackbuck antelope	III (Nepal)	11/16/75
Axis (=Cervus or Hyelaphus) calamianensis	Calamianes deer	I	7/1/75
A. kuhli	Kuhl's deer, Bawean hog deer	I	7/1/75
A. porcinus annamiticus	Indochina hog deer	I	7/1/75
Babyrousa babyrussa	Babirusa	I	7/1/75
Blastocerus dichotomus	Marsh deer	I	7/1/75
Bison bison athabascae	Woods bison	I	7/1/75
Boocercus (Taurotragus) euryceros (all parts and derivatives).	Bongo antelope	III (Ghana)	2/26/76
Bos gaurus	Seladang, Gaur	I	7/1/75
B. (grunniens) mutus	Wild yak	I	7/1/75
Bubalus bubalis (all parts and derivatives)	Water buffalo	III (Nepal)	11/16/75
B. (Anoa) depressicornis	Lowland anoa	I	7/1/75
B. (Anoa) mindorensis	Tamaraw	I	7/1/75
B. (Anoa) quarlesi	Mountain anoa	I	7/1/75
Capra falconeri (except subspecies listed below).	Markhor	II	7/1/75
C. falconeri chiltanensis	Chiltan markhor	I	7/1/75
C. falconeri megaceros	Kabal or straight-horned markhor	I	7/1/75
Capricornis sumatraensis	Serow	I	7/1/75
Cervus duvaucelli	Swamp deer	I	7/1/75
C. elaphus bactrianus	Bactrian deer	II	7/1/75
C. elaphus barbarusm (all parts and derivatives).	Barbary deer	III (Tunisia)	4/22/76
C. elaphus hanglu	Kashmir stag	I	7/1/75
C. eldi	Eld's brow-antlered deer	I	7/1/75
Choeropsis liberiensis	Pygmy hippopotamus	II	7/1/75
Dama mesopotamica	Persian fallow deer	I	2/4/77
Damaliscus dorcas dorcas	Bontebok	II	7/1/75
D. lunatus (all parts and derivatives)	Sassaby antelope, Korrigum	III (Ghana)	2/26/76
Gazella dorcus (all parts and derivatives)	Dorcas gazelle	III (Tunisia)	4/22/76
G. gazella cuvieri (all parts and derivatives)	Mountain gazelle	III (Tunisia)	4/22/76
G. leptoceros (all parts and derivatives)	Slender-horned gazelle	III (Tunisia)	4/22/76
Hippocamelus antisensis	North Andean huemal	I	7/1/75
H. bisulcus	South Andean huemal	I	7/1/75
Hippopotamus amphibius (all parts and derivatives).	Hippopotamus	III (Ghana)	2/26/76
Hippotragus equinus	Roan antelope	II	2/26/76
H. niger variani	Giant sable antelope	I	7/1/75
Hyemoschus aquaticus (all parts and derivatives).	Water chevrotain	III (Ghana)	2/26/76
Kobus leche	Lechwe	II	7/1/75
Lama guanicoe	Guanaco	II	8/12/78
Mazama americana cerasina (all parts and derivatives).	Red brocket deer	III (Guatemala)	4/23/81
Moschus moschiferus (Himalayan population).	Musk deer	I	7/1/75
Moschus spp. (all except population on app. II.	Musk deer	II	2/16/79
Nemorhaedus goral	Goral	I	7/1/75
Novibos (=Bos) sauveli	Kouprey	I	7/1/75
Odocoileus virginianus mayensis (all parts and derivatves).	Whitetail deer	III (Guatemala)	4/23/81
Oryx dammah	Scimitar-horned oryx	II	7/1/75
O. leucoryx	Arabian oryx	I	7/1/75
Ovis ammon (except subspecies listed below).	Argali	II	7/1/75
O. ammon hodgsoni	Tibetan argali	I	7/1/75
O. canadensis	Bighorn sheep	II	7/1/75
O. orientalis ophion	Cyprian red sheep	I	7/1/75
O. vignei	Shapo, Urial	I	7/1/75
Ozotoceros bezoarticus	Pampas deer	I	7/1/75
Pantholops hodgsoni	Tibetan antelope	I	7/1/75
Pudu mephistophiles	Pudu	II	7/1/75
P. pudu	Pudu	I	7/1/75
Rupicapra rupicapra ornata	Apennian chamois	I	7/1/75
Sus salvanius	Pygmy hog	I	7/1/75
Tayassu tajacu (all parts and derivatives)	Collared peccary	III (Guatemala)	4/23/81
Tetracerus quadricornis (all parts and derivatives).	Four-horned antelope	III (Nepal)	11/16/75
Tragelaphus spekei (all parts and derivatives).	Sitatunga antelope	III (Ghana)	2/26/75
CLASS AVES:	BIRDS:		
Order Sphenisciformes:	Penguins:		
Spheniscus demersus	Jackass penguin, Blackfooted Cape penguin.	II	7/1/75
S. humboldti	Humboldt penguin	I	6/8/81
Order Rheiformes	Rheas:		
Pterocnemia pennata (except subspecies listed below).	Lesser rhea	I	6/28/79
P. pennata garleppi	Lesser rhea	I	7/1/75
P. pennata pennata	Darwin's rhea	I	7/1/75
Rhea americana (except subspecies listed below: all parts and derivatives).	Greater or common rhea	III (Uruguay)	7/14/78
R. americana albescens	Greater rhea	II	7/1/75
Order Tinamiformes:	Tinamous:		
Rhynchotus rufescens maculicollis	Red-winged tinamou	II	7/1/75
R. rufescens pallescens	Southern red-winged tinamou	II	7/1/75

Species	Common name	Appendix	Date listed (month/day/year)
R. rufescens rufescens	Western red-winged tinamou	II	7/1/75
Tinamus solitarius	Solitary tinamou	I	7/1/75
Order Podicipediformes:	Grebes:		
Podilymbus gigas	Atitlan grebe	I	7/1/75
Order Procellariformes:	Albatrosses, Shearwaters, Petrels:		
Diomedea albatrus	Short-tailed albatross	I	7/1/75
	Tropicbirds, Pelicans, Frigatebirds:		
Fregata andrewsi	Andrews frigate bird	I	7/1/75
Pelecanus crispus	Dalmatian pelican	II	7/1/75
Sula abbotti	Abbott's booby	I	7/1/75
Order Ciconiiformes:	Herons, Storks, Ibises, Flamingos:		
Ardea goliath (all parts and derivatives)	Goliath heron	III (Ghana)	2/26/76
Bubulcus (=Ardeola) ibis (all parts and derivatives).	Cattle egret	III (Ghana)	2/26/76
Casmerodius albus (all parts and derivatives).	Great white egret	III (Ghana)	2/26/76
Ciconia ciconia boyciana	Oriental white stork	I	7/1/75
C. nigra	Black stork	II	7/1/75
Egretta garzetta (all parts and derivatives)	Little egret	III (Ghana)	2/26/76
Ephippiorhynchus senegalensis (all parts and derivatives).	Saddlebill stork	III (Ghana)	2/26/76
Geronticus calvus	Southern bald ibis	II	7/1/75
G. eremita	Hermit ibis	I	6/28/79
Hagedashia hagedash (all parts and derivatives).	Hadada ibis	III (Ghana)	2/26/76
Lampribis rara (all parts and derivatives)	Spotted-breasted ibis	III (Ghana)	2/26/76
Leptoptilos crumeniferus (all parts and derivatives).	Marabou stork	III (Ghana)	2/26/76
Nipponia nippon	Japanese crested ibis	I	7/1/75
Phoenicoparrus andinus	Andean flamingo	II	7/1/75
P. jamesi	James flamingo	II	7/1/75
Phoenicopterus ruber chilensis	Chilean flamingo	II	7/1/75
P. ruber ruber	American flamingo	II	6/28/79
Platalea leucorodia	White spoonbill	II	7/1/75
Threskiomis aethiopica (all parts and derivatives).	Sacred ibis	III (Ghana)	2/26/76
Order Anseriformes:	Ducks, Geese, Swans, Screamers:		
Anatidae, all species in family native to Ghana (all parts and derivatives).		III (Ghana)	2/26/76
Anas aucklandica aucklandica	Auckland Island flightless teal	II	7/1/75
A. aucklandica chlorotis	New Zealand brown teal	II	7/1/75
A. aucklandica nesiotis	Campbell Island flightless teal	I	7/1/75
A. bernieri	Madagascar teal	II	7/1/75
A. laysanensis	Laysan duck	I	7/1/75
A. oustaleti	Mananas mallard	I	7/1/75
Anser albifrons gambelli	Tule goose	II	7/1/75
Branta canadensis leucopareia	Aleutian goose	I	7/1/75
B. ruficollis	Red-breasted goose	II	7/1/75
B. sandvicensis	Hawaiian goose, Nene	I	7/1/75
Cairina scutulata	White-winged duck	I	7/1/75
Coscoroba coscoroba	Coscoroba	II	7/1/75
Cygnus bewickii jankowskii	Jankowski's swan	II	7/1/75
C. melanocoryphus	Black-necked swan	II	7/1/75
Dendrocygna arborea	Cuban tree duck, West Indian whistling duck.	II	7/1/75
Rhodonessa caryophyllacea	Pink-headed duck	I	7/1/75
Sarkidiornis melanotos	Comb duck	II	7/1/75
Order Falconiformes:	Hawks, Falcons, Vultures, Eagles:		
All species except Cathartidae and those species in app. I or with earlier date in app. II.	All species except New world vultures and species in app. I or with earlier date in app. II.	II	6/28/79
Accipiter gentilis	Northern goshawk	II	2/4/77
A. gundlachii	Gundlach's hawk	II	2/4/77
A. nisus	European sparrow hawk	II	2/4/77
Accipitridae spp. (all South American populations).	Hawks, Harriers	II	10/28/76
Aegypius monachus	European black vulture, Cinerous vulture.	II	2/4/77
Aquila spp., all species except that in app., I or with earlier date in app. II.	Eagles	II	2/4/77
A. chrysaetos	Golden eagle	II	7/1/75
A. heliaca	Imperial eagle	I	2/4/77
Chondrohierax wilsonii	Cuban hook-billed kite	I	2/4/77
Circaetus spp.	Snake eagles	II	2/4/77
Circus spp.	Harriers	II	2/4/77
Falconidae, all species in family except those in app. I.	Falcons, Caracaras	II	7/1/75
Falco araea	Seychelles kestrel	I	7/1/75
F. newtoni aldabranus	Aldabra kestrel	I	7/1/75
F. peregrinus	Peregrine falcon	I	7/1/75
F. punctatus	Mauritius kestrel	I	7/1/75
F. rusticolus (except population of North America, excluding Greenland).	Gyrfalcon	I	7/1/75
Gymnogyps californianus	California condor	I	7/1/75
Gypaetus barbatus	Lammergeier	II	2/4/77
Gyps fulvus	Griffon vulture	II	2/4/77
Haliaeetus spp. (except species in app.I)	Sea and fish eagles	II	2/4/77
H. albicilla (except subspecies listed below)	White tailed eagle	I	2/4/77
H. albicilla groenlandicus	Greenland white-tailed sea eagle	I	7/1/75
H. leucocephalus (except population listed below).	Bald eagle	I	2/4/77
H. leucocephalus leucocephalus	Southern bald eagle	I	7/1/75

Species	Common name	Appendix	Date listed (month/day/year)
Harpia harpyja	Harpy eagle	I	7/1/75
Harpyopsis novaeguineae	New Guinea harpy eagle	II	2/4/77
Milvus milvus	Red kite	II	2/4/77
Pandion haliaetus	Osprey	II	2/4/77
Pithecophaga jefferyi	Monkey-eating eagle	I	7/1/75
Sagittarius serpentarius	Secretary bird	II	2/26/76
Vultur gryphus	Andean condor	I	7/1/75
Order Galliformes:	Pheasants, Curassows, Megapodes, Hoatzins		
Agelastes meleagrides (all parts and derivatives)	White-breasted guineafowl	III (Ghana)	2/26/76
Agriocharis ocellata	Ocellated turkey	III (Guatemala)	4/23/81
Argusianus argus	Great argus pheasant	II	7/1/75
Catreus wallichii	Cheer pheasant	I	7/1/75
Colinus virginianus ridgwayi	Masked bobwhite	I	7/1/75
Crax blumenbachii	Red-billed curassow	I	7/1/75
C. rubra (all parts & derivatives)	Great curassow	III (Costa Rica and Guatemala)	10/28/76
Crossoptilon crossoptilon	White eared pheasant	I	7/1/75
C. mantchuricum	Brown eared pheasant	I	7/1/75
Cyrtonyx montezumae mearnsi (Mexico population).	Mearn's harlequin quail	II	7/1/75
C. montezumae montezumae	Harlequin quail	II	7/1/75
Francolinus ochropectus	Tadjoura francolin	II	7/1/75
F. swierstrai	Sweirstra's francolin	II	7/1/75
Gallus sonneratii	Gray jungle fowl	II	7/1/75
Ithaginis cruentus	Blood pheasant	II	7/1/75
Lophophorus impeyanus	Himalayan monal	I	7/1/75
L. lhuysii	Chinese monal	I	7/1/75
L. sclateri	Sclater's monal	I	7/1/75
Lophura edwardsi	Edward's pheasant	I	7/1/75
L. imperialis	Imperial pheasant	I	7/1/75
L. swinhoii	Swinhoe's pheasant	I	7/1/75
Lyrurus mlokosiewiczi	Caucasian black grouse	II	2/4/77
Macrocephalon maleo	Maleo	I	7/1/75
Megapodius freycinet abbotti	Abbott's megapode or incubator bird	II	7/1/75
M. freycinet nicobariensis	Nicobar megapode	II	7/1/75
Mitu (=Crax) mitu mitu	Mitu, Razor-billed curassow	I	7/1/75
Oreophasis derbianus	Horned guan	I	7/1/75
Ortalis vetula (all parts and derivatives)	Plain chachalaca	III (Guatemala)	4/23/81
Pavo muticus	Green peafowl	II	2/4/77
Penelope albipennis	White-winged guan	I	6/6/81
Penelopina nigra (all parts and derivatives)	Black chachalaca	III (Guatemala)	4/23/81
Pipile (=Aburria) jacutinga	Black-fronted piping-guan	I	7/1/75
P. (=Abburia) pipile pipile	Trindad white-headed curassow	I	7/1/75
Polyplectron bicalcaratum	Gray peacock pheasant	II	7/1/75
P. emphanum	Palawan peacock pheasant	I	7/1/75
P. germaini	German's peacock pheasant	II	7/1/75
P. malacense	Malaysian peacock pheasant	II	7/1/75
Syrmaticus ellioti	Elliot's pheasant	I	7/1/75
S. humiae	Bar-tailed pheasant	I	7/1/75
S. mikado	Mikado pheasant	I	7/1/75
Tetraogallus caspius	Caspian snowcock	I	7/1/75
T. tibetanus	Tibetan snowcock	I	7/1/75
Tragopan blythii	Blyth's tragopan	I	7/1/75
T. caboti	Cabot's tragopan	I	7/1/75
T. melanocephalus	Western tragopan	I	7/1/75
T. satyra (all parts and derivatives)	Satyr tragopan	III (Nepal)	11/16/75
Tympanuchus cupido attwateri	Attwater's greater prairie chicken	I	7/1/75
Order Gruiformes:	Cranes, Rails, Bustards:		
Balearica regulorum	Crowned crane	II	7/1/75
Chlamydotis undulata	Houbara bustard	I	7/1/75
Chonotis nigriceps	Great Indian bustard	I	7/1/75
Eupodotis bengalensis	Bengal floricon	I	7/1/75
Gallirallus australis hectori	Eastern weka rail	II	7/1/75
Grus americana	Whooping Crane	I	7/1/75
G. canadensis nesiotes	Cuba sandhill crane	I	7/1/75
G. canadensis pratensis	Florida sandhill crane	II	7/1/75
G. canadensis pulla	Mississippi sandhill crane	I	7/1/75
G. japonensis	Manchurian crane	I	7/1/75
G. leucogeranus	Siberian white crane	I	7/1/75
G. monacha	Hooded crane	I	7/1/75
G. nigricollis	Black necked crane	I	7/1/75
G. vipio	White-naped crane	I	7/1/75
Otis tarda	Great bustard	II	7/1/75
Pedionomus torquatus	Collared hemipode	II	6/28/79
Rhynochetos jubatus	Kagu	I	7/1/75
Tricholimnas sylvestris	Lord Howe wood rail	I	7/1/75
Turnix melanogaster	Black-breasted button quail	II	6/28/79
Order Charadriiformes:	Shorebirds, Gulls, Auks:		
Burhinus bistnatus (all parts and derivatives)	Double-striped, thick-knee, Mexican stone curlew.	III (Guatemala)	4/23/81
Larus brunnicephalus	Brown-headed gull	II	7/1/75
L. relictus	Relict gull	I	7/1/75
Numenius borealis	Eskimo curlew	I	7/1/75
N. minutus	Little whimbrel	II	7/1/75
N. tenuirostris	Slender-billed curlew	II	7/1/75
Tringa guttifer	Nordmann's greenshank	I	7/1/75
Order Columbiformes: Pigeons, Doves, Sandgrouse:			
Caloenas nicobarica	Nicobar pigeon	I	6/28/79
C. nicobarica pelewensis	Nicobar pigeon	I	7/1/75

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Columbidae; all species in family native to Ghana (all parts and derivatives).	Pigeons	III (Ghana)	2/26/76
Ducula mindorensis	Mindoro imperial pigeon	I	7/1/75
Gallicolumba luzonica	Bleeding heart pigeon	II	7/1/75
Goura cristata	Common crowned pigeon	II	7/1/75
G. scheepmaken	Maroon-breasted crowned pigeon	II	7/1/75
G. victoria	Victoria crowned pigeon	II	7/1/75
Nesoenas (=*Columba*) *mayeri* (all parts and derivatives).	Pink pigeon	III (Mauritius)	12/4/75
Order Psittaciformes:	Parrots, Parakeets, Macaws, Lories:		
All species in order except those in App. I or with earlier date in App. II		II	6/6/81
A. arausiaca	Red-necked parrot	I	6/6/81
A. barbadensis	Yellow-shouldered parrot	I	6/6/81
A. brazilensis	Red-tailed parrot	I	6/6/81
A. guildingii	St. Vincent parrot	I	7/1/75
A. imperialis	Imperial parrot	I	7/1/75
A. leucocephala	Cuban parrot	I	7/1/75
A. pretrei pretrei	Red-spectacted parrot	I	7/1/75
A. rhodocorytha	Red-browed parrot	I	7/1/75
A. versicolor	St. Lucia parrot	I	7/1/75
A. vinacea	Vinaceous parrot	I	7/1/75
A. vittata	Puerto Rican parrot	I	7/1/75
Anodorhynchus glaucus	Glaucous macaw	I	7/1/75
A. leari	Indigo macaw	I	7/1/75
Ara ambigua	Great green macaw	II	10/28/76
A. macao	Scarlet macaw	II	10/28/76
Aratinga guarouba	Golden conure	I	7/1/75
Cacatua (*Kakatoe*) *tenuirostris*	Slender-billed cockatoo	II	2/4/77
Calyptorhynchus lathami	Glossy cockatoo	II	2/4/77
Coracopsis nigra barklyi	Seychelles vasa parrot	II	7/1/75
Cyanoliseus patagonus byroni	Patagonian conure	II	6/28/79
Cyanopsitta spixii	Spix's macaw	I	7/1/75
Cyanoramphus auriceps forbesi	Forbe's or yellow-fronted parakeet	I	7/1/75
C. malherbi	Orange-fronted parakeet	II	7/1/75
C. novaezelandiae	New Zealand or red-fronted parakeet	I	7/1/75
C. unicolor	Antipodes green parakeet	II	7/1/75
Cyclopsitta (=*Opopsitta*) *diophthalma coxeni*	Coxen's fig parrot	I	2/4/77
Eunymphicus cornutus	Horned parakeet	II	7/1/75
Geopsittacus occidentalis	Australian night parrot	I pe	7/1/75
Neophema chrysogaster	Orange-bellied parakeet	I	7/1/75
N. splendida	Scarlet-chested parakeet	II	7/1/75
Pezoporus wallicus	Ground parrot	I	2/4/77
Pionopsitta pileata	Red-capped or pileated parrot	I	7/1/75
Poicephalus robustus	Cape parrot	II	7/1/75
Polytelis alexandrae	Princess parrot	II	2/4/77
Probosciger aterrimus	Great black cockatoo	II	7/1/75
Prosopoeia personata	Masked or yellow-breasted musk parrot	II	7/1/75
Psephotus chrysopterygius	Golden-shouldered parakeet	I	7/1/75
P. pulcherrimus	Paradise parakeet	I pe	7/1/75
P. (Northiella) haematogaster narethae	Blue-bonnet parakeet	II	2/4/77
Psittacula krameri (all parts and derivatives)	Ring-neck parakeet	III (Ghana)	2/26/76
P. krameri echo	Mauritius ring-neck parakeet	I	7/1/75
Psittacus erithacus princeps	Principe parrot	I	7/1/75
Pyrrhura cruentata	Blue-throated or ochre-marked parakeet	I	7/1/75
Rhynchopsitta pachyrhyncha	Thick-billed parrot	I	7/1/75
R. terrisi	Maroon-fronted parrot	I	6/6/81
Strigops habroptilus	Kakapo or owl parrot	I	7/1/75
Tanygnathus lucionensis	Blue-naped parrot	II	2/4/77
Order Cuculiformes:	Cuckoos, Plantain-eaters:		
Gallirex (=*Tauraco*) *porphyreolophus*	Violet-crested turaco	II	7/1/75
Musophagidae, all species in family native to Ghana except species in app. II (all parts and derivatives).	Turacos	III (Ghana)	2/4/77
Tauraco corythaix	Knysna loury	II	2/4/77
Order Strigiformes:	Owls:		
All species except those in app. I or with earlier date in app. II.		II	6/28/79
Athene blewitti	Forest little owl, Forest spotted owlet	I	6/28/79
Bubo bubo	Eurasian eagle owl	II	2/4/77
Ninox novaeseelandiae royana	Great hawk owl	I	2/4/77
N. squamipila natalis	Moluccan hawk owl	I	2/4/77
Nyctea scandiaca	Snowy owl	II	2/4/77
Otus gurneyi	Giant scops owl	I	7/1/75
O. nudipes newtoni	Virgin Island screech owl	II	7/1/75
Strigidae, all species in family native to Ghana.	Owls	II	2/26/76
Strix butleri	Hume's wood owl	II	2/4/77
S. nebulosa	Great gray owl	II	11/16/75
Tyto soumagnei	Madagascar owl	I	2/4/77
Tytonidae, all species in family native to Ghana.	Owls	II	2/26/76
Order Apodiformes:	Swifts, Hummingbirds:		
Ramphodon (=*Glaucis*) *dohrnii*	Hook-billed hermit	I	7/1/75
Order Trogoniformes:	Trogoins:		
Pharomacrus mocinno costaricensis	Central resplendent quetzal	I	7/1/75
P. mocinno mocinno	Northern resplendent quetzal	I	7/1/75
Order Coraciiformes:	Hornbills, Kingfishers, rollers, Bee-eaters, Motmots:		
Aceros narcondami	Narcondam hornbill	II	7/1/75
Buceros bicornis	Great hornbill	II	7/1/75

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B. bicornis homrai	Great Indian hornbill, Great pied hornbill.	I	7/1/75
B. hydrocorax hydrocorax	Luzon-Marinduque rufous hornbill	II	7/1/75
B. rhinoceros rhinoceros	Malay rhinoceros hornbill	II	7/1/75
Rhinoplax vigil	Helmeted hornbill	I	7/1/75
Order Piciformes:	Woodpeckers, Toucans, Jacamars, Barbets:		
Campephilus imperialis	Imperial woodpecker	I	7/1/75
Dryocopus javensis richardsi	Tristam's white-bellied woodpecker	I	7/1/75
Picus squamatus flavirostris	Green scaly-bellied woodpecker	II	7/1/75
Rhamphastos sulphuratus (all parts and derivatives).	Keel-billed toucan	III (Guatemala)	4/23/81
Order Passeriformes:	Perching birds:		
Atrichornis clamosa	Noisy scrub-bird	I	7/1/75
Beromis rodericanus (all parts and derivatives).	Rodriquez Island warbler	III (Mauritius)	12/4/75
Cotinga maculata	Banded cotinga	I	7/1/75
Dasyornis brachyterus longirostris	Western bristlebird	I	7/1/75
D. broadbenti littoralis	Western rufous bristlebird	I pe	7/1/75
Emblema oculata	Red-eared firetail	II	6/28/79
Fringillidae, all species in family native to Ghana (all parts and derivatives).	Finches	III (Ghana)	2/26/76
Gubernatrix cristata (all parts and derivatives).	Yellow cardinal	III (Uruguay)	7/14/76
Leucopsar rothschildi	Rothschild's starling or myna	I	7/1/75
Meliphaga cassidix	Helmeted honey eater	I	7/1/75
Muscicapa (=Niltava) ruecki	Rueck's blue fly-catcher or niltava	II	7/1/75
Paradiseidae, all species in family	Birds of paradise	II	7/1/75
Picathartes gymnocephalus	Bare-headed or yellow-headed rock fowl.	I	7/1/75
P. oreas	Gray-necked or red-headed rock fowl	I	7/1/75
Pitta brachyura nympha	Fairy pitta, Blue-winged pitta	II	7/1/75
P. kochi	Koch's pitta	I	7/1/75
Ploceidae, all species in family native to Ghana (all parts and derivatives).	Weaverbirds, weaver finches	III (Ghana)	2/26/76
Phoephila cincta cincta	Black-throated or Parson finch	II	10/17/80
Pseudochelidon sinintarae	White-eyed river martin	II	7/1/75
Psophodes nigrogularis	Western whipbird	II	7/1/75
Rupicola peruviana	Andean cock-of-the-rock	II	7/1/75
R. rupicola	Guianan cock-of-the-rock	II	7/1/75
Spinus cucullatus	Red siskin	I	7/1/75
S. yarrellii	Yellow-faced siskin	II	7/1/75
Tchitrea (Terpsiphone) bourbonnensis (all parts and derivatives).	Coq de Boise, Mascarene paradise flycatcher.	III (Mauritius)	12/4/75
Xanthopsar flavus (all parts and derivatives)	Saffron-cowled blackbird	III (Uruguay)	7/14/76
Xipholena atropurpurea	White-winged cotinga	I	7/1/75
Zosterops albogularis	White-breasted or Norfolk Island silvereye.	I	7/1/75
CLASS REPTILIA:	REPTILES:		
Order Crocodylia:	Crocodiles, Alligators, Caimans, Gavials:		
Alligatondae, all species in family except those in app. I or with earlier date in app II.	Alligators, caimans	II	2/4/77
Alligator mississippiensis	American alligator	II	7/1/75
A. sinensis	Chinese alligator	I	7/1/75
Caiman crocodilus apaporiensis	Apaporis River caiman	I	7/1/75
C. crocodilus crocodilus	Common caiman	II	7/1/75
C. crocodilus yacare (=C. yacare)	Yacare	II	7/1/75
C. crocodilus fuscus (including C. crocodilus chapasius).	Brown caiman	II	7/1/75
C. latrostris	Broad-snouted caiman	I	7/1/75
Crocodylidae, all species in family except those in app. I or with earlier date in app. II.	Crocodiles	II	2/4/77
Crocodylus acutus	American crocodile	I	7/1/75
C. cataphractus	African slender-snouted crocodile	I	7/1/75
C. intermedius	Orinoco crocodile	I	7/1/75
C. johnsoni	Johnson's crocodile	II	7/1/75
C. moreletii	Morelet's crocodile	I	7/1/75
C. niloticus	Nile crocodile	I	7/1/75
C. novaeguineae (except subspecies listed below).	New Guinea or freshwater crocodile	II	7/1/75
C. novaeguineae mindorensis	Philippine crocodile	I	7/1/75
C. palustris kimbula	Ceylon mugger crocodile	I	7/1/75
C. palustris palustris	Mugger crocodile	I	7/1/75
C. porosus, except population of Papua New Guinea.	Saltwater crocodile	I	7/1/75
C. porosus, Papua New Guinea population	Saltwater crocodile	II	7/1/75
C. rhombifer	Cuban crocodile	I	7/1/75
C. siamensis	Siamese crocodile	I	7/1/75
Gavialis gangeticus	Gavial, gharial	I	7/1/75
Melanosuchus niger	Black caiman	I	7/1/75
Osteolaemus tetraspis (except subspecies listed below).	Dwarf crocodile	I	2/4/77
O. tetraspis osborni	Dwarf crocodile	I	7/1/75
O. tetraspis tetraspis	Dwarf crocodile	I	7/1/75
Paleosuchus trigonatus	Smooth-fronted caiman	II	7/1/75
Tomistoma schlegelii	Tomistoma, False gavial	I	7/1/75
Order Testudinata:	Turles, Tortoises:		
Batagur baska	River terrapin, Tuntong	I	7/1/75
Cheloniidae, all species in family	Sea turtles	I	7/1/75
Chersina (=Testudo) spp	Bow-sprit tortoises	II	7/1/75

Species	Common name	Appendix	Date listed (month/day/year)
Clemmys muhlenbergi	Bog turtle	II	7/1/75
Dermochelys coriacea	Leatherback sea turtle	I	7/1/75
Dermatemys mawii	Central American river turtle	II	6/6/81
Geochelone spp. (except species listed below)	Land tortoises	II	7/1/75
G. (=Testudo) elephantopus	Galapagos tortoises	I	7/1/75
G. (=Testudo) radiata	Madagascar radiated tortoises	I	7/1/75
G. (=Testudo) yniphora	Angulated tortoises	I	7/1/75
Geoclemys (=Damonia) hamiltoni	Spotted pond turtle	I	7/1/75
Geoemyda (=Melanochelys or Nicoria) tricarinata.	Three keeled Asian turtle	I	7/1/75
Gopherus spp. (except species listed below)	Gopher tortoises	II	7/1/75
G. flavomarginatus	Bolson tortoise	I	7/1/75
Homopus spp	African parrot-beaked tortoises	II	7/1/75
Kachuga tecta tecta	Indian sawback turtle	I	7/1/75
Kinixys spp	Hinged-back tortoise	II	7/1/75
Lissemys punctata punctata	Indian flap-shell tortoise	I	7/1/75
Malacochersus spp	Pancake tortoises	II	7/1/75
Morenia ocellata	Burmese peacock turtle	I	7/1/75
Pelomedusa subrufa (all parts and derivatives).	Helmeted terrapin	III (Ghana)	2/26/76
Pelusios spp. all species native to Ghana (all parts and derivatives).	African mud turtle	III (Ghana)	2/26/76
Podocnemis spp	South African turtle	II	7/1/75
Psammobates (=Testudo) geometricus	Geometric turtle	I	2/4/77
Pseudemydura umbrina	Short-necked swamp turtle	I	7/1/75
Pyxis spp	Madagascar spider tortoises	II	7/1/75
Terrapene coahuila	Aquatic box turtle	I	7/1/75
Testudinidae, all species except those in app. I or with earlier date in app. II.	Land tortoises	II	2/4/77
Testudo spp	Land tortoises	II	7/1/75
Trionyx ater	Cuatro Cienegas softshell turtle	I	7/1/75
T. gangeticus	Indian softshell turtle	I	7/1/75
T. hurum	Peacock softshell turtle	I	7/1/75
T. nigricans	Black softshell turtle	I	7/1/75
T. triungus (all parts and derivatives)	Three-clawed turtle	III (Ghana)	2/26/76
Order Rhynchocephalia:	Tuatara:		
Sphenodon punctatus	Tuatara	I	7/1/75
Order Squamata:	Lizards, Snakes:		
Acrantophis spp	Madagascar boas	I	2/4/77
Amblyrhynchus cristatus	Galapagos marine iguana	II	7/1/75
Boidae, all species except those in app. I or with earlier date in app. II.	Boa constrictors, Pythons	II	2/4/77
Bolyeria spp	Round Island boa	I	2/4/77
Brachylophus spp	Fiji iguanas	I	6/6/81
Casarea spp	Round Island boa	I	2/4/77
Chamaeleo spp	Chamaeleons	II	2/4/77
Cnemidophorus hyperythrus	Orange-throated whiptail lizard	II	7/1/75
Conolophus spp (except species listed below)	Land lizards	II	2/4/77
C. pallidus	Barrington Island land lizard	II	7/1/75
C. subcristatus	Galapagos land iguana	II	7/1/75
Constrictor constrictor	Boa constrictor	II	7/1/75
Cordylus spp	Girdled lizards	II	6/6/81
Crocodilurus lacertinus	Dragon lizardet	II	2/4/77
Cyclagras (=Hydrodynastes) gigas	South American false water cobra	II	7/1/75
Cyclura spp	Ground iguanas	I	2/4/77
Cyrtodactylus serpensinsula	Serpent Island gecko	II	2/4/77
Dracaena guianensis	Caiman lizard	II	2/4/77
Elachistodon westermanni	Indian egg-eating snake	II	7/1/75
Epicrates cenchris cenchris	Rainbow boa	II	7/1/75
E. inornatus	Puerto Rican boa	I	2/4/77
Eunectes notaeus	Yellow anaconda	II	7/1/75
E. subflavus	Jamaican boa	I	7/1/75
Heloderma spp	Beaded lizards, Gila monster	II	7/1/75
Iguana spp	Iguanas	II	2/4/77
Paradelma orientalis	Snake lizard	II	2/4/77
Phelsuma spp	Day geckos	II	2/4/77
Phrynosoma coronatum blainvillei	San Diego horned lizard	II	7/1/75
Pseudoboa (=Clelia) cloelia	Mussurana snake	II	7/1/75
Pseudocordylus spp	Crag lizards	II	6/6/81
Python spp. (except subspecies listed below)	Pythons	II	7/1/75
P. molurus molurus	Indian python	I	7/1/75
Sanzinia madagascariensis	Tree boa	I	2/4/77
Sauromalus varius	San Esteban Island Chuckwalla	I	6/6/81
Thamnophis elegans (=couchi) hammondi	Two-striped garter snake	II	7/1/75
Tupinambis spp	Tegu lizards	II	2/4/77
Uromastyx spp	Spiny-tailed lizards	II	2/4/77
Varanus spp. (all species except those in app. I).	Monitor lizards	II	7/1/75
V. bengalensis	Bengal monitor	I	7/1/75
V. flavescens	Yellow monitor	I	7/1/75
V. griseus	Desert monitor	I	7/1/75
V. komodoensis	Komodo Island monitor, Komodo dragon.	I	7/1/75
CLASS AMPHIBIA:	AMPHIBIANS:		
Order Caudata:	Salamanders:		
Ambystoma dumerilli	Lake Patzcuaro salamander	II	7/1/75
A. lemaensis	Lake Lerma salamander	II	7/1/75
A. mexicanum	Axoloti	II	7/1/75
Andrias (=Megalobatrachus) davidianus	Chinese giant salamander	I	7/1/75

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A. (=Megalobatrachus) Japonicus	Japanese giant salamander	I	7/1/75
Order Anura:	Frogs, Toads:		
Atelopus varius zeteki	Panamanian golden frog	I	7/1/75
Bufo periglens	Monteverde toad	I	7/1/75
B. retiformis	Sonoran green toad	II	7/1/75
B. superciliaris	Cameroon toad	I	7/1/75
Nectophrynoides spp	African viviparous toads	I	7/1/75
CLASS OSTEICHTHYES:	BONY FISHES:		
Order Acipenseriformes:	Sturgeons:		
Acipenser brevirostrum	Short-nosed sturgeon	I	7/1/75
A. fulvescens	Lake sturgeon	II	7/1/75
A. oxyrhynchus	Atlantic sturgeon	II	7/1/75
A. sturio	Baltic sturgeon	II	7/1/75
Order Osteoglossiformes:	Bonytongues:		
Arapaima gigas	Arapaima	II	7/1/75
Scleropages formosus	Asiatic bonytongue	I	7/1/75
Order Salmoniformes:	Salmon, Trout:		
Coregonus alpenae	Longjaw cisco	I	7/1/75
Salmo chrysogaster	Mexican golden trout	II	7/1/75
Stenodus leucichthys leucichthys	Beloribitsa	II	7/1/75
Order Cypriniformes:			
Caecobarbus geertsi	African or Congo blind barb	II	6/0/81
Chasmistes cujus	Cui-ui	I	7/1/75
Plagopterus argentissimus	Woundfin	II	7/1/75
Probarbus jullieni	Ikan temolek, Pla eesok	I	7/1/75
Ptychocheilus lucius	Colorado River squawfish	II	7/1/75
Order Atheriniformes:	Livebearers:		
Cynolebias constanciae	Annual tropical killifish	II	7/1/75
C. marmoratus	Annual tropical killifish	II	7/1/75
C. minimus	Annual tropical killifish	II	7/1/75
C. opalescens	Annual tropical killifish	II	7/1/75
C. splendens	Annual tropical killifish	II	7/1/75
Xiphophorus couchianus	Monterey platyfish	II	7/1/75
Order Coelacanthiformes:	Coelacanth:		
Latimeria chalumnae	Coelacanth, Gombessa	II	7/1/75
Order Ceratodiformes:	Lungfishes:		
Neoceratodus forsteri	Australian lungfish	II	7/1/75
Order Siluriformes:	Catfishes:		
Pangasianodon gigas	Thailand giant catfish	I	7/1/75
Order Perciformes:	Perch-like fishes:		
Cynoscion macdonaldi	Totoaba	I	2/4/77
Stizostedion vitreum glaucum	Blue pike	I	7/1/75
PHYLUM MOLLUSCA:	MOLLUSCS:		
Class Pelecypoda (=Bivalvia):	Clams, Mussels:		
Conradilla caelata	Birdwing pearly mussel	I	7/1/75
Cyprogenia aberti	Edible pearly mussel	II	7/1/75
Dromus dromas	Dromedary pearly mussel	II	7/1/75
Epioblasma (=Dysnomia or Plagiola) florentina curtisi.	Curtis' pearly mussel	I	7/1/75
E. florentina florentina	Yellow-blossom pearly mussel	I	7/1/75
E. sampsoni	Sampson's pearly mussel	I	7/1/75
E. sulcata perobliqua	White cat's paw mussel	I	7/1/75
E. torulosa gubernaculum	Green-blossom pearly mussel	I	7/1/75
E. torulosa rangiana	Tan-blossom pearly mussel	II	7/1/75
E. torulosa torulosa	Tuberculed-blossom pearly mussel	I	7/1/75
E. turgidula	Turgid-blossom pearly mussel	I	7/1/75
E. walkeri	Brown-blossom pearly mussel	I	7/1/75
Fusconaia cuneolus	Fine-rayed pigtoe mussel	I	7/1/75
F. edgariana	Shiny pigtoe mussel	I	7/1/75
F. subrotunda	Long solid mussel	II	7/1/75
Lampsilis brevicula	Ozark lamp pearly mussel	I	7/1/75
L. higginsi	Higgin's eye mussel	I	7/1/75
L. orbiculata orbiculata	Pink mucket mussel	I	7/1/75
L. satura	Plain pocketbook mussel	I	7/1/75
L. virescens	Alabama lamp pearly mussel	I	7/1/75
Lexingtonia dolabelloides	Slab-side pearly mussel	II	7/1/75
Mytilus chorus	Chilean mussel	II	6/28/79
Plethobasus cicatricosus	White wartyback mussel	I	7/1/75
P. cooperianus	Orange-footed pimpleback mussel	I	7/1/75
Pleurobema clava	Club pearly mussel	II	7/1/75
P. plenum	Rough pigtoe mussel	I	7/1/75
Potamilus (=Proptera) capax	Fat pocketbook mussel	I	7/1/75
Quadrula intermedia	Cumberland monkey-face mussel	I	7/1/75
Q. sparsa	Appalachian monkey-face mussel	I	7/1/75
Toxolasma (=Carunculina) cylindrella	Pale lilliput pearly mussel	I	7/1/75
Unio (=Megalonaias) nicklitiana	Nicklin's pearly mussel	I	7/1/75
U. (=Lampsilis or Cyrtonaias) tampicoensis tecomatensis.	Tampico pearly mussel	I	7/1/75
Villosa (=Micromya) trabalis	Cumberland bean mussel	I	7/1/75
Class Gastropoda:	Snails:		
Coahuilix hubbsi	Coahuilix de Hubbs Caracol	II	7/1/75
Cochliopina milleri	Cochliopina de Miller Caracol	II	7/1/75
Durangonella coahuilae	Durangonella de Coahuila Caracol	II	7/1/75
Mexipyrgus carranzae	Mexipyrgus de Carranza Caracol	II	7/1/75
M. churinceanus	Mexipyrgus de Churince Caracol	II	7/1/75
M. escobedae	Mexipyrgus de Escobeda Caracol	II	7/1/75
M. lugoi	Mexipyrgus de Lugo Caracol	II	7/1/75
M. mojarralis	Mexipyrgus del Oeste del Mojarral Caracol	II	7/1/75
M. multilineatus	Mexipyrgus del Este del Mojarral Caracol	II	7/1/75

Species	Common name	Appendix	Date listed (month/day/year)
Mexithauma quadripaludium	Mexithauma de Cuatro Cienegas Caracol	II	7/1/75
Nymphophilus minckleyi	Nymphophilus de Minckley Caracol	II	7/1/75
Paludiscala caramba	Paludiscala Maravillosa Caracol	II	7/1/75
Papustyla (=Papuina) pulcherrima	Manus Island tree snail	II	7/1/75
Paryphanta spp. (New Zealand species only).	New Zealand amber snails	II	7/1/75
PHYLUM ARTHROPODA:	ARTHROPODS:		
Class Insecta:	Insects:		
Ornithoptera spp.	Birdwing butterflies	II	2/16/79
O. alexandrae	Birdwing butterfly	II	2/4/77
O. allotei	Birdwing butterfly	II	2/4/77
O. chimaera	Birdwing butterfly	II	2/4/77
O. goliath	Birdwing butterfly	II	2/4/77
O. meridionalis	Birdwing butterfly	II	2/4/77
O. paradisea	Paradise birdwing butterfly	II	2/4/77
O. victoriae	Queen Victoria's birdwing butterfly	II	2/4/77
Parnassius apollo	Mountain apollo butterfly	II	2/4/77
P. apollo apollo	Mountain apollo butterfly	II	7/1/75
Trogonoptera spp.	Birdwing butterflies	II	2/16/79
Troides spp.	Birdwing butterflies	II	2/16/79
PHYLUM COELENTERATA:	COELENTERATES:		
Class Anthozoa:	Corals, Anemones:		
Order Antipatharia:	Black corals		
All species in order		II	6/6/81
PLANT KINGDOM:	PLANTS:		
Family Apocynaceae:	Dogbanes:		
Pachypodium spp.	Elephant's trunk	II	7/1/75
P. namaquanum	Half-men, Ghost-men	I	7/1/75
Family Araceae:	Aroids:		
Alocasia sanderana		I	7/1/75
A. zebrina		I	7/1/75
Family Araliaceae:	Ginsengs:		
Panax quinquefolius (*roots*)	American ginseng	III	7/1/75
Family Araucariaceae:	Monkey-puzzle trees:		
Araucaria araucana (timber), all populations except that of Chile.	Monkey-puzzle tree	II	7/1/75
A. araucana, population of Chile	Monkey-puzzle tree	I	7/1/75
Family Asclepiadaceae:	Milkweeds:		
Ceropegia spp.	Ceropegias	II	6/28/79
Frerea indica		II	6/28/79
Family Byblidaceae:			
Byblis spp.	Byblis, Rainbow plants	II	6/28/79
Family Cactaceae:	Cacti:		
All species in the Americas (except those in App. I).		II	7/1/75
Ariocarpus agavoides	Living rock cactus	I	7/1/75
A. scaphirostrus	Living rock cactus	I	7/1/75
Aztekium ritteri	Aztec cactus	I	7/1/75
Echinocereus lindsayi	Lindsay's hedgehog cactus	I	7/1/75
Obregonia denegrii	Artichoke cactus	I	7/1/75
Pelecyphora aselliformis	Hatchet cactus, peyotillo	I	7/1/75
P. (=Encephalocarpus) strobiliformis	Pinecone cactus	I	7/1/75
Rhipsalis spp.	Mistletoe cacti	II	7/1/75
Family Caryocaraceae:	Caryocars:		
Caryocar costaricense		I	7/1/75
Family Caryophyllaceae:	Pinks:		
Gymnocarpos przewalskii		I	7/1/75
Melandrium mongolicus		I	7/1/75
Silene mongolica		I	7/1/75
Stellaria pulvinata		I	7/1/75
Family Cephalotaceae:			
Cephalotus follicularis	West Australian pitcher plant	II	6/28/79
Family Chloanthaceae:			
Populations of all species in Australia	Lambs tails	II	6/28/79
Family Compositae—(=Asteraceae):	Composites, Asters:		
Saussurea lappa (roots)	Costus, Kuth roots	II	7/1/75
Family Cupressaceae:	Cypresses:		
Fitzroya cupressoides	Fitzroya, Alerce	I	7/1/75
Pilgerodendron uviferum	Pilgerodendron	I	7/1/75
Family Cyatheaceae:	Tree ferns:		
All species in the family (trunks) except those with earlier date.		II	2/4/77
Cyathea (Hemitelia) capensis (trunks)		II	7/1/75
C. dregei (trunks)		II	7/1/75
C. mexicana (trunks)		II	7/1/75
C. (Alsophila) salvinii (trunks)		II	7/1/75
Family Cycadaceae:	Cycads:		
All species except that listed in app. I (trunks).		II	2/4/77
Microcycas calocoma	Palma Corcho, Microcycas	I	7/1/79
Family Dicksoniaceae:	Tree ferns:		
All species in the family (trunks)		II	2/4/77
Family Didiereaceae:			2/4/77
All species in the family		II	2/4/77
Family Dioscoreaceae:	Yams:		
Dioscorea deltoidea (roots)	Kniss, Kurta	II	7/1/75
Family Euphorbiaceae:	Spurges:		
Euphorbia spp. excluding non-succulent species.	Euphorbias	II	7/1/75
Family Fagaceae:	Beeches:		
Quercus copeyensis (timber)	Roble, Copey oak	II	7/1/75

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Family Gentianaceae:	Gentians:		
Prepusa hookeriana	Scarlet-flowered prepusa	I	7/1/75
Family Gnetaceae:	Gnetums:		
Gnetum montanum (all parts and derivatives).		III (Nepal)	11/16/75
Family Haemodoraceae:	Bloodworts:		
Anigozanthos spp	Kangaroo paws	II	6/28/79
Macropidia fuliginosa	Black kangaroo paw	II	6/28/79
Family Humiriaceae:			
Vantanea barbourii	Ira chiricana	I	7/1/75
Family Juglandaceae:	Walnuts:		
Engelhardtia pterocarpa	Gavilan	I	7/1/75
Family Leguminosae—(=Fabaceae):	Peas, Pulse:		
Ammopiptanthus mongolicum		I	7/1/75
Cynometra hemitomophylla	Guapinol negro	I	7/1/75
Platymiscium pleiostachyum	Granadillo, Nambar	I	7/1/75
Tachigalia versicolor	Cana fistula	I	7/1/75
Thermopsis mongolica		II	7/1/75
Family Liliaceae:	Lilies, Aloes:		
Aloe spp., all species except those in app. I	Aloes	II	7/1/75
A. albida		I	7/1/75
A. pillansii	Boomaalwyn	I	7/1/75
A. polyphylla	Spiral aloe	I	7/1/75
A. thorncroftii		I	7/1/75
A. vossii		I	7/1/75
Family Magnoliaceae:	Magnolias:		
Talauma hodgsonii (all parts and derivatives).		III (Nepal)	11/16/75
Family Melastomataceae:	Meadow-Beauties:		
Lavoisiera itambana		I	7/1/75
Family Meliaceae:	Mahoganies:		
Guarea longipetiola	Cola de pava	I	7/1/75
Swietenia humilis timber	Cabana, Mexican mahogany	II	7/1/75
Family Moraceae:	Mulberries:		
Batocarpus costaricensis	Ojoche macho	I	7/1/75
Family Myrtaceae:	Myrtles:		
Verticordia spp	Feather flowers	II	6/28/79
Family Nepenthaceae:			
Nepenthes rajah	Giant pitcher plant	I	8/5/81
Family Orchidaceae:	Orchids:		
All species except those in app. I		II	7/1/75
Cattleya skinneri	Guaria morada	I	7/1/75
C. trianae	Christmas orchid	I	7/1/75
Didicies cunninghamii		I	7/1/75
Laelia jongheana		I	7/1/75
L. lobata		I	7/1/75
Lycaste virginalis var. *alba*	White nun, Monja blanca	I	7/1/75
Peristeria elata	Holy Ghost, Dove orchid	I	7/1/75
Renanthera imschoestiana		I	7/1/75
Vanda coerulea	Blue vanda	I	7/1/75
Family Palmae (Arecaceae:	Palms:		
Areca ipot		II	7/1/75
Chrysalidocarpus decipiens		II	2/4/77
C. lutescens	Yellow palm, Areca palm, Butterfly palm.	II	2/4/77
Neodypsis decaryi		II	7/1/75
Phoenix hanceana var. *philippinensis*		II	7/1/75
Zalacca clemensiana		II	7/1/75
Family Papaveraceae:	Poppies:		
Meconopsis regia (all parts and derivatives)		III (Nepal)	11/16/75
Family Pinaceae:	Pines, Firs:		
Abies guatemalensis	Guatemalan fir	I	7/1/75
A. nebrodensis	Tronco nudo	I	7/1/75
Family Podocarpaceae:	Podocarps:		
Podocarpus costalis		I	7/1/75
P. nerifolius (all parts and derivatives)		III (Nepal)	11/16/75
P. parlatorei	Pariatore's podocarp, Monteromero	I	7/1/75
Family Portulacaceae:	Portulacas:		
Anacampseros spp		II	7/1/75
Family Primulaceae:	Primroses:		
Cyclamen spp	Cyclamens	II	7/1/75
Family Proteaceae:	Silk oaks:		
Banksia spp	Banksias	II	6/28/79
Conospermum spp	Smoke bushes	II	6/28/79
Dryandra formosa	Showy dryandra	II	6/28/79
D. polycephala		II	6/28/79
Orothamnus zeyheri	Marsh rose	I	7/1/75
Protea odorata	Ground rose	I	7/1/75
Xylomelum spp	Woody pears	II	6/28/79
Family Rubiaceae:	Madders:		
Balmea stormiae	Ayuque	I	7/1/75
Family Rutaceae:	Boronias, Rues:		
Boronia spp	Boronia	II	6/28/79
Geleznowia verrucosa		II	6/28/79
Crowea spp	Crowea	II	6/28/79
Family Sarraceniaceae:	Pitcher plants:		
Darlingtonia californica	California pitcher plant, Cobra lily	II	8/6/81
Sarracenia alabamensis alabamensis	Alabama canebrake pitcher plant	I	8/6/81
S. jonesii	Mountain sweet pitcher plant	I	8/6/81
S. oreophila	Green pitcher plant	I	8/6/81
Family Saxifragaceae—(Grossulariaceae):	Saxifrages, Currants, Gooseberries:		
Ribes sardoum		I	7/1/75

Species	Common name	Appendix	Date listed (month/day/year)
Family Solanaceae:	Nightshades:		
Solanum sylvestre		II	7/1/75
Family Stangeriaceae:			
All species except that in app. I		II	2/4/77
Stangeria eriopus	Fern-leafed Stangeria	I	7/1/75
Family Sterculiaceae:	Sterculias:		
Basiloxylon excelsum (timber)		II	7/1/75
Family Tetracentraceae:	Tetracentrons:		
Tetracentron spp. (all parts and derivatives)		III (Nepal)	11/16/75
Family Thymelaeaceae:	Mezereums:		
Pimelea physodes	Qualup bell	II	6/28/79
Family Ulmaceae:	Elms:		
Celtis aetnensis		I	7/1/75
Family Verbenaceae:	Verbenas:		
Caryopteris mongolica		II	7/1/75
Family Welwitschiaceae:	Welwitschias:		
All species except that in app. I		II	2/4/77
Welwitschia bainesii	Welwitschia	I	7/1/75
Family Zamiaceae:	Cycads:		
All species except those in app. I		II	2/4/75
Encephalartos spp	Bread palms, African cycads	I	7/1/75
Family Zingiberaceae:	Gingers:		
Hedychium philippinense	Philippine garland flower	I	7/1/75
Family Zygophyllaceae:	Caltrops:		
Guaiacum sanctum (timber)	Lignum-vitae	II	7/1/75

[FR Doc. 81-25876 Filed 9-03-81: 8:45 am]

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Friday
September 4, 1981

Part IV

Department of the Interior

Bureau of Land Management

Procedures for Sale of Lands

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DEPARTMENT OF THE INTERIOR

43 CFR Part 2710

Procedures for Sale of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Interim final rulemaking.

SUMMARY: This interim final rulemaking will provide the procedures for implementing the provisions of the Act of December 23, 1980 (94 Stat. 3381), which authorizes and directs the Secretary of the Interior to sell not more than 700 acres of public lands per calendar year in and around Las Vegas, Nevada. The Act further directs that a portion of the proceeds realized by the United States from the sale be used to acquire environmentally sensitive lands in the Lake Tahoe Basin of California and Nevada.

EFFECTIVE DATE: September 29, 1981, and will expire on December 31, 1981.

ADDRESS: Any comments, suggestions or inquiries should be sent to: Director (650), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: David Hemstreet, (202) 343-8731.

SUPPLEMENTARY INFORMATION: This interim final rulemaking authorizes the Bureau of Land Management to sell public lands in and around Las Vegas, Nevada, at competitive auction using as a minimum bid a price to be established by the authorized officer under a procedure agreed to by the authorized officer and Clark County, Nevada. The sale procedure set forth in the rulemaking requires that fair market value be received for all sales. The rulemaking requires receipt of a minimum of three bids on a tract before the high bid can be considered as having established fair market value for that tract. The authorized officer will be authorized to withdraw a tract from sale at any time prior to issuance of a patent, if he/she determines that fair market value was not received as a result of the public auction, or for any other valid reason.

If a tract is withdrawn from sale for the reason that fair market value was not received at the public auction, the tract will be appraised in accordance with the principles in the interagency Department of Justice publication entitled "Uniform Appraisal Standards for Federal Land Acquisitions" and offered for sale at a later date.

This final interim rulemaking is needed to allow the Bureau of Land Management to carry out the provisions of the Act of December 23, 1980. The existing sales regulations in 43 CFR Part 2710 require appraisal of all lands to be sold in accordance with principles in the interagency Department of Justice publication entitled "Uniform Appraisal Standards for Federal Land Acquisitions." If the existing procedure for lands sales is followed, it will be impossible to complete the appraisal process and sell 700 acres of land during this calendar year. Therefore, this interim procedure is being adopted so the Bureau of Land Management can meet the Congressional mandate contained in the Act and sell up to 700 acres of land and receive fair market value for it prior to the end of this calendar year. In all other details, the provisions of the existing regulations in 43 CFR Part 2710 relating to sale of public lands will be followed. Every possible precaution will be taken in regard to the sale of lands under this interim rulemaking to assure that the public interest is properly protected.

The principal author of this interim final rulemaking is David C. Hemstreet, Division of Land, Realty and Withdrawals, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354).

Under the authority of the Act of December 23, 1980 (Pub. L. 96-586), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Part 2710, Group 2700, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended by adding a new Subpart 2712 as follows.

David C. Russell,
Acting Assistant Secretary of the Interior.

August 20, 1981.

PART 2710—SALES—FEDERAL LAND POLICY AND MANAGEMENT ACT

Subpart 2712—Sales of Public Lands in and Around Las Vegas, Nevada

Sec.
2712.0-3 Authority.
2712.1 Sale procedures.

Authority: Pub. L. 96-586 and 43 U.S.C. 1701 et seq.

Subpart 2712—Sale of Public Lands in and Around Las Vegas, Nevada

§ 2712.0-3 Authority.

The Act of December 23, 1980 (Pub. L. 96-586) authorizes and directs the Secretary to sell not more than 700 acres of public lands per calendar year in and around Las Vegas, Nevada. The Federal portion of the proceeds from the sale of such lands is to be used by the United States to acquire environmentally sensitive lands in the Lake Tahoe Basin of California and Nevada.

§ 2712.1 Sale procedures.

(a) Sales under this subpart shall not be made at less than fair market value. Fair market value for the purposes of this subpart may be established by offering said lands at public auction. The minimum bid for each tract of land for purposes of offering at public auction shall be determined by the authorized officer under a procedure agreed to by the authorized officer and Clark County, Nevada. The highest bid received shall be considered to be fair market value for a given tract if at least 3 bids have been received for the tract. The authorized officer may set aside the sale of a tract at any time prior to issuance of patent if it is determined that a sale should not be completed for any reason, including a determination that fair market value has not been received, regardless of the number of bids received on a given tract. A tract withdrawn from public sale under this subpart because of a determination that fair market value has not been received at public auction shall be appraised and offered for sale at a time determined by the authorized officer.

(b) Sales under this subpart shall be processed in a manner consistent with the law and the regulations in Subparts 2710 and 2711 of this title, insofar as their general and procedural requirements are consistent with the Act of December 28, 1980, and this subpart.

(c) An offering for sale of public lands in Clark County, Nevada, pursuant to the provisions of this section shall fulfill the requirements of section 2(f) of the Act of December 23, 1980, whether or not the sale is consummated.

[FR Doc. 81-25882 Filed 9-3-81; 8:45 am]
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federal register

Friday
September 4, 1981

Part V

Department of Agriculture

Agricultural Marketing Service

Federally Licensed Warehouses; Fees for Services: Proposed Rulemaking

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 101, 102, 103, 104, 106, 107, 108 and 111

Federally Licensed Warehouses; Fees for Services: Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, approved August 13, 1981, amends Section 10 [7 U.S.C. 251) of the United States Warehouse Act to stipulate that "The Secretary of Agriculture, or his designated representative, shall charge, assess, and cause to be collected a reasonable fee for (a) each examination or inspection of a warehouse (including the physical facilities and records thereof and the agricultural products therein) under this Act; (b) each license issued to any person to classify, inspect, grade, sample, or weigh agricultural products stored or to be stored under provisions of this Act; (c) each annual warehouse license issued to a warehouseman to conduct a warehouse under this act, and (d) each warehouse license amended, modified, extended, or reinstated under this Act * * * Such fees shall cover, as nearly as practicable, the costs of providing such services and licenses; including the administrative and supervisory costs. All fees collected shall be credited to the current appropriation that incurs the costs and shall be available without fiscal year limitation for the expenses of the Secretary incident to providing services under the Act." * * *.

The purpsoe of these proposed rules is to suggest for comment fees for the named services which would approximate the cost of the service and recover costs associated with the program.

DATE: The Omnibus Budget Reconciliation Act of 1981 requires the user fee for federally licensed warehouses to be imposed on October 1, 1981. Due to the nearness of such effective date, a 60-day comment period on this proposed rule is impractical. Written comments should be filed not later than September 24, 1981.

ADDRESS: Comments should be filed in triplicate with the Hearing Clerk, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202–447–3616).

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under the USDA procedure established in accordance with Executive Order 12291 of February 17, 1981, and has been classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations, has determined that this action will not have a significant impact on a substantial number of small business entities because (i) use of the services is voluntary; and (ii) further, if there is any impact, the Secretary is required by statute to make the services available and to recover the costs of the services from the users of the services.

License Fees

The Act stipulated that the Secretary may charge, assess, and cause to be collected a reasonable fee for each license issued to a warehouseman or to any person to classify, inspect, grade, sample, and/or weigh agricultural products stored or to be stored under provisions of the Act. Accordingly, fees were specified by regulation for each original warehouseman's license issued, for each amended or reinstated warehouseman's license issued and for each license issued to classify, inspect, grade, sample, and/or weigh agricultural products.

The present fee for issuance of an original warehouseman's license is a modest one-time charge, the fee intended only to cover the "paperwork" of issuance. The license is continued each year without a new license being issued but may be terminated any year should the warehouseman fail to furnish annually on or before the anniversary date such bond for the ensuing year as is required by the Act and regulations.

Fees for such licenses are continued by the amendment to the Act and these proposals with increases in amount to reflect reasonable costs of issuance.

Inspection of a Warehouse

The Act stipulated that the Secretary may charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse when such examination or inspection is made upon application of a warehouseman.

Accordingly, fees were specified by regulation assessed and collected for each original inspection and/or reinspection when such inspection was made upon application of a warehouseman.

Fees for such examinations and inspections are continued by the amendment to the Act and these proposals with increases in amount to reflect reasonable costs of performing the service.

Annual Warehouse Lincense

No fees were authorized, specified, assessed or collected under the original act for examinations made by the Secretary pursuant to authority contained in Sections 24 and 27 of the Act. The amendment to the Act and the proposed regulations provide for fees for examinations conducted pursuant to Sections 24 and 27 as part of an "annual warehouse license" charge.

The focal point of administering the program is the unannounced, unrequested examination and consequently accounts for major costs of the program.

It is proposed that an annual warehouse license fee should recover the reasonable costs of examinations made pursuant to Sections 24 and 27 of the Act and the general administration and supervisory costs related to maintaining an effective program.

Implementation of Fees

Fees for the originial, amended and/or reinstated licenses, for inspection and/or reinspection examinations, for licenses to classify, inspect, grade, sample, and/or weigh shall be assessed and collected as the service covered is performed. The annual warehouse license fee shall be assessed and collected effective with the date of issuance of the original license or continuation thereof on the anniversary date. Failure of a warehouseman to pay such fee at that time shall be grounds for suspension of license. Each warehouseman holding an active license on October 1, 1981, shall be billed for a proportionate share of his annual fee which will extend coverage to the next anniversary date of his license. Failure to pay this partial fee shall be grounds for suspension of license.

Purpose of this Action

This action is taken to provide licensed warehouseman with notice of fee requirements under Pub. L. 97–35 and to elicit comments as to the proposed methods of assessing those fees.

The regulations, therefore, are proposed to be amended as follows:

PART 101—COTTON WAREHOUSES

Sections 101.50, 101.51 and 101.52 are revised as follows:

Fees

§ 101.50 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to classify, sample, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 101.51 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection of a warehouse under the Act a fee at the rate of $20 for each 1,000 bales of storage capacity, or fraction thereof, determined in accordance with § 101.5, but in no case less than $100 nor more than $500; and

(b)(1) For each annual warehouse license issued or continued an annual fee at the rate of 1.5¢ for each bale of licensed capacity, plus 4.5¢ for each receipted bale handled by the warehouse during the preceding cotton season. The licensed capacity shall be that stated in the current warehouse license as determined under § 101.5. The fee determined by this formula can be reduced 25 percent if the warehouseman provides the Secretary with an annual financial statement that has been audited by a Certified Public Accountant in accordance with generally accepted auditing standards; but in no case shall the fee be less than $500 nor more than $5,000. After October 1, 1982, an additional fee will be assessed at the rate of 3.0 cents for each single paper receipted bale handled during the preceding cotton season. This assessment will not apply where paper receipts are ordered on an emergency basis, as determined by the Secretary.

(2) In case a warehouseman is licensed or is applying for license to operate more than one operational warehouse under a single license, there shall be added to the fee determined in accordance with paragraph (b)(1) of this section or the minimum or maximum, as applicable, a charge of $200 for each such additional warehouse; however, separate warehouses within the confines of a city or similar identifiable and generally recognized trading area shall not be subject to the additional charge.

§ 101.52 Advance deposit.

Before any license is granted or an original examination or inspection, or reexamination or reinspection is made pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Treasurer of the United States."

PART 102—GRAIN WAREHOUSES

2. Sections 102.57, 102.58 and 102.59 are revised as follows:

Fees

§ 102.57 License fee.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 102.58 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection of a warehouse under the Act a fee at the rate of $10 for each 10,000 bushels of storage capacity or fraction thereof, determined in accordance with § 102.6(a), but in no case less than $100 nor more than $1,000; and

(b)(1) For each annual warehouse license issued or continued an annual fee computed in accordance with the following table:

Licensed capacity (thousand bushels)	Annual fee (dollars)
Less than 200	600
200 to 349	1,000
350 to 499	1,400
500 to 999	1,900
1,000 to 1,999	2,500
2,000 to 3,499	3,100
3,500 to 4,999	3,700
5,000 to 9,999	4,400
10,000 to 14,999	5,000
15,000 to 19,999	5,500
20,000 and over	6,000

The licensed capacity shall be that stated in the current warehouse license as determined under § 102.6(a). The fee determined by this formula can be reduced 25 percent if the warehouseman provides the Secretary with an annual financial statement that has been audited by a Certified Public Accountant in accordance with generally accepted auditing standards; but in no case shall the fee be less than $600.

(2) In case a warehouseman is licensed or is applying for license to operate more than one operational warehouse under a single license, there shall be added to the fee determined in accordance with paragraph (b)(1) of this section or the minimum or maximum, as applicable, a charge of $200 for each such additional warehouse; however, separate warehouses within the confines of a city or similar identifiable and generally recognized trading area shall not be subject to the additional charge.

§ 102.59 Advance deposit.

Before any license is granted or an original examination or inspection, or reexamination or reinspection is made pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Treasurer of the United States."

PART 103—TOBACCO WAREHOUSES

3. Sections 103.48, 103.49 and 103.50 are revised as follows:

Fees

§ 103.48 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, sample, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 103.49 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection of a warehouse under the Act a fee at the rate of $10 for each 100,000 pounds of storage capacity, or fraction thereof, determined in accordance with § 103.12, but in no case less than $100 nor more than $500; and

(b)(1) For each annual warehouse license issued or continued an annual fee at the rate of $10 for each 100,000 pounds of licensed capacity, or fraction thereof. The licensed capacity shall be

that stated in the current warehouse license as determined under § 103.12. The fee determined by this formula can be reduced 25 percent if the warehouseman provides the Secretary with an annual financial statement that has been audited by a Certified Public Accountant in accordance with generally accepted auditing standards; but in no case shall the fee be less than $400 nor more than $4,000.

(2) In case a warehouseman is licensed or is applying for license to operate more than one operational warehouse under a single license, there shall be added to the fee determined in accordance with paragraph (b)(1) of this section or the minimum or maximum, as applicable, a charge of $200 for each such additional warehouse; however, separate warehouses within the confines of a city or similar identifiable and generally recognized trading area shall not be subject to the additional charge.

§ 103.50 Advance deposit.

Before any license is granted or an original examination or inspection, or reexamination or reinspection is made pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified, if required by the Service, draft, or post office or express money order, payable to the order of "Treasurer of the United States."

PART 104—WOOL WAREHOUSES

4. Sections 104.46, 104.47 and 104.48 are revised as follows:

Fees

§ 104.46 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to grade or weigh agriculcultural products stored or to be stored under provisions of this Act.

§ 104.47 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection of a warehouse under the Act a fee at the rate of $10 for each 100,000 pounds of storage capacity or fraction thereof, determined in accordance with § 104.12(a), but in no case less than $100 nor more than $500; and

(b)(1) For each annual warehouse license issued or continued an annual fee at the rate of $10 for each 100,000 pounds of licensed capacity, or fraction thereof. The licensed capacity shall be that stated in the current warehouse license as determined under § 104.12(a). The fee determined by this formula can be reduced 25 percent if the warehouseman provides the Secretary with an annual financial statement has has been audited by a Certified Public Accountant in accordance with generally accepted auditing standards; but in no case shall the fee be less than $400 nor more than $4,000.

(2) In case a warehouseman is licensed or is applying for license to operate more than one operational warehouse under a single license, there shall be added to the fee determined in accordance with paragraph (b)(1) of this section or the minimum or maximum, as applicable, a charge of $200 for each such additional warehouse; however, separate warehouses within the confines of a city or similar identifiable and generally recognized trading area shall not be subject to the additional charge.

§ 104.48 Advance deposit.

Before any license is granted or an original examination or inspection, or reexamination or reinspection is made pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Treasurer of the United States."

PART 106—DRY BEAN WAREHOUSES

5. Sections 106.55, 106.56 and 106.57 are revised as follows:

Fees

§ 106.55 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act; except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the Agricultural Marketing Act of 1946 and regulations thereunder to inspect and grade any beans and to certificate the grade thereof.

§ 106.56 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examinatin or inspection; or reexamination or reinspection of a warehouse under the Act a fee at the rate of $10 for each 1,000 hundredweight of storage capacity, or fraction thereof determined in accordance with § 106.12(a), but in no case less than $100 nor more than $500; and

(b)(1) For each annual warehouse license issued or continued an annual fee computed in accordance with the following table:

Licensed capacity (thousand hundredweight)	Annual fee (dollars)
Less than 120	800
120 to 209	1,000
210 to 299	1,400
300 to 599	1,900
600 to 1,199	2,500
1,200 to 2,099	3,100
2,100 to 2,999	3,700
3,000 to 5,999	4,400
6,000 to 8,999	5,000
9,000 to 11,999	5,000
12,000 and over	6,000

The licensed capacity shall be that stated in the current warehouse license as determined under § 106.12(a). The fee determined by this formula can be reduced 25 percent if the warehouseman provides the Secretary with an annual financial statement that has been audited by a Certified Public Accountant in accordance with generally accepted auditing standards; but in no case shall the fee be less than $800.

(2) In case a warehouseman is licensed or is applying for license to operate more than one operational warehouse under a single license, there shall be added to the fee determined in accordance with paragraph (b)(1) of this section or the minimum or maximum, as applicable, a charge of $200 for each such additional warehouse; however, separate warehouses within the confines of a city or similar identifiable and generally recognized trading area shall not be subject to the additional charge.

§ 106.57 Advance deposit.

Before any license is granted or an original examination or inspection, or reexamination or reinspection is made pursuant to the regulation in this part, the applicant or licensee shall deposit

with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Treasurer of the United States."

PART 107—NUT WAREHOUSES

6. Sections 107.56, 107.57 and 107.58 are revised as follows:

Fees

§ 107.56 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 107.57 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, a reexamination or reinspection of a warehouse under the Act a fee at the rate of $5 for each 100 tons, or fraction thereof, of peanuts, and $10 for each 1,000 hundredweight, or fraction thereof of other nuts of storage capacity determined in accordance with § 107.6, but in no case less than $100 nor more than $1,000; and

(b)(1) For each annual warehouse license issued or continued an annual fee at the rate of 10¢ for each ton of licensed capacity, or fraction thereof. The licensed capacity shall be that stated in the current warehouse license as determined under § 107.6. The fee determined by this formula can be reduced 25 percent if the warehouseman provides the Secretary with an annual financial statement that has been audited by a Certified Public Accountant in accordance with generally accepted auditing standards; but in no case shall the fee be less than $600 nor more than $8,000.

(2) In case a warehouseman is licensed or is applying for license to operate more than one operational warehouse under a single license, there shall be added to the fee determined in accordance with paragraph (b)(1) of this section or the minimum or maximum, as applicable, a charge of $200 for each such additional warehouse; however, separate warehouses within the confines of a city or similar identifiable and generally recognized trading area shall not be subject to the additional charge.

§ 107.58 Advance deposit.

Before any license is granted or an original examination or inspection, or reexamination or reinspection is made pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Treasurer of the United States."

PART 108—SIRUP WAREHOUSES

7. Sections 108.48, 108.49 and 108.50 are revised as follows:

Fees

§ 108.48 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 108.49 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection of a warehouse under the Act a fee at the rate of $3 for each 5,000 gallons or fraction thereof of storage capacity determined in accordance with § 108.12(a), but in no case less than $100 nor more than $500; and

(b) (1) For each annual warehouse license issued or continued an annual fee at the rate of $3 for each 5,000 gallons of licensed capacity, or fraction thereof. The licensed capacity shall be that stated in the current warehouse license as determined under § 108.12(a). The fee determined by this formula can be reduced 25 percent if the warehouseman provides the Secretary with an annual financial statement that has been audited by a Certified Public Accountant in accordance with generally accepted auditing standards; but in no case shall the fee be less than $400 nor more than $4,000.

(2) In case a warehouseman is licensed or is applying for license to operate more than one operational warehouse under a single license, there shall be added to the fee determined in accordance with paragraph (a)(1) of this section or the minimum or maximum, as applicable, a charge of $200 for each such additional warehouse; however, separate warehouses within the confines of a city or similar identifiable and generally recognized trading area shall not be subject to the additional charge.

§ 108.50 Advance deposit.

Before any license is granted or an original examination or inspection, or reexamination or reinspection is made pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Treasurer of the United States."

PART 111—COTTONSEED WAREHOUSES

8. Sections 111.58, 111.59 and 111.60 are revised as follows:

Fees

§ 111.58 License fees.

There shall be charged and collected a fee of $50 for each original warehouseman's license, and a fee of $50 for each amended, modified, extended, reinstated or duplicate warehouseman's license applied for by a warehouseman, and a fee of $20 for each license or amendment thereto issued to any person to inspect, grade, or weigh agricultural products stored or to be stored under provisions of this Act.

§ 111.59 Warehouse inspection fees.

There shall be charged and collected—

(a) For each original examination or inspection, or reexamination or reinspection of a warehouse under the Act a fee at the rate of $10 for each 1,000 tons of storage capacity, or fraction thereof determined in accordance with § 111.13, but in no case less then $100 nor more than $500; and

(b) (1) For each annual warehouse license issued or continued an annual fee at the rate of $10 for each 1,000 tons of licensed capacity, or fraction thereof. The licensed capacity shall be that stated in the current warehouse license as determined under § 111.13. The fee determined by this formula can be reduced 25 percent if the warehouseman provides the Secretary with an annual financial statement that has been audited by a Certified Public Accountant in accordance with generally accepted auditing standards; but in no case shall the fee be less than $800 nor more than $8,000.

(2) In case a warehouseman is licensed or is applying for license to operate more than one operational warehouse under a single license, there shall be added to the fee determined in accordance with (b)(1) above or the minimum or maximum, as applicable, a charge of $200 for each such additional warehouse; however, separate warehouses within the confines of a city or similar identifiable and generally recognized trading area shall not be subject to the additional charge.

§ 111.60 Advance deposit.

Before any license is granted or an original examination or inspection, or reexamination or reinspection is made pursuant to the regulation in this part, the applicant or licensee shall deposit with the Service the amount of the fee prescribed. Such deposit shall be made in the form of a check, certified if required by the Service, draft, or post office or express money order, payable to the order of "Treasurer of the United States."

Done at Washington, D.C., August 31, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-25883 Filed 9-3-81; 8:45 am]

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Part VI

Department of Energy

Loans for Bid or Proposal Preparation by Minority Business Enterprises Seeking DOE Contracts and Assistance; Final Regulations

DEPARTMENT OF ENERGY

Office of Minority Economic Impact

10 CFR Part 800

Loans for Bid or Proposal Preparation by Minority Business Enterprises Seeking DOE Contracts and Assistance

AGENCY: Department of Energy.

ACTION: Final Rule.

SUMMARY: The National Energy Conservation Policy Act, Public Law 95–619, amended the Department of Energy Organization Act (Pub. L. 95–91) by adding Section 211, establishing the Office of Minority Economic Impact. Section 211(e) authorizes the Department of Energy (DOE) to provide financial assistance to minority business enterprises to assist such enterprises in participating fully in DOE research, development, demonstration and contract activities. Financial assistance under this final rule is to be in the form of loans to minority enterprises of funds necessary to bid for and obtain DOE contracts or agreements or subcontracts with DOE operating contractors. Loans are limited to a maximum of 75% of the costs involved.

EFFECTIVE DATE: October 5, 1981.

ADDRESSES: Rosslee G. Douglas, Director, Office of Minority Economic Impact, Mail Stop 7B–192, 1000 Independence Avenue, S.W., (FORSTL), Washington, D.C. 20585, (202) 252–8383.

FOR FURTHER INFORMATION CONTACT:
James Salter, Office of Procurement Policy—PR–20, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9092.

George Samels, Office of General Counsel, Mail Stop 6F–078 (GC–44), 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–1526.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of the Final Rule
A. General
B. Comments and Responses; Changes
III. Text of Authorizing Legislation
IV. Additional Information

I. Background

Section 211(e) of the DOE Organization Act (the "Act") authorizes the Secretary of Energy, acting through the Office of Minority Economic Impact, to provide direct loans to minority business enterprises for bid or proposal preparation under such rules as the Secretary may prescribe. Other parts of section 211 authorize other activities by OMEI on behalf of minorities and minority business enterprises. This is the final rule promulgated by DOE to implement Section 211(e) of the Act and concerns direct loans only.

II. Discussion of the Final Rule

A. General

On January 19, 1981, the Department of Energy (DOE) published a proposed rule (46 FR 5514, January 19, 1981) to provide direct loans to minority business enterprises to assist such enterprises to bid for and obtain DOE contracts or agreements or subcontracts with DOE operating contractors.

This final regulation has extensively reorganized matter in the proposed rule. Several sections have been redrafted to incorporate provisions of certain proposed sections into a single new one. These changes clarify, simplify and consolidate sections of the regulation which logically should be together, providing the public with a more understandable regulation when compared to the proposed rule.

B. Comments and Responses; Changes

The following is a discussion of the changes between the proposed rule and this final regulation, and DOE's responses to public comments.

Section 800.001 was changed so as to refer to DOE "contract activities" in addition to DOE research, development and demonstration activities. The new section more closely follows the wording of the underlying legislation, and makes clear that the loans are to defray a percentage of the costs of obtaining DOE contracts and other agreements, including procurements, cooperative agreements, grants, loans and loan guarantees, and of obtaining first-tier subcontracts with DOE operating contractors.

Comment: Comments received were generally supportive of the purpose for this program.* The Small Business Administration added that, in addition to providing loans, DOE should provide technical assistance either directly or through a contractor. Also, SBA asserted that the proposed rule lacks any intelligence—sharing capability and coordination with other agencies and groups trying to help minorities compete.

Response: This regulation is not intended to implement the technical assistance provisions of section 211(d) of the Act. The Office of Minority Economic Impact will cooperate, in this direct loan program, with DOE's Office of Small and Disadvantaged Business Utilization. The solicitation provisions in § 800.100 have been revised to include circulation to minority trade organizations and to the Minority Business Development Agency and Small Business Administration.

Comment: The Minority Business Development Agency (MBDA) suggests grants rather than loans should be the preferred form of assistance.

Response: DOE lacks authority under section 211(e) to provide grants. The legislation would have to be amended to include grants as a form of assistance.

Section 800.002 titled "Definitions" is now § 800.003. Under this section, the definition of "costs" has been changed. Originally it was titled "Bid or Proposal Costs". Also, originally the term referred to bidding on "DOE business". The definition has been expanded to refer expressly to the broad range of DOE/prime contractor procurement, contract and financial assistance activity. The definition includes subcontracts expressly, but is limited to certain "first-tier" subcontracts, that is, to subcontracts with DOE operating contractors. The change better corresponds with the legislation, which refers expressly to full participation in DOE "research, development, demonstration and contract activities", and to Congressional intent to assist minority business enterprises "to bid for and obtain contracts or other agreements". Similarly, the definition of "operating contractors" was changed by adding a third category, to track the definition of "operating contractor" at § 9–50.001(a)(1) of the DOE Procurement Regulation (41 CFR Chapter 9).

Comment: DOE received several comments regarding the percentage of minority ownership contained in the definition of a "Minority Business Enterprise". The comments generally recommended increasing this to a 51% threshold, the percentage owned used by the Small Business Administration and certain other agencies. In addition, one comment suggested the definition be changed to include ownership by a "socially and economically disadvantaged" individual instead of using the term "minority".

*Comments were received, analyzed and, as this discussion indicates, appropriately considered, from the following sources:

(1) Bill Atterbury—Small Business Administration.

(2) Honorable Alan Cranston—U.S. Senate.

(3) Charles Delgado—Cardinal Management Associates.

(4) Stephen Denlinger—Latin American Manufacturers Association.

(5) Honorable Mickey Leland—U.S. House of Representatives.

(6) Ralph Martinez—Minority Business Development Agency.

(7) Honorable Edward Roybal—U.S. House of Representatives.

(8) B. D. Spotswood—Solar America, Inc.

Response: The definition was changed to reflect Congress' obvious intent to include a sole proprietorship as an eligible applicant within the meaning of the term "firm". In addition, the eligible minority groups listed in the legislation were also specified. The 50% threshold is specified by the Act.

Section 800.005 titled "Eligibility" has been renumbered as § 800.004, and omits the reference to "a national of the United States." That reference was inconsistent with the statutory definition (section 211(f)) of "minority" and "minority business enterprise", which appears to limit eligibility to business enterprises in terms of their composition of citizens, without reference to nationals. This is the single substantial change from the proposed rulemaking as published in January 19, 1981. No comment raised this point. The rationale for this change was premised on DOE's lack of authority under the Act to extend eligibility to "nationals".

Comment: Several comments were received in favor of periodic, rather than annual, solicitation announcements. The comments also suggested that the solicitations be circulated to minority trade organizations and through publications of other agencies with a responsibility for promoting minority business development.

Response: The section was changed to accommodate these concerns. Section 800.100 no longer holds DOE to an annual solicitation cycle; DOE can now issue more frequent solicitations. Also, a provision was added calling for circulation of such solicitations to minority trade associations and to related private and Federal agencies.

Comment: Comments were received both pro and con a two-step preliminary qualification and loan application process. All comments reflected an interest in having an expeditious decision on a loan application.

Response: The process has been streamlined; the information requirements are more specific, and the information can be provided in a format of an applicant's choosing.

In the proposed rule, a two-step application process was the norm: an applicant was to submit a "qualifying" application and follow this with a later application for a loan, coincidental with a specific bid or proposal opportunity. The final rule substitutes a single application process, where a specific loan may be requested, but also permits advance review of basic "qualifying" data where an applicant chooses to use that approach in order to save review time later. Accordingly, the various provisions dealing with the application process, previously at §§ 800.100, 800.200–800.201 and 800.300–800.301, have been combined into a single new section 800.101, without substantive change. As before an applicant is free to use the single-step or two-step approach to application. In the original version, the use of DOE application forms was contemplated, as was applicant's selection of a servicing agent. The final rule permits off-form application and leaves selection of a servicing agent to DOE.

Comment: One comment suggested that a loan may be processed and approved before a DOE competitive solicitation is announced to the public. The concern is that an applicant have access to loan proceeds with sufficient lead time to be responsive in preparing a response to such a solicitation.

Response: An applicant can accelerate the process by submitting qualification data beforehand. DOE will give priority in the processing of loan applications pertaining to competitive solicitations.

New §§ 800.102 and 800.103 combine the evaluation provisions of former §§ 800.202–800.203 and 800.302–800.303. They are now directed to the application as it stands, whether for a specific loan or for preliminary evaluation, and are intended to expedite the application process. New § 800.101(b) drops the requirement for annual application updates as burdensome and probably unnecessary in view of departure from the "normal" two-step application process under the previous version. For the same reason, the new section has also deleted reference to "cancellation" of an applicant's prior qualification, as unnecessary. The final rule requires updating when a substantial change has occurred in applicant's situation prior to a loan.

The proposed rule set no single loan limit, but specified a $100,000 aggregate limit, beyond which additional loans to the same firm would require a finding that such loans would be "in the best interest of the government". The final regulation provides at § 800.203 for a $50,000 single loan limit. The standard for aggregate loans exceeding $100,000 to the same firm is no longer the "best interest of the government"; rather, the general deviation standard of § 800.204(a) applies, namely, Secretarial determination as to necessity or appropriateness to achieve program objectives. Applicant's affiliates are included under aggregate loan limit. A Federal fiscal year time frame is used, rather than calendar year.

Comment: The Minority Business Development Agency (MBDA) urges that DOE loan up to 100% of costs of preparing a bid or proposal.

Response: DOE lacks authority under section 211(e) to cover more than 75% of costs.

Section 800.006, titled "Allowable Costs", has been renumbered § 800.200. The new section adds the requirement of consistency with bidding cost principles of applicable procurement regulations. It adds, as allowable expense categories, "engineering" and "consulting" fees, but excludes expenses "which, in DOE's judgment, have primarily an application broader than the specific loan request." The section eliminates needless verbiage in previous § 800.006(a). The new section also adds travel and transportation costs and costs of preparing a loan application under this rule as now allowable.

Section 800.102 titled "Findings" has been renumbered § 800.201. The new section was reworded without substantial change in order to provide a clearer objective standard for applicant and reviewing officials alike. The earlier requirement that a borrower's share be available (§ 800.102(f)) has been shifted to "Terms and Conditions" (see new § 800.202(c)). Express reference has been included (§ 800.201(e)) to the statutory requirement that the interest rate be set in consultation with Treasury (was § 800.101(g)). In addition, the new section emphasizes the duty to repay (was § 800.004) regardless of the success of a borrower's bid (§ 800.201(f)).

Comment: The Small Business Administration (SBA) suggests that DOE consider adding criteria for general creditworthiness to its regulation, and consider ensuring that contract awards are sufficient in amount to cover the loan costs with adequate credit controls.

In addition, SBA suggests that a size limitation on subcontractors of DOE operating contractors be established so as to minimize opportunities for fraud or abuse.

SBA is also concerned that DOE, in reviewing qualification data of an applicant, recognize that minority businesses may have less corporate and personnel experience than majority-owned businesses.

Response: The Controller's office will provide a risk analysis per DOE Order 5700.5. In DOE's opinion, such analysis, with adherence to the evaluation and oversight provisions of the regulation, should be adequate to avoid borrower overextension and to deter fraud and abuse.

Section 800.101 titled "Terms and Conditions" has been renumbered § 800.202. This section has been revised considerably without substantive changes. As revised, this section now achieves several purposes. It now sets

out key loan provisions in more logical order (basic documents; principal/rate/time, etc.) and in chronological order (execution by contracting officer; repayment; default; periodic reports; maintenance of good standing; return of unused funds). It provides a "checklist" for the contracting officer. It provides, by reference to other sections of the regulation, for inclusion of key loan provisions, without reciting them at length. It permits flexibility on collateral security requirements and repayment.

New § 800.202 now provides for basic loan documents consisting of loan agreement and separate promissory note, with provision for incorporation by reference between the two documents. Former § 800.300 failed to provide for a promissory note and thus varied from current DOE practice (see, for example, 10 CFR Part 797, 797.50). Former § 800.101(b) required collateral security for loans over $25,000. Revised § 800.202(d) gives the Secretary discretion to require collateral security without regard to loan size, when in the best interest of the United States to do so.

Comment: A comment was received to the effect that DOE specify when collateral in not required.

Response: The Secretary's discretion to require collateral security, when in the best interest of the United States to do so, avoids setting inflexible criteria based on loan amount alone.

Repayment was to start within 90 days of "loan approval," an additional 180 days applied to loans over $25,000 (former § 800.101(d)). New § 800.202(a)(3) now provides for repayment to begin within 90 days following the date of initial disbursement or such longer period as may be acceptable to the Secretary. The schedule of maximum loan maturities was modified to account for the 90-day period in which repayment could be deferred. The 90-day period is not intended to negate the possibility of loan repayment in equal monthly installments over a defined period of maturity. In place of the former 60-day grace period (§ 800.101(e)), flexible grace periods are within Secretarial discretion (§ 800.202(a)(4); § 800.304(d)). New § 800.202(a)(2) also drops the former (§ 800.101(g)), slightly narrower measure of interest (Federal "issues of the same maturity as the particular loan") in favor of the more flexible "taking into consideration of current average market yields of outstanding marketable obligations of the United States having maturities comparable to the loan".

Comment: The Minority Business Development Agency (MBDA) regards the method for establishing an interest rate as tending to produce an unreasonably high rate.

Response: The general interest rate "formula" in § 800.202(a)(2) was established in consultation with the Department of the Treasury and reflects DOE's compliance with the requirement of section 211(e) of the Act in that regard.

Acceleration by U.S.: Shifted from previous § 800.101(k) to § 800.304(a), the general provision on default. *Disbursement:* Now (§ 800.202(a)(5)) gives Secretary greater flexibility in loans over $10,000 by dropping former (§ 800.101(h)) requirement that disbursements be in increments of $5,000. *Good standing:* Changed from a requirement of the "project" (former § 800.101 (l)) to a more meaningful requirement of the "business" as a whole (§ 800.202(a)(8)). *Periodic reports:* Was covered by various sections calling for annual updates (§ 800.203(c)) and servicer reports (§ 800.401(a)(5)). Now reports are required as a term of the loan, regarding bid or proposal (§ 800.202(a)(7)), and as to working capital, financial ratios, in Secretarial discretion (§ 800.202(c)). *Interest past due:* The final rule calls for an interest rate on past due installments which is the quarterly current-value-of-funds rate specified by the Treasury for overdue accounts (§ 800.202(a)(3)). This section is in accord with a recommendation made by the DOE Controller. *"Equity":* New provision at § 800.202(a)(6) expressly makes the statutory 75% limit a term of loan; allows borrower's sunk costs to be credited toward borrower's 25%, but preserves the "equity" concept by prohibiting reimbursement from loan proceeds.

Section 800.008(a) titled "Deviations and Contract Modifications" has been renumbered § 800.204(a). The new section provides the Secretary, rather than the Director, OMEI, with authority to operate flexibly within the regulation.

Former §§ 800.400–800.401 and 800.007, dealing with loan servicing, have been incorporated into a new § 800.300, which drops a statement of preference in favor of minority servicing agents, as unauthorized under the legislation.

Comment: The Small Business Administration recommended that loan servicing be contracted only to servicers sensitive to borrower needs "beyond technical credit policing". Another comment suggested that DOE use "minority-owned financial institutions" for loan servicing. Other comments suggested that SBA, Minority Enterprise Small Business Investment Companies (MESBIC's) or other minority financial institutions should be considered; that loan servicing agents be required to assure and demonstrate compliance with the Act; that commercial banks with a history of providing loans to minority enterprises be selected for this purpose, the rationale being that the minority businesses could establish a credit relation with such an institution and would eventually be independent of federal funds.

Response: DOE has retained flexibility to choose among different types of financial institutions for the loan servicing function, if it so desires, giving, as the regulation now states (§ .300(a)), "due consideration to the experience of the agent in providing financial services to minority business enterprises". The preference in the possible selection criteria in favor of minority institutions as servicing agents was deleted to avoid any charges of possible discrimination. However, DOE will require that loan servicers comply with DOE's program requirements and understand the unique nature of this program and its beneficiaries.

Comment: The proposed loan program "lacks a long-range plan for shifting these burdens from the government to the private sector."

Response: This program was created by Congress to fill a perceived need of minority businesses to obtain credit. To the extent that the program enables more minority enterprises to compete successfully for DOE-related business, to become more profitable and to establish banking relations with financial institutions, it will have contributed toward reducing the need of such businesses to avail themselves of this program.

Among other, less significant, changes, § 800.405 titled "Default" has been renumbered § 800.304 and eliminates reference to various kinds of excusing incidents ("acts of God * * * fires, floods * * *" etc.) in favor of the more flexible standard, "circumstances largely beyond the control of the borrower". Also, the section eliminates the non-fault requirement in favor of a less-legalistic requirement that failure be unintentional; adds express reference to the Secretary's inherent power to regard incident of default as "insubstantial"; and adds a provision that the Secretary's restructuring of the loan must be acceptable to the borrower.

Comment: It was recommended that DOE specify when the Secretary may defer performance under the loan agreement.

Response: Section 800.304 allows the Secretary the programmatic flexibility to determine when a deferment of

performance should be provided in the interest both of the United States and of the borrower.

Section 800.404 dealing with "Appeals" has been renumbered § 800.307. The new section adds a provision for *prompt* reconsideration by the contracting officer. The appeal period was extended from 30 to 60 days.

Comment: Honorable Edward Roybal suggested "The Appeals Process should have a time limit in order to permit a speedy review and decision by the Appeals Board."

Response: The Federal Assistance Appeals Board rule at 10 CFR Part 1024 provides for speedy review and decision.

A new § 800.305 adds standard information disclosure provisions.

A standard section (§ 800.306) dealing with "Noninterference-with-other-laws", has been added.

III. Text of Authorizing Legislation

For convenience, the pertinent text of subsections 211(e) and 211(f) of the Act is printed below.

Sec. 211 "(e)(1) The Secretary, acting through the Office, may provide financial assistance in the form of loans to any minority business enterprise under such rules as he shall prescribe to assist such enterprises in participating fully in research, development, demonstration, and contract activities of the Department to the extent he considers appropriate. He shall limit the use of financial assistance to providing funds necessary for such enterprises to bid for and obtain contracts or other agreements, and shall limit the amount of the financial assistance to any recipient to not more than 75 percent of such costs.

"(2) The Secretary shall determine the rate of interest on loans under this section in consultation with the Secretary of the Treasury.

"(3) The Secretary shall deposit into the Treasury as miscellaneous receipts amounts received in connection with the repayment and satisfaction of such loans. "(f) As used in this section, the term—

"(1) 'minority' means any individual who is a citizen of the United States and who is a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut or is a Spanish speaking individual of Spanish descent;

"(2) 'minority business enterprise' means a firm, corporation, association, or partnership which is at least 50 percent owned or controlled by a minority or group of minorities * * *"

IV. Additional Information

In accordance with Section 1(b) of Executive Order 12291, DOE has determined that this regulation is not a major rule under any of the several criteria listed in the Order. The likelihood of annual economic effect on the $100 million scale seems wholly improbable; the amount appropriated for the loan, research and technical assistance programs for FY 1981 is $3.2 million; the Administration's amended FY 1982 budget request is $1.4 million for continuation of the program. Moreover, the program is designed to function within existing cost and price structures and to contribute, however modestly, to competition, employment, investment and productivity. DOE has submitted this rule for review by the Office of Management and Budget (OMB) under the Executive Order.

Note.—The Regulatory Flexibility Act (Pub. L. No. 96–354), requires a "regulatory flexibility analysis" of a regulation when its adoption may cause significant economic impact on a substantial number of small commercial, nonprofit or governmental entities. This regulation is designed to achieve economic effects beneficial to minority business enterprises, in the form of increased opportunity to compete for DOE-related business. In its final version, this regulation reflects DOE's attempt to accommodate, within its limited loan program, suggestions which it actively and directly solicited from the minority business sector, for a loan program operated simply and with dispatch, on relatively advantageous terms, with requirements no more stringent than prudence dictates. Therefore, the Secretary of Energy has certified that this regulation will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

OMB has approved the collection of information contained in this rule. Clearance number is 1901–0242, expiring August 3, 1984.

Issued in Washington, D.C. August 25, 1981.

James B. Edwards,

Secretary of Energy.

Accordingly, new Part 800 to Title 10, Code of Federal Regulations is added as follows:

PART 800—LOANS FOR BID OR PROPOSAL PREPARATION BY MINORITY BUSINESS ENTERPRISES SEEKING DOE CONTRACTS AND ASSISTANCE

Subpart A—General

800.001 Purpose.
800.002 Programs management.
800.003 Definitions.
800.004 Eligibility.

Subpart B—Solicitation, Application and Review

800.100 Solicitation of applications.
800.101 Application requirements.
800.102 Review by application evaluation panel.
800.103 Review by application approving official.

Subpart C—Loans

800.200 Maximum loan; allowable costs.
800.201 Findings.
800.202 Loan terms and conditions.
800.203 Loan limits.
800.204 Deviations.

Subpart D—Loan Administration

800.300 Loan servicing.
800.301 Monitoring.
800.302 Loan limitation.
800.303 Assignment or transfer of loan.
800.304 Default.
800.305 Disclosure.
800.306 Noninterference with other laws.
800.307 Appeals.

Authority: Section 211(e) of the Department of Energy (DOE) Organization Act, Public Law 95–91, Title II, as amended by Public Law 95–619, Title VI, Section 641. November 9, 1978, 92 Stat. 3284, codified at 42 U.S.C.A. 7141.

Subpart A—General

§ 800.001 Purpose.

The purpose of this regulation is to set forth policies and procedures for the award and administration of loans to minority business enterprises. The loans are to assist such enterprises in participating fully in research, development, demonstration and contract activities of the Department of Energy. The loans are to defray a percentage of the cost of obtaining DOE contracts and other agreements, including procurements, cooperative agreements, grants, loans and loan guarantees, and of obtaining first-tier subcontracts with DOE operating contractors. Issuance of loans under this regulation is limited to the extent funds are provided in advance in appropriation acts. This regulation implements the authority for such loans in Section 211(e) of the Department of Energy (DOE) Organization Act, Pub. L. 95–91, Title II, as amended by Pub. L. 95–619, Title VI, section 641, November 9, 1978, 92 Stat. 3284 (42 U.S.C.A. 7141).

§ 800.002 Program management.

Program management responsibility for financial assistance awarded under this regulation has been assigned to the Office of Minority Economic Impact.

§ 800.003 Definitions.

For the purpose of this regulation:

"Act" means the DOE Organization Act, Public Law 95–91, Title II, as amended by the National Energy Conservation Policy Act, Public Law 95–619, Title VI, section 641.

"Applicant" means a minority business enterprise which is seeking a loan under this regulation.

"Application Approving Official" means the Director of the Office of Minority Economic Impact.

"Application Evaluation Panel" (also referred to as the "Panel") means a team

of Federal employees appointed by the Application Approving Official to evaluate loan applications and make approval or disapproval recommendations regarding such applications.

"Borrower" means an applicant who enters into a loan agreement with DOE.

"Contracting Officer" means the DOE official warranted and authorized to contractually bind the Department of Energy and execute written agreements that are binding on the Department.

"Costs" of a bid or proposal means the cost of preparing, submitting and supporting a bid or proposal, whether solicited or not, for a DOE contract or other agreement such as a procurement contract, grant, cooperative agreement, loan or loan guarantee or a first-tier subcontract with a DOE operating contractor.

"Default" means the actual failure by the borrower to make payment of principal or interest in accordance with the terms and conditions of a loan issued under this regulation, or the failure of the borrower to meet any other requirement specified as a default condition in the loan agreement.

"Director" means the Director of the Office of Minority Economic Impact (OMEI).

"Loan", in reference to a loan made pursuant to the regulation, means a transaction in which a contractual instrument ("loan agreement") is executed between the United States, as lender, acting through the Secretary of Energy, and a borrower. The instrument must obligate the United States to provide the borrower with a specified amount(s) of United States funds for a specified period of time and must obligate the borrower to use the moneys to bid for and attempt to obtain contracts and other agreements relating to DOE research, development, demonstration and contract activities, and to repay the moneys at a specified time at an agreed rate of interest. The words 'loan', 'loan agreement' and 'transaction' include (where the context does not require otherwise) the terms and conditions of related documents, such as the borrower's note or bond or other evidence of, or security for, the borrower's indebtedness.

"Minority Business Enterprise" means a firm including a sole proprietorship, corporation, association, or partnership which is at least 50 percent owned or controlled by a member of a minority or group of members of a minority. For the purpose of this definition, 'control' means direct or indirect possession of the power to direct, or cause the direction of, management and policies, whether through the ownership of voting securities, by contract or otherwise. An individual who is a citizen of the United States and who is a Negro, Puerto Rican, American Indian, Eskimo, Oriental, or Aleut, or is a Spanish speaking individual of Spanish descent, is a member of a "minority" as used in this regulation.

"Operating Contractors" means contractors under contracts having one of the following purposes, in accordance with the provisions of § 9.50.001(a)(1) of the DOE procurement regulations (Title 41, Code of Federal Regulations, Part 9–50):

(a) DOE prime contracts for the management of Federal Government-owned laboratories, production plants, and research facilities located on Federal Government-owned or Federal Government-leased sites, where the programs being conducted are considered of a long-term, continuing nature; or

(b) DOE prime contracts for the operation of Federal Government-owned facilities located on contractor-owned or leased sites where the programs being conducted are of a long-term, continuing nature. An example of this category would be those contracts with universities for the operation of Federal Government-owned facilities, for the purpose of conducting long-term basic research programs.

(c) Other contracts performed on sites owned by the Federal Government when so designated by the appropriate procurement official.

"Secretary" means the Secretary of the Department of Energy or his delegate.

§ 800.004 Eligibility.

In order to be eligible for a loan, an applicant must be a minority business enterprise as defined in § 800.003.

Subpart B—Loan Solicitation, Application and Review

§ 800.100 Solicitation of applications.

The Secretary will periodically issue an announcement soliciting applications under this regulation. The announcement will be published in the **Federal Register**, synopsized in the *Commerce Business Daily*, and circulated to minority trade associations and organizations and to the Minority Business Development Agency and Small Business Administration. The announcement will indicate funds availability, eligibility requirements, application instructions, interest rates, maturities and other key loan terms and any applicable restrictions.

§ 800.101 Application requirements.

(a) Applications for loans shall be filed, one original and three copies with: Department of Energy, Washington, D.C. 20585, Attention: Announcement No. DE–PS60–MI.

(b) An application for a loan under this regulation must include the following information. Items described in paragraphs (b)(1)–(7) of this section may be submitted for preliminary review in advance of a specific loan request but must be updated at time of loan request to reflect substantial changes.

(1) Applicant's name and address, with a description of the kind and size of its business, its business experience and its history as a minority business enterprise.

(2) Financial statements of applicant and its principals, including source of revenue and balance sheets for the current year and, as to applicant, for the two preceding years of applicant's existence as a business entity. The Secretary may require applicant to provide certification by a public accountant, or other certification acceptable to the Secretary.

(3) A description of any other Federal financial backing (direct loans, guaranteed loans, grants, etc.) applied for or obtained by the applicant within the previous five years, or expected to be applied for.

(4) A description of applicant's management structure, with list of applicant's key persons with their responsibilities and qualifications.

(i) In the case of a specific loan request this list should include any contractor or consultant whose services are proposed in connection with the bid or proposal for which the loan is sought.

(5) Affidavit(s) of eligibility (see § 800.004).

(6) Documentation as to applicant's authority to undertake the activities contemplated by the application. Such documentation shall take substantially the following form:

(i) If the applicant is a corporation, a copy of the charter or certificate and articles of incorporation, with any amendments, duly certified by the Secretary of State of the State where organized, and a copy of the by-laws. There shall also be included a copy of all minutes, resolutions of stockholders or directors or other representatives of the applicant, properly attested, authorizing the filing of the application.

(ii) If the applicant is an association, a verified copy of its articles of association, if any, with an attested copy of the resolution of its governing

board, if any, authorizing the filing of the application.

(iii) If the applicant is a business trust, a verified copy of the trust instrument and an attested copy of the resolution or other authority under which the application is made.

(iv) If the applicant is a joint stock company, a verified copy of the articles of association and of the authorizing resolution.

(v) If the application is made on behalf of a partnership, a copy of the partnership agreement, if any; if on behalf of a limited partnership, a duly certified copy, also, of the certificate of limited partnership, if such certificate is required to be obtained under state law governing such limited partnership.

(7) Credit references.

(8) Information on the award to be sought through the bid or proposal, as follows:

(i) Title, and whether in response to a solicitation or unsolicited.

(ii) Brief description of work to be performed.

(iii) Sponsoring DOE office, including solicitation number, if any.

(iv) If an unsolicited proposal is planned, the loan application shall indicate the appropriate DOE program personnel to be consulted as to whether there is potential for the proposal to be supported.

(v) Schedule for preparation and submission of the bid or proposal.

(9) Itemized cost estimates (and whether yet incurred).

(10) The required loan amount, not to exceed 75 percent of total bid or proposal costs, in accordance with § 800.200 on allowable costs.

(11) Requested loan maturity, in accordance with § 800.202(a)(3).

(12) How applicant will finance performance of work under a successful bid or proposal.

(13) Such other information as the Application Approving Official may deem necessary for evaluation in accordance with § 800.103 and for compliance with the provisions of this regulation.

(14) The application shall be signed by the applicant or on behalf of the applicant by an authorized representative. Verification may be by affidavit of an authorized representative of an applicant; attestation shall be by the authorized officer of an applicant.

Note.—Title 18 United States Code, section 1001 provides criminal penalties for fraud and intentional false statements in information submitted in such an application.

§ 800.102 Review by Application Evaluation Panel.

(a) Applications for loans under this regulation shall be reviewed by an Application Evaluation Panel, which shall be appointed by the Application Approving Official. The Panel shall include, at a minimum, a representative of the Office of Minority Economic Impact, the contracting officer and a representative of the Office of the Controller.

(b) Panel review shall be conducted pursuant to paragraph (c) or (d) of this section, as applicable, to evaluate, to clarify and to develop information contained in the application and such other information as the Application Approving Official or the Panel may request.

(1) The Panel shall give priority to applications relating to a competitive solicitation, because of time limits on such solicitations. The Panel may defer action a maximum of five days after a solicitation has been announced in the *Commerce Business Daily* to provide all interested applicants an opportunity to apply.

(2) Initial screening will be in the order applications are received, but time required to process an application may vary from case to case.

(c) Panel review of specific loan requests.

(1) If an application contains a specific loan request, and complies with § 800.101, the Panel shall arrange for risk analysis, independent of any such analysis submitted by or on behalf of the applicant. Risk analysis shall be directed both to the loan request and to applicant's prospective performance of work pursuant to the bid or proposal.

(2) The Panel shall evaluate the loan request in light of the risk analysis, and shall give its conclusions in writing to the Application Approving Official, with respect to the following and to such other considerations as that official may direct:

(i) Applicant's eligibility as a minority business enterprise.

(ii) Compliance with the application requirements of § 800.101.

(iii) Compliance with § 800.200 on allowable costs.

(iv) Applicant's financial ability to make the bid or proposal without the loan.

(v) Applicant's contribution of, or ability to contribute, the 25% minimum share of allowable costs, or more.

(vi) Applicant's ability to prepare an adequate bid or proposal, if the loan is made.

(vii) Possibility of award to applicant pursuant to its bid or proposal.

Note.—Normally, not more than three loans will be approved for the same competitive award.

(viii) Applicant's ability to perform pursuant to the bid or proposal.

(ix) Likelihood that applicant will repay the requested loan, regardless of success of applicant's bid or proposal.

(x) Optimal use of available program funds.

(xi) The Panel's recommendation.

(d) Panel review of other applications. If the application was submitted without a specific loan request, the Panel shall review the application in accordance with paragraph (b) of this section with the limited purpose of determining whether the applicant has complied with § 800.101, except as to matters determinable only with respect to a future specific loan request, and shall inform the Application Approving Official in writing as to its determinations.

§ 800.103 Review by application approving official.

(a) The Application Approving Official shall consider the results of the Panel's review under section 102 (c) or (d), and such other information as the Application Approving Official determines to be relevant pursuant to the provisions of this regulation, and shall either approve or disapprove the application, giving it priority in accordance with the provisions of § 800.102(b).

(b) The Application Approving Official shall authorize a contracting officer to notify the applicant of approval or disapproval.

(c) An applicant whose application has been rejected will be informed, on request, of the reason for rejection. Rejection is not a bar to submission of an appropriately revised application.

Subpart C—Loans

§ 800.200 Maximum loan; allowable costs.

(a) A loan under this regulation shall not exceed 75 percent of allowable costs of a bid or proposal to obtain a DOE contract or other agreement (such as a procurement contract, cooperative agreement, grant, loan or loan guarantee), or a first-tier subcontract with a DOE operating contractor.

(b) To be allowable, costs must, in DOE's judgment:

(1) Be consistent with the bidding cost principles of the Federal Procurement Regulation (41 CFR, Ch. 1, 1–15.205–3) and DOE Procurement Regulation (41 CFR, Ch. 9, 9–15.205–3); and,

(2) Be necessary, reasonable and customary for the bid or proposal contemplated by the application; and

(3) Be incurred, or expected to be incurred, by the applicant.

(c) Costs which are, in general, allowable, if consistent with paragraph (b) of this section include, but are not limited to:

(1) Bid bond premiums.

(2) Financial, accounting, legal, engineering and other professional, consulting or similar fees and service charges.

(3) Printing and reproduction costs.

(4) Travel and transportation costs.

(5) Costs of the loan application under this rule.

(d) Costs that are not considered as allowable costs include the following:

(1) Fees and commissions charged to the applicant, including finder's fees, for obtaining Federal funds.

(2) Expenses, which, in DOE's judgment, have primarily an application broader than the specific loan request.

(3) Costs which, in DOE's judgment, fail to conform to subsection (b).

§ 800.201 Findings.

A loan shall issue under this regulation only if the Secretary, having reviewed the action of the Application Approving Official, and having considered such other information as the Secretary may deem pertinent, has made all the findings that follow:

(a) That the applicant is a minority business enterprise.

(b) That the loan will assist the enterprise to participate in the research, development, demonstration or contract activities of the Department of Energy by providing funds needed by applicant for bid or proposal purposes.

(c) That, by terms of the loan, applicant's use of the funds will be limited to bidding for and obtaining a contract or other agreement with the Department of Energy, or a first-tier subcontract with a DOE operating contractor.

(d) That the funds to be loaned will not exceed 75% of applicant's costs in bidding for and obtaining the contract or agreement.

(e) That the rate of interest on the loan has been determined in consultation with the Secretary of the Treasury.

(f) That there is a reasonable prospect that the applicant will make the bid or proposal which is the purpose of the loan, will perform according to its bid or proposal, and will repay the loan according to the terms thereof, regardless of the success of its bid or proposal.

(g) That the terms and conditions of the loan are acceptable to the Secretary and comply with this regulation and with section 211(e) of the Department of Energy Organization Act.

§ 800.202 Loan terms and conditions.

(a) The loan shall be based upon a loan agreement and the borrower's separate promissory note for the proceeds of the loan, including interest. The agreement and note shall be executed in writing between the borrower and the Secretary. The contracting officer shall execute the loan agreement on behalf of the Secretary. The loan agreement and the promissory note shall provide as follows, either at full length or by incorporation by reference to terms of the other of the two documents.

(1) The borrower agrees to repay the loan of funds provided by the Secretary.

(2) The interest rate on the loan is as established in consultation with the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the loan.

(3) The loan shall be repaid over a maximum period as follows, in equal monthly installments of principal and interest, unless a different frequency of installments is specified by the Secretary:

Loan value	Maximum repayment[1]
$0—$5,000	3 years 3 months.
$5,000—$25,000	5 years 3 months.
Excess of $25,000	8 years 3 months.

[1] Maximum repayment period from date of initial disbursement.

Repayment of principal and interest shall begin within 90 days following the initial loan disbursement or such longer period as may be acceptable to the Secretary. Installments shall be applied to accrued interest first and then to repayment of principal. Past due installments shall accrue interest at the quarterly current-value-of-funds-rate specified by the Treasury for overdue accounts. Prepayments may be made at any time without penalty.

(4) The borrower shall have appropriate opportunities, as specified in the loan agreement, to cure any default, failure, or breach of any of the covenants, conditions and obligations undertaken by the borrower pursuant to the provisions of the loan agreement.

(5) Loans of $10,000 or less will be disbursed in a single disbursement. Disbursement of loans larger than $10,000 shall be per schedule and documentation specified by the Secretary.

(6) The loan may be used by the borrower to defray as much as, but no more than, 75 percent of the cost of the bid or proposal within the limitations specified in § 800.200, on allowable costs. Costs incurred by the borrower prior to the effective date of the loan agreement, and allowable under § 800.200, may be credited toward the borrower's share of costs if, in DOE's judgment, they were primarily related to the bid or proposal, but shall not be reimbursed from the loan.

(7) The borrower shall make periodic reports regarding the bid or proposal.

(8) The borrower shall maintain good standing under Federal, State and local laws and regulations applicable to the conduct of its business, including current payment of all taxes, fees and other charges and all requisite licenses and other governmental authorization necessary for the continued operation of the business throughout the term of the loan.

(9) The borrower shall remain a minority business enterprise throughout the term of the loan.

(10) The borrower shall return funds disbursed, but not required together with accrued interest thereon, to DOE, or to the servicing agent, if applicable, when its bid or proposal is ready for submission. The return of unrequired funds shall be by check separate from any payment of interest or principal, shall be identified by the borrower as a return of unrequired funds, and shall be accompanied by the borrower's certification that so much of the loan as has been disbursed to the borrower and not returned has been, or will be, expended by the borrower for costs allowable under § 800.200.

(11) Such other provisions as the Secretary deems appropriate.

(b) The loan agreement shall also provide for loan servicing and monitoring in accordance with § 800.300 and § 800.301, loan limitation in accordance with § 800.302, assignment and transfer in accordance with § 800.303, default in accordance with § 800.304 and appeals in accordance with § 800.307.

(c) The Secretary may require, as preconditions to disbursement, that the borrower have specified amounts of working capital (including amounts derived from Federal financial assistance) and maintain specified financial ratios, where in the Secretary's judgment satisfaction of such preconditions is necessary to assure the borrower's ability to make and perform the contract, agreement or subcontract according to the bid or proposal, or is

otherwise necessary to protect the interests of the United States.

(d) The Secretary may require pledges, personal guarantees and other collateral security, and the maintenance of insurance on the borrower's assets and principals, in amounts and on terms appropriate in the Secretary's judgment, to protect the interests of the United States.

§ 800.203 Loan limits.

The Secretary shall not make a loan in excess of $50,000, or make aggregate loans to the same minority business enterprise, including its affiliates, in any Federal fiscal year in excess of $100,000. In addition, the Secretary shall not increase a loan to an amount which would cause the limits set forth in the previous sentence to be exceeded. Nothing in this regulation shall be interpreted to restrict the Secretary, in making the various determinations provided for in this regulation, from taking into account considerations relating to the Office of Minority Economic Impact loan program as a whole.

§ 800.204 Deviations.

(a) To the extent consistent with the Act, relevant appropriations acts, and other applicable statutes, DOE may deviate on an individual application basis from the requirements of this regulation upon a finding by the Secretary that such deviation is necessary or appropriate in the individual case for the accomplishment of program objectives.

(b) The contracting officer may, subject to written agreement by other necessary parties, modify or amend the terms and conditions of a loan provided that such modification or amendment shall be consistent with this regulation.

Subpart D—Loan Administration

§ 800.300 Loan servicing.

(a) Servicing of a loan under this regulation may be performed by DOE, by another Federal agency, or by a servicing agent (commercial bank, broker, or other financial institution or entity) having the capability, and legally qualified, to service the loan consistently with the requirements of this regulation, which contracts with DOE to act as servicing agent. In determining the capability of a prospective servicing agent, DOE shall give due consideration to the experience of the agent in providing financial services to minority business enterprises.

(b) If the servicing of the loan is by contract or other agreement, such contract or other agreement shall provide that the loan shall be serviced in accordance with this regulation and with the terms and conditions of the loan, under a standard of performance that a reasonable and prudent lender would require as to its own similar loan. Servicing responsibilities shall include, but not necessarily be limited to, the following:

(1) Loan disbursements as set forth in the loan agreement.

(2) Collection of principal and interest payments on a monthly basis.

(3) Maintenance of records on loan accounts.

(4) Notification of the Secretary, without delay, as to the following:

(i) That the initial disbursement or loan drawdown is ready to be made, together with evidence from the borrower that the bid or proposal preparation has begun or is about to begin.

(ii) The date and amount of each subsequent disbursement under the loan.

(iii) Any nonreceipt of payment within 10 days after the date specified for payment, together with evidence of appropriate notification to the borrower.

(iv) Any known failure by the borrower to comply with the terms and conditions of the loan agreement.

(v) Evidence, if any, that the borrower is likely to default on any condition set forth in the loan agreement or may be unable to make the next scheduled payment of principal or interest.

(5) Submittal to DOE of periodic (semi-annual or annual) reports on the status and conditions of the loan and of the borrower.

§ 800.301 Monitoring.

The Secretary shall have the right to audit any and all costs of the bid or proposal for which the loan is sought or made and to exclude or reduce the includible amount of any cost in accordance with § 800.200. Auditors who are employees of the United States Government, who are designated by the Secretary of Energy or by the Comptroller General of the United States, shall have access to, and the right to examine, any directly pertinent documents and records of an applicant or borrower at reasonable times under reasonable circumstances. The servicing agent, if any, shall make information regarding the loan available to the Secretary of Energy and Comptroller General to the extent lawful and within its ability. The Secretary may direct the applicant or borrower to submit to an audit by public accountant or equivalent acceptable to the Secretary.

§ 800.302 Loan limitation.

The Secretary may limit the loan by written notice to the borrower to those amounts, if any, already disbursed under the loan, if the Secretary has determined that the borower has failed to comply with a material term or condition set forth in the loan agreement.

§ 800.303 Assignment or transfer of loan.

Assignment or transfer of the loan and obligations thereunder may be made only with the prior written consent of the Secretary.

§ 800.304 Default.

(a) In the event that the borrower fails to perform the terms and conditions of the loan, the borrower shall be in default and the Secretary shall have the right, at the Secretary's option, to accelerate the indebtedness and demand full payment of all principal and interest amounts outstanding under the loan.

(b) No failure on the part of the Secretary to make demand at any time shall constitute a waiver of the rights held by the Secretary.

(c) Upon demand by the Secretary, the borrower shall have a period of not more than 30 days from the date of receipt of the Secretary's demand to make payment in full.

(d) In the event that the failure on the part of the borrower to perform the terms and conditions of the loan does not constitute an intentional act, but is brought about as a result of circumstances largely beyond the control of the borrower, or is deemed by the Secretary to be insubstantial, the Secretary may elect, at the Secretary's option, to defer such performance and/or restructure the repayment required by the loan agreement in any mutually acceptable manner.

(e) Should the borrower fail to pay after demand as provided in paragraph (c) of this section, and no deferral or restructuring is agreed to by the Secretary as provided in paragraph (d) of this section, the Secretary shall undertake collection in accordance with the terms of the loan agreement and the applicable law.

§ 800.305 Disclosure.

Information received from an applicant by DOE may be available to the public subject to the provision of 5 U.S.C. 552, 18 U.S.C. 1905 and 10 CFR Part 1004; provided that:

(a) Subject to the requirements of law, information such as trade secrets, commercial and financial information, and other information concerning the minority business enterprise that the

enterprise submits to DOE in writing, in an application, or at other times throughout the duration of the loan on a privileged or confidential basis, will not be disclosed without prior notice to submitter in accordance with DOE regulations concerning public disclosure of information. Any submitter asserting that the information is privileged or confidential should appropriately identify and mark such information.

(b) Upon a showing satisfactory to the Secretary that any information or portion thereof obtained under this regulation would, if made public, divulge trade secrets or other proprietary information of the minority business enterprise, the Secretary may not disclose such information.

(c) This section shall not be construed as authority to withhold information from Congress or from any committee of Congress upon request of the Chairman.

§ 800.306 Noninterference with other laws.

Nothing in this regulation shall be construed to modify requirements imposed on the borrower by Federal, State and local government agencies in connection with permits, licenses, or other authorizations to conduct or finance its business.

§ 800.307 Appeals.

Any dispute concerning questions of fact arising under the loan agreement shall be decided in writing by the contracting officer. The borrower may request the contracting officer to reconsider any such decision, which reconsideration shall be promptly undertaken. If not satisfied with the contracting officer's final decision, the borrower, upon receipt of such written decision, may appeal the decision within 60 days in writing to the Chairman, Financial Assistance Appeals Board (FAAB), Department of Energy, Washington, D.C. 20585. The Board shall proceed in accordance with the Department of Energy's rules and regulations for such purpose. The decision of the Board with respect to such appeals shall be the final decision of the Secretary.

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Friday
September 4, 1981

Part VII

Department of Energy

Economic Regulatory Administration

Import and Export of Natural Gas; New Administrative Procedures; Proposed Rule

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 205 and 590

[Docket No. ERA-R-81-05]

Import and Export of Natural Gas; New Administrative Procedures; Proposed Rule

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy is publishing for public comment a proposed rule to establish administrative procedures regarding applications to import or export natural gas under Section 3 of the Natural Gas Act. ERA is presently utilizing the Federal Energy Regulatory Commission (FERC) procedures set forth in 18 CFR Chapter 1, and the ERA procedures regarding off-the-record communications in 10 CFR Part 205, Subpart U, to exercise its natural gas import and export authority. The administrative procedures proposed in this rule are different in approach from the FERC practice and reflect the institutional differences between ERA and FERC. They will expedite natural gas import and export proceedings while at the same time protecting the rights of the parties. Proceedings generally will be in an informal manner through written comments and oral presentations; evidentiary hearings will be reserved for those situations where the hearing is necessary to obtain a full and true disclosure of the facts, such as resolving genuine disputes of material issues of fact. The most substantial changes from existing FERC practice are the deviation from holding evidentiary hearings as a matter of course and the elimination of the requirement that either the ultimate decision-maker or an Administrative Law Judge preside at hearings.

DATES: Written comments are due by November 3, 1981, 4:30 p.m. Requests to speak are due by September 29, 1981, 4:30 p.m.

Hearing to be held on October 7, 1981, at 10:00 a.m., e.d.t. and continued if necessary at the same location on the next business day.

ADDRESS: All written comments and requests to speak at the public hearing should be sent to the Office of Public Hearings Division, Economic Regulatory Administration, Docket No. ERA-R-81-05, Room B-210, RG-33, 2000 M Street, N.W., Washington, D.C. 20461.

HEARING LOCATION: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461

FOR FURTHER INFORMATION CONTACT:

Cynthia A. Ford (Public Hearings Division), Economic Regulatory Administration, 2000 M Street, N.W., Room B-210, Washington, D.C. 20461, (202) 653-3971.

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, (202) 653-4055

Lawrence A. DiRicco (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, Washington, D.C. 20461, (202) 653-3220

Michael T. Skinker (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 6E-042, Washington, D.C. 20585, (202) 252-6667

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I. Background

The authority to regulate imports or exports of natural gas is derived from Section 3 of the Natural Gas Act (NGA) (Act of June 21, 1938, C. 556, Stat. 821-833, 15 U.S.C. 717-717W). Until the passage of the Depaartment of Energy Organization Act of 1977 (DOE Act) (Pub. L. 95-91, 91 Stat. 565, 42 U.S.C. 7101 *et seq.),* the NGA Section 3 authority was exercised by the former Federal Power Commission (FPC) and implemented pursuant to its regulations in 18 CFR Chapter 1. Sections 301(b) and 402(f) of the DOE Act transferred this authority to the Secretary of Energy (Secretary) who further delegated it to the Administrator of the ERA by DOE Delegation Order 0204-4. Areas of responsibility between ERA and the FERC were further delineated by DOE Delegation Orders No. 0204-25 (to ERA) and 0204-26 (to FERC) (43 FR 47769, October 17, 1978). These delegation orders were superseded by DOE Delegation Orders No. 0204-54 (to ERA) and 0204-55 (to FERC) (44 FR 56735, October 2, 1979).

Under the delegation orders, the Administrator [1] maintains authority over natural gas imports and exports to the extent that they concern energy policies on a regional, national and international scale. Under Delegation Order No. 0204-54, the Administrator must determine whether a proposed import or export is consistent with the public interest based on certain considerations, such as: (1) the security of supply and the effect on U.S. balance of payments of imported gas, (2) the price to be charged at the border, (3) consistency with DOE regulations and statements of policy, (4) national need for natural gas to be imported or exported, and (5) other considerations inherent in Section 3 of the NGA, such as regional need for the gas to be imported or exported and, for imported gas, the eligibility of purchasers and participants and their respective shares. In exercising these functions, the Administrator may attach terms and conditions determined to be necessary to ensure that a proposed import or export is consistent with the public interest. The FERC, which is an independent agency within DOE, was delegated authority by the Secretary over site specific issues, particulary those relating to facilities and the point of importation, and any other residual authorities under Section 3 not exercised by the Administrator.

On December 7, 1977, the Administrator gave notice (42 FR 61856) that the regulations of the former FPC, contained in 18 CFR Chapter 1, would be utilized by the ERA to the extent that they apply to natural gas import or export cases and until such time as ERA issued its own regulations. ERA later issued regulations establishing procedures to govern "off-the-record

[1] For purposes of this preamble and regulation, the term "Administrator" refers to the Administrator of ERA or any other employee of DOE who has been or will be delegated final decisional authority for Section 3 import or export applications.

communications" in natural gas import and export cases and electricity export cases. (10 CFR Part 205, Subpart U) (43 FR 39080, September 1, 1978). These procedures also dealt with the role of DOE staff members in the decisional process under Section 3. These existing provisions regarding off-the-record communications in Subpart U, as applicable to the natural gas import and export proceedings under Section 3, have been incorporated into Section 590.108 of this proposed rule with certain modifications discussed below. Upon promulgation, this rule will supersede the current rule.

The ERA is proposing these administrative procedures under its general rulemaking authority in section 644 of the DOE Act to advise the public of and receive comment on the Department's proposed procedures for administering and managing its natural gas import and export authorities. Specially, this proposal establishes the procedures that will now be required to be followed by persons filing applications to obtain authorization to import or export natural gas and other persons interested in participating in natural gas import or export proceedings.

II. Proposed Rule

A. General

In addition to the authority to regulate natural gas imports and exports, the Secretary is authorized by Section 102(10) of the DOE Act, *inter alia,* to establish and implement, in coordination with other federal agencies, policies regarding international energy issues. The Secretary is authorized to undertake activities involving the integration of domestic and foreign energy policy, which includes engaging in discussions and negotiation with foreign governments and their representatives concerning international cooperation on energy matters and negotiation of individual arrangements of direct benefit to U.S. energy supply. Therefore, the procedures by which the Secretary, through the Secretary's delegate, the Administrator, will exercise the authority to make decisions on applications to import or export natural gas cannot be determined in a vacuum and independent of the Department's broad-based authority and responsibility regarding national energy policy.

In many cases, these governmental discussions and negotiations result in application being filed with ERA by U.S. commercial entities to import or export natural gas. The key issues in most natural gas import of export cases before ERA involve questions of national and international energy policy, including *inter alia,* the need for the gas to be imported or exported, the security of imported supplies, and the reasonableness of the price. The latter may include consideration of the price of other imports involving the same or other foreign governments. Therefore, individual cases can involve far-reaching policy issues which may affect large segments of the natural gas industry or the nation or impact upon sensitive foreign policy negotiations.

ERA is, therefore, proposing these procedures in recognition of the reality of the broad policy overtones of individual import and export cases and the dual, but overlapping, national and international energy functions of the Department. The procedures are designed to account for this institutional structure, which is different from that of a collegial body such as the FERC, and to ensure that the due process rights of the parties are protected while achieving a full and fair disclosure of the facts and airing of the issues.

The proposed procedures will simplify the decision-making process and expedite the proceedings. ERA will have flexibility in handling import and export applications. For the most part, ERA will be able to tailor the type of proceeding to the needs of the case depending on the nature and complexity of the issues involved. Generally, ERA is proposing to process most applications in an informal manner through written responses and comments and, where appropriate, oral presentations on the facts, law, or policy. Formal adjudicatory-type evidentiary hearings would be reserved for those situations where the evidentiary hearing is necessary to obtain a full and true disclosure of the facts such as resolving genuine disputes of material factual issues. This differs from the existing FERC practice where evidentiary hearings are normally held as a matter of course.

The proposed procedures differ from the formal adjudicatory hearing procedures of Sections 556 and 557 of the Administrative Procedures Act (APA), which apply to adjudications required to be determined "on the record after opportunity for agency hearing." Section 3 import and export decisions are not such cases. The proposed procedures do, however, closely parallel the APA procedure and provide the parties rights in evidentiary hearings which are comparable to those in APA adjudications, such as the right to be represented by counsel, to request discovery, to present witnesses, to cross-examine witnesses under oath, and to present documentary evidence. The proposed procedures differ from the APA adjudicatory practice in that they do not include the requirement that either the final decision-maker or an Adminstrative Law Judge preside at evidentiary hearings.

These procedures are also being proposed, in part, to replace the existing ERA regulations regarding off-the-record communications in natural gas import or export cases. (10 CFR Part 205, Subpart U, 43 FR 39080, September 1, 1978). The existing regulations prohibit communications, relevant to the merits of formal adjudications to determine whether to grant an application to import or export natural gas between DOE employees who are involved in the decision-making process and "interested persons," unless there is adequate prior notice of the communication to all participants. The existing regulations do not prohibit communications relating solely to procedures which are not relevant to the merits of the proceeding. They also do not prohibit general background discussions about an entire industry or communications of a general nature made in the course of developing agency policy for future general application. In addition, the existing regulations allow the Administrator to eliminate the separation of staff functions in certain situations. The option of a separation of functions was retained from the FERC practice because there were several cases still pending before the Administrator when the regulations were promulgated which had been tried before an ALJ at FERC by FERC staff counsel who were and needed to remain separate from the decision-making process.

This proposal incorporates the existing regulations with some substantive modifications as well as minor editorial and technical changes. First, the prohibition on making off-the-record communications is made applicable to all "contested" import or export proceedings, not just formal adjudications (§ 590.102(b)). A "contested proceeding" is a proceeding either where a protest or a petition to intervene (or a notice of intervention) in opposition to an application or other requested action has been filed or where a party otherwise notifies the Administrator that it opposes an application or other requested action. A party may notify ERA of its opposition to a requested action at any time in the proceeding. This definition of "contested proceeding" assures that a party's failure to state any opposition at the time it files a motion to intervene or

notice of intervention does not preclude it from opposing the requested action based on later developed facts or issues and, thus, triggering the prohibition on off-the-record communications at that time. In addition, the proposed rule eliminates ERA's notice of an evidentiary hearing as an independent trigger of the prohibition on making off-the-record communications, since the Administrator may determine to hold evidentiary hearings in non-contested proceedings to elicit facts or other information.

Second, the definition of a "decisional employee" has been broadened to eliminate separation of staff functions in all cases by including within the definition employees of the Department performing investigative or trial-type functions in evidentiary hearings (§ 590.102(c)). This will permit the Department's staff involved in the proceedings to assist the decision-maker in the deliberative process and the resolution of the issues, and is consistent with recent ERA practice. For example, in the Columbia LNG, *et al.* proceeding (ERA Docket No. 79–14–LNG) concerning an increase in the price of Algerian liquefied natural gas (LNG) imported into the East Coast, staff members cross-examined witnesses, sponsored their own witnesses, and then participated in assisting the ultimate decision-maker.

The proposed rule also excludes foreign governments and their representatives, if they are not parties in an individual case, from being considered "interested persons" for purposes of off-the-record communications with decisional employees (§ 590.102(i)). This change is necessary in light of the Department's dual international energy responsibilities discussed above which must be carried out in a consistent and coordinated fashion. Authorized employees of the Department must be free to maintain open channels of discussion with foreign governments regarding broad national and international energy issues which may be involved in a particular import or export proceeding or result in an individual import or export application being filed with the ERA. The ultimate decision-maker must be free to consult with those same employees regarding the policy implications of a particular import or export application.

ERA, however, intends to protect the rights of the parties by placing in the record any formal policy agreement or statement resulting from any relevant discussions conducted between Department employees and foreign governments on the particular import or export proceedings, to the extent those documents apply to the proceeding, and permit the parties the right to comment upon them during the proceeding before any final decision or order will be made.

When discussions involving the Department and a foreign government occur prior to, and result in the filing of, an application with ERA to import or export natural gas or are necessary after an application has been filed, ERA intends to handle the case in the following manner. In the **Federal Register** notice published by ERA to notify the public of the receipt of an application under Section 3 of the NGA, ERA will include any formal agreement or statement, and describe the terms or policy positions upon which any agreement was reached. Any agreement or statement, thus, would become part of the proceeding and persons and parties would have the same right to comment upon them as they would on any other aspect of the proceeding. As discussed below, the mere filing of comments on this, or any other aspect of the application, would not entitle the party commenting to additional procedures, such as a conference, oral presentation or evidentiary hearing. The party commenting must specifically request these additional procedures in accordance with these regulations (See §§ 590.308, 590.309, 590.310, 590.311) and make the appropriate showing depending on the procedure requested.

B. Definitions (§ 590.102)

Proposed § 590.102 sets out the definitions applicable to the import and export procedures proposed in this rule. Some terms have been amended from those promulgated in ERA's earlier off-the-record communications rule (10 CFR 205.206(b)), and include, "Administrator," "decisional employee," "interested person," "natural gas," "off-the-record communication," and "person." Other terms are being proposed here for the first time, and include, "presiding official," "proceeding," "contested proceeding," "party," and "State Commission." Some definitions previously adopted in 10 CFR 205.206(b) have been deleted as unnecessary to these new procedures, including "participant," "relevant to the merits," and "adjudication."

The terms "contested proceeding," "decisional employee," and "interested persons" have been discussed above.

The term "Administrator" has been expanded to include any employee of DOE who has been delegated final decisional authority.

The term "presiding official" has been added because the proposed procedures permit the Administrator to designate an employee of DOE to preside at a conference, oral presentation, or evidentiary hearing held by ERA in response to the filing of a natural gas import or export application. The presiding official has the authority to make the necessary rulings and orders to regulate the conduct of the proceeding; but does not necessarily have the authority to issue final opinions and orders and orders on rehearing.

The definition of "natural gas" has been expanded to include specifically ice-gels composed primarily of natural gas. Since recent developments in technology may permit the surface transportation of natural gas in gel form, ERA has determined to treat it as another form of natural gas subject to the procedures proposed in this rule.

C. Small Volume Exports (§ 590.208)

The Federal Power Commission in its Order 548 (41 FR 2144, May 17, 1976) found expeditious treatment of small volume natural gas export applications to be in the public interest. The proposed rule would expand that policy by permitting the export of up to 100,000 cubic feet of natural gas for scientific, experimental, or other non-utility use without prior authorization, on the condition that persons making such exports report the details of the transactions to ERA within fifteen (15) days of the export. This will eliminate the need of filing applications for small export authorizations and of ERA's issuing orders.

D. Summary of Proceedings on Applications

1. General (§ 590.201). Any person seeking to obtain authorization to export natural gas from the United States into a foreign country or import natural gas into the United States from a foreign country or to amend a previous import or export authorization must file an application with the ERA at least 60 days in advance of the proposed action.

2. Applications (§§ 590.202, 590.203 and 590.207). Under the proposed rules applications must, among other information, identify the persons submitting the application and otherwise involved in the transaction, describe the action sought from ERA, justify the requested action, and describe any new or existing facilities required to implement the requested action. Each application shall address among other matters the scope of the project, the source and security of the natural gas supply, the terms of the transactions, the proposed cost to be

charged for the natural gas at the border, the applicant's need for a proposed import and the impact of the project on the environment. The Administrator may require additional material to be submitted at any time during the proceeding (§ 590.202).

If an application is incomplete or otherwise deficient, the applicant will be required to submit additional information or exhibits needed to remedy the deficiency within a specified time. If the deficiency is not corrected, the application may be dismissed without prejudice to refiling at another time (§ 590.203).

3. *Notice of Application (§ 590.205).* ERA will publish a notice in the **Federal Register** of each application received. The notice will specify a period of time, usually at least fifteen days from the date of publication, in which persons may file a motion to intervene or a notice of intervention (§ 590.303), a protest (§ 590.304) or comments on the application. The notice may request comments on specific issues of fact, law, or policy raised by the application. The notice will advise the parties of their right to request the procedures that they want followed in the proceeding should the Administrator determine that further procedures are necessary. These procedures could include the filing of extensive written comments (including data, arguments, briefs, etc.), and the holding of a conference, oral presentation, or evidentiary hearing. If a request for additional procedures is not made during the period of time specified in the notice, the parties shall be deemed to have waived their rights to request additional procedures should the Administrator decide to grant the application and authorize the import by issuing a final opinion and order based on the notice and any responses thereto, in accordance with Section 590.314 of the proposal. As discussed above, the notice may also include the result of any relevant DOE discussions with foreign governments.

4. *Intervention (§ 590.303).* The proposed rule liberalizes the procedures by which persons interested in participating in a proceeding may become a party Under proposed § 590.303, a person filing a motion to intervene requesting to be a party will be granted intervenor status if, within fifteen (15) days of filing, no answer in opposition to their motion to intervene is filed and the Administrator has not denied the motion within that time. When an answer in opposition has been filed, the Administrator will decide whether intervenor status shall be granted. Any party may file an answer to a motion to intervene within fifteen (15) days of the filing of the motion. This privilege, however, does not preclude the Administrator from ruling on the motion or from issuing a final opinion and order in accordance with § 590.314 ("Shortened Proceedings"), prior to the expiration of the fifteen (15) days.

5. *Notice of Procedures (§ 590.206).* In all proceedings where the Administrator determines to have additional procedures including the filing of further written comments or the holding of a conference, oral presentation, or evidentiary hearing, the Administrator will notify the parties of the procedures to be followed in the proceeding (See "Procedures" below) and advise the parties of their right to request additional procedures in accordance with the provisions of this regulation. This notice will be provided after the close of the period specified in the notice of application for filing responses thereto. The Administrator may, at this time, request comments on specific issues of fact, law, or policy relevant to the proceedings.

6. *Procedures.* Generally, the Administrator intends to handle most cases solely by requesting written comments on an application and by granting oral presentations upon request. Evidentiary hearings will be reserved for those situations where such procedures are demonstrated to be necessary for a full airing of the facts, such as resolving disputes of material issues of fact. Any person may submit written comments to ERA in response to a notice of application on any aspect of the case. Only a party, however, has the right to request that a conference, oral presentation or evidentiary hearing be held on an application. A party has the right to make the request at any time during the proceeding prior to the issuance of a final opinion and order.

(a) *Opportunity for Additional Procedures (§ 590.308).* At any time prior to the issuance of a final opinion and order any party may file a motion requesting additional procedures, including the right to file written comments or to have a conference, oral presentation, or evidentiary hearing. The motion shall described the type of procedure requested and include the information required by §§ 590.309, 590.310, and 590.311 as appropriate. As noted above, the parties may be deemed to have waived their right to request additional procedures if they do not file the motion during the period specified in the notice of application and the Administrator may issue a final opinion and order in accordance with § 590.314.

(b) *Conferences (§ 590.309).* Upon the initiative of the Administrator or presiding official or upon the motion of a party, a conference of the parties may be convened for many purposes, including adjusting and setting the proceedings, discussing the need for and scheduling further proceedings, delineating issues, stipulating to certain issues of fact or law, and considering other relevant matters where it appears that a conference will materially advance the proceeding. Any party making a motion for a conference should include a specific showing why a conference will materially advance the proceeding.

The conference will be an informal meeting of the parties, the conduct of which will be governed by the presiding official. It will be stenographically recorded in most cases, and a copy of the transcript made a part of the docket in the proceeding and available to the public.

(c) *Oral Presentations* (§ 590.310). The Administrator or presiding official may convene an oral presentation for the purpose of hearing oral statements or arguments on delineated issues of fact, law or policy relevant to the proceeding, if the Administrator or presiding official determines that such an oral presentation will materially advance the proceeding and that the issues cannot be adequately discussed through written submissions.

A party may on its own motion request an opportunity to make an oral presentation if its views, arguments and data on any aspect of the proceeding. The party's motion should demonstrate why the issues cannot be adequately discussed in written submissions and identify any substantial questions of fact, law or policy at issue and may contain supporting material. The motion will be granted if the Administrator determines that a substantial question of fact, law or policy that can be adequately elucidated by an oral presentation is at issue in the proceeding.

The parties may be required to file briefs or other documents prior to the oral presentation. In order to promote the free flow of information, the oral presentation will be conducted in the manner of an informal rulemaking proceeding with one or more decisional employees acting as panel members and either the Administrator or a presiding official conducting the proceeding. Presentations and arguments may be made by counsel, but need not be. Decisional employees may question the parties making presentations, but cross-examination by the parties and other more formal procedures used in

evidentiary hearings will not be available.

(d) *Evidentiary Hearings (§ 590.311).* The Administrator or presiding official may convene an evidentiary hearing for the purpose of taking evidence on relevant and material issues of fact including resolving disputed issues of fact, if the Administrator or presiding official determines that such hearings will materially advance the proceeding and the issues cannot be adequately discussed through written submissions or at an oral presentation.

A party on its own motion may request the opportunity for an evidentiary hearing for the purpose of taking evidence on factual issues. The party should identify the issues and demonstrate that they are relevant and material to the decision and that an evidentiary hearing is necessary to obtain a full and true disclosure of the facts. The motion will be granted if the Adminstrator determines that there is a relevant and material factual issue that is genuinely in dispute and that an evidentiary hearing is necessary to a full and true disclosure of the facts.

The proceeding will be conducted similar to formal adjudicatory hearings with the parties having the following rights: to be represented by counsel, to request discovery, to present direct and rebuttal testimony of witnesses, to cross-examine witnesses under oath, and to present documentary evidence. The hearing will be presided over by either the ultimate decision-maker, *i.e.*, the Administrator, or by a designated presiding official who will participate in the decisional process. The presiding official may make any necessary rulings, including denial of cross-examination of a witness and decisions regarding subpoenas and depositions, that are necessary to regulate the conduct of the hearing, to obtain a full and true disclosure of the facts, and to limit irrelevant, immaterial, and unduly repetitious evidence. Other Department staff members who are decisional employees may assist the presiding official in eliciting information by presenting witnesses for testimony, presenting exhibits, or cross-examining witnesses offered by the parties. These staff employees, however, will not perform adversarial roles

Any party, the Administrator, or the presiding official may request that any other party admit to the truth of any matters at issue that relate to statements or opinions of fact or the application of law to fact (§ 590.307). The use of admissions is intended to reduce the need for presentation of witnesses to introduce or verify factual matters that are relevant to reaching a decision.

7. Shortened Proceedings (§ 590.314). In any proceeding where, after being given a reasonable opportunity, no party requests to file written comments or to have a conference, oral presentation or evidentiary hearing or where the Administrator determines that such requested additional procudures are not required, the Administrator may issue a final opinion and order after consideration of the record, including the application and all other filings. For example, we anticipate that shortened proceedings would be applicable to most situations where a government-to-government agreement has been reached, unless intervenors demonstrate that further proceedings are warranted.

The Administrator will not deny any application solely on the basis of the application and responses to the notice of application without first advising the applicant and all other parties generally of the issues of concern and on which the denial may be based and without first providing them with an opportunity to request additional procedures, including the right to file written comments or to have a conference, oral presentation, or evidentiary hearing in accordance with the provisions of this regulation.

E. Opinions and Orders

1. Conditional Decisions (§ 590.402). The Administrator may issue a conditional decision prior to issuance of a final opinion and order. A conditional decision would be appropriate in cases where a need exists for an indication of the Administrator's preliminary findings and conclusions, but additional information is needed before a final decision and order can be rendered.

As an example, the issuance of a conditional decision may be appropriate when the application at issue involves the importation of LNG into new terminal facilities. In such a case the Administrator reviews the application to determine if the proposed importation is in the public interest based on the considerations within the Administrator's jurisdiction, while, concurrently, the FERC must review other aspects of the proposed importation such as siting, construction, and operation of the LNG receiving terminal facilities.

Since decisions on such applications are usually major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environment Policy Act (NEPA, Pub. L. 91.190, 83 Stat. 852 (42 U.S.C. 4321)), an environmental impact statement (EIS) would usually be prepared to assess the impacts of and alternatives to the proposed project. The EIS would then be used by both FERC and the Administrator in making their respective decisions on the application. Since the terminal facilities potentially would involve the larger environmental impact, the FERC would generally be the lead agency for preparing an EIS. Before expending the time and resources needed to develop an EIS, the FERC would benefit from a preliminary indication from the Administrator regarding consistency of the importation with the public interest. However, before the Administrator could render a final decision, the Administrator would need to review the completed EIS. Issuing a conditional decision in such circumstances would provide the FERC, the parties, and the public the benefit of knowing the Administrator's preliminary determination, while at the same time assuring that the Administrator and FERC would take no major or irreversible actions before final consideration of the environmental consequences and available alternatives.

2. Emergency Relief (§ 590.403). In emergencies, the Administrator may waive further procedures an issue an interim order authorizing the import or export of natural gas. After issuance of the interim order, the proceeding would be continued until the record was complete, at which time, a final opinion and order would be issued. Implicit in this authority is the authority to attach conditions protecting consumers or other persons from the adverse effects of any emergency interim approval if, after completion of further proceedings, it is determined that the interim approval should not have been issued. The Administrator will provide the public with as much notice of the application and opportunity to comment as the emergency permits.

3. Final Opinions and Orders (§ 590.404). All final opinions and orders would include a statement of findings and conclusions as well as the reasons or basis for them, and the appropriate order, sanction, relief, or denial. Authorizations to export or import would not be transferable or assignable except upon order of the Administrator. (§ 590.405).

4. Reports of Changed Circumstances (§ 590.407). Persons authorized by the Administrator to import or export natural gas would have a continuing obligation to give the Administrator written notification in a timely fashion of any substantive changes to the circumstances surrounding the transaction including changes in contracts, terms, prices, or volumes applicable to the project. This provision

is intended to provide notice to the Administrator of matters, which may necessitate further action to ensure that authorizations remain consistent with the public interest. Compliance with this section does not relieve importers from their obligation to file the appropriate application to amend a previous import or export application, where actions being contemplated are inconsistent with an existing authorization.

F. Applications for Rehearing (§ 590.501)

Any party aggrieved by the issuance of a final opinion and order or an emergency interim order may file an application for rehearing of that decision (§ 590.501). Applications for rehearing must be filed within thirty (30) days after issuance of the final opinion and order or an emergency interim order. It must also specify, with particularity, the alleged errors in the order and set forth the grounds upon which the application for rehearing is based. The filing of an application for rehearing does not operate as a stay of the Administrator's decision or order unless specifically ordered by the Administrator (§ 590.502). The Administrator may grant or deny rehearing or may abrogate or modify the final opinion and order or an emergency interim order, with or without further proceedings (§ 590.503). Unless acted upon by the Administrator within thirty (30) days of filing, an application for rehearing would be considered denied (§ 590.504). No answers to the application for rehearing would be entertained. Prior to issuance of a final opinion and order on rehearing, however, the Administrator may decide to afford the parties an opportunity to file briefs or answers or may order that a conference, oral presentation or evidentiary hearing be held on some or all of the issues presented by an application for rehearing (§ 590.504).

G. Filing and Processing Fees

Section 590.207 of the proposed rule continues the current practice of requiring a non-refundable $50 filing fee for all initial applications and amendments to applications. Nevertheless, we are currently reviewing whether the filing fee should be increased substantially and whether other fees to cover the cost of processing applications, including applications for rehearing, may be appropriate. We note that the FERC has proposed a rule requiring the collection of various fees related to the costs of processing applications filed under the Natural Gas Act (FERC Docket No. RM79–63, 46 FR 42075, August 19, 1981).

Therefore we are requesting comment on whether ERA should establish fees sufficient to recover the direct costs associated with the processing and consideration of applications to import or export natural gas, particularly evidentiary proceedings initiated by the applicant or a party. We request specific comments on the amounts which should be charged, whether a single general fee should be developed or a schedule of individual fees established, whether any such fees should be of a fixed amount or variable amount, and under which circumstances, if any, fees should be waived.

III. Comment and Hearings Procedures

A. Written Comments

You are invited to participate in any aspect of this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in today's rulemaking. Where the comments are critical of the proposed rule, alternative language should be provided wherever possible. The rationale and any data in support of the changes should also be provided.

Written comments must be submitted by 4:30 p.m., November 3, 1981, to the address indicated in the "Addresses" section of this preamble and should be identified on the outside envelope and on the document with the designation: "Proposed Rulemaking Natural Gas Import/Export Procedures (Docket No. ERA–R–81–05)." Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All comments received by 4:30 p.m., November 3, 1981, and all other relevant information will be considered by DOE before final action is taken on this proposed regulation.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearings

1. Procedures for Request to Make Oral Presentation. The time and place for the hearing are indicated in the "Dates" and "Hearing Location" sections of this preamble.

If you have any interest in the matters discussed in this proposed rulemaking, or represent a group or class of persons that has an interest, you may make a written request to Karene Walker, Public Hearings Division, Economic Regulatory Administration, 2000 M Street, NW., Room B–210, RG–33, Washington, D.C. 20461, (202) 653–3986, for an opportunity to make oral presentation by 4:30 p.m., September 29, 1981. You should provide a telephone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified before 4:30 p.m., October 1, 1981. One hundred copies of your statement are due one work day prior to the date of the hearing and should be delivered to the address indicated in the "Addresses" section. In the event any person wishing to testify cannot meet the 100 copy requirement, alternative arrangements can be made in advance of the hearing by so indicating in a letter requesting an oral presentation or by calling the Public Hearings Division at (202) 653–3986.

2. Conduct of the Hearings. We reserve the right to schedule participants' presentations and to establish the procedures governing the conduct of the hearing. We may limit the length of each presentation based on the number of persons requesting to be heard. We encourage groups that have similar interests to choose one appropriate spokesperson qualified to represent the views of the groups.

An ERA official will be designated to preside at the hearing. This will not be a judicial type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations determined by the presiding official.

If you wish to have a question asked at the hearing, you may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer. Any further procedural rules needed will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, and the ERA Office of Public

Information, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:330 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for us to cancel a hearing, we will make every effort to publish advance notice in the **Federal Register** of such cancellation. Moreover, we will give actual notice to all persons scheduled to testify at the hearings. However, it is not possible to give actual notice of cancellations or changes to persons not identified to us as participants. Accordingly, persons desiring to attend a hearing are advised to contact DOE on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

IV. Environmental Analysis

After reviewing this proposed regulation pursuant to DOE's responsibilities under NEPA, DOE has determined that the proposed rule is procedural in nature and does not constitute a major Federal action significantly affecting the quality of the human environment. It is noteworthy that an individual determination with respect to the level of NEPA documentation is made for each import or export application filed in accordance with the proposed procedures. DOE, therefore, has determined that no environmental impact statement is required for the proposed rule.

V. Executive Order 12291

Executive Order 12291 (46 FR 13193, February 19, 1981) required the agencies subject to it to prepare a regulatory impact analysis for all major rules, as defined in the Order. We have determined that the proposed procedural rule is not major and the preparation of a regulatory impact analysis is therefore not required. Our decision in this regard is based on the following determinations: the proposal is not likely to result in (1) an annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In accordance with the requirement of Section 3(c)(3) we have submitted a copy of the proposed rule to the Director of the Office of Management and Budget.

VI. Compliance With the Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*, (September 19, 1980)), requires Federal agencies to consider the impact of proposed regulations on small businesses, small governments, and other small entities, to consider the ability of small entities to comply with the proposed regulation, and to consider less stringent alternative compliance standards for small entities. An agency is required to prepare a regulatory flexibility analysis to document its consideration of these factors, except in the situation where the agency determines that a regulation will not have a significant economic impact on a substantial number of small entities. DOE certifies that, for the reasons discussed below, the promulgation of this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis will not be prepared.

This proposed rule sets forth simplified or revised procedures under which persons may apply for authorization to import or export natural gas, or by which other persons may participate in the consideration by the Administrator of such applications. The proposed rule eases the existing regulatory burden on both groups by reducing the amount of information and the number of documents required in an application for an import or export authorization. The proposed rule also makes certain authorizations self-effectuating (e.g. small volume exports) thereby eliminating the need for agency action on a case-by-case basis. Finally, the proposed rule considers an evidentiary hearing, which can be a costly burden on many of the parties, to be an exceptional proceeding which will only be convened under limited circumstances, rather than being held as a matter of course.

In our view, it is unlikely that a "small entity" will ever have the capacity to engage in the importation or exportation of natural gas. At present, such imports or exports can only be transported by natural gas pipeline or liquefied natural gas vessel. Of the 29 firms authorized to import or export natural gas, 16 are major interstate natural gas pipeline companies, 1 is a consortium of such companies, 10 are intrastete natural gas companies, and 2 are large integrated oil companies. For the foreseeable future the size and nature of firms seeking authorization under the proposed rules are expected to remain the same.

We expect that this proposed rule will have a positive impact on those persons which may be small entities interested in participating in a particular import or export proceeding. The number of small entities participating in such proceeddings is low, usually less than 5 and rarely more than 15. Even if the number of small entities affected by this proposal were greater, the impact will be minimal and less than that of existing rules. A copy of this proposed rule has been transmitted to the Chief Counsel for Advocacy of the Small Business Administration as required by Section 605(b) of the Regulatory Flexibility Act.

VII. Amendments of Existing ERA Rules

At present the only ERA rules applicable to natural gas import and export proceedings are those contained in 10 CFR Part 205, Subpart U—Procedures for Natural Gas and Electricity Import and Export Cases. Because of the need to maintain the applicability of Subpart U to electricity export adjudications, this proposed rule only amends Subpart U to the extent necessary to eliminate all applicability to natural gas import and export proceedings. The substance of the rule will remain the same with respect to electricity export cases.

(Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101, *et seq.*); Natural Gas Act, Act of June 21, 1938, c. 556, 52 Stat. 821 (42 U.S.C. 717 *et seq.*); E.O. 10485, 18 FR 5397; E.O. 12009, 42 FR 46267)

In considering of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, by amending Part 205 and adding a Part 590 to Subchapter G, as set forth below.

Issued in Washington, D.C. on August 28, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1. Subpart U of Part 205, Chapter II of Title 10, Code of Federal Regulations is proposed to be revised to eliminate its applicability to natural gas import and export cases and to read as follows:

Subpart U—Procedures for Electricity Export Cases

Sec.

205.260 Purpose and scope.
205.270 Off-the-record communications.

Subpart U—Procedures for Electricity Export Cases

§ 205.260 Purpose and scope.

(a) The purpose of this section is to state the procedures that will be followed by the Economic Regulatory Administration of the Department of Energy in electricity export adjudications.

(b) Definitions.

As used in this subpart—

"Administrator" means the Administrator of the Economic Regulatory Administration.

"Decisional employees" means the Administrator, presiding officers at adjudicatory hearings, and other employees of the Department, including consultants and contractors, who are, or may reasonably be expected to be, involved in the decision-making process, which includes advising the Administrator in resolving the issues in an adjudication. The term does not include those employees of the Department performing investigative or trial functions in an adjudication, unless they are specifically requested by the Administrator or his delegate to participate in the decision-making process.

"Department" means the Department of Energy.

"Off-the-record communication" means an *ex parte* communication, which is an oral or written communication relevant to the merits of an adjudication and not on the record and with respect to which resonable prior notice to all participants and opportunity to be present at, or respond to, the communication is not given, but does not include a communication relating solely to procedures which are not relevant to the merits of the adjudication.

"Interested person" means a person outside the Department whose interest in the adjudication goes beyond the general interest of the public as a whole and includes applicants, intervenors, competitors of applicants, non-profit and public interest organizations, and other individuals and organizations, including state, local and other public officials, with a proprietary, financial or other special interest in the outcome of the adjudication. The term does not inlcude other federal agencies, unless an agency is a participant in the adjudication.

"Participant"means any applicant or intervenor participating in the adjudication.

"Adjudication" means a formal proceeding employing procedures identical or similar to those required by the Administrative Procedure Act, as codified in 5 U.S.C. 551, 556, and 557, to consider an application to export electricity.

"Reasonable prior notice" means 7 days written notice stating the nature and purpose of the communication.

"Relevant to the merits" means a communication directly related to the merits of a specific adjudication but does not include general background discussions about an entire industry or communications of a general nature made in the course of developing agency policy for future general application.

§ 205.270 Off-the-record communications.

(a) In any proceeding which is subject to this subpart—

(1) No interested person shall make an off-the-record communication or knowingly cause an off-the-record communication to be made to any decisional employee.

(2) No decisional employee shall make an off-the-record communication or knowingly cause an off-the-record communication to be made to any interested person.

(3) A decisional employee who receives, makes, or knowingly causes to be made an oral communication prohibited by this section shall prepare a memorandum stating the substance of the communication and any responses made to it.

(4) Within 48 hours of receiving, making or knowingly causing to be made a communication prohibited by this section, a decisional employee shall deliver all written off-the-record communications and all memoranda prepared in compliance with paragraph (a)(3) of this section to the Chief of the System Reliability and Emergency Reponse Branch, ERA who will immediately place the materials described above in the public record associated with the adjudication, available for public inspection.

(5) Upon receipt of a communication knowingly made or knowingly caused to be made by a participant in violation of this section, the Administrator or presiding officer may, to the extent consistent with the interests of justice and the applicable statutory policy, require the participant to show cause why his or her claim or interest in the adjudication should not be dismissed, denied, disregarded, or otherwise adversely affected on account of the violation.

(6) The prohibitions of this section shall apply beginning at the time an adjudication is noticed for hearing (or the person responsible for the communication acquires knowledge that it will be noticed), a protest is filed, or a petition or notice to intervene in opposition to the requested Department action is filed, whichever occurs first.

(b) The prohibition, cited at 18 CFR 1.30(f), against participation in the decision-making process by Department employees who perform investigative or trial functions in an adjudication shall no longer be applicable to ERA.

2. Subchapter G, of Chapter II of Title 10, Code of Federal Regulations is hereby amended by adding a Part 590, to read as follows:

PART 590—ADMINISTRATIVE PROCEDURES WITH RESPECT TO THE IMPORT AND EXPORT OF NATURAL GAS

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590.504 Denial by operation of law.
590.505 Answers to applications for rehearing.

Authority: Sec. 301(b), Sec. 402(f), and Sec. 644, Pub. L. 95-91, 91 Stat. 578, 585, and 599 (42 U.S.C. 7151(b), 7172(f), and 7254), Sec. 3, Act of June 21, 1938, c. 556 52 Stat. 822 (15 U.S.C. 717b); E.O. 10485, 18 FR 5397, 3 CFR 1949-53 Comp.; E.O. 12009, 42 FR 46267, 3 CFR 1977 Comp.

Subpart A—General Provisions

§ 590.101 Purpose and scope.

The purpose of this part is to establish the rules and procedures required to be followed by persons to obtain authorizations from the Administrator to import or export natural gas under Section 3 of the Natural Gas Act and by all other persons interested in participating in a natural gas import or export proceeding.

This Part establishes the procedural rules necessary to implement the authorities vested in the Secretary of Energy by Sections 301(b) and 402(f) of the Department of Energy Organization Act, which have been delegated to the Administrator.

§ 590.102 Definitions.

As used in this Part:

(a) "Administrator" means the Administrator of ERA or any other employee of DOE who has been delegated final decisional authority.

(b) "Contested proceeding" means a proceeding (1) where a protest or a motion to intervene or a notice of intervention in opposition to an application or other requested action has been filed, or (2) where a party otherwise notifies the Administrator that it opposes an application or other requested action.

(c) "Decisional employee" means the Administrator, presiding officials at conferences, oral presentations or evidentiary hearings, and any other employee of the DOE, including consultants and contractors, who is, or may reasonably be expected to be, involved in the decision-making process, including advising the Administrator on resolving the issues in a proceeding. The term specifically includes those employees of the DOE performing investigative or trial-type functions in evidentiary hearings.

(d) "DOE" means the Department of Energy, including ERA.

(e) "DOE Act" means the Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*).

(f) "EIS" means an Environmental Impact Statement prepared pursuant to the requirements of the National Environmental Policy Act of 1969, Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321 *et seq.* (1976)) and 10 CFR Part 1021.

(g) "ERA" means the Economic Regulatory Administration.

(h) "FERC" means the Federal Energy Regulatory Commission.

(i) "Interested person" means a person, other than a DOE employee, consultant or contractor, whose interest in a proceeding goes beyond the general interest of the public as a whole and includes applicants, intervenors, competitors of applicants, and other indiviudals and organizations, including non-profit and public interest organizations, and other individuals and organizations including state, local, and other public officials, with a proprietary, financial or other special interest in the outcome of a proceeding. The term does not include other federal agencies or foreign governments and their representatives, unless the agency, foreign government, or representative of a foreign government is a party to the proceeding.

(j) "Natural gas" means natural gas and mixtures of natural gas and synthetic natural gas, regardless of physical form or phase, including liquefied natural gas and gels primarily composed of natural gas.

(k) "NGA" means the Natural Gas Act, Act of June 21, 1938, c. 556, 52 Stat. 821 (15 U.S.C. 717 *et seq.*).

(l) "Off-the-record communication" means a written or oral communication not on the record which is relevant to the merits of a proceeding, and about which the parties have not been given reasonable prior notice or an opportunity to be present at or respond to the communication, but does not include communications concerned solely with procedures which are not relevant to the merits of a proceeding. It also does not include general background discussions about an entire industry or communications of a general nature made in the course of developing agency policy for future general application.

(m) "Party" means any applicant, any person who has filed a motion for and been granted intervenor status or whose motion to intervene is pending, and any state commission who has intervened by notice pursuant to § 590.303(a) of this part.

(n) "Person" means any individual, firm, estate, trust, partnership, association, company, joint-venture, corporation, United States local, state and federal governmental unit or instrumentality thereof, charitable, educational or other institution, and others, including any officer, director, owner, employee, or duly authorized representative of any of the foregoing.

(o) "Presiding official" means any employee of DOE who has been designated by the Administrator to preside at a conference, oral presentation, or evidentiary hearing and who has been delegated the authority to make rulings and issue orders, other than final opinions and orders, temporary or interim emergency orders, or conditional decisions under Subpart D and orders on rehearing under Subpart E.

(p) "Proceeding" means the process and activity, and any part thereof, instituted by ERA either in response to an application, petition, motion or other filing under this Part, or on its own initiative, by which ERA develops and considers the relevant facts, policy and applicable law concerning the importation or exportaion of natural gas and which may lead to the issuance of an order by the Administrator under Subparts D and E.

(q) "Reasonable prior notice" means seven (7) days notice of the nature and purpose of the communication.

(r) "State commission" means the regulatory body of a state or muncipality having jursidiction to regulate rates and charges for the sale of natural gas to consumers within the state or municipality.

§ 590.103 General requirements for filing documents with ERA.

(a) Any document, including but not limited to an application, request, petition, motion, comment, protest, and any exhibit submited in connection with such documents, shall be considered filed with ERA under this part when it has been received and stamped with the time and date of receipt by the Division of Natural Gas, ERA. Documents transmitted to ERA must be addressed as provided in § 590.104. All documents and exhibits become part of ERA files and will not be returned. Fifteen (15) copies of all filings and submittals shall be provided to ERA.

(b) Upon receipt by ERA, each application or other initial request for action shall be assigned a docket number. Any petition, motion, request, comment, protest or document filed subsequently in a docketed proceeding with ERA shall refer to the assigned docket number. All documents shall be signed either by the person upon whose behalf the document is filed or an authorized representative and shall contain a certified statement that the representative is a duly authorized representative.

(c) A person who files an application or other request for action is under a continuing obligation until final ERA

action in a proceeding to provide any new of newly discovered information which is relevant to that proceeding.

(d) A person who files an application shall state whether, to the best knowledge of that person, the same or a related matter is being considered by any other part of DOE, including the FERC, of any other Federal agency or department and, if so, shall identify the matter and the agency or department.

§ 590.104 Address for filing documents.

All documents filed under this part shall be addressed to: Division of Natural Gas, Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, RG–13, Washington, D.C. 20461.

All hand delivered documents should be filed at the above address between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

§ 590.105 Computation of time.

(a) In computing any period of time prescribed or allowed by these regulations, the day of the act or event from which the designated period of time begins to run is not included. The period of time begins to run the next day after the day of the act or event. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal Federal holiday, in which event the period runs until the end of the next day that is neither a Saturday, Sunday, nor a legal Federal holiday, unless otherwise provided by this Part or the terms of an ERA order. Documents received after regular business hours are deemed filed on the next regular business day.

(b) When a document is required to be filed within a prescribed time, an extension of time to file may be granted by the Administrator or presiding official for good cause.

(c) An order is effective on the date specified in the order and deemed to be issued at the time and date of receipt stamped by the Division of Natural Gas for release to the public, unless otherwise provided.

§ 590.106 Dockets.

ERA shall maintain a docket of each proceeding under this Part, which shall include the record upon which all orders provided for in Subparts D and E shall be based. All dockets shall be available for inspection and copying by the public during regular business hours between 8:00 a.m. and 4:30 p.m. Dockets are located in the: Division of Natural Gas, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461.

§ 590.107 Service.

(a) An applicant and any other party to a proceeding shall serve a copy of all documents filed with ERA upon all parties unless otherwise provided in this part. Each document filed with ERA shall contain a certification that a copy has been served as required by this section and indicate the date of service. ERA shall maintain an official service list which shall be provided upon request.

(b) All documents required to be served under this Part may be served by hand, certified mail, registered mail or regular mail. It shall be the responsibility of the serving party to ensure that service is effected in a timely manner. Service is deemed complete upon mailing.

(c) Service upon a person's duly authorized representative shall constitute service upon that person.

(d) Persons filing protests in a proceeding shall serve copies upon the applicant and all other persons identified as parties to the proceeding. However, if the protestant is unable for good cause to provide service, ERA shall effect service.

(e) All ERA orders, notices, or other documents shall be served on the parties by ERA either by registered mail, certified mail, or regular mail, except as otherwise provided in this part.

§ 590.108 Off-the-record communications.

In any contested proceeding under this part:

(a) No interested person shall make an off-the-record communication or knowingly cause an off-the-record communication to be made to any decisional employee.

(b) No decisional employee shall make an off-the-record communication or knowingly cause an off-the-record communication to be made to any interested person.

(c) A decisional employee who receives, makes, or knowingly causes to be made an oral communication prohibited by this section shall prepare a memorandum stating the substance of the communication and any responses made to it.

(d) Within 48 hours of the off-the-record communication, a decisional employee shall deliver all written off-the-record communications and written memoranda prepared in the compliance with paragraph (c) of this section to the Administrator who shall require the Director of the Division of Natural Gas to make the materials available for public inspection by placing the materials in the docket associated with the proceeding.

(e) Requests for an opportunity to rebut, on the record, any facts or contentions in an off-the-record communication may be filed in writing with the Administrator, the Administrator shall grant such requests only after determining that the dictates of fairness require it.

(f) Upon receipt of an off-the-record communication made by a party in violation of this section, the Administrator may, to the extent consistent with the interests of justice and the policy of the NGA and the DOE Act, require the party to show cause why the party's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of the violation.

(g) The prohibitions of this section shall apply only to contested proceedings and begin at the time either a protest or a motion to intervene or notice of intervention in opposition to the application or other requested action is filed with ERA or a party otherwise notifies the Administrator and the other parties that it opposes the application or other requested action, whichever occurs first.

§ 590.109 ERA investigations.

The Administrator or the Administrator's delegate may investigate any facts, conditions, practices, or other matters within the scope of this Part in order to determine whether any person has violated or is about to violate any provision of the NGA or other statutes or any rules, regulations or orders within the Administrator's jurisdiction. In conducting such investigations, the Administrator or the Administrator's delegate may subpoena witnesses to testify, subpoena or otherwise require the submission of documents, and order testimony to be taken by deposition.

Subpart B—Applications for Authorization To Import or Export Natural Gas

§ 590.201 General.

(a) Any person seeking authorization to export natural gas from the United States to a foreign country or to import natural gas into the United States from a foreign country, or to amend previous import or export authorizations, shall file an application with ERA under the provisions of this Part.

(b) Applications shall be filed at least 60 days in advance of the proposed export or import or other requested action, except for good cause.

§ 590.202 Contents of applications.

(a) Each application for authorization to import or export natural gas shall contain the exact legal name of the applicant; the names, titles, and mailing addresses of a maximum of two persons for the official service list; a statement describing the action sought from ERA and the justification for such action, including why the proposed action is not inconsistent with the public interest.

(b) Each application shall discuss the matters listed below. All factual matters shall be supported to the extent practicable by the necessary data or documents. Copies of relevant documents filed or intended to be filed with FERC may be submitted to satisfy the requirements of this section. Topics to be addressed or described shall include:

(1) The scope of the project, including the volumes of natural gas involved, the dates of commencement and completion of the proposed import or export, and the facilities to be utilized or constructed;

(2) The source and security of the natural gas supply to be imported or exported, including contract volumes and a description of the gas reserves supporting the project during the term of the requested authorization;

(3) Identification of all the participants in the transaction, including the parent company if any, and identification of any corporate or other affiliations among the participants;

(4) The terms of the transaction;

(5) The proposed cost to be charged for the natural gas at the border, and a demonstration why the proposed price is reasonable and otherwise not inconsistent with the public interest;

(6) For proposed imports, the need for the natural gas by the applicant or applicant's prospective customers, including a description of the persons who are expected to purchase the natural gas;

(7) The impact of the proposed import or export on United States balance of payments; and

(8) The potential environmental impact of the project.

(c) The application shall also have attached a statement, including a signed opinion of counsel, showing that a proposed import or export of natural gas is within the corporate powers of the applicant and a copy of all relevant contracts and purchase agreements.

(d) the Administrator or the Administrator's delegate may at any time require the applicant and other parties to submit additional information necessary to resolve issues raised by the application.

(e) All information and data filed with or in support of an application under this subpart will be placed in the public record and will not be afforded confidential treatment.

§ 590.203 Deficient applications.

If an application is incomplete or otherwise deemed deficient, the applicant shall be required by the Administrator or the Administrator's delegate to submit additional information or exhibits to remedy the deficiency within a specified time. If the applicant does not remedy the deficiency within the specified time, the application may be dismissed without prejudice to refiling at another time.

§ 590.204 Amendment or withdrawal of applications.

(a) The applicant may amend or supplement the application at any time prior to issuance of the Administrator's final opinion and order resolving the application and shall amend or supplement the application whenever there are changes in material facts or conditions upon which the proposal is based.

(b) The Administrator may for good cause shown by motion of a party or upon the Administrator's own initiative decline to permit, in whole or in part, an amendment or supplement requested by an applicant under paragraph (a) of this section.

(c) After written notice to ERA and service upon the parties of that notice, an applicant may withdraw an application, which withdrawal shall be effective 30 days after notice to ERA if the Administrator does not issue an order to the contrary within that time period.

§ 590.205 Notice of applications.

(a) Upon receipt of an application, ERA shall publish a notice of application in the **Federal Register**. The notice shall summarize the proposal. Except in emergency circumstances, the notice shall provide a time limit of not less than fifteen (15) days for persons to file protests, comments or a motion to intervene or notice of intervention, as applicable. The notice may also request comments on specific issues or matters of fact, law, or policy raised by the application.

(b) The notice of application shall advise the parties of their right to request additional procedures, including the right to file written comments and to request that a conference, oral presentation, or evidentiary hearing be convened. Failure to request additional procedures at this time shall be deemed a waiver should the Administrator decide to grant the application and authorize the import by issuing a final opinion and order in accordance with § 590.314.

(c) Where negotiations between DOE, including ERA, and a foreign government have resulted in a formal policy agreement or statement affecting a particular import or export proceeding, ERA shall include in the notice of application a description of the terms or policy positions of that agreement or statement to the extent they apply to the proceeding, and invite comment.

§ 590.206 Notice of procedures.

In all proceedings where, following a notice of application and the time specified in the notice for the filing of responses thereto, the Administrator determines to have additional procedures, including the filing of written comments or the holding of a conference, oral presentation, or evidentiary hearing, the Administrator shall provide the parties with notice of the procedures to be followed in the proceeding and advise the parties of their right to request additional procedures in accordance with the provisions of this part. This notice of procedures may identify and request comments on specific issues of fact, law, or policy relevant to the proceeding.

§ 590.207 Filing fees.

A non-refundable filing fee of ($50) shall accompany each initial application to import or export natural gas or any amendment to such application.

§ 590.208 Small volume exports.

(a) *Blanket authorization.* Any person may export up to 100,000 cubic feet of natural gas (14.73 pounds per square inch at 60°F) or the liquefied or compressed equivalent thereof, in a single shipment for scientific, experimental, or other non-utility gas use without prior authorization of the Administrator, on the condition that the reporting requirements in paragraph (b) of this section are met.

(b) *Reporting requirement.* Any person exporting natural gas pursuant to paragraph (a) of this section shall file with ERA within fifteen (15) days after the transaction, a written description of the export transaction, including the name of the exporter, the exact volume of the natural gas exported, the date of the export, and the name of the purchaser.

Subpart C—Procedures

§ 590.301 General.

The procedures of this Subpart are applicable to proceedings conducted on all applications filed under this part.

§ 590.302 Motions.

(a) Motions for any procedural or interlocutory ruling shall set forth the ruling or relief requested and state the grounds and the statutory or other authority relied upon. All written motions shall comply wth the requirements of § 590.103. Motions made during conferences, oral presentations or evidentiary hearings may be stated orally upon the record, unless the Adminstrator or the presiding official determines otherwise.

(b) Any party may file an answer to any motion within fifteen (15) days after the motion is filed, unless another period of time is established by the Administrator or the presiding official. Answers shall be in writing and under oath. Answers shall detail each material allegation of the pleading answered and state clearly and concisely the facts and legal authorities relied upon.

(c) Any motion, except for motions seeking intervention or requesting that a conference, oral presentation or evidentiary hearing be held, shall be deemed to have been denied unless the Administrator or presiding official acts within thirty (30) days after the motion is filed.

§ 590.303 Intervention.

(a) A State commission may intervene in a proceeding under this part as a matter of right by filing a notice of intervention.

(b) Any other person who seeks to become a party to a proceeding shall file a motion to intervene, which sets out clearly and concisely the facts upon which the petitioner's claim of interest is based.

(c) A motion to intervene shall state the position taken by the movant and the factual and legal basis for such positions in order to advise the parties and the Administrator as to the specific issues of policy, fact or law to be raised or controverted.

(d) Motions to intervene and notices of intervention may be filed at anytime following the filing of an application, but no later than the date fixed for filing such motions or notices in any ERA notice or order, unless a later date is permitted by the Administrator for good cause. Each motion or notice shall list the names, titles, and mailing addresses of a maximum of two persons for the official service list.

(e) Any party may file an answer to a motion to intervene, but such answer shall be made within fifteen (15) days after the motion is filed, unless a later date is permitted by the Administrator for good cause. Answers shall be in writing and under oath and shall detail each material allegation of the motion answered and state clearly and concisely the facts and legal authorities relied upon. Failure to answer is deemed a waiver of any objection to the intevention. This paragraph does not prevent the Administrator from ruling on a motion to intervene and issuing a final opinion and order in accordance with § 590.314 prior to the expiration of the fifteen (15) days in which a party has to answer a motion to intervene.

(f) If no answer in opposition to a motion to intervene is filed within fifteen (15) days after the motion to intervene is filed, the motion to intervene shall be deemed to be granted, unless the Administrator denies the motion in whole or in part or otherwise limits the intervention prior to that time. Where the motion to intervene is deemed granted, the participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the motion to intervene, and the admission of such intervenor to party status shall not be construed as recognition by ERA that the intervenor might be aggrieved because of any order issued.

(g) In the event that a motion for later intervention is granted, an intervenor shall accept the record of the proceeding as it was developed prior to the movant's intervention.

§ 590.304 Protests.

(a) Any person objecting to an application or other request for action notice by ERA under this Part may file a protest. No particular form is required. The protest shall identify the protestant and the application or action being protested and provide a concise statement of the reason for the protest.

(b) The filing of a protest, without also filing a motion to intervene or a notice of intervention, shall not make the protestant a party to the proceeding.

(c) A protest shall be made part of the record of the proceeding and shall be considered as a statement of position of the protestant and not as establishing the validity of any assertion, in determining what action is appropriate.

(d) Protests shall be served on the parties either by the protestant or by ERA as provided in § 590.107(d).

§ 590.305 Subpoenas.

(a) Subpoenas for the attendance of witnesses at an evidentiary hearing or for the production of documentary evidence may be issued upon the initiative of the Administrator or presiding official, or upon written motion of a party or oral motion of a party during a conference, oral presentation, or evidentiary hearing if the Administrator or presiding official determines that the evidence sought is relevant and material.

(b) Motions for the issuance of a subpoena shall specify the relevance, materiality, and scope of the testimony or documentary evidence sought including, as to documentary evidence, specification to the extent possible of the documents sought and the facts to be proved by them.

(c) If service of a subpoena is made by a United States Marshall or a Deputy United States Marshall, service shall be evidenced by their return. If made by another person, that person shall affirm that service has occurred and file an affidavit to that effect with the original subpoena.

§ 590.306 Depositions.

(a) The Administrator or presiding official may authorize the taking of testimony of any witness by deposition, upon motion filed by a party.

(b) Parties authorized to take a deposition shall provide written notice to the witness and all other parties, unless waived, at least ten (10) days in advance of the deposition.

(c) The requesting motion and notice shall state the name and mailing address of the witness, delineate the subject matters on which the witness is expected to testify, state the reason why the deposition should be taken, indicate the time and place of the deposition, and provide the name and mailing address of the person taking the deposition.

(d) A witness whose testimony is taken by deposition shall be sworn or shall affirm concerning the matter about which he or she has been called to testify before any questions are asked or testimony given.

(e) Unless the Administrator or the presiding official directs otherwise, the moving party shall file the deposition with ERA after it has been subscribed and certified. The deposition will be made a part of the official record.

§ 590.307 Admissions of facts.

(a) At any time prior to the end of an evidentiary hearing, or, if there is no evidentiary hearing, prior to the issuance of a final opinion and order under Supbart D, any party, the Administrator or the presiding official may serve on any party a witten request for admission of the truth of any matters

at issue in the proceeding that relate to statements or opinions of fact or of the application of law to fact.

(b) A matter shall be considered admitted and conclusively established for the purposes of any proceeding in which a request for admission is served unless, within ten (10) days after service of the request, the party to whom the request is directed answers or objects to the request. Any answer shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the answering party states that, after reasonable inquiry, the answering party has been unable to obtain sufficient information to admit or deny. If an objection is made, the answering party shall state the reasons for the objection.

(c) If the Administrator or presiding official determines that an answer to a request for admission does not comply with the requirements of this paragraph, he or she may order either that the matter is admitted or that an amended answer be served.

(d) A copy of all requests for admission and answers thereto shall be filed with ERA. Copies of any documents referenced in the request shall be served with the request unless they are known to be in the possession of the other parties.

§ 590.308 Opportunity for additional procedures.

At any time prior to the issuance of a final opinion and order, any party may file a motion requesting additional procedures, including the right to file written comments or that a conference, oral presentation or evidentiary hearing be held. The motion shall describe what type of procedure is requested and include the information required by §§ 590.309, 590.310, and 590.311, as appropriate.

§ 590.309 Conferences.

(a) Upon the initiative of the Administrator or presiding official or upon motion by a party, a conference of the parties may be convened to adjust or settle the proceedings, set schedules, delineate issues, stipulate to certain issues of fact or law, set procedures, and consider other relevant matters where is appears that a conference will materially advance the proceeding. The Administrator or presiding official may delineate the issues which are to be considered and may place appropriate limitations on the number of intervenors who may participate, if two or more intervenors have substantially like interests.

(b) Any motion by a party for a conference shall include a specific showing why a conference will materially advance the proceeding.

(c) Conferences shall be stenographically recorded, unless otherwise ordered by the Administrator or presiding official, and the transcript shall be made part of the record of the proceeding and available to the public.

§ 590.310 Oral presentations.

(a) Upon the initiative of the Administrator or presiding official, an oral presentation may be convened for the purpose of hearing oral statements or arguments on delineated issues of fact, law, or policy relevant and material to the proceeding, if the Administrator or presiding official determines that such an oral presentation will materially advance the proceeding and that the issues cannot be adequately discussed in written submissions.

(b) Any party may file a motion requesting an opportunity to make an oral presentation of views, arguments, including arguments of counsel, and data on any aspect of the proceeding. The motion shall identify the substantial question of fact, law or policy at issue and demonstrate that it is substantial. The party may submit material supporting the existence of the substantial issues. The Administrator or presiding official shall grant a party's motion for an oral presentation, if the Administrator or presiding official determines that a substantial question of fact, law, or policy is at issue in the proceeding.

(c) Any motion by a party for an oral presentation should include a specific showing why an oral presentation will materially advance the proceeding and why the issues cannot be adequately discussed in written submissions.

(d) The Administrator or presiding official may require that parties making oral presentations file briefs or other documents prior to the oral presentation. The Administrator or presiding official also may delineate the issues that are to be considered at the oral presentation and place appropriate limitations on the number of intervenors who may participate, if two or more intervenors have substantially like interests.

(e) Oral presentations shall be conducted in an informal manner. The oral presentation may be, but need not be, made by counsel. The Administrator or the presiding official, and other decisional employees, shall preside as a panel and may question those parties making an oral presentation. Cross-examination by the parties and other more formal procedures used in evidentiary hearings will not be available in oral presentations.

(f) Oral presentations shall be stenographically recorded, and the transcript shall be made part of the record of the proceeding and available to the public.

§ 590.311 Evidentiary hearings.

(a) Upon the initiative of the Administrator or presiding official, an evidentiary hearing may be convened for the purpose of taking evidence on relevant and material issues of fact, if the Administrator or presiding official determines that an evidentiary hearing will materially advance the proceeding and that the issues cannot be adequately discussed in written submissions or at an oral presentation.

(b) Any party may file a motion for an evidentiary hearing for the purpose of taking evidence on relevant and material issues of fact genuinely in dispute in the proceeding. The motion shall identify the factual issues in dispute and the evidence that will be presented. The party must demonstrate that the issues are genuinely in dispute, relevant and material to the decision and that an evidentiary hearing is necessary for a full and true disclosure of the facts.

(c) The Administrator or presiding official shall grant a party's motion for an evidentiary hearing, if the Administrator or presiding official determines that there is a relevant and material factual issue genuinely in dispute and that an evidentiary hearing is necessary for a full and true disclosure of the facts.

(d) In evidentiary hearings, the parties shall have the right to be represented by counsel, to request discovery, to present the direct and rebuttal testimony of witnesses, to cross-examine witnesses under oath, and to present documentary evidence.

(e) The Administrator or presiding official upon their own initiative or upon the motion of any party may consolidate any proceedings involving common questions of fact in whole or in part for an evidentiary hearing. The Administrator or presiding officer may also place appropriate limitations on the number of intervenors who may participate if two or more intervenors have substantially like interests.

(f) The Administrator or presiding official may make such rulings, including delineation of the issues and denial of cross-examination of a witness, as are necessary to obtain a full and true disclosure of the facts and to limit

irrelevant, immaterial, or unduly repetitious evidence.

(g) At evidentiary hearings, the Administrator or presiding official and any other decisional employee may present witnesses for testimony or exhibits that directly relate to a particular issue of fact to be considered at the hearing. The Administrator or the presiding official and any other decisional employee also may question witnesses offered by the parties concerning their testimony.

(h) Evidentiary hearings shall be stenographically recorded, and the transcript shall be made part of the record of the proceeding and available to the public.

§ 590.312 Presiding officials.

(a) The Administrator may preside at a conference, oral presentation, or evidentiary hearing or may designate a presiding official to officiate at such proceedings. The presiding official shall have the full authority of the Administrator during such proceedings.

(b) A presiding official at a conference, oral presentation or evidentiary hearing shall have the authority to regulate the conduct, including, but not limited to, determining the issues to be raised during the course of the conference, oral presentation, or evidentiary hearing, administering oaths or affirmations, ruling on objections to the presentation of testimony or exhibits, receiving relevant and material evidence, requiring the advance submission of written testimony and exhibits, ruling on motions, determining the format, directing that briefs be filed with respect to issues raised or to be raised during the course of the conference, oral presentation or evidentiary hearing, questioning witnesses, taking reasonable measures to exclude duplicative material, and placing limitations on the number of witnesses to be called by a party.

§ 590.313 Witnesses.

(a) The Administrator or presiding official may require that the testimony of witnesses in evidentiary hearings be submitted in advance of the hearing in sworn, written form.

(b) Witnesses who testify in an evidentiary hearing shall be sworn or shall affirm before being allowed to testify.

(c) Witnesses subpoenaed pursuant to § 590.305 shall be paid the same fees and mileage as paid for like services in the District Courts of the United States.

(d) Witnesses deposed pursuant to § 590.306 shall be entitled to the same fees as paid for like services in the District Courts of the United States.

§ 590.314 Shortened proceedings.

In any proceeding where, in response to a notice of application, no party files a motion requesting additional procedures, including the right to file written comments, or the holding of a conference, oral presentation, or evidentiary hearing, or where the Administrator determines that such requested additional procedures are not required, the Administrator may issue a final opinion and order after consideration of the record, including the application and all other filings. In any proceeding in which the Administrator intends to deny the application solely on the basis of the application and responses to the notice of application without additional procedures, the Administrator shall advise the parties generally of the issues of concern to the Administrator upon which the denial would be based and provide them with an opportunity to request additional procedures.

§ 590.315 Reopening the record.

(a) After the conclusion of an oral presentation or evidentiary hearing and prior to the issuance of a final opinion and order, the record may be reopened by the Administrator or presiding official at any time in order to take additional evidence or oral argument. Such decision may be in response to a motion to reopen from a party or upon the initiative of the Administrator or presiding official.

(b) Motions to reopen the record shall set forth the grounds and describe the circumstances which warrant such action and shall demonstrate that reopening the record will materially advance the proceeding.

Subpart D—Opinions and Orders

§ 590.401 Orders to show cause.

The Administrator may commence a proceeding under this Part by issuing an order to show cause, which shall identify the matters of interest about which the Administrator is inquiring. A show cause order is not a final opinion and order, but is for the purpose of framing issues for consideration and decision. The respondent named in the order shall respond orally or in writing, or both, as required by the order.

§ 590.402 Conditional decisions.

The Administrator may issue a conditional decision at any time during a proceeding prior to issuance of a final opinion and order. The conditional decision shall include the basis for not issuing a final opinion and order at that time and a preliminary statement of findings and conclusions.

§ 590.403 Emergency relief.

Where consistent with the public interest, the Administrator may waive further procedures and issue an emergency interim order authorizing the import or export of natural gas. After issuance of the interim order, the proceeding shall be continued until the record is complete, at which time, a final opinion and order shall be issued. The Administrator may attach necessary or appropriate terms and conditions to the interim order to ensure that the authorized action will be consistent with the public interest.

§ 590.404 Final opinions and orders.

The Administrator shall issue a final opinion and order after completion and review of the record. The final opinion and order shall include a statement of findings and conclusions, as well as the reasons or basis for them, and the appropriate order, condition, sanction, relief, or denial.

§ 590.405 Transferability.

Authorizations by the Administrator to import or export natural gas shall not be transferable or assignable, unless specifically authorized by the Administrator.

§ 590.406 Compliance with orders.

Any person required or authorized to take any action by a final opinion and order of the Administrator under Section 3 of the NGA shall file with ERA, within thirty (30) days after the requirement or authorization becomes effective, a notice, under oath, that such requirement has been complied with or such authorization accepted or otherwise acted upon, unless otherwise specified in the order.

§ 590.407 Reports of changed circumstances.

Any person authorized to import or export natural gas has a continuing obligation to give the Administrator written notification as soon as practicable, of any prospective or actual changes of a substantive nature in the circumstances upon which the authorization was based, including, but not limited to, amendments or other changes in the terms and conditions of any natural gas purchase contract, in volumes accepted or offered, or the import or export price paid. Compliance with this section does not relieve an importer or exporter from responsibility to file the appropriate application to amend a previous import or export authorization under this part whenever such changes are contrary to or otherwise not permitted by the existing authorization.

Subpart E—Applications for Rehearing

§ 590.501 Filing.

(a) An application for rehearing of a final opinion and order or emergency interim order may be filed by any party aggrieved by the issuance of such opinion and order within thirty (30) days after issuance. The application shall be served on all the parties.

(b) The application shall state concisely the alleged errors in the final opinion and order or emergency interim order and must set forth specifically the ground or grounds upon which the application is based. If an order is sought to be vacated, reversed, or modified by reason of matters that have arisen since the issuance of the final opinion and order or emergency interim order, the matters relied upon shall be set forth with specificity in the application. The application shall also comply with the requirements of § 590.103.

§ 590.502 Application is not a stay.

The filing of an application for rehearing does not operate as a stay of the Administrator's decision or order unless specifically ordered by the Administrator.

§ 590.503 Opinion and order on rehearing.

Upon application for rehearing, the Administrator may grant or deny rehearing or may abrogate or modify the final opinion and order or emergency interim order with or without further proceedings.

§ 590.504 Denial by operation of law.

Unless the Administrator acts upon the application for rehearing within thirty (30) days after it is filed, it is deemed to be denied. Such denial shall constitute final agency action for the purpose of judicial review.

§ 590.505 Answers to applications for rehearing.

No answers to applications for rehearing shall be entertained. Prior to the issuance of any final opinion and order on rehearing, however, the Administrator may afford the parties an opportunity to file briefs or answers and may order that a conference, oral presentation, or evidentiary hearing be held, on some or all of the issues presented by an application for rehearing.

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Friday
September 4, 1981

Part VIII

Department of Agriculture

Food and Nutrition Service

Regulations To Implement Some of the Food Stamp Program Amendments of the 1981 Omnibus Reconciliation Act

V 46 / 172 S E 4 8 1 UMI

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, 273, 274, and 277

[Amdt. No. 202]

Food Stamp Program: Household Composition, Income Standards, Initial Month Benefits, Adjustments, Deductions, and Outreach.

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule; request for comments.

SUMMARY: This rule changes the current Food Stamp Program in accordance with the 1981 Omnibus Reconciliation Act. As required by that law, changes are made in the definition of a household, which households are eligible for food stamps, what benefits a household will receive when it first applies and in subsequent months, when USDA will update the income eligibility standards, benefit levels and allowable deduction amounts to account for changes in the cost-of-living, and other parts of the Program. Taken together, these changes will restrict eligibility and reduce the Program's cost. This rule also implements a minor provision of the 1980 Food Stamp Amendments.

DATES: This interim rule is effective on September 4, 1981. State agencies shall begin implementation no later than October 1, 1981 and complete implementation in accordance with the timeframes set forth in these rules. Comments must be received on or before January 4, 1982.

ADDRESS: Comments should be submitted to Alberta Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), at 500 12th Street, SW, Washington, D.C., Room 678.

FOR FURTHER INFORMATION CONTACT: Thomas J. O'Connor, Jr., Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250; (202) 447-9075.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1. The Department estimates that the rule will result in a savings of about $1.3 billion in fiscal year 1982. Therefore, it is classified as a "major" rule because the rule will have a significant annual effect on the economy, through significant program cost savings of more than $100 million. However, the rule will not result in major increases in costs or prices, will not have a significant adverse effect on competition, employment, productivity, investment, or foreign trade, and will not require significant changes in the way State and local welfare agencies administer the Program. Further, this rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises. While the Department has determined that this rule shall be classified as a "major" rule, in accordance with Executive Order 12291, it has also been determined that an emergency situation exists which makes compliance with the requirements of the Order with respect to such rules impracticable. Therefore this rule is being promulgated in accordance with the exemption in Section 8(a)(1) of the Executive Order. The Department has informed OMB of the problems it faces in complying with the Executive Order and shall submit the rule for review at the first opportunity. The Department has taken this action because implementation of these provisions for a full year has been assumed in the spending limitations for the Food Stamp Program being considered by Congress for fiscal year 1982, and it is essential that these provisions be implemented as early in the fiscal year as possible to achieve the savings intended by Congress over the course of the entire fiscal year. Delays in the effective date and implementation would increase the likelihood that the Department may need to enforce Section 18(b) of the Food Stamp Act, which requires the Department to reduce, suspend, or cancel benefits to all eligible households if, in any fiscal year, Program spending will exceed the limitations enacted by Congress. While implementation of these provisions will have an adverse effect on many potential applicants and some current participants, delays in implementation could result in an across-the-board adverse effect on all eligible participants if Section 18(b) must be enforced as a direct result of delayed implementation of the provisions.

The Department of Agriculture has also determined, in accordance with 5 U.S.C. 553(d)(3), that good cause exists for making this rule effective earlier than thirty days after publication, and additionally, in accordance with 5 U.S.C. 553(b)(1)(B), that there is good cause found that notice of proposed rulemaking and public comment procedures prior to the effective date of this rule are impracticable, unnecessary, and contrary to the public interest. Each month that implementation of the provisions is delayed would result in significant loss of Program savings intended to be achieved by the Congress for fiscal year 1982. This would increase the possibility that Program spending will exceed the spending limits Congress has placed on the Program, and may result in issuance of lower benefits or no benefits to *all* eligible participants, as required by Section 18(b) of the Food Stamp Act. It is, therefore, in the public interest to quickly direct benefits as the Congress intended, rather than to unnecessarily issue lower benefits or no benefits to *all* eligible participants. The Department will accept comments on these rules, however, and will review all that are received within 120 days of publication. A final rule will be published after the comment period ends.

Finally, this rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96-354. G. William Hoagland, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The action will implement those provisions of the 1981 Omnibus Reconciliation Act aimed at reducing the growth of Federal Food Stamp Program expenditures for fiscal year 1982, by restricting eligibility for the Program and reducing benefits for certain households which remain eligible. State and local welfare agencies are affected to the extent that they administer the program. Other small entities may be affected by the elimination of Federal funds to reimburse State agencies for outreach efforts. Those most affected are potential and current participants in the Program.

Background

As part of an effort to curb the growth in Federal expenditures in fiscal year 1982, Congress enacted numerous changes in the Food Stamp Act as part of the Omnibus Reconciliation Act of 1981 (Pub. L. 97-35, enacted August 13, 1981). In that Act Congress proposed to restrain the growth of the Food Stamp Program through a number of provisions. Several are implemented by this rulemaking and are described in this preamble.

The Reconciliation Act permits the Secretary to set the dates of

implementation of the amendments to the Food Stamp Act, taking into account the need for an orderly implementation (Section 117). The Department has included in this rulemaking those provisions which will save the most money while disrupting the Program's operation least. Other provisions of the Reconciliation Act, those regarding a mandatory monthly reporting and retrospective accounting system (Sections 107 and 108), disqualification for fraud and misrepresentation (Section 112), claims and recovery of overpayments (Section 113), a State agency's share of collected claims (Section 114), and a block grant program in the Commonwealth of Puerto Rico (Section 116), shall be addressed in separate rules at a later date.

Gross Income Limit

Introduction. In the current Food Stamp Program a household is eligible for benefits only if its net income is less than the Federal government's nonfarm income poverty guidelines. Net income is also used in determining a household's benefit level. Net income means the total of earned and unearned income (or gross income) minus the earned income, standard, medical, dependent care, and excess shelter deductions. The new legislation (Section 104) eliminates this standard of net income for eligiblity determinations for most households and uses a new gross income standard instead. Only for households with an elderly or disabled member will the net income standard remain in effect. The situation of these households is discussed later in this section of the preamble.

Under the provisions of the Reconciliation Act, a household cannot participate in the Food Stamp Program if its gross income exceeds 130 percent of the nonfarm income poverty guidelines. A household's gross income is relevant in determining its eligibility. Only when computing an eligible household's benefit level is net income a consideration.

In implementing this provision, this rule does not change the current definitions of gross income and net income in any way; the rule only changes the uses to which these income amounts are put. As before, gross income means a household's total, non-excluded income, before any deductions have been made. As before, net income means gross income minus the Program's allowable deductions.

Gross income is the household's total income after excluded income has been disregarded but before any deductions have been made. Because assistance programs differ in what is excluded and what is deducted, the Department wishes to repeat here the list of excluded income for the Food Stamp Program. This list is derived directly from Section 5(d) of the Food Stamp Act of 1977, as amended.

Non-monetary compensation and vendor payments are excluded, as is irregular income which does not exceed $30 in three months. The Program excludes deferred payment educational loans, grants, scholarships, fellowships, veterans' educational benefits and similar payments, but only to the extent that they are used for tuition or mandatory fees at institutions of higher education or schools for the handicapped. All loans, other than deferred payment, educational loans, are excluded in their entirety. Also excluded are reimbursements which do not exceed a household member's actual expenses and which are not a gain or benefit to the household. If the household receives money to care for a third party beneficiary who is not a household member, or if a student member of the household, who is under 18, earns money, these incomes are excluded. Nonrecurring lump-sum payments are excluded and the cost of producing self-employment income is excluded. Any energy assistance payments made under Federal, State, or local laws are excluded. Finally, income which is excluded by any other Federal law must be disregarded in computing a household's gross income. For a fuller explanation of these exclusions, and in particular, for a list of the types of income which are excluded by statutes other than the Food Stamp Act, please refer to 7 CFR 273.9(c).

The only deductions in the Food Stamp Program are those allowed by Section 5(e) of the Food Stamp Act and explained in 7 CFR 273.9(d). These deductions are: the standard deduction, the earned income deduction, the dependent care deduction, the medical deduction, and the shelter expense deduction.

There are a number of issues which arise under this change in the eligibility standards. The first is how to issue allotments to eligible households which are entitled to receive allotments of $1, $3, or $5. The second issue is how to treat households which are eligible under the gross income test but which are not entitled to receive any benefits because their net incomes are too high. These two issues arise in the following way. Currently, a household's allotment equals the appropriate Thrifty Food Plan amount for the household's size minus 30 percent of its net income. Under the current net income limit for all households, a household would become ineligible before its allotment could fall below $6. When the gross income limit is used, this relationship between net income and eligibility is removed. Therefore, a household's gross income could be low enough to make it eligible, while its net income could be high enough to entitle it to $2, $1, or even no benefits. Under Section 8(a) of the Food Stamp Act of 1977, as amended, eligible households with one or two members are automatically entitled to a minimum monthly allotment of $10. Therefore, these issues arise only with regard to households of three or more, or households whose benefits are prorated in the initial month of their eligibility.

Allotments under $10. The first issue, then, concerns a household which is entitled to an allotment of $1, $3, or $5. These allotments cannot be issued because the smallest books printed are $2 and $7 books. This issue was first discussed in the proposed rulemaking entitled "Amount of Initial Benefits," published in the **Federal Register** on May 22, 1981, at 46 FR 27960. As a result of consideration given to the problem at that time and comments received on that proposed rule, the following options were considered: (1) Establish a minimum allotment of $5, $6, $7, or $10 for all households; (2) Issue loose $1 coupons; (3) Adjust $1, $3, and $5 allotments to $2, $4, and $6 respectively; (4) Issue coupons in books of $1 denomination: or (5) Apply both the gross and net income standards to the same households.

The Department does not have the legal authority to set a minimum allotment for households with three or more members. Section 8(a) of the Food Stamp Act establishes a minimum only for one and two-person households. Also, a minimum allotment would be a costly procedure, particularly if the minimum were $10.

The issuance of loose $1 coupons would result in significant problems of accountability. The production costs of $1 books would be excessive, as would the costs of reprinting forms, reprogramming computers, and shipping and storing new denominations of books.

The Department considered the option of not issuing any benefits to households whose net incomes exceed the current net income standards. In other words, households would be subjected to both the gross *and* net income standards. This option would have avoided the problems of issuing benefits under $10 and would have been a cost-effective procedure to follow. However, the Reconciliation Act clearly states that

each household is subject to either the gross or net income standard, but not to both. It would require a change in the Food Stamp Act itself to apply both standards to the same household.

Since the other options are more costly, the Department has chosen to adjust the benefits of those households which are entitled to $1, $3, or $5, by issuing these households allotments of $2, $4, or $6, respectively. The Department, the State agencies, and the issuance agents can issue benefits in this manner at the lowest administrative cost and with the least disruption to the issuance system.

The second issue concerns the treatment of those households which are eligible, but are entitled to no benefits on an ongoing basis. Under Section 8(a) of the Food Stamp Act of 1977, as amended, eligible households with one or two members must receive an allotment of at least ten dollars. However, households with three or more members, although eligible, may be entitled to no benefits. An eligible household would be entitled to no benefits if 30 percent of its net income were equal to or greater than the Thrifty Food Plan amount for its household size. This could not happen under the net income limit, since a net income that high would make a household ineligible. For a household subject to the gross income limit, this is no longer the case. The household may be eligible if it had a gross income just below 130 percent of the poverty level, but 30 percent of its net income equaled its Thrifty Food Plan. For example, a household with four members could have a gross income of $915 and be eligible for food stamps. If the household claimed only the standard deduction of $85, its net income would be $830. Since 30 percent of $830, or $249, is more than the Thrifty Food Plan for a four-person household ($233), this household would receive no benefits.

The Department is offering State agencies two options for dealing with these households. First, the State agency may deny the household's eligibility on the basis that its net income is too high for it to receive benefits. Second, the State agency may certify the household as eligible, but suspend its participation. The State agency may choose whichever option is most appropriate.

The Department believes the first option will probably be the more efficient option for most State agencies. It will avoid the problem of "dummy cases." These are households which are carried as active, but which do not receive benefits. Such cases are especially prone to fraud and the denial option would make such fraud more difficult to commit. The denial option is also the simpler option to implement and administer. At the same time the Department recognizes that some State agencies might prefer to certify these households but suspend their participation. This option might be preferable because of the agencies' systems or the nature of their caseloads. As an example, a four-person household might claim only the standard deduction of $85 and receive gross monthly income which fluctuates above and below $863 monthly. If the household selected a variable allotment system, it would alternate between receiving some benefits and none at all. Therefore, the Department is offering the second option of certifying the household without benefits.

The Department is offering the suspension option to State agencies which would find useful a middle ground between the status of applicant and the status of recipient. Under this option, the State agency is allowed to specify which changes would result in a household's conversion from suspension to recipient. For example, a State agency might convert only households with changes in income or deductions, but require a new application when household composition changes. Accordingly, the State agency would also design its own reporting system for suspended households by deciding what had to be reported, when, and how. This reporting system could differ from the reporting system now in effect, as required by 7 CFR 273.12.

A household would be entitled to its first issuance within ten days of the date it reports a change that results in its conversion. This first issuance would be the household's full allotment prorated from the date the household reports the change over the remainder of the month. The methods available for proration are specified at 7 CFR 273.10(a)(1) and are discussed in this rulemaking under the heading, "Benefit Levels for Initial Month of Application".

This rule offers two options regarding work registration as it relates to suspended households. Currently, work registration forms are completed at the time of application (usually at the certification interview) and sent to the State Employment Security Agency (SESA) within five days of the date of certification. For suspended households, the State agency may, under this rule, require registration at the time of application or delay it until the household has been determined entitled to benefits. In either case, the State agency would not submit the work registration form to the SESA until entitlement to benefits had been determined. The State agency would then have five days to submit the form. These modifications have been adopted to reduce the amount of paperwork that would be required, perhaps unnecessarily, by adhering to the current work registration procedures. As a consequence of the delay in submitting the work registration form to SESA, a suspended household shall not be required to comply with the job search requirements of 7 CFR 273.7(f) until after the household has been converted to recipient status.

In order to expedite the conversion from suspended status to recipient status, the State agency will not be allowed to require the household to be interviewed a second time. When the household reports a change, the State agency will contact the household only to clarify any inconsistent or questionable information and to inform the household of the verification requirements.

Once a household has been converted, the State agency will have ten days to provide the household with an opportunity to participate. Since the State agency will have the household's case in its active file, the State agency will only be making changes. A limit of ten days, rather than a longer period, was chosen to minimize the hardship a household would suffer between the time it becomes entitled to food stamps and the delivery of those benefits.

These options are available only when a household is entitled to no benefits on an ongoing basis. An eligible household may have its initial month's allotment prorated to zero in accordance with 7 CFR 273.10(a)(1), but be entitled to some benefits in subsequent months. A State agency must certify this household; it does not have the option of denying the household's application.

The elderly and the disabled. Households which contain an elderly or a disabled member are exempt from the new gross income standards. According to the Reconciliation Act, an elderly member is one who is at least sixty years old. A disabled member is one who receives Supplemental Security Income (SSI) benefits or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act. For these households, the current net income standard will remain in effect. They will also remain entitled to the medical and uncapped shelter deductions in addition to the earned income, standard, and dependent care deductions.

Changing from one standard to the other. There will be circumstances

under which a certified household will move from the gross income eligibility standard to the net income eligibility standard. This will happen when a member of the household becomes 60 years old, begins receiving SSI, or begins receiving a disability payment. The question of when to apply the net income standard thus arises. This could be done at recertification, when the household notifies the State agency of the change, or when the change takes place, if the State agency is already aware of it.

Applying the new standard at recertification would reduce the administrative complexity of handling the change. Fewer notices would have to be sent out and fewer cases would have to be reexamined. There would be less inconvenience to the household. However, because application of the net income standard can result in ineligibility for a participating household, some ineligible households would continue to receive benefits until recertification.

Handling the change when a recipient reports it would eliminate much of the delay in applying the net income standard. However, two problems arise. First, households are not now required to report the sixtieth birthday of a household member. Adding that requirement would entail significant changes in forms and instructions to applicants and recipients. Second, it would also require the State agency to go beyond what it would normally verify. For example, if a recipient reported the receipt of a Retirement, Survivors, and Disability Insurance (RSDI) payment, the State agency would have to determine whether the payment was for disability or for one of the other kinds of payments.

The Department has chosen to require State agencies to apply a new eligibility standard only when the agency has to adjust a household's eligibility, benefit level, or certification period. Under this procedure, a State agency will be able to redetermine eligibility efficiently, and only when it is necessary. If a household's eligibility is not redetermined during its certification period, the State agency would apply the other standard as part of the next recertification process.

Other households may become eligible when they become entitled to the net, rather than the gross income standard. Since such a household would not be certified at the time of the change, the household would have to apply for participation in the Food Stamp Program before it could receive benefits.

Computation procedure. The Department is also changing the procedure for computing a household's net income. Under the current procedure, a State agency calculates the household's gross earned income, subtracts the earned income deduction, and then adds the household's gross unearned income. This means that at no point does its total gross income appear on the worksheet. To make the determination of eligibility easier, the new procedure will require first the computation of total gross income and then the deduction of the earned income allowance, and other expenses.

Policy clarifications. There are three issues related to the preceding discussion of the new gross income eligibility limit that merit discussion, although the Department is not issuing new rules with respect to those issues. First, the new gross income eligibility standard also applies to households which receive expedited service because they are destitute. If an applying household is destitute, the State agency shall compute its gross income by counting only that income which the household receives between the first day of the month and the date the household applies. It is this gross income which the State agency shall compare to the gross income eligibility standard to determine eligibility. For an elderly or disabled household which is subject to the net income standard, the State agency shall determine eligibility as under current procedures, using the household's net income. In this way both the State agency and the household can avoid a second application process soon after the first.

Second, it is possible that a household may be ineligible in its month of application, but it is anticipated that the household will be eligible in the subsequent month. Currently, the regulations require that State agencies deny the household's application in the first month but certify the household in the subsequent month (7 CFR 273.10(a)(3)). This requirement will remain in effect for households which are eligible for no benefits, taking precedence over the two options which are otherwise offered to State agencies.

The third issue is the rounding of the monthly gross income eligibility standards. Because eligibility is determined monthly, the annual income poverty guidelines have, in the past, been divided by 12 to arrive at the monthly net income standard. If necessary, this monthly amount was then rounded up to the next whole dollar. Rounding up guaranteed that no household could be made ineligible for food stamps simply because of the rounding of the income eligibility standard. The Department has chosen to round the gross income eligibility standard in the same way. Thus, when 130 percent of the poverty guideline is divided by 12, the quotient will be rounded up to the next whole dollar. Since the Department has chosen this procedure, a discrepancy exists between the gross income eligibility standard chart which appears in this rule and the chart which appears in the House Report on the Food and Agriculture Act of 1981 (97th Congress, 1st Session, Rep. No. 97–106, page 124). The chart in the House Report contains quotients which were rounded down from 49 cents and up from 50 cents. At no point is there a difference of more than one dollar.

Minimum allotment. As stated previously, only households with one or two members are guaranteed a minimum allotment of $10. However, the regulations, as they are currently written, occasionally mention the $10 minimum without restricting it to these small households. The Department is therefore amending the regulations to correct this oversight wherever there is a reference to a minimum allotment.

Outreach

The Omnibus Reconciliation Act of 1981 drastically changed the Food Stamp Act's outreach provisions; it not only eliminated the provisions themselves, it also added a provision to the Act forbidding the use of Federal funds for outreach activities.

The rules implementing these changes make outreach activities a State agency option. However, beginning on October 1, 1981, FNS will no longer fund State agency outreach activities. Therefore, any outreach activities that State agencies undertake after that date will have to be totally funded by State agencies.

In eliminating the food stamp outreach requirements and prohibiting Federal funding of outreach activities, Congress was clearly trying to halt Federal funding for many of those activities currently undertaken by State agencies to inform people about the Program and encourage them to apply. As the Senate Report on S. 1007 pointed out: "* * * with 23 million recipients on the program—one in every 10 Americans—the American people, as a whole, are well-informed about the availability of food stamps and that aggressive Federal requirements for outreach are wholly inappropriate." (S. Rpt. No. 97–129, 97th Cong., 1st Session, p. 52 (1981)). However, Congress did not intend to eliminate all of the activities currently

authorized in the outreach regulations. The same Senate Report went on to say:

"This prohibition on funding should not unduly restrict the State from providing (with 50 percent matching Federal funds) information to potential recipients who are inquiring about participation in the food stamp (program). However, the Committee does not intend for Federal funding to be used to continue soliciting or recruiting recipients to the program." (id.)

With this in mind the Department reexamined current outreach rules to determine what should be kept and what should be eliminated. All but two required activities were eliminated.

One such activity is nutrition education. Section 11(e)(15) of the 1977 Act requires that State agencies display posters and distribute pamphlets that describe nutritious foods, menus, other USDA nutrition assistance programs, and the relationship between health and diet. This provision was not amended by the Omnibus Reconciliation Act. The rules requiring that these posters be displayed and these pamphlets be distributed are included in the outreach rules since it was there that other publication requirements are located. Now, even though the other requirements are being eliminated, the nutrition education requirements will remain.

Another activity that has been retained is the providing of information to participants and applicants of their Program rights and responsibilities. The Department believes that this is an important activity in that it can lead to better case management and fewer errors. Thus, it can prove to be a valuable management tool. The Senate Committee, again in its Report on S. 1007, supports the retention of this requirement when it states that: "* * * the prohibition on Federal funding of outreach should not be construed to inhibit informing food stamp applicants and recipients of their rights and responsibilities." (id.)

While the requirement has been retained, it has been altered so that it no longer prescribes how the information on rights and responsibilities is to be given to applicants and participants. The Department believes that State agencies should be free to choose the most appropriate means for fulfilling this requirement.

One other important point should be made. State agencies will not be prohibited from receiving Federal funds for providing people with answers to inquiries about the Program. Thus, the funding for receptionists who deal with potential applicants, for hotlines on which people may make inquiries, and other such activities will remain the same. However, funding for activities that solicit or recruit recipients for the Program will be ended.

Benefit Levels for Initial Month of Application

Introduction: On May 22, 1981, the Department published rules in the **Federal Register** (46 FR 27980) proposing that the period of application be defined in half-month time periods and that half-month benefits be issued for those households applying after the 15th of the month. The preamble to those proposed rules outlined the three options considered relative to initial month benefits. These were the half-month option proposed, defining the period of application as a seven-day period, thus dividing the month into quarters and issuing benefits retroactive to the first day of each quarter, and finally, defining the period of application as the day of application and prorating benefits based on the number of days left in the month. Since the proposed rulemaking was published, the Reconciliation Act was passed which mandates that initial month benefits be prorated from the day of application. While comments received on the proposed rulemaking discussing which option the commenters preferred are thus no longer relevant, many commenters either directed their comments to daily proration or addressed general areas of concern which are still pertinent. Such comments have been helpful in developing these final rules and are discussed below as an aid in explaining the new rules on proration of initial month's benefits.

Definition of initial month: Five comments were received requesting that initial month be defined to clarify when an application received from a household that has been previously certified would be considered an initial application resulting in prorated benefits. The commenters suggested that the Department simply follow the language in the legislation. This would define initial month as (1) the first month for which an allotment is issued to a household, and (2) the first month for which an allotment is issued to a household following any period of more than thirty days during which such household was not participating in the Food Stamp Program. The Department agrees that a definition is needed and in fact, the word of the legislation necessitates such a definition. The Department has thus defined the initial month as either the first month for which an allotment is issued to a household or the first month for which an allotment is issued to a household following any period of more than a month during which the household was not certified for participation in the program. A month was used rather than 30 days (to describe a lapse between certifications) to avoid confusion in non-30 day months. In addition, "certified for participation" was used in the definition instead of "participation" because the use of "participation" would necessitate a determination of whether a household did actually transact their authorization to participate (ATP) card and this can be a lengthy process.

Determination of eligibility: A few commenters misunderstood the time period for which eligibility should be determined and suggested that the eligibility determination be based on the whole month of application. The proposed rules stated that the eligibility for households submitting an initial application would be based on circumstances for the entire calendar month in which the household filed its application. Consequently, while benefits would be prorated in the initial month, the eligibility determination would be based on household circumstances for the entire month. The final rules retain this provision as proposed on May 22, 1981.

Determination of benefit levels: The Department would like to stress here that within the context of proration of initial month benefits, it is especially important that State agencies follow the rules governing application processing in 7 CFR 273.2(c). As the current rules state, each household has the right to file an application form on the same day it contacts the food stamp office during office hours. Since the amount of an applicant's benefits will now be dependent on the date an application is filed, it is crucial that State agencies ensure that there is no delay in accepting the application.

Six comments were received which discussed the method which should be used to determine allotment levels. Three of these comments were directed to the use of two tables when using half-month issuance. These are no longer relevant since we are prorating initial month benefits on a daily basis. Two commenters assumed daily proration would be legislated and recommended use of a standard 30-day month and the establishment of a chart in which the allotment is multiplied by a benefit multiplier, taking into account the number of days left in the month of application. Since passage of the legislation several State agencies have verbally expressed a preference for prorating benefits over the exact number of days remaining in the month, rather than using a standard 30-day month. These State agencies use this system in

their Aid to Families with Dependent Children Program (AFDC) and it would be simpler for them to use the same system for food stamps also. As a result, the Department has written the final rules to allow State agencies to use either a 30-day standard month or the exact number of days in a month for purposes of proration. State agencies opting to use the standard 30-day month can use either a Food Stamp Allotments Proration Table provided by FNS or a formula to determine the amount of the prorated allotments. The table will show the days of the month (from 1–30) across the top and possible full month food stamp allotments down the left column. The prorated benefit amount will, thus, be easily located. An excerpt of the table is shown below as an illustration.

Monthly allotment	Date of Application																												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30/31
41	41	40	38	37	36	34	33	31	30	29	27	26	25	23	22	21	19	18	16	15	14	12	11	10	8	7	6	4	4	2
42	42	41	39	38	36	35	34	32	31	29	28	27	25	24	22	21	20	18	17	15	14	13	11	10	8	7	6	4	4	2
43	43	42	40	39	37	36	34	33	32	30	29	27	26	24	23	22	20	19	17	16	14	13	11	10	9	7	6	4	4	2
44	44	43	41	40	38	37	35	34	32	31	29	28	26	25	23	22	21	19	18	16	15	13	12	10	9	7	6	4	4	2
45	45	43	42	41	39	37	36	34	33	32	30	28	27	25	24	23	21	19	18	16	15	14	12	10	9	7	6	6	4	2

The other method of determining the allotment would be to use the following formula, keeping in mind that if a household applies on the 31st of a month the date of application to use in the formula is the 30th:

$$\frac{\text{full month's benefits} \times 31 - \text{date of application}}{30} = \text{allotment}$$

Both of these alternatives are included in the final rules and the table will be issued by FNS.

State agencies which opt to prorate benefits over the exact length of a particular month will use the following formula to determine initial month benefit levels:

$$\frac{\text{full month's benefits} \times (\text{number of days in month} + 1 - \text{date of application})}{\text{number of days in month}} = \text{allotment}$$

Two other issues on which comments were received that effect the determination of benefit amounts were minimum allotments and issuance of $1, $3 and $5 benefits. Several of the commenters pointed out that the $6 minimum allotment proposed for a half-month benefit needed to be clarified since the July 1, 1981 minimum allotment for a household of three is also $6. This was an oversight in the proposed rules. However, since initial month benefits are now going to be prorated daily instead of issued in half-month amounts, the question of a minimum allotment in the initial month no longer arises. A household whose prorated allotment is $.49 or less would receive no allotment for the initial month. Because of rounding, all other households would receive at least a $2 benefit. Even the $10 minimum benefit for one and two person households will be prorated in the initial month.

There were also several comments on the issuance of $1, $3 and $5 benefits and how these would be handled given the current coupon book denominations of $2 and $7. A full discussion of this issue is presented in the section of this preamble titled "Gross Income Eligibility Limits." To summarize that discussion, benefit levels of $1, $3, and $5 will be rounded up to $2, $4, and $6 respectively to allow use of current coupon book denominations.

Initial month benefits and expedited service: Nine comments were received which raised the issue of how certification in the initial month for less than a full month's benefits would affect households eligible for expedited service. It was pointed out that a destitute household could come in, for example, on the 27th of a month, be certified for three days worth of benefits and then have to wait up to 30 days before it received any further benefits, assuming it did not provide verification until 15 days after the first certification and the State agency does not take action on the second certification for 15 days. The commenters suggested that final rulemaking rectify this problem.

The commenters proposed two possible solutions. One commenter pointed out that the House Committee on Agriculture recognized this problem (House Report No. 97–106, 96th Congress 1st Session, page 148) and suggested that the Department provide 30 days of food stamps prospectively from the date of application with benefits for the remainder of the second month to be prorated unless the household was found to be ineligible for the second month. The Department agrees that this situation needs to be addressed but disagrees with this method. In effect this option would result in an accounting period in one month being used for certification in a following month. This would only serve to make the expedited service procedures more complicated and the eligibility worker's task more difficult.

Another commenter suggested that a household eligible for expedited service, which is certified after the 15th of an initial month, be certified for the remainder of the application month and all of the following month. This could result in certification up to 45 days based on a limited amount of information. While the less stringent verification requirements for expedited service households are intended to maximize service delivery to those households, it was never intended that the remaining verification requirements would be waived for more than one month. Issuance of one and a half months benefits based on limited verification invites abuse in the expedited service area. Consequently, the Department does not agree with this suggestion.

The Department has formulated a method of handling these situations which differs somewhat from the two suggestions just described. Those households which are eligible for expedited service and which apply after the 15th of a month, will be certified for benefits from the day of application to the end of the application month and also for the following month. Eligibility for the second month will be based on anticipated circumstances. However, the issuance of the second month's benefits will be delayed until all necessary verification has been provided. Once the applicant provides the verification, the State agency will have 5 working days or until the first of the second month (whichever is later) within which to issue the second month's benefits. For example, if a household applies September 25th and does not provide verification of income, the household will be certified for the end of September and for October but will be

issued benefits only for September. If it provides the income verification on October 2, October benefits would be issued not later than October 8, five working days from receipt of the verification. This method will place the responsibility on the applicant household to provide the State agency with verification as quickly as possible. The State agency will have already certified the household so it should be able to issue the second month's benefit in a short time period. The Department believes that this solution recognizes the need of a destitute household but at the same time does not compromise the verification required for ongoing certification. These final rules contain language to amend 7 CFR 273.10(a) to this effect.

Household Definition

Currently the definition of "household" at 7 CFR 273.1 states, in part, that a household may consist of an individual or group of individuals who, while living with others, customarily purchase food and prepare meals for home consumption separate and apart from others. This current provision results in some individuals claiming separate household status while they are living together because they purchase food and prepare meals separately. For example, an individual over 18 years old, who is living with his parents and has no means of support, can be eligible to participate even though his parents are not eligible by claiming separate household status and indicating he has no gross income. The individual can be certified as a separate household although, in fact, he is being supported by his parent, so long as he purchases food and prepares meals separately from his parents.

A further example is that of unmarried parents living with their children. The parents do not hold themselves out in the community as husband and wife and therefore may apply separately. The primary wage earner can decline to apply for benefits leaving the other parent with the children as a food stamp household with no income of their own, therefore obtaining larger benefits, so long as the parents purchase food and prepare meals separately.

The Reconciliation Act eliminates such practices by amending the Food Stamp Act to specify that ". . . parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so. . . ." (Section 101). The law does, however, provide an exception to this provision for those cases in which at least one of the parents is 60 years of age or older.

In accordance with this amendment 7 CFR 273.1, is being amended by this final rule to require that nonelderly parents (regardless of their marital status) and children who live together apply for food stamps as one single household.

Boarders

Currently, those individuals for whom lodging and meals are furnished in return for monetary compensation, who are not residents of a commercial boarding house, are eligible to participate in the program as separate and distinct households, while residents of commercial boarding houses are not. This separation of boarders into two classes has resulted in inconsistent treatment of people similarly situated. During consideration of this provision, prior to its inclusion in the Reconciliation Act, the House Agriculture Committee specified, and the Department agrees, that "A noncommercial boarding house does not provide a more legitimate outlet for food stamps than does a commercial boarding house, since a resident may not use food stamps to purchase meals from either. Prohibiting boarders in noncommercial boarding houses from participation would be consistent with the intent to prohibit boarders in commercial boarding houses from participating and would serve to simplify program administration." (See House Rept. No. 97-108, page 120). This change, as the House Report further states, "* * * would in no way operate to deprive such boarders of their regular meals."

The Reconciliation Act eliminated this inconsistent treatment of boarders by barring all boarders from participation in the Food Stamp Program. The regulations are amended by this final rule (at CFR 273.2) accordingly.

The Department intends, as is current procedure with regard to boarders, that State agencies will generally accept a household's statement as to which individuals residing with the household are household members. Should the household identify any individual as a boarder, then the State agency will determine if that individual meets the Program's definition of a "boarder." If the individual meets the definition of a "boarder," the individual will not be considered a member of the household in which he resides, the compensation paid to the household will be considered income to the household, and the individual's income and resources will not be considered available to such household. However, unlike other individuals who are determined to be nonhousehold members, these individuals are prohibited from participating as separate households on their own.

The Department is retaining the current definition of a "boarder." An individual living with others who pays *reasonable* compensation to the others for meals shall be considered a boarder and ineligible to participate. Those paying less than a reasonable amount for meals will be declared nonboarders and will be considered a member of the household, and the individual's income and resources would be attributed to the household in determining eligibility and benefits. The definitions of "boarder" and "reasonable compensation" currently appear in regulations at 7 CFR 273.2(b), but have been relocated in the CFR to reflect the fact that boarders are no longer eligible to participate.

Strikers

Under the current regulations (7 CFR 273.7) households are not denied participation in the Food Stamp Program solely on the grounds that a member of the household is not working because of a strike at his or her place of employment. If such households meet the income guidelines, asset requirements and work registration requirements of the Act, they may be certified to participate in the Food Stamp Program.

The provisions of the Reconciliation Act deny food stamps to households containing a striking member who is not exempt from the work registration requirements, unless the household can show that, immediately prior to the strike, it would have been eligible or was receiving food stamps according to the applicable Food Stamp rules. Households where the member on strike is exempt from work registration requirements, other than those exempt solely on the grounds that they are employed, (for example, because the member is the caretaker of a child under 6 years of age) would not be affected by the striker provisions. However, those strikers not exempt from the work registration requirements must demonstrate that they were eligible for the Program at the time they were fully employed, to retain eligibility. Even in these cases, any increase in benefits due to the loss of income from the strike is prohibited. Income is to be calculated by assuming that an eligible household with a striking member is receiving the same amount of income from the striking member as it received immediately prior to the strike. This household's income will be calculated

by assuming that the household is receiving the equivalent of a full months' income from the striking member. For example, if a household member goes on strike one week into a calendar month, the amount of wages the striking member would have received for that entire month would be attributed to the household. Once calculated the assumed full monthly wages will not deviate during the length of the strike. This will have the effect of freezing household benefits if no other circumstances change. Added to this assumed income will be any strike benefits or income from temporary employment. If other changes occur, e.g., a change in household size, household benefits can still be adjusted. For strikers who remain eligible, the law did not change the requirement that they register for work nor that they would not be referred to work at the struck site.

The Food Stamp Act defines the term "strike" by using the definition in Section 501(2) of the Labor Management Relations Act, 1947. The term "striker" includes anyone involved in a strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

Generally, individuals that are not working because of a concerted effort with other employees or a direct grievance against their own employer are strikers and are ineligible for food stamps, unless they were eligible prior to such strike. Individuals will be deemed participants in a strike whether or not they personally voted for the strike.

Examples of non-strikers who are eligible for participation in the program include: (1) Employees whose workplace is closed by an employer in order to resist demands of employees (e.g., a lockout), (2) employees unable to work as a result of striking employees (e.g., striking newspaper pressmen preventing newspapers from being printed and, consequently, truckdrivers are not working because there are no papers to deliver), (3) employees not wanting to cross a picket line due to fear of personal injury or death, and (4) employees who are exempt from the work registration requirements during the strike.

The final rule adds a new section to 7 CFR at Part 273 to implement these provisions of the Omnibus Reconciliation Act.

Earned Income Deduction

In the current Food Stamp Program, a household is entitled to a deduction of 20 percent of its earned income. This deduction is intended to do three things: to provide an incentive to work, to recognize that workers have less money to spend on food after their taxes and other work-related expenses are subtracted from earnings, and to provide workers some equity with self-employed persons who can deduct their costs of doing business. This deduction was allowed as an approximation of a household's working costs.

Section 106 of the Reconciliation Act lowers the earned income deduction from 20 percent to 18 percent. This rulemaking changes program regulations at 7 CFR 273.10(e)(1) and 273.11(c)(3) to implement this change. Only the percentage of earnings which is deductible has changed. The definition of earned income, as described in 7 CFR 273.9(b)(1), remains unchanged.

Adjusting Deductions

The standard deduction is an amount taken from each household's gross income to account for many regular household expenses. The maximum excess shelter deduction performs the same function regarding a household's rent or mortgage payments, utilities, and the like. The standard and maximum excess shelter deductions vary among the continental United States and its outlying areas. These deductions are currently adjusted each January 1 according to increases in the cost of living, as measured by the Bureau of Labor Statistics' (BLS) Consumer Price Index for all urban consumers (CPI–U).

The CPI–U contains homeownership costs as one of its components. The costs associated with homeownership have risen rapidly over the past few years. However, the great majority of food stamp recipients do not own their own homes. Therefore, the CPI–U and the related food stamp deductions have risen faster than the living costs of food stamp recipients.

Section 105 of the Reconciliation Act freezes these deductions at their current levels until June 30, 1983. On July 1, 1983 the deductions will be adjusted according to the CPI–U with homeownership costs removed. The 1983 update will be based upon changes in the cost of living between January 1, 1982 and March 31, 1983. The deductions will be adjusted again on October 1, 1984, to account for cost-of-living changes between April 1, 1983 and June 30, 1984. Beginning on October 1, 1985 and every following October 1, the deductions will be adjusted for changes in the cost of living over the twelve months ending the preceding June 30. Accordingly, program regulations at 7 CFR 273.9(d) are changed by this final rule to reflect this rescheduling of adjustments to the deductions.

Certain provisions of regulations about mass changes refer to the now-suspended schedules for adjusting the Thrifty Food Plan (explained below) and the standard and shelter deductions (7 CFR 273.12(e)). This rule revises these provisions to remove all references to annual and semiannual adjustments. These provisions also suggested to State agencies that they adjust utility standards when the Department adjusts the shelter deduction. Because utility standards change yearly and the maximum shelter deduction will not change yearly until 1985, the two adjustments must occur on different schedules. This rule takes this difference into account as well. It does so by suggesting simultaneous changes when the two schedules permit them.

Adjusting the Thrifty Food Plan

As used in the Food Stamp regulations, the Thrifty Food Plan reflects the maximum food stamp benefit payable to a household of particular size. The Thrifty Food Plan amount, reduced by 30 percent of a household's net income, is its monthly allotment.

Before the passage of the Reconciliation Act, the Thrifty Food Plan would have been updated on January 1, 1982 based upon known and projected changes in the food component of the CPI–U between October 1, 1980 and December 31, 1981. On every January 1 thereafter, the CPI–U food component change in the previous calendar year would have been used to update the Thrifty Food Plan amounts.

Section 103 of the Reconciliation Act will delay the January 1, 1982 adjustment until April 1, 1982. At that time, the adjustment will account for changes in the food component of the CPI–U between October 1, 1980 and December 31, 1981. The following adjustment, on July 1, 1983, will account for changes in the CPI–U between January 1, 1982 and March 31, 1983. The Thrifty Food Plan will next be adjusted on October 1, 1984, to account for changes in the CPI–U between April 1, 1983 and June 30, 1984. Beginning on October 1, 1985 there will be an update each October 1, reflecting changes in the CPI–U over the twelve months which end on the preceding June 30. Program regulations at 7 CFR 273.10(e)(4) are amended by this rule to reflect this rescheduling of the Thrifty Food Plan updates.

Deleting Changes in the Dependent Care and Medical Deductions

Currently, a household may deduct its costs for the care of a dependent member of the household if the care is needed so another household member can work. However, the amount that may be deducted, when it is combined with the excess shelter deduction cannot exceed the maximum amount of the excess shelter deduction ($115 monthly as of January 1, 1981). Under the 1980 Amendments to the Food Stamp Act (Pub. L. 96–249), the Program was to separate the dependent care and excess shelter deductions on October 1, 1981. The dependent care deduction's maximum would have been capped at $90 monthly for each household and no longer adjusted annually for changes in the cost-of-living, and the excess shelter deduction would have been $115 monthly and continued to be adjusted annually for cost-of-living changes. However, Section 115 of the Reconciliation Act repealed the change. As a result, the treatment of the dependent care deduction and the excess shelter deduction remains the same; the two deductions together cannot exceed the cap placed on the excess shelter deduction amount for households which do not contain an elderly or disabled member.

Under the current Program, a household is entitled to a medical deduction if it contains a member who is at least 60 years old or who receives Supplemental Security Income (SSI) benefits or disability payments under Title II of the Social Security Act. To be deductible the expenses must exceed $35 each month and be incurred by the elderly or disabled member.

The 1980 Amendments to the Food Stamp Act would have changed this provision on October 1, 1981, in two ways. First, the threshold for the deduction would have been reduced to $25 from $35. Second, a household would have received a deduction if the spouse of an elderly or disabled member incurred the medical expenses. Section 115 of the Reconciliation Act also repeals these changes.

As noted, the changes in the dependent care and medical deduction provisions would not have become effective until October 1, 1981. As of the time of enactment of the Reconciliation Act the changes had not been promulgated by regulations. Therefore, no regulatory change is necessary.

Deductions in Puerto Rico, Guam and the Virgin Islands

In the Food Stamp Amendments of 1979 (Pub. L. 96–58) Congress authorized a medical deduction for households with elderly or disabled members. Congress also required that the dependent care and excess shelter deductions be separate for these households, and that the excess shelter deduction not have a limit for them. In the statute, elderly was defined as being sixty years of age, or over. Disabled was defined as receiving Supplemental Security Income (SSI) benefits under title XVI of the Social Security Act, or receiving disability payments under Title II of that Act.

When Congress defined disabled in this way it inadvertently omitted the blind and disabled in Puerto Rico, Guam, and the Virgin Islands. In these outlying areas, the blind and disabled do not receive SSI, but receive benefits under other Titles of the Social Security Act. Congress corrected this oversight in the 1980 Amendments to the Food Stamp Act (Pub. L. 96–249, Section 106). It required that this provision go into effect on October 1, 1981. This rule amends the definition of disabled as it has appeared in paragraphs 273.9(d) (3) and (5) of the regulations to define disability so as to include all benefits to the blind and disabled made under Titles I, II, X, XIV, and XVI of the Social Security Act.

Those households which are affected will now be able to claim a medical deduction (for expenses above $35 monthly incurred by the elderly or disabled member), a dependent care deduction, and a separate, uncapped shelter deduction. According to the wording of Section 5(e) of the Food Stamp Act as amended, those households affected by this change must also be treated exactly as are recipients of SSI in the rest of the country. Therefore, they are entitled to the three separate deductions, and the excess shelter deduction must have no upper limit.

Implementation

Section 117 of the Reconciliation Act provides that the amendments to the Food Stamp Act contained therein, except as otherwise specifically provided, shall be effective and implemented upon dates prescribed by the Secretary, taking into account the need for orderly implementation. It should be noted that implementation is not an issue with regard to the delays in the updates to the Thrifty Food Plan, standard deduction and dependent care/excess shelter deduction, and the repeal of the scheduled lowering of the medical deduction threshold because specific dates have been provided for those provisions to take effect. With regard to the repeal of the planned separation of the dependent care and excess shelter deductions there is no need to establish implementation dates because the new legislation simply repeals provisions which were not yet effective. Implementation becomes an issue only with regard to the proration of initial month benefits, the elimination of FNS funding of outreach, the elimination of strikers, the elimination of boarders, the change in household definition, the imposition of the 130 percent gross income limit, and the reduction of the earned income deduction. It also becomes an issue with regard to the medical deduction for elderly and disabled people in Puerto Rico, Guam and the Virgin Islands.

With the intent of Congress to restrain the growth of the Program and to achieve Program cost savings, and the Department's attempt to avoid reduction or termination of benefits to eligible households near the end of the fiscal year, it is important that restrictions on program growth and costs be achieved as early in the fiscal year as possible. Therefore, the provisions contained in this final rule need to be implemented on or before October 1, 1981 for all new applicants and recertifications. Conversion of the current caseload to the gross income test and earned income deduction shall be completed within 90 days from the date of implementation. Conversion to the remaining eligibility provisions (including conversion to the new medical deduction for elderly and disabled households in Puerto Rico, Guam, and the Virgin Islands) should be completed at or before recertification.

The prohibition against Federal funding for State agency outreach efforts is effective October 1, 1981. Therefore, FNS will not reimburse State agencies for any outreach costs incurred after September 30, 1981.

The Department realizes, however, that some State agencies may have compelling reasons, beyond their control, which would make this implementation schedule difficult to meet. Therefore, FNS will consider requests for waivers of the October 1, 1981 deadline or the 90 day conversion period, on a State-by-State basis, provided the waiver request is submitted in writing to FNS and contains sufficient justification to enable FNS to determine if "good cause" exists for granting a longer implementation timeframe. Once an implementation timeframe has been established for a State agency the Department expects that it will be complied with. Because of the funding problems facing the Program the Department will move swiftly against State agencies that do not meet their timeframes. In such cases the

injunctive relief and suspension/disallowance provisions of Section 276 of the Program rules may be used to compel timely implementation.

One reason for implementation delays in some States is the requirement that the procedures developed by State agencies to implement Federal regulations be submitted for public comment in compliance with State Administrative Procedures Acts (APA's). In most situations this practice does not seriously interfere with Program operations. However, in the situation presented by these rules, where it is imperative that implementation take place as soon as possible in order to avoid possible benefit reductions, delays caused by State APA's could very well work to the detriment of Program participants. Therefore, the Department expects that State agencies will exercise the exception provisions included in their APA's to hasten implementation of the rules.

QC during implementation. During implementation of these rules, State agencies shall continue to operate the quality control system as required in Part 275. State agencies will review cases selected in the quality control sample based upon the certification policy that should be applied as of the review date. If a household is certified for food stamp benefits after the State agency is supposed to have implemented these new provisions and is subsequently selected for review by quality control, the new provisions of this regulation will be applied in determining the household's eligibility and allotment level. If a household is certified prior to the required implementation of these new provisions and is selected for review, and it has not been required to have been converted to the provisions of this rulemaking as of the review date, the household's eligibility and benefit level will be reviewed based upon the policy that the State agency should have applied according to the implementation schedule of this regulation. No cases, except those of people who were initially certified or recertified during the conversion period, shall be determined to be in error as a result of not being converted to the provisions of this rule until the required conversion period for all cases is over.

While the October 1981 through March 1982 reporting period will continue to serve as the base period for fiscal year 1983, the Department recognizes the effort that will be required of State agencies to implement this rule and the modifications to the Aid to Families with Dependent Children Program. In light of this, the Department encourages State agencies to note the "good cause" exemption for any State agency with a payment error rate for the October 1981 through March 1982 period that would place them in a position of liability for that period. In all but the most extreme error rate situations, the Department will be receptive to eliminating State agencies' liability for excessive error rates during this period if the State agency demonstrates substantial adverse impact upon management of the Food Stamp Program due to changes in Federal programs.

Other than the operational adjustments required by the provisions of this rule, all other aspects of the quality control system should function normally during the period of implementation.

The reporting and recordkeeping requirements contained in this regulation are subject to review by OMB under the Paperwork Reduction Act and are not effective until approved by OMB.

For the reasons set forth in the preamble, Parts 271, 272, 273, 274 and 277 of Chapter II, Title 7 of the Code of Federal Regulations are amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

1. In § 271.7, paragraph (b) is amended by adding the words "one- and two-person" between the words "all" and "households" in the sixth sentence; paragraphs (d)(1)(ii) and (d)(3) are revised; and the words "for households with one or two members only" are inserted in paragraph (d)(2)(i), following the words "$10 minimum benefit level" appearing in the second sentence.

The revisions read as follows:

§ 271.7 Allotment reduction procedures.

* * * * *

(d) *Implementation of allotment reductions.* (1) *Reductions.* * * *

(ii) Upon receiving notification that a reduction is to be made in an upcoming month's allotments, State agencies shall act immediately to implement the reduction. Such action would differ from State to State depending on the nature of the issuance system in use. Where there are computerized issuance systems, the program used for calculating allotments shall be altered to reflect the appropriate percentage reduction in the Thrifty Food Plan for each household size and the computer program shall be adjusted to allow for a minimum benefit of $10 for one- and two-person households. The computer program shall also be adjusted to provide for the rounding of benefit levels of $1, $3 and $5 to $2, $4 and $6, respectively. FNS will provide State agencies with revised issuance tables reflecting the percentage reductions to be made in the Thrifty Food Plan amounts and reduced Thrifty Food Plan levels. In States where manual issuance is used, State agencies shall reproduce the issuance tables provided by FNS and distribute them to issuance personnel. State agencies shall ensure that the revised issuance tables are distributed to issuance agents and personnel in time to allow benefit reductions during the month ordered by FNS. In an HIR card system State agencies have the option of enacting the reduction in benefits either by changing all HIR cards before issuance activity for the affected month begins or by adjusting allotments at the point of issuance as each household appears at the issuance office.

* * * * *

(3) *Affected allotments.* Whenever a reduction of allotments is ordered for a particular month, reduced benefits shall be calculated for all households for the designated month. However, any household with one or two members whose reduced benefits would be less than $10 shall receive a minimum benefit of $10 except as provided in § 273.10(e)(2). Allotments or portions of allotments representing restored or retroactive benefits for a prior unaffected month would not be reduced, suspended, or cancelled even though they are issued during an affected month.

* * * * *

PART 272—REQUIREMENTS OF PARTICIPATING STATE AGENCIES

2. In § 272.1, a new paragraph (35) is added to paragraph (g) to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(35) State agencies shall implement the provisions of Amendment No. 202 as follows:

(i) The rules shall be implemented no later than October 1, 1981, including the provisions for a medical deduction, separate dependent care deduction, and uncapped shelter expense deduction for the elderly and disabled in Puerto Rico, Guam, and the Virgin Islands. All household who apply October 1 or later and those households who are recertified October 1, 1981 or later shall

be processed in accordance with these provisions. The proration of initial month benefits shall begin no later than October 1, 1981.

(ii) Conversion of the current caseload to the new gross income test and earned income deduction amount shall be completed no later than 90 days from October 1, 1981, or 90 days from the date of implementation approved through waiver requests in accordance with paragraph (g)(35)(vi) of this section.

(iii) Conversion of the current caseload to the new household definition; ineligibility of strikers and boarders; and, in Puerto Rico, Guam, and the Virgin Islands, a medical deduction, separate dependent care deduction, and uncapped excess shelter expense deduction shall be completed at or before recertification. In no event shall the new medical, dependent care, and excess shelter provisions for Guam, Puerto Rico and the Virgin Islands be implemented prior to October 1, 1981.

(iv) Notification to affected households of these changes shall be done, at a minimum, in the same manner required for mass changes in public assistance grants prescribed in § 273.12(e)(2)(ii).

(v) Beginning October 1, 1981, outreach activities engaged in by State agencies shall be ineligible for Federal matching funds.

(vi) FNS will consider requests for waivers to these timeframes, except for the timeframe in paragraph (g)(35)(v) of this section, on a State-by-State basis, if good cause can be established and justified, in writing, for the need for a longer timeframe.

§ 272.2 [Amended]

3. In § 272.2:

a. Paragraph (a)(2) is amended by removing the words "Outreach Plan";

b. Paragraph (c)(1)(i) is amended by removing the word "outreach";

c. Paragraph (d)(1)(i) is removed and paragraphs (d)(1)(ii) and (d)(1)(iii) are redesignated as paragraphs (d)(1) (i) and (ii) respectively;

d. Paragraph (e)(4) is removed and paragraphs (e)(5) through (e)(7) are redesignated as paragraphs (e)(4) through (e)(6), respectively.

§ 272.3 [Amended]

4. In § 272.3, paragraph (d)(1)(ii) is amended by removing the third sentence.

§ 272.4 [Amended]

5. In § 272.4, the second sentence of paragraph (b)(1) is removed; paragraph (c)(1) is amended by replacing the word "outreach" with the words "Program information"; paragraph (c)(2) is amended by replacing the words "outreach materials" with the words "materials used in Program informational activities".

6. Section 272.6, is revised in its entirety to read as follows:

§ 272.6 Program informational activities.

(a) *Definition.* "Program informational activities" are those activities that convey information about the Program, including household rights and responsibilities, to applicant and recipient households through means such as publications, telephone hotlines, and face-to-face contacts.

(b) *Minimum requirements.* State agencies shall comply with the following minimum information requirements.

(1) Nutrition information. (i) FNS will supply State agencies with posters and pamphlets containing information regarding foods with substantial amounts of the recommended daily allowances of protein, minerals, and vitamins; menus making use of these foods; and the relationship between health and diet;

(ii) Printed materials such as posters, fliers, and pamphlets, that explain the Special Supplemental Food Program for Woman, Infants and Children (WIC) and, where available, the Commodity Supplemental Food Program (CSF) shall be supplied by agencies administering the WIC and CSF programs (where available);

(iii) State agencies shall display the posters and make the pamphlets available at all food stamp and public assistance offices.

(2) Rights and responsibilities. State agencies shall inform participant and applicant households of their Program rights and responsibilities. This information may be provided through whatever means the State agencies deem appropriate.

(3) All Program informational material shall be available in languages other than English as required in § 272.4(c) and shall include a statement that the Program is available to all without regard to race, color, sex, age, handicap, religious creed, national origin or political belief.

7. In § 272.8, paragraph (f) is removed and paragraphs (g) through (p) are redesignated as paragraphs (f) through (o), respectively. The newly designated paragraph (h) is revised to read as follows:

§ 272.8 Procedures for Program Administration in Alaska.

* * * * *

(h) *Determining household eligibility and benefit level.* If a household in a rural area that is serviced by a fee agent first submits its application to the fee agent, the household shall, if determined eligible, receive benefits retroactive to the date the application is received by the fee agent. If a household in a rural area that is serviced by a fee agent submits its signed application directly to a State agency office, the household shall, if determined eligible, receive benefits retroactive to the date the application is received by the State agency.

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

8. In § 273.1, paragraph (a) is revised; paragraph (b)(2) is removed and paragraphs (3) through (8) are redesignated as paragraphs (2) through (7), respectively; the title and language of paragraph (c) are revised; and a new paragraph (g) is added. The revisions and additions read as follows:

§ 273.1 Household concept.

(a) *Household definition.* (1) A household may be composed of any of the following individuals or groups of individuals, provided that such individuals or groups are not residents of an institution, except as otherwise specified in § 273.1(e), or residents of a commercial boarding house:

(i) An individual living alone;

(ii) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others;

(iii) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

(2) In no event shall separate household status be granted to:

(i) Children under 18 years of age under the parental control of a member of the household;

(ii) Either parents living with their children or children living with their parents unless at least one parent is 60 years of age or older;

(iii) A spouse of a member of the household (as defined in § 271.2); or

(iv) A boarder (as defined in § 273.1(c)).

* * * * *

(c) *Boarders.* Boarders are ineligible to participate in the program. A boarder is defined as an individual residing with the household and paying reasonable compensation to the household for lodging and meals. The household with which the boarder resides (including the household of the proprietor of a boarding house) may participate in the Program, if the household meets all the

eligibility requirements for Program participation. If an applicant household identifies any individual in the household as a boarder, the following provisions apply:

(1) Boarder status shall not be extended to children under 18 years of age under the parental control of a member of the household; to either parents living with their children or children living with their parents, unless at least one parent is 60 years of age or older; or to a spouse, as defined in § 271.2.

(2) Boarder status shall also not be extended to persons paying less than a reasonable monthly payment for meals. An individual furnished both meals and lodging by the household, but paying compensation of less than a reasonable amount, will be considered a member of the household which provides the meals and lodging. When the boarder's payments for room are distinguishable from the payments for meals, only the amount paid for meals will be evaluated to determine if reasonable compensation is being paid for meals. The reasonable monthly payment for meals shall be paid in cash. In no event shall food stamps be paid for meals and credited toward monthly payments. A reasonable monthly payment shall be either of the following:

(i) Boarders whose board arrangement is for more than two meals a day shall pay an amount which equals or exceeds the Thrifty Food Plan for the appropriate size of the boarder household; or

(ii) Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the Thrifty Food Plan for the appropriate size of the boarder household.

(3) Boarders shall not be considered members of participant or applicant households, nor shall the income and resources of boarders be considered available to such households. However, the amount of payment that a boarder gives to a household for lodging and meals shall be treated as self-employment income to the household. The procedures for handling self-employment income from boarders (other than such income received by a household that owns and operates a commercial boarding house) are set forth in § 273.11(b). The procedures for handling income from boarders by a household that owns and operates a commercial boarding house are set forth in § 273.11(a). For Program purposes, a commercial boarding house is defined as an establishment licensed as a commercial enterprise which offers meals and lodging for compensation. In project areas without licensing requirements, a boarding house shall be defined as a commercial establishment which offers meals and lodging for compensation with the intent of making a profit. The number of boarders residing in a boarding house shall not be used to determine if a boarding house is a commercial enterprise.

* * * * *

(g) *Strikers.* (1) For food stamp purposes, a striker shall be anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee affected by a lockout, however, shall not be deemed to be a striker. Further, an individual exempt from work registration in accordance with § 273.7(b), other than those exempt solely on the grounds that they are employed, who may go on strike shall not be deemed to be a striker.

(2) Households with striking members shall be ineligible to participate in the Food Stamp Program unless the household was eligible for benefits prior to the strike. If a household was eligible for food stamps immediately prior to such strike, the household shall retain that eligibility. However, such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member(s) of the household.

(3) If the household was eligible or participating prior to the strike action, benefits shall be calculated by using the household's income as it stood immediately prior to the strike and adding any income anticipated by the household such as income from the receipt of strike benefits or temporary employment during the strike. The household's regular monthly earned income attributable to the job on which the strike occurred would be deemed to remain the same during the strike as if the household member were still working.

(4) Strikers shall be subject to the work registration requirement under § 273.7.

9. In § 273.2 paragraph (i)(4)(iii) is revised to read as follows:

§ 273.2 Application processing.

* * * * *

(i) *Expedited service.* * * *

(4) *Special procedures for expediting service.* * * *

(iii) Households that are certified on an expedited basis and have provided all necessary verification required in paragraph (f) of this section prior to certification shall be assigned a normal certification period. If verification was postponed, the State agency may certify these households for the month of application (the month of application and the subsequent month for those households applying after the 15th of the month) or, at the State agency's option, may assign a normal certification period to those households whose circumstances would otherwise warrant a longer certification period.

(A) When certified only for the month of application, the household must reapply and complete the verification requirements which were postponed.

(B) When a certification period of longer than one month is assigned, the State agency shall notify the household in writing that no further benefits will be issued until the postponed verification is completed. The notice shall also advise the household that if verification results in changes in the household's eligibility or level of benefits, the State agency shall act on those changes without advance notice of adverse action. When households which applied for benefits after the 15th of the month provide the postponed verification, the State agency shall issue the second month's benefits within five working days from receipt of the verification or the first of the second month, whichever is later. When the postponed verification is not completed within 30 days of the date of application, the State agency shall terminate the household's participation and shall issue no further benefits.

* * * * *

10. In § 273.7, paragraph (j) is revised to read as follows:

§ 273.7 Work registration requirements.

* * * * *

(j) *Participation of strikers.* Strikers shall be subject to the work registration requirement, unless exempted under paragraph (b) of this section.

* * * * *

11. In § 273.9, paragraphs (a), (d)(2), (d)(7), and (d)(8) are revised; paragraphs (d)(3) and (d)(5) are amended by, first, removing the words "title II" and adding the words "titles I, II, X, XIV, and XVI" in their place and, second, by adding the words "and blindness" directly after the word "disability"; appendices A, B and C are redesignated as B, C, and D and a new appendix A is added. The addition and revisions read as follows:

§ 273.9 Income and deductions.

(a) Income eligibility standards. Participation in the program shall be limited to those households whose incomes are determined to be a

substantial limiting factor in permitting them to obtain a more nutritious diet.

(1) Except as provided in paragraph (a)(2) of this section, eligibility shall be determined on the basis of gross income. The gross income eligibility standards for the Food Stamp Program shall be as follows:

(i) The income eligibility standards for the contiguous 48 States and the District of Columbia, Guam, Puerto Rico and the Virgin Islands shall be 130 percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines for the 48 States and the District of Columbia.

(ii) The income eligibility standard for Alaska shall be 130 percent of the OMB nonfarm income poverty guideline prescribed for Alaska.

(iii) The income eligibility standard for Hawaii shall be 130 percent of the OMB nonfarm income poverty guideline prescribed for Hawaii.

(2) Households which contain a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, shall be determined eligible based on net income. The net income eligibility standards for the Food Stamp Program shall be as follows:

(i) The income eligibility standards for the contiguous 48 States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands shall be the Office of Management and Budget's (OMB) nonfarm income poverty guidelines for the 48 States and the District of Columbia.

(ii) The income eligibility standard for Alaska shall be the OMB nonfarm income poverty guideline prescribed for Alaska.

(iii) The income eligibility standard for Hawaii shall be the OMB nonfarm income poverty guideline prescribed for Hawaii.

(3) The income eligibility limits, as described in this paragraph, are revised each July 1, to reflect OMB's annual adjustment to the nonfarm poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.

(i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the OMB guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.

(ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the OMB guidelines is divided by 12, and the results rounded upward if necessary.

(4) The income eligibility standards for the 48 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam; for Alaska; and for Hawaii are published as appendices to this section.

* * * * *

(d) *Income deductions.* * * *

(2) *Earned income deduction.* Eighteen percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction.

* * * * *

(7) *Adjustment of standard deduction.* (i) Effective July 1, 1983, the standard deductions shall be adjusted to reflect changes in the Consumer Price Index for all urban consumers (CPI–U) for items other than food and the homeownership component of shelter costs for the fifteen months ending March 31, 1983.

(ii) Effective October 1, 1984, the standard deductions shall be adjusted to reflect changes in the CPI–U for items other than food and the homeownership component of shelter costs for the fifteen months ending June 30, 1984.

(iii) Effective October 1, 1985, and each October 1 thereafter, the standard deductions shall be adjusted to reflect changes in the CPI–U for items other than food and the homeownership component of shelter costs for the twelve months ending the previous June 30.

(iv) These adjustments shall be based on the previous unrounded numbers, and the result rounded to the nearest $5 increment.

(8) *Adjustment of shelter deduction.* (i) Effective July 1, 1983, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI–U for the fifteen months ending March 31, 1983.

(ii) Effective October 1, 1984, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI–U for the fifteen months ending June 30, 1984.

(iii) Effective October 1, 1985, and each October 1 thereafter, the maximum limit for excess shelter expense deductions shall be adjusted to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of the CPI–U for the twelve months ending the preceding June 30.

(iv) These adjustments shall be based on the previous unrounded numbers, and the result rounded to the nearest $5 increment.

* * * * *

Appendix A.—*Gross Monthly Income Eligibility Standards*

Household size	48 States, District of Columbia, Guam, Puerto Rico, and Virgin Islands	Alaska	Hawaii
1	467	587	540
2	617	773	711
3	766	959	882
4	916	1,146	1,053
5	1,065	1,332	1,225
6	1,215	1,518	1,396
7	1,364	1,705	1,567
8	1,514	1,891	1,738
Each additional person	+150	+187	+172

* * * * *

12. In § 273.10:

(a) Paragraphs (a)(1) and (a)(2) are revised and paragraphs (a)(3) and (a)(4) are amended by adding subtitles to the paragraphs;

(b) Paragraphs (e)(1)(i), (e)(1)(i)(A) and (e)(1)(i)(B) are revised; paragraph (e)(1)(i)(C) is removed; paragraphs (e)(1)(i)(D) through (H) are redesignated as (e)(1)(i)(C) through (G), respectively; (e)(2)(i) and (e)(2)(ii) are revised; paragraph (e)(2)(iii) is redesignated as (e)(2)(vi) and newly designated paragraph (e)(2)(vi)(B) is revised; new paragraphs (e)(2)(iii), (e)(2)(iv) and (e)(2)(v) are added; and paragraph (e)(4)(ii) is revised;

(c) Paragraph (f)(3)(ii) is removed and paragraphs (f)(3)(iii) and (f)(3)(iv) are redesignated as paragraphs (f)(3)(ii) and (f)(3)(iii), respectively;

(d) And the words "for households with one or two members only" shall be inserted in the following places:

(1) Newly designated 7 CFR 273.10(e)(2)(vi)(C), following the words "the provision for a minimum benefit" and the words "whether minimum benefits"; and

(2) Newly designated 7 CFR 273.10(e)(2)(vi)(D), following the words "$10 minimum benefit".

The revisions and amendments read as follows:

§ 273.10 Determining household eligibility and benefit levels.

(a) *Month of application*—(1) *Determination of eligibility and benefit levels.* (i) A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month of application. Most households will have the eligibility determination based on circumstances for the entire calendar month in which the household filed its application. However, State agencies may, with the prior approval of FNS, use a fiscal month if the State agency determines that it is more efficient and satisfies FNS that the accounting procedures fully comply with certification and issuance requirements contained in these regulations. A State agency may elect to use either a standard fiscal month for all households, such as from the 15th of one calendar month to the 15th of the next calendar month, or a fiscal month that will vary for each household depending on the date an individual files an application for the Program.

(ii) A household's benefit level for the initial month of certification will be based on the day of the month it applies for benefits. A household shall receive benefits prorated from the day of application to the end of the month. As used in this subsection, the term initial month means either the first month for which an allotment is issued to a household or the first month for which an allotment is issued to a household following any period of more than a month during which the household was not certified for participation in the Food Stamp Program. The State agency shall prorate a household's benefits according to one of the two following options:

(A) The State agency shall use a standard 30-day calendar or fiscal month. A household applying on the 31st of a month will be treated as though it applied on the 30th of the month.

(B) The State agency shall prorate benefits over the exact length of a particular calendar or fiscal month.

(iii) To determine the amount of the prorated allotment, the State agency shall use either the appropriate Food Stamp Allotment Proration Table provided by FNS or whichever of the following formulae is appropriate:

(A) For State agencies which use a standard 30-day calendar or fiscal month the formula is as follows, keeping in mind that the date of application for someone applying on the 31st of a month is the 30th:

$$\text{full month's benefits} \times \frac{(31 - \text{date of application})}{30} = \text{allotment}$$

(B) For State agencies which use the exact number of days in a month, the formula is:

$$\text{full month's benefits} \times \frac{(\text{number of days in month} + 1 - \text{date of application})}{\text{number of days in month}} = \text{allotment}$$

(C) After using the appropriate formula to determine the allotment, the State agency shall round the product down if it ends in 1 through 49 cents and up if it ends in 50 through 99 cents. If the computation results in an allotment of $1, $3, or $5, the allotment shall be rounded up to $2, $4, or $6, respectively.

(iv) Those households which are entitled to expedited service as defined in § 273.2(i)(1), and which apply for benefits after the 15th of the month, shall be certified for benefits prorated from the day of application to the end of the application month and also for the following month. However, the benefits for the month following the month of application shall not be issued until all necessary verification not already provided has been provided to the State agency. The State agency shall issue the second month's benefit not later than the 5th working day from the date the verification was provided by the household or the first of the second month, whichever is later.

(2) *Application for recertification.* Eligibility and the level of benefits for recertifications shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. If an application for recertification is received later than one month from the date the last certification period expired, then that application shall be considered an initial application and benefits for that month prorated in accordance with paragraph (a)(1)(ii) of this section.

(3) *Anticipated changes.* * * *

(4) *Changes in allotment levels.* * * *

* * * * * *

(e) *Calculating net income and benefit levels.* * * *

(1) *Net monthly income.* * * *

(i) To determine a household's net monthly income, the State agency shall:

(A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income.

(B) Multiply the total gross monthly earned income by 18 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 82 percent and add that to the total monthly unearned income, minus income exclusions.

* * * * * *

(2) *Eligibility and benfits.* (i)(A) Except for households considered destitute in accordance with paragraph (e)(3) of this section, households containing a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act shall have their net income, as calculated in paragraph (e)(1) of this section, compared to the monthly income eligibility standards defined in § 273.9(a)(2) for the appropriate household size to determine eligibility for the month.

(B) For all other households, the State agency shall compare a household's gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, to the monthly income eligibility standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month.

(C) For households considered destitute in accordance with paragraph (e)(3) of this section, the State agency shall determine a household's eligibility by computing its gross and net income according to paragraph (e)(3) of this section, and comparing, as appropriate, either the gross or net income to the corresponding income eligibility standard in accordance with § 273.9(a)(1) or (2).

(ii)(A) Except as provided in paragraphs (a)(1), (e)(2)(iii), and (e)(2)(vi) of this section, the household's

monthly allotment shall be equal to the Thrifty Food Plan for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. After multiplying the net income by 30 percent, the State agency shall round the product down if it ends in 1 through 49 cents and round the product up if it ends in 50 through 99 cents prior to subtracting that amount from the Thrifty Food Plan. This rounding method shall be used in all determinations of allotments.

(B) All eligible one- and two-person households shall receive a minimum monthly allotment of $10. In the initial month of application, these households shall receive a pro rata share of the $10, depending on the day on which they applied, in accordance with paragraph (a)(1) of this section.

(C) All eligible households whose benefits are pro rated to $1, $3 or $5 in accordance with paragraph (a)(1) of this section and eligible households with three or more members which are entitled to $1, $3, and $5 allotments shall receive allotments, of $2, $4, and $6, respectively, to correspond with current coupon book denominations.

(iii) For an eligible household with three or more members which is entitled to no benefits in months other than the initial month, the State agency shall take either of the following actions:

(A) The State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued; or

(B) The State agency shall certify the household but suspend its participation, subject to the following conditions:

(1) The State agency shall inform the suspended household, in writing, of its suspended status, and of its rights and responsibilities while it is in that status.

(2) The State agency shall set the household's change reporting requirements and the manner in which those changes will be reported and processed.

(3) The State agency shall specify which changes shall entitle the household to have its status converted from suspension to issuance, and which changes shall require the household to reapply for participation.

(4) The household shall retain the right to submit a new application while it is suspended.

(5) The State agency shall convert a household from suspension to issuance status, without requiring an additional certification interview, and issue its initial allotment, within ten days of the date the household reports the change.

(6) The State agency shall prorate the household's benefits, in the first month after the suspension period, from the date the household reports a change, in accordance with § 273.10(a)(1).

(7) The State agency may delay the work registration of the household's members until the household is determined to be entitled to benefits.

(8) Whether a household member registers for work at the time of application or when the household is determined to be entitled to benefits, the State agency shall submit the member's work registration form to the State Employment Security Agency (SESA) within five days after the household is determined to be entitled to benefits.

(9) The household shall not be subject to the job search requirements of § 273.7(f) until it has been determined to be entitled to benefits.

(iv) For those eligible households which are entitled to no benefits in their initial month of application, in accordance with paragraph (a)(1) of this section, but are entitled to benefits in subsequent months, the State agency shall certify the households beginning with the month of application.

(v) When a household's circumstances change and it becomes entitled to a different income eligibility standard, the State agency shall apply the different standard at the next recertification or whenever the State agency changes the household's eligibility, benefit level or certification period, whichever occurs first.

(vi) * * *

(B) Except as provided in paragraph (e)(2)(vi)(C) of this section, if the amount of benefits obtained by the calculation in paragraph (e)(2)(ii)(A) of this section is less than $10 for one- and two-person households only, the household shall be provided a minimum benefit of $10.

* * * * *

(4) *Thrifty Food Plan.* * * *

(ii) *Adjustment.*

(A) Effective April 1, 1982, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the Consumer Price Index for all Urban Consumers (CPI–U) for the cost of food, for the fifteen months ending on December 31, 1981.

(B) Effective July 1, 1983, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar amount to reflect changes in the CPI–U for the cost of food, for the fifteen months ending on March 31, 1983.

(C) Effective October 1, 1984, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the CPI–U for the cost of food, for the fifteen months ending June 30, 1984.

(D) Effective October 1, 1985, and each October 1 thereafter, the Thrifty Food Plan amounts shall be adjusted to the nearest dollar increment to reflect changes in the CPI–U for the cost of food, for the twelve months ending on the preceding June 30.

* * * * *

§ 273.11 [Amended]

13. In § 273.11, paragraphs (a)(2)(iii), (a)(4)(iii)(C), (b)(1)(iii), and (c)(3) are amended by removing the number "20" and inserting the number "18" in its place, and paragraph (b)(2) is removed.

14. In § 273.12, paragraphs (e) and (e)(1) are revised to read as follows:

§ 273.12 Reporting changes.

* * * * *

(e) *Mass changes.* Certain changes are initiated by the State or Federal government which may affect the entire caseload or significant portions of the caseload. These changes include adjustments to the income eligibility standards, the shelter and dependent care deductions, the Thrifty Food Plan, and the standard deduction; annual and seasonal adjustments to Social Security, SSI, and other Federal benefits; periodic adjustments to AFDC or GA payments; and other changes in the eligibility criteria based on legislative or regulatory actions.

(1) *Federal adjustments to eligibility standards, allotments, and deductions, and State adjustments to utility standards.* (i) These adjustments shall go into effect for all households at a specific point in time. State agencies may wish to consider timing the annual adjustments of their utility standards to coincide with the Federal shelter deduction adjustment, when such timing is permitted by § 273.9(d)(8).

(A) Adjustments in the Thrifty Food Plan shall be effective in accordance with § 273.10(e)(4)(ii).

(B) Adjustments in the standard deduction shall be effective in accordance with § 273.9(d)(7).

(C) Adjustments in the shelter/dependent care deduction shall be effective in accordance with § 273.9(d)(8).

(D) Adjustments in the income eligibility standards shall be effective in accordance with § 273.9(a)(3).

* * * * *

§ 273.13 [Amended]

15. In § 273.13, paragraph (b)(8) is removed; and paragraphs (b) (9), (10), (11), and (12) are redesignated as paragraphs (b) (8), (9), (10), and (11), respectively.

PART 274—ISSUANCE AND USE OF FOOD COUPONS

16. In § 274.2, paragraph (h) is revised as follows:

§ 274.2 Issuance systems.

* * * * *

(h) *Issuance of coupons to households.* The State agency shall issue coupon books in accordance with a table for coupon book issuance provided by FNS, except as provided in paragraphs (h)(1), (h)(2), and (h)(3) of this section. The table provides participants with an efficient and economical distribution of the available coupons and coupon book types and assists FNS in maintaining proper inventory levels. The State agency shall issue the coupon books in consecutive serial number order whenever possible, starting with the lowest serial number in each coupon book denomination. The household member whose names appears on the ID card shall sign the coupon books.

(1) The State agency may deviate from the table if the specified coupon books are unavailable.

(2) Exceptions from the table are authorized for blind and visually handicapped participants who request that all coupons be of one demonination.

(3) If a household is eligible for an allotment of $1, $3, or $5, the State agency shall adjust those allotments to $2, $4 and $6, respectively.

PART 277—PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

17. In Appendix A to Part 277, a new paragraph (14) is added to the end of paragraph (c) appearing in the section of the appendix entitled "Standards for Selected Items of Cost". The addition reads as follows:

Appendix A [Amended]

* * * * *

Standards for Selected Items of Cost.

* * * * *

(C) *Unallowable costs.* * * *

(14) Costs incurred as result of State agencies' outreach programs. This does not include cost associated with program information activities specified in § 272.6.

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamps)

Dated: September 1, 1981.

Mary Jarratt,

Assistant Secretary.

[FR Doc. 81–25916 Filed 9–3–81; 8:45 am]

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Friday
September 4, 1981

Part IX

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training Act (CETA) Regulations; Governors Special Grant Programs Under Title II and Youth Programs Under Title IV: Final Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 675, 676, 677 and 680

Comprehensive Employment and Training Act (CETA) Regulations; Governors Special Grant Programs Under Title II and Youth Programs Under Title IV

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: This document contains several amendments to regulations governing Governors Special Grant Programs under Title II and Youth Programs under Title IV of the Comprehensive Employment and Training Act (CETA). These amendments implement the CETA statutory amendments in the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981).

DATE: Effective October 1, 1981.

Although these regulations are being published in final form to implement the Congressional intent that they be in place by the beginning of fiscal year 1982, it is the policy of the Department of Labor to solicit and consider comments on all regulations. Accordingly, comments will be received until November 1, 1981, after which the comments will be evaluated and if warranted, the regulations will be amended.

ADDRESS: Comments should be addressed to Mr. Jess C. Ramaker, Acting Administrator, Office of Comprehensive Employment Development, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Jess C. Ramaker, Telephone: (202) 376–6254.

SUPPLEMENTARY INFORMATION:

Background

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981) authorized spending levels for CETA for fiscal year 1982 and made several technical amendments to Titles II and IV. These include adding a new subsection (h) to section 202 which reduces the percentage of funds available for Special Grants to Governors from 12 percent to 10.5 percent, with the Governors given discretion in how to allocate the cut among the four Special Grant activities; repealing the provision in Section 436(a)(2) which required that Title II services to youth not be reduced because of the availability of financial assistance under Title IV–A; providing for a 20 percent transferability of funds between youth programs under Title IV–A and Summer Youth Employment Programs (SYEP) under Title IV–C; allowing Youth Community Conservation and Improvement Project (YCCIP) funds reallocated by the Secretary to be used for Youth Employment and Training (YETP) programs, with the intent of providing flexibility to prime sponsors while permitting continued funding of successful YCCIP projects.

The following provides a brief summary of each of the regulatory amendments which implement these changes in the statute:

Section 676.40–2 is amended by deleting the reference to YCCIP in order to simplify administration of the transferability provisions.

Section 677.15(b)(3)(ii) is amended by deleting the description in the Title II–B/C Annual Plan Subpart of arrangements to ensure that YCCIP and YETP funds will not be used to replace opportunities available under Title II for eligible youth.

Section 677.32 is amended by adding the words "Up to" at the beginning of each existing paragraph and adding a new paragraph that establishes a reduced funding limitation of 10.5 percent and gives the Governor the flexibility to allocate the cut among the four Special Grant activities in § 677.32 (a), (b), (c) and (d).

Sections 680.3 and 680.202 are amended to provide for 20 percent transferability of funds between YETP and SYEP.

Section 680.4 is amended to delete the prohibition against substituting Title IV–A funds for Title II–B/C funds for youth.

Sections 680.13 and 680.119, "Substitution for Title II programs," are deleted and the sections reserved. The Table of Contents at § 675.3 and Part 680 is amended accordingly.

Section 680.102 is amended by providing prime sponsors flexibility in reallocating their YCCIP funds for YETP.

Sections 676.40–2 and 680.113 are amended to make the administrative cost pool contribution limitation for YCCIP compatible with the contribution limitation for YETP and to allow prime sponsors to negotiate with project applicants the percentage of YCCIP administrative costs to be used for project administration; and to change the reference from "YCCIP Annual Plan Subpart" to "narrative for YCCIP activities."

Section 680.121 is amended to permit prime sponsors to use funds reallocated by the Secretary to be allocated for YETP.

The Secretary has certified, pursuant to 5 U.S.C. 605(b), that the amendments in this document will not have a significant economic impact on a substantial number of small entities. The regulations are related to the conditions of federal grants received by state and local governments with populations of more than 100,000 persons, who are the primary recipients of CETA funds. They have no impact on "small entities," or specifically "small governmental entities," as those terms are defined in 5 U.S.C. 601(b).

The Secretary has also determined, in accordance with Executive Order 12291, that the rule does not constitute a major rule requiring the preparation of a regulatory impact analysis. The regulation is not likely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in cost prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment and innovation.

The Department of Labor's regulation at 29 CFR 2.7 states that it is DOL policy to use proposed rulemaking procedures when issuing regulations for grant programs. The Secretary, however, in signing this document is waiving the regulation at 29 CFR 2.7 for the following reasons:

(1) The regulations implement the CETA statutory changes contained in the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981). This document merely conforms the regulations to the revised statute.

(2) Congress has directed the Department to expedite rulemaking procedures to ensure that final rules are in place by October 1, 1981.

The Department, nonetheless, is requesting comments on these final rules. Such comments will be received until November 1, 1981. The comments will then be evaluated and, if warranted, the regulations will be amended.

The programs for which these amendments are promulgated are listed in the Catalog of Federal Domestic Assistance as No. 17.232 "Comprehensive Employment and Training Programs."

Accordingly, the regulations at Parts 675, 676, 677 and 680 of Title 20 of the Code of Federal Regulations are amended as set forth below:

PART 675—INTRODUCTION TO THE REGULATIONS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Secton 675.3, Table of Contents, is amended by removing and reserving §§ 680.13 and 680.119, and by revising the headings of §§680.3 and 680.202 to read "Allocation and Transfer of Funds."

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

2. Section 676.40–2 is amended by removing the references to the "Youth Community Conservation and Improvement Projects." Accordingly § 676.40–2(a) is revised to read as follows:

§ 676.40–2 Administration and travel costs.

(a) The adminstrative cost contribution shall not exceed 20 percent of the total allocation for each Annual Plan Subpart other than Title II D, and the Special Governor's Grant unless the Program Narrative Description set forth an explanation of how all administrative costs have been determined and a detailed documentation to support that amount. The restriction on the contribution of funds to the Administrative Annual Plan Subpart for Title II D and Title VI programs is set forth in § 677.58(a) and § 678.8(b)(1)(iii). Administrative cost contribution limitations for Title VII programs are found in Part 679 and for Special Governor's Grant programs in Part 677 Subpart D.

* * * * *

PART 677—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

3. Section 677.15 is amended by removing paragraph (b)(3)(ii) and by renumbering paragraph (b)(3)(iii) as (b)(3)(ii).

4. Section 677.32 is amended by adding the words "Up to" at the beginning of paragraphs (a), (b), (c), and (d) and by adding a new paragraph (e). Accordingly, § 677.32 is revised to read as follows:

§ 677.32 Allocation of funds.

(a) Up to an amount equal to 6 percent of the funds available for Parts A, B, and C of Title II shall be made available to Governors for supplemental vocational assistance in the State, as described in sec. 202(b) of the Act.

(b) Up to an amount equal to 1 percent of the funds available for Parts A, B, and C of Title II shall be made available to Governors for costs of the State Employment and Training Council provided for in sec. 202(c) of the Act.

(c) Up to an amount equal to 1 percent of the funds available for Parts A, B, and C of Title II shall be made available to Governors for coordination and establishment of linkages with educational agencies as provided in sec. 202(d) of the Act.

(d) Up to an amount equal to 4 percent of the funds available for Parts A, B, and C of Title II shall be made available to Governors for coordination and special services as provided for in sec. 202(e) of the Act.

(e) The total of the four Special Grant functions authorized in paragraphs (a) through (d) above shall not exceed an amount equal to 10.5 percent of the funds available for Parts A, B, and C of Title II.

PART 680—YOUTH PROGRAMS OPERATED BY PRIME SPONSORS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

5. The Table of Contents of Part 680 is amended by removing and reserving §§ 680.13 and 680.119, and by revising the headings of §§ 680.3 and 680.202 to read "Allocation and Transfer of Funds."

6. Section 680.3 is amended by adding the words "and transfer" to the heading, lettering the existing paragraph as (a), and adding a new paragraph (b) as follows. Accordingly § 680.3 is revised to read as follows:

§ 680.3 Allocation and transfer of funds.

(a) Allocation of funds under YETP shall be in accordance with section 433 of the Act.

(b) Of the funds allocated to prime sponsors under this subpart, not more than 20 percent of such funds may, at the prime sponsor's discretion, be transferred to programs funded under Subpart C of this Part. The provisions of Subpart C of this Part shall apply to such transferred funds.

7. Section 680.4(a)(1) is amended by removing the phrase "but opportunities for youth under Title II shall not be reduced because of the availability of YETP funds (section 436(a));" and inserting a period at the end of the remaining text. Accordingly § 680.4(a)(1) is revised to read as follows:

§ 680.4 Programs planning, planning and youth councils.

(a) * * *

(1) Coordinate the YETP subpart with programs and activities described in the annual plan subpart for Title II.

* * * * *

8. Section 680.13 is removed and reserved.

§ 680.13 [Reserved].

9. Section 680.102 is amended by adding a new paragraph (c) to read as follows:

§ 680.102 Allocation of funds.

* * * * *

(c) Funds available to prime sponsors under this subpart may be used in all or in part at the prime sponsor's discretion, for programs funded under Subpart A of this Part. The provisions of Subpart A of this Part shall apply to YCCIP funds used for YETP activities.

10. Section 680.113 is amended by revising paragraph (a); removing in paragraph (b)(1) the reference to "YCCIP annual plan subpart," and substituting the words "narrative for YCCIP activities"; removing paragraph (b)(2); and renumbering paragraph (b)(3) as paragraph (b)(2). Accordingly § 680.113 is revised to read as follows:

§ 680.113 Limitation on use of funds.

(a) *Administrative costs.* Prime Sponsors shall negotiate with project applicants a percentage of YCCIP administrative costs to be used for project administration.

(b) *Project funds.* Of the project funds:

(1) At least 65 percent of the funds available shall be used for participant wages and fringe benefits, unless adequate justification is provided in the prime sponsor's narrative for YCCIP activities.

(2) Any remaining funds may be used for project related training of participants, project supervisors, service to participants, and for the acquisition, lease, or rental of materials, equipment, and supplies.

11. Section 680.119 is removed and reserved.

§ 680.119 [Reserved].

12. Section 680.121 is amended by lettering the existing paragraph as (a) and adding a new paragraph (b) as follows. Accordingly § 680.121 is revised to read as follows:

§ 680.121 Reallocation procedures.

(a) The reallocation procedures under § 680.15(a) shall apply to YCCIP programs.

(b) Any funds reallocated by the Secretary pursuant to section 676.47 of this title may be allocated for programs funded under Subpart A of this Part.

13. Section 680.202 is amended by adding the words "and transfer" to the heading, lettering the existing paragraph as (a), and adding a new paragraph (b) as follows. Accordingly § 680.202 is revised to read as follows:

§ 680.202 Allocation and transfer of funds.

(a) Allocation of funds under SYEP shall be in accordance with section 483 of the Act.

(b) Of the funds allocated to prime sponsors under this subpart, not more than 20 percent of such funds may, at the prime sponsor's discretion, be transferred to programs funded under Subpart A of this Part. The provisions of Subpart A of this Part shall apply to such transferred funds.

(Pub. L. 97–35 and 29 U.S.C. 801 et seq.)

Signed at Washington, D.C. this 1st day of September 1981.

Raymond Donovan,

Secretary of Labor.

[FR Doc. 81–26080 Filed 9–3–81; 8:45 am]

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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9-8-81
Vol. 46 No. 173
Pages 44733-44974

federal register

Tuesday
September 8, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefing in Lexington, Ky., see announcement in the **Reader Aids** section at the end of this issue.

44740 **Aviation Safety** DOT/FAA established certain procedures for operation of National Air Traffic Control System.

44764 **Marine Resources** Commerce/NOAA continues suspension of regulations which prohibit hydrocarbon development within Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries.

44935 **Radiation Protection** NRC announces availability of draft report "Methodology for Evaluation of Emergency Response Facilities".

44778 **Geothermal Energy** Interior/GS proposes to amend regulations on plans of operation and reporting of exploration expenditures.

44775 **Securities** SEC proposes to require brokers and dealers to file reports and make and preserve records pursuant to the Currency Act and related Treasury regulations.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

44806 **Grant Programs—Education of Handicapped** ED invites applications for new projects and non-competing continuation projects under the Handicapped Personnel Preparation Program.

44807 **Grant Programs—Education** ED cancels closing date for applications under the Program for Research Grants on Law and Government Studies in Education.

44790 **Medical Devices** FCC proposes to exempt devices marketed for use in hospitals from measurement, recordkeeping and labeling computing device rules.

44765 **Consumer Protection** FTC issues proposed consent agreement with Chrysler Corp. with analysis to aid public comment.

44735 **Aircraft** DOT/FAA provides for issuance of special export certificates of airworthiness for restricted category aircraft.

44797 **Transportation—Administrative Proceedings** NTSB proposes to implement Equal Access to Justice Act.

44964 **Elections** FEC proposes rules on contributions or expenditures by corporations or labor organizations for nonpartisan communications. (Part III of this issue)

44788 **Archives and Records** GSA/NARS proposes to update certain firesafety requirements and to change report period for Agency Record Center Annual Report.

44960 **Endangered and Threatened Wildlife** Interior/FWS reopens comment period on proposed reclassification of leopard in sub-Saharan Africa from Endangered to Threatened status. (Part II of this issue)

44970 **Water Pollution Control** EPA conditionally exempts spent pickle liquor from hazardous waste management regulations. (Part IV of this issue)

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR SAFETY OVERSIGHT COMMITTEE

1 CFR Part 476

Privacy Act of 1974 Regulations

AGENCY: Nuclear Safety Oversight Committee.

ACTION: Final rule.

SUMMARY: The Nuclear Safety Oversight Committee has terminated by compliance with Executive Order 12240 which extended the Committee from September 30, 1980 to September 30, 1981.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis Condi, General Services Administration, (202) 472–9058.

SUPPLEMENTARY INFORMATION:

PART 465—NUCLEAR SAFETY OVERSIGHT COMMITTEE (PRIVACY ACT IMPLEMENTATION) [REMOVED]

The committee hereby removes Part 476 from 1 CFR.

Dated: September 1, 1981.

Steven Ebbin,

Executive Director.

[FR Doc. 81–26001 Filed 9–4–81; 8:45 am]
BILLING CODE 6820–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 932 and 944

Olives Grown in California; Grade and Size Requirements for Certain Olives

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: These rules approve grade and size requirements for processed olives which are used in the production of limited use style olives (e.g. halved, sliced, chopped or minced canned ripe olives) and eliminate grade requirements for color and blemishes for California and imported canned green ripe olives. These actions afford handlers opportunity to market larger quantities of olives and permits use of olives too small to be desirable for use as whole (pitted or unpitted) ripe olives to be utilized in production of other styles of olives. These actions will benefit olive users and producers.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: These rules have been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and have been designated "non-major" rules. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. These regulations are issued under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon recommendations and information submitted by the Olive Administrative Committee, and other information.

These regulations reflect the committee's appraisal of the 1981–82 olive crop and marketing conditions and are its recommendations for the minimum grade and sizes of olives that will provide good quality fruit, in the interest of consumers and producers.

Sections 932.52(a)(2) and (a)(3) of the order specify the minimum sizes of processed olives (by variety) that may be used in the production of whole and pitted styles of canned ripe olives. The minimum sizes are expressed in terms of minimum weights for individual olives. Section 932.52(a)(3) also provides that use of processed olives smaller than the sizes prescribed for whole and pitted style may be established annually for limited use and the subparagraph further provides that such minimum sizes may also include a size tolerance as recommended by the committee and approved by the Secretary. Any such tolerances may also be recommended and approved annually. Therefore, this action approves establishment, for olives from the 1981–82 crop, of minimum sizes contained in § 932.52(a)(3) and includes a size tolerance of 25 percent for undersize Variety Group 1 olives and 20 percent for undersize Variety Group 2 olives. These requirements are the same as have been established in 9 of the past 10 fiscal years.

Section 932.150 (45 FR 62975) prescribes modified grade requirements for canned green ripe olives with respect to color and blemishes for the period ending August 31, 1981. The committee recommended that such requirements be continued through July 31, 1983, to afford handlers opportunity to market increased quantities of green ripe olives and to further test market acceptance of a modified grade of such olives. Imported olives are subject to comparable requirements under Olive Regulation 1, § 944.401. This regulation was issued under section 8e (7 U.S.C. 601e–1) of the Act, which requires that when specified commodities, including olives, are regulated under a Federal marketing order, imports of the commodity must meet the same or comparable grade, size, quality or maturity requirements as those for the domestically produced commodity. This action modifies Olive Regulation 1 by continuing a comparable change in grade requirements for color and blemishes for imported canned green ripe olives. In addition, several minor editorial changes are included to update the import regulation.

These actions with respect to California olives were recommended at a public meeting at which all present could state their views. It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that: (1) there is insufficient time between the date when information became available upon which these regulations are based and the effective date necessary to effectuate the declared policy of the Act; (2) the handling of the 1981 crop of

domestic olives is expected to begin soon and it is intended that these actions be applicable to all olives of such crop; (3) handlers are aware of these actions as proposed by the Olive Administrative Committee; (4) compliance with these regulations will require no special preparation by handlers which cannot be completed by the effective date hereof; (5) these actions relax restrictions on the handling of olives; and (6) with respect to imported olives, this amendment is mandatory under section 8e of the Act.

It is further found that amendments of Subpart—Rules and Regulations (7 CFR 932.108–932.161) by amending §§ 932.150 and 932.153 and amendment of Part 944—Fruits, Import Regulations (7 CFR Part 944) by amending § 944.401 Olive Regulation 1 is in accordance with the order and will tend to effectuate the declared policy of the Act. Therefore, such amendments, as hereinafter set forth, are approved.

Information collection requirements (reporting or recordkeeping) under these parts are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 932—OLIVES GROWN IN CALIFORNIA

1. Therefore, § 932.153 of Subpart—Rules and Regulations (7 CFR 932.108–932.161) is revised to read as follows:

§ 932.153 Establishment of grade and size requirements for processed 1981–82 olives for limited use.

(a) *Grade.* On and after September 1, 1981, any handler may use processed olives of the respective variety groups in the production of limited use styles of canned ripe olives if such olives were processed after August 31, 1981, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* On and after September 1, 1981, any handler may use processed olives in the production of limited use styles of canned ripe olives if such olives were processed during the period September 1, 1981, through July 31, 1982, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives processed before September 1, 1981, or after July 31, 1982;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/90 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/90 pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/140 pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh 1/180 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/180 pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

2. Section 932.150 is revised to read as follows:

§ 932.150 Modified grade requirements for canned green ripe olives.

The grade requirements prescribed in § 932.52(a)(1) of this part are hereby modified with respect to canned green ripe olives of the 1981–83 crop years which are processed during the period September 1, 1981, through July 31, 1983. During such period, no requirements shall be applicable with respect to color and blemishes of such olives.

3. Section 944.401 is amended by revising paragraph (a)(5) and (b)(1) to read as follows:

PART 944—FRUITS, IMPORT REGULATIONS

§ 944.401 Olive regulation 1.

(a) * * *

(5) "USDA Inspector" means an inspector of the Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, or any other duly authorized employee of the Department.

(b) * * *

(1) Canned ripe olives shall grade at least U.S. Grade C: *Provided,* That, during the period of September 1, 1981, through July 31, 1983, no requirements shall be applicable with respect to color and blemishes for canned green ripe olives imported during such period.

§ 944.401 [Amended]

4. In the first sentence of § 944.401(c) "Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service" is changed to read "Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 1, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-25884 Filed 9-4-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Fire Protection Rule; Corrections

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule, corrections.

SUMMARY: In a final rule regarding fire protection published in the **Federal Register** on November 19, 1980, the Commission added a new § 50.48 and Appendix R to 10 CFR Part 50. Several errors appeared in that notice requiring correction. This notice corrects the errors and republishes the corrected text of affected sections.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: David P. Notley, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301–443–5946.

SUPPLEMENTARY INFORMATION: In a final rule published in the **Federal Register** on November 19, 1980 (45 FR 76602), the Commission added a new fire protection rule to its power reactor safety regulations. The rule was in two parts, a new § 50.48 in 10 CFR Part 50, and a new Appendix R to 10 CFR Part 50. The **Federal Register** notice announcing this rule contained several nonsubstantive errors requiring correction, including an apparent duplication of § 50.48 resulting from an earlier notice. This notice effects the required corrections.

A. The final rule preamble contains an incorrect reference. The Supplementary Information section of the preamble to that document, in the explanation of Appendix R, Section III.E, Hydrostatic Hose Test Technical Basis (45 FR 76605), incorrectly referenced National Fire Protection Association Standard No. 196—Standard for Fire Hose. The correct reference is to NFPA 1962–1979 (National Fire Protection Association Standard for Care, Use and Maintenance of Fire Hose Including Connections and Nozzles, 1979 Edition of NFPA 1962).

B. The final rule preamble contains an error consisting of two extra words. The Supplementary Information section of

the preamble to that document, in the explanation of Appendix R, Section III.M, Fire Barriers Technical Basis (45 FR 76608), contains the words "has been" between "3 hours" and "as an acceptable" in the second sentence of the third paragraph. The words "has been" were improperly inserted and should be deleted.

C. The final rule notice contains an incorrect amendatory instruction. On October 29, 1980, the Commission promulgated a temporary rule at § 50.48 (45 FR 71569) which suspended the November 1, 1980, compliance date imposed on certain licensees by their license conditions. The Commission intended that the final rule at § 50.48, published on November 19, 1980, would supersede the temporary rule published on October 29, 1980. Therefore, the amendatory instruction in the November final rule (45 FR 76610) which stated "A new § 50.48 is added to read as follows:" is corrected to read: "Section 50.48 is revised to read as follows."

D. In Appendix R to Part 50, a typographical error exists in the first sentence of the third paragraph of Section II (45 FR 76612) where "defense-in-depth" is misspelled.

E. In Appendix R to Part 50, Section III.E, Hydrostatic Hose Test (45 FR 76613), the text incorrectly set the requirement of 300 psi pressure for testing fire hose already in service. The number should have been 150 psi, the pressure level set by the National Fire Protection Association Standard for Care, Use and Maintenance of Fire Hose Including Connections and Nozzles, 1979 Edition of NFPA 1962.

F. In Appendix R to Part 50, two typographical errors appear in Section III.G.2, Fire Protection of Safe Shutdown Capability (45 FR 76613). In the first paragraph in the first line, the word "in" was omitted between "for" and "paragraph," and in the sixth line, the fifth word "of" was incorrectly printed "or."

G. In Appendix R to Part 50, Section III.H, Fire Brigade (45 FR 76613), contains a requirement that is subject to misinterpretation in regard to the additional supply of breathing air to be maintained for fire brigade use. To ensure a continuous breathing air supply for emergency personnel responding to a fire, extra individual bottles filled with breathing air are required to be available on site for quick change when an air bottle is exhausted. In addition to these spare filled bottles, a minimum 6-hour supply of breathing air is to be maintained on site to refill the individual bottles as they are exhausted during use. This 6-hour supply may consist of a large tank of breathing air or a breathing air compressor. The intent of this provision is to require sufficient extra filled bottles for a 1-hour supply. Since most licensees have self-contained breathing apparatus (SCBA) units that use ½-hour-capacity breathing air bottles, the provision was written to require two extra filled bottles for each SCBA unit. However, some licensees have SCBAs that use 1-hour-capacity breathing air bottles. To properly state the Commission's intent for all licensees regardless of the type of SCBA used, the provision in Section III.H of Appendix R to Part 50 is amended to clarify the requirement that a licensee have at least a 1-hour supply of breathing air in bottles in addition to the 6-hour supply.

In Appendix R, the third paragraph of Section III.H is corrected to read:

> At least a 1-hour supply of breathing air in extra bottles shall be located on the plant site for each unit of self-contained breathing apparatus. In addition, an onsite 6-hour supply of reserve air shall be provided and arranged to permit quick and complete replenishment of exhausted air supply bottles as they are returned. If compressors are used as a source of breathing air, only units approved for breathing air shall be used and the compressors shall be operable assuming a loss of offsite power. Special care must be taken to locate the compressor in areas free of dust and contaminants.

H. In Appendix R to Part 50, Section III.L, Alternative and Dedicated Shutdown Capability (45 FR 76615), contains a requirement that has been misinterpreted by some licensees to achieve cold shutdown conditions within 72 hours following a fire. In order to clearly state the requirement so that it can be interpreted only as requiring the capability to achieve cold shutdown conditions within 72 hours, the first sentence of Section III.L.1 is republished with additional punctuation to read:

> 1. Alternative or dedicated shutdown capability provided for a specific fire area shall be able to (a) achieve and maintain subcritical reactivity conditions in the reactor; (b) maintain reactor coolant inventory; (c) achieve and maintain hot standby[7] conditions for a PWR (hot shutdown[7] for a BWR); (d) achieve cold shutdown conditions within 72 hours; and (e) maintain cold shutdown conditions thereafter.

Also, near the end of the first sentence of Section III.L.5, the words "can be" were omitted in the final rule document and should be inserted between the words "cold shutdown" and "achieved within 72 hours."

I. In Appendix R to Part 50, two typographical errors exist in Section III.L, Alternative and Dedicated Shutdown Capability (45 FR 76615). At the end of III.L.1, in the i.e., the word "of" between "rupture" and "any" was incorrectly printed "or." Also, near the end of III.L.5, the word "independent" is misspelled.

(Sec. 161b. Pub. L. 83-703, 68 Stat. 948; sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 2201(b), 5841))

Dated at Bethesda, Md., this 10th day of August 1981.

For the Nuclear Regulatory Commission.

E. Kevin Cornell,

Deputy Executive Director for Operations.

[FR Doc. 81-26164 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 17502; Amdt. No. 21-55]

Certification Procedures for Products and Parts; Export Airworthiness Approvals

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment provides for the issuance of special export certificates of airworthiness for restricted category aircraft. As amended, the rule now permits an exporter to obtain such a certificate for a restricted category aircraft under the same procedures and with the same privileges applicable to aircraft having standard airworthiness certificates. By relieving regulatory requirements applicable to exporters of restricted category aircraft, this amendment facilitates foreign sale demonstration tours and gives potential for increased export sales. Under the new rule, upon the sale of an aircraft in a foreign country, exporters will be relieved of any costs associated with having to return the aircraft to the United States or applying to an overseas FAA office to obtain an export certificate of airworthiness or, alternatively, having to seek relief via the exemption process. This amendment is in response to the petition of a manufacturer who cites the burden imposed upon it and persons similarly situated under the preexisting rule. By easing the burden imposed on exporters of U.S.-manufactured restricted category aircraft, the revised rule is in full accord with Executive Order 12291.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph A. Sirkis, Regulatory Projects

Branch (AVS–24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 755–9716.

Notice

This amendment is based on Notice of Proposed Rulemaking No. 80–20, published in the **Federal Register** on November 20, 1980 (45 FR 76868). All interested persons were afforded the opportunity to participate in the making of this regulation.

Background

Current export airworthiness procedures were first proposed in Federal Aviation Agency Notice No. 63–15 published on April 17, 1963 (28 FR 3728), as an amendment to Part 1 of the Civil Air Regulations (CAR). By the time the final rule was issued, however, Part 1 of the CAR had been recodified as Part 21 of the Federal Aviation Regulations (FAR), and the new amendment was issued as Subpart L of Part 21 (30 FR 8464; July 2, 1965).

Subpart L of Part 21 established eligibility criteria for the issuance of export certificates of airworthiness for aircraft in two situations: first, when an aircraft is to be exported to a particular foreign country; second, when an aircraft is to be flown to several foreign countries for the purposes of demonstration and eventual sale. In the first case, the exporter is eligible for an export certificate of airworthiness under § 21.329 prior to the aircraft's departure from the United States. This export certificate of airworthiness, which is available for both standard and restricted category aircraft, certifies to a particular importing country that the aircraft conforms to its U.S. type certificate, that it complies with any special requirement notified by the importing country, and that it is in a condition for safe operation. However, this certificate is only valid in the country to which the aircraft is being exported.

In the second situation, under § 21.339, the exporter of an aircraft that has a standard airworthiness certificate may obtain, prior to departure from the United States, a special export certificate of airworthiness covering sales demonstrations in any number of countries in which a prospective purchaser is sought. Upon finding a buyer, the exporter has, in hand, a valid export certificate of airworthiness to facilitate airworthiness acceptance by the country in which the aircraft is to be sold. This relieves the exporter of the need to return the aircraft to the United States or applying to an overseas FAA office for a certificate under § 21.329. Section 21.339, which was adopted in 1965, inadvertently did not make this procedure available for restricted category aircraft sales. A restricted category aircraft is one intended for certain "special-purpose operations," such as agricultural uses, and which is type certificated in accordance with § 21.25 or CAR Part 8, i.e., meets the airworthiness requirements of an aircraft category except for those the Administrator finds inappropriate for the special purpose involved. Prior to 1965, export approvals were governed by the administrative procedures contained in FAA Manual of Procedures (MOP) 2–4. MOP 2–4, Part 1, paragraph 13, permitted issuance of "blanket" (equivalent to the current "special") export certificates of airworthiness for restricted category aircraft. Since there evidently was no intent to change the previous export airworthiness procedures on codification of the MOP into § 21.339 in 1965, this amendment reinstates preexisting procedures by revising § 21.339 to include eligibility of restricted category aircraft for special export certificates of airworthiness.

The FAR do not require an aircraft to have an export certificate of airworthiness to be exported. However, such a certificate greatly facilitates airworthiness acceptance of U.S. aircraft by importing countries, thus increasing the foreign sales potential of these aircraft. In accordance with the bilateral agreements between the United States and other countries, the certificate will be given the same validity by the importing country as a certificate issued by its own aviation authority. However, since the importing country has the prerogative to define the airworthiness requirements that must be met for import, this amendment does not guarantee import acceptance. Exporters should consult with the airworthiness authority in the importing country to determine the eligibility of restricted category aircraft and to determine what, if any, special/additional requirements must be met before assuming import acceptance.

Discussion of Comments

The FAA received two comments in response to Notice 80–20. These comments express the views of two associations, one representing the manufacturing industry, the other representing airline pilots. The former commenter supports the proposal as published. The latter commenter has no specific comments to offer. Neither comment received in response to Notice 80–20 was unfavorable.

Discussion of Amendment

This rulemaking action was initiated by a petition for rulemaking filed by the Grumman American Aviation Corporation of Elmira, New York. The petition requested that § 21.339(a) be amended to permit issuance of special export airworthiness certificates for restricted category aircraft it manufactures and for products of other exporters similarly situated. The petitioner specifically cites the situation in connection with its Grumman Model G–164 series agricultural aircraft (Ag-Cat). In support of its request, the petitioner makes three basic arguments.

First, the petitioner contends that aircraft such as the Ag-Cat are needed throughout the world for the production and protection of food supplies. In connection with this point, the petitioner notes that extending the special certificate procedure would greatly facilitate exporting such aircraft and thereby help the U.S. balance of trade and that such an action would be in the U.S. public interest.

Second, the petitioner contends that excluding restricted category aircraft from the special certificate procedure places an unfair economic burden on the manufacturers.

Finally, the petitioner contends that permitting the procedure for restricted category aircraft would not compromise safety since the aircraft are already eligible for an export certificate of airworthiness under § 21.329(a).

With respect to the petitioner's first and second contentions, it is clear that procedures existing prior to this amendment caused an additional financial expense and delay when exporting a restricted category aircraft when compared to the procedures for exporting a standard category aircraft that is flown to several foreign countries for the purpose of sale. For example, additional expense and delays were incurred when a newly manufactured restricted category aircraft that was exported for demonstration to a particular country under § 21.329 was sold to a person in another foreign country for which the aircraft did not have an export certificate of airworthiness. In the petitioner's case, the exporter incurred an expense of $5,000 because of storage and air transportation charges incidental to inspection by an FAA inspection representative from an overseas field office. This would not have been the case with aircraft having standard airworthiness certificates which were

and currently remain eligible for a special export airworthiness approval under § 21.339. Thus, the previous rule resulted in an inequitable situation for the exporter of a restricted category aircraft who would, for each sale in a foreign country, be subjected to delays and additional expense or alternatively be required to seek relief via the exemption process.

The FAA agrees with the petitioner's third contention that this amendment will not result in a reduction in safety. Under this amendment, any restricted category aircraft covered by the new procedure must meet the FAA requirements for a U.S. restricted category airworthiness certificate under § 21.185. The aircraft must also, under § 21.339(e), meet the importing country's special airworthiness requirements. Because these two requirements also appear in § 21.329 for export certificates, the aircraft will be held to the same high standards of airworthiness that have always been required for export of restricted category aircraft.

The FAA has analyzed the possible impact of this amendment on the 23 bilateral airworthiness agreements (executive agreements) in effect between the United States and certain other countries concerning certificates of airworthiness for import aircraft. This amendment does not contravene any of those agreements, and it does not interfere with the right of the importing country to make acceptance of the special export certificate dependent upon the product's meeting any special/additional requirements which the importing country finds necessary to ensure that the aircraft meets a level of safety equivalent to that provided by its applicable laws, regulations, and requirements which would be effective for a similar aircraft produced in the importing country. There are a number of countries which place limitations on the import of restricted category aircraft; such limitations appear in those countries' "special requirements" (as published in FAA Advisory Circular 21-2) and under § 21.339 must be met by any exporter. This amendment, therefore, does not interfere with any country's internal rules. Nevertheless, in accordance with international agreements and § 21.335(d), an operator of a U.S.-registered restricted category aircraft having a special export airworthiness approval must obtain permission from each country prior to flight in that country. Such permission need not be obtained as a condition of issuance of the special export airworthiness certificate but must be obtained prior to flight in any foreign country.

This amendment will eliminate the potential financial burden and delays associated with having to return the aircraft to the United States or applying to an FAA overseas field office to obtain an export certificate of airworthiness or, alternatively, having to seek relief via the exemption process. For these reasons, the amendment fully complies with and achieves the purposes of Executive Order 12291.

Regulatory Evaluation

The FAA conducted a regulatory evaluation which is included in the regulatory docket for this action. It is summarized below.

Costs

The FAA's analysis determines that there will be no cost impact on manufacturers and exporters of restricted category aircraft and only a minimal to negligible cost impact to the Government. The Government will incur minor cost in the revision of § 21.339, which is considered already to be a part of FAA's ongoing program to simplify and ease the burden of the regulations.

Benefits

Implementation of this final rule is expected to provide benefits to FAA and to manufacturers and exporters of restricted category aircraft. Exporters of restricted category aircraft choosing to conduct foreign sale demonstration tours for the purpose of consummating a sale during the tour will benefit by being relieved of the burden of returning the aircraft to the United States or to an overseas FAA office to obtain a special export certificate of airworthiness valid in the country in which the aircraft has been sold. In addition, exporters may be encouraged to increase multination sales tours, with corresponding benefit from sales increases resulting from this additional approach to the marketing of their aircraft abroad. The FAA will benefit from the reduction in administrative costs associated with issuing special export certificates of airworthiness for restricted category aircraft to be sold potentially in more than one country.

Adoption of the Amendment

Accordingly, § 21.339(a) of the Federal Aviation Regulations (14 CFR 21.339(a)) is revised to read as follows, effective October 8, 1981:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

§ 21.339 Special export airworthiness approval for aircraft.

* * * * *

(a) The aircraft possesses either—

(1) A standard U.S. certificate of airworthiness; or

(2) A special U.S. certificate of airworthiness in the restricted category issued under § 21.185;

* * * * *

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not a major rule under Executive Order 12291 or a significant regulation under the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact." It has been determined also that the amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it is relieving in nature.

Issued in Washington, D.C., on August 19, 1981.

J. Lynn Helms,
Administrator.

[FR Doc. 81-25995 Filed 9-4-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-12]

Alteration of Transition Area: Alamogordo, New Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Alamogordo, New Mexico. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing instrument approach procedures to Holloman AFB and Alamogordo–White Sands Regional Airports. This amendment is necessary to provide controlled airspace for aircraft being radar vectored in the area, sometimes at minimum altitudes due to inclement weather conditions and thunderstorm activity in this area.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 4, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 24959) stating that the Federal Aviation Administration proposed to alter the Alamogordo, New Mexico, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, November 26, 1981, as follows:

Alamogordo, New Mexico

That airspace extending upward from 700 feet above the surface, including airspace beginning at latitude 33°30′00″ N., longitude 106°06′05″ W.; to latitude 33°30′00″ N., longitude 105°44′00″ W.; to latitude 33°16′00″ W., longitude 105°44′00″ W.; to latitude 33°16′35″ N., longitude 105°30′00″ W.; to latitude 32°56′45″ N., longitude 105°30′00″ W.; to latitude 32°56′30″ N., longitude 105°44′00″ W.; to latitude 32°27′00″ N., longitude 105°44′00″ W.; to latitude 32°27′00″ N., longitude 106°00′00″ W.; to latitude 32°34′00″ N., longitude 106°00′00″ W.; to latitude 32°34′00″ N., longitude 106°15′00″ W.; to latitude 33°04′00″ N., longitude 106°21′00″ W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81–25695 Filed 9–4–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ASW–10]

Alteration of Transition Area: Guthrie, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Guthrie, Texas. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing new instrument approach procedures to 6666 Ranch Airport. This amendment is necessary to provide protection for aircraft executing new Area Navigation (RNAV) approaches to Runways 10 and 19 at the 6666 Ranch Airport.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 4, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 24961) stating that the Federal Aviation Administration proposed to alter the Guthrie, Texas, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, November 26, 1981, as follows:

Guthrie, Texas

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of 6666 Ranch Airport (latitude 33°38′30″ N., longitude 100°21′18″ W.) and within 3.5 miles each side of the 012° true bearing from the 6666 Ranch Airport extending from the 6.5-mile radius area to 7.5 miles north of the airport and within 2.5 miles each side of the 198° true bearing from the airport extending from the 6.5-mile radius area to 7.5 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81–25692 Filed 9–4–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ASW–16]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Zuni, New Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Zuni, New Mexico. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Black Rock Airport. This amendment is necessary to protect aircraft holding on the Zuni VORTAC and executing a new instrument approach procedure from the VORTAC to the airport.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, telephone (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: On June 29, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 33285) stating that the Federal Aviation Administration proposed to alter the Zuni, New Mexico, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective upon publication, as follows:

Zuni, New Mexico

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of the Black Rock Airport (latitude 35°04'51" N., longitude 108°47'56" W.) and airspace extending upward from 8,200 feet MSL within 7 miles north and 10 miles south of Zuni VORTAC 221° and 041° radials extending from 12 miles northeast to 20 miles southwest of the VORTAC, excluding the portion within the State of New Mexico.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25993 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-25]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone: Lubbock, Texas (Lubbock International Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the control zone at Lubbock, Texas. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Lubbock International Airport. This amendment is necessary to provide protection for aircraft executing a new instrument approach procedure using the instrument landing system (ILS) to Runway 26.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On July 6, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 34808) stating that the Federal Aviation Administration proposed to alter the Lubbock, Texas (Lubbock International Airport), control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendent

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, November 26, 1981, as follows:

Lubbock, Texas (Lubbock International Airport)

That airspace within a 5-mile radius of Lubbock International Airport (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 123° radial, extending from the 5-mile radius zone to the VORTAC; within 3 miles each side of the Lubbock VORTAC 120° radial, extending from the Lubbock 5-mile radius zone to 12 miles southeast of the VORTAC; within 2.5 miles each side of the Lubbock ILS localizer east course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Lubbock ILS localizer north course, extending from the 5-mile radius zone to the OM.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.— The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on August 28, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25994 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-CE-27]

Designation of Transition Area—Lamar, Missouri

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Lamar, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Lamar, Missouri Airport, utilizing the Lamar Non-Directional Radio Beacon (NDB) as a navigational aid.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Haskins, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure to the Lamar, Missouri Airport is being established utilizing the Lamar NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Lamar, Missouri, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 24958 and 24959 of the **Federal Register** dated May 4, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lamar, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT November 26, 1981, by adding the following new transition area:

Lamar, Missouri

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Lamar, Missouri, Airport (Latitude 37°29'22" N, Longitude 94°18'45" W) and within 3 miles each side of the Lamar, Missouri, NDB (Latitude 37°29'14" N, Longitude 94°18'37" W), 221° bearing, extending from the 5-mile radius area to 8.5 miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on August 24, 1981.

James O. Robinson,

Acting Director, Central Region.

[FR Doc. 81-25896 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 22050; SFAR No. 44-1]

Special Federal Aviation Regulation No. 44-1; Air Traffic Control System; Interim Operations Plan

Note.—This document originally appeared in the Federal Register for Friday, September 4, 1981. It is reprinted in this issue at the request of the agency.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment to Special Federal Aviation Regulation (SFAR) No. 44 establishes certain procedures for the operation of the National Air Traffic Control System, including the establishment of air traffic reduction schedules for 22 airports, until at least April 24, 1982. Since the August 3, 1981, action by air traffic controllers has reduced the level of air traffic control services that the FAA is capable of providing, the Administrator has determined that a situation still exists which requires the continuation of the current special air traffic control provisions established under SFAR No. 44, as modified by this amendment, to provide for the efficient and safe movement of air traffic.

DATES: Effective September 9, 1981. Comments are invited on this Interim Operations Plan so long as it remains in force or until June 1, 1982, whichever date is later.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204) Docket No. 22050, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service (Telephone (202) 426-3731), or

John R. Ryan, Operations Division, Air Traffic Service (Telephone (202) 426-8310), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this amendment is in the form of an emergency final rule which concerns immediate flight safety throughout the United States, and, thus, is not preceded by notice and public procedure, comments are invited on the Interim Operations Plan so long as it remains in force or until June 1, 1982, whichever date is later. The need for immediate regulatory response and background material is stated at 46 FR 39606, *et seq.* Comments on the rule should be submitted to the address indicated above. Comments are specifically invited on any aspects of the operation of the Air Traffic Control system under this amendment or SFAR No. 44 that suggest a need to modify the regulation, or which should be considered should the occasion arise in the future to operate the Air Traffic Control system under emergency conditions. Comments received will be reviewed on a continuing basis and this amendment and the Interim Operations Plan may be changed in the light of comments received. Commenters wishing the FAA to acknowledge receipt of their comments in response to this rule must submit with those comments a self-addressed, stamped post card on which the following statement is made: "Comments to Docket No. 22050." The post card will be date/time stamped and returned to the commenter.

Air Traffic Control System Interim Operations

The actions of certain members of the Professional Air Traffic Controllers Organization (PATCO) has significantly reduced the number of air traffic controllers who are available to operate the Air Traffic Control (ATC) system. This has resulted in the need to reduce the level of services that the FAA provides at various ATC facilities.

This has been accomplished by the operation of the ATC system under normal air traffic control procedures with the aid of "flow control" measures that result in a reduction of user demands on the system (SFAR No. 44 (46 FR 39606, Aug. 3, 1981)).

This procedure utilizes the airlines' published schedules in the Official Airline Guide (OAG) for allocating the reduced flight operations at airports irrespective of IFR or VFR operations. Use of the OAG eliminates the need for duplicate information to be submitted to the FAA and provides the industry and the public with a usable schedule. Since use of OAG has worked well, it forms the basis of the Interim Operations Plan. The procedures have permitted the safe and efficient operation of the ATC system based upon the air traffic work force available at each ATC facility within the system. The reduction in user demand necessary because of the reduced work force has been accomplished while allowing the air carriers the maximum possible control over their operations. In addition, it has permitted adjustments to the system to provide for many of the seasonal and other changes in air carrier schedules that routinely occur. The procedures also have permitted normal flight planning and fuel conservation techniques by users. They further provide some flexibility to accommodate new or additional services that may occur at an airport as air carrier operations and the ATC work force at that airport change. In addition, the Plan provides ATC service to meet as many other aviation needs as can be accommodated with the available work force.

Accordingly, the Administrator has determined that the National Air Traffic Control system should continue to operate under the Interim Operations Plan, as modified by this amendment, until at least April 24, 1982. The schedule reductions currently in effect

at the 22 airports specified in the Notices to Airmen (NOTAMs) issued under SFAR No. 44 and § 91.100 of the Federal Aviation Regulations will continue until further notice. Schedule reductions may also be imposed at other airports if any changes in the current status of an airport cannot be safely and efficiently handled by the controller work force at the ATC facilities involved. Changes will be coordinated in advance and the Plan will be updated as conditions at each airport change.

Many members of the public and in industry have urged the FAA to develop a plan which will be in effect for a finite period of time to allow air carriers to plan schedules, make decisions involving staffing and equipment and which would allow the public to make plans. It is for this reason that this plan will remain in effect until at least April 24, 1982. This is the date on which summer schedules are usually issued.

The FAA recognizes that an OAG which contains the complete flight schedules of the air carriers rather than the actual flights scheduled under the reductions required by the Plan is of limited value to the public in scheduling their travel. It places the burden on air carriers to inform the public of their actual flight schedules by telephone and means other than the OAG. To permit actual flight schedules to be published in future OAGs, this amendment requires air carriers to develop their normal (full) schedule at each airport they serve for the period to be covered by the OAG and then apply the specified reduction percentage for the hourly operations periods at the designated airports. Accordingly, the air carriers have been requested to develop schedules for publication in the OAG which reflect the actual flight operations of each air carrier. Thus, the schedules submitted by the air carrier to the OAG and subsequently published in the OAG for the 22 designated airports will be the reduced schedules developed in accordance with the appendix to this amendment.

To prevent possible abuse of the system as future schedules are developed by the air carriers for publication in the OAG, the number of daily arrival operations an air carrier may use as the basis for making the reductions specified for the designated airports shall not exceed the average daily arrival operations, on an hourly basis, at each airport, by the air carrier for the first six months of calendar year 1981 as shown in the OAG. The number of daily arrival operations scheduled by an air carrier at airports that are not "designated" airports shall also meet this average daily arrival criteria. New or additional services into any airport must be approved by the Director of Air Traffic Service. The schedule developed by an air carrier for a designated airport using the average daily arrival criteria may be revised and flights added or deleted from the schedule by the Director of Air Traffic Service at the request of the air carrier, if the Director determines that the changes to the schedule can be accommodated by the work force available at the ATC facilities involved. Approval of any additional flights into a designated airport will be made equitably among the air carriers requesting new or additional service into that airport. Service approved and operating today by an air carrier, which is in addition to the average daily arrival criteria, will be considered in approving additional operations. The schedule submitted to OAG should include revisions and changes requested by the air carrier and approved by the Director of Air Traffic Service.

Changes to schedules that are listed in an OAG may be requested during the period the OAG is effective. However, the requested changes should not exceed 5% of an air carrier's operations under that OAG in order that the requests may be timely considered. Requests for changes should be submitted to the FAA Air Traffic Control Command Center (ATCCC), Jacksonville, Florida, by 0800 EDT of the Wednesday prior to the week in which the change is to take effect. Approved changes shall be effective at 0600 EDT each Sunday.

A new air carrier that had an application for operating authority on file with the Civil Aeronautics Board prior to August 3, 1981, will receive approval for some operations. Other new entrants may be authorized to operate at the designated airports only if the then current capacity permits. Comments are specifically invited on the issue of how to provide service for new entrants.

Unscheduled flights by air carriers such as charters, training, extra sections, etc. into a designated airport will be approved on an individual basis by the Director of Air Traffic Service if ATC system capacity permits. General aviation and military operations will continue to be accommodated through the flow control procedures that result in a reduction in user demands on the system when needed, and will be processed basically on a first come first serve basis. International flights will continue to be processed in accordance with the current procedures established for international flight.

Requests for IFR reservations and cancellations of scheduled flights should be forwarded to the ATCCC, Jacksonville, Florida, in a timely manner to assure proper consideration requests and maintain the integrity of the ATC data base.

This amendment does not change the present authority of the Director of Air Traffic Service to restrict, prohibit or permit VFR and/or IFR operations at any airport, TCA or other terminal and enroute airspace; to give priority at any airport to flights that are military necessities, medical emergency flights, Presidential flights, and flights transporting critical FAA employees; and to implement flow control management procedures, including reduction of flight operations, at any airport or within enroute airspace. Under the current conditions in the ATC system, the FAA's Air Traffic Control Command Center has the ability to maintain an efficient flow of air traffic within a framework of predetermined levels of system capacity. Therefore, it does not appear that it will be necessary to activate the more restrictive National Air Traffic Control Contingency Plan (Phase III). However, the Director of Air Traffic Service continues to be authorized to activate that Contingency Plan if conditions develop that require its use in order to provide for the safe and efficient movement of air traffic.

The basic rules and orders necessary for operation under the Interim Operations Plan will continue to be disseminated, in accordance with § 91.100 of the Federal Aviation Regulations, by Notices to Airmen (NOTAM).

The continued operation of the National Air Traffic Control System in a safe and efficient manner requires the immediate adoption of this regulation in the public interest. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest. I further find that good cause exists for making this regulation effective in less than 30 days after its publication in the **Federal Register**.

Adoption of the Rule

Accordingly, Special Federal Aviation Regulation No. 44, as amended, (14 CFR Part 91) is revised to read as follows, effective September 9, 1981:

Special Federal Aviation Regulation No. 44–1

1. Each person shall, before conducting any operation under the

Federal Aviation Regulations (14 CFR Chapter I), familiarize himself with all Notices to Airmen issued under § 91.100; when activated, with the provisions of the National Air Traffic Control Contingency Plan (FAA Order 7110.86), available for inspection at operating Air Traffic facilities and Regional air traffic division offices; and with all other available information concerning that operation.

2. Notwithstanding any provision of the Federal Aviation Regulations to the contrary, no person may operate an aircraft in the airspace under the jurisdiction of the United States—

(a) Contrary to any restriction, prohibition, procedure or other action specified in this Special Federal Aviation Regulation or specified by the Director of Air Traffic Service pursuant to paragraph 3 of this regulation and announced in a Notice to Airmen pursuant to §91.100 of the Federal Aviation Regulations, or

(b) If the National Air Traffic Control Contingency Plan is activated pursuant to paragraph 4 of this regulation, except in accordance with the pertinent provisions of the Contingency Plan (FAA Order 7110.86, dated February 27, 1981, as amended by Errata Change issued March 10, 1981, Errata Change No. 2 issued March 18, 1981, and Errata Change No. 3 issued June 19, 1981).

3. As conditions warrant or until activiation of the National Air Traffic Control Contingency Plan (Phase III), the Director of Air Traffic Service is authorized to—

(a) Restrict, prohibit or permit VFR and/or IFR operations at any airport, Terminal Control Area or other terminal and enroute airspace;

(b) Give priority at any airport to flights that are military necessities, medical emergency flights, Presidental flights, and flights transporting critical Federal Aviation Administration employees;

(c) Implement at any airport or within enroute airspace flow control management procedures, including reduction of flight operations. Reduction of flight operations shall to the extent feasible made pro rata among and between air carrier, commercial operator, military and general aviation operations; and

(d) Implement the reduction schedule set forth in the Appendix to this regulation at the 22 airports specified in that Appendix; impose schedule reductions at other airports if operations at an airport cannot be safely and efficiently handled by the controller work force at the air traffic control facilities involved; and limit the number of daily operations of an air carrier at any airport based on the average daily arrival operations, on an hourly basis, at each airport, by the air carrier during the first six months of calendar year 1981, as shown in the Official Airline Guide.

4. If the actions taken in accordance with paragraph 3 of this regulation do not provide for the orderly movement of air traffic, the Director of Air Traffic Service may activate the National Air Traffic Control Contingency Plan (Phase III).

5. Upon activation of the National Air Traffic Control Contingency Plan (Phase III) and notwithstanding any provision of the Federal Aviation Regulations to the contrary, the Director of Air Traffic Service is authorized to suspend or modify any airspace designation (or chart).

6. All restrictions, prohibitions, and procedures established, and other actions taken by the Director of Air Traffic Service under this regulation with respect to the operation of the Air Traffic Control system will be announced by Notices to Airmen issued pursuant to § 91.100 of the Federal Aviation Regulations.

7. The Director of Air Traffic Service may delegate his authority under this regulation to the extent he considers necessary for the safe and efficient operation of the National Air Traffic Control System.

Appendix—Reduction Schedule for Designated Airports

1. Each air carrier conducting operations at an airport designated in this appendix shall determine a level of operations irrespective of IFR or VFR operations at each of the airports by taking the reduction percentage, multiplied by the number of its normally scheduled arrival flights for each hour specified. However, the number of daily arrival operations an airline uses as the basis for reductions at an airport shall not exceed the average daily arrival operations, on an hourly basis, at that airport, by the air carrier during the first six months of calendar year 1981 as shown in the Official Airline Guide (OAG). The results may be rounded to the nearest whole number. One-half or greater fraction shall be rounded to the next higher whole number. However, if during any hour of the six month period, only one flight was regularly scheduled, that flight need not be cancelled.

2. Each air carrier shall submit to the Director of Air Traffic Service the average daily arrival operations per hour computed under paragraph 1 of this appendix.

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HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
ATL PLAN			
1200Z	41%	2000Z	41%
1300	42	2100	43
1400	44	2200	45
1500	43	2300	45
1600	44	0000	50
1700	43	0100	50
1800	43	0200	29
1900	43	0300	41
BOS PLAN			
1100Z	29%	1900Z	57%
1200	53	2000	39
1300	21	2100	63
1400	29	2200	53
1500	36	2300	46
1600	35	0000	50
1700	25	0100	67
1800	52		
CLE PLAN			
2300Z	25%		
0000	28		
DFW PLAN			
1200Z	44%	2000Z	47%
1300	43	2100	47
1400	11	2200	60
1500	45		
1600	42		
1700	40		
1800	14		
1900	53		

HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
DEN PLAN			
1400Z	44%	0100Z	48%
1500	4	0200	8
1600	46		
1700	52		
2000	40		
2100	32		
2300	49		
0000	52		
DTW PLAN			
1200Z	40%	2000Z	30%
1300	34	2100	40
1400	46	2200	52
1500	20	2300	46
1600	25	0000	42
1800	46		
1900	52		
EWR PLAN			
1200Z	24%		
1900	13		
2000	37		
2100	24		
2200	24		
2300	27		
0000	24		
0100	36		
FLL PLAN			
No reductions			
IAH PLAN			
1200	22%	2100Z	39%
1400	24	2200	39
1500	29	2300	46
1600	29	0000	38
1700	29	0100	37
1800	30	0200	20
1900	36		
2000	23		

HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
JFK PLAN			
1800Z	14%		
1900	54		
2000	66		
2100	48		
2200	32		
2300	50		
0000	32		
LAS PLAN			
1600Z	34%	0200Z	8%
1700	32		
1800	31		
1900	18		
2100	34		
2200	14		
0000	13		
0100	13		
LGA PLAN			
1100Z	27%	1900Z	35%
1200	49	2000	53
1300	37	2100	57
1400	33	2200	47
1500	45	2300	45
1600	50	0000	41
1700	33	0100	33
1800	50		
LAX PLAN			
1700Z	31%		
1900	19		
2300	27		
0000	30		
0100	41		
0200	30		
0300	37		
0400	18		
MIA PLAN			
1500Z	13%		
1600	10		
MCI PLAN			
No reductions			

HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
MSP PLAN			
2100Z	16%		
2200	21		
ORD PLAN			
1200Z	33%	2000Z	46%
1300	46	2100	27
1400	30	2200	56
1500	46	2300	63
1600	44	0000	38
1700	31	0100	57
1800	48		
1900	46		
PHL PLAN			
1100Z	41%	1900Z	46%
1200	40	2000	55
1300	52	2100	50
1400	35	2200	50
1500	41	2300	41
1600	42	0000	46
1700	40	0100	35
1800	41		
PIT PLAN			
1100Z	35%	2000Z	53%
1200	59	2100	41
1300	55	2200	58
1500	34	2300	60
1600	47	0000	43
1700	45		
1800	49		
1900	53		

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HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
SFO PLAN			
1500Z	23%	2300Z	20%
1600	33	0000	47
1700	32	0100	43
1800	44	0200	48
1900	32	0300	48
2000	35		
2100	34		
2200	20		
1200Z	12%		
1300	47		
1600	39		
1700	16		
1800	50		
2000	60		
2200	65		
2300	43		
DCA PLAN			
1200Z	46%	2000Z	43%
1300	37	2100	38
1400	35	2200	43
1500	35	2300	47
1600	35	0000	48
1700	35	0100	52
1800	38		
1900	43		

BILLING CODE 4910-13-C

3. The Director of Air Traffic Service is authorized to—

(a) Make revisions and additions to the operations schedule established by an air carrier pursuant to paragraph 1 of this appendix to the extent the controller work force at the air traffic control facilities involved can accommodate those changes.

(b) Establish schedule reductions for any hour not specified in paragraph 1 of this appendix (nonpeak-operation hours) if excessive flights are rescheduled for any of those hours.

(c) Approve new or additional service into a designated airport. A new air carrier that had its application for an operating certificate on file with the Civil Aeronautics Board prior to August 3, 1981, will receive approval for some operations. Adjustments to other air carrier operations schedules may be made by the Director of Air Traffic Service to accommodate new air carriers. Other new entrants may be authorized to operate at the designated airports only if the then current capacity permits.

(Secs. 307 (a) and (c), 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348 (a) and (c), 1354(a), and 1421(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291 and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is impracticable for the FAA to follow the procedures of Executive Order 12291 applicable to regulations not issued in response to emergency situations because the safety and efficiency of the national air transportation system require immediate implementation of the rule. Voluntary compliance with this regulation is expected. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the persons identified under the caption "For Further Information Contact."

This is a final rule of the Administrator issued in accordance with the Federal Aviation Act of 1958, as amended. Thus, in accordance with section 1006 of the Act (49 U.S.C. 1486), it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C. on September 2, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-26156 Filed 9-3-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 95

[Docket No. 22119; Amdt. No. 95-300]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT, October 1, 1981.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on August 31, 1981.

John M. Howard,

Acting Chief, Aircraft Programs Division.

BILLING CODE 4910-09-M

§95.251 RED FEDERAL AIRWAY 51
is added to read:

FROM	TO	MEA
Sumner Strait AK NDB	Sitka, AK NDB	7000

§95.637 BLUE FEDERAL AIRWAY 37
is amended to read:

FROM	TO	MEA
Sumner Strait, AK NDB	Elephant, AK NDB	7000
Elephant AK NDB	Cape Spencer AK NDB	6000
Cape Spencer, AK NDB	Sparl INT, AK	6000

§95.115 AMBER FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
U S. Canadian Border	Nichols, AK NDB	[illegible]
Nichols, AK NDB	Sumner Strait AK NDB	[illegible]
Sumner Strait, AK NDB	Coghlan Island, AK NDB	7000

§95.1001 DIRECT ROUTES—U.S.
is added to read:

FROM	TO	MEA
Aberdeen, SD VOR	Mason City, IA VOR	18000
		MAA 45000
Fort Dodge IA VOR	Bradford, IL VOR	18000
		MAA 45000
St Louis, MO VOR *3200 MOCA	Moline, IL VOR	*8000 MAA 30000
St Louis, Mo VOR *2100-MOCA	Peoria, IL VOR	*7000

§95.1001 DIRECT ROUTES—U.S.
Atlantic Routes
is amended to delete:

FROM	TO	MEA
[illegible]		
Sea Isle, N.J. VORTAC	Int 112 M rad Salisbury VORTAC & 143 M rad Sea Isle VORTAC	[illegible]
	Champ INT, Offshore Atlantic	MAA-45000 33000
Int 112 M rad Salisbury VORTAC & 143 M rad Sea Isle VORTAC		MAA-45000

§95.1001 DIRECT ROUTES—U.S.
Atlantic Routes
is added to read:

FROM	TO	MEA
[illegible]		
Sea Isle, NJ VORTAC	Lynus INT, Offshore Atlantic	10000 MAA 45000
Lynus INT Offshore Atlantic	Champ INT Offshore Atlantic	30000 MAA 45000

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J804R is added to read:						
Anchorage, AK VOR/DME Nowel, AK W/P	61 7			105 285 to Nowel	18000	45000
Nowel, AK W/P Middleton Is, AK VORTAC	94			108/288 to Middleton Is	18000	45000
Middleton Is, AK VORTAC Snout, AK W/P	170 9	121	Middleton Is	095/276 to Snout	18000	45000
Snout, AK W/P Eeden, AK W/P	196 9	65	Snout	096/281 to Eeden	18000	45000
Eeden, AK W/P Fried, AK W/P	153 9	112	Eeden	102/285 to Fried	18000	45000

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J997R is amended to delete:					
Nowell, Alas. W/P Tonts, Alas. W/P	79	10 Nowell	092/272 to COP 092/272 to Tonts	18000	45000
Tonts, Alas. W/P Dunks, Alas. W/P	219	120 Tonts	092/272 to COP 096/276 to Dunks	18000	45000
Dunks, Alas. W/P Holli, Alas. W/P	131	47 Dunks	098/278 to COP 101/281 to Holli	18000	45000
Holli, Alas. W/P Mocha, Alas. W/P	188	135 Holli	105/285 to COP 108/288 to Mocha	18000	45000

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Tatoosh, WA VOR *5000-MCA W Bound	*Jawbn INT, WA	[illegible]

§95.6006 VOR FEDERAL AIRWAY 6
is amended to read in part:

FROM	TO	MEA
Hazen, Nev VOR Via S alter	Lovelock, NV VOR Via S alter	[illegible]

§95.6007 VOR FEDERAL AIRWAY 7
is amended to delete:

FROM	TO	MEA
*Cross City, Fla. VOR *1500-MOCA	Greenville, Fla. VOR	*2000
Greenville, Fla. VOR	Renoe INT, Ga.	2200
Renoe INT, Ga.	Pansy INT, Ala.	2000
Pansy INT, Ala.	Wiregrass, Ala. VOR	2500

§95.6007 VOR FEDERAL AIRWAY 7
is amended to delete:

FROM	TO	MEA
Pocket City, Ind VOR Via W alter	Paton INT, Ill Via W alter	2300
Paton INT, Ill Via W alter *2100-MOCA	Newby INT, Ill Via W alter	*4500
Newby INT, Ill Via W alter	Terre Haute, Ind VOR Via W alter	2500

95.6007 VOR FEDERAL AIRWAY 7
is amended by adding:

FROM	TO	MEA
Cross City, FL VOR	Tallahassee, FL VOR	2000
Tallahassee, FL VOR	Oaldy INT, AL	2000
Oaldy INT, AL	Wiregrass, AL VOR	2500

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Homoe INT, FL *1600-MOCA	Orate INT, FL	*3000

§95.6012 VOR FEDERAL AIRWAY 12
is amended to delete:

FROM	TO	MEA
Tucumcari, N M VOR Via S alter	Moser INT, Tex Via S alter	6000
Moser INT, Tex Via S alter *9500-MRA	*Sider INT, Tex Via S alter	6000
Sider INT, Tex. Via S alter.	Amarillo, Tex. VOR Via S alter.	6000
Amarillo, Tex. VOR Via S alter. *4700-MOCA	Brisc INT, Tex. Via S alter.	*5300
Brisc INT, Tex Via S alter	Gage, Okla VOR Via S alter	4800

§95.6012 VOR FEDERAL AIRWAY 12
is amended to delete:

FROM	TO	MEA
Tucumcari, N M. VOR Via N alter.	Amarillo, Tex VOR Via N alter.	6500
Amarillo, Tex. VOR Via N alter.	Borger, Tex. VOR Via N alter.	5000
Borger, Tex VOR Via N alter	Gage, Okla. VOR Via N Alter	4800

§95.6015 VOR FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
Barbo INT, TX Via W alter	Bosel INT, TX Via W alter	3000

§95.6015 VOR FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
St Joseph, MO VOR *2400-MOCA	Comn INT, IA	*2900

§95.6016 VOR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
Blythe, CA VOR *9000-MRA	*Vicko INT, AZ	6000
Vicko INT, AZ	Buckeye, AZ VOR	6000
Paradise, CA VOR	Seter INT, CA	5500

§95.6017 VOR FEDERAL AIRWAY 17
is amended to read in part:

FROM	TO	MEA
Barbo INT, TX	Bosel INT, TX	
Via E alter	Via E alter	3600

§95.6021 VOR FEDERAL AIRWAY 21
is amended to read in part:

FROM	TO	MEA
Hunch INT, UT	Cedar City, UT VOR	
Via E alter	Via E alter	12000
*Cedar City, UT VOR	Milford UT VOR	
Via E alter	Via E alter	10000
*11400-MCA Cedar City VOR, S-Bound		

§95.6025 VOR FEDERAL AIRWAY 25
is amended to delete:

FROM	TO	MEA
Paso Robles, Calif. VOR	*San Ardo INT, Calif.	
Via E alter.	Via E alter.	5000
*5500 – MRA		
*5500 – MCA San Ardo INT, N-bound		
San Ardo INT, Calif.	Salinas, Calif VOR	
Via E alter.	Via E alter.	*5500
*5300 – MOCA		

§95.6025 VOR FEDERAL AIRWAY 25
is amended by adding:

FROM	TO	MEA
Paso Robles, CA VOR	*Sardo INT, CA	
Via E alter.	Via E alter	5000
*5500-MRA		
*5500-MCA Sardo INT, N-Bound		
Sardo INT, CA	Salinas, CA VOR	
Via E alter	Via E alter	5500

§95.6027 VOR FEDERAL AIRWAY 27
is amended to read in part:

FROM	TO	MEA
Ukiah, CA VOR	Fortuna, CA VOR	6700

§95.6051 VOR FEDERAL AIRWAY 51
is amended to read in part:

FROM	TO	MEA
Pahokee, FL VOR	Sheds INT, FL	*2000
*1400-MOCA		
Sheds INT, FL	Vero Beach, FL VOR	1700

§95.6094 VOR FEDERAL AIRWAY 94
is amended to read in part:

FROM	TO	MEA
Crome INT, AZ	San Simon, AZ VOR	10000
Blythe, CA VOR	*Vicko INT, AZ	6000
*9000-MRA		

§95.6094 VOR FEDERAL AIRWAY 94
is amended to read in part:

FROM	TO	MEA
Neyman, TX VOR	Whole INT, TX	
Via N alter	Via N alter	8800
Conne INT, TX	Salt Flat, TX VOR	
Via N alter	Via N alter.	9000

§95.6157 VOR FEDERAL AIRWAY 157
is amended to read in part:

FROM	TO	MEA
Famin INT, FL	Miami, FL VOR	*2000
*1400-MOCA		

§95.6222 VOR FEDERAL AIRWAY 222
is amended to read in part:

FROM	TO	MEA
Wrack INT, LA	McComb, MS VOR	*3000
*2000-MOCA		

§95.6235 VOR FEDERAL AIRWAY 235
is amended to read in part:

FROM	TO	MEA
*Fairfield, UT VOR	Ft Bridger, WY VOR	14000
*12500-MCA Fairfield VOR, NE-Bound		

§95.6264 VOR FEDERAL AIRWAY 264
is amended to read in part:

FROM	TO	MEA
Paradise, CA VOR	Seter INT, CA	
Via S alter	Via S alter	5500

§95.6268 VOR FEDERAL AIRWAY 268
is amended to delete:

FROM	TO	MEA
Flint INT, Pa.	Hagerstown, Md. VOR	4000

§95.6268 VOR FEDERAL AIRWAY 268
is amended by adding:

FROM	TO	MEA
Nesto INT PA	Pleez INT, PA	*4000
*3100-MOCA		
Pleez INT, PA	Indian Head, PA VOR	5300
Indian Head, PA VOR	Hagerstown, MD VOR	6000

§95.6280 VOR FEDERAL AIRWAY 280
is amended to delete:

FROM	TO	MEA
Roswell, N.M. VOR	Onsom INT, N.M.	
Via S alter.	Via S alter.	
	W-bound	5000
	E-bound	7000
Onsom INT, N.M.	*Capro INT, N.M.	
Via S alter	Via S alter.	7000
*9000-MRA		
*9500-MCA Capro INT NE-bound		
*Capro INT, N.M.	Debra INT, N.M.	
Via S alter.	Via S alter.	**9500
*9000-MRA		
*9500-MCA Capro INT, E-bound		
**6500-MOCA		
Debra INT, N.M.	Texico, N.M. VOR	
Via S alter.	Via S alter	*6500
*5600 – MOCA		

§95.6280 VOR FEDERAL AIRWAY 280
is amended to read in part:

FROM	TO	MEA
El Paso, TX VOR	Pinon, NM VOR	8800

§95.6300 VOR FEDERAL AIRWAY 300
is amended to delete:

FROM	TO	MEA
Wrap INT, Me.	Millinocket, Me. VOR	6000
*5700 – MOCA		
Millinocket, Me. VOR	Prentiss INT, Me.	3000
Prentiss INT, Me.	U.S. Canadian Border	3000

§95.6300 VOR FEDERAL AIRWAY 300
is amended by adding:

U S Canadian Border	*Campo INT, ME	5700
*10000-MRA		
Campo INT, ME	Wrapt INT, ME	*7000
*5700-MOCA		
Wrapt INT, ME	Millinocket, ME VOR	6000
Millinocket, ME VOR	U S Canadian Border	3000

§95.6326 VOR FEDERAL AIRWAY 326
is amended to read:

FROM	TO	MEA
Fillmore, CA VOR	Van Nuys, CA VOR	5000

§95.6390 VOR FEDERAL AIRWAY 390
is added to read:

FROM	TO	MEA
Tucumcari, NM VOR	Borger, TX VOR	6500
Borger, TX VOR	Gage, OK VOR	4900

§95.6402 VOR FEDERAL AIRWAY 402
is added to read:

FROM	TO	MEA
Tucumcari, NM VOR	*Sider INT, TX	6000
*9500-MRA		
Sider INT, TX	Amarillo, TX VOR	6000
Amarillo, TX VOR	Brisc INT, TX	5300
Brisc INT, TX	Gage, OK VOR	4800

§95.7060 JET ROUTE NO.60 is amended to read in part:

FROM	TO	MEA	MAA
Joliet, IL VORTAC	Goshen, IN VORTAC	18000	45000
Goshen, IN VORTAC	Dryer, OH VORTAC	18000	45000

§95.7065 JET ROUTE NO. 65 is amended to read in part:

FROM	TO	MEA	MAA
Red Bluff, CA VORTAC	Klamath Falls, OR VORTAC	18000	45000
Klamath Falls, OR VORTAC	Seattle, WA VORTAC	#31000	45000

#MEA is established with a gap in Navigational Signal coverage.

§95.7082 JET ROUTE NO.82 is amended to read in part:

FROM	TO	MEA	MAA
Joliet, IL VORTAC	Goshen, IN VORTAC	18000	45000
Goshen, IN VORTAC	Dryer, OH VORTAC	18000	45000

§95.7180 JET ROUTE NO. 180 is amended by adding:

FROM	TO	MEA	MAA
Junction, TX VORTAC	Humble, TX VORTAC	18000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

V287W is added to read:

Newport, OR VOR	Newberg, OR VOR	29	Newport

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
J537 is added to read:			
Mullen Pass, ID VORTAC	U.S Canadian Border	95	Mullen Pass
J-64 is amended by adding:			
Fort Wayne, IN VORTAC	Ellwood City, PA VORTAC	112	Fort Wayne

[FR Doc. 81-25897 Filed 9-4-81; 8:45 am]
BILLING CODE 4910-09-C

14 CFR Part 97

[Docket No. 22117; Amdt. No. 1198]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

** * * Effective October 15, 1981*

Little Rock, AR—Adams Field, VOR Rwy 32, Amdt. 16
North Little Rock, AR—North Little Rock Muni, VOR Rwy 35, Amdt. 2
North Little Rock, AR—North Little Rock Muni, VOR/DME Rwy 35, Amdt. 3
Grass Valley, CA—Nevada County Air Park, VOR–A, Original
Palm Springs, CA—Palm Springs Muni, VOR–A, Amdt. 2, cancelled
Santa Barbara, CA—Santa Barbara Muni, VOR Rwy 25, Amdt. 2
Santa Rosa, CA—Sonoma County, VOR Rwy 32, Amdt. 14
Woodland, CA—Woodland-Watts, VOR–A, Amdt. 1
Lihue, HI—Lihue, VOR/DME–C, Amdt. 1
Lihue, HI—Lihue, VOR–D, Amdt. 1
Lihue, HI—Lihue, VOR/DME or TACAN Rwy 21, Amdt. 2
Lihue, HI—Lihue, VOR/DME or TACAN–A, Amdt. 7
Lihue, HI—Lihue, VOR or TACAN–B, Amdt. 4
Lihue, HI—Lihue, VOR/DME–3 Rwy 21, Amdt. 1
Fort Madison, IA—Fort Madison Muni, VOR/DME–A, Amdt. 3
Norwood, MA—Norwood Memorial, VOR Rwy 35, Amdt. 5
Hastings, NE—Hastings Muni, VOR Rwy 4, Original
Schenectady, NY—Schenectady County, VOR Rwy 4, Amdt. 2
Schenectady, NY—Schenectady County, VOR Rwy 22, Amdt. 6
Winston-Salem, NC—Smith Reynolds, VOR/DME–A, Original
Tulsa, OK—Tulsa Intl, VOR or TACAN Rwy 26, Amdt. 20
Dallas, TX—Redbird, VOR Rwy 13, Amdt. 6
Sulphur Springs, TX—Sulphur Springs Muni, VOR–A, Amdt. 2
Sulphur Springs, TX—Sulphur Springs Muni, VOR/DME–B, Amdt. 3

** * * Effective October 1, 1981*

Dothan, AL—Wheelless, VOR–B, Amdt. 5
Marianna, FL—Marianna Muni, VOR–A, Amdt. 10
Marianna, FL—Marianna Muni, VOR–B, Amdt. 1
Bainbridge, GA—Commodore Decatur, VOR–B, Amdt. 2

Bainbridge, GA—Decatur County Industrial Airpark, VOR-A, Amdt. 1
Donalsonville, GA—Donalsonville Muni, VOR/DME-A, Amdt. 2
Sandersville, GA—Kaolin Field, VOR-DME-A, Original

** * * Effective August 26, 1981*

Washington, IA—Washington Muni, VOR/DME-A, Amdt. 1

** * * Effective August 17, 1981*

Baton Rouge, LA—Ryan, VOR Rwy 4, Amdt. 14
Winchester, VA—Winchester Muni, VOR-A, Amdt. 1

Note.—The FAA published an amendment in docket No. 22048, Amdt. No. 1196 to Part 97 of the Federal Aviation Regulations (Vol 46 FR No. 151 Page 40000; dated August 6, 1981) under section 97.23 effective October 6, 1981, which is hereby amended as follows: Ogden, UT—Ogden Muni, VOR Rwy 7, Amdt 3: Change effective date to Nov. 26, 1981.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

** * * Effective October 15, 1981*

Norwood, MA—Norwood Memorial, LOC Rwy 35, Amdt. 1
Schenectady, NY—Schenectady County, LOC Rwy 4, Amdt. 1
Westhampton Beach, NY—Suffolk County, LOC BC Rwy 6, Amdt. 1
Beaumont-Port Arthur, TX—Jefferson County, LOC BC Rwy 30, Amdt. 16

** * * Effective October 1, 1981*

Pensacola, FL—Pensacola Regional, LOC BC Rwy 34, Amdt. 8
Ogdensburg, NY—Ogdensburg Intl, LOC Rwy 27, Amdt. 1

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective October 15, 1981*

San Bernardino, CA—Tri City, NDB Rwy 7, Amdt. 2, cancelled
Santa Barbara, CA—Santa Barbara Muni, NDB-A, Amdt. 4
Grand Junction, CO—Walker Field, NDB Rwy 11, Amdt. 16
Campbellsville, KY—Taylor County, NDB Rwy 23, Original
Norwood, MA—Norwood Memorial, NDB Rwy 35, Amdt. 1
Worcester, MA—Worcester Muni, NDB Rwy 11, Amdt. 12
Worcester, MA—Worcester Muni, NDB Rwy 29, Amdt. 4
Schenectady, NY—Schenectady County, NDB Rwy 22, Amdt. 10
Schenectady, NY—Schenectady County, NDB Rwy 28, Amdt. 8
Westhampton Beach, NY—Suffolk County, NDB Rwy 24, Amdt. 1
Beaumont-Port Arthur, TX—Jefferson County, NDB Rwy 12, Amdt. 15
Sulphur Springs, TX—Sulphur Springs Muni, NDB Rwy 18, Amdt. 1

** * * Effective October 1, 1981*

Marianna, FL—Marianna Muni, NDB-C, Original
Pensacola, FL—Pensacola Regional, NDB Rwy 16, Amdt. 21
Pensacola, FL—Pensacola Regional, NDB Rwy 34, Amdt. 13
Ogdensburg, NY—Ogdensburg Intl, NDB Rwy 27, Original
Ogdensburg, NY—Ogdensburg, Intl, NDB-A, Amdt. 4, cancelled

** * * Effective August 26, 1981*

Washington, IA—Washington Muni, NDB Rwy 31, Amdt. 3

Note.—The FAA published an amendment in docket No. 22086, Amdt. No. 1197 to Part 97 of the Federal Aviation Regulations (Vol 46 FR No. 163 page 42655; dated August 24, 1981) under section 97.27 effective September 3, 1981, which is hereby amended as follows: Change note published for Sioux Falls, SD, Joe Foss Field NDB Rwy 3, Amdt. 9 by changing Amdt. to read as follows: Sioux Falls, SD. Joe Foss Field NDB Rwy 3 Amdt. 19.

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

** * * Effective October 15, 1981*

Santa Barbara, CA—Santa Barbara Muni, ILS Rwy 7, Amdt. 20
Santa Rosa, CA—Sonoma County, ILS Rwy 32, Amdt. 9
Grand Junction, CO—Walker Field, ILS Rwy 11, Amdt. 10
Worcester, MA—Worcester Muni, ILS Rwy 11, Amdt. 12
Westhampton Beach, NY—Suffolk County, ILS Rwy 24, Amdt. 5
Beaumont-Port Arthur, TX—Jefferson County, ILS Rwy 12, Amdt. 19

** * * Effective October 1, 1981*

Dothan, AL—Dothan, ILS Rwy 31, Amdt. 5
Pensacola, FL—Pensacola Regional, ILS Rwy 16, Amdt. 9
Baltimore, MD—Glenn L. Martin State, ILS Rwy 32, Orig.

** * * Effective August 25, 1981*

Oakland, CA—Metropolitan Oakland Intl, ILS Rwy 11, Amdt. 2

** * * Effective August 19, 1981*

Denver, CO—Jeffco, ILS Rwy 29R, Amdt. 7

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective October 15, 1981*

New Bern, NC—Simmons Nott, RADAR-1, Amdt. 1
Beaumont-Port Arthur, TX—Jefferson County, RADAR-1, Amdt. 5

** * * Effective October 1, 1981*

Pensacola, FL—Pensacola Regional, RADAR-1, Amdt. 1

** * * Effective August 17, 1981*

Baton Rouge, LA—Ryan, RADAR-1, Amdt. 6

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective October 15, 1981*

Fort Madison, IA—Fort Madison Muni, RNAV Rwy 16, Amdt. 1
Fort Madison, IA—Fort Madison Muni, RNAV Rwy 34, Amdt. 1
Hastings, NE—Hastings Muni, RNAV Rwy 14, Amdt. 2

** * * Effective August 26, 1981*

Washington, IA—Washington Muni, RNAV Rwy 31, Amdt. 1

** * * Effective August 17, 1981*

Winchester, VA—Winchester Muni, RNAV Rwy 14, Amdt. 1
Winchester, VA—Winchester Muni, RNAV Rwy 32, Amdt. 1

Note.—The FAA published an amendment in docket No. 22048, Amdt. No. 1196 to Part 97 of the Federal Aviation Regulations (Vol 46 FR No. 151 page 40000; dated August 6, 1981) under section 97.33 effective October 1, 1981, which is hereby amended as follows: Ogden, UT—Ogden Muni, RNAV Rwy 7, Orig: Change effective date to November 26, 1981.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Issued in Washington, D.C. on August 28, 1981.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1981.

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 81-25899 Filed 9-4-81; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Reports of Minor Violations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority regarding issuance of reports of minor violations. This amendment adds the Chiefs of District Compliance Branches to delegates who may issue reports of minor violations. The agency has concluded that this redelegation will

improve enforcement operations in the field.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 5 is amended by revising § 5.37(a)(6) to read as follows:

§ 5.37 Issuance of reports of minor violations.

(a) * * *

(6) Regional Food and Drug Directors, District Directors, and Chiefs of District Compliance Branches.

* * * * *

Effective date. This regulation shall be effective September 8, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: August 28, 1981.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–25889 Filed 9–4–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs not Subject to Certification; Nitrofurazone Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Food and Drug Administration amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Happy Jack, Inc., providing for use if nitrofurazone ointment as a typical antibacterial on dogs, cats, and horses. The application provides labeling that reflects the conclusions of the National Academy of Sciences/National Research Council (NAS/NRC) review of such products

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Happy Jack, Inc., P.O. Box 475, Snow Hill, NC 28580, is sponsor of an NADA (121–723) providing for use of an ointment containing 0.2 percent nitrofurazone as a topical antibacterial on dogs, cats, and horses. This product is the generic equivalent of one codfied for animal use in 21 CFR 524.1580b. The section provides that since the conditions of use are NAS/NRC reviewed and found effective, applications for these uses need not include certain effectiveness data as specified by 21 CFR 514.111. Evidence of in vivo bioavailability is not required since the product is an ointment intended for local therapeutic effect (21 CFR 320.22(b)(2)). Therefore, NADA 121–723 is approved on the basis of generic equivalence, and the regulations are amended to reflect this approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended in § 524.1580b by revising paragraph (b) to read as follows:

§ 524.1580b Nitrofurazone ointment.

* * * * *

(b) *Sponsor.* For use in dogs, cats, and horses see No. 000149, 000864, and 023851 in § 510.600(c) of this chapter. For use in dogs and horses see No. 017135 in § 510.600(c) of this chapter.

* * * * *

Effective date. This amendment is effective September 8, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: August 25, 1981.

Marvin A. Norcross,

Acting Associate Director for Research, Bureau of Veterinary Medicine.

[FR Doc. 81–25888 Filed 9–4–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 221

Oil and Gas Operating Regulations; Reporting Requirements Modification

AGENCY: Geological Survey, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will add a sentence to an oil and gas well-location regulation in order to modify its reporting requirements. This action is being taken to fulfill, in part, the policies contained in Executive Order 12291. The intended effect of this is to reduce the number of reports required for oil and gas drilling operations.

EFFECTIVE DATE: October 8, 1981.

ADDRESS: Conservation Division, Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Gerald R. Daniels, (703) 860–7535, (FTS) 928–7535, Chief, Branch of Fluid Minerals.

SUPPLEMENTARY INFORMATION: The principal authors of this final rulemaking are Gerald R. Daniels, Chief, Branch of Fluid Minerals Management and Cecil Feeney, Branch of Rules and Procedures, both in the Office of Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, Reston, Virginia.

The purpose of this final rulemaking is to reduce the number of lessees who are required to submit a written justification for drilling a well within 200 feet of their lease boundaries or legal subdivision lines within their leases. This will be accomplished by adding a sentence to paragraph (a) of § 221.20. The sentence

will provide that an approved Application for Permit to Drill, which contains acceptable standards for well-spacing within the 200-foot corridors, will constitute written consent to drill in the corridors. This addition will not change the original intent of the rule. The Application for Permit to Drill Form has been approved by the Office of Management and Budget and was assigned Clearance Number 1028–0012.

One of the comments on the proposed rulemaking suggested that the regulation specify that directional drilling be allowed within the 200-foot corridors if it results in the extraction of oil and gas from outside the 200-foot corridor. This could be a legitimate request and may be allowed because the regulation, as written, provides that a lessee may be relieved of the 200-foot restriction for good cause and where not prohibited by law. However, the incidence of such drilling is so rare that we do not believe the regulation should be encumbered by special language to cover the situation. It would be reviewed in the normal procedure and probably would not require an extra document anyhow.

Another comment suggested the elimination of the requirement that lessees not drill within 200 feet of legal subdivisions. This requirement provides control over excessive drilling along subdivision boundaries of partial assignments.

Other comments received did not recommend changes in the proposed rulemaking.

An additional section (§ 221.2–1), that was not published in the proposed rulemaking, is included in this final rulemaking. It is nonsubstantive in nature and therefore unnecessary to publish as proposed rulemaking.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

Under the authority of 5 U.S.C. 301, the Act of February 25, 1920 (30 U.S.C. 189), and Executive Order 12291 (46 FR 13193), part 221, Chapter II, Title 30 of the Code of Federal Regulations is amended as set forth below.

Dated: August 20, 1981.

William P. Pendley,

Acting Assistant Secretary of the Interior.

PART 221—OIL AND GAS OPERATING REGULATIONS

1. Part 221 is amended by adding a new § 221.2–1 to read as follows:

§ 221.2–1 Information collection.

The information collection requirement contained in § 221.20(a) has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1028–0012. The information is being collected in the Application for Permit to Drill to justify drilling within 200 feet of a lease boundary or legal subdivision lines within the lease. The information will be used to determine if drilling shall be allowed within the 200-foot corridors. The obligation to respond on this form is voluntary.

2. Section 221.20 is amended by revising paragraph (a) to read as follows:

§ 221.20 Well-location restrictions.

(a) The lessee shall not drill any well within 200 feet of any of the outer boundaries of the leased lands except where necessary to protect those lands against wells on land the title to which is not held by the lessor, and then only on consent first had in writing from the Deputy Conservation Manager: *Provided,* That for good cause shown in any particular case, and where not prohibited by law, a lessee may be relieved of such restrictions on written consent of the Deputy Conservation Manager. The lessee shall not drill any well within 200 feet of the boundary of any legal subdivision without first submitting adequate reasons therefor and obtaining consent in writing from the Deputy Conservation Manager, such consent to be subject to such conditions as may be prescribed by said official. Approval of the Application for Permit to Drill shall constitute the Deputy Conservation Manager's written consent when the well location conforms with a spacing order issued by a duly constituted State commission or board, and with which the Deputy Conservation Manager agrees, or when the well location is on a lease committed to an approved unit agreement or communitization agreement.

* * * * *

[FR Doc. 81–26013 Filed 9–4–81; 8:45 am]

BILLING CODE 4310–31–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 81–056]

Drawbridge Operation Regulations: Moser Channel, Monroe County, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is amending the regulations governing the operation of the recently damaged U.S. 1 Bridge across Moser Channel near Marathon in Monroe County, Florida to provide that the bridge need not open for navigation.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Bridge Section (oan), Room 1006, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130, telephone: (305) 350–4108.

SUPPLEMENTARY INFORMATION: On March 2, 1981, the Moser Channel Drawspan was extensively damaged by an explosion and fire resulting from a vehicular accident, and cannot now be opened. During the last complete year (1980) prior to the accident, the bridge opened for the passage of vessels a total of 1,992 times or 5.4 times per day. The majority of these openings were for sailing craft. The Florida Department of Transportation, owners of the bridge, have conducted an investigation of the bridge structure and have concluded that the drawspan cannot be placed in operation without extensive repairs that would take approximately 10 months at a cost of $285,000.00. A new high level fixed bridge, authorized by Coast Guard Permit 195–78 is currently under construction adjacent to the swingspan bridge and is scheduled to be open to traffic on or about July 1, 1982; the Moser Channel Drawspan will then undergo mandatory demolition within 90 days and these regulations will be revoked. The Coast Guard has determined that it is not practical to require the Moser Channel Drawspan to be restored to operating condition in view of the high cost which would be incurred by the State of Florida compared to the expected useful life of the drawspan when the repairs are completed. In addition, there is also the possibility that the lower Florida keys may be isolated if the bridge should suffer further structural damage during repairs and operation. Facts concerning

the physical condition of the bridge are not in substantial dispute, and its orderly replacement can be expedited by providing the State of Florida with the Coast Guard's decision at the earliest possible time. Therefore, good cause exists for not providing notice and an opportunity for public comment, and for making the rule effective immediately under 5 U.S.C. 553(b)(B) and (d)(3).

Drafting Information

The principal persons involved in drafting this proposal are: Mr. M. T. Bennett, Bridge Administration Specialist, Office of Aids to Navigation, Bridge Section and Lieutenant William Petersen, Office of Commander, Seventh Coast Guard District, Legal Office.

These final regulations have been reviewed under Executive Order 12291, and determined not to be a major rule. In addition, these final regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, these regulations are exempt from the Regulatory Flexibility Act (94 Stat. 1164). The requirements of the Act were taken into consideration however, and it is concluded that these regulations will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.245(h)(30) immediately after § 117.245(h)(29) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) * * *

(30) Moser Channel, Seven Mile Bridge, U.S. 1 near Marathon, Monroe County, Florida. The draw of this bridge may remain closed and paragraphs (b) through (e) of this section do not apply to this bridge.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3)).

Dated: August 20, 1981.

B. L. Stabile,

Commander, Seventh Coast Guard District.

[FR Doc. 81–26189 Filed 9–4–81; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–3–FRL 1904–7]

Approval of Revision of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to the Maryland State Implementation Plan (SIP) changing the emission limitations for the Maryland Slag Company of Baltimore, MD. This action will be effective on November 9, 1981, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective November 9, 1981.

ADDRESSES: Comments should be sent to Henry J. Sokolowski, P.E., Chief, Maryland, Delaware, D.C. Metro Section, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: AH030MD.

Copies of the revision of the Maryland SIP and accompanying support documentation are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan

State of Maryland, Air Management Administration, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, ATTN: Mr. George Ferreri

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW. (Waterside Mall), Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Mr. Henry J. Sokolowski, Chief, MD-DE-DC Metro Section, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 6th & Walnut Streets, Curtis Building, Philadelphia, PA 19106 (telephone 215–597–8991).

SUPPLEMENTARY INFORMATION: On November 13, 1980, the State of Maryland submitted to EPA a Consent Agreement (Order) as a revision to the Maryland State Implementation Plan. This Order revises the emission limit for the Maryland Slag Company. The revised limit results in a reduction of particulate matter which offsets the expected emissions from a proposed new source owned by the Atlantic Cement Company.

The State of Maryland developed the Order in accordance with its regulations which were required by Section 172 of the Clean Air Act, as amended, and the January 16, 1979 emission offset interpretative ruling (44 FR 3274) which was applicable to the area where the proposed facility is located. As required by the ruling, a new major stationary source may be constructed in an area currently exceeding a national ambient air quality standard (NAAQS) only under certain conditions.

The conditions of the January 16, 1979 ruling have been met; namely, application of Lowest Achievable Emission Rate (LAER), provision of greater than one-for-one offsets, compliance of other sources owned or operated by the company, and net air quality benefit. However, one condition changes the allowable emission limits for an existing source (the Maryland Slag Company) from those in the approved SIP. The offset condition requires that emission reductions be achieved in the non-attainment area that more than offset air pollutants which cause or contribute to a violation of any NAAQS. The geographical area within which the Atlantic Cement Company is proposed to be located is exceeding the secondary NAAQS for particulate matter. Therefore, particulate matter emission offsets are required to accommodate the construction and operation of the proposed Atlantic Cement Company's facility.

The revision to the Maryland SIP will result in a decrease of one thousand, two hundred and sixty (1260) pounds per day of particulate matter at the Maryland Slag Company's facility. This will offset the emissions of the Atlantic Cement Company which will at no time exceed one thousand and forty two (1042) pounds per day.

The State of Maryland submitted proof that a public hearing with respect to this revision was held in Baltimore, Maryland on September 23, 1980 in accordance with the requirements of 40 CFR 51.4.

Based on the foregoing, the Administrator approves the above-described revision to the Maryland State Implementation Plan without prior proposal. The public should be advised that this action will be effective November 9, 1981. However, it notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 Fed. Reg. 8709 (January 27, 1981). This action constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307 (b)(2) of the Clean Air Act,, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce those requirements.

(42 U.S.C. 7401–642)

Dated: August 31, 1981.

John E. Daniel,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the **Federal Register** on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended in § 52.1070 by adding new paragraph (c)(49) as follows:

Subpart V—Maryland

§ 52.1070 Identification of plan.

* * * * *

(c) The Plan Revision listed below was submitted on the date certified * * *

(49) A revision submitted by the State of Maryland on November 3, 1980 consisting of a Consent Agreement (Order) between the State of Maryland and the Maryland Slag Company decreasing the particulate matter emission limitation for the Company.

[FR Doc. 81-26161 Filed 9-4-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 80-189]

Amendment of the Commission's Rules To Allow a Certain Frequency Band To Be Used for One-Way Signaling on an Exclusive Basis in the Domestic Public Land Mobile Radio Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a Final Rule (Report and Order) in CC Docket 80–189, Amendment of the Commission's Rules regarding the use of one-way signaling by a specific frequency band in the Domestic Public Land Mobile Radio Services. This action is necessary to correct errors in the original document.

FOR FURTHER INFORMATION CONTACT: Steven A. Weiss, Mobile Services Division, (202) 632–6450.

Errata

Released: August 26, 1981.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 22.501(a) of the Rules to allow the 35 MHz frequency band to be used for one-way signaling on an exclusive basis in the Domestic Public Land Mobile Radio Service, CC Docket No. 80–189.

1. Appendix B of *Report and Order*, CC Docket No. 80–189, FCC 81–296, released July 15, 1981 [46 FR 38509 (July 28, 1981)] should be corrected as set * forth below:

§ 22.36 [Corrected]

(a) In paragraph (2), on page 38513, column one, which adds § 22.36 [47 CFR 22.36], modify paragraph (a)(4) to remove the word "Commission's" from the next-to-last sentence and to remove the last sentence entirely so that § 22.36(a)(4) reads as follows:

(a) * * *

(4) Upon evaluation of the applications, the information submitted, and such other matters as may be officially noticed the presiding officer will issue a decision granting one proposal which it concludes would best serve the public interest, convenience and necessity. The decision will report briefly and concisely the reasons for the selection and will deny the other application(s).

* * * * *

§ 22.50 [Corrected]

(b) In paragraph (3), on page 38513, column two, which amends § 22.501(a) [47 CFR 22.501], modify paragraph (a)(3) to add the phrase "co-channel mobile frequencies of" in the first sentence so that this subsection reads as follows:

(a) * * *

(3) Applications requesting authority to establish a one-way signalling operation on a frequency of subsection (a)(1) greater than 40 MHz must be accompanied by an engineering study of the potential interference to co-channel mobile frequencies of existing two-way services within 125 miles (201 km). Authority will be granted if the predicted undesired field strength at the existing base station antenna does not exceed 14 decibels above one microvolt per meter. The predicted value shall be calculated by the methods of Bullington (Kenneth Bullington, "Radio Propagation at frequencies above 30 Megacycles", *Proceedings of the I.R.E.*, October, 1947). The field strength of concern is that which would be found at the receiving antenna of the existing base station. However, it will be satisfactory to submit interference studies assuming this antenna height is the same as that of the base transmitting antenna as filed with the Commission by the two-way station operator.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-26061 Filed 9-4-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 12

Seizure and Forfeiture Procedures: Posting of Notices of Proposed Forfeiture

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service hereby revises § 12.23 of 50 CFR Part 12, entitled "Administrative forfeiture proceedings." The revision raises the monetary value of seized property which may be the subject of notice by posting from $250 to $1000. In addition, the requirement of posting in both the Service's enforcement office *and* the United States District Court is revised to allow posting in *either* location as well as in the United States Customhouse. The revisions reflect the increasing value of seized property as well as of alternative forms of publication, and, in some instances, the impracticability of posting in United States District Courts.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia S. Bangert, Office of the Solicitor, U.S. Department of Interior, Washington, D.C. 20240. Telephone: 202–343–2172.

SUPPLEMENTARY INFORMATION:

Background

A number of fish and wildlife conservation statutes administered by the Service provide for forfeiture to the United States of wildlife, plants and other property involved in the violation of the laws. This is generally accomplished by the Solicitor's Office of the Department of the Interior requesting that the Attorney General file a civil action to obtain forfeiture of such property. However, property subject to forfeiture under the Eagle Protection Act, 16 U.S.C. 668 *et seq.*, or the Airborne Hunting Act, 16 U.S.C. 742j–l, or any wildlife or plant subject to forfeiture under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, which is determined to have a value of not greater than $10,000 may be forfeited by means of administrative proceedings, the basis for which is the Tariff Act of 1930, 19 U.S.C. 1602–1624. Notice required for administrative proceedings, the subject of this rulemaking, is set out in § 12.23 of 50 CFR.

The proposed rulemaking was published in the **Federal Register** of December 31, 1980 (45 FR 86511–86512), and comments were invited for 30 days ending January 30, 1981. No comments were received.

Description of Regulation

Section 12.23(b)(1)(A) sets out the notice required in administrative forfeiture proceedings. This notice must be published once a week for at least three successive weeks in a newspaper of general circulation in the locality where the property was seized. Under the old regulations, if the value of the seized property is determined to be less than $250, the notice may be issued by posting, rather than by newspaper publication, for at least three successive weeks in a conspicuous place accessible to the public at the Service's enforcement office and the United States District Court nearest the place of seizure. This rulemaking revises § 12.23(b)(1)(A) in parts dealing with the monetary limit of seized property for which notice may be accomplished by posting and the locations at which posting may take place.

Increasing costs of newspaper publication have made the $250 limit on the value of property for which notice may be given by posting unrealistic. For the large number of items valued at slightly more than $250, the cost of publishing a notice of proposed forfeiture in a large urban newspaper is often nearly as great or greater than the value of the item. Furthermore, inflation has rapidly made the valuation figure of $250 obsolete and has significantly reduced the number of seized items that qualify for the notice by posting process. Therefore, the Service is increasing the $250 figure to the more realistic figure of $1,000 as the limit of the value of property which may be subject to notice by posting.

Furthermore, The Service has found that the requirement that notice be posted in the Service's enforcement office *and* the United States District Court is impractical in some cases. For example, some District Courts do not allow the posting of such notices in the courthouse. Therefore, the Service revises the regulations by allowing posting to take place alternatively in the Service's enforcement office, the United States District Court, *or* the United States Customhouse nearest the place of seizure.

The Department of Interior has determined that good cause exists for this rule to become effective upon publication. First, the rule makes only technical changes in notice requirements. Second, no public interest in the rule has been demonstrated, as evidenced by the lack of any public comment. Third, delay in the effective date for the rule will result in additional, and unnecessary, expense to the Fish and Wildlife Service through the continuation of outdated publication requirements.

The Department of Interior has determined that this rule is not a "major rule", as that term is defined in Executive Order 12291. Furthermore, the Department of Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities as the rule makes only the Fish and Wildlife Service.

The principal author of these regulations is Patricia S. Bangert, Office of the Solicitor, Department of the Interior (202/343–2172).

Regulations Promulgation

For the reasons set out in the preamble, Part 12 of Subchapter B of Chapter I of Title 50 of the Code of Federal Regulations is amended as set forth below.

PART 12—SEIZURE AND FORFEITURE PROCEDURES

1. The authority citation for Part 12 reads as follows:

Authority: Act of September 8, 1966, 5 U.S.C. 301; Bald and Golden Eagles Protection Act, 16 U.S.C. 668–668b; National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd(e)–(f); Migratory Bird Treaty Act, 16 U.S.C. 706–707; Migratory Bird Hunting Stamp Act, 16 U.S.C. 718f–718g; Fish and Wildlife Act of 1956 [Airborne Hunting Amendments], 16 U.S.C. 742j–l(d)–(f); Black Bass Act, 16 U.S.C. 852d–853; Marine Mammal Protection Act of 1972, 16 U.S.C. 1375–1377, 1382; Endangered Species Act of 1973, 16 U.S.C. 1540; Lacey Act, 18 U.S.C. 43, 44; Tariff Act of 1930, 19 U.S.C. 1602–1624.

2. 50 CFR Part 12 is amended by revising paragraph (b)(1)(A) of § 12.23 to read follows:

§ 12.23 Administrative forfeiture proceedings.

* * * * *

(b) *Procedure*—(1) *Notice of proposed forfeiture.* As soon as practicable following seizure, the Solicitor shall issue a notice of proposed forfeiture.

(A) *Publication.* The notice shall be published once a week for at least three successive weeks in a newspaper of general circulation in the locality where the property was seized. If the value of the seized property as determined under § 12.12 does not exceed $1000, the notice may be published by posting, instead of newspaper publication, for at least three successive weeks in a conspicuous place accessible to the public at the Service's enforcement office, the United States District Court or the United States

Customhouse nearest the place of seizure. In cases of posting, the date of initial posting shall be indicated on the notice. In addition to newspaper publication or posting, a reasonable effort shall be made to serve the notice personally or by registered or certified mail, return receipt requested, on each person whose whereabouts and interest in the seized property are known or easily ascertainable.

Dated: July 27, 1981.

G. Ray Arnett,

Assstant Secretary, Fish and Wildlife and Parks.

[FR Doc. 81-26044 Filed 9-4-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 20

Early Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule, correction.

SUMMARY: On August 21, 1981, the Service published in the **Federal Register** seasons, limits, and shooting hours for mourning doves and certain other migratory game birds. The Service revises § 20.105(d) of 50 CFR Part 20 to correct the opening season date for ducks in Kentucky to read September 9–September 13 instead of September 19–September 23, and the beginning hour for hunting to read sunrise instead of one-half hour before sunrise, as published at 46 FR 42648.

DATE: Effective on September 8, 1981.

FOR FURTHER INFORMATION CONTACT: John Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (202) 254–3207.

SUPPLEMENTARY INFORMATION: On August 21, 1981, The Service published in the **Federal Register** (46 FR 42648) seasons, limits, and shooting hours for mourning doves and certain other migratory game birds. In the table under § 20.105(d), Waterfowl and coots in Atlantic, Mississippi, Central, and Pacific Flyways, the season dates for Kentucky were published as September 19–September 23 and the shooting hours as one-half hour before sunrise to sunset. The Service subsequently learned these dates and hours are in error and that the dates should read September 9–September 13, and the hours sunrise to sunset.

PART 20—MIGRATORY BIRD HUNTING

1. Accordingly, the Service corrects § 20.105(d) of 50 CFR Part 20 to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

(d) Waterfowl and coots in Atlantic, Mississippi, Central, and Pacific Flyways.

* * * * *

Mississippi Flyway

* * * * *

	Season dates	Limits	
		Bag	Possession
Kentucky:			
Shooting (including hawking) hours: Sunrise to sunset:			
Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit.	September 9–September 13.	4	8

* * * * *

Dated: September 3, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-26258 Filed 9-4-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection; User Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) approved August 13, 1981, requires the Secretary, as of October 1, 1981, to fix and collect fees and charges for inspection and certification, the establishment of standards and other services, including administrative and supervisory costs, at tobacco auction markets in all tobacco producing areas. It is, therefore, proposed that the regulations governing tobacco inspection be amended to provide for such fees. Tobacco is grown in 22 states. Prior to this proposal, inspection and grading of producer tobacco at designated markets was provided by the Department free of charge. Inspections of producer tobacco at designated auction tobacco markets will take precedence over permissive inspection, now performed by request and paid for by a prescribed hourly fee schedule. The regulations on fees for permissive inspection are unchanged from the regulations published February 3, 1981 (46 FR 10451).

DATE: Comments are due on or before September 22, 1981.

ADDRESS: Send comments in duplicate to Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 502 Annex Building, Washington, D.C., 20250. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250 (202) 447–2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department proposes to amend the regulations effective October 1, 1981, to allow the Secretary to fix and collect fees and charges for inspection and certification of producer tobacco at designated tobacco auction markets throughout tobacco producing areas. These fees and charges shall, as nearly as practicable, cover the costs of the services, including administrative and supervisory costs. The authority for these regulations is contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C., 511 *et seq.*) as amended by the Omnibus Budget Reconciliation Act of 1981.

Since 1935, upon enactment of the Tobacco Inspection Act, the Department has provided free and mandatory inspection of tobacco at designated auction markets. Inspection services currently provided are adequate for all designated auction markets, as well as for meeting requests for permissive inspection with minimum delays. Initially, fees at designated auction markets are proposed to be set at $.0045 per pound. This fixed fee has been calculated after thorough review of historical data regarding production and marketing, and it is anticipated that it will provide the funds necessary to continue the level of services in effect as of September 30, 1981. The regulations on fees for permissive inspection are unchanged and the prescribed hourly rate for such services performed by federal tobacco graders remains in effect.

The proposed rule has been reviewed under U.S.D.A. procedures established to implement Executive Order 12291 and has been determined to be a nonmajor rule. Initial review of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness will be made within the next 5 years.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. All tobacco warehousemen and producers fall within the confines of "small business," as defined in the Regulatory Flexibility Act. The Department has informally advised all segments of the tobacco industry of the anticipated implementation of user fees and that there would be no change in the level of the services provided. It has been determined that the economic impact upon small entities would not be adverse and would in no way affect normal competition in the market place.

The Department proposes that the regulations contained in 7 CFR Part 29, be amended as follows:

1. Section 29.2 is amended to make it clear that even though the user pays for a service, this does not alter the fact that discretion by the Secretary is still necessary in limiting inspection services to effectively carry out the provisions of the Tobacco Inspection Act and to provide efficient, cost-effective services to sellers of tobacco.

2. Section 29.2(b) is amended to remove any reference to "free" inspection services previously authorized by the Tobacco Inspection Act.

3. Section 29.3(h) is amended to reflect the renaming of Commodity Stabilization Service to the Agricultural Stabilization and Conservation Service.

4. Section 29.73 is amended to correct a previous error when language was inadvertently placed in the section when it was amended in 1973. This change has no effect on the substance of the regulations.

5. Section 29.123 is amended to incorporate necessary changes for implementation of user fees.

6. Section 29.125 is amended to increase the charge for appeals from $1 to $5. This increase in the charge for appeals is necessary to recover increased costs since the time these regulations were previously amended.

7. Section 29.127 is amended by expanding upon the title to include various courses of instruction. The section is further amended to provide for collection of costs incurred by the Department for providing materials and personnel to instruct industry and other interested persons in tobacco inspection standards.

8. Section 29.129 relating to payment of charges is deleted and a new section is added to establish a National Advisory Committee for Inspection Services, as mandated by the Omnibus Budget Reconciliation Act of 1981 and is governed by the Federal Advisory Committee Act (5 U.S.C. Appendix I).

All persons who desire to submit written data, views, or arguments for consideration in connection with this

proposal may file the same, with Paul T. Donovan, Acting Director, Tobacco Division, AMS, USDA, Room 502, Annex Building, Washington, D.C. 20250 not later than September 15, 1981.

Paul T. Donovan, Acting Director, Tobacco Division, AMS, has determined that an emergency situation exists which warrants less than a 60-day comment period on this proposal because all segments of the tobacco industry must be informed of any rule changes affecting the marketing process to continue orderly marketing of their crop.

All written submissions made pursuant to this notice will be made available for public inspection at the above location during regular business hours.

PART 29—TOBACCO INSPECTION

The Department proposes to amend the regulations under the Tobacco Inspection Act contained in 7 CFR Part 29 as follows:

§ 29.2 [Amended]

1. The second sentence of § 29.2 is amended by adding immediately following the words "without limitation" the words "even though the cost of such service is paid by the seller."

2. The first sentence of § 29.2(b) *Order of priority* is amended by removing immediately following the words "markets designated for" the words "free and", and removing following the words "inspection service on" the words "a fee basis on".

§ 29.3 [Amended]

3. Amend § 29.3(h) by removing the words "Administrator, Commodity Stabilization Service" and inserting in lieu thereof the words "Administrator, Agricultural Stabilization and Conservation Service."

§ 29.73 [Amended]

4. Section 29.73 is amended by removing the second and third paragraphs therefrom.

5. Section 29.123 is revised to read as follows:

Fees and Charges

§ 29.123 Fees and charges.

Beginning October 1, 1981, fees and charges for tobacco inspection and certification service shall be collected by the Director to cover insofar as practicable, all costs of the services including establishment of standards, administrative and supervisory costs as follows:

(a) *Mandatory inspection.* The inspection and certification fee is $.0045 per pound. The fee shall be paid by sellers of tobacco at auction and assessed against the warehouse operator irrespective of ownership or interest in the tobacco. Inspection and related services shall be suspended or denied if the warehouse operator fails to collect or otherwise pay the fees and charges imposed under this section. The fee shall be based on total poundage of tobacco inspected and sold at auction during each calendar month. The fee shall be due and payable on the first sale day of the immediately following month and on the day immediately following the last sale in the warehouse each marketing year. Inspection and certification services on designated auction markets shall take precedence over permissive inspections, other than reinspections.

(b) *Permissive inspection.* Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly salary rate shall be $17.80. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $21.30. The rate of $26.70 shall be charged for work performed on Sundays and holidays. These same fees or charges shall be applicable for hogshead, bale, case, or sample inspections.

(c) Fees and charges fixed in accordance with this subpart shall be paid by the applicant or person obtaining the service in accordance with a statement rendered by the Division. A deposit to cover all, or a part of, fees and charges for services to be rendered may be required by the Division. Fees for services rendered shall be remitted by check or draft made payable to "Agricultural Marketing Service", United States Department of Agriculture.

§ 29.125 [Amended]

6. Section 29.125 is amended by removing the figure "$1" in line one and inserting "$5."

7. Section 29.127 is revised to read as follows:

§ 29.127 Demonstrations and courses of instruction.

Charges, not in excess of the cost thereof, as may be approved by the Director, may be made for demonstrations, samples, or courses on instruction when such as furnished upon request.

8. Section 29.129 is revised to read as follows:

§ 29.129 National Advisory Committee for Inspection Services.

(a) To assist the Secretary in determining the level of inspection and related services and the fees and charges therefore, a National Advisory Committee of tobacco producers shall be appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix I).

(b) The committee shall consist of 10 representatives and 10 alternates, with advisory subcommittees containing 6 representatives and 6 alternates from the flue-cured production area, 3 representatives and 3 alternates from the burley production area, 2 representatives and 2 alternates from the fire-cured and dark air-cured production area, and 1 representative and 1 alternate from the cigar tobacco production area.

(c) Recommendations to the Secretary for membership on the committee will be received from the following organizations: one alternating between Georgia Farm Bureau and Florida Farm Bureau, one from South Carolina Farm Bureau, one from Virginia Farm Bureau—to serve on both the flue-cured and dark fired subcommittees, one from North Carolina Grange, two from the North Carolina Farm Bureau, one from the Tennessee Farm Bureau, two from the Kentucky Farm Bureau, one of which will serve on both the burley and dark fired subcommittees, and one from the National Cigar Leaf Tobacco Association, Inc.

(d) The committee or subcommittees shall meet at the call of the Secretary.

Dated: September 1, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-25951 Filed 9-4-81; 8:45 am]
BILLING CODE 3410-02-M

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7 CFR Part 907

Navel Oranges Grown in Arizona and Designated Part of California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among growers of navel oranges in Arizona and designated part of California to determine whether they favor continuance of the marketing agreement and order program.

DATES: Referendum period October 14–24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. This action is taken under the marketing agreement and Order 907, both as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California (hereinafter referred to as the order).

Pursuant to § 907.83 of the order, and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted during the period October 14, 1981, through October 24, 1981, among the growers who, during the period November 1, 1980, through August 31, 1981 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the State of Arizona or designated part of the State of California, in the production of navel oranges covered by the order to ascertain whether continuance of the order is favored by the growers.

A public hearing was held in Exeter, California, in July (July 20–27). The purpose of the hearing was to provide opportunity for interested persons to submit written and/or oral comments with respect to the marketing of the 1980–81 California-Arizona navel orange crop. One of the issues raised at the hearing related to the extent of producer support for the marketing order. It was stated that many of the current producers had never had an opportunity to vote in a referendum on the order as a whole because the last continuance referendum was conducted in 1961. Based on the foregoing, the Navel Orange Administrative Committee, at a meeting on August 11, 1981, unanimously requested that the Department conduct a continuance referendum on the order.

Roland G. Harris and John H. Clark, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 845 S. Figueroa, Suite 540, Los Angeles, California 90017, are hereby designated as referendum agents of the Secretary of Agriculture to conduct said referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 *et seq.*).

Ballots to be cast in the referendum will be mailed to all known navel orange growers in the designated areas.

Dated: September 1, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81–26130 Filed 9–4–81; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81–ASW–41]

Control Zone: Paris, Texas; Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to revoke the control zone at Paris, Texas. The intended effect of the proposed action is to revoke unnecessary controlled airspace for aircraft executing instrument approach procedures to the Cox Field Airport. This action is necessary since consistent weather reports are not available to meet the requirements for a control zone.

DATES: Comments must be received on or before October 8, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624–4911, extention 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F 71.171 as republished in the Federal Register on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Revocation of the control zone at Paris, Texas, will necessitate an amendment to this subpart.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ASW–41." The postcard will be date/time stamped and returned to the commenter. All Communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments recieved. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revoking the Paris, Texas, control zone.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-25895 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-13]

Control Zone—Liberal, Kansas; Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the Liberal, Kansas, Municipal Airport Control Zone to provide additional controlled airspace for a VOR approach to Runway 3.

DATE: Comments must be received on or before October 14, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles M. Bumstead, Chief, Airspace and Procedures Section, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested person may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before October 14, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart F, Section 71.171 of the Federal Aviation Regulations (14 CFR 71.171) by altering the control zone at Liberal, Kansas. To enhance airport usage, a new VOR approach to Runway 3 is being developed for the Liberal, Kansas, Municipal Airport. A 3.5-mile extension of the control zone to the southwest is necessary to contain the new procedure. Control zones are designed to contain IFR operations in controlled airspace to the surface around airports within a specified radius and along the final approach course of the IAP. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, Section 71.171 of the Federal Aviation Regulations (14 CFR 71.171) as republished on January 2, 1981 (46 FR 455), by altering the following control zone:

Liberal, Kansas

Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'35" N, longitude 100°57'45" W); within 2 miles each side of the Liberal VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC; and within 2 miles each side of the Liberal VORTAC 153° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC, within 3 miles each side of the Liberal VORTAC 206° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on August 25, 1981.

James O. Robinson,

Acting Director, Central Region.

[FR Doc. 81-25896 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 935 and 936

Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; Partial Suspension of Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rules.

SUMMARY: The Office of Coastal Zone Management within NOAA is considering continuing the suspension until March 30, 1982, of those provisions of the regulations issued pursuant to the designations of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary. NOAA is reconsidering the regulations in accordance with Executive Order 12291. This reconsideration involves preparation of a formal regulatory impact analysis which is not yet complete. The continued suspension will not result in any substantive impact on either sanctuary.

DATES: The provisions in §§ 935.6, 935.7 and 936.6 which would directly prohibit or have the effect of prohibiting hydrocarbon development would be suspended until March 30, 1982. Comments will be accepted until September 25, 1981.

ADDRESS: Send comments to: Dallas Miner, Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:
Dallas Miner, telephone (202) 634–4236.

SUPPLEMENTARY INFORMATION: The majority of the regulations issued pursuant to the designation of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries became effective on March 30, 1981, and April 5, 1981, respectively.

On March 30, 1981 (46 FR 19227), NOAA suspended those portions of the regulations which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary for a period of 30 days during which it considered whether to suspend them for an additional period of up to 6 months, and on April 29, 1981 (46 FR 23924), suspended such portions of the regulations until September 30, 1981, while it reconsidered their substantive impact in accordance with Executive Order 12291.

Executive Order 12291 directs Federal agencies to reconsider pending "major" regulations in accordance with the objectives of the Executive Order and prepare a Regulatory Impact Analysis. A major regulation is defined as one likely to result in:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
3. Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

NOAA has awarded a contract for the preparation of a formal regulatory impact analysis, a major element of the reconsideration. This analysis will not be completed prior to September 30, 1981. NOAA will need an adequate period of time to review its options with respect to the regulations. Therefore, it proposes to continue the suspension of §§ 935.6 and 936.6(a)(1) prohibiting hydrocarbon development as well as §§ 935.7(a)(2) and (36.6(a)(2), (3) which might indirectly have such effect but only insofar as these sections relate to hydrocarbon activities. As to other activities the regulations are effective.

No lease sales involving either Sanctuary have been held since designation and none will be held during the period of the continued suspension. No other activities which could impact either sanctuary substantively will result from this continued suspension. Since this suspension action will not result in any practical effect on either Sanctuary, NOAA finds no advantage to changing the current status of the regulations to interim final status.

Conversely, the continued suspension will not restrict or prohibit any activity and the Administrator has determined therefore that the suspension is not a "major" rule under Executive Order 12291, nor will it have a significant economic impact on small entities under the Regulatory Flexibility Act. Comments on whether the suspension should be continued are invited until September 25, 1981.

Dated: August 27, 1981.

James P. Walsh,

Deputy Administrator.

[FR Doc. 81-26014 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-08-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802 3009]

Chrysler Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Highland Park, Mich. motor vehicle manufacturer and distributor to cease misrepresenting or failing to disclose the limited applicability of material standards for its oil filters and other products; and failing to have competent and reliable substantiation for claims concerning such standards. The firm would be required to notify after market manufacturers, dealers and owners of certain vehicles of the inaccuracy of its oil filter material standard, and provide them with ways to avoid or remedy any resulting problems. Further, all future owner and service manuals would have to contain accurate oil filter use information. The order would additionally require the company to maintain a reasonably-priced subscription service to provide subscribers with up-to-date material standards; and advertise the existence of this service in *Automotive News*.

DATE: Comments must be received on or before November 3, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:
FTC/P, James H. Sneed, Washington, D.C. 20580, (202) 523–3727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9 (b)(14)).

[File No. 802–3009]

Chrysler Corp.; Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Chrysler Corporation, a corporation, and it now appearing that Chrysler Corporation, a corporation, sometimes hereinafter referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist

from the use of the acts and practices being investigated.

It is here agreed by and between Chrysler Corporation, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent, Chrysler Corporation, is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 12000 Lynn Townsend Drive, in the City of Highland Park, State of Michigan.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the United States Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that is may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

8. By its final acceptance of this Agreement, the Commission waives its right to commence a proceeding or action against proposed respondent seeking consumer redress or other relief under Section 5 or Section 19 of the Federal Trade Commission Act with respect to the specific acts or practices alleged in paragraphs FIVE through FIFTEEN of the draft complaint here attached, which occurred prior to the date of service of the order.

Order

For purposes of this order, the following definitions shall apply:

1. "Vehicle" shall mean any automobile, pickup truck, van, or recreational vehicle.

2. "MMC vehicle" shall mean any vehicle manufactured or assembled by or for Mitsubishi Motor Corporation of Japan, or any subsidiary thereof, and sold by Chrysler Corporation in the United States, but shall not mean any vehicle model presently being manufactured by Chrysler in the United States or Canada or any succesor to such model.

3. "Material Standard" shall mean any document, excluding drawings, which specifies, in whole or in part, performance or material requirements to be used in the design of a particular part for a vehicle.

4. "Dealer" shall mean any individual or other entity in the United States with which Chrysler Corporation has a Direct Dealer Agreement or an agreement of another name which is substantially similar to a Direct Dealer Agreement in nature.

5. "Owner" shall mean any individual or other entity in whose name a vehicle is currently or has been previously registered or titled with the appropriate state authority, including, but not limited to, vehicles held for resale.

6. "Current owner" shall mean any owner in whose name a vehicle is currently registered or titled with the appropriate state authority according to information provided respondent by a commercial locator service engaged by respondent pursuant to the provisions of Part IX of this order.

7. "Original owner" shall mean any individual or other entity to whom respondent's records show the original sale of the vehicle from a Chrysler Corporation dealer.

8. "Purchaser" shall mean any individual or other entity to whom a vehicle is sold on or after the first date any particular notice is disseminated by respondent pursuant to the provisions of this order to any current or original owner.

Part I

It is ordered, That respondent Chrysler Corporation, a corporation, its successors and assigns, and its officers agents, representatives, and employees, directly or indirectly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any vehicle or vehicle part, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from representing, directly or by implication, in any Chrysler material standard for oil filters, that an oil filter which meets a hydrostatic burst strength requirement of 200 pounds per square inch will or may be capable of withstanding any oil pressure generated in the lubricating system of any MMC or Omni/Horizon vehicle under any operating condition, assuming no malfunction of the lubricating system unless, at the time of making such representation, respondent possesses and relies upon competent and reliable engineering evidence which substantiates the truthfulness of such representation.

Part II

It is further ordered, That respondent Chrysler Corporation, a corporation, its successors and assigns, and its officers agents, representatives, and employees,

directly or indirectly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any vehicle or vehicle part, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing, directly or by implication, that any of respondent's material standards apply to every vehicle sold by respondent unless, at the time of making such representation, respondent possesses and relies upon a reasonable basis, consisting of competent and reliable engineering evidence, which substantiates such representation.

B. Failing to disclose clearly and conspicuously in any of respondent's material standards, in those cases where such standard does not apply in all respects to every vehicle sold by respondent, that such standard is limited in its applicability.

C. Representing, directly or by implication, that any of respondent's material standards, any performance or material requirement for any replacement part to which such standard applies unless, at the time of making such representation, respondent possesses and relies upon a reasonable basis, consisting of competent and reliable engineering evidence, which substantiates such representation.

D. Failing to disclose clearly and conspicuously in writing to each person to whom respondent provides any material standard(s), at the same time such standard is provided to such person, that (i) material standards are subject to constant revision, and (ii) respondent's Engineering Standards and Product Information Office, or the then current equivalent office by name, is in possession of the most current versions of all material standards, and (iii) respondent offers, at reasonable cost, a subscription service to its material standards through its Engineering Standards and Product Information Office, or the then equivalent office by name, which will automatically provide any subscriber with the most current version of any material standard subscribed to, and (iv) non-subscribers should make sure they have the most current version of any particular material standard.

Part III

It is further ordered, That respondent Chrysler Corporation, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any vehicle or vehicle part, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, shall:

A. 1. Offer at reasonable cost a subscription service to its material standards to any individual or other entity that pays the required annual subscription fee.

2. Allow subscription at reasonable cost to any particular subject category, or other grouping of related material standards, or to all of its material standards depending on the subscriber's choice.

3. Supply promptly to each subscriber the most current version of any particular material standard to which that subscriber has subscribed at the time such version first becomes available.

B. No later than thirty (30) days after this order is served upon respondent, purchase to be placed in six (6) consecutive issues of *Automotive News* which contain the service management section of that publication, beginning as soon as space becomes available, a black and white display advertisement, no smaller than three (3) columns by six (6) inches in size which effectively communicates the following information: (i) Respondent's material standards for parts are available to any individual or company at reasonable cost through a subscription service; and (ii) the subscription service allows the subscriber to choose whether to receive part or all of respondent's material standards, and (iii) the subscription service will automatically provide most current versions of all material standards subscribed to, and (iv) more information about the subscription service may be obtained by contacting respondent's Engineering Standards and Product Information Office, or the then equivalent office by name.

Part IV

It is further ordered, That respondent Chrysler Corporation, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any MMC vehicle, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from representing, directly or by implication, in any post-purchase written communication to any owner or purchaser of any MMC vehicle, including, but not limited to, any communication in owner's manuals or service manuals, that any replacement part recommended for use in such vehicles will not or may not substantially impair the reliability, durability, or performance of such vehicle unless, at the time of making such representation, respondent possesses and relies upon a reasonable basis, consisting of competent and reliable engineering evidence, which substantiates such representation.

Part V

It is further ordered, That respondent, Chrysler Corporation, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale, or distribution of any MMC vehicle, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, shall:

A. Once it ascertains, or should have ascertained, had it used due care, that use and care information supplied in writing to owners of any MMC vehicle or part thereof, if followed, could substantially impair the reliability, durability or performance of such vehicle, provide within sixty (60) days revised or additional information to:

(a) Each current owner, where the information pertains to any model year prior to the then current model year MMC vehicle; and

(b) Each original owner, where the information pertains to the then current model year MMC vehicle; and

(c) Each purchaser, where the information pertains to unsold MMC vehicles.

This revised or additional information shall clearly explain, in a conspicuous and easily readable format, the cause and nature of the problem and clearly state what steps, if known, can be taken to avoid it. This information shall be provided by letter or postcard where current and/or original owners are to be notified. This information shall be provided at the time of sale by an insertion placed into the owner's manual which accompanies any affected unsold vehicle, where purchasers are to be notified.

B. Accurately maintain the following records which may be inspected by Commission staff members upon fifteen (15) days' notice: all communications from any source concerning substantial

impairment of vehicle reliability, durability or performance which (1) specifically refer to possibly erroneous use and care information or (2) respondent should reasonably understand from the content of the communication relate to possibly erroneous use and care information covered by Part V.A. of this order. Such records shall include, but not be limited to (a) all written communications; and (b) all oral communictions which are reduced to writing and maintained in the ordinary course of business.

For purposes of this part of the order, "use and care information" shall mean any information disseminated by respondent regarding routine and periodic maintenance or servicing of a MMC vehicle, including, but not limited to, information disseminated in owner's manuals or service manuals.

Part VI

It is further ordered, That:

A. Respondent shall send to each oil filter manufacturer whose name and address is listed on Exhibit A, a copy of the letter marked Exhibit B and a copy of Chrysler Specification MS 2999 within thirty (30) days after service of this order.

B. Respondent shall send to each of its dealers, via respondent's normal service bulletin routing procedure, a copy of the Technical Service Bulletin marked Exhibit C and a copy of the Parts Marketing Bulletin marked Exhibit D within thirty (30) days after service of this order.

C. Respondent shall send to each of its aftermarket parts wholesalers a copy of the Technical Service Bulletin marked Exhibit C and a copy of the Wholesaler Bulletin marked Exhibit E within thirty (30) days after service of this order.

D. Respondent shall send to each of its warehouse distributors a copy of the Technical Service Bulletin marked Exhibit C and a copy of the Warehouse Distributor Bulletin marked Exhibit F within thirty (30) days after service of this order.

E. Respondent shall send on a 4¼" x 5¼" postcard to each current owner of any 1971–1980 model year MMC vehicle with a 1600 cubic centimeter engine and to each current owner of any 1974–1980 MMC vehicle with a 2000 cubic centimeter engine a copy of Exhibit G within sixty (60) days after service of this order.

F. Respondent shall, beginning in the 1982 model year, effectively communicate the following information in a clear and conspicuous manner in its owner's manuals that accompany MMC vehicles with 1600 or 2000 cubic centimeter engines:

(1) That serious engine damage may occur because of oil filter failure, unless they use an oil filter that is strong enough to withstand engine oil pressures of at least 256 pounds per square inch; and

(2) The brand name and part number of at least one replacement oil filter which is adequate for use on such vehicle.

Provided, however, Respondent shall no longer be required to make the disclosure set forth in part VI.F of this order if respondent can show, to the satisfaction of the staff of the Federal Trade Commission, that peak oil pressures typically generated by the engine of such MMC vehicle at start under cold ambient conditions do not significantly exceed peak oil pressures typically generated by the engines of respondent's domestic vehicles at start under cold ambient conditions.

For the purpose of Part VI.F. of this order, "domestic vehicle" shall mean any vehicle in which the engine is manufactured by Chrysler Corporation, as of the date this Agreement Containing Consent Order to Cease and Desist is signed by respondent.

Part VII

It is further ordered, That respondent shall accurately maintain the following records which may be inspected by Commission staff members upon fifteen (15) days' notice:

A. A list containing the name and address of:

(1) Each oil filter manufacturer to whom Exhibit B and a copy of Chrysler Specification MS 2999 was sent and the date such exhibit and Chrysler Specification MS 2999 were sent to each;

(2) Each dealer to whom Exhibit C and Exhibit D was sent and the date such bulletins were sent to each;

(3) Each aftermarket parts wholesaler to whom Exhibit C and Exhibit E was sent and the date such exhibits were sent to each;

(4) Each warehouse distributor to whom Exhibit C and Exhibit F was sent and the date such bulletins were sent to each;

(5) Each current owner of an MMC venicle to whom Exhibit G was sent and a list with the date such exhibit was sent to each;

B. All communications received by respondent after the date this order is served on respondent from any source concerning a failed oil filter on any MMC vehicle. Such documents shall include, but not be limited to (a) all written communications; and (b) all oral communications which are reduced to writting and maintained in the ordinary course of business.

C. All records referred to in Part VIII shall be retained by respondent for a period of three (3) years from the last date appearing on any list referred to in this part of the order.

Part VIII

It is further ordered, That all correspondence required by the provisions of this order shall be sent, via first class mail. All correspondence to be sent in a letter shall be on respondent's corporate stationery. All envelopes, and where postcards are permitted to be used, the front side of the postcard, shall contain no marking other than respondent's name and return address, the name and address of the addressee, and the words "IMPORTANT NOTICE" conspicuously disclosed.

Part IX

It is further ordered, That respondent shall engage in a commercial locator service, as required to be in compliance with the provisions of this order, to search, in the same manner that it conducts similar such search requests, all vehicle registration and title lists in the United States for the name and address of each individual or other entity in whose name any affected MMC vehicle is registered.

Part X

It is further ordered, That no provision of this order shall be construed to limit, in any way, any private right of action which any individual, partnership, corporation or other entity might have against respondent or against any other party.

Part XI

It is further ordered, That the respondent shall forthwith distribute a copy of the summary of this order attached as Exhibit K to each of its operating divisions, to its successors and assigns, and to each of its officers, agents, representatives, or employees who are supervisors of any department engaged in the engineering of any vehicle or vehicle part sold by respondent.

Part XII

It is further ordered, That the respondent notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the respondent such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect

compliance obligations arising out of the order.

Part XIII

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it intends to comply with this order. Respondent shall also which it intends to comply with this order. Respondent shall also within one hundred eighty (180) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Exhibit A

Oil Filter Manufacturers

AC Spark Plug Division, General Motors Corporation, 1300 North Dort Highway, Flint, MI 48556
J. A. Baldwin Manufacturing Company, Kearney, NE 68847
Champion Laboratories, Inc., P.O. Box 307, West Salem, IL 62476
FDI, Inc., 18451 Euclid Avenue, Cleveland, OH 44112
Ford Motor Company, Ford Parts & Services Division, P.O. Box 1902, 3000 Schaefer Road, Room 308, Dearborn, MI 48121
Hastings Manufacturing Company, 325 North Hanover Street, Hastings, MI 49058
Ohio Filter Company, 2658 Airport Road, Bethel, OH 45106
STP Corporation, 1400 West Commercial Boulevard, Fort Lauderdale, FL 33310
Aero-Mobile Systems, Inc., 200 Elm Street, Battle Creek, MI 49017
Campbell Filter Company, P.O. Box 880, Tulsa, OK 74101
Deluxe Filter Company, Walker Manufacturing Co., 1201 Michigan Boulevard, Racine, WI 53402
Fleetguard, Inc., A Cummins Company, 1340 River Bend Drive, Dallas, TX 75247
Fram Corporation, Fram Automotive Division, 105 Pawtucket Avenue, Providence, RI 02916
Hutchens Industries, Inc., 2730 Melby Street, P.O. Box 184, Eau Claire, WI 54701
Purolator Products, Inc., 970 New Brunswick Avenue, Rahway, NJ 07065
Wix Corporation, P.O. Box 1967, Gastonia, NC 28052

Exhibit B

Sirs:

Enclosed please find Chrysler Specification MS 2999 which pertains to oil filters manufactured for use on certain Chrysler rear wheel drive vehicles. Please also be advised that MS 2999 *does not apply* to oil filters made for application on the Dodge Omni and Plymouth Horizon as well as on all Mitsubishi vehicles sold by Chrysler (*Plymouth Arrow, Plymouth Arrow Pickup Truck, Plymouth Sapporo, Plymouth Champ, Dodge Colt, Dodge Colt Hatchback, Dodge Challenger, Dodge D-50 Pickup Truck*). One of the reasons it does not apply to such vehicles is because such vehicles develop significantly higher oil pressures than most of Chrysler's domestic vehicles.

The oil filters manufactured for application on Omni/Horizon vehicles with a 1.7 liter engine should be able to withstand an internal hydraulic pressure of at least *290* psi while those manufactured for application on Mitsubishi vehicles should be able to withstand an internal hydraulic pressure of at least *256* psi. Of course, just because an oil filter meets a pressure standard does not make it proper for use on a vehicle unless the filter meets all the construction and dimensional requirements for the vehicle.

You should also be advised that owners of certain Mitsubishi vehicles are being notified by Chrysler Corporation that they should purchase oil filters for their vehicles which will withstand internal hydraulic pressures of 256 psi and should look for labels on the oil filter package and tell them this. Since oil filter boxes do not ordinarily provide this information to consumers, we would suggest specifically labeling the box of any oil filter recommended for use on these vehicles which meets the above pressure standard with a statement that the filter can withstand 256 psi.

Chrysler Corporation, Engineering Standards and Product Information Office

ENGINEERING OFFICE

Chrysler Corporation Material Standard

[MS 2999; Change—G; ASL Req'd.]

Oil Filter—Engine Lubricating—Fuel Flow

A—*General:*

1—This standard covers full flow filter elements, replaceable filter element assemblies, and removable cartridge filter assemblies. The flow in all filter element designs shall be from outside in.

2—The filter assemblies shall function in such a manner to provide clean lubricant at the required flow to maintain the proper operation of the engine and to insure adequate life. These filters are recommended for engine operation up to a maximum temperature of 275° F.

B—*Materials:*

1—The filter media shall not consist of any abrasives of any type, and shall be so secured that it cannot be discharged into the engine lubrication system. This test is described in section E-4 of this standard.

2—The filter elements and/or assemblies shall not contain any materials that disintegrate, dissolve in engine lubricating oils and their water mixtures, or are detrimental to engine wear or operation. These tests shall be conducted in accordance with Material Standard MS-CP60.

3—The filter media shall be compatible with engine oil additives. All filter assemblies and elements shall be tested in accordance with paragraph 4.3.3 of Military Specification MIL-F-20707, except that the flow rate will be 2.5 gpm, the volume of test oil shall be 6000 ml, and the oil shall be Military Specification MIL-L-2104A Qualification No. M-54. The lubricating oil shall retain not less than 90% of its original additive content.

*4—A filter element or filter assembly shall not show a pressure drop increase greater than 2.0 psi when tested using clean Military Specification MIL-L-15016 oil, symbol 3065, at 100° F. Hourly water additions of 6 ml shall be made to a sump containing 6000 ml of oil. A flow rate of 2.5 gpm shall be maintained for a period of 24 hours.

5—Coatings such as paint or grit on metal housings or shells shall adhere satisfactorily and shall not be brittle, chip, or flake off. when in transit or when being handled in production.

C—*Workmanship:*

1—The inside surfaces and passages of all filters and/or assemblies shall be free from foreign materials such as dirt, scale, core sand, metal chips, slivers, etc.

2—The adhesive used to secure the filter paper to the end caps shall be so adhered that the adhesive cannot be peeled from the end caps.

3—All of the filter paper ends shall be adhered securely to the end cap adhesive. Physical removal of the paper shall cause tearing of the paper.

4—The paper shall have no breaks or tears and shall have the pleat ends securely sealed either by a full length metal strip or by a cementing operation.

5—Sealing gaskets which are part of a spin-on filter shall be fastened securely by mechanical means.

6—Housings which are part of cartridge assemblies shall be securely fastened to the base by an acceptable double lock-seam. An assembly which has been dropped once on a concrete surface from a height of 2 feet on the lock-seam shall not leak air up to 100 psi.

7—All welds shall show metal fusion. Distortion of welded parts shall cause tearing of the metal at the weld.

D—*Mechanical and Hydraulic Strength:*

*1—The elements and/or assemblies shall be of a suitable design to withstand 100 hours on a vibration test fixture without failure, distortion or leakage. The test assemblies shall be filled with SAE 30 oil and tested under a pressure of 70 psi. The test fixture shall meet the following or equivalent conditions:

a—The horizontal mounting platform of the vibration fixture shall be of sufficient rigidity to transfer the desired motion to the filter mounting without deflection.

b—The filter assembly shall be tested vertically with the filter base located 3.38 inches above the mounting platform.

c—Direction of motion shall correspond to the lateral vibration of the engine.

d—The static length of travel from one extreme to the other shall not exceed a range of 0.030 inches to 0.035 inches. In no case

*** Denotes Area of Change From Previous Issue**

Date	Effective M code	PCR No.	Change	Releases—changes and cancellations
9-14-67	3/MC	70901-021	G	Standard updated
1-17-63	3/SC	30107-021X	F	Par D-2, D-6, E-3, and E-b-g revised.
5-25-81				Date issued (Dept 7680)

shall the total dynamic amplitude of the platform exceed 0.065 inches.

e—The frequency shall vary from 500 cpm to 4000 cpm, and the cycle shall be repeated every 55 seconds while operating for 25% of the time at 4000 cpm.

2—The sealed and spin-on filter assemblies shall withstand an internal hydraulic pressure of 200 psi for one minute without leakage. All assemblies including replaceable element designs shall withstand an internal air pressure of 100 psi for one minute without leakage or permanent deformation.

*3—The filter assemblies shall withstand a minimum of 60,000 pulse cycles without leakage or failure at a rate of 30 cpm when operated hydraulically through a pressure range of 0 psi to 70 psi. The test fluid shall be SAE 10 or equivalent.

4—The filter elements shall withstand a differential pressure of 50 psi without damage, channeling or collapse of the end caps or center tubes. These tests shall be conducted using a high viscosity fluid such as SAE-140 at a temperature range of 90° F to 100° F. The elements shall be tested using essentially the same supports as in actual usage.

5—The filter elements shall withstand a differential pressure of 50 psi as noted in paragraph D-4, after operation with Military Specification MIL-L-2104-A oil, Qualification No. M-54, at 240° F with a rated flow of 2.5 gpm for a period of 40 hours.

6—The shells, covers, housings, etc. in an assembly shall be made from materials having adequate strength for proper installation without distortion or malfunctioning in production and service.

Spin-on filter assemblies shall withstand a minimum tightening torque of 75 ft-lbs without stripping the attaching threads or loosening of any part of the attaching assembly. The filter base gasket shall be lubricated with SAE 30 oil and tested on a Chrysler filter base.

Spin-on filter assemblies incorporating removal features shall withstand a minimum tightening torque of 65 ft-lbs using the recommended removal tool designed for the specific purpose:

E—*Performance:*

1—All pressure differential valves included in assemblies shall meet the requirements specified on the individual prints. The pressure rise above the valve opening pressure shall not exceed 8 psi when tested using a 38 SUS mineral oil at a flow of 6 gpm. The valve leakage using the same fluid at 3.5 psi shall not exceed a rate of 400 ml per hour.

2—The filters shall be checked for pressure drop using a 110 SUS mineral oil at 160° F. At a flow of 2.5 gpm, the pressure drop shall not exceed 3 psi on assemblies and 2 psi on elements.

3—Filter assemblies incorporating anti-drainback valves shall show a leakage rate not exceeding 20 ml/hr. using a 45 SUS mineral oil at room temperature with a head of two feet. The test sample shall be initially flow flushed at a rate of 2.5 gpm for one minute using the test fluid. The leakage between the threads of the filter base and adapter shall be blocked during this test. The test assembly shall be installed finger tight plus ½ turn.

The anti-drainback valve shall conform to the above test conditions after being operated with Military Specification MIL-L-2104-A oil, Qualification No. M-54, at 240° F with a rated flow of 2.5 gpm for a period of 40 hours.

4—The filter assembly shall show media migration not exceeding 5 milligrams per filter. The test shall be conducted in accordance with Military Specification MIL-F-0020627-A (Ships) paragraphs 4.5.3 and 4.5.4, except that the fluid used shall be Military Specification MIL-L-2104A, Qualification No. M-54, at 180° F with a flow of 2.5 gpm.

5—The filter assemblies shall function properly without restricting the flow of oil to the engine at −20° F. A total of ten cold starts shall be a satisfactory test. This test will be conducted in the Chrysler Engineering Office Cold Test Laboratory.

6—The filter life and average efficiency test shall be made using the SAE Lube Oil Filter Performance Test TR-160. The conditions of the test are:

*a—The test oil shall be heavy duty, SAE 30, as specified by the Coordinating Research Council Specification No. RFO-3. The source for this oil is: Southwest Research Institute, 8500 Culebra Road, San Antonio, Texas 78206.

b—Volume of oil in sump: 6,000 ml.

c—The test temperature at the filter shall be 160° F ± 5° F.

d—The test shall be conducted using a flow of 2.5 gpm.

e—Oil samples shall be taken at the end of every 10 hour period and also at the end of the test.

6—f—The contaminant add rate shall be 2.5 grams of dry solids per hour. The contaminant SOFTC-2A (Standardized Oil Filter Test Contaminant-Synthetic) is obtainable from: Baltimore Paint and Color Works, 2325 Annapolis Avenue, Baltimore, Maryland.

The laboratory number for this material is X-7682. It shall contain 22% solids and 78% Military Specification MIL-L-15016 Straight Mineral Oil, Symbol 3065. The specified composition is:

(1)—Sixteen parts by weight of carbon black having an average size of 85 millimicrons.

(2)—Two parts by weight of ferric oxide. 95% by count of the particles in the range from 0 to 5 microns.

(3)—Four parts by weight of PV resin. The particle sizes of this material are as follows:

100% to pass through a 30 mesh screen.

90% to pass through a 80 mesh screen.

60% to pass through a 200 mesh screen.

g—The limiting differential pressure, life and efficiency for the test shall be as listed below:

Part No. or equivalent	Pressure differential, psi	Life, hours, minutes	Minute average efficiency, percent
1851658	8	[illegible]	75

*F—*Control:*

1—Chrysler Engineering Office Mechanical Development Laboratory approval must be obtained on original production samples and samples made after Material, Process, or design changes.

2—The filters covered by this standard shall be purchased only from sources which appear on the Chrysler Engineering Approved Source List. This informtion can be obtained from the Chrysler Corporation Purchasing Department.

3—This standard refers to the following standard.

Matrial Standard MS-CP60.

Note.—The above standards and/or specifications are for use in supplying orders of Chrysler Corporation or its subsidiaries. Suppliers should determine the currency of their copies prior to use. The risk of compliance with the current standards and/or specifications is on the suppliers. Distribution hereof to others, whether paid or free, is for information only.

Copies are available from the Enginering Standards and Data Department, Engineering Office.

BILLING CODE 6750-01-M

Exhibit C

Technical Service Bulletin

Service & Parts Division

Technical Information + Professional Service = Customer Satisfaction

SERVICE

Of Interest ☐ General Manager ☐ Sales Manager ☐ Service Manager ☐ Parts Manager ☐ Service Technicians

Some reported oil filter leakages have resulted in serious engine damage to MMC vehicles of various model years, caused by using inadequate aftermarket oil filters.

To avoid leakage and engine damage due to the use of improper filters, owners of these vehicles should use an oil filter which will withstand 256 pounds per square inch of oil pressure, such as the filters indicated below:

Model	Part No.
All MMC except Champ and Colt Hatchback models	MD 001445
Champ and Colt Hatchback models only	MD 030795

Note:

Issuance of the above cancels MoPar Oil Filter (L-42) #4026486 previously specified. See Parts Marketing #XX-XX-XX

Models

MMC Passenger Cars and Trucks

Subject

Oil Filter Usage

Index

Engine

Date:

XX-XX-XX

No.

XX-XX-XX

CHRYSLER CORPORATION

(THIS BULLETIN IS SUPPLIED AS TECHNICAL INFORMATION ONLY AND IS NOT AN AUTHORIZATION FOR REPAIRS) REPRINT OF THIS MATERIAL NOT AUTHORIZED UNLESS APPROVED

CHRYSLER Dodge Plymouth Dodge Trucks

Exhibit D

Parts Marketing Bulletin

PARTS SALES AND SERVICE

ATTENTION: ☒ DEALER ☒ SERVICE MANAGER ☐ INSERT INTO MARKETING PROGRAMS BINDER UNDER TAB _____
☒ SALES MANAGER ☒ PARTS MANAGER NUMBER

SUBJECT: OIL FILTERS - #4026486 (L-42)

All Dealers are requested to examine their stock of oil filters.

Any (L-42) #4026486 Oil Filters that are in stock should be returned for credit via normal M.R.A. (Material Return Authorization) procedures.

The subject filters should not be used.

This bulletin will act as your authorization to return subject oil filters to your facing depot.

M. G. KELLY
Marketing Manager

THE NEW CHRYSLER CORPORATION

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Wholesaler Bulletin Mopar

Subject: Oil Filters—#4026486 (L–42).

All Warehouse and Jobber Distributors are requested to examine their stock of oil filters.

Any (L–42) #4026486 Oil Filters that are in stock should be returned for credit via normal M.R.A. (Material Return Authorization) procedures.

The subject filters should *not* be used.

This bulletin will act as your authorization to return subject oil filters to the Indianapolis Depot.

M. G. Kelly,

Marketing Manager.

Warehouse Distributor Bulletin Mopar

Subject: Oil Filters—#4026486 (L–42).

All Warehouse and Jobber Distributors are requested to examine their stock of oil filters.

Any (L–42) #4026486 Oil Filters that are in stock should be returned for credit via normal M.R.A. (Material Return Authorization) procedures.

The subject filters should *not* be used.

This bulletin will act as your authorization to return subject oil filters to the Indianapolis Depot.

M. G. Kelly,

Marketing Manager.

Exhibit G

Important Maintenance Information

Dear Owner: Our records show that you are the owner of a Dodge Colt, Dodge Challenger, Plymouth Arrow, Plymouth Sapporo, Plymouth Arrow Pickup, Dodge D–50 Pickup, Plymouth Champ or Dodge Colt Hatchback which has either a 1600 cc engine with a 1971–1980 model year designation or a 2000 cc engine with a 1974–1980 model year designation.

The Problem: Weak Filters

Certain kinds of replacement oil filters may not be strong enough to withstand the pressure in your car's lubricating system, particularly in cold weather. Weak oil filters can cause serious engine damage. What happens to cause the damage is this: If an oil filter is too weak, it may suddenly spring a leak. If the filter leaks, the engine loses oil and does not get enough lubrication and *the engine may be very seriously damaged.*

Warning: Protect Your Engine

It is strongly recommended that you buy a new replacement oil filter now. A replacement filter costs only a few dollars. You must use a brand of filter strong enough to withstand 256 pounds per square inch of oil pressure. (Look on the oil filter box for a label with this information.) Chrysler's Mopar Filters (Part Number MD001445 for all vehicles *except* Champ and Colt Hatchback, and Part Number MD030795 for Champ and Colt Hatchback vehicles) meet the needs of your vehicle. These filters can be bought at any Chrysler Corporation dealer or auto parts store carrying this brand.

Replace the Filter Soon

If your car has the wrong kind of replacement filter, you should not postpone buying a new filter.

If you are leasing your car to another person, please make sure the person leasing it from you sees this notice.

Chrysler Corporation.

Please staple or tape this notice to your Owner's Manual.

Chrysler Corporation,
416–15–19, P.O. Box 1919, Detroit, Michigan 48288 U.S.A.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Chrysler Corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments from interested parties. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

I. Introduction

Staff of the Federal Trade Commission has reached agreement with Chrysler Corporation on a consent order which remedies an informational problem regarding oil filters for its Japanese import vehicles made by Mitsubishi Motor Corporation (MMC) and its Dodge Omni and Plymouth Horizon vehicles.[1]

The problem involves Chrysler's alleged failure to correct inaccurate design information in a material standard [2] that specified the required hydrostatic burst strength for oil filters used in Chrysler vehicles. The burst strength specified in the material standard was allegedly not high enough to withstand the oil pressures generated by Chrysler's MMC vehicles or its Dodge Omni and Plymouth Horizon vehicles. The material standard was provided to aftermarket oil filter manufacturers. The oil filter probelm also involves Chrysler's alleged misrepresentation of oil filter use information on 1971–1980 model year MMC vehicle owner's and service manuals, and its allegded failure to provide certain MMC owners with information in the need to use special strength oil filters to avoid serious engine damage. [3] The complaint alleges that, due to these misrepresentations and non-disclosures, aftermarket manufacturers built oil filters which were incompatible for use on MMC vehicles, and owners purchased filters which sometimes leaked or burst, causing extensive and expensive engine damage.

The leakage involves rapid oil loss through the filter when the oil, through pressure, either unravels the filter's cannister seam or pushes out a rubber gasket around the filter's bottom. The leakage occurs because peak engine oil pressure is higher than the pressure that the oil filter on the vehicle is built to withstand. The resultant lack of engine lubrication has let to, on the average, a repair bill of $500 to correct engine damage. It is important to note that this leakage problem is not a design defect *per se* because, according to lubrication systems experts, there is nothing inherently improper about designing an engine's lubrication system to have high peak engine oil pressure. In fact, no leakage problem would occur at all if the replacement oil filter used on the car were strong enough to withstand the oil pressures generated by the engine. However, the complaint alleges that Chrysler disseminated inaccurate information both to aftermarket filter manufacturers regarding how they should build their filters and to owners regarding what filters to buy, and that this dissemination of inaccurate information precipitated the leakage problem.

II. the Proposed Complaint

The proposed Section 5 complaint contains the following charges of unfair or deceptive acts or practices:

Paragraphs Five and Six allege that Chrysler has disseminated its material standard for oil filters, MS–2999, in commerce, and that it knew or should have known that this and other material standards may have been and may now be used by manufacturers of replacement parts in the design of such parts. paragraph Seven further alleges that through MS–2999, its material standard for oil filters, Chrysler has represented, directly or by implication, that:

(1) MS–2999 specifies performance and materials requirements for oil filters made for use on each and every vehicle sold by respondent;

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[1] MMC vehicles include the Dodge Colt, Plymouth Arrow, Dodge Challenger, Plymouth Sapparo, Dodge D–50 pickup truck, Plymouth Arrow pickup truck, Plymouth Champ and Dodge Colt Hatchback.

[2] Material standards are documents which contain the design specifications, performance standards and material requirements for building replacement parts for a vehicle.

[3] This problem does not include Chrysler's Dodge Omni and Plymouth Horizon vehicles because a truthful representation was made in the owner's manuals for these vehicles. The Omni/Horizon vehicle owner's manuals advised owners to buy the original equipment replacement oil filter which was in fact strong enough to withstand the pressures generated by these vehicles.

(2) if an oil filter meets the performance and materials requirements specified in MS–2999, that oil filter will not substantially impair the reliability, durability, or performance of any vehicle sold by respondent on which the oil filter was made to be used;

(3) if an oil filter meets the 200 pounds per square inch (p.s.i.) hydrostatic burst strength requirement specified in Paragraph D–2 of MS–2999, that filter will not substantially impair the reliability, durability, or performance of any vehicle sold by respondent on which the oil filter was made to be used.

Paragraph Eight charges that, contrary to these representations:

(1) MS–2999 does not specify performance and materials requirements for oil filters made for use on each and every vehicle sold by respondent;

(2) if an oil filter meets the performance and materials requirements specified in MS–2999, that oil filter may nevertheless substantially impair the reliability, durability, or performance of certain vehicles sold by respondent on which the oil filter was made to be used;

(3) if an oil filter meets the 200 p.s.i. hydrostatic burst strength requirement specified in Paragraph D–2 of MS–2999, that oil filter may substantially impair the reliability, durability, or performance of certain vehicles sold by respondent on which the oil filter was made to be used.

Therefore, the representations referred to in Paragraph Seven are alleged to be deceptive or unfair.

B. Paragraph Nine states that Chrysler disseminated owner's and service manuals for 1971–1981 model year MMC vehicles in which it instructed owners to "use a high quality filter only". Paragraph Ten alleges that through such instructions Chrysler represented, directly or by implication, that any reputable brand of oil filter when used in certain MMC vehicles will not substantially impair the reliability, durability or performance of these vehicles. Paragraph Eleven charges that, contrary to this representation, certain reputable brands of oil filters may substantially impair the reliability, durability, or performance of certan MMC vehicles. Therefore the representation referred to in Paragraph Ten is alleged to be deceptive or unfair.

C. Paragraph Twelve alleges that the use on certain MMC vehicles of an oil filter which is not of adequate hydrostatic burst strength may substantially impair the reliability, durability or performance of these vehicles. Paragraph Thirteen charges that Chrysler knew or should have known of brands and part numbers of replacement oil filters which would substantially impair the reliability, durability or performance of these vehicles. Paragraph Thirteen also charges that Chrysler knew or should have known of filters that were appropriate for use on MMC vehicles. Paragraph Fourteen alleges that product use and care information, namely (1) a recommendation of specific oil filters which are of adequate burst strength and (2) a warning that the failure to use such filters could substantially impair vehicle reliability, durability or performance, would allow owners to avoid substantial economic loss and damage to the engines of their MMC vehicles. Therefore, the complaint states, such information is material product information.

Paragraph Fifteen charges that Chrysler has not disclosed to owners of 1971–1980 model year MMC vehicles, through its owner's or service manuals or otherwise, either brands and part numbers of replacement oil filters which would not substantially impair the reliability, durability or performance of MMC vehicles or the fact that the failure to use such filters could substantially impair vehicle reliability, durability or performance. Therefore, Chrysler's failure to disclose this material product information is alleged to be deceptive or unfair.

III. The Proposed Consent Agreement

Through the proposed order Chrysler Corporation has agreed to the following:

(1) Not to represent, absent a reasonable basis, in any material standard for oil filters that an oil filter which meets a hydrostatic burst strength requirement of 200 pounds per square inch will be capable of withstanding any oil pressures generated in Chrysler's MMC or Omni/Horizon vehicles.

(2) To disclose the limited applicability of any material standard.

(3) Not to represent, absent a reasonable basis, any performance or material requirement for building a replacement part in its material standards.

(4) To disclose in writing to each person to whom Chrysler provides a material standard that:

(i) Material standards are subject to constant revision, and (ii) respondent's Engineering Standards and Product Information Office is in possession of the most current versions of all material standards, and (iii) respondent offers, at reasonable cost, a subscription service to its materials standards through its Engineering Standards and Product Information Office which will automatically provide any subscriber with the most current version of any material standard subscribed to, and (iv) non-subscribers should make sure they have the current version of any particular material standard.

(5) To offer, at a reasonable cost, a subscription service to its material standards which automatically provides subscribers with the most recent, up-to-date standards.

(6) To advertise the availability of the material standard subscription service in the *Automotive News*.

(7) To send a letter to the manufacturers of aftermarket oil filters which explains the limited applicability of the oil filter material standard and provides accurate information on the hydrostatic burst strength requirement for filters built for MMC and Omni/Horizon vehicles.

(8) Not to make parts recommendations, absent a reasonable basis, in owner's and service manuals of affected MMC vehicles.

(9) To send a notice to owners of 1971–1980 model year MMC vehicles with 1600 or 2000 cubic centimeter engines telling them about the need to use a special strength oil filter to avoid serious engine damage.

(10) To disclose, in the future, accurate oil filter use information in owner's manuals of affected MMC vehicles.

(11) To disclose to owners and purchasers, when problems arise in the future on MMC vehicles which stem from the dissemination of inaccurate or incorrect maintenance information, information about the problem and ways to avoid it.

IV. Impact of the Order

The order requires that certain notification costs be incurred due to Chrysler's failure to disclose important information about significant problems and how to avoid them. The Commission believes, however, that the costs imposed by this order are reasonable.

To remedy the problem with its oil filter material standard, Chrysler will inform the sixteen companies that produce replacement oil filters of the limited applicability of Chrysler's material standard for oil filters, MS–2999, and provide them with the correct hydrostatic burst strength requirements for building filters for Omni-Horizon and MMC vehicles. Chrysler will also notify its dealers and aftermarket parts distributors that certain Mopar filters that were of inadequate burst strength should be removed from inventory and inform them of the correct Mopar filter that should be used on MMC vehicles. The cost of these disclosures will be minimal.

Finally, to remedy the oil filter problem, Chrysler must provide accurate use and care information to owners and purchasers of affected MMC vehicles. Chrysler will notify 709,000 owners whose vehicles need a special oil filter. The cost of this notification will be about $90,000. The order permits Chrysler to send the notice by postcard rather than letter, at a savings of $50,000. The Commission believes that this cost to Chrysler is clearly justified by the evidence in this case concerning the average cost of repair should the filter burst under pressure. The notice to purchasers will be provided in the owner's manuals that accompany the sale of MMC vehicles. Thus, Chrysler will incur no additional costs in making this disclosure and owners of new vehicles will have the information they need to purchase adequate replacement filters. Moreover, the order permits Chrysler to cease making the disclosure whenever it can show that its MMC vehicles do not require special strength filters.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

Chrysler Corporation, File No. 802 3009

Separate Statement of Acting Chairman Clanton and Commissioner Bailey

The Commission has voted unanimously to accept a consent agreement with Chrysler Corporation that remedies certain alleged information problems concerning replacement oil filters for its Japanese import vehicles and its Dodge Omni and Plymouth Horizon cars. Commissioner Pertschuk has stated that he would also have required Chrysler to pay consumers for the premature wear of engine balancer chains in the company's 1976–77 Mitsubishi-manufactured cars. We do not believe that the Commission can demand such relief from Chrysler because we are convinced that no law violation has occurred as to the vast majority of cars sold with the engineering development of a balancer chain.

In 1975, Chrysler introduced balancer chains in cars manufactured for the company by Mitsubishi. The balancer chain was developed to reduce engine vibration. Over the next year, Chrysler began to receive complaints that the balancer chains on its cars were wearing out prematurely. It is important to keep in mind that balancer chains were never intended to last the lifetime of the car; rather, the company anticipated that they would have to be replaced at least once.

In about September of 1976, the company had received enough complaints to indicate that some modification of the balancer chain design was necessary. The company immediately moved to discover such a "fix." Within a very short period of time, an effective fix had been implemented. The only use and care information that the company could have communicated to current owners during that time might have reduced the likelihood of premature balancer chain wear was to advise them to use unleaded gasoline. An analysis by the Commission's economists indicates, however, that had consumers switched to unleaded gasoline, the difference in cost between leaded and unleaded gas would have at least equaled and probably exceeded the cost of dealing with any premature problems with the balancer chain.

Commissioner Pertschuk, in his separate statement, suggests that "the facts are open to reasonable dispute." On the contrary, the facts, as developed in the staff's investigation, are clear. It is the application of the law to those facts that is in dispute here.

The staff's investigation has shown that the company was possibly in technical violation of the Federal Trade Commission Act for a short time period (approximately four months), when it did not inform prospective purchasers of the cars in question that a possible design defect existed. In view of Chrysler's relatively prompt action to develop a solution to the problem, and the limited extent of injury to prospective purchasers, we conclude that as a matter of prosecutorial discretion the company should not be charged with a violation of the Federal Trade Commission Act.

Every car buyer must sustain many costs of repairing his or her automobile over its lifetime. There are only certain circumstances in which it is legally appropriate for the Commission to intervene. This is not one of them.

Separate Statement of Commissioner Pertschuk

This Consent Agreement with the Chrysler Corporation does not go far enough. My disagreement with the Commission's action stems not from the useful relief that will be provided concerning oil filters for Chrysler cars, but from the Commission's failure to require Chrysler to redress consumers who suffered millions of dollars in total damages from another serious engine problem in certain Chrysler imports. Specifically, the Consent Agreement fails to compensate Chrysler customers for early failure of the balancer chain, a $150 to $250 device designed to reduce engine wear. This problem has affected as many as 38,000 Dodge Colts and Plymouth Arrows sold from the beginning of the 1976 model year through the middle of the 1977 model year. Chrysler failed to tell its customers of this problem after learning about it.

Acting Chairman Clanton and Commissioner Bailey do not believe the Commission should remedy Chrysler's failure to disclose the balancer chain problem. I disagree. Though the facts are open to reasonable dispute, I think there is reason to believe that Chrysler had a duty under the FTC Act to disclose the balancer chain problem to its customers. It is true that Chrysler moved to find a fix after discovering the problem and eventually landed upon one several months later. In my view, however, a manufacturer has a duty promptly to inform prospective purchasers of a serious defect affecting a substantial portion of a line of its vehicles as soon as it becomes aware of it,* whether or not it begins working on a future fix at the same time. Disclosure gives these customers—who will not benefit from any future fix—an opportunity to protect themselves against the defect by, for example, bargaining on price or other terms. There is reason to believe that Chrysler breached this duty to disclose in this case.

In addition, I believe a manufacturer has a duty to disclose material "use and care" information which will help owners solve or mitigate a serious defect and avoid substantial injury. An analysis by the Commission's Bureau of Consumer Protection indicates that consumers could have benefited from the information, known to Chrysler at the time, that the use of unleaded gas would eliminate or alleviate the balancer chain problem. Thus, there is reason to believe that Chrysler also breached this duty in this case.

Overall, the evidence indicates that consumers could have avoided or deferred substantial economic loss if they had been told about the balancer chain failure in time. Therefore, while I concur in this Consent Agreement as far as it goes, I must dissent from the Commission's decision to settle for less than appears justified.

[FR Doc. 81-25858 Filed 9-4-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18073; File No. S7-904]

Recordkeeping by Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to adopt a rule under the Securities Exchange Act of 1934 (the "Exchange Act") which would require brokers and dealers to file reports and make and preserve records pursuant to the Currency and Foreign Transactions Reporting Act of 1970 (the "Currency Act") and the regulations of the Department of the Treasury promulgated thereunder.

DATE: Comments must be received on or before October 12, 1981.

ADDRESSES: Persons wishing to submit written comments should file six copies thereof with George A. Fitzsimmons, Secretary Securities and Exchange

* The manufacturer may also be said legally to be aware of the problem, based upon information available to, or in the possession of, responsible corporate officials.

Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-904 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Elizabeth S. York, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C., 20549, (202) 272-2376.

SUPPLEMENTARY INFORMATION:

Background

The Currency and Foreign Transactions Reporting Act of 1970 (the "Currency Act") [1] and the Department of the Treasury regulations (the "Treasury regulations") promulgated thereunder,[2] require that certain financial institutions, including securities brokers and dealers, make reports and maintain records on, among other things, domestic currency transactions of more than $10,000 and the import and export of currency and monetary instruments of $5,000 or more.

According to the Currency Act, the Treasury is responsible for implementing and administering the reporting and recordkeeping requirements of the Currency Act. With respect to securities brokers and dealers, the Treasury has delegated to the Commission the responsibility for assuring compliance with the Currency Act and Treasury regulations.[3]

The most effective means of enforcing compliance with the reporting and recordkeeping requirements is through on-site examinations of broker-dealer firms conducted by the Commission and the self-regulatory organizations (the "SROs"). In order to assure such compliance, the Commission is proposing Rule 17a-8 under the Exchange Act. The proposed rule would require brokers and dealers to file reports and make and retain the records specified in the Treasury regulations.

The Currency Act and Treasury Regulations

The Currency Act requires brokers and dealers to file three types of reports. First, domestic financial institutions are required to report the payment, receipt, or transfer of United States currency or other monetary instruments.[4] Second, any person who exports or imports monetary instruments in an amount exceeding $5,000 is required to file with the Treasury.[5] Finally, any resident or citizen of the United States or person doing business therein who engages in any transaction or maintains any relationship with a foreign financial agency is required to file with the Treasury regarding such relationship.[6]

The Treasury regulations were adopted in 1972, in order to implement the above provisions of the Currency Act. Currently, the Treasury regulations require brokers and dealers to file three different reports. First, they must file a report with the Internal Revenue Service (the "IRS") [7] of any transaction in currency exceeding $10,000.[8] Second, a report must be filed with the Commissioner of Customs [9] when a person exports or imports currency or monetary instruments in an amount exceeding $5,000.[10] A final reporting provision requires all persons subject to the jurisdiction of the United States to file a report with the Treasury regarding any financial interest or authority over a bank, securities or other financial account in a foreign country.[11]

In addition to the above reporting requirements, the Treasury regulations require financial institutions to make and preserve certain records. For example, a record of extensions of credit in excess of $5,000, a record of transactions involving the transfer of funds of more than $10,000 to outside the United States and a record of financial interests in foreign financial accounts must be made and retained for five years.[12]

The Treasury regulations also require certain additional records to be made and retained by brokers and dealers. Specifically, a broker or dealer must maintain for a period of five years: (1) a record of its customer's taxpayer identification number; (2) a copy of each document granting authority over a customer's account; (3) each record described in Rule 17a-3(a)(1)-(9); and (4) a record of any transaction exceeding $10,000 to or from a person, acount or place outside the United States.[13]

Proposed Rule 17a-8

Proposed Rule 17a-8 would require brokers and dealers to make the records and reports required by the Treasury regulations as outlined above. The proposed rule does not specify the required reports and records so as to allow for any revisions the Treasury may adopt in the future.

The proposed Rule 17a-8 would require brokers and dealers to retain the records required by the Currency Act for the time specified in the Treasury regulations. Currently, that time period is 5 years. However, where an Exchange Act rule and Treasury regulation require the retention of identical records for varying periods of time, brokers and dealers would be required to retain the records for the longer period of time so as to satisfy the requirements of both the Exchange Act and the Currency Act.

The Commission believes that the proposed rule is consistent with the purpose of the Exchange Act and the Commission's obligation to enforce broker-dealer recordkeeping requirements. Adoption of this rule by the Commission would clarify the authority of the SROs to assure compliance by brokers and dealers with the recordkeeping and retention requirements of the Currency Act.

Regulatory Flexibility Act Considerations

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, which became effective on January 1, 1981, imposes new procedural steps applicable to agency rulemaking which has "a significant economic impact on a substantial number of small entities."[14] The Chairman of the Commission has certified pursuant to the Regulatory Flexibility Act that the proposed Rule

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[1] Pub. L. 91-508, 84 Stat. 1114, 12 U.S.C. 1730d, 1829b, 1951-1959, 31 U.S.C. 1051-1122.
[2] 31 CFR 103.11-103.51, 37 FR 6912 (April 5, 1972).
[3] 31 CFR 103.46(a)(6).
[4] 31 U.S.C. 1101.
[5] 31 U.S.C. 1121.
[6] 31 CFR 103.25(a).
[7] 31 CFR 103.22.
[8] 31 CFR 103.25 (b) and (c).
[9] 31 CFR 103.23.
[10] 31 CFR 103.24.
[11] *See*, 31 CFR 103.31, 103.32, 103.33 and 103.36.
[12] 31 CFR 103.35.

[14] Although Section 601(b) of the Regulatory Flexibility Act defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has published its proposed definitions in Securities Exchange Act Release No. 17645 (March 20, 1981), 46 FR 19251 (March 30, 1981). A broker-dealer under the Commission's proposed definition of "small business" or "small organization" is one that:

(1) Is permitted to maintain the amount of net capital specified in § 240.15c3-1 (a)(2) or (a)(3);

(2) Had less than six partners, officers and employees on the last business day of the preceding calendar year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person other than a natural person, that is not a small business, or small organization as defined in this section.

Since the Commission is using this definition for purposes of proposed Rule 17a-8, it welcomes comment on whether this definition of "small business" is appropriate in the context of this rulemaking proceeding.

17a–8, if adopted, will not have a significant economic impact on a substantial number of small entities because it codifies as part of the Commission's rules the existing requirements contained in the Treasury regulations with which brokers and dealers currently must comply.

Statutory Basis

Pursuant to the Securities Exchange Act of 1934, particularly Sections 3, 10, 15, 17 and 23 thereof, the Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding § 240.17a–8 to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.17–a Financial recordkeeping and reporting of currency and foreign transactions.

Every registered broker or dealer who is subject to the requirements of the Currency and Foreign Transactions Reporting Act of 1970 shall comply with the reporting, recordkeeping and record retention requirements of Part 103 of Title 31 of the Code of Federal Regulations. Where Part 103 of Title 31 of the Code of Federal Regulations and § 240.17a–4 of this chapter require the same records or reports to be preserved for different periods of time, such records or reports shall be preserved for the longer period of time.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 31, 1981.

Regulatory Flexibility Act Certification

I, John Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed Rule 17a–8 set forth in Securities Exchange Act Release No. 34–18073, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are that: the proposed rule does not require brokers and dealers to take any action other than that which is presently required by the Currency and Foreign Transactions Reporting Act of 1970. The proposed rule, however, will enable the Commission to ensure that the subject brokers and dealers comply with the requirements of the Currency and Foreign Transactions Reporting Act.

Dated: September 1, 1981.

John S. R. Shad,

Chairman.

[FR Doc. 81–26133 Filed 9–4–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket Nos. RM78–23 and RM81–37]

Louisiana First Use Tax: Refund Procedures for Primary and Secondary Pipelines

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of petition for waiver of regulations.

SUMMARY: The Commission has issued interim rules establishing uniform refund procedures for use by interstate primary pipelines (46 FR 38681, July 29, 1981) and secondary pipelines (46 FR 38906, July 30, 1981) in flowing-through the Louisiana First-Use Tax which was overturned by the Supreme Court. In submitting its comments on the rules, El Paso Natural Gas Company also petitioned for waiver of the rules and suggests a different procedure essentially because of the small amount of refunds El Paso receives.

DATE: Comments on the petition are due on or before September 11, 1981.

ADDRESS: Mail comments to Kenneth F. Plumb, Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary 220–357–8400.

Louisiana First Use Tax: Refund Procedures for Primary Pipelines, Docket No. RM78–23; Louisiana First Use Tax: Refund Procedures for Secondary Pipelines, Docket No. RM81–37.

Notice of Comments of El Paso Natural Gas Company on Interim Rules and Petition for Waiver of Regulations Under the Natural Gas Act.

August 25, 1981.

Take notice that, on August 12, 1981, El Paso Natural Gas Company ("El Paso"), tendered for filing its comments and petitioned the Federal Energy Regulatory Commission ("Commission"), pursuant to § 1.7 of the Commission's Rules of Practice and Procedure, for waiver of Section 154.38(h) of the Commission's Regulations Under the Natural Gas Act as prescribed by the interim rules issued July 17, 1981 (Order No. 10–D) and July 22, 1981, at Docket Nos. RM78–23 and RM81–37, respectively, to the extent requested therein.

El Paso states that on July 17, 1981 (Order No. 10–D) and July 22, 1981 the Commission issued separate interim rules, hereinafter respectively referred to as the Primary Pipeline Rule and the Secondary Pipeline Rule, establishing uniform refund procedures for use by interstate "primary pipelines" and "secondary pipelines" if flowing through the Louisiana First-Use Tax ("LFUT") refunds including interest earned thereon.[1] Said interim rules essentially codify a proposed Stipulation for Resolution of Litigation filed with the Commission on July 10, 1981 by fifteen (15) primary pipelines to which El Paso was *not* a party. El Paso fully recognizes its firm obligation to flow-through LFUT refund with interest to El Paso's customers; however, El Paso does object to, and seeks waiver of, the flow-through procedures as ordered by the Commission.

The Primary Pipeline Rule directs primary pipelines to flow-through, by check, the jurisdictional portion of the LFUT refunds received from the State of Louisiana within thirty (30) days of the disbursement date of the initial refund and within twenty-five (25) days of the disbursement date of subsequent refunds. The Primary Pipeline Rule also provided that a primary pipeline may defer flow-through to customers until refund monies received from the State of Louisiana cumulatively exceed the greater of $250,000 or one fourth (¼th) mill per Mcf (or Dkt) of the primary pipelines' sales during the period April 1, 1979 through April 30, 1981. Based on the interim rules described above, El Paso will be obligated to make cash refunds to its jurisdictional customers each time El Paso has accumulated approximately $640,000 of LFUT refunds.

El Paso believes its customers' interest would best be served if El Paso were to credit the jurisdictional portion of the LFUT refunds to Account 191 in the month such refunds are received in lieu of cash refund procedures established by the Primary Pipeline Rule and the Secondary Pipeline Rule.

El Paso states that it recognizes that cash refunds as so directed by the Commission are appropriate for those pipelines who are a party to the aforementioned Stipulation for Resolution of Litigation because of the large sums of LFUT refunds those pipelines will receive from the State of Louisiana; however, El Paso as a primary pipeline will receive a very small amount of the LFUT refund compared to the total refund to be

[1] Primary pipelines refers to interstate pipelines which paid the LFUT directly to the State of Louisiana and receive the LFUT refunds directly from the State of Louisiana whereas secondary pipelines refers to interstate pipelines that will receive LFUT refunds from another pipeline.

allocated on the basis of a pipeline's total sales volumes subject to the LFUT charges. Cash refunds are not only an administrative burden to El Paso and its customers but the cost incurred by El Paso in preparing a refund check is approximately $150. In administering cash refunds as set forth in Order 10–D, approximately 53% of El Paso's jurisdictional customers would receive checks for less than $150. Furthermore, El Paso is also a secondary pipeline and will receive even smaller refunds which would result in a significant increase of the percentage of checks for under $150.

For these reasons, El Paso proposed to credit the jurisdictional portion of the LFUT refunds to Account 191 in the month such refunds are disbursed by the State of Louisiana. The jurisdictional portion of the LFUT refunds shall be determined pursuant to §§ 154.38(h)(3)(v)(b) and 154.38(h)(9)(vi)(b) of the Commission's regulations as set forth in the Primary and Secondary Rules, respectively, except El Paso proposes to use the sales volumes for the period April 1, 1979 through May 31, 1981 since this is the period El Paso billed its customers the LFUT charges. Further, El Paso will credit the jurisdictional portion of the LFUT amounts overcollected from its customers to Account 191 in July, 1981 business.

Because of the small LFUT refund amounts to be flowed-through by El Paso, El Paso believes that crediting the jurisdictional amounts to Account 191 in the month the State of Louisiana disburses the refunds would result in El Paso's customers receiving the benefits from such refunds just as timely as if El Paso were to distribute such refunds on a cash basis (i.e. El Paso's projection for primary refunds received after September, 1981 would not activate the one-fourth (¼th) mill per Mcf mechanism for cash refunds until after May, 1982, therefore, El Paso's jurisdictional customers would not receive the benefits of the LFUT refund until late May, 1982). Further, by crediting the jurisdictional LFUT refund amounts to Account 191 and thereby lowering the balance in Account 191, El Paso's customers benefit by paying a lesser amount of carrying charges.

Accordingly, in order to permit El Paso to act with prudence respecting the flow-through of the LFUT refunds to its customers and at the same time meet the Commission's objectives established by the Primary and Secondary Pipeline Rules, El Paso respectfully requested waiver of § 154.38(h) of the Commission's Regulations, to the extent necessary to permit El Paso to credit to Account 191 (i) the jurisdictional portion of the LFUT refunds in the month such refunds are disbursed by the State of Louisiana and (ii) the jurisdictional portion of the amounts overcollected. In all other respects, El Paso intends to follow the procedures for refunds as set forth in the Commission's Primary and Secondary Pipeline Rules.

El Paso has been authorized to state on behalf of Pacific Gas and Electric Company and Southern California Gas Company (El Paso's California customers who would receive approximately 83% of the total jurisdictional refund) that they do not object to El Paso's proposal to credit the jurisdictional portion of the LFUT refunds to Account 191 in the month such refunds are received. Further the California Public Utilities Commission also has advised El Paso that it does not object to El Paso's proposal.

El Paso also states that copies of the instant filing have been served upon, and to all of El Paso's interstate transmission system customers and all interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before September 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26163 Filed 9–4–81; 8:45 am]

BILLING CODE 6560–85–M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 270

Geothermal Regulations; Plans of Operation and Reporting of Exploration Expenditures

AGENCY: Geological Survey, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would amend geothermal regulations that relate to plans of operation and the reporting of exploration expenditures. The changes are needed to clarify the data collection requirements to be contained in a plan of operation and to reduce the frequency of reporting about expenditures for diligent exploration credit. The intended effects of this rulemaking are to prevent misinterpretation and to reduce the quantity of required reports.

DATE: Comments on this proposed rulemaking must be received by October 8, 1981.

ADDRESS: Comments may be mailed to: Mr. John J. Dragonetti, Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels, (703) 860–7535, (FTS) 928–7535; or Mr. Cecil Feeney, (703) 860–6259, (FTS) 928–6259.

SUPPLEMENTARY INFORMATION: The principal authors of this proposed rulemaking are Mr. William Isherwood, Acting Deputy Conservation Manager for Geothermal, Geological Survey, Menlo Park, California and Mr. Cecil R. Feeney, Branch of Rules and Procedures, Office of Onshore Minerals Regulation, Conservation Division, Geological Survey, Reston, Virginia.

The revision of 30 CFR 270.34 is intended to make it clear that—

1. Geothermal prouction may begin 1 year after the start of environmental data collection;

2. Some of the data collection would continue during production and abandonment operations for the evaluation of environmental impacts; and

3. A Geological Survey supervisor may reduce the level and duration of data collection.

The revision of 30 CFR 270.77 is intended to allow a lessee to report exploration expenditures only for those years in which diligence credit is desired rather than every year.

It is hereby determined that this proposed rulemaking does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

The information collection requirements contained in § 270.34 have been submitted to the Office of Management and Budget for approval as

required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility anlaysis is not required.

PART 270—GEOTHERMAL RESOURCES OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

Under the authority of section 24 of the Geothermal Steam Act of 1970, 84 Stat. 1573 (30 U.S.C. 1023), it is proposed to amend Part 270, Chapter II, Title 30 of the Code of Federal Regulations as set forth below:

1. Section 270.34 is amended by revising paragraph (k), and by adding a new paragraph immediately below paragraph (k) to read as follows:

§ 270.34 Plan of operation.

* * * * *

(k) Provisions for collecting data concerning the existing air and water quality, noise, seismic and subsidence activities, and ecological systems of the leased lands for a period of at least 1 year prior to production with some of the collection to be continued during production and abandonment.

The Supervisor may reduce the data collection requirements of paragraph (k) of this section, including the duration of data collection, commensurate with the level of potential environmental impacts from proposed projects.

* * * * *

2. Section 270.77 is revised to read as follows:

§ 270.77 Report of expenditures for diligent exploration operations.

For exploration expenditures to be considered for qualification as diligent exploration under 43 CFR 3203.5, the lessee or operator must submit to the Supervisor a report of the expenditures within 60 days after the end of the lease year in which the expenditures were made.

Dated: July 30, 1981.

Daniel N. Miller,

Assistant Secretary for Energy and Mineral.

[FR Doc. 81-26012 Filed 9-4-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 109 and 110

[CGD3-81-1A]

Anchorage Grounds, Port of New York and Vicinity

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to enlarge Anchorage No. 21 (Bay Ridge Anchorage) and reduce Anchorage No. 20 in the Upper Bay, New York Harbor, New York. This change is desired in order to increase safety by allowing extra room for vessels at anchor to swing without encroaching into the main shipping channel. The boundaries of Anchorage Nos. 20, 21, 23, 24, and 25 would be redescribed by geographic coordinates in place of the present description in which awkward and outdated terminology is used. In addition, this proposal incorporates changes to the Ports and Waterways Safety Act of 1972, under which the anchorage regulations for the Port of New York were promulgated, made by the Port and Tanker Safety Act of 1978.

DATES: Comments must be received on or before October 23, 1981.

ADDRESS: Comments should be submitted to, and are available for examination from 8:00 a.m. to 4:30 p.m. Monday through Friday at the Office of Commander (mps) Third Coast Guard District, Building 108, Governors Island, New York 10004.

FOR FURTHER INFORMATION CONTACT: Commander Peter T. Muth, Chief, Port Safety Branch, Third Coast Guard District (mps), Building 108, Room 106, Governors Island, New York 10004, (Tel: 212-668-7179). Normal working hours are indicated above.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should indicate the writer's name and address, identify this notice (CGD3-81-1A) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. Persons wishing acknowledgement of their comments should include a stamped, self-addressed postcard. All comments received before expiration of the comment period will be considered before final action is taken on this proposal.

Drafting Information

The principal persons involved in drafting this proposal are: Lieutenant Ernest J. Fink, Project Officer, Port Safety Branch, Third Coast Guard District and Lieutenant Ronald L. Nelson, Project Attorney, Legal Division, Third Coast Guard District.

Discussion of Proposed Regulations

The Port of New York anchorage regulations, 33 CFR 110.155, were promulgated on 26 August 1976 under the authority of the "Ports and Waterways Safety Act of 1972" (Pub. L. 92-340). On 17 October 1978 the "Port and Tanker Safety Act of 1978" (Pub. L. 95-474) became law amending the "Ports and Waterways Safety Act of 1972". Together these two laws are known as the "Ports and Waterways Safety Act". The revised statutory civil and criminal penalty provisions and the name change are reflected in the proposed changes to 33 CFR 109.07 and 110.1a.

Since the early 1970's various interests have expressed the need for additional deep draft anchorage area in the Port of New York. In past years, especially during winter months, Anchorage Nos. 23 and 24 in New York Harbor were congested. While older vessels with drafts less than 33 feet (10 meters) are not constrained in the New York and New Jersey channels, today's deep draft tank vessels must lighter before proceeding through the New York and New Jersey channels to the receiving facilities. Deep draft vessels, such as lash vessels and large tank barges, anchoring in Anchorage No. 21 need the deep water found near the anchorage's western boundary. If vessels are so anchored as to swing into the main ship channel, they will be required by the Captain of the Port to relocate. The Coast Guard proposes enlargement of Anchorage No. 21 westward to enhance safety by providing extra room for deep draft vessels to swing without encroaching into the channel. The change in the western boundary of Anchorage No. 21 will reduce by approximately 10 per cent the number of times vessels anchored there swing into the channel and must relocate. A discussion concerning changes to the anchorages in the Port of new York was conducted as a scheduled item at a public meeting of the New York Vessel Traffic Service Advisory Committee meeting held on 27 February 1981 following the announcement in the **Federal Register** at 46 FR 9835. The minutes of the meeting, including discussion regarding the Port

of New York anchorages, are included in the docket of this rulemaking.

Several problems also exist with the present anchorage area descriptions. The use of outdated geographical names such as Bedloe's Island, now known as Liberty Island, are omitted from nautical charts and are ambiguous. Also the descriptive method used in the regulations sets up large unenclosed anchorage areas (20, 20–A, 20–B), inside of which there are prohibitions from anchoring in channels. This has resulted in the chart for the area (#12334) marking the prohibited areas with lines unsupported by the regulations. In this proposal, Federal Anchorage Nos. 20, 21, 23, 24 and 25 would be redescribed using geographic coordinates (Lat-Long system) to replace the existing, awkward and outdated anchorage descriptions. The actual boundary changes involve shifting the western boundary of Anchorage No. 21 approximately 200 yards (182.9 meters) to the west. The eastern boundary of Anchorage No. 20 would also be shifted approximately 200 yards (182.9 meters) to the west to allow for continuance of a 2,000 foot (609.6 meter) wide main channel which would be shifted to naturally deep water. There would be a net increase of approximately 60 acres (24.3 hectares) in usuable deep draft anchorage space in New York Harbor. Anchorage No. 21 would increase more than the corresponding decrease in Anchorage No. 20. In addition, the increased area of Anchorage No. 21 will be located in more usable deep water than the acreage reduced in Anchorage No. 20. Anchorage No. 20, which consists of 3 distinct anchorage areas (20, 20–A and 20–B), is reserved as a temporary anchorage for naval vessels and for vessels arriving in and leaving port. This anchorage is mostly unusable by deep draft vessels due to insufficient depth of water. However, it should also be noted that the use of Anchorage No. 20 by shallow draft vessels (i.e. stake boats and sand/gravel barges) is only a fraction of its present capacity. These vessels will be accommodated by the remaining portion of Anchorage No. 20 with no adverse impact. The overall change in the anchorage boundaries of Anchorage Nos. 20 and 21 is an accommodation of existing uses. This proposal is not intended to accommodate new or increased traffic levels. For the most part accomplishment of these changes would be effected by the repositioning of buoys to mark the channel, amendment of relevant nautical charts to reflect the new anchorage boundaries, and the relocation of the Federal Anchorage Channel to accommodate the anchorage expansion. Thus the actual implementation of the proposed regulations is contingent upon prior approval of the Chief of Engineers, U.S. Army Corps of Engineers for a minor modification to an existing Federal Project, "Anchorage Channel".

An environmental review of this proposal has been performed by the Third Coast Guard District. Preparation of an environmental assessment is not required since the proposal is categorically excluded in accordance with 2.B.3.g of COMMANDANT INSTRUCTION M16475.1A.

This proposed regulation is considered to be non-significant in accordance with guidelines set out in "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of 22 May 1980). An economic evaluation of this proposal has not been conducted since its impact is expected to be minimal. In accordance with 33 CFR 109.05(b), the Commander, Third Coast Guard District has consulted with and received no objections from the U.S. Army Corps of Engineers, the Commandant of the Third Naval District, and the Officer in Charge, Quarantine Station, U.S. Public Health Service. Also of note, the U.S. Fish and Wildlife Service, EPA, and the U.S. Army Corps of Engineers endorse the proposed anchorage changes. The expansion of Anchorage No. 21 and reduction of Anchorage No. 20 are not matters on which there is substantial public controversy, nor involve impacts on competition, businesses, state or local governments, or the regulations of other programs and agencies. It should be noted that the area into which the channel will be relocated has remained naturally deep for many years and possibly may never have to be maintained. However, in the event that a future change in harbor hydraulic patterns occurs due to some other actions not associated with the proposed anchorage changes, and shoaling does occur causing an increase in the amount of dredged material to be maintained, it is expected to be a small amount with minimal impact.

Moreover, this proposal is not a major rule as defined by Executive Order 12291 of February 17, 1981. This proposal, once enacted, will not affect the economy to any measurable degree, result in any increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or result in any adverse effects on competitions, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Likewise, it is hereby certified that this proposal will not, if promulgated, have any economic impact on a substantial number of small entities, as described in the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601, et seq.): This certification is made in accordance with Section 605 of Title 5 of the United States Code.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Parts 109 and 110 of Title 33, Code of Federal Regulations, as set forth below:

PART 109—GENERAL

1. By revising 33 CFR 109.07 to read as follows:

§ 109.07 Anchorages under Ports and Waterways Safety Act.

The provisions of section 4 (a) and (b) of the Ports and Waterways Safety Act as delegated to the Commandant of the U.S. Coast Guard in 49 CFR 1.46(n)(4) authorize the Commandant to specify times of movement within ports and harbors, restrict vessel operations in hazardous areas and under hazardous conditions, and direct the anchoring of vessels. The sections listed in § 110.1a of this Subchapter are regulated under the Ports and Waterways Safety Act.

PART 110—ANCHORAGE REGULATIONS

2. By revising 33 CFR 110.1a to read as follows:

§ 110.1a Anchorages under Ports and Waterways Safety Act.

(a) The anchorages listed in this section are regulated under the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.):

(1) Section 110.155 *Port of New York.*

(b) Any person who violates any regulation issued under the Ports and Waterways Safety Act—

(1) Is liable to a civil penalty, not to exceed $25,000 for each violation;

(2) If the violation is willful, is fined not more than $50,000 for each violation or imprisoned for not more than five years, or both

* * * * *

3. By revising 33 CFR 110.155(d) to read as follows:

§ 110.155 Port of New York.

* * * * * *

(d) *Upper Bay*—(1) *Anchorage No. 20–A.* That area enclosed by coordinates

starting at 40°42'02.5" N., 74°02'25.5" W.; to 40°42'06.5" N., 74°02'19.5" W.; to 40°42'05.0" N., 74°01'58.4" W.; to 40°41'54.5" N., 74°01'59.2" W.; thence to 40°41'53.0" N., 74°02'23.0" W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(2) *Anchorage No. 20–B.* That area enclosed by coordinates starting at 40°41'47.0" N., 74°02'31.5" W.; to 40°41'42.0" N., 74°02'02.0" W.; to 40°41'35.3" N., 74°02'04.2" W.; to 40°41'29.9" N., 74°02'07.8" W.; to 40°41'42.6" N., 74°02'32.7" W.; thence back to 40°41'47.0" N., 74°02'31.5" W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(3) *Anchorage No. 20–C.* That area enclosed by coordinates starting at 40°41'42.0" N., 74°02'43.0" W.; to 40°41'25.4" N., 74°02'10.7" W.; to 40°41'01.7" N., 74°02'26.2" W.; to 40°41'09.0" N., 74°02'41.5" W.; to 40°41'20.0" N., 74°02'59.2" W.; thence back to 40°41'42.0" N., 74°02'43.0" W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(4) *Anchorage No. 20–D.* That area enclosed by coordinates starting at 40°41'09.5" N., 74°02'49.5" W.; to 40°40'59.2" N., 74°02'27.9" W.; to 40°40'44.5" N., 74°02'37.5" W.; to 40°40'42.7" N., 74°03'07.6" W.; thence back to 40°41'09.5" N., 74°02'49.5" W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(5) *Anchorage No. 20–E.* That area enclosed by coordinates starting at 40°40'38.2" N., 74°02'59.6" W.; to 40°40'39.4" N., 74°02'40.9" W.; to 40°40'09.2" N., 74°03'00.7" W.; to 40°40'24.4" N., 74°03'24.6" W.; thence back to 40°40'38.2" N., 74°02'59.6" W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (1).

(6) No vessel may occupy this anchorage for a period of time in excess of 72 hours without the prior approval of the Captain of the Port.

(7) *Anchorage 20–F.* That area enclosed by coordinates starting at 40°40'12.1" N., 74°03'41.6" W.; to 40°39'53.7" N., 74°03'10.8" W.; 40°39'34.7" N., 74°03'23.3" W.; to 40°39'49.9" N., 74°03'57.8" W.; thence back to 40°40'12.1" N.; 74°03'41.6" W.

(i) See 33 CFR 110.155(d)(9), (d)(16), and (1).

(8) *Anchorage 20–G.* That area encolsed by coordinates starting at 40°39'30.1" N., 74°04'08.0" W.; to 40°39'32.0" N., 74°03'53.5" W.; to 40°39'27.5" N., 74°03'42.5" W.; to 40°39'13.0" N., 74°03'51.0" W.; to 40°39'09.5" N., 74°04'23.1" W.; thence back to 40°39'30.1" N., 74°04'08.0" W.

(i) See 33 CFR 110.115(d)(9), (d)(16), and (1).

(9) This anchorage is designated a naval anchorage. The Captain of the Port may permit commercial vessels to anchor temporarily in this anchorage, ordinarily not more than 24 hours, when the anchorage will not be needed for naval vessels. Upon notification of an anticipated naval arrival, any commercial vessel so anchored must relocate at its own expense.

(10) *Anchorage 21–A.* That area enclosed by coordinates starting at 40°40'22.5" N., 74°01'35.2" W.; to 40°40'20.5" N., 74°01'27.7" W.; to 40°39'48.9" N., 74°01'22.4" W.; to 40°38'54.7" N., 74°02'18.9" W.; to 40°39'03.0" N., 74°02'26.3" W.; thence back to 40°40'22.5" N., 74°01'35.2" W.

(i) See 33 CFR 110.155(d)(16) and (1).

(11) *Anchorage No. 21–B.* That area enclosed by coordinates starting at 40°40'23.8" N., 74°02'10.9" W.; to 40°40'26.2" N., 74°01'49.5" W.; to 40°40'22.5" N., 74°01'35.2" W.; to 40°39'03.0" N., 74°02'26.3" W.; to 40°38'54.7" N., 74°02'18.9" W.; to 40°38'43.7" N., 74°02'30.3" W.; to 40°39'19.3" N., 74°03'03.3" W.; to 40°39'22.3" N., 74°03'02.4" W.; to 40°40'18.6" N., 74°02'25.5" W.; thence back to 40°40'23.8" N., 74°02'10.9" W.

(i) See 33 CFR 110.115(d)(16) and (1).

(ii) No vessel with a draft of 10 feet (3.048 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(12) *Anchorage No. 21–C.* That area enclosed by coordinates starting at 40°39'19.3" N., 74°03'03.3" W.; to 40°38'43.7" N., 74°02'30.3" W.; to 40°38'41.6" N., 74°02'32.5" W.; to 40°38'03.0" N., 74°02'48.7" W.; to 40°38'03.0" N., 74°03'03.5" W.; to 40°38'38.4" N., 74°03'15.5" W.; thence back to 40°39'19.3" N., 74°03'03.3" W.

(i) See 33 CFR 110.155(d)(16) and (1).

(ii) No vessel with a draft of 33 feet (10.0584 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(13) *Anchorage No. 23–A.* That area enclosed by coordinates starting at 40°38'36.5" N., 74°04'13.5" W.; to 40°38'37.0" N., 74°03'49.0" W.; to 40°38'23.4" N., 74°03'37.2" W.; to 40°37'49.5" N., 74°03'25.7" W.; to 40°37'49.5" N., 74°04'07.0" W.; thence back to 40°38'36.5" N., 74°04'13.5" W.

(i) See 33 CFR 110.155(d)(16) and (1).

(ii) No vessel may occupy this anchorage for a period of time in excess of 48 hours without the prior approval of the Captain of the Port.

(iii) No vessel with a length overall in excess of 670 feet (204.216 meters) may occupy this anchorage without the prior approval of the Captain of the Port.

(iv) No vessel with a draft of 40 feet (12.192 meters) or more may ocupy this anchorage without the prior approval of the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows.

(14) *Anchorage No. 23–B.* That area enclosed by coordinates starting at 40°37'49.5" N., 74°04'07.0" W.; to 40°37'49.5" N., 74°03'25.7" W.; to 40°37'27.0" N., 74°03'18.1" W.; to 40°37'23.0" N., 74°03'59.0" W.; to 40°37'30.5" N., 74°04'04.4" W.; thence back to 40°37'49.5" N., 74°04'07.0" W.

(i) See 33 CFR 110.155(d)(13)(ii) and (iv), (d)(16), and (1).

(ii) No vessel with a length overall of 670 (204.216 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(15) *Anchorage No. 24.* That area enclosed by coordinates starting at 40°37'23.0" N., 74°03'59.0" W.; to 40°37'27.0" N., 74°03'18.1" W.; to 40°36'40.1" N., 74°03'02.2" W.; to 40°36'25.5" N., 74°02'56.4" W.; to 40°36'21.0" N., 74°03'11.0" W.; to 40°36'25.0" N., 74°03'17.5" W.; thence back to 40°37'23.0" N., 74°03'59.0" W.

(i) See 33 CFR 110.155(d)(13)(ii) and (iv), (d)(16), and (1).

(ii) No vessel with a length overall of less then 800 feet (243.84 meters), or with a draft of less then 40 feet (12.192 meters) may occupy this anchorage without the prior approval of the Captain of the Port.

(16) any vessel anchored in or intending to anchor in Federal Anchorage 20–A through 20–G, 21–A through 21–C, 23–A and 23–B, 24, or 25 must comply with the following requirements:

(i) No vessel may anchor unless it notifies the Captain of the Port when it anchors, of the vessel's mane, length, draft, and it position in the anchorage.

(ii) Each vessel anchored must notify the Captain of the Port when it weighs anchor.

(iii) No vessel may conduct lightering operations unless it notifies the Captain of the Port before it begins lightering operations.

(iv) Each vessel lightering must notify the Captain of the Port at the termination of lightering.

(v) No vesel may anchor unless it maintains a bridge watch, guards and answers Channel 16 FM, and maintains an accurate position plot.

(vi) If any vessel is so close to another that a collision is probable, each vessel must communicate with the other vessel and the Captain of the Port on Channel 16 FM, and shall act to eliminate the close proximity situation.

(vii) No vessel may anchor unless it maintains the capability to get underway within 30 minutes except with

the prior approval of the Captain of the Port.

(viii) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port.

(ix) Each vessel in a "dead ship" status must engage an adequate number of tugs alongside during tide changes. A tug alongside may assume the Channel 16 FM radio guard for the vessel after it notifies the Captain of the Port.

(x) No vessel may lighter in a "dead ship" status without prior approval from the Captain of the Port.

* * * * *

4. By revising 33 CFR 110.155(e) to read as follows:

* * * * *

(e) *Lower Bay.* (1) *Anchorage No. 25.* That area enclosed by coordinates starting at 40°35'58.2" N., 74°02'18.4" W.; to 40°36'12.0" N., 74°01'29.0" W.; to 40°36" 03.0 N., 74°00'52.5" W.; to 40°34'57.5" N., 74°00'25.0" W.; to 40°34'40.0" N., 74°01'03.0" W.; to 40°34'53.0" N., 74°01'56.1" W.; to 40°35'23.9" N., 74°02'04.8" W.; thence back to 40°35'58.2" N., 74°02'18.4" W.

(i) See 33 CFR 110.155(d)(16) and (1).

(ii) When the use of this anchorage is required by naval vessels, any commercial vessels anchored therein must move when directed by the Captain of the Port.

* * * * *

5. By amending 33 CFR 110.155 by renumbering paragraphs (l)(1) through (13) as (2) through (14) and adding a new paragraph (l) (1) as follows:

* * * * *

(l)(1) No vessel in excess of 800 feet (243.84 meters) in length overall or 40 feet (12.192 meters) in draft may anchor unless it notifies the Captain of the Port at least 48 hours prior to entering Ambrose Channel.

* * * * *

(33 U.S.C. 1221 et seq.; 33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46(n); 49 CFR 1.46(c)(1))

R. I. Price,

Vice Admiral, U. S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 81-26190 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD05-81-6R]

Elizabeth River, Norfolk, Va.; Anchorage Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: Upon the petition of the Commonwealth of Virginia, Virginia Port Authority, the Coast Guard is proposing to amend the anchorage regulations by amending the northern boundary of the anchorage ground, Anchorage K–2, located generally east of the Craney Island and Norfolk Harbor Reaches of the Elizabeth River and across the mouth of the Lafayette River. Additionally, certain other existing boundaries of this anchorage ground will be amended to conform to current channel and shoreline configurations. The basis for these boundary revisions are to (1) accommodate a set of mooring structures proposed for construction by the Virginia Port Authority (See Department of the Army, Norfolk District, Corps of Engineers, Joint Federal State Public Notice NAOOP–P 81–0178–01 for details of this project); and (2) realign the boundaries of Anchorage K–2 to eliminate areas where the anchorage ground extends into a channel or berthing area, or where it overlaps shore areas. This acton will shift the northern boundary of Anchorage K–2 a maximum of 800 yards south at one point. This proposal will enhance navigation safety by separating navigating vessels from those at anchor within the anchorage.

DATES: Comments must be received by October 23, 1981.

ADDRESSES: Comments should be addressed to Commander (mps), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705. Comments will be available for inspection at the Office of the Commander, Fifth Coast Guard District (mps), Room 412, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Captain E. E. Moran, Chief, Port Safety Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705, (804) 398–6389.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD05–81–6R) and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed envelope is enclosed.

The proposed amendment may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid in the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are Lieutenant Commander J. G. Kotecki, Project Manager, Port Safety Branch, Fifth Coast Guard District, and Lieutenant M. L. Goodwin of the office of the District Legal Officer, Fifth Coast Guard District.

Discussion of the Proposed Regulations

The anchorage ground which is proposed to be amended lies in the Elizabeth River, Norfolk, Virginia, along the eastern side of the Craney Island and Norfolk Harbor Reaches, and at the confluence of the Lafayette River. With the exception of the dredged berthing area proposed to be eliminated by this amendment, the maximum charted depth of water available in this anchorage ground is seventeen feet. The majority of water in this anchorage ground has depths of ten feet or less. Consequently, this anchorage ground is considered usable only by small, shallow draft vessels. Adoption of this proposal would result in a minor reduction in the overall size of Anchorage K–2. However, adoption will also result in (1) the elimination of a use conflict between anchored vessels and vessels attempting to maneuver or moor in the dredged berthing area near Norfolk International Terminals; (2) allowing the proposed mooring dolphins to be constructed outside the anchorage ground at its northwestern end; (3) elimination of channel and shore areas contained within the existing anchorage boundaries; and (4) enhancement of the safety of navigation in and around Anchorage K–2 through clarification of the intended use of those waters.

An environmental assessment is currently being undertaken. An initial determination, however, is that this minor boundary revision would result in no impact on the quality of the human environment. The economic impact of this proposed rule on small businesses, nonprofit organizations, and government entities is considered to be minimal because, if adopted, the proposed rule will result in only (1) small boundary revisions to Anchorage K–2 that will cause the elimination of existing use conflicts within its boundaries, and (2) a minor reduction in the overall size of the anchorage ground, by eliminating a portion of it generally unused by the public. Thus, the changes to this

anchorage ground are not matters on which there is substantial public interest or controversy, nor do they involve impacts on competition, business, state or local government, or the regulatons of other programs and agencies.

This proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this proposed regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analaysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, it is proposed to amend Part 110 of Title 33, Code of Federal Regulations, by revising § 110.168(c)(2) to read as follows:

§ 110.168 Hampton Roads, Va., and adjacent waters.

* * * * *

(c) *East of Norfolk Harbor channel—*

* * *

(2) *Anchorage K–2.* On the east side of Norfolk Harbor Reach and Craney Island Reach at the mouth of the Lafayette River, and within the boundaries described as follows: Starting at Tanner Point, latitude 36°54′13″ N., longitude 76°19′25″ W.; across the mouth of the Lafayette River to Boushs Bluff, latitude 36°54′14″ N., longitude 76°18′43″ W.; thence southerly along the shore to latitude 36°52′58.8″ N., longitude 76°19′24.6″ W.; thence to a point on the east side of the dredged area alongside Craney Island Reach at latitude 36°53′04.5″ N., longitude 76°19′58.5″ W.; thence northerly along the side of the dredged area to latitude 36°53′27″ N., longitude 76°20′02″ W.; thence northerly along the side of the dredged area to latitude 36°53′31″ N., longitude 76°20′06″ W.; thence northerly along the east side of Craney Island Reach and Norfolk Harbor Reach to latitude 36°54′46″ N., longitude 76°20′14.6″ W.; thence southeasterly to latitude 36°54′35″ N., longitude 76°19′46.7″ W.; thence south to latitude 36°54′25″ N., longitude 76°19′46.7″ W.; thence east to latitude 36°54′25″ N., longitude 76°19′34″ W.; thence along the shore to the point of beginning.

* * * * *

(Sec. 7, 38 Stat. 1053 (33 U.S.C. 471); sec. 6(g)(1)(B), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(B). 49 CFR 1.46(c)(2) and 1.45(b))

Dated: July 2, 1981.

John D. Costello,

Rear Admiral, U.S. Coast Guard, Commander. Fifth Coast Guard District.

[FR Doc. 81-26191 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1925-5]

Approval and Promulgation of Implementation Plans; Florida: Proposed Florida Plan Revision for Point Source Emission Testing

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA today proposes approval of all of the point source emission testing methods in the State Implementation Plan (SIP) revisions which the Florida Department of Environmental Regulation (FDER) has submitted on December 30, 1980, and May 29, 1981 This SIP revision is intended to replace the existing SIP regulations on testing which the FDER has not been allowed to enforce due to legal constraints. However, in this revision FDER did not submit testing regulations (methods) for all sources, thereby leaving numerous regulated sources without a test method. For all source categories for which FDER did not submit a test regulation, EPA will enforce the regulations using EPA test methods identified in 40 CFR Parts 60 and 61 until the State adopts and submits acceptable test methods. The public is invited to submit written comments on those proposed actions.

DATE: Comments must be received by October 8, 1981 to be considered.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the material submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Department of Environmental Regulation, Twin Tower Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32302

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.W., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Barry Gilbert at the EPA Region IV address above or call 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On December 30, 1980, and May 29, 1981, EPA received from the State of Florida an SIP revision that pertains to point source emission testing procedures used to enforce the emission regulations. The previous stationary source sampling procedures, which were adopted in 1971 by the predecessor of the Florida Environmental Regulation Commission and approved by EPA, were based on a wet impingement method and the ASTM in-stack method for particulate sampling and Western Precipitator (WP)–50 Bulletin (containing basic stack sampling procedures). EPA reference Methods 1–20 (Appendix A of 40 CFR Part 60) have been developed since 1971. Revisions to the Florida sampling manual were adopted in 1974 and 1975 prior to amendment of the Florida Administrative Procedures Act in 1974. These revisions reflected both extent EPA methods and the earlier Florida methods. These sampling procedures were never adopted as a rule under the revised Florida Administrative Procedures Act. As a result, they became void and unenforceable as of October 1, 1975. Present adoption of source sampling procedures by FDER responds to the need to resolve that issue as well as to remedy a deficiency in the SIP.

The regulations submitted December 30, 1980, and May 29, 1981, completely replace the State's previously adopted test method regulations. EPA proposes to approve all the regulations submitted. However, in this revision FDER did not submit testing regulations (methods) for all sources, but instead reserved sections, thereby leaving numerous regulated sources without a test method. Some of the source categories for which FDER did not submit test methods are as follows:

Particulate emissions from citrus plants controlled by a scrubber and subject to the process weight table (17–2.05(2)).

TRS emissions from recovery furnaces at kraft pulp mills (17–2.05(6)D).

Sulfur dioxide emissions from fossil fuel system steam sources (17–2.05(6)E).

Emissions from portland cement plants (17–2.05(6)F).

Particulate and visible emissions from carbonaceous fuel burning equipment (17–2.05(6)I).

EPA will enforce the above regulations using EPA test methods identified in 40 CFR Parts 60 and 61 until the State has adopted and submitted approvable test methods for these source categories. The public is invited to submit written comments on these proposed actions.

Discussion

The December 30, 1980, submission contained SIP revisions relating to FDER rule Sections 17–2.02 (Definitions), 17–2.08 (Sampling and Testing), 17–2.23 (Stationary Point Source Emissions Test Procedures) and 17–2.24 (Severability). The May 29, 1981, submittal modified and replaced the entire FDER rule Sections 17–2.23 (Stationary Point Source Emissions Test Procedures) and 17–2.24 (severability. EPA is proposing to approve FDER rule Sections 17–2.23 (Stationary Point Source Emissions Test Procedures) and 17–2.24 (Severability) as submitted May 29, 1981; and FDER rule Sections 17–2.02 (Definitions: (15) Batch Process and (69) Isokinetic Sampling or Isokinetic Conditions), and 17–2.08 (Sampling and Testing) as submitted December 30, 1980.

Sections 17–2.23, Florida Administrative Code (FAC), as adopted by the Florida Environmental Regulation Commission, limits the procedures for source sampling to regulatory provisions required by law. Procedures of FDER adopted in Section 17–2.23, FAC, are brought to agreement with EPA Methods where EPA methods are applicable. The differences between FDER Methods and EPA Methods are minor except for Method 2.

In regulation 17–2.23(6) (a) and (b), FAC, the following EPA Reference Methods are adopted in their entirety: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13A and 13B, 14, 15, 17, 19, and 20. For sources required to use EPA Method 5, flexible tubing may be inserted between the heated filter and the first impinger. The allowable length of the tubing is not specified. In addition the following FDER methods have been adopted: 1, 2, 3, 5, 6, and 9. FDER Methods 1 through 3, and 6 are substantially identical to the EPA Methods of the same number but are designed to apply to existing sources.

In regulation 17–2.23(6)(a)2., FAC, FDER Method 2, Stack Gas, Velocity and Volumetric Flow Rate, the State has relaxed the cyclonic flow restrictions for applying Method 2 to existing sources by increasing the allowed deviation from parallel flow 10 degrees to 20 degrees. The FDER feels the lack of adopted procedures for cyclonic flow sampling, the small number of affected major sources and the exceptional expense for alternate sampling methods and facilities, justifies this exception. This procedure is unacceptable according to the procedure as stated in the Code of Federal Regulations and the EPA Quality Assurance Handbook for Air Pollution System, and supported in the R & D Report titled "Angular Flow Insensitive Pitot Tube Suitable for Use with Standard Stack Testing Equipment", EPA Report 600/4–79–042. Because the pollutant emission rate is based upon the average stack gas velocity and volumetric flow rate measurements, it is critical to obtain accurate velocity readings. So unless the true direction of the flow is known and the "S" pitot tube is aligned with the flow, it cannot accurately measure the flow. For this reason, the USEPA Method 2 limits the "S" pitot tube to conditions of angular flow less than 10° from the stack axis. Exception to the 10° maximum limit may be considered on a case-by-case determination in advance of the test when EPA's proposed method to adjust for cyclonic flow is incorporated into the test procedure. Otherwise there should be no deviation from this maximum allowable limit as stipulated in Method 2 and in the "Quality Assurance Handbook for Air Pollution Measurement Systems, Vol. III.

In a June 17, 1981, letter to EPA, FDER stated that it had adopted the following procedure:

1. Measure the angle of flow at each traverse point and record the maximum angle observed.
2. Select the proper nozzle by conventional determination.
3. If maximum angle is less than ten degrees, do nothing since the percent error is only 1.5 percent for a maximum angle of 10°.
4. If maximum angle is more than ten degrees, multiply the actual nozzle diameter by the cosine of the largest angle observed in order to calculate the effective apparent nozzle diameter.
5. Put the effective apparent nozzle diameter on the nomograph and on the data sheet to figure isokinetic flow.

EPA can therefore approve FDER Method 2 with this modifying procedure.

Sections 17–2.600 (5) and (6) and 17–2.650 (2)(c)1. allow the use of certified transmissometers in determining compliance with the visible emissions standard. This special condition does not preclude the use of a certified visible emission reader in determining compliance with the applicable visible emission standard.

Sections 17–02.23(1)(c) and 17–2.23(3) provide that the FDER Secretary can, at his discretion, approve alternative test procedures. Further, the document entitled "Comparative Appraisal of SIP Revision With Previous Source Sampling Procedures", which accompanies the SIP submittal, provides in paragraph 5.e. that "for EPA test methods which are adopted by reference, the Secretary of the Department or his designee may approve alternative procedures whenever the EPA Method authorizes the Administrator to make such a determination."

Any alternative procedures adopted by FDER will not be effective under the SIP unless and until they are submitted to and approved by EPA as SIP revisions. Therefore, EPA is neither approving or disapproving such statements within the regulations.

Action

EPA today proposes approval of all of the point source emission testing methods which the FDER has submitted to provide procedures for point source emission sampling. For all source categories for which FDER did not submit a test regulation, EPA will enforce the regulations using EPA test methods identified in 40 CFR Parts 60 and 61 until the State has adopted and submitted acceptable testing methods or regulations.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) that this proposed rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: July 31, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81–26194 Filed 9–4–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 52

[A-4-FRL 1844-8]

Approval and Promulgation of Implementation Plans; Florida: Revision of Sulfur Dioxide Rule for Tampa Electric Company's Gannon Station

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On December 3, 1980, the Florida Department of Environmental Regulation (DER) submitted a revision to its State implementation plan (SIP) as it applies to the Tampa Electric Company's (TECO) Gannon station. The SIP revision allows units 1–4 to convert back to burning coal while establishing a plantwide emission cap on the six units operating at the plant to prevent violations of the ambient air quality standards. EPA is today proposing to approve the submitted SIP revision.

DATE: To be considered, comments must be received on or before October 8, 1981.

ADDRESSES: Copies of the materials submitted by the Florida Department of Environmental Regulation (DER) may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library System Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Archie Lee, at the above address, 404/881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: On December 3, 1980 DER submitted to EPA a SIP revision for the TECO Gannon Station which allows Units 1–4 to revert from oil back to coal. Since the area is measuring ambient concentrations of sulfur dioxide close to the Florida Ambient Air Quality Standard (FAAQS) for sulfur dioxide (Note: The FAAQS is 260 $\mu g/M^3$, or approximately 71% of the National Ambient Air Quality Standard), no increase in actual emissions of sulfur dioxide was allowed as part of the conversion to coal. The requirements imposed on the plant include a cap of 10.6 tons per hour (TPH) on a weekly average bubbled across the six units at the plant which is equivalent to current status quo emissions and a maximum unit limit of 2.4 lbs sulfur dioxide (SO_2) per million BTU (MBTU) heat input on a weekly average.

As the units were capable of burning coal prior to August 17, 1971, these units are not subject to the prevention of significant deterioration (PSD) requirements nor are the units subject to the new source performance standard (NSPS) requirements.

In the control strategy demonstration submitted with the plan revision, compliance with the 24-hour ambient proved to be the most restrictive case. The modeling analysis performed indicated that the Florida 24-hour ambient SO_2 standard of 260 $\mu g/m^3$ could be exceeded at plant operating rates of 10,500 MBtu/hour or greater with all units operating at the rate of 2.4 lbs/MBtu. Therefore, a compliance plan will be incorporated into the operating permit of each unit at the plant which will include pre-daily fuel analysis and load shifting when peak loads are projected to exceed 10,500 MBtu/hour. This load projection and fuel analysis are designed to prevent violations of the Florida 24-hour standard when threatened by high operating rates. The weekly average of 2.4 lbs/MBtu will prevail otherwise. To enforce the 2.4 lbs/MBtu limit, the operator will collect and store daily fuel samples. If the weekly average emission rate is in excess of 2.4 lbs/MBtu, the operator may be required to analyze the daily fuel samples to produce rolling 7-day average emission rates and, thus, determine the number of days of violation. Although Florida has adopted a plan revision to meet ambient standards more restrictive than the NAAQS, EPA's review only addressed the adequacy of meeting the NAAQS.

The State has submitted a control strategy which demonstrates that the proposed regulation, in its present form, will protect the 24-hour and 3-hour SO_2 NAAQS under worst case conditions. Given the margin of safety between the State 24-hour standard of 260 $\mu g/m^3$ which is the goal of this revision and the Federal standard of 365 $\mu g/m^3$, it is EPA's judgment that no violations of the short-term SO_2 NAAQS will occur. Therefore, EPA is proposing to approve the State's revision as submitted. The Agency is, however, soliciting comments on the approvability of the weekly averaging provision in the context of this revision.

DER did not include a testing procedure for coal analysis in the SIP revision, nor is there such a procedure in the State's test methods. Until DER submits a test procedure to accompany the adopted regulation, EPA will not be able to approve the submittal. After the test method and/or procedure for conducting the coal analysis is received, EPA will determine the approvability of such plan and then finalize the approval/disapproval action on the SIP revision. EPA is soliciting comments on this proposed action.

Proposed Action

The conversion of oil-fired units back to coal is consistent with our nation's plan to reduce our reliance upon oil for generating electricity. Since this plan revision does not jeopardize the maintenance of the NAAQS, EPA is today proposing to approve the TECO Gannon SIP emission limits and the State's use of coal analysis as a means of determining continual compliance. After reviewing all comments received and the supplemental material from DER, EPA will approve or disapprove the plan revision.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Anaylsis. This regulation is not major because it is not expected to have an annual effect on the economy of $100 million or more.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 110(a) of the Clean Air Act (42 U.S.C. 7410))

Dated: May 4, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81–26185 Filed 9–4–81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL-1910-8]

Commonwealth of Pennsylvania; Proposed Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On May 18, 1981, the Commonwealth of Pennsylvania

submitted a proposed revision to its State Implementation Plan (SIP) which provides for attainment of the Total Suspended Particulate (TSP) National Ambient Air Quality Standards (NAAQS) in the area around Neville Island (the North Boroughs area) in Allegheny County, and establishes an alternative emission reduction plan (bubble) at the Shenango, Inc., Coke and Iron Works (Shenango) facility on Neville Island. The revision was developed in accordance with EPA's Bubble Policy as published in the **Federal Register** on December 11, 1979 (44 FR 71789) and other applicable SIP requirements. The proposed plan allows the trade-off of cast-house fugitive particulate emissions for particulate emissions from roads and parking areas within the plant boundaries. Control of emissions from roads and parking areas will result in a net air quality benefit, while costing much less than traditional cast-house controls.

DATE: Comments must be submitted on or before October 8, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Media & Energy Branch, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan (3AH11)

Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, PA 15201, Attn: Mr. Ronald J. Chleboski

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120, Attn: Mr. James Hambright

Public Information Reference Unit, Room 2922, EPA Library, Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, DC 20460

All comments on the proposed revision should be directed to: Mr. Glenn Hanson, Chief, Pennsylvania Section (3AH11), Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA 19106, Attn: (AH027PA).

FOR FURTHER INFORMATION CONTACT:
Mr. David L. Arnold, Environmental Protection Agency, Region III, Air Media & Energy Branch, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA 19106, (215) 597–7936.

SUPPLEMENTARY INFORMATION:

Introduction

The proposed changes to the Pennsylvania SIP were submitted by Secretary Clifford L. Jones, on May 18, 1981. A public hearing on this revision was held on March 24, 1981, and the amendments were approved by the Allegheny County Commissioners on April 30, 1981.

The North Boroughs area of Allegheny County is currently designated as a primary and secondary nonattainment area for Total Suspended Particulates under Section 107 of the Clean Air Act. In nonattainment areas, the Act requires states to develop plans which demonstrate attainment of the TSP NAAQS as expeditiously as practicable, but not later than December 31, 1982.

On April 4, 1979, (44 FR 20372) EPA published a proposed rule entitled "General Preamble for proposed Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas," and published the following supplements on July 2, 1979, 44 FR 38583; August 28, 1979, 44 FR 50371; September 17, 1979, 44 FR 53761; and November 23, 1979, 44 FR 67182. The general preamble supplements this proposal, by identifying the major considerations that will guide EPA's evaluation of the submittal.

This proposed revision to the Pennsylvania SIP provides for the attainment of the TSP NAAQS in the North Boroughs area, and establishes an alternative emission reduction plan at the Shenango facility on Neville Island. This revision will be incorporated into the Part D plan for Allegheny County which was proposed in the Fed. Reg. on June 10, 1981 (46 FR 30655). Today's notice presents a discussion of the attainment demonstration, and then a description of the alternative emission reduction plan (bubble) at the Shenango facility.

Demonstration of Attainment

The attainment demonstration submitted with this revision consists of diffusion modeling for the base year (1979), for the existing SIP-approved regulations in 1982, and for the alternative plan which is discussed later in this notice. The model used was the EPA-approved Industrial Source Complex (ISC) model. Existing data on ambient levels of TSP were available from three monitors operated by the Allegheny County Bureau of Air Pollution Control (BAPC). These monitors indicate ambient TSP levels exceeding the primary NAAQS of 1975 $\mu g/m^3$ (annual geometric mean). Four additional monitors were installed and operated in areas of expected high concentrations which were predicted by a preliminary run of the ISC model. This data base was used in order to test attainment strategies through further modeling. This modeling predicted ambient TSP levels exceeding the annual standard in 1979 (the validation run) over a portion of the North Boroughs area. A small nonattainment area was predicted in the area surrounding the Stowe monitor (on the southeastern side of the river below Neville Island) for 1982. However, no exceedances of the annual standard were predicted for 1982 under the alternative plan, as discussed later in this notice.

The demonstration of attainment for the primary 24-hour TSP standard consisted of a statistical analysis techique (Larsen's transformation) which indicated that if the annual TSP standard was met, the 24-hour ambient TSP levels would also be below the standard.

Attainment of the secondary standard (150 $\mu g/m^3$ for a 24-hour average) was demonstrated by an analysis of ambient air quality and emission trend data. The results of this analysis indicate that reductions beyond those necessary to attain the secondary standard can be achieved.

EPA has reviewed the information submitted by the Commonwealth as a basis for this SIP revision. Based on this review, EPA is today proposing to approve this attainment demonstration as a part of the Pennsylvania SIP.

Alternative Emission Reduction Plan

The alternative emission reduction plan (bubble) submitted by the Commonwealth involves the Coke and Iron Works of Shenango, Incorporated, located on Neville Island in the North Boroughs area. This bubble would allow the control of in-plant fugitive emissions from road surfaces in lieu of controlling fugitive blast furnace cast-house emissions as required by Sections 401 and 402, Chapter IV, Article XX of the Allegheny County Health Department regulations. These regulations were porposed for approval as reasonably available control technology on June 10, 1981 (46 FR 30655). This plan was developed in accordance with EPA's Bubble Policy published on December 11, 1979, 44 FR 71789 and a federal court decree allowing for such a plan. Controls provided by this plan have been implemented and compliance data is being reported. The alternative plan will result in a net air quality benefit in addition to significant cost savings to Shenango, Incorporated.

The regulations implementing this bubble are contained in Section 902, Chapter IX, Article XX of the Allegheny County Health Department. This section applies only to fugitive emissions from Shenango's blast furnance "B", or to blast furnace "A" when "B" is shut down for routne maintenance, and relieves the source from compliance with Section 401 with respect to fugitive emissions when in compliance with this section.

The alternative emission reduction plan requires Shenango to properly maintain and repair all paved roads and parking lots; to vacuum sweep all roads once a day and parking lots once a week weather permitting; and to apply a chemical dust suppressant once a month to all unpaved roads and once every three months to all berms and parking areas at an application rate sufficient to achieve optimum dust suppression. In addition, in-plant traffic will be limited to a speed of 5 miles per hour, or 15 miles per hour on the access road.

In order to ensure compliance with the above procedures, sampling and recordkeeping requirements have been established. For a period of one year, surface aggregate samples must be collected from varying locations, and at varying times, from paved roads and parking lots, unpaved roads, and unpaved berms and parking areas. This sampling will occur at least once a week on unpaved roads and once a month on the other areas. Methods of analysis are specified in the regulation, and records must be kept on the locations, times, and most recent sweeping or dust suppressant application for each sample location. Plant traffic must be monitored at varying locations until January 1, 1983, at which time this requirement may be reduced by the BAPC depending on improvements in TSP air quality. In addition, records must be kept on the operation of the vacuum sweeper and on the purchase and application of the chemical dust suppressant.

Ambient monitoring will be required for TSP in the vicinity of the plant in order to evaluate the effectiveness of this bubble plan. Quarterly reports must be submitted to the BAPC which describe activities undertaken under this plan, and include minimum records as specified in the regulation on efforts to control non-traditional fugitive emissions. In the regulation it is stated that in the event of failure to comply with any of the requirements of this regulation, remedies under Section 305 of Article XX may be applied.

In order to demonstrate the effectiveness of the non-traditional controls in reducing ambient levels of TSP, a six-month site specific monitoring analysis was conducted. This analysis included monitoring before and after a portion of the non-traditional controls were implemented. The results indicated a 70 percent reduction of emissions was achieved by controlling of unpaved roads, while 80 percent control was achieved on the paved roads. County regulations controlling fugitive emissions from non-traditional sources are currently scheduled to become effective in 1982. These would require 35 percent control of these sources. The amount of controlled emissions above 35 percent is providing the net air quality benefit for this bubble. This reduction amounts to 297 tons per year from road and parking area controls. This reduction exceeds the TSP emission reductions that would occur from the installation of fugitive cast-house emission controls, 90 tons per year according to EPA estimates, providing for an overall reduction in TSP emissions of 207 tons per year.

EPA has reviewed this proposed bubble according to the Bubble Policy and SIP revision requirements, and is today proposing approval of this bubble.

The public is invited to submit, to the address stated above, comments on whether the proposed changes to the regulations should be approved as a revision to the Pennsylvania State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (Juanuary 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. 7401–642)

Dated: July 15, 1981.

Jack N. Schramm,

Regional Administrator.

[FR Doc. 81–26193 Filed 9–4–81; 8:45 am]

BILLING CODE 6560–38–M

[A–5–FRL–1922–8]

40 CFR Part 81

Designation of Areas for Air Quality Planning Purposes; Ohio; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to proposed rule.

SUMMARY: This notice corrects the proposed sulfur dioxide nonattainment area boundaries in Lake County, Ohio which were partially omitted from the text of the **Federal Register** dated July 27, 1981, (46 FR 38386). That notice proposed to revise the total suspended particulate and sulfur dioxide attainment status designation for Lake County.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft of the EPA Region V Air Programs Branch at (312) 886–6034.

SUPPLEMENTARY INFORMATION: The proposed total suspended particulate secondary nonattainment area includes Fairport Harbor and Grand River. The proposed sulfur dioxide primary nonattainment area in Lake County should read as follows: Primary Nonattainment: Cities of Eastlake, Timberlake, Lakeline, Willoughby (north of U.S. 20), and Mentor (north of U.S. 20, east of S.R. 306).

Attainment: Remainder of Lake County.

(Section 107(d) of the Clean Air Act, as amended)

Dated: August 17, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81–26196 Filed 9–4–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 81

[A–2–FRL 1925–3]

Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status Designations for New York State

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to propose Environmental Protection Agency approval of a request from New York State to revise the attainment status designations of the northwest portion of Staten Island, New York from "does not meet primary standards" to "better than national standards" for carbon monoxide. Such designations are required by section 107(d) of the Clean Air Act and may be revised from time to time at the request of the state. This request for redesignation was received from New York State on August 7, 1981.

DATE: Comments must be received on or before October 8, 1981.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Ph.D., Acting Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the State's request are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations from the states and promulgated them on March 3, 1978 (43 FR 8962). As authorized by the Clean Air Act, these designations have been revised from time to time at a state's request. Today's notice deals with such a request from New York State. On August 7, 1981, the New York State Department of Environmental Conservation (NYSDEC) requested that the northwest portion of Staten Island, defined by the Tri-State Regional Planning Commission (the Metropolitan Planning Organization for the New York City metropolitan area) as Traffic Analysis Zone 16, be redesignated from "does not meet primary standards" to "better than national standards" for carbon monoxide.

The State bases its carbon monoxide redesignation request on the results of a carbon monoxide "hot-spot" air quality modeling analysis. This analysis was conducted at six potential "hot-spot" intersections and six roadway segments identified jointly by the technical staff of EPA Region II and the NYSDEC as having the greatest potential to have ambient violations. The analysis utilized EPA's HIWAY 2 carbon monoxide air quality model in conjunction with conservative worst-case traffic data, meteorological conditions and existing ambient background concentrations. It was performed in a manner consistent with EPA's "Guidelines for Air Quality Maintenance Planning and Analysis, Volume 9 (revised): Evaluating Indirect Sources" (EPA–450/4–78–001, September, 1978).

The analysis indicated that in all but one location the eight-hour national ambient air quality standard for carbon monoxide is being attained throughout the study area. In all cases the one-hour standard is currently being attained.

The one exception relates to the predicted nonattainment of the eight-hour standard in an area within approximately 10 meters of the highway right-of-way immediately adjacent to the toll booth area at the Goethals Bridge. This area, however, is not readily accessible to the public and, for this reason, EPA has determined that this limited area represents an "unreasonable" ambient receptor location as defined in the previously referenced EPA document on evaluating indirect sources. Moreover, NYSDEC has submitted an analysis which indicates that based on the tailpipe emissions reductions from the Federal Motor Vehicle Emission Control Program and the implementation of New York's automobile emissions inspection and maintenance program, the carbon monoxide standard in the toll booth area will be attained during 1982 and thereafter.

Therefore, based on EPA's review of the technical material submitted by the State, EPA proposes to approve the State's request for redesignation to attainment.

EPA's proposed decision regarding approval of this proposed redesignation was based on its meeting the requirements of sections 107 and 301 of the Clean Air Act and applicable EPA guidelines.

Interested persons are invited to comment on any element of the subject proposal and on whether it meets Clean Air Act requirements. Comments received by October 8, 1981 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II Office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that attainment status redesignations under section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (40 FR 8790; January 27, 1981). The proposed action constitutes such an attainment status redesignation under section 107(d) within the terms of the January 27 certification. This proposed action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no requirements. Its purpose is to change the attainment status designations for certain areas from nonattainment to attainment.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sections 107 and 301 of the Clean Air Act, as amended (42 U.S.C. 7407, 7601))

Dated: August 24, 1981.

Richard T. Dewling,

Acting Regional Administrator, Environmental Protection Agency.

[FR Doc. 81–26197 Filed 9–4–81; 8:45 am]

BILLING CODE 6560–38–M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Part 101–11

Records Management; Updating Certain Firesafety Requirements

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend its regulations to update certain firesafety requirements; to change the report period for the Agency Record Center Annual Report (Interagency Report Number 1097–GSA–AN) from 60 to 30 calendar days following the close

of each fiscal year; and to clarify coverage of these regulations.

DATE: Comments must be received on or before November 9, 1981.

ADDRESS: Written comments should be sent to the General Services Administration (NC), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Mr. George N. Scaboo, Acting Assistant Archivist for Federal Records Centers (202–724–1614).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Accordingly, GSA proposes to amend 41 CFR Part 101–11 as follows:

PART 101–11—RECORDS MANAGEMENT

Subpart 101–11.4—Disposition of Federal Records

1. Section 101–11.412 is revised to read as follows:

§ 101–11.412–1 Authority.

Federal agencies are authorized to maintain and operate records centers for the storage, servicing and disposal of their own noncurrent records when such centers are approved by the Administrator (44 U.S.C. 3103). Centers operated by Federal agencies are referred to in this Part 101–11 as "agency records centers."

2. Section 101–11.412–2 is amended by revising paragraphs (a)(1), (b)(1), (b)(7), (b)(14), (b)(18), and by adding a new paragraph (c) to read as follows:

§ 101–11.412–2 Facility standards for agency records centers.

* * * * *

(a) *General.*

(1) The facility should be a single-story building, at or above grade-level, constructed with noncombustible materials.

* * * * *

(b) *Fire safety.*

(1) All walls separating records storage areas from each other and from other portions of the building shall be 4-hour fire resistant. The records area shall not exceed 40,000 square feet each. Two-hour-rated firewalls shall be provided between the records storage areas and other auxiliary spaces. Penetrations in the walls shall not reduce the specified fire-resistance ratings.

* * * * *

(7) Where light steel roof or floor supporting members (e.g., bar joists having top chords with angles 2 by 1½ inches or smaller, ¼-inch thick or smaller, and $^{13}/_{16}$-inch or smaller web diameters) are present, they shall be protected either by applying a 10 minute fire resistive coating to the top chords of the joists, or by retrofitting the sprinkler system with large drop sprinkler heads. Retrofitting may require modifications to the piping system to ensure that adequate water capacity and pressure are provided in the areas to be protected with these large drop sprinkler heads.

* * * * *

(14) The sprinkler system shall be equipped with a water-flow alarm connected to a continuously staffed fire department or central station, with responsibility for immediate response.

* * * * *

(18) Interior firehose stations equipped with a 1½-inch diameter hose shall be provided in the records storage areas, enabling any point in the records storage area to be reached by a 50-foot hose stream from a 100-foot hose lay. The fire hoses shall not be provided, however, unless training in the handling and use of small hose, protective gear, and breathing equipment has been given, and these protective items are available for brigade members.

* * * * *

(c) *Archives.*

(1) Archival materials, whether on paper, plastic, or other media, generally require a much higher level of protection than temporary records, such as environmentally controlled and filtered storage space, and other safety measures not included in this section on agency records centers.

(2) Firesafety criteria for archives shall be the same as that for records centers, except that fire detection shall be incorporated into the archival storage area in accordance with NFPA Standard 72E, and fire divisions in the archival storage areas may be reduced in size to reflect a management decision on the maximum amount of archives subject to damage or loss from fire.

3. Section 101–11.412–3 is amended by revising paragraphs (a)(1), (a)(2), and (d) to read as follows:

§ 101–11.412–3 Requests for authority to establish or relocate records centers.

(a) *Exclusions.* For purposes of this section, the term "agency records center" excludes:

(1) Staging areas containing less than 5,000 square feet of storage space each used by agencies for the temporary storage of materials before their transfer to a records center or other disposition provided no records are held in these staging areas more than 5 years. The facility standards in § 101–11.412–2 apply to these staging areas.

(2) Holding areas of less than 5,000 square feet each used solely for the storage of noncurrent records that are not suitable for transfer to a records center or archives for economic, high security, technical servicing, or other reasons. The facility standards in § 101–11.412–2 apply to these records areas.

* * * * *

(d) Annual agency records center report. Each Federal agency operating one or more agency records centers shall submit to the General Services Administration (NC) a report on Standard Form 137, Agency Recores Center Annual Report (see § 101–11.4905), for each center within 30 calendar days after the close of each fiscal year. This standard form will be revised to show the new reporting period as 30 calendar days after the close of each fiscal year. Agencies may use existing supplies of SF 137's pending availability of the revised form.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 14, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81–26009 Filed 9–4–81; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 81–499]

Equal Access to Justice Act Rules; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the FCC number assigned to the Notice of Proposed Rule Making in Gen. Docket 81–499 concerning Equal Access to Justice Act Rules. Due to a typographical error, the FCC number was mentioned as being *81–336*. The correct number is *FCC 81–386*.

FOR FURTHER INFORMATION CONTACT:
Sue Preskill, Office of General Counsel, (202) 632-6990.

SUPPLEMENTARY INFORMATION:

Released: August 25, 1981.

On August 4, 1981, the Commission adopted a Notice of Proposed Rule Making in the above-captioned proceeding (46 FR 43068; August 26, 1981). Inadvertently, the FCC number assigned was stated as being *81-336*. The correct FCC number should read *81-386*.

William J. Tricarico,

Secretary.

[FR Doc. 81-26071 Filed 9-4-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 15

[Gen. Docket No. 81-461; RM-3797; FCC 81-319]

Request of General Electric Co. To Exempt Medical Diagnostic Equipment From the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice responds to petitions from the General Electric Company and the Health Industries Manufacturers Association to exempt from the measurement, recordkeeping and labeling computing device rules those medical devices marketed for use in hospitals.

DATE: Comments due October 5, 1981. Reply comments due October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT:
Mr. L. Art Wall, Office of Science and Technology, RF Devices Branch, Washington, D.C. 20554. (202) 653-8247. Room 8302.

SUPPLEMENTARY INFORMATION:

Adopted: July 16, 1981.

Released: August 28, 1981.

By the Commission: Commissioner Dawson abstaining from voting.

In the matter of Request of General Electric Company to Exempt Medical Diagnostic Equipment from Subpart J of Part 15 of the Rules of the Federal Communications Commission, GEN Docket 81-461, RM-3797.

1. Over the past several years the Commission has been concerned with the potential for interference to radio and television reception caused by equipment utilizing digital electronics technology (computing devises). In an effort to control both radiated and conducted emissions, the Commission initiated a Notice of Proposed Rulemaking in Docket 20780 looking towards establishing radio frequency emanation limits on computing equipment. On October 11, 1979, the Commission released rules establishing technical standards and equipment authorization procedures for computing equipment.[1] These rules were revised on reconsideration. The revised rules were released on April 9, 1980.[2]

2. These rules, which are in Subpart J of Part 15, establish two classes of computing equipment: Class B which is basically marketed for use in a residential environment; and, Class A marketed for use in a commercial environment. They specify limits for conducted and radiated interference as well as specify the equipment authorization procedure to be used to demonstrate compliance. Finally, the rules provide a labeling procedure to make the purchaser aware of compliance with our rules and the interference potential of the equipment.

3. On October 16, 1980, the Health Industry Manufacturers Association (HIMA) filed a petition asking the Commission to waive the requirements in § 15.805 for an interim label and an instruction manual insert for medical computing devices.[3] HIMA argued that the interim label, required between January 1, 1981, and October 1, 1981, on all non-complying Class A computing devices, would at a minimum, cause confusion among users and Food and Drug Administration (FDA) inspectors. Furthermore, HIMA stated the interim labeling requirement might actually require manufacturers to be in violation of FDA labeling requirements.[4] Comments filed in response to this petition were received from the General Electric Company (GE—a manufacturer of medical devices), the American Hospital Association (AHA), and the Food and Drug Administration (FDA).[5] The GE and AHA comments were generally supportive of the HIMA arguments, and, in fact, GE followed submission of their comments to the HIMA petition with a petition of their own requesting that medical diagnostic equipment be placed with the four other categories of equipment currently exempt from the emanation limits and measurement requirements of the Commission's computing device rules.[6] The GE petition is the subject of this Notice.

4. On December 4, 1980, the Commission responded to the HIMA petition by granting a waiver of the interim labeling requirement for medical computing devices pending the outcome of the instant proceeding.[7][8]

The GE Request for Exemption

5. The GE petition argues that the Commission had not thoroughly examined the need for, or the costs of, their regulations with respect to medical devices used in hospitals and clinics. Its arguments included: a rationale why radio frequency interference (RFI) caused by these devices is extremely unlikely; assertion of enormous economic burden on manufacturers of these devices; and a discussion of possible overlapping authority between two federal regulatory agencies.

6. GE's assertion that medical computing devices used in hospitals and clinics are unlikely to create RFI problems hinged on a number of specific assumptions:

(a) Because equipment reliability is critical in the health care field, electromagnetic compatibility/electromagnetic interference (EMC/EMI) considerations must be, and are, designed into medical devices;

(b) More than 95% of GE's medical devices are installed in hospitals and clinics;

(c) The operating environment for medical devices is such as to limit the probability of interference occurring, since most hospitals and clinics are located substantial distances from other spectrum users, and since most hospitals and clinics are constructed with steel reinforced concrete walls that further shield other spectrum users from emanations from medical devices;

(d) The operating power supplied to hospitals and clinics is usually at extremely high voltage, stepped down

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[1] First Report and Order in Docket 20780, adopted September 18, 1979, released October 11, 1979, 79 FCC 2d 28 (1979), 44 FR 59530, October 16, 1979.

[2] Order Granting in Part Reconsideration in Docket 20780, adopted March 27, 1980, released April 9, 1980, 79 FCC 2d 67 (1980), 45 FR 24154, April 9, 1980.

[3] This petition was put on public notice on October 23, 1980.

[4] The required interim label stated the equipment had not been tested to determine compliance with FCC specifications. In fact, equipment might have been tested and yet not in compliance.

[5] The GE comment was received on November 5, 1980; the AHA comment was received on November 7, 1980; and the FDA comment was received on November 24, 1980.

[6] GE's petition was considered a rulemaking. It was assigned number RM-3797 and placed on public notice November 25, 1980. Comments were received from Health Industry Manufacturers Association (HIMA—on December 29, 1980), Association of Maximum Service Telecasters, Inc. (AMST—January 5, 1981), and the National Electrical Manufacturers Association (NEMA—December 9, 1980).

[7] Order Waiving Section 15.805 for Medical Devices, adopted December 4, 1980, released December 11, 1980, 45 FR 83504, December 19, 1980.

through transformers that further act to isolate the power network from emanations from medical devices.

7. GE's assertion of economic impact on manufacturers of medical equipment used in hospitals and clinics is based on a number of specific problems that may be unique to this industry:

(a) Most individual models are manufactured in relatively low volume (GE says lots of 10's or 100's are not unusual), therefore, the number of individual measurements required for a particular firm may be very large, and consequently, very expensive;

(b) Because of FDA's strict prohibition against mislabeling, the number of units of a particular model, and the number of different configurations of a particular system that must be tested for compliance is probably much larger than for computing device manufacturers outside the medical device field;

(c) Many of the medical devices GE and others manufacture are extremely large, physically, and require high voltages and currents to operate. These physical and electrical restraints reduce the number of testing facilities that can perform compliance tests on these particular types of equipment—thereby increasing delay before a product can be marketed, hence increasing manufacturers' costs;[9]

(d) On site testing, as permitted by the computing device rules, is generally unfeasible because of the high ambient noise conditions present at most hospitals and clinics, and because of the unique structural materials used in some areas where these devices might be routinely operated (e.g., lead lined x-ray rooms);

(e) Many manufacturers in the medical diagnostic industry assumed that their equipment was exempt from the computing device rules since one of the categories specifically relieved of the requirements was "medical test equipment," and, they, therefore, had not begun to make the necessary tests and modifications until very recently.[10] This will cause more delays and add to increased costs.

8. GE's final argument concerns the possibility of two federal regulatory agencies (specifically, the FCC and the FDA) having overlapping authority in a particular area, and the resulting confusion among that segment of the public coming under both sets of regulations. GE urges the Commission to coordinate any contemplated regulatory activities with the FDA to insure this does not occur. In particular, the FDA has been moving in the area of promulgating EMC/EMI standards that are somewhat different than the FCC's.[11] If, and when, FDA establishes regulatory standards in this area, the medical equipment industry might be required to meet two somewhat conflicting regulatory requirements, GE asserts.

[9] GE estimated that the cost for testing 100 units would be approximately $1 million.

[10] Section 15.801(c)(3). In this rule section, the phrase "medical test equipment" is meant to exempt equipment used to test and repair medical devices. This rule section is not intended to exempt medical computing equipment.

Comments From HIMA and NEMA

9. The comments from HIMA and NEMA generally supported GE's contentions that the Commission's regulations with respect to medical devices were unnecessary, extremely costly, and could be in conflict with upcoming or existing FDA regulations. In addition, HIMA advanced two areas the Commission should consider in this proceeding. First, HIMA recognized that some particular medical devices may offer a much higher potential for interference to radio and television reception than the group as a whole, and they urged the Commission to study the entire area to determine what these products are, and to establish an appropriate set of regulations to deal with these products. Second, HIMA states that if the current proceeding results in regulations requiring medical device manufacturers to verify compliance of their products, the existing compliance timetable is impossible to meet—both the date of October 1, 1981 for newly manufactured products, and October 1, 1983, for all products. The October 1, 1981, date presents problems because of both the uncertainty presented by this proceeding and the (now) known time lag of developing a product and scheduling it for tests. The 1983 date presents problems because of the long life of medical device designs. For example, a product designed before the promulgation of the computing device rules may still be in manufacture after the 1983 compliance date.

AMST Comment

10. The one comment that was not entirely supportive of the GE petition was received from the Association for Maximum Service Telecasters, Inc. (AMST), an organization of approximately 250 television broadcast licensees. While not denying that the GE petition had merit, AMST argued that the Commission should ascertain that no interference to television reception was occurring before granting GE's requested exemption. AMST suggested one way of the Commission being sure of this fact was to obtain evidence similar to that received earlier in this proceeding, where specific emission measurement results were submitted.[12]

[11] FDA Electromagnetic Compatibility Standard for Medical Devices, MDS–201–0004 (1979).

Discussion

11. We are persuaded that some of GE's arguments appear to have merit. Further, we recognize some confusion may have existed from the ambiguity of the language in the Reconsideration Order that exempted test equipment (i.e., equipment used to test medical equipment) from the computing rules, and this was a major part of our rationale in our issuance of an interim waiver for medical computing devices. In spite of these concerns, we continue to believe positive action by the FCC is required to control interference to radio and television reception from all sources including medical computing devices.

12. We are particularly sensitive to the possibility of overlapping regulations between ourselves and the Food and Drug Administration. Informal discussions between FCC and FDA staff, however, indicate that FDA is not considering the promulgation of any mandatory, across the board, EMC/EMI standard. The FDA standard is currently voluntary, and although the FDA does provide a mechanism for conforming with the standard, application of the mechanism can result in many parts of the standard not being met. We do not believe this existing regulatory structure provides adequate protection to existing spectrum users, and we cannot, therefore, defer to the FDA in this area. Although the prospects are currently unlikely, we do recognize that in the future the FDA may promulgate these or other EMI standards into regulation. At that time, we will move to revise our requirements.

13. We feel government-mandated EMI standards designed to prevent *all* interference are not cost-effective since in many instances, the interference is "intra-user" in nature (e.g., interference from a person's computer to their television receiver). Therefore, our existing interference emanation standards were established to protect communications from interference generated by computing devices that were physically close to, but not under the control of, the communications user. This general philosophy resulted in the establishment of the two tier standard currently in our rules. This Standard

[12] "Limits and Methods of Measurement of Electronic Data Processing and Office Equipment." CBEMA/ESC 5/77/29 (1977).

permits computing devices in a commerical environment (Class A), where the probability of inter-user interference is low, to emit more radio frequency radiation than computing equipment in a home or residential environment (Class B), where the probability of inter-user interference is high.[13] Since our files do not contain any reports of interference from medical devices to other-spectrum users, and since we are willing to initially accept GE's contention that the vast majority of medical devices are likely to be installed in hospitals—areas generally at substantial distance from other spectrum users—we propose to add a new category of equipment that is currently exempt from the requirements of our computing rules.[14] Specifically, we propose a new § 15.801(c)(5) which would include among those computing devices subject to § 15.803 but currently exempt from complying with other requirements of that subpart, medical computing devices marketed for use in hospitals.[15] (These and other proposed rules are included in Appendix A.) We are currently unsure how the term hospitals should be defined, and we hope to receive some guidance on this point in the public comment. Initially, we believe the term should include those facilities designed for more than 10 inpatients.

14. We propose to require the remainder of medical devices utilizing digital techniques (medical computing equipment marketed for use in areas outside of hospitals notwithstanding their use in hospitals) to meet the current emanation, verification, and labeling requirements depending on how they are marketed. For example, equipment marketed for residential use will be Class B verified equipment. The remainder will be Class A verified equipment.[16] We specifically request comments on whether doctors' offices should be considered residential environments.

15. In order to provide manufacturers of medical computing equipment which will remain subject to the verification requirements sufficient time to bring their products into compliance, we propose to modify the compliance timetable contained in § 15.814(a). Specifically, we propose to require equipment first manufactured 10 months after the new rules are finalized to be in compliance. In addition, we propose to require that existing equipment meet the labeling requirement of § 15.805 by that date. The October 1, 1983, date (by which all equipment must be in compliance) will be extended a similar period of time.

16. Although we have granted a waiver of the interim labeling rules, once this proceeding is completed at least some equipment may be required to be labeled. While it is conceivable the current interim labeling requirements can present a problem for medical computing device manufacturers, we do not believe the best solution is to eliminate the requirement.[17] The current interim labeling language was drafted so as to both alert users of computing equipment that did not meet the technical standards to the possibility of interference, and provide manufacturers of this equipment with an incentive to have their equipment meet the standards before the date required by the regulations in order to utilize a label with less harsh language. In order to keep this incentive structure, and at the same time relieve all manufacturers (not just medical device manufacturers) of any mislabeling charges, we suggest that optional labeling language be provided in the rules that can be used in lieu of that contained in § 15.805(a)(1). Specifically, the following language is proposed:

> This equipment does not meet current emanation requirements contained in new FCC Rules (47 CFR Part 15) designed to limit interference to radio and TV reception. While these regulations permit the sale of this equipment, its operation in a residential area may cause unacceptable interference requiring the operator to take whatever steps are necessary to correct the interference.

17. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, the Commission issues the following initial regulatory flexibility analysis:

I. *Reason for action.*

It appears computing devices installed or located in hospitals may pose significantly lower probability of interference than other categories of computing devices. If this is true, the proposed action will relieve manufacturers of this equipment of an apparent undue economic burden.

II. *The objective.*

The Commission is proposing to exempt computing devices located in hospitals from complying with the specific emanation limits and labeling requirements being imposed on most other computing devices.

III. *Legal basis.*

The legal basis for the FCC to promulgate regulations governing the RF interference potential of equipment is contained in 47 U.S.C. 302(a).

IV. *Entities affected; nature of economic impact; significant alternatives.*

The rules proposed in this Notice would relieve a regulatory burden on all manufacturers of medical computing devices marketed for hospitals. In the Commission's view, this would have an economically beneficial effect on these manufacturers. There will, however, be a relatively small number of different models of medical computing devices which will continue to be subject to these regulations. For manufacturers of these products the economic impact in complying will not change, as no new reporting, recordkeeping or other compliance requirements are being proposed.

We currently do not know exactly how many small businesses will be included among these firms manufacturing products remaining subject to FCC regulations. Even for these firms, however, the regulated products are likely to represent a relatively small fraction of their total product line.[18] Affected parties are invited to submit comments on these points.

At this time we cannot perceive any significant alternative compliance schemes for the products that will continue to be regulated which will minimize the interference generated by those products to acceptable levels. As mentioned in paragraph 12 above, however, we are sensitive to the future possibility of overlapping regulations in this area between the FCC and the FDA. Such an overlap does not now exist but if FDA adopts radio frequency emanation standards for medical

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[13] For a complete discussion of the rationale behind this two tier regulatory approach see, paragraphs 63-72 of footnote 1, infra.

[14] Existing rule section 15.801(c) provides an exemption from the computing device rules for four classes of equipment (those devices in vehicles; control or power systems in an industrial plant; test equipment; and appliances) pending resolution of Docket 20780 and related proceedings.

[15] Section 15.803 can require the operator of any computing device to cease operation upon a finding that such device is creating harmful interference and that it is in the public interest to stop operation until the interference problem has been corrected.

[16] We believe these requirements on equipment marketed for use outside of a hospital environment are less likely to cause the kinds of economic burdens on manufacturers GE referred to in their petition because such equipment is more likely to be mass produced and less likely to present physical and electrical testing problems.

[17] In response to the HIMA petition, the FDA's Bureau of Medical Devices (BMD) stated the FDA does not anticipate enforcing their misbranding rules, and would consider issuing a notice to their field inspectors to disregard the FCC-required label.

[18] GE suggested only 5% of their products were manufactured for use outside of hospitals and clinics.

devices, we will move to reconsider our regulations.

V. *Recording, recordkeeping and other compliance requirements;* None.

Procedural Matters

18. Pursuant to the procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before October 5, 1981, and reply comments on or before October 20, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

19. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commisson official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of Commission procedures governing *ex parte* presentations in informal rule making is available from the Consumer Assistance and Information Division, FCC, Washington, D.C. 20554.

20. As required by section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis (IFRA) of the expected impact of these proposed policies and rules on small entities. The IRFA is set forth in paragraph 17. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the intitial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 et seq).

21. In accordance with the provisions of § 1.419 of the Commission's Rules, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All comments should be clearly marked General Docket No. 81–461, and will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. All written comments should be sent to: Secretary, Federal Communications Commission, Washington, D.C. 20554. For further information on this proceeding, contact Art Wall at (202) 653–8247. For general information on how to file comments, please contact the FCC Consumer Assistance and Information Division at (202) 632–7000.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

PART 15—RADIO FREQUENCY DEVICES

1. Section 15.801 is proposed to be amended by adding a new paragraph (c)(5) as follows:

§ 15.801 Scope of this subpart.

* * * * *

(c) Pending resolution of the proceeding in FCC Docket No. 20780 and related proceedings dealing with restricted radiation and computing devices, the following computing devices remain subject to § 15.803 but are exempt from complying with other requirements of this subpart. * * *

(5) Medical computing devices marketed for use in hospitals facilities designed for more than 10 inpatients.

2. Section 15.805(a)(1) is proposed to be revised as follows:

§ 15.805 Interim labeling and information requirements for non-complying devices.

(a) A Class A or Class B computing device manufactured after January 1, 1981, which has not been verified by the manufacturer as complying with the specifications of this Subpart shall:

(1) Have permanently attached in a conspicuous location on the device for the user to observe a label with one of the following statements:

(i) "This equipment has not been tested to show compliance with new FCC Rules (47 CFR Part 15) designed to limit interference to radio and TV reception. Operation of this equipment in a residential area is likely to cause unacceptable interference to radio communication requiring the operator to take whatever steps are necessary to correct the interference."

(ii) "This equipment does not meet current emanation requirements contained in new FCC Rules (47 CFR Part 15) designed to limit interference to radio and TV reception. While these regulations permit the sale of this equipment, its operation in a residential area may cause unacceptable interference requiring the operator to take whatever steps are necessary to correct the interference."

[FR Doc. 81–28112 Filed 9–4–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 15

[Gen. Docket No. 81–462; RM–3738; RM–3789; FCC 81–320]

Amendment of the Commission's Rules To Reclassify Coin-Operated Electronic Games From Class B to Class A Computing Devices

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rulemaking responds to petitions for rulemaking filed by Atari Inc. and Williams Electronics, which seek to reclassify coin operated arcade games

as Class A (commercial) computing devices instead of the current Class B (residential), under Part 15 Subpart J. The computing device requirements, designed to prevent interference to TV and radio, are more stringent for Class B. This Notice proposes to place coin operated games in the Class A category, and relieves manufacturers of such devices from obtaining FCC equipment approval.

DATES: Comments due October 5, 1981.
Reply comments due October 20, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Sydney Bradfield, Office of Science and Technology, RF Devices Branch, Washington, DC 20554, (202) 653-8247, Room 8313.

SUPPLEMENTARY INFORMATION:

Adopted: July 16, 1981.

Released: August 27, 1981.

By the Commission: Commissioner Dawson abstaining from voting.

In the matter of amendment of part 15 subpart J to reclassify coin-operated electronic games from class B to class A computing devices. Gen. Docket 81-462, RM-3738, RM-3789.

1. This Notice of Proposed rulemaking (Notice) is issued in response to petitions for rulemaking submitted by Atari Inc. and Williams Electronics Inc. (Williams) asking for relief for coin-operated electronic games (hereafter coin-op games) under the computing device regulations.[1] [2] The coin-op game industry later requested that both petitions be consolidated for evaluation by the Commission.[3] The request for consolidation was granted in the public notices that announced the receipt of these petitions.

2. Comments in support of the Williams and Atari petitions were submitted by Atari, Bally Manufacturing Corporation (Bally), Stern Electronics (Stern) and Sega Enterprises Inc. (Sega), all of which are manufacturers of coin-op games. Other parties [4] who manufacture coin-op games sent in letters supporting the requests and claims made by Atari and Williams in the subject Petitions for Rulemaking. These letters were treated as comments in this proceeding and filed in the record. No comments opposing the petitions were received.

[1] RM-3738 filed by Williams Electronics Inc. on August 7, 1980. RM-3789 filed by Atari Inc. on October 24, 1980.

[2] 47 CFR Part 15 Subpart J.

[3] Petition for Consolidation filed October 29, 1980.

[4] Centuri, Inc. of Hialeah, Florida; Taito America Corporation of Elk Grove Village, Illinois; D. Gottlieb & Co.; Game Plan, Inc. of Addison, Illinois; and Cinematronics, Inc.

Background of This Proceeding

3. On September 18, 1979, the Commission adopted new rules (47 CFR Part 15 Subpart J) designed to control the interference potential to radio and television reception caused by digital electronic devices.[5] On reconsideration, a number of changes were made in these rules and the compliance date was deferred in an Order adopted March 27, 1980.[6] Under these rules electronic coin-op games are classified as Class B computers and are subject to certification.

4. Shortly after the adoption of these rules a number of petitions were received asking for changes in the regulatory status of electronic games. At about the same time, petitions were received asking that the compliance date be stayed while the Commission considered the petitions for reclassification of the coin-op games. This date was stayed from January 1, 1981 to October 1, 1981 in an Order adopted by the Commission on December 4, 1980.[7]

5. Williams requests that the Commission change the equipment authorization requirement for coin-op games from certification to verification.[8] Atari supports verification of coin-op games and goes further to propose that coin-op games should be placed in the more lenient Class A category of computing equipment. Presently, the rules for computing devices require that coin-op games meet the more stringent Class B emission limits and be certificated by the Commission. Class A computing equipment is defined as equipment marketed for use in a commercial or industrial environment, whereas, Class B computing devices are defined as computing devices marketed to the general public for use in a residential environment.[9] As discussed in the First Report and Order, the Commission required that coin-op games meet the Class B limits and be certificated because coin-op games are widely distributed and were found to be sources of interference to police radio communications.[10] The Commission stated in the same Order that equipments found to be sources of interference could be required to meet the Class B emission limits and be certificated regardless of classification.[11]

6. Atari and the majority of the commentors concede that the Commission has the authority to place in Class B any device which is widely used in a residential environmental or had created a large number of interference cases. However, the coin-op game industry alleges that there have been no documented cases of interference since 1977 involving coin-op games. According to the industry, technological advances in electronic games involving the use of microprocessor technology have significantly reduced emission levels thus eliminating the interference that had been reported in 1976. Stern contends that almost all manufacturers of coin-op electronic games presently market games using microprocessors.

7. Further, most of the coin-op game manufacturers state that older games are quickly replaced by new games to maintain customer interest. In support of its claims, Atari points out that, from their discussions and tests performed with the Oregon State Police and Nevada Highway Patrol, no interference problem exists today from coin-op games with the exception of older generation games using outmoded logic circuitry. According to the test results [12], no noticeable or significant interference to policy radio communications was generated at several arcade locations where coin-op games are used and where interference had previously occurred.[13] The coin-op game industry contends that, due to the current record of performance and technological improvements, the Commission's original position with regard to classification of coin-op games is no longer valid.

8. Atari, Stern, Bally, Sega and others make the point that the Commission was inconsistent in applying its regulatory philosophy to coin-op games. The coin-op game industry contends that coin-op games should be classified as Class A devices. Atari along with other manufacturers of coin-op games point

[5] *First Report and Order* in Docket 20780; 44 FR 59530 (October 16, 1979).

[6] *Order Granting in Part Reconsideration* in Docket 20780; 45 FR 24154 (April 9, 1980).

[7] Order staying the January 1, 1981 compliance date for coin-operated electronic games, adopted December 4, 1980 (FCC 80-706).

[8] Both certification and verification require the manufacturer to measure the emissions from the equipment. Under certification, this data is submitted to the Commission for review. Marketing is prohibited until the Commission has issued a Grant of Equipment Authorization. Under verification no submission to the Commission is required and the equipment may be marketed as soon as the manufacturer satisfies himself that the equipment complies.

[9] Definitions of a class A and B computing device are given by Section 15.4 (o) and (p).

[10] *First Report and Order* in Docket 20780 at paragraph 12.

[11] Ibid at paragraphs 31 and 72.

[12] Test reports appended to the Atari Petition (RM-3789) and its Comments in Support of the Petition.

[13] F.O.B. Case No. 77-W-570, Salem, OR and correspondence with Oregon and Nevada State Police from 1965 to 1977.

out that, like Class A computing devices, coin-op games are marketed for use in a commercial, industrial environment. In addition, Atari states that the circumstances of operation and components of the equipment are similar to Class A computers. Atari further states that regular and professional maintenance is performed on coin-op games. Sega affirms that the same sophisticated computer technology is used in coin-op games as in other Class A devices and that these coin-op games are not suitable for home use due to size and expense. Bally states that the Commission recognized the fact that some Class A computing devices could find their way into the home and instituted a labelling requirement to warn of the increased potential for interference if used in a residential environment.

9. Both Atari and Sega assert that the limits for Class B were designed to avoid interference to TV receivers located 10 meters away from the interfering computing device. Limits developed on this basis are not realistic when applied to coin-op games which are invariably operated in a commercial location.

10. Notwithstanding that there were instances of interference to policy communications in the past, most of the coin-op game manufacturers regard the Class A limits to be adequate to protest police radio communications. Much is made of the tests performed by Atari in conjunction with the Oregon and Nevada State Police. Atari measured the wall attenuation of a typical arcade building in which coin-op games are commonly located at 14dB.[14] It then set up a generator to radiate a signal at the limited permitted a Class A computer. This signal was reduced by 14dB on the assumption that the coin-op game would be inside a building and its external effect would be reduced by attenuation when passing throgh the walls of the building. The Class A signal when so reduced was found not to cause interference to policy communication receivers located at 30m from the interference source.

11. The manufacturers generally allege that heavy costs will be inflicted on industry and on the public who play these games, if compliance to the Class B standards and certification is required. Moreover, there is no counterbalancing benefit such as reduced interference potential. As discussed previously, the coin-op industry points out that Class A limits are sufficient to protect radio communications and that no recent cases of interference have been reported.

12. Williams and the other coin-op manufacturers contend that the certification requirements will delay the marketing of a new game and hurt the coin-op industry since the viability of the industry is dependent upon expedient introduction of new games to keep customer interest.

Discussion

13. The Commission stated in the First Report and Order in Docket 20780 that certain computing devices may require tighter control.[15] Specifically, the Commission retained authority to require any computing device to comply with the Class B standards regardless of its classification as a Class A computing device under the definitions in § 15.4. Such a requirement would be imposed, the Commission said, if the device was found to create a large number of interference cases or is widely used in the residential environment. In addition, the Commission required certification for those computing devices identified as having a high potential for interference. In the case of coin-op games, the Commission had received a number of complaints of harmful interference from the Oregon State Police and Nevada Highway Patrol. Since coin-op games were found to be the source of this interference, the Commission imposed the more stringent Class B requirement on coin-op games even though the coin-op games have other characteristics more closely related to Class A computers.

14. However, in view of the fact that newer generation games are not causing the same interference experienced between 1974 and 1977 allegedly due to use of advanced electronics such as microprocessors, the Commission is persuaded to relax the requirements on coin-op games. The Commission performed tests on a sampling of coin-op games and the results indicate that the current coin-op games can meet the Class A limits. Both the radiated and conducted emissions, with negligible exceptions, were found to be below the Class A limits.

15. Atari has assured the Commission that the Class A limits are sufficient to protect police radio communications. This assurance is based on the tests described in paragraphs 7 and 10 above and is supported by a statement from the Communications Officer of the Oregon State Police that he was satisfied after these tests that that Class A limits are adequate.[16]

16. Accordingly, we are proposing to reclassify coin-op games as Class A computers. The proposed rule changes are set out in the Appendix. If these rules are adopted, coin-op games would be subject to the verification procedure instead of the certification procedure. We further propose to continue to waive the certification requirement for coin-op games until a date 90 days after this proceeding has concluded and rule changes have become effective.

17. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.* the Commission issues the following initial regulatory flexibility analysis.

I. Reason for Action

It appears that current generation coin-op games have a reduced interference potential. This proposed action will relieve manufacturers of this equipment of an unnecessary economic burden.

II. The Objective

The Commission is proposing to reclassify coin-op games under the less stringent Class A regulations for computing devices.

III. Legal Basis

The legal basis for the FCC to promulgate regulations governing the RF interference potential of equipment is contained in 47 U.S.C. 302(a).

IV. Entities Affected; Nature of Economic Impact; Significant Alternatives

The rules proposed in this Notice would relieve a regulatory burden on all manufacturers of coin-op games. From all indications, coin-op games will not require re-design to meet the relaxed emission standards of Class A. Hence, the Commission expects that coin-op game manufacturers would have to expend very little time and money in complying with Class A standards as opposed to the more stringent Class B requirements. In addition, if the proposed rules are adopted, the less burdensome verification procedure of equipment authorization instead of certification would allow manufacturers to introduce new games more quickly resulting in a healthier industry. The Commission has attempted to make the verification program as flexible as possible to minimize the economic

[14] The Commission in establishing limits for computing devices has used a value of 8dB for wall attenuation.

[15] First Report and Order in Docket 20780, paragraphs 31 and 72.

[16] Memo to Lt. James Wiliams from C. Robert Suing, Sergeant, Dist. II Communications Officer of Oregon State Police, attachment to Atari Petition (RM–3789).

impact to firms in testing products to determine compliance with our regulations.

At this time we cannot perceive any significant alternative compliance schemes for this equipment. We feel that these proposed relaxed regulations are necessary as a minimum to protect radio communications.

V. Recording, Recordkeeping and Other Compliance Requirements; No New Requirements

Procedural Matters

18. *Who should file comments?* We urge the viewing public, television equipment manufacturers, broadcasters, and all other interested parties to participate in this proceeding. You may participate by sending information and opinions that are relevant to the questions raised in this Notice.

19. *How comments should be prepared.* Your comments must clearly show this docket number "General Docket No. 81-462," at the top of the first page. Please label your responses so that it will be clear whether you are addressing a specific proposed rule change or a more general issue. If your comments are general, and not related to a specific rule change, please state the issue being addressed.

20. *How many copies should be sent?* Section 1.419 of the Rules requires that you file the original and five copies of your comments. If you want each Commissioner to receive a personal copy of your comments, you should include 6 additional copies. The FCC will fully consider all comments, even if only the original is filed.

21. *Where to send comments.* Send your comments to: Secretary, Federal Communications Commission, Washington, D.C. 20554.

22. *How to see the comments of other parties.* All comments will be available for public inspection in the FCC Dockets Reference Room, Room 239, 1919 M Street NW., Washington, D.C. The FCC is open weekdays between 8:00 a.m. and 5:30 p.m. You can reply to comments submitted by another party by following the same procedure as you do for commenting.

23. *Deadline for filing Comments.* Comments must be received by October 5, 1981. You are encouraged to submit a one-page summary of your comments at the time you file. Reply comments are due by October 20, 1981.

24. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of Commission procedures governing *ex parte* presentations in informal rule making is available from the Consumer Assistance and Information Division, FCC, Washington, D.C. 20554.

25. As required by section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis of the expected impact of these proposed policies and rules on small entities. The initial analysis is set forth in paragraph 17. Written public comments are requested on the initial analysis. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601, et seq.).

26. This action is taken pursuant to the authority contained in sections 4(i), 302, 303 (f), (g), and (r) and 403 of the Communications Act as amended. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. The contact person for further information regarding this proceeding is Sydney Bradfield, (202) 653-8247.

27. Further, it is ORDERED that the stay of the compliance date for certification of coin-op games be extended to a date 90 days after the effective date of the rules in this proceeding.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 15—RADIO FREQUENCY DEVICES

Part 15 is proposed to be amended as follows:

1. Section 15.4(p) is amended by adding the parenthetical phrase "(excluding coin-operated electronic games)" after the words "electronic games". As amended, §15.4(p) reads as follows:

§ 15.4 General definitions.

* * * * *

(p) *Class B computing device.* A computing device that is marketed for use in a residential environment notwithstanding use in commercial, business and industrial environment. Examples of such devices include, but are not limited to, electronic games (excluding coin-operated electronic games), personal computers, calculators, and similar electronic devices that are marketed for use by the general public.

Note.—A manufacturer may also qualify a device intended to be marketed in a commercial, business or industrial environment as a Class B computing device, and in fact is encouraged to do so, provided the device complies with the technical specifications for a Class B computing device. In the event that a particular type of device has been found to repeatedly cause harmful interference to radio communications, the Commission may classify such a computing device as a Class B computing device, regardless of its intended use.

2. Section 15.834 is amended by revising subparagraph (a)(1) as follows:

§ 15.834 Class B computing device: compliance requirement.

(a) * * *

(1) Electronic games exclusive of coin-operated games and games that meet all the conditions in paragraph (d) of this section.

* * * * *

[FR Doc. 81-26217 Filed 9-4-81; 8:45 am]
BILLING CODE 6712-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 826

Equal Access to Justice Act; Implementation

AGENCY: National Transportation Safety Board.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to request comments on procedural regulations that are being proposed by the Board to implement the Equal Access to Justice Act (the Act). That Act provides for the award of attorney fees and other expenses to certain parties who prevail against the United States in certain adversary adjudications conducted by Federal agencies. The Safety Board has concluded that it conducts two types of proceeding that are encompassed by the Act. These are: (1) the review on appeal of the suspension or revocation of certain airman and other FAA certificates issued by the Federal Aviation Administration (FAA) (safety enforcement proceedings), and (2) the review on appeal of the decisions of the Commandant of the United States Coast Guard, on appeals from the orders of any Coast Guard, on appeals from the orders of any Coast Guard administration law judge revoking or suspending a license, certificate, document, or register. The procedural regulations that are proposed herein will provide for the hearing of fee award proceedings by Safety Board administrative law judges in FAA safety enforcement cases, with Board review, when appropriate, and for the review on appeal of any fee award decision of the Commandant, United States Coast Guard, in cases that have been appealed to and decided by the Safety Board. The initial hearing of fee award proceedings in United States Coast Guard (USCG) cases will be conducted by the USCG in accordance with procedural rules that will be promulgated by the Department of Transportation (DOT).

DATES: Comments must be received on or before September 25, 1981. Procedural rules to implement the Equal Access to Justice Act shall be effective on October 1, 1981.

ADDRESS: Comments should be directed to: Office of the General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

FOR FURTHER INFORMATION CONTACT: John Stuhldreher, General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594; telephone (202-382-6540).

SUPPLEMENTARY INFORMATION:

Comments Invited: Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. All communications received on or before September 25, 1981, the closing date for comments, will be considered by the Board in the issuance of its final rule. Comments should reflect the fact that the regulations that must be promulgated by October 1, 1981, the effective date of the Equal Access to Justice Act, and shall be a reflection of the requirements of that legislation. The Act mandates promulgation of a procedural regulation that will take effect on October 1, 1981; however, the Board will consider the feasibility of issuance of an interim rule if the comments received indicate that rulemaking on an interim basis is warranted. We also invite comments from the FAA and the USCG on the entire proposal, especially with respect to maximum allowable fees for expert witnesses and proposed § 826.40, the payment of fee awards.

Background: Congress enacted the Equal Access to Justice Act (Pub. L. 96-481, 94 Stat. 2325) to provide for the award of attorney fees and other expenses to certain parties who prevail against the United States in adversary adjudications conducted by Federal agencies (proceedings under section 554 of the Administrative Procedure Act, 5 U.S.C. 554, in which the position of the United States is represented by counsel or otherwise). The Safety Board has concluded that it conducts two types of proceedings: (1) the review on appeal of the suspension or revocation of certain airman and other FAA certificates listed under section 609(a) of the Federal Aviation Act of 1958 (U.S.C. 1429(a) (safety enforcement proceedings)), and (2) the review on appeal of the decisions of the Commandant, United States Coast Guard, on appeals from the orders of any USCG administrative law judge revoking or suspending a license, certificate, document, or register under Section 4450 of the Revised Statutes of the United States (46 U.S.C. 239), *inter alia*, an authority found in Section 304(a)(9) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903). The award of fees in USCG appeals will be conducted under rules that will promulgated by the DOT. If an individual who has sought and obtained Board review of a decision of the Commandant, United States Coast Guard, under Part 825 of the Board's Rules of Procedure for Merchant Marine Appeals (49 CFR Part 825), and who has received a Board decision favorable to his position, desires to pursue a possible award of fees, that individual may do so by submitting an application in accordance with the rules of procedure that will be promulgated by the DOT on or before October 1, 1981. In the event that issues still remain unresolved after pursuit of a fee award from the USCG itself, made pursuant to DOT rules of procedure, Board review of a fee award case will be available in accordance with the rules of procedure proposed herein.

On March 10, 1981, a notice of proposed rulemaking requesting comments on draft model rules to implement the Equal Access to Justice Act was issued by the Administrative Conference of the United States (46 FR 15895). Together with other agencies of Government, including the United States Department of Justice and Office of the Secretary, DOT, the Board's comment on the model rules expressed some reservations regarding its role in adjudicating fee awards that may involve the ordering by the Board of the disbursement of another Government agency's funds. The matter was given consideration by the Administrative Conference and is addressed in the preamble to the Model Rules in a section entitled, *Proceedings Involving Two Agencies* (46 FR 32900, June 25, 1981). The Administrative Conference acknowledged that dual-agency situations do exist but concluded that they are within the coverage of the Act, a conclusion that, the Conference believes, is supported by the language of the Act and its legislative history (citations appear in 46 FR 32900).

Although the Act itself has been a matter of public record since its enactment on October 21, 1980, this notice is the first notification to the public of the proceedings conducted by the Board that the Board has determined are covered by the Act. The Act includes within its coverage all "adversary adjudications" conducted under section 554 of the Administrative Procedure Act in which the position of the United States is represented by counsel or otherwise, "but excludes any adjudication for the purpose of establishing or fixing a rate or for the

purpose of granting or renewing a license" (5 U.S.C. 554). On the basis of its application of that statutory language, the Board has decided that appeals brought under section 602 of the Federal Aviation Act (49 U.S.C. 1422) are not covered by the Equal Access to Justice Act.

The regulations proposed herein will, when promulgated, establish uniform procedures for the award of fees in administrative proceedings under section 609 of the Federal Aviation Act, an action mandated by the Equal Access to Justice Act. (The matter of appeals from decisions of the Commandant, United States Coast Guard, is discussed below.) Those procedures will apply to certain persons, identified with specificity in the proposed rules, when such an identified person prevails in an appeal to the Board under section 609 and will require that the Board award fees and other expenses incurred in connection with that appeal, unless the Board's administrative law judge who heard and initially decided the appeal finds that the position of the FAA was substantially justified in bringing the enforcement action that was the subject of the appeal or that special circumstances make an award unjust. Any initial decision made in response to a request for the award of fees will be appealable to the full Board in order to ensure uniformity of application of the Equal Access to Justice Act to all safety enforcement proceedings in which a fee award is sought. When an award is administratively final, it will be recoverable by submission of the award to the FAA official who will be identified with specificity in the final rule. The general rules applicable to all petitions for review, appeals to the Board, and initial decisions, found in Subpart B of Part 821 are applicable to the proceedings proposed herein. Moreover, appeals to the full Board from initial fee award decisions of Board administrative law judges and appeals to the full Board from the final fee award decisions of the Commandant, United States Coast Guard, in any case already heard and decided by the full Board, shall be conducted in accordance with Subpart H of Part 821 of the Board's Rules of Procedure in Air Safety Proceedings (49 CFR 821.47–821.50) and Part 825, the Board's Rules of Procedure for Merchant Marine Appeals, respectively.

Regulatory Flexibility: Under the criteria of the Regulatory Flexibility Act, this proposed rule at promulgation will not impose any kind of regulatory burden on any entity. Paperwork Reduction: It is the Board's understanding that a copy of the Model Rules proposed by the Administrative Conference has been submitted to the Director of the Office of Management and Budget for his consideration and approval.

The Proposed Regulation: In consideration of the foregoing, the Safety Board proposes to add a new Part 826 to Chapter VIII, of title 49, Code of Federal Regulations, the regulations of the National Transportation Safety Board, to read as follows:

PART 826—RULES IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT OF 1980

Subpart A—General Provisions.

Sec.
826.1 Purpose of these rules.
826.2 When the Act applies.
826.3 Proceedings covered.
826.4 Eligibility of applicants.
826.5 Standards for awards.
826.6 Allowable fees and expenses.
826.7 Rulemaking on maximum rates for attorney fees.
826.8 Awards against other agencies—Federal Aviation Administration or United States Coast Guard.

Subpart B—Information Required From Applicants

826.21 Contents of application.
826.22 Net worth exhibit.
826.23 Documentation of fees and expenses.
826.24 When an application may be filed.

Subpart C—Procedures for Considering Applications

826.31 Filing and service of documents.
826.32 Answer to application.
826.33 Reply.
826.34 Comments by other parties.
826.35 Settlement.
826.36 Further proceedings.
826.37 Decision.
826.38 Board review.
826.39 Judicial review.
826.40 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96–481, 94 Stat. 2325 [5 U.S.C. 504 (c)(1)].

Subpart A—General Provisions

§ 826.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (the Act), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (adversary adjudications) before this Board. An eligible party may receive an award when it prevails over the Federal Aviation Administration (FAA) or the United States Coast Guard (USCG), unless the Government agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedigs that are covered. They also explain how to apply for awards, and the procedures and standards that this Board will use to make them. As used hereinafter, the term "agency" applies to the FAA or the USCG, as appropriate.

§ 826.2 When the Act applies.

The Act applies to any adversary adjudication identified in § 826.3 as covered under the Act that is pending before the Board at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final Board action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Board action occurs.

§ 826.3 Proceedings covered.

(a) The Act applies to certain adversary adjudications conducted by the Board. These are adjudications under 5 U.S.C. 554 in which the position of either the FAA or the USCG is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Proceedings to grant or renew certificates or documents, hereinafter referred to as "licenses," are excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." For the Board, two types of proceedings generally covered include: (1) Aviation enforcement cases appealed to the Board under Section 609 (49 U.S.C. 1429), and (2) appeals from decisions of the Commandant, United States Coast Guard, in cases involving either suspensions, modifications, or revocations that were appealed to and finally decided by the Board under Part 825 of the Board's Rules of Practice (49 CFR Part 825). In the event that an individual who has sought and obtained Board review of a decision of the Commandant, United States Coast Guard, under Part 825 of the Board's Rules, and who receives a Board decision favorable to his position, desires to pursue an award of fees, that individual may do so by submitting an application in accordance with the rules of procedure that will be promulgated by the DOT. After having exhausted the administrative remedies provided by the DOT, that individual may appeal to the Board in accordance with the Rules of Part 825. In that event, the administrative record upon which the final fee award decision, conducted in accordance with the DOT procedural

rules, was based shall be transmitted to the Board.

(b) The Board may also designate a proceeding not listed in paragraph (a) as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. This Board's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the procedure is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 826.4 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in subpart B.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation, or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the administrative law judge determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the administrative law judge may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 826.5 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the agency counsel, who may avoid an award by showing that the agency's position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 826.6 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents, and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75 per hour. No award to compensate an expert witness may exceed the highest rate at which the agency pays expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent, or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent, or expert witness, the administrative law judge shall consider the following:

(1) If the attorney, agent, or witness is in private practice, his or her customary fee for similar services, or if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent, or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project, or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 826.7 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Board may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. The Board will conduct any rulemaking proceedings for this propose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Board a petition for rulemaking to increase the maximum rate for attorney fees. The petition should identify the rate the petitioner believes the Board should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. The Board will respond to the petition within 60 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

§ 826.8 Awards against other agencies—Federal Aviation Administration or United States Coast Guard.

When an applicant is entitled to an award because it prevails over an agency of the United States that participates in a proceeding before the Board and takes a position that is not substantially justified, the award shall be made against that agency.

Subpart B—Information Required From Applicants

§ 826.21 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the agency in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)), or in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes this agency to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 826.22 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 826.4(f) of this part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The administrative law judge may require an applicant to file additional information to determine the eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the administrative law judge in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the administrative law judge finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Board's established procedures under the Freedom of Information Act as implemented by part 801 of the Board's rules.

§ 826.23 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The administrative law judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 826.24 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding, but in no case later than 30 days after the Board's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an unappealed initial decision by an administrative law judge becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of the Board's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

Subpart C—Procedures for Considering Applications

§ 826.31 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 806.22(b) for confidential financial information.

§ 826.32 Answer to application.

(a) Within 30 days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If agency counsel and the applicant believe that the issues in the

fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the administrative law judge upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 826.36.

§ 826.33 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 826.36.

§ 826.34 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the administrative law judge determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 826.35 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 826.36 Further proceedings.

(a) Ordinarily the determination of an award will be made on the basis of the written record; however, on request of either the applicant or agency counsel, or on his or her own initiative, the administrative law judge assigned to the matter may order further proceedings, such as an informal conference, oral argument, additional written submissions, or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application and shall be conducted as promptly as possible.

(b) A request that the administrative law judge order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 826.37 Decision.

The administrative law judge shall issue an initial decision on the application within 60 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

§ 826.38 Agency review.

Either the applicant or agency counsel may seek review of the initial decision on the fee application, or the agency may decide to review the decision on its own initiative, in accordance with Subpar H of Part 821 for FAA safety enforcement matters appealed under Section 609 of the Federal Aviation Act, or Part 825 for appeals from decisions of the Commandant, United States Coast Guard. If neither the applicant nor agency counsel seeks review and the Board does not take review on its own initiative, the initial decision on the application shall become a final decision of the Board 30 days after it is issued. Whether to review a decision is a matter within the discretion of the Board. If review is taken, the Board will issue a final decision on the application or remand the application to the administrative law judge who issued the initial fee award determination for further proceedings.

§ 826.39 Judicial review.

Judicial review of final Board decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 826.40 Payment of award.

An applicant seeking payment of an award shall submit to the comptroller or other disbursing official of the FAA or of the USCG, in the event that the Board is required to review a fee award decision issued by the Commandant, a copy of the Board's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. (Names and addresses of specific agency officials to be furnished by the FAA and USCG, or specified by the Board, will appear in the final rule.) The agency will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Signed in Washington, D.C. on September 2, 1981.

James B. King,

Chairman.

[FR Doc. 81-26162 Filed 9-4-81; 8:45 am]

BILLING CODE 4910-58-M

Notices

Federal Register
Vol. 46, No. 173
Tuesday, September 8, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Western Farmers Electric Cooperative, Inc.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare a supplemental environmental impact statement in connection with proposed supplementary financing assistance by REA for Western Farmers Electric Cooperative, Inc., (WFEC) of Anadarko, Oklahoma, for the completion of the Hugo Unit No. 1 coal-fired power plant (Project).

The environmental effects of the Project are discussed and evaluated in the Final Environmental Impact Statement (FEIS) issued in October 1978, the Borrower's Environmental Report (BER) dated May 1981, and the Environmental Assessment which was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the Project are adequately considered in the FEIS, WFEC's BER and the REA Environmental Assessment.

Based on the REA Environmental Assessment, and a review of the FEIS and WFEC's BER, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21–320–21.

Various alternatives were considered by REA. The alternatives include no action (resulting in termination of the project), alternative sources of power, and completion of the project now under construction. After considering these alternatives, REA determined that the proposed action of providing additional financing assistance to WFEC for completion of the Project is the best alternative.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and the BER may be reviewed in the office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382–1400 or at the office of Western Farmers Electric Cooperative, Inc., P.O. Box 429, Anadarko, Oklahoma 73005.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 31st day of August 1981.

Jack Van Mark,
Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–26118 Filed 9–4–81; 8:45 am]
BILLING CODE 3410–15–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended August 28, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Aug. 25, 1981	[illegible]	Transamerica Airlines, Inc., Box 2584 Airport Station, Oakland, California 94614. Application of Transamerica Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity for Route 194 authorizing it to engage in foreign air transportation of passengers, property and mail by adding the following segment: "Between a point or points in the United States, on the one hand, and a coterminal point or points in the Bahama Islands, Jamaica, Haiti, Dominican Republic, St. Maarten, St. Kitts, St. Lucia, Antigua, Guadeloupe, Martinique, Barbados, Grenada, Trinidad and Tobago, Curacao, Aruba, Belize, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, and the terminal point Baranquilla, Colombia." Conforming Applications, motions to modify scope, and Answers may be filed by September 22, 1981.
Do	[illegible]	Middle East Airlines, c/o G. Joseph Minetti, Dickstein, Shapiro & Morin, 2101 L Street, N.W., Washington, D.C. 20037. Application of Middle East Airlines pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests that it be issued a permit authorizing it to engage in foreign air transportation of persons, property and mail between any point in Lebanon and the point New York, New York, via the intermediate point Paris, France. MEA requests both scheduled and charter authority. Answers may be filed by September 22, 1981.
Aug. 26, 1981	[illegible]	Hispaniola Airways, C.porA., c/o Howard G. Feldman, O'Connor & Hannan, 1919 Pennsylvania Ave., N.W., Washington, D.C. 20006. Application of Hispaniola Airways, C.porA. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit authorizing the carriage of persons, property and mail between: Points in the Dominican Republic and the coterminal points New York, N.Y., San Juan, Puerto Rico and Miami, Florida. Answers may be filed by September 23, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81–26107 Filed 9–4–81; 8:45 am]
BILLING CODE 6320–01–M

[Docket Nos. 30494, etc.]

Susan and Stanley Fogel v. American Airlines, et al.; Assignment of Proceedings

In the matter of Susan and Stanley Fogel v. American Airlines, Inc., Docket 30494; Angelo L. Pera v. American Airlines, Inc., Docket 31620; Michael B. Hirsch v. American Airlines, Inc., Docket 31830; Ralph Bashan v. American Airlines, Inc., Docket 32016; Stephen P. Gall v. American Airlines, Inc., Docket 32057; Charles Victor Freed v. American Airlines, Inc., Docket 32071; Marilyn Protas Freed v. American Airlines, Inc., Docket 32072; and American Airlines, Inc., Compliance with Part 252, Dockets 35665, 39302, 39303.

The above-entitled proceedings have been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., September 1, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-26186 Filed 9-4-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Michigan Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 9:30 a.m. and will end at 5:00 p.m., on September 25, 1981, at the Federal Building and Courthouse, Room 649, 231 W. Lafayette Street, Detroit, Michigan 48226. The purpose of this meeting is to gather information on the project, Bigotry and Violence: State and Local Government Response to Organized Hate Group Activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miss Jo Ann W. Terry, 18922, Fairfield, Detroit, MI 48221, 313/342-9388 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, 312/353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 1, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-26126 Filed 9-4-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Population Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee on Population Statistics will convene on October 2, 1981, at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The Committee is composed of six members appointed by the Secretary of Commerce, and nine members designated by the President of the Population Association of America from the membership of that Association.

The agenda for the meeting, which is scheduled to adjourn at 4:15 p.m., is: (1) introductory remarks by the Director of the Bureau of the Census and his staff, including staff changes, legal issues, Census Bureau budget, and the status of the 1980 census; (2) 1980 census evaluation research; (3) 1980 census publication schedule; (4) 1980 public use microdata samples; (5) issues in preparing 1970-1980 population estimates; (6) Survey of Income and Program Participation (SIPP) content for 1982 surveys; (7) SIPP—definition of household in successive longitudinal surveys; (8) industry and occupation classification; and (9) Committee recommendations, agenda for the next meeting, and election of the chairperson-elect.

The meeting will be open to the public, and a brief period will be set aside for public comments and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Dr. Campbell Gibson, Room 2266, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone (301) 763-1400.

Dated: September 2, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-26114 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-07-M

Estimates of Cubans and Haitians Who Entered the United States Between April 1, 1980 and October 1, 1980; Correction

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice; correction.

SUMMARY: This notice corrects a table showing estimates of Cubans and Haitians who entered the United States between April 1, 1980 and October 1, 1980. The table was published June 24, 1981 (46 FR 32802).

FOR FURTHER INFORMATION CONTACT: Jennifer Marks (301) 763-5184.

The following line should be added after Pinellas County, Florida:

St. Petersburg—50.

Dated: September 2, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-26113 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Muhammed Ali Hijazi, et al.; Order Temporarily Denying Export Privileges

In the Matter of: Muhammed Ali Hijazi a.k.a. Ali M. Hijazi, President, United African Airlines, 185 September Street, Tripoli, Libya, and Haute Savoie, France, and Geneva, Switzerland; United African Airlines, 185 September Street, Tripoli, Libya, and Luxembourg, Grand Duchy of Luxembourg, and Malta Airport, Malta; and Greenline Aviation, 7 Rue Bertels, Luxembourg, Grand Duchy of Luxembourg.

The Department of Commerce, pursuant to the provisions of § 388.19 of the Export Administration Regulations, has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to the above-named respondents.

The Department states that the above-named respondents are being investigated by the Compliance Division of the Office of Export Administration. the investigation gives the Department reason to believe that the above-named respondents have engaged in a scheme to procure United States-origin aircraft for use in, for, or by Libya without

obtaining the requisite validated export licenses or reexport authorization and contrary to United States export control restrictions applicable to the export to Libya of U.S.-origin aircraft valued in excess of $3,000,000.

The investigation, which is continuing, gives the Department substantial reason to believe that the public interest is best protected by the issuance of an order immediately denying all export privileges to these respondents in order to prevent further export, reexport, and acquisition of U.S.-origin commodities by respondents. I concur that the order denying the parties all export privileges is necessary.

All persons who are now or may in the future be dealing with the above-named respondents in transactions which in any way involve U.S.-origin commodities or technical data are specifically alterted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby

Ordered

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignes, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indiretly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Export Administration Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3810, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substanttial evidence, and may also request an oral hearing thereon, which if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initited against the named respondents have been completed. A copy of this order shall be served upon the respondents.

Dated: September 1, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-26002 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From France; Preliminary Results of Adminstrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from France. The review is limited to the only known producer of the merchandise, Rhone-Poulenc Textile, and the only known exporter, Achille Bayart et Cie, for the time period March 1, 1980 through February 28, 1981. The producer and the exporter claimed they made no shipments of the merchandise during the period of review. The Department's records indicate there were shipments. The Department has preliminarily determined to assess dumping duties based on the dumping margin during the fair value investigation as best evidence. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4273).

SUPPLEMENTARY INFORMATION

Procedural Background

On February 23, 1981 the Department of Commerce ("the Department") published in the **Federal Register** the final results of its first administrative review of the above finding and announced its intent to conduct the next administrative review by the end of March 1982 (46 FR 13536-37). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review of the antidumping duty finding on viscose rayon staple fiber from France.

Scope of the Review

This review covers imports of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laiminated filaments and plexiform filaments). These fibers are currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The only known French exporter to the United States is Achille Bayart et Cie. The only known producer is Rhone-Poulenc Textile. The review covers the period March 1, 1980 through February 28, 1981. The producer, Rhone-Poulenc Textile, and the exporter, Achille Bayart et Cie, claimed they made no shipments of the merchandise during the period of review. The Department's records indicate shipments were made during the period of review.

Preliminary Results of the Review

As a result of our review, we preliminarily determine to assess dumping duties of 24%, based upon the dumping margin during the fair value investigation as best evidence, on the unreported shipments. The Department will issue appraisement instructions directly to the Customs Service.

As required by § 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 24%, based on the dumping margin during the fair value investigation, shall be required on all shipments of viscose rayon staple fiber from France entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results on or before October 8, 1981, and may request disclosure and/or a hearing on or before September 23, 1981. The Department will publish the final results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 1, 1981.

[FR Doc. 81-26003 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-25-M

Fireplace Mesh Panels From Taiwan; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether fireplace mesh panels from Taiwan are being sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission of this action, so that it may preliminarily determine whether these imports are materially injuring or threatening to materially injure a U.S. industry.

EFFECTIVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Steve Garment, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202-337-1756).

SUPPLEMENTARY INFORMATION:

Initiation of Investigation

On August 11, 1981, we received a petition from the International Management Service Associates, Inc. of Sinking Spring, Pennsylvania, on behalf of the U.S. fireplace mesh panels industry. The petition complies with the filing requirements of § 353.36 the Department of Commerce Regulations (19 CFR 353.36).

The petitioner alleges that fireplace mesh panels from Taiwan are being sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended ("the Act") and that such sales are materially injuring a U.S. industry.

The petitioner also alleges that sales of fireplace mesh panels are not made in the home market, but are sold to third countries. These third country sales allegedly are also being made at prices below the cost of production. We have determined that the methodology utilized by the petitioner is reasonable, and that we have a sufficient basis for initiating an inquiry into the cost of producing fireplace mesh panels in Taiwan. This inquiry will permit the determination of whether, in fact, third country sales are being made at prices less than the cost or production within the meaning of section 773(b) of the Act.

After conducting a summary review of the petition as section 732(c)(1) of the Act requires, we have found that the petitioner's allegations and supporting information warrant further investigation. Therefore, we are initiating an antidumping investigation to determine whether fireplace mesh panels are sold in the United States at less than fair value, and we are publishing this notice in accordance with 19 CFR 353.37(b). Unless we extend this investigation, we will make our preliminary determination by January 18, 1981.

Scope of Investigation

For purposes of this investigation, the fireplace mesh panels are defined as pre-cut, flexible mesh panels, both finished and unfinished, which are constructed of interlocking spirals of steel wire and are of a kind used in the manufacture of safety screening by U.S. manufacturers of fireplace accessories and wood-burning stoves. Fireplace mesh panels are currently believed classifiable under item numbers 642.8700 or 654.0045, of the Tariff Schedules of the United States Annotated, depending on their stage of processing.

ITC Notification and Preliminary Determination

Section 732(d) of the Act also requires us to notify the U.S. International Trade Commission (ITC) of this decision. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine by September 25, 1981, whether there is a reasonable indication that fireplace mesh panels from Taiwan are materially injuring or are likely to materially injure a U.S. industry.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-26127 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorize by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
a. Name: Drs. Jennifer Buchwald & Carl Shipley (P204B).
b. Address: Department of Physiology; Psychology, and Brain Research Institute; University of California, Los Angeles, California 90024.
2. Type of Permit: Scientific Research.
3. Name and Number of Animals: Northern elephant seals (*Mirounga angustirostris*)—60.
4. Type of Take: To mark with bleach, to be able to identify and record individuals in order to study their vocalizations.
5. Location of Activity: San Nicolas Island, California.
6. Period of Activity: 1 year.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administration for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Services, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 1, 1981.

R. B. Brunsted,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-26198 Filed 9-4-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF EDUCATION

Advisory Council on Developing Institutions; Meeting

AGENCY: Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Developing Institutions. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: September 24–25, 1981.

ADDRESS: September 24—Special Functions Room, ROB–3 Cafeteria September 25—Gold Room, ROB–3, Room 3652.

FOR FURTHER INFORMATION CONTACT: Dr. Paul H. Carnell, Executive Director, Advisory Council on Developing Institutions, Regional Office Building 3, (202) 245–2455, 7th and D Streets, SW., Washington, D.C. 20202.

SUPPLEMENTARY INFORMATION: The Advisory Council on Developing Institutions is established under Section 3030 of the Higher Education Act of 1965, as amended (20 U.S.C. 1051–1056), unless otherwise noted.

The Council is estalbished to—

Identify developing institutions through which the purposes of this title may be achieved; and establish the priorities and criteria to be used in making grants under Section 304(a).

Determine, for a Professor Emeritus Grant exceeding two academic years, the period of the additional award; and

Determine the stipend and dependency allowance for a Professor Emeritus Grant for each academic year of teaching or research.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

First Day—Thursday, September 24, 1981

9:00 am–9:15 am—Introductory Comments, Dr. Thomas P. Melady, Assistant Secretary for Postsecondary Education
9:15 am–12:00 pm—Analysis of the proposed rules for title III—Institutional Aid (Public Law 96–374, October 3, 1980)
12:00 pm–1:30 pm—Lunch
1:30 pm–4:00 pm—Continuation of analysis of proposed rules for Title III—Institutional Aid (Public Law 96–374, October 3, 1980)

Second Day—Friday, September 25, 1981

9:00 am–12:00 pm—Analysis of proposed technical amendments to Title III—Institutional Aid
12:00 pm–1:30 pm—Lunch
1:30 pm–4:00 pm—Discussion of content of Annual Report to Congress

Records are kept of all Council proceedings, and are available for public inspection at the Office of the Executive Director of the Advisory Council on Developing Institutions, Room 3068, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on September 2, 1981.

Thomas P. Melady,

Assistant Secretary for Postsecondary Education.

[FR Doc. 81-26128 Filed 9-4-81; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services; Handicapped Personnel Preparation Program; Closing Date for Transmittal of Applications for Fiscal Year 1982

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications for fiscal year 1982.

Applications are invited for *new projects* and *non-competing continuation projects* under the Handicapped Personnel Preparation Program.

Closing date for transmittal of applications: Applications for *new awards* must be mailed or hand delivered by November 6, 1981. To be assured of consideration for funding, applications for non-competing continuation awards should be mailed or hand delivered by December 1, 1981. If an application for a non-competing continuation award is received after that date, the Department of Education may lack sufficient time to review it with the non-competing continuation applications and may decline to accept it.

All applications submitted for competition (regardless of state or priority area addressed) will receive equal consideration. The former practice of funding according to State cycle has been eliminated. Under the fiscal year 1982 competitions, applicants may propose project activities for a maximum of up to thirty-six (36) months.

Applications delivered by mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Washington, D.C. 20202–3561. Attention: 84.–029.

An applicant for *new awards* must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

Applicants for new and non-competing continuation awards are encouraged to use registered or at least first class mail.

Each late applicant for *new awards* will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must by taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

Hand-delivered applications for *new awards* will not be accepted after 4:30 p.m. on the closing date.

Program information: Authority for this program is contained in Sections 631, 632, and 634 of Part D of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, and 1434).

This program issues awards to institutions of higher education, other appropriate nonprofit institutions or agencies, and State education agencies.

The purpose of the awards is to improve the quality and increase the supply of special educators and support personnel at both the preservice and inservice levels.

The range of training audiences and disciplines covered by this discretionary program is exceptionally diverse, including: special educators, speech, language and hearing professionals, early childhood specialists, administrators, teacher aides (paraprofessionals), physical educators, recreation specialists, health/medical personnel, physical therapists, occupational therapists, psychologists, vocational/career educators, regular educators, parents and volunteers. The support of training activities for this broad spectrum of educators and support personnel is consistent with the methods of service delivery provided for the education of our Nation's handicapped children and youth.

Available funds: The total amount of funds awarded under this grant program for fiscal year 1981 was $43.5 million, $32.2 million for non-competing continuation applications and $11.3 million for new applications. At this time the fiscal year 1982 appropriation is undetermined. An estimated 850 grants (both non-competing continuation and new) will be awarded with an average grant totaling $52,000. These figures are only estimates and do not bind the Department of Education.

Application forms: Application forms and program information packages are available and may be obtained by writing to the Division of Personnel Preparation, Office of Special Education, Department of Education, Room 4805, Donohoe Bldg., 400 Maryland Ave., S.W., Washington, D.C. 20202–4714.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that the narrative portion of the application not exceed 75 pages in length. The Secretary further urges that only the information required by the application form be submitted.

Applicable regulations: The following regulations apply under this program:

(a) Regulations governing Training Personnel in the Education of the Handicapped (34 CFR Part 318). Amendments to Part 318 were published in the **Federal Register:**

(1) On April 19, 1977, (42 FR 20298–20300);

(2) On April 3, 1980 (45 FR 22532); and

(3) On January 19, 1981 (46 FR 5372–5392). (The Department is currently reviewing the selection criteria for the Handicapped Personnel Preparation Program that were published in final on January 19, 1981. If the Department proposes substantial changes in the selection criteria for Fiscal Year 1982 awards, the closing date for applications will be extended.)

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77), which were published in the **Federal Register** on April 3, 1980 (45 FR 22493–22631) and amended on December 22, 1980 (45 FR 84058–60) and January 14, 1981 (45 FR 3205–06).

FOR FURTHER INFORMATION: For further information contact Dr. Herman Saettler, Acting Director, Division of Personnel Preparation, Office of Special Education, Department of Education, Room 4805, Donohoe Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202–4714. Telephone (202) 245–0886.

(20 U.S.C. 1431, 1432, 1434)

(Catalog of Federal Domestic Assistance No. 84.029, Handicapped Personnel Preparation)

Dated: September 1, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–25828 Filed 9–4–81; 8:45 am]

BILLING CODE 4000–01–M

Program for Research Grants on Law and Government Studies in Education

AGENCY: Department of Education.

ACTION: Notice of cancellation of application notice inviting grant applications for Fiscal Year 1982 funding.

SUMMARY: The Secretary cancels the closing date in the Application Notice published in the **Federal Register** on June 13, 1980 (45 FR 40200). That notice invited the submission of grant applications under the National Institute of Education's *Program for Research Grants on Law and Government Studies in Education. The closing date for the transmittal of applications was established as September 10, 1981.Q02*

SUPPLEMENTARY INFORMATION:

The cancellation of the closing date is a consequence of the reduction in funds for Fiscal Year 1982 projected for this program. Because of the reduction, the Secretary has determined that the funds currently anticipated for the program are insufficient to warrant having a new grants competition. Consequently, the Secretary has decided to use the limited funds available to support activities approved in FY 1981, but for which funds were rescinded.

FOR FURTHER INFORMATION CONTACT: Dr. Donald W. Burnes, Legal and Governmental Studies Team, National Institute of Education, 1220 19th Street, N.W., Washington, D.C. 20208. Telephone: (202) 254–6070.

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research and Development)

Dated: September 3, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–26341 Filed 9–4–81; 11:49 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-79-005; OFC Case No. 61004-9018-05-11]

Air Products and Chemicals, Inc.; Powerplant and Industrial Fuel Use; Availability of Tentative Staff Analysis on Petition for Exemption

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of availability of tentative staff analysis on petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE), hereby gives notice of the availability of the Tentative Staff Analysis on the petition filed by Air Products and Chemicals, Incorporated (Air Products or the Company) for a temporary exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). Title II prohibits the use of petroleum and natural gas as a primary energy source in certain new major fuel burning installations (MFBI's) unless an exemption for such use has been granted by ERA. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500, 501 and 503 published on June 6, 1980, at 45 FR 38276 and 38302.

Air Products' petition, filed with ERA on September 17, 1979, requested a temporary exemption from the prohibitions of Title II of FUA for a new major fuel burning installation (MFBI) at its Calvert City, Kentucky, chemical plant. The exemption request, based upon section 211(b) of FUA, asserts that at the end of a 5-year exemption period the Company will be able to comply with the applicable prohibitions through the use of a synthetic liquid fuel derived from coal.

The ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding and has completed a Tentative Staff Analysis which recommends that ERA issue an order granting Air Products the requested temporary exemption. Pursuant to 10 CFR 501.64, Notice of Availability of the Tentative Staff Analysis is hereby made and interested persons are provided a 14-day period to make written comment on the Tentative Staff Analysis or to request a public hearing. A summary of the Tentative Staff Analysis is contained in the SUPPLEMENTARY INFORMATION section below.

ERA will issue a final order granting or denying Air Products' petition for a temporary exemption from the prohibitions of the Act within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension, and the reasons therefor, will be published in the **Federal Register.**

DATE: Written comment on the Tentative Staff Analysis or a request for public hearing, must be filed with ERA on or before September 22, 1981.

ADDRESS: Fifteen copies of writtten comments, or a request for a public hearing, shall be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA-FC-79-005 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4226

Robert Goodie, Case manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4257

Marya A. Rowan, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967

A public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. Monday-Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Air Products' petition was filed under the provisions of the then-effective interim rule implementing certain provisions of FUA, published in the **Federal Register** on May 15, 1979, at 44 FR 28530, and on May 17, 1979, at 44 FR 28950. Subsequently, ERA's implementing FUA rule was finalized and became effective on August 5, 1980. (Codified at 10 CFR Parts 500, 501 and 503, published on June 6, 1980, at 45 FR 38276 and 38302.)

The final rule simplified the eligibility and evidentiary requirements for the synthetic fuels exemption authorized by section 211(b) of FUA and the ERA staff's determinations and recommendations contained in the Tentative Staff Analysis are based upon analysis of Air Products' petition under the criteria established in the final rule at 10 CFR 503.24.

The MFBI for which the temporary exemption is requested is a new packaged boiler (hereafter, "new MFBI") having a design heat rate input of 86 million Btu's per hour and is capable of burning either petroleum or natural gas. Under the criteria of 10 CFR 500.5(b)(1), the new MFBI, when aggregated with other existing boilers at the same site, is jurisdictional for purposes of FUA.

In accordance with the procedural requirements of FUA and 10 CFR 501.64 of the then-effective interim rule, ERA published notice of its acceptance of Air Products' petition in the **Federal Register** on November 6, 1979, at 44 FR 64105. The notice provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption and request that a public hearing be convened. The period expired on December 21, 1979. No comments were received and no person requested a public hearing.

As required by section 701(f) and (g) of the Act, ERA provided a copy of Air Products' petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from these agencies.

Section 701(c)(3) of FUA and 10 CFR 501.68 requires that an order either granting or denying a petition for exemption must be issued within 6 months after the end of the last period for public comment and hearing. The close of the last period for public comment and hearing on Air Products' petition was December 21, 1979, the expiration of the 45-day comment period provided in ERA's Notice of Acceptance. However, because of Air Products continued inability to satisfy the requirement that it produce evidence of a binding contract for the purchase of synthetic fuel, ERA, as authorized by section 701(c)(3) of FUA and 10 CFR 501.68(a)(2), has thrice extended, in six-month increments, the period for issuance of the final order on Air Products' petition for exemption. Such extensions were noticed in the **Federal Register** at 45 FR 42004, June 23, 1980; 45 FR 84119, December 22, 1980; and 46 FR 32304, June 22, 1981. The third extension period expires on December 21, 1981.

On July 17, 1981, Air Products filed with ERA evidence of a binding contract for the purchase of the synthetic fuel to be use as a primary energy source in the new MFBI upon the expiration of the requested temporary exemption.

Eligibility and evidentiary requirements governing the temporary exemption based upon the future use of synthetic fuels, authorized under section 211(b) of FUA, are set forth at 10 CFR 503.24. To qualify for the exemption a petitioner must certify that he will be able to comply with the applicable prohibitions imposed by FUA at the end of the proposed exemption period by the use of a synthetic fuel and that he will be unable to be in compliance until the end of the proposed exemption period. In support of his certification the petitioner must provide a description of the synthetic fuel proposed to be used and a compliance plan, which pursuant to 10 CFR 503.12(b), shall detail the schedule of progressive events to take place in order to achieve eventual compliance with the prohibitions of FUA and will include evidence of a binding contract for fuel, or for facilities for the production of fuel, required for compliance.

On August 18, 1981, Air Products filed with ERA a certification, executed by a duly authorized representative of the Company, attesting that Air Products is not able to comply with the applicable prohibitions of the Act until the end of the proposed exemption period, but will comply by the use of coal-derived liquid fuel in accordance with the schedule contained in the previously filed compliance plan.

In describing the synthetic fuel to be used in the new MFBI, Air Products states that it is a principal member of a joint venture, the International Coal Refining Company (ICRC) which, under contract with DOE, will design, construct and operate a plant to demonstrate on a commercial scale the economical and technical feasibility of the solvent refined coal process, known as SRC–I, to produce solid and liquid fuel products from coal. The SRC–I Demonstration Plant, to be located near Newman, Kentucky, will process up to 6,000 tons per day of Kentucky No. 9 or similar coal into various solid and liquid fuels during a demonstration period scheduled for a term of five years. Commencing with the demonstration period, Air Products will purchase and use in the new MFBI, and other untis at its Calvert City site, a SRC–I liquid product similar to middle distillate (referred to hereafter as "SRC–I middle distillate").

With the July 17, 1981, filing Air Products also submitted a revised compliance plan updating the pertinent milestones leading to its eventual compliance with the prohibitions of the Act.

The contract entered into by Air Products with ICRC for the purchase of the SRC–I middle distillate stipulates that ICRC's obligation to furnish Air Products with a specified amount of the SRC–I middle distillate commences upon and continues during the SRC–I Demonstration Plant's demonstration period, which is currently planned by ICRC to run for a term of five years. The contract also provides that if ICRC elects to convert the Demonstration Plant to a commercial plant, ICRC and Air Products will negotiate in good faith for the continuing supply of the SRC–I middle distillate.

In the Tentative Staff Analysis the ERA staff states it has determined, based upon examination of all documents filed by Air Products during this proceeding, and other materials relative to the SRC process, that Air Products has sufficiently demonstrated, pursuant to the criteria contained at 10 CFR 503.24, the eligibility of its new MFBI for a temporary exemption based upon the future use of synthetic fuels. Specific determinations are:

The certification filed by Air Products on August 18, 1981, fulfills the requirements of 10 CFR 503.24(b)(1).

Based upon review of studies, reports and analyses of the SRC process and the properties of coal-derived test fuels produced, it was concluded that coal-derived liquid fuels are sufficiently similar in composition to petroleum fuels and that with minor modifications to burner nozzles, burning in conventional oil-fired equipment is technically feasible.

The revised, updated schedule of events filed on July 17, 1981, sufficiently details the schedule of progressive events to take place which will lead to the use of the SRC–I middle distillate as a primary energy source in the new MFBI.

The Office of the General Counsel, DOE, has examined the contract filed with ERA on July 17, 1981, and has determined that it is a binding contract within the meaning of the term in 10 CFR 503.12(b)(1)(ii). The OGC's review of the contract is incorporated in the Tentative Staff Analysis.

That with its filing of July 17, 1981, Air Products has satisfied the requirement for submission of a final compliance plan pursuant to 10 CFR 503.24(c).

The ERA staff has recommended in the Tentative Staff Analysis that ERA issue an order which, subject to certain recommended terms and conditions, would grant Air Products a temporary exemption for its new MFBI and that such temporary exemption be in force for a period of five years from the commencement of operation of the new MFBI under the provisions of the granted exemption, or until the start of the demonstration period of the SRC–I Demonstration Plant, whichever occurs first. The ERA staff further recommended, for the purposes of effectiveness of the order, that the documents filed by Air Products on July 17, 1981, be accepted and approved as Air Products' final compliance plan pursuant to 10 CFR 503.12(b)(2).

Section 214 of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. In the Tentative Staff Analysis the ERA staff has recommended that any order which would grant Air Products the requested temporary exemption be subject to specified terms and conditions.

In developing certain of the recommended terms and conditions, the ERA staff considered that its recommendation to grant the requested exemption is based primarily on Air Products demonstration that a supply of synthetic fuel will be available for use in the new MFBI at the end of the exemption period, as evidenced by the Air Products/ICRC contract. Therefore, the continued application of the exemption during the exemption period is contingent upon a reasonable, continued assurance that the synthetic fuel contracted for will be produced and available to the petitioner at the end of the exemption period.

Accordingly, any order which would permit Air Products to use petroleum or natural gas in the new MFBI until the contracted-for SRC–I middle distillate becomes available, must contain a term and condition designed to terminate the provisions of the exemption if, during the period the exemption is in force, it became a certainty that the synthetic fuel will not be produced or will not be available in sufficient quantity to serve as the primary energy source of the new MFBI. Additionally, it must be specified in the terms and conditions that if after expiration of the temporary exemption the supply of synthetic fuel became permanently unavailable, then another exemption available under FUA would have to be obtained by Air Products before the use of petroleum and natural gas in the new MFBI could be resumed. (Under 10 CFR 501.192, the use of petroleum and natural gas in the new MFBI may be permitted during any temporary shortage of synthetic fuel, provided the criteria contained therein are met.)

Following is a summary of the terms and conditions recommended by the ERA staff in the Tentative Staff Analysis:

(1) Air Products shall certify to ERA the date the new MFBI is first operated under the provisions of the exemption order.

(2) The exemption order shall terminate on the fifth anniversary of the date the new MFBI is first operated under the provisions of the exemption order or at the date of startup of the demonstration period of the SRC–I Demonstration Plant, whichever date occurs earlier. Once terminated, the exemption order is not reinstatable.

(3) If prior to the expiration of the exemption order it becomes certain that a synthetic fuel will not be available for the new MFBI, the continued use of petroleum and natural gas in the new MFBI is subject to Air Products qualifying the new MFBI for another exemption available under FUA.

(4) Air Products will obtain all necessary environmental permits prior to burning petroleum, natural gas or a synthetic fuel in the new MFBI.

(5) The quality of any petroleum burned in the new MFBI will be the lowest grade available and feasible.

(6) Air Products shall submit updates to its compliance plan annually, whenever any changes occur, or at anytime ERA, in its discretion, determines that a revised compliance plan is necessary.

(7) At the termination of the temporary exemption, Air Products shall certify to ERA that the use of petroleum and natural gas as a primary energy source in the new MFBI has ceased.

(8) Any petition for extension of the temporary exemptions shall be filed in the manner and time frame prescribed by ERA rule.

Environmental Analysis

In accordance with section 763(1) of FUA, the granting or denial of any temporary exemption is not deemed to be a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969. Therefore, in connection with Air Products' petition for a temporary exemption, ERA is not required to prepare an environmental impact statement.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, D.C. on August 31, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–26006 Filed 9–4–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ID–1661–000]

John Adams; Application

September 1, 1981.

The filing individual submits the following:

Take notice that on August 24, 1981, John Adams filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Monongahela Power Company.

Director, Vice President, The Potomac Edison Company.

Director, West Penn Power Company.

Director, Ohio Valley Electric Corporation.

Director, Indiana-Kentucky Electric Corporation.

Director, Allegheny Generating Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26031 Filed 9–3–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. QF81–52–000]

Arcata Lumber Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 1, 1981.

On July 30, 1981, the Arcata Lumber Co., of Manlo Park, California filed with the Federal Energy Regulatory Commission (Commission) an application to be certified as a qualifying small power production facility pursuant to §.292.207 of the Commission's rules.

The facility is located at Smith River, California and consists of a 3.25 megawatt and 6.75 megawatt turbine generators fired by two 80,000 pound boilers. The total capacity of the facility is 10 megawatts. The primary energy source of the facility is biomass. The applicant does not own any other small power production facilities and no electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26060 Filed 9–4–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–179–000]

Arizona Public Service Co.; Order Granting Rehearing for Purposes of Further Consideration

Issued August 31, 1981.

On July 30, 1981, Citizens Utilities Company (Citizens), an intervenor in this docket, filed an application for rehearing of the Commission's order of July 2, 1981.[1] That order, *inter alia*, vacated a previously imposed five month suspension with respect to Arizona Public Service Company's (APS) increased rates to Citizens, interpreted certain disputed contract language between APS and Citizens as permitting APS to make unilateral rate change filings for that customer, and

[1] "Subsequent Order Regarding Contract Issues." *See also* order issued February 27, 1981, Docket No. ER81–179–000.

imposed a one day suspension of APS' revised rates to Citizens. On rehearing, Citizens challenges the Commission's earlier contract interpretation and the resulting determinations.

In order to afford additional time for consideration of the issues raised in the application for rehearing, we shall grant rehearing of the July 2, 1981 order for the limited purpose of further consideration.

The Commission Orders

(A) Rehearing of the July 2, 1981 order is hereby granted for the limited purpose of further consideration.

(B) As provided in § 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the applications for rehearing will be entertained by the Commission, since this order does not grant rehearing upon any substantive issue.

(C) the Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Commissioner Holden concurred on the limited issue of rehearing with a separate statement attached.

Kenneth F. Plumb,

Secretary.

Holden, Commissioner, concurring on the limited issue of rehearing:

(Issued August 31, 1981)

The Commission tolls the period for action on the applications of Citizen's Utility Company and the Papago Tribal Utility Authority for rehearing of the Commission's order permitting APS to file unilaterally under section 205(d) of the Federal Power Act to change its contract rate.

I concur, for reasons stated in my dissent to the original order, on the limited issue of granting rehearing, since it is better than the alternative of denying rehearing.

However, I do not believe that it is sufficient. I continue to believe that the holding in *Papago Tribal Utility Authority, et al.* v. *FERC,* 610 F.2d 914 (D.C. Cir. 1979), controls this case on both the facts and the law. On that basis, what the majority should do is grant rehearing and reverse its original position.

Matthew Holden, Jr.,

Commissioner.

[FR Doc. 81-26045 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-698-000]

Arizona Public Service Co.; Filing

August 31, 1981.

The filing Company submits the following.

Take notice that on August 24, 1981, Arizona Public Service Company (APS) tendered for filing as an initial rate schedule an Agreement for Sale of Energy Interchange between Arizona Electric Power Cooperative, Inc. and Arizona Public Service Company dated June 29, 1981.

APS requests that the effective date of this filing be 60 days after filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26030 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-577-000]

Arkansas Power & Light Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motion, Granting Waiver, Ordering Summary Rejection, Granting Interventions, and Establishing Price Squeeze and Hearing Procedures

Issued: August 28, 1981.

On June 30, 1981, Arkansas Power and Light Company (AP&L) tendered for filing revised rates for firm service to its seven wholesale customers located in Arkansas (Arkansas customers) and three wholesale customers located in Missouri (Missouri customers).[1] The proposed rates (W81) would increase revenues from these customers by approximately $12,772,000 (28.32%) for the twelve months ending December 31, 1981. AP&L requests an effective date of August 29, 1981, for the proposed rates.

As a part of its filing, AP&L also submitted a settlement agreement between the company and the Arkansas customers dated June 17, 1981. The agreement contains proposed settlement rates (W81S) which would increase revenues from the Arkansas customers by approximately $8,456,000. The Missouri customers have not joined in the settlement agreeement and therefore would be subject to the W81 rate, which would increase revenues from these customers by approximately $1,093,000.

The settlement agreement provides that if the Commission suspends the proposed rates for no longer than one day, AP&L will defer implementation of the settlement rates until the company implements increased retail rates now pending before the Arkansas Public Service Commission in Docket No. 81-144-U, either pursuant to an order of that Commission or by the company subject to refund, whichever date is earlier.[2] The settlement further provides that if AP&L implements retail rates which are lower than those originally proposed in Docket No. 81-144-U, the company will reduce, on a proportionate basis, the rate increase to its wholesale customers in the instant proceeding. AP&L has stated in its letter of transmittal that it is willing to implement the proposed settlement rates for its Missouri customers, despite the fact they have not approved the settlement, in the event of a one-day suspension of the proposed rate increase.

On August 10, 1981,[3] pleadings were filed by Missouri Utilities Company (MU), the Cities of Thayer [4] and Campbell, Missouri (Missouri Cities), and a group of Arkansas customers which were parties to the June 17, 1981 settlement agreement. The Missouri Cities contend that the proposed rates (both W81 and W81S) are unjust and unreasonable and request that the Commission (1) initiate an investigation and hearing, (2) suspend the proposed rates for five months, and (3) allow the Missouri Cities to intervene in the proceeding. In addition, the Missouri Cities state that the settlement between AP&L and its Arkansas customers has no relationship to the proposed increase to the remaining customers and they assert that it would be improper to

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[1] *See* Attachment A for rate schedule designations and customer identification. The Missouri customers were served by the Arkansas-Missouri Power Company (Ark-Mo) until Ark-Mo merged with AP&L on January 1, 1981.

[2] Settlement agreement paragraph (b). Unless authorized by the Arkansas commission to become effective sooner, the increased retail rates in Docket No. 81-144-U would become effective as of September 28, 1981, subject to refund.

[3] Notice of AP&L's filing was issued on July 8, 1981, with protests or petitions to intervene due on or before July 27, 1981. On July 24, 1981, AP&L filed a motion for an extension of the Comment deadline so that the company and its customers could pursue further settlement discussions. On July 27, 1981, the time for filing petitions to intervene was extended until August 10, 1981.

[4] The City of Thayer filed a separate petition to intervene on July 24, 1981, which did not raise any substantive issues.

apply the settlement rates to the Missouri customers. The Missouri Cities also raise issues concerning demand allocation, fuel adjustment charges, rate of return, and price squeeze.

MU's pleading is in the form of a motion to dismiss the filing as to MU or, alternatively, a petition to intervene and request for a maximum suspension. In support of its motion to reject, MU alleges that the filing, and notice thereof, is applicable to nine municipal and two electric cooperative customers and therefore does not apply to MU, which is an investor-owned utility, according to MU, it is not a member of the customer class described in the notice of filing or in either rate schedule W81 or W81S, and AP&L has not sought to terminate its presently effective contract with MU (adopted by AP&L when it merged with Ark-Mo.[5]

The group of Arkansas customers which were parties to the settlement with AP&L filed a petition to intervene and assent to the settlement agreement and associated deferred rate increase. In their petition, the customers request that the Commission suspend the settlement rates for one day and approve the settlement agreement in its entirety.

Discussion

Initially, we find that participation in this proceeding by each of the petitioners is in the public interest. Accordingly, we shall grant the petitions to intervene.

The Commission finds that MU's motion to discuss the filing insofar as it affects MU is without merit. As a result of AP&L's recent merger with Arkansas-Missouri Utilities Company (Ark-Mo), AP&L now provides service to MU by delivery of electrical requirements to the communities of Popular Bluff and Arbyrd, Missouri. Although the instant submitted does not specifically describe MU as an investor-owned utility, AP&L cost of service study indicates that the service characteristics of these MU customers are not unlike those of the other municipalities to which AP&L's rates apply. Absent any evidence to the contrary, we cannot conclude that AP&L's treatment of the Poplar Bluff and Arbyrd delivery points as part of its municipal class is unreasonable. Furthermore, according to AP&L's transmittal letter, MU was provided with a copy of AP&L's rate filing at the time it was submitted to the Commission,[6] thus providing MU with notice of the proposed rate increase for its two delivery points. Under these circumstances, we find that MU was given reasonable notice of AP&L's proposed rate increase and we shall deny MU's motion to reject.

Our preliminary analysis indicates that the proposed settlement with the Arkansas customers is just and reasonable and therefore we shall accept that settlement and the W81S rates for filing. Consistent with the agreement of the parties as reflected in their settlement, we shall suspend the W81S rates as applied to the Arkansas customers for one day, without hearing,[7] although they shall become effective subject to refund on the date that AP&L's retail rates in Docket No. 81-144-U are implemented either pursuant to an order of the Arkansas commission, or by AP&L subject to refund, whichever is earlier.

In light of this action, AP&L shall promptly notify the Commission of the effective date of any increase in retail rates pending in Docket NO. 81-144-U. In the event that retail rates lower than those proposed by AP&L in Docket No. 81-144-U become effective, AP&L is hereby notified that the proportionate reduction in wholesale rates contemplated by the settlement agreement must be filed with the Commission as a change in rate schedule under § 35.13 of the Commission's regulations.

Since the MIssouri customers have not executed the settlement agreement and, in fact, have disavowed that agreement, AP&L proposed W81 rates are applicable to those customers. Our analysis indicates that the proposed W81 rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the W81 rates for filing as to the Missouri customers and suspend them as ordered below.

In a number of suspension orders,[8] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the W81 rates for a period of five months, permitting the rates to take effect subject to refund thereafter on January 30, 1982.

Our analysis further indicates that the proposed fuel clause which is included in both the W81 and W81S rates is not in conformance with § 35.14 of the Commission's regulations.[9] The proposed fuel clause is improper in that it incorporates (1) an estimated replacement cost of energy that is added to nuclear fuel costs during the months in which nuclear generation is operating to offset fuel costs incurred in months when nuclear units are down for refueling, and (2) a net change in capacity equalization revenues reflected in the monthly fuel adjustment calculation. However, the Commission notes that the proposed fuel clause is identical to that filed by AP&L for its retail service and that the settlement agreement with the Arkansas customers provides that the wholesale fuel clause shall track the retail fuel clause to maintain parity between wholesale and retail rate increases.[10] In light of these considerations, the Commission shall grant waiver of the § 35.14 fuel clause requirements and accept the proposed fuel clause for service to the Arkansas customers.

The Missouri customers, however, have not joined in the settlement agreement and there is no question as to these customers concerning parity with the fuel clause applicable to AP&L's retail service in Arkansas. Therefore, with respect to service to the Missouri customers, the Commission will summarily reject AP&L's non-conforming fuel clause and direct AP&L

[5] On August 18, 1981, AP&L and the Arkansas customers submitted a response to the pleadings filed by the Missouri Cities and MU. The response states that the objections raised by the Missouri Cities and MU are not directed *per se* at the settlement agreement between AP&L and the Arkansas customers and that, therefore, the objections should have no impact on the Commission's disposition of the proposed settlement.

[6] See § 35.(2)(3) of the Commission's regulations, 18 CFR 35.(2)(3).

[7] The suspension without hearing is intended to provide refund protection in the event that lower retail rates are approved by the Arkansas Commission and the wholesale rates are adjusted pursuant to the settlement agreement. This action is consistent with the Commission's letter order in AP&L's prior wholesale rate increase in Docket No. ER80-713 (Ootober 21, 1980).

[8] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

[9] 18 CFR 34.14.

[10] It is further noted that paragraph (e) of the settlement agreement provides for AP&L to file a revised fuel clause with this Commission in the event that the Arkansas commission orders a change in AP&L's retail fuel clause.

to file a revised fuel clause which does conform to the requirements of § 35.14 of the Commission's regulations.

In light of the price squeeze allegations raised in Missouri Cities' petition to intervene, we shall order that phased price squeeze procedures be established in accordance with the Commission's order issued August 6, 1979, in *Arkansas Power and Light Company*, Docket No. ER79–339.

Finally, we take this opportunity to advise AP&L that any adjustment which may be contemplated pursuant to the tax adjustment clause contained in the company's submittal will have to be filed as a change in rates under § 35.13 of the Commission's regulations. It is our policy not to permit such tax clauses to be the basis for automatic changes in rates.[11]

The Commission orders:

(A) MU's motion to dismiss the filing insofar as it applies to MU is hereby denied.

(B) With respect to the Arkansas customers, the proposed settlement agreement is hereby accepted for filing and, pursuant to that agreement, the associated W81S rates are suspended for one day without hearing, to become effective subject to refund on the date that AP&L's retail rates in Docket No. 81–144–U are implemented either pursuant to an order of the Arkansas commission, or by AP&L subject to refund, whichever date is earlier.

(C) AP&L shall promptly notify the Commission when its increased retail rates become effective, and in the event that rates lower than those proposed in Docket No. 81–144–U become effective, the proportionate reduction in wholesale rates contemplated by the settlement

[11] *See, e.g., Boston Edison Co.*, Docket No. ER78–304 (May 30, 1978); *Kansas City Power & Light Co.*, Docket No. ER79–141 (March 13, 1979); *Kansas City Power & Light Co.*, Docket No. ER79–166 (March 28, 1979).

set forth in their petitions to intervene; and *Provided, further,* That the

(D) With respect to the Missouri customers, AP&L's proposed rates (W81) are hereby accepted for filing, and suspended for five months from sixty days after filing, to become effective, subject to refund, on January 30, 1982.

(E) The Commission hereby grants waiver of the fuel clause requirements contained in § 35.14 of the Commission's regulations with respect to the W81S rates applicable to the Arkansas customers.

(F) The Commission hereby rejects the proposed fuel adjustment clause contained in the W81 rate schedule as applied to the Missouri customers. Within thirty (30) days of the date of this order, AP&L shall file a revised fuel clause which eliminates (1) the estimated replacement cost of energy charged to the monthly cost of nuclear fuel, and (2) the net change in capacity equalization revenues from the monthly fuel adjustment calculation. Such revised fuel clause shall become effective subject to refund on January 30, 1982.

(G) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of AP&L's W81 rates.

(H) The petitions to intervene are hereby granted subject to rules and regulations of the Commission; *Provided however,* That participation by the intervenors shall be limited to matters

agreement shall be filed with the Commission pursuant to § 35.13 of the Commission's regulations.
admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(I) The Commission staff shall serve top sheets in this proceeding on or before August 31, 1981.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(K) We hereby order initiation of price squeeze procedures and further order that this proceeding shall be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—*Arkansas Power & Light Co.*

[Docket No. ER81–577–000, rate schedule designations]

Designation	Customer	Description
1. Supplement No. 15 to Rate Schedule FPC No. 45	Farmers Electric Cooperative Corp	Settlement Agreement.
2. Supplement No. 16 to Rate Schedule FPC No. 45 (Supersedes Supp. No. 13 as supplemented)	....do	Rate Schedule W81S.
3. Supplement No. 12 to Rate Schedule FPC No. 49	City of North Little Rock, Arkansas	Settlement Agreement.
4. Supplement No. 13 to Rate Schedule FPC No. 49 (Supersedes Supp. 10 as supplemented)	....do	Rate Schedule W81S.
5. Supplement No. 11 to Rate Schedule FPC No. 50	Hope Water & Light Commission	Settlement Agreement.
6. Supplement No. 12 to Rate Schedule FPC No. 50 (Supersedes Supp. No. 9 as supplemented)	....do	Rate Schedule W81S.
7. Supplement No. 10 to Rate Schedule FPC No. 56	City of Prescott, Arkansas	Settlement Agreement.
8. Supplement No. 11 to Rate Schedule FPC No. 56 (Supersedes Supp. No. 8 as supplemented)	....do	Rate Schedule W81S.
9. Supplement No. 11 to Rate Schedule FPC No. 60	Benton Municipal Light & Water Works	Settlement Agreement.
10. Supplement No. 12 to Rate Schedule FPC No. 60 (Supersedes Supp. No. 9 as supplemented)	....do	Rate Schedule W81S.
11. Supplement No. 14 to Rate Schedule FPC No. 63	City of Osceola, Arkansas	Settlement Agreement.
12. Supplement No. 15 to Rate Schedule FPC No. 63 (Supersedes Supp. No. 12 as supplemented)	....do	Rate Schedule W81S.
13. Supplement No. 8 to Rate Schedule FPC No. 62 (Supersedes Supp. No. 7)	North Arkansas Electric Coop., Inc.	Rate Schedule W81S.
14. Supplement No. 5 to Rate Schedule FERC No. 90 (Supersedes Supp. No. 4)	City of Campbell, Missouri	Rate Schedule W81.
15. Supplement No. 5 to Rate Schedule FERC No. 86 (Supersedes Supp. No. 3 to Supplement No. 4)	City of Thayer, Missouri	Rate Schedule W81.

Attachment A.—*Arkansas Power & Light Co.*—Continued

[Docket No. ER81-577-000, rate schedule designations]

Designation	Customer	Description
16. Supplement No. 7 to Rate Schedule FERC No. 85 (Supersedes Supp. No. 6)	Missouri Utilities Company	Rate Schedule W81.

[FR Doc. 81-26015 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ID-1883-000]

Klaus Bergman; Application

September 1, 1981.

The filing individual submits the following:

Take notice that on August 24, 1981, Klaus Bergman filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Vice President, West Penn Power Company
Director, Ohio Valley Electric Corporation
Director, Allegheny Generating Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26032 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. QF81-56-000]

Burlington Environmental Management Services, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 1, 1981.

On August 10, 1981, the Burlington Environmental Management Services, Inc. of Vincetown, New Jersey filed with the Federal Energy Regulatory Commission (Commission) an application for certification as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The proposed facility will be located in Burlington County, Vincetown, New Jersey. The applicant states that the facility will be located at a site containing an existing sanitary landfill which has been used for disposing of municipal and private waste. A by-product of the accumulation of biomass in the landfill is methane gas, which results from the anaerobic digestion of the organic material in the landfill. Methane gas will be collected from the landfill and used to produce electricity. The capacity of the facility is 10 megawatts. There is no planned use of natural gas, oil or coal. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26061 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-702-000]

Central Telephone & Utilities Corp.; Filing

September 1, 1981.

The filing Company submits the following:

Take notice that Central Telephone & Utilities Corporation (CTU) on August 25, 1981, tendered for filing a proposed Appendix No. 1 to Service Schedule P (Participation Power Service) and Appendix No. 1 to Service Schedule J (Displacement Power Service), both as a part of the Electric Interconnection and Interchange Agreement between CTU and Sunflower Electric Cooperative, Inc. dated April 9, 1980. These Appendixes contain the rate determination calculations for the contract year beginning June 1, 1981 and ending May 31, 1982.

CTU proposes an effective date of June 1, 1981 for the proposed Appendixes and therefore request waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26033 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4675-000]

Borough of Charleroi, Pa.; Application for Preliminary Permit

September 2, 1981.

Take notice that the Borough of Charleroi, Pennsylvania (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4675 known as the Monongahela Lock and Dam No. 4 Project located on the Monongahela River in Washington County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed

to: Mr. Ronald G. Halkias, Borough Manager, 4th and Fallowfield, Charleroi, Pennsylvania 15022.

Project Description—The proposed project would utilize the existing Corps of Engineers' Monongahela Lock and Dam No. 4 and would consist of a powerhhouse containing one or more generating units with a rated capacity between 10–13.3 MW, a penstock, a switchyard, transmission facilities, and all other appurtenant facilities. The Applicant estimates that the average annual energy output would be approximately 50 to 60 GWH.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and study of environmental impacts. Based on results of these stuides, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $65,000.

Competing Applications—This application was filed as a competing application to the Monongahela Lock and Dam No. 4 Project No. 35522 filed on October 2, 1980 by Atlantic Power Development Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before October 26, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for response to this notice of application for preliminary permit for Project No. 4675. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26046 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4855-000]

Clark-Skamania Joint Operating Agency; Application for Preliminary Permit

August 31, 1981.

Take notice that Clark-Skamania Joint Operating Agency (Applicant) filed on June 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4855 to be known as the Little White Salmon River Waterpower Project located on the Little White Salmon River in Skamania County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William F. Yee, Manager, Public Utility District No. 1 of Skamania County, P.O. Box 500, Carson, Washington 98610.

Project Description—The proposed project would consist of: (1) a 30-foot high diversion dam; (2) 22,000 feet of diversion tunnel and pipeline; (3) a powerhouse containing one generating unit rated at 54,000 kW; and (4) a 115-kV transmission line. The Applicant estimates that the average annual energy output would be 191 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare a FERC license application. Applicant stated that field studies may necessitate new access road construction and exploratory borings. The cost of the work to be performed under the preliminary permit is estimated to be $1,000,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be recieved on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E.

Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26016 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-21-001 (PGA81-2 and AP81-2)]

Columbia Gas Transmission Corp.; Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Conditions, Consolidating Proceedings, and Establishing Procedures

Issued August 31, 1981.

Columbia Gas Transmission Corporation (Columbia) filed revised tariff sheets [1] on July 31, 1981, reflecting increased purchased gas costs, an advance payment adjustment and a surcharge adjustment. Columbia proposed an effective date of September 1, 1981.

The PGA adjustment provides for the recovery of $381,896,469 in increased purchased gas costs for the six month period ending February 28, 1982. There has been no reduction by Columbia to its total gas acquisition costs for amounts due to Maximum Surcharge Absorption Capability (MSAC) since those Columbia customers who supply non-exempt industrial boiler fuel facilities reported no MSAC's for the PGA period. In addition, the commodity surcharge adjustment provides for the recovery of a deferred purchased gas balance of $124,890,831, as of June 30, 1981, over the six month period from September 1, 1981 through February 28, 1982. Columbia's PGA filing also reflects producer price escalations pursuant to area rate clauses.

Public notice of the filing was issued on August 7, 1981, providing for protests or petitions to intervene to be filed on or before August 19, 1981. Petitions to intervene were filed by the petitioners listed in Appendix A to this order. Having demonstrated an interest in this proceeding warranting their participation, each of these petitioners shall be granted intervention.

In addition to petitioning to intervene, Consumers' Counsel, State of Ohio; Baltimore Gas and Electric Company; Cities of Charlottesville and Richmond, Virginia [2] and Ohio Public Interest Campaign, Inc. have filed protests. All four of these protestants request rejection of Columbia's filing, alleging, among other things, that it contains costs which should not be allowed due to fraud, abuse or similar grounds. In the alternative, these protestants request suspension of Columbia's filing and a hearing specially addressing Columbia's purchasing activities and the pass-through of high priced Section 107 gas through its PGA. These issues are currently under investigation in Columbia's prior PGA filing.[3] In view of this continuing investigation and the substantial increase in Section 107 purchasing by Columbia in the instant filing, the Commission shall consolidate the issue of the section 107 purchases with the proceedings in Docket No. TA81-1-21.

Ohio Public Interest Campaign, Inc., also requests that the hearing be held in the State of Ohio so that affected consumers may participate. This request shall be referred to the Presiding Administrative Law Judge.

Based upon a review of Columbia's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Columbia's filing and suspend the effectiveness so that it shall become effective on September 1, 1981, subject to refund and subject to the conditions described below.

In a number of suspension orders,[4] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect September 1, 1981, subject to refund, and subject to the conditions set forth in the body of this order and in the ordering paragraphs below.

Columbia's filing also contains a provision allowing Columbia to track increases in the cost of gas resulting from payments to Columbia LNG Corporation (Columbia LNG). Under the Columbia LNG tariff, sales of LNG are priced to Columbia on a full cost of service basis as long as deliveries continue. The tariff further provides for payment of only out-of-pocket expenses under a minimum bill provision during periods of nondelivery. The current PGA billing projects payments under the minimum bill provision of $10.7 million during the six month period from September 1, 1981 through February 28, 1982, to Columbia LNG. This projection was made because no deliveries of LNG are forecasted due to the interruption of LNG shipments from Algeria. Therefore, the 10.7 million should simply reimburse Columbia LNG for out-of-pocket expenses under the minimum bill provisions of the tariff. Since the issues involving Columbia LNG's implementation of the minimum bill provision are currently under suspension and investigation in Columbia's prior PGA filing, *Columbia Gas Transmission Corporation,* Docket No. TA80-2-21 (August 29, 1980),[5] the appropriateness of Columbia's payments under the minimum bill provision shall be suspended and made subject to the Commission's determination in that proceeding.

Included in Columbia's unrecovered purchased gas cost account, Account 191, are certain unpaid, but accrued, purchased gas costs. Purchased gas costs should not be included in Account 191 until they are actually paid, and the costs reflected in the Account 191 surcharge calculation should only be outstanding due to normal billing and

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[1] Seventy-Third Revised Sheet No. 10, Twenty-First Revised Sheet No. 10A, Eighteenth Revised Sheet No. 64 and Fifth Revised Sheet Nos. 64E through 64I to FERC Gas Tariff, Original Volume No. 1.

[2] Energy Action Educational Foundation assertedly joins in the protest of Cities of Charlottesville and Richmond, Virginia.

[3] Columbia's Section 107 purchases are the subject of an investigation in Docket No. TA81-1-21 (PGA81-1), established by Commission order of February 28, 1981.

[4] *E.g., Valley Gas Transmission, Inc.,* Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Co.,* Docket No. RP80-134 (September 24, 1980) (five month suspension).

[5] The investigation of LNG costs in Columbia's prior PGA filing, Docket No. TA80-2-21, was subsequently consolidated with the LNG cost issue in Consolidated Gas Supply Corporation's PGA filing in Docket No. TA80-2-21, *et al.*, and with Southern Natural Gas Company in Docket No. RP80-150.

accounts payable payment cycles. Accordingly, Columbia is directed to remove any unpaid accruals and the interest charge associated with these amounts from Account 191 and the Account 191 surcharge rate in the instant filing.

Furthermore, the Commission notes that Columbia's filing also includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders prescribed in Docket No. RM79–22—[6] that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Columbia shall be flowed through to the ratepayers in accordance with the procedures prescribed in Columbia's PGA clause.

The Commission Orders:

(A) Columbia Gas Transmission Corporation's proposed Seventy-Third Revised Sheet No. 16, Twenty-First Revised Sheet No. 16A, Eighteenth Revised Sheet No. 64 and Fifth Revised Sheet Nos. 64E through 64I to FERC Gas Tariff, Original Volume No. 1 are accepted for filing and suspended, so that the filing shall become effective September 1, 1981, subject to refund.

(B) Pursuant to the authority of Section 601 of the Natural Gas Policy Act, the Natural Gas Act, particularly sections 4, 5, 7, 8 and 15 thereof, and the Corporation's Regulations, a public hearing shall be held concerning the issue of the Section 107 purchased gas costs.

(C) The issue of the section 107 purchased gas costs shall be consolidated with the proceeding in Docket No. TA81–1–21 (PGA81–1).

(D) The issue regarding payment of LNG costs shall be subject to the Commission's determination in Docket Nos. TA80–2–21, *et al.*

(E) Columbia shall eliminate any unpaid accruals and interest thereon from the calculation of its rates within 15 days of the issuance of this order.

(F) Columbia shall file revised Tariff Sheets to reflect downward modification of pipeline supplier rates tracked in this filing.

(G) The petitioners listed in Appendix A to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; provided, however, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and provided, further, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A

Baltimore Gas and Electric Company
Cincinnati Gas and Electric Company and Union Light, Heat and Power Company
Columbia Gas Distribution Companies
Consumers' Counsel, State of Ohio
Dayton Power and Light Company
Elizabethtown Gas Company
Energy Action Education Foundation
Ohio Manufacturers' Association
Owens-Illinois, Inc.
Process Gas Consumers Group
Public Service Commission of the State of New York
Roanoke Gas Company
UGI Corporation
Washington Gas Light Company, Frederick Gas Company and Shenandoah Gas Company
West Virginia Public Service Commission

[FR Doc. 81–26047 Filed 9–4–81; 8:45 am]

BILLING CODE 6450–85–M

[6] These orders were recently affirmed in *Pennzoil Company* v. *Federal Energy Regulatory Commission*, —— F. 2d ——, Nos. 79–1247, 79–1602 (5th Cir., May 20, 1981).

[Docket No. CP81–468–000]

Columbia Gas Transmission Corp.; Application

August 31, 1981.

Take notice that on August 18, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81–468–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 63 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc., 8 taps for residential service, 1 tap for commercial service—Estimated annual usage of 1,329 Mcf.

(2) Columbia Gas of Ohio, Inc., 26 taps for residential service, 2 taps for commercial service, 1 tap for industrial service—Estimated annual usage of 8,030 Mcf.

(3) Columbia Gas of Pennsylvania, Inc., 5 taps for residential service, 1 tap for industrial service—Estimated annual usage of 4,950 Mcf.

(4) Columbia Gas of West Virginia, Inc., 17 taps for residential service, 1 tap for commercial service, 1 tap for industrial service—Estimated annual usage of 4,396 Mcf.

It is estimated that the total cost of the interconnections proposed herein is $19,000 to be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1981, file with the Federal Energy Regulatory commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act(18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26021 Filed 9–4–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81-471-000]

Columbia Gas Transmission Corp.; Application

August 31, 1981

Take notice that on August 19, 1981, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-471-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale of natural gas to Columbia Gas of Virginia, Inc. (Columbia of Virginia), Consumers Natural Gas Company (Consumers), and The Dayton Power and Light Company (Dayton) under revised service agreements, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to revised service agreements, Applicant specifically proposes to increase Columbia of Virginia's winter contract quantity from 1,100,000 dekatherms (dt) equivalent of gas to 1,364,000 dt equivalent under Rate Schedule WS in Zone 2, convert Applicant's service to Consumers from Rate Schedule G to Rate Schedule SGS, and reduce Dayton's contract demand from 346,900 Mcf of gas per day to 326,050 Mcf of gas per day under Rate Schedule CDS in Zone 4, all effective November 1, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26022 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-717]

Connecticut Yankee Atomic Power Co.; Refund Report

August 31, 1981.

Take notice that on July 27, 1981, Connecticut Yankee Atomic Power Company tendered for filing a refund report in accordance with the Commission's order, issued June 12, 1981 in Docket No. ER80-717.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 21, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26034 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-22-001 (PGA81-2) (IPR81) (RD&D81-2) (TT81-2) (AP81-2)]

Consolidated Gas Supply Corp.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Conditions

Issued: August 31, 1981.

On July 31, 1981, Consolidated Gas Supply Corporation (Consolidated) filed revised tariff sheets [1] reflecting, among other things, a 14.30 cent per dth increase in the cost of gas purchased from various producer suppliers, a 29.28 cent per dth increase in the cost of gas purchased from pipeline suppliers, a 8.10 cent per dth increase in the PGA surcharge, a 2.11 cent per dth increase attributable to increases in transportation costs above those costs included in Article X of the settlement agreement in Docket No. RP80-61,[2] and a 0.26 cent per dth decrease to reflect the repayment of advance payments pursuant to Article XI of the settlement agreement in Docket No. RP81-61. The proposed effective date is September 1, 1981.

Public notice of the filing was issued on August 7, 1981, providing for protests or petitions to intervene to be filed on or before August 19, 1981. Petitions to intervene were filed by the petitioners listed in the appendix to this order. Having demonstrated an interest in this proceeding warranting their participation, intervention shall be granted.

Consolidated's filing contains a provision allowing Consolidated to track increases in the cost of gas resulting from payments to Consolidated LNG Company (Consolidated LNG). Under the Consolidated LNG tariff, sales of LNG are priced to Consolidated on a full cost of service basis as long as deliveries continue. The tariff further provides for payment of only out-of-pocket expenses under a minimum bill provision during periods of non-delivery. The current PGA filing projects payments of approximately $2.1 million per month to Consolidated LNG under the minimum bill provision because no deliveries of LNG are forecasted due to the interruption of LNG shipments from Algeria. Therefore, the approximately $2.1 million per month should simply reimburse Consolidated LNG for out-of-pocket expenses under the minimum bill provisions of the tariff. Since the issues involving Consolidated LNG's implementation of the minimum bill provision are currently under suspension and investigation in Consolidated's prior PGA filings, *Consolidated Gas Supply Corporation*, Docket No. TA80-2-22 (August 29, 1980), and Docket No. TA81-1-22-002 (February 27, 1981),[3] the appropriateness of Consolidated's payments under the minimum bill provision should be made subject to the Commission's determination in that proceeding.

[1] Twenty-Seventh Revised Sheet No. 16 and Fifth Revised Sheet No. 72-C to FERC Gas Tariff, Third Revised Volume No. 1.

[2] *See*, "Stipulation and Agreement Resolving Cost of Service and PGA Issues" approved by letter order issued April 3, 1981.

[3] The investigation of LNG costs in Consolidated's prior PGA filings was subsequently consolidated with the LNG cost issue in Columbia's PGA filing in Docket No. TA80-2-21, *et al.*, and with Southern Natural Gas Company in Docket No. RP79-130.

The filing also contains a credit of $777,142 to the deferred purchase gas account to return overcollections due to pricing errors on company-owned wells included in past PGA filings. Consolidated has indicated that it is continuing to review its company owned production and, upon completion of its review, will make further credits to the deferred purchase gas account. Consolidated has indicated that it would be willing to meet with Staff at a later date to resolve any problems concerning the amount of credit. Therefore, the subject filing will be suspended and permitted to go into effect subject to further review of the company-owned production overcharges.

The filing also reflects increased producer costs pursuant to Sections 102, 103, 104, and 108 of the Natural Gas Policy Act of 1978 (NGPA).[4] Certain of these increases are the result of area rate clause provisions in the respective contracts. The Commission's acceptance of the revised tariff sheets for filing does not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders in Docket No. RM79–22—that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Consolidated shall be flowed through to the ratepayers in accordance with the procedures prescribed in Consolidated's PGA clause.

In addition, the filing fails to provide the calculations required by Section 282.602 of the NGPA which requires that the monthly debit and credit entries to Accounts 192.1, 192.2 and 805.2 be submitted when filing a reduced PGA under the incremental pricing provisions. The Commission's acceptance of the revised sheets for filing will thus be conditioned upon Consolidated's prompt submission of the required calculations.

Included in Consolidated's unrecovered purchase gas cost account, Account 191, are certain unpaid, but accrued, purchased gas costs. Purchased gas costs should not be included in Account 191 until they are actually paid, and the costs reflected in the Account 191 surcharge calculation should only be outstanding due to normal billing and accounts payable payment cycles. Accordingly, Consolidated is directed to remove any unpaid accruals and the interest charge associated with these amounts from Account 191 and the Account 191 surcharge rate in the instant filing.

Based upon a review of Consolidated's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Consolidated's tariff sheets for filing and suspend the effectiveness such that the rates will go into effect on September 1, 1981, subject to refund.

In a number of suspension orders,[5] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable or that it may run afoul of other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect on September 1, 1981, subject to refund, and subject to the conditions set forth in the body of this order and in the ordering paragraphs below.

The Commission Orders

(A) Consolidated's proposed tariff sheets are accepted for filing and suspended so that the rates may become effective September 1, 1981, subject to refund, and subject to the outcome of the proceedings in Docket No. TA80–2–21, *et al.*, and to further review of the surcharge credit related to past period errors in pricing company-owned production after Consolidated's internal audit is completed.

(B) Acceptance of Consolidated's tariff sheets is conditioned upon the filing, within 15 days, of calculations showing the monthly debits and credits to Accounts 192.1, 192.2 and 805.2.

(C) Acceptance of Consolidated's tariff sheets is further conditioned upon the removal of any unpaid accruals and the interest charge associated with these amounts from Account 191 and the Account 191 surcharge rate in the instant filing.

(D) The petitioners listed in the appendix to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix

Southern Tier Gas Corporation.
The Process Gas Consumers Group.
The Public Service Commission of the State of New York.

[FR Doc. 81–28048 Filed 9–4–81; 8:45 am]
BILLING CODE 6450–85–M

[4] There is no deregulated NGPA Section 107 gas in the filing.

[5] *E.g., Valley Gas Transmission Inc.*, Docket No. RP80–98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Co.*, Docket No. RP80–134 (September 24, 1980) (five month suspension).

[Project No. 5147–000]

Ralph and Raleigh Coppedge; Application for Exemption for small Hydroelectric Power Project Under 5 MW Capacity

September 2, 1981

Take notice that on July 28, 1981, Ralph and Raleigh Coppedge (Applicant) filed an application under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 5147) would be located on the Guadalupe River in the City of Cuero, DeWitt County, Texas. Correspondence with the Applicant should be directed to: James E. Keith, 6040 Telephone Road, Houston, Texas 77087.

Project Description—The proposed project, utilizing existing facilities, would consist of: (1) a 15-foot high, 139-foot long concrete spillway dam; (2) a 125-foot long gate section containing six gates at the west abutment of the dam; (3) a reservoir with a total storage capacity of 608 acre-feet; (4) a powerhouse, located at the east dame abutment, containing three turbine generator units, in need of repair, with a total rated capcacity of 1074 kW; (5) a transmission line; and (6) appurtenant

facilities. The project would produce up to 7,277,000 kWh annually.

Purpose of Project—Energy produced at the project would be utilized by a metal manufacturing facility and/or sold to the local utility.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Texas Parks and Wildlife Department are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—The application was filed as a competing application to the preliminary permit application filed on December 11, 1980 by the Guadalupe-Blanco River Authority FERC No. 3866. No further competing applications will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26049 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1979-000]

James E. Davis; Application

September 1, 1981.

The filing individual submits the following:

Take notice that on August 24, 1981, James E. Davis filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, The Potomac Edison Company.

Director, Vice President, Allegheny Generating Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26005 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5063-000]

Diamond International Corp.; Application for Preliminary Permit

August 25, 1981.

Take notice that Diamond International Corporation (Applicant) filed on July 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5063 to be known as the South Fork Battle Creek Project located on South Fork Battle Creek and Cold Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roy D. Berridge, Manager, California Timber and Lands, Diamond International, P.O. Box D, Red Bluff, California 96080.

Project Description—The proposed project would consist of: (1) a 5-foot high diversion structure on South Fork Battle Creek; (2) a 3- to 4-foot high diversion structure on Cold Creek; (3) a 4,000-foot long and 3-foot diameter penstock; (4) a powerhouse containing a 5,700 kW generating unit; and (5) a 3,000-foot long, 21-kV transmission line connecting to an existing 21-kV Pacific Gas and Electric transmission line. The Applicant estimates that the average annual energy output would be 27 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $130,000.

Competing Applications—This application was filed as a competing application to the South Fork Battle Creek Project No. 4527 filed on April 14, 1981, by North Valley Hydro, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26023 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-465-000]

El Paso Natural Gas Co.; Application

August 31, 1981.

Take notice that on August 14, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-465-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain existing natural gas facilities for the sale of natural gas for resale to the City of Willcox, Arizona (Willcox), and the removal of certain maximum daily delivery limitations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to operate certain existing meter facilities with appurtenances necessary to provide natural gas service to Willcox at the Arizona Electric Power Cooperative, Inc. (AEPCO) Cochise power plant in Cochise County, Arizona. Applicant also proposes to remove the current maximum daily delivery limitation so as to deliver quantities of natural gas to Willcox at the AEPCO delivery point necessary to satisfy AEPCO's requirements up to Applicant's available daily capacity.

It is stated that Applicant and Willcox entered into a gas transportation agreement on December 15, 1980, which provided that Applicant would transport and deliver pursuant to Subpart B of Part 284 of the Commission's Regulations up to 20,000 Mcf of natural gas per day that Willcox acquired from other pipeline companies and/or independent producers for a term of two years commencing with the date of initial delivery. Applicant submits that upon receipt of natural gas for Willcox's account Applicant would concurrently deliver to Willcox at the AEPCO Cochise plant a quantity of natural gas equivalent on a volumetric basis to 95 percent of the natural gas received by Applicant for Willcox's account at mutually agreeable points located on Applicant's system. It is stated that as a compensation for the proposed service Willcox would pay Applicant the rate in effect and reflected from time to time as the Mainline Transmission Charge-Arizona which is currently 15.28 cents per Mcf.

Applicant submits that in connection with the transportation agreement it was necessary for Applicant to evaluate its metering capacity for deliveries of natural gas at the Cochise electric generating plant. Under certain circumstances, AEPCO's Cochise plant can require up to approximately 53,000 Mcf of gas on a peak day which would be served from Applicant's available gas supply allocated under its permanent allocation plan supplemented as necessary with the best-efforts transportation volumes Applicant has agreed to transport for Willcox and deliver to AEPCO's Cochise plant, it is asserted. Applicant states that its existing meter facilities were inadequate to handle the anticipated volumes of natural gas. As a result of such analysis Applicant contends that it has modified the existing AEPCO power plant meter station to permit the accurate measurement of natural gas delivered and sold to Willcox for resale to AEPCO at the Cochise plant. Applicant and Willcox propose to operate said modified meter facilities on a permanent basis and not solely for the transportation arrangement pursuant to Subpart B of Part 284 of the Commission's Regulations.

Applicant also proposes to remove the current maximum daily delivery limitation of 20,250 Mcf to permit Applicant to deliver quantities of natural gas to Willcox at the AEPCO delivery point pursuant to the permanent allocation plan and the Docket No. RP72-6 Stipulation and Agreement necessary to satisfy AEPCO's requirements up to Applicant's available daily capacity. Applicant states that Willcox would be unable to take full advantage of the volumes available to it at the AEPCO power plant meter station under the permanent allocation plan unless the current delivery limitation of 20,250 Mcf per day is removed.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26029 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1496-000]

Frank J. Eppich; Application

September 1, 1981.

The filing individual submits the following:

Take notice that on August 24, 1981, Frank J. Eppich filed an application pursuant to section 305(b) of the Federal Power Act to hold the following position:

Director, Vice President—Monogahela Power Company.

Director, Vice President—Allegheny Generating Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commisssion's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26030 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5089-000]

Fall River Rural Electric Cooperative, Inc.; Application for Preliminary Permit

September 2, 1981.

Take notice that Fall River Rural Electric Cooperative, Inc. (Applicant) filed on July 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5089 to be known as the Felt Hydroelectric Project located on the Teton River in Teton County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Calvin H. Wickham, Fall River Rural Electric Cooperative, Inc., 714 Main Street, Ashton, Idaho 83420.

Project Description—The Applicant-owned project presently consists of the following existing and operating facilities: (1) a 12-foot high 135-foot long dam having a 90-foot long spillway section with crest elevation 5,530 feet m.s.l.; (2) a reservoir having a surface area of 10 acres and a storage capacity of 40 acre-feet; (3) three intake structures along the reservoir right bank; (4) flowline No. 1 consisting of a 170-foot long tunnel and an inoperative 530-foot long 54-inch diameter wood-stave penstock; (5) flowline No. 2 consisting of a 215-foot long tunnel and a 395-foot long 59-inch diameter steel penstock; (6) flowline No. 3 consisting of a 180-foot long tunnel and a 405-foot long 59-inch diameter steel penstock; (7) a powerhouse containing: (a) generating units 1, 2 and 3 having a total rated capacity of 650 kW and connected to flowline No. 1; (b) generating unit 4 having a rated capacity of 720 kW and connected to flowline No. 2; (c) generating unit 5 having a rated capacity of 500 kW and connected to flowline No. 3; (8) a short 2.3-KV transmission line; (9) a plant substation; (10) a 1,000-foot long 46-kV transmission line; (11) the Badger Substation; and (12) appurtenant facilities.

Applicant proposes to study three alternative proposals for redevelopment of the existing facilities as follows: (1) Replace the generating units with new units having a total rated capacity of 2,700 kW; or (2) Construct a 200-foot long penstock and a new powerhouse containing a generating unit having a rated capacity of 3,700 kW; or (3) Construct a 2,600-foot long penstock and a new powerhouse containing two generating units having a total rated capacity of 6,670 kW. The new construction would affect lands of the United States under the jurisdiction of the Bureau of Land Management. Project energy would be used within Applicant's system or sold. Applicant estimates that the average annual energy output would be between 15,000 MWh and 38,100 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete a currently under-way feasibility study, including technical, environmental, economic and financial aspects, prepare a preliminary design, conduct an environmental study, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file and acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26072 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-50-000]

Fayette Manufacturing Corp., Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 1, 1981.

On July 28, 1981, the Fayette Manufacturing Corporation of Clearfield, Pennsylvania, filed with the Federal Energy Regulatory Commission (commission) an application for certification as a small power production facility pursuant to § 292.207 of the Commission's rules.

The applicant states that it will construct a wind farm consisting of 300 machines rated at 75 kilowatts per machine for a total of 22.5 megawatts. The facility will be located at the JJJ Ranch, Alameda County, California. The primary energy source of the facility is wind. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26083 Filed 9-4-81: 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1379-001]

Charles B. Finch; Application

September 1, 1981.

The filing individual submits the following:

Take notice that on August 24, 1981, Charles B. Finch filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Chairman of the Board of Directors—Monongahela Power Company.

Director, Chairman of the Board of Directors—The Potomac Edison Company.

Director, Chairman of the Board of Directors—West Penn Power Company.

Director—Ohio Valley Electric Corporation.

Director, President—Allegheny Generating Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26037 Filed 9-4-81: 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-701-000]

Florida Power & Light Co.; Filing

September 1, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on August 25, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Fire Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit I FPL will transmit power and energy for the Fort Pierce Utilities Authority (Ft. Pierce) as is required by Ft. Pierce in the implementation of its interchange agreement with the City of Gainesville.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of the Fort Pierce Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26038 Filed 9-4-81: 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-588-000]

Florida Power & Light Co., Order Accepting for Filing and suspending Revised Rates, Denying Motions for Rejection and Summary Disposition, Granting Interventions, and Establishing Price Squeeze, CWIP, and Hearing Procedures

Issued September 2, 1981.

On July 1, 1981, Florida Power & Light Company (FP&L) tendered for filing revised rates (1) for firm power service to six municipal and eight cooperative customers and (2) for transmission service to eleven municipal customers and two public utilities.[1] In addition, FP&L tendered for filing amendments to its firm power service agreement with Seminole Electric Cooperative, and to its transmission service agreements with the city of New Smyrna Beach, Florida, and the Jacksonville Electric Authority.[2] Based on the Period II test year ending September 30, 1982, the revisions would increase the company's revenues by approximately $40,000,000 (18.35%).

FP&L originally requested that these rates and contract amendments become effective on september 1, 1981, subject to suspension for a period no longer than one day; the company stated, however, that it would defer implementation of the proposed rate increase until January 1, 1982. Subsequently, on August 10, 1981, FP&L filed an executed agreement on behalf of the company, the municipal customers, and the cooperative customers requesting the Commission to suspend the revised rates for five

[1] Four of the six municipal customers receiving firm power service also receive transmission service.

[2] *See* Attachment A for rate schedule designations and a list of affected customers.

months from September 3, 1981, to become effective on February 3, 1982.[3]

As part of its submittal, FP&L also has applied for permission to prospectively include all construction work in progress (CWIP) in rate base on the ground that it is experiencing severe financial difficulty within the meaning of § 2.16 of the Commission's regulations. The CWIP-based rates would increase test period revenues by approximately $50,300,000 (23.05%). FP&L requests that an expedited hearing be held concerning the CWIP issue.

FP&L also requests waiver of § 35.14 of the Commission's regulations so as to recover through its fuel adjustment clause capacity charges associated with purchased power whenever the total cost of purchased power is less than FP&L's system incremental fuel costs.

A timely protest and petition to intervene was filed by the Cities of Starke, Homestead, and Vero Beach, and the utilities Commissions of Fort Pierce and New Smyrna Beach ("Municipals").[4] The Municipals request: (1) summary rejection of the request for CWIP relief; (2) that any grant of CWIP relief be conditioned upon a showing by FP&L that it has considered alternative means of alleviating its alleged financial condition; and (3) that the rate increase be suspended for the maximum statutory period. In support of their requests, the Municipals contend that the company has not demonstrated severe financial difficulty and that its alleged history of anticompetitive conduct is responsible, in part, for its present financial condition. the Municipals also claim that the proposed increase in rates may create a price squeeze.

A timely joint petition was also filed on behalf of seven cooperative customers ("Cooperatives").[5] The Cooperatives request that FP&L's filing be rejected as to the application for CWIP relief. In addition, the Cooperatives request that FP&L be directed to treat Seminole Electric Cooperative, rather than its members, as the company's wholesale customer. According to the Cooperatives, the failure of FP&L to recognize Seminole as its wholesale customer is anticompetitive and has impaired the Cooperatives' ability to develop independent sources of bulk power. The Cooperatives also oppose FP&L's request for waiver of the fuel adjustment clause regulations and allege that the proposed rates may produce a price squeeze.

The protests raise a variety of cost of service issues and request summary disposition with respect to six specific matters: (1) use of a 21.5% rate of return on common equity in deriving the non-CWIP rates; (2) inclusion in rate base of nuclear fuel in process; (3) inclusion in rate base of certain generating units; (4) inclusion in transmission rates of purportedly improper demand related costs; (5) inclusion in cash working capital of nuclear fuel expense; and (6) purportedly improper calculation of interest synchronization.

On August 21, 1981, FP&L responded to the petitions and protests. FP&L objects to the requests for rejection or summary disposition, contends that the matters raised by the intervenors are issues appropriately resolved on the basis of a hearing, and asks that consideration of its application for CWIP relief be deferred pending the outcome of the Commission's recently initiated rulemaking on that subject (Docket No. RM81-38).

Discussion

Initially, we find that participation by the Municipals and the Cooperatives is in the public interest and, accordingly, we shall grant their petitions to intervene.

Under the Commission's present standards, a utility requesting the inclusion of CWIP in rate base[6] must show clearly and convincingly that it is experiencing severe financial difficulty which cannot be alleviated by traditional forms of rate relief without materially increasing the cost of electricity.[7] As we stated recently, however, the time has come to reexamine these standards. Based upon this belief, the Commission recently issued a notice of proposed rulemaking in order properly to reconsider the CWIP issue.[8] In order to maintain the *status quo ante* pending further Commission action and to avoid any prejudice to the parties, we shall set for hearing the issue of FP&L's CWIP application and phase that issue to follow the rulemaking proceeding. Such phasing will allow FP&L to go forward on its CWIP application under such standards as will be developed through public notice and comment on the proposed rulemaking.[9] Accordingly, the Commission will grant FP&L's request to phase consideration of its CWIP application, and we shall deny the intervenors' request for summary rejection of the company's CWIP filing.

Our review of FP&L's filing indicates that nuclear fuel in process has been included in rate base only for purposes of the company's CWIP-based rates. Because we have viewed this item as being equivalent to CWIP,[10] FP&L's inclusion of nuclear fuel in process in the rate base associated with the CWIP application appears appropriate. We shall therefore deny the Cooperatives' motion for summary disposition on this question. With respect to all other issues as to which summary disposition is requested, we find that they present questions of law and fact most appropriately resolved on the basis of an evidentiary hearing.

For the reasons discussed below, we shall deny without prejudice FP&L's request for waiver of § 35.14 of the Commission's regulations to allow the inclusion of certain demand related costs in its fuel adjustment clause (*i.e.*, whenever the total cost of purchased power is below FP&L's incremental fuel cost). In establishing the present fuel adjustment clause regulations, the Commission determined that a fuel clause should be used to reflect changes in fuel costs.[11] The single exception concerns energy purchased on an economic dispatch basis where the Commission permits the recovery of "the net energy costs." Even in the case of purchased power, the Commission has determined that the recovery of demand charges is inappropriate.[12] Arguably, however, where energy is purchased on an economic dispatch basis and demand costs are being incurred solely to reduce enegy costs (that is, the purchase is unnecessary with respect to adequacy of reserves), such purchases would not be inconsistent with the intent of § 35.14.

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[3] The cooperative customers filed a pleading on August 13, 1981, expressing their concurrence in FP&L's amended request.

[4] Notice of the filing was issued on July 9, 1981, with responses due on or before July 28, 1981. The comment deadline was extended until August 3, 1981, in response to a motion by several of FP&L's customers.

[5] Seminole Electric Cooperative Inc.; Clay Electric Cooperative, Inc.; Glades Electric Cooperatives, Inc.; Lee County Electric Cooperative, Inc.; Okefenoke Rural Electric Membership Corporation; Pierce River Electric Cooperative, Inc.; and Suwannee Valley Electric Cooperatives, Inc.

[6] Other than CWIP associated with pollution control and fuel conversion facilities.

[7] 18 C.F.R. § 2.16(b)(3).

[8] *Construction Work in Progress for Public Utilities*, Docket No. RM81-36, *Notice of Proposed Rulemaking* (July 27, 1981).

[9] *See, El Paso Electric Company*, Docket No. ER81-426-000 (June 30, 1981); *Central Power and Light Company*, Docket No. ER81-367-000 (July 27, 1981).

[10] *See, e.g., Kansas City Power and Light Company*, Docket No. ER79-166, (March 28, 1979); *Florida Power and Light Company*, Docket No. E-8008, Opinion No. 784 (December 15, 1976).

[11] *See* Order No. 517 (November 13, 1974).

[12] Section 35.14(a)(2)(iii) provides that fuel costs shall include: "The net energy cost of energy purchases, *Exclusive of capacity or demand charges* . . . when such energy is purchased on an economic dispatch basis (emphasis added)."

FP&L has not advanced this argument nor has it demonstrated any other good cause for waiver of the fuel clause regulations. The only argument proffered by the company is that the Florida Commission permits such recovery in retail rates. Furthermore, we note that FP&L is proposing to recover such demand charges through its proposed energy charges without including them in the base cost of fuel in the fuel adjustment clause. Such treatment may allow FP&L to recover the costs twice. Under these circumstances, we shall deny FP&L's request for waiver without prejudice to the company's opportunity to show at hearing that its purchased power demand costs are being incurred solely to reduce energy costs and that such purchases are unnecessary with respect to adequacy of reserves. Since such fuel clause treatment of purchased power demand costs would be a departure from current Commission policy, we would permit any such recovery to become effective, if at all, prospectively only upon final Commission determination.

FP&L also has requested that it be allowed to recover—through its fuel adjustment clause—capacity charges paid to co-generators and small power producers. Again, such treatment is inconsistent with current practice and the company has not thus far shown good cause for waiver of § 35.14. Again waiver of § 35.14 will be denied without prejudice and with any relief to be prospective only.

Our analysis indicates that the non-CWIP rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept these rates for filing and suspend them as directed below.

In a number of suspension orders,[13] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension for the maximum period may lead to harsh and inequitable results. In the instant proceeding, we need not reach such questions inasmuch as the company and its affected customers have agreed to a maximum suspension running from September 3, 1981. Accordingly, consistent with this request, we shall suspend FP&L's non-CWIP rates for five months, to become effective subject to refund on February 3, 1982.

In light of the price squeeze allegations raised by the intervenors, we shall institute price squeeze procedures and phase those proceedings in accordance with Commission policy established in *Arkansas Power and Light Company*, Docket No. ER79–339, order issued August 6, 1979.

The Cooperatives' request that FP&L be required to recognize Seminole as its wholesale customer arises out of Seminole's attempt to develop bulk power resources for the benefit of its members. Specifically, Seminole has obtained loans from the Rural Electrification Administration (REA) in order to finance the construction of generation facilities. The terms of the REA loan require that Seminole enter into wholesale power contracts with its members in which they agree to purchase all of their power and energy needs from Seminole to the extent possible and that each member assign to Seminole any contracts it has with other power suppliers. According to the Cooperatives, they have executed such assignments, but FP&L has refused to recognize them. We note that FP&L's service agreements require the company's written consent to a customer's assignment of its interests. In contrast, however, FP&L's full and partial requirements tariffs contain availability language which appears to permit any generation and transmission cooperative to receive such service as is available to its member cooperatives. This apparent disparity raises questions of law and fact which should be considered on the basis of an evidentiary record. As a result, we shall defer action on the Cooperatives' request pending the outcome of a hearing.

Finally, we take this opportunity to advise FP&L that any adjustment which may be contemplated pursuant to the tax adjustment clause contained in the company's submittal will have to be filed as a change in rates under § 35.13 of the Commission's regulations. It is our policy not to permit such tax clauses to be the basis for automatic changes in rates.[14]

The Commission Orders

(A) The motions of the Municipals and the Cooperatives to reject FP&L's application for authorization to include CWIP in rate base are hereby denied.

(B) FP&L's motion to expedite hearings on its application to include CWIP in rate base is hereby denied. The company's subsequent request to defer the CWIP phase of this proceeding is hereby granted.

(C) All motions for summary disposition with respect to the issues raised by the intervenors are hereby denied.

(D) FP&L's request for waiver of the Commission's fuel adjustment clause regulations is herey denied without prejudice as noted in the body of this order.

(E) FP&L's non-CWIP rates are hereby accepted for filing and suspended for five months from September 3, 1981, to become effective, subject to refund, on February 3, 1982.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of FP&L's rates and services.

(G) The petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* That participation by such intervenors shall be limited to the matters set forth in the petitions to intervene; and *provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of

[13] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one-day suspension).

[14] *See, e.g., Boston Edison Co.*, Docket No. ER78–304 (May 30, 1978); *Kansas City Power & Light Co.*, Docket No. ER79–141 (March 13, 1979); *Kansas City Power & Light Co.*, Docket No. ER79–166 (March 28, 1979).

the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) FP&L's application for authorization to include CWIP in rate base is hereby phased so that the application will be heard subsequent to Commission action in Docket No. RM81-38.

(J) The Commission staff shall serve top sheets in this proceeding on or before September 4, 1981.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(L) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Florida Power & Light Company

[Docket No. ER81-588-000]

Designations and Description

(1) FPC Electric Tariff 1st Revised Volume No. 1—Firm Power—Full or Partial Requirements Service

4th Revised Sheet No. 5 supersedes 3rd Revised Sheet No. 5.

3rd Revised Sheet No. 6 supersedes 2nd Revised Sheet No. 6.

4th Revised Sheet No. 7 supersedes 3rd Revised Sheet No. 7.

3rd Revised Sheet No. 8 supersedes 2nd Revised Sheet No. 8.

5th Revised Sheet No. 9 supersedes 4th Revised Sheet No. 9.

Original Sheet No. 9-A supersedes—

Affected customers: City of New Smyrna Beach, City of Homestead, City of Starke, Fort Pierce Utilities Authority, City of Vero Beach, City of Clewiston, Okefenoke R.E.M.C., Lee County Electric Cooperative, Clay Electric Cooperative, Glades Electric Cooperative, Florida Keys Electric Cooperative, Pierce River Electric Membership Cooperative, Suwannee Valley Electric Cooperative.

Designation and Description

(2) Supplement No. 2 to Lee County's Service Agreement under FPC Electric Tariff, 1st Revised Volume No. 1 (Supersedes Supplement No. 1 to Service Agreement)—Amendment to the Nov. 19, 1979, agreement to provide firm power service between FP&L and Seminole Electric Cooperative (acting as an agent for Lee County Electric Cooperative).

(3) FERC Electric Tariff, Original Volume No. 2—Transmission service-Emergency, Short Term, Firm Economy, or Firm Services.

1st Revised Sheet No. 4 supersedes Original Sheet No. 4.

1st Revised Sheet No. 5 supersedes Original Sheet No. 5.

1st Revised Sheet No. 6 supersedes Original Sheet No. 6.

Affected Customers: City of St. Cloud, City of Vero Beach, City of Gainesville, City of Homestead, City of Kissimmee, Fort Pierce Utilities Authority, Jacksonville Electric Authority, Lake Worth Utilities Authority, Utilities Commission of New Smyrna Beach, Orlando Utilities Commission, Sebring Utilities Commission, Florida Power Corporation and Tampa Electric Company.

Designation

(4) Supplement No. 1 to Supplement No. 5 to Jacksonville's Service Agreement under FERC Electric Tariff, Original Volume No. 2—Amendment No. 2 to the February 14, 1980, contract between FP&L Jacksonville and Southern Company Services.

(5) Supplement No. 13 to New Smyrna Beach's Service Agreement under FERC Electric Tariff, Original Volume No. 2—Amendment No. 2 to the January 28, 1977 contract between FP&L and New Smyrna Beach.

[FR Doc. 81-26172 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5204-000]

Stephen J. Gaber; Application for Preliminary Permit

September 3, 1981.

Take notice that Stephen J. Gaber (Applicant) filed on August 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5204 to be known as the Kidney Creek Hydroelectric Project located on Kidney Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2551 Mount Baker Hiway, Bellingham, Washington 98225.

Project Description—The project would consist of: (1) a 10-foot high diversion structure on Kidney Creek; (2) a 42-inch diversion conduit; (3) a 30-inch diameter penstock; (4) a powerhouse with a total installed capacity of 4,000 kw; and (5) a 0.5-mile long transmission line from the powerhouse to an existing Puget Sound Power & Light 55-kV transmission line. The Applicant estimates that the average annual energy production would be 15 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking the studies would be $200,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 4, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing

application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26173 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-97-000]

Great Lakes Gas Transmission Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Conditions, and Establishing Procedures

Issued August 31, 1981.

On July 31, 1981, Great Lakes Gas Transmission Company (Great Lakes) filed revised trariff sheets [1] to its FERC Gas Tariff proposing a general rate increase under section 4(e) of the Natural Gas Act that will result in increased annual jurisdictional revenues of $13,621,208. The filing represents an increase of 2.1% compared to the rates presently effective subject to refund, and a 14.22% increase above present revenues attributable to costs exclusive of purchased gas costs. The increased rates are based on actual costs for the 12 month period ended April 30, 1981, adjusted for known and measurable changes through January 31, 1982. The proposed effective date is September 1, 1981.

Notice of this filing was issued on August 7, 1981, with petitions to intervene due by August 19, 1981. Petitions to intervene were filed by the petitioners listed in Appendix B. The Commission finds that all petitioners have demonstrated an interest in this proceeding warranting their participation. The petitions shall be granted.

Great Lakes states that the proposed rate change is necessary due to (1) increased operating expenses; (2) an increased depreciation expense resulting from increased plant in service;[2] (3) increased Federal and state income taxes; (4) increased other taxes including payroll, ad valorem, use, and Michigan Single Business taxes; and (5) an increased overall return requirement. Great Lakes claims a need for an overall rate of return of 13.13% which would provide a 16.75% return on common equity constituting 38.76% of the capitalization.

We note that Great Lakes' filing reflects utilization of the *Atlantic Seaboard (Seaboard)*[3] methodology of cost classification, cost allocation and rate design. Great Lakes is placed on notice of its potential liability for undercollections in the event that the cost classification, allocation, and rate design adopted in this proceeding assigns more fixed costs to the commodity component that would be assigned under the *Seaboard* formula.

Based upon a review of Great Lakes' filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Great Lakes' filing, suspend the effective date of the tendered revised tariff sheets, subject to refund and to the conditions set forth below, and set the matter for hearing.

In a number of suspension ordrs,[4] the Commission has addressd the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have not been presented here. Accordingly, we shall suspend the rates for a period of five months, permitting them to take effect, subject to refund, on February 1, 1982.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rate increases proposed by Great Lakes.

(B) Pending hearing and decision, and subject to the conditions described in the body of this order, Great Lakes' revised tariff sheets listed in Appendix A are accepted for filing and suspended for five months until February 1, 1982, subject to refund.

(C) Staff shall file top sheets in this proceeding on or before December 1, 1981.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding to be held within 10 days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 824 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(E) The petitioners identified in Appendix B to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(F) Pursuant to § 154.63(e)(2)(ii) of the Regulations, Great Lakes shall file revised tariff sheets prior to February 1, 1982, reflecting elimination of that portion of its gas plant which has been certificated but is not in service as of January 31, 1982, the end of the test period.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A—Great Lakes Gas Transmission Company

Docket No. RP81-97-000

First Revised Volume No. 1

Eleventh Revised Sheet No. 4
Fortieth Revised Sheet No. 57

Original Volume No. 2

Seventeenth Revised Sheet No. 53
Eighth Revised Sheet No. 77
Second Revised Sheet No. 183
Second Revised Sheet No. 223
Second Revised Sheet No. 245
First Revised Sheet No. 294

Appendix B

Michigan Wisconsin Pipe Line Company

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[1] A list of filed revised tariff sheets is set forth in Appendix A to this order.

[2] Great Lakes has included $39,557,585 of gas plant that was certificated but not in service at the end of the base period. We note that under Section 154.63(e)(2)(ii) of the Commission's Regulations, only those facilities which are certificated and placed in service by the end of the test period may remain in rate base. Accordingly, Great Lakes shall remove all costs associated with that portion of this plant which is not in service as of January 31, 1982, the end of the test period.

[3] The *Seaboard* method of cost classification, allocation, and rate design takes its name from the Commission's decision in *Atlantic Seaborad Corporation,* 11 F.P.C. 43 (1952).

[4] *E.g., Valley Gas Transmission, Inc.,* Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company,* Docket No. RP80-134 (September 24, 1980) (five month suspension).

Natural Gas Pipeline Company of America
Michigan Consolidated Gas Company
Inter-City Gas Corporation
Michigan Power Company
TransCanada PipeLines Limited
[FR Doc. 81-26050 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4908-000]

Mary Jane Hirschey; Application for Preliminary Permit

August 25, 1981

Take notice that Mary Jane Hirschey (Applicant) filed on June 18, 1981, and revised on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4908 to be known as the Tannery Island Project located on the Black River in the Village of Carthage, Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen F. Burke, 620 Washington Avenue, Rensselaer, New York 12144.

Project Description—The existing facilities consist of: (1) 14-foot high, 125-foot long concrete gravity overflow-type Dam A; (2) 10-foot high, 115-foot long concrete gravity overflow-type Dam B; (3) 10-foot high, 290-foot long concrete gravity overflow-type Dam C; (4) a reservoir having a surface area of 8.5 acres and a storage capacity of 60 acre-feet at normal pool elevation 717.97 feet m.s.l.; (5) a forebey having trash racks; (6) a 24-foot deep steel frame/concrete panel open flume having 8 steel head gates and containing 10 turbines connected to four shafts; (7) a 6-foot diameter 60-foot long penstock; (8) a powerhouse containing 2 turbines; and (9) appurtenant facilities.

Applicant proposes to redevelop the existing facilities and would: (1) rehabilitate the turbines and install 4 new generators having a total rated capacity of 1,000-kW; or (2) replace the turbines with two new generating units having a total rated capacity of 3,000-kW at a head of 14 feet and a flow of 2,900 c.f.s.; and (3) construct a 500-foot long 13.2-kV transmission line. Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates that the average annual energy output would be between 7,450,000 kWh and 21,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would perform engineering studies, investigations and surveys, develop maps, plans and design materials, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $70,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-26087 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 5102-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5102 to be known as the Brush Creek Water Power Project located on Brush Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Corresponsence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The Project would consist of: (1) a 2-foot high diversion structure; (2) a 5000-foot long, 10-inch diameter penstock; (3) a powerhouse with total installed capacity of 100 kW; and (4) a 400-foot long, 120/240-V transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 499,300 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC License application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit

comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26084 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5108-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5108 to be known as the Curley Creek Water Power Project located on Curley Creek in Boundary County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 3200-foot long, 20-inch diameter penstock; (3) a powerhouse with total installed capacity of 300 kW; (4) a 3300-foot long, 5-kV transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 2,084,900 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental, and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,500.

Competing Applications—Alyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in §4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[Project No. 5109-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 1, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5109 to be known as the Hellroaring Creek Water Power Project located on Hellroaring Creek in Boundary County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 5700-foot long, 1-inch diameter penstock; (3) a powerhouse with total installed capacity of 125 kW; and (4) a 2400-foot long, 5-kV transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 569,400 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic

studies; and prepare; an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $4,550.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (d) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital leters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.D. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28066 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5093-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 2, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5093 to be known as the Yew Creek Water Power Project located on Yew Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 4,200-foot long, 12-inch diameter penstock; (3) a powerhouse with total installed capacity of 100 kW; and (4) a 13,500-foot long, 5-kV transmission line which would connect the powerhouse to the existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 359,200 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and would prepare a FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,250.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28051 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5110-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 2, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5110 to be known as the Curtis Creek Water Power Project located on Curtis Creek in

Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 3,000-foot long, 10-inch diameter penstock; (3) a powerhouse with total installed capacity of 50 kW; and (4) a 400-foot long, 120/240–V transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 280,300 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $2,750.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26052 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5103-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 2, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5103 to be known as the Squaw Creek Water Power Project located on Squaw Creek in Sanders County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc. P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) 3500-foot long, 10-inch diameter penstock; (3) a powerhouse with total installed capacity of 35 kW; and (4) a 1100-foot long, 5-kV transmission line which would connect the powerhouse to the existing Montana Power Company transmission line. The Applicant estimates that the average annual energy production would be 236,500 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare a FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates the cost of undertaking these studies would be $2,750.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing

application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26073 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5101-000]

Homestake Consulting & Investments, Inc.; Notice of Application for Preliminary Permit

September 2, 1981

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5101 to be known as the Deep Creek Water Power Project located on Deep Creek in Stevens County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 2300-foot long, 20-inch diameter penstock; (3) a powerhouse with total installed capacity of 150 kW; and (4) a 1600-foot long, 5-kV transmission line which would connect the powerhouse to the existing Washington Water Power Company transmission line. The Applicant estimates that the average annual energy production would be 735,800 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $2,850.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26074 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5045-000]

Jordan-Riewerts; Application for Preliminary Permit

August 25, 1981.

Take notice that Jordan-Riewerts (Applicant) filed on July 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5045 to be known as the Boise Creek Water Project located on Boise Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald Riewerts, 822 G Street, Arcata, California 95521.

Project Description—The project would consist of: (1) a 4-foot high, 18-foot long diversion structure; (2) a 23,000-foot long, 36-inch diameter steel conduit, and a concrete pressure box; (3) a 1,560-foot long, 30-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 2,600 kW; and (5) a half-mile long, 12-kV transmission line which would connect the powerhouse to the existing Pacific Gas & Electric Company 12-kV line near the Klamath River. The Applicant estimates that the average annual energy production would be 10.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a

party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26094 Filed 9-4-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-417]

Kentucky Utilities Co.; Compliance Filing

August 28, 1981.

Take notice that on August 7, 1981, Kentucky Utilities Company tendered for filing a compliance report pursuant to Opinion Nos. 116 and 116-A dated April 2, 1981 and June 1, 1981, respectively.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 14, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26025 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5132-000]

Craig W. Knight; Application for Preliminary Permit

September 4, 1981.

Take notice that Craig W. Knight (Applicant) filed on July 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5132 to be known as the South Fork Pit River Hydroelectric Project located on South Fork Pit River in Modoc County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Craig W. Knight, P.O. Box 97, Adin, California 96006.

Project Description—The project would consist of: (1) a 5-foot high, 60-foot long concrete diversion structure; (2) a 4,000-foot long, 60-inch diameter conduit; (3) a 300-foot long, 48-inch diameter penstock; (4) a powerhouse with total installed capacity of 900 kW and (5) a 2-mile long, 12-kV transmission line which would connect the powerhouse to an existing Surprise Valley transmission line. The Applicant estimates that the average annual energy production would be 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 8, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 6, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26174 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4682-000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 25, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4682 to be known as the Minetto Dam—Lock No. 5 Project located on the Oswego River and Oswego Canal in Oswego County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Paul J. Elston and Donald E. Hamer, 330 Madison Aveune, 7th Floor, New York New York 10017.

Project Description—The proposed run-of-the-river project would consist of:

(1) the existing Minetto Dam, owned by the New York State Department of Transportation, a curved concrete gravity structure 500 feet long and 22.5 feet high; (2) Lock No. 5; (3) an existing reservoir with a surface area of 642 acres and 6,400 acre-feet of storage at surface elevation 307 feet m.s.l.; and new project works at the east (right) abutment of the dam to include (4) an intake structure; (5) a power canal or penstock(s); (6) a powerhouse with an installed capacity of 3,300 kW; (7) a tailrace; and (8) other appurtenances. The Niagara Mohawk Power Corporation currently operates for the State of New York a hydroelectric project on the west bank of the river, and the Applicant proposes to develop the presently undeveloped energy potential of the site. Applicant estimates annual generation for Project No. 4682 would average about 9,250,000 kWh. Project energy would be marketed to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26028 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4685-000]

Long Lake Energy Corp.; Application for Preliminary Permit

September 2, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4685 to be known as the Oswego River and Canal/Lock No. 7 Project located on the Oswego River and Oswego Canal in Oswego County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Paul J. Elston and Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of existing project works including: (1) Oswego Dam, owned by the New York State Department of Transportation, a curved masonry structure 517 feet long and 14 feet high with a 250-foot long side channel spillway; (2) Lock No. 7; (3) a reservoir with a surface area of 47 acres and 650 acre-feet of storage at surface elevation of 268.5 m.s.l.; and new project works to include; (4) an intake structure and low level box culvert penstocks; (5) a powerhouse with an installed capacity of 3,170 kW; (6) a tailrace; (7) a switchyard; (8) a transmission line; and (9) other appurtenances. Applicant estimates average annual energy production would be 8,650,000 kWh. Project energy would be marketed to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS",

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26075 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4715-000]

Long Lake Energy Corp., Application for Preliminary Permit

August 25, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on May 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4715 known as the Felts Mills Project located on the Black River in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs, Paul J. Elston and Donald E, Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The Applicant proposes to study the feasibility of developing the head and flow of the Black River, from the headwaters of the dam at Great Bend, New York to the tailwaters of the dam at Felts Mills, New York. The proposed run-of-river project would consist of: (1) three existing dams, (a) the Lower Dam located in Felts Mills; (b) the Middle Dam located 1.1 miles upstream of the Lower Dam, (c) the Upper Dam situated 1.4 miles upstream of the Middle Dam and located in Great Bend; (2) three existing reservoirs with, (a) a surface area of 68 acres at surface elevation of 585 feet m.s.l. at the Lower Dam, (b) a surface area of 39 acres at surface elevation of 595 feet m.s.l. at Middle Dam, and (c) a surface area of 165 acres at surface elevation of 610 feet m.s.l. at the Upper Dam. The facilities proposed by Applicant include two alternatives: (1) at each Dam (i) an intake structure to direct flow to; (ii) a penstock or power canal to serve; (iii) turbine/generator units with rated capacities of 5800 kW at Lower Dam, 4100 kW at Middle Dam, and 5100 kW at Upper Dam to give a total rated capacity of 15000 kW housed in; (iv) a powerhouse which will discharge into; (v) a tailrace; (vi) a switchyard; and (vii) transmission lines; (2)(i) An intake structure at Upper Dam; (ii) a penstock or power canal; (iii) a powerhouse in the vicinity of the Lower Dam containing one or more generating units with a total capacity of 21,000 kW; (iv) a tailrace, (v) a switchyard; and (vi) transmission lines. All existing project facilities are owned by Niagara Mohawk Power Corporation. The Applicant estimates that the average annual energy output would be a maximum of 87.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and environmental studies. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application fpr a FERC license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $140,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragrapah of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26084 Filed 9-4-81; 8:45 am]

BILLING CODE 6455-85-M

[Docket Nos. ER81-457-000 and EL81-13-000]

Louisiana Power & Light Co.; Order Granting Rehearing for Purposes of Further Consideration

Issued: September 2, 1981.

On August 7, 1981, Louisiana Power & Light Company (LP&L) filed an application for rehearing of the Commission's order of July 10, 1981, in these dockets. The underlying order concerned a complaint filed by the City of Winnfield, Louisiana, and a rate change filing submitted by LP&L. Among other things, the order suspended LP&L's increased rates for five months, denied waiver of notice, directed LP&L to continue serving Winnfield under LP&L's effective filed rates for that customer, ordered the company to refund any amounts already collected under the increased rates, and set the complaint and rate filing for an expedited hearing.

In order to afford additional time for consideration of the issues raised in the application for rehearing, we shall grant rehearing of the July 10, 1981 order for the limited purpose of further consideration.

The Commission orders:

(A) Rehearing of the July 10, 1981 order is hereby granted for the limited purpose of further consideration.

(B) As provided in § 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the applications for rehearing will be entertained by the Commission, since this order does not grant rehearing upon any substantive issue.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26175 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4728-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act 16 U.S.C. 791(a)–825(r)] for Project No. 4728 to be known as the Kent Lake Water Power Project located on Kent Lake on Lagunitas Creek in Marin County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Verne E. Spangenberg, General Manager, Marin Municipal Water District, 220 Nellen Avenue, Corte Madera, California 94924.

Project Description—The proposed project would consist of: (1) an inline powerhouse installed on an existing 36-inch scour line of the existing Kent Lake Reservoir and Dam, with a total installed capacity of 950 kW; and (2) a 5-mile long, 12-kV transmission interconnecting with an existing Pacific Gas and Electric Company transmission line.

The Applicant estimates that the average annual production would be 0.87 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, and economic studies; negotiate with the Pacific Gas and Electric Company; and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $11,300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent] See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petitions to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26028 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4723-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4723 to be known as the Soulajule Reservoir Water Power Project located on Soulajule Reservoir on Arroyo Sausal in Marin County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Verne E. Spangenberg, General Manager, Marin Municipal Water District, 220 Nellen Avenue, Corte Madera, California 94925.

Project Description—The proposed project would consist of: (1) an inline powerhouse installed on an existing 48-inch scour line of the existing Soulajule Reservoir and Dam, with a total installed capacity of 975 kW; and (2) a 13-mile long, 12-kV transmission interconnecting with an existing Pacific Gas and Electric Company transmission line.

The Applicant estimates that the average annual production would be 0.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, and economic studies; negotiate with the Pacific Gas and Electric Company; and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $11,300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be recieved on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28029 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4730-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4730 known as the Nicasio Reservoir Water Power Project located on Nicasio Reservoir on Arroy Nicasio in Marin County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Verne E. Spangenberg, General Manager, Marin Municipal Water District, 220 Nellen Avenue, Corte Madera, California 94925.

Project Description—The proposed project would consist of: (1) a inline powerhouse installed on an existing 36-inch scour line of the existing Nicasio Reservoir and Dam, with a total installed capacity of 290 kW; (2) and 8-mile long transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual production would be 1.065 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, and economic studies; negotiate with the Pacific Gas and Electric Company; and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $11,300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28085 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4734-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4734 to be known as the Alpine Lake Water Power Project located on Alpine Lake on Lagunitas Creek in Marin County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Verne E. Spangenberg, General Manager, Marin Muncipal Water District, 220 Nellen Avenue, Corte Madera, California 94925.

Project Description—The proposed project would consist of: (1) a powerhouse installed on an existing 26-inch discharge pipe of the existing Alpine Lake Reservoir and Dam, with a total installed capacity of 230 kW; and (2) a 7-mile long, 12-kV transmission interconnecting with an existing Pacific Gas and Electric Company transmission line.

The Applicant estimates that the average annual production would be 0.83 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued,

does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, and economic studies; negotiate with the Pacific Gas and Electric Company: and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $11,300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26086 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5127-000]

Mega-Hydro, Inc.; Application for Preliminary Permit

September 4, 1981.

Take notice that Mega-Hydro, Inc. (Applicant) filed on July 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5127 known as the Rush Creek Feather River Power Project located on Rush Creek, near the town of Quincy in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Chuck Chain, 1646 East Street, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a 110-foot long, 5-foot high rock and concrete diversion structure; (2) a 10,250-foot long diversion conduit; (3) a 2,560-foot long, 20-inch diameter penstock; (4) a powerhouse with a total rated capacity of 937 kW and associated electrical switch gear; and (5) a 500-foot long, 12.5-kV transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental and economic studies as well as preparing an application for an FERC license. No new roads would be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $43,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *November 7, 1981,* either the competing application itself [See 18 CFR § 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of Practice and Procedure, 18 CFR section 1.8 or section 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 7, 1981.

Filing and Service of Responsive Documents—any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26176 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5126-000]

Mega-Hydro, Inc.; Application for Preliminary Permit

September 4, 1981.

Take notice that Mega-Hydro, Inc. (Applicant) filed on July 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5126 to be known as the West Fork-Feather River Power Project located on West Fork Creek in Butte County, California. The application is on file with the

Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Chuck Chain, President, Mega-Hydro, Inc., 1646 East Street, Redding, California 96001.

Project Description—The project would consist of: (1) a 4-foot high, 60-foot long diversion structure; (2) a 22,650-foot long, 24-inch diameter low pressure conduit; (3) a 2,740-foot long, 20-inch diameter penstock; (4) a powerhouse with total installed capacity of 1,000 kW and (5) a 0.1-mile long, 12.5-kV transmission line which would connect the powerhouse to an existing Pacific Gas and Electric transmission line. The Applicant estimates that the average annual energy production would be 3.96 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $51,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 8, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comment, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENT", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26177 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-174]

Missouri Edison Co.; Refund Compliance Filing

August 28, 1981.

Take notice that on August 3, 1981, Missouri Edison Company (Missouri Edison) tendered for filing a refund compliance report pursuant to the Commission's final order dated September 2, 1980, in Union Electric Company, Docket No. ER77-614.

On January 4, 1978, Missouri Edison filed revised municipal wholesale rates. As ordered by the Commission, in Docket No. ER78-174, the rates became effective, subject to refund, pending the final outcome of proceedings in Union Electric Company, Docket No. ER77-614.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 21, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26086 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5115-000]

Modesto Irrigation District; Application for Preliminary Permit

September 2, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5115 to be known as the Pine Creek Project located on Pine Creek, near Bishop in Inyo County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 6-foot high concrete dam; (2) a 4,200-foot long and 3-foot diameter penstock; (3) a powerhouse containing a generating unit of 1,450 kW; and (4) a transmission line. The Applicant estimates that the average annual energy output would be 8.7 million kilowatt hours.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $45,000.

Competing Applications—This application was filed as a competing application to the Pine Creek Project No. 3884 filed on February 20, 1981, by California Renewable Resources, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice

and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 25, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26078 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4937-001]

Modesto Irrigation District; Application for Preliminary Permit

September 2, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4937 to be known as the Deer Creek Hydroelectric Project located on Deer Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 4-foot high diversion structure across Deer Creek; (2) a 13,000-foot-long conduit; (3) a 48-inch-diameter, 1,000-foot-long penstock; and (4) a powerhouse containing a single generating unit with a rated capacity of 2,500 kW. The Applicant estimates that the annual average energy output would be 15.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $45,000.

Competing Applications—This application was filed as a competing application to the Deer Creek Hydroelectric Project No. 4637 filed on May 8, 1981, by North Valley Land Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition To intervene in accordance with requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26053 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5124-000]

Montpelier Hydroelectric Co.; Application for Preliminary Permit

September 2, 1981.

Take notice that Montpelier Hydroelectric Company (Applicant) filed on July 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5124 to be known as the North Branch #3 Project located on the North Branch of the Winooski River in Washington County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard I. Rubin, P.O. Box 121, Barre, Vermont 05641.

Project Description—The proposed project would consist of: (1) the existing State-owned Wrightsville Flood Control Dam, 1,600 feet long and 105 feet high; (2) the reservoir with a surface area of 600 acres and a storage capacity of 21,000 acre-feet at a spillway elevation of 687 feet m.s.l.; (3) new trash racks and head gates; (4) an existing power conduit 8 feet square and 665 feet long leading to a new penstock six feet in diameter and 900 feet long; (5) a new 30 by 25-foot powerhouse containing two 350–kW turbine/generator units to produce an estimated 2,000,000 kWh yearly; (6) a new 7.2–kV transmission line 1,200 feet long and (7) appurtenant facilities. All power would be sold to the Green Mountain Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for

FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26077 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5016-000]

Morgan City Corp.; Application for Preliminary Permit

September 2, 1981.

Take notice that Morgan City Corporation (Applicant) filed on June 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5016 to be known as the Echo Hydro Project located on the Weber River in Summit County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis Woolsey, Superintendent, Power Department, Morgan City Corporation, P.O. Box 276, Morgan, Utah 84050.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Echo Dam and Reservoir, operated and maintained by the Weber River Water Users Association, and would consist of: (1) a penstock utilizing the existing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 4,000 kW; (3) a tailrace; (4) a new transmission line, approximately 400 feet long, connecting to an existing 46-kV line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 18,400,000 kWh. Project energy would be utilized by Morgan City for residential, industrial and farm users.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

Competing Applications—This application was filed as a competing application to Utah Hydro Corporation's application for Project No. 3545 filed on October 8, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 26, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb

Secretary.

[FR Doc. 81-26054 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP81-126-000, et al.]

National Fuel Gas Supply Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

August 28, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 14, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
8/17/81 ...	National Fuel Gas Supply Corp.	RP81-126-000[1] ...	Report.
8/17/81 ...	Columbia Gas Transmission Corp.	RP78-20	Report.
8/20/81 ...	Cities Service Gas Co.	RP81-127-000[1] ...	Report.
8/21/81 ...	Transcontinental Gas Pipe Line Corp.	RP81-125-000[1] ...	Report.
8/21/81 ...	Alabama-Tennessee Natural Gas Co.	RP81-128-000[1] ...	Report.
8/21/81 ...	Mississippi River Transmission Corp.	RP81-129-000[1] ...	Report.
8/24/81 ...	Southern Natural Gas Co.	RP77-31-009	Report.

[1] All future LFUT flow-through refunds will retain the same by-company docket number.

[FR Doc. 81-[illegible] Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-520-003]

Natural Gas Pipeline Company of America; Petition To Amend

August 31, 1981

Take notice that on August 11,1981, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in docket No. CP80-520-003 a petition to amend the order issued January 27, 1981, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorized an extension in the period of the term of the sale and transportation of nautral gas for Energy Gathering Inc. (Energy Gathering) and an increase in the daily delivery volume, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued January 27, 1981, it was authorized to sell natural gas to Energy Gathering for resale for a term expiring on January 31, 1982. It is further stated that Petitioner was authorized to sell up to 10,000,000,000 Mcf of gas to energy Gathering on an interruptible basis with a maximum of 50,000 Mcf of gas delivered on any day.

Petitioner explains that inasmuch as the delivery of gas did not commence until July 23, 1981, because of certain conditions in the January 27, 1981, order and the impact of such conditions upon Energy Gathering's market and transportation arrangements it proposes the sale and transportation of natural gas for a term of one year from the date of first deliveries ending on July 23, 1982, or until the total volume of gas has been delivered by Petitioner to Energy Gathering whichever last occurs.

It is stated that on August 3, 1981, Petitioner and Energy Gathering amended the daily delivery volume provision of the August 13, 1980, gas sales agreement. The daily delivery volume was increased from a daily maximum volume of 50,000 Mcf to 100,000 Mcf provided however, that Energy Gathering may from time to time request to purchase volumes of gas in excess of 1000,000 Mcf per day and Petitioner may in its sole judgment sell additional daily volumes to Energy Gathering, it is asserted.

Petitioner states that the daily delivery volume was increased to provide a larger swing potential for the peak-shaving requirements of Energy Gathering's primary market, Houston Lighting and Power. The total volume of gas to be sold remains the same, it is submitted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriated action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26090 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 137-002]

Pacific Gas and Electric Co.; Revised Application for New License (Major)

August 25, 1981.

Take notice that on April 8, 1981, the Pacific Gas and Electric Company (Applicant) filed revisions to its application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for a new major license for its Mokelumne River Project No. 137. Correspondence with the Applicant should be directed to: Mr. W. M. Gallavan, Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106.

The revisions to the application reflect proposed improvements to the existing project. The improvements would consist of: (1) increase the height of the Lower Bear River Dam to raise the reservoir's maximum water surface elevation by 32 feet and increase the storage capacity from 52,025 to 78,432 acre-feet; (2) increase the height of the Cole Creek Diversion Dam by 27 feet; (3) increase the capacity of the Tiger Creek Conduit and the Electra Tunnel; (4) add 1.5 feet of freeboard to the top of the radial gates at the Tiger Creek Afterbay; (5) construct the 7.6-MW Salt Springs Powerhouse Unit 3; (6) construct the 750-kW Doaks Ridge Powerhouse at the drop from the Tiger Creek Regulator into the Tiger Creek Conduit; (7) replace the turbine runners and enlarge the wheel housings at the Tiger Creek and Electra powerhouses; (8) construct the 7.0-MW West Point Powerhouse Unit 2; (9) add 5 feet of removable flashboards at the Electra Afterbay Dam; (10) construct the 1.4-MW Mokelumne Powerhouse at the Electra Afterbay Dam; and (11) construct associated electrical and transmission facilities.

The proposed improvements to the Mokelumne River Project would result in an increase in average annual generation at the project of approximately 163,100 MWh.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but

only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 137. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26092 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 77-002]

Pacific Gas and Electric Co.; Application for Amendment of a Major License

August 25, 1981.

Take notice that on May 26, 1981, the Pacific Gas and Electric Company (Applicant), filed an application for an amendment of a major license with the Federal Energy Regulatory Commission [Pursuant to the Federal Power Act, 16 U.S.C., 791(a)—825(r)] to include construction, operation, and maintenance of the Scott Powerhouse would be located on the Eel River in Lake County, California. Correspondence concerning the application should be sent to: Mr. M. W. Gallavan, Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, Room 1087, San Francisco, California 94106.

Project Description.—The proposed project would consist of: (1) a 60-foot long, 72-inch diameter penstock tapped into the existing outlet pipe of the Scott Dam, bifurcating into two 48-inch diameter penstocks—one 30-foot long and the other 18-foot long; (2) a powerhouse with a total installed capacity of 3 MW; (3) a switchyard located 300 feet from the powerhouse; and (4) an 11.8-mile long, 60-kV transmission line interconnecting with the transmission system at the Potter Valley Powerhouse.

The Applicant estimates that the cost for the proposed project is $11,326,000. The power generated by the project would be integrated into the Applicant's interconnected transmission and distribution system.

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before October 2, 1981. The Commission's address: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26091 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4851-000]

Pacific Gas & Electric Co.; Application for Transmission Line License

September 1, 1981.

Take notice that Pacific Gas and Electric Company (Applicant) filed on June 10, 1981, an application for a license for a project involving a transmission line only [pursuant to Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4851 located in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106.

Project Description—The proposed project would consist of a 5.4-mile long, 115-kV, wood pole transmission line extending from Oroville-Wyandotte Irrigation District's Sly Creek Power Plant (FERC Project No. 2088) to Applicant's Woodleaf-Palermo 115kV-Transmission Line (FERC Project No. 2281).

The transmission line is necessary to transmit the power generated by the Sly Creek Powerhouse to Applicant's distribution system. The project is estimated to cost $691,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protests, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", OR "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26037 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-75-000]

Pacific Power & Light Co.; Application

September 1, 1981.

Take notice that on August 26, 1981, Pacific Power & Light Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing it to issue and sell not to exceed $100,000,000 in aggregate principal amount of its First Mortgage Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26038 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-694-000]

Pennsylvania Electric Co.; Filing

August 31, 1981.

The filing Company submits the following:

Take notice that on August 18, 1981, Pennsylvania Electric Company (Penelec) tendered for filing a Revised Index of Purchasers—designated Fifth Revised Sheet No. 4 as requested by the Commission's July 29, 1981 letter order. In addition, Penelec also tendered for filing a revised Table of Contents designated Fifth Revised Sheet No. 2.

Penelec requests waiver of the notice requirements to permit an effective date of August 20, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26040 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5053-000]

Plumas County Flood Control and Water Conservation District; Application for Preliminary Permit

August 25, 1981.

Take notice that Plumas County Flood Control and Water Conservation District (Applicant) filed on July 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5053 to be known as the Yellow Creek 1.5 Water Power Project located on Yellow Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. Brock, Coordinator, PCFC & WCD, Rte. 1, Box 279, Quincy, California 95971.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a 10,000-foot long conduit; (3) a 700-foot long, 40-inch diameter penstock; (4) a powerhouse to contain generating units with a combined rated capacity of 4,580 kW; and (5) a 3-mile long, 12.5-kV transmission line. The estimated average annual energy output is 28.1 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental and economic feasibility studies as well as, consult with Federal, State, and local agencies to prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an FERC license application is $50,000.

Competing Applications—This application was filed as a competing application to the Yellow Creek 1.5 Project No. 4382 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 C.F.R. 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies ar invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 18, 1981.

Filing and service of Responsive Documents—Any filings must bear in al capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26093 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2516-000]

Potomac Edison Co.; Application for Amendment of License

September 1, 1981.

Take notice that on July 15, 1981, the Potomac Edison Company (licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–

825(r)] for its Dam Number Four Project No. 2516–000, located on the Potomac River in Berkeley County, West Virginia. Correspondence with the Licensee should be directed to: Mr. Elmer B. Kaelin, Executive Vice President, The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740.

Licensee requests that its license be amended to authorize: (1) upgrading the existing generating facilities in bays one and two of the existing powerhouse; and (2) installing a new turbine and generator in bay three of the existing powerhouse. The proposed changes would increase the total capacity of the project from 1140 kW to 2300 kW. Annual average generation at the project would be increased by almost 7,200,000 kWh.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procdedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing , a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before October 9, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26069 Filed 9–4–81; 8:45 am]

BILLING CODE 6450–85–M

[Project Nos. 4678–000, 4686–000]

Power Authority of the State of New York and Long Lake Energy Corp.; Application for Preliminary Permit

September 1, 1981.

Take notice that the Power Authority of the State of New York, and Long Lake Energy Corporation (Applicants) filed on May 18, 1981, applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Projects Nos. 4678 and 4686, respectively, known as the Crescent Hydroelectric Project located on the Mohawk River in Albany, Saratoga, and Schenectady Counties, New York. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Thomas R. Frey, Esq., General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019, and Paul J. Elston and Donald E. Hamer, Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—Each proposed run-of-the-river project would utilize the following constructed works: (1) Crescent Dam, owned by the State of New York, a concrete gravity structure consisting of two sections with a total length of 1486 feet and a height of 36 feet at spillway crest elevation 184 feet m.s.l. and provisions for the installation of 1-foot high flashboards; (2) a reservoir control structure at the west (right) abutment; (3) a reservoir with a surface area of 2,000 acres and storage capacity of 50,000 acre-feet at a surface elevation of 183 feet m.s.l.; and (4) the lock gates at Lock No. 6 on the Erie Canal.

Additional project works for Project No. 4678 at the west abutment would include: (1) an existing intake structure, headrace, and forebay at the west abutment; (2) an existing powerhouse with existing capacity of 5,600 kW and a proposed new additional capacity of 5,800 kW; (3) an existing tailrace; and (4) other appurtenances. Applicant estimates annual generation for Project No. 4678 would average about 23,600,000 kWh. Project energy would be marketed based on project cost and market conditions at project completion.

Additional project works for Project No. 4686 at the east abutment would include: (1) a new forebay and intake structure; (2) a new power canal or penstock; (3) a new powerhouse with an installed capacity of 5,300 kW; (4) a new tailrace; and (5) other appurtenances. Applicant estimates annual generation for Project No. 4686 would average about 16,600,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Power Authority of the State of New York (PASNY) seeks issuance of a preliminary permit for a period of 24 months, and Long Lake Energy Corporation (LLEC) for a period of 36 months. During the term of the Permit, each Applicant would accomplish hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. PASNY estimates the costs of studies under the permit would not exceed $50,000, and LLEC estimates costs of studies would not exceed $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 29, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33 (c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. Copies of the applications may be obtained by agencies directly from the Applicants. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 29, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Projects Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28070 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2457-000]

Public Service Company of New Hampshire; Notice of Application for Amendment of License

September 2, 1981.

Take notice that on February 6, 1981, Public Service Company of New Hampshire (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for amendment of its license for the Eastman Falls Hydroelectric Project No. 2457 located on the Pemigewasset River near the City of Franklin, Merrimack County, New Hampshire. Correspondence with the Licensee should be addressed to: Mr. John Lyons, Public Service Company of New Hampshire, 1000 Elm Street, P.O. Box 330, Manchester, New Hampshire 03105.

Licensee proposes that its project license be amended to authorize the addition of a single 4.15 MW turbine-generator to replace its number 2 generator, rated at 1.2 MW, which was irreparably damaged by debris ingestion. Installation of the new turbine-generator would allow the production of an additional 13,000,000 kWh annually. The project would continue to be operated as a run-of-the-river facility.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before October 14, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28055 Filed 9-4-81; 8:45am]

BILLING CODE 6450-85-M

[Project No. 5179-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

September 3, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5179 known as the Canyon Creek Project located on Canyon Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009 with a copy to: Perkins, Coie, Stone, Olson & Williams, Attention F. T. Thomsen, 1900 Washington Building, Seattle, Washington, 98101.

Project Description.—The proposed project would consist of: (1) a 15-foot high by 250-foot long concrete gravity diversion dam with an uncontrolled spillway creating a small pond with no storage capacity; (2) a 2.2-mile long water conduit; (3) a 1,600-foot long, 60-inch diameter steel penstock; (4) a powerhouse to be operated under a net head of 980 feet with an installed capacity of 11.8 MW; (5) a tailrace channel; and (6) a 6,200-foot long, 55-kV transmission line to connect to an existing Applicant transmission line.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project and to prepare an FERC license application. All surveys, tests, and investigations, to be conducted during the study period, would be performed such that no significant alteration or disruption would occur to the lands or waters in the project area. Test borings near the proposed dam and powerhouse sites and along the water conduit and penstock would be done in a manner to minimize impacts. The ground surface would be left in its pre-study state to the greatest extent possible.

Competing Applications.—This application was filed as a competing application to the Canyon Creek Project No. 4312 filed on March 10, 1981, by Water Song Resources, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comment, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 30, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28178 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4910-000]

City of Redding, California; Application for Preliminary Permit

August 25, 1981.

Take notice that City of Redding, California (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4910 to be known as the Sacramento River Hydroelectric Project No. 5 located on Anderson-Cottonwood Irrigation District (ACID) Canal in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description.—The proposed project would consist of: (1) a powerhouse with a total installed capacity of 1,600 kW, to be located at the bottom of a siphon carrying the water of Anderson-Cottonwood Irrigation Distric (ACID) Canal underneath Clear Creek; and (2) a 200-foot long, 12.5-kV transmission line interconnecting with the City of Redding distribution line. The Applicant estimates that the average annual energy output would be 9.69 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during with it would conduct engineering, economic and environmental studies; conduct property surveys; apply for state water rights for the project; negotiate with the Anderson-Cottonwood Irrigation District for the utilization of the waters of the ACID Canal, and prepare an FERC license application. No new roads would be required for conducting these studies which are estimated by the Applicant to cost $55,000.

Competing Applications.—Any one desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26082 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4912-000]

City of Redding, Calif.; Application for Preliminary Permit

August 25, 1981.

Take notice that City of Redding, California (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4912 to be known as the Sacramento River Hydroelectric Project No. 4 located on Anderson-Cottonwood Irrigation District (ACID) Canal in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description.—The proposed project would consist of: (1) a powerhouse with a total installed capacity of 150 kW to be located at an existing overflow conduit of the Anderson-Cottonwood Irrigation District (ACID) Canal near South Bonnyview Road, and (2) a 600-foot long, 12.5-kV transmission line interconnecting with the City of Redding distribution system. The Applicant estimates that the average annual energy output would be 0.963 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, economic and environmental studies; conduct property surveys; apply for state water rights for the project; negotiate with the Anderson-Cottonwood Irrigation District for the utilization of the waters of the ACID Canal, and prepare an FERC license application. No new roads would be required for conducting these studies which are estimated by the Applicant to cost $55,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a

party to the proceeding. Any comments, protests, or petition to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26083 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4911-000]

City of Redding, California; Application for Preliminary Permit

August 25, 1981

Take notice that City of Redding, California (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4911 to be known as the Sacramento River Hydroelectric Project No. 2 located on Sacramento River in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a powerhouse with a total installed capacity of 800 kW receiving water through a 72-inch diameter penstock which is a part of the proposed Lake Redding Dam (FERC Project No. 2828); and (2) a 300-foot long, 12.5-kV transmission line interconnecting with the City of Redding distribution system. The Applicant estimates that the average annual energy output would be 60.088 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, economic and environmental studies; conduct property surveys; apply for state water rights for the project; negotiate with the Anderson-Cottonwood Irrigation District for the utilization of the waters of the ACID Canal, and prepare an FERC license application. No new roads would be required for conducting these studies which are estimated by the Applicant to cost $55,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981 either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26017 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4909-000]

City of Redding, California; Application for Preliminary Permit

August 25, 1981

Take notice that City of Redding, California (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4909 to be known as the Sacramento River Hydroelectric Project No. 6 located on Anderson-Cottonwood Irrigation District (ACID) Canal in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a powerhouse with a total installed capacity of 125 kW, to be located at the bottom of the existing transfer conduit of the Anderson-Cottonwood Irrigation District (ACID) Canal near South Street in Anderson; and (2) a 200-foot long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 1.015 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, economic and environmental studies; conduct property surveys; apply for state water rights for the project; negotiate with the Pacific Gas & Electric Company, and prepare a FERC license application. No new roads would be required for conducting these studies which are estimated by the Applicant to cost $55,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title. "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licenising, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26018 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4913-000]

City of Redding, California; Application for Preliminary Permit

August 25, 1981.

Take notice that City of Redding, California (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4913 to be known as the Sacramento River Hydroelectric Project No. 3 located on Andersen-Cottonwood Irrigation District (ACID) Canal in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a powerhouse with a total installed capacity of 150 kW to be located at an existing overflow conduit of the Anderson-Cottonwood Irrigation District (ACID) Canal Parkview Avenue; and (2) a 60-foot long, 12.5-kV transmission line interconnecting with the City of Redding distribution system. The Applicant estimates that the average annual energy output would be 0.771 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, economic and environmental studies; conduct property surveys; apply for state water rights for the project; negotiate with the Anderson-Cottonwood Irrigation District for the utilization of the waters of the ACID Canal, and prepare an FERC license application. No new roads would be required for conducting these studies which are estimated by the Applicant to cost $55,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26019 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4991-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 25, 1981

Take notice that the City of Rohnert Park (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4991 known as the Corral and Gates Creek Power Project located on the Corral Creek and Gates Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant

should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) two diversion structures; (2) an 8,000-foot long diversion conduit; (3) a 66-inch diameter, 1,060-foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 3,870 kW. The Applicant estimates that the average annual energy output would be 15.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Corral and Gates Creek Power Project No. 4095 filed on January 30, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petitions to intervene must be received on or before September 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulary Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26020 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4970-000]

City of Rohnert Park, California; Application for Preliminary Permit

September 1, 1981

Take notice that the City of Rohnert Park, California (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4970 to be known as the Kill Dry Creek, Glenn Power Project located on Kill Dry Creek in Glenn County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description.—The proposed project would consist of: (1) a 5-foot high, 84-foot long diversion structure; (2) a 48-inch diameter, 7,700-foot long diversion conduit; (3) a 37-inch diameter, 1,000-foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 2,880 kW. The Applicant estimates that the annual average energy output would be 11.3 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications.—This application was filed as a competing application to the Kill Dry Creek, Glenn Power Project No. 4343 filed on March 16, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 23, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitaol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28062 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4849-000]

Saranac Energy Corp.; Application for Preliminary Permit

September 2, 1981.

Take notice that Saranac Energy Corporation (Applicant) filed on June 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4849 to be known as the Inglis Dam Hydropower Project located on the Withlacoochee River in Levy County, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles B. Mierek, Saranac Energy Corporation, 838 Arlington Drive, Tucker, Georgia 30084.

Project Description.—The proposed project would utilize a U.S. Army Corps of Engineers' Dam and Reservoir. Project No. 4849 would consist of: (1) a proposed powerhouse located downstream of the spillway structure with an estimated installed capacity of 2.5 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 16 GWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before October 10, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriated action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 10, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28078 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5206-000]

David H. Scott; Application for Preliminary Permit

September 3, 1981.

Take notice that David H. Scott (Applicant) filed on August 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5206 to be known as the West Manton Power Project located on North Fork Battle Creek and Digger Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David H. Scott, 280 Hemsted Drive, Redding, California 96002.

Project Description.—The proposed project would consist of: (1) a 250-foot long, 5-foot high diversion structure on Battle Creek; (2) a 210-foot long, 5-foot high diversion structure on Digger Creek; (3) a 4,630-foot long, 30-inch diameter diversion conduit; (4) a 3,780-foot long, 24-inch diameter diversion conduit; (5) a 7,460-foot long, 32-inch diameter penstock; (6) a powerhouse with a total rated capacity of 1,146 kW; and (7) a 0.3-mile long, 12.5-kV transmission line from the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 5.6 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $48,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtined by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the

Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to itervene must be received on or before November 4, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26179 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5144-000]

City of Searcy, Arkansas and Little Red Power Developers; Application for Preliminary Permit

September 3, 1981.

Take notice that the City of Searcy, Arkansas and Little Red Power Developers (Applicant) filed on July 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5144 to be known as the Upper Dam Project located on the Little Red River in White County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glenn N. Sink, Little Red Power Developers, P.O. Box 1052, Searcy, Arkansas 72143.

Project Description.—The proposed project would consist of: (1) an existing City-owned concrete dam, 350 feet long and 5 feet high, to be raised to a height sufficient to provide a power head of 10 feet; (2) a small reservoir; (3) a new powerhouse at the southern end of the dam housing turbine/generator units rated at 1,354 kW; (4) a new switchyard; (5) a new transmission line leading to an Arkansas Power & Light Company (AP&L) substation in Searcy; and (6) appurtenant facilities. The average annual generation of 5.1 million kWh is expected to be sold to AP&L.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and gelogical investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $14,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 6, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 6, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26171 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-700-000]

Southern California Edison Co.; Filing

September 1, 1981

The filing Company submits the following:

Take notice that on August 24, 1981, Southern California Edison Company (Edison) tendered for filing an interruptible transmission service agreement with The Department of Water and Power of the City of Los Angeles (Los Angeles).

Under the terms and conditions of the agreement, Edison or Los Angeles will make available to the other party interruptible transmission service between the Victorville-Lugo Interconnection near Victorville, California, and the McCullough-Eldorado interconnection near Boulder City, Nevada.

Edison states that, with respect to sales by Edison, this Agreement is proposed to become effective 60 after acceptance for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the Department of Water and Power of the City of Los Angeles.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropraite action to be taken, but will not serve to make protestants parties to

the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28041 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-699-000]

Southwestern Electric Power Co.; Filing

August 31, 1981.

The filing Company submits the following:

Take notice that on August 24, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing a letter agreement between SWEPCO and Gulf States Utilities Company (GSU) dated April 3, 1981. SWEPCO indicates the agreement provides for SWEPCO to transmit power and energy GSU purchased from Oklahoma Gas and Electric Company (OGE) through the system of SWEPCO to the system of GSU.

SWEPCO requests waiver of the prior notice requirement and the agreement be accepted for filing to become effective May 1, 1981, the date service under the agreement was instituted.

Copies of the filing were furnished to the Public Utility Commission of Texas, the Louisiana Public Service Commission, Oklahoma Gas and Electric Company, and Gulf States Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28043 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-697-000]

St. Joseph Light & Power Co.; Filing

August 31, 1981.

The filing Company submits the following:

Take notice that St. Joseph Light & Power Company (St. Joseph) on August 24, 1981, tendered for filing an Amendment to the Interconnection Agreement between St. Joseph Light & Power Company and Associated Electric Cooperative, Incorporated, FERC Rate Schedule No. 13.

Said Amendment has been filed to comply with Order No. 84 of the Federal Energy Regulatory Commission in Docket No. RM79-29 which requires revenue limits to be placed on the operation of percentage adders in rate schedules used for the transmission or third party resale of electric power. The effective date of this Amendment was September 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28039 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4918-000]

Swan Lumber Co.; Application for Preliminary Permit

August 25, 1981.

Take notice that The Swan Lumber Company (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4918 known as the Pistol River Water Power Project located on Pistol River in Curry County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert J. Swan, 13285 S.W. Bull Mountain Road, Tigard, Oregon 97223.

Project Description.—The proposed project would consist of: (1) a 20-foot high, 200-foot long concrete gravity dam; (2) a 3000-foot long diversion canal; (3) Three penstocks each 300 feet long; (4) a powerhouse with three turbine generators with total installed capacity of 8500-kW and (5) a 4-mile long transmission line which would connect to the Coos Curry Cooperative Utility existing distribution lines. The Applicant estimates that the average annual energy production would be 29 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new access roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $50,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before October 26, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 26, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION".

"PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26027 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-581-000]

Tapoco, Inc.; Order Accepting for Filing and Suspending Revised Agreement, Granting Waiver of Notice, Granting Intervention, Denying Summary Disposition, and Establishing Procedures

Issued: August 28, 1981.

Tapoco, Inc. (Tapoco), Aluminum Company of America (Alcoa), Nantahala Power and Light Company (Nantahala), and Tennessee Valley Authority (TVA) are parties to a power coordination and exchange agreement commonly referred to as the New Fontana Agreement.[1] Under the terms of the Agreement, TVA is given control of the generation of four Tapoco hydroelectric plants and eight Nantahala hydro electric plants. In exchange for this control, which includes a right to manage dispatching and to receive all generation at each plant's bus bar, TVA returns to Nantahala and Tapoco jointly a fixed annual power and energy entitlement. The allocation of the entitlement between Tapoco and Nantahala is governed by a separate agreement commonly referred to as the 1971 Apportionment Agreement.[2] The reasonableness of the allocation of the currently available power and energy between Tapoco and Nantahala is awaiting Commission decision on exceptions to an Initial Decision issued on April 10, 1981, in Docket Nos. ER76-828 and EL78-18.

On June 29, 1981, Tapoco filed an executed amendment to the New Fontana Agreement providing for a reduction of TVA's estimated station use and transmission losses under the agreement from 6,000 kW to 4,099 kW thereby making 1901 kW of additional power available for return to Tapoco and Nantahala. Tapoco concurrently filed an executed amendment to the 1971 Apportionment Agreement providing for the allocation of 951 kW of that additional power to Tapoco and the remaining 950 kW to Nantahala.[3] A certificate of concurrence in Tapoco's filings executed by Nantahala was submitted on July 13, 1981. Tapoco requests waiver of the notice requirements and a May 1, 1981 effective date for the changes.

Notice of the filing was issued on July 10, 1981, with comments, protests, or petitions to intervene due on or before July 31, 1981. On July 31, 1981, the Town of Highlands, North Carolina (Highlands), a Nantahala wholesale customer, filed a protest, petition to intervene, motion for one-day suspension and motion for summary judgment. Highlands alleges that the allocation of the additional power is unfair to Nantahala's customers in that the 1901 kW of additional power has been made available solely by operating improvements on Nantahala's system and all such power should be allocated to Nantahala. Therefore, Highlands requests that the Commission (1) suspend the filing for one day, (2) summarily reject the letter agreement amendment to the 1971 Apportionment Agreement as unjust and unreasonable, and (3) establish a just and reasonable rate for the apportionment with appropriate refunds.

On August 3, 1981, the Attorney General for the State of North Carolina (North Carolina) filed an untimely protest, petition to intervene, motion for interlocutory relief and alternative request for a five-month suspension. North Carolina requests that the Commission order modification of the proposed amendment to allocate all of the 1901 kW of additional power to Nantahala, or in the alternative, suspend the amendment fo[illegible]ve months as it applies to Tapoco and for one day as it applies to Nantahala. North Carolina also filed a petition for leave to intervene one day out of time noting that there had been inadequate time to secure the necessary authorization to file the intervention, but stating that service of the pleading was made on all parties by mail on July 31, 1981.

Discussion

Initially, we find that participation in this proceeding by Highlands and North Carolina is in the public interest. Further, we find that good cause exists to accept North Carolina's petition to intervene one day out of time. Accordingly, each of the petitions will be granted.

Tapoco has stated that the equal apportionment of the additional power between Tapoco and Nantahala "acknowledges the fundamental and essentially irreconcilable differences in [the companies'] respective positions and settles them without evaluation or acknowledgement of their merits."[4] The equal apportionment is, in effect, a settlement with respect to the allocation of the additional power. Although the method of apportionment under the 1971 agreement is currently before the Commission for decision in Docket Nos. ER76-828 and EL78-18, the instant submittal represents a separate methodology for allocating an additional entitlement which should be evaluated on its own merits. Because the information currently available to the Commission is insufficient for purposes of resolving the issues raised, we shall deny the requests for summary disposition and interlocutory relief and we shall set the matter for hearing.

Our analysis of the filing indicates that the proposed agreement has not been shown to be just and reasonable and that it may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the amendments for filing and suspend them as ordered below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of

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[1] Tapoco, Inc. Rate Schedule FPC No. 3.

[2] Supplement No. 2 to Tapoco Rate Schedule FPC No. 3.

[3] It is noted, however, that although the parties reached an agreement concerning the allocation, Tapoco's position was that pursuant to the methodology underlying the 1971 Apportionment Agreement between the parties, all of the 1901 kW should be available to Tapoco; Nantahala's position was that most, if not all, of the 1901 kW should be allocated to Nantahala because the changes in Nantahala system operations since 1962 are largely responsible for a substantial reduction in line losses suffered by TVA.

[4] *See* Attachment A for rate schedule designations.

[5] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The Commission notes that while substantive concerns have been expressed by the intervenors, an extended suspension period may prevent both Tapoco and Nantahala from utilizing the additional power from TVA, and would not be in the public interest. Thus, we do not believe that a maximum suspension is necessary or appropriate. A nominal suspension and a refund obligation should provide adequate protection to the intervenors pending the outcome of a hearing. Further, it is noted that TVA agreed to make the additional power available as of May 1, 1981, and that the revised agreements were submitted shortly thereafter. Accordingly, we find that good cause exists to waive the notice requirements, and we shall suspend the proposed amendments to become effective on May 1, 1981, subject to refund.

The Commission orders:

(A) Tapoco's request for waiver of the notice requirements is hereby granted.

(B) The motions of Highlands and North Carolina to reject or modify Tapoco's filing are hereby denied.

(C) Tapoco's proposed contractual amendments are hereby accepted for filing and suspended, to become effective on May 1, 1981, subject to refund pending hearing and decision.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Tapoco's amended agreements.

(E) Highlands and North Carolina are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* That the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggreived because of any order or orders by the Commission entered in this proceeding.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. the designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules and Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Tapoco, Inc.

Docket No. ER81-581-000

Rate Schedule Designations

Designation	Description
Tapoco, Inc.:	
(1) Supplement No. 4 to Rate Schedule FPC No. 3.	Amendment to Section 1 of Article IV of New Fontana Agreement.
(2) Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 3.	May 14, 1981 letter agreement between Tapoco, Inc. and Nantahala Power and Light Company.
Nantahala Power and Light Company:	
(3) Supplement No. 3 to Rate Schedule FPC No. 1 (concurs in (2) above).	Certificate of concurrence.

[FR Doc. 81-26095 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP66-269, *et al.*]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Motion To Modify Opinion

August 31, 1981.

Take notice that on August 10, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP66-269, *et al.* a motion pursuant to § 1.12 of the Commission's Rules of Practice and Procedure (18 CFR 1.12) moving that the Commission modify FPC Opinion No. 667 and order issued October 24, 1973,[1] all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

It is submitted that Opinion No. 667 (50 FPC 1194) approved certain stipulations for settling contested issues arising out of a lease sale agreement between Tennessee and Amoco Production Company (Amoco) including a requirement of a refund of $8,000,000 by Amoco to Tennessee to be flowed through by Tennessee to its customers and a provision that Amoco could receive a credit against such obligation at the rate of 1.0 cent per Mcf of new gas reserves committed by Amoco to Tennessee during a period of eight years following the issuance of the order approving the settlement.

Tennessee now proposes that the Commission modify such order so as to extend for two years the period during which Amoco may dedicate reserves to obtain a refund credit. Tennessee states that it has submitted such modification to Amoco and the active customer participants in the proceeding. The Brooklyn Union Gas Company, Consolidated Edison Company of New York, Inc., Long Island Lighting Company and Public Service Electric and Gas Company, and that such customers either support or have no objection to the proposed modification.

It is stated that to date Amoco has dedicated to Tennessee approximately twenty-five percent of the new gas reserves required to eliminate its cash refund obligation. Tennessee asserts that there is insufficient time to accomplish dedication of sufficient new gas reserves to satisfy Amoco's obligation to Tennessee prior to the expiration of the period originally provided for under the stipulation approved in Opinion No. 667 and consequently, requests *that Opinion No. 667 be accordingly modified.*

Any person desiring to be heard or to make any protest with reference to said motion should on or before September 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26096 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[1]This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket Nos. TA81-2-29-001 (PGA81-2, IPR81-2, DCA81-2), TA81-1-29 (PGA81-1), RP80-117 and TA81-1-29-002]

Transcontinental Gas Pipeline Corp.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject To Refund and Conditions and Consolidating Proceedings

Issued: August 31, 1981.

On July 31, 1981, Transcontinental Gas Pipeline Corporation (Transco) filed tariff sheets[1] reflecting a decrease of approximately $169 million to track a decrease of 38.5 cents per dth in the commodity charge of Rate Schedules CD, G, OG, E, PS and S–2, a decrease of 39.6 cents per dth under the ACQ schedule and an increase of 1.1 cents per dth in the delivery charge of Rate Schedule X–20. Transco requests an effective date of September 1, 1981.

This filing reflects the following adjustments: (1) an 8.9 cents per dth increase in the commodity charge of Rate Schedules CD, G, OG, E, PS, S–2 and ACQ to track increases in the cost of purchased gas ($39,139,292); (2) a decrease of 48.5 cents per dth (from 34.5 cents to negative 14.0 cents) in the deferred surcharge of Rate Schedules CD, G, OG, E, PS, S–2 and ACQ to return over-recoveries of $61,618,142 in the deferred account; and (3) an increase of 1.1 cents per dth for curtailment related credits in Rate Schedules CD, G, OG, E, PS, S–2 and X–20.

Public notice of the filing was issued on July 31, 1981, providing for protests or petitions to intervene to be filed on or before August 19, 1981. Petitions to intervene were filed by the Elizabethtown Gas Company, Atlanta Gas Light Company, Washington Gas Light Company and Frederick Gas Company, Inc., Process Gas Consumers Group, Public Service Electric and Gas Company, Piedmont Natural Gas Company, Inc., and Philadelphia Gas Works. Also notices of intervention were filed by the Public Service Commission of New York (New York) and the North Carolina Utilities Commission (North Carolina). Having demonstrated an interest warranting their participation, intervention is granted.

In addition to noticing its intervention, New York filed a protest and request for a hearing. North Carolina joined in New York's protest and also requested that the Commission consolidate any hearing with the ongoing investigation of Transco's previous PGA filing.[2] Specifically, New York requests a hearing on the issues of whether the prices paid by Transco for Section 107 deregulated gas to nonaffiliated producers are excessive due to fraud, abuse or similar grounds and whether the prices paid to affiliated producers for Section 107 gas exceed the prices paid in comparable transactions by non-affiliated parties.[3] Since these issues are currently under investigation in Transco's prior PGA filing, and in view of the significant increases cited by New York of prices paid by Transco for Section 107 gas, the Commission concludes that Transco's pending PGA rate increase investigation is a more appropriate forum to address the potential issues raised in the instant filing. Consequently, the instant filing shall be consolidated with the proceedings in Docket No. TA81–1–29 for purposes of hearing and decision.

Also, New York alleges that while the instant filing involves a decrease of 39.6 cents per dt in the commodity charges, this decrease is the result of a gross underestimate by Transco of the amount of gas it would sell in the six month period March 1 through August 31, 1981, which has resulted in an overcollection of $61,618,142 or approximately 48.5 cents per Mcf. New York states that in such situations where the rates which become effective were almost 50 cents in excess of what they should have been, retail customers with alternative fuel capability will receive the wrong market signals as to the potential cost of gas and may switch to alternative fuels rather than depending on possible refunds from Transco.

The Commission finds that there is insufficient information contained in the filing as to show why Transco overestimated its PGA rates. Accordingly, the Commission will defer any action on this issue pending receipt from Transco of an answer to New York's petition setting out in detail its reasons for the resulting overestimate.

Based upon a review of Transco's filing, the Commission finds that the proposed tariff changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept the revisions to the tariff sheet for filing and suspend their effectiveness, subject to refund and conditions, as indicated below.

In a number of suspension orders,[4] the Commission has addressed the regarding rate suspensions. For the reasons given there, we have concluded that rate filings sould generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable, or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Since this filing is not intended to increase revenues, the Commission shall suspend the effectiveness of the proposed tariff sheets such that they shall become effective on September 1, 1981, subject to refund and subject to modification in the consolidated proceedings established by this order.

Further, the Commission in its investigation of Transco's general rate increase in Docket No. RP80–117 found that Transco's current method of pricing of injections and withdrawals from storage service may result in a double recovery of a portion of the storage gas costs. Accordingly, the instant filing shall be suspended and made subject to refund pending the final disposition of the proceedings in Docket No. RP80–117.

Transco's instant filing fails to provide the carrying charge calculations on their deferred account balances (account No. 191) shown in their deferred surcharge calculations. Accordingly, the Commission's acceptance of Transco's filing shall be conditioned on Transco supplying those calculations.

Transco's filing includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined in accordance with the procedures prescribed in Order No. 23, as amended by susequent orders in Docket No. RM79–22,[5] that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Transco shall be flowed through to the ratepayers in accordance with the procedures prescribed in Transco's PGA clause.

The Commission Orders:

(A) Subject to the conditions set forth in the body of this order and in the ordering paragraphs below, Transco's

[1] Twenty-Second Revised Sheet Nos. 12 and 13 and Fourth Revised Sheet No. 16 to Second Revised Volume No. 1 and Twenty-Eighth Revised Sheet No. 121 to Original Volume No. 2.

[2] Transco's previously filed PGA rate increase in Docket No. TA81–1–29 (PGA81–1), effective March 1, 1981, was accepted for filing and suspended by Commission order issued February 28, 1981, for further investigation into Transco's gas purchase practices and policies. Specifically, this proceeding is examining the issue of whether Transco's gas purchase prices are excessive due to "fraud, abuse of similar grounds" under Section 601(c)(2) of the NGPA.

[3] *See:* Section 601(b)(1)(E) of the NGPA.

[4] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80–98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP81–134 (September 24, 190) (five month suspension).

[5] These orders were recently affirmed in *Pennzoil Company* v. *Federal Energy Regulatory Commission*, —— F. 2d ——, Nos. 79–1247, 79–1602 (5th Cir., May 20, 1981).

Twenty-Second Revised Sheet Nos. 12 and 15 and Fourth Revised Sheet No. 16 to Second Revised Volume No. 1 and Twenty-Eighth Revised Sheet No. 121 to Original Volume No. 2 are accepted for filing and suspended, and waiver of notice requirements is granted so that they may go into effect September 1, 1981, subject to refund.

(B) Pursuant to the authority of Section 601 of the Natural Gas Policy Act, the Natural Gas Act, particularly sections 4, 5, 7, 8 and 15 thereof, and the Commission's Regulations, a public hearing shall be held concerning the issue of the Section 107 purchased gas costs.

(C) Transco's revised tariff sheets are made subject to the final disposition of the storage pricing issue in the proceedings in Docket No. RP80-117.

(D) The hearing into the "fraud, abuse or similar grounds" question in this docket is consolidated with the pending investigation in Docket No. TA81-1-29 (PGA81-1).

(E) Transco shall within 15 days, file with the Commission Account No. 191 carrying charge calculations on the balances in Account No. 191 reflected in the rates in this filing.

(F) The petitioners identified in the body of this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; provided, however, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and provided, further, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26056 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-30-001]

Trunkline Gas Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Conditions and Establishing Procedures

Issued August 31, 1981.

On July 17, 1981, Trunkline Gas Company (Trunkline) filed revised tariff sheets with a proposed effective date of September 1, 1981.[1] The revised tariff sheets contain an overall PGA increase of 166.31 cents per dth composed of: (1) a 145.11 cents per dth increase in the cost of purchased gas; (2) a 20.91 cents per dth increase in the surcharge to recover the remaining balance of $51,266,692 in the deferred purchased gas cost account; and (3) a .29 cents per dth increase in the surcharge to recover the balance of $292,762 in the deferred purchased gas carrying cost account.

Trunkline's filing reflects projected gas purchases from a new supplier, Trunkline LNG Company (Trunkline LNG), which accounts for approximately 120.26 cents per dth or about 72 percent of the PGA increase. Trunkline's filing also reflects purchases of NGPA Section 107 gas from non-affiliated producers. These purchases comprise 10.25 percent of total purchased gas volumes and 17.42 percent of total purchased gas costs.[2]

Public notice of the filing was issued on July 7, 1981, providing for protests or petitions to intervene to be filed on or before August 14, 1981. Petitions to intervene were filed by those petitioners listed in Appendix A. Having demonstrated an interest in this proceeding warranting their participation, they shall be granted intervention. A protest was filed by the City of Hickman, Kentucky, objecting to the overall increase in Trunkline's filing, particularly that portion related to LNG supplies, but intervention status was not specifically requested.

One petitioner, Consumers Power Company (Consumers) requests that a hearing be held to determine the lawfulness of the tariffs filed by Trunkline in this proceeding. Consumers also requests that the portion of the PGA Rate Adjustment related to supplies from Trunkline LNG in the Trunkline filing be suspended for five months or until the date of initial delivery of LNG to Trunkline, whichever comes first. A joint motion was filed by Consumers and by Michigan Gas Storage Company (Michigan Gas) to consolidate the investigation of tariffs filed in this proceeding with any investigation of tariffs filed by Panhandle Eastern Pipe Line Company in Docket No. TA81-2-28-001. Consumers and Michigan Gas maintain that consolidation is appropriate because both filings reflect projected purchases from Trunkline LNG under identical billing procedures. Four other petitioners express similar concerns about Trunkline's proposed tariff because it permits billing for LNG costs prior to the date of actual deliveries. The petitioners request that collection begin either on the first day of the succeeding month or be prorated from the day following initial delivery during the current month.[3]

Trunkline supplemented its July 17 filing by letter filed August 18, 1981, wherein Trunkline modified its filing by indicating that the rates as filed will be billed starting with the date on which gas has been received from Trunkline LNG Company.

Before addressing the merits of the petitioners' arguments, the Commission notes that Trunkline did not seek the requisite waiver of § 154.38(d)(4) (footnote 1) of the Commission's Regulations which requires prior Commission approval to pass through LNG supplies through a purchased gas adjustment. Accordingly, the Commission shall not permit Trunkline to pass through costs of LNG supplies until such approval has been sought and obtained by Trunkline.

With respect to the issue raised by petitioners regarding the pass-through of LNG cost prior to commencement of deliveries, Trunkline's PGA clause, and the Commission's PGA clause regulations, do not permit Trunkline to include in its PGA rates costs which are not being reserved as of the effective date of the PGA rate adjustment. Accordingly, the Commission shall require Trunkline to file revised tariff sheets, effective September 1, 1981, which reflect deletion of all costs attributable to LNG supplies. Such costs may not be passed through the PGA clause until prior approval is obtained to include LNG costs in the PGA and not until LNG supplies are flowing.

Accordingly, in light of this action taken by the Commission, the petitioners' requests for hearing regarding the instant filing are rendered moot and therefore, shall be denied by the Commission. The joint motion of Consumers and of Michigan Gas for consolidation of this proceeding with the Panhandle PGA filing in Docket No. TA 81-2-28-001 is denied because the common issues are similarly disposed of

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[1] Thirty Seventh Revised Sheet No. 3-A and Fifth Revised Sheet No. 3-B to its FERC Gas Tariff, Original Volume No. 1.

[2] These purchases were the subject of a protest in Trunkline's prior PGA filing in Docket No. TA81-1-30-000, which the Commission suspended, made effective March 1, 1981, subject to refund, and set for hearing the matter of Section 107 purchases in its order of February 28, 1981. On July 22, 1981, the protestants, the State of Michigan and the Michigan Public Service Commission, filed a joint motion withdrawing their protest and request for hearing which the Presiding Judge has certified to the Commission.

[3] Laclede Gas Company, Central Illinois Light Company, General Service Customer Group, and Michigan Gas Utilities Company raise this issue. Also, the petition of Laclede Gas Company urges the Commission to reject the concept of using estimated LNG volumes in this filing and to require that Trunkline use actual LNG delivery volumes in any subsequent PGA filing.

by the Commission's order in each docket.

Based upon a review of Trunkline's filing, the Commission finds that the proposed tariff changes have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the revised tariff sheets for filing and suspend their effectiveness, subject to refund and to the conditions set forth in this order.

In a number of suspension orders, [4] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may by unjust and unreasonable or that it may run afoul of the other statutory standards.

It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The portion of the instant PGA filing which relates to LNG supplies is the only portion for which Consumers' petition was seeking a five month suspension period. The Commission 's action described below with respect to LNG supplies alleviates the need for an extended suspension period. Also, a rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Therefore, the filing of Trunkline will be suspendeed so that it may become effective September 1, 1981, subject to refund and to the conditions set forth in this order.

Trunkline also seeks to pass through producer price increases pursuant to area rate clauses in contracts governing the subject transactions. Acceptance of Trunkline's filing does not constitute a Commission determination that all or any of these contractual area rate clauses permit escalations up to NGPA price levels. The application of NGPA pricing provisions to these contracts should be determined in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders in Docket No. RM79-22. [5] Should it be determined that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Trunkline shall be flowed through to the ratepayers in accordance with the procedures in Trunkline's PGA clause.

The Commission Orders

(A) Trunkline's proposed tariff sheets tendered for filing on July 17, 1981, are accepted for filing, as conditioned by this order, and suspended until September 1, 1981, at which time they may become effective subject to refund.

(B) Acceptance of Trunkline's filing is conditioned on Trunkline filing, within 20 days of the date of issuance of this order, reduced rates reflecting the elimination of all costs associated with LNG Gas not flowing by September 1, 1981.

(C) Passthrough of purchased gas costs related to LNG supplies shall be denied until such time as Trunkline complies with § 154.38(d)(4) (footnote 1) of the Commission's Regulations.

(D) Passthrough of purchased gas costs related to NGPA Section 107 deregulated gas purchases is made subject to the final Commission action in Docket No. TA81-1-30-000.

(E) The petitioners identified in Appendix A to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A—Petitioners for Intervention

Central Illinois Light Company.
Central Illinois Public Service Company.
Consumers Power Company.
General Service Customer Group.
Illinois Power Company.
Laclede Gas Company.
Michigan Gas Utilities Company.
Pabst Brewing Company.
Process Gas Consumers Group.
Village of Milford, Illinois.

[FR Doc. 81-26067 Filed 9-4-81; 8:45 am]
BILLING CODE 6450-85-M

[4] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-136 (September 24, 1980) (five month suspension).

[5] These orders have been affirmed in *Pennzoil Company v. Federal Energy Regulatory Commission,*——*F.2d,* Nos. 79-1247, 79-1602 (5th Cir. May 20, 1981).

[Project No. 5137-000]

Twin River Resources; Application for Preliminary Permit

September 4, 1981.

Take notice that Twin River Resources (Applicant) filed on July 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5137 to be known as the Owl Creek Water Power Project located on Owl Creek in Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William L. Devine, 8040 Mt. Baker Highway, P.O. Box 68, Maple Falls, Washington 98226.

Project Description.—The project would consist of: (1) a 4-foot high, 75-foot long concrete gravity dam; (2) a 8,000-foot long, 36-inch diameter penstock; (3) a powerhouse with total installed capacity of 1,500 kW; and (4) a 0.25-mile long transmission line which would connect the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 9 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to

intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 7, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26180 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4357-000]

Tuscarora Yarns, Inc.; Application for Preliminary Permit

September 3, 1981.

Take notice that Tuscarora Yarns, Inc. (Applicant) filed on March 17, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4357 known as the Clifton No. 2 Power Project located on the Pacolet River in Spartanburg County, South Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Bill Flanary, Tuscarora Yarns, Inc., P.O. Box 218, Mt. Pleasant, North Carolina 28124.

Project Description.—The proposed project No. 4357 would consist of: (1) an existing rock rubble masonry gravity dam 352 feet long and 18 feet high; (2) an existing reservoir with a gross storage capacity of 100 acre-feet and a 320 square-mile drainage area; (3) two existing non-operating powerhouses containing three generating units with a combined capacity of 532 kW and an estimated annual energy output of 3,200,000 kWh; (4) proposed transmission lines; and (5) appurtenant facilities. Potential customers for the project energy include nearby towns and Duke Power Company. The proposed project is not located on Federal lands.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $45,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 5, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the reqirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to inervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before November 5, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26181 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-450-000]

Union Electric Co.; Order Granting Rehearing for Purposes of Further Consideration

Issued September 2, 1981.

On August 3, 1981, the W-3 Defense Group (WDG), which consists of eight wholesale customers of Union Electric Company (Union), filed an application for rehearing of the Commission's order of July 2, 1981, in this docket.[1] The customers challenge the underlying order insofar as it (1) accepted Union's increased rates for filing (subject to suspension), as modified by certain summary dispositions, prior to Union's submittal of compliance rates incorporating the summary dispositions; (2) denied summary disposition as to several issues raised by the intervenors; and (3) imposed a one-day suspension with respect to Union's rates. In addition, WDG requests that the Commission stay the effective date of Union's rates until it is verified that the complicance rates are consistent with the conclusions expressed in the July 2 order.

In order to afford additional time for consideration of the issues raised in the applications for rehearing, we shall grant rehearing of the July 2, 1981 order

[1] Order Accepting For Filing And Suspending Revised Rates, Granting Summary Disposition In Part, Granting Intervention, And Establishing Price Squeeze And Hearing Procedures.

for the limited purpose of further consideration.

The Commission orders:

(A) Rehearing of the July 2, 1981 order is hereby granted for the limited purpose of further consideration.

(B) As provided in § 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the application for rehearing will be entertained by the Commission, since this order does not grant rehearing upon any substantive issue.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26188 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-696-000]

Virginia Electric and Power Co.; Cancellation

August 31, 1981.

The filing Company submits the following:

Take notice that Virginia Electric Company (VEPCO) on August 21, 1981, tendered for filing a Notice of Cancellation of service to Central Virginia Electric Cooperative (FERC Rate Schedule No. 94–21 dated September 18, 1972).

VEPCO requests an effective date of July 14, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26049 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4923-000]

Weber Basin Water Conservancy District; Application for Preliminary Permit

September 2, 1981.

Take notice that Weber Basin Water Conservancy District (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4923 known as the Lost Creek Hydro Project located on the Lost Creek tributary of the Weber River in Morgan County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Keith Jensen, Manager, Weber Basin Water Conservancy District, 2837 East Highway 193, Layton, Utah 84041.

Project Description.—The proposed project would utilize the existing Bureau of Reclamation's Lost Creek Dam and Reservoir, operated and maintained by the Weber Basin Water Conservancy District, and would consist of: (1) a penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 1,000 kw; (3) a tailrace; (4) a new transmission line connecting to an existing 46-kV main transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3,485,000 kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an aplication for an FERC license. Applicant estimates the cost of the studies under the permit would be $45,000.

Competing Applications.—This application was filed as a competing application to Utah Hydro Corporation's application for Project No. 3542 filed on October 8, 1980, under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments.—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 9, 1981.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26056 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1889-004]

Western Massachusetts Electric Co., Application for Approval of Exhibit R

September 2, 1981.

Take notice that Western Massachusetts Electric Company filed on July 6, 1981, an application for approval of Exhibit R (Recreational Development Plan) for its Turners Falls Hydroelectric Project, FERC No. 1889. The project is located on the Connecticut River in the counties of Franklin, Massachusetts, Windham,

Vermont, and Cheshire, New Hampshire. Correspondence with the Applicant should be addreessed to: Mr. W. G. Counsil, Senior Vice President, Northeast Utilities, P.O. Box 270, Hartford, Connecticut 06101..

The Recreational Development Plan, filed in accordance with Article 33 of the license, describes existing facilities and proposes to provide additional and upgraded recreational facilities consisting of fishing access areas, a visitors center, and a picnic area.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest or petition to intervene must be received on or before October 9, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26059 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4115-002]

Terry G. White; Application for Exemption of Small Conduit Hydroelectric Facility

September 2, 1981.

Take notice that on August 11, 1981, Mr. Terry G. White of Buhl, Idaho (Applicant) filed an application under section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed White Ranch Project (FERC Project No. 4115) would be located on the Applicant's fish hatchery system near the town of Buhl in Twin Falls county, Idaho. Correspondence with the Applicant should be directed to: Consulting Associates, Inc., P.O. Box 893, boise, Idaho 83701.

Purpose of Project.—Project energy would be sold to a local utility.

Project Description.—The proposed project would consist of: (1) an intake structure within the southern bank of the Applicant's existing fish rearing pond; (2) a 270-foot long penstock; (3) two outdoor generating units with a combined rated capacity of 150 kW discharging into Mud Creek (the water is rediverted into the hatchery system 1/4 mile downstream); and (4) a 3,000-foot long transmission line to connect the generating units with an existing Idaho Power Company's transmission line.

Agency Comments.—The fish and wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 19, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26079 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

UMI 1 8 8 E S 3 7 1 \ 6 4 \

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-A G HILL						RECEIVED: 08/14/81 JA: TX			
8145515	F-06-031412	4242300000		108	ER	BINA RAYFORD #1	TRAVIS PEAK	0.0	UNITED GAS P L CO
-ADA OIL EXPLORATION CORP						RECEIVED: 08/14/81 JA: TX			
8145562	F-03-034320	4205100000		102	F	BOYD V WOLFE #1	GIDDINGS	182.5	PHILLIPS PETROLEU
-ADOBE OIL & GAS CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145574	F-7B-035149	4213332409		102	4	KERR NO 4	MANGUM NORTH (3200)	50.0	ODESSA NATURAL CO
8145622	F-8A-036574	4244530921		103		MULDROW A #1	PRENTICE (NORTHWEST)	23.0	AMOCO PRODUCTION
-ALPAR RESOURCES INC						RECEIVED: 08/14/81 JA: TX			
8145572	F-10-034978	4235731047		102	4	HARBAUGH #22-147	LONE BUTTE (NOVI)	24.0	PHILLIPS PETROLEU
-AMERICAN DELTA CORP						RECEIVED: 08/14/81 JA: TX			
8145621	F-03-036549	4205131296		102	2	ARTHUR TIETJEN #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-AMOCO PRODUCTION CO						RECEIVED: 08/14/81 JA: TX			
8145792	F-08-038407	4200332480		103		BLOCK 9 FUHRMAN-MASCHO UNIT #117	FUHRMAN MASCHO	16.1	PHILLIPS PETROLEU
8145791	F-08-038406	4200332261		103		BLOCK 9 FUHRMAN-MASCHO UNIT #124	FUHRMAN-MASCHO	5.1	PHILLIPS PETROLEU
8145480	F-05-030065	4234931371		102	4	ELECTRA BROWN GAS UNIT WELL NO 1	CHENEYBORO SW/9585/	365.0	LONE STAR GAS CO
8145480	F-05-030065	4234931371		107	TF	ELECTRA BROWN GAS UNIT WELL NO 1	CHENEYBORO SW/9585/	365.0	LONE STAR GAS CO
8145653	F-06-037173	4220330815		102	4	JUSTICE GAS UNIT WELL NO 1	BLOCKER/COTTON VALLEY/	475.0	UNITED GAS PIPELI
8145653	F-06-037173	4220330815		107	TF	JUSTICE GAS UNIT WELL NO 1	BLOCKER/COTTON VALLEY/	475.0	UNITED GAS PIPELI
8145514	F-05-031395	4216130624		102	4	MARY HORN UNIT /A/ WELL NO 1	CHENEYBORO SW /9585/	146.0	LONE STAR GAS CO
8145514	F-05-031395	4216130624		107	TF	MARY HORN UNIT /A/ WELL NO 1	CHENEYBORO SW /9585/	146.0	LONE STAR GAS CO
8145690	F-08-037849	4222732213		103		MRS CORA LEE ECHOLS B #37	COAHOMA N (FUSSEL)	53.7	GETTY OIL CO
8145634	F-05-036924	4234931426		102	4	TEXAS INDUSTRIES INC GAS A #1	CHENEYBORO/TRAVIS PEAK/	122.0	LONE STAR GAS CO
-ANDERSON PETROLEUM INC						RECEIVED: 08/14/81 JA: TX			
8145525	F-7C-031664	4210532971		103		ALMEDA M HOOVER ET AL C 1-23	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8145525	F-7C-031664	4210532971		107	TF	ALMEDA M HOOVER ET AL C 1-23	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY						RECEIVED: 08/14/81 JA: TX			
8145519	F-04-031540	4213134970		103		J R FOSTER #63	HAGIS RANCH (750)	124.0	NATURAL GAS PIPEL
-ARKLA EXPLORATION COMPANY						RECEIVED: 08/14/81 JA: TX			
8145564	F-06-034483	4236531164		102	3	WILLIAMS-INGRAM #1	CARTHAGE (COTTON VALLEY)	150.0	ARKANSAS LOUISIAN
-ARLEN G HOYLE JR						RECEIVED: 08/14/81 JA: TX			
8145674	F-7B-037565	4242932483		103		G E LANGFORD #1-A (89577)	STEPHENS COUNTY REGULAR	9.0	WARREN PETROLEUM
-BALL PRODUCING CO						RECEIVED: 08/14/81 JA: TX			
8145650	F-7B-037077	4236332529		102	4	HART 866 #1	MINERAL WELLS N (ELLENBU	485.0	LONE STAR GAS CO
-BARRON KIDD						RECEIVED: 08/14/81 JA: TX			
8145660	F-08-037309	4231732250		103		H P MORRISON #1-A	SPRABERRY (TREND AREA)	14.8	PHILLIPS PETROLEU
-BEN J TAYLOR						RECEIVED: 08/14/81 JA: TX			
8145600	F-7B-036203	4236730831		103		HUTCHESON A WELL NO 4	CATERVILLE (STRAWN UPPER	0.0	LONE STAR GAS CO
-BILL HEROD						RECEIVED: 08/14/81 JA: TX			
8145785	F-7B-038375	4213332097		102	4	R PRUET NO 1	RANGER N W (MARBLE FALLS	0.0	LONE STAR GAS CO
-BLOCKER EXPLORATION CO						RECEIVED: 08/14/81 JA: TX			
8145569	F-06-034758	4200131043		102	4	WILLIAM R CADY ET AL #2	S W PRAIRIE LAKE (RODESS	730.0	SEAGULL PIPELINE

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BURK ROYALTY CO			RECEIVED: 08/14/81 JA: TX				
8145741	F-09-038177	4223733038	103	T D WILLIAMS B #1	TIE (ATOKA 4700)	84.0	LONE STAR GAS CO
-BUTTES RESOURCES CO			RECEIVED: 08/14/81 JA: TX				
8145493	F-03-026836	4200130000	103	RAYMOND BUCHANAN #1	KURTEN (WOODBINE)	30.0	
-C J S ENERGY CO			RECEIVED: 08/14/81 JA: TX				
8145556	F-78-038852	4200932428	103	BEN OVERTON #1	DELAY (DUFFER)	274.0	SOUTHWESTERN GAS
-CA-TEX PETROLEUM INC			RECEIVED: 08/14/81 JA: TX				
8145640	F-09-037027	4200934228	102-1	J PRIDEAUX A #1 RRC #20627	ARCHER COUNTY REGULAR	5.4	MID STATES GAS CO
8145641	F-09-7037028	4200934270	102-1	J PRIDEAUX A #2 RRC #20627	ARCHER COUNTY REGULAR	5.4	MID STATES GAS CO
8145639	F-09-037026	4200934589	102-1	J PRIDEAUX A #3 RRC #20627	ARCHER COUNTY REGULAR	5.4	MID STATES GAS CO
8145638	F-09-037025	4200934305	102-1	J PRIDEAUX B #1 RRC #20542	ARCHER COUNTY REGULAR	104.0	MID STATES GAS CO
8145642	F-09-037029	4200934372	102-1	MARSHALL #3 RRC #20425	YOUNG COUNTY REGULAR	41.2	MID STATES GAS CO
-CAB PETROLEUM CORP			RECEIVED: 08/14/81 JA: TX				
8145679	F-03-037609	4205131436	102-2	TELG NO 1	GIDDINGS AUSTIN CHALK	365.0	CLAJON GAS CO
-CARLTON DRILLING CO			RECEIVED: 08/14/81 JA: TX				
8145763	F-7C-038259	4209530495	103	COLE ID #92917	PAINT ROCK (STRAWN LIME)	0.0	SUN GAS GATHERING
8145762	F-7C-038258	4209530494	103	HUTCHESON ID #92652	PAINT ROCK (STRAWN LIME)	0.0	SUN GAS GATHERING
-CARTER ENERGY CORP			RECEIVED: 08/14/81 JA: TX				
8145470	F-09-029203	4223732592	103	LOWELL COOPER #1	WHITLEY (CONGL 5500) FIE	146.0	TEXAS UTILITIES F
-CENTAUR PETROLEUM CORP			RECEIVED: 08/14/81 JA: TX				
8145739	F-78-038163	4236330867	108	T W REILLY WELL 3 RRC NO 65244	REILLY RANCH (CONGL)	11.0	BRAZOS FUEL CO IN
8145738	F-78-038162	4236331041	108	THELMA HART WELL 1 RRC NO 68728	REILLY RANCH (CONGL)	15.3	BRAZOS FUEL CO IN
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 08/14/81 JA: TX				
8145472	F-08-029686	4238331761	102-2	ESTELLE COUNCIL 70 NO 2 (26104)	CONGER SW (PENN)	338.0	NORTHERN NATURAL
8145472	F-08-029686	4238331761	103	ESTELLE COUNCIL 70 NO 2 (26104)	CONGER SW (PENN)	338.0	NORTHERN NATURAL
8145442	F-03-025965	4205100000	102-2	JAMES SEBESTA NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8145442	F-03-025965	4205100000	103	JAMES SEBESTA NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8145563	F-03-034343	4205100000	102-2	THOMAS PAYNE NO 1	GIDDINGS	0.0	FERGUSON CROSSING
8145563	F-03-034343	4205100000	103	THOMAS PAYNE NO 1	GIDDINGS	0.0	FERGUSON CROSSING
-CHARLES H BENTLEY			RECEIVED: 08/14/81 JA: TX				
8145482	F-10-000463	4229500000	108	ECCLES UNIT (32300)	BECHTOLD/SOUTH (TONKAWA)	4.0	NORTHERN NATURAL
-CIMMARON OIL CO INC			RECEIVED: 08/14/81 JA: TX				
8145507	F-78-031299	4222130571	102-4	MCGUFFIN #1	GRANBURY N E (ATOKA)	91.2	EMPIRE PIPE LINE
8145748	F-78-038212	4214330694	102-4	MONTGOMERY NO 1 ID NO 93645	MORGAN MILL (MARBLE FALL	180.0	SOUTHWESTERN GAS
8145506	F-78-031298	4222130606	102-4	NUTT #2	GRANBURY N E (ATOKA)	114.9	EMPIRE PIPE LINE
8145508	F-78-031306	4222130582	102-4	TANTON #2	GRANBURY N E ATOKA	182.5	EMPIRE PIPE LINE
-CLAYTON W WILLIAMS JR			RECEIVED: 08/14/81 JA: TX				
8145587	F-03-035662	4205100000	102-2	AUGUST PETERS UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145636	F-03-037006	4214730556	102-2	ELMO PIETSCH UNIT WELL #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145455	F-06-028135	4236500860	102-4	HILLIN ESTATE #1	PINEHILL S E (RODESSA GL	0.0	VALERO TRANSMISSI
8145554	F-03-033837	4205100000	102-2	J D AUTREY #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145581	F-03-032009	4205100000	102-2	JAMES MCFARLAND #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145620	F-06-036459	4236531180	102-4	JESSIE SEALEY NO 1	PINEHILL SE (RODESSA GLO	113.0	VALERO TRANSMISSI
8145619	F-06-036458	4236531204	102-4	JEWELL JONES NO 1	PINEHILL SE (TRAVIS PEAK	113.0	VALERO TRANSMISSI
8145588	F-03-035663	4205100000	102-2	JOHN KACER #2	GIDDINGS	0.0	VALERO TRANSMISSI
8145503	F-03-031235	4205100000	102-2	LEROY CALVIN UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145530	F-03-032007	4205100000	102-2	LOIS GRAHAM A #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145488	F-03-030821	4205131062	102-2	POLANSKY-SOBOTIK UNIT #1	GIDDINGS	116.8	VALERO TRANSMISSI
8145591	F-03-035970	4205130873	102-2	RAYMOND KNESEK #1	GIDDINGS	0.0	VALERO TRANSMISSI
8145573	F-03-035017	4205100000	102-2	THARP-SCHWARTZ #2	GIDDINGS	0.0	VALERO TRANSMISSI
-COASTAL OIL & GAS CORP			RECEIVED: 08/14/81 JA: TX				
8145511	F-10-031347	4237530712	103	BIVINS 5018 RO	PANHANDLE (RED CAVE)	13.0	COLORADO INTERSTA
8145526	F-10-031670	4237530714	103	BIVINS 6016	PANHANDLE (RED CAVE)	3.0	COLORADO INTERSTA

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145527	F-10-031471	4237530715		103		BIVINS 6020	PANHANDLE (RED CAVE)	5.0	COLORADO INTERSTA
8145790	F-10-038405	4237530837		103		MASTERSON B 6351P	PANHANDLE (RED CAVE)	12.0	COLORADO INTERSTA
				RECEIVED: 08/14/81 JA: TX					
-CONOCO INC									
8145487	F-10-03615	4206500000		108		C E DEAHL NO 3-R	WEST PANHANDLE	10.0	CITIES SERVICE GA
8145768	F-04-038299	4213100000		108		ROBERT DRISCOLL #350	CONOCO - DRISCOLL	4.0	TRANSCO GAS PIPEL
				RECEIVED: 08/14/81 JA: TX					
-COTTON PETROLEUM CORPORATION									
8145593	F-10-036029	4235700000		108		LANDRUM NO 1	W PERRYTON (MORROW)	0.0	NORTHERN NATURAL
8145630	F-10-036759	4229530911		102-4		WEINETTE B NO 1	MAY (BASAL MORROW)	1825.0	DIAMOND SHAMROCK
8145630	F-10-036759	4229530911		103		WEINETTE B NO 1	MAY (BASAL MORROW)	1825.0	DIAMOND SHAMROCK
				RECEIVED: 08/14/81 JA: TX					
-CRAWFORD ENERGY									
8145740	F-78-038176	4236731905		102-2		BRADBURY #1 91993	MOBY DICK/STRAWN/FIELD	33.6	NATURAL GAS PIPEL
				RECEIVED: 08/14/81 JA: TX					
-CRYSTAL OIL COMPANY									
8145567	F-06-034589	4236531185		103		E DOUGLAS A #1 - U	BETHANY	793.9	UNITED GAS PIPELI
8145479	F-02-030060	4229732174		102-4		EL PASO NATURAL GAS #1 - B	CLEGG (LULING) FIELD	1091.3	VALERO TRANSMISSI
				RECEIVED: 08/14/81 JA: TX					
-CZAR RESOURCES INC									
8145471	F-03-029507	4214930430		103		JOHNSON #1 - 13333	GIDDINGS (AUSTIN CHALK)	34.7	PHILLIPS PETROLEU
				RECEIVED: 08/14/81 JA: TX					
-DAWSON OPERATING CO INC									
8145643	F-78-037060	4236332606		103		COSTELLO #1	PALO PINTO COUNTY REGULA	108.0	SOUTHWESTERN GAS
				RECEIVED: 08/14/81 JA: TX					
-DCW PRODUCTION									
8145673	F-10-037531	4206500000		103		S B BURNETT #9	PANHANDLE	70.0	PHILLIPS PETROLEU
				RECEIVED: 08/14/81 JA: TX					
-DELTA DRILLING CO									
8145598	F-7C-036112	4210500000		103		BEAN B #2	OZONA FLD	0.0	NORTHERN NATURAL
8145598	F-7C-036112	4210500000		107-TF		BEAN B #2	OZONA FLD	0.0	NORTHERN NATURAL
8145432	F-06-020229	4242300000		108-ER		CALDWELL HUGHES DELAY & ALLEN 15931	CHAPEL HILL (RODESSA) FI	9.8	UNITED GAS PIPELI
8145438	F-06-023161	4220300000		102-2		J E JORDAN #1	WILDCAT (COTTON VALLEY)	85.0	TENNESSEE GAS PIP
8145438	F-06-023161	4220300000		107-TF		J E JORDAN #1	WILDCAT (COTTON VALLEY)	85.0	TENNESSEE GAS PIP
8145477	F-06-029869	4240100000		102-4		TYRA BROTHERS #1	WILDCAT (HAYNESVILLE)	85.0	LONE STAR GAS CO
				RECEIVED: 08/14/81 JA: TX					
-DIAMOND SHAMROCK CORPORATION									
8145544	F-10-032743	4229530914		103		C H HYDE NO 2	BRADFORD	0.0	SOUTHWESTERN PUBL
8145422	F-10-004981	4242100000		108-ER		CAMERON WALLS NO 1	TEXAS HUGOTON	8.0	NORTHERN NATURAL
8145559	F-10-034216	4221131265		103		CHARLES TUBB B NO 3	HUMPHREYS	229.8	NORTHERN NATURAL
8145534	F-78-032270	4236732011		103		E B SMITH A NO 2	RENO	0.0	SOUTHWESTERN GAS
8145543	F-10-032742	4221100000		103		JOHN C ISAACS JR 2-199	CANADIAN SW	0.0	
8145566	F-10-034579	4229530915		103		JOHN PEIL NO 2	BRADFORD	500.0	SOUTHWESTERN PUBL
8145658	F-10-037281	4239330852		103		LOIS WEBB NO 5-83	MENDOTA NW	129.0	
8145558	F-10-034157	4229530929		103		OTTO WEIDNER NO 1	MAMMOTH CREEK NORTH	380.0	
8145424	F-10-005308	4242100000		108-ER		PRICE B NO 1	TEXAS HUGOTON	8.0	PANHANDLE EASTERN
				RECEIVED: 08/14/81 JA: TX					
-DISCOVERY OPERATING INC									
8145637	F-7C-037007	4241330891		102-4		BAR #1	GWYN (CANYON)	57.6	CRA INC
8145637	F-7C-037007	4241330891		107-TF		BAR #1	GWYN (CANYON)	57.6	CRA INC
				RECEIVED: 08/14/81 JA: TX					
-DORCHESTER EXPLORATION INC									
*8145659	F-08-037302	4243136906		103		REYNOLDS 3	CONGER (PENN)	216.0	TEXAS UTILITY FUE
				RECEIVED: 08/14/81 JA: TX					
-DYCO PETROLEUM CORPORATION									
8145529	F-10-031847	4221131208		103		GLISAN STEEN #1-13	BUFFALO WALLOW (A CHERT)	100.0	EL PASO NATURAL G
				RECEIVED: 08/14/81 JA: TX					
-EASTLAND OIL CO									
8145611	F-08-836409	4233500000		102-4		A D HARRIS NO 1	CHAMPION LAKE (YATES)	7.0	ODESSA NATURAL CO
8145612	F-08-036410	4233500000		102-4		A D HARRIS NO 2	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO
8145609	F-08-036407	4233500000		102-4		HARRELL NO 1	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO
8145613	F-08-036411	4233500000		102-4		ODELL FULLER NO 1	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO
8145610	F-08-036408	4233500000		102-4		WULFJEN A NO 1	CHAMPION LAKE (YATES)	30.0	ODESSA NATURAL CO
8145614	F-08-036412	4233500000		102-4		WULFJEN A NO 2	CHAMPION LAKE (YATES)	3.0	ODESSA NATURAL CO
8145615	F-08-036413	4233500000		102-4		WULFJEN C NO 1	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO
8145616	F-08-036414	4233500000		102-4		WULFJEN C NO 2	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO

JD NO	DA TKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145687	F-08-036404	4233500000		102-4		WULFJEN D NO 1	CHAMPION LAKE (YATES)	5.0	ODESSA NATURAL CO
8145608	F-08-036406	4233500000		102-4		WULFJEN F NO 1	CHAMPION LAKE (YATES)	6.0	EASTLAND OIL CO
-ECHOLS OIL CO				RECEIVED: 08/14/81 JA: TX					
8145778	F-7B-038347	4242900000		103		DANIELS NO 1	STEPHENS CO REGULAR (GAS	150.0	WEL-GAS INC OF TE
-EL PASO NATURAL GAS COMPANY				RECEIVED: 08/14/81 JA: TX					
8145415	F-10-002642	4208726047		108-ER		CANTRELL A 1	PANHANDLE EAST	12.2	EL PASO NATURAL G
8145547	F-7C-033031	4243519208		108		DEBERRY A #3	SONORA CANYON UPPER GAS	16.0	EL PASO NATURAL G
8145418	F-10-002435	4208726082		108-ER		GLENN 3	PANHANDLE EAST	8.8	EL PASO NATURAL G
8145548	F-10-033033	4208726153		108		LUTES #6	PANHANDLE EAST BROWN DOL	19.8	EL PASO NATURAL G
8145524	F-10-031642	4221131246		103		MEEK #2	BUFFALO WALLOW GRANITE W	365.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED: 08/14/81 JA: TX					
8145786	F-01-038379	4228200287		108		C N COOKE C #1	COOKE (EDWARDS LIME)	13.8	TRANSCONTINENTAL
8145771	F-7C-038306	4223500000		108		ELA C SUGG 53 #1	SPRABERRY (TREND AREA)	1.6	NORTHERN NATURAL
-ENSERCH EXPLORATION INC				RECEIVED: 08/14/81 JA: TX					
8145617	F-8A-036422	4244530870		103		MERTEL NO 1	WILDCAT	41.8	
8145618	F-04-036424	4247932971		103		T MIDDLETON E NO 6	LAS TIENDAS E	254.0	LONE STAR GAS CO
-ERSO INC				RECEIVED: 08/14/81 JA: TX					
8145652	F-06-037132	4236500000		103		CARTHAGE GAS UNIT WELL #37	CARTHAGE	365.0	TENNESSEE GAS PIP
8145652	F-06-037132	4236500000		107-TF		CARTHAGE GAS UNIT WELL #37	CARTHAGE	365.0	TENNESSEE GAS PIP
8145486	F-06-030512	4236500000		103		CARTHAGE UNIT WELL #30	CARTHAGE	365.0	TENNESSEE GAS PIP
8145486	F-06-030512	4236500000		107-TF		CARTHAGE UNIT WELL #30	CARTHAGE	365.0	TENNESSEE GAS PIP
-ESTATE OF WM D MCBEE				RECEIVED: 08/14/81 JA: TX					
8145532	F-06-032082	4245930446		103		BARBER GAS UNIT #1 WELL #1	ROSEWOOD (HOSSTON-COTTON	350.0	WESTERN GAS CORP
8145532	F-06-032082	4245930446		107-TF		BARBER GAS UNIT #1 WELL #1	ROSEWOOD (HOSSTON-COTTON	350.0	WESTERN GAS CORP
-ESTATE OIL & GAS CORP				RECEIVED: 08/14/81 JA: TX					
8145528	F-06-031700	4220330765		102-4		HENRY PITTS NO 2	LANSING NORTH (COTTON VA	8.8	TEJAS GAS CORP
8145528	F-06-031700	4220330765		107-TF		HENRY PITTS NO 2	LANSING NORTH (COTTON VA	8.8	TEJAS GAS CORP
-EXCELSIOR OIL CORP				RECEIVED: 08/14/81 JA: TX					
8145737	F-06-038132	4245900000		103		WILLIAM M LEONARD NO 1 93380	ROSEWOOD (HOSSTON-COTTON	150.0	WESTERN GAS CORP
8145737	F-06-038132	4245900000		107-TF		WILLIAM M LEONARD NO 1 93380	ROSEWOOD (HOSSTON-COTTON	150.0	WESTERN GAS CORP
-EXXON CORPORATION				RECEIVED: 08/14/81 JA: TX					
*8145579	F-06-035345	4245930433		102-4		DELROSE GAS UNIT 4 #1	DELROSE (HAYNESVILLE)	680.0	ARMCO STEEL CORP
*8145579	F-06-035345	4245930433		107-TF		DELROSE GAS UNIT 4 #1	DELROSE (HAYNESVILLE)	680.0	ARMCO STEEL CORP
*8145578	F-06-035344	4225930436		102-4		DELROSE GAS UNIT 8 #1	DELROSE (HAYNESVILLE)	876.0	ARMCO STEEL CORP
*8145578	F-06-035344	4225930436		107-TF		DELROSE GAS UNIT 8 #1	DELROSE (HAYNESVILLE)	876.0	ARMCO STEEL CORP
8145655	F-08-037222	4200332575		103		FULLERTON CLEARFORK UNIT #1819	FULLERTON	15.0	PHILLIPS PETROLEU
*8145551	F-06-033279	4245930457		102-4		GLADEWATER GAS UNIT 7 #1	GLADEWATER (HAYNESVILLE)	438.0	ARMCO STEEL CORP
*8145551	F-06-033279	4245930457		107-TF		GLADEWATER GAS UNIT 7 #1	GLADEWATER (HAYNESVILLE)	438.0	ARMCO STEEL CORP
8145520	F-08-031565	4249531164		107-DP		HALEY UNIT #502	EVETTS (SILURIAN)	350.0	INTRATEX GAS CO
8145656	F-10-037223	4229530332		103		HENRY FRASS JR H #5	FRASS (TONKAWA)	7.0	TRANSWESTERN PIPE
8145670	F-7C-037521	4208130969		103		I A M UNIT #520	I A M (MENIELLE PENN)	99.0	SUN GAS CO
*8145769	F-04-038300	4204730867		102-4		K R LAGUNA LARGA 26 (93325)	FLOWELLA (VICKSBURG 4)	292.0	ARMCO STEEL CORP
*8145433	F-04-022101	4227331185		103		KING RANCH BORREGOS M-23-B	BORREGOS	40.0	ARMCO STEEL CO
8145672	F-08-037523	4200332646		103		MEANS/SAN ANDRES/ UNIT #858	MEANS	15.0	PHILLIPS PETROLEU
8145606	F-08-036319	4200332641		103		MEANS/SAN ANDRES/UNIT #1576	MEANS	20.0	PHILLIPS PETROLEU
8145671	F-08-037522	4200332657		103		MEANS/SAN ANDRES/UNIT #2062	MEANS	15.0	PHILLIPS PETROLEU
*8145677	F-03-037633	4247330325		102-4		NORTH KATY GAS UNIT 1 #1	KATY (WILCOX SPARKS SEG	796.0	ARMCO STEEL CORP
*8145749	F-04-038217	4204730682		103		RJR JR TR BARROSA PAST 5-D (92356)	PITA N W (M-50)	368.0	ARMCO STEEL CORP
*8145436	F-04-022794	4226138457		102-8		SANTA FE RANCH-MULA PAST 18 86928	STILLMAN (L-46)	730.0	ARMCO STEEL CO
-FAIR OIL CO				RECEIVED: 08/14/81 JA: TX					
8145675	F-06-037584	4231530547		103		GROGAN-VEACH UNIT (93104)	GREEN FOX (SMITH ZONE)	548.0	EAST TEXAS INDUST
-FELDERHOFF PRODUCTION CO				RECEIVED: 08/14/81 JA: TX					
8145743	F-09-038194	4223733316		103		MCCLURE #2 (91747)	JACKSBORO SOUTH (ATOKA S	730.0	SOUTHWESTERN GAS

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-FISHER-WEDD INC						RECEIVED: 08/14/81 JA: TX			
8145745	F-7C-038201	4208130976		103		HARRIS B NO 1	BLOODWORTH SOUTH (5700 S	10.0	SUN GAS CO
-FOREST OIL CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145760	F-08-038254	4230130272		107-DP		WOODY J 45 WELL 1	ANNA K (ATOKA)	365.0	VALERO TRANSMISSI
-FRAC INC						RECEIVED: 08/14/81 JA: TX			
8145770	F-08-038301	4200332531		103		HUNGER-NIX NO 1-S (10704)	FUHRMAN-MASCHO	12.0	PHILLIPS PETROLEU
-GAGE & CO						RECEIVED: 08/14/81 JA: TX			
8145575	F-08-035181	4235330987		103		JAMEW JAMESON E #1	JAMESON NORTH (STRAWN)	0.0	SUN OIL CO
8145557	F-09-034107	4223733394		103		STEPHENS B #1	JUPITER (CONGLOMERATE UP	226.4	SOUTHWESTERN GAS
-GENESIS PETROLEUM CORP						RECEIVED: 08/14/81 JA: TX			
8145631	F-03-036904	4232100008		103		STATE TRACT 309 #3 UNASSIGNED	OLIVER POINT S (3950)	73.0	DOW CHEMICAL CO
-GETTY OIL COMPANY						RECEIVED: 08/14/81 JA: TX			
8145518	F-06-031492	4236500000		103		BLANKENSHIP A #1	CARTHAGE (TRAVIS PEAK 64	0.0	UNITED GAS PIPELI
8145686	F-7B-037728	4243331148		103		FLOWERS CANYON SAND UNIT #179	FLOWERS (CANYON SAND)	2.0	CITIES SERVICE CO
8145685	F-7B-037727	4243331147		103		FLOWERS CANYON SAND UNIT #180	FLOWERS (CANYON SAND)	2.0	CITIES SERVICE CO
8145684	F-7B-037725	4243331149		103		FLOWERS CANYON SAND UNIT #181	FLOWERS (CANYON SAND)	11.0	CITIES SERVICE CO
8145683	F-7B-037715	4243331194		103		FLOWERS CANYON SAND UNIT #182	FLOWERS (CANYON SAND)	12.0	CITIES SERVICE CO
8145787	F-10-038392	4223331103		103		HERRING A TR 2 #112	PANHANDLE HUTCHINSON	3.7	PANHANDLE EASTERN
8145789	F-10-038394	4223331102		103		HERRING A TR 2 #113	PANHANDLE HUTCHINSON	3.5	PANHANDLE EASTERN
8145625	F-10-036716	4223330949		103		HUTH NO 1-S	PANHANDLE HUTCHINSON	3.7	
8145552	F-04-033352	4200730664		102-4		T S T 212 #1	WILDCAT	388.0	
8145463	F-04-028474	4235531573		102-4		T S T 72 #1	MARINA (11200)	1660.0	HOUSTON PIPELINE
8145788	F-10-038393	4223330962		103		WATKINS B NO 18	PANHANDLE HUTCHINSON	1.8	INTERNORTH INC
8145779	F-06-038357	4236500000		108		WERNER-BRELSFORD #2 RRC ID#45083	BELLE BOWER (PALUXY)	12.0	TEXAS GAS TRANSMI
-GO OIL CORP						RECEIVED: 08/14/81 JA: TX			
8145704	F-09-037959	4249732002		102-4		FRANKLIN NO 1 ID NO 92777	FRANKLIN (STRAWN)	0.0	NATURAL GAS PIPEL
-GOLDKING PRODUCTION COMPANY						RECEIVED: 08/14/81 JA: TX			
8145496	F-02-030985	4212331084		103		E R RODE #1-C	COTTONWOOD CREEK, S	103.0	HOUSTON PIPE LINE
-GOOD HOPE REFINERIES INC						RECEIVED: 08/14/81 JA: TX			
8145512	F-04-031351	4247932426		102-4		VAQUILLAS NO 2 API 42-479-32426	VAQUILLAS RANCH (WILCOX	547.0	VALERO TRANSMISSI
8145505	F-04-031297	4247932530		102-4		VAQUILLAS NO 3 API 42-479-32530	VAQUILLAS RANCH (WILCOX	730.0	VALERO TRANSMISSI
8145513	F-04-031356	4247932639		102-4		VAQUILLAS NO 4 API 42-479-32639	VAQUILLAS RANCH (WILCOX	730.0	VALERO TRANSMISSI
-GULF OIL CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145489	F-08-038841	4247531986		103		HUTCHINGS STOCK ASSN WELL NO 1898	WARD-ESTES NORTH	48.8	CABOT CORP
8145445	F-10-027654	4239300000		108-ER		JOHN HAGGARD #24	QUINDUNO/LOWER ALBANY DO	3.0	NATURAL GAS PIPEL
-H V RISIEN						RECEIVED: 08/14/81 JA: TX			
8145736	F-04-038130	4224931237		103		HRANICKY ET AL #1 RRC ID#93281	WADE CITY (4250)	351.8	VALERO TRANSMISSI
-H-M OIL CO						RECEIVED: 08/14/81 JA: TX			
8145667	F-04-037496	4213133970		103		TREVINO #1	TREVINO #1	0.0	GHR ENERGY CORP
-HAWKEYE OIL & GAS CORP						RECEIVED: 08/14/81 JA: TX			
8145427	F-09-012870	4223700000		102-4		CAMPBELL NO 1 - RRC# 80206	CAMPBELL (ATOKA CONGL)	180.0	NATURAL GAS PIPEL
-HENDRIKS HOLDING U S A LTD						RECEIVED: 08/14/81 JA: TX			
8145626	F-02-036717	4217500000		108		PAUL BETHKE NO 1	KAREN BEAUCHAMP	9.0	UNITED GAS PIPELI
-HERITAGE OPERATING CO INC						RECEIVED: 08/14/81 JA: TX			
8145533	F-03-032095	4203931584		102-4		G C CANNAN UNIT WELL NO 1-A	ANGLETON NE (TEX-MISS 11	1500.0	NATURAL GAS PIPEL
-HINTON PRODUCTION COMPANY						RECEIVED: 08/14/81 JA: TX			
8145499	F-06-031082	4234730446		102-4		IMOGENE VARDEMAN NO 1	WILDCAT	300.0	TEJAS GAS CORP
8145498	F-03-031029	4234730446		102-4		IMOGENE VARDEMAN NO I 92410	TRAWICK N (TRAVIS PEAK)	300.0	TEJAS GAS CORP
8145681	F-05-037698	4240131067		102-4		TEMPLE 2	MT ENTERPRISE (PETTIT)	500.0	
-HNG OIL COMPANY						RECEIVED: 08/14/81 JA: TX			
8145555	F-08-033936	4230130271		103		LUDEMAN 25 WELL NO 1	LUDEMAN (ATOKA)	684.0	INTRATEX GAS CO
8145555	F-08-033936	4230130271		107-TF		LUDEMAN 25 WELL NO 1	LUDEMAN (ATOKA)	684.0	INTRATEX GAS CO
-HOUSTON OIL & MINERALS CORPORATION						RECEIVED: 08/14/81 JA: TX			

JD NO	DA DKT	API NO	D	SEC	CAT	WELL NAME
8145663	F-8A-037414	4231700000			103	COOK #2
-HUGGS INCORPORATED						RECEIVED: 08/14/81 JA: TX
8145571	F-06-034922	4220330785			103	FURRH UNIT WELL NO 3
-IKE LOVELADY INC						RECEIVED: 08/14/81 JA: TX
8145627	F-08-036734	4237133151			103	RAYNER #1
-INTEGRAL ENERGY CORP						RECEIVED: 08/14/81 JA: TX
8145568	F-04-034616	4235500000			103	REDFISH BAY PROPERTIES LTD #1
-INTREPID OIL & GAS CO						RECEIVED: 08/14/81 JA: TX
8145761	F-7B-038256	4205932615			102-4	FRED DANIELS NO 1 WELL LSE # 16975
-J CLEO THOMPSON						RECEIVED: 08/14/81 JA: TX
8145504	F-7C-031256	4243532349			102-4	MAYER NO 2
8145484	F-7C-030476	4210532737			103	P L CHILDRESS #6
8145484	F-7C-030476	4210532737			107-TF	P L CHILDRESS #6
8145485	F-7C-030477	4210532442			103	P L CHILDRESS E #1
8145485	F-7C-030477	4210532442			107-TF	P L CHILDRESS E #1
8145483	F-7C-030475	4241330845			103	ROUSSELOT #5
8145483	F-7C-030475	4241330845			107-TF	ROUSSELOT #5
-JACKSON EXPLORATION INC						RECEIVED: 08/14/81 JA: TX
8145459	F-03-028324	4215731107			102-4	COOK #1
8145459	F-03-028324	4215731107			103	COOK #1
-JAKE L HAMON						RECEIVED: 08/14/81 JA: TX
8145654	F-7C-037184	4210532990			103	SUTTON NO 3
-JAMES K ANDERSON INC						RECEIVED: 08/14/81 JA: TX
8145596	F-7B-036081	4244131504			102-4	ALEX SEARS 159 #1
8145498	F-7C-036845	4239931595			103	VANCIL A NO 1
-KEITH D GRAHAM						RECEIVED: 08/14/81 JA: TX
8145509	F-03-031338	4205131145			102-2	BENTKE UNIT #1
8145549	F-03-033084	4205131241			102-2	BENTKE UNIT A #1
8145577	F-03-035260	4205131313			102-2	ONDRASEK UNIT #1
-KEITH-STEVENS RESOURCES INC						RECEIVED: 08/14/81 JA: TX
8145475	F-09-029757	4250333056			103	MCCLATCHY #1 19340
8145474	F-09-029755	4250333527			103	MCCLATCHY #2 19340
-KEN PETROLEUM CORP						RECEIVED: 08/14/81 JA: TX
8145676	F-02-037586	4223931627			103	SRUBAR WELL NO 2
-L E JONES PRODUCTION COMPANY						RECEIVED: 08/14/81 JA: TX
8145767	F-09-038293	4218130763			102-4	COLLUM NO 1
-LADD PETROLEUM CORPORATION						RECEIVED: 08/14/81 JA: TX
8145438	F-7B-016516	4236731053			103	ANDERSON UNIT NO 2
8145425	F-09-005549	4236731006			103	CAMPBELL UNIT #2
8145417	F-7B-002159	4236730590			103	STANLEY UNIT #2
-LAWBAR PETROLEUM INC						RECEIVED: 08/14/81 JA: TX
8145752	F-01-038243	4216300000			103	J H CALVERT #7-C
-LECLAIR OPERATING CO INC						RECEIVED: 08/14/81 JA: TX
8145448	F-7C-023920	4241300000			108	MARY DAVIS COUPE #4 ID-60554
-LEWIS ENERGY CORP						RECEIVED: 08/14/81 JA: TX
8145449	F-04-027675	4204730802			102-4	A J GARCIA NO 1 WELL
-LONDON & WAGGONER						RECEIVED: 08/14/81 JA: TX
8145576	F-7B-035200	4236731991			103	R FELLERS NO 1
-M D ABEL						RECEIVED: 08/14/81 JA: TX
8145668	F-02-037502	4217531466			103	RALPH W RAMSEY #5
-MCCANN CORP						RECEIVED: 08/14/81 JA: TX
8145429	F-08-014226	4222731719			102-2	READ A - #1
8145429	F-08-014226	4222731719			103	READ A - #1

FIELD NAME	PROD	PURCHASER
ACKERLY (DEAN SAND)	30.0	ADOBE OIL & GAS C
WILDCAT	146.0	UNITED GAS PIPE L
LEHN-APCO SO (WICHITA-AL	547.5	ADOBE GAS CO
STEDMAN ISLAND (C-6)	6.0	HOUSTON PIPE LINE
PUTNAM NE (3750)	6000.0	LONE STAR GAS CO
MAYER RANCH (STRAWN)	152.0	NORTHERN NATURAL
OZONA NE (CANYON 7520)	162.0	PHILLIPS PETROLEU
OZONA NE (CANYON 7520)	162.0	PHILLIPS PETROLEU
OZONE NE (CANYON 7520)	316.0	PHILLIPS PETROLEU
OZONE NE (CANYON 7520)	316.0	PHILLIPS PETROLEU
OZONA NE (CANYON 7520)	207.0	PHILLIPS PETROLEU
OZONA NE (CANYON 7520)	207.0	PHILLIPS PETROLEU
KATY S (FIRST WILCOX)	730.0	HOUSTON PIPE LINE
KATY S (FIRST WILCOX)	730.0	HOUSTON PIPE LINE
INGHAM QUEEN	15.0	EL PASO NATURAL G
E J (GARDNER)	120.0	UNION TEXAS PETRO
WINTERS SW (GARDNER LIME	12.0	UNION TEXAS PETRO
GIDDINGS (AUSTIN CHALK)	190.5	CHAMPLIN PETROLEU
GIDDINGS (AUSTIN CHALK)	160.6	CHAMPLIN PETROLEU
GIDDINGS (AUSTIN CHALK)	138.0	CHAMPLIN PETROLEU
JEAN NW (CADDO)	12.0	GAS ASSOCIATED SY
JEAN NW (CADDO)	12.0	GAS ASSOCIATED SY
STERLING (4800)	480.0	UNITED TEXAS TRAN
JUD (FOSTER SAND)	36.5	UNION TEXAS PETRO
TOTO (BEND CONGLOMERATE	375.0	LONE STAR GAS CO
BOONSVILLE	250.0	LONE STAR GAS CO
TOTO	0.0	LONE STAR GAS CO
PEARSALL (AUSTIN CHALK)	1.1	T G P INC
HENRY-SPECK (CANYON) FIE	1.0	NORTHERN NATURAL
ALTA MESA N E (8400) FIE	150.0	VALERO INTERSTATE
RENO (CONGL)	183.0	SOUTHWESTERN GAS
A-B-R (VICKSBURG UPPER S	73.0	CORONADO TRANSMIS
COAHOMA NORTH (FUSSELMAN	45.0	GETTY OIL CO
COAHOMA NORTH (FUSSELMAN	45.0	GETTY OIL CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MCCARRICK GOUGER & MITCHELL				RECEIVED: 08/14/81 JA: TX					
8145687	F-02-037738	4229700000		102-4		JAMES D SULLIVAN NO 8	MAXINE EAST (9700)	365.0	NATURAL GAS PIPEL
-MCCORMICK OPERATING CO				RECEIVED: 08/14/81 JA: TX					
8145469	F-06-029008	4240130093		102-3		MALONEY GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	465.0	HYDROCARBON TRANS
8145469	F-06-029008	4240130093		107-TF		MALONEY GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	465.0	HYDROCARBON TRANS
-NEWBOURNE OIL COMPANY				RECEIVED: 08/14/81 JA: TX					
8145497	F-10-030975	4229530879		103		BURCHFIEL A #2 WELL RRC ID	MAMMOTH CREEK N (CLEVELA	200.0	NORTHERN NATURAL
-NEXIA GAS CO INC				RECEIVED: 08/14/81 JA: TX					
8145450	F-05-027682	4229300000		108		LOUISA GAMBLE 78273	NEXIA (NACATOCH)	12.4	LONE STAR GAS CO
-MITCHELL ENERGY CORPORATION				RECEIVED: 08/14/81 JA: TX					
8145431	F-09-017048	4249700000		108		ANNIE HAMILTON #3 17351	MORRIS (CONSOL CONGL)	9.0	NATURAL GAS PIPEL
8145464	F-09-028561	4249700000		108		ARRA THOMAS #1 21171	ALVORD (ATOKA CONGL)	11.2	NATURAL GAS PIPEL
8145421	F-09-004969	4249700000		108-ER		C P HAYNES #1 28670	BOONSVILLE BEND CONG	18.3	NATURAL GAS PIPEL
8145781	F-09-038360	4223700000		108		CRAFT-JONES #3 86517	ALLEN 6 (4800)	9.1	SOUTHWESTERN GAS
8145782	F-78-038362	4242900000		108		E LEE KENNEDY #1 58355	IVAN SE (3900)	7.9	LONE STAR GAS CO
8145435	F-09-022577	4249700000		108		EMMA MONTFORD #2 80869	BOONEVILLE (BEND CONGL G	91.6	NATURAL GAS PIPEL
8145457	F-78-028243	4236300000		108		FEE #2	PALO PINTO COUNTY REG (G	13.0	SOUTHWESTERN GAS
8145632	F-09-036914	4249731955		103		FRANK MENN NO 1	BOONSVILLE (BEND CONGL G	125.0	NATURAL GAS PIPEL
8145468	F-09-028861	4249700000		108		G W PAYNE #1 10013	ALVORD (ATOKA CONGL)	11.0	NATURAL GAS PIPEL
8145780	F-09-038358	4223700000		108		HENRY COX #1 41076.	BOONSVILLE (BEND CONGL G	3.1	SOUTHWESTERN GAS
8145784	F-78-038364	4236300000		108		HENRY HOLUB #1 71059	STRAWN N (BEND CONGL)	0.4	SOUTHWESTERN GAS
8145561	F-09-034231	4249700000		108		J M SAUDER #1	BOONSVILLE (BEND CONGL G	26.5	NATURAL GAS PIPEL
8145565	F-09-034517	4223700000		108		J R HALSELL #2		12.0	SOUTHWESTERN GAS
8145446	F-09-027657	4249700000		108		J V HAMPTON #1 28667	BOONSVILLE (BEND CONGL G	13.2	NATURAL GAS PIPEL
8145662	F-09-037328	4223733454		103		J W LOVING ESTATE NO 6	JERRYN WEST (CADDO)	0.8	SOUTHWESTERN GAS
8145465	F-09-028563	4249700000		108		JOE COOK #1 44072	BOONSVILLE (BEND CONGL G	7.8	NATURAL GAS PIPEL
8145423	F-09-005095	4249700000		108-ER		K C WHITESELL #1 46431	BOONSVILLE BEND CONG	4.4	NATURAL GAS PIPEL
8145664	F-78-037437	4236332568		103		KAYLER REESE NO 1	MINERAL WELLS SOUTH (CON	485.0	SOUTHWESTERN GAS
8145595	F-09-036051	4249700000		108		KIRK NEWBERRY #1 32997	BOONSVILLE (BEND CONGL G	11.7	NATURAL GAS PIPEL
8145466	F-78-028566	4236700000		108		LOUISE HUSE #1 46106	MILLSAP S E (CONGL 4900)	6.8	SOUTHWESTERN GAS
8145458	F-09-028247	4223700000		108		M F MARTIN A #1 71549	BOLING CRUM	1.0	SOUTHWESTERN GAS
8145476	F-03-029759	4249700000		108		MCDERMOTT #1 63212	NADA (MIOCENE 2050)	13.0	TENNESSEE GAS PIP
8145594	F-09-036050	4249700000		108		NEVA RIGGS #2 13369	ALVORD (ATOKA CONGL)	1.0	NATURAL GAS PIPEL
8145568	F-09-034225	4249700000		108		O T FINLAYSON #1	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8145447	F-09-027659	4249700000		108		PAUL CURTNER #2 17349	MORRIS (CONSOLIDATED CON	13.0	NATURAL GAS PIPEL
8145592	F-05-035990	4229330553		103		R F JACKSON B-1	POKEY EAST (COTTON VALLE	380.0	SOUTHWESTERN GAS
8145592	F-05-035990	4229330553		107-TF		R F JACKSON B-1	POKEY EAST (COTTON VALLE	300.0	SOUTHWESTERN GAS
8145453	F-78-028057	4236300000		108		R H GAULDIN #7 73818	GRAFORD WEST (CADDO CONG	13.0	SOUTHWESTERN GAS
8145456	F-78-028190	4205900800		108		ROY TATUM #1 73193	DELIGHT (DUFFER)	1.5	SOUTHWESTERN GAS
8145783	F-09-038363	4223700000		108		S WILLIS #1 74457	PERRIN N E (ATOKA CONGL)	7.6	SOUTHWESTERN GAS
8145491	F-09-030852	4249731878		103		SAM LYNCH #1	GREENWOOD (ATOKA 6650)	120.0	
8145599	F-7C-036132	4210532915		103		SAVELL 118 #1	ADAMS-BAGGETT RANCH (CAN	195.0	VALERO TRANSMISSI
8145599	F-7C-036132	4210532915		107-TF		SAVELL 118 #1	ADAMS-BAGGETT RANCH (CAN	195.0	VALERO TRANSMISSI
8145584	F-09-035609	4249731935		103		T C W B NO 26	BOONSVILLE (BEND CONGL G	285.0	NATURAL GAS PIPEL
8145454	F-09-028058	4249700000		108		T W PERKINS #1 33560	BOONESVILLE (BEND CONGL	4.8	NATURAL GAS PIPEL
8145546	F-09-032988	4249700000		108		W B MITCHELL #1	BOONSVILLE (BEND CONGL G	0.0	SOUTHWESTERN GAS
8145420	F-09-004096	4249700000		108-ER		ZINA FOX #1 41727	BOONSVILLE BEND CONG	10.7	NATURAL GAS PIPEL
-MONSANTO COMPANY				RECEIVED: 08/14/81 JA: TX					
8145441	F-08-025843	4247531728		103		JUAREZ #1	RODGERS ELLENBERGER	100.0	
8145441	F-08-025843	4247531728		107-DP		JUAREZ #1	RODGERS ELLENBERGER	100.0	
-MOSBACHER PRODUCTION CO				RECEIVED: 08/14/81 JA: TX					
8145742	F-03-038190	4245730307		102-4		WM RICE INSTITUTE NO 3	HICKSBAUGH (WILCOX 2-A)	916.0	ARCO OIL & GAS CO
-MOTE RESOURCES INC				RECEIVED: 08/14/81 JA: TX					

JD NO	JA DAT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145651	F-09-037110	4249731959			103	RHOADS HEIRS NRC # NOT ASSIGNED	EANES CONGLOMERATE	68.0	NATURAL GAS PIPEL
-MWJ PRODUCING COMPANY						RECEIVED: 08/14/81 JA: TX			
8145623	F-7C-036628	4223531705			103	JAY NO 1	ROCK PEN (CANYON	10.8	NORTHERN NATURAL
-NORTH AMERICAN ROYALTIES INC						RECEIVED: 08/14/81 JA: TX			
8145747	F-08-038205	4222731766			102-4	I W WILLIAMS EST #1 (25387)	ISAAC (PENN UPPER)	50.8	GETTY OIL CO
-NUCORP ENERGY INC						RECEIVED: 08/14/81 JA: TX			
8145553	F-01-033541	4217730236			103	JOHN STEEN DUBOSE #06598	PILGRIM (AUSTIN CHALK)	37.0	TIPPERARY GATHERI
-PARAFFINE OIL CORP						RECEIVED: 08/14/81 JA: TX			
8145589	F-02-035669	4205730990			102-4	WELDER B NO 7-U	KATIE WELDER (L-7)	140.0	FLORIDA GAS TRANS
8145589	F-02-035669	4205730990			103	WELDER B NO 7-U	KATIE WELDER (L-7)	140.0	FLORIDA GAS TRANS
-PARKER OPERATING CO INC						RECEIVED: 08/14/81 JA: TX			
8145444	F-78-027437	4214300000			103	COVINGTON #1	MORGAN MILL (MARBLE FALL	33.0	NORTHERN GAS PROD
-PEERLESS OIL CO INC						RECEIVED: 08/14/81 JA: TX			
8145494	F-78-030892	4236731680			102-2	B E HERRING #1	WEATHERFORD (ATOKA MIDDL	30.0	NATURAL GAS PIPEL
-PENNZOIL PRODUCING COMPANY						RECEIVED: 08/14/81 JA: TX			
8145689	F-02-037780	4225500000			103	B U SPIELHAGEN NO 3-F	BURNELL (MACKHANK)	164.0	UNITED GAS PIPE L
8145682	F-04-037700	4235531167			102-0	C P TALBERT NO 17-F	AGUA DULCE (7800)	70.0	UNITED GAS PIPE L
8145682	F-04-037700	4235531167			103	C P TALBERT NO 17-F	AGUA DULCE (7800)	70.0	UNITED GAS PIPE L
8145657	F-04-037269	4235531512			103	C P TALBERT NO 21	AGUA DULCE (YAHUDE RESER	292.0	UNITED GAS PIPE L
-PERRYMAN OPERATING CO INC						RECEIVED: 08/14/81 JA: TX			
8145582	F-05-035465	4221300000			102-2	ALSTON NO 1	HAM FOX (RODESSA)	228.0	TEXAS UTILITIES F
8145582	F-05-035465	4221300000			103	ALSTON NO 1	HAM FOX (RODESSA)	228.0	TEXAS UTILITIES F
8145581	F-05-035464	4221300000			102-2	KELLEY ESTATE NO 1	HAM FOX (RODESSA)	403.0	TEXAS UTILITIES F
8145581	F-05-035464	4221300000			103	KELLEY ESTATE NO 1	HAM FOX (RODESSA)	403.0	TEXAS UTILITIES F
-PETRO-LEWIS CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145461	F-03-028370	4215731105			103	KALOIS #1	LONE POINT (FRIO)	350.0	DOW CHEMICAL CO
-PETROLEUM CORPORATION OF TEXAS						RECEIVED: 08/14/81 JA: TX			
8145732	F-08-038115	4213533356			103	BLAKENEY 32 WELL NO 4	COWDEN NORTH	18.3	PHILLIPS PETROLEU
8145734	F-08-038126	4213533535			103	BLAKENEY 32 WELL NO 5	COWDEN NORTH	3.7	PHILLIPS PETROLEU
8145669	F-08-037516	4249531180			103	BROWN-ALTMAN D #6	EMPEROR (DEEP)	3.7	NORTHERN NATURAL
-PETRUS OPERATING CO INC						RECEIVED: 08/14/81 JA: TX			
8145580	F-06-035444	4240100000			102-4	M G MOORE NO 1	EZIM (PETTIT) FIELD	0.0	
8145580	F-06-035444	4240100000			103	M G MOORE NO 1	EZIM (PETTIT) FIELD	0.0	
-PHILLIPS & SPRADLEY						RECEIVED: 08/14/81 JA: TX			
*8145601	F-04-036274	4240931467			102-4	KIRK GAS UNIT NO A-3	WHITE POINT EAST DEEP (C	460.0	VALERO TRANSMISSI
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 08/14/81 JA: TX			
8145735	F-09-038128	4200901287			108	BULLINGTON #2	VOGTSBERGER	1.4	
8145451	F-08-028038	4200310151			108	BUM-A #9 (19444)	GOLDSMITH N (SAN ANDRES	22.0	EL PASO NATURAL G
8145751	F-08-038237	4200304521			108	EMBAR B #23 (08769)	GOLDSMITH (5600)	20.2	EL PASO NATURAL G
8145765	F-08-038263	4249503463			108	F P MCCABE #13 (21555)	HALLEY	0.9	EL PASO NATURAL G
8145764	F-08-039282	4213507894			108	GS ANDECTOR #L-18 (21193)	GOLDSMITH (CLEARFORK)	12.1	EL PASO NATURAL G
8145452	F-7C-028039	4238310205			108	ZULETTE NO 14 (03593)	SPRABERRY (TREND AREA)	23.0	NORTHERN NATURAL
-PIONEER PRODUCTION CORP						RECEIVED: 08/14/81 JA: TX			
8145517	F-10-031485	4201131234			103	LINDLEY #4	CANADIAN EAST (DOUGLAS)	730.0	PIONEER NATURAL G
-PIONEER PRODUCTION CORPORATION						RECEIVED: 08/14/81 JA: TX			
8145492	F-10-030478	4201131231			103	SHELL-GEORGE #A-169	CANADIAN EAST (DOUGLAS)	450.0	PIONEER NATURAL G
-PLAZA OIL & GAS INC						RECEIVED: 08/14/81 JA: TX			
8145590	F-02-035924	4246931674			102-4	OLGA URBAN WELL NO 1	PRIDHAM LAKE (3950 FRIO)	110.0	VALERO TRANSMISSI
8145590	F-02-035924	4246931674			103	OLGA URBAN WELL NO 1	PRIDHAM LAKE (3950 FRIO)	110.0	VALERO TRANSMISSI
-QUINTANA PETROLEUM CORP						RECEIVED: 08/14/81 JA: TX			
8145773	F-02-038323	4239131154			103	MAUDE WILLIAMS ET AL A D-91	LAKE PASTURE (H-440 SAND	15.0	UNITED TEXAS TRAN
8145772	F-02-038322	4239131173			103	MAUDE WILLIAMS ET AL A D-93	LAKE PASTURE (H-440 SAND	18.0	UNITED TEXAS TRAN
8145774	F-02-038328	4239131239			103	MAUDE WILLIAMS ET AL C 4-U	TOM O CONNOR SAND FIELD	27.0	UNITED TEXAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145777	F-02-038332	4239130581			103	MRS FANNIE V W HEARD 96-L	TOM O CONNOR (5900 SAND)	70.0	UNITED TEXAS TRAN
8145775	F-02-038330	4239131209			103	MRS FANNIE V W HEARD 97-L	TOM O CONNOR (5900 SAND)	85.0	UNITED TEXAS TRAN
8145776	F-02-038331	4239131209			103	MRS FANNIE V W HEARD 97-U	TOM O CONNOR (5500 SAND)	15.0	UNITED TEXAS TRAN
-R L ADKINS CORP						RECEIVED: 08/14/81 JA: TX			
8145680	F-7B-037694	4215131129			103	WICKHAM C #1	WICKHAM (PALO PINTO)	9.0	PALO DURO PIPELIN
-RIDDLE OIL CO						RECEIVED: 08/14/81 JA: TX			
8145633	F-06-036922	4220330737			102-4	RIDDLE OIL CO HENRY PITTS WELL #2	LANSING NORTH (PETTIT)	0.0	ADVANCE TRANSPORT
8145633	F-06-036922	4220330737			103	RIDDLE OIL CO HENRY PITTS WELL #2	LANSING NORTH (PETTIT)	0.0	ADVANCE TRANSPORT
-ROCK OIL & GAS CO						RECEIVED: 08/14/81 JA: TX			
8145644	F-10-037066	4206500000		108		J L NOEL (00182) NO 1	PANHANDLE CARSON COUNTY	4.0	GETTY OIL CO
8145645	F-10-037067	4206500000		108		J L NOEL (00182) NO 2	PANHANDLE CARSON COUNTY	2.0	GETTY OIL CO
8145646	F-10-037068	4206500000		108		J L NOEL (00182) NO 4	PANHANDLE CARSON COUNTY	6.0	GETTY OIL CO
8145647	F-10-037069	4206500000		108		J L NOEL (00182) NO 5	PANHANDLE CARSON COUNTY	1.0	GETTY OIL CO
8145648	F-10-037070	4206500000		108		J L NOEL (00182) NO 6	PANHANDLE CARSON COUNTY	7.0	GETTY OIL CO
-ROY FARRELL						RECEIVED: 08/14/81 JA: TX			
8145481	F-10-030295	4206530794			103	C L CULVER #1A	WEST PANHANDLE FIELD	180.0	NATURAL GAS PIPEL
-RUTHERFORD OIL CORP						RECEIVED: 08/14/81 JA: TX			
8145602	F-03-036277	4216700000			102-4	STATE TRACT 104-L WELL #1	GALVESTON BLK 104-6 (SD	1500.0	DOW CHEMICAL CO
-S & B ENTERPRISES INC						RECEIVED: 08/14/81 JA: TX			
8145721	F-08-038084	4237133335			103	OLIX B #3	PAYTON	5.5	PERRY GAS PROCESS
-SAFARI DRILLING CO						RECEIVED: 08/14/81 JA: TX			
8145583	F-7B-035498	4209932256			102-2	RAMON CARRUTH #1	BLANKET (MARBLE FALLS)	36.0	LONE STAR GAS CO
-SANCHEZ-OBRIEN OIL & GAS CORP						RECEIVED: 08/14/81 JA: TX			
8145570	F-04-034805	4235532682			102-4	PAVELKA GAS UNIT NO 1 WELL NO 2	BOBBY LYNN KING (SEG B 8	500.0	UNITED TEXAS TRAN
-SECURITY PETROLEUM DRILLING INC						RECEIVED: 08/14/81 JA: TX			
8145550	F-10-033245	4217930785			103	SHERIDAN #4 04640	PANHANDLE GRAY COUNTY	109.0	CABOT PIPELINE CO
-SENTINEL PETROLEUM CORP						RECEIVED: 08/14/81 JA: TX			
8145473	F-7B-029728	4213332165			102-4	GARRETT #1	MANGUM SOUTH	0.0	ODESSA NATURAL CO
8145478	F-7B-029887	4213331540			102-4	LOIS MURPHY #1 15191	MANGUM WEST (3100)	36.5	ODESSA NATURAL CO
-SHELL OIL CO						RECEIVED: 08/14/81 JA: TX			
8145448	F-02-027667	4228500000			108	FAY ROUSE NO 1	PROVIDENT CITY (WILCOX 9	15.0	TEXAS EASTERN TRA
-SOUTHERN UNION EXPLORATION COMPANY						RECEIVED: 08/14/81 JA: TX			
8145693	F-03-037920	4228730754			103	FRED M WARREN #1	GIDDINGS	452.0	CLAJON GAS CO
-STALLWORTH OIL & GAS INC						RECEIVED: 08/14/81 JA: TX			
8145545	F-7B-032825	4236731830			102-4	STALLWORTH OIL & GAS INC - BIRD #4	BUCKNER (BEND)	0.0	SOUTHWESTERN GAS
8145545	F-7B-032825	4236731830			103	STALLWORTH OIL & GAS INC - BIRD #4	BUCKNER (BEND)	0.0	SOUTHWESTERN GAS
-STRINGER OIL & GAS						RECEIVED: 08/14/81 JA: TX			
8145510	F-01-031344	4250731329			102-4	#1 ALBIN P SLOVAK ET AL (92167)	TRM (OLMOS)	175.0	NORTHERN NATURAL
8145510	F-01-031344	4250731329			103	#1 ALBIN P SLOVAK ET AL (92167)	TRM (OLMOS)	175.0	NORTHERN NATURAL
-SULLIVAN DRILLING CO						RECEIVED: 08/14/81 JA: TX			
8145439	F-08-023838	4238900000		108		W E BILL NO #1 11271	SULLIVAN (W E BILL) SEC	3.6	PHILLIPS PETROLEU
-SUPERIOR OIL CO						RECEIVED: 08/14/81 JA: TX			
8145495	F-03-030923	4228730782			102-2	E-C-F OIL UNIT NO 1	GIDDINGS (AUSTIN CHALK)	183.0	PHILLIPS PETROLEU
8145434	F-02-022504	4228531410			102-3	RANDOW GAS UNIT WELL NO 1	NORTH WORD (EDWARDS)	0.0	
-TAUBERT & STEED						RECEIVED: 08/14/81 JA: TX			
8145539	F-8A-032363	4226930346			102-4	S B BURNETT ESTATE NA 14	BIG-N-(TANNEHILL)	2.7	LONE STAR GAS CO
8145538	F-8A-032362	4226930347			102-4	S B BURNETT ESTATE NA 16	BIG-N-(TANNEHILL)	0.3	LONE STAR GAS CO
8145537	F-8A-032361	4226930351			102-4	S B BURNETT ESTATE NA 17	BIG-N-(TANNEHILL)	1.6	LONE STAR GAS CO
8145536	F-8A-032360	4226930350			102-4	S B BURNETT ESTATE NA 18	BIG-N-(TANNEHILL)	4.1	LONE STAR GAS CO
8145542	F-8A-032366	4226930353			102-4	S B BURNETT ESTATE NA 20	BIG-N-(TANNEHILL)	0.4	LONE STAR GAS CO
8145541	F-8A-032365	4226930361			102-4	S B BURNETT ESTATE NA 21	BIG-N-(TANNEHILL)	6.3	LONE STAR GAS CO
8145540	F-8A-032364	4226930908			102-4	S B BURNETT ESTATE NA 26	BIG-N-(TANNEHILL)	2.6	LONE STAR GAS CO
8145535	F-8A-032358	4226930317			102-4	S B BURNETT ESTATE NA 9	BIG-N-(TANNEHILL)	0.5	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-TAYLOR BROTHERS OIL CO						RECEIVED: 08/13/81 JA: TX
8145746	F-10-038202	4234130610		103		SHELBY #1 (04688)
-TENNECO OIL COMPANY						RECEIVED: 08/14/81 JA: TX
8145501	F-04-031149	4235531634		103		EAST SIDE BLOCK NO 14
-TEX-STAR PETROLEUM						RECEIVED: 08/14/81 JA: TX
8145750	F-78-038225	4244131695		103		ROY LAFOON #1 (16984)
-TEXACO INC						RECEIVED: 08/14/81 JA: TX
8145733	F-8A-038119	4211531370		103		C W SHAFER #19
8145666	F-06-037490	4240131114		102-4		GARNETT GAS UNIT O/A #1
-TEXAS AMERICAN OIL CORP						RECEIVED: 08/14/81 JA: TX
8145753	F-10-038244	4248330600		108		G R CLOSE A NO 1
8145754	F-10-038245	4248330599		108		HOLLY NO 2
8145755	F-10-038247	4248330622		108		L LAYCOCK C NO 1
8145758	F-10-038250	4248330627		108		O O TATE NO 1
8145756	F-10-038248	4248330489		108		RENEAU NO 1
8145757	F-10-038249	4248330578		108		SMITH NO 1
8145759	F-10-038251	4248330529		108		W H BOWEN JR NO 1
-TEXAS INTERNATIONAL PET CORP						RECEIVED: 08/14/81 JA: TX
8145649	F-03-037072	4228700000		102-2		CHRISTOPHER UNIT #1
8145603	F-03-036296	4205131100		102-2		GIESSEL #1
8145605	F-03-036300	4205131312		102-2		GIESSEL A-1
8145604	F-03-036299	4205131401		102-2		STERN #2
-TEXAS OIL & GAS CORP						RECEIVED: 08/14/81 JA: TX
8145502	F-08-031167	4237100000		102-4		BLACKSTONE SLAUGHTER B #5
8145467	F-05-028781	4216130498		103		HALE #2
8145467	F-05-028781	4216130498		107-TF		HALE #2
8145428	F-06-013472	4220330638		102-4		HARRIS E #1
8145428	F-06-013472	4220330638		103		HARRIS E #1
8145500	F-04-031141	4240931366		103		PATERSON C #1
8145665	F-05-037472	4216130464		103		UTLEY B #2
8145665	F-05-037472	4216130464		107-TF		UTLEY B #2
8145437	F-05-022843	4216100000		102-4		WILLIFORD A #1
8145437	F-05-022843	4216100000		107-TF		WILLIFORD A #1
-THE DOW CHEMICAL COMPANY						RECEIVED: 08/14/81 JA: TX
8145766	F-7C-038290	4210533076		102-4		H S CARPENTER NO 1
-THREE-B OIL CO						RECEIVED: 08/14/81 JA: TX
8145585	F-08-035644	4237133222		103		JACKSON NO 1 WELL #26185
-TIPPERARY OIL AND GAS CORP						RECEIVED: 08/14/81 JA: TX
8145710	F-01-037972	4216331615		103		ARTHUR HURT JR #1
8145705	F-01-037961	4216331616		103		ARTHUR HURT JR #2
8145691	F-01-037899	4216331585		103		BONNYE H HALM #1
8145692	F-01-037900	4216331598		103		BONNYE H HALM #2
8145699	F-01-037952	4216331609		103		BONNYE H HALM A #1
8145696	F-01-037947	4216331619		103		BONNYE H HALM B #2
8145695	F-01-037946	4216331626		103		BROWN A #2
8145694	F-01-037945	4216331645		103		BROWN A #4
8145718	F-01-038065	4216300000		103		C S WHITWELL #3
8145719	F-01-038066	4216300000		103		C S WHITWELL #4
8145720	F-01-038067	4216331453		103		C S WHITWELL #5
8145700	F-01-037953	4216331586		103		CARLTON MASSEY #6
8145701	F-01-037954	4216331587		103		CARLTON MASSEY #7
8145698	F-01-037949	4216331660		103		CARLTON MASSEY #8
8145730	F-01-038106	4216331530		103		DICKSON #4

FIELD NAME	PROD	PURCHASER
PANHANDLE MOORE COUNTY	60.0	PHILLIPS PETROLEU
AGUA DULCE	365.0	
TAYLOR COUNTY REGULAR	65.0	UNION TEXAS PETRO
SPRABERRY DEEP (SPRABERR	8.0	WESTAR TRANSMISSI
OAK HILL N W (COTTON VAL	730.0	TRANSCONTINENTAL
EAST PANHANDLE	1.0	TRANSWESTERN PIPE
EAST PANHANDLE	8.1	TRANSWESTERN PIPE
EAST PANHANDLE	1.3	TRANSWESTERN PIPE
EAST PANHANDLE	1.9	TRANSWESTERN PIPE
EAST PANHANDLE	3.8	TRANSWESTERN PIPE
EAST PANHANDLE	15.0	TRANSWESTERN PIPE
EAST PANHANDLE	4.0	TRANSWESTERN PIPE
GIDDINGS (AUSTIN CHALK)	30.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	200.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	275.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	274.0	CLAJON GAS CO
WILDCAT (PENN DETRITAL)	50.0	DELHI GAS PIPELIN
REED (HAYNESVILLE)	8.0	DELHI GAS PIPELIN
REED (HAYNESVILLE)	8.0	DELHI GAS PIPELIN
WOODLAWN (PETTIT-PAGE)	250.0	UNITED GAS PIPELI
WOODLAWN (PETTIT-PAGE)	250.0	UNITED GAS PIPELI
FOX HERD FIELD	0.0	DELHI GAS PIPELIN
MIMMS CREEK (BOSSIER)	0.0	DELHI GAS PIPELIN
MIMMS CREEK (BOSSIER)	0.0	DELHI GAS PIPELIN
REED N (COTTON VALLEY LI	500.0	
REED N (COTTON VALLEY LI	500.0	
CARPENTER (WOLFCAMP)	15.0	
PAYTON (YATES)	36.0	PERRY GAS PROCESS
PEARSALL (AUSTIN CHALK)	5.8	T G P INC
PEARSALL (AUSTIN CHALK)	5.7	T G P INC
PEARSALL (AUSTIN CHALK)	5.1	T G P INC
PEARSALL (AUSTIN CHALK)	0.7	T G P INC
PEARSALL (AUSTIN CHALK)	2.8	T G P INC
PEARSALL (AUSTIN CHALK)	1.2	T G P INC
PEARSALL (AUSTIN CHALK)	26.0	T G P INC
PEARSALL (AUSTIN CHALK)	24.0	T G P INC
PEARSALL (AUSTIN CHALK)	6.3	T G P INC
PEARSALL (AUSTIN CHALK)	4.3	T G P INC
PEARSALL (AUSTIN CHALK)	2.3	T G P INC
PEARSALL (AUSTIN CHALK)	37.0	T G P INC
PEARSALL (AUSTIN CHALK)	37.0	T G P INC
PEARSALL (AUSTIN CHALK)	37.0	T G P INC
PEARSALL (AUSTIN CHALK)	37.0	T G P INC

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145729	F-01-038105	4216331681		103		ENGLISH #1	PEARSALL (AUSTIN CHALK)	14.8	T G P INC
8145728	F-01-038104	4216331685		103		ENGLISH #2	PEARSALL (AUSTIN CHALK)	13.0	T G P INC
8145727	F-01-038103	4216331794		103		ENGLISH #6	PEARSALL (AUSTIN CHALK)	9.8	T G P INC
8145726	F-01-038102	4216331706		103		HARRIS D #1	PEARSALL (AUSTIN CHALK)	7.3	T G P INC
8145725	F-01-038101	4216331710		103		HARRIS D #2	PEARSALL (AUSTIN CHALK)	60.0	T G P INC
8145724	F-01-038100	4216331715		103		HARRIS D #3	PEARSALL (AUSTIN CHALK)	7.3	T G P INC
8145723	F-01-038099	4216331718		103		HARRIS D #4	PEARSALL (AUSTIN CHALK)	15.7	T G P INC
8145715	F-01-038061	4216331693		103		HARRIS E #5	PEARSALL (AUSTIN CHALK)	4.0	T G P INC
8145714	F-01-038054	4216331696		103		HARRIS E #6	PEARSALL (AUSTIN CHALK)	1.8	T G P INC
8145713	F-01-038053	4216331699		103		HARRIS E #7	PEARSALL (AUSTIN CHALK)	2.1	T G P INC
8145712	F-01-038052	4216331701		103		HARRIS E #8	PEARSALL (AUSTIN CHALK)	2.6	T G P INC
8145709	F-01-037970	4216331856		103		HARRIS F #1	PEARSALL (AUSTIN CHALK)	3.7	T G P INC
8145708	F-01-037969	4216331658		103		HARRIS F #2	PEARSALL (AUSTIN CHALK)	4.4	T G P INC
8145707	F-01-037967	4216331674		103		HARRIS F #5	PEARSALL (AUSTIN CHALK)	6.6	T G P INC
8145706	F-01-037962	4216331675		103		HARRIS F #6	PEARSALL (AUSTIN CHALK)	2.6	T G P INC
8145697	F-01-037948	4216331636		103		HURT ARTHUR A #2	PEARSALL (AUSTIN CHALK)	8.8	T G P INC
8145703	F-01-037956	4216331612		103		LEANA BURGER B #1	PEARSALL (AUSTIN CHALK)	85.0	T G P INC
8145702	F-01-037955	4216331613		103		LENA BUERGER BB #2	PEARSALL (AUSTIN CHALK)	0.1	T G P INC
8145716	F-01-038062	4216300000		103		PATTIE THOMPSON #10	PEARSALL (AUSTIN CHALK)	37.8	T G P INC
8145711	F-01-038050	4216300000		103		PATTIE THOMPSON #5	PEARSALL (AUSTIN CHALK)	4.0	T G P INC
8145635	F-01-036971	4217730911		103		REESE A #1	PEACH CREEK (AUSTIN CHAL	0.0	VALERO TRANSMISSI
8145731	F-01-038114	4216331741		103		SMITH #1	PEARSALL (AUSTIN CHALK)	2.4	T G P INC
8145717	F-01-038063	4216300000		103		WEATHERSBY #2	PEARSALL (AUSTIN CHALK)	6.4	T G P INC
-UNIT DRILLING & EXPLORATION CO		RECEIVED: 08/14/81 JA: TX							
8145661	F-10-037312	4229530864		103		RANDALL #5	BRADFORD (TONKAWA)	5.0	PHILLIPS PETROLEU
-W A MONCRIEF JR		RECEIVED: 08/14/81 JA: TX							
8145523	F-7B-031627	4236730400		108		A E TRIGG NO 1	TINTOP (ATOKA)	2.5	SOUTHWESTERN GAS
8145522	F-7B-031602	4236730990		108		BUCKNER #1	TINTOP (ATOKA)	3.1	SOUTHWESTERN GAS
8145516	F-7B-031414	4236730276		108		KEMP #1 (LT)	TINTOP (ATOKA)	12.1	SOUTHWESTERN GAS
8145521	F-7B-031600	4236730116		108		W L GREMMINGER #1	TINTOP (ATOKA)	13.6	SOUTHWESTERN GAS
-W E POPE		RECEIVED: 08/14/81 JA: TX							
8145460	F-7B-02833E	4214300000		108		CREIGHTON MAYNARD #1	MORGAN MILL (MARBLE FALL	4.0	NORTHERN GAS PROD
-W R EDWARDS JR		RECEIVED: 08/14/81 JA: TX							
8145624	F-10-036709	4223300000		103		COBLE CATTLE CO #8-1	PANHANDLE HUTCHINSON	98.0	PANHANDLE PRODUCI
-WAYMAN W BUCHANAN		RECEIVED: 08/14/81 JA: TX							
8145462	F-03-028467	4214930403		102-2		MORGAN A NO 1	GIDDINGS-AUSTIN CHALK	32.0	PHILLIPS PETROLEU
8145597	F-03-036093	4205131123		102-2		NOVOSAD-SLOVACEK NO 2	GIDDINGS (AUSTIN CHALK)	122.2	FERGUSON CROSSING
8145586	F-03-035649	4241930351		102-2		ROSANKY NO 1	GIDDINGS (AUSTIN CHALK)	17.3	PHILLIPS PETROLEU
-WCS PETROLEUM INC		RECEIVED: 08/14/81 JA: TX							
8145678	F-03-037636	4205131194		102-2		HALL UNIT NO 1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-WILBROOK EXPLORATION INC		RECEIVED: 08/14/81 JA: TX							
8145744	F-7B-038196	4242932382		103		P HALL (15951) #1	STEPHENS COUNTY REGULAR	65.0	SOUTHWESTERN GAS
-WILLIAM PERLMAN		RECEIVED: 08/14/81 JA: TX							
8145415	F-7C-000680	4243500000		103		BROCKMAN 54-2	SAWYER (CANYON)	0.0	EL PASO GAS TRANS
8145426	F-7C-008158	4243500000		103		FANNIE WADE 44-2	SAWYER (CANYON)	0.0	EL PASO GAS TRANS
8145416	F-7C-000685	4243500000		103		GEO BROCKMAN 37 NO 3	SAWYER (CANYON)	0.0	EL PASO GAS TRANS
-WILSON ENERGY INC		RECEIVED: 08/14/81 JA: TX							
8145493	F-7C-030887	4210500000		103		UNIVERSITY 13 B #3 RRC #08640	FARMER (SAN ANDRES)	36.0	BIG LAKE GASOLINE
-WINDSOR PRODUCING CO		RECEIVED: 08/14/81 JA: TX							
8145688	F-03-037770	4228730896		102-2		KORB UNIT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8145688	F-03-037770	4228730896		103		KORB UNIT #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8145629	F-03-036751	4228700000		103		MAE #2	GIDDINGS (AUSTIN CHALK)	219.0	PGP GAS PRODUCTS
8145628	F-03-036750	4228730831		103		MELVIN #1	GIDDINGS (BUDA)	36.5	PGP GAS PRODUCTS

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JD NO	JA .KT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145722	F-03-03H087	4228700000	103	OLGA ASCHENBECK #1	GIDDINGS (AUSTIN CHALK)	36.5	P&P GAS PRODUCTS

OTHER PURCHASERS VOLUME NO :500

8145433	E I DUPONT DE NEMOURS & CO INC
8145436	E I DUPONT DE NEMOURS & CO INC
8145551	E I DUPONT DE NEMOURS & CO INC
8145578	E I DUPONT DE NEMOURS & CO INC
8145579	E I DUPONT DE NEMOURS & CO INC
8145601	FLORIDA GAS TRANS CO
8145659	TEXAS UTILITY FUEL CO
8145677	E I DUPONT DE NEMOURS & CO INC
8145749	E I DUPONT DE NEMOURS & CO INC
8145765	E I DUPONT DE NEMOURS & CO INC

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before September 23, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26183 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 1, 1981.

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-APPALACHIAN PETROLEUM CORP		RECEIVED: 08/17/81 JA: OH							
8145801		3416725254		108		DEVOL #1		3.5	COLUMBIA GAS TRAN
8145799		3416725223		108		DIETZ #1		3.5	COLUMBIA GAS TRAN
8145802		3416725300		108		HUNTER #1		3.5	COLUMBIA GAS TRAN
8145797		3416725185		108		KNOCH #2		3.5	COLUMBIA GAS TRAN
8145796		3416725184		108		KNOCH #3		3.5	COLUMBIA GAS TRAN
8145800		3416725237		108		NEUMAN #2		3.5	COLUMBIA GAS TRAN
8145798		3416725187		108		PICKERING #1		3.5	COLUMBIA GAS TRAN
8145793		3416725179		108		PICKERING #2		3.5	COLUMBIA GAS TRAN
8145795		3416725182		108		STOUT #2		3.5	COLUMBIA GAS TRAN
8145794		3416725181		108		STOUT #3		3.5	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION		RECEIVED: 08/17/81 JA: OH							
8145804		3411924970		103		ELLIOTT #1	RICH HILL	0.0	COLUMBIA GAS TRAN
8145804		3411924970		107-TF		ELLIOTT #1	RICH HILL	0.0	COLUMBIA GAS TRAN
8145806		3415521035		108		KOCHES-TURNER UNIT #1	VIENNA	14.1	EAST OHIO GAS CO
8145809		3415521199		108		KUPENSKY #1A	VIENNA	6.3	EAST OHIO GAS CO
8145808		3415521095		108		MARGRET ANN MEALY #1	VIENNA	8.1	EAST OHIO GAS CO
8145810		3415521201		108		ONEILL #1	VIENNA	15.9	EAST OHIO GAS CO
8145811		3415521202		108		ONEILL #2	VIENNA	15.9	EAST OHIO GAS CO
8145807		3415521036		108		WILLIAM POWELL #1	VIENNA	7.7	EAST OHIO GAS CO
8145805		3415521034		108		WILLIAM POWELL UNIT #1	VIENNA	7.8	EAST OHIO GAS CO
-BKK PROSPECTING LTD		RECEIVED: 08/17/81 JA: OH							
8145803		3412122516		103		HARRY SMITH #2	ELK	30.0	COLUMBIA GAS TRAN
-BRENDEL PRODUCING CO		RECEIVED: 08/17/81 JA: OH							
8145818		3415720196		108		E ZEIGLER #1		6.4	EAST OHIO GAS CO
8145819		3415720263		108		G SCHAAR #1		5.8	EAST OHIO GAS CO
8145820		3415720811		108		J M MOSS ET AL #1		2.3	EAST OHIO GAS CO
8145814		3415720048		108		MARSH LUMBER #1		10.7	STONE CREEK BRICK
8145813		3415720032		108		ROBINSON-CLAY #1		2.5	EAST OHIO GAS CO
8145817		3415720165		108		SCHWARM #1		6.7	EAST OHIO GAS CO
8145815		3415720050		108		STOW-FULLER #1		1.9	EAST OHIO GAS CO
8145816		3415720062		108		TACKLY #1		1.0	EAST OHIO GAS CO
-BRUSK JOINT VENTURE		RECEIVED: 08/17/81 JA: OH							
8145822		3411921814		108		FISHER #1		1.9	COLUMBIA GAS TRAN
8145821		3411921813		108		FISHER #2		1.9	COLUMBIA GAS TRAN
8145823		3411921815		108		FISHER #3		1.9	COLUMBIA GAS TRAN
8145824		3411921816		108		FISHER #4		1.9	COLUMBIA GAS TRAN
8145828		3411921833		108		MURPHY #1		1.7	COLUMBIA GAS TRAN
8145825		3411921817		108		MURPHY #2		1.7	COLUMBIA GAS TRAN
8145827		3411921819		108		MURPHY #3		1.7	COLUMBIA GAS TRAN
8145826		3411921818		108		MURPHY #4		1.7	COLUMBIA GAS TRAN

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JD NO	JA DAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CALLANDER & KIMBREL INC						RECEIVED: 08/17/81 JA: OH			
8145829		3403124341		103		D & D HEDRICK #5	WEST BEDFORD	8.0	
8145830		3403124343		103		MAUDE SHEARN #5	NEW GUILFORD	9.0	
8145831		3403124344		103		MAUDE SHEARN #6	NEW GUILFORD	9.0	
8145832		3403124345		103		MAUDE SHEARN #7	NEW GUILFORD	9.0	
8145833		3403124397		103		RICE #1	WARSAW	8.0	
-DEVON PETROLEUM CORP						RECEIVED: 08/17/81 JA: OH			
8145836		3416726669		103		CHARLES WAGNER #5	DECATUR	18.0	COLUMBIA GAS TRAN
8145835		3416726417		103		L JOHNSON-R BARTH #2	BARLOW	20.0	COLUMBIA GAS
8145834		3416726394		103		SAMPLES GATES FRAME #1	BARLOW	15.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP						RECEIVED: 08/17/81 JA: OH			
8145837		3400721635		103		CHELCIU WELL #3	ROME	0.0	
8145837		3400721635		107-TF		CHELCIU WELL #3	ROME	0.0	
8145838		3400721709		103		SPANG WELL #1	DENMARK	0.0	
8145838		3400721709		107-TF		SPANG WELL #1	DENMARK	0.0	
-ENERGY INVESTMENTS INCORPORATED						RECEIVED: 08/17/81 JA: OH			
8145839		3412122059		108		GRIMES HEIRS #1		4.0	COLUMBIA GAS TRAN
-ENERGY RECOVERY CO						RECEIVED: 08/17/81 JA: OH			
8145841		3408924015		103		EVANS #2	PERRY	10.0	
8145842		3411925505		103		MADDEN #4	HOPEWELL	15.0	
8145840		3404520680		103		MILLER #2	RUSHCREEK	20.0	
-ENTERPRISE GAS & OIL INC						RECEIVED: 08/17/81 JA: OH			
8145843		3405922357		108		WAGLER #4-A		0.0	
-FORAKER PRODUCING COMPANY INC						RECEIVED: 08/17/81 JA: OH			
8145844		3411925176		107-TF		MEREDITH #1	NEWTON	10.0	TEXAS EASTERN TRA
-GASEARCH INC						RECEIVED: 08/17/81 JA: OH			
8145845		3415521666		103		STONEYBROOK #2	HUBBARD	20.0	EAST OHIO GAS CO
8145845		3415521666		107-TF		STONEYBROOK #2	HUBBARD	20.0	EAST OHIO GAS CO
-HILLTOP DEVELOPMENT CORP						RECEIVED: 08/17/81 JA: OH			
8145847		3411924121		103		#1 STEVE MORAN	JACKSON	2.0	NATIONAL GAS & OI
-HORTIN & HUFFMAN						RECEIVED: 08/17/81 JA: OH			
8145848		3400523404		103		NO 4 HOOVER	MOHICAN	1.0	COLUMBIA GAS TRAN
-JERRY MOORE INC						RECEIVED: 08/17/81 JA: OH			
8145867		3403123840		103		DANNY ELLIOTT UNIT NO 1	KEENE	3.0	COLUMBIA GAS TRAN
8145867		3403123840		107-TF		DANNY ELLIOTT UNIT NO 1	KEENE	3.0	COLUMBIA GAS TRAN
8145869		3403124285		103		HENRY E GEHRKE NO 1	COSHOCTON	5.0	COLUMBIA GAS TRAN
8145869		3403124285		107-TF		HENRY E GEHRKE NO 1	COSHOCTON	5.0	COLUMBIA GAS TRAN
8145871		3403124325		103		HENRY E GEHRKE NO 2	COSHOCTON	3.0	COLUMBIA GAS TRAN
8145871		3403124325		107-TF		HENRY E GEHRKE NO 2	COSHOCTON	3.0	COLUMBIA GAS TRAN
8145870		3403124289		103		JACK DICKEY NO 1	CANAL LEWISVILLE	5.0	COLUMBIA GAS TRAN
8145870		3403124289		107-TF		JACK DICKEY NO 1	CANAL LEWISVILLE	5.0	COLUMBIA GAS TRAN
8145868		3403124139		103		WOODROW BICKEL UNIT NO 1	KEENE	4.0	COLUMBIA GAS TRAN
8145868		3403124139		107-TF		WOODROW BICKEL UNIT NO 1	KEENE	4.0	COLUMBIA GAS TRAN
-L & M OPERATING INC						RECEIVED: 08/17/81 JA: OH			
8145849		3416724864		108		RAYMOND RAUCH #2		12.8	GAS TRANSPORT INC
-L & M PETROLEUM INC						RECEIVED: 08/17/81 JA: OH			
8145850		3412725098		103		LESTER ESSINGTON #1	PIKE	7.0	FORAKER GAS CO IN
8145850		3412725098		107-TF		LESTER ESSINGTON #1	PIKE	7.0	FORAKER GAS CO IN
-LAKE REGION OIL INC						RECEIVED: 08/17/81 JA: OH			
8145851		3403124212		103		RONALD DAVIS #1	BETHLEHAM	15.0	COLUMBIA GAS TRAN
8145851		3403124212		107-TF		RONALD DAVIS #1	BETHLEHAM	15.0	COLUMBIA GAS TRAN
-M B OPERATING CO INC						RECEIVED: 08/17/81 JA: OH			
8145856		3415123322		103		G & E FOX UNIT #1	MARLBORO	3.7	REPUBLIC STEEL CO
8145856		3415123322		107-TF		G & E FOX UNIT #1	MARLBORO	3.7	REPUBLIC STEEL CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MEIGS JOINT VENTURE				RECEIVED: 08/17/81 JA: OH					
8145859		3411924734		108		GALLOGLY #1		1.8	COLUMBIA GAS TRAN
8145858		3411924407		108		GALLOGLY #10		1.8	COLUMBIA GAS TRAN
8145857		3411924406		108		GALLOGLY #11		1.8	COLUMBIA GAS TRAN
8145864		3411924753		108		GALLOGLY #12		1.8	COLUMBIA GAS TRAN
8145865		3411924788		108		GALLOGLY #3		1.8	COLUMBIA GAS TRAN
8145866		3411924805		108		GALLOGLY #4		1.8	COLUMBIA GAS TRAN
8145860		3411924739		108		GALLOGLY #5		1.8	COLUMBIA GAS TRAN
8145861		3411924740		108		GALLOGLY #6		1.8	COLUMBIA GAS TRAN
8145862		3411924747		108		GALLOGLY #7		1.8	COLUMBIA GAS TRAN
8145863		3411924748		108		GALLOGLY #8		1.8	COLUMBIA GAS TRAN
-MUSK JOINT VENTURE				RECEIVED: 08/17/81 JA: OH					
8145878		3411924483		108		MITCHELL #4		0.4	COLUMBIA GAS TRAN
8145872		3411924393		108		MITCHELL #5		0.4	COLUMBIA GAS TRAN
8145874		3411924697		108		MITCHELL #6		0.4	COLUMBIA GAS TRAN
8145873		3411924696		108		MITCHELL #7		0.4	COLUMBIA GAS TRAN
8145877		3411924767		108		YERIAN #1		1.1	COLUMBIA GAS TRAN
8145875		3411924733		108		YERIAN #2		1.1	COLUMBIA GAS TRAN
8145876		3411924765		108		YERIAN #3		1.1	COLUMBIA GAS TRAN
8145879		3411924799		108		YERIAN #4		1.1	COLUMBIA GAS TRAN
-NOBLE OIL CORP				RECEIVED: 08/17/81 JA: OH					
8145880		3402920848		107-TF		GRAY #1	HANOVER	20.0	COLUMBIA GAS TRAN
-OHIO NATURAL FUEL CO				RECEIVED: 08/17/81 JA: OH					
8145881		3407522552		103		SMETZER #1	KNOX	9.8	COLUMBIA GAS TRAN
-OHIO PARTNERS OIL CO				RECEIVED: 08/17/81 JA: OH					
8145882		3415516980		103		SCOTT #3	VIENNA	20.0	COLUMBIA GAS TRAN
8145882		3415516980		107-TF		SCOTT #3	VIENNA	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 08/17/81 JA: OH					
8145884		3411925405		103		CHASE-RAMBO UNIT #1	CLAY	10.0	
8145884		3411925405		107-TF		CHASE-RAMBO UNIT #1	CLAY	10.0	
8145885		3412122608		103		DELMAR MCFARLAND #1	JACKSON	10.0	
8145883		3408924166		103		SCHELL BROS #1	LICKING	10.0	
-PATRICK T DONNELLY DBA LANDPROVEST				RECEIVED: 08/17/81 JA: OH					
8145852		3411925588		103		EVERETT & FLORENCE LEEDOM #4	PERRY	0.0	
8145852		3411925588		107-TF		EVERETT & FLORENCE LEEDOM #4	PERRY	0.0	
-PETROLEUM SECURITIES FUND 79				RECEIVED: 08/17/81 JA: OH					
8145891		3416922303		103		GEORGE & BEULAH MILLER #4	WAYNE	12.0	COLUMBIA GAS TRAN
8145890		3416922302		103		GEORGE & BEULAH MILLER #5	WAYNE	12.0	COLUMBIA GAS TRAN
8145892		3416922318		103		PAUL SNURE #2	WAYNE	12.0	COLUMBIA GAS TRAN
8145888		3416922299		103		REICHERT #1	CHESTER	12.0	COLUMBIA GAS
8145889		3416922301		103		ROBERT & CATHERINE OSMUNDSEN #1	CLINTON	12.0	COLUMBIA GAS TRAN
8145886		3416922273		103		ROBERT MOOREHEAD #3	CLAYTON	12.0	COLUMBIA GAS TRAN
8145887		3416922274		103		THOMAS SPARR #1	CLINTON	12.0	COLUMBIA GAS TRAN
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED: 08/17/81 JA: OH					
8145812		3405320552		103		F PHILLIPS #3	ADDISON	0.0	COLUMBIA GAS TRAN
-RELIANCE ENERGY				RECEIVED: 08/17/81 JA: OH					
8145893		3416922249		107-TF		JOHN J ZOOK #1	SALT CREEK	15.0	COLUMBIA GAS TRAN
8145894		3416922505		107-TF		MARK A TROYER #1	SALT CREEK	15.0	COLUMBIA GAS TRAN
-RINCO OPERATING INC				RECEIVED: 08/17/81 JA: OH					
8145897		3416922445		103		M MARTIN #1	CHESTER	12.0	COLUMBIA GAS TRAN
8145898		3416922447		103		M MARTIN #2	CHESTER	12.0	COLUMBIA GAS TRAN
8145899		3416922448		103		M MARTIN #3	CHESTER	12.0	COLUMBIA GAS TRAN
8145896		3416922543		103		MAIRE #1	PLAIN	12.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145901		3416922345		103		REED #1	CHESTER	12.0	COLUMBIA GAS TRAN
8145895		3416922523		103		RICHARDS #5	CHESTER	12.0	COLUMBIA GAS TRAN
8145900		3416922672		103		TEGTMEIER #1	CONGRESS	12.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC		RECEIVED: 08/17/81 JA: OH							
8145902A		3401320334		103		BARKER #1	SOMERSET	0.0	TEXAS EASTERN TRA
8145902B		3401320334	D	107-TF		BARKER #1	SOMERSET	0.0	TEXAS EASTERN TRA
8145905A		3401321389		103		MWCD #10-E	MONROE	0.0	EAST OHIO GAS CO
8145905B		3401321389	D	107-TF		MWCD #10-E	MONROE	0.0	EAST OHIO GAS CO
8145906A		3401921387		103		MWCD #3-E	MONROE	0.0	EAST OHIO GAS CO
8145906B		3401921387	D	107-TF		MWCD #3-E	MONROE	0.0	EAST OHIO GAS CO
8145904A		3401320396		103		PLUMLY #4	SOMERSET	0.0	TEXAS EASTERN TRA
8145904B		3401320396	D	107-TF		PLUMLY #4	SOMERSET	0.0	TEXAS EASTERN TRA
8145903A		3401320352		103		STIRES #1	WAYNE	0.0	TEXAS EASTERN TRA
8145903B		3401320352	D	107-TF		STIRES #1	WAYNE	0.0	TEXAS EASTERN TRA
-W J LYDIC INC		RECEIVED: 08/17/81 JA: OH							
8145853		3411923842		108		PERINE #1		5.0	COLUMBIA GAS TRAN
8145855		3411923860		108		PERINE #2		5.0	COLUMBIA GAS TRAN
8145854		3411923853		108		WILSON #2		13.0	COLUMBIA GAS TRAN
-WILLIAM F HILL		RECEIVED: 08/17/81 JA: OH							
8145846		3407523089		103		YODER LUMBER CO #1-A	MONROE	7.0	
-WILLIAM N TIPKA		RECEIVED: 08/17/81 JA: OH							
8145987		3415723197		108		J MOZENA #2		0.0	COLUMBIA GAS TRAN
-WOA INC & MELLENCO INC		RECEIVED: 08/17/81 JA: OH							
8145908		3413322429		103		BROOKPARK IND SITES INC #1	AURORA	20.0	
8145908		3413322429		107-TF		BROOKPARK IND SITES INC #1	AURORA	20.0	

OKLAHOMA CORPORATION COMMISSION

-AMERICAN QUASAR PETROLEUM CO		RECEIVED: 08/17/81 JA: OK							
8145941	12151	3509520257		102-4		COWEN 1-12	WILLIS	0.0	TEXACO INC
-ANADARKO PRODUCTION COMPANY		RECEIVED: 08/17/81 JA: OK							
8145964	09977	3500320783		103		BLACKLEDGE B 1-29	LAMBERT	73.0	PIONEER GAS PRODU
8145943	10078	3502520381		103		S E BURTON NO 6-5	S E BURTON 86-5	21.0	PHILLIPS PETROLEU
-APOLLO PRODUCTION LTD		RECEIVED: 08/17/81 JA: OK							
8145955	12063	3501721825		102-4		HALKO NO 4-2	NORTHWEST PIEDMONT	0.0	SID RICHARDSON CA
8145955	12063	3501721825		103		HALKO NO 4-2	NORTHWEST PIEDMONT	0.0	SID RICHARDSON CA
8145914	12128	3507322902		102-4		REHERMAN NO 15-9	NE OKARCHE	0.0	SID RICHARDSON CA
8145914	12128	3507322902		103		REHERMAN NO 15-9	NE OKARCHE	0.0	SID RICHARDSON CA
-ARCO OIL AND GAS COMPANY		RECEIVED: 08/17/81 JA: OK							
8145948	11960	3510320963		102-4		PM SCHULTZ NO 1	STILLWATER AIRPORT NW	36.5	
-ARROW OIL & GAS INC		RECEIVED: 08/17/81 JA: OK							
8145971	09504	3507322510		103		GALLIGAN #2-36	WILDCAT	40.0	CITIES SERVICE GA
-BEARD OIL COMPANY		RECEIVED: 08/17/81 JA: OK							
8145946	10090	3511920306		103		DOWNEY #1	PARADISE	8.0	CITIES SERVICE GA
-BOBBY J DARNELL		RECEIVED: 08/17/81 JA: OK							
8145999	10093	3508321462		103		LEAFGREEN NO 1	WILDCAT	54.0	EASON OIL CO
8145991	10101	3508300000		103		ROUT NO 1	CRESCENT-LOVELL	0.0	EASON OIL CO
8145934	10094	3508321535		103		WEBB NO 1	WEST PRAIRIE VIEW	18.3	EASON OIL CO
-BOGERT OIL CO		RECEIVED: 08/17/81 JA: OK							
8145988	07968	3507322531		103		HUGH 1-35	SOONER TREND	195.0	EASON OIL CO
8145997	08552	3507322608		103		RUTH ANN #1-A	SOONER TREND	120.0	CONOCO INC
-BROWN & BORELLI INC		RECEIVED: 08/17/81 JA: OK							
8145998	08578	3507322711		103		BLAIR B	SOUTHWEST DOVER	54.0	CITIES SERVICE GA

JD NO	JA DAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BULLOCK ENGINEERING CO						RECEIVED: 08/17/81 JA: OK			
8145933	10139	3504722235		103		CRAWFORD #1	SOONER TREND	73.0	WELLHEAD ENTERPRI
-BURKHART PETROLEUM CORP						RECEIVED: 08/17/81 JA: OK			
8145959	09912	3515321130		103		BOHNER 1-19	KEENAN NE	122.6	
8145990	10088	3504722338		103		WELCH 1-9	NORTH ENID	43.8	CHAMPLIN PETROLEU
-CANEY VALLEY OIL & GAS CO						RECEIVED: 08/17/81 JA: OK			
8145956	12069	3514722403		102-2		ATOR #2		36.5	DIAMOND S GAS SYS
8145957	12070	3514721729		102-2		GORDON #2		36.5	DIAMOND S GAS SYS
-CHEROKEE ENERGY CORP						RECEIVED: 08/17/81 JA: OK			
8145931	10157	3508121059		103		MARY JANE 1-21	MARY JANE 1-21	14.6	SUN OIL CO
8145939	10159	3508121164		103		PATSY LEE 1-21	PATSY LEE 1-21	14.6	SUN OIL CO
8145930	10158	3508120837		103		R KINDER 1-21	R KINDER 1-21	14.6	SUN OIL CO
-CLARK RESOURCES INC						RECEIVED: 08/17/81 JA: OK			
8145960	03221	3507322264		102-4		BINGO 1-1 (PRUE)	SOONER TREND	297.5	CITIES SERVICE GA
8145969	12269	3504722706		102-4		WELLS 13-4	GARFIELD	225.0	CRA INC
8145969	12269	3504722706		103		WELLS 13-4	GARFIELD	225.0	CRA INC
-CONOCO INC						RECEIVED: 08/17/81 JA: OK			
8145950	10143	3501700080		103		BOMHOFF NO 3	CALUMET	215.3	ONG WESTERN INC
8145944	10098	3507322767		103		COFFEY NO 26-1		0.0	PHILLIPS PETROLEU
-CONTINENTAL RESOURCES CORP						RECEIVED: 08/17/81 JA: OK			
8145984	13466	3504321206		107-DP		WALKER #36-1	ALEDO FIELD	1108.0	
-COTTON PETROLEUM CORPORATION						RECEIVED: 08/17/81 JA: OK			
8145949	11891	3512920546		102-4		CLAY NO 1	NORTHWEST REYDON	1095.0	EL PASO NATURAL G
8145949	11891	3512920546		103		CLAY NO 1	NORTHWEST REYDON	1095.0	EL PASO NATURAL G
-CURRIE PETROLEUM & GAS CORP						RECEIVED: 08/17/81 JA: OK			
8145993	11451	3510120903		103		DAR-MUK (MURPHY)	W HASKELL	84.0	PHILLIPS PET CO
-DEMINEX US OIL COMPANY						RECEIVED: 08/17/81 JA: OK			
8145992	10141	3511900000		103		STATE OF OKLAHOMA NO 1		2.2	AMINOIL USA INC
-DEVON CORPORATION						RECEIVED: 08/17/81 JA: OK			
8145916	11999	3505121018		102-2		DICKENSON #1	CHICKASHA	182.5	ARKANSAS LOUISIAN
-DYNE EXPLORATION CO						RECEIVED: 08/17/81 JA: OK			
8145919	12199	3510721014		102-4		JOHNSON - CHAPMAN #1	SOUTHEAST LAFFOON FIELD	182.5	
8145918	12200	3510721015		102-4		JOHNSON-DUKES #1	SOUTHEAST LAFFOON FIELD	182.5	
-FARMERS ENERGY CORP						RECEIVED: 08/17/81 JA: OK			
8145953	10190	3507700000		103		WHITE K 1	S QUINTON	73.0	ARKANSAS LOUISIAN
-GEORGE E FEARS						RECEIVED: 08/17/81 JA: OK			
8145963	09936	3508300000		103		CRAVEN B-1		0.0	EASON OIL CO
8145961	09934	3508321383		103		MARGARET CRAVEN 1	WEST MULHALL	0.0	EASON OIL CO
8145972	09935	3508321430		103		MILLER B-1		0.0	EASON OIL CO
8145962	09949	3508321207		103		OLIVER #1		0.0	EASON OIL CO
-GETTY OIL COMPANY						RECEIVED: 08/17/81 JA: OK			
*8145936	10164	3513722566		103		DOMA SPEARS NO 12	SHO-VEL-TUM	20.0	OKLAHOMA NATURAL
*8145937	10163	3513722565		103		DOMA SPEARS NO 13	SHO-VEL-TUM	20.0	OKLAHOMA NATURAL
-GMC OIL AND GAS CORP						RECEIVED: 08/17/81 JA: OK			
8145995	10155	3510321016		103		GANG NO 2		75.0	AMINOIL USA INC
-HELMERICH & PAYNE INC						RECEIVED: 08/17/81 JA: OK			
8145979	12195	3504321117		102-2		CROOKED FINGER NO 1-34	EAST SEILING	144.0	MICHIGAN WISCONSI
8145925	12196	3504321248		102-2		WARD NO 1-4	EAST SEILING	182.0	MICHIGAN WISCONSI
-HOLD OIL CORP						RECEIVED: 08/17/81 JA: OK			
8146002	09986	3506321230		103		HOLD OIL CORPORATION PEARL HARJO #2	SOUTHEAST HORNTOWN	78.0	WELLHEAD ENTERPRI
-J & G OPERATING CO						RECEIVED: 08/17/81 JA: OK			
8145989	10171	3508100000		103		CLIFT #1-A	CLIFT I-A	0.0	SUN PRODUCTION CO
-J C MOUSER						RECEIVED: 08/17/81 JA: OK			

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8145968	12230	3510700000		102-4		DOLLIE DINDY (ZACKERY) NO 1	CLEARVIEW	182.0	PHILLIPS PET CO
-JACK BOWLES				RECEIVED: 08/17/81 JA: OK					
8145915	12059	3504722672		102-4		TRICKEY A-1	KREMLIN	100.0	CRA INC
-JET OIL COMPANY				RECEIVED: 08/17/81 JA: OK					
8145983	10186	3504722349		103		BROWN #1	N ELKHORN	146.0	EASON OIL CO
-JIM L HANNA DBA HANNA OIL AND GAS C				RECEIVED: 08/17/81 JA: OK					
8145951	10149	3504722374		103		BRAINARD #1	SOONER TREND	0.0	PANHANDLE EASTERN
8145913	11683	3506120267		102-4		WAGNON FIELD #1	NORTH RUSSELLVILLE	0.0	ARKANSAS LOUISIAN
8145910	11682	3506120267		102-4		WAGNON HILL #1	KINTA	0.0	ARKANSAS LOUISIAN
-L & N EXPLORATION INC				RECEIVED: 08/17/81 JA: OK					
8145968	10116	3508321459		103		J D WATTS NO 1	NORTH GUTHRIE	1.0	
8145967	10115	3508121216		103		RICH NO 1-34	E E ARLINGTON	9.0	
-LINCOLN RESOURCES CORP				RECEIVED: 08/17/81 JA: OK					
8145932	10147	3508121038		103		STATE 1-16	STATE 1-16	60.0	SUN OIL CO
-LOMA OIL CORP				RECEIVED: 08/17/81 JA: OK					
8145977	07995	3507121695		103		COURTNEY #1		0.0	CORONADO TRANSMIS
8145996	07997	3507121693		103		HOECKER #2	N E BLACKWELL	0.0	CORONADO TRANSMIS
-M-T DRILLING CO				RECEIVED: 08/17/81 JA: OK					
8145928	11852	3508321625		102-2		EVANS NO 1	S MULHALL	1.0	EASON OIL CO
-MCCALLISTER AND MAPLES				RECEIVED: 08/17/81 JA: OK					
8145921	10575	3512920544		102-2		LOGSDON NO 19	NORTH TALALA	50.0	DIAMOND S GAS SYS
-MELBOURNE OIL COMPANY				RECEIVED: 08/17/81 JA: OK					
8145954	10240	3504520899		102-4		REDELSPERGER #2 OTC 045-65668	STUART RANCH	20.0	MICHIGAN WISCONSI
-MICHIGAN WISCONSIN PIPE LINE CO				RECEIVED: 08/17/81 JA: OK					
*8145924	12186	3514921048		102-2		FANNIE BROWN #1	S W BURNS FLAT	157.7	MICHIGAN WISCONSI
-NATIONAL OIL COMPANY				RECEIVED: 08/17/81 JA: OK					
8145965	09983	3502720415		103		NAILON 027-64338	NORTHWEST NORMAN	90.0	SUN GAS CO
-PAUL BOGIE				RECEIVED: 08/17/81 JA: OK					
8145940	11853	3511123033		103		GALE #4	EAST MORRIS	0.0	PHILLIPS PETROLEU
-PCX CORP				RECEIVED: 08/17/81 JA: OK					
8145978	12043	3512920513		102-2		MERRICK #1		100.0	
-PETRO-LEWIS CORPORATION				RECEIVED: 08/17/81 JA: OK					
8145942	12181	3505121097		102-4		BURRIS UNIT #2	WEST MARLOW	54.0	ARKANSAS LOUISIAN
-PITCO				RECEIVED: 08/17/81 JA: OK					
8145970	13426	3507700000		102-4		SHAW #1-14	WILBURTON	36.5	ARKANSAS LOUISIAN
-POTTS-STEPHENSON EXPLORATION CO				RECEIVED: 08/17/81 JA: OK					
8145909	10063	3512120781		103		DAVENPORT #1-11	FEATHERSTON	18.5	
8146000	10064	3512120792		103		REA #2-4	FEATHERSTON	255.5	SOUTHEAST TRANSMI
8146001	10062	3512120791		103		ROBERTS #2-3	FEATHERSTON	365.0	SOUTHEAST TRANSMI
-RAMBLER OIL CO				RECEIVED: 08/17/81 JA: OK					
8145973	12350	3509321966		102-2		FEASTER #1-15	SE ORION	870.0	DELHI GAS PIPELIN
8145973	12350	3509321966		103		FEASTER #1-15	SE ORION	870.0	DELHI GAS PIPELIN
8145975	12352	3509322109		102-2		MARLIN #1-15	SE ORION	890.0	DELHI GAS PIPELIN
8145975	12352	3509322109		103		MARLIN #1-15	SE ORION	890.0	DELHI GAS PIPELIN
8145974	12351	3509322070		102-2		OVIATT #2-22	SE ORION	746.0	DELHI GAS PIPELIN
8145974	12351	3509322070		103		OVIATT #2-22	SE ORION	746.0	DELHI GAS PIPELIN
-REPUBLIC GAS GATHERING SYSTEMS INC				RECEIVED: 08/17/81 JA: OK					
8145938	10162	3500700000		103		SPANGLER ET AL NO 1	NW ELMWOOD	156.0	PHILLIPS PETROLEU
-RESOURCES INVESTMENT CORPORATION				RECEIVED: 08/17/81 JA: OK					
8145986	10188	3502720421		103		JACKSON 1-1	N W NORMAN	61.4	SUN GAS CO
8145980	10189	3502724240		103		WELSH #2	N W NORMAN	337.6	SUN GAS CO
-S K TUTHILL & B J BARBEE				RECEIVED: 08/17/81 JA: OK					
8145912	11691	3515321179		102-2		SIMPSON WALKER NO 1-34	SOUTH FREEDOM	50.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SAMSON RESOURCES COMPANY				RECEIVED: 08/17/81 JA: OK					
8145966	10178	3502720420		103		JACKSON 1-2	N W NORMAN	61.4	SUN GAS CO
8145981	10179	3502724241		103		WELSH #3	N W NORMAN	337.6	SUN GAS CO
-SANTA FE ENERGY COMPANY				RECEIVED: 08/17/81 JA: OK					
8145971	12354	3509322110		102-2		MARLIN #1-16	SE ORION	890.0	DELHI GAS PIPELIN
8145971	12354	3509322110		103		MARLIN #1-16	SE ORION	890.0	DELHI GAS PIPELIN
-SHELL OIL CO				RECEIVED: 08/17/81 JA: OK					
8145939	10164	3500700000		103		SPANGLER ET AL NO 2	NW ELMWOOD	156.0	PHILLIPS PETROLEU
-SOUTHWESTERN ENERGY CO				RECEIVED: 08/17/81 JA: OK					
8145937	10161	3500700000		103		SPANGLER ET AL NO 3	NW ELMWOOD	156.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED: 08/17/81 JA: OK					
8145985	10187	3502720422		103		JACKSON 1-3	N W NORMAN	61.4	SUN GAS CO
8145979	10190	3502724242		103		WELSH #4	N W NORMAN	337.6	SUN GAS CO
-TEXACO INC				RECEIVED: 08/17/81 JA: OK					
8145909	10063	3512120781		103		DAVENPORT #1-11	FEATHERSTON	18.5	
8146000	10064	3512120792		103		REA #2-4	FEATHERSTON	255.5	SOUTHEAST TRANSMI
8146001	10062	3512120791		103		ROBERTS #2-3	FEATHERSTON	365.0	SOUTHEAST TRANSMI
-TEXAS OIL & GAS CORP				RECEIVED: 08/17/81 JA: OK					
8145976	12353	3509322111		102-2		MARLIN #1-17	SE ORION	890.0	DELHI GAS PIPELIN
8145976	12353	3509322111		103		MARLIN #1-17	SE ORION	890.0	DELHI GAS PIPELIN
-TRANSCONTINENTAL OIL CO				RECEIVED: 08/17/81 JA: OK					
8145944	11855	3511123035		103		GALE #6	EAST MORRIS	0.0	PHILLIPS PETROLEU
-TRANSOCEAN OIL INC				RECEIVED: 08/17/81 JA: OK					
8145945	11856	3511123036		103		GALE #7	EAST MORRIS	0.0	PHILLIPS PETROLEU
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145974	12351	3509322070		102-2		OVIATT #2-22	SE ORION	746.0	DELHI GAS PIPELIN
8145974	12351	3509322070		103		OVIATT #2-22	SE ORION	746.0	DELHI GAS PIPELIN
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145971	12354	3509322110		102-2		MARLIN #1-16	SE ORION	890.0	DELHI GAS PIPELIN
8145971	12354	3509322110		103		MARLIN #1-16	SE ORION	890.0	DELHI GAS PIPELIN
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145976	12353	3509322111		102-2		MARLIN #1-17	SE ORION	890.0	DELHI GAS PIPELIN
8145976	12353	3509322111		103		MARLIN #1-17	SE ORION	890.0	DELHI GAS PIPELIN
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145975	12352	3509322109		102-2		MARLIN #1-15	SE ORION	890.0	DELHI GAS PIPELIN
8145975	12352	3509322109		103		MARLIN #1-15	SE ORION	890.0	DELHI GAS PIPELIN
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145973	12350	3509321966		102-2		FEASTER #1-15	SE ORION	870.0	DELHI GAS PIPELIN
8145973	12350	3509321966		103		FEASTER #1-15	SE ORION	870.0	DELHI GAS PIPELIN
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145972	12355	3509322112		102-2		MARLIN #1-18	SE ORION	890.0	DELHI GAS PIPELIN
8145972	12355	3509322112		103		MARLIN #1-18	SE ORION	890.0	DELHI GAS PIPELIN
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145969	12356	3509322113		102-2		MARLIN #1-19	SE ORION	890.0	DELHI GAS PIPELIN
8145969	12356	3509322113		103		MARLIN #1-19	SE ORION	890.0	DELHI GAS PIPELIN
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145967	10115	3508121216		103		RICH NO 1-34	E E ARLINGTON	9.0	
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145977	07995	3507121695		103		COURTNEY #1		0.0	CORONADO TRANSMIS
8145996	07997	3507121693		103		HOECKER #2	N E BLACKWELL	0.0	CORONADO TRANSMIS
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145932	10147	3508121038		103		STATE 1-16	STATE 1-16	60.0	SUN OIL CO
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145968	10116	3508321459		103		J D WATTS NO 1	NORTH GUTHRIE	1.0	
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145928	11852	3508321625		102-2		EVANS NO 1	S MULHALL	1.0	EASON OIL CO
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145954	10240	3504520899		102-4		REDELSPERGER #2 OTC 045-65668	STUART RANCH	20.0	MICHIGAN WISCONSI
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145983	10186	3504722349		103		BROWN #1	N ELKHORN	146.0	EASON OIL CO
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145951	10149	3504722374		103		BRAINARD #1	SOONER TREND	0.0	PANHANDLE EASTERN
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145915	12059	3504722672		102-4		TRICKEY A-1	KREMLIN	100.0	CRA INC
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145968	12230	3510700000		102-4		DOLLIE DINDY (ZACKERY) NO 1	CLEARVIEW	182.0	PHILLIPS PET CO
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145913	11683	3506120267		102-4		WAGNON FIELD #1	NORTH RUSSELLVILLE	0.0	ARKANSAS LOUISIAN
8145910	11682	3506120267		102-4		WAGNON HILL #1	KINTA	0.0	ARKANSAS LOUISIAN
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145942	12181	3505121097		102-4		BURRIS UNIT #2	WEST MARLOW	54.0	ARKANSAS LOUISIAN
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145940	11853	3511123033		103		GALE #4	EAST MORRIS	0.0	PHILLIPS PETROLEU
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145944	11855	3511123035		103		GALE #6	EAST MORRIS	0.0	PHILLIPS PETROLEU
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145945	11856	3511123036		103		GALE #7	EAST MORRIS	0.0	PHILLIPS PETROLEU
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145978	12043	3512920513		102-2		MERRICK #1		100.0	
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145921	10575	3512920544		102-2		LOGSDON NO 19	NORTH TALALA	50.0	DIAMOND S GAS SYS
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145924	12186	3514921048		102-2		FANNIE BROWN #1	S W BURNS FLAT	157.7	MICHIGAN WISCONSI
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145965	09983	3502720415		103		NAILON 027-64338	NORTHWEST NORMAN	90.0	SUN GAS CO
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145966	10178	3502720420		103		JACKSON 1-2	N W NORMAN	61.4	SUN GAS CO
8145981	10179	3502724241		103		WELSH #3	N W NORMAN	337.6	SUN GAS CO
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145985	10187	3502720422		103		JACKSON 1-3	N W NORMAN	61.4	SUN GAS CO
8145979	10190	3502724242		103		WELSH #4	N W NORMAN	337.6	SUN GAS CO
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145986	10188	3502720421		103		JACKSON 1-1	N W NORMAN	61.4	SUN GAS CO
8145980	10189	3502724240		103		WELSH #2	N W NORMAN	337.6	SUN GAS CO
-TRIAD OIL CO				RECEIVED: 08/17/81 JA: OK					
8145912	11691	3515321179		102-2		SIMPSON WALKER NO 1-34	SOUTH FREEDOM	50.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	
-SAXON OIL COMPANY						RECEIVED: 08/17/81	JA: OK
8145923	12251	3503120673		107-DP		QUANAH PARKER NO 1	
-SEARCH DRILLING CO						RECEIVED: 08/17/81	JA: OK
8145952	10166	3500721956		103		GREGORY #1-28	
-SHAR-ALAN OIL CO						RECEIVED: 08/17/81	JA: OK
8145976	12319	3507322410		103		LYDIA V WILLIAMS NO 1	
-SOTRANA-TEXAS CORP						RECEIVED: 08/17/81	JA: OK
8145917	12134	3513921321		102-4		BLEHM 1-31	
-SOUTHWESTERN EXPLOR CONSULTANTS INC						RECEIVED: 08/17/81	JA: OK
8145966	10013	3508300000		103		AUDREY #2	
-TEXAS OIL & GAS CORP						RECEIVED: 08/17/81	JA: OK
8145945	10095	3504321181		103		BODEN #1	
8145981	12207	3500722093		102-2		TRETBAR #1	
-THE GHK COMPANY						RECEIVED: 08/17/81	JA: OK
8145927	11890	3503920389		102-0		ALLISON I-35	
-TRANSIERRA EXPLORATION CORP						RECEIVED: 08/17/81	JA: OK
8145985	10187	3510321236		103		DONOVAN YOST NO 3-15	
-TRIGG DRILLING COMPANY INC						RECEIVED: 08/17/81	JA: OK
8145994	10154	3503920370		103		COLLINS #1-6	
-TRIPLEDEE DRILLING CO						RECEIVED: 08/17/81	JA: OK
8145920	12185	3501922172		102-4		NORMA #1	
-UNION OIL COMPANY OF CALIF						RECEIVED: 08/17/81	JA: OK
8145982	12243	3508520399		102-2		D JOYCE COFFEY #1-30	
8145982	12243	3508520399		103		D JOYCE COFFEY #1-30	
8145922	10099	3501720965		103		KOLAR #1-16	
-UNIT DRILLING & EXPLORATION CO						RECEIVED: 08/17/81	JA: OK
8145911	09993	3505120971		103		GRAY NO 1	
-UNIVERSAL RESOURCES CORPORATION						RECEIVED: 08/17/81	JA: OK
8145987	10060	3501721790		103		HOLLIS #1-30	
-VIERSEN & COCHRAN						RECEIVED: 08/17/81	JA: OK
8145926	11980	3501721964		102-4		SPURLIN #4-14	
8145926	11980	3501721964		103		SPURLIN #4-14	
-WAGNER & BROWN						RECEIVED: 08/17/81	JA: OK
8145929	11187	3512900000		102-2		POSTLEWAIT #1-10	
-WHEATLAND OIL CO						RECEIVED: 08/17/81	JA: OK
8145935	11742	3507323096		102-4		CORNELSEN #1	
*8145947	10087	3509322073		103		HAHN #1	

OTHER PURCHASERS

8145924	NATURAL GAS PIPE LINE COMPANY OF AM
8145936	LONE STAR GAS CO
8145937	LONE STAR GAS CO
8145947	PIONEER GAS PRODUCTS CO

BILLING CODE 6450-85-C

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FIELD NAME	PROD	PURCHASER
	0.0	MICHIGAN-WISCONSI
E BALKO	15.0	PHILLIPS PETROLEU
WEST CASHION	285.0	PHILLIPS PETROLEU
HOOKER-OPTIMA FIELD	146.0	NATURAL GAS PIPEL
	0.0	EASON OIL CO
NORTH OAKWOOD	147.0	DELHI GAS PIPELIN
E LORENA	170.0	
CANUTE	700.0	
S E BILLINGS FIELD	34.0	ARCO OIL & GAS CO
SOUTH CUSTER CITY	0.0	
	180.0	AMINOIL USA INC
NEW HOPE	46.0	
NEW HOPE	46.0	
S W YUKON	30.0	
N W CHITWOOD	258.0	TRANSOK PIPELINE
RICHLAND N W	73.0	PHILLIPS PETROLEU
EAST EL RENO	288.0	DELHI GAS PIPELIN
EAST EL RENO	290.0	DELHI GAS PIPELIN
N REYDON (MORROW)	91.6	
W LACY	73.0	PHILLIPS PETROLEU
RINGWOOD	91.3	RINGWOOD GATHERIN

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before September 23, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26182 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

Oil Pipeline; Tentative Valuation

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative valuation is under consideration for the common carrier by pipeline listed below:

1975, 1976, 1977, 1978, 1979 Consolidated Report

(September 3, 1981)

Valuation Docket No. PV–1456–000—
Owensboro-Ashland Company, 1409 Winchester Avenue, Ashland, KY 41101

On or before October 13, 1981, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 70 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. It is required that a copy of the petition to intervene be served on the individual company at the address shown above and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 81-26157 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-85-M

Oil Pipelines; Tentative Valuations

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that tentative valuations are under consideration for the common carriers by pipeline listed below:

1980 Reports

September 3, 1981.

Valuation Docket No. PV—

1364–000 Acorn Pipe Line Company, P.O. Box 5006, Houston, TX 77012
1414–000 Allegheny Pipeline Company, P.O. Box 2521, Houston, TX 77001
1439–000 Amdel Pipeline, Inc., P.O. Box 2159, Dallas, TX 75221
1440–000 American Petrofina Pipe Line Company, P.O. Box 2159, Dallas, TX 75221
1302–000 Amoco Pipeline Company, P.O. Box 6110–A, Chicago, IL 60680
1378–000 Arapahoe Pipe Line Company, 1650 East Golf Road, Schaumburg, IL 60196
1329–000 Arco Pipe Line Company, Arco Building, Independence, KS 67301
1291–000 Ashland Pipe Line Company, 1409 Winchester Avenue, Ashland, KY 41101
1381–000 Badger Pipe Line Company, P.O. Box 300, Tulsa, OK 74102
1430–000 Belle Fourche Pipeline Company, P.O. Drawer 2360, Casper, WY 82602
1425–000 Black Lake Pipe Line Company, P.O. Box 308, Independence, KS 67301
1322–000 Buckeye Pipe Line Company, P.O. Box 368, Emmaus, PA 18049
1382–000 Butte Pipe Line Company, P.O. Box 2648, Houston, TX 77001
1404–000 Calnev Pipe Line Company, 1901 Slover Avenue, Bloomington, CA 92316
1416–000 Chevron Pipe Line Company, P.O. Box 9240, Concord, CA 94524
1368–000 Cheyenne Pipeline Company, P.O. Box 370, Cody, WY 82414
1427–000 Chicap Pipe Line Company, 1650 East Golf Road, Schaumburg, IL 60196
1312–000 Cities Service Pipe Line Company, P.O. Box 300, Tulsa, OK 74102
1433–000 Collins Pipeline Company, P.O. Box 2511, Houston, TX 77001
1422–000 Colonial Pipeline Company, Lenox Towers, P.O. Box 18855, Atlanta, GA 30326
1316–000 Continental Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601
1426–000 Cook Inlet Pipe Line Company, P.O. Box 900, Dallas, TX 75221
1341–000 CRA, Inc., P.O. Box 7305, Kansas City, MO 64116
1365–000 Crown-Rancho Pipe Line Corporation, 4747 Bellaire Blvd., Suite 500, Bellaire, TX 77401
1349–000 Diamond Shamrock Corporation, P.O. Box 631, Amarillo, TX 79173
1411–000 Dixie Pipeline Company, P.O. Box 2220, Houston, TX 77001
1385–000 Emerald Pipe Line Corporation, P.O. Box 631, Amarillo, TX 79173
1338–000 The Eureka Pipe Line Company, P.O. Drawer 808, Parkersburg, WV 26101
1441–000 Explorer Pipeline Company, P.O. Box 2650, Tulsa, OK 74101
1394–000 Exxon Pipeline Company, P.O. Box 2220, Houston, TX 77001
1389–000 Four Corners Pipeline Company, 5900 Cherry Avenue, Long Beach, CA 90805
1402–000 Getty Pipeline Inc., P.O. Box 5568, Denver, CO 80217
1436–000 Gulf Central Pipeline Company, 1200 Thompson Building, Tulsa, OK 74103
1333–000 Gulf Refining Company, P.O. Box 3706, Houston, TX 77001
1409–000 Hess Pipeline Company, P.O. Box 502, Woodbridge, NJ 07095
1431–000 Hydrocarbon Transportation, Inc., 2223 Dodge Street, Omaha, NE 68102
1406–000 Jayhawk Pipeline Corporation, P.O. Box 1030, Wichita, KS 67201
1413–000 Jet Lines, Inc., 522 Cottage Grove Road, Bloomfield, CT 06002
1375–000 Kaneb Pipe Line Company, P.O. Box 22029, Houston, TX 77027
1299–000 Kaw Pipe Line Company, P.O. Box 42130, Houston, TX 77042
1399–000 Kenai Pipe Line Company, 225 Bush Street, San Francisco, CA 94101
1429–000 Kerr-McGee Pipeline Corporation, Kerr-McGee Center, Oklahoma City, OK 73125
1435–000 Kiantone Pipeline Corporation, P.O. Box 780, Warren, PA 16365
1419–000 Lake Charles Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601
1354–000 Lakehead Pipe Line Company, Inc., 3025 Tower Avenue, Superior, WI 54880
1403–000 Laurel Pipe Line Company, P.O. Box 3706, Houston, TX 77001
1392–000 Marathon Pipe Line Company, 539 South Main Street, Findlay, OH 45840
1395–000 Mid-America Pipeline Company, 1800 South Baltimore Avenue, Tulsa, OK 74119

1353–000 Mid-Valley Pipeline Company, P.O. Box 2039, Tulsa, OK 74102
1384–000 Minnesota Pipe Line Company, P.O. Box 2256, Wichita, KS 67201
1311–000 Mobil Pipe Line Company, First International Building, 1201 Elm, Dallas, TX 75270
1332–000 National Transit Company, 206 Seneca Street, Oil City, PA 16301
1292–000 Ohio River Pipe Line Company, 1409 Winchester Avenue, Ashland, KY 41101
1417–000 Olympic Pipe Line Company, P.O. Box 900, Dallas, TX 75221
1456–000 Owensboro-Ashland Company, P.O. Box 391, Ashland, KY 41101
1420–000 Paloma Pipe Line Company, 1600 First National Bank Building, Dallas, TX 75202
1320–000 Phillips Pipe Line Company, 890 Adams Building, Bartlesville, OK 74004
1372–000 Pioneer Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601
1343–000 Plantation Pipe Line Company, P.O. Box 18616, Atlanta, GA 30326
1367–000 Platte Pipe Line Company, 539 South Main Street, Findlay, OH 45840
1410–000 Portal Pipe Line Company, 2900 First National Bank Building, Dallas, TX 75202
1347–000 Portland Pipe Line Corporation, P.O. Box 2590–30 Hill Street, South Portland, ME 04106
1437–000 Powder River Corporation, 890 Adams Building, Bartlesville, OK 74004
1327–000 Pure Transportation Company, 1650 East Golf Road, Schaumburg, IL 60196
1428–000 Santa Fe Pipeline Company, 1200 Thompson Building, Tulsa, OK 74103
1369–000 The Shamrock Piple Line Corporation, P.O. Box 631, Amarillo, TX 79173
1326–000 Shell Pipe Line Corporation, P.O. Box 2648, Houston, TX 77001
1335–000 Sohio Pipe Line Company, 760 Midland Building, Cleveland, OH 44115
1424–000 Southcap Pipe Line Company, 1650 East Golf Road, Schaumburg, IL 60196
1393–000 Southern Pacific Pipe Lines, Inc., 610 South Main Street, Los Angeles, CA 90014
1370–000 Sun Oil Line Company of Michigan, P.O. Box 2039, Tulsa, OK 74102
1315–000 Sun Pipe Line Company, P.O. 2039, Tulsa, OK 74102
1386–000 Tecumseh Pipe Line Company, P.O. Box 306, Independence, KS 67301
1300–000 Texaco-Cities Service Pipe Line Company, P.O. Box 42130, Houston, TX 77042
1408–000 Texas Eastern Transmission Corporation, (Little Big Inch Division), P.O. Box 2521, Houston, TX 77001
1293–000 Texas-New Mexico Pipe Line Company, P.O. Box 42130, Houston, TX 77042
1330–000 The Texas Pipe Line Company, P.O. Box 42130, Houston, TX 77042
1449–000 Texoma Pipe Line Company, 1210 Fourth National Bank Building, Tulsa OK 74119
1357–000 Total Pipeline Corporation, P.O. Box 231, Alma, MI 48801
1379–000 Trans Mountain Oil Pipe Line Corporation, 400 East Broadway, Vancouver, British Columbia, Canada V5T1X2
1412–000 Trans-Ohio Pipeline Company, P.O. Box 2821, Houston, TX 77001
1388–000 West Emerald Pipe Line Corporation, P.O. Box 631, Amarillo, TX 79173
1396–000 West Shore Pipe Line Company, 200 East Randolph Drive, Chicago, IL 60601
1362–000 West Texas Gulf Pipe Line Company, P.O. Box 3706, Houston, TX 77001
1421–000 White Shoal Pipeline Corporation, Kerr-McGee Center, Oklahoma City, OK 73102
1423–000 Williams Pipe Line Company, P.O. Drawer 3448, Tulsa, OK 74101
1377–000 Wolverine Pipe Line Company, P.O. Box 900, Dallas, TX 75221
1355–000 Wyco Pipe Line Company, 200 East Randolph Drive, Chicago, IL 60601
1373–000 Yellowstone Pipe Line Company, P.O. Drawer 1267, Ponca City, OK 74601

On or before October 13, 1981, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in these valuations may file, pursuant to rule 70 of the Interestate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. It is required that a copy of the petition to intervene be served on the individual company at the address shown above and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,
Administrative Officer, Oil Pipeline Board.

[FR Doc. 81–26158 Filed 9–4–81; 8:45 am]
BILLING CODE 6450–85–M

Western Area Power Administration

Thermopolis-Alcova Electrical Transmission System, Wyoming; Intent to Prepare Environmental Impact Statement; Scoping Meetings

AGENCY: Western Area Power Administration, DOE.

ACTION: Intent to prepare an environmental impact statement and to conduct public scoping meetings.

SUMMARY: Notice is hereby given that in accordance with the National Environmental Policy Act of 1969 (NEPA), the Western Area Power Administration (Western) has commenced preparation of an environmental impact statement (EIS) and intends to hold public scoping meetings to assess the environmental effects of a proposed Western action to upgrade the Thermopolis-Alcova electrical transmission system. The proposed action would be located in Wyoming in the counties of Hot Springs, Fremont, and Natrona. The EIS and scoping meetings will also address the cumulative impacts of the proposed action relative to other electrical transmission improvements in the system. Western will be the lead agency for the EIS preparation, with the Wyoming State Office of the Bureau of Land Management being designated as a cooperating agency (ref. CEQ Regulations, §§ 1501.5 and 1506.5).

Western operates and maintains an existing electrical transmission system between the Yellowtail, Montana, area and northern Colorado. This system is an integral part of the overall Wyoming-Colorado transmission system. The basic design for the system utilizes wood poles with H-frame structures. The overall transmission system of approximately 500 miles will be in need of eventual replacement and/or upgrading to accommodate increasing demands of firm power. It appears practical and feasible to replace or rebuild segments of line rather than replace the entire system at the same time. Therefore, it is proposed that the segment between Thermopolis, Wyoming, and Alcova Dam be evaluated for immediate replacement due to the deteriorating condition of the line.

Environmental evaluations will be made of the proposed action and the alternatives to determine what effects would result should structures be located within floodplains or wetlands, impacts on Federal- or State-listed or proposed threatened or endangered species and their critical habitats, aesthetic impacts, land use impacts, and cultural resource impacts.

Western will consider all reasonable alternatives to the proposed action and their environmental impacts developed during the scoping process and/or the environmental evaluation for preparation of the EIS. The preliminary alternatives that have been identified and will be assessed in the EIS include the no-action alternative, rebuilding the existing line at the existing voltage, upgrading the line to 230 kV or above on the existing right-of-way, and upgrading 230 kV or above on a new right-of-way.

It is planned that public scoping meeting will be held to gather information and obtain assistance in defining the range of issues and

concerns for the preparation of the EIS. The public scoping meetings will be held as follows:

1. Museum Cultural Center, 700 Broadway, Thermopolis, WY—September 21, 1981, 7:00 p.m.
2. Central Wyoming College, Highway 26, Riverton, WY—September 22, 1981, 7:00 p.m.
3. Natrona County Library, 307 East 2nd, Casper, WY—September 23, 1981, 7:00 p.m.

The draft EIS is tentatively scheduled to be released to the public for review and comment during February 1983. The final EIS is tentatively scheduled for release during July 1983.

All interested agencies, organizations, and persons are invited to attend the public scoping meetings and submit questions, comments, and suggestions on the proposed scope of the EIS, including issues and alternatives. Comments may be submitted by mail or presented at the scoping meetings. Written questions, comments, and suggestions should be submitted on or before September 14, 1981.

ADDRESS: Send comments or suggestions to: Peter G. Ungerman, Area Manager, Western Area Power Administration, U.S. Department of Energy, P.O. Box 2650, Fort Collins, CO 80522, Phone: (303) 224-7201.

FOR FURTHER INFORMATION CONTACT: Gary W. Frey, Environmental Manager, Western Area Power Administration, U.S. Department of Energy, P.O. Box 3402, Golden, CO 80401, Phone: (303) 231-1527.

Issued at Golden, Colorado, August 26, 1981.

Robert L. McPhail,

Administrator.

[FR Doc. 81-26004 Filed 9-4-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59057A; TSH-FRL-1930-2]

Copolymer of Acrylamide; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-25) under section 5 of the Toxic Substances Control Act (TSCA) on July 13, 1981. Notice of receipt of the application was published in the **Federal Register** of July 28, 1981 (46 FR 38582). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 28, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Ehrensberger, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M St., SW., Washington, D.C. 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On July 13, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to import a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-25. The submitter claimed its identity, the chemical identity, use, process information, and production volume as confidential business information under section 14 of TSCA. The generic name of the chemical is copolymer of acrylamide. Its generic use is a paper additive. Test marketing of the chemical will occur during a test marketing period of less than a year. A notice published in the **Federal Register** of July 28, 1981 (46 FR 38582) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-25 under the conditions set out in the application will not present any unreasonable risk of injury to health or environment. There were no significant health or environmental concerns for the TME substance.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this importer.

2. The applicant must maintain records of the date(s) of processing and quantities processed and must make these records available to EPA upon request.

3. The importation volume of the new substance may not exceed the quantity described in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical and the duration and level of the exposure should not exceed that identified during the review of the application.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: August 28, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 81-26129 Filed 9-4-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1306]

Telocator Network of America, et al.; Petitions for Reconsideration of Actions in Rulemaking Proceedings

September 1, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 22.501(a) of the Rules to allow the 35 MHz frequency band to be used for one-way signaling on an exclusive basis in the Domestic Public Land Mobile Radio Service. (CC Docket No. 80–189)

Filed by: Kenneth E. Hardman and Richard B. Severy, Attorneys for Telocator Network of America on 8–24–81. Russell D. Lukas and Michael K. Kurtis, Attorneys for Becker, Gurman, Lukas, Meyers & O'Brien, P.C. on 8–27–81.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Bath, and Hammondsport, New York). (BC Docket No. 80–562)

Filed by: James A. Koerner, Attorney for Genkar, Inc. on 8–21–81.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–26117 Filed 9–4–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 9745–3, T–3987, T–3453 and T–3453–A]

Compagnie Maritime Belge S.A., et al.; Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions signficantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 9745–3, between Compagnie Maritime Belge S.A., Consolidated Container Service Co., Ltd. and Centennial Shipping, Ltd. (CP) substitutes CP for Bristol City Line, Ltd. (BCL) as a party to the basic agreement. CP will buy one-third interest in Dart Container Line (Dart) heretofore held by BCL, and like the other two shareholders, will charter one containership to Dart.

Agreement No. T–3987 is between North Carolina State Ports Authority (The Port) and Sea-Land Service, Inc. (Sea-Land). Under the terms of the agreement, The Port agrees to give Sea-Land preferential berthing rights at berths 7 and 8 of the Port of Wilmington, North Carolina for cargo handling operations.

Agreement No. T–3453, between the Puerto Rico Ports Authority (Authority) and the Puerto Rico Maritime Shipping Authority (PRMSA), provides for the preferential assignment by the Authority to PRMSA of marine terminal facilities located in areas P–1 and P–2 at Isla Grande, Puerto Rico. the Term of the agreement is for 25 years, with one five-year renewal option.

Agreement No. T–3453–A, between the Puerto Rico Ports Authority (Authority), and the Puerto Rico Maritime Shipping Authority (PRMSA), provides for the lease to PRMSA for its exclusive use, portions of land designated as areas E–1, E–2 and P–3 at Isla Grande to be used as backup and marshalling areas. The term of the agreement is for 25 years, with one five-year renewal option.

The Findings of No Signficant Impact (FONSI) will become final on or before September 28, 1981, unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81–25973 Filed 9–4–81; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Board of Scientific Counselors; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of October 1981.

Board of Scientific Counselors, NIMH

October 29–30
Conference Room 1B–07, Building 36
National Institutes of health, 9000 Rockville Pike, Bethesda, Maryland 20205
Open—October 29; 9:30 to 9:45 a.m.
Closed—Otherwise
Contact—Dr. Robert A Cohen, Room 1A–05, Building 36, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–3501
Purpose: The Board of Scientific Counselors provides expert advice to the Director, National Institute of Mental Health, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.
Agenda: The Board will meet in Conference Room 1B–07, Building 36, National Institutes of Health, Bethesda, Maryland, for approximately 15 minutes for a report by the Director of Intramural Research, National Institute of Mental Health, on recent administrative developments. The remainder of the two-day session will be devoted to a review of the intramural research projects from the Laboratories of Cerebral Metabolism, Neurobiology, and Neurophysiology and the evaluation of individual scientific programs. The meeting will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse and Mental Health Administration, pursuant to the provisions of 5 U.S.C., 552b(c)(6), and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contract person listed above. Summaries of the meeting and roster of Board members may be obtained from Ms. Helen W. Garrett, Committee Management Office, Room 9–95, Parklawn Building 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4333.

Dated: September 1, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–26008 Filed 9–4–81; 8:45 am]

BILLING CODE 4110–85–M

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of October 1981.

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

October 6; 9:30 a.m.—Open
Conference Room 703A
Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201
Contact: Mr. Lee Towle, Room 16C–03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2593
Purpose: the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism: (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism, and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate the efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.
Agenda: The meeting will consist of a discussion of working group activities, Interagency Committee operations, and reports on agency activities.

Substantive program information may be obtained from the contact person listed above, Mr. Towle, who will also furnish, upon request, summaries of the meeting and a roster of Committee members.

Dated: September 1, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–26007 Filed 9–4–81; 8:45 am]

BILLING CODE 4110–88–M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming Consumer Exchange Meeting to be chaired by Robert O. Bartz, District Director, New Orleans District Office, New Orleans, LA.

DATE: The meeting will be held at 1:30 p.m., Thursday, September 10, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 4298 Elysian Fields Ave., New Orleans, LA 70122.

FOR FURTHER INFORMATION CONTACT: Frances G. Brysson, Consumer Affairs Officer, Food and Drug Administration, 4298 Elysian Fields Ave., New Orleans, LA 70122, 504–589–2420.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and the FDA's New Orleans District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 1, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–25997 Filed 9–4–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0252]

Diamond Shamrock Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Diamond Shamrock Corp. has filed a petition proposing to amend the food additive regulations regarding the nitrogen and chlorine specifications for polyamine-epichlorohydrin resin.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given a petition (FAP 1B3578) has been filed by Diamond Shamrock Corp., P.O. Box 2386R, Morristown, NJ 07960, proposing that paragraph (a)(5) of § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170(a)(5)) be amended regarding the nitrogrn and cholorine specifications for "Polyamine-epichlorohydrin resin produced by the reaction of bis(hexamethylene) triamine and higher homologues with epichlorohydrin".

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: August 28, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–25998 Filed 9–4–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 77N–0437; DESI Nos. 9149, 11020, 11127, and 12486]

Physician Labeling for Neuroleptic Drugs, Revised Labeling; Amendment

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice excludes promazine and promethazine drug products from the requirement that a precautionary statement concerning elevated serum prolactin levels be included in the physician labeling of neuroleptic drug products.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

EFFECTIVE DATE: This notice takes effect on September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Suzanne O'Shea, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 8, 1980 (45 FR 52931), the Food and Drug Administration required that a precaution statement be included in the physician labeling of neuroleptic drugs (except rauwolfia alkaloids) stating that these drugs elevate serum prolactin levels and may pose a potential risk to patients.

In that notice the agency responded to a comment that the precaution should not be required for promethazine and promazine because they are not effective as antipsychotic drugs and do not raise serum prolactin levels. At that time the agency had no evidence that promazine and promethazine do not affect serum prolactin levels. Because the agency believed that elevated serum prolactin levels would result from prolonged administration of any of the phenothiazines, regardless of the condition for which prescribed, it found that the precaution should be included for promazine and promethazine.

Since publication of the August 8, 1980 notice, the agency has received copies of six literature excerpts from Wyeth Laboratories. These excerpts, listed below, provide evidence that promazine

and promethazine do not cause an elevation of serum prolactin levels. They further suggest that there is association between a drug's effectiveness in treating schizophrenia and increased serum prolactin levels. Therefore, the precautionary statement, as set forth in the August 8, 1980 notice, is not required for promazine or promethazine drug products.

References

1. Clemens, J. A., et al., "Antipsychotic Drugs Stimulate Prolactin Release," *Psychopharmacologia*, 40:123–127, 1974.

2. Gruen, P. H., "The Prolactin Response in Clinical Psychiatry," *Medical Clinics of North America*, 62:409–424, 1978.

3. Gruen, P. H., et al., "Prolactin Responses to Neuroleptics in Normal and Schizophrenic Subjects," *Archives of General Psychiatry*, 35:108–116, 1978.

4. Perez de la Mora, M., et al., "Possible Involvement of Central Aminergic, Histaminergic, Cholinergic and Gabaergic Mechanisms in the Central Control of Gonadatrophin Secretion. A Pharmacological Analysis, "*Acta Endocrino Logica, Advance Abstracts of Papers*, June 19–23, 1977.

5. Sachar, Edward J., et al., "Use of Neuroendocrine Techniques in Psychopharmacological Research," *Hormones, Behavior and Psychopathology*, 161–176, 1976.

6. Sachar, Edward J., Et al., "The Use of the Prolactin Response in Clinical Psychopharmacology," *Psychopharmology Bulletin*, 13:60–61, 1977.

After publication of the August 8, 1980 notice, the agency received one further comment, from a pharmacist's association. The comment expressed the hope that a similar precautionary statement requirement for drugs other than neuroleptics would be forthcoming. As stated in the earlier notice, actions covering drugs other than neuroleptics are under consideration within the agency.

The comment also suggested that the words in the precaution, "too limited to be conclusive at this time" be emphasized by underlining. It stated that this emphasis would make the precaution less likely to affect patient compliance by reassuring patients who are aware of the precaution. The comment further suggested that this emphasis would relieve practitioners of a sense of defensiveness in their responses to questions raised by patients.

The agency believes that emphasizing the precaution in this manner would not necessarily have the effect suggested by the comment. The added emphasis could just as easily draw attention to the precautionary statement, cause more concern by patients who read it, and create an additional burden for practitioners to justify prescribing the drug. Therefore, the precautionary statement has not been revised as suggested in the comment.

The exemption from the labeling requirement applies to all promazine and promethazine drug products, not only those subject to the Drug Efficacy Study. In addition, any combination product in which promazine or promethazine is the only neuroleptic component is covered by the exemption. Any person may request an opinion of the applicabililty of this notice to a specific drug product by wirting to the Division of Drug Labeling Compliance (address given above).

This notice is issued under the Federal Foqd, Drug, and Cosmetic Act (secs. 201(n), 502, 505, 52 Stat. 1041, 1050–1053 as amended (21 U.S.C. 321(n), 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: August 27, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-25808 Filed 9-4-81; 8:45 am]

BILLING CODE 4110-83-M

Office of the Secretary

Centers for Disease Control, PHS; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–67776 dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980) is amended to reflect the establishment of the division-level structure within the Office of Administrative Management (HCA5) and the National Institute for Occupational Safety and Health (HCC).

Section HC–B, Organization and Functions, is amended as follows:

1. After the heading and statement for the *Office of Administrative Management (HCA5)*, insert the following:

Computer Systems Office (HCA51). (1) Evaluates, develops, and implements scientific and business data processing applications required to meet CDC needs; (2) evaluates and recommends selection of suitable data processing equipment and services, and determines the need and extent to which new developments within this field can be used to better accomplish CDC objectives; (3) conducts and coordinates overall and special studies of CDC's technical and management data processing systems; (4) operates electric accounting machine and electronic data processing equipment to produce reports and information.

Engineering Services Office (HCA52). (1) Operates, maintains, repairs, and modifies CDC's Atlanta area plant facilities; and conducts a maintenance and repair program for CDC's program support equipment; (2) develops services for new, improved, and modified equipment to meet program needs; (3) maintains physical security for the Chamblee and Lawrenceville facilities; (4) provides technical assistance for and reviews maintenance and operation programs of field installations and recommends appropriate action; (5) carries out facilities planning functions of CDC, including new or expanded facilities, and a major repair and improvement program; (6) maintains liaison with the Division of Health Facilities Planning of the Office of the Assistant Secretary for Health, and the Office of Facilities Engineering, Office of the Secretary.

Financial Management Office (HCA53). (1) Provides leadership and coordination in the development and administration of CDC's financial management policies; (2) develops budget submissions for CDC; (3) collaborates with CDC's Office of Program Planning and Evaluation in the development and implementation of long-range program and financing plans; (4) participates in budget reviews and hearings; (5) manages CDC's systems of internal budgetary planning and control of funds; (6) develops and implements CDC-wide budgetary, accounting, and fiscal systems and procedures; (7) conducts CDC-wide manpower management (including productivity measurement) activities; (8) provides accounting and auditing services; (9) develops, coordinates, and implements the cost advisory activities for CDC; (10) prepares financial reports; (11) serves as focal point for domestic and international travel authorization policy and procedures; (12) provides legislation reference services; (13) maintains liaison with the Office of the Assistant Secretary for Health, the Office of the Secretary, and other Government organizations on financial management matters.

CDC Library (HCA55). (1) Maintains a technical reference library of books, journals, and pamphlets for use of headquarters and field staff; (2) furnishes loan, reference bibliographic, and translation services; (3) maintains a Union Catalog and publishes periodically a list of recent acquisitions, current journals, and translations.

Management analysis and Services Office (HCA59). (1) Plans, coordinates, and provides CDC-wide administrative, technical, and management services in the following areas: Committee management, communications, correspondence, delegations of authorities, distribution, forms Freedom of Information Act Index, issuances, mail, organization and functions, personnel and physical security, policy and procedures, printing and reproduction (including operation of the printing plant and copy centers), Privacy Act, public inquiries, real property and space management, records (including microfilm), regulations, reports (including congressional reports), studies and surveys, and word processing; (2) develops and implements policies and procedures in these areas; (3) maintains liaison with HHS, PHS, General Services Administration, the Government Printing Office, and other Government and private agencies.

Personnel Management Office (HCA57). (1) Conducts and coordinates personnel management for CDC's civil service and Commissioned Corps personnel and for CDC's fellowship program; (2) provides personnel management services for employees assigned or detailed overseas; (3) coordinates and directs the planned assistance program of personnel management assistance to supervisors; (4) develops and issues procedures; conducts staffing, position classification, pay administration, performance evaluation, employee training and development, and employee relations and services programs; (5) coordinates and conducts a position management program; (6) maintains personnel records and reports and processes personnel actions and documents; (7) administers the Federal life and health insurance plans and employee recognition and incentives program; (8) furnishes advice and assistance in the processing of Office of Workers' Compensation Programs claims; (9) advises and assists CDC officials and employees in all areas of personnel management.

Procurement and Grants Office (HCA58). (1) Advises the Director, CDC, and the Director's staff, and provides leadership and direction for CDC procurement, grants and materiel management activities; (2) plans and develops CDC-wide policies, procedures, and practices in procurement, grants management, and materiel management areas; (3) plans and directs the procurement of research and development, technical services, equipment and supplies, and the personal property, transportation, and warehousing operation; (4) executes, administers, and terminates negotiated and formal advertised contracts and purchase orders; (5) maintains a continuing review of CDC-wide procurement, grants management, and materiel management operations to ensure adherence to FPR, HHS, PHS, and CDC policies and standards; (6) maintains liaison with HHS, PHS, GSA, and other Federal agencies on procurement, grants, and materiel management policy, procedure, and operating matters.

2. After the heading and statement for the *National Institute for Occupational Safety and Health (HCC),* insert the following:

Office of the Director (HCC1). (1) Manages the operations of the Institute; (2) maintains liaison with, and provides advice and assistance to, the U.S. Department of Labor, the U.S. Department of the Interior, other Federal agencies, State and local government agencies, international health organizations, and outside groups; (3) provides liaison with PHS and Departmental components providing occupational health programs for Federal employees; (4) provides policy guidance and coordination to occupational safety and health activities in the HHS Regional Offices; (5) provides leadership and coordinates the Institute's planning, evaluation, resource allocation, regulations, legislation, committee management, and administrative management activities.

Office of Administrative and Management Services (HCC11). (1) Provides management information, advice, and guidance to the Institute; (2) provides administrative and fiscal services to the Institute; (3) provides technical leadership, guidance, and evaluation of management services performed at other geographic locations; (4) develops internal policies, procedures, and operations; and provides special reports and studies; (5) provides management systems consultation and analyses; (6) coordinates the utilization of data processing equipment and services within the Institute; (7) serves as the focal point on matters of internal security and safety; (8) maintains liaison with the Executive Officer and Staff Service officials of CDC; (9) serves as the Institute focal point for personnel management activities.

Office of Program Planning and Evaluation (HCC12). (1) Plans and coordinates the development of the strategy and philosophy of operation of the Institute regarding mission and objectives; (2) conducts or participates in special studies for program planning and evaluation; (3) conducts the necessary control functions to assure operational compliance toward program objectives within the Institute.

Office of Extramural Coordination and Special Projects (HCC13). (1) Provides professional technical advice to the Director and other Institute organizational components; (2) advises the Institute on matters relating to the development and progress of Institute-supported grant research; (3) in cooperation with the offices and operating divisions of the Institute, stimulates research and demonstration grants in relevant priority areas; (4) conducts in-depth review of research, training, and demonstration grant applications by use of consultant expert panels; (5) coordinates programming of research funded under special foreign currency program; (6) coordinates the Institute's research and scientific exchange conducted under bilateral international agreements; (7) maintains contact with professional associations, academic institutions, other Government agencies, and safety and health professionals in HHS Regional Offices; (8) assures Institute compliance with ethical scientific research procedures; (9) conducts or coordinates special short-term technical studies including evaluation of technical information transmitted to the Institute, issuing special advisories to the professional community as appropriate.

Division of Standards Development and Technology Transfer (HCCC). (1) Develops from existing scientific and technical information documents containing (a) criteria for recommended occupational safety and health standards, and (b) technical and scientific information relevant to a variety of occupational safety and health issues; (2) develops recommended health standards under the Federal Mine Safety and Health Act of 1977; (3) in cooperation with the U.S. Department of Labor, coordinates NIOSH testimony at the Department of Labor hearings on proposed standards to support scientific and technical considerations; (4) assists the Director, NIOSH, in establishing a priority system for research, document development, and recommended standards; (5) prepares and annually revises the legislatively mandated toxic substance list; (6) conducts a clearinghouse for receiving, storing, retrieving, and disseminating technical information on occupational safety and health; (7) provides statistical methodology review for NIOSH research activities.

Division of Surveillance, Hazard Evaluations, and Field Studies (HCC5). (1) Develops and maintains a surveillance system of the Nation's work force and its environs to make an early detection and continuous assessment of the magnitude and extent of job-related illness, exposures, and hazardous agents; (2) conducts the legislatively mandated health hazard evaluation and industrywide epidemiological research programs through longitudinal record studies and clinical/environmental field studies and surveys to identify the occupational causes of disease in the working population and their offspring, and to determine the incidence and prevalence of acute and chronic effects from work-related exposures to toxic and hazardous substances; (3) conducts epidemiological research for input to criteria for standards for the control of occupational health hazards; (4) provides, upon request and on a self-initiated basis, technical assistance, demonstrations, and consultation on technical matters pertaining to occupational safety and health to other Federal agencies, State, and local agencies, other technical groups, unions, employers, and employees.

Division of Biomedical and Behavioral Science (HCC7). (1) Conducts laboratory research for the development of criteria for standards in the areas of toxicology, behavioral science, physiology, ergonomics, and the effects of physical agents; (2) investigates new problems created by technology requiring ameliorative action; (3) develops medical criteria to assure that the workplace is not responsible for diminished health, functional capacity, or life expectancy of workers; (4) develops means for identifying latent disease.

Division of Physical Sciences and Engineering (HCC8). (1) Develops and evaluates performance criteria for environmental monitoring and personal protective equipment; (2) assesses control technology; (3) conducts research and development activities into equipment and procedures for the measurement and control of occupational health hazards; (4) provides for equipment development, analytical and sampling methods development, and equipment calibration within the Institute and as a service to the U.S. Department of Labor; (5) operates a quality control reference laboratory for analytical laboratories.

Division of Training and Manpower Development (HCC9). (1) Designs, develops, plans, and conducts short-term training programs and activities for Federal, State, and local governments, private industry, organized labor, and other appropriate organizations in the field of occupational safety and health; (2) develops training course packages in industrial hygiene, safety, and occupational medicine and nursing; and arranges for cooperative training programs by qualified outside organizations; (3) determines occupational safety and health manpower needs on a Nationwide basis; defines and evaluates manpower certification/accreditation programs; and establishes career development guidelines for occupational safety and health occupations; (4) stimulates training grants and establishment of national manpower development resources supporting the defined needs.

Division of Respiratory Disease Studies (HCCA). (1) Conducts and is the Institute focal point for clinical and epidemiological research on occupational respiratory disease; (2) provides legislatively mandated medical and autopsy services under the Federal Mine Safety and Health Act of 1977; (3) conducts medical research to fulfill the Institute's responsibilities under the Federal Mine Safety and Health Act of 1977; (4) designs and conducts research programs in agricultural and noncoal mining health; (5) plans, coordinates, and performs energy research relating to occupational safety and health for the Institute, including the areas of synthetic fuel production and occupational hazards associated with solar and other new energy sources.

Division of Safety Research (HCCB). (1) Serves as the focal point for the Institute's occupational safety research program, and designs and conducts safety research efforts aimed at preventing or mitigating injury to workers in all industries; (2) conducts accident investigations and provides technical consultations relating to safety problems in all industries; (3) develops criteria for recommended safety standards; (4) develops and evaluates test protocols; and develops regulations for certification of personal protective devices, industrial hazard measuring devices, and quality control programs; (5) tests and certifies personal protective devices and occupational hazard measuring devices.

Dated: August 27, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-26298 Filed 9-3-81; 3:25 pm]

BILLING CODE 4110-88-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-73]

Maumelle New Community, Little Rock, Arkansas; Intended Supplement Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an amendment to the Supplement Environmental Impact Statement (SEIS) is intended to be prepared for the following project under HUD programs as described in the appendix of the Notice: Maumelle New Community, Little Rock, Arkansas. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the particular project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the SEIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or special interests should report their interests and indicate their readiness to aid the SEIS effort as a "cooperating agency."

This Notice shall be effective for one year. If one year after the publication of the Notice in the **Federal Register** an amended SEIS has not been filed on the project, then the Notice for the project shall be cancelled. If the amended SEIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. August 31, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—SEIS, Maumelle New Community, Little Rock, Arkansas

HUD's New Communities Administration intends to prepare an amended SEIS on Maumelle New Community, described below and requests information and comments for consideration in the SEIS.

Description: Maumelle is a 4,900 acre new community in Pulaski County northwest of Little Rock, Arkansas, about ten miles from downtown. The site is adjacent to the north bank of the Arkansas River, southwest of

Interstate 40. A wide variety of land uses is planned including residential, commercial, industrial, institutional and open space. Several lakes, a community center, a marina, schools and churches are also planned for the site. Approximately one forth of the area is already developed. Maumelle is expected to have approximately 38,000 people by 1990–2000.

HUD participation has been to guarantee the initial construction financing and to provide grants through the New Communities Development Corporation (NCDC). Additionally, HUD will make available FHA mortgage insurance to qualified buyers of property in the New Community. The project is being developed by the Maumelle Land Development Company.

Need: The amendatory SEIS is required because the Maumelle Land Development Company (MLD) intend to sell its entire assets in the project to another developer. The sale, if consummated, would cancel HUD's Project Agreement with MDL and remove HUD from any involvement in the future development of the project.

Alternatives: The alternatives are HUD's continued participation in the project as originally proposed, participation in the project provided HUD renegotiate the Project Agreement, or reject the proposed sale of the project.

Scoping: Response to the Notice will assist in identifying data sources and significant environmental issues which the SEIS should address.

Comments: Comments should be forwarded on or before September 29, 1981, to: Ted Baker, Director, Office of Planning Assistance, NCDC, U.S. Department of HUD, Room 5186, Washington, D.C. 20410.

[FR Doc. 81-26135 Filed 9-4-81; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. N-81-1089]

President's Commission on Housing; Meeting of Committee on Government Regulation and the Cost of Housing

The Committee on Government Regulation and the Cost of Housing, of the President's Commission on Housing, will meet on Wednesday, September 16, 1981, from 9:00 a.m. to 5:00 p.m., and on Thursday, September 17, 1981, from 9:00 a.m. to 5:00 p.m. The meeting on September 16 will be held in the Board Room on the 6th floor and the meeting on September 17 will be held in the Amphitheater on the 2nd floor of the Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C.

The purpose of the meetings is to provide an opportunity for testimony by public and private organizations on the impact of federal, state and local regulatory activities on the availability of affordable housing. All meetings of the Commission and its Committees are open to the public.

Further information may be obtained from the President's Housing Commission, 730 Jackson Place NW., Washington, D.C. 20503, (202) 395–5832.

(Section 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App. I))

Issued at Washington, D.C. September 1, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-26124 Filed 9-4-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Trinity River Basin Fish and Wildlife Management Program, Northwestern California; Intent To Prepare Environmental Impact Statement and Conduct Scoping Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Intent to prepare EIS and commerce scoping.

SUMMARY: Pursuant to 40 CFR 1510.7 of the National Environmental Policy Act of 1969, the public is advised that the U.S. Fish and Wildlife Service, in cooperation with the Bureau of Reclamation, intends to gather information necessary for the preparation of an Environmental Impact Statement on the proposed comprehensive Trinity River Basin Fish and Wildlife Management Program developed by the thirteen member agency Trinity River Basin Fish and Wildlife Task Force. Suggestions, information and other comments from agencies, organizations and the public on the scope of the proposed program, alternatives, impacts, mitigation measures and other issues to be addressed in the EIS, may be presented in writing or orally at three scheduled scoping meetings:

Public Meetings

(1) McKinleyville, California

Humbolt County, Monday, October 5, 1981, from 1–5 p.m. and 7–9 p.m., Airport Conference Room, 2nd Floor, Airport Terminal Building, Eurek-Arcata Airport

(2) Weaverville, California

Trinity County, Wednesday, October 7, 1981, from 1–4 p.m. and 7–9 p.m., Board Room, 2nd floor, Trinity County Courthouse, Court Street

(3) Sacramento, California

Friday, October 9, 1981, from 10 a.m. to 4 p.m., Room W–1140, 1st floor, Federal Building, 2800 Cottage Way.

DATES: Written comments should be received by October 15, 1981 and addressed to the Area Manager, U.S. Fish and Wildlife Service, Room E–2740, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Jody Hoffman, U.S. Fish and Wildlife Service, Division of Ecological Services, Room E–2727, 2800 Cottage Way, Sacramento, California 95825. Phone: (916) 484–4731.

SUPPLEMENTARY INFORMATION: In the past quarter-century significant habitat deterioration in the mainstem Trinity River has occurred. These habitat losses are generally attributed to a combination of human activities including Federal water project diversions, logging, road construction, watershed development and floodplain encroachment. These activities blocked a portion of the river, reduced flows, increased erosion and sedimentation rates and encouraged the encroachment of vegetation into the river channel.

Elsewhere in the Trinity River Basin, prevailing land-use practices together with floods resulted in watershed erosion, heavy stream sedimentation and debris blockages in the South Fork and many tributaries.

Deterioration of the river's instream and adjacent upland habitat has been accompanied by dramatic reductions in populations of many fish and wildlife species. For example, annual runs of salmon and steelhead returning to the Trinity River Fish Hatchery declined by as much as ninety percent. As a result, the valuable commercial, sport and Indian fisheries have suffered and harvest rates for deer and other game species have declined.

Since the mid-1960's several Federal and State agencies have performed studies to define the problems and to recommend possible cures. However, only very limited funds were available to undertake necessary corrective actions. Since 1974, representatives of the many Federal, State and local agencies have been working together as members of the Trinity Basin Fish and Wildlife Task Force (Task Force) to carry out the "Trinity River Basin Comprehensive Action Program." The objectives of this program are to undertake interim actions to stem the further decline of the fish and wildlife resources and to formulate a long range comprehensive fish and wildlife management program for the Trinity

River basin designed to restore fish and wildlife populations to former levels.

The proposed comprehensive management program, subject of the EIS, is designed to meet five major goals related to fish and wildlife restoration and maintenance. These goals are to: (1) utilize artificial production as compensation for salmon and steelhead spawning and rearing areas lost due to blockage of the Trinity River by the Lewiston Dam; (2) restore full natural salmon and steelhead production in the Trinity River and its tributaries downstream from Lewiston Dam; (3) provide compensation for deer and other wildlife losses resulting from inundation of land by Trinity River Project reservoirs; (4) institute necessary regulations to protect the watershed from future abuses such as improper road building, logging and encroachment into the flood plain; and (5) develop and promulgate recommendations on harvest management that will help achieve the fishery goals of the Trinity River Basin Fish and Wildlife Management Program.

Thirteen action items are proposed for implementation to meet the program's goals. New funding required to carry out all except two of the thirteen action items is estimated to be about $31 million in total capital expenditures over six years and about $2.2 million annually for at least ten years for operation and maintenance. Separate additional State and Federal funding will be needed for the construction and maintenance in the other two proposed action items.

The EIS will serve as an "umbrella document", and it is expected that more detailed explanations of each action item will be presented in future supplemental project-specific environmental documents.

Alternatives of the proposed management program include: (1) a No-Action option; (2) various deletions, additions or alternations of the thirteen action items as described; and (3) other "action packages" (as yet unidentified) which offer a change in focus for solving Trinity River Basin Fish and Wildlife problems.

Environmental impacts of the proposed program and its alternatives will be addressed in the EIS under four general categories: (1) institutional and financial impacts of organizing and funding a program; (2) impacts on the natural environment from implementing a program; (3) related social and cultural impacts; and (4) potential impacts to key factors in the local and regional economic community such as timber production and other goods and services, and the commercial, sport and Indian fisheries.

An information package containing a copy of the proposed program and further details as to the contents of the EIS is available for review on request from the address above.

We estimate that a draft of the EIS will be available for public review in May 1982.

Dated: August 28, 1981.

William H. Meyer,

Acting Regional Director.

[FR Doc. 81-25500 Filed 9-4-81; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 28, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by September 23, 1981.

Carol Shull,

Acting Keeper of the National Register.

CALIFORNIA

Yolo County

Woodland, *Woodland Public Library*, 250 1st St.

NEW JERSEY

Essex County

Orange, *Orange Free Public Library*, 348 Main St.

Passaic County

Clifton, *U.S. Animal Quarantine Station*, Clifton Ave.

WISCONSIN

Dane County

Madison vicinity, *Drohman Cabin*, 6701 E. Broadway

[FR Doc. 81-25505 Filed 9-4-81; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL COMMUNICATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on September 16, 1981 in the Commission offices: Room 1008, 1750 Pennsylvania Avenue NW., Washington, D.C. For further information, please call Elizabeth Fahl, 724-9244.

Jane S. Grymes,

Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency.

[FR Doc. 81-26010 Filed 9-4-81; 8:45 am]

BILLING CODE 8230-01-M

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "From a Mighty Fortress: Prints, Drawings and Books in the Age of Luther, 1483–1546 from Coburg" (included in the list [1] filed as part of this determination) imported from abroad for the temporaty exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the Founders Society Detroit Institute of Arts and the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Detroit Institute of Arts, Detroit, Michigan, beginning on or about October 3, 1981, to on or about November 22, 1981, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: September 2, 1981.

Gilbert A. Robinson,

Acting Director.

From a Mighty Fortress: Prints, Drawings and Books in the Age of Luther, 1483–1546 From Coburg

Objects loaned to the exhibition from: Kunstsammlungen Der Veste Coburg

1. Drawings: *Portrait of Sebastian von Blumenegg* by Hans Baldung Grien. Value: $342,857.00. Inv. no. Z 8.
2. Drawing: *Stained Glass Design for a Harness Maker* by Hans Baldung Grien. Value: $114,286.00. Inv. no. Z 14.
3. *Drawing: Stained Glass Design with Houstein Arms* by Hans Baldung Grien. Value: $85,714.00. Inv. no. Z 25.
4. Drawing: *Madonna and Child on Half Moon* by Hans Baldung Grien. Value: $200,000.00. Inv. no. 5.
5. Drawing: *Stained Glass Design with Uttenheim Arms* by Hans Baldung Grien. Value: $171,429.00. Inv. no. Z 60.

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

6. Drawing: *Stained Glass Design with Brechter Arms* by Hans Baldung Grien. Value: $142,875.00. Inv. no. Z 49 and 32.

7. Drawing: *Stained Glass Design with Eberstein Sonnenberg Arms* by Hans Baldung Grien. Value: $200,000. Inv. no. 27.

8. Drawing: *Stained Glass Design with Arms of Niklaus Ziegler* by Hans Baldung Grien. Value: $142,857.00. Inv. no. 69.

9. Drawing: *Head of a Bearded Man* by Hans Baldung Grien. Value: $85,714.00. Inv. no. Z 6.

10. Drawing: *Design for Coat of Armor* by Hans Baldung Grien. Value: $57,143.00. Inv. no. Z 17 a & b.

11. Drawing: *Stained Glass Design with Arms of Wytolzhausen* by Hans Baldung Grien. Value: $285,714.00. Inv. no. Z 45.

12. Drawing: *Stained Glass Design with Barenfels Arms* by Hans Baldung Grien. Value: $57,143.00. Inv. no. Z 33.

13. Drawing: *St. Philip* by Hans Baldung Grien (circle of). Value: $14,286.00. Inv. no. Z 253.

14. Drawing: *St. Peter,* by Hans Baldung Grien (circle of). Value: $14,286.00 Inv. no. Z 253.

15. Drawing: *Stained Glass Design with Fishing Scene* by Hans Baldung Grien. Value: $14,286.00. Inv. no. Z 71.

16. Drawing: *Martyrdom* by Jorg Breu the Elder. Value: $20,000. Inv. no. Z 80.

17. Drawing: *Nativity* by Albrecht Durer. Value: $285,714.00. Inv. no. Z98.

18. Drawing: *Elevation of the Magdalene* by Albrecht Durer. Value: $342,857.00. Inv. no. Z 97.

19. Drawing: *Young Woman Holding a Flower* by Albrecht Durer. Value: $285,714.00. Inv. no. Z 99.

20. Drawing: *Rider Seen from Rear* by Albrecht Durer. Value: $57,143.00. Inv. no. Z 100.

21. Drawing: *Flagellation of Christ* by Albrecht Dureer. Value: $685,714.00. Inv. no. Z 95.

22. Drawing: *Study for Large Cavalry* by Albrecht Durer. Value: $857,143.00. Inv. no. Z 96.

23. Drawing: *Portrait of a Bearded Man* by Albrecht Durer. Value: $457,143. Inv. no. Z 4.

24. Drawing: *Madonna and Child* by Urs Graf. Value: $171,429.00. Inv. no. Z 126.

25. Drawing: *Jewelry Design* by Hans Holbein the Younger. Value: $85,714.00. Inv. no. Z 262.

26. Drawing: *Standing Man Drawing a Dagger* by Hans Suss von Kuylmbach. Value: $68,571.00. Inv. no. 2320.

27. Drawing: *Seated Man with a Stool* by Hans Suss von Kulmbach. Value: $68,571.. Inv. no. 2321.

28. Drawing: *Standing Knight* by Mair von Landshut (attriuted to) Value: $14,286. Inv. no. 231.

29. Drawing: *Adoration of the Magi* by Master of the Coburg Rondels. Value: $85,714. Inv. no. Z 167.

30. Drawing: *Virgin and Child with Angels in a Rose Arbor* by Master of the Coburg Rondels. Value: $85,714.00. Inv. no. Z 232.

31. Drawing: *Adoration of the Maji* by Master of the Coburg Rundels. Value: $57,143.00. Inv. no. Z 245.

32. Drawing: *Madonna and Child* (after Hugo v.d.Goes), Master of the Coburg Rondels. Value: $17,143.00. Inv. no. Z 216.

33. Drawing: *Christ Tormented,* Master of the Coburg Rondels. Value: $28,571.00. Inv. no. Z 222.

34. Drawing: *Virgin Entering the Temple,* Master of the Coburg Rondels. Value: $17,143.00. Inv. no. Z 219.

36. Drawing: *Three Kneeling Figured, Head ofa Woman with "damast" Headress and a Reclining Male Figure Wearing a Lioncloth,* Master of the Coburg Rondels. Value: $17,143.00. Inv. no. Z 236.

37. Drawing: *Instruments of the Passion,* Master of the Coburg Rondels. Value: $17,143.00. Inv. no. Z2311.

38. Drawing: *Symolum Apostolicm,* Master of theCoburg Rondels. Value: $28,571.00. Inv. no. Z 217.

39. Drawing: *Symbolum Apostolicum,* Master of the Coburg Rondels. Value: $28,571.00. Inv. no. Z 218.

40. Drawing: *Virgin and Child Enthroned* (after Master E.S.), Master of the Coburg Rondels. Value: $7,143.00. Inv. no. Z 117.

41. Drawing: *Three Apostles* (after Master E.S.).*James Major, Philip, Bartholomew.* Value: $17,143.00. Inv. no. Z 118.

42. Drawing: *Four Standing Female Figures,* Master of the Coburg rondels. Value: $17,143.00. Inv. no. 247.

43. Drawing: *Sketch of an Altarpiece,* Master of theCoburg Rondels. Value: $57,143.00. Inv. no. Z 241.

44. Drawing: *The Kneeling Deacons,* Master of the Coburg Rondels. Value: $17,143.00. Inv. no. Z 2310.

45. Drawing: *Crucifixion with St. John and the Virgin,* Master of the Coburg Rondels and Circle of Baldung. Value: $17,143.00. Inv. no.

46. Drawing: *Holy Kinship,* Master of Heilbroun. Value: $57,143.00. Inv. no. Z 188 and Z 189,

47. Drawing: *Stained Glass Design with Wrestlers and Arms of Eberstein,* Petrarca Master (Hans Weiditz). Value: $14,286.00. Inv. no. Z 55 and Z 56.

48. Drawing: *The Tree of Fools,* Perarca Master (Hans Weiditz). Value: $57,143.00. Inv. no. Z 199.

49. Drawing: *Stained Glass Design with Arms of Brunswick* (Braunschweig), Petrarca Master (HansWeiditz). Value: $8,571.00. Inv. no. 59.

50. Drawing: *Stained Glass Design with Arms of Blick von Rottenburg,* Petrarca Master. Value: $11,429.00. Inv. no. Z 44.

51. Drawing: *Stained Glass Design with Arms of Isenburg,* Petrarca master. Value: $8,571.00. Inv. no. Z 68.

52. Drawing: Title Page for *"Geometrica et Perspectiva Corpora Regulata et Irregulata.* Value: $11,429. Inv. no. Z 3901.

53. Drawing: *Seated Allergorical figure,* Unknown Artist. Value: $20,000. Inv. no. Z 3.

54. Drawing: *Stained Glass Rondel with Christ and Doubting Thomas,* Unknown Artist. Value: $17,143. Inv. no. Z 243.

55. Drawing: *St. George Fighting the Dragon,* Unknown Upper Rhenish Master. Value: $85,714.00. Inv. no. Z 251.

56. Drawing: *Profile Portrait of Duke Franz Freidrich Anton von Sachsen- Cobuirg Saalfeld,* Daniel Nikolaus Chodowiecki. Value: $22,857. Inv. no. Z 2861.

57. Book of Illuminated Drawings: *Tournament Book of the Saxon court,* Lucas Cranach the Elder (school of). Value: $220,000. Inv. no. Ms. 2.

58, 59, 60. *Three Designs for Daggers and Dagger Sheaths,* Heinrich Aldegrever. Value: $11,429. Inv. no. 1, 135, 250.

61. Print: *Interior of Synagogue,* Regensburg, Albrecht Altdorfer. Value: $22,857.

62. Print: *The Large Spruce Tree,* Albrecht Altdorfer. Value: $228,571.

63. Print: *Allegorical figure,* Albrecht Altdorfer. Value: $22,857.

64–103. Print: *Fall and Salvation of Manking,* Albrecht Altdorfer. Value: $341286.000.

104. Print: *Martin Luther as an Augustinian Monk,* Hans Baldung Grien. Value: $2,857.00.

105. Print: *St. Andres,* Hans Baldung Grien. Value: $5,714.25.

106. Print: *St. John the Evangelist,* Hans Baldung Grien. Value: $5,714.25. I, 102m 7.

107. Print: *St. Bartholomew,* Hans Baldung Grien. Value: $5,714.25. I, 102, 9.

108. *St. James Minor,* Hans Baldung Grien. Value: $5,714.25. I, 102, 12.

109. *Fighting Stallions,* Hans Baldung Grien. Value: $17,143.00. I, 102, 23.

110. Print: *The Bewitched Groom,* Hans Baldung Grien. Value: $45,714.00. I, 103, 30.

111. Print: *St. Sebald,* Sebald Beham. Value: $17,143.00. I, 108, 84.

112. Print: *Holy Family Before a Tree,* Sebald Beham. Value: $17,143.00. I, 121, 463.

113–114. Print: *Wallpaper Sheets with Nymphs and Fauns,* Sebald Beham. Value: $11,429. I, 493, 812.

115. Print: *Lovers surprised by Death,* Hans Burgkamair. Value: $114,286. I, 62, 9.

116. Print: *Lovers Surprised by Death,* Hans Burgkamair. Value: $85,714.00. I, 62, 8.

117. Print: *Venus,* Hans Burgkamair. Value: $45,714. I, 64, 74.

118. Print: *The Penance of St. John Chrysostomus,* Lucas Cranach the Elder. Value: $45,714.00. I, 41, 1.

119. Print: *The Penance of St. John Chrsostomus,* Lucas Cranach the Elder. Value: $17,143. I, 41, 2.

120. Print: *Martin Lutehr as an Augustinian Monk,* Lucas Cranach the Elder. Value: $2,857.00. I, 41, 8.

121. Print: *Martin Luther as an Augustinian Monk with Doctoral Hat,* Lucas Cranach the Elder. Value: $85,714.00. I, 41, 7.

122–123. Print: *Jacob's Ladder of St. Bonaventura Hell,* Lucas Cranach the Elder. Value: $22,857.00. I, 44, 82.

124. Print: *St. Christopher,* Lucas Cranach the Elder. Value: $28,571. I, 43, 65.

125. Print: *Martyrdom of St. Erasmus,* Lucas Cranach the Elder. Value: $11,429. VI, 427, 298.

126. Print: *Penance of St. Jerome,* Lucas Cranach the Elder. Value: $20,000. I, 43, 68.

127. Print: *Saxon Prince on Horseback,* Lucas Cranach the Elder. Value: $11,429.00. I, 45, 111.

128. Print: *Deer Hunt,* Lucas Cranach the Elder. Value: $42,857.00. I, 45, 115.

129. Print: *The Second Tournament "mit Simsonteppich",* Lucas Cranach the Elder. Value: $22,857. I, 45, 120.

130. Print: *Martin Luther as "Junker Jorg",* Lucas Cranach the Elder. Value: $34,286.

131. Print: *Adam and Eve,* Albrecht Durer. Value: $85,714.00. I, 15, 1.

132. Print: *Crucifixion,* Albrecht Durer. Value: $8,571.50. I, 15, 13.

133. Print: *The Lamentation,* Albrecht Durer. Value: $8,571.50. I, 15, 14.

134. Print: *Christ on the Cross,* Albrecht Durer. Value: $45,714.00. I, 15, 25.

135. Print: *The Virgin and Child with the Pear,* Albrecht Durer. Value: $11,429. I, 16, 44.

136. Print: *The Virgin with Child in Swaddling Clothes,* Albrecht Durer. Value: $11,429.00. I, 16, 40.

137. Print: *The Holy Family with the Butterfly,* Albrecht Durer. Value: $40,000. I, 16, 47.

138. Print: *St. Jerome in His Study,* Albrecht Durer. Value: $37,143. I, 17, 66.

139. Print: *St. Jerome in His Study,* Albrecht Durer. Value: $17,143. I, 17, 67.

140. *St. Eustace,* Albrecht Durer. Value: $114,286. I, 17, 61.

141. *St. Eustace,* Albrecht Durer. Value: $85,714. I, 17, 62.

142. Print: *Satyr Family,* Albrecht Durer. Value: $8,571. I, 17, 73.

143. Print: *The Sea Monster,* Albrecht Durer. Value: $17,143. I, 17, 76.

144. Print: *The Sea Monster,* Albrecht Durer. Value: $17,143. I, 17, 75.

145. Print: *Nemesis,* Albrecht Durer. Value: $57,143. I, 17, 84.

146. Print: *Knight, Death and Devil,* Albrecht Durer. Value: $87,143. I, 18, 108.

147. Print: *Melencolia I,* Albrecht Durer. Value: $42,857. I, 17, 80.

148. Print: *The Little Horse,* Albrecht Durer. Value: $28,571. I, 18, 105.

149. Print: *The Large Horse,* Albrecht Durer. Value: $28,571. I, 18, 106.

150. Print: *The Large Horse,* Albrecht Durer. Value: $17,143. I, 18, 107.

151. Print: *St. Bartholomew,* Albrecht Durer. Value: $2,857. I, 16, 50.

152. Print: *St. Philip,* Albrecht Durer. Value: $2,857. I, 16, 49.

153. Print: *The Apocalyptic Woman,* Albrecht Durer. Value: $17,143. I, 21, 208.

154. Print: *St. Michael Fighting the Dragon,* Albrecht Durer. Value: $17,143. I, 21, 209.

155. Print: *The Beast with Two Horns Like a Lamb,* Albrecht Durer. Value: $28,571. I, 22, 211.

156. Print: *The Small Calvary,* Albrecht Durer. Value: $11,429. I, 20, 177.

157. Print: *Christ on the Cross with Three Angels,* Albrecht Durer. Value: $22,857.

158. Print: *The Holy Family with Joachim and Anna under a Tree,* Albrecht Durer. Value: $8,851. I, 22, 234.

159. Print: *St. Francis Receiving the Stigmata,* Albrecht Durer. Value: $8,571. I, 23, 261.

160. Print: *The Mass of St. Gregory,* Albrecht Durer. Value: $34,286. I, 20, 180.

161. Print: *The Owl Attacked by Four Birds,* Albrecht Durer. Value: $68,571. I, 30, 419.

162. Print: *The Rhinoceros,* Albrecht Durer. Value: $14,286. I, 25, 299.

163. Print: *The Elevation of St. Mary Magdalen,* Albrecht Durer. Value: $14,286. I, 24, 274.

164. Print: *Ecce Homo,* Albrecht Durer. Value: $5,714. I, 21, 195.

165. *Samson and Delilah, David and Bathsheba, Solomon's Idolatry; Aristotle and Phyllis,* Peter Flotner. Value: $28,571. XIII, 7, 77–80.

166. Print: *Tyranny, Usury and Hypocrisy Fighting with the Word of God or the Poor Common Donkey,* Peter Flotner. Value: $45,714. V, 461, 167.

167. Print: *Allegory: Shipwreck of the Catholic Clergy,* Mathias Gerung. Value: $2,857.00 I, 349, 2.

168. Print: *Allegory: Sale of Indulgences,* Mathias Gerung. Value: $2,857.00. I, 349, 7.

169. Print: *Interior of the Dominican Church at Augsburg,* Daniel Hopfer. Value: $2,857.00. I, 397, 7.

170. Print: *The Lovers,* Housebook Master. Value: $228,571. K. 553, I, I, D 5.

171. Print: *Mounted Turk,* Housebook Master. Value: $228,571. K. 582, I, I, D 4.

172. Print: *Aristotle and Phyllis,* Housebook Master. Value: $228,571.00. K. 530, I, I, D 2.

173. Print: *Coat of Arms with Boy Turning Somersault,* Housebook Master. Value: $228,571.00. K. 534, I, I, Db.

174. Print: *Christ Bearing the Cross,* Housebook Master. Value: $228,571.00. K. 529, I, I, D 1.

175. Print: *Solomon's Idolatry,* Master MZ. Value: $28,571. K. 679, I, 14, 1.

176. Print: *St. Christopher,* Master MZ. Value: $2,857. K. 682, I, 14, 4.

177. Print: *The Embrace,* Master MZ. Value: $5,714. K. 690, I, 14, 14.

178. Print: *The Tournament,* Master MZ. Value: $34,286. K. 689, I, 14, 13.

179. Print: *The Ball,* Master MZ. Value: $22,857. K. 688, I, 14, 12.

180. Print: *Battle in a Forest,* Monogramist NH. Value: $22,857.

181. Print: *Nativity,* Mair von Landshut. Value: $85,714. K. 699, I, 13, 1.

182. Print: *The Hour of Death,* Mair von Landshut. Value: $85,714. K. 700, I, 13, 2.

183. Print: *Battle over the Trousers,* Israhel van Mackenem. Value: $34,286. K. 748, I6, 42.

184. Print: *Woman at Spinning Wheel with Visitor,* Israhel van Meckenem. Value: $34,286. K. 748, I, 6, 42.

185. Print: *Card Players,* Israhel van Mechenem. Value: $34, 286. K. 755, I, 6, 49.

186. Print: *Pilgrimage to the Church of "Schonen Marie: Regensburg,* Michael Ostendorfer. Value: $57,143. I, 400, 147.

187. Print: *Johann Friedrich, the Magnanimous,* Georg Penz. Value: $5,714. K. 324, I, 142, 145.

188. Print: *Envy,* Georg Penz. Value: $11,429. I, 212, 1.

189. Print: *Devotional Picture with names Jesus, Mary and St. Anne,* Erhard Schon. Value: $14,286. VI, 429, 103.

190. Print: *"Das Munich und Pfaffen Gaid Niemad zu lieb noch zu lieb noch zu laid",* Erhard Schon. Value: $8,571.00.

191. Print: *St. Christopher,* Martin Schongauer. Value: $42,857. I, 2, 45.

192. Print: *St. John on Patmos,* Martin Schongauer. Value: $68,571. I, 2, 49.

193. Print: *The Baptism of Christ,* Martin Schongauer. Value: $85,714. I, 1, 7.

194–195. Print: *Two Deometric Designs,* Lorenz Stoer. Value: $5,714. I, 351, 10.

196. Illustrated Book: *Biblicae Historiae,* Egenolph. Value: $6,857.

197. Print: *View from the South of the City and Veste Coburg,* Johann Friedrich Hermann. Value: $1,620. II, a/11, B.

198. Print: *City and Veste Coburg from the West,* Karl August Richter. Value: $3,240. K. 185.

199. Illustrated Book: *Ringer Kunst . . .* Fabian von Aurswald. Value: $6,480. B. 2. with woodcuts from the Cranach School.

200. Illustrated Book: *Anfang, Ursprung and Herkommen des Thurnirs in Teutscher Nation.* Value: $4,050. B. 19a, with woodcuts of historical tournaments.

Objects loaned to the exhibition from: Landesbibliothek Coburc

Illustrated Books

1. *Das ist ein Teutsch Kalender,* illustrated with woodcuts showing activities of months, signs of zodiac and temperments. Value: $11,429.

2. Konrad von Megerberg, *Buch der Natur.* Value: $11,429.00.

3. *Missale Basiliense,* Basel Wenssler. Value: $17,143.00.

4. Stephan Fridolin, *Schatzbehalter.* Value: $34,286.

5. *Beichtbuchlein,* Leipzig Lotter. Value: $5,714.

6. *Das Alte Testament deutsch M. Luther,* Wittenberg, Lotther. Value: $28,571.

7. *Biblia, das ist die gantze Heilige Schrifft Deutsch Auffa New zugeright D. Martin Luther,* Wittenbert, Lufft. Value: $20,000.

8. *Das Newe Testament Mar Luthers,* Wittemberg. Lufft. Value: $17,143.00.

9. Luther, *Von der Freyheyt eynisz Christen menschen,* Wittemberg, Rhau-Grunenberg. Value: $8,571.

10. Luther, *Passional Christi und Antichristi,* Wittenberg, Rhau-Grunenberg. Value: $11,429.

11. Luther, *Das Babstum mit seynen gliedern gamale und beschryben gebessert und gemehrt,* Nurnberg. Value: $11,429.

12. Luther, *Das diese wort Christi noch fest stehen widder die Schwermgeister,* Wittemberg, Lotter. Value: $2,857.00.

13. Luther, *Epitaphium Des Ehrwirdigen Herrn und Voters Martine Luthers. . .* Wittemberg, Thau. Value: $8,000. DM.

14. Luther, *XII. Predig. D. Martin Luthers Uffetliche Unser Frauwen und der Heyligen Fest,* Strassburg Schott. Value: $2,857.00.

15. *Hortulus animae, Lustgarten der Seelen . . .* Wittenbeg, Rhau. Value: $14,286.

16. *Bambergische Halsgerichts Ordnung,* Maniz. Value: $8,571.00.

17. *Dioscorides Pedacius: De medicinali materia libri rex,* Frankfurt, Egenoloff. Value: $5,714.00.

18. *Cicero, Marcus Tullius: Officie verteutschet.* Value: $17,143.00.

[FR Doc. 81–26202 Filed 9–4–81; 8:45 am]

BILLING CODE 6250–01–M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Finance Applications; Decision Notice

As indicated by the finding below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an affective notice. The notice will indicate that consummation of the transfer will be pressumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have not further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirement stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC–FC–79171. By decision of August 11, 1981 issued under 49 U.S.C 10926 and the transfer rules at 49 C.F.R. 1132. Review Board Number 3 approved the transfer to JOSEPH BIANCO D/B/A JOSEPHY BIANCO'S HOMING PIDGEON TRAINING of Queens, NY, of certificate No. MC–114556 issued May 17, 1974 to HARRY CHARLES FREEMAN, D/B/A NEW BASIN HOMING PIDGEON TRAINING of Brooklyn, NY, authorizing the transportation, by irregular routes, of *homing pigeons,* from Brooklyn and Queens Boroughs, NY to Wilmington, DE, Washington, DC, Aberdeen, MD, Charlotteville and Danville, VA, points in the New Jersey and those in that part of Pennsylvania east of the Susquehanna River. Applicant's representative is: Irwin M. Gross, 1716 East 28th Street, Brooklyn, NY 11229.

MC–FC–79223. By decision of June 26, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Fry's Norse Transportation, Inc., of Certificates No. MC–14903 issued June 14, 1962, and No. MC–14902 (Sub-No. 3) issued May 25, 1971, to Fry's Norse Transportation, Inc., authorizing the transportation over irregular routes of *Livestock,* other than ordinary livestock, and, in connection therewith, *personal effects of attendants, supplies, and equipment,* including mascots, used in the care and/or exhibition of such animals, Between points in Arkansas, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia. *Horses* (other than ordinary livestock), Between points in Rhode Island, Florida and Nebraska. Between points in Rhode Island, Florida and Nebraska, on the one hand, and, on the other, points in Arkansas, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Pennsylvania, New Hampshire, New Jersey, New York, Oklahoma, Tennessee, Texas, and West Virginia. *Horses, other than ordinary horses,* and in the same vehicle therewith, *mascots, personal effects of attendants, and supplies and equipment* used in the care and exhibition of such horses, restricted against the transportation of shipments originating at or destined to points in Canada. Between points in Kentucky, on the one hand, and, on the other, points in Delaware, Georgia, Massachusetts, North Carolina, South Carolina, Virginia, and Vermont. Between points in Delaware, on the one hand, and, on the other, points in Pennsylvania. Between points in Arkansas, on the one hand, and, on the other, points in North Carolina. Between points in Massachusetts, on the one hand, and, on the other, points in New Hampshire and Ohio. Applicant's representative is: A. Charles Tell, Suite 1800, 100 East Board Street, Columbus, OH 43215.

MC–FC–79293. By decision of August 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CENTRAL FREIGHT INC., of Antioch, CA 94509 of Certificate of Registration No. MC–121731 issued March 15, 1978, to SEA TRUCKS, INC., of Richmond, CA 94807 evidencing a right to engage in transportation in interstate commerce corresponding in scope to Decision No. 82434 dated February 5, 1974, and transferred by Decision No. 87389 dated May 24, 1977 issued by the Public Utilities Commission of the State of California subject to the following conditions: a copy of the State order approving the transfer of the corresponding State rights must be furnished when it is available. Certificate of Registration No. MC–121731 authorizes: *General commodities:* I. Between all points and places in the San Francisco Territory. II. Between all points and places on or within 10 miles laterally of the following routes: (a) Interstate Highway 80 between San Francisco and Sacramento, inclusive; (b) State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive; (c) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 5, inclusive; (d) Interstate Highway 5 between its intersection with State Highway 4 at Stockton and its intersection with State Highway 198, inclusive; (e) State Highway 120 between its intersection with State Highway 5 and its intersection with State Highway 99, inclusive; (f) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99 near Visalia, inclusive; (g) State Highway 99 between Sacramento and Tulare, inclusive; (h) State Highway 152 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (i) State Highway 33 between its intersection with State Highway 152 at the Dos Palos Wye and its intersection with Interstate Highway 5, via Firebaugh, inclusive; (j) State Highway 180 between its intersection with State Highway 33 and its intersection with State Highway 99, inclusive; and (k) State Highway 140 between its intersection with Interstate Highway 5 and State Highway 99, inclusive. By the same decision, Review Board Number 3 approved the transfer to CENTRAL of Certificate No. MC–121731 (Sub-No. 1) issued to SEA TRUCK, authorizing: operations as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *asbestos,* in containers, between the facilities of Calaveris Asbestos Limited at or near Copperopolis, CA, on the one hand, and, on the other, the docks located at

Stockton, Sacramento, Oakland, San Francisco, and Richmond, CA. Applicant's representative is: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, CA 94111. TA lease is not sought. Transferee is not a carrier.

MC–FC–79296. By decision of August 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Red Line, Inc. of 1410 Drury Lane, Emporia, KS 66801 of Certificate No. MC–118178 and subs 1, 4, 6, 10, 14, 15, 20, 22, and 23 thereunder and Permit No. MC–110064 issued the Bill Meeker of Wichita, KS 67202. MC–118178 authorizing (with restrictions). *Meats, meat products and meat by products* and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles. From the plant site of Producers Packing Company near Garden City, Kans., to points in California, with no transportation for compensation on return except as otherwise authorized. *Wheat bran,* in bags and in bulk, From points in Sedgwick, Sumner, Cowley, Harvey, McPherson, and Reno Counties, Kans., to points in Arizona, California, and New Mexico, with no transportation for compensation on return except as otherwise authorized. *Wheat standard middlings,* and *wheat grey shorts,* in bags and in bulk, From points in Sedgwick, Sumner, Cowley, Harvey, McPherson, and Reno Counties, Kans., to points in New Mexico and Texas, with no transportation for compensation on return except as otherwise authorized. *Flour* (except in bulk), From Hutchinson, Kans., to Albuquerque and Santa Fe, and N. Mex., with no transportation for compensation on return except as otherwise authorized. *Aircraft parts* (except those which because of their size or weight require the use of special equipment), From Wellington, Kans., to points in Texas, with no transportation for compensation on return except as otherwise authorized.Meats, meat products and meat by-products and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides), From the facilities of National Beef Packing Company, at Liberal, Kans., to points in Indiana, Ohio, Virginia, West Virginia, and Florida, with no transportation for compensation on return except as otherwise authorized. *Cider* and *vinegar* (except in bulk), From Alton, Ill., to points in Iowa, Nebraska, Missouri, Kansas, Oklahoma, Colorado, Arkansas, and Tennessee, with no transportation for compensation on return except as otherwise authorized. *Meats, meat products, and meat by-products* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), From the facilities utilized by Dubuque Packing Co., located at or near Mankato, Kans., to points in Iowa, Wisconsin, Illinois, Ohio, Indiana, Kentucky, Missouri, Tennessee, South Carolina, North Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Nebraska, and Virginia, with no transportation for compensation on return except as otherwise authorized. *Meats, meat products and meat by-products* and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier, Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), From the facilities of Dubuque Packing Company at Wichita, Kans., to points in Iowa, Illinois, Indiana, Kentucky, and Ohio, with no transportation for compensation on return except as otherwise authorized. *Meats, meat products and meat by-products and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), From the facilities of MBPXL Corporation, Dubuque Packing Co., and Del Pero-Mondon Meat Company, Sunflower Beef Division at or near Wichita, KS, to points in Colorado, Nebraska, Oklahoma, Texas, Iowa, Missouri, Alaska, Louisiana, Wisconsin, Illinois, Kentucky, Indiana, Michigan, and Ohio. *General commodities,* except those of unusual value classes A and B explosives, household good as defined by the Commission, commodities in bulk, and commodities requiring special equipment, Between Cottonwood Falls, Kans., and Kansas City, Mo., serving the intermediate points of Strong City and Kansas City, Kans.: From Cottonwood Falls over Kansas Highway 177 to Strong City, Kans., thence over U.S. Highway 50 to junction Kansas Highway 10, thence over Kansas Highway 16 to Kansas City, Kans., and thence over city streets to Kansas City, Mo., and return over the same route. *Meats, meat products and meat by-products* and articles distributed by meat packinghouses, as described in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), From Guymon, Okla., to points in Oklahoma and Kansas, with no transportation for compensation on return except as otherwsie authorized. *Meats, Meat products, and meat by-products, dairy products,* and *articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *frozen foods,* in vehicles equipped with mechanical refrigeration, between points in Kansas. Permit No. MC–110064 authorizing *Malt Beverages,* From St. Louis, MO, to Wichita, KS. *Empty Malt Beverage Containers,* From Wichita, KS, to St. Louis, MO. *Fruits and Vegetables,* From points and places in Colorado, Texas and Oklahoma, to Whichita, KS. *Malt Beverages* and in connection therewith *Malt Beverage Advertising Matter* in the same vehicle with such beverages. From Kansas City, MO, and Omaha, NE, to Hutchinson, Pratt, Wellington, Wichita and Winfield, KS. *Empty Malt Beverage Containers,* over irregular routes, From Hutchinson, Pratt, Wellington, Wichita and Winfield, KS, to Omaha, NE and Kansas City, MO. Restriction: The above described operation shall be conducted separately from carrier's other activities. A separate accounting system therefor shall be maintained and carrier shall not transport property as both a public and private carrier at the same time and in the same vehicle. Applicant's representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. TA lease is not sought. Transferee is not a carrier.

MC–FC–79303. By decision of August 13, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CLARENCE M. HORST, An Individual, of Denver, PA, of Certificate No. MC–144302F, issued May 31, 1979, to MERVIN MARTIN, an individual, of New Holland PA, authorizing the transportation of *pulverized agricultural limestone,* from the facilities of Martin Limestone, Inc., in Lancaster County, PA, to points in DE, MD, NJ, and VA. Representative: John W. Metzger, 49 North Duke Street, Lancaster, PA 17602.

Notes.—Transferee is a non-carrier. TA has not been filed.

MC–FC–79316. By decision of August 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Agri Trucking & Distributing, Inc., of Madrid, NE, of Certificate No. MC–120162 (Sub-No. 1),

issued December 8, 1975, to Charles R. Kelley, an individual, d/b/a Highline Transfer, of North Platte, NE authorizing the transportation of *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between North Platte, NE, and Grant, NE, serving all intermediate points and the off-route points of Venango and Dickens, NE, except that no service is authorized between Ogallala and North Platte, Nebr., and points on U.S. Highway 30 intermediate thereto: From North Platte over U.S. Highway 30 to junction Nebraska Highway 25 at Sutherland, Nebr., thence over Nebraska Highway 25 to junction Nebraska Highway 23 at Wallace, Nebr., thence over Nebraska Highway 23 to junction Nebraska Highway 61 at Grant; and Return, from Grant over Nebraska Highway 61 to junction U.S. Highway 30 at Ogallala, Nebr., thence over U.S. Highway 30 to North Platte. Applicant's representative is: C. Kenneth Spady, Attorney, P.O. Box 577, Ogallala, NE 69153, (308) 284–4058. TA application has has not been filed. Transferee presently holds no authority from the Commission.

MC–FC–79319. By decision of August 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Fred H. Marshall d/b/a Marshall Trucking of Sullivan, MO of Certificate No. MC–99798 Sub-Nos. 5, 6, 7, 10, 11, and 12 issued to Dodds Truck Line, Inc. (Richard Farrington, Trustee-Bankruptcy) of West Plains, MO, authorizing *general and specific commodities* over regular and irregular routes between named points in MO and IL. Applicant's representative: Herman Huber, 101 East High St., Jefferson City, MO 65101. TA lease is sought. Transferee is not a carrier.

No. MC–FC–79322. By decision of August 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to Charles E. Brake Co., Inc., of St. Thomas, PA, of Certificate No. MC–45181 issued July 23, 1951, to Harold Roy Kriner, of Lemasters, PA, authorizing the transportation of *Livestock*, From Greencastle and Waynesboro, PA, and points in the Townships of Antrim, Guilford, Quincy, and Washington, Franklin County, PA, to Baltimore and Hagerstown, MD, Charlestown and Martinsburg, W. VA, Front Royal and Winchester, VA, and points in Frederick, Baltimore, and Washington Counties, MD, Jefferson and Berkeley Counties, W. VA, Frederick and Warren Counties, VA; and From points in Frederick, Baltimore and Washington Counties, MD, Jefferson and Berkeley Counties, W. VA, and Frederick and Warren Counties, VA, to points in Franklin County, PA. *Agricultural commodities*, from points in Franklin County, PA, to Baltimore and Hagerstown, MD, and points in Baltimore and Washington Counties, MD. *Fruits and vegetables, fertilizer,* and *fertilizer materials*, From Baltimore, MD, and points in Baltimore County, MD, to points in Franklin County, PA. Applicant's representative: Welton J. Fischer, Attorney, 550 Cleveland Avenue, Chambersburgh, PA 17201, (717) 264–8020. Application for TA has not been filed. Transferee presently holds no authority from the Commission.

No. MC–FC–79324. By decision of August 13, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Ronald Scott, d.b.a. Scott Towing, of Toledo, OH, of Certificate No. MC–144868 (Sub-No. 2) issued to Don Scott Chevrolet—Pontiac, Inc., of Whitehouse, OH, authorizing the movements of *disabled or wrecked transportation equipment and replacement equipment threefor*, by use of wrecker equipment, between points in Lucas County, OH on the one hand, and, on the other , points in IL, IN, KY, MI, NY, PA, WI and WV. Applicant's representative: Lynn H. Gressley, 410 Gardner Bldg., Toledo, OH 43604. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26167 Filed 9–4–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Finance Applications; Decison-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to that granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: September 2, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC F-14675, filed August 6, 1981. Applicants: CASCADE TRANSPORT, INC. (Cascade) (P.O. Box 1128, Bend, OR 97701)—Purchase Portion—SYSTEM 99 (System) (8201 Edgewater Dr., Oakland, CA 94621). Representative: John A. Anderson, 1600 One Main Place, 101 SW Main Street, Portland, OR 97204. Cascade seeks authority to purchase a portion of the interstate operating rights of System. Stewart C. Bennett, sole stockholder of Cascade, seeks authority to acquire control of said rights through the transaction. Cascade is purchasing that portion of the interstate operating rights issued to System in MC-98327 (Sub 10) which authorizes regular route operations in the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Lakeview, OR and junction OR Hwy. 31 and U.S. Hwy. 97, serving all intermediate points: from Lakeview over U.S. Hwy. 395 to Valley Falls, OR, thence over OR Hwy. 31 to junction U.S. Hwy. 97, and return over the same route. Cascade holds authority to operate as a motor common carrier pursuant to certificates issued in MC 151546.

Note.—Application for temporary authority under 49 U.S.C. 11349 has been filed. While applicant asserts that its application under 49 U.S.C. 10922 in No. MC 151546 (Sub No. 2) is directly related to the purchase application, it is not related because it involves authority more extensive than that being purchased.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: September 2, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 151546 (Sub-2), filed August 6, 1981. Applicant: CASCADE TRANSPORT, INC., P.O. Box 1128, Bend, OR 97701. Representative: John A. Anderson, 1600 One Main Place, 101 SW Main Street, Portland, OR 97204, (503) 224-5525. Over *regular routes*, transporting *general commodities* (except classes A and B explosives), between Portland, OR and Lakeview, OR, from Portland over U.S. Hwy. 26 to junction U.S. Hwy. 97, then over U.S. Hwy. 97 to junction OR Hwy. 31, then over OR Hwy. 31 to junction U.S. Hwy. 395, then over U.S. Hwy. 395 to Lakeview, and return over the same route, serving all intermediate points, and serving all off-route points in Lake County, OR. While applicant asserts that this application is directly related to its application under 49 U.S.C. 11344 in No. MC F-14675, it is not related because this application involves authority which seeks regular-route authority between Lakeview, OR and junction U.S. Hwy 97 and OR Hwy 31 more extensive than that being purchased in No. MC F-14675.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26169 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the

requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: August 25, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC F-14676, filed August 12, 1981. TOSE, INC. (Tose) (64 West Fourth Street, Bridgeport, PA 19405)—CONTROL—FOWLER & WILLIAMS, INC. (Fowler) (1300 Meylert Avenue, Scranton, PA 18501). Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd, McLean, VA 22101. Tose seeks authority to acquire control of Fowler's through the purchase by Tose of all the issued and outstanding capital stock of Fowler. W.K. 38, Inc., a non carrier and sole stockholder of Tose, and in turn Kidde, Inc., a non carrier and sole stockholder of W.K. 38, Inc., seek authority to acquire control of Fowler through this transaction. The operating rights Fowler sought to be controlled by Tose are contained in common carrier certificates of public convenience and necessity in MC-7698 and sub-numbers thereunder, authorizing the transportation of general commodities and specified commodities such as rock salt, gypsum and gypsum products, building materials, and household goods, over regular and irregular routes between points in CT, DE, MA, MD, MI, NJ, PA, RI, VA, and DC. Tose is a motor common carrier pursuant to a certificate issued in MC-41706 (Sub-No. 25)X. Impediment: Approval and authorization of this transaction is conditioned upon the prior submission by applicants of an affidavit complying with the Commission's regulations at 49 CFR 1134.51. Tose and Fowler appear to hold duplicating operating rights. In order to allow this duplication to continue to exist, applicants must submit cogent and acceptable reasons why such duplications should be permited to exist by commonly controlled carriers or a plan for the elimination of such duplications.

Note.—An application for temporary authority has been filed.

MC F-14683, filed August 21, 1981. Applicant: XTRA CORPORATION, 2625 Concord Pike, Wilmington, DE 19803. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW, Washington, DC 20036. Xtra Corporation seeks authority to continue in control of its wholly owned subsidiary and Rail-Highway Transportation Company, a Division of AJF Warehouse Distributors, Inc. This continuance in control application is required due to a recent grant of authority to Rail-Highway Transportation Company, a Division of AJF Warehouse Distributors, Inc., in Docket No. MC 152378, wherein it was granted authority to transport general commodities (except classes A and B explosives) between points in AR, IL, IN, IA, KS, KY, MO, and TN. Mercury Motor Express, Inc., holds extensive regular-route authority throughout the southeastern United States under Docket No. MC 115093.

MC F-14680, filed August 17, 1981. ALL STATES TRANSPORTATION, INC. (All States) (Rt. 1, Box 27, Ft. Worth, TX 76179)—PURCHASE (PORTION)—LONE STAR CARRIERS, INC. (Lone Star) (Rt. 1, Box 48, Tolar, TX 76476). Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112. All States seeks authority to purchase a portion of the interstate operating rights of Lone Star. David Elam and E. C. Harris, the sole stockholders of All States, seeks authority to acquire control of said rights through the transaction. All States is purchasing those rights contained in Lone Star's certificate in MC-133805 (Sub-No. 2) which authorizes the transportation of: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) from the plant site of Missouri Beef Packers, Inc., at Plainview, TX, to points in CT, FL, GA, ME, MD, MA, NJ, NY, NC, PA, RI, SC, VT, and VA. All States is authorized to operate as a motor common carrier pursuant to certificates issued in MC-145935 and subs thereunder.

[FR Doc. 81-26169 Filed 9-4-81; 8:45 am]
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[Volume No. OPY-3-156]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: August 28, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules*

Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplicaton shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC 156645, filed August 17, 1981. Applicant: FLEET CARRIERS, INC., 880 Lee St., Des Plaines, IL 60016. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Wilson Enterprises, Inc., of Elk Grove Village, IL, (2) Pallet Devices, Inc., of Des Plaines, IL, and (3) Teletype Corporation, of Skokie, IL. Restriction: The authority granted herein shall not be severable by sale or otherwise from the authority held by Niedert Freight, Inc.

Note.—This application is directly related to MC–F 14678, published in this same Federal Register issue.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Kelly and Williams.

MC–F–14678, filed August 17, 1981. NIEDERT TERMINALS, INC. (Terminal) (7000 West 103rd St., Chicago Ridge, IL 60415)—CONTINUANCE IN CONTROL—FLEET CARRIERS, INC. (Fleet) (800 Lee St., Des Plaines, IL 60016). Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Terminal, a non-carrier, seeks authority to continue in control of Fleet upon the institution by Fleet of operations, in interstate or foreign commerce, as a contract carrier. Terminal, sole shareholder of Fleet, and in turn, Ralph A. Niedert, Sr., Ralph A. Niedert, Jr., and Gerald T. Niedert, who together control Terminal, seeks authority to acquire control of said rights and property through the transaction. Terminal is an individually held corporation, that also controls Niedert Freight, Inc. (MC

34150), a common carrier. Fleet seeks to transport in MC 156645, general commodities nationwide, under contracts with Wilson Enterprises, Inc., Pallet Devices, Inc., and Teletype Corporation.

Note.—(1) Terminal has filed concurrently with this application a petition for exemption from the Commission's Reporting Requirements and Securities Regulations.

(2) Fleet has filed a directly related application as an initial contract carrier, docketed MC 156645, published in this same Federal Register issue.

Agatha L. Mergenovich,

Secretary.

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[Volume No. 157]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 2, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 7555 (Sub-83)X, filed August 11, 1981. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 31, 39, 56, 59, 60, 62, 65, 70F, and 72F certificates to (A) broaden the commodity descriptions: (1) in its lead certificate to "machinery" from batteries; to "textile mill products", from cotton yarn; to "textile mill products", from burlap; to "textile mill products," from cotton; to "pulp, paper, and related products" from roll paper, to "pulp, paper and related products, and printed matter," from paper; to "food and related products" from canned goods; to "textile mill products", from cotton textile products; to "pulp, paper and related products" from empty used paper cones and tubes; to "textile mill products" from textile products; to "lumber and wood products and pulp, paper and related products," from empty wooden and fibre cores; to "lumber and wood products and pulp, paper and related products" from fibre cones; to "chemicals and related products" from fertilizer and fertilizer materials; to "machinery and pulp, paper and related products" from implements, wrapping paper, and paper bags; to "general commodities, except Classes A and B explosives" from general commodities, with usual exceptions; to "such commodities as are used by or dealt in by wholesale and retail hardware stores" from hardware; "textile mill products" from felt-base rugs; to "chemicals and related products" from paint and bicarbonate of soda; to "building materials, rubber and plastic products, machinery, metal products, clay, concrete, glass or stone products, and chemicals and related products" from plumbing supplies; to "building materials," from roofing materials; "petroleum, natural gas and their products" from petroleum products; to "ores and minerals, petroleum, natural gas and their products, and chemicals and related products" from asphalt; to "chemicals and related products and food and related products" from fertilizer and cotton-seed meal; (2) in its Sub-No. 31, to "food and related products" from foodstuffs; (3) in its Sub-No. 39, "to food and related products" from canned goods and foodstuffs, and frozen foodstuffs; (4) in its Sub-No. 56, to "food and related products" from canned citrus juice, fresh citrus fruits, and fresh fruit sections and salads; (5) in its Sub-No. 59, to "food and related products" from foodstuffs; (6) in Sub-No. 60, to "food and related products" from canned citrus juice; (7) in its Sub-No. 62, to "lumber and wood products, metal products, pulp, paper and related products, rubber and plastic products, textile mill products, and miscellaneous freight shipments" from baskets, basket materials, boxes, crates, crate materials, pallets, and pallet material; and (8) in its Sub-Nos. 65, 70F and 72F, to "food and related products" from foodstuffs; (B) broaden city-wide authority to county-wide authority (1) in its lead certificate, from Roanoke Rapids, NC, to Halifax and Northampton Counties, NC; from Raleigh, NC, to Wake and Johnson Counties, NC; from Durham, Orange, and Granville Counties, NC; from Greensboro, NC, to Guilford, Forsyth, Davidson and Randolph Counties, NC; from High Point, NC, to Guilford, Forsyth, Davidson and Randolph Counties, NC; from Winston-Salem, NC, to Forsyth and Davie Counties, NC; from Charlotte, NC, to Mecklenburg, Union, Cabarrus, and Gaston Counties, NC, and York County, SC; from Greenville, SC, to Greenville and Pickens Counties, SC; from Florence, SC, to Florence and Darlington Counties, SC; from Columbia, SC, to Richland and Lexington Counties, SC; from Riverside, NJ, to Burlington County, NJ, and Philadelphia County, PA; from Laurinburg, NC, to Scotland County, NC; from Amsterdam, NY, to Montgomery, Fulton, Saratoga, and Schenectady Counties, NY; from Laurel Hill, NC, to Scotland County, NC; from Rockingham, NC, to Richmond County, NC; from points in North Carolina within 100 miles of Laurinburg, NC, to Scotland, Robeson, Columbus, Brunswick, Bladen, Pender, Duplin, Sampson, Lenoir, Wayne, Cumberland, Wilson, Johnston, Nash, Franklin, Granville, Wake, Harnett, Durham, Orange, Chatham, Lee, Moore, Richmond, Alamance, Guilford, Randolph, Montgomery, Forsyth, Davidson, Davie, Iredell, Catawba, Lincoln, Gaston, Mecklenburg, Union, Anson, Rowan, Cabarrus, Stanly, and Hoke Counties, NC; from McColl, SC, to Marlboro County, SC, and Scotland County, NC; from points in South Carolina within 25 miles of McColl, SC, to Marlboro, Dillon, Darlington, and Chesterfield Counties, SC; from points in North Carolina within 150 miles of McColl, SC, to Carteret, Craven, Lenoir, Beaufort, Greene, Wayne, Pitt, Edgecombe, Halifax, Warren, Nash, Vance, Person, Caswell, Rockingham, Stokes, Alexander, Surry, Allegany, Wilkes, Caldwell, McDowell, Burke, Rutherford, Polk, Cleveland, Scotland, Robeson, Columbus, Brunswick, Bladen, Pender, Duplin, Onslow, Jones, Sampson, Cumberland, Wilson, Johnston, Franklin, Granville, Wake, Harnett, Durham, Orange, Chatham, Lee, Richmond, Alamance, Guilford, Randolph, Moore, Montgomery, Forsyth,

Davidson, Davie, Iredell, Catawba, Lincoln, Gaston, Mecklenburg, Union, Anson, Rowan, Cabarrus, Stanly, and Hoke Counties, NC; from Biglerville, PA, to Adams County, PA; from Cheriton, VA, to Northamption County, VA; from Aberdeen, MD, to Harford County, MD; from Concord, NC, to Cabarrus County, NC; from Salisbury, NC., to Rowan and Davidson Counties, NC; from Statesville, NC, to Iredell County, NC; from Houston, DE, to Kent and Sussex Counties, DE; from Camden, DE, to Kent County, DE; from Inwood, WV, to Berkeley and Jefferson Counties, WV; from North East, PA, to Erie County, PA and Chautauqua County, NY; from Birmingham, AL, to Jefferson, Shelby, and Saint Clair Counties, AL; from Elk Mills, MD, to Cecil County, MD, and New Castle County, DE; from Anderson, SC, to Anderson County, SC; from La France, SC, to Anderson County, SC; from Spartanburg, SC, to Spartanburg County, SC; from Nepperhan, NY, to Westchester County, NY; from Glendale, NY, to Kings County, NY; from New Haven, CT, to New Haven and Fairfield Counties, CT; from Ucasville, CT, to New London County, CT; from Thompsonville, CT, to Hartford County, CT, and Hampden County, MA; from Cheraw, SC, to Chesterfield and Marlboro Counties, SC; from Hartsville, SC, to Darlington County, SC; from Bladenboro, NC, to Bladen County, NC; from Monroe, NC, to Union County, NC; from Vass, NC, to Moore, Hoke and Harnett Counties, NC; from Conshohocken, PA, to Montgomery, Phildelphia, and Delaware Counties, PA; from Scranton, PA, to Lackawanna, Wyoming, and Luzerne Counties, PA; from Carlisle, PA, to Cumberland County, PA; from points in North Carolina within 50 miles of Charlotte, NC, to Mecklenburg, Union, Cabarrus, Gaston, Anson, Richmond, Montgomery, Stanly, Randolph, Davidson, Rowan, Davie, Iredell, Alexander, Catawba, Lincoln, Caldwell, Burke, Rutherford, and Cleveland Counties, NC; from Wilmington, NC, to New Hanover and Brunswick Counties, NC; from points in North Carolina and South Carolina within 25 miles of McColl, SC, to Marlboro, Dillon, Marion, Darlington, Florence, and Chesterfield Counties, SC, and Robeson, Scotland, Hoke, Richmond and Anson Counties, NC; from York, PA, to York County, PA; from Trenton, NJ, to Mercer, Burlington, Monmouth, and Hunterdon Counties, NJ; from Fayetteville, NC, to Cumberland County, NC; from Charleston, SC, to Charleston, Berkeley, and Dorchester Counties, SC; from Wilmington, DE, to New Castle County, DE, and Salem County, NJ; from Lincolnton, NC, to Lincoln and Gaston Counties, NC; from Kershaw, SC, to Kershaw and Lancaster Counties, SC; from Marcus Hook, PA, to Delaware County, PA, New Castle County, DE, and Gloucester and Salem Counties, NJ; from Jersey City, NJ, to Hudson, Bergen, Essex, Union and Passaic Counties, NJ, and New York, Bronx, Queens, and Kings Counties, NY; from Grasselli, NJ, to Union County, NJ; from Hartsville, SC, to Darlington County, SC; from Aberdeen, NC, to Moore and Hoke Counties, NC; from points in North Carolina and South Carolina within 100 miles of Laurinburg, NC, to Scotland, Robeson, Columbus, Brunswick, Bladen, Pender, Duplin, Sampson, Lenoir, Wayne, Cumberland, Wilson, Johnston, Nash, Franklin, Granville, Wake, Harnett, Durham, Orange, Chatham, Lee, Moore, Richmond, Alamance, Guilford, Randolph, Montgomery, Forsyth, Davidson, Davie, Iredell, Catawba, Lincoln, Gaston, Mecklenburg, Union, Anson, Rowan, Cabarrus, Stanly and Hoke Counties, NC, and Horry, Marion, Georgetown, Williamsburg, Berkeley, Florence, Clarendon, Dillon, Sumter, Calhoun, Darlington, Marlboro, Richland, Fairfield, Kershaw, Chester, Lancaster, Chesterfield, York, and Lee Counties, SC; (2) in its Sub-No. 31, from Milton, PA, to Northumberland, Union and Montour Counties, PA; (3) in its Sub-No. 39, from Oswego, NY, to Oswego County, NY; from Fredonia, NY, to Chautauqua County, NY; from Dunkirk, NY, to Chautauqua County, NY; from Brocton, NY, to Chautauqua County, NY; from Westfield, NY, to Chautauqua County, NY; from North East, PA, to Erie County, PA, and Chautauqua County, NY;

from Erie, PA, to Erie County, PA; (4) in its Sub-No. 56, from Plymouth, FL, to Orange County, FL; from Youngstown, OH, to Mahoning and Trumbull Counties, OH; (5) in its Sub-No. 59, from Seagrove, NC, to Randolph, Moore and Montgomery Counties, NC; (6) in its Sub-No. 60, from Plymouth, FL, to Orange County, FL; (7) in its Sub-No. 62, from Berryville, VA, to Clarke County, VA; (8) in its Sub-No. 65, from Canajoharie, NY, to Montgomery County, NY; (9) in its Sub-No. 70F, from Cleveland, TN, to Bradley County, TN; (10) in its Sub-No. 72F, from Milton, PA, to Northumberland, Union, and Montour Counties, PA; from Seagrove, NC, to Randolph, Moore, and Montgomery Counties, NC; (C) authorize radial authority to replace existing one-way authority in each certificate; (D) delete the restriction against frozen foods in the lead; (E) delete the "in truckloads only" and "in truckload lots only" restrictions in its lead certificate; (F) delete the "in containers, in truckload lots only" restriction in its lead certificate; (G) delete the "(except frozen foods)" restriction in its Sub-No. 31; (H) delete the "mixed shipments" and refrigerated equipment restrictions in its Sub-No. 39; (I) delete the "mixed shipments", "(not frozen)", and "in containers" restrictions in its Sub-Nos. 56 and 60; (J) remove a facilities restriction in its Sub-Nos. 56, 60, 65, 70F and 72F; (K) delete the "(except frozen or in bulk, fresh food, fresh and cured meats, and dairy products)" restriction in its Sub-No. 59; (L) remove an "originating at" restriction in its Sub-Nos. 59, 60, 70F, and 72F; (M) delete the requirement that commodities be transported in vehicles equipped with mechanical refrigeration and the "commodities in bulk, in tank vehicles" restriction in its Sub-No. 70F; (N) delete a "destined to" restriction in its Sub-Nos. 70F and 72F; and (O) delete the "(except in bulk)" restriction in its Sub-No. 72F.

MC 7585 (Sub-7)X, filed August 25, 1981. Applicant: ANTHONY P. SPARACINO and RALPH SPARACINO, a partnership, d.b.a. SPARACINO BROTHERS, P.O. Box 1382, 1031 Capouse Avenue, Scranton, PA 18501. Representative: David E. Tinker, 1000 Conn. Ave., NW, Suite 112, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 6 certificates to (1) broaden the commodity description to "household goods and furniture and fixtures" from household goods in both subs, (2) broaden the territorial description from (a) Scranton, PA and points within 25 miles thereof to points in Lackawanna, Wayne, Pike, Monroe, Carbon, Luzerne, Susquehanna and Wyoming Counties, PA in its Sub-No. 2 and (b) Ashland, PA and points within 25 miles thereof to points in Schuylkill, Carbon, Luzerne, Columbia, Montour, Lebanon, Berks, Lehigh, Northumberland and Dauphin Counties, PA in its Sub-No. 6, and (3) in its Sub-No. 2 remove the restriction to (a) the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and (b) pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and dicontainerization of such traffic.

MC 117344 (Sub-294)X, filed August 21, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Applicant seeks to

remove restrictions in its Sub-No. 145 certificate to (1) broaden its commodity descriptions: in paragraphs (6), (31), (37), (43), (44), (45) and (51) from animal and vegetable oils and fats and sugar, to "food and related products", and in paragraphs (47), (48), (49) and (54), from silicate of soda, animal and vegetable fatty acids, twitchell textile oils, resin plasticizers and spent catalyst "other than liquid", to "chemicals and related products"; remove the commodity restriction "other than liquid" from paragrpah (54); and remove the "in bulk" restriction and the equipment restriction "in tank vehicles" or "in tank or hopper-type vehicles" from the above-named paragraphs; (2) replace cities with county-wide authority: in paragraphs (6), (31), (37), (46), (47), (49) and (51) Cincinnati, OH, to Boone, Campbell and Kenton Counties, KY, and Butler, Clermont, and Hamilton Counties, OH; in paragraphs (43), (44), (46), (47), (48), and (49) St. Bernard, OH to Hamilton County, OH; and in paragraph (47) Birmingham, AL to Jefferson and Shelby Counties, AL; (3) expand its one-way authority to radial authority in all of the paragraphs except paragraph (54); and (4) remove the following restrictions: in paragraphs (46) and (47) restriction against service to Grand Rapids and Kalamazoo, MI and Kingsport and Elizabethton, TN; and in paragraph (54) restrictions against service (1) between Louisville, KY and Lima, OH, (2) from Chicago and Chicago Hts., IL.

MC 123371 (Sub-7)X, filed August 20, 1981. Applicant: EDLIN BROS. INC., Route 2, New Haven, KY 40051. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004; Herbert Liebman, 403 W. Main Street, Frankfort, KY. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) broaden the commodity description to "food and related products," from alcoholic liquors, (2) eliminate the "commodities in bulk, in tank vehicles" restriction, and (3) remove the named facilities restriction to authorize radial service between Nelson County, KY, and points in several States.

MC 125916 (Sub-22)X, filed August 14, 1981. Applicant: NORWOOD TRANSPORTATION, INC., 2232 South 7200 West, Magna, UT 84044. Representative: Macoy A. McMurray, 800 Beneficial Life Towers, 36 South State Street, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-Nos. 8F, 11, 13, and 17F certificates to (1) change the commodity description from various bulk commodities, such as pumice, soda ash, etc., to "commodities in bulk"; (2) authorize radial authority where only one-way exists; and (3) replace city-wide authority with county-wide authority as follows: Lexington, KY with Fayette County, KY; Jackson, MS with Rankin, Hind, and Madison Counties, MS; Bucyrus, OH with Crawford County, OH; Cleveland, OH with Cuyahoga, Lake, Lorain, Medina and Summit Counties, OH; Logan, OH, with Hocking County, OH; Niles OH, with Trumbull County, OH; and Bridgeville, PA with Alleghany County, PA.

MC 140844 (Sub-3)X, filed August 27, 1981. Applicant: SURE WAY TRUCK SERVICE, INC., P.O. Box 317, Leo, IN 46765. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description from cheese and returned shipments of cheese to "food and related products" and broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 142059 (Sub-178)X, filed August 18, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Industrial Drive, Channahon, IL 60410. Representative: Jack Riley (same as applicant's). Applicant seeks to remove restrictions in the Sub-Nos. 17, 35F, 50F, 78F, 88F, 116F, 118F, 125F, 130F, 133F, 135F, 137F, 138F, 144F, and 147F certificates to (1) broaden its commodity descriptions to "machinery" from material handling equipment and parts and accessories for material handling equipment in Sub-No. 17; "clay, concrete, glass or stone products furniture and fixtures, metal products, rubber and plastic products and miscellaneous products of manufacturing" from swimming pools, file cabinets, closets and radiator enclosures in Part (1) of Sub-No. 35F; "Lumber and wood products" from lumber in Sub-No. 50F; "clay, concrete, glass or stone products, instruments and photographic goods, machinery, and metal products" from air pump stations, auto lifts, electrial equipment machinery, meters, service boxes, and valves, parts, in Sub-No. 78F; "metal products" from iron and steel articles in Sub-No. 88F; "lumber and wood products" from lumber, lumber products, wood products and forest products in Sub-No. 118F; "metal products" from metal and metal articles, and non-ferrous metal articles in Sub-Nos. 125F and 135F; "metal products" from iron and steel articles in Sub-Nos. 137F and 144F; "furniture and fixtures and materials, equipment, and supplies used in the manufacture and distribution thereof" from furniture and materials, supplies and equipment, used in the manufacture and distribution of furniture in Sub-No. 147F; "general commodities (except classes A and B explosives)" from general commodities (with exceptions) in Sub-Nos. 133F and 138F; (2) replace plantsites and/or cities with county-wide or city-wide authority as follows: in Sub-No. 17, plantsite at Crystal Lake, IL with McHenry County, IL; in Sub-No. 35F, Carlstadt, NJ with Bergen County, NJ; in Sub-No. 78F, Greensboro, NC to Guilford County, NC; in Sub-No. 88F, Gerald, MO to Franklin County, MO; in Sub-No. 116F, Rockford, IL to Winnebago County, IL; from Aurora, IL and DeKald, IL to Kane and DeKalb Counties, IL respectively in Sub-No. 130F; broaden the ports of entry on the international boundary line located in the lower peninsula of MI to ports of entry in MI in Sub-No. 50F; (3) authorize radial service in lieu of existing one-way authority in Sub-Nos. 17, 50F, 88F, 116F, 118F, 130F, and 137F; (4) delete the exceptions against service to AK and HI in Sub-Nos. 35F, 78F, 88F, 116F, 118F, 125F, 130F, 133F, 135F, 137F, 138F, 144F, and 147F; (5) remove the exceptions against the transportation of Mercer commoditites and commodities which because of size or weight require specialized equipment in Sub-No. 17; (6) eliminate commodity exceptions such as in bulk, size or weight and in tank vehicles, in Sub-Nos. 78F, 88F, 116F, 125F, 130F, 133F, 135F, 137F, 138F, and (7) delete originating at or destined to restrictions in Sub-Nos. 118F and 130F.

MC 142455 (Sub-7)X, filed August 26, 1981. Applicant: RED LINE TRANSPORT CORP., Box 187C, R. D. 1, Holtwood, PA 17532. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 5 certificates to (1) broaden the commodity description to "food and related products" from bananas, and agricultural commodities otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6)(b), when moving in mixed loads with bananas in Sub-Nos. 2 and 5; (2) broaden city-wide to county-wide authority as follows: (a) New Castle County, DE, Salem County, NJ, and Delaware County, PA for Wilmington, DE, in paragraph (1) of Sub-No. 2; (b) Cumberland County, NJ for Bridgeton, NJ, in paragraph (2) of Sub-No. 2; and (c) Northampton County, PA and Warren County, NJ for Easton, PA; Burlington and Mercer Counties, NJ, and Bucks County, PA, for Trenton, NJ; Cumberland County, NJ for Bridgeton,

NJ; Monroe, Ontario and Wayne Counties, NY, for Rochester, NY; Chutauqua County, NY, for Jamestown, NY; and Erie and Niagara Counties, NY, for Buffalo, NY in paragraph (3) of Sub-No. 2; (3) broaden the territorial descriptions from one-way authority to radial authority; (4) eliminate the restriction in Sub-No. 2 to the transportation of shipments having an immediately prior movement by water and destined to points in the authorized destination territory; and (5) eliminate the prohibitions against serving Camden, Bridgeton and Trenton, NJ, Easton, PA, Rochester, Jamestown and Buffalo, NY, and Wilmington, DE.

MC 143297 (Sub-4)X, filed August 19, 1981. Applicant: GARN TRUCKING CO., Inc., 1083 Columbus Road, Columbus, OH 44691. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in MC–143297 Sub-No. 2 certificate and its No. MC–143297 permit as follows: (1) in Sub-No. 2 (a) broaden the commodity description to "building materials and clay, concrete, glass or stone products" from concrete block, bricks, building materials, slag, sand, gravel, stone and aggregates; and (b) substitute Wayne and Marion Counties, OH for Wooster and Marion, OH; (2) in its permit (a) broaden the commodity description to "waste or scrap materials not identified by industry producing," from recyclable and recycled materials, scrap automobiles, scrap materials and materials processed therefrom, (b) remove "except commodities in bulk, in tank vehicles" restriction, and (c) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers.

MC 145494 (Sub-13)X, filed August 26, 1981. Applicant: EDINA CARTAGE COMPANY, P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Applicant seeks to remove restrictions in its lead certificate to (1) remove all exceptions except Class A and B explosives in its general commodities authority, (2) remove restriction to the transportation of traffic moving on bills of lading of freight forwarders and (3) change one-way to radial authority.

MC 145603 (Sub-5)X, filed August 25, 1981. Applicant: B & H TRUCKING CO., INC., 570 W. 17th Street, Indianapolis, IN 46202. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restriction in its lead and Sub-No. 1F certificates to (1) broaden its commodity descriptions in both certificates from malt beverages in containers and empty containers, to "food and related products, and materials, equipment and supplies used in the manufacture and distribution thereof"; and (2) replace cities with county-wide authority, in the lead, Detroit, MI, Milwaukee, WI, Peoria, IL, Newport, KY, and Columbus, OH to Campbell County, KY, Wayne County, MI, Milwaukee County, WI, Peoria County, IL and Franklin County, OH; and in Sub-No. 1F, Newport, KY to Campbell County, KY.

MC 145731 (Sub-3)X, filed August 4, 1981. Applicant: BREADNER TRANSPORTS LIMITED, #26 Highway, Meadford, Ontario, CD NOH1Y0. Representative: William J. Hirsch P.C., 11225 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 1F certificate acquired in MC–FC–78923 to broaden commodity description from cut and broken stone to "clay, concrete, glass or stone products."

MC 145906 (Sub-6)X, filed August 26, 1981. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Santa Fe Pike, Columbia, TN 38401. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. Applicant seeks to remove restrictions in its Sub-No. 1F certificate and MC–118560 Sub-No. 2 permit to (1) broaden the commodity description from (a) aluminum, scrap aluminum, aluminum dross, aluminum oxide fines and aluminum secondary ingots to "metal products" in the certificate, and (b) slag by-products of phosphate furnaces to "ores and minerals" in the permit; (2) eliminate the facility limitation in the certificate and permit; (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shippers in the permit; and (4) remove the restriction (a) "originating at or destined to" in the certificate, and (b) against the transportation of fertilizer and fertilizer ingredients in the permit.

MC 146423 (Sub-15)X, filed August 25, 1981. Applicant: STEPHEN HROBUCHAK d.b.a., TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18505. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. Applicant seeks to remove restrictions in its Sub-No. 11 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)", (2) restriction to traffic originating at or destined to facilities of a named shippers association or its members and to shipments on bill of lading of shippers associations and (3) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Somerset County, NJ (for Warren, NJ).

MC 146991 (Sub-10)X, filed August 24, 1981. Applicant: SILICA SAND TRANSPORT, INC., P.O. Box 208, Routes 47 & 71, Yorkville, IL 60560. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, 3F, 4F, 5F, 6F, and 19F certificates to (1) remove plantsite restrictions in Sub-Nos. 1F, 2F, and 4F; (2) broaden commodity descriptions from iron and steel articles to "metal products," in Sub-No. 1F; from sand, silica sand, and foundry aggregates and foundry aggregates and additives to "ores and minerals", in Sub-No. 2F; and from sand to "ores and minerals", in Sub-Nos. 4F, 5F, 6F, and 19F; (3) remove the originating at and/or destined to restrictions in Sub-Nos. 1F, 2F parts (1), (2), (3), (4), and (6), and 4F(4) change one way to between authority in Sub-Nos. 1F, 2F, 4F, and 19F; and (7) replace cities with county-wide authority; in Sub-No. 1F, Sterling and Rock Falls, IL, with Whiteside County, IL; in Sub-No. 2F, Ottawa and Wedron, IL, with La Salle County, IL, Glen Rose, TX, with Somervell County, TX, Sewanee, TN, with Franklin County, TN, Emmett, ID, with Gem County, ID, Lake Majella, CA, with San Diego County, CA, Whitehead, SC, with Kershaw County, SC, Brentwood, CA, with Costra Costa County, CA, Calhoun, GA, with Gordon County, GA, and Greenville, TN, with Green County, TN; in Sub-No. 4F, Bridgman, MI, with Berrien County, MI, and Michigan City, IN, with La Porte County, IN; and in Sub-No. 5F, Fetus, MO, Bridgman, MI, Michigan City, IN, Oregon, IL, Portage, WI, and Clayton, IA, with Jefferson County, MO, Berrien County, MI, La Porte County, IN, Ogle County, IL, Columbia County, WI, and Clayton, IA.

MC 147319 (Sub-2)X, filed August 20, 1981. Applicant: LUCKEY TRUCKING, INC., R.R. 5, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description to "commodities in bulk" from "sand, in bulk"; (2) remove a facilities limitation in La Salle County, IL and Berrien County, MI; and (3) convert one-way to radial authority.

MC 148815 (Sub-4)X, filed August 25, 1981. Applicant: HUSKER DISTRIBUTION, INC., 2245 Harrison,

Lincoln, NE 68502. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from laundry care products, home care products, beauty toiletry products, stainless steel cookware, cutlery, and food supplements to "such commodities as are used or dealt in by manufacturers and distributors of home and health care products"; (2) eliminate the "commodities in bulk restriction; and, (3) expand the territorial description to between points in the United States," under continuing contract(s) with a named shipper.

[FR Doc. 81-26160 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-072]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification; Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of an appropriate petition for leave to intervene, setting forth the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC 121783 (Sub-5) (Republication), filed November 21, 1980, published in the **Federal Register** of December 23, 1980, and republished this issue: Applicant: SEA-RAIL TRUCKLOADS, INC., 1225 South Jellick, City of Industry, CA 91748. Representative: Miles L. Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. A decision of the Commission, *Review Board 1,* decided April 1, 1981, and served April 16, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *contract carrier,* by motor vehicle, transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the United States, under continuing contract(s) with Federal Shippers Cooperative Association, Inc., of City of Industry, CA; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to convert the authority from common to contract.

MC 144603 (Sub-16) (REPUBLICATION), filed March 3, 1981, published in the **Federal Register** of March 18, 1981, and republished this issue: Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). A decision of the Commission, *Review Board 3,* decided May 15, 1981, and served June 18, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting lumber and wood products, between points in Potter and Randall Counties, TX, on the one hand, and, on the other, points in Arizona, Utah, Colorado, New Mexico, and those points in the United States in and east of Wisconsin, Iowa, Missouri, Arkansas, and Louisiana (except Florida); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 81-26159 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide than an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seeks authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-150

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Stret, Room 501, Boston, MA 02114.

MC 143553 (Sub-1-2TA), filed August 27, 1981. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., 35 Main Street, P.O. Box 236, Versailles, CT 06383. Representative: Bradford I. Greene (same address as applicant). *Contract carrier:* irregular routes: *General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment and hazardous waste)* between points in the U.S., under continuing contract(s) with Simkins Industries, Inc., of New Haven, CT. Supporting shipper: Simkins Industries, Inc., 259 East Street, New Haven, CT 06508.

MC 157937 (Sub-1-1TA), filed August 27, 1981. Applicant: RICHARD CAIL d.b.a. DICK'S TOWING, 104 Winn Street, Woburn, MA 01801. Representative: Richard Cail (same address as applicant). *Storage containers, unmounted, without wheels or bogeys,* between points in MA on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, RI, and VT. Supporting shipper: Edco Mini Warehousing, 251 Corporation Way, Medford, MA 02155.

MC 154631 (Sub-1-4TA), filed August 28, 1981. Applicant: TRANSPORT

SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket RI 02895.*Contract carrier:* irregular routes: *(1) Plastic articles, candles, greeting cards and related items,* from Nashua, NH to points in the U.S. (except AK and HI), and *(2) Equipment, materials and supplies used in the manufacture, distribution and sale of plastic articles, candles, greeting cards and related items* from the above-named destinations to the above-named origin, under continuing contract(s) with Doehla, Inc., of Nashua, NH. Supporting shipper: Doehla, Inc., 1 Chestnut Street, Nashua, NH 03061.

MC 157936 (Sub-1–1TA), filed August 27, 1981. Applicant: GRANT'S TRANSPORT, P.O. Box 508, Brewer, ME 04412. Representative: James F. Flint, Suite 406, 918 16th Street NW., Washington D.C. 20006. *Contract carrier:* irregular routes: *(1) Alcoholic and non-alcoholic beverages and materials, equipment, and supplies used in the manufacture of non-alcoholic beverages* from points in NH, VT, MA, RI, CT, NY, PA, OH, MD, NJ and VA to points in Penobscot County, ME under continuing contract(s) with Pepsi Cola Bottling Co. of Bangor, Brewer, ME; Maine Distributors, Bangor, ME; Haffenreffer Beverage Company of Brewer, ME; *Pulp, paper and related products* from points in Washington County, ME to points in NH, VT, MA, RI, CT, NY, NJ, PA, OH, MD and VA under continuing contract(s) with the Georgia-Pacific Corporation of Darien, CT. Supporting shipper(s): Pepsi Cola Bottling Co. of Bangor, P.O. Box 278, Brewer, ME 04412; Haffenreffer Beverage Company, P.O. Box 278, Brewer, ME 04412; Maine Distributors, 5 Coffey Street, Bangor, ME 04401; Georgia-Pacific Corporation, 320 Post Road, Darien, CT 06820.

MC 148560 (Sub-1–4TA), filed August 28, 1981. Applicant: GOLD STAR, INC., 130 Davidson Avenue, Somerset, NJ 08873 Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier:* irregular routes: *Meat and meat products,* from Cactus, TX to points in FL, under continuing contract(s) with Swift Independent Packing Company, Chicago, IL. Supporting shipper: Swift Independent Packing Co., 115 West Jackson Blvd., Chicago, IL 60690.

MC 157956 (Sub-1–1TA), filed August 28, 1981. Applicant: NEWHAVEN DISTRIBUTION SERVICE, INC., c/o William E. Schiffer, Jr., 47 Crabree Lane, Levittown, NY 11756. Representative: Zoe and Pace, Esq., Zelby & Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Printed matter and equipment, materials and supplies used or dealt in by publishing houses* between New York, NY on the one hand, and, on the other, Fairfield, Hartford, Litchfield, Middlesex, New Haven and New London Counties, CT; Berkshire, Franklin, Hamden and Hampshire Counties, MA; and Columbia, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Ulster and Westchester Counties, NY under continuing contract(s) with World Color Press, Inc., Effingham, IL. Supporting shipper: World Color Press, Inc., P.O. Box 1248, Effingham, IL 62401.

MC 125522 (Sub-1–3TA), filed August 21, 1981. Applicant: SUNBURY TRANSPORT LIMITED, P.O. Box 3217, Station "B", Fredericton, New Brunswick, Canada E3A 5G9. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. *Pulp, paper and related products (STCC code 26)* between the ports of entry on the United States-Canadian boundary line at or near Calais, Houlton, Vanceboro, Fort Kent, Jackman and Madawaska, ME; Beecher Falls, NH; Derby Line, Norton, Richford, and Swanton, VT, on the one hand, and on the other, all points in the States of ME, NH, VT, MA, RI, CT, NY, NJ. Supporting shipper: Boise Cascade Corporation, P.O. Box 1414, Portland, OR 97207.

MC 138701 (Sub-1–2TA), filed August 21, 1981. Applicant: G. D. & K., INC., 500 W. Main Street, Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Textile mill products* between Spartanburg, SC, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, AR and TX, under continuing contract(s) with Hoechst Fibers Industries, Spartanburg, SC. Supporting shipper: Hoechst Fibers Industries, P.O. Box 5887, Spartanburg, SC 29304.

MC 147573 (Sub-1–2TA), filed August 24, 1981. Applicant: OAK ISLAND EXPRESS, 2 Sixth Street, Jersey City, NJ 07302. Representative: Peter Wolff, 733 Pittston Ave., Scranton, PA 18505. Contract carrier: irregular routes: Such commodities as are dealt in by retail stores (except commodities in bulk) between the facilities of the May Company Inc., Jersey City, NJ on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA and RI; and Akron, Cleveland, Youngstown, OH and Washington, DC under continuing contract(s) with The May Company, Inc., St. Louis, MO. Supporting shipper: The May Company, Inc., 6th and Olive Street, St. Louis, MO 63101.

MC 108313 (Sub-1–1TA), filed August 21, 1981. Applicant: CALEDONIA LINES, INC., 100 Sonny Sol Boulevard, P.O. Box 8, Caledonia, NY 14423. Representative: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. *Contract carrier:* irregular routes: *Chemicals and related products,* from Linden and South Kearney, NJ and Solvay and Caledonia, NY to points in CT, MA, NJ, NY, and PA, under continuing contract(s) with Drake Corporation of New York, NY. Supporting shipper: Drake Corporation, P.O. Box 257, Gracie Station, New York, NY 10028.

MC 157842 (Sub-1–1TA) filed August 24, 1981. Applicant: WEBBER PETROLEUM COMPANY, 93 Kensington Street, Portland, ME 04101. Representative: Robert E. Sutcliffe, 84 Harlow St., Bangor, ME 04401. *Contract carrier:* irregular routes: *Petroleum and petroleum products (STCC Code 13, 29) in bulk, in tank vehicles* between points in ME and NH under continuing contract(s) with Sunmark Industries, Framingham, MA. Supporting shipper: Sunmark Industries, Div. of Sun Oil Company of Pennsylvania, 2000 Market St., 28th Floor, Philadelphia, PA 19103.

MC 133590 (Sub-1–6TA), filed August 25, 1981. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, 1060 Millbury Street, Worcester, MA 01613. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *General commodities (except Classes A and B explosives and hazardous waste),* between the facilities of Xye Corp. located at points in the U.S. on the one hand, and, on the other, points in the U.S. Supporting shipper: Xye Corp., 500 Naragansett Park Drive, Pawtucket, RI 02861.

MC 152663 (Sub-1–4TA), filed August 25, 1981. Applicant: ISC TRANSYSTEMS, INC., 100 Jericho Quadrangel, Jericho, NY 11753. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Contract carrier:* irregular routes: *Textile mill products as defined in STCC No. 22, 23* between points in the U.S. under continuing contract(s) with K-Mart Apparel Corp., No. Bergen, NJ. Supporting shipper: K-Mart Apparel Corp., 7373 West Side Ave., No. Bergen, NJ 07047.

MC 124004 (Sub-1–5TA), filed August 25, 1981. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta,

NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Colloidal silica and sodium silicate,* between Ashland, MA, on the one hand, and on the other, points in the U.S. east of and including the states of MN, IA, MO, KS, OK, and TX. Supporting shipper: PQ Corporation, Valley Forge Executive Mall, P.O. Box 840, Valley Forge, PA 19482.

MC 61942 (Sub-1–2TA), filed August 24, 1981. Applicant: JAMES J. McCABE, JR. d.b.a. J. McCABE, & SON, 38 Greenhalge Avenue, Everett, MA 02109. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Furniture and fixtures, and household goods,* between points in the Boston, MA Commercial Zone, on the one hand, and, on the other, points in ME, VT, RI, CT, NH, NY, NJ, PA, DE, MD, DC, VA, NC, SC, GA and FL. Supporting shipper: Jordan Marsh Company, 500 Commander Shea Boulevard, North Quincy, MA 02171.

MC 148292 (Sub-1–6TA), filed August 24, 1981. Applicant: S. J. F. TRANSFER CORP., 11 Suncrest Drive, Dix Hills, NY 11746. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168–0025. *(1) Such commodities as are dealt in by wholesale, retail and chain grocery, drug and food stores; and, (2) Materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above,* between points in Bergen, Burlington, Hudson and Passaic Counties, NJ, Bucks County, PA, Roanoke County, VA, and New Castle County, DE, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, NC, PA, RI, VT and VA. Supporting shipper: The Purex Corp. Ltd., Radcliff Street, Bristol, PA 19007.

The following applications were filed in Region 2. Send Protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 150511 (Sub-II–10TA), filed August 26, 1981. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Such merchandise as is dealt in by retail department stores,* restricted to residential deliveries, between Bridgeport, NJ, on the one hand, and, on the other, points in PA on and west of U.S. Highway 15, and points in NJ and NY, under continuing contract(s) with Abraham & Straus, Division of Federated Stores for 270 days. Supporting shipper: Abraham & Straus, 420 Fulton Street, Brooklyn, NY 11201.

MC 142723 (Sub-II–1TA), filed August 25, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: WILLIAM A. GRAY, 2310 Grant Bldg., Pittsburgh, PA 15219. Contract, irregular: *Such merchandise as is dealt in by retail variety, department and drug stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk),* between Pymatuning Township, PA, on the one hand, and, on the other, points in the U.S., under a continuing contract or contracts with Fishers Big Wheel, Inc. of New Castle, PA for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Fishers Big Wheel, Inc., 102 Nesbitt Road, New Castle, PA 16105.

MC 152020 (Sub-II–2TA), filed August 25, 1981. Applicant: ALBERT G. DRIEBE, R.D. #1, Box 1229, Stroudsburg, PA 18360. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Foodstuffs and food related products and materials and supplies used in the manufacture and distribution of above commodities* between Berks County, PA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NV, OR, UT, WY, NM, CA and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Giorgio Foods Inc., P.O. Box 96, Temple, PA 19560.

MC 138520 (Sub-II–1TA), filed August 26, 1981. Applicant: R. JOHNS TRANSFER CO., INC., 2206 Patterson Ave., SW, Roanoke, VA 24016. Representative: Lawrence E. Lindeman, 425 13th St., NW, Suite 1032, Wash., DC 20004. *Food and related products,* between pts. in Shenandoah County, VA, on the one hand, and, on the other, pts. in NC, WV, and MD, for 270 days. Supporting shipper: Bowman Apple Products Co., Inc., P.O. Box 247, Mt. Jackson, VA 22824.

MC 149541 (Sub-II–7TA), filed August 27, 1981. Applicant: LEBARNOLD, INC., 470 St. John's Church Rd., Camp Hill, PA 17011. Representative: Francis W. McInerny, 1000 16th St. NW #502, Washington, DC 20036. *Contract; irregular: pretzels and materials and equipment used in the manufacture and distribution thereof,* between Denver, PA, on the one hand, and, on the other Chicago, Northlake, and La Grange, IL, St. Petersburg and Tampa, FL and Robersonville, NC, for 270 days, under continuing contract with Quinlan Pretzel Co., Denver, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Quinland Pretzel Co., Third and Washington Streets, Denver, PA 17517.

MC 25153 (Sub-II–2TA), filed August 26, 1981. Applicant: MARTIN FREIGHT SERVICE, INC., 112 Frick Ave., Waynesboro, PA 17268. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Machinery, machinery parts, materials, equipment and supplies used in the manufacture thereof,* between McConnellsburg, PA and Baltimore, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: JLG Industries, Inc., JLG Dr., McConnellsburg, PA 17233.

MC 139638 (Sub-II–4 TA), filed August 25, 1981. Applicant: N. L. MONTGOMERY, INC., P.O. Box 626, Rocky Mount, VA 24151. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *lumber and lumber mill products* from GA, SC, and Green County, TN to points in NC, OH, VA, TN, WV, KY, IN, and IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Spartanburg Forest Products, P.O. Box 2882, Spartanburg, SC 29304.

MC 145221 (Sub-II–3TA), filed August 27, 1981. Applicant: P.D.F. TRUCKING COMPANY, P.O. Box 398, Milan, Ohio 44846. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (1) *Furniture and fixtures and materials, equipment and supplies used in the manufacture and distribution of furniture and fixture (except commodities in bulk)* between points in Homes County, OH, on the one hand, and, on the other, points in the U.S.; and (2) *chemicals and related products and materials, equipment and supplies used in the production and distribution of chemicals and related products (except commodities in bulk)* between Bergen County, NJ, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Wilson Cabinet Co., Inc., 160 Jones St., Millersburg, OH 44654; Stanson Chemical, Inc., P.O. Box 100, Teaneck, NJ 07666.

MC 151994 (Sub-II–2TA), filed August 26, 1981. Applicant: P.R.T., INC., 135 Wyandot Ave., Marion, OH 43302. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215. *Food and related products, and materials, equipment and supplies used in the production, manufacture and distribution* thereof, between Jeffersonville, IN, on the one hand, and, on the other, all points in the U.S. *for 270 days.* Supporting shipper(s): Snack Foods, Inc., P.O. Box 399, Jeffersonville, Indiana.

MC 157652 (Sub-II–1TA), filed August 26, 1981. Applicant: PROTECTIVE FOOD SERVICES, INC., P.O. Box 516, Laurel, MD 20810. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Such*

commodities as are dealt in by wholesale, retail and/or chain grocery, food business houses and drug houses, Between Jessup, MD, on the one hand, and, on the other points in DE, DC, MD, NJ, PA and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 22 supporting shippers. Their statements may be examined at the ICC Reg. Office, Phila., PA.

MC 9914 (Sub-II–10TA), filed August 25, 1981. Applicant: WARREN TRUCKING CO., INC., P.O. Box 5224, Martinsville, VA 24112. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Furniture and fixtures,* from points in VA to points in the US (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: American Furniture Co., Martinsville, VA 24112; Hooker Furniture Corp., E. Church St., Martinsville, VA 24112.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 154103 (Sub-3–2TA), filed August 25, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Vitamins, chemicals and containers for production and packaging,* from the facilities of Freshlabs, Inc. at Warren, MI, on the one hand, and, on the other, to points in the U.S. Supporting shipper: Freshlabs, Inc., 7047 Murthum St., Warren, MI 48092.

MC 153557 (Sub-3–3TA), filed August 27, 1981. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY 40213. Representative: William L. Willis, Suite 708 McClure Building, Frankfort, KY 40601. *Kerosene and electric heaters and materials and supplies used in the manufacture, sale and distribution thereof,* between Warren County, KY, on the one hand, and, on the other, points in the U.S. except AK and HI. Supporting shipper: AtoMaster, A Unit of Amca, 2701 Industrial Drive, Bowling Green, KY 42101.

MC 154103 (Sub-3–9TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Fiberglass strands, Rovings, cloth and crushed fiberglass,* from the facilities of Reichhold Chemical, Inc. at Nashville, TN, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Reichhold Chemical, Inc., Fiberglass Road, Nashville, TN 37210.

MC 154103 (Sub-3–8TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Occasional furniture,* from the facilities of Silver Mfg., Inc. at Knoxville, TN to points in the U.S. Supporting shipper: Silver Mfg., Inc., 2742 Hamcock Ave., NE., Knoxville, TN 37917.

MC 154103 (Sub-3–7TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Plumbing supplies or goods and sheet or plate steel,* from the facilities of Briggs Manufacturing at Knoxville, TN, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Briggs Manufacturing, 4020 N. National Dr., Knoxville, TN 37921.

MC 154103 (Sub-3–6TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Manufactures disposable Industrial and Institutional products, also, non woven and synthetic piece goods,* from the facilities of American Threshold at Asheville, NC, to points in the U.S. Supporting shipper: American Threshold Industries, Inc., P.O. Box 8098, Asheville, NC 28814.

MC 154103 (Sub-3–5TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same as address as applicant). *Clay and plastic resin, porcelain enamel coatings, alumina C–7, sodium tri-poly phosphate, fluorspar, potassium silica flouride, sodium nitrate, zinc, potassium nitrate,* between Ferro Corporation at Nashville, TN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Ferro Corporation, 20 Culvert Street, Nashville, TN 37210.

MC 107934 (Sub-3–18TA), filed August 27, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Furniture plywood and materials used in the manufacturing, sales and distribution of furniture plywood,* between points in Davidson County, NC, on the one hand, and, on the other, points in IN, MD, MI, NC, OH, VA, WV, and TN. Supporting shipper(s): Carolina Panel Company, Inc., 800 W. Center Street, P.O. Box 648, Lexington, NC 27292.

MC 107934 (Sub-3–17TA), filed August 27, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Plastic components and products used in the manufacture thereof,* between points in Davidson County, NC, on the one hand, and, on the other, points in SC, VA, MD, and GA. Supporting shipper(s): Creative Plastic Molders, Inc., P.O. Box 1328, New Highway 64 East, Lexington, NC 27292.

MC 107934 (Sub-3–16TA), filed August 27, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. *Carpet,* between points in Davidson County, NC, on the one hand, and, on the other, points in GA, AL, TN, and VA. Supporting shipper(s): E. E. Wilson Floor Covering, Inc., 1725 Cotton Grove Road, Lexington, NC 27292.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 147082 (Sub-4–1), filed August 19, 1981. Applicant: FOSTER TRANSFER, INC., P.O. Box 501, Rockford, IL 61105. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. I—*Iron and steel articles* between IL, KS, KY, IN, IA, MI, MO, MN, OH, NE, TN, WI, TX and OK. II—*Fertilizer, fertilizer ingredients, liquid fertilizer and commodities in bulk* between IL, IA, IN, MN, WI, MI, MO, OH, and KY. Supporting shippers: Red Oak Forge, Division of Rockford Drop Forge, P.O. Box 33, Red Oak, Iowa 51566; N–REN Corporation, P.O. Box D, East Dubuque, Illinois 61025; Agrico Chemical Co., P.O. Box 3166, Tulsa, Oklahoma 74101; Smith-Douglass-Division of Borden Chemical, Borden, Inc., P.O. Box 419, 5100 Virginia Beach Blvd., Norfolk, Virginia, 23501.

MC 150746 (Sub-4–29TA), filed August 25, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, P.O. Box 929, Hundley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Canned Goods,* between Sycamore, IL, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NM, NC, SC and TN. Supporting shipper: The Suter Company, Inc., P.O. Box 188, Sycamore, IL 60178.

MC 155741 (Sub-4–1TA), filed August 25, 1981. Applicant: J & S Inc., 601 Chamber of Commerce Building, 320 North Meridian St., Indianapolis, IN 46204. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, 320 North Meridian St., Indianapolis, IN 46204. *General commodities* (except Class A & B explosives) between points in the U.S., under continuing contracts with Central States Warehouse, Inc., Indianapolis, IN. Supporting shipper: Central States Warehouse, Inc., 250 S. Kitley Ave., Indianapolis, IN 46219.

MC 143627 (Sub-4–3TA), filed August 25, 1981. Applicant: FITZSIMMONS TRUCKING, INC., R.R. No. 2, Box 128, Waseca, MN 56093. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *General commodities* (except classes A and B explosives) between the facilities and suppliers of Best Products Co., Inc., in IL, IN, NY, OH and PA on the one hand, and, on the other, points in CA, FL, MD, MI, NJ, NC, OH, PA, TX, VA and WV. Supporting shipper: Best Products Co., Inc., P.O. Box 26303, Richmond, VA 23260.

MC 103993 (Sub-4–30 TA), date filed August 25, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 W., Elkhart, IN 46515. Representative: James B. Buda & Kenneth M. Hays (Same As Applicant). *Grain dryers and associated equipment* from the facilities of Farm Fans, Inc. at or near Indianapolis, IN to Brownsville, TX; Shafter, CA; Cavalier, ND; East Syracuse, NY; Janesville, WI; Moultrie, GA; New Market, AL; Brookings, SD; and Mankato, MN. An underlying ETA seeks 120 days authority. Supporting shipper: Farm Fans, Inc., 5900 Elmwood Ave., Indianapolis, IN 46203.

MC 157049 (Sub-4–1 TA), filed August 25, 1981. Applicant: AMATO MOTORS, INC., 977 W. Cermak Rd., Chicago, IL 60608. Representative: Anthony E. Young, 29 S. LaSalle St., Chicago, IL 60603, 312/782–8880. *general commodities (except Classes A & B explosives),* between Chicago, IL and its commercial zone, on the one hand, and, on the other, points in IA, IL, MI, WI, MO, OH, IN, and MN. Restricted to the transportation of traffic having a prior or subsequent movement by rail or water. There are nine (9) supporting shippers.

MC 143230 (Sub-4–5 TA), filed August 24, 1981. Applicant: LUCK TRUCKING, INC., R.R. #1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Contract;* irregular; *Foodstuffs and supplements and plastic and rubber articles* (except in bulk), between Columbus, OH and Altavista, VA to all points in the continental U.S. under continuing contract(s) with Ross Laboratories, 625 Cleveland Ave., Columbus, OH 43216.

MC 153196 (Sub-4–6), filed August 24, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086. *Candles and related items such as candle holders and displays* from the facilities of Lenox Candles, Inc., located at or near Oshkosh, WI to all points in CA, WA, AZ, FL and OR. An underlying ETA seeks 120 days authority. Supporting shipper: Lenox Candles, Inc., P.O. Box 2806, Oshkosh, WI 54903.

MC 145746 (Sub-4–2 TA), filed August 24, 1981. Applicant: MINDEMANN TRUCKING, INC., N63 W22985 Main Street, Sussex, WI 53089. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Salt and salt products* from the facilities of Hardy Salt Company at or near Manistee, MI, to points in IL and WI, under a continuing contract with Hardy Salt Company. Supporting shipper: Hardy Salt Company, P.O. Box 449, St. Louis, MO 63166.

MC 149492 (Sub-4–3TA), filed August 24, 1981. Applicant: CHICAGOLAND QUAD CITIES EXPRESS, INC., 817 W. 21st St., Chicago, IL 60608. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Chemicals; insulated electrical wire, electrical conduit and related items of the electrical group,* from the Chicago, IL Commerical Zone to the Milwaukee, WI Commercial Zone. Supporting shippers: Triangle P.W.C., 11323 Franklin Ave., Franklin Park, IL.; Crooks Terminal Warehouse, 429 W. 14th Place, Chicago, IL.; Junction Warehouse, 424 W. Roosevelt Rd., Chicago, IL. An underlying ETA seeks 120 days authority.

MC 148380 (Sub-4–15TA), filed August 20, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. *Contract* Irregular; *Wire and wire carriers,* between Fredericksburg, VA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Rappahannock Wire Company, P.O. Box 7508, Fredericksburg, VA 22404.

MC 157836 (Sub-4–1TA), filed August 21, 1981. Applicant: BASELINE COMPANY, d.b.a. Jim Schauer, 5660 Gregory Road, Dexter, MI 48130. Representative: Paul M. Ross, 3104 S. Cedar Street, Lansing, MI 48910, (517) 394–4222. *Contract* irregular: *Machinery and concrete sweepers, along with associated construction equipment, tools, and supplies* between points in MI, IL, IN, OH, on one hand, and on the other, between points in the U.S. under continuing contracts with Bell Equipment Company, of Troy, Michigan, An underlying ETA seeks 120 day authority. Supporting shipper: Bell Equipment Company, 379 Industro Court, Troy, Michigan, c/o James Bell.

MC 135410 (Sub-4–36TA), filed August 19, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St. Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068. *Washers and dryers,* from the facilities of Norge Division of Magic Chef Corp at Herrin, IL to points in CT, DE, IN, IA, KS, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, TN, VA, WV, WI and DC. Supporting shipper: Norge Division of Magic Chef Corp., 410 E. Maple St. Herrin, IL.

MC 156047 (Sub-4–2TA), filed August 24, 1981. Applicant: ALLWAY TRANSPORT, INC., 1949 Kings Highway, Washington Park, IL 62204. Representative: Robert Knight, P.O. Box 1148, Washington Park, IL 62204. *Used machinery, scrap metal, transportation equipment,* and *materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between points in the St. Louis, MO-E. St. Louis, IL Commercial Zone on the one hand, and, on the other, points in IL, IN, KY, FL, OH, MI, MO, TN, KS, OK, AR, TX, LA, MS, AL, IA, and WI. Supporting shippers: Southwest Parts Supply, 1950 State St., E. St. Louis, IL 62205; McHenry Metal Products Co, Inc., 3838 Cote Brilliant, St. Louis, Mo. 63113; FosTex Company, 1949 B. Kings Highway, Washington Park, IL. 62204.

MC 147312 (Sub-4–3TA), filed August 20, 1981. Applicant: DALOR TRANSIT, INC., 7520 West Ryan Road, Franklin, WI 53132. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. *Foodstuffs,* between points in the U.S., restricted to the transportation of traffic originating at or destined to the facilities of Ocean Spray Cranberries, Inc. Supporting shipper: Ocean Spray Cranberries, Inc., 7800 South 60th Avenue, Kenosha, WI 53142.

MC 157442 (Sub-4–1TA), filed August 21, 1981. Applicant: ALL-STATES TRANSPORT CORPORATION, 3125 US 30 West, Fort Wayne, IN 46898. Representative: Thomas Hudson, P.O.

Box 7406, Greenville, SC 26910. *Contract* irregular: *General commodities* (usual exceptions) between the facilities of Combined Shippers Corp. Ft. Wayne, IN and its members' facilities throughout the U.S. (except AK & HI) on the one hand, and, on the other, points to and from its members' facilities within the U.S. (except AK & HI). Restricted to traffic moving under continuing contract with Combined Shippers Corp. Supporting shipper: Combined Shippers Corp. Marketplace of Canterbury, 5675 St. Joe Road, Fort Wayne, IN 46815.

MC 147216 (Sub-4–2TA), filed August 21, 1981. Applicant: CARL KLEMM, INC., d.b.a. KLEMM TANK LINES, 1126 Terry Lane, P.O. Box W197, De Pere, WI 54115. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Petroleum, natural gas, and their products,* from Green Bay and Junction City, WI, to points in Dickinson County, MI. Supporting shipper: Penny Oil Company, 111 East Main Street, Iron Mountain, MI 49801.

MC 157947 (Sub-4–1TA), filed August 26, 1981. Applicant: DECKER DELIVERY SERVICE, INC., 10030 Telegraph Rd., Taylor, MI 48180. Representative: Robet E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Contract,* irregular: *Appliances and other merchandise sold at retail,* between Detroit, MI and the commercial zone thereof, on the one hand, and, on the other, points in OH, under a continuing contract or contracts with Highland Appliance Co. An underlying ETA seeks 120 days authority. Supporting shipper: Highland Appliance Co. 2145 Trolley Dr., Taylor, MI 48180.

MC 157945 (Sub-4–1TA), filed August 27, 1981. Applicant: AFRAM BROS. CO., 900 South Water Street, Milwaukee, WI 53204. Representative: Glenn Madson (same address as applicant), (414) 672–2100. *Contract* irregular: *Steel products and scrap* between Milwaukee, WI, Chicago, IL and Saulkville, WI. Restricted to traffic moving under continuing contract with Charter Manufacturing Co., Inc. Supporting shipper: Charter Manufacturing Co., Inc., 10500 North Port Washington Road, Mequan, WI.

MC 135410 (Sub-4–37TA), filed August 27, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Attorney at Law, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Steel and glass* from Camden and S. Kearny, NJ, Jeanette and McKeesport, PA and Kinsport, TN and points in their commercial zones to the facilities of Intercraft Industries, Inc., at or near Chicago, IL. Supporting shipper: Intercraft Industries, Inc., 1840 N. Clyborn, Chicago, IL

MC 150341 (Sub-4–7TA), filed August 27, 1981. Applicant: HOOVESTOL, INC., 3110 Mike Collins Drive, St. Paul, MN 55121. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502–2578. *Meats, meat products, and meat by-products,* between points in MN and IL on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120-day authority. Supporting shippers: Park Lane Foods, Mt. Prospect, IL; Meat Sales International-Marketing Specialist International, Minneapolis, MN; Sunstar Foods Inc., South St. Paul, MN; Dalson Foods, Inc., Maplewood, MN; Morris Rifkin & Sons, South St. Paul, MN; Lloyds Food Products, West St. Paul, MN; Ellison Meat Company, Minneapolis, MN; Goldberger Foods, Inc., Minneapolis, MN; and Cloverdale Foods, Mandan, MD.

MC 143023 (Sub-4–3), filed August 26, 1981. Applicant: CHI-WAUKEE TRUCK LINE, INC., 1501 West Pershing Rd., Chicago IL 60609. Representative: Donald E. Weishaar, Suite 202, 1301 West 22d St., Oak Brook, IL 60521. *Malt beverages, Carbonated beverages, Cereal beverages and beverage containers and related advertising material* between facilities of Joseph Schlitz Brewing Company at or near Long View, TX, Tampa, FL, Van Nuys, CA, and Winston Salem, NC, and Chicago, IL under continuing contracts with Elmwood Distributors, Inc. and C & S Distributors, Inc. An underlying E.T.A. seeks 120 days authority. Supporting shippers: C&S Distributors, Inc., 1501 W. Pershing Rd., Chicago, IL 60609; Elmwood Distributors, 1501 W. Pershing Rd., Chicago, IL 60609.

MC 150267 (Sub-4–1TA), filed August 27, 1981. Applicant: McARDLE TRANSPORTATION, INC., Route 1, Hazel Green, WI 53811. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086. *Food and related products,* and *materials, equipment and supplies* used in the production and distribution of food and related products, between the facilities used by Sanna Division of Beatrice Foods Company at or near Menomonie, Vesper, Eau Claire, and Wisconsin Rapids, WI on the one hand and, on the other hand points in the U.S., in and west of MN, IA, MO, AR, and CA (except AK and HI). Supporting shipper: Sanna Division, Beatrice Foods Company, P.O. Box 8046, Madison, WI 53708.

MC 139077 (Sub-4–1TA), filed August 27, 1981. Applicant: LOOP FLEET SERVICE INC., 1818 N. Commerce St., Milwaukee, WI 53212. Representative: (same as applicant). *Items sold or used in department stores,* between stores and warehouses of Kohl's Department Stores in Milwaukee, WI and stores of Kohl's Department Stores in IL. An underlying ETA seeks 120-day authority. Supporting shipper: Kohl's Dept. Stores, Div. of Kohl's Corp., 2315 N. 124th St., Brookfield, WI 53005.

MC 145842 (Sub-4–11TA), filed August 27, 1981. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *General commodities, including hazardous materials, except classes A and B explosives, commodities in bulk, those of unusual value, household goods, and commodities requiring use of special equipment,* from points in IL, IN, KY, MI, OH, PA, and WI, to points in IA, KS, MN, MO, NE, ND, SD and WI. *Restriction:* Restricted to traffic moving on Midwest Consolidators Inc., bill of ladings. Supporting shipper: Midwest Consolidators Inc., 324 East 6th Street, Sioux Falls, SD 57102.

MC 154826 (Sub-4–2TA), filed August 26, 1981. Applicant: R. F. TRUCKING, INC., N24 W25162 Bluemound Rd., Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract:* Irregular: *Metal, metal articles, and metal products* between the facilities of E. R. Wagner Manufacturing Company, Engineered Products Division at Milwaukee, WI, on the one hand, and, on the other, points within the Chicago, IL, Commercial Zone under a continuing contract with E. R. Wagner Manufacturing Company of Milwaukee, WI. Supporting shipper: E. R. Wagner Manufacturing Company, 4611 North 32nd St., Milwaukee, WI 53209.

MC 141318 (Sub-4–4TA), filed August 26, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., 531 North Eighth St., Medford, WI 54451. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Building materials* from points in IL and MN to points in WI. Supporting shipper: Prince Corporation, 214 West 2nd St., P.O. Box 488, Marshield, WI 54449.

MC 157358 (Sub-4–1TA), filed August 26, 1981. Applicant: ERNCO TRANSPORTATION CORPORATION, Box 227, Edgar, WI 54426. Representative: Jon Rasmussen, 835 Sterling Ave., Suite 225, Palatine, IL.

60067. *Contract* irregular: (1) *Juvenile furniture and toys* between Edgar, WI and points in IL, MI, and NY; and (2) *materials, equipments, and supplies* used in the manufacturing and distribution of the commodities named in (1) above, from points in IL, MI, and NY, to Edgar, WI, under a continuing contract(s) with Standard Container of Edgar, Inc. Supporting shipper: Standard Container of Edgar, WI, Maple Street, Edgar, WI 54426.

MC 156520 (Sub-4–3TA), filed August 24, 1981. Applicant: PREMIER TRANSPORTATION SERVICES, INC., 2 East 106th Street, Room 150, Indianapolis, IN 46280. Representative: Buren V. Beaman (same address as applicant), *Automobile Engine Parts, Iron or Steel* between Indianapolis, IN and Jackson, MI. An underlying ETA seeks 120 days authority. Supporting shipper: International Harvester Company, 5565 Brookville Road, Indianapolis, IN 46219.

MC 152762 (Sub-4–1 TA), filed August 24, 1980. Applicant: CHARRON TRANSPORT LIMITED, 390 Colborne Street, R.R. #4, Chatham, Ontario, Canada N7M 5J4. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Cans, can ends,* and *cut tinplate* between ports of entry on the U.S.-Canada International Boundary line in MI and points in MI and OH. Supporting shipper: Libby McNeill & Libby of Canada, a division of Nestle Enterprises Limited of Chatham, Ontario, Canada, 330 Richmond Street, Chatham, Ontario, Canada N7M 1P7.

MC 150058 (Sub-4–2TA), filed August 24, 1981. Applicant: PHILPOTT CARTAGE CO., 6658 West 99th Street, Chicago Ridge, IL 60415. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016, 312–298–1094. *Such commodities as are dealt in or used by manufacturers of railway equipment,* between points in the U.S. (except AK and HI). Supporting shipper: Miner Enterprises, Inc., W. H. Miner Division, 1200 E. State St., Geneva, IL 60134.

MC 157760 (Sub-4–3), filed August 26, 1981. Applicant: PROFESSIONAL COACH DELIVERIES, INC., P.O. Box 15223, Milwaukee, WI 53515. Representative: John L. Bruemmer, 121 W. Doty St., Madison, WI 53703–3279. *Busses in initial driveaway movements,* between Browers County, CO and points in WI, WA, MN, TN and GA. Supporting shipper: Neoplan USA Corporation, Gottlob Auwaerter Drive, Lamar, CO 81052.

MC 103993 (Sub-4–31TA), filed August 26, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Budd & Kenneth M. Hays, (same as applicant). *Grain dryers and associated equipment* from Farm Fans, Inc., at or near Indianapolis, IN, to all points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Farm Fans, Inc., 5900 Elmwood Ave., Indianapolis, IN 46203.

MC 144695 (Sub-4–1TA), filed August 26, 1981. Applicant: N. & S. TRUCKING, INC., Route 1, Francisco, IN 47649. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract,* irregular, *flour,* between the facilities of Modern Maid Food Products, Inc., located at or near Evansville, IN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Modern Maid Food Products, Inc., 200 Garden City Plaza, Garden City, NY 11530. Underlying ETA seeks 120 days authority.

MC 157592 (Sub-4–2TA), filed August 26, 1981. Applicant: JEFFREY FOSTER, d.b.a. PACKAGE DELIVERY, 623 Belgrade Ave., North Mankato, MN 56001. Representative: Charles T. Peterson, 325 South Broad St., Box 1387, Mankato, MN 56001. *Contract* irregular: *Wholesale pharmaceuticals, medicines, health and beauty aids and sundries* from Mankato, MN to customers in designated cities in Northern IA. Supporting shipper: Brown Drug, Inc., 1730 First Ave., Mankato, MN 56001.

MC 157923 (Sub-4–1TA), filed August 26, 1981. Applicant: TAYLOR TRUCKING, INC., 4080 Lancer Circle, Manitowoc, WI 54220. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *cement in bags and in bulk* between La Salle, IL, and points in Sheboygan and Manitowoc Counties, WI. Restricted to transportation to be performed under a continuing contract(s) with the Van Der Vaart, Corp. Supporting shipper: Van Der Vaart Corp., P.O. Box 490, 1427 S. 15th St., Sheboygan, WI 53081.

MC 157700 (Sub-4–1TA), filed August 26, 1981. Applicant: METRO MESSENGER SERVICE, INC., 1550 N. Ashland Ave., Chicago, IL 60622. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *General Commodities (with the usual exceptions)* between points in the Chicago, IL, Commercial Zone, on the one hand, And, on the other, points in IL, IN, IA, KY, MI, MO, and WI. Restricted to less than truckload traffic only. Supporting shippers: There are (10) ten Supporting shippers.

MC 61835 (Sub-4–1TA), filed August 25, 1981. Applicant: MONIOWCZAK TRANSIT COMPANY, P.O. Box 235, Escanaba, MI 49829. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684. *Malt beverages,* from Memphis, TN to points in Delta and Schoolcraft Counties, MI. Supporting shipper: Leonard Distributing Co., 314 Wolfe St. Manistique, MI 49854 and Lipinski beverage, Route 3, 564 Northgate, Escanaba, MI 49829.

MC 157906 (Sub-4–1TA), filed August 24, 1981. Applicant: LARRY J. TEUBERT, d.b.a. L.J.T. TRUCKING, 355 Cronk Road, Allen, MI 49227. Representative: Donald L. Lambright, Ellis & Lambright, State Bank Building, Hillsdale, MI 49242. *Food grade commodities* from Hillsdale, MI Jonesville, MI and Battle Creek, MI to Cleveland, OH. Supporting shipper: DCA Food Industries, Inc., 919 Third Ave., New York, NY 10022.

MC 157760 (Sub-4–2TA), filed August 26, 1981. Applicant: PROFESSIONAL COACH DELIVERIES, INC., P.O. Box 15223, Milwaukee, WI 53515. Representative: John L. Bruemmer, 121 West Doty St., Madison, WI 53703–3279. *Buses, in initial driveaway service,* (1) between points in the Portsmouth, VA commercial zone and Cleveland, NC and (2) between Cleveland, NC and Seattle, WA, Chicago, IL, Denver, CO, Memphis, TN, Nashville, TN, Pittsburgh, PA, St. Paul, MN, Minneapolis, MN, San Jose, CA, Washington, DC, White Plains, NY and Indianapolis, IN. Supporting shipper: M.A.N. Truck & Bus Corp., Cleveland, NC.

MC 143776 (Sub-4–20TA), filed August 26, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs, C.D.B., Incorporated, 155 Spaulding Ave., SE., Grand Rapids, MI 49506. *Metal Products* between the facilities of Justrite Mfg. Co. at Mattoon, IL, on the one hand, and, on the other, Edison, NJ. Supporting shipper: Justrite Mfg. Co., 2454 Dempster St., Des Plaines, IL 60016.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 1263 (Sub-5–5TA), filed August 27, 1981. Applicant: McCARTY TRUCK LINE, INC., 17th & Harris Avenue, Trenton, MO 64683. Representative: James M. McCarty, 17th & Harris Avenue, Trenton, MO 64683. *Chemicals and related products (except Classes A and B explosives and hazardous materials)* between points in the U.S. Supporting shipper: Faultless Starch-Bon Ami Company, 1025 West 8th St., Kansas City, MO 64101.

MC 108207 (Sub-5–43TA), filed August 27, 1981. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Prepared culture media* from Chicago IL, to points in MO, MN, TX, IN, KY, and OH. Supporting shipper: Scott Laboratories, Inc., 771 Main Street, Fiskeville, RI 02823.

MC 109818 (Sub-5–9TA), filed August 27, 1981. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. Such commodities as are dealt in by retail, wholesale, or food business houses, between points in the U.S. Supporting shippers: Termicold Corporation, 1618 S.W. First Ave., Portland, OR 97201; Lusk-Fresh Pak Candy Co., 2525 Rockingham Road, Davenport, IA 52802; and Thoms-Proestler Co., 3840 West River Drive, Davenport, IA 52802.

MC 114274 (Sub-16 TA), filed August 28, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Pulp, Paper or Allied Products, Printed Matter, Equipment and Supplies used in the manufacture of the above.* Between Cincinnati, OH., Des Moines, IA and Tate Cove, LA on the one hand, and, on the other, pts in U.S. Except AK and HI. Supporting shipper: Frye Copy Systems Corp., 2515 Dean Ave., Des Moines, IA 50317.

MC 119399 (Sub-5–76 TA), filed August 6, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802. Representative: Keith R. McCoy (address same as applicant). *Chemical and related products (except Classes A and B explosives, hazardous materials, and commodities in bulk)* from Chicago, IL to Des Moines, IA; Little Rock, AR; Memphis, TN; Minneapolis, MN; Oklahoma City, OK; Omaha, NE; Tulsa, OK; Kansas City, MO; Kansas City, KS; Topeka, KS; Elkhart, IN; and Grand Rapids, MI. Supporting shipper: Jayo-Mex Corporation, Chicago, IL 60620.

MC 119399 (Sub-5–77–TA), filed August 28, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802. Representative: Keith R. McCoy (address same as applicant). *Copper cathodes, bars, and rods; molybdenum* from Gila Cy, AZ; Pinal Cy, AZ; and Pima Cy, AZ to Three Rivers, MI; Albion, IN; Bourbon, IN; Bremen, IN; Ft. Wayne, IN; New Haven, IN; South Milford, IN; Richmond, IN; Rolling Prairie, IN; Carmel, IN; Siteston, MO; St. Louis, MO; Warren, OH; Memphis, TN; and Milwaukee, WI. Supporting shipper: Newmont Services Limited, Tucson, AZ 85704.

MC 119399 (Sub-5–78 TA), filed August 28, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802.. Representative: Keith R. McCoy (address same as applicant). *Footwear and related goods and accessories sold in retail shoe stores* from Topeka, KS to Dallas, TX. Supporting shipper: Volume Shoe Corporation, Topeka, KS.

MC 130332 (Sub-1 TA), filed August 26, 1981. Applicant: TRAVEL-TOURS, INC., Rt. 4, SH 51 West, Wagoner, OK 74467. Representative: George F. Saunders, Attorney, 3333 Northwest 63rd Street, Suite 210, Oklahoma City, OK 73116. *Passengers and their baggage in the same vehicle with passengers in special and charter operations in round trip tours* beginnig and ending at pts in OK; Sebastian County, AR; Greene County, MO; and extending to pts in the US including AK, but excluding HI. Supporting shipper: 32.

MC 134547 (Sub-5–2TA), filed August 27, 1981. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Blvd., Dallas, TX 75212. Representative: Mark H. Fetzer (same as above). Contract, Irregular: *granulated slag, in bags,* between Rockdale, TX and Houston, TX under continuing contract with Leader International, Inc., Dallas, TX.

MC 135997 (Sub-5–4TA), filed August 27, 1981. Applicant: TEXAS TANK LEASING, INC., Rt. 5, Box 99, Conroe, TX 77301. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. *Air Pollution Devices* from the facilities of Conservatek, Inc. in Montgomery County, TX to all points in the U.S. Supporting shipper: Conservatek, Inc., P.O. Box 1678, Conroe, TX 77301.

MC 138328 (Sub-5–27TA), August 28, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 & Hwy. 50, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). *Insulation, and materials, equipment and supplies used in the manufacture, distribution and installation of insulation,* between Carrollton, KY; Houston and San Antonio, TX; Tulsa, OK; and Mishawaka, IN, on the one hand, and, on the other, pts in the U.S. restricted to traffic originating or terminating at facilities used by Delron Corporation. Supporting shipper: Delron Corporation, 55851 East Ave., Mishawaka, IN 46544.

MC 139923 (Sub-5–9TA), filed August 27, 1981. Applicant: MILLER TRUCKING CO., INC., 105 South 8th St., Stroud, OK 74079. Representative: Edward Handlin (same as applicant). *Waxed Paper,* from Plymouth, IN to Booneville, AR. Supporting shipper: Jay Vee Equipment Co., Inc., 1155 Triton Drive, Foster City, CA 94404.

MC 140665 (Sub-5–81TA), filed August 28, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Ann Holcombe, P.O. Box 786, Ravenna, OH 44266. *Paper and paper products (except in bulk)* from Texarkana, TX and West Monroe, LA. to the Seattle, WA. commercial zone. Supporting shipper: Ridgeway Packaging Corp., 4111–156th Ave. NE., Redmond, WA 98052.

MC 141523 (Sub-5–5TA), filed August 27, 1981. Applicant: C. R. KIDD PRODUCE INC., Post Office Box 364, Springdale, AR 72764. Representative: Dean G. Cannon, President (same as applicant). *Food and related products (except in bulk),* between the facilities of Sun Maid Raisin Growers of California, Inc., and it's affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Sun Maid Growers of California, San Ramon, CA.

MC 142697 (Sub-5–3TA), filed August 27, 1981. Applicant: R & M TRUCK LINC, INC., P.O. Box 422, Oskaloosa, IA 52577. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Malt beverages and empty malt beverage containers,* between Milwaukee, WI and Belleville, IL, on the one hand, and, on the other, Washington, MO. Supporting shipper: Werner Sales Corp., P.O. Box 21, Washington, MO 63090.

MC 142956 (Sub-5–2TA), filed August 27, 1981. Applicant: M & S TRUCKING COMPANY, INC., Rural Route 1, Meadville, MO 64659. Representative: Donald J. Quinn, Commerce Bank Building, 8901 State-Line—Suite 232, Kansas City, MO 64114. Contract; Irregular. *Food and related products* between points in the U.S. Supporting shipper: Hickman Packing Company, Inc., Newark, NJ.

MC 143702 (Sub-5–1TA), filed August 28, 1981. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th Street, Kansas City, KS 66105. Representative: Donald J. Quinn, Attorney at law, Commerce Bank Building, 8901 State Line—Suite 232, Kansas City, MO 64114. Contract; Irregular. *Greenhouses, parts, equipment and supplies thereof,* between points in the U.S. under a continuing contract with Stuppy

Greenhouse Supply, 120 East 12th Street, North Kansas City, MO 64116.

MC 144246 (Sub-5–3TA), filed August 27, 1981. Applicant: LARSEN TRUCKING INC., 7703 Sunset Drive, Omaha, NE 68127. Representative: James F. Crosby & Associates, Oak Park Office Bldg., Suite 210B, 7363 Pacific Street, Omaha, NE 68114. *Food and related products,* between pts in CO, ND, SD, NE, KS, OK, TX, MN, IA, MO, WI, IL, MI, IN, and OH. Supporting shipper: 9.

MC 147196 (Sub-5–24TA), filed August 27, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse, P.O. Box 50262, New Oleans, LA. 70150. Contract: Irregular. *Paper and Paper Articles and Materials, Equipment and Supplies used in the manufacture and distribution thereof* between all points in the U.S. under a continuing contract or contracts with Alco-Gravure, Inc., Memphis, TN.

MC 153007 (Sub-5–2TA), filed August 26, 1981. Applicant: T.N.T. III, INC., 4606 Chicago Street, Omaha, NE 68132.Representative: Robert K. Frisch, Brown & Walker, 2711 Valley View Lane, Suite 101, Dallas, TX, 75234. Passengers, baggage and athletic supplies, between pts in NE on the one hand and pts in IA, MO, KS, OK, CO, TX and SD on the other hand, in charter operations conducted in sleeper equipped buses transporting 32 or less passengers.Supporting shipper: 8.

MC 155256 (Sub-5–3TA), filed August 28, 1981. Applicant: KASSEL TRANSFER, INC., Route 1, Letts, IA 52754. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *chemicals,* from Muscatine County, IA, to pts in IL, IN, KS, MN, MO, NE, OK, TX and WI. Supporting shippers: Reagent Chemical and Research, Inc., P.O. Box 1155, Muscatine, IA 52761.

MC 156079 (Sub-5–6TA), filed August 27, 1981. Applicant: CIRCLE "C" CARRIERS, INC., 3401 E. Roosevelt Rd., Little Rock, Ar. 72216. Representative: Sonny Cartner (same address as applicant). *Meat, both fresh and frozen and food products, packaging materials and supplies used in the packaging of meat and food products* between White County, AR. on the one hand and all points in the US. on the other. Supporting shipper: Land-O-Frost, Searcy, AR.

MC 157186 (Sub-5–1), filed August 27, 1981. Applicant: U.S. TRANSPORT, INC., 14307 Still Meadow, Houston, TX 77079. Representative: Keith E. Kisner, P.O. Box 26742, Austin, TX 78731. *Mercer commodities,* between points in TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: 4.

MC 157730 (Sub-5–1TA), filed August 27, 1981. Applicant: CHARLES FOLEY, d.b.a. FOLEY TRUCKING, Route 2, Box 118, Baxter Springs, KS 66713. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Blasting agents, class A explosives and ammonium nitrate oxidizing materials,* between points in Cherokee County, KS and Jasper County, MO on the one hand and points and places in MO, AR, KS, OK, TX, NE, IN, KY, TN, AL, WY, NM and FL on the other hand. Supporting shipper: Atlas Powder Company, 12700 Park Central Place, Dallas, TX 75251.

MC 157882 (Sub-5–1TA), filed August 26, 1981. Applicant: NEWPORT TRUCKING COMPANY, INC., P.O. Box 91227, Lafayette, LA 70509. Representative: C. Kenneth Keller (same as above). Contract; Irregular. *Machinery, equipment, materials and supplies used in or in connection with the discovery, development, production, refining, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products. (Except commodities in bulk, in tank vehicles),* between points in the United States. (Except HI.) Supporting shippers: There are nine (9) supporting shippers.

MC 157888 (Sub-5–1), filed August 27, 1981. Applicant: KEN'S TRANSPORTATION SERVICE, INC., 10602 East Pine, Tulsa, OK 74116. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Contract, irregular, *Glass Containers,* from Okmulgee, OK to points in and west of MN, IA, MO, AR and LA. Shipper: Ball Corporation, 345 South High Street, Muncie, IN 47302.

MC 157933 (Sub-5–1TA), filed August 27, 1981. Applicant: TNF, INC., P.O. Box 60755 AMF, Houston, TX 77205. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35021–0217. *General Commodities (except Classes A and B Explosives), in containers, having a prior or subsequent movement by water,* between points in Cameron, Hidalgo and El Paso Counties, TX, on the one hand, and, on the other points in Harris County, TX. Supporting shippers: Samsonite Corporation, 11200 East 45th Ave., Denver, CO 80239 and Texas Citrus Exchange, P.O. Box 793, Mission, TX 78572.

MC 157957 (Sub-5–1TA), filed August 28, 1981. Applicant: LORAS KALB, 904 Monticello Drive, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Fertilizer and fertilizer materials,* between pts. in IL, IA, and WI. Supporting shippers: (1) Quali Trade, Inc., 8120 Penn Avenue South, Suite 446, Minneapolis, MN 55431; (2) Royster Company, P.O. Box 7667, Madison, WI 53707; (3) Wiederholt Agri Service, RR #1, Hazel Green, WI 53811.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26123 Filed 9–4–81; 8:45 am]

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[Permanent Authority Decisions Volume No. 156]

Motor Carriers; Restriction Removals Decision-Notice

Decided: September 1, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 43165 (Sub-16) X, filed May 13, 1981, previously noticed in the **Federal Register** of June 11, 1981, republished as follows:

Applicant: LOUDOUN TRANSFER, INC., P.O. Box 703, Leesburg, VA 22075. Representative: Dean N. Wolfe, 4 Professional Drive, Suite 145,

Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its MC–43165 and Sub-No. 5 certificates and MC–142205 and Sub-Nos. 8F and 10F permits to (1) broaden the commodity description from (a) general commodities (with exceptions) to general commodities (except classes A and B explosives) in the lead and Sub-No. 5 certificates (b) from various commodities in the lead certificate such as milk and cream, fresh meat and hog by-products, fresh fruits, apples, and eggs to "food and related products"; from livestock to "farm products"; from fertilizer, feed, seed, and farm machinery to "farm products, food and related products"; chemicals and related products, and machinery"; from plumbing, heating and electrical supplies and fixtures, electrical appliances, furniture, and hardware to "rubber and plastic products, metal products, machinery, and furniture or fixtures"; from lime to "chemicals and related products", and from empty milk and egg containers, building materials, groceries, and fresh meats to "building materials, food and related products, and shipping containers, carriers, or devices, (c) in Sub-No. 5 certificate from livestock, agricultural commodities (not including manufactured products thereof), feeds, fertilizer, agricultural implements, agricultural machinery, and building materials to "farm products, food and related products, chemicals and related products, machinery and building materials,"; from livestock, apples, peaches, grain, and seed to "farm products and food and related products"; from fertilizer, seed, feed, and machinery to "chemicals and related products, food and related products, farm products, machinery and metal products"; from livestock to "farm products"; from lumber and cement to "lumber or wood products and clay, concrete, glass or stone products"; from fertilizer and lime to "chemicals and related products"; from fresh meat and hog by-products, fruit on sheet 3, poultry, meats, meat products, and meat by-products on sheet 6 to "food and related products"; from seed, feed, fertilizer, and farm implements to "chemicals and related products, food and related products, farm products, machinery and metal products"; from plumbing and heating supplies to "metal products, machinery, rubber and plastic products, and clay, concrete, glass or stone products"; from lime to "chemicalsand related products"; from agricultural commodities, feed, seed, fertilizer, farm implements and machinery, paint, lime, brick and cement to "farm products, food and related products, chemicals and related products, metal products, machinery, and clay, concrete, glass or stone products"; from farm machinery to "machinery and transportation equipment," from livestock, wool hides, and junk to "farm products, textile mill products, food and related products, and waste or scrap materials not identified by industry producing," from crushed stone, sand and gravel and cinders to "clay, concrete, glass or stone products," (d) in Sub-No. 4 permit from custom molded expandable polystyrene packaging to "rubber and plastic products and chemicals and related products,"; (e) in Sub-No. 8 permit from expanded polystyrene foam, expandable polystyrene resin, and equipment and supplies used in the manufacture and packaging of expanded polystyrene foam (except commodities in bulk) to "rubber and plastic products, chemicals and related products and equipment and supplies used in the manufacture and packaging of expanded polystyrene foam" and (f) in Sub-No. 10 permit from prepared animal and poultry feed (except in bulk) to "food and related products" (2) broaden the territorial description to "between points in the U.S. under continuing contract(s) with named shippers in the lead and Sub-Nos. 8 and 10 permits, (3) change City to county-wide authority (a) in the lead certificate from Bluemont, Round Hill, Leesburg, Hamilton and Purcellville, VA to Loudon County, VA; from Verona and Churchville to Augusta County, VA; from Stephens City, VA to Frederick County, VA; from Tenth Legion and Timberville, VA, to Rockingham County, VA; from Strasburg, VA, to Shenondoah County, VA; from Berryville, VA, to Clarke County, VA; and, from Charles Town, WV, to Jefferson County, WV, and (b) in Sub-No. 5 certificate from Riverton, WV, to Pendleton County, WV; from Harrisburg, PA, to Dauphin County, PA; from Purcellville, VA, to Loudon County, VA; from Charles Town, Millville, and Bakerton, WV, to Jefferson County, WV; from Cumberland, MD to Alleghany County, MD; from Ellicott City, MD to Howard County, MD; from Brunswick, MD to Frederick County, MD; from Lancaster, Hanover, Greencastle, and Camp Hill, PA to Lancaster, York, Franklin and Cumberland Counties, PA; from Piedmont, WV to Mineral County, WV; and from Westminster and Union Bridge, MD to Carroll County, MD; (4) remove in bulk restrictions in Sub-No. 5 certificate; (5) remove in tank vehicles restriction in Sub-No. 5 certificates; and (6) authorize two-way service in place of one-way service in the lead and Sub-No. 5 certificates. The purpose of this republication is to (1) in 3(b) substitute Pendleton County, WV for Jefferson County, WV in the previously noticed expansion of Riverton, WV; substitute Mineral County, WV for Jefferson County, WV in the previously noticed expansion of Piedmont, WV; and broaden Westminster and Union Bridge, MD to Carroll County, MD; (2) remove the in bulk restrictions in Sub-No. 5 certificate; (3) remove the in tank vehicles restriction in Sub-No. 5 certificate; and (4) authorize two-way service in place of one-way service in the lead and Sub-No. 5 certificates.

MC 67167 (Sub-13)X, filed August 19, 1981. Applicant: E.D. FEE TRANSFER, INC., P.O. Box 1464, New Castle, PA 16103. Representative: Harold G. Hernly, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313. Applicant seeks to remove restrictions in its lead and Sub-No. 12 certificates to: (1) broaden the commodity descriptions: (a) from roofing and roofing materials to "construction and building materials and supplies", on Sheet 1 of the lead certificate; (b) from nitre cake to "chemicals and related products" on Sheet 2 of the lead certificate; (c) from malt beverages, empty cream containers, steel, cream and empty malt beverage containers to "food and related products, metal products and containers" on Sheet 2 of the lead certificate; (d) from meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses, as described in Sections A, B and C of *Appendix I* to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, to "food and related products" on Sheet 3 of the lead certificate; (e) from household goods, as defined by the Commission to "household goods, furniture and fixtures", on Sheet 3 of the lead certificate; (f) from lumber to "lumber and wood products" on Sheet 3 of the lead certificate; (g) from packing-house products to "food and related products" on Sheet 3 of the lead certificate: (h) from grinding machinery and parts to "machinery" on Sheet 4 of the lead certificate; and (i) from packing-house products and dairy products and rejected shipments of packing-house products and dairy products and empty containers to "food and related products" on Sheet 4 of the lead certificate, (2) change one-way regular route authority to two-way authority and authorize service to all intermediate points between Niagara Falls, NY, and New Castle, PA; Coverts, PA, and Buffalo, NY; and Buffalo, NY, and New Castle, PA, in the lead; (3) authorize

radial authority for one-way authority in the irregular route portion of the lead and Sub-No. 12, and expand city to county-wide authority from New Castle to Lawrence County, PA; Beaver Falls, Monaca, and New Brighton to Beaver County, PA; Youngstown to Mahoning County, OH; North Tonawanda to Niagara County, NY; Buffalo to Erie County, NY; Pittsburgh to Allegheny County, PA; Dunkirk to Chautauqua County, NY; Cleveland, Canton, Akron, Barberton, Lowellville, and Massillon to Cuyahoga, Stark, Summit, and Mahoning Counties, OH; Sharon and Farrell to Mercer County, PA; and Butler to Butler County, PA; (4) expand territorial description from Monaca, PA, and, points within 15 miles of Monaca to Beaver, Lawrence and Allegheny Counties, PA, and Columbiana County, OH, in the lead Sheet 4; and (5) remove the restrictions to a pool-car or pool truck distribution service, in the lead, sheet 3, and except those within 15 miles of Monaca, in the lead, sheet 4; and against transportation of traffic received from connecting motor carriers at New Castle, PA, in Sub-No. 12.

MC 113828 (Sub-284)X, filed August 11, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 618 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its No. MC–113828 Sub-Nos. 10, 11, 20, 27, 28, 54, 57, 65, 67, 72, 74, 75, 85, 96, 126, 136, 148, 150, 156, 160, 170, 181, 227, 229, 233, 235, 237, 243, 247, 251, 255F, and 263 certificates and in its E–5, E–19, E–27, E–28, E–44, E–46, E–58, E–59, E–64, E–65, E–66, E–67, E–69 and E–70 letter notices and No. MC–150473 Sub-No. 1F permit to (a) broaden the commodity description in Sub-Nos. 10, 11, 20, 27, 28, 57, 65, 74, 75, 85, 96, 170, 181, 247, 251, 263, E–27, E–28, E–64, E–65, E–66 and E–67 from dry cement, cement, and cement in bags, to "building materials"; in Sub-Nos. 28, 227, E–69 and E–70 from liquid petroleum products, liquefied petroleum gas, petroleum products (except petroacids, chemicals, asphalt and asphalt products) to "petroleum products"; in Sub-Nos. 28, 67, 72, 74, 85, 126, 156, 229, 235, 243, E–44, and E–46 from alum, in bags, lime, limestone, limestone products, dry hydrated lime, sand in bags, sand and magnetite to "ores and minerals"; in Sub-Nos. 136, 148, 150, 237, 255F, 263, E–58 and E–59 from dry dicalcium phosphate, fertilizer, fertilizer materials, nitro-carbo-nitrate, molten polypropylene, fly ash, chemicals, ferric chloride, concrete plasticizer compounds, sodium silico, aluminate slurry, laurel alcohol sulphates and sulfur dioxide gas to "chemicals and related products"; in Sub-No. 160, E–5 and E–19 from corn syrups and blends thereof, liquid and invert sugars, and syrup and blends of syrup and sugars and liquid sugar and syrups to "food and related products"; in No. MC–150473 Sub-No. 1F, from sulfuric acid and spent sulfuric acid to "chemicals and related products"; (b) expand the territorial scope of its irregular route authority from one-way authority to radial authority: Sub-Nos. 20, 28, 72, 75, 85, 227, 237, 263, E–27, E–44, E–66, and E–67, remove facilities restrictions; "originating at" restriction in Sub-No. 233; Sub-Nos. 27, 52, 96, and 263, ex-rail or water restrictions; and remove restriction against specified commodities to specified destinations in Sub-Nos. 67 and 150; replace specific point authority with county-wide authority wherever they appear as follows: Winston-Salem to Forsyth County, NC, Martinsburg to Berkeley County, WV, Greensboro to Guilford County, NC, Charlotte to Mecklenburg County, NC, Williamston to Martin County, NC, Thomasville and York to York County, PA, Berkeley Springs to Morgan County, WV, Canton to Stark County, OH, and Kimballton to Giles County, VA and Tirzah to York County, SC, Clyo to Effingham County, GA, Metter to Candler County, GA, Port Wentworth to Chatham County, GA, Dickerson to Montgomery County, MD, Chalk Point to Prince Georges County, MD, Morgantown to Charles County, MD, Longview to Gregg County, TX, Montezuma to Cayuga County, NY, Marcus Hook and Chester to Delaware County, PA, Linden to Union County, NJ, Jersey City to Hudson County, NJ, Copperhill to Polk County, TN; (c) authorize service at all intermediate points in its Sub No. 28 regular route certificates, and (d) expand the territorial scope to between points in the United States under contract with a named shipper in MC–150473 Sub-No. 1F.

MC 117975 (Sub-11)X, filed August 24, 1981. Applicant: MOTOR EXPRESS, INC., P.O. Box 604, Edinburg, TX 78539. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 7, 9F and 10F certificates to (1) broaden the commodity description to "food and related products" from (a) bananas, in the lead, and Sub-Nos. 4 and 7, (b) malt beverages, in Sub-No. 9F, and (c) beverages in Sub-No. 10F; (2) eliminate the "AK and HI" restriction, in Sub-No. 7; (3) authorize county-wide authority to replace existing city-wide and ports of entry authority; Webb, Zapata, Starr, Hidalgo, Willacy and Cameron Counties, TX, for McAllen, TX, and ports of entry on the U.S.-Mexico boundary line located in TX, between and including Brownsville and Laredo, TX, in Sub-No. 7; and (4) authorize radial authority to replace existing one-way authority in the lead and Sub-Nos. 4, 7 and 9F.

MC 119615 (Sub-7)X, filed August 24, 1981. Applicant: ALEXANDER TRUCK LINES, INC., P.O. Box 303, Edinburg, TX 78539. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 6 certificates to (1) broaden the commodity description to "food and related products" from bananas in Sub-No. 2 and olives in the base description of Sub-No. 6, (2) remove the originating at and destined to restriction in Sub-No. 6 and (3) change one-way to radial authority in both subs.

MC 129444 (Sub-10)X, filed August 24, 1981. Applicant: KNOBLOCH TRUCKING CO., INC., Yaphank Avenue, P.O. Box 625, Brookhaven, NY 11719. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. Sub-No. 1, 4, 5, and 6 permits, and MC–41498 Sub-No. 3 permit to (1) broaden the commodity description from (a) such commodities as are dealt in by wholesale, chain and retail food business houses, groceries, oleomargarine and mayonnaise, pickles, salad dressings, table sauces, mustard, vegetable cooking oils, and stearine, food products, and prepared foodstuffs to "such commodities as are dealt in or used by food business houses" in the lead and Sub-Nos. 1 (sheet 1 and 2), 4, 5, and 6, and MC–41498 Sub-No. 3; (b) advertising matter pertaining thereto to "advertising matter" in Sub-No. 1 (sheet 1 and 2); (c) empty grocery containers and empty containers to "containers" in Sub-No. 1 (Sheet 2 and 3); and (d) animal feeds to "food and related products" in Sub-Nos. 4 and 5; (2) remove the restrictions except liquid commodities in bulk, in tank vehicles, except commodities in bulk, and in vehicles equipped with mechanical refrigeration, wherever they appear; and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper, in each permit.

MC 134440 (Sub-4)X, filed August 14, 1981. Applicant: La VENTURE BROS. VAN LINES, d.b.a. La Venture Bros. Transfer and La Venture Bros. Van

Lines, 3808 E. Slauson Avenue, Maywood, CA 90270. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 22036. Applicant seeks to remove restrictions from its Sub-No. 3 certificate to broaden the commodity description from household goods to "household goods and furniture and fixtures."

MC 135570 (Sub-5)X, filed August 26, 1981. Applicant: MOBILE AIR TRANSPORT, INC., P.O. Box 219, Latham, NY 12110. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801–0724. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities, (except classes A and B explosives)"; (2) replace named airports with city; Newark Airport, Newark, NJ, with Newark, NJ, and John F. Kennedy International and LaGuardia Airports, New York, NY, with New York, NY; and (3) remove the restriction limiting transportation of traffic having a prior or subsequent movement by air.

MC 136230 (Sub-1)X, filed August 12, 1981. Applicant: CONTAINER EXPRESS, INC., 7530 SW 104th St., Miami, FL 33156. Representative: Tom Culberson (same as applicant). Applicant seeks to remove restrictions in its lead certificate to (1) remove all exceptions from its general commodities authority except Classes A and B explosives, (2) remove the in containers or in trailers restriction and, (3) remove the ex-water restriction to authorize (1) general commodities (except classes A and B explosives), radially between Jacksonville, FL, and, points in FL and GA and (2) empty containers, trailers, and trailer chassis, between points in FL and GA.

MC 138714 (Sub-12)X, filed August 19, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., 1814 High Point Avenue, Richmond, VA 23230. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. Applicant seeks to remove restriction in its Sub No. 2 permit to broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 140540 (Sub-2)X, filed August 14, 1981. Applicant: L. MONTGOMERY, INC., 15 Knollwood Drive, Tinton Falls, NJ 07724. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its MC–140540 Sub-No. 1 permit to (1) broaden the commodity description from polystyrene products, plastic lids, plastic tumbers, plastic plates, and plastic utensils to "rubber and plastic products"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 141205 (Sub-52)X, filed August 21, 1981. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 S. Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, James M. Elegante, P.O.B. 11898, Salt Lake City, UT 84147. Applicant seeks to remove restrictions in its Sub-No. 49F permit to broaden the commodity description from crude oil, scrubber oil, and condensate to "petroleum and petroleum products".

MC 142494 (Sub-5)X, filed August 14, 1981. Applicant: UNITED CARTAGE, INC., 737 S. Stacy St., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 4F certificates to (1) broaden the territorial description from city to county-wide authority: Seattle, WA, in Sub-No. 3 and Anchorage, AK in Sub-No. 4 to King, Kitsap, and Snohomish Counties, WA and Greater Anchorage Area, Kenai Peninsula, and Matanuska-Sistna Boroughs, AK, respectively and (2) remove ex-water restrictions in both.

MC 144889 (Sub-12)X, filed May 20, 1981, published in the **Federal Register** of June 15, 1981, and republished as follows: Applicant: RONWAL TRANSPORTATION, INC., 2600 Calumet Ave., Hammond, IN 46320. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. As is pertinent here, applicant seeks to broaden a territorial description in its Sub-No. 10 certificate from facilities at Hammond, IN, to Lake County, IN, and Cook County, IL. The certificate issued in this proceeding failed to include Cook County. The purpose of this republication is to reflect applicant's original request and to request comments from interested parties.

MC 148684 (sub-3)X, filed August 24, 1981. Applicant: SIDNEY SMITH, INC., P.O. Box 61–B, Sandyville, WV 25275. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to broaden the commodity description to "metal products and machinery and commodities used in their manufacture and production" from pipe, machinery, and steel articles.

MC 148747 (Sub-3)X, filed August 20, 1981. Applicant: D & E TRANSPORT, INC., Bensalem, PA. Representative: Richard Rueda, 133 North 4th Street, Philadelphia, PA 19106. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) eliminate the facilities limitations; (3) change city to county-wide authority from Camden to Camden County, NJ; Ambler and Norristown to Montgomery County, PA; and Sunbury to Northumberland County, PA; (4) change one-way to radial authority and (5) remove the "originating at or destined to" restriction.

MC 151179 (Sub-2)X, filed August 27, 1981. Applicant: G–M TRANSPORTS, INC., 12344 E. NW Highway, Dallas, TX. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Applicant seeks to remove restrictions in its lead permit to (1) eliminate the commodities in bulk, and fresh meats and poultry exception; and (2) broaden territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 151221 (sub-2)X, filed August 24, 1981. Applicant: HUDSON VALLEY BULK SERVICE, INC., Twinbrook Farm Road, East Chatham, NY 12060. Representative: Roy A. Jacobs, 550 Momaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictiosn in its Sub-No. 1F permit to (1) broaden the commodity description from precast cellular concrete to "clay, concrete, glass or stone products;" and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81–26122 Filed 9–4–81. 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 311]

Motor Carriers; Expedited Procedures for Recovery of Fuel Costs; Decision

Decided: September 1, 1981.

In our recent decisions, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transporation performed by owner-operators and for truckload traffic is 17.8-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.7-percent surcharge for the bus carriers, or the 2.0-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for public publication therein.

It is Ordered:

This decision shall become effective Friday 12:01 a.m., September 4, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham, and Gilliam.

Agatha L. Mergenovich,

Secretary.

August 31, 1981.

APPENDIX.—*Fuel Surcharge*

Base date and price per gallon (including tax)

Jan. 1, 1979 ..... 63.5c

Date of current price measurement and price per gallon (including tax)

Aug. 31, 1981 ..... 130.6c

	Transportation performed by—			
	Owner operator[1]	Other[2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	17.6	3.1	6.7	[3] 2.8
Percent surcharge allowed	16.0	3.1	6.7	[4] 2.0

[1] Apply to all truckload rated traffic.
[2] Including less-then-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-26121 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 46)]

Southern Pacific Transportation Co.; Exemption for Supplement to Tariff ICC-SP-C-0009; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The supplemental agreement to be filed can become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By petition filed August 21, 1981, the Southern Pacific Transportation Company (Southern Pacific) has requested an exemption from the 30-day notice requirement of 49 U.S.C. 10713(e), in order that the Southern Pacific's first supplemental agreement to its contract and contract tariff ICC-SP-C-0009 may become effective on one day's notice effective September 2, 1981. The contract itself became effective June 18, 1981, in accordance with the notice requirements of section 10713(e).

Petitioner argues that the first supplemental agreement is necessary because the shipper is facing the imminent threat of a strike at its plant on September 1, 1981 from which paper commodities move to points on the lines of the Southern Pacific. The shipper has committed itself to a guaranteed number of carloads of paper products to be shipped from the plant. The supplemental agreement allows the shipper to shift its point of origin shipments to a facility in the same city that would not be struck. The Southern Pacific is obligated to provide car supplies to the unstruck facility on the same terms it provides cars to shippers with whom it has no contracts. The other provisions of the supplemental agreement increase the number of possible destinations and adjust the language of the agreement to take into account the new destinations and a new force majeure clause. No other provisions of the original contract are changed.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(i). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe this is the type of exception circumstance that warrants an exemption.[1] In Ex Parte No. 387 (Sub-No. 18), *Consolidated Rail Corporation Exemption for Contract Tariff ICC-CR-C-0011,* served April 2, 1981, we stated: "The coal strike is precisely the exceptional or emergency condition which warrants an exemption." An exemption is equally warranted by the threatened strike at the shipper's plant, which was unanticipated by the shipper who believed a settlement could be reached well before the expiration of its labor agreements. Thus, granting this exemption will guarantee the continuous movement of paper products. Finally, it should be noted that no protests were filed against the original contract.

Southern Pacific has agreed to the following conditions:

> If the Commission permits the contract supplement to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract supplement for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the supplement or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a), we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101 and is not needed to protect shippers from abuse of market power. The first supplement agreement to the contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protest are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 1, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26119 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

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[1] Because of the shortness of time the Commission had to consider the petition, the September 1, 1981 effective date cannot be met.

[Docket No. AB-33 (Sub-No. 20F)]

Union Pacific Railroad Co.; Abandonment in Odgen, Weber County, Utah; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Union Pacific Railroad Company to abandon a portion of the Hill Field Branch, extending from milepost 0.00 to milepost 0.086, a distance of 0.086 miles in Odgen, Weber County, UT, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual officer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26120 Filed 9-4-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[ORPS Application No. P-2114V]

Employee Benefit Plans; Proposed Reporting Exemption for the Employees Benefit Fund, Munising Mill of Kimberly-Clark Corp.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from the requirements of section 103(a)(3)(A) of the Employee Retirement Income Security Act of 1974 (the Act) for the Employees' Benefit Fund, Munising Mill of Kimberly-Clark Corporation (the Fund). The proposed exemption, if granted, would affect participants and beneficiaries of the Fund.

DATE: Written comments must be received by the Department on or before November 9, 1981.

EFFECTIVE DATE: If granted, the proposed exemption would be effective upon adoption.

ADDRESSES: All written comments (three copies) should be submitted to: Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Munising Mill Exemption. The petition for the exemption and all comments received will be available for public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: John A. Malagrin or George M. Holmes, of the Department, 202-523-8515. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an exemption under section 104(a)(3) of the Act from certain reporting and disclosure requirements of the Act for the Fund. The proposed exemption was requested in a petition filed by William Kinnunen, Jr., Chairman of the Employees' Benefit Fund committee.

Summary of Facts and Representations

The petition contains facts and representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the petition on file with the Department for the complete representations of the petitioner.

1. The petitioner requests the Department to grant an exemption from the requirement to engage an independent qualified public accountant to audit the financial statements contained in the Fund's annual report and to render an opinion beginning with the 1975 plan year.

2. The Fund was established by the employees of the Munising Mill of Kimberly-Clark Corporation for the purposes of providing interest free loans for members to secure medical care, disability and death benefit payments, and partial refunds of contributions upon retirement or transfer minus disability benefit payments collected during employment.

3. The Fund is funded solely through employee contributions in the amount of $.75 per month. Total contributions to the Fund have been approximately $3,600 in each of the years 1976-1979. For calendar year 1979 the Fund's operations resulted in a loss of $816.12. At the end of that year the Fund's net worth was $17,087.32, of which outstanding loans accounted for $8,865.17.

4. Participation in the Fund is voluntary and approximately 400 employees participate in the Fund.

5. The Fund is administered by the committee of eight employees who serve as the elected representatives of their departments at the Mill.

6. The petitioner states that the requirement to engage an accountant to audit the Fund would cause the Fund to incur an initial audit cost of between $1,000 and $1,500 and a mimimum of $500 in subsequent years.

7. The Fund has filed annual report Form 5500 each plan year 1975-1979, and has submitted a request for an exemption from the audit requirement.

Notice to Interested Persons

Not later than October 8, 1981, the Employees' Benefit Fund committee will furnish to each participant a notice that a petition has been filed for an exemption from the reporting and disclosure requirements of the Act. Such notice shall contain a copy of the proposed exemption as published in the **Federal Register** and shall include the following statements:

Any interested person, including any participant in the Employees Benefit Fund of Munising Mill of Kimberly-Clark Corporation, may present his or her view on the proposed exemption from the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 for the above-named plan on or before November 9, 1981, by writing to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, U.S. Department of Labor, Washington, D.C. 20216, Attention: Munising Mill Exemption.

General Information

The attention of interested persons is directed to the following:

(1) the proposed exemption, if granted, will not extend to any reporting or disclosure requirement under the Act other than the audit requirement of section 103(a)(3)(A) of the Act.

(2) in order to prescribe an exemption or simplified reporting for a welfare plan with respect to any reporting and disclosure requirement under Title I of ERISA, a determination, in accordance with the Secretary's authority under section 104(a)(3), must be made that such requirement is inappropriate as applied to the requesting welfare plan.

Proposed Exemption From Certain Reporting and Disclosure Requirements

In view of the operation and characteristics of the Fund and the expense of an audit relative to the size of the assets of the Fund and the amount of money annually contributed to the Fund, the Department feels that the audit requirement may be inappropriate as applied to the Fund. Therefore, the Department is proposing to grant the Fund an exemption under the authority of section 104(a)(3) of the Act from the requirement in section 103(a)(3)(A) to engage an independent qualified public accountant and to include an opinion rendered by such accountant in the annual report of the Fund, provided that the Fund continues to be operated and funded in the same manner as described in the petition, and that the Fund continues to meet all other applicable reporting and disclosure requirements under Title I of the Act.

Signed at Washington, D.C., this 1st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26151 Filed 9-4-81;8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2615]

Proposed Exemption for Certain Transactions Involving ABC Freight Forwarding Corp., Employees Profit Sharing Plan and Trust Located in New York City, N.Y.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale by the ABC Freight Forwarding Corporation Employees Profit Sharing Plan and Trust (the Plan) of the stock (the Stock) of Paramount Freight Handling, Inc. (Paramount) and Paramount Handling of North Carolina, Inc. (Paramount of North Carolina) to ABC Air Freight, Inc. (ABC Air Freight), a wholly owned subsidiary of ABC Freight Forwarding Corporation (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before October 19, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2615. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees (the Trustees) of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan qualified under Section 401(a) of the Code. The Employer permanently discontinued all contributions to the Plan as of December 11, 1973. A favorable determination letter from the Internal Revenue Service was issued with respect to such termination on August 27, 1974. The Plan's trust fund is being liquidated by distributions made to employees upon their retirement, death or termination of employment.

2. In 1956, a major shareholder of the Employer sold to the Plan all of the issued and outstanding stock of Paramount for a price of $200,000. Paramount is a shipper's agent, operating in the New York City area. In 1974, Paramount decided to expand its operations into North Carolina and Paramount of North Carolina was organized as an independent company owned by the Plan. Paramount paid a cash dividend to the Plan that was used for the purpose of organizing Paramount of North Carolina.

3. As of December 31, 1977, the value on the books of the Plan of the Stock was $516,255.72, which constituted 36.93% of the total Plan assets of $1,397,945.84. On January 25, 1979, the Manufacturer's Appraisal Company of Philadelphia, Pennsylvania represented that the fair market value of the Stock was $400,000.

4. On May 22, 1979 (44 FR 29760) the Department granted an exemption (Exemption 79-20) which permitted the sale of the Stock by the Plan to the Employer for an amount not less than the greater of either $516,255 or the fair market value of the Stock at the time of the sale. After the Department issued Exemption 79-20, the Trustees became aware of the existence of a claim (the NYC Claim) asserted by The City of New York, in the amount of $264,304 against Neptune World Wide Moving Inc. (Neptune) with respect to Neptune's deferred maintenance obligation under a lease between The City of New York, as landlord, and Neptune, as tenant, relating to facilities at Pier 63. The Pier 63 facilities were subleased by Neptune as sublandlord, to Paramount, as subtenant, and Neptune has asserted that pursuant to the terms of such sublease, Paramount is responsible or potentially responsible for payment of $251,320 of the NYC Claim. Neptune acknowledges that it is responsible for $12,984 of the NYC Claim. The Trustees did not become aware of the existence of the NYC Claim until June of 1979. It now appears that the NYC Claim may not be covered by insurance maintained by Paramount. Because of the discovery

of the NYC Claim, the sale of Stock was never consummated.

5. On February 13, 1981 (FR 46 12365) the Department published a new notice of pendency which proposed the sale of the Stock by the Plan to the Employer. This notice of pendency took into consideration the NYC Claim. On June 12, 1981, at the request of the applicants, the Department withdrew this notice of pendency.

6. The applicants presently are requesting an exemption that would permit the Plan to sell the Stock to ABC Air Freight. In light of the existence of the NYC Claim, ABC Air Freight is unwilling to purchase the stock of Paramount and Paramount of North Carolina without accruing the amount of the NYC Claim as a liability of Paramount and making a corresponding reduction in the purchase price that ABC Air Freight will pay for Stock. However, the Trustees are unwilling to reduce the purchase price by the full amount of the NYC Claim because they believe that there is a reasonable prospect of Paramount paying less than the full amount of the NYC Claim if such claim is defended by Paramount. Accordingly, the Trustees and ABC Air Freight are willing to proceed with settlement of the purchase by ABC Air Freight of the Stock in accordance with the representations and the provisions of Exemptions 79–20 subject to the following conditions:

7. At settlement of the purchase by the ABC Air Freight of the Stock, the amount of the purchase price payable by ABC Air Freight to the Plan will be determined in accordance with the representations and provisions of Exemption 79–20 and its underlying application, including the adjustment thereof to take into account any increases in the net worth of Paramount and Paramount of North Carolina between June 30, 1977 and the date of the most recent audit of the two Paramount corporations, but without accruing any liability for the NYC Claim. Promptly after the settlement of such purchase, the financial statements of the two Paramount corporations will be audited as of the settlement date and after completion of such audit, ABC Air Freight will pay to the Plan in cash the amount (if any) of the increase in the net worth of the two Paramount corporations between June 30, 1977 and the settlement date.

8. At settlement, ABC Air Freight shall pay to the Plan an amount (the Initial Payment) in cash equal to the entire purchase price determined on the settlement date less an amount (the Contingent Amount) equal to $251,320 (the Amount) of the (NYC Claim) less the amount (the Tax Savings Amount) of federal, state and local income tax savings that would be achieved by ABC Air Freight if such amount of $251,320 was deducted for income tax purposes in the year in which settlement of such purchase occurs, including any carryback loss deductions for prior tax years. However, in no event may the Final price (Initial Payment less amount of NYC Claim) be less than $400,000. If settlement of such purchase had been held in 1979, the Tax Savings Amount to ABC Air Freight would have been approximately $34,000.

9. After the amount of the NYC Claim has been finally determined, the ABC Air Freight shall pay to the Plan an amount (the Additional Payment) equal to the Contingent Amount less the amount (the Final Claim Payment) of the NYC Claim so determined to be payable to the City of New York plus the Tax Savings Amount based upon the Final Claim Payment but computed as if the Final Claim Payment is deducted by Paramount for income tax purpose (on a separate return basis) in the year in which the amount of the Final Claim Payment is so determined. The portion of the Contingent Amount payable to the Plan will be payable within thirty (30) days after the amount of the NYC Claim has been finally determined by a court adjudication or a settlement approved by the Plan. The Plan will have the right to make all decisions with respect to the defense of the NYC Claim, including engagement of attorneys and settlement arrangements. All legal fees incurred in the defense of the NYC Claim will be paid by the Plan.

10. At the time of payment by ABC Air Freight to the Plan of the Additional Payment, ABC shall also pay to the Plan interest at a rate (the Closing Date Interest Rate) on the Additional Payment computed from the date of the settlement of the purchase by ABC Air Freight of the Paramount stock to the date of payment by ABC Air Freight to the Plan of the Additional Payment. The Closing Date Interest Rate shall be the interest rate paid by the United States Treasury Department on two-year Treasury notes as determined by the auction sale thereof immediately prior to the date of settlement of such purchase of the Paramount stock. The two-year period was arrived at by agreement between the Trustees who are not shareholders of the Employer and the Employer after receipt by the Plan of a letter from the Plan's legal counsel estimating a period of two years for settlement of the NYC Claim.

11. As security for payment of the Additional Payment and interest thereon, ABC Air Freight shall deliver to the Plan at settlement of the purchase of the Stock an irrevocable letter of credit from Citibank, Chemical Bank or another recognized banking institution situated in New York City in the amount of the Contingent Amount plus interest that would be payable on the full amount thereof for a period of two years at the Closing Date Interest Rate. Such letter of credit may be drawn upon by written notice by the Plan to the Bank that the amount of the NYC Claim has been finally determined and an additional amount has become payable to the Plan pursuant to the aforementioned terms. If the amount of the NYC Claim is not finally determined prior to the expiration date of such letter of credit, the term of the letter of credit will be renewed and if the term of such letter of credit is not renewed at least 30 days before its expiration date, the letter of credit may be drawn upon by the Plan to assure that funds will be available to pay the additional amount owed to the Plan.

12. In summary, the applicants represent that the proposed sale of the Stock will satisfy the statutory criteria of section 408(a) of the Act as follows:

(1) the Plan must sell the Stock in order to continue the liquidation of its assets; (2) the Trustees represent that the proposed sale is in the best interest of the Plan; (3) the Plan will receive a final price at least equal to the appraised value of the Stock; and (4) in no event will the Plan receive less than $400,000 for the Stock.

Notice to Interested Persons

All Plan participants and beneficiaries will be notified by letter containing a copy of the notice of pendency of the proposed exemption as published in the **Federal Register**. Such notification will be distributed to all participants in the Plan, including terminated employees and beneficiaries, either by personal delivery or by first class mail no later than 10 days after notice of pendency is published in the **Federal Register**.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act

which, among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale of the Stock by the Plan to ABC Air Freight for the greater of, either $400,000 or the fair market value of the Stock at the time of sale but subject to the settlement as described herein for the NYC Claim.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in this appliction are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 1st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–26146 Filed 9–4–81; 8:45 am]

BILLING CODE 4510–29–M

[Application Nos. D–2550 and D–2551]

Proposed Exemption for Certain Transactions Involving the Houston Solvents & Chemicals Co., Inc. Retirement Trust and The Houston Solvents and Chemicals Co., Inc. Employees' Profit Sharing Plan Located in Houston, Tex.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) the proposed cash sale by The Houston Solvents & Chemicals Co., Inc. Retirement Trust (the Retirement Trust) of its 66% interest in certain real property (the Property) to W. T. Straley (Straley) and J. M. Clepper (Clepper), parties in interest with respect to the Retirement Trust and (2) the proposed cash sale by The Houston Solvents & Chemicals Co., Inc. Profit Sharing Plan (the Profit Sharing Plan) of its 34% interest in the Property to Straley and Clepper, parties in interest with respect to the Profit Sharing Plan. The proposed exmption, if granted, would affect participants and beneficiaries of the Retirement Trust and of the Profit Sharing Plan and other persons participating in the proposed transactions.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before October 19, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Program, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D–2550 and D–2551. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Houston Solvents & Chemicals Co., Inc. (Houston Solvents), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Houston Solvents is the sponsor of the Retirement Trust and the Profit Sharing Plan (collectively, the Plans). As of December 31, 1980, the Retirement Trust had assets of $208,909 and approximately 16 participants. As of December 31, 1980, the Profit Sharing Plan had assets of $82,126 and approximately 44 participants. Straley

and Clepper (the Trustees) are the Trustees of the Plans and are the principal officers and shareholders of Houston Solvents.

2. The Plans jointly own the Property. The Retirement Trust owns a 66% interest and the Profit Sharing Plan owns a 34% interest. The Property consists of 7.0191 acres of unimproved land located in Houston, Texas. The Property was purchased as an investment in July of 1979 by the Plans from a party unrelated to the Plans or Houston Solvents. The Retirement Trust purchased its interest in the Property for $106,649.99. The Profit Sharing Plan purchased its interest in the Property for $54,889.36. Subsequent to the Plans' purchase of the Property, the Retirement Trust paid $8,632.88 and the Profit Sharing Plan $4,316.44 for certain improvements (the Improvements) that have been added to the Property. Recent independent appraisals have valued the Property as follows: W. James Smith & Associates, real estate appraiser and consultants located in Houston, Texas represent that as of April 15, 1981 the market value of the Property was $186,000. Clyde King ASA, SRA, SRPA, RM, CRA of White-King Associates located in Houston, Texas represents that the market value of the Property as of April 14, 1981 was $175,477.50. T. N. Edmonds, Sr. ASA, SRA, IFAS of Edmonds & Co. located in Houston, Texas represents that the market value of the Property as of April 20, 1981 was $168,500. All of the appraisals took into consideration the special value of the Property to the Employer.

3. The applicant is requesting an exemption that will permit Straley and Clepper to purchase the Property for $186,000 cash, the amount of the highest appraisal. In addition, Straley and Clepper will reimburse each of the Plans the amount that they paid for the Improvements which would make the final amount received by the Retirement Trust $131,392.88 and the final amount received by the Profit Sharing Plan $67,556.44. No commission or other charge will be levied against the Plans in the proposed sale. A facility for the use of Houston Solvents will be constructed on the Property after the proposed sale is completed.

4. An independent party, Mr. Elliott Johnson (Johnson) who is an attorney located in Houston, Texas will examine the transaction. The applicant represents that Johnson has in-depth experience in the pension and profit sharing area and has served on the Board of the Profit Sharing Council of America. In addition, Johnson has had past experience in financial analysis, banking and real estate. Prior to the Plans entering into the transaction, Johnson must certify that the transaction is in the best interests of the participants and beneficiaries of the Plans and that the terms & conditions of the transaction are at least equal to those which the Plans would receive in a similar transaction with an unrelated party.

5. The applicant and the Trustees represent that the proposed sale will allow the Plans to sell immediately at a profit one of their largest assets so as to allow the Plans to become more liquid and permit the Trustees to diversify Plan assets. The applicant and the Trustees further represent that a sale of the Property by the Plans to a third party would probably be at a price lower than the highest appraised price as the Property is located next to property owned by Houston Solvents and also would in all probability be reduced by real estate sales commission.

6. In summary, the applicant represents that the proposed sale will satisfy the criteria of section 408(a) of the Act as follows: (1) the Trustees represent that the proposed sale is in the best interests of the participants and beneficiaries of the Plans; (2) an independent party will approve the transaction prior to the Plans entering into it; (3) it will allow the Plans to sell one of their largest assets at a profit; (4) it will allow the Plans to have a larger diversification of their assets; (5) the price of the sale will be based on the highest market value of three independent appraisals; and (6) no commissions or charges will be levied against the Plans in the transaction.

Notice to Interested Persons

Within 10 days of its publication in the **Federal Register** a copy of the notice of pendency and a statement advising interested persons of their right to comment or request a hearing will be mailed to all participants and beneficiaries of the Plans.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the cash sale by the Retirement

Trust of its 66% interest in the Property for $131,392.88 to Straley and Clepper; and (2) the cash sale by the Profit Sharing Plan of its 34% interest in the Property to $67,556.44 to Straley and Clepper provided that at the time of the sale such amounts represent at least the fair market value of each Plan's interest in the Property.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26142 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2467 and D-2475]

Proposed Exemption for Certain Transactions Involving Interwest Exploration, Inc., Money Purchase Pension Plan and Trust and Interwest Exploration, Inc., Defined Benefit Pension Plan and Trust Located in Portland, Oreg.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) the proposed purchase by the Interwest Exploration, Inc., Money Purchase Pension Plan and Trust (the Money Purchase Plan) and the Interwest Exploration, Inc., Defined Benefit Pension Plan and Trust (the Defined Benefit Plan), collectively, (the Plans) of certain oil and gas leaseholds (the Leaseholds) from Interwest Exploration, Inc. (Interwest), the sponsor of the Plans; (2) the possible Resale (the Resale of the Leaseholds by the Plans to Interwest; and (3) the personal and corporate guarantee of the obligation of Interwest in the Resale by Floyd L. Cardinal (Cardinal) and Interwest respectively. The proposed exemption, if granted, would affect Interwest, the Plans' participant and other persons participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before October 9, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application Nos. D-2467 and D-2475. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Interwest, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975 1 C.B., 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plans are sponsored by Interwest which is a corporation engaged in business activities related to geological surveying, exploration, development, production, processing, preparation, utilization and delivery of any minerals and ores. The sole participant and trustee of the Plans is Cardinal. As of June 4, 1981, the Money Purchase Plan had assets of $16,000 and the Defined Benefit Plan had assets of $306,248.

2. The applicant is requesting an exemption that will permit Interwest to sell for cash certain Leaseholds to the Plans. The Leaseholds involve oil and gas interests and are located in the counties of Pacific and Wahkiakum, Washington.

The Money Purchase Plan will buy Leaseholds involving 2,560 acres for a price of $6,400. The Defined Benefit Plan will buy Leaseholds involving 49,000 acres for a price of $122,500. The price that the Plans will pay for the Leaseholds was determining by an independent appraisal performed on February 3, 1981 by D. J. Eckelberg, a certified professional geologist who is located in Golden, Colorado.

3. An independent party, P. E. Becker Inc. (Becker) a registered investment advisor, will examine the proposed transaction. Prior to the Plans entering into the proposed transaction, Becker must certify that the transaction is in the best interests of the participant of the Plan and that the terms and conditions of the transaction are at least equal to those which the Plans could receive in a similar transaction with an unrelated party. In addition, at the discretion of Becker for a period of one year after the date of the sale, the Plans will have a Resale option to sell the Leaseholds back to Interwest at the original price plus interest at the rate of 25% per annum. The Resale will be guaranteed by the corporate guarantee of Interwest and the personnel guarantee of Cardinal. The applicant represents that during the term of the Resale, Interwest will maintain a corporate net worth of at least $450,000. The applicant also represents that Cardinal presently has a net worth of at least $5,000,000.

4. The applicant represents that the Plans will receive an annual royalty return on the Leaseholds and that it expects that the Leaseholds will appreciate in value. In addition, the applicant represents that the Plans would not be able to find a similar investment on the open market and that the Plans investment will be marketable with independent third parties in a period of time reasonable for similar oil and gas leaseholds.

5. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 4975(c)(2) of the Code because: (1) the trustee of the Plans represents that the transaction is in the best interests of the Plans; (2) the transaction will be approved by an independent party; (3) the price of the Leaseholds was determined by an independent appraisal; (4) the Plans will receive an investment that will produce income and potential appreciation in value, (5) the Plans have the Resale option during

the first year of the investment at the original price plus interest at a rate of 25% per annum, (6) the Resale is guaranteed by Interwest which represents that it will maintain a corporate net worth of at least $450,000 during the Resale period; and (7) the Resale is quaranteed by Cardinal who presently has a net worth in excess of $5,000,000.

Notice to Interested Persons

Publication of this notice of pendency in the **Federal Register** will constitute the notification to interested persons.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the proposed purchase of certain Leaseholds by the Plans from Interwest provided that the price paid by the Plans is no more than the fair market value of the Leaseholds at the time of sale; (2) the possible Resale of the Leaseholds by the Plans to Interwest as described herein; and (3) the personal and corporate guarantees of the obligation of Interwest in the Resale by Cardinal and Interwest respectively.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–26143 Filed 9–4–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–2429]

Proposed Exemption for Certain Transactions Involving the Jeffrey A. Marmelzat, M.D. Medical Corporation Profit Sharing Plan Located in Los Angeles, Calif.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed cash sale of certain rare stamps (the Stamps) to the Jeffrey A. Marmelzat, M.D. Medical Corporation Profit Sharing Plan (the Plan) by Jeffrey A. Marmelzat, M.D. (Dr. Marmelzat), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect Dr. Marmelzat and the participants and beneficiaries of the Plan.

DATE: Written comments and requests for a public hearing must be received by the Department on or before October 23, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–2429. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine D. Lewis of the Department, telephone (202) 523–7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with three participants. As of June 30, 1980, the Plan had net assets of $16,422.

The Plan is sponsored by the Jeffrey A. Marmelzat, M.D. Medical Corporation (the Employer). Dr. Marmelzat is the sole trustee of the Plan, and the president and sole shareholder of the Employer.

2. The transaction for which an exemption is requested is the purchase by the Plan of the Stamps from Dr. Marmelzat. The sale would be for cash and no commissions would be paid. The proposed purchase price of $3,250 represents less than twenty percent of the Plan's assets.

3. The proposed purchase price of the Stamps ($3,250) represents the lower of two appraisals made by qualified independent stamp appraisers. On November 5, 1980 Mr. Harold Goldberg of Superior Stamp and Coin Co., Inc. of Beverly Hills, California, valued the Stamps at $6,600. Mr. Paul B. Moss, Vice President of the Wilshire Stamp Company, Inc. of Beverly Hills valued the Stamps at $3,250 on November 20, 1980.

4. An independent fiduciary, Mr. Leon Myers (Myers) of 618 N. Foothill Rd., Beverly Hills, California, has reviewed the proposed transaction and the funding objectives of the Plan, including the current composition of assets and the needs of the Plan for liquidity and has determined that the proposed transaction is in the best interests of the Plan and its participants and beneficiaries. Myers is senior vice president of Penn Corp. Financial, is on the board of directors of First Beverly Hills Bank and is knowledgeable about stamp appraising and investments.

5. Dr. Marmelzat will, at his own expense, insure the Stamps for $6,600, representing the higher of the two appraised values, with the Plan to be named as the beneficiary of the insurance policy. The Stamps will be stored in a safe deposit box.

6. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act because (1) it will be a one-time transaction for cash, (2) the proposed purchase price represents less than 20% of the Plan's assets, (3) an independent fiduciary has determined that the transaction is appropriate for the Plan and is in the best interests of the Plan's participants and beneficiaries, (4) the price to be paid by the Plan is the lower of the fair market values arrived at by two qualified independent stamp appraisers, and (5) the Employer has agreed to insure the Stamps at the higher of the two appraised values with the Plan as named beneficiary.

Notice to Interested Persons

Notice will be given to all Plan participants within 15 days of the publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform interested persons of their right to comment and request a hearing within the time period set forth in the notice of proposed exemption. The notice will be hand delivered to all Plan participants.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan, and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale by Dr. Marmelzat of the Stamps to the Plan, provided that the terms and conditions of this transaction are at least as favorable to the Plan as those obtainable with an unrelated third party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in this application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26140 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2504]

Proposed Exemption for Certain Transactions Involving the Reading & Bates Pension Plan Located in Tulsa, Okla.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale of certain improved real property (the Property), presently owned by the Reading & Bates Pension Plan (the Plan), to Reading & Bates Development Company (the Buyer), a wholly owned subsidiary of Reading & Bates Corporation (the Employer) and a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the Plan and its participants and beneficiaries, the Buyer, the Employer, the First National Bank and Trust Company of Tulsa (the Trustee), who is the trustee of the Plan, and Dan Bird & Associates (Bird), the Plan fiduciary appointed for this transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before October 30, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–2504. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department of Labor, telephone (202) 523–8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer and the Trustee, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit plan covering the employees of the Employer and certain of its subsidiaries. As of April 6, 1981, the estimated number of participants in the Plan was 880. As of January 1, 1980, Plan assets totalled $14,538,000

. The Property is located at the corner of South Fourth Street and East Boston Avenue in Tulsa, Oklahoma, and is improved by a fully renovated office building known as the Mid-Continent Building. The Property also includes a parking lot. On September 15, 1980, the Employer contributed the Property to the Plan, which leased it to the Buyer on the same day. These transactions were effected pursuant to the Trustee's prior determination that they would be appropriate for the Plan and in the best interests of its participants and beneficiaries. Prohibited Transaction Exemption 80–69 (PTE 80–69, 45 FR 62593, September 19, 1980) exempted these transactions from the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act. Information submitted to the Department in connection with PTE 80–69 indicated the Property was worth $4,000,000 as of April 1980. By letter dated June 30, 1981, the Trustee stated that as of that date the Buyer had timely fulfilled all of its obligations as tenant under said lease.

3. Shortly before PTE 80–69 was granted, the Employer initiated a study of its needs for additional office space and the alternatives available for satisfying same. After examining in detail the possibilities of remaining in the current location, relocating to another building, or constructing a new building, the study concluded with the recommendation that a new building be constructed to house the Employer. The new building would be of identical architecture to the Mid-Continent Building and would be built adjoining the latter (on the land now being used as a parking lot) for the first 18 floors and cantilevered over the top of the latter for an additional 21 floors so that upon completion the new building and the Mid-Continent Building would appear as one large building. The Employer initiated preliminary discussions with the Trustee to determine whether and under what circumstances the Trustee might be willing to sell the Property. In a meeting between officers of the Employer and officers of the Trustee's trust department on January 22, 1981, the Trustee indicated that, subject to final approval by its Trust Committee and the issuance of a prohibited transaction exemption by the Department, the Trustee would be willing to consider a sale of the Property if the Trustee determined such sale to be in the best interests of the Plan and its participants and beneficiaries. The Trustee undertook a study of the proposed transaction and secured an independent appraisal of the Property (see 4. below). On March 18, 1981, the Trust Committee of the Trustee approved the sale of the Property to the Buyer for a price equal to the greater of $6,500,000 or the appraised value of the Property as obtained by the Employer, provided a prohibited transaction exemption is granted by the Department.

4. On February 25, 1981, the Employer's board of directors resolved to buy the Property from the Plan if the Department grants an exemption permitting such purchase and to construct the new building described above. The proposed purchase price will be the fair market value of the Property as determined by an independent appraisal and will be paid in cash on the date title is conveyed. The Employer will bear all expenses incurred in effectuating the sale. Both the Trustee and the Employer commissioned appraisals of the Property by independent appraisers. Mr. W. A. Phillips, M.A.I., the appraiser selected by the Employer, has appraised the Property's fair market value as $6,600,000 as of February 25, 1981. Bird, the appraiser selected by the Trustee, has appraised the Property's fair market value as $6,500,000 as of February 1, 1981. The principals of Bird are Messrs. Dan Bird, Jr., M.A.I., and Daniel E. Bird, III.

5. The Trustee, who has the authority to invest the assets of the Plan, has examined the terms and conditions of the proposed sale and has determined that it is appropriate for the Plan and in the best interest of the Plan's participants and their beneficiaries. This determination is based primarily upon the fact that selling the Property at the proposed price would permit the Plan to realize a gain of approximately 62.5 percent in about one year or less time

and would allow the Plan to equal or exceed the projected yields from the Property through investing the sale proceeds in securities presenting less risk than real property ownership.

6. Bird has been appointed a fiduciary with respect to the Plan solely for purposes of the proposed transaction. Bird states that neither it nor either of its principals owns any stock in or has or has had any continuing business relationship with the Employer or any of its subsidiaries. Having reviewed market data compiled in the course of formulating the appraisal of the Property as of February 1, 1981, and changes in real estate market conditions since such date which would affect the desirability of the property as an investment, Bird believes that a sale at this time of the Property by the Plan for $6,600,000 would be in the best interest of the Plan, Plan participants and their beneficiaries. Bird's February 1, 1981 appraisal report indicated that during the next five years supply of office space will exceed expected demand in the Tulsa area and anticipated that this oversupply will depress rental rate increases, thereby depressing the otherwise rate of appreciation in value of the Property. Since February 1, 1981, according to Bird, a significant number of new projects have been announced which even further amplify the oversupply condition. Because of these oversupply conditions, Bird believes the Property's value will appreciate at the rate of five percent per year and that the proposed sale price of the Property is apparently at a high point in the market cycle. Bird states that it would appraise the current fair market value of the Property, based upon the changes in market conditions since February 1, 1981, at less than the $6,500,000 which it appraised the Property at as of February 1, 1981.

7. In summary, the applicants represent that the proposed sale satisfies the statutory criteria set forth in section 408(a) of the Act because:

(a) The sale will be a one-time transaction, consideration for which will be paid in cash on the date title is conveyed;

(b) The sales price will be the fair market value of the Property as established by the higher of two independent appraisals;

(c) The Plan will realize a substantial profit on the proposed sale;

(d) The Plan will incur no expenses in effectuating the proposed sale;

(e) The Trustee believes the proposed sale is appropriate for the Plan and in the best interest of the Plan's participants and their beneficiaries; and

(f) An independent fiduciary appointed solely in connection with the proposed sale believes it would be in the best interest of the Plan, Plan participants and their beneficiaries.

Notice to Interested Persons

Within 10 days of the date this notice of proposed exemption is published in the **Federal Register**, the applicants will notify all interested persons of the pendency of this application for exemption. Interested persons include all participants and beneficiaries of the Plan. The notice will contain a copy of the notice published in the **Federal Register** and will inform interested persons of their rights to comments and/or request that a hearing be held with respect to the proposed exemption. The notice will be delivered by first class mail.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed sale or the Property by the Plan to the Buyer for $6,600,000 cash, provided that that amount is not less than the fair market value of the Property at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26138 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1815]

Proposed Exemption for Certain Transactions Involving the Service Brokerage Company, Inc. Pension Trust Located in Houston, Texas

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue code of 1954 (the Code). The proposed exemption would exempt: (1) The leasing of automobiles for a period of five years, by the Service Brokerage Company, Inc. Pension Trust (the Trust) to Service Brokerage Company, Inc. (the Employer); (2) the Employer's agreement to indemnify and hold the Trust harmless regarding any losses or damages to leased vehicles; and (3) the sale, on April 28, 1980, of a gasoline tank, pump and related environmental controls by the Trust to the employer. The proposed exemption, if granted, would affect the participants, beneficiaries and trustees of the Trust (Trustees), the Employer and other persons participating in the transactions.

DATE: Written comments and requests for a public hearing must be received by the Department on or before October 19, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–1815. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Trustees on behalf of the Trust, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Trust, which has 22 participants, provides for insurance for participants and also provides for an auxiliary fund (the fund). As of June 30, 1980, the Trust had total assets of approximately $605,000. The Trustees of the Trust and of the Fund are Aubrey L. Wolf, president of the Employer, and Natalie Virginia Redding, assistant secretary of the Employer. The Employer is in the food brokerage business in the Texas Gulf Coast area.

2. From April 1, 1964, when the Trust was installed, until March 3, 1980, the Trust purchased automobiles that were leased to the Employer. Since March 3, 1980, no additional leases have been entered into. The Department is not proposing exemptive relief for prior leases that constituted prohibited transactions. However, the applicants request an exemption to enter into similar leasing arrangements prospectively, having added certain additional safeguards, discussed below, which were not present in the prior leases.

3. Additionally, on March 1, 1974, the Trust purchased a gasoline storage tank and gasoline pump and related environmental controls for the storage and sale of gasoline for the automobiles leased to the Employer. The Trust continued to sell gasoline to the Employer after January 1, 1975, the effective date of the prohibited transaction provisions of the Act. The Department is not proposing an exemption for the sale of gasoline to the Employer. The applicants request an exemption for the sale of the gasoline tank, pump and related environmental controls to the Employer on April 28, 1980.

4. The applicants recognize that the prior leases and sales of gasoline described above may constitute prohibited transactions under the Act and the Code. Accordingly, the Employer represents that it will pay all excise taxes which are applicable under section 4975(a) of the Code with regard to the leases and gasoline sales.

5. Regarding the proposed leasing of automobiles, the standard lease term would be 24 months and the investment by the Trust would be limited to 25% of Trust assets. The exemption would be temporary, expiring five years from the date the exemption is granted. However, the Employer may continue, after the exemption expires, those leases entered into prior to the expiration date of the exemption until the end of the 24-month lease term. Joe Myers Leasing Company (Myers), an independent automobile leasing company in Houston, will have the sole power to decide on behalf of the Trust, whether to enter into a lease. Myers will also monitor the terms and conditions of all leases and of the exemption, on a quarterly basis, to ensure compliance therewith. There will be no sales or purchases of automobiles between the Trust and Myers while Myers has the power to choose and monitor leases on behalf of the Trust.

6. The rental on all leases will be calculated to yield to the Trust a net return on investment in the automobiles of the higher of (1) the prime rate the date the particular lease is entered into; (2) the net rate of return based on the fair market rental value of the particular automobile, as determined by Myers; or (3) 12%.

7. The Trust will pay all sales, use, excise, personal property and other taxes and governmental charges and will also pay for the titling, registration and licensing of all leased vehicles. The Employer will be responsible for all operating expenses, maintenance, repair and comprehensive insurance costs. Also, the Employer will indemnify and hold the Trust harmless against any losses or damages arising out of the use or condition of any leased vehicle during the lease term.

8. It is represented that ordinarily, upon the termination of a lease, the vehicle is traded in by the Trust for a new vehicle. However, at the termination of a lease term, the Employer and Myers, on the Plan's behalf, may extend the lease indefinitely on a month to month basis (but not beyond the expiration date of the temporary exemption).

9. The Trust may terminate any or all leases at any time by written notice to the Employer upon the occurrence of any of the following events of default: (a) Failure of the Employer to insure a vehicle; (b) failure of the Employer to pay a rental or other charge within 10 days after a written demand notice for payment has been delivered to the Employer; (c) failure by the Employer to

perform in accordance with any provision of the lease; or (d) the filing by or against the Employer of any petition under any bankruptcy law.

10. With regard to the sale of the gasoline tank, pump and related environmental controls, the Trust sold these items to the Employer on April 28, 1980 for $1,854 in cash, which was their book value on the date of sale. The Trust had applied for an exemption for this tranaction prior to the sale. The Trustees state that due to the following circumstances, it was in the Trust's best interests to sell the equipment to the Employer prior to obtaining an exemption from the Department. The net after tax rate of return to the Trust on gasoline sales to the Employer had averaged approximately 3.6%. Lynch Repair Service, Inc. estimated the cost of removing the equipment to be $1,300 and offered to purchase the equipment for $1,350. The result of this would have been that the Trust would have gained $50 instead of the $1,854 it gained by selling the equipment to the Employer. Additionally, the equipment was offered for sale in the Houston Post Classified Section from February 6, 1978 to February 16, 1978. No bids were received by the Trust as a result of the advertisement. The Trustees were advised by Harris County Oil Company (Harris) that used steel tanks such as that owned by the Trust, have no market.

11. In summary, the applicants represent that:

a. The proposed leasing of automobiles satisfies the statutory criteria of section 408(a) of the Act because:

(1) An independent leasing company will decide whether to enter into a lease and will monitor such leases and the terms of the proposed exemption;

(2) No more than 25% of Trust assets will be invested in leased vehicles;

(3) The Employer will pay all operating costs relating to the leased vehicles except for taxes, titling, registration and licensing fees;

(4) The Employer will hold the Trust harmless from any losses or damages arising out of the use or condition of the leased vehicles;

(5) The Trust can terminate a lease on short notice if the Employer defaults; and

(6) The net rate of return paid to the Trust will be the higher of the prime rate, the rate of return based on the fair market rental value for each of the leased vehicles, or 12%.

b. The sale of the gasoline tank equipment satisfied the statutory criteria of section 408(a) of the Act because:

(1) The Trust realized a far greater amount of money by selling the equipment to the Employer than it would have if the equipment had been removed and sold to an independent third party;

(2) The Trust's net after tax rate of return on gasoline sales had averaged only 3.6%;

(3) An independent oil company has stated there is ordinarily no market for this type of equipment; and

(4) The equipment was offered for sale to third parties and the only bid received was significantly below the amount paid by the Employer.

Notice to Interested Persons

Notice of the proposed exemption will be given to all interested persons including the participants and beneficiaries of the Trust within ten days of the publication of the proposed exemption in the **Federal Register**. The notice will contain a copy of the proposed exemption as published in the **Federal Register** and will inform each recipient of his or her right to comment on or request a hearing with regard to the proposed exemption. The notice will be hand-delivered to all participants currently employed by the Employer and sent by first class mail to all other interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(E) of the Code shall not apply to: (1) The leasing of automobiles by the Trust to the Employer for a period of five years from the date the exemption is granted, provided that the terms and conditions of the lease are at least as favorable to the Trust as the Trust could obtain from an unrelated third party; (2) the Employer's agreement to indemnify and hold the Trust harmless regarding any losses or damages arising out of the use or condition or any leased vehicles; and (3) the sale on April 28, 1980 of the Trust's gasoline tank, pump and related environmental controls to the Employer for a cash price of $1,854, provided that this amount was not less than the fair market value on the date of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and

representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of the exemption.

Signed at Washington, D.C., this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26139 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2448]

Proposed Exemption for Certain Transactions Involving The State-Record Co., Affiliates Retirement Plan Located in Columbia, South Carolina

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan of $3,000,000 by The State-Record Company Affiliates Retirement Plan (the Plan) to the State-Record Company (the Employer), the sponsor of the Plan. The proposed exemption, if granted would affect the Employer, participants and beneficiaries of the Plan and other persons participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before October 23, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2448. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined contribution pension plan. The Employer represents that as of March 20, 1981, the Plan had assets of $7,984,000 and 634 participants. The trustee of the Plan is the Citizens and Southern National Bank of South Carolina (the Trustee). Investment decisions for the Plan are made by the Trustee.

2. The Employer is in the business of newspaper publication, commerical printing, and television broadcasting. As of March 20, 1981, the Employer had assets of $37,929,000.

3. The Employer is requesting an exemption that would permit the Plan to loan $3,000,000 to the Employer for a ten year period (the Loan). The Employer represents that the Loan will allow the Plan to obtain a high rate of return on its investment. The interest rate would be 14¾% per annum with equal quarterly payments of principal and interest thereon. At the beginning of the fourth and seventh years of the Loan, the interest rate will be reviewed to determine that the 14¾% interest rate is at least equal to the rate which the Plan would receive in making a similar loan with an unrelated party at such time. In no case may the interest rate on the Loan be below 14¾%. The Loan will be collateralized by a first lien on the State-Record Building located at 1105 Stadium Road, Columbia, South Carolina and its adjacent parking lot (the Property). The Property was appraised (the Appraisal) on April 21, 1981 by Philip Urso MAI (Urso) who is located in Columbia, South Carolina. Urso represents that as of April 21, 1981, the Property had a fair market value of $4,305,000. The Appraisal is based upon certain improvements being made to the Property. The Loan will not be entered into until such improvements are completed and the Property is appraised for not less than $4,305,000 in such condition. The Plan will use the cash contribution for the Plan year ended June 30, 1981 and proceeds from the sale of certain stocks and bonds for the funds to loan the Employer.

4. Prior to the Plan entering into the Loan, Southeast Management Services, Inc. (Southeast Management), whose president & principal owner is Robert Darr (Darr), will make an analysis of the Loan and certify that the Loan will be in the best interests and protective of the participants and beneficiaries of the Plan. In addition, Southeast Management must certify that the terms of the Loan are at least equal to those which the Plan would receive in a similar transaction with an unrelated party; monitor the terms and conditions of the Loan; review the Loan at the beginning of its fourth and seventh years to determine the appropriate interest rate; and enforce all rights that the Plan has in the transaction.

The applicant represents that Southeast Management and Darr are independent of the Employer and of the Plan. Darr is a former president of the Federal Land Bank of Columbia, former president of the Federal Intermediate Credit Bank of Columbia and presently in addition to being the president of Southeast Management is a part-time member of the faculty of Clemson University serving as a lecturer in economics. Prior to the Plan entering into the Loan the Trustee will also approve such Loan.

5. In summary, the applicant represents that the proposed transaction will satisfy section 408(a) of the Act as follows: (1) the Trustee of the Plan will approve the transaction; (2) the transaction will be approved and monitored by an independent party; (3) the Loan will be collateralized by real property; and (4) the applicant represents that the Plan will receive a high rate of return on its investment.

Notice to Interested Persons

Within 14 days of its publication in the **Federal Register** a copy of the notice of pendency together with a statement advising participants and beneficiaries

of the Plan of their right to comment or request a hearing will be placed in the pay envelope of all active employees. Participants and beneficiaries of the Plan who are not receiving pay envelopes will be provided with the same notification by mail.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the Loan of $3,000,000 by the Plan to the Employer provided that the terms of the Loan are at least as favorable to the Plan as those which the Plan would obtain in an arms-length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–26144 Filed 9–4–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–2515]

Exemption for Certain Transactions Involving the Thomas E. Hogan, Inc., Employee Pension Plan Located in Woburn, Mass.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan (the Loan) of $100,000 by the Thomas E. Hogan, Inc. Employee Pension Plan (the Plan) to Thomas E. Hogan, Inc., (the Employer) the sponsor of the Plan. The proposed exemption, if granted, would affect the Plan, the Employer and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before October 19, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2515. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sectioon 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit pension plan. As of April 7, 1981, the Plan had three participants and assets of

$303,298. Edward Hogan (Hogan), a principal of the Employer, is the Plan administrator and is responsible for the investment decisions of the Plan.

2. The Employer is requesting an exemption that will permit a Loan of $100,000 by the Plan to the Employer for a period of ten years. The Loan will be repaid in equal monthly installments of principal and interest. The initial interest rate on the Loan will be 15%. The interest rate on the Loan will be adjusted at the beginning of the 4th and 7th years of the Loan to an interest rate on similar type loans at that time. The Loan will be collateralized by a first mortgage on an industrial building (the Building) which is owned by the Employer. Mr. David Brown S.R.A. (Brown), an independent real estate appraiser located in Stoneham, Massachusetts, appraised the Property on June 18, 1981. Brown represents that, as of June 18, 1981, the Property had a fair market value of $420,000.

3. An independent party, Mr. Edwin Casey (Casey) will examine the proposed transaction. Casey is an attorney practicing in Lynn, Massachusetts and is the former City Solicitor of that city. Prior to the Plan entering into the proposed transaction, Casey must certify that the transaction will be in the best interests of the participants and beneficiaries of the Plan; that the terms and conditions of the proposed transaction are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party; and that he will monitor the terms and conditions of the Loan and enforce any rights the Plan has in the transaction. In addition, Casey will have the responsibility for determining the interest rate at the beginning of the 4th and 7th years of the Loan.

4. Hogan represents that the proposed transaction is in the best interests of the participants and beneficiaries of the Plan and that the Plan will receive a high rate of return on a secure investment.

5. In summary, the applicant represents that the proposed transaction meets the statutory criteria contained in section 408(a) of the Act as follows: (1) the Plan administrator represents that the transaction is in the best interests of the participants and beneficiaries of the Plan; (2) the transaction will be approved and monitored by an independent party; and (3) the Plan will receive a high rate of return on a secure investment.

Notice to Interested Persons.

Within ten days of its publication in the **Federal Register** a copy of the notice of pendency and a statement advising participants and beneficiaries of their right to comment or request a hearing will be hand delivered to each participant and beneficiary of the Plan.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed Loan of $100,000 by the Plan to the Employer provided that the terms and conditions of the Loan are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26145 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2627]

Proposed Exemption for Certain Transactions Involving the Utah Pipe Trades Vacation Trust Fund Located in Salt Lake City, Utah

AGENCY: Office of Pension and Welfare Benefit, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the transfer of certain uncommitted reserves, together with accrued interest, by the Utah Pipe Trades Vacation Trust Fund (the Vacation Plan) to the Utah

Pipe Trades Welfare Trust Fund (the Welfare Plan). (Both plans are collectively referred to as the Plans.) The proposed exemption, if granted, would affect the trustees, the participants and beneficiaries of the Plans, and other persons participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before October 19, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–2627. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department of Labor, telephone (202) 523–7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(b)(2) of the Act. The proposed exemption was requested in an application filed on behalf of the Vacation Plan, pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plans are multi-employer welfare plans, established in accordance with section 302 of the Labor-Management Relations Act of 1947, as amended. The Plans share common participants (the Participants), who totalled nearly 1,100 individuals as of September 30, 1980. The Participants are employees covered by certain collective bargaining agreements (the Agreements) entered into between the Mechanical Contractors Association of Utah, a chapter of the Utah Plumbing-Heating and Cooling Contractors Association and several local unions of the United Association of Journeyman and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada. The geographical jurisdiction of the local unions embraces the entire State of Utah.

2. The Vacation Plan was established as an irrevocable trust on August 1, 1972 for the purpose of providing vacation benefits to the Participants. The Vacation Plan is administered by a joint board of trustees (the Trustees), comprised of four employer and four union representatives. Pursuant to the terms of the Agreements, employer contributions to the Vacation Plan ceased on July 1, 1980. Since that date, the Trustees have begun to wind up the affairs of the Vacation Plan.

3. The Welfare Plan is an irrevocable trust which was established by the same signatory employers and local unions as the Vacation Plan. The Welfare Plan provides health and welfare benefits (with the exception of retirement annuities and pensions) to the Participants, their families, and their dependents. The Welfare Plan is administered by the same individuals, who serve as the Trustees of the Vacation Plan.

4. Under the terms of the Agreement and Declaration of Trust (the Trust Agreement) establishing the Vacation Plan, the sum credited to each Participant's vacation account for work performed during the calendar year may be withdrawn by the Participant only once each year unless agreed to in writing by the Trustees. If a Participant does not withdraw the amount credited his account during any one calendar year, the total amount accrued and credited during that year is automatically paid the Participant on or before the tenth day of January following the year for which the accrual and credits have been made.

Vacation benefits are distributed by checks which are mailed to the Participants. Any Participant, who does not claim benefits within a certain amount of time, is deemed to have elected to contribute such benefits to the cost of maintaining the Vacation Plan. All amounts thus contributed are transferred to the administrative account of the Vacation Plan for legal utilization or disbursement, as determined by the Trustees.

5. When a vacation check is returned to the Vacation Plan because the Participant has moved without leaving a forwarding address, attempts are made to locate the missing Participant. Personnel in the administrative office of the Vacation Plan compile a list of the missing Participants. The list is then forwarded to each affiliated local union where it is posted for review by union membership in order to elicit current addressee information. Union officials also inspect their records to see if they can ascertain a current mailing address for the Participant. Afterwards, contact is initiated with the employer, who last made contributions for the Participant, to determine the availability of a different address. If the Participant cannot be located after these efforts are undertaken (as is often the situation), the amount of the vacation check is deemed contributed to the maintenance of the Vacation Fund.

6. The plan of termination set forth in the Trust Agreement requires the Trustees to apply Vacation Plan assets to purposes specified in that document. With respect to remaining assets, which include forfeited vacation funds, the Trustees, after payment of all costs and expenses chargeable to the Vacation Plan, are required to distribute the balance to organizations that are similar in purpose to the Vacation Plan. As of December 31, 1980, the Vacation Plan held $24,596 in forfeited funds. Of this amount, $7,000 represented the estimated total of returned checks from the final benefit payout of December 1, 1980.

7. To wind up the affairs of the Vacation Plan, the Trustees propose to transfer the $24,596 held in forfeitures, including accured interest, to the Welfare Plan. The transaction has been approved preliminarily by both the affiliated unions and by a unanimous vote of the Trustees. The Trustees have determined that if adverse consequences occur as a result of the proposed transfer, the Welfare Plan will indemnify and hold harmless the Vacation Plan from any and all claims, rights, and interests a prior Vacation Plan Participant could enforce.

8. In summary, it is represented that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (a) It is a one-time transfer of assets between the Plans; (b) the Participants and their beneficiaries will realize the benefit of the uncommitted assets in the Welfare Plan; and (c) the rights of Vacation Plan Participants will be protected by means of indemnification by the Welfare Plan against future claims for forfeited benefits and other liabilities arising from the transfer of assets.

Notice to Interested Persons

Notice of the pending exemption will be given to all interested persons, including participants and beneficiaries of the Plans, within ten (10) days of the publication of the notice of pendency in the **Federal Register.** Such notice shall

include a photocopy of the notice of pendency as proposed in the **Federal Register** and shall inform interested persons of their right to comment on or request a hearing regarding the requested exemption. Notice will be provided to Participants by posting a photocopy of the notice of pendency at locations customarily used by the employers for giving notice to their employees. Notice will also be provided at locations customarily used by the local unions for giving notice to their members and by posting copies in the offices of the Vacation Plan. Notice will be provided to all other interested persons by first-class mail.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a), and 406 (b)(1) and (b)(3) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) of the Act shall not apply to the transfer by the Vacation Plan to the Welfare Plan of uncommitted reserves of approximately $24,596, together with accrued interest which may accrue to the Vacation Plan due to its termination.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 1st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–26141 Filed 9–4–81; 8:45 am]

BILLING CODE 4510–29–M

[Application Nos. D–2070 and D–2071]

Proposed Exemption for Certain Transactions Involving HMK Financial, Located in Los Angeles, California

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption involves certain aspects of the provision of real estate services by HMK Financial (HMK) to employee benefit plans which may contract for services with HMK (the Plan(s)). The proposed exemption, if granted, would affect HMK, participants and beneficiaries of the Plans and certain other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before October 23, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D–2070 and D–2071. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Department, telephone (202) 523–6915. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of applications for exemption from the restrictions of section 406(b) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (E) and (F) of the Code. The proposed exemption was requested in applications filed by HMK, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The applications contain representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicant.

1. HMK is a California corporation active in several aspects of the operation of employee benefit plans including pension consulting, plan administration and the brokerage of both insurance and real estate. HMK states that it has a familiarity with the

investment trends of employee benefit pension plans and represents that such plans in California have shown an expanding interest in shifting portions of their plan portfolios to investments in promissory notes secured by deeds of trust on real estate. The applicant represents that such secured notes are logical investments in today's inflationary market. In providing a full range of services to the Plans HMK has become a licensed real estate broker in the State of California. HMK states that it is standard practice in the real estate industry for a borrower to pay certain fees to a broker for services incurred in locating a lender and that such fee will be a percentage of the amount to be loaned. The applicant suggests that such a fee arrangement has similiarities to the commission that would be payable to a broker upon the sale of insurance or securities to a plan.

2. HMK is currently providing and anticipates the future provision of numerous administrative and consulting services for the Plans. Because of this combination of consulting services and fees which HMK might receive as a real estate broker, HMK is seeking exemptive relief. Such relief is requested because of language contained in Prohibited Transaction Exemption 77–9 (42 FR 32395, June 27, 1977) that the advice and recommendations made to plans and plan fiduciaries by pension consultants regarding plan purchase of investment products resulting in a benefit to such pension consultant could constitute "investment advice" so as to classify the persons who furnish such advice as fiduciaries under 29 CFR 2510.3–21(c) (40 FR 50842, October 31, 1975). While providing a wide range of consulting services, HMK is not obligated to render investment advice to the Plans nor are they specifically compensated for rendering any such advice. The express terms of the standard servicing agreement between HMK and the Plans provides that HMK shall not be deemed a fiduciary of the Plans and shall not exercise or have any discretionary authority, control or responsibility respecting management of the Plans or their assets. Nevertheless, based on the above position by the Department, HMK is concerned that certain operative relationships may result in HMK being considered a fiduciary and that its conduct may be construed as providing investment advice when HMK receives fees from a third party for transactions involving the Plans. Therefore, HMK is seeking relief from section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code.[1]

3. The transactions in which the Plans would participate would be those where a Plan, having made a decision to invest in promissory notes secured by real estate, would approach HMK with a set of loan criteria under which the Plan would consider making such a loan. Such loan criteria generally would include the following: first or second trust deed loans only; loans would be made primarily on residential property with "owner-occupied" being preferred; all property must be in California; the loan to value ratio would not exceed 70%; no loan would have a term exceeding five years; interest rates would be at the current market level; and servicing of the loans would be at no cost to the plan involved.

No advance commitments, either written or oral, will be issued by the Plans to HMK or to anyone else which would enable HMK or any third party to effect a placement of a loan against an existing commitment made by the Plans. HMK would have full discretion in locating prospective borrowers including mortgage brokers or other borrowers' representatives (Borrowers' Representative(s)). In all such initial contacts with the Borrowers' Representatives, HMK would advise them that HMK represents undisclosed principals-namely pension and profit sharing plans which would be interested in considering loans that meet their respective loan criteria. HMK would not represent to any Borrowers' Representative the ability to deliver the needed financing; rather, it would be made clear that the fiduciaries of the respective Plans, and not HMK, would have the sole authority to review the proposed loans and make decisions about which one to accept. HMK represents that it has no ownership interest, directly or indirectly, in any of the Borrowers' Representatives nor will they have any relationship to any recipient of a loan issued by the Plans. In addition, HMK will not be engaged in servicing any of the loans discussed in this application request. Loan servicing will be performed by the Borrowers' Representative.

4. Prior to the execution of any loan transaction, HMK will provide to the appropriate Plan fiduciary certain information with respect to each loan arrangement in which HMK is involved. Such information will be in writing and in a form calculated to be understood by the appropriate Plan fiduciary who may have no special expertise with respect to loans secured in whole or in part by liens on real property. The information will include a disclosure of the fee that will be paid by the prospective borrower to HMK in connection with the proposed loan, HMK shall also furnish in writing to such Plan fiduciary any additional information requested by such fiduciary Following receipt of the information and prior to the execution of the transaction, the Plan fiduciary will acknowledge in writing receipt of such information and approve or disapprove the transaction on behalf of its Plan. Such Plan fiduciary will not receive directly or indirectly (e.g. through an affiliate) any compensation or other consideration for his, her or its own personal account from any party (including HMK) dealing with such Plan in connection with the transaction.

5. The Plans will be provided with certain safeguards when a loan is entered into with a borrower. These protections to a lender in such transactions are normally embodied in the provisions of the deed of trust used to secure the loan. Such protections include but are not limited to the following covenants: to keep the property in good condition and repair; to obtain fire insurance satisfactory to and with loss payable to the lender; and to pay all taxes and assessments at least 10 days before delinquency. Additionally, a tax service is engaged at the expense of the borrower to notify the lender in the event of a failure of the borrower to pay any installment of taxes and/or assessments which become due during the term of the loan. Furthermore, where the loan is a "second" deed of trust loan, a notification of default in connection with the "first" deed of trust loan is also provided to the lender.

6. HMK represents with respect to the Plans with which it has, or will have, service contracts that it is not: (a) a trustee to such Plans; (b) a plan administrator (within the meaning of section 3(16)(A) of the Act or section 414(g) of the Code); (c) a fiduciary who is expressly authorized in writing to manage, acquire, or dispose of the assets of any such Plans on a discretionary basis; or (d) an employer any of whose employees are covered by such Plans.

7. The applicant beleives that if the requested exemption is not granted, the normal business operations of the applicant as a pension consultant service provider will be restricted. Such restrictions may result in a limitation in

[1] The applicant has also requested relief from section 406(a) of the Act and section 4975(c)(1) (A) through (D) of the Code. The Department is not proposing an exemption in this notice byond the relief which is provided by section 408(b)(2) of the Act.

the variety of consulting and administrative services that would be available to the Plans which seek to invest in promissory notes secured by real estate. The applicant represents that requiring those fiduciaries charged with investment discretion for the Plans to seek this type of investment in an unfamiliar market would be disruptive to existing Plan operations. HMK further suggests that decisions to utilize its services are based on the trust and confidence resulting from existing servicing arrangements and HMK's ability to understand and appreciate the unique goals or needs of the particular employee benefit plan in question.

8. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: (a) the terms of the loan transactions will be negotiated at arm's length between two unrelated informed parties; (b) the Plan fiducuary will make an independent determination whether or not such transaction will be entered into based on the information presented by HMK; (c) the Plans involved will be afforded those protections normally afforded a creditor of a promissory note secured by real estate; (d) HMK is subject to the state laws, rules and regulations relating to the conduct of real estate activities; and (e) generally, the plans choosing to make such real estate investments will be permitted to avail themselves of services rendered by HMK, a company in which they have had prior dealings and are satisfied with the service heretofore provided.

Notice to Interested Persons

HMK agrees to notify the investment committees or trustees of any Plan which currently seeks the assistance of HMK in making investments in promissory notes secured by real estate. Such notice shall contain a copy of the notice of pendency of the exemption as published in the **Federal Register** and will be delivered by hand or first class mail within fourteen days of such publication date. The Notice will inform the interested persons of their right to comment and the right to request a hearing within the period set forth in the notice of pendency. In addition, HMK has agreed to furnish a copy of this notice of pendency and the resulting exemption to the trustees of any Plan contracting for services from HMK which may in the future approach HMK seeking assistance in the investment of Plan assets in transactions which are the subject of these applications.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a) of the Act and section 4975(c)(1)(A) through (D) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (E) and (F) of the Code shall not apply to the provision of real estate brokerage services and the receipt of commissions in conjunction with the provision of such services by HMK to the Plans which contract for services with HMK.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-26179 Filed 9-4-81; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

Availability of Draft NUREG-0814 Methodology for Evaluation of Emergency Response Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance of Draft NUREG-0814.

SUMMARY: The Nuclear Regulatory Commission is publishing in draft form, for public comment, the Methodology for Evaluation of Emergency Response Facilities NUREG-0814.

DATES: Comments must be received on or before November 9, 1981. Comments received after this date will be considered if it is practical to do so but assurance cannot be given that they will be considered.

ADDRESSES: Comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service

Branch. Copies of this report will be available after September 11, 1981. Single copies of this report are available free to the extent of supply and may be obtained by written request to the Director, Division of Technical Information and Document Control, Washington, D.C. 20444. Copies are also available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Ramos, Chief, Emergency Preparedness Development Branch, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–9602.

SUPPLEMENTARY INFORMATION: This draft report was prepared largely from the criteria in NUREG–0696 by NRC staff assisted by contractor personnel. The questions in the report, presented in draft form for public comment and interim use, will be used in final form by the staff to review Emergency Response Facilities designs.

This document is issued for comment and to provide affected licensees an early insight into the approach the staff will use in reviewing Emergency Response Facilities. Comments consisting of marked up pages will be most useful in revising the document.

Neither this draft nor the final evaluation methodology imposes any new requirements. This approach is a tool for use by the staff in evaluating proposed or existing facilities. The questions have been drawn in large part from NUREG–0696, "Functional Criteria for Emergency Response Facilities", (February 1981) and the requirements of 10 CFR 50.33, 50.47, 50.54 and Appendix E of Part 50. Many of the items in NUREG–0814 are not covered explicitly either by the criteria NUREG–0696 or by the regulations but are set out as a means of reviewing the functions needed to meet the criteria and the regulations. The NUREG–0814 questions represent only one approach to meeting the regulations and other techiques are equally acceptable but are not included for the sake of brevity. The purpose of NUREG–0814 questions are to remind the reviewers that similar functions must be performed by ERF personnel and equipment.

Brian K. Grimes,

Director, Division of Emergency Preparedness, Office of Inspection and Enforcement.

[FR Doc. 81-26149 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 To Facility Operating License No. DPR–23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

This amendment incorporates the requirements for implementation of the TMI–2 Lessons Learned Category "A" items. They specifically include the areas of emergency power supply requirements, valve position indication, instrumentation for inadequate core cooling, containment isolation, auxiliary feedwater system, shift technical adviser and the implementation of programs to reduce leakage outside containment and to accurately determine airborne iodine concentrations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 5, 1980, (2) Amendment No. 59 to License No. DPR–23, and (3) the Commission's letter dated August 24, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of August 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-26147 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237 OLA; 50-249 OLA, (Spent Fuel Pool Modification)]

Commonwealth Edison Co. (Dresden Station, Units 1 and 2); Special Hearing on Applicant's Motion for Partial Initial Decision Approving Installation of Five Racks

Dated: August 31, 1981.

Notice is hereby given of a special hearing on Applicant's Motion for a Partial Initial Decision approving installation of five racks in the Dresden Station spent fuel pool.

The hearing will take place in the NRC Hearing Room of the 5th floor of East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland, on September 11, 1981, beginning at 10:00 a.m.

The public is invited to attend.

Issued and entered at Bethesda, Maryland, this 31st day of August 1981.

For the Atomic Safety and Licensing Board.

John F. Wolf,

Chairman, Administrative Judge.

[FR Doc. 81-26148 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-466-CP]

Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1); Order Scheduling Resumed Hearings

Dated: September 1, 1981.

The evidentiary hearings will be resumed on September 14 and continue on weekdays through September 18, 1981,[1] and, thereafter, will be resumed

[1] Because of a scheduling conflict, the Board cancels the September 21–24 hearing which had been noticed in our Order of June 18, 1981. (46 Fed. Reg. 32546) Today, in a telephone conversation initiated by Mr. Sohinki, in an effort to assist Applicant and Staff who are preparing a sequence for the presentation of testimonies at the request of the Board, I advised in substance that the September 21–24, 1981 hearing had been cancelled, that the hearing would proceed from September 14 through September 18 and from October 5 through October 16, 1981, and that we expected Applicant and Staff to file written direct testimonies by September 18, 1981.

on October 5 and continue on weekdays through October 16, 1981.

Initially, testimony will be presented upon certain contentions and Board questions carried over from the August, 1981 hearing session and upon certain contentions which were identified in Applicant's letter of August 25, 1981. (Intervenor Schuessler is herewith notified that he is not subject to the instant order—he may file any written direct testimony upon his Consolidatated Contention 1 after Supplement 4 to the SER has been issued. The Board, at a subsequent time, will set a date for the submission of Mr. Schuessler's written direct testimony.) Thereafter, testimony will be presented upon certain contentions that are not dismissed in our Second Order Ruling Upon Motions For Summary Disposition which is being formally issued today, September 1, 1981. These testimonies will be heard sequentially pursuant to the order of presentation as will be set forth in the Applicant's and/or Staff's submissions of September 2, 1981.

By September 18, 1981, Applicant and Staff shall file written direct testimonies upon those contentions that were not dismissed in the Second Order Ruling Upon Motions For Summary Disposition.[2]

The September 14–18 and October 5–16 hearing sessions will be held at the following location: Ramada Inn, 7787 Katy Freeway, Houston, Texas 77004.

The hearing sessions will begin at 9:00 a.m. and recess at 5:00 p.m.

While generally the public is invited to attend these evidentiary hearings, some matters may be raised which, being the subjects of the Board's Protective Orders, will be heard in *in camera* proceedings.

It is so ordered.

Dated at Bethesda, Maryland this 1st day of September, 1981.

[2] During the course of the hearing, on August 21, 1981 (Tr. 15348), the Board put all involved Intervenors on notice that, if they wanted to participate in the discussion as to when the Board should set the due date for the submission of these testimonies, they should be present on August 28, 1981. The only Intervenors present at the August 28 hearing were Messrs. Doherty and Schuessler. As indicated above, Intervenor Schuessler's written direct testimony, if any, does not have to be submitted by September 18, 1981. Intervenor Doherty advised that he would not submit written direct testimony upon his contentions that were not dismissed in the Second Order Ruling upon Motions For Summary Disposition (Tr. 16316). Because of their absence, we conclude that none of the other involved Intervenors has an interest in filing written direct testimonies.

For the Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Administrative Judge.

[FR Doc. 81-26150 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-58, and Amendment No. 34 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications and adds certain License Conditions for the Category "A" Lessons Learned (NUREG-0578) requirements implemented at the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2.

The application for the amendments complies with the standards and requirments of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 10, 1980, (2) Amendment Nos. 49 and 34 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenski Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of August 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-26151 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to reflect the revised engineered safety features actuation system setpoint of 1600 psig. This revised setpoint is in accordance with the generic B&W emergency core cooling system (ECCS) analysis.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 18, 1981, (2) Amendment No. 73 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government

Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of August 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-26152 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York, which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to allow spiral fuel unloading and reloading of the core which results in reducing the required number of control blade guides, and clarify source range monitor requirements during such evolutions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated December 6, 1979, (2) Amendment No. 59 to License No. DPR-59 for the James A. Fitzpatrick Nuclear Power Plant, and (3) the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of August 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-26153 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment To Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Plant (facility) located in Wayne County, New York. This amendment is effective as of its date of issuance.

The amendment incorporates technical specifications regarding operability of the direct current electrical systems, specifically incorporating the installed additional battery chargers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment notarized October 10, 1980 (transmitted by letter dated October 12, 1978), as supplemented by letters from the licensee dated April 18, 1979 and August 10, 1979, (2) Amendment No. 45 to License No. DPR-18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of August, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-26154 Filed 9-4-81; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Minor Amendments

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Minor amendments of systems of records.

SUMMARY: The Nuclear Regulatory Commission has issued minor amendments to NRC Systems of Records, NRC-15, 21, 24, 25, and 28. The amendments clarify and update the information contained in the NRC Systems of Records, NRC-21, 24, 25, and 28. In NRC-15, the amendments are necessitated by the merging of the Office of Standards Development into the Office of Nuclear Regulatory Research.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-8133.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission published a notice of proposed minor amendments to the NRC Notice of Systems of Records in the **Federal Register** on July 7, 1981 (46 FR 35233). The notice invited public comment on the proposed minor amendments by August 6, 1981. No comments were received on the proposed amendments.

Notice is hereby given that the Commission has adopted the proposed amendments of the NRC Systems of

Records. The text of the amendments is identical with the text of the amendments which were published on July 7, 1981 for public comments.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, the following amendments to the NRC Systems of Records, NRC–15, 21, 24, 25, and 28 are published as a document subject to publication in the annual compiliation of Privacy Act documents.

1. The paragraphs of NRC–15 entitled "System location" and "System manager(s) and address" are revised to read as follows:

NRC–15

SYSTEM NAME:

National Standards Committee Membership Files—NRC.

* * * * *

SYSTEM LOCATION:

Primary system—Office of Nuclear Regulatory Research, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the National Institutes of Health Computer Facility, c/o the Office of Management and Program Analysis located in the Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

The paragraphs of NRC–21 entitled "System location" and "Routine uses of records maintained in the system, including categories of users and purposes of such uses" and revised to read as follows:

NRC–21

SYSTEM NAME:

Payroll Accounting Records—NRC.

* * * * *

SYSTEM LOCATION:

Primary system—Office of the Controller, NRC, Lugenbeel Building, 4922 Fairmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the location listed in Addendum I, Parts 1 and 2.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. For transmittal of data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes;

b. For reporting tax withholding to Internal Revenue Service and appropriate state and local taxing authorities;

c. For FICA deductions to the Social Security Administration;

d. For dues deductions to labor unions;

e. For withholdings for health insurance to the insurance carriers and the Office of Personnel Management;

f. For charity contribution deductions to agents of charitable institutions;

g. For annual W–2 statements to taxing authorities and the individual;

h. For transmittal to the Office of Management and Budget for review of budget requests;

i. For withholding and reporting of retirement, reemployed annuitants, and life insurance information to the Office of Personnel Management;

j. For transmittal of information to state agencies for unemployment purposes; and

k. For any of the routine uses specified in the Prefatory Statement.

* * * * *

3. The paragraph of NRC–24 entitled "Notification procedure" is revised to read as follows:

NRC–24

SYSTEM NAME:

Property and Supply System (PASS)—NRC.

* * * * *

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

4. The paragraph of NRC–25 entitled "Notification procedure" is to be inserted after the paragraph entitled "System manager(s) and address" to read as follows:

NRC–25

SYSTEM NAME:

Oral History Program—NRC.

* * * * *

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

5. The paragraph of NRC–28 entitled "Categories of records in the system" is revised to read as follows:

NRC–28

SYSTEM NAME:

Recruiting, Examining and Placement Records—NRC.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain general application information relating to the education, training, employment history, earnings, past performance, criminal convictions, if any, written achievement tests, honors, awards or fellowships, military service, veteran preference status, birthplace, birth date, social security account number, and home address of persons who have applied for Federal employment with the NRC (SF–171), resumes, and similar documents).

* * * * *

Dated at Bethesda, Maryland this 28th day of August 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81–26290 Filed 9–4–81; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR SAFETY OVERSIGHT COMMITTEE

Nuclear Safety Research and Nuclear Power Regulation; Open Meeting

September 1, 1981.

The Nuclear Safety Oversight Committee will meet on Wednesday, September 23 from 9:00 am to 12:30 pm and 2:00 pm to 5:00 pm in the CAB Hearing Room 1003 D of the Universal Building—North, 1875 Connecticut Avenue, N.W. (at the corner of Connecticut Avenue and T Street, N.W.).

The Committee was established by Executive Order 12202 on March 18, 1980, in response to the recommendations of the President's Commission on the Accident at Three Mile Island (the Kemeny Commission). Generally, the Committee is responsible for monitoring the progress of the utilities and their suppliers, the Nuclear Regulatory Commission, other federal agencies, and state and local authorities in implementing the Kemeny Commission's recommendations and in

improving the safety of nuclear power. The Committee will report periodically to the President.

Thus far the Committee has held nine meetings. The Committee has heard testimony and had discussion in a number of areas including:

—The nature of the Committee's responsibilities as set forth in Executive Order 12202;

—The Nuclear Regulatory Commission's (NRC) "Action Plan Developed as a Result of the TMI–2 Accident," designated NUREG–0660 and available through the Document Management Branch, Division of Technical Information and Document Control, NRC, Washington, D.C. 20555;

—The procedure utilized in the federal decision-making process as it relates to nuclear safety, and public and private participation;

—FEMA's Report to the President (June 1980), and procedures for emergency planning;

—The status of generic safety issues; the analysis and evalation of operational data;

—The NRC budget and allocation of its staff resources to implement the "Action Plan" and how that will affect other NRC functions;

—NRC's inspection and enforcement program;

—Backfitting and standardization of plant design;

—The regulatory relationship between FEMA and NRC;

—Nuclear safety research and training programs;

—Quality control in plant design;

—Labor/management problems, and the union's role in safety programs;

—Human factors in nuclear power safety including training, control room design, balance of plant, and ANSI standards;

—Action Plan provisions for human factors and training, and certification of operators;

—Release of Iodine-131 as a consequence of nuclear power plant operations;

—Problems of plant releases at nuclear power plants;

—Planning of safety systems and balance of plant;

—Issues concerning the TMI–1 restart hearings and their relationship to the TMI–2 accident;

—Regulatory licensing and scientific and technical uncertainity—the case of hydrogen;

—Panel discussion on nuclear power operator training;

—Purpose and implications of proposed operating license amendments to the Atomic Energy Act;

—Relationship between operating license procedures and nuclear safety;

—Role of public participation in nuclear power plant licensing.

During the next meeting the Committee will receive testimony and, when appropriate, written materials and documents, from:

• Norman Rasmussen, Head of the Nuclear Engineering Department at MIT, accompanied by Herbert Kouts, Chairman of the Department of Nuclear Energy at Brookhaven National Laboratory, who will discuss a report on nuclear safety research prepared by a study team under Dr. Rasmussen's direction; and

• Graham Allison, Dean of the J. F. Kennedy School of Government, along with Al Carnesale, Professor of Public Policy at the J. F. Kennedy School of Government, who will discuss a study on nuclear power regulation prepared under Dr. Allison's direction.

The meeting will be open to public observation. Written comments or statements may be submitted at anytime before or after the meeting and should be related to the substantive matters identified above. Approximately 40 seats will be available for the public on a first come, first served basis. The Committee meeting will be recorded and the transcript may be examined in the Committee's office at 1133 15th Street, N.W., Suite 307, Washington, D.C. until September 30, 1981 when the Committee's Executive Order expires.

For further information contact Margo von Kaenel at (202) 653–8468.

Margo W. von Kaenel,

Executive Assistant.

[FR Doc. 81–25998 Filed 9–4–81; 8:45 am]

BILLING CODE 6820–01–M

Privacy Act of 1974; Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a, the Nuclear Safety Oversight Committee (NSOC) published in the **Federal Register** (45 FR 58809) notices of the existence of the following systems of records subject to the Privacy Act: NSOC–1, Payroll Records; NSOC–2, General Financial Records; and NSOC–3, General Informal Personnel Files. NSOC will terminate operations on September 30, 1981, and the above systems of records are revoked as of that date.

Following is a summary of the disposition of NSOC's systems of records:

NSOC–1

System name: Payroll Records—NSOC: to be retained by the General Services Administration, National Payroll Center, for use in concluding administrative operations of the Committee as part of GSA system of records, Defunct Agency Records, GSA/OEA–1.

NSOC–2

System name: General Financial Records—NSOC: to be retained by the External Services Branch, National Capital Region, for concluding administrative operations of the Committee as part of the GSA system of records, Defunct Agency Records, GSA/OEA–1.

NSOC–3

System name: General Informal Personnel Files—NSOC: to be destroyed or distributed to personnel upon request.

Steven Ebbin,

Executive Director.

[FR Doc. 81–26000 Filed 9–4–81; 8:45 am]

BILLING CODE 6820–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from

whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

- Food and Nutrition Service
  Acceptability testing of 4 canned commodities (vegetables) with standard commercial and 50% standard and no salt added

Nonrecurring
Individuals or households
Elem. & secondary school children & senior citizens
Public assistance and other income supplements: 12,000 responses, 1,000 hours; $81,000 Federal cost, $3,350 public cost; 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

No quantitative evidence exists on the effect of salt reduction on acceptability of products. This information is vital to any consideration of reducing salt in processed food. Reduction of salt will have negative nutritional effect on recipients who do not eat the product because of poor acceptability. Results of this test will enable FNS to formulate policy as to whether to lower salt in commodities and if so to what extent.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Extensions (Burden Change)

- National Oceanic and Atmospheric Administration

Small craft facility field report nautical chart revisions
NOAA 77–3, 77–4, & 77–5
On occasion
Individuals or households/businesses or other institutions
USPS and USCGAUX—All navigation
SIC: 799
Other natural resources: 4,400 responses, 13,200 hours; $90,000 Federal cost, $132,000 public cost; 3 forms; not applicable under 3504(h)
William T. Adams, 202–395–4814

These forms are used by United States power squadrons (USPS) and United States Coast Guard auxiliary (USCGAUX) cooperative charting program members in preparation of uniform and accurate observed chart correction reports that play a major role in helping NOS to maintain up-to-date nautical charts to assure safe navigation in our Nation's waters. Reports are submitted on a voluntary basis.

Extensions (No Change)

- National Oceanic and Atmospheric Administration

Small-craft chart facility questionnaire
NOAA 77–1
Annually
Individuals or households/businesses or other institutions
Facility owners
SIC: 446
Small businesses or organizations
Other natural resources: 4,000 responses, 666 hours; $25,500 Federal cost, $3,000 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Gather chart correction information from operators of marine facilities such as marinas, yacht clubs, boat repair yards offering services/supplies to public that are shown on NOS small-craft nautical charts.

- Economic and Statistical Analysis

Foreign contract operations of U.S. construction, engineering, consulting, and other technical services
Firms (BE–47)
BE–47
Annually
Businesses or other institutions
Technical service firms
SIC: 891 899
Other advancement and regulation of commerce: 190 respones, 290 hours; $9,000 Federal cost,; 1 form;, not applicable under 3504(h)
Off. of Federal Statistical Policy & Standards, 202–673–7974

Secures data on U.S. firms' earnings from technical services rendered to unaffiliated foreigners. Authorized by the Bretton Woods Agreements Act and E.O. 10033. Required for the preparation of the international services accounts of the U.S. balance of payments accounts.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

Reinstatements

- Office of Educational Research and Improvement

Common core of data (CCD)
ED (NCES) 2350–5, 6, 7, 8, 8–1, 9, 13, 2393–2 and 4

Annually
State or Local governments
6 outlying areas
SIC: 941
Research and general education aids: 57 responses, 20,332 hours; $845,00 Federal cost, $544,900 public cost; 9 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Elementary and secondary data are collected in cooperation with State education agencies. These data provide information about fall membership, high school graduates, teachers and other staff positions, revenues by source, expenditures by function and other related data. These data are used in allocation of Federal funds for some education grant programs (ESEA title I), and in carrying out NCES mandated studies (equity profiles).

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

Revisions

• Economic Regulatory Administration
Public Utility Regulatory Policies Act (PURPA) and Annual Report on Electric and Gas Utilities
ERA–166
Annually
Businesses or other institutions
Gas and electric utilities, and State regulatory agencies
SIC: Multiple
Energy information, policy, and regulation: 138 responses, 2,140 hours; $259,160 Federal cost, 1 form; not applicable under 3504(H)
Jefferson B. Hill, 202–395–7340

The ERA–166 will be filed annually to collect data to be used by the Economic Regulatory Administration in annual reporting to the President and to Congress on the progress of State regulatory authorities and certain nonregulated electric and gas utilities in considering and making determinations with respect to the standards established by PURPA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Heart transplant study
(06/AMG)
Nonrecurring
Individuals or households/businesses or other institutions
Hospitals, heart transplant patients
SIC: 806
Health: $500,000 Federal cost, 1 form; not applicable under 3504(H)
Richard Eisenger, 202–395–6880

The purpose of a study of heart transplants is to determine the scientific, social, economic and ethical consequences of medicare coverage for heart transplant. The study will be used as a basis for establishing medicare reimbursement policy.

• Health Care Financing Administration
Evaluation of part B fixed price medicare contracts
Preclear. ORDS–81–4–157
Nonrecurring
Individuals or households who solicited contractors to evaluate part B fixed price
Small businesses or organizations
Health: $700,000 Federal cost, 1 form; not applicable under 3504(H)
Richard Eisenger, 202–395–6880

HCFA has three ongoing experiments in Maine, Illinois and upstate New York that are testing various forms of competitive fixed price procurement in part B of medicare. This study is to provide a basis for use by HCFA management in evaulating its long range contracting options with carriers.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Request for additional withholding allowance information from employee
LTR. 1379 (SC), (DO)
On occasion
Individuals or households
Employees required to file form W–4
Central fiscal operations: 26,000 responses, 13,000 hours; $47,134 Federal cost, 2 forms; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

Letter 1379 (SC) or (DO) is used to request additional information from an employee who has filed a questionable, nonexempt form W–4.

• Internal Revenue Service
Education voucher memo
Mar–1957
On occasion
Businesses or other institutions
Educational institutions
SIC: 821, 822, 824, 829
Central fiscal operations: 1,500 responses, 1,125 hours; $850 Federal cost, 1 form; not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

This form is used to contact educational institutions for verification of information provided by applicants for employment with the IRS. The information is used to evaluate the applicant's educational background.

• Internal Revenue Service
Initial contact letter requesting verifying information
6269
On occasion
Individuals or households/farms/businesses or other institutions
Individuals and business
SIC: All
Small businesses or organizations
Central fiscal operations: 450,000 responses, 675,000 hours; $1,080,000 Federal cost, 1 form; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

Form 6269 is used to notify taxpayers of examination appointments and informs them of the need to provide verifying records used as a basis for the items checked at the end of the letter. The IRS uses this information to determine and recommend an increase, decrease, or no change to the tax liability for a given year.

• Internal Revenue Service
Order form for understanding taxes material
1742
Annually
State or local governments/businesses or other institutions
Teachers of students Jr./Sr. high schools, Jr. colleges
SIC: 821, 822, 823, 824, 866
Central fiscal operations: 38,000 responses, 3,165 hours; $25,000 Federal cost, 1 form; not applicable under 3504(H)
Federal Education Data acquisition Council, 202–426–5030

This form is completed by each teacher or educator wishing to be placed on the IRS mailing list to receive understanding taxes program materials.

• Bureau of Government Financial Operations
Federal tax deposit
Weekly, monthly, quarterly
State or local governments/farms/businesses or other institutions
Taxpayers required to make deposits under federal tax dep.
SIC: All
Small businesses or organizations
Central fiscal operations: 58,000,000 responses, 907,120 hours; $12,278,710 Federal cost, 1 form; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

The Federal tax deposit (FTD) form is used by taxpayers to deposit the

required taxes at authorized financial institutions or Federal reserve banks or branches. The depositary sends the card to the IRS center where the deposited amount is credited to the depositor's tax account. The data is used by IRS to make the credit and to verify the tax deposit claimed on a return. BGFO requires data to insure timely credit by depositary to treasury's accounts.

• Internal Revenue Service
Unable to locate the final additional information requested
F1614 (Rev. 2-81)
On occasion
Farms/businesses or other institutions
Corps. undergoing dissolution or liquidation
SIC: All
Small businesses or organizations
Central fiscal operations: 300 responses, 75 hours; $1,879 Federal cost, 1 form; not applicable under 3504(H)
Kevin Broderick, 202-395-6880

The taxpayer filed a form 966 and we are unable to associate it with the form 1120 series final return. We need to correspond with the taxpayer for the status of this final return required for association of form 966. These forms have not been worked because this information from taxpayer is needed.

• Internal Revenue Service
Questionnaire—Fellowship Grants
IO-634
On occasion
Individuals or households/businesses or other institutions
U.S. citizens employed by institutions that grant fellowships
SIC: All
Central fiscal operations: 100 responses, 100 hours; $50 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The form is completed by a third party, an individual employed by an institution that grants fellowships. The information is needed to establish that a taxpayer received a qualified fellowship.

• Internal Revenue Service
Request for copy of tax form 4506
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Filed by any taxpayer requiring a copy of a tax return filed
SIC: 019 138 162 399 446 501 599 605 739 919
Small businesses or organizations
Central fiscal operations: 1,000,000 responses, 500,000 hours; $1,889,238 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 4506 is used by taxpayers to request copies of returns from IRS. 26 USC 7513 prescribes the safeguards required to protect the information on the returns from unauthorized use or disclosure. Form 4506 requests information to insure that only authorized persons receive reproduced returns.

• Internal Revenue Service
Request for prompt assessment under Internal Revenue Code Section 6501(D)
4810
On occasion
Individuals or households/farms/businesses or other institutions, fiduciaries representing a dissolving corps. or decdnt. etc.
SIC: 019 138 162 399 446 501 599 605 739 919
Small businesses or organizations
Central fiscal operations: 3,000 responses, 1,500 hours; $2,012 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form 4810 is used by fiduciaries representing a dissolving corporation or a decedent's estate to request a prompt assessment of tax as provided by 26 U.S.C. 6501(D)

• Internal Revenue Service
Questionnaire—Home/leave transportation expenses
Annually
Individuals or households
U.S. citizens residing in foreign countries
Central fiscal operations: 2,000 responses, 2,000 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form to be completed by taxpayer to support his claim for a deduction for home leave expenses. These taxpayers are either physically present in or bona fide residents of foreign countries.

• Internal Revenue Service
request for discharge from personal liability under Internal Revenue Code 6905
5495
Nonrecurring
Individuals or households
Filed by executor for release from personal liability taxes
Central fiscal operations: 1,800 responses, 900 hours; $1,126 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Filing of this form allows executors to request release from personal liability for income or gift taxes owed by a decedent. The service uses the information to determine whether the request should be granted

• Internal Revenue Service
Additional information request
ROWR 526
On occasion
Individuals or households/farms/businesses or other institutions
Individual taxpayers
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 150,000 responses, 150,000 hours; $956,550 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

During an income tax examination, additional information (records, receipts, etc.) is necessary to substantiate the items on the tax return. ROWR form 526 is needed to gather this data. IRS uses the

• Internal Revenue Service
Questionnaire—Verification of employee's income
1273(IO)
On occasion
Individuals or households/State and local governments/farms/businesses or other institutions
U.S. citizens working for U.S. employers
SIC: All
Small businesses or organizations
Central fiscal operations: 400 responses, 200 hours; $50 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Form is used to verify the income reported by U.S. citizens on form 1040. The responses allow the IRS to determine whether income is properly reported as to amount and source. Source of income affects foreign tax credit.

• Internal Revenue Service
Received from 966 FRP, T/P—No record of final return
F1615 (Rev. 2-81)
On occasion
Farms/businesses or other institutions, corporations adopting a plan of liquidation
SIC: All
Small businesses or organizations
Central fiscal operations: 200 responses, 100 hours; $1,253 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

If a corporation files a form 966 adopting a liquidation plan under 26 U.S.C. 337, a final form 1120 series return is required. Within certain time limits. F1615 is needed to obtain information concerning the final return if

we have no record of it. The information is used to help process form 966.

• Internal Revenue Service
Site visitation checklist
Annually
Individuals or households/State or local Governments/businesses or other INS volunteers, college students, existing civic groups
SIC: 832, 811, 822, 823, 861, 862, 864, 866, 839
Small businesses or organizations
Central fiscal operations: 15,000 responses, 2,501 hours; $59,700 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The purpose of the form is to monitor the activities of the volunteers to ensure quality service is being given.

• Internal Revenue Service
1. Real estate statement
2. Farm land statement
ROWR 489, 535
On occasion
Individuals or households/farms/ businesses or other institutions, estates and individual donors of gifts
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 1,000 responses, 1,000 hours; $6,000 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

ROWR forms 535 and 489 are used to assist in determing the fair market value of real estate reported in an estate tax return (form 706) or a gift tax return (form 709). Personal contact would be necessary if the form was not used to assure that taxpayers are assessed only those taxes due for covered transfers of property.

• Internal Revenue Service
Scholarship/fellowship questionnaire
STP 3–5 (11/80)
On occasion
Individuals or households
Recipients of scholarships/fellowships
Central fiscal operations: 1,000 responses, 2,000 hours; $268 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Internal Revenue Code section 117 allows taxpayers to exclude certain scholarship/fellowships from taxable income. The information obtained from this questionnaire will be used when auditing the individual income tax returns of scholarship/fellowship recipients to assure proper application of IRC 117.

• Internal Revenue Service
Understanding taxes film notice
Notice 617
Nonrecurring annually
State or local governments/businesses or other institutions, teachers of students in junior and senior high schools
SIC: 821, 822, 823, 824, 866
Central fiscal operations: 38,000 responses, 3,165 hours; $12,000 Federal cost, 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

This notice helps IRS schedule the understanding taxes films for teacher use with the program materials. Teachers check the films they need and choice of dates they wish to use them.

• Internal Revenue Service
Tax shelter questionnaire movies
DIR-DET 4–298
On occasion
Individuals or households/businesses or other institutions, taxpayers who invest in a movie tax shelter
SIC: All
Small businesses or organizations
Central fiscal operations: 100 responses, 75 hours; $4,150 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, internal revenue service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

• Internal Revenue Service
Transmitter report of magnetic media filing
Form 6559
Nonrecurring
State or local governments/farms/ businesses or other institutions
Employers/payers making payments (wages or compensation)
SIC: All
Small businesses or organizations
Central fiscal operations: 6,500 responses, 1,085 hours; $7,521 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form 6559 is used by filers of information returns to provide balancing information for files submitted via magnetic media to the social security administration (SSA). Employers or payers are required by 26 U.S.C. 6041 to submit form 6559 information for each payer being reported.

• Internal Revenue Service
Magnetic media label
Form 6558
Annually
State or local governments/farm/ businesses or other institutions
Employers/payers filing information returns via magnetic tape.
SIC: All
Small businesses or organizations
Central fiscal operations: 6,480 responses, 214 hours; $2,578 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information returns can be filed on magnetic tape, disk or diskette. These labels are affixed to the tape reel, disk or diskette.Tape labels identify the filer and important social security administration processing information.

• Internal Revenue Service
TCE instructor evaluation
Form 6331
Annually
Individuals or households
Volunteers, members of social action agencies
Central fiscal operations: 561 responses, 94 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by tax counseling for the elderly instructors at end of the training class to evaluate the training material. This course is held between November and January each year.

• Internal Revenue Service
Questionnaire—Scholarship or fellowship grant
IO–638
On occasion
Individuals or households
U.S. citizens/nonresident aliens
Central fiscal operations: 400 responses, 200 hours; $50 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Form completed by taxpayers to substantiate claim for exemption of a fellowship or scholarship grant. The information submitted is used to determine whether such persons qualify for exclusion.

• Internal Revenue Service
correction notice—Balance due IRS CP 11
CP 11 Form 4084
On occasion
Individuals or households
Individuals that have made mathematical error on returns
Central fiscal operations: 1,014,618 responses, 253,654 hours; $5,994,868 federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

CP notice 11 is used to advise the taxpayer that we corrected a math error on their return and there is not a balance due.

• Internal Revenue Service
Questionnaire-Bona fide residence in foreign country
IO–636
On occasion
Individuals or households
U.S. citizens and resident aliens
Central fiscal operations: 4,000 responses, 2,000 hours; $200 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

This form is to be completed by the taxpayer to support his claim of being a bona fide resident of a foreign country for the tax year questioned. The information is used by the service to ditermine which country the taxpayer is a resident of for U.S. tax purposes.

• Internal Revenue Service
General questionnaire-taxpayer living abroad
IO–664
On occasion
Individuals or households
U.S. citizens and resident aliens living in foreign country
Central fiscal operations: 5,000 responses, 1,250 hours; $200 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Used by U.S. citizens and resident aliens to report their foreign residence and foreign business addresses. Travel away from these addresses in excess of 2 weeks, and certain remuneration from employers. Data used to determine if taxpayer is entitled to benefits provided by 26 U.S.C. 911, 912, and 913.

• Internal Revenue Service
Filing season bounce—Back cards
Black radio public service announcements
Form 6129
Annually
Businesses or other institutions
Radio stations
Small businesses or organizations
Central fiscal operations: 600 responses; 10 hours; $672 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The filing season black radio public service announcements (PSAS) are distributed to radio stations to inform and educate taxpayers about their tax responsibilities and benefits. Bounce-back cards are distributed to gather feedback from radio station personnel to assist the IRS in producing the PSAS for the following year. The data is collected from January 1 to April 15 each year.

• Internal Revenue Service
College VITA recruitment letter
P–1453
Annually
Individuals or households/businesses or other institutions
Respondents would be members of colleges and universities
SIC: 832 811 822 823 861 862 864 866 839
Small businesses or organizations
Central fiscal operations: 1,160 responses; 96 hours; $300 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by Internal Revenue Service to recruit colleges to participate in the volunteer income tax assistance program. The form explains the program and gives a name and telephone number the college may use to contact IRS if they are interested in the program.

• Internal Revenue Service
Filing season bounce-back cards
Library tapes program
Form 6763
Annually
State or local governments/businesses or other institutions
Library personnel
SIC: 821
Small businesses or organizations
Central fiscal operations: 1,000 responses; 16 hours; $1,120 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The filing season library tapes program distributes tapes to libraries across the country for self-help in preparation of the forms 1040 and 1040A, and schedules A and B. Bounce-back cards are distributed to each library to gather feedback from library personnel to assist the IRS in producing the tapes for the following year. Data is collected January 1 through April 15 each year.

• Internal Revenue Service
Filing season bounce-back cards
TV public service announcements (PSAS)
6347
Annually
Businesses or organizations
TV stations
SIC: 483
Small businesses or organizations
Central fiscal operations: 100 responses; 2 hours; $112 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The filing season TV public service announcement (PSAS) are distributed to national TV networks and to local TV stations to inform and educate taxpayers about their tax responsibilities and benefits. Bounce-back cards are distributed to gather feedback from the stations to assist the IRS in producing the PSAS for the following year. The data is collected from January 1 to April 15 each year.

• Internal Revenue Service
Volunteer training evaluation
Form 6317
Annually
Individuals or households/businesses or other institutions
Volunteers & college students membrs. civic/social agencies
SIC: 832 811 822 823 861 862 864 866 839
Small businesses or organizations
Central fiscal operations: 37,113 responses; 6,187 hours; $5,000 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

As part of the evaluation of the VITA training program. Volunteers are asked to evaluate the quality of the training material and instruction received. (VITA-volunteer income tax assistance)

• Internal Revenue Service
Request for alimony verification
LTRS 1031 (DO), (C)
On occasion
Individuals or households
Individual taxpayers who receive alimony
Central fiscal operations: 127,000 responses; 38,100 hours; $214,366 Federal cost; 2 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Needed to verify that recipient of alimony has correctly reported the income on his or her tax return for the tax year the payer deducted it.

• Internal Revenue Service
Stock valuation inquiry
LTR 1133. (DO)
On occasion
Businesses or other institutions
Closely held corporations
SIC: All
Central fiscal operations: 10,000 responses, 10,000 hours; $61,800 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Letter 1133 (DO) is used to request closely held corporation financial data. This data is reviewed by IRS to substantate corporation stock values reported on a taxpayer's return under examination.

• Internal Revenue Service
Instructor evaluation (VITA)
Form 6318
Annually
Individuals or households/State or local governments/businesses or other INS

volunteers, college students and civic groups
SIC: 832, 811, 822, 823, 861, 862, 864, 866, 839
Small businesses or organizations
Central fiscal operations; 1,527 responses, 509 hours; $5,000 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by the volunteer instructor to evaluate the quality of the VITA training material. (VITA—volunteer income tax assistance).

• Internal Revenue Service
Request for estate-corporation stock valuation
LTS 910 (DO) (C)
On occasion
Businesses or other institutions
Partnerships
SIC: 602
Small businesses or organizations
Central fiscal operations, 5,000 responses, 2,500 hours; $5,000 Federal cost, 2 forms, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To determine an estates tax liabilities, it is necessary that its valuation be known to the IRS. Letter 910 (DO), (C) is used to secure partnership interest values as related to an estates assets.

• Internal Revenue Service
Estimated tax penalty computation worksheet—Exception 4
ROWR 3009 (1–80)
On occasion
Individuals or households
Individual taxpayers having underpaid estimated tax
Central fiscal operations; 3,000 responses, 3,000 hours; $6,044 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is needed to complete computation for exception 4 of form 2210, underpayment of estimated tax by individuals. If this form is not completed and returned the estimated tax penalty will be imposed, although the taxpayer may actually qualify for exception 4.

• Internal Revenue Service
Employee's substitute wage and tax statement
Form 4852
On occasion
Individuals or households
Persons who worked and had taxes withheld during the year
Central fiscal operations; 1,002,000 responses, 306,000 hours; $10,000 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4852 will be used by respondents to estimate gross wages received and income and FICA tax withheld during the year in absence of a form W–2 from the employer. It is attached to the tax return for processing as a W–2.

• Internal Revenue Service
Interview work sheet—Individual business return
SWR E–721
On occasion
Farms/businesses or other institutions
Taxpayers with schedule C or F attached with their return
SIC: Multiple
Small businesses or organizations
Central fiscal operations; 25,000 responses, 12,500 hours; $25,000 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The data is needed to determine compliance with the tax laws. The form is used by examiners to record information obtained in interviews with taxpayers being examined.

• Internal Revenue Service
Non-IRS tax information request
ROWR 3036–A (7–80)
On occasion
State or local governments
State tax authorities and child support enforcement agencies
SIC: All
Central fiscal operations; 25,000 responses, 2,000 hours; $22,550 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by State tax agencies to request, from the Internal Revenue Service, information about taxpayers. The form was developed to provide a uniform system for the States to request their information.

• Internal Revenue Service
Questionnaire-Schooling expenses
IO–665
Annually
Individuals or households
U.S. citizens residing in foreign countries
Central fiscal operations: 5,000 responses, 2,500 hours; $200 Federal cost, 1 form; not applicable under 3504(h).
Kevin Broderick, 202–395–6880

Form to be completed by a taxpayer to support Form 1040 claim for schooling expenses in a foreign country.

• Internal Revenue Service
Questionnaire—housing expenses
IO–669
Annually
Individuals or households
U.S. Citizens residing in foreign countries
Central fiscal operations: 4,000 responses, 4,000 hours; $200 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form to be completed by taxpayer to support his claim for a deduction for housing expenses. The taxpayer must qualify as a resident of a foreign country under either the bona fide residence or physical presence tests in order to claim the deduction.

• Internal Revenue Service
Questionnaire—expenses deducted for meals and lodging
IO–671
Annually
Individuals or households
U.S. citizens and resident aliens
Central fiscal operations: 400 responses, 300 hours; $50 Federal cost; 1 form, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form is used by persons claiming meals and lodging expenses while employed away from their tax homes. Completion of the form permits the IRS to determine if such expenses are deductible.

• Internal Revenue Service
ICE volunteer training evaluation
Form 6330
Annually
Individuals or households/businesses or other institutions, volunteers, members of nonprofit organizations
SIC: 869: 839
Central fiscal operations: 10,295 responses, 1,201 hours; $5,000 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The form is used by tax counseling for the elderly volunteers at the end of the training course to evaluated the effectiveness of the training material and instruction. The training course is held each year between the months of November and January.

• Internal Revenue Service
Transmittal of magnetic tape of Form W–4, Employee's Withholding Allowance Certificate
Form 6466
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Employers of various business/organizations submitting W–4
SIC: All
Small businesses or organizations
Central fiscal operations: 150 responses, 37 hours; $241 Federal cost, 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

26 U.S.C. 3402 requires all employers making payment of wages to deduct (withhold) tax upon such payments. Employers are further required under 26 CFR 37.3402–1, to submit certain withholding certificates (W–4) to the IRS. Transmittal Form 6466 is sent to those employers who will be transmitting the information from these certificates on magnetic tape.

Extensions (Burden Change)

• Internal Revenue Service
Jobs credit
5884
Annually
Businesses or other institutions
Employers who take jobs credit for employees targeted group
SIC: All
Small businesses or organizations
Central fiscal operations: 670,000 responses, 996,424 hours; $714,357 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Section 44B allows a tax credit to employers hiring individuals from targeted groups, such as economically disadvantaged Vietnam-era veterans, handicapped persons, etc. The employer uses Form 5884 to figure and claim the credit. IRS uses the information to determine the credit's validity.

• Internal Revenue Service
Generation-skipping transfer tax return
706–B
On occasion
Individuals or households/businesses or other institutions
Individuals, trusts and those institutions that manage trusts
SIC: 601 602 603 604 605 811
Small business or organizations
Central fiscal operations: 5,000 responses, 79,560 hours; $193,747 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 706–B is used to tentatively compute the generation-skipping transfer tax imposed by Chapter 13 of the Code. IRS uses the information to recompute the tax and determine final liability.

• Internal Revenue Service
Return of private foundation exempt From Income Tax 990–PP, 4720
On occasion, annually
Businesses or other institutions
Private foundations, taxable, exempt, foreign, domestic
SIC: 201 202 203 204 205 206 222 236 251 345
Small businesses or organizations
Central fiscal operations: 36,000 responses, 498,722 hours; $745,684 Federal cost, 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

IRS Section 6033, as amended by Public Law 96–603, requires the filing of an annual information return by all private foundations (taxable or tax exempt) and Section 4947(a)(1) trusts treated as private foundations. Section 4940 imposes a tax on net investment income and Section 53.4940 1(A) of the regulations requires it to be reported on the return required under Section 6033.

• Internal Revenue Service
Declaration of estimated tax for individuals 1040–ES
Annually
Individuals or households/farms/businesses or other institutions
Individuals making declaration and payment of estimated tax
SIC: All
Central fiscal operations: 8,139,685 responses, 3,589,446 hours; $15,731,528 Federal cost, 4 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 1040–ES is used by individuals to make a declaration of their estimated tax for the taxable year if their gross income exceeds the limits of Section 6015(A) unless their estimated tax is expected to be less than $200. The data is used to determine whether taxpayers are paying the correct tax during the year.

• Bureau of Alcohol, Tobacco and Firearms
Liquor bottle manufacturers—record of manufacture and disposition
ATF REC 5540/2
On occasion
Businesses or other institutions
Manufacturers of liquor bottles
SIC: 322
Small businesses or organizations
Federal law inforcement activities, 9,550 responses, 637 hours; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Records of manufacture and disposition are no longer considered necessary to protect the revenue.

• Internal Revenue Service
Underpayment of estimated tax by corporations
2220
On occasion
Businesses or other instititions
Corporations
SIC: All
Small businesses or organizations
Central fiscal operations: 13,000 responses, 8,125 hours; $94,763 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 2220 is used by corporations to determine whether they paid enough estimated tax, whether they are subject to the penalty for underpayment of estimated tax, and, if so, the amount of penalty. The information is used to determine whether the penalty should be assessed.

• United States Customs Service
Declaration for free entry of returned American products and/or certificate of exportation
CF 3311
On occasion
Individuals or households/businesses or other institutions
Exporting business firms and individuals
SIC: All
Small businesses or organizations
Federal law enforcement activities: 376,856 responses, 105,520 hours; $335,326 Federal cost, 1 form; $1,010,440 public cost, not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The document is a declaration by an importer that certain merchandise was made in and exported from the U.S., that no drawback was claimed at the time of exportation, that the merchandise was not advanced in value while outside the U.S., and that it is now eligible to be imported into the U.S. without payment of duty. It is a recordkeeping requirement pursuant to 19 CFR 162.LC. Retention period of 5 years from date of entry of merchandise.

• Internal Revenue Service
Quarterly Federal tax return, quarterly return of withhold Federal income tax, employer's monthly Federal tax return
941, 941E, 941–M, 941PR, 941SS
On occasion, quarterly
State or local governments/businesses or other institutions
All employers who pay wages subject to income or FICA taxes
SIC: All
Small businesses or organizations
Central fiscal operations: 19,506,040 responses, 26,227,000 hours; $37,575,013 Federal cost, 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 941 is used by employers to report payments made to employees subject to income and FICA taxes and the amounts of these taxes. Form 941E is used primarily by State and local governments to report withheld income taxes only. Form 941PR is used by employers in Puerto Rico to report FICA taxes only and form 941SS is used by employers in the U.S. possessions to report FICA taxes only. The data is used

primarily to verify that the correct taxes have been paid.

COMMODITY FUTURES TRADING COMMISSION

Agency Clearance Officer—Joseph G. Salazar—202–254–9735

New

• Manager Account Questionnaire
Nonrecurring
Businesses or other institutions
The respond. will be commodity trading advis. and futures, etc
SIC: 622
Other advancement and regulation of commerce: 2,100 responses, 1,050 hours; $261 Federal cost, 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The managed account questionnaire will be used to determine the amount of public funds controlled by commodity trading advisors, futures commission merchants and associated persons registered to do business by the CFTC.

Arnold Strasser,

Acting Assistant Administrator for Reports Management.

[FR Doc. 81–26136 Filed 9–4–81; 8:45 am]

BILLING CODE 3110–01–M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Requirements Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has exempted the Chisox Corporation, the Chicago White Sox Baseball Club, Inc., and the Artnell Company from the requirements of section 4204(a)(1)(B) and (C) of the Employee Retirement Income Security Act. A sale of assets of an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if three conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. Another condition is that the sales agreement provide that the seller will be secondarily liable for its withdrawal liability if the purchaser withdraws within the first five plan years after the sale and fails to pay withdrawal liability. The PBGC is authorized to grant exemptions from these requirements. A notice of the request for exemption from the requirements, inviting comments from interested persons, was published on June 23, 1981 (46 FR 32547). No comments were received. PBGC granted exemptions from the bond/escrow and contract requirements on September 1, 1981. Waiver of the contract requirement does not constitute waiver of the seller's secondary liability. The effect of tis notice is to advise the public of the exemptions.

ADDRESS: The request for exemption and the exemption letters are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of the exemption request and exemption letters may be obtained by mail from the PBGC Disclosure Officer (Mail Stop 160) at the above address.

FOR FURTHER INFORMATION CONTACT: Ellen A. Hennessy, Office of the Executive Director, Policy and Planning (140), Suite 7300, 2020 K Street NW., Washington, D.C. 20006; (202) 254–4862.

Issued at Washington, D.C. on this 1st day of September 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81–26006 Filed 9–4–81; 8:45 am]

BILLING CODE 7708–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11925; 811–2814]

Federal Bond Shares, Inc.; Filing of Application

September 1, 1981.

Notice is hereby given that Federal Bond Shares, Inc ("Applicant"), 1735 K Street, NW., Suite 1200, Washington, D.C. 20006, registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified, management investment company, filed an application on June 24, 1981, for an order of the Commission pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant filed a registration statement under the Act on March 10, 1978, but never filed a registration statement under the Securities Act of 1933. Applicant states that it never made a public offering of its securities, has not more than 100 security holders for the purposes of Section 3(c)(1) of the Act and the rules thereunder, and does not propose to make a public offering or engage in business of any kind. Applicant further states that its legal existence is inactive; it has no assets, debts or other oustanding liabilities; it is not a party to any litigation or administrative proceeding; and it has no shareholders.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0.5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to wether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–26136 Filed 9–4–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11926; 812-4882]

MML Money Market Investment Co., Inc.; Filing of Application

September 2, 1981.

Notice is hereby given that MML Money Market Investment Company, Inc. ("Applicant"), 1295 State Street, Springfield, Massachusetts 01111, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed and application on June 5, 1981 and an amendment thereto on August 26, 1981, for an order pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit it to use the amortized cost valuation method for the purpose of pricing its shares for sale, redemption and repurchase. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a Maryland corporation organized on April 22, 1981, to operate as a no-load fund and that its investment objectives are to achieve high current income, the preservation of capital and liquidity through investment in short-term debt instruments, including, but not limited to, prime commercial paper, certificates of deposit, bankers' acceptances and obligations issued or guaranteed by the United States government, its agencies or instrumentalities. Applicant also states that it will invest in commercial paper only if it is rated A–1 or A–2 by Standard and Poor's Corporation ("S&P") or P–1 or P–2 by Moody's Investor Service, Inc. ("Moody's") or if it is not rated, of comparable quality as determined by the Applicant's Board of Directors. Further, Applicant states that it will invest in corporate obligations only if they are rated AAA or AA by S&P or Aaa or Aa by Moody's. Finally, Applicant states that it is registering under the Act concurrently with filing this application.

As here pertinent, Section 2(a)(41) of the act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investiment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant represents that its directors believe that it is in the best interests of its potential shareholders to use the amortized cost method of valuation to maintain a $1.00 share value, as this method of valuation will permit daily dividends to shareholders which would not vary on account of unrealized capital gains and losses. At the same time, investors would have the convenience of valuing their holdings based on the number of shares that they owned. Further, Applicant states that its directors have made a determination that, absent unusual circumstances, amortized cost value represents the fair value of its portfolio securities.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its appication meets the standards of Section 6(c) of the Act and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors of each Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than September 28, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26135 Filed 9-4-81; 8:45 am]

BILLING CODE 8010-01-M

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 34-18075; File Nos. SR-Phlx-81-14 and SR-CBOE-81-16]

Philadelphia Stock Exchange, Inc. and the Chicago Board Options Exchange, Inc.; Proposed Rule Changes By Self-Regulatory Organizations

In the matter of proposed rule changes relating to the introduction of additional option series. Comments requested on or before September 29, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 18, 1981 the Philadelphia Stock Exchange, Inc. ("Phlx") and on August 20, 1981 the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III, below, which Items have been prepared by the self-regulatory organizations. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Phlx and CBOE Statements of the Terms of Substance of the Proposed Rule Changes

The Phlx, pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the "Act"), hereby proposes to amend its policy relating to the minimum time duration until expiration for which it may introduce additional series of options. Specifically, the Exchange proposes to change its policy to provide that it will introduce additional series of options having an exercise price at the next appropriate interval with respect to all expiration months then the subject of trading, other than for options expiring in less than 45 days. Presently, the Exchange does not introduce new series for options expiring in less than 60 days. The CBOE proposes to amend its identical policy in an identical manner.

II. *A. Phlx and CBOE Statements of the Purpose of, and Statutory Basis for the Proposed Rule Changes*

The Phlx submitted the following statement of purpose and basis. The purpose of the proposed change is to allow the Exchange to add new options series provided at least 45 days remain to expiration (the "45 day rule"). This change is designed to ensure the existence of striking prices both in and out of the money in all expiration months, subject only to the 45 days limitation. This limitation is appropriate in that it is a reasonable reduction of the present "60 day rule" and will ensure that no new options series is introduced for trading unless at least 45 days remain to expiration.

Further, it provides an adequate safeguard against any proliferation of new series as an expiration approaches. The proposed change is consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that investors will be able to more effectively limit the risks of their options transactions. Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade.

The CBOE's statement of purpose and basis for the proposed amendment to its policy is substantially similar to the one of the Phlx.

B. Phlx and CBOE Statements on Burdens on Competition

The Phlx states that no burden on competition will be imposed by modifying its policy as described above. The CBOE also believes that the proposed rule change will not impose any burden on competition.

C. Phlx and CBOE Statements on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Phlx and CBOE state that no written comments on their respective proposals were solicited or received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before October 13, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organizations consent, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any other person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers in the caption above and should be submitted on or before September 28, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26134 Filed 9-4-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[SBLC No. 02/B-0023]

Beneficial Funding Corp.; Filing of Application for Eligibility Determination as a Small Business Lending Company

An Application for Eligibility Determination as a Small Business Lending Company has been filed by Beneficial Funding Corporation (Applicant), 1212 Avenue of the Americas, New York, New York 10036, with the Small Business Administration pursuant to Section 120.4(b) of the SBA Regulations (13 CFR 120.4(b) (1981)), promulgated under the Small Business Act.

As a Small Business Lending Company, under Subsection (b) mentioned above, the Applicant will be engaged solely in the making of loans to small business concerns, in participation with SBA, and in accordance with applicable SBA Regulations. It will be subject to supervision and examination by the SBA.

The Applicant is incorporated under the laws of the State of Delaware and will commence operation with minimum capitalization of $1,000,000. The Applicant intends to initially conduct its operations in New York and eventually expand on a nationawide basis. The Corporation intends to sell in the Secondary Market the SBA's guaranteed portion of loans made to small business concerns.

The Officers and Directors of the Applicant are:

Name and title

Gerald L. Holm, RD No. 1, 12 Saddle Hill Road, Far Hills, NJ 07931, Chairman of the Board and Director.

Paul M. Finfer, 8 Steward Drive, Dix Hills, NY 11746, President and Director.

Peter Levy, 12 Doone Drive, Syosset, NY 11791, Secretary and Director.

The Applicant is a wholly owned subsidiary of Beneficial Leasing Group, Inc., which is a wholly owned subsidiary of Beneficial Corporation, 1300 Market Street, Wilmington, Delaware 19899, a diversified financial service company whose stock is listed on the New York Stock Exchange which, through nearly 2,400 offices, provides consumer financial services in the United States and areas overseas.

Matters involved in SBA's consideration of the application include

the general business reputation and character of management, and the probability of successful operation of the corporation under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act and the Regulations promulgated thereunder.

Notice is hereby given that all interested parties may, not later than 15 days from the date of publication of this Notice, submit to SBA written comments on the proposed Applicant and/or its management. Any such communication should be addressed to: Wayne S. Foren, Director, Office of Lender Relations & Certification, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York, New York, as well as in the four (4) regional editions of the *Wall Street Journal*.

(Catalogue of Federal Domestic Assistance Program No. 59.012 Small Business Loans)

Dated: August 31, 1981.

Donald R. Templeman,

Deputy Administrator.

[FR Doc. 81-26185 Filed 9-4-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 173
Tuesday, September 8, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Friday, September 4, 1981.

CHANGE IN THE MEETING: The meeting originally scheduled for September 4, 1981 has been cancelled. The next Commission Meeting will be held Tuesday, September 15, 1981 at 9:30 a.m.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued September 1, 1981.

[S-1337-81 Filed 9-3-81; 4:02 pm]

BILLING CODE 6570-06-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

September 2, 1981.

TIME AND DATE: 10 a.m., September 9, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—730th Meeting, September 9, 1981, Regular Meeting (10:00 a.m.)

CAP-1. Project No. 3559-000, Richmond Power & Light Co.; Project No. 3875-000, Town of Liberty, Indiana; Project No. 4070-000, Franklin County, Indiana; Project No. 4193-000, Hoosier Energy Rural Electric Cooperative, Inc.; Project No. 4194-000, Indiana Muncipal Power Agency
CAP-2. Project No. 3231, Nother American Hydro, Inc.; Project No. 3897, Wisconsin Public Power Inc. System
CAP-3. Docket No. ER81-608, Puget Sound Power & Light Co.
CAP-4. Docket No. ER81-613-000, Missouri Power and Light Co.
CAP-5. Docket No. ER81-578-000, Maine Yankee Atomic Power Co.
CAP-6. Docket Nos. ER80-484, ER80-485 and ER80-546, Virginia Electric Power Co.
CAP-7. Docket Nos. ER81-130-000 and ER81-139-000, Appalachian Power Co
CAP-8. Docket No. ER81-194-000, Mississippi Power Co.
CAP-9. Docket No. ER80-536, Gulf Power Co.
CAP-10. Docket No. ER80-58, Southern Company Services, Inc.
CAP-11. Docket No. ER81-181-000, Bangor Hydro-Electric Co.
CAP-12. Docket No. ER80-567, Wisconsin Electric Power Co.
CAP-13. Docket No. ER80-434, Duke Power Co.
CAP-14. Docket Nos. E-7578, IN-989 and IN-991, Commonwealth Edison Co.
CAP-15. Docket No. ER81-392-000, Pennsylvania Power & Light Co.

Miscellaneous Agenda

CAM-1. Docket No. RM81-36, Revision of licensed projects recreation report: Form No. 80
CAM-2. Docket No. RM81- , Location of jurisdictional agencies
CAM-3. Docket No. RM79-76 (Utah—2), High-cost gas produced from tight formations
CAM-4. Docket No. RM79-76 (Wyoming—5), High-cost gas produced from tight formations
CAM-5. Docket No. RM79-76 (Wyoming—6), High-cost gas produced from tight formations
CAM-6. Docket No. RM79-76 (Wyoming—7), High-cost gas produced from tight formations
CAM-7. Docket No. RM79-76 (Texas—10), High-cost gas produced from tight formations
CAM-8. Docket No. RM79-76 (Mississippi—1), High-cost gas produced from tight formations.
CAM-9. Docket No. RM79-76 (Mississippi—2), High-cost gas produced from tight formations.
CAM-10. Docket No. GP80-89, U.S. Geological Survey—Tulsa, Oklahoma, Section 108 NGPA determination, Conoco, Inc., L. Arhalqkoche No. 1 well, JD No. 79-3043, US.GS No. OK-19-9
CAM-11. Docket No. GP81-19-000, State of Oklahoma, Section 108 NGPA determination, Tenneco Oil Co., Mike Mayer Jr. "A" No. 1 well, JD80-24422
CAM-12. Docket No. GP81-15-000, Glenbrook Oil & Gas, Inc.
CAM-13. Docket No. GP80-116, Texaco Inc.

Consent Gas Agenda

CAG-1. Docket Nos. RP81-54-000, RP81-56-000 and RP80-97-004, Tennessee Gas Pipeline Co.
CAG-2. Docket No. RP81-108-000, Locust Ridge Gas Co.
CAG-3. Docket No. RP81-109-000, Texas Eastern Transmission Corp.
CAG-4. Docket No. RI80-10, Leben Oil Corp.; Docket No. CI79-221, Arkansas Louisiana Gas Co.
CAG-5. Docket Nos. CP80-217-001 and CP80-217-002, Transcontinental Gas Pipe Line Corp.
CAG-6. Docket No. ST80-127-001, Seagull Pipeline Corp.
CAG-7. Docket Nos. CI81-361-000 and CI81-367-000, Aminoil USA, Inc.; Docket No. CI81-385, Mesa Petroleum Co.; Docket No. CI81-223-000, Sun Texas Co., a Division of Sun Oil Co.; Docket No. CI81-224-000, Sun Oil Co.; Docket No. CI81-430-000, Mobil Oil Exploration & Producing Southeast, Inc.
CAG-8. Docket No. CP81-315-000, Algonquin Gas Transmission Co.
CAG-9. Docket No. CP80-493, Chase Gathering Systems, Inc.
CAG-10. Docket No. CP81-126-000, Transcontinental Gas Pipe Line Corp.
CAG-11. Docket No. CP80-547, NGPL—Canyon Compressing Co.
CAG-12. Docket No. CP81-249-000, Tennessee Gas Pipeline Co., Division of Tenneco, Inc.
CAG-13. Docket No. CP81-343-000, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
CAG-14. Docket No. CP81-263-000, Transcontinental Gas Pipe Line Corp. and Columbia Gulf Transmission Co.
CAG-15. Docket No. CP81-277-000, Consolidated Gas Supply Corp. and Columbia Gas Transmission Corp; Docket No. CP81-350-000, Columbia Gas Transmission Corporation
CAG-16. Docket Nos. CP80-503-001, CP80-503-002 and CP80-503-003, Arkansas-Louisiana Gas Co.
CAG-17. Docket Nos. CP80-17-000, et al., Trans-Anadarko Pipeline System
CAG-18. Docket Nos. OR79-1, et al., Williams Pipe Line Co.; Docket No. OR78-1, Trans Alaska Pipeline System

Regular Power Agenda

I. Licensed Project Matters

P-1. Project Nos. 67 and 2868, Southern California Edison Co.; Project No. 2904, Cities of Anaheim and Riverside, Calif.
P-2. (a) Project No. 2934, New York State Electric & Gas Corp.; (b) Project No. 3452, Niagara Mohawk Power Corp.
P-3. Project No. 3068, North Carolina Electric Membership Corp.; Project No. 3137, City of Fayetteville Public Works Commission

II. Electric Rate Matters

ER-1. Docket No. ER81-612-000, Cleveland Electric Illuminating Co.
ER-2. Docket No. ER81-615-000, Missouri Utilities Co.
ER-3. Docket Nos. ER81-457-000 and EL81-13-000, Louisiana Power & Light Co.
ER-4. Docket Nos. ER81-457-000 and EL81-13-000, Louisiana Power & Light Co.
ER-5. Docket No. ER78-522, Virginia Electric & Power Co.
ER-6. Docket Nos. ER77-578 and ER80-259, Kansas Gas & Electric Co.
ER-7. Docket No. ER79-126, Arizona Public Service Co.
ER-8. Docket No. E8570 (price squeeze), Southern California Edison Co.
ER-9. Docket No. ER78-338 (phase I and Phase II), Public Service Co. of New Mexico
ER-10. Docket No. ER80-363, Delmarva Power & Light Co.

Regular Miscellaneous Agenda

M-1. Docket No. QF80-28, Stieren Farms, Small power production and cogeneration facilities—Qualifying status
M-2. Reserved
M-3. Reserved
M-4. Docket No. GP80-12, Consolidated Gas Supply Corp.
M-5. Docket No. GP81- , Railroad Commission of Texas, Section 107 NGPA determination, Tom F. Marsh, Inc., Clarence Zyback No. 1-14 well, RRC Docket No. F-10-026392, FERC Docket No. JD81-12735
M-6. Docket No. SA80-82, Callon Petroleum Co.
M-7. Docket No. RA79-21, A. Johnson & Co., Inc.

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket No. RP81-72-000, Gas Research Institute

II. Producer Matters

CI-1. Docket No. CI64-26 (force majeure), Gulf Oil Corp.
CI-2. Docket No. CI77-657, American Natural Gas Production Co., et al.
CI-3. Docket No. RI79-21, Shell Oil Co.

III. Pipeline Certificate Matters

CP-1. Docket No. RP81-23-000, El Paso Natural Gas Co.
CP-2. Docket No. RP80-122, City Council and Citizens of Erie, Pennsylvania
CP-3. Docket Nos. CP81-364-000 and CP81-364-001, Natural Gas Pipeline Co. of America
CP-4. Docket Nos. CP81-283-000 and CP81-283-001, Alabama-Tennessee Natural Gas Co.

Kenneth F. Plumb,
Secretary.

[S-1332-81 Filed 9-3-81; 9:15 am]
BILLING CODE 6450-85-M

3

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Friday, September 18, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-49 [Preliminary] (Wire Mesh from Taiwan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary (202) 523-0161.

[S-1334-81 Filed 9-3-81; 3:05 pm]
BILLING CODE 7020-02-M

4

NATIONAL COUNCIL ON THE HANDICAPPED.

TIMES AND DATES:

9:30 a.m.-5:30 p.m., Monday, September 21, 1981.
9:30 a.m.-5:30 p.m., Tuesday, September 22, 1981.
9:30 a.m.-5:30 p.m., Wednesday, September 23, 1981.

PLACE: Hospitality House, 2000 Jefferson Davis Hwy., Highway (U.S. 1), Arlington, Virginia.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

Approval of July Minutes.
Report on NCH Task Force on NIHR Priorities and approval of 1982 Priorities.
Review and approval of Revised Statement of Policies Governing NIHR.
Report of NIHR Director on Activities of NIHR.
Status report on Minimum Guidelines and Requirements by the Architectural and Transportation Barriers Compliance Board.
Report of Activities of RSA.
Disability Issues in the Social Security System.
Approval of Draft Revisions to Bylaws.
Committee Reports.

CONTACT PERSON FOR MORE INFORMATION:

Carol Berman, National Council on the Handicapped, (202) 245-3498.

Carol Berman,
Executive Director.

[S-1333-81 Filed 9-3-81; 2:32 pm]
BILLING CODE 4000-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-33]

TIME AND DATE: 9 a.m., Tuesday, September 15, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report:* Continental Trailways, Inc., Scheduled Intercity Bus/Multiple-Vehicle Collision and Fire, Interstate 95, Near Beltsville, Maryland, April 20, 1981, and *Recommendations* to the Federal Highway Administration, the Maryland DOT, and the Automobile Manufacturers Association of America.
2. *Aircraft Accident Report:* McDonnell-Douglas, Inc., DC-9-80, N1002G, Yuma, Arizona, June 8, 1980.
3. *Aircraft Accident Report:* Northeast Jet Company, Gates Learjet 25D, N125NE, Gulf of Mexico, May 19, 1980.
4. *Railroad Accident Report:* Derailment of Southern Pacific Transportation Company Freight Train Extra 9164 West at Surf, California, on May 22, 1981, and *Recommendations* to the Materials Transportation Bureau.
5. *Letter* to Morton *re* reconsideration of probable cause—Butler Aircraft, Inc., Douglas DC-7, Klamath Falls, Oregon, September 14, 1979.
6. *Marine Summary Report.*

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

September 3, 1981.

[S-1338-81 Filed 9-3-81; 4:03 pm]
BILLING CODE 4910-58-M

6

PAROLE COMMISSION.

[1P0401]

United States Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters).

TIME AND DATE: 9:30 a.m., Friday, September 4, 1981.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTER TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5926.

[S–1335–81 Filed 9–3–81; 3:08 pm]

BILLING CODE 4410–01–M

7

SECURITIES AND EXCHANGE COMMISSION.

DATE AND TIME: September 3, 1981, 2:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting. The Commission will hold a closed meeting on Thursday, September 3, 1981, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans and Longstreth determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Thursday, September 3, 1981, at 2:30 p.m., will be:

Regulatory matter regarding financial institution.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Brandon Becker at (202) 272–2467.

September 2, 1981.

[S–1336–81 Filed 9–3–81; 4:02 pm]

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federal register

Tuesday
September 8, 1981

Part II

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Leopard Reclassification; Reopening of Comment Period

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period; Leopard Reclassification

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of comment period on a proposed rulemaking.

SUMMARY: Owing to the receipt of a new report by P. H. Hamilton on the status of the leopard in Africa, the Service is reopening the comment period on its March 24, 1980, proposed rulemaking to reclassify the leopard in sub-Saharan Africa from Endangered status to Threatened status and to permit the regulated import of sport-hunted leopard trophies. This notice summarizes the Hamilton report and invites the public to submit comments, opinions, and/or recommendations on the proposed rulemaking in light of the data and findings of the Hamilton report.

DATE: Communications pertaining to the reclassification of the leopard in light of the Hamilton report, should be submitted between September 1 and September 30, 1981.

ADDRESS: All communications should be addressed to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

SUPPLEMENTARY INFORMATION:

Background

On March 24, 1980, the Service published in the **Federal Register** (45 FR 19007) a proposed rulemaking to reclassify the leopard (*Panthera pardus*) from Endangered status to Threatened status in sub-Saharan Africa, and to permit the regulated importation of sport hunted leopard trophies from this region under the terms and conditions prescribed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This proposed action was based on three major reports that the Service had received from experts in the field, all of which indicated that the leopard was a Threatened species in sub-Saharan Africa, and that strictly controlled sport-hunting might actually benefit the species by giving it commercial value (in many parts of Africa now, the leopared is regarded as vermin and is indiscriminately destroyed as being of no value). These reports were: "The Leopard *Panthera pardus* in Africa" by Norman Myers (IUCN Monograph No. 5, 1976); "The Status and Conservation of the Leopard in Africa South of Sahara" by Randall L. Eaton (Safari Club International, 1977); and "The Status of the Leopard in Africa South of the Sahara" by James G. Teer and Wendell G. Swank (unpublished Fish and Wildlife Service contracted report, 1978). The data and conclusions contained in these reports were discussed in detail in the March 24, 1980 proposed rulemaking.

Recently, the Service received a fourth major report ("The Leopard *Panthera pardus* and Cheetah *Acinonyx jubatus* in Kenya" by P. H. Hamilton, African Wildlife Leadership Foundation, 1981) on the status of the leopard in sub-Saharan Africa, and, because of its desire to allow the public maximum participation in the rulemaking process, is reopening the comment period on the leopard proposal to permit the public to comment on this new report. The reopened comment period will extend from September 8 to October 8, 1981, and no final action will be taken on the March 24, 1980, leopard proposal until the close of this reopened comment period. Comments should address only the Service's proposed action in light of the new Hamilton report, and should not simply rehash issues involved in the original proposal and which have been amply considered already.

Summary of the Hamilton Report

P. H. Hamilton, a Kenyan citizen and recognized authority on both the leopard and cheetah in Africa, submitted his report, entitled, "The Leopard *Panthera pardus* and Cheetah *Acinonyx jubatus* in Kenya," to the Service in August 1981. The Service funded Mr. Hamilton's survey, and asked him to generalize, as far as possible from the Kenyan data, about the status of the leopard in the rest of sub-Saharan Africa. Because of the length of the Hamiltion report (137 pp.) it is impossible to reprint it here in its entirety. A summary, however, is as follows:

Hamilton obtained the information in his survey from questionnaires, personal interviews, correspondence, published reports and his own observations. Most of his information was obtained by talking to 53 professional hunters, game wardens, wildlife biologists, tour operators, and farmers, as well as a number of herdsmen and other local people. The most valuable single source of information he found were the 21 hunters that he interviewed.

Hamilton reports that leopards have declined generally in Kenya since the 1960's but that there is evidence of increases in the leopard populations at present. He believes that the causes of the decline were excessive poaching for hides, increase of human settlement as large farms were divided into small holdings (reduction of habitat), widespread use of poison for deliberate predator control, and to a lesser estent, uncontrolled sport hunting; in some areas natural habitat changes, such as increasing soil salinity in Ambroseli which resulted in killing of the Acacia woodlands, have proved detrimental to leopard populations. Hamilton says that at the present time, he would be very surprised if Kenya's leopard population numbers less than 6,000 or more than 18,000 animals. He believes that 10,000 to 12,000 is probably the closest approximation, and that Eaton's conservation estimates (25,640 leopards) and realistic estimate (35,000) for Kenya are "grossly inflated, scientifically unjustified, and highly misleading."

Despite the above, Hamilton believes, on subjective evidence available, that a recovery of the leopard is underway in Kenya and that, following the relaxation of poaching pressure, Kenyan leopard populations are increasing again. Although he doubts that leopards will ever be as abundant as in former times, recent reports from Masailand and parts of Samburu District are particularly encouraging.

For the rest of Africa, Hamilton feels that the same factors that have affected leopard populations in Kenya affect those in other countries. Although they may do so to different degrees in different countries, the lessons of Kenya are widely applicable. Although he considers Eaton's estimates and judgments as overoptimistic, inflated, and invalid, he still feels that as a species, the leopard cannot be considered "endangered," in the true meaning of the word, in sub-Saharan Africa at the present time. But, he points out, if the leopard is not "endangered," it should certainly be regarded as "threatened" for the Kenyan experience has shown what can happen to an abundant leopard population within the short period of 10 years (1965–1975). The virtual elimination of leopards from North Africa and parts of southern Africa should serve, according to Hamilton, as a warning to any who believe that this species can always survive no matter what the impact of man. For this reason, Hamilton is strongly opposed to resumption of any sort of commercial trade in leopard skins. He feels that there is simply no

system in effect to provide the desired controls and safeguards for resuming commercial trade.

Hamilton's recommendation, therefore, is that the United States Government reclassify the leopard in Africa to Threatened status, but continue to insist on retaining the species on Appendix I of the CITES to protect against commercial exploitation. He further recommends that the United States Government lift its present ban on the importation of leopards legitimately shot in Africa by American sport hunters. He states that the ban on importing the legitimately acquired leopard trophies of sport hunters has not served any useful purpose. The number involved has been relatively small and the ban runs counter to the concept of giving the leopard monetary value that will help to justify its continued existence in Africa.

Note.—A complete copy of the Hamilton report is available to the general public for examination during normal business hours (7:45 a.m. to 4:15 p.m.) at the Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia. Reprints of the report are not available but photocopies can be obtained at the normal Government cost for reproduction of such documents.

The Service will carefully consider all comments and opinions received as a result of this reopening of the comment period.

This notice was prepared by John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

Dated: August 28, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81–25991 Filed 9–4–81; 8:45 am]

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Tuesday
September 8, 1981

Part III

Federal Election Commission

Communications by Corporations and Labor Organizations; Proposed Rules

FEDERAL ELECTION COMMISSION

11 CFR Part 114

Communications by Corporations and Labor Organizations

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission requests comments on proposed rules to govern contributions or expenditures by corporations or labor organizations for nonpartisan communications. The proposed revision would also change the titles of 11 CFR 114.3 and 114.4 and would add subtitles to 11 CFR 114.3, to clarify the classes of persons to whom communications may be made under each section and to indicate the types of communications which are permissible.

DATE: Comments must be received on or before October 8, 1981. A hearing will be scheduled after written comments are received. (See Supplementary Information for details.)

ADDRESS: Susan E. Propper, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463.

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, (202) 523–4143.

SUPPLEMENTARY INFORMATION: On August 25, 1980, the Commission published an Advance Notice of Proposed Rulemaking which sought comments on a possible revision of 11 CFR 114.4, dealing with nonpartisan communications by corporations and unions aimed at the general public. (ANPRM published at 45 FR 56349.)

The proposed rules being published today include revisions which would permit corporations and unions to publish and distribute to the general public several different forms of nonpartisan communications. Included are proposals to allow publication of nonpartisan registration and get-out-the-vote communications, voting records and voter guides.

A second change included in the proposed revision would change the titles of 11 CFR 114.3 and 114.4 and would add explanatory subtitles to 11 CFR 114.3. Thus, § 114.3 would be titled "Communications by a Corporation or Labor Organization to its Restricted Class" rather than "Partisan Communications" and § 114.4 would be titled "Communications by a Corporation or Labor Organization to its Employees and Members and to the General Public". These changes would be consistent with the provisions of 2 U.S.C. 441b, which exempt communications by a corporation or labor organization to its restricted class from the broad prohibition against corporate and union contributions and expenditures in connection with a federal election.

No major substantive changes to § 114.3 are proposed.

The Commission is now seeking comments on the text of the proposed rules. In addition, the Commission is interested in receiving comments on several issues raised by the proposed rules at 11 CFR 114.4.

First, the Commission is interested in assessing the impact that the proposed regulations at 11 CFR 114.4 would have on organizations currently engaged in activities covered by this revision and on organizations considering undertaking such activities.

Second, if the Commission concludes that regulations in this area are warranted, what restrictions should be imposed or are needed to ensure the nonpartisanship of these communications? Since the statute, at 2 U.S.C. 441b, contains a broad prohibition against corporate and union contributions and expenditures in connection with a federal election, communications to the general public must be nonpartisan to be permissible. The question, therefore, is what makes a communication nonpartisan? For example, should voting records and voter guides be required to include a "variety of issues"? Should a voting record be permitted which includes only Members of Congress from a particular state instead of all Members from either or both Houses of Congress? Should distribution of voting records and voter guides to the general public in a limited geographic area (such as the city in which an organization operates) be permitted?

While the proposed rules contain provisions which would permit publication of nonpartisan registration and voting communications, voting records and voter guides, the Commission has not yet determined whether all or only some of these communications will be permitted by the regulations which it ultimately adopts.

The Commission will be scheduling a public hearing to be held after written comments are received. Persons or organizations interested in testifying at the hearing should so indicate in their written comments. The date of the hearing will be published in a future issue of the **Federal Register**.

PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

Is is proposed to revise 11 CFR 114.3 to read as follows:

§ 114.3 Communications by a corporation of labor organization to its restricted class.

(a) *General.* A corporation may make communications to its stockholders and executive or administrative personnel and their families on any subject. A labor organization may make communications to its members and their families on any subject. A corporation or labor organization may make partisan communications to this restricted class as permitted under 11 CFR 114.3(c), however, no partisan communications may be made by a corporation or labor organization to the general public. Under paragraph (c) of this section corporations and labor organizations permitted under 11 CFR 114.4 solely to this restricted class.

(b) *Reporting Partisan Communications.* Expenditures for partisan communications which expressly advocate the election or defeat of a clearly identified candidate must be reported in accordance with 11 CFR 100.8(b)(4) and 104.6.

(c) *Means of Making Partisan Communications.* The means by which partisan communications may be made by a corporation to its stockholders and executive or administrative personnel and their families include, but are not limited to, the means set forth in 11 CFR 114.3(c)(1) through (4).

(1) *Partisan Publications.* Printed material of a partisan nature may be distributed by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families, provided that:

(i) The material is produced at the expense of the corporation or labor organization or the separate segregated fund of either; and

(ii) The material constitutes a communication of the views of the corporation or the labor organization, and is not simply the republication or reproduction in whole or in any part, of any broadcast, transcript or tape of any written, graphic, or other form of campaign materials prepared by the candidate, his or her campaign committees, or their authorized agents.

(2) *Partisan Candidate and Party Appearances.* A corporation may allow a candidate or party representative to address its stockholders and executive or administrative personnel and their

families at a meeting, convention, or other regularly scheduled function of the corporation which is primarily held for other purposes. A labor organization may allow a candidate or party representative to address its members and their families at a meeting, convention, or other regularly scheduled function of the labor organization which is primarily held for other purposes. The candidate or party representative may ask for contributions to his or her campaign or party, or ask that contributions to the separate segregated fund of the corporation or labor organization be designated for his or her campaign or party.

(3) *Partisan Phone Banks.* A corporation may establish and operate phone banks to communicate with its stockholders and executive or administrative personnel and their families urging them to register and/or vote for a particular candidate or candidates, and a labor organization may establish and operate phone banks to communicate with its members and their families urging them to register and/or vote for a particular candidate or candidates.

(4) *Partisan Registeration and Get-Out-The-Vote Drives.* A corporation may conduct registration and get-out-the-vote drives aimed at its stockholders and executive or administrative personnel and their families or a labor organization may conduct registration and get-out-the-vote drives aimed at its members and their families. Registration and get-out-the-vote drives include providing transportation to the polls. Such drives may be partisan in that individuals may be urged to register with a particular party or to vote for a particular candidate or candidates, but assistance in registering or voting may not be withheld or refused on a partisan basis, and if transportation or other services are offered in connection with a registration or get-out-the-vote drive, such transportation or services may not be withheld or refused on a partisan basis.

It is proposed to revise 11 CFR 114.4 (a)–(d) to read as follows:

§ 114.4 Communications by a corporation of labor organization to its employees and members and to the general public.

(a) *Nonpartisan Communications by a Corporation or Labor Organization to its Employees or its Restricted Class.* (1) *General.* All nonpartisan communications permitted under 11 CFR 114.4(b), (c), and (d) may be made by a corporation solely to its stockholders and executive or administrative personnel and their families and by a labor organization solely to its members and their families. Communications which a corporation or labor organization may only make to this restricted class are found at 11 CFR 114.3.

(2) *Nonpartisan Candidate and Party Appearances on Corporate Premises.* Corporations may permit candidates, candidates' representatives or representatives of political parties on corporate premises or at a meeting, convention, or other regularly scheduled function of the corporation which is primarily held for other purposes to address or meet stockholders, and executive or administrative personnel and their families and other employees of the corporation under the conditions set forth in 11 CFR 114.4(a)(2)(i) through (v).

(i) If a candidate for the House or Senate is permitted to address or meet employees, all candidates for that seat who request to apear must be given the same opportunity to appear;

(ii) If a Presidential candidate is permitted to address or meet employees, all candidates for that office who are seeking the nomination of a major party or who are on the general election ballot in enough states to win a majority of the electoral votes and who request to appear must be given the same opportunity to appear;

(iii) If representatives of a political party are permitted to address or meet employees, representatives of all political parties which had a candidate or candidates on the ballot in the last general election or which anticipate having a candidate or candidates on the ballot in the next general election who request to appear must be given the same opportunity to appear;

(iv) A corporation, its stockholders, executive or administrative personnel, or other employees of the corporation or its separate segregated fund shall make no effort, either oral or written, to solicit or direct or control contributions by members of the audience to any candidate or party in conjunction with any appearance by any candidate or party representative under this section; and

(v) A corporation, its stockholders, executive or administrative personel, or other employees of the corporation or its separate segregated fund shall not, in conjunction with any candidate or party representative appearances under this section, endorse, support or oppose any candidate, group of candidates or political party.

(3) *Nonpartisan Candidate and Party Appearances on Labor Organization Premises.* A labor organization may permit candidates, candidates' representatives or representatives of political parties on the labor organization's premises or at a meeting, convention, or other regularly scheduled function of the labor organization which is primarily held for other purposes to address members and their families and employees of the labor organization if the conditions set forth in 11 CFR 114.4(a)(2)(i) through (iii) and 11 CFR 114.4(a)(3)(i) and (ii) are met.

(i) An official, member, or employee of a labor organization or its separate segregated fund shall not make any effort, either oral or written, to solicit or direct or control contributions by members of the audience to any cadidate or party representative under this section.

(ii) An official, member, or employee of a labor organization or its separate segregated fund shall not, in conjunction with any candidate's or party representative's appearance under this section, endorse, support or oppose any candidate, group of candidates or political party.

(b) *Nonpartisan Communications by Corporations and Labor Organizations to the General Public.* (1) *General.* A corporation or labor organization may make the communications described in 11 CFR 114.4(b)(2) through (5) to the general public. The corporation or labor organization may include its logo or otherwise identify itself as the sponsor of the communication.

(2) *Nonpartisan Registration and Voting Communications.* A corporation or labor organization may make non-partisan registration and get-out- the-vote communications to the general public.

(i) For purposes of 11 CFR 114.4(b)(2), a registration or get-out-the-vote communication will be considered nonpartisan if it meets all of the following conditions:

(A) It neither names nor depicts any particular candidates(s) or it names or depicts the names of all candidates for a particular federal office without favoring any candidate(s) over another; and

(B) It names no political party(s) except that it may include the political party affiliation of all candidates named or depicted under 11 CFR 114.4(b)(2)(A); and

(C) It is limited to urging acts such as voting and registering and to describing the hours and places of registration and voting, or it mentions an issue of public concern with regard to the need to register or vote without linking any candidates or political parties with a particular position on that issue; and

(D) The wording of the communication is not directed at any particular voting interest group.

(ii) A corporation or labor organization may make communications permitted under this section through posters, billboards, broadcasting media, newspapers, newsletters, brochures, or similar means of communications with the general public.

(3) *Official Registration and Voting Information.* (i) A corporation or labor organization may distribute to the general public or reprint in whole and distribute to the general public any registration or voting information, such as instructional materials, which have been produced by the official election administrators.

(ii) A corporation or labor organization may distribute official registration-by-mail forms to the general public if registration by mail is permitted by the applicable State law.

(iii) A corporation or labor organization may donate funds to State or local agencies responsible for the administration of elections to help defray the costs of printing or distributing registration or voting information and forms.

(iv) The information and forms referred to in 11 CFR 114.4(b)(3)(i) through (iii) must be distributed in a nonpartisan manner, and the corporation or labor organization may not, in connection with the distribution, endorse, support, or otherwise promote registration with or voting for a particular party or candidate.

(4) *Voting Records.* A corporation or labor organization may prepare and distribute to the general public the voting records of Members of Congress. For the purpose of this section, a voting record is a publication which describes in a nonpartisan manner bills and other legislative measures acted on by Congress and which states the factual record of each officeholder's votes on such bills and measures. The publication will be considered nonpartisan if it meets the conditions set forth in 11 CFR 114.4(b)(4)(i) through (viii).

(i) The publication must include the voting records of all Members of Congress, or all Members of either House of Congress, or all Members of Congress from a particular state, who served in a particular legislative session; and

(ii) The publication must include the voting records of such Members on a variety of issues; and

(iii) The publication may not express any editorial opinion concerning the issues or legislative measures presented nor may it indicate any preference or bias regarding the qualifications for public office or the voting record of any Member(s) except that the publication may indicate how each Member of Congress voted on each legislative measure and whether that vote was in conformance with or contrary to the corporation's or labor organization's position on that measure; and

(iv) The publication may not indicate which incumbents are candidates for reelection nor may it identify any candidates who will be opposing the incumbents in a political campaign; and

(v) The publication may not describe the views of either the Members of Congress listed in the publication or of opposing candidates on any campaign issues; and

(vi) The publication may not contain any reference to political campaigns, candidates for federal office, or elections, nor may it favor any political party over any other; and

(vii) The publication shall be made available to the general public except that the distributing organization may limit distribution to the geographic area in which it normally operates; and

(viii) Distribution of the publication shall be timed to the extent practicable to the adjournment of Congressional Sessions and not to the occurrence of federal elections.

(5) *Voter Guides.* A corporation or labor organization may prepare and distribute to the general public nonpartisan voter guides consisting of questions posed to candidates concerning their positions on campaign issues and the candidates' responses to those questions. A voter guide will be considered nonpartisan if it meets the conditions set forth in 11 CFR 114.4(b)(5)(i) through (vi).

(i) The questions posed must cover a variety of issues; and

(ii) The questions must be directed to all of the candidates for a particular seat or office, giving the candidates equal time to respond, except that in the case of Presidential and Vice Presidential candidates the questions may be directed only to those candidates seeking the nomination of a major party or to those appearing on the general election ballot in enough states to win a majority of the electoral votes; and

(iii) The voter guide must reprint, verbatim, the responses of each candidate to whom questions were sent, without any additional comment, editing, or emphasis although the sponsoring organization may impose limitations on the number of words per response when the questions are initially sent to the candidates for their comments; and

(iv) The wording of the questions presented may not suggest or favor any position on the issues covered; and

(v) The voter guide may not express any editorial opinion concerning the issues presented nor may it indicate any support for or opposition to any candidate or political party; and

(vi) The sponsor may ask each candidate to provide biographical information such as education, employment positions, offices held, and community involvement; and

(vii) The voter guide must be made available to the general public in the geographic area in which the featured candidates are running for office.

(c) *Nonpartisan Registration and Get-Out-The-Vote Drives.* (1) A corporation may support nonpartisan registration and get-out-the-vote drives, as by transporting people to the polls, which are not restricted to its stockholders and executive or administrative personnel and their families, and a labor organization may support such drives which are not restricted to its members and their families if:

(i) The corporation or labor organization jointly sponsors the drivers with a nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c)(3) or (4) and which does not support, endorse or oppose candidates or political parties; and

(ii) The activities are conducted by the tax-exempt organization; and

(iii) These services are made available without regard to the voter's political preference.

(iv) For the purposes of 11 CFR 114.4(c)(1)(ii), a corporation or labor organization which provides space on the corporation's or labor organization's premises for a table, rack or booth from which official registration or voting information is distributed to the general public, and which provides its employees or members to aid in the distribution of such materials, shall not be considered to be "conducting" a registration or voting drive.

(2) A corporation or labor organization may donate funds to be used for nonpartisan registration and get-out-the-vote drives to State or local agencies responsible for the administration of elections and to non-profit organizations which are exempt from federal taxation under 26 U.S.C. 501(c)(3) or (4) and which do not support, endorse or oppose candidates or political parties.

(3) A nonpartisan tax-exempt organization, in conducting nonpartisan registration and get-out-the-vote activities, may utilize the employees and facilities of a corporation or the employees or members and facilities of a labor organization.

(4) A nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c)(3) or (4) and which does

not support, endorse or oppose any candidates or political parties may conduct nonpartisan voter registration and get-out-the-vote activities on its own without a co-sponsor.

(5) All materials prepared for distribution to the general public in connection with the registration or voting drive shall include the full names of all drive sponsors.

Capital Stock. (1) An incorporated membership organization, trade association, cooperative, or corporation without capital stock may make the communications permitted under 11 CFR 114.4(a) to the class of persons from which it may solicit contributions to its separate segregated fund under 11 CFR 114.7 and 114.8.

(2) An incorporated membership organization, trade association, cooperative or corporation without capital stock may permit candidates, candidates' representatives or representatives of political parties to address or meet members and employees of the organization on the organization's premises or at a meeting, convention, or other regularly scheduled function which is primarily held for other purposes, provided that the conditions set forth in 11 CFR 114.4(a)(2)(i) through (v) are met.

(3) An incorporated membership organization, trade association, cooperative or corporation without capital stock may make the communications permitted under 11 CFR 114.4(b) and (c) to the general public.

Certification of No Effect Pursuant to 5 U.S.C. 605(b).

Regulatory Flexibility Act

I certify that the attached proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that no entity is required to make any expenditures under the proposed rules.

Dated: September 2, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81-26192 Filed 9-4-81; 8:45 am]

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Tuesday
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Part IV

Environmental Protection Agency

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL 1890-1]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today amending the regulations for hazardous waste management by conditionally exempting spent pickle liquor (which is hazardous waste) from the requirements of the regulations. This exemption applies to facilities which reuse spent pickle liquor, to generators and brokers who accumulate spent pickle liquor, and to those who transport spent pickle liquor, where in all cases the spent pickle liquor is to be reused in wastewater treatment at a facility holding a National Pollution Discharge Elimination System (NPDES) permit. EPA is taking this action because the management of spent pickle liquor before reuse in wastewater treatment does not appear to pose a substantial hazard to human health or the environment and because the objectives of the hazardous waste regulations appear to be met without imposition of explicit regulations. This amendment will reduce the regulatory burden to those individuals who reuse spent pickle liquor in wastewater treatment and now comply with the requirements of the hazardous waste management regulations. This amendment will also encourage more spent pickle liquor to be reused.

DATES: Interim final rule effective September 8, 1981; the Agency will accept comments until November 9, 1981.

ADDRESS: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Communications should identify the regulatory docket number "section 3001/ Spent Pickle Liquor Reuse".

FOR FURTHER INFORMATION CONTACT: RCRA Hotline at (202) 554-1404 or toll-free at (800) 424-9346. For technical information contact Matthew Straus, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. (202) 755-9187.

SUPPLEMENTARY INFORMATION:

I. Background

Under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, EPA has issued regulations for hazardous waste management. These regulations are published in the *Code of Federal Regulations* (CFR) at 40 CFR Parts 260-267 and 122-124. In these regulations, EPA has given special consideration to hazardous wastes which are used, reused, recycled or reclaimed. These specific provisions are found in § 261.6 of the regulations.

EPA presently is considering a revised approach to regulation of hazardous wastes which are used, reused, recycled or reclaimed. It will be some months, however, before EPA can promulgate and implement revised regulations. In the interim, the Agency wishes to remove certain restrictions on the reuse of certain hazardous wastes which are now regulated substantively under the Subtitle C regulations. These reuses are not likely to be regulated under a revised regulatory approach, and in any case probably can be conducted safely outside the Subtitle C regulatory framework.

One such reuse is the reuse of spent pickle liquor—EPA hazardous waste No. K062—in treatment of wastewater. Spent pickle liquor is generated in the pickling of iron and steel products prior to the application of a final surface coating or finish. The pickling process involves immersion of the iron or steel product in a heated solution of concentrated acid (or acids) to remove undesirable surface characteristics such as rust, scale, and grease, etc. The residual waste liquor is highly corrosive ($pH<1$) and also is contaminated with toxic metals (that is, hexavalent chromium, lead, and nickel).

Spent pickle liquor often is used beneficially in wastewater treatment. Its principal function is as a phosphorus precipitant, and it also is used as a sludge conditioner. Pickle liquor so reused is as effective, and in some cases more effective, than commercial chemicals used for the same purpose. (1, 2) One of these commercial chemicals, ferric chloride, can be virtually as corrosive and as metal-contaminated as spent pickle liquor (and is sometimes more so) (3), and so presents a similar environmental risk of safekeeping prior to use. (Another principal phosphorus precipitant, aluminium sulfate ("alum") is also quite corrosive although somewhat less so than either ferric chloride or spent pickle liquor.)

Reuse of spent pickle liquor in wastewater treatment already is relatively widespread and could be expected to increase as facilities seek a less costly alternative to the use of commercial chemicals. Most facilities presently engaging in this reuse are Publicly Owned Treatment Works (POTWs), but private facilities also are starting to reuse this material. Furthermore, the Agency believes it a fair inference that more private facilities would reuse spent pickle liquor in wastewater treatment if they did not have to comply with the RCRA recordkeeping requirements and obtain hazardous waste storage permits.

The volume of spent pickle liquor reused in wastewater treatment is substantial, estimated by the Agency at up to 50 million gallons annually (roughly 5 percent of the total amount generated). Individual wastewater treatment facilities likewise handle significant volumes of the material. For example, the Blue Plains facility, a large POTW in the Washington, D.C. area, reuses 45,000 gallons per day of Bethlehem Steel's spent pickle liquor. (4)

Spent pickle liquor is marketed in a number of ways. Generators often arrange directly with wastewater treatment facilities for the delivery of the spent pickle liquor. Generators may provide transportation of the material to the facility, or hire an independent transporter. In some situations, the cost of transportation is divided between the facility and the generator, and in other cases the facility pays the generator to obtain the material. In some cases, generators will employ brokers to find a user for their spent pickle liquor. In these situations, the broker may take possession of the spent pickle liquor prior to transport to the wastewater treatment facility. In other cases, the broker may act as transporter or hire a transporter to ship the material to the facility. Some brokers also take possession of spent pickle liquors from a number of generators, blend them and sell the resulting mixture to wastewater treatment facilities. (5)

Reuse of spent pickle liquor generally results in significant cost savings to both generators and user facilities. Generators save treatment or disposal costs, which may be quite high, particularly in light of the volumes of the waste which are reused and otherwise would have to be treated or disposed of. User facilities save the cost of alternative commercial chemicals, which again are very high. Blue Plains' personnel estimate annual savings from reuse of spent pickle liquor at $1.2 million annually. (4)

In sum, reuse of spent pickle liquor in wastewater treatment is a well-recognized technology and is becoming widespread. It provides significant

environmental benefits from the standpoint of wastewater treatment, hazardous waste management, and resource conservation and recovery. Potential cost savings from this reuse are substantial, and there is a further energy saving since raw materials are not being consumed. Moreover, the Agency is not aware of any damage incidents resulting from reuse of spent pickle liquor for wastewater treatment (although there have been damage incidents from improper *disposal* of spent pickle liquor (6)). The Agency thus believes it should amend the current regulations to encourage this desirable reuse.

II. The Current Regulatory Structure Affecting Reuse of Spent Pickle Liquor in Wastewater Treatment

The current RCRA regulatory structure controlling spent pickle liquor reuse varies somewhat depending upon whether the ultimate reuser is a POTW or a private wastewater treatment plant. POTWs, under § 122.26(c) of the regulations, have a RCRA permit-by-rule to accept hazardous wastes (including spent pickle liquor) provided they comply with certain of the Subtitle C administrative standards. Private facilities and brokers who accumulate spent pickle liquor prior to reuse, on the other hand, are required to comply with the Subtitle C standards applicable to storage facilities (see § 261.6(b)). Generators of this waste are subject to the Part 262 generator requirements, including the § 262.34 requirements for spent pickle liquor accumulated on-site for less than 90 days. This provision requires the generator to comply with certain of the Part 265 technical and administrative requirements applicable for storage facilities storing wastes in containers or in tanks. Generators accumulating spent pickle liquor for over 90 days must obtain a permit as a hazardous waste storage facility. Finally, transporters of the waste are subject ot the Part 263 transporter requirements.

The Agency has received information, and finds it reasonable to believe, that these provisions discourage reuse of spent pickle liquor, particularly when a private wastewater treatment plant is involved. Such facilities presently have to obtain site specific storage permits if they wish to reuse this material. Moreover, some facilities wishing to reuse the material for the first time will not be eligible for interim status, and so will have to obtain a storage permit prior to engaging in the reuse.

The Agency believes that although the Subtitle C regulatory requirements are needed to adequately protect human health and the environment in many reuse contexts, these requirements are not needed when spent pickle liquor is reused in wastewater treatment. The remainder of this preamble sets out the Agency's basis for this conclusion and describes its revised regulatory scheme.

III. Revised Regulatory Scheme

A. The Decision Not to Impose Substantive Storage Requirements

EPA has determined that reuse of spent pickle liquor in wastewater treatment does not require substantive regulation under the RCRA Subtitle C regulations, provided the reuse occurs at a facility holding a National Pollution Discharge Elimination System (NPDES) permit. The Agency is taking this step in part to encourage a desirable reuse, but also because the objectives of the Subtitle C regulations appear to be met without imposition of explicit regulations. The hazardous waste regulations which are applicable to reused materials seek to assure secure storage prior to reuse, and proper tracking of the reused material from the generator to the point of final reuse. A number of factors tend to assure proper storage of spent pickle liquor which is reused in wastewater treatment. First, since spent pickle liquor is corrosive, it must be stored in special corrosion-resistant tanks; it will otherwise corrode through most conventional metal tanks and do extensive damage to the physical plant and to exposed workers. Thus, the risks of improper containment are so high and so immediately obvious that every effort is typically made to ensure secure storage. In fact, spent pickle liquor normally is stored in specialized tanks made of fiberglass reinforced with a plastic liner, a rubber liner or brick coating. (3,4,7)[1]

There is little risk of significant overaccumulation of the pickle liquor prior to reuse. Because the volumes of spent pickle liquor involved are so large (up to tens of thousands of gallons daily per facility), storage capacity available at any facility handling the material—whether the generator, an intermediate broker, or the user facility—is usually far less than the amount of spent pickle liquor handled over time.

Thus, there is a strong incentive to assure constant turnover of the material. These facilities' only alternative would be to add huge amounts of storage capacity, an unrealistic option because of the costs of specialized tanks and land. Retention time of the material at most facilities actually averages only a few days, and in some cases, hours (5). In addition, reusing facilities have a further strong incentive to ensure material turnover, since they must reuse the spent pickle liquor in order to comply with their NPDES permit limitations.

In considering whether any storage requirements should be imposed on this reuse, the Agency also is aware that the commercial chemical for which spent pickle liquor often substitutes in wastewater treatment—ferric chloride—is equally hazardous, but is not subject to RCRA regulation (it is not a waste). In this type of situation, the Agency hesitates to assert regulatory control over storage of spent pickle liquor when facilities may well turn to the equally corrosive and metal-contaminated ferric chloride under the same conditions and not be subject to RCRA regulation. This factor takes on particular importance when there appears to be adequate assurance of secure storage of the spent pickle liquor in any case. In addition, the facilities are aware of the problems of properly storing corrosive reagents such as ferric chloride, and so already have the equipment and know-how to handle spent pickle liquor properly.

With regard to storage of spent pickle liquor, therefore, the Agency believes that human health and the environment are adquately protected without imposition of regulatory standards. Existing storage practices already appear to satisfy the RCRA tank design standards. There is minimal risk of overaccumulation of the spent pickle liquor. The Agency also notes that as a practical matter many generators of spent pickle liquor will remain subject to most applicable Subtitle C regulations dealing with waste storage (particularly § 262.34) because they commingle the spent pickle liquor destined for reuse with spent pickle liquor destined for disposal. Thus, some measure of regulatory control is maintained for storage of the material at these facilities. In sum, the Agency does not believe that imposition of storage standards is needed to control spent pickle liquor being reused, or being accumulated for reuse, in wastewater treatment at NPDES-permitted facilities.

B. The Decision Not To Impose Tracking Standards

EPA also does not believe that it is necessary to impose tracking (*i.e.* manifest) or related administrative requirements on persons handling spent pickle liquor for reuse, or prior to its reuse, in wastewater treatment at NPDES facilities. In part, this is because the material is needed by the user

[1] Pickle liquors containing low concentrations of acid may, however, feasibly be stored in some metal-lined tanks.

facility as a commodity for its wastewater treatment operations, and the facility will be unable to meet its NPDES permit obligations unless it receives the material. The facility thus has a strong incentive to assure that its shipments arrive safely.

Furthermore, the spent pickle liquor meets the Department of Transportation's definition of a corrosive hazardous material and so in most cases (that is, all those involving an interstate shipment or an interstate carrier) must be shipped in compliance with Department of Transportation hazardous materials regulations, which specify standards for placarding, labeling, marking, and packaging. In addition, each shipment of the material must be accompanied by a DOT shipping paper containing a description of the material, its destination and other pertinent information. These requirements, coupled with the material's use as a commodity appear to the Agency to provide reasonable assurance that the spent pickle liquor will be transported safely to and arrive at the user facility.

The Agency also does not believe it necessary to impose any reporting requirements on NPDES facilities engaging in reuse of the spent pickle liquor, or on persons accumulating spent pickle liquor prior to such reuse. Since the reuse itself is well documented and understood, the Agency sees no gain from imposing these administrative requirements.

C. The Revised Regulation

EPA has therefore determined that spent pickle liquor reused in wastewater treatment at an NPDES facility does not require regulation under the RCRA Subtitle C waste management system. The Agency is amending § 261.6(a) of the regulations to indicate that spent pickle liquor, when so reused, may be managed without regulation.

EPA, under section 6002 of RCRA, also is considering the development of a procurement guideline for the reuse of spent pickle liquor in wastewater treatment for the purpose of phosphorous removal. Such a guideline, if implemented, would allow procuring agencies using Federal funds to purchase chemicals for the purpose of phosphorous removal in wastewater treatment, and would encourage spent pickle liquor to be bid as an alternate material for reuse. The guideline would not apply if spent pickle liquor is unavailable (or if its reuse would be technically inappropriate for a particular treatment operation). This guideline may not appear until after the close of the comment period to the present regulation, so EPA desires comments on the general appropriateness of a procurement guideline to be submitted along with other comments to this regulation.

D. Recordkeeping

By this amendment, the Agency is deleting any regulatory requirements for keeping records which document that spent pickle liquor is in fact being reused, or is destined for reuse, at an NPDES facility. However, in any enforcement proceeding, the burden to show that the spent pickle liquor is actually being accumulated or reused for this purpose rests on the person making the claim. Documentation substantiating the claim may include shipping papers, bills of lading or other records showing a contractual agreement among the generator, transporter, broker or NPDES facility.

E. Interim Final Promulgation and Effective Date of Regulation

EPA has determined under section 553 of the Administrative Procedure Act, 5 U.S.C. 553, that there is good cause for promulgating these amendments without prior notice and comment. This amendment lessens the regulatory burden on the public, and will have the effect of encouraging a desirable reuse. Delay could result in unnecessary expense for NPDES facilities which otherwise would reuse spent pickle liquor in their wastewater treatment operations. If promulgation is delayed, generators would have to dispose of a material which otherwise can be used beneficially. Furthermore, the Agency believes that human health and the environment will not be harmed, and in fact will benefit by this reuse. Under these circumstances, EPA believes good cause exists to promulgate these rules without prior notice and comment. (Readers will, of course, have ample opportunity to comment on these amendments before they are issued in "final final" form.)

EPA also is providing that these regulations take effect immediately. Although section 3010(b) of RCRA provides that EPA hazardous waste regulations take effect six months after their promulgation, the purpose of this requirement is to allow persons handling hazardous waste sufficient lead time to prepare to comply with new regulatory requirements. This rationale ordinarily is inapplicable when a rulemaking is deregulatory in effect. Further, the Agency has determined that the current regulatory standards may discourage a desirable type of reuse, so that immediate effectiveness of this amendment promotes RCRA's material recovery goals. The Agency therefore believes that delaying this regulation's effective date would be counterproductive, and has decided to opt for immediate effectiveness.

F. Compliance With Executive Order 12291

Under Executive Order 12291, EPA must determine whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The present regulation reduces burdens, and therefore is not a major regulation under the Executive Order. For the same reason this regulation will not have a significant economic impact on a number of small entities and therefore, does not require a Regulatory Flexibility Analysis. This regulation was submitted to the Office of Management and Budget for review as required by the Executive Order.

Dated: August 28, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

References

1. Kerecz, Mohr, and Jones (1980) "Use of Spent Pickle Liquor to Remove the Phosphates in Municipal Sewage Treatment Plants."

2. Ernest, Birner and Munsey, "Eight Years of Successful Phosphorus Removal in an Activated Sludge Plant Treating 140 M.G.D.", presented at Central States Water Pollution Control Association 52d Annual Conference, Pheasant Run, Illinois (1979). (It should be noted that many additional references for this point are available. The Agency is citing two which are illustrative.)

3. U.S. EPA, "Process Design Manual for Phosphorus Removal" Chapter 10, EPA 625/1-76-001a (1976).

4. Personal Communication of Agency staff with Ed Jones III, Chief Process Engineer, Blue Plains Wastewater Treatment Plant (May, 1981).

5. Personal Communication of Agency staff with American Iron and Steel Institute, Office of Environmental Affairs, May 21, 1981.

6. U.S. EPA, Hazardous Waste Listing Background Document for Spent Pickle Liquor (1980).

7. Personal Communications of Agency staff with Reiss, Inc., By-products Management, Inc., and Conservation Chemicals, Inc., all waste exchange brokers handling spent pickle liquor (June, 1981).

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and

Recovery Act of 1976; as amended (42 U.S.C. 6905, 6912(a), 6921 and 6922).

2. Section 261.6 is amended by revising paragraph (a) and the introductory text of paragraph (b) and by adding paragraph (a)(3)(i) to read as follows:

§ 261.6 Special requirements for hazardous waste which is used, reused, recycled or reclaimed.

(a) Except as otherwise provided in paragraph (b) of this section, a hazardous waste which meets any of the following criteria is not subject to regulation under Parts 262 through 265 or Parts 122 through 124 of this Chapter and is not subject to the notification requirements of Section 3010 of RCRA until such time as the Administrator promulgates regulations to the contrary:

* * * * *

(3) It is one of the following materials being used, reused, recycled or reclaimed in the specified manner:

(i) Spent pickle liquor which is reused in wastewater treatment at a facility holding a National Pollutant Discharge Elimination System (NPDES) permit, or which is being accumulated, stored, or physically, chemically or biologically treated before such reuse.

(b) Except for those wastes listed in paragraph (a)(3) of this section, a hazardous waste which is a sludge, or which is listed in Subpart D, or which contains one or more hazardous wastes listed in Subpart D; and which is transported or stored prior to being used, reused, recycled or reclaimed is subject to the following requirements with respect to such transportation or storage:

* * * * *

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSIS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws

Last Listing August 26, 1981

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register in cooperation with Lexington Technical Institute.

WHAT: Special public briefing (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: September 17 at 9:00 a.m.

WHERE: Room 215, Lexington Technical Institute, Cooper Drive, Lexington, Ky.

RESERVATIONS: Call Martha Birchfield, (606) 258–4919.

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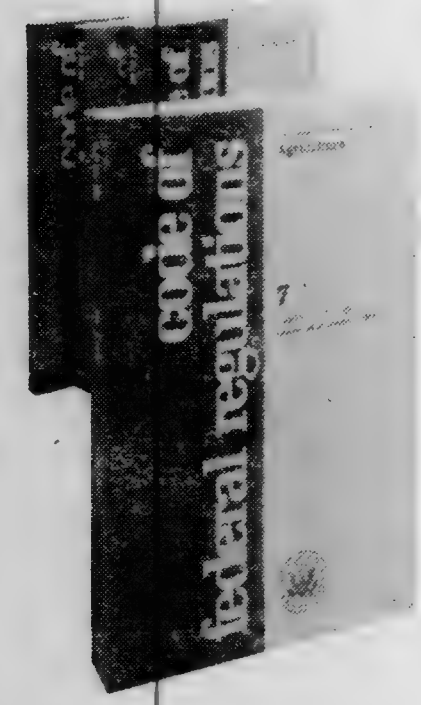

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Pages 44975-45108

federal register

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44975 **National Hispanic Heritage Week, 1981** Presidential proclamation

45027 **Grant Programs—Health** HHS/ADAMHA announces availability of revised program information for Research and Research Training.

44999, 45000 **Railroads** ICC seeks comments on determining Northwest Corridor right-of-way costs that Conrail and commuter services should pay to Amtrak. (2 documents)

44992 **Consumer Protection** CPSC proposes to amend blade control requirements for walk-behind power lawn mowers.

45012 **Grant Programs—Vocational Rehabilitation** ED reopens application deadline for special projects and demonstrations for services to severely handicapped persons (spinal cord injury system projects).

45057 **Claims Against Iran** State publishes notice on claims of U.S. nationals against Iran.

44994 **Outer Continental Shelf** Interior/GS proposes to modify requirements for completing prelease drilling of deep stratigraphic test wells.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

44998 **Shipping** FMC proposes to allow merchants paying freight charges to select ocean carriers.

44992 **Nuclear Energy** NRC announces availability of quarterly report on proposed rules pending action.

45082 **Surface Mining and Reclamation** Interior/SMREO proposes to change regulations on reclamation bond and insurance requirements. (Part II of this issue)

44998 **Postal Service** PS proposes retention period for class eligibility information for second-class postage.

45010 **Textiles** CITA adjusts import levels for certain cotton and man-made fiber textile products from the Republic of Singapore.

45010 CITA adjusts import restraint levels for certain cotton apparel from the Socialist Republic of Romania.

45098 **Wildlife** Interior/FWS establishes late season migratory bird hunting regulations for 1981–82 season. (Part III of this issue)

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45059 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Proclamation 4855 of September 4, 1981

National Hispanic Heritage Week, 1981

By the President of the United States of America

A Proclamation

The Hispanic peoples, their traditions, language and culture are a vital part of the American heritage. Their influence on our nation began with the Spaniards long before our revolution brought independence from England. This heritage can today be found almost everywhere in our daily lives: the arts and music we enjoy, the architecture of the homes and buildings in which we live and work, the history we read, and the language we use.

The Hispanic peoples today add to our strength as a nation with their strong devotion to family, deep religious convictions, pride in their language and heritage and commitment to earning a livelihood by hard work. Outstanding Hispanic men and women have advanced our nation in science and technology, business and public service. From the Southwest to the Northeast of the United States, they carry on their tradition of service to the communities in which we all live. This year, San Antonio has joined Miami and other American cities in electing a prominent Hispanic citizen as its mayor. Hispanic Americans bring to us, as well, a tradition of respect for the role of women both at home and in the workplace. Hispanic Americans serve with distinction in our military services today as they have served with leadership and courage on the battlefield in defense of this nation in the past.

Their contributions all too often go unrecognized. It is, therefore, fitting that we set aside this week to honor the Hispanic peoples that are among us as a nation of Americans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning September 13, 1981, as National Hispanic Heritage Week in honor of the Hispanic peoples who have enriched our daily lives, our traditions and our national strength. In this spirit, I ask all of our citizens to reflect on the sense of brotherhood that binds us together as one people.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-26500
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 967

Celery Grown in Florida; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This handling regulation establishes the quantity of Florida celery to be marketed fresh during the 1981–82 season, with the objective of assuring adequate supplies and orderly marketing.

EFFECTIVE DATE: September 9, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. A final impact analysis on the marketing policy is available on request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 149 and Order No. 967, both as amended, regulate the handling of celery grown in Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Celery Committee, established under the order, is responsible for local administration.

The marketing policy and regulation were unanimously recommended by the Florida Celery Committee following discussion at a public meeting in Orlando on June 10.

The committee recommended a Marketable Quantity of approximately 8.2 million crates of fresh celery for the 1981–82 season. This recommendation is based on the appraisal of the expected supply and prospective market demand.

Notice of the proposed regulation was published in the July 27 1981, **Federal Register** (46 FR 38374) inviting written comments by August 11, 1981. None was received.

The 8.2 million crate Marketable Quantity is 40 percent more than the approximately 5.8 million crates expected to be marketed fresh during the season which ended July 31, 1981. Each producer registered pursuant to § 967.37(f) will have an allotment equal to 100 percent of his historical marketings. This regulation provides the industry an opportunity to (1) produce to its fullest capacity for the benefit of the consumer, and (2) determine its actual or potential maximum production capacity.

As required by § 967.37(d)(1) a reserve of six percent of the 1980–81 total Base Quantities is authorized for new producers and for increases by existing producers, with the only application, for a 50,000 crate increase, being approved.

To maximize the benefits of orderly marketing the regulation should become effective as early as possible in August, when the marketing year begins. Interested persons were given an opportunity to comment on the proposal at an open public meeting on June 10, where it was unanimously recommended by the committee. This regulation is similar to ones in effect for past seasons.

Findings

On the basis of all considerations it is believed that this regulation will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) notice was given of the handling regulation set forth in this section through publicity in the production area and by publication in the July 27, 1981 **Federal Register**, (2) as provided in the marketing agreement and order, this regulation applies to celery marketed during the 1981–82 season, (3) compliance with this section will not require any special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, approximately the later part of October, (4) prompt issuance of this regulation will be beneficial to all interested persons because it should afford producers and handlers maximum time to plan their operations accordingly, and (5) no useful purpose will be served by postponing such issuance.

§ 967.316 [Removed]

Section 967.316 (45 FR 52143, August 6, 1980) is removed and a new § 967.317 is added as follows:

§ 967.317 Handling Regulation; Marketable Quantity; and Uniform Percentage for the 1981–82 Season ending July 31, 1982.

(a) The Marketable Quantity is established under § 967.36(a) as 8,238,685 crates of celery.

(b) As provided in § 967.38(a), the Uniform Percentage shall be 100 percent.

(c) Pursuant to § 967.36(b), no handler shall handle any harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity and such producer authorizes the first handler thereof to handle it.

(d) As required by § 967.37(d)(1) a reserve of six percent of the total Base Quantities is hereby authorized for (1) new producers and (2) increases for existing Base Quantity holders.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

(f) *Forms.* Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 2, 1981, to become effective September 9 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–26285 Filed 9–8–81; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Temporary Revision of Diversion Limitation Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes for the months of September through November 1981 the limits on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The revisions are made in response to a request by a cooperative association representing a substantial number of producers supplying the market to prevent uneconomic movements of milk.

EFFECTIVE DATE: September 9, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Proposed temporary revision of diversion limitation percentages: Issued August 13, 1981; published August 19, 1981 (46 FR 42074).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the procedure in time to give interested parties timely notice that the limitation on the amount of milk that may be moved directly from producer farms to manufacturing plants for September 1981 would be modified. The initial request for the action was received on August 7, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1065.13(d)(4) of the Nebraska-Western Iowa milk order.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 42074) concerning a proposed increase in the diversion limitation percentages for the months of September through November 1981. The public was afforded the opportunity to comment on the proposal by submitting written data, views and arguments. One comment was received in support of the proposed increase. No comments in opposition to the proposal were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed, and other available information, it is hereby found and determined that for the months of September, October and November 1981 the diversion limitation percentages should be temporarily increased 10 percentage points from the present 40 percent to 50 percent.

Pursuant to the provisions of § 1065.13(d)(4) the diversion limitation percentages as set forth in § 1065.13(d)(2) and (3) may be increased or decreased up to 20 percentage points during any month to encourge additional needed milk shipments to pool distributing plants or to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Associated Milk Producers, Inc., which represents, a substantial number of the producers associated with the market, requested that the diversion limits be relaxed 10 percentage points for the months of September through November 1981. The cooperative indicated that such temporary revision in diversion limitations beginning in September will prevent unnecessary and uneconomic movements of milk solely for the purpose of assuring that producers who are regular suppliers of milk for the fluid market will continue to have their milk pooled and priced under the order.

Mid-America Dairymen, Inc., which represents a large number of the producers supplying the Nebraska-Western Iowa market, filed a view in support of the proposed increase in diversion limitation percentages. The cooperative association stated that relaxing diversion limits beginning in September is necessary to prevent the uneconomic handling of the anticipated increase this fall in the market's reserve milk supplies in order to maintain producer status for all such milk.

Reserve milk supplies in this market, most of which are diverted from pool plants to nonpool plants by the proponent cooperative and other handlers, usually decline during the fall months. However, a review of current market data indicates that during the forthcoming fall months reserve milk supplies associated with the market are expected to exceed the quantity of producer milk that can be diverted under the present diversion limits and still maintain producer status for all such milk.

The present build up in the market's reserve milk supplies is largely due to a substantial increase in receipts from producers regularly supplying the market. Producer receipts are above year earlier levels (up over 14 percent for the first seven months of 1981 compared to the same months in 1980). At the same time, fluid milk sales (Class I disposition) have declined (down 0.2 percent during the first seven months of 1981 from the comparable period in 1980). The lower fluid milk sales and increased receipts of producer milk indicate that a significantly higher proportion of the market's producer milk will have to be channeled to manufacturing outlets at least during the next several months.

Under these supply-demand conditions, it is concluded that the market situation requires a temporary increase of 10 percentage points in the diversion limitation percentages to 50 percent for each month of September through November 1981. This temporary revision will provide greater flexibility in the handling of the market's reserve milk supplies and thus prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

It is hereby found and determined that thirty days' notice of the effective date is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of September, October and November 1981;

(b) This temporary revision does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the months of September, October, and November 1981.

It is therefore ordered, That the aforesaid provisions of the order are hereby revised for the months of September, October, and November 1981.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 9, 1981.

Signed at Washington, D.C., on September 3, 1981.

H. L. Forest,

Director, Dairy Division.

[FR Doc. 81-26315 Filed 9-8-81; 8:45 am]

BILLING CODE 3410-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL—1924-3]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is approving the public transit improvement related parts of a revision to the New York State Implementation Plan (SIP) for the New York City metropolitan area (New York City and Nassau, Suffolk, Westchester and Rockland Counties). The other parts of the SIP revision, not related to public transit improvements, have been dealt with in earlier **Federal Register** notices prepared by the EPA. With this approval the entire SIP for the New York City metropolitan area becomes conditionally approved.

The public transit parts of the SIP revision discussed in today's notice of final rulemaking were prepared by the State to satisfy the requirements of Sections 110(c)(5) and 172 of the Clean Air Act, as amended. These sections relate to the attainment and maintenance of national ambient air quality standards and to the establishment, expansion and improvement of public transportation measures to meet basic transportation needs.

EFFECTIVE DATE: This action is effective September 9, 1981.

ADDRESSES: Copies of the SIP revision submitted by New York State, supplementary information, public comments, and a "Rulemaking Support Document" are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Region II, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278;

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

A copy of the SIP revision, including the supplementary information, is also available for inspection during normal business hours at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 110(c)(5) of the Clean Air Act, as amended in August 1977, provides for the elimination of intracity bridge toll requirements contained in an applicable State Implementation Plan (SIP) upon application of the Governor. However, as a part of this application, the Governor has to certify that the SIP will be revised to meet the provisions of Section 110(c)(5)(B) to:

—Establish, expand, or improve public transportation measures to meet basic transportation needs, as expeditiously as is practicable;

—Implement transportation control measures necessary to attain and maintain national ambient air quality standards;

—Use federal grants, state or local funds, or any combination thereof (consistent with the terms of the legislation providing the funds) as may be necessary to implement these measures; and

—Provide for emission reductions equivalent to those expected to have been achieved by the eliminated bridge tolls.

In addition, Section 172 of the Clean Air Act requires the submittal of a SIP revision for each area within a state that is not meeting a national ambient air quality standard. The revision is to provide for attainment of the contravened standard by December 31, 1982 or, for ozone and carbon monoxide under certain specified conditions, no later than December 31, 1987. States granted such an extension beyond December 31, 1982 are additionally required by Section 110(a)(3)(D) of the Clean Air Act to meet the Section 110(c)(5)(B) provisions described earlier.

The New York City metropolitan area (New York City and Nassau, Suffolk, Westchester and Rockland Counties) was affected by all of these SIP revision requirements. Consequently, on May 24, 1979 New York State submitted to the Environmental Protection Agency (EPA) two documents.

The first document was intended to meet the requirements of Section 172 of the Clean Air Act. With the exception of those parts of this plan revision relating to public transportation, it was conditionally approved by EPA on May 21, 1980 (45 FR 33981). The second document, entitled "New York State Air Quality Implementation Plan, the Moynihan/Holtzman Amendment Submission: Transit Improvements in the New York City Metropolitan Area, May 1979," was intended to meet the SIP revision requirements of Section 110(c)(5) of the Clean Air Act. This SIP revision request, along with the public transportation measures included in the first document, were proposed for disapproval by EPA on June 30, 1980 (45 FR 43794). It is this proposal which is the subject of today's final rulemaking notice.

The preceding discussion should be viewed as only a brief summary of Clean Air Act requirements and the history of New York State plan revision submittals. A more detailed discussion of these subjects and other related issues can be found in the May 21, 1980 and June 30, 1980 **Federal Register** notices referred to earlier.

In a September 18, 1980 **Federal Register** notice (45 FR 62172) EPA reopened for an additional 30 days the 60-day public comment period established through its June 30, 1980 proposal. Among other reasons for taking this action was the fact that, also on September 18, 1980, the U.S. Department of Transportation (USDOT) and EPA jointly proposed policy and guidance on the Clean Air Act's requirement for meeting "basic transportation needs" (45 FR 62170). Additional comments were solicited on the impact of this action on EPA's proposed disapproval.

EPA again reopened its public comment period (for 15 days) through a December 15, 1980 **Federal Register** notice (45 FR 82280). This action was taken to notify the public of EPA's intent

to honor a request to consider a November 25, 1980 document entitled "Metropolitan Transportation Authority Staff Report of Capital Revitalization for the 1980's and Beyond" and to announce the document's availability.

II. Comments Received

EPA received 525 letters, including five from the State of New York, on its June 30, 1980 notice of proposed rulemaking. Comments were submitted by private citizens, elected and appointed officials, governmental agencies and private organizations. These covered a wide range of issues and represented many different perspectives. A detailed summary of these comments and EPA's response to them appears in a separate "Rulemaking Support Document" to today's notice. This document is available for public review at the locations identified in the "Addresses" section to today's notice.

Forty-four separate issues were addressed by commentators. These can be grouped into eight major categories as follows. Comments Relating to Legal and Procedural Matters:

1. EPA's Authority With Regard to Transportation Matters.
2. The Content of the New York SIP.
3. Discrepancies Within the New York SIP Submittal Documents.
4. Uniform Standards for SIP Review.
5. Conditional Approval of the New York SIP.
6. The Timeliness of EPA's Review.
7. Part D Requirements for Defining Basic Transportation Needs.
8. Consultation During SIP Development.
9. Section 108 Guideline Documents.
10. Unfulfilled Federal Actions.
11. Constitutional Issues.

Comments Relating to the Definition of Basic Transportation Needs:

12. Effect of the Proposed National Basic Transportation Needs Policy on EPA's Review.
13. EPA Expertise in Defining Basic Transportation Needs.
14. Nationally Established Performance Standards.
15. EPA's Failure to Define Basic Transportation Needs.
16. Adequacy of SIP Measures to Meet Basic Transportation Needs.
17. Use of Private Auto Characteristics in Defining Basic Transportation Needs.

Comments Relating to Information Used by EPA in its Review of the New York SIP:

18. Data Obtained After Plan Submittal.
19. Data Obtained From "A New Direction in Transit".
20. Public Transit Usage Data.

Comments Relating to the General Ability of the State to Commit to the Implementation of Specific Projects:

21. Relationship of Projects to Meeting Basic Transportation Needs.
22. Relationship of Projects to Air Quality.

Comments Relating to the New York SIP's Provisions to Meet Basic Transportation Needs:

23. The Condition of Public Transit.
24. Comfort.
25. Environment.
26. Security.
27. Preventive Maintenance.
28. Fare Stability.
29. Effect on the SIP of a Recent Fare Increase.

Comments Relating to the New York SIP's Financial Commitment:

30. The General Adequacy of the SIP's Financial Commitment.
31. Public Transit Funding In New York Compared to Other Areas.
32. The Need to Review All Potential Funding Sources.
33. The Availability of Federal Funds.
34. Adequacy of the Plan's Operating Budget.
35. Adequacy of the Plan's Capital Expense Budget.
36. Funds From the Port Authority.
37. Capital vs. Operating Expenses.
38. The Merits of a Westway "Trade-in".

Comments Relating to the Original East and Harlem River Bridge Toll Strategy:

39. Requirements for Eliminating the Bridge Toll Strategy.
40. Potential Revenues From Bridge Tolls.
41. Emission Reductions From Bridge Tolls.

General Comments:

42. Air Quality.
43. Emission Inventory Requirements.
44. The "MTA Management Study".

III. EPA's Final Action

EPA is today approving the public transit improvement element of the New York SIP for the New York City metropolitan area. This action coupled with EPA's May 21, 1980 (45 FR 33981) final rulemaking action has the effect of conditionally approving the entire SIP for the New York City metropolitan area.

The New York SIP for the New York City metropolitan area was submitted to EPA in the spring of 1979. However, EPA's proposal to disapprove the public transit improvement element of this submittal was not published until over one year later, on June 30, 1980. In the intervening period, a great deal of significant information regarding the physical and financial aspects of the area's public transit system became known. As a result, in its notice of proposed disapproval EPA noted many statements and projections in the State's submittal which appeared inaccurate in view of the new data which came to light after New York submitted its SIP.

As mentioned, EPA received over 500 letters pertaining to the public transit improvement elements of the New York SIP. Some of these comments supported EPA's proposed disapproval and others urged EPA to reconsider its proposal. EPA has carefully evaluated all of the comments received and decided that it should approve the SIP's public transit improvement provisions.

Several commentators pointed out that neither Section 110(c)(5) nor Section 110(a)(3)(D) define basic transportation needs (BTN). They maintained that the State should have primary responsibility for identifying BTN and for determining which transit improvements are needed to meet these needs. Several commentators also complained that EPA had judged New York's submittals against its own unofficial definition of BTN.

EPA agrees that the State should have ultimate responsibility for identifying its transit needs and deciding how to meet them. In its notice of proposed rulemaking, EPA stated that these determinations were the State's responsibility. Also, this approach appears in the proposed EPA/USDOT national policy on basic transportation needs. EPA did not evaluate the State's submittals against any unannounced EPA definition of BTN. However, EPA was concerned because local authorities who were also familiar with the New York City metropolitan area's transit needs had consistently asserted that the area's needs and the costs of meeting these needs were greater than provided for by the State's plan. Nevertheless, consistent with EPA policy, EPA will accept the State's definition of BTN. EPA continues to urge the State to consult with local entities regarding the scope of its public transit improvement measures and the implementation of specific projects.

EPA's notice of proposed rulemaking also identified a number of areas in which the public transit improvement elements of the New York SIP appeared to fall short of being capable of meeting the goals established therein. Comments from the State and recent developments have convinced EPA that some of these concerns were unfounded.

First, EPA has decided that its concerns about the State's ability to finance its transit improvements were unwarranted. The State's 1979 public

transit improvement submittals contained a commitment to obtain funds needed to meet the level of funding identified in the submittals. The submittals also attempted to project specific amounts of funds the State would obtain from several funding sources.

In its comments the State again committed to obtaining the funds needed to meet the level of funding which it identified as necessary. The State also pointed out that it had managed to secure adequate funding for the first year of its 5-year transit improvement program. The State predicted that it would have similar success in future years.

Moreover, EPA has been encouraged by recent developments in the area of transit financing. EPA has learned that in July 1981 the New York legislature authorized taxes expected to raise up to $400 million annually for two years to enable the Metropolitan Transit Authority (MTA) to make up the current deficit in its operating budget. The legislature also authorized a $5 billion, 5-year capital improvements program. EPA views this as significant progress toward providing the amount of funding needed to meet the goals in the State's plan.

In addition, EPA recognizes that it is often difficult to identify specific sources of funding for future years because the federal, state and local appropriations processes generally commit funds to projects only on an annual basis. Accordingly, EPA is not requiring New York to submit at this time specific information on funding for all five years of its transit improvement program. However, to satisfy Section 110(c)(5)(B)'s requirement that the State utilize all available funds for transit improvements, EPA expects the State to submit updated funding information on an annual basis as such information becomes available.

With regard to the need to "trade-in" interstate highway funds, as advocated by many commentators, EPA believes that New York State must decide on how it will provide the funding necessary to implement its plan.

Accordingly, EPA has decided to approve the State's funding commitment as meeting the requirements of Sections 110(c)(5)(B) and 172(b)(7).

Second, EPA has recently received information clarifying the State's transit fare policy. The short term objective of the SIP's fare policy, to maintain the New York City Transit Authority fare at 50 cents through 1981, has not been achieved; the fare was increased in July 1980 and July 1981. Assumptions regarding economic conditions and inflation of transit costs on which the State had relied in its SIP proved to be erroneous and increases in federal and other transit operating subsidies have not kept pace with the increase in transit deficits. EPA has recently received from the State an evaluation of the transit ridership and air quality impacts of the transit fare increase that became effective in July 1980. EPA is evaluating this report and will submit its comments to the State. EPA also expects that the State will submit an analysis of its July 1981 fare increase.

Third, EPA has decided that the State should be allowed more time to identify specific transit improvement measures that will be undertaken. EPA has been persuaded by the State that it ought to be allowed to develop updated public transit improvement provisions on a schedule similar to that to be followed by those States which are required under Section 110(a)(3)(D) to develop public transit improvement plans. Such states, which have received attainment data extensions, are required to submit detailed plans to EPA by July 1, 1981. Outlines of planning processes and commitments to carry out their plans were submitted by these states in 1979. EPA believes that it is justified in also providing New York State with additional time to update its submittals. Section 110(c)(5), like Section 110(a)(3)(D), requires coordination with the Part D planning process. Moreover, this additional time is particularly appropriate because the New York City metropolitan area is a nonattainment area which has been granted an attainment date extension up to 1987. As such, today's action is taken with the under standing that, as required by Section 129(c) of Public Law 95–95, on or before July 1, 1982 the SIP for the New York City metropolitan area will be revised to demonstrate that the provisions of Section 110(c)(5)(B) of the Clean Air Act are being met.

In summary, EPA has reevaluated the State's public transit improvement submittals and has found that the State has submitted enough information to merit approval.

IV. Consequences of EPA's Action

A. New Source Growth

Since July 1, 1979 the construction or modification of major stationary sources of carbon monoxide and volatile organic compounds in, respectively, carbon monoxide and ozone "nonattainment" areas of the New York City metropolitan area has been prohibited. This results from the nondiscretionary provisions of Section 110(a)(2)(I) of the Clean Air Act and regulations at 40 CFR 51.24. As a result of today's action, an approved SIP for these areas will be in effect and this moratorium will end.

B. Status of Earlier EPA Actions With Respect to the New York SIP

1. Existing Conditions. Today's approval of those parts of the New York SIP dealing with public transit improvements supplements EPA's May 21, 1980 conditional approval of the remainder of the SIP for the New York City metropolitan area. It should be noted that, on July 1, 1980 (45 FR 44273), January 27, 1981 (46 FR 8477), and May 26, 1981 (46 FR 28155) EPA found that the State had met several of the conditions promulgated for this area. Any requirements remaining unfulfilled from EPA's May 21, 1980 promulgation still must be met by the State.

2. The 1973 SIP. On April 17, 1981 EPA received a report prepared by the New York State Department of Environmental Conservation which demonstrates how the transportation control measures contained in the 1973 SIP for the New York City metropolitan area were addressed in the 1979 SIP revision. Although the report itself was not submitted by the State as a SIP revision, and will not be treated as such by EPA, it does provide additional information clarifying the contents of 1979 SIP which relate to transportation control measures and does discuss how the 1973 SIP measures were treated in the 1979 SIP. EPA also notes that additional clarification of the transportation related measures of the 1979 SIP was provided by the State in response to the requirements of 40 CFR 52.1674(e)(4), in the form of separate listings covering transportation related studies, demonstration projects and permanent projects committed to in the 1979 SIP. EPA approved these listings on January 27, 1981 (46 FR 8477), as noted earlier.

On August 4, 1981 (46 FR 39612), EPA proposed to delete all control measures contained in the 1973 SIP. This proposal was based on EPA's review of the 1979 SIP, including its public transit improvement part, in light of the State's April 17, 1981 report. It was found that there had been adequate demonstration made by the State that the 1973 SIP measures are not reasonably available or that they had been adequately addressed, in at times modified form, in the 1979 SIP as now approved by EPA.

It should be noted that the August 4, 1981 notice proposed to delete the public transit measures contained in the 1973 SIP once the public transit measures contained in the 1979 SIP were approved or conditionally approved. These 1979

SIP measures are being approved today. Therefore, EPA final action with regard to all the 1973 SIP measures (including the three public transit measures to be discussed as follows) will be dealt with in a future Federal Register rulemaking action on EPA's August 4, 1981 proposal.

The 1973 SIP measures considered by EPA in its review were those classified as either "primary" or "maintenance" strategies. These include the public transit strategies C–1, "Marketing Public Transit;" C–6, "Integration of Bus and Subway Facilities;" and C–7, "Rehabilitation of the Existing Transit System."

Strategy C–1 is being implemented through 41 specific service and marketing campaigns to promote the use of transit. These include the establishment of a Metropolitan Transportation Authority marketing department, television and newspaper advertisements, transit maps and guide books, "Guide-a-Ride" signs and a New York City Department of Transportation transit promotion campaign.

Strategy C–6 is being advanced through a series of New York City Transit Authority service sufficiency studies in order to determine better ways to coordinate transit service and to accommodate passenger needs. It should be noted, however, that the studies apparently do not consider the adequacy of service for potential transit users; this group is of major concern to the air pollution control program.

According to the State, Strategy C–7 is being fully implemented. The New York State Department of Transportation and the Metropolitan Transportation Authority are committed to implement the transit rehabilitation and modernization program contained in the 1979 SIP.

V. Conclusion

Today's action is being made effective immediately since it provides no additional burden on the affected parties.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no regulatory requirements and only approves actions taken by the State.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110, 172, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: September 2, 1981.

Note.—Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. Section 52.1670 paragraph (c) is amended by adding new subparagraph (c)(61) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(61) A supplemental submittal entitled "New York State Air Quality Implementation Plan, the Moynihan/Holtzman Amendment Submission: Transit Improvements in the New York City Metropolitan Area, May 1979," submitted on May 24, 1979 by the New York State Department of Environmental Conservation.

2. Section 52.1673 is revised to read as follows:

§ 52.1673 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New York's plan for the attainment and maintenance of the national standards under Section 110(a)(2) of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title I of the Clean Air Act, as amended in 1977, except as noted in 52.1674, and the provisions of the plan for the Niagara Frontier Air Quality Control Region addressing attainment of particulate matter standards. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by January 1, 1981 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

[FR Doc. 81-26286 Filed 9-4-81; 1:32 pm]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5989

[CA-584]

California; Powersite Cancellation No. 349, Partial Cancellation of Powersite Classification No. 85

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially cancels a Secretarial order which withdrew 605.85 acres of land within the Shasta-Trinity National Forest for Powersite Classification No. 85. It has been determined that these lands will not be developed for power purposes. Five hundred and eight+ acres are being opened to such forms of disposition as may by law be made of national forest lands; 40 acres remain segregated from the mining and mineral leasing laws for Forest Service Administrative site purposes and 57+ acres are privately owned and not affected by this order.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and Section 24 of the Federal Power Act of June 10, 1920, as amended, 41 Stat. 1075, 16 U.S.C. 818, and pursuant to the determination of the Federal Power Commission (now the Federal Energy Regulatory Commission) in DA–1132 California, it is ordered as follows:

1. The Secretarial Order of November 5, 1924, creating Powersite Classification No. 85, is hereby cancelled insofar as it affects the following described lands:

Mount Diablo Meridian

T. 37 N., R. 8 W.,
Sec. 2, lot 4 (formerly NW¼NW¼).
S½NW¼, N½NE¼SW¼,
SE¼NE¼SW¼, W½SE¼, SE¼SE¼.
T. 38 N., R. 8 W.,
Sec. 32, S½NE¼, NE¼NW¼, N½NE¼SE¼
Sec. 33, lots 1, 2, 3, 4, 5, 6, 7, and MS 6037,
E½NE¼SE¼, NW¼NE¼SE¼,
E½SE¼NE¼SE¼, W½W½NW¼SE¼,
S½SW¼SE¼ (formerly N½SE¼,
N½NW¼SE¼, N½SW¼SE¼SE¼),
NE¼SE¼SE¼, SE¼SE¼SE¼SE¼,

N½NE¼SW¼, N½S½NE¼SW¼, N½NW¼SW¼, NW¼SE¼NW¼SW¼, E½SE¼NW¼SW¼.

The area described contains 605.85 acres in Trinity County.

2. At 10 a.m. on October 7, 1981, the following described lands which lie within the boundaries of the Shasta-Trinity National Forest, shall be open to such forms of disposition as may by law be made of national forest lands:

Mount Diablo Meridian

T. 37 N., R. 8 W.,
Sec. 2, lot 4 (formerly NW¼NW¼), S½NW¼, N½NE¼SW¼, SE¼NE¼SW¼, NW¼SE¼, SE¼SE¼.
T. 38 N., R. 8 W.,
Sec. 32, SE¼NE¼, N½SW¼NE¼, SE¼SW¼NE¼, E½SW¼SW¼NE¼, NE¼NW¼, N½NE¼SE¼;
Sec. 33, lots 2, 3, 4, 5, 6, 7, N½NW¼SW¼, N½SE¼NW¼SW¼, SE¼SE¼NW¼SW¼ N½NE¼SW¼, N½S½NE¼SW¼, E½NE¼SE¼, NW¼NE¼SE¼, E½SW¼NE¼SE¼, W½W½NW¼SE¼, NE¼SE¼SE¼, SE¼SE¼SE¼SE¼.

The area described aggregates 508.69 acres.

3. Of the lands listed in paragraph 1, the following described lands remain withdrawn from disposition under the public land laws and to location under the United States mining laws for Forest Service Recreation Areas. These lands have been and continue to be open to application and offers under the mineral leasing laws:

Mount Diablo Meridian

T. 37 N., R. 8 W.,
Sec. 2, SW¼SE¼.

The area described contains 40 acres.

4. Of the lands described in paragraph 1, the following are privately owned and not subject to disposition under the public land laws:

Mount Diablo Meridian

T. 38 N., R. 8 W.,
Sec. 32, W½SW¼SW¼NE¼;
Sec. 33, lot 1, MS 6037, SE¼SW¼SE¼, E½SW¼SW¼SE¼.

The area described aggregates 57.16 acres.

The State of California has waived its preference right of application for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

All of the lands described in paragraph 2, have been open to application and offers under the mineral leasing laws, and to location under the United States mining laws subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26206 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5985

[M-40874]

Montana; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order and a Secretarial order as to 120 acres of public land. This action will restore 40 acres of the lands to operation of the public land laws generally, including location for nonmetalliferous minerals under the mining laws. The remaining lands are included in the Charles M. Russell National Wildlife Refuge and remain closed to the general public land laws, including the mining laws.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order dated March 23, 1928, as Interpretation No. 60, which withdrew the following described lands for use as a public water reserve, is hereby revoked in its entirety:

Principal Meridian

T. 21 N., R. 32 E.,
Sec. 30, E½SE¼.
T. 7 S., R. 11 W.,
Sec. 23, NW¼SW¼.

The area described contains 120 acres in Garfield and Beaverhead Counties.

2. At 8 a.m. on October 7, 1981, the NW¼SE¼, sec. 23, T. 7 S., R. 11 W., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 7, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The NW¼SW¼, sec. 23, T. 7 S., R. 11 W., will be open to location for nonmetalliferous minerals under the United States mining laws at 8 a.m. on October 7, 1981. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

4. The E½SE¼, sec. 30, T. 21 N., R. 32 E., is included within the boundaries of the Charles M. Russell National Wildlife Refuge and shall continue to be segregated from disposition under the public land laws, including the mining laws. The lands are open to mineral leasing subject to the regulations in 43 CFR 3101.3-1 and 3101.3-3 governing leasing in wildlife refuges.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26209 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5986

[M 030861]

Montana; Revocation of Public Land Order No. 1930

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Public Land Order No. 1930, affecting 3.79 acres withdrawn for a radio relay station. This action will restore the land to operation of the public land laws generally, including location under the mining laws.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1930 dated July 30, 1959, which withdrew certain land for use as a radio relay station is hereby revoked in its entirety:

Principal Meridian

T. 17 N., R. 20 E.,
Sec. 19, Tract 38.

The area described contains 3.79 acres in Fergus County, Montana.

2. At 8 a.m. on October 7, 1981, the land shall be open to operation of the public land laws generally, subject to

valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 7, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8 a.m. on October 7, 1981, the land will be open to mineral location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws and to the disposal of materials under the Act of July 31, 1947, 61 Stat. 681; as amended, 30 U.S.C. 601–604.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26207 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5987

[M-40597]

Montana; Revocation of Public Water Reserve No. 35

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes Executive Order dated July 17, 1916, as to 80 acres of land withdrawn for a public water reserve. This action will restore the lands to national forest status and open them to such forms of disposition as may by law be made of such lands.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order dated July 17, 1916, which withdrew the following described lands within the Lewis and Clark National Forest for use as a public water reserve, is hereby revoked in its entirety.

Principal Meridian

T. 15 N., R. 4 E.,
Sec. 14, E½SE¼.

The area described contains 80 acres in Cascade County.

2. At 8 a.m. on October 7, 1981, the lands will be open to such forms of disposition as may by law be made of national forest lands.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26208 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5984

[U-27914]

Utah; Withdrawal and Reservation of Land for Little Sahara Recreation Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 3,500 acres of public lands for the Little Sahara Recreation Area for a period of 20 years.

EFFECTIVE DATE: September 9, 1981.

FOR FURTHER INFORMATION CONTACT: Darrell Barnes, Utah State Office, 801–524–4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, as a Bureau of Land Management recreation area.

Salt Lake Meridian

Little Sahara Recreation Area

T. 12 S., R. 4 W.,
Sec. 29, W½NE¼, SE¼NE¼, E½W½, SE¼;
Sec. 32, E½, E½NW¼, SW¼;
Sec. 33, SW¼SW¼.
T. 13 S., R. 4 W.,
Sec. 4, lot 4;
Sec. 5, lots 1 and 2;
Sec. 8, S½SE¼;
Sec. 9, S½SW¼;
Sec. 17, N½NE¼.
T. 13 S., R. 5 W.,
Sec. 12, SE¼;
Sec. 13, E½, SW¼;
Sec. 14, SE¼;
Sec. 23, N½NE¼;
Sec. 24, N½N½;
Sec. 33, N½SE¼, SE¼SE¼;
Sec. 34, S½;
Sec. 35, SW¼.
T. 14 S., R. 5 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, SE¼.

The area described aggregates 3,541.85 acres in Juab County.

2. Contained within the described lands are the Little Sahara Recreation Area, White Sands Campground, Little Sahara Visitor Center, bunkhouse/warehouse, Sand Mountain Camping Area, Jericho Picnic Area, Oasis Campgrounds, and various public road systems.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 1, 1981.

[FR Doc. 81-26212 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5988

[W-53975]

Wyoming; Modification of Executive Order No. 5327 and Public Land Order No. 4522

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: Modification of Executive Order No. 5327 and Public Land Order No. 4522 to permit a direct sale of the surface estate to provide further industrial expansion and development of trona mining.

EFFECTIVE DATE: September 9, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307–778–2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5327 of April 15, 1930, and Public Land Order No. 4522 of September 13, 1968, are hereby modified insofar as they affect the following described public land to allow a sale under the provisions of Section 203 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2750; 43 U.S.C. 1713.

Sixth Principal Meridian

T. 19 N., R. 110 W.,
Sec. 22.

The area described contains 640 acres in Sweetwater County.

Inquiries concerning the lands should be addressed to the Chief Branch of Minerals Operations, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26211 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries; Change in Catch Rate

Correction

In FR Doc. 81-22654 appearing on page 40193 in the issue of Friday, August 7, 1981, make the following change:

On page 40193, first column, in the SUMMARY paragraph, fourth line, the word "pay" should read "day".

BILLING CODE 1505-01-M

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50 CFR Parts 611 and 672

Foreign Fishing; Groundfish in the Bering Sea and Gulf of Alaska; Reapportionments

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This rule reapportions groundfish in the Bering Sea and Gulf of Alaska among domestic and foreign fishermen and processors. The reapportionments required by regulation for June 2 and August 2 are combined into one notice. This action will allow the foreign and domestic fisheries to proceed without interruption to achieve optimum yield.

DATES: September 9, 1981 until December 31, 1981.

ADDRESSES: The data upon which this rule is based are available for public inspection at the office of the Alaska Region, National Marine Fisheries Service, Room 453, Federal Building, 709 West 9th Street, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Telephone: (907) 586-7221.

SUPPLEMENTARY INFORMATION:

Background

Optimum yields for various groundfish are established by the preliminary fishery management plan for the Trawl Fisheries and Herring Gillnet Fishery of the Bering Sea and Northeast Pacific Ocean (42 FR 9298, as amended) and by the fishery plan for Groundfish of the Gulf of Alaska (43 FR 17013, as amended). The optimum yields (OY) are apportioned initially to domestic annual harvest (DAH), reserve, and total allowable level of foreign fishing (TALFF). Thus OY = DAH + Reserve + TALFF. In turn, DAH is apportioned between domestic annual processing (DAP), joint venture processing (JVP), and domestic non-processed fish (DNP) thus, DAH = DAP + JVP + DNP. Under 50 CFR 611.92(c)(1) and 611.93(b)(3), each April 2, June 2, and August 2 the Alaska Regional Director of the National Marine Fisheries Service (NMFS) may reapportion the reserve to DAH or TALFF. The Regional Director may also reapportion DAH to TALFF, or adjust the DAP, DNP and JVP specifications within DAH.

This notice combines the June 2 and August 2 reapportionments. All of the reserves, except 3,360 mt of Pacific Ocean perch, are reapportioned. Errors in the April 2 reapportionment (published June 26, 1981, at 46 FR 33038) are corrected.

Part 1. *Bering Sea.* United States fishermen participating in joint ventures with foreign vessels are catching large quantities of certain species of fish in the Bering Sea, and will continue to do so. Therefore, fish from reserves established for those species are reapportioned to JVP as follows: pollock—27,000 mt; atka mackerel—1,240 mt; "other species"—2,100 mt; Pacific cod—4,967 mt; "other flounders"—3,050 mt. Fish from surplus DAP are reapportioned to JVP as follows: pollock—8,000 mt; "other species"—1,500 mt; "other flounders"—1,000 mt.

On the other hand, U.S. fishermen participating in joint ventures are catching smaller quantities of some other species than anticipated when the JVP specifications were established. Therefore, fish of these species are deducted from the JVP portion of DAH and reapportioned to TALFF: Pacific ocean perch—730 mt in Areas I–III and 730 mt in Area IV; Sablefish—150 mt in Areas I–III and 150 mt in Area IV; "other rockfish"—400 mt; squid—30 mt.

Domestic harvest and domestic processing of certain species of Bering Sea Groundfish is less than was anticipated. These quantities are deducted from the DAP portion of DAH and reapportioned to TALFF: "other rockfish"—1,000 mt; Pacific ocean perch—500 mt in Areas I–III and 500 in Area IV; sablefish—450 mt in Areas I–III and 450 mt in Area IV; turbot—800 mt.

The U.S. harvesting and processing of Pacific cod in the Bering Sea is greater than was anticipated. Therefore, 8,000 mt is deducted from reserve and added to the DAP portion of DAH.

The remainder of the fish in reserve are reapportioned to TALFF: pollock—13,000 mt; yellowfin sole—5,850 mt; Pacific ocean perch—162 mt in Areas I–III and 375 mt in Area IV; sablefish—350 mt in Areas I–III and 75 mt in Area IV; Pacific cod—9,968 mt; turbots—2,250 mt; squid—500 mt; "other rockfish"—500 mt; "other species"—1,612 mt.

Part 2. Gulf of Alaska. Currently, there is no joint venture activity in the Gulf of Alaska, and very little is expected for the rest of 1981. Therefore, surplus fish in the JVP portion of DAH are reapportioned to TALFF (see table 1).

The U.S. harvesting and processing of Pacific cod in the western Gulf of Alaska is greater than was anticipated. Therefore, 200 mt is reapportioned from JVP to DAP. The DAH for Pacific cod in the central Gulf of Alaska remains unchanged, since the domestic harvest is expected to increase in this area during the rest of 1981.

The U.S. harvesting and processing of other fish in the Gulf of Alaska is less than was anticipated. Therefore, some of the DAP portion of DAH is reapportioned to TALFF, as noted in Table 1.

All of the reserve for Pacific ocean perch, except 3,360 mt in the eastern area of the Gulf of Alaska, is reapportioned to TALFF. The eastern resource is in poor condition and NMFS wishes to reduce fishing pressure on these stocks. An amendment to the Gulf of Alaska groundfish fishery management plan probably will be implemented in 1982 to reduce the OY for Pacific ocean perch in the eastern Gulf of Alaska.

The remainder of the fish in reserve are reapportioned to TALFF as shown in Table I.

Table 1.—*Source of reapportionments to TALFF in the Gulf of Alaska*

	Regulatory area	DAP	JVP	Reserves	Total released to TALFF
Pollock	Western		3,354	13,300	16,654
	Central		6,214	2,213	8,427
	Eastern		1,000	3,874	4,874
Pacific cod	Western		600	3,864	4,464
	Central			7,826	7,826
	Eastern	200	500	1,386	2,086
Flounders	Western		500	2,427	3,027
	Central		800	3,430	4,230
	Eastern		400	1,960	2,360
Pacific ocean perch	Western		500	630	800
	Central	200	500	1,843	2,943
	Eastern				0
Sablefish	Western	100	100	254	454
	Central	800	200	532	1,532
	Yakutat	1,000	200	994	2,194
	Southeastern				0
Atka mackerel	Western		300	1,092	1,392
	Central		1,200	4,862	6,062
	Eastern		800	743	1,543
Other rockfish	Gulfwide	450	100	1,773	2,323
Thornyhead rockfish	Gulfwide			525	525
Squid	Gulfwide		150	1,167	1,317
Other species	Gulfwide		200	3,780	3,980

Response to Public Comments

In accordance with 50 CFR §§ 611.92(c), 611.93(b), and 672.20(c), an opportunity for public comment was provided regarding the amount of reserves to be apportioned to DAH and TALFF and on the amount of excess DAH to be reapportioned to TALFF. One comment was received, which addressed the reapportionment of excess DAH to TALFF.

Comment: In the Gulf of Alaska, large portions of the DAH, as well as all reserves, of both sablefish and Pacific cod are excess to the needs of domestic fishermen and should be apportioned to TALFF.

Response: All the remaining reserves for both sablefish and Pacific cod in the Gulf of Alaska are being released to TALFF.

Most of the DAH for sablefish in the western and central areas and in the Yakutat district of the eastern area is considered to be surplus to the needs of U.S. fishermen and is reapportioned to TALFF. None of the DAH for sablefish in the southeast district of the eastern area is being reapportioned to TALFF at this time because significant domestic effort for this species in the southeast district is expected to continue.

DAH amounts for Pacific cod in the western and eastern areas considered excess to the needs of the U.S. fishery are also reapportioned to TALFF. Domestic effort for Pacific cod in the central area is expected to increase during the remainder of the fishing year and the uncertainty of the amount of DAH that will yet be harvested prevents the reapportionment of Pacific cod from DAH to TALFF at this time.

Administrative Procedure Act

In view of the previous opportunity for public comment on this reserve apportionment and the need to avoid disruption of U.S. and foreign fisheries, the Secretary has determined that further notice and opportunity for public comment on this rule would be impracticable, unnecessary, and contrary to the public interest and that it should be effective September 9, 1981.

National Environmental Policy Act

Environmental impact statements were prepared on the PMP and FMP and are on file with the Environmental Protection Agency (EPA). Environmental assessments and negative determinations of significant environmental impact were prepared on the current regulations implementing the PMP and FMP, and are also on file with the EPA. As an integral feature of the management system established by the FMP, the PMP, and their implementing rules, this rule is not a separate major Federal action significantly affecting the quality of the human environment.

Classification

The Acting Administrator, NOAA, has determined that this action is not a major rule under E.O. 12291 and, as such, does not require a regulatory impact analysis. A regulatory flexibility analysis is not required under the Regulatory Flexibility Act because the rule is exempt from the notice and comment requirements of the Administrative Procedures Act. In addition, the rule does not have a significant economic impact on small businesses for the purposes of the Regulatory Flexibility Act. The rule, which is being published in final form, implements an existing provision in the regulations which allows the Secretary to make inseason reassessments of DAH and the need for reserves, and to reapportion to TALFF those amounts which he determines will not be harvested by vessels of the United States.

This rule does not contain a collection of information requirement, and does not involve any agency in conducting or sponsoring the collection of information (44 U.S.C. 3501 *et seq.*).

Promulgation of this rule does not constitute a Federal activity "directly affecting" the Alaska coastal zone within the meaning of Section 307(c)(1) of the Coastal Zone Management Act of 1972.

Dated: September 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Parts 611 and 672 are amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. In § 611.20, Appendix I, entries 4.A are amended to read as follows:

§ 611.20 Total allowable level of foreign fishing.

§ 611.20 Total allowable level of foreign fishing.

Appendix I. Optimum yield (OY), estimated domestic annual harvest (DAH), estimated domestic annual processing (DAP), joint venture processing (JVP), domestic non-processed fish (DNP), and total allowable level of foreign fishing (TALFF), all in metric tons.

	Species and species code	Areas	OY	DAH	DAP	JVP = DAH − (DAP + DNP)	DNP	Reserve	TALFF
4 Alaska Fisheries:									
A. Bering Sea and Aleutian Islands groundfish fishery	Pollock, 701	Bering Sea [1]	1,000,000	56,550	2,500	54,050		0	943,450
		Aleutians [2]	100,000	0	0	0		0	100,000
	Yellowfin sole, 720		117,000	26,200	1,200	25,000		0	90,800
	Turbots, 737 (721,118)		90,000	275	200	75		0	89,725
	Other flounders, 129		61,000	7,250	200	7,050		0	53,750
	Pacific ocean perch [3], 780	Bering Sea [1]	3,250	150	50	100		0	3,100
		Aleutians [2]	7,500	150	50	100		0	7,350
	Other rockfish, 849		7,727	150	100	50		0	7,577
	Sablefish, 703	Bering Sea [1]	3,500	100	50	50		0	3,400
		Aleutians [2]	1,500	100	50	50		0	1,400
	Pacific cod, 702		78,700	37,232	15,200	22,032		0	41,468
	Atka mackerel, 207		24,800	1,340	0	1,340		0	23,460
	Squid, 509		10,000	20	0	20		0	9,980
	Other species [4], 499		74,249	4,100	300	3,800		0	70,149
B									
C									
D									
E Gulf of Alaska groundfish fishery	Pollock, 701	Western [5]	66,500	3,383	29	3,354		0	63,117
		Central [5]	111,066	29,326	6,277	23,049		0	81,740
		Eastern [5]	19,367	1,584	811	773		0	17,783
		Total	196,933	34,293	7,117	27,176		0	162,640
	Pacific cod, 702	Western	19,320	1,593	480	413	700	0	17,727
		Central	39,130	7,058	4,060	1,598	1,400	0	32,072
		Eastern	11,550	1,715	127	188	1,400	0	9,835
		Total	70,000	10,366	4,667	2,199	3,500	0	59,634
	Flounders, 129	Western	12,133	216	116	100		0	11,917
		Central	17,150	507	350	157		0	16,643
		Eastern	9,800	1,187	1,050	137		0	8,613
		Total	39,083	1,910	1,516	394		0	37,173
	Pacific ocean perch, [3] 780	Western	3,150	102	29	73		0	3,048
		Central	9,217	365	144	221		0	8,852
		Eastern	16,800	1,534	93	1,441		3,360	11,906
		Total	29,167	2,001	266	1,735		3,360	23,806
	Other rockfish, [6] 849	Total	8,867	500	367	133		0	8,367
	Sablefish, [7] 703	Western	2,450	115	17	98		0	2,335
		Central	4,433	423	367	56		0	4,010
		Yakutat District [8]	3,966	410	377	33		0	3,556
		Southeast—Outside [8]	3,500	3,395	3,290	105		0	105
		Total	14,349	4,343	4,051	292		0	10,006
	Atka mackerel, 207	Western	5,458	38	0	38		0	5,420
		Central	24,309	60	0	60		0	24,249
		Eastern	3,717	17	0	17		0	3,700
		Total	33,484	115	0	115		0	33,369
	Squid, 509	Total	5,833	25	0	25		0	5,808
	Other species, [9] 499	Total	18,900	1,807	351	523	933	0	17,093
	Thornyhead rockfish, 749	Total	4,375	7	7	0		0	4,368

[1] See 672.2 for a description of Regulatory Areas and Districts.
[2] The category "Pacific ocean perch" includes Sebastes species S. alutus (Pacific ocean perch), S. polyspinus (northern rockfish), S. aleutianus (rougheye rockfish), S. borealis (shortraker rockfish), and S. zacentrus (sharpchin rockfish) as defined above and "thorny rockfish," Sebastolobus.
[3] The category "other rockfish" includes all fish of the genus Sebastes except the category "Pacific ocean perch" as defined above and "thorny rockfish," Sebastolobus.
[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

PART 672—GROUNDFISH OF THE GULF OF ALASKA

3. The authority citation for Part 672 reads as follows:

Authority: 16 U.S.C. 1855.

4. In § 672.20, Table 1 is amended to read as follows:

§ 672.20 Optimum yield.

* * * * *

Table 1.—*OY—DAH—DAP—DNP—JVP—Reserve and TALFF by Regulatory Area* [1]

Species and species code	Areas	OY	DAH	DAP	JVP = DAH − (DAP + DNP)	DNP	Reserve	TALFF
Pollock, 701	Western	66,500	3,383	[illegible]	3,354	.....	0	63,117
	Central	111,066	29,326	6,277	23,049	.....	0	81,740
	Eastern	19,367	1,584	811	773	.....	0	17,783
	Total	196,933	34,293	7,117	27,176	.....	0	162,640
Pacific cod, 702	Western	19,320	1,593	550	413	700	0	17,727
	Central	39,130	7,058	4,060	1,598	1,400	0	32,072
	Eastern	11,550	1,715	127	188	1,400	0	9,835
	Total	70,000	10,366	4,667	2,199	3,500	0	59,634
Flounders, 129	Western	12,133	216	116	100	.....	0	11,917
	Central	17,150	507	350	157	.....	0	16,643
	Eastern	9,800	1,187	1,050	137	.....	0	8,613
	Total	39,083	1,910	1,516	394	.....	0	37,173
Pacific ocean perch,[2] 780	Western	3,150	102	29	73	.....	0	3,048
	Central	9,217	365	144	221	.....	0	8,852
	Eastern	16,800	1,534	93	1,441	.....	3,360	11,906
	Total	29,167	2,001	266	1,735	.....	3,360	23,806
Other rockfish,[3] 849	Total	8,867	500	367	133	.....	0	8,367
Sablefish, 703	Western	2,450	115	17	98	.....	0	2,335
	Central	4,433	423	367	56	.....	0	4,010
	Yakutat District [4]	3,956	410	377	33	.....	0	3,556
	Southeast—Outside [4]	3,500	3,395	3,290	105	.....	0	105
	Total	14,349	4,343	4,051	292	.....	0	10,006
Atka mackerel, 207	Western	5,458	38	0	38	.....	0	5,420
	Central	34,309	60	0	60	.....	0	34,249
	Eastern	3,717	17	0	17	.....	0	3,700
	Total	33,484	115	0	115	.....	0	33,369
Squid, 509	Total	5,630	25	0	25	.....	0	5,605
Other species,[5] 499	Total	18,900	1,807	361	523	933	0	17,093
Thornyhead rockfish, 749	Total	4,375	7	7	0	.....	0	4,368

[1] See 672.2 for a description of Regulatory Areas and Districts.
[2] The category "Pacific ocean perch" includes Sebastes species S. alutus (Pacific ocean perch), S. polyspinus (northern rockfish), S. aleutianus (rougheye rockfish), S. borealis (shortraker rockfish), and S. zacentrus (sharpchin rockfish).
[3] The category "other rockfish" includes all fish of the genus Sebastes except the category "Pacific ocean perch" as defined above and "thorny rockfish," Sebastolobus.
[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

[FR Doc. 81-26250 Filed 9-8-81; 8:45 am]
BILLING CODE 3510-22-M

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50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Extension of emergency rule.

SUMMARY: An emergency regulation in effect through September 8, 1981, imposes a 5½ inch minimum size limit for surf clams harvested in the mid-Atlantic surf clam management area. This notice extends the emergency regulation from September 9, 1981 through October 23, 1981. The extension will continue the protection of small surf clams and enhance the potential yield from the fishery.

EFFECTIVE DATE: From September 9, 1981, through October 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Frank Grice, Chief, Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930, 617–281–3600.

SUPPLEMENTARY INFORMATION: An emergency amendment to the regulations implementing the Fishery Management Plan for Surf Clam and Ocean Quahog Fisheries was published in the **Federal Register** on July 17, 1981 (46 FR 37051). The emergency amendment stated such regulations would be effective for 45 days and could be extended for an additional 45 days. The amendment imposed a 5½ inch minimum size limit, with tolerances, for surf clams harvested in the mid-Atlantic surf clam management area. The amendment was developed at the request of industry to reduce the harvest of small surf clams and to increase the potential yield from the fishery resource. The Acting Assistant Administrator for Fisheries, NOAA, has determined that the emergency situation described in this rulemaking continues to exist and is extending the emergency regulation through October 23, 1981.

Classification

The Acting Administrator of NOAA on July 9, 1981 determined for the emergency rule (published at 46 FR 37051) and a consecutive extension for another 45-days that (1) the emergency regulation and the subsequent extension conformed to the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other applicable law; (2) this action was not a major rule as defined by Executive Order 12291, and consequently did not require the preparation of a regulatory impact analysis; and (3) this action did not affect the Federal paperwork burden as defined by 44 U.S.C. 3501 *et seq.*, for any level of business or government. The

Regulatory Flexibility Act is not applicable because the emergency rule was not published as a notice of proposed rulemaking. Because the regulation responded to an emergency situation which continues to exist, the Acting Assistant Administrator is unable to comply with Section 3(c)(3) of Executive Order 12291. A copy of the regulation has been sent to the Office of Management and Budget under section 8(a)(1) of the Executive Order.

Dated: September 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 652—ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

1. The authority citation for Part 652 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. For the reasons set out in the preamble, 50 CFR 652.7(j) and 50 CFR 652.25 (as published at 46 FR 37051) are continued in effect from September 9, 1981, through October 23, 1981.

[FR Doc. 81-26253 Filed 9-8-81; 8:45 am]
BILLING CODE 3510-22-M

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50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues final regulations for the Fishery Management Plan (FMP) for the Commercial and Recreational Salmon fisheries off the Coasts of Washington, Oregon and California, as amended in 1981. These final regulations supersede emergency interim regulations that originally appeared in the **Federal Register** on June 10, 1981. The intended effect is to prevent overfishing, to apportion equitably the ocean harvest between commercial and recreational fisheries, to allow more salmon to survive the ocean fisheries and reach the various inside fisheries, to meet the U.S. obligations to treaty Indian fisheries, and to achieve spawning escapement requirements.

EFFECTIVE DATE: 0001 hours PDT September 4, 1981.

ADDRESS: Copies of the final regulatory flexibility analysis are available from the Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Regional Director, National Marine Fisheries Service, 206-527-6150.

SUPPLEMENTARY INFORMATION: The FMP, prepared by the Pacific Fishery Management Council (Council), was approved on March 2, 1978, and amended in 1979, 1980, and 1981, under the authority of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 (Magnuson Act). The amended FMP specifies management measures that vary by fishery and area; in general, it establishes fishing seasons, provides seasonal harvest guidelines (or quotas) and other inseason management measures, set minimum fish sizes and sets daily catch limits for the recreational fisheries.

NOAA implemented the 1981 amended FMP with emergency regulations effective from June 5 to July 20, 1981 (46 FR 30633). NOAA extended the emergency regulations for a second 45-day period from July 20 through September 3, 1981, corrected § 661.4 and § 661.13 (a) and (b), and extended the public comment period (46 FR 37705). The 1981 amendment to the FMP and the regulations were discussed thoroughly in the preamble to the emergency regulations. Public comments were received and have been considered and discussed; they are addressed in the "Comments" section of this preamble.

The Assistant Administrator for Fisheries (Assistant Administrator) reviewed the amended FMP and the implementing emergency regulations during the public comment period from June 15 through August 6, 1981. He has determined that the amended FMP is consistent with the Magnuson Act and other applicable law and now adopts the regulations (as corrected, 46 FR 37705) to implement the plan as final without republishing them to save public expense and reduce the volume of printed matter.

A technical change is made in § 661.12 of the final rule to conform with definition in the Magnuson Act of "Secretary" which includes the Secretary's designee. The responsibility remains with the Secretary of Commerce (Secretary) for rulemaking. A correction is also made in § 661.10(a); the word "except" was inadvertently omitted.

Litigation

The 1981 amendment and implementing emergency regulations have been challenged in three separate lawsuits.

1. On June 22, 1981, the Hoh Indian Tribe, the Quinault Indian Nation and the Quileute Indian Tribe filed suit against the Secretary in the U.S. District Court for the Western District of Washington State (Court). Members of the three Washington coastal Indian tribes with treaty fishing rights contended that: (1) the regulations did not protect the Indian tribes' treaty-secured right to fish for coho salmon on certain Washington coastal rivers; (2) river-by-river, run-by-run management of coastal coho salmon is practicable and required by law to achieve the treaty entitlement; (3) in approving the 1981 amendment, the Secretary completely deferred to the management recommendations of the Washington Department of Fisheries (WDF); (4) the 1981 regulations placed the entire burden of meeting WDF's management objectives for conserving and enhancing the coastal salmon runs on the treaty Indian tribes; and (5) the Secretary, through the Council, denied the treaty Indian tribes timely and complete access to information underlying his decision. The WDF intervened in the suit.

On August 3, the Court denied both the plaintiffs' and the defendant's motions for summary judgment and remanded the matter to the Secretary with directions to the parties to confer between themselves and with WDF and decide by August 7 whether: (1) to reduce spawning escapement goals for the relevant Washington coastal rivers, (2) to further limit the ocean harvest of Washington coastal salmon, or (3) to combine the two in an agreeable way. In addition, the parties were ordered to develop by February 1, 1982, a long-term plan that includes escapement goals for each run of salmon on each river for each tribe. The plan would provide an annual percentage of enhancement over the previous year's figure. Following conferences with the plaintiffs and WDF, the Secretary submitted to the Court a proposal calling for a slight reduction in the spawning escapement goals and retention of the ocean salmon fishing seasons specified in the emergency regulations. The Court's Technical Advisor recommended to the court that spawning escapement goals different from those agreed upon by the Secretary and the tribes should be approved, but that the ocean fishery should not be closed. The court has yet to issue a final order in the case.

2. On June 30, the Confederated Tribes and Bands of the Yakima Indian Nation sued the Secretary alleging that the 1981 amendment: (1) failed to provide for their treaty entitlement; (2) failed to

provide that portion of the salmon harvest secured by the Columbia River Plan; (3) failed to comply with the requirements of the Magnuson Act; and (4) failed to comply with the National Enviornmental Policy Act. The WDF also intervened in this suit.

On August 4 the Court denied the defendant's and the plaintiffs motions for summary judgment. The Court refused to order a closure of the ocean salmon fisheries and instructed the Secretary to review the ocean salmon fishing regulations off Alaska and Washington to determine if further restrictions are necessary and report his findings within 90 days.

3. On July 10, the Washington State Charterboat Association (WSCA) challenged the emergency regulations and claimed that the 1981 amendment and emergency regulations: (1) did not adequately consider the varying impact of the recreational and commercial fisheries on the ocean salmon resources; (2) were arbitrary because they relied on application of a "weak run" analysis in establishing ocean harvest quotas; and (3) were arbitrarily based on a regional, species-by-species management system. WSCA unsuccessfully moved to intervene in the Hoh et al. and the Confederated Tribes' suits, and the case is still pending.

Inseason Management Actions

Under 50 CFR 661.12 of the emergency regulations, the Regional Director issued inseason field orders relating to the commercial and recreational ocean salmon fisheries south of Cape Falcon, Oregon, to the Oregon-California border (subarea B), and the commercial and recreational fisheries north of Cape Falcon, Oregon, to the Washington-Canada border (subarea A). For subarea B, a field order issued on August 13 increased the recreational daily bag limit from 2 to 3 fish per day and delayed adjustment of the preseason harvest guideline until August 24, when a better stock size estimate could be made (46 FR 42070).

On August 21, the Regional Director issued three field orders (46 FR 43225) on the basis of coho salmon catch and fishing effort data obtained by the Washington Department of Fisheries (WDF) and the Oregon Department of Fish and Wildlife (ODFW). First, he issued a field order closing the commercial fishery in subarea A effective midnight August 21, 1981, when it was projected that the quota of 372,000 coho would be reached. Second, the Regional Director closed the all-species commercial salmon fishery in subarea B as of midnight August 21 when it was projected that the quota of 548,000 coho would be reached however, under 50 CFR 661.10(a)(2)(iv), a commercial fishery using special gear for chinook salmon is allowed from August 22 until September 8, 1981, between Cape Falcon and Cape Sebastian, Oregon. Third, the Regional Director ordered the closure of the ocean recreational fishery in subarea A as of midnight August 26, when it was projected that the recreational quota of 248,000 coho would be reached. Subsequently, the Regional Director ordered the closure of the recreational fishery in subarea B because the reprojected total quota for that subarea (794,600 coho) had been harvested (46 FR 43977).

Comments

1. Most of the comments received concerned the annul chinook salmon quota for the commercial and recreational ocean salmon fisheries off California. Representatives of California's commercial troll fisheries groups opposed the chinook salmon quotas and stated that there was insufficient evidence to support the need for a chinook quota. Congressmen from the State of California urged the Secretary to reevaluate the need for a chinook salmon quota and to increase the quota if possible.

2. The Directors of the Washington Department of Fisheries and the Oregon Department of Fish and Wildlife asked the Secretary to use his authority under the Magnuson Act to close commercial ocean salmon fishing in California State waters (inside 3 miles), to conform with the closure for the commercial ocean salmon fishery in the fishery conservation zone (FCZ) (between 3 and 200 miles).

3. Representatives of Washington State coastal Indian tribes with treaty fishing rights expressed concern that commercial salmon fishing in California State waters during the month of June would adversely affect the number of coho salmon returning to Washington coastal streams of origin.

4. One commenter asked the Secretary to establish a coast-wide quota for chinook and coho salmon rather than to establish regional quotas.

5. Several commenters opposed the concept and practice of inseason management modifications.

6. One commenter said that the foreign trawl fleets that operate off the Washington-Oregon-California coast were unlawfully catching and retaining Pacific salmon.

Responses

1. The Council adopted the California chinook salmon quota this year to protect the severely depressed chinook salmon stocks that originate in the Klamath River system. Once the quota was adopted and approved for the 1981 season, any modification of the quota would require an amendment of the salmon FMP. In addition, there was no new information provided to the Council that would support the need for a modification of the California chinook quota. It is very unlikely that any of the chinook quotas will be reached by the established seasonal closing dates.

2. The Secretary decided not to use his authority granted under the Magnuson Act to close California State waters to commercial ocean salmon fishing. At that time, only a few days remained before the salmon season in the FCZ opened.

3. The question of the Secretary's obligations in managing the ocean salmon fishery to ensure sufficient ocean escapement for Indian tribes with adjudicated treaty rights was the subject of litigation this summer. See item 2 in the Litigation section, above. The court ordered the Secretary, the tribes and the WDF to develop both a short term and a long term plan to ensure that adequate numbers of salmon return to the rivers of origin involved.

4. The Secretary agrees with the Council's regional quota system. The conditions of the coho and chinook salmon stocks vary from region to region and do not lend themselves to coastwide quotas. Quotas are practical only with respect to individual areas within the fisheries for coho and California chinook.

5. The Secretary agrees with the Council that midseason regulatory changes would be necessary if it became apparent that preseason resource status forecasts were incorrect. Inseason management of the fisheries provides the greatest protection to the coastal ocean salmon resources. Inseason management also reduces the severity of fishing regulations when a situation warrants it.

6. U.S. observers stationed aboard the foreign fishing trawlers have indicated that very few salmon are caught incidental to the trawl target species. Because salmon are a "prohibited species," foreign fishermen must try to avoid catching salmon. If foreign fishermen catch salmon accidentally, they must return the fish to the sea immediately without further injury. The foreign fleet incidental catch of salmon is less than one-quarter of one percent of the coastwide U.S. harvest of salmon.

Classification

These final regulations are being promulgated after consideration of matters presented during the public comment period, and upon a determination that the 1981 amendment to the FMP is necessary and appropriate for conservation and management of the salmon fisheries resources off the coasts of California, Oregon and Washington, and that it is consistent with the Magnuson Act including the national standards, and other applicable law, including treaty obligations.

The Administrator, NOAA, has determined that the regulations implementing the FMP do not constitute a major rule under E.O. 12291 requiring a regulatory impact analysis. However, a regulatory impact review (RIR) was prepared. This document demonstrates that the regulations to implement the 1981 amendment to the plan comply with the requirements of Section 2 of E.O. 12291:

(a) The management measures specified in the 1981 amendment are based upon adequate information concerning the need for the consequences of regulation of the salmon fisheries;

(b) The potential benefits to society from regulation of the salmon fisheries outweigh the potential costs to society;

(c) The regulatory objectives chosen maximize the net benefits to society; and

(d) Alternative approaches to regulatory objectives which involved the least net cost to society were chosen.

The RIR also served as an initial regulatory flexibility analysis (IRFA), since it was determined that the regulations to implement the 1981 FPM would have a significant economic impact upon a substantial number of small entities, for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The IRFA was summarized at 46 FR 37705. A final regulatory flexibility analysis has been prepared. This document, which may be obtained from the Pacific Fishery Management Council at the above address, is essentially identical to the RIR/IRFA, since: that earlier document contains material which satisfies the requirements of 5 U.S.C. 604 (a) (1) and (3), and the agency received no public comments in response to the IRFA.

It is imperative to promulgate these final rules by September 4; otherwise, the ocean fishery will be unregulated and that would substantially increase the likelihood that overfishing would occur and that the objectives of the FMP (including ocean escapement goals necessary to meet spawning, treaty Indian, and other inland-harvest objectives) would not be achieved. For this reason the agency finds, for good cause, that it would be impracticable and contrary to the public interest to delay for 30 days the effective date of these final regulations, under the provisions of section 553(d) of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*

The NOAA Administrator has determined that the resource emergency constitutes an emergency situation under Section 8(a)(1) of E.O. 12291. Because it is imperative to implement the 1981 amendment immediately, it is impracticable to comply with Section 3(c)(3), which requires that NOAA transmit to the Director of the Office of Management and Budget (OMB) a copy of every final non-major rule, at least 10 days prior to publication. However, a copy of these regulations has been transmitted to the Director of OMB.

Neither these final regulations nor the FMP, as amended, purport to "conduct or sponsor the collection of information" which activities would be subject to the Paperwork Reduction Act requirements of 44 U.S.C. 3507.

The final supplement to the environmental impact statement (SEIS) for this action, which supplements the original environmental impact statement and previous supplements prepared for the FMP, is on file with the Environmental Protection Agency. A notice of availability of the SEIS was published on May 1, 1981 (48 FR 24674) and the 30-day cooling-off period required by the National Environmental Policy Act of 1969, as amended. 42 U.S.C. 4321 et seq., and regulations promulgated by the Council on Environmental Quality. 40 CFR Part 1500 *et seq.*, has expired.

Dated: September 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 661—OCEAN SALMON FISHERIES OFF THE COAST OF CALIFORNIA, OREGON, AND WASHINGTON

1. The authority citation for Part 661 is:

Authority: 16 U.S.C. 1801 *et seq.*

2. The revision of 50 CFR Part 661 published at 46 FR 30633, June 10, 1981, and amended at 46 FR 37705, July 22, 1981, is adopted as final with the following correction and technical changes:

a. The introductory text of § 661.10(a) is corrected to read as follows:

§ 661.10 Commercial fishing

(a) *Open seasons and areas.* The Fishery Management Area is closed to commercial salmon fishing except as opened by this Part 661 or superseding regulations. All open fishing periods shall commence at 0001 hours and terminate at 2400 hours local time on the dates specified herein.

* * * * *

§ 661.12 [Amended]

b. § 661.12 is amended by removing the words "Regional Director" wherever they occur and inserting in their place the word "Secretary".

[FR Doc. 81-26300 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 174
Wednesday, September 9, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on Proposed Rules

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of quarterly report.

SUMMARY: The Nuclear Regulatory Commission has issued the July 31, 1981, Quarterly Report on Proposed Rules. The report, which is a quarterly summary of proposed rules that are pending final action, is issued to provide the public with information regarding NRC's rulemaking activities.

ADDRESSES: A copy of this report, designated NRC Status of Proposed Rules—July 31, 1981, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

Requests for single copies of the report, or a request to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch Office of Administration, Telephone 301–492–7086.

Dated at Bethesda, Maryland this 21st day of August, 1981.

For the Nuclear Regulatory Commission

John Philips

Chief, Rules and Procedures Branch, Office of Administration.

[FR Doc. 81–26309 Filed 9–8–81; 8:45 am]
BILLING CODE 7590–01–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1205

Walk-Behind Power Lawn Mowers; Proposal to Amend Blade Control Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed Rule.

SUMMARY: The Commission proposes to amend its consumer product safety standard for walk-behind power lawn mowers. The proposal implements a specific direction by Congress to amend the standard. The standard currently requires that the mower blade stop within 3 seconds of the release of the handle and that mowers with only manual starting controls must stop the blade without stopping the engine. The proposed amendment would provide that a lawn mower with only manual starting controls, which meets the requirements of the present standard except that the blade control system stops the blade by stopping the engine, shall be allowed if (1) the engine starting controls for the lawn mower are located within 24 inches of the top of the mower's handle or (2) the mower has a protective foot shield which extends 360 degrees around the mower housing. Public comments are limited to whether the Commission has properly followed the congressional direction to amend the standard.

DATES: Written comments on the proposal must be received by the Commission by October 9, 1981. The amendments to the standard must be in place by November 11, 1981.

ADDRESS: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C., 20207.

FOR FURTHER INFORMATION CONTACT: Carl Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C., 20207, phone (301) 492–6557.

SUPPLEMENTARY INFORMATION:

A. Background

On February 15, 1979, the Commission published a final consumer product safety standard to reduce the estimated 77,000 injuries that occur each year from contact with the moving blades of walk-behind power lawn mowers (44 FR 9990) (16 CFR Part 1205). The effective date of the standard was originally to be December 31, 1981. However, in the 1980 appropriations bill, (Pub. L. 96–526), the Congress delayed the effective date until June 30, 1982. [The labeling requirement of § 1205.6 of the standard went into effect on December 31, 1979.]

A detailed explanation of the background and rationale for the standard is given in the **Federal Register** notice that issued the standard. Briefly, the standard reduces the risk of injury from blade contact with rotary power lawn mowers by mandating two main performance requirements. First, in order to reduce injuries to the hand of the operator, § 1205.5(a)(1) of the standard requires that the mower have a blade control that will stop the blade within 3 seconds of the time that the operator releases the handle of the mower. This is intended to ensure that when the operator's hands leave the handle, the blade will stop before the operator can put his or her hands in the vicinity of the blade. This requirement will also reduce foot injuries that occur when the operator is working or moving around the mower and is not holding on to the handle.

In order to further reduce foot injuries, § 1205.4(a) of the standard currently requires that areas of the mower that can be reached by the operator's foot when he or she is holding the handle (the rear 120° of the mower) shall be constructed so that a specified probe that approximates the human foot cannot be brought into contact with the blade from these areas.

Section 1205.6 of the standard provides for a warning label on rotary and reel-type walk-behind power lawn mowers to warn of the hazard of contacting the blade.

The requirement that the blade stop within 3 seconds of the release of the handle can be accomplished in two ways. First, the blade can be disconnected from the mower's power source and brought to a stop while the power source continues to operate. This approach is expected to usually involve a brake-clutch unit to disconnect the blade and brake it to a stop within the allowable 3 seconds. The other way of accomplishing this requirement is to turn off the power source, thereby bringing the blade and the power source to a stop together.

If the blade is stopped by stopping the engine ("engine-kill"), § 1205(a)(1)(iv) of the standard presently requires that the mower would have to have a power restart mechanism. This requirement was included because it seemed likely that users inconvenienced by the need to manually restart a mower that stopped every time the handle was released would attempt to disable the blade-stop control.

Secton 1205.5(c) of the standard currently provides that mowers whose blades begin rotating when the power source starts must have their normal starting controls within an "operating control zone". This zone is defined in § 1205.3(a)(11) as "the space enclosed by cylinder with a radius of 15 in. (381mm) having a horizontal axis that is (1) perpendicular to the fore-aft centerline of the mower and (2) tangent to the rearmost part of the mower handle, extending 4 in. (102mm) beyond the outermost portion of each side of the handle." This requirement is intended to ensure that the operator is not required to leave the area that is protected by the foot probe requirement when starting the power source.

B. Recent Congressional Amendment

In the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, signed by the President on August 13, 1981), there are the following provisions concerning the power lawn mower standard.

Lawn Mower Standard

Sec. 1212. (a) Not later than 90 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall amend its consumer product safety standard for walk-behind power lawn mowers to provide that a manually started rotary type lawn mower which has a blade control system which meets the requirements of the standard relating to blade controls (16 CFR 1205.5) except that the system stops the engine and requires a manual restart of the engine shall be considered in compliance with such requirements if the engine starting controls for the lawn mower are located within twenty-four inches from the top of the mower's handles or the mower has a protective foot shield which extends three hundred and sixty degrees around the mower housing. The Consumer Product Safety Act shall not apply with respect to the promulgation of the amendment prescribed by this subsection.

(b) The Commission shall conduct a study of the effect on consumers of the amendment prescribed by subsection (a) and shall report the results of such study two years after the date the standard, as amended in accordance with subsection (a), takes effect. The Commission may not amend the amendment prescribed by subsection (a) before the report is filed under this subsection.

The amendment would allow mowers with only manual starting controls to stop the blade, after release of the handle, by stopping the engine, provided the starting controls are within 24 inches of the top of the mower's handle or the mower has a protective foot shield which extends 360° around the mower housing. These latter conditions are apparently intended to ensure that the operator will not be able to contact the blade with his or her foot while starting the engine. Electric mowers and mowers with power restart mechanisms are not manually started mowers. See § 1205.3(a)(7).

The statute directing these amendments also provides that the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) shall not apply to the promulgation of the amendments. Therefore, the procedures of sections 7 and 9 of the act need be followed and the findings required by these sections need not be made.

In making these amendments, the Commission is merely carrying out the congressional directive and is not making findings concerning the desirability or effectiveness of the directed amendments. For this reason, and as noted in the Conferees' report on the legislation [H.R. Rep. 97–208, 97th Cong., 1st Sess. 888], the scope of public comment on these amendments is limited to whether the Commission accurately implemented the congressional direction to amend the standard or what the best way to accomplish this goal might be.

C. Proposed Amendments

The ways in which the Commission proposes to amend the standard in order to achieve these congressionally-directed changes are explained below.

The basic amendment mandated by Congress is incorporated in the proposed amendment to § 1205.5(a)(1)(iv). Since some mowers have intermediate handle support portions that are higher than the handle gripped by the operator, a definition of "top of the mower's handles" is provided in § 1205.3(a) to clarify that the "handle" is gripped by the operator in normal operation.

Present § 1205.5(c) requires that mowers whose blades begin operation when the power source starts must have their normal starting control within 15 inches of the rearmost portion of the handle. The congressionally-directed amendments will have the effect of eliminating this requirement for manual start/engine-kill mowers which have a 360 degree protective foot shield. These amendments will also change the requirement as it applies to manual start/engine-kill mowers without 360 degree foot shields so that their starting controls need only be within 24 inches of the top of the handle. The only known types of mowers to which the original requirement would still apply will be power restart/engine-kill mowers and electrically powered mowers whose blades begin operation when the power source starts.

The language of the statutory direction to amend the standard to allow manual restart/engine-kill mowers that have a 360 degree protective foot shield around the mower's housing does not specify the features that such a shield should include. However, since the present standard contains requirements that the rear 120 degrees of the mower contain shielding to protect the foot and that this shielding meet stated performance requirements, the Commission believes that Congress intended that mowers using a 360 degree protective foot shield to comply with the standard would use shields around the entire periphery of the mower capable of passing the same performance requirements.

Therefore, if a manufacturer uses the 360 degree foot shield feature to make a complying manual restart/engine-kill mower, the current requirements of § 1205.4 of the standard that are applicable to foot shields would be applicable, including the shield strength requirement of § 1205.4(a)(2) and the requirements of the obstruction test of § 1205.4(a)(3): The foot probe test of § 1205.4(b)(1) would be applied around the entire periphery of the mower.[1] The requirement of § 1205.4(c) concerning movable shields would apply to any movable shield provided with the mower.

The Commission believes that the amendments described above implement the congressional directive to amend the standard and that they give specific guidance on how the features allowed by the amendments could comply with the standard. The Commission specifically solicits comment on whether these amendments might have unintended adverse effects on the utility or cost of mowers subject to the standard. If this were the case, the Commission would consider implementing the required amendments by using only the language of the

[1] This would include probing of any discharge chute accessible while performing the foot probe test around the periphery of the mower. Although the requirement for probing the discharge chute that was originally in the standard was vacated on judicial review (Southland Mower Co. vs. CPSC, 619 F. 2d 499 (5th Cir. 1980), the subsequent statutory requirement for a 360 degree foot shield requires probing of any discharge chute at the periphery of the mower.

statute, as set forth in proposed § 1205.5(a)(1)(iv).

D. Conclusion and Proposal

PART 1205—SAFETY STANDARD FOR WALK BEHIND POWER LAWN MOWERS

Therefore, for the reasons given above, the Commission proposes to amend Subpart A of Part 1205; Subchapter B, Chapter II, of Title 16 of the Code of Federal Regulations as follows:

1. The authority citation for Part 1205 is amended to add the following at the end:

Authority: * * *; Sec. 1212, Pub. L. 97–35, 95 Stat. 724.

§1205.4 [Amended]

2. Section 1205.4(b)(1)(ii)(A) is redesignated as § 1205.4(b)(1)(ii)(A)(*1*).

3. Section 1205.4(b)(1)(ii)(B) is redesigned as § 1205.4(b)(1)(ii)(A)(*2*) and revised to read as follows.[2]

* * * * *

(b)* * *
(i)* * *
(ii)* * *
(A)* * *

(*2*) For a mower with a swing-over handle, the areas to be probed shall be detemined as in paragraph (b)(1)(ii)(A)(*1*) of this section from both possible rear positions. (See Fig. 5.)[3]

* * * * *

4. Section 1205.4(b)(1)(ii) is amended by adding the following new subparagraph (B):

* * * * *

(b) * * *
(i) * * *
(ii) * * *

(B) Where a 360 degree foot protective shield is required by § 1205.5(a)(1)(iv)(B) or § 1205.5(c), the entire periphery of the mower shall be probed (including any discharge chute comprising part of the periphery).

* * * * *

§ 1205.3 [Amended]

5. Section 1205.3(a)(18) is redesignated as § 1205.3(a)(19).

6. Section 1205.3(a) is amended by adding a new subparagraph (18) reading as follows:

(a) * * *

(18) "Top of the mower's handles" means the uppermost portions(s) of the handle that would be gripped by an operator in the normal operating position.

* * * * *

§ 1205.5 [Amended]

7. Section 1205.5(a)(1)(iv) is revised to read as follows:

(a) * * *
(1) * * *

(iv) For a mower with an engine and with only manual starting controls, this blade control shall stop the blade without stopping the engine, unless

(A) The engine starting controls for the lawn mower are located within 24 inches from the top of the mower's handles, or

(B) The mower has a protective foot shield which extends 360 degrees around the mower housing (see § 1205.4(b)(1)(ii)(B)).

* * * * *

8. Section 1205.5(c) is revised to read as follows:

* * * * *

(c) *Starting controls location.* Walk-behind mowers with blades that begin operation when the power source starts shall have their normal starting means located within the operating control zone unless the requirements of paragraph (a)(1)(iv)(A) or paragraphs (a)(1)(iv)(B) of this section apply to the mowers.

Dated: September 3, 1981.

Sadye E. Dunn,

Secretary, Consumer Production Safety Commission.

[FR Doc. 81–26314 Filed 9–8–81; 8:45 am]

BILLING CODE 6355–01–M

[2] Section 1205.4(b)(1)(ii)(B) was inadvertently omitted from the 1981 edition of the CFR. The amendment proposed in this paragraph reflects the proposed redesignation of § 1205.4(b)(1)(ii)(A) and deletes the present reference to the discharge chute, which could be inaccurately interpreted as requiring the probing of a discharge chute outside the two 120 degree sectors to be probed. As to this latter aspect, refer to note 1 and 45 FR 86416; December 31, 1980.

[3] In the 1981 edition of the CFR, the drawings designated at pp. 198–200 as Figs. 3, 4, and 5 are incorrect, since these figures were amended in the Federal Register notice published on December 31, 1980 (45 FR 86416). The correct figures are shown in the 1981 edition of the CFR as the "superceded" figures at pp. 202–203.

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 251

Geological and Geophysical (G&G) Exploration of the Outer Continental Shelf; Duration of Exploration Activities

AGENCY: Geological Survey, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed amendment to 30 CFR 251.6–5 would modify the current regulatory requirement for completion of prelease drilling for deep stratigraphic test wells from 3 months prior to the Proposed Notice of Sale to 60 days prior to the first of the month in which a lease sale is held. This change is necessary to provide permittees additional time to complete the drilling. The effect of this action is to provide greater flexibility to industry while preserving for the Government access to this type of information needed for the presale evaluation process.

DATE: Written comments and recommendations on this proposal to amend 30 CFR 251.6 must be received on or before close of business October 9, 1981.

ADDRESS: Comments and recommendations may be mailed to: Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, (703) 860–7395.

SUPPLEMENTARY INFORMATION: .

Background

The proposed rulemaking is part of a larger effort by the Department of the Interior to review current regulations and amend or rescind those regulatory requirements found to be excessive, burdensome, or counterproductive. Comments are specifically solicited on 30 CFR 251.6. Comments on other regulatory requirements contained in 30 CFR Part 251 are also welcome.

Discussion of Changes

The current regulation requires holders of permits for operation on the Outer Continental Shelf (OCS) to complete all activites associated with deep stratigraphic test wells at least 3 months prior to the first of the month in which a Proposed Notice of Sale appears. This time frame equated to approximately 8 months prior to a lease sale. Industry has complained that requiring completion of activities associated with deep stratigraphic test wells so far in advance of a lease sale creates an unnecessary burden on the planning of an efficient and effective drilling program, particularly in areas that have a limited drilling season. It is proposed that 30 CFR 251.6–5 be amended to allow drilling such test wells up to 60 days prior to a sale. This time frame would allow industry greater flexibility while still providing the Government with the data needed for the presale evaluation process.

Authors

Dan Palubniak, Jane Roberts, Platte Clark, and David Schuenke, Geological Survey, U.S. Department of the Interior (703/860-6461, 7541, 7396 and 7395, respectively).

Environmental Impact, Regulatory Impact Analysis, and Impact on Small Entities

The Department of the Interior has determined that the proposed amendment to 30 CFR Part 251 does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. The Department has also determined that promulgation of the proposed amendment is not a major action and does not require the preparation of a regulatory impact analysis under Executive Order 12291. Finally, the Department has determined that the proposed amendment will not have a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

Dated: July 30, 1981.

Daniel N. Miller,

Assistant Secretary of the Interior.

PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

It is proposed that 30 CFR 251.6-5 be revised to read as follows:

§ 251.6-5 Duration of exploration activities.

If a deep stratigraphic test well is drilled within 50 geographic miles of any tract tentatively selected for a lease sale as listed on the currently approved OCS leasing schedule, all drilling activities must be completed, and the information submitted to the Director at least 60 days prior to the first day of the month in which the lease sale is scheduled to be held. However, the Director may extend the expiration date of a permit if it is determined that such an extension is in the national interest.

[FR Doc. 81-26277 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-31-M

Office of the Surface Mining Reclamation and Enforcement

30 CFR Part 950

Wyoming; Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977 and a Proposed Amendment Thereto

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rules and notice of comment period and hearing.

SUMMARY: On December 24, 1980 and March 26, 1981, the State of Wyoming submitted to OSM adopted amendments to the Administrative Rules of Wyoming. This submission was in response to the Secretary of the Interior's notice of conditional approval published in the **Federal Register** on November 26, 1980 (45-FR 78637), which provided that certain provisions of these Rules must be changed before final approval can be granted to Wyoming's permament regulatory program under the Surface Mining Control and Reclamation Act of 1977. Also on February 27, 1981 and on April 8, 1981 Wyoming submitted to OSM proposed amendments to the Administrative Rules of Wyoming and one previously enacted change to Wyoming statute 35-11-406 as required by 30 CFR 732.17 regarding state program amendments. This notice sets forth the comment period during which interested persons may submit written comments and data on the amendments, and sets forth procedures whereby interested persons may request an opportunity to speak at the public hearing on the amendments.

DATES: Written comments from members of the public must be received by 4:30 p.m. MST on October 9, 1981, to be considered in the Secretary's decision on the satisfaction of the conditions to program approval and the proposed amendment to the program.

A public hearing on the proposed amendments has been scheduled for October 6, 1981, at 10 a.m. Any person interested in making an oral or written presentation at the hearing should contact Mr. Donald A. Crane at the address and telephone number listed below by September 22, 1981. If no person has contacted Mr. Crane by this date to express an interest to participate in this hearing, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register**.

ADDRESSES: Written comments and requests for an opportunity to speak at the public hearing should be sent to: Mr. Donald A. Crane, Regional Director, Office of Surface Mining, Reclamation & Enforcement—Region V, Department of the Interior, 1020 15th Street, Brooks Towers, Denver, Colorado 80202, Telephone (303) 837-5421.

Written comments will be available for public review at the OSM Region V Office above, on Monday through Friday, 8:00 a.m.-4:30 p.m., excluding holidays.

The public hearing will be held at the Emerson Building, Emerson Auditorium, 2011 Capital Avenue, Cheyenne, Wyoming.

Copies of Wyoming's approved program, together with copies of the letter of the Wyoming Department of Environmental Quality which agreed to the conditions in 30 CFR 926.11 along with the amendments submitted to fulfill the conditions are also available at the above address and at the following locations:

Wyoming Department of Environmental Quality, Land Quality Division, Hathaway Building, Cheyenne, Wyoming 82002

Wyoming Department of Environmental Quality, Land Quality Division, Field Office, 30 East Grinnel Street, Sheridan, Wyoming 82801

Wyoming Department of Environmental Quality, Land Quality Division, Field Office, 933 Main Street, Lander, Wyoming 82520

Office of Surface Mining, Interior South Building, Room 53, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-4728

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Gregg, Environmental Protection Specialist, Office of Surface Mining, Reclamation & Enforcement—Region V, Department of Interior, 1020—15th Street, Brooks Towers, Denver, Colorado 80202, Telephone: (303) 837-5966.

SUPPLEMENTARY INFORMATION: On August 15, 1979, the State of Wyoming submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). After opportunity for public comment and thorough review of the initial program submission, the Secretary of the Interior determined that certain parts of the Wyoming program met the minimum requirements of SMCRA and the Federal permanent program regulations and others did not. Accordingly, the Secretary of the Interior approved the Wyoming program in part on February 15, 1980. Notice of that decision and the Secretary's findings were published in the **Federal Register** on March 31, 1980 (45 FR 20930-20982). The State of Wyoming resubmitted its program for approval by the Secretary on May 30, 1980. The resubmitted program included those portions of the initial submission not approved by the Secretary on February 15, 1980. After opportunity for public comment and thorough review of the program resubmission, the Secretary of the Interior determined that the Wyoming program, including the resubmission, did, with minor exceptions, meet the requirements of SMCRA and the Federal permanent

program regulations. Accordingly, the Secretary of the Interior conditionally approved the Wyoming program. This conditional approval terminates as specified in 30 CFR 950.11 unless the deficiencies are corrected in accordance with 30 CFR 950.11.

The deficiencies contained in the Secretary's **Federal Register** Notice of November 26, 1980, and Wyoming's submissions of December 24, 1980 and March 26, 1981 along with three proposed program amendments submitted February 27 and April 8, 1981 are described below.

Condition (a) of the Secretary's conditional Wyoming program approval states that on or before four months after November 26, 1980, Wyoming must assure the Secretary that it is implementing a definition of "complete application" for purposes of W.S. 35–11–406, which is consistent with 30 CFR 770.5.

In response to this condition the State proposes the following new rule in the Wyoming Land Quality Rules and Regulations in Chapter I, Section 2.

"Complete application" means, for purposes of W.S. 35–11–406(n)(i) and to indicate the Administrator's assessment of completeness and suitability for publication under W.S. 35–11–406 (h) and (j), an application for a permit which contains all information required by the Act and the Land Quality Division regulations.

Condition (d) of the State program approval states that Wyoming must require applicants to comply with certain portions of its permit application guidelines in the order for Wyoming's program to be consistent with portions of the Federal Act and Regulations.

In response to this condition Wyoming has amended its regulations in six places to include certain portions of its permit application guidelines into the regulations.

1. Chapter II, Section 1c. Maps submitted with the application shall be, or be the equivalent of, a Geological Survey topographic map and at a scale specified by the Administrator in Part III of Division Guideline No. 6A (December, 1980), but in no event smaller than 1:24,000. All maps shall contain a title relative to the subject matter of the map, a map number, legend, and show the limits of the permit area. For surface coal mining applications, the maps shall distinguish among the following phases of the operation:

(1) Prior to August 3, 1977;

(2) After August 3, 1977 and prior to May 3, 1978;

(3) After May 3, 1978 and prior to approval of the State Program; and

2. Chapter II, Section 2.a.(1)(f)(ii). Topsoil—the operator shall submit a description of the thickness and nature of the topsoil, it any. If the topsoil varies in thickness or character over the proposed permit area, then this shall be described. A detailed soils survey and soil analyses conducted in accordance with standard methods acceptable to the administrator may be required.

3. Chapter II, Section 3.a.(6)(b). Characterization of overburden down to and including the stratum immediately below the lowest coal seam to be mined, test borings or core samples which have been collected and analyzed to show:

(iii) Physical and chemical properties, including texture and acid potential of each stratum within the overburden.

4. Chapter II, Section 3.a.(6)(d)(ii). A description of vegetation types occurring on affected lands expressed as cover, productivity and species diversity. Where control areas are used, the description shall be made in accordance with the methods specified by the administrator in division guideline no. 2 (January, 1981). A map of the location and boundaries of the proposed reference or control areas shall be provided. In addition, a delineation of existing vegetation types within the proposed permit area and reference areas shall be provided.

5. Chapter IV, Section 2.c.(2)(a). If no topsoil is present in the permit area, or in the event that an operator must use subsoil for final cover, the operator shall obtain an adequate number of analyses of the subsoil conducted in accordance with standard methods acceptable to the Administrator to show pH, organic material content, available nitrogen, potassium, and phosphorus and such other elements and soil constitutents as the Administrator shall require, over the entire area of subsoil to be used, in order to determine suitability and fertilizer requirements. If the results of said analyses demonstrate to the satisfaction of the Administrator that revegetation can be accomplished using such subsoil, the Administrator may approve the use of such subsoil as an addition to or substitute for topsoil for reclamation purposes. The Administrator shall require the operator to set up revegetation test plots using subsoil in order to determine the suitability of subsoil for revegetation purposes. Approval for the use of subsoil shall be obtained by the operator from the Administrator prior to any mixing of topsoil and subsoil and prior to beginning any reclamation work. If the operator suspects that this procedure will be necessary prior to obtaining a permit he should describe the problem and his proposed procedure for eliminating this problem in this reclamation plan. If the problem is not discernible until after the permit is issued, an approved revision to the reclamation plan will be required describing the operator's plans for accomplishing the above.

6. Chapter IV, Section 3.p.(1)(a). Properly construct, locate and operate roads and powerlines including proper design or powerlines to avoid electrocution of raptors.

In addition to the above six regulatory changes in response to condition (d), Wyoming was required to modify its Land Quality Division Guideline No. 2, Vegetation, and 6A, Format and General Content Guideline for Permit Applications, Amendments and Revisions for Coal Mining Operations. Full copies of the text of the revised Land Quality Division Guidelines numbers 2 and 6A are available from the Regional Director of OSM at the address previously listed.

Condition (e) of the state program approval states that on or before four months after November 26, 1980, Wyoming must require revegetation productivity measurements in the last two consecutive years of the responsibility period, consistent with 30 CFR 816.116(b)(1)(ii).

In response to this condition the state proposes the following revised rule in the Wyoming Land Quality Rules and Regulations in Chapter IV, Section 2.d.(6).

(6) The administrator shall not release the entire bond of any operator until such time as revegetation is completed if revegetation is the method of reclamation as specified in the operator's approved reclamation plan. Revegetation shall be deemed to be complete when:

(1) The vegetation cover of the affected land is shown to be capable of renewing itself under natural conditions prevailing at the site, and is at least equal to the cover on the area before mining;

(2) The productivity is at least equal to the productivity on the area before mining;

(3) The species diversity and composition are suitable for the approved postmining land use and the revegetation area is capable of withstanding grazing pressure at least comparable to that which the land could have sustained prior to the mining, unless Federal, State or local regulations prohibit grazing on such lands; and

(4) The requirements in (1), (2), and (3) are met for the last 2 consecutive years of the responsibility period.

Condition (f) of the state program approval states that on or before four months after November 26, 1980, Wyoming must require that applicants for a permit demonstrate that all reclamation fees required by 30 CFR Chapter VII, Subchapter R, have been paid.

Wyoming has submitted a copy of the state coal mining permit application to satisfy condition (f). In this permit application number 10(d) requires a sworn statement from the applicant that all reclamation fees required by Title IV of Pub. L. 95–87 have been paid. This statement in the mining permit application will be used by the State to demonstrate that the reclamation fees have been paid before a new permit is issued.

Condition (g) of the Wyoming program approval states that on or before four months after November 26, 1980, Wyoming must demonstrate that its law and practice is in accordance with Section 526(c) of SMCRA with respect to its judicial grant of temporary relief, or if it cannot so demonstrate, then the corresponding state law or regulations must be modified to make them in accordance with Section 526(c).

In response to condition (g), the State of Wyoming submitted an Attorney General's opinion on March 26, 1981 to demonstrate that state law and practice are in accordance with Section 526(c) of SMCRA. The full eleven page text of this opinion is available upon request from the Regional Director at the address and telephone number previously listed.

Program Amendments

In addition to the material submitted by Wyoming to satisfy conditions three program amendments have been submitted to OSM for approval under 30 CFR 732.17.

1. Wyoming has proposed an amendment to the regulations on Special Alternative Standards for existing special Bituminous surface coal mines in Chapter VIII, Section 3.b.(2) and 3.b.(4). The revised regulations are as follows:

b.(2) Spoil piles shall be graded and contoured to blend with the adjacent topography, be consistent with the approved postmining land use, and provide for drainage. Terracing and overall slope design of spoil piles shall be approved by the administrator. The slopes on the spoil pile shall not exceed 17 degrees or if steeper will comply with all applicable reclamation requirements and be consistent with the approved postmining land use.

b.(4) Where permanent water impoundments are proposed as part of the reclamation plan, the water quality and quantity shall be reasonably demonstrated to be adequate for the postmining use. If, upon review of the application, water quality and quantity are not demonstrated to be of sufficient quality or quantity for the post-mining use, the applicant shall be so notified in writing and shall submit further documentation in support of the proposed plan to reasonably satisfy the Administrator. If upon review by the administrator of the further documentation the applicant has not reasonably demonstrated that the water quality or quantity will be sufficient for the post-mining land use, the applicant shall provide a satisfactory alternate plan.

2. The state regulations have been amended to allow letter of credit to be used on reclamation bonds. This was accomplished through a minor revision to Chapter XII, Section 7.b. and by the addition of a new Chapter XXIV on Letters of Credit.

7.b. Upon failure of the operator to make substitution of a corporate surety, cash, governmental securities, or federally insured certificates of deposit, or irrevocable letters of credit, within a reasonable period of time, not to exceed thirty (30) days, the Administrator shall suspend or revoke the license of the operator to conduct operations upon the land described in the permit until such substitution is made.

Section 1. *Conditions on the Letter of Credit.*

a. Letters of Credit as authorized by W.S. 35–11–418, shall be subject to the following conditions:

(1) The letter shall be irrevocable during its term, which shall coincide with the annual bonding period. The Administrator may approve the use of Letters of Credit as security in accordance with a schedule approved with the permit. Any bank issuing a Letter of Credit shall notify the Director in writing at least 90 days prior to the maturity date of such Letter or the expiration of the Letter of Credit agreement. Letter of Credit utilized as security in areas requiring continuous bond coverage shall be forfeited and collected by the Director if not replaced by other suitable evidence of financial responsibility at least 30 days before the expiration date of the Letter of Credit agreement;

(2) The Letter must be payable to the Department in part or in full upon demand and receipt from the Director of a Notice of Forfeiture issued in accordance with W.S. 35–11–421;

(3) The Letter shall not be in excess of 10 percent of the Bank's capital surplus account as shown on a balance sheet certified by a Certified Public Accountant;

(4) The Administrator shall not accept Letters of Credit from a bank for any person, on all permits held by that person, in excess of three times the limitation imposed by W.S. 13–3–402;

(5) The letter of credit shall provide that:

(A) The bank will give prompt notice to the permittee and the Director of any notice received or action filed alleging the insolvency or bankruptcy of the bank, or alleging any violations of regulatory requirements which could result in suspension or revocation of the bank's charter or license to do business;

(B) In the event the bank becomes uinable to fulfill its obligations under the Letter of Credit for any reason, notice shall be given immediately to the permittee and the Director and

(C) Upon the incapacity of a bank by reason of bankruptcy, insolvency, or suspension or revocation of its charter or license, the permittee shall be deemed to be without performance bond coverage in violation of the Act. The Director shall issue a Notice of Violation against any operator who is without bond coverage, specifying a reasonable period to replace bond coverage, not to exceed 90 days. During this period the Director or his designated representative shall conduct weekly inspections to ensure continuing compliance with other permit requirements, the regulations and the Act. Such notice, if abated within the period allowed, shall not be counted as a Notice of Violation for purposes of determining a pattern of violations under W.S. 35–11–409(c), and need not be reported as a past violation in permit applications under Chapter II, Section 3.a.(2)(c). If the notice is not abated in accordance with the schedule, a cessation order shall be issued.

Section 2. *Agent for Service of Process.*

a. The Letter may only be issued by a bank organized to do business in the U.S. which identified by name, address, and telephone number an agent upon whom any process, notice or demand required or permitted by law to be served upon the bank may be served.

(1) If the bank fails to appoint or maintain an agent in this state, or whenever any such agent cannot be reasonably found, then the Director shall be an agent for such bank upon whom any process, notice or demand may be served for the purpose of this chapter. In the event of any such process, the Director shall immediately cause one copy of such process, notice or demand to be forwarded, by registered mail to the bank at its principal place of business. The Director shall keep a record of all processes, notices, or demands served upon him under this paragraph, and shall record therein the time of such service and his action with reference thereto.

(2) Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon the bank in any other manner now or hereafter permitted by law.

(3) On February 27, 1981 Wyoming submitted a program amendment consisting of a change in Wyoming statute 35–11–406 which was previously approved by the State legislature on March 18, 1980. The new portion of the statute is numbered (XX) (A), (B), and (C). This amendment is referred to as the "Operators Window."

35–11–406. *Application for permit; generally; denial; limitations.*

(b) The application shall include a mining plan and reclamation plan dealing with the extent to which the mining operation will disturb, change or deface the lands to be affected, the proposed future use or uses and the plan whereby the operator will reclaim the affected lands to the proposed future use or uses. The mining plan and reclamation plan shall be consistent with the objectives and purposes of this act and of the rules and regulations promulgated. The mining plan and reclamation plan shall include the following:

(xx) For surface coal mining operations, a request for approval of any alternatives which may be propsed to the provisions of the regulations promulgated by the Council. For each alternative provision the applicant shall:

(A) Identify the provision in the regulations promulgated by the Council for which the alternative is requested;

(B) Describe the alternative proposed and provide an explanation including the submission of data, analysis and information in order to demonstrate that the alternative is in accordance with the applicable provisions of the Act and consistent with the regulations promulgated by the Council. In addition, the applicant shall demonstrate that the proposed alternative is necessary because of local requirements or local environmental conditions;

(C) Paragraph (xx) of this section shall not take effect until approved by the Secretary of the Interior as an amendment to a state program approved pursuant to Section 503 of Pub. L. 95–87.

No environmental impact statement is being prepared in connection with the process leading to the approval or disapproval of these amendments. Under Section 702(d) of SMCRA (30 U.S.C. 1292(d)) approval does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1979 (42 U.S.C. 4332).

Dated: August 28, 1981.

J. R. Harris,

Director.

[FR Doc. 81–26216 Filed 9–8–81; 8:45 am]

BILLING CODE 4310–05–M

POSTAL SERVICE

39 CFR Part 111

Second-Class Eligibility Information; Retention Period

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Publishers mailing at second-class postage rates must maintain information necessary to confirm the eligibility of their publication for entry at those rates. The proposed rule would amend Section 447 of the Domestic Mail Manual to provide that such information need not be kept beyond three years from the mailing date of the publication.

DATE: Comments must be received on or before October 7, 1981.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza, West, SW, Washington, DC 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Office of Mail Classification, Room 8316, 475 L'Enfant Plaza, West, SW, Washington, DC 20260.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Coleman at 202/245–4512.

SUPPLEMENTARY INFORMATION: Section 447 of the Domestic Mail Manual sets forth the specific information which publishers must maintain in order to substantiate eligibility for entry of a publication at any of the second-class rates of postage.

Under 39 U.S.C. 3685(b), information concerning qualification for periodical publication mailing privileges must be available on a continuing basis. At the present time, the Domestic Mail Manual does not provide a time limit for the retention of information. The proposed rule would insert a provision that the required information need not be kept beyond three years from the mailing date of each issue of a publication. This three year period was selected to insure that Postal Service revenues are protected and to allow publishers to dispose of unnecessary records. Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

Part 447—Maintenance and Verification of Publisher Records

In part 447, revise 447.2 to read as follows:

447.2 Information requirements.

.21 Types of Records. Records must be available from which the Postal Service can determine:

a. The number of copies printed;

b. The manner of distribution and disposition of all copies;

c. The accuracy of the zone distribution shown on the mailing statement; and

d. The existence, for a publication authorized to carry general advertising, of a list of legitimate subscribers who have paid more than a nominal subscription price.

.22 Retention Requirement. The publisher must maintain records pertaining to each issue of a publication for three years from the first mailing date of the publication.

An appropriate amendment to 39 CFR 111.3 to reflect this change will be published if the proposal is adopted. (39 U.S.C. 401(2), 3685(c))

W. A. Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81–26289 Filed 9–8–81; 8:45 am]

BILLING CODE 7710–12–M

FEDERAL MARITIME COMMISSION

46 CFR Part 538

[General Order 19, Rev.; Docket No. 81-54]

Dual-Rate Contract Systems in the Foreign Commerce of the United States; Amendment To Allow a Third Rebuttable Presumption Under Article 6, Clause (d) of the Uniform Merchant's Contract

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: The proposed rule will allow a dual-rate contract system to include a rebuttable presumption that the merchant paying the freight charges on a given shipment has the legal right to select the ocean carrier on which the freight is carried. In certain trades in the foreign commerce of the United States, conferences or rate agreement groups have experienced problems in the

administration of the contract system. The rule should benefit those conferences or rate agreement groups which believe that the employment of an additional rebuttable presumption will assist their monitoring of the contract system.

DATE: Comments due on or before November 9, 1981.

ADDRESSES: Comments (original and 15 copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Robert G. Drew, Director, Bureau of Agreements, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5787.

SUPPLEMENTARY INFORMATION: Article 6 of the Uniform Merchant's Contract, 46 CFR 538.10, deals with the merchant's obligation to ship with ocean conference carriers and its legal right to select the ocean carrier. Clause (d) of Article 6 presently provides for two rebuttable presumptions that the merchant shall be deemed *prima facie* to have the legal right at the time of shipment to select the carrier whenever: (1) The merchant has arranged or participated in the arrangements for ocean shipment or selected or participated in the selection of the ocean carrier; or (2) the merchant's name appears on the bill of lading or export declaration as shipper or cosignee. Inclusion of these presumptions in the contract is optional.

In order to permit carriers and conferences to more effectively administer their dual rate systems, the Commission is proposing to modify the basic Merchant's Contract to allow the third rebuttable presumption that the merchant paying the freight charges has the legal right to select the carrier. The language of the presumption would be broad enough to include situations in which the merchant's agent, e.g., a freight forwarder employed by the merchant, paid the ocean freight.

In accordance with 5 U.S.C. 603, the Commission has examined the impact that the proposed rule might have on small businesses, organizations and/or governmental jurisdictions, i.e., small entities as described in section 601 of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164.

In this rulemaking the Commission does not propose the imposition of any reporting or record-keeping requirements which might result in a significant compliance or reporting burden on small entities. There is also no current reporting or record-keeping burden imposed by the Commission on small entities as a result of the optional use by conferences or other ratemaking groups of contract language which raises a rebuttable presumption.

The proposed rule will serve to delineate more clearly the rights and obligations of shippers and carriers who have voluntarily agreed to be bound by the terms and conditions of dual rate contracts. In return for their patronage, shippers, some of whom are operating as small businesses, enjoy reduced rates under these contracts. Occasionally, shippers attempt to circumvent their obligations under the contract. Proof of contract circumvention is not easily substantiated by carriers, but it can be readily refuted by shippers.

The proposed rule will place the burden of proof on the question of possible contract circumvention with the party most able to solve the dispute. It provides for a reasonable measure of contract enforcement which may create a limited burden for some small businesses but is not expected to be a significant economic burden and will not substantially impact on small businesses within the meaning of the Regulatory Flexibility Act.

PART 538—DUAL-RATE CONTRACT SYSTEMS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Therefore it is ordered, that, pursuant to 5 U.S.C. 553 and Sections 14b and 43 of the Shipping Act, 1916 (46 U.S.C. 813a and 841(a)), the Commission proposes to amend 46 CFR 538.10, Article (6), by adding a new clause (d)(3) and by revising footnote 4. As so modified, Article 6(d) and footnote 4 would read as follows: (proposed new language enclosed in arrows)

§ 538.10 [Amended]

* * * * *

(d)[4] For the purposes of this Article, the Merchant shall be deemed prima facie to have the legal right at the time of shipment to select the carrier for any shipment: (1) With respect to which the Merchant arranged or participated in the arrangements for ocean shipment or selected or participated in the selection of the ocean carrier; (2) with respect to which the Merchant's name appears on the bill of lading or export declaration as shipper or consignee; or►(3) with respect to which the Merchant pays the freight charges to the carrier.◄

* * * * *

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81–26313 Filed 9–8–81; 8:45 am]

BILLING CODE 6730–01–M

[4] Clause (d) of Article 6 is optional and►any or all of the three presumptions◄may be used by those conferences and carriers which desire provisions raising rebuttable presumptions.

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 417]

Costing Methodologies for the Northeast Corridor; Commuter Service

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Section 1163(a)(1) of the Northeast Rail Service Act of 1981 (the Rail Act) states that within 120 days after the effective date of this Act (August 13, 1981) the Commission shall determine an appropriate costing methodology to compensate Amtrak for the use of its trackage in the Northeast Corridor and other areas by commuter rail passenger service. This advance notice seeks comments from interested persons on appropriate methodologies for determining the costs that should be borne by commuter services for the use of Amtrak's properties.

COMMENT DATE: Comments are due October 9, 1981.

ADDRESS: An original and 15 copies of the comments should be submitted to: Section of Rail Services Planning, Room 5355, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: James Wells, (202) 275–0640, or Elaine Kaiser, (202) 275–0907.

SUPPLEMENTARY INFORMATION: The Northeast Rail Service Act of 1981 (Rail Act) was included as Subtitle E of Title XI of the Omnibus Budget Reconciliation Act of 1981. Section 1163(a)(1) of the Rail Act states that within 120 days from the date of enactment the Commission shall determine an appropriate costing methodology for compensating Amtrak for the right-of-way related costs associated with the operation of commuter rail passenger service over the Northeast Corridor (NEC) and other properties owned by Amtrak.

There has been a continuous dispute between Amtrak and the commuter services with regard to those costs the commuter services should pay to Amtrak for the use of its properties. The allocation of costs between Amtrak and commuter services, and in some instances freight services as in the case of the NEC, has always been an issue where the various services operate over the same tracks. Although the Commission has always had jurisdiction to decide this dispute, none of the parties have approached the

Commission for a final settlement. In order to resolve this issue, Congress has given the Commission authority under Section 1163(a)(1) to determine the formula by which a final determination can be made.

We remind the parties that this rulemaking specifically addresses the cost liability of commuter services. Conrail's cost liability for its operation of freight service on the NEC is addressed by the Commission pursuant to Section 1163(a)(2) in a campanion proceeding (Ex Parte No. 417 (Sub-No. 1)).

We note that the parties are free to agree to their own cost methodology both prior to and after the date the Commission makes its final determination. In the absence of an agreement, the Commission's cost methodology will apply. However, the Commission's determination can not apply retroactively. Under Section 1163(b), the Commission's cost methodology cannot be used to alter any compensation paid to Amtrak under agreements entered into prior to the date of the Commission's determination.

Section 1163(a)(1) provides the Commission with some general guidance for determining an appropriate cost methodology. This section requires that the Commission consider "all relevant factors" as well as the statutory standards contained in certain sections of prior rail acts. These sections and the applicable standards included in each are highlighted below.

(1) Sections 205(d) and 304(c) of the Regional Rail Reorganization Act of 1973 (3R Act).

Under Section 205(d) the Rail Services Planning Office was directed to develop standards for the computation of commuter service subsidies that avoided cross subsidization among commuter, intercity and freight rail service. This section also required that these standards be consistent with the compensation principles described in the Final System Plan. These standards are codified at 49 CFR Part 1127.

Section 304(c) generally addresses the type of payment and conditions that must be met by a potential subsidizer for the continuation of rail service. With respect to rail passenger service, this section specifies that if both passenger service and freight service are being subsidized on the same rail property the owner is only entitled to one payment for the return on the value of the properties.

(2) Section 701(a)(6) of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act).

Section 701(a)(6) falls under Title VII of the 4R Act which addressed the implementation of the Northeast Corridor Project. This section specifically authorizes Amtrak to enter into agreements with other railroads, carriers, or commuter agencies for the use of its property for commuter and freight service. This section further states that these agreements must be based on terms and conditions that will result in "reimbursement for costs on an equitable and fair basis". This section also prohibits cross subsidization among intercity, commuter or rail freight services.

(3) Section 402(a) of the Rail Passenger Service Act (Amtrak Act).

Section 402(a) addresses in part Amtrak's authorization to enter into agreements with other railroads and with state, local or regional transportation agencies responsible for providing commuter or rail freight services over its property. For purposes of this proceeding, the pertinent portion of this section pertains to the level of compensation the Commission must set if called upon to settle a dispute between the parties. More specifically, the Commission is required to determine a level of compensation that (1) is consistent with the equitable and fair compensation principles; (2) considers all relevant factors; and (3) avoids cross subsidization among intercity, commuter and rail freight services.

We note that the above statutory standards involve certain common principles—the prohibition of cross subsidization among the various services, the application of equitable and fair compensation principles, and the consideration of all relevant factors. Accordingly, parties should carefully consider these standards in developing proposed methodologies.

A copy of this notice will be served on Amtrak and the governors of the states served by it. We specifically invite interested persons to submit appropriate methodologies for determining the cost liability of commuter services for the use of Amtrak's properties. Any proposals that are submitted should include the following:

A detailed description of the proposed methodology;

A statement explaining how the proposed methodology complies with the statutory standards in Sections 205(d) and 304(c) of the 3R Act, 701(a)(6) of the 4R Act, and section 402(a) of the Amtrak Act;

An explanation of how costs are to be allocated in those situations where freight service is also provided; and

A discussion of the advantages and disadvantages of the proposed methodology.

It does not appear that this proceeding will significantly affect the quality of the human environment or the conservation of energy resources, or adversely affect the interest of small businesses or organizations.

(Pub. L. 97-35, section 1163(a)(1))

Dated: August 28, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26286 Filed 9-8-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Ch. X

[Ex Parte No. 417 (Sub-1)]

Costing Methodologies for the Northeast Corridor; Conrail Freight Service

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Section 1163(a)(2) of the Northeast Rail Service Act of 1981 (the Rail Act) states that within 120 days after the effective date of this Act (August 13, 1981) the Commission shall develop a fair and equitable costing methodology for determining the right-of-way related costs Conrail should pay to Amtrak for the use of the Northeast Corridor. The purpose of this advance notice is to obtain comments from interested persons on appropriate methodologies for making this determination.

DATE: Comments are due October 9, 1981.

ADDRESS: An original and 15 copies of the comments should be submitted to: Section of Rail Services Planning, Room 5355, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: James Wells, (202) 275-0840, or Elaine Kaiser, (202) 275-0907.

SUPPLEMENTARY INFORMATION: The Northeast Rail Service Act of 1981 (the Rail Act) was included as Subtitle E of Title XI of the Omnibus Budget Reconciliation Act of 1981. Section 1163(a)(2) of the Rail Act requires the Commission to develop, within 120 days of the effective date of the Rail Act, a fair and equitable costing methodology for determining Conrail's cost liability to Amtrak for the right-of-way related expenses incurred because of Conrail's freight operations on the Northeast Corridor (NEC).

There has been a continuous dispute between Conrail and Amtrak regarding the costs that Conrail should pay to Amtrak for its freight service over the NEC. It is our understanding that Conrail has complained in the past that the charges they are paying to Amtrak far exceed what they pay to or receive from other railroads under current trackage rights agreements. Apparently, Amtrak's contention has been that due to the high speed requirements of their track, Conrail's freight operations cause a higher than usual amount of maintenance than that which would be associated with track that need only operate at 30 or 40 miles per hour.

To resolve this ongoing dispute, Congress has directed the Commission to develop a costing methodology for Conrail and Amtrak to use in the event they cannot reach an agreement by the time the Commission issues its methodology. Congress has provided the Commission with some general guidance for developing this methodology. Section 1163(a)(2) specifically directs the Commission to "take into consideration the industry wide average compensation for freight trackage rights and any additional costs associated with high speed service provided over the Northeast Corridor."

A copy of this notice shall be served on Conrail and Amtrak. We request their comments and welcome comments from other interested persons. Also, we specifically request that any parties submitting methodologies include the following:

A detailed description of the proposed methodology;

A statement explaining how the proposed methodology takes into consideration the industry wide average compensation for freight trackage rights and any additional costs associated with high speed service over the NEC;

An explanation of how the costs associated with commuter service are accounted for; and

A discussion of the advantages and disadvantages of the proposed methodology.

It does not appear that this proceeding will significantly affect the quality of the human environment or the conservation of energy resources, nor will it adversely affect the interest of small businesses or organizations.

(Pub. L. 97–35, section 1163(a)(2))

Dated: August 28, 1981.

By the Commission, Chairman Taylor. Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26267 Filed 9–8–81; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 46, No. 174
Wednesday, September 9, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Freedom of Information Act; Assessment of Fees and Fee Waivers

AGENCY: Administrative Conference of the United States, Committee on Public Access and Information.

ACTION: Notice of meeting; request for comments.

SUMMARY: The Administrative Conference's Committee on Public Access and Information is examining the Freedom of Information Act's fee structure, with a view to submitting proposed recommendations on this subject to the Plenary Session of the Administrative Conference in December of 1981. The Committee will meet September 24, 1981, to begin consideration of two separate sets of recommendations prepared by consultants to the Conference. The consultants' recommendations, together with questions they raise, are set forth in this notice for public comment. In addition, the meeting is open to members of the public.

DATE, TIME; PLACE OF MEETING: September 24, 1981, 9:30 a.m.; Library of the Conference at 2120 L Street, N.W., Suite 500, Washington, D.C. The meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least one day in advance of the meeting. Minutes of the meeting will be available on request.

COMMENT DEADLINE: October 9, 1981.

FOR FURTHER INFORMATION CONTACT: Michael W. Bowers, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037; telephone: (202) 254–7065.

SUPPLEMENTARY INFORMATION: The Committee on Public Access and Information met February 27, 1981, to discuss a report submitted by Professor John Bonine, University of Oregon School of Law, which covered issues related to agency decisions on requests for waiver of fees under the Freedom of Information Act, 5 U.S.C. 552. (The report was subsequently published at 1981 Duke Law Journal 213.) The Committee decided not to develop recommendations on the fee waiver subject apart from consideration of other issues related to the FOIA fee structure. A draft report addressing these other issues was recently submitted to the Conference by Professor Russell B. Stevenson, Jr., George Washington University, National Law Center. Though Professor Stevenson's report is in draft form, the Committee is publishing the recommendations in both the Bonine and Stevenson reports at this time to give the public as much time as possible to submit data and views relevant to the issues the Committee will be considering.

The deadline established for public comment is later than the meeting date because the Committee's deliberations will be on-going and are not likely to conclude before late October. Comments received after the deadline will be considered to the extent feasible. All comments will be placed in a file available for public inspection during normal business hours (9:00 a.m. to 5:30 p.m. Monday through Friday, excluding federal holidays) at the Office of the Chairman of the Administrative Conference, 2120 L Street, N.W., Suite 500, Washington, D.C. Copies of the consultant's reports can be obtained by calling the contact person.

I. Stevenson recommendations on Freedom of Information Act Fees

Professor Stevenson has made the following recommendations with respect to assessment and collection of fees under the Freedom of Information Act, 5 U.S.C. 552:

a. Congress should amend the Freedom of Information Act to permit agencies to collect fees that reflect the costs of (1) reviewing records to determine whether an exemption applies and should be asserted, (2) deleting exempt information from records to be disclosed, and (3) monitoring the review of records on the agencies' premises by requesters, in addition to the costs now recoverable under the Act.

b. Congress should amend the Freedom of Information Act to permit agencies to retain fees they collect in a fund dedicated to FOIA compliance.

c. Congress should amend the Freedom of Information Act to permit units within agencies to establish separate fee schedules where those units maintain separate FOIA operations and their cost are readily separable from other units of the agency.

d. The Office of Management and Budget, in collaboration with the Department of Justice, the General Services Administration, and representatives of several agencies with substantial experience in FOIA compliance should promulgate guidlelines, to be applicable government-wide, governing the establishment of fee schedules. These guidelines should have the force of law and should be based on the following principles:

(1) Within the limits of administrative feasibility, fees should be designed to approximate as closely as possible the average unit costs of locating, reviewing and copying requested records. In computing these average costs, expenses incurred in complying with requests for which fees are waived should not be included.

(2) The units on which fees are based should consist of personnel time, pages copied, and such units for special services as computer searches or microfilm reproduction as best reflect the actual costs to the government of those services.

(3) To the extent possible, the fee schedule should be designed to facilitate the most efficient use of agency personnel resulting in the lowest possible charges.

(4) Other things being equal, the guidelines should reflect that uniformity among agencies is desirable.

(5) There should be an upper limit on fees for duplication approximating the prices charged by commercial copying services.

e. The Office of Management and Budget, in collaboration with the Department of Justice and several agencies having extensive experience in FOIA compliance should promulgate uniform guidelines for assessing and collecting fees. These guidelines should be in the form of regulations having the

effect of law. They should reflect the following principles:

(1) Agencies should conduct their search and coping operations in such a manner as to minimize the resulting fees.

(2) Agencies should contract out such portions of their FOIA operations as can be performed by private contractors at less cost than if performed by the agency. In such cases, the contractor should be permitted to collect fees directly from requesters. The contracts should contain provisions to insure that requests are processed at the least cost possible.

(3) When an agency has accrued fees of a determined amount without finding any disclosable records, the agency should notify the requester and inquire whether the search should be continued.

(4) Agencies should not delay commencing a search while waiting assurance from a requester that the fees incurred in the search will be paid. Where there is doubt that a requester will be willing to pay a substantial fee, the agency should contact the requester by telephone to inquire whether the search should be continued.

(5) Agencies should be permitted to require advance payment of a specified portion of a good faith estimate of fees expected to exceed a specified amount and should be permitted to suspend a search if such payment is not made within a reasonable time.

(6) Agencies should provide an administrative appeal mechanism through which a requester may challenge the amount of the fee.

II. Bonine recommendations on FOIA fee waivers

Professor Bonine has made the following recommendations for implementing the Freedom of Information Act's fee waiver provision (5 U.S.C. 552(a)(4)(A)):

(1) Individual agencies should amend their FOIA regulations to provide that:

(a) Nonprofit groups, journalists, scholars, authors, other noncommercial researchers, and indigents ("eligible requesters") should always be given documents free of charge up to 2500 pages and 8 hours search time. The level for other requesters is 250 pages and one hour search time.

(b) Elibible requesters should also normally be given documents which they desire in excess of 2500 pages unless the agency determines that the purpose for which a requester is seeking documents is commercial, financial, or clearly frivolous.

(c) Eligibility should be considered established without a specific request if the agency can determine such status from the FOIA request filed.

(d) Any requester whose proposed use of documents in a specific request can be determined "primarily" (not necessarily entirely) to benefit the general public shall also be considered an "eligible requester."

(e) Any question of eligibility should be resolved by telephone if possible and in the requester's favor when uncertainty remains.

(f) If any agency employee decides to deny a request for fee waiver for any amount of documents based on the lack of eligibility of a requester or, for documents in excess of 2500 pages, based on the requester's commercial, financial, or clearly frivolous purposes, a written decision should be issued containing the specific reasons for denying the fee waiver. Such reasons (either lack of eligibility or commercial, financial, or clearly frivolous purposes) should not consist merely of conclusory statements referring to the statutory criteria, the eligibility criteria, the commercial, financial, or frivolous purposes, or other factors. The specific reasoning must be explained and each argument raised in writing by a requester should be considered and answered. Each such denial decision should also provide the requester with a copy of the agency's regulations and inform him or her of the provision for appeal.

(g) Agencies should clearly provide for fee waiver appeals and keep copies of appeal decisions available for the reference of agency employees and the public; appeal decisions should be indexed for convenient use. The regulations should also tell the public of the location of these files and copies of the files should be provided to any fee waiver requester free of charge upon demand.

(2) Procedural steps could be imposed on voluminous requests (those portions of requests over 5000 pages) if the agency is convinced that the request lacks specificity which the procedural steps can rectify. Requesters may be required to list specific documents for that portion of a request exceeding 5000 pages, rather than obtaining a waiver under a categorical request which simply asks for "all documents" in a certain category. Such a requirement should only be imposed if the agency makes the category of documents available to the requester for inspection at a federal office of the requester's choice or pays transportation expenses for the requester to view the documents where they are normally located.

(3) Individual agency regulations should not include any of the following, and should explicitly tell agency employees not to adopt them in their decisions:

(a) A balancing test involving the costs to the agency.

(b) A requirement that inspection of documents be substituted for a waiver of copying fees.

(c) A requirement for detailed written statements from eligible requesters.

(d) A provision for reduction, rather than waiver, of fees for eligible requesters.

(4) The Department of Justice should adopt regulations setting forth the concepts in recommendations 1, 2, and 3 as guidelines and should refuse to defend agencies which fail to adopt binding provisions in their own regulations.

(5) The President should consider issuing an executive order requiring all Federal Departments and agencies to comply with the provisions in recommendations 1, 2, and 3.

III. Questions for comment

Persons submitting comments may wish to addres the following questions raised by the consultants' recommendations:

(1) What policies or factors should the Committee consider in deciding whether agencies should be permitted to collect fees that reflect the costs of (1) reviewing records to determine if an exemption applies, (2) deleting exempt information, and (3) monitoring review of records on agency premises, in addition to the search and copying costs now recoverable under the Act?

(2) What guidelines and review process would be needed to insure that the costs for review, deletion and monitoring are reasonable? Are the guidelines for assessing fees proposed by Professor Stevenson adequate for that purpose?

(3) Should individuals or entities that request records for a private, noncommercial purpose be charged a different rate than commercial requesters seeking agency records for a private purpose?

(4) What policies or factors should the Committee consider in deciding whether agencies should be allowed to retain fees they collect in a fund dedicated to FOIA compliance?

(5) What policies or factors should the Committee consider in deciding whether the statutory time limit on agency compliance should be suspended pending agreement between the requester and the agency on payment of fees? Should an agency be required to commence or continue a records search

if the requester does not agree to pay fees of a specified amount?

(6) Should agencies be allowed to require advance payment of a portion of the estimated fees to be charged on completion of agency action on a request? What limits should be placed on such authority?

(7) In deciding requests for fee waivers, how much weight should agencies give to the following factors: (1) the identity or background of the requester, (2) the purpose for which the records are requested, (3) the content of the records, and (4) the cost to the agency of complying with the request?

Note.—Professor Bonine and the Department of Justice have presented disparate views on the appropriate answer to this question under current law. *See* Memorandum, Office of Information Law and Policy (DOJ) to All Federal Departments and Agencies, Interim Fee Waiver Policy (Dec. 18, 1981).

(8) How much and what type of documentation should agencies require of requesters before deciding fee waiver requests? Would it be desirable to increase the level of agency inquiry, or required documentation, in proportion to the burden or cost of agency compliance with the request? What specific means could be used to effectuate such a scheme?

(9) Would it be desirable to require agencies to automatically grant requests for waiver from certain persons up to a specified number of pages, hours of search time, or hours of review time? If so, which of the following categories of requesters should be entitled to automatic waiver: journalists, nonprofit groups; scholars; indigents; noncommercial researchers; others? How should the automatic waiver level be set (statute, government-wide regulation, individual agency rule)? Should any limit be placed on the number of automatic waivers a person could receive in a specified time?

Richard K. Berg,

General Counsel.

September 1, 1981.

[FR Doc. 81-26201 Filed 9-8-81; 8:45 am]

BILLING CODE 6710-01-M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Peyton Creek Watershed, Kansas; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. John W. Tippie, State Conservationist, Soil Conservation Service, 760 South Broadway, P.O. Box 600, Salina, Kansas 67401, telephone 913-825-9535.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Peyton Creek Watershed, Chase County, Kansas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. John W. Tippie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Project purposes are flood control and watershed protection to be implemented under the authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83-566, 83rd Congress, 68 Stat. 666), as amended. Project works include three floodwater retarding dams and accelerated technical assistance for land treatment.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. John W. Tippie. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 9, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-26285 Filed 9-8-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Monell Chemical Senses Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article puruant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00110. Applicant: Monell Chemical Senses Center, 3500 Market Street, Philadelphia, PA 19104. ARTICLE: Droplet Counter-current Chromatograph. Manufacturer: Tokyo Rikakikai Ltd., Japan. Intended use of article: See Notice on page 19843 in the **Federal Register** of April 1, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides droplet counter-current chromatographic separation without solid support. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other intrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26221 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00200. Applicant: National Bureau of Standards, Route 270 and Quince Orchard Road, Gaithersburg, Maryland 20760. Article: Picosecond Camera System, Imacon 500. Manufacturer: Hadland Photonics Ltd., United Kingdom. Intended use of Article: See Notice on page 31464 in the **Federal Register** of June 16, 1981.

Comments; No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides two pico-second resolution and an 80 megahertz repetition rate. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knowns of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26229 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

National Institute of Neurologic and Communicative Disorders and Stroke; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00159. Applicant: National Institute of Neurologic and Communicative Disorders and Stroke, 9000 Rockville Pike, Building 10, Room 4N248, Bethesda, MD 20205. Article: Tachophor with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: See Notice on page 22631 in the **Federal Register** of April 20, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides counter flow isotachophoresis. The National Bureau of Standards advises in its memorandum dated August 19, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26233 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

New England Deaconess Hospital; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00080. Applicant: New England Deaconess Hospital, 194 Pilgrim Road, Boston, MA 02215. Article: Dialetric & Induction Heating Equipment-LeVeene Thermotherapy. Manufacturer: Industrial Development Group, United Kingdom. Intended use of article: See Notice on page 18569 in the **Federal Register** of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article safely provides high speed switching of radiofrequency power to match the cooling rate curve of normal tissue. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the characteristics of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26220 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

New York State Department of Health; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce

Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00203. Applicant: New York State Department of Health, Empire State Plaza, Albany, New York 12201. Article: Mark II Microelectrophoresis Apparatus. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: See Notice on page 31466 in the Federal Register of June 16, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides accurate temperature control up to about 80° centigrade, laser illumination by a 3 milliwatt He:Ne continuous laser, and particle size detection down to 0.09 micron. The Department of Health and Human Services advises in its memorandum dated August 6, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26228 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

Pennsylvania Hospital; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00153. Applicant: Pennsylvania Hospital, 8th and Spruce Streets, Philadelphia, PA 19107. Article: Madds Microdialysis Machine with Accessories. Manufacturer: Institute of Medical Bio-chemistry, University of Aarhus, Denmark. Intended use of article: See Notice on page 23093 in the Federal Register of April 23, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article handles 20-25 microliter samples. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26231 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

Rutgers, the State University of New Jersey; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00101. Applicant: Rutgers, the State University of New Jersey, New Brunswick, New Jersey 08903. Article: Heat Sterilizer. Manufacturer: Herman Stock, West Germany. Intended use of article: See Notice on page 19842 in the Federal Register of April 1, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has 16 thermocouple locations and processes with steam, water, air or mixtures at temperatures to 320° F and pressures to 85.2 pounds per square inch (psi). The most closely comparable domestic article is the Model 500W manufactured by FMC Corporation, Santa Clara, California 94052. The Model 500W has six rotating thermocouple locations and processes to a maximum operating pressure of 45 psi (temperature about 290° F). The Department of Health and Humnan Services advises in its memorandum dated July 9, 1981 that both the number of thermocouple locations and the process capability of the foreign article are pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model 500W is not of equivalent scientific value to the foreign article for such purposes as the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26219 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Alabama; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00223. Applicant: University of Alabama, 1919 7th Avenue South, Birmingham, Alabama 35294. Article: Photomicroscope III. Manfacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 35326 in the **Federal Register** of July 8, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides simultaneous differential contact Microscopy and fluorescence quantitated photometrically. The Department of Health and Human Services advises in its memorandum dated August 6, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other intrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26225 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00220. Applicant: University of California, San Diego, Receiving Department, 3175 Miramar Road, Bldg. 509, La Jolla, CA 92093. Article: Surface Balance. Manufacturer: Mayer Feintechnik, West Germany. Intended use of article: See notice on page 31465 in the **Federal Register** of June 16, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article can compress and transport a monolayer on a water surface and bring it in contact with subphases of a different composition. The Department of Health and Human Services advises in its memorandum dated August 6, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other intrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26226 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00154. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012-P.O. 2093601, Livermore, CA 94550. Article: Phase-Separated Laser Optical Glass, Type ARG-2. Manufacturer: Hoya Corporation, Japan. Intended use of article: See Notice on page 23093 in the **Federal Register** of April 23, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article can be chemically treated after optical finishing to provide the capability to suppress unwanted reflections. The National Bureau of Standards advises in its memorandum dated August 6, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26232 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Houston; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00106. Applicant: University of Houston, Downtown College, #1 Main Street, Houston, Texas 77002. Article: Gravitational Torsion Balance. Manufacturer: Leybold-Heraeus, West Germany. Intended use of article: See Notice on page 19842 in the **Federal Register** of April 1, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for

such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article measures forces as small as 10^{-6} millinewtons between two objects. The National Bureau of Standards advises in its memorandum dated August 12, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26222 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Maryland; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00171. Applicant: University of Maryland, School of Medicine, Department of Biological Chemistry, 660 W. Redwood Street, Baltimore, MD 21201. Article: Nanosecond Fluorometer System. Manufacturer: Photochemical Research Associates, Canada. Intended use of article: See Notice on page 24222 in the **Federal Register** of April 30, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a thyrotron triggered (rather than a free running) light source with intensity adjustable for the counting rates required by the single photon counting method. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other intrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26223 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Health Science Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00219. Applicant: University of Texas Health Science Center, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Oxford Mark II Transducer and Perfusion Units. Manufacturer: Clinical Research Center, United Kingdom. Intended use of article: See Notice on page 31464 in the **Federal Register** of June 16, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article combines small size, battery operation for use in ambulatory animals (rats) and perfusion pump delivery of 2 milliters/hour. The Department of Health and Human Services advises in its memorandum dated August 6, 1981 that (1) the characteristics of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientifc value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26227 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Utah; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00178. Applicant: University of Utah, Purchasing Department, 151 Annex Building, Salt Lake City, Utah 84112. Article: Rheovibron Viscoelastometer, Model DDV-II-C and Accessories. Manufacturer: Toyo Baldwin Co., Ltd., Japan. Intended use of article: See Notice on page 27745 in the **Federal Register** of May 21, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a damping range of 0.001-1.7 tan delta with a resolution of 10^{-3} and can measure thin solid samples. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capabilities of the foreign article

described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientifc value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26230 Filed 9-8-81: 8:45 am]

BILLING CODE 3510-25-M

Vanderbilt University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00188. Applicant: Vanderbilt University, Department of Electrical Eng., P.O. 1631B, Nashville, TN 37235. Article: Visual Display Generator. Manufacturer: Joyce Electronics, United Kindom. Intended use of Article: See Notice on page 28205 in the **Federal Register** of May 26, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides rotation of the pattern zero to 360 degrees, a 1000 candles/square screen illuminance meter, and a 100 hertz frame rate. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26224 Filed 9-8-81: 8:45 am]

BILLING CODE 3510-25-M

St. Mary's Hospital; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00182. Applicant: St. Mary's Hospital, 101 Memorial Drive, Kansas City, MO 64108. Article: Automated Ultrasonic Body Imager. Manufacturer: Ausonics, Ltd., Australia. Intended use of article: See Notice on page 27745 in the **Federal Register** of May 21, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides precise automated imaging, compound scanning with its eight transducers and a wide field of view (up to body size). The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26302 Filed 9-8-81: 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration/ Department of Commerce.

ACTION: Notice of Agency decision to close our files pertaining to certain claims filed under Title IV, Outer Continental Shelf Lands Act Amendments of 1978, as amended (Title IV).

SUMMARY: Notice is given that the Agency has closed out the files with regard to the following claims brought under Title IV, and will take no further action in their regards because the claimants have failed to respond in timely fashion to notices of deficiencies in the claims as filed.

Claim Numbers and Dates of Filing

FCF-30-79—March 28, 1979
FCF-51-79—June 4, 1979
FCF-71-79—August 13, 1979
FCF-80-79—September 7, 1979
FCF-82-79—August 10, 1979
FCF-83-79—October 1, 1979

ADDRESS: NOAA Office of General Counsel (GCEL), Room 275, Page 1 Building, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan at the above address (telephone: 202-254-8350).

SUPPLEMENTARY INFORMATION: Title IV (43 U.S.C. 1841) established the Fishermen's Contingency Fund from which the Secretary of Commerce is authorized to compensate commercial fishermen for damage to, or loss of, fishing gear and for any resulting economic loss due to activities related to oil and gas exploration, development, and production on the Outer Continental Shelf.

In pertinent parts, the regulations implementing Title IV (50 CFR 296) declares as follows. A claim brought under Title IV must contain certain specified information (50 CFR 296.7(e)). The Chief, Financial Services Division,

National Marine Fisheries Service (Chief, FSD), is authorized initially to decide whether a claim contains this information, or so much of it as is thought necessary to process the claim (50 CFR 296.7(e), 296.8(b)(1)). If the Chief, FSD, finds that the claim is incomplete, the claimant must be notified in writing of any deficiencies (50 CFR 296.8(b)(3)(i)). Thereafter, a claimant has 60 days in which to correct the deficiency. If the claimant does not so do within 60 days, the claim is not eligible for compensation unless the Chief, FSD, extends the 60-day period (50 CFR 296.8(b)(3)(ii)). The General Counsel is authorized to review any determination by the Chief, FSD, with regard to a deficiency. If the general Counsel finds that a claim has been abandoned by reason of the claimant's having failed to respond in timely fashion to a notice of deficiency from the Chief, FSD, the General Counsel "may close the file without further action under * * * Part 296" (50 CFR 296.8(d)(1)).

With regard to each of the above claims, the claimant failed to respond to a notice of deficiency within 60 days and, in some cases, within 20 or 30 additional days unilaterally granted by the Chief, FSD. Therefore, the General Counsel has found that these claims have been abandoned within the meaning of 50 CFR 296.8(d)(1), has closed the files on them, and will take no further action in their regards.

Signed at Washington, D.C., this 3d day of September 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-28279 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Apparel From the Socialist Republic of Romania

September 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the bilateral agreement with the Socialist Republic of Romania to establish a specific ceiling for cotton coats in Category 335 at the increased level of 49,000 dozen during the agreement year that began on January 1, 1981. The previous level was 36,320 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: The Governments of the United States and the Socialist Republic of Romania have exchanged letters dated July 13 and 20, 1981 amending the Bilateral Cotton Textile Agreement of January 6 and 25, 1978, as amended, between the two governments to establish a specific ceiling for cotton textile products in Category 335 at the increased level of 49,000 dozen during the twelve-month period which began on January 1, 1981.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 23, 1980, there was published in the **Federal Register** (45 FR 84842) a letter dated December 17, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton textile products, including Category 335, produced or manufactured in Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level previously established for cotton textile products in Category 335 to 49,000 dozen.

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 3, 1981.

Committee for the Implementaton of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 17, 1980 by the Chairman, Committee for the Implementaton of Textile Agreements concerning imports into the United States of certain cotton textile products, produced or manufactured in Romania.

Effective on September 3, 1981, paragraph 1 of the directive of December 17, 1980 is amended to increase the level of restraint for cotton textile products in Category 335 to 49,000 dozen.[1]

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Edward Gottfried,

Acting Chairman, Committee for the Implementation to Textile Agreements.

[FR Doc. 81-26218 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

Adjusting Import Levels for Certain Cotton and Man-Made Fiber Textile Products From Republic of Singapore

September 3, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the bilateral agreement with Singapore to:

(1) Establish a specific limit for non-cellulosic man-made fiber spun yarn in Category 604 at a level of 1.1 million pounds (the original level was 700,000 pounds);

(2) Increase the designated consultation level for cotton twill and sateen in Category 317 from 8 million to 12 million square yards; and

(3) Increase the designated consultation level for cotton duck in Category 319 from 3 million to 3.5 million square yards.

All of the foregoing adjustments in levels apply to the agreement year which began on January 1, 1981.

Note.—A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

SUMMARY: The Governments of the United States and the Republic of Singapore have exchanged notes dated August 7 and 13, 1981 to amend the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, as amended, between the two governments, to adjust the levels of restraint for cotton and man-made fiber textile products in Categories 317, 319 and 604, produced or

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

manufactured in Singapore and exported during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. The United States Government has also decided to establish an import control on Category 319.

EFFECTICVE DATE: September 8, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 19, 1980, there was published in the **Federal Register** (45 FR 83649) a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Singapore, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. The letter published below amends the letter of December 16, 1980 to increase the levels previously established for Categories 317 and 604 and to include a level for cotton textile products in Category 319, produced or manufactured in Singapore and exported during the agreement year which began on January 1, 1981. The newly-established level for Category 319 has not been adjusted to account for any imports on and after January 1, 1981. Imports during the January-July 1981 period have totaled 2,135,175 square yards and will be charged. When the data become available, charges will also be made for the period which began on August 1, and extends to the effective date of this directive.

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 8, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 16, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1981.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, as amended, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 8, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in categories 317, 319 and 604, produced or manufactured in Singapore, in excess of the following level of restraint:

Category and Amended Twelve-Month Level of Restraint[1]

317—12,000,000 square yards
319—3,500,000 square yards
604—1,100,000 pounds

Textile products in Category 319 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Textile products in Category 319 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton and man-made fiber textile products from Singapore have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-26303 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The levels of restraint have not been adjusted to account for any imports after December 31, 1980. Imports in Category 319 during the January-July 1981 period have amounted to 2,135,175 square yards.

CONSUMER PRODUCT SAFETY COMMISSION

Performance Review Board; Senior Executive Service; Appointment of Members

The purpose of this notice is to publish the names of the members of the Performance Review Board at the Consumer Product Safety Commission, effective August 19, 1981. The members are as follows:

Bert G. Simson, Chairman (membership term expires July 1983, term as Chairman expires July 1982), (1) Margaret A. Freeston (unlimited membership term), (2) Robert Knisely (unlimited membership term), (3) John Kinnear (unlimited membership term), (4) Robert Q. Jenkins (membership term expires July 1982), and (5) Edwin F. Tinsworth (membership term expires July 1984).

Dated September 3, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-26301 Filed 9-8-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Application of High Technology to Ground Forces: Advisory Committee Meeting

The Defense Science Board Task Force on Application of High Technology to Ground Forces will meet in closed session on October 7, 1981 at Fort Lewis, Washington.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meetings on October 7, 1981 the Task Force will review current missions of light forces and make recommendations concerning the application of high technology to enhance battlefield capabilities.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in U.S.C. 552b(c)(1) (1976), and that

accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 2, 1981.

[FR Doc. 81-28255 Filed 9-8-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (Spinal Cord Injury System Projects)

AGENCY: Department of Education.

ACTION: Reopening of Closing Date for Transmittal of Applications for Awards During Fiscal Year 1981.

Notice is given that the June 10, 1981, deadline for transmittal of applications for Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (Spinal Cord Injury System Projects) is reopened to September 21, 1981. This notice was originally published in the **Federal Register** on March 26, 1981 (46 FR 18758).

The March Notice indicated an expectation that three new projects would be funded in Fiscal Year 1981. Very few applications were submitted in response to the March Notice, however, this reopening of the closing date is intended to ensure that additional applications of high quality can be submitted.

Authority for this program is contained in Section 311(a)(1) of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 777a(a)(1))

Awards are made under this program to States and public and other nonprofit agencies and organizations.

The purpose of this program is to support projects designed to expand or otherwise improve vocational rehabilitation services and other rehabilitation services for individuals with spinal cord injuries.

Closing date for transmittal of application: Under § 75.109(b) of the Education Department General Administrative Regulations (34 CFR 75.109(b)), an applicant may make changes to its application on or before the closing date. An applicant who submitted an application in response to the original closing date of June 10, 1981 may amend its application on or before

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Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention 84.128E, 400 Maryland Avenue, SW., Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time), daily except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: Approximately $750,000 is available for the support of new projects in this grant program. Based on an average grant amount of approximately $250,000, it is expected that 3 new grants will be awarded.

However, these estimates do not bind the U.S. Department of Education except as may be required by applicable statute and regulations.

Application forms: Application forms and program information packages may be obtained by writing to: Harold F. Shay, Acting Associate Commissioner for Developmental Programs, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 50 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Special procedures: Every applicant is subject to the State and areawide clearinghouse review procedures under OMB Circular A-95.

An applicant should check with its appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) sufficient time for review, consultation, and comments on the application.

In its application each applicant must provide—

(a) The comments of each clearinghouse that commented on application; or

(b) A statement that the applicant used the procedures of Part I of OMB Circular A-95 but did not receive any clearinghouse comments.

Applicable regulations: The following regulations are applicable to this program:

(a) Regulations governing Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals (34 CFR Parts 369 and 373, 46 FR 5416, January 19, 1981); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

FURTHER INFORMATION: For further information contact Harold F. Shay, Acting Associate Commissioner for Developmental Programs, Rehabilitation Services Administration, Department of Education, (Mary E. Switzer Building, Room 3321), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-0079.

(20 U.S.C. 777(a)(1))

Dated: September 3, 1981.

(Catalog of Federal Domestic Assistance Number 84.128E, Special Projects and Demonstrations)

T. H. Bell,

Secretary of Education.

[FR Doc. 81-26327 Filed 9-8-81; 8:45 am]

BILLING CODE 4000-01-M

Office of Educational Research and Improvement

Program of Grants for Research on Institutions of Postsecondary Education; Cancellation of Closing Date

AGENCY: Department of Education.

ACTION: Notice of cancellation of application notice inviting grant applications for Fiscal Year 1982 funding.

SUMMARY: The Secretary cancels the closing date in the Application Notice published in the **Federal Register** on May 2, 1980 (45 FR 29414). That notice invited the submission of grant applications under the National Institute of Education's *Program of Grants for Research on Institutions of Postsecondary Education.* The closing date for the transmittal of applications was established as October 6, 1981.

SUPPLEMENTARY INFORMATION: The cancellation of the closing date is a consequence of the reduction in funds for Fiscal Year 1982 projected for this program. Because of the reduction, the Secretary has determined that the funds currently anticipated for the program are insufficient to warrant having a new grants competition. Consequently, the Secretary has decided to use the limited funds available to support activities approved in Fiscal Year 1981, but for which funds were rescinded.

FOR FURTHER INFORMATION CONTACT: Dr. John Wirt, Postsecondary Organization and Management, National Institute of Education, 1200 19th Street, NW., Washington, D.C. 20208. Telephone: (202) 254–5555.

(Catalog of Federal Domestic Assistance Number 84.117 Educational Research and Development)

Dated: September 3, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–26433 Filed 9–8–81; 8:56 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81–CERT–017]

Arizona Public Service Co.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On July 31, 1980, Arizona Public Service Company (Arizona Public), P.O. Box 2166, Phoenix, Arizona 85036, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80–CERT–021). Amendment to this certification was issued on December 12, 1980 in ERA Docket No. 80–CERT–021A. The certification as amended involved the purchase of natural gas from Delhi Gas Pipeline Corporation, Bixco, Inc., Consumers Power Company, and Gas Company of New Mexico, for use by Arizona Public at its Ocotillo Plant in Tempe, West Phoenix Plant in Phoenix, Saguaro Plant in Red Rock, and Yuma Plant; all located in Arizona. The ERA certificate expired on July 30, 1981.

On July 21, 1981, Arizona Public filed an application for recertification of an eligible use of natural gas to displace fuel oil at its Ocotillo, West Phoenix, Saguaro, and Yuma Plants pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Due to the very late filing date, contiguous certification and recertification was not possible. Arizona Public stated to ERA that there would be no loss of displacement of fuel oil during normal processing. At the request of Arizona Public, this application was further delayed pending possible amendment prior to issuance.

In its application, Arizona Public states that the volumes of natural gas for which it requests recertification are 10,832,000 Mcf per year for the Ocotillo Plant, 1,671,000 Mcf per year for the West Phoenix Plant, 5,470,000 Mcf per year for the Saguaro Plant, and 2,808,000 Mcf per year for the Yuma Plant. This volume is estimated to displace the use of the following quantities of fuel oil per year:

	No. 6 (0.9 percent sulfur)	No. 2 (0.5 percent sulfur)
Ocotillo Plant	1,635,500	250,000
West Phoenix Plant	53,200	251,400
Saguaro Plant	715,800	243,800
Yuma Plant	346,300	147,800

The eligible sellers of the natural gas are Delhi Gas Pipeline Corporation, Fidelity Union Tower, Dallas, Texas 75201; and Gas Company of New Mexico, Suite 1800, First National Building, Dallas, Texas 75270. Arizona Public has not requested recertification of Bixco, Inc., and Consumers Power Company as eligible sellers. The gas will be transported on interstate pipeline by El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Lynne H. Church, on or before September 21, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any intersted person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Arizona Public and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C. on September 1, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81–26306 Filed 9–8–81; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 81–CERT–019]

System Fuels, Inc.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On September 23, 1980, System Fuels, Inc., (SFI), P.O. Box 61532, New Orleans, Louisiana 70161, was granted a certificate of an eligible use of natural gas to displace fuel oil for one year by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80—CERT–023). The certification involved the purchase or natural gas from Channel Industries Gas Company, Louisiana Intrastate Gas Corporation, Louisiana Resources Company, Michigan Consolidated Gas Company, Delhi Gas Pipeline Corporation, and the IMC Pipeline Company, for use by Arkansas-Missouri Power Company, Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orlean Public Service Inc., all operating electric generating companies of Middle South Utilities, Inc. The certificate expires on September 22, 1981.

On August 17, 1981, SFI filed an application pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979) for recertification of an eligible use of natural gas to displace fuel oil at four of those companies, Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. SFI did not include Arkansas Missouri Power Company in its request for recertification, since the company has merged with Arkansas

Power & Light Company. More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

In its application, SFI states that the volume of natural gas available for use is up to 120,000 Mcf per day at is various facilities which are located in Missouri, Arkansas, Louisiana, and Mississippi. This natural gas will be used over the next year to displace approximately 1,000,000 barrels of middle distillate (including No. 2 fuel oil) and 500,000 barrels of residual fuel oil (No. 5 and 6) having a sulfur content of 1 percent, 1½ percent or 3 percent, depending on the facilities in which the fuel oil is displaced. SFI states it will attempt to use the natural gas to maximize the displacement of No. 2 fuel oil first, then other middle distillates, and finally, residual fuel oils. Most of the middle distillates will be used in units which are only used during peak load periods.

The eligible sellers of the natural gas are the Channel Industries Gas Company, P.O. Box 2511, Houston, Texas 77001, The Louisiana Intrastate Gas Corporation, P.O. Box 1352, Alexandria, Louisiana 71301; the Louisiana Resources Company, P.O. Box 3102, Tulsa, Oklahoma 74101, the Michigan Consolidated Gas Company, One Woodward Avenue, Detroit, Michigan 48226; the Delhi Gas Pipeline Corporation, 2700 Fidelity Union Tower, Dallas, Texas 77001; and the IMC Pipeline Company. 8532 Katy Freeway, Suite 303, Houston, Texas 77024. The gas will be transported by the United Gas Pipeline Company, P.O. Box 1478, Houston, Texas 77001; the Tennessee Gas Pipeline Company, P.O. Box 2611, Houston, Texas 77001; the Natural Gas Pipeline Company of America, P.O. Box 283, Houston, Texas 77001; the Northern Natural Gas Company, 6750 W. Loop South, Bellaire, Texas 77401; the Transcontinental Gas Pipeline Corporation, P.O. Box 1396, Houston, Texas 77001; the Michigan-Wisconsin Pipeline Company, 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Texas 77056; the Panhandle Eastern Pipeline Company, P.O. Box 1642, Houston, Texas 77001; and the Texas Gas Transmission Corporation, 1100 Milian–Suite 1533, Houston, Texas 77002.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Ms. Lynne H. Church, on or before September 21, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group of class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determined that an oral presentation is necessary, further notice will be given to SFI and any perons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., September 1, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81–26305 Filed 9–8–81; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–81–011; OFC Case No. 61040–9203–01–12, 61040–9203–02–12]

Order Granting Permanent Exemption From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978; Champion International Corp.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting permanent exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On May 21, 1981, Champion International Corporation (CIC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking permanent exemptions for two new major fuel burning installations (MFBIs) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in certain new MFBIs. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980).

CIC requested permanent fuels mixture exemptions in order to burn petroleum or natural gas in both an 822 million Btu's per hour Kraft Recovery Boiler and a 590 million Btu's per hour Wood Refuse Boiler to be constructed at its Quinnesec, Michigan, facility. CIC petitioned for permanent exemptions from the prohibitions of Title II of FUA under 10 CFR § 503.38(d) based upon the use of fuels mixtures containing alternate fuels and not more than 25 percent natural gas or petroleum in each boiler.

Pursuant to section 211(c) of the Act, and 10 CFR § 503.38, and subject to specified terms and conditions and reporting requirements stated herein, ERA hereby issues this order granting two permanent fuels mixtures exemptions to CIC to permit the use of petroleum (No. 6 oil) or natural gas in their new Wood Refuse and Kraft Recovery Boilers.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, DC 20461, (202) 653–4477

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Admnistration, 2000 M Street, NW., Room 3128, Washington, DC 20461, (202) 653–4226

Allan Stein, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SE., Forrestal Building, Room 6B–178, Washington, DC 20585, (202) 252–2967

The public file containing a copy of all documents and supporting materials on this proceeding is available upon request at: ERA, Room B–110, 2000 M Street, NW., Washington, DC, Monday through Friday, 8 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: In accordance with the procedural requirements of FUA and ERA's regulations, ERA accepted CIC's petitions and published notice of their acceptance in the **Federal Register** on June 29, 1981 (46 FR 33357). The Notice of Acceptance commenced a 45-day public comment period during which interested persons could submit comments on the petitions for exemptions and could request that a public hearing be convened. This period expired on August 13, 1981.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review completed a Tentative Staff Analysis the availability of which was noticed in the **Federal Register** concurrent with the Notice of Acceptance. This analysis recommended that an order be issued to grant permanent fuels mixtures

exemptions to CIC's boilers permitting the use of petroleum or natural gas in a mixture with black liquor in the recovery boiler and wood and coal in the wood refuse boiler. In both cases, the amount of petroleum or natural gas used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the units. The period during which interested persons could submit written comments on the Tentative Staff analysis or request a public hearing also expired August 13, 1981. No comments were received nor was a public hearing requested on either the Notice of Acceptance or the Tentative Staff analysis

As required by section 701 (f) and (g) of the Act, ERA provided a copy of CIC's petitions to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments were received from either agency.

ERA had determined that CIC has satisfied the requirements of 10 CFR 503.38(d). Accordingly, pursuant to Section 212(d) of FUA, and subject to the terms and conditions stated below, ERA hereby grants CIC one permanent fuels mixture exemption to permit, in a mixture with black liquor, the use of No. 6 fuel oil or natural gas in the new recovery boiler in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the boiler. Additionally, ERA grants CIC one permanent fuels mixture exemption to permit, in a mixture with wood waste and coal, the use of No. 6 fuel oil or natural gas in the new wood refuse boiler in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the boiler. This determination takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operation consistent with maintaining a reasonable level of fuel efficiency. Therefore, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, startup, testing, flame stabilization and control uses for the boilers.

Terms and conditions: Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. ERA has determined that the conclusions reached in the Tentative Staff Analysis are consistent with the provisions of ERA's regulations and grants the exemptions subject to the following terms and conditions:

1. The amount of petroleum or natural gas to be used in the mixture with an alternate fuel(s) in the Wood Refuse Boiler and the Kraft Recovery Boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of those units.

2. The quality of any petroleum to be burned in the boilers will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

3. Prior to operating either the Wood Refuse Boiler or the Kraft Recovery Boiler, CIC will secure all applicable permits and approvals pursuant to, but not limited to the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting requirements: In addition the above terms and conditions, CIC will, pursuant to 10 CFR 503.38(g), report to ERA the dates the Kraft Recovery and Wood Refuse Boilers are first operated under the provisions of this order, and will annually thereafter, at not later than 30 days after each anniversary of that date, file with ERA a certification that the amount of petroleum or natural gas used in the boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of CIC. Cite OFC Case No. 61040–9203–01–12 for the Wood Refuse Boiler and OFC Case No. 61040–9203–02–12 for the Kraft Recovery Boiler on each document and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn.: OFC Case No. 55001–9202–01–02–11, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

The exemptions granted by this order shall become effective November 8, 1981.

Pursuant to Section 702(c) of the Act, any person aggrieved by this order may at any time within 60 days after publication petition for judicial review in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C. on August 31, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–26236 Filed 9–8–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: High Energy Physics Advisory Panel

Date and Time: Monday, September 28, 1981—9:00 a.m.–6:00 p.m.; Tuesday, September 29, 1981—9:00 a.m.–4:00 p.m.

Place: Department of Energy, Forrestal Building—Room BE089, 1000 Independence Avenue SW., Washington, D.C.

Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, Department of Energy, Mail Stop J–309, Washington, D.C. 20545, Telephone: 301–353–3367

Purpose of committee: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative agenda:

- Discussions of the FY 1982 DOE and NSF budgets for high energy physics
- Status reports on current situations at Stanford Linear Accelerator Center, Fermi National Accelerator Laboratory and Brookhaven National Laboratory
- Discussions on a forthcoming in-depth study of the U.S. high energy physics program
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202–252–5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 3, 1981.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 81–26238 Filed 9–8–81; 8:45 am]

BILLING CODE 6450–01–M

DOE/NSF Nuclear Science Advisory Committee, Subcommitte on Electromagnetic Interactions; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee, Subcommitte on Electromagnetic Interactions

Date and time: Sunday, September 27, 1981—7:00 p.m.–10:00 p.m. Monday, September 28, 1981—9:00 a.m.–6:00 p.m.

Place: National Science Foundation Room 540, 1800 G Street, N.W. Washington, D.C.

Contact: Enloe Ritter, ER–23 Division of Nuclear Physics M.S. G–256, GTN U.S. Department of Energy, Washington, D.C. 20545. Telephone: 301–353–3613

Purpose of parent committee: To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda:

- Reading of the charge to the committee
- Organization of tasks
- Review the current status and needs of basic nuclear research with electromagnetic probes
- Examine the scientific need for facilities to investigate with electromagnetic probes the fundamental properties of nuclei
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the subcommitte will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee management office at 202–252–5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 3, 1981.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 81-26097 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 4635-000 and 4657-000]

City of Billings and Montana Department of Natural Resources and Conservation; Applications for Preliminary Permit

August 25, 1981.

Take notice that City of Billings and Montana Department of Natural Resources and Conservation (Applicants) filed on May 7, 1981, and June 8, 1981, respectively, applications for preliminary permit [pursuant to the Federal Power Act, 6 U.S.C. 791(a)—825(r)] for Projects Nos. 4635 and 4657 known as the Painted Rocks Dam Project located on the West Fork Bitterroot River in Ravalli County, Montana. The applications are on file with the Commission and are available for public inspection. Correspondence with City of Billings should be directed to: Al Thelen, City Administrator, City Hall, Billings, Montana 59101. Correspondence with Montana Department of Natural Resources and Conservation should be directed to: Gary Fritz, Administrator, Montana Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601.

Project Description—Both projects would consist of: (1) the existing 143-foot high earthfilled Painted Rocks Dam; (2) a 655-acre reservoir; (3) a 100-foot long penstock; (4) a powerhouse containing four generating units with a total rated capacity of 5,200 kW; and (5) a transmission line. Both applicants estimate the average annual energy generation to be 16 million kWh. The Painted Rocks Dam is owned by the Montana Department of Water Resources and Conservation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to conduct engineering, environmental, economic, and feasibility studies, and to prepare an application for an FERC license.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26097 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4985-000]

City of Rohnert Park, California; Application for Preliminary Permit

August 25, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4985 known as the Eddy Creek, Siskiyou Project located on Eddy Creek in Siskiyou County, California. The application is on file with the Commission and is available for public

inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The project would consist of: (1) a 55-foot long, 5-foot high diversion structure; (2) a 7,500-foot long diversion conduit; (3) a 1,170-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 1,950 kW; and (5) a 2-mile long transmission line. The average annual energy generation is estimated to be 7.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Eddy Creek, Siskiyou Project No. 4398 filed on March 23, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notice of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4985. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26098 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-695-000]

Consumers Power Co.; Filing

August 31, 1981.

The filing Company submits the following:

Take notice that Consumers Power Company on August 21, 1981, tendered for filing a revision to the annual charge rate for charges due Consumers Power Company from Northern Indiana Public Service Company ("Northern"), under the terms of the Barton Lake-Batavia Interconnection Facilities Agreement (designated Consumers Power Company Electric Rate Schedule FERC No. 44).

Consumers Power states that Article 1.042 of the Barton Lake-Batavia Interconnection Facilities Agreement states that Northern shall pay to Consumers Power an annual charge derived by multiplying the capital costs of certain facilities built by Consumers Power Company by an annual fixed charge factor. The initial annual charge was based upon estimated capital costs of $1,936,000.00 and a fixed charge factor of 17.79%. Article 1.043 provides that when the actual amount of the capital costs becomes known, an adjustment will be made to reflect the difference between the estimated amount paid and the actual amount owed by Northern. Article 1.043 also provides that the annual charge rate may be redetermined from time to time by Consumers Power. During May and June 1981, the actual installed cost of equipment owned by Consumers was determined to be $1,360,805.94 and the annual fixed charge factor was redetermined for three effective 12-month periods beginning May of 1979, 1980 and 1981. The net effect of these changes, proposed to become effective July 1, 1981, is a credit to the July 1981 billing for fixed charges from Consumers to Northern of $241,305 (covering the period from May 1, 1979 through June 30, 1981) and a reduction in the monthly fixed charges from $28,701 to $20,378.

Consumers Power states that copies of this filing were served on Northern, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed by September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of said filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26099 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-586-000 and ER81-353-000, ER81-354-000, ER81-381-000]

Dayton Power and Light Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Waiver of Notice, Granting Intervention, Consolidating Dockets, and Establishing Procedures

Issued: August 31, 1981.

On July 2, 1981, Dayton Power and Light Company (Dayton) tendered for filing a superseding service agreement for the City of St. Marys, Ohio (St. Marys).[1] The service agreement provides for St. Marys to receive service under Dayton's partial requirements and transmission tariff. St. Marys previously was served under Dayton's full requirements, firm power tariff. This

[1] The submittal included the superseding service agreement and two revised tariff sheets, index of purchasers for each tariff, to note St. Marys' change in service. *See* Attachment A for rate schedule designations.

change will enable St. Marys to receive energy from third party sources to be wheeled over Dayton's transmission system. The rates, terms, and conditions of both tariffs are currently the subject of a hearing and are in effect subject to refund in Docket Nos. ER81–353–000, ER81–354–000, and ER81–381–000. With respect to the instant filing, Dayton requests waiver of the notice requirements to allow an effective date of June 1, 1981, the date upon which Dayton began serving St. Mary's under the partial requirements tariff at the city's request.

Notice of the filing was issued on July 13, 1981, with responses due on or before July 31, 1981. On July 29, 1981, St. Marys filed a protest, petition to intervene and request for acknowledgement of the prior suspension order in Docket Nos. ER81–353–000, *et al.* St. Mary's reiterates and incorporates by reference the objections to Dayton's partial requirements and transmission tariff that it previously expressed in Docket No. ER81–353–000. In particular, St. Mary's challenges the rates as being excessive, objects to certain rate design matters, and disputes several tariff provisions and conditions of service. St. Marys also requests that Docket No. ER81–586–000 be consolidated with the pending proceeding in Docket Nos. ER81–353–000, *et al.* Finally, St. Marys states its desire to ensure that billings under the partial requirements tariff will be subject to refund.

Discussion

The Commission finds that participation in this proceeding by the City of St. Marys, Ohio is in the public interest. Accordingly, the petition to intervene will be granted.

Our analysis indicates that Dayton's submittal has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the revised service agreement for filing and suspend its operation as ordered below.

In a number of suspension orders,[2] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. The tariff and associated rates which Dayton currently proposes to apply to St. Marys were previously suspended for one day, subject to refund, in Docket Nos. ER81–353–000, *et al.* Furthermore, the issues raised by St. Marys in the instant docket mirror those which the city raised in the earlier proceeding. Under these circumstances, we do not believe that a maximum suspension is necessary or appropriate. A nominal suspension and a refund obligation should provide adequate protection to St. Marys pending the outcome of a hearing. As noted above, service to St. Marys under the partial requirements and transmission tariff commenced on June 1, 1981, at the request of St. Marys. In light of the customer's desire to obtain and continue this new form of service, we find that good cause exists to waive the notice requirements. Accordingly, we shall exercise our discretion to suspend the rates to become effective on June 1, 1981, subject to refund.

The Commission further finds that St. Mary's request for consolidation of Docket No. ER81–586–000 with Docket Nos. ER81–353–000, *el al.*, is appropriate, since common questions of fact and law are presented.

The Commission Orders

(A) Dayton's request for waiver of the notice requirements is hereby granted.

(B) Dayton's submittal is hereby accepted for filing and suspended to become effective on June 1, 1981, subject to refund.

(C) Pursuant to the authority contained in and subject to the juridiction conferred upon the Federal Energy Regulatory Commisison by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Dayton's submittal with respect to the City of St. Marys, Ohio.

(D) Docket No. ER81–586–000 is hereby consolidated with Docket Nos. ER81–353–000, ER81–354–000, and ER81–381–000 for purposes of hearing and decision.

(E) The City of St. Marys, Ohio is hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act: *Provided, however,* that participation by such intervenor shall be limited to the matters set forth in its petition to intervene; and, *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(F) The administrative law judge designated to preside in Docket Nos. ER81–353–000, *et al.*, shall determine the appropriate procedures necessary to accomodate consolidation of Docket No. ER81–586–000 with the pending proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

The Dayton Power and Light Company

Docket No. ER81–586–000

Filed: July 2, 1981.
Effective: June 1, 1981, subject to refund.

	Designation	Description
(1)	Service Agreement under FERC Electric Tariff, Original Volume No. 2 (Supersedes Service Agreement under FPC Electric Tariff, Original Volume No. 1).	City of St. Marys, Ohio.
(2)	1st Revised Sheet No. 26 under FERC Electric Tariff, Original Volume No. 2 (Supersedes Original Sheet No. 26).	Revised Index of purchasers.
(3)	1st Revised Sheet No. 13 under FPC Electric Tariff, Original Volume No. 1 (Supersedes Original Sheet No. 13).	Do.

[FR Doc. 81–26100 Filed 9–8–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RA81–67–000]

DeMartin Truck Lines, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

September 1, 1981.

Take notice that DeMartin Truck Lines, Inc. on August 10, 1981 filed a

[2] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket No. ER80–56, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before September 15, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before September 15, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26101 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-73-000]

El Paso Electric Co.; Application

September 1, 1981.

Take notice that on August 25, 1981, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission, seeking authority pursuant to Section 204 of the Federal Power Act, to issue and sell up to $500,000 shares of Common Stock, no par value pursuant to a Customer Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26102 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI67-461-000, et al.]

Exxon Corporation, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

August 31, 1981.

Take notice that each of the Applicants listed herein has filed an application to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI67-461-000, C, Aug. 24, 1981 [4]	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Transwestern Pipeline Company, Mendota Field, Roberts & Hemphill Counties, Texas.	(2)	14.65
CI69-832-000, D, Aug. 24, 1981	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046	Texas Eastern Transmission Corporation, East Cameron Block 14 Field, Federal Offshore Louisiana	(2)	
CI78-414-000, C, July 27, 1981	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Texas Eastern Gas Corporation, OCS-G-3385 Well No. B-8, West Cameron Block 528 Field, Offshore Louisiana	(4)	15.025
CI78-750-001, August 21, 1981	Aminoil Development 1974-1 Limited (Aminoil Development, Inc.), Post Office Box 94193, Houston, Texas 77018	Natural Gas Pipeline Company of America, Block A-349, High Island Area, Offshore Texas	(2)	14.65
CI81-355-001, D, Aug. 18, 1981	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004	Transcontinental Gas Pipeline Corporation, Ship Shoal Block 28 Field—portion of Ship Shoal Block 15, Lease OCS-G-1360; Ship Shoal Block 35, Lease OCS-G-0344, Ship Shoal Block 36, Lease OCS-G-0342, Offshore Louisiana	(6)	
CI81-464-000, E, Aug. 20, 1981 [7]	Getty Oil Company (Succ. in Interest to Getty Reserve Oil, Inc.), P.O. Box 1404, Houston, Texas 77001	El Paso Natural Gas Company, Heath Gas Com. K No. 1E, the Howell Unit, and the San Juan 28-7 Unit, Basin Dakota Field, San Juan and Rio Arriba Counties, New Mexico	(8)	15.025 14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI81-465-000, E, Aug. 20, 1981	Getty Oil Company (Succ. to RVO Petroleum Company (formerly Flynn Energy Corporation)), P.O. Box 1404, Houston, Texas 77001.	Transcontinental Gas Pipeline Corp., Mosquito Bay Field, Terrebonne Parish, Louisiana.	([9])	15.025
CI81-466-000, E, Aug. 20, 1981 [7]	Getty Oil Company (Succ. in Interest to Getty Reserve Oil Inc.), P.O. Box 1404, Houston, Texas 77001.	Northwest Pipeline Corporation, Fogarty Creek Unit, Fogarty Field, Sublette County, Wyoming.	([10])	15.025
CI81-467-000, E, Aug. 20, 1981 [7]	....do	El Paso Natural Gas Company, Woolworth and Stuart Langlie-Mattix Units, Jalmat & Langlie-Mattix Fields, Lea County, New Mexico.	([11])	14.65
CI81-468-000, E, Aug. 20, 1981 [7]	....do	El Paso Natural Gas Company, L. Carter Lease, Langlie-Mattix Field, Lea County, New Mexico.	([11])	14.65
CI81-469-000, E, Aug. 20, 1981	Getty Oil Company (Succ. to RVO Petroleum Company (formerly Flynn Energy Corporation)), P.O. Box 1404, Houston, Texas 77001.	Cities Service Gas Company, Ames Field, Major County, Oklahoma.	([12])	14.65
CI81-470-000, E, Aug. 20, 1981 [7]	Getty Oil Company (Succ. in Interest to Getty Reserve Oil Inc.), P.O. Box 1404, Houston, Texas 77001.	El Paso Natural Gas Company, Nina Lankford No. 1, Langlie Mattix Field, Lea County, New Mexico.	([11])	14.65
CI81-471-000, E, Aug. 20, 1981 [7]	....do	Koch Oil Company, Trapper Field, Adams County, Colorado.	([13])	15.025
CI81-472-000, E, Aug. 20, 1981 [7]	....do	El Paso Natural Gas Company, Lankford 2-B, Langlie-Mattix Field, Lea County, New Mexico.	([11])	14.65
CI81-473-000, B, Aug. 18, 1981	Grace Petroleum Corporation, Broadway Executive Park, 6501 North Broadway, Oklahoma City, Oklahoma 73116.	Pioneer Gas Products Company, Godfrey 1-21 Well, Lakeside Field, Bryan County, Oklahoma.	([14])	

[1] Applicant is filing to change delivery point to Phillips Petroleum Company's Gray Plan located in Section 32, Block B-2, H&GN Survey, Gray County, Texas.
[2] Applicant is filing under Gas Purchase Contract dated September 30, 1966, amended by Agreement dated July 6, 1981.
[3] OCS-G-1863 lease expired on December 31, 1973. This lease was non-producing.
[4] Applicant is filing under Gas Contract dated January 17, 1978, amended by amendment dated April 9, 1981.
[5] Aminoil Development Inc. ("ADI") and Aminoil Development 1974-1 Limited ("ADL") respectfully request that the Commission amend the certificate of public convenience and necessity in Docket No. CI78-750 to reflect ADL as the certificate holder and to reflect the proper depth limitation, and cancel ADI's Rate Schedule No. 6 and issue to ADL a Rate Schedule for this sale. Contrary to the Gas Purchase Contract dated March 21, 1978, ADL was the actual owner of the acreage covered by the March 1978 contract. Accordingly, on June 22, 1981, ADI, ADL and Natural executed an "Amendment to Gas Purchase Contract", effective March 21, 1978. This Amendment substituted ADL for ADI in the March 21, 1978, Gas Purchase Contract with Natural. Furthermore, the July 22, 1981, Amendment corrects the depth incorrectly cited in the March 1978 contract as "8400 feet subsea". ADL's interest in this acreage which it desired to commit to Natural covers production to "8600 feet subsea". In all other respects, the March 1978 Gas Purchase Contract is in full force and effect.
[6] Production from acreage involved has ceased and the leases have expired by their own term.
[7] Effective August 1, 1980, Getty Reserve Oil, Inc. assigned all of its oil, gas and mineral properties, assets and rights to Getty Oil Company.
[8] Applicant is filing under Gas Purchase Contract dated February 7, 1967, as amended.
[9] Flynn Energy Corporation (now RVO Petroleum Company) was the holder of a small producer certificate issued in Docket No. CS73-382. Applicant requests to continue the sale under Gas Purchase Contract dated October 24, 1977, as amended, February 17, 1978.
[10] Applicant is filing under Gas Purchase Contract dated October 5, 1977.
[11] Applicant is filing under Gas Purchase Contract dated December 31, 1975.
[12] Applicant is filing under Gas Purchase Contract dated March 9, 1978. Flynn Energy Corporation (now RVO Petroleum Company) was the holder of a small producer certificate issued in Docket No. CS73-382.
[13] Applicant is filing under Gas Purchase Contract dated October 10, 1975.
[14] Water encroachment in well bore.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-26103 Filed 9-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-703-000]

Florida Power & Light Co.; Filing

September 1, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FP&L) on August 26, 1981, tendered for filing as an initial rate an executed contract entitled "Contract for Interchange Service Between FP&L and City of Kissimmee, Florida." FP&L states that under the contract, FP&L and the City of Kissimmee will engage in the interchange of electric capacity and energy indirectly through the electric transmission systems of other utilities.

FP&L respectfully requests the waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Contract be made effective immediately.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26104 Filed 9-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES81-77-000]

Gulf States Utilities Co.; Notice of Application

August 31, 1981

Take notice that on August 25, 1981, Gulf States Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to negotiate privately with respect to the guaranty of securities of not more than $75,000,000 of Guaranteed Notes or Debentures in the Euro-Capital Markets.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requiremets of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26105 Filed 9-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES81-76-000]

Kentucky Utilities Co.; Application

September 1, 1981.

Take notice that on August 25, 1981, Kentucky Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, to issue not more than

$120,000,000 of promissory notes and commercial paper from time to time with a final maturity date or not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26106 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-578-000]

Maine Yankee Atomic Power Co.; Meeting

August 31, 1981.

Take notice that on September 22, 1981, at 1:30 P.M. in Room 407G, 400 1st Street, Washington, D.C. 20426, members of the Commission staff will hold a meeting with representatives of Maine Yankee Atomic Power Company (Maine Yankee) for purposes of discussing the implications of a Commission letter order issued in this docket on July 15, 1981. That order advised Maine Yankee that initiation of billing for nuclear decommissioning costs under its FPC Rate Schedule No. 1 would constitute a rate schedule change requiring a filing under Part 35 of the Commission's regulations. The company has filed an application for rehearing of the July 15 order.

Although, to date, there have been no petitions to intervene or protests filed in this docket, the September 22, 1981 meeting will be open to the public. Interested persons planning to attend the meeting should contact Jerry Milbourn, (202) 376-9335, in advance of the meeting. In addition, any person desiring to be heard or to protest in this docket should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1981. Protests will be considered by the Commission in determining any further action to be taken in this docket, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of materials pertinent to this docket are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26109 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4729-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4729 to be known as the Phoenix Lake Water Power Project located on Phoenix Lake in Phoenix Creek in Marin County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Verne E. Spangenberg, General Manager, Marin Municipal Water District, 220 Nellen Avenue, Corte Madera, California 94925.

Project Description—The proposed project would consist of: (1) a powerhouse installed on the existing 18-inch outflow pipe from the existing Bon Tempe Treatment Plant, with a total installed capacity of 163 kW; and (2) a 7-mile long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual production would be 0.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, and economic studies; negotiate with the Pacific Gas and Electric Company; and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $8,700.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [Sec. 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26107 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4731-000]

Marin Municipal Water District; Application for Preliminary Permit

August 25, 1981.

Take notice that Marin Municipal Water District (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4731 known as the Bon Tempe

Reservoir Water Power Project located on Bon Tempe Reservoir on Lagunitas Creek in Marin County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Verne E. Spangenberg, General Manager, Marin Municipal Water District, 220 Nellen Avenue, Corte Madera, California 94925.

Project Description—The proposed project would consist of: (1) an inline powerhouse installed on an existing 30-inch diameter scour line of the existing Bon Tempe Reservoir and Dam, with a total installed capacity of 180 kW; and (2) a 7-mile long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual production would be 0.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, and economic studies; negotiate with the Pacific Gas and Electric Company; and investigate the water rights necessary for the project. No new roads are needed for conducting these studies which are estimated to cost $11,300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26108 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5054-000]

Plumas County Flood Control and Water Conservation District; Application for Preliminary Permit

August 25, 1981.

Take notice that Plumas County Flood Control and Water Conservation District (Applicant) filed on July 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 5054 to be known as the Lower Yellow Creek Water Power Project located on Yellow Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. Brock, Coordinator, PCFC & WCD, Rte. 1, Box 279, Quincy, California 95971.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a 15,000-foot long conduit; (3) a 1,200-foot long, 40-inch diameter penstock; (4) a powerhouse to contain generating units with a combined rated capacity of 4,800 kW; and (5) a 12.5–kV transmission line. The estimated average annual energy output is 31.5 million kWh.

Proposed Scope and Cost of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental and economic feasibility studies as well as, consult with Federal, State, and local agencies to prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an FERC license application is $50,000.

Competing Applications—This application was filed as a competing application to the Lower Yellow Creek Project No. 4363 filed on March 18, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26111 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5060-000]

Western Montana Electric Generating and Transmission Cooperative; Application for Preliminary Permit

August 25, 1981.

Take notice that The Western Montana Electric Generating and Transmission Cooperative (Applicant) filed on July 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5060 known as the Lake Sherburne Dam Hydroelectric Project located on Swiftcurrent Creek in Glacier County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: James A. Sewell, James A. Sewell and Associates, P.O. Box 160, Newport, WA 99156.

Project Description—The proposed project would consist of: (1) an existing earthfill dam approximately 1,030 feet long and 83 feet high; (2) an existing reservoir with maximum surface area of 66,400 acre-feet and an elevation of 4,788.0 feet msl; (3) a proposed powerhouse to include generating facilities capable of obtaining an installed capacity of 1.7 MW; (4) a proposed transmission line approximately one quarter of a mile in length to be interconnected to an existing network; and (5) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 4.91 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $45,000.

Competing Applications—This application was filed as a competing application to Lake Sherburne Dam Hydroelectric Project No. 3883 filed on December 17, 1980, by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September, 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26110 Filed 9-8-81; 8:45 am]

BILLING CODE 6450-85-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *20* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-3982-1.

Filing party: Mr. Julio A. Nolla Amado, General Counsel, The Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T-3982-1, between Puerto Rico Ports Authority (Authority) and Puerto Rico Line, Inc. (Lessee), amends the basic Agreement No. T-3982 by providing for the lease of 180,175.0694 sq. ft. for warehouse space, platforms (2) and adjacent areas located at Pier "D" in the Puerto Nuevo Area, San Juan, Puerto Rico. The Lessee shall

have the exclusive right for 895 sq. ft. of office space, 25,000.0000 sq. ft. for a transit shed and 32,000.0000 sq. ft. open space (South). Lessee shall pay the Authority $750.73 monthly for the right of preference, $3,125 per month for the exclusive use of a transit shed, $806.67 per month for exclusive use of open space and $111.88 per month for exclusive office use.

Agreement Nos.: 5680–33 & 6060–26.

Filing party: Edward D. Ransom, Esquire, Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreements Nos. 5680–33 and 6060–26 would amend, respectively, the Pacific-Straits Conference Agreement and the Pacific/Indonesian Conference Agreement to conform with the self-policy requirements contained in the Commission's General Order 7.

Agreement Nos.: 8760–10 & 9247–7.

Filing party: Mr. Bruce Love, Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreements Nos. 8760–10 and 9247–7 modify respectively the basic agreements of the West Coast United States and Canada/India, Pakistan, Ceylon and Burma Rate Agreement and the India, Pakistan, Ceylon, Burma/West Coast Rate Agreement by authorizing the Agreement Secretary to execute agreement modifications on behalf of the parties.

Agreement No.: 8770–12.

Filing party: Mr. Howard A. Levy, Attorney at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 8770–12 would amend the U.K./U.S.A. Gulf Westbound Rate Agreement by adding new language to Article 3 to provide that the Agreement members may appoint the Chairman of the Gulf/United Kingdom Conference for that purpose. His duties shall include, among other things, reporting to the Agreement Chairman, performing such functions as the Chairman may assign and delegate, including attending meetings of the Agreement and any of its committees, presiding at meetings held in North America, and assisting the Chairman in the implementation of shippers' request and complaint procedures.

Agreement No.: 9238–13.

Filing party: Ms. Dorothy L. Nichols, Billing, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9238–13 modifies the basic agreement of the Greece/United States Atlantic Rate Agreement by requiring sixty days advance notice and an explanatory meeting for implementation of the right of independent action.

By Order of the Federal Maritime Commission.

Dated: September 3, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–26213 Filed 9–8–81; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Fowarder License; Applicants; Sky-Sea Forwarding Corp.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Sky-Sea Forwarding Corp., 175–11 148th Avenue, Jamaica, NY 11434, Officer: Arnold J. Ceglia, Jr., President

Export Forwarding Company, P.O. Box 59425, Dallas: TX 75229, Officers: Marshall David Morgan, President, Constance Engles, Vice President

Terramar Florida Forwarders, Inc., 3731 N.W. 71st Street, Miami, FL 33147, Officers: Rolf Wartenberg, President/Director, Bruce Block, Vice President/Director, Lawrence Sturm, Secretary/Treasurer/Director, Jack Steinberg, 2nd Vice President

Ronald D. Donaven and Johnnie M. Toles, d.b.a. Universal Transportation Systems, c/o Ronald D. Danaven, 7115 Fairgrove Drive, Swartz Creek, MI 48473

Leman International System Transport A/S, 2920 Wolff Street, Racine, WI 53404, Officers: Lennart Holball, President, Steen Sanderhoff, Vice President, Arthur Ed. Ziegler, Director, Robert A. Ziegler, Director

Royal Transportation, Inc., 3711 Long Beach Blvd., Suite 518, Long Beach, CA 90807, Officers: William J. Siemens, III, President, George A. Abreu, Vice President/Secretary

The Hosford Co., Inc., 5663 Swanville Road, Erie, PA 16506, Officers: Gary D. Carver, President/Treasurer/Director, Donald A. Hosford, Vice President/Secretary/Director.

Dated: September 2, 1981.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81–26214 Filed 9–8–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Dakota County Bancshares, Inc.; Formation of Bank Holding Company

Dakota County Bancshares, Inc., Mendota Heights, Minnesota, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of Dakota County State Bank, Mendota Heights, Minnesota. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–26243 Filed 9–8–81; 8:45 am]

BILLING CODE 6210–01–M

First City Bancorporation of Texas, Inc.; Acquisition of Bank; Correction

This notice corrects a previous Federal Register Document (FR Doc. 81–24425) which was published at page 42529 of the issue for Friday, August 21, 1981. The name of the bank to be acquired was incorrect. The correct name is The Lake Jackson Bank of Lake Jackson, Lake Jackson, Texas. The previous notice also incorrectly stated that the application was seeking approval under Section 3(a)(1) of the Bank Holding Company Act. The correct section number is 3(a)(3).

Board of Governors of the Federal Reserve System, September 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–26249 Filed 9–8–81; 8:45 am]

BILLING CODE 6210–01–M

First National Cincinnati Corp.; Proposed Issuance of Travelers Checks

First National Cincinnati Corporation, Cincinnati, Ohio, has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage *de novo* in the issuance of travelers checks. These activities would be performed from offices of Applicant in Cincinnati, Ohio, and the geographic areas to be served are Ohio, Kentucky, Indiana and West Virginia.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 30, 1981.

Board of Governors of the Federal Reserve System, September 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26246 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Kankakee Bancshares, Inc.; Formation of Bank Holding Company

Kankakee Bancshares, Inc., Kankakee, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to City National Bank of Kankakee, Kankakee, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26242 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Maybaco Co.; Formation of Bank Holding Company

The Maybaco Company, Baltimore, Maryland, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 27.12 percent of the voting shares of Equitable Bancorporation, Baltimore, Maryland, and thereby indirectly acquire shares of The Equitable Trust Company, Baltimore, Maryland, and shares of Columbia Bank and Trust Company, Columbia, Maryland, and shares of Farmers & Merchants Bank of Hagerstown, Hagerstown, Maryland. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26240 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Maynard Bancshares, Inc.; Formation of Bank Holding Company

Maynard Bancshares, Inc., Maynard, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.4 percent of the voting shares of Security State Bank of Maynard, Maynard, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26241 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Metro Shares, Inc.; Formation of Bank Holding Company; Correction

This notice corrects a previous Federal Register document (FR Doc. 81-24768), published at page 42917 of the issue for Tuesday, August 25, 1981. This application may be inspected at the Federal Reserve Bank of Atlanta, and any comments on this application must be submitted in writing to the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, September 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26245 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Montrose Savings Bancshares, Inc.; Formation of Bank Holding Company

Montrose Savings Bancshares, Inc., Montrose, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Montrose Savings Bank, Montrose, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28247 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Town and Country Bancshares, Inc.; Formation of Bank Holding Company

Town and Country Bancshares, Inc., Stephenville, Texas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Town and Country Bank, Stephenville, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28239 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Valley Bancshares, Inc.; Formation of Bank Holding Company

Valley Bancshares, Incorporated, Pauls Valley, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Pauls Valley National Bank, Pauls Valley, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28244 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

Washington Bancorp, Inc.; Formation of Bank Holding Company

Washington Bancorp, Inc., Franklinton, Louisiana, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Washington Bank & Trust Company, Franklinton, Louisiana. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28246 Filed 9-8-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-15]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Arizona Corporation Commission involving electric and gas rates, Docket No. U1345-81-150.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation:*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly Sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arizona Corporation Commission involving the application of the Arizona Public Service Company for an increase in its electric and gas rates in Docket No. U1345-81-150.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: August 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-26275 Filed 9-8-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-14]

Delegation of Authority to the Secretary of Defense

1. Purpose

This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the North Carolina Utilities Commission involving electric rates, Docket No. E-2 (Sub 416).

2. Effective date

This delegation is effective immediately.

3. Delegation

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission involving the application of the Carolina Power and Light Company for an increase in its electric rates in Docket No. E-2 (Sub 416).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: August 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-26299 Filed 9-8-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Research and Research Training Programs, Revised Program Announcements

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration, HHS.

ACTION: Issuance of Revised Program Announcements for Research and Research Training.

SUMMARY: Alcohol, Drug Abuse, and Mental Health Administration wishes to announce the availability of revised program announcements for Research and Research Training Programs. These announcements provide current information about areas in which support is available from the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health.

FOR FURTHER INFORMATION CONTACT:

National Institute on Alcohol Abuse and Alcoholism, Office of Public Affairs, Room 16-95.

National Institute on Drug Abuse, Office of Communications and Public Affairs, Room 10A-56.

National Institute of Mental Health, Public Inquiries Section, Room 11A-21.

All of these offices are located at 5600 Fishers Lane, Rockville, Maryland 20857.

SUPPLEMENTARY INFORMATION: The following program announcements are available:

1. Mental Health Research Support Programs.
2. Alcohol Research Grants.
3. Alcohol Research Centers Grants.
4. Drug Abuse Research Grants.
5. ADAMHA National Research Service Awards for Individual Fellows.
6. ADAMHA National Research Services Awards for Institutional Grants.

William Mayer,

Administrator.

[FR Doc. 81-26274 Filed 9-8-81; 8:45 am]

BILLING CODE 4110-85-M

Public Health Service

Privacy Act of 1974

AGENCY: Public Health Service, Health and Human Services Department.

ACTION: Waiver of advance notice period for an altered system of records.

SUMMARY: FR Doc. 81-18912, appearing at page 33106 in the issue for Firday, June 26, 1981, provided notification of an altered system of records proposed by the Office of the Assistant Secretary for Health. That system is 09-37-0005, PHS Commissioned Corps Board Proceedings," HHS/OASH/OM. The document stated that the Public Health Service had requested that the Office of Management and Budget (OMB) grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and the Congress.

OMB granted the requested waiver on August 6, 1981.

Accordingly, the alteration to system of records number 09-37-0005 became effective upon the date of the waiver except for the new routine uses which became effective on August 18.

Dated: September 2, 1981.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

[FR Doc. 81-26257 Filed 9-8-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Sisseton-Wahpeton Reservation, S. Dak.; Ordinance Regulating the Sale and Use of Intoxicating Beverages

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 18 U.S.C. 1161 (1976). I certify that the following Resolution and Ordinance relating to the application of the Federal Indian Liquor Laws on the Lake Traverse Indian Reservation, South Dakota, were adopted on June 2, 1980, by the Sisseton-Wahpeton Sioux Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Kenneth Smith,

Assistant Secretary—Indian Affairs.

August 27, 1981.

Whereas, The Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation is organized under a Constitution and By-laws adopted by the members of the Tribe on August 1-2, 1966; approved by the Commissioner of Indian Affairs on August 25, 1966; and,

Whereas, Article VII, Section 1, (a), (g), and (h) of the Constitution authorizes the Tribal Council to: (a) represent the Tribe in all negotiations with Federal, State, and local governments; (g) to take any action by

ordinance, resolution, or otherwise which are reasonably necessary, through committees, boards, agents or otherwise to carry into effect the foregoing purpose; and (h) to promote public health, education, charity, and other services as may contribute to the social advancement of the members of the Tribe; and,

Whereas, 18 United States Code Section 1161 provides that an Ordinance may be duly adopted by the Sisseton-Wahpeton Sioux Tribe which allows the introduction of liquor into the Lake Traverse Reservation; and,

Whereas, The people of the Sisseton-Wahpeton Sioux Tribe are compelled to promulgate a Liquor Control Law which will allow the introduction of liquor within the boundaries of the Lake Traverse Indian Reservation in such a manneer as will be controlled and managed by the people of the Sisseton-Wahpeton Sioux Tribe; and,

Whereas, The Sisseton-Wahpeton Sioux Tribe desires to control the introduction of liquor as well as provide for its management and supervision; and,

Whereas, The Solicitor for the Department of the Interior will not approve the publication of the Sisseton-Wahpeton Sioux Tribe's Liquor Ordinance Control Law without additional language.

Now therefore be it resolved, that the Sisseton-Wahpeton Sioux Tribal Council hereby amends the Sisseton-Wahpeton Sioux Tribe's Liquor Ordinance Control Law and as Section 28, chapter 1 of Ordinance 80-02 which was adopted on June 2, 1980, to include the following language:

"Nothing in this Ordanance shall be construed to require or authorize the criminal trial and punishment by the Sisseton-Wahpeton Sioux Tribe Tribal Court of any non-Indian except to the extent allowed by any applicable present or future Act of Congress or any applicable decision of the U.S. Supreme Court."

Be it further resolved, that the Sisseton-Wahpeton Sioux Tribe's Liquor Ordanance Control Law as herein amended be now published in the U.S. **Federal Register.**

Certification

We, the undersigned duly elected Chairman and Secretary of the Sisseton-Wahpeton Sioux Tribal Council do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council, which is composed of *18* members, of whom *16* members, constituting a quorum, were present at a Tribal Council meeting duly noticed, called, convened and held at TiWakan Center, Sisseton, South Dakota, on *May 6*, 1981, by a vote of *9* for; *4* opposed; *5* not voting; and that said Resolution has not been rescinded or amended in any way.

Dated this *21st* day of *May* 1981.

Carol J. Jordan,

Tribal Secretary, Sisseton-Wahpeton Sioux Tribal Council.

Rollin V. Ryan,

Tribal Chairman, Sisseton-Wahpeton Sioux Tribal Council.

Ordinance No. SWST 80-02

Whereas, 18 United States Code section 1161 provides that an ordinance may be duly adopted by the Sisseton-Wahpeton Sioux Tribe which allows the introduction of liquor into the Lake Traverse Reservation, and

Whereas, the people of the Sisseton-Wahpeton Sioux Tribe mandate laws as are consistent with practical enforcement and application, and

Whereas, the Sisseton-Wahpeton Sioux Tribe is compelled to promulgate a Liquor Control Law which will allow the introduction of liquor within the boundaries of the Lake Traverse Indian Reservation in such a manner as will be controlled and managed by the people of the Sisseton-Wahpeton Sioux Tribe, and

Whereas, the Sisseton-Wahpeton Sioux Tribe desires to control the introduction of liquor as well as provide for its management and supervision, and now

Therefore be it resolved, that we the members of the Sisseton-Wahpeton Sioux Tribal Council by a vote of 9 for, to 4 opposed, with 14 members present thus making a quorum hereby ordain, establish, and pass the following ordinance which shall be known as the Sisseton-Wahpeton Sioux Tribe Liquor Control Law.

Be it further resolved, that the Secretary of the Tribal Council is hereby ordered to submit this law and ordinance to the Secretary of the Interior for publication in the **Federal Register** in the most expedient manner.

Sisseton Wahpeton Sioux Tribe Liquor Control Law

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Chapter I—Alcoholic Beverages

Section 1. *Definition of Terms.*

Terms used in this Ordinance, unless the context otherwise plainly requires, shall mean as follows:

(a) "Alcoholic Beverages" shall mean any intoxicating liquor, low-point beer or any wine as defined under the provisions of this ordinance.

(b) "Application" shall mean a formal written request for the issuance of a license supported by a verified statement of facts.

(c) "Bulk Container" shall mean any package, or any container within which container are one or more packages.

(d) "Distillery" "winery" and "brewer" shall mean not only the premises wherein alcohol is distilled, or rectified wine is fermented or beer is brewed, but in addition a person owning, representing, or in charge of such premises and the operations conducted thereon, including the blending and bottling or other handling and preparation of intoxicating liquor or beer in any form.

(e) "Foreign Corporation" shall mean any corporation not incorporated under the laws of the Sisseton Wahpeton Sioux Tribe.

(f) "High-Point Beer" shall mean any beer having an alcoholic content in excess of three and two-tenths per centum of weight.

(g) "Immediate Family" shall mean and include as defined under both the Anglo-American and Dakota system of jurisprudence, but is not limited to, the following relationships: Grandparents, parents, spouses, sons, daughters, grand-children, fathers-in-law, mothers-in-law, sisters-in-law, aunts, uncles, and cousins in addition to all other lineal and collateral relatives whether in the whole or half blood or adopted.

(h) "Tribal District" or "District" shall mean any recognized Indian District as established by the Constitution, By-Laws, or Ordinances of the Sisseton Wahpeton Sioux Tribe.

(i) "Intoxicating Liquor" shall mean any liquid either commonly used, or reasonably adopted to use, for beverages purposes, containing in excess of three and two-tenths per centum of alcohol by weight. This shall include any type of wine, regardless of alcohol content.

(j) "Legal Age" shall mean the age requirements as defined in Chapter VI.

(k) "Liquor Store" shall mean any store, established by the Department, any Indian District, or Tribal member, for the sale of alcoholic beverages.

(l) "Low-Point Beer" shall mean any liquid either commonly used, or reasonably adapted to use, for beverages purposes, and which is produced wholly or in part from brewing of any grain or grains, or malt or malt substitute, and which contains any alcohol whatsoever but no more than three and two-tenths per centum of alcohol by weight.

(m) "On-Sale Dealer" shall mean the Sisseton Wahpeton Sioux Tribe, any Indian District or Tribal member that sells, or keeps for sale, any alcoholic beverages authorized under this ordinance for consumption on the premises where sold.

(n) "On-Sale" shall mean the sale of any alcoholic beverage, for consumption only upon the premises where sold.

(o) "Off-Sale" shall mean the sale of any alcoholic beverage, for consumption off the premises where sold.

(p) "Package" shall mean the bottle or immediate container of any alcoholic beverage.

(q) "Package Dealer" shall mean the Sisseton Wahpeton Sioux Tribe, any Indian District or Tribal member as distinguished from a distiller, manufacturer, or wholesaler, that sells, or keeps for sale, any alcoholic beverage authorized under the ordinance for consumption off the premises where sold.

(r) "Public Place" shall mean any place, building, or conveyance to which the public has or is permitted access.

(s) "Retailer" shall mean Sisseton Wahpeton Sioux Tribe, any Indian District or Tribal member that sells alcoholic beverages authorized under this Ordinance for other than resale.

(t) "Sacramental Wine" shall mean wines for sacramental purposes only and used by ordained rabbis, priests, ministers, or pastors, or any church or established religious organization.

(u) "Sale" shall mean the transfer of bottled or canned liquor for a consideration of currency exchange and of title to any alcoholic beverage.

(v) "Stamp" shall mean the various stamps required by this Ordinance to be affixed to the package or bulk container, as the case may be, to evidence payment of the tax prescribed by this Ordinance.

(w) "Treasurer" shall mean the duly selected and actual Treasurer of the Sisseton Wahpeton Sioux Tribe.

(x) "Council" shall mean the Tribal Council of the Sisseton Wahpeton Sioux Tribe.

(y) "Vendor" shall be defined by Chapter I, Section 17 and, in the case of an Indian District or Tribal member, a vendor shall mean any person employed and under the direct supervision of such District or Tribal member to conduct and manage District or Tribal member's liquor stores.

(z) "Wholesaler" shall mean any person other than a brewer or bottler of beer, who shall sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in intoxicating liquor or low-point beer; no wholesaler shall be permited to sell for consumption upon the premises.

(aa) "Wine" shall mean any beverage containing alcohol obtained by the fermentation of the natural sugar content of fruits or other agricultural products, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica.

(bb) The Terms, "the provisions of this Ordinance", "as provided in this Ordinance" or similar terms shall include all rules and regulations of the department adopted to aid in the administration or enforcement of this Ordinance.

Section 2. *Public Policy Declared.*

This Ordinance shall be cited as the "Sisseton Wahpeton Sioux Tribal Liquor Control Ordinance" and under the inherent sovereignty of the Sisseton Wahpeton Sioux Tribe, shall be deemed an exercise of the Tribe's power, for the

protection of the welfare, health, peace, morals, and safety of the people of the Tribe, and all its provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to be public policy that the traffic in alcoholic beverages if it affects the public interest of the people, should be regulated to the extent of prohibiting all traffic of liquor, except as provided in this Ordinance.

Section 3. *General Prohibition.*

It shall be unlawful to manufacture for sale, sell, offer, or keep for sale, possess or transport intoxicating liquor or low-point beer except upon the terms, conditions, limitations, and restrictions specified in this Ordinance.

Section 4. *Director Appointed.*

The Sisseton Wahpeton Sioux Tribal Council shall hire under contract a Director of Liquor Control (hereinafter Director) who in no event shall be a member of the Council nor shall such a person be appointed if he or a member of his or her immediate family is a member of the Sisseton Wahpeton Sioux Tribe governing body or has an interest directly or indirectly in the production, transportation, or sale or intoxicating liquor or low-point beer, or in any building or property in any way used in connection with any such business. Such Director's original contract shall be for a duration of one (1) year and may be renewed on a yearly basis thereafter. The Director's salary shall be in such amount as may be determined by the Sisseton Wahpeton Sioux Tribal Council. The Director shall be qualified in a managerial ability or in experience to perform his duties; shall post a bond in an amount determined by the Sisseton Wahpeton Sioux Tribal Council to insure proper discharge of his duties; and shall act in the name of and serve at the pleasure of the Sisseton Wahpeton Sioux Tribal Council.

Section 5. *Removal.*

The Director shall be removed for cause and such removal shall not be in lieu of any other punishment that may be prescribed by the laws of the Tribe or the United States. The Director so removed shall be entitled to an opportunity to be heard before the Sisseton Wahpeton Sioux Tribal Council before removal.

Section 6. *Tribal Control of Importation of Liquor.*

The Council shall have the sole and exclusive right of authorizing importation, into the Reservation, of all forms of intoxicating liquor and low-point beer, except as otherwise provided in this Ordinance, and no person or organization shall so import any such intoxicating liquor or low-point beer into the Reservation, unless authorized by the Council. No licensed wholesaler or distillery shall sell any intoxicating liquor or low-point beer within the Reservation to any person or organization unless authorized by the Council and except as otherwise provided in this Ordinance. It is the intent of this Section to retain in the council exlusive control within the Lake Traverse Reservation both as authorizer and controller of all alcoholic beverages sold by licensed wholesalers or distilleries within the State of South Dakota or other States or imported therein, except low-point beer, and except as otherwise provided in this Ordinance.

Section 7. *Individual To Hold License.*

An individual Tribal member may hold a liquor license under the provisions of this Orinance. It is the intent of this Ordinance to allow the Sisseton Wahpeton Sioux Tribe, Indian Districts or Tribal members to hold liquor licenses, in such manner as provided in this Ordinance.

Section 8. *Tribal Liquor Stores.*

Subject to the provisions of Chapter II, the Council may establish and maintain anywhere on this Reservation the Council may deem advisable, a tribal liquor store or stores for storage and sale of alcoholic beverages in accordance with the provisions of this Ordinance. The Council may, from time to time, fix the prices of the different classes, varieties, or brands of alcoholic liquor and low-point beer to be sold.

Section 9. *Vendor-Cash Sales.*

In the conduct and management of Tribal Liquor Stores the Council is empowered to employ a person who shall be under the direct supervision of the Director, who shall be known as a "vendor" and who shall observe all provisions of this Ordinance and rules and regulations that may be prescribed by the Council under this Ordinance. No vendor shall sell alcoholic beverages to any person or organization except for cash.

Section 10. *Storage of Beverages.*

The Sisseton Wahpeton Sioux Tribe shall not keep or store any alcoholic beverages at any place within the Lake Travere Reservation other than on the premises where they are authorized to operate and except as otherwise provided by this Ordinance.

Section 11. *Payment of Fee.*

There shall be a filing fee on applications for any licenses under this Ordinance, as established by the Council.

Section 12. *Hearing and Notice.*

No license for a Class A, B, C, D, E, or F license, as the same are defined and classified under the provisions of this Ordinance, shall be granted to an applicant for any such license, except after public hearing, upon notice, as provided hereinafter in this Chapter.

Section 13. *Request for Notice of Hearing.*

If any Tribal member of any District as recognized by the Constitution or By-Laws or Ordinances of the Sisseton Wahpeton Sioux Tribe or District, shall file with the Council, a written request that he or she be notified of the time and place of Hearing upon any specified application or applications for licenses for the On-or-Off sale at retail of alcoholic beverages, the Director shall give notice to such person by certified mail and within a sufficient length of time prior to the Hearing upon such application as to allow such person a reasonable opportunity to be present. For the purpose of this Section, the certified letter must be deposited with the U.S. Post Office at least five (5) days before the scheduled date of the Hearing.

Section 14. *Time and Place for Hearing.*

The Council shall fix a time and place for Hearing upon all such applications which may come before the Council and the Director shall publish notice once in the offical newspaper of the Tribe which notice shall be headed "Notice of Hearing Upon Application for Sale of Alcoholic Beverage" and shall state the time and place when and where such applications will be considered by the Council and that any person interested in the approval or rejection of any such application may appear and be heard, which notice shall be published at least one week prior to such Hearing. At the time and place so fixed, the Council shall consider such applications and all objections thereto, if any, prior to final decision thereon.

Section 15. *Transfer of License.*

No license granted pursuant to the provisions of this Ordinance shall be transferred to another District or person or organization. If a transfer to a new location is requested by a licensee, the licensee must make application showing all the relevant facts as to such new application, which application shall take the same course and be acted upon as if an original application. No fee shall be required of a licensee who desires to transfer to a new location; however, such licensee must pay the actual costs involved in the Notification of Hearing as published in the official newspaper.

Section 16. *Sale of Stock on Termination.*

Any licensee authorized to deal in alcoholic beverages upon termination of its license may at any time within twenty (20) days thereafter sell the

whole or any part of the alcoholic beverages included in its stock in trade at the time of termination, to any licensed wholesaler approved under the provisions of the Ordinance to deal in alcoholic beverages as a wholesaler. A complete report of such purchase and sale must be made by both the wholesaler and licensee to the Council. At the discretion of the Council, an additional twenty (20) days extension to sell may be granted to the licensee by the Council.

Section 17. *Complaints Authorized.*

Any person may file with the Council a duly notarized complaint as to any violations of the provisions of this Ordinance and immediately upon receipt thereof, the Council shall cause the Director to make a thorough investigation and, if there is evidence to support the charge made in such complaint, the Council must cause revocation of the license in question and/or take other appropriate action.

Section 18. *Revocation Proceedings.*

The Council shall on due notice to such licensee, conduct a Hearing and on the basis thereof determine whether such license should be revoked.

Section 19. *Subpoena by Council.*

For the purpose of conducting the Hearing as prescribed above, the Council shall have the power to subpoena witnesses and to administer oaths. Witnesses so subpoened shall be paid at the then prevailing witness rate for the Sisseton Wahpeton Sioux Tribal Court, and said witness fee shall be paid from the Tribal Liquor Control Fund.

Criminal proceedings must be filed in Tribal Court and may be instituted by the Council or Director as complainant against any violator except the Sisseton Wahpeton Sioux Tribe.

Section 20. Dismissal or Acceptance of Complaint.

If the Council determines the license should not be revoked, it shall dismiss the complaint. If the Council determines the license should be revoked and revokes such license, it must make in writing findings of fact as to every such violation alleged in such complaint before it revokes such license, and must by the time of the next tribal Council meeting, make a report available consisting of a transcript of the proceedings had, and all findings as to every such violation alleged in such complaint.

Section 21. Suspension in Lieu of Revocation.

The Council may, if the facts warrant, mitigate the revocation to a suspension.

When in any proceedings upon verified complaint, the Council is satisfied that the nature of such violation and the circumstances thereof were such that a suspension of license would be adequate it may suspend the license for a period not exceeding 60 days, which suspension shall become effective 24 hours after service of notice thereof upon the license. During the period of such suspension, such licensee shall exercise no rights or privileges whatsoever under the license.

Section 22. *Public Hearing Required.*

All Hearings under the provisions of this Ordinance shall be public, and place of Hearing shall be specifically designated in the Notice and place of Hearing shall be specifically designated in the Notice of Hearing. It shall be permissible, when due notice has been given, for the Council to hold Hearings in the District Hall of the District wherein the license is operative.

Section 23 *Order of Revocation.*

In any case where the Council approves a revocation of a license, it shall forthwith make an order for such revocation and upon service of Notice thereof on the licensee all of such licensee's rights under such license shall terminate three days after such Notice, except in the event of a Stay on Appeal.

Section 24. *Waiting Period for New Licensee.*

Any licensee, except the Sisseton Wahpeton Sioux Tribe, whose license is revoked shall not for a period of two (2) years thereafter be granted any license under the provisions of this Ordinance.

Section 25. *Appeal to Tribal Court.*

Any licensee whose license is revoked by the Council regardless of how the proceedings were instituted, may appeal from such revocation to the Sisseton Wahpeton Sioux Tribal Court, within five (5) days after Notice to the licensee of such revocation, and such appeal operate to stay all proceedings for a period of fifteen (15) days thereafter and for such an additional period of time that the Sisseton Wahpeton Sioux Tribal Court may in its discretion extend. Under no circumstances may the Tribal Court extend the stay for a period of more than twenty-five (25) days including the original fifteen (15) days stay period. The Council shall forthwith, upon such Appeal being made, certify to the Tribal Court the complete record in the proceedings and the Court shall thereupon fix a time and place for Hearing, due Notice of such Hearing shall be given to all concerned parties involved in the Appeal.

For the purpose of Appeal under this Ordinance, the Appeal shall be heard by the duly qualified and selected Judge of the Sisseton Wahpeton Sioux Tribal Court.

Section 26. *Bootlegging.*

Any person whom by himself, or through another acting for him, shall keep or carry on his person, or in a vehicle, or leave in a place for another to secure, any alcoholic liquor or low-point beer with intent to sell or dispense of such liquor or low-point beer or otherwise in violation of law, or who shall, within this Reservation in any manner, directly or indirectly, solicit, take, or accept any order for the purchase, sale, shipment, or delivery of such alcoholic liquor or low-point beer in violation of law, or aid in the delivery and distribution of any alcoholic liquor or low-point beer so ordered or shipped, or who shall in any manner procure for, sell, or give any alcoholic liquor or low-point beer to any person under legal age, for any purpose except as authorized and permitted in this Ordinance, shall be guilty of bootlegging and upon conviction thereof shall be subject to a fine of not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00), and to a jail sentence of not less than three (3) months, nor more than six (6) months, or both such fine and jail sentence plus costs.

Section 27. *General Penalties.*

Any person violating any provision of this Ordinance for which a specific penalty is not provided, shall be punished by a fine of not less than one hundred and fifty dollars ($150.00), nor more than five hundred dollars ($500.00), or by imprisonment in the Tribal jail for not more than six (6) months, or by both such fine and imprisonment, plus costs.

Section 28. Nothing in this Ordinance shall be construed to require or authorize the criminal trial and punishment by the Sisseton-Wahpeton Sioux Tribe Tribal Court of any non-Indian except to the extent allowed by any applicable present or future Act of Congress or any applicable decision of the Supreme Court.

Chapter II—Local Option and Community Involvement

Section 1. *Local Regulations.*

(a) Indian Districts as recognized by the Revised Constitution, and By-Laws of the Sisseton Wahpeton Sioux Tribe, who shall hold an election as provided herein and who shall authorize the retail sale of low-point beer within their jurisdiction shall have the right and power to make regulations, not inconsistent with the provisions of this Ordinance, concerning the conduct of retail traffic in low-point beer within their respective jurisdictions; this includes the regulation of the days of the week and the hours within which low-point beer may be sold; provided; however, that nothing in this Chapter shall operate to restrict or apply to the

Sisseton Wahpeton Sioux Tribe when it becomes the licensee anywhere within the Lake Traverse Reservation.

(b) The Council alone shall authorize and issue licenses for the retail sale of alcoholic beverages other than low-point beer in accordance with provisions of this Ordinance.

Section 2. *Elections.*

(a) No part of this Chapter shall authorize the granting of a license by the Council until such time as such Indian District involved conducts a District Election for the purpose of approving the retail sale of low-point beer in that Community. For the purpose of this Ordinance, the Council is prohibited from approving an application for a license by any District which has not affirmatively voted, by a majority of those voting, for the approval of the retail sale of low-point beer in that particular District.

(b) The local election to allow licensing of retail sale within the Indian District of low-point beer shall be conducted by the duly elected District Officials upon proper notice having been given in advance of at least fifteen (15) days duration. The election shall be held among all the duly qualified voters of the District as of the date of the election, and the rules and regulations pertaining to Tribal Elections shall apply to such election. Upon the completion of a District Election, the ballots shall be transmitted forthwith to the Tribal Council along with the certification of the Elected Officials of the District as to the outcome of the election. Any charges as to irregularities in the election shall be heard by the Tribal Council and the Council's decision shall be final.

Section 3. *Community Licenses Restricted.*

All Districts under the provisions of this Chapter who approve in the election the retail sale of low-point beer within their jurisdictions shall be limited to only Class E and Class F licenses as provided in Chapter V of this Ordinance. When a District elects to sell low-point beer, the Department shall not establish and maintain any store for the sale of low-point beer in such community that will be in competition with such District's store or stores.

Section 4. *When Community Option is Lost.*

Any District that does not authorize and conduct an election under this Chapter within 12 months from the approval of this amendatory Ordinance by the Sisseton Wahpeton Sioux Tribal Council shall be deemed to have lost their right to sell and control low-point beer within their jurisdiction and all such rights lost shall revert exclusively to the Council.

Section 5. *Form of Question of Election.*

The form of submitting the question of whether intoxicating liquor is to be sold within the District shall be, "Shall a license to sell low-point beer be permitted for this District?"

Section 6. *Distance from Schools and Churches.*

No license may be issued under this Chapter to any District who will sell low-point beer within 400 feet of any school which is open during the sale hours, or which will operate within 400 feet of any existing church of any religion.

Section 7. *Purchase Invoices.*

Copies of each purchase invoice for low-point beer supplies delivered to and signed by any licensee or its duly authorized agent under this Chapter shall be filed monthly within the Council and the Treasurer of the Sisseton Wahpeton Sioux Tribe.

Section 8. *Restiction on Department Extended to Communities.*

Unless specifically indicated, all applicable provisions of this Ordinance relating to the purchasing, transportation, storage, handling, serving, and sale of alcoholic beverages by the Department shall also apply to any Indian District that sells low-point beer under this Chapter.

Chapter III—Liquor Licenses and Sales

Section 1. *Power to License and Tax.*

The power to establish licenses and levy taxes under the provisions of this Ordinance is vested exclusively with the Sisseton Wahpeton Sioux Tribal Council.

Section 2. *Classes of Licenses.*

Classes of licenses under this Chapter, with the fee for each Class, shall be as follows:

(a) Class A Package Dealers.

(b) Class B On-Sale Dealers.

(c) Class C Solicitors.

(d) Class D Transportation Companies

Fees shall be established by the Council.

Section 3. *One License Per Application.*

No more than one Class C or Class D license under this Chapter shall be issued to any one licensee, except by approval of the Sisseton Wahpeton Sioux Tribal Council. Indian Districts shall qualify for any licenses under this Chapter. Nothing in this section shall be construed to apply to the Sisseton Wahpeton Sioux Tribe when it is a licensee.

Section 4. *Domestication Requirement for Corporate Licenses.*

Any corporate Class C or Class D licensee under this Chapter must be a corporation organized under the laws of the Sisseton Wahpeton Sioux Tribe, provided that if the applicant is a foreign corporation, the applicant shall be deemed eligible if, prior to the application, it has complied with all the laws of the United States and the Tribe concerning doing business within the Lake Traverse Reservation. Individuals, partnerships, and other forms of association shall be eligible to obtain Class C and D licenses under this Chapter.

Section 5. Ownership of Business.

Any Class C or Class D licensee under this Ordinance must be the sole owner of the business to be operated under the license.

Section 6. *Discretion of Council.*

Application for licenses under this Chapter shall be submitted to the Council as specified in Chapter I of this Ordinance, and the Council shall have absolute discretion to approve or disapprove the same in accordance with the provisions of this Ordinance.

Section 7. *Cancellation of Surety Bond.*

Any surety may cancel any bond required under this Ordinance as to future liability by giving thirty (30) days notice to the Council. Unless the licensee gives other sufficient surety by the end of the thirty (30) day period, the license shall be revoked automatically at the end of the thirty (30) days.

Section 8. *Surety Bond.*

(a) Every application for a license under this Ordinance, unless exempted by the Tribal Council, must be accompanied by a bond, which shall become operative and effective upon the issuing of a license unless the licensee already has a continuing bond in force. The bond shall be in the amount of $10,000.00 and must be in a form approved by the Council and it shall be conditioned that the licensee will faithfully obey and abide by all the provisions of this Ordinance and all existing laws relating to the conduct of its business and will promptly pay to the Sisseton Wahpeton Sioux Tribe when due all taxes and license fees payable by it under the provisions of this Ordinance and also any costs and cost penalty assessed against it in any judgment for violation of the terms of this Ordinance.

(b) All bonds required by this Ordinance shall be with a corporate surety as surety, or shall be by cash deposit. If said bond is placed by cash, it shall be kept in a separate escrow account within a legally Chartered bank.

Section 9. *Action of Bond for Injury.*

Any person injured by reason of the failure of any licensee to faithfully obey and abide by all the provisons of this Ordinance shall have a direct right of

acting upon the bond in Tribal Court for the purpose of recovering the damage sustained by such person, which action may be prosecuted in the name of the injured.

Section 10. *Agreement by Licensee to Grant Access.*

Every application for a license under this Ordinance must include an agreement by the applicant that his premises, for the purpose of search and seizure laws of the Sisseton Wahpeton Sioux Tribe, shall be considered public premises, and that such premises and all buildings, safes, cabinets, lockers, and store rooms thereon will at all times on demand of the Council or a duly appointed Tribal or Federal Policeman, be open to inspection, and that all its books and records dealing with the sale of ownership of alcoholic beverages shall be open to said person or persons for such inspection, and that the application and the license issued thereon shall constitute a contract between the licensee and the Sisseton Wahpeton Sioux Tribe entitling the Department, for the purpose of enforcing the provisions, of this Ordinance, to inspect the premises and books at any time.

Section 11. *Duration of Licenses.*

The period covered by licenses under this Ordinance shall be from 12 o'clock midnight on the 21st day of December to 12 o'clock midnight on the 31st of the following December, except that the license shall be valid for an additional three (3) days provided that proper application for a new license is in the possession of the Council prior to midnight on the 31st day of December when the license expires. A full fee shall be charged for any license for a portion of such period, unless otherwise provided by this Ordinance.

Section 12. *Sacramental Wines Exempt.*

The provisions of this Ordinance, except as otherwise provided, shall not apply to the purchase and sale of sacramental wines. Ordained rabbis, priests, ministers, or pastors of any church or established religious organization within the Lake Traverse Indian Reservation may buy sacramental wines from wholesalers approved by the Council in such quanties as necessary for their religious purposes only.

Section 13. *Refilling Prohibited.*

No licensee shall buy or sell any package which has previously contained alcoholic beverages sold under the provisions of this Ordinance, or refill any such package.

Section 14. *Deliveries.*

No licensee under this Ordinance shall make any delivery of alcoholic beverages outside the premises described in the license.

Section 15. *Prohibited Sales.*

No vendor shall sell any intoxicating liquor;

(a) To any person under legal age.

(b) To any person who is intoxicated at the time, or who is known to the vendor to be an habitual drunkard.

(c) To any person to whom the vendor has been requested in writing not to make such sale, where such request is by the Executive Committee, any police or peace officer, or the husband or wife of the person.

(d) To any mentally ill or mentally retarded person.

Any vendor that violates any of the provisions of this section shall be guilty of an offense and punished by a fine of not less than two hundred dollars ($200.00) nor more than three hundred sixty dollars ($360.00), or by imprisonment in the Tribal jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment with costs.

Section 16. *Minors Barred.*

No vendor shall permit any person under legal age on the premises where the business under the license is authorized, unless accompanied by an adult who is the legal guardian or parent of said minor.

Section 17. *After Hour Sales.*

No vendor shall sell, serve or allow to be consumed on the premises covered by the licenses, alcoholic beverages other than in the hours permitted by its license.

Section 18. *Prohibited Activity.*

No licensee shall allow any gambling or gambling devices on its premises unless authorized by the Sisseton Wahpeton Tribal Council, or permit any lewd or indecent entertainment on said premises.

Section 19. *Prohibited Sales.*

No licensee of an on/sale establishment shall allow to be sold any alcoholic beverages in a package, whether sealed or unsealed, or whether full or partially full.

Section 20. *Unsealed packages in Public.*

No person shall have an unsealed package containing intoxicating liquor in his possession in any public place, other than in duly licensed facility authorizing such broken seal.

Section 21. *Prohibited Use.*

No person shall be permitted either to consume any intoxicating liquor or to mix or blend any intoxicating liquor or alcohol with any other beverage whether or not such other beverage is an alcoholic beverage, in any public place other than upon the premises of a licensed on-sale dealer as defined and authorized by this Ordinance, and any vendor who knowingly permits such violation to occur upon the premises shall be equally responsible with the person performing the act for the violation of the terms thereof.

Chapter IV—Sales Tax

Section 1. *Sales Tax levies.*

There shall be a sales tax imposed on any licensee licensed under the provisions of this Ordinance, in accordance with rates established by the Council.

Chapter V—Low-Point Beer

Section 1. *Chapter to Relate to Low-Point Beer.*

The provisions of this Chapter, unless the context otherwise clearly requires, shall be construed to relate only to low-point beer.

Section 2. *Class of License.*

Classes of licenses under this Chapter, with a fee for each class, shall be as follows:

(a) Package Dealer—Class E.

(b) Retailers, being both package dealers and on-sale dealers, Class F.

Fees shall be established by the Council.

Section 3. *Sales Prohibited.*

No licensee under this Chapter shall sell or give any low-point beer to any person who is less than eighteen (18) years old or to any person to whom the sale of other alcoholic beverages is prohibited under the provisions of this Ordinance, nor shall such licensee promote its sales of beer to tie-in sales arrangements or by any device such as gifts or other concessions of financial value to a customer, but shall limit its business practice to promoting sales on the basis of price competition and other ordinary competitive practices. Violations of this section shall form the basis for immediate revocation of a license.

Section 4. *Employment Restriction.*

All persons less than eighteen (18) years of age are prohibited from serving beer in the place of business licensed under this Chapter.

Section 5. *Hours When Sales and Consumption Prohibited.*

No package dealer or retailer licensee under this Chapter shall sell, serve or allow to be consumed on the premises covered by the license, any low-point beer between the hours of 2:00 o'clock a.m. and 1:00 o'clock p.m. on Sunday. Whoever shall violate any of the provisions of this section shall be guilty of an offense and punished by a fine of not less than $100.00 nor more than $360.00 or by imprisonment in the Tribal jail for not less than 10 days or more

than 180 days, or both such fine and imprisonment with costs.

Section 6. *Importation Restricted.*

Except as provided by this Ordinance, it shall be unlawful to transport any low-point beer into the Lake Traverse Reservation for the use or sale therein unless the same be for delivery to a licensee authorized to receive it.

Chapter VI—Age Requirements

Section 1. *Furnishing Beverage to Child.*

It shall be unlawful to sell or give any alcoholic beverage, except low-point beer, to any person under the age of eighteen (18) years, or sell or give to any person under the age of eighteen (18) years any low-point beer. Any person who violates this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than $100.00 or more than $360.00 or by imprisonment in the Tribal Jail for not less than 30 days nor more than 180 days, or by both such fine and imprisonment with costs.

Section 2. *Purchase, Possession by Minor.*

It shall be unlawful for any person under the age of eighteen (18) years to purchase, attempt to purchase or possess or consume intoxicating liquor, or to misrepresent his age for the purpose of purchasing or attempting to purchase such intoxicating liquor. Any person who violates any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than $50.00 or more than $360.00 or by imprisonment in the Tribal Jail for a period not less than 30 days nor more than 120 days, or by both such fine and imprisonment with costs.

Section 3. *Purchase or Possession of Low-Point Beer.*

It shall be unlawful for any person under the age of eighteen (18) years to purchase, attempt to purchase, possess or consume low-point beer, or to misrepresent his age for the purpose of purchasing or attempting to purchase low-point beer. Any person who violates the provisions of this section shall be guilty of an offense and upon conviction shall be punished by a fine not less than $50.00 nor more than $360.00 or by imprisonment in the Tribal Jail for no less than 30 days nor more than 120 days, or both such fine and imprisonment with costs.

Section 4. *Evidence of Legal Age Demanded.*

Upon attempt to purchase any alcoholic beverages in any Tribal, District or Indian Liquor Store by any person who appears to the vendor to be under legal age, such vendor shall demand and the prospective purchaser upon such demand shall display satisfactory evidence that he or she is of legal age.

Any person under legal age who present to any vendor falsified evidence as to his age shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties specified in Section 3 above.

Chapter VII—Distribution of Profits

Section 1. *Distribution of Profits.*

All profits from the sale of alcoholic beverages on the Lake Traverse Reservation by or through the Council shall be paid over to the General Treasury of the Sisseton Wahpeton Sioux Tribe and be subject to the distribution by the Sisseton Wahpeton Sioux Tribal Council in accordance with its usual appropriation procedures for essential governmental and social services; Provided, however, that the following tribal programs shall have priority in funding in the percentages set out in this section upon demonstration of need and past performances in the normal tribal budgetary appropriation process:

(a) To the Sisseton Wahpeton Sioux Tribe's Alcohol Program in an amount of at least 15% of the total tax received.

(b) To the Sisseton Wahpeton Sioux Tribal Elders Programs in an amount of 15% of the total tax received.

(c) To the Sisseton Wahpeton Sioux Tribal Youth Program in an amount of at least 15% of the total tax received.

(d) To the Sisseton Wahpeton Sioux Tribal Law and Order Program in an amount of at least 15% of the total tax received.

(e) To the Sisseton Wahpeton Sioux Tribal Education Program in an amount of at least 15% of the total tax received.

(f) To other Tribal needs as designated by the Sisseton Wahpeton Sioux Tribal Council.

Chapter VIII—Revision

Section 1. *Severability.*

If any section of any Chapter of this Ordinance or the application thereof to any party or class, or to any circumstances, shall be held to be invalid for any cause whatsoever, the remainder of the Chapter or Ordinance shall not be affected thereby and shall remain in full force and effect as though no part thereof had been declared to be invalid.

Section 2. *All Prior Ordinances and Resolutions Repealed.*

All prior Ordinances and resolutions or provisions thereof that are repugnant or inconsistent to any provision of this Ordinance are hereby repealed.

Section 3. *Amendment or Repeal of Ordinance.*

This Ordinance may be amended or repealed only by ¾ (three-fourths) vote of the Tribal Council in Regular Session.

[FR Doc. 81-28200 Filed 9-8-81; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Reclamation

Contract Negotiations With the Pacific Power & Light Co.; Intent To Negotiate a Temporary Water Service Contract and an Amendatory Water Storage Contract

In accordance with procedures established by the Department of the Interior concerning public participation in water service and repayment contract negotiations, the Bureau of Reclamation (Bureau) intends to initiate negotiations with the Pacific Power and Light Company (PP&L), Portland, Oregon, for water service from the Glendo Unit, Pick-Sloan Missouri Basin Program, Wyoming.

The proposed temporary water service contract will provide PP&L with up to 2,000 acre-feet of water surplus to project requirements at a rate of $75 per acre-foot. The term of the contract will be for a maximum of 5 years. The water is needed by PP&L as an additional supply of water to operate its 750 megawatt powerplant located near Glenrock, Wyoming, on the North Platte River.

The proposed amendatory water storage contract would amend PP&L's present water storage contract (No. 5–07–70–W0109) dated December 4, 1974, to allow for an increase in water storage from 2,000 to 4,000 acre-feet annually in Glendo Reservoir. The proposed water storage rate is $25 per acre-foot and will be subject to periodic review and adjustment at 5-year intervals throughout the life of the contract. The increase in water storage capacity is needed by PP&L to first store the additional 2,000 acre-feet under the proposed temporary water service contract, and thereafter store additional acquired water rights upon the conversion of those rights to dual agricultural and industrial use.

The Glendo Unit was authorized by the Flood Control Act of 1944 (58 Stat. 887). The unit was constructed under a modified plan as presented in the Definite Plan Report of December 31, 1952, approved by the Act of July 16, 1954 (68 Stat. 486, Pub. L. 83–503).

The present water under contract and the storage space in Glendo, other than that allocated to flood control, is operated in conformity with the

Supreme Court North Platte River Decree. Storage space is available in Glendo or other upstream reservoirs through an exchange of water which is sufficient to accommodate storage of PP&L's water under the proposed amendatory water storage contract.

The general public may observe any meetings schedule by the Bureau with PP&L for the purpose of discussing terms and conditions of the proposed contracts. Advance notice of meetings will be furnished only to those parties making a written request for such notice at least 1 week prior to any meeting. Requests should be addressed to the Regional Director, Bureau of Reclamation, Attention: Code 440, P.O. Box 25247, Denver, Colorado 80225. All written correspondence concerning the proposed contracts shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the forms of the proposed contracts not later than 30 days after the completed contract drafts are declared to be available to the public. In the event little or no public interest is evidenced in the negotiations as gauged by the response to this notice and local news releases or announcements, the availability of the proposed forms of contract for public review and comment will not be formally publicized through the **Federal Register** or other media.

Requests for information on scheduled contract negotiating sessions and copies of the proposed contract forms should be obtained through Messrs. Robin D. McKinley or Buddy J. Smith, Repayment Branch, at the above address, or telephone (303) 234–3327 or 234–6562; or through Mr. Dave Wild, Bureau of Reclamation, P.O. Box 1630, Mills, Wyoming 82644, telephone (307) 265–5550.

Dated: September 2, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81-26252 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-09-M

Bureau of Land Management

[F-70105]

Alaska Native Claims Selection

On July 25, 1980, Cook Inlet Region, Inc., filed selection application F–70105 under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151) and I.C. (2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976, for the surface and subsurface estates of a tract of land located near Fairbanks, Alaska.

Section 12(b)(6) of the act of January 2, 1976, autorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located outside the boundaries of Cook Inlet Region. With the concurrence of the State of Alaska and Cook Inlet Region, Inc., the lands within selection F–70105 were placed in the pool of properties available for selection by Cook Inlet Region, Inc., subject to valid existing rights, by notice dated July 6, 1979.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

Portion of Section 21, Township 1 South, Range 1 East, Fairbanks Meridian, more particularly described as commencing at the southwest corner of said Section 21;

Thence North 00°09'00" West, along the west boundary line of said Section 21, a distance of 1,082.90 feet to the northeasterly existing right-of-way line of the Richardson Highway, Alaska Project No. F–062–4(16);

Thence Sough 54°01'31" East, along said right-of-way, a distance of 1,406.42 feet to the True Point of Beginning;

Thence leaving said right-of-way, North 48°09'41" West, a distnce of 496.21 feet to a point of curve;

Thence along a 13°01'22" curve to the right, having a radius of 440.00 feet, through a central angle of 61°03'41" for an arc distance of 468.91 feet to a point of tangent;

Thence North 13°21'20" East, a distance of 605.82 feet to the easterly existing right-of-way line of Badger Road;

Thence northerly along said easterly right-of-way line of Badger Road, a distance of 247.00 feet, more or less, to the southerly right-of-way line of the Old Richardson Highway;

Thence southeasterly, along said southerly right-of-way line of the Old Richardson Highway to the West one-sixteenth line of said Section 21;

Thence South, along said West one-sixteenth line, a distance of 1,540.00 feet, more or less, to said northeasterly right-of-way line of the Richardson Highway, Alaska Project No. F–062–4 (16);

Thence North 54°01'31" West, along said northeasterly right-of-way to the point of beginning.

Containing approximately 19.61 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA).

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. The following third-party interest, if valid, created and identified by the U.S. Army, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

A right-of-way, No. DACA85–2–78–50, granted to Golden Valley Electric Association, Inc., for a power transmission line ten (10) feet each side of the centerline which crosses Sec. 21, T. 1 S., R. 1 E., Fairbanks Meridian.

Section 12(b)(6) of Public Law (P.L.) 94–204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands and improvements described above have been appraised at a value of $570,370. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 1,140.74 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its

selection rights to 1,140.74 acres of its out-of-region entitlement.

Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 9, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Barbara A. Lange,

Acting Chief, Branch of Adjudication.

[FR Doc. 81-26904 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

[A 12038]

Realty Action; Sale of Public Lands in Apache County, Arizona

Correction

In FR Doc. 81-23203, appearing on page 40810, in the issue of Wednesday, August 12, 1981, make the following change:

In the 8th line of the document change "SE¼" to read "SW¼".

BILLING CODE 1505-01

Roswell District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior (Roswell District).

ACTION: Notice of Advisory Council Meeting.

SUMMARY: In accordance with Public Law 94-579, this notice sets forth the schedule and proposed agenda for a forthcoming meeting of the Roswell District Advisory Council.

DATE: October 7, 1981, beginning at 9 a.m. A public comment period will begin at 2 p.m.

ADDRESS: This meeting will be held in the Berrendo Room, Roswell Inn, 1815 N. Main, Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: Richard W. Bastin, Acting District Manager, or Tim Kreager, Chief, Planning and Environment Staff, U.S. Bureau of Land Management, 1717 West Second St., P.O. Box 1397, Roswell, NM 88201 (505-622-7670).

SUPPLEMENTARY INFORMATION: The proposed agenda will include: (1) County road closures; (2) Key issues in resource management in the Roswell Resource Area, including grazing allotment classification; (3) Discussion of the State Director's funding priorities for the fiscal year 1982 budget; (4) Discussion of progress concerning the Waste Isolation Pilot Plant (WIPP) site; (5) Status of energy rights-of-way in the Roswell District; (6) An update on activities at Fort Stanton, e.g.: New Mexico State Univesity agricultural experiments and the Ruidoso airport proposal; (7) The status of nominations for membership on the next Roswell District Advisory Council; (8) Other item chosen by Council members. This meeting is open to the public. Interested persons may make oral statements to the council during the public comment period, or may file written statements. Anyone wishing to make an oral statement must notify the acting district manger by October 2, 1981. Summary minutes will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dates: September 1, 1981.

Richard W. Bastin,

Acting District Manager.

[FR Doc. 81-26276 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 0560277]

New Mexico; Order Providing for Opening of Public Lands to Mineral Leasing and General Mining Laws

August 27, 1981.

1. In an exchange of lands made under the provisions of Section 13 of the Act of March 3, 1921 (41 Stat. 1239) the following described land has been reconveyed to the United States:

New Mexico Principal Meridian

T. 16 N., R. 13 W.,
Sec. 16, Lots 1, 2, and E½NW¼.

The area described contains 152.10 acres in McKinley County.

2. The land is located 5 miles southwest of Crownpoint, NM, or 3¼ miles northeast of Mariano Lake. Legal access to the land is primarily reached by Highway 371 and Highway 56, which crosses a checkerboard land pattern of Indian and BLM land. The soils are sandy to loamy with topographical features varying from flat to rolling and rocky.

3. Subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law, the lands described above shall at 8:00 a.m. on October 26, 1981, be open to application and offers under the mineral leasing laws and to location and entry under the U.S. mining laws. All valid applications received at or prior to 8:00 a.m. on October 26, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Harold F. Payne,

Acting Chief, Divisions of Technical Services.

[FR Doc 81-26210 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application; Milwaukee County Zoological Park

Applicant: Milwaukee County Zoological Park, Milwaukee, WI 53226.

The applicant requests a permit to import two male and three female captive-bred mandrills (*Papio sphinx*) from the Metro Toronto Zoo, Ontario, Canada, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned filed number PRT 2-8402. Interested persons may comment on this application on or before October 9, 1981, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: September 2, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-26293 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Transco Exploration Co.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Transco Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3299, Block 263, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S.C. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Productions Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 31, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-26203 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-31-M

Union Oil Company; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0559, Block 67, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open wekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 31, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-26204 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-M

Office of the Secretary

Privacy Act Systems of Records; Correction

On August 3, 1981, the Department of the Interior published a revised Privacy Act system of records notice titled "Investigative Records—Interior, Office of Inspector General—2" (46 FR 39482). A correction is being made to the part of the system notice describing where the records are located. The revised system location is as follows:

INTERIOR/OIG-2

* * * * *

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of the Interior, at the following locations: (1) 18th and C Sts., N.W., Washington, D.C. 20240; (2) Suite 1212, 4015 Wilson Boulevard, Arlington, Virginia 22217; (3) Suite 520, 44 Union Boulevard, Lakewood, Colorado 80228; (4) Investigative site during course of an investigation.

* * * * *

Additional information regarding this change can be obtained from Mr. Reed Phillips, Jr., Director, Office of Information Resources Management, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-6194, or the Departmental Privacy Act Officer in the same office, telephone 202-343-6191.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-26256 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-10-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 4, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register

criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by September 24, 1981.

ARKANSAS

Pulaski County

Little Rock, *Union Life Building*, 212 Center St.

Carol Shull,

Acting Keeper of the National Register.

[FR Doc. 81-26420 Filed 9-8-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-249

Decided: August 31, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. (Member Chandler not participating in part.)

MC 8771 (Sub-81), filed August 24, 1981. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004, (202) 737-1030. Transporting (1) *metal products*, between points in Anoka and Isanti Counties, MN, on the one hand, and, on the other, points in the U.S., (2) *machinery*, between points in Lake County, MN, on the one hand, and, on the other, points in the U.S., and (3) *clay, concrete, glass, or stone products, rubber and plastic products, metal products and machinery*, between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 30111 (Sub-3), filed August 13, 1981. Applicant: SAL-SON TRUCKING COMPANY, INC., 248 South St., New York, NY 10002. Representative: Carl L. Haderer, 18 Summit Ave., Montvale, NJ 07645, (212) 578-4530. Transporting *general commodities* (except classes A and B explosives), between Jersey City, NJ, and New York, NY, on the one hand, and, on the other, New Haven, CT, Philadelphia, PA, New York, NY, points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties, NY, and those points in NJ on and north of NJ Hwys 70 and 72.

Note.—The purpose of this application is to eliminate the present restriction which limits the above authority to traffic moving on freight forwarder bills of lading.

MC 74321 (Sub-164), filed August 7, 1981. Applicant: B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17-B, Denver, CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330 50 South Steele St., Denver, CO 80209, (303) 320-6100. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 113271 (Sub-61), filed August 10, 1981. Applicant: TRANSYSTEMS, INC., P.O. Box 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452-6415. Transporting (1) *lumber and lumber products*, between points in CO, ID, MT, NV, UT, WA and WY.

MC 113300 (Sub-13), filed August 21, 1981. Applicant: WILLIAM T. HERRON TRUCKING, INC., Box 424, Marietta, OH 45750. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, (614)-228-8575. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Marietta Industrial Enterprises, Inc., at points in OH and WV, on the one hand, and, on the other, points in MI, IN, KY, OH, WV, MD, DE, PA, NJ, NY, CT, MA, RI, VT, NH, ME, GA, NC, SC and VA.

MC 113751 (Sub-51), filed August 21, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273-1003. Transporting (1) *charcoal, charcoal briquettes, wood chips, vermiculite, lighter fluid, and accessories* used in outdoor cooking, (2) *chemicals and related products*, and (3) *flour*, between the facilities used by Mark Charcoal Co., Inc., and Standard Milling Company, at those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 116370 (Sub-4), filed August 20, 1981. Applicant: CATAWESE COACH LINES, INC., 545 North Second St., Shamokin, PA 17872. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street NW., Washington, DC 20005, (202) 783-3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter and special operations,

beginning and ending at points in Berks, Bucks, Carbon, Centre, Dauphin, Delaware, Lackawanna, Lebanon, Luzerne, Montgomery, Philadelphia, and Wyoming, and Wyoming Counties, PA, and extending to points in the U.S. (including AK, but excluding HI).

MC 143061 (Sub-21), filed August 21, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 623–9106. Transporting *general commodities* (except classes A and B explosives), between the facilities used by the Sunbeam Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144710 (Sub-8), filed August 7, 1981. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Rd., Rochester, NY 14625. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580 (716) 671–8200. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment,* (2) *metal products,* and (3) *building and contractors' materials,* between those points in NY on and west of Interstate Hwy. 81, on the one hand, and, on the other, points in the U.S.

MC 146420 (Sub-4), filed August 10, 1981. Applicant: FRATE SERVICE, INC., Rural Route One, East Peoria, IL 61611. Representative: Daniel M. Harrod, Eureka Professional Bldg., Eureka, IL 61530, (309) 467–2381. Transporting *metal products and racks,* between points in IL, on the one hand, and, on the other, points in IN, KY, MI, OH, WI, and IA.

MC 147811 (Sub-10), filed August 10, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Donald E. Martin, 94 Auburn St., Portland, ME 04103, (207) 797–5194. Transporting (1) *building materials,* and (2) *food and related products,* between points in the U.S., under continuing contract(s) with Superior Distributing, of Waterville, ME, in (1) above, and The Ogan Co., Inc., of Revere, MA, in (2) above.

MC 148380 (Sub-17), filed August 25, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with Escambia Treating Co., of Pensacola, FL.

MC 151961, filed August 21, 1981. Applicant: SIRCAP TRANSPORTATION, INC., 4772 North St., Baton Rouge, LA 70806. Representative: C. R. Walker (same address as applicant), (504) 356–6240. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA.

MC 152840 (Sub-1), filed August 20, 1981. Applicant: PATRICIA AND JAMES KEELER, d.b.a. P & J TRANSPORTATION CO., Route 295, Berkey, OH 43504. Representative: Donald G. Hichman, R.D. #1, Box 7, Union Springs, NY 13160, (419) 829–5011. Transporting *floor covering,* between points in Wayne and Macomb Counties, MI, on the one hand, and, on the other, Chicago, IL and points in Salem County, NJ.

MC 153270, filed August 25, 1981. Applicant: THE SORG PAPER COMPANY, a corporation, 901 Manchester Ave., Middletown, OH 45042. Representative: W. D. Smith (same address as applicant), (513) 422–3661. Transporting *paper and paper products,* between points in the U.S., under continuing contract(s) with Middletown Paperboard Co., of Middletown, OH.

MC 153960 (Sub-2), filed August 10, 1981. Applicant: STANDARD TRANSFER CO., INC., 1500 Bankhead Hwy., Mableton, GA 30059. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *petroleum, natural gas and their products,* between Douglasville, GA, on the one hand, and, on the other, points in AL. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum, gas, it will expire 5 years from the date of issuance.

MC 155920 (Sub-1), filed August 21, 1981. Applicant: NORMAN G. MAGA AND LUCILLE A. MAGA, P.O. Box 225, Winnemucca, NV 89445. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting (1) *machinery;* and (2) *ores and minerals,* between points in Humboldt, Pershing, Lander, Eureka, Churchill, Storey, Elko, White Pine and Nye Counties, NV, on the one hand, and, on the other, points in UT, CO, TX, OR, CA, WY, NM, MT and ID.

MC 156381 (Sub-4), filed August 17, 1981. Applicant: BIG O TRUCKING, INC., P.O. Box 668, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Charles McAlphin, d.b.a. Charles McAlphin Brokerage Company.

MC 156800 (Sub-2), filed August 24, 1981. Applicant: SEABOARD EXPRESS, INC., 565 Plank Rd., Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030, (717) 562–1202. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) The Wiremold Company, of West Hartford, CT, and (2) Barrier Industries, of Port Jervis, NY.

MC 157171, filed August 21, 1981. Applicant: RONALD G. HILL, d.b.a. R&H Transport, P.O. Box 592, Portage, WI 53901. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612)–457–6889. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Mid-States Steel, Inc., of Stoughton, WI.

MC 157631, filed August 21, 1981. Applicant: BISHOP TRUCKING, INC., 4701 Business Park Blvd., Anchorage, AK 99503. Representative: James P. Richmond (same address as applicant), (907) 274–9611. Transporting *commodities in bulk,* between points in King and Pierce Counties, WA, and points in AK.

MC 157850, filed August 24, 1981. Applicant: ENGLISH SHELL SERVICE, INC., 161–163 Main St., Winsted, CT 06098. Representative: Robert J. Mangione (same address as applicant), (203)–379–0777. Transporting *motor vehicles,* between points in Litchfield and Hartford Counties, CT, and Berkshire and Hampden Counties, MA, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI and VT.

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Decided: August 27, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 20582 (Sub-11), filed August 20, 1981. Applicant: HENRY H. STENENS, INC., 1273 Broadway, Flint, MI 48506. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226, (313) 962–6492. Transporting *household goods, furniture, and fixtures,* between points in the U.S.

Note.—Applicant is seeking to consolidate all of its present authority into a single certificate and remove restriction as to commodity.

MC 52793 (Sub-82), filed August 7, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162.

Representative: David A. Gallagher (same as applicant), (312) 547-2184. Transporting *articles* which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods, between points in the U.S. under continuing contract(s) with Beckman Instruments, Inc., of Fullerton, CA.

MC 107012 (Sub-736), filed August 21, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), (219) 429–2234. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Franklin Electric, Inc., Programmed Power Division, of Sunnyvale, CA.

MC 115432 (Sub-7), filed August 18, 1981. Applicant: PAWTUXET VALLEY BUS LINES, INC., 76 Industrial Lane, West Warwick, RI 02893. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322–5030. Transporting *passengers and their baggage, in the same vehicle with passengers, in special and charter operations, between points in MA, CT, and RI, on the one hand, and, on the other, points in the U.S.*

MC 119502 (Sub-2), filed July 20, 1981 (correction), previously published in the **Federal Register** issue of August 3, 1981, and republished as corrected this issue. Applicant: UNITED TRANSPORT OF EAST LONGMEADOW, INC., 24 Lyndale St., Springfield, MA 01108. Representative: Erwin D. Hill Jr. (same address as applicant) (413) 525–6665. Transporting *petroleum, natural gas and their products,* between points in MA, CT, RI, NH, and VT. CONDITION: To the extent any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gasses, it shall be limited to a period expiring 5 years from its date of issuance.

Note.—This republication is to correct the territory description.

MC 124833 (Sub-37), filed August 20, 1981. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Lois H. Baker (same address as applicant), (302) 652–0508. Transporting *petroleum and petroleum products,* between points in the U.S., under continuing contract(s) with Texaco U.S.A., a division of Texaco, Inc., of Houston, TX.

MC 125403 (Sub-15), filed August 7, 1981. Applicant: S.T.L. TRANSPORT, INC., 120 Grace Ave., P.O. Box 369, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, including St. Louis, MO.

MC 128742 (Sub-4), filed August 3, 1981. Applicant: HALLWAY, INC., 700 W. North St., P.O. Box 263, Springfield, IL 62705. Representative: Steven J. Rosenburg, 111 W. Washington St., Chicago, IL 60602, 312–726–0308. Transporting *food and related products,* between Little Rock, AR, Indianapolis, IN, Des Moines, IA, Omaha, NE, St. Louis, MO, points in Mason County, IL, Clinton County, IA, and Cooper County, MO, on the one hand, and, on the other, points in IL, IA, KS, MO, NE, MN, OH, WI, IN, TN, NC, MI, MS, and AR.

MC 145833 (Sub-1) (correction), filed April 22, 1981, published in **Federal Register** issue of May 11, 1981, and republished, as corrected, this issue. Applicant: SURF COAST TOURS, INC., 835 Ballough Road, Daytona Beach, FL 32014. Representative: William D. Brejcha, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting *passengers and their baggage,* in the same vehicle with passengers, in one-way and round-trip, charter and special operations, between points in FL, on the one hand, and, on the other, points in the U.S.

Note.—The original notice of this application failed to include the "one-way" service proposed. There was no opposition to the "round-trip" service, and the grant of authority has become final to that extent. Therefore, opposition statements may be filed in response to this notice only with regard to the addition of one-way service to the operations proposed.

MC 147312 (Sub-5), filed August 17, 1981. Applicant: DALOR TRANSIT, INC., 7520 West Ryan Rd., Franklin, WI 53132. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting (1) *pulp, paper and related products,* between points in Milwaukee County, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MO, MN, OH, and WI; (2) *industrial and commercial adhesives, and decorative brick,* between points in Cook County, IL, on the one hand, and, on the other, points in the U.S.; and (3) *foundry additives, foundry materials, and ground iron oxide,* between points in the U.S.

MC 147712 (Sub-4), filed August 5, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant), 213–921–7474. Transportation *alcoholic beverages,* between Melville, Melvindale, and Detroit, MI, Lawrenceburg, IN, Lawrenceburg, Clermont, Louisville and Bardstown, KY, Chicago, IL, Dundalk and Relay, Md, Elizabeth, NJ, and New York, NY, on the one hand, and, on the other, points in CA.

MC 148203 (Sub-5), filed August 21, 1981. Applicant: COPPER CITY TRANSPORT, INC., Old Route 5S, R. D. #2, Frankfort, NY 13440. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY 13501, (315)797–1970. Transporting *toilet preparations, cutlery, and drugs,* between points in the U.S., under continuing contract(s) with Del Laboratories, Inc., of Plainview, NY.

MC 149002 (Sub-3), filed August 21, 1981. Applicant: CAMPBELL CARTAGE COMPANY, 1109 E. Second St., Maryville, MO 64468. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101, (314) 636–9131. Transporting, over regular routes, *general commodities* (except classes A and B explosives), between St. Joseph and Maryville, MO: from St. Joseph over Interstate Hwy 29 to junction U.S. Hwy 136, then over U.S. Hwy 136 to Maryville, and return over the same route, serving all intermediate points and all points in Buchanan, Andrew, Holt, Atchison, and Nodaway Counties, MO as off-route points.

MC 153973 (Sub-2), filed August 18, 1981. Applicant: SPARTAN SERVICE TRANSPORTATION, INC., 1501 West Pershing Rd., Chicago, IL 60609. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *waste paper and newsprint,* between points in the U.S., under continuing contract(s) with FSC Paper Corporation, of Alsip, IL.

MC 156152, filed August 20, 1981. Applicant: IMPERIAL ENTERPRISES CORPORATION, 3440 Kossuth St., Lafayette, IN 47903. Representative: Robert E. Cohn, 1747 Pennsylvania Ave., NW, Washington, DC 20006, (202) 466–6900. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at points in IN, and extending to points in the U.S.

MC 157622, filed August 10, 1981. Applicant: HISTORIC SAVANNAH FOUNDATION, 41 West Broad St., Savannah, GA 31401. Representative:

Joan Woods Sumner (same as applicant), (912) 233–7703. As a *broker* at Savannah, GA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in Chatham County, GA, on the one hand, and, on the other, points in Beaufort County, SC.

MC 157752, filed August 17, 1981. Applicant: IVEY COACHES, INC., 120 S. Thalia Road, Virginia Beach, VA 23452. Representative: Henry L. Sadler III, 6330 Newtown Road, Suite 218, Norfolk, VA 23502, (804) 461–4300. Transporting *passengers and their baggage, in the same vehicle with passengers*, in charter and special operations, beginning and ending at Norfolk, Virginia Beach, Portsmouth, Chesapeake, Suffolk, Newport News, and Hampton, VA, and points in Surry, Isle of Wight, Northampton and Accomack Counties, VA, and extending to points in the U.S.

MC 157762, filed August 18, 1981. Applicant: STEINHAUS TRUCKING, Morgan St., Rte. 1, Morgan, MN 56266. Representative: John W. Carey, 117 South Park St., Fairfax, Mn 55332, (507) 426–8211. Transporting (1) *food and related products*, and (2) *cleaning products*, between points in the U.S., under continuing contract(s) with Schwan's Sales Enterprises, Inc., of Marshall, MN.

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Decided: September 1, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 114552 (Sub-261), filed August 21, 1981. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, 703–525–4050. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 134783 (Sub-79), filed August 26, 1981. Applicant: DIRECT SERVICE, INC., P.O. Box 2481, Lubbock, TX 79408. Representative: Charles M. Williams, 1600 Sherman St., #665, Denver, CO 80203, 303–839–5856. Transporting *food and related products*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 138283 (Sub-19), filed August 24, 1981. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *food and related products*, between points in the U.S.

MC 142672 (Sub-179), filed August 20, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501–521–8121. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Armour Food Company, of Phoenix, AZ.

MC 144893 (Sub-5), filed August 19, 1981. Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 East 800 North, St. George, UT 84770. Representative: J. Ralph Atkin, 60 North 300 East, P.O. Box 339, St. George, UT 84770, (801) 628–2612. Transporting (1) *petroleum and petroleum products*, in packages, and (2) *vehicles body sealer and sound deadening compounds and related products*, between Vernon, CA, on the one hand, and, on the other, St. George, Cedar City, and Salt Lake City, UT, Grand Junction and Durango, CO, and Battle Mountain, NV.

MC 144982 (Sub-22), filed August 21, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, 817–457–0804. Transporting *bucket and dipper teeth*, and *garden shears*, between points in Riverside County, CA, on the one hand, and, on the other, Pana, IL.

MC 147173 (Sub-5), filed August 19, 1981. Applicant: C & T TRUCKING, ING., 1050 Brookside Dr., Richmond, CA 94806. Representative: Brian S. Stern, Stern & Jones, 5411-D Backlick Rd., Springfield, VA 22151. Transporting *metal products* between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 150133 (Sub-5), filed August 24, 1981. Applicant: DDI TRANSPORT, INC., 2344 Bee Ridge Rd., Sarasota, FL 33579. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW, Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in the U.S.

MC 151352 (Sub-13), filed August 24, 1981. Applicant: E.L.M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104, 205–262–2756.Transporting *rubber and plastic products*, between points in Hamilton County, TN, on the one hand, and, on the other, points in the U.S.

MC 153933 (Sub-2), filed August 24, 1981. Applicant: BESTWAY ENTERPRISES, INC., P.O. Box M-A, Hoboken, NJ 07030. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2616. Transporting *furniture and fixtures*, between points in Davidson and Guilford Counties, NC, on the one hand, and, on the other, points in CT, FL, MA, MI, NJ, NY, RI, and TX.

MC 156443F, filed August 21, 1981. Applicant: GREY RABBIT CAMPER TOURS, INC., d.b.a. THE GREY RABBIT, 2000 Center St., Room 1092, Berkeley, CA 94704. Representative: Richard J. Lee, 2150 Shattuck Ave., Suite 900, Berkeley, CA 94704. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter round-trip and one-way operations, beginning and ending at Bellingham and Seattle, WA, Portland and Eugene, OR, San Francisco, Santa Cruz, and Los Angeles, CA, Denver, CO, Chicago, IL, New York, NY, Boston, MA, and extending to points in the U.S.

MC 157792, filed August 20, 1981. Applicant: AUTOMOBILE CLUB OF RHODE ISLAND, d.b.a. AAA WORLD-WIDE TRAVEL SERVICE, 1035 Reservoir Ave., Cranston, RI 02910. Representative: Ralph A. Bateman (same address as applicant), 401–944–7300. As a *broker*, at Cranston, RI, in arranging for the transportation of *passengers and their baggage* in special or charter operations, between points in the U.S.

MC 157793, filed August 20, 1981. Applicant: C.S.A. TRANSPORT, INC., 651 W. 600 S., Salt Lake City, UT 84104. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, 801–531–1300. Transportating *furniture and fixtures*, between points in the U.S. in and west of MT, WY, CO, and NM.

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Decided: September 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 106274 (Sub-34), filed August 24, 1981. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, NC 27330. Representative: R. B. Guthrie (same address as applicant) (919) 776–0541. Transportating *general commodities* (except classes A and B explosives), between points in GA, MD, NC, SC, VA, and DC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MI, MS, KY, and TN.

MC 119364 (Sub-3), filed August 25, 1981. Applicant: MESDAY TRUCKING SERVICE, INC., 433 Princeton, Ave., Cornell Heights, Trenton, NJ 08619. Representative: Michael Mesday (same

address as applicant), (609) 587–3761. Transportating *general commodities* (except classes A and B explosives), between Trenton, NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, OH, PA, RI, VA, WV, and DC.

MC 127135 (Sub-6), filed August 24, 1981. Applicant: HERBERT O. KINDRICK, d.b.a. KINDRICK TRUCKING CO., Route 8, Box 432, Harriman, TN 37748. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transportating *metal products*, between points in the U.S., under continuing contract(s) with Valley Joist, Division of Ebsco Industries, of Fort Payne, AL.

MC 135705 (Sub-15), filed August 24, 1981. Applicant: MELROSE TRUCKING CO., INC., 2671 South Robertson Rd., Casper, WY 82604. Representative: Kim Melrose (same address as applicant), (307) 265–1277. Transporting *cement*, between the facilities of Martin Marietta Cement, in Boulder County, CO, on the one hand, and, on the other, points in Natrona County, WY.

MC 136875 (Sub-310), filed August 24, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting *food and related products*, between points in ID, ND, OR, UT, and WA, on the one hand, and, on the other, points in IA, IL, KS, MN, MO, ND, NE, SD, and WI.

MC 140464 (Sub-14), filed August 24, 1981. Applicant: D–X TRUCKING, INC., 5660 Southwyck Blvd., Suite P, Toledo, OH 43614. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603, (419) 255–8220. Transporting (1) *building materials*, and (2) *plastic and plastic products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 145974 (Sub-15), filed August 25, 1981. Applicant: HIDATCO, INC., P.O. Box 849, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *hazardous materials*, and *jet fuel* (except classes A, B, and C explosives), between those points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then nowrthward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boudnary line between the United States and Canada.

MC 147345 (Sub-2), filed August 25, 1981. Applicant: GRANT A. TOWLE, RICHARD W, TOWLE, AND IRENE A. TOWLE, d.b.a., FREXCO, 10643 Everest St., Norwalk, CA 90650. Representative: Donald R. Henrick, P.O. Box 88, Norwalk, CA 90650, (213) 863–8883. Transporting (1) *rubber and plastic products*, (2) *furniture and fixtures*, and (3) *food and related products*, between points in the U.S., under continuing contracts with (a) Radial Tire Company, of Sacramento, CA, and Hercules Tire Sales of Southern California, of Van Nuys, CA, (b) Gillespie Furniture Co., of Los Angeles, CA, and (c) Villa Bianchi Winery, of Paramount, CA.

MC 148445 (Sub-7), filed August 24, 1981. Applicant: WLD TRUCKING COMPANY, a corporation, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012, (602) 266–2224. Transporting (1) *ores and minerals*, (2) *chemicals and related products*, and (3) *metal products*, between points in the U.S., under continuing contract(s) with New Jersey Zinc & Chemicals, a division of Gulf and Western Natural Resources Group, of Nashville, TN.

MC 151044 (Sub-2), filed August 24, 1981. Applicant: MIELE'S EXPRESS, INC., 23 William Rd., Holbrook, MA 02343. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02171, (617) 235–5571. Transporting *such commodities* as are dealth in or used by food and grocery business houses, between points in MA and RI, on the one hand, and, on the other, points in CT, DE, IL, IN, ME MD, MA, MI, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC.

MC 153025 (Sub-2), filed August 24, 1981. Applicant: FLANCO TRANSPORTATION, INC., 3105 North Highway 75, Corsicana, TX 75110. Representative: James W. Hightower, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4108. Transporting *Mercer commodities*, between the facilities of Western National Rig Fabricators, Inc., at or near Corsicana, TX, on the one hand, and, on the other, points in WY, NM, OK, LA, and TX.

MC 155935, filed August 18, 1981. Applicant: HUTCHINSON'S TRUCKING LTD., 6033 30th St., Edmonton, Alberta, Canada T6P 1J8. Representative: Ronald Ticknor (same address as applicant), (403) 465–7867. Transporting *Mercer Commodities*, (1) between ports of entry on the international boundary line between U.S. and Canada, at points in Toole and Sheridan Counties, MT, and Pembina and Burke Counties, ND, on the one hand, and, on the other, points in MT, ND, SD, CO, WY, KS, OK, TX, NM, NE, MO, UT, LA, CA, OR, and WA, and (2) between ports of entry on the international boundary line between U.S. and Canada, at Tok, AK, on the one hand, and, on the other, points in AK.

MC 157305, filed August 24, 1981. Applicant: FREEDOM EXPRESS, INC., Battleship Parkway, P.O. Box 851, Spanish Fort, AL 36527. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *household appliances, luggage, power equipment, machinery, metal products*, and *Snow removal equipment*, between points in the U.S., under continuing contract(s) with Roper Corporation, of Bradley, IL, and (2) *foodstuffs and restaurant supplies*, between points in the U.S., under continuing contract(s) with Rymer/Munic Packing Co., Inc., of Chicago, IL.

MC 157825, filed August 24, 1981. Applicant: BOB CANNON, d.b.a., CANNON'S HOT SHOT SERVICE, P.O. Box 123, Odessa, TX 79760. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *Mercer commodities*, between points in TX, OK, NM, and LA.

MC 157874, filed August 25, 1981. Applicant: DOUBLE EAGLE TRUCKING, INC., Road 500 East, Albany, IN 47320. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, (212) 941–9291. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Champion Target Company, of Richmond, IN.

MC 123914 (Sub-4), filed July 30, 1981, previously noticed in the **Federal Register** on August 18, 1981. Applicant: W. C. KLINE, INC., 3200 South Tenth Ave., Altoona, PA 16603. Representative: Sally A. Davoren, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *ores and minerals*, between points in Portage, Geauga, Lake, Cuyahoga, and Trumbull Counties, OH, on the one hand, and, on the other, points in Blair County, PA.

Note.—This republication corrects the territorial description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26297 Filed 9–8–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by

Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-250

Decided: August 31, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating in part.)

MC 157740, filed August 17, 1981. Applicant: RALPH R. BEAN, d.b.a. RALPH BEAN TRUCKING, P.O. Box 316, Cornelius, OR 97113. Representative: Ralph R. Bean (same address as applicant), (503) 640-1443. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157840, filed August 24, 1981. Applicant: NICHOLAS LISELLA, d.b.a. VAN PAK WEST, 4220 E. Los Angeles Ave., Suite 201, Simi Valley, CA 93063. Representative: Nicholoas Lisella (same address as applicant), (805) 522-1344. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157871, filed August 25, 1981. Applicant: CAMP, INC. 917 S. Harwood, Dallas, TX 75201. Representative: Paul A. Lueck (same address as applicant), (214) 651-0106. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-3-161

Decided: September 3, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 157535, filed August 27, 1981. Applicant: BLAINE INGRAM AND SONS, INC., 96 East 900 North, Nephi, UT 84648. Representative: Blaine Ingram (same address as applicant) (801) 623-1801. Transporting *Mercer commodities,* between Nephi, UT, on the one hand, and, on the other, plints in the U.S.

MC 157864, filed August 24, 1981. Applicant: H. P. LEWIS, d.b.a. LEWIS TRANSPORTS UNLIMITED, 2108 Hoyte Ave. Everett, WA 98201. Representative: George R. LaBissoniere, 15 S. Grady Way, suite 233, Renton, WA 98055, (206) 228-3807. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157904, filed August 25, 1981. Applicant: PACIFIC GREAT LAKES FREIGHT SYSTEMS, INC., P.O. Box 2461, 1481 Meads Ave., Orange, CA 92669. Representative: Gunther W. Mothes (sames address as applicant), (714) 771-6339. Transporting (1) *shipments weighing 100 pounds or less* in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (3) as a *broker of general commodities* (except household goods), between points in the U.S.

MC 157914, filed August 24, 1981. Applicant: METRO TRUCKING CO., 1034 Briargate Circle #101-A, Columbia, SC 29210. Representative: W. E. EARNHARDT (same address as applicant), (803) 772-3182. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157944, filed August 28, 1981. Applicant: JOHN H. PETERS, d.b.a. EAST TRUCKING DIVISION, 2848 Pineview Road, Augusta, GA 30909. Representative: R. Jackson B. Smith, Jr., P.O. Box 1291, Augusta, GA 30903, (404) 724-8012. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-26296 Filed 9-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 158]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 3, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2633 (Sub-69)X, filed August 13, 1981. Applicant: CROSSETT, INC., P.O. Box 946, Warren, PA 16365. Representative: Ronald W. Malin, Bankers Trust Bldg., 4th FL, Jamestown, NY 14701. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 19, 22, 24, 27, 30, 35, 37, 44, 45, 47, 49, 51, 53, 54, 55, 57, 59, 61, 62, 63, 64, 65, 66, 67, 68, E1, E2, E3, E4, E6, E7, E8, E9, E11, E12, E14, E15, E16, E17, and E18 certificates to (1) broaden the commodity descriptions (a) from petroleum and petroleum products (with or without exceptions), in bulk, in its lead and Sub-Nos. 19, 22, 24, 49, 51, 53, 54, 55, 61F, 65F, E4, E7, E11, from liquid petroleum products, in bulk, in Sub-Nos. 4 and 5, from petroleum products, in bulk, (with or without exceptions) in Sub-Nos. E1, E2, E3, E6, E8, E9, E10, E11, and E12, from petroleum products, in bulk, (with or without exceptions), in Sub-Nos. 27, 30, and E15, E17, from petroleum and/or petroleum products, (with or without exceptions) in bulk, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in Sub-Nos. 35, 37, 54, 57, 59, E13, E14, and E18, from lubricating oil, in bulk, in sub-Nos. 37, 44, 45, 47, and E16, to "petroleum, natural gas, and their products and commodities in bulk"; (b) from liquefied petroleum gas in Sub-No. 62F, from petroleum and petroleum products in sub-Nos. 63F, 64F, 66F, and 67F, and from petroleum in sub-No. 49 "petroleum natural gas and their products"; (2) remove "in tank vehicles" or "in containers" in Sub-Nos. 4, 5, 19, 22, 24, 27, 30, 35, 37, 44, 45, 47, 49, 51, 54, 57, 61F, 62F, and 67F; (3) replace (a) Rochester, Ithaca, and Syracuse, NY, and points and places within five miles thereof with Monroe Tompkins and Onondaga Counties, NY, replace Buffalo, NY, and points within 10 miles of Buffalo with Erie and Niagara Counties, NY and replace Warren, PA, and points within seven miles of Warren, with Waren County, PA, in Sub-No. 4; (b) replace Titusville, PA and points within five miles of Titusville and Erie, PA, and points within 15 miles of Erie with Crawford, Venango, and Erie Counties, PA, and Chautauqua County, NY, and replace Olean, Bolivar, and Wellsville, NY with Cattaraugus and Allegany Counties, NY in Sub-No. 5; (c) replace points in Wayne County, NY, except those on and south of NY Hwy 31 with Wayne County, NY in Sub-Nos. 19, E7, E8, E11, and E14; (d) replace Bolivar and Wellsville, NY, with Allegany County, NY, in Sub-No. 22; (e) replace Buffalo, Tonawanda and North Tonawanda, NY and points and places in New York which are located between Buffalo and Tonawanda and are within two miles of the Niagara River, with Erie and Niagara Counties, NY, and replace the boundary of the United States and Canada at any point between Buffalo and Youngstown, NY, with Erie and Niagara Counties, NY, in Sub-No. 24; (f) replace Midland, PA and points within 3 miles of Midland with Beaver County, PA, in Sub-No. 27; (g) replace Erie, PA and points on the Allegheny, Monogahela and Ohio Rivers located within Allegheny, Armstrong, Beaver, and Clarion Counties, PA, with Erie, Allegheny, Armstrong, Beaver, and Clarion Counties, PA, in Sub-Nos. 30 and 17; (h) replace Midland, PA, with Beaver County, PA, in Sub-No. 35; (i) replace Freedom and Neville Island, PA, with Allegheny and Beaver Counties, PA, and Jamestown, NY, with Chatauqua County, NY; (3) in Sub-No. 37; (j) replace Bakerstown, PA, with Allegheny County, PA, and Lackawanna, NY, with Erie County, NY, in Sub-No. 44; (k) replace Farmers Valley, PA, with McKean County, PA in Sub-No. 45; (l) replace Syracuse and East Syracuse, NY with Onondaga County, NY, in Sub-No. 47; (m) replace the pipeline terminal of the Standard Oil company (Ohio) at or near Niles, OH, with Trumbull County, OH, replace Ripley, Model City, and Niagara Falls, NY, with Chautauqua and Niagara Counties, NY, and Freedom, PA, with Beaver County, PA, in Sub-No. 49; (n) replace Corapolis, PA, with Allegheny County, PA, in Sub-No. 51; (o) replace Bradford, Emlenton and Farmer's Valley, PA, with McKean and Venango, Counties, PA in Sub-No. 55; (p) replace Warren, PA, with Trumbull County, OH, IN Sub-No. 61; (q) replace Bradford, PA, with McKean County, PA in Sub-No. 66; (r) replace Jamestown, French, Creek, Clymer, Sherman, Harmony, North Harmony, Busti, Ellery, Kiantone, Ellicott, Gerry, Charlotte, Carroll, Poland, Ellington and Cherry Creek, NY with Chautauqua County, NY in Sub-No. E2 and E5; (s) replace Bolivar, Wellsville, Buffalo, and points within ten miles of Buffalo, Ithaca, Rocherster, and Syracuse, NY, and points within five miles thereof with Allegany, Erie, Niagara, Tompkins, Monroe and Onondaga Counties, NY in Sub-No. E3; (t) replace a portion of Cuyahoga County, OH with Cuyahoga County, OH, in Sub-No. E6; and (u) replace Syracuse and East Syracuse, NY, with Onondaga County, NY in Sub-No. E16; and (4) replace one-way with radial authority in Sub-No. 5, 22, 24, 27, 30, 35, 37, 44, 47, 49, 51, 53, 54, 55, 57, 59, 61F, 62F, 64F, 67F, E1, E3, E4, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, E17, and E18.

MC 67234 (Sub-44)X, filed August 12, 1981. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. La Tourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Applicant seeks to remove restrictions in its Sub-No. 33F certificate to (1) broaden the commodity description from automobiles to "transportation equipment" (2) remove a restriction to truckaway service and (3) remove the exception of AK.

MC99408 (Sub-10)X, filed August 31, 1981. Applicant: CITY DELIVERY SERVICE, INCORPORATED, 1 Passan Dr., Laflin Borough, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity descriptions from household goods (as defined by the Commission) and secondhand furniture (not including household goods as defined by the Commission), to "household goods and furniture and fixtures"; and (2) replace Wilkes-Barre, PA, points within 10 miles of Wilkes-

Barre, PA, and Kingston, PA with countywide authority to serve Lackawanna and Luzerne Counties, PA.

MC 114552 (Sub-260)X, filed June 26, 1981, published in the Federal Register of July 30, 1981, and republished as follows: Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-Nos. 22, 26, 27, 46, 49, 56, 66, 67, 68, 72, 76, 83, 84, 89, 96, 108, 119, 122, 123, 126, 130, 132, 135, 136, 137, 140, 147, 152F, 157F, 160F, 161F, 164F, 165F, 174F, 175F, 181F, 186F, 187F, 191F, 192F, 194F, 195F, 197F, 198F, 199F, 200F, 202F, 203F, 211F, 215F, 227F, 230F, 231F, 233F, 235F, 236F, 240F, 253F, and 256F certificates to (1) broaden the commodity description to "construction materials and related materials, equipment, and supplies" from various commodities such as wood flooring and materials use in its installation in Sub-No. 22; buildings, knocked down, in Sub-No. 26; adhesives used in the installation of wood flooring in Sub-No. 27; ventilator systems in Sub-Nos. 49 and 66, conduit and pipe (other than iron and steel) and attachments, parts and fittings in Sub-No. 56, vinylsiding in part of Sub-No. 67, roofing and roofing materials and materials, equipment and supplies in Sub-Nos. 108 and 135, ceiling and acoustical systems in Sub-No. 122, roofing, building and insulating materials in Sub-No. 123, roof decking in Sub-No. 126, roofing and roofing materials in Sub-No. 132, plastic pipe in Sub-Nos. 152F and 192, plastic pipe, fittings, and accessories in Sub-Nos. 161 and 164, pipe, valves, fittings, hydrants and parts and accessories in Sub-No. 165, roofing and building materials, and materials used in their installation and application in Sub-No. 174, building wall and insulating boards and materials, equipment and supplies in Sub-No. 181, asbestos cement pipe, couplings and fittings and accessories used in their installation in Sub-Nos. 186 and 187, building materials in Sub-No. 215, gypsum wallboard, plasterboard joint compound and related products in Sub-No. 230, plastic pipe, plastic pipe fittings and materials, equipment and supplies in Sub-No. 160F, piling and construction equipment and supplies in Sub-No. 203, acoustical tile panels and noise control products, accessories and materials, equipment and supplies in Sub-No. 227, building materials and materials equipment and supplies in Sub-Nos. 231 and 240, and roofing and building materials and materials, equipment and supplies in Sub-No. 233; to "lumber and wood products" from veneer in Sub-No. 22, lumber and composition board in Sub-No. 130; to "construction materials and chemicals and related products" from roofing, building and insulating materials in Sub-No. 136, roofing materials, materials used in the installation of roofing materials, foundation coatings and concrete primers in Sub-No. 175 and building and insulating materials in Sub-No. 235; to "rubber and plastic products" from plastic pipe in part of Sub-No. 67; to "construction materials and rubber and plastic products" from plastic pipe and building materials in Sub-No. 236; to "construction materials and materials used in the installation of such commodities" from roofing and building materials and materials used in the installation of such commodities in Sub-No. 140; to "construction materials, metal products and machinery" from pipe, castings, valves, hydrants, valve and water boxes, and fittings in part (1) and machinery, materials, equipment and supplies in part (2) of Sub-No. 137; from ventilators, ventilator parts, ventilator equipment, ventilator systems, and accessories used in the installation of such commodities in Sub-No. 96, from pipe, valves, fittings, hydrants, parts thereof and accessories therefor in Sub-No. 119; to "buildings, whole or in sections and construction materials" from pre-cut log houses, parts and components for pre-cut houses in Sub-No. 253; to "construction materials and accessories therefor and metal products" from construction materials, concrete forms and accessories therefor in Sub-No. 157; to "construction materials, lumber and wood products, clay, concrete, glass or stone products, rubber and plastic products, metal products, and chemicals and related products" from wallboard, fiberboard, plywood, plasterboard, plastic sheeting, panelboard, wall and ceiling panels, tile, molding, and adhesives, materials and accessories therefor in Sub-No. 46; to "construction materials, clay, concrete, glass or stone products, chemicals and related products and metal products" from cement compounds, ground iron borings, concrete surface curing compounds, concrete or masonry plasticizer and water reducing compounds, dry building mortar, and buffing compounds in Sub-No. 211F; to "construction materials, clay, concrete, glass or stone products, lumber and wood products, and chemicals and related products" from roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials and urethane and urethane products in Sub-Nos. 68 and 84; to "construction materials, chemicals and related products, rubber and plastic products, machinery, metal products, and clay, concrete, glass or stone products" from ceiling systems, paint, plastic light diffusers, adhesive, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies in Sub-No. 83; to "construction materials, clay, concrete, glass or stone products and related materials, equipment and supplies" from gypsum and building materials and materials, equipment and supplies in Sub-No. 191; and, to "clay, concrete, glass or stone products" from pre-cast concrete products in Sub-No. 256, (2) remove the in bulk restriction in Sub-Nos. 68, 76, 84, 83, 89, 108, 119, 123, 132, 135, 136, 137, 140, 147, 152, 157, 160, 161, 164, 174, 175, 181, 186, 187, 191, 194, 195, 202, 231, 235, 236, and 240, (3) remove the restriction against size and weight commodities in Sub-No. 137, (4) remove the restriction to service to AK and HI in Sub-Nos. 49, 96, and 187, (5) remove the in tank vehicle restriction in Sub-No. 191, (6) remove the exception to iron and steel in Sub-Nos. 123 and 136, (7) remove facilities limitations (a) in Sub-Nos. 68, 123, 130, 136, and 198, (b) in Sub-No. 72 and replace Deer Park, NY and Lodi, NJ with Suffolk County, NY and Bergen County, NJ, (c) in Sub-No. 83 and replace Scottsboro, AL with Jackson County, AL, (d) in Sub-No. 84 and replace Elizabethtown, KY with Hardin County, KY, (e) in Sub-No. 89 and replace Port Clinton, OH with Ottawa County, OH, (f) in Sub-No. 96 and replace Junction City, KY with Boyle County, KY (g) in Sub-No. 108 and replace Peachtree City, GA with Fayette County, GA, (h) in Sub-No. 119 and replace Birmingham, AL with Jefferson County, AL, (i) in Sub-No. 122 and replace Plainfield, IL with Will County, IL, (j) in Sub-No. 126 and replace Elberton, GA with Elbert County, GA, (k) in Sub-No. 132 and replace Meridan, MS with Lauderdale County, MS, (l) in Sub-No. 137 and replace Holt, AL with Tuscaloosa County, AL, (m) in Sub-No.147 and replace Texarkana with Miller County, AR and Bowie County, TX, (n) in Sub-No. 160 and replace Abbeville, SC with Abbeville County, SC, (o) in Sub-No. 161 and replace Mechanicsburg, PA with Cumberland County, PA, (p) in Sub-No.164 and replace Monroe and Bakers County, NC with Union County, NC, (q) in Sub-No. 165 and replace Bessemer, AL with Jefferson County, AL, (r) in Sub-No. 175 and replace Tuscaloosa, AL with Tuscaloosa County, AL, (s) in Sub-No.181 and replace Macon, GA with Bibb, Jones, Monroe, Twiggs, Crawford

and Houston Counties, GA, (t) in Sub-No. 186 and replace Ambler, PA with Montgomery County, PA, (u) in Sub-No. 187 and replace Hillsboro, TX with Hill County, TX, (v) in Sub-No. 191 and replace Akron and Buchanan, NY, Milford, VA, Quakertown, PA, Wilmington, DE with Erie and Westchester Counties, NY, Caroline County, VA, Bucks County, PA and New Castle County, DE, (w) in Sub-No. 194 and replace Deposit, NY with Broome County, NY, (x) in Sub-No. 195 and replace Lagro, IN with Wabash County, IN, (y) in Sub-No. 197 and replace Fairfield, AL with Jefferson County, AL, (z) in Sub-No. 199 and replace Chester, WV with Hancock County, WV, (aa) in Sub-No. 200 and replace Pittston, PA with Luzerne County, PA, (bb) in Sub-No. 202 and replace Sunbury, PA with Northumberland County, PA, (cc) in Sub-No. 211 and replace Buffalo, NY with Erie and Niagara Counties, NY, (dd) in Sub-No. 215 and replace Windgap, PA with Northampton County, PA, (ee) in Sub-No. 227 and replace Hagerstown, MD and Plainfield, IL with Washington County, MD and Will County, IL, (ff) in Sub-No. 231 and replace Morrow, GA with Clayton County, GA, (gg) in Sub-No.233 and replace Hampton, GA with Henry County, GA, (hh) in Sub-No. 236 and replace Eads, TN, Social Circle, GA and McPherson, KS with Shelby County, TN, Walton County, GA and McPherson County, KS, and (ii) in Sub-No. 253 and replace Irmo, SC with Lexington County, SC, (8) change city to county-wide authority (a) from Evansville, WI to Rock County, WI in Sub-No. 26, (b) Tabor City, NC to Columbus County, NC in Sub-No. 49, (c) Rootstown Township, OH to Portage County, OH in Sub-No. 56, (d) Keyser, WV to Mineral County, WV in Sub-No. 66, (e) Williamsport, MD to Washington County, MD in Sub-Nos. 67 and 192, (f) Franklin, OH to Warren County, OH in Sub-No. 140, (g) Charleston Heights, SC, to Charleston, SC in Sub-No. 174, (h) Frederick, MD to Frederick County, MD in Sub-No. 240, and (i) Ashland, VA to Hanover County, VA in Sub-No. 256, (9) remove the "originating at and/or destined to" restriction in Sub-Nos. 76, 119, 130, and 137, and (10) change one-way to radial authority between various combinations of points throughout the U.S. in all subs except Sub-Nos. 160F, 191F, 203F, 231F, 233F, 235F, and 240F. The purposes of this republication are to notice: (a) broadening of the commodity description in Sub-No. 164, (b) removal of the bulk exception in Sub-No. 83, (c) removal of the facilities limitation in Sub-No. 130, (d) expansion of Macon, GA, to the six named counties in Sub-No. 181, and (e) expansion of Charleston Heights, SC, to Charleston, SC, in Sub-No. 174.

MC 116710 (Sub-42)X, filed August 14, 1981. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bossier City, LA 71010. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 13, 14, 16, 17, 19, 20, 25, 27, 30, 31, 34F, 36F, 37F, 38F, 40F, and 41F permits to (A) broaden the commodity descriptions in each permit to "commodities in bulk" from sulphuric acid, molten sulphur, liquid sulphur dioxide, anhydrous aluminum chloride, molten polypropylene, dry plastic materials, chemicals, caustic soda and cleaning compounds, liquid amorphous polypropylene and petroleum products, all in bulk; (B) remove restrictive language "in tank vehicles" in all permits, "in shipper-furnished demountable cylinders or containers" in Sub-No. 17, and "except cryogenics and compressed gases" in Sub-No. 41; and (C) broaden the territorial authority in each permit to "between points in the U.S.," under continuing contract(s) with the named shippers.

MC 112989 (Sub-148)X, filed August 26, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99S, Eugene, OR 97405. Representative: John A. Anderson, 1600 One Main Place, 101 SW Main St., Portland, OR 97204. Applicant seeks to remove restrictions from its Sub-Nos. 10, 31, 39, 51, 55, 74F, 77F, 79F, 82F, 86F, 93F, 94F, 101F, 102F, 111F, 115F, 116F, 121F, 128F, 132F, 136F, 137 and 141 certificates to: (1) broaden the commodity descriptions (A) in Sub-No. 10, to "machinery and contractors' equipment", from heavy machinery and contractors' equipment, the transportation of which require the use of special equipment, (b) in Sub-Nos. 31, 86F and 94F, to "clay, concrete glass or stone products", from gypsum products, and refractory products; (c) in Sub-No. 39, to "machinery and contractors' materials and supplies", from machinery and contractors' materials and supplies related to size and weight commodities; (d) in Sub-No. 1 to "metal products, rubber and plastic products, pulp, paper and related products, and clay, concrete, glass or stone products," from pipe (except iron or steel articles and commodities which because of size and weight require the use of special equipment); (e) in Sub-No. 55, to "rubber and plastic products, metal products and machinery", from irrigation systems, and irrigation systems' equipment materials and supplies; (f) in Sub-No. 74F, to "coal and coal products, lumber and wood products, chemicals and related products and petroleum, natural gas and their products", from charcoal, sawdust fireplace logs, charcoal lighter fluid and hickory chips; (g) in Sub-No. 77F, to "clay, concrete, glass or stone products and machinery", from lighting fixtures and parts for lighting fixtures; (h) in Sub-No. 79F part (1), to "building materials", from insulated building and roofing panels; (i) in Sub-No. 82F, to "chemicals and related products, petroleum, natural gas and their products, and rubber and plastic products", from chemicals, chemical products, petroleum products, acids, plastic articles, and rubber articles; (j) in Sub-Nos. 93F and 102F, to "rubber and plastic products, pulp, paper and related products, lumber and wood products, meal products, and clay, concrete, glass or stone products", from knocked-down buildings; (k) in Sub-No. 101F, to "metal products, clay, concrete, glass or stone products, machinery, furniture and fixtures, and lumber and wood products" from fireplaces, dampers, air heaters, ventilaters, stoves, boilers, grates, cookers and grills; (l) in Sub-Nos. 111F and 132F, to "lumber and wood products", from lumber, lumber mill products, and wood products; (m) in Sub-No. 115F to "ores and minerals and clay, concrete, glass or stone products", from clay, ground, crude or other than crude; (n) in Sub-No. 116F, to "rubber and plastic products, and metal products," from storage tanks, and iron and steel pipe; (o) in Sub-No. 128F, to "ores and minerals", from diatomaceous earth; (p) in Sub-No. 136F, to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); (q) in Sub-No. 137, to "metal products", from metal articles; and (r) in Sub-No. 141, to "transportation equipment and machinery", from automotive air, oil and fuel filters, and pollution control-devices; (2) replace facilities and cities with county-wide authority (a) in Sub-No. 31, Sevier County, UT (for Sigurd, UT); in Sub-No. 55, Lane County, OR and Benton, Franklin, Walla Walla, Yakima and Grant Counties, WA (for facilities at Eugene, OR and Pasco, Toppenish and Moses Lake, WA); (c) in Sub-No. 74, Lane County, OR (for facilities at or near Springfield, OR); (d) in Sub-No. 77F, Spokane and Stevens Counties, WA and Kootenai County, ID (for Spokane, WA); (e) in Sub-No. 79F Cook, Lake, DuPage and Will Counties, IL, Lake County, IN, Fulton, Clayton, De Kalb, and Cobb Counties, GA, Dallas, Ellis, Kaufman, Rockwall, Collin, Denton, and Tarrant Counties, TX, Salt Lake, Davis and Morgan Counties, UT.

and Washington, DC (for facilities at or near Chicago, IL, Atlanta, GA, Dallas, TX, Salt Lake City, UT and Washington, DC), (f) in Sub-No. 93F, Carson City County, NV (for Carson City, NV), (g) in Sub-No. 94F, Contra Costa, Sacramento and Solano Counties, CA (for Pittsburg, CA), (h) in Sub-No.101F Los Angeles County, CA and Shelby County, KY (for facilities at or near Santa Fe Springs, CA and Shelbyville, KY), (i) in Sub-No. 102F, Tulare County, CA (for Visalia, CA), (j) in Sub-No. 115F, Lake County, OR (for facilities at or near Christmas Valley, OR), and (k) in Sub-No. 121F, San Joaquin County, CA (for facilities at or near Tracey, CA); (3) change one-way to radial authority in Sub-Nos. 31, 51, 55, 77F, 79F, 82F, 86F, 94F, 115F, and 132F; (4) eliminate the restriction limiting service to traffic originating at the named origin facilities and destined to the named destination states in Sub-Nos. 51 and 79F; (5) eliminate the restriction against the transportation of commodities in bulk in Sub-Nos. 79F, 82F, 115F, and 121F; (6) eliminate the restriction against service to AK and HI in Sub-Nos, 79F, 101F, 111F, 121F and 128F; and (7) eliminate the restriction against the transportation of mercer commodities in Sub-No. 51.

MC 133591 (Sub-147)X, filed August 31, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, OH 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions from its Sub-No. 23 certificate to (1) broaden the commodity descriptions from eggs and whey to "food and related products" and (2) delete the restriction limiting transportation of the above commodities moving on the same vehicle at the same time with regulated commodities otherwise authorized.

MC 136012 (Sub-12)X, filed August 26, 1981. Applicant: UNITED STATES TRANSPORTATION, INC., 4963 Provident Dr., Cincinnati, OH 43215. Representative: Michael Spurlock, Esq., 275 E. State St., Columbus, OH 43215. Applicant seeks to remove restrictions from its lead No. MC–145567 and Sub-No. 2F permit as follows: (1) broaden the commodity description in both permits from liquid resins, core compounds, formaldehyde, acetone, caustic soda, methanol, phenol, ethanol, and nitrogen fertilizer solutions, in tank vehicles to "commodities in bulk"; and (2) expand the territorial description to between points in the U.S., under a continuing contracts(s) with a named shipper.

MC 145812 (Sub-4)X, filed August 28, 1981. Applicant: MARYLAND CONTINENTAL EXPRESS, INC., 129 Overhill Drive Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden the commodity description to "lumber and wood products" from veneer and lumber; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 146055 (Sub-18)X, filed August 14, 1981. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Building, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 6F, 8F, 9F, 10F, 11, 12, 13, and 14 certificates to (1) Broaden the commodity description to: (a) "food and related products" from meats, meat products and byproducts, and articles distributed by meat packinghouses in Sub-Nos. 2, 6, 10, 11, 12, 13, and 14, and from canned goods in Sub-No. 9, (b) "such commodities as are used or dealt in by manufacturers and distributors of amusement games or machines" from coin operated amusement games and machines; (2) remove "except hides, and commodities in bulk, in tank vehicles" in Sub-Nos. 2 and 10; (3) remove "originating at and destined to" territorial restrictions in Sub-Nos. 2 and 6; and (4) substitute radial authority in place of existing one-way authority; and (5) replace plantsites or named points with countywide authority: Sub-Nos. 2 and 6, Shelby County, IA (facilities near Harlan, IA); and Sub-Nos. 8 and 9, Douglas, Washington, Sarpy and Cass Counties, NE and Pottawattamie and Mills Counties, IA (facilities at Omaha, NE).

MC 148357 (Sub-7)X, filed July 31, 1981. Applicant: AZUSA TRANSPORTATION, INC., 926 W. 10th St., Azusa, CA 91702. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its Sub-Nos. 4 and 5 certificates to (1) remove all exceptions from their general commodities description other than "classes A and B explosives"; in both certificates; (2) remove the restriction limiting transportation "to traffic moving on bills of lading of freight forwarders"; in both certificates; (3) remove the restriction against service to AK, CA and HI, in Sub-No. 5; and (4) replace one-way with radial authority, in Sub-No. 5.

MC 150794 (Sub-2)X, filed August 31, 1981. Applicant: ADVANCE TRANSPORTATION SYSTEMS, INC., 605 North Wayne Avenue, Cincinnati, OH 43215. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to broaden the commodity description in its Sub-No. 1F certificate from general commodities with exceptions to "general commodities, except classes A and B explosives."

[FR Doc. 26296– Filed 9–8–81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Volumes; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Volume No. OP1–251

MC 155750 (Republication), filed May 4, 1981, previously noticed in the **Federal Register** issue of May 21, 1981. Applicant: THE ZAMOISKI CO., 8201 Ardwich-Ardmore Rd., Landover, MD 20785. Representative: William C. Camp, 1101 DeSoto Rd., Baltimore, MD 21223. A Decision by the Commission Review Board 2, Decided August 13, 1981, and served August 24, 1981, finds that applicant is fit, willing, and able properly to operate as a *contract carrier,* by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in the United States, under continuing contract(s) with F. W. Woolworth Co., of New York, NY. The purpose of this republication is to clearly indicate the scope of authority to be granted.

Volume No. OP1-252

MC 144061 (Sub-14F) (Republication), filed January 25, 1980, previously noticed in the **Federal Register** issue of August 26, 1980. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, NJ 07481. Representative: Jack L. Schiller, 345 Webster Avenue, Brooklyn, NY 11230. A decision by the Commission, RB #3, decided July 2, 1981 and served July 17, 1981 finds that applicant is fit, willing and able properly to operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum oils and liquid chemicals*, in bulk, between points in the United States, under continuing contract(s) with Amoco Chemicals Corporation of Chicago, IL. The purpose of this republication is to reflect the authority granted which is broader than intially published.

Volume No. OPY-3-162

MC 53965 (Sub-19)) (Republication), filed April 6, 1981, published in the **Federal Register** issue of April 23, 1981 and republished on May 29, 1981. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Box 1387, Salina, KS 67401. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. A Decision of the Commission, Review Board Number 3, decided July 31, 1981, and served August 18, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by retail footwear stores*, between points in Shawnee County, KS, on the one hand, and, on the other, points in the United States; that the applicant is fit, willing and able to properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the actual grant of authority.

MC 151374 (Sub-1) (Republication), filed February 23, 1981, published in the **Federal Register** issue of March 24, 1981. Applicant: D. B. WATSON, d.b.a. DOT-LINE TRANSPORTATION, 8023 E. Slauson Boulevard, Montebello, CA 90640. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. A Decision of the Commission, Review Board Number 3, decided July 16, 1981, and served August 18, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by retail stores and wholesale distributors*, between Los Angeles, CA, on the one hand, and, on the other, points in CA, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NJ, NY, OH, OK, PA, TX, UT, WA, and WI; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to modify the territorial description to include IA and LA.

[FR Doc. 81-26280 Filed 9-8-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 20]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 35980 (Sub-7) (Republication), filed March 26, 1981, previously noticed in the **Federal Register** issue of April 9, 1981. Applicant: M-B TRANSPORT, INC., 1941 Land Rd., Jamison, PA 18929. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. A Decision by the Commission Review Board Number 3, decided June 26, 1981, and served July 22, 1981, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fertilizers and soil conditioners*, between (a) Baltimore, MD, on the one hand, and, on the other, points in Delaware, New Jersey, and Pennsylvania (b) points in Middlesex County, NJ, on the one hand, and, on the other, points in Pennsylvania and (2) coal between points in Carbon, Luzerne, Northumberland and Schuylkill Counties, PA, on the one hand, and, on the other, points in Delaware, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Virginia and Connecticut. Applicant is fit, willing, and able properly to perform such service and to conform to statutory and administrative requirements. The purpose of this republication is to include Connecticut as a destination state.

MC 90870 (Sub-40), (Republication), filed June 9, 1980. Previously noticed in the **Federal Register** issue of July 31, 1980. Applicant: RIECHMANN ENTERPRISES, INC., Route 2—Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. A Decision by the Commission, Review Board Number 3, decided June 4, 1981, and served July 2, 1981, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities as are dealt in or used by distributors of steel tubular products* between the facilities of Labarge, Inc., in the U.S., on the one hand, and, on the other, points in the U.S. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to (1) reflect the change in commodity and (2) change the facilities reference from "Commerce Pipe & Tube Company" at specified points, to "Labarge, Inc. in the U.S.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or

other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Texas Docket No. 002709A5A, filed August 3, 1981. Applicant: BLUEBONNET EXPRESS, INC., 7800 Little York Road, Houston, TX. Representative: Joe G. Fender, 9601 Katy Freeway, Ste. 320, Houston, TX 77024. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities,* moving in express service, constituting an extension of service to and from all points presently authorized as shown by the Commission's records, to, from, and between all points along the routes set forth below, with service to all intermediate points unless otherwise specified, subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, and no service shall be rendered on traffic originating at Dallas for delivery at Houston, or on traffic originating in Houston for delivery at Dallas, thus: (1) Interstate Hwy 10 between Houston and Junction, TX; (2) Interstate Hwy 35 between Dallas and Laredo, TX; (3) Interstate Hwy 37 between San Antonio and Corpus Christi, TX; (4) U.S. Hwy 57 between Eagle Pass and Moore, TX; (5) U.S. Hwy 59 between Goliad and Laredo, TX; (6) U.S. Hwy 77 between Dallas and Schulenburg, TX; (7) U.S. Hwy 77 between Halletsville and Victoria, TX; (7a) U.S. Hwy 77 between McFadden and Brownsville, TX; (8) U.S. Hwy 79 between Round Rock, TX and junction U.S. Hwy 190; (9) U.S. Hwy 81 between Hillsboro and Laredo, TX; (10) U.S. Hwy 83 between Brownsville and Leaky, TX; (11) U.S. Hwy 83 between Junction and Eden, TX; (12) U.S. Hwy 84 between Gatesville and Prairie Hill, TX; (13) U.S. Hwy 84 between Gothwaite and Mullin, TX; (14) between Eden and Westhoff, TX; (15) U.S. Hwy 90 between Flatonia and Del Rio, TX; (16) Alternate Hwy 90 between Seguin and Shiner, TX; (17) U.S. Hwy 181 between San Antonio and Corpus Christi, TX; (18) U.S. Hwy 183 between Hocheim and Mullin, TX; (19) U.S. Hwy 190 between Brady and Hearne, TX; (20) U.S. Hwy 277 between Del Rio and Carriso Springs, TX; (21) U.S. Hwy 281 between Lampasas and Brownsville, TX; (22) U.S. Hwy 283 between junction 87 near Brady, TX and intersection of FM Road 504; (23) U.S. Hwy 290 between Carmine and Junction, TX; (24) U.S. Hwy 377 between Junction and Mason, TX; (25) U.S. Hwy 377 between Rocksprings, TX and intersection State Hwy 41; (26) State Hwy 6 between Waco and Hearne, TX; (27) State Hwy 7 between Kosse and Eddy, TX; (28) State Hwy 9 between Corpus Christi, TX and intersection U.S. Hwy 281; (29) State Hwy 16 between Fredericksburg and Zapata, TX; (30) State Hwy 16 between Llano and Gothwaite, TX; (31) State Hwy 21 between San Marco and Bastrop, TX; (32) State Hwy 22 between Hillsboro and Blooming Grove, TX; (33) State Hwy 27 between Comfort and Mountain Home, TX; (34) State Hwy 29 between Georgetown, TX and intersection FM 864 near Fort McKavett, TX; (35) State Hwy 31 between Dawson and intersection of U.S. Hwy 84; (36) State Hwy 35 between Gregory and Tivoli, TX; (37) State Hwy 36 between Caldwell and Gatesville, TX; (38) State Hwy 39 between Hunt and Ingram, TX; (39) State Hwy 41 between Mountain Home and intersection U.S. Hwy 377; (40) State Hwy 44 between Corpus Christi and Freer, TX; (41) State Hwy 46 between Sequin and intersection of State Hwy 16; (42) State Hwy 48 between Brownsville and Fort Isabel, TX; (43) State Hwy 53 between Temple and Rosebud, TX; (44) State Hwy 55 between Uvalde and Rocksprings, TX; (45) State Hwy 71 between Austin and Brady, TX; (46) State Hwy 72 between Kennedy and Fowlerton, TX; (47) State Hwy 80 between San Marcos and Karnes City, TX; (48) State Hwy 85 between Carrizo Springs and Dilly, TX; (49) State Hwy 95 between Temple and Bastrop, TX; (5) State Hwy 97 between Cotulla and Waelder, TX; (51) State Hwy 100 between Port Isabel and intersection U.S. Hwy 77; (52) State Hwy 107 between Combes and Mission, TX; (53) State Hwy 123 between San Marco and Karnes City, TX; (54) State Hwy 127 between Sabinal and Concan, TX; (55) State Hwy 141 between Kingsville and intersection U.S. Hwy 281; (56) State Hwy 142 between Lockhart and Martindale, TX; (57) State Hwy 164 between Waco adn Broesbeck, TX; (58) State Hwy 171 between Mexia and Groesbeck, TX; (59) State Hwy 173 between Jourdanton and Kerrville, TX; (60) State Hwy 186 between Linn San Manuel and Port Mansfield, TX; (61) State Hwy 195 between U.S. Hwy 183 and U.S. Hwy 81 via Florence, TX; (62) State Hwy 202 between Beeville and Refugio, TX; (63) State Hwy 218 between Randolph AFB and Live Oak, TX; (64) State Hwy 261 between Bluffton and Buchanan Dam, TX; (65) State Hwy 286 between Corpus Christi and Chapman Ranch, TX; (66) State Hwy 304 between Gonzalez and Batrop, TX; (67) State Hwy 317 between Belton and McGregor, TX; (68) State Hwy 320 between State Hwy 7 and State Hwy 53 near Barclay, TX; (69) State Hwy 339 between Freer and Banavides, TX; (70) State Hwy 342 between Red Oak and intersection of U.S. Hwy 77; (71) State Hwy 345 between San Benito and Rio Hondo, TX; (72) State Hwy 359 between Laredo and Skidmore, TX; (73) State Hwy 361 between Gregory and Port Aransas, TX; (74) FM Road 12 between San Marcos and Wimberley, TX; (75) FM Road 20 between Fentress and intersection State Hwy 71; (76) FM Road 65 between Crystal City and Brudage, TX; (77) FM Road 70 between Chapman Ranch and Bishop, TX; (78) FM Road 73 between Coolidge and Prairie Hill, TX; (79) FM Road 78 between San Antonio and Seguin, TX;

(80) FM Road 81 between Panna Maria and intersection State Hwy 123; (81) FM Road 86 between Luling and Red Rock, TX; (82) FM Road 88 between Progresso and intersection State Hwy 186; (83) FM Road 106 between Harlingen and intersection State Hwy 345; (84) FM Road 107 between Moody and Eddy, TX; (85) FM Road 133 between Artesia Wells and Catarina, TX; (86) FM Road 136 between Gregory and Woodsboro, TX; (87) FM Road 140 between Charlotte and Campbellton, TX; (88) FM Road 141 between Giddings and Dime Box, TX; (89) FM Road 187 between Sabinal and Vanderpool, TX; (90) FM Road 190 between Asherton and Brundage, TX; (91) FM Road 306 between Elm Mott and Milford, TX; (92) FM Road 337 between Vanderpool and Camp Wood, TX; (93) FM Road 339 between Birome and intersection State Hwy 164; (94) FM Road 413 between Rosebud and Kosse, TX; (95) FM Road 434 between Waco and Chilton, TX; (96) FM Road 436 between Belton and Heidenheimer, TX; (97) FM Road 438 between Temple and Belfalls, TX; (98) FM Road 440 between Killeen and Florence, TX; (99) FM Road 462 between Moore and Tarpley, TX; (100) FM Road 470 between Utopia and Bandera, TX; (101) FM Road 471 between San Antonio and Natalia, TX; (102) FM Road 487 between Florence and Bartlett, TX; (103) FM Road 491 between LaVilla and Lyford, TX; (104) FM Road 493 between Donna, TX and intersection State Hwy 186; (105) FM Road 501 between Pontotoc and Bend, TX; (106) FM Road 504 between Lohn, TX and intersection U.S. Hwy 283 north of Brady, TX; (107) FM Road 510 between San Benito and Laguna Vista.

TX; (108) FM Road 534 between intersection 359 south of Sandia, TX and intersection FM Road 3162; (109) FM Road 535 between Cedar Creek and Rosanky, TX; (110) FM Road 580 between San Saba and Lampasas, TX; (111) FM Road 581 between Lometa and Bend, TX; (112) FM Road 620 between Bee Cave and Round Rock, TX; (113) FM Road 649 between Miranda City and intersection State Hwy 359; (114) FM Road 650 between Roma Los Saenz and Fronton, TX; (115) FM Road 667 between Italy and Frost, TX; (116) FM Road 725 between McQueeney and New Braunfels, TX; (117) FM Road 755 between Rio Grande City and Rachel, TX; (118) FM Road 775 between New Berlin and intersection Interstate Hwy 10; (119) FM Road 812 between Red Rock and intersection U.S. Hwy 183; (120) FM Road 864 between Fort McKavetta and intersection State Hwy 29; (121) FM Road 881 between Sinton and Rockport, TX; (122) FM Road 933 between Waco and Aquilla, TX; (123) FM Road 935 between Troy and intersection U.S. Hwy 77; (124) FM Road 967 between Buda and intersection Interstate Hwy 35; (125) FM Road 969 between Austin and intersection State Hwy 71; (126) FM Road 971 between Granger and Georgetown, TX; (127) FM Road 972 between intersection Hwy 35 and State Hwy 95 south of Bartlett, TX; (128) FM Road 973 between Manor and Del Valle, TX; (129) FM Road 1015 between Lasara and intersection FM Road 1422; (130) FM Road 1017 between La Gloria and Linn San Manuel, TX; (131) FM Road 1021 between Eagle Pass and El Indio, TX; (132) FM Road 1050 between Utopia and intersection U.S. Hwy 83; (133) FM Road 1051 between Reagan Wells and intersection U.S. Hwy 83; (134) FM Road 1222 between Katemcy and intersection U.S. Hwy 87; (135) FM Road 1237 between Troy, TX and intersection State Hwy 36; (136) FM Road 1242 between Bynum and Abbott, TX; (137) FM Road 1283 between Pipe Creek and intersection FM Road 471; (138) FM Road 1304 between Aquilla and intersection Interstate Hwy (139) FM Road 1346 between San Antonio and La Vernia, TX; (140) FM Road 1422 between Monte Alto and intersection FM Road 491; (141) FM Road 1427 between Penitas and intersection U.S. Hwy 83; (142) FM Road 1431 between State Hwy 29 and U.S. Hwy 282 via Kingsland, TX; (143) FM Road 1431 between Jonestown and Cedar Park, TX; (144) FM Road 1518 between Schertz and intersection U.S. Hwy 87; (145) FM Road 1604 between U.S. Hwy 87 and intersection 10 East of San Antonio via Somerset, TX; (146) FM Road 1628 between Manchaca and intersection of Interstate Hwy 35; (147) FM Road 1786 between Alcoa and intersection U.S. Hwy 79; (148) FM Road 1825 & FM Road 685 between Hutto and intersection U.S. Hwy 35; (149) FM Road 1854 between Mendoza and Dale, TX; (150) FM Road 2114 between West and intersection of FM Road 933; (151) FM Road 2116 between Rockdale and Alcoa, TX; (152) FM Road 2200 between Devine and D'Hanis, TX; (153) FM Road 2233 between Sunrise Beach and intersection State Hwy 71; (154) FM Road 2241 between Llano and Tow, TX; (155) FM Road 2340 between Lake Victor and intersection U.S. Hwy 281; (156) FM Road 2644 between Carrizo Springs and El Indio, TX; (157) FM Road 2900 between Kingsland and intersection of FM Road 2233; (158) Park Road 22 between Corpus Christi and Padre Island, TX; (159) Park Road 37 between Lake Hills and intersection State Hwy 16; (160) Park Road 53 between Port Aransas and intersection Park Road 22; (161) Park Road 100 between Port Isabel and south Padre Island, TX; (162) Local Road between New Berlin, TX; and intersection of interstate Hwy 10. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Railroad Commission of Texas, 611 S. Congress, P.O. Drawer 12967, Capitol Station, Austin, TX 78711, and should be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26281 Filed 9-8-81; 8:45 pm]

BILLING CODE 7035-01-M

[Finance Docket Nos. 29668 and 29668 (Sub-No. 1)]

Denver and Rio Grande Western Railroad Company and Atchison, Topeka and Santa Fe Railway Co.; Exemption and Modification of Double Track Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 the modification of the Double Track Agreement between the Denver and Rio Grande Western Railway Company (DRGW) and the Atchison, Topeka and Santa Fe Railway Company (ATSF). The modification permits DRGW to operate unit coal trains over ATSF track from Bragdon, CO (at the end of the current Double Track) to Pueblo, CO.

DATES: This exemption will be effective 30 days from the date of this publication in the **Federal Register**. Petitions for reconsideration of this decision must be filed within 20 days of this publication.

ADDRESSES: Send petitions for reconsideration to:

(1) Interstate Commerce Commission, Section of Finance, Room 5417, Washington, DC 20423, and

(2) Petitioners' Representative, John S. Walker, P.O. Box 5418, Denver, CO 80217.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

DRGW and ATSF filed concurently a request for waiver of certain information required by 49 CFR 1111.2 and an application under 49 U.S.C. 11343 for authority to modify their Double Track Agreement. We have determined on our own motion to consider the petition and application as a request under 49 U.S.C. 10505 to exempt this transaction from the requirement of prior approval under 49 U.S.C. 11343.

Background

DRGW and ATSF own parallel tracks between South Denver and Bragdon, CO. On February 26, 1936, the parties entered into a contract (known as the Double Track Agreement) covering their rail operations between South Denver and Bragdon, CO. The parties agreed to operate the lines as double-track for traffic of both parties, plus that of the Colorado and Southern Railway Company, a tenant of the ATSF. The Double Track Agreement was approved by the Commission in *Atchison, T. & S. F. Ry. Co. Operations*, 221 I.C.C. 145 (1937).

The parties want to modify the Double Track Agreement to permit DRGW to operate loaded unit trains over ATSF main-line track from Bragdon to Pueblo for interchange. DRGW and ATSF currently interchange unit trains, in what is termed an "awkward interchange situation," between DRGW's Pueblo Yard and ATSF's Pueblo Yard. The modification would enable DRGW to move unit trains over ATSF's main line directly to ATSF's yard for interchange. The parties believe the modification will enhance the efficient and economical operation of unit train service to the ATSF's yard by eliminating switching at DRGW's yard.

Statutory Provisions

The Double Track Agreement is actually a trackage rights agreement permitting ATSF to operate over DRGW track and DRGW to operate over ATSF track. The parties want to extend DRGW's right to operate over ATSF track 11.35 miles into Pueblo, CO. The modification, though not a significant change to the Double Track Agreement, requires our approval under 49 U.S.C. 11343. Compare, *American Train Dispatchers Ass'n.* v. *Union Pac. Co.*, 363 I.C.C. 143 (1980).

Under 49 U.S.C. 10505 we may exempt a transaction when we find that (1) regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from an abuse of market power.

Discussion

Although modification of the Double Track Agreement is a transaction requiring our approval under 49 U.S.C. 11343, we believe an exemption is warranted under 49 U.S.C. 10505. Modification would enable DRGW and ATSF to relocate the point where DRGW interchanges unit train movements. Our scrutiny of the transaction under 49 U.S.C. 11343 is not necessary to carry out the objectives of the Rail Transportation Policy in 49 U.S.C. 10101a. Exempting the transaction would, in fact, promote the objectives of Section 10101a by allowing the parties to improve operations in unit-train service.

The transaction is of limited scope. The modification would affect only unit-train movements of coal that the parties have been interchanging for several years at Pueblo. The only change in rail operation resulting from the extension of the joint trackage would occur at Pueblo.

Having determined the transaction is of limited scope, we need not determine whether regulation is needed to protect shippers from an abuse of market power. We note, however, that the unit train movements involve only one shipper. That shipper will pay for track improvements for DRGW's operations over ATSF's main line. No other shipper is involved in the transaction.

Labor Protection

In granting an exemption under Section 10505, we may not relieve the parties of obligations to protect interests of employees. We will impose the employee protective conditions in *Norfolk & Western Ry. Co.-Trackage Rights-BN*, 254 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.-Lease and Operate*, 360 I.C.C. 653 (1980). These conditions satisfy the requirements of 49 U.S.C. 11347 for the protection of employees involved in trackage rights transactions.

This action will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

1. Pursuant to 49 U.S.C. 10505, we exempt the modification of the Double Track Agreement between DRGW and ATSF extending joint rail operations from Bragdon to Pueblo, Co. The exemption is subject to the employee protective conditions in *Norfolk & Western Ry. Co.-Trackage Rights-BN*, 354 I.C.C. 605 (1978), as modified in *Medocino Coast Ry.-Lease and Operate*, 360 I.C.C. 653 (1980).

2. Within 60 days after consummation of the transaction DRGW and ATSF shall submit three copies of sworn statements showing all journal entries required to record the transaction.

3. Notice of our action will be given to the general public by delivering a copy of this decision to the **Federal Register** for publication.

4. This exemption shall continue in effect for one year from the effective date of this decision. Parties must consummate the transaction during this time to take advantage of this exemption.

5. This decision shall be effective 30 days after publication in the **Federal Register.**

6. Petitions to stay the effective date of this decision must be filed not later than 10 days following the date of publication in the **Federal Register.**

7. Petitions to reopen this proceeding for reconsideration must be filed within 20 days from the date of publication in the **Federal Register.**

Decided: August 28, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, and Commissioners Gresham, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26264 Filed 9-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 78)]

Illinois Central Gulf Railroad Co.; Abandonment of Line in Obion County, IN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission has issued a certificate authorizing Illinois Central Gulf Railroad Company to abandon its rail line between Kenton (milepost 431.31) and Rives (milepost 442.31) (excluding Kenton and Rives) in Obion County, TN, a total distance of 11 miles, subject to certain conditions. The abandonment certificate will become effective 30 days after this publication uness the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amounts of compensation, the abandonment certificate will become effective. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26262 Filed 9-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 47)]

Illinois Central Gulf Railroad Co. Exemption for Contract Tariff ICC-ICG-4165

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The supplement to ICG Coal Contract Tariff 4165 to be filed may

become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:
Jane F. Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: By petition filed August 26, 1981, the Illinois Central Gulf Railroad Company (ICG) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that amendments to its coal contract rate tariff ICC–ICG–4165 be made effective on a minimum 30 days' notice. ICG now requests that the supplement to be filed become effective on one day's notice. The shippers filed a statement supporting this request.

ICG and the shippers contend that the amendments are necessary to augment the annual volume period to meet the 1.2 million ton requirement because a 72 day strike by the United Mine Workers changed production parameters for which the annual volume requirement was originally intended. Production problems at the mine, in view of the strike and delays in producing sufficient coal to provide for regular movement by unit train shipments, make it necessary to establish an arbitrary of one dollar per net ton to reimburse the ICG for the increased cost of providing regular train service in lieu of unit train service. ICG states that the urgency to provide publication on one day's notice is necessary to cover movements of less than unit train quantities which were scheduled to begin August 27, 1981.

ICG argues that it is equally urgent to receive permission to waive the usual three-way signatory requirement. The execution process requires coordination of three separate parties in three separate locations. The limited time frame precludes usual handling. In addition, the normal process is further hampered by the strike of the air traffic controllers resulting in irregular mail and passenger service.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(i). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe that this is the type of exception circumstance that warrants an exemption. The amendments adjust the contract so that the shippers can move coal under the contract provisions to meet their minimum volume requirements. Moreover, this will provide ICG with the revenue needed to compensate for the adjustment. The contract supplement to be filed can be made effective on one day's notice.

We will impose the following conditions:

If the Commission permits the amendments to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the amendments or to disapprove them.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract supplement to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

Finally, we will treat the request to waive the signature requirement as a petition for extraordinary relief and we will grant it. Since all the parties to the contract have requested this relief, and the signed document shall be filed with the Commission at a later date, we can see no harm in permitting it to become effective before the signatures are received.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 2, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26268 Filed 9–8–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Guidelines for Litigation to Enforce Obligations To Submit Materials for Predissemination Review

Notice is hereby given that the Guidelines for Litigation to Enforce Obligations to Submit Materials for Predissemination review (FR Doc. 80–40215, 45 FR 85529 (daily ed. December 29, 1980)) have been revoked.

Dated: September 3, 1981.

William French Smith,

Attorney General.

Attorney General Policy Governing Litigation to Enforce Obligations to Submit Materials for Predissemination Review

I have today revoked Attorney General Guidelines promulgated on December 9, 1980, regarding litigation to enforce obligations to submit materials for predissemination review.

Some employees and contractors of the United States, generally those in the intelligence agencies, are obligated by contract or otherwise to submit intended publications relating to their intelligence activities for predissemination review by the government to determine whether the proposed publications contain any classified information. The courts have held that the United States may initiate litigation in response to violations of these obligations in order to preserve compliance with the prepublication review system. Departures from that system may result in unwitting as well as intentional disclosures of classified information and undermine the confidence of foreign intelligence services or other sources of information in the ability of the United States to protect confidential information.

The legality and enforceability of the prepublication review system was upheld by the Supreme Court in *Snepp v. United States,* 444 U.S. 507 (1980). The Court noted that prepublication review is necessary for intelligence agencies to perform their statutory responsibilities and that failure to comply with the system can be detrimental to vital national interests.

The guidelines of December 9, 1980, were principally deficient in that they tended to suggest that some violations would be ignored, which would have the effect of encouraging, in some cases, avoidance or aiding and abetting the avoidance of the important predissemination review process. Those guidelines accordingly have been revoked to avoid any confusion over whether the United States will evenhandedly and strenuously pursue any violations of confidentiality obligations.

In order to ensure that enforcement policies will be consistently applied and fully compatible with First Amendment rights, only the Attorney General may authorize the filing of suits to enforce obligations to submit materials for predissemination review. In determining whether to authorize suit, the political views of the defendant or the extent to which his publication is favorable or

critical of the United States government or its agencies will not be considered. In addition, present or former government officials shall be held to identical standards regardless or their rank of influence.

Dated: September 3, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-26318 Filed 9-8-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Independent Areas Task Force, Fisheries Subgroup; Meeting

Pursuant to sec. 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Fisheries Subgroup of the Independent Areas Task Force (IATF) of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Wednesday and Thursday on September 16–17, 1981. The Subgroup will meet in Room 416, Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The sessions, which will be open to the public, will convene at 9:00 a.m. and adjhourn at 4:00 p.m. on Wednesday, September 16 and Thursday, September 17. They will continue their review of the draft text of the report to be published by the Subgroup.

NACOA has initiated a study to formulate national goals and objectives for the oceans in the decade of the 1980's and beyond. To support the conduct of this study, the Secretary of Commerce has established the IATF for NACOA. The IATF will be responsible for the prepartation of preliminary recommendations in the areas of energy, fisheries, marine transportation, ocean minerals, ocean operations and services, and waste mangement and pollution.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Subgroup on Fisheries, Jay G. Lanzillo, in advance of the meeting. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Exectuve Director, Mr. Stenen N. Anastasion, or Clarence P. Idyll, the Staff Member for the Fisheries Subgroup. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, D.C. 20235.

James A. Almazan,

Staff Physical Scientist.

[FR Doc. 81-26446 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-12-M

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Tuesday and Wednesday, September 22–23, 1981, in Room 418, Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations and State and local government, was established by Congress by Public Law 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit other reports as may from time to time be requested by the President or Congress.

The tentative agenda is as follows:

September 22, 1981

Plenary

9:00 a.m.–9:30 a.m.—Announcements
9:30 a.m.–12:00 noon—To Be Announced
12:00 noon–1:00 p.m.—Lunch
1:00 p.m.–5:00 p.m.—Panel Meetings
1:00 p.m.–3:00 p.m.—Hydrology; Chairman: Paul Bock, Room B–100
1:00 p.m.–5:00 p.m.—Coastal Zone
Topics: Revenue Sharing and Coastal Barriers
Co-Chairmen: Sharron Stewart, Jack R. Van Lopik
5:00 p.m.—Adjourn

Wednesday, September 23, 1981

Plenary

8:30 a.m.–10:00 a.m.—Tentative: Closed Session
Topic: Global Positioning System (GPS)
10:00 a.m.–12:00 noon—Panel Meetings
Weather Services
Topic: Provision of Weather Services; User Fees
Chairman: Warren Washington, Room B–100
Environment and Regulations
Topic: Review of Several Regulatory Areas
Co-Chairmen: Sylvia A. Earle, Peter Emerson
12:00 noon–1:00 p.m.—Lunch
1:00 p.m.–3:00 p.m.—Plenary
Panel Reports
3:00 p.m.—Adjourn (Regular NACOA Meeting)
3:00 p.m.–6:30 p.m.—Panel Meeting
Marine Minerals
Chairman: Burt Keenan
3:00 p.m.–3:15 p.m.—Opening Remarks: Burt Keenan
3:15 p.m.–4:00 p.m.—Strategic metals stockpiling policy: Paul Krueger, FEMA
4:00 p.m.–5:30 p.m.—Continental shelf minerals: J. Robert Moore
5:30 p.m.–6:00 p.m.—Project economics: Jim Johnston
6:00 p.m.–6:30 p.m.—Report on Administration review of the draft Law of the Sea Treaty: Conrad Welling
6:30 p.m.—Adjourn

Thursday, September 24, 1981

8:30 a.m.–12:00 noon—NOAA Presentation
Regulations: Amor Lane, John Padan
Environmental Issues/Assessment: Jim Lawless
Negotiations of Like-Minded Nations: Jim Lawless
Sea Grant: Dave Duane
Polymetallic sulfides: Alexander Malahoff
12:00 noon–1:00 p.m.—Lunch
1:00 p.m.–3:00 p.m.—Review of task statement. Discussion of issues
3:00 p.m.–3:15 p.m.—Coffee Break
3:15 p.m.–5:30 p.m.—Discussion of issues cont'd. November meeting date
5:30 p.m.—Adjourn

The public is welcome at the open session and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

With respect to the closed session on Wednesday, September 23, the Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on September 4, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, by Section 5(c) of the Government in the Sunshine Act, Public Law 94–409, that the matters to be disclosed during this closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because it will be considered within the purview of 5 U.S.C. 552b(c)(1), i.e., to disclose matters that are authorized to be kept secret in the interest of national defense.

A copy of the determination to close a portion of this meeting is available for public inspection and copying in the

Central Reference & Records Inspection Facility, Rm. 5317, U.S. Department of Commerce, Washington, DC 20230, area code 202/377–4217.

Additional information concerning this meeting may be obtained through the Committee's Exceutive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653–7818.

Dated: September 4, 1981.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81–26445 Filed 9–8–81; 8:45 am]

BILLING CODE 3510–12–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dance Panel (Choreography Fellowships); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel, Choreography Section, to the National Council on the Arts, will be held on September 23–25, 1981, from 8:30 a.m.–7:00 p.m., in Room 1422 of the Columbia Plaza Office Complex, 2401 E. Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81–25860 Filed 9–8–81; 8:45 am]

BILLING CODE 7537–01–M

Visual Arts Panel (Conceptual/ Performance/New Genres); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel, Conceptual/ Performance/New Genres Section, to the National Council on the Arts will be held on September 23–25, 1981 from 9:00 a.m.–5:30 p.m., in Room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW, Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 81–25861 Filed 9–8–81; 8:45 am]

BILLING CODE 7537–01–M

Visual Arts Panel (Policy Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Policy Section of the Visual Arts Advisory Panel to the National Council on the Arts will be held on September 28–30, 1981, from 9:00 a.m.–5:00 p.m. in Room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on September 28–29, from 9:00 a.m.–5:00 p.m. and on September 30, from 9:00 a.m.–2:00 p.m. for policy discussion.

The remaining sessions of this meeting on September 30, 1981 from 2:00 p.m.–5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81–25862 Filed 9–8–81; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Grand Gulf Nuclear Station Units 1 and 2; Meeting; Location Change

The ACRS Subcommittee on Grand Gulf Nuclear Station Units 1 and 2 will hold a meeting on September 17 and 18, 1981, at the Mississippi Arts Center, 201 East Pascagoula Street, Jackson, MS instead of Vicksburg, MS.

All other items regarding this meeting remain the same as announced in the **Federal Register.**

Further information regarding this meeting can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. Herman Alderman (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 2, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–26311 Filed 9–8–81; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the

staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, OP 031–4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 8.13 and is entitled "Instruction Concerning Prenatal Radiation Exposure." It is being developed to describe the instruction that should be provided to workers who may be exposed to radiation concerning biological risks to the unborn child resulting from prenatal exposure to radiation in relation to other risks encountered during pregnancy.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not recieved complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by November 5, 1981.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) ro for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 1st day of September 1981.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 81–26307 Filed 9–8–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Provisional Operating License No. DPR–16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

This amendment approves modifications to the Appendix B (Environmental) Technical Specifications which will allow: (1) Suspension of certain monitoring programs (Sections 3.1.2.A(2) and 3.1.2.C), and (2) editorial corrections required because of inconsistencies, or redundancies. The onsite meteorological monitoring program in the Appendix A Technical Specifications is duplicated in Section 3.3, and therefore, has been deleted.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 8, 1981, (2) Amendment No. 56 to License No. DPR–16, and (3) the Commission's letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of September, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81–26310 Filed 9–8–81; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22181; 70–6515]

Central and South West Corp., et al.; Proposed Participation by Pipeline Subsidiary in System Money Pool and Borrowing from Money Pool

September 2, 1981.

In the Matter of Central and South West Corporation, 2700 One Main Place, Dallas, Texas 75250; Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403; Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156; Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102; West Texas Utilities Company, P.O. Box 841, Abilene, Texas 79604; Central and South West Services, Inc., 2700 One Main Place, Dallas, Texas 75250; and Transok Pipe Line Company, P.O. Box 2008, Tulsa, Oklahoma 74101; Proposed participation by pipeline subsidiary in system money pool and borrowing from money pool.

Central and South West Corporation ("CSW"), a registered holding company, and five of its subsidiary companies, Central Power and Light Company ("CPL"), Southwestern Electric Power Company ("SWEPCO"), West Texas Utilities Company ("WTU"), Public Service Company of Oklahoma ("PSO"), Central and South West Services, Inc., ("CSWS") and Transok Pipe Line Company ("Transok"), a pipe line subsidiary of PSO, have filed with the commission post-effective amendments to their application-declaration previously filed and amended pursuant to Section 6, 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act

of 1935 ("Act") and Rules 43, 45, 50(a)(2) and 50(a)(5) promulgated thereunder.

By prior order dated December 31, 1980 (HCAR No. 21868), the applicant-declarants, except Transok, were authorized through June 30, 1982 to make short-term borrowings not to exceed $300,000,000 in aggregate principal amount through the CSW System money pool, commercial paper sales and bank borrowings.

By post-effective amendment, Transok seeks authorization to participate in the CSW System money pool and to borrow up to $15,000,000 through June 30, 1982, from the money pool. Such transactions would be under the same terms as described for the other applicant-declarants in the Commission's prior order (HCAR No. 21868).

By supplemental order dated December 31, 1980 (HCAR No. 21870), Transok was authorized to issue and sell short-term notes maturing no later than December 31, 1981, to PSO up to an aggregate outstanding principal amount of $10,000,000. Upon authorization of Transok's proposed money pool and bank borrowings, Transok requests cancellation of the authorization to issue such notes to PSO.

The application-declaration as amended by the post-effective amendment and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended by the post-effective amendments or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26284 Filed 9-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11927; 811-3124]

Fiduciary Money Market Trust; Filing of Application

September 2, 1981.

Notice is hereby given that Fiduciary Money Market Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, PA 15219, which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified, management investment company, filed an application on July 15, 1981, requesting an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are sumarized below.

Applicant states that it registered under the Act on December 18, 1980, and that it simultaneously registered an indefinite number of its shares of beneficial interest of common stock under the Securities Act of 1933. The registration of those shares did not become effective. According to the application, Applicant sold $100,000 of its shares on January 26, 1981, to Federated Cash Management Corporation, its only shareholder. All of the shares were voluntarily redeemed at their net asset value on June 5, 1981. Applicant further states that it was dissolved pursuant to its Declaration of Trust and applicable state law on June 5, 1981.

Applicant avers that it has never made a public offering of its securities, has fewer than 100 security holders for purposes of Section 3(c)(1) of the Act and the rules thereunder, and does not propose to make a public offering or engage in business of any kind.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company as defined by the Act, it shall so declare by order and, upon taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than September 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0.5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26283 Filed 9-8-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/437]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct an open meeting on September 24, 1981, at 1:30 P.M., in Room 8238 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the Twenty-fourth Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London on May 24, 1982. In particular, the working group will discuss the following topics:

Maritime distress system

Performance standards for shipborne radio equipment

Promulgation of navigational warnings

Life-saving radio equipment

Digital selective calling

Matters related to ITU World Administrative Radio Conferences

Matters related to CCIR Study Groups

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. R. L. Swanson, U.S. Coast Guard (G-TTM-S/32), Washington, D.C. 20593. Telephone (202) 426-0517.

Dated: August 20, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81-26278 Filed 9-8-81; 8:45 am]

BILLING CODE 4701-07-M

[Public Notice 772]

Claims Against Iran

This notice concerns claims of U.S. nationals against Iran within the jurisdiction of the Iran-U.S. Claims Tribunal established by the Claims Settlement Agreement signed at Algiers on January 19, 1981. Specifically, it addresses: (1) The establishment of the Security Account from which awards of the Tribunal will be funded; (2) the rules of procedure applicable to claims filed before the Tribunal; (3) the registration and settlement of claims of less than $250,000; and (4) the settlement of claims of $250,000 or more.

For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

1. Establishment of the Security Account

Arrangements were concluded on August 17, 1981, for the establishment of the Security Account at N.V. Settlement Bank of the Netherlands. The Account is to be used for the sole purpose of securing the payment of, and paying, claims of U.S. nationals against Iran, as provided in the Claims Settlement Agreement. The technical agreements establishing this account were signed in Amsterdam by the Federal Reserve Bank of New York as Fiscal Agent of the United States; Bank Markazi Iran; Banque Centrale d'Algerie as escrow agent; De Nederlandsche Bank N.V., the central bank of the Netherlands; and N.V. Settlement Bank of the Netherlands, which will act as the depositary. Pursuant to these agreements and the Algiers Declarations of January 19, 1981, the United States transferred to Iran on August 18 certain Iranian assets in U.S. banking institutions in the United States, including approximately $2.038 billion in bank deposits, $13.2 million in non-bank funds, and a limited amount of securities. Of this amount, $1 billion has been deposited in the Security Account for the funding of awards to be made by the Iran-U.S. Claims Tribunal Against Iran.

As provided in the Algiers Declarations and the technical agreements of August 17, 1981, the Government of Iran is obliged to replenish the Security Account whenever it falls below $500 million. Under the terms of the technical agreements, the central bank of Iran, Bank Markazi, is also expressly obliged to replenish the Account.

The technical agreements provide that certain issues pertaining to the operation of the Security Account will be submitted to the Tribunal for resolution. The United States will ask the Tribunal to determine whether the interest on the Security Account should remain in the Account or be tranferred to Iran. The United States and Iran will jointly ask the Tribunal to determine how the management fees for the Account should be allocated between the Federal Reserve Bank of New York and Bank Markazi, what their respective responsibilities should be for indemnifying N.V. Settlement Bank of the Netherlands and De Nederlandsche Bank, and whether funds in the Account should be available to pay claims settled by the parties directly concerned.

2. Rules of Procedure

In accordance with the provisions of the Claims Settlement Agreement, claims of U.S. nationals against Iran must be submitted to the Tribunal between October 20, 1981, and January 19, 1982. The Tribunal previously issued Administrative Directive No. 1 providing preliminary guidance for claimants concerning the manner of submitting claims. See Public Notice 764 (46 FR 37418, July 20, 1981). The Tribunal will meet at The Hague beginning September 14 to formulate more detailed rules of procedure to supplement and modify the UNCITRAL rules which are generally applicable to the submission and resolution of claims. Claimants and other interested persons who would like to offer suggestions concerning the form and substance of the rules to be adopted by the Tribunal are invited to make their views known to the Administrator for Iranian Claims at the earliest possible date. The Department will endeavor to convey these suggestions to the Tribunal before the rules are adopted and to provide an opportunity for subsequent comments to be received by the Tribunal.

3. Registration and Settlement of Claims of Less Than $250,000

Every person subject to U.S. jurisdiction with claims against Iran that arose before April 15, 1980 was initially required to report all such claims to the Department of the Treasury by May 15, 1980. See section 535.616 of the Iranian Assets Control Regulations (45 FR 24408, April 19, 1980).

Subsequent to the signing of the Algiers Declarations on January 19, 1981, and the establishment of the Iran-U.S. Claim Tribunal, U.S. nationals with claims against Iran that fall within the Tribunal's jurisdiction and have a value, in the aggregate, of less than $250,000 were required to register those claims with the Department of State by May 8, 1981. See Public Notice 749 (46 FR 19893, April 1, 1981) and Public Notice 753 (46 FR 25026, May 4, 1981). The information submitted in connection with the registration of these claims is to be used by the Department in seeking to conclude an agreement with Iran providing for the settlement of all such claims in return for a lump-sum payment by Iran. If such an agreement is reached, claims covered by the agreement will be adjudicated by a domestic agency of the United States Government, and the lump-sum payment will be distributed in accordance with that agency's determinations.

In an effort to provide all claimants in this category with the fullest possible opportunity to register their claims against Iran, and because the lump-sum settlement negotiations had not yet begun, the Department subsequently announced that it had been able to accept registrations received after May 8 and would continue to do so until the settlement negotiations had begun. The Department stated that the final deadline would not be earlier than July 31, 1981. See Public Notice 763 (46 FR 36277, July 14, 1981).

The Department has now completed its compilation of claims registered to date and has submitted information concerning these claims to the Government of Iran for the purpose of initiating the settlement negotiations. The Department anticipates that these discussions will begin within the next few weeks. Once they have begun, it may be impossible for the Department to take into account any additional unregistered claims. Claimants who have not registered their claims by that time may be excluded from sharing in the proceeds of a lump-sum settlement and from having their claims presented to the Tribunal.

Accordingly, U.S. nationals with claims of less than $250,000 who have not yet registered their claims with the Department of State should register them *immediately* with the Administrator for Iranian Claims, Office of the Legal Adviser, Department of

State, Washington, D.C. 20520. Telephone [202] 632–5040. The Department expects that it will be unable to take into account claims registered after *September 30, 1981.*

If lump-sum settlement negotiations with Iran do not achieve an early agreement, the Department will submit to the Iran-U.S. Claims Tribunal the claims of less than $250,000 that have been registered with the Department. In that event, the Department will provide a standardized statement of claim form for use by claimants whose claims have a value, in the aggregate, of less than $250,000.

4. Settlement of Claims of $250,000 or More

The Claims Settlement Agreement of January 19, 1981, provided for a six-month period during which the United States and Iran would promote the settlement of claims by the parties directly concerned. As previously announced, this period has been extended to October 19, 1981.

The Department has received information indicating that a substantial number of claimants with claims of $250,000 or more have been invited by the Government of Iran to enter into discussions in Vienna or elsewhere for the purpose of agreeing on settlement terms prior to October 20, 1981. Claimants engaging in such discussions are encouraged to advise the Department of the general progress of such discussions, and in particular of any problems which might usefully be addressed on a government-to-government level for the purpose of promoting the settlement of claims during this period. Claimants with such information should contact the Administrator for Iranian Claims.

David P. Stewart,

Administrator for Iranian Claims, Office of the Legal Adviser.

[FR Doc. 81-26251 Filed 9-8-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 4]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Section 6 to 13 Title 6 of the United States Code. An underwriting limitation of $187,000 has been established for the company.

Name of Company: NORTH EAST INSURANCE COMPANY

Business Address: 959 Brighton Avenue, Portland, Maine 04102

State of Incorporation: Maine

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33971 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of Treasury, Washington, D.C. 20226

Dated: August 31, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc 81-26292 Filed 9-8-81; 8:45 am]

BILLING CODE 4810-35-M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Upper Mississippi River System; Draft Comprehensive Master Plan; Special Meeting

A Special Meeting of the Upper Mississippi River Basin Commission will be held Monday, September 14, 1981, and Tuesday, September 15, 1981. The meeting will begin at 1:00 p.m. on September 14th and is expected to adjourn early in the afternoon on September 15th, in Minneapolis, Minnesota, in the East Room of the Curtis Hotel. The purpose of the meeting is to approve a draft Comprehensive Master Plan for the Management of the Upper Mississippi River System for publication on October 1 for subsequent public review.

This notice changes the location and adds an additional meeting day to our notice as published in the **Federal Register** on August 27, 1981, 46 FR 43353.

Rodney N. Searle,

Chairman-Designate.

[FR Doc. 81-26273 Filed 9-8-81; 8:45 am]

BILLING CODE 8410-02-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 174
Wednesday, September 9, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:30 am., Wednesday, September 9, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1983 Budget discussion.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–5374.

[S–1342–81 Filed 9–4–81; 3:14 pm]

BILLING CODE 6351–01–M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: September 4, 1981.

PLACE: 1700 G Street, N.W., 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: Amendment of regulations contained in parts 523 and 561 related to securities constituting permanent equity.

[S–1344–81 Filed 9–4–81; 3:22 pm]

BILLING CODE 6720–01–M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m. September 14, 1981.

PLACE: Hearing room 1, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. Docket No. 81–10: General Rate Increases in the Puerto Rico and Virgin Island trades—Consideration of the Record.

CONTRACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S–1346–81– Filed 9–4–81; 3:35 pm]

BILLING CODE 6730–01–M

4

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, September 14, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: September 4, 1981.

William W. Wiles,
Secretary of the Board.

[S–1345–81 Filed 9–4–81; 3:35 pm]

BILLING CODE 6210–01–M

5

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Friday, September 11, 1981.

PLACE: 1776 G Street NW., Washington, D.C., 7th Floor Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility lending rate.
2. Final regulation revising Part 721—Federal Credit Union insurance and group purchasing activities.
3. Statement of Policy: Sale-and-Leaseback Transactions.
4. Reports of actions taken under delegations of authority.
5. Applications for charters, amendments to charters, bylaw amendments, mergers that may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Friday, September 11, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Road

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Adjudications. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
2. Administrative Action under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
3. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Personnel Policies and Practice. Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1343–81 Filed 9–4–81; 3:21 pm]

BILLING CODE 7535–01–M

6

POSTAL RATE COMMISSION.

TIME AND DATE: Following the 9 a.m. Prehearing Conference (MC78–3) on September 9, 1981.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Docket No. R80–1 (Remanded by Governors, U.S. Postal Service on June 29, 1981.)
[Closed Pursuant to 5 U.S.C. § 52b(c)(10)]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268. Telephone (202) 254–5614.

[S–1339–81 Filed 9–4–81; 9:30 am]

BILLING CODE 7715–10–M

7

UNITED STATES RAILWAY ASSOCIATION.

DATE AND TIME: September 11, 1981; 10 a.m.

PLACE: Board Room, Room 2–500, Fifth Floor, 955 L'Enfant Plaza North, S.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS:

Portions Closed to the Public (10 a.m.)

1. Internal Personnel Matters.
2. Litigation Report.

Portions Open to the Public (10:30 a.m.)

3. Approval of Minutes of July 9 Meeting.
4. Amendment of By-Laws for USRA.
5. Consideration of Delaware and Hudson Loan Agreement Waiver Request.
6. Consideration of Conrail Request for Drawdown of Employee Reduction Funds.
7. Consideration of Conrail's Fourth Quarter Commitment Request.
8. Contract Actions.
9. Conrail Monitoring.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426–4250.

[S–1341–81 Filed 9–4–81; 11:05 am]

BILLING CODE 8240–01–M

8

UNITED STATES RAILWAY ASSOCIATION.

DATE AND TIME: September 11, 1981; 9 a.m.

PLACE: Board Room, Room 2–500, Fifth Floor, 955 L'Enfant Plaza North, S.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE USRA ADVISORY BOARD:

Portions Closed to the Public (9 a.m.)

1. Discussion of Functions of Advisory Board.
2. Discussion of Advisory Board Ogranizational Matters.
3. Review of Conrail Proprietary and Confidential Financial Information.
4. Review of Delaware and Hudson Proprietary and Financial Information.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426–4250.

[S–1340–81 Filed 9–4–81; 11:05 am]

BILLING CODE 8240–01–M

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SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of September 14, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, September 15, 1981, at 10 a.m. An open meeting will be held on Thursday, September 17, 1981, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552B(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting sheduled for Tuesday, September 15, 1981, at 10 a.m., will be:

Settlement of administrative proceedings of an enforcement nature.
Litigation matter.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Freedom of Information Act appeal.
Settlement of injunctive action.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.

The subject matter of the open meeting scheduled for Thursday, September 17, 1981, at 10 a.m., will be:

1. Consideration of whether to issue a release soliciting public comment on the standard of conduct to be applied in a professional disciplinary proceeding pursuant to Rule 2(e) of the Commission's Rules of Practice. For further information, please contact Stephen E. Cavan at (202) 272–2454.
2. Consideration of what response to make to the Freedom of Information Act appeal of Terry M. Moe for access to statistical data concerning Commission investigation, civil and administrative action and criminal referrals to the Department of Justice during the period of 1934 to present. For further information, please contact Gilles Attia at (202) 272–2448.
3. Consideration of clarifying amendments to Rule 463 under the Securities Act of 1933, relating to reports by first-time issuers of their sales of securities and use of proceeds, and revision of related Form SR to a short-answer format. For further information, please contact Susan Davis at (202) 272–2589.
4. Consideration of whether to rescind Rule 17a–9 under the Securities Exchange Act of 1934. For further information, please contact Bruce Beatt at (202) 272–2886.
5. Consideration of whether to grant Louis M. Kornman relief of a bar imposed upon him in connection with a prior administrative proceeding. For further information, please contact Robert Anderson at (202) 272–2916.
6. Consideration of whether to issue a release prepared by Division of Corporation Finance setting forth interpretations of the insider reporting and trading rules promulgated under Sections 16(a) and 16(b) of the Securities Exchange Act of 1934. These rules are designed to implement and administer the insider reporting and trading provisions of Section 16. For further information, please contact Michael R. Kargula at (202) 272–2573.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272–2467.

September 4, 1981.

[S–1347–81 Filed 9–4–81; 3:35 pm]

BILLING CODE 8010–01–M

Wednesday
September 9, 1981

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations Permanent Regulatory Programs; Performance Bonding

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 800–809

Surface Coal Mining and Reclamation Operations Permanent Regulatory Programs; Performance Bonding

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) proposes to amend existing rules in Subchapter J relating to reclamation bond and insurance requirements.

This action is prompted by the identification of some rules as counterproductive and burdensome. The intention is to issue a regulatory program with additional flexibility for States in implementing the Act (Pub. L. 95–87), under State primacy which meets the overall goals of the statute.

DATES: The comment period for the proposed amendments will extend until October 9, 1981.

ADDRESSES: Written comments must be mailed or hand-delivered to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR–11), Room 153, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. All comments, notices of public meetings, and summaries of the meetings will be available for inspection at Room 153, South Interior Building.

A public hearing will be held on September 24, 1981, at the following location:

Washington—Department of the Interior Auditorium, 18th and C Sts. N.W., Washington, D.C.

For addresss where additional copies of these proposed amendments are available, see "AVAILABILITY OF COPIES" under "Supplementary Information."

FOR FURTHER INFORMATION CONTACT: Russell E. Price, Division of Technical Services, Office of Surface Mining, U.S. Department of the Interior; 202–343–4022.

SUPPLEMENTARY INFORMATION:

Public Comment Period

The comment period on the proposed revision will extend until October 9, 1981. All written comments must be received at OSM Headquarters, U.S. Department of the Interior, Administrative Record (TSR–11), South Building, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, by 5:00 p.m. on that date. Comments received after that time will not be considered or included in the Administrative Record for the final rulemaking. OSM cannot ensure that written comments received or delivered during the comment period to locations other than that specified above will be considered and included in the Administrative Record for the final rulemaking.

Public Comments

Written comments should be as specific as possible. Comments not pertaining to the issues proposed cannot be considered under this rulemaking. OSM appreciates any and all comments, but those most useful and likely to influence decisions on these revisions will be those which include a reason for any given recommendation. Written comments will be accepted until 5:00 p.m. on October 9, 1981, at the address indicated above under "Addresses."

Availability of Copies

Copies of these proposed amendments may be obtained from the following OSM offices:

OSM Headquarters, U.S. Department of the Interior, Administrative Record (TSR–11), South Building, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; 202–343–4728.

OSM Regional I, 603 Morris Street, Charleston, West Virignia 25301; 304–342–8125

OSM Region II, Suite 500, 530 Gay Street, S.W., Knoxville, Tennessee 37902; 615–637–8060

OSM Region III, Room 502, Federal Building & U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204; 317–269–2600.

OSM Region IV, Scarritt Building, 5th Floor, 818 Grand Avenue, Kansas City, Missouri 64106; 816–374–2618.

OSM Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202; 303–837–5511.

Public Hearing

A Public Hearing on these proposed rules will be held on September 24, 1981, to hear all those who wish to testify.

Persons wishing to testify at the public hearing on this propoosed revision should contact the person listed under "For Further Information Contact" on or before September 11, 1981. Individual testimony at this hearing will be limited to 15 minutes. The hearings will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearings would greatly assist OSM officials who will attend the hearings. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying.

The public hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been sceduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audidence who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Public Meetings

Representatives of OSM will be available to meet between September 9, 1981, and October 9, 1981, at the request of members of the public, State representatives, and other organizations to listen to advice and recommendations concerning the content of these proposed amendments. Persons wishing to meet with representatives of OSM during this time period may request a meeting at the Washington office or any of the five regional offices. Persons to contact to schedule such meetings are as follows:

Washington—Russ Price, 202–343–4022
Charleston—Jesse Jackson, 304–345–4720
Knoxville—William Thomas, 615–637–8060. ext. 200.
Indianapolis—Al Perry, 317–269–2656
Kansas City—Richard Dawes, 816–374–5109.
Denver—John Hardaway, 303–837–4072.

OSM representatives will be available at the Washington office or the regional offices for these meetings between 9:00 a.m. and noon and 1:00 and 4:00 p.m. local time, Monday through Friday excluding holidays. All such meetings are open to the public. If possible, notices of the meetings will be publicly posted in advance in the Administrative Record Office listed above under "ADDRESSES" as to the location of the meeting. A written summary of the meetings will be made a part of the Administrative Record and will be available to the public.

Bonding

Explanation of the proposed rulemaking actions: The bonding and insurance rule published at 44 FR 15312 (March 13, 1979) have undergone extensive criticism in the form of written

comments, petitions, litigation and difficulties experienced by State regulatory agencies in implementation. These reactions have resulted in some amendments to the bonding rules and have generally refined the issues involved. The most significant actions are as follows:

1. Petition by Mining and Reclamation Council filed April 1979 resulting in the amendment of 17 sections issued as proposed rule January 24, 1980 (43 FR 6028), and as final amendments on August 6, 1980 (45 FR 52306).

2. Several letters of policy directed to State programs as requested by the surety industry in order to clarify ambiguities in the rules;

Use of Phase Bonds for guaranteeing specific work within the mining and reclamation operations. (OSM letter of December 1980.)

Transition Bonding Coverage from initial Program to Permanent Program Criteria. (OSM letter dated March 10, 1981.)

3. Petition by Mining and Reclamation Council and Surety Association of America (January 20, 1981) to amend the requirement for an incremental bond to extend to an entire permit area for purposes of forfeiture (46 FR 16276, March 12, 1981), (OSM letter granting petition dated April 14, 1981).

4. Draft modifications to Subchapter J dated March 26, 1981, were sent to State regulatory authorities and all others who had previously commented on bonding rulemaking notices.

The Office of Surface Mining (OSM) has reviewed comments on the March 26, 1981 Draft of Subchapter J, and proposes these revisions to the permanent regulatory program governing the bonding and insurance provisions implementing Sections 509 and 519 of the Surface Mining Control and Reclamation Act of 1977 (the Act). This action is designed to provide a program sufficient for State implementation and interpretation in fulfilling the requirement for reclamation performance guarantees and protection of the public and environment. This protection is afforded through criteria governing the bonding process which provides sufficient funds for a third party to perform reclamation operation should the operator fail to complete the work satisfactorily. These rules also protect property and the public from injury or damage by requiring adequate liability and property damage insurance should an unexpected event or disaster occur.

The actions proposed herein are proposed to replace in its entirely Subchapter J of the existing Permanent Regulatory Program. In its place rules are being proposed to better implement Sections 509 and 519 of the Act and fulfill the mandate of the Administration to reduce regulatory burdens. The action of replacing current rules is consistent with Executive Order 12291 issued February 17, 1981, and with the Administration's directive for regulatory relief from excessive, burdensome or counterproductive regulations. The issues detailed below will be addressed with respect to their effectiveness or omission in the proposed rules.

Information in the rules being amended and the previous Federal Register notice preamble is available for reference should commenters desire.

On January 28, 1981, the Secretary, Department of the Interior, ordered that all regulations which were excessive, burdensome or counterproductive be identified, and asked States and industry to recommend sections to be revised. In keeping with this assignment, rules in proposed or final form were postponed, and hearings canceled, which resulted in withdrawal or termination of rulemaking procedures. OSM, in compliance with the administrative mandate to simplify and remove excessive regulatory burdens, intends to repropose all rules governing bonding and issuance under the permanent regulatory program. On March 26, 1981, a draft of proposed bonding amendments was made available to all interested parties. Many comments were received on the draft rule and changes reflected in this rulemaking address the modifications from the March 26, 1981 draft. Significant changes included the format, numbering sequences and the degree of detail included in the rules.

Contained in this notice are rules implementing Sections 509 and 519 of the Act. The intent of these rules is to allow operators latitude in order to comply with overall performance standards without unnecessary counterproductive constraints. The rules, as proposed, place responsibility on the operator to complete reclamation operations or provide funds by which the State or Federal Government can contract for the desired reclamation.

Organization of the proposed Subchapter J offers from the previous parts and sections. The entire Subchapter is coded as Part 800, with sections numbered and assigned as follows:

Existing rule 30 CFR	Topic	Proposed rule designation
800.1	Scope	800.1
Action: Change of format leaves this section as Scope for entire Subchapter J. Other sections in Parts 801–809 providing Scope of Part are proposed to be deleted.		
800.2	Objective	800.2
Action: No change (N/C) This Section covers the objective of all bonding rules; all other statements of objective are proposed for deletion.		
800.5	Definitions	800.5
Action: Minor changes are proposed to the definition of surety bond and collateral bond. Extensive changes are proposed for the definition of self-bonding, including deletion of 15 terms now found in § 806.14. An escrow bond definition is added.		
800.11	Requirements to file a bond.	800.11
Action: This section has been rewritten and rearranged, but relevant provisions from the existing rule remain.		
800.12	Insurance certificate	800.60
Action: Incorporated with terms of insurance rather than a separate section.		
800.13	Regulatory authority responsibilities.	800.4
Action: Minor editorial changes of paragraphs (a)-(f) are proposed. A new paragraph (g) is added which provides that operation without bond coverage as a violation of permit requirements.		
801.1	Scope	Deleted.
Action: See 800.1 above.		
801.2	Objective	Deleted.
Action: 800.2 above.		
801.4	Responsibilities	800.17(a)
Action: The proposed revision correlates with the paragraph 800.13(g) for all cases.		
801.11	Applicability	Deleted.
Action: Any constraint in applying bonding procedures to long-term operations will be at the regulatory authority's discretion.		
801.12	Amount of bond required.	Deleted.
Action: Refer to general bonding amount provisions under § 800.14 for explanation.		
801.13	Period of liability	800.17(b)
Action: Same provisions as existing rule.		
801.14	Form of bond	Deleted.
Action: Any form of bond allowed by other sections of Subchapter J is allowed.		
801.15	Applicability of other sections.	Deleted.
Action: Since Part 801 is proposed as a Section, all other provisions of Subchapter J apply.		
801.16	Subsidence and mine drainage.	800.17(c)
Action: This paragraph as proposed is shortened from the present rule and its provisions depend on other sections, such as cost estimating under § 800.14 and the period of liability under § 800.13; provisions for bonding surface-control measures remain unchanged.		
801.17	Bond forfeiture	800.17(d)
Action: Same provisions as existing rule.		
805.1	Scope	Deleted.
Action: See § 800.1, above.		
805.11	Determination of amount.	800.14
Action. This section, as proposed, shortens the specific elements of cost estimates of reclamation. Each State regulatory authority will be required to meet the standard of establishing bond cost estimates accurately enough to fully contract for or complete the reclamation operations [illegible]		
805.12	Minimum amount	[illegible]
Actions: Provisions have been proposed as part of determination of amount under proposed § 800.14. No change in the provision is proposed.		
805.13	Period of liability	[illegible]
Action: The same provisions as the existing rule are proposed, but aspects of limited bond are guarantees added in Paragraph 800.13(a).		
Editorial changes are proposed for other paragraphs.		
805.14	Adjustment of amount.	800.15

Existing rule 30 CFR	Topic	Proposed rule designation
Action: The same provisions are proposed for inclusion, but a distinction has been drawn between bond release versus bond adjustment for purposes of notifying the public. A paragraph concerning modifications to the permit area and reclamation plan consistent with the Act is proposed for addition corresponding to 30 CFR 788.		
806.1	Scope	Deleted.
Action: See § 800.1 above.		
806.11	Form of the performance bond.	806.12
Action: (a) Similar provisions of existing rules are proposed for retention. (b) This paragraph, as proposed, reflects provisions of the Act for alternative bonding systems.		
806.12 (a)-(d)	Terms and conditions of the bond.	800.16(e)(6)(7)
Action: This section proposes to include general provisions applicable to all types of bonds, similar to those in the present rules.		
806.12(e)	Surety bonds	800.20
Action: Conditions for accepting surety bonds are proposed to be shortened, and State regulations governing maximum amounts and other limits are proposed for deletion for State law determination.		
806.12 (f) and (g)	Collateral bonds, letters of credit, real property.	800.21 (a), (b), (c)
Action: Conditions for accepting collateral, letters of credit, and real property proposed to be shortened. Limitations in use and specific procedures are proposed for deletion.		
806.13	Escrow bonding	800.21(d)
Action: This section is proposed to remain basically as found in the existing rules, except, requirement for Federally-insured accounts is modified.		
806.14	Self-bonding	800.23
Action: Extensive deletions of specific acceptance limits and collateral requirements are proposed. Self-bonding, as proposed, requires State regulatory development of standards of acceptance and procedures. The provisions of the Section track those of the Act, Section 509(c).		
806.15	Replacement of bonds.	800.30
Action: This section, as proposed, incorporates the existing paragraphs (a) and (c), but deletes paragraph (b) as unnecessary when bonding methods of § 800.12 are invoked.		
806.16	Terms and conditions of liability insurance.	800.60
Action: Provisions of existing rules are proposed to be incorporated in this rule.		
806.17	Combined surety escrow bonding.	Deleted.
Action: This section is proposed to be deleted.		
807.1	Scope	Deleted.
Action: See § 800.1 above.		
807.11, 807.12	Procedures for seeking release of performance bond/criteria and schedule for release of performance bond.	800.40
Action: Sections 807.11 and 807.12 are combined into a single bond release section, § 800.40. The proposed rule contains most existing procedures, but deletes specific provisions, such as detailed requirements of the newspaper advertisement and a specific percentage of bond release after Phase II reclamation.		
808.1	Scope	Deleted.
Action: See 800.1 above.		
808.11	General	800.50(a)(1)
808.12	Procedures	800.50(b)
808.13	Criteria for forfeiture	Deleted.
808.14	Determination of forfeiture amount.	Deleted.
Action: Procedures and forfeiture actions are proposed under § 800.50. Several specific requirements such as criteria of forfeiture and amount to be forfeited are included in the general text. Implementation provisions giving discretion to the regulatory authority within the performance goals of completion of reclamation are proposed to be added.		
Part 809	Anthracite mines in Pennsylvania.	800.70
Action: This part has been rewritten as a proposed section, including the provisions of the existing rule, implementing Section 529 of the Act.		

Within this revision major issues have been addressed which were the subject of litigation, rulemaking and agency discussion before the decision was made to amend the Subchapter totally. These issues can be divided into four areas:

(1) Major issues subject to continuing rulemaking:

(a) Self-bonding § 806.14.

(2) Issues subject to remand by the District Court:

(a) Citizen access to mine sites during bond release, § 807.11.

(b) Refund of forfeited bond not necessary to complete reclamation operation, § 808.14.

(3) Issues subject to petition action:

(a) Extension of liability on incremental bonds to the entire permit area under forfeiture, § 808.12(c).

OSM requested comments on the last issue by publishing a petition at 46 FR 16276 (March 13, 1981) seeking to delete the extension. The petition was granted by OSM letter (April 14, 1981).

(4) Issues which were addressed in comments requested by Secretary of the Interior James G. Watt's letter of January 28, 1981 requesting comments and recommendations on the regulatory program:

(a) Comments made by the NCA/AMC Joint Committee.

(b) Comments made by the Mining and Reclamation Council of America dated *March 3, 1981.*

(c) Comments made by Texas Utilities and Generating Corporation dated *February 27, 1981.*

These comments have been addressed in the proposed revision of the rules. The comments are dealt with in detailed discussion of revisions proposed to be made to the rules appearing below.

It should be pointed out that provisions of Section 509(c) of the Act allow the Secretary to approve an alternative system deemed "to achieve the objectives and purposes of bonding program." Therefore, any State which believes that an alternative approach would be acceptable and meet the criteria of financial assurance for reclamation completion may present their proposal. Those alternatives which are feasible and justified will be considered for implementation, monitoring and evaluation.

As well as setting the standards for bond alternative, adjustment, release and forfeiture, the rule outlines several alternative methods of bonding (i.e., surety bonds, collateral, escrow accounts, etc.). This is not expected to restrict the use of other methods which will fulfill the requirements of the bonding program (such as industry funds, State reclamation fund programs, or any combination of bond guarantees); nor does it preclude the establishment of more stringent criteria by which adequate financial guarantee are assured. Indeed, a broad coverage State fund alternative may require special constraints on forfeiture, release and application of bonds different from those applied on bonds full coverage on specific increments and phases of work to be performed. Effect of the Surface Mining Act:

The Office is sensitive to issues raised with respect to the Act, the most relevant of which are (1) length of the bond/revegetative liability period, (2) the requirement for cost estimate adjustments within bond terms, (3) public involvement in bond release, (4) extension of the liability period due to augmented practices and (5) the burden of development of standards for self-bonding. These issues while reflected in the regulations are problems the ultimate resolution of which may be directed to statutory amendment; and, as such, comments on these proposed regulations should not address the Act, except to the extent that a statutory provision on bonding allows latitude which is not being provided in these regulations. The intention of these regulations is to implement the Act and establish standards and objectives by which the goals of the Act are met.

Major Issues Addressed

Subject: Citizen Access to Mine Site for bond release.

Status: Remanded for consideration by District Court.

Provisions of new § 800.40 "Bond Release Procedures," refer to Section 513 of the Act which provides for public access with permittee concurrence, which allows the regulatory authority to arrange with an operator access to the mine site for purpose of gathering information relevant to the bond release proceedings.

This is consistent with the District Court's interpretation, *In re: Permanent Surface Mining Regulations Litigation,* No. 79-1144, U.S.D.C.

Subject: Refund of unused funds. § 808.14.

Status: Remanded by District Court for resolution in its February 26, 1980 decision. The District Court for the District of Columbia directed that the rules governing forfeiture be amended to provide that, in the case of bond

forfeiture, only those funds necessary to perform reclamation be forfeited and the unused money be returned. OSM recognizes that at the time a forfeiture takes place the cost of reclamation can only be an estimate and will be subject to the variables of inflation, competitive bidding, and administrative costs. Retaining unused funds until reclamation has been completed allows the regulatory authority the necessary flexibility in funding change orders, cost overruns, and other unforeseen expenses commonly experienced in construction contracts. Not until reclamation has been completed and the final project costs known, can the exact amount to be refunded be determined. OSM, however, believes that this action is discretionary with the regulatory authority and the proposed rule proposes to delete former § 808.14 (a) and (b) for State program implementation.

Subject: Extension of Liability of Any Bond to the Entire Permit Area.

Status: A petition for rulemaking was granted by OSM. Section 800.50(f) provides for forfeiture of any or all bonds, if necessary, but limits application of the proceeds to use on the particular lands covered by the original guarantee. This concept complies with the principles of suretyship and the definition of performance bond as found in this proposed rule. Action was initiated in the **Federal Register** to suspend the present provision in 30 CFR 808.12(c) pending this rulemaking.

Subject: Bond Release Percentages.

Resolution: There has been opposition to the limit of 25% bond release after Phase II reclamation. The amount of bond to be released periodically as reclamation is completed will depend on the State's evaluation of the cost estimate of reclamation work remaining after Phase I work is completed. The proposed discretion must be exercised so as to retain adequate funds to reestablish revegetation during the period after the revegetative portion of the bond is released.

Subject: No Assessment of Penalty Due to Loss of Bond Coverage.

Resolution: Notice of violation without associated penalty. Proceed to cessation order if replacement not provided within abatement period.

Subject: Real Property of Permit Area as Collateral.

Resolution: No specific limitations are placed on land offered as collateral, except it may not be mined under any permit.

Detailed Discussion of Proposed Revisions to Subchapter J

Part 800—General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs.

New §§ 800.1 and 800.2 are identical to the March 13, 1979 §§ 800.1 and 800.2 concerning scope and objective, respectively.

Proposed § 800.4 corresponds to the former § 800.13—Regulatory authority responsibilities. A substantive paragraph was added, 800.4(g), that provides for continuous bond coverage during all surface coal mining operations. This provision clarifies that the Act requires uninterrupted bond coverage. The remaining paragraphs of 800.4 are the same as 800.13 with minor editorial changes.

§ 800.5 Definitions

The following definitions are proposed to be deleted from the rules: Common-size comparative balance sheet, common-size comparative income statement, retained earnings, working capital, current assets, current liabilities, current ratio, acid-test ratio, quick assets, cash, liquidity ratio, asset ratio, return on investment, net worth, net profit and capital assets. These definitions relate to the self-bonding provisions. Since the specific criteria used to determine eligibility to self-bond is proposed to be deleted from 30 CFR 800.23 and acceptance standards are to be determined by the regulatory authority, the definitions would be unnecessary in this rule.

Escrow Account Bond

This definition of "escrow account bond" is added at the request of a State commenter who pointed out that all other types of bonds are defined.

Surety Bond

The definition of surety bond remains the same except for minor editorial changes.

Collateral Bond

The requirement that cash be deposited in Federally-insured accounts was deleted in the March 26, 1981 draft in order to provide greater flexibility for operators. A State regulatory authority objected to this deletion. The requirement is deleted in the proposed rule. However, the State may insert the requirement that cash be deposited only in Federally-insured accounts since this requirement is more stringent than the Federal rule.

A State regulatory authority suggested that negotiable certificates of deposits be payable or assigned to the regulatory authority and be allowed to be held by Federally-insured banks. This suggestion is adopted because it does not affect the risk to the regulatory authority and meets the intent of Congress for placing cash or collateral with a trustee to ensure continued availability and to maintain the value.

The word "other" is added to the definition of investment grade securities under (6) because a commenter pointed out that under item (2), negotiable bonds of the U.S., a security issued by State or a municipality may also be investment-grade rated. Securities rated AAA, AA, or A are acceptable rather than only those with the highest rating given as provided in the existing definition. This change was suggested by a commenter who pointed out that these ratings were more consistent with prudent investment management standards applicable to fiduciaries.

A State regulatory authority suggested that only securities traded on a nationally recognized securities exchange be allowed so that fair market value could be readily determined. Such a requirement could be adopted by this State as a more stringent provision than the Federal provision.

Self-bond

The definition of self-bond is proposed to be revised to delete the requirement for collateral in the existing definition. The Act does not specifically require the posting of collateral in order to self-bond; although the regulatory authority may require collateral as a more stringent provision. Several commentors suggested deleting the term "promissory note" from the March 26, 1981 draft because the term was inappropriate. This term is deleted. The reference to the sufficiency of the bond amount in the definition is also deleted from the draft rule because it was pointed out that no reference is made to the bond amount in any other bond definitions. The requirements that persons or organizations controlling the financial practices of the permittee executing the indemnity agreements is also proposed to be deleted.

§ 800.11 Requirement To File a Bond

Paragraphs (a) and (b) are proposed to be revised to more closely parallel Section 509(a) of the Act. Paragraph (b) concerning incremental and cumulative bonding was deleted from the March 26, 1981 draft rules. Comments from State regulatory authorities and others requested clarification in this area. Thus, paragraph (b) is reinserted in the proposed rule and renumbered (c). The only substantive change from the

existing rule is the requirement that the liability on cumulative bonds extend to all the increments covered. This is necessary to assure that the bond does not fall below the full reclamation cost for these combined acreages. The first sentence in (b)(1) concerning liability on the entire permit during the life of the mine is proposed to be deleted because it is inconsistent with a limited guarantee covering discrete increments of the permit. Paragraph (c) is proposed to be deleted because it refers to other parts and contains no substantive provisions.

Research and Environmental Practice Bonding

On April 17, 1980, the Department of Agriculture, RECLAM Coordinating Committee, petitioned for OSM to consider incentives which might apply to research conducted by State or Federal agencies, universities, or other research agencies. (See 45 FR 4166, June 18, 1980 and 45 FR 43437 June 27, 1980). The proposal cited the reluctance of surface coal operators to allow parcels to be offered for research because the operator remains liable and must continue bond coverage until successful vegetation is achieved and until the liability period expires.

One proposal offered as a solution to this bonding issue was to allow a reduced bond amount or a waiver of bond coverage on such tracts. OSM has evaluated this proposal and finds no statutory basis for eliminating or reducing the financial guarantees on such tracts. However, liability may be transferred from the coal operator to another party if the same contractual obligations of reclamation and performance are provided to the regulatory authority.

Another option considered was to describe this research under the experimental practices permitted under Section 711 of the Act. OSM has interpreted Section 711 to provide only exceptions to Sections 515 and 516 of the Act, the environmental performance standards, not to the guarantee for reclamation bonding. Experimental practices may present economic incentives in that the work to be performed may be less expensive than conventional reclamation methods; thus, cost savings realized in completing the reclamation will be reflected in reduced bond requirements. OSM has determined that no specific variance from bonding requirements can be included for research parcels.

§ 800.12 Requirement To File a Certificate of Liability Insurance

This Section is proposed to be deleted from the proposed rule because the substantive provisions therein are contained in proposed § 800.60—Insurance.

Proposed Section 800.12 (Formerly 30 CFR 806.11)

Section 806.11, Form of the performance bond. This section had been proposed to be revised in the March 26, 1981 draft rules as § 800.12.

Section 806.11(a)(6). Several comments were received concerning the deletion of this provision in the draft rules. As now proposed § 800.12(a)(4) provides that the bond form could consist of a combination of any of the bonding methods listed in that section. The commenters contended that the inclusion of this provision in § 800.12 afforded those operators who may not qualify for self bonding or who would not be able to provide a surety bond for the entire bond amount with an alternative that would better enable them to guarantee total reclamation costs. OSM agrees with this contention and has reinserted the provision.

Section 806.11(a)(5) is proposed to be deleted. The inclusion of the combination of bonding methods, as previously explained, would preclude the necessity of listing separately a combined surety/escrow bonding method. In addition, consideration of the comments concerning this bonding method prompted the deletion of § 806.17 (Section 800.24 in the March 26, 1981 draft rules). Accordingly § 800.12 has been revised to delete the method of a combined surety/escrow bond.

Section 806.11(b). One comment noted that the term "bonding program" in this section was vague and suggested that this Section should appear in § 800.11 to clarify that alternative bonding procedures, as well as alternative bonding forms, may be acceptable. OSM believes that the rule provides for alternatives in both bonding procedures and bonding forms, and recognizes, as other commenters pointed out, that other types of financial commitments may be appropriate. To clarify that an alternative bonding system must achieve the objectives and purposes of the Act, OSM proposes to rephrase § 800.12(b) to more nearly recite the provision of Section 509(c) of the Act.

Consideration of comments which clearly showed that escrow accounts are a form of collateral bond has prompted OSM to delete draft § 800.22 and include the provisions for escrow accounts in proposed § 800.21. Proposed § 800.12 has also been revised to eliminate the identification of escrow accounts as separate bond forms.

Section 800.13, (Formerly § 805.13) Period of Liability

Provisions governing the period of bond liability were included in the draft rule of March 26, 1981. They were written to allow the concept of § 805.13 without explicit and extensive regulations; however, they were considered inadequate to explain the concept.

Several commenters suggested that § 800.13(a) be amended to include a sentence limiting the liability period for bonds posted to guarantee a particular phase or increment of reclamation. As this wording is consistent with recent OSM policy guidelines, OSM proposes to add this sentence.

Section 800.14 (Formerly §§ 805.11 and 805.12) Determination of bond amount.

Provisions governing the determination of bond amount previously under § 805.11 were included in the draft rule of March 26, 1981 as § 800.14. They were written to allow the concept of § 805.11 and § 805.12 without explicit and extensive regulations. They were, however, considered inadequate to explain the concept.

One commenter questioned whether the $10,000 minimum bond pertaining to the total permit or to each increment. The only time the $10,000 minimum bond amount would apply on an incremental basis is when there is only one increment of the permit area being disturbed or in some stage of reclamation. Effectively, this would mean either the first or last increment in a permit area.

Section 509(a) of the Act requires that the bond—that is the total bond or bonds—for the entire area under one permit be no less than $10,000.

Another commenter wanted to add the phrase "* * *using reasonable and prudent business judgment and practices * * *" to § 800.14(b). Because the regulatory authority would contract for reclamation under forfeiture conditions, and this would most likely be under a bidding situation, OSM believes that reclamation would be carried out expeditiously. Therefore, this phrase was not included.

Several commenters suggested adding language requiring the establishment of an escrow account prior to issuance of a permit with the deposit of the minimum $10,000 bond. The commenters maintain that the escrow account would establish funds obtainable without litigation if forfeiture required the regulatory

authority to reclaim instead of the operator. Although OSM believes that this is an excellent idea, the Act does not require such stringency. Therefore, OSM believes that this change should be left to the State regulatory agencies to promulgate.

Several commenters noted that subsections of § 800.14 could be combined and made more efficient. OSM agrees and the new regulations propose this change.

One State regulatory authority stated that it bases bond amounts on a flat per-acre rate rather than on the cost of reclamation. Although the Secretary of the Interior may determine that this practice is allowable, the Federal Act requires the operator to submit a cost estimate and the regulatory authority to use several different items to determine the bond.

Some commenters suggested that the $10,000 minimum bond amount be lowered in cases where the cost of reclamation is less. OSM cannot lower the amount because to do so would require an amendment to the Act and could not be accomplished simply by revising the regulations.

Section 800.15, formerly § 805.14 Adjustment of amount

As with §§ 800.13 and 800.14, the provisions of § 800.15 in the draft rule of March 26, 1981, were found to be inadequate to convey the meaning of former § 805.14.

Two commenters requested that bond adjustments be predictable, such as having them set at the beginning of the permit term or at the time the permit is revised. Some States review permits on a yearly basis, which should be sufficient to keep pace with inflation and to satisfy the "predictability" requirement.

However, the Act mandates that the regulatory authority adjust the bond amount when the cost of reclamation work changes, while at the same time requiring that permits must be reviewed halfway through their terms (2½ years in most cases). Changing bond amounts every 2½ years would not keep pace with current fluctuating rates of inflation; consequently the "predictability" requirement must be handled at the State level.

Numerous commenters noted that paragraphs (a) and (d) of the draft were essentially the same. OSM has eliminated the first sentence in § 800.14(a) and replaced it with the entire wording of § 800.14(d). The second sentence of § 800.14(a) is proposed as § 800.14(b) and is revised to include regulatory authority notification of the surety and any other person with a property interest in collateral, as requested by several commenters. Sections 800.14 (b) and (c) are proposed as § 800.14 (c) and (d), respectively.

Two commenters requested that § 800.14(b) (now (c)) be amended to allow the surety to request reduction of bond. Section 519(a) of the Act specifically states that "The *permittee* may file a request. * * *". Consequently, this change has not been proposed in the revised regulation.

One commenter opposed removing the procedural requirements of bond reduction from § 800.15(b) (now (c)) because it eliminates citizen involvement. OSM agrees that citizen involvement is required when the reduction is requested on previously disturbed lands. Consequently, OSM proposes to amend the regulation accordingly.

Section 800.16 (formerly 30 CFR 806.12 (a)–(d), (e)(6) and (g)(7))

Section 806.12, Terms and conditions of the bond. This section is revised and proposed as § 800.16

Sections 806.12(e)(6) and (g)(7). The language common to these sections was condensed and included in the draft rules as § 800.16(e) and made applicable to all bond forms. The majority of the comments received concerned this proposed section. Many commenters indicated that the terms "individual" and "company" were rather vague, and generally suggested that the word "individual" be deleted and the word "company" be changed to "surety company." With the view that these terms apply in cases of self bonding, OSM believes that reference to these entities should remain in the rule. Since the definition of "person," as given in Section 701(19) of the Act, includes these entities, this word is inserted in the rule. To clarify that surety companies are also included in the rule, the term "surety company" is inserted. Further minor revisions of the wording also clarify the rule's applicability to all bond forms. Commenters varied in their concerns about the notification of action alleging insolvency or bankruptcy. Some commenters suggested deletion of the provision, while others suggested that it be reworded to state that the regulatory authority shall be notified. The rule intends that notice shall be given, but allows flexibility in the establishment of a mechanism for such notification.

Another comment suggested that the rule be amended to state that the permittee shall also be notified. OSM contends that it is the permittee's responsibility to maintain a bond, and replace it if necessary, and therefore believes that the permittee shall also be notified of any action that may jeopardize the continuance of a bond. The rule as proposed was revised appropriately.

The major concern about this proposed section pertained to the provision of § 800.16(e)(2). Some commenters noted that the issuance of a notice to an operator of being without bond was vague, in that it may imply that a notice of violation shall be issued. Other commenters stated that the rule afforded no environmental protection, since the regulatory authority appeared to be left with little or no authority to enforce the maintenance of a bond. One regulatory authority stated that it should be authorized to issue a notice of violation, and preferred the wording of § 806.12(e)(6)(iii).

Section 509(b) of the Act clearly states that the bond shall be for the duration of the operation and appropriate revegetation period. Section 521(a)(3) clearly states that if an operator is in violation of any requirement of the Act a notice of such violation shall be issued, fixing a reasonable time for abatement; and that an order of cessation of the operation shall follow, if the violation is not abated within the scheduled abatement time. OSM recognizes that circumstances of insolvency or bankruptcy are not within an operator's control, and the language of § 806.12(e)(6)(iii) reflects that consideration. With the provision for notification of action alleging insolvency or bankruptcy described in proposed § 800.16(e)(1) the operator will be sufficiently forewarned of any potential loss of bonding coverage. It is the permittee's responsibility to assure that bond coverage is maintained. OSM has, therefore, proposed to reinsert language of § 806.12(e)(6)(iii) and has made it applicable to all bond forms.

Section 800.17 (formerly Part 801). Bonding requirements for underground coal mines, coal processing plants, associated structures and other long-term coal-related facilities and structures.

Provisions governing bonding of underground mines and other long-term coal processing operations were included in the draft rule date March 26, 1981 at § 800.11(c). The paragraph intended to allow the concept found in Part 801 without explicit and extensive regulations, but was found to be inadequate to explain the concept. Several comments were received regarding draft paragraph 800.11(c). Most misunderstood its intention and asked for clarification. Others were concerned that no clear provision for bonding of surface measures to prevent

subsidence remained from Part 801. Two specific comments cited the draft rule as preventing the concept of incrementally covering long-term operations and suggested a rewrite was necessary.

OSM in clarifying the bond concept for long-term operations has proposed a section at § 800.17 to incorporate the concept finalized as Part 801 (August 6, 1980). From the comments received this provision could not be adequately explained in a single paragraph. Therefore, specific procedures requiring bond coverage that does not lapse between permit terms has been proposed.

As proposed, this section establishes bonding conditions for long-term operations, generally with a 30–50 year lifetime. It has become apparent that bonding for thirty years would not be available commerically, and a mechanism must be developed to cover the reclamation of such areas. As indicated in the preamble to the Final Rule, August 6, 1980 (45 FR 52308) and the proposed provision January 24, 1980 (45 FR 6030), these disturbed areas remain constant throughout the life of the operation and require a fairly constant bond amount. Therefore, once a bond is posted, in theory it could remain until reclamation occurred, perhaps 30 years, later. In practice, bonding is not available from a surety for 30 years. Therefore, bonding provisions are proposed similar to provisions of Part 801, which allow bonding terms equal to the permit duration, with a replace or pay provision to apply 120 days prior to repermitting or entering the reclamation phase of the permit.

Provisions for subsidence bonding have been revised from the 30 CFR 801.16 provision, and the proposed rule only requires that surface control measures not completed when the permit is issued, be guaranteed by a performance bond.

Forfeiture provisions will apply to those bonds required for continuous operation which are not replaced or extended for the upcoming permit term when renewal is required.

One commenter requested a variance from all bonding requirements for long-term facilities where the final land use is industrial or mining. This concept has been considered, and a variation is believed to be incorporated in the determination of the amount of bond necessary to reclaim the permit area to support the postmining land use, expecially when considering the reclamation techniques for these facilities in establishing the bond amount. Reclamation land use for industrial usage may be less than other land use requirements and, therefore, may be significant in the bond amount required by the operator. The regulatory authority must approve the degree of reclamation required to meet the reclamation plan. The office does not believe that bonding can be eliminated completely under the Act where long-term reclamation is ultimately required or which may occur at any time during the facility's life, especially if an operator goes out of business or unpredicatably closes an operation.

Section 800.20 (formerly 30 CFR 806.12(e))

Section 806.12(e), Surety Bonds. This portion of § 806.12 is proposed as found in the March 26, 1981 draft rules as § 800.20.

Section 800.20(a). Several commenters noted that this proposed Section contained language which identified types of collateral bonds, and suggested that such language be deleted. OSM agrees and has deleted the inappropriate language from the provision.

Section 800.20(b). Commenters noted that this proposed section did not include the exception provided in current § 806.12(e)(1), and indicated that such an exclusion could prohibit cancellation of bond for lands not disturbed. One commenter also suggested that there may be conflict between cancellation of bond pursuant to this section and replacement of bond pursuant to proposed § 800.30. It is recognized that lands not disturbed, and therefore not requiring further bond coverage, need not be subject to bond replacement. Considering this, OSM has proposed § 800.20 to provide for cancellation of bond for lands not disturbed.

It is not clear what potential conflict with the replacement of bonds pursuant to proposed § 800.30 may occur with reference to disturbed lands. Proposed § 800.20(b) clearly refers to bond cancellation for lands not disturbed. If disturbed lands are eligible for bond release then such release procedures pursuant to proposed § 800.40 will be implemented. If, however, disturbed lands are not eligible for bond release, replacement bond must be obtained. Since no potential for conflict is recognized, the suggested revision to include bond cancellation "* * * for disturbed lands as provided in § 800.30" has not been made.

Section 800.21 (formerly 30 CFR 806.12(f))

Section 806.12(f), Collateral bonds. This portion of § 806.12 had been revised and proposed in the March 26, 1981, draft rules as § 800.21.

Section 800.21(a)(2). Commenters noted that the current market value of collateral may fluctuate and suggested that a statement concerning a periodic reevaluation of collateral be included in the rule. OSM recognizes that the provisions of proposed § 800.15 will allow the regulatory authority to adjust the bond as necessary to assure the availability of adequate reclamation funds, yet believes that § 806.12(i) provides more specific authorization for such adjustment with reference to collateral. Accordingly, § 806.12(i) has been proposed for reinsertion under § 800.21(e).

Section 800.21(b)(2). Two commenters suggested the reinsertion in this proposed section of the "90-day notification period" specified in § 806.12(g)(1). OSM believes that the proposed rule provides the regulatory authority with the flexibility to determine specific procedures concerning the acceptability of letters of credit and that the provisions of proposed § 800.16 will assure the maintenance of adequate bond coverage, regardless of the bonding method used.

Section 800.21(b)(3). On regulatory authority was concerned that this proposed rule would adversely affect its present ability to draw upon the letter of credit without an order of forfeiture. The proposed rule does not prohibit the regulatory authorities from promulgating specific rules to obtain needed reclamation funds, but merely establishes that the letter of credit must be payable upon an order of forfeiture.

Section 800.21(c)(2)(ii). Several comments indicated that some States do not have procedures for the certification of appraisers, but that appraisers are certified by professional organizations. Considering this, OSM has revised this proposed rule to specify that the appraiser must be certified, although not necessarily by the State.

Considering comments which clearly showed that escrow accounts are forms of collateral bond, OSM has deleted proposed § 800.22 of the draft rule and proposed to include the provisions under § 800.21(d).

Section 800.21(d) (formerly 30 CFR 806.13)

Section 800.13 Escrow bonding. This section had been revised and proposed as § 800.21(d). It was included in the March 26, 1981, draft rule as § 800.22.

Section 800.22. One comment contended that escrow bonding, as described, was merely another form of

collateral bonding, and suggested that these provisions be included in the section concerning collateral bonds. Recognizing this, OSM has deleted § 800.22 found int he draft rule and proposes to include the escrow account provision in § 800.21.

Section 800.23 (Formerly 806.14) Self-bonding

Self-bonding has been the subject of much controversy since it was originally proposed. The preamble to the August 6, 1980 permanent bonding rules details the issues involved in self-bonding (45 FR 52313–52314).

OSM stated in the August 6, 1980 preamble that a study on self-bonding would be conducted to evaluate alternatives. This study has subsequently been cancelled, since the States under the proposed rule would design their own self-bonding programs.

The proposal of Texas Utilities Generating Company was generally adopted in the March 26, 1981 draft rules. This draft provision established at least a $10 million net worth or at least $20 million of tangible fixed assets as the criteria for financial solvency. A State commenter pointed out that these minimums should be left to the regulatory authority to establish. In many cases the 10 to 20 million dollars would prohibit numerous small operators from providing self-bond when the amount of acreage planned for disturbance may not be large enough to justify 10 or 20 million dollars.

As an alternative to the 10 or 20 million dollar test, and a rating by an investment service is allowed to show financial solvency in the draft rules. This alternative would also be unavailable to small but financially secure operations and would not be relevant to the question of their financial solvency. The Act permits, but does not require, the regulatory authority to adopt self-bonding. In assessing whether or not to allow self-bonding, the regulatory authority is in the best position to evaluate the financial stability of the coal industry in the area, the overall bonding program and the risk involved in accepting self-bonds. Therefore, to allow maximum flexibility to the States, the office is not setting criteria to establish financial solvency and continuous operations for self-bonding which provide guarantees equivalent to other bonding methods. Each regulatory authority must establish uniform criteria if self-bonding will be allowed. This is necessary so that operators can readily discern whether or not they qualify for self-bonds. Previously promulgated regulations by OSM may be used as a guide. Self-bonding without collateral was proposed on January 24, 1980 (45 FR 6035 and 6040–6041).

Section 806.14 provided for a net worth of six times the bond amount and the posting of collateral in order to self bond. Continuous operation for 10 years as well as analysis of the financial statements of the applicant where also required. These provisions are proposed for deletion.

Section 800.23(b) requires the regulatory authority to establish criteria for self-bonding which provides an equivalent guarantee to other bonding methods.

Section 800.23(c) is comparable to § 806.14(a)(7) concerning a change in self-bonding conditions. The text as proposed was not changed.

The provisions in the March 26, 1981 draft relating to criteria for establishing a self-bonding program are proposed for deletion.

Section 800.24 (formerly 30 CFR 806.17)

Section 806.17 Combined surety/escrow bonding. This section was revised and proposed in the March 26, 1981, draft rules as § 800.24.

Section 800.24. Two comments contended that separate rules governing a combination of the surety and escrow account bonding methods need not be proposed. Both commenters reasoned that adequate procedures existed for such combinations or that adequate alternative procedures could be implemented. Considering this contention, as well as the proposed reinsertion of the provision for combination of bonding forms in proposed § 800.12, OSM proposed to delete this section. It is believed that both the option for a combination of surety and escrow bonds and the regulatory authorities' flexibility in promulgating the necessary procedures will be maintained.

§ 800.40 (formerly Part 807) Requirement to release performance bond. Rules concerning the requirement to release performance bond were included in the March 26, 1981, draft rule. The rules were written to allow for the concepts of Part 807 without the explicit and extensive regulations. Since then, these rules were considered inadequate to explain the concept contained in Part 807.

Several commenters requested that § 807.11(a)(1) be reinserted in § 800.40(a) so that applications for bond release can only be submitted at times or seasons that will allow the regulatory authority to evaluate completed reclamation operations. They also requested that "* * * or as soon as weather conditions permit * * *" be inserted in § 800.40(b) for the same reason and objected to the 30-day time limit. The 30-day time limit is mandated by the Act. However, OSM agrees with the first part of the request and has proposes § 800.40(a) and (b) accordingly.

Numerous commenters requested that § 807.11(b)(7) be reinserted so that public participation in bond release would be insured, as intended by Congress. Without this requirement, citizens would not know they can submit written comments, objections, or requests for hearings on the proposed bond release, or where to send them. OSM agrees that this information is necessary and, therefore, proposes to reinsert it at § 800.40(a).

Many commenters requested that the regulatory authority notify the surety or other person with interest in collateral as well as the permittee of its decision to release or not release a bond. OSM concurs with this request and has amended § 800.40(b) to reflect this change.

Several commenters thought that § 800.40(c) was confusing because all language concerning phases of reclamation was omitted. The commenters requested clarification. Consequently, OSM proposes § 800.40(c) to include references to the three phases of bond release.

Some commenters noted that the phrase dealing with soil productivity had been omitted from § 800.40(c)(2). OSM has reinserted in the proposed rule the phrase that was inadvertently omitted in the draft.

Several commenters requested that at the end of Phase II reclamation, at least 25 percent of the bond would be released. Others wanted at least 15 percent of the bond to be retained until the completion of Phase III reclamation. Still others requested that the 60 percent release at the end of Phase I include the replacement of topsoil. Others were pleased by the new wording.

Because the Act specifically states that 60 percent of the bond can be released at the end of Phase I reclamation (not including topsoil replacement) and leaves the percentage releases for Phases I and III to the discretion of the regulatory authority. OSM believes that § 800.40(c) conveys the meaning of the Act and allows the State regulatory authorities latitude to decide on amounts to release for Phases II and III.

Numerous commenters requested changes in the regulations that are not consistent with the Act; therefore, these changes are not proposed. In additon to those already discussed, the requests included extending the 30-day limit for

submitting proof of newspaper advertisement of bond release application; not allowing agencies charged with socioeconomic responsibilities to file bond-release objections; and not notifying parties other than the landowner and the regulatory authority about bond release.

Section 800.50 Forfeiture of bonds (formerly Part 808). Part 808 has been modified to reflect changes requested in response to the March 26, 1981 draft rule. Section 808.1 has been deleted as not required since forfeiture provisions are proposed as a section rather than a separate part.

Section 808.11 General. This section as proposed is revised under § 800.50(a). The language contained in the March 26, 1981 draft rules gave double discretion to the regulatory by changing the words "shall forfeit" to "may forfeit" and then listing in paragraphs (b) and (c) ways forfeiture could be avoided. The performance bond or bonds are conditioned upon accomplishment of the reclamation plan as approved by the regulatory authority. If the operator fails to conduct reclamation in accordance with the relamation plan or defaults on other conditions of a bond, the operator has violated the bonding provisions of the Act and bond forfeiture is required. Therefore, it is believed that no discretion to take forfeiture action is allowed under these circumstances; however, adequate latitude is available for the regulatory authority to withhold forfeiture if an operator or a surety agree to a compliance schedule in completing reclamation successfully. Therefore, the office proposes to reword paragraph (a) to require the regulatory authority to take action to forfeit under such circumstances and include methods for compliance in paragraphs (a)(1) and (2) thereby replacng the designations (b) and (c) found in the March 26, 1981 draft rule.

808.11(c). This paragraph of the existing rules allows a surety to perform its reclamation guarantee rather than forfeit the bond amount. In a policy decision, OSM determines that a surety bond could be accepted for a specified phase of reclamation, without violating the overall concept of bond coverage. Such phase coverage if written by a surety would limit the surety guarantee in the reclamation operation to work to be accomplished in that phase of reclamation. Therefore, § 800.50(a)(2) is proposed as recommended by commenters to allow limited surety involvement in performance under forefeiture to something less than total completion of the reclamation plan, if a limited guarantee was initially accepted.

Section 808.12 Procedures. Provisions of § 808.12 are proposed under paragraph 800.50(b). The content remains basically unchanged, with the exception of § 808.12(a)(3), (4) and (c). Section 808.12(a)(3) is proposed for revision as § 800.50(b)(3) to eliminate the phrase "Proceed in an action for collection on the bond" and replace with "Proceed to collect the amount forfeited". The State regulatory authority requesting this change pointed out that no legal action or suit is necessary to forfeit a bond. Therefore a more direct phrase was appropriate.

Section 808.12(a)(4) is proposed for deletion at the request of a State regulatory authority. The commenter stated that the paragraph (b)(3) sets the conditions for appeal and paragraph (c) states the regulatory authority decision as final; therefore, the provision telling the regulatory authority to defend the action is unnecessary.

Section 808.12(b). This paragraph is proposed for deletion because it is not considered necessary to expand or further specify the regulatory authority's role.

Section 808.12(c). This provision was subject to a rulemaking petition published March 12, 1981 at 46 FR 16276. Many comments were received and most supported the petition, stating that this amendment would provide sureties with the flexibility necessary to write reclamation bonds. The amendment proposed herein as § 800.50(d) eliminates the necessity for bonds posted for an increment to extend to the entire permit area under conditions of forfeiture. This extension, the petitioners argued, was beyond the intention of intial bond guarantee. Two State regulatory authorities opposd the amendment stating that bonds limited to increments would cause accounting problems, would create the need for each increment to stand on its own and would require excessive bond amounts on separate increments. Their concept involves averaging the per acre bond over an entire permit area which would allow the regulatory authority adequate funds to complete the entire reclamation plan.

Section 808.12(c) proposed January 24, 1980 and issued final August 6, 1980, at 45 FR 52324, supported the extension of bond liability to the completion of the reclamation plan on the entire permit area, rejecting the concept of incremental bonds providing independent guarantees unto themselves. This concept of extended liability continues to be appropriate when one bond covers an entire permit area, or bonds are calculated cumulatively. However,when multiple type bonds cover specific phases, extending these limited guarantees to the entire permit area performance is beyond the incremental or original reclamation guarantee.

Cumulative bonding presumes a single bond amount covering varying reclamation work during the mining process. Since the precise coverage at any one time would be difficult to assess, it is advantageous that cumulative bonds cover the total disturbed area up to their maximm limit. Any bond posted for the entire permit area as found in proposed § 800.11(c)(1)(i) could not be limited to any incremental area.

Therefore, in an attempt to alleviate major obstacles in implementing surety coverage of phases, and incremental bonds, and allow combination bonds, the requirement to extend an incremented bond is proposed for deletion.

A State reclamation association in referring to paragraph 800.50(f) of the March 26, 1981 draft (existing 30 CFR 808.12(c)) questioned whether the paragraph allowed the regulatory authority to use forfeited bonds from one job site to pay for reclamation of another. OSM believes that the conditions of incremented bonds should be made clear that the performance guaranteed for an increment of a permit area is applicable only to the work necessary to reclaim that area within the permit area. Under provisions of proposed 800.50(c) and (d), the regulatory authority does not have discretion under a forfeited performance bond to use proceeds on work not originally guaranteed. However, some States required bond amounts to be penal sums and not necessarily limited to the amount of remaining reclamation work. OSM believes that this type coverage ensures performance of reclamation, and in meeting the intent of the Act considers the penal provisions as more stringent than the agencies' performance bonding rules.

Section 808.13 Criteria for forfeiture. Provisions of this section have been deleted and are considered to be incorporated in proposed § 800.50(a). Specific conditions are proposed for regulatory authority discretion. As noted in discussions on paragraph 800.50(a) mandatory forfeiture is required if reclamation operations are not conducted in accordance with the reclamation plan or if the operator defaults on the conditions of the bond. This provides sufficient latitude for the regulatory authority to determine when forfeiture is required. Therefore, existing § 808.13 is proposed for deletion.

Section 808.14 Determination of forfeiture amount. This section was included in the March draft as § 800.51. The proposed Section responded to a remand by the District Court, which cited OSM's rules for forfeiting the entire bond amount without a provision for returning unused amounts. Additionally, in the March draft, OSM inserted the requirement that forefeited bond amounts may be utilized to cover administrative expenses. Several commenters objected to this inclusion, contending that OSM and the Regulatory Authority administrative expenses are already covered. The concept of funding of administrative expenses actually represented the cost of contracting, inspecting, and legal actions associated with the reclamation of the permit area by the State. It would seem an appropriate cost to the operator or the surety to pay for all contracting costs, since under forfeiture an operator has imposed a workload not anticipated by the regulatory authority, nor anticipated by the surety, and hopefully not by the operator in receiving the permit.

OSM in review of comments regarding the use of forfeited bonds believes it to be in the best interest of the State regulatory authorities in implementing this provision not to specify rules to determine the amount to be forefeited. This is more appropriately left to the discretion of the regulatory authority. Section 800.50(b)(1) requires a determintion of the amount to be forfeited with reasons cited, and § 800.50(e) requires that funds only be used to contract on the permit area associated with bond coverage. Therefore, under forfeiture of a performance bond, funds not used to contract for reclamation would be subject to refund, since unused funds are not transferrable to another site. However, this rationale may not apply if bond forfeiture renders a penal sum rather than a performance guarantee. The section governing the amount of the bond to be forfeited is proposed for deletion. The concept is preserved in § 800.50(b) for regulatory authority action.

Section 800.60 (formerly 30 CFR 800.12 and 806.16)

Section 806.16 Terms and conditions for libability insurance. This section has been proposed in the March 26, 1981, draft rules as § 800.60.

Section 806.60(a). The majority of the comments received concerned two provisions of this proposed section. Three commenters noted that Section 507(f) does not specify compensation for "* * * damage to water wells," and recommended that this phrase be deleted. Section 507(f) and proposed rule § 800.60(a) specify that coverage shall be adequate to compensate persons damaged, including property damage, and intitled to compensation under the provisions of State law. It is believed that this provision will include damage to water wells and that such damage need not be specifically identified in the proposed rule. The rule as proposed more nearly recites language of § 507(f) of the Act.

Several comments concerned minimum amounts specified for bodily injury. Two commenters stated that the amounts may not be adequate. Another commenter stated that prudent minimum amounts should be determined by the regulatory authority and be based upon experience in each State. One commenter explained that, in reference to a policy covering several operational locations, the total limit is available for any one occurrence, subject to exhaustion of the total policy limits. A final comment notes that the minimums are specified for bodily injury, but not for property damage, and suggested that the provision be revised to cover both occurrences.

Section 507(f) of the Act states that coverage shall be in an amount adequate to compensate any persons damaged as a result of the operations. While this provision intends that coverage shall be adequate, OSM believes that minimum amounts must be specified. The regulatory authorities will retain the ability to specify higher minimums. Proposed § 800.60(a) specifies that the minimum amount apply to both bodily injury and property damage.

Section 800.70 (Formerly Part 809)—Bonding and Insurance Requirements for Anthracite Surface Coal Mining and Reclamation Operations

Bonding for anthractie operations has been reduced to a section rather than a separate part. Therefore, § 809.1 *Scope*, § 809.2 *Objective*, § 809.3 *Responsibility* and § 809.11 *Applicability* would be deleted. Section 30 CFR 809.12 *Requirements*, has been renumbered § 800.70 without text change. The comments in the preamble concerning the text of the permanent regulations of March 13, 1979, (44 FR 15124) remain applicable.

Determinations Under Executive Order 12291, the Regulatory Flexibility Act and the National Environment Policy Act

OSM has examined these final rules according to the criteria of Executive Order 12291 (February 17, 1981) and determined that they do not constitute major rules. The economic impact of the rules is expected to be indirectly beneficial to coal operators and consumers, because of increased availability of bonds and flexibility to regulatory authorities in implementing the rules.

The rules have also been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., and OSM has determined that the proposed rules do not have a significant impact on a substantial number of small entities. The proposed rules are expected to reduce the regulatory burden on small coal operators by all eviating previous constraints on the surety market thereby allowing increased types of collateral.

It is hereby determined that this proposed rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Dated: August 18, 1981.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

Under the authority of 5 U.S.C. 301, the Act of February 25, 1920 (30 U.S.C. 189), and Executive Order 12291 (46 FR 13192) it is proposed to amend Title 30 Subchapter J of the Code of Federal Regulations as set forth below:

PARTS 801–809 [REMOVED]

Subchapter J, Parts 801–809 are removed, Part 800 and the heading for Subchapter J are revised as follows:

Subchapter J—Performance Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations

PART 800—BOND AND INSURANCE REQUIREMENTS FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS UNDER REGULATORY PROGRAMS

Sec.

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800.20 Surety bonds.
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Authority: Secs. 102, 201(c), 501(b), 503, 504, 507, 508, 509, 510, 515, 516, 519, and 529, Pub. L. 95–87, 91 Stat. 448, 449, 468, 470, 471, 474, 475, 477, 478, 479, 480, 486, 488, 489, 491, 495, 501, and 514 (30 U.S.C. 1201, 1202, 1211, 1251, 1253, 1254, 1257, 1258, 1259, 1260, 1265, 1266, 1269, and 1279).

§ 800.1 Scope.

This part sets forth the minimum requirements for the Secretary's approval of regulatory program provisions for bonding and insuring surface coal mining and reclamation operations.

§ 800.2 Objective.

The objective of this Part is to set forth the minimum requirements and responsibilities for filing and maintaining bonds and insurance for surface coal mining and reclamation operations under regulatory programs in accordance with the Act.

§ 800.4 Regulatory authority responsibilities.

(a) The regulatory authority shall prescribe and furnish forms for filing performance bonds.

(b) The regulatory authority shall prescribe terms and conditions for performance bonds and insurance which meet, at a minimum, the requirements of this Part.

(c) The regulatory authority shall determine the amount of the bond, in accordance with 30 CFR 800.14.

(d) The regulatory authority may accept a self-bond in lieu of a surety or collateral bond if the permittee meets the requirements of 30 CFR 800.23 and any additional requirements in the State or Federal program.

(e) The regulatory authority shall release liability under bonds in accordance with 30 CFR 800.40.

(f) The regulatory authority shall cause all or part of a bond to be forfeited in accordance with 30 CFR 800.50.

(g) The regulatory authority shall require in the permit that adequate bond coverage be in effect at all times. Operating without a bond is a violation of a condition upon which the permit is issued.

§ 800.5 Definitions.

Surety bond means an indemnity agreement in a sum certain payable to the regulatory authority, executed by the permittee as principal and which is supported by the performance guarantee of a corporation licensed to do business as a surety in the State where the operation is located.

Collateral bond means an indemnity agreement in a sum certain executed by the permittee as principal which is supported by the deposit with the regulatory authority of one or more of the following:

(a) The deposit of cash in one or more accounts, payable only to the regulatory authority upon demand;

(b) Negotiable bonds of the United States, a state or a municipality, endorsed to the order of, and placed in the possession of, the regulatory authority;

(c) Negotiable certificates of deposit, made payable or assigned to the regulatory authority and placed in its possession or held by a Federally insured bank;

(d) An irrevocable letter of credit of any bank organized or authorized to transact business in the United States, payable only to the regulatory authority upon presentation;

(e) A perfected, first-lien security interest in real or personal property in favor of the regulatory authority; or

(f) Other investment-grade rated securities having a rating of AAA, AA, or A or equivalent rating issued by a nationally recognized securities rating service, endorsed to the order of, and placed in the possession of the regulatory authority.

Self Bond means an indemnity agreement in a sum certain executed by the permittee and made payable to the regulatory authority, without separate surety;

Escrow Account Bond means cash deposited in one or more accounts which are payable on demand only to the regulatory authority or cash deposited directly with the regulatory authority.

§ 800.11 Requirement to file a bond.

(a) After a surface coal mining and reclamation permit application has been approved but before such permit is issued, the applicant shall file with the regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond or bonds for performance made payable to the regulatory authority and conditioned upon the faithful performance of all the requirements of the Act, the regulatory program and the permit.

(b) At a minimum, the bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within an identified increment during the initial term of the permit. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the regulatory authority an additional bond or bonds to cover such increments in accordance with this Section.

(c) An operator shall not disturb surface acreage or extend any underground shafts, tunnels or operations prior to acceptance by the regulatory authority of a performance bond covering the surface acreage to be affected.

(1) After the amount of the bond has been determined for the permit area in accordance with 30 CFR 800.14 the permittee may either file—

(i) An entire performance bond or bonds required during the term of the permit; or

(ii) A cumulative bond schedule listing the areas covered by the bonds and the sequences for release of acreage as reclamation progresses through varying phases and for the addition of other acreage as it is affected. The amount of bond required to obtain a permit shall include the full reclamation cost of the initial area being affected; or

(iii) An incremental bond schedule and the new performance bond required for the first increment in the schedule.

(2) When the operator elects to identify increments to be separately bonded, he or she shall identify the initial and successive incremental areas for bonding on the permit application map submitted for approval as provided in 30 CFR Part 780, and shall specify the proportion of the total bond amount required for the term of the permit which will be filed prior to commencing operations on each incremental area. The scheduled amount of each performance bond increment shall be filed with the regulatory authority at least 30 days prior to the commencement of surface coal mining and reclamation operations in the next increment.

§ 800.12 Form of the performance bond.

(a) The regulatory authority shall prescribe the form of the performance bond. The regulatory authority may allow for either—

(1) A surety bond;

(2) A collateral bond;

(3) Self bonding; or

(4) A combination of any of these bonding methods.

(b) The Secretary may approve, as part of a State or Federal program, an alternative bonding system, if it will achieve the objectives and purposes of the bonding program established by this chapter.

§ 800.13 Period of liability.

(a) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for a period which is coincident with the operator's responsibility for revegetation provided in 30 CFR 816.116. However, the liability period for certain bonds may be limited if they are posted and approved to guarantee only specific phases and/or increments of reclamation within the permit area.

(b) The period of liability shall commence after the last year of augmented seeding, fertilizing, irrigating, or other work and shall continue for not less than 5 full years in areas with more than 26.0 inches average annual precipitation and for not less than 10 full years in areas with 26.0 inches or less average annual precipitation. Except as noted in paragraph (c) of this section, the period of liability shall begin again whenever augmented seeding, fertilizing, irrigating, or other work is required or conducted on the site prior to bond release.

(c) The regulatory authority may approve selected reclamation practices which conform to provisions of 30 CFR 816.116(c) or 817.116(c), without extending the liability period.

(d) Small, isolated, and clearly defined portions of the permit area requiring extended liability because of augmentation may be separated from the original area and bonded separately with the approval of the regulatory authority. Such areas must be limited in extent and not constitute a checkerboard pattern of failure. Proper access to the separated areas for remedial work should be included.

(e) If the regulatory authority approves a long-term, intensive agricultural post-mining land use, in accordance with 30 CFR 816.133, the applicable 5 or 10 year period of liability shall commence at the date of initial planting.

(f) The bond liability of the permittee shall include only those actions which he or she is obligated to take under the permit, including completion of the reclamation plan, in such a manner that the land will be capable of supporting a postmining land use approved under 30 CFR 816.133(c) or 817.133(c). Actions of third parties which are beyond the control and influence of the permittee and for which he or she is not responsible under the permit need not be covered by the bond.

§ 800.14 Determination of bond amount.

(a) The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit; shall reflect the probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential; shall be based on, but not be limited to, the estimated cost submitted by the permit applicant; and shall be determined by the regulatory authority.

(b) The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work has to be performed by the regulatory authority in the event of forfeiture, and in no case shall the bond for the entire area under one permit be less than $10,000.

§ 800.15 Adjustment of amount.

(a) The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the regulatory authority from time-to-time as affected land acreages are increased or decreased or where the cost of future reclamation changes.

(b) The regulatory authority shall notify (1) the permittee, (2) the surety, and (3) any other person with a property interest in collateral of any proposed bond adjustment and provide the permittee an opportunity for an informal conference on the adjustment. Bond adjustments are not subject to procedures of bond release under § 800.40, except as stipulated in paragraph (c) of this section.

(c) A permittee may request reduction of the amount of performance bond upon submission of evidence to the regulatory authority proving that the permittee's method of operation or other circumstances will reduce the estimated cost to the regulatory authority to reclaim the area bonded. This reduction of bond shall be deemed a bond adjustment if the reduction is based on a change in method of operation or a decrease in the number of acres to be disturbed. If the reduction is due to a decrease in the number of acres that have already been disturbed, then the request for reduction will be considered a request for partial bond release in accordance with the procedures of 30 CFR 800.40.

(d) In the event that an approved operation and reclamation plan is modified in accordance with Subchapter G of this Chapter, the regulatory authority will review the bond for adequacy and, if necessary, will require adjustment in the bond to conform to the operations and reclamation plan as modified.

§ 800.16 General terms and conditions of bond.

(a) The performance bond shall be in an amount determined by the regulatory authority as provided in 30 CFR 800.14.

(b) The performance bond shall be payable to the regulatory authority.

(c) The performance bond shall be conditioned upon faithful performance of all the requirements of the Act, this Chapter, the regulatory program, and the conditions of the permit.

(d) The duration of the bond shall be for the time period provided in 30 CFR 800.13.

(e)(1) The bond shall provide a mechanism for a bank or surety company to give prompt notice to the regulatory authority and the permittee of any action filed alleging the insolvency or bankruptcy of the surety company, the bank or the permittee, or alleging any violations which would result in suspension or revocation of the surety or bank charter or license to do business.

(2) Upon the incapacity of a bank, surety company, or person by reason of bankruptcy, insolvency, or suspension or revocation of a charter or license, the permittee shall be deemed to be without bond coverage. The regulatory authority shall issue a notice of violation to any operator who is without bond coverage which shall specify a reasonable period to replace bond coverage, not to exceed ninety (90) days. Such notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 30 CFR 843.13 and need not be reported as a past violation in permit applications under 30 CFR 778.14 or 782.14. If such a notice of violation is not abated in accordance with the schedule, a cessation order shall be issued.

§ 800.17 Bonding requirements for underground coal mines, coal processing plants, associated structures and other long-term coal-related facilities and structures.

(a) *Responsibilities.* The regulatory authority shall require bond coverage in an amount determined under § 800.14, for long-term surface facilities and disturbed surface areas of underground mines. Specific reclamation techniques required for underground mines and long-term facilities shall be considered in determining the amount of bond to complete the reclamation.

(b) *Long-term period of liability.* (1) The period of liability for every bond

covering long-term surface facilities shall commence with issuance of a permit and extend until all reclamation, restoration, and abatement work under provisions of the permit have been completed and the bond is released under provisions of 800.40, or replaced or extended in accordance with paragraph (b)(2) of this section.

(2) To achieve continuous bond coverage for long-term operations, the performance bond shall commence with issuance of a permit, cover the initial term of the bond and be conditioned to extend, replace, or pay the full amount of the bond 120 days prior to the expiration of the bond term.

(c) *Bonding of subsidence control measures.* An operator shall not extend any underground shafts, tunnels or underground operations until measures to prevent subsidence from causing material damage detailed in 30 CFR 784.20 have been completed or a performance bond guaranteeing completion of such work, if applicable, is accepted by the regulatory authority.

(d) *Bond forfeiture.* The regulatory authority shall forfeit a bond pursuant to this section if—

(1) 120 days prior to bond expiration the operator has not filed a performance bond for the revegetation liability period or a new permit term as required for continuous coverage; or

(2) The regulatory authority determines that a permittee is subject to forfeiture under § 800.50.

800.20 Surety bonds.

(a) A surety bond shall be executed by the operator and a corporate surety licensed to do business in the State where such operation is located.

(b) Surety bonds shall be non-cancellable during their terms, except that surety bond coverage for lands not disturbed may be cancelled with the prior consent of the regulatory authority.

800.21 Collateral bonds.

(a) Collateral bonds, except for letters of credit and escrow accounts, shall be subject to the following conditions:

(1) The regulatory authority shall obtain possession of and keep in custody all collateral deposited by the applicant, until authorized for release or replacement as provided in this Subchapter.

(2) The regulatory authority shall value collateral at its current market value, not face value; and

(3) The regulatory authority shall require that certificates of deposit be assigned to the regulatory authority, both in writing and upon the books of the bank issuing such certificates.

(b) Letters of credit shall be subject to the following conditions:

(1) The letter may only be issued by a bank organized or authorized to do business in the U.S.;

(2) Letters of credit shall be irrevocable during their terms; and

(3) The letter must be payable upon demand to the regulatory authority in part or in full by receipt from the regulatory authority of a notice of forfeiture issued in accordance with 30 CFR 800.50.

(c) Real and personal property posted as a collateral bond shall meet the following criteria:

(1) The applicant shall grant the regulatory authority a first mortgage, first deed of trust or perfected first-lien security interest in real or personal property with a right to sell or otherwise dispose of the property in the event of forfeiture under 30 CFR 800.50

(2) In order for the regulatory authority to evaluate the adequacy of the property offered to satisfy this requirement, the applicant shall submit a schedule of the real or personal property which shall be mortgaged or pledged to secure the obligations under the indemnity agreement. The list shall include—

(i) A description of the property;

(ii) The fair market value as determined by an independent appraisal conducted by a certified appraiser; and

(iii) Proof of possession and title to the real property.

(3) The property may include land which is part of the permit area; however, land pledged as security shall not be mined under any permit.

(d) Escrow accounts shall be subject to the following conditions:

(1) The regulatory authority may authorize the operator to supplement the bond through the establishment of an escrow amount deposited in one or more accounts made payable upon demand only to the regulatory authority or deposited with the regulatory authority directly. The total bond including the escrow amount shall not be less than the amount required under terms of performance bonds including any adjustments, less amounts released in accordance with release of performance bonds.

(2) Interest paid on an escrow account shall be retained in the escrow account and applied to the bond value of the escrow account unless the regulatory authority has approved the payment of interest to the operator.

(3) Certificates of deposit may be substituted for an escrow account with the approval of the regulatory authority.

(e) The estimated bond value of all collateral posted as bond assurance under 30 CFR 800.21 shall be subject to a margin—bond value to market value ratio—determined by the regulatory authority. The margin shall reflect legal and liquidation fees, as well as value depreciation, marketability, and fluctuations which might affect the net cash available to the regulatory authority in having reclamation completed.

The bond value of collateral may be evaluated at any time, but shall be evaluated and, if necessary, the performance bond increased or decreased as part of permit renewal. In no case shall the bond value exceed the market value.

§ 800.23 Self bonding.

(a) The regulatory authority may accept the applicant's self-bond when the applicant demonstrates to the satisfaction of the regulaory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient to assure performance of all reclamation requirements pursuant to the applicant's permit.

(b) If the regulatory authority adopts a self-bonding program, detailed criteria for financial and operating critria regarding minimum qualifications which provide guarantees equivalent to other bonding methods shall be specified and procedures for evaluating candidates for self-bonds shall be set forth.

(c) If at any time any of the conditions upon which the self-bond was approved no longer prevail, the regulatory authority shall require the posting of a surety or other bond before mining operations continue.

§800.30 Replacement of bonds.

(a) The regulatory authority may allow permittees to replace existing bonds with other bonds providing the same coverage.

(b) The regulatory authority shall not relase existing performance bonds until the permittee has submitted and the regulatory authority has approved acceptable replacement performance bonds. A replacement of performance bonds pursuant to this Section shall not constitute a release of bond under 30 CFR 800.40.

§ 800.40 Requirement to release performance bond.

(a) *Bond Release Applications.* (1) The permittee may file an application with the regulatory authority for the release of all or part of a performance bond or deposit. Applications may only be filed at times or during seasons that allow the

regulatory authority to evaluate properly the reclamation operations alleged to have been completed. The times or seasons appropriate for the evaluation of certain types of reclamation shall be identified in the mining and reclamation operations plan required in Subchapter G of this Chapter and approved by the regulatory authority.

(2) Within thirty days after any application for bond or deposit release has been filed with the regulatory authority, the operator shall submit a copy of an advertisement placed at least once a week for four seccessive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the precise location of the land affected, the number of acres, the permit and the date approved, the type and amount of the bond filed and the portion sought to be released, the type and appropriate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan. The advertisement shall state that written comments, objections, and request for a public hearing or informal conference may be submitted to the regulatory authority, and provide the address of that office and the closing date by which comments, objections, and requests must be received. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in which the surface coal mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

(b)(1) *Inspection by regulatory authority.* Upon receipt of the notification and request, the regulatory authority shall within thirty days, or as soon as weather conditions permit, conduct an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution. The surface owner, agent, or lessee shall be given notice of such inspection and may participate with the regulatory authority in making the bond release inspection.

(2) Within sixty days from the filing of the request, if no public hearing is held pursuant to 30 CFR 800.40(e), or if there has been a public hearing held pursuant to 30 CFR 800.4(f) within thirty days thereafter, the regulatory authority shall notify the permittee and the surety or other person with an interest in collateral in writing of its decision to release or not to release all or part of the performance bond or deposit.

(c) The regulatory authority may release in whole or in part said bond or deposit if the authority is satisfied the reclamation or phase of reclamation covered by the bond or deposit or portion therof has been accomplished as required by the Act according to the following schedules for reclamation of Phases I, II, and III:

(1) At the completion of Phase I, after the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with his approved reclamation plan, the release of 60 per centum of the bond or collateral for the applicable permit area.

(2) At the completion of Phase II, after revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan. When determining the amount of bond to be released after successful revegetation has been established, the regulatory authority shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in 30 CFR 816.116 for reestablishing revegetation. No part of the bond or deposit shall be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirments set by 30 CFR 816.49 or until soil productivity for prime farmlands has returned to the equivalent levels of yield as non-mined land of the same soil type in the surrounding area as determined from the soil survey performed pursuant to Section 507(b)(8) of the Act. Where a silt dam is to be retained as a permanent impoundment pursuant to 30 CFR 816.47 a portion of bond may be released under this paragraph so long as provisions for sound future maintenance by the operator or the landowner have been made with the regulatory authority.

(3) At the completion of Phase III, after the operator has completed successfully all surface coal mining and reclamation activities, the release of the remaining portion of the bond, but not before the expiration of the period specified for operator responsibility in 30 CFR 816.116; *provided, however,* That no bond shall be fully released until all reclamation requirements of the Act and the permit are fully met.

(d) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release and allowing an opportunity for a public hearing.

(e) When any application for total or partial bond release is filed with the regulatory authority, the regulatory authority shall notify the municipality in which the surface coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the bond.

(f) Any person with a valid legal interest which might be adversely affected by release of the bond or the reponsible officer or head of any Federal, State, or local governmental agency which has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation or is authorized to develop and enforce environmental standards with respect to such operations shall have the right to file written objections to the proposed release from bond with the regulatory authority within thirty days after the last publication of the notice required by Paragraph (a)(2) of this section. If written objections are filed, and a hearing requested, within thirty days of the request for such hearing the regulatory authority shall inform all the interested parties of the time and place of the hearing, and hold a public hearing in the locality of the surface coal mining operation proposed for bond release. The date, time, and location of such public hearing shall be advertised by the regulatory authority in a newspaper of general circulation in the locality for two consecutive weeks. A public hearing shall be held in the locality of the surface coal mining operation from which bond release is sought or at the State capital, at the option of the objector, within thirty days of the request for such hearing.

(g) Without prejudice to the right of an objector, or the applicant, the regulatory authority may hold an informal conference as provided in Section 513 of the Act to resolve such written objections.

(h) For the purpose of such hearing the regulatory authority shall have the authority to administer oaths, subpoena witnesses, or written or printed material, compel the attendance of

witnesses, or production of the materials and take evidence including but not limited to inspections of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. A verbatim record of each public hearing shall be made, and a transcript made available on the motion of any party or by order of the regulatory authority.

§ 800.50 Forfeiture of bonds.

(a) The regulatory authority shall take action to forfeit all or part of a bond for any permit area or an increment of a permit area if reclamation operations are not conducted in accordance with the reclamation plan, or the terms of the permit, or the operator defaults on the conditions under which the bond was accepted.

(1) The regulatory authority may withhold forfeiture if the permittee or another party agrees to performing reclamation operations in accordance with a compliance schedule which meets the conditions of the permit, the reclamation plan and the regulatory program.

(2) The regulatory authority may allow a surety to complete the reclamation plan, or the applicable bonded phase or increment of the reclamation plan, if the surety can demonstrate an ability to complete the reclamation in accordance with the approved reclamation plan, provided, no surety liability shall be released, except for partial releases authorized under 30 CFR 800.40, until successful completion of all reclamation under the terms of the permit, including applicable liability periods of 30 CFR 800.13.

(b) In the event forfeiture of the bond is required by this section, the regulatory authority shall—

(1) Send written notification by certified mail, return receipt requested, to the permittee and the surety on the bond, if any, informing of the determination to forfeit all or part of the bond including the reasons for the forfeiture and the amount to be forfeited;

(2) Advise the permittee and surety, if applicable, of the conditions under which forfeiture may be avoided and rights of appeal from the determination that may be available under any applicable State or Federal law.

(3) Proceed to collect the bond amount forfeited as provided by applicable laws for the collection of defaulted bonds or other debts, if an appeal is not filed within a time established by the regulatory authority and a stay of collection is not issued by the hearing authority or such appeal, if taken, is unsuccessful.

(c) Upon default, the regulatory authority may forfeit any and all bonds deposited to complete those reclamation operations for which the bonds were posted.

(d) The regulatory authority shall utilize funds collected from bond forfeiture to contract for completion of the reclamation plan, or portion thereof, on the permit area or incremental acreage on which bond coverage applies.

§ 800.60 Terms and conditions for liability insurance.

(a) The regulatory authority shall require the applicant to submit at the time of permit application a certificate certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operation for which the permit is sought. The certificate shall provide for personal injury and property damage protection in an amount adequate to compensate all persons injured or property damaged as a result of surface coal mining and reclamation operations, including the use of explosives, to all persons and who are entitled to compensation under the applicable provisions of State law. Minimum insurance coverage for bodily injury and property damage shall be $300,000 for each occurrence and $500,000 aggregate.

(b) The policy shall be maintained in full force during the life of the permit or any renewal thereof including completion of all reclamation operations under this chapter.

(c) The policy shall include a rider requiring that the insuror notify the regulatory authority whenever substantive changes are made in the policy including any termination or failure to renew.

(d) The regulatory authority may accept from the applicant, in lieu of a certificate for a public liability insurance policy, satisfactory evidence from the applicant that it satisfies applicable State self-insurance requirements approved as part of the regulatory program and the requirements of this section.

§ 800.70 Bonding for anthracite operations in Pennsylvania.

(a) All of the provisions of this Subchapter shall apply to bonding and insuring anthracite surface coal mining and reclamation operations in Pennsylvania except that:

(1) Specified bond limits shall be determined by the regulatory authority in accordance with applicable provisions of Pennsylvania statutes, rules and regulations promulgated thereunder and implementing policies of the Pennsylvania Department of Environmental Resources.

(2) The period of liability for responsibility under each bond shall be established for those operations in accordance with applicable laws of the State of Pennsylvania, rules and regulations promulgated thereunder, and implementing policies of the Pennsylvania Department of Environmental Resources.

(b) Upon amendment of the Pennsylvania permanent regulatory program with respect to specified bond limits and period of revegetation responsibility for anthracite surface coal mining and reclamation operations, any person engaging in or seeking to engage in those operations shall comply with additional regulations the Secretary may issue as are necessary to meet the purposes of the Act.

(c) Nothing in this Part shall exempt anthracite surface coal mining and reclamation operations from the requirements of this Subchapter, except as set forth in this section.

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Wednesday
September 9, 1981

Part III

Department of the Interior

Fish and Wildlife Service

Final Frameworks for Late Season Migratory Bird Hunting Regulations

V 46 / 174 SE 9 81 UMI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Final Frameworks for Late Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This document finalizes proposed rulemakings published in the **Federal Register** on March 25, July 8, and August 17, 1981, and establishes frameworks (i.e., the outer limits for dates and times when shooting may occur, hunting areas, and the number of birds which may be taken and possessed) for late season migratory bird hunting regulations for the 1981–82 season. These seasons generally commence on or about October 1, 1981, and include most of those for waterfowl.

Except as noted, the frameworks are similar to those in effect last hunting season. The Service continues its program of stabilized season lengths and bag limits for ducks during the regular hunting season into the 1981–82 hunting season. This will be the second year of a 5-year cooperative study with Canada.

In the Atlantic Flyway, zones for duck hunting are modified or initiated in 4 States, length of Canada goose seasons in 3 States and the snow goose season throughout the flyway are extended, and the brant season is opened on a limited basis. Hunting zones are changed in several Mississippi Flyway States, goose quota reductions are specified for Illinois and Wisconsin, and changes are made in the goose limits and transportation regulations in portions of the Mississippi Flyway. In the Central Flyway, zones for duck hunting may be selected experimentally in 4 States; other States may divide their duck seasons into 3 segments in lieu of zoning. Longer seasons are established for Canada geese in designated portions of South Dakota and Nebraska, and for white geese only in New Mexico. Four States may designate goose seasons by zones. In the Pacific Flyway, more liberal regulations are offered for several areas frequented by the Rocky Mountain Population of Canada Geese; for white geese in portions of California, Oregon, and Washington; and for cackling and white-fronted geese in portions of California. Cascade County, Montana, is added to Teton County for whistling swan hunting with no increase in the number of permits allocated to the State.

The Service annually prescribes hunting regulations frameworks to the States. The effects of this final rule are to facilitate the selection of hunting seasons by the States and to further the establishment of the late season migratory bird hunting regulations for the 1981–82 season.

EFFECTIVE DATE: This rule takes effect on September 9, 1981. State selections of seasons and other options are due by September 4, 1981.

ADDRESSES: State season selections to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received on the proposed late season frameworks are available for public inspection during normal business hours in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C. Copies of the environmental assessment on stabilization of hunting regulations are available from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. The Service's biological opinion resulting from its consultation under Section 7, Endangered Species Act, is available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–254–3207).

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic, value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On March 25, 1981, the Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (46 FR 18666) proposals to amend 50 CFR Part 20, with comment periods ending July 16 and August 24, 1981, respectively for the 1981–82 early and late hunting frameworks. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. On July 8, 1981, the Service published in the **Federal Register** (46 FR 35316) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 13, 1981, the Service published for public comment in the **Federal Register** (46 FR 35056) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 29, 1981, the Service published in the **Federal Register** (46 FR 38868) a fourth document consisting of a final rulemaking for the early season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1981–82 season. In a fifth document published in the **Federal Register** on August 17, 1981 (46 FR 41736), the Service published supplemental proposed frameworks for the late hunting seasons. On August 21, 1981, the Service published in the **Federal Register** (46 FR 42642) a sixth document consisting of a final rule amending Subpart K of 50 CFR Part 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in four States; sandhill cranes in designated portions of North Dakota and South Dakota; and migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands during 1981–82.

This final rulemaking is the seventh in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and establishes final frameworks for late season migratory bird hunting regulations for the 1981–82 season.

Review of Public Comments and the Service's Response

In the **Federal Register** dated July 8, 1981 (at 46 FR 35316), the Service reported and responded to all public comments on the proposed late season frameworks which had been received up to June 3, 1981. Twenty-one additional written comments and oral statements from 7 individuals at the late seasons Public Hearing on August 4 were summarized and responded to in the **Federal Register** dated August 17, 1981 (at 46 FR 41736). A number of changes were made in response to these various

comments and to additional biological data.

Thirty-seven additional written comments were subsequently received prior to the closing of the public comment period for the proposed late hunting season frameworks on August 24, 1981. These comments originated from 9 State conservation agencies, 22 individuals (including petitions submitted on behalf of 796 persons), 1 Federal agency, 2 local governments, and 3 organizations. Respondents sometimes submitted several communications. Frequently letters did not specifically mention the open comment period or refer to the Service's proposals. However, because they were received during the comment period and generally related to migratory bird hunting regulations, they were treated as comments. Excluded from the following summary are comments on: early hunting season frameworks from which regulations have already been finalized (see the **Federal Register** dated August 21, 1981, at 46 FR 42642); specific hunting season dates, which are yet to be selected by State conservation agencies; and species not defined as migratory game birds. The comments are summarized and addressed in the same order that the various regulatory topics appeared in the **Federal Register** dated March 25, 1981.

Zoning. Maine indicated that in selecting waterfowl seasons it desired the option to choose between the zones in effect during the 1980–81 hunting season and the new zones described in the **Federal Register** dated August 17, 1981, at page 41741. Nebraska reported that Cass and Sarpy Counties had been inadvertently omitted from the list of counties comprising Zone 4 in that State. This omission occurred on page 41744 of the foregoing **Federal Register.**

Response. The final late season frameworks include the two zone options for Maine and the two additional counties in Zone 4 of Nebraska.

Goose and Brant Seasons

Atlantic Flyway. Comments from the Connecticut Department of Environmental Protection and one individual supported the 20-day increase in Canada goose season length proposed by the Service but recommended that a daily bag limit of 4 rather than 3 Canada geese be allowed. The Soil Conservation Service, Department of Agriculture, provided information on damages to certain Connecticut farm crops caused by grazing geese. Damage to cover crops during the early fall is particularly serious in Newport, Kent, and Washington Counties. Lengthening the season to 90 days and setting the season's opening as early as September 20 were recommended to alleviate depredations. The Northern Rhode Island Conservation District similarly commented on goose depredations upon agricultural crops and the need for hunting season relaxations.

Seven letters were received from individuals residing in Rhode Island, where the same Canada goose frameworks are being proposed. All favored extending the goose season from 70 to 90 days, as the Service proposes.

Response. The Service's final frameworks allow these two States to select 90-day seasons within the framework of October 1, 1981, through January 31, 1982, with a bag limit of 3 Canada geese and a possession limit of 6. The longer framework this year allows States greater flexibility in selecting seasons. In some locales the sedentary geese do not become vulnerable to hunting until late winter. The Service believes that extending the season by 20 days and allowing a later framework will be of more importance in alleviating crop damage than providing an additional goose in the daily bag limit. Experience gained this fall and winter with these relaxations will be reviewed to determine their benefits in alleviating crop depredations.

Seven New Jersey hunters signing one letter commented on brant and snow goose regulations. They favored a 30-day brant season and a limit of 1 to 3 brant daily. They further recommended increasing the snow goose daily bag limit to 6 birds daily as a means of making the hunting of these birds more attractive. A letter from the New Jersey Waterfowlers Association commented extensively on snow goose populations and management, and recommended a 90-day season with 6 geese allowed daily.

Response. The Service's frameworks provide for a 90-day season (an increase of 20 days over last year) and a daily limit of 4 snow geese throughout the Atlantic Flyway. This is what was recommended by the Atlantic Flyway Council. This level of harvest opportunity is believed to be consistent with flyway management objectives for Atlantic snow geese.

New Jersey recommended that the proposed brant frameworks, providing for a continuous 30-day season, be modified to allow split seasons. New Jersey pointed out that other waterfowl hunting seasons are split and it would be desirable to avoid having the brant season open at times when other waterfowl seasons would be closed. If this were not avoided, hunting pressure might be undesirably focused exclusively on brant during certain periods.

Response. The rationale offered by New Jersey is reasonable and the frameworks are modified to allow States in the Atlantic Flyway to select split seasons for brant.

Mississippi Flyway. A number of comments were received on the Service proposal to reduce harvest quotas on Mississippi Valley Population (MVP) Canada geese slightly more than proposed by the Upper Region of the Mississippi Flyway Council.

The Cairo Chamber of Commerce and the City of Cairo, both of Cairo, Illinois, opposed the 3,000-bird reduction in Illinois' Canada goose quota, noting that the restriction would adversely affect the local economy. The Southern Illinois Quotozone Waterfowl Association and four persons opposed reduction of the Illinois goose quota. The Conservation Advisory Board, Illinois Department of Conservation, expressed concern that harvest quotas were being reduced for MVP geese at a time when the Illinois segment of the population was stable or increasing. Illinois also requested that the season framework opening date in the Southern Illinois Zone be delayed from November 6 to November 9.

In contrast, the Arkansas Game & Fish Commission, the Kentucky Department of Fish & Wildlife Resources, and the Louisiana Department of Wildlife and Fisheries objected that the proposed reduction in quotas was not sufficient to increase MVP Canada geese as specified in the MVP management plan.

In Indiana, concern focused on the shortening of the goose season in Posey County to 50 days from the 70 days in effect last year. The Indiana Division of Fish and Wildlife and 8 individuals, with petitions bearing the signatures of 796 persons objected to including Posey County, Indiana, in the area where a 20-day reduction in season length for MVP Canada geese was proposed. This reduction was recommended by the Mississippi Flyway Council. The State noted that geese using Posey County range into Henderson and Union Counties, Kentucky, where 70-day seasons are being proposed. The petitioners based their opposition to the 20-day season reduction in the belief that Indiana hunters are being unfairly penalized in efforts to increase the numbers of MVP Canada geese.

The decision to reduce the overall harvest of Mississippi Valley Population Canada geese stems from the downward trend in its status since 1977. This trend is contrary to the population goal

established for this population, and works against achieving the distribution goal. The problem may be exacerbated this year because the fall flight is expected to be smaller than last year and may be below average.

The States involved in the management of MVP geese customarily reach agreement and make a recommendation to the Service on the level of harvest deemed appropriate. This year, however, they failed to agree on harvest quotas, a key element in harvest management. There was general agreement that the season length should be reduced from 70 to 50 days, but no agreement was reached on the Wisconsin and Illinois quotas. Upper Region States of the Mississippi Flyway Council recommended a combined quota of 55,000 (compared to 63,000 in 1980); while the Lower Region States recommended 36,000.

Under these circumstances, the Service endorsed the 50-day season length recommendation, and proposed a quota of 50,000 birds—20,000 birds to Wisconsin (a reduction of 33 percent from last year) and 30,000 birds to Illinois (a 9 percent reduction). The disparity in quota reduction is based on the fact that most of the MVP decline is attributed to that segment of the population harvested mainly in Wisconsin. The harvest in Illinois has contributed to the decline but to a lesser degree. The reduction in season length and harvest quotas reflect a desire to reverse the 3-year downward trend in the MVP. The Service believes the population decline is real and that action this year is essential. If the reductions prove inadequate, further steps will have to be considered next year.

The framework has been revised so that the Canada goose season opening in southern Illinois is delayed from November 6 to November 9.

A minor correction is made in the description of the area in Tennessee where the Canada goose season is limited to 50 days.

Central Flyway. Additions and corrections to the frameworks applicable in this flyway include providing a possession limit of 10 geese, of which no more than 4 may be dark geese, in New Mexico; and changing the last date in Kansas from November 28 to November 29 when more liberal Canada goose and white-fronted goose limits apply.

Pacific Flyway. Corrections in this flyway's frameworks include replacing "Malheur County" with "Klamath County" in defining the area where more liberal bag limits for dark geese apply; and deleting mention of Wyoming in the framework relating to the Pacific Population of Canada geese.

Non-toxic Shot Regulations

On June 12, 1981, the Service published in the **Federal Register** (46 FR 31030) proposed rules describing zones in which non-toxic shot is required for waterfowl hunting. When eaten by waterfowl, spent lead pellets can have a toxic effect. Non-toxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas. The final regulations on non-toxic shot zones were published in the **Federal Register** (46 FR 40879) on August 13, 1981.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council of Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical."

Consequently, the Service reviewed all regulations frameworks being contemplated this year for season lengths, limits, shooting hours, and outside dates within which States may select general seasons for waterfowl, coots, and gallinules; extra teal in regular seasons; special scaup seasons; whistling swan seasons in 3 western States; sandhill crane seasons in portions of the Central Flyway and southeastern Arizona; and special falconry regulations. As a result of intra-Service Section 7 consultation, the Chief, Office of Endangered Species, stated in a biological opinion dated July 30, 1981, "* * * your action, as proposed, is not likely to jeopardize the continued existence of the above listed species [Aleutian Canada goose, bald eagle, American peregrine falcon, Arctic peregrine falcon, and whooping crane] and is not likely to result in the destruction or adverse modification of any designated Critical Habitat." As reported in the **Federal Register** dated July 13, 1981 (at 46 FR 36060), and July 29, 1981 (at 46 FR 38869), Section 7 consultations for the proposed frameworks for Alaska, Puerto Rico, and the Virgin Islands were concluded on May 15, 1981, and for other proposed early season frameworks on June 15, 1981, with satisfactory biological opinions.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for public inspection in the Office of Endangered Species and the Office of Migratory Bird Management, Department of the Interior.

Regulatory Flexibility Act and Executive Order 12291

Pursuant to Executive Order 12291, the Department has determined that this rule is a major rule, and has significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). In the **Federal Register** dated March 25, 1981 (at 46 FR 18669), the Service described measures it was taking to comply with new requirements on Federal agencies in developing new rules. A summary of an initial regulatory impact analysis was included in the same **Federal Register.**

The Service subsequently completed a final regulatory impact and flexibility analysis (FRIA) on June 30, 1981, and published a summary of it in the **Federal Register** dated August 21, 1981, at 46 FR 42643.

The Service's FRIA was planned so that it would suffice for both the early and late season final regulations. Copies of the final analysis are available upon request from the Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Correction of Error in Early Season Regulations for Mourning Doves in North Dakota

The Service takes this opportunity to correct an error in the above regulations

relating to the bag and possession limits. These regulations, finalized in the **Federal Register** dated August 21, 1981 (at 46 FR 42645), incorrectly showed North Dakota's limits for mourning doves as 10 birds daily and 20 in possession. Because North Dakota selected the 45-day length season option, the limits should have read 15 doves daily and 30 in possession.

Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Regulations Promulgation

The rulemaking process for migratory bird hunting, must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemakings were published on March 25, July 8, and August 17, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the periods' close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States would have insufficient time to select their season dates, shooting hours, and bag limits; to communicate those selections to the Service, and to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

1. Accordingly, the Service under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended, (40 Stat. 755; 16 U.S.C. 701 et seq), prescribes the final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing dates, and hunting areas, from which State conservation agency officials may select open season dates and other options. Upon receipt of these selections from State officials, the Service will publish in the **Federal Register** final rulemaking amending certain sections of Subpart K of 50 CFR Part 20 to reflect late seasons, limits and shooting hours for the contiguous United States for the 1981–82 season.

BILLING CODE 4310-55-M

Final Regulations Frameworks for 1981-82 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved final frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl, coots, and gallinules; cranes in parts of New Mexico, Texas, Colorado, Oklahoma, Montana, Wyoming, and Arizona; and common snipe in the Pacific Flyway. Frameworks are summarized below. States may be more restrictive in selecting season regulations, but may not exceed the framework provisions.

GENERAL

Split Season: States in all Flyways may split their season for ducks, geese, or brant into two segments of equal or unequal lengths. States in the Atlantic and Central Flyways may, in lieu of zoning, split their season for ducks or geese into three segments of equal or unequal lengths. Exceptions are noted in appropriate sections.

Shooting Hours: Between one-half hour before sunrise and sunset daily in all States, for all species, and for all seasons. The hours noted here also apply to hawking (taking by falconry).

Extra Blue-winged Teal: States in the Mississippi and Central Flyways selecting neither a teal or early duck season in September nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

Extra teal: States in the Atlantic Flyway (except Florida) not selecting the point system may select an extra teal limit for 9 consecutive days during the regular duck season of no more than 2 blue-winged teal or 2 green-winged teal or 1 of each daily and no more than 4 singly or in the aggregate in possession.

Special Scaup-only Season: States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must fall between October 1, 1981, and January 31, 1982, all dates inclusive.

2. The season must fall outside the open season for any other ducks except sea ducks.

3. The season must be limited to areas mutually agreed upon between the State and the Service prior to September 1, 1981.

4. These areas must be described and delineated in State hunting regulations.

OR

Extra Scaup: As an alternative, States in the Atlantic, Mississippi, and Central Flyways, except those selecting a point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed above. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

Point System: Selection of the point system for any State entirely within a flyway must be on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area. New York may not select the point system within the Upstate zoning option, and Maine, New Hampshire, Massachusetts, Connecticut, Pennsylvania, and West Virginia may not select the point system pending completion of zoning studies.

Deferred Season Selections: States that did not select their rail, woodcock, snipe, gallinule, and sea duck seasons in July should do so at the time they make their waterfowl selections.

Frameworks for open seasons and season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

ATLANTIC FLYWAY

Ducks, Coots, and Mergansers

Outside Dates: Between October 1, 1981, and January 20, 1982.

Hunting Season: 50 days.

Daily Bag and Possession Limits (including restrictions on black ducks): (a) basic daily bag and possession limits of 4 and 8 ducks, respectively, of which no more than 2 in the daily bag and 4 in possession may be black ducks; or (b) basic daily bag and possession limits of 5 and 10 ducks, respectively, of which no more than 1 in the daily bag and 2 in possession may be black ducks.

Canvasbacks and Redheads: Except in closed areas, the limit on canvasbacks is 1 daily and 1 in possession. The limit on redheads throughout the flyway is 2 daily, except that in areas open to canvasback harvest the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback. The possession limit on redheads is twice the daily bag limit under conventional regulations. The canvasback possession limit is equal to the daily bag limit. Under the point system, canvasbacks (except in closed areas) count 100 points each and redheads flywaywide count 70 points each. Areas closed to canvasback hunting are:

New York - Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey - Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland, Virginia and North Carolina - Those portions of each State lying east of U.S. Highway 1.

Restrictions on Wood Ducks: Under conventional and point system options, the daily bag and possession limits may not include more than 2 and 4 wood ducks, respectively.

Early Wood Duck Season Option: Virginia, North Carolina, South Carolina, and Georgia may split their regular hunting season so that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15. During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the flyway in 1981 shall apply to wood ducks. Under the point system, wood ducks shall be 25 points. For other ducks, daily bag and possession limits shall be the same as established for the flyway under conventional or point system regulations. For those States using conventional regulations, the 9 consecutive days extra teal option may be selected concurrent with the early wood duck season option. This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

Merganser Limits: The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag and possession limits of coots are 15 and 30, respectively.

Lake Champlain Area, New York Follows Vermont: The Lake Champlain Area of New York must follow the waterfowl seasons, daily bag and possession limits, and shooting hours selected by Vermont. This area includes that part of New York lying east and north of a boundary running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.

Special Scaup and Goldeneye Season: In lieu of a special scaup season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scaup season elsewhere.

Zoning:

Long Island: New York may, for Long Island, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

Upstate New York: Upstate New York (excluding the Lake Champlain area) may be divided into three zones (West, North, South) on an experimental basis for the purpose of setting separate duck, coot and merganser seasons. Option (a) or (b) for seasons and bag limits is applicable to the zones in the Upstate area within the Flyway framework; only conventional regulations may be selected. Each zone will be permitted the full number of days offered under options (a) or (b). In addition, a 2-segment split season without penalty may be selected in each zone. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus bird options shall be applicable to the Upstate zones, but the 16-day special scaup season will not be allowed.

New York Zone Definitions: The zones are defined as follows:

The West Zone is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The North and South Zones are bordered on the west by the boundary described above and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and State Route 49 and extending easterly along State Route 49 to its junction with State Route 365 at Rome, then easterly along State Route 365 to its junction with State Route 28 at Trenton, then easterly along State Route 28 to its junction with State Route 29 at Middleville, then easterly along State Route 29 to its intersection with

Interstate Highway 87 at Saratoga Springs, then northerly along Interstate Highway 87 to its junction with State Route 9, then northerly along State Route 9 to its junction with State Route 149, then easterly along State Route 149 to its junction with State Route 4 at Fort Ann, then northerly along State Route 4 to its intersection with the New York/Vermont boundary.

Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, and West Virginia: Maine may implement its current zoned season program on an operational basis. New Hampshire, Massachusetts, Connecticut, and West Virginia each may be divided into two zones on an experimental basis for the purpose of setting separate duck, coot and merganser seasons. New Jersey may be divided into three zones and Pennsylvania may be divided into four zones for the same purpose. Option (a) or (b) for seasons and bag limits is applicable to the zones within the Flyway framework. Only conventional regulations may be selected in Maine, New Hampshire, Massachusetts, Connecticut, West Virginia, and Pennsylvania. New Jersey must select the point system. Each zone will be permitted the full number of days offered under options (a) or (b). In addition, a two-segment split season without penalty may be selected. The basic daily bag limit on ducks in each zone and the restrictions applicable to options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus-bird options, and the 16-day special scaup season shall be allowed.

Zone definitions:

Connecticut

North Zone - That portion of the State north of Interstate 95.

South Zone - That portion of the State south of Interstate 95.

Maine

As an alternative to the zones offered during the 1980-81 season, the following zones may be selected:

North Zone - Game Management Zones 1 through 5.

South Zone - Game Management Zones 6 through 8.

Massachusetts

Coastal Zone - Beginning at the New Hampshire-Massachusetts border, that portion of the State east and south of a boundary formed by Interstate 95, south to U.S. Route 1, south to Interstate 93, south to Route 3, south to U.S. Route 6, southwest to Route 28, northwest to Interstate 195, and west to the Rhode Island line.

Inland Zone - That portion of the State west and north of the above boundary.

New Hampshire

Coastal Zone — Beginning at the Maine-New Hampshire line in Rollinsford, that portion of the State east of a boundary formed by State Highway 4 west to the city of Dover, south to the intersection of State Highway 108, south along State Highway 108 through Madbury, Durham, and Newmarket to the junction of State Highway 85 in Newfields, south to State Highway 101 in Exeter, east to State Highway 51 (Exeter-Hampton Expressway), east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south to the Massachusetts line.

Inland Zone — That portion of the State west of the above boundary.

New Jersey

Coastal Zone — That portion of New Jersey seaward of a continuous line beginning at the New York State boundary line in Raritan Bay; then west along the New York boundary line to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to the shoreline at Cape May City and continuing to the Delaware boundary in Delaware Bay.

North Zone - That portion of New Jersey west of the Coastal Zone and north of a boundary formed by Route 70, west to the New Jersey Turnpike, north on the turnpike to Route 206, north on Route 206 to Route 1, Trenton, west on Route 1 to the Pennsylvania State boundary in the Delaware River.

South Zone - That portion of New Jersey not within the North Zone or the Coastal Zone.

Pennsylvania

Lake Erie Zone - The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

North Zone - That portion of the State north of I-80 from the New Jersey State line west to the junction of State Route 147, then north on State Route 147 to the junction of Route 220, then west and/or south on Route 220 to the junction of I-80, then west on I-80 to its junction with the Allegheny River, and then north along but not including the Allegheny River to the New York border.

Northwest Zone - That portion of the State bounded on the north by the Lake Erie Zone and the New York line, on the east by and including the Allegheny River, on the south by Interstate Highway I-80, and on the west by the Ohio line.

South Zone - The remaining portion of the State.

West Virginia

Allegheny Mountain Upland Zone (contained with the circumscribed boundaries below).

The north boundary is the State line adjacent to Pennsylvania and Maryland. The eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia, to the intersection of U.S. Route 50, and follows U.S. Route 50 to the intersection with State Route 93. The boundary follows State Route 93 south to the intersection with State Route 42 and continues south on State Route 42 to Petersburg. At Petersburg, the boundary follows State Route 28 south to Minnehaha Springs, and then follows State Route 39 west to U.S. Route 219 and follows 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows Route 19 north to the intersection of I-79, and follows I-79 north to the Pennsylvania State line.

Remainder of the State - That portion outside the above boundaries.

Point System Option for all States in the Atlantic Flyway: As an alternative to conventional bag limits for ducks, a 50-day season with a point-system bag limit may be selected by States in the Atlantic Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: in Florida only, the fulvous tree duck counts 150 points each; in all States the canvasback counts 100 points each (except in closed areas); the female mallard, black duck, mottled duck, wood duck (except in Virginia, North Carolina, South Carolina, and Georgia during the early wood duck season option), redhead, and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, pintail, gadwall, wigeon, shoveler, scaup, sea ducks, and mergansers (except hooded) count 10 points each; the male mallard, the wood duck during the early wood duck season option in Virginia, North Carolina, South Carolina, and Georgia, and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Sea Ducks: In any State in the Atlantic Flyway selecting both point-system regulations and a special sea duck season, sea ducks count 10 points each during the point-system season, but during any part of the sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

Coot Limits: Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Canada Geese

Outside Dates, Season Lengths, and Limits: Between October 1, 1981, and January 20, 1982, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, West Virginia, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. However, in the area comprised of New York (including Long Island), Rhode Island, Connecticut, New Jersey, Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border, the Canada goose season length may be 90 days with the closing framework date extended to January 31, 1982. The daily bag limit within this area (except New York, Rhode Island, and Connecticut) will be 4 birds with a possession limit of 8 birds. The daily bag and possession limits in New York, Rhode Island, and Connecticut will be 3 and 6, respectively. North Carolina and those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the October 1, 1981, to January 20, 1982, framework; the daily bag and possession limits are 2 and 4 Canada geese, respectively. South Carolina may select a 50-day season on Canada geese within the October 1, 1981, to January 20, 1982, framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively.

Closures on Canada Geese: The season is closed on Canada geese in Florida and Georgia.

Snow Geese

Snow Geese: Between October 1, 1981, and January 31, 1982, States in the Atlantic Flyway may select 90-day seasons on snow geese (including blue geese); the daily bag and possession limits are 4 and 8 geese, respectively.

Atlantic Brant

Hunting Season: Between October 1, 1981, and January 20, 1982, States in the Atlantic Flyway may select 30-day seasons on Atlantic brant; the daily bag and possession limits are 2 and 4 brant, respectively.

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MISSISSIPPI FLYWAY

Ducks, Coots, and Mergansers

Outside Dates: Between October 3, 1981, and January 20, 1982, in all States except that in Iowa the framework opening date is September 19 and in Mississippi the framework closing date is January 31.

Hunting Season: Not more than 50 days.

Limits: The daily bag limit for ducks is 5, and may include no more than 3 mallards, no more than 2 of which may be female mallards, 1 black duck, and 2 wood ducks (except as noted below). The possession limit is 10, including no more than 6 mallards, no more than 4 of which may be female mallards, 2 black ducks, and 4 wood ducks (except as noted below).

Canvasback and Redhead Limits: Except in closed areas, the conventional limit on canvasbacks and redheads is 1 daily and 2 in possession for each species. Under the point system, canvasbacks count 100 points each (except in closed areas) and redheads count 70 points each.

Closed Areas for Canvasback Hunting:

Mississippi River - Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama - Baldwin and Mobile Counties.

Louisiana - Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan - Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota - Douglas, Mahnomen, Polk, Pope, and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Sec. 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio - Land and water areas comprising Erie, Ottawa, and Sandusky Counties.

Tennessee - Kentucky Lake lying north of Interstate Highway 40.

Wisconsin - In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconne and Butte des Morts, including the connecting waters thereof, in Winnebago County.

Merganser Limits: The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

Coot Limits: The daily bag and possession limits on coots are 15 and 30, respectively.

Point System Option: As an alternative to conventional bag limits for ducks, a 50-day season with point-system bag and possession limits may be selected by States in the Mississippi Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: except in closed areas, the canvasback counts 100 points; the redhead, female mallard, wood duck (except as noted below), black duck, and hooded merganser count 70 points each; the pintail, blue-winged teal, cinnamon teal, wigeon, gadwall, shoveler, scaup, green-winged teal, and mergansers (except hooded merganser) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coot Limits--Point System: Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Early Wood Duck Season Option: Arkansas, Louisiana, Mississippi, and Alabama may split their regular duck hunting seasons in such a way that a hunting season not to exceed 9 consecutive days may occur between October 3 and October 15. During this period, under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway shall apply to wood ducks, and under the point system, the point value for wood ducks shall be 25 points. For other species of ducks, daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations. In addition, the extra blue-winged teal option available to States in this Flyway that select conventional regulations and do not have a September teal season may be selected during this period. This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

Western Louisiana: In that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Bossier City; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass--the season on ducks, coots and mergansers may extend 5 additional days, provided that the season opens no later than November 7, 1981. If the 5-day extension is selected, and if point-system regulations are selected for the State, point values will be the same as for the rest of the State.

Pymatuning Reservoir Area, Ohio: The waterfowl seasons, limits, and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Zoning: Alabama, Illinois, Indiana, Michigan, Missouri, Ohio, and Tennessee may select hunting seasons on ducks, coots, and mergansers by zones described as follows:

Alabama: South Zone - Mobile and Baldwin Counties. North Zone - The remainder of Alabama. The season in the South Zone may be split.

Illinois: North Zone - That portion of the State north of a line running east from the Iowa border along Illinois Highway 17 to I-74, north along I-74 to I-80, then east along I-80 to the Indiana border. Central Zone - That portion of the State between the North and South Zone boundaries. South Zone - That portion of the State south of a line running east from the Missouri border along Illinois Highway 150 to Illinois Highway 4, north along Illinois Highway 4 to Illinois Highway 15, east along Illinois Highway 15 to I-57, north along I-57 to I-70, then east along I-70 to the Indiana border.

Indiana: North Zone - That portion of Indiana north of State Highway 18. South Zone - The remainder of Indiana.

Michigan: North Zone - That portion of the State north of a line extending east from the mouth of the Manistee River along the north bank to the U.S. 31 bridge, north on U.S. 31 to M-55, east on M-55 to M-37, south on M-37 to M-82, east on M-82 to U.S. 131, north on U.S. 131, then east on M-46 to Port Sanilac. South Zone - The remainder of Michigan.

Missouri: North Zone - That portion of Missouri north of a line running east from the Kansas border along U.S. Highway 54 to U.S. Highway 65, south along U.S. Highway 65 to State Highway 32, east along State Highway 32 to State Highway 72, east along State Highway 72 to State Highway 34, then east along State Highway 34 to the Illinois border. South Zone - The remainder of Missouri. Missouri may split its season in each zone into two segments.

Ohio: North Zone - The counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison, and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. South Zone - The remainder of Ohio. Ohio may split its season in each zone into two segments.

Tennessee: Reelfoot Zone - Lake and Obion Counties, or a designated portion of that area. State Zone - The remainder of Tennessee.

Within each State: (1) the same bag limit option must be selected for both zones; and (2) if a special scaup season is selected for a zone, it shall not begin until after the regular season closing date in that zone.

Geese

Outside Dates, Season Lengths, and Limits: Between October 3, 1981, and January 20, 1982, States in this Flyway may select 70-day seasons on geese, with a daily bag limit of 5 geese, to include no more than 2 white-fronted geese. The possession limit is 10 geese, to include no more than 4 white-fronted geese. Regulations for Canada geese and exceptions to the above general provisions are shown below by State.

Outside Dates and Limits on Snow and White-fronted Geese in Louisiana: Between October 3, 1981, and February 14, 1982, Louisiana may select 70-day seasons on snow (including blue) and white-fronted geese by zones established for duck hunting seasons, with daily bag and possession limits as described in the above paragraph.

Canada Goose Closures: The season on Canada geese is closed in Arkansas and Louisiana.

Minnesota. In the:

(a) Lac Qui Parle Zone (described in State Regulations)—the season on Canada geese closes after 50 days or when 5,500 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose and the possession limit is 4.

(b) Southeastern Zone (described in State regulations)—the season for Canada geese may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

(c) Remainder of the State—the season on Canada geese will be concurrent with the duck season. The daily bag limit is 2 Canada geese and the possession limit is 4.

Iowa: The season may extend for 70 consecutive days. The daily bag limit is 2 Canada geese and the possession limit is 4.

Missouri. In the:

(a) Swan Lake Zone (described in State regulations)—the season on Canada geese closes after 70 days or when 20,000 birds have been harvested, whichever occurs first. Through November 20, the daily bag limit is 1 Canada goose and the possession limit is 4. After November 20, the daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeastern Area (east of U.S. Highway 67 and south of Crystal City)—State may select a 50-day season on Canada geese between December 1, 1981, and January 20, 1982, with a daily bag limit of 2 Canada geese and a possession limit of 4.

(c) Remainder of the State—the season on Canada geese will be concurrent with the duck season in the respective duck hunting zones. The daily bag limit is 2 Canada geese, and the possession limit is 4.

Wisconsin: The goose season is 50 days except in that portion of the State west of the Burlington—Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties, where the season will be 70 days.

The harvest of Canada geese is limited to 20,000. In the Horicon and Central Zones (described in State regulations), the daily bag and possession limits are 1 Canada goose. Elsewhere in Wisconsin, the daily bag limit is 1 Canada goose and the possession limit is 2.

Illinois: 50-day seasons on geese may be selected by zones established for duck hunting seasons, except that in the South Zone the season will close no later than December 31. The harvest of Canada geese is limited to 30,000, with 24,000 birds allocated to the Southern Illinois Zone (described in State regulations). The daily bag limit is 2 Canada geese and the possession limit is 4. The season on Canada geese in the Southern Illinois Zone will open November 9 and extend through December 31, 1981, or until the Zone's quota of 24,000 birds is reached, whichever occurs first.

Michigan. The goose season is 50 days, except in the Saginaw County Goose Management Area, where the season may be 70 days, and the Southeastern Canada Goose Management Area, where the season may extend for 107 days within the flyway framework dates. Boundaries of the above areas are described in State regulations. Daily bag and possession limits are as follows:

(a) Counties of Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon—the daily bag limit is 2 Canada geese and the possession limit is 4.

(b) Southeastern Canada Goose Management Area - Through November 14, the daily bag limit will be 1 Canada goose and the possession limit will be 2. From November 15 through November 30, the daily bag limit will be 2 Canada geese and the possession limit will be 4. For the remainder of the season, the daily bag limit will be 3 Canada geese and the possession limit will be 6.

(c) Remainder of the State—the daily bag limit is 1 Canada goose and the possession limit is 2.

Ohio: The daily bag limit is 2 Canada geese and the possession limit is 4, except that in the counties of Ashtabula, Trumbull, Marion, Wyandot, Lucas, Ottawa, Erie, Sandusky, Mercer, and Auglaize, the daily bag limit is 1 Canada goose and the possession limit is 2.

Indiana: The season for Canada geese may extend for 70 days, except in Posey County, where the season will be 50 days. The daily bag limit is 2 Canada geese and the possession limit is 4. The goose seasons may be set by North and South Zones.

Kentucky: The season for Canada geese may extend for 70 days, except in Hickman, Fulton, Carlisle, and Ballard Counties, where the season will be 50 days. The daily bag limit is 2 Canada geese and the possession limit is 4.

Tennessee: The season for Canada geese may extend for 70 days, except in Lake, Obion, Weakley, and Carroll Counties, and those portions of Gibson and Dyer Counties north of State Highways 20 and 104 and east of U.S. Highway 45W, where the season will be 50 days. The daily bag limit is 1 Canada goose and the possession limit is 2, except in that portion of the State west of State Highway 13, where the daily bag limit is 2 Canada geese and the possession limit is 4. The season on Canada geese is closed in that portion of Tennessee bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45.

Mississippi: In the Sardis Reservoir Area (that area encompassed by Interstate Highway 55 on the west, State Highway 7 on the east, State Highway 310 on the north and State Highway 6 on the south), the season on Canada geese will be November 7 through December 16, 1981. The daily bag limit is 1 Canada goose and the possession limit is 2. In the remainder of the State, the season on Canada geese is closed.

Alabama: The season is closed on all geese in the counties of Henry, Russell, and Barbour. Elsewhere in Alabama, the daily bag limit is 2 Canada geese and the possession limit is 4.

Missouri and Illinois Quota Zone Closures: When it has been determined that the quota of Canada geese allotted to the Southern Illinois Zone and the Swan Lake Zone of Missouri will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

Shipping Restrictions: Geese taken in Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped or delivered for transportation or shipment by common carrier, the Postal Service, or by any person except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

CENTRAL FLYWAY

Ducks (including mergansers) and Coots

Outside Dates: Between October 3, 1981, and January 17, 1982, inclusive, in Central Flyway States and portions of States.

Hunting Season: The basic season may include no more than 60 days. States may split their seasons into 2 or, in lieu of zoning, 3 segments.

Daily Bag and Possession Limits: Conventional limits on ducks (including mergansers), singly or in the aggregate, are 5 daily and 10 in possession. The aggregate daily bag limit on ducks (including mergansers) may include no more than 1 canvasback (note areas closed to canvasback hunting), 1 redhead, 1 female mallard, 1 hooded merganser, and 2 wood ducks. The possession limit may include no more than 1 canvasback (note areas closed to canvasback hunting), 2 redheads, 2 female mallards, 2 hooded mergansers, and 4 wood ducks. The daily bag and possession limits on coots are 15 and 30, respectively.

Closures. Areas closed to canvasback hunting are:

North Dakota - that portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota - all of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

Point System Option in the Central Flyway: As an alternative to conventional bag and possession limits for ducks, point-system regulations may be selected for States and portions of States in this Flyway. The point system season length in the High Plains Mallard Management Unit is 83 days provided that the last 23 days of such season must begin on or after December 12, 1981. The High Plains Unit, roughly defined as that portion of the Central Flyway which lies west of the 100th meridian, shall be described in State regulations. The season length for the Low Plains Unit (those portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas not included in the High Plains Mallard Management Unit) may not exceed 60 days.

Point Values: Canvasbacks count 100 points each (note areas closed to canvasback hunting); female mallards, Mexican-like ducks, mottled ducks (Texas only), wood ducks, redheads, and hooded mergansers count 70 points each; blue-winged teal, green-winged teal, cinnamon teal, scaup, pintails, gadwalls, wigeon, shovelers, and mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 20 points each. The daily bag limit is reached when the point value of the last bird taken, when added to the sum of the point values of other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days. Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Portions of Colorado, Montana, New Mexico, and Wyoming in Pacific Flyway: Those portions of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation, and that portion of Montana which

includes the counties of Hill, Chouteau, Cascade, Meagher, and Park and all counties west thereof, must select open seasons on waterfowl and coots in accordance with the framework for the Pacific Flyway.

Zoning: Kansas, Nebraska, South Dakota, and Wyoming may select hunting seasons on ducks, coots, and mergansers by zones described as follows:

Kansas: Two zones in the Low Plains portion of the State as follows:

Zone 1. That portion of south-central Kansas bounded by the State line and the following highways: on the west by U.S. 283; on the north by K-4, U.S. 81, U.S. 56, K-150, and U.S. 50; and on the east by K-99.

Zone 2. The remaining area within the Low Plains of Kansas.

Nebraska: Four zones within the Low Plains portion of the State as follows:

Zone 1. Keya Paha County east of U.S. Highway 183 and all of Boyd, Knox, Cedar, and Dixon Counties, including the adjacent waters of the Niobrara River.

Zone 2. The Low Plains portions of Dawson, Gosper, Frontier, and Furnas Counties and all of Buffalo, Phelps, Harlan, Hall, Kearney, Franklin, Merrick, Hamilton, Platte, Polk, Colfax, Butler, Dodge, Saunders, and Douglas Counties, including the adjacent waters of the Platte River.

Zone 3. The Low Plains portions of Brown, Blaine, and Custer Counties and all of Rock, Holt, Loup, Garfield, Wheeler, Valley, Greeley, Sherman, Howard, Antelope, Boone, Nance, Pierce, Madison, Wayne, Stanton, Cuming, Dakota, Thurston, Burt, and Washington Counties.

Zone 4. Adams, Webster, Clay, Nuckolls, York, Fillmore, Thayer, Seward, Saline, Jefferson, Lancaster, Gage, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

South Dakota: Two zones within the Low Plains portion of the State as follows:

South Zone. Bon Homme, Charles Mix, Clay, Gregory, Union, and Yankton Counties.

North Zone. The remainder of the Low Plains portion of South Dakota.

Wyoming: Four zones in the Central Flyway portion as follows:

Zone 1. Sheridan, Johnson, Natrona, Campbell, Crook, Weston, Converse, and Niobrara Counties.

Zone 2. Platte, Goshen, and Laramie Counties.

Zone 3. Carbon and Albany Counties.

Zone 4. Park, Big Horn, Hot Springs, Washakie, and Fremont Counties.

Geese

Outside Dates: States in the Central Flyway may select goose seasons between October 3, 1981, and January 17, 1982, inclusive, (except as noted for New Mexico).

West Tier States.

Montana: For its Central Flyway portion, Montana may select a season of 93 days. The daily bag and possession limits are 2 and 4 geese, respectively, in Sheridan County, and 3 and 6 geese, respectively, in the remainder of the Central Flyway portion.

Wyoming: Wyoming may select seasons of 93 days with daily bag and possession limits of 2 and 4 geese, respectively, for each of four Goose Management Units, which coincide with management zones for ducks, in the Central Flyway portion.

Colorado: Colorado may select, for the Central Flyway portion a season of 93 days, with daily bag and possession limits of 2 and 4 geese, respectively.

New Mexico: New Mexico, for the Central Flyway portion, may select a season of 93 days during the period October 3, 1981, through February 14, 1982, except that only light geese may be taken after January 17, 1982. The daily bag limit is 5 geese which, through January 17, 1982, may include no more than 2 dark geese, and a possession limit of 10 geese which may include no more than 4 dark geese.

Texas (west of U.S. 81): Texas, for that portion west of U.S. Highway 81, may select a season of 93 days with a daily bag limit of 5 geese which may include no more than 2 dark (Canada and white-fronted) geese and a possession limit of 10 geese which may include no more than 4 dark geese.

East Tier States - Light geese.

North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (for that portion east of U.S. Highway 81) may select seasons for light (Ross' and snow, including blue) geese of 86 days with daily bag limits of 5 and possession limits twice the daily bag limits.

East Tier States - Dark geese. States in this tier may select seasons on dark (Canada and white-fronted) geese of 72 days (except in Nebraska and South Dakota as noted) as follows:

North Dakota: The daily bag limits may include no more than 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese through October 31, 1981, and no more than 2 Canada geese or 2 white-fronted geese or 1 of each during the remainder of the season.

South Dakota: In Bon Homme, Brule, Buffalo, Campbell, Charles Mix, Corson, Dewey, Gregory, Hughes, Hyde, Lyman, Potter, Stanley, Sully, Tripp (east of U.S. Highway 183), and Yankton (west of U.S. Highway 81) Counties, the season length may not exceed 79 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose through November 13, 1981, and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season. In the remainder of the State, the season length may not exceed 72 days and the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose.

Nebraska: In Goose Management Unit 1 comprised of Boyd, Cedar (west of U.S. Highway 81), Keya Paha (east of U.S. Highway 183), and Knox Counties, the season length may not exceed 79 days and the daily bag limits may include no more than 1 Canada goose and 1 white-fronted goose through November 13, 1981, and no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose for the remainder of the season.

In Goose Management Unit 2, the remainder of Nebraska east of U.S. Highway 183, and in Goose Management Unit 3, that portion of Nebraska west of U.S. Highway 183, the daily bag limits may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 22, 1981, and no more than 1 Canada goose and 1 white-fronted goose for the remainder of the season.

Kansas: The daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose through November 29 and no more than 1 Canada goose and 1 white-fronted goose during the remainder of the season.

Oklahoma: In Goose Management Unit 1 (that portion of Oklahoma west of U.S. Highways 77 and 177, the Indian Nation Turnpike, and U.S. Highway 271) and in Goose Management Unit 2 (the remainder of Oklahoma), the daily bag limits may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose.

Texas: In that portion east of U.S. Highway 81, the bag limit may include no more than 1 Canada goose and 1 white-fronted goose daily.

East Tier States Goose Possession Limits: Goose possession limits are twice the daily bag limits.

Sandhill Cranes

Colorado, Montana, New Mexico, Oklahoma, Texas, and Wyoming may select sandhill crane seasons with daily bag and possession limits of 3 and 6, respectively, and during an October 3, 1981-January 31, 1982, framework as follows:

Colorado and Wyoming: 37 consecutive days during the period of October 3 through November 22, 1981, in the Central Flyway portion of Colorado except the San Luis Valley area, and in the Wyoming counties of Crook, Goshen, Laramie, Niobrara, Platte and Weston.

New Mexico and West Texas: 93 consecutive days between October 20, 1981, and January 31, 1982, in the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 (and including all of Howard and Lynn Counties) to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio.

Oklahoma and North Texas: 58 consecutive days on or after November 22, 1981, in that portion of Oklahoma west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border.

Montana: 37 consecutive days, to open with the goose season, in all of the Central Flyway portion of Montana except Sheridan County and that area south and west of Interstate Highway 90 and the Big Horn River.

Permits: All persons hunting sandhill cranes in the above designated areas of the Central Flyway must obtain and possess valid Federal permits distributed by the appropriate State conservation agency on an equitable basis without charge.

Protection of Whooping Cranes: An emergency closure of the hunting season will be considered in an area where whooping cranes from either the Rocky Mountain or Wood Buffalo-Aransas flocks are found during periods when there is risk of their being taken by hunters.

PACIFIC FLYWAY

The Pacific Flyway includes the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, those portions of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide including the Jicarilla Apache Indian Reservation, and that portion of Montana including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties.

Ducks (including Mergansers), Coots, Gallinules, and Common Snipe

Outside Dates: Between October 3, 1981, and January 17, 1982.

Hunting Seasons: Concurrent 93-day seasons on ducks (including mergansers), coots, gallinules, and common snipe may be selected in Pacific Flyway States except as subsequently noted.

Duck Limits: Basic daily bag and possession limits on ducks (including mergansers) are 7 and 14, respectively. No more than 2 redheads or 2 canvasbacks or 1 of each may be taken daily and no more than 4 singly or in the aggregate may be possessed.

Coot and Gallinule Limits: The daily bag and possession limits on coots and gallinules are 25 singly or in the aggregate.

Common Snipe Limits: The daily bag and possession limits on common snipe are 8 and 16, respectively.

California—Waterfowl Zones: Season dates for the Colorado River Zone of California must coincide with season dates selected by Arizona. Season dates for the Northeastern Zone of California must coincide with season dates selected by Oregon. For the Southern Zone of California, the State may designate season dates differing from those in the remainder of the State.

Nevada—Clark County Waterfowl Zone: For Nevada, county of Clark, the State may designate season dates differing from those in the remainder of the State.

"Columbia Basin" Portions of Washington, Oregon, and Idaho: In the Idaho counties of Ada, Bannock, Benewah, Blaine, Bonner, Boundary, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Twin Falls, Washington, and that portion of Bingham County lying outside the Blackfoot Reservoir drainage; the Oregon counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco; and in Washington all areas lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County, the seasons may be 100 days and must run concurrently.

Colorado, Montana, New Mexico, and Wyoming — Common Snipe: For States partially within the Flyway 93-day seasons on common snipe between September 1, 1981, and February 28, 1982, may be selected.

Geese

Outside dates, season lengths, and limits on geese: Between October 3, 1981, and January 17, 1982, 93-day seasons on geese (except brant) may be selected in the Pacific Flyway States, except as subsequently noted. The basic daily bag and possession limits are 6, provided that the daily bag limit includes no more than 3 white geese (snow, including blue, and Ross' geese) and 3 dark geese (Canada and white-fronted geese); the daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively.

Aleutian Canada goose closure: The season is closed on the Aleutian Canada goose. Emergency closures may be invoked for all Canada geese should Aleutian Canada goose distribution patterns or other circumstances justify such actions.

Canada goose closures in California: Three areas in California, described as follows, are restricted in the hunting of all Canada geese:

(1) In the counties of Del Norte and Humboldt there will be no open season on any Canada geese during the 1981-82 waterfowl hunting season.

(2) In the Sacramento Valley in that area bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River; then southerly on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows, the hunting season for taking any Canada geese will not open until December 15, 1981, and may continue to the end of the 1981-82 waterfowl hunting season.

(3) In the San Joaquin Valley in that area bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate Highway 5; then southerly on Interstate Highway 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly to the point of beginning; the hunting season for taking any Canada geese will close on November 23, 1981.

"Columbia Basin" Portions of Washington and Oregon—geese: In the Washington counties of Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima, and in the Oregon counties of Gilliam, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco, the goose season may be of 100 days duration and must run concurrently with the duck season; and the bag limits for geese are to be the same as in the general goose season in their respective States.

Oregon (Lake and Klamath Counties) — geese: In the Oregon counties of Lake and Klamath the daily bag and possession limits through October 30 are reduced to 2 and 4 geese, respectively, with no more than 1 and 2, respectively, being dark geese. Thereafter, the limits may be increased to those which are allowed for the Flyway.

California (Northeastern Zone) — geese: In the Northeastern Zone of California through October 30, the limits are 1 dark goose or 1 white goose in the daily bag and 2 geese in possession. Thereafter, the limits may be increased to 4 geese in bag and possession with not more than 2 dark geese or 3 white geese being in either the daily bag or possession.

California (Balance of the State Zone) — geese: In the Balance of the State Zone the season shall not exceed 79 days. The daily bag and possession limits are 5, with not more than 2 dark geese or 3 white geese in either the daily bag or possession.

Pacific Population of Canada geese—Idaho, Oregon, and Montana: In that portion of Idaho lying west of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon counties of Baker and Malheur; and in Montana (Pacific Flyway portion west of the Continental Divide), the daily bag and possession limits are 2 Canada geese and the season on Canada geese may not extend beyond December 31, 1981.

Rocky Mountain Population of Canada Geese—Montana and Wyoming: In Montana (Pacific Flyway portion east of the Continental Divide) and Wyoming the season may not extend beyond December 31, 1981.

Idaho, Colorado, and Utah: In that portion of Idaho lying east of the line formed by U.S. Highway 93 north from the Nevada border to Shoshone, thence northerly on Idaho State Highway 75 (formerly U.S. Highway 93) to Challis, thence northerly on U.S. Highway 93 to the Montana border; in Colorado; and in Utah, except Washington County, the daily bag and possession limits are 2 and 4 Canada geese, respectively, and the season on Canada geese may be no more than 83 days and may not extend beyond December 31, 1981.

Nevada—experimental zoning: For Nevada, the State may experimentally designate season dates on geese in Clark County and on geese in Elko County and that portion of White Pine County within Ruby Lake National Wildlife Refuge differing from those in the remainder of the State. The daily bag and possession limits are 2 Canada geese throughout the State.

Arizona, Nevada, California, Utah, and New Mexico: In California, the Colorado River Zone where the season must be the same as that selected by Arizona and the Southern Zone; in Arizona; in New Mexico; in Clark County, Nevada; and in Washington County, Utah; the season on Canada geese may be no more than 86 days. The daily bag and possession limits are 2 Canada geese except in that portion of California Department of Fish and Game District 22 within the Southern Zone (i.e. Imperial Valley) the daily bag and possession limits on Canada geese are 1 and 2, respectively.

Washington—snow geese: In the Washington counties of Island, Skagit, Snohomish, and Whatcom, the seasons on snow geese may not extend beyond January 3, 1982.

Pacific Brant

Between October 25, 1981, and February 22, 1982, States in this Flyway may select an open season on Pacific brant of 93 days with daily bag and possession limits of 4 and 8 brant, respectively.

BILLING CODE 4310-55-C

Whistling Swans

In Utah, Nevada and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in either Teton or Cascade Counties; (e) permits and correspondingly numbered metal locking seals must be issued by the appropriate State conservation agency on an equitable basis without charge.

Sandhill Cranes

Arizona may select an experimental sandhill crane season subject to the following conditions:

1. The season may not exceed 4 days in November 1981.

2. The hunting area is confined to the Wilcox Basin Area defined as Game Management Units 30A, 30B, 31, and 32.

3. Each hunter must obtain and possess a special permit issued by the State. No more than 100 permits may be issued. The season limit is two sandhill cranes.

4. Other migratory bird hunting regulations shall apply.

5. The season on whooping cranes is closed. Emergency closures for all crane hunting may be invoked should circumstances justify such actions.

SPECIAL FALCONRY FRAMEWORKS

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular season framework dates and, if offered and accepted, other special season framework dates for hunting.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

NOTE: In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

PART 20—MIGRATORY BIRD HUNTING

2. Accordingly, paragraph (b) of § 20.103, Title 50 CFR, is corrected to read:

§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

* * * * *

(b) *Mourning Doves—Central Management Unit.*

In Missouri, Nebraska, and South Dakota:	
Daily bag limit	10
Possession limit	20
In Kansas, New Mexico, Oklahoma, and Texas:	
Daily bag limit	12
Possession limit	24
In Arkansas, Colorado, North Dakota, and Wyoming:	
Daily bag limit	15
Possession limit	30

* * * * *

Dated: August 28, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-26254 Filed 9-8-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSIS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of September 13 through September 19, 1981

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Agricultural Marketing Service—

40892 8–13–81 / Fresh peaches grown in designated counties in Washington; comments by 9–14–81

42492 8–21–81 / Implementation of user fees for cotton classification service to producers; comments by 9–10–81

42490 8–21–81 / Revision in fees for cotton and cottonseed; comments by 9–10–81

Animal and Plant Health Inspection Service—

41519 8–17–81 / Citrus blackfly regulations; comments by 9–16–81

36148 7–14–81 / Mediterranean fruit fly; addition of portions of Alameda and Santa Clara Counties and all of San Mateo County, Calif. to list of regulated areas; (interim rule); comments by 9–14–81

37706 7–22–81 / Mediterranean Fruit Fly; emergency designation; comments by 9–14–81

36711 7–15–81 / Screwworms; relief of restrictions to prevent spread; comments by 9–14–81

Food Safety and Inspection Service—

36113 7–14–81 / Cattle post-mortem inspection staffing standards (interim rule); comments by 9–14–81

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

39764 8–4–81 / Minimum guidelines and requirements for accessible design; comments by 9–18–81 (2 documents)

CIVIL AERONAUTICS BOARD

35936 7–13–81 / Elimination of rules tariffs and notice to passengers of conditions; reply comments by 9–14–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

43977 9–2–81 / Ocean salmon fisheries off coasts of Calif., Oreg., and Wash., closure of subareas; comments by 9–17–81

DEFENSE DEPARTMENT

Air Force Department—

41527 8–17–81 / Environmental impact analysis process; comments by 9–16–81

Office of the Secretary—

42083 8–19–81 / Enforcement of state traffic laws on DOD installations; comments by 9–18–81

EDUCATION DEPARTMENT

3880, 3889 7–29–81 / College housing progam; comments by 9–14–81 (2 documents)

ENVIRONMENTAL PROTECTION AGENCY

39175 7–31–81 / Air programs; delayed compliance order for New England Power Company, Salem Harbor Generating Station, Mass.; comments by 9–14–81

36716 7–15–81 / Approval and promulgation of implementation plans; Iowa; Comments by 9–14–81

42089 8–19–81 / Chlorpyrifos; proposed insecticide tolerances on Chinese Cabbage; comments by 9–18–81

42088 8–19–81 / Chlorpyrifos; proposed tolerance for insecticide in or on peppers; comments by 9–18–81

36717 7–15–81 / Control of air pollution from motor vehicles and motor vehicle engines; exclusion and exemption; comments by 9–14–81

41818 8–18–81 / Designation of area for air quality planning purposes attainment status; Ohio; comments by 9–17–81

42472 8–21–81 / Municipal wastewater treatment works; construction grants; draft availability; comments by 9–15–81

32599 6–24–81 / National emission standards for hazardous air pollutants; benzene fugitive emissions; comment by 9–14–81

41104 8–14–81 / Noise emission standards for portable air compressors, medium and heavy trucks, motorcycles and motorcycle replacement exhaust systems, truck mounted solid waste compactors, and noise labeling requirements for hearing protectors; comments by 9–14–81

41817 8-18-81 / Standards of performance for new stationary sources; fossil fuel fired steam generator; comments by 9-17-81

FEDERAL COMMUNICATIONS COMMISSION

37923 7-23-81 / Amendment to permit increased antenna height of Class A FM Commercial Broadcast Stations in Puerto Rico and the Virgin Islands; comments by 9-15-81

34609 7-2-81 / FM broadcast station in Canton, Ill.; proposed changes in table of assignments; reply comments by 9-14-81

37919 7-23-81 / FM broadcast station, College, Alaska; changes in table of assignments; comments by 9-14-81

34608 7-2-81 / FM broadcast station in DeRidder, La.; proposed changes in table of assignments; reply comments by 9-14-81

34605 7-2-81 / FM broadcast station in Leone, American Samoa; proposed changes in table of assignments; reply comments by 9-14-81

35132 7-7-81 / FM broadcast station in Lowville, N.Y.; changes in table of assignments; reply comments by 9-17-81

35133 7-7-81 / FM broadcast station in Midland, Texas; changes in table of assignments; reply comments by 9-17-81

34606 7-2-81 / FM broadcast station in Petal, Miss.; proposed changes in table of assignments; reply comments by 9-14-81

34603 7-2-81 / FM broadcast station in St. Johns, Arizona; proposed changes in table of assignments; reply comments by 9-14-81

34607 7-2-81 / FM broadcast station in Sidney, N.Y.; proposed changes in table of assignments; reply comments by 9-14-81

37925 7-23-81 / FM broadcast station in Tremonton, Utah; changes in table of assignments; comments by 9-15-81

35127 7-7-81 / FM broadcast stations in Yuma, Ariz.; proposed changes in table of assignments; reply comments by 9-17-81

42478 8-21-81 / Inquiry into future role of TV translators and low-power television broadcasting in national telecommunications systems; comments by 9-15-81

43068 8-26-81 / Process regarding Equal Access to Justice Act rules; comments by 9-15-81

40536 8-10-81 / Reallocation of UHF-TV broadcast Channel 17 for common carrier fixed relay and control operations in the State of Hawaii; reply comments by 9-15-81

37927 7-23-81 / Release, allocation, assignment and criteria for use of the remaining 250 channels in the 800 MHz private land mobile reserve band; comments by 9-14-81

41820 8-18-81 / Short-term operation without prior approval; creation of new auxiliary broadcast service license class to permit non-broadcast station license holders to be licensed and operate radio relay stations for direct rebroadcast of program material; comments by 9-14-81

37916 7-23-81 / TV auxiliary broadcast pickup stations on a secondary basis, allocating a certain frequency band; comments by 9-18-81

FEDERAL EMERGENCY MANAGEMENT AGENCY

35942 7-13-81 / Environmental considerations; providing temporary housing to individual disaster victims; comments by 9-15-81

FEDERAL HOME LOAN BANK BOARD

42273 8-20-81 / Eligibility of partnerships to hold NOW accounts at member institutions; interpretive rule; comments by 9-18-81

42275 8-20-81 / Treatment of gains and losses from the sale of mortgage assets; comments by 9-14-81

FEDERAL RESERVE SYSTEM

32592 6-24-81 / Credit by brokers and dealers and credit by banks for the purpose of purchasing or carrying margin stocks; comments by 9-15-81

37516 7-21-81 / Securities credit by persons other than banks, brokers, or dealers; credit by brokers and dealers; credit by banks for the purpose of purchasing or carrying margin stocks; comments by 9-15-81

INTERSTATE COMMERCE COMMISSION

41825 18-18-81 / Special procedures governing recovery of expenses by parties to commission adjudicatory proceedings; comments by 9-17-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

36130 7-14-81 / Bioavailability and bioequivalence requirements; updating of drug list; (final rule); comment by 9-14-81

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Federal Contract Compliance Programs Office—

42490 8-21-81 / Advance notice of affirmative action requirements for government contractors; comments by 9-14-81

36213 7-14-81 / Affirmative action requirements for Government contractors including federally assisted construction contractors; comments by 9-14-81

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43663 8-31-81 / Minimum standards for employee benefit plans; suspension of benefit rules; deferral of effective date; comment, 9-14-81

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37008 7-16-81 / Annex III to Inland Navigation Rules—technical details of sound signal appliances; comments by 9-14-81

37012 7-16—81 / Annex V to Inland Navigation Rules; pilot rules; comments by 9-14-81

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39606 8-4-81 / Provisions for operation of the air traffic control system and activation of national traffic control contingency plan (phase II); (final rule); comments by 9-15-81

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39461 8-3-81 / General safety inquiry; comments by 9-15-81

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40774 8-12-81 / Installment sales; general rules for reporting, gains; comments by 9-17-81

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43980 9-2-81 / Milk marketing order; New England; comments by 9-22-81

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43056 8–26–81 / Adjustment of Fees for certain Federal inspection services; comments by 9–25–81

38336 7–27–81 / Grain regulations; comments by 9–25–81

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37514 7–21–81 / Official Export Certificates, Marks and devices; comments by 9–21–81

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35664 7–10–81 / Proposing to allow foreign indirect air carriers to organize charters and consolidate freight in interstate and overseas markets; reply comments by 9–23–81

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40228 8–7–81 / Fishing Vessel and Gear Damage Compensation Fund; comment by 9–21–81

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41081 8–14–81 / Omnidirectional Citizens Band Base Station Antennas; Proposed consumer product safety standard; Proposed normandatory test method; comments by 9–22–81

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44192 9–3–81 / Procedures for owners and operators of electric powerplants; comments by 9–21–81

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43843 9–1–81 / Colorado; high-cost gas produced from tight formations; comments by 9–24–81

39445 8–3–81 / Inclusion of construction work in progress for public utilities; comments by 9–23–81

43844 9–1–81 / New Mexico; high-cost gas produced from tight formations; comments by 9–24–81

43845 9–1–81 / Oklahoma; high-cost gas produced from tight formations; comments by 9–24–81

43847 9–1–81 / Texas; high-cost gas produced from tight formattions; comments by 9–24–81

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[Originally published by 46 FR 36869, 7–16–81]

42290 8–20–81 / Approval and promulgation of Illinois State Implementation Plan; comments by 9–21–81

42292 8–20–81 / Approval and promulgation of implementation plan attainment status designations; New Hampshire; comments by 9–21–81

42683 8–24–81 / Captan feed additive regulation; comments by 9–23–81

42685 8–24–81 / Captan; tolerances; comments by 9–23–81

42293 8–20–81 / Designation of areas for air quality planning purposes; attainment status designations; Washington; comments by 9–21–81

37724 7–22–81 / Designation of areas for air quality planning purposes; Indiana; comments by 9–21–81

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42299 8–20–81 / Hexakis; proposed tolerance; comments by 9–21–81

41103 8–14–81 / New Hampshire Application for Interim Authorization, Phase I, Hazardous Waste Management Program; comments by 9–21–81

42298 8–20–81 / Paraquat; proposed tolerance; comments by 9–21–81

42878 8–25–81 / Standards of performance for new stationary sources; proposed alternative performance test requirement for primary aluminium plant; comments by 9–24–81

42878 8–25–81 / Texas; Designation of areas for air quality planning purposes; comments by 9–24–81

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35534 7–9–81 / FM broadcast station in Martin and Salyersville, KY; proposed changes in table of assignments; reply comments by 9–21–81

40536 8–10–81 / Frequency allocations and radio treaty matters general rules and regulations; reply comments by 9–23–81

39185 7–31–81 / Inland expansion of non-government radiolocation in the 420–450 MHz frequency band including use of spread spectrum technology; comments by 9–21–81

41535 8–17–81 / Licensing of nonprofit corporations and associations of eligible users in the business and special industrial radio services; replies by 9–25–81

40899 8–13–81 / Policy regarding character qualifications in broadcast licensing; comments by 9–25–81

43068 8–26–81 / Process regarding Equal Access to Justice Act rules; reply comments by 9–25–81

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33063 6–26–81 / Endangered and threatened wildlife; Wiest's Sphinx moth; status review; comments by 9–24–81

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32885 6–25–81 / Announcement of study of adequacy of existing safety and health regulations and of technology available for exploration drilling, development, and production of oil and gas on the outer continental shelf; comments by 9–22–81

37524 7–21–81 / Clarifying regulations concerning appeals; comments by 9–21–81

42286 8–20–81 / Oil and gas and sulphur operations on the Outer
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39968 provisions under the Mineral Leasing Act; comments by 9–21–81 (2 documents)

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42874 8–25–81 / Modified portions of the Kansas Permanent Regulatory Program; comments by 9–25–81

42875 8–25–81 / Modified portions of the Missouri Permanent Regulatory Program; comments by 9–25–81

42684 8-24-81 / Surface coal mining and reclamation operations permanent regulatory program; availability of summary of meeting on two-acre exemption and haul roads, Virginia; comments by 9-23-81

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38062 7-23-81 / Parts manufactured approval; falsification of airworthiness certification documents; reply comments by 9-21-81

37905 7-23-81 / Summary of petitions received and dispositions of petitions denied; comments by 9-20-81

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43073 8-26-81 / Anaconda Stillwater Project; intent to prepare an environmental impact statement, Nye, Mont. (open), 9-15-81

41835 8-18-81 / Lewis and Clark National Forest Grazing Advisory Board, Kings Hill Summit, Mont. (open), 9-14-81

42310 8-20-81 / Modoc National Forest Grazing Advisory Board, Patterson Guard Station, Calif., 9-17-81

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43073 8-26-81 / Joint Council on Food and Agricultural Sciences Executive Committee, Washington, D.C. (open), 9-14-81

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43912 9-1-81 / Arts and Humanities, Presidental Task Force, Washington, D.C. (open), 9-16-81

42944 8-25-81 / Humanities Panel, Washington, D.C. (closed), 9-14-81

39259 7-31-81 / Humanities Panel, Washington, D.C. (closed), 9-15-81

42944 8-25-81 / Humanities Panel, Washington, D.C. (closed), 9-16-81

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40109 8-6-81 / Humanities Panel, Washington D.C. (closed), 9-17 and 9-18-81

42944 8-25-81 / Humanities Panel, Washington D.C. (closed), 9-17 and 9-18-81

42944 8-25-81 / Humanities Panel, Washington D.C. (closed), 9-18-81

42225 8-19-81 / Music Panel (Jazz Organization Section), Washington, D.C. (partially open), 9-14 through 9-19-81

42226 8-19-81 / Music panel (Solo Recitalists Section), Washington, D.C. (partially open), 9-14 and 9-15-81

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42498 8-21-81 / New Jersey Advisory Committee, Trenton, N.J. (open), 9-17-81

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43074 8-26-81 / Computer Systems Technical Advisory Committee, Washington, D.C. (open), 9-16-81

43075 8-26-81 / Computer Systems Technical Advisory Committee, Foreign Availability Subcommittee, Washington, D.C. (open), 9-15-81

43075 8-26-81 / Computer Systems Technical Advisory Committee, Hardware Subcommitee, Washington, D.C. (open), 9-16-81

43076 8-26-81 / Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, Washington, D.C (open), 9-15-81

40244 8-7-81 / Importers and Retailers' Textile Advisory Committee, Washington, D.C. (open), 9-17-81 and Management-Labor Textile Advisory Committee, Washington, D.C. (open), 9-17-81

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43226 8-27-81 / Gulf of Mexico Fishery Management Council, Shrimp Resources Subpanel (open), 9-17-81

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43076 8-26-81 / Ad Hoc Cost Discipline Advisory Committee, Washington, D.C. (open), 9-16 and 9-17-81

41841 8-18-81 / Science Board, Alexandria and Fort Belvoir, Va. (closed), 9-14 and 9-15-81

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40067 8-6-81 / Board of Visitors to the United States Naval Academy, Annapolis, Md. (open), 9-17 and 9-18-81

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41841 8-18-81 / Armed Forces Epidemiological Board, Kent Island, Md. (open), 9-17 and 9-18-81

41841 8-18-81 / Epidemiological Methods in Clinical Health Care Delivery Systems Ad Hoc Subcommittee, Kent Island, Md. (open), 9-16-81

41132 8-14-81 / Defense Intelligence Agency Advisory Committee, Washington, D.C. (closed), 9-17 and 9-18-81

37960 7-23-81 / Defense Science Board Task Force on Application of High Technology to Ground Forces, Fort Bragg, N.C. (closed), 9-16-81

37541 7-21-81 / Wage Committee, Washington, D.C. (closed), 9-15-81

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41841 8-18-81 / Adult Education National Advisory Council, Executive Committee, Washington, D.C. (open), 9-18-81

44030 9-2-81 / Financing Elementary and Secondary Education Advisory Panel, Washington, D.C. (open), 9-17 and 9-18-81

44213 9-3-81 / Indian Education National Advisory Council, Billings, Mont. (open), 9-16 and 9-17-81 and preliminary hearing on 9-15-81

43235 8-27-81 / Vocational Education—National Advisory Council, Legislative Committee, Washington, D.C. (open), 9-14-81; Executive Committee, (closed), 9-14-81

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43866 9-1-81 / International Energy Agency, Industry Working Party, New York, N.Y. (open), 9-16 and 9-17-82

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43298 8-27-81 / Alkyl phthalates and chloroparaffins, voluntary testing plans, Washington, D.C. (open), 9-15-81.

30300 6-5-81 / Dichloromethane, Nitrobenzene and 1,1,1-Trichloroethane; Proposed test rule; public meeting, Washington, D.C. (open), 9-17-81

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43308 8-27-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 9-16 and 9-17-81

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38400 7-27-81 / Meeting, Washington, D.C. (open), 9-16-81

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40579 8-10-81 / Mental Health National Advisory Council, Rockville, Md. (partially open), 9-14 through 9-16-81

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44059 9-2-81 / Recent In-Laboratory Study Work Group, Atlanta, Ga. (open), 9-18-81

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43502 8-28-81 / Consumer participation meetings:
Milwaukee, Wis., 9-15-81;
Lansing, Mich., 9-16-81;
Tucson, Ariz., 9-17-81

42531 8-21-81 / Respiratory and Nervous System Devices Panel, Neurological Device Section, Washington, D.C. (partially open) 9-18-81

43504 8-28-81 / Skull X-Ray Referral Criteria Panel, Bethesda, Md. (partially open), 9-14 and 9-15-81

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43085 8-26-81 / National Professional Standards Review Council, San Francisco, Calif. (open), 9-14 and 9-15-81

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37785 7-22-81 / Nurse Training National Advisory Council, Hyattsville, Md., (partially open) 9-14 through 9-16-81

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41567 8-17-81 / Biomedical Sciences Study Section 2, Bethesda, Md. (partially open), 9-14 and 9-15-81

41563 8-17-81 / Bladder and Prostatic Cancer Review Committee, Bladder Cancer Review Subcommittee, Boston, Mass. (partially open), 9-14 through 9-16-81

41564 8-17-81 / Cancer Cause and Prevention Division, Board of Scientific Counselors, Bethesda, Md. (open), 9-17 and 9-18-81

41567 8-17-81 / Clinical Sciences Study Section 1, Bethesda, Md. (partially open), 9-14-81

41567 8-17-81 / Clinical Sciences Study Section 2, Bethesda, Md. (partially open), 9-18-81

41565 8-17-81 / Interagency Technical Committee, Bethesda, Md. (open), 9-16-81

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42197 8-19-81 / Ely District Advisory Council, Ely, Nev. (open), 9-15-81

42358 8-20-81 / Prineville District Grazing Advisory Board, Prineville, Oreg. (open), 9-15-81

34844 7-6-81 / Richfield District Multiple Use Advisory Council, Hanksville, Utah, (open), 9-17 and 9-18-81

42358 8-20-81 / Susanville District Grazing Advisory Board, Susanville, Calif. (open), 9-14-81

38760 7-29-81 / Worland District Advisory Council, Worland, Wyo. (open), 9-16-81
[Changed at 46 FR 43319, 8-27-81]

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42922 8-25-81 / Chesapeake and Ohio Canal National Historical Park Commission, Harpers Ferry, W. Va. (open), 9-16-81

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43907 9-1-81 / International Food and Agricultural Development Board, Joint Committee on Agricultural Development, Washington, D.C. (open), 9-16 and 9-17-81

42939 8-25-81 / International Food and Agricultural Development Board, Joint Research Committee, Rosslyn, Va. (open), 9-14 and 9-15-81

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41887 8-18-81 / American Folklife Center Board of Trustees, Washington, D.C. (open), 9-15-81

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41887 8-18-81 / Equal Opportunities in Science and Technology Committee, Women in Science and Technology Subcommittee, Washington, D.C. (open), 9-16 and 9-17-81

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44108 9-2-81 / Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Argonne, Ill. (partially open), 9-17 and 9-18-81

44108 9-2-81 / Reactor Safeguards Advisory Committee, Grand Gulf Nuclear Station Units 1 and 2 Subcommittee, Vicksburg, Miss. (partially open), 9-17 and 9-18-81

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40854 8-12-81 / Region VIII (Denver, Colorado), Denver, Colo. (open), 9-15-81

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41895 8-18-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Standards of Training and Watchkeeping Working Group, Washington, D.C. (open), 9-16-81

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41670 8-17-81 / Lebanon Municipal Airport, New Hampshire; intent to prepare environmental impact statement, Lebanon, N.H., 9-15-81

43790 8-31-81 / Radio Technical Commission for Aeronautics (RTCA), Executive Committee, Washington, D.C. (open), 9-18-81

42398 8-20-81 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 146—Airborne Automatic Direction Finding Equipment, Washington, D.C. (open), 9-15- and 9-16-81

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7123 1-22-81 / Safety Standards, International Harmonization Group of Rapporteurs on Lighting and Light Signalling, Ninth Session; Leipzig, Germany, 9-15 through 9-18-81

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43788 8-31-81 / Shareholder Communication Advisory Committee, Washington, D.C. (open), 9-18-81

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43353 8–27–81 / Des Plaines, Ill. (open), 9–14–81

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42486 8–21–81 / Middle Atlantic Federal milk order, Philadelphia, Pa., 9–15–81

38524 7–28–81 / Milk in the Puget Sound, Washington, and Inland Empire Marketing Areas; Rescheduling of hearing on proposed amendments to tenative marketing agreements and orders, Seattle, Wash., 9–15–81

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42438 8–21–81 / Mediterranean fruit fly, Tampa, Fla., 9–15–81

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42313 8–20–81 / Foreign-Trade Zones—Proposed foreign-trade zone for Baltimore, Md., Baltimore, Md., 9–15–81

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42215 8–19–81 / Certain airless paint spray pumps and components thereof, Washington, D.C., 9–17–81

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35141 7–2–81 / Naval Discharge Review Board, San Francisco, Calif. and Portland, Oreg., 9–13 through 9–25–81

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41103 8–14–81 / New Hampshire Application for Interim Authorization, Phase I, Hazardous Waste Management Program, Concord, N.H., 9–15–81

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43527 8–28–81 / Unemployment compensation agencies (various states), Washington, D.C., 9–16–81

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35395 7–6–81 / Porcelain-on-steel cooking ware, Washington, D.C., 9–14–81

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43528 8–28–81 / Indiana Employment Security Board, Washington, D.C., 9–17–81

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42681 Minority Small Business and Capital Ownership and Development Assistance Program, Los Angeles, Calif., 9–16–81, Atlanta, Ga., 9–18–81

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37115 7–17–81 / Trade Policy Staff Committee, Generalized System of Preferences Subcommittee, Washington, D.C., 9–14–81

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Documents Relating to Federal Grant Programs

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44408 9–3–81 / Justice/JJDPO—Formula grants for juvenile justice programs; comments by 10–5–81

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43885 9–1–81 / HHS/NIH—Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (partially open), 10–1 and 10–2–81

43883 9–1–81 / HHS/NIH—Study sections, various locations and dates for October and November

44107 9–2–81 / NFAH—Dance Panel, General Services to the Field and Grants to Dance Presenters Section, Washington, D.C. (closed), 9–9 through 9–11–81

OTHER ITEMS OF INTEREST

44140 9–2–81 / ED—Bilingual Education Training Projects Program; final regulations; call (202) 447–9273 for effective date

43966 9–2–81 / ED—Continuing Education Outreach—Special Projects Program final regulations; call (202) 245–9868 for effective date

44508 9–4–81 / HHS/HDS—Federal Allotments to States for Social Services Expenditures Pursuant to the Title XX—Social Services Block Grant Act; Promulgation for Fiscal Year 1982

43886 9–1–81 / HHS/PHS—Health Care Technology Study Section, renewal of committee

43886 9–1–81 / HHS/PHS—Health Services Research and Developmental Grants Review Committee, renewal of committee

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45109 **Death of Roy Wilkins** Presidential proclamation

45121 **Banks, Banking—All Savers Certificates** Depository Institutions Deregulation Committee establishes new category of time deposit allowing depositors to gain income tax benefits on interest earned on qualified tax-exempt savings certificates.

45300 **Grant Programs—Education of Handicapped** ED adopts research program regulations for National Institute of Handicapped Research. (Part III of this issue)

45314, 45315 ED requests applications for Rehabilitation Engineering Center, Research and Training Center, and Noncompeting Projects grants for FY 1982. (3 documents) (Part III of this issue)

45120 **Savings and Loan Associations** FHLBB clarifies policy on supervisory mergers and acquisitions for interstate branch offices.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

45178 **Grant Programs—Postsecondary Education** ED invites applications for FY 1982 Fulbright-Hays Training Grants.

45116 **Aliens** Justice/INS issues refugee admission and asylum procedures.

45264 **Air Transportation** DOT/FAA proposes to revise general operating and flight rules. (Part II of this issue)

45163 **Gasohol** GSA proposes to issue guidelines for purchase and use of gasohol in Federal motor vehicles.

45127 **Natural Gas** DOE/FERC issues order describing effect of judicial action on essential agricultural use regulations.

45144 **Nuclear Materials** NRC proposes to amend material control and accounting requirements for facilities possessing formula quantities of strategic special nuclear material.

45111 **Peanuts** USDA/CCC amends regulations on peanut warehouse storage loans and handler operations.

45128 **Customs Duties and Inspections** Treasury/Customs issues authority to district director for examination of merchandise.

45138 **Shipping** FMC prescribes interest rate granted as part of reparation awards in cargo misrating cases.

45141 **Railroads** ICC clarifies two reporting requirements for submitting waybill data.

45164 **Maritime Carriers** DOT/MA proposes to implement procedures for National Defense Feature Communication Equipment Program.

45177 **Antidumping** Commerce/ITA issues duty order on unrefined montan wax from German Democratic Republic.

45223 **Imports** ITC issues determination on unrefined Montan wax from East Germany.

45241 **Sunshine Act Meetings**

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Vol. 46, No. 175
Thursday, September 10, 1981

Presidential Documents

Title 3—

The President

Proclamation 4856 of September 8, 1981

Death of Roy Wilkins

By the President of the United States of America

A Proclamation

To the People of the United States:

With sadness, I announce the death of Roy Wilkins who died today in New York City.

Roy Wilkins worked for equality, spoke for freedom, and marched for justice. His quiet and unassuming manner masked his tremendous passion for civil and human rights.

He once said, "The heritage of a man of peace will endure and shine into the darkness of this world." Although Roy Wilkins' death darkens our day, the accomplishments of his life will continue to endure and shine forth.

As a mark of respect for the memory of Roy Wilkins, I hereby order that the flag of the United States shall be flown at half-staff upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until his interment. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

Editorial Note: The President's statement of September 8, 1981, concerning the death of Roy Wilkins, is printed in the *Weekly Compilation of Presidential Documents* (vol. 17, no. 37).

[FR Doc. 81-26616
Filed 9-9-81; 10:15 am]
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Rules and Regulations

Federal Register
Vol. 46, No. 175
Thursday, September 10, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 680; Valencia Orange Reg. 679, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 11–17, 1981, and increases the quantity of such oranges that may be so shipped during the period September 4–10, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective September 11, 1981, and the amendment is effective for the period September 4–10, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a non-major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–227–5975.

The committee met again publicly on September 8, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges continues to improve.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the office of management and budget and are in the process of review.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 908.980 is added as follows:

§ 908.980 Valencia Orange Regulation 680.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 11, 1981, through September 17, 1981, are established as follows:

(a) District 1: 500,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons.

2. Section 908.979 Valencia Orange Regulation 679 (46 FR 44147), is hereby amended to read:

§ 908.979 Valencia Orange Regulation 679.

* * * * *

(a) District 1: 450,000 cartons;
(b) District 2: 350,000 cartons;
(c) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: September 9, 1981.

D. S. Kuryloski,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–26628 Filed 9–9–81; 11:32 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1446

[Amdt. 2]

Peanuts; General Regulations Governing 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule provides for optional methods for the supervision of contract additional peanuts and provides that Segregation 2 or 3 peanuts containing in excess of 10 percent moisture and/or foreign material may be pledged for loan and stored if the producer has made a bona fide effort to clean and dry such peanuts. The purpose of this rule is to simplify compliance requirements and will result in savings to handlers trading in contract additional peanuts. This rule will also permit Segregations 2 and 3 peanuts to be accumulated by Producer Associations before transferring such peanuts to crushing plants, thus resulting in a savings to Commodity Credit Corporation (CCC).

EFFECTIVE DATE: September 9, 1981.

FOR FURTHER INFORMATION CONTACT: David Kincannon, (202) 447–6734. The Final Regulatory Impact Analysis describing the options considered in developing the final rule and the impact of implementing each option is available upon request.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures and Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "non-major." It has been determined that this rule will not: (1) result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographical region; or (2) have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program that this final rule applies to is: 10.051, as found in the Catalog of Federal Domestic Assistance. This final rule will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local governments are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to this subject matter.

A notice that the Department was preparing to make determininations with respect to these provisions was published in the **Federal Register** on July 9, 1981 [46 FR 35520]. The comment period ended July 28, 1981.

Handler Supervision

Current regulations governing the exportation of contract additional peanuts provided that quota and additional peanuts may be commingled to facilitate efficient usage of storage facilities. Under presently existing procedures, when additional peanuts are removed from storage they must be physically supervised by inspectors of the applicable peanut association with supervision costs borne by handlers. Such peanuts are sealed at receiving plants and an inspector of the peanut association then personally supervises unloading and all milling and in-plant operations. This supervisory procedure eliminates the flexibility necessary for efficient operations, places significant regulatory burdens on all exporting handlers, indirectly reduces grower income, and directly increases costs to consumers.

The procedures described above were instituted in connection with the implementation of Title VIII of the Food and Agriculture Act of 1977, Pub. L. 95–113, 91 Stat. 944. Title VIII establishes a two-tiered system of marketing peanuts. Under that system, which has been in effect since 1978, only "quota peanuts" are eligible for domestic edible use. "Additional peanuts", (i.e., peanuts grown in excess of the farm's poundage quota) may only be used for crushing for oil or for export.

It is essential to the proper operation of this system that additional peanuts be prevented from being diverted to domestic edible use. To this end, Title VIII directed the Secretary to prescribe procedures for supervising the handling of additional peanuts.

The procedures described above were adopted for the 1978 and subsequent crops of peanuts. At that time, given the total lack of experience with a two-tiered marketing system and the very significant possibility of diversion to domestic edible use, it was determined that strict physical supervision of all additional peanuts was necessary.

The Department now has three years of experience in implementing a two-tiered marketing system. In light of this experience and information received from the peanut industry, it was felt that the supervisory procedure could be modified to lessen the regulatory burden on handlers without detracting from the effectiveness of the supervision program. Therefore, in order to eliminate unnecessary supervision, to minimize expenses to handlers of contract additional peanuts, and to lessen the burden of unnecessary regulations, it was proposed to simplify the procedure for the supervision of contract additional peanuts (See 46 FR 35520). It was proposed to: (1) require on-site supervision during the load out process; (2) require on-site supervision at manufacturing plants where peanuts are being processed into products to be exported; and (3) require on-site supervision for the crushing of the shelled and broken kernels from the shelling of contract additional peanuts to be exported and for contract additional peanuts purchased for domestic crushing. It was further proposed to require handlers to furnish at the time of load out (when the dollar value of the peanuts is established) an irrevocable letter of credit in an amount equal to 120 percent of the quota support rate for all additional peanuts in-store. In addition, at time of load out, samples would be graded and screen sizes determined. A net weight of each screen size would be determined and the handler would be required to export the determined quantities by screen size. When peanuts were exported, handlers would be required to furnish proof that the required quantity of peanuts by screen sizes were exported. When the appropriate documenting evidence is received, the letters of credit would be reduced accordingly.

There were 12 responses to this proposal: 2 from sheller organizations, 2 from manufacturers, 1 from a bank, 6 from shellers, and 1 from a growers' group. Eight respondents favored the proposed changes in the supervision requirements for additional peanuts. Most respondents felt that the operation of the price support program would not be adversely affected and that nonphysical supervision would be less costly and reduce the regulatory burden. One respondent, however, stressed the need for a timely accounting of export liability so that the letter of credit may be reduced accordingly, thus reducing the cost to handlers as well as releasing bank funds for other purposes. Four respondents opposed any change in the supervision requirements. The basic objection to the rule change is that it will make more split peanuts available for the domestic markets while reducing the availability of whole kernels in the same market. It was pointed out that the sample of farmer stock peanuts may show different screen sizes than the actual sheller turnout, especially in the Southwest where dryer conditions can cause more split kernels at the time of shelling. If this happened, handlers would have excess split kernels from shelling which would enter the domestic market and would also have to divert whole kernels from the domestic market in order to meet export obligations for whole kernels.

It was also stressed that this proposed rule would cause hardship to shellers who handle only contract additional peanuts for export. If the handler's actual turnout consisted of fewer whole kernels than his export obligation determined from the sample shelling, the handler would be forced to purchase quota whole kernels on the open market in order to meet his export obligation. It was further pointed out that requiring all shellers to change to nonphysical supervision would involve changing the rules just before the harvest season when contracts have already been made with producers for their contract additional peanuts and export obligations have been established. One respondent suggested two alternatives

to the proposal. The first alternate proposal would provide that export obligations be established on the basis of the average outturns for both quota and additional peanuts, that the handler be bonded for compliance, and that handlers show proof of export. This method was not adopted since this would involve a detailed audit of the handler's records and would increase CCC's operating expenses. Also, it was determined that a bond would not provide adequate protection in the event additional peanuts entered the domestic market contrary to the applicable statute and regulations since it has been the Department's experience that recovery on bonds has been administratively difficult. The second suggested alternative was that the proposed method of supervision be adopted as an optional method of supervision, and that a handler be given a choice as to which supervision method he chooses in his plant.

After careful consideraton of the comments submitted, it has been determined that the current method of physical supervision will be retained as one option and the proposed method of nonphysical supervison will be implemented as an alternative option. Handlers will be able to select one of the two options. This will permit shellers in the Southwest who may incur excess split kernels at time of shelling to select physical supervision and ship only the actual outturns from their plants. It will also permit those shellers who only handle contract additional peanuts to ship the peanuts actually milled from the contract additional peanuts. This final rule will, therefore, permit handlers to obtain the benefits of nonphysical supervision if they so desire, while at the same time taking into account the situation of shellers in the Southwest and shellers who handle only contract additional peanuts.

Changes in Loan Eligibility Requirements for Segregation 2 and 3 Peanuts Having in Excess of 10 Percent Moisture and/or Foreign Material

Current regulations provide that Segregation 2 and 3 peanuts containing more than 10 percent moisture and/or foreign material may be pledged as collateral for a price support loan only if such peanuts will not be stored. This eligibility requirement was included in the regulations in order to allow area associations to accept such peanuts in years of extreme quality problems. However, problems have arisen in that in some cases producers have not made an effort to clean and dry such peanuts. This results in peanuts being pledged as collateral for a loan which have excessively high moisture and foreign material content. High moisture peanuts are especially susceptible to deterioration and excess foreign material causes additional expenses in transportation and in crushing. Also, in some cases, peanuts cannot be immediately crushed because of unavailability of crushing facilities, and must be stored for short periods of time.

Therefore, in order to minimize expense to CCC in handling such peanuts and to alleviate the problems described above, it was proposed to amend the regulations to provide that such peanuts can be pledged as collateral for a price support loan provided: (1) the level of moisture does not exceed a level determined appropriate by the Peanut Association; (2) short term temporary storage is available in the area; (3) the local crushing market can crush the peanuts within a reasonable period of time; and (4) the producer has made a bona fide effort to clean and dry the peanuts. This change will not have any impact on the quality control procedures now in effect which prevent low quality or contaminated peanuts from entering the edible market.

There were 9 responses to the proposed change. Seven favored the change and two were opposed. Of the four respondents who were opposed to the proposal, only one specified a reason for his opposition. That respondent felt the limited storage space for farmers stock peanuts would be limited even further by this change. After careful consideration of the comments submitted, the proposed change will be adopted since it will result in a savings to CCC. This provision will not limit storage space, since peanuts will only be stored for short periods of time and only when temporary storage space is available.

Final Rule

Effective for the 1981 and subsequent crops of peanuts, the regulations at 7 CFR Part 1446 are amended as follows:

PART 1446—PEANUTS

1. Section 1446.8 is amended by revising the introductory paragraph and paragraph (b) to read as follows:

§ 1446.8 Compliance by handlers of contract additional peanuts.

All contract additional peanuts acquired by a handler shall be disposed of by domestic crushing or export to an eligible country in accordance with the conditions set forth in these regulations. All handler's records shall be subject to a review by CCC or other representatives of the Secretary to determine compliance with the provision of this subpart. Refusal to make such handler's records available to authorized representatives of the Secretary or the failure of such records submitted to establish such disposition by the handler shall constitute prima facie evidence of noncompliance with this subpart. Reviews shall be made by the Association in accordance with guidelines established by CCC. The Association shall not take any administrative actions concerning program violations prior to notification by the Director, Producer Associations Division, Agricultural Stabilization and Conservation Service (ASCS). Handlers shall have the option, upon prior notification by the handler of the Association, to select one of the two methods of supervision for handling and disposing of contract additional peanuts as provided in §§ 1446.9 and 1446.10. Each handler must select one method of supervision prior to the beginning of processing or loadout of contract additional peanuts and use the method selected to account for the disposition of all contract additional peanuts purchased from producers.

(a) * * *

(b) *Method of determining compliance.*

(1) *Commingled storage.* Handlers may commingle quota loan, quota commercial, additional loan and contract additional peanuts. In such instance, quota loan and additional loan peanuts must be inspected as farmers stock peanuts and settled on a dollar value basis less adjustments for shrinkage except when such peanuts are purchased from the Association for domestic edible and related use on an in-grade, in-weight basis. Contract additional peanuts must be inspected on a farmers stock basis and accounted for on a dollar value basis less a one-time adjustment for shrinkage for each crop equal to 4.0 percent of the dollar value for Virginia type peanuts and 3.5 percent for all other types. However, if the contract additional peanuts are graded out and accounted for prior to February 1, the adjustment shall be 3.5 for Virginia type and 3.0 percent of the dollar value for all other peanuts. Contract additional peanuts shall also be accounted for by screen sizes if the handler elects to use the nonphysical method of supervision.

(2) *Identity preserved storage.* (i) *Physical method of supervision.* Contract additional peanuts stored identity preserved shall be inspected as farmers stock peanuts and settled on a dollar value basis. The handler shall receive, store, and otherwise handle

such peanuts in accordance with good commercial practices.

(ii) *Nonphysical method of supervision.* Contract additional peanuts stored identity preserved shall be inspected as farmers stock peanuts at time of grade out and settled on a dollar value basis less a one time adjustment for shrinkage for each crop equal to 4.0 percent of the dollar value for Virginia type peanuts and 3.5 percent for all other types. However, if the contract additional peanuts are graded out and accounted for prior to February 1, an adjustment shall be made in an amount equal to 3.5 percent for Virginia type and 3.0 percent of the dollar value for all other type peanuts. The handler shall receive, store, and otherwise handle such peanuts in accordance with good commercial practices. Such peanuts shall also be accounted for by screen sizes.

* * * * *

2. Sections 1446.9 through 1446.15 are revised by: (1) redesignating §§ 1446.10 through 1446.15 as §§ 1446.11 through 1446.16 respectively; (2) adding a new § 1446.10 before the subheading "Warehouse Storage Loans"; (3) amending the first paragraph of § 1446.9, and (4) amending § 1446.15(b) (formerly designated § 1446.14(b)), to read as follows:

§ 1446.9 Physical supervision and handling of contract additional peanuts.

The Association shall conduct onsite supervision of domestic handling of contract additional peanuts including storing, shelling, crushing, cleaning, weighing, and shipping. By selecting the option of physical supervision as provided in this section, the handler agrees that all of the handler's contract additional peanuts will be handled and accounted for under the provisions of this section.

* * * * *

§ 1446.10 Nonphysical supervision and handling of contractor additional peanuts.

The Association shall conduct onsite loadout supervision to ensure that all contract additional peanuts are identified and dollar value and screen sizes determined and such other supervision of domestic handling of contract additional peanuts to the extent necessary to ensure that such peanuts are exported or crushed in accordance with these regulations. By selecting the option of nonphysical supervision as provided in this section, the handler agrees that all of the handler's contract additional peanuts will be handled and accounted for under the provisions of this section.

(a) *Access of facilities.* The handler, by entering into contracts to receive contract additional peanuts, agrees that authorized representative(s) of CCC and the Association:

(1) May enter and remain upon any of the premises when such peanuts are loaded out, weighed, graded and sized as farmers stock contract additional peanuts.

(2) May, if determined necessary by CCC or the Association inspect the premises, facilities, operations, books, and records to determine that such peanuts have been handled in accordance with these regulations.

(3) May supervise the transition from positive lot shelled peanuts to the processing line of the manufacturing plants at which the peanuts will be made into peanut products when such peanuts or peanut products are to be exported as contract additional peanuts.

(4) May supervise and inspect nonedible quality peanuts crushed or exported for crushing.

(b) *Notifying the Association.* The handler (or cleaner, sheller, or processor under contract with the handler) shall notify the Association of the time when dollar value and screen size determinations will begin on farmers stock contract additional peanuts and the approximate period of time required to complete the operation. When a plant is not currently under supervision, the handler shall give at least five working days advance notice to the Association so that supervision can be arranged.

(c) *Special sizing requirements.* The handler shall load out, weigh, grade, and account for all contract additional peanuts on a dollar value basis. A representative sample of peanuts loaded out as contract additional peanuts, from either commingled storaged or identity preserved storage, shall be taken by a Federal or State Inspector during the load out process when dollar value is being determined. The sample shall be graded and the kernels shall be sized to determine the percentages of kernels which ride specified screen sizes. The net weight of each screen size for such peanuts shall be determined by CCC or the Association and the handler shall be obligated to export or crush the determined quantities by screen size in addition to compliance requirements set forth in § 1446.8.

(d) *Furnishing irrevocable letters of credit.* Immediately after dollar value has been determined, the handler shall furnish the Association an irrevocable letter of credit in an amount equal to 120 percent of the quota support value for all contract additional peanuts loaded out. The handler shall not shell or otherwise process any contract additional peanuts until the Association notifies the handler that the letter of credit has been received and accepted. Such a letter of credit shall be issued in a form and by a bank acceptable to CCC. Credit may be given and the letter of credit reduced accordingly for an equivalent quantity of quota peanuts of the same crop, type, area and screen size which have been exported prior to the determination of a handler's contract additional export obligation. The handler shall deliver to the Association satisfactory evidence that such peanuts have been exported in accordance with these regulations. As contract additional peanuts are exported, the handler shall submit to the Association satisfactory documentation as required herein, and upon receipt of such documentation, the letter of credit will be reduced accordingly. Such evidence must be submitted not later than 30 days after the final date for exportation. If satisfactory evidence is not submitted by such date, the Association will draw against the letter of credit the full amount of the marketing penalty applicable to the quantity of peanuts which were not exported.

(e) *Processing.* Shelled peanuts which will be exported as contract additional peanuts, or quota peanuts which will be exported as replacements, shall be identified with positive lot identity tags and shall include shelled screen sizes applicable to the lot and recorded on the inspectors sizing worksheet. In order to be eligible for export credit, positive lot identity must be maintained except as authorized by the Association when peanuts are transported and stored domestically.

(f) *Expense charged to handlers.* All supervision costs shall be borne by handlers.

(g) *Domestic sale or transfer*—(1) *Farmers stock.* The handler must submit contracts covering any domestic sale, transfer, or other disposition of farmers stock contract additional peanuts to the Association and obtain written approval prior to any physical movement of the peanuts from the buying point. Approval of such contracts may be made before or after delivery by the producer. Approval of any domestic sale, transfer, or other disposition may be made only if the person to whom the peanuts are sold, transferred, or disposed of agrees in writing to handle and crush, or export, such peanuts as raw peanuts or peanut products in accordance with the terms and conditions of these regulations.

(2) *Milled peanuts.* The handler must submit contracts covering any domestic sale, transfer, or other disposition of milled contract additional peanuts to the

Association and obtain approval prior to any physical movement of the peanuts. Approval of any domestic sale, transfer, or other disposition may be made only if the person to whom the peanuts are sold, transferred, or disposed of agrees, in writing, to handle and crush, or export, such peanuts in accordance with the terms and conditions of these regulations.

(h) *Disposal of contract additional peanuts.* Contract additional peanuts may be disposed of by domestic crushing or by exportation to an eligible country as follows:

(1) All kernels may be crushed domestically; or

(2) All kernels may be exported for crushing, if fragmented; or

(3) All kernels that are graded to meet the edible export standards may be exported and the remaining kernels:

(i) Crushed domestically; or

(ii) Exported for crushing if peanuts are fragmented; or

(4) All of the peanuts may be exported as farmers stock peanuts; or

(5) Peanuts may be exported as peanut products if such peanuts meet edible export standards; or

(6) Peanuts may be exported as milled or inshell peanuts.

(i) *Disposal of Meal contaminated by aflatoxin.* All meal produced from peanuts which are crushed domestically and found to be unsuitable for use as feed because of contamination by aflatoxin shall be disposed of for nonfeed purposes only. If the meal is exported, the export bill of lading shall reflect the analysis of the lot by inclusion thereon of the following statement: "This shipment consists of lots of meal which contain aflatoxin ranging from —— to —— PPB and averaging —— PPB."

(j) *Final dates for scheduling supervision.* Contract additional peanuts shall be scheduled for supervision by the Association during the normal marketing period but not later than July 31 following the calendar year in which the crop is grown unless prior approval of a later date is granted by the Association.

(k) *Export provisions.* (1) *General.* Exports to certain countries are regulated by U.S. Department of Commerce regulations and require a validated export license. Additional information concerning the regulations may be obtained from the Bureau of International Commerce or from the field office of the Department of Commerce.

(2) *Export to a U.S. Government agency.* Except for the export of raw peanuts to the military exchange services for processing outside the United States, export of peanuts in any form by or to a United States government agency shall not be considered exportation to an eligible country. However, sales to a foreign government which are financed with funds made available by a United States agency such as the Agency for International Development are not considered sales to a United States government agency: *Provided,* The peanuts were not purchased by the foreign buyer for transfer to a United States agency.

(3) *Exportation of contract additional peanuts.* All contract additional peanuts which are not crushed domestically and which are eligible for export shall be exported to an eligible country as peanuts or peanut products.

(4) *Reentry Transshipment and Liquidated Damages*—(i) *Reentry Transshipment.* Peanuts and peanut products exported shall not be reentered by anyone into the United States in any form or product and shall not be caused by the handler to be diverted or transshipped to other than an eligible country, in any form or product, and if they are reentered, the handler shall be subject to liquidated damages as specified in subparagraph (4)(ii) of this paragraph.

(ii) *Liquidated Damages.* The handler, by entering into contracts to receive contract additional peanuts, agrees that CCC will incur serious and substantial damages to its program to support the price of quota peanuts if contract additional peanuts are exported and later are reentered into the United States or diverted or transshipped to other than an eligible country in any form or product; that the amount of such damages will be difficult, if not impossible, to ascertain exactly; and that the handler shall, with respect to any peanuts or peanut products reentered into the United States or diverted or transshipped to other than an eligible country, pay to CCC, as liquidated damages and not as a penalty, ten cents ($.10) per net pound for such peanuts or peanut products. It is agreed that such liquidated damages are a reasonable estimate of the probable actual damages which CCC would suffer because of such reentry, diversion, or transshippment.

(5) *Evidence of Export.* The handler shall furnish the Association with the following documentary evidence of exportation of peanuts or peanut products not later than 30 days after the date of exportation as provided in § 1446.8(c).

(i) *Export by water.* A nonnegotiable copy of an onboard ocean bill of lading, signed, on behalf of the carrier, showing the date and place of loading onboard vessel, the weight of the peanuts, peanut meal, or products exported, the name of the vessel, the name and address of the exported, and the country of destination. In addition, a copy of the FVQ–184 and a copy of the inspectors special sizing notesheet for each lot shall be furnished. Peanut meal which is unsuitable for use as feed because of contamination by aflatoxin shall be identified on the bill of lading in accordance with this section.

(ii) *Export by rail or truck.* A copy of the bill of lading (showing the weight of the peanuts, weight of the peanut meal, or products exported, supplemented by a copy of Shipper's Export Declaration or other documentation acceptable to the Association). In addition, a copy of the FVQ–184 and a copy of the inspectors special sizing notesheet for each lot shall be furnished. Peanut meal which is unsuitable for feed use because of contamination by aflatoxin shall be identified on the bill of lading in accordance with this section.

(iii) *Export by air.* A copy of the Airway Bill (showing weight of peanuts, weight of peanut meal or products exported, consignee and shipper) and other documentation acceptable to the Association. In addition, a copy of the FVQ–184 and a copy of the inspectors special sizing notesheet shall be furnished.

(iv) *Certified statement.* A statement signed by the handler specifying the name and address of the consignee and the applicable Bureau license number if exporations have been made to one or more of the countries or areas for which a validated license is required under regulations issued by the Bureau of International Commerce, U.S. Department of Commerce.

(6) *Penalties.* Failure to dispose of contract additional peanuts acquired by a handler for domestic crushing or export by the final date for exportation, failure to obtain supervision from the Association, or failure to properly handle contract additional peanuts by the handler shall constitute noncompliance with the provisions of this subpart. In such case, the handler will be obligated to pay a penalty equal to 120 percent of the basic quota support rate on the quantity of the additional peanuts which have not been crushed, exported, supervised, and/or properly handled. Such penalty may be reduced as provided in §§ 1446.8(d) and 1446.8(e).

§ 1446.15 Eligible peanuts.

* * * * *

(b) *Additional support.* Peanuts eligible for additional support are peanuts which meet the following requirements. The peanuts:

(1) Must contain not more than 10 percent moisture;

(2) Must contain not more than 10 percent foreign material, except that such peanuts may contain more foreign material if the handler agrees to purchase such peanuts for domestic edible use as provided in the first sentence of § 1446.7 of these regulations;

(3) If graded Segregation 2 or 3 and contain more than 10 percent moisture and/or foreign material must meet the following criteria: (i) the level of mositure does not exceed a level determined appropriate by the Association; (ii) short term temporary storage is available in the area, as determined by the Association; (iii) the local crushing market for peanuts can crush the peanuts within a reasonable time, as determined by the Association; and (iv) the producer has made a bona fide effort, as determined by the Association, to clean and dry such peanuts prior to offering for loan;

(4) Must be free and clear of all liens and encumbrances, including landlord's lien, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained;

(5) If delivered to the Association in bags in the Southwestern area, must be in new or thoroughly cleaned used bags which are made of material other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, which are free from holes, which are finished at the top with either the selvage edge of the material, binding, or a hem, and which are uniform in size with approximately 2 bushel capacity;

(6) Must not have been produced on land owned by the Federal Government if such land is occupied without a lease permit or other right of possession; and

(7) Must have been inspected as farmers stock peanuts and have an official grade determined by an inspector.

In addition to the above requirements, the beneficial interest in the peanuts must be in the producer who delivers them to the Association and must always have been in such producer or a former producer whom such producer succeeded before the peanuts were harvested. In order to meet the requirements of succession, the rights, responsibilities, and interest of the former producer with respect to the farm on which the peanuts were produced shall have been substantially assumed by the person claiming succession. Mere purchase of a crop prior to harvest, without acquisition of any additional interest in the farm on which the peanuts were produced, shall not consitute succession. Any producer in doubt as to whether such interest in the peanuts complies with the requirements of this section should, before applying for price support, make available to the appropriate county Agricultural Stablization and Conservation (ASC) committee all pertinent information which will permit a determination with respect to succession to be made by CCC. Also, if the peanuts are produced on acreage in excess of the effective farm allotment, the marketing penalty with respect to such peanuts must have been collected in accordance with Part 729 of this title.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421); sec. 359, 52 Stat. 31, as amended (7 U.S.C. 1359); and sec. 359, 93 Stat. 81 (7 U.S.C. 1359 note)).

Signed at Washington, D.C., on September 4, 1981.

C. Hoke Leggett,

Executive Vice President, Commodity Credit Corporation.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 108, 207, and 209

Aliens and Nationality; Refugee and Asylum Procedures

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the Service's interim and related regulations relating to refugee and asylum procedures which were published in the Federal Register on June 2, 1980 and effective June 1, 1980. After considering constructive public comments and experience with implementing the refugee and asylum procedures during the interim period, the Service is publishing final rules which efficiently implement the provisions of the Refugee Act of 1980.

EFFECTIVE DATE: October 12, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information—Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C., 20536, Telephone: (202) 633-3048.

For specific information—John L. Rebsamen, Director Refugee and Parole Staff Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C., 20536, Telephone: (202) 633-2361.

SUPPLEMENTARY INFORMATION:

General

On June 2, 1980, at 45 FR 37393, the Service published interim regulations, effective June 1, 1980, to implement Title II of the Refugee Act of 1980, Pub. L. 96-212, 94 Stat 102. The Refugee Act of 1980 is a major departure from prior legislation which provided relief for refugees. The Act establishes a permanent and systematic procedure for meeting the humanitarian needs of refugees and those seeking asylum in the United States. Prior statutory provisions have proven to be inadequate because of the lack of uniformity in treating refugees from different parts of the world.

The regulations accomplish the following specific objectives: Determine who qualifies as a refugee; establish procedures for inspecting and examining refugees; provide for waiver of certain exclusionary grounds for admittance; provide for termination of status of those who no longer qualify as refugees; and provide for the admittance of refugees subject to numerical limitations.

Admission of Refugees

The regulations on the admission of refugees are contained in 8 CFR Part 207. Any alien who believes he/she is eligible for admission to the United States as a refugee, and who is within one of the groups designated by the President to be of special humanitarian concern, may apply overseas to the Immigration & Naturalization Service officer in charge of the area in which the alien is located, or if remote from established Immigration & Naturalization Service offices, may apply preliminarily to the nearest designated American consular officer, pending an interview by an Immigration & Naturalization Service officer to determine eligibility. Any alien who is firmly resettled in a third country is not eligible for admission as a refugee. If an applicant is qualified for admission to the United States as an immediate relative of a United States citizen or a special immigrant, he/she will not be processed for admission as a refugee unless to do so would be in the public interest. If it appears that the applicant could be admitted to the United States

as an immigrant other than as an immediate relative, and if a visa is immediately available, he/she will be advised but not required to seek admission by that other process.

The applicant, unless under 14 years of age, must appear in person for questioning before an Immigration & Naturalization Service officer, or other designated officer, and all applicants must submit to medical examinations. In addition, a sponsorship agreement in behalf of the alien executed by an acceptable party, and an assurance of transportation to the U.S. destination, must be obtained before refugee status is granted. If the alien needs a waiver of inadmissibility, an application may be made to the Immigration & Naturalization Service officer in charge having jurisdiction over the area where the alien is located. No appeal is provided for a denial of eligibility under section 207(c) of the Act. Waiting lists will be maintained according to the date applications are received. The Attorney General, however, may select refugees for admission from these lists in other than chronological order for reasons which best support the policies and interests of the United States. Each time refugee status is approved, a number will be deducted from the number authorized by the President for the particular group. The approval of an application for admission as a refugee is valid for four months from date of approval, which is considered to be the date the alien is given final clearances by U.S. officials to travel to the United States.

Adjustment to Permanent Resident

Section 209 contains the procedures for adjustment to lawful permanent resident alien status by refugees and asylees. Notice will be sent to all refugees after one year to report for an interview. If the refugee is admissible, he/she will be adjusted to lawful permanent resident status at that time. An alien who has been granted asylum, and continues to remain eligible for asylum status may be adjusted to permanent resident status if the alien is otherwise admissible and there is a refugee number available. Under the Refugee Act, up to 5,000 numbers per year may be made available for adjusting asylees. A denial of adjustment may not be appealed; however, the application may be renewed in deportation or exclusion proceedings before an immigration judge. Pending applications for adjustment by aliens who were eligible under the provision to section 203(a)(7) will be considered for adjustment as asylees.

Part and Section Analyses

The following section by section analyses are based upon the public comments received during the 60 day comment period following publication of the interim regulations on June 2, 1980, and on the Service's experience during this period:

Part 108—Asylum

The former Part 108—Asylum, is revoked by this order. With the enactment of the Refugee Act of 1980, the former regulations under Part 108 are no longer applicable.

Part 207—Admission of Refugees

This Part revises the former Part 207 published as an interim regulation. The revision is the result of evaluating public comments received, and the Service's experience in working with the interim regulations. One commenter believed that under § 207.1(d), a refugee should be able to apply for one or more classifications for benefits and still be processed as a refugee. The final rule provides that if an immigrant visa is immediately available to an alien, this avenue shall be used for entry in order to save the refugee numbers available for those refugees who are ineligible for any other benefits under the Act.

Another commenter suggested clarifying the language in § 207.1(e) from "* * * if not otherwise entitled to admission * * *" to "* * * if not an immediate relative or special immigrant * * *". We believe no change is necessary. The wording in the final rule accurately paraphrases the language in section 207(c)(2) of the Act and immediate relatives and special immigrants are fully considered under § 207.1(d).

Another commenter suggested that resettlement and sponsorship were more relevant to the admission rather than the status of a refugee. Under section 207(c) of the Act, a refugee must qualify for admission before being processed for entry to the United States. Once determined to be admissible, the mechanics of refugee processing follow sequentially. The process needs to be viewed in its entirety rather than as separate issues as suggested by the commenter.

Another suggested that the hearing required under § 207.2 should be waived in special circumstances. Applicants under 14 years of age already are exempt from the hearing requirement and, further exemptions, particularly for adult applicants, defeat the orderly screening of refugees which is essential for control purposes.

There were several comments to eliminate the sponsorship and assurances required by § 207.2 regarding employment, housing, and transportation for the refugees. It would be improper for the United States to allow refugees to enter this country without providing an orderly program under which these refugees would be assured transportation to their destination, housing, and assistance in this country. Subsection 207.2(d) of the final rule now expands sponsorship to organizations as well as to individuals. Concern was expressed for obtaining housing and employment assurances in those areas where there were no voluntary agencies to assist the refugees in resettling. The Service encourages voluntary agencies to participate in refugee programs and efforts will be made to place refugee applicants in contact with interested assistance groups. Also, under Title IV of the Refugee Act, the Director of the Office of Refugee Resettlement is authorized funds for social services for refugees.

A group representative stated that priority for admission should be based on "family reunification and humanitarian considerations such as immediate danger to the security and/or health of the applicants". The group is strongly opposed to the use of "close association with the United States", or "public interest" as grounds for "preferential treatment". The representative did not specify why consideration of the "public interest" should not be part of the criteria for selection. These refugees may be subject to some degree of danger to their health and security. The criteria of "close association" and "public interest" are considered appropriate as a means to fulfill national policies and commitments under the Act.

Several commenters suggested changing § 207.6 regarding the control of approved refugee numbers. One suggested that the number not be deducted until the refugee actually arrives in the United States; this could result in a refugee arriving at the port of entry without a number being available. The present rule provides for more orderly control of the numbers and the flow of refugees. Another commenter suggested that accounting control track both approvals and denials. Section 207 of the Act requires only that the number of refugees who enter the United States within a given period be limited. The Act does not require an accounting for refugee applications denied.

Part 209—Adjustment of Status of Refugees and Aliens Granted Asylum

Some commenters stated that the annual interview of the asylee should be waived unless termination of asylum status was contemplated by the Service. They also questioned the statutory authority of the Service to limit the approval of asylum status to one year. Subsection 209(b) of the Act requires the Service to promulgate regulations to inspect and examine every alien granted asylum who has been physically present in the United States for at least one year, and who has not acquired permanent resident status. The purpose of the Refugee Act, clearly stated in Title I, is to provide a permanent and systematic procedure for the admission to this country of refugees and to provide for effective resettlement and absorption of those who are admitted.

This final order is not a major rule within the definition of subsection 1(b) of E.O. 12291. The order makes technical revisions to interim regulations which have been in effect since June 1, 1980.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that promulgation of this final rule will not have a significant economic impact on a substantial number of small entities because the rule is substantially a technical revision of existing interim regulations and does not add an additional burden.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 108—ASYLUM [REMOVED]

1. 8 CFR Part 108—Asylum is revoked and removed in its entirety.

2. 8 CFR Part 207—Admission of Refugees is revised to read as follows:

PART 207—ADMISSION OF REFUGEES

Secs.

207.1 Eligibility.
207.2 Applicant processing.
207.3 Inadmissible applicant.
207.4 Approved application.
207.5 Waiting lists and priority handling.
207.6 Control over approved refugee numbers.
207.7 Physical presence in the United States.
207.8 Termination of refugee status.

Authority: Secs. 101, 103, 201, 207, 209, and 212; (8 U.S.C. 1101, 1103, 1151, 1157, 1159, and 1182)

§ 207.1 Eligibility.

(a) *Presidential designation.* Before the beginning of each fiscal year the President determines (after appropriate consultation) the number and allocation of refugees who are of special humanitarian concern to the United States and who are to be admitted during the succeeding twelve months. Any alien who believes he/she is a "refugee" as defined in section 101(a)(42) of the Act, and is included in a refugee group of special humanitarian concern as designated by the President, may apply for admission to the United States by filing Form I–590 (Registration for Classification as Refugee) with the overseas Immigration and Naturalization Service's officer in charge responsible for the area where the applicant is located. In those areas too distant from an officer in charge, making direct filing impracticable, the Form I–590 may be filed preliminarily at a designated consular office.

(b) *Firmly resettled.* A refugee is considered to be "firmly resettled" if he/she has been offered resident status, citizenship, or some other type of permanent resettlement by a country other than the United States and has travelled to and entered that country as a consequence of his/her flight from persecution. Any applicant who has become firmly resettled in a foreign country is not eligible for refugee status under this chapter.

(c) *Not firmly resettled.* Any applicant who claims not to be firmly resettled in a foreign country must establish that the conditions of his/her residence in that country are so restrictive as to deny resettlement. In determining whether or not an applicant is firmly resettled in a foreign country, the officer reviewing the matter shall consider the conditions under which other residents of the country live: (1) Whether permanent or temporary housing is available to the refugee in the foreign country; (2) nature of employment available to the refugee in the foreign country; and (3) other benefits offered or denied to the refugee by the foreign country which are available to other residents, such as (i) right to property ownership, (ii) travel documentation, (iii) education, (iv) public welfare, and (v) citizenship.

(d) *Immediate relatives and special immigrants.* Any applicant for refugee status who qualifies as an immediate relative or as a special immigrant shall not be processed as a refugee unless it is in the public interest. The alien shall be advised to obtain an immediate relative or special immigrant visa and shall be provided with the proper petition forms to send to any prospective petitioners. An applicant who may be eligible for classification under sections 203(a)(1), (2), (3), (4), (5), (6), or (7) of the Act, and for whom a visa number is now available, shall be advised of such eligibility but is not required to apply.

(e) *Spouse and children.* The spouse of child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E) of the Act) of any refugee who qualifies for admission, shall if not otherwise entitled to admission and if not a person described in the second sentence of section 101(a)(42) of the Act, be entitled to the same status as such refugee if accompanying, or following to join such refugee. His/her entry shall be charged against the numerical limitation under which the refugee's entry is charged.

§ 207.2 Applicant processing.

(a) *Forms.* Each applicant who seeks admission as a refugee shall submit an individual Form I–590 (Registration for Classification as Refugee). Additionally, each applicant 14 years old or older must submit completed forms G–325C (Biographical Information) and FD–258 (Applicant Card).

(b) *Hearing.* Each applicant 14 years old or older shall appear in person before an immigration officer for inquiry under oath to determine his/her eligibility for admission as a refugee.

(c) *Medical examination.* Each applicant shall submit to a medical examination as required by sections 221(d) and 234 of the Act.

(d) *Sponsorship.* Each applicant must be sponsored by a responsible person or organization. Transportation for the applicant from his/her present abode to the place of resettlement in the United States must be guaranteed by the sponsor. The application for refugee status will not be approved until the Service receives an acceptable sponsorship agreement and guaranty of transportation in behalf of the applicant.

§ 207.3 Inadmissible applicant.

(a) *Statutory exclusion.* An applicant within the class of aliens excluded from admission to the United States under paragraphs (27), (29), (33), or so much of paragraph (23) as it relates to trafficking in narcotics of section 212(a) of the Act, shall not be admitted as a refugee under section 207 of the Act. However, an applicant seeking refugee status under section 207 is exempt by statute from the exclusionary provisions of paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Act and a waiver of exclusion is not required.

(b) *Waiver of exclusion.* Except for the exclusionary and statutory exemption provisions noted in § 207.3(a) any other exclusionary provisions of section 212(a) of the Act may be waived for humanitarian purposes, to assure family unity, or when it is in the public interest. This authority is delegated to officers in charge who shall initiate the

necessary investigations to establish the facts in each waiver application pending before them. Form I–602 (Application by Refugee for Waiver of Grounds of Excludability) may be filed with the officer in charge before whom the applicant's Form I–590 is pending. The burden is upon the applicant to show that the waiver should be granted based upon: (1) Humanitarian purposes, (2) family unity, or (3) public interest. The applicant shall be notified in writing regarding the application for waiver, including the reason for denial if the application is denied. There is no appeal from a waiver denial under this chapter.

§ 207.4 Approved application.

Approval of Form I–590 by an officer in charge outside the United States authorizes the district director of the port of entry in the United States to admit the applicant conditionally as a refugee upon arrival at the port within four months of the date the Form I–590 was approved. There is no appeal from a denial of refugee status under this chapter.

§ 207.5 Waiting lists and priority of handling.

Waiting lists are maintained for each designated refugee group of special humanitarian concern. Each applicant whose application is accepted for filing by the Immigration and Naturalization Service shall be registered as of the date of filing. The date of filing is the priority date for purposes of case control. Refugees or groups of refugees may be selected from these lists in a manner that will best support the policies and interests of the United States. The Attorney General may adopt appropriate criteria for selecting the refugees and assignment of processing priorities for each designated group based upon such considerations as: Reuniting families, close association with the United States, compelling humanitarian concerns, and public interest factors.

§ 207.6 Control over approved refugee numbers.

Current numerical accounting of approved refugees is maintained for each special group designated by the President. As refugee status is authorized for each applicant, the total count is reduced correspondingly from the appropriate group so that information is readily available to indicate how many refugee numbers remain available for issuance.

§ 207.7 Physical presence in the United States.

For the purpose of adjustment of status under section 209(a)(1) of the Act, the required one year physical presence of the applicant in the United States is computed from the date the applicant entered the United States as a refugee.

§ 207.8 Termination of refugee status.

The refugee status of any alien (and of the spouse or child of the alien) admitted to the United States under section 207 of the Act shall be terminated by any district director in whose district the alien is found if the alien was not a refugee within the meaning of section 101(a)(42) of the Act at the time of admission. The district director shall notify the alien in writing of the Service's intent to terminate the alien's refugee status. The alien shall have 30 days from the date notice is served upon him/her or, delivered to his/her last known address, to present written or oral evidence to show why the alien's refugee status should not be terminated. There is no appeal under this chapter from the termination of refugee status by the district director. Upon termination of refugee status, the district director shall process the alien under sections 235, 236, and 237 of the Act.

3. 8 CFR Part 209—Adjustment of Status of Refugees and Aliens Granted Asylum is revised to read as follows:

PART 209—ADJUSTMENT OF STATUS OF REFUGEES AND ALIENS GRANTED ASYLUM

Secs.

209.1 Admission for permanent residence after one year.

209.2 Adjustment of alien granted asylum.

Authority: Secs. 101, 103, 207, and 209; 94 Stat. 105; (8 U.S.C. 1101, 1103, and 1159).

§ 209.1 Admission as permanent resident after one year.

(a) *Eligibility.* (1) Every alien in the United States as a refugee under section 207 of this chapter whose status has not been terminated, is required to appear before an immigration officer one year after entry to determine his/her admissibility under sections 235, 236, and 237 of the Act. The applicant shall be examined under oath to determine admissibility. If the applicant is found to be admissible, he/she shall be inspected and admitted for lawful permanent residence as of the date of the alien's arrival in the United States. If the applicant is determined to be inadmissible, he/she shall be informed that he/she may renew the request for admission to the United States as an immigrant in exclusion proceedings under section 236 of the Act. The provisions of this section shall provide the sole and exclusive procedure for adjustment of status by a refugee admitted under section 207 of the Act, whose application is based on his/her refugee status.

(2) Every alien processed by the Immigration and Naturalization Service abroad and paroled into the United States as a refugee after April 1, 1980, and before May 18, 1980 shall be considered as having entered the United States as a refugee under section 207(a) of the Act.

(b) *Processing Application.* One year after arrival in the United States, every refugee entrant shall be notified to appear for examination before an immigration officer. Each applicant shall be examined under oath to determine eligibility for permanent residence. If the refugee entrant has been physically present in the United States for at least one year, forms FD–258 (Applicant Card) and G–325A (Biographical Information) will be processed. Unless there were medical grounds for exclusion at the time of arrival, a United States Public Health Service medical examination is not required. If the alien is found admissible after inspection under section 209(a) of the Act, he/she shall be processed for issuance of Form I–551 (Alien Registration Receipt Card).

§ 209.2 Adjustment of status of alien granted asylum.

(a) *Eligibility.* The status of any alien who has been granted asylum in the United States may be adjusted by the district director to that of an alien lawfully admitted for permanent residence, provided the alien: (1) Applies for such adjustment; (2) has been physically present in the United States for at least one year after having been granted asylum; (3) continues to be a refugee within the meaning of section 101(a)(42) of the Act, or the spouse or child of a refugee; (4) has not been firmly resettled in any foreign country; (5) is admissible to the United States as an immigrant under the Act at the time of examination for adjustment without regard to paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Act, and; (6) has a refugee number available under section 207(a) of the Act. If the application for adjustment filed under this part exceeds the refugee numbers available under Section 207(a) of the Act for the fiscal year, a waiting list will be established on a priority basis by the date the application was properly filed. The provisions of this section shall provide the sole and exlusive procedure for adjustment of status by an asylee admitted under section 208 of the Act whose application is based on his/her asylee status.

(b) *Inadmissible Alien.* An applicant who is inadmissible to the United States under section 212(a) of the Act, may, under section 209(c) of the Act, have the grounds of inadmissibility waived by the district director (except for those grounds under paragraphs (27), (29), (33), and so much of (23) as relates to trafficking in narcotics) for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. An application for the waiver may be filed on Form I–602 (Application by Refugee for Waiver of Grounds of Excludability) with the application for adjustment. An applicant for adjustment who has had the status of an exchange alien nonimmigrant under section 101(a)(15)(J) of the Act, and who became subject to the foreign resident requirement of section 212(e) of the Act, shall be eligible for adjustment without regard to the foreign residence requirement.

(c) *Application.* An application without fee for the benefits of section 209(b) of the Act may be filed on Form I–485 (Application for Status as Permanent Resident) with the district director having jurisdiction over the applicant's place of residence. A separate application must be filed by each alien, and if the alien is 14 years or older it must be accompanied by a completed Form G–325A (Biographical Information) and Form FD–258 (Applicant Card). The application must be supported by evidence that the applicant has been granted asylum and has thereafter been physically present in the United States for at least one year. After an alien has been served with an order to show cause or placed under exclusion proceedings, the application can be filed and considered only in proceedings under Section 242 or 236 of the Act.

(d) *Medical Examination.* Upon acceptance of the application, the applicant shall submit to an examination by a selected civil surgeon as required by section 221(d) and 234 of the Act. The report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record.

(e) *Interview.* Each applicant for adjustment of status under this part shall be interviewed by an immigration officer. The interview may be waived for a child under 14 years of age.

(f) *Decision.* The applicant shall be notified of the decision, and if the application is denied, of the reasons for denial. No appeal shall lie from the denial of an application by the district director but such denial will be without prejudice to the alien's right to renew the application in proceedings under Parts 242 and 236 of this chapter. If the application is approved, the district director shall record the alien's admission for lawful permanent residence as of the date one year before the date of the approval of the application.

Dated: August 26, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81–26342 Filed 9–9–81; 8:45 am]

BILLING CODE 4410–10–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 556

Statement of Policy Regarding Supervisory Mergers and Acquisitions

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

Dated: September 3, 1981.

SUMMARY: The Federal Home Loan Bank Board has amended its regulations to clarify its policy regarding branch applications by Federal savings and loan associations that have established an interstate branch office through supervisory merger, consolidation, or purchase of assets.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett, Attorney, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. (Telephone: (202) 377–6445).

SUPPLEMENTARY INFORMATION: On March 23, 1981 (Board Resolution No. 81–157; 46 FR 19221, March 30, 1981), the Board amended its policy statement on branching (12 CFR 556.5) to clarify that the Board may approve a merger, consolidation, or purchase of assets involving a Federal association that would not otherwise be permissible under the general rule permitting Federal associations to operate branch offices only in the state in which the association's home office is located. Such approval would be given if: (1) The proposed acquisition would be effected pursuant to a plan to prevent the failure of an institution insured by the FSLIC, (2) the Board determined that the insurance liability or risk of the FSLIC would be reduced as a result of the proposed acquisition, and (3) the Board determined that the insurance liability or risk of the FSLIC resulting from the proposed acquisition transaction would be substantially less than the liability or risk that would result from otherwise equally desirable acquisition alternatives, if any, that would not result in interstate branch operations.

By its action today, the Board is amending the policy statement on branching to provide that an institution, that has established a branch office in a state other than the state in which its home office is located through supervisory action by the FSLIC, may establish additional branch offices in that state with Board approval. It should be noted that the amendment provides an exception to the general rule only in the specified types of supervisory case and does not alter the Board's policy regarding interstate branching in non-supervisory contexts or the preference for intrastate supervisory mergers and acquisitions.

The Board finds that observance of the notice and comment period of 12 CFR 508.12 and 5 U.S.C. 553(b) and the 30-day delay of effective date of 12 CFR 508.14 and 5 U.S.C. 553(d) would be contrary to the public interest. An immediate effective date is necessary to clarify Board policy and facilitate the operations of the FSLIC in this area.

Accordingly, the Board hereby amends Part 556, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

Subchapter C—Federal Savings and Loan System

PART 556—STATEMENTS OF POLICY

Amend subparagraph (a)(3) of § 556.5 by adding a new subparagraph (a)(3)(iii), to read as follows:

§ 556.5 Establishment of branch offices.

(a) * * *

(3)(i) The Board generally will approve the establishment of a branch only in the state in which the home office is located.

(ii)(*a*) Notwithstanding the preceding paragraph (a)(3)(i), the Board may approve the establishment of a branch office in a state other than the state in which the home office is located, provided that:

(*1*) the establishment of the branch office will be achieved by acquiring assets of another institution, by merger or otherwise, pursuant to an action by the Federal Savings and Loan Insurance Corporation to prevent the failure of the other institution.

(*2*) the Board determines that the insurance liability or risk of the Federal Savings and Loan Insurance Corporation will be reduced as a result of maintaining the branch office, and

(*3*) if any otherwise equally desirable acquisition alternative that could be approved in accordance with

subparagraph (3)(i) of this section has been submitted, the Board determines that the insurance liability or risk of the FSLIC resulting from the proposed interstate acquisition transaction will be substantially less than the liability or risk that would result from such other acquisition alternative.

(*b*) In reviewing acquisition alternatives submitted for consideration in accordance with this subparagraph (3)(ii), the board will give preference to a particular alternative on the basis that a home office or an operating branch office of an association that will be a party to the proposed acquisition is located in the same Standard Metropolitan Statistical Area or locality as a home office or an operating branch office of the other association or each of the other associations that will be parties to the acquisition.

(iii) Notwithstanding paragraph (a)(3)(i) of this section, the Board may approve the establishment of a branch office in any state in which the applicant has established a branch office pursuant to the conditions set forth in paragraph (a)(3)(ii)(a)(1) of this section.

* * * * *

(12 U.S.C. 1464, 1729; Reorg. Plan No. 3 of 1947, 172 FR 4891, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–26447 Filed 9–9–81; 8:45 am]

BILLING CODE 6720–01–M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

Qualified Tax-Exempt Savings Certificates; Interest on Deposits

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rules.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has established a new category of time deposit in order to permit depositors to take advantage of the Federal income tax benefits applicable to interest earned on qualified tax-exempt savings certificates, the so-called All-Savers Certificates ("ASCs"), and in order to help depository institutions reduce their costs of funds and increase their deposit flows. The Economic Recovery Tax Act of 1981 ("Tax Act"), with certain restrictions, authorizes a maximum lifetime exclusion of $1,000 ($2,000 in the case of a joint return) from gross income for interest earned on ASCs, which (1) are issued from October 1, 1981 through December 31, 1982, (2) have a maturity of one year, (3) are available in denominations of $500 and any other denomination determined by the depository institution and (4) have an annual investment yield equal to 70 percent of the average investment yield for the most recent auction of 52-week U.S. Treasury bills prior to the calendar week in which the ASCs are issued. The Committee also required that certain notice regarding the tax implications of ASCs be given to a depositor prior to the purchase of an ASC.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377–6446), F. Douglas Birdzell or Joseph A. DiNuzzo, Counsels, Federal Deposit Insurance Corporation (202/389–4324 or 389–4237), Daniel Rhoads, Attorney, Board of Governors of the Federal Reserve System (202/452–3711), Allan Schott or Elaine Boutilier, Attorney-Advisors, Treasury Department (202/566–6798 or 566–8737), David Ansell, Attorney, Office of the Comptroller of the Currency (202/447–1880).

SUPPLEMENTARY INFORMATION: Title III of the Tax Act, Public Law 97–34, 95 Stat. 172, (26 U.S.C. 128) provides that up to certain maximum dollar limitations and under certain restrictions, an individual's gross income (for Federal income tax purposes) does not include interest earned on qualified ASCs. In general, the Tax Act authorizes a lifetime exclusion from gross income of $1,000 for an individual return and $2,000 for a joint return, *i.e.*, regardless of how much interest is earned on all ASCs, and regardless of during which taxable years interest on ASCs is earned, no more than a total of $1,000 ($2,000 in the case of a joint return) can be excluded from gross income for all taxable years. However, interest earned on a particular ASC may not be excluded from gross income, if (1) any portion of the principal of that ASC is redeemed prior to its maturity, or (2) any portion of that ASC is used as collateral or security for a loan.

In order for interest to qualify for exclusion from gross income under the Tax Act, an ASC must meet several requirements. First, ASCs may be issued only during the period beginning on October 1, 1981, and ending on December 31, 1982. Second, the certificates must have a maturity period of one year. Third, the certificate must have an annual investment yield equal to 70 percent of the average annual investment yield on 52-week Treasury bills. Fourth, the issuing institution must provide that ASCs are available in denominations of $500.

The Tax Act imposes limitations on the issuing institution with respect to the use of deposit funds derived from ASCs. Generally, for commercial banks, mutual savings banks and savings and loan associations, the Tax Act requires that at least 75 percent of the lesser of: (1) the proceeds from ASCs issued during a calendar quarter or (2) "qualified net savings", be used to provide "qualified residential financing" by the end of the subsequent calendar quarter. If an institution fails to meet the "qualified residential financing" requirement by the end of any calendar quarter, it may not issue additional ASCs until the requirement is satisfied.

The term "qualified net savings" is the amount by which deposits into passbook savings accounts, 6-month money market certificates, 30-month small saver certificates, time deposits of less than $100,000, and ASCs exceed the amount withdrawn or redeemed from such accounts measured at the beginning and end of each calendar quarter.

"Qualified residential financing" is any of the following:

(a) any loan secured by a lien on a single-family or multifamily residence;

(b) any secured or unsecured qualified home improvement loan;

(c) any mortgage on a single-family or multifamily residence that is insured or guaranteed by the Federal, State or local government or any instrumentality thereof;

(d) any loan to acquire a mobile home;

(e) any loan for the construction or rehabilitation of a single-family or multifamily residence;

(f) any mortgage secured by single-family or multifamily residences purchased on the secondary market, but only to the extent such purchases exceed sales of such assets;

(g) any security issued or guaranteed by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or any security issued by any other person if such security is secured by mortgages, but only to the extent such purchases exceed sales of such assets; and

(h) any loan for agricultural purposes.

The Tax Act defines single-family residence to include stock in a cooperative housing corporation, as defined in section 216 of the Internal Revenue Code, and 2, 3, and 4 family residences.

The Tax Act does not, however, authorize depository institutions to offer

ASCs; such determinations were left to the relevant regulatory agencies. In this regard, the Committee is empowered by its enabling statute, The Depository Institutions Deregulation Act (12 U.S.C. 3501 *et seq*), to prescribe rules governing "the establishment of classes of deposits or accounts", at all Federally insured commercial banks, mutual savings banks and savings and loan associations. In conformance with the provisions of the Tax Act, the Committee has authorized depository institutions to offer non-negotiable ASCs with the following characteristics:

(1) A maturity of one year,

(2) Available in denominations of $500, and

(3) An annual investment yield equal to 70 percent of the average annual investment yield on 52-week U.S. Treasury bills auctioned immediately preceding the calendar week in which the ASC is issued.

The Tax Act provides that ASCs have a maturity of one year and there is no language in the legislative history or the statute to indicate any flexibility on this question. Accordingly, ASCs must have a maturity of exactly one year. It would be possible, however, for institutions, as part of their contract with depositors, to provide for the automatic renewal of ASCs, just as is permissible for any other time deposit.

The Tax Act states that ASCs are to be "made available in denominations of $500." There is no language in the statute or its legislative history to indicate that ASCs are to be issued *only* in denominations of $500, or *only* in denominations of $500 or more. Thus, the Committee has concluded that depository institutions offering ASCs are required to make them available in denominations of $500, but are permitted to offer ASCs in any other denomination, including denominations of more or less than $500. However, a depository institution may establish its own maximum deposit amount above $500. Accordingly, an institution offering ASCs is required to accept ASC deposits for $500 and may issue them in multiples of $500, such as $1,000, $1,500 and so on, but is not required to accept ASC deposits in other amounts. A depository institution is not required to issue individual certificates for each $500 of a deposit. At the same time, an institution is permitted to accept ASC deposits in any other amount. For example, a depository institution could accept an ASC deposit in the amount of $247.00 or $1,386.45.

With respect to the yield, ASCs must have an annual investment yield to maturity equal to 70 percent of the average investment yield of the most recently auctioned 52-week U.S. Treasury bills. The most recent auction is the one occurring immediately preceding the week in which the ASC is issued. Normally, 52-week U.S. Treasury bills are auctioned every four weeks, on a Thursday. The results of the auction are announced by the Treasury Department late in the day on the auction date. The average investment yield determined by that auction would be applicable for all ASCs issued beginning the next week, which would normally begin on a Monday. Beginning September 3, 1981, the Treasury Department will include the average annual investment yield to maturity for 52-week U.S. Treasury bills (rounded to the nearest one-hundredth of a percentage point) as part of the auction announcement. The annual investment yield should not be confused with the bank discount rate or the investment rate (equivalent coupon-issue yield), both of which are included in the Treasury Department's auction announcement.

Unlike other time deposits regulated by the Committee, the yield on ASCs must be equal to 70 percent of the average annual investment yield on 52-week Treasury bills, rather than be the maximum permissible rate payable on such deposits. Thus, all depository institutions must provide the same yield to maturity on ASCs and there is no differential in favor of thrift institutions. Since the yield on ASCs must be equal to 70 percent of the yield on 52-week U.S. Treasury bills determined at a specific auction, ASCs are fixed-rate instruments.

At their discretion Institutions may credit interest earned periodically during the term of an ASC deposit. Periodic crediting, however, would require that the nominal interest rate be decreased with increased periodicity of compounding. The total amount of interest credited on ASCs at maturity will not vary with different methods of compounding, provided that no interest is withdrawn during the term of the deposit. Withdrawals are permitted, but an individual who withdraws interest during the deposit term will receive a lower total amount of interest than if periodic interest earned were left on account and only withdrawn at ASC maturity, because the effect of compounding does not take place on any withdrawn interest amounts.

The auction of 52-week U.S. Treasury bills on August 6, 1981, resulted in an average price of 85.296 per 100. The annual investment yield on such 52-week bills would be 17.29 percent, 70 percent of which, 12.10 percent, would be the annual investment yield that institutions are required to pay on ASCs. An investor depositing $1,000 in an ASC subject to this yield requirement must receive $121.00 in interest upon maturity of the deposit if all principal and any interest credited by compounding is maintained on deposit for the entire one-year term of the certificate. If, however, an institution permits a depositor to withdraw interest prior to maturity, the amount of interest paid at any given time may only be that amount then credited to the depositor's account based on the periodicity of compounding employed. Accordingly, institutions paying or crediting interest on a quarterly basis in the above illustration would pay $28.97 per quarter, which is an annualized nominal interest rate of 11.59 percent. Such interest, if left in the account and compounded quarterly, would accumulate to $121.00 at the end of the one-year term of the certificate. Similarly, monthly payments of interest would be $9.56 at a nominal rate of 11.48 percent. Different payments or crediting of interest would have to be adjusted accordingly.[1]

The Committee has also determined that all of its other rules relating to time and savings deposits are applicable to ASCs. For example, interest may be paid to a depositor prior to maturity of the ASC, provided that interest is not prepaid as provided in the Committee's rules (12 CFR 1204.101 and 1204.111). In addition, the withdrawal of any portion of the ASC (although not the interest earned on the ASC) would result in imposition of an early withdrawal penalty equal to 3 months interest at the nominal interest rate on the amount withdrawn. (12 CFR 1204.103). Furthermore, any brokers' or finders' fees paid in connection with an ASC must be included as part of the yield on the deposit (12 CFR 1204.110).

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[1] The formula used to derive the nominal interest rate at which interest can be paid and credited is as follows:

$$I = \left(1 + \frac{c}{100}\right)^{d/365} - 1 \quad r = 100 \times \left(\frac{365}{d}\right) \times I$$

where:

c = the annual investment yield required to be paid on the ASCs (in percent per annum);

d = the average number of days in a compounding period (365 day year)

I = the amount of interest that can be paid during a compounding period per dollar on balance in the account at the beginning of said period; and

r = the corresponding nominal rate of interest (365-day basis, in percent per annum).

For institutions using continuous compounding, the nominal interest rate would be defined as: $r = 100 [\ln (1 + (c/100))]$, where "ln" signifies the natural logarithm of the expression that follows it.

With respect to premiums, questions have been raised regarding the permissibility of offering premiums for ASC deposits because of a discussion which took place on the floor of the House of Representatives during consideration of the Tax Act (See *Congressional Record,* July 29, 1981, page H 5139). In that discussion, it was concluded that "substantial premiums or other inducements" should not be used to increase the yield on ASCs. The Committee previously determined that, within certain limitations, premiums given to attract deposits are considered promotional or advertising expenses rather than the payment of interest. For the same reason, the Committee has determined that premiums, under existing limitations, should not be viewed as increasing the yield on ASCs. Thus, premiums may be offered in connection with ASCs under the limitations of the Committee's existing rules (12 CFR 1204.109).

In order to avoid any misunderstandings regarding the tax consequences of the interest earned on a particular ASC, the Committee required depository institutions to provide customers with the following notice prior to the issuance of an ASC:

> The Economic Recovery Tax Act of 1981 authorizes a maximum lifetime exclusion from gross income for Federal income tax purposes of $1,000 ($2,000 in the case of a joint return) for interest earned by individuals on tax-exempt savings certificates. Regardless of how much interest is earned on this or any other tax-exempt savings certificate, including interest earned on such certificates from other institutions, and regardless of during which taxable years that interest is earned, no more than a total of $1,000 ($2,000 in the case of a joint return) can be excluded from federal gross income for all taxable years. Furthermore, interest earned on a specific certificate cannot be excluded from federal gross income if (1) that certificate is used as collateral for any loan, or (2) any part of the principal of that certificate is redeemed or disposed or prior to maturity.

The notice is intended to indicate to depositors that they have ultimate responsibility for the tax consequences of an ASC.

Several requests were submitted to the Committee asking that depositors with six-month money market certificates be permitted to convert their deposits to ASCs, without imposition of any early withdrawal penalty. Because the Federal Reserve Board, Federal Deposit Insurance Corporation and Federal Home Loan Bank Board under their respective individual authorities have already addressed the circumstances under which existing deposits may be converted to ASCs, the Committee has determined that it is not necessary for the Committee to act on the requests.

Also, in order to avoid any confusion or uncertainty with respect to certain terms which are used in the Tax Act, the Committee has made interpretations of such terms. First, the Committee has defined the term "qualified net savings" to include any interest or dividends credited to deposit accounts, since such interest is part of each customer's deposit funds.

Second, the aggregate amount of "qualified residential financing" that a depository institution is to have invested at the end of a relevant quarter is to be determined net of repayments and paydowns of such assets over the relevant quarter, but sales of such assets may not be netted. Thus, an institution is not required to reinvest all of the previous quarter's mortgage loan payments of principal in addition to the requisite amount of the "qualified net savings" or ASCs for the previous quarter. For example, suppose that during quarter one, qualified net savings increased by $1,500,000—resulting in a requirement that qualified residential financing be increased in quarter two by $1,125,000 (75 percent of $1,500,000). Suppose also that the depository institution ended quarter one with $5,000,000 of qualified residential financing assets, during quarter two had repayments of principal and complete payoffs of qualified residential financing assets of $750,000 and qualified residential financing asset sales of $500,000. To meet its qualified residential financing requirement for quarter two of $1,125,000, the institution would be required to have outstanding at the end of quarter two qualified residential assets of at least $5,375,000 ($5,000,000 plus $1,125,000 minus $750,000). That is, in addition to the required investment in qualified residential financing of 75 percent of last quarter's qualified net savings, the institution would have to make up by the end of the current quarter any sales of qualified residential financing assets during that quarter. It would not have to make up the current quarter's amortization of qualified residential financing from principal repayments and paydowns. If the latter had to be reinvested, qualified residential investment in a quarter would exceed 75 percent of the previous quarter's qualified net savings.

Third, the Tax Act does not provide a definition of the term "loan for agricultural purposes" and the legislative history does not provide guidance on the matter. In such circumstances, the Committee determined to establish a definition on the basis of analogous terms described in the instructions to the Call Report for Insured Commercial Banks. Accordingly, a "loan for agricultural purposes" is defined to include all "loans to finance agricultural production and other loans to farmers" (Schedule A, item 4) and "real estate loans secured by farmland" (Schedule A, item 1(b)). Finally, the exigencies of the housing finance business may make it extremely difficult for depository institutions actually to make investments in eligible loans within the quarter for which the qualified residential financing requirement is determined. Many mortgages close more than three months after the loan commitment is made and construction loan disbursement may be spread over several quarters. Since fulfillment of a commitment would achieve the desired residential financing, the Committee has determined that a firm commitment to make a loan that is described in the Tax Act as "qualified residential financing" will be treated as a qualified investment in the quarter the firm commitment is made.

Under the Tax Act, failure to comply with the qualified residential financing requirement for any calendar quarter precludes an institution from issuing ASCs during the next quarter until the requirement is satisfied. The Committee has determined to enforce this requirement through a certification procedure. An executive officer of the depository institution is to certify that the institution has complied with the qualified residential financing requirement, as set out in the Tax Act. A specific certification form is not required, but it should include appropriate documentation, as determined by the depository institution. In addition, if institutions provide for automatic renewal of an ASC, depositors should be notified in writing at least 15 days in advance of the maturity date in the event the depository institution cannot renew the ASC because of its failure to satisfy the residential financing requirement.

Because immediate action is necessary to implement a program determined to be in the nation's interest by the Congress, and because of limitations of the Committee's discretionary authority, the Committee has not made any findings under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). For the same reason, the Committee finds that the prior notice opportunity for public comment and deferred effective date provisions of 5

U.S.C. 553 are not necessary in taking this action and that good cause exists for not complying with those provisions or the publication provisions of § 1201.6 of the Committee's regulation (12 CFR 1201.6).

PART 1204—INTEREST ON DEPOSITS

Pursuant to its authority under the Depository Institutions Deregulation Act (12 U.S.C. 3501 *et seq.*), the Committee amends Part 1204—Interest on Deposits (12 CFR Part 1204) by adding a new § 1204.116, to read as follows:

§ 1204.116 Tax-Exempt Savings Certificates.

(a) A commercial bank, savings and loan association, or mutual savings bank may pay interest on a non-negotiable tax-exempt savings certificate ("ASC") provided that the time deposit has an original maturity of exactly one year, is available in denominations of $500 and any other denomination at the discretion of the depository institution, and has an annual investment yield to maturity equal to 70 percent of the average annual investment yield on the most recent auction of 52-week U.S. Treasury bills prior to the calendar week in which the ASC is issued.[2]

(b) A depository institution must provide each depositor the following notice, in a form that the depositor may retain at the time of opening a deposit under this paragraph.

The Economic Recovery Tax Act of 1981 authorizes a lifetime exclusion from gross income for federal income tax purposes of up to $1,000 ($2,000 in the case of a joint return) for interest earned on tax-exempt savings certificates. Regardless of how much interest is earned on this or any other tax-exempt savings certificate, including interest earned on such certificates from other institutions, and regardless of during which taxable years that interest is earned, no more than a total of $1,000 ($2,000 in the case of a joint return) can be excluded from federal gross income for all taxable years. Furthermore, interest earned on a specific certificate cannot be excluded from federal gross income if (A) that certificate is used as collateral for any loan, or (B) any part of the principal of that certificate is redeemed or disposed of prior to maturity.

(c)(1) A depository institution may not issue ASCs after March 31, 1982, under this section unless an executive officer of the depository institution certifies, in a form determined by the institution, that the institution has complied with the "qualified residential financing" requirement set out in 26 U.S.C. 128. The certification must be maintained by the institution in its files and must be available to the institution's primary supervisory agency upon request. The certification shall include appropriate supporting documentation, as determined by the depository institution.

(2) A depository institution issuing ASCs during any calendar quarter must use at least 75 percent of the lesser of:

(i) The proceeds from ASCs issued during a calendar quarter, or

(ii) "Qualified net savings",

to provide "qualified residential financing" by the end of the subsequent calendar quarter and may not issue additional ASCs until the 75 percent requirement is satisfied.

(3) For purposes of determining compliance with the "qualified residential financing" requirement, the following applies:

(i) The term "qualified net savings" includes interest or dividends credited to deposit accounts;

(ii) The amount of "qualified residential financing" is to be determined net of repayment of principal and paydowns, but sales of such assets may not be netted;

(iii) The term "any loan for agricultural purposes" is defined to have the same meaning as items described in the instructions to the Report of Condition of all Insured Commercial Banks, schedule A, item 4 "Loans to Finance Agricultural Production and Other Loans to Farmers", and schedule A, item 1(b) "Real Estate Loans Secured by Farmland", and

(iv) "Qualified residential financing" includes a firm commitment to purchase any assets eligible for such investment.

(d) If a depository institution provides for automatic renewal of an ASC, depositors must be notified in writing at least 15 days in advance of the maturity of an ASC in the event the depository institution cannot renew the ASC because of its failure to satisfy the residential financing requirement. Failure to give such notice shall not result in automatic renewal of the ASC.

(e) This section expires January 1, 1983.

By order of the Committee, September 3, 1981.

Gordon Eastburn,

Acting Executive Secretary.

[FR Doc. 81-26287 Filed 9-9-81; 8:45 am]

BILLING CODE 4810-25-M

[2] When institutions credit interest more frequently than annually, the computation of interest must be adjusted to reflect the effects of compounding so that the annual investment yield to the depositor remains at the rate stipulated by law. Specifically, the formula used to derive the nominal interest rate at which interest can be credited is as follows:

$$I = \left(1 + \frac{c}{100}\right)^{d/365} - 1 \quad r = 100 \times \left(\frac{365}{d}\right) \times I$$

where:

c = the annual investment yield required to be paid on the ASCs (in percent per annum);

d = the average number of days in a compounding period (365 day year)

I = the amount of interest earned during a (365 day year) compounding period per dollar in the account at the beginning of the period; and

r = the corresponding nominal rate of interest (365-day basis, in percent per annum).

For institutions using continuous compounding, the nominal interest rate would be defined as: $r = 100 [\ln (1+(c/100))]$, where "ln" signifies the natural logarithm of the expression that follows it.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-SO-49; Amdt. No. 39-4210]

Airworthiness Directives; Piper Models PA-44-180 and PA-44-180T Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a check and inspections for aileron skin cracks and modification of the ailerons on certain Piper Models PA-44-180 and PA-44-180T airplanes. The AD is needed to prevent possible damage to the outboard leading edge skin and aileron out-of-balance condition which could result in an aeroelastic instability. The requirements of this AD were mailed to owners and operators in letter form August 3, 1981.

DATES: Effective September 17, 1981. Compliance required as prescribed in body of AD.

ADDRESSES: The applicable service bulletin and kit may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven Pennsylvania 17745, telephone (707) 748-6711.

A copy of the service bulletin and kit are also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: Charles L. Perry, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: There have been five reports of cracks in the outboard leading edge skin of ailerons on certain Piper Models PA-44-180 and PA-44-180T airplanes, which could result in an aileron out-of-balance condition and possible aeroelastic instability. Since this situation is likely to exist or develop on other airplanes of the same type design, an Airworthiness

Directive is being issued which requires checks, inspections, and modification to the ailerons on certain Piper Models PA-44-180 and PA-44-180T airplanes. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

§ 39.13 [Amended]

Piper Aircraft Corporation—applies to the following Piper models of aircraft certified in all categories: PA-44-180 Seminole, S/N 44-7995001 through 44-8195016; PA-44-180T Turbo Seminole, S/N 44-8107001 through 44-8107044.

Compliance is required as indicated upon receipt of this directive, unless already accomplished.

Note.—An airmail letter was mailed to owners and operators on August 3.

To prevent possible damage to the outboard leading edge skin, as well as an aileron out-of-balance condition which could lead to aeroelastic instability, accomplish the following:

(a) Before further flight, visually check for cracks at the aileron outboard leading edge balance weight attachment screws.

(1) If cracks are found, comply with paragraph (d).

(2) If no cracks are found, make log book entry that visual check was made.

Note.—The visual check only may be accomplished by the pilot.

(b) At intervals not to exceed 25 hours until 100 hours time in service from the effective date of this AD accomplish the following:

(1) Inspect, using a 10-power magnifying glass, the left and right aileron outboard leading edge skin for cracks near the balance weight attachment screws.

(2) If the skin is cracked near any balance weight attachment screw, comply with paragraph (d) of this AD before further flight.

(3) If there are no cracks, make appropriate log book entry of each inspection.

(c) Within 100 hours time in service from the effective date of this AD comply with paragraph (d).

(d) Reinforce the ailerons outboard leading edge skins by installing Piper's aileron rework kit, Piper Part No. 764 148V in accordance with instructions included with the kit, and make appropriate log book entry.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Airplanes on which cracks are found may be flown in accordance with FAR 21.197 and 21.199 to a base where the aileron rework kit can be installed, provided the airplane is not flown in excess of 130 MPH indicated speed.

Piper Service Bulletin No. 725A pertains to this subject.

This amendment becomes effective September 17, 1981, and was effective upon receipt of the airmail letter mailed August 3 to owners and operators.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in East Point, Georgia, on August 27, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-26270 Filed 9-9-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 22050; SFAR No. 44-1]

Special Federal Aviation Regulation No. 44-1; Air Traffic Control System; Interim Operational Plan

Correction

In FR Doc. 81-26155 published in the Friday, September 4, 1981 issue of the **Federal Register** at pages 44424-44432, and republished in the Tuesday, September 8, 1981 of the **Federal Register** at pages 44740-44748, make the following change:

Page 44431 of the September 4 issue and page 44747 of the September 8 issue contain an error. The SFO Plan begins with "1500Z" and ends with "2200." The STL Plan begins with "1200Z" and ends with "2300." Those pages should read as set forth below:

BILLING CODE 1505-01-M

HOUR	SCHEDULED REDUCTION	HOUR	SCHEDULED REDUCTION
SFO PLAN			
1500Z	23%	2300Z	20%
1600	33	0000	47
1700	32	0100	43
1800	44	0200	48
1900	32	0300	48
2000	35		
2100	34		
2200	20		
STL PLAN			
1200Z	12%		
1300	47		
1600	39		
1700	16		
1800	50		
2000	60		
2200	65		
2300	43		
DCA PLAN			
1200Z	46%	2000Z	43%
1300	37	2100	38
1400	35	2200	43
1500	35	2300	47
1600	35	0000	48
1700	35	0100	52
1800	38		
1900	43		

Reprint of page 44431 of the Federal Register of Friday, September 4, 1981

and page 44747 of the Federal Register of Monday, September 8, 1981,

BILLING CODE 1505-01-C

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1204

Administrative Authority and Policy

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule; removal.

SUMMARY: Part 1204 of this title was issued to prescribe the administrative authority and policy for National Aeronautics and Space Administration officials and other Government officials acting on behalf of the agency to carry out prescribed functions of the National Aeronautics and Space Administration. § 1204.509, "Power and Authority—To Exercise Authority with Respect to Extraterrestrial Exposure," has served its purpose and is no longer applicable to NASA programs.

EFFECTIVE DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, Management Processes and Directives Branch, Code NSM–12, NASA Headquarters, Washington, DC 20546, telephone (202) 755–3140.

SUPPLEMENTARY INFORMATION: This regulation was published in 34 FR 11974, July 16, 1969, and is being removed because it has served its purpose. Since this removal is administrative and editorial in nature, notice and public procedures thereon are not required.

14 CFR Part 1204 is amended by removing § 1204.509.

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

§ 1204.509 [Removed].

Margaret M. Herring,

Federal Register Liaison Officer.

[FR Doc. 26388 Filed 9–9–81; 8:45 am]

BILLING CODE 7510–01–M

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14 CFR Part 1204

Standards of Conduct for Employee Organizations and Code of Fair Labor Practices

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule; removal.

SUMMARY: NASA published its "Standards of Conduct for Employee Organizations and Code of Fair Labor Practices" in 29 FR 3808, March 27, 1964. The policies and procedures described in 14 CFR 1204.8 are no longer applicable and therefore should be removed from the Code of Federal Regulations. Since this removal is administrative and editorial in nature, notice and public procedures thereon are not required.

DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, Management Processes and Directives Branch, Code NSM–12, NASA Headquarters, Washington, DC 20546.

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

§§ 1204.800–1204.804 [Removed]

14 CFR Part 1204 is amended by removing and reserving Subpart, §§ 1204.800–1204.804.

Margaret M. Herring,

Federal Register Liaison Officer.

[FR Doc. 81–26408 Filed 9–9–81; 8:45 am]

BILLING CODE 7510–01–M

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14 CFR Part 1204

Costs Sharing on Research Grants and Contracts

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule; removal.

SUMMARY: NASA published its final rule, Subpart 1204.13—Cost Sharing in Research Grants and Contracts in 36 FR 20219, October 19, 1971. The guidelines contained in the subpart are no longer applicable and have served their purpose. Since this removal is administrative and editorial in nature, notice and public procedures thereon are not required.

DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, Management Processes and Directives Branch, Code NSM–12, NASA Headquarters, Washington, DC 20546.

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

§§ 1204.1300—1204.1301 [Removed]

14 CFR Part 1204 is amended by removing and reserving subpart 13, §§ 1204.1300—1204.1301.

Margaret M. Herring,

Federal Register Liaison Officer.

[FR Doc. 81–26409 Filed 9–9–81; 8:45 am]

BILLING CODE 7510–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 281

[Docket No. RM79–15]

Natural Gas Curtailment Under the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order delineating effect of judicial action on commission's regulations.

SUMMARY: The Federal Energy Regulatory Commission states that the effect of the June 30, 1981, decision of the United States Court of Appeals for the District of Columbia Circuit in *Process Gas Consumers Group* v. *United States Department of Agriculture* (Nos. 80–1558 and 80–1603) is to require interstate pipelines to make changes in their index of entitlement of essential agricultural requirements, maintained pursuant to Order No. 29 (Docket No. RM79–15, 44 FR 26855, May 8, 1979) and Order No. 29–C (44 FR 61338, October 25, 1979).

DATES: The changes must be filed by September 15, 1981, to become effective November 1, 1981.

FOR FURTHER INFORMATION CONTACT: David N. Cook, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–5591:

SUPPLEMENTARY INFORMATION:

[Docket No. RM79–15]

In the matter of regulations implementing Section 401 of the Natural Gas Policy Act; Order Delineating Effect of Judicial Action on Commission's Regulations.

Issued: August 27, 1981.

On June 30, 1981, the United States Court of Appeals for the District of Columbia issued an opinion in *Process Gas Consumers Group* v. *United States Department of Agriculture (PGCG)* (Nos. 80–1558 and 80–1603) which has an effect on the Commission's regulations implementing the essential agricultural use curtailment priority established by section 401 of the Natural Gas Policy Act of 1978 (NGPA). (15 U.S.C. 3301–3432.) In order that all affected end-users, local distribution companies and pipelines may be fully aware of the

ramifications of this judicial action, the Commission issues the instant order.[1]

Background

Title IV of the NGPA sets forth a system of priorities for natural gas allocation during periods of gas curtailment. The highest priority category includes gas used in residences, hospitals, and similar facilities, and the second priority goes to facilities using gas for "essential agricultural uses." To qualify for the second priority, a facility's use of gas must, *inter alia*, be certified by the Secretary of Agriculture (Secretary) as an "essential agricultural use." This term is defined in section 401(f)(1) of the NGPA as:

> [A]ny use of natural gas—
> (A) for agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, crop drying, or
> (B) as a *process fuel* or feedstock in the production of fertilizer, agricultural chemicals, animal feed, or food, * * *. (emphasis added)

In April 1980 the Secretary issued a rule (45 FR 27741, April 24, 1980) defining the term "process fuel" as used in section 401. The Secretary's definition expanded the Commission's traditional definition of the term [2] to include "natural gas used to produce steam which in turn is directly applied in processing of products and for compression of products so that processing may take place * * *." As a result of this definition, boiler fuel users of natural gas who use steam directly in the manufacture of fertilizer, agricultural chemicals, animal feed, or food became eligible for the second curtailment priority as "process" users.

The Secretary's definition of "process fuel" was challenged in court. In the *PGCG* decision, the D.C. Circuit vacated and set aside the definition, stating that (1) this Commission, not the Secretary of Agriculture, has the explicit responsibility for defining technical terms used in the NGPA, and (2) the Secretary's definition is not in accord with the intent of Congress when it enacted the NGPA. The mandate of the court took effect on July 27, 1981, pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure and the procedures of the D.C. Circuit.

Title IV of the NGPA requires that essential agricultural use requirements must be certified by the Secretary of Agriculture in order to obtain priority two status in the curtailment plans of interstate pipelines. The Commission's regulations implementing the essential agricultural use curtailment priority (18 CFR 281.201 *et seq.*) were set forth in Order No. 29[3] and defined the term "essential agricultural use" as follows [18 CFR 281.203(a)(2)]:

> (2) "Essential agricultural use" means any use of natural gas which is certified by the Secretary of agriculture as an "essential agricultural use" under section 401(c) of the NGPA, as identified in 7 CFR Part 2900, *et seq.*

Section 2900.3 of Part 2900 lists "Fertilizer and Agricultural Chemicals" and "Animal Feeds and Food" as essential agricultural uses, but only to the extent that they are "process and feedstock" uses. Thus boiler fuel users who manufacture these items were certified under § 2900.3 only for so long as the Secretary's regulation in § 2900.2(e) defined their use as "process fuel" use. That regulation has not been vacated and set aside by court order.

On the basis of the Secretary's definiition, essential agricultural users that use natural gas to raise steam which is then utilized in the manufacturing of fertilizer, agricultural chemicals, animal feed, and food claimed their entitlement to priority two curtailment status during the summer of 1980, the time at which the interstate pipelines undertook their update of the index of entitlements under 18 CFR 281.204 of the Commission's regulations.

Effect of Judicial Decision

The mandate of the court in *PGCG* removes tha above-described uses of natural gas from the Secretary's list of certified "essential agricultural uses." Thus these uses no longer fall within the Commission's definition of "essential agricultural uses" for purposes of determining curtailment priorities. Interstate pipelines are collecting data for the 1981 update of the index of entitlements, and revised tariff sheets must be filed with the Commission on September 15, 1981, to become effective on November 1, 1981.[4] The removal of these uses from the definition of "essential agricultural uses" constitutes a change in essential agricultural requirements within the meaning of § 281.211(d)(4) of the Commission's regulations. The index of entitlements must be revised accordingly.

As noted by the court, it is still open to the Commission to adopt a definition of "process fuel" under Title IV of the NGPA. Whether such a definition would restore some of the volumes downgraded by the court's decision or whether a new curtailment priority (*e.g.*, below the Title IV priorities but above the general boiler fuel priorities in which such downgraded volumes would otherwise be placed) might be appropriate are matters on which we express no opinion here. In view of the need to have updated indexes of entitlements in place by the onset of the heating season, it is sufficient for us to describe the immediate impact of the court's decision.

The Commission orders:

(A) No index of entitlements filed with the Commission on or after September 15, 1981, or in effect on or after November 1, 1981, shall include in the essential agricultural use priority volumes of natural gas attributable to boiler fuel use by the manufacturers of fertilizer, agricultural chemicals, animal feed, or food.

(B) The petition of the Process Gas Consumers Group and the United Distribution Companies seeking revision of the data collection schedule is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26483 Filed 9-9-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 151

[T.D. 81-240]

Customs Regulations Amendments Relating to the Examination of Merchandise

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide that: (1)

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[1] The Commission issued an order delineating the effect of the court's decision on incremental pricing on July 31, 1981 in Docket Nos. RM79-14, RM80-18 and RM80-75 (46 FR 41034; August 14, 1981).

[2] Codified at 18 CFR 2.78(c)(8).

[3] Docket No. RM 79-15, issued May 1, 1979, 44 FR 26855 (May 8, 1979).

[4] On July 15, 1981 the Process Gas Consumers Group and the United Distribution Companies filed a petition seeking revision of the data collection schedule set out in Part 281 of the Commission's Regulations, in order to permit the interstate pipelines and other persons involved to obtain the data necessary to take account of the court's decision in *PGCG*. We believe the present schedule provides an adequate amount of time to make the appropriate revisions. We note that three weeks remain before the revised index must be filed with the Commission. We understand the number of end-users involved in this change to be a relatively small and known group of customers. To the extent that a particular pipeline encounters difficulty in meeting the September 15, 1981 filing deadline, a request for an extension of time should be addressed to the Secretary under § 375.302 of the Commission's Regulations.

At ports of entry specifically designated by the Commissioner of Customs, the district director of Customs is authorized to release, without examination, merchandise of a character which he has determined need not be examined in every instance to ensure the protection of the revenue and enforcement of Customs and other laws; and, (2) the district director shall order the examination of such packages or quantities of merchandise as he deems necessary to ensure compliance with the Customs laws and any other laws enforced by the Customs Service.

The amendments will allow Customs to improve the effectiveness of Customs cargo inspections and to expedite the entry of merchandise.

EFFECTIVE DATE: October 13, 1981.

FOR FURTHER INFORMATION CONTACT: Victor Weeren, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20029 (202–566–5354).

SUPPLEMENTARY INFORMATION:

Background

Section 499, Tariff Act of 1930, as amended (19 U.S.C. 1499), provides that not less than one package of every invoice and not less than one of every 10 packages of imported merchandise shall be opened and examined. However, if the Secretary of the Treasury, from the character and description of the merchandise, is of the opinion that examination of a lesser proportion of packages will amply protect the revenue, by special regulation or instruction, the application of which may be restricted to one or more individual ports, one or more importations, or to one or more classes of merchandise, he may permit a lesser number of packages to be examined.

Section 151.2, Customs Regulations (19 CFR 151.2), implements 19 U.S.C. 1499 by providing that not less than one of every 10 packages of merchandise shall be examined unless a special regulation permits a lesser number of packages to be examined. Section 151.2 further provides that district directors are authorized specially to examine less than one of every 10 packages, but not less than one package of every invoice, in the case of any merchandise imported in packages: (1) The contents and values of which are uniform; or, (2) the contents of which are identical as to character although differing as to quantity and value per package.

Section 151.1, Customs Regulations (19 CFR 151.1), provides that the district director shall examine such packages or quantities of merchandise as he deems necessary for the determination of duties and for other Customs purposes.

To improve the effectiveness of cargo inspections and to expedite the entry of merchandise, Customs published a notice in the Federal Register on November 19, 1980 (45 FR 76449), proposing to amend:

(1) Section 151.2(a) to provide that, at ports of entry specifically designated by the Commissioner of Customs, the district director would be authorized to release, without examination, merchandise of a character which the district director has determined need not be examined in every instance to ensure protection of the revenue and enforcement of Customs and other laws; and,

(2) Section 151.1 to clarify that Customs officers may examine shipments to ensure compliance with any other laws enforced by the Customs Service, as well as with the Customs laws.

The notice invited interested persons to submit comments regarding the proposal by January 19, 1981. In response, 27 comments were received from individuals, members of Congress, corporations, ports and port authorities, customs brokers, freight forwarders, and trade associations. Of the comments received, 23 unquestionably favor the proposal. These commenters are of the opinion that the change would result in a smoother flow of cargo due to more efficient use of Customs manpower, fewer time delays, and reductions in importer costs, particularly due to fewer demurrage charges.

Three commenters oppose the change. One of the opposing commenters points to the potential for encouraging fraud and collusion because some cargo will not be examined at designated ports.

The potential for fraud always is present. However, Customs is able to control this with its enforcement units—Investigations, Regulatory Audit, Patrol, and Special Enforcement Teams. The commodity knowledge of the import specialists and their participation with Customs enforcement units also are effective in detecting and deterring fraud and deceptive practices. Further, existing automated and manual information systems, as well as those under development, are designed to provide detailed information to aid in this process. These enforcement efforts will not be affected by the adoption of this proposal.

Effective with implementation of these changes, a random percentage of imports will continue to be selected for intensive examination. Also, at any time the district director may order an intensive examination of merchandise which he previously had exempted from examination. In addition, audits will be conducted in ports where this type of selective examination is in operation. Customs is of the opinion that these additional checks will provide deterrence factors.

Another commenter expresses concern that great care must be taken to distinguish between similar types of merchandise which are dutiable at different rates depending on the intended use.

Customs agrees. However, we do not anticipate that this will be a problem because verification of intended use of merchandise is made at the time the merchandise is classified for tariff purposes, not at the time of inspection. This change will not affect that procedure.

The third commenter opposed to the proposal is of the opinion that it exceeds the authority of 19 U.S.C. 1499, because it contemplates the release of merchandise, no part of which has been examined.

After a detailed review of the applicable statutory and case law, Customs has determined that the proposal is within the authority of 19 U.S.C. 1499.

In addition, one commenter, without addressing the desirability of the proposal, questions the legality of delegating this authority to the district director.

Section 2 of Reorganization Plan No. 26 of 1950 (eff. July 13, 1950, 15 FR 4935, 64 Stat. 1280) provides that the Secretary of the Treasury may authorize the performance by any other officer, or by any agency or employee, of the Department of the Treasury of any function of the Secretary. This plan was promulgated under the authority of the Reorganization Act of 1949, Pub. L. 109, 81st Cong., 63 Stat. 203, section 3 of which specifically authorized the President to authorize any officer to delegate any of his functions if that would promote more effective management, promote economy or increase the efficiency of the executive branch of Government.

Customs is of the opinion that the effect of the Reorganization Act of 1949 and Reorganization Plan No. 26 of 1950 is to permit the Secretary to delegate to subordinate officers the determination that examination of a less proportion of packages will amply protect the revenue as provided in the statute.

Executive Order 12291

Because this will not result in a "major rule" as defined by section 1(b) of Executive Order 12291, the regulatory

impact analysis and review prescribed by section 3 of the Executive Order is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code (as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act") because it was the subject of a notice of proposed rulemaking issued before January 1, 1981, the effective date of the Act.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Adoption of the Proposed Regulations

The proposed regulations set forth in the notice published in the **Federal Register** on November 19, 1980 (45 FR 87449), are adopted as set forth below.

Approved: August 27, 1981.

William T. Archey,

Acting Commissioner of Customs.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

Amendments to the Regulations

Part 151, Customs Regulations (19 CFR Part 151), is amended to read as follows:

PART 151—EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

Subpart A—General

§ 151.1 Merchandise to be examined.

The district director shall examine such packages or quantities of merchandise as he deems necessary for the determination of duties and for compliance with the Customs laws and any other laws enforced by the Customs Service.

§ 151.2 Quantities to be examined.

(a) (1) *Minimum quantities.* Not less than one package of every 10 packages of merchandise shall be examined, unless a special regulation permits a lesser number of packages to be examined. District directors are specially authorized to examine less than one package of every 10 packages, but not less than one package of every invoice, in the case of any merchandise which is:

(i) Imported in packages the contents and values of which are uniform, or

(ii) Imported in packages the contents of which are identical as to character although differing as to quantity and value per package.

(2) *Exceptions to minimum quantities.* At ports of entry specifically designated by the Commissioner of Customs, the district director is authorized to release, without examination, merchandise of a character which the district director has determined need not be examined in every instance to ensure the protection of the revenue and compliance with the Customs laws and any other laws enforced by the Customs Service.

(R.S. 251, as amended, secs. 499, 624, 46 Stat. 728, as amended, 759, General Headnotes 11, 12, Tariff Schedules of the United States (19 U.S.C. 66, 1202, 1499, 1624))

[FR Doc. 81–26460 Filed 9–9–81; 8:45 am]

BILLING CODE 4810–22–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 8H5193/T72; PH-FRL 1901-7]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Aldicarb

Correction

In FR Doc. 81–22795 appearing at page 39828 in the issue for Wednesday, August 5, 1981, make the following correction:

On page 39829, in the first column, in § 193.15(a), in the eighth line, "methylsulfonyl" should have read "methylsulfinyl".

BILLING CODE 1505–01–M

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40 CFR Part 52

[A-7-FRL-1899-7]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act (CAA), as amended, the State of Missouri revised its State Implementation Plan (SIP) in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan. On April 14, 1981, the State submitted a revision to the regulations for the purpose of fulfilling one of these conditions. The condition required the State to either revise its regulation for emissions of volatile organic compounds (VOC) in St. Louis during gasoline loading operations, to be consistent with the emission limit recommended by the Control Techniques Guidelines (CTGs) or to provide adequate justification that its regulation is reasonable available control technology (RACT).

The purpose of this notice is to advise the public that EPA is taking final action to approve the State's regulatory change and is incorporating it into the approved SIP. The applicable condition is being removed. Until all conditions are met, conditional approval of the SIP will continue.

EFFECTIVE DATE: This promulgation is effective October 13, 1981.

ADDRESSES: Copies of the State submission are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460; and Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101. A copy of the state submission is also available at the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374–3791; FTS 758–3791.

SUPPLEMENTARY INFORMATION: On April 9, 1980, EPA conditionally approved certain elements of Missouri's SIP with regard to the requirements of Part D of the Clean Air Act, as amended. A detailed discussion of that action can be found in the **Federal Register** notice published on that date (45 FR 24140).

One of the conditions promulgated by the EPA required the State to revise its regulation for VOC emissions during gasoline loading operations to be consistent with the emission limit recommended by the Control Techniques Guidelines (0.30 grams per gallon of gasoline loaded) or to provide adequate economic justification for accepting its regulation. This condition was to be met and submitted to the EPA by March 15, 1981.

On January 2, 1981, the State published in the *Missouri Register* a proposed revision to Section (3) of Missouri Rule 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading and Transfer for the St. Louis ozone nonattainment area. This revision changes the VOC emission limitation for the St. Louis area from 0.50 to 0.30 grams per gallon of gasoline loaded.

On March 25, 1981, the Missouri Air Conservation Commission adopted the proposed revision to Section (3) of Rule 10 CSR 10–5.220. The State submitted it to EPA as a revision to the Missouri SIP on April 14, 1981. A notice of receipt of the SIP submission was published on May 26, 1981 (46 FR 28155). No comments were received in response to the May 26th notice of receipt. EPA has reviewed the State's submission and finds that the condition on its approval has been fully met.

EPA finds that further notice and comment on this issue are unnecessary. The corrective action was clearly identified in EPA's promulgation and the State's submittal clearly addressed the specified criteria for approval.

Action

EPA approves Section (3) of Rule 10 CSR 10–5.220 as RACT for the St. Louis ozone nonattainment area. EPA is incorporating the regulatory change into the SIP and is removing the applicable condition. This action also serves to continue EPA's conditional approval of the SIP until all conditions have been met.

Pursuant to the provision of 5 U.S.C. 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions and imposes no additional substantive requirements.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110, Clean Air Act as amended)

Dated: August 19, 1981.

Note.—Incorporation by reference of the State Implementation Plan for the State of Missouri was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. Section 52.1320 is amended by revising paragraph (c)(16)(iii) and by adding a new paragraph (c)(29) to read as follows:

§ 52.1320 Identififcation of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

* * * * *

(16) * * * Included in the plan are the following approved regulations:

* * * * *

(iii) Rule 10 CSR 10–5.220 Control of Petroleum Liquid Storage, Loading and Transfer (St. Louis) is approved as RACT.

* * * * *

(29) A revision to Rule 10 CSR 10–5.220 Control of Petroleum Liquid Storage, Loading and Transfer (St. Louis), submitted on April 14, 1981, amending the emission limit in Section 3, is approved as RACT.

§ 52.1324 [Amended]

2. Section 52.1324 is amended by removing paragraph (c)(2).

[FR Doc. 81–26398 Filed 9–9–81; 8:45 am]

BILLING CODE 6560–38–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5990

[M–41591]

Montana; Revocation of Stock Driveway Withdrawal No. 27, Montana No. 5

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew public lands for use as a stock driveway. This action will restore the lands to operation of the public land laws generally.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976; 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of October 26, 1922, which withdrew the following described public lands for a stock driveway, is hereby revoked:

Principal Meridian

T. 13 S., R. 11 W.,

Sec. 19, lot 3, NE¼SW¼, and N½SE¼.

This area described contains 155.38 acres in Beaverhead County.

2. At 8 a.m. on October 7, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 7, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81–26404 Filed 9–9–81; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5991

[M–41807]

Montana; Partial Revocation of Public Water Reserve No. 64

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order affecting 60 acres of land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of June 5, 1919, which withdrew lands for use as a public water reserve, is hereby revoked so far as it affects the following lands:

Principal Meridian

T. 2 N., R. 5 W.,
Sec. 2, W½NE¼SW¼ and NW¼SW¼.
The area described contains 60 acres in Jefferson County.

2. At 8 a.m. on October 7, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 7, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to nonmetalliferous mineral location under the United States mining laws at 8 a.m. on October 7, 1981. They have been and continue to be open to metalliferous mineral location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26405 Filed 9-9-81; 9:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 5992

[A-5942]

Arizona; Powersite Restoration No. 706; Revocation of Powersite Reserve Nos. 531, 558, 610, 670, 691, 717, and 719; Partial Revocation of Waterpower Designation No. 9

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will revoke several Executive orders and one Departmental order which withdrew certain lands in Arizona for primary transmission line right-of-way purposes. The lines still in existence are authorized by right-of-way permits and the withdrawals no longer serve a useful purpose. The public lands not otherwise reserved will be restored to operation of the public land laws generally. The national forest lands, not otherwise reserved, will be opened to such forms of disposition as may by law be made of such lands.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-152 (Arizona), it is ordered as follows:

1. The Executive Orders of June 30, 1916, October 30, 1916, April 11, 1917, December 5, 1917, September 6, 1918, May 17, 1919, and May 24, 1919, creating Powersite Reserve Nos. 531, 558, 610, 670, 691, 717, and 719 respectively and the Departmental Order of February 7, 1917, creating Waterpower Designation No. 9 (AR-6), are hereby revoked so far as they effect the lands described in paragraph 7.

2. At 10 a.m. on October 7, 1981, the unappropriated, unreserved public lands described in paragraph 7, shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 7, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 7, 1981, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

4. The lands included in the Cabeza Prieta National Game Range are temporarily segregated from operation of the public land laws generally, including the mining and mineral leasing laws in accordance with Notice of Proposed Withdrawal A-7951 published in the **Federal Register** December 22, 1977 (42 FR 64149).

5. The unappropriated public and national forest lands have been and will continue to be open to the filing of applications and offers under the mineral leasing laws, and to location under the United States mining laws, subject to the provision of the Act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621).

6. The State of Arizona has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

7. The lands affected by this order are described as follows:

Gila and Salt River Meridian

Waterpower Designation No. 9 (AR-6) as interpreted April 10, 1926, April 12, 1926, August 15, 1929, March 1, 1933, November 16, 1933, October 17, 1934, November 1, 1935, January 29, 1936, and April 8, 1941:

All portions of the following described lands lying within 50 feet of the centerline of the constructed transmission line of the Arizona Power Company:

T. 11½ N., R. 1 E. (unsurveyed),
All.

T. 12 N., R. 1 E.,
Sec. 4, lots 3 to 6, inclusive, 9 to 11, inclusive, 53, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 5, lots 1 to 4, inclusive, SE¼NE¼;
Sec. 9, lots 1 to 4, inclusive, W½SE¼;
Sec. 10, W½NE¼, SE¼NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 11, SW¼NW¼, N½S½;
Sec. 12, S½NE¼, SE¼NW¼, N½S½;
Sec. 16, lots 1, 4, 14 (formerly lot 5), NE¼NE¼, lots 15 and 16 and MS 3733 and 3686 (formerly SE¼SE¼);
Sec. 22, lot 8;
Sec. 26, lots 1, 3, 6, SE¼NW¼, SW¼SE¼;
Sec. 35, lots 1, 2, 3, NE¼NE¼, W½SE¼, (formerly E½NE¼, N½SE¼, SW¼SE¼).

T. 13 N., R. 1 E.,
Sec. 1, NW¼SW¼;
Sec. 11, E½SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, E½NE¼;
Sec. 22, lots 5, 7, 8, (formerly unsurveyed NE¼SE¼, S½SE¼);
Sec. 23, lots 3, 4, 37B (MS), SW¼NE¼, (formerly unsurveyed SW¼NE¼, N½SW¼);
Sec. 27, lots 2, 3, 4, S½NW¼, NW¼SW¼, (formerly unsurveyed NW¼NE¼, NW¼, NW¼SW¼);
Sec. 28, lots 5, 6, lot 1673 (MS), SE¼NE¼, NE¼SE¼, (formerly unsurveyed SE¼NE¼, NE¼SE¼, S½SE¼);
Sec. 30, lots 11 to 15, inclusive;
Sec. 31, lots 1 to 4, inclusive, 7 to 10, inclusive, 12 to 15, inclusive, lot 42 (MS), SE¼SW¼ (formerly lots 1 to 4, inclusive, 7 to 9, inclusive, 12 to 15, inclusive W½NE¼, E½SW¼);
Sec. 32, lots 2, 3, 4, E½SW¼, SW¼SE¼;
Sec. 33, lots 1, 2, 4, 5, 7, 9, 10, and 1673 (MS), and ME patents in NE¼SW¼ (formerly unsurveyed N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, NW¼SE¼).

T. 12 N., R. 2 E.,
Sec. 7, lots 5, 6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, (formerly unsurveyed S½N½, N½S½);
Sec. 8, lots 1, 2, and 4, SW¼NW¼, NW¼SW¼, NE¼SW¼, NW¼SE¼,

(formerly SW¼NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼);
Sec. 9, SW¼SW¼;
Sec. 13, SW¼SW¼;
Sec. 14, NW¼SW¼, S½S½;
Sec. 15, SW¼NE¼, S½NW¼, N½SE¼, SE¼SE¼;
Sec. 16, NW¼NE¼, S½NE¼, N½NW¼;
Sec. 17, lot 1 (formerly NE¼NE¼);
Sec. 24, N½N½, SE¼NE¼.

T. 15 N., R. 2 E. (unsurveyed),
All.

T. 16 N., R. 2 E., (partially surveyed),
Sec. 22, all;
Sec. 26, NW¼NW¼;
Sec. 27, all;
Sec. 33, all;
Sec. 34, all.

T. 12 N., R. 3 E.,
Sec. 19, lot 2, SW¼NE¼, SE¼NW¼, N½SE¼;
Sec. 20, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 21, SW¼SW¼;
Sec. 26, NW¼SW¼, SW¼SE¼;
Sec. 27, S½NW¼, NE¼SW¼, N½SE¼;
Sec. 28, W½NE¼, SE¼NE¼, N½NW¼;
Sec. 29, NE¼NE¼;
Sec. 35, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 36, lots 1, 2, SW¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.

T. 11 N., R. 4 E., (partially surveyed),
Sec. 3, S½SW¼;
Sec. 4, N½S½, S½SE¼;
Sec. 5, S½N½, N½SE¼;
Sec. 6, lots 1, 2, and 3, SE¼NE¼, (formerly N½NE¼, SE¼NE¼, NE¼NW¼);
Sec. 10, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 11, NE¼, S½NW¼;
Sec. 12, N½.

T. 12 N., R. 4 E.,
Sec. 31, lots 3, 4, SE¼SW¼, SW¼SE¼.

T. 14 N., R. 4 E.,
Sec. 6, lots 3, 4, 5, 9, 10, HES 330, SE¼NW¼, (formerly lots 3, 4, 5, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼);
Sec. 16, SW¼NW¼, SW¼;
Sec. 21, W½NE¼, SE¼NE¼, NE¼NW¼, E½SE¼;
Sec. 22, W½SW¼, SE¼SW¼;
Sec. 26, lot 13 (formerly SW¼SW¼);
Sec. 27, W½NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 35, lots 3, 4, 6, 7, 9, W½NW¼, SW¼NE¼, W½SE¼ (formerly unsurveyed SW¼NE¼, NW¼, NE¼SW¼, SE¼).

T. 16 N., R. 4 E.,
Sec. 25, N½;
Sec. 26, N½N½;
Sec. 27, N½N½.

T. 11½ N., R. 5 E., (unsurveyed),
All.

T. 12 N., R. 5 E., (unsurveyed),
All.

T. 11½ N., R. 6 E., (unsurveyed),
All.

T. 12 N., R. 6 E., (unsurveyed),
All.

T. 12 N., R. 1 W.,
All.

T. 13 N., R. 1 W.,
Sec. 30, lots 28, 31;
Sec. 31, lots 11, 12, 16;
Sec. 32, lots 10, 11, 12, 14, SW¼NW¼;
Sec. 33, lot 16, SE¼SW¼, S½SE¼;
Sec. 34, S½SW¼, SE¼;
Sec. 35, lots 4, 6, 7, N½SW¼;
Sec. 36, lots 10, 11, 12, SE¼SE¼.

T. 12 N., R. 2 W.,
All.

T. 13 N., R. 2 W.,
Sec. 10, lot 1;
Sec. 11, lots 3, 4, 6, 7, 9, 10, 11, 15, 16;
Sec. 13, lots 4, 5, 11 to 14, inclusive;
Sec. 14, lots 1, 2, 8, 9, 16;
Sec. 15, lots 4, 5, 6, 11;
Sec. 22, lots 2, 8;
Sec. 24, lots 3 to 6, inclusive, 10 to 12, inclusive, 14 to 16, inclusive;
Sec. 25, lots 14, 15;
Sec. 26, lot 28.

All portions of the following described lands in Arizona lying within 50 feet of the centerline of the constructed transmission line of the Arizona Power Company, as shown on maps filed with its application (Phoenix 037837) and on public land surveys made subsequent to construction:

T. 16 N., R. 2 E., (partially surveyed),
Sec. 23, lot 11, S½SE¼;
Sec. 24, S½S½.

T. 15 N., R. 3 E.
Sec. 4, lot 4;
Sec. 9, lot 3, SE¼NE¼;
Sec. 15, lots 1, 2, 5, 6, S½SE¼;
Sec. 22, lot 1;
Sec. 23, lots 4, 5, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 25, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 26, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 36, W½NE¼, E½NW¼, N½SE¼, SE¼SE¼.

T. 13 N., R. 4 E.,
Sec. 1, lots 6, 7, 9, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 2, lot 1, (formerly unsurveyed NE¼NE¼);
Sec. 12, lot 3, W½NE¼, E½SE¼.

T. 13 N., R. 5 E., (partially surveyed),
Sec. 7, lot 10;
Sec. 17, lot 7;
Sec. 18, lot 1, SW¼NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 20, lots 1, 2, 3, 4, 6, 7, 11;
Sec. 28, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 29, N½NE¼, SE¼NE¼;
Sec. 33, lots 1, 2, 6 to 9 inclusive, 15;
Sec. 34, lot 9.

All portions of the following described tracts within 50 feet of the centerline of the constructed transmission line of the Magma Copper Company, permit for which was issued by the Forest Service February 21, 1914:

T. 1 S., R. 12 E.,
Sec. 35, lot 2;
Sec. 36, N½NE¼ and NE¼NW¼ (formerly lots 1 and 2 and NE¼NE¼).

All portions of the following described lands lying within 50 feet of the centerline of the constructed transmission line of the Calument and Arizona Mining Company:

T. 2 S., R. 12 E.,
Sec. 12, N½SW¼, SE¼SW¼;
Sec. 13, E½W½, W½SE¼;
Sec. 24, W½E½, E½SE¼;
Sec. 25, E½E½;
Sec. 36, E½NE¼.

T. 2 S., R. 13 E.,
Sec. 31, lot 4 (formerly W½W½ and SE¼SW¼).

All portions of the following described lands lying within 50 feet of the centerline of the constructed transmission line of the Magma Copper Company:

T. 1 S., R. 13 E., (partially surveyed),
Sec. 12, NE¼SE¼, S½SE¼;
Sec. 13, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 14, S½NE¼, SW¼, NW¼SE¼;
Sec. 15, SE¼SE¼;
Sec. 21, E½SE¼;
Sec. 22, N½NE¼, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 28, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼, NW¼SW¼;
Sec. 29, lots 4 and 5, part of MS 4074, SE¼NE¼, and NE¼SE¼;
Sec. 30, SE¼SE¼ (formerly lot 4);
Sec. 31, NE¼NE¼.

T. 1 S., R. 14 E.,
Sec. 3, lots 1, 2, S½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼ (formerly NE¼, SE¼NW¼, N½SW¼, SW¼SW¼);
Sec. 4, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 5, SE¼SE¼;
Sec. 7, Lots 3, 5, 6, S½NE¼, NE¼SW¼, S½NW¼SW¼SW¼, E½SW¼ SW¼SW¼, E½SW¼SW¼, NW¼SE¼ (formerly S½NE¼, N½SW¼, SW¼SW¼, NW¼SE¼);
Sec. 8, N½N½, SW¼NW¼;
Sec. 9, NW¼NW¼.

Powersite Reserve No. 531 (AR-1)

All portions of the following described land lying within 50 feet of the centerline of the right-of-way shown on a map in one sheet, filed on November 3, 1913, as part of the application (Phoenix 023678) of the United Verde Copper Company:

T. 16 N., R. 3 E.,
Sec. 30, SE¼NE¼;
Sec. 31, lot 1.

Powersite Reserve No. 558 (AR-2)

All portions of the following described lands lying within 50 feet of the centerline of the constructed transmission line of the Arizona Power Company (as interpreted April 12, 1926, August 15, 1929, March 1, 1933, November 16, 1933, October 17, 1934, and November 1, 1935):

T. 12 N., R. 1 E.,

Sec. 4, lots 3 to 6, inclusive, 9 to 11, inclusive, 53, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 5, lots 1 to 4, inclusive, SE¼NE¼;
Sec. 9, lots 1 to 4, inclusive, W½SE¼;
Sec. 10, W½NE¼, SE¼NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 11, SW¼NW¼, N½S½;
Sec. 12, S½NE¼, SE¼NW¼, N½S½;
Sec. 16, lots 1, 4, 14 (formerly lot 5), NE¼NE¼, lots 15 and 16 and MS 3733 and 3688 (formerly SE¼SE¼);
Sec. 22, lot 8;
Sec. 26, lots 1, 3, 6, SE¼NW¼, SW¼SE¼;
Sec. 35, lots 1 to 3 inclusive, NE¼NE¼, W½SE¼ (formerly E½NE¼, N½SE¼, SW¼SE¼).

T. 13 N., R. 1 E.,
Sec. 1, NW¼SW¼;
Sec. 11, E½SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, E½NE¼;
Sec. 22, lots 5, 7, 8 (formerly unsurveyed NE¼SE¼ and S½SE¼);
Sec. 23, lots 3, 4, 37B (MS), SW¼NE¼ (formerly unsurveyed SW¼NE¼, N½SW¼);
Sec. 27, lots 2 to 4 inclusive, S½NW¼, NW¼SW¼ (formerly unsurveyed NW¼NE¼. NW¼, NW¼SW¼);
Sec. 28, lots 5, 6, 1673 (MS), SE¼NE¼, NE¼SE¼ (formerly unsurveyed SE¼NE¼, NE¼SE¼, S½SE¼);
Sec. 30, lots 11 to 15, inclusive;
Sec. 31, lots 1 to 4, inclusive, 7 to 10, inclusive, 12 to 15, inclusive, 42 (MS), SE¼SW¼ (formerly lots 1 to 4, inclusive, 7 to 9, inclusive, 12 to 15 inclusive, W½NE¼, E½SW¼);
Sec. 32, lots 2 to 4 inclusive, E½SW¼, SW¼SE¼;
Sec. 33, lots 1, 2, 4, 5, 7, 9, 10, 1673 (MS), ME patents in NE¼SW¼ (formerly unsurveyed N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, NW¼SE¼).

T. 12 N., R. 2 E.,
Sec. 7, lots 5, 6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼ (formerly unsurveyed S½N½, N½S½);
Sec. 8, lots 1, 4 (formerly SE¼SW¼), SW¼NW¼, NW¼SW¼;
Sec. 9, SW¼SW¼;
Sec. 15, SW¼NE¼, S½NW¼, N½SE¼;
Sec. 17, lot 1;
Sec. 24, N½N½, SE¼NE¼.

T. 12 N., R. 3 E.,
Sec. 19, lot 2, SE¼NW¼, NE¼SW¼, N½SE¼.

T. 15 N., R. 3 E.,
Sec. 4, lot 4;
Sec. 9, lot 3, SE¼NE¼;
Sec. 15, lots 1, 2, 5, 6, S½SE¼;
Sec. 22, lot 1;
Sec. 23, lots 4, 5, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 25, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 26, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 36, W½NE¼, E½NW¼, N½SE¼, SE¼SE¼.

T. 13 N., R. 4 E.,
Sec. 1, lots 6, 7, 9, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 2, lot 1 (formerly unsurveyed NE¼NE¼);
Sec. 12, lot 3, W½NE¼, E½SE¼.

T. 14 N., R. 4 E.,
Sec. 6, lots 3 to 5 inclusive, 9, 10, HES 330, SE¼NW¼ (formerly lots 3, 4, 5, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼);
Sec. 18, SW¼NW¼, SW¼;
Sec. 22, NW¼SW¼, S½SW¼;
Sec. 26, lot 13 (formerly SW¼SW¼);
Sec. 35, lots 3, 4, 6, 7, 9, W½NW¼, SW¼NE¼, W½SE¼ (formerly SW¼NE¼, NW¼, NE¼SW¼, SE¼).

T. 13 N., R. 5 E. (partially surveyed),
Sec. 7, lot 10;
Sec. 17, lot 7;
Sec. 18, lot 1, SW¼NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 20, lots 1 to 4 inclusive, 6, 7, 11;
Sec. 28, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 29, N½NE¼, SE¼NE¼;
Sec. 33, lots 1, 2, 6 to 9 inclusive, 15;
Sec. 34, lot 9.

T. 13 N., R. 2 W.,
Sec. 10, lot 1;
Sec. 11, lots 3, 4, 6, 7, 9, 10, 11, 15, 16.

Powersite Reserve No. 610 (AR–3)

All unpatented lands lying within 50 feet of the centerline of the right-of-way shown on a map entitled "Alignment of 6600-volt Transmission Line from Ajo, Arizona, to Luna, Old Ore, and Little Ajo Mill Sites Well No.1 ," bearing affidavit of John S. Olmstead, Engineer, Subscribed to on September 20, 1916, and certificate of Charles Briggs, President, and described in field notes of location, the former being a part of Exhibit J(2) and the latter a part of Exhibit K of an application (Phoenix 031547) filed in the Phoenix Land Office on November 9, 1916, by the New Cornelia Copper Company and situated approximately in unsurveyed Tps. 11 and 12 S., R. 7 W., Gila and Salt River Meridian, Arizona.

Powersite Reserve No. 670 (AR–4)

All portions of the following described lands lying within 50 feet of the centerline of the transmission line location shown on maps designated Exhibit J, Sheet 1, and Exhibit J, Sheet 2, and filed on July 24, 1917, as part of the application (Phoenix 035802) of the Calumet and Arizona Mining Company:

T. 23 S., R. 24 E.,
Sec. 13, N½S½;
Sec. 14, N½S½;
Sec. 15, N½SE¼, NE¼SW¼.

T. 23 S., R. 25 E.,
Sec. 17, lot 12, S½NE¼ (formerly S½NE¼ and all unpatented lands in S½NW¼);
Sec. 18, lots 3, 5, 6, 7, S½NE¼ (formerly S½N½, NW¼SW¼, and all unpatented lands);
Sec. 21, NE¼NE¼;
Sec. 22, W½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 26, W½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 27, NE¼NE¼;
Sec. 35, NE¼NE¼.

T. 23 S., R. 26 E.,
Sec. 31, lot 4 (formerly SW¼SW¼).

T. 24 S., R. 26 E.,
Sec. 6, SE¼NE¼, N½SE¼.

Powersite Reserve No. 691 (AR–5)

All portions of the following described lands lying within 50 feet of the centerline of the transmission line location shown on a map in one sheet filed in the District Land Office at Phoenix, Arizona, on January 23, 1918, as part of the application (Phoenix 036140) of the Arizona Gas and Electric Company for right-of-way for an electrical transmission line under the Act of February 15, 1901 (31 Stat. 790):

T. 24 S., R. 14 E.,
Sec. 11, S½SE¼;
Sec. 12, lot 5, SW¼SW¼;
Sec. 14, NW¼NE¼, N½NW¼;
Sec. 15, NE¼, S½NW¼;
Sec. 17, lot 6, E½SE¼.

Powersite Reserve No. 717

All portions of the following described lands lying within 50 feet of the centerline of the right-of-way shown on a detailed map in two sheets designated Exhibit J–2, Sheet 1, and Exhibit J–2, Sheet 2, and entitled "Map of Transmission Line Through the Public Lands of the United States for Phelps Dodge Corporation," each sheet bearing affidavit of Roger J. Pelton, Chief Engineer, and certificate of James McLean, Vice President, and filed with application received in the United States Land Office at Phoenix, Arizona on February 27, 1919:

T. 23 S., R. 24 E.,
Sec. 25, S½SW¼, SW¼SE¼;
Sec. 26, S½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼ (except patented mineral entries);
Sec. 27, E½NE¼;
Sec. 36, lots 15, 16, N½NE¼.

T. 23 S., R. 25 E.,
Sec. 31, lots 1, 2, 10, SW¼NE¼, SE¼NW¼, NW¼SE¼ (formerly SW¼NE¼, W½NW¼, SE¼NW¼, N½SE¼, except patented mineral entries);
Sec. 32, lots 3 to 7, inclusive, part of lot 1750 (MS), E½SW¼, (formerly SW¼, S½SE¼);
Sec. 33, lot 1, SE¼SW¼, SE¼SE¼ (formerly SE¼SW¼, S½SE¼ except patented mineral entries);
Sec. 34, S½SW¼ and SW¼SE¼.

T. 24 S., R. 25 E.,
Sec. 1, lots 3, 4, S½N½ (formerly S½NE¼, NW¼);
Sec. 2, lots 1 to 4, inclusive (formerly N½N½);
Sec. 3, lots 1, 2 (formerly N½NE¼);
Sec. 4, lots 3, 4, and ME patents in N½NW¼ (formerly N½NW¼);

Sec. 5, lot 1, (formerly NE¼NE¼).
T. 24 S., R. 26 E.,
Sec. 5, N½SW¼, SE¼SW¼, S½SW¼.

Powersite Reserve No. 719

All portions of the following described lands lying within 50 feet of the centerline of the right-of-way shown on a detailed map in six sheets designated Exhibit J, Sheets 1–6, and entitled "Location Map of the Transmission Lines of the Desert Power and Water Company in Mohave County, Arizona." Each sheet bears affidavit of Herman C. Zulch, U.S. Mineral Surveyor, and certificate of F. A. Wilde, President, and was received with application filed in the United States Land Office at Phoenix, Arizona, December 31, 1918 (as interpreted May 9, 1957):

T. 20 N., R. 17 W.,
Sec. 4, lots 3 to 5, inclusive, 10 to 12, inclusive (formerly NW¼);
Sec. 5, lots 1, 2, 5 to 12, inclusive, SW¼, N½SE¼ (formerly NE¼, S½NW¼, SW¼, N½SE¼);
Sec. 6, SE¼;
Sec. 7, lots 6 to 20, inclusive, NE¼, N½SE¼ (formerly NE¼, S½NW¼, SW¼, N½SE¼);
Sec. 18, lots 1 to 10, inclusive (formerly NW¼).
T. 21 N., R. 17 W.,
Sec. 1, lot 2, SW¼NE¼, W½SE¼ (formerly W½E½);
Sec. 12, W½NE¼, NE¼SW¼;
Sec. 13, NE¼NW¼, S½NW¼, W½SW¼;
Sec. 23, E½E½, SW¼SE¼;
Sec. 26, NW¼NE¼, NW¼, W½SW¼;
Sec. 34, lots 2 to 5, inclusive, NE¼SE¼ (formerly SE¼SW¼, NE¼SE¼, S½SE¼);
Sec. 35, W½NW¼, NW¼SW¼.
T. 22 N., R. 17 W.,
Sec. 4, lots 15 to 17, inclusive;
Sec. 5, lots 23 to 25, inclusive, 27 to 33, inclusive;
Sec. 6, lots 14, 15, 21 to 24, inclusive.
T. 23 N., R. 17 W.,
Sec. 18, lots 3 and 6 (formerly unsurveyed SW¼NW¼ and NW¼SW¼).
T. 19 N., R. 18 W.,
Sec. 6, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼.
T. 20 N., R. 18 W.,
Sec. 13, SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 24, N½NW¼, SW¼NW¼;
Sec. 26, N½NW¼;
Sec. 28, SE¼SE¼.
T. 22 N., R. 18 W.,
Sec. 1, lot 1 (formerly NE¼NE¼).
T. 23 N., R. 18 W.,
Sec. 3, lots 6, 9, 10, 12, 13, 18, E½SW¼;
Sec. 10, lots 10 to 12, inclusive, 17, NW¼NE¼, NE¼NW¼;
Sec. 11, lot 17;
Sec. 13, lots 8, 14, 15;
Sec. 15, W½NE¼, SE¼NE¼, E½SE¼;
Sec. 22, NE¼NE¼, S½SE¼;
Sec. 23, lots 5, 6, 9, 10, SW¼SW¼, E½SW¼;
Sec. 24, lots 8, 9, 10, 11, 16, 17;
Sec. 25, lot 24;
Sec. 26, N½NE¼ SW¼NE¼, NE¼NW¼, N½SE¼, SE¼SE¼
T. 24 N., R. 18 W.,
Sec. 34, lots 3 and 4 (formerly unsurveyed S½SE¼).
T. 19 N., R. 19 W.,
Sec. 7, lot 7, SE¼SW¼;
Sec. 11, SE¼SE¼;
Sec. 12, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 14, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼;
Sec. 15, N½S½;
Sec. 17, lots 1, 2, S½NE¼, SE¼NW¼;
Sec. 18, lot 2, NW¼NE¼, NE¼NW¼.
T. 19 N., R. 20 W.,
Sec. 3, lots 3 and 5, SE¼NW¼, SW¼NE¼, W½SE¼ (formerly SW¼NE¼, E½NW¼, W½SE¼, SE¼SE¼);
Sec. 10, lots 1 to 3, inclusive (formerly E½NE¼, except patented mineral entries);
Sec. 11, lots 4 to 8, inclusive, SE¼NE¼, SW¼NW¼, except patented mineral entries;
Sec. 12, N½S½, SW¼SW¼, SE¼SE¼, except patented mineral entries;
Sec. 14, lots 3 and 4, E½NW¼, N½SW¼, except patented mineral entries;
Sec. 22, lots 3, 4, 11, except patented mineral entries;
Sec. 23, lots 1, 3, 4 (formerly part of E½NW¼), 5, 7, SE¼NE¼, E½NW¼, NE¼SE¼, except patented mineral entries;
Sec. 24, NW¼SW¼, except patented mineral entries.
T. 20 N., R. 20 W.,
Sec. 27, SW¼SW¼;
Sec. 28, SW¼NW¼, N½S½, SE¼SE¼;
Sec. 29, lot 1, E½NW¼, S½NE¼;
Sec. 30, lot 1;
Sec. 33, NE¼SW¼, N½SE¼;
Sec. 34, W½W½, E½SW¼.

The areas described aggregate approximately 217,624.26 acres in Cochise, Gila, Mohave, Pima, Pinal, Santa Cruz, and Yavapai Counties; the subject transmission lines cross approximately 221.50 miles.

8. Of the lands described in paragraph No. 7, the following are located within the boundaries of a national forest and are subject to the jurisdiction of the United States Forest Service, Department of Agriculture:

Prescott National Forest

T. 11½ N., R. 1 E. (unsurveyed)
All.
T. 12 N., R. 1 E.,
Sec. 5, lots 1 to 4, inclusive, SE¼NE¼;
Sec. 35, lot 3, W½SE¼.
T. 12 N., R. 2 E.,
Sec. 13, SW¼SW¼;
Sec. 14, NW¼SW¼, S½S½.
T. 15 N., R. 2 E. (unsurveyed)
All.
T. 16 N., R. 2 E. (partially surveyed)
Sec. 22, all;
Sec. 23, lot 11, S½SE¼;
Sec. 24, S½S½;
Sec. 26, NW¼NW¼;
Sec. 27, all;
Sec. 33, all;
Sec. 34, all.
T. 12 N., R. 3 E.,
Sec. 20, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 21, SW¼SW¼;
Sec. 26, NW¼SW¼, SW¼SE¼;
Sec. 27, S½NW¼, NE¼SW¼, N½SE¼;
Sec. 28, W½NE¼, SE¼NE¼, N½NW¼;
Sec. 29, NE¼NE¼;
Sec. 35, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 36, lots 1, 2, SW¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼. SE¼SE¼.
T. 15 N., R. 3 E.,
Sec. 9, lot 3, SE¼NE¼;
Sec. 15, lots 1, 2, 5, 6, S½SE¼;
Sec. 22, lot 1:
Sec. 23, lots 4, 5, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 25, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 26, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 36, W½NE¼, E½NW¼, N½SE¼, SE¼SE¼.
T. 11 N., R. 4 E. (partially surveyed)
Sec. 3, S½SW¼;
Sec. 4, N½S½, S½SE¼;
Sec. 5, S½N½, N½SE¼;
Sec. 6, lots 1, 2, and 3, SE¼NE¼;
Sec. 10, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 11, NE¼, S½NW¼;
Sec. 12, N½.
T. 12 N., R. 4 E.,
Sec. 31, lots 3, 4, SE¼SW¼, SW¼SE¼.
T. 13 N., R. 4 E.,
Sec. 1, lots 6, 7, and 9, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 2, lot 1;
Sec. 12, lot 3, W½NE¼, E¼SE¼.
T. 14 N., R. 4 E.,
Sec. 6, lots 3, 4, 5, 9, 10, HES 330, SE¼NW¼, SW¼SE¼;
Sec. 16, SW¼NW¼, SW¼;
Sec. 21, W½NE¼, SE¼NE¼, NE¼NW¼, E½SE¼;
Sec. 22, W½SW¼, SE¼SW¼;
Sec. 26, lot 13;
Sec. 27, W½NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 35, lots 3, 4, 6, 7, and 9, W½NW¼, SW¼NE¼, and W½SE¼.
T. 12 N., R. 5 E.,
Part.
T. 13 N., R. 5 E. (partially surveyed)
Sec. 7, lot 10;
Sec. 17, lot 7;
Sec. 18, lot 1, SW¼NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 20, lots 1 to 4, inclusive, 6, 7, and 11;
Sec. 28, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 29, N½NE¼, SE¼NE¼;
Sec. 33, lots 1, 2, 6 to 9, inclusive, and 15;
Sec. 34, lot 9.
T. 12 N., R. 1 W.,
All.
T. 13 N., R. 1 W.,
Sec. 30, lots 28, 31;
Sec. 31, lots 11, 12, 16;
Sec. 32, lots 10, 11, 12, 14, SW¼NW¼;
Sec. 33, lot 16, SE¼SW¼, S½SE¼;
Sec. 34, S½SW¼, SE¼;
Sec. 35, lots 4, 6, 7, N½SW¼;

Sec. 36, lots 10, 11, 12, SE¼SE¼.
T. 12 N., R. 2 W.,
All.
T. 13 N., R. 2 W.,
Sec. 13, lots 4, 5, 11 to 14 inclusive;
Sec. 14, lots 1, 2, 8, 9, 16;
Sec. 15, lots 4, 5, 6, 11;
Sec. 22, lots 2, 8;
Sec. 24, lots 3 to 6, inclusive, 10 to 12, inclusive, 14 to 16, inclusive;
Sec. 25, lots 14, 15;
Sec. 26, lot 28.

Coconino National Forest

T. 16 N., R. 4 E.,
Sec. 25, N½;
Sec. 26, N½N½;
Sec. 27, N½N½.
T. 12 N., R. 5 E. (surveyed)
Part.
T. 12 N., R. 6 E. (unsurveyed)
All.

Tonto National Forest

T. 1 S., R. 12 E.,
Sec. 35, lot 2;
Sec. 36, lots 1, 2, NE¼NE¼.
T. 2 S., R. 12 E.,
Sec. 12, N½SW¼, SE¼SW¼;
Sec. 13, E½W½, W½SE¼;
Sec. 24, W½E½, E½SE¼;
Sec. 25, E½E½;
Sec. 36, E½NE¼.
T. 1 S., R. 13 E.,
Sec. 12, NE¼SE¼, S½SE¼;
Sec. 13, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 14, S½NE¼, SW¼, NW¼SE¼;
Sec. 15, E½SE¼;
Sec. 21, E½SE¼;
Sec. 22, N½NE¼, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 28, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼, NW¼SW¼;
Sec. 29, SE¼NE¼, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 30, SE¼SE¼;
Sec. 31, NE¼NE¼.
T. 2 S., R. 13 E.,
Sec. 31, lot 4.
T. 1 S., R. 14 E.,
Sec. 3, lots 1, 2, S½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 4, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 5, SE¼SE¼;
Sec. 7, lots 3, 5, 6, S½NE¼, NE¼SW¼, S½NW¼SW¼SW¼, E½SW¼SW¼SW¼, E½SW¼SW¼, NW¼SE¼;
Sec. 8, N½N½, SW¼NW¼;
Sec. 9, NW¼NW¼.

9. Of the lands described in Paragraph 7, the following are located within the boundaries of the Cabeza Prieta National Game Range and are subject to the jurisdiction of the United States Fish and Wildlife Service, Department of the Interior;

T. 11 S., R. 7 W., (unsurveyed)
All.
T. 12 S., R. 7 W., (unsurveyed)
All.

10. Of the lands described in paragraph No. 7, the following have been transferred out of Federal ownership:

T. 11½ N., R. 1 E., (unsurveyed)
HES 81, HES 336, and ME patents in Township.
T. 12 N., R. 1 E.,
Sec. 4, lots 3 to 6, inclusive, 9 to 11, inclusive, 53, SW¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 5, HES 62 and HES 76 in lots 3 and 4;
Sec. 9, lots 1 to 4, inclusive, and W½SE¼;
Sec. 10, NW¼NW¼;
Sec. 12, S½NE¼, SE¼NW¼, and N½S½;
Sec. 16, lots 1 and 4, 15 and 16, NE¼NE¼, and MS 3686 and MS 3733 in SE¼SE¼;
Sec. 26, lots 1, 3, and 6, SE¼NW¼, and SW¼SE¼;
Sec. 35, lots 1 and 2, NE¼NE¼, and SW¼SE¼.
T. 13 N., R. 1 E.,
Sec. 1, NW¼SW¼;
Sec. 11, E½SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, E½NE¼;
Sec. 22, lots 5, 7, and 8;
Sec. 23, lots 3, 4, and 37B;
Sec. 27, lots 2 to 4, inclusive, S½NW¼, and NW¼SW¼;
Sec. 28, lot 1673, SE¼NE¼, and NE¼SE¼;
Sec. 31, lots 1 to 4, inclusive, 7 to 10, inclusive, 13 to 15, inclusive, 42, and SE¼SW¼;
Sec. 32, lots 2 to 4, inclusive, E½SW¼, and SW¼SE¼;
Sec. 33, lot 1673, and ME patents in NE¼SW¼.
T. 12 N., R. 2 E.,
Sec. 7, lots 5 and 6, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 8, lots 1 and 2, SW¼NW¼, NW¼SW¼, NE¼SW¼, and NW¼SE¼;
Sec. 15, SW¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 16, NW¼NE¼, S½NE¼, and N½NW¼;
Sec. 17, lot 1;
Sec. 24, N½N½ and SE¼NE¼.
T. 15 N., R. 2 E., (unsurveyed)
Lots 1450, 1487, 1532B, and 1787, MS 1577 and 1692, HES 91 and 92, and ME patents in Township.
T. 16 N., R. 2 E., (partially surveyed)
Sec. 22, all;
Sec. 26, ME patents in NW¼NW¼;
Sec. 27, all except lots 3 and 4;
Sec. 33, ME patents;
Sec. 34, ME patents.
T. 12 N., R. 3 E.,
Sec. 19, lot 2, SW¼NW¼, SE¼NW¼, and N½SE¼;
Sec. 20, W½SW¼.
T. 15 N., R. 3 E.,
Sec. 4, lot 4;
Sec. 9, SE¼NE¼;
Sec. 23, lots 4 and 5, and SE¼NW¼.
T. 16 N., R. 3 E.,
Sec. 30, SE¼NE¼;
Sec. 31, lot 1.
T. 11 N., R. 4 E.,
Sec. 4, N½SE¼ and N½NE¼NE¼SW¼;
Sec. 5, S½NW¼;
Sec. 6, SE¼NE¼.
T. 13 N., R. 4 E.,
Sec. 12, lot 3 and E½NE¼SE¼.
T. 14 N., R. 4 E.,
Sec. 6, HES 329 in SW¼SE¼.
T. 16 N., R. 4 E.,
Sec. 25, SW¼NW¼;
Sec. 26, N½NE¼ and NE¼NW¼;
Sec. 27, N½NW¼.
T. 12 N., R. 5 E., (unsurveyed)
Lot 1328 and HES 90 in Township.
T. 12 N., R. 1 W.,
HES 77 and 643, MS 913, 1550, 1948, 1951, 3210, 3211, and 4552B, and ME patents in Township.
T. 13 N., R. 1 W.,
Sec. 32, MS 4263 and ME patents in lot 12 and SW¼NW¼;
Sec. 33, MS 4582 and ME patents in lot 16 and SE¼SW¼.
T. 12 N., R. 2 W.,
Lot 45, MS 300, 1169, 1181, 1646, 1804, 2942, 4205, and 4552B, HES 80, and ME patents in Township.
T. 13 N., R. 2 W.,
Sec. 10, lot 1;
Sec. 11, lots 3, 4, 6, 7, 9 to 11, inclusive, 15, and 16.
T. 20 N., R. 17 W.,
Sec. 4, lots 3, 4, 11, and 12;
Sec. 5, lots 1, 2, 7 to 10, inclusive, SW¼, and N½SE¼;
Sec. 7, lots 6 to 20, inclusive, NE¼, and N½SE¼;
Sec. 18, lots 1 to 10, inclusive.
T. 21 N., R. 17 W.,
Sec. 1, lot 2, SW¼NE¼, and W½SE¼;
Sec. 12, W½NE¼ and NE¼SW¼;
Sec. 13, NE¼NW¼, S½NW¼, and W½SW¼;
Sec. 23, E½E½ and SW¼SE¼;
Sec. 26, NW¼NE¼, NW¼, and W½SW¼;
Sec. 34, lots 2 to 5, inclusive, and NE¼SE¼;
Sec. 35, W½NW¼ and NW¼SW¼.
T. 19 N., R. 18 W.,
Sec. 6, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼.
T. 20 N., R. 18 W.,
Sec. 13, SE¼NE¼ and N½SE¼;
Sec. 24, N½NW¼ and SW¼NW¼;
Sec. 26, N½NW¼.
T. 23 N., R. 18 W.,
Sec. 3, lot 6;
Sec. 24, lot 8 except MS 4592 and ME patents in lot 9.
T. 24 N., R. 18 W.,
Sec. 34, ME patents in S½SE¼.
T. 19 N., R. 19 W.,
Sec. 11, SE¼SE¼;
Sec. 12, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 15, N½S½;
Sec. 17, lots 1 and 2, S½NE¼, and SE¼NW¼.
T. 19 N., R. 20 W.,
Sec. 3, ME patents in W½SE¼;
Sec. 10, lots 2 and 3;
Sec. 11, MS 4137 in SE¼NE¼;
Sec. 12, MS 4137 in N½SW¼;
Sec. 14, lots 3 and 4, and ME patents in N½SW¼;
Sec. 23, lots 1 and 5, SE¼NE¼, E½NW¼ except lot 4, and NE¼SE¼;
Sec. 24, NW¼SW¼.

T. 20 N., R. 20 W.,
Sec. 29, MS 4485 and ME patents in lot 1;
Sec. 30, MS 4485 and ME patents in lot 1;
Sec. 33, MS 3439 in NE¼SW¼ and NW¼SE¼.
T. 1 S., R. 12 E.,
Sec. 35, lot 2;
Sec. 36, N½NE¼ and NE¼NW¼.
T. 2 S., R. 12 E.,
Sec. 12, MS 3096 and ME patents in N½SW¼ and SE¼SW¼;
Sec. 13, MS 2839A in E½W½;
Sec. 24, MS 2839A in W½NE¼.
T. 1 S., R. 13 E.,
Sec. 12, Pat. 823511 and MS 4036A in S½SE¼;
Sec. 13, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 14, S½NE¼ and NW¼SE¼;
Sec. 29, MS 4674 in NE¼SW¼ and S½SW¼;
Sec. 30, SE¼SE¼;
Sec. 31, NE¼NE¼.
T. 1 S., R. 14 E.,
Sec. 3, Pat. 458733 in SE¼NE¼ and MS 4279 in W½SW¼;
Sec. 7, lot 6 and S½NW¼SW¼SW¼.
T. 24 S., R. 14 E.,
Sec. 11, S½SE¼;
Sec. 12, lot 5 and SW¼SW¼;
Sec. 14, NW¼NE¼ and N½NW¼;
Sec. 15, NE¼ and S½NW¼;
Sec. 17, lot 6 and E½SE¼.
T. 23 S., R. 24 E.,
Sec. 13, N½S½;
Sec. 14, N½S½;
Sec. 15, N½SE¼ and NE¼SW¼;
Sec. 25, lot 6, S½SW¼, and SW¼SE¼;
Sec. 26, S½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 27, E½NE¼;
Sec. 36, lots 15 and 16, and N½NE¼.
T. 23 S., R. 25 E.,
Sec. 17, lot 12 and S½NE¼;
Sec. 18, lots 3, 6, and 7, and ME patents in S½NE¼;
Sec. 21, NE¼NE¼;
Sec. 26, W½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 27, NE¼NE¼;
Sec. 32, lots 3 to 7, inclusive, 1750, and E½SW¼;
Sec. 33, lot 1, SE¼SW¼, and SE¼SE¼;
Sec. 34, S½SW¼ and SW¼SE¼;
Sec. 35, NE¼NE¼.
T. 24 S., R. 25 E.,
Sec. 1, lots 3 and 4, and S½N½;
Sec. 2, lots 1 and 4, inclusive;
Sec. 3, lot 1;
Sec. 4, lots 3 and 4, and ME patents in N½NW¼;
Sec. 5, lot 1.
T. 23 S., R. 26 E.,
Sec. 31, lot 4.
T. 24 S., R. 26 E.,
Sec. 5, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 6, SE¼NE¼ and NE¼SE¼.

Inquiries concerning the public lands should be addressed to the Arizona State Director, Bureau of Land Management, U.S. Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26406 Filed 9-9-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5993

[A-12448]

Arizona; Revocation of Executive Order Dated August 18, 1904, Fort Whipple Military Reservation

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order for the remaining 1,000 acres of public lands which were withdrawn for use by the War Department, and later the Department of the Army, as a rifle range and other small arms training facility. This action will restore 683.57 acres to operation of the public land laws, including the mineral leasing laws, but not the mining laws. The remaining 316.43 acres have been classified for disposal pursuant to an application filed by Yavapai County, Arizona.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order of August 18, 1904, which withdrew the following described lands for use of the War Department, as a target range for troops at Whipple Barracks, Arizona, is hereby revoked as to the remaining lands described as follows:

Gila and Salt River Meridian

T. 14 N., R. 2 W.,
Sec. 3, W½SW¼,
Sec. 4, S½,
Sec. 9, lots 1 and 2 (formerly NE¼SE¼), N½, N½SW¼, SW¼SW¼, NW¼SE¼,
Sec. 10, W½NW¼.

The area described contains 1,000 acres in Yavapai County.

2. At 10 a.m. October 7, 1981, the public lands described as W½SW¼ sec. 3, S½ sec. 4, lot 2, N½N½, SW¼NW¼ and W½SW¼ sec. 9, T. 14 N., R. 2 W., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 7, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands described above will be open to applications and offers under the mineral leasing laws at 10 a.m. on October 7, 1981. The lands will remain closed to mineral location.

4. The lands described as lot 1, S½NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼ sec. 9 and the W½NW¼ sec. 10, T. 14 N., R. 2 W., containing 316.43 acres, have been classified for disposal under the provisions of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.) (1976), pursuant to application filed by Yavapai County, Arizona. These lands will remain closed to other use or disposition under the public land laws.

5. Any disposal of the public lands described in paragraph 1 that are included in Power Project AR-01077 shall be subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075; as amended, 16 U.S.C. 818.

6. Any rights and privileges in the form of easements and rights-of-way previously granted or established by the Department of Army on the subject lands shall continue in full force and effect.

Inquiries concerning the lands shall be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: September 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-26407 Filed 9-9-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 200, 201, and 205

Disaster Relief

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final Rule Amendment.

SUMMARY: This rule amends references to the Associate Director, Disaster Response and Recovery, in the FEMA regulations concerning "Disaster Relief". These references are changed to Associate Director, State and Local Programs and Support.

DATE: This rule change is effective September 10, 1981.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 815, 500 C Street, SW., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Craig Annear, Office of General Counsel, (202) 287-0380.

SUPPLEMENTARY INFORMATION: As a consequence of an internal reorganization within FEMA, it is necessary to amend a number of provisions in the regulations so that reference is made to the correct official. This is a purely procedural and corrective change reflecting actions already accomplished, and thus notice and public comment are unnecessary, and it is desirable for information purposes to have this change made effective immediately on publication.

Authority for issuance of the regulation comes from section 606 of the Disaster Relief Act of 1974. Accordingly, Parts 200, 201 and 205 of subchapter D, Chapter 1, Title 44, Code of Federal Regulations are amended as follows:

PART 200—FEDERAL DISASTER ASSISTANCE (PUBLIC LAW 91-606)

1. Section 200.2(g) is amended to read:

§ 200.2 [Amended]

* * * * *

(g) Associate Director means the Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

§§ 200.2, 200.3, 200.26, 200.30 and 200.39 [Amended]

2. References in the following sections to the Office of Disaster Response and Recovery or to ODRR are changed to read: Federal Emergency Management Agency, §§ 200.2(i); 200.3; 200.26(b); 200.30; 200.39.

PART 201—REIMBURSEMENT OF OTHER FEDERAL AGENCIES UNDER PUBLIC LAW 91-606

3. References to the Office of Disaster Response and Recovery or ODRR are changed to Federal Emergency Management Agency in § 201.2 (a) and (b).

PART 205—FEDERAL DISASTER ASSISTANCE (PUBLIC LAW 93-288)

4. Section 205.2(a)(3) is revised to read:

§ 205.2 [Amended]

(a) * * *

(3) Associate Director means the Associate Director for State and Local Programs and Support, FEMA or his/her designated representative.

* * * * *

§§ 205.1, 205.76, 205.91, 205.100, 205.402, 205.403, 205.407 and 205.408 [Amended]

5. References in the following sections to the Associate Director for Disaster Response and Recovery or Associate Director, ODRR, are changed to references to the Associate Director: §§ 205.1; 205.76(d)(4); 205.91(a); 205.100; 205.402(d); 205.403(b)(3); 205.407(d); 205.408(d)(2); 205.408(e).

§§ 205.91 and 205.100 [Amended]

6. The parenthetic references "(Associate Director)" in §§ 205.91(a) and 205.100 are removed.

§ 205.111 [Amended]

7. Section 205.111(c) is removed and the number reserved.

John E. Dickey,

Acting Associate Director, State and Local Programs and Assistance.

September 1, 1981.

[FR Doc. 81-26334 Filed 9-9-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[General Order No. 16, Amdt. 40; Docket No. 81-22]

Interest in Reparation Proceedings

AGENCY: Federal Maritime Commission.

ACTION: Final Rule.

SUMMARY: Fluctuations in interest rates have required the FMC to modify its past practice regarding awards of interest in reparation proceedings. This rule prescribes the rate of interest to be granted as part of reparation awards in cargo misrating cases. Interest will be based on the rates on 6-month U.S. Treasury bills. The intended effect of the rule is to compute interest awards that more accurately reflect prevailing interest rates during the reparation period involved in each case.

DATE: Effective on September 10, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: On March 17, 1981, the Commission issued a notice of proposed rulemaking providing for the grant of interest on awards of reparation in cases involving the misrating of cargo arising under section 18(b)(3) of the Shipping Act, 1916 (46 U.S.C. 817(b)(3)) and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844). The interest awarded would be based on the rate paid on six-month U.S. Treasury bills averaged over the reparation period.

Eight responses to the proposed rule were submitted, on behalf of numerous conferences of carriers.[1] Comments received are summarized and discussed below.

Some commenting parties argue that the proposed rule in inconsistent with the holdings in *Consolo* v. *FMC*, 383 U.S. 607 (1966) and *Flota Mercante Grancolombiana, S.A.* v. *FMC*, 373 F. 2d 674 (D.C. Cir. 1967), that awards of reparation under section 22 of the Shipping Act, 1916 (46 U.S.C. 821) are discretionary. They contend that because the rule does not allow for exceptions it constitutes an abdication of statutory discretion. The rule is also alleged to be contrary to prior Commission decisions indicating that interest on reparation awards will be

[1] Comments were submitted by:

(a) Pacific Westbound Conference, Pacific-Straits Conference, Pacific Indonesian Conference, and Far East Conference;

(b) Australia-Eastern U.S.A. Shipping Conference, Greece/U.S. Atlantic Agreement, Iberian/U.S. North Atlantic Westbound Freight Conference, Italy, South France, South Spain, Portugal/U.S. Gulf and The Island of Puerto Rico (Med-Gulf) Conference, Marseilles North Atlantic U.S.A. Freight Conference, Mediterranean-North Pacific Coast Freight Conference, North Atlantic Mediterranean Freight Conference, U.S. Atlantic & Gulf/Australia-New Zealand Conference, U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement, The West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (WINAC);

(c) The Associated Latin American Freight Conferences, consisting of United States Atlantic & Gulf-Haiti Conference, United States Atlantic & Gulf-Jamaica Conference, United States Atlantic & Gulf-Santo Domingo Conference, Southeastern Caribbean Conference, Atlantic & Gulf/West Coast of South America Conference, United States Atlantic & Gulf/Venezuela Conference, West Coast of South America Northbound Conference, East Coast Colombia Conference, and Atlantic & Gulf/Panama Canal Zone, Colon and Panama City Conference;

(d) The North European Conferences, consisting of North Atlantic United Kingdom Freight Conference, North Atlantic French Atlantic Freight Conference, North Atlantic Continental Freight Conference, North Atlantic Baltic Freight Conference, Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference, Continental North Atlantic Westbound Freight Conference, North Atlantic Westbound Freight Association, United Kingdom & U.S.A. Gulf Westbound Rate Agreement, Continental-U.S. Gulf Freight Association, Gulf-United Kingdom Conference, and Gulf-European Freight Association;

(e) Agreement No. 10107, Agreement No. 10108, Japan/Korea-Atlantic & Gulf Freight Conference, Japan-Puerto Rico & Virgin Islands Frieght Conference, New York Freight Bureau, Trans-Pacific Freight Conference (Hong Kong), Trans-Pacific Freight Conference of Japan/Korea, Thailand/Pacific Freight Conference, and Thailand/U.S. Atlantic & Gulf Conference;

(f) Inter-American Freight Conference;

(g) Atlantic and Gulf-Indonesia Conference;

(h) Atlantic and Gulf-Singapore, Malaya and Thailand Conference.

denied if the misrating is the result of the negligence or misrepresentations of the shipper. Accordingly, the Commission is urged to modify the rule to allow a case-by-case determination of interest awards.

While the proposed rule does alter the existing Commission practice of making a strict case-by-case determination of all elements of interest awards in reparation proceedings, it is neither improper nor inconsistent with case law. Generally, the choice made between proceeding by general rule or on an *ad hoc* basis is one that rests with the discretion of the administrative agency. *SEC* v. *Chenery Corp.*, 332 U.S. 194, 203 (1947); British Caledonia Airways, Ltd. v. *CAB*, 584 F. 2d 982, 993 (D.C. Cir. 1978). While *Consolo* and *Flota, supra*, did construe section 22 of the Act as allowing the Commission some discretion in reparation proceedings to consider the equities of each case before it, those cases did not address the issue of whether it would be permissible to eliminate such discretion by rule. In any event, it is not the intent of the rule to remove all discretion from the Commission. The rule does contemplate exceptions. These exceptions, however, would be narrow and generally limited to situations involving shipper fraud or misconduct. *See Girton Manufacturing, Co.* v. *Prudential Lines, Inc.*, 20 S.R.R. 186, 187 (1980). Because the rule intends exceptions under certain circumstances, it has been modified to make this clear.

The comments urge that the Commission consider other factors in determining whether and in what amount interest will be awarded in proceedings involving the misrating of cargo. It is argued that in cases where delay in presenting a claim is attributable to the shipper, the period upon which interest is based should be proportionately reduced. The commenting parties also suggest that some time limit on interest awards be imposed to protect carriers from interest charges caused by delays beyond their control. Because the award of interest is intended to compensate the shipper for the loss of use of funds, the Commission is further urged to take into consideration the *actual* financial losses of the claimant. As an example, it is argued that freight auditors, who have no actual losses, should not be allowed to benefit from the rule.

These comments in effect urge the Commission to inject fault considerations into the proposed rule. Fault of the shipper is irrelevant to the award of reparation in cases involving the misrating of cargo and the only consideration is proof of what was actually shipped. *Kraft Foods* v. *Moore McCormack Lines*, 19 F.M.C. 407, 410 (1976). Because interest in reparation proceedings is intended to make the shipper "whole," *U.S. Borax & Chem. Corp.* v. *Pacific Coast European Conference*, 11 F.M.C. 451, 470 (1968), the same rule, holding that fault is irrelevant, will generally apply. Moreover, if fault were to become a factor in interest awards, proceedings involving routine misrating claims could evolve into legally and factually more complex negligence actions, frustrating efforts to dispose of these claims efficiently.

Other "equitable" considerations suggested in the comments which tend to undermine the overall purpose of the general rule are similarly rejected. Because the party who actually paid the freight charge has been held to have suffered the "injury" within the meaning of section 22, and not the party who "ultimately bore the cost of the overcharge," *Sanrio, Inc.* v. *Maersk Line*, 19 S.R.R. 907 (1979), the carrier may not avoid the payment of interest on the basis of third party relationships for which there is no privity. Similarly, assignees, *i.e.*, "freight auditors," obtain for a consideration legal title to the claim of an "injured" party for reparations, and such assignments do not extinguish any part of the recognized section 22 damages, including interest. *See Ocean Freight Consultants, Inc.* v. *Bank Line, Ltd.*, 9 F.M.C. 211 (1966).

Commenting parties further point out that carriers cannot bring a claim for undercharges against the shipper before the Commission but rather must proceed in court, thereby limiting them to that forum's statutory rate of interest. Because these parties believe this interest rate is likely to be lower than the Treasury bill rate, and is therefore seen as giving an unfair advantage to shippers, the Commission is requested to seek an amendment to the Shipping Act to allow carrier claims against shippers. The commenting parties believe that until this is done the Commission should limit interest awards to the statutory rate of the forum in which such claims would otherwise have to be brought.

This suggestion not only ignores the realities of the situation but also overlooks the basis of the rule. First, the Commission's statutory inability to entertain undercharge claims by carriers against shippers cannot act as a basis for denying relief to shippers for overcharges.[2] The Commission cannot amend the Shipping Act by rulemaking nor refuse to fulfill its statutory obligations pending any such amendment.

Second, the Commission has determined that a "statutory" rate of interest or any fixed level of interest does not reflect contemporary conditions. The rule as proposed establishes a method of computing interest that accurately and fairly reflects the loss incurred by shippers. Because the Shipping Act does not prescribe the manner in which compensation for injuries under section 22 is to be computed, the Commission is necessarily entitled to exercise discretion in determining which rate of interest is appropriate in reparation awards.

Two perspectives can be taken in evaluating the choice of an interest rate. One perspective is that the shipper has effectively "loaned" money to the carrier during the period of the overpayment and that the carrier should pay a rate of interest as if it were a borrower. This would suggest a rate such as the prime which is typically higher than the rates on commercial paper in investment portfolios. The other perspective, is that, were it not for the overpayment, the shipper would have had the additional funds to use or to invest, and thus the shipper should be compensated according to investment rates in the money and capital markets. These rates are lower than those charged by lenders and should put no undue burden on the carrier because the overpayment is money that the carrier could have invested anyway. Thus, the carrier is paying interest at a rate which is approximately that which the shipper could have earned if the shipper had been able to invest the amount of the overpayment. In order to borrow that same amount of money, the carrier would have had to pay a much higher rate of interest.[3]

Once having concluded that it is more appropriate to focus on an investment rather than a loan rate, a further question arises as to whether the rate selected should reflect short term or long term investment opportunities. The rule suggests six-month Treasury bills because the Commission is of the opinion that the combination of

[2] However, carriers are entitled to a set-off for undercharges against a claim for overcharges when both arise under a single bill of lading. *Colgate Palmolive Co. v. The Grace Line*, 17 F.M.C. 279 (1974).

[3] It is interesting to note in this context that the Internal Revenue Service, by statute, focuses on the *higher* rate at which money could be *borrowed* when it establishes a rate for the overpayment or underpayment of taxes (Section 5521(b) of the Internal Revenue Code, 26 U.S.C. 6621(b)).

uncertainty and generally short duration of overpayment circumstances makes it unlikely that these funds could be used for longer terms investments.

One commenting party suggests that the Treasury bill interest level is too high because the small amounts of money generally involved in reparation cases are not eligible for investment at the Treasury bill rate. The Commission cannot agree with this suggestion. While most reparation amounts, by themselves, would probably not be large enough to invest in Treasury bills, there are a myriad of investment opportunities at rates approximating the Treasury bill rate which are available to the smaller investor.[4] Thus, the Commission continues to believe that the use of an average Treasury bill rate as opposed to a fixed "statutory" rate or "passbook" rate is a valid exercise of agency discretion. *Global Van Lines v. ICC*, 627 F.2d 546, 553 (D.C. Cir. 1980).

Several specific amendments to the proposed rule have been advanced. One commenting party requests that the term "misrating" be redefined to exclude shipper misrepresentation. As stated above, the rule will be modified to exclude cases where shipper deception or misconduct is shown. No further redefinition is deemed necessary.

It also has been suggested that the rule specify whether interest will be simple, compounded or prorated. The Commission agrees that clarification of this point is appropriate and the rule has accordingly been revised to specify that simple interest is contemplated. The final rule also specifies that interest will accure from the date of payment of freight charges to the date reparations are paid.

Finally, it is proposed that interest not be made mandatory where the claim is settled between the parties. This suggestion is also found to have merit. Except in situations where facts critical to the resolution of a dispute are not reasonably ascertainable, settlements of section 22 reparations claims based on misrating of cargo must reflect the applicable freight rate to comply with the requirements of section 18(b). *Organic Chemicals v. Atlanttrafik Express Service*, 18 S.R.R. 1536a (1979). However, because interest is not part of the freight rate, it is appropriate that its treatment in settlement agreements be left up to the parties. The Commission has modified the rule to except settled claims from its scope.

This proposed rule would appear to be exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Section 601(2) of the Act excepts from its coverage any "rule of particular applicability relating to rates * * * or practices relating to such rates * * *." This rule would seem to be one "relating to rates." However, since an initial regulatory flexibility analysis was issued in this proceeding, providing a final flexibility analysis will not delay or protract this rulemaking proceeding, although this analysis may not be required. Accordingly, and without prejudice to any future determination as to the applicability of the Act to this or any related rule, the following final regulatory flexibility analysis is being provided.

The need for, and the objectives of, the rule are stated in the "Summary" above. No comments in response to the initial regulatory flexibility analysis published in this rulemaking proceeding have been received by the Commission.

This rule is intended to result in a favorable economic impact on small entities. Accordingly, consideration of alternatives which minimize the economic impact of the rule would appear to be unnecessary. However, the Commission has considered alternatives to the proposed rule and has determined that they are impactical. A discussion of one of these alternatives was provided in the Notice of Proposed Rulemaking issued in this proceeding on March 17, 1981 (46 FR 17064).

PART 502—RULES OF PRACTICE AND PROCEDURE

Therefore, pursuant to 5 U.S.C. 553 and sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821 and 841(a)), Part 502 of the Code of Federal Regulations is amended by the addition of a new § 502.253 as follows:

§ 502.253 Interest in reparation proceedings.

Except as to applications for refund or waiver of freight charges under § 502.92 and claims which are settled by agreement of the parties, and absent shipper fraud or misconduct, interest will be granted on awards of reparation in cases involving the misrating of cargo and arising under section 18(b)(3) of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933. Interest (simple) will accrue from the date of payment of freight charges to the date reparations are paid. The rate of interest will be calculated by averaging the monthly rates on six-month U.S. Treasury bills commencing with the rate for the month that freight charges were paid and concluding with the latest available monthly Treasury bill rate at the time reparations are awarded.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-26369 Filed 9-9-81; 8:45 am]

BILLING CODE 6730-01-M

[4] See, *e.g.*, Statement of the Honorable John R. Evans, Commissioner of the Securities and Exchange Commission, before the House of Representatives Subcommittee on Domestic Monetary Policy of the House Committee on Banking, Finance and Urban Affairs, concerning the Regulation of Money Market Funds, April 8, 1981.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-153; RM-3720]

Radio Broadcast Services; FM Broadcast Station in Fort Bragg and Mendocino, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 249A to Fort Bragg, California, as that community's second FM assignment, and reassigns Channel 224A from Fort Bragg to Mendocino, California, to reflect its actual use there, in response to a petition filed by Fort Bragg Broadcasting Co.

DATE: Effective November 2, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and order. (Proceeding Terminated)

Adopted: August 25, 1981.

Released: August 31, 1981.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Fort Bragg and Mendocino, California); BC Docket No. 81-153; RM-3720.

By the Acting Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 46 FR 17810, published March 20, 1981, proposing the assignment of FM Channel 249A to Fort Bragg, California, as that community's second FM assignment, and the reassignment of Channel 224A from Fort Bragg to Mendocino, California, to reflect its actual use there,[1] in response

[1] Pursuant to § 73.203(b) of the Commission's rules.

to a petition filed by Fort Bragg Broadcasting Company ("petitioner"). Supporting comments were filed by petitioner in which it stated its intent to file for the channel if assigned. Comments were filed by Stephen M. Ryan ("Ryan"), licensee of co-owned Stations KPMO (AM) and KMFB-FM (Channel 224A), in Mendocino, to which the petitioner responded.

2. Fort Bragg (population 5,011),[2] in Mendocino County (population 66,738), is located approximately 216 kilometers (135 miles) northwest of San Francisco. It is served locally by full-time AM Station KDAC. Channel 237A is unoccupied with one application pending.[3]

3. In support of its proposal, petitioner submitted information with respect to Fort Bragg which is persuasive as to its needs for a second FM channel assignment.

4. In our *Notice*, we pointed out that preclusion would occur as a result of this assignment on Channel 246A within 65 miles, Channel 247 within 65 miles, Channel 248 within 105 miles, Channel 249A within 65 miles, and Channel 250 within 65 miles. Petitioner alleged that no communities would be adversely affected as a result of the proposed assignment since alternate channels are available.

5. In comments, Ryan criticized the petitioner's preclusion study but did not demonstrate that any community would be adversely affected. He also questioned the showing of need for the additional channel. Furthermore, he opposed reassignment of Channel 224A to Mendocino and submitted data to reveal that Station KMFB–FM provides city grade coverage to Fort Bragg.

6. With respect to the assertion of service to Fort Bragg by Station KMFB–FM in Mendocino, which is located approximately 16 kilometers (10 miles) south thereof, that fact is not a valid basis for us to withhold action which merely corrects the Table of Assignments to reflect the community of license. We would expect that the community of assignment is close enough to receive service from a station licensed to a community within 10 miles. Since KMFB–FM operates on a channel assigned to Fort Bragg but is licensed to Mendocino, its primary obligation is to the latter community and therefore could not be expected to provide the equivalent of such service to Fort Bragg. *See, Clinton Louisiana*, 45 RR 2d 1587–88 (Broadcast Bureau, 1979).

7. It appears that the thrust of Ryan's objection stems from the possible economic impact that a potentially competitive assignment could have on his station. If so, that is a matter which should be raised at the application stage where it would be feasible to investigate and consider the merits of various allegations, rather than in a rule making proceeding. *See, Beaverton, Michigan*, 44 RR 2d 55 (Broadcast Bureau, 1978).

8. As to Ryan's criticism of petitioner's preclusion study, since there have been no counterproposals from any precluded communities, the potential impact has not been shown to be sufficient here to deny a second channel assignment to Fort Bragg.

9. We believe that reassigning Channel 224A from Fort Bragg, the present community of assignment, to Mendocino, to reflect its use at that community, and assigning Channel 249A to Fort Bragg would be consistent with our assignment criteria. In addition, Fort Bragg's population warrants the assignment of two FM channels. Since it has been stated that no communities would be adversely affected by preclusion as a result of the proposed assignment, it would be in the public interest to make these assignments.

10. Accordingly, it is ordered, That effective November 2, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the communities listed below, as follows:

City	Channel Nos.
Fort Bragg, California	237A, 249A
Mendocino, California	224A

11. Authority for adoption of the above amendments is contained in 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

12. It is further ordered, That this proceeding is terminated.

13. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-26344 Filed 9-9-81; 8:45 am]

BILLING CODE 6712-01-M

[2] Population figures are extracted from the 1980 U.S. Census.

[3] Petitioner was previously one of two applicants for unoccupied Channel 237A, but subsequently withdrew its application.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1244

[Ex Parte No. 385]

Waybill Analysis of Transportation of Property; Railroads; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of clarification of final rule.

SUMMARY: By final rule published in the **Federal Register** on May 15, 1981 (46 FR 26781), the Commission modified its requirement that certain railroads submit waybills used for continuous study of rail carload terminations, previously known as the "One-Percent Waybill Sample." This notice modifies the final rule to clarify two reporting requirements.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Sidney Fine, Telephone: 202–275–0783.

SUPPLEMENTARY INFORMATION: In its decision of April 29, 1981, the Commission established two methods whereby carriers can submit waybill data, the computerized method and the manual method. In the past, all railroads have used the manual system, submitting hard-copy waybills to the ICC on a yearly basis. Under the revised system, railroads using the manual system will submit waybills on a monthly or quarterly basis. The Commission intends that these railroads furnish summary information in each reporting period on Transmitall Form OPAD–2, which accompanies the submitted waybills.

PART 1244—WAYBILL ANALYSIS OF TRANSPORTATION OF PROPERTY—RAILROADS

In § 1244.3(d)(3), the requirement of the transmittal form inadvertently included the word "annually". This word should be removed. 49 CFR 1244.3(d)(3) is corrected to read as follows:

§ 1244.3 Sampling of waybills.

* * * * *

(d) * * *

(3) All subject railroads using the manual system of reporting shall furnish the Commission, in accordance with instructions on the Transmittal Form OPAD–2, the total counts of line-haul revenue waybills terminated in each reporting period for the following three categories:

(i) Waybills, with less than six carloads per waybill,

(ii) Waybills with 6 to 25 carloads per waybill, and

(iii) Waybills with 26 or more carloads per waybill.

* * * * *

One other clarification is needed. There is an apparent conflict between § 1244.3(a)(1) requiring submission of "authenticated copies of the front only of a sample of audited waybills* * *" and § 1244.3(d)(1) requiring "all pertinent waybill data." The Commission requires certain data items to be reported whether these items are on the front of a waybill or not. We are revising 49 CFR 1244.3(a)(1) to read as follows:

§ 1244.3 Sampling of waybills.

(a) * * *

(1) Authenticated copies of a sample of audited revenue waybills—the manual system (§ 1244.3(b)).

* * * * *

This action will not affect the quality of the human environment, the conservation of energy resources, or small businesses other than railroads.

This clarification is issued under authority of 49 U.S.C. 11144, 49 U.S.C. 10709.

Decided: September 1, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26263 Filed 9-9-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Addition of National Wildlife Refuges to the List of Open Areas: Migratory Bird Hunting, Upland Game Hunting, and Big Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule adds Rachel Carson National Wildlife Refuge, Maine, to the list of open areas of migratory bird hunting; Holla Bend National Wildlife Refuge, Arkansas, to the areas open for upland game hunting; and Rachel Carson National Wildlife Refuge, Maine, to the list of refuge areas open for big game hunting. It has been determined that this action would be in accordance with the provisions of all applicable laws, would be compatible with the principles of sound wildlife management, would otherwise be in the public interest, and that such uses are compatible with the major purposes for which each refuge was established. The hunting of migratory birds, upland game, and big game, subject to annual special regulations, will provide additional public recreational opportunities.

EFFECTIVE DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT: Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 202–343–4717.

SUPPLEMENTARY INFORMATION: The author of this document is Ronald L. Fowler, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 202–343–4305.

As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by rulemaking.

On December 9, 1980, there was published (45 FR 81082) a notice of proposed rulemaking adding Rachel Carson National Wildlife Refuge, Maine, to the list of open areas for migratory bird hunting; Holla Bend National Wildlife Refuge, Arkansas, to the areas open for upland game hunting; and Rachel Carson National Wildlife Refuge, Maine, to the areas open for big game hunting. The public was provided a 30-day comment period and was advised that pursuant to the requirements of Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), an environmental assessment had been prepared on each of these proposals. These assessments are available for public inspection and copying at room 2341, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, or by mail addressing the Director at the address given above. On the basis of these assessments it has been determined that this rulemaking does not constitute a major Federal action significantly affecting the human environment.

One letter was received concerning the proposed opening of Holla Bend to upland game hunting; the letter was an endorsement of the proposal by a State game and fish commission. One letter was received concerning the proposed opening of the Rachel Carson National Wildlife Refuge to migratory game bird hunting and big game hunting; the letter represented the concerns of a property owners association. Those concerns were as follows:

1. Hunting on the refuge will drive away birds and other wildlife during the hunting season, eliminating Drakes Island's effectiveness as a state wildlife sanctuary.

Response: Hunting will not be permitted on those areas of the refuge which are part of existing state wildlife sanctuaries. Those areas on which the Service proposes to allow hunting have, in fact, been annually hunted since man first occupied the Maine Coast. The actual effect of the proposed hunting program will be to control and restrict hunting on refuge lands. In planning the refuge hunting program, approximately 60 percent of the area was designated as "closed" to hunting, in effect creating a number of new "sanctuary areas" where they had not existed heretofore.

2. Hunting will drive off many bird species which utilize the marshes during their migratory journeys and destroy the opportunity for wildlife observation.

Response: Refuge personnel conduct periodic surveys of the birds which use the marshes. Based on results of these surveys over the past several years, hunting has not affected the populations of migratory birds which use the refuge marshes.

Hunting seasons for waterfowl in Maine usually begin on October 1. The majority of non-game birds which use the refuge marshes during migration have already departed the Maine Coast for their southern wintering areas by this time.

3. Hunters may walk in the slender-blue flag stand and destroy this rare wildflower.

Response: The slender-blue flag stand is within the existing state game sanctuary on Drakes Island. No hunting is or will be permitted in this area. Consequently, these rare plants are in no danger of being destroyed by hunters.

4. The presence of hunters is of great concern to families on Drakes Island.

Response: No hunting is proposed or currently permitted on Drakes Island, which is part of a state game sanctuary. Consequently, there will be no safety risk involved. Weaponry on the proposed refuge hunting areas will be limited to shotguns. The refuge hunting areas have been designed to keep hunters at a safe distance from residential areas. Where necessary, safety zone or closed area signs will be posted to improve the safety margin.

5. It is short-sighted to open one of the few remaining wildlife marsh areas in existence in southern Maine to hunting. Numerous alternative hunting areas abound in the state.

Response: Coastal marshes are a limited resource in Maine. The majority of the coastal marshes are in state or federal ownership. The opportunity to pursue hunting on this type of area is also limited. Hunting has and will have

minimal impacts on the refuge marshes during the relatively short period of time it occurs each year.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established.

In addition, the Refuge Recreation Act requires that: (1) Any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) funds are available for the development, operation, and maintenance of the permitted forms of recreation. The proposed use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Impact Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and the rapid approach of the hunting seasons, the Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of this rulemaking, therefore the effective date of this final rule is September 10, 1981.

The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act and 43 CFR Part 14.

PART 32—HUNTING

Accordingly, after consideration of all interests and concerns, §§ 32.11, 32.21, and 32.31 of 50 CFR Part 32 are amended by the addition of Rachel Carson National Wildlife Refuge and Holla Bend National Wildlife Refuge as follows:

§ 32.11 List of open areas; migratory game birds.

* * * * *

Maine

Rachel Carson National Wildlife Refuge

* * * * *

§ 32.21 List of open areas; upland game.

* * * * *

Arkansas

* * * * *

Holla Bend National Wildlife Refuge

* * * * *

§ 32.31 List of open areas; big game.

* * * * *

Maine

* * * * *

Rachel Carson National Wildlife Refuge

* * * * *

(16 U.S.C. 460k, 668dd)

Dated: August 13, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-26371 Filed 9-9-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 175
Thursday, September 10, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 70

Material Control and Accounting Requirements for Facilities Possessing Formula Quantities of SSNM

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Nuclear Regulatory Commission is considering amendments to refocus its Material Control and Accounting (MC&A) regulations that apply to facilities possessing formula quantities of strategic special nuclear material (SSNM). These amendments are being considered for both existing and new fuel processing and fabrication plants. They are not currently being considered for application to any future irradiated fuel reprocessing plants. These amendments also would not apply to waste disposal operations, nuclear reactors, or to users of nuclear material as sealed sources.

Five basic rule options are presented. These include two that emphasize existing inventory control requirements, and three that require material controls with a more timely frequency for detection and resolution of possible material losses. The latter three options also reduce a number of the existing requirements which the staff believes may not be cost-effective. This advance notice informs the public and interested parties concerning the status of this proposed rulemaking effort and invites public comment on issues related to the approaches being considered.

DATES: Comments must be received at the NRC docket room before November 9, 1981.

ADDRESSES: Comments on the advance notice should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be delivered to Room 1121, 1717 H Street, NW, Washington, D.C. between 8:15 a.m. and 5:00 p.m. Copies of comments received, summary value-impact analysis, and the more detailed preliminary value-impact analysis, may be examined at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Dube, Section Leader, Technical Issues Section, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301)427–4181.

SUPPLEMENTARY INFORMATION:

Background and Rulemaking Goals

In response to the Energy Reorganization Act of 1974, Pub. L. 93–438, and subsequent legislation, as well as a number of concerns regarding existing Material Control and Accounting (MC&A) systems over the past several years, the NRC has initiated a rulemaking effort to improve its MC&A regulations. This advance notice solicits public comment concerning the options being considered, prior to promulgation of a proposed rule.

The substantive goals of this proposed rulemaking are to achieve the following:

1. Timely detection of the possible loss of strategic quantities of weapons grade nuclear material;

2. Rapid determination of whether an actual loss of strategic quantities occurred;

3. If an actual loss occurred, facilitating the recovery of the lost material by providing evidence regarding the sources of the loss; and

4. Long-term assurance that no significant loss has occurred.

In developing approaches for achieving these substantive goals, the staff has been guided by the following three administrative goals:

1. Elimination of any superfluous, ineffective or excessively costly requirements;

2. Providing licensees with maximum flexibility in devising the least expensive methods for satisfying the substantive goals;

3. Satisfying congressional direction to pursue MC&A upgrades for special nuclear material (cf., Energy Reorganization Act of 1974, Authorization Act for fiscal year 1980, and the Appropriation Act for fiscal year 1981).

Basic Rulemaking Options

The following five basic options are being considered by the staff:

Option 1: This option is the retention of existing requirements. These existing requirements focus on detailed after-the-fact accounting. Specifically, this option relies primarily on facility-wide inventory accounting and detailed comparisons of material on hand with book values every 60 days. Requirements are not graded by material type and form.

Option 2: This option involves minor modifications to existing requirements. This option would be the same as Option 1 except that it would increase the frequency of physical inventories to every 30 days and require material balance alarms and action criteria on a Material Balance Area (MBA) rather than a facility basis. These changes would improve the timeliness and localization of inventory accounting.

Option 3: This option would be a major reform of present MC&A requirements. It would focus on the use of much more timely (1 to 3 days) material control information and measures while decreasing reliance on detailed after-the-fact inventory accounting. The controls would be graded by material type and form. This option would provide explicitly for protection against multiple insiders.

Option 4: This option is the same as Option 3, except that it would not provide explicitly for protection against multiple insiders. Protection against multiple insiders would be provided indirectly through checks and balances inherent in Option 3 and through the physical protection requirements of 10 CFR Part 73.

Option 5: This option is the same as Option 3, except that it would limit the application of MC&A reforms to new facilities and major modifications to existing facilities. Backfitting of existing plants which continue to operate in essentially the same manner would not be mandatory. However, existing licensees would have the option of voluntarily complying with the reform

amendments in lieu of existing requirements.

The detailed requirements of Option 1 are essentially described in §§ 70.51, 70.53, 70.57, and 70.58 of Title 10, Chapter 1, Code of Federal Regulations, supplemented by some guidance documents and license conditions. Since Option 2 is a variation of Option 1, a better understanding of it can be obtained from the same source. However, since the basic approach in Options 3, 4, and 5 of increasing the use of more timely material control information and measures is a significant departure from current regulations, a preliminary working draft of rules representative of Options 3, 4, and 5 has been published as part of this advance notice (hereinafter called the MC&A Reform Amendments). To further facilitate consideration and comments, staff has developed both the following summary of Options 3–5 and an overview comparison of all five options. This comparison is provided in Table 1.

Summary of the Draft MC&A Reform Amendments (Options 3–5)

The draft MC&A Reform Amendments are structured so that they contain a complete set of Material Control and Accounting requirements, except for the measurement control program requirements set forth in 10 CFR 70.57, which would still apply. The scope of the draft amendments is included in § 70.81 for Options 3 and 4, which for Option 5 would be reworded to be applicable only to new facilities and major modifications of existing facilities. The design basis threat, also included in § 70.81, would be the same for Options 3 and 5, but for Option 4 would exclude MC&A requirements to protect against multiple insiders. The structure of the draft amendments highlights three major performance objectives: detection, response, and system overchecks. These are addressed in proposed §§ 70.83, 70.85, and 70.87, respectively. The detection and response sections contain the refocused MC&A requirements. The system overchecks section is generally similar to existing accounting requirements, although some of the less cost-effective requirements have been modified or dropped altogether. The other major section of the proposed amendments (10 CFR 70.89) deals with protection against MC&A system compromise by multiple insiders, and does not apply to Option 4. The following paragraphs briefly describe the most important elements of each of these four major sections of the rule.

Detection

The general aims of the new detection section are: (1) to discover material losses so that response actions may be taken before losses accumulate to strategic quantities; (2) to perform this discovery function in a way that permits (a) localization of losses in time and space, (b) traceability of a loss to a small number of people potentially involved and (c) securing evidence of the cause of the loss; and (3) in the event that the discovery is not made before 5 formula kilograms (FKG) have been lost, to discover the loss in a timely enough fashion to permit loss assessment and search and recovery operations.

Response

The primary aim of response is to provide conclusive evidence regarding the validity of a detection alarm and its cause. The response section includes timely and thorough resolution of detection alarms. This resolution should:

(1) Determine whether an actual loss occurred;

(2) If an actual loss did not occur, determine the cause of alarm, provide supporting evidence, and determine actions needed to correct it and to prevent recurrence;

(3) If an actual loss did occur, determine (a) its extent (how much material); (b) the material form; (c) its localization in time and space (i.e., when did it occur and from what unit or process); (d) how it occurred; and (e) the identities of the personnel who may have had access to the lost material; and

(4) Provide structured information arising from (3) to assist in any post-loss search and recovery operation.

System Overchecks

One of the major changes made by the draft amendments to the existing requirements involves physical inventories. While physical inventories are an important part of the system overchecks section of the draft amendments, the primary role of physical inventories has been refocused from material loss detection to a validation of MC&A system effectiveness. Given this refocusing of the role of inventories, provisions are included to permit inventories to be taken only once a year. This extension of the inventory period would only be permitted upon a demonstration that the new detection systems will function properly. Other modifications to existing requirements are shown in Table 1.

Protection Against Multiple Insiders

This section is applicable to Options 3 and 5 only. It requires the detection and response system to be resistant to compromise by insider conspiracy, falsification, and deceit, and improves upon the current requirements concerning separation of performance of MC&A functions. It also requires redundancy of MC&A data, as needed to assure adequate protection against multiple insiders.

Comparison of the Requirements of the Five Options

As indicated above, Table 1 provides a comparison of the requirements of all five options. This table provides a listing of the substantive differences between the two groupings of options, namely the two options which emphasize existing regulations and the three that represent substantial reformation of those regulations. Within each group the variations are shown through footnotes.

Discussion Topics

NRC is seeking public comment on the options presented in this Federal Register notice. In particular, comments should be focused on the following topics:

1. Which of the options best meets the stated MC&A goals? Are there other basic options which would provide more cost-effective ways of meeting the stated MC&A goals? Please provide specific information regarding any such option.

2. Options 3 through 5 change the emphasis for material loss detection from physical inventories to process monitoring. The primary role of the reduced inventories is changed to be an overcheck on MC&A system effectiveness. We request specific information regarding whether this is likely to result in a more cost-effective utilization of MC&A resources.

3. Is there information available from operating facilities that should be applied to this rulemaking effort? Please provide specific information that indicates that any of the specific existing or draft requirements should be changed. Please recommend changes which would be consistent with achieving the goals of this rulemaking effort.

4. The Commission has determined that the safeguards system should be designed to prevent the theft of SSNM by multiple insiders. Is it adequate to rely on the physical protection system and checks and balances inherent in the material control and accounting system to provide this protection (Options 1, 2, and 4) or should the MC&A system also be designed to assure explicitly that its detection and response capabilities cannot be made ineffective by multiple insiders (Options 3 and 5)?

Table 1.—*Comparison of Requirements of Five Options (See Footnotes for Differences Between Options 1 and 2 and Between Options 3, 4, and 5)*

Objectives	Existing regulations and variation (options 1 and 2)	Reform amendments (options 3, 4, and 5)
Early Loss Detection		
Material Loss Alarms	None[1]	1 day for attractive material; 3 days for less attractive material (§ 70.83(a)(2)).
Loss Localization	Within MBA's (normally 1–3 per facility) (§ 70.58(d)(2)	Within control units (normally 10–20 per facility) (§ 70.85(a)(3)(iv)).
Sensitivity: Abrupt Loss	None[2]	99 percent probability of detecting 5 FKG loss within a control unit (§ 70.83(a)(3); 90 percent probability of detecting 5 FKG loss plantwide (§ 70.83(c)(1)).
Recurring Losses	None	90 percent probability of detecting 5 FKG trickle loss over a one year period (§ 70.83(d)).
Response Requirements		
Prompt Assessment of Detection Alarms	None	Prompt check for common errors plus detailed assessment, if needed, within 3 days (§ 70.85(a)(3)).
Identification of Persons Potentially Involved	None	Limit to 12 persons (§ 70.85(a)(3)(v)).
Prompt Assessment of Hoaxes	None	Pre-established method for resolution (§ 70.85(b)).
Reporting of Alarms to NRC	If ID exceeds LEID and 300 gm of HEU, report probable reasons and actions taken or planned (§ 70.53(b)(1))[3].	Report alarms indicating 5 FKG loss and any positive loss indications within 1 hour; report any other unresolved alarms within 3 days (§ 70.85(d)).
Shutdown	None[4]	Control unit shutdown for 5 FKG loss (§ 70.85(e)). No plantwide shutdown for excessive IDs.
Management Control	Custodians responsible for material (§ 70.58(d)(3))	Custodians and operators responsible for material (§ 70.87(a)(3)(ii)).
Selection and Training	Generalized training program for all MC&A personnel and specific training program for sampling and measurement personnel (§ 70.57(b)(7)).	Specific training program for critical positions (§ 70.87(b)).
Licensee Self-Test of Material Control Capabilities	None	Show, by actual tests, that detection and response capabilities can be met (§ 70.87(c)(2)(ii).
Accounting Overcheck of Material Control Capabilities	Physical inventories required every 2 months[5] (§ 70.51(e)(3)(i))	Physical inventory requirements reduced (possibly only 1 per year) (§ 70.87(d)(2)).
	Element and isotopic balance required	No isotopic balance required (§ 70.87(d)(2)).
	Scrap not measured better than ±10 percent must be recovered within 6 months (§ 70.58(i)(2)).	Licensee has option: either demonstrate that plant LEID is less than 0.4 percent of plant throughput or scrap is measured better than ±10 percent (§ 70.87(d)(4))
	Evaluate shipper/receiver differences on a container, lot and shipment basis (§ 70.58(f)(2)).	Evaluate only on shipment basis (§ 70.87(d)(3)(ii)).
Collusion Requirements		
Detect Cover-up of Material Loss by Colluding Insiders	No explicit requirements in 10 CFR Part 70. Protection against colluding insiders is provided indirectly through checks and balances inherent in Part 70 and through the physical protection requirements of 10 CFR Part 73.	Protects detection and response capabilities against compromise by colluding insiders (§ 70.89).[6]

[1] Delayed detection through physical inventories (see System Overcheck).
[2] LEID limited to 0.5 percent of plant throughput in existing requirements. MBA limits would be added for Option 2.
[3] In Option 2, Inventory Difference (ID) and Limit of Error (LEID) would be calculated for each MBA.
[4] A 1974 letter from NRC to licensees calls for a reinventory if ID exceeds 1.5 times LEID limit, plus a shutdown/clean-out inventory if ID exceeds 2.0 times LEID limit. In Option 2, significant MBA loss could cause MBA shutdown.
[5] Every 30 days in Option 2.
[6] Not included in Option 4.

5. In comparing the various options, are there any other areas that should also be considered by this rulemaking effort? If so, please provide specific suggestions concerning what other areas should be considered. Requirements already considered by the staff, but not included in any of the options, include the following: performing a measured material balance about each control unit; placing as much material as possible in items or measurable form; maintaining a redundant set of accounting records; making physical inventories capable of detecting a 5 formula kg loss with a probability of 90%; limiting cumulative shipper/receiver differences to less than 5 formula kg for any 12 month period; performing independent measurements verification on all effluents and waste shipments; maintaining the cumulative inventory difference (CID) less than its standard deviation over 12 months, and assuring that the trend of CID is toward zero, recovering scrap within an inventory period; and performing three random audits per year. We would invite any specific information which could be used in deciding whether to add these or any other requirements to any rule proposed as a result of this rulemaking effort.

6. We invite comments on whether any of the options would adequately help the NRC and the licensee establish conclusively whether a large material discrepancy is due to measurement bias, random measurement error, non-measurement sources, or diversion. If not, what change in existing or draft rules would be recommended to address this issue?

7. We invite comments concerning which, if any, option provides an appropriate level of detection capability for single thefts of significant quantities of SSNM and for multiple, recurring thefts of small quantities.

8. We invite comments on whether the options have appropriate limits on the number of persons and time span, which would permit an investigation of possible losses to accurately resolve the causes of a detection alarm. Also, are these limits adequate to aid plant investigations and retrieval, if needed?

9. We invite comments on the ability of plantwide detection requirements to provide timely detection of losses from multiple subunits in a facility.

10. A preliminary draft of a value/impact analysis of the draft rule for Option 3 is available at the Commission's Public Document Room at

1717 H Street, NW, Washington, D.C. It includes analyses of various alternative performance criteria. We would invite comments on this draft value/impact analysis, in particular on the size of the model facility, the number of employees involved in MC&A functions; the cost of an employee-year; and the extent of current automation of both MC&A and process control systems. We also invite comments on changes that would be effected by the variations of Options 4 and 5.

11. We invite comments on the values and impacts of Option 2 (monthly inventories and MBA accounting).

12. We invite comments on the values and impacts of Option 1 (that is, continuing existing requirements) to help determine whether there are incremental values and costs associated with the other options described in this Advance Notice.

13. We invite comments on the possible applicability of the proposed rulemaking to reprocessing plants. Specifically, we invite comments on the technical feasibility of achieving the performance goals of the proposed rulemaking if applied to reprocessing facilities, and we invite suggesitons for changing the detailed requirements of the options being considered. We also invite suggestions for additional value-impact analyses associated with the expanded scope. In making these comments, it should be noted that: (a) we anticipate that such application would require changes to options 3 through 5 to consider the radioactivity of such material in such facilities; and (b) existing regulations (option 1) for physical inventory frequency and limit of error are different for reprocessing plants than shown in Table 1.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This advance notice of proposed rulemaking affects only six facilities that fabricate high enriched fuel. The companies that own these facilities do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this proposed rule does not fall within the purview of the Act.

Draft MC&A Reform Amendment for Options 3, 4, and 5

Introduction

The following changes to Title 10, Chapter 1, Code of Federal Regulations, Part 70, Domestic Licensing of Special Nuclear Material, constitute the preliminary working draft MC&A Reform Amendments for Options 3, 4, and 5. Differences among the options are indicated by appropriate footnotes.

1. New paragraphs (w) through (kk) would be added to § 70.4 to read as follows:

§ 70.4 Definitions.

* * * * *

(w) "Abrupt" when used in connection with a loss, diversion, or unauthorized movement or placement of SSNM, means a time frame contained within the interval between sequential performances of an abrupt detection material control test which covers the material in question.

(x) "Action threshold" means the critical value of a test statistic above which response actions required by § 70.85(a) must be initiated.

(y) "Control quantity" represents a portion of the plantwide loss detection goal. It means a selected quantity assigned to a control unit that results in the sum of control quantities over a subset of control units not exceeding 5 formula kilograms of SSNM.

(z) "Control unit" means an identifiable segment or segments of processing or storage activities.

(aa) "Detection start time" means the start of the time interval within which a material control test is to be completed.

(bb) "Inventory Difference" (ID) has the same meaning as "material unaccounted for" (MUF), as defined in § 70.51(a)(6).

(cc) "Item control test" means either a check of a random sample of tamper-safed items in a storage area to verify their identities, location and tamper-safe integrity, or a check of encapsulate items undergoing processing to verify that all items that entered the process are accounted for.

(dd) "Material control test" means either (1) an item control test, or (2) a comparison of a measured or observed amount or property of material against a reference value and a procedure for deciding if the discrepancy is too large.

(ee) "Material description category" means a specific category of feed, intermediate or final product material, or scrap, recycle or waste material, containing SSNM based upon characteristics of the material, such as enrichment, element concentration, chemical composition, physical composition, matrix materials, impurities, cladding, or degree of assembly. At the time scrap is introduced into the dissolution stage of a recovery operation it may be counted as a single material description category.

(ff) "Recurring" when used in connection with a loss, diversion, or unauthorized movement or placement of SSNM, means a time frame that exceeds the interval of an abrupt detection material control test which covers the material in question.

(gg) "SSNM Control Team" means the group of persons delegated joint responsibility and authority for controlling and maintaining knowledge of the movement and location of SSNM in their control unit(s).

(hh) "Substitution" means a type of diversion in which some or all of the SSNM is replaced either with material other than SNM or with SNM having a different isotopic composition.

(ii) "Tamper-safing" has the same meaning as defined in § 70.51(a)(10).

(jj) "Type A material" means a material containing greater than 7.5 percent by weight SSNM and considered to be attractive for use in the fabrication of a Clandestine Fissile Explosive. "Attractive" materials are specified in Commission material attractiveness guidance that has been classified as NSI: Confidential, and which is available to persons with appropriate information access authorization—see 10 CFR Part 25.

(kk) "Type B material" means all material containing SSNM other than Type A material.

2. New §§ 70.81, 70.83, 70.85, 70.87, 70.89,[1] and 70.91 would be added to Part 70 to read as follows:

§ 70.81 General performance objective and requirements.

(a) Each [2] licensee who possesses five or more formula kilograms of strategic special nuclear material (SSNM) at any site other than a production or utilization facility licensed pursuant to Part 50 of this chapter, or operations involved in waste disposal, sealed sources, or irradiated fuel reprocessing facilities, shall implement and maintain a Commission approved material and provide high assurance that activities involving strategic special nuclear material are not inimical to the common defense and security, and do not constitute an unreasonable risk to the

[1] Option 4 excludes the conspiracy threat of § 70.89.

[2] Option 5 differs from this draft text. It reads instead "Each applicant granted a new license or major modification to an existing license to possess . . ."

public health and safety. The following design basis threat, where referenced elsewhere in this part, must be used when designing material control and accounting systems to assure prompt detection and response to covert SSNM diversion:

(1) An individual, including an employee (in any position); and

(2) [3] A conspiracy between individuals in any position who may have:

(i) Access to and detailed knowledge of the facilities subject to this section, or

(ii) Items that could facilitate theft or concealment of the theft of special nuclear material (e.g., small tools, substitute material, false documents, tamper-indicating seals, plant records, etc.), or both.

(b) The material control and accounting system must be designed to protect against the design basis threat as stated in § 70.81(a). To achieve the general performance objective specified in § 70.81(a) a licensee shall establish and maintain a material control and accounting system that provides the capabilities and requirements contained in §§ 70.83, 70.85, 70.87, and 70.89 [3]

(c) Each licensee subject to the requirements of paragraph (a) of this section shall:

(1) [4] No later than 150 days after the effective date of these amendments, submit a revised fundamental nuclear material control plan describing how the licensee will comply with the requirements of paragraph (b) of this section; and

(2) No later than 360 days after the effective date of these amendments or 90 days after the plan submitted pursuant to paragraph (c)(1) of this section is approved, whichever is later, implement and comply with the approved plan except for activities specifically identified by the licensee which involve new construction, significant physical modification of existing structures or major equipment installation, for which 540 days after the effective date of these amendments or 180 days after the plan is approved, whichever is later, will be allowed; and

(3) Make no change which would decrease the effectiveness of the material control and accounting system without prior approval of the Commission.

§ 70.83 Detection capabilities for material control and accounting systems.

To meet the general performance objective and requirements of § 70.81, a material control and accounting system must provide the detection capabilities described in (a) through (d) of this section.

(a) Promptly detect significant abrupt unauthorized movement or placement of SSNM within control units. To achieve this capability the material control and accounting system must:

(1) Establish control units for the physical and administrative control of SSNM so that all SSNM process segments, storage areas, and movements of SSNM within the material access area (MAA) are in some control unit.

(2) Establish material control tests for each control unit that are collectively sensitive to a control quantity loss of SSNM and that include:

(i) Quantitative tests that are sensitive to a loss: (A) without material substitution and (B) with material substitution where credible substitute material is readily available. These tests must be performed within 24 hours of the detection start time for Type A material and within three working days for Type B material.

(ii) Quantitative tests or qualitative visual or property checks for material substitution where credible substitute material is not readily available. If qualitative material control tests are used to check for substitution, back-up quantitative material control tests sensitive to the substitution must be established and performed within five working days of the detection start time for Type A material and within 15 working days for Type B material.

(3) Establish an action threshold, for each non-item quantitative material control test, that meets the following specifications:

(i) The detection probability for a five formula kilogram loss of SSNM must be at least 99 percent; and

(ii) The detection probability for a control quantity loss of SSNM must be at least 90 percent; and

(iii) The false alarm rate of each test must be such that the alarm level will not result in a predicted number of unresolvable false alarms exceeding a total of 2 formula kilograms in one inventory period.

(4) For an item control test the action threshold must be one missing or compromised item and the sample size must be sufficient to meet the specifications delineated in (a)(3) of this section.

(5) Notwithstanding any other requirement of this section, when at least three [5] people have attested to the contents of a tamper-safed item, the contents of that item need not be remeasured again as long as the tamper-safing and tamper-safed item retain their integrities.

(b) Promptly detect unauthorized movements or placement of SSNM in transfers of material between control units. To achieve this capability the material control and accounting system must include procedures that require:

(1) Movement of material to either:

(i) Be completed within the shift in which the movement is initiated; or

(ii) Be contained in structures for which unauthorized access would be detected by violation of containment integrity.

(2) Confirmation of the completion of transfers subject to paragraph (b)(1)(i) of this section, and initiation of a response if the completion of the transfer is not confirmed within the shift in which it was initiated.

(c) Promptly detect abrupt unauthorized movement or placement of five or more formula kilograms of SSNM on a plant wide basis. To achieve this capability the material control and accounting system must:

(1) Provide at least 90 percent probability of detecting losses that total five or more formula kilograms of SSNM on a plantwide basis, where less than five formula kilograms is diverted from any one control unit. The licensee shall do this by the establishment of control quantities and access limitations for each control unit such that each control unit is included in one of the following four categories:

(i) The sum of control quantities over all control units is no greater than five formula kilograms; or

(ii)(A) The sum of control quantities over all control units under the custody of any two SSNM control teams is no greater than five formula kilograms; and

(B) An individual is authorized hands-on access to SSNM only within the area of responsibility of single SSNM control team in any one week; or

(iii)(A) The control quantity for any one control unit is less than five formula kilograms; and

(B) That control unit is isolated from other control units to: *(1)* assure detection of unauthorized access to SSNM in it and *(2)* channel personnel through a search for concealed SSNM prior to exiting that control unit; or

(iv) Any other method which provides an equivalent probability of detection.

(d) Promptly detect a recurring unauthorized movement or placement of SSNM that has accumulated, or could accumulated, to five or more formula kilograms over a period of up to one year, by periodic analyses of the data

[3] Option 4 excludes the conspiracy threat of § 70.89.

[4] Option 5 would only apply to new licensees and would not include § 70.81(c)(1) and (2)

[5] In Option 4 this should read "two" instead of "three" people.

from each control unit. These periodic analyses must:

(1) Be a least equivalent to the following specifications:

(i) For each appropriate material control test, calculate a cumulative imbalance and a standard deviation of the cumulative imbalance. Maintain an action threshold for detection a five formula kilogram cumulative loss with at least 90 percent probability and initiate response if the cumulative imbalance exceeds that threshold;

(ii) For each quantitative material control test, arrange the data sequentially and analyze the time series for long-term trends. Initiate response if a trend projects to a five formula kilogram loss occurring before the end of the next physical inventory; and

(2) Be performed within one work day for each material control test.

§ 70.85 Response capabilities for material control and accounting systems.

To meet the general performance objective and requirements of § 70.81, a material control and accounting system must provide the response capabilities described in this section.

(a) Respond promptly to internal detection alarms that arise from executing § 70.83 by establishing, documenting, maintaining, and being prepared to implement an internal resolution plan that:

(1) Pre-assigns alarm resolution responsibilities;

(2) Identifies those control units where it would be difficult to resolve an alarm if material processing is allowed to continue after the alarm situation is discovered;

(3) Establishes an assessment method to determine the nature of the alarm. This method must provide for prompt check for common errors. If this check does not resolve the alarm, a more detailed assessment must be made. The prompt checks and detailed assessment must be completed within 72 hours, except in the case of a long-term trend where the detailed assessment must be completed as soon as possible but before the trend reaches five formula kilograms. The checks and assessment method must be established to:

(i) Determine the nature and cause of the alarm;

(ii) Retain evidence required to resolve the losses, particularly for those control units identified in paragraph (a)(2) of this section;

(iii) Determine the time span of the potential material loss;

(iv) Identify the material description and quantity, and the control unit(s) involved. To aid in achieving this, the licensee shall be able to narrow to six or fewer the number of possible material description categories involved when an alarm is made; and

(v) Identify persons potentially involved. The licensee shall limit to 12 or fewer the number of personnel who need hands-on access to SSNM over the intervals specified in § 70.83(a)(2)(i) for material control tests. Exceptions to this limit are permitted for emergencies; and

(4) Provides for alerting the security supervisor of the unresolved alarm and for coordinating with the security organization during the remaining alarm resolution period, if the check for common errors does not resolve the alarm.

(b) Respond promptly to external alarm by establishing, documenting, and maintaining at least two external alarm assessment plans, and by being prepared to implement them. These plans must vary in the time necessay for their completion and in the detail of information provided. These plans must include:

(1) Pre-assignment of assessment responsibilities;

(2) A pre-established method for:

(i) Determining the presently authorized material locations within the facility;

(ii) Confirming the material presence in those locations; and

(iii) Reviewing material control and accounting for possible loss indications; and

(3) A procedure for implementing the internal alarm resolution plan specified in § 70.85(a) whenever there is a discrepancy indicating a material loss during an external alarm assessment.

(c) As a result of the checks and assessments required in paragraphs 70.85 (a) and (b) above the licensee shall take the following corrective action:

(1) Return out of place SSNM to the appropriate control unit;

(2) Update and correct the appropriate records; and

(3) Modify the MC&A system with the objective of preventing similar occurences in the future.

(d) The above licensee shall report to the appropriate NRC regional office listed in Appendix A of Part 73 of this chapter, as follows:

(1) Within one hour, positive indications of SSNM loss;

(2) Within one hour, alarms that indicate a loss of five formula kilograms or more of SSNM;

(3) Within 72 hours of the alarm, unresolved alarms; and

(4) Within one hour, the results of external alarm assessments.

(e) In the event that a detection alarm indicates a loss of five formula kilograms or more of SSNM, operations in the control unit(s) related to the alarm must be suspended until either the alarm is resolved or until authorization from the Commission is received to resume operations. Suspension of operations must include:

(1) Stopping the introduction of SSNM into the control unit(s), except for vaults; and

(2) Not releasing any SSNM from the control unit(s) for further processing, except to convert the SSNM into a form suitable for measurement and resolution of the alarm.

§ 70.87 System overcheck structure for material control and accounting systems.

To meet the general performance objectives and requirements of § 70.81, a material control and accounting system must provide the system overcheck programs described in this section.

(a) *Management control.* The licensee shall establish, document, maintain, and follow a management program which implements effective management control over material control and accounting activities. The program must:

(1) Define the essential material control and accounting functions and activities;

(2) Document material control and accounting functional relationships, responsibilities and authority; and

(3) Document the identity and assignment of those material control and accounting functions that should be performed independently to assure that the functions performed by one individual, or organizational unit, control or check the functions performed by other individuals or organizational units. As a minimum, the licensee shall:

(i) Assign the overall responsibility for maintaining material control and material accounting, in conformance with §§ 70.83, 70.85, 70.87, 70.89,[6] and 70.91, to a single individual at an organizational level that assures independence of action and objectiveness of decision. This position must be free of any conflicts of interest with respect to the production function and any other plant functions whose execution may weaken or compromise the material control and accounting system;

(ii) Assign responsibility for material control in each control unit to a designated SSNM control team. Control team responsibilities must include ensuring that SSNM is handled, controlled, measured and accounted for in accordance with prescribed plans and procedures. Measurements of and controls over transfer of responsibility

[6] Option 4 omits § 70.89.

for SSNM from one team to another must be of sufficiently high quality that losses of material can be charged to a single team. The team shall not:

(A) Be responsible for more than three control units;

(B) Include individuals who were members of another SSNM control team within the last week; and

(C) Include personnel other than those responsible for licensed production activities or SSNM control team duties within the control unit.

(iii) Assign responsibility for plant wide material accounting data review to personnel independent of those assigned control responsibility; and

(iv) Assure that material control and accounting procedures and revisions thereto are documented and approved by at least two levels of management knowledgeable in material control and accounting functions and requirements, one of whom must be the individual identified in § 70.87(a)(3)(i).

(b) *Selection and training program.* Each licensee shall establish, document, maintain, and follow a program for the qualification and training of material control and accounting personnel. This program shall ensure that personnel, working in positions involving tasks where error could directly degrade the safeguards capabilities of the MC&A system, are competent and maintain a high level of safeguards awareness. The program must:

(1) Define the essential functions of, and the minimum qualifications for personnel in, these positions;

(2) Assure that staff persons in these such positions are provided with the training necessary to discharge their responsibilities in a knowledgeable manner and that this knowledge is periodically updated;

(3) Assure through testing or other demonstration of competence that staff members have the knowledge they need to perform their jobs correctly; and

(4) Include provisions for making staff members aware of the safeguards importance of their material control and accounting activities and of their being alert to indications of compromise of the material control and accounting system.

(c) *Accountability Monitoring Program.* (1) To ensure and demonstrate that material control and accounting activities are properly designed and implemented, the licensee shall establish a documented accountability monitoring program. This program must ensure through tests, demonstrations, and periodic evaluations of performance, that material control and accounting systems, procedures and components provide reliable information, not susceptible to falsification, and that they meet established performance standards.

(2) The accountability monitoring program must include:

(i) A quality control program which:

(A) Meets the provisions of § 70.57 for all measurements used in satisfying the provisions of § 70.87(d);

(B) Ensures that the estimate of standard deviation for each material control test reflects the actual operational conditions and error sources; and

(C) Ensures that performance standards for other MC&A procedures and components are met.

(ii) A self-test program which demonstrates, subject to appropriate constraints, that the material control and accounting detection and response capabilities are maintained at the performance levels set in §§ 70.83 and 70.85.

(iii) At least one audit per year, which must cover the material control and accounting records, be performed by knowledgeable personnel and assess the effectiveness of the entire material control and accounting system, particularly the capabilities required by § 70.83 and § 70.85. At a minimum each audit shall be performed by individuals independent of both the licensee's nuclear material control management and personnel who have direct responsibility for the receipt, custody, utilization, measurement, measurement quality, and shipment of nuclear material. In addition:

(A) At least one of any two successive audits shall be unannounced; and

(B) At least one of any two successive audits shall be performed by knowledgeable individuals not employed at the facility.

(iv) Provision for reporting of accountability monitoring program findings to a level of plant management higher than the individual designated under § 70.87(a)(3)(i).

(v) Provision that management responses to deficiencies identified are taken promptly to eliminate identified problems.

(d) *Accounting and Data Analysis Program for SSNM.* (1) Each licensee shall establish, document, maintain, and follow an accounting and data analysis program for SSNM to demonstrate that material control and accounting systems have been effective within certain statistical limits. This accounting and data analysis program for SSNM must:

(i) Provide accurate measurements and written records of the licensee's SSNM holdings and material transactions, including discards, burials or other loss streams, as necessary to allow physical inventory requirements to be met;

(ii) Provide a capability for performing plant wide systems checks of the effectiveness of the material control and accounting system to accurately account for SSNM; and

(iii) Monitor and analyze material control and accounting data to identify discrepancies of possible safeguards significance.

(2) The licensee shall periodically perform a measured physical inventory, by element, of all SSNM in its possession. The minimum frequency of physical inventories must be set by the Commission on a case by case basis. Except for special physical inventories ordered by the Commission, the frequency of required physical inventories must be at intervals no longer than 12 months nor less than 2 months. The licensee shall assure that twice the standard deviation of the component of inventory difference due to measurements does not exceed the larger of a limit of 0.4 percent of plant throughput for the inventory period; or a limit of 200 grams of plutonium or U–233, or 300 grams of U–235; or exceed alternative limits authorized by the Commission on a case by case basis. Within 30 days after the start of each ending physical inventory, the licensee shall:

(i) Calculate, for the material balance interval terminated by that inventory, the inventory difference (ID) for the uranium and/or plutonium element(s), and its associated standard deviation;

(ii) Compare each ID calculated pursuant to paragraph (d)(2)(i) of this section with twice its associated standard deviation; and

(iii) Reconcile and adjust the book records to reflect the results of the physical inventory.

(3) The licensee shall establish, maintain, document, and follow procedures to:

(i) Assure accurate identification and measurement of the quantities of SSNM received and shipped by a licensee and the determination of the associated standard deviations;

(ii) Review, evaluate and resolve significant shipper-receiver differences on a shipment and on a cumulative basis for shipments of like material; and

(iii) Assure that twice the licensee's standard deviation for cumulative shipments or receipts on correspondent accounts, individually or collectively, for any period up to one year, does not exceed two formula kilograms of SSNM.

(4) The licensee shall establish, document, maintain, and follow a program for accountability control of

scrap which assures that a licensee's recovered scrap is segregated from the scrap of other licensees or contractors and that:

(i) Any scrap measured with an uncertainty of greater than ±10 percent is recovered so that the results are segregated by inventory period and received by the end of the inventory period after the period in which the scrap was generated; or

(ii) The licensee demonstrates that the total scrap measurement uncertainty will not cause twice the standard deviation of inventory difference to exceed the larger of a limit of 0.4 percent of plant throughput for the inventory period; or a limit of 200 grams of plutonium or U–233, or 300 grams of U–235; or to exceed an alternative limit authorized by the Commission, pursuant to § 70.87(d)(2).

(e) *Accounting investigation/resolution program.* Each licensee shall establish an accounting investigation/resolution program that ensures that the material control and accounting system is promptly modified where necessary so that its ability to demonstrate control of SSNM within satisfactory limits is maintained. This program must:

(1) Include plans to investigate inventory difference, shipper-receiver difference, and cumulative shipper-receiver difference that exceed twice their associated standard deviations and to promptly determine the cause. Differences not exceeding the following do not require investigation: for inventory differences, 50 grams; for individual shipper-receiver differences, 50 grams on whole shipments; and for cumulative shipper-receiver differences, 100 grams.

(2) In the event of an accounting irregularity, implement the plans devised under paragraph (e)(1) of this section;

(3) Assure that appropriate corrective action is taken to eliminate the causes of accounting irregularities; and

(4) Modify the plans under paragraph (e)(1) of this section to incorporate the results of investigations of accounting irregularities and other pertinent information as it becomes available.

§ 70.89[7] Protection against falsification of material control and accounting records or other compromise of the material control and accounting system by the design basis threat.

(a) To meet the general performance objective and requirements of 70.81, each subject licensee shall maintain a self-protecting material control and accounting system which, in addition to satisfying the provisions of §§ 70.83 and 70.85, also contains sufficient redundancy and diversity to provide a high level of protection against significant reduction of the system's detection or response capabilities as a result of falsification or deceit by the design basis threat stated in § 70.81(a).

(b) To achieve this capability the licensee shall establish, maintain, and follow a material control and accounting program which:

(1) Establishes a system of independent checks and administrative controls that provides multiple constraints on the ability of the design basis threat to perform the following acts without detection within the time periods given below:

Act and Detection Time

Unauthorized or fraudulent transfers of materials between SSNM control teams involving 350 formula grams or more of SSNM—5 working days

Falsification or deceit resulting in the failure of a material control test to detect the loss of a control quantity of SSNM:

Type A material—5 working days

Type B material—15 working days

§ 70.91 Record keeping.

(a) Each licensee subject to § 70.81 shall establish, maintain and retain for the period specified records of the information and data that are used to satisfy the capabilities of, and document the actions taken in accordance with, §§ 70.83, 70.85, 70.87, and 70.89.[8] If a retention period is not otherwise specified by regulation or license condition, records must be maintained until the Commission authorizes their disposition. The following table gives specific record retention periods.

Table—Retention Periods for Specific MC&A Records

Description	Retention period
Records of material receipt and possession.	During possession and for five years after possession ends.
Process monitoring data used for detection and response.	One year.
Records of the training and qualification of personnel.	Two years.
Reports of the independent assessment, self-test, and accountability control program.	Five years.
Records of internal transfers of SSNM between stewardship teams.	Five years

(b) An authorized representative of the Commission may copy, at a place other than the licensee's facility, and take away copies for Commission use, any record required to be kept by the regulations in this part or by a license condition.

Dated at Washington, D.C., this 4th day of September 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-26463 Filed 9-9-81; 8:45 am]

BILLING CODE 7590-01-M

[7] This section is not part of Option 4.

[8] Option 4 omits § 70.89.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-81-09]

Adjustment of Naphtha Entitlement Benefits Received By Puerto Rican Petrochemical Producers

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Intent to Issue a Decision.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of its intent to issue a Decision adjusting the level of naphtha entitlement benefits received by Puerto Rican petrochemical producers under the Puerto Rican Naptha Entitlements Program. ERA has determined that due to an inadvertent miscalculation by the Entitlements Office, Puerto Rican petrochemical producers received excessive naphtha entitlement benefits during the months of October 1976 through October 1977 and January through March 1978. The adjustment reflects a recalculation of naphtha entitlement benefits based on the correct application of the reduction factor contained in the regulations in effect during the months indicated. DOE intends to incorporate the adjustment in the final Entitlements "Clean-up" Notice that will be published on the basis of the entitlement adjustment mechanism recently adopted.

DATES: Written comments by September 21, 1981.

ADDRESSES: Written comments should be directed to the Office of Public Hearings Management, Economic Regulatory Administration, Room B–210, Box YA, 2000 M Street, NW, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Cynthia Ford (Office of Public Hearings Management), economic Regulatory Administration, Room B–210, 2000 M Street, NW, Washington, D.C. 20461 (202) 653–3971;

David Welsh (Entitlements Program Office), Economic regulatory Administration, Room 6212, 2000 M Street, NW, Washington, D.C. 20461 (202) 653–3459;
Margaret A. Carroll (Program Operations Office), Economic Regulatory Administration, Room 7202, 2000 M Street, NW, Washington, D.C. 20461 (202) 653–3254;
William Funk or Christopher Was (Office of General Counsel), Department of Energy, Room 6A–113, 1000 Independence Avenue, SW, Washington, D.C. 20585 (202) 252–6736 (Funk); 252–6744 (Was).

SUPPLEMENTARY INFORMATION:

I. Background and Proposed Action
II. Comment Procedures

I. Background and Proposed Action

The Puerto Rican Naphtha Entitlements Program was adopted in 1976 in order to alleviate a competitive disadvantage suffered by Puerto Rican petrochemical producers in relation to other domestic petrochemical producers located on the mainland. *See* 10 CFR 211.67(d)(5), 41 FR 30321 (July 23, 1976). Under the regulations adopted in 1976 and in effect through March 1, 1981,[1] Puerto Rican firms received an entitlement benefit for each eligible barrel of naphtha imported for use as a petrochemical feedstock. The eligible barrels of naphtha imported into Puerto Rico by the Puerto Rican petrochemical producers were included in refiners' crude oil runs to stills for purposes of the calculations under the Entitlements Program. *See* former § 211.67(d)(5)(i). Thus, the maximum value of the per barrel naphtha entitlement for any month could not exceed the value of a single crude oil runs credit.[2] However, when the difference between the weighted average per barrel cost of all imported Puerto Rican naphtha feedstocks and an imputed per barrel cost of domestically produced naphtha (the naphtha cost differential) was less than a modified crude oil runs credit (calculated by excluding the small refiner bias benefits under § 211.67(e) and the adjustment for residual fuel oil imported for sale on the East Coast under § 211.67(d)(4)) for a particular month, the total number of barrels of imported naphtha was to be reduced by application of the ratio expressed as the naphtha cost differential divided by the modified crude oil runs credit. *See* former § 211.67(d)(5)(iii).[3] The application of this reduction factor determined the number of barrels of imported naphtha eligible for entitlement benefits. Thus, when market conditions were such that the reduction factor became operative, Pureto Rican petrochemical producers should not have received entitlement benefits for *all* of their barrels of imported naphtha. In effect, the value of the naphtha entitlement benefit, on a *total* barrels of imported naphtha basis, should have been less than a full crude oil runs credit.

In administering the Program, however, the Entitlements Office of the Office of Petroleum Operations incorrectly applied the reduction factor provided for in former § 211.67(d)(5)(iii) during those months when the naphtha cost differential was less than the modified runs credit. The Entitlements Office used the following incorrect methodology to calculate the number of naphtha entitlements to be issued to Puerto Rican petrochemical firms: First, the Entitlements Office determined, as provided for under § 211.67(a)(1), that the number of entitlements to be issued equaled the volume of firms' runs to stills (in this case, their eligible naphtha imports) multiplied by the national domestic crude oil supply ratio (DOSR) for the particular month. Second, the Entitlements Office purported to multiply the volume of naphtha imports by the reduction factor specified in § 211.67(d)(5)(iii) in the equation identified in the preceding sentence. The reduction factor used by the Entitlements Office, however, was incorrectly expressed as the naphtha cost differential *divided by* the entitlements price times the *regular DOSR* (the equivalent of the regular runs credit term in the denominator), rather than correctly dividing by a denominator expressed as the product of the entitlements price times *the modified DOSR* (in order to derive the *modified* runs credit), as specified in § 211.67(a)(5)(iii). Third, the Entitlements Office consequently cancelled the regular DOSR incorrectly used in the denominator of the reduction factor with the correctly expressed regular DOSR in the numerator to derive a "naptha ratio" that was not provided for and inconsistent with the applicable regulations. Fourth, this "naphtha ratio" was multiplied by the reported volume of eligible naphtha imports for each firm to calculate the number of entitlements issued that were reflected on each monthly Notice. The methodology used by the Entitlements Office described above is set forth step-by-step in the footnote below.[4] The errors made by the

[1] The Puerto Rican Naphtha Entitlements regulations were amended effective March 1, 1981. *See* 46 FR 5732 (January 19, 1981). The amendments have no effect on the period from October 1976 through March 1978, which is the subject of this Notice.

[2] A "runs credit" for a month is that fraction of an entitlement derived by multiplying the National Domestic Crude Oil Supply Ratio (DOSR) for that month, *see* § 211.62, by the price of an entitlement for that month.

[3] Former § 211.67(d)(5)(iii) of the regulations provided that the number of barrels of naphtha imported into Puerto Rico eligible to be included in refiners' crude oil runs to stills was to *be reduced* by a fraction equal to the naphtha cost differential divided by the modified crude oil runs credit. The application of that fraction could have the effect of *reducing* the volume of eligible naphthas imported into Puerto Rico only when the numerator (the naphtha cost differential) was less than the denominator (the modified runs credit).

4/ The step-by-step calculations by the Entitlements Office were as follows:

1. Crude Oil
   Entitlements = Volume x DOSR

2. Naphtha
   Entitlements = Volume x Reduction factor specified in 211.67(a)(5)(iii) in months when applicable x DOSR

3. Naphtha
   $$\text{Entitlements} = \text{Volume} \times \frac{\text{NCD}}{\text{EP} \times \text{DOSR}\ [\text{Modified DOSR as specified in 211.67(a)(5)(iii)}]} \times \text{DOSR}$$

4. Naphtha
   $$\text{Entitlements} = \text{Volume} \times \frac{\text{NCD}}{\text{EP} \times \cancel{\text{DOSR}}} \times \cancel{\text{DOSR}}$$ [Cancellation incorrect because terms not identical]

5. Naphtha
   $$\text{Entitlements} = \text{Volume} \times \frac{\text{NCD}}{\text{EP}}$$ (the so-called "naphtha ratio")

Where:
Volume = runs to stills (in this case, the number of eligible barrels of naphtha imports)
NCD = Naphtha Cost Differential derived by subtracting the imputed cost of domestic naphtha from the weighted average cost of all eligible naphtha imports into Puerto Rico
EP = Entitlements Price
DOSR = National Domestic Crude Oil Supply Ratio

Entitlements Office in its calculations are underlined, and the corrections are noted in brackets immediately following those errors.

The proper application of the regulations by the Entitlements Office should have been as follows: First, the volume of eligible naphtha imports should have been reduced in the proper months by multiplying by the correct reduction factor specified in § 211.67(a)(5)(iii), using the *modified* runs credit (incorporating a calculation using a *modified* DOSR) in the denominator. Second, this reduced volume of eligible naphtha imports should have been multiplied by the regular DOSR, as is customary, to derive the number of naphtha entitlements.

The effect of this misapplication of the regulations was that the Puerto Rican petrochemical firms received a greater naphtha entitlement benefit than they should have in those months when the reduction factor applies because the naphtha cost differential was less than the modified runs credit.[5] After reviewing the calculations made by the Entitlements Office, we have determined that the months in which the Puerto Rican petrochemical firms received excessive naphtha entitlement benefits were October 1976 through October 1977, and January through March 1978.

We have recalculated the naphtha entitlement benefis for all of the Puerto Rican petrochemical firms (including Union Carbide Caribe, Inc., Phillips Puerto Rico Core, Inc. and Puerto Rico Olefins Co.) except the Commonwealth Oil Refining Co., Inc. (CORCO) in each of the months indicated above. The Entitlements Office similarly misapplied the regulation with respect to its calculations of CORCO'S naphtha entitlement benefits in each of the months indicated. However, commencing with its runs to still in February, 1977, CORCO had received exception relief that permitted it to substitute *its* weighted average cost of naphtha imports for the weighted average cost of *all* Puerto Rican firms in the numerator of the reduction factor § 211.67(d)(5)(iii). *See* ordering paragraph 4 of *Commonwealth Oil Refining Co., Inc.*, 5 FEA ¶83,132 (1977) (The "1977 Exception").[6] Subsequently, it was brought to the attention of the Office of Hearings and Appeals (OHA) that the Entitlements Office had misconstrued the 1977 Exception and permitted CORCO to receive naphtha entitlements benefits in excess of the single runs credit cap that existed under the regulations. *See Commonwealth Oil Refining Co., Inc.*, 5 DOE ¶82,561 (1980) (the "1980 Decision"). OHA noted that CORCO calculated that it had received approximately $38 million in naphtha entitlements benefits in excess of the single runs credit cap as a result of the misapplication of the 1977 Exception by the Entitlements Office. Id. at p. 85,266. In its 1980 Decision, OHA determined that DOE should not take any further action to require CORCO to refund the excessive naphtha entitlements that the firm received as a result of the misapplication of the 1977 Exception by the Entitlements Office. *See* ordering paragraph 6 of 5 DOE ¶82,561.

The action proposed to be taken in this Decision is to recover excessive naphtha entitlement benefits from Puerto Rican firms when the reduction factor in the regulations should have applied and those firms should have received entitlements on less than the entire volume of their naphtha imports (in effect, less than a full runs credit on all eligible barrels of naphtha imports). OHA's 1980 Decision addressed the situation where CORCO received *more* naphtha entitlement benefits than a single runs credit and, notwithstanding the "cap" specified in the regulations, determined that DOE should not take any action to require CORCO to refund the excessive benefits received as a result of the misapplication of the 1977 Exception. The 1980 Decision also was limited to those months in which the calculation of CORCO's naphtha entitlements by the Entitlements Office was affected by the misapplication of 1977 Exception by that Office. *See* ordering paragraph 6 of 5 DOE ¶82,561. The 1977 Exception was applied by the Entitlements Office in several of the months covered by our analysis and review in this proceeding (February through October 1977, and January through March 1978). Therefore, the restriction imposed by ordering paragraph 6 of OHA's 1980 Decision precludes any action by ERA to recover excessive naphtha entitlement benefits from CORCO for February through October 1977, and January through March 1978. Accordingly, we propose to recalculate CORCO's naphtha entitlement benefits and to require the firm to refund excessive benefits only for those months covered by the analysis in this proceeding in which the 1977 Exception was not misapplied by the Entitlements Office, i.e. October 1976–January, 1977. *See* ordering paragraph 6 of 5 DOE ¶82,561.

For the other three firms, we have recalculated the naphtha entitlement benefits based on a correct application of the regulation for each of the months (October 1976 through October 1977, and January through March 1978) in which the naphtha cost differential was less then the modified runs credit provided for in former § 211.67(a)(5)(iii). For each of those months, the naphtha entitlement benefit was reduced by application of the reduction factor provided for in former § 211.67(d)(5)(iii). The aggregate amount by which the Puerto Rican petrochemical firms were overcompensated in those months (including CORCO for the period October 1976 – January 1977) is $2,011,179.32. We have not detailed our calculations of the excessive naphtha entitlements benefits received by each Puerto Rican petrochemical producer on a monthly basis in this Notice because we believe that information is arguably confidential under 18 U.S.C. 1905. However, we have notified each of the

[5] The misapplication of the regulations by the Entitlements Office did not affect the calculation of naphtha entitlements in those months when the naphtha cost differential exceeded a modified runs credit, because in months when the incorrectly derived "naphtha ratio" exceeded the DOSR, the Entitlements Office multiplied the volumes of naphtha imports by the DOSR to calculate entitlements. By using the DOSR rather than the "naphtha ratio" in these months, the Entitlements Office "capped" the value of the naphtha entitlement benefit at a single runs credit, consistent with the regulations.

[6] This exception relief for CORCO was extended through September 30, 1979 in *Phillips Puerto Rico Core, Inc., et al.*, 2 DOE ¶81,106 (1978).

affected Puerto Rican petrochemical firms by letter of our recalculation of the level of their naphtha entitlement benefits. Attached to each of those letters is a table that details our calculation of the amount of excessive naphtha benefits received by the particular firm in each of the months in question.

Our action in recalculating the level of naphtha entitlement benefits received by the Puerto Rican petrochemical producers ensures that the application of the regulations that were in effect was consistent with their terms. We intend to issue a Decision that will require the adjustments described in this Notice to be incorporated on the final Entitlements "Clean-up" Notice that will be published on the basis of the mechanism established to allow for entitlement adjustments. *See* 46 FR 36092 (July 13, 1981).

II. Comment Procedures

Any person who wishes to file written comments concerning this Notice with ERA will be permitted to do so. All comments must be sent to the Office of Public Hearings Management at the above address before September 21, 1981. If comments contain information or data considered confidential by the person filing the comments, two copies should be furnished. The copy containing the claimed confidential information should be marked "confidential." A second "public disclosure" copy with confidential material deleted should also be filed. All "public disclosure" copies received by ERA will be available for public inspection in the Freedom of Information Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays, and at the Office of Public Information, Economic Regulatory Administration, Room B-110, 2000 M Street, NW., Washington, D.C.

Issued in Washington, D.C. on September 2, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-26317 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 75

[Airspace Docket No. 81-ASW-36]

Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign Jet Route No. J-15 between Roswell, NM, and Albuquerque, NM, and to realign Jet Route No. J-74 between St. Johns, AZ, and Texico, NM. these realignments would provide better navigational signal coverage by incorporating Corona, NM, VORTAC which is located approximately midpoint between those routes. This action would increase air safety in the area.

DATES: Comments must be received on or before October 13, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASW-36, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW, Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-36." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Route No. J-15 between Roswell, NM, Albuquerque, NM, via Corona, NM, and realign Jet Route No. J-74 between St. Johns, AZ, and Texico, NM, via Corona, NM. This action would aid pilots to remain on the centerline of J-74, thereby increasing aviation safety. In addition, the realignment of J-15 would improve the arrival/ departure traffic flow in the Albuquerque terminal area. Section 75.100 was republished in the **Federal Register** on January 2, 1981 (46 FR 834).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) by amending the following:

§ 75.100 [Amended]

1. Jet Route No. 15 [amended]

By deleting the words "Roswell, NM; INT of the Roswell 319° and the Albuquerque, NM, 126° radials; Albuquerque; Farmington, NM;" and substituting for them the words "Roswell, NM; Corona, NM; Albuquerque, NM; Farmington, NM;"

2. Jet Route No. 74 [amended]

By deleting the wordsw "Socorro, NM; Texico, NM;" and substituting for them the words "Socorro, NM; Corona, NM; Texico, NM;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979; (3) does not warrant preparation of a regulatory evaluatioon as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., September 2, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-26272 Filed 9-9-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 Colorado-16)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission; Energy.

ACTION: Notice proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado that the Sussex Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on October 5, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on September 21, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: September 4, 1981.

I. Background

On August 28, 1981, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Sussex Formation located in Weld County, Colorado, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the Sussex Formation be designated a tight formation should be adopted. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies certain lands in Weld County, Colorado, between the towns of Gilcrest and La Salle. The recommended area consists of Township 4 North, Range 66 West, 6th P.M., Sections 2, 3, and 10, Section 11–N 1/2. Section 15–W½; Township 5 North, Range 66 West, 6th P.M., Sections 33, 34, and 35. There is no Federal land within the recommended area. The Sussex pay zone is usually found at a depth of 4,400 to 4,500 feet.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG–20 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 *FR* 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Sussex Formation, as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 5, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Colorado–16), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission.

Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of tilme requested at the hearing. Requests should be filed with the Secretary of the Commission no later than September 21, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kennth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (65) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(48) through (64) [Reserved]

(65) *Sussex Formation in Colorado.* RM79–76 (Colorado–16).

(i) Delineation of formation. The Sussex Formation is found in Weld County, Colorado, in Township 4 North, Range 66 West, 6th P.M., Sections, 2, 3, and 10, Section 11–N ½, Section 15–W½; Township 5 North, Range 66 West, 6th P.M., Sections 33, 34, and 35.

(ii) *Depth.* The average depth to the top of the Sussex Formation is between 4,400 and 4,500 feet.

[FR Doc. 81-28499 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of N-ethylamphetamine into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice is a proposed rule issued by the Acting Administrator of the Drug Enforcement Administration (DEA) to place the chemical substance, N-ethylamphetamine, into Schedule I of the Controlled Substances Act (CSA). This proposal follows DEA's review of the abuse and clandestine trafficking of N-ethylamphetamine, which was found by the Assistant Secretary for Health, Department of Health and Human Services, to support DEA's position that the substance be placed in Schedule I of the CSA. The effect of this proposal would be to require that the manufacture, distribution, security, registration, recordkeeping, quotas, inventory, order forms, criminal liability, exportation, and importation of N-ethylamphetamine be subject to controls for Schedule I substances.

DATE: Comments must be received on or before November 9, 1981.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, NW, Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: On April 10, 1980, the Administrator of DEA sent information concerning the abuse and trafficking of N-ethyl-alpha-methylphenethylamine to the Assistant Secretary for Health, Department of Health, Education and Welfare (now Department of Health and Human Services). The Administrator requested of the Assistant Secretary a scientific and medical evaluation of the information concerning N-ethylamphetamine and a recommendation that it be controlled under the Controlled Substances Act. On August 6, 1981, the Assistant Secretary for Health replied:

August 6, 1981.

Mr. Francis M. Mullen, Jr.
Acting Administrator, Drug Enforcement Administration
1405 Eye Street, N.W.
Washington, D.C.

Dear Mr. Mullen: Pursuant to section 201(b) of the Controlled Substances Act (CSA), 21 U.S.C. 811(b), this letter is notification of the Department of Health and Human Services' recommendation for the control of N-ethylamphetamine in Schedule I of the CSA. N-ethylamphetamine is a central nervous system stimulant that has no recognized medical use in treatment in the United States.

The substance is clandestinely synthesized, illegally sold and abused. The Food and Drug Administration reviewed the document entitled *N-ethylamphetamine: Evaluation and Control Recommendation* which was prepared by your scientific staff. The FDA relied on that document in making the following findings pursuant to 21 U.S. C. 811(b)

1. *N-ethylamphetamine has a high potential for abuse.* This finding is based on the fact that the abuse potential of N-ethylamphetamine is of the same order as methamphetamine, a CSA Schedule II substance of high abuse potential.

2. *N-ethylamphetamine has no currently accepted medical use.* This finding is based on the substance has not been studied for any medical use in the United States and has not received approval for marketing.

3. *There is a lack of accepted safety for use under medical supervision of the substance N-ethylamphetamine.* This finding is based on the fact that the substance has never been studied for medical use in the United States. Therefore, its safety for use under medical supervision is unknown.

The FDA considered DEA's analysis and recommendation scientifically sound and concurred in the recommendation that N-ethylamphetamine be scheduled in CSA Schedule I without further delay. I concur with that recommendation.

Should you have any questions concerning this issue, the FDA Drug Abuse Staff is prepared to respond.

Sincerely yours,

Edward N. Brandt, Jr., M.D.,

Assistant Secretary for Health.

The Drug Enforcement Administration has conducted a review of N-ethylamphetamine which has included the following:

1. Published scientific and medical literature from the United States and other countries regarding this substance;

2. Materials on file with the Drug Enforcement Administration;

3. Drug reporting systems within DEA and various state and local establishments; and,

4. The legislative history of the Controlled Substances Act.

Based upon the investigations and review of the Drug Enforcement Administration and relying on the

scientific and medical evaluation and the recommendation of the Assistant Secretary for Health, Department of Health and Human Services, received pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), the Acting Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, N-ethylamphetamine has a high potential for abuse;

2. N-ethylamphetamine has no currently accepted medical use in treatment in the United States; and,

3. There is a lack of accepted safety for use of N-ethylamphetamine under medical supervision.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Therefore, under the authority vested in the Attorney General by section 201(a) of the Act (21 U.S.C. 811(a)), and delegated to the Acting Administrator of the Drug Enforcement Administration by regulations of the Department of Justice [28 CFR Part 0.100], the Acting Administrator hereby proposes that Part 1308, Title 21, Code of Federal Regulations (CFR), be amended by revising paragraph (f) of § 1308.11 of Title 21, Code of Federal Regulations (CFR), to include N-ethylamphetamine therein as item (2), to read as follows:

§ 1308.11 Schedule I.

* * * * *

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylline	1503
(2) N-Ethylamphetamine	1475

All interested persons are invited to submit their comments or objections in writing regarding this proposal. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief. Comments and objections should be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments or objections to this proposal raise one or more issues which the Acting Administrator finds, in his sole discretion, warrant a hearing, the Acting Administrator will have published in the **Federal Register** an order for a public hearing which will summarize the issues to be heard and which will set the time for the hearing (which will not be less than 30 days after the date of the order).

Pursuant to Title 5, United States Code, section 605(b), the Acting Administrator certifies that control of N-ethylamphetamine, as proposed herein, will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act. The chemical substance described in this notice has no legitimate medical use in the United States.

In accordance with the provisions of section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291.

Dated: September 2, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-26413 Filed 9-9-81; 8:45 am]

BILLING CODE 4410-09-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1920-1]

Approval and Promulgation of State Implementation Plans; Arkansas: Prevention of Significant Deterioration Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On August 7, 1980 (40 FR 52676), EPA promulgated revised regulations for Prevention of Significant Deterioration of Air Quality (PSD) and requirements for States to develop and submit revised regulations for PSD. The State of Arkansas has responded and on April 23, 1981, submitted to EPA a revision to the State Implementation Plan (SIP) to incorporate by reference these PSD Regulations.

Based on this Agency's review of the material submitted, EPA is proposing to approve this revision and invites public comment on this proposed action.

DATES: Interested persons are invited to submit comments on this proposed rulemaking on or before October 13, 1981.

ADDRESSES: Written comments should be submitted to the address below: Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270.

Copies of the State submittal and comments received on this proposed rulemaking will be available for inspection during normal business hours at the above address and the following locations:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 "M" Street, SW., Washington, D.C. 20460;
Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209.

FOR FURTHER INFORMATION CONTACT: Bruce A. Furbush, Technical Support Section, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1594 or (FTS) 729-1594.

SUPPLEMENTARY INFORMATION: On August 7, 1980, (45 FR 52676), EPA promulgated the latest requirements to assist States in preparing State Implementation Plan (SIP) revisions meeting the new requirements for Prevention of Significant Deterioration (PSD). The State has complied with these requirements and has adopted and submitted a revised regulation, section 8.1, incorporating by reference 40 CFR 52.21 (b) through (r) as amended on August 7, 1980. EPA has reviewed the State's submittal and developed an evaluation report,[1] which discusses the technical aspects of the revisions in detail.

This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 office and the other addresses listed above.

Subparts that are not being incorporated by reference are (s) Plan Disapproval, (s) Environmental Impact Statement, (t) Disputed Permits or Redesignations, (u) Delegation of Authority, (v) Innovative Technology, and (w) Permit Rescission. These subparts are not required for the State to conduct and implement the PSD permit program and, therefore, need not be submitted as part of the SIP revision.

Additionally, the requirements of 40 CFR 52.21(o) Additional Impacts Analysis have been modified in the State's submittal to require additional reporting concerning industrial and economic development including an analysis of alternate siting for any major stationary source or major modification which would consume more than fifty

[1] EPA Review of Arkansas State Implementation Plan Revisions for Prevention of Significant Deterioration Regulations, July 1981.

(50%) percent of any available annual increment or eighty (80%) percent of the short term increment.

Action: EPA has reviewed the submitted material and found it to meet present EPA requirements. Therefore, EPA is today proposing to approve the Arkansas submittal as satisfying the requirements of an acceptable plan for implementing PSD and is soliciting public comment on the regulation.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that this proposed action will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed SIP approval will only approve State actions and will not impose any new regulatory requirements. See 46 FR 8709 (January 27, 1981) for additional justification.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed action is not major because it imposes no new burden on sources since it only approves a State action.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sections 110 and 161 *et seq.* of the Clean Air Act, as amended (42 U.S.C. 7410 and 7471 *et seq.*))

Dated: July 31, 1981.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 81-26401 Filed 9-9-81; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[A-7-FRL-1924-4]

Approval and Promulgation of the Missouri State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Missouri Air Conservation Commission granted a variance for the Amoco Oil Company for its refinery in Sugar Creek, Missouri, in order to allow continued operation while installing the proper secondary seals on five storage tanks. The variance will be in effect during the period October 1, 1981, through June 1, 1982, at the end of which Amoco is required to be in full and final compliance with Regulation 10 CSR 10–2.260, Control of Petroleum Liquid Storage, Loading and Transfer for the Kansas City Metropolitan Area.

The EPA proposes to approve the variance granted to Amoco Oil for its Sugar Creek refinery as part of the applicable SIP. The variance submittal generally complies with the SIP revision requirements of 40 CFR Part 51.

This proposal is published to notify the public of the receipt of the proposed SIP revision described above and to request comments on the proposal.

DATES: Comments must be received before November 9, 1981.

ADDRESSES: Comments should be sent to Taun L. Novak, Air, Noise and Radiation Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the state submission and the EPA prepared variance evaluation document are available at the following locations: Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460; Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65102.

FOR FURTHER INFORMATION CONTACT: Taun L. Novak at 816 374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION: On August 13, 1980, the Missouri Air Conservation Commission approved an amendment to regulation 10 CSR 10–2.260. This amendment called for the installation of secondary seals on all floating roof tanks of greater than 40,000 gallons capacity used for the storage of petroleum liquid having a true vapor pressure of greater than 1.5 pounds per square inch. The effective date of the amendment was September 12, 1980, with final compliance to be achieved by not later than October 1, 1981.

The American Oil Company (AMOCO) refinery in Sugar Creek, Missouri, is the only facility believed to be affected by this amendment. EPA approved the regulation on April 3, 1981, at 46 FR 20172.

As of the effective date of the amendment Amoco had 16 floating roof tanks which required the installation of secondary seals. An inspection by Amoco of these 16 tanks revealed that 13 of them would require extensive reworking of the floating roof and/or installation of new primary seals prior to the installation of the required secondary seals. Amoco developed a schedule which will result in the installation of the required seals on 11 tanks by the compliance date of October 1, 1981, and on the remaining five tanks by not later than June 1, 1982. This is eight months later than the final compliance date specified in the regulation. However, the date is seven months prior to the approved attainment date, December 31, 1982.

The Missouri Air Conservation Commission granted a variance for the Sugar Creek plant on February 18, 1981, after having met the public hearing requirements of 40 CFR 51.4(a)(1) and the public notification requirements of 40 CFR 51.4(b). On June 11, 1981, the variance was submitted to EPA along with supporting documentation with the request that the Missouri State Implementation Plan be revised as provided by 40 CFR 51.6. Because of this delay, the variance submittal does not fully comply with the 60-day period for submission to the EPA required by 40 CFR 51.6(d). However, EPA believes the submittal substantially complies with the requirement of § 51.6(d), and that the delay does not affect the approvability of the variance submittal.

The variance would allow the Sugar Creek plant to operate while installing secondary seals on five storage tanks in the ozone nonattainment area of Kansas City. The existing seals on these tanks are old and must be removed before the new ones are installed. Accordingly, each tank must be taken out of service and cleaned. The variance will allow compliance without causing serious disruption in their services.

Because Kansas City has been designated nonattainment for ozone (see 40 CFR 81.326), the requirements of Part D of the Clean Air Act are applicable. Part D of the 1977 Amendments requires that each revised SIP assure incremental improvement of air quality each year prior to the attainment deadline [see sections 172(b)(3) and 171(1)]. These incremental gains are referred to as "reasonable further progress" (RFP). The relaxation of emission limitations in compliance schedules in a nonattainment area must not interfere with the reasonable further progress of that area toward attainment by the required date. However, the EPA approved reasonable further progress demonstration for the Kansas City Metropolitan Area does not rely on reductions to be obtained by the installation of the secondary seals and, therefore, EPA's approval of the plan concerning the requirements of section 172(b)(3) is not affected by the variance.

The variance was issued on February 18, 1981, and will be in effect during the period October 1, 1981, through June 1, 1982, at the end of which Amoco is required to be in full and final compliance with the regulation. Variances extending for a period of more than one year after issuance by the state are required to contain increments of progress [see 40 CFR 51.15(c)]. The

installation of secondary seals on tank numbers 86, 90, 95, 126 and 176 is to be completed in accordance with the prescribed schedule outlined in the order, including increments of progress, achieving full compliance by June 1, 1982. EPA believes this schedule is as expeditious as practicable. EPA believes that the variance will not jeopardize the attainment demonstration set forth by the SIP, nor interfere with the reasonable further progress curve. Therefore, under existing EPA rules, this variance is approvable.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under section 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

This notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended.

Dated: July 29, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-26399 Filed 9-9-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[Docket No. AH300fVA; A-3-FRL-1924-1]

Proposed Revision of Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On April 13, 1981, the Secretary of Commerce and Resources submitted several minor revisions of the nonattainment portion of the Virgina State Implementation Plan to the Environmental Protection Agency. Included in this submittal was an extended compliance schedule for VI-Tex Packaging Inc. This Notice provides a description of the proposed SIP revision, the results of EPA's review and requests comments on the proposed revisions and EPA's findings.

DATE: Comments must be submitted on or before October 13, 1981.

ADDRESSES: Copies of the proposed SIP revisions and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch (3AH13), Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Ms. Eileen M. Glen.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW (Waterside Mall), Washington, D.C. 20460.

Virginia State Air Pollution Control Board, Ninth Street Office Building, Room 1106, Richmond, Virginia 23219, Attn: Mr. John M. Daniel, Jr.

All comments on the proposed revisions submitted on or before October 13, 1981, will be considered and should be directed to Mr. James E. Sydnor, Chief of the WVA/VA Section at the EPA, Region III address.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen at the EPA, Region III address or telephone 215/597-8187.

SUPPLEMENTARY INFORMATION: The April 13, 1981 submittal consists of several revisions to the Commonwealth's nonattainment plans. The portions of this submittal which correct deficiencies and satisfy the conditions noted in the April 16, 1981 Federal Register (46 FR 22185) are addressed in a separate rulemaking. The balance of the submittal is addressed herein.

The Commonwealth provided proof that, after adequate public notice, public hearings were held regarding the proposed revisions on January 26, 1981 in Richmond and on February 9, 1981 in Lynchburg, Fredericksburg, Virginia Beach and Annandale.

As a result of EPA's preliminary review, we are proposing approval of the revisions listed below except where noted:

Regulation and Brief Description

1.02—Terms Defined—modified definitions of external floating roof, internal floating roof and nonmethane

4.56(f)(3)—Miscellaneous wording changes

App. M—Revises the minimum pressure above which the safety valves will release emissions

EPA Evaluation: The definitions listed above have been reviewed by EPA and found to be acceptable as written.

Section 4.56(f)(3) is amended to include vapor balance and top loading vapor recovery methods if truck hatches are to be left open during loading or unloading operations. This change is acceptable to EPA.

Appendix M, Sections III.a.2.ii, III.c.3.ii, III.d.2.ii.*b*, and IV.a.3.iii.*b* are revised to reduce the pressure per square inch (psi) above which pressure relief valves will release emissions to the atmosphere. This is a safety feature and is acceptable to EPA.

Chapter 7 of the Southeastern Virginia nonattainment plan was revised to include an extended compliance schedule for Vi-Tex Packaging Inc. Despite a submittal of supplemental information by the Commonwealth on May 27, 1981, there is still insufficient data for EPA to complete its review.

The Commonwealth or the source must submit information regarding the low-solvent technology plan, i.e., the specific inks to be used to attain the projected emissions reductions before we can complete our review of the proposed schedule.

Conclusion: The public is invited to submit, to the address stated above, comments on the amendments to the regulations as a revision of the Virginia State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendments meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Note.—Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b), I hereby certify that this

action will not have a significant economic impact on a substantial number of small entities. This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act and only approves State actions. It imposes no new regulatory burden on anyone.

(42 U.S.C. 7401–7642)

Dated: August 11, 1981.

Greene A. Jones,

Acting Regional Administrator.

[FR Doc. 81–26902 Filed 9–9–81; 8:45 am]

BILLING CODE 5560–38–M

40 CFR Parts 52 and 62

[A–3–FRL–1922–4]

Proposed Revisions of Delaware Air Quality Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Delaware has submitted changes to its approved Part D (Clean Air Act) State Implementation Plan consisting of amendments to its volatile organic compounds (VOC) regulations for stationary sources, and a request for a delay in the final implementation date for the State's inspection and maintenance (I/M) program. The State has also submitted a State Implementation Plan for lead (Pb) and a Section 111(d) (Clean Air Act) plan for sulfuric acid mist. EPA proposes to approve all of the above-mentioned submittals.

DATE: Comments must be submitted on or before October 13, 1981.

ADDRESS: Copies of the material submitted by the State of Delaware are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, PA 19106.

Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Tatnall Building, Capitol Complex, Dover, DE 19901, ATTN: Mr. Robert R. French.

Public Information Reference Unit, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

All comments should be submitted to: Mr. Henry J. Sokolowski, P.E., Chief, DE–MD–DC Metro Section, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19026, ATTN: Revisions to Delaware's Air Quality Plans.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold A. Frankford at the above address. Phone: 215/597–8392.

SUPPLEMENTARY INFORMATION:

Introduction

On December 23, 1980 and December 29, 1980, the State of Delaware submitted revisions to its Part D (Clean Air Act) nonattainment plan. It also submitted implementation plans for lead and sulfuric acid mist. The submittals are summarized below.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

40 CFR Part 52

On December 23, 1980 and December 29, 1980 the State submitted the following items:

1. *Amendments to Regulations I and XXIV pertaining to control of volatile organic compounds (VOC) emissions.* For States with ozone (O_3) nonattainment areas, EPA has stated that the minimum acceptable level of O_3 control includes RACT requirements for sources of VOC emissions for which EPA has published a Control Techniques Guideline Document (CTG) by January 1978 and additional reasonably available control technology (RACT) requirements on an annual basis for VOC sources covered by CTGs published by January of the preceding year. (See 44 FR 20372 [April 4, 1979] as supplemented at 44 FR 38583 [July 2, 1979]; 44 FR 50371 [August 28, 1979; 44 FR 53761 [September 17, 1979]; and 44 FR 67182 [November 23, 1979].) Adoption and submittal of additional RACT regulations for sources covered by CTGs published between January 1978 and January 1979 (Group II CTGs) were due July 1, 1980 (44 FR 50371, August 28, 1979). However, because State regulatory processes took longer than anticipated, but in most cases good faith efforts were being made to adopt the necessary regulations, EPA revised the July 1, 1980 deadline to January 1, 1981 (45 FR 78121, November 25, 1980).

EPA published the CTGs in order to assist the States in determining RACT. The CTGs provide information on available air pollution control techniques and provide recommendations on what EPA calls the "presumptive norm" for RACT. Group II CTGs cover the following source categories:

—Factory Surface Coating of Flatwood Paneling.

—Petroleum Refinery Fugitive Emissions (Leaks).

—Pharmaceutical Manufacture.

—Rubber Tire Manufacture.

—Surface Coating of Miscellaneous Metal Parts and Products.

—Graphic Arts (Printing).

—Dry Cleaning Perchloroethylene.

—Gasoline Tank Trucks, Leak Prevention.

—Petroleum Liquid Storage, Floating Roof Tanks.

On December 23, 1980, Delaware submitted to EPA revisions to the SIP consisting of regulations for all of the above-mentioned categories except factory surface coating of flatwood paneling, pharmaceutical manufacture and rubber tire manufacture. On January 8, 1981, the State certified that to the best of its knowledge, there are no sources located in New Castle County that are currently engaged in these three operations.

The regulations as submitted appear to be approvable. However Section 8.1 B.4 of Delaware's SIP provides an exemption from the secondary seal requirement for external floating roof storage tanks, if the tank is used only for the storage of crude oil. Testimony concerning this provision was provided by Getty Refining and Marketing Company at Delaware's June 19, 1980 public hearing. The testimony indicated that the average vapor pressure of all crudes stored by Getty is less than the vapor pressure cutoff limit provided in the regulations. However, Getty has also testified that there exists the possibility of an infrequent shipment of crude which will exceed this cutoff limit. If the crude oil exemption in 8.1 B.4 were not provided, eleven of Getty's crude oil storage tanks would have to be equipped with secondary seals to ensure compliance for this infrequent occurrence. The cost, according to the testimony, may be substantial in comparison to the reduction achieved. The State of Delaware is not satisfied that the subject of controlling VOC emissions from crude oil storage tanks has been examined sufficiently and it intends to request consideration of this subject in greater detail. It is EPA's understanding that Delaware will make its findings available to EPA. In the interim, Delaware has exempted crude oil storage tanks from the secondary seal requirement.

EPA is proposing approval of 8.1 B.4 at this time, however EPA is soliciting comments on this exemption.

2. *A request to delay the final date for implementation of the State's mandatory inspection/maintenance (I/M) program in New Castle County.* The final implementation date is currently scheduled to be January 1, 1982, but the State has requested a seven-month delay of this date so that it

can purchase and install emission testing equipment which is able to record and store data needed to monitor the effectiveness of the State's I/M program. The revised schedule was based on Delaware's projections that the fiscal year 1981 (July, 1981–June, 1982) State budget would be passed by June 30, 1981 and include sufficient I/M funding and that equipment procurement lead time would require one year based on information supplied by equipment manufacturers. The State has also informed EPA that it will use the MOBILE II model to calculate pollutant emissions of motor vehicles, but will not rely on any emission reduction credits for mechanics training.

The State provided certification that a public hearing with respect to the VOC regulations and the implementation plan for lead was held on June 19, 1980; and that a public hearing with respect to the delay for implementing and mandatory I/M program in New Castle County was held on October 31, 1980.

At the time of the submittal, the I/M implementation schedule contained reasonable increments of progress to ensure that Delaware would fully implement its I/M program by August 1, 1982. However, the State legislature failed to provide I/M funding in the Fiscal Year 1982 State budget to purchase test equipment and hire additional personnel to conduct I/M testing. This funding problem has prevented the State from beginning the equipment procurement process by August 1, 1981, as scheduled. The State is currently seeking alternative funding to meet its commitment. EPA believes that the State can fully implement its I/M program by August 1, 1982 provided that the State can secure the alternative funding and initiate the equipment procurement process by October 1, 1981. It is EPA's understanding that the State will revise its implementation schedule to reflect the changes in interim dates caused by the funding difficulty. Therefore, EPA proposes to approve the I/M schedule submitted by the State on December 29, 1980 on the condition that the State, prior to final rulemaking, provide assurances that adequate funding is available to implement the I/M program by the August 1, 1982 deadline.

3. *A State Implementation Plan (SIP) for lead.* This plan was submitted pursuant to the requirements of Subpart E of 40 CFR Part 51, §§ 51.80 through 51.88), promulgated by EPA on October 5, 1978, 43 FR. 46270. The State submitted air quality data showing that national ambient air quality standards (NAAQS) for lead (1.5 ug/m^3, averaged over a calendar quarter) was violated one time in New Castle County since January 1, 1974. No violations were recorded in either Kent or Sussex County. Since 1977, the State claims that no violations of the lead standard have been recorded in any area of the State. The SIP submitted by the State, therefore, addresses the maintenance of the lead standard, and concludes that lead concentrations in the atmosphere throughout the State will not increase. This conclusion rests on the assumptions that mobile source emissions will be controlled through the Federal motor vehicle control program and that no new violations of the lead standard have been recorded in any area of the State. The SIP submitted by the State, therefore, addresses the maintenance of the lead standard, and concludes that lead concentrations in the atmosphere throughout the State will not increase. This conclusion rests on the assumptions that mobile source emissions will be controlled through the Federal motor vehicle control program and that no new significant point sources of lead will be constructed. The SIP also includes a requirement for a review of new and modified major sources of lead. EPA has reviewed the State submission and is proposing to approve the plan as submitted.

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

40 CFR Part 62

Pursuant to Section 111(d) of the Clean Air Act, as amended, EPA promulgated regulations, at 40 CFR Part 60, which require States to submit plans governing control of emissions of "designated pollutants" from "designated facilities." Section 111(d) requires control of existing sources for certain pollutants, other than criteria pollutants, whenever standards of performance have been established under section 111(d) for those pollutants from new sources of the same type. In the case of the sulfuric acid plant emissions, final guideline documents specifying emission guidelines and time for compliance were published in September 1977 for Control of Sulfuric Acid Mist Emissions (EPA–450/2–77–019). State plans for the control of sulfuric acid plants were required by October 31, 1978.

On December 29, 1980, Delaware submitted to EPA Region III a plan to control sulfuric acid mist from existing sources, under section 111(d) of the Clean Air Act. The State has amended Regulation IX of its air pollution control regulations to include an emission limitation of 0.5 lb/ton of acid produced which corresponds to the emission guideline for these sources in 40 CFR 60.33(a). The State has determined that the Allied Chemical Company's sulfuric acid mist plant is the only designated facility subject to the sulfuric acid mist standard in Regulation IX. The State has also determined that Allied Chemical is meeting the emission limitation as determined by EPA Test Method 8. The State provided certification that public hearings were held on October 31, 1980 in accordance with the requirements of 40 CFR 60.23.

This Section 111(d) plan supplements an earlier incomplete version submitted by Delaware on October 5, 1978, and now contains all of the necessary elements required by 40 CFR Part 60. Therefore, EPA proposes to approve the plan.

Submittal of Public Comments

The public is invited to submit comments on whether the lead SIP, the sulfuric acid mist control plan, the revised I/M schedule, and the control measures for stationary sources of VOC should be approved by the Administrator. All comments should be submitted by October 13, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirments.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. 7401–642)

Dated: July 9, 1981.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 81–26400 Filed 9–9–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 81

[A-5-FRL-1930-8]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Extension of Public Comment Period.

SUMMARY: On July 27, 1981 (46 FR 38386), the Environmental Protection Agency proposed to approve the total Suspended Particulates and Sulfur Dioxide attainment status designations of certain areas of Lake County, Ohio. In response to a request from the State of Ohio, the public comment period is being extended to September 15, 1981.

DATE: Comments must be received on or before September 15, 1981. Please send an original and four copies, if possible.

ADDRESSES: Comments should be submitted to: Carl Nash, Acting Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft at (312) 886-6034.

Dated: August 28, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-26381 Filed 9-9-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PP 1E2490/P186; PH-FRL-1931-5]

Glyphosate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the combined residues of the herbicide glyphosate and its metabolite aminomethylphosphonic acid. This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for the combined residue of the subject herbicide and its metabolite in or on mangoes at 0.2 part per million (ppm).

DATE: Written comments must be received on or before October 13, 1981.

ADDRESS: Written comments to: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 1E2490 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida and Puerto Rico.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the herbicide glyphosate (*N*-phosphonomethyl glycine) and its metabolite aminomethylphosphonic acid resulting from application of the isopropylamine salt of glyphosate to the raw agricultural commodity mangoes at 0.2 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw); a 90-day rat feeding study with a no-observed-effect level (NOEL) of 2,000 ppm; a 90-day dog feeding study with a NOEL of 2,000 ppm; two rabbit teratology studies which were negative at 30 mg/kg of bw/day; a two year dog feeding study with a NOEL of 300 ppm; a three-generation rat reproduction study with a NOEL of 100 ppm; an 18-month mouse feeding study with no carcinogenic potential at 300 ppm (highest level fed); a two-year rat feeding study with a NOEL of 100 ppm (5 mg/kg/day); a hen neurotoxicity study (negative at 7.5 mg/kg); a mouse dominant lethal study (negative at 10 mg/kg, highest dose); a host-mediated mutagenicity assay (negative) and Ames test (negative); and a Rec-assay mutagenicity test (negative).

Additional toxicological studies included a rat teratology study negative at 3,500 mg/kg/day with a fetotoxic NOEL of 1,000 mg/kg/day, a third rabbit teratology study negative for teratogenicity at 350 mg/kg/day with a fetotoxic NOEL of 175 mg/kg/day, and a mouse dominant lethal study negative at 2,000 mg/kg. Data currently lacking include oncogenicity studies in two animal species.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 5 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.05 mg/day of bw/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 3 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.2163 mg/day. The current action will not utilize any of the ADI. Published tolerances utilize 7.12 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method (gas-liquid chromatography using flame photometric detection) is available for enforcement purposes. Since no feed items are associated with mangoes, there will be no problem of secondary residues in eggs, meat, milk, or poultry. There are presently no actions pending against the continued registration of the chemical. While the oncogenic potential of glyphosate is not fully elucidated, the chronic rat and mouse feeding studies provide assurance that glyphosate has a relatively low oncogenic potential. A further assurance of low risk with glyphosate is that, on a theoretical basis, the theoretical maximum exposure via the diet is about one-fifth of the ADI.

Based on the above information considered by the agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, which contains any of the ingredients listed herein may request, on or before October 13, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[PP 1E2490/P186]". All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: September 2, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.364 be amended by alphabetically inserting the raw agricultural commodity "mangoes" to read as follows:

§ 180.363 Glyphosate; tolerances for residues.

* * * * *

Commodity	Part per million
* * * * *	
Mangoes	0.2
* * * * *	

[FR Doc. 81-26372 Filed 9-9-81; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-38

Gasohol in Federal Motor Vehicles, Guidelines for Purchase and Use

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Property Management Regulations to issue guidelines for the implementation of Executive Order 12261, January 5, 1981, concerning the purchase and use of gasohol in Federal motor vehicles. These guidelines will assist Executive agencies in developing policies and programs to promote the use of gasohol in their Government-owned and -leased motor vehicle fleet.

DATE: Comments must be received by November 9, 1981.

ADDRESS: Comments should be addressed to: General Services Administration (TMM), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Larry Frisbee, Federal Fleet Management Division (202-275-1021).

SUPPLEMENTARY INFORMATION: GSA is issuing this Notice of Proposed Rulemaking to provide interested executive agencies and parties with an opportunity to comment on the Government's guidance and procedures for encouraging the use of gasohol in motor vehicles owned or leased by Executive agencies. The Department of Defense is issuing compatible internal guidance and procedures to its own activities.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in cost to consumers or others; or significant advance effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Accordingly, GSA proposes to add the following temporary regulation to the appendix at the end of Subchapter G to read as follows:

Dated: July 29, 1981.

Allan W. Beres,

Commissioner.

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES APPENDIX—LIST OF TEMPORARY REGULATIONS

[FPMR Temp. Reg. G-]

Gasohol in Federal Motor Vehicles

1. *Purpose.* This regulation establishes policy and procedures governing the purchase and use of gasohol by Executive agencies which own or lease motor vehicles. This regulation also provides information to assist agencies in converting their vehicle fleet from the use of unleaded gasoline to gasohol.

2. *Effective date.* This regulation is effective upon publication in the **Federal Register.**

3. *Expiration date.* This regulation expires September 30, 1982, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to Executive agencies as defined in 5 U.S.C. Section 105, except the U.S. Postal Service, the Postal Rate Commission and the Department of Defense (DOD).

5. *Background.*

a. Section 271 of the Energy Security Act (42 U.S.C. 8871) directed the President to issue an Executive order which would require motor vehicles owned or leased by Executive agencies that are capable of operating on gasohol to use gasohol where available at reasonable prices and in reasonable quantities.

b. On January 5, 1981, the President issued Executive Order 12261, Gasohol in Federal Motor Vehicles. The Order set forth specific responsibilities to agencies and also directed DOD and GSA to issue guidelines for the implementation of the provisions of the Order. In response to this direction, DOD is issuing Defense Energy Program Policy Memorandum (DEPPM) 81-9 and GSA is issuing this Notice of Proposed Rulemaking.

6. *Discussion.* Biomass-derived alcohol, when mixed with unleaded gasoline at a rate of one-part alcohol to nine-parts gasoline, will extend available gasoline supplies and reduce the need for imported petroleum. In many areas of the Nation, this alcohol-gasoline mixture, referred to as gasohol, is commercially available now. Civilian agencies, exclusive of the U.S. Postal Service, operate approximately 180,000 vehicles within the United States. Increased use of gasohol by these vehicles will extend our supply of domestic petroleum and reduce our dependence on foreign oil.

7. *Policy.* Gasohol is considered to be interchangeable with unleaded gasoline, both regular and premium, for use in all Federally owned or leased, commercially designed motor vehicles with spark ignition engines, under all climatic conditions in the United States. To the maximum extent feasible, and consistent with overall mission needs and sound motor vehicle management practices, Executive agencies shall:

a. Include gasohol as part of their unleaded gasoline bulk fuel requirements submitted to the Defense Fuel Supply Center, and

b. Give gasohol a product preference over unleaded gasoline when identifying fuel requirements and purchasing fuel for commercially designed motor vehicles. Product preference means that gasohol will be purchased where it is offered at a price equal to or less than unleaded gasoline and will apply in the following procurement situations:

(1) Bulk fuel purchases;

(2) Service station purchases while traveling on official Government business; and

(3) Credit card purchases using the U.S. Government National Credit Card, Standard Form 149. When refueling Federally owned or leased motor vehicles at commercial service stations, the vehicle operator shall compare the price of gasohol with the type of gasoline normally used in the vehicle.

8. *Definitions.*

a. "Gasohol" means a motor fuel which has an octane rating of not less than 87(R+M)/2, and which consists of approximately 90-percent unleaded gasoline and approximately 10-percent anhydrous (199 proof or above) ethyl alcohol derived from biomass.

b. "Biomass" means any organic matter which is available on a renewable basis, including agricultural crops and agricultural wastes and residues; wood and wood wastes and residues; animal wastes; municipal wastes; and aquatic plants.

9. *Use and availability.* Executive agencies shall designate those vehicles which are capable of using gasohol, consistent with overall mission needs and sound vehicle management practices. Agencies shall also specify conditions governing the use of gasohol, including when gasohol shall be purchased from commercial service stations by individual operators. Periodically, agencies may wish to survey, on a local basis, those service stations which honor the Standard Form 149, to determine those locations where gasohol is available. Vehicle operators should be encouraged to use these stations wherever possible. However, operators should be instructed not to travel additional mileage for the sole purpose of obtaining gasohol.

10. *Agency blending.* When supplies of gasohol are not available, agencies are authorized to purchase anhydrous ethyl alcohol derived from biomass for onsite blending of gasohol, provided that:

a. The combined costs of the alcohol and unleaded gasoline are reasonable;

b. Appropriate blending and storage facilities are available; and

c. Necessary safety measures are taken.

Agencies performing onsite blending may wish to review the current edition of the Purchase Description of unleaded automotive gasohol (PD ME 102), issued by the Department of the Army Mobility Equipment Research and Development Command (MERADCOM), Fort Belvoir, VA 22060.

11. *Reporting requirement.* Executive agencies shall make available to the Department of Energy, upon request, relevant data or information they possess concerning agency gasohol usage.

12. *Exemptions.* Vehicles used in experimental programs to test fuels other than gasohol are exempted from the provisions of the regulation.

13. *Agency comments.* Agency comments regarding clarification of the policy and guidance in this regulation may be sent to the General Services Administration (TMM), Washington, DC 20406, no later than (60 days from the date of final publication in the **Federal Register**), for consideration and possible incorporation into the permanent regulation.

[FR Doc. 81-26403 Filed 9-9-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2650

Alaska Native Claims Settlement; Reduction of Land Overselections

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Initiate Rulemaking.

SUMMARY: Notice is hereby given of the intent to initiate proposed rulemaking that would set forth policies and procedures for reduction of Native land overselections under the Alaska Native Claims Settlement Act of 1971, as amended (43 U.S.C. 1601), to permit valid land selections by the State of Alaska under the Alaska Statehood Act. This notice of intent to initiate rulemaking is required by paragraph 4 of the Stipulation of Settlement dated August 15, 1981, and Judgment and Order of Dismissal dated August 31, 1981, in settlement of *State of Alaska* v. *Ronald Wilson Reagan, et al.* (Civil Action No. A78-291, D. Alaska).

DATE: Comments should be submitted by: October 10, 1981.

ADDRESS: Comments should be sent to: Director (311), Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Beaumont C. McClure, Washington, D.C., (202) 343-6511; or Robert D. Arnold, Anchorage, Alaska, (907) 271-5768.

SUPPLEMENTARY INFORMATION: This proposed rulemaking would implement the provisions of paragraph 4 of the Stipulation of Settlement dated August 15, 1981, and Judgment and Order of Dismissal dated August 31, 1981, in settlement of *State of Alaska* v. *Ronald Wilson Reagan, et al.* (Civil Action No. A78-291, D. Alaska). As required by this settlement, this proposed rulemaking would cover the following:

The policy reasons for seeking overselection reduction and for setting an overselection reduction goal; submissions which Native corporations are to make within a specified time regarding total acreage of selections and conveyances, total outstanding selections, total outstanding acreage entitlement, priorities for conveyances among remaining selections and priorities for relinquishment of remaining overselections; an overselection reduction goal and schedule for working toward that goal; and a procedure by which Native corporations will relinquish overselections to reach the overselection reduction goal.

The Stipulation of Settlement calls for publication of a Notice of Proposed Rulemaking within 90 days of the end of the comment period for this Notice of Intent, and a final rulemaking within 90 days after the comment period closes on the Notice of Proposed Rulemaking.

Concurrent with the rulemaking process described above, the State of Alaska is to identify and prioritize its selections in Native overselection areas, and the Department of the Interior is to hold meetings with the affected Native corporations, the State of Alaska, and any other interested persons to discuss the overselection-reduction process.

Delmar D. Vail,

Acting Associate Director.

September 3, 1981.

[FR Doc. 81-26312 Filed 9-9-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 251

Proposed Implementation Procedures for the National Defense Feature Communication Equipment Program

AGENCY: Maritime Administration, Transportation.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Maritime Administration proposes to begin implementing the provisions of Pub. L. 96-387, when funds become available, by paying vessel operators for the purchase and installation of communications equipment on existing U.S. flag vessels found to be suitable for use by the United States Government in time of war or national emergencies. This equipment is expected to improve communications between the U.S. Navy and merchant marine.

DATES: Comment on the proposed implementation procedures must be received on or before September 30, 1981.

ADDRESS: Any person having an interest in this matter may file comments with the Secretary; Maritime Administration, 14th and E Streets NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. James C. McCoy, Jr., Manager Electronic System, Office of Ship Construction (Code M-721) Maritime Administration, 14th and E Streets NW., Washington, D.C. 20230 (202) 377-4522.

SUPPLEMENTARY INFORMATION:

Background:

Title V of the Merchant Marine Act of 1936 (the Act) has provided for the installation of National Defense Features (NDF) during construction/reconstruction of merchant vessels receiving Construction-Differential

Subsidy. Section 509 of the Act authorizes NDF installation during the construction of any U.S. built vessel certified by the Department of the Navy to be useful to the United States Government in time of war or national emergency, contingent upon the owner's approval. Public Law 96–387 (October 7, 1980), amended the Act by authorizing the Secretary of Commerce to construct, purchase, lease, acquire, store, maintain, sell, or otherwise dispose of NDF intended for installation on vessels likely to be involved in national security support operations. Pursuant to the Maritime Act of 1981, Pub. L. 97–31 (August 6, 1981), the act now authorizes the Secretary of Transportation to install or remove such NDF on any of the following vessels:

(1) Vessels in the National Defense Reserve Fleet,

(2) Vessels requisitioned, purchased, or chartered under Section 902 of the Act,

(3) Vessels which serve as security for the guarantee of obligations under Title XI ship mortgage guarantee programs,

(4) Any vessel which is the subject of an agreement between the owner of such vessel and the Secretary of Transportation.

Thus, authority is vested in the Secretary of Transportation to enter into a contract with a U.S.-flag vessel operator to pay for the fitting or retrofitting of NDF on ships under construction or existing ships in the U.S.-flag fleet after the Secretary of the Navy approves such plans, specifications, or proposals.

The Secretary of the Navy, by letter dated December 22, 1980, to the former Assistant Secretary of Commerce for Maritime Affairs, has determined that a priority defense feature is equipment necessary to permit real time communications among naval vessels, merchant vessels, and communication facilities and has suggested that such equipment should be on all U.S.-flag vessels likely to be involved in national security support operations in the event of a war or national emergency. For practical purposes, this would include all U.S.-flag vessels except those to be retained in essential domestic trade in wartime.

In recent years a gap has developed between the U.S. Navy and merchant ship communications. In the past, a limited communications capability existed between naval vessels and merchant vessels using manual radiotelegraphy on the Medium Frequency (MF) band around 500 kHz. Recently, however, the Navy has moved away from manual radiotelegraphy to higher capacity communications systems. The Navy-merchant ship communications problem has been further increased by the rise in the speed of merchant ships and the resulting increase in the number of ships that would be expected to sail independently in wartime.

This national defense feature communications program is a first step that is intended to provide the necessary equipment to facilities long-distance communications between the U.S. Navy and U.S. merchant ships.

Implementation:

As funds become available, the Maritime Administration proposes to pay vessel operators for the purchase and installation of NDF communications equipment on U.S.-flag vessels likely to be involved in national security support operations. The NDF equipment consists of the following:

(1) High Frequency Transmitter.

(2) High Frequency Receivers.

(1) Radioteletype System with Automatic Error Correction.

(1) Maritime Digital Selective Calling System.

(1) Marisat Terminal.

Specifications for this equipment are contained in Appendix A. It is not intended that NDF communications equipment duplicate existing shipboard equipment having the same capabilities. Therefore, this program will not provide reimbursement for any of the above equipment that is already installed on a vessel.

Normally NDF equipment is restricted from commercial use. However, as a defense feature, the communications equipment must be ready for use at all times. Therefore, in order to ensure the operability of the equipment in emergencies and to assure the familiarity of users, continuous use of NDF communications equipment in routine commercial operations will be permitted and encouraged. Accordingly, maintenance and repair will be to the owner's account.

When this proposal is implemented, any owner of a U.S. flag vessel over 1000 gross tons may apply to the Maritime Administration for reimbursement of the costs involved in purchasing and installing NDF communications equipment. We propose to process applications in vessel types according to the following priority:

(1) U.S. built/U.S. flag barge carriers.

(2) U.S. built/U.S. flag product tankers.

(3) U.S. built/U.S. flag self-sustaining dry cargo ships.

(4) U.S. built/U.S. flag roll-on/roll-off ships.

(5) U.S. built/U.S. flag container ships.

(6) U.S. built/U.S. flag dry bulk cargo ships.

(7) U.S. flag barge carriers.

(8) U.S. flag product tankers.

(9) U.S. flag self-sustaining dry bulk cargo ships.

(10) U.S. flag roll-on/roll-off ships.

(11) U.S. flag container ships.

(12) U.S. flag dry bulk cargo ships.

Owners shall be responsible for making their own arrangements for purchasing and installation, and are encouraged to negotiate on a fleet basis where possible to minimize cost. Where appropriate, small fleet operators are encouraged to cooperate in multiple-purchase of equipment to obtain the best cost advantage of fleet purchase. Preference will be given to lower cost installations meeting all the technical requirements of Appendix A.

Applications shall include for each vessel: the vessel's name, existing communications equipment, proposed NDF communications equipment to be installed, and purchase and installation quotations from suppliers. The Buy American provisions of Section 505 of the Merchant Marine Act of 1936, as amended, shall apply to this program. The proposed application format is shown in Appendix B. The Maritime Administration will review applications to select the ships for implementation; to assure the proper equipment will be provided; and to determine that the cost is fair and reasonable.

Each proposed installation will be certified by the Maritime Administration; then payments will be made in accordance with the terms of the contract between the Owner and Maritime Administration. Participants in this program shall not remove the NDF communications equipment without prior Maritime Administration approval.

If carriage of any of this NDF equipment becomes a regulatory body requirement, appropriate reimbursement to the Government, allowing for depreciation, will be required.

The Maritime Administration will develop guidelines to be made available to ship operators and telecommunications service suppliers in planning for the use of NDF communications equipment and safety functions. These guidelines will be published separately.

Robert J. Patton, Jr.,

Secretary, Maritime Administration.

Appendix A—Specifications for National Defense Feature Communication Equipment

1. *General Requirements.* The installation of all equipment including antennas, and final checks and

adjustments, shall be made by an authorized representative of the manufacturer of the particular equipment involved.

The radio manufacturer shall provide radio noise suppression filters in the radio room on the input supply feeders to electronic equipment. The filters shall be designed to attenuate radiated and conducted noise frequencies not less than 60 decibels over the frequency range of 100 to 30,000 kHz. Between frequencies of 15 to 150 kHz, the noise levels shall be attenuated sufficiently to preclude interference with satisfactory reception when radio receivers are tuned to maximum sensitivity.

Electronic equipment energized from an AC power source shall be so designed that input is accomplished through an isolation transformer which may be either a step-up, step-down, or one-to-one ratio type, incorporated as an integral part of the equipment, and shall be shielded to suppress interference. Voltage suppressors shall be installed in the equipment to protect from transient voltage spikes of the type encountered in shipboard power distribution systems.

2. *Radio Equipment.* (a) List of Principal Components. The National Defense Feature (NDF) communications equipment shall consist of the following:

(1) High Frequency Transmitter.

(2) High Frequency Receivers.

(1) Radioteletype System with Automatic Error Correction.

(1) Maritime Digital Selective Calling System.

(1) Marisat Terminal.

(b) Specifications. The transmitter and receivers shall meet the following minimum specifications:

Transmitter:
Output power—1,000 watts.
Frequency range—2–30 MHz.
Frequency control—synthesized.
Emission—A1, A3A, A3H, A3J, F1.
Receivers:
Frequency range—2–30 MHz.
Frequency control—synthesized.
Emission—A1, A3A, A3H, A3J, F1.
Radioteletype:
Modes—ARQ, FEC, SEL/FEC.
Marisat: As approved by COMSAT General Corporation.

(c) Installation. It is not intended that NDE communication equipment duplicate existing shipboard equipment having the same capabilities, therefore if the above described equipment is already installed on the ship it shall not be installed as part of this package.

The NDF communications equipment shall be located in the radio room. Voice remote extension facilities for both high frequency and Marisat equipment shall be located in the wheelhouse. The Marisat installation may include a Ship Priority Indicator on the bridge.

Appendix B—Format for Application to Participate in the Maritime Administration National Defense Feature Communication Equipment Program

United States Department of
Transportation
Maritime Administration
Division of Engineering (721)
Room 4523—Main Commerce Building
Washington, D.C. 20230
Attention:
Director,
Office of Ship Construction
Subject:
National Defense Feature,
Communications Equipment Installation
(Name of Vessel Owner)
(Number and Type of Vessels)
Application for Reimbursement of Costs
References:
(a) (As appropriate)
(b)
Enclosures:
(1) (Separate enclosure for each vessel)
(2)
Gentlemen:
General:

Application is hereby made for the reimbursement of costs for the purchase and installation of certain national defense communication equipment on *xx* vessels. The total amount of this reimbursement request is $*xxxxx*.

Purchase and Installation:

(In this paragraph give a brief description of the overall purchase and installation arrangements.)

Vessel Equipment Details:

Specific details for each vessel included in this Application are provided in Enclosures (*x*) through (*x*).

Name of Applicant:

(Provide name and address of applicant, and a contact person with telephone number)
(End of sample format)

Enclosure (x)—Equipment Details

Name of Vessel _____
Type of Vessel _____
Communications Equipment
Installed _____
(Quantity—Manufacturer—Model) ____
Communications Equipment to be
Added _____
(Quantity—Manufascturer—Model) ____
Purchase and Installation Quotations
(Include Contractor's name, address and telephone number) _____
Former ship name, if applicable _____
Radio Call sign _____
Where Constructed _____
Date Delivered _____
MarAd Design Designation, if
applicable _____
Principal characteristics _____
Planned Trade Route and Cargo _____

[FR Doc. 81-26343 Filed 9-9-81; 8:45 am]
BILLING CODE 3519-15-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-614; RM-3905]

FM Broadcast Station in Charleston, W. Va., Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 265A to Charleston, West Virginia, in response to a petition filed by Communicast, Inc. The assignment could provide Charleston with a fifth local commercial service.

DATES: Comments must be filed on or before November 2, 1981, and reply comments must be filed on or before November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFROMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Charleston, West Virginia), BC Docket No. 81-614, RM-3905.

Adopted: August 25, 1981.

Released: September 1, 1981.

1. A petition for rule making [1] was filed by Communicast, Inc. ("petitioner"), requesting the assignment of Channel 265A to Charleston, West Virginia, as that community's fifth commercial FM assignment. Petitioner states that it will apply for the channel if assigned.[2] No responses to the petition have been received.

2. Charleston (population 71,505),[3] the capital of West Virginia, is located in Kanawha County (population 229,515) in the west-central portion of the State. It is served locally by five full-time AM stations (WCAW, WCHS, WKAZ, WTIP, WXIT), four commercial FM stations (WVAK, Channel 260; WBES, Channel 241; WQBE, Channel 248; WTIO, Channel 274) and noncommercial educational Station WVPN.

[1] Public Notice of the petition was given on June 4, 1981, Report No. 1290.

[2] Petitioner notes that "Communicast, Inc. has not been formally incorporated. However, the formalities will be completed, and the corporation will come into legal existence, if the requested FM channel is alloted and an application is prepared for a construction permit."

[3] Population figures are extracted from the 1970 U.S. Census.

3. Petitioner indicates that it is minority controlled (see fn. 2), and wishes to primarily serve that segment of the community, which, it states, constituted over 10 percent of the population in 1970 and now comprises 12,000 persons. It also intends to serve the community at large with an additional FM broadcast service.

4. The assignment of Channel 265A to Charleston would result in intermixing a Class A channel in a community dominated by Class B stations. Petitioner has indicated that an effort was made to find a Class B channel for assignment to Charleston, but that only Channel 265A is available. The Commission has a policy of permitting such intermixture where no other Class B channel is available for assignment and where, as here, the petitioner is willing to apply for the Class A channel in spite of any unfavorable competitive situation which may result. *See, Yakima, Washington,* 42 FCC 2d 548, 550 (1973); *Key West, Florida,* 45 FCC 2d 142, 145 (1974).

5. It appears that the assignment of Channel 265A to Charleston will cause preclusion to occur only on the co-channel within 65 miles. Since this proposal seeks a fifth commercial assignment to a community of less than 100,000, preclusion data is important to justify an exception to our population criteria which places a limit of four channels to such a community. Petitioner states that only South Charleston is of significant size in the precluded area and already has an AM station. It also notes that Channel 265A could be used at South Charleston under the 10 mile rule, § 73.203(b), if assigned to Charleston.

6. Since the proposed assignment is within 400 kilometers (250 miles) of the U.S.-Canada border, Canadian concurrence must be obtained.

7. In order to give further consideration to the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Charleston, W.Va.	241, 248, 260, and 274.	241, 248, 260, 265A, and 274.

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before November 2, 1981, and reply comments on or before November 23, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-614, RM-3905]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedure.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-26346 Filed 9-9-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-613; RM-3901]

FM Broadcast Station in Greenville, Ala.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 232A to Greenville, Alabama, in response to a petition filed by Greenville Broadcasting Company. If this channel is assigned, it

could provide Greenville with its second FM broadcast station.

DATES: Comments must be filed on or before November 2, 1981, and reply comments must be filed on or before November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Greenville, Alabama), BC Docket No. 81–613, RM–3901.

Adopted: August 25, 1981.

Released: August 31, 1981.

1. *Petitioner, proposal, comments.* (a) A petition for rule making [1] was filed by Greenville Broadcasting Company ("petitioner") proposing the assignment of FM Channel 232A to Greenville, Alabama. No comments opposing the assignment were received.

(b) The proposed channel can be assigned to Greenville with a site restriction of approximately 6.1 kilometers (3.8 miles) north to comply with the minimum distance separation requirements.

(c) Petitioner has stated it will apply for the channel, if assigned.

2. *Demographic Data.* (a) *Location.* Greenville, seat of Butler County, is located approximately 64 kilometers (40 miles) south-southwest of Montgomery, Alabama.

(b) *Population.* Greenville—8,033 [2] Butler County—22,007.

(c) *Present aural service.* Greenville is currently served by daytime only AM Station WGYV and by FM Station WKXN (Channel 240A).

3. *Economic Consideration.* According to the petitioner, Greenville is "the hub of commercial and social activity for a five county area." The community is also an important regional transportation center.

4. *Preclusion Considerations.* The assignment of Channel 232A to Greenville would cause preclusion on the co-channel within 65 miles. Petitioner states there are no cities of 2,500 population, or more, in the precluded area.

5. In light of the above, the Commission feels that it is in the public interest to propose amending § 73.202(b) of the Commission's rules, FM Table of Assignments, with regard to the following community:

City	Channel No.	
	Present	Proposed
Greenville, Ala	240A	232A, 240A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before November 2, 1981, and reply comments on or before November 23, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81–613, RM–3901]

1. Puruant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C

[FR Doc. 81–26347 filed 9–9–81; 8:45 am]

BILLING CODE 6712–01–M

[1] *Public Notice* of petition was given on June 4, 1981, Report No. 1290.

[2] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 81-615; RM-3897]

FM Broadcast Station in Thoreau, N. Mex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 260 to Thoreau, New Mexico, as that community's first FM assignment in response to a petition filed by Hal, Inc.

DATES: Comments must be filed on or before November 2, 1981, and reply comments must be filed on or before November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Thoreau, New Mexico), BC Docket No. 81-615, RM-3897.

Adopted: August 25, 1981.

Released: September 1, 1981.

1. *Petitioner, Proposal, Comments:* (a) A petition for rulemaking [1] was filed by Hal, Inc. ("petitioner") proposing the assignment of FM Channel 260 to Thoreau, New Mexico, as that community's first FM assignment. No comments opposing this assignment have been received.

(b) The channel may be assigned to Thoreau in compliance with the minimum distance separation requirements.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Demographic Data*—(a) *Location.* Thoreau is an unincorporated community in McKinley County, approximately 145 kilometers (90 miles) northwest of Albuquerque, New Mexico.

(b) *Population.* Thoreau—950;[2] McKinley County—54,950.[3]

(c) *Present Aural Service.* Thoreau currently has no local broadcast service.

3. *Economic Considerations.* According to the petitioner, "with the expansion of uranium mining and milling operations in the area, Thoreau is expected to become a major residential and commercial community."

[1] Public Notice of the petition was given on May 20, 1981, Report No. 1287.

[2] Figure provided by petitioner.

[3] Population figure was taken from 1980 U.S. Census.

4. *Preclusion Considerations.* Preclusion will be caused on Channel 257 within 65 miles, Channel 259 within 150 miles, Channel 260 within 180 miles, Channel 261A within 105 miles and Channel 263 within 65 miles. Petitioner lists five communities of over 1,000 population in this area that have no present aural service.[4] Petitioner should list alternative channels available to these communities.

5. It is not usually Commission policy to assign Class C channels to communities as small as Thoreau. Petitioner states that the assignment would provide first FM service to 1457 square miles and second FM service to 240 square miles. Petitioner should estimate the population in the first and second service areas to bolster its case.

6. In view of the foregoing, the Commission finds it in the public interest to propose the following amendment to the FM Table of Assignments, § 73.202(b) of the Commission's rules:

City	Channel No.	
	Present	Proposed
Thoreau, N. Mex.		260

7. The Commission's authority to institute rules making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before November 2, 1981, and reply comments on or before November 23, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

[4] Eagar, Snowflake, and Springerville, Arizona, and Antonito, Colorado, and Milan, New Mexico.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-615, RM-3897]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent to a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or

persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Steet NW., Washington, D.C.

[FR Doc. 81-2[illegible] Filed 9-9-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-616; RM-3836]

FM Broadcast Station in West Liberty and Flemingsburg, Kentucky; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the reassignment of FM Channel 292A from Flemingsburg, Kentucky, to West Liberty, Kentucky, at the request of Langley Franklin. This proposed assignment could provide the community with a first FM broadcast service.

DATES: Comments must be filed on or before November 2, 1981, and reply comments must be filed on or before November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 25, 1981.

Released: September 2, 1981.

By the Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), table of assignments, FM broadcast stations, (West Liberty and Flemingsburg, Kentucky); BC Docket No. 81-616, RM-3836; notice of proposed rule making.

1. A petition for rule making [1] was filed by Langley Franklin ("petitioner") proposing the reassignment of FM Channel 292A from Flemingsburg, Kentucky to West Liberty, Kentucky. No comments opposing the assignment have been received. The proposed channel can be assigned to West Liberty in compliance with the minimum distance separation requirements.

2. West Liberty (population 1,381,[2] the seat of Morgan County (population 12,103), is located approximately 112 kilometers (70 miles) east of Lexington, Kentucky. Flemingsburg (population 2,835), seat of Fleming County (12,323), is located approximately 80 kilometers (50 miles) northeast of Lexington. West Liberty is served by full-time AM Station WLKS. Flemingsburg was recently authorized an AM station.

3. According to petitioner, the original assignment of Channel 292A to Flemingsburg, in 1977, was based on the following factors: (1) Flemingsburg has no local aural service and (2) a new FM channel would bring first FM service to 1,506 persons and a second FM service to 14,200 persons. However, since Channel 292A has remained vacant for approximately three and one-half years, petitioner believes that the Commission should reconsider this allocation so that it can be put to use elsewhere.

4. The proposed assignment would provide a first local FM service and a first local aural nighttime service to about 75% of Morgan County's area and population. We agree with petitioner that the channel should be assigned where it will be put to use with respect to these two communities.

5. Petitioner states that, if the requested assignment is approved, he will apply to construct an FM broadcast station.

6. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules with regard to the following community.

City	Channel No.	
	Present	Proposed
Flemingsburg, Ky	292A	.....
West Liberty, Ky	.....	292A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before November 2, 1981, and reply comments on or before November 23, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 Fed. Reg. 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

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[1] Public Notice of the petition was given on February 10, 1981, Report No. 1269.

[2] Population data are taken drom the 1980 U.S. Census unless otherwise indicated.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 81-26345 Filed 9-9-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking submitted by the Physicians for Automotive Safety and the Action for Child Transportation Safety to amend the agency's school bus seating standard. The petitioners would require higher seat backs and seat belts in all school buses. The agency concludes for the reasons set forth below that these additional safety features are not required at this time.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Crashworthiness Division, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: The Physicians for Automotive Safety (PAS) and Action for Child Transportation Safety (ACTS) have petitioned the agency for an amendment to the agency's school bus seating standard, Standard No. 222, *School Bus Passenger Seating and Crash Protection.* Their petition requests the agency to mandate a seat back height of at least 24 inches above the seating reference point (SRP) and to require seat belts. Currently, seat back height is 20 inches, and seat belts are required only in buses with gross vehicle weight ratings (GVWR) of 10,000 pounds or less. For the reasons set forth below, the agency denies their petition.

The agency conducted an extensive rulemaking process in the mid-1970's in implementing the current school bus seating standard. Initially, the agency proposed a much higher seat back than currently required in school buses and proposed that seat belts be required in all school buses. In comments on the agency's proposal, attention was drawn to the problems that result from the use of high seat backs and seat belts in all school buses. High seat backs present a discipline problem in school buses. The driver who is frequently the only monitor on a school bus cannot see the children over the seat backs. For this reason a number of school systems objected to a greatly increased seat back height.

The installation of seat belts in all school buses posed a number of problems for the users of school vehicles. School buses are frequently used to transport both elementary students and high school students, with the younger students sitting three to the seat while the older students sit two to the seat. In fact, many school districts establish schedules to insure that their buses can be used to transport both elementary and high school students on different shifts. Thus, a bus would have to be equipped with three sets of seat belts per seat to provide one belt for each occupant when the bus is used for younger students. Even for elementary students, it would be difficult, if not impossible to belt three occupants into one seat. When high school students were transported, in order for them to use the seat belts, they would be required to use portions of two different belt systems on the seat and sit on the remainder of the unused belts. This would pose a comfort problem. Further, to insure use of seat belts, a school must provide a monitor to ensure that the belts are worn. This increases school personnel costs or puts an additional burden on the driver to check for seat belt use.

The agency determined that a moderate approach to seat back height and seat belts would be the most effective means for the prevention of school bus injuries and fatalities. The agency conducted tests at various seat back heights and determined thaat a 20-inch seat back height measured from the SRP provided adequate protection without obscuring the driver's visibility of the children. The results of agency testing are in the docket established earlier for this rulemaking action.

With respect to seat belts, the agency concluded after examining the arguments for and against seat belts that adequate passenger protection could be provided by compartmentalizing the occupants between well padded and sturdy seats. Through compartmentalization, children are protected whether or not seat belts are provided or worn. This reduces the burden upon schools to monitor and enforce seat belt usage and increases the comfort of the seat to the occupants.

NHTSA did require small school buses to be equipped with seat belts. Small buses are not required to comply with the limited seat spacing requirements in the standard, and therefore, compartmentalization is not as effective for them. Also, small buses have higher impact forces than larger buses during accidents. For both of these reasons, the agency decided to require these buses to have seat belts.

It is important to remember that the NHTSA safety standard provides the minimum safety requirements applicable to all school buses. Nothing prohibits a State or a local jurisdiction from requiring somewhat different levels of safety in buses which the State purchases for its own use. For example, New York has determined that a higher seat back is preferable for its jurisdiction and has required a higher seat back than that established in the Federal standard for its buses. Similarly, a State or a local jurisdiction could require seat belts for their own buses if they concluded that seat belts would be

preferable in light of the specific problems in their jurisdictions. Accordingly, the Federal standard establishes only the minimum and States are permitted to specify more stringent requirements for their vehicles if they find it desirable.

Finally, it is necessary to put the issue of increased school bus safety in the proper perspective. Typically, fewer than 20 passengers of school buses are killed annually in school bus accidents. PAS points to a particular accident to justify this rulemaking petition. However, in that accident, 47 injuries were sustained and none was serious. Given the existing safety of school buses, further expense and Federal regulations are not warranted at this time. Accordingly, the agency has determined that the proposals made by PAS and ACTS are not necessary and denies their petition. The agency continues to monitor the school bus accidents and will propose additional safety standards if conditions warrant.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1391, 1407); delegation of authority at 49 CFR 1.50)

Issued on August 31, 1981.

Diane K. Steed,

Acting Administrator.

[FR Doc. 81–28329 Filed 9–9–81; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Export of Bobcat, Lynx, River Otter, Alaskan Gray Wolf, Alaskan Brown Bear, American Alligator and American Ginseng Taken in 1981–82 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed findings and rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty regulating the international shipment of certain wildlife and plant species. Exports of wildlife or plants listed in Appendix II of CITES may occur if a Scientific Authority has advised a permit-issuing Management Authority that such exports will not be detrimental to the survival of the species, and if a Management Authority is satisfied that the wildlife or plants were not obtained in violation of laws for its protection.

This notice announces proposed findings by the Scientific and Management Authorities for the United States concerning the export of certain Appendix II species native to this country. Such findings are made annually on a state-by-state basis. The Service requests information and comments concerning these findings before making final determinations on the export of specimens taken in the 1981–82 harvest season.

DATE: The Service will consider information and comments received by September 25, 1981, in making the final determinations.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Office of the Scientific Authority, room 536, 1717 H Street NW., Washington, D.C., or at the Federal Wildlife Permit Office, room 621, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Scientific Authority Findings—Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653–5948.

Management Authority Findings—Mr. S. Ronald Singer, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235–2418.

Export Permits—Mr. Robert J. Batky, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235–1903.

SUPPLEMENTARY INFORMATION: This is the second of three notices concerning the Service's findings on export of bobcat, lynx, river otter, Alaskan gray wolf, Alaskan brown bear, American alligator, and American ginseng taken in the 1981–82 harvest season. The first notice (46 FR 28192; May 26, 1981) announced the Service's intention to develop findings on export of specimens of these species, and invited comment on the criteria that it proposed to use in making such findings. In the present notice, the Service announces its preliminary findings. These are based on criteria described in the May 26, 1981, notice.

Scientific Authority Advice

The Service received comments from several state conservation agencies on the proposed criteria for Scientific Authority advice on the export of bobcats, lynx, and river otter. These agencies remarked that it is inappropriate to require an estimate of the state's populations of these species as a condition of export approval because such estimates are difficult to make and because they do not provide information useful to the state in managing these species.

The requirement for population estimates was established by the United States Court of Appeals for the District of Columbia Circuit. The court's decision, as described in the notice of May 26, 1981, applies to Scientific Authority advice on the export of bobcats taken in the 1981–82 season. The Service shares the concern of state agencies about the need for (and value of) population estimates; although it has considered population estimates in developing Scientific Authority advice on the export of other species, it has not considered such estimates to be essential for that advice.

The bobcat, lynx, river otter, and American alligator were listed in Appendix II for two reasons: Because the CITES party countries decided that they were potentially threatened with extinction unless international trade were controlled and because the parties agreed that trade in them should be regulated in order to effectively control trade in other listed species of cats, otters, or crocodilians, respectively. In developing Scientific Authority advice on whether export of these four species will not be detrimental, the Service is examining both the status of the species in question and the impact of trade in them on the effectiveness of CITES in controlling trade in other related species.

The Service has received no information that export of these species has reduced the effectiveness of CITES in controlling trade in other listed species. Similarly, the Service has received no evidence that export of Alaskan gray wolf or Alaskan brown bear has reduced the effectiveness of CITES in controlling trade in other listed wolves or bears. The Alaskan populations of wolf and brown/grizzly bear are listed in Appendix II only to enable the parties to effectively control trade in other listed populations. Accordingly, the Service has made a preliminary determination that export of bobcat, lynx, river otter, American alligator, Alaskan gray wolf, and Alaskan brown bear will not reduce the effectiveness of CITES in controlling trade in other listed species. This determination is reinforced by the Service's requirement that all pelts or hides of the species in question must have state tags, as described below. The Service's notice of proposed findings for the previous harvest season provides further discussion of the grounds for this

determination (45 FR 64520; September 29, 1980).

State conservation agencies have provided current information to the Service about biological status, harvest, and management and research programs for bobcat, lynx, river otter, American alligator, and American ginseng. The Service has evaluated this information in terms of whether export will not be detrimental to the survival of the species in question, using criteria described in the notice of May 26, 1981. Information from the states and records of the Service's evaluation of it are available for public inspection at the Office of the Scientific Authority.

Management Authority Findings

Several state conservation agencies commented that the Service should combine its requests to them for Scientific Authority and Management Authority information. The Service agrees, and will do so in the future. Aside from this comment, the Service received no suggestions concerning the proposed criteria for Management Authority findings on the export of species addressed in this notice.

The Management Authority must be satisfied that specimens were not obtained in violation of state or Federal law, in order to allow export. Evidence of legal taking for bobcat, lynx, river otter, Alaskan gray wolf, Alaskan brown bear, and American alligator is provided by state tagging systems. For the 1981–82 season, the Service has urged the use of locking globe-headed metal tags. The Service has arranged for the manufacturing of such tags for the majority of states. Other states already use similar tags. Those few states now able to use only substandard tags may use them for export this season, but must use fully acceptable tags next season.

Last year, the Service stated that the Management Authority would approve export of artificially propagated ginseng only from the states approved for export of wild-collected ginseng, because they had the programs necessary to document the source of the plants. The Service plans to continue this practice, but it will also approve the export of artificially propagated ginseng from other states if those states can provide similar documentation to minimize the risk that wild-collected plants are exported as cultivated.

Information from the states and records of the Service's evaluation of it in terms of Management Authority criteria are available for public inspection at the Federal Wildlife Permit Office.

Proposed Export Approval

The Service proposes to approve exports of these Appendix II species harvested during the 1981–82 season in the following states, on the grounds that both Scientific Authority and Management Authority criteria have been met:

Bobcat—Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New York, Oklahoma, Oregon, South Carolina, Utah, Vermont, Virginia, West Virginia, Wyoming, and Klamath Tribe.

Lynx—Alaska, Minnesota, and Montana.

River otter—Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, Oregon, South Carolina, Vermont, and Virginia.

American alligator—Florida and Louisiana.

American ginseng—Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri, North Carolina, Ohio, Tennessee, Vermont (artificially propagated ginseng only), Virginia, West Virginia, and Wisconsin.

The Service also proposes *not* to grant general approval for exports of these species harvested in the following states, which have received export approval in the past. After the name of each state, the letters SA or MA indicate that criteria of the Scientific Authority or Management Authority, respectively, are not met.

Bobcat—California (SA), Maine (MA), Nevada (MA), New Mexico (MA), North Carolina (MA), North Dakota (SA), Tennessee (MA), Texas (MA), Washington (MA), Wisconsin (MA), and Navajo Nation (SA).

Lynx—Idaho (SA) and Washington (MA).

River otter—Maine (MA), North Carolina (MA), and Wisconsin (MA).

Alaskan gray wolf—Alaska (MA).

Alaskan brown/grizzly bear—Alaska (MA).

American ginseng—Minnesota (SA), and New York (SA) and (MA). In most of these cases, the Service proposes not to approve export of wildlife species because the state has not yet provided current biological data (SA) or samples of tags it will use on pelts (MA). However, in the case of North Dakota, the Service believes that the condition of bobcat populations is such that export of the harvest allowed by the state management program could be detrimental to the survival of the species in the state.

For ginseng, the Service proposes not to approve export from Minnesota because the state has not yet provided information about either the population status or management of the species.

The Service proposes not to approve export of ginseng harvested in New York because the state is not yet implementing a management program and because information supplied on population status is insufficient to show that export will not be detrimental to the survival of the species in the state.

For all other states not addressed above, either the taking of these species is not allowed by the state, the species do not occur in the state, or the state did not provide the Service with information on which to base Scientific Authority and Managment Authority findings. The Service proposes not to grant general approval for export of these species from such states.

Comments Solicited

The Service requests comments and current information on the species addressed in this notice. Final findings will take into consideration the comments and any additional information received, and such consideration might lead to final findings that differ from this proposal.

The period for comment on this proposal is limited to 15 days because a longer period would be impracticable and contrary to the public interest (43 CFR 14.7). These findings are most valuable for conservation of the species if they are made before the harvest season begin.

This proposal is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. et seq.; 87 Stat. 884 as amended), and was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority, telephone (202) 653–5948.

Note.—The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601).

Dated: August 14, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

Accordingly, the Service proposes to amend Part 23 of Title 50, Code of Federal Regulations, as set forth below:

PART 23—ENDANGERED SPECIES CONVENTION

Subpart F—Export of Certain Species

1. In § 23.51, add new paragraph (d) as follows:

§ 23.51 American ginseng (*Panax quinquefolius*).

* * * * *

(d) 1981 Harvest: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri, North Carolina, Ohio, Tennessee, Virginia, West Virginia, Wisconsin.

Conditions on findings: Roots must be documented as to state or origin and season of collecting. Wild and cultivated roots must be certified by the state as legally collected and such certification must be presented upon export.

2. In § 23.52, add new paragraph (e) as follows:

§ 23.52 Bobcat (*Lynx rufus*)

* * * * *

(e) 1981–82 Harvest: Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New York, Oklahoma, Oregon, South Carolina, Utah, Vermont, Virginia, West Virginia, Wyoming, Klamath Tribe.

Condition of findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to conditions established by the Service.

3. In § 23.53, add new paragraph (e) as follows:

§ 23.53 River otter (*Lutra canadensis*)

(e) 1981–82 Harvest: Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, Oregon, South Carolina, Vermont, Virginia.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to conditions established by the Service.

4. In § 23.54, add new paragraph (e) as follows:

§ 23.54 Lynx (*Lynx canadensis*).

(e) 1981–82 Harvest: Alaska, Minnesota, Montana. Condition on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to conditions established by the Service.

5. In § 23.55, add new paragraph (e) as follows:

§ 23.55 Gray wolf (*Canis lupus*).

* * * * *

(e) 1981–82 Harvest: None.

Condition on findings: Pelts must be tagged as required by the State of Alaska.

Condition on findings: Pelts must be tagged as required by the State of Alaska.

6. In § 23.56, add new paragraph (e) as follows:

§ 23.56 Brown bear (*Ursus arctos*).

* * * * *

(e) 1981–82 Harvest: None.

Condition on findings: Pelts must be tagged as required by the State of Alaska.

7. In § 23.57, add new paragraph (c) as follows:

§ 23.57 American alligator (*Alligator mississippiensis*).

* * * * *

(c) 1981–82 Harvest: Florida, Louisiana.

[FR Doc. 81-28370 Filed 9-9-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 655, 656, and 657

Mid-Atlantic Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public hearing.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold public hearings for the purpose of public input on Amendment No. 3 to the Fishery Management Plans for Squid, Atlantic Mackerel, and Butterfish.

DATES: Written comments on the amendment to the plans for squid, Atlantic mackerel, and butterfish from members of the public may be submitted no later than October 7, 1981.

Individuals or organizations wishing to comment on the above amendment may do so at public hearings to be held at the locations listed below:

September 28, 1981; Riverhead, New York

September 28, 1981; Cape May, New Jersey

September 29, 1981; Narragansett (Galilee), Rhode Island

September 30, 1981; Hampton, Virginia.

ADDRESS: Send comments to: Chairman, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901.

September 28, 1981; Holiday Inn, Rt. 25, Exit 72 of Long Island Expressway, Riverhead, New York 11901

September 28, 1981; Golden Eagle Inn, Philadelphia Avenue, Cape May, New Jersey 08204

September 29, 1981; Dutch Inn, Great Island Road, Narragansett (Galilee), Rhode Island 02882

September 30, 1981; Sheraton Inn Coliseum, 1215 West Mercury Boulevard, Exit 8 from I–64, Hampton, Virginia 23366.

All of the public hearings mentioned above will convene promptly at 7:00 p.m. Hearings will be tape recorded and the tapes will be filed as an official formal transcript of the proceedings. Summary minutes will be prepared on each hearing.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone 302–674–2331.

SUPPLEMENTARY INFORMATION: The Squid Fishery Management Plan (FMP) was approved by the National Oceanic and Atmospheric Administration (NOAA) on June 6, 1979. The FMP was for fishing year 1979–80 (April 1, 1979–March 21, 1980). Amendment No. 1, extending the FMP indefinitely beyond fishing year 1979–80, was approved by NOAA on March 19, 1980.

The Atlantic Mackerel FMP was approved by NOAA on July 3, 1979. The FMP was for fishing year 1979–80 (April 1, 1979–March 31, 1980). Amendent No. 1, extending the FMP through fishing year 1980–81, was approved by NOAA on March 17, 1980. Amendment No. 2, extending the FMP through fishing year 1981–82, was approved by NOAA on January 29, 1981.

The Butterfish FMP was approved by NOAA on November 9, 1979. The FMP was for fishing year 1979–80 (April 1, 1979–March 31, 1980). Amendent No. 1, extending the FMP through fishing year 1980–81, was approved by NOAA on March 5, 1980. Amendment No. 2, extending the FMP through fishing year 1981–82, was approved by NOAA on February 26, 1981.

The Mid-Atlantic Fishery Management Council recommends merging the Squid, Atlantic Mackerel, and Butterfish FMPs, extending them through fishing year 1984–85 (March 31, 1985), and revising the management regime.

The management unit is all Atlantic mackerel (*Scomber scombrus*), squid (*Loligo pealei* and *Illex illecebrosus*), and Atlantic butterfish (*Peprilus triacanthus*) under U.S. jurisdiction.

The permitting and reporting requirements of the existing Atlantic Mackerel, Squid, and Butterfish Plans would be combined and revised to permit data collection by means other than logbooks.

The butterfish total allowable level of foreign fishing (TALFF) would be 6 percent of the allocated portion of the *Lolio* TALFF plus 1 percent of the allocated portions of the *Illex*, mackerel, silver hake, and red hake TALFFs. The butterfish optimum yield (OY) would equal domestic annual harvest (DAH) plus TALFF, but could not exceed 16,000 metric tons (mt).

The annual OYs for *Loligo* and *Illex* would be 44,000 mt and 30,000 mt, respectively. Estimates of DAH and Domestic Annual Processing for *Loligo* and *Illex* would be made annually between 7,000–44,000 mt for *Loligo* and 5,000–30,000 mt for *Illex*. The differences between the OYs and DAHs, if any, initially would be allocated one-half to TALFF and one-half to reserve. That portion of the reserve not needed for increases to DAHs could be allocated to TALFFs.

During August for *Illex* and during September for *Loligo*, the Regional Director would project the total amounts of squid that will be harvested by U.S. fishermen during the entire fishing year. For *Illex*, monthly catches from April through July (exclusive of joint venture harvest) would be multiplied by no less than 2.9 to obtain a projected annual harvest. For *Loligo*, monthly catches from April through August (exclusive of joint venture harvest) would be multiplied by no less than 1.3 to obtain a prjected annual harvest. Amounts authorized for joint ventures would be added to these projections. If the projected amount of either species to be harvested by U.S. fishermen, including joint ventures, exceeds the initial DAH, the Regional Director would leave the excess in the reserve to allow the U.S. fishery to continue without closure throughout the year. The remainders of the reserve would then be allocated to TALFF. After the initial allocation, the Regional Director may allocate any remaining portion of the reserves to TALFF if he determines that the domestic harvest, including joint ventures, will not attain the projected level, if such allocation is consistent with the objectives of the merged Plan.

The annual OY, DAH, and TALFF for Atlantic mackerel would be set using a series of procedures that depend on the predicted spawning stock size. The capacity for mackerel in the U.S. recreational fishery would be the greater of 9,000 mt or the amount predicted by the equation:

$$Y=(0.008)(X)-(1.15)$$

where Y is the predicted recreational catch and X is the mackerel spawning stock size the upcoming fishing year in thousands of metric tons. The U.S. commercial capacity estimate could be no less than 5,000 mt.

If the spawning stock size would be less than or equal to 700,000 mt after the full U.S. and Canadian harvesting capacities were taken, the mackerel TALFF could be no greater than 2 percent of the allocated portion of the silver hake TALFF plus 1 percent of the allocated portions of the TALFFs for *Illex*, *Loligo*, and red hake. DAH would be set equal to that amount which would leave a spawning stock size of 700,000 mt, or 14,000 mt, whichever is greater. OY would equal the sum of DAH and TALFF.

If the spawning stock size would be larger than 700,000 mt after the full predicted U.S. and Canadian harvesting capacities were filled, OY would equal that amount which, when taken in addition to the predicted Canadian catch, would result in a spawning stock size of 700,000 mt the following year, but the total mackerel catch (all waters, all nations) could not result in a fishing mortality rate greater than 0.4.

The TALFF would equal the difference between the OY and DAH, but would not be less than 2 percent of the allocated portion of the silver hake TALFF plus 1 percent of the allocated portions of the *Illex*, *Loligo*, and red hake TALFFs. If the TALFF thus derived were greater than 10,000 mt, one-half would be allocated to the initial TALFF and the other half would be placed in a reserve.

If such a reserve were created, during October of each year, the Regional Director would project the total amount of mackerel that would be harvested by U.S. fishermen during the entire fishing year. If that amount exceeded the initial DAH, the Regional Director would leave the excess in the reserve to allow the U.S. fishery to continue without closure throughout the year. That part of the reserve not needed to meet the projected U.S. harvest would be allocated to TALFF.

Directed foreign fishing for Atlantic mackerel would be prohibited from March 1 through October 31 but incidental catches of Atlantic mackerel in other authorized foreign fisheries would be permitted at any time, so long as TALFFs are not exceeded.

Dated: September 4, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-26477 Filed 9-8-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 175
Thursday, September 10, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Economic Research Service

Discontinuance of Weekly Retail Prices and Farm to Retail Price Spreads for Beef and Pork

Following careful review of public comments in accordance with the notice of intent published in **Federal Register** Vol. 46, No. 137, p. 37063, Friday, July 17, 1981, the Economic Research Service announces the discontinuance of publication of weekly farm to retail price spreads for beef and pork, effective immediately. Publication of farm to retail price spreads on a monthly basis will continue as a normal part of market basket statistics. This cost-reduction measure will save about $100 thousand annually.

Done at Washington, D.C. this 4th day of September, 1981.

Kenneth R. Farrell,
Acting Administrator.

[FR Doc. 81-28434 Filed 9-9-81; 8:45 am]
BILLING CODE 3410-18-M

Forest Service

Western Spruce Budworm Infestation Suppression and Evaluation Program; Santa Fe National Forest; Santa Fe County, New Mexico; Intent To Prepare an Environmental Impact Statement

The U.S. Department of Agriculture, Forest Service, will prepare an environmental impact statement for an integrated pest management program responding to Western Spruce Budworm epidemic infestations in the Jemez Mountains.

A range of alternatives for dealing with the infestation will be considered. One of the alternatives will be to take no action. Other alternatives will consider various control methods such as chemical, biological, and cultural.

The Forest Service will utilize an interdisciplinary team that will include individuals representing disciplines covering the biological, physical, and social sciences. Federal and state agencies who may be interested in or affected by the decision are being invited to offer comments or participate in the preparation of the draft environmental impact statement.

Mr. M. J. Hassell, Regional Forester of the USDA Forest Service, Southwestern Region in Albuquerque, New Mexico, is the responsible official. The *draft environmental impact statement* should be available for public review by November 1981. The final environmental impact statement is scheduled to be completed in April 1982.

Comments, concerns, and information pertaining to the Western Spruce Budworm Program should be submitted in writing to James L. Perry, Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, Santa Fe, New Mexico 87501, telephone No. (505) 988-6940.

Dated: September 2, 1981.

M. J. Hassell,
Regional Forester.

[FR Doc. 81-26389 Filed 9-9-81; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 81-9-27]

Fitness Determination of Air Vectors Airways, Inc.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-9-27, Order to Show Cause.

SUMMARY: The Board is proposing to find that Air Vectors Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419 (c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service confrom to applicable safety standards. The complete text of this order is available, as noted below.

DATES: *Responses:* All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than September 24, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Sepcial Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-9-27.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-27 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW, Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-27 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 3, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-28427 Filed 9-9-81; 8:45 am]
BILLING CODE 6320-01-M

[Dockets 33362, 39833, and 39834]

Former Large Irregular Air Service Investigation and Applications of Eagle Aviation, Inc.; Assignment of Proceeding

This proceeding, insofar as it involves the applications of Eagle Aviation, Inc., Dockets 39833 and 39834, has been assigned to Administration Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., September 3, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-28428 Filed 9-9-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39693; (81-9-26)]

Golden West Airlines, Co., Application; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81-9-26).

SUMMARY: The Board is proposing to award air route authority at San Francisco, California to Golden West Airlines, Co.

The complete text of this order is available as noted below.

DATES: *Objections:* All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions of the above order shall file, by September 24, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39693. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Golden West; the Mayor and Airport Managers of San Francisco, Lake Tahoe, and Santa Barbara, California; the California Tahoe Regional Planning Agency; California Public Utilities Commission; and the California Transportation Commission, Aeronautics Subcommittee.

FOR FURTHER INFORMATION CONTACT: Gerard N. Boller, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5330.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–9–26 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81–9–26 to that address.

By the Civil Aeronautics Board: September 3, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–26429 Filed 9–9–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket 39761 (81–9–12)]

Golden West Airlines, Co., Application; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81–9–12).

SUMMARY: The Board is proposing to award air route authority at Fresno, California to Golden West Airlines, Co.

The complete text of this order is available as noted below.

DATES: *Objections:* All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions of the above order shall file, by September 23, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order shall be filed in Docket 39761. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Golden West Airline Company; the Mayors and Airport Managers of Fresno, Lake Tahoe and Santa Ana, California; the California Tahoe Regional Planning Agency; California Public Utilities Commission; and the California Transportation Commission, Aeronautics Subcommittee, and the California Attorney General's Office.

FOR FURTHER INFORMATION CONTACT: Charles Stohr, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673–5000.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–9–12 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81–9–12 to that address.

By the Civil Aeronautics Board: September 3, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–26430 Filed 9–9–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket 32131; (Order 81–9–13)]

Proceeding to Revoke All-Cargo Certificate and Air Taxi Authority of Klondike Air/Nielsen Aviation, Inc.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81–9–13; Order to Show Cause, Docket 32131.

SUMMARY: The Board is proposing to revoke the All-Cargo Air Service Certificate and air taxi authority of Klondike Air/Nielsen Aviation, Inc. of Anchorage, Alaska. This order is being proposed because the carrier surrendered its air carrier license to the FAA and has not attempted to reinstate its license, nor does it have current insurance coverage as required by the Board.

DATES: *Objections:* All interested persons having objections to the Board issuing an order revoking the All-Cargo Air Service Certificate and air taxi authority of Klondike Air/Nielsen Aviation, Inc. shall file no later than September 23, 1981, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: *Responses:* Objections should be filed in Docket 32131, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Bureau of Domestic Aviation, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673–5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–9–13 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81–9–13 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 3, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–26431 Filed 9–9–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Unrefined Montan Wax From the German Democratic Republic; Antidumping Duty Order

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Antidumping Duty Order.

SUMMARY: In separate investigations the Department of Commerce ("the Department") and the International Trade Commission ("ITC") have determined that unrefined montan wax from the German Democratic Republic is being sold at less than fair value and that these sales are materially injuring a U.S. industry. Therefore, all unappraised entries of this merchandise made on or after March 12, 1981—the date from which final assessment of duty has been suspended—will be liable for the possible assessment of antidumping duties. Further, a deposit of estimated antidumping duties must be made on all

such entries made on and after publication of this order in the Federal Register.

EFFECTIVE DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3003).

SUPPLEMENTARY INFORMATION: On March 12, 1981, we published our preliminary determination that unrefined montan wax imported from the German Democratic Republic ("GDR") was being, or was likely to be, sold in the United States at less than fair value (46 FR 16287). On July, 28, 1981, we announced our final determination these imports were being sold at less than fair value (46 FR 38555). The final determination was amended on August 31, 1981 (46 FR 43727).

In accordance with section 735(b) of the Traffic Act of 1930, as amended ("the Act") (19 U.S.C. 1673d(b)), the ITC determined that an industry in the United States is being materially injured by reason of imports of unrefined montan wax from the GDR. On August 31, 1981, it notified us of this decision.

In accordance with section 736 of the Act (19 U.S.C. 1673e), I am directing U.S. Customs officers to assess an antidumping duty equal to the amount by which the foreign market value of the merchandise exceeds the U.S. price for all entries of unrefined montan wax as herein defined, imported from the GDR. This order applies to all entries subject to the "suspension of liquidation" notice published in the **Federal Register** on March 12, 1981 (46 FR 16287) and all future entries of said merchandise until further notice.

For the purpose of this notice, the term unrefined montan wax applies to a nonoxidized mineral wax extracted from lignite, not advanced beyond extraction or cleansing by solvent, currently classifiable under item 494.20 of the Tariff Schedules of the United States.

On or after the date of publication of this notice, Customs officers shall require, at the same time as importers deposit their estimated normal customs duties on the merchandise, an additional cash deposit of estimated dumping duties equal to 13.02 percent *ad valorem* of the ex-factory value of the merchandise, pending final liquidation of entries.

I hereby make public this determination, which constitutes an antidumping duty order with respect to unrefined montan wax from the GDR pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). The Department intends to conduct an administrative review within twelve months of the publication of this order as provided in section 751 of the Act (19 U.S.C 1675).

We have deleted from the Commerce Regulations Annex I to 19 CFR 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 4, 1981.

[FR Doc. 81–26426 Filed 9–9–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting With Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA; Commerce.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended in 1976 by Pub. L. 94–409, notice is hereby given of public meeting with a partially closed session of the New England Fishery Management Council, which was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act. The Council will hold the closed session of the meeting to discuss the competence and salaries of Council personnel. Only council members and required staff will be allowed to attend this closed session. The open session of the meeting will pertain to discussion of the development of the Lobster Fishery Management Plan (FMP), Sea Scallops FMP and Atlantic Groundfish Interim FMP, an Executive Director's Report and approval of minutes, as well as other appropriate business.

DATES:

Council (open meeting) September 29–30, 1981 (10 a.m. to 4:30 p.m., on September 29; 9 a.m. to 12 p.m., on September 30).

Council (closed session) September 30, 1981 (1:30 p.m. to 4:30 p.m.).

ADDRESS: The meeting will take place at the Holiday Inn, Downtown, 88 Spring Street, Portland, maine.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route one), Saugus, Massachusetts 01906, Telephone: (617) 231–0422.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the Concurrence of the General Counsel, formally determined on September 4, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(6), as information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Facility, Room 5317, Department of Commerce.) All other portions of the meetings will be open to the public.

Dated: September 4, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–26462 Filed 9–9–81; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Fulbright-Hays Training Grants; Application Notice for New Projects for Fiscal Year 1982

Applications are invited for new projects under the Fulbright-Hays Training Grants—Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad programs.

Authority for these programs is contained in section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961. (22 U.S.C. 2452(b)(6))

These programs issue awards to eligible applicants. Eligible applicants for Fulbright-Hays Training Grants are as follows:

a. For the Faculty Research Abroad program, accredited institutions of higher education;

b. For the Foreign Curriculum Consultants program, accredited institutions of higher education, State departments of education, local public school systems, private nonprofit

educational organizations, and consortiums of such entities;

c. For the Group Projects Abroad program, accredited institutions of higher education, State departments of education, private nonprofit educational organizations, and consortiums of such entities;

d. For the Doctoral Dissertation Research Abroad program, accredited institutions of higher education which offer doctoral programs in the fields of foreign languages and area studies.

The purpose of the awards is to improve and develop modern foreign language and area studies in the educational structure of the United States.

Closing date for transmittal of applications: An application for a grant must be mailed or hand-delivered by *November 20, 1981.*

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.019, Faculty Research Abroad program; 84.020, Foreign Curriculum Consultants program; 84.021, Group Projects Abroad program; 84.022, Doctoral Dissertation Research Abroad program, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each later applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building, 3, 7th and D Streets, SW, Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Evaluation criteria and eligibility requirements for the Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad programs appear in the Code of Federal Regulations in 34 CFR Part 662.

Funding Priorities: The Secretary has not established funding priorities for Fiscal Year 1982.

Available Funds: It is expected that approximately $2,510,000 in U.S. dollars and $936,600 in special foreign currencies will be available for the Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad programs in Fiscal Year 1982.

It is estimated that these funds could support the following distribution of awards:

(a) Twenty Faculty Research Abroad fellows at an average cost of approximately $14,750.

(b) Ten Foreign Curriculum Consultants at an average cost of approximately $15,500.

(c) Twenty-four Group Projects Abroad at an average cost of approximately $74,858.

(d) Seventy-three Doctoral Dissertation Research Abroad fellows at an average cost of approximately $16,450. It is anticipated that the world area distribution of these fellowships will be within the following ranges: Africa 9–11; Latin America 9–11; East Asia 13–15; Southeast Asia 6–9; East Europe 13–15; Near East 9–11; South Asia 7–10.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that number is specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by September 25, 1981. They may be obtained by writing to the Office of International Education, U.S. Department of Education, (Room 3669, ROB–3), 400 Maryland Avenue, SW, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that the narrative portion of the application be double-spaced typed letter size pages and not exceed the following pages in length:

(a) For the Faculty Research Abroad program, five pages;

(b) For the Foreign Curriculum Consultants program, ten pages;

(c) For the Group Projects Abroad program, twenty pages;

(d) For the Doctoral Dissertation Research Abroad program, five pages.

The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Higher Education Programs in Modern Foreign Language Training and Area Studies (34 CFR Part 662).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Part 75 and 77).

Further Information: For further information, contact Mr. Ralph Hines (Group Projects Abroad and Foreign Curriculum Consultants programs) or Mr. John Paul (Doctoral Dissertation Research Abroad and Faculty Research Abroad programs), Office of International Education, U.S. Department of Education (Room 3669, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245–2794.

(22 U.S.C. 2452(b)(6))

Dated: September 2, 1981.

(Catalog of Federal Domestic Assistance No. 84.019; Faculty Research Abroad program. No. 84.020; Foreign Curriculum Consultants program. No. 84.021; Group Projects Abroad program. No. 84.022; Doctoral Dissertation Research Abroad program)

T. H. Bell,

Secretary of Education.

[FR Doc. 81–26328 Filed 9–9–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Termination of Work on Two Environmental Impact Statements

AGENCY: Department of Energy.

ACTION: Notice of termination of work on the Draft Environmental Impact Statement (EIS) for the commercial feasibility demonstration of one or more surface oil shale retorting processes in the State of Colorado and/or Utah, and on the Final EIS for Mining, Construction and Operation for a Full Size Module at the Anvil Points Oil Shale Facility, Rifle, Garfield County, Colorado.

SUMMARY: The Department of Energy (DOE) announced its intention to prepare an EIS for its proposed funding of a commercial feasibility demonstration of one or more surface oil shale retorting processes in the State of Colorado and/or Utah, in the Federal Register on July 16, 1980 (45 FR 47811). Public scoping meetings were held in Vernal, Utah; Rifle, Colorado; and Denver, Colorado, during August 1980, and preparation of the EIS was begun. Subsequently, DOE determined that it will make no awards under this program, and has, therefore, terminated work on preparation of the EIS.

In August 1980, DOE published a Draft EIS addressing Mining, Construction and Operation for a Full Size Module at the Anvil Points Oil Shale Facility, Rifle, Garfield County, Colorado (DOE/EIS-0070) (45 FR 57765). The proposed activity described in the draft EIS is no longer being proposed by the applicant. Therefore, DOE has determined that a Final EIS will not be prepared for this action.

ADDRESS: Comments or questions may be directed to: Dr. Arthur Hartstein, Oil Shale Division, FE-34, U.S. Department of Energy, Washington, D.C. 20545, phone: (301) 353-2707; or to Mr. Steven R. Woodbury, NEPA Affairs Division, EP-33, U.S. Department of Energy, Room 4G-057, Forrestal Building, Washington, D.C. 20585, phone: (202) 252-4610.

Dated at Washington, D.C. this 2nd day of September for the United States Department of Energy.

Barton R. House,

Acting Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-[illegible] Filed 9-8-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Double U Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Double U Oil Company. This Proposed Remedial Order charges Double U with pricing violations in the amount of $85,614.46 connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period June 1975 through March 1980 in the State of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before September 25, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 9th day of June, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-28435 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-01-M

Glen A. Martin; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Glen A. Martin of San Antonio, Texas. This Proposed Remedial Order charges Martin with pricing violations in the amount of $202,962.15 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period June 1975 through July 1980 in the State of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before September 25, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 27th day of August, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-28437 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-01-M

Jack E. Guenther; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Jack E. Guenther of San Antonio, Texas. This Proposed Remedial Order charges Guenther with pricing violations in the amount of $210,904.85 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period June 1975 through July 31, 1980 in the State of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before September 25, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 27th day of August, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-28436 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA82-1-34-000]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges Under Purchased Gas Adjustment and Incremental Pricing Provisions

September 3, 1981.

Take notice that on August 28, 1981 Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, tendered for filing the following tariff sheets to its F.E.R.C. Gas Tariff:

Original Volume No. 1

Second Substitute 26th Revised Sheet No. 3-A.

Fourth Revised Sheet No. 3-B.

Original Volume No. 2

First Substitute 16th Revised Sheet No. 128.

The aforementioned tariff sheets contain changes in its resale rates in Rate Schedules G and I and in Rate Schedule T-3 resulting from adjustment provisions in the Company's tariff for the cost of purchased gas and Incremental Pricing Provision. FGT proposes to make the rate changes effective October 1, 1981.

According to FGT, the changes contained on Second Substitute 26th Revised Sheet No. 3-A and First Substitute 16th Revised Sheet No. 128

are made in accordance with the purchased gas cost adjustment and incremental pricing provision in its tariff (section 15, General Terms and Conditions). FGT also states that Fourth Revised Sheet No. 3–B contains the estimated incremental pricing surcharges by customer by month for the adjustment period.

The net effect of the above-mentioned adjustments for Rate Schedule G and I is to increase the currently effective rate by 3.642¢/therm. Based on estimated G and I sales for the next 12 months this results in an annual revenue increase of approximately $33,261,000. Below is a table comparing the G and I rates before and after the October 1, 1981 change.

(Therms in cents)

	October 1, 1981—Effective	
	Prior to	To be on
Rate schedule G	25.161	28.803
Rate schedule I	25.161	28.803

The net effect of the above-mentioned adjustments for Rate Schedule T–3 is a decrease of .19¢/Mcf. The rate for Rate Schedule T–3 in effect immediately prior to October 1, 1981 is 41.63¢/Mcf. The rate to be effective on October 1, 1981 is 41.44¢/Mcf. The annual effect on revenues from Rate Schedule T–3 is a decrease of $138,700.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, Original Volume Nos. 1 and 2 and the Florida Public Service Commission and is being posted.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1981. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26466 Filed 9–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA82–1–36–000]

Mountain Fuel Supply Co.; Tariff Sheet Filing Effective October 1, 1981

September 3, 1981.

Take notice that on August 23, 1981, Mountain Fuel Supply Company pursuant to § 154.62 of the Regulations of the Federal Energy Regulatory Commission (Commission), filed Thirteenth Revised Sheet No. 3–A to its FERC Gas Tariff, Original Volume No. 1. Mountain Fuel states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment provision authorized by Commission order issued February 27, 1976, in Docket No. RP76–64. More specifically, the tariff sheet reflects a net increase from that currently being collected of $.52642/Mcf (Rate Schedule X–4), $.25370/Mcf (Rate Schedule X–5) and $.20349/Mcf (Rate Schedule X–20) all to be effective October 1, 1981.

Any person desiring to be heard or to make any protest with reference to said filing should on or before September 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. Mountain Fuel Supply Company's Tariff Filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26467 Filed 9–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP81–49–001]

Natural Gas Pipeline Co. of America; Motion To Make Tariff Sheets Effective

September 3, 1981.

Take notice that on August 21, 1981, Natural Gas Pipeline Company of America (Natural) filed with the Federal Energy Regulatory Commission a Motion to Make Suspended Tariff Sheets Effective. Natural moves to make effective on October 1, 1981 tariff sheets filed on March 31, 1981 in this proceeding with certain revisions.

Natural states that it has made the following revisions to its March 31, 1981 tariff filing: (1) removes from rate base certain facilities which it now anticipates will not be certificated and in service by September 30, 1981; (2) reflected the estimated balance of advance payments outstanding as of September 30, 1981; and (3) restated the PGA unit adjustment based on Natural's PGA filing effective September 1, 1981.

Natural states that copies of the Motion, together with the tariff sheets, work papers, Agreement and Undertaking, and Resolution have been served on all of Natural's jurisdictional customers, all parties to this proceeding, and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26468 Filed 9–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP81–47–001]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

September 3, 1981.

Take notice that on August 25, 1981, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance First Revised Sheet Nos. 122 through 131 which represent a proposed change in its FERC Gas Tariff, First Revised Volume No. 1.

The tendered tariff sheets provide for a revision of Northwest's Purchased Gas Cost Adjustment provision contained in its Volume No. 1 Tariff. The proposed revisions contained in said filing will provide for a change in the methodology used to calculate the purchased gas cost adjustment and will not result in an increase or decrease in revenues. The proposed effective date is October 1, 1981.

A copy of this filing has been served on Northwest's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28469 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA82-1-35-000]

Peoples Natural Gas Co., Division of InterNorth, Inc.; Rate Change Pursuant To Purchased Gas Cost Adjustment Provision

September 3, 1981.

Take notice that on August 27, 1981, Peoples Natural Gas Company, Division of InterNorth, Inc., (Peoples) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 4, the following tariff sheet:

Twenty-eighth Revised Sheet No. 3a

Twenty-eighth Revised Sheet No. 3a is filed pursuant to Peoples' Purchased Gas Adjustment provisions of its FERC Gas Tariff, Original Volume No. 4. This change in rates reflects the increase in Peoples' average estimated cost of purchased gas, pursuant to paragraph 19.2 of its FERC Gas Tariff, Original Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such positions or protests should be filed on or before September 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28470 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-25-001]

South Georgia Natural Gas Co.; Proposed Changes in FERC Gas Tariff

September 3, 1981.

Take notice that South Georgia Natural Gas Company (South Georgia), on August 26, 1981, tendered for filing a restatement of its Base Tariff Rates and a supporting cost study pursuant to Section 154.38(d)(4)(vi)(a) of the Commission's Regulations. South Georgia states that this filing reflects no change in the level of South Georgia's existing jurisdictional rates but is being made for the purpose of justifying such rates.

This filing is being made pursuant to § 154.38(d)(4)(vi)(a) of the Commission's regulations and in compliance with the Commission's Order dated June 8, 1981 in Docket No. RP81-25 requiring South Georgia to restate its Base Tariff Rates effective August 1, 1980 and to file a supporting cost study.

Copies of this filing have been served upon South Georgia's jurisdictional customers and interested state public service Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE, Washington, D.C., 20426 in accordance with §§ 1.8, and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1981. Petitions will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28471 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-133-000]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Tariff Filing Pursuant to Order No. 10-D

September 3, 1981.

Take notice that on August 28, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing Second Revised Sheet Nos. 20 and 22 to Original Volume No. 1 of its FERC Gas Tariff to be effective on August 1, 1981.

Tennessee states that the sole purpose of these tariff sheets is to delete the Surcharge for Amortizing the Unrecovered First Use Tax Account in accord with the Commission's Order No. 10-D.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28472 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-56-000]

Tennessee Gas Pipeline Co.; Date for Informal Settlement Conference

September 3, 1981.

Take notice that an informal settlement conference in the above-listed docket will be held September 16, 1981. Such informal conference will be at 10:00 a.m. and will include all interested persons desiring to engage in settlement discussions in this proceeding. The meeting place will be posted on the day of the conference on the second floor of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26473 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-130-000]

Transwestern Pipeline Co.; Proposed Change in FERC Gas Tariff

September 3, 1981.

Take notice that Transwestern Pipeline Company (Transwestern) on August 28, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 1. Transwestern has filed four alternative sets of revised tariff sheets underlying its major rate increase. The primary revised tariff sheets reflect utilization of the *United* method of cost classification for allocation and rate design purposes, but does not reflect the utilization of the *South Georgia* method of amortizing Transwestern's future unfunded income tax liability. In the event of a Commission decision permitting Transwestern to utilize the *Seaboard* method of cost classification for allocation and rate design purposes and/or in the event that the Internal Revenue Service (IRS) issues a ruling satisfactory to Transwestern, permitting Transwestern to utilize the *South Georgia* method without jeopardizing its ability to take accelerated depreciation, Transwestern will file to place into effect the revised tariff sheets included in Alternates I, II, and III, as appropriate. The proposed increased rates reflected in the primary revised tariff sheets and the revised tariff sheets included in Alternate II will increase the level of Transwestern's jurisdictional rates to provide an annual increase in revenues from jurisdictional sales and services of approximately $68 million based on the test period sales and services for the twelve months ended May 31, 1981, as adjusted. The increased rates reflected in the revised tariff sheets included in Alternates I and III and based on a cost of service using the *South Georgia* method to amortize Transwestern's future unfunded income tax liability and, therefore, provide an annual increase in revenues from jurisdictional sales and services of approximately $70 million. Approximately $10 million of the proposed increase can be attributed to purchased gas cost increases reflected in the proposed rate level but not accounted for in the present rate level which Transwestern will track under the applicable provisions of its FERC gas tariff. The remainder of the increase is related to other than purchased gas cost increases.

Transwestern states that the principal reasons for the proposed rate increase are:

(1) Increased costs of labor, expenses, plant facilities cost and working capital requirements;

(2) The need for an increased overall rate of return of 15.75%;

(3) Increased income taxes, including income taxes associated with increased return; and

As part of its proposed major rate increase, Transwestern has filed revised tariff sheets to reflect changes in and additions to its FERC gas tariff and related rate schedules as follows:

(1) A new section 23 to permit tracking of the costs of transmission and compression services performed by others for Transwestern;

(2) A revision in section 22 of the General Terms and Conditions of Transwestern's tariff to change priority of service requirements of certain transportation services;

(3) Revised definitions of "Mcf", and "total heating value" to effect conversion from a saturated to a dry basis of measuring dekatherms;

(4) A revision of the minimum heating value requirement from 950 to 967 British Thermal Units as a result of the conversion to a dry measurement basis;

(5) A revision to Rate Schedule TP-1 in the description of the derivation of the rate required by a prior approved and effective change in the definition of Base Average Gas Costs under the PGA provisions of Transwestern's tariff;

(6) An increase in the penalty provisions of the General Terms and Conditions of Transwestern's tariff to increase overrun penalties from $10 to $20 per dekatherm;

(7) Revisions in section 7, Payment, to specify the payment date as the date mailed to a place specified by Transwestern and to change the interest rate on overdue payments and payments relating to billing errors from 9% to a rate prescribed for pipeline refunds in § 157.67(d) of the Commission's regulations;

(8) A revision of § 19.6, Supplier Refunds, under the PGA provisions of Transwestern's tariff to permit cash refunds when § 282.506 of the Commission's regulations under the NGPA would otherwise be applicable;

(9) A correction in the referenced section number in section 4.1 of the General Terms and Conditions of Transwestern's tariff; and

(10) A change in section 19.2(C) of the General Terms and Conditions of Transwestern's tariff to reflect the currently effective Base Average Gas Cost of $2.1466 per dekatherm.

Transwestern has requested waiver of any rules and regulations of the Commission to the extent required to put the foregoing major rate increase and accompanying tariff revisions and rate schedule revisions into effect.

Any person desiring to be heard or to protest such filing should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capital Street, Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26474 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-41-000]

Trio Petroleum Corp. and Waco Oil & Gas Co., Inc.; Petition for Declaratory Order

September 3, 1981.

On August 5, 1981, supplemented on August 24, 1981, by their legal counsel, Trio Petroleum Corp. and Waco Oil and Gas Co., Inc. (Petitioners) pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure and the Administrative Procedure Act, 5 U.S.C. 554(e), petitioned the Commission to issue a declaratory order allowing reimbursement for all Business and Occupation taxes (B&O tax) imposed by the State of West Virginia on their "production" and "production-related"

activities. This reimbursement would be in addition to the wellhead ceiling prices prescribed by the NGPA.

Petitioners state the B&O taxes are imposed by West Virginia on producers "for the act or privilege of engaging in business activities" within the state and are "measured by the application of rates against the value of products, gross proceeds of sale or gross income of the business." W. Va. Reg. BOT. section 1.2. A tax rate of 8.63% is applied to the production of natural gas with a value at the wellhead in excess of $5,000.00. W. Va. Reg. BOT. section 1.2. A "service" tax rate of 1.15% is applied to gas sold at a delivery point other than at the wellhead. W. Va. Reg. BOT. section 1.2(F)(2). A producer which delivers gas to a purchaser through his own gathering lines may deduct 15% of his gross production proceeds as compensation for his gathering services. W. Va. BOT. section 1.2a(F)(2)(c). That portion of his gross proceeds would be subject to the "service" tax rate of 1.15% while the remaining 85% would be subject to the "production" tax rate of 8.63%.

Petitioners state that while interstate pipelines recognize their obligation to reimburse producers for the 8.63% B&O tax on 85% of their gross production proceeds, some question whether it is acceptable to reimburse producers for the 1.15% B&O tax on 15% of their gross production proceeds attributed to gathering services. It is Petitioners' position that all B&O taxes imposed by West Virginia for the privilege of engaging in "production" or "production-related" gathering activities are reimbursable by interstate pipelines.

Any person desiring to be heard or to protest this petition should file, on or before October 13, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a protest or a petition to intervene in accordance with § 1.8 or § 1.10 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26475 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-106-003]

Trunkline Gas Co.; Change in Tariff

September 3, 1981.

Take notice that on August 26, 1981 Trunkline Gas Company (Trunkline) tendered for filing the tariff sheets as listed on the attached Appendix A. With the exception of First Substitute Thirty-Fifth Revised Sheet No. 3-A, Trunkline proposes an effective date of December 1, 1980. A March 1, 1981 effective date is requested for the First Substitute Thirty-Fifth Revised Sheet No. 3-A.

Article III of such Stipulation and Agreement requires Trunkline to simultaneously file revised tariff sheets to implement such agreement. Subject submittal reflects this filing requirement. Trunkline states that copies of its filing have been served on all customers subject to the tariff sheets and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26476 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board.
Date and Time: September 24, 1981—10:00 a.m.—5:00 p.m.
Place: Department of Energy, Forrestal Building, Room 4A110, 1000 Independence Avenue, SW. Washington, D.C. 20585.
Contact: Georgia Hildreth, Chief, Advisory Committee Management Branch, Department of Energy, Forrestal Building—Room 4B222, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202-252-5187.

Purpose of Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.
Tentative Agenda:
Working session in preparation of an ERAB report on R&D Priorities in the Department.
Public Comment (10 minute rule).
Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Branch at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of businesss.
Transcripts: Avaliable for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 4, 1981.

Howard H. Raiken,

Director of Management Systems Analysis Division.

[FR Doc. 81-26522 Filed 9-9-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-FRL-1924-2]

District of Columbia and Region III; Memorandum of Understanding for Prevention of Significant Deterioration of Air Quality

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: EPA Region III and District of columbia have developed a Memorandum of Understanding (MOU) which provides for interagency cooperation in implementing the PSD prgram. Through the MOU, the District of Columbia will receive and process PSD permits; however, EPA Region III will retain full authority and responsibility to issue or deny PSD permits.

EFFECTIVE DATE: September 10, 1981.

The Regional Administrator finds good cause for making this MOU effective immediately in that it is an administrative change and not one of substantive content.

ADDRESSES: Copies of the MOU and related documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. Attn: Robert J. Blaszczak (3AH13), 215/597–8186 or FTS 597–8186.

Bureau of Air and Water Quality, Department of Environmental Services, 5010 Overlook Avenue, SW., Washington, D.C. 20032. Attn: V. Ramadass, 202/767–7376 or FTS 767–7376.

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak at 215/597–8186.

SUPPLEMENTARY INFORMATION: The Regional Administrator, EPA Region III, and the Director of the Department of Environmental Services, District of Columbia, have signed a Memorandum of Understanding (MOU), which provides for interagency cooperation in the implementation of the PSD program. As of the effective date, all PSD permit applications for sources locating in the District of Columbia will be submitted directly to the District of Columbia for processing. Aside from these processing activities, EPA Region III will retain full authority and responsibility for the PSD program in the District of Columbia. Processing activities include applicability/completeness evaluations and BACT, air quality and other impact analyses. EPA Region III retains full authority and responsibility to issue and/or deny PSD permits.

The MOU will become effective as of the publication date of this notice. The Regional Administrator finds good cause for making the MOU effective immediately in that it is an administrative change and not one of substantive content.

Under Executive Order 12291, EPA must also judge whether a publication is "major" and therefore subject to the requirement of a regulatory impact analysis. This MOU is not "major." This action only provides for the implementation of an administrative change in PSD permit processing, and does not change any existing regulatory requirement.

This MOU was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective immediately, all applications and other information pursuant to § 52.21 from sources locating in the District of Columbia should be submitted to the District of Columbia agency at the following address: Department of Air and Water Quality, Department of Environmental Services, 5010 Overlook Avenue, SW, Washington, D.C. 20032.

Authority: 42 U.S.C. 7601(a)(1).

Dated: August 18, 1981.

Greene A. Jones,

Acting Regional Administrator.

[FR Doc. 81–26308 Filed 9–9–81; 8:45 am]

BILLING CODE 6560–38–M

[WH–6FRL–1930–7]

Aquifer System in Southeastern Louisiana and Southwestern Mississippi; Request for Determination

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt; comment period.

SUMMARY: The Environmental Protection Agency announces the receipt of a petition requesting the designation of the aquifer system in southeastern Louisiana and southwestern Mississippi as a sole or principal source of drinking water and opens a public comment period to request information about the area.

DATES: Comments will be accepted until December 1, 1981. The Agency's proposal to grant or deny the petition and the opportunity to request a public hearing on the proposal will be announced concurrently in the **Federal Register** and in newspapers of general circulation in the affected area. At least 45 days notice will be given before any hearing that may be held.

ADDRESS: Written comments, requests for hearing and data should be sent to Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, ATTN: 6W–SG, Louisiana Aquifer Designation.

FOR FURTHER INFORMATION CONTACT: Erlece Allen, Water Supply Branch, at the above address or telephone (214) 767–2774. Copies of the petition are available upon request.

SUPPLEMENTARY INFORMATION: Section 1424(e) of the Safe Drinking Water Act (P.L. 93–523) authorizes the Administrator of the Environmental Protection Agency (EPA) to determine that an area has an aquifer which is the sole or principal drinking water source for the area. The Capital-Area Groundwater Conservation Commission (CAGCC), Baton Rouge, Louisiana, has requested the Administrator to determine that the aquifers (Pleistocene to Miocene in age) in southeastern Louisiana and southwestern Mississippi are the sole or principal drinking water source for that area. The petitioned area includes East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, West Feliciana, Livingston, St. Helena, St. Tammany, Tangipahoa and Washington parishes in Louisiana and extends into adjacent Mississippi counties to the north and east. These Mississippi counties include, at least in part, Wilkinson, Amite, Pike, Walthall, Marion, Pearl River, and Hancock. Information is solicited about the petitioned area's hydrogeologic system including the surface boundary of its recharge area and about the number and kinds of small entities (businesses, governmental jurisdictions, and organizations) receiving Federal financial assistance in the area. This will assist EPA in evaluating the aquifer system and the potential impact of a designation on small entities pursuant to the Regulatory Flexibility Act requirements. Based on our experience with another sole source designation, Federal financially assisted projects that potentially may be affected include highway construction projects, subdivision construction, and waste disposal sites.

EPA will decide whether to grant the CAGCC request following its review of all relevant data and after providing for full public participation on its proposed decision.

The Office of Management and Budget has exempted this notice from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Dated: August 10, 1981.

Frances E. Phillips,

Acting Regional Administrator (6A).

[FR Doc. 81–26374 Filed 9–9–81; 8:45 am]

BILLING CODE 6560–38–M

[OPP–30203; PH–FRL–1931–4]

Mobay Chemical Corp.; Receipt of Application To Register Pesticide Product Containing New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Mobay Chemical Corp. has submitted an application to register the pesticide product USTILAN TECHNICAL, containing the new active ingredient *N*-[5-(ethylsulfonyl)-1, 3, 4-thiadiazol-2-yl]-*N'N'*-dimethylurea

DATE: Written comments must be received by October 13, 1981.

ADDRESS: Written comments to: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office

of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Robert J. Taylor (703–557–7066).

SUPPLEMENTARY INFORMATION: This notice announces that Mobay Chemical Corp., Agricultural Chemicals Div., 1140 Connecticut Ave., Suite 604, Washington, D.C. 20036, has submitted an application to register the pesticide product USTILAN TECHNICAL, containing 95 percent of the new active ingredient *N*-[5-(ethylsulfonyl)-1, 3, 4-thiadiazol-2-yl]-*N'N'*-dimethylurea. The application proposes that the herbicide be registered for use in the manufacture of economic poisons. The product has been assigned EPA File Symbol Number 3125–GGA.

This application is made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6). Notice of receipt of an application does not indicate a decision by the agency on the application.

Notice of approval or denial of this application to conditionally register the pesticide product will be announced in the Federal Register. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the Federal Register if an application is approved.

Interested persons are invited to submit written comments on this application. Comments may be submitted and inquiries directed to the product manager. The comments must be received on or before October 13, 1981, and should bear a notation indicating the document control number "[OPP–C30203]" and the File Symbol Number. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: August 31, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–26373 Filed 9–9–81; 8:45 am]

BILLING CODE 6560–32–M

[EN–FRL–1930–5]

Steel Industry Compliance Extension Act of 1981; Availability of Information

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability.

SUMMARY: On July 17, 1981 the President approved Pub. L. 97–23, the Steel Industry Compliance Extension Act of 1981. The provisions of the Act are self-executing and no implementing regulations are required. EPA has prepared a document which describes information which might be appropriate for inclusion in an application, advises various parties of the manner in which EPA intends to handle materials designated as confidential, and outlines the overall procedures by which EPA intends to implement the Act. This document is available to the public.

ADDRESS: Interested persons may obtain a copy of this letter by request to: Michael Alushin, Office of Enforcement Policy (EN–329), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 755–0658.

FOR FURTHER INFORMATION CONTACT:
Michael Alushin (EN–329), Office of Enforcement Policy, Environmental Protection Agency, 401 M Street SW. Washington, D.C. 20460 (202) 755–0658.

Dated: September 1, 1981.

William A. Sullivan, Jr.,

Deputy Associate Administrator for Enforcement Policy.

[FR Doc. 81–26375 Filed 9–9–81; 8:45 am]

BILLING CODE 6560–33–M

[OPP–31051; PH–FRL–1931–7]

Certain Pesticide Products; Receipt of Applications To Register Pesticide Products Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have submitted applications to register pesticide products entailing a changed use pattern.

DATE: Written comments must be received on or before October 13, 1981.

ADDRESS: Written comments to: the product manager cited in each specific petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
The product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that certain companies have submitted applications to register pesticide products entailing a changed use pattern. Notice of receipt of these applications does not indicate a decision by the agency on the applications. These applications are made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6).

EPA File Symbol 3125–GGL. Mobay Chemical Corp., Agricultural Chemicals Div., 1140 Connecticut Ave., Suite 604, Washington, DC 20036. Product Name: USTILAN 70 Percent Wettable Power, containing 70 percent of the active ingredient *N*-[5-(ethylsulfonyl)-1,3,4-thiadiazol-2-y1]-*N,N*-dimethylurea. The application proposes that the herbicide be registered for general use to control unwanted vegetation in non-crop areas such as railroad and utility rights-of-way, around farm and industrial structures, tank farms, fence rows, airports, and highways. (PM 25, Robert J. Taylor, 703–557–7066).

EPA File Symbol 538–RAA. OM Scotts & Sons Co., Marysville, OH 43041. Product Name: HOUSE PLANT INSECT SPRAY, containing 0.01 percent of the active ingredient fenvalerate. The application proposes that the insecticide be registered for general use for indoor control of insects. (PM 17, Franklin D. R. Gee, 703–557–7028).

EPA File Symbol 1021–RUTT. McLaughlin Gormley King Co., 8810 Tenth Avenue North, Minneapolis, MN 55427. Product Name: Evercide Intermediate, containing 0.2 percent of the active ingredient Tetramethrin [(1-cyclohexene-1,2-dicarboximido)(methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate]; 0.4 percent of the active ingredient fenvalerate; and 14.278 percent of petroleum distillate. The application proposes that the product be registered for general use for outdoor control of insects. (PM 17, Franklin D. R. Gee, 703–557–7028).

Interested persons are invited to submit written comments on these applications. Comments may be

submitted and inquires directed to the product manager. The comments must be received on or before October 13, 1981, and should bear a notating indication the document control number "[OPP-31051]" and the file symbol number. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: August 31, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-26368 Filed 9-9-81; 8:45 am]

BILLING CODE 6560-32-M

Epoxy Urethane Copolymer; Approval of Test Marketing Exemption

[OPTS-59058A; TSH-FRL-1931-6]

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA received an application from the Celanese Corporation for a test marketing exemption (TM-81-26) under section 5 of the Toxic Substances Control Act (TSCA) on July 17, 1981. Notice of receipt of the application was published in the **Federal Register** of August 3, 1981 (46 FR 39470). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-229, 401 M St., SW., Washington, D.C. 20460, (202-426-0503).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) required each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On July 17, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-26. The manufacturer is the Celanese Corporation. The generic chemical identity is "epoxy urethane copolymer." The use of the substance is claimed confidential business information. A notice published in the **Federal Register** of August 3, 1981 (46 FR 39470) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-26 under the conditions set out in the application and in this notice, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. There was some concern that chronic exposure to residual component monomers might lead to liver and kidney damage. However, levels of residual monomers are sufficiently low, and exposure is sufficiently limited by the use of a closed reactor ad personal worker protective devices, that the concern is not significant. During manufacture, processing and industrial use, a maximum of 290 workers may be exposed to the TME substance for a maximum of eight hours per day. There will be no consumer exposure to the TME substance in its final form. Environmental hazards and exposures will be extremely low under the specified conditions of disposal.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the three customers as specified in the application, and of the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity of 2,000 kg described in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a 6-month period commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: August 31, 1981.

John E. Daniel,

Acting Administrator.

[FR Doc. 81-26376 Filed 9-9-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-604 File No. BPH-801027AV; BC Docket No. 81-605 File No. BP-810204AM]

Donally Robert Eddy, et al.; Applications for Consolidated Hearing

Adopted: August 14, 1981.

Released: August 31, 1981.

In re applications of Donally Robert Eddy and Thomas P. Taggart, d.b.a. Seven Ranges Radio Company, St. Marys, West Virginia, Req: 101.7 MHz.

Channel 269, 3 kW (H), 300 Feet, Req: 1570 kHz, 1 kW, Day, For Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications for new AM and FM broadcast stations.

2. Thomas P. Taggart, 50-percent partner in Seven Ranges, previously held a one-third interest in an application for a new FM station in Zanesville, Ohio (Muskingum Broadcasting Company, BPH-10,747). In a comparative hearing on that application, issues were added to determine whether Taggart had the requisite character qualifications to be a Commission licensee. *Memorandum Opinion and Order,* FCC 81M-725, Mimeo No. 07980 (ALJ, released March 12, 1981). Muskingum subsequently requested dismissal of its application due to withdrawal of one of its investors, and its request was granted. *Order,* FCC 81M-1685, Mimeo No. 001568 (ALJ, released June 2, 1981). Since the character questions remain unresolved, these applications must be set for hearing to resolve them and determine whether Taggart, and hence Seven Ranges, is qualified to become a Commission licensee.

3. Section 73.1125 of the Commission's rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. Seven Ranges proposes to locate its main studio at the site of its transmitter on Greens Run Road, 0.6 miles south of the St. Marys city limits. Seven Ranges states that this site is 1,000 feet off State Highway #16, and that it is "actually more convenient than a downtown location because the narrow streets in the main business district do not provide for much parking." If its FM application is granted, we agree that the applicant has provided good cause for locating its main studio outside its city of license.

4. Finally, the applicant's local notice of the filing of its AM application did not describe the proposed antenna, as required by Section 73.3580 of the Commission's Rules. It must, therefore, republish a corrected notice. The applicant is otherwise qualified to construct and operate as proposed.

5. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Thomas P. Taggart has attempted to extort a broadcast facility from a Commission licensee.

2. To determine whether Thomas P. Taggart has undertaken to obtain an ownership interest in a broadcast station or stations other than in Zanesville, Ohio, and St. Marys, West Virginia, and to conceal such interests from the Commission.

3. To determine whether Thomas P. Taggart abused the Commission's processes by filing a petition for rulemaking and drafting an opposition thereto which he sought to have another party file.

4. To determine, in light of the evidence adduced under one or more of the foregoing issues, whether Seven Ranges Radio Company has the requisite qualifications to become a Commission licensee.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the applications should be granted.

6. It is further ordered, That the Broadcast Bureau proceed with initial presentation of evidence with respect to issues 1 through 3, and that Seven Ranges Radio Company then proceed with its evidence and has the burden of establishing that it possesses the requisite qualifications to become a Commission licensee and that grant of its applications would serve the public interest, convenience, and necessity.

7. It is further ordered, That Seven Ranges Radio Company shall publish a corrected local notice of its AM application and file a statement of notice with the presiding Administrative Law Judge October 20, 1981.

8. It is further ordered, That in the event the FM application is granted, § 73.1125 of the Commission's rules is waived to allow Seven Ranges Radio Company to locate its main studio on Greens Run Road, 0.6 miles south of the city limits of St. Marys, West Virginia.

9. It is further ordered, That in the event both applications are granted, each will be subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, Seven Ranges Radio Company will divest itself of either the AM or the FM station in accordance with the requirements established in such rulemaking proceeding.

10. It is further ordered, That to avail itself of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's rules, the applicant shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in tripilicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

11. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicant shall give notice of the hearing within the time and in the manner prescribed in the rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief Broadcast Facilities Division.

[FR Doc. 81-26338 Filed 9-9-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-606 File No. BP-20,202]

GSM Media Corp.; Application for Hearing

Adopted: August 17, 1981.

Released: September 3, 1981.

In re application of GSM Media Corporation, Ontario, Ohio, Req: 1440 kHz, 1 kW, DA, Day, for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned application, a petition to deny it filed by Greater Mansfield Broadcasting Company (GMBC), licensee of WCLW and WCLW-FM, Mansfield, Ohio, and numerous pleadings filed by the parties.[1]

2. Because the proposed station would compete with WCLW and WCLW-FM for listeners and revenue, GMBC has standing as a party in interest within the meaning of Section 309(d)(1) of the Communications Act of 1934, as amended. *FCC* v. *Sanders Bros. Radio Station,* 309 U.S. 470 (1940).

3. Petitioner alleges that: (a) GSM's proposal would involve overlap with other stations' contours prohibited by Section 73.37(a) of the Commission's Rules; (b) the proposed directional array is unstable and the site unsuitable; (c) the proposal does not satisfy the principal-city coverage requirements of § 73.24(j) of the Rules; (d) the proposal must realistically be viewed as one for nearby Mansfield, Ohio; and (e) a

[1] In addition to applicant's amendments, the parties here have already filed almost fifty substantive pleadings and letters. In the interest of administrative efficiency and because these pleadings are (with some exceptions) repetitious, they will not be treated individually. Further, both parties have filed motions for extension of time to file various pleadings. These motions are hereby granted, and the oppositions to them denied.

minority stockholder is the real party in interest in the application.

4. *Prohibited overlap.* Most of the voluminous pleadings in this case involve a dispute about the location of the 0.025 mV/m contour of co-channel station WPGW, Portland, Indiana. Petitioner claims it would overlap GSM's proposed 0.5 mV/m contour (or even GSM's transmitter site), in violation of § 73.37(a) of the Rules. Applicant maintains it will not. Both parties support their contentions with measurements made on the 80° radial from WPGW, but they disagree on measurement locations, techniques, and analysis. We are unable to resolve their differences on the basis of the record they have generated, and must therefore designate the GSM application for hearing.

5. Petitioner also alleges other violations of § 73.37(a) by (a) overlap of the proposed 0.025 mV/m contour with the 0.5 mV/m contour of co-channel station WHHH, Warren, Ohio, and (b) possible overlap of the proposed 0.5 mV/m contour and the 0.5 mV/m contours of first-adjacent-channel stations WCLT, Newark, Ohio, and WJER, Dover-New Philadelphia, Ohio. We have independently analyzed all pertinent data, including field strength measurements submitted, and conclude that there would be no prohibited overlap with WHHH, WCLT, or WJER.

6. *Antenna stability and site suitability.* Staff studies of GSM's proposed directional antenna show that it is inherently sensitive to minor parameter variations.[2] Computerized stability studies show, for example, that with parameter variations as small as 0.5-percent current ratio deviation and 0.5° phase deviation, radiation would exceed the specified standard radiation values. (Our benchmarks are 1%/1° for generally stable arrays and 0.1%/0.1° for highly unstable arrays; between these extremes we consider arrays on a case-by-case basis. See *Home Service Broadcasting Corp.*, 68 FCC 2d 1135 (1978).)

7. But a determination of stability also involves consideration of factors external to an array. Thus petitioner's assertion that the proposed transmitter site is unsuitable because of the proximity of potential reradiating objects (*e.g.*, the WVNO–FM antenna tower and a high-voltage transmission line) takes on special significance. Considering all these factors, we are unable to determine that the proposed array can be adjusted and maintained within the proposed standard pattern, and must therefore specify an appropriate issue.

8. *Principal-city coverage.* GMBC contends that the proposed 5 mV/m contour would not cover all of Ontario's residential areas. Petitioner also says that the 25 mV/m contour would not cover the town's main business area; it faults applicant's 25 mV/m showing for relying on FCC Figure M3 conductivities rather than conductivities indicated by its own measurements on a nearby radial, and for augmenting the contour by a proximity effect not recognized by the Commission's Rules.

9. With respect to 25 mV/m coverage. Figure M3 provides the best available evidence of conductivity toward that part of the business district where coverage is in dispute, since the measured contour in question lies too far to the south. In any event, even assuming GMBC's arguments were correct, a majority of Ontario's business district would receive 25 mV/m service, constituting substantial compliance with Section 73.24(j). *Allegan County Broadcasters*, 25 FCC 1083 (1958). GSM's proposed residential coverage likewise substantially complies with Section 73.24(j), since all but about one percent of Ontario's area would receive 5 mV/m service. *Broadcast Station Assignment Standards*, 39 FCC 2d 645, 670 (1973).

10. *Suburban community.* Petitioner next questions whether the applicant realistically intends to serve Ontario rather than its larger neighbor, Mansfield, and whether Ontario even qualifies as a separate community for purposes of Section 73.1120(a) of our rules.[3] In support, GMBC describes Ontario as a bedroom community less than one-tenth Mansfield's size,[4] with no separate Chamber of Commerce or telephone system, and its principal retail area a regional shopping center. GSM counters that Ontario is an incorporated community with its own elected government, police, zoning board, and school system. And with over 7,000 jobs and substantial industrial activities, applicant disputes characterizing Ontario as a mere bedroom community. The activities GSM cites adequately establish Ontario's qualifications as a licensable community under our liberal standards (see *Teche Broadcasting Corp.*, 52 FEE 2d 970 (Rev. Bd. 1975)), particularly in light of petitioner's general and essentially conclusory showing. We therefore turn to the question of whether applicant realistically proposes to serve Ontario.

11. GSM's proposed transmitter and main studio are to be roughly in the center of the Ontario Village limits. The power proposed is only one kilowatt, well below the maximum for a class III station. The directional antenna would direct the dignal southeastward, toward Mansfield, because of stringent protection requirements to the north and (particularly) the west. As indicated earlier, 25 and 5 mV/m service to Ontario would substantially comply with the rules. On the other hand, the 25 mV/m contour would fall short of downtown Mansfield, and the 5 mV/m contour would not serve that city's northern and northeastern residential areas. Ontario and Lexington (a small, adjacent community GSM also proposes to serve) are discussed in detail in applicant's ascertainment report, but Mansfield is not. The community leaders GSM consulted include many with Mansfield addresses (in addition to Ontario leaders), but virtually all of them represented organizations whose activities would reasonably be considered area-wide, not limited to the central city. On balance, then, we find no substantial question that this is not a bona fide proposal for Ontario.

12. *Real party in interest.* GMBC also argues that GSM is merely a front for Johnny Appleseed Broadcasting Co. (JAB), licensee of FM station WVNO, Mansfield, Ohio, who is the real party in interest. In support of this charge, petitioner notes that (a) the president and 80-percent shareholder of GSM, Gunther Meisse, also owns 20.5 percent of JAB and is president and general manager of WVNO; (b) JAB is 20-percent shareholder of the applicant; (c) GSM has an agreement with JAB that calls for co-location of studios with WVNO, co-management of the stations by Meisse, the advancing of some initial operating expenses of JAB, and location of applicant's transmitter site on land it will later buy from JAB; and (d) JAB principals and employees performed some services for GSM.

13. Real-party-in-interest questions arise when there is an undisclosed connection or understanding relating to ownership or control between the applicant and the party in question. Thus petitioner's argument is clearly frivolous, since there is no evidence that GSM has concealed any significant aspect of its relationship to JOB; GMBC's vague conjecture to the contrary is wholly unsubstantiated. The size of JAB's interest in GSM alone requires us to consider JAB a principal

[2] Petitioner also questioned the stability of GSM's antenna. But since it did so more than eight months after the deadline for pleadings set by the Chief, Broadcast Facilities Division, we rely here solely on our staff's independent findings.

[3] In relevant part § 73.1120(a) provides that "each AM . . . broadcast station will be licensed to the principal community or other political subdivision which it primarily serves."

[4] The 1980 Census showed Ontario to have 4,123 residents and Mansfield 53,927.

whose qualifications must be and were reviewed. Beyond that, its activities and commitments on behalf of GSM appear reasonable things for a substantial shareholder to do. Therefore, no further consideration of these matters in hearing is required.

14. *Other matters.* Commission study reveals that applicant's standard pattern plot does not contain all the information required by § 73.150 of the rules (*e.g.*, tower placement, current ratios, and tower phasings). An appropriate amendment is required.

15. In view of the foregoing, the Commission is unable to find that grant of this application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing on the issues specified below. Except as indicated by these issues, the applicant is qualified to construct and operate as proposed.

16. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communication's Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the proposed operation would cause contour overlap with station WPGW, Portland, Indiana, in violation of § 73.37(a) of the Commission's Rules.

2. To determine whether the proposed antenna system can be adjusted and maintained within the proposed limits of radiation.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether grant of the application would serve the public interest, convenience, and necessity.

17. It is further ordered, That the petition to deny filed by Greater Mansfield Broadcasting Company is granted to the extent indicated above, and is denied in all other respects, and the Greater Mansfield Broadcasting Company is made a party to the proceeding.

18. It is further ordered, That GSM Media Corporation shall file the amendment specified in paragraph 14 above on or before October 13, 1981 is published in the **Federal Register.**

19. It is further ordered, That in the event of a grant of this application, the construction permit shall contain the following conditions:

An antenna monitor of sufficient accuracy and repeatability, and having a minimum resolution of 0.1 degree phase deviation and 0.1 percent sample current deviation, shall be installed and continuously available to indicate the relative phase and magnitude of the sample currents of each element in the array, to insure maintenance of the radiated fields within the authorized values of radiation.

Upon receipt of operating specifications and before issuance of a license, permittee shall submit the results of observations made daily of the base currents and their ratios, relative phases, sample currents and their ratios, and sample current ratio deviations for each element of the array, along with the final amplifier plate voltage and current, the common point current, and field strengths of each monitoring point for both nondirectional and directional operations for a period of at least 30 days, to demonstrate that the array will be maintained within the specified tolerances.

If the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, permittee will divest itself of its AM station or sever its relationship with WVNO(FM), Mansfield, Ohio, in accordance with the requirements established in such rulemaking proceeding.

20. It is further ordered, That to avail themselves of the opportinity to be heard and pursuant to § 1.221(c) and (e) of the Commission's rules, the parties shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

21. It is further ordered, That pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicant shall give notice of the hearing as specified in the rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission

Larry D. Eads,

Acting Chief Broadcast Facilities Division.

[FR Doc. 81-26337 Filed 9-9-81; 8:45 am]

BILLING CODE 6712-01-M

Manuel A. Cabranes, et al.; Applications for Consolidated Hearing

[BC Docket No. 81-601 File No. BP-801231AB et al.]

Adopted: August 14, 1981.

Released: September 1, 1981.

In re Applications of Manuel A. Cabranes, Simi Valley, California. Req: 670 kHz, 1 kW, DA-1, U BC Docket No. 81-601 File No. BP-801231AB; Radio Representatives, Inc., Santa Ynez, California. Req: 660 kHz, 1 kW, 10 kW-LS, DA-2, U BC Docket No. 81-602 File No. BP-810210AE; Sidney King, KCIN, Victorville, California. Has: 1590 kHz, 500 W, Day. Req: 670 kHz, 1 kW, DA-N, U. For Construction Permit BC Docket No. 81-603 File No. BP-810309AS.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for an AM broadcast station.

2. *Manuel A. Cabranes.* Analysis of the financial portion of Cabranes' application reveals that at least $100,234 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$5,500
Equipment payments	28,704
Construction-period leases	1,700
Other construction costs	36,000
Operating costs	28,270
Total	$100,234

However, it does not appear that the applicant has provided for a modulation monitor EBS equipment, an antenna monitor, a sampling system, or transmission lines, so costs may be higher.

3. Cabranes plans to finance his station with $101,000 of existing capital, of which $10,000 is identified only as Commonwealth of Puerto Rico General Obligation Bonds. Applicant has not, however, specifically identified these securities, indicated the market or exchange on which they are traded, or established their current market value. Cabranes has also failed to segregate the current portion of his long-term liabilities. A limited financial issue must therefore be specified.

4. *Radio Representatives, Inc.* Analysis of the financial portion of this application reveals that $55,898 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$15,000
Equipment payments	8,365
Construction-period leases	408
Other construction costs	14,500
Operating costs	17,625
Total	$55,898

5. Applicant plans to finance its station with $88,937 of existing capital and $15,000 in profits from other corporate activities. However, its balance sheet shows only $18,284 in net liquid assets, and the availability of cash flow from other operations has not been documented. A limited financial issue must therefore be specified.

6. *Sidney King.* King has not filed nighttime standard radiation patterns

for elevation angles from 5° to 60°, as required by Section 73.150 of the Rules. An amendment is required.

7. This applicant's local notice of his application failed to describe the antenna proposed, as required by § 73.3580(f)(5) of the Commission's rules. A corrected notice must be published.

8. *Other matters.* Neither Cabranes nor King has clearly shown the business district and city limits of his proposed city of license in relation to pertinent proposed service contours, as required by Question 12A of section V–A, FCC Form 301. Consequently, we are unable to determine either proposal's compliance with § 73.24(j) of the Commission's rules. Appropriate issues will be specified.

9. Although the three proposals are for different communities, the Cabranes proposal would serve substantial areas in common with the other two. Consequently, in addition to an issue to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will be specified.

10. Except as indicated by the issues specified below, all three applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidatd proceeding.

11. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to Manuel A. Cabranes:

a. Whether the applicant has provided for the cost of all necessary equipment in his estimate of construction costs;

b. The source and availability of sufficient funds to meet anticipated costs; and

c. Whether in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

2. To determine with respect to Radio Representatives, Inc.:

a. The source and availability of sufficient funds to meet anticipated costs; and

b. Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine whether the proposal of Manuel A. Cabranes would provide coverage of Simi Valley, California, as required by § 73.24(j) of the Commission's rules, and if not, whether circumstances exist which warrant waiver of that rule.

4. To determine whether the proposal of Sidney King would provide coverage of Victorville, California, as required by § 73.24(j) of the Commission's Rules, and if not, whether circumstances exist which warrant waiver of that rule.

5. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

6. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

7. To determine, in the event it be concluded that a choice among the applications should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

12. It is further ordered, That Sidney King shall file the amendment specified in paragraph 6 above on or before October 13, 1981.[1]

13. It is further ordered, That Sidney King shall republish local notice of his application as required by § 73.3580 of the rules; and shall file a statement of publication with the presiding Administrative Law Judge on or before October 26, 1981.

14. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. It is further ordered, That pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in the rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

[1] All three applicants have been requested by pre-designation letter to file certain environmental information about their proposals. If they have not yet done so, they must file that information within the specified time.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-26339 Filed 9-9-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-607 File No. BPCT-800926KE and BC Docket No. 81-608 File No. BPCT-801208KF]

Satellite Broadcasting Co. and TV 52 Broadcasting Inc.; Applications for Consolidated Hearing

Adopted: August 20, 1981.

Released: September 2, 1981.

1. The Commission, by Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Satellite Broadcasting Company (SBC) and TV 52 Broadcasting, Inc. (TV–52) for authority to construct a new commercial television broadcast station on Channel 52, Oklahoma City, Oklahoma; a motion for leave to accept an amendment filed by TV–52 and related pleadings.

2. The proposed towers for SBC and TV–52 are to be located 1.74 miles from the non-directional tower of AM radio Station KBYE, Oklahoma City, Oklahoma. Because of the proximity of the proposed towers to KBYE, any grant of a construction permit to either SBC or TV–52 will be conditioned to ensure that KBYE's radiation pattern is not adversely affected by the construction of either of the proposed stations.

3. *TV 52 Broadcasting, Inc.* TV–52 filed an amendment to its application and a motion to accept the amendment. This amendment was received on February 20, 1981, one day after the last date for filing amendments as of right. Counsel for TV–52 delivered the amendment to an air freight carrier on February 18, 1981, one day prior to the cutoff date and, according to affidavits from employees of the carrier, the carrier acknowledged receipt of the package and guaranteed next day delivery at Commission offices in Washington. Due to weather conditions, the aircraft was unable to maintain its schedule and filing of the amendment was delayed until February 20, 1981. The competing applicant, Satellite Broadcasting Company (SBC), opposed acceptance of this amendment, stating that TV–52, in arranging for delivery of the amendment, should have anticipated that weather conditions frequently cause shipping delays. SBC also stated that TV–52 should not be permitted to rely on a guarantee of next day delivery from a private delivery service. SBC objected to the acceptance of those

portions of the amendment which might improve TV–52's comparative qualifications.

4. Section 73.3522(a)(2) of the Commission's Rules provides that amendments of applications made after the cutoff date, but prior to designation for hearing, will be considered only on a showing of good cause for late filing. SBC does not dispute that TV–52 acted in good faith and that it did not attempt to subvert the protections afforded to both the public and to competing applicants by the cutoff rule. This case, therefore, is different from *American Broadcasting Cos., Inc.*, 45 RR 2d 1671 (1979), in which a petitioner alleged that its petition to deny a renewal application had been sent to the Commission by "Express Mail" at 8:00 p.m., P.S.T, and therefore should have been delivered the next day. The petitioner's reliance on "Express Mail" was misplaced, the Commission stated, because "Express Mail" does not guarantee next day delivery unless the item is posted before 5:00 p.m. local time. The Commission held that the petition was late filed and considered it as an informal objection. TV–52 has documented that its reliance on the carrier's guarantee was not misplaced and that the delay was due to circumstances beyond the control of both the applicant and the carrier. Therefore, TV–52 has shown good cause for late filing pursuant to § 73.3522(a)(2) of the Commission's Rules.

5. The amendment changes portions of TV–52's application which might improve its comparative qualifications. The issue presented is whether a predesignation amendment which was not received by the Commission by the cutoff date due to circumstances beyond the applicant's control should be accepted nunc pro tunc, as timely filed as a matter of right, thereby allowing the applicant to possibly improve its comparative position. Generally, applicants are not "allowed to amend their applications in a manner which will improve their comparative positions after the pre-hearing period allowed for filing amendments as a matter of right has expired." *Mid-Florida Television Corp.*, 76 FCC 2d 158, 163 (1980). This policy against the pre-designation amendments which may alter an applicant's comparative status is based, in part, on the need for "an early stabilization of the comparative factual situation which must ultimately go to hearing." *Revised Procedures for the Processing of Contested Broadcast Applications*. 72 FCC 2d 202, 209 (1979).

6. Prior Commission decisions support the acceptance of the amendment. In *Baker-Smith Communications Co.*, 67 FCC 2d 548 (1978), *recons. denied sub nom, George E. Cameron Jr. Communications*, 7 FCC 2d 460, 462–63 (1978), an application was challenged as not substantially complete when filed. The applicant documented that the airline transporting the application from California to Washington inadvertently lost the original application in transit. An incomplete version was filed on the last day for filing but omitted significant portions and a complete application was filed seven days after the cutoff date. The Commission stated, "We therefore, will not hold the applicant responsible for a delivery error by the airline," and held that the applicant "did submit a substantially complete application" by the cutoff date. *Id.* at 552. In *Gareth E. Garlund and Anna White Garlund*, 68 FCC 2d 1382, *recons. denied*, 69 FCC 2d 2006 (1978), a petition to deny was challenged as not complete because, when filed on the cutoff date, it lacked the requisite supporting affidavit. The affidavit was filed one day late; the delay was caused by a printer who lost the affidavit on the cutoff date. Under these circumstances and because the late filing did not prevent the applicant from responding to the petition, the Commission, citing *Baker-Smith Communications*, stated, "[W]e will not hold the applicant responsible for a delay that was beyond its control." *Id.* at 1383. TV 52's reasonable reliance on the carrier's guarantee of next day delivery and the documentation of the carrier's inability to deliver, shows that it, like the applicant in *Baker-Smith Communications*, was not responsible for the delay.

7. In *Pacific Broadcasting Corp.*, 68 FCC 2d 845 (1978), a petition for reconsideration was received by the Commission after the close of business on the last day for filing, due to a delay at the Washington airport. In accordance with Commission rules, the petition was not accepted until the following day and was dismissed because "the filing was not timely under the statutory mandate of Section 405 of the Act," *id.* at 847, which establishes the time within which petitions for reconsideration must be filed. The Commission continued, "Parties waiting until the last day to effect delivery of pleadings from out-of-town by common carrier run a considerable risk that unforeseen delay will render their pleadings untimely." *Id. Pacific Broadcasting* can be distinguished because the pleading in that case was received after the expiration of the filing period established by statue. Thus, the Commission was without jurisdiction to entertain the late filed petition for reconsideration. In the instant case, the amendment was received after the expiration of the filing period set by § 73.3522(a)(2) of the Commission's Rules which, unlike the statute, provides for the acceptance of amendments received after the deadline date on a showing of good cause. Since TV–52, like the applicant in *Baker-Smith Communications and the petitioner in Gareth F. Garlund*, did not contravene or subvert the policies which support the cutoff rule and did not nullify the protections afforded by that rule, we accept TV–52's entire amendment nunc pro tunc and will consider it a timely filed amendment.

8. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals, would on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

10. It is further ordered, That, in the event of a grant of either Satellite Broadcasting Company's application or TV–52 Broadcasting, Inc.'s application, the construction permit shall contain the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM Station KBYE so that station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the aforementioned AM station. Subsequent to construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antenna shall be made and sufficient field strength measurements, obtained at at least 10 locations along each of eight equally spaced radials, shall be made to establish that the AM radiation pattern is essentially omnidirectional and, the results submitted to the Commission in application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests.*

11. It is further ordered, That TV–52's motion to accept its amendment is granted.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. It is further ordered, That the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81–26340 Filed 9–9–81; 8:45 am]

BILLING CODE 6712–01–M

Tucson Telecasting, Inc. et al.; Applications for Consolidated Hearing

[Docket No. BPCT–800905KE et al.]

Hearing Designation Order

Adopted: August 20, 1981.

Released: August 31, 1981.

In re Applications of Tucson Telecasting, Inc., Tucson, Arizona, BC Docket No. 81–609 File No. BPCT–800905KE; Alden Communications Corp., Tucson, Arizona, BC Docket No. 81–611 File No. BPCT–1121KF; Roman Catholic Church of the Diocese of Tucson, Tucson, Arizona, BC Docket No 81–610 File No. BPCT–801121KE; for Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new comercial television broadcast station on Channel 18, Tucson, Arizona; and informal objection filed by the Federal Aviation Administration against the application of the Roman Catholic Church of the Diocese of Tucson (Diocese), and a Petition for Leave to Amend filed by the Diocese on May 18, 1981.[1]

2. The FAA has filed an informal objection to the grant of the Diocese's application alleging that operation from the proposed transmitter site may cause interference from spurious radiation to FAA facilities on Mount Lemon. Since then, however, the FAA and the Diocese have reached an agreement by which FAA would withdraw its objection and Diocese would accept a condition to a grant of a construction permit to it limiting interference threshold levels at the input to FAA's communications facilities to –4 dBm for spurious frequencies and requiring Diocese to take corrective action to resolve any radio frequency interference (RFI) to FAA's Mount Lemon facilities resulting from the operation of Channel 18. Accordingly, any grant of a construction permit to Diocese will be appropriately conditioned and FAA's informal objection will be dismissed.

3. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exlusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. It is further ordered, That, in the event of a grant of the Roman Catholic Church of the Diocese of Tuscon's application, the construction permit will be conditioned as follows:

Permittee shall insure that the Channel 18 signals do not exceed the following levels at the input to Federal Aviation Administration communication receivers located on Mt. Bigelow:

(a) Channel 18 fundamental frequencies–4 dBm,

(b) Channel 18 spurious frequencies–104 dBm.

Permittee shall notify the Federal Aviation Administrations regional frequency engineering office at least 10 days prior to the start of any testing with radiated signals from Channel 18 and shall promptly take such resonable corrective measures as may be required to resolve any RFI problems resulting from the operation of Channel 18.

6. It is further ordered, That FAA's informal objection is dismissed.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

8. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81–26336 Filed 9–9–81; 8:45 am]

BILLING CODE 6712–01–M

[1] The amendment accompanying the petition documents an agreement between the Diocese and the FAA to remove FAA's objection to Diocese's application. Acceptance of the amendment will not prejudice the rights of any party and will obviate the need to specify an issue regarding the Diocese's transmitter site. Therefore, good cause having been demonstrated, Dioceses's petition is granted and the accompanying amendment is accepted.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–462), announcement is made of the following committeee meeting:

Name: Board of Visitors for the National Fire Academy

Dates of meeting: October 5–6, 1981

Place: Conference Room J–203, National Emergency Training Center, 16825 S. Seton Avenue, Emmitsburg, MD 21727

Time: 9 a.m. to 5 p.m.

Proposed agenda: October 5, 1981: Update on July briefing; presentation of program plans for fiscal year 1982; review of program for fiscal year 1981; and such other items that may come before the Board. October 6, 1981: Uncompleted agenda items; gathering of any additional information required for the preparation of the annual report; and administrative items.

The meeting will be open to the public. Members of the general public who plan to attend the meeting should contact Mr. Clarence E. White, Jr., National Emergency Training Center,

16825 S. Seton Avenue, Emmitsburg, Maryland 21727 (telephone: 301/447/6771) on or before September 25, 1981.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Office of the Associate Director for Training and Education, Emmitsburg, Maryland. Copies of the minutes will be available upon request 30 days after the meeting.

Date: September 3, 1981.

Fred J. Villella,

Associate Director for Training and Education, Federal Emergency Management Agency, National Emergency Training Center.

[FR Doc. 81-26335 Filed 9-9-81; 8:45 am]

BILLING CODE 4210-23-M

[FEMA-645-DR]

Nevada; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Nevada (FEMA-645-DR), dated August 28, 1981, and related determinations.

DATED: August 28, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0520.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency delegation of authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of August 28, 1981, the President declared a major disaster as follows:

The damage in certain areas of the State of Nevada resulting from severe storms and flooding beginning on or about August 10, 1981, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Nevada.

In order to provide Federal assistance to individuals and families, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. However, pursuant to section 408(b) of PL 93-288, you are authorized to advance to the State its 25 percent share of the individual and family grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. F. Scott Martin of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Nevada to have been affected adversely by this declared major disaster.

Clark County for Individual Assistance only.

(Catalog of Federal Domestic Assistance No. 83-300, Disaster Assistance. Billing Code 6718-02.)

John E. Dickey,

Acting Associate Director, State and Local Programs and Support Federal Emergency Management Agency.

[FR Doc. 81-26339 Filed 9-9-81; 8:45 am]

BILLING CODE 4210-23-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-133]

Sooner Federal Savings and Loan Association, Tulsa, Okla.; Final Action Approval of Conversion Applications

Dated: September 4, 1981.

Notice is hereby given that on August 28, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-493 approved the application of Sooner Federal Savings and Loan Association, Tulsa, Oklahoma ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, 120 East 6th Street, Topeka Kansas.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-26450 Filed 9-9-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Ace Shipping Co. et al.; Intent to Cancel

The domestic offshore files of the Federal Maritime Commission contain numerous tariffs which have been classified as inactive either due to the absence of any tariff changes for a period of one year or longer; because the Commission's staff has been unable to contact the tariff filers at the addresses shown on the tariffs; or, because the Commission's staff has been advised that the tariff filers no longer offer a common carrier service. The tariff publications of the following carriers, including their last known addresses, fall into the inactive tariff category:

Ace Shipping Co. Inc., Suite 203, 1200 Biscayne Boulevard, Miami, Florida 33132; FMC-F No. 1

Alexander & Associates, 112 Erie Avenue, Seattle, Washington 98122; FMC-F No. 2

Alltrans Alaska Freight, Inc., 650 South Othello Street, Seattle, Washington 98108; FMC-F No. 1

American International Shipping Co., Suite 914, 677 Ala Moana Boulevard, Honolulu, Hawaii 96813; FMC-F No. 7

Australia-Far East Shipping, Inc., 2302 East Del Amo Boulevard, Compton, California 90220 FMC-F No. 1

Barton Export Boxing Corp., Maracibo Street, Building 19 C-D, Port Newark, New Jersey 07114; FMC-F No. 1

Bestway Express Transport, 156 Ellison Street, Paterson, New Jersey 07505; FMC-F No. 1

Bestway Express Transport, 156 Ellison Street, Paterson, New Jersey 07505; FMC-F No. 2

Cargomatic Express, Inc., 8440 S. W. 107 Avenue, Miami, Florida 33173; FMC-F No. 1

Caribbean Steamship Corp., San Miquel Building, Suite 312, Kennedy Avenue—KM. 2.5 P.O. Box 4423, San Juan Industrial Development, San Juan, Puerto Rico 00905; FMC-F No. 1

Caribe Cargo Services, Inc., 6331 N. W. 74th Avenue, Miami, Florida 33166; FMC-F No. 1

CMC Ocean Freight Express, Post Office Box 4035, Carolina, Puerto Rico 00630; FMC-F No. 2

Coastal Barge Lines, Inc., 834 West Nickerson Street, Seattle, Washington 98111; FMC-F No. 3

Consolidated Freight Forwarders, Inc., 2792 N. W. 24th Street, Miami, Florida 33142; FMC-F No. 1

Container Marine Transport, Inc., 90 West Street, New York, New York 10006; FMC-F No. 3

Container Marine Transport, Inc., 90 West Street, New York, New York 10006; FMC–F No. 4
Dillingham Pacific Lines, Inc., Post Office Box 3288, Pier 24, Honolulu, Hawaii 96801; FMC–F No. 1
Drake Motor Lines, Inc., 20 Olney Avenue, Cherry Hill, New Jersey 08002; FMC–F No. 4
Gaynar Shipping Corporation, One World Trade Center, New York, New York 10048; FMC–F No. 1
The Great Norwegian Trading Company, 3578 East 11th Avenue, Hialeah, Florida 33013; FMC–F No. 1
Guam Fast Freight, 744 Naakea Place, Honolulu, Hawaii 96825; FMC–F No. 1
Guam Marianas Freight, 300 Market Street, Oakland, California 94607; FMC–F No. 1
Gulf Caribbean Marine Lines, Inc., Post Office Box 3110, Jacksonville, Florida 32203; FMC–F No. 2
Husky Barge Lines, 3115 Mt. View Drive, Anchorage, Alaska 99503; FMC–F No. 3
International Marine Transport Services, Inc., Post Office Box 7667, St. Thomas, Virgin Islands 00801; FMC–F No. 2
International Marine Transport Services, Inc., Post Office Box 3272, Old San Juan, Puerto Rico 00904; FMC–F No. 3
Inter-Ports Service, Inc., Post Office Box 475, St. Just, Puerto Rico 00750; FMC–F No. 4
Inter-Ports Service, Inc., Post Office Box 475, St. Just, Puerto Rico 00750; FMC–F No. 5
Island Transport Services, Inc., Post Office Box 970, Christiansted, St. Croix, Virgin Islands 00820; FMC–F No. 1
Key Warehouse Corp., 3629 N. W. 60th Street, Miami, Florida 33142; FMC–F No. 3
La Grande Shipping Co., Inc., 520 Paterson Plank Road, Jersey City, New Jersey 07307; FMC–F No. 1
Loux & Sons Drayage, 200 3rd Street, Oakland, California 94607; FMC–F No. 3
Malabe Shipping Co., Inc., 45 Bergen Street, Brooklyn, New York 11201; FMC–F No. 4
Mercantile Freight Service, Inc., 2280 Alahao Place, Honolulu, Hawaii 96819; FMC–F No. 2
Pacific Hauling Service, Inc., 3579 East Cliff Drive, Salt Lake City, Utah 84117; FMC–F No. 2
Pan-American Express Co., Inc., 508 West 126th Street, New York, New York 10027; FMC–F No. 2
P.R.V.I. Consolidators Corp., 515 Gardner Avenue, Brooklyn, New York 11222; FMC–F No. 1
Rodriguez Trucking, Inc., 515 Marcy Avenue, Brooklyn, New York 11206; FMC–F No. 2
Sause Bros. Ocean Towing Co., Inc., Suite 1480 Lloyd Building, 700 N. E. Multnomah Street, Portland, Oregon 97232; FMC–F No. 7
Seaway Distribution Corporation, Post Office Box 30505, Honolulu, Hawaii 96819; FMC–F No. 2
Thru Island Express, Inc., 63–69 Hook Road, Bayonne, New Jersey 07002; FMC–F No. 2
Transcaribbean Consolidated Freight Co., 264 40th Street, Brooklyn, New York 11220; FMC–F No. 1
Trans-Freight, Inc., Post Office Box 522458, Miami, Florida 33152; FMC–F No. 1
Unifreight Corporation, G.P.O. Box 6001, San Juan, Puerto Rico 00936; FMC–F No. 2
Vanleigh Transport Corp., Post Office Box 3680, Carolina, Puerto Rico 00630; FMC–F No. 1
West India Line, Post Office Box 10355, 153 East Port Road, West Palm Beach, Florida 33404; FMC–F No. 4.

Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's files. In addition, 46 CFR 531.3(p)(2), requires the cancellation of inactive tariffs. Accordingly, the Commission proposes to cancel the above listed tariffs in the absence of a showing of good cause as to why they should not be cancelled.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Tariffs at 1100 L Street, NW., Washington, D.C. 20573, on or before October 13, 1981, of any reason why the Commission should not cancel inactive tariffs;

It is further ordered, That a copy of this Order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this Order will be cancelled.

It is further ordered, That this notice be published in the **Federal Register** and a copy thereof filed with any tariff cancelled pursuant to this notice.

By the Commission pursuant to authority delegated by section 4.06 (Revised October 26, 1979) of Commission Order No. 201.1 (Revised) dated June 30, 1975.

Daniel J. Connors,

Director, Bureau of Tariffs.

[FR Doc. 81–26329 Filed 9–9–81; 8:45 am]

BILLING CODE 6730–01–M

[Agreements Nos. T–3984 and T–3985]

Availability of Findings of No Significant Impact

Upon completion of environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparatioon of environmental impact statements is not required.

Agreement No. T–3984 is a preferential assignment arrangement between the Port of Seattle (Seattle) and Orient Overseas Container Line, Ltd. (OOCL) whereby Seattle assigns to OOCL 6 acres of land within Terminal 18/20 for container storage and operations as well as grants to OOCL the right to use berths 3, 4, 5 or 6 at Terminal 18 and certain container handling equipment.

Agreement No. T–3985 is between the Port of Seattle (The Port) and Seacon Terminals (ST). Under the terms of the agreement, The Port leases to ST 23.10 acres of land located at The Port's Terminal 25 including ship's berth of some 1,580 feet in length with apron and container handling facilities. The lessee has been occupying Terminal 42/46 and will simply shift to Terminal 25 where it will continue the same operations as at Terminal 46.

The Findings of No Significant Impact (FONSI) will become final on or before September 21, 1981 unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81–26330 Filed 9–9–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Pasadena National Bank, Pasadena, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26439 Filed 9-9-81; 8:45 am]

BILLING CODE 6210-01-M

J.P. Morgan & Co. Inc.; Acquisition of Bank

J.P. Morgan & Co. Incorporated, New York, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirectly 99 per cent of the voting shares of Morgan Bank (Delaware), Wilmington, Delaware, through its subsidiary, Morgan Holdings Corp., Wilmington, Delaware. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26438 Filed 9-9-81; 8:45 am]

BILLING CODE 6210-01-M

Midlantic Overseas Ltd.; Corporation to Do Business

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Midlantic Overseas Ltd., Edison, New Jersey. Midlantic Overseas Ltd., would operate as a subsidiary of Midlantic National Bank, West Orange, New Jersey. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summerize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26440 Filed 9-9-81; 8:45 am]

BILLING CODE 6210-01-M

Morgan Holdings Corp.; Formation of Bank Holding Company

Morgan Holdings Corp., Wilmington, Delaware, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 99 per cent or more of the voting shares of Morgan Bank (Delaware), Wilmington, Delaware. The factors that are considered in acting on the application are set forth in section (c) of the Act (12 U.S.C. 1842(c)).

Morgan Holdings Corp., Wilmington, Delaware, has also applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4 (b)(2) of the Board's Regulation Y 12 CFR 225.4(b)(2)), for permission to retain voting shares of Morgan Data Services Incorporated, Jersey City, New Jersey.

Applicant states that the subsidiary engages in the activities of mortgage servicing and providing bookkeeping or data processing services and storing and processing other banking, financial or related economic data, such as performing payroll, accounts receivable or payable, or billing services, all for the internal operations of the holding company and its subsidiaries. These activities would be performed from offices of Applicant's subsidiary in Jersey City, New Jersey. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentation of resources, decreased or unfair competition, conflicts of interests, unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 5, 1981.

Board of Governors of the Federal Reserve System, September 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26441 Filed 9-9-81; 8:45 am]

BILLING CODE 6210-01-M

NCNB International Banking Corporation; Establishment of U.S. Branch of a Corporation

NCNB International Banking Corporation, New York, New York, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Miami, Florida. NCNB International Banking Corporation operates as a subsidiary of North Carolina National Bank, Charlotte, North Carolina.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be recived no later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize

the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26442 Filed 9-9-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Florida Banks, Inc.; Acquisition of Bank

Southwest Florida Banks, Inc., Fort Myers, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The First Bank of Marco Island, N.A., a proposed new bank, to be located at a branch of First National Bank and Trust Company of Naples, Naples, Florida, a subsidiary of Southwest Florida Banks, Inc. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26443 Filed 9-9-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

White House Conference on Aging National Advisory Committee Meeting

The 1981 White House Conference on Aging National Advisory Committee was established by the Department of Health and Human Services to provide advice and recommendations to the Secretary of Health and Human Services and to the Executive Director of the 1981 While House Conference on Aging in the planning, conducting and reviewing of the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 92-463, 5 U.S.C. App. 1, Section 10, 1976) that the National Advisory Committee will hold its next meeting on Thursday and Friday, September 24 and 25, 1981 from 9:00 a.m. to 5:00 p.m. each day. The meeting will be held in the East Ballroom of the Quality Inn at Pentagon City, 300 Army-Navy Drive, Arlington, Virginia 22202.

The purpose of the meeting will be to provide a means for the National Advisory Committee to make recommendations on the remaining procedural aspects of the 1981 White House Conference on Aging, scheduled to be held in Washington, D.C., November 29, 1981 to December 3, 1981.

In order to facilitate the development of recommendations, the National Advisory Committee will meet as subcommittees during part of this two day meeting. Subcommittees which have been established are as follows:

- Rules
- Awards
- International
- Private Sector
- Special Events

Further information on the Committee meeting may be obtained from Mr. David Rust, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, SW, Washington, D.C. 20201, telephone (202) 245-1914.

National Advisory Committee meetings are open to the public for observation.

Dated: September 3, 1981.

Mamie Welborne,

Committee Management Officer.

[FR Doc. 81-26410 Filed 9-9-81; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging National Advisory Committee; Rules Subcommittee Meeting

The 1981 White House Conference on Aging National Advisory Committee was established by the Department of Health and Human Services to provide advice and recomendations to the Secretary of Health and Human Services and to the Executive Director of the 1981 White House Conference on Aging in the planning, conducting and reviewing of the Conference. The Rules Subcommittee was established by the National Advisory Committee.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 92-463, 5 U.S.C. App. 1, section 10, 1976) that the Rules Subcommittee will meet on Wednesday, September 23, 1981 in Room 303-A—305-A of the Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, D.C. 20201 from 10:00 a.m. to 12:00 noon. They will discuss the written Conference rules which will be distributed to all delegates prior to the November meeting.

The recommendations of this Subcommittee will be presented to the National Advisory Committee for approval on the following day, September 24, when the full advisory committee meets.

Further information on the Rules Subcommittee meeting may be obtained from Ronald Wylie, Director, Office of Project Development, White House Conference on Aging, Room 4059, 330 Independence Avenue, SW, Washington, D.C., telephone (202) 755-8004.

The Rules Subcommittee meeting of the National Advisory Committee will be open to the public for observation.

Dated: September 3, 1981

Mamie J. Welborne,

HDS, Committee Mgt. Officer.

[FR Doc. 81-26411 Filed 9-9-81; 8:45 am]

BILLING CODE 4110-92-M

National Institutes of Health

Advisory Committee to the Director, NIH; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, on October 1-2, 1981, at the National Institutes of Health, Bethesda, Maryland. The meeting will take place from 8:30 a.m. to 5:30 p.m. on October 1, and from 8:30 a.m. to 4:30 p.m. on October 2, in Building 31, Conference Room 10, C Wing. The entire meeting will be open to the public.

The meeting will be devoted to an examination of reports prepared by the two working groups established under the aegis of the Committee: the Working Group on the Costs of Biomedical Research, and the Working Group on Cooperative Research Relationships with Industry. The Committee and working groups have been examining these issues in meetings held over the past year.

The report of the Working Group on the Costs of Biomedical Research will provide an analysis of various alternatives to the present system of allocating direct and indirect costs for research grants, including a Fixed-Obligation Grant, which replaces some features of the cost-reimbursement approach. Initiatives to reduce

regulatory requirements and to contain costs will also be considered.

The report of the Working Group on Cooperative Research Relationships will focus on patent policy guidelines for the NIH and its grantee institutions using as a basis OMB Bulletin 81-22, Implementation of Pub. L. 96-517, "The Patent and Trademark Amendments of 1980."

On the first day, the full Committee will convene briefly and then divide into two subcommittees with the DAC members assigned to one or the other of the working groups. For the remainder of the first day each of these subcommittees will discuss the issues raised in the respective working group reports and then prepare a set of recommendations for full Committee consideration to be held on the second day.

The Executive Secretary, Joseph G. Perpich, M.D., J.D., National Institutes of Health, Building 1, Room 137, Bethesda, Maryland 20205, 301-496-3152, will furnish summaries of the meeting, rosters of Committee members and guests, and substantive program information.

Dated: August 31, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-26365 Filed 9-9-81; 8:45 am]

BILLING CODE 4110-08-M

Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, October 27, 1981, Conference Room 9, 6th Floor, C-Wing, Building 31, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on Tuesday, October 27, to evaluate program support in Arteriosclerosis, Hypertension, and Lipid Metabolism. Attendance by the public will be limited on a space available basis.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. G. C. McMillan, Associate Director, Arteriosclerosis, Hypertension and Lipid Metabolism Program, NHLBI, Room 4C-12, Federal Building, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: September 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-26364 Filed 9-9-81; 8:45 am]

BILLING CODE 4110-08-M

Cardiology Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, October 19 and 20, 1981, in Conference Room A, Landow Building, National Institutes of Health, 7910 Woodmont Avenue, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. Attendance by the public will be limited to space available. Topics for discussion will include a review of the research programs relevant to the Cardiology area and consideration of future needs and opportunities.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Room 4A21, Building 31, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Committee members.

Barbara Packard, M.D., Ph.D., Acting Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Room 320, Federal Building, Bethesda, Maryland 20205, phone (301) 496-5421, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Note.—NIH Programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: August 27, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-26352 Filed 9-9-81; 8:45 am]

BILLING CODE 4110-08-M

Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, September 17,1981. The meeting will be held at the Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland 20205.

This meeting will be open to the public on September 17 from 8:30 a.m. to 12:30 p.m. when the Committee will discuss the status of new initiatives and the Ten Year Plan. Attendance by the public will be limited to space availabe.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on September 17 from 12:30 p.m. to adjournment for the review, discussion and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the propsals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 34, Room 4A21, National Institutes of Health, Bethesda, Maryland, 20205, phone (301) 496-4236, will provide summaries of meetings and rosters of committee members. Dr. William Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Note—NIH programs are not covered by OMB Circular A-95 because they fit the despcription of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: September 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-26354 Filed 9-9-81; 8:45 am]

BILLING CODE 4110-08-M

Epilepsy Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, National Institute of Neurological and Communicative Disorders and Stroke, November 5-6, 1981, Room B119, Federal Building, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. to discuss research progress and research plans related to the Institute's epilepsy program. Attendance by the public will be limited to space available.

Dr. Roger J. Porter, Chief, Epilepsy Branch, Neurological Disorder Program, NINCDS (Federal Building, Room 114, National Institutes of Health, Bethesda, MD 20205; telephone 301/496-6691, will provide summaries of the meeting, rosters of the committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.853, Neurological Disorders Program, National Institutes of Health)

Note.—NIH Programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: August 27, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-26351 Filed 9-9-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Council on Aging; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on October 14-16, 1981, in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. until 9:10 a.m. for opening remarks by the Director, National Institute on Aging and from 1:30 p.m. until approximately 5:30 p.m. on Wednesday, October 14. It will again be open to the public from 8:30 a.m. on Thursday, October 15, until adjournment on Friday, October 16. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 14, 1981 from approximately 9:10 a.m. until 12:30 p.m. for the review, discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Council Secretary, National Institute on Aging, Building 31, Room 2C-05, National Institutes of Health, Bethesda, Maryland 20205 (Area code 301, 496-5898), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: September 2, 1981.

Thomas E. Malone,

Acting Director, NIH.

[FR Doc. 81-26356 Filed 9-9-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Environmental Health Sciences Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, October 19-20, 1981, at the National Institute of Environmental Health Sciences, Building 101 Conference Room, Research Triangle Park, North Carolina.

This meeting will be open to the public on October 19, 1981, from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 19, from approximately 1:00 p.m. to adjournment on October 20, 1981, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Leota B. Staff, Committee Management Officer, NIEHS, Building 31, Room 2B55, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-3511, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541-7723, FTS 629-7723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.892, Prediction, Detection and Assessment of Environmentally Caused Diseases and Disorders; 13.893, Mechanisms of Environmental Diseases and Disorders; 13.894, Environmental Health Research and Manpower Development Resources, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: September 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-26358 Filed 9-9-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory General Medical Sciences Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, on October 9 and 10, 1981, Building 31, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on October 9, 1981, from 9:00 a.m. to 12 noon for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public for approximately the last four hours of the day on October 9, 1981, and eight hours on October 10, 1981. It is estimated that the closed session will occur on October 9 from approximately 1:00 p.m. to 5:00 p.m., and on October 10, 1981, from 9:00 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the

discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A12, Westwood Building, Bethesda, Maryland 20205, Telephone 301, 496–7301 will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20205, Telephone: 301, 496–5231 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13–821, Physiology and Biomedical Engineering; 13–859; Pharmacology-Toxicology Research; 13–862, Genetics Research; 13–863, Cellular and Molecular Basis of Disease Research; and 13–880, Minority Access to Research Careers (MARC))

Note.—NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: September 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–26355 Filed 9–9–81; 8:45 am]

BILLING CODE 4110–08–M

National Cancer Institute; Board of Scientific Counselors; Division of Resources, Centers, and Community Activities

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Resources, Centers, and Community Activities, National Cancer Institute, National Institutes of Health, October 22–23, 1981, Building 31C, Conference Room 6, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on October 22 and from 8:30 a.m. to adjournment on October 23, to discuss the current and future programs of the Division of Resources, Centers, and Community Activities, as well as to review the program concepts of that Division. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of meetings and rosters of committee members upon request.

Dr. Robert G. Burnight, Executive Secretary, National Cancer Institute, National Institutes of Health, Blair Building, Room 3A01A, Silver Spring, Maryland 20910 (301/427–8630) will furnish substantive program information.

Dated: September 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–26363 Filed 9–9–81; 8:45 am]

BILLING CODE 4110–08–M

National Cancer Institute; Clinical Trials Committee; Cancelled Meeting

Notice is hereby given of the cancellation of the meeting of the Clinical Trails Committee, National Cancer Institute, National Institues of Health, October 13, 1981, which was published in the **Federal Register** on August 17, 1981, (46 FR 41564–5). For further information, please contract Dr. Gerald U. Liddel, Executive Secretary, National Cancer Institute, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7575).

Dated: September 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–26361 Filed 9–9–81; 8:45 am]

BILLING CODE 4110–08–M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Diabetes Advisory Board on October 5, 1981, in Room 425–403A of the Hubert Humphrey Building, 200 Independence Ave., S.W., Washington, D.C. 20201. The meeting will be held at 9:00 a.m.

The meeting, which will be open to the public, is being held to continue review of the status and implementation of national diabetes programs. Attendance by the public will be limited to space available.

Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Maryland 20814 (301) 496–6045, will provide a summary of the meeting and a roster of the committee members.

Dated: August 27, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–26350 Filed 9–9–81; 8:45 am]

BILLING CODE 4110–08–M

National Heart, Lung, and Blood Institute; Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Institute Board of Scientific Counselors, November 5 and 6, 1981, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:30 a.m. to 3:00 p.m. November 5 and from 9:30 a.m. to 12 noon on November 6 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematoglogic diseases. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 12 noon to adjournment November 6 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Board members. Substantive program information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLBI, NIH, Building 10, Room 7N214, phone (301) 496–2116.

Dated: September 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–26360 Filed 9–9–81; 8:45 am]

BILLING CODE 4110–08–M

National Institute of Neurological and Communicative Disorders and Stroke; Board of Scientific Counselors; Meeting

Pursuant to the Pub. L. 92–463, notice is hereby given of the meeting of the

Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, November 12 and 13, 1981, in Conference Room 1B07, Building 36, Bethesda, MD 20205. This meeting will be open to the public from 9:30 a.m. to 5:00 p.m. on November 12 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:00 a.m. until the conclusion of the meeting on November 13 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Ms. Sylvia Shaffer, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and rosters of committee members.

The Executive Secretary from whom substantive program information may be obtained is Dr. Thomas N. Chase, Director, of intramural Research Program, NINCDS, Building 36, Room 5A05, NIH, Bethesda, MD 20205, telephone 301/496–4297.

(Catalog of Federal Domestic Assistance program No. 13,356, National Institutes of health)

Dated: September 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–26359 Filed 9–9–81; 8:45 am]

BILLING CODE 4110–08–M

National Library of Medicine; Board of Regents and the Extramural Programs and Lister Hill Center and National Medical Audiovisual Center Subcommittees; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on October 29–30, 1981, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meetings of the Extramural Programs Subcommittee of the Board of Regents and the Lister Hill Center and National Medical Audiovisual Center Subcommittee on the preceding day, October 28, 1981, from 2:00 to 5:00 p.m., in the 5th-floor Conference Room of the Lister Hill Center Building, and from 2:00 to 5:00 p.m., in the 7th-floor Conference Room of the Lister Hill Center Building, respectively.

The meeting of the Board will be open to the public from 9:00 a.m. to 5:00 p.m. on October 29 and from 9:00 a.m. to 12:15 p.m. on October 30 for administrative reports and program discussions. The entire meeting of the Lister Hill Center and National Medical Audiovisual Center Subcommittee will be open to the public for a discussion of the status of the National Medical Audiovisual Center Programs, and a report on the October 5–6 meeting of the NLM Board of Scientific Counselors. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552(c)(4), 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub L. 92–463, the entire meeting of the Extramural Programs Subcommittee on October 28 will be closed to the public, and the regular Board meeting on October 30 will be closed from 12:15 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: September 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–26357 Filed 9–9–81; 8:45 am]

BILLING CODE 4110–08–M

Pulmonary Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on October 23 and 24, 1981 at the Hilton Hotel, San Francisco, California.

The entire meeting, from 8:30 a.m. to 5, will be open to the public. The Committee will discuss the current status of the Division of Lung Diseases' programs and Committee plans for fiscal year 1982, and review the first draft of the "Ten-year retrospective evaluation and five-year forward plan of the Division of Lung Diseases" in order to plan a course of action to meet a final deadline date of summer 1982. Attendance by the public will be limited to the space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Suzanne S. Hurd, Acting Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.828, Lung Diseases Research, National Institutes of Health)

Note.—NIH programs are not covered by OBM Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated August 27 1981.

Thomas E. Malone, Ph.D.,

Deputy Director, NIH.

[FR Doc. 81–26353 Filed 9–9–81; 8:45 am]

BILLING CODE 4110–08–M

Sickle Cell Disease Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, October 19–20, 1981. The meeting will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, Building 31, Conference Room 8, C-Wing. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program.

Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 4A21, (301) 496–4236, will provide summaries of the meeting and roster of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI Federal Building, Room 504, (301) 496–6931, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: September 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–26362 Filed 9–9–81; 8:45 am]

BILLING CODE 4110–05–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska National Petroleum Reserve; Tentative Parcel Selection for First Oil and Gas Lease Sale

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Tentative Parcel Selection for the First Oil and Gas Lease Sale in the National Petroleum Reserve in Alaska.

FOR FURTHER INFORMATION CONTACT:

Lee Barkow, Washington, D.C. (202) 343–6511,

Jerry Wickstrom, Anchorage, Alaska (907) 271–3632.

SUPPLEMENTARY INFORMATION: The lands described in this notice are parcels tentatively selected for the competitive oil and gas sale in Fairbanks, Alaska, on December 16, 1981, at the Travelers Inn, for lands in the National Petroleum Reserve in Alaska.

Pursuant to the Department of the Interior's Appropriations Act for Fiscal Year 1981 (Pub. L. 96–514) authorization was given to lease for oil and gas within the National Petroleum Reserve in Alaska (formerly the Naval Petroleum Reserve No. 4). The Appropriations Act specified that the lands will be leased by competitive procedures. On July 22, 1981, the proposed leasing regulations under 43 CFR Part 3130 were published in the **Federal Register.**

The Appropriations Act specifies that the previous studies which were conducted under sections 105 (b) and (c) of the Naval Petroleum Reserves Production Act of 1976, Pub. L. 94–258, fulfill and satisfy the requirements of the National Environmental Policy Act of 1969, for the first 2 million acres. The Final Environmental Assessment based on the existing data from these studies together with public, government, and industry comments will be available for reference at the Alaska Resources Library, Anchorage, Alaska, or through the Bureau of Land Management, NPR–A, 701 C Street, Box 13, Anchorage, Alaska 99513, on October 1, 1981.

The following 59 parcels are tentatively identified for offering in the first lease sale. These parcels were selected as having high oil and gas potential and comparatively minor environmental risk.

The final decision on selected parcels will be included in the detailed statement of sale which will be published at least 30 days before the sale date.

Parcel No.	Umiat Meridian
01	T. 12 N., R. 1 E., all;
	T. 11 N., R. 1 E., NW¼.
02	T. 11 N., R. 1 W., all.
03	T. 10 N., R. 1 W., all.
04	T. 12 N., R. 2 W., all.
05	T. 11 N., R. 2 W., all.
06	T. 12 N., R. 3 W., all.
07	T. 1 N., R. 2 W., all.
08	T. 2 S., R. 4 W.,
	Sec. 1, N½,N½S½;
	Sec. 2, NE¼, W½, N½SE¼, SW¼SE¼;
	Secs. 3 to 9, inclusive;
	Sec. 10, NE¼NE¼, W½NE¼, NW¼, N½SW¼;
	Sec. 17, NW¼NE¼, NW¼;
	Sec. 18, NE¼, W½, NE¼NE¼, W½SE¼.
	T. 2 S., R. 5 W.,
	Secs. 1 to 22, inclusive;
	Sec. 23, NE¼, NW¼, N½SW¼, SW¼SW¼, N½SE¼;
	Sec. 24, N½NE¼, NW¼;
	Sec. 27, NE¼NW¼, W½NW¼;
	Sec. 28, NE¼, W½, W½SE¼;
	Secs. 29 to 30, inclusive;
	Sec. 31, NE¼, W½, NE¼SE¼, W½SE¼;
	Sec. 32, N½NE¼, NW¼, NW¼SW¼.
09	T. 2 N., R. 5 W., all.
10	T. 2 N., R. 6 W., all.
11	T. 1 N., R. 6 W., all.
12	T. 1 S., R. 6 W., all.
13	T. 2 S., R. 6 W., all.
14	T. 3 N., R. 7 W., all.
15	T. 1 N., R. 7 W., all.
16	T. 2 S., R. 7 W., all.
17	T. 3 N., R. 8 W., all.
18	T. 2 S., R. 8 W., SE¼;
	T. 3 S., R. 8 W., N½;
	T. 3 S., R. 9 W., all.
19	T. 3 N., R. 9 W., all.
20	T. 2 N., R. 10 W., all;
	T. 3 N., R. 10 W., SW¼.
21	T. 2 N., R. 11 W., all;
	T. 3 N., R. 11 W., S½.
22	T. 3 N., R. 12 W., W½, SE¼;
	T. 3 N., R. 13 W., all.
23	T. 2 N., R. 13 W., all.
24	T. 3 N., R. 14 W., all.
25	T. 2 N., R. 14 W., all.
26	T. 1 S., R. 15 W., all.
27	T. 1 N., R. 16 W., S½;
	T. 1 S., R. 16 W., all.
28	T. 2 S., R. 16 W., all.
29	T. 1 N., R. 17 W., S½;
	T. 1 S., R. 17 W., all.
30	T. 2 S., R. 17 W., all.
31	T. 5 N., R. 19 W., all.
32	T. 4 N., R. 19 W., all.
33	T. 4 N., R. 20 W., all.
	T. 5 N., R. 20 W., S½.
34	T. 4 N., R. 21 W., all;
	T. 5 N., R. 21 W., SE¼.
35	T. 5 N., R. 25 W., all;
	T. 6 N., R. 25 W., S½.
36	T. 5 N., R. 26 W., all.
	T. 6 N., R. 26 W., S½.
37	T. 5 N., R. 27 W., N½;
	T. 6 N., R. 27 W., S½;
	T. 5 N., R. 28 W., NE¼;
	T. 6 N., R. 28 W., SE¼.
38	T. 7 S., R. 20 W., S½;
	T. 8 S., R. 20 W., all.
39	T. 9 S., R. 19 W., NW¼;
	T. 9 S., R. 20 W., all.
40	T. 8 S., R. 21 W., all.
41	T. 9 S., R. 21 W., all.
42	T. 10 S., R. 21 W., all.
43	T. 8 S., R. 22 W., all.
44	T. 9 S., R. 22 W., all.
45	T. 10 S., R. 22 W., all.
46	T. 11 S., R. 22 W., all.
47	T. 8 S., R. 23 W., all.
48	T. 9 S., R. 23 W., all.
49	T. 10 S., R. 23 W., all.
50	T. 11 S., R. 23 W., all.
51	T. 7 S., R. 24 W., all.
52	T. 8 S., R. 24 W., all.
53	T. 9 S., R. 24 W., all.
54	T. 7 S., R. 25 W., NE¼, S½;
	T. 7 S., R. 26 W., S½.
55	T. 8 S., R. 25 W., all.
56	T. 7 S., R. 27 W., S½;
	T. 8 S., R. 27 W., all.
57	T. 7 S., R. 28 W., all.
58	T. 8 S., R. 28 W., all.
59	T. 7 S., R. 29 W., all.

Containing an aggregate of approximately 1,500,000 acres.

Dated: September 4, 1981.

Ed Hastey,

Associate Director.

[FR Doc. 81–26412 Filed 9–9–81; 8:45 am]

BILLING CODE 4310–84–M

[AR–034684]

Arizona; Order Providing For Opening of Public Lands and National Forest Lands; Correction

In **Federal Register** Document 80–27949, appearing on page 60028, second column, in the issue of Thursday, September 11, 1980, the following changes are made:

(1) Under T. 6 N., R. 2 E., Section 27 is corrected to read "E½W½"; and

(2) Under T. 7 N., R. 2 E., add "Section 35, NW¼NW¼."

Dated: August 31, 1981

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–26384 Filed 9–9–81; 8:45 am]

BILLING CODE 4310–84–M

Arizona; Classification of Public Lands for State Indemnity Selection

[Serial No. A 17000-F (partial)]

In Federal Register Document 81-24320 appearing on page 42356 of the issue for August 20, 1981, the following change should be made:

Under T. 14 S., R. 12 E., Section 35: Lots 1, 2, N½NW¼, SW¼NW¼, NW¼SE¼NW¼, SW¼SE¼NW¼, W½SW¼ should be Lots 1, 2, N½NW¼, SW¼NW¼, NW¼SE¼NW¼, SW¼SE¼NW¼, N½SW¼.

Dated: August 31, 1981.

W. K. Barker,

District Manager.

[FR Doc. 81-26386 Filed 9-9-81; 8:45 am]

BILLING CODE 4310-84-M

[PHX 075438, etc]

Arizona; Order Providing for Opening of Public Lands

1. In exchanges of lands made under the provisions of Section 8 of the Act of June 28, 1934 (49 Stat. 1272, as amended, 43 U.S.C. 315g), the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

PHX 075438

T. 1 N., R. 14 W.,
Sec. 36, N½, SW¼, NE¼SE¼.
T. 10 N., R. 12 W.,
Sec. 16, S½;
Sec. 32, SW¼;
Sec. 36, SW¼.
T. 4 N., R. 11 W.,
Sec. 2, S½NW¼, SW¼,NE¼.
T. 8 S., R. 31 E.,
Sec. 16, NE¼.

PHX 075486

T. 24 N., R. 20 W.,
Secs. 16, 32 and 36.
T. 24 N., R. 21 W.,
Sec. 2, S½;
Secs. 16, 32 and 36.
T. 25 N., R. 13 W.,
Sec. 32.
T. 25 N., R. 14 W.,
Sec. 2.

PHX 075605

T. 9 S., R. 28 E.,
Sec. 36, E½NE¼.
T. 10 S., R. 32 E.,
Sec. 32, W½W½.

PHX 075606

T. 10 S., R. 32 E.,
Sec. 32, E½W½, E½.

PHX 075714

T. 3 S., R. 1 E.,
Sec. 16, SE¼SE¼;
Sec. 32.

PHX 075765

T. 6 S., R. 26 E.,
Sec. 16.
T. 7 N., R. 11 W.,
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, Lots 1, 2, 3, 4, E½W½, SW¼SE¼;
Sec. 33, SE¼, W½;
Sec. 34, S½.
T. 7 N., R. 12 W.,
Sec. 22.

PHX 076327

T. 3 S., R. 1 E.,
Sec. 36, Lot 4.

PHX 077466

T. 8 S., R. 28 E.,
Sec. 2, N½, NW¼SW¼, SE¼, NE¼SW¼;
Sec. 16, N½, SW¼;
Sec. 36, Lots 1, 2, 3, 4, N½S½, N½.
T. 5 S., R. 24 E.,
Sec. 36, E½SE¼.
T. 8 S., R. 27 E.,
Sec. 36, N½, SE¼, N½SW¼.
T. 8 S., R. 29 E.,
Sec. 16.
T. 11 S., R. 27 E.,
Sec. 2, Lot 3.
T. 9 S., R. 27 E.,
Sec. 1, S½;
Sec. 12, N½;
Secs. 16, 32, 33 and 35;
Sec. 34, N½, SW¼, NW¼SE¼.
T. 10 S., R. 27 E.,
Sec. 6, N½SE¼, SW¼SE¼, S½NE¼;
Sec. 7, E½;
Sec. 18, E½;
Sec. 19, E½;
Sec. 36, S½.
T. 9 S., R. 28 E.,
Sec. 36, SW¼.
T. 11 S., R. 28 E.,
Sec. 36, W½.

PHX 077713

T. 24 N., R. 18 W.,
Secs. 3, 15 and 17;
Sec. 19, Lots 1, 2, E½NW¼, NE¼;
Sec. 21, N½;
Secs. 23 and 25;
Sec. 27, N½NE¼;
Sec. 31, Lots 1, 2, 3, 4, 5, N½NE¼, E½W½, NE¼SW¼.
T. 21 N., R. 19 W.,
Sec. 5;
Sec. 7, S½;
Sec. 17.
T. 23 N., R. 19 W.,
Secs. 21 and 23.
T. 21 N., R. 20 W.,
Sec. 1, N½;
Secs. 3 and 13.
T. 22 N., R. 20 W.,
Secs. 1 and 11;
Sec. 13, NE¼, NE¼NW¼, NW¼SW¼, S½SW¼;
Secs. 23 and 35.
T. 23 N., R. 20 W.,
Secs. 5, 7, 17, 19, 29 and 31.
T. 26 N., R. 20 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27 and 29;
Sec. 31, E½;
Sec. 33.
T. 26 N., R. 21 W.,
Sec. 1;
Sec. 3, SE¼;
Secs. 11, 13 and 23;
Sec. 25, N½, N½S½, N½SE¼SW¼.

PHX 078040

T. 6 S., R. 24 E.,
Sec. 32, E½NE¼.
T. 7 S., R. 29 E.,
Sec. 32, S½, NW¼, W½NE¼.
T. 8 S., R. 27 E.,
Sec. 2, S½.
T. 8 S., R. 28 E.,
Sec. 32, Lots 1, 2, 3, 4, N½S½, N½.
T. 9 S., R. 27 E.,
Sec. 31, E½.
T. 9 S., R. 28 E.,
Sec. 2.
T. 10 S., R. 27 E.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 36, NE¼, E½NW¼.

PHX 078041

T. 10 S., R. 28 E.,
Sec. 2;
Sec. 16, SE¼;
Sec. 32.
T. 10 S., R. 27 E.,
Sec. 16.
T. 9 S., R. 28 E.,
Sec. 16.
T. 8 S., R. 28 E.,
Sec. 13, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 17, NW¼NE¼, N½NW¼;
Sec. 18, S½NE¼, SE¼NW¼, E½SW¼.
T. 7 S., R. 28 E.,
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼.

PHX 078421

T. 3 S., R. 1 E.,
Sec. 16, S½NE¼, SW¼.

PHX 078971

T. 2 N., R. 7 W.,
Sec. 32, W½NE¼, NW¼.
T. 10 N., R. 10 W.,
Sec. 16, N½, NE¼SW¼.

PHX 079594

T. 10 S., R. 27 E.,
Sec. 32.
T. 10 S., R. 28 E.,
Sec. 16, N½, SW¼.
T. 8 S., R. 27 E.,
Sec. 3, SE¼SW¼.
T. 25 N., R. 14 W.,
Sec. 32, SW¼, NW¼NW¼.

PHX 080147

T. 40 N., R. 4 E.,
Sec. 36.
T. 40 N., R. 5 E.,
Sec. 32.

PHX 080325

T. 11 S., R. 31 E.,
Sec. 28, SW¼, S½NW¼;
Sec. 32, N½NE¼.

PHX 080535

T. 23 S., R. 28 E.,
Sec. 11, N½NW¼.

PHX 080624

T. 3 S., R. 1 E.,
Sec. 36, Lots 1, 2, 3, W½, W½E½.
T. 7 S., R. 3 E.,
Sec. 2, Lot 1, SE¼NE¼.

PHX 080625

T. 7 S., R. 1 E.,

Sec. 36, N½, W½SW¼, NE¼SW¼.
T. 8 S., R. 1 E.,
Secs. 2, 10, 32 and 36.

PHX 080641

T. 16 N., R. 10 W.,
Sec. 7, E½NE¼.
T. 20 N., R. 20 W.,
Sec. 35, NW¼, W½NE¼.
T. 22 N., R. 18 W.,
Sec. 11, NE¼, S½;
Sec. 13, W½NW¼.
T. 23 N., R. 19 W.,
Sec. 5, S½SW¼;
Sec. 9;
Sec. 11, NW¼NW¼;
Sec. 13, N½NW¼, NW¼NE¼.

PHX 080835

T. 9 S., R. 8 E.,
Sec. 2, SE¼, SE¼SW¼;
Sec. 11, NE¼NW¼, N½NE¼.

PHX 080894

T. 11 S., R. 27 E.,
Sec. 2, Lots 2 and 5 (formerly lot 4) and Lots 6 and 7 (formerly S½NW¼).
T. 11 S., R. 30 E.,
Sec. 1, Lots 3 and 4.

PHX 080918

T. 24 N., R. 21 W.,
Sec. 15, SW¼;
Sec. 23, E½NW¼, NE¼, S½;
Sec. 25, N½NE¼.

PHX 081048

T. 23 N., R. 19 W.,
Sec. 13, SW¼SW¼.
T. 24 N., R. 21 W.,
Sec. 35, W½SW¼, SE¼SW¼.

PHX 081229

T. 12 S., R. 29 E.,
Sec. 28, S½NW¼.
T. 14 S., R. 28 E.,
Sec. 16, SW¼SE¼.

PHX 081290

T. 16 N., R. 10 W.,
Sec. 7, SE¼, E½SW¼;
Sec. 19, N[illegible]¼.

PHX 081765

T. 5 N., R. 3 E.,
Sec. 1, SE¼NW¼, SE¼NE¼.

PHX 083307

T. 10 S., R. 27 E.,
Sec. 6, Lot 3.
T. 11 S., R. 27 E.,
Sec. 2, S½NE¼.
T. 11 S., R. 28 E.,
Sec. 2.

PHX 083682

T. 12 S., R. 30 E.,
Sec. 20, W½,
Sec. 28.
T. 14 S., R. 28 E.,
Sec. 16, SE¼SE¼.

AR 03249

T. 10 S., R. 28 E.,
Sec. 28, W½NE¼, NE¼SE¼, SE¼NW¼.

AR 016117

T. 12 S., R. 27 E.,
Sec. 22, S½S½;
Sec. 23, W½SW¼, NE¼SW¼, SE¼NW¼;
Sec. 27, NE¼NE¼, W½NE¼.
T. 12 S., R. 28 E.,
Sec. 5, Lots 1, 2, S½NE¼, SE¼.

AR 031141

T. 7 N., R. 7 W.,
Sec. 16.

AR 035244

T. 6 S., R. 8 E.,
Sec. 36, W½E½, Part E½E½ west of lands in Declaration of Taking No. Civ. 2319. Phx.

AR 035850

T. 17 N., R. 18 W.,
Secs. 19, 21, 27 and 29.
T. 17 N., R. 19 W.,
Sec. 25.

A 2213

T. 10 S., R. 28 E.,
Sec. 27, SW¼SW¼.

A 2116

T. 13 S., R. 31 E.,
Sec. 18, SE¼NW¼.

The areas described aggregate approximately 67,704 acres in Cochise, Coconino, Graham, Greenlee, Maricopa, Mohave, Pinal, Yavapai and Yuma counties.

2. The United States did not acquire the mineral rights on any of the lands described in paragraph 1 with the exception of the land described under Serial nos. PHX 081765, AR 077713, AR 031141, AR 035244, A 2213 and under Serial AR 03249 excepting an oil and gas reservation to the grantor.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 are hereby open to operation of the public land laws including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid application received at or prior to September 18, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–26383 Filed 9–9–81; 8:45 am]

BILLING CODE 4310–84–M

Baker District Advisory Council, Public Meeting

A public meeting will be sponsored by the Baker District Bureau of Land Management at 7:30 p.m. Tuesday, September 15, 1981 at the Community Center, 2610 Grove, Baker, Oregon.

The meeting is designed to provide information, gain public understanding and receive public comment on the consultation efforts to date between the Baker District and the users of the public lands prior to updating the draft Ironside Rangeland Program Summary—Record of Decision. The meeting will also provide an opportunity for consultation exchange with any interest group or individual who may yet want to discuss specific resource subjects on specific grazing allotments. The importance of resource monitoring and BLM-public land users responsibility and accountability for future resource trends and achievement of proper resource management will be emphasized.

The meeting precedes the Baker District Advisory Council meeting to be held at 9:00 a.m. Wednesday September 16, 1981 at the Federal Building, Baker, Oregon. Significant public comment in the Tuesday evening meeting will be taken to the Wednesday Advisory Council meeting.

For additional information contact Gordon R. Staker, District Manager, Bureau of Land Management, Baker, Oregon, phone 503–523–6391, New Federal Building, Baker, Oregon 97814.

Dated: August 31, 1981.

Gordon R. Staker,

District Manager.

[FR Doc. 81–26382 Filed 9–9–81; 8:45 am]

BILLING CODE 4310–84–M

Bureau; Change of Address

The current address of the building being occupied by the Bureau of Land Management, Colorado State Office is changed to read as follows: Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver, Colorado 80202.

This change is only to simplify the receiving of mail and will not affect filing periods, payments, applications or other documents which must still be timely filed in accordance with Title 43, Code of Federal Regulations, § 1821.2; 2–1; 2–2; and 1822.1; 1–1; 1–2.

George C. Francis,

Acting State Director.

[FR Doc. 81–26387 Filed 9–9–81; 8:45 am]

BILLING CODE 4310–84–M

Colorado; Amendment to White River Management Framework Plan for Coal

Notice is hereby given in accordance with Pub. L. 94–579, Section 603 and 43 CFR Parts 3400 and 1601, that the Bureau

of Land Management, Craig District Colorado, has applied the coal unsuitability criteria through the land use planning process. The results of this application are available for public comment as the Draft White River Management Framework Plan Coal Amendment Environmental Assessment (Draft WRMFP Coal Amendment EA). A separate set of appendices contains the legal descriptions of the lands involved by proposed classifications.

Public comment is invited on this environmental assessment of the application of the unsuitability criteria. Copies of the Draft WRMFP Coal Amendment EA and legal description appendices are available on request from the Official BLM Contact listed below. Please indicate if the Draft WRMFP Coal Amendment EA only or the Draft WRMFP Coal Amendment EA and the legal description appendices are being requested.

Comments on the Draft WRMFP Coal Amendment EA must be received by October 30, 1981, in order to be considered in the Final WRMFP Coal Amendment EA. Please address comments to the Official BLM Contact listed below.

Official BLM Contact: David Bray, Coal Coordinator, Bureau of Land Management, 455 Emerson Street, P.O. Box 248, Craig, CO 81626, or telephone (303) 824–8261.

Francis E. Noll,

Acting District Manager.

[FR Doc. 81–26388 Filed 9–9–81; 8:45 am]

BILLING CODE 4310–84–M

Oil and Gas Leasing; National Petroleum Reserve; Alaska Proposed Lease Form; Request for Public Comments

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed Oil and Gas Lease Form.

SUMMARY: This proposed lease form sets forth the terms and conditions under which oil and gas leases will be issued for lands within the National Petroleum Reserve in Alaska.

A specific oil and gas lease form for the National Petroleum Reserve in Alaska is needed because the Solicitor, Department of the Interior, has determined that the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514), provides new and independent authority for oil and gas leasing within the National Petroleum Reserve in Alaska and that the provisions of the Mineral Leasing Act of 1920 (30 U.S.C. 188 *et seq.*) are not applicable to oil and gas leasing in the National Petroleum Reserve in Alaska. Proposed rulemaking for implementing this Act was published July 22, 1981 (46 FR 37725).

The proposed form is tailored after, and includes several of the terms and conditions of, Form 3120–1, Oil and Gas Lease (Competitive Public Domain Lands). These terms and conditions involve the Secretary of the Interior's discretionary authority in connection with the granting of oil and gas leases in the National Petroleum Reserve in Alaska.

Changes in the form may be required in order to mirror any changes made to the final rules as a result of the comments received.

The public is invited to submit written comments and suggestions for improvements of this proposed lease form.

DATE: Comments by October 9, 1981.

ADDRESS: Comments and suggestions should be sent to: Director (530), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 3559 at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Marcia E. Rohn, (202) 343–7753.

Robert F. Burford,

Director.

United States Department of the Interior, Bureau of Land Management

Oil and Gas Lease (National Petroleum Reserve in Alaska)

This Indenture of lease, entered into, as of , by and between the United States of America, through the Bureau of Land Management, hereinafter called lessor, and hereinafter called lessee, under, pursuant, and subject to the terms and provisions of the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514), hereinafter referred to as the Act, the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504), and to all reasonable regulations of the Secretary of the Interior now or hereafter in force when not inconsistent with any express and specific provisions herein, which are made a part hereof.

Witnesseth:

Sec. 1. *Rights of lessee.*—That lessor, in consideration of rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, does hereby grant and lease to lessee, subject to the terms of this lease, the exclusive right and privilege to drill for, mine, extract, remove, and dispose of all the oil and gas deposits, including helium gas, in or under the following-described tracts of land situated in the National Petroleum Reserve in Alaska: containing acres, more or less, together with the right to construct and maintain thereupon all works, buildings, plants, waterways, roads, telephone lines, pipelines, reservoirs, tanks, pumping stations, or other structures necessary to the full enjoyment thereof, for a period of years, and so long thereafter as oil or gas is produced in paying quantities; subject to any unit agreement heretofore or hereafter approved by the Secretary of the Interior, the provisions of said agreement to govern the lands subject thereto where inconsistencies with the terms of this lease occur.

Sec. 2. In consideration of the foregoing, lessee agrees:

(a) *Bonds.*—To maintain at all times the bond required by regulation prior to the issuance of the lease, except that where there has been an approved designation of operator or agent or approved operating agreement, an operator's bond of equal coverage may be substituted for the lessee's bond.

(b) *Operations.*—Not to enter upon the lands for purpose of exploring and developing the leased lands without first obtaining an approved surface use plan and/or permit to drill in accordance with the oil and gas operating regulations 30 CFR 221 and any notice, order or generalized instructions in effect at the time the application for surface use plan and/or permit to drill is filed.

(c) *Wells.*—(1) To drill and produce all wells necessary to protect the leased land from drainage by wells on lands not the property of lessor, or lands of the United States leased at a lower royalty rate, or as to which the royalties and rentals are paid into different funds than are those of this lease; or in lieu of any part of such drilling and production, with the consent of the Director of the Geological Survey, to compensate lessor, in full, each month for the estimated loss of royalty through drainage in the amount determined by said Director.

(2) At the election of lessee, to drill and produce other wells in conformity with any system of well spacing or production allotments affecting the field or area in which the leased lands are situated, which is authorized and sanctioned by applicable law or by the Secretary of the Interior.

(3) Promptly, after due notice in writing, to drill and produce such other wells as the Secretary of the Interior may reasonably require in order that the leased premises may be properly and timely developed and produced in accordance with good operating practice.

(d) *Rentals and royalties.*—To pay rentals and royalties in amount or value of production removed or sold from the leased lands as set forth above.

(1) It is expressly agreed that the Secretary of the Interior may establish reasonable minimum values for purposes of computing royalty on any or all oil, gas, natural gasoline, and other products obtained from gas, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by lessee, to posted prices, and to other relevant matters and, whenever

appropriate, after notice and opportunity to be heard.

(2) When paid in value, such royalties on production shall be due and payable monthly on the last day of the month next following the month in which produced. When paid in amount of production, such royalty products shall be delivered in merchantable condition on the premises where produced without cost to lessor, unless otherwise agreed to by the parties hereto, at such times and in such tanks provided by lessee as reasonably may be required by lessor, but in no case shall lessee be required to hold such royalty oil or other products in storage beyond the last day of the month next following the month in which produced nor be responsible or held liable for the loss or destruction of royalty oil or other products in storage from causes over which he/she has no control.

(3) Rentals or minimum royalties may be waived, suspended, or reduced; and royalties on the entire leasehold or any portion thereof segregated for royalty purposes may be reduced if the Secretary of the Interior finds that, for the purpose of encouraging the greatest ultimate recovery of oil or gas and in the interest of conservation of natural resources, it is necessary, in his judgment, to do so in order to promote development, or because the lease cannot be successfully operated under the terms fixed herein.

(c) *Payments.*—To make rental payments to the Alaska State Office, Bureau of Land Management. Production royalties and advance royalties shall be paid to the Royalty Management Program, United States Geological Survey, P.O. Box 5760, Denver, Colorado 80217. All remittances owing to the Bureau of Land Management shall be made payable to the Bureau of Land Management, those to the Geological Survey shall be made payable to the United States Geological Survey. If there is no well on the leased lands capable of producing oil or gas in paying quantities, the lease shall terminate if the lessee fails to pay the annual rental in full on or before the anniversary date and such failure continues for more than 30 days after a notice of delinquent rental has been delivered to the lessee's record post office address.

(f) *Contracts for disposal of products.*—To file with the Regional Conservation Manager of the Geological Survey not later than thirty (30) days after the effective date thereof any contract or evidence of other arrangement for the sale or disposal of oil, gas, natural gasoline, and other products of the leased land: *Provided,* That nothing in any such contract or other arrangement shall be construed as modifiying any of the provisions of this lease, including, but not limited to, provisions relating to gas waste, taking royalty in kind, and the method of computing royalties due as based on a minimum evaluation and in accordance with the Oil and Gas Operating Regulations.

(g) *Statements, plats, and reports.*—At such times and in such form as lessor may prescribe, to furnish detailed statements showing the amounts and quality of all products removed and sold from the lease, the proceeds therefrom, and the amount used for production purposes or unavoidably lost; a plat showing development work and improvements on the leased lands; and a report with respect to stockholders, investments, depreciation, and costs.

(h) *Well records.*—To keep a daily drilling record, a log, and complete information on all well surveys and tests in a form acceptable to or prescribed by lessor of all wells drilled on the leased lands, and an acceptable record of all subsurface investigations affecting said lands, and to furnish them or copies thereof, to lessor when required. All information obtained under this paragraph, upon request of lessee, shall not be open to inspection by the public until the expiration of the lease.

(i) *Inspection.*—To keep open at all reasonable times for the inspection of any duly authorized officer of the Department, the leased premises and all wells, improvements, machinery, and fixtures thereon and all books, accounts, maps and records relative to operations and surveys or investigations on the leased lands or under the lease. All information obtained pursuant to any such inspection, upon request of lessee, shall not be open to inspection by the public until the expiration of the lease.

(j) *Diligence, prevention of waste, health and safety of workmen.*—To exercise reasonable diligence in drilling and producing the wells herein provided for unless consent to suspend operations temporarily is granted by lessor; to carry on all operations in accordance with approved methods and practices as provided in the Oil and Gas Operating Regulations, having due regard for the prevention of waste of oil or gas or damage to deposits or formations containing oil, gas, water, or other mineral deposits, for conservation of gas energy, for the preservation and conservation of the property for future productive operations and for the health and safety of workmen and employees; to plug properly and effectively all wells drilled in accordance with the provisions of this lease or of any prior lease or permit upon which the right to this lease was predicated before abandoning the same; to carry out at expense of lessee all reasonable orders of lessor relative to the matters in this paragraph, and that on failure of lessee so to do, lessor shall have the right to enter on the property and to accomplish the purpose of such orders at lessee's cost: *Provided,* That lessee shall not be held responsible for delays or casualties occasioned by causes beyond lessee's control.

(k) *Taxes and wages, freedom of purchase.*—To pay when due, all taxes lawfully assessed and levied under the laws of the State or the United States upon improvements, oil and gas produced from the lands hereunder, or other rights, property or assets of lessee; to accord all workmen and employees complete freedom of purchase, and to pay all wages due workmen and employees at least twice each month in the lawful money of the United States.

(l) *Equal Opportunity Clause.*—To comply with all provisions of E.O. No. 11246 of September 24, 1965, as amended, and the rules, regulations and relevant orders of the Secretary of Labor.

(m) *Certification of nonsegregated facilities.*—By entering into this lease, the lessee certifies that lessee does not and will not maintain or provide for lessee's employees any segregated facilities at any of lessee's establishments, and that lessee does not and will not permit lessee's employees to perform their services at any location, under lessee's control, where segregated facilities are maintained. The lessee agrees that a breach of this certification is a violation of the Equal Opportunity Clause in this lease. As used in this certification, the term "segregated facilities" means, but is not limited to, any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. Lessee further agrees that (except where lessee has obtained identical certifications from proposed contractors and subcontractors for specific time periods) lessee will obtain indentical certifications from proposed contractors and subcontractors prior to the award of contracts or subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity Clause; that lessee will retain such certifications of lessa's files; and that lessee will forward the following notice to such contractors and subcontractors (except where the proposed contractor or subcontractor has submitted identical certifications for specific time periods).

Notice to prospective contractors and subcontractors of requirement for certification of nonsegregated facilities.—A Certification of Nonsegregated Facilities, as required by the May 9, 1967 order (32 FR 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a contract or subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity Clause. The certification may be submitted either for each contract and subcontract or for all contracts and subcontracts during a period (i.e., quarterly, semiannually, or annually).

(n) *Assignment of oil and gas lease or interest therein.*—As required by 43 CFR 3135, to file for approval by the lessor any instrument of transfer made of this lease or any interest therein, including assignments of record title, operating agreements and subleases within ninety (90) days from date of final execution thereof.

(o) *Pipelines to purchase or convey at reasonable rates and without discrimination.*—If owner, or operator, or owner of a controlling interest in any pipeline or of any company operating the same which may be operated accessibile to the oil or gas derived from lands under this lease, to accept and convey and, if a purchaser of such products, to purchase at reasonable rates and without discrimination the oil or gas of the Government or of any citizen or company not the owner of any pipeline, operating a lease or purchasing or selling oil, gas, natural gasoline, or other products under the

provisions of the Act, under the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437, 30 U.S.C. Sec. 181 *et seq.*), or under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*).

(p) *Lands patented with oil and gas deposits reserved to the United States.*—To comply with all statutory requirements and regulations thereunder, if the lands embraced herein have been or shall hereafter be disposed of under the laws reserving to the United States the deposits of oil and gas therein, subject to such conditions as are or may hereafter be provided by the laws reserving such oil or gas.

(q) *Reserved or segregated lands.*—If any of the land included in this lease is embraced in a reservation or segregated for any particular purpose, to conduct oeprations thereunder in conformity with such requirements as may be made by the Director, Bureau of Land Management, for the protection and use of the land for the purpose for which it was reserved or segregated, so far as may be consistent with the use of the land for the purpose of this lease, which latter shall be regarded as the dominant use unless otherwise provided herein or separately stipulated.

(r) *Protection of the environment including the surface, other resources and improvements.*—To comply with the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321–4347), the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531–1543) and other relevant statutes, the oil and gas leasing regulations (43 CFR 3130) and the Oil and Gas Operating Regulations (30 CFR 221).

(1) *General.*—Lessee shall take such steps as required by the drilling permit, the attached stipulations, or the authorized officer to prevent activities or operations on the leased lands from: (i) causing or contributing to soil erosion and/or thermal erosion or damage to vegetative cover on Federal or non-Federal lands in the vicinity; (ii) polluting soil, air, or water; (iii) creating hazards to wildlife or depriving them of the use of the natural elements of their habitat; (iv) disturbing the surface or damaging areas of scenic value or natural beauty; (v) damaging or removing improvements owned by the United States or other parties; (vi) destroying, damaging, or removing fossils, historic or prehistoric ruins or artifacts; (vii) damaging, injurying, or harming harvestable resources; or (viii) depriving rural or native residents access to harvestable resources. Lessee shall, prior to the termination of bond liability or at any other time when required and in the manner affected by lessor, reclaim all lands the surface of which has been disturbed, dispose of all debris or solid waste, repair the offsite and onsite damage caused by lessee's activity or activities incidental thereto, rehabilitate access roads or trails and remove structures. Lessor may prescirbe, by stipulations to be subsequently included in this lease or through the authorized officer, the steps to be taken by lessee to protect or rehabilitate the environment both on and off the lands, and improvements thereon whether or not the improvements are owned by the United States.

(2) *Use of other resources.*—Mineral materials and water from public water reserves or water developed by the Bureau of Land Management or its lessees, licensees, or permittees, except water rights established under State law acquired by such lessees, licensees, or permittees, may be used only with advance authorization from and on terms and conditions imposed by the authorized officer.

(3) *Antiquities and objects of historic value*

(i) Lessee shall immediately bring to the attention of the authorized officer any and all American antiquities or other objects of historic or scientific interest including, but not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as a result of operations under this lease, and to leave such item(s) or condition(s) intact. Failure to comply with any of the terms and conditions imposed by the authorized officer with regard to the preservation of antiquities shall constitute a violation of the Antiquities Act (16 U.S.C. 431–433).

(ii) If the authorized officer determines that archaeological values exist or may exist on the lands within the lease and that they might be impaired by oil and gas operations, lessee will engage a recognized authority on archaeology acceptable to the Bureau of Land Management to survey and salvage, in advance of any operations, such values on the lands involved. The responsibility for and cost of this survey and salvage will be that of lessee.

(4) *Pollution Control.*—Lessee agrees that this lease is subject to all relevant pollution control legislation at the Federal, State, or local level. Such legislation includes, but is not limited to, the Clean Air Act, as amended (77 Stat. 392; 42 U.S.C. 1857, *et seq.*), the Refuse Act of 1899 (30 Stat. 1152; 33 U.S.C. 407–409), the Federal Water Pollution Control Act (62 Stat. 1155; 33 U.S.C. 1151–1161).

(5) *Joint Use of Facilities.*—Lessee agrees to participate in joint use of airstrips and other infrastructure facilities where the lessor deems it necessary to insure adequate environmental protection.

(6) *Stipulations.*—To comply with stipulations attached hereto which are made a part of the lease or the approved Application for Permit to Drill.

(s) *Deliver premises in case of forfeiture.*—To deliver up to lessor in good order and condition the land leased including all improvements which are necessary for the preservation of producing wells.

Sec. 3. The lessor reserves:

(a) *Easement and rights-of-way.*—The right to permit for joint or several use easements or rights-of-way, as may be nesessary or appropriate to the working of the same or of other lands containing the deposits described in the Act, and the treatment and shipment of products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes.

(b) *Disposition of surface.*—The right to lease, sell, or otherwise dispose of the surface of the leased lands under existing law or laws hereafter enacted or to dispose or any resource in such lands which will not unreasonably interfere with operations under the lease.

(c) *Monopoly and fair prices.*—Full power and authority to promulgate and enforce all orders necessary to assure the sale of the production of the leased lands to the United States and to the public at reasonable prices, to protect the interests of the United States, to prevent monopoly, and to safeguard the public welfare.

(d) *Taking of royalites.*—All rights to take royalties in kind or in value of production.

(e) *Casing.*—All rights to purchase casing and lease or operate valuable water wells.

Sec. 4 *Drilling and producing restrictions.*—It is agreed tht the rate of exploring and developing and the quantity and rate or production from the lands covered by this lease shall be subject to control in the public interest by the Secretary of the Interior, and in the exercise of his judgment the Secretary may take into consideration, among other things, Federal and State laws, and regulations issued thereunder, or lawful agreements among operators regulating either drilling or production, or both. After unitization, the Secretary of the Interior, or any person, committee, or State or Federal officer or agency so authorized in the unit plan, may alter or modify, from time to time, the rate of exploring and development and the quantity and rate of production from the lands covered by this lease.

Sec. 5. *Surrender of lease.*—Lessee may surrender this lease in whole or in part by filing a written relinquishment, in triplicate, with the Bureau of Land Management's Alaska State Office, which shall be effective as of the date of filing, subject to the continued obligation of lessee and his surety to make payment of all accrued rentals and royalties and to place all wells on the land to be relinquished condition for suspension or abandonment in accordance with applicable lease terms and regulations. If the lease is partially relinquished, neither the relinquished lands nor the retained lands shall be less than one full section.

Sec. 6. *Purchase of materials, etc., on termination of lease.*—Upon expiration, termination or relinquishment of the lease, lessee shall have the privilege at any time within a perio[illegible] of one year thereafter of removing from [illegible] premises all machinery, equipment, tools, and materials other than improvements needed for producing wells. Any materials, tools, appliances, machinery, structures, and equipment subject to removal as above provided, which are allowed to remain on the leased land, shall become the property of lessor on expiration of the one year period or such extension thereof as may be granted because of adverse climatic conditions throughout said period; *Provided*, That lessee shall remove any or all such property where so directed by lessor.

Sec. 7. *Proceedings in case of default.*—If lessee shall not comply with any of the provisions of the Act or the regulations thereunder or of this lease, or shall make default in the performance or observance of any of the terms hereof, this lease may be canceled or terminated. This provision shall not be construed to prevent the exercise by lessor of any legal or equitable remedy which lessor might otherwise have. Upon cancellation or termination of this lease, any casing, material, or equipment determined by

the lessor to be necessary for use in plugging or preserving any well drilled on the leased land shall become the property of lessor. A waiver of any particular cause of cancellation or termination shall not prevent the cancellation or termination of this lease for any other cause of cancellation or termination, or for the same cause occuring at any other time.

Sec. 8. *Heirs and successors in interest.*—It is further agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrator, successors, or assigns of the respective parties hereto.

Sec. 9. *Unlawful interest.*—It is also further agreed that no Member of, or Delegate to, Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, except as provided in 43 CFR 7.4(a)(1), shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and the provisions of Sec. 3741 of the Revised Statutes of the United States, (41 U.S.C. Sec. 22) as amended, and Secs. 431, 432, and 433, Title 18 U.S.C., relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

Sec. 10. *Special Stipulations.*—(a) Special stipulations deemed necessary and appropriate by the authorized officer for mitigating reasonably foreseeable and significant adverse impacts on the surface resources [ ] are [ ] are not attached hereto and made a part hereof.

(b) This lease [ ] does [ ] does not encompass lands within Special Areas and additional stipulations necessary to comply with Sec. 104 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504) [ ] are [ ] are not attached hereto and made a part hereof.

(c) The lessor reserves the right to impose additional stipulations for the purposes described in sections (a) and (b) of this paragraph at the same time of approval of the surface use plan and/or the drilling permit.

The United States of America

(Signature of Lessee) (Date)

By _____

(Authorized Officer)

[FR Doc. 81-26337 Filed 9-9-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-253

Decided: September 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fontier.

MC 80730 (Sub-6), filed August 27, 1981. Applicant: MAGNOLIA TRANSPORTATION CO., INC., 5121 Oates Road, P.O. Box 24458, Houston, TX 77013. Representative: Lester R. Gutman, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001, (202) 628-9243. Transporting *Mercer commodities*, between points in LA, TX, and MS, on the one hand, and, on the other, points in CA.

MC 119401 (Sub-1), filed August 27, 1981. Applicant: SPENCER TRANSFER, INC., P.O. Box 621, Petersburg, VA 23803. Representative: Calvin F. Major, 200 W. Grace St., P.O. Box 5010, Richmond. VA 23220, (804) 649-7591. Transporting *malt beverages*, (1) between points in VA and DE, and (2) between points in MD and PA, on the one hand, and, on the other, points in VA.

MC 120371 (Sub-16), filed July 22, 1981, previously published in the **Federal Register** on August 11, 1981. Applicant CENTRAL OKLAHOMA FREIGHT LINES, INC., 2945 North Toledo, Tulsa, OK 74115. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034, (405) 348-7700. Transporting *general commodities* (except classes A and B explosives), over regular routes (1) between Bartlesville, OK, and Odessa, TX: from Bartlesville over U.S. Hwy 75 to Tulsa, then over Interstate Hwy 44 to Oklahoma City, then over H. E. Bailey Turnpike to junction U.S. Hwy 277, then over U.S. Hwy 277 to Abilene, TX, then over Interstate Hwy 20 to Odessa, and return over the same route, serving all intermediate points; and (2) serving all points in OK as off-route points.

Note.—Applicant intends to tack the authority granted in this proceeding with its existing authority.

Note.—This republication includes the tacking statement.

MC 121470 (Sub-85), filed August 27, 1981. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 801 Cowan St., Nashville, TN 37207. Representative: Helen Jones (same address as applicant) (615) 244–7417. Transporting *metal products* and *commodities* which because of size or weight require the use of special equipment, between points in Washington County, VA, on the one hand, and, on the other, points in the U.S.

MC 133420 (Sub-6), filed August 26, 1981. Applicant: TRI-STATE TRANSPORT, INC., 1532 West Anaheim St., PO Box 2168, Long Beach, CA 90801. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209, (303) 320–6100. Transporting *machinery, building materials* and *transportation equipment,* between points in the U.S.

MC 144330 (Sub-94), filed August 26, 1981. Applicant UTAH CARRIERS, INC., 3220 N. Hwy 89, Layton, UT 84041. Representative: John T. Caine, 2568 Washington Blvd., Ogden, UT 84401, (801) 393–5367. Transporting *steel articles,* between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 156061 (Sub-1), filed August 26, 1981. Applicant LAND & SEA, INC., R. 6, Twin Falls, ID 83301. Representative: Timothy R. Stivers, PO Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Homestead Log Co., of Payette, ID and (2) Farmers Union Central Exchange, Inc., of St. Paul, MN.

MC 157200 filed July 17, 1981, previously published in the **Federal Register** on August 3, 1981. Applicant: ALL-SEASON ENTERPRISES, INC., 769 Fifth Ave., Brooklyn, NY 11232. Representative: Brian S. Stern, North Springfield Professional Center II, 5411–D Backlick Rd., Springfield, VA 22151, (703)–941–8200. Transporting (1) *such commodities* as are dealt in or used by grocery stores and food business houses, hardware, discount and department stores, between the facilities of Clorox Company and it subsidiaries located at points in CT, DE, IN, KY, ME, MD, MA, MI, NH, NJ, OH, PA, RI, VT, VA, WV and DC; and (2) *such commodities* as are dealt in or used by manufacturers or distributors of (a) *paper and related products,* (b) *plastic products,* (c) *containers and closures,* and (d) *metal products,* between points in, east and north of WI, IL, KY, IN, SC and NC.

Note.—This republication corrects the commodity description.

MC 157691 (Sub-1), filed August 26, 1981. Applicant: BLUE VELVET TRANSPORT, INC., 50 W. Broad, Columbus, OH 43215. Representative: James W. Muldoon (same address as applicant) (614) 464–4103. Transporting *such commodities* as are dealt in by manufacturers and distributors of (a) chemicals and related products, and (b) rubber and plastic products, between points in the U.S.

MC 157880 filed August 24, 1981. Applicant: MISSION PETROLEUM CARRIERS, INC., 3643 East Commerce, San Antonio, TX 78220. Representative: Mike Cotten, P.O. Box 1148 Austin, TX 78767, (512) 472–8800. Transporting *commodities in bulk,* between points in TX, NM, OK, AR, LA, MS, AL and TN, on the one hand, and, on the other, points in the U.S.

MC 157940, filed August 27, 1981. Applicant: KST CORP., 3640 West Crown St., Philadelphia, PA 19114. Representative: Barnett Satinsky, 2000 Market St., 10th Floor, Philadelphia, PA 19103 (215) 299–2088. Transporting *furniture and fixtures,* between points in the U.S., under continuing contract(s) with Jonns, Inc., and Jonns Contemporary, Inc., both of Montgomeryville, PA.

Volume No. OPY–2–168

Decided: September 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 138772 (Sub-10), filed August 26, 1981. Applicant: ALL WAYS FREIGHT LINES, INC., P.O. Box 2426, Kansas City, KS 66110. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting, over regular routes, *general commodities* (except classes A and B explosives), (1) between Junction City, KS and Lincoln, NE, over U.S. Hwy 77, serving all intermediate points, and (2) between Blaine and Junction City, KS: from Blaine over KS Hwy 16 to junction KS Hwy 13, then over KS Hwy 13 to junction KS Hwy 113, then over KS Hwy 113 to Manhattan, KS, then over KS Hwy 18 to Junction City, and return over the same route, serving all intermediate points.

MC 144832 (Sub-4), filed August 24, 1981. Applicant: JOE C. SIKES, d.b.a. GLENN-LEE TRUCKING CO., P.O. Box 281, Springfield, GA 31329. Representative: Michael P. Hines, Apt. C–6, Tumlin Woods, 235 Sycamore Dr., Athens, GA 30606. Transporting *pulp paper and related products, lumber and wood products, and building materials,* between points in AL, FL, GA, MS, NC, SC, and TN.

MC 155142, filed August 21, 1981. Applicant: SOBEK EXPEDITIONS INC., P.O. Box 7007, Angels Camp, CA 95222. Representative: Richard Shapiro (same address as applicant) (209) 736–2861. Transporting *passengers and their baggage* in the same vehicle with passengers, in vehicles having a capacity of 15 passengers or less, in special operations, between San Francisco and Los Angeles, CA, Salt Lake City, UT, Denver, CO, and Las Vegas, NV, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 157763, filed August 25, 1981. Applicant: PRESTO TRANSPORTATION, INC., P.O. Box 469, Peru, IL 61354. Representative: Gerald M. Hunter, 129 Walnut St., Oglesby, IL 61348, 815–883–3333. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with The Kelly-Springfield Tire Company, of Cumberland, MD.

MC 157912, filed August 25, 1981. Applicant: KRISTIN SHIPPING COMPANY, P.O. Box 2727, Birmingham, AL 35202. Representative: Walter M. Boyce (same address as applicant) (205) 325–7765. Transporting *pipe, fittings, valves, fire hydrants, castings, and magnesium impregnated coke,* between points in the U.S., under continuing contract(s) with American Cast Iron Pipe Company, of Birmingham, AL.

Volume No. OPY–4–352

Decided: September 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 56167 (Sub-10), filed August 14, 1981. Applicant: D. K. HERSHEY, INC., R. D. 5, P.O. Box 491A, Hanover, PA, 17331. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108 (717) 233–5731. Transporting *clay, concrete, glass or stone products,* between the facilities of Hanover Prest Paving Company, in Adams County, PA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, RI, SC, TN, VA, VT, WI, and WV.

MC 134616 (Sub-1), filed August 10, 1981. Applicant: KEARNEY'S TRUCKING SERVICE, INC., P.O. Box 264, Portland, PA 18351. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (717) 344–8030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under

continuing contract(s) with Whittaker Corp., of Los Angeles, CA.

MC 148576 (Sub 7), filed June 4, 1981, previously noticed in the **Federal Register** issue of June 22, 1981, and republished this issue. Applicant: DOTSON TRUCKING COMPANY, INC., 1220 Murphy Ave., SW., Atlanta, GA 30310. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411 D Backlick Rd. 22151 (903) 941–8200. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) chemicals and related products, and (b) *plastics and related products,* between points in the U.S.

Note.—The purpose of this republication is to delete the plant site restriction reflected in the prior notice.

MC 156076 (Sub-1), filed August 20, 1981. Applicant: ROLLER TRUCKING, INC., P.O. Box 379, Beebe, AR 72012. Representative: James M. Duckett, 221 West Second, Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *lumber and wood* products, between White County, AR and points in TN, LA, and TX.

MC 157836, filed August 21, 1981. Applicant: BASELINE COMPANY d.b.a. JIM SCHAUER, 5660 Gregory Road, Dexter, MI 48130. Representative: Paul M. Ross, 3104 S. Cedar Street, Lansing, MI 48910 (517) 394–4222. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Bell Equipment Company, of Troy, MI.

MC 157866, filed August 24, 1981. Applicant: TULTEX TRANSPORTATION, INC., P.O. Box 5191–A, Martinsville, VA 24115. Representative: Earnest W. Sams, P.O. Box 5191–A, Martinsville, VA 24115 (703) 632–2961. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Tultex Corporation, of Martinsville, VA, Dillard Paper Company, of Greensboro, NC, Chemway Corporation, of Charlotte, NC, Joan Fabric, of Lowell, MA, Don Calaman Company, Inc., of Martinsville, VA, Martin Processing, Inc., of Fieldale, VA, and Newell & Sons, Inc. of Roxboro, NC.

MC 157796, filed August 19, 1981. Applicant: OK WASTE HAULING SERVICE INCORPORATED, 100 Sunny Sol Blvd., Caledonia, NY 14423. Representative: Leonard A. Jaskiewicz, 1730 M St., N.W., Suite 501, Washington, DC 20036. Transporting *liquid and dry waste or scrap materials,* between points in the U.S.

MC 157876, filed August 24, 1981. Applicant: WRIGHT TRANS, INC., P.O. Box 4269, San Clemente, CA 92672. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306 (805) 872–1100. Transporting *such commodities as are dealt in or used by suppliers of abraisive cleaning materials and packing and foundry sands,* between points in the U.S., under a continuing contract(s) with C–E Cast Industrial Products, of Long Beach, CA.

Volume No OPY–4–353

Decided: September 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 34156 (Sub-10), filed August 24, 1981. Applicant: NIEDERT FREIGHT, INC., 7000 West 103rd St., Chicago Ridge, IL 60415. Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603 (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in IA, IL, IN, MI, MN, MO, and WI.

MC 102616 (Sub-1035), filed August 24, 1981. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Rd., Akron, OH 44313. Representative: David F. McAllister (Same address as applicant) (216) 867–8925. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Standard Oil Company (Ohio), of Cleveland, OH.

MC 139006 (Sub-32), filed August 24, 1981. Applicant: RAPIER SMITH, R.R. #5, Loretto Rd., Bardstown, KY 40004. Representative: William P. Whitney (same address as applicant) (502) 348–5159. Transporting (1) *food and related products,* (2) *motor oil,* and (3) *liquid cleaner,* between points in Lowndes County, MS, on the one hand, and, on the other, points in the U.S.

MC 157926, filed August 26, 1981. Applicant: SPARHAWK TRUCKING, INC., 130 25th Ave., South, Wisconsin Rapids, WI 54494. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256–7444. Transporting *such commodities* as are dealt in or used by manufacturers, converters, and printers of paper, paper products, and plastic products, between points in WI, on the one hand, and, on the other, points in AZ, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NV, NM, OH, OK, OR, TN, TX, UT, WA, and WY.

MC 152406 (Sub-4), filed August 25, 1981. Applicant: TEXAS WESTERN EXPRESS, INC., Suite 520, 301 NE Loop 820, Hurst, TX 76053. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103 (817) 332–4718. Transporting *food and related products,* between points in TX, OK, and KS, on the one hand, and, on the other, points in the U.S.

MC 154226, filed August 26, 1981. Applicant: T. COLEMAN EXPRESS, INC., 8613 River Rd., Amarillo, TX 79108. Representative: Barry Weintraub, 8133 Leesburg Pike, Suite 510, Vienna, VA 22180 (703) 442–8330.Transporting *food and related products,* between points in the U.S. under continuing contract(s) with John Morrell & Company, of Chicago, IL.

MC 133506 (Sub-1), filed August 25, 1981. Applicant: J & B TRANSPORTATION CO., INC., 2553 Gravel St., P.O. Box 18629, Fort Worth, TX 76118. Representative: Paul D. Angenend, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768 (512) 476–6391. Transporting (1) *metal products,* (2) *concrete products,* (3) *Mercer commodities,* and (4) *commodities* which because of their size or weight require the use of special equipment, between points in TX. Condition: Issuance of a certificate in this proceeding is subject to the prior or coincidental cancellation, at applicant's request, of Certificate of Registration No. MC 133506.

[FR Doc. 81–26378 Filed 9–8–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the

Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–254

Decided: September 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 157900, filed August 25, 1981. Applicant: ROBERTSON DRAYAGE CO., INC., 700 16th Street, San Francisco, CA 94107. Representative: S. S. Eisen, 370 Lexington Ave., New York, NY 10017 (212) 532–5100. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–351

Decided: September 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 156836, filed August 24, 1981. Applicant: MURRY JOHNSON, INC., Rt. 2, State Highway 38 and 140, P.O. Box 158, Widener, AR 72394. Representative: Earl Mills, Rt. 2, State Highway 38 and 140, P.O. Box 158, Widener, AR 72394. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157886, filed August 24, 1981. Applicant: NATIONWIDE FREIGHT, 15500 Phoebe Ave., LaMirada, CA 90638. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036 (202) 785–0024. As a broker of *general commodities* (except household goods), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 5331.

[FR Doc. 81–26377 Filed 9–9–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–151

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, Pa. 19106.

MC 142723 (Sub-II–2TA), filed August 31, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. *Toys and games, bicycles, tricycles and play balls,* between points in Carnegie, PA, on the one hand, and, on the other, points in the U.S., under a continuing contract or contracts with Milton D. Myer Company of Carnegie, PA for 270 days. Supporting shipper: Milton D. Myer Company, Rothesay Avenue, Carnegie, PA 15106.

MC 142723 (Sub-II–3TA), filed August 31, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. *Beverages and materials, equipment and supplies used in the manufacture and distribution of beverages* between Columbus, OH, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Shasta Beverages, Inc. of Columbus, OH for 270 days. Supporting shipper: Shasta Beverages, Inc., 4685 Groveport Road, Columbus, OH 43207.

MC 142224 (Sub-II–2TA), filed August 31, 1981. Applicant: CHARLES GAJDA

and CHESTER GAJDA, Co-partners, d.b.a. GADJA TRUCKING CO., R.D. 3, Volant, PA 16156. Representative: Sally A. Davoren, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Ores and minerals* between the facilities of Cametco, Inc. in Duquesne, PA, on the one hand, and, on the other, points in Boyd County, KY, for 270 days. Supporting shipper: Cametco, Inc., 201 Penn Center Blvd., Pittsburgh, PA 15235.

MC 136343 (Sub-II–27TA), filed August 31, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Food and Related Products* from the facilities of United Biscuit Co. of America, Grand Rapids, MI to points in the United States in and east of MN, IA, MO, AR and LA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: United Biscuit Co. of America, 7780 S. Division Avenue, Grand Rapids, MI 49508.

MC 146015 (Sub-II–26TA), filed August 31, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract;* Irregular, *general commodities* (except class A and B explosives) between points in and east of WI, IA, MO, TN, and MS, under continuing contract(s) with Consolidated Shippers of Mechanicsburg, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Consolidated Shippers, 6495 Carlisle Pike, Mechanicsburg, PA 17055.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 143304 (Sub-3–2TA), filed August 7, 1981. Applicant: BOBBY JOE BUSH d.b.a. AAA MOBILE HOME MOVERS, Post Office Box 569, Theodore, AL 36590. Representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. *Mobile Homes, buildings, building sections, modules, and parts and accessories thereto in initial and secondary movements,* between points in AL on and south of U.S. Highway 80, on the one hand, and, on the other, points in FL, GA, LA, MS, TN, and TX. Supporting shippers: Liberty homes, Inc., P.O. Box 145, Thomasville, GA 31792; Rhett Butler Mobile Home Sales, Inc., P.O. Box 848, Troy, AL 36081; Discount Mobile Home Sales, Brundidge, AL; DeRose Industries, Inc., P.O. Box 1076, Bainbridge, GA 31717; and Port City Mobile Home Sales, 65 S. Monterey Street, Mobile, AL.

MC 146601 (Sub-3–2TA), filed July 20, 1981. REPBULICATION—Originally published in **Federal Register** of July 29, 1981, Page 38771; Volume 46, No. 145. Applicant: POTEAT MOTOR LINES, INC., P.O. Box 2030, Hickory, NC 28601. Representative: Robert D. Hoagland, 1204 Cameron Brown Building, 301 S. McDowell St., Charlotte, NC 28204. *General commodities, except in bulk* between points in the states of CT, DE, MA, MD, NJ, NY, PA, RI, and the town of Manchester, NH on the one hand, and, on the other, GA, NC, SC, and VA. Applicant intends to interline at Hickory, NC. There are ten (10) supporting shippers' statements attached to this application, which may be examined at the ICC Regional Office in Atlanta, GA.

MC 148183 (Sub-3–15TA), filed August 6, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Mr. Jerry Gereghty, P.O. Box 432, Gainesville, GA 30503. *FOOD AND RELATED PRODUCTS, except in Bulk,* between Jefferson County, KY on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, TX. Supporting shipper: Louisville Freezer Center, P.O. Box 8387, 607 Industry Road, Louisville, KY.

MC 152620 (Sub-3–3TA), filed August 5, 1981. Applicant CUSTOMIZED TRANSPORTATION, INC., P.O. Box 40083, Jacksonville, FL 32203. Representative: John W. Carter (same address as applicant). *Contract carrier:* irregular: *Pneumatic tires and other automobile accessories* from the facilities of The Goodyear Tire & Rubber Co. at (1) St. Louis, MO to points in IL, IN, KY, and MO and (2) New Orleans, LA to points in LA and MS under a continuing contract(s) with The Goodyear Tire & Rubber Co. Supporting shipper: The Goodyear Tire & Rubber Co., 1144 E. Market St., Akron, OH 44316.

MC 141870 (Sub-3–1TA), filed August 6, 1981. Applicant DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, AL 36801. Representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. *Contract* Carrier irregular: *Food and kindred products and containers* from Santa Maria, Los Angeles, Burbank, Burlingame, Stockton, San Francisco and Chico, CA to Columbus, GA under contract(s) with Kinnet Dairies, Inc. Supporting shipper: Kinnet Dairies, Inc.; P.O. Box 35; Columbus, GA 31994.

MC 155337 (Sub-3–8TA), filed August 6, 1981. Applicant KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA 30188. Representative: C.W. Patrick (same address as applicant). *General Commodities, when moving on bills of lading of shippers associations* between the facilites of Greater Atlanta Shippers Association Inc. Atlanta, GA and points in the U.S. (except AK and HI) Supporting shipper: Greater Atlanta Shippers Association, Inc., 5720 Tulane Dr. SW., Atlanta, GA 30336.

MC 157586 (sub-3–1TA), filed August 7, 1981. Applicant: RICHARD PATTERSON, d.b.a. PATTERSON TRUCKING COMPANY, Route 6, Box 50, Brownsville, TN 38012. Representative: Richard Patterson (Same as above). *contract carrier,* irregular routes, *lawn and garden tractors, lawn edgers and shredders, recreational vehicles and parts and materials to manufacture these products,* between points in Haywood County, TN and Sunflower County, MS, under a continuing contract with Modern Tool and Die Co., Inc., Brownsville, TN. Supporting shipper: Modern Tool & Die Co., Inc., P.O. Box 319, Brownsville, TN 38012.

MC 157584 (Sub-3–1TA), filed August 7, 1981. Applicant: PIEDMONT GRADING & WRECKING COMPANY, INC., 3652 Beatties Ford Road, Charlotte, NC 28216. Representative: William F. Potts, Jr, 907 Cameron-Brown Building, Charlotte, NC 28204. *Heavy road construction equipment* between NC, SC, VA, WV, FL, GA, AL, MS, TN, KY, MD, PA, NY, NJ, DE, TX, LA and AK. Supporting shippers: L. B. Smith, Inc., 11425 Reames Road, Post Office Box 26725, Charlotte, NC 28213; Case Power and Equipment Co., 9326 Statesville Road, Post Office Box 26704, Charlotte, NC 28213; and Carolina Tractor and Equipment Company, Post Office Box 26665, Charlotte, NC 28213.

MC 154364 (Sub-3–2TA), filed August 5, 1981. Applicant: QUALITY TRANSPORT—a division of CAROLINA TRAILER RENTALS, INC., 3124 North Boulevard, Raleigh, NC 27604. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Contract carrier:* irregular: *general commodities (except classes A&B explosives),* between points in Wilson County, NC, on the one hand, and, on the other, points in TX and OK under continuing contract(s) with Firestone Tire & Rubber Company—North American Tire Group Division of Wilson, NC. Supporting shipper(s): Firestone Tire & Rubber Company—North American Tire Group Division of Wilson, NC. P.O. Box 1139, Wilson, NC 27893.

MC 146496 (Sub-3–11TA), filed August 5, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. St. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Thomas H. Davis, 5724 New Peachtree Rd., Chamblee, GA 30341. *Contract carrier;* irregular routes: *pneumatic rubber tires, tubes and related products* under continuing contract(s) with the B. F. Goodrich Tire Company between points in ME, VT, NH, MA, CT, RI, NY, DE, PA, NJ, MD, VA, NC and SC. Supporting shipper: The B. F. Goodrich Tire Company, 500 South Main Street, Akron, OH 44318.

MC 148392 (Sub-3–5TA), filed August 5, 1981. Applicant: SERVICE TRANSPORT, INC., P.O. Box 2749, Cookeville, TN 38501. Representative: Malcolm G. Floyd (same address as applicant). *General Commodities, except Class "A" and "B" explosives and hazardous waste* between Memphis, TN and Sparta, TN on traffic having a prior or subsequent movement in interstate or foreign commerce. Carrier to interline at Memphis, TN. Supporting shipper: There are 9 support statements attached to this application which may be examined at the Region 3 ICC Office, Atlanta, GA.

MC 148392 (Sub-3–3TA), filed August 5, 1981. Applicant: SERVICE TRANSPORT, INC., P.O. Box 2749, Cookeville, TN 38501. Representative: Malcolm G. Floyd (same address as applicant). *Clothing, NOI, in other than wheeled containers or hanging on hangers or racks, in boxes* between the plant site of Sutton Shirt Company, Sparta, TN and Memphis, TN on traffic having a prior or subsequent movement in interstate or foreign commerce. Carrier to interline at Memphis, TN. Supporting shipper: Sutton Shirt Corporation, P.O. Box 38, Sparta, TN 38583; Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 148392 (Sub-3–4TA), filed August 5, 1981. Applicant: SERVICE TRANSPORT, INC., P.O. Box 2749, Cookeville, TN 38501. Representative: Malcolm G. Floyd (same address as applicant). *General commodities, except Class "A" and "B" explosives and hazardous waste* between Knoxville, TN and Memphis, TN on traffic having a prior or subsequent movement in interstate or foreign commerce. Carrier to interline at Knoxville, TN and Memphis, TN. Supporting shipper: There are 8 support statements attached to this application which may be examined at the Region 3 ICC Office, Atlanta, GA.

MC 156778 (Sub-3–1TA), filed July 20, 1981, republication—originally published in **Federal Register** of August 3, 1981, page 39503, volume 46, No. 148. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome, GA 30161. Representative: Lyons J. Heyman, Jr. (same as above). *Contract* carrier: irregular: *Furniture, furniture parts, and the materials, supplies used in the manufacture, distribution and sales thereof,* between points in CA, TX, GA, and NJ. Supporting shipper: Universal Furniture Co., 2690 Pellissier Place, Whittier, CA 90601.

MC 156778 (Sub-3–2TA), filed July 20, 1981, republication—originally published in **Federal Register** of August 3, 1981, page 39503, volume 46, No. 148. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome, GA 30161. Representative: Lyons J. Heyman, Jr. (same as above). *Contract* carrier: irregular: *Textile products and the materials and supplies used in manufacture, distribution, and sales thereof,* between points in GA, AL, MS, LA, TX, NM, AR, SC, TN, and CA. Supporting shipper: Trend Mills, Inc., P.O. Box 162, Rome, GA 30161.

MC 66746 (Sub-3–1TA), filed August 5, 1981. Applicant: SHIPPERS EXPRESS, INC., 1651 Kerr Dr., P.O. Box 8308, Jackson, MS 39204. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Contract carrier,* irregular routes. *Powered outdoor lawn and garden equipment and related accessories* between points in the U.S. under continuing contract(s) with Yazoo Manufacturing Co., Inc., Jackson, MS. Supporting shipper: Yazoo Manufacturing Co., Inc., P.O. Box 4449, Jackson, MS 39216.

MC 128502 (Sub-3–1TA), filed August 7, 1981. Applicant: JIMMY R. SHRUM and BOBBY SHRUM, d.b.a. SHRUM BROS. TRUCKING, P.O. Box 260, Lafayette, TN 37083. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, TN 37219. *Contract carrier,* irregular routes: *General Commodities (except classes A & B explosives)* between points in the U.S. under a continuing contract with Lafayette Manufacturing Company, Inc. of Lafayette, TN. Supporting Shipper: Lafayette Manufacturing Company, Inc., P.O. Box B, Lafayette, TN 37083.

MC 157529 (Sub-3–1TA), filed August 7, 1981. Applicant: NOLEN SISTRUNK INC., P.O. Box 169, Sebastopol, MS 39359. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Contract* carrier: irregular: *such commodities as are dealt in or used by manufacturers of feed, pesticides, animal and poultry health products, and feeders,* from the facilities of Moorman Mfg. Co. at or near Quincy, IL, to points in AL, AR, KY, LA, MS, and TN, under continuing contract(s) with Moorman Mfg. Co. of Quincy, IL. Supporting Shipper: Moorman Mfg. Co., 1000 North 30th Street, Quincy, IL 62301.

MC 142680 (Sub-3–6TA), filed August 5, 1981. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Representative: Virgil H. Smith, 74 Highway N., Box 245, Tyrone, GA 30290. *Lumber, Forest Products & Pallets,* (1) From MS to points in NC, SC, IL, MO, OH, IN, TN, KY, OK, and AL, (2) From AL to points in MS, LA, TX, AR, FL, OH, TN, KY, IN, MO, NC, SC, and OK, (3) From points in AL to Mobile and Baldwin Counties, AL for subsequent shipments by water, and (4) Between points in MS, AL, GA, and FL. There are ten (10) Supporting Shippers attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 156993 (Sub-3–1TA), filed August 7, 1981. Applicant: TAYLOR'S TRUCKING COMPANY, 1105 Pauline Avenue, Charleston, SC 29412. Representative: David Popowski, Post Office Box 1064, Charleston, SC 29402. *Contract Carrier,* irregular routes, *Wood based building products, including lumber, plywood, corestock, boards, panels or sheets with resin binder and materials, equipment and supplies used in the manufacture, sale and distribution thereof* between Charleston, SC and Orangeburg, SC, for shipments having a prior or subsequent movement by water, under a continuing contract with Champion International Corporation in order to serve Champion's facilities at or near Orangeburg, SC. Supporting Shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 152664 (Sub-3–4TA), filed August 7, 1981. Applicant: TOMBIGBEE TRANSPORT CORPORATION, P.O. Box 412, Industrial Park, Adamsville, TN 38310. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Piece goods* from points in NC, SC and VA to facilities of Master Slack Corp. at or near Bolivar and Ripley, TN. Supporting Shipper: Master Slack Corp., P.O. Box 226, Bolivar, TN 38008.

MC 157292 (Sub-3–1TA), filed August 6, 1981. Applicant: UNITED TANK ERECTION CORP., P.O. Box 25351, 7900 Pence Rd., Charlotte, NC 28212. Representative: William J. Baird (same address as applicant). *Steel tanks and other steel related products, fabricated machinery, and materials to manufacture any of the fore-mentioned,* between NC, and points in SC, GA, AL,

MS, LA, FL, TX, AR, KY, TN, IN, OH, VA, WV, MD, DE, PA, DC. Supporting shippers: Fabricated Products, Inc., 7900 Pence Rd., Charlotte, NC 28212, and Consolidated Fabricators, Inc., 1610 Woodhurst Lane, Albemarle, NC 28001.

MC 154103 (Sub-3–10TA), filed August 27, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Expanded Metal Products and Fabricated parts for lawn furniture,* from the facilities of Metalex, Inc. at Libertyville, IL, on the one hand, on the other, to points in the U.S. Supporting shipper: Metalex, Inc., 1530 Artaius Parkway, Libertyville, IL 60048.

MC 154103 (Sub-3–11TA), filed August 27, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Copper, brass or tin anodes,* from the facilities of Univertical Corp. at Detroit, MI, on the one hand, and, on the other, to points in the U.S. in and east of ND, SD, NE, OK, and TX. Supporting shipper: Univertical Corp., 14841 Meyers Road, Detroit, MI 48827.

MC 154103 (Sub-3–12TA), filed August 27, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Automotive parts and accessories,* from the facilities of Perfection Automotive Products Corp., at Livonia, MI, on the one hand, and, on the other, to points in the U.S. Supporting shipper: Perfection Automotive Products Corp., 12445 Levan Road, Livonia, MI 48150.

MC 154103 (Sub-3–13TA), filed August 27, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Tar Tape,* from the facilities of Tape Coat at Evanston, IL, to points in the U.S. Supporting shippers: Tape Coat, 1523 Lions, Evanston, IL 60204.

MC 154103 (Sub-3–14TA), filed August 28, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Edible flour, chemicals, bread making compounds, spices, dry egg substitute, milk powder,* from the facilities of Roland Industries at St. Louis, MO, to points in the U.S. Supporting shipper: Roland Industries, Inc., 2280 Chaffee Drive, St. Louis, MO 63141.

MC 154103 (Sub-3–15TA), filed August 28, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Rubber inner tubes, rubber snap-in valves,* from the facilities of Cupples Company at St. Louis, MO, to points in the U.S. Supporting shipper: Cupples Company, 9430 Page Ave., Box 8430, St. Louis, MO 63132.

MC 154103 (Sub-3–16TA), filed August 28, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Cast iron, deep well water pumps, water pumps, irrigation equipment,* from the facilities of Layne and Bowler at Memphis TN, to Twin Falls ID, New Orleans LA, Alexandria MN, Kearney NE, Lubbock TX. Supporting shipper: Layne and Bowler, 1993 Chelsea Ave., Memphis, TN 38108.

MC 154103 (Sub-3–17TA), filed August 28, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Plastic bottles, industrial bottles, plastic beverage bottles,* from the facilities of Sewell Plastic at Collierville TN, to Little Rock AR, Monticello AR, Kansas City KS, Holland MI, Kansas City MO, Malden MO, St. Louis MO, Springfield MO, Omaha NE, Charlotte NC, Arlington TX, and Dallas TX. Supporting shipper: Sewell Plastic, Inc., 89 Eastly St., Collierville TN 38017.

MC 154103 (Sub-3–18TA), filed August 28, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Contract carrier;* irregular routes; *Printed matter and the materials and supplies used in the manufacturing thereof,* between points in the U.S., under continuing contracts with R. R. Donnelley Printing Company, Gallatin, TN. Supporting shipper: R. R. Donnelley Printing Company, 801 Steam Plant Rd., Gallatin, TN 37066.

MC 143061 (Sub-3–10TA), filed August 28, 1981. Applicant: ELECTRIC TANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same as Applicant). *General commodities (except class A and B explosives),* between facilities used by the Sunbeam Corporation on the one hand, and, on the other, points in the US, except AK & HI. Supporting Shipper: Sunbeam Corporation 5200 Roosevelt Road, Chicago, IL 60650.

MC 117872 (Sub-3–2TA), filed August 28, 1981. Applicant: A. JOSEPH AND COMPANY, P.O. Box 4798, Jackson, MS 39216. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Glass beads, glass spheres and thermal plastic marking materials* between Rankin County, MS and points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY. Supporting shipper: Cataphote Div. of Ferro Corp.; 1001 Underwood Dr., Flowood, MS 39208.

MC 152193 (Sub-3–3TA), filed August 28, 1981. Applicant: REYNOLDS TRUCK LINES, INC., 215 Cherry Street, Madison, Tennessee 37115. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tennessee 37219. *Glass Tubing,* from points in Cumberland County, NJ and Wood County, WV to points in Sumner County, TN. Supporting Shipper: Reco Industries, Inc., 1303 Louisville Highway, Goodlettsville, TN 37072.

MC 147547 (Sub-3–5TA), filed August 28, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37217. *General commodities (except Classes A and B explosives),* (1) between the facilities of Industrial Lubricants Company, at or near San Antonio, TX, on the one hand, and, on the other, points in the U.S., (2) between the facilities of Damsky Paper Company, at or near Birmingham, AL, on the one hand, and, on the other, points in the U.S. Supporting shippers: Industrial Lubricants Company, 434 Riverside Drive, San Antonio, TX, 78220, Damsky Paper Company, 4 North 43rd Street, Birmingham, AL, 35222.

MC 149498 (Sub-3–11TA), filed August 27, 1981. Applicant: RIVER BEND TRANSPORTATION, INC., P.O. Box 5808, Pearl, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Contract carrier:* irregular routes; *Printed matter* between Alcorn County, MS, on the one hand, and, on the other, points in the United States under a continuing contract(s) with Hall of Mississippi, Corinth, MS. Supporting Shipper: Hall of Mississippi, 1 Golden Drive, Corinth, MS 38834.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 157857 (Sub-6–1TA), filed August 24, 1981. Applicant: BAKER RENTAL

AND SALES, INC., 1151 Baker St., Costa Mesa, CA 92627. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. *Contract Carrier,* Irregular routes: *Farm and construction equipment which, because of size and weight, require the use of special handling equipment, farm and construction machinery, Mercier Commodities, building, pipe and steam-fitting materials used in the construction of oil field refineries, water processing plants and pipeline construction,* between points in AZ, CA, CO, ID, GA, KY, MO, MS, NV, OR, TN, TX, WA, WY, VA, UT, and NM for 270 days. Supporting shipper: Brinderson Corp., Brinderson Plaza, 19700 Fairchild, Irvine, CA 92714; Case Power and Equipment, 7954 Daggettwood, San Diego, CA; Agee Agriculture Equipment Sales, Inc., 2022 S. Juniper, Escondido, CA.

MC 141431 (Sub-6–2TA), filed August 24, 1981. Applicant: CAL–VALLEY TRANSPORTATION, INC., 1315 E. Holt Blvd., Ontario CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Frozen fruits and vegetables* from (1) Anaheim, Atwater, Los Angeles, Modesto, San Jose, Turlock and Watsonville, CA; (2) Bear Lake and Decatur, MI; and (3) Lynden, WA, to points in the U.S. (except MT, ID, UT, NM, OK, LA, NC, SC, VA, WV, AK and HI), limited to service under contract with J. R. Wood, Inc., from J. R. Wood, Inc. facilities or cold storage warehouses used by J. R. Wood, Inc., for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: J. R. Wood, Inc., 7916 West Bellevue, Atwater, CA 95301.

MC 157289 (Sub-6–1TA), filed August 20, 1981. Applicant: HUNTERLINE TRUCKING LTD., 5121–46th Ave. S.E., Box 421, Salmon Arm, B.C. CN VOE 2T0. Representative: Robert G. Gleason, 1127–10th E, Seattle, WA 98102. *Lumber and lumber products,* between points of entry at the U.S.-Canadian International Boundary in WA, ID and MT and points in ID and MT for 270 days. An underlying ETA requesting 120 days authority has been filed. Supporting shippers: Taiga Wood Products Ltd., 4400 Dominion St., Burnaby, B.C., CN and Marathon Forest Products Ltd., 11533–154th Street, Edmonton, Alberta, CN.

MC 157858 (Sub-6–1TA), filed August 24, 1981. Applicant: NICK OLIVAS, d.b.a. OLIVAS TRUCKING, 833 Mt. Taylor Ave., Grants, NM 87020. Representative: NICK Olivas (same as applicant). *Coal;* from Arroyo Mine No. 1, Sandoval County, NM to Douglas, AZ and Amarillo, TX for 270 days. an underlying ETA seeks 120 days authority. Supporting shipper: Page Mill Energy Corporation, Star Route Box 16B, Bernalillo, NM 87004.

MC 144572 (Sub-6–32TA), filed August 25, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. B. G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717–17th St., Denver, CO 80202. *Plumbing fixtures,* from Alliance, OH, and Nevada, MO, to Chicago, IL; Denver, CO; Los Angeles, CA; Minneapolis, MN; Omaha, NE; Portland, OR; Seattle, WA; and points in TX, for 270 days. Supporting shipper: Crane Co., 14909 Gaskill Dr., Alliance, OH 44601.

MC 152609 (Sub-6–4TA), filed August 24, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., P.O.B. 1248, Lake Oswego, OR 97034. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210. *Contract carrier,* Irregular routes: (1) *paper and paper articles* and (2) *materials and supplies* used in the manufacture and distribution of paper and paper articles, between the facilities of the Boise Cascade Corporation at or near Steilacoom, Vancouver and Walla Walla, WA; and Salem and St. Helens, OR, on the one hand, and, on the other, points in AZ, CO, ID, MT, NM, OR, UT and WA, for the account of the Boise Cascade Corporation, for 270 days. Supporting shipper: Boise Cascade Corporation, P.O.B. 1414, Portland, OR 97207.

MC 148737 (Sub-6–15TA), filed August 24, 1981. Applicant: SUNSET EXPRESS CORPORATION, P.O.B. 27043, Salt Lake City, UT. Representative: Michael A. Clark (same as applicant). *Sodium Bicarbonate, sodium carbonate, cleaning and scouring compounds, and raw materials* used in the production of the above, Between Church and Dwight Co, Inc, Near Green River, WY, and warehouse facilities at Clearfield and Salt Lake City, UT, on the one hand, and, on the other, points in UT, CA, OR, WA, MT, AZ, NV and ID, for 270 days. Supporting shipper: Church & Dwight Co., Inc., 20 Kingsbridge Rd., Piscataway, N.J. 08854.

MC 157902 (Sub-6–1TA), filed August 25,, 1981. Applicant: VANCO TRUCKING CO-OP, 2191 South 300 West, Salt Lake City, UT 84115. Representative: Larry A. VanWagoner, 3093 Bell Canyon Road, Sandy, UT 84092. *New furniture* (blanket wrapped and cartoned) between points in CA, UT, and ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are five statements of support which may be examined at the ICC regional office listed above.

MC 156988 (Sub-6–1TA), filed August 24, 1981. Applicant: CLIFFORD VAN DE BRAKE, Rt 3, B 3752, Hermiston, OR 97838. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210. *Malt beverages and wine,* from Van Nuys, Modesto, San Jose, and Ripon, CA to Pendleton, OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Umatilla Distributing Co., 322 S E 6th St., Pendleton, OR.

MC 143775 (Sub-6–33TA), filed August 25, 1981. Applicant: PAUL YATES, INC., 6601 W Orangewood, Glendale, AZ 85311. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW. Washington, DC 20001. *Contract;* irregular: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. under continuing contract(s) with United Freight for 270 days. Supporting shipper: United Freight, Inc., 1260 Southern Rd., Morrow, GA 30260.

MC 143775 (Sub-6–34TA), filed August 25, 1981. Applicant: PAUL YATES, INC., 6601 W Orangewood, Glendale, AZ 85311. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., NW. Washington, DC 20001. *Contract;* irregular: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. under continuing contract(s) with Distribution Services of America, Inc. for 270 days. Supporting shipper: Distribution Services of America Inc., 666 Summer St., Boston, MA 02210.

MC 113271 (Sub-6–10TA), filed August 24, 1981. Applicant: TRANSYSTEMS INC., P.O. Box 399, Black Eagle, MT 59414. Representative: Patrick W. Rice, P.O. Box 2644, Great Falls, MT 59403. *Foodstuffs,* from points in MT to points in WA, OR and CA, for 270 days. Supporting shipper: Waters Distributing Company, 1011 River Drive South, Great Falls, MT 59401.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26379 Filed 9–9–81: 8:45 am]

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[Volume No. 159]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 4, 1981.

The following restriction removal

applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application most follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning opeations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 8771 (Sub-82)X, filed August 25, 1981. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., Robert B. Walker, 915 Pennsylvania Bldg., 425—13th Street, N.W., Washington, DC 20004. Applicant seks to remove restrictions in its Sub-No. 68F certificate to (1) broaden the commodity description from road making machinery, machinery parts, contractors' equipment, commodities which because of size and weight require the use of special equipment and self-propelled vehicles each weighing 15,000 pounds or more to "machinery, contractors' equipment and commodities which because of size and weight require the use of special equipment"; (2) replace Mattoon, IL with Coles County, IL; (3) authorize radial authority to replace existing one-way authority; and (4) remove the except AK and HI restriction.

MC 38227 (Sub-11)X, filed August 26, 1981. Applicant: CRUTCHER TRANSFER LINE, INC., P.O. Box 8364, 600 Marret Avenue, Louisville, KY 40208. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6, 7 and 9 certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) provide service to all intermediate points, (3) remove restrictions against service to points in IN within the Louisville, KY commercial zone in Sub-No. 5, and (4) remove plant site restrictions to permit an unrestricted service at Campbellsville and Louisville, KY in Sub-No. 9.

MC 71452 (Sub-23)X, filed September 1, 1981. Applicant: INDIANA TRANSIT SERVICE, INC., 4300 West Morris Street, Indianapolis, IN 46241. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 6 and 12 certificates to (1) broaden its commodity descriptions to "general commodities (except classes A and B explosives)", from general commodities (with exceptions), in both certificates; and (2) in Sub-No. 6, change Weir-Cook Municipal Airport to Indianapolis, IN; and the restriction limiting transportation of shipments to those having a prior or subsequent movement by air-craft; and in Sub-No. 12, the weight restrictions.

MC 76677 (Sub-15)X, filed July 30, 1981, previously noticed in the FR of August 12, 1981, republished as follows: Applicant: HALLAMORE MOTOR TRANSPORTATION, INC., 795 Plymouth Street, Holbrook, MA 02343. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead and Sub-Nos. 8, 9, 10, 11, 12, 13F, letter notice E 1 (B) and (C), and that authority acquired and merged into applicant pursuant to MC-F-14455F as follows: (a) in the lead (1) delete the exceptions in its general commodities portion, except Classes A and B explosives; (2) authorize service to all intermediate points on its regular routes; (3) authorize county-wide service to off-route points: Rochester and Bourne, MA, to Plymouth and Barnstable Counties, MA; 26 cities in MA, to Plymouth, Norfolk, Bristol, Middlesex, and Suffolk Counties, MA; 4 cities in MA, to Suffolk, Middlesex, Norfolk, and Essex Counties, MA; and Whitman, MA, to Plymouth County, MA; (4) authorize two-way operations in lieu of one-way operations; (5) broaden the commodity description in the irregular route portion of the certificate, from coke, to "coal and coal products"; (6) remove seasonal service restrictions; (7) broaden Providence, RI to Providence, Bristol, and Kent Counties, RI and Bristol Counties, MA; (8) broaden Whitman and Brockton, MA to Plymouth, Norfolk, and Bristol Counties, MA; (9) broaden the territorial authority of Brockton, MA and points in MA within 35 miles of Brockton to Plymouth, Barnstable, Norfolk, Suffolk, Bristol, Essex, Middlesex, and Worcester Counties, MA; (b) in Sub-No. 8 (1) broaden the commodity description from road-building machinery, contractor's equipment, road-building contractor's materials and supplies, with restrictions, to "machinery, metal products, those commodities which because of their size or weight require the use of special handling or equipment, and commodities in bulk", and (2) remove in bulk, in tank vehicle restriction; (c) in Sub-No. 9 (1) broaden the commodity description from such commodities as heavy machinery, vaults, safes, and articles requiring specialized handling or rigging because of size or weight, to "machinery, metal products, and those commodities which because of their size or weight require the use of special handling or equipment"; (2) broaden the territorial authority of Boston, MA and points in MA within 50 miles of Boston, to Suffolk, Norfolk, Middlesex, Essex, Plymouth, Worcester, Bristol, and Barnstable Counties, MA; (d) in Sub-No. 10 (1) broaden the commodity description from road-building machinery and contractor's equipment which because of size or weight require special handling or the use of special equipment and road-building contractor's materials and supplies, with restrictions, to "machinery, metal products, those commodities which because of their size or weight require the use of special handling or equipment, and commodities in bulk"; (e) in Sub-No. 11 (1) broaden the territorial authority from Syracuse, NY and points in New York within 75 miles of Syracuse to Fulton, Delaware, Oswego, Broome, Chenango, Madison, Montgomery, Cortland, Onondaga, Cayuga, Tompkins, Tioga, Chemung, Steuben, Schuyler, Livingston, Wyoming, Monroe, Wayne, Ontario, Yates, Sehoharie, Seneca, Hamilton, Herkimer, Oneida, Lewis, Jefferson, and Oswego Counties, NY; (f) broaden the territorial authority from between Stratford, CT and points in CT within 75 miles of Stratford to state-wide authority of between points in CT, (g) in Sub-No. 13F (1) broaden the commodity descriptions from coolers, heat exchangers, condensors, equalizers, and parts, accessories, and attachments related thereto, and materials,

equipment, and supplies used in the manufacture, repair, distribution of said commodities, to "machinery, metal products, those commodities which because of their size or weight require the use of special handling or equipment"; (2) remove the in bulk restriction; and (3) remove facility restriction; and 4) authorize county-wide authority by substituting Cumberland County, ME in lieu of South Portland, ME; (h) in the authorities acquired in MC–F–14455F: (1) Sub-No. 51 part (2), broaden the commodity descriptions from sand, gravel, crushed stone, haydite, and cement, to "clay, concrete, glass or stone products"; (2) in Sub-No. 68, broaden the commodity description from self-propelled articles each weighing 15,000 lbs. or more and related machinery, tools, parts, and supplies, to "transportation equipment, machinery, metal products"; (3) in Sub-No. 70, broaden the commodity description from fly ash and fly ash pellets, to "clay, concrete, glass or stone products"; (4) in Sub-No. 79, broaden the commodity description from cryogenic tanks and parts, accessories, equipment, materials, and supplies, to "machinery, metal products, those commodities which because of their size or weight require the use of special handling or equipment," and remove the except in bulk limitation, (5) in Sub-No. 81, broaden the commodity description from farm equipment, and parts and accessories for farm equipment, farm machinery, and equipment, materials supplies to be used in the manufacture of farm equipment, to "machinery, metal products, transportation equipment" and remove the except in bulk limitation; (6) in Sub-No. 82, broaden the commodity description from chloride producing systems and parts and accessories, to "machinery and metal products"; (7) remove in bulk restrictions; (8) remove facility restrictions; (i) in its E–1 (B) and (C) to (1) broaden the commodity descriptions from road-building machinery and contractors' equipment, road-building contractors' materials and supplies when transported together with road-building contractors' machinery and equipment requiring specialized handling or rigging because of size or weight, to "machinery, metal products, those commodities which because of size or weight require the use of special handling or equipment, and commodities in bulk"; and (2) remove "in bulk" restrictions.

The purpose of this republication is to correct several inadvertent omissions.

MC 118202 (Sub-178)X, filed August 21, 1981. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, Winona, MN. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 6, 13, 14, 19, 23, 24, 25, 26, 28, 32, 33, 35, 38, 41, 43, 45, 48, 50, 52, 53, 57, 58, 61, 62, 65, 67, 68, 70, 71, 73, 76, 77, 80, 81, 82, 83, 85F, 86F, 91F, 98F, 99F, 103F, 104F, 105F, 110F, 111F, 113F, 116F, 117F, 118F, 119F, 121F, 122F, 131F, 133F, 135F, 136F, 137F, 138F, 139F, 144F, 145F, 146F, 147F, 149F, 150F, 152F, 153F, 155F, 157F, 158F, 159F, 160F and 161F certificates, and MC-135032 Sub-Nos. 6 and 13, acquired in MC-F-13567 to (1) broaden the commodity descriptions: (a) to "food and related products" from (i) meats, meat products, meat by-products, articles distributed by meat packinghouses and (ii) foodstuffs when transported in mixed loads with the commodities in (i) above in Sub-No. 4, from meat, meat products, meat by-products and articles distributed by meat packinghouses in Sub-Nos. 6, 19, 24, 26, 32, 48, 53, 65, 67, 70, 71, 76, 81, 82, 83, 85F, 86F, 99F, 105F, 146F, 157F, and 159F, from meat, meat products, meat by-products, articles distributed by meat packinghouses and dairy products in Sub-No. 33, from meat, meat products, meat by-products, articles distributed by meat packinghouses and foodstuffs in Sub-No. 61 and 110F, from meats, meat products, meat by-products, articles distributed by meat packinghouses and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers in Sub-No. 119F, from potato products in Sub-No. 23, from frozen potatoes and frozen potato products in Sub-Nos. 25, 45, 50, 62, and 68, from foodstuffs (except candy and cherries) in Sub-No. 35, from foodstuffs in Sub-Nos. 38, 116F, 133F, 135F, 144F and 145F, from foodstuffs and articles distributed by meat packing plants in Sub-No. 77, from preserved foodstuffs in Sub-No. 98F, from foodstuffs and materials equipment and supplies used in the manufacture and distrubution of gelatin products in Sub-No. 161F, from cheese and canned goods in Sub-No. 104F, from dairy products in Sub-Nos. 136F and 139F, from dairy products, except cheese, in Sub-No. 155F, from sauerkraut in Sub-No. 149F and from beverages in Sub-No. 158F; (b) to "textile mill products and waste or scrap materials not indentified by industry producing" from imported wool, wool tops and noils, wool waste (corded, spun, woven or knitted) and domestic wool in mixed shipments with important wool, wool tops, wool noils, or wool waste (carded, spun, woven or knitted) in the lead; (c) to "chemicals and related products" from (i) agricultural fermentation compounds and ingredients thereof, (ii) fertilizers and fertilizer ingredients, (iii) animal minerals and vitamins, (iv) supplies, signs and advertising materials used in the sale of (i), (ii) and (iii) above, and (v) commodities otherwise exempt under Section 203 (b) (6) of the Act when moving in mixed shipments with the commodities authorized in (i), (ii), (iii), and (iv) herein in Sub-No. 14; (d) to "chemicals and related products, rubber and plastic products, and waste and scrap meterials not identified by industry producing" from manufactured mulch in Sub-No. 28; (e) to "chemicals and related products " from agricultural chemicals in Sub-No. 41, from soda ash in Sub-No. 121F, from fertilizer in Sub-No. 137F and from toilet preparations and soap products in Sub-No. 160F; (f) to "food and related products, and furniture and fixtures" from confectionary products, benches, chalkboards, desks, sand boxes and tables in Sub-No. 43; (g) to "building materials" from plumbing supplies and accessories in Sub-No. 52 and from bathtubs and shower modules in Sub-No. 58; (h) to "building materials, furniture and fixtures" from electrical conduit, pipe, wire, cable, and electrial supplies, plumbing fixtures and supplies, water heaters and heating and airconditioning units and parts therefor and kitchen cabinet in Sub-No. 73, (i) to "petroleum, natural gas and their products, chemicals and related products and machinery" from petroleum and petroleum products, vehicle body sealer, sound deadener compounds and filters in Sub-Nos. 80 and 103F, (j) to "furniture and fixtures, and lumber and wood products" from new furniture, furniture parts, particleboard, laminate and hardboard laminate in Sub-No. 91F; (k) to "furniture and fixtures" from new furniture, crated in Sub-No. 113F, (l) to "such commodities used or dealt in by manufacturers of electronic equipment" from capacitors parts and components for capacitors and materials, equipment and supplies used in the maunfacture of capacitors in Sub-No. 111F; (m) to "pulp, paper and related products and printed matter" from paper, magazines and magazine sections in Sub-No. 116F; (n) to "metal products" from metal screws in Sub-No. 122F; (o) to "transportation equipment and textile mill products" from new motorcycle, in crates and yarn in MC-135032 Sub-No. 6; (p) to "food and related products" from cheese in MC-135032 Sub-No. 13; (q) to "food and related products, chemicals and related products and ores and minerals" from flour, animal and poultry feed and feed ingredients and animal and poultry

health products in Sub-No. 131F; (r) to "metal products and machinery" from wire and cable in Sub-No. 152F; and from such commodities as are used in the manufacture of valves and valve control systems in Sub-No. 153F; (s) to "rubber and plastic articles" from thermosetting and thermoplastic molding materials in Sub-No. 138F and from plastic containers in Sub-No. 150F; and (t) to "chemicals and related products, textile mill products, and rubber and plastic products" from chemicals and cleaning supplies in Sub-No. 57; (2) to change facilities to cities or counties and cities to counties as follows: from Nutley, NJ, Reedsburg, Janesville, and Appleton, WI, Cohoes, NY and Woonsocket, RI to Essex County, NJ, Sauk, Rock and Outagamie Counties, WI, Albany County NY and Providence County, RI in the lead; from facilities in Austin, MN to Mower County, MN in Sub-Nos. 4 and 77; from facilities in Joslin, IL to Rock Island, County, IL in Sub-Nos. 6, 82, 105F, and 146F, from Laredo, TX to Webb County, TX in Sub-Nos. 13 and 117F; from Carson City, NV to Carson County, NV in Sub-No. 14; from facilities in Wagner, SD to Charles Mix County, SD in Sub-Nos. 19 and 24; from Grand Forks, ND to Grand Forks County, ND in Sub-No. 23; from facilities in Clark, SD to Clark County, SD, in Sub-Nos. 25 and 45; from facilities in York, NE to York County, NE in Sub-No. 26; from Findlay, OH to Hancock County, OH in Sub-No. 28; from facilities in Fremont, NE, Fort Dodge and Algona, IA to Dodge County, NE, Webster and Kossuth Counties, IA in Sub-No. 32; from facilities in Sioux Falls, SD to Sioux Falls, SD in Sub-No. 33; from facilities in Beloit, WI to Rock County, WI in Sub-No. 35; from facilities in Grand Forks, ND to Grand Forks County, ND in Sub-No. 38; from facilities in Muscatine, IA to Muscatine County, IA, in Sub-No. 41; from facilities in Ottumwa, IA to Wapello County, IA in Sub-No. 48; from facilities at Fairmont, MN to Martin County, MN, in Sub-No. 50; from facilities at Plainview, NY to Nassau County, NY in Sub-No. 52; from facilities at Eau Claire and Chippewa Falls, WI to Eau Claire and Chippewa Counties, WI in Sub-No. 53; from Rosemount Township, MN to Dakota County, MN in Sub-No. 57; from Monroe, OH to Butler County, OH in Sub-No. 58; from facilities at Knoxville, IA to Marion County, IA in Sub-No. 61; from facilities at Sioux Falls, SD to Sioux Falls, SD in Sub-No. 62; from facilities at Storm Lake and Cherokee, IA to Cherokee and Buena Vista Counties, IA in Sub-No. 65; from facilities at National Stockyards, National City, IL to St. Clair County, IL in Sub-No. 67; from facilities in Eau Claire, WI to Eau Claire County, WI in Sub-Nos. 70 and 86F; from facilities in St. Louis, MO to St. Louis, MO in Sub-No. 71; from Maspeth, Yonkers, Hicksville, NY, Linden, New Brunswick and Edison, NJ, Pawtucket, RI, Moundsville, WV, Wheatland, PA, Plano, TX, Watertown, SD, Perrysville, OH, Kohler, WI, Chattanooga, TN and Norman, OK to Queens, Westchester and Nassau Counties, NY, Union and Middlesex Counties, NJ, Providence County, RI, Marshall County, WV, Mercer County, PA, Collin County, TX, Codington County, SD, Ashland County, OH, Sheboygan County, WI, Hamilton County, TN and Cleveland County, OK in Sub-No. 73; from facilities at Grand Island and Omaha, NE, Des Moines, Glenwood, Marshalltown and Sioux City, IA to Hall County and Omaha, NE, Mills, Polk, Marshall and Woodbury Counties, IA in Sub-No. 76; from Jasper, TN to Marion County, TN in Sub-No. 80; from facilities in South St. Paul to St. Paul, MN in Sub-No. 81; from facilities in Albert Lea, MN to Freeborn County, MN in Sub-No. 83; from Waterloo and Independence, IA to Black Hawk and Buchanan Counties, IA in Sub-No. 85; from Archbold and Stryker, OH to Fulton and Williams Counties, OH in Sub-No. 91F; from facilities at Pittsburgh, PA to Allegeny County, PA in Sub-No. 98F; from facilities in Denison, Carroll, Iowa Falls, Sioux City, Ft. Dodge and Des Moines, IA, Crete, Omaha and Lincoln, NE to Crawford, Carroll, Hardin, Woodbury, Webster and Polk Counties, IA, Saline and Lancaster Counties, and Omaha, NE, in Sub-No. 99F, from facilities in Warren County, MS to Warren County, MS in Sub-No. 103F; from Cokato, Faribault and Plainview, MN to Rice, Wabasha and Wright Counties, MN in Sub-No. 104F; from Austin and Owatonna, MN to Mower ankd Steele Counties, MN in Sub-No. 110F; from facilities at Ogallala and McCook, NE, Laredo, TX and Denver, CO to Keith and Red Willow Counties, NE, Webb County, TX and Denver, CO in Sub-No. 111F; from Arcadia, WI to Trempealeau County, WI in Sub-No. 113F; from facilities at Paw Paw, MI, Franklin, ME and Middleport, NY to Van Buren County, MI, Hancock County, ME and Niagara County, NY in Sub-No. 116F; from facilities at Biron and Stevens Point, WI, Chicago, IL, Waseca, MN, Denver, CO, Old Saybrook, CT, Atlanta, GA, Minneapolis, MN, Buffalo, NY, Gallatin, TN and Merrifield, VA to Wood and Portgage Counties, WI, Chicago, IL, Waseca County, MN, Denver, CO, Middlesex County, CT, Atlanta, GA, Minneapolis, MN, Buffalo, NY, Sumner County, TN, and Fairfax County, VA in Sub-No. 118F; from facilities in Britt and Mason City, IA to Hancock and Cerro Gordo Counties, IA in Sub-No. 119F; from Green River, WY to Sweetwater County, WY in Sub-No. 121F; from Decorah, IA, Thomaston and Willimantic, CT to Winneshiek County, IA, Litchfield and Windham Counties, CT in Sub-No. 122F; from Norwood, NJ, facilities in Winona, MN and Eau Claire, WI, Rochelle, IL, facilities at Blair, Fremont, Portgage and Madison, WI to Bergen County, NJ, Winona County, MN, Eau Clair County, WI, Ogle County, IL, Trempealeau, Waupaca, Columbia and Dane Counties, WI in MC–135032 Sub-Nos. 6 and 13; from Sioux City, IA, Hopkins and Mankato, MN to Woodbury County, IA, Hennepin and Blue Earth Counties, MN in Sub-No. 131F; from facilities at Hamlin, Holley and Williamson, NY to Orleans, Monroe and Wayne Counties, NY in Sub-No. 133F; from Austin, and Owatonna, MN, to Mower and Steele Counties, MN in Sub-No. 135F, from Green Bay, WI to Brown County, WI in Sub-Nos. 136F and 155F; from Maumee and Holland, OH to Lucas County, OH in Sub-No. 137F, from Orange, CA, Winona, MN and Delano, PA to Orange County, CA, Winona County, MN and Schuylkill County, PA in Sub-No. 138F; from facilities in Blair and Portgage, WI to Trempealeau and Columbia Counties, WI in Sub-No. 139F; from facilties at Menomonie, Cameron, Vesper, Wisconsin Rapids and Eau Claire, WI to Dunn, Barron, Wood, and Eau Claire Counties, WI in Sub-No. 144F; from St. Elmo, IL to Fayette County, IL in Sub-No. 145F; from facilities at Addison, TX to Dallas County, TX in Sub-No. 147F; from North Norwich and Ontario Center, NY to Chenango and Wayne Counties, NY in Sub-No. 1149F; form Port Clinton, OH to Ottawa County, OH in Sub-No. 150F; from Linden, NJ and facilities at Phoenix, AZ to Union County, NJ and Phoenix, AZ in Sub-No. 152F; from Marshalltown, IA to Marshall County, IA in Sub-No. 153F; from facilities at Rochell, St. Charles and Chicago, IL to Ogle and Kane Counties and Chicago, IL in Sub-No. 157F; from facilities at New Bedford, MA, Columbus, OH, Kansas City, KS, Union, NJ, Tampa, FL, Charlotte, NC and St. Louis, MO to Bristol County, MA, Columbus, OH, Kansas City, KS, Union County, NJ, Hillsborough County, FL, Mecklenburg County, NC and St. Louis, MO in Sub-No. 158F; and from facilities at Holcomb, KS to Finney County, KS in Sub-No. 159F; (3) change one-way to radial authority between the cities and

counties named above and points througout the U.S. in all certificates; (4) eliminate originating at and/or destined to restrictions in Sub-Nos. 4, 6, 14, 19, 23, 24, 25, 26, 32, 33, 35, 38, 41, 45, 48, 50, 53, 57, 61, 62, 65, 67, 68, 71, 77, 80, 81, 82, 83, 85F, 86F, 98F, 99F, 103F, 111F, 116F, 117F (part 3) 118F, 119F, 139F, 144F, 147F, 157F and 158F and MC-13502 Sub-No. 13; (5) eliminate restrictions against handling commodities in bulk or commodities in bulk in tank vehicles in Sub-Nos. 6, 19, 23, 24, 25, 26, 32, 33, 35, 38, 41, 48, 53, 61, 62, 65, 67, 68, 70, 71, 76, 77, 80, 81, 82, 83, 85F, 86F, 91F, 99F, 103F, 105F, 110F, 116F, 119F, 121F, 131F, 133F, 135F, 137F, 138F, 144F, 145F, 146F, 153F and 159F; (6) eliminate the exception of service to AK and HI in Sub-Nos. 14, 28, 91F, 138f and 144F; (7) eliminate the restriction to shipments having a prior or subsequent movement by rail in Sub-No. 19; and (8) elimiante the restriction against the transportation of hides in Sub-Nos. 6, 19, 24, 26, 32, 33, 35, 48, 53, 61, 65, 67, 70, 71, 76, 77, 81, 82, 83, 85F, 86F, 99F, 105F, 110F, 119F, 139F, 146F, and 159F.

MC 138134 (Sub-12)X, filed: August 21, 1981. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main Street Road, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Applicant seeks to remove restriction in its Sub-Nos. 1, 3, 5, 7 and 9 to (1) broaden the commodity description in Sub-No. 1 from silicon metal, manganese metal, ferro alloys, pig iron and scrap metal to "metal products"; in Sub-Nos. 3 and part (1) of 7 from corn products to "food and related products" and in Sub-Nos. 5 and 9 from calcium carbide to "chemicals and related products" and (2) broaden the territorial description to between points in the the United States, under continuing contract(s) with named shippers in all permits.

MC 138616 (Sub-2)X, filed: August 24, 1981. Applicant: CAMPOS DELIVERY SERVICE, INC., Four Voe Place, Monterey, CA 93940. Representative: Eldon M. Johnson, 650 California St., Suite 2802, San Francisco, CA 94108. Applicant seeks to remove restrictions in its Sub-No. 1 certificates to (1) remove exceptions to general commodities (except classes A and B explosives); (2) replace San Jose Municipal Airport with Santa Clara County, CA, in its lead; and San Francisco International Airport and Oakland International Airport with San Mateo County, CA and Oakland, CA in Sub-No. 1; and (3) remove restrictions requiring traffic to have an immediately prior or subsequent movement by air in both certificates.

MC 14045 (Sub-5)X, filed July 27, 1981, previously published in the Federal Register of August 18 and 28, 1981, republished as follows: Applicant: LOS ANGELES-YUMA FREIGHT LINES, INC., P.O. Box 4849, Kofa Station, Yuma, AZ 85364. Representative: Harold G. Hernly, Jr., 110 South Columbus Street, P.O. Box 1281, Alexandria, VA 22313. Applicant seeks to remove restrictions in its lead and in the operating rights acquired in No. MC–F–14601 to (1) broaden its commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) broaden the irregular-route authority from "between Yuma, AZ, on the one hand, and, on the other, points in Arizona between 30 miles of Yuma," to "between points in Yuma County, AZ" in the lead; (3) authorize service to all intermediate points on regular route authority in MC–F–14601; and (4) expand off-route point authority from "points within 25 miles of Hyder and Roll, AZ," to "points in Yuma and Maricopa Counties, AZ" in MC–F–14601, and expand the off-route points of Calexico, CA, and points on the Los Angeles and Los Angeles Harbor, CA commercial zones, and points in the Los Angeles and Los Angeles Harbor, CA commercial zones, and points on the indicated portions of specified highways to "points in Imperial, Los Angeles, Orange and Ventura Counties, San Bernadino and Riverside Counties and the Los Angeles Harbor Commercial Zone" in the lead.

MC 143775 (Sub-164)X, filed May 13, 1981, previously noted in the Federal Register of June 1, 1981, republished as follows: Applicant: PAUL YATES, INC., POB 1059, Glendale, AZ 85301. Representative: O. Paul Yates (same address as above). Applicant seeks to remove restrictions in 14 of its certificates. This Board previously broadened these authorities by (1) expanding the general commodity descriptions; (2) removing vehicle restrictions, restrictions limiting service to shipments moving on freight forwarder bills of lading, originating at and destined to restrictions, and the AK and HI restrictions; (3) replacing city-wide authority with counties and (4) expanding one-way authorization to two-way radial operations. Applicant also sought to remove facilities restrictions limiting service to the transportation of goods moving from the facilities of named shipper associations at unspecified locations in Sub-Nos. 82, 100, 103, and 146. This was proper under the restriction removal rules, as these constitute restrictions on general commodities service, but the Board through administrative oversight failed to include these restrictions among those to be removed in the original Federal Register caption summary. Notice is hereby given that applicant seeks to remove shipper association restrictions where they appear in the above-referenced certificates.

MC 145494 (Sub-14)X, filed August 31, 1981. Applicant: EDINA CARTAGE CO., P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. Distefano, Jr., Esq., 1101 Wheaton Avenue, P.O. Box 269, Millville, NJ 08332. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from plastic and burlap articles to "plastic and textile products"; (2) replace authority to serve named facilities with authority to serve Newark, NJ; (3) Broaden the territorial description from one-way authority to radial authority; and (4) remove the "AK and HI" exceptions on its nationwide authority.

MC 147771 (Sub-4)X, filed: August 21, 1981. Applicant: RALPH J. MARQUARDT & SONS, INC., P.O. Box 1040, Yankton, SD 57078. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its MC–147771 Sub-No. 3 certificate and MC–148144 Sub-No. 1F permit to (1) broaden the commodity descriptions as follows: to "food and related products" from meats, meat products and meat by products, and articles distributed by meat packinghouses in Sub-No. 3; to "metal products" from aluminum in Sub-No. 1F; (2) remove the "commodities in bulk and hides" restriction in Sub-No. 3; (3) remove the plantsite restriction in Sub-No. 3; (4) remove the "originating at and destined to" restriction in Sub-No. 3; (5) expand to Charles Mix County, SD, from Wagner, SD, in Sub-No. 3; (6) replace existing one-way authority with radial authority in Sub-No. 3; and (7) broaden the territorial description to authorize service between points in the U.S. under continuing contract(s) with a named shipper in Sub-No. 1F.

MC 148445 (Sub-8)X, filed: August 27, 1981. Applicant: WLD TRUCKING COMPANY, 4527 N. 16th Street, Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. Applicant seeks to remove restrictions in permit No. MC–143910 Sub-No. 4, acquired in MC–F–79013, to (1) remove the "in bulk" restriction from the commodity description and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 148907 (Sub-2)X, filed: August 31, 1981. Applicant: R. M. ORMES TRANSPORTATION, INC., 20 Atlantic Avenue, Woburn, MA 01801. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures" in both certificates; and (2) expand the territorial area of Brockton, MA and points within 25 miles thereof, to points in Plymouth, Norfolk, Bristol, Suffolk, Middlesex and Essex, Counties, MA, in Sub-No. 1.

MC 149546 (Sub-23)X, filed: August 19, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Bighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its Sub-No. 10 certificate to (1) broaden commodity description to: (a) "food and related products" from frozen meats, and sugar on sheet 6, and (b) "chemicals and related products" from materials and supplies used in the manufacture of paints and varnishes on sheet 7; (2) remove restrictions against the transportation of foodstuffs, and commodities in bulk in tank vehicles, and restricting service in specific containers and vehicles from authorities in paragraphs 15, 16, 17 and 19; (3) remove restrictions limiting service to (a) the transportation of traffic having a prior movement by water, (b) the transportation of traffic originating at and destined to the named origin and destination points, and (c) prohibiting the transportation of TOFC and COFC traffic, in paragraphs 15, 16, and 19; and (4) substitute radial authority in place of one-way authority in paragraphs 15, 16, 17, and 19.

MC 150060 (Sub-1)X, filed: August 28, 1981. Applicant: FLOYD DUNFORD, LTS., Box 381, Peterborough, Ontario, Canada K9J 6Z3. Representative: William J. Lavelle, Esq., 2310 Grant Building, Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its lead certificate to: (1) expand the commodity description from nepheline syenite, to "chemicals and related products"; (2) remove the restriction "in bulk, in tank vehicles"; (3) expand from ports of entry on the international boundary line between the United States and Canada located on the Niagara River in New York, to "ports of entry on the international boundary line between the United States and Canada located in New York"; (4) change city to county-wide authority: Knox, Parker and Marienville, PA, to Clarion, Armstrong and Forest Counties, PA; (5) remove the facilities restriction; and (6) change one-way to radial authority.

[FR Doc. 81-26392 Filed 9-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 395 (Sub-No. 1)]

Keokuk Northern Real Estate Co. and Keokuk Junction Railway Co.; Election of Exemption

September 3, 1981.

Ex Parte No. 395 (Sub-No. 1), Notice of Election of Exemption, filed August 26, 1981, by KEOKUK NORTHERN REAL ESTATE COMPANY (KNRECO) and KEOKUK JUNCTION RAILWAY (KJ). Representative: John D. Heffner, 700 Montgomery Building, 1776 K Street, Washington, DC 20006. KNRECO is an IA corporation which presently holds no operating authority. On August 19, 1981, KNRECO purchased 4 miles of abandoned railroad right-of-way and track formerly owned by the Chicago, Rock Island and Pacific Railroad Company in Keokuk, IA. The acquisition was exempt from our jurisdiction pursuant to 49 U.S.C. 10907. KNRECO intends to initiate rail service over the property through its affiliate KJ. Pursuant to 49 U.S.C. 10910(g) KNRECO and KJ have notified the Commission of their intent to exempt themselves from the acquisition and operation provisions of 49 U.S.C. 10901 and the securities provisions of 49 U.S.C. 11301. KNRECO and KJ have filed evidence of their financial responsibility.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26390 Filed 9-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29685]

Vermont Railway, Inc.; Exemption of Trackage Rights Over Boston and Maine Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 11343 the acquisition of trackage rights by Vermont Railway, Inc. (VTR) over a 4.95-mile segment of the Boston and Maine Corporation (B&M) between Hoosic Junction, NY, and White Creek, VT.

DATES: This exemption is effective 30 days following the date of publication in the **Federal Register.** Petitions for reconsideration of this decision must be filed no later than 20 days following this publication.

ADDRESSES: Send pleadings to: (1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423, and (2) Petitioners' representatives: Samuel Bloomberg, 2 Burlington Square, Burlington, VT 05406; Sidney Weinberg, 150 Causeway Street, Boston, MA 02114.

All pleadings should refer to Finance Docket No. 29685.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hansen (202) 275-7245.

SUPPLEMENTARY INFORMATION: VTR seeks to acquire trackage rights over B&M's Bennington Branch, which extends approximately 4.95 miles between Hoosic Junction, NY, where it connects with B&M's east-west main ine (the Fitchburg Line), and White Creek, VT, where it connects with VTR's north-south line extending from White Creek to Burlington, VT.

Currently, B&M and VTR interchange freight at the eastern terminus of the segment at White Oak three times a week. Under the proposal, the two carriers would perform a daily interchange at Hoosic Junction instead. VTR would assume responsibility for the operation and maintenance of the B&M Bennington Branch, on which no shippers or receivers of freight are located. Petitioners state that no employees will be adversely affected and that there will be no significant effect on competitors, shippers, or the environment.

The acquisition by a rail carrier of trackage rights over another rail line requires the Commission's prior approval under 49 U.S.C. 11343, in accordance with regulations established in *Railroad Acquisition, Control, Merger, Consolidation, Coordination Project, Trackage Rights and Lease Procedures,* 49 CFR Part 1111 (1979). See also *Railroad Consolidation Procedures,* 363 I.C.C. 200 (1980).

Pursuant to 49 U.S.C. 10505, we are empowered to exempt a transaction from this requirement if we find that (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a, and (2) either the transaction is of limited scope or regulation is not necessary to protect shippers from an abuse of market power. We believe the proposal satisfies the criteria of section 10505 and that the requested exemption should be granted.

This extension of VTR's routes by less than 5 miles will not allow an

appreciable expansion of VTR's service. It will simply continue an arrangement between VTR and B&M which has been in effect for some time. It will provide better service to the shipping public by substituting a daily interchange service between the two carriers for the present thrice-weekly arrangement. The proposal will clearly be beneficial to interstate commerce.

Our detailed scrutiny of the transaction is not necessary to carry out any of the 15 objectives listed in the rail transportation policy of section 10101a. Indeed, our exemption of this minor transaction from regulation will facilitate at least one of those objectives: to minimize the need for regulatory control and to require expeditious decisions when regulation is necessary. 49 U.S.C. 10101a(2).

Additionally, the transaction is of limited scope because (1) it involves only a small segment of track; (2) it will not result in significantly changed rail operations; and (3) it will not adversely affect railroad employees, other carriers, or the environment. Thus, having concluded that the transaction is of limited scope, we need not determine whether regulation is necessary to protect shippers from the abuse of market power. We note, however, that, since the exemption will improve an interchange operation which has been in effect for some time, it may actually have a benefical impact upon shippers.

In granting this exemption we may not relieve a carrier of its obligation to protect the interests of employees. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective conditions set forth in *Norfolk and Western Ry., Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified by *Medocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980), satisfy the statutory requirements for protection of employees involved in trackage rights transactions. Accordingly, these conditions are imposed here as a condition to exercise of this exemption.

This decision is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

It is ordered:

(1) We exempt VTR's acquisition of trackage rights over the B&M rail line from 49 U.S.C. 11343 subject to the employee protective conditions imposed in *Norfolk & Western Ry., Co.—Trackage Rights—BN,* 354 I.C.C. 650 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

(2) Within 60 days after this transaction is consummated, VTR and B&M shall submit three copies of a sworn statement showing all journal entries necessary to record the transaction.

(3) This exemption shall continue in effect for one year from the effective date of this decision. The parties must consummate the transaction during that time in order to take advantage of this exemption.

(4) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, *Federal Register,* for publication.

(5) This decision shall be effective 30 days following the date of publication in the **Federal Register.**

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register.**

(7) Petitions to reopen this proceeding for reconsideration must be filed no later than 20 days after the date of publication in the **Federal Register.**

Decided: September 2, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26391 Filed 9-9-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the Forty-Fifth meeting of the Board for International Food and Agricultural Development (BIFAD) on September 24, 1981.

The purpose of the meeting is to review the status of the visit of the Title XII team to Egypt, the CID/Yemen project, and A.I.D. Memoranda of Understanding with Universities; discuss A.I.D. university Strengthening Programs; and receive reports on activities of the Joint Committee on Agricultural Development (JCAD) and the Joint Research Committee (JRC), and (if ready) the A.I.D. response to the General Accounting Office (GAO) report on Title XII. The Board will also meet with the BIFAD Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:15 p.m. The location of the meeting had not been determined as of the publication of this notice; persons desiring this information should telephone (202) 632-7937. The meeting with the BIFAD Support Staff will begin at 1:30 p.m. and adjourn at 3:00 p.m. This meeting will be held in Room 2248, New State Department Building, 22nd and C Streets, NW, Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit.

Dr. Erven J. Long, Coordinator for Title XII Strengthening Grants and University Relations, Bureau for Science and Technology, Agency for International Development (A.I.D.), is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: September 4, 1981.

Erven J. Long,

A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 81-26449 Filed 9-9-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

Appointment of Individuals To Serve as Members of Performance Review Boards

AGENCY: International Trade Commission.

ACTION: Appointment of individuals to serve as members of Performance Review Boards.

SUPPLEMENTARY INFORMATION: The Chairman of the International Trade Commission has appointed the following Individuals to serve on the Commission's Performance Review Boards (PRB):

Chairman of PRB—Commissioner Michael J. Calhoun.
Member—Commissioner Catherine Bedell.
Member—Commissioner Paula Stern.
Member—Charles W. Ervin.
Member—E. William Fry.
Member—Lorin L. Goodrich.
Member—Norris A. Lynch.
Member—Michael H. Stein.

Notice of these appointments is being published in the **Federal Register**

pursuant to the requirement of 5 U.S.C. 4313(c) (4).

FOR FURTHER INFORMATION CONTACT: Terry P. McGowan, Director of Personnel, U.S. International Trade Commission (202) 523–0182.

Issued: September 3, 1981.

By order of the Chairman.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-26423 Filed 9-9-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–97]

Certain Steel Rod Treating Apparatus and Components Thereof; Commission Hearing on the Presiding Officer's Recommendation and on Relief, Bonding, and the Public Interest, and the Schedule for Filing Written Submissions

AGENCY: International Trade Commission.

ACTION: The scheduling of a public hearing and written submissions in investigation No. 337–TA–97, Certain Steel Rod Treating Apparatus and Components Thereof.

Notice is hereby given that the presiding officer has issued a recommended determination that there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the unauthorized importation into the United States and sale of a certain steel rod treating apparatus that is the subject of the Commission's investigation. Accordingly, the recommended determination and the record of the hearing have been certified to the Commission for review and a Commission determination. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

Commission Hearing: The Commission will hold a public hearing on October 14, 1981, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that a violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond during the Presidential review period in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties.

Oral Arguments: Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officer's recommended determination. That portion of a party's or an agency's total time allocated to oral argument may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, the Commission investigative attorney, and Government agencies. Any rebuttals will be held in this order: respondents, complainant, the Commission investigative attorney, and Government agencies. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

Oral Presentations on Relief, Bonding, and the Public Interest: Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of relief, bonding, and the public interest. This portion of the hearing is quasi-legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer, and may include the testimony of witnesses. Oral presentations on relief, bonding, and the public interest will be heard from the parties and government agencies in the same order as oral arguments on the recommended determination, followed by public interest groups and interested members of the public.

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare (2) competitive conditions in the U.S. economy (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

Time Limit for Oral Argument and Oral Presentations: Parties and Government agencies will be limited to a total of 30 minutes (exclusive of time consumed by questions from the Commission or its advisory staff) for making both oral argument on violation and oral presentations on remedy, bonding, and the public interest. Persons making only oral presentations on remedy, bonding, and the public interest will be limited to 10 minutes (executive of time consumed by questions from the Commission and its advisory staff). The Commission may in its discretion expand the aforementioned time limits upon receipt of a timely request to do so.

Written Submissions: In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. The complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or a proposed cease and desist order for the Commission's considertation. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, bonding, and the public interest. Written

submissions on the question of violation must be filed not later than the close of business on September 22, 1981; written submissions on the questions of remedy, bonding and public interest must be filed not later than the close of business on September 29, 1981. During the hearing, the parties may be asked to file posthearing briefs.

Written submission on Motion No. 97–54, Complainant's Motion for an Accelerated Hearing Schedule and Decision Prior to the End of October 1981.

In adopting the schedule set forth above, the Commission has considered Complainant's Motion for an Accelerated Hearing Schedule and Decision Prior to October 1981 (Motion No. 97–54), Respondents' Response in Opposition Thereto, and the Commission invetigative attorney's submission.

Motion No. 97–54 will be held in abeyance pending a future submission from the complainant. In the event that Complainant wishes to supplement Motion No. 97–54, the Commission requests a discussion of the following:

(1) Whether there is information showing a sufficient factual likelihood that the subject apparatus or any components thereof will be imported prior to December 1981?

(2) Whether there is any other remedial measure available, including the Commission'o power to issue a temporary exclusion order pursuant to section 337(e) of the Tariff Act of 1930, 19 U.S.C. 1337(e) or a cease and desist order pursuant to section 337(f) of the Tariff Act of 1930, 19 U.S.C. 1337(f)?

Notice of Appearance: Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by September 22, 1981.

Additional Information: The original copy and 11 true copies of all briefs on violation must be filed with the Office of the Secretary not later than September 22, 1981; the original copy and 11 true copies of all briefs on remedy, bonding and public interest must be filed with the Office of the Secretary not later than September 29, 1981. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. All documents or argumelnts containing confidential information granted in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of January 28, 1981. 46 FR 9263.

FOR FURTHER INFORMATION CONTACT: Warren Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

Issued: September 2, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–26422 Filed 9–9–81; 8:45 am]

BILLING CODE 1020–02–M

[Investigation No. 104–TAA–4]

Steel Units for Electrical Transmission Towers From Italy; Change of Date of Public Hearing

Notice is hereby given that the public hearing to be held in connection with United States International Trade Commission investigation No. 104–TAA–4, galvanized fabricated structural steel units for the erection of electrical transmission towers from Italy, will begin at 10 a.m., e.d.t., Friday, October 23, 1981, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E. Street, NW., Washington, D.C. A hearing date of October 7, 1981, had previously been announced in the Commission's notice of institution of the investigation as published in the **Federal Register** of July 15, 1981 (46 FR 36780). Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.d.t.) October 15, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10 a.m., e.d.t., on October 16, 1981, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed on or before October 16, 1981.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR 207), and Part 201, subparts A through E (19 CFR 201).

Issued: August 31, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–26424 Filed 9–9–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–30 (Final)]

Unrefined Montan Wax From East Germany

Determination

On the basis of the record [1] developed in investigation No. 731–TA–30 (final), the Commission unanimously determines, pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is materially injured by reason of imports from East Germany of unrefined montan wax, provided for in item 494.20 of the Tariff Schedules of the United States, which the Department of Commerce has determined to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective March 4, 1981, following a preliminary determination by the Department of Commerce that unrefined montan wax from East Germany is being, or is likely to be, sold in the United States at LTFV.

Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on March 25, 1981 (46 FR 18633). The hearing was held in Washington, D.C. on July 20, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

Our determination is based on the considerations set forth below.

Domestic industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that production." [1] "Like product" is defined

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[1] 19 U.S.C. 1677(4)(A).

as a product which is like, or in the absence of like, most similar in characteristics and uses with, the article under investigation.[2]

The imported product which is the subject of this investigation is unrefined montan wax from East Germany. Unrefined montan wax is a mineral wax distilled from lignite with the use of chemical solvents. There are five grades of the wax being imported into the United States at the present time. Four of the five grades of the imported wax are used primarily in the production of one-time carbon paper.

There are several domestic products which are like-product candidates with respect to the imported montan wax. The first is unrefined montan wax produced by American Lignite Products Co. (Alpco), of Ione, Calif. It, like the imported wax, is distilled from lignite with the use of chemical solvents and is used primarily in the production of one-time carbon paper. Alpco is the only domestic producer of this product in the United States. The other products are Bareco, Moore & Munger, Frye and Carnauba waxes.

The Moore & Munger, Frye, and Bareco waxes are modified microcrystalline waxes. They are produced from different raw materials, through a different production process than unrefined montan wax, and have a different chemical composition. Carnauba wax is a natural vegetable wax which is also derived from a different raw material, through a different production process than unrefined montan wax, and it also has a different chemical makeup.

It is clear from the hearing transcript that the substitutability of Carnauba wax for montan wax is not direct, but requires changes in the formula for the end product.[3] Moreover, there is not a large amount of subsitution of Carnauba was for unrefined montan wax because it is priced significantly higher.[4]

Although petroleum-based Bareco, Moore & Munger, and Frye waxes were priced competitively with Alpco's wax in 1979, by mid-1980 they were priced higher. Furthermore, substitution of these products for unrefined montan wax would require changes in the ink formulations and could affect the quality of the end product.[5]

For these reasons, we conclude that the would be substitutes are not sufficiently akin to the imported montan wax to be considered like products. We do find the montan wax produced by Alpco to be like the imported wax. Accordingly, since Alpco is the only domestic producer of the product which is like the unrefined wax from East Germany sold at less than fair value (LTFV), it comprises the domestic industry.

Section 771(4)(D) of the Act directs the Commission to assess the effect of dumped imports in relation to the U.S. production of a like product if available data permit the separate identification of that product in terms of such criteria as the production process or the producters' profits. In this investigation, however, the like product constituties almost all of production of the industry and, therefore, total industry data are considered to give an accurate reflection of the industry.

Material injury by reason of LTEV imports

Section 771(7) of the act directs the Commission to consider, among other factors, (1) the volume of imports of the merchandise under investigation, (2) their impact on domestic prices, and (3) the consequent impact on the domestic industry.[6]

Volume of imports.—Imports of unrefined montan wax from East Germany increased steadily from 1977 through 1980, with a substantial increase shown in 1980. This increase in imports reflected an effort to buildup inventories in anticipation of a dock strike in the fall 1980. However, the build-up continued through the end of the year, even after the threat of a dock strike had passed. Subsequently, there was a radical drop in the volume of imports in the first quarter of 1981, and then a substantial increase in the second quarter of 1981. Thus, in the period June 1980 through June 1981, imports increased not only in absolute volume, but also relative to U.S. consumption, with the ratio of shipments of imports to consumption reaching it highest level in the forth quarter of 1980. Overall, shipments of imports increased their share of the U.S. market by eight percentage points from 1977 through 1980. Despite a decline in the absolute volume of shipments of imports in the first six months of 1981, their share of the market increased by two percentage points when compared with the corresponding period in 1980.

Effect of LTFV imports on domestic prices.—Price comparisons were made between Alpco's type 1650 wax and the imported Romonta type 6715 wax. These two products were chosen for comparison because they are the two products used most often in the production of one-time carbon paper and are the two that compete most directly. In every quarter in the three and a half years in which the comparisons were made, the imported product undersold the domestic product by weighted average margins ranging from 9.3 percent to 24.2 percent.[7] In July-September of 1980, and again in January-March of 1981, the domestic producer lowered its price by 2.5 cents and 1.5 cents, respectively, in an attempt to compete with the imported wax. These price reductions during a period of increasing production costs, coupled with the large margins of underselling, are clear indications of price depression.

Evidence on lost sales was not overwhelming, however, one company cited as a lost sale substantially decreased its purchases of the domestic product and increased its purchases of the imported product citing price as a major factor in its decision. Other companies show increased purchases of the imported product while purchases of the domestic product remained stable.[8]

Impact on the domestic industry.—The economic indicators present a picture of a domestic industry in reasonably good health up until 1980. Production in the U.S. industry increased from 1978 to 1979 and the ratio of production to capacity during this time period was above 90 percent. Domestic shipments increased from 1978 to 1979 and inventories remained at a low level. Financial data provided by Alpco show that its gross profit increased from 1978 to 1979 as did its operating profit and net profit before taxes.

From 1980 to the present time, however, the economic indicators give clear evidence of an industry suffering material injury. Production declined in 1980 and again in the first six months of 1981. The ratio of production to capacity fell sharply, in part because of the decline in production, but also because of increaes in capacity resulting from the installation of new, more efficient equipment. Shipments of the domestic producer dropped substantially from 1979 to 1980, a trend that has continued in the first months of 1981. Inventories

[2] 19 U.S.C. 1677(10).
[3] Hearing Transcript at 138, 139, 149, and 150.
[4] Staff Report at A–38.
[5] Id. at A–39.
[6] Specific company-related data are confidential and cannot be discussed in this public document.
[7] Pricing information was also obtained on the substitute products. As mentioned earlier at the present time they are priced significantly higher than the unrefined montan wax and do not seem to be a depressing factor in the market.
[8] Chairman Alberger, Vice Chairman Calhoun, and Commission Stern also note that the price sensitivity of unrefined montan wax is difficult to determine. There is testimony that at least one purchaser was willing to switch with a price difference of only 1 cent a pound while others continued to puchase the domestic wax although it was being undersold by almost 10 cents a pound.

remained fairly low but show an increase at the end of June 1980. the time the effect of the injury first became apparent. In fact, by July of 1980, the producer indicates he had no more back orders and was forced to begin producing as the orders came in. Alpco reported a number of plant shut-downs in the period July-December of 1980. This drop in production and shipments had its effect on employment, which dropped substantially. Although some of this drop in employment may have been the result of the new, more efficient machinery, much of it attributable to the decline in production and shipments, and the consequent plant shut-downs.

Perhaps the most telling indication of material injury is in the financial experience of the domestic producer. In the accounting year ending on May 31, 1981, Alpco's net sales fell by almost 30 percent. Operating profit fell sharply in 1981 as did the operating profit margin. The company showed a pre-tax loss which resulted from declining sales and increased interest expense.

Alpco apparently first became aware of its declining orders in early 1980 and noticed the impact of the imports in June of 1980. This coincides with the time period when the margins of underselling were at their highest. During 1978 and 1979, prior to the period of Commerce's investigation, Alpco was producing at near capacity and doing so profitably. The margins of underselling declined only in January–March of 1981, when the average price of the domestic product was reduced, thus further aggravating Alpco's financial difficulties.

The respondent has argued that if there is any material injury suffered by the domestic industry, that this injury is due entirely to "vicissitudes unrelated to imports," namely, inefficiencies which were exacerbated by costs of solvents and natural gas, the high costs of raising money for investments, unwillingness to maintain higher inventories, the low wax content of its lignite, a transportation cost disadvantage, declining export sales and price competition from Carnauba wax. This view is not supported by the record in this investigation.

First, the domestic industry did have certain operating inefficiencies when it was purchased by the current owners in 1977. This was admitted by the petitioners at the hearing.[9] However, despite these inefficiencies Alpco was doing well in 1978 and 1979, while being undersold by an average weighted margin of approximately 13 percent. These admitted inefficiencies, themselves, therefore, did not seem to have an injurious effect although Alpco's new owners recognized them from the beginning and made substantial investments in new machinery to improve their efficiency. In late 1979 and in 1980, however, when Alpco should have been able to realize the benefits of its investments, the margin of underselling increased to more than 20 percent. Despite its efforts to be more efficient, the domestic producer was hit by substantial cost increases for energy and solvent. Its attempts to pass these costs on to its customers were thwarted by the low price of the imported product. In fact, petitioner was forced to roll back its prices. This price reduction did not increase sales, however, as the price of the imported product increased only slightly and the margin of underselling remained above 20 percent. The resulting drop in profitability had the effect of interfering with the ability of Alpco to raise the capital needed to make further investments in equipment to improve operating efficiencies, particularly with respect to energy usage.

As to respondents' argument that Alpco was unwilling to maintain high inventories, the company's ratio of production to capacity indicates that prior to 1980, Alpco was operating at more than 90 percent of capacity. Thus, it was producing and shipping almost as much as it could, with little product available for building inventories.

Higher transportation costs for shipping montan wax from California to carbon paper manufacturers, most of whom are located east of the Mississippi, place Alpco at a disadvantage when compared with the importer located in New Jersey. This disadvantage has been in effect, however, since Alpco's inception and whatever negative effect it may have had could not have been major since Alpco had no problem with declining sales prior to late 1979 and particularly 1980.

The legislative history of the Act indicates that the law does not contemplate that the cause of material injury from LTFV imports be weighed against other factors which may be contributing to over-all injury to the domestic industry. In this case, there are many factors which have contributed to the injury, but given the increasing volume of imports and the high margin of underselling, there is no doubt that these LTFV imports are a cause of material injury.

Issued: September 4, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-26425 Filed 9-9-81; 8:45 am]

BILLING CODE 7020-02

[9] Transcript, at 12.

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *ITT Rayonier, Inc.*, Civil Action No. C81-1009, has been lodged with the United States District Court for the Western District of Washington. The proposed consent decree requires the payment of $40,000 in settlement of all civil penalty claims asserted in the case for violation of the Clean Water Act, 33 U.S.C. 1251 *et seq.*

The Department of Justice will receive written comments on or before October 13, 1981. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *ITT Rayonier, Inc.*, (D.J. Ref. No. 90-5-1-1-685).

The proposed consent decree may be examined at the Office of the United States Attorney, Western District of Washington, 10th Floor, United States Courthouse, Seattle, Washington, 98104; at Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; and at the Environmental Defense Section, Land and Natural Resources Division, Department of Justice, Room 2644, 9th and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Defense Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General Land and Natural Resources Division.

[FR Doc. 81-26385 Filed 9-9-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-37]

Report, Recommendations, Responses; Availability

- **Highway Accident Report:** *Direct Transit Lines, Inc., Tractor-Semitrailer/*

Multiple-Vehicle Collision and Fire, U.S. Route 40, Frostburg, Maryland, February 18, 1981. (NTSB–HAR–81–3).—Following investigation of this accident, the Board on August 19 issued these recommendations to the Federal Highway Administration:

Maintain strict surveillance of Direct Transit Lines, Inc., and initiate appropriate enforcement action, if necessary, to ensure that all previous safety compliance violations are corrected. (Class I, Urgent Action) (H–81–44)

Initiate a legislative effort which would require lessors and/or contractors of motor vehicle equipment which is used for interstate commerce to comply with all applicable Federal Motor Carrier Safety Regulations. (Class II, Priority Action) (H–81–45)

• **Responses to NTSB Recommendations**

From the Federal Aviation Administration: **A–73–68 and A–74–5 (August 19).**—It is not now necessary to initiate rulemaking to update a technical standard order; TSO–C78 is being revised under a new process, and FAA will issue an advisory circular recommending that operators modify their protective breathing equipment (PBE) to the new TSO, specify who is responsible for furnishing PBE, and provide additional PBE for flight attendants. (44 FR 20516, 4–5–79)

A–81–63 and –64 (August 19).—JT9D engine and maintenance manuals have recently been revised to highlight arc burn inspection by addition of a caution note, thus obviating the need for an airworthiness directive. FAA has issued a maintenance bulletin instructing principal airworthiness inspectors to emphasize that operators use extreme caution with any electrical equipment in the vicinity of titanium alloy fan blades to minimize the possibility of arc burn. (46 FR 31950, 6–18–81).

A–81–69 (August 19).—FAA does not agree that an airworthiness directive is warranted. On July 18, 1981, FAA issued a General Aviation Maintenance Bulletin, Notice 8620.14, requesting field inspectors to advise operators who have not performed a maximum altitude acceleration and surge margin check since engine installation do so at the first opportunity, but no later than the next hot section inspection. General Electric Service Bulletin 72–140, which delineates FAA-approved stall margin recovery techniques, is also referenced in Notice 8620.14. Results of performance checks are to be reported to FAA. (46 FR 35588, 7–9–81)

A–81–70 (August 24).—FAA is evaluating the structural integrity of the aircraft nose cowl attachment hardware which interfaces with the engine forward "A" flange. FAA has received a preliminary proposal from Pratt & Whitney Aircraft to increase the structural capability of the rear fan case "B" flange by increasing flange shear strength and incorporating flange attachments bolts having greater strain energy capacity. (46 FR 40953, 8–13–81)

From the Federal Highway Administration: **H–80–21 through –23 (August 18).**—FHWA continues to research wet pavement accidents and has recently issued Technical Advisory T 5040.7, Skid Accident Reduction Program, providing additional guidance on recommended practices and including several uses of weather data. Studies and reports, completed or underway or planned, include: "Effectiveness of Alternative Skid Reduction Measures—Executive Summary" (Report No. FHWA–RD–79–21, Nov. 1978), "Pavement Surface Texture—Significance and Measurement," "Alternatives for the Optimization of Aggregate and Pavement Properties Related to Friction and Wear Resistance—Executive Summary" (Report No. FHWA–RD–79–107, Oct. 1978), "Predictor Models for Seasonal Variations in Skid Resistance," and "Determining Pavement Reflectivity for Roadway Lighting." Programmed for FY 1982 is a study of directional reflectivity characteristic of various roadway pavement types under a range of wetness conditions typically encountered in the United States. Various design treatments to improve visibility of lane guidance information during wet weather will be evaluated in a cost-benefit analysis. An index such as the Wet Fatal Accident Index has potential as a management tool whereby States can monitor accident experience for a specific area or site during wet weather, but FHWA does not plan to use such index on a nationwide basis to establish a ranking of States since any comparison between States could not be totally objective. (45 FR 18209, 3–20–80)

H–80–52 through –57 (August 18).—These recommendations call for significant program modifications, some requiring substantial regulatory changes. FHWA is considering regulatory changes to Federal-aid Highway Program Manual 6–2–4–3. (NTSB comments on FHWA's proposed rule (45 FR 24505) were forwarded on July 17, 1980.) (45 FR 79206, 11–28–80)

From the American Association of State Highway and Transportation Officials: **H–80–69 (August 21).**—AASHTO's Executive Committee has recently approved modification of its Traffic Barrier Task Force to broaden its scope to the entire roadside environment, and to include members from the Bridges and Structures as well as the Design Subcommittees. The 1977 "AASHTO Guide for Selecting, Locating and Designing Highway Barriers" may be updated, and AASHTO may participate in developing training materials on installing and maintaining highway safety appurtenances including barriers. (45 FR 79205, 11–28–80)

From the U.S. Coast Guard: **M–78–13 (August 19).**—USCG provides report, prepared jointly with the American Bureau of Shipping, on bottom planting damage and wear caused by groundings of Great Lakes bulk carriers. Data indicate that increase is not due to deeper draft operation but to the newer, larger, and higher-powered vessels with self-unloading features, capable of making more round trips per season in restricted waterways. (43 FR 38961, 8–31–78)

From the American Bureau of Shipping: **M–78–15 (August 20).**—See related USCG response, above. (43 FR 23772, 6–1–78)

From the American Gas Association: **P–81–16 (August 11).**—The 1981 Pipeline Research Summary provides an overview of current R&D, through AGA, of the natural gas transmission industry. Three current programs directed by AGA to nondestructive testing evaluations for pipeline integrity are: "Evaluation of AE Technology," "Stress Measurement in Buried Pipelines," and "Evaluation of Acoustic Emission Analyses." (46 FR 42373, 8–20–81)

From the Secretary of Transportation: **R–81–1 and –2 (August 4).**—Reaffirms nonconcurrence in proposing legislation to authorize the Secretary to regulate the safety of rail rapid transit systems which receive Federal financial assistance. Urban Mass Transportation Administration is now researching emergency preparedness and fire safety in rail rapid transit. (46 FR 25575, 5–7–81)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Dated: September 4, 1981.

Margaret L. Fisher,

Federal Register Liaison Officer.

[FR Doc. 81–26421 Filed 9–9–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Fluid Dynamics; Meeting

The ACRS Subcommittee on Fluid Dynamics will hold a meeting on September 24 and 25, 1981 at the Bellview Hotel, 505 Geary Street, San Francisco, CA. The Subcommittee will review plans for addressing resolution of issues associated with Mark III containment pool dynamic loads and the application of resolution of these issues to the Grand Gulf Nuclear Plant.

In accordance with the procedures outlined into the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangement can be made to

allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Thursday and Friday, September 24 and 25, 1981–8:30 a.m. until the conclusion of business each day*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, General Electric, Mississippi Power and Light, consultants to each, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: September 3, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–26451 Filed 9–9–81; 8:45 am]

BILLING CODE 1590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on metal Components; Meeting

The ACRS Subcommittee on Metal Components will hold a meeting on September 25, 1981, Room 1046, 1717 H Street, NW., Washington, D.C. The Subcommittee will discuss proposed criteria regarding failure modes/mechanisms for primary system piping and the performance of high strength bolts.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1981 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: Friday, September 25, 1981, 8:30 a.m. until the conclusion of buesiness.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Date: September 4, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–26452 Filed 9–9–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–317 and 50–318]

Baltimore Gas and Electric Co. Extension for Compliance With Certain Requirements of 10 CFR 50.48

By letter dated August 27, 1981, Baltimore Gas and Electric Company (the licensee) requested that the Nuclear Regulatory Commission (the Commission) grant an extension of time until October 15, 1981, for complying with certain of the requirements of § 50.48 of 10 CFR 50 (45 FR 76602, November 19, 1980).

This request is in connection with the licensee's need to postpone the date for operability of Automatic Fire Suppression in the Cable Spreading Rooms and Switchgear Rooms of Calvert Cliffs Units 1 and 2.

Pursuant to 10 CFR 50.48(d), the Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated August 27, 1981, and (2) the Director's letter to the licensee dated September 1, 1981.

Dated at Bethesda, Maryland, this 1st day of September, 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81–26453 Filed 9–9–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR–6, issued to the Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment authorizes changes to section 6.0—Administrative Controls, which includes the addition of a Shift Technical Advisor to the shift staffing requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act

of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 16, 1981 and its supplement dated July 1, 1981, (2) Amendment No. 46 to License No. DPR-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of September, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-26454 Filed 9-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-367 (Construction Permit Extension)]

Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear-1), Suspending Proceedings

September 1, 1981.

Upon consideration of Northern Indian Public Service Company's (NIPSCO's) motion of August 26, 1981 to terminate the proceeding, it this 1st day of September 1981.

Ordered

(1) That all further actions in this proceeding be suspended until the Board issues an order terminating the proceeding; and

(2) That NIPSCO have ten (10) days from the service of this Order to file its objection, if any, to the termination's being with prejudice and whatever reasons it may have for such objection.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman, Administrative Judge.

[FR Doc. 81-26455 Filed 9-9-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11928; 812-4919]

Eaton Vance Tax Free Cash Management Fund; Filing of Application

September 2, 1981.

In the matter of Eaton Vance Tax Free Cash Management Fund, 24 Federal Street, Boston, Massachusetts 02110 (812-4919).

Notice is hereby given that Eaton Vance Tax Free Cash Managment Fund ("Applicant"), registered under the investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on July 15, 1981, and an amendment thereto on August 20, 1981, requesting an order of the Commission pursuant to Section 6 (c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its assets pursuant to the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

According to the appplication, Applicant is a business trust organized under the law of Massachusetts. Applicant's investment objective is to seek liquidity and safety or principal and as high a rate of tax free income as is consistent with those aims. The Applicant will invest in high quality municipal instruments including municipal notes, project notes, municipal bonds and commercial paper and in high quality money market instruments. High quality, as defined in the application, means an investment in a security that has received either of the two highest ratings of any major rating service or, if the instrument is not rated, of comparable quality as determined by the Applicant's board of trustees. Though the Applicant has an investment policy that allows it to invest in puts, Applicant states in the application that it will not make such investments without obtaining prior Commission or staff approval, either by way of an order pursuant to application or by a no-action letter.

As here pertinent, Section 2(a) (41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors of the registered investment company. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of the rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that protfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant believes that many investors require an investment vehicle that offers a constant net asset value per share and a relatively smooth stream of investment income, and believes that many of its shareholders would seek other alternatives if they could not expect the Applicant's shares could be purchased and redeemed at a constant net asset value per share. Applicant further believes that the amortized cost method of valuing its portfolio securities could facilitate the maintenance of a constant net asset value per share and offer the Applicant's shareholders the

convenience of being able to value their investments by simply knowing the number of shares they own.

Section 6 (c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that its board of trustees has determined in good faith that, absent unusual circumstances, the amortized cost method of valuing portfolio securities represents the fair value of money market instruments.

Applicant states that it believes the requested relief is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly, Applicant requests that the Commission issue an order pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share for the purposes of effecting sales and redemptions of its shares, using the amortized cost method. Applicant agrees that the following conditions may be imposed in any order granting the exemptions requested:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to the investment adviser of Applicant, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, computed for the purpose of distribution and redemption, at $10.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $10.00 amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market intruments published by reputable sources.

(b) In the event such deviation from Applicant's $10.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated.

(c) If the board of trustees belives the extent of any deviation from Applicant's $10.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: selling portfolio instrucments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; redemption of shares in kind; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. If the disposition of a portfolio instrument should result in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such average maturity to 120 days or less as soon as reasonably practicable.

(4) Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service, or in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than September 29, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26419 Filed 9-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22182; 70-6635]

Louisiana Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

September 3, 1981.

In the matter of Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174 (70-6635).

Louisiana Power & Light Company ("Louisiana"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

Louisiana proposes to issue and sell up to $175,000,000 principal amount of its first mortgage bonds in one or more series from time to time not later than April 14, 1982. Louisiana presently proposes to issue and sell not more than $100,000,000 principal amount of said bonds in a single series in October 1981. The terms will be determined by competitive bidding. The bonds will be issued under the company's Mortgage and Deed of Trust, dated as of April 1, 1944, as heretofore supplemented and as to be further supplemented by supplemental indentures to be dated as of the first day of the month in which each series of bonds is issued.

Louisiana also intends to establish one or more new series of its Preferred Stock, Cumulative, $100 par value and/or its Preferred Stock, Cumulative, $25 par value, having an aggregate par value of not more than $50,000,000, and proposes to issue and sell said preferred stock in one or more series from time to time no later than April 14, 1982. The terms of the preferred stock will be determined by competitive bidding. The sale of the preferred stock in one or more series is expected to take place subsequent to the sale of the initial series of the bonds.

The declaration states that Louisiana may request by amendment that the respective sale or sales of bonds and/or preferred stock be excepted from the competitive bidding requirements of Rule 50, should circumstances develop which, in the opinion of the company, make such exception in the best interests of the company and its investors and consumers.

Louisiana will apply the aggregate net proceeds derived from the issue and sale of the bonds and the preferred stock to the payment at maturity of $50,000,000 in principal amount of the company's First Mortgage Bonds, 9½% Series due November 1, 1981, to the payment in part of short-term borrowings, to the financing in part of the company's construction program, and to other corporate purposes.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 1, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26417 Filed 9-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11929; 812-4839]

Thrift Institution Short-Term Liquidity Fund, Inc.; Filing of Application

September 3, 1981.

In the matter of Thrift Institution Short-Term Liquidity Fund, Inc., 55 Water Street, New York, NY 10041 (812-4839)

Notice is hereby given that Thrift Institution Short-Term Liquidity Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified, management investment company, filed an application on March 12, 1981, and amendments thereto on May 12, 1981, and August 20, 1981, requesting an order of the Commission, pursuant to Section 6 (c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a Maryland corporation on March 4, 1981, and on March 12, 1981, it filed a Notification of Registration and a Registration Statement on Form N-1 pursuant to Section 8(b) of the Act and the Securities Act of 1933. Applicant represents that it is a "money market fund," designed as an investment vehicle for federally-insured savings and loan associations and other financial institutions which are members of, or eligible for membership in, the Federal Home Loan Bank System, that desire to place a portion of their assets in money market investments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return. Applicant states that it intends to invest exclusively in a variety of short-term money market instruments consisting of securities qualifying as short-term liquid assets under Section 523.10(h) of the Regulations of the Federal Home Loan Bank System, which include obligations issued and guaranteed by the United States Government and issued or guaranteed by its agencies or instrumentalities, time deposits (negotiable and non-negotiable) in the Bank for Savings and Loan Association, Chicago, Illinois, and the Savings Banks Trust Company, New York, New York, and certain time deposits, certificates of deposit (negotiable and non-negotiable), savings depostis, and bankers' acceptances of banks insured by the Federal Deposit Insurance Corporation, and certain general obligations issued by a public housing agency of any state, territory or possession of the United States or subdivisions thereof having the full faith and credit of the United States. Applicant further states that it will not invest more than an aggregate of 10 percent of its assets in investments (including certificates of deposit and time deposits) which may be non-negotiable or without readily available market quotations and in repurchase agreements maturing in more than 7 days.

Applicant represents that as a result of the experience of others in managing money market funds, it has become apparent that two qualities are helpful in attracting investors: (1) stability of principal, and (2) a steady flow of predictable and competitive investment income. Applicant asserts that by holding high quality money market instruments having short maturities

combined with a stable net asset value, it is possible to provide these features to investors. Applicant further represents that investors are concerned that the daily income declared reflect income as earned and that the sales and redemption prices not change.

As stated in the application, Applicant has a fundamental investment policy permitting investment only in instruments having a remaining maturity of one year or less. Applicant states that its boad of directors ("Board") has determined that an average portfolio maturity of 120 days combined with a stable price achieves the objective of obviating somewhat the possibility of volatility in the price per share while providing a yield similar to yields available in the general debt market and not otherwise available with a portfolio of a shorter duration. In addition, Applicant states that the Board believes that given the nature of Applicant's policies and operations, there will normally be a relatively negligible discrepancy between market value and amortized cost value of such securities.

Despite the fact that non-negotiable time deposits, (including non-negotiable certificates of deposit) not held to maturity, may yield a lower actual rate of return than reflected in the amortized cost of such instruments due to penalties imposed in the event of premature liquidation of the investment, Applicant represents that its Board believes that the possibility of a change in the price per share as a result of holding such non-negotiable instruments or instruments without readily available market quotations or repurchase agreements maturing in more than 7 days is remote for at least the following three reasons. First, the Board considers it unlikely that Applicant's portfolio will include non-negotiable time deposits or certificates of deposit (e.g., "money market certificates") in denominations of less than $100,000. Second, the need to liquidate any non-negotiable instruments, thereby incurring an interest penalty, appears remote since 90 percent of Applicant's portfolio will be invested in highly liquid instruments. Applicant states that since all of its investments must have maturities of one year or less, with an average portfolio maturity of 120 days or less, the short-term nature of the portfolio futher reduces the probability of a need for premature liquidation of any of these investments.

In addition, Applicant states that if at any time by reason of changes in its portfolio or otherwise, investments in non-negotiable time deposits, including non-negotiable certificates of deposit, constitute more than 10 percent of its portfolio, Applicant shall promptly take such action as may be necessary or appropriate to reduce its holdings of such investments, and will compute its net asset value per share on a mark-to-market basis until its holdings of such investments are so reduced.

In view of the foregoing, Applicant states that the Board believes that the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling Applicant to maintain more effectively a stable price per share while providing its shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby dividends would be adjusted by all realized and unrealized gains and losses on its portfolio securities.

As here pertinent, Section 2(a)(41) of the act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable sucurity shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionlly exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that the Board has determined in good faith that in light of the characteristics of Applicant, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable and reflects the fair value of such securities.

Accordingly, Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit it to value its portfolio securities using the amortized cost method of valuation. In support of its request, Applicant submits that granting the requested exemption is consistent with the standards expressed in Section 6(c) of the Act and consents to the imposition of the following conditions to any order granting the requesting relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the Board has adopted resolutions as a particular responsibility within the overall duty of care owned to its shareholders—establishing procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures adopted by the Board are the following:

(a) Review by the Board as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and

the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, the Board will promptly consider what action, if any, should be initiated.

(c) Where the Board believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Board determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its Board.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than September 29, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26419 Filed 9-9-81; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions selected by the Board in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 18077; SR-CBOE-81-13]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

September 3, 1981.

In the matter of Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604 (SR–CBOE–81–13).

On July 20, 1981, the Chicago Board Options Exchange, Incorporated ("CBOE") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which would enable the CBOE to issue temporary non-leasable, non-transferable permits to trade non-equity options. The proposed rule change also sets forth the privileges and responsibilities of such permitholders.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17959, July 22, 1981) and by publication in the **Federal Register** (46 FR 38797, July 29, 1981). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.[1]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

[1] The Commission received one comment letter concerning the proposed rule change from Mahlon M. Frankhauser, Kirkland and Ellis, Counsel for the Chicago Board of Trade, dated August 19, 1981. The comment letter contends that the Commission does not have authority to approve GNMA options trading and that, accordingly, rule changes to facilitate such trading should not be adopted. The Commission does not agree with the legal interpretation set forth in the comment letter. *See* footnote 13 of Securities Exchange Act Release No. 17577 (February 26, 1981), 46 FR 15242 (March 4, 1981) (approving the CBOE GNMA options proposal) and Answering Brief of the Securities and Exchange Commission in *Board of Trade of the City of Chicago* v. *SEC and Chicago Board Options Exchange, Incorporated*, No. 81–1660 (7th Cir., filed August 28, 1981).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28415 Filed 9-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18078; SR-Phlx-81-13]

Philadelphia Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

September 3, 1981.

In the matter of Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, PA 19103 (SR-Phlx-81-13).

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that on August 10, 1981, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Commission copies of a proposed rule change which eliminates monthly reporting by member firms of certain uncovered short option positions and requires instead that such reports be submitted only upon the Exchange's request.[1]

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Phlx-81-13.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that identical rule changes submitted by the American Stock Exchange,[2] the Chicago Board Options Exchange [3] and the Pacific Stock Exchange [4] previously have been published for comment and approved by the Commission.[5]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28418 Filed 9-9-81; 8:45 am]

BILLING CODE 8010-01-M

[1] On August 31, 1981 the Phlx submitted an amendment to the filing which stated that the proposed rule change had received final approval of its Board of Governors.

[2] *See* File No. SR-Amex-80-31.

[3] *See* File No. SR-CBOE-80-24.

[4] *See* File No. SR-PSE-80-25.

[5] *See* Securities Exchange Act Release Nos. 17328 (November 21, 1980), 17244 (October 24, 1980), and 17382 (December 16, 1980).

DEPARTMENT OF STATE

[Public Notice 773]

State Department Performance Review Board Members

In accordance with section 4314(c)(1) through (5) of the Civil Service Reform Act of 1978 (Pub. L. 95-454), the Executive Resources Board of the Department of State has appointed the following additional persons to the State Department Performance Review Board Register, and in so doing amends accordingly Department of State Public Notice No. 703 (45 FR 6877-6878, January 30, 1980), effective September 1, 1981.

Paul H. Boecker, Director, Foreign Service Institute;
M. Nancy Ely, Assistant Legal Adviser, Office of the Legal Adviser;
Mary Leyland, Assistant Director for Administration, International Development Cooperation Agency;
Daniel W. McGovern, Deputy Legal Adviser, Office of the Legal Adviser;
Michael G. Kozak, Assistant Legal Adviser, Office of the Legal Adviser;
Michael J. Matheson, Assistant Legal Adviser, Office of the Legal Adviser;
Russell L. Monk, Assistant General Counsel for International Affairs, Department of Treasury.

The following names as announced in Department of State Public Notice No. 703 (45 FR 6877-6878, January 30, 1980) are removed from the Department of State Performance Review Board Register:

Mark B. Feldman, Deputy Legal Adviser, Office of the Legal Adviser;
Ronald D. Palmer, Deputy Assistant Secretary of Personnel, Bureau of Personnel;
Virginia Schafer, Deputy Assistant Secretary for Operations, Bureau of Administration;
Jenonne Walker, Member, Policy Planning Staff.

Dated: August 31, 1981.

Joan M. Clark,

Director General of the Foreign Service and Director of Personnel.

[FR Doc. 81-28478 Filed 9-9-81; 8:45 am]

BILLING CODE 4710-15-M

TENNESSEE VALLEY AUTHORITY

Potential Development of Uranium Properties Near Marquez, N. Mex.

AGENCY: Tennessee Valley Authority.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement and Invitation for Public Comment on the Scope of this Document.

SUMMARY: The Tennessee Valley Authority (TVA) intends to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act of 1969 (NEPA) on the potential development of uranium properties near Marquez, New Mexico (McKinley County). This mining of uranium is one of several alternatives TVA is investigating to meet TVA's fuel needs for its nuclear reactors. The Kerr-McGee Nuclear Corporation, as operator and part owner, would mine uranium from lands totaling 1,467 acres (594 hectares) in which TVA holds the right to a 50 percent interest in the mineral lease. TVA is seeking public comment on the scope of the EIS.

COMMENTS: Any written comments should be sent to Dr. Mohamed T. El-Ashry, Assistant Manager of Natural Resources (Environment) Tennessee Valley Authority, 215 Natural Resources Building, Norris, Tennessee 37828, by October 16, 1981.

PUBLIC MEETING: A public meeting to solicit comments on the scope of the EIS is scheduled for October 1 at 1 p.m., Mountain Daylight Time, in Marquez, New Mexico.

FOR FURTHER INFORMATION CONTACT: Dr. Mohamed T. El-Ashry or call TVA's Citizen Action Office: 1-615-632-4100. An information package on the proposal

has been prepared and is available upon request.

SUPPLEMENTARY INFORMATION: TVA operates the Nation's largest power system supplying the power requirements for an area of approximately 80,000 square miles containing over seven million people. In carrying out its responsibilities under the TVA Act, TVA is pursuing a wide range of options to meet the need for future electrical generating capacity in a manner that maintains and enhances a quality environment. To that end, a portion of TVA's capacity consists of nuclear power electric generating units. In order to guarantee the availability of fuel for these units, TVA is investigating a number of alternatives, including future spot market purchasing, long-term contracting, and mining of TVA uranium reserves.

TVA and Kerr-McGee Nuclear Corporation entered into an operating agreement in 1974 with Kerr-McGee acting as the operator under which both parties hold an undivided 50 percent interest in the mineral rights on 1,467 acres (594 hectares). The property is located on Tract 5 of the Cebolleta Grant in the extreme southeast corner of McKinley County; about 2.5 kilometers (1.6 miles) northwest of the town of Marquez. TVA, through Kerr-McGee as the operator, proposes to extract 3.1 million kilograms (6.8 million pounds) of uranium from an area in Cañon de Marquez. The surface rights are held by the New Mexico Department of Game and Fish.

Development of underground mining would begin no earlier than June 1984. Maximum production would be about 725 metric tons per day (800 tons per day) of uranium ore using one shaft. The ore, hauled by truck, would be milled in the region. *In situ* leaching methods may also be employed. Mining would require use of a portion of the surface area (119 acres) for support facilities. Surface areas would be reclaimed when no longer needed.

The first step in the preparation of the EIS will be the determination of the scope of the document. TVA will consider all reasonable alternatives and has tentatively identified the following alternatives to mining for discussion: no action, participation with other uranium producers in alternate projects, delayed action, purchase or borrow equivalent fuel, conservation, and use of other fuels. Mining process options and milling alternatives will also be addressed.

Through preliminary evaluations, TVA has identified the following issues for discussion in the EIS:

1. Changes in land use.
2. Effects on scenic, historic, and cultural resources.
3. Impacts to the quantity and quality of surface and ground waters.
4. Impacts on wildlife.
5. Changes in population and related socioeconomic impacts.
6. Effects on soil.
7. Air quality impacts from dust and other pollutants.
8. Noise effects.
9. Radiological impacts.
10. Occupational health and safety impacts.
11. Cumulative impacts from the proposal in association with other regional activities, including uranium mines and mills.
12. Effects on floodplains and wetland areas.

No other potentially significant impacts have been identified.

A public scoping meeting is scheduled for October 1 at 1 p.m., Mountain Daylight Time, in Marquez, New Mexico. The announcement of the meeting will be made in local news putlications including the *Alburquerque Journal, Alburquerque Tribune, Grants Daily Beacon, Artesia Daily Press, Santa Fe New Mexican,* and the *Gallup Independent.* A notice will also be placed at prominent places in the town of Marquez before the day of the meeting. The purposes of the meeting are to exchange information about the proposal and to solicit comments and suggestions on the scope of the issues to be addressed in the EIS. TVA invites all interested persons to attend and participate. Should a participant desire to provide additional information, that material may be submitted to Dr. El-Ashry by October 16. TVA will employ a Spanish-speaking interpreter to facilitate the exchange of comments.

Written comments or suggestions on the scope of the EIS may be submitted in lieu of or in addition to participation in the scoping meeting. Written comments will be fully considered. Agencies who desire to become a cooperating agency in the preparation of the EIS should contact Dr. El-Ashry.

After the scoping process and the initial environmental evaluations are completed, TVA will prepare a draft EIS for public comment. A notice of its availability will be published in the **Federal Register** and area newspapers and provided to participants in the scoping process. Those persons not desiring to submit comments during the scoping period, but who would like to receive a copy of the draft EIS when it is issued, should notify TVA. TVA will consider any comments on the draft in preparing the final EIS.

Dated: September 3, 1981.

W. F. Willis,

General Manager, Tennessee Valley Authority.

[FR Doc. 81-26458 Filed 9-8-81; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-25]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Peitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previsously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: September 30, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on August 31, 1981.

Edward P. Faberman,
Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
22104	Harris L. Gordon	14 CFR § 141.33(b)	To permit petitioner to be chief flight instructor for more than one approved flight school.
22042	SAAB—Fairchild SF-340 Aircraft	14 CFR § 25.571(1)(2)	Relief from the propeller loss damage requirement with the understanding that they will comply with the Special Condition prescribed by the Swedish Board of Civil Aviation in attachment 2 of their letter: "All practical precautions must be taken in the design of aircraft, taking in account the design features of propeller and its control system, to reduce the hazard which might arise from failure of a propeller hub or blade."
22059	Pacific Alaska Airlines	14 CFR § 45.13(e)	To permit the installation of an aircraft identification plate on an aircraft other than that from which removed.

Dispositions of Petitions for Exemption

21555	Airborne Express, Inc	14 CFR § 121.583(a)(8)	To permit petitioner to transport dependents of its employees on its fleet aircraft on any or all flights. *Denied 8/26/81.*
21516	Frontier Airlines, Inc	14 CFR § 121.619	To permit petitioner to depatch flights based on weather data contained in the main body of the forecasts. *Denied 8/26/81.*
21549	Atlantic International Airlines	14 CFR § 121.291(a) and (b), appendix D	To permit petitioner to initially introduce B-727-100 airplanes into passenger-carrying operations without first conducting a full-seating capacity emergency evacuation and ditching demonstration. *Granted 8/26/81*
20452	Dresser Industries, Air Transport	14 CFR § 61.58(c)	To extend Exemption No. 3061 which allows petitioner's pilots to complete the entire 24-month pilot-in-command proficiency check in an FAA-approved simulator. *Granted 8/26/81.*
21705	Texas International Airlines, Inc	14 CFR §§ 141.33(a)(3), 141.35 (d) and (e), 141.79(a), and 141.81(a).	To use chief flight and ground instructors and low flight and ground instructors for courses of training conducted under Part 141 when these instructors do not hold the required instructor certificates and/or do not have the required ground instruction experience in a certificated pilot school. *Granted 8/26/81.*
21295	Patrick William Sandner	14 CFR § 61.83(a)	To allow petitioner to solo an airplane before reaching age 16. *Denied 8/27/81.*
21677	Rotor-Aids, Inc	14 CFR § 135.261(b)	To allow petitioner to operate a helicopter in emergency situations without meeting the rest period requirement. *Denied 8/26/81.*
21097	John Louis Polando	14 CFR § 135.243(b)(3)	To permit petitioner to serve as pilot in command under Part 135 without an Airplane Instrument Rating or an Airline Transport Pilot Certificate with an airplane category rating. *Denied 8/26/81.*
22099	People Express	14 CFR § 91.307	To amend Exemption No. 3080 to add two aircraft. The present exemption allows operation in the United States under a service to small communities. Exemption specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows. The new exemption would cover until not later than January 1, 1988: 17 B-737-100. *Granted 8/25/81.*
20588	Dwight E. Lohrenz	14 CFR §§ 133.1(b) and 133.45(a)	To permit external-load operations in which persons are carried as part of the external load. The operation would involve carriage of medical technicians and ill or injured persons to a medical facility in a "Helicopter Trauma Unit," which would be suspended from a helicopter. *Denied 8/21/81.*
21579	United Air Carriers, Inc	14 CFR § 121.291(a)	To permit petitioner to introduce its B-707-300C series airplanes into passenger-carrying service in a 178-seat configuration using four flight attendants without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 8/20/81.*

[FR Doc. 81-26271 Filed 9-9-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Logan and Tazewell Counties, Ill.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for the proposed construction of Federal Aid Primary Route 406, which will be a four (4) lane highway facility, between the cities of Lincoln and Morton, in Logan and Tazewell Counties, Illinois. The FHWA and the Illinois Department of Transportation will act as lead agencies for the project. A Draft EIS circulated in October, 1979, was prepared pursuant to litigation. Comments were received at that time, but the DEIS was not finalized as new alternatives have come under investigation.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Johnson, District Engineer, Federal Highway Administration, 320 W. Washington Street, 7th Floor, Springfield, Illinois 62701, Phone (217) 492-4600;

W. E. Burns, District Engineer, Illinois Department of Transportation, 126 East Ash Street, Springfield, Illinois 62706, Phone (217) 782-7301.

SUPPLEMENTARY INFORMATION: The proposed action will consist of constructing a four (4) lane highway facility between the cities of Lincoln and Morton in Logan and Tazewell Counties, Illinois, respectively. The southern terminus will be a directional type interchange previously built on FAI 55 northwest of Lincoln, Illinois. The northern terminus will be the existing interchange with FAI 74 northwest of Morton, Illinois. The project study area is approximately 30.9 miles, however, the maximum actual construction length

is 27.4 miles since a 3.5 mile section near Hopedale was completed and opened to traffic in 1972. Improvement of the northern 2.6 mile segment at Morton, will require only the addition of interchanges, as this segment had previously been expanded to four (4) lanes.

This proposed project will replace a functionally deficient stretch of highway, provide additional traffic lanes for capacity and safety, complete a needed highway link between FAI 55 and FAI 74 for route continuity, and improve the economic growth and development potential in the area.

Alternatives under consideration for this project include:

1. Utilize other (than highway) modes of transportation.

2. Do nothing; i.e., the no build or no action alternative.

3. Improve the existing highway facility (Illinois Route 121) as a two-lane facility, partially on a new location.

4. Construct a four-lane divided highway with *full* access control, partially on a new location and partially utilizing Illinois Route 121 as the northbound lanes. Portions of existing Illinois Route 121 would also be utilized as frontage roads. (Two alternative locations for this design are under consideration.)

5. Construct a four-lane divided highway with *partial* access control and with some interchanges, partially on a new location and also utilizing Illinois Route 121 as the northbound pavement. (Two alternative locations for this design are under consideration.)

Possible environmental effects associated with the alternatives include conversion of up to 930 acres of farmland (of which 909 are considered prime), and preliminary plans for modification of Sugar Creek will require a 404 permit. No known wetlands or properties protected by section 4(f) of the DOT Act will be affected. There will be no significant effect on any existing floodplain. No endangered species or critical habitat will be affected. Displacements of up to 19 residences and 2 businesses may result.

The scoping process will be achieved by review and comment on a scoping document that has been prepared by the Federal Highway Administration and the Illinois Department of Transportation. The scoping document will be sent to the Department of Housing and Urban Development, Department of Agriculture, U.S. Environmental Protection Agency, National Park Service, and the U.S. Army Corps of Engineers.

State and local agencies and public officials will also receive the scoping document and will have an opportunity to review and comment. Other interested parties may obtan copies of the scoping document from the persons listed in this notice.

A notice announcing the availability of the scoping document will be publised in local newspapers. Any comments pertaining to the scoping document are to be sent to the appropriate Federal Highway Administration official no later than September 18, 1981.

A formal scoping meeting will not be held for the proposed action. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs apply to this program)

Issued on: August 31, 1981.

Frank Johnson,

District Engineer, Springfield, Illinois 62701.

[FR Doc. 81-26199 Filed 9-8-81; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket No. A-132]

Carriage of Bulk Preference Cargo by Subsidized U.S.-Flag Operator; Review of Vessel Participation

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of Agency Review—Extension of Comment Period. A notice was published in the Federal Register (46 CFR 29300) on June 1, 1981 for the purpose of making the Maritime Administration staff review available for public comment, such comment to be submitted not later than July 31, 1981. By notice of July 30, 1981 (46 FR 38949), the deadline for comment was extended to August 31, 1981. In consideration of a request from an interested party to extend the comment period, the deadline for comment is hereby extended further. Comment from any interested person desiring to offer views concerning the staff report should be submitted in writing, with 15 copies, to the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, not later than September 15, 1981.

FOR FURTHER INFORMATION CONTACT:

F. R. Larson, 202 (377-5532).

By order of the Maritime Subsidy Board.

Dated: September 3, 1981.

Georgia Pournaras Stamas,

Assistant Secretary.

[FR Doc. 81-26331 Filed 9-9-81; 8:45 am]

BILLING CODE 3510-15-M

[Docket S-701]

Cove Tank Ships Inc., et al.; Applications

Notice is hereby given that Cove Tank Ships Inc., Cove Tide Corp., Cove Tankers Inc. and Cove Carriers Inc. have filed applications dated May 8, 1981 under the Merchant Marine Act, 1936, as amended (Act) for section 805 (a) written approval on the SSs *Cove Engineer, Cove Tide, Cove Ranger* and *Cove Spirit*, respectively, in connection with applications for operating-differential subsidy (ODS) for the carriage of bulk commodities in U.S. foreign trade, principally from the United States to the Union of Soviet Socialist Republics. Inasmuch as these companies and/or related persons and firms employ or may employ ships in the domestic intercoastal or coastwise service, such written permission of the Maritime Subsidy Board under section 805(a) of the Act will be required if the applications for ODS are to be approved.

The written permission requested by the applicants, amended by letters of August 13, 1981, is as follows:

For Cove Tank Ships Inc. to own the *Cove Engineer*, Cove Tide Corp. to own the *Cove Tide*, CMC Tankers Inc. to own the *Cove Ranger*, and Cove Carriers Inc. to own the *Cove Spirit*, all for world-wide operations, including domestic operation under Military Sealift Command (MSC) or private charters. Permission is also requested for the right to move the vessels from one domestic trade to another, and/or from a foreign trade to a domestic trade. The applications exclude the carriage of dry bulk cargoes in the trade between U.S. Pacific Coast ports and the State of Hawaii.

Inasmuch as Cove Trading Inc, Cove Ventures Inc., Cove Ships Inc. and Cove Tankers Corporation are affiliates of the applicants and holders of ODS contracts in the grain trade to Russia, the requested written permission would be extended to them. Conversely, the written permission already granted to the affiliates would be extended to the applicants. This permission is as follows:

1. For Cove Trading Inc. to own the *Cove Trader*; Cove Ventures Inc. to own the *Cove Leader*; Cove Ships Inc. to

own the *Cove Sailor;* and Cove Tankers Corporation to own the *Cove Explorer.*

2. For Cove Tankers Associates, an affiliate to own the *Cove Navigator;* and Cove Communicator Associates, an affiliate, to own the *Cove Communicator.*

For the vessels named in (1) and (2), above, to be operated in worldwide trade including domestic operations under MSC or private charter, and for the right to move them from one domestic trade to another, and/or from a foreign trade to a domestic trade.

3. For Seatrain Lines, Inc. to operate vessels in the domestic trade, including the Alaskan oil trade and certain MSC operations, as a result of a pecuniary interest in Seatrain Lines, Inc. through a minority stock interest on the part of an officer and director of Cove Ventures Inc., Cove Trading Inc., Cove Tankers Corporation, Cove Ships Inc..and Cove Tank Ships Inc.

Such written permission is required under section 805(a) of the Act notwithstanding the fact that a voyage in the proposed service on which the vessels engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Interested parties may inspect the foregoing applications in the Office of the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

Any person, firm, or corporation having any interest in such applications (within the meaning of section 805(a)) and desiring to submit comments concerning the applications must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on 9/25/81 together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) related to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Acting Maritime Administrator.

Dated: September 4, 1981.

Georgia Pournaras Stamas,

Assistant Secretary.

[FR Doc. 81-26349 Filed 9-9-81; 8:45 am]

BILLING CODE 3510-15-M

National Highway Traffic Safety Administration

A.M. General Corp.; Public Proceeding Regarding Defect Investigation; 1979-81 M.A.N. Articulated Buses

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (Pub. L. 92-492, 88 Stat. 1470; October 27, 1974) ("Act"), 15 U.S.C. 1412, the Associate Administrator for Enforcement, National Highway Traffic Safety Administration (NHTSA), has made an initial determination that a safety-related defect exists in the rear stepwell configuration of all M.A.N. Articulated buses imported by A.M. General Corporation during 1978-79.

The NHTSA analysis of information received also indicates that A.M. General knew that the M.A.N. Articulated buses had a safety related defect, but failed to furnish notification to the agency and owners and failed to remedy the defect in accordance with the Act. 15 U.S.C. 151, 153-154. A.M. General's apparent violations of these provisions of the Act may subject it to the imposition of civil penalties. 15 U.S.C. 1398.

A public proceeding will be held at 10:00 a.m. on October 16, 1981, in Room 2230 of the Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, D.C. 20590 at which time A.M. General will be afforded an opportunity to present data, views, and arguments concerning the initial determination and the possible imposition of civil penalties.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Ms. Joann Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Room 5321, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone: (202) 426-2826) before close of business on October 9, 1981.

The agency's investigative file in this matter is available for public inspection during working hours [7:45 a.m. to 4:15 p.m.] in the Technical Reference Library, Room 5108, 400 Seventh Street, S.W., Washington, D.C.

Issued on September 2, 1981.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 81-26282 Filed 9-9-81; 8:45 am]

BILLING CODE 4910-59-M

1979 Toyota Hi-Lux Pickup Trucks; Public Proceeding Regarding Safety Defect Investigation

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (Pub. L. 93-492, Stat. 1470; October 27, 1974), 15 U.S.C. 1412, the Associate Administrator for Enforcement, National Highway Traffic Safety Administration, has made an initial determination that a safety related defect exists in 1979 Toyota Motor Co., Ltd. Hi-Lux pickup trucks in that the trucks may exhibit front-end vibration and/or shimmy under certain driving conditions.

A public proceeding will be held at 10:00 a.m. on October 15, 1981, in Room 2230 of the Department of Transportation Building, 400 Seventh Street, SW, Washington, D.C. 20590, at which time Toyota Motor Co., Ltd. will be afforded an opportunity to present data, views and arguments concerning the initial determination.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Ms. Joyce Tannahill, Office of Defects Investigation, Room 5326, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590 (telephone: (202) 426-2850) before close of business on October 8, 1981.

The agency's investigative file in this matter is available for public inspection during working hours (7:45 a.m. to 4:15 p.m.) in the agency's Technical Reference Library, Room 5108, 400 Seventh Street, SW, Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 501.8)

Issued on September 2, 1981.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 81-26281 Filed 9-9-81; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. EX-FE 81-01; Notice 1]

Volkswagen of America; Petition for Exemption From Automotive Fuel Economy Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of receipt of petition and request for comments.

SUMMARY: This notice announces the receipt of a petition from Volkswagen of America (VWoA), submitted under section 503(b)(3)(A) of the Motor Vehicle Information and Cost Savings Act. VWoA seeks exemption from the requirement under that Act that domestically-manufactured passenger automobiles must comply with fuel economy standards separatedly from imported automobiles. The Act requires the agency to grant this petition unless it determines that such action would result in reduced employment in the U.S. related to motor vehicle manufacturing.

DATE: Comments on this petition must be received by the agency by October 2, 1981.

ADDRESS: Comments on the petition should refer to the docket and notice numbers in the heading of this notice and be submitted (preferably in 10 copies) to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590

FOR FURTHER INFORMATION CONTACT: William Devereaux, Office of Automotive Fuel Economy Standards (NRM-23), National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-755-9384).

SUPPLEMENTARY INFORMATION: On August 5, 1981, the Department received an exemption petition from VWoA, submitted under section 503(b)(3)(A) of the Motor Vehicle Information and Cost Savings Act ("the Act"). In December 1980, VWoA had submitted a letter indicating its intent to file such a petition. Section 503(b)(3) of the Act was enacted as part of the Automobile Fuel Efficiency Act of 1980. In general, fuel economy ratings for domestically manufactured passenger automobiles may not be averaged together with those for imported automobiles for purposes of determining compliance with average fuel economy standards, under section 503(b)(l) of the Act.[1] However, section 503(b)(3)(C) provides for exemption from the separate compliance requirement for companies which begin U.S. production in the 1975-85 period. The section requires the agency to grant a manufacturer's petition unless the agency determines that granting the petition would result in reduced employment in the United States related to motor vehicle manufacturing. This is the exemption VWoA seeks.

The legislative history of the Act indicates that the separate compliance requirement was originally adopted to discourage domestic manufacturers from meeting increasingly stringent fuel economy standards simply by importing more small ("captive import") automobiles, thereby exporting U.S. jobs, in effect. Thus, prior to the enactment of the Automobile Fuel Efficiency Act, domestic manufactuers could beginning with the 1980 model year raise their overall average fuel economy levels, or "CAFE's", only through domestic production of more fuel efficient vehicles. However, this separate compliance provision had the unintended effect of discouraging foreign manufacturers from producing automobiles in the U.S. For example, a foreign manufacturer might want to produce its most fuel efficient vehicles in the U.S., rather than producing them abroad and exporting them to the U.S. As long as the domestic content of its U.S. produced vehicles remained below 75 percent, that company could continue to average together the fuel economy values of all its vehicles to be sold in the U.S. to comply with fuel economy standards. However, if it exceeded the 75 percent U.S. content level in its U.S. produced fleet (thereby increasing employment in the U.S.), it would become subject to the requirement that its two fleets must comply separately with fuel economy standards. While its combined fleet of foreign and U.S.-produced vehicles might readily meet those standards, its fleet of foreign-produced vehicles imported into the U.S. (with the fuel efficient U.S.-produced vehicles excluded) might not comply. In such a situation, the manufacturer might well decide to continue to rely on more imported components. In the case of a foreign manufacturer that has not yet begun U.S. production, the manufacturer might choose not to begin U.S. production in the first instance.

To reduce this disincentive, Congress enacted the provision under which VWoA applied. Under this provision, the agency must grant or deny a petition within 90 days of its receipt (with possible extensions to as much as the 150th day after receipt). An opportunity for public comment is to be provided (ending not later than 60 days after receipt of the petition, with possible extensions up to the 90th day).

Exemptions from the separate compliance requirement may be granted for five years or longer should the manufacturer request and the agency so provide. VWoA has requested that an exemption be granted for the indefinite future. VWoA states in its petition that it now produces approximately 200,000 vehicles per year at its Westmoreland, Pennsylvania plant and plans to add a second plant during 1982 with a capacity to produce another 185,000 vehicles annually. Currently, the vehicles it produces have a domestic content of approximately 60 percent. VWoA anticipates increasing the domestic content of vehicles produced in its currently operational facility and to reach 75 percent U.S. content at the second facility in a relatively short time.

According to an economist cited by VWoA in its petition, the production of 200,000 automobiles with 100 percent domestic content generates approximately 50,000 jobs, including jobs at supplier companies. If this relationship is approximately correct and if granting the petition permitted a 10 percent increase in domestic content at both plants, then nearly 10,000 new jobs would be generated.

In general, granting this petition, and thereby facilitating the locating of manufacturing plants of a foreign manufacturer in this country or the increase in domestic content of automobiles assembled here, should promote U.S. employment. However, it is conceivable that granting a petition under section 503(b)(3)(A) of the Act could have the opposite effect. For example, employment reductions in the U.S. could result if the granting of the petition conferred some competitive advantage on the foreign manufacturer which permitted that company to capture sales from a U.S. manufacturer, and if the U.S. manufacturer produced vehicles with a higher domestic content. Such an advantage might result if a foreign manufacturer which had been exempted from the separate compliance requirement had greater flexibility in sourcing components (i.e., obtaining components from either foreign or domestic suppliers) than a domestic company, thus being able to increase or decrease domestic content above or below the 75 percent level depending on

[1] Section 503(b)(2)(E) of the Act provides that an automobile is considered "domestically manufactured" if at least 75 percent of the cost to the manufacturer of such automobile is attributable to value added in the U.S. or Canada. All other vehicles are treated as imports, including any whose final assembly takes place in the U.S. but which use imported components whose value is more than 25 percent of the automobile's total value.

fluctuating foreign exchange rates or other economic factors.

The agency currently has no basis to conclude that any adverse employment impacts would result from granting the VWoA petition. However, the agency invites any individuals or organizations which have information bearing on the effect that granting the petition might have on auto industry employment in the U.S. to submit that information during the public comment period mentioned at the beginning of this notice. The Act requires that if no information is obtained by the agency demonstrating that a grant of the petition would result in reduced U.S. employment, the agency must, after the close of the public comment period, issue an order granting the exemption.

Comments on this petition should refer to Docket Number EX-FE-81-01 and be submitted to the Docket Section at the address provided at the beginning of this notice. If a commenter wishes to submit information under a claim of confidentiality, five copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and ten copies from which the purportedly confidenial information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information would result in significant competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage.

In addition, the commenter, or in the case of a corporation a responsible corporate official authorized to speak for the corporation, must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been released to the public.

All comments received before the close of business on the comment closing date indicated above will be considered by the agency and will (along with the petition itself) be available for examination in the docket at the above address after the date of their receipt. To the extent possible, comments filed after the closing date will also be considered. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The environmental impacts of this action have been analyzed in accordance with the National Environmental Policy Act and those impacts have been determined to be small. The principal impact of granting this petition would be to promote increased U.S. manufacturing operations and employment, a positive economic impact with fairly small adverse environmental impacts. Therefore, this action does not constitute a "major Federal action significantly affecting the environment" requiring an environmental impact statement. To document this, the agency has prepared an environmental assessment discussing the environmental consequences of this action, copies of which are available from the individual listed as the information contact at the beginning of this notice. Since this proceeding will not result in the issuance of a "rule" within the meaning of the Administrative Procedure Act or Executive Order 12291, neither the requirements of the Department's regulatory procedures nor those of the Executive Order apply. Therefore, no regulatory analysis or evaluation was prepared for the proposal. For the same reasons, the requirements of the Regulatory Flexibility Act do not apply. As stated above, the agency anticipates that all economic impacts associated with this action would be beneficial, based on available information. The agency will conduct further analyses of these impacts, considering information submitted during the comment period, in conjunction with the final decision on this petition.

(Sec. 4, Pub. L. 96-425, 94 Stat. 1821 (15 U.S.C. 2003); Sec. 9, Pub. L. 96-670, 80 Stat. 931 (49 U.S.C. 1657); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on September 2, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-26280 Filed 9-9-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Number: 112-1]

Delegation of Authority; Changes in the Office of the Treasury of the United States

August 14, 1981.

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered that:

1. The Treasurer of the United States shall exercise supervision over those officers and organizational entities listed:

Deputy National Director, U.S. Savings Bonds Division

Director, Bureau of the Mint

Director, Bureau of Engraving and Printing

2. The Treasurer will retain the position, title and responsibilities of National Director, U.S. Savings Bonds Division.

3. The position of the Deputy Treasurer of the United States is hereby established. The incumbent will report to the Treasurer and assist the Treasurer in carrying out the duties of the Office.

4. Treasury Department Orders No. 39, March 19, 1941; No. 45, April 15, 1942; No. 48, March 2, 1943; No. 50, June 25, 1943; No. 62, December 26, 1945; No. 142, November 30, 1951; are rescinded as of this date.

Donald T. Regan,

Secretary.

[FR Doc. 81-26398 Filed 9-9-81; 8:45 am]

BILLING CODE 4810-25-M

[Number: 150-94]

Creation of the Houston, Texas Internal Revenue District

August 24, 1981

Under the Authority given to the President to establish Internal Revenue Districts by Section 7621 of the Internal Revenue Code, as amended, and vested in me as Deputy Secretary of the Treasury by Executive Order 10289, approved September 17, 1951, as made applicable to the Internal Revenue Code of 1954 by Executive Order 10574, approved November 5, 1954, and pursuant to the authority vested in me

by Reorganization Plan No. 26 of 1950, and Reorganization Plan No. 1 of 1952 as made applicable to the Internal Revenue Code of 1954 by Section 7804(a) of such Code and Executive Order 10574, the Austin Internal Revenue District is modified as specified below and there is created the Houston Internal Revenue District.

1. *Austin District.* Shall include the Counties of Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Bosque, Brazos, Brewster, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Colorado, Comal, Coryell, Culberson, De Witt, Dimmitt, Duval, Edwards, El Paso, Falls, Fayette, Freestone, Frio, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hamilton, Hays, Hidalgo, Hill, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Live Oak, Llano, McCulloch, McLennan, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Milam, Nueces, Pecos, Presidio, Real, Reeves, Refugio, Robertson, San Patricio, San Saba, Somervell, Starr, Terrell, Travis, Uvalde, Val Verde, Victoria, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala, within the State of Texas with the headquarters office located in Austin, Texas.

2. *Houston District.* Shall include the Counties of Brazoria, Chambers, Fort Bend, Galveston, Hardin, Harris, Jasper, Jefferson, Liberty, Montgomery, Newton, Orange, Polk, San Jacinto, Trinity, Tyler and Walker, within the State of Texas with the headquarters office located in Houston, Texas.

3. *Internal Revenue Districts.* Each district established by this Order pursuant to Section 7621 of the Internal Revenue Code of 1954, as amended, shall be known as an internal revenue district and shall be identified by the name of the city or subdivision thereof in which the headquarters office of the District Director of Internal Revenue is located.

4. *District Director of Internal Revenue.* The title of each District office shall bear the title "District Director of Internal Revenue" identified by the name of the city or subdivision thereof, in which the headquarters office is located.

5. *Effect on Prior Treasury Department Order.* The following Treasury Department Order as it pertains to the Austin Internal Revenue Service is superseded in part: 150–16, November 14, 1952.

R. T. McNamar,

Deputy Secretary of the Treasury.

[FR Doc. 81–26397 Filed 9–9–81; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 175
Thursday, September 10, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, September 18, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1356–81 Filed 9–8–81; 2:37 pm]

BILLING CODE 6351–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 10:30 a.m. on Friday, September 4, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met by telephone conference call to consider certain matters which it determined on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), concurred in by Director Irvine H. Sprague (Appointive), required its consideration on less than seven days' notice to the public.

The Board met in open session to consider a request of the Division of Bank Supervision for approval of interregion examiner training conferences.

The Board then met in closed session to consider the following matters:

Memorandum and Resolution re: Realignment of Responsibilities in the Office of Personnel Management and the Office of Employee Relations.

Personnel matters.

In considering the matters in closed session, the Board determined, by the same majority vote, that the public interest did not require consideration of the matters in a meeting open to public observation and that the matters could be considered in a closed meeting pursuant to subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The Board further determined, by the same majority vote, that no earlier notice of the meeting was practicable.

Dated: September 4, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1352–81 Filed 9–8–81; 12:38 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 11:00 a.m. on Tuesday, September 15, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Bank of Livermore, a proposed new bank, to be located at 2009 Railroad Avenue, Livermore, California.

Commerce and Energy Bank of Lafayette, a proposed new bank, to be located at 3730 Ambassador Caffery Parkway, Lafayette, Louisiana.

Taunton Savings Bank, Taunton, Massachusetts, an operating noninsured mutual savings bank.

Community Bank of Chapel Hill, a proposed new bank, to be located in the Kroger Plaza Shopping Center at the intersection of East Franklin Street and Elliot Road, Chapel Hill, North Carolina.

Texas Bank, a proposed new bank, to be located at the corner of Highway 360 and Post Paddock Road, Grand Prairie, Texas.

Application for consent to merge and establish branches:

Bank of Mantee, Mantee, Mississippi, for consent to merge, under its charter and title, with People's Bank and Trust, Olive Branch, Mississippi, and to establish the sole office of People's Bank and Trust as a branch of the Resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,888–L—The Mission State Bank & Trust Company, Mission, Kansas

Case No. 44,892–L—First Augusta Bank & Trust Company, Augusta, Georgia

Case No. 44,900–L—The Rochelle Bank and Trust Company, Rochelle, Illinois

Case No. 44,901–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Gibbs, Roper, Loots & Williams, Milwaukee, Wisconsin, in connection with the liquidation of American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.

Powell, Goldstein, Frazer and Murphy, Atlanta, Georgia, in connection with the liquidation of The Hamilton Bank and Trust Company, Atlanta, Georgia.

Recommendation regarding First Pennsylvania Corporation, Philadelphia, Pennsylvania.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and Resolution re: Proposed amendments to Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks."

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 8, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1353–81 Filed 9–8–81; 12:30 pm]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:30 a.m. on Tuesday, September 15, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note. Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 8, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1354–81; Filed 9–8–81; 12:36 pm]

BILLING CODE 6714–01–M

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, September 15, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance, Litigation, Audits, Personnel.

* * * * *

DATE AND TIME: Wednesday, September 16, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Continuation of Tuesday, September 15, 1981 Agenda, if necessary.

* * * * *

DATE AND TIME: Thursday, September 17, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
  Draft AO 1981–33: Louis Abbatepeolo, Vice President, Astoria Federal Savings & Loan Assn.
  Draft AO 1981–35: William M. Thomas, Member of Congress
Pending legislation
Appropriations and budget
Proposed procedures for the handling of congressional and inter-governmental communications (continued from 8–27–81)
Classification
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202–523–4065.

Marjorie W. Emmons,

For Secretary of the Commission.

[S–1356–81 Filed 9–8–81; 3:38 pm]

BILLING CODE 6715–01–M

6

FEDERAL HOME LOAN BANK AND DATE: 2:15 p.m., September 3, 1981; 5: 15 p.m., September 4, 1981.

PLACE: 1700 G Street, N.W., sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Bob S. Moore (202–377–6677) or Ms. Martha Gravlee (202–377–6970).

MATTERS TO BE CONSIDERED:

Amendment of Section 556.6
Consideration of Holding Company Application

[S 1350–81 Filed 9–8–81; 11:26 am]

BILLING CODE 6720–01–M

7

FEDERAL HOME LOAN BANK AND DATE: 2 p.m., September 4, 1981.

PLACE: 1700 G Street, N.W., sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Bob S. Moore (202–377–6677) or Ms. Martha Gravlee (202–377–6970).

MATTERS TO BE CONSIDERED:

Consideration of merger application.

[S 1351–81 Filed 9–8–81; 11:27 pm]

BILLING CODE 6720–01–M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

September 2, 1981.

TIME AND DATE: 10 a.m., Wednesday, September 9, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Old Ben Coal Company, Docket LAKE 80–399 (Petition for Discretionary Review). Issues include whether a violation of 30 CFR 77.1700 occurred.

2. Johnny Howard v. Martin Marietta Corporation, Docket SE 80–24–DM. (Petition for Discretionary Review). Issues include

whether an illegal discrimination under § 105(c) of the 1977 Act occurred.

3. Assonet Sand and Gravel Co., Docket YORK 80–123–M. Request to reopen case.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S1358–81 Filed 9–8–81; 4:20 pm]

BILLING CODE: 6820–12–M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

September 3, 1981.

TIME AND DATE: 10 a.m., Wednesday, September 9, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to previously published matters, the Commission will consider and act upon the following:

4. Paramount Mining Company, Docket VA 81–45; (Petition for Interlocutory Review). Issues include interpretation of Commission Rule 22.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S1359–81 Filed 9–8–81; 4:10 pm]

BILLING CODE: 6820–12–M

10

FEDERAL RESERVE SYSTEM.

(Board of Governors).

TIME AND DATE: 3:30 p.m., Tuesday, September 15, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposal by the Federal Reserve Bank of San Francisco to increase the construction budget for its new building.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: September 8, 1981.

James McAfee,

Assistant Secretary of the Board.

[S 1361–81 Filed 9–8–81; 4:09 pm]

BILLING CODE: 6210–01–M

11

NATIONAL SCIENCE FOUNDATION.

DATE AND TIME:

September 17, 1981:
9:00 a.m. Open Session
10:30 a.m. Closed Session

September 18, 1981:
9:00 a.m. Open Session
10:30 a.m. Closed Session

PLACE: National Science Foundation, 1800 G Street, N.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS:

Thursday, September 17, 9 a.m.

1. Minutes—Open Session—228th Meeting
2. Chairman's Items
3. Director's Report
a. Report on Grant and Contract Activity—8/20/09/16/81
b. Organizational and Staff Changes
c. Congressional and Legislative Matters
d. NSF Budget for Fiscal Year 1982
e. Status of Fellowship Programs
f. Status of Implementation of Board Policy Statements on Behavioral and Social Sciences and Science and Engineering Education
g. Other Items
4. Proposed Revisions to NSF Conflict of Interest Regulations
5. Program Review—Atmospheric Sciences

Friday, September 18, 8:30 a.m. (conclusion of open session)

5. Grants, Contracts, and Programs
6. Reports on Meetings of Board Committees
7. NSF Advisory Groups—Representation at Future Events
8. Proposed Changes in NSF Patent Policy
9. Discussion of Board's Role in National Science Policy
10. Other Business
11. Next Meeting—National Science Board—October 15–16, 1981

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

Thursday, September 17, 10:30 a.m.

A. Minutes—Closed Session—228th Meeting
B. NSF Budget Requests for Fiscal Year 1983 and Subsequent Years
C. NSB Annual Reports
D. Export of Technical Data
E. Draft Report of Congressional Research Service, Library of Congress, to House Committee on Science and Technology
F. NSB and NSF Staff Nominees
G. Alan T. Waterman Award Committee

Friday, September 18, 11:30 a.m. (conclusion of closed session)

H. Grants, Contracts, and Programs

CONTACT PERSON FOR MORE INFORMATION: Miss Catherine Flynn, NSB Staff Assistant, (202) 357–9582.

[S 1349–81 Filed 9–8–81; 10:04 am]

BILLING CODE 7555–01–M

12

NUCLEAR REGULATORY COMMISSION.

DATE: Friday, September 11, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Friday, September 11

9:00 a.m.:
Discussion of Indian Point Order (public meeting)
12:30 p.m.:
Discussion and Possible Vote on Revised Licensing Procedures (closed/portions may be open)

AUTOMATIC TELEPHONE ANSWERING SREVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S 1348–81 Filed 9–8–81; 8:54 am]

BILLING CODE 7590–01–M

13

NUCLEAR REGULATORY COMMISSION.

DATE: Week of September 14, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Tuesday, September 15

2:00 p.m.:
Discussion on Pressurized Thermal Shock (public meeting)

Wednesday, September 16

10:00 p.m.:
Briefing on Interim Rule on Hydrogen Control (public meeting)
2:00 p.m.:
Briefing on Reactor Operator Qualifications (public meeting)

Thursday, September 17

3:00 p.m.:
Affirmation/Discussion Session (public meeting)
Items to be affirmed and/or discussed:
a. Protection of Unclassified Safeguards Information
b. San Onofre *Sua Sponte* Issue
c. Comanche Peak *Sua Sponte* Issues

Friday, September 17

3:30 p.m.:
Discussion and Possible Vote on Low-Power Operating License for Diablo Canyon (open/closed status to be determined)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S–1357–81 Filed 9–8–81; 3:47 pm]

BILLING CODE 7590–01–M

14

POSTAL SERVICE. Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9:00 A.M. on Tuesday, September 22, 1981, in Room 112/114, Administration Building, Main Post Office, 3600 Aolele Street, Honolulu, Hawaii 96819. The meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

Agenda

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.
   (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Adjustment in compensation of postal executive.
   (The Board will consider a recommendation by the Postmaster General for compensation adjustment which requires approval of the Board under the Board's Bylaws.)
4. Report of the Regional Postmaster General.
   (Mr. Coughlin, Regional Postmaster General, will report on postal conditions in the Western Region.)
5. Review of current status of E–COM service.
   (The Board will discuss preparations for the initiation of E–COM service in January, 1982.)
6. Proposed change in the Domestic Mail Classification Schedule to provide for acceptance of tapes for E–COM service.
   (The Board will consider a proposed filing with the Postal Rate Commission to broaden access to the Electronic-Computer Originated Mail system by allowing acceptance of tapes.)
7. Proposed change in the Domestic Mail Classification Schedule to change Express Mail forwarding service and establishment of address correction service for Express Mail.
   (The Board will consider a proposed filing with the Postal Rate Commission to allow Express Mail to be forwarded nonlocally as well as locally and permit address correction service in conjunction with Express Mail.)
8. Adjustment of certain preferential postage rates.
   (The Governors will consider an adjustment under 39 U.S.C. 3627 to the rates for nonprofit and other subclasses of mail in view of the reduction in Congressional appropriations for these subclasses.)
9. Proposed study of costing and other issues concerning Red Tag Mail.
   (In keeping with the Board's discussion at its meeting of June 2, 1981, management will advise the Board of its plans to commission a complete and independent study of Red Tag costs and related issues.)
10. Postal Rate Commission Budget for FY 1982.
    (Under the Postal Reorganization Act, the Postal Rate Commission periodically prepares and submits to the Postal Service a budget of the Commission's expenses. The budget is to be considered approved as submitted if the Governors of the Postal Service do not act to adjust it by unanimous written decision. This matter is included on the agenda to give the Governors an opportunity to act on the Commission's budget.)
11. Tentative Budget Program.
    (Mr. Finch will discuss the Postal Service's tentative budget program for FY 1983 with the Board.)
12. Capital Investment Project—General Mail Facility and Vehicle Maintenance Facility at Birmingham, Alabama.
    (Mr. Biglin, Senior Assistant Postmaster General, Administration Group, will present a proposal to purchase the Main Post Office and Vehicle Maintenance Facility, which are currently leased, at Birmingham, Alabama. At the August 4 meeting of the Board this matter was deferred until the next meeting.)
13. Review of Capital Investment Program.
    (Mr. Biglin will review the general status and accomplishments under the Postal Service's Capital Investment Program.)
14. Format for Quarterly EEO Report to the Board.
    (At its August 4 meeting, the Board agreed that, at its next meeting, it would consider the appropriate format for the Quarterly Report on Equal Employment Opportunity Program, which is required by Resolution No. 81–11.)

Louis A. Cox,

Secretary.

[S–1360–81 Filed 9–8–81; 4:04 pm]

BILLING CODE 7710–12–M

federal register

Thursday
September 10, 1981

Part II

Department of Transportation

Federal Aviation Administration

General Operating and Flight Rules; Reorganization and Realignment

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 21, 43, 45, 47, 61, 63, 65, 91, 93, 99, 121, 123, 125, 127, 133, 135, 137, and 141

[Docket No. 18334; Notice No. 79-2A]

Revision and Realignment of General Operating and Flight Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to reorganize and realign the general operating and flight rules to make them more understandable and easier to use. The present regulations reflect the many changes that have occurred in aviation since the first set of aviation regulations was promulgated almost 50 years ago. This proposal would reorganize the subparts, organize existing material into several new subparts, and utilize an improved numbering system to make future changes easier. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. This proposal was primarily the result of a petition filed by the Aircraft Owners and Pilots Association on August 9, 1978, which was later withdrawn. Additionally, this proposal is part of the President's regulatory reform program to simplify regulations. This proposal does not contain any substantive regulatory changes.

DATE: Comments must be received on or before December 9, 1981.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 18334, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments must be marked: Docket No. 18334. Comments may be inspected at Room 916 between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Fred Laird, General Aviation and Commercial Division (AFO-800), Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8150 or L. Jack Overman, Airspace and Traffic Rules Division (AAT-200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 18334." The postcard will be dated, time stamped, and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2 which describes the application procedures.

Background

On August 9, 1978, the Aircraft Owners and Pilots Association (AOPA) petitioned the Federal Aviation Administration (FAA) to revise Part 91 of the Federal Aviation Regulations (14 CFR Part 91) to make the regulations simpler and more comprehensible. In response to this petition, on January 11, 1979, the FAA issued an Advanced Notice of Proposed Rulemaking (ANPRM) No. 79-2 (44 FR 4572; January 22, 1979) consisting of a verbatim publication of AOPA's proposal.

The FAA received 106 comments in response to this ANPRM. An overwhelming majority of the commenters support the intent of the proposal to reorganize Part 91. This includes such groups as the National Transportation Safety Board, Department of Navy, six state transportation departments, the General Aviation Manufacturers Association, several individual airlines, the Air Transport Association, the Air Line Pilots Association, Flight Safety International, and 80 individual commenters. However, there were numerous problem areas identified by the commenters relating to proposed changes which were considered substantive.

On November 18, 1980, the FAA formed a Part 91 Working Group to analyze further the AOPA proposals and comments received on the ANPRM. It was determined that certain technical and administrative problems existed and it was not feasible to undertake a substantive revision of Part 91 at that time. Subsequently, AOPA withdrew its petition. However, review of AOPA's proposal to reorganize and renumber Part 91 revealed that many of the changes had merit and could be implemented. The FAA Working Group concluded that the reorganization and renumbering of Part 91 would be the first step to improve the regulation and make it more understandable and easier to use.

The Need for Reorganization

FAR Part 91 is a regulation that involves aviation safety and prescribes the minimum standards for all classes of operators who operate within the aviation system. For several years many individuals, aviation organizations, and operators have claimed that Part 91 is unorganized and lacks continuity of subject material resulting in a document that is difficult to study and understand. The FAA agrees that a new simplified format is needed. This will provide better subject continuity and a regulatory document that is easier to read and understand.

Proposed Future Changes

This proposal is the initiation of the FAA's program to simplify Part 91 as part of the President's regulatory reform efforts to remove unnecessary burdens on the public. Therefore, this proposal is only the first step in a regulatory review of Part 91 consistent with the objective of Executive Order 12291. While this notice deals only with reorganization of Part 91, future rulemaking will concentrate on possible substantive

amendments to sections of this part to make them more understandable, reduce costs associated with them, eliminate unnecessary requirements, and otherwise improve on them. With this in mind, the FAA invites specific comments to help in identifying substantive areas to be reviewed and possibly be included in the future proposals concerning Part 91. It is the FAA's intention not to take final action concerning this reorganization until a notice proposing substantive changes has been issued and the comments submitted have been fully evaluated and final action is taken on that notice.

The Proposal

The FAA is proposing to amend Part 91 of the Federal Aviation Regulations to reorganize, realign, and renumber the rules under this part as follows:

1. By reorganizing and realigining the rules in Part 91 into 10 subparts as follows:

FAR Part 91: General Operating and Flight Rules

Subpart A Genera
Subpart B Flight Rules
General
Visual Flight Rules
Instrument Flight Rules
Subpart C Equipment, Instrument, and Certificate Requirements
Subpart D Special Flight Operations
Subpart E Maintenance, Preventive Maintenance, and Alterations
Subpart F Large and Turbine-Powered Multiengine Airplanes
Subpart G Additional Equipment and Operating Requirements for Large and Transport Category Aircraft
Subpart H Foreign Aircraft Operations and Operations of U.S.-Registered Civil Aircraft to Areas Outside of the Conterminous United States
Subpart I Operating Noise Limits
Subpart J Waivers

Explanation: The heading of Subparts A and B remain the same.

The heading of Subpart C would be changed to "Equipment, Instrument, and Certificate Requirements" to reflect the creation of a new subpart containing relevant material now found in Subparts A and B. This proposal groups material of general applicability under a more specific heading for easier reference by the user.

Subpart D would be changed to "Special Flight Operations." This is a new Subpart which prescribes regulations now found in Subparts A and B affecting operations of a special category not commonly performed. These operations include such items as acrobatic flight and parachuting. This porposal would group them under a descriptive heading for easier user reference.

Proposed Subpart E, "Maintenance, Preventive Mantenance, and Alterations," consists of regulations found in present Subpart C. This subpart would be moved from its present location in Subpart C to provide for the insertion of new Subpart C and D. This change should provide better subject continuity.

Proposed Subpart F, "Large and Turbine-Powered Multiengine Airplanes," would contain the headings and material now found in present Subpart D.

A new Subpart G entitled "Additional Equipment and Operating Requirements for Large and Transport Category Aircraft," would contain regulations now found in Subpart A concerning these subjects. This proposal would group similar items in a new subpart for easier reference.

Proposed Subpart H, "Foreign Aircraft Operations of U.S.-Registered Civil Aircraft to Areas Outside of the Conterminous United States," would contain regulations concerning foreign aircraft operations and U.S. aircraft operating to areas outside of the conterminous United States. These regulations are now found in Subparts A and B.

Proposed Subpart I, "Operating Noise Limits," would be added containing the provisions in Subpart E under that title and adding to regulations concerning noise now found in Subpart A.

A new Subpart J, "Waivers," would be added to identify regulations which are subject to waiver. This provides a comprehensive list of these regulations to assist users in determining which regulations are waiverable.

2. By renumbering and realigning the rules in Part 91 under the 10 proposed subparts with the sections in each subpart assigned odd numbers as follows:

Subpart A.—*General*

New	Old	
91.1	91.1(a)	Applicability.
91.3	91.3	Responsibility and authority of the pilot in command.
91.5	91.4	Pilot in command of aircraft requiring more than one required pilot.
91.7	91.29	Civil aircraft airworthiness.
91.9	91.31	Civil aircraft operating limitations and marking requirements.
91.11	91.8	Prohibition against interference with crewmembers.
91.13	91.9, 10	Careless or reckless operation.
91.15	91.13	Dropping objects.
91.17	91.11	Liquor and drugs.
91.19	91.12	Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.
91.21	91.19	Portable electronic devices.
91.23	91.54	Truth-in-leasing clause requirement in leases and conditional sales contracts.

Subpart A.—*General*—Continued

New	Old	
91.25	91.57	Aviation Safety Reporting Program: Prohibition against use of reports for enforcement purposes.
91.27-91.99	.....	Reserved.

Explanation: The proposed subpart consists of regulations contained in present Subpart A except for certain regulations which are moved to other subparts where they are more pertinent and provide better subject continuity. Certain editorial changes include references to new Part 125 where appropriate. Proposed § 91.1 consists of current § 91.1(a). Current § 91.1 (b) and (c) would be changed to § 91.703 and placed under proposed Subpart H since these sections pertain to the operation of civil aircraft of U.S. registry outside the United States. Present §§ 91.9 and 91.10 would be combined under a new § 91.11 since both pertain to careless and reckless operations. Section 91.53 is unnecessary and is deleted.

Present §§ 91.2, 91.5, 91.6, 91.7, 91.14, 91.21, 91.22, 91.23, 91.25, and 91.34 would be relocated under proposed Subpart B, "Flight Rules," since they pertain to flight rules or flight operations. Present §§ 91.24, 91.27, 91.30, 91.32, 91.33, 91.36, 91.51, and 91.52 would be relocated in proposed Subpart C, "Equipment, Instrument, and Certificate Requirements," since these regulations concern those subjects. Present §§ 91.15, 91.17, 91.18, 91.39, 91.40, 91.41, 91.42, and 91.59 concern special categories of operations and are relocated under proposed Subpart D, "Special Flight Operations." Present §§ 91.35, 91.37, 91.45, 91.47, 91.49, 91.50, and 91.58 relate to certain equipment and operating requirements for specified aircraft and operators and are moved to proposed Subpart G which concerns that subject. Present §§ 91.1 (b) and (c), 91.20, 91.28, 91.38, and 91.43 are relocated under proposed Subpart H, "Foreign Aircraft Operations and Operations of U.S-Registered Civil Aircraft to Areas Outside of the Conterminous United States," since these rules are relevant to this subpart. Present §§ 91.55 and 91.56 concern noise and are moved to proposed Subpart I, "Operating Noise Limits."

Subpart B.—*Flight Rules, General*

New	Old	
91.101	91.61	Applicability.
91.103	91.5	Preflight action.
91.105	91.7	Flight crewmembers at stations.
91.107	91.14	Use of safety belts.
91.109	91.21	Flight instruction: Simulated instrument flight and certain flight tests.

Subpart B.—*Flight Rules, General*—Continued

New	Old	
91.111	91.65	Operating near other aircraft.
91.113	91.67	Right-of-way rules: Except water operations.
91.115	91.69	Right-of-way rules: Water operations.
91.117	91.70	Aircraft speed.
91.119	91.79	Minimum safe altitudes: General.
91.121	91.81	Altimeter settings.
91.123	91.75	Compliance with ATC clearances and instructions.
91.125	91.77	ATC light signals.
91.127	91.85	Operating on or in the vicinity of an airport: General rules.
91.129	91.89	Operation at airports without control towers.
91.131	91.87	Operation at airports with operating control towers.
91.133	91.90	Terminal control areas.
91.135	91.95	Restricted and prohibited areas.
91.137	91.97	Positive control areas and route segments.
91.139	91.91	Temporary flight restrictions.
91.141	91.100	Emergency air traffic rules.
91.143	91.104	Flight restrictions in the proximity of the Presidential and other parties.
91.145	91.102	Flight limitation in the proximity of space flight recovery operations.
91.147-91.149	.....	Reserved.
	Visual Flight Rules	
91.151	91.22	Fuel requirements for flight under VFR.
91.153	91.90	VFR flight plan: Information required.
91.155	91.105	Basic VFR weather minimums.
91.157	91.107	Special VFR weather minimums.
91.159	91.109	VFR cruising altitude or flight level.
91.161-91.165	.....	Reserved.
	Instrument Flight Rules	
91.167	91.23	Fuel requirements for flight in IFR conditions.
91.169	91.83	IFR flight plan: Information required.
91.171	91.25	VOR equipment check for IFR operations.
91.173	91.115	ATC clearance and flight plan required.
91.175	91.116	Takeoff and landing under IFR.
91.177	91.119	Minimum altitudes for IFR operations.
91.179	91.121	IFR cruising altitude or flight level.
91.181	91.123	Course to be flown.
91.183	91.125	IFR radio communications.
91.185	91.127	IFR operations: Two-way radio communication failure.
91.187	91.129	Operation under IFR in controlled airspace: Malfunction reports.
91.189	91.6	Category II and III operations: General operating rules.
91.191	91.34	Category II manual.
91.193	91.2	Certificate of authorization for certain Category II operations.
91.195-91.199	.....	Reserved.

Explanation: The majority of the regulations in this proposed subpart are contained in present Subpart B. This proposed subpart has been reorganized to enable pilots using it to locate more easily those regulations that are applicable to the type of operation that they desire to perform. As already noted, 10 regulations would be relocated in this subpart from present Subpart A since they pertain to flight rules or flight operations.

Additionally, seven regulations currently found in Subpart B would be moved to new subparts. Present § 91.73 would be moved to proposed Subpart C, "Equipment, Instrument, and Certificate Requirements," since it involves aircraft lighting requirements. Present §§ 91.71 and 91.93 would be relocated under proposed Subpart D, "Special Flight Operations," since they concern this special category of operations. Sections 91.84, 91.101, and 91.103 would be relocated under proposed Subpart H, "Foreign Aircraft Operations and Operations of U.S.-Registered Aircraft to Areas Outside of the Conterminous United States," since they pertain to this subject. Section 91.63 would be moved to Subpart J, "Waivers," since this section pertains to the applicability of waivers. Present §§ 91.99 and 91.117 have been deleted and removed as unnecessary.

Subpart C.—*Equipment, Instrument, and Certificate Requirements*

New	Old	
91.201	None	Applicability.
91.203	91.27	Civil aircraft: Certifications required.
91.205	91.33	Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.
91.207	91.52	Emergency locator transmitters.
91.209	91.73	Aircraft lights.
91.211	91.32	Supplemental oxygen.
91.213	91.89	Inoperable instruments and equipment for multiengine aircraft.
91.215	91.24	ATC transponder and altitude reporting equipment and use.
91.217	91.36	Data correspondence between automaticically reported pressure altitude data and the pilot's altitude reference.
91.219	91.51	Altitude alerting system or device: Turbojet-powered civil airplanes.
91.221-91.299	.....	Reserved.

Explanation: This would be a new subpart in Part 91. All of the rules in this subpart were moved from present Subpart A with the exception of § 91.73, "Aircraft lights," which is currently in Subpart B. These regulations contain general requirements for equipment, instrument, and certificates and are grouped together for subject commonality. Regulations found in present Subppart C would be relocated to proposed Subpart E under the same heading.

Subpart D.—*Special Flight Operations*

New	Old	
91.301	None	Applicability.
91.303	91.71	Acrobatic flight.
91.305	91.93	Flight test areas.
91.307	91.15	Parachutes and parachuting.
91.309	91.17	Towing: Gliders.
91.311	91.18	Towing: Other than under § 91.309.
91.313	91.39	Restricted category civil aircraft: Operating limitations.
91.315	91.40	Limited category civil aircraft: Operating limitations.
91.317	91.41	Provisionally certificated civil aircraft: Operating limitations.
91.319	91.42	Aircraft having experimental certificates: Operating limitations.
91.321	91.59	Carriage of candidates in Federal elections.
91.323-91.339	.....	Reserved.

Explanation: This proposed subpart would contain regulations concerning special flight operations. The regulations in this subpart are taken from present Subpart A (§§ 91.15, 91.17, 91.18, 91.39, 91.40, 91.41, 91.42, 91.59) and Subpart B (§§ 91.71 and 91.93). These regulations are moved to this subpart to group regulations together of a unique character. Regulations found in present Subpart D would be relocated to proposed Subpart F.

Subpart E.—*Maintenance, Preventive Maintenance, and Alterations*

New	Old	
91.401	91.161	Applicability.
91.403	91.163	General.
91.405	91.165	Maintenance required.
91.407	91.167	Carrying persons other than crewmembers after repairs or alterations.
91.409	91.169	Inspections.
91.411	91.171	Progressive inspection.
91.413	91.170	Altimeter system tests and inspections.
91.415	91.177	ATC transponder tests and inspections.
91.417	91.173	Maintenance records.
91.419	91.174	Transfer of maintenance records.
91.421	91.175	Rebuilt engine maintenance records.
91.423-91.499	.....	Reserved.

Explanation: This proposed subpart includes all the rules of present Subpart C (current §§ 91.161 through 91.177). The regulations are arranged into a more logical order by grouping similar sections together. All regulations found in present Subpart E would be moved to proposed Subpart I.

Subpart F.—*Large and Turbine-Powered Multiengine Airplanes*

New	Old	
91.501	91.151	Applicability.
91.503	91.153	Flying equipment and operating information.
91.505	91.155	Familiarity with operating limitations and emergency equipment.
91.507	91.157	Equipment requirements: Over-the-top or night VFR operations.
91.509	91.159	Survival equipment for overwater operations.
91.511	91.191	Radio equipment for overwater operations.
91.513	91.193	Emergency equipment.
91.515	91.195	Flight attitude rules.
91.517	91.197	Smoking and safety belt signs.
91.519	91.199	Passenger briefing.
91.521	91.200	Shoulder harness.
91.523	91.201	Carry-on baggage.
91.525	91.203	Carriage of cargo.
91.527	91.205	Transport category airplane weight limitations.
91.529	91.209	Operating in icing conditions.

Subpart F.—*Large and Turbine-Powered Multiengine Airplanes*—Continued

New	Old	
91.531	91.211	Flight engineer requirements.
91.533	91.213	Second-in-command requirements.
91.535	91.215	Flight attendant requirements.
91.537	91.217	Inspection program.
91.539	91.219	Availability of inspection program.
91.541-91-599		Reserved.

Explanation: This proposed subpart would consist of all regulations found in present Subpart D.

Subpart G.—*Additional Equipment and Operating Requirements for Large and Transport Category Aircraft*

New	Old	
91.601	None	Applicability.
91.603	91.49	Aural speed warning device.
91.605	91.37	Transport category civil airplace weight limitations.
91.607	91.50	Transport category airplanes—Pilot heat indication systems.
91.609	91.47	Emergency exits for airplanes carrying passengers for hire.
91.611	91.35	Flight recorders and cockpit voice recorders.
91.613	91.45	Authorization for ferry flight with one engine inoperative by air carriers and commercial operators of large aircraft.
91.615	91.58	Materials for compartment interiors.
91.617-91.699		Reserved.

Explanation: This proposed subpart would contain certain regulations found in present Subpart A which are grouped here because of their subject commonality.

Subpart H.—*Foreign Aircraft Operations and Operations of U.S.-Registered Civil Aircraft to Areas Outside of the Conterminous United States*

New	Old	
91.701	None	Applicability.
91.703	91.1	Operations of civil aircraft of U.S. registry outside of the United States.
91.705	91.20	Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.
91.707	91.38	Increased maximum certificated weights for certain airplanes operated in Alaska.
91.709	91.84	Flights between Mexico or Canada and the United States.
91.711	91.101	Operations to Cuba.
91.713	91.43	Special rules for foreign civil aircraft.
91.715	91.103	Operation of civil aircraft of Cuban registry.
91.717	91.28	Special flight authorizations for foreign civil aircraft.
91.719-91.799		Reserved.

Explanation: This new subpart contains regulations concerning operations of foreign aircraft as well as operations of U.S.-registered aircraft to areas outside of the conterminous United States. All regulations in this subpart are found in present Subpart A (§§ 91.1(b) and (c), 91.20, 91.28, 91.38, and 91.43) and present Subpart B (§§ 91.84, 91.101, and 91.103). These rules are grouped together for easier reference.

Subpart I.—*Operating Noise Limits*

New	Old	
91.801	91.301	Applicability: Relation to Part 36.
91.803	91.302	Part 125 operators: Designation of applicable regulations.
91.805	91.303	Final compliance: Subsonic airplanes.
91.807	91.305	Phased compliance under Parts 121, 125, and 135: Subsonic airplanes.
91.809	91.306	Replacement airplanes.
91.811	91.307	Service to small communities exemption: Tow-engine, subsonic airplanes.
91.813	91.308	Compliance plans and status: U.S. operators of subsonic airplanes.
91.815	91.56	Agricultural and fire-fighting airplanes: Noise operating limitations.
91.817	91.55	Civil aircraft sonic boom.
91.819	91.309	Civil supersonic airplanes that do not comply with Part 36.
91.821	91.311	Civil supersonic airplanes: Noise limits.
91.823-91.899		Reserved.

Explanation: This proposed subpart would contain all regulations found in present Subpart E (§§ 91.301 through 91.311) and two regulations found in present Subpart A (§§ 91.55 and 91.56). These regulations concern noise and are combined in this subpart which concerns that subject.

Subpart J.—*Waivers*

New	Old	
91.901	None	Applicability.
91.903	91.63	Policy and procedures.
91.905	None	List of rules subject to waiver.

Explanation: This new subpart would list all of the regulations subject to waiver in one subpart to provide an easy method of identifying which rules are waiverable.

Appendix A. Category II Operations: Manual, Instruments, Equipment, and Maintenance

Appendix B. Authorizations to Exceed Mach 1 (§ 91.817)

Appendix C. Operations in the North Atlantic (NAT) Minimum Navigation Performance Specifications (MNPS) Airspace

Explanation: Appendices A, B, and C remain the same except for editorial changes to reflect the renumbering of Part 91.

3. By deleting §§ 91.53, 91.99, 91.117, and 91.207.

Explanation: Sections 91.53, 91.99, 91.117, and 91.207 consist of rules that were deleted and marked reserved and may be deleted as unnecessary.

4. By making additional editorial changes to Title 14, Chapter I, Federal Aviation Regulations (Parts 1–199), as follows:

Rule: Part 1—Definitions and Abbreviations

§ 1.1 "Operate", Reference to 91.10, change to 91.13

Rule: Part 21—Certification Procedures for Products and Parts

§ 21.81(A) Reference to 91.41, change to 91.317

§ 21.83(a) & (b) Reference to 91.41, change to 91.317

§ 21.85(f) Reference to 91.41, change to 91.317

§ 21.221(a)(2) & (e) Reference to 91.41, change to 91.317

§ 21.223(a)(2) & (f) Reference to 91.41, change to 91.317

§ 21.225(a)(2) & (e) Reference to 91.41, change to 91.317

Rule: Part 43—Maintenance, Preventive Maintenance, Rebuilding, and Alteration

§ 43.5(a)(4) Reference to 91.31, change to 91.9

§ 43.9(a)(5) Reference to 91.217, change to 91.537

§ 43.13(d) Reference to 91.217, change to 91.537

§ 43.13(d)(1) Reference to 91.217(b)(1), change to 91.537(b)(1)

§ 43.13(d)(2) Reference to 91.217(b)(2), change to 91.537(b)(2)

§ 43.13(d)(3) Reference to 91.217(b)(3), change to 91.537(b)(3)

§ 43.13(d)(4) Reference to 91.217(b)(4), change to 91.537(b)(4)

§ 43.13(d)(5) Reference to 91.217(b)(5), change to 91.537(b)(5)

Appendix E Reference to 91.170, change to 91.413

Appendix F Reference to 91.177, change to 91.415

Rule: Part 45—Identification and Registration Marking

§ 45.22(a)(3)(ii) Reference to 91.83, change to 91.153 and 91.169

Rule: Part 47—Aircraft Registration

§ 47.9(f)(1)(i) Reference to 91.173(a)(2)(i), change to 91.417(a)(2)(i)

Rule: Part 61—Certification: Pilots and Flight Instructors

§ 61.15(b) Reference to 91.12(a), change to 91.19(a)

§ 61.118(d)(5) Reference to 91.169, change to 91.409

§ 61.153(a) Reference to 91.1 thru 91.8, change to 91.1, 91.3, 91.5, 91.11, 91.13.

Rule: Part 63—Certification: Flight Crewmembers Other than Pilots

§ 63.12(b) Reference to 91.12(a), change to 91.19(a)

Rule: Part 65—Certification: Airmen Other than Flight Crewmembers

§ 65.12(b) Reference to 91.12(a), change to 91.19(a)

Rule: Part 93—Special Air Traffic Rules and Airport Traffic Patterns

§ 93.111 Reference to 91.107, change to 91.157

§ 93.113 Reference to 91.107, change to 91.157

Rule: Part 99—Security Control of Air Traffic

§ 99.11(b)(1) Reference to 91.83, change to 91.169
§ 99.11(b)(2) Reference to 91.83(a)(1) through (7), change to 91.153(a)(1) through (7)
§ 99.13(b)(1) Reference to 91.83, change to 91.169
§ 99.13(b)(2) Reference to 91.83(a)(1) through (7), change to 91.153(a)(1) through (7)
§ 99.17(a) Reference to 91.125, change to 91.183
§ 99.25(a)(1) Reference to 91.125, change to 91.183
§ 99.27(a) Reference to 91.75, change to 91.123
§ 99.31 Reference to 91.127, change to 91.185

Rule: Part 121—Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commmercial Operators of Large Aircraft

§ 121.15 Reference to 91.12(a), change to 91.19(a)
§ 121.207 Reference to 91.41, change to 91.317
§ 121.579(b)(1) Reference to 91.105, change to 91.155
§ 121.579(b)(2) Reference to 91.105, change to 91.155
§ 121.649(c) Reference to 91.105, change to 91.155
§ 121.657(a) Reference to 91.79, change to 91.119
§ 121.667(b) Reference to 91.83, change to 91.153 and 91.169

Rule: Part 123—Certification and Operations: Air Travel Clubs Using Large Airplanes

§ 123.20 Reference to 91.12(a), change to 91.19(a)

Rule: Part 125—Certification and Operations: Airplanes Having a Seating Capacity of 20 or More Passengers or a Maximum Payload Capacity of 6,000 Pounds or More

§ 125.23(b) Reference to 91.1(c), change to 91.703(b)
§ 125.39 Reference to 91.12(a), change to 91.19(a)
§ 125.329(c) Reference to 91.105, change to 91.155

Rule: Part 127—Certification and Operations of Scheduled Air Carriers with Helicopters

§ 127.22 Reference to 91.12(a), change to 91.19(a)
§ 127.85 Reference to 91.41, change to 91.317

Rule: Part 133—Rotocraft External-Load Operations

§ 133.14 Reference to 91.12(a), change to 91.19(a)

Rule: Part 135—Air Taxi Operators and Commercial Operators

§ 135.3(b) Reference to 91.1(c), change to 91.703(b)
§ 135.41 Reference to 91.12(a), change to 91.19(a)
§ 135.71 Reference to 91.169, change to 91.409
§ 135.93(c) Reference to 91.105, change to 91.155
§ 135.211(a)(2) Reference to 91.116(f), change to 91.175(f)

Rule: Part 137—Agricultural Aircraft Operations

§ 137.23 Reference to 91.12(a), change to 91.19(a)
§ 137.43(c) Reference to 91.107(e), change to 91.157(e)
§ 137.53(c)(ii) Reference to 91.217, change to 91.537

Rule: Part 141—Pilot Schools

§ 141.18 Reference to 91.12(a), change to 91.19(a)
§ 141.41(a)(1)(iii) Reference to 91.33, change to 91.205
§ 141.41(a)(2)(iii) Reference to 91.33, change to 91.205

Explanation: Due to the realignment of Part 91 in this amendment, references to specific rule numbers in other parts of this chapter would be revised to reflect the appropriate rule.

Regulatory Evaluation

The FAA conducted a regulatory evaluation which is included in the regulatory docket for this action. Three major groups of organizations were contacted in this study to determine what programs or areas might be impacted economically as a result of proposed Part 91: industry, military, and government. FAA found that the overwhelming response of the organizations contacted was that, in a general sense, the aggregate of costs to be borne at the organizational level would be insignificant to minor. Further, FAA found that each element or area of potential economic impact may incur types of costs that have not been defined. Because of the lack of directly relevant operational and cost data, the FAA does not have cost estimates for most of the undefined or defined potential impact areas. Those organizations contacted for the purposes of this study also were not able to define what the dollar amounts of impacted programs might be.

A total of 11 contacts with industry organizations were made by telephone. Types of companies or concerns represented by the organizations contacted were flight school operators and instructors; textbook publishers; helicopter manufacturers and operators; trunk, local service, and commuter airlines; aircraft manufacturers and major contractors; aerospace companies; corporations with business jets; private pilots; and manufacturers of aviation-related products. The vast majority of industry organizations contacted felt that a reorganization and realignment of Part 91 would have an insignificant impact on their constituents and associated programs. It was the opinion of most of these organizations that minor costs would be incurred for revising training programs, examinations, operational and maintenance manuals, etc., which reference specific sections of Part 91. Further, several of these organizations support the intent to revise Part 91 without reservation. The FAA invites comments from industry and other qualified sources on the types of programs that might be impacted as a result of the NPRM, on the level of cost impact of programs, and on other elements of impact.

Contacts were also made with the four military organizations: Air Force, Navy, Army, and Marine Corps. The areas commonly identified as having potential economic impact were in training programs and manuals which cite specific sections of the FAR. The aggregate response of these organizations, however, was that there would be little, if any, cost incurred as a result of proposed Part 91. The FAA invites comment from qualified sources on specific types of military programs that might be impacted economically.

The majority of the total cost burden, although it does not appear significant, is most likely to fall upon the FAA. This would include the material, printing, and distribution costs of revised FAR, agency orders, and agency directives, which are estimated not to exceed $500,000; the costs to revise handbooks and manuals; and software and programming costs.

FAA invites comments on the types of programs that may be impacted and/or the magnitude of costs that would be incurred as a result of this proposal.

Environmental Impact

The FAA has prepared an environmental assessment which addresses the proposal to realign Part 91 and has found that it is not a major Federal action. It concludes that the impacts would not significantly affect the quality of the human environment.

Benefits Resulting From Proposed Part 91

Proposed Part 91 is expected to provide several benefits to the general public, including: commonality and a more logical progression of the rules, reduced complexity, simplification through reorganization, renumbering to provide easier inclusion of future changes, and deletion of redundancies and obsolete compliance date. These changes will provide a regulation that is easier to read and understand. Additionally, it will reduce the amount of study time for persons who are responsible for having to know the regulation and are required to comply with its minimum safety standards.

Cross Reference

To identify where present regulations are proposed to be relocated, the following cross-reference is list provided:

Old	New
91.1	91.1 and 91.703.
91.2	91.193.
91.3	91.3.
91.4	91.5.
91.5	91.103.
91.6	91.189.
91.7	91.105.
91.8	91.11.
91.9	91.13.
91.10	91.13.
91.11	91.17.
91.12	91.19.
91.13	91.15.
91.14	91.107.
91.15	91.307.
91.17	91.309.
91.18	91.311.
91.19	91.21.
91.20	91.705.
91.21	91.109.
91.22	91.151.
91.23	91.167.
91.24	91.215.
91.25	91.171.
91.27	91.203.
91.28	91.717.
91.29	91.7.
91.30	91.213.
91.31	91.9.
91.32	91.211.
91.33	91.205.
91.34	91.191.
91.35	91.611.
91.36	91.217.
91.37	91.605.
91.38	91.707.
91.39	91.313.
91.40	91.315.
91.41	91.317.
91.42	91.319.
91.43	91.713.
91.45	91.613.
91.47	91.609.
91.49	91.603.
91.50	91.607.
91.51	91.219.
91.52	91.207.
91.53	Deleted.
91.54	91.23.
91.55	91.817.
91.56	91.815.
91.57	91.25.
91.58	91.615.
91.59	91.321.
91.61	91.101.
91.63	91.903.
91.65	91.111.
91.67	91.113.
91.69	91.115.
91.70	91.117.
91.71	91.303.
91.73	91.209.
91.75	91.123.
91.77	91.125.
91.79	91.119.
91.81	91.121.
91.83	91.153 and 91.169.
91.84	91.709.
91.85	91.127.
91.87	91.131.
91.89	91.129.
91.90	91.133.
91.91	91.139.
91.93	91.305.
91.95	91.135.
91.97	91.137.
91.99	Deleted.
91.100	91.141.
91.101	91.711.
91.102	91.145.
91.103	91.715.
91.104	91.143.
91.105	91.155.
91.107	91.157
91.109	91.159.
91.115	91.173.
91.116	91.175.
91.117	Deleted.
91.119	91.177.
91.121	91.179.
91.123	91.181.
91.125	91.183.
91.127	91.185.
91.129	91.187.
91.161	91.401.
91.163	91.403.
91.165	91.405.
91.167	91.407.
91.169	91.409.
91.170	91.413.
91.171	91.411.
91.173	91.417.
91.174	91.419.
91.175	91.421.
91.177	91.415.
91.181	91.501.
91.183	91.503.
91.185	91.505.
91.187	91.507.
91.189	91.509.
91.191	91.511.
91.193	91.513.
91.195	91.515.
91.197	91.517.
91.199	91.519.
91.200	91.521.
91.201	91.523.
91.203	91.525.
91.205	91.527.
91.207	Deleted.
91.209	91.529.
91.211	91.531.
91.213	91.533.
91.215	91.535.
91.217	91.537.
91.219	91.539.
91.301	91.801.
91.302	91.803.
91.303	91.805.
91.305	91.807.
91.306	91.809.
91.307	91.811.
91.308	91.813.
91.309	91.819.
91.311	91.821.

The Proposed Amendments

Accordingly, the Federal Aviation Administration proposes to amend Part 91 of the Federal Aviation Regulations (14 CFR Part 91) in its entirety, and amend references to specific rules of Part 91 in other parts (14 CFR Parts 1–199) as follows:

1. By revising Part 91 in its entirely as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

Special Federal Aviation Regulations

SFAR–21
SFAR–27
SFAR–29–3
SFAR–37
SFAR–42

Subpart A—General

Sec.
91.1 Applicability.
91.3 Responsibility and authority of the pilot in command.
91.5 Pilot in command of aircraft requiring more than one required pilot.
91.7 Civil aircraft airworthiness.
91.9 Civil aircraft operating limitations and marking requirements.
91.11 Prohibition against interference with crewmembers.
91.13 Careless or reckless operation.
91.15 Dropping objects.
91.17 Liquor and drugs.
91.19 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.
91.21 Portable electronic devices.
91.23 Truth-in-leasing clause requirement in leases and conditional sales contracts.
91.25 Aviation Safety Reporting Program: Prohibition against use of reports for enforcement purposes.
91.27–91.99 [Reserved]

Subpart B—Flight Rules

General

91.101 Applicability.
91.103 Preflight action.
91.105 Flight crewmembers at stations.
91.107 Use of safety belts.
91.109 Flight instruction: Simulated instrument flight and certain flight tests.
91.111 Operating near other aircraft.
91.113 Right-of-way rules: Except water operations.
91.115 Right-of-way rules: Water operations.
91.117 Aircraft speed.
91.119 Minimum safe altitudes: General.
91.121 Altimeter settings.
91.123 Compliance with ATC clearances and instructions.
91.125 ATC light signals.
91.127 Operating on or in the vicinity of an airport: General rules.
91.129 Operation at airports without control towers.
91.131 Operation at airports with operating control towers.
91.133 Terminal control areas.
91.135 Restricted and prohibited areas.
91.137 Positive control areas and route segments.
91.139 Temporary flight restrictions.
91.141 Emergency air traffic rules.
91.143 Flight restrictions in the proximity of the Presidential and other parties.
91.145 Flight limitation in the proximity of space flight recovery operations.
91.147–91.149 [Reserved]

Visual Flight Rules

91.151 Fuel requirements for flight under VFR.
91.153 VFR flight plan: Information required.
91.155 Basic VFR weather minimums.
91.157 Special VFR weather minimums.
91.159 VFR cruising altitude or flight level.
91.161–91.165 [Reserved]

Instrument Flight Rules

91.167 Fuel requirements for flight in IFR conditions.
91.169 IFR flight plan: Information required.
91.171 VOR equipment check for IFR operations.
91.173 ATC clearance and flight plan required.
91.175 Takeoff and landing under IFR.
91.177 Minimum altitudes for IFR operations.
91.179 IFR cruising altitude or flight level.
91.181 Course to be flown.
91.183 IFR radio communications.

91.185 IFR operations: Two-way radio communication failure.
91.187 Operation under IFR in controlled airspace: Malfunction reports.
91.189 Category II and III operations: General operating rules.
91.191 Category II manual.
91.193 Certificate of authorization for certain Category II operations.
91.195–91.199 [Reserved]

Subpart C—Equipment, Instrument, and Certificate Requirements

91.201 Applicability.
91.203 Civil aircraft: Certifications required.
91.205 Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.
91.207 Emergency locator transmitters.
91.209 Aircraft lights.
91.211 Supplemental oxygen.
91.213 Inoperable instruments and equipment for multiengine aircraft.
91.215 ATC transponder and altitude reporting equipment and use.
91.217 Data correspondence between automatically reported pressure altitude data and the pilot's altitude reference.
91.219 Altitude alerting system or device: Turbojet-powered civil airplanes
91.221–91.299 [Reserved]

Subpart D—Special Flight Operations

91.301 Applicability.
91.303 Acrobatic flight.
91.305 Flight test areas.
91.307 Parachutes and parachuting.
91.309 Towing: Gliders.
91.311 Towing: Other than under § 91.309.
91.313 Restricted category civil aircraft: Operating limitations.
91.315 Limited category civil aircraft: Operating limitations.
91.317 Provisionally certificated civil aircraft: Operating limitations.
91.319 Aircraft having experimental certificates: Operating limitations.
91.321 Carriage of candidates in Federal elections.
91.323–91.399 [Reserved]

Subpart E—Maintenance, Preventive Maintenance, and Alterations

91.401 Applicability.
91.403 General.
91.405 Maintenance required.
91.407 Carrying persons other than crewmembers after repairs or alterations.
91.409 Inspections.
91.411 Progressive inspection.
91.413 Altimeter system tests and inspections.
91.415 ATC transponder tests and inspections.
91.417 Maintenance records.
91.419 Transfer of maintenance records.
91.421 Rebuilt engine maintenance records.
91.423–91.499 [Reserved]

Subpart F—Large and Turbine-Powered Multiengine Airplane

91.501 Applicability.
91.503 Flying equipment and operating information.
91.505 Familiarity with operating limitations and emergency equipment.
91.507 Equipment requirements: Over-the-top or night VFR operations.
91.509 Survival equipment for overwater operations.
91.511 Radio equipment for overwater operations.
91.513 Emergency equipment.
91.515 Flight altitude rules.
91.517 Smoking and safety belts signs.
91.519 Passenger briefings.
91.521 Shoulder harness.
91.523 Carry-on baggage.
91.525 Carriage of cargo.
91.527 Transport category airplanes weight limitations.
91.529 Operating in icing conditions.
91.531 Flight engineer requirements.
91.533 Second-in-command requirements.
91.535 Flight attendant requirements.
91.537 Inspection program.
91.539 Availability of inspection program.
91.541–91.599 [Reserved]

Subpart G—Additional Equipment and Operating Requirements for Large and Transport Category Airport

91.601 Applicability.
91.603 Aural speed warning device.
91.605 Transport category civil airplane weight limitations.
91.607 Transport category airplanes—Pitot heat indication systems.
91.609 Emergency exits for airplanes carrying passengers for hire.
91.611 Flight recorders and cockpit voice recorders.
91.613 Authorization for ferry flight with one engine inoperative by air carriers and commercial operator of large aircraft.
91.615 Materials for compartment interiors.
91.617–91.699 [Reserved]

Subpart H—Foreign Aircraft Operations and Operations of U.S.-Registered Civil Aircraft to Areas Outside of the Conterminous United States

91.701 Applicability.
91.703 Operations of civil aircraft of U.S. registry outside of the United States.
91.705 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.
91.707 Increased maximum certificated weights for certain airplanes operated in Alaska.
91.709 Flights between Mexico or Canada and the United States.
91.711 Operations to Cuba.
91.713 Special rules for foreign civil aircraft.
91.715 Operation of civil aircraft of Cuban registry.
91.717 Special flight authorizations for foreign civil aircraft.
91.719–91.799 [Reserved].

Subpart I—Operating Noise Limits

91.801 Applicability: Relation to Part 36.
91.803 Part 125 operators: Designation of applicable regulations.
91.805 Final compliance: Subsonic airplanes.
91.807 Phased compliance under Parts 121, 125, and 135: Subsonic airplanes.
91.809 Replacement airplanes.
91.811 Service to small communities exemption: Two-engine, subsonic airplanes.
91.813 Compliance plans and status: U.S. operators of subsonic airplanes.
91.815 Agricultural and fire-fighting airplanes: Noise operating limitations.
91.817 Civil aircraft sonic boom.
91.819 Civil supersonic airplanes that do not comply with Subpart 36.
91.821 Civil supersonic airplanes: Noise limits.
91.823–91.899 [Reserved].

Subpart J—Waivers

91.901 Applicability.
91.903 Policy and procedures.
91.905 List of rules subject to waiver.
APPENDIX A. Category II Operations: Manual, Instruments, Equipment, and Maintenance
APPENDIX B. Authorizations to Exceed Mach 1 (§ 91.817)
APPENDIX C. Operations in the North Atlantic (NAT) Minimum Navigation Performance Specifications (MNPS) Airspace

Authority: Sections 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1372, 1421, 1422, 1443, 1472, 1510, and 1522); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c).).

Subpart A—General

§ 91.1 Applicability.

Except as provided in § 91.703, this part prescribes rules governing the operation of aircraft (other than moored ballons, kites, unmanned rockets, and unmanned free ballons) within the United States.

§ 91.3 Responsibility and authority of the pilot in command.

(a) The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft.

(b) In an emergency requiring immediate action, the pilot in command may deviate from any rule of this part to the extent required to meet that emergency.

(c) Each pilot in command who deviates from a rule under paragraph (b) of this section shall, upon the request of the Administrator, send a written report of that deviation to the Administrator.

§ 91.5 Pilot in command of aircraft requiring more than one required pilot.

No person may operate an aircraft that is type certificated for more than one required pilot flight crewmember unless the pilot flightcrew consists of a pilot in command who meets the requirements of § 61.58 of this chapter.

§ 91.7 Civil aircraft airworthiness.

(a) No person may operate a civil aircraft unless it is in an airworthy condition.

(b) The pilot in command of a civil aircraft is responsible for determining whether that aircraft is in condition for safe flight. He shall discontinue the flight when unairworthy mechanical or structural conditions occur.

§ 91.9 Civil aircraft operating limitations and marking requirements.

(a) Except as provided in paragraph (d) of this section, no person may operate a civil aircraft without compliance with the operating limitations for that aircraft prescribed by the certificating authority of the country of registry.

(b) No person may operate a U.S.-registered civil aircraft:

(1) For which an airplane or rotorcraft flight manual is required by § 21.5 unless there is available in the aircraft a current, approved airplane or rotorcraft flight manual or the manual provided for in § 121.141(b); and

(2) For which an airplane or rotorcraft flight manual is not required by § 21.5, unless there is available in the aircraft a current approved airplane or rotorcraft flight manual, approved manual material, markings, and placards, or any combination thereof.

(c) No person may operate a U.S.-registered civil aircraft unless that aircraft is identified in accordance with Part 45 of this chapter.

(d) Any person taking off or landing a helicopter certificated under Part 29 of this chapter at a heliport constructed over water may make such momentary flight as is necessary: for takeoff or landing through the prohibited range of the limiting height-speed envelope established for that helicopter if that flight through the prohibited range takes place over water on which a safe ditching can be accomplished and if the helicopter is amphibious or is equipped with floats or other emergency flotation gear adequate to accomplish a safe emergency ditching on open water.

(e) The airplane or rotorcraft flight manual, or manual material, markings, and placards required by paragraph (b) of this section, must contain each operating limitation prescribed for that aircraft by the Administrator, including the following:

(1) Powerplant (e.g., r.p.m., manifold pressure, gas temperature, etc.).

(2) Airspeeds (e.g., normal operating speed, flaps extended speed, etc.).

(3) Aircraft weight, center of gravity, and weight distribution, including the composition of the useful load in those combinations and ranges intended to ensure that the weight and center of gravity position will remain within approved limits (e.g., combinations and ranges of crew, oil, fuel, and baggage).

(4) Minimum flightcrew.

(5) Kinds of operations.

(6) Maximum operating altitude.

(7) Maneuvering flight load factors.

(8) Rotor speed (for rotorcraft).

(9) Limiting height-speed envelope (for rotorcraft).

§ 91.11 Prohibition against interference with crewmembers.

No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated.

§ 91.13 Careless or reckless operation.

(a) *Aircraft operations for the purpose of air navigation.* No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

(b) *Aircraft operations other than for the purpose of air navigation.* No person may operate an aircraft other than for the purpose of air navigation, on any part of the surface of an airport used by aircraft for air commerce (including areas used by those aircraft for receiving or discharging persons or cargo), in a careless or reckless manner so as to endanger the life or property of another.

§ 91.15 Dropping objects.

No pilot in command of a civil aircraft may allow any object to be dropped from that aircraft in flight that creates a hazard to persons or property. However, this section does not prohibit the dropping of any object if reasonable precautions are taken to avoid injury or damage to persons or property.

§ 91.17 Liquor and drugs.

(a) No person may act as a crewmember of a civil aircraft:

(1) Within 8 hours after the consumption of any alcoholic beverage;

(2) While under the influence of alcohol; or

(3) While using any drug that affects his faculties in any way contrary to safety.

(b) Except in an emergency, no pilot of a civil aircraft may allow a person who is obviously under the influence of intoxicating liquors or drugs (except a medical patient under proper care) to be carried in that aircraft.

§ 91.19 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft.

(b) Paragraph (a) of this section does not apply to any carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances authorized by or under any Federal or State statute or by any Federal or State agency.

§ 91.21 Portable electronic devices.

(a) Except as provided in paragraph (b) of this section, no person may operate, nor may any operator or pilot in command of an aircraft allow the operation of, any portable electronic device on any of the following U.S.-registered civil aircraft:

(1) Aircraft operated by an air carrier or commercial operator; or

(2) Any other aircraft while it is operated under IFR.

(b) Paragraph (a) of this section does not apply to—

(1) Portable voice recorders;

(2) Hearing aids;

(3) Heart pacemakers;

(4) Electric shavers; or

(5) Any other portable electronic device that the operator of the aircraft has determined will not cause interference with the navigation or communication system of the aircraft on which it is to be used.

(c) In the case of an aircraft operated by an air carrier or commercial operator, the determination required by paragraph (b)(5) of this section shall be made by the air carrier or commercial operator of the aircraft on which the particular device is to be used. In the case of other aircraft, the determination may be made by the pilot in command or other operator of the aircraft.

§ 91.23 Truth-in-leasing clause requirement in leases and conditional sales contracts.

(a) Except as provided in paragraph (b) of this section, the parties to a lease or contract of conditional sale involving a U.S.-registered large civil aircraft and entered into after January 2, 1973, shall execute a written lease or contract and include therein a written truth-in-leasing clause as a concluding paragraph in large print, immediately preceding the space for the signature of the parties, which contains the following with respect to each such aircraft:

(1) Identification of the Federal Aviation Regulations under which the aircraft has been maintained and inspected during the 12 months

preceding the execution of the lease or contract of conditional sale, and certification by the parties thereto regarding the aircraft's status of compliance with applicable maintenance and inspection requirements in this part of the operation to be conducted under the lease or contract of conditional sale.

(2) The name and address (printed or types) and the signature of the person responsible for operational control of the aircraft under the lease or contract of conditional sale, and certification that each person understands that person's responsibilities for compliance with applicable Federal Aviation Regulations.

(3) A statement that an explanation of factors bearing on operational control and pertinent Federal Aviation Regulations can be obtained from the nearest FAA Flight Standards District Office, General Aviation District Office, or Air Carrier District Office.

(b) The requirements of paragraph (a) of this section do not apply—

(1) To a lease or contract of conditional sale when—

(i) The party to whom the aircraft is furnished is a foreign air carrier or certificate holder under Part 121, 123, 125, 127, 135, or 141 of this chapter; or

(ii) The party furnishing the aircraft is a foreign air carrier, certificate holder under Part 121, 123, 125, 127, or 141 of this chapter, or a certificate holder under Part 135 of this chapter having appropriate authority to engage in air taxi operations with large aircraft;

(2) To a contract of conditional sale, when the aircraft involved has not been registered anywhere prior to the execution of the contract, except as a new aircraft under a dealer's aircraft registration certificate issued in accordance with § 47.61 of this chapter.

(c) No person may operate a large civil aircraft of U.S. registry that is subject to a lease or contract of conditional sale to which paragraph (a) of this section applies, unless—

(1) The lessee or conditional buyer, or the registered owner if the lessee is not a citizen of the United States, has mailed a copy of the lease or contract that complies with the requirements of paragraph (a) of this section, within 24 hours of its execution, to the Flight Standards Technical Division, P.O. Box 25724, Oklahoma City, Oklahoma 73125;

(2) A copy of the lease or contract that complies with the requirements of paragraph (a) of this section is carried in the aircraft. The copy of the lease or contract shall be made available for review upon request by the Administrator; and

(3) The lessee or conditional buyer, or the registered owner if the lessee is not a citizen of the United States, has notified by telephone or in person, the FAA Flight Standards District Office, General Aviation District Office, Air Carrier District Office, or International Field Office nearest the airport where the flight will originate. Unless otherwise authorized by that office, the notification shall be given at least 48 hours prior to takeoff in the case of the first flight of that aircraft under that lease or contract and inform the FAA of—

(i) The location of the airport of departure;

(ii) The departure time; and

(iii) The registration number of the aircraft involved.

(d) The copy of the lease or contract furnished to the FAA under paragraph (c) of this section is commercial or financial information obtained from a person. It is, therefore, privileged and confidential and will not be made available by the FAA for public inspection or copying under 5 U.S.C. 552(b)(4) unless recorded with the FAA under Part 49 of this chapter.

(e) For the purpose of this section, a lease means any agreement by a person to furnish an aircraft to another person for compensation or hire, whether with or without flight crewmembers, other than an agreement for the sale of an aircraft and a contract of conditional sale under section 101 of the Federal Aviation Act of 1958. The person furnishing the aircraft is referred to as the lessor, and the person to whom it is furnished the lessee.

§ 91.25 Aviation safety reporting program: Prohibition against use of reports for enforcement purposes.

The Administrator of the FAA will not use reports submitted to the National Aeronautics and Space Administration under the Aviation Safety Reporting Program (or information derived therefrom) in any enforcement action, except information concerning criminal offenses or accidents which are wholly excluded from the program.

§ 91.27-91.99 Reserved.

Subpart B—Flight Rules

General

§ 91.101 Applicability.

This subpart prescribes flight rules governing the operation of aircraft within the United States.

§ 91.103 Preflight action.

Each pilot in command shall, before beginning a flight, familiarize himself with all available information concerning that flight. This information must include—

(a) For a flight under IFR or a flight not in the vicinity of an airport, weather reports and forecasts, fuel requirements, alternatives available if the planned flight cannot be completed, and any known traffic delays of which he has been advised by ATC;

(b) For any flight, runway lengths at airports of intended use, and the following takeoff and landing distance information:

(1) For civil aircraft for which an approved airplane or rotorcraft flight manual containing takeoff and landing distance data is required, the takeoff and landing distance data contained therein; and

(2) For civil aircraft other than those specified in subparagraph (1) of this paragraph, other reliable information appropriate to the aircraft, relating to aircraft performance under expected values of airport elevation and runway slope, aircraft gross weight, and wind and temperature.

§ 91.105 Flight crewmembers at stations.

(a) During takeoff and landing, and while en route, each required flight crewmember shall—

(1) Be at his station unless his absence is necessary in the performance of his duties in connection with the operation of the aircraft or in connection with his physiological needs; and

(2) Keep his seat belt fastened while at his station.

(b) Each required flight crewmember of a U.S.-registered civil aircraft shall, during takeoff and landing, keep the shoulder harness fastened while at his station. This paragraph does not apply if—

(1) The seat at the crewmember's station is not equipped with a shoulder harness; or

(2) The crewmember would be unable to perform his required duties with the shoulder harness fastened.

§ 91.107 Use of safety belts.

(a) No pilot may take off a U.S.-registered civil aircraft (except a free balloon that incorporates a basket or gondola and an airship) unless the pilot in command of that aircraft ensures that each person on board is briefed on how to fasten and unfasten that person's safety belt.

(b) No pilot may take off or land a U.S.-registered civil aircraft (except a free balloon that incorporates a basket or gondola and an airship) unless the pilot in command of that aircraft ensures that each person on board has been notified to fasten his safety belt.

(c) During the takeoff and landing of a U.S.-registered civil aircraft (except a free balloon that incorporates a basket or gondola and an airship) each person on board that aircraft must occupy a seat or berth with a safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth and a person on board for the purpose of engaging in sport parachuting may use the floor of the aircraft as a seat.

(d) This section does not apply to operations conducted under Part 121, 123, 125, 127, or 135 of this chapter. Paragraph (c) of this section does not apply to persons subject to § 91.105.

§ 91.109 Flight instruction: Simulated instrument flight and certain flight tests.

(a) No person may operate a civil aircraft (except a manned free balloon) that is being used for flight instruction unless that aircraft has fully functioning dual controls. However, instrument flight instruction may be given in a single-engine airplane equipped with a single, functioning throwover control wheel in place of fixed, dual controls of the elevator and ailerons when—

(1) The instructor has determined that the flight can be conducted safely; and

(2) The person manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.

(b) No person may operate a civil aircraft in simulated instrument flight unless—

(1) An appropriately rated pilot occupies the other control seat as safety pilot;

(2) The safety pilot has adequate vision forward and to each side of the aircraft, or a competent observer in the aircraft adequately supplements the vision of the safety pilot; and

(3) Except in the case of lighter-than-air aircraft, that aircraft is equipped with fully functioning dual controls. However, simulated instrumented flight may be conducted in a single-engine airplane, equipped with a single, functioning, throwover control wheel, in place of fixed, dual controls of the elevator and ailerons, when—

(i) The safety pilot has determined that the flight can be conducted safely; and

(ii) The person manipulating the control has at least a private pilot certificate with appropriate category and class ratings.

(c) No person may operate a civil aircraft that is being used for a flight test for an airline transport pilot certificate or a class or type rating on that certificate or for a Part 121 proficiency flight test unless the pilot seated at the controls, other than the pilot being checked, is fully qualified to act as pilot in command of the aircraft.

§ 91.111 Operating near other aircraft.

(a) No person may operate an aircraft so close to another aircraft as to create a collision hazard.

(b) No person may operate an aircraft in formation flight except by arrangement with the pilot in command of each aircraft in the formation.

(c) No person may operate an aircraft, carrying passengers for hire, in formation flight.

(d) Unless otherwise authorized by ATC, no person operating an aircraft may operate his aircraft in accordance with any clearance or instruction that has been issued to the pilot of another aircraft for radar air traffic control purposes.

§ 91.113 Right-of-way rules: Except water operations.

(a) *General.* When weather conditions permit, regardless of whether an operation is conducted under instrument flight rules or visual flight rules, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft in compliance with this section. When a rule of this section gives another aircraft the right of way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it, unless well clear.

(b) *In distress.* An aircraft in distress has the right of way over all other air traffic.

(c) *Converging.* When aircraft of the same category are converging at approximately the same altitude (except head-on, or nearly so), the aircraft to the other's right has the right of way. If the aircraft are of different categories—

(1) A balloon has the right of way over any other category of aircraft;

(2) A glider has the right of way over an airship, airplane, or rotorcraft; and

(3) An airship has the right of way over an airplane or rotorcraft.

However, an aircraft towing or refueling other aircraft has the right of way over all other engine-driven aircraft.

(d) *Approaching head-on.* When aircraft are approaching each other head-on, or nearly so, each pilot of each aircraft shall alter course to the right.

(e) *Overtaking.* Each aircraft that is being overtaken has the right of way and each pilot of an overtaking aircraft shall alter course to the right to pass well clear.

(f) *Landing.* Aircraft, while on final approach to land or while landing, have the right of way over other aircraft in flight or operating on the surface. When two or more aircraft are approaching an airport for the purpose of landing, the aircraft at the lower altitude has the right of way, but it shall not take advantage of this rule to cut in front of another which is on final approach to land or to overtake that aircraft.

(g) *Inapplicability.* This section does not apply to the operation of an aircraft on water.

§ 91.115 Right-of-way rules: Water operations.

(a) *General.* Each person operating an aircraft on the water shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation, and shall give way to any vessel or other aircraft that is given the right of way by any rule of this section.

(b) *Crossing.* When aircraft, or an aircraft and a vessel, are on crossing courses, the aircraft or vessel to the other's right has the right of way.

(c) *Approaching head-on.* When aircraft, or an aircraft and a vessel, are approaching head-on or nearly so, each shall alter its course to the right to keep well clear.

(d) *Overtaking.* Each aircraft or vessel that is being overtaken has the right of way, and the one overtaking shall alter course to keep well clear.

(e) *Special circumstances.* When aircraft, or an aircraft and a vessel, approach so as to involve risk of collision, each aircraft or vessel shall proceed with careful regard to existing circumstances, including the limitations of the respective craft.

§ 91.117 Aircraft speed.

(a) No person may operate an aircraft below 10,000 feet MSL at an indicated airspeed of more than 250 knots (288 m.p.h.).

(b) Unless otherwise authorized or required by ATC, no person may operate an aircraft within an airport traffic area at an indicated airspeed of more than—

(1) In the case of a reciprocating-engine-powered aircraft, 156 knots (180 m.p.h.); or

(2) In the case of a turbine-powered aircraft, 200 knots (230 m.p.h.).

Paragraph (b) does not apply to any operations within a terminal control area. Such operations shall comply with paragraph (a) of this section.

(c) No person may operate an aircraft in the airspace underlying a terminal control area, or in a VFR corridor designated through a terminal control area, at an indicated airspeed of more than 200 knots (230 m.p.h.).

However, if the minimum safe airspeed for any particular operation is

greater than the maximum speed prescribed in this section, the aircraft may be operated at that minimum speed.

§ 91.119 Minimum safe altitudes: General.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) *Anywhere.* An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) *Over congested areas.* Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) *Over other than congested areas.* An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) *Helicopters.* Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with routes or altitudes specifically prescribed for helicopters by the Administrator.

§ 91.121 Altimeter settings.

(a) Each person operating an aircraft shall maintain the cruising altitude or flight level of that aircraft, as the case may be, by reference to an altimeter that is set, when operating—

(1) Below 18,000 feet MSL, to—

(i) The current reported altimeter setting of a station along the route and within 100 nautical miles of the aircraft;

(ii) If there is no station within the area prescribed in subdivision (i) of this subparagraph, the current reported altimeter setting of an appropriate available station; or

(iii) In the case of an aircraft not equipped with a radio, the elevation of the departure airport or an appropriate altimeter setting available before departure; or

(2) At or above 18,000 feet MSL, to 29.92" Hg.

(b) The lowest usable flight level is determined by the atmospheric pressure in the area of operation as shown in the following table:

Current altimeter setting	Lowest usable flight level
29.92 (or higher)	180
29.91 through 29.42	185
29.41 through 28.92	190
28.91 through 28.42	195
28.41 through 27.92	200
27.91 through 27.42	205
27.41 through 26.92	210

(c) To convert minimum altitude prescribed under §§ 91.119 and 91.165 to the minimum flight level, the pilot shall take the flight level equivalent of the minimum altitude in feet and add the appropriate number of feet specified below, according to the current reported altimeter setting:

Current altimeter setting	Adjustment factor (feet)
29.92 (or higher)	None
29.91 through 29.42	500
29.41 through 28.92	1,000
28.91 through 28.42	1,500
28.41 through 27.92	2,000
27.91 through 27.42	2,500
27.41 through 26.92	3,000

§ 91.123 Compliance with ATC clearances and instructions.

(a) When an ATC clearance has been obtained, no pilot in command may deviate from that clearance, except in an emergency, unless he obtains an amended clearance. However, except in positive controlled airspace, this paragraph does not prohibit him from canceling an IFR flight plan if he is operating in VFR weather conditions. If a pilot is uncertain of the meaning of an ATC clearance, he immediately shall request clarification from ATC.

(b) Except in an emergency, no person may operate an aircraft contrary to an ATC instruction, in an area in which air traffic control is exercised.

(c) Each pilot in command who, in an emergency, deviates, from an ATC clearance or instruction shall notify ATC of that deviation as soon as possible.

(d) Each pilot in command who (though not deviating from a rule of this subpart) is given priority by ATC in an emergency, shall submit a detailed report of that emergency within 48 hours to the chief of that ATC facility, if requested by ATC.

§ 91.125 ATC light signals.

ATC light signals have the meaning shown in the following table:

Color and type of signal	Meaning with respect to aircraft on the surface	Meaning with respect to aircraft in flight
Steady green	Cleared for takeoff.	Cleared to land.
Flashing green	Cleared to taxi	Return for landing (to be followed by steady green at proper time).
Steady red	Stop	Give way to other aircraft and continue circling.
Flashing red	Taxi clear of runway in use.	Airport unsafe—do not land.
Flashing white	Return to starting point on airport.	Not applicable.
Alternating red and green.	Exercise extreme caution.	Exercise extreme caution.

§ 91.127 Operating on or in the vicinity of an airport: General rules.

(a) Unless otherwise required by Part 93 of this chapter, each person operating an aircraft on or in the vicinity of an airport shall comply with the requirements of this section and of §§ 91.129 and 91.131.

(b) Unless otherwise authorized or required by ATC, no person may operate an aircraft within an airport traffic area except for the purpose of landing at, or taking off from, an airport within that area. ATC authorization may be given as indiviual approval of specific operations or may be contained in written agreements between airport users and the tower concerned.

(c) Except when necessary for training or certification, the pilot in command of a civil turbojet-powered airplane shall use, as a final landing flap setting, the minimum certificated landing flap setting set forth in the approved performance information in the airplane flight manual for the applicable conditions. However, each pilot in command has the final authority and responsibility for the safe operation of his airplane, and he may use a different flap setting approved for that airplane if he determines that it is necessary in the interest of safety.

§ 91.129 Operation at airports without control towers.

Each person operating an aircraft to or from an airport without an operating control tower shall—

(a) In the case of an airplane approaching to land, make all turns of that airplane to the left unless the airport displays approved light signals or visual markings indicating that turns should be made to the right, in which case the pilot shall make alll turns to the right;

(b) In the case of a helicopter approaching to land, avoid the flow of fixed-wing aircraft; and

(c) In the case of an aircraft departing the airport, comply with any FAA traffic pattern for that airport.

§ 91.131 Operation at airports with operating control towers.

(a) *General.* Unless otherwise authorized or required by ATC, each person operating an aircraft to, from, or on an airport with an operating control tower shall comply with the applicable provisions of this section.

(b) *Communications with control towers operated by the United States.* No person may, within an airport traffic area, operate an aircraft to, from, or on an airport having a control tower operated by the United States unless two-way radio communications are maintained between that aircraft and the control tower. However, if the aircraft radio fails in flight, he may operate that aircraft and land if weather conditions are at or above basic VFR weather minimums, he maintains visual contact with the tower, and he receives a clearance to land. If the aircraft radio fails while in flight under IFR, he must comply with § 91.185.

(c) *Communications with other control towers.* No person may, within an airport traffic area, operate an aircraft to, from, or on an airport having a control tower that is operated by any person other than the United States unless—

(1) If that aircraft's radio equipment so allows, two-way radio communications are maintained between the aircraft and the tower; or

(2) If that aircraft's radio equipment allows only reception from the tower, the pilot has the tower's frequency monitored.

(d) *Minimum altitudes.* When operating to an airport with an operating control tower, each pilot of—

(1) A turbine-powered airplane or a large airplane shall, unless otherwise required by the applicable distance from cloud criteria, enter the airport traffic area at an altitude of at least 1,500 feet above the surface of the airport and maintain at least 1,500 feet within the airport traffic area, including the traffic pattern, until further descent is required for a safe landing;

(2) A turbine-powered airplane or a large airplane approaching to land on a runway being served by an ILS, if the airplane is ILS equipped, shall fly that airplane at an altitude at or above the glide slope between the outer marker (or the point of interception with the glide slope, if compliance with the applicable distance from clouds criteria requires interception closer in) and the middle marker; and

(3) An airplane approaching to land on a runway served by a visual approach slope indicator shall maintain an altitude at or above the glide slope until a lower altitude is necessary for a safe landing.

However, paragraphs (d) (2) and (3) of this section do not prohibit normal bracketing maneuvers above or below the glide slope that are conducted for the purpose of remaining on the glide slope.

(e) *Approches.* When approaching to land at an airport with an operating control tower, each pilot of—

(1) An airplane shall circle the airport to the left; and

(2) A helicopter shall avoid the flow of fixed-wing aircraft.

(f) *Departures.* No person may operate an aircraft taking off from an airport with an operating control tower except in compliance with the following:

(1) Each pilot shall comply with any departure procedures established for that airport by the FAA.

(2) Unless otherwise required by the departure procedure or the applicable distance from clouds criteria, each pilot of a turbine-powered airplane and each pilot of a large airplane shall climb to an altitude of 1,500 feet above the surface as rapidly as practicable.

(g) *Noise abatement runway system.* When landing or taking off from an airport with an operating control tower and for which a formal runway use program has been established by the FAA, each pilot of a turbine-powered airplane and each pilot of a large airplane assigned a noise abatement runway by ATC shall use that runway. However, consistent with the final authority of the pilot in command concerning the safe operation of the aircraft as prescribed in § 91.3(a), ATC may assign a different runway if requested by the pilot in the interest of safety.

(h) *Clearance required.* No person may operate, at an airport with an operating control tower, operate an aircraft on a runway or taxiway, or take off or land an aircraft, unless an appropiate clearance is received from ATC. A clearance to "taxi to" the take-off runway assigned to the aircraft is not a clearance to cross that assigned takeoff runway or to taxi on that runway at any point, but is a clearance to cross other runways that intersect the taxi route to that assigned takeoff runway. A clearance to "taxi to" any point other than an assigned takeoff runway is a clearance to cross all runways that intersect the taxi route to that point.

§ 91.133 Terminal control areas.

(a) Group I terminal control areas.

(1) *Operating rules.* No person may operate an aircraft within a Group I terminal control area designated in Part 71 of this chapter except in compliance with the following rules:

(i) No person may operate an aircraft within a Group I terminal control area unless he has received an appropriate authorization from ATC prior to the operation of that aircraft in that area.

(ii) Unless otherwise authorized by ATC, each person operating a large turbine-engine-powered airplane to or from a primary airport shall operate at or above the designated floors while within the lateral limits of the terminal control area.

(2) *Pilot requirements.* The pilot in command of a civil aircraft may not land or take off that aircraft from an airport within a Group II terminal control area unless he holds at least a private pilot certificate.

(3) *Equipment requirements.* Unless otherwise authorized by ATC in the case of in-flight VOR, TACAN, or two-way radio failure or unless otherwise authorized by ATC in the case of a transponder failure occurring at any time, no person may operate an aircraft within a Group I terminal control area unless that aircraft is equipped with—

(i) An operable VOR or TACAN receiver (except in the case of helicopters);

(ii) An operable two-way radio capable of communicating with ATC on appropriate frequencies for that terminal control area; and

(iii) The applicable equipment specified in § 91.215.

(b) Group II terminal control areas.

(1) *Operating rules.* No person may operate an aircraft within a Group II terminal control area designated in Part 71 of this chapter except in compliance with the following rules:

(i) No person may operate an aircraft within a Group II terminal control area unless he has received an appropriate authorization from ATC prior to operation of that aircraft in that area and unless two-way radio communications are maintained within that area between that aircraft and the ATC facility.

(ii) Unless otherwise authorized by ATC, each person operating a large turbine-engine-powered airplane to or from a primary airport shall operate at or above the designated floors while within the lateral limits of the terminal control area.

(2) *Equipment requirements.* Unless otherwise authorized by ATC in the case of in-flight VOR, TACAN, or two-

way radio failure or unless otherwise authorized by ATC in the case of a transponder failure occurring at any time, no person may operate an aircraft within a Group II terminal control area unless that aircraft is equipped with—

(i) An operable VOR or TACAN receiver (except in the case of helicopters);

(ii) An operable two-way radio capable of communicating with ATC on the appropriate frequencies for that terminal control area; and

(iii) The applicable equipment specified in § 91.215, except that automatic pressure altitude reporting equipment is not required for any operation within the terminal control area and a transponder is not required for IFR flights operating to or from an airport outside of, but in close proximity to, the terminal control area when the commonly used transition, approach, or departure procedures to such airport require flight within the terminal control area.

(c) *Group III terminal control areas.* No person may operate an aircraft within a Group III terminal control area designated in Part 71 unless the applicable provisions of § 91.215(b) are complied with, except that such compliance is not required if two-way radio communications are maintained within the TCA between the aircraft and the ATC facility and the pilot provides position, altitude, and proposed flight path prior to entry.

§ 91.135 Restricted and prohibited areas.

(a) No person may operate an aircraft within a restricted area (designated in Part 73) contrary to the restrictions imposed, or within a prohibited area, unless he has the permission of the using or controlling agency, as appropriate.

(b) Each person conducting, within a restricted area, an aircraft operation (approved by the using agency) that creates the same hazards as the operations for which the restricted area was designated may deviate from the rules of this subpart that are not compatible with the operation of the aircraft.

§ 91.137 Positive control areas and route segments.

(a) Except as provided in paragraph (b) of this section, no person may operate an aircraft within a positive control area or positive control route segment designated in Part 71 of this chapter unless that aircraft is—

(1) Operated under IFR at a specific flight level assigned by ATC;

(2) Equipped with instruments and equipment required for IFR operations;

(3) Flown by a pilot rated for instrument flight; and

(4) Equipped, when in a positive control area, with—

(i) The applicable equipment specified in § 91.215; and

(ii) A radio providing direct pilot/controller communication on the frequency specified by ATC for the area concerned.

(b) ATC may authorize deviations from the requirements of paragraph (a) of this section. In the case of an inoperative transponder, ATC may immediately approve an operation within a positive control area allowing flight to continue, if desired, to the airport of ultimate destination, including any intermediate stops, or to proceed to a place where suitable repairs can be made, or both. A request for authorization to deviate from a requirement of paragraph (a) of this section, other than for operation with an inoperative transponder as outlined above, must be submitted at least 4 days before the proposed operation, in writing, to the ATC center having jurisdiction over the positive control area concerned. ATC may authorize a deviation on a continuing basis or for an individual flight, as appropriate.

§ 91.139 Temporary flight restrictions.

(a) Whenever the Administrator determines it to be necessary in order to prevent an unsafe congestion of sightseeing aircraft above an incident or event which may generate a high degree of public interest, or to provide a safe environment for the operation of disaster-relief aircraft, a Notice to Airmen will be issued designating an area within which temporary flight restrictions apply.

(b) When a Notice to Airmen has been issued under this section, no person may operate an aircraft within the designated area unless—

(1) That aircraft is participating in disaster-relief activities and is being operated under the direction of the agency responsible for relief activities;

(2) That aircraft is being operated to or from an airport within the area and is operated so as not to hamper or endanger relief activities;

(3) That operation is specifically authorized under an IFR ATC clearance;

(4) VFR flight around or above the area is impracticable due to weather, terrain, or other considerations, prior notice is given to the air traffic service facility specified in the Notice to Airmen, and en route operation through the area is conducted so as not to hamper or endanger relief activities; or

(5) That aircraft is carrying properly accredited news representatives, or persons on official business concerning the incident or event which generated the issuance of the Notice to Airmen the operation is conducted in accordance with § 91.119 of this chapter the operation is conducted above the altitudes being used by relief aircraft unless otherwise authorized by the agency responsible for relief activities and further in connection with this type of operation, prior to entering the area the operator has filed with the air traffic service facility specified in the Notice to Airmen a flight plan that includes the following information:

(i) Aircraft identification, type, and color.

(ii) Radio communications frequencies to be used.

(iii) Proposed times of entry and exit of the designated area.

(iv) Name of news medium or purpose of flight.

(v) Any other information deemed necessary by ATC.

§ 91.141 Emergency air traffic rules.

(a) This section prescribes a process for utilizing Notices to Airmen (NOTAM's) to advise of the issuance and operations under emergency air traffic rules and regulations and designates the official who is authorized to issue NOTAM's on behalf of the Administrator in certain matters under this section.

(b) Whenever the Administrator determines that an emergency condition exists, or will exist, relating to the FAA's ability to operate the air traffic control system and during which normal flight operations under this chapter cannot be conducted consistent with the required levels of safety and efficiency—

(1) The Administrator issues an immediately effective air traffic rule or regulation in response to that emergency condition; and

(2) The Administrator or the Director, Air Traffic Service, may utilize the NOTAM system to provide notification of the issuance of the rule or regulation. Those NOTAM's communicate information concerning the rules and regulations that govern flight operations, the use of navigation facilities, and designation of that airspace in which the rules and regulations apply.

(c) When a NOTAM has been issued under this section, no person may operate an aircraft, or other device governed by the regulation concerned, within the designated airspace except in accordance with the authorizations, terms, and conditions prescribed in the regulation covered by the NOTAM.

§ 91.143 Flight restrictions in the proximity of the Presidential and other parties.

No person may operate an aircraft over or in the vicinity of any area to be visited or traveled by the President, the Vice President, or other public figures contrary to the restrictions established by the Administrator and published in a Notice to Airmen (NOTAM).

§ 91.145 Flight limitations in the proximity of space flight recovery operations.

No person may operate any aircraft of U.S. registry, or pilot any aircraft under the authority of an airman certificate issued by the Federal Aviation Administration within areas designated in a NOTAM for space flight recovery operations except when authorized by ATC or operated under the control of the Department of Defense Manager for Manned Space Flight Support Operations.

§ 91.147-91.149 [Reserved]

Visual Flight Rules

§ 91.151 Fuel requirements for flight under VFR.

(a) No person may begin a flight in an airplane under VFR unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed—

(1) During the day, to fly after that for at least 30 minutes; or

(2) At night, to fly after that for at least 45 minutes.

(b) No person may begin a flight in a rotorcraft under VFR unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 20 minutes.

§ 91.153 VFR flight plan: Information required.

(a) *Information required.* Unless otherwise authorized by ATC, each person filing a VFR flight plan shall include in it the following information:

(1) The aircraft identification number and, if necessary, its radio call sign.

(2) The type of the aircraft or, in the case of a formation flight, the type of each aircraft and the number of aircraft in the formation.

(3) The full name and address of the pilot in command or, in the case of a formation flight, the formation commander.

(4) The point and proposed time of departure.

(5) The proposed route, cruising altitude (or flight level), and true airspeed at that altitude.

(6) The point of first intended landing and the estimated elapsed time until over that point.

(7) The radio frequencies to be used.

(8) The amount of fuel on board (in hours).

(9) The number of persons in the aircraft, except where that information is otherwise readily available to the FAA.

(10) Any other information the pilot in command or ATC believes is necessary for ATC purposes.

(b) *Cancellation.* When a flight plan has been activated, the pilot in command, upon canceling or completing the flight under the flight plan, shall notify an FAA Flight Service Station or ATC facility.

§ 91.155 Basic VFR weather minimums.

(a) Except as provided in § 91.157, no person may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less, than that prescribed for the corresponding altitude in the following table:

Altitude	Flight visibility	Distance from clouds
1,200 feet or less above the surface (regardless of MSL altitude)—		
Within controlled airspace	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Outside controlled airspace	1 statute mile except as provided in § 91.155(b).	Clear of clouds.
More than 1,200 feet above the surface but less than 10,000 feet MSL—		
Within controlled airspace	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Outside controlled airspace	1 statute mile	500 feet below. 1,000 feet above. 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL—.	5 statute miles	1,000 feet below. 1,000 feet above. 1 mile horizontal.

(b) When the visibility is less than 1 mile, a helicopter may be operated outside controlled airspace at 1,200 feet or less above the surface if operated at a speed that allows the pilot adequate opportunity to see any air traffic or other obstruction in time to avoid a collision.

(c) Except as provided in § 91.157, no person may operate an aircraft under VFR within a control zone beneath the ceiling when the ceiling is less than 1,000 feet.

(d) Except as provided in § 91.157, no person may take off or land an aircraft or enter the traffic pattern of an airport under VFR within a control zone—

(1) Unless ground visibility at that airport is at least 3 statute miles; or

(2) If ground visibility is not reported at that airport, unless flight visibility during landing or take off or while operating in the traffic pattern is at least 3 statute miles

(e) For the purposes of this section, an aircraft operating at the base altitude of a transition area or control area is considered to be within the airspace directly below that area.

§ 91.157 Special VFR weather minimums.

(a) Except as provided in § 93.111, when a person has received an appropriate ATC clearance, the special weather minimums of this section instead of those contained in § 91.155 apply to the operation of an aircraft by that person in a control zone under VFR.

(b) No person may operate an aircraft in a control zone under VFR except clear of clouds.

(c) No person may operate an aircraft (other than a helicopter) in a control zone under VFR unless flight visibility is at least 1 statute mile.

(d) No person may take off or land an aircraft (other than a helicopter) at any airport in a control zone under VFR—

(1) Unless ground visibility at that airport is at least 1 statute mile; or

(2) If ground visibility is not reported at that airport, unless flight visibility during landing or takeoff is at least 1 statute mile.

(e) No person may operate an aircraft (other than a helicopter) in a control zone under the special weather minimums of this section, between sunset and sunrise (or in Alaska, when the sun is more than 6 degrees below the horizon) unless—

(1) That person meets the applicable requirements for instrument flight under Part 61 of this chapter; and

(2) The aircraft is equipped as required in § 91.205(d).

§ 91.159 VFR cruising altitude or flight level.

Except while holding in a holding pattern of 2 minutes or less, or while

turning, each person operating an aircraft under VFR in level cruising flight more than 3,000 feet above the surface shall maintain the appropriate altitude or flight level prescribed below, unless otherwise authorized by ATC:

(a) When operating below 18,000 feet MSL and—

(1) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude +500 feet (such as 3,500, 5,500, or 7,500); or

(2) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude +500 feet (such as 4,500, 6,500, or 8,500).

(b) When operating above 18,000 feet MSL to flight level 290 (inclusive) and—

(1) On a magnetic course of zero degrees through 179 degrees, any odd flight level +500 feet (such as 195, 215, or 235); or

(2) On a magnetic course of 180 degrees through 359 degrees, any even flight level +500 feet (such as 185, 205, or 225).

(c) When operating above flight level 290 and—

(1) On a magnetic course of zero degrees through 179 degrees, any flight level, at 4,000-foot intervals, beginning at and including flight level 300 (such as flight level 300, 340, or 380); or

(2) On a magnetic course of 180 degrees through 359 degrees, any flight level, at 4,000-foot intervals, beginning at and including flight level 320 (such as flight level 320, 360, or 400).

§§ 91.161-165 [Reserved]

Instrument Flight Rules

§ 91.167 Fuel requirements for flight in IFR conditions.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft in IFR conditions unless it carries enough fuel (considering weather reports and forecasts, and weather conditions) to—

(1) Complete the flight to the first airport of intended landing;

(2) Fly from that airport to the alternate airport; and

(3) Fly after that for 45 minutes at normal cruising speed.

(b) Paragraph (a)(2) of this section does not apply if—

(1) Part 97 of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing; and

(2) For at least 1 hour before and 1 hour after the estimated time of arrival at the airport, the weather reports or forecasts or any combination of them indicate—

(i) The ceiling will be at least 2,000 feet above the airport elevation; and

(ii) Visibility will be at least 3 miles.

§ 91.169 IFR flight plan: Information required.

(a) *Information required.* Unless otherwise authorized by ATC, each person filing an IFR flight plan shall include in it the following information:

(1) Information required under § 91.153(a).

(2) An alternate airport, except as provided in paragraph (b) of this section.

(b) *Exceptions to applicability of paragraph (a)(2) of this section.* Paragraph (a)(2) of this section does not apply if Part 97 of this subchapter prescribes a standard instrument approach procedure for the first airport of intended landing and, for at least 1 hour before and 1 hour after the estimated time of arrival, the weather reports or forecasts or any combination of them, indicate—

(1) The ceiling will be at least 2,000 feet above the airport elevation; and

(2) The visibility will be at least 3 miles.

(c) *IFR alternate airport weather minimums.* Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless current weather forecasts indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the following alternate airport weather minimums:

(1) If an instrument approach procedure has been published in Part 97 for that airport, the alternate airport minimums specified in that procedure or, if none are so specified, the following minimums:

(i) Precision approach procedure: Ceiling 600 feet and visibility 2 statute miles.

(ii) Nonprecision approach procedure: Ceiling 800 feet and visibility 2 statute miles.

(2) If no instrument approach procedure has been published in Part 97 for that airport, the ceiling and visibility minimums are those allowing descent from the MEA, approach, and landing under basic VFR.

(d) *Cancellation.* When a flight plan has been activated, the pilot in command, upon canceling or completing the flight under the flight plan, shall notify an FAA Flight Service Station or ATC facility.

§ 91.171 VOR equipment check for IFR operations.

(a) No person may operate a civil aircraft under IFR using the VOR system of radio navigation unless the VOR equipment of that aircraft—

(1) Is maintained, checked, and inspected under an approved procedure; or

(2) Has been operationally checked within the preceding 30 days and was found to be within the limits of the permissible indicated bearing error set forth in paragraph (b) or (c) of this section.

(b) Except as provided in paragraph (c) of this section, each person conducting a VOR check under subparagraph (a)(2) of this section shall—

(1) Use, at the airport of intended departure, an FAA-operated or approved test signal or a test signal radiated by a certificated and appropriately rated radio repair station or, outside the United States, a test signal operated or approved by an appropriate authority to check the VOR equipment (the maximum permissible indicated bearing error is plus or minus 4 degrees); or

(2) If a test signal is not available at the airport of intended departure, use a point on an airport surface designated as a VOR system checkpoint by the Administrator, or, outside the United States, by an appropriate authority (the maximum permissible bearing error is plus or minus 4 degrees);

(3) If neither a test signal nor a designated checkpoint on the surface is available, use an airborne checkpoint designated by the Administrator or, outside the United States, by an appropriate authority (the maximum permissible bearing error is plus or minus 6 degrees); or

(4) If no check signal or point is available, while in flight—

(i) Select a VOR radial that lies along the centerline of an established VOR airway;

(ii) Select a prominent ground point along the selected radial preferably more than 20 miles from the VOR ground facility and maneuver the aircraft directly over the point at a reasonably low altitude; and

(iii) Note the VOR bearing indicated by the receiver when over the ground point (the maximum permissible variation between the published radial and the indicated bearing is 6 degrees).

(c) If dual system VOR (units independent of each other except for the antenna) is installed in the aircraft, the person checking the equipment may check one system against the other in place of the check procedures specified in paragraph (b) of this section. He shall tune both systems to the same VOR ground facility and note the indicated bearings to that station. The maximum

permissible variation between the two indicated bearings is 4 degrees.

(d) Each person making the VOR operational check, as specified in paragraph (b) or (c) of this section, shall enter the date, place, bearing error, and sign the aircraft log or other record. In addition, if a test signal radiated by a repair station, as specified in paragraph (b)(1) of this section, is used, an entry must be made in the aircraft log or other record by the repair station certificate holder or the certificate holder's representative certifying to the bearing transmitted by the repair station for the check and the date of transmission.

§ 91.173 ATC clearance and flight plan required.

No person may operate an aircraft in controlled airspace under IFR unless—

(a) He has filed an IFR flight plan; and

(b) He has received an appropriate ATC clearance.

§ 91.175 Takeoff and landing under IFR.

(a) *Instrument approaches to civil airports.* Unless otherwise authorized by the Administrator for paragraphs (a) through (k) of this section, when an instrument letdown to a civil airport is necessary, each person operating an aircraft, except a military aircraft of the United States, shall use a standard instrument approach procedure prescribed for the airport in Part 97 of this chapter.

(b) *Authorized DH or MDA.* For the purpose of this section, when the approach procedure being used provides for and requires use of a DH or MDA, the authorized decision height or authorized minimum descent altitude is the DH or MDA prescribed by the approach procedure, the DH or MDA prescribed for the pilot in command, or the DH or MDA for which the aircraft is equipped, whichever is higher.

(c) *Operation below DH or MDA.* Where a DH or MDA is applicable, no pilot may operate an aircraft, except a military aircraft of the United States, at any airport below the authorized MDA or continue an approach below the authorized DH unless—

(1) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers, and for operations conducted under Part 121 or Part 135 unless that descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing;

(2) The flight visibility is not less than the visibility prescribed in the standard instrument approach being used;

(3) Except for a Category II or Category III approach where any necessary visual reference requirements are specified by the Administrator, at least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot;

(i) The approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red slide side row bars are also distinctly visible and identifiable.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The runway end identifier lights.

(vi) The visual approach slope indicator.

(vii) The touchdown zone or touchdown zone markings.

(viii) The touchdown zone lights.

(ix) The runway or runway markings.

(x) The runway lights; and

(4) When the aircraft is on a straight-in nonprecision approach procedure which incorporates a visual descent point, the aircraft has reached the visual descent point, except where the aircraft is not equipped for or capable of establishing that point or a descent to the runway cannot be made using normal procedures or rates of descent if descent is delayed until reaching the point.

(d) *Landing.* No pilot operating an aircraft, except a military aircraft of the United States, may land that aircraft when the flight visibility is less than the visibility prescribed in the standard instrument approach procedure being used.

(e) *Missed approach procedures.* Each pilot operating an aircraft, except a military aircraft of the United States, shall immediately execute an appropriate missed approach procedure when either of the following conditions exist:

(1) Whenever the requirements of paragraph (c) of this section are not met at either of the following times:

(i) When the aircraft is being operated below MDA; or

(ii) Upon arrival at the missed approach point, including a DH where a DH is specified and its use is required, and at any time after that until touchdown.

(2) Whenever an identifiable part of the airport is not distinctly visible to the pilot during a circling maneuver at or above MDA, unless the inability to see an identifiable part of the airport results only from a normal bank of the aircraft during the circling approach.

(f) *Civil airport takeoff minimums.* Unless otherwise authorized by the Administrator, no pilot operating an aircraft under Part 121, 123, 125, 129, or 135 of this chapter may take off from a civil airport under IFR unless weather conditions are at or above the weather minimums for IFR takeoff prescribed for that airport under Part 97 of this chapter. If takeoff minimums are not prescribed under Part 97 of this chapter for a particular airport, the following minimums apply to takeoffs under IFR for aircraft operating under those parts:

(1) For aircraft having two engines or less—1 statute mile visibility.

(2) For aircraft having more than two engines—½ statute mile visibility.

(g) *Military airports.* Unless otherwise prescribed by the Administrator, each person operating a civil aircraft under IFR into or out of a military airport shall comply with the instrument approach procedures and the takeoff and landing minimums prescribed by the military authority having jurisdiction of that airport.

(h) *Comparable values of RVR and ground visibility.*

(1) Except for Category II or Category III minimums, if RVR minimums for takeoff or landing are prescribed in an instrument approach procedure, but RVR is not reported for the runway of intended operation, the RVR minimum shall be converted to ground visibility in accordance with the table in paragraph (h)(2) of this section and shall be the visibility minimum for takeoff or landing on that runway.

(2)

RVR (feet)	Visibility (statute miles)
1,600	¼
2,400	½
3,200	¾
4,000	1
4,500	1¼
5,000	1½
6,000	1¾

(i) *Operations on unpublished routes and use of radar in instrument approach procedures.* When radar is approved at certain locations for ATC purposes, it may be used no only for surveillance and precision radar approaches, as applicable, but also may be used in conjunction with instrument approach procedures predicted on other types of radio navigational aids. Radar vectors may be authorized to provide course guidance through the segments of an approach to the final course or fix. When operating on an unpublished route or while being radar vectored, the pilot, when an approach clearance is

received, shall, in addition to complying with § 91.177, maintain the last altitude assigned to that pilot until the aircraft is established on a segment of a published route or instrument approach procedure unless a different altitude is assigned by ATC. After the aircraft is so established, published altitudes apply to descent within each succeeding route or approach segment unless a different altitude is assigned by ATC. Upon reaching the final approach course or fix, the pilot may either complete the instrument approach in accordance with a procedure approved for the facility or continue a surveillance or precision radar approach to a landing.

(j) *Limitation on procedure turns.* In the case of a radar vector to a final approach course or fix, a timed approach from a holding fix, or an approach for which the procedure specifies "No PT," no pilot may make a procedure turn unless cleared to do so by ATC.

(k) *ILS components.* The basic ground components of an ILS are the localizer, glide slope, outer marker, middle marker, and, when installed for use with Category II or Category III instrument approach procedures, an inner marker. A compass locator or precision radar may be substituted for the outer or middle marker. DME, VOR, or nondirectional beacon fixes authorized in the standard instrument approach procedure or surveillance radar may be substituted for the outer marker. Applicability of, and substitution for, the inner marker for Category II or III approaches is determined by the appropriate Part 97 approach procedure, letter of authorization, or operations specification pertinent to the operations.

§ 91.177 Minimum altitudes for IFR operations.

(a) *Operation of aircraft at minimum altitudes.* Except when necessary for takeoff or landing, or unless otherwise authorized by the Administrator, no person may operate an aircraft under IFR below—

(1) The applicable minimum altitudes prescribed in Parts 95 and 97 of this chapter; or

(2) If no applicable minimum altitude is prescribed in those parts—

(i) In the case of operations over an area designated as a mountainous area in Part 95, an altitude of 2,000 feet above the highest obstacle within a horizontal distance of 5 statute miles from the course to be flown; or

(ii) In any other case, an altitude of 1,000 feet above the highest obstacle within a horizontal distance of 5 statute miles form the course to be flown.

However, if both a MEA and a MOCA are prescribed for a particular route or route segment, a person may operate an aircraft below the MEA down to, but not below, the MOCA, when within 25 statute miles of the VOR concerned (based on the pilot's reasonable estimate of that distance).

(b) *Climb.* Climb to a higher minimum IFR altitude shall begin immediately after passing the point beyond which that minimum altitude applies, except that when ground obstructions intervene, the point beyond which the higher minimum altitude applies shall be crossed at or above the applicable MCA.

§ 91.179 IFR cruising altitude or flight level.

(a) *In controlled airspace.* Each person operating an aircraft under IFR in level cruising flight in controlled airspace shall maintain the altitude or flight level assigned that aircraft by ATC. However, if the ATC clearance assigns "VFR conditions on-top," he shall maintain an altitude or flight level as prescribed by § 91.159.

(b) *In uncontrolled airspace.* Except while holding in a holding pattern of 2 minutes or less or while turning, each person operating an aircraft under IFR in level cruising flight in uncontrolled airspace shall maintain an appropriate altitude as follows:

(1) When operating below 18,000 feet MSL and—

(i) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude (such as 3,000, 5,000, or 7,000); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude (such as 2,000, 4,000, or 6,000).

(2) When operating at or above 18,000 feet MSL but below flight level 290, and—

(i) On a magnetic course of zero degrees through 179 degrees, any odd flight level (such as 190, 210, or 230); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any even flight level (such as 180, 200, or 220).

(3) When operating at flight level 290 and above, and—

(i) On a magnetic course of zero degrees through 179 degrees, any flight level, at 4,000-foot intervals, beginning at and including flight level 290 (such as flight level 290, 330, or 370); or

(ii) On a magnetic course of 180 degrees through 359 degrees, any flight level, at 4,000 foot intervals, beginning at and including flight level 310 (such as flight level 310, 350, or 390).

§ 91.181 Course to be flown.

Unless otherwise authorized by ATC, no person may operate an aircraft within controlled airspace under IFR except as follows:

(a) On a Federal airway, along the centerline of that airway.

(b) On any other route, along the direct course between the navigational aids or fixes defining that route.

However, this section does not prohibit maneuvering the aircraft to pass well clear of other air traffic or the maneuvering of the aircraft in VFR conditions to clear the intended flight path both before and during climb or descent.

§ 91.173 IFR radio communications.

The pilot in command of each aircraft operated under IFR in controlled airspace shall have a continuous watch maintained on the appropriate frequency and shall report by radio as soon as possible—

(a) The time and altitude of passing each designated reporting point, or the reporting points specified by ATC, except that while the aircraft is under radar control, only the passing of those reporting points specifically requested by ATC need be reported;

(b) Any unforecast weather condition encountered; and

(c) Any other information relating to the safety of flight.

§ 91.185 IFR operations. Two-way radio communications failure.

(a) *General.* Unless otherwise authorized by ATC, each pilot who has two-way communications failure when operating under IFR shall comply with the rules of this section.

(b) *VFR conditions.* If the failure occurs in VFR conditions, or if VFR conditions are encountered after the failure, each pilot shall continue the flight under VFR and land as soon as practicable.

(c) *IFR conditions.* If the failure occurs in IFR conditions, or if paragraph (b) of this section cannot be complied with, each pilot shall continue the flight according to the following:

(1) *Route.* (i) By the route assigned in the last ATC clearance received;

(ii) If being radar vectored, by the direct route from the point of radio failure to the fix, route, or airway specified in the vector clearance;

(iii) In the absence of an assigned route, by the route that ATC has advised may be expected in a further clearance; or

(iv) In the absence of an assigned route or a route that ATC has advised

may be expected in a further clearance, by the route filed in the flight plan.

(2) *Altitude.* At the highest of the following altitudes of flight levels for the route segment being flown:

(i) The altitude or flight level assigned in the last ATC clearance received;

(ii) The minimum altitude (converted, if appropriate, to minimum flight level as prescribed in § 91.121(c)) for IFR operations; or

(iii) The altitude or flight level ATC has advised may be expected in a further clearance.

(3) *Leave holding fix.* If holding instructions have been received, leave the holding fix at the expect-further-clearance time received or, if an expected approach clearance time has been received, leave the holding fix in order to arrive over the fix from which the approach begins as close as possible to the expected approach clearance time.

(4) *Descent for approach.* Begin descent from the en route altitude or flight level upon reaching the fix from which the approach begins, but not before—

(i) The expect-approach-clearance time (if received); or

(ii) If no expect-approach-clearance time has been received, at the estimated time of arrival, shown on the flight plan, as amended with ATC.

§ 91.187 Operation under IFR in controlled airspace: Malfunction reports.

(a) The pilot in command of each aircraft operated in controlled airspace under IFR shall report immediately to ATC any of the following malfunctions of equipment occurring in flight:

(1) Loss of VOR, TACAN, ADF, or low frequency navigation receiver capability.

(2) Complete or partial loss of ILS receiver capability.

(3) Impairment of air/ground communications capability.

(b) In each report required by paragraph (a) of this section, the pilot in command shall include the—

(1) Aircraft identification;

(2) Equipment affected;

(3) Degree to which the capability of the pilot to operate under IFR in the ATC system is impaired; and

(4) Nature and extent of assistance he desires from ATC.

§ 91.189 Category II and III operations: General operating rules.

(a) No person may operate a civil aircraft in a Category II or III operation unless—

(1) The flightcrew of the aircraft consists of a pilot in command and a second in command who hold the appropriate authorizations and ratings prescribed in § 61.3 of this chapter;

(2) Each flight crewmember has adequate knowledge of, and familiarity with, the aircraft and the procedures to be used; and

(3) The instrument panel in front of the pilot who is controlling the aircraft has appropriate instrumentation for the type of flight control guidance system that is being used.

(b) Unless otherwise authorized by the Administrator, no person may operate a civil aircraft in a Category II or Category III operation unless each ground component required for that operation and the related airborne equipment is installed and operating.

(c) For the purpose of this section, when the approach procedure being used provides for and requires use of a DH, the authorized decision height is the DH prescribed by the approach procedure, the DH prescribed for the pilot in command, or the DH for which the aircraft is equipped, whichever is higher.

(d) Unless otherwise authorized by the Administrator, no pilot operating an aircraft in Category II or Category III approach that provides and requires use of a DH may continue the approach below the authorized decision height unless the following conditions are met:

(1) The aircraft is in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers, and where the descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing.

(2) At least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot:

(i) The approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The touchdown zone or touchdown zone markings.

(vi) The touchdown zone lights.

(e) Unless otherwise authorized by the Administrator, each pilot operating an aircraft shall immediately execute an appropriate missed approach whenever prior to touchdown the requirements of paragraph (d) of this section are not met.

(f) No person operating an aircraft using a Category III approach without decision height may land that aircraft except in accordance with the provisions of the letter of authorization issued by the Administrator.

(g) Paragraphs (a) through (f) of this section do not apply to operations conducted by the holders of certificates issued under Parts 121, 123, 125, 129, or 135 of this chapter. No person may operate a civil aircraft in a Category II or Category III operation conducted by the holder of a certificate issued under Parts 121, 123, 125, 129, or 135 of this chapter unless the operation is conducted in accordance with that certificate holder's operation specifications.

§ 91.191 Category II manual.

(a) No person may operate a civil aircraft of United States registry in a Category II operation unless—

(1) There is available in the aircraft a current, approved Category II manual for that aircraft;

(2) The operation is conducted in accordance with the procedures, instructions, and limitations in that manual; and

(3) The instruments and equipment listed in the manual that are required for a particular Category II operation have been inspected and maintained in accordance with the maintenance program contained in that manual.

(b) Each operator shall keep a current copy of the approved manual at its principal base of operations and shall make it available for inspection upon request of the Administrator.

(c) This section does not apply to operations conducted by the holder of a certificate issued under Part 121 of this chapter.

§ 91.193 Certificate of authorization for certain Category II operations.

The Administrator may issue a certificate of authorization authorizing deviations from the requirements of §§ 91.189, 91.191, and 91.205(f) for the operation of small airplanes identified as Category A aircraft in § 97.3 of this chapter in Category II operations if he finds that the proposed operation can be safely conducted under the terms of the certificate. Such authorization does not permit operation of the aircraft carrying persons or property for compensation or hire.

§§ 91.195–91.199 [Reserved]

Subpart C—Equipment, Instrument, and Certificate Requirements

§ 91.201 Applicability.

This subpart prescribes general equipment, instrument, and certificate requirements.

§ 91.203 Civil aircraft: Certifications required.

(a) Except as provided in § 91.717, no person may operate a civil aircraft unless it has within it the following:

(1) An appropriate and current airworthiness certificate. Each U.S. airworthiness certificate used to comply with this subparagraph (except a special flight permit, a copy of the applicable operations specifications issued under § 21.197(c) of this chapter, appropriate sections of the air carrier manual required by Parts 121 and 127 of this chapter containing that portion of the operations specifications issued under § 21.197(c), or an authorization under § 91.613) must have on it the registration number assigned to the aircraft under Part 47 of this chapter. However, the airworthiness certificate need not have on it as assigned special identification number before 10 days after that number is first affixed to the aircraft. A revised airworthiness certificate having on it an assigned special identification number that has been affixed to an aircraft may only be obtained upon application to an FAA Flight Standards district office.

(2) A registration certificate issued to its owner.

(b) No person may operate a civil aircraft unless the airworthiness certificate required by paragraph (a) of this section or a special flight authorization issued under § 91.717 is displayed at the cabin or cockpit entrance so that it is legible to passengers or crew.

§ 91.205 Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.

(a) *General.* Except as provided in paragraphs (c)(3) and (e) of this section, no person may operate a powered civil aircraft with a standard category U.S. airworthiness certificate in any operation described in paragraphs (b) through (f) of this section unless that aircraft contains the instruments and equipment specified in those paragraphs (or FAA-approved equivalents) for that type of operation, and those instruments and items of equipment are in operable condition.

(b) *Visual flight rules (day).* For VFR flight during the day, the following instruments and equipment are required:

(1) Airspeed indicator.

(2) Altimeter.

(3) Magnetic direction indicator.

(4) Tachometer for each engine.

(5) Oil pressure gauge for each engine using pressure system.

(6) Temperature gauge for each liquid-cooled engine.

(7) Oil temperature gauge for each air-cooled engine.

(8) Manifold pressure gauge for each altitude engine.

(9) Fuel gauge indicating the quantity of fuel in each tank.

(10) Landing gear position indicator, if the aircraft has a retractable landing gear.

(11) If the aircraft is operated for hire over water and beyond power-off gliding distance from shore, approved flotation gear readily available to each occupant and at least one pyrotechnic signaling device.

(12) Except as to airships, an approved safety belt for all occupants who have reached their second birthday. After December 4, 1981, each safety belt must be equipped with an approved metal-to-metal latching device. The rated strength of each safety belt shall not be less than that corresponding with the ultimate load factors specified in the current applicable aircraft airworthiness requirements considering the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. The webbing of each safety belt shall be replaced as required by the Administrator.

(13) For small civil airplanes manufactured after July 18, 1978, an approved shoulder harness for each front seat. The shoulder harness must be designed to protect the occupant from serious head injury when the occupant experiences the ultimate interia forces specified in § 23.561(b)(2) of this chapter. Each shoulder harness installed at a flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to peform all fuctions necessary for flight operations. For purposes of this paragraph—

(i) The date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA-approved type design data; and

(ii) A front seat is a seat located at a flight crewmember station or any seat located alongside such a seat.

(c) *Visual flight rules (night).* For VFR flight at night, the following instruments and equipment are required:

(1) Instruments and equipment specified in paragraph (b) of this section.

(2) Approved position lights.

(3) An approved aviation red or aviation white anticollision light system on all U.S.-Registered civil aircraft. Anticollision light systems initially installed after August 11, 1971, on aircraft for which a type certificate was issued or applied for before August 11, 1971, must at least meet the anticollision light standards of Part 23, 25, 27, or 29, as applicable, that were in effect on August 10, 1971, except that the color may be either aviation red or aviation white. In the event of failure of any light of the anticollision light system, operations with the aircraft may be continued to a stop where repairs or replacement can be made.

(4) If the aircraft is operated for hire, one electric landing light.

(5) An adequate source of electrical energy for all installed electrical and radio equipment.

(6) One spare set of fuses, or three spare fuses of each kind required.

(d) *Instrument flight rules.* For IFR flight the following instruments and equipment are required:

(1) Instruments and equipment specified in paragraph (b) of this section, and for night flight, instruments and equipment specified in paragraph (c) of this section.

(2) Two-way radio communications system and navigational equipment appropriate to the ground facilities to be used.

(3) Gyroscopic rate-of-turn indicator, except on the following aircraft:

(i) Large airplanes with a third attitude instrument system useable through flight attitudes of 360 degrees of pitch and roll and installed in accrodance with § 212.305(j) of this chapter; and

(ii) Rotorcraft, type certificated under Part 29 of this chapter, with a third attitude instrument system useable through flight attitudes of ±80 degrees of pitch and ±120 degrees of roll and installed in accordance with § 29.1303(g) of this chapter.

(4) Slip-skid indicator.

(5) Sensitive altimeter adjustable for barometric pressure.

(6) A clock displaying hours, minutes, and seconds with a sweep-second pointer or digital presentation.

(7) Generator of adequate capacity.

(8) Gyroscopic pitch and bank indicator (artificial horizon).

(9) Gyroscopic direction indicator (directional gyro or equivalent).

(e) *Flight at and above 24,000 feet MSL.* If VOR navigational equipment is required under paragraph (d)(2) of this section, no person may operate a U.S.-registered civil aircraft within the 50 states and the District of Columbia at or above 24,000 feet MSL unless that aircraft is equipped with approved distance measuring equipment (DME). When DME required by this paragraph fails at and above 24,000 feet MSL, the pilot in command of the aircraft shall notify ATC immediately, and then may

continue operations at and above 24,000 feet MSL to the next airport of intended landing at which repairs or replacement of the equipment can be made.

(f) *Category II operations.* For Category II operations the instruments and equipment specified in paragraph (d) of this section and Appendix A to this part are required. This paragraph does not apply to operations conducted by the holder of a certificate issued under Part 121 of this chapter.

§ 91.207 Emergency locator transmitters.

(a) Except as provided in paragraphs (e) and (f) of this section, no person may operate a U.S.-registered civil airplane unless it meets the applicable requirements of paragraphs (b), (c), and (d) of this section.

(b) To comply with paragraph (a) of this section, each U.S.-registered civil airplane must be equipped as follows:

(1) For operations governed by the supplemental air carrier and commercial operator rules of Part 121 and 125 of this chapter or the air travel club rules of Part 123 of this chapter, there must be attached to the airplane an automatic type emergency locator transmitter that is in operable condition and meets the applicable requirements of TSO–C91.

(2) For charter flights governed by the domestic and flag air carrier rules of Part 121 of this chapter, there must be attached to the airplane an automatic type emergency locator transmitter that is in operable condition and meets the applicable requirements of TSO–C91.

(3) For operations governed by Part 135 of this chapter, there must be attached to the airplane an automatic type emergency locator transmitter that is in operable condition and meets the applicable requirements of TSO–C91.

(4) For operations other than those specified in paragraphs (6)(1), (2), and (3) of this paragraph, there must be attached to the airplane a personal type or an automatic type emergency locator transmitter that is in operable condition and meets the applicable requirements of TSO–C91.

(c) Each emergency locator transmitter required by paragraphs (a) and (b) of this section must be attached to the airplane in such a manner that the probability of damage to the transmitter in the event of crash impact is minimized. Fixed and deployable automatic type transmitters must be attached to the airplane as far aft as practicable.

(d) Batteries used in the emergency locator transmitters required by paragraphs (a) and (b) of this section must be replaced (or recharged, if the battery is rechargeable)—

(1) When the transmitter has been in use for more than 1 cumulative hour; or

(2) When 50 percent of their useful life (or, for rechargeable batteries, 50 percent of their useful life of charge), as established by the transmitter manufacturer under TSO–C91, paragraph (g)(2), has expired.

The new expiration date for the replacement (or recharge) of the battery must be marked legibly on the outside of the transmitter and entered in the aircraft maintenance record. Subparagraph (d)(2) of this paragraph does not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals.

(e) Notwithstanding paragraphs (a) and (b) of this section, a person may—

(1) Ferry a newly acquired airplane from the place where possession of it was taken to a place where the emergency locator transmitter is to be installed; and

(2) Ferry an airplane with an inoperative emergency locator transmitter from a place where repairs or replacement cannot be made to a place where they can be made.

No person other than required crewmembers may be carried aboard an airplane being ferried pursuant to paragraph (e) of this section.

(f) Paragraphs (a) and (b) of this section do not apply to—

(1) Turbojet-powered aircraft;

(2) Aircraft while engaged in scheduled flights by scheduled air carriers certificated by the Civil Aeronautics Board;

(3) Aircraft while engaged in training operations conducted entirely within a 50-mile radius of the airport from which such local flight operations began;

(4) Aircraft while engaged in flight operations incident to design and testing;

(5) New aircraft while engaged in flight operations incident to their manufacture, preparation, and delivery;

(6) Aircraft while engaged in flight operations incident to the aerial application of chemicals and other substances for agricultural purposes;

(7) Aircraft certificated by the Administrator for research and development purposes;

(8) Aircraft while used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys;

(9) Aircraft equipped to carry not more than one person; and

(10) An aircraft during any period for which the transmitter has been temporarily removed for inspection, repair, modification, or replacement, subject to the following:

(i) No person may operate the aircraft unless the aircraft records contain an entry which includes the date of initial removal, the make, model, serial number, and reason for removal of the transmitter, and a placard is located in view of the pilot to show "ELT not installed."

(ii) No person may operate the aircraft more than 90 days after the ELT is initially removed from the aircraft.

§ 91.209 Aircraft lights.

No person may, during the period from sunset to sunrise (or, in Alaska, during the period a prominent unlighted object cannot be seen from a distance of 3 statute miles or the sun is more than 6 degrees below the horizon)—

(a) Operate an aircraft unless it has lighted position lights;

(b) Park or move an aircraft in, or in dangerous proximity to, a night flight operations area of an airport unless the aircraft—

(1) Is clearly illuminated;

(2) Has lighted position lights; or

(3) Is in an area which is marked by obstruction lights;

(c) Anchor an aircraft unless the aircraft—

(1) Has lighted anchor lights; or

(2) Is in an area where anchor lights are not required on vessels; or

(d) Operate an aircraft, required by § 91.205(c)(3) to be equipped with an anticollision light system, unless it has approved and lighted aviation red or aviation white anticollision lights. However, the anticollision lights need not be lighted when the pilot in command determines that, because of operating conditions, it would be in the interest of safety to turn the lights off.

§ 91.211 Supplemental oxygen.

(a) *General.* No person may operate a civil aircraft of U.S. registry—

(1) At cabin pressure altitudes above 12,500 feet (MSL) up to and including 14,000 feet (MSL) unless the required minimum flightcrew is provided with and uses supplemental oxygen for that part of the flight at those altitudes that is of more than 30 minutes duration;

(2) At cabin pressure altitudes above 14,000 feet (MSL) unless the required minimum flightcrew is provided with and uses supplemental oxygen during the entire flight time at those altitudes; and

(3) At cabin pressure altitudes above 15,000 feet (MSL) unless each occupant of the aircraft is provided with supplemental oxygen.

(b) *Pressurized cabin aircraft.* (1) No person may operate a civil aircraft of U.S. registry with a pressurized cabin—

(i) At flight altitudes above flight level 250 unless at least a 10-minute supply of supplemental oxygen, in addition to any oxygen required to satisfy paragraph (a) of this section, is available for each occupant of the aircraft for use in the event that a descent is necessitated by loss of cabin pressurization; and

(ii) At flight altitudes above flight level 350 unless one pilot at the controls of the airplane is wearing and using an oxygen mask that is secured and sealed and that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude of the airplane exceeds 14,000 feet (MSL), except that the one pilot need not wear and use an oxygen mask while at or below flight level 410 if there are two pilots at the controls and each pilot has a quick-donning type of oxygen mask that can be placed on the face with one hand from the ready position within 5 seconds; supplying oxygen and properly secured and sealed.

(2) Notwithstanding subparagraph (b)(1)(ii) of this section, if for any reason at any time it is necessary for one pilot to leave his station at the controls of the aircraft when operating at flight altitudes above flight level 350, the remaining pilot at the controls shall put on and use his oxygen mask until the other pilot has returned to his station.

§ 91.213 Inoperable instruments and equipment for multiengine aircraft.

(a) No person may take off a multiengine civil aircraft with inoperable instruments or equipment installed unless the following conditions are met:

(1) An approved minimum equipment list exists for that aircraft.

(2) The aircraft has within it a letter of authorization, issued by the FAA Flight Standards district office having jurisdiction over the area in which the operator is located, authorizing operation of the aircraft under the minimum equipment list. The letter of authorization may be obtained by written request of the airworthiness certificate holder. The minimum equipment list and the letter of authorization constitute a supplemental type certificate for the aircraft.

(3) The approved minimum equipment list must—

(i) Be prepared in accordance with the limitations specified in paragraph (b) of this section; and

(ii) Provide for the operation of the aircraft with the instruments and equipment in an inoperable condition.

(4) The aircraft records available to the pilot must include an entry describing the inoperable instruments and equipment.

(5) The aircraft is operated under all applicable conditions and limitations contained in the minimum equipment list and the letter authorizing the use of the list.

(b) The following instruments and equipment may not be included in a minimum equipment list:

(1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the aircraft is type certificated and which are essential for safe operations under all operating conditions.

(2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.

(3) Instruments and equipment required for specific operations by this part.

(c) A person authorized to use an approved minimum equipment list issued under Part 121, 125, or 135 for a specific aircraft may use that minimum equipment list in connection with operations conducted with that aircraft under this part.

(d) Notwithstanding any other provision of this section, an aircraft with inoperable instruments or equipment may be operated under a special flight permit issued in accordance with §§ 21.197 and 21.199 of this chapter.

Effective Date Note: The effective date of § 91.213 was stayed indefinitely at 44 FR 62885, November 1, 1979.

§ 91.215 ATC transponder and altitude reporting equipment and use.

(a) *All airspace: U.S.-registered civil aircraft.* For operations not conducted under Part 121, 123, 125, 127, or 135 of this chapter, ATC transponder equipment installed after January 1, 1974, in U.S.-registered civil aircraft not previously equipped with an ATC transponder and all ATC transponder equipment used in U.S.-registered civil aircraft after July 1, 1975, must meet the performance and environmental requirements of any class of TSO–C74b or any class of TSO–C74c, as appropriate, except that the Administrator may approve the use of TSO–C74 or TSO–C74a equipment after July 1, 1975, if the applicant submits data showing that such equipment meets the minimum performance standards of the appropriate class of TSO–C74c and environmental conditions of the TSO under which it was manufactured.

(b) *Controlled airspace: All aircraft.* Except for persons operating helicopters in terminal control areas at or below 1,000 feet AGL under the terms of a letter of agreement, and except for persons operating gliders above 12,500 feet MSL but below the floor of the positive control area, no person may operate an aircraft in the controlled airspace prescribed in subparagraphs (b)(1) through (b)(4) of this paragraph unless that aircraft is equipped with an operable coded radar beacon transponder having a Mode 3/A 4096 code capability, replying to Mode 3/A interrogation with the code specified by ATC, and is equipped with automatic pressure altitude reporting equipment having a Mode C capability that automatically replies to Mode C interrogations by transmitting pressure altitude information in 100-foot increments. This requirement applies—

(1) In Group I terminal control areas governed by § 91.133(a);

(2) In Group II terminal control areas governed by § 91.133(b), except as provided therein;

(3) In Group III terminal control areas governed by § 91.133(c), except as provided therein; and

(4) In all controlled airspace of the 48 contiguous States and the District of Columbia above 12,500 feet MSL, excluding the airspace at and below 2,500 feet AGL.

(c) *ATC authorized deviations.* ATC may authorize deviations from paragraph (b) of this section—

(1) Immediately, to allow an aircraft with an inoperative transponder to continue to the airport of ultimate destination, including any intermediate stops, or to proceed to a place where suitable repairs can be made, or both;

(2) Immediately, for operations of aircraft with an operating transponder but without operating automatic pressure altitude reporting equipment having a Mode C capability; and

(3) On a continuing basis, or for individual flights, for operations of aircraft without a transponder, in which case the request for a diviation must be submitted to the ACT facility having jurisdiction over the airspace concerned at least 4 hours before the proposed operation.

§ 91.217 Data correspondence between automatically reported pressure altitude data and the pilot's altitude reference.

No person may operate any automatic pressure altitude reporting equipment associated with a radar beacon transponder—

(a) When deactivation of that equipment is directed by ATC;

(b) Unless, as installed, that equipment was tested and calibrated to transmit altitude data corresponding within 125 feet (on a 95 percent probability basis) of the indicated or calibrated datum of the altimeter normally used to maintain flight altitude, with that altimeter referenced to 29.92 inches of mercury for altitudes from sea level to the maximum operating altitude of the aircraft; or

(c) The altimeters and digitizers in that equipment meet the standards of TSO–C10b and TSO–C88, respectively.

§ 91.219 Altitude alerting system or device: Turbojet-powered civil airplanes.

(a) Except as provided in paragraph (d) of this section, no person may operate a turbojet-powered U.S.-registered civil airplane unless that airplane is equipped with an approved altitude altering system or device that is in operable condition and meets the requirements of paragraph (b) of this section.

(b) Each altitude alerting system or device required by paragraph (a) of this section must be able to—

(1) Alert the pilot—

(i) Upon approaching a preselected altitude in either ascent or descent, by a sequence of both aural and visual signals in sufficient time to establish level flight at that preselected altitude; or

(ii) Upon approaching a preselected altitude in either ascent or descent, by a sequence of visual signals in sufficient time to establish level flight at that preselected altitude, and when deviating above and below that preselected altitude, by an aural signal;

(2) Provide the required signals from sea level to the highest operating altitude approved for the airplane in which it is installed;

(3) Preselected altitudes in increments that are commensurate with the altitudes at which the aircraft is operated;

(4) Be tested without special equipment to determine proper operation of the alerting signals; and

(5) Accept necessary barometric pressure settings if the system or device operates on barometric pressure.

However, for operations below 3,000 feet AGL, the system or device need only provide one signal, either visual or aural, to comply with this paragraph. A radio altimeter may be included to provide the signal if the operator has an approved procedure for its use to determine DH or MDA, as appropriate.

(c) Each operator to which this section applies must establish and assign procedures for the use of the altitude alerting system or device and each flight crewmember must comply with those procedures assigned to him.

(d) Paragraph (a) of this section does not apply to any operation of an airplane that has an experimental certificate or to the operation of an airplane for the following purposes:

(1) Ferrying a newly acquired airplane from the place where possession of it was taken to a place where the latitude alerting system or device is to be installed.

(2) Continuing a flight as originally planned, if the altitude alerting system or device becomes inoperative after the airplane has taken off; however, the flight may not depart from a place where repair or replacement can be made.

(3) Ferrying an airplane with an inoperative altitude alerting system or device from a place where repair or replacement cannot be made to a place where it can be made.

(4) Conducting an airworthiness flight test of the airplane.

(5) Ferrying an airplane to a place outside the United States for the purpose of registering it in a foreign country.

(6) Conducting a sales demonstration of the operation of the operation of the airplane.

(7) Training foreign flightcrews in the operation of the airplane prior to ferrying it to a place outside the United States for the purpose of registering it in a foreign country.

§§ 91.221–91.299 [Reserved]

Subpart D—Special Flight Operations

§91.301 Applicability.

This subpart prescribes additional rules concerning acrobatic flight, flight test areas, parachutes and parachuting, towing gliders, towing other than gliders, restricted category aircraft, limited category aircraft, provisionally certificated aircraft, experimentally certificated aircraft, and the carriage of candidates in Federal elections.

§ 91.303 Acrobatic flight.

No person may operate an aircraft in acrobatic flight—

(a) Over any congested area of a city, town, or settlement;

(b) Over an open air assembly of persons;

(c) Within a control zone or Federal airway;

(d) Below an altitude of 1,500 feet above the surface; or

(e) When flight visibility is less than 3 miles.

For the purposes of this section, acrobatic flight means an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

§ 91.305 Flight test areas.

No person may flight test an aircraft except over open water, or sparsely populated areas, having light air traffic.

§ 91.307 Parachutes and parachuting.

(a) No pilot of a civil aircraft may allow a parachute that is available for emergency use to be carried in that aircraft unless it is an approved type and—

(1) If a chair type (canopy in back), it has been packed by a certificated and appropriately rated parachute rigger within the preceding 120 days; or

(2) If any other type, it has been packed by a certificated and appropriately rated parachute rigger—

(i) Within the preceding 120 days, if its canopy, shrouds, and harness are composed exclusively of nylon, rayon, or other similar synthetic fiber or materials that are substantially resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or

(ii) Within the preceding 60 days, if any part of the parachute is composed of silk, pongee, or other natural fiber, or materials not specified in paragraph (a)(2)(i) of this section.

(b) Except in an emergency, no pilot in command may allow, and no person may make, a parachute jump from an aircraft within the United States except in accordance with Part 105.

(c) Unless each occupant of the aircraft is wearing an approved parachute, no pilot of a civil aircraft carrying any person (other than a crewmember) may execute any intentional maneuver that exceeds—

(1) A band of 60 degrees relative to the horizon; or

(2) A nose-up or nose-down attitude of 30 degrees relative to the horizon.

(d) Paragraph (c) of this section does not apply to—

(1) Flight tests for pilot certification or rating; or

(2) Spins and other flight maneuvers required by the regulations for any certificate or rating when given by—

(i) A certificated flight instructor; or

(ii) An airline transport pilot instructing in accordance with § 61.169 of this chapter.

(e) For the purposes of this section, "approved parachute" means—

(1) A parachute manufactured under a type certificate or a technical standard order (C–23 series); or

(2) A personnel-carrying military parachute identified by an NAF, AAF, or

AN drawing number, and AAF order number, or any other military designation or specification number.

§ 91.309 Towing: Gliders.

(a) No person may operate a civil aircraft towing a glider unless—

(1) The pilot in command of the towing aircraft is qualified under § 61.69 of this chapter;

(2) The towing aircraft is equipped with a tow-hitch of a kind, and installed in a manner, approved by the Administrator;

(3) The towline used has a breaking strength not less than 80 percent of the maximum certificated operating weight of the glider and not more than twice this operating weight. However, the towline used may have a breaking strength more than twice the maximum certificated operating weight of the glider if—

(i) A safety link is installed at the point of attachment of the towline to the glider with a breaking strength not less than 80 percent of maximum certificated operating weight of the glider and not greater than twice this operating weight; and

(ii) A safety link is installed at the point of attachment of the towline to the towing aircraft with a breaking strength greater, but not more than 25 percent greater, than that of the safety link at the towed glider end of the towline and not greater than twice the maximum certificated operating weight of the glider;

(4) Before conducting any towing operations within a control zone, or before making each towing flight within a control zone if required by ATC, the pilot in command notifies the control tower if one is in operation in that control zone. If such a control tower is not in operation, he must notify the FAA Flight Service Station serving the control zone before conducting any towing operation in that control zone; and

(5) The pilots of the towing aircraft and the glider have agreed upon a general course of action, including takeoff and release signals, airspeeds, and emergency procedures for each pilot.

(b) No pilot of a civil aircraft may intentionally release a towline, after release of a glider, in a manner so as to endanger the life or property of another.

§ 91.311 Towing: Other than under § 91.309.

No pilot of a civil aircraf may tow anything with that aircraft (other than under § 91.309) except in accordance with the terms of a certificate of waiver issued by the Administrator.

§ 91.313 Restricted category civil aircraft: Operating limitations.

(a) No person may operate a restricted category civil aircraft—

(1) For other than the special purpose for which it is certificated; or

(2) In an operation other than one necessary for the accomplishment of the work activity directly associated with that special purpose.

For the purposes of this paragraph, the operation of a restricted category civil aircraft to provide flight crewmember training in a special purpose operation for which the aircraft is certificated is considered to be an operation for that special purpose.

(b) No person may operate a restricted category civil aircraft carrying persons or property for compensation or hire. For the purposes of this paragraph, a special purpose operation involving the carriage of persons or materials necessary for the accomplishment of that operation such as crop dusting, seeding, spraying, and banner towing (including the carrying of required persons or materials to the location of that operation), and operation for the purpose of providing flight crewmember training in a special purpose operation, are not considered to be the carrying of persons or property for compensation or hire.

(c) No person may be carried on a restricted category civil aircraft unless—

(1) He is a flight crewmember;

(2) He is a flight crewmember trainee;

(3) He performs an essential function in connection with a special purpose operation for which the aircraft is certificated; or

(4) He is necessary for the accomplishment of the work activity directly associated with that special purpose.

(d) Except when operating in accordance with the terms and conditions of a certificate of waiver or special operating limitations issued by the Administrator, no person may operate a restricted category civil aircraft within the United States—

(1) Over a densely populated area;

(2) In a congested airway; or

(3) Near a busy airport where passenger transport operations are conducted.

(e) This section does not apply to nonpassenger-carrying civil rotorcraft external-load operations conducted under Part 133 of this chapter.

(f) No person may operate a small restricted category civil airplane, manufactured after July 18, 1978, unless an approved shoulder harness is installed for each front seat. The shoulder harness must be designed to protect each occupant from serious head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2) of this chapter. The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations. For purposes of this paragraph—

(1) The date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA-approved type design data; and

(2) A front seat is a seat located at a flight crewmember station or any seat located alongside such a seat.

§ 91.315 Limited category civil aircraft: Operating limitations.

No person may operate a limited category civil aircraft carrying persons or property for compensation or hire.

§ 91.317 Provisionally certificated civil aircraft: Operating limitations.

(a) No person may operate a provisionally certificated civil aircraft unless he is eligible for a provisional airworthiness certificate under § 21.213 of this chapter.

(b) No person may operate a provisionally certificated civil aircraft outside the United States unless he has specific authority to do so from the Administrator and each foreign country involved.

(c) Unless otherwise authorized by the Director of Airworthiness, no person may operate a provisionally certificated civil aircraft in air transportaion.

(d) Unless otherwise authorized by the Administrator, no person may operate a provisionally certificated civil aircraft except—

(1) In direct conjunction with the type of supplemental type certification of that aircraft;

(2) For training flightcrews, including simulated air carrier operations;

(3) Demonstration flights by the manufacturer for prospective purchasers;

(4) Market surveys by the manufacturer;

(5) Flight checking of instruments, accessories, and equipment that do not affect the basic airworthiness of the aircraft; or

(6) Service testing of the aircraft.

(e) Each person operating a provisionally certificated civil aircraft shall operate within the prescribed limitations displayed in the aircraft or set forth in the provisional aircraft flight manual or other appropriate document.

However, when operating in direct conjunction with the type or supplemental type certification of the aircraft, he shall operate under the experimental aircraft limitations of § 21.191 of this chapter and when flight testing, shall operate under the requirements of § 91.305 of this chapter.

(f) Each person operating a provisionally certificated civil aircraft shall establish approved procedures for—

(1) The use and guidance of flight and ground personnel in operating under this section; and

(2) Operating in and out of airports where takeoffs or approaches over populated areas are necessary.

No person may operate that aircraft except in compliance with the approved procedures.

(g) Each person operating a provisionally certificated civil aircraft shall ensure that each flight crewmember is properly certificated and has adequate knowledge of, and familiarity with, the aircraft and procedures to be used by that crewmember.

(h) Each person operating a provisionally certificated civil aircraft shall maintain it as required by applicable regulations and as may be specially prescribed by the Administrator.

(i) Whenever the manufacturer, or the Administrator, determines that a change in design, construction, or operation is necessary to ensure safe operation, no person may operate a provisionally certificated civil aircraft until that change has been made and approved. Section 21.99 of this chapter applies to operations under this section.

(j) Each person operating a provisionally certificated civil aircraft—

(1) May carry in that aircraft only persons who have a proper interest in the operations allowed by this section or who are specifically authorized by both the manufacturer and the Administrator; and

(2) Shall advise each person carried that the aircraft is provisionally certificated.

(k) The Administrator may prescribe additional limitations or procedures that he considers necessary, including limitations on the number of persons who may be carried in the aircraft.

§ 91.319 Aircraft having experimental certificates: Operating limitations.

(a) No person may operate an aircraft that has an experimental certificate—

(1) For other than the purpose for which the certificate was issued; or

(2) Carrying persons or property for compensation or hire.

(b) No person may operate an aircraft that has an experimental certificate outside of an area assigned by the Administrator until it is shown that—

(1) The aircraft is controllable throughout its normal range of speeds and throughout all the maneuvers to be executed; and

(2) The aircraft has no hazardous operating characteristics or design features.

(c) Unless otherwise authorized by the Administrator is special operating limitations, no person may operate an aircraft that has an experimental certificate over a densely populated area or in a congested airway. The Administrator may issue special operating limitations for particular aircraft to permit takeoffs and landings to be conducted over a densely populated area or in a congested airway in accordance with terms and conditions specified in the authorization in the interest of safety in air commerce.

(d) Each person operating an aircraft that has an experimental certificate shall—

(1) Advise each person carried of the experimental nature of the aircraft;

(2) Operate under VFR, day only, unless otherwise specifically authorized by the Administrator; and

(3) Notify the control tower of the experimental nature of the aircraft when operating the aircraft into or out of airports with operating control towers.

(e) The Administrator may prescribe additional limitations that he considers necessary, including limitations on the persons that may be carried in the aircraft.

§ 91.321 Carriage of candidates in Federal elections.

(a) An aircraft operator, other than one operating an aircraft under the rules of Part 121, 125, 127, or 135 of this chapter, may receive payment for the carriage of a candidate in a Federal election, an agent of the candidate, or a person traveling on behalf of the candidate, if—

(1) That operator's primary business is not as an air carrier or commercial operator;

(2) The carriage is conducted under the rules of Part 91; and

(3) The payment for the carriage is required, and does not exceed the amount required to be paid, by regulations of the Federal Election Commission (11 CFR et seq.).

(b) For the purposes of this section, the terms "candidate" and "election" have the same meaning as that set forth in the regulations of the Federal Election Commission.

§§ 91.323-91.399 [Reserved]

Subpart E—Maintenance, Preventive Maintenance, and Alterations

§ 91.401 Applicability.

(a) This subpart prescribes rules governing the maintenance, preventive maintenance, and alterations of U.S.-registered civil aircraft operating within or without the United States.

(b) Sections 91.405, 91.409, 91.411, 91.413, 91.417, and 91.419 of this subpart do not apply to an aircraft maintained in accordance with a continuous airworthiness maintenance program as provided in Part 121, 127, or 135 of this chapter.

(c) Sections 91.405, 91.409, 91.411, and Subpart F of this part do not apply to an airplane inspected in accordance with Part 125 of this chapter.

§ 91.403 General.

(a) The owner or operator of an aircraft is primarily responsible for maintaining that aircraft in an airworthy condition, including compliance with Part 39 of this chapter.

(b) No person may perform maintenance, preventive maintenance, or alterations on an aircraft other than as prescribed in this subpart and other applicable regulations, including Part 43.

(c) No person may operate an aircraft for which a manufacturer's maintenance manual or instructions for continued airworthiness has been issued that contains an airworthiness limitations section unless the mandatory replacement times, inspection intervals, and related procedures specified in that section or alternative inspection intervals and related procedures set forth in an operations specification approved by the Administrator under Part 121, 123, 127, or 135 or in accordance with an inspection program approved under § 91.537(e) have been complied with.

§ 91.405 Maintenance required.

Each owner or operator of an aircraft shall have that aircraft inspected as prescribed in Subpart F or § 91.409 of this part, as appropriate, and § 91.413 of this part and shall, between required inspections, have defects required as prescribed in Part 43 of this chapter. In addition, each owner or operator shall ensure that maintenance personnel make appropriate entries in the maintenance records indicating that the aircraft has been approved for return to service.

§ 91.407 Carrying persons other than crewmembers after repairs or alterations.

(a) No person may carry any persons (other than crewmembers) in an aircraft that has been repaired or altered in a manner that may have appreciably changed its flight characteristics or substantially affected its operation in flight until it has been approved for return to service in accordance with Part 43 and an appropriately rated pilot, with at least a private pilot's certificate, flies the aircraft, makes an operational check of the repaired or altered part, and logs the flight in the aircraft's records.

(b) Paragraph (a) of this section does not require that the aircraft be flown if ground tests or inspections, or both, show conclusively that the repair or alteration has not appreciably changed the flight characteristics of substantially affected the flight operation of the aircraft.

§ 91.409 Inspections.

(a) Except as provided in paragraph (c) of this section, no person may operate an aircraft unless, within the preceding 12 calendar months, it has had—

(1) An annual inspection in accordance with Part 43 of this chapter and has been approved for return to service by a person authorized by § 43.7 of this chapter; or

(2) An inspection for the issuance of an airworthiness certificate.

No inspection performed under paragraph (b) of this section may be substituted for any inspection required by this paragraph unless it is performed by a person authorized to perform annual inspections and is entered as an "annual" inspection in the required maintenance records.

(b) Except as provided in paragraph (c) of this section, no person may operate an aircraft carrying any person (other than a crewmember) for hire, and no person may give flight instruction for hire in an aircraft which that person provides, unless with the preceding 100 hours of time in service it has received an annual or 100-hour inspection and been approved for return to service in accordance with Part 43 of this chapter, or received an inspection for the issuance of an airworthiness certificate in accordance with Part 21 of this chapter. The 100-hour limitation may be exceeded by not more than 10 hours if necessary to reach a place at which the inspection can be done. The excess time, however, is included in computing the next 100 hours of time in service.

(c) Paragraphs (a) and (b) of this section do not apply to——

(1) Any aircraft for which its registered owner or operator complies with the progressive inspection requirements of § 91.411 and Part 43 of this chapter;

(2) Any aircraft that carries a special flight permit or a current experimental or provisional certificate;

(3) Any airplane operated by an air travel club that is inspected in accordance with Part 123 of this chapter and the operator's manual and operations specifications;

(4) An aircraft inspected in accordance with an approved aircraft inspection program under Part 135 of this chapter and so identified by the registration number in the operations specifications of the certificate holder having the approved inspection program; or

(5) Any large airplane or a turbojet or turbopropeller-powered multiengine airplane that is inspected in accordance with an inspection program authorized under Subpart F of this part.

§ 91.411 Progressive inspection.

(a) Each registered owner or operator of an aircraft desiring to use the progressive inspection must submit a written request to the Flight Standards district office having jurisdiction over the area in which the applicant is located and shall provide—

(1) A certificated mechanic holding an inspection authorization, a certificated airframe repair station, or the manufacturer of the aircraft to supervise or conduct the progressive inspection;

(2) A current inspection procedures manual available and readily understandable to pilot and maintenance personnel containing, in detail—

(i) An explanation of the progressive inspection, including the continuity of inspection responsibility, the making of reports, and the keeping of records and technical reference material;

(ii) An inspection schedule specifying the intervals in hours or days when routine and detailed inspections will be performed and including instructions for exceeding an inspection interval by not more than 10 hours while en route and for changing an inspection interval because of service experience;

(iii) Sample routine and detailed inspection forms and instructions for their use; and

(iv) Sample reports and records and instructions for their use;

(3) Enough housing and equipment for necessary disassembly and proper inspection of the aircraft; and

(4) Appropriate current technical information for the aircraft.

(b) The frequency and detail of the progressive inspection shall provide for the complete inspection of the aircraft within each 12 calendar months and be consistent with the manufacturer's recommendations, field service experience, and the kind of operation in which the aircraft is engaged. The progressive inspection schedule must ensure that the aircraft at all times will be airworthy and will conform to all applicable FAA aircraft specifications, type certificate data sheets, airworthiness directives, and other approved data.

(c) If the progressive inspection is discontinued, the owner or operator shall notify immediately the local General Aviation District Office, in writing, of the discontinuance. After the discontinuance, the first annual inspection under § 91.409(a) is due within 12 calendar months after the last complete inspection of the aircraft under the progressive inspection. The 100-hour inspection under § 91.409(b) is due within 100 hours after that complete inspection. A complete inspection of the aircraft, for the purpose of determining when the annual and 100-hour inspections are due, will require a detailed inspection of the aircraft and all its components in accordance with the progressive inspection. A routine inspection of the aircraft and a detailed inspection of several components is not considered to be a complete inspection.

§ 91.413 Altimeter system tests and inspections.

(a) No person may operate an airplane in controlled airspace under IFR unless, within the preceding 24 calendar months, each static pressure system and each altimeter instrument has been tested and inspected and found to comply with Appendix E of Part 43. The static pressure system and altimeter instrument tests and inspections may be conducted by—

(1) The manufacturer of the airplane on which the tests and inspections are to be performed;

(2) A certificated repair station properly equipped to perform these functions and holding—

(i) An instrument rating, Class I;

(ii) A limited instrument rating appropriate to the make and model altimeter to be tested;

(iii) A limited rating appropriate to the test to be performed;

(iv) An airframe rating appropriate to the airplane to be tested; or

(v) A limited rating for a manufacturer issued for the altimeter in accordance with § 145.101(b)(4) of this chapter; or

(3) A certificated mechanic with an airframe rating (static pressure system tests and inspections only).

(b) No person may operate an airplane in controlled airspace under IFR at an altitude above the maximum altitude to which an altimeter of that airplane has been tested.

§ 91.415 ATC transponder tests and inspections.

(a) No person may use an ATC transponder that is specified in §§ 91.211(a), 121.345(c), 127.123(b), or 135.143(c) of this chapter, unless, within the preceding 24 calendar months, that ATC transponder has been tested and inspected and found to comply with Appendix F of Part 43 of this chapter.

(b) The tests and inspections specified in paragraph (a) of this section may be conducted by—

(1) A certificated repair station properly equipped to perform those functions and holding—

(i) A radio rating, Class III;

(ii) A limited radio rating appropriate to the make and model transponder to be tested;

(iii) A limited rating appropriate to the test to be performed; or

(iv) A limited rating for a manufacturer issued for the transponder in accordance with § 145.101(b)(4) of this chapter; or

(2) A certificate holder authorized to perform maintenance in accordance with § 121.379 or § 127.140 of this chapter; or

(3) The manufacturer of the aircraft on which the transponder to be tested is installed, if the transponder was installed by that manufacturer.

§ 91.417 Maintenance records.

(a) Except for work performed in accordance with §§ 91.413 and 91.415, each registered owner or operator shall keep the following records for the periods specified in paragraph (b) of this section:

(1) Records of the maintenance and alteration and records of the 100-hour, annual, progressive, and other required or approved inspections, as appropriate, for each aircraft (including the airframe) and each engine, propeller, rotor, and appliance of an aircraft. The records must include—

(i) A description (or reference to data acceptable to the Administrator) of the work performed;

(ii) The date of completion of the work performed; and

(iii) The signature and certificate number of the person approving the aircraft for return to service.

(2) Records containing the following information:

(i) The total time in service of the airframe, each engine, and each propeller.

(ii) The current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.

(iii) The time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis.

(iv) The identification of the current inspection status of the aircraft, including the times since the last inspections required by the inspection program under which the aircraft and its appliances are maintained.

(v) The current status of applicable airwothiness directives (AD) including, for each, the method of compliance, the AD number, and revision date. If the AD involves recurring action, the time and date when the next action is required.

(vi) A list of current major alterations to each airframe, engine, propeller, rotor, and appliance.

(b) The owner and operator shall retain the following records for the periods prescribed:

(1) The records specified in paragraph (a)(1) of this section shall be retained until the work is repeated or superseded by other work or for 1 year after work is performed.

(2) The records specified in paragraph (a)(2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.

(3) A list of defects furnished to a registered owner or operator under § 43.9 of this chapter shall be retained until the defects are repaired and the aircraft is approved for return to service.

(c) The owner or operator shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 91.419 Transfer of maintenance records.

Any owner or operator who sells a U.S.-registered aircraft shall transfer to the purchaser, at the time of sale, the following records of that aircraft, in plain language form or in coded form at the election of the purchaser, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:

(a) The records specified in § 91.417(a)(2).

(b) The records specified in § 91.417(a)(1) which are not included in the records covered by paragraph (a) of this section, except that the purchaser may permit the seller to keep physical custody of such records. However, custody of records by the seller does not relieve the purchaser of his responsibility under § 91.417(c) to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 91.421 Rebuilt engine maintenance records.

(a) The owner or operator may use a new maintenance record, without previous operating history, for an aircraft engine rebuilt by the manufacturer or by an agency approved by the manufacturer.

(b) Each manufacturer or agency that grants zero time to an engine rebuilt by it shall enter in the new record—

(1) A signed statement of the date the engine was rebuilt;

(2) Each change made as required by airworthiness directives; and

(3) Each change made in compliance with manufacturer's service bulletins, if the entry is specifically requested in that bulletin.

(c) For the purposes of this section, a rebuilt engine is a used engine that has been completely disassembled, inspected, repaired as necessary, reassembled, tested, and approved in the same manner and to the same tolerances and limits as a new engine with either new or used parts. However, all parts used in it must conform to the production drawing tolerances and limits for new parts or be of approved oversized or undersized dimensions for a new engine.

§§ 91.423-91.499 [Reserved].

SUBPART F—LARGE AND TURBINE-POWERED MULTIENGINE AIRPLANES

§ 91.501 Applicability.

(a) Sections 91.501 through 91.535 prescribe operating rules, in addition to those prescribed in other subparts of this part, governing the operation of large and of turbojet-powered multiengine civil airplanes of U.S. registry. The operating rules in this subpart do not apply to those airplanes when they are required to be operated under part 121, 123, 125, 129, 135, or 137 of this chapter. Sections 91.537 and 91.539 prescribe an inspection program for large and for turbine-powered (turbojet and turboprop) multiengine airplanes of U.S. registry when they are operated under this subpart or Part 129 or 137 and for small turbine-powered multiengine airplanes operated under Part 135 of this chapter.

(b) Operations that may be conducted under the rules in this subpart instead of those in Parts 121, 123, 125, 129, 135, and 137 when common carriage is not involved include—

(1) Ferry or training flights;

(2) Aerial work operations such as aerial photography or survey, or pipeline patrol, but not including firefighting operations;

(3) Flights for the demonstration of an airplane to prospective customers when no charge is made except for those specified in paragraph (d) of this section;

(4) Flights conducted by the operator of an airplane for his personal transportation or the transportation of his guests when no charge, assessment, or fee is made for the transportation;

(5) The carriage of officials, employees, guests, and property of a company on an airplane operated by that company, or the parent or a subsidiary of that company or a subsidiary of the parent, when the carriage is within the scope of, and incidental to, the business of the company (other than transportation by air) and no charge, assessment, or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane, except that no charge of any kind may be made for the carriage of a guest of a company when the carriage is not within the scope of, and incidental to, the business of that company;

(6) The carriage of company officials, employees, and guests of the company on an airplane operated under a time-sharing, interchange, or joint ownership agreement as defined in paragraph (c) of this section;

(7) The carriage of property (other than mail) on an airplane operated by a person in the furtherance of a business or employment (other than transportation by air) when the carriage is within the scope of, and incidental to, that business or employment and no charge, assessment, or fee is made for the carriage other than those specified in paragraph (d) of this section;

(8) The carriage on an airplane of an athletic team, sports group, choral group, or similar group having a common purpose or objective when there is no charge, assessment, or fee of any kind made by any person for that carriage; and

(9) The carriage of persons on an airplane operated by a person in the furtherance of a business other than transportation by air for the purpose of selling to them land, goods, or property, including franchises or distributorships, when the carriage is within the scope of, and incidental to, that business and no charge, assessment, or fee is made for that carriage.

(c) As used in this section—

(1) A "time-sharing agreement" means an arrangement whereby a person leases his airplane with a flightcrew to another person and no charge is made for the flights conducted under that arrangement other than those specified in paragraph (d) of this section;

(2) An "interchange agreement" means an arrangement whereby a person leases his airplane to another person in exchange for equal time, when needed, on the other person's airplane and no charge, assessment, or fee is made, except that a charge may be made not to exceed the difference between the cost of owning, operating, and maintaining the two airplanes; and

(3) A "joint ownership agreement" means an arrangement whereby one of the registered joint owners of an airplane employs and furnishes the flightcrew for that airplane and each of the registered joint owners pays a share of the charges specified in the agreement.

(d) The following may be charged, as expenses of a specific flight, for transportation as authorized by subparagraphs (b)(3) and (7) and (c)(1) of this section:

(1) Fuel, oil, lubricants, and other additives.

(2) Travel expenses of the crew, including food, lodging, and ground transportation.

(3) Hangar and tie-down costs away from the aircraft's base of operations.

(4) Insurance obtained for the specific flight.

(5) Landing fees, airport taxes, and similar assessments.

(6) Customs, foreign permit, and similar fees directly related to the flight.

(7) In-flight food and beverages.

(8) Passenger ground transportation.

(9) Flight planning and weather contract services.

(10) An additional charge equal to 100 percent of the expenses listed in paragraph (d)(1) of this section.

§ 91.503 Flying equipment and operating information.

(a) The pilot in command of an airplane shall ensure that the following flying equipment and aeronautical charts and data, in current and appropriate form, are accessible for each flight at the pilot station of the airplane:

(1) A flashlight having at least two size "D" cells, or the equivalent, that is in good working order.

(2) A cockpit checklist containing the procedures required by paragraph (b) of this section.

(3) Pertinent aeronautical charts.

(4) For IFR, VFR over-the-top, or night operations, each pertinent navigational en route, terminal area, and approach and letdown chart.

(5) In the case of multiengine airplanes, one-engine inoperative climb performance data.

(b) Each cockpit checklist must contain the following procedures and shall be used by the flight crewmembers when operating the airplane:

(1) Before starting engines.

(2) Before takeoff.

(3) Cruise.

(4) Before landing.

(5) After landing.

(6) Stopping engines.

(7) Emergencies.

(c) Each emergency cockpit checklist procedure required by paragraph (b)(7) of this section must contain the following procedures, as appropriate:

(1) Emergency operation of fuel, hydraulic, electrical, and mechanical systems.

(2) Emergency operation of instruments and controls.

(3) Engine inoperative procedures.

(4) Any other procedures necessary for safety.

(d) The equipment, charts, and data prescribed in this section shall be used by the pilot in command and other members of the flightcrew, when pertinent.

§ 91.505 Familiarity with operating limitations and emergency equipment.

(a) Each pilot in command of an airplane shall, before beginning a flight, familiarize himself with the airplane flight manual for that airplane, if one is required, and with any placards, listings, instrument markings, or any combination thereof, containing each operating limitation prescribed for that airplane by the Administrator, including those specified in § 91.9(b).

(b) Each required member of the crew shall, before beginning a flight, familiarize himself with the emergency equipment installed on the airplane to which he is assigned and with the procedures to be followed for the use of that equipment in an emergency situation.

§ 91.507 Equipment requirements: Over-the-top or night VFR operations.

No operson may operate an airplane over-the-top or at night under VFR unless that airplane is equipped with the instruments and equipment required for IFR operations under § 91.205(d) and one electric landing light for night operations. Each required instrument and item of equipment must be in operable condition.

§ 91.509 Survival equipment for overwater operations.

(a) No person may take off an airplane for a flight over water more

than 50 nautical miles from the nearest shoreline unless that airplane is equipped with a life preserver or an approved flotation means for each occupant of the airplane.

(b) No person may take off an airplane for a flight over water more than 30 minutes flying time or 100 nautical miles from the nearest shoreline, unless it has on board the following survival equipment:

(1) A life preserver, equipped with an approved survivor locator light, for each occupant of the airplane.

(2) Enough liferafts (each equipped with an approved survival locator light) of a rated capacity and buoyancy to accommodate the occupants of the airplane.

(3) At least one pyrotechnic signaling device for each liferaft.

(4) One self-buoyant, water-resistant, portable emergency radio signaling device that is capable of transmission on the appropriate emergency frequency or frequencies and not dependent upon the airplane power supply.

(5) A lifeline stored in accordance with § 25.1411(g) of this chapter.

(c) The required liferafts, life preservers, and signaling devices must be installed in conspicuously marked locations and easily accessible in the event of a ditching without appreciable time for preparatory procedures.

(d) A survival kit, appropriately equipped for the route to be flown, must be attached to each required liferaft.

§ 91.511 Radio equipment for overwater operations.

(a) Except as provided in paragraphs (c) and (d) of this section, no person may take off an airplane for a flight over water more than 30 minutes flying time or 100 nautical miles from the nearest shoreline unless it has at least the following operable radio communication and navigational equipment appropriate to the facilities to be used and able to transmit to, and receive from, at any place on the route, at least one surface facility:

(1) Two transmitters.

(2) Two microphones.

(3) Two headsets or one headset and one speaker.

(4) Two independent receivers for navigation.

(5) Two independent receivers for communications.

However, a receiver that can receive both communications and navigational signals may be used in place of a separate communications receiver and a separate navigational signal receiver.

(b) For the purpose of paragraphs (a)(4) and (5) of this section, a receiver is independent if the function of any part of it does not depend on the functioning of any part of another receiver.

(c) Notwithstanding the provisions of paragraph (a) of this section, a person may operate an airplane on which no passengers are carried from a place where repairs or replacement cannot be made to a place where they can be made, if not more than one of each of the dual items of radio communication and navigational equipment specified in subparagraphs (1) through (5) of paragraph (a) of this section malfunctions or becomes inoperative.

(d) Notwithstanding the provisions of paragraph (a) of this section, when both VHR and HF communications equipment are required for the route and the airplane has two VHF transmitters and two VHF receivers for communications, only one HF transmitter and one HF receiver is required for communications.

§ 91.513 Emergency equipment.

(a) No person may operate an airplane unless it is equipped with the emergency equipment listed in this section.

(b) Each item of equipment—

(1) Must be inspected in accordance with § 91.537 to ensure its continued serviceability and immediate readiness for its intended purposes;

(2) Must be readily accessible to the crew;

(3) Must clearly indicate its method of operation; and

(4) When carried in a compartment or container, must have that compartment or container marked as to contents and date of last inspection.

(c) Hand fire extinguishers must be provided for use in crew, passenger, and cargo compartments in accordance with the following:

(1) The type and quantity of extinguishing agent must be suitable for the kinds of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher must be provided and located on or near the flight deck in a place that is readily accessible to the flightcrew.

(3) At least one hand fire extinguisher must be conveniently located in the passenger compartment of each airplane accommodating more than 6 but less than 31 passengers, and at least two hand fire extinguishers must be conveniently located in the passenger compartment of each airplane accommodating more than 30 passengers.

(4) Hand fire extinguishers must be installed and secured in such a manner that they will not interfere with the safe operation of the airplane of adversely affect the safety of the crew and passengers. They must be readily accessible and, unless the locations of the fire extinguishers are obvious, their stowage provisions must be properly identified.

(d) First aid kits for treatment of injuries likely to occur in flight or in minor accidents must be provided.

(e) Each airplane accommodating more than 19 passengers must be equipped with a crash axe.

(f) Each passenger-carrying airplane must have a portable battery-powered megaphone or megaphones readily accessible to the crewmembers assigned to direct emergency evacuation, installed as follows:

(1) One megaphone on each airplane with a seating capacity of more than 60 but less than 100 passengers, at the most rearward location in the passenger cabin where it would be readily accessible to a normal flight attendant seat. However, the Administrator may grant a deviation from the requirements of this subparagraph if he finds that a different location would be more useful for evacuation of persons during an emergency.

(2) Two megaphones in the passenger cabin on each airplane with a seating capacity of more than 99 passengers, one installed at the forward end and the other at the most rearward location where it would be readily accessible to a normal flight attendant seat.

§ 91.515 Flight altitude rules.

(a) Notwithstanding § 91.119, and except as provided in paragraph (b) of this section, no person may operate an airplane under VFR at less than—

(1) One thousand feet above the surface, or 1,000 feet from any mountain, hill, or other obstruction to flight, for day operations; and

(2) The altitudes prescribed in § 91.177, for night operations.

(b) This section does not apply—

(1) During takeoff or landing;

(2) When a different altitude is authorized by a waiver to this section under Subpart I of this part; or

(3) When a flight is conducted under the special VFR weather minimums of § 91.157 with an appropriate clearance from ATC.

§ 91.517 Smoking and safety belt signs.

(a) Except as provided in paragraph (b) of this section, no person may operate an airplane carrying passengers unless it is equipped with signs that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts should be fastened. The signs must be so constructed that the crew can turn them

on and off. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

(b) The pilot in command of an airplane that is not equipped as provided in paragraph (a) of this section shall ensure that the passengers are orally notified each time that it is necessary to fasten their safety belts and when smoking is prohibited.

§ 91.519 Passenger briefing.

(a) Before each takeoff the pilot in command of an airplane carrying passengers shall ensure that all passengers have been orally briefed on—

(1) Smoking;

(2) Use of safety belts;

(3) Location and means for opening the passenger entry door and emergency exits;

(4) Location of survival equipment;

(5) Ditching procedures and the use of flotation equipment required under § 91.509 for a flight over water; and

(6) The normal and emergency use of oxygen equipment installed on the airplane.

(b) The oral briefing required by paragraph (a) of this section shall be given by the pilot in command or a member of the crew, but need not be given when the pilot in command determines that the passengers are familiar with the contents of the briefing. It may be supplemented by printed cards for the use of each passenger containing—

(1) A diagram of, and methods of operating, the emergency exits; and

(2) Other instructions necessary for use of emergency equipment.

Each card used under this paragraph must be carried in convenient locations on the airplane for the use of each passenger and must contain information that is pertinent only to the type and model airplane on which it is used.

§ 91.521 Shoulder harness.

(a) Except as provided in paragraph (b) of this section, no person may operate a transport category airplane unless it is equipped with a combined safety belt and shoulder harness that meets the applicable requirements specified in § 25.785 of this chapter at each required flight attendant seat in the passenger compartment and at each flight deck station, except that—

(1) Shoulder harnesses and combined safety belt and shoulder harnesses that were approved and installed before March 6, 1980, may continue to be used; and

(2) Safety belt and shoulder harness restraint systems may be designed to the inertia load factors established under the certification basis of the airplane.

(b) An operator may obtain an extension of the compliance date specified in paragraph (a) of this section, but not beyond March 6, 1982, from the Director of Flight Operations if the operator—

(1) Shows that, due to circumstances beyond its control, it cannot comply by the specified compliance date; and

(2) Submits, by the specified compliance date, a schedule for compliance, acceptable to the Director, indicating that compliance will be achieved at the earliest practicable date.

§ 91.523 Carry-on baggage.

No pilot in command of an airplane having a seating capacity of more than 19 passengers may permit a passenger to stow his baggage aboard that airplane except—

(a) In a suitable baggage or cargo storage compartment, or as provided in § 91.525; or

(b) Under a passenger seat in such a way that it will not slide forward under crash impacts severe enough to induce the ultimate inertia forces specifed in § 25.561(b)(3) of this chapter, or the requirements of the regulations under which the airplane was type certificated. Restraining devices must also limit sideward motion of under-seat baggage and be designed to withstand crash impacts severe enough to induce sideward forces specified in § 25.561(b)(3) of this chapter.

§ 91.525 Carriage of cargo.

(a) No pilot in command may permit cargo to be carried in any airplane unless—

(1) It is carried in an approved cargo rack, bin, or compartment installed in the airplane;

(2) It is secured by means approved by the Administrator; or

(3) It is carried in accordance with each of the following:

(i) It is properly secured by a safety belt or other tiedown having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions.

(ii) It is packaged or covered to avoid possible injury to passengers.

(iii) It does not impose any load on seats or on the floor structure that exceeds the load limitation for those components.

(iv) It is not located in a position that restricts the access to or use of any required emergency or regular exit, or the use of the aisle between the crew and the passenger compartment.

(v) It is not carried directly above seated passengers.

(b) When cargo is carried in cargo compartments that are designed to require the physical entry of a crewmember to extinguish any fire that may occur during flight, the cargo must be loaded so as to allow a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher.

§ 91.527 Transport category airplane weight limitations.

No person may take off a transport category airplane except in accordance with the weight limitations prescribed for that airplane in § 91.603 of this part.

§ 91.529 Operating in icing conditions.

(a) No pilot may take off an airplane that has—

(1) Frost, snow, or ice adhering to any propeller, windshield, or powerplant installation or to an airspeed, altimeter, rate of climb, or flight attitude instrument system;

(2) Snow or ice adhering to the wings, or stabilizing or control surfaces; or

(3) Any frost adhering to the wings, or stabilizing or control surfaces, unless that frost has been polished to make it smooth.

(b) Except for an airplane that has ice protection provisions that meet the requirements in section 34 of Special Federal Aviation Regulation No. 23, or those for transport category airplane type certification, no pilot may fly—

(1) Under IFR into known or forecast moderate icing conditions; or

(2) Under VFR into known light or moderate icing conditions unless the aircraft has functioning de-icing or anti-icing equipment protecting each propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb, or flight attitude instrument system.

(c) Except for an airplane that has ice protection provisions that meet the requirements in section 34 of Special Federal Aviation Regulation No. 23, or those for transport category airplane type certification, no pilot may fly an airplane into known or forecast severe icing conditions.

(d) If current weather reports and briefing information relied upon by the pilot in command indicate that the forecast icing conditions that would otherwise prohibit the flight will not be encountered during the flight because of changed weather conditions since the forecast, the restrictions in paragraph (b) and (c) of this section based on forecast conditions do not apply.

§ 91.531 Flight engineer requirements.

(a) No person may operate the following airplanes without a flight crewmember holding a current flight engineer certificate:

(1) An airplane for which a type certificate was issued before January 2, 1964, having a maximum certificated takeoff weight or more than 80,000 pounds.

(2) An airplane type certificated after January 1, 1964, for which a flight engineer is required by the type certification requirements.

(b) No person may serve as a required flight engineer on an airplane unless, within the preceding 6 calendar months, he has had at least 50 hours of flight time as a flight engineer on that type airplane, or the Administrator has checked him on that type airplane and determined that he is familiar and competent with all essential current information and operating procedures.

§ 91.533 Second-in-command requirements.

(a) Except as provided in paragraph (b) of this section, no person may operate the following airplanes without a pilot who is designated as second in command of that airplane:

(1) A large airplane.

(2) A turbojet-powered multiengine airplane for which two pilots are required under the type certification requirements for that airplane.

(b) The Administrator may issue a letter of authorization for the operation of an airplane without compliance with the requirements of paragraph (a) of this section if that airplane is designed for and type certificated with only one pilot station. The authorization contains any conditions that the Administrator finds necessary for safe operation.

(c) No person may designate a pilot to serve as second in command, nor may any pilot serve as second in command, of an airplane required under this section to have two pilots unless that pilot meets the qualifications for second in command prescribed in § 61.55 of this chapter.

§ 91.535 Flight attendant requirements.

(a) No person may operate an airplane unless at least the following number of flight attendants are on board the airplane:

(1) For airplanes having more than 19 but less than 51 passengers on board, one flight attendant.

(2) For airplanes having more than 50 but less than 101 passengers on board, two flight attendants.

(3) For airplanes having more than 100 passengers on board, two flight attendants plus one additional flight attendant for each unit (or part of a unit) of 50 passengers above 100.

(b) No person may serve as a flight attendant on an airplane when required by paragraph (a) of this section unless that person has demonstrated to the pilot in command that he is familiar with the necessary functions to be performed in an emergency or a situation requiring emergency evacuation and is capable of using the emergency equipment installed on that airplane for the performance of those functions.

§ 91.537 Inspection program.

(a) No person may operate a large airplane or a turbojet or turbopropeller-powered multiengine airplane unless the replacement times for life-limited parts specified in the aircraft data sheets or other documents approved by the Administrator are complied with, and the airplane, including the airframe, engines, propellers, appliances, survival equipment, and emergency equipment, is inspected in accordance with an inspection program selected under the provisions of this section.

(b) The registered owner or operator of each airplane governed by this subpart must select and must use one of the following programs for the inspection of that airplane:

(1) A continuous airworthiness inspection program that is a part of a continuous airworthiness maintenance program currently in use by a person holding an air carrier or commercial operator certificate under Part 121 of this chapter.

(2) An approved aircraft inspection program currently in use by a person holding an ATCO certificate under Part 135 of this chapter.

(3) An approved continuous inspection program currently in use by a person certificated as an Air Travel Club under Part 123 of this chapter.

(4) A current inspection program recommended by the manufacturer.

(5) Any other inspection program established by the registered owner or operator of that airplane and approved by the Administrator under paragraph (e) of this section.

(c) Notice of the inspection program selected shall be sent to the local FAA district office having jurisdiction over the area in which the airplane is based. The notice must be in writing and include—

(1) Make, model, and serial number of the airplane;

(2) Registration number of the airplane;

(3) The inspection program selected under paragraph (b) of this section; and

(4) The name and address of the person responsible for scheduling the inspections required under the selected inspection program.

(d) The registered owner or operator may not change the inspection program for an airplane unless he has given notice thereof as provided in paragraph (c) of this section and the new program has been approved by the FAA, where appropriate.

(e) Each registered owner or operator of an airplane desiring to establish an approved inspection program under paragraph (b)(5) of this section must submit the program for approval to the local FAA district office having jurisdiction over the area in which the airplane is based. The program must include the following information:

(1) Instructions and procedures for the conduct of inspections for the particular make and model airplane, including necessary tests and checks. The instructions and procedures must set forth in detail the parts and areas of the airframe, engines, propellers, and appliances, including emergency equipment, required to be inspected.

(2) A schedule for the performance of the inspections that must be performed under the program expressed in terms of the time in service, calendar time, number of system operations, or any combination of these.

§ 91.539 Availability of inspection program.

Each owner or operator of an airplane shall make a copy of the inspection program selected under § 91.537 available to—

(a) The person responsible for the scheduling of the inspections;

(b) Any person performing inspections on the airplane; and

(c) Upon request, to the Administrator.

§§ 91.541-91.599 [Reserved].

Subpart G—Additional Equipment and Operating Requirements for Large and Transport Category Aircraft

§ 91.601 Applicability.

This subpart prescribes equipment and operating rule requirements, in addition to those prescribed in other subparts of this part and other parts governing the operation of large transport category aircraft.

§ 91.603 Aural speed warning device.

No person may operate a transport category airplane in air commerce unless that airplane is equipped with an aural speed warning device that complies with § 25.1303(c)(1).

§ 91.605 Transport category civil airplane weight limitations.

(a) No person may take off any transport category airplane (other than a turbine-engine-powered airplane certificated after September 30, 1958) unless—

(1) The takeoff weight does not exceed the authorized maximum takeoff weight for the elevation of the airport of takeoff;

(2) The elevation of the airport of takeoff is within the altitude range for which maximum takeoff weights have been determined;

(3) Normal consumption of fuel and oil in flight to the airport of intended landing will leave a weight on arrival not in excess of the authorized maximum landing weight for the elevation of that airport; and

(4) The elevations of the airport of intended landing and of all specified alternate airports are within the altitude range for which the maximum landing weights have been determined.

(b) No person may operate a turbine-engine-powered transport category airplane certificated after September 30, 1958, contrary to the airplane flight manual, nor take off that airplane unless—

(1) The takeoff weight does not exceed the takeoff weight specified in the airplane flight manual for the elevation of the airport and for the ambient temperature existing at the time of takeoff;

(2) Normal consumption of fuel and oil in flight to the airport of intended landing and to the alternate airports will leave a weight on arrival not in excess of the landing weight specified in the airplane flight manual for the elevation of each of the airports involved and for the ambient temperatures expected at the time of landing;

(3) The takeoff weight does not exceed the weight shown in the airplane flight manual to correspond with the minimum distances required for takeoff considering the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of takeoff; and

(4) Where the takeoff distance includes a clearway, the clearway distance is not greater than one-half of—

(i) The takeoff run, in the case of airplanes certificated after September 30, 1958, and before August 30, 1959; or

(ii) The runway length, in the case of airplanes certificated after August 29, 1959.

(c) No person may take off a turbine-engine-powered transport category airplane certificated after August 29, 1959, unless, in addition to the requirements of paragraph (b) of this section—

(1) The accelerate-stop distance is no greater than the length of the runway plus the length of the stopway (if present);

(2) The takeoff distance is no greater than the length of the runway plus the length of the clearway (if present); and

(3) The takeoff run is no greater than the length of the runway.

§ 91.607 Transport category airplanes—Pitot heat indication systems.

(a) Except as provided in paragraphs (b) and (c) of this section, after April 12, 1981, no person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is also equipped with an operable pitot heat indication system that complies with § 25.1326 of this chapter in effect on April 12, 1978.

(b) An operator may obtain an extension of the April 12, 1981, compliance date specified in paragraph (a) of this section, but not beyond April 12, 1983, from the Director of Flight Operations if the operator—

(1) Shows that due to circumstances beyond its control it cannot comply by the specified compliance date; and

(2) Submits, by the specified compliance date, a schedule for compliance, acceptable to the Director, indicating that compliance will be achieved at the earliest practicable date.

(c) Notwithstanding the provisions of paragraph (a) of this section, the compliance date of April 12, 1981, is suspended for operators of transport category airplanes when conducting operations that are not conducted under Part 121, 123, 125, or 135 of the Federal Aviation Regulations.

§ 91.609 Emergency exits for airplanes carrying passengers for hire.

(a) Notwithstanding any other provision of this chapter, no person may operate a large airplane (type certificated under the Civil Air Regulations effective before April 9, 1957) in passenger-carrying operations for hire, with more than the number of occupants—

(1) Allowed under Civil Air Regulations § 4b.362(a), (b), and (c) as in effect on December 20, 1951; or

(2) Approved under Special Civil Air Regulations SR–387, SR–389, SR–389A, or SR–389B, or under this section as in effect.

However, an airplane type listed in the following table may be operated with up to the listed number of occupants (including crewmembers) and the corresponding number of exits (including emergency exits and doors) approved for the emergency exit of passengers or with an occupant-exit configuration approved under paragraph (b) or (c) of this section.

Airplane type	Maximum number of occupants including all crewmembers	Corresponding number of exits authorized for passenger use
B–307	61	4
B–377	96	9
C–46	67	4
CV–240	53	6
CV–340 and CV–440	53	6
DC–3	35	4
DC–3 (Super)	39	5
DC–4	86	5
DC–6	87	7
DC–6B	112	11
L–18	17	3
L–049, L–649, L–749	87	7
L–1049 series	96	9
M–202	53	6
M–404	53	7
Viscount 700 series	53	7

(b) Occupants in addition to those authorized under paragraph (a) of this section may be carried as follows:

(1) For each additional floor-level exit at least 24 inches wide by 48 inches high, with an unobstructed 20-inch wide access aisleway between the exit and the main passenger aisle, 12 additional occupants.

(2) For each additional window exit located over a wing that meets the requirements of the airworthiness standards under which the airplane was type certificated or that is large enough to inscribe an ellipse 19 x 26 inches, 8 additional occupants.

(3) For each additional window exit that is not located over a wing but that otherwise complies with subparagraph (2) of this paragraph, 5 additional occupants.

(4) For each airplane having a ratio (as computed from the table in paragraph (a) of this section) of maximum number of occupants to number of exits greater than 14:1, and for each airplane that does not have at least one full-size, door-type exit in the side of the fuselage in the rear part of the cabin, the first additional exit must be a floor-level exit that complies with subparagraph (1) of this paragraph and must be located in the rear part of the cabin on the opposite side of the fuselage from the main entrance door.

However, no person may operate an airplane under this section carrying more than 115 occupants unless there is such an exit on each side of the fuselage in the rear part of the cabin.

(c) No person may eliminate any approved exit except in accordance with the following:

(1) The previously authorized maximum number of occupants must be reduced by the same number of additional occupants authorized for that exit under this section.

(2) Exits must be eliminated in accordance with the following priority schedule: First, non-over-wing window exits; second, over-wing-window exits; third, floor-level exits located in the forward part of the cabin; and fourth, floor-level exits located in the rear of the cabin.

(3) At least one exit must be retained on each side of the fuselage regardless of the number of occupants.

(4) No person may remove any exit that would result in a ratio of maximum number of occupants to approved exits greater than 14:1.

(d) This section does not relieve any person operating under Part 121 of this chapter from complying with § 121.291.

§ 91.611 Flight recorders and cockpit voice recorders.

No holder of an air carrier or commercial operator certificate may conduct any operation under this part with an aircraft listed in his operations specifications or current list of aircraft used in air transportation unless that aircraft complies with any applicable flight recorder and cockpit voice recorder requirements of the part under which its certificate is issued, except that he may—

(a) Ferry an aircraft with an inoperative flight recorder or cockpit voice recorder from a place where repair or replacement cannot be made to a place where they can be made;

(b) Continue a flight as originally planned, if the flight recorder or cockpit voice recorder becomes inoperative after the aircraft has taken off;

(c) Conduct an airworthiness flight test during which the flight recorder or cockpit voice recorder is turned off to test it or to test any communications or electrical equipment installed in the aircraft; or

(d) Ferry a newly acquired aircraft from the place where possession of it was taken to a place where the flight recorder or cockpit voice recorder is to be installed.

§ 91.613 Authorization for ferry flight with one engine inoperative by air carriers and commercial operators of large aircraft.

(a) *General.* An air carrier or commercial operator of large aircraft may conduct a ferry flight of a four-engine airplane or a turbine-engine-powered airplane equipped with three engines, with one engine inoperative, to a base for the purpose of repairing that engine subject to the following:

(1) The airplane model has been test flown and found satisfactory for safe flight in accordance with paragraph (b) or (c) of this section, as appropriate. However, each operator who before November 19, 1966, has shown that a model of airplane with an engine inoperative is satisfactory for safe flight by a test flight conducted in accordance with performance data contained in the applicable airplane flight manual under § 91.613(a)(2) need not repeat the test flight for that model.

(2) The approved airplane flight manual contains the following performance data and the flight is conducted in accordance with that data:

(i) Maximum weight.

(ii) Center of gravity limits.

(iii) Configuration of the inoperative propeller (if applicable).

(iv) Runway length for takeoff (including temperature accountability).

(v) Altitude range.

(vi) Certificate limitations.

(vii) Ranges of operational limits.

(viii) Performance information.

(ix) Operating procedures.

(3) The operator's manual contains operating procedures for the safe operation of the airplne, including specific requirements for—

(i) A limitation that the operating weight on any ferry flight must be the minimum necessary therefore with the necessary reserve fuel load;

(ii) A limitation that takeoffs must be made from dry runways unless, based on a showing of actual operating takeoff techniques on wet runways with one engine inoperative, takeoffs with full controllability from wet runways have been approved for the specific model aircraft and included in the airplane flight manual;

(iii) Operations from airports where the runways may require a takeoff or approach over populated areas; and

(iv) Inspection procedures for determining the operating conditions of the operative engines.

(4) No person may take off an airplane under this section if—

(i) The initial climb is over thickly populated areas; or

(ii) Weather conditions at the takeoff or destination airport are less than those required for VFR flight.

(5) No air carrier or commercial operator of large aircraft may carry any persons other than required flight crewmembers on board the airplane during the flight.

(6) No air carrier or commercial operator of large aircraft may use a flight crewmember unless he is thoroughly familiar with the operating procedures for one-engine-inoperative ferry flights listed in its manual and the limitations and performance information listed in the airplane flight manual.

(b) *Flight tests: reciprocating-engine-powered airplanes.* The airplane performance of a reciprocating-engine-powered airplane with one engine inoperative must be determined by flight test as follows:

(1) A speed not less than $1.3V_{s1}$ must be chosen at which the airplane may be controlled satisfactorily in a climb with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator) and with all other engines operating at the maximum power determined in paragraph (b)(3) of this section.

(2) The distance required to accelerate to the speed listed in subparagraph (1) of this paragraph and to climb to 50 feet must be determined with—

(i) The landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator; and

(iii) The other engines operating at not more than the maximum power established under paragraph (b)(3) of this section.

(3) The takeoff, flight, and landing procedures, such as the approximate trim settings, method of power application, maximum power, and speed, must be established.

(4) The performance must be determined at a maximum weight not greater than the weight that allows a rate of climb of at least 400 feet a minute in the enroute configuration set forth in § 25.67(d) of this chapter at an altitude of 5,000 feet.

(5) The performance must be determined using temperature accountability for the takeoff field length, computed in accordance with § 25.61 of this chapter.

(c) *Flight test: turbine-engine-powered airplanes.* The airplane performance of a turbine-engine-powered airplane with one engine inoperative must be determined by flight tests, including at least three takeoff tests, in accordance with the following:

(1) Takeoff speeds V_R and V_2, not less than the corresponding speeds under which the airplane was type certificated under § 25.107 of this chapter, must be chosen at which the airplane may be controlled satisfactorily with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator, if applicable) and with all other engines operating at not more than

the power selected for type certification, as set forth in § 25.101 of this chapter.

(2) The minimum takeoff field length must be the horizontal distance required to accelerate and climb to the 35-foot height at V_2 speed (including any additional speed increment obtained in the tests) multiplied by 115 percent and determined with—

(i) The landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator (if applicable); and

(iii) The other engines operating at not more than the power selected for type certification as set forth in § 25.101 of this chapter.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed must be established. The airplane must be satisfactorily controllable during the entire takeoff run when operated according to these procedures.

(4) The performance must be determined at a maximum weight not greater than the weight determined under § 25.121(c) of this chapter but with—

(i) The actual steady gradient of the final takeoff climb requirement not less than 1.2 percent at the end of the takeoff path with two critical engines inoperative; and

(ii) The climb speed not less than the two-engine-inoperative trim speed for the actual steady gradient of the final takeoff climb prescribed by paragraph (c)(4)(i) of this section.

(5) The airplane must be satisfactorily controllable in a climb with two critical engines inoperative. Climb performance may be shown by calculations based on, and equal in accuracy to, the results of testing.

(6) The performance must be determined using temperature accountability for takeoff distance and final takeoff climb computed in accordance with § 25.101 of this chapter.

For the purposes of paragraphs (c) (4) and (5) of this section, "two critical engines" means two adjacent engines on one side of an airplane with four engines, and the center engine and one outboard engine on an airplane with three engines.

§ 91.615 Materials for compartment interiors.

No person may operate an airplane that conforms to an amended or supplemental type certificate issued in accordance with SFAR No. 41 for a maximum certificated takeoff weight in excess of 12,500 pounds unless within 1 year after issuance of the initial airworthiness certificate under that SFAR the airplane meets the compartment interior requirements set forth in § 25.853(a), (b), (b–1), (b–2), and (b–3) of this chapter in effect on September 26, 1978.

§§ 91.617–91.619 [Reserved]

Subpart H—Foreign Aircraft Operations and Operations of U.S.-Registered Civil Aircraft to Areas Outside of the Conterminous United States

§ 91.701 Applicability.

This subpart contains additional rules applicable to the operations of civil aircraft of U.S. registry to areas outside of the conterminous United States, and the operations of foreign civil aircraft within the United States.

§ 91.703 Operations of civil aircraft of U.S. registry outside of the United States.

(a) Each person operating a civil aircraft of U.S. registry outside of the United States shall—

(1) When over the high seas, comply with Annex 2 (Rules of the Air) to the Convention on International Civil Aviation and with §§ 91.117(c) and 91.133;

(2) When within a foreign country, comply with the regulations relating to the flight and maneuver of aircraft there in force;

(3) Except for §§ 91.307(b), 91.309, 91.707, and 91.713, comply with this part so far as it is not inconsistent with applicable regulations of the foreign country where the aircraft is operated or Annex 2 to the Convention on International Civil Aviation; and

(4) When over the North Atlantic within airspace designated as Minimum Navigation Performance Specifications airspace, comply with § 91.705.

(b) Annex 2 to the Convention on International Civil Aviation, Sixth Edition—September 1970, with amendments through Amendment 20 effective August 1976, to which reference is made in this part is incorporated into this part and made a part hereof as provided in 5 U.S.C. 552 and pursuant to 1 CFR Part 51. Annex 2 (including a complete historic file of changes thereto) is available for public inspection at the Rules Docket, AGC–204, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. In addition, Annex 2 may be purchased from the International Civil Aviation Organization (Attention: Distribution Officer), P.O. Box 400, Succursale, Place de L'Aviation Internationale, 1000 Sherbrooke Street West, Montreal, Quebec, Canada #H3A 5R2.

§ 91.705 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace

No person may operate a civil aircraft of U.S. registry in North Atlantic (NAT) airspace designate as Minimum Navigation Performance Specifications (MNPS) airspace unless that aircraft has approved navigation performance capability which complies with the requirements of Appendix C of this part. The Administrator authorizes deviations from the requirements of this section in accordance with Section 3 of Appendix C to this part.

§ 91.707 Increased maximum certificated weights for certain airplanes operated in Alaska.

(a) Notwithstanding any other provision of the Federal Aviation Regulations, the Administrator will approve, as provided in this section, an increase in the maximum certificated weight of an airplane type certificated under Aeronautics Bulletin No. 7–A of the U.S. Department of Commerce dated January 1, 1931, as amended, or under the normal category of Part 4a of the former Civil Air Regulations (14 CFR 4A, 1964 ed.) if that airplane is operated in the State of Alaska by—

(1) An air taxi operator or other air carrier; or

(2) The U.S. Department of Interior in conducting its game and fish law enforcement activities or its management, fire detection, and fire suppression activities concerning public lands.

(b) The maximum certificated weight approved under this section may not exceed—

(1) 12,500 pounds;

(2) 115 percent of the maximum weight listed in the FAA aircraft specifications;

(3) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in § 23.337 of this chapter; or

(4) The weight at which the airplane meets the climb performance requirements under which it was type certificated.

(c) In determining the maximum certificated weight, the Administrator considers the structural soundness of the airplane and the terrain to be traversed.

(d) The maximum certificated weight determined under this section is added to the airplane's operation limitations and is identified as the maximum weight authorized for operations within the State of Alaska.

§ 91.709 Flights between Mexico or Canada and the United States.

Unless otherwise authorized by ATC, no person may operate a civil aircraft between Mexico or Canada and the United States without filing an IFR or VFR flight plan, as appropriate.

§ 91.711 Operations to Cuba.

No person may operate a civil aircraft from the United States to Cuba unless—

(a) Departure is from an international airport of entry designated in § 6.13 of the Air Commerce Regulations of the Bureau of Customs (19 CFR 6.13); and

(b) In the case of departure from any of the 48 conterminous states or the District of Columbia, the pilot in command of the aircraft has filed—

(1) A DVFR or IFR flight plan as prescribed in § 99.11 or § 99.13 of this chapter; and

(2) A written statement, within 1 hour before departure, with the Office of Immigration and Naturalization Service at the airport of departure, containing—

(i) All information in the flight plan;

(ii) The name of each occupant of the aircraft;

(iii) The number of occupants of the aircraft; and

(iv) A description of the cargo, if any.

This section does not apply to the operation of aircraft by a scheduled air carrier over routes authorized in operations specifications issued by the Administrator.

§ 91.713 Special rules for foreign civil aircraft.

(a) *General.* In addition to the other applicable regulations of this part, each person operating a foreign civil aircraft within the United States shall comply with this section.

(b) *VFR.* No person may conduct VFR operations which require two-way radio communications under this part unless at least one crewmember of that aircraft is able to conduct two-way radio communications in the English language and is on duty during that operation.

(c) *IFR.* No person may operate a foreign civil aircraft under IFR unless—

(1) That aircraft is equipped with—

(i) Radio equipment allowing two-way radio communications with ATC when it is operated in a control zone or control area; and

(ii) Radio navigational equipment appropriate to the navigational facilities to be used;

(2) Each person piloting the aircraft—

(i) Holds a current United States instrument rating or is authorized by his foreign airman certificate to pilot under IFR; and

(ii) Is thoroughly familiar with the United States en route, holding, and letdown procedures; and

(3) At least one crewmember of that aircraft is able to conduct two-way radiotelephone communications in the English language and that crewmember is on duty while the aircraft is approaching, operating within, or leaving the United States.

(d) *Overwater.* Each person operating a foreign civil aircraft over water off the shores of the United States shall give flight notification or file a flight plan in accordance with the Supplementary Procedures for the ICAO region concerned.

(e) *Flight at and above 24,000 feet MSL.* If VOR navigational equipment is required under paragraph (c)(1)(ii) of this section, no person may operate a foreign civil aircraft within the 50 states and the District of Columbia at or above 24,000 feet MSL, unless the aircraft is equipped with distance measuring equipment (MDE) capable of receiving and indicating distance information from the VORTAC facilities to be used. When DME required by this paragraph fails at and above 24,000 feet MSL, the pilot in command of the aircraft shall notify ATC immediately, and may then continue operations at and above 24,000 feet MSL to the next airport of intended landing at which repairs or replacement of the equipment can be made.

However, paragraph (e) does not apply to foreign civil aircraft that are not equipped with DME when operated for the following purposes, and if ATC is notified prior to each takeoff:

(1) Ferry flights to and from a place in the United State where repairs or alterations are to be made.

(2) Ferry flight to a new country of registry.

(3) Flight of a new aircraft of U.S. manufacture for the purpose of—

(i) Flight testing the aircraft;

(ii) Training foreign flightcrews in the operation of the aircraft; or

(iii) Ferrying the aircraft for export delivery outside the United States.

(4) Ferry, demonstration, and test flights of an aircraft brought to the United States for the purpose of demonstration or testing the whole or any part thereof.

§ 91.715 Operation of civil aircraft of Cuban registry.

No person may operate a civil aircraft of Cuban registry except in controlled airspace and in accordance with air traffic clearances or air traffic control instructions that may require use of specific airways or routes and landings at specific airports.

§ 91.717 Special flight authorizations for foreign civil aircraft.

(a) Foreign civil aircraft may be operated without the airworthiness certificate required under § 91.203 if a special flight authorization for that operation is issued under this section. Application for a special flight authorization must be made to the Regional Director of the FAA region in which the applicant is located. However, application for a special flight authorization for the purpose specified in paragraph (b)(6) of this section must be made to the Regional Director of the FAA region in which the airshow is located.

(b) The Administrator may issue a special flight authorization for a foreign civil aircraft, subject to any conditions and limitations that he considers necessary for safe operation, for any of the following purposes:.

(1) The flight of an aircraft to a place where repairs or alterations are to be made, if the country of registry determines that the aircraft has been damaged to the extent that the airworthiness certificate is invalid.

(2) The flight of an aircraft to a new country of registry, if the airworthiness certificate has been invalidated by the country of registry due to change in nationality.

(3) The flight of an aircraft of U.S. manufacture for flight testing or giving training in the operation of the aircraft to the buyer or his employees or designees, or for the purpose of ferrying the aircraft to make an export delivery outside of the United States whenever title to the aircraft has passed to a foreign buyer and there is no airworthiness certificate for it.

(4) The flight of an aircraft for any purpose stated in paragraph (b)(3) of this section, in the case of a foreign civil aircraft brought to the United States for alterations which invalidate its airworthiness certificate.

(5) The flight of a foreign civil aircraft brought to the United States for the purpose of demonstration in connection with market sales or surveys or for testing the whole or any part thereof. However, for market sales or surveys, the applicant must show at least that—

(i) The applicant is the manufacturer of the aircraft;.

(ii) The applicant has applied for a U.S. type certificate or U.S. supplemental type certificate;.

(iii) The aircraft has flown for 50 hours, or for at least 5 hours if it is a U.S. type certificated aircraft which has been modified;

(iv) The applicant has established operating limitations in an appropriate

document and certifies that the aircraft will be operated within such limitations; and.

(v) The applicant has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(6) The flight of a Canadian-registered amateur-built experimental aircraft brought to the United States for the purpose of demonstration at an airshow within the United States.

(c) An aircraft of U.S. manufacture may be operated for the purposes stated in paragraph (b)(3) of this section even though no registration certificate has been issued by the country of the foreign buyer, if the aircraft bears identification markings issued by the country of registry or intended registry.

§§ 91.719-91.799 [Reserved]

Subpart I—Operating Noise Limits

91.801 Applicability: Relation to Part 36.

(a) This subpart prescribes operating noise limits and related requirements that apply, as follows, to the operation of civil aircraft in the United States:

(1) Sections 91.803, 91.805, 91.807, 91.809, and 91.811 apply to civil subsonic turbojet airplanes with maximum weights of more than 75,000 pounds and—

(i) If U.S. registered, that have standard airworthiness certificates; or

(ii) If foreign registered, that would be required by this chapter to have a U.S. standard airworthiness certificate in order to conduct the operations intended for the airplane were it registered in the United States. Those sections apply to operations to or from airports in the United States under this part and Parts 121, 123, 125, 129, and 135 of this chapter.

(2) Section 91.813 applies to U.S. operators of civil subsonic turbojet airplanes covered by this subpart. That section applies to operators operating to or from airports in the United States under this part and Parts 121, 123, 125, and 135, but not to those operating under Part 129 of this chapter..

(3) Sections 91.819 and 91.821 apply to U.S.-registered civil supersonic airplanes having standard airworthiness certificates and to foreign-registered civil supersonic airplanes that, if registered in the United States, would be required by this chapter to have U.S. standard airworthiness certificates in order to conduct the operations intended for the airplane. Those sections apply to operations under this part and under Parts 121, 123, 125, 129, and 135 of this chapter.

(b) Unless otherwise specified, as used in this subpart "Part 36" refers to 14 CFR Part 36, including the noise levels under Appendix C of that part, notwithstanding the provisions of that part excepting certain airplanes from the specified noise requirements. For purposes of this subpart, the various stages of noise levels, the terms used to describe airplanes with respect to those levels, and the terms "subsonic airplane" and "supersonic airplane" have the meaning specified under Part 36 of this chapter. For purposes of this subpart, for subsonic airplanes operated in foreign air commerce in the United States, the Administrator may accept compliance with the noise requirements under Annex 16 of the International Civil Aviation Organization when those requirements have been shown to be substantially compatible with, and achieve results equivalent to those achievable under, Part 36 for that airplane. Determinations made under these provisions are subject to the limitations of § 36.5 of this chapter as if those noise levels were Part 36 noise levels.

§ 91.803 Part 125 operators: Designation of applicable regulations.

For airplanes covered by this subpart and operated under Part 125, the following regulations apply as specified:

(a) For each airplane operation to which requirements prescribed under this subpart applied before November 1, 1980, those requirements of this subpart continue to apply

(b) For each subsonic airplane operation to which requirements prescribed under this subpart did not apply before November 1, 1980, because the airplane was not operated in the United States under this part or Part 121, 123, 129, or 135, the requirements prescribed under §§ 91.805, 91.809, 91.811, and 91.813 of this subpart apply.

(c) For each supersonic airplane operation to which requirements prescribed under this subpart did not apply before November 1, 1980, because the airplane was not operated in the United States under this part or part 121, 123, 129, or 135, the requirements of §§ 91.819 and 91.821 of this subpart apply.

(d) For each airplane required to operate, under Part 125 for which a deviation under that part is approved to operate, in whole or in part, under this part or Part 121, 123, 129, or 135, notwithstanding the approval, the requirements prescribed under paragraphs (a), (b), and (c) of this section continue to apply.

§ 91.805 Final compliance: Subsonic airplanes.

Except as provided in §§ 91.809 and 91.811, on and after January 1, 1985, no person may operate to or from an airport in the United States any subsonic airplane covered by this subpart unless that airplane has been shown to comply with Stage 2 or Stage 3 noise levels under Part 36 of this chapter.

§ 91.807 Phased compliance under Parts 121, 125, and 135: Subsonic airplanes.

(a) *General.* Each person operating airplanes under Part 121, 125, or 135 of this chapter, as prescribed under § 91.803 of this subpart, regardless of the state of registry of the airplane, shall comply with this section with respect to subsonic airplanes covered by this subpart.

(b) *Compliance schedule.* Except for airplanes shown to be operated in foreign air commerce under paragraph (c) of this section or covered by an exemption (including those issued under § 91.811), airplanes operated by U.S. operators in air commerce in the United States must be shown to comply with Stage 2 or Stage 3 noise levels under Part 36, in accordance with the following schedule, or they may not be operated to or from airports in the United States:

(1) By January 1, 1981—

(i) At least one quarter of the airplanes that have four engines with no bypass ratio or with a bypass ratio less than two; and

(ii) At least half of the airplanes powered by engines with any other bypass ratio or by another number of engines.

(2) By January 1, 1983—

(i) At least one half of the airplanes that have four engines with no bypass ratio or with a bypass ratio less than two; and

(ii) All airplanes powered by engines with any other bypass ratio or by another number of engines.

(c) *Apportionment of airplanes.* For purposes of paragraph (b) of this section, a person operating airplanes engaged in domestic and foreign air commerce in the United States may elect not to comply with the phased schedule with respect to that portion of the airplanes operated by that person shown, under an approved method of apportionment, to be engaged in foreign air commerce in the United States.

§ 91.809 Replacement airplanes.

A Stage 1 airplane may be operated after the otherwise applicable compliance dates prescribed under §§ 91.805 and 91.807 if, under an approved plan, a replacement airplane

has been ordered by the operator under a binding contract as follows:

(a) For replacement of an airplane powered by two engines, until January 1, 1986, but not after the date specified in the plan, if the contract is entered into by January 1, 1983, and specifis delivery before January 1, 1986, of a replacement airplane which has been shown to comply with Stage 3 noise levels under Part 36 of this chapter.

(b) For replacement of an airplane powered by three engines, until January 1, 1985, but not after the date specified in the plan, if the contract is entered into by January 1, 1983, and specifies delivery before January 1, 1985, of a replacement airplane which has been shown to comply with Stage 3 noise levels under Part 36 of this chapter.

(c) For replacement of any other airplane, until January 1, 1985, but not after the date specified in the plan, if the contract specifies delivery before January 1, 1985, of a replacement airplane which—

(1) Has been shown to comply with Stage 2 or Stage 3 noise levels under Part 36 of this chapter prior to issuance of an original standard airworthiness certificate; or

(2) Has been shown to comply with Stage 3 noise levels under Part 36 of this chapter prior to issuance of a standard airworthiness certificate other than original issue.

(d) Each operator of a Stage 1 airplane for which approval of a replacement plan is requested under this section shall submit to the Director, Office of Environment and Energy, an application constituting the proposed replacement plan (or revised plan) that contains the information specified under this paragraph and which is certified (under penalty of 18 U.S.C. § 1001) as true and correct. Each application for approval must provide information corresponding to that specified in the contract, upon which the FAA may rely in considering its approval, as follows:

(1) Name and address of the applicant.

(2) Aircraft type and model and registration number for each airplane to be replaced under the plan.

(3) Aircraft type and model of each replacement airplane.

(4) Scheduled dates of delivery and introduction into service of each replacement airplane.

(5) Name and addresses of the parties to the contract and any other persons who may effectively cancel the contract or otherwise control the performance of any party.

(6) Information specifying the anticipated disposition of the airplanes to be replaced.

(7) A statement that the contract represents a legally enforceable, mutual agreement for delivery of an eligible replacement airplane.

(8) Any other information or documentation requested by the Director, Office of Environment and Energy, reasonably necessary to determine whether the plan should be approved.

§ 91.811 Service to small communities exemption: Two-engine, subsonic airplanes.

(a) A Stage 1 airplane powered by two engines may be operated after the compliance dates prescribed under §§ 91.805, 91.807, and 91.809 when, with respect to that airplane, the Administrator issues an exemption to the operator from the noise level requirements under this subpart. Each exemption issued under this section terminates on the earliest of the following dates:

(1) For an exempted airplane sold, or otherwise disposed of, to another person on or after January 1,.1983, on the date of delivery to that person.

(2) For an exempted airplane with a seating configuration of 100 passenger seats or less, on January 1, 1988.

(3) For an exempted airplane with a seating configuration of more than 100 passenger seats, on January 1, 1985.

(b) For the purposes of this section, the seating configuration of an airplane is governed by that shown to exist on December 1, 1979, or an earlier date established for that airplane by the Administrator.

§ 91.813 Compliance plans and status: U.S. operators of subsonic airplanes.

(a) Each U.S. operator of a civil subsonic airplane covered by this subpart (regardless of the state of registry) shall submit to the Director, Office of Environment and Energy, in accordance with this section, the operator's current compliance status and plan for achieving and maintaining compliance with the applicable noise level requirements of this subpart. If appropriate, an operator may substitute for the required plan a notice, certified as true (under penalty of 18 U.S.C. 1001) by that operator, that no change in the plan or status of any airplane affected by the plan has occurred since the date of the plan most recently submitted under this section.

(b) Each compliance plan, including each revised plan, must contain the information specified under paragraph (c) of this section for each airplane covered by this section that is operated by the operator. Unless otherwise approved by the Administrator, compliance plans must provide the required plan and status information as it exists on the date 30 days before the date specified for submission of the plan. Plans must be certified by the operator as true and complete (under penalty of 18 U.S.C. § 1001) and be submitted for each airplane covered by this section on or before 90 days after initially commencing operation of airplanes covered by this section, whichever is later, and thereafter—

(1) Thirty days after any change in the operator's fleet or compliance planning decisions that has a separate or cumulative effect on 10 percent or more of the airplanes in either class of airplanes covered by § 91.807(b); and

(2) Thirty days after each compliance date applicable to that airplane under this subpart, and annually thereafter through 1985, or until any later date for that airplane prescribed under this subpart, on the anniversary of that submission date, to show continuous compliance with this subpart.

(c) Each compliance plan submitted under this section must identify the operator and include information regarding the compliance plan and status for each airplane covered by the plan as follows:

(1) Name and address of the airplane operator.

(2) Name and telephone number of the person designated by the operator to be responsible for the preparation of the compliance plan and its submission.

(3) The total number of airplanes covered by this section and in each of the following classes and subclasses:

(i) For airplanes engaged in domestic air commerce—

(A) Airplanes powered by four turbojet engines with no bypass ratio or with a bypass ratio less than two;

(B) Airplanes powered by engines with any other bypass ratio or by another number of engines; and

(C) Airplanes covered by an exemption issued under § 91.811 of this subpart.

(ii) For airplanes engaged in foreign air commerce under an approved apportionment plan—

(A) Airplanes powered by four turbojet engines with no bypass ratio or with a bypass ratio less than two;

(B) Airplanes powered by engines with any other bypass ratio or by another number of engines; and

(C) Airplanes covered by an exemption issued under § 91.811 of this subpart.

(4) For each airplane covered by this section—

(i) Aircraft type and model;

(ii) Aircraft registration number;

(iii) Aircraft manufacturer serial number;

(iv) Aircraft powerplant make and model;

(v) Aircraft year of manufacturer;

(vi) Whether Part 36 noise level compliance has been shown, "Yes/No";

(vii) The appropriate code prescribed under paragraph (c)(5) of this section which indicates the acoustical technology installed or to be installed on the airplane;

(viii) For airplanes on which acoustical technology has been or will be applied, following the appropriate code entry, the actual or scheduled month and year of installation on the airplane;

(ix) For DC–8 and B–707 airplanes operated in domestic U.S. air commerce which have been or will be retired from service in the United States without replacement between January 24, 1977, and January 1, 1985, the appropriate code prescribed under paragraph (c)(5) of this section followed by the actual or scheduled month and year of retirement of the airplane from service;

(x) For DC–8 and B–707 airplanes operated in foreign air commerce in the United States which have been or will be retired from service in the United States without replacement between April 14, 1980, and January 1, 1985, the appropriate code prescribed under paragraph (c)(5) of this section followed by the actual or scheduled month and year of retirement of the airplane from service;

(xi) For airplanes covered by an approved replacement plan under § 91.807(c) of this subpart, the appropriate code prescribed under paragraph (c)(5) of this section followed by the scheduled month and year for replacement of the airplane;

(xii) For airplanes designated as "engaged in foreign commerce" in accordance with an approved method of apportionment under § 91.807(c) of this subpart, the appropriate code prescribed under paragraph (c)(5) of this section;

(xiii) For airplanes covered by an exemption issued to the operator granting relief from noise requirements of this subpart, the appropriate code prescribed under paragraph (c)(5) of this section followed by the actual or scheduled month and year of expiration of the exemption and the appropriate code and applicable dates which indicate the compliance strategy planned or implemented for the airplane;

(xiv) For all airplanes covered by this section, the number of spare shipsets of acoustical components needed for continuous compliance and the number available on demand to the operator in support of those airplanes; and

(xv) For airplanes for which none of the other codes prescribed under paragraph (c)(5) of this section describes either the technology applied or to be applied to the airplane in accordance with the certification requirements under Parts 21 and 36 of this chapter, or the compliance strategy or methodology, following the code "OTH," enter the date of any certificate action and attach an addendum to the plan explaining the nature and extent of the certificated technology, strategy, or methodology employed, with reference to the type certificate documentation.

(5) Table of Acoustical Technology/ Strategy Codes

Code	Airplane type/ model	Certificated technology
A	B–707–120B B–707–320B/C B–720B	Quiet Nacelles + 1-Ring.
B	B–727–100	Double Wall Fan Duct Treatment.
C	B–727–200	Double Wall Fan Duct Treatment (Pre-January Installations and Amended Type Certificate).
D	B–727–200 B–737–100 B–737–200	Quiet Nacelles + Double Wall Fan Duct Treatment.
E	B–747–100 (pre-December 1971). B–747–200 (pre-December 1971).	Fixed Lip Inlets + Sound Absorbing Material Treatment.
F	DC–8	New Extended Inlet and Bullet with Treatment + Fan Duct Treatment Added.
G	DC–9	P–36 Sound Absorbing Material Treatment Kit.
H	BAC–111–200	Silencer Kit (BAC Acoustic Report 522).
I	BAC–111–400	(To be identified later if certificated).
J	B–707 DC–8	Reengined with High Bypass Ratio Turbojet Engines + Quiet Nacelles (if certificated under Stage 3 noise level requirements).

REP—For Airplanes covered by an approved replacement under § 94.807(c) of this subpart.

EFC—For airplanes designated as "engaged in foreign commerce" in accordance with an approved method of apportionment under § 91.811 of this subpart.

RET—For DC–8 and B–707 airplanes operated in domestic U.S. air commerce and retired from service in the United States without replacement between January 24, 1977, and January 1, 1985.

RFC—For DC–8 and B–707 airplanes operated by U.S. operators in foreign air commerce in the United States and retired from service in the United States without replacement between April 14, 1980, and January 1, 1985.

EXD—For airplanes exempted from showing compliance with the noise level requirements of this subpart.

OTH—For airplanes for which no other prescribed code describes either the certificated technology applied or to be applied to the airplane, or the compliance strategy or methodology. (An addendum must explain the nature and extent of technology, strategy, or methodology and reference the type certificate documentation.)

§ 91.815 Agricultural and fire-fighting airplanes: Noise operating limitations.

(a) This section applies to propeller-driven, small airplanes having standard airworthiness certificates that are designed for "agricultural aircraft operations" (as defined in § 137.3 of this chapter, as effective on January 1, 1966) or for dispensing fire-fighting materials.

(b) If the airplane flight manual, or other approved manual material, information, markings, or placards for the airplane indicate that the airplane has not been shown to comply with the noise limits under Part 36 of this chapter, no person may operate that airplane, except—

(1) To the extent necessary to accomplish the work activity directly associated with the purpose for which it is designed;

(2) To provide flight crewmember training in the special purpose operation for which the airplane is designed; and

(3) To conduct "nondispensing aerial work operations" in accordance with the requirements under § 137.29(c) of this chapter.

§ 91.817 Civil aircraft sonic boom.

(a) No person may operate a civil aircraft in the United States at a true flight Mach number greater than 1 except in compliance with conditions and limitations in an authorization to exceed Mach 1 issued to the operator under Appendix B of this part.

(b) In addition, no person may operate a civil aircraft for which the maximum operating limit speed M_{mo} exceeds a Mach number of 1, to or from an airport in the United States unless—

(1) Information available to the flightcrew includes flight limitations that ensure that flights entering or leaving the United States will not cause a sonic boom to reach the surface within the United States; and

(2) The operator complies with the flight limitations prescribed in paragraph (b)(1) of this section or complies with conditions and limitations in an authorization to exceed Mach 1 issued under Appendix B of this part.

§ 91.819 Civil supersonic airplanes that do not comply with Part 36.

(a) *Applicability.* This section applies to civil supersonic airplanes that have not been shown to comply with the Stage 2 noise limits of Part 36 in effect on October 13, 1977, using applicable tradeoff provisions, and that are

operated in the United States after July 31, 1978.

(b) *Airport use.* Except in an emergency, the following apply to each person who operates a civil supersonic airplane to or from an airport in the United States:

(1) Regardless of whether a type design change approval is applied for under Part 21 of this chapter, no person may land or take off an airplane covered by this section for which the type design is changed, after July 31, 1978, in a manner constituting an "acoustical change" under § 21.98 unless the acoustical change requirements of Part 36 are complied with.

(2) No flight may be scheduled, or otherwise planned, for takeoff or landing after 10 p.m. and before 7 a.m. local time.

§ 91.821 Civil supersonic airplanes: Noise limits.

Except for Concorde airplanes having flight time before January 1, 1980, no person may operate in the United States, a civil supersonic airplane that does not comply with Stage 2 noise limits of Part 36 in effect on October 13, 1977, using applicable tradeoff provisions.

§§ 91.823-91.899 [Reserved]

SUBPART J— WAIVERS

§ 91.901 Applicability.

This subpart outlines the Administrator's policy and procedures concerning the issuance of waivers to this part and also lists by number those rules that may be waived.

§ 91.903 Policy and procedures.

(a) The Administrator may issue a certificate of waiver authorizing the operation of aircraft in deviation from any rule listed in this subpart if he finds that the proposed operation can be safely conducted under the terms of that certificate of waiver.

(b) An application for a certificate of waiver under this part is made on a form and in a manner prescribed by the Administrator and may be submitted to any FAA office.

(c) A certificate of waiver is effective as specified in that certificate of waiver.

§ 91.905 List of rules subject to waiver.

Sec.
91.107 Use of safety belts.
91.111 Operating near other aircraft.
91.113 Right-of-way rules: Except water operations.
91.115 Right-of-way rules: Water operation.
91.117 Aircraft speed.
91.119 Minimum safe altitudes: General.
91.121 Altimeter settings.
91.123 Compliance with ATC clearances and instructions.
91.125 ATC Light Signals.
91.127 Operating on or in the vicinity of an airport: General rules.
91.129 Operation at airports without control towers.
91.131 Operation at airports with operating control towers.
91.133 Terminal control areas.
91.135 Restricted and prohibited areas.
91.137 Positive control areas and route segments.
91.139 Temporary flight restrictions.
91.143 Flight restrictions in the proximity of the Presidential and other parties.
91.145 Flight limitation in the proximity of space flight recovery operations.
91.151 VFR flight plan: Information required.
91.155 Basic VFR weather minimums.
91.157 Special VFR weather minimums.
91.159 VFR cruising altitude or flight level.
91.169 IFR flight plan: Information required.
91.173 ATC clearance and flight plan required.
91.175 Takeoff and landing under IFR.
91.177 Minimum altitudes for IFR operations.
91.179 IFR cruising or flight level.
91.181 Course to be flown.
91.183 IFR radio communications.
91.185 IFR operations: Two-way radio communication failure.
91.187 Operation under IFR in controlled airspace: Malfunction reports.
91.209 Aircraft lights.
91.303 Acrobatic flight.
91.305 Flight test areas.
91.311 Towing: Other than under § 91.309.
91.313(d) Restricted category civil aircraft: Operating limitations.
91.705 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.
91.709 Flights between Mexico or Canada and the United States.
91.711 Operations to Cuba.
91.715 Operation of civil aircraft of Cuban registry.

Appendix A—Category II Operations: Manual, Instruments, Equipment, and Maintenance

1. *Category II manual.*

(a) *Application for approval.* An applicant for approval of a Category II manual or an amendment to an approved Category II manual must submit the proposed manual or amendment to the general aviation district office having jurisdiction of the area in which the applicant is located. If the application requests an evaluation program, it must include the following:

(1) The location of the airplane and the place where the demonstrations are to be conducted; and

(2) The date the demonstrations are to commence (at least 10 days after filing the application).

(b) *Contents.* Each Category II manual must contain:

(1) The registration number, make, and model of the airplane to which it applies;

(2) A maintenance program as specified in § 4 of this Appendix; and

(3) The procedures and instructions related to recognition of decision height, use of runway visual range information, approach monitoring, the decision region (the region between the middle marker and the decision height), the maximum permissible deviations of the basic ILS indicator within the decision region, a missed approach, use of airborne low approach equipment, minimum altitude for the use of the autopilot, instrument and equipment failure warning systems, instrument failure, and other procedures, instructions, and limitations that may be found necessary by the Administrator.

2. *Required instruments and equipment.*

The instruments and equipment listed in this section must be installed in each airplane operated in a Category II operation. This section does not require duplication of instruments and equipment required by § 91.205 or any other provisions of this chapter.

(a) *Group I.*

(1) Two localizer and glide slope receiving systems. Each system must provide a basic ILS display and each side of the instrument panel must have a basic ILS display. However, a single localizer antenna and a single glide slope antenna may be used.

(2) A communications system that does not affect the operation of at least one of the ILS systems.

(3) A marker beacon receiver that provides distinctive aural and visual indications of the outer and the middle markers.

(4) Two gyroscopic pitch and bank indicating systems.

(5) Two gyroscopic direction indicating systems.

(6) Two airspeed indicators.

(7) Two sensitive altimeters adjustable for barometric pressure, each having a placarded correction for altimeter scale error and for the wheel height of the airplane. Two sensitive altimeters adjustable for barometric pressure, having markings at 20-foot intervals and each having a placarded correction for altimeter scale error and for the wheel height of the airplane.

(8) Two vertical speed indicators.

(9) A flight control guidance system that consists of either an automatic approach coupler or a flight director system. A flight director system must display computed information as steering command in relation to an ILS localizer and, on the same instrument, either computed information as pitch command in relation to an ILS glide slope or basic ILS glide slope

information. An automatic approach coupler must provide at least automatic steering in relation to an ILS localizer. The flight control guidance system may be operated from one of the receiving systems required by subparagraph (1) of this paragraph.

(10) For Category II operations with decision heights below 150 feet, either a marker beacon receiver providing aural and visual indications of the inner marker or a radio altimeter.

(b) *Group II.*

(1) Warning systems for immediate detection by the pilot of system faults in items (1), (4), (5), and (9) of Group I and, if installed for use in Category II operations, the radio altimeter and autothrottle system.

(2) Dual controls.

(3) An externally vented static pressure system with an alternate static pressure source.

(4) A windshield wiper or equivalent means of providing adequate cockpit visibility for a safe visual transition by either pilot to touchdown and rollout.

(5) A heat source for each airspeed system pilot tube installed or an equivalent means of preventing malfunctioning due to icing of the pitot system.

3. *Instruments and equipment approval.*

(a) *General.* The instruments and equipment required by § 2 of this appendix must be approved as provided in this section before being used in Category II operations. Before presenting an airplane for approval of the instruments and equipment, it must be shown that since the beginning of the 12th calendar month before the date of submission—

(1) The ILS localizer and glide slope equipment were bench checked according to the manufacturer's instructions and found to meet those standards specified in RTCA Paper 23–63/DO–117, dated March 14, 1963, "Standard Adjustment Criteria for Airborne Localizer and Glide Slope Receivers," which may be obtained from the RTCA Secretariat, 2000 K St., NW., Washington, D.C. 20006.

(2) The altimeters and the static pressure systems were tested and inspected in accordance with Appendix E to Part 43 of this chapter; and

(3) All other instruments and items of equipment specified in § 2(a) of this appendix that are listed in the proposed maintenance program were bench checked and found to meet the manufacturer's specifications.

(b) *Flight control guidance system.* All components of the flight control guidance system must be approved as installed by the evaluation program specified in paragraph (e) of this section if they have not been approved for Category II operations under applicable type or supplemental type certification procedures. In addition, subsequent changes to make, model, or design of these components must be approved under this paragraph. Related systems or devices, such as the autothrottle and computed missed approach guidance system, must be approved in the same manner if they are to be used for Category II operations.

(c) *Radio Altimeter.* A radio altimeter must meet the performance criteria of this paragraph for original approval and after each subsequent alteration.

(1) It must display to the flightcrew clearly and positively the wheel height of the main landing gear above the terrain.

(2) It must display wheel height above the terrain to an accuracy of plus or minus 5 feet or 5 percent, whichever is greater, under the following conditions:

(i) Pitch angles of zero to plus or minus 5 degrees about the mean approach attitude.

(ii) Roll angles of zero to 20 degrees in either direction.

(iii) Forward velocities from minimum approach speed up to 200 knots.

(iv) Sink rates from zero to 15 feet per second at altitudes from 100 to 200 feet.

(3) Over level ground, it must track the actual altitude of the airplane without significant lag or oscillation.

(4) With the airplane at an altitude of 200 feet or less, any abrupt change in terrain representing no more than 10 percent of the airplane's altitude must not cause the altimeter to unlock, and indicator response to such changes must not exceed 0.1 seconds and, in addition, if the system unlocks for greater changes, it must reacquire the signal in less than 1 second.

(5) Systems that contain a push-to-test feature must test the entire system (with or without an antenna) at a simulated altitude of less than 500 feet.

(6) The system must provide to the flightcrew a positive failure warning display any time there is a loss of power or an absence of ground return signals within the designed range of operating altitudes.

(d) *Other instruments and equipment.* All other instruments and items of equipment required by § 2 of this appendix must be capable of performing as necessary for Category II operations. Approval is also required after each subsequent alteration to these instruments and items of equipment.

(e) *Evaluation program.*—(1) *Application.* Approval by evaluation is requested as a part of the application for approval of the Category II manual.

(2) *Demonstrations.* Unless otherwise authorized by the Administrator, the evaluation program for each airplane requires the demonstrations specified in this subparagraph. At least 50 ILS approaches must be flown with at least five approaches on each of three different ILS facilities and no more than one half of the total approaches on any one ILS facility. All approaches shall be flown under simulated instrument conditions to a 100-foot decision height and 90 percent of the total approaches made must be successful. A successful approach is one in which—

(i) At the 100-foot decision height, the indicated airspeed and heading are satisfactory for a normal flare and landing (speed must be plus or minus 5 knots of programmed airspeed, but may not be less than computed threshold speed if autothrottles are used);

(ii) The airplane, at the 100-foot decision height, is positioned so that the cockpit is within, and tracking so as to remain within, the lateral confines of the runway extended;

(iii) Deviation from glide slope after leaving the outer marker does not exceed 50 percent of full-scale deflection as displayed on the ILS indicator;

(iv) No unusual roughness or excessive altitude changes occur after leaving the middle marker; and

(v) In the case of an airplane equipped with an approach coupler, the airplane is sufficiently in trim when the approach coupler is disconnected at the decision height to allow for the continuation of a normal approach and landing.

(3) *Records.* During the evaluation program the following information must be maintained by the applicant for the airplane with respect to each approach and made available to the Administrator upon request:

(i) Each deficiency in airborne instruments and equipment that prevented the initiation of an approach.

(ii) The reasons for discontinuing an approach, including the altitude above the runway at which it was discontinued.

(iii) Speed control at the 100-foot decision height if autothrottles are used.

(iv) Trim condition of the airplane upon disconnecting the autocoupler with respect to continuation to flare and landing.

(v) Position of the airplane at the middle marker and at the decision height indicated both on a diagram of the basic ILS display and a diagram of the runway extended to the middle marker. Estimated touchdown point must be indicated on the runway diagram.

(vi) Compatibility of flight director with the autocoupler, if applicable.

(vii) Quality of overall system performance.

(4) *Evaluation.* A final evaluation of the flight control guidance system is made upon successful completion of the demonstrations. If no hazardous tendencies have been displayed or are otherwise known to exist, the system is approved as installed.

(4) *Maintenance program.*

(a) Each maintenance program must contain the following:

(1) A list of each instrument and item of equipment specified in § 2 of this appendix that is installed in the airplane and approved for Category II operations, including the make and model of those specified in § 2(a).

(2) A schedule that provides for the performance of inspections under subparagraph (5) of this paragraph within 3 calendar months after the date of the previous inspection. The inspection must be performed by a person authorized by Part 43 of this chapter, except that each alternate inspection may be replaced by a functional flight check. This functional flight check must be performed by a pilot holding a Category II pilot authorization for the type airplane checked.

(3) A schedule that provides for the performance of bench checks for each listed instrument and item of equipment that is specified in § 2(a) within 12 calendar months after the date of the previous bench check.

(4) A schedule that provides for the performance of a test and inspection of each static pressure system in accordance with Appendix E to Part 43 of this chapter within 12 calendar months after the date of the previous test and inspection.

(5) The procedures for the performance of the periodic inspections and functional flight checks to determine the ability of each listed instrument and item of equipment specified in § 2(a) of this appendix to perform as approved for Category II operations, including a procedure for recording functional flight checks.

(6) A procedure for assuring that the pilot is informed of all defects in listed instruments and items of equipment.

(7) A procedure for assuring that the condition of each listed instrument and item of equipment upon which maintenance is performed is at least equal to its Category II approval condition before it is returned to service for Category II operations.

(8) A procedure for an entry in the maintenance records required by § 43.9 of this chapter that shows the date, airport, and reasons for each discontinued Category II operation because of a malfunction of a listed instrument or item of equipment.

(b) *Bench check.* A bench check required by this section must comply with this paragraph.

(1) It must be performed by a certificated repair station holding one of the following ratings as appropriate to the equipment checked:

(i) An instrument rating.

(ii) A radio rating.

(iii) A rating issued under Subpart D of Part 145.

(2) It must consist of removal of an instrument or item of equipment and performance of the following:

(i) A visual inspection for cleanliness, impending failure, and the need for lubrication, repair, or replacement of parts;

(ii) Correction of items found by that visual inspection; and

(iii) Calibration to at least the manufacturer's specifications unless otherwise specified in the approved Category II manual for the airplane in which the instrument or item of equipment is installed.

(c) *Extensions.* After the completion of one maintenance cycle of 12 calendar months, a request to extend the period for checks, tests, and inspections is approved if it is shown that the performance of particular equipment justifies the requested extension.

Appendix B—Authorizations To Exceed Mach 1 (§ 91.817)

Section 1. *Application.*

(a) An applicant for an authorization to exceed Mach 1 must apply in a form and manner prescribed by the Administrator and must comply with this appendix.

(b) In addition, each application for an authorization to exceed Mach 1 covered by § 2(a) of this appendix must contain all information requested by the administrator that he deems necessary to assist him in determining whether the designation of a particular test area, or issuance of a particular authorization is a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and to assist him in complying with that Act, and with related Executive Orders, guidelines, and orders prior to such action.

(c) In addition, each application for an authorization to exceed Mach 1 covered by § 2(a) of this appendix must contain—

(1) Information showing that operation at a speed greater than Mach 1 is necessary to accomplish one or more of the purposes specified in § 2(a) of this appendix, including a showing that the purpose of the test cannot be safely or properly accomplished by overocean testing;

(2) A description of the test area proposed by the applicant, including an environmental analysis of that area meeting the requirements of paragraph (b) of this section; and

(3) Conditions and limitations that will ensure that no measurable sonic boom overpressure will reach the surface outside of the designated test area.

(d) An application is denied if the Administrator finds that such action is necessary to protect or enhance the environment.

Section 2. *Issuance.*

(a) For a flight in a designated test area, an authorization to exceed Mach 1 may be issued when the Administrator has taken the environmental protective actions specified in § 1(b) of this appendix and the applicant shows one or more of the following:

(1) The flight is necessary to show compliance with airworthiness requirements.

(2) The flight is necessary to determine the sonic boom characteristics of the airplane, or is necessary to establish means of reducing or eliminating the effects of sonic boom.

(3) The flight is necessary to demonstrate the conditions and limitations under which speeds greater than a true flight Mach number of 1 will not cause a measurable sonic boom overpressure to reach the surface.

(b) For a flight outside of a designated test area, an authorization to exceed Mach 1 may be issued if the applicant shows conservatively under paragraph (a)(3) of this section that—

(1) The flight will not cause a measurable sonic boom overpressure to reach the surface when the aircraft is operated under conditions and limitations demonstrated under paragraph (a)(3) of this section; and

(2) Those conditions and limitations represent all foreseeable operating conditions.

Section 3. *Duration.*

(a) An authorization to exceed Mach 1 is effective until it expires or is surrendered, or until it is suspended or terminated by the Administrator. Such an authorization may be amended or suspended by the Administrator at any time if he finds that such action is necessary to protect the environment. Within 30 days of notification of amendment, the holder of the

authorization must request reconsideration or the amendment becomes final. Within 30 days of notification of suspension, the holder of the authorization must request reconsideration, or the authorization is automatically terminated. If reconsideration is requested within the 30-day period, the amendment or suspension continues until the holder shows why, in his opinion, the authorization should not be amended or terminated. Upon such showing, the Administrator may terminate or amend the authorization if he finds that such action is necessary to protect the environment, or he may reinstate the authorization without amendment if he finds that termination or amendment is not necessary to protect the environment.

(b) Findings and actions by the Administrator under this section do not affect any certificate issued under Title VI of the Federal Aviation Act of 1958.

Appendix C—Operations in the North Atlantic (NAT) Minimum Navigation Performance Specification (MNPS) Airspace

Section 1. NAT MNPS airspace is that volume of airspace between flight level 275 and flight level 400 extending between latitude 27 degrees north and latitude 67 degrees north, bounded in the east by the eastern boundaries of flight information regions Santa Maria Oceanic, Shanwick Oceanic, and Reykjavik, and in the west by longitude 60 degrees west within flight information region New York Oceanic, the western boundary of flight information region Gander Oceanic, and the western boundary of flight information region Reykjavik.

Section 2. The navigation performance capability required for aircraft to be operated in the airspace defined in § 1 of this appendix is as follows:

(a) The standard deviation of lateral track errors shall be less than 6.3 NM (11.7 Km). Standard deviation is a statistical measure of data about a mean value. The mean is zero nautical miles. The overall form of data is such that the plus and minus 1 standard deviation about the mean encompasses approximately 68 percent of the data and plus or minus 2 deviations encompasses approximately 95 percent.

(b) The proportion of the total flight time spent by aircraft 30 NM (55.6 Km) or more off the cleared track shall be less than 5.3×10^{-4} (less than 1 hour in 1,887 flight hours).

(c) The proportion of the total flight time spent by aircraft between 50 NM and 70 NM (92.6 Km and 129.6 Km) off the cleared track shall be less than 13×10^{-5} (less than 1 hour in 7,693 flight hours).

Section 3. Air traffic control (ATC) may authorize an aircraft operator to deviate from the requirements of § 91.705 for a specific flight if, at the time of flight plan filing for that flight, ATC determines that the aircraft may be provided appropriate separation and that the flight will not interfere with, or impose a burden upon, the operations of other aircraft which meet the requirements of § 91.705.

2. By amending the provisions in other parts of the Federal Aviation Regulations in the specified rules by deleting the references to current Part 91 provisions and substituting for them references to the revised Part 91 provisions as follows:

Rule	Deletion	Substitution
	Part 1	
§ 1.1 (Operate)	§ 91.10 of this chapter	§ 91.13 of this chapter.
	Part 21	
§ 21.81(a)	§ 91.41 of this chapter	§ 91.317 of this chapter.
§ 21.83(a)	§ 91.41 of this chapter	§ 91.317 of this chapter.
§ 21.83(b)	§ 91.41 of this chapter	§ 91.317 of this chapter.
§ 21.85(f)	§ 91.41 of this chapter	§ 91.317 of this chapter.
§ 21.221(a)(2)	§ 91.41 of this chapter	§ 91.317 of this chapter.
§ 21.221(e)	§ 91.41	§ 91.317.
§ 21.223(a)(2)	§ 91.41 of this chapter	§ 91.317 of this chapter.
§ 21.223(f)	§ 91.41 of this chapter	§ 91.317 of this chapter.
§ 21.225(a)(2)	§ 91.41 of this chapter	§ 91.317 of this chapter.
§ 21.225(e)	§ 91.41 of this chapter	§ 91.317 of this chapter.
	Part 43	
§ 43.5(a)(4)	§ 91.31 of this chapter	§ 91.9 of this chapter.
§ 43.9(a)(5)	§ 91.217 of this chapter	§ 91.537 of this chapter.
§ 43.13(d)	§ 91.217 of this chapter	§ 91.537 of this chapter.
§ 43.13(d)(1)	(§ 91.217(b)(1) of this chapter)	(§ 91.537(b)(1) of this chapter).
§ 43.13(d)(2)	(§ 91.217 of this chapter)	(§ 91.537(b)(2) of this chapter).
§ 43.13(d)(3)	(§ 91.217(b)(3) of this chapter)	(§ 91.537(b)(3) of this chapter).
§ 43.13(d)(4)	(§ 91.217(b)(4) of this chapter)	(§ 91.537(b)(4) of this chapter).
§ 43.313(d)(5)	(§ 91.217(b)(5) of this chapter)	(§ 91.537(b)(5) of this chapter).
Appendix E	§ 91.170	§ 91.413.
Appendix F	§ 91.177 of this chapter	§ 91.415 of this chapter.
	Part 45	
§ 45.22(a)(3)(ii)	§ 91.83 of this chapter	§ 91.153 and 91.169 of this chapter.
	Part 47	
§ 47.9(f)(1)(i)	§ 91.173(a)(2)(i)	§ 91.417(a)(2)(i).
	Part 61	
§ 61.15(b)	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
§ 61.118(d)(5)	§ 91.169 of this chapter	§ 91.409 of this chapter.
§ 61.153(a)	and §§ 91.1 thru 91.9	§§ 91.1, 91.3, 91.5, 91.11, 91.13.
	Part 63	
§ 63.12(b)	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
	Part 65	
§ 65.12(b)	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
	Part 93	
§ 93.111	§ 91.107 of this chapter	§ 91.157 of this chapter.
§ 93.113	§ 91.107 of this chapter	§ 91.157 of this chapter.
	Part 99	
§ 99.11(b)(1)	§ 91.83 of this chapter	§ 91.169 of this chapter.
§ 99.11(b)(2)	§ 91.83(a) (1) thru (7) of this chapter	§ 91.153(a) (1) thru (7) of this chapter.
§ 99.13(b)(1)	§ 91.83 of this chapter	§ 91.169 of this chapter.
§ 99.13(b)(2)	§ 91.83(a) (1) thru (7) of this chapter	§ 91.153(a) (1) thru (7) of this chapter.
§ 99.17(a)	§ 91.125 of this chapter	§ 91.183 of this chapter.
§ 99.25(a)(1)	§ 91.125 of this chapter	§ 91.183 of this chapter.
§ 99.27(a)	§ 91.75 of this chapter	§ 91.123 of this chapter.
§ 99.31	§ 91.127 of this chapter	§ 91.185 of this chapter.
	Part 121	
§ 121.15	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
§ 121.207	§ 91.41	§ 91.317.
§ 121.579(b)(1)	§ 91.105 of this chapter	§ 91.155 of this chapter.
§ 121.579(b)(2)	§ 91.105 of this chapter	§ 91.155 of this chapter.
§ 121.649(c)	§ 91.105 of this chapter	§ 91.155 of this chapter.
§ 121.657(a)	§ 91.79	§ 91.119.
§ 121.667(b)	§ 91.83	§§ 91.153 and 91.169.
	Part 123	
§ 123.20	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
	Part 125	
§ 125.23(b)	§ 91.1(c) of this chapter	§ 91.703(b) of this chapter.
§ 125.39	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
§ 125.329(c)	§ 91.105 of this chapter	§ 91.155 of this chapter.
	Part 127	
§ 127.22	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
§ 127.85	§ 91.41 of this chapter	§ 91.317 of this chapter.
	Part 133	
§ 133.14	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
	Part 135	
§ 135.3(b)	§ 91.1(c) of this chapter	§ 91.703(b) of this chapter.
§ 135.41	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
§ 135.71	§ 91.169 of this chapter	§ 91.409 of this chapter.
§ 135.93(c)	§ 91.105 of this chapter	§ 91.155 of this chapter.
§ 135.211(a)(2)	§ 91.116(f) of this chapter	§ 91.175(f) of this chapter.
	Part 137	
§ 137.23	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
§ 137.43(c)	§ 91.107(e) of this chapter	§ 91.157(e) of this chapter.
§ 137.53(c)(ii)	§ 91.217 of this chapter	§ 91.537 of this chapter.

Rule	Deletion	Substitution
	Part 141	
§ 141.18	§ 91.12(a) of this chapter	§ 91.19(a) of this chapter.
§ 141.41(a)(1)(iii)	§ 91.33 of this chapter	§ 91.205 of this chapter.
§ 141.41(a)(2)(iii)	§ 91.33 of this chapter	§ 91.205 of this chapter.

(Sections 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1372, 1421, 1422, 1443, 1472, 1510, and 1522); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The reporting and recordkeeping requirements contained in this notice have been approved by the Office of Management and Budget (or the Bureau of the Budget, its predecessor agency).

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule will not have a significant economic impact on a substantial number of small entities. This statement is based solely on industry comment as it pertains to this study. As important assumptions are formulated on the direct impacts of this NPRM on specified programs, dollar values may be assigned and levels of impact may be determined with some degree of accuracy.

Note.—The FAA has determined that this document is not considered major under Executive Order 12291, or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 110134; February 26, 1979). Under the provisions of Executive Order 12291, its implementation will not have a major economic affect on consumers, industries, Federal, State, and local government agencies, or geographic regions. There would be no significant affects on competition, employment, investment, productivity, innovations, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises and domestic or import markets. The total projected cost of this rule may be found in the draft regulatory evaluation contained in the public docket. A copy of the evaluation may be obtained by contacting an individual named in the "FOR FURTHER INFORMATION CONTACT" paragraph.

Issued in Washington, D.C., on July 27, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-26160 Filed 9-9-81, 8:45 am]

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Thursday
September 10, 1981

Part III

Department of Education

National Institute of Handicapped Research; Research Programs; Final Regulations and Grant Application Notices for FY 1982

DEPARTMENT OF EDUCATION

34 CFR Parts 350, 351, 352, 353, 354, 355, 356, and 362

National Institute of Handicapped Research; Research Programs

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary adopts final regulations governing the research programs of the National Institute of Handicapped Research. These regulations implement new and revised research authorities contained in Title II of the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978 (Pub. L. 95–602).

The regulations include application requirements, a specification of the kinds of activities that can be supported under each of the Institute's research programs, peer review and matching provisions, selection criteria to be used by the Secretary to evaluate grant applications, and provisions authorizing the Secretary to establish research priorities.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Michael Herrell, National Institute of Handicapped Research, Department of Education, 400 Maryland Avenue, SW., Room 3511, Switzer Officer Building, Washington, D.C. 202022305, Telephone (202) 472–6551 or for general information on the research programs of the National Institute of Handicapped Research—the Director of the Institute at the following address: Director, National Institute of Handicapped Research, 400 Maryland Avenue, SW., Room 3060, Switzer Office Building, Washington, D.C. 202022305, Telephone (202) 245–0565 or TTY (202) 245–0591.

SUPPLEMENTARY INFORMATION: On December 30, 1980 the Secretary published a Notice of Proposed Rulemaking in the **Federal Register** (45 FR 86317) covering the research programs of the National Institute of Handicapped Research. Organizationally, the proposed regulations consolidated 13 distinct research grant authorities and one fellowship authority into six separate research programs (Parts 351–356). This was done so that the various research programs would correspond to the annual budget categories used by Congress to appropriate funds for the Institute. This organizational structure has been retained in the final regulations. A complete description of these research programs is contained in the Supplementary Information section of the preamble to the Notice of Proposed Rulemaking.

The Department received numerous comments from the public on the proposed regulations. A discussion of major issues and a summary of the public comments and the Department's responses to those comments are attached as Appendix A to this document. Significant changes include: Refinement and clarification of selection criteria in § 350.34, § 352.31, § 354.31, and § 355.31; deletion of provisions requiring confidentiality of personal information (proposed § 350.50) and the identification in grant applications of the amount of matching to be furnished (proposed § 350.21) because they are not required by statute; and the elimination from the regulations of special costs allowable under end-stage renal disease projects because these costs are considered customary and therefore do not warrant particular mention in the regulations (proposed § 351.40).

Applicability of These Final Regulations

These regulations, including selection criteria, will apply to all grants and fellowship awards made in fiscal year 1982 and succeeding years.

Assessment of Educational Impact

In the Notice of Proposed Rulemaking published in the Federal Register on December 30, 1980, the Department requested comments on whether the proposed regulations required information that is already being gathered or is available from any other agency or authority of the United States. Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is already being gathered by or is available from any other agency or authority of the United States.

Burden Reduction

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall objective of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations, especially with regard to paperwork and compliance requirements.

Citation of Legal Authority

A citation of statutory or other legal authority appears in parenthesis on the line following each section of these regulations.

Dated: September 3, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.133 National Institute of Handicapped Research)

Appendix A—Analysis of Public Comments and Changes in the Final Regulations

[Note.—This appendix will not appear in the Code of Federal Regulations.]

The following is a summary of public comments concerning the National Institute of Handicapped Research (NIHR) Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on December 30, 1980 (45 FR 86317). The summary is divided into three sections.

The first section, entitled "Major Issues," considers the general comments received on three issues which generated the most concern—perceived narrowing of the scope of NIHR research, removal of the 15% ceiling on indirect costs for certain center grants and failure to provide for an exception to EDGAR to permit non-competitive renewals of Research and Training Center grants after five years of funding.

The second section of this summary, entitled "General Comments," considers comments and suggestions concerning the general approach and format of the NIHR NPRM.

The third section, entitled "Proposed Rules," concerns comments and suggestions directed to specific provisions of the NPRM. The comments and responses in this third section are organized in the same order as the provisions occur in the NPRM.

Major Issues

Issue: Does adoption in the regulations of the definition of "handicapped individual" provided in Section 7(7)(A) of the Act, rather than the Section 7(7)(B) definition, narrow the scope of research activity NIHR can support? No.

Section 7(7) of the Act contains two definitions of "handicapped individual." The first definition (section 7(7)(A)) applies to all titles of the Act except Titles IV and V and defines "handicapped individual" in terms of eligibility for vocational rehabilitation

services. The second definition (section 7(7)(B)) applies to Titles IV and V of the Act only and defines "handicapped individual" more broadly in terms of impairments which substantially limit a person's major life activities. While it is clear that the narrower (section 7(7)(A)) definition must be applied to Title II, this does not limit the scope of research activity that NIHR can support. This point was emphasized in the preamble to the NPRM when the Department stated that the 1978 amendments to the Act "broadened the scope of research activity under the general research and demonstrations authority of section 204(a) of the Act from a purely vocational or employment focus to encompass all rehabilitation problems encountered by handicapped individuals in their daily activities." The preamble also contained the following language: "The 1978 amendments also expanded, under certain of the new specialized research programs, the group of handicapped persons intended to benefit from research findings. Although the primary beneficiaries of the Institute's research programs continue to be State vocational rehabilitation agency clients, there are newly authorized grant programs that focus on the needs of preschool age handicapped children, other handicapped children, deaf persons, and handicapped individuals who are aged sixty or older."

Comment. Commenters said that using the narrower definition seemed to be inconsistent with the statutory goal of assisting handicapped individuals to live more independently (section 200(2)); with the requirement that the Director of NIHR develop and submit to Congress a research plan identifying research which should be conducted on problems encountered by handicapped individuals in their daily activities (section 202(g)(1)); and with the authority to fund research related to rehabilitation of handicapped children and handicapped individuals who are aged sixty or older (section 204(b)(8)).

Commenters urged the Secretary to clarify within the regulations that research is not confined to problems of employability or intended to benefit only persons considered employable. It was argued that the basic intent of Title II transcends employability and reflects the new rehabilitation philosophy which is concerned with independent living and improvement in the quality of life of handicapped persons as well as vocational rehabilitation.

Response. No change has been made in the definition of "handicapped individual" in the final regulations. The Act clearly indicates that the narrower Section 7(7)(A) definition of "handicapped individual" is applicable. However, changes have been made in § 350.1 to emphasize the broadened research authority of NIHR.

Issue: Should indirect costs on grants for Research and Training Centers be limited to 15% of total direct allowable costs? No.

Current regulations governing this program (which will be superseded by these regulations) were developed by the Department of Health, Education, and Welfare and provided for a limitation on indirect costs in grants for Research and Training Centers (15% of direct costs less certain exclusions; see 34 CFR 362.62(e)).

Comment. A number of commenters from Research and Training Centers, State agencies, and professional associations objected strenuously to the removal of this provision from the NPRM, contending the result would be reduced funds available for direct expenditure on research and training because of high overhead costs.

Response. OMB Circular A–21 on cost principles for educational institutions establishes a government-wide policy that Federal programs will bear their "fair share of total costs * * * except where restricted or prohibited by law." It further provides that "agencies are not expected to place additional restrictions on individual items of cost." Consistent with OMB Circular A–21, the Department has established an 8% ceiling on indirect costs for training activities (EDGAR, 34 CFR 75.762).

Although the Department is not prepared at this time to establish any additional limits on indirect costs beyond what is already provided for in EDGAR, it is reviewing the entire issue of indirect costs. Any changes that may result from this review will be reflected in amendments to EDGAR.

Issue: Should grantees of the Research and Training Center (RTC) program be required to compete for a new grant at the end of each five year project period? Yes.

Practice in this program while located in the Department of Health, Education, and Welfare (from 1962 to 1980) permitted non-competitive renewals of RTC grants at the end of project periods on the basis of a thorough scientific peer review.

Comment. A number of commenters strenuously objected to the failure to include in the regulations any provision for non-competitive renewal of RTC grants. Commenters maintained that much of the research conducted by the RTCs is of a long-term nature and that it usually takes from two to three years to employ the necessary staff. It was further alleged that if staff did not know whether a center's funding was to be continued until the project period was almost completed, centers would experience difficulty in retaining staff as the project termination date approached.

Response. Policy of the Department as expressed in EDGAR (34 CFR 75.250) is that project periods can be up to 60 months. Any support beyond 60 months would necessitate a new project period and be governed by the procedures for selecting new projects (34 CFR 75.253(d)). Department policy on the selection of new projects for funding is contained in 34 CFR 75.217(d) and requires the selecting official to determine the order in which applications are selected on the basis of selection criteria and other factors published in the **Federal Register**. The three exceptions to this procedure are stated in 34 CFR 75.219 and do not apply to this situation. However, 34 CFR 75.116(b) provides the opportunity for prior grantees to submit any existing evaluation of a completed project that is related to a grant proposal for a new project to the Secretary for his consideration during the selection process.

There is, therefore, no basis to continue funding of Research and Training Centers beyond the 60 month maximum project period other than by competition. A regulation permitting non-competitive renewals cannot be included in the regulations.

General Comments

Comment. One commenter from a university research center noted that while the NPRM contains specific criteria for evaluating grant applications, there is no mention of the criteria which the Secretary uses in selecting "project concepts" under which grant proposals will be solicited.

Response. The NPRM provided in 34 CFR 350.36(a) for the Secretary to solicit grant proposals on two bases: either by specifying project concepts in an Application Notice in the **Federal Register** or by requesting, also through an Application Notice, that applicants submit field-designed proposals addressing a national need of their own identification. Under the final regulations, the Secretary will solicit grant proposals on one basis: by specifying in an Application Notice in the **Federal Register** national needs in rehabilitation research, which applicants must address in their grant proposals. National needs will be identified by the Secretary on an annual basis and are derived from the long-

range rehabilitation research planning process required by Section 202(g) of the Act.

Comment. Two commenters from a university child medical center suggested that the Secretary should ensure that there is a balance of projects funded in both applied and basic research.

Response. NIHR supports both basic and applied research. Since the Act permits basic research to be conducted only where related to rehabilitation techniques or services, most of the research supported is applied research.

Comment. The same commenters suggested that priority be given to research that would develop artificial limbs for children.

Response. The Department published an Application Notice in the Federal Register on June 24, 1981 (46 FR 32848) soliciting grant proposals for new research projects in fiscal year 1981 in five prioritized research areas, one of which addresses the unmet needs of prosthetics and orthotics. An application focusing on children could be submitted under this priority.

Comment. One commenter from a mental health research center remarked that the role of NIHR in coordinating all Federal rehabilitation research through the Interagency Committee on Handicapped Research was not covered in the NPRM.

Response. This was not considered an appropriate matter for inclusion within the NIHR regulations. It has no relationship to requirements imposed on NIHR applicants or grantees.

Comment. One commenter from a university school of education suggested that § 351.10(b) should include "Management Planning and Evaluation in the State-Federal Rehabilitation Program."

Response. The specialized research authorities listed in § 351.10(b) are derived from the Act and cannot be revised without legislative amendment.

Comment. One commenter from a rehabilitation research center faulted the NPRM for not distinguishing between new and continuation approval criteria.

Response. The criteria specified in these regulations apply only to approval of new projects. Criteria for approval of continuation awards are contained in 34 CFR 75.253(a).

Comment. One commenter from a Research and Training Center requested that greater clarification be made between Research and Training Centers under 34 CFR Part 352 and Model Training Centers under 34 CFR Part 354.

Response. The greatest difference between the two types of centers is their scope of responsibility. Model Training Centers must focus their activities on evaluating and developing the employment potential of handicapped persons, whereas Research and Training Centers can concentrate on any aspect of rehabilitation that addresses the needs of handicapped persons in their geographic area. The final regulations clearly distinguish these two types of centers.

Comment. One commenter asked if there will be standard criteria for evaluating jointly funded projects under Section 204(b)(7) of the Act.

Response. If NIHR is designated lead agency and holds the competition for a jointly funded project then its selection criteria governing jointly funded projects will apply. If another agency is designated lead agency, it will announce the competition and its criteria will apply.

Comment. One commenter asked what was meant in the preamble to the NPRM where the broadened scope of the Institute's research program was discussed and the following words were employed: "Primary beneficiaries of the Institute's research programs continue to be State vocational rehabilitation clients."

Response. This language recognizes that although there are new research authorities in Title II that address the specialized rehabilitation needs of handicapped children or individuals aged sixty or older, the primary beneficiaries of much of the Institute's research continue to be State agency vocational rehabilitation clients.

Proposed Rules

Part 350—Handicapped Research: General Provisions

Subpart A—General

§ 350.1(a) Handicapped research.

Comment. Three commenters suggested the mission of NIHR had been reflected too narrowly and referred to Section 200 of the Act where one of the purposes is to "increase the scientific and technological information presently available in the field of rehabilitation."

Response. Changes have been made in the wording of this section to reflect the fact that the research authority of Title II covers research in other areas besides vocational rehabilitation, including independent living, and research directed to meet the needs of handicapped children and handicapped persons aged sixty or older.

§ 350.4 Definitions.

"Core area"

Comment. "Core area" was defined in the NPRM as "a program of research in which entire activity is planned so as to contribute in a sequential or complementary way to a centralized body of knowledge of manageable scope." One commenter found the use of the phrase "a program of research" confusing.

Response. This comment has been accepted and the definition of "core area" has been rewritten to indicate that it means a discrete area of research consisting of a group of related research projects or studies rather than an entire program of research.

"Handicapped individual"

Comment. The essence of the comments received on this definition are discussed in the section entitled "Major Issues" and relates to whether the use of the Section 7(7)(A) definition of "handicapped individual" in the regulations is inconsistent with the broad rehabilitation scope of the Institute's research authority.

Response. The term "handicapped individual" is a defined statutory term. The Section 7(7)(A) definition applies to Title II except where the context indicates otherwise. For example, research programs specifically benefitting handicapped children or handicapped persons aged sixty or older are not covered by this definition. The regulations use terms other than "handicapped individual" wherever it is possible to do so.

"Project concept"

Comment. One commenter suggested this definition should be made applicable to centers as well as projects.

Response. This definition has been deleted from the final regulations which govern financial assistance by the grants mechanism. The Department believes the "project or center concept" approach to soliciting grant proposals is overly prescriptive and does not allow applicants sufficient flexibility to design their own research to address unmet rehabilitation needs.

"Research"

Comment. One commenter suggested the words "on a continuum" be added to the last sentence of this definition.

Response. The suggestion has been adopted. The definition now recognizes that research may be basic, applied, or a combination of the two.

"Basic research;" "Applied research"

Comment. One commenter from the developmental disability field felt that the definitions of these two terms did not sufficiently distinguish one from the other. This commenter suggested that the essential difference between basic and applied research is that basic

research is undertaken without reference to any immediate application or use, whereas applied research always addresses a predetermined rehabilitation problem or need.

Response. These suggestions were accepted and the two definitions have been revised accordingly.

"State rehabilitation agency"

Comment. One commenter from a State agency suggested that the term "designated State unit" be substituted in the regulations for the term "State rehabilitation agency."

Response. This comment cannot be accepted. "Designated State unit" is a defined statutory term that has applicability to certain titles of the Act, but not Title II. "State rehabilitation agency" is defined in these regulations because of the requirement in Section 306(i) of the Act that State vocational rehabilitation agencies be given an opportunity to comment on applications for grant assistance.

§ 350.31 What is the purpose of peer review?

Comment. One commenter suggested the purpose of peer review is to insure that those activities supported by the Institute are of the highest scientific, administrative *and* technical quality.

Response. This suggestion was adopted and the word "and" has been substituted for the word "or."

Comment. One commenter called attention to the requirement in the Act (section 202(e)) that peer reviewers must be from the field of rehabilitation.

Response. This was an inadvertent omission from the proposed regulations. The final regulations reflect this requirement.

§ 350.36 What selection criteria does the Secretary use in reviewing a grant application?

Comment. It was noted that the section numbers in Subpart D were not consecutive, and it was confusing.

Response. This was an oversight and the sections in Subpart D have been renumbered. This section is now § 350.34.

Comment. One commenter pointed out that in a situation where an Application Notice does not give a specific project concept but rather identifies a national need and leaves it to each applicant to approach the solution through an individual project concept, there should be a way to weigh the relative importance of the concept.

Response. This idea has been accepted. The revised criterion entitled "national need" provides a basis for evaluating how well a proposed project or center addresses an identified national need. Consideration is given to the size and type of target population expected to benefit from the proposed research and the nature and degree of that benefit.

Comment. One commenter suggested that there should be a separate set of selection criteria for the Research and Training Centers Program.

Response. A separate set of selection criteria has been developed for the Research and Training Center Program (34 CFR 352.31) on the basis of comments received. In addition to the five EDGAR criteria described in 34 CFR 75.202–206, consideration will be given to relevance to a national need, the program of the center, and adequacy of consumer involvement.

§ 350.36(a) Project concept or national need.

Comment. Several comments from Research and Training Centers and from two professional associations within the rehabilitation field suggested that the criterion "literature review" should be combined with this criterion because an assessment of existing research in the project area is an essential first task in developing a sound scientific proposal.

Response. This comment has been accepted. The requirement for a literature review has therefore been combined with the first criterion which has been retitled "national need."

§ 350.36(b) Research design.

Comment. One commenter, a representative of a research committee from a professional association in the rehabilitation field, suggested the addition of the word "methods" after the word "statistical" in § 350.36(b)(2)(v) and the addition of the word "proposed" before the word "data" in § 350.36(b)(2)(vi).

Response. These suggestions have been accepted because the additions help to clarify and sharpen the regulations.

Comment. This same commenter and one from another association suggested a lower weight for the criterion "research design."

Response. This comment has been accepted. The point scores for some of the other criteria have also been adjusted.

§ 350.36(c) Plan of operation.

§ 350.36(d) Evaluation plan.

Comment. One commenter, who is a research scientist, suggested there is some duplication between these criteria and was somewhat unhappy with both.

Response. Previous rulemaking (34 CFR 75.202–206, Education Department General Administrative Regulations) established these two criteria, among others, as essential elements in any selection criteria used by programs within this Department. Therefore no change can be made. The Department believes, however, that these two criteria are not duplicative and are essential elements to be considered in the grant making process.

§ 350.36(g) Research utilization plan.

Comment. One commenter, a research utilization specialist, suggested combining the first two elements of this criterion (what will be delivered, and format of delivery) and adding other elements that address important concerns such as the application and costs of application of research findings and the expected effect and possible limits of utilization.

Response. This comment has been accepted. The result is an expanded clearer criterion that offers more helpful guidance to applicants and emphasizes practical applications of any research to be conducted.

§ 350.40 What are the matching requirements?

Comment. One reviewer was concerned that there is no specific percentage of matching required and that the degree of matching might become a factor in project evaluation and selection.

Response. The wording of this regulation has been changed to make clear that the degree of matching, if any, will be determined at the time of the grant award and is not part of any selection criterion or selection factor.

§ 351.1 What is the Research and Demonstration Projects Program?

Comment. One commenter suggested the wording of this introductory clause would be more accurate if the first words "A research project under" were deleted.

Response. This suggestion was adopted to more accurately express the purposes of this research program.

§ 351.10(a) What types of projects are authorized under this program?

Comment. Two commenters, both from professional associations, suggested the words "medical and other" be deleted from the beginning of this paragraph and the word "medical" inserted after the words "analysis of" in the second clause of this paragraph. This was suggested as a way of improving the awkwardness of the language.

Response. These comments were adopted.

Comment. One commenter suggested that demographic studies should be included under the types of research and demonstration projects able to be undertaken.

Response. This comment has been accepted. Demographic studies can be considered to be "related activities" which hold promise of increasing rehabilitation knowledge, as authorized under section 204(a) of the Act.

§ 351.10(b) Specialized research activities.

Comment. One commenter suggested the addition of "Management, Planning and Evaluation in the State-Federal Rehabilitation Program" to the list of specialized research activities in this subparagraph.

Response. This comment cannot be accepted since all the specialized research activities listed in the regulation are explicitly authorized by statute. No additions can be made.

§ 351.31 What selection criteria are used under this program?

Comment. Comments on selection criteria have been discussed earlier in this analysis. Only two commenters addressed themselves to the distribution of weights in this program. Both suggested a concentration of weights in the first two criteria.

Response. It was not possible to adopt the exact distribution proposed, but the first two criteria are the most heavily weighted.

§ 352.1 What is the Rehabilitation Research and Training Center Program?

Comment. One reviewer felt this section did not adequately reflect the purpose of section 204(b)(1) of the Act.

Response. Revised wording has been substituted to more accurately reflect the three major statutory purposes of this program.

§ 352.2 Who is eligible for assistance under this program?

Comment. Because the description of centers in § 352.10 does not authorize "joint projects with * * * and private industry," as does § 353.10(b), one commenter felt that the Research and Training Centers (RTC) Program was being unnecessarily limited.

Response. Section 352.4 cross references § 350.4, which indicates that grants can be made to private agencies (which includes private industry). Since the RTC program can only support *center* grants, the omission of the words "joint *projects* with * * * and private industry" is appropriate. This does not preclude an RTC grantee from engaging in joint research activities with any organization that has the adequate expertise, nor does it preclude NIHR from making a grant under its joint project authority (§ 351.10) with private industry.

Comment. One commenter from an RTC suggested that "the private sector" should not be candidates for RTC grants since that would compromise the mission and efforts of current grantees and be inconsistent with the statutory requirement that centers be operated in collaboration with institutions of higher education.

Response. Under the 1978 amendments to the Act, private agencies and organizations, for the first time, are eligible for grant assistance. We do not believe private sector eligibility is inconsistent with the purposes or requirements of the Research and Training Center Program.

§ 352.10 What types of centers are authorized under this program?

Comment. In analyzing the comments on this section, it was discovered that the requirement that Research and Training Centers be "operated in collaboration with institutions of higher education" had been inadvertently omitted in the NPRM.

Response. This requirement has been included in § 352.10(a) of the final regulations.

§ 352.10(a)

Comment. Two commenters, each from a different professional association, expressed confusion about whether centers are required to develop practical applications for all of their research findings, including those in basic research.

Response. Need for clarification is accepted. The revised regulation encourages, but does not require, grantees to develop practical applications for all research, regardless of its nature.

Comment. One commenter, a university based director of training, suggested that requiring RTCs to conduct research based on the particular needs of handicapped individuals in the geographic area served by the center seems to restrict certain centers which have activities of a national scope.

Response. The statute requires that centers consider the rehabilitation needs of its community in planning its program of research. This does not preclude the use of other sources of needs identification to help select problems for research study. The fact that research is tailored to the needs of a particular geographic region does not mean it cannot also be of national interest or scope.

Comment. Three commenters questioned the absence of any requirement for an adivsory council.

Response. This suggestion has not been accepted because of the Department's ongoing efforts to reduce regulatory burdens by eliminating from its regulations as many requirements as possible that are not imposed by statute. Advisory councils are not required by statute. The Department appreciates the value of communication between centers and other areas of the rehabilitation community, however, and has developed a new selection criterion which evaluates the adequacy of these communications without requiring any particular communication mechanism or process.

§ 352.31 What selection criteria are used under this program?

Comment. A number of commenters suggested that because of the special nature of an RTC organization and its methods of research, there should be a separate set of selection criteria for this program.

Response. These comments have been accepted. Two new criteria have been developed that are unique to the Research and Training Center program: "program of the center," which replaces "research design," and "adequacy of consumer involvement."

§ 352.31(b) Research design.

Comment. Several commenters from Research and Training Centers and from professional associations suggested that this criterion was inappropriate for evaluation of a proposal to fund a Research and Training Center and that it be replaced by a criterion which would evaluate the "program of the center." This criterion would consist of such elements as the degree to which the center's research and training activities are based on a group of related research core areas that help to serve the needs of the affected target population; the soundness of the center's methodological approach to conducting its research; and the degree to which research results will be assessed in a service setting.

Response. This comment was accepted. The new selection criterion "program of the center" contains most of the elements suggested by the various commenters.

Comment. Differences of opinion were expressed by a number of commenters about the weight of this and other selection criteria. In general, most expressed the view that the first

criterion should have a higher point score and the second criterion a lower one.

Response. Five points were added to the first criterion and five removed from the second criterion.

§ 352.36(g) Research utilization plan.

Comment. Three commenters from Research and Training Centers requested that this criterion be eliminated and its elements subsumed within the criterion "program of the center."

Response. This comment was accepted. Those aspects of research utilization that relate to disseminating information and encouraging the use of research results are now contained in the newly developed criterion "program of the center."

Comment. Several comments from Research and Training Center groups asked that an additional criterion be developed for Research and Training Centers that requires each center to have an advisory council and that assesses the adequacy of that council in terms of broad-based membership and its ability to provide linkages with the rehabilitation community. It was pointed out that for many years this program has required each Research and Training Center to have an advisory council in order to assist in identifying research and training priorities and in communicating the research findings that result from the center's activities.

Response. These comments have been partially accepted. A new criterion entitled "adequacy of consumer involvement" has been developed which largely reflects the concerns of the commenters without specifying what particular mechanism should be used to facilitate grantee communication and linkages with the rehabilitation community.

§ 353.10(a) What types of projects are authorized under this program?

Comment. One commenter suggested adding language to this section that would indicate that Rehabilitation Engineering Centers can conduct research in independent living or research related to the rehabilitation of handicapped persons aged sixty or older.

Response. This comment has been accepted and the regulations now indicate that rehabilitation research of all types and benefitting persons of any age can be conducted.

§ 353.31 What selection criteria are used under this program?

Comment. Two commenters from Research and Training Centers suggested that the selection criteria for the Rehabilitation Engineering Program should be the same as that for the Rehabilitation Research and Training Center Program.

Response. Because the Rehabilitation Engineering Program (which contains all the engineering and technology research of the Institute) funds both projects and centers whose research is technological in nature, it is felt that the criterion "research design" is more appropriate to this program than the criterion "program of the center." Therefore these suggestions are not accepted.

§ 354.10 What types of centers are authorized under this program?

Comment. One commenter suggested that many of the provisions in this section were overly prescriptive and should be removed from the regulations.

Response. This comment was accepted. The description of center activities has been streamlined and now reflects only those requirements imposed by statute or considered programmatically essential.

§ 354.31 What selection criteria are used under this program?

Comment. One commenter, an administrator, suggested that because of the similarity of this program to the RTC program (34 CFR Part 352) there should be similar selection criteria.

Response. This comment has been accepted. The selection criteria for the Rehabilitation Research and Training Center Program and the Model Research and Training Program are virtually identical as are the point scores for each criterion.

§ 355.10 What types of activities are authorized under this program?

Comment. One commenter, an administrator, noted that one important aspect of section 204(b)(5) of the Act is international information exchange and observed that the NPRM description of authorized activities under 34 CFR Part 355 did not include any reference to this activity. It was suggested that this omission be corrrected.

Response. This comment has been accepted. § 355.10 now indicates that authorized activities under the Knowledge Dissemination and Utilization Program include domestic *and international* research utilization and information exhange.

§ 356.41 Employment during fellowship period.

Comment. Only one comment was received on the fellowship program as described in the NPRM. That commenter (an assocation representative) interpreted the requirement that research fellows be engaged full time on fellowship activities to prohibit study during the fellowship period.

Response. A change has been made in this regulation to indicate that research fellows may work part time if agreed to by the Secretary at the time of the award. Normally, however, research fellows are expected to work full time on authorized fellowship activities. Authorized activities may include some training or educational study if consistent with the overall purpose of the fellowship program which is to obtain the assistance of highly qualified individuals to perform rehabilitation research activities. The research fellowship program is not intended to be a student support program.

The Secretary amends Title 34 of the Code of Federal Regulations by removing Subpart D of Part 362 and adding new Parts 350, 351, 352, 353, 354, 355 and 56 to read as follows:

PART 350—HANDICAPPED RESEARCH: GENERAL PROVISIONS

Subpart A—General

Sec.

350.1 Handicapped research.
350.2 Who is eligible for assistance under these programs?
350.3 What regulations apply to these programs?
350.4 What definitions apply to these programs?

Subpart B—[Reserved]

Subpart C—How Does One Apply for a Grant?

350.20 What are the application procedures for these programs?

Subpart D—How Does the Secretary Make a Grant?

350.30 To whom does the Secretary refer an application?
350.31 What is the purpose of peer review?
350.32 What is the composition of a peer review panel?
350.33 How does the Secretary evaluate an application?
350.34 What selection criteria does the Secretary use in reviewing a grant application?

Subpart E—What Conditions Apply to a Grantee?

350.40 What are the matching requirements?

Authority. Title II of the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended by Pub. L. 95–602 [29 U.S.C. 760–762; 92 Stat. 2962–2966).

Subpart A—General

§ 350.1 Handicapped research.

(a) The purposes of activities funded by the Institute are to—

(1) Support the conduct of research and demonstration projects, centers, and related activities that address rehabilitation problems in areas ranging from vocational rehabilitation to independent living, including programs of rehabilitation for handicapped children and handicapped persons aged sixty or older and programs that train persons who provide rehabilitation services or conduct research;

(2) Facilitate the distribution of information concerning developments in rehabilitation procedures, methods, and devices;

(3) Improve the distribution of technological devices and equipment for handicapped individuals and other handicapped persons; and

(4) Increase the scientific and technological information presently available in the field of rehabilitation through the support of applied research and basic research where related to rehabilitation techniques or services;

(b) The Secretary awards financial assistance through six types of programs—

(1) Research and demonstration projects (34 CFR Part 351);

(2) Research grants for establishment and operation of rehabilitation research and training centers (34 CFR Part 352);

(3) Research grants for establishment and operation of rehabilitation engineering programs (34 CFR Part 353);

(4) Research grants for establishment and operation of model training centers (34 CFR Part 354);

(5) Knowledge dissemination and research utilization projects (34 CFR Part 355); and

(6) Research fellowships (34 CFR Part 356).

(Secs. 200 and 204; (209 U.S.C. 760 and 762))

§ 350.2 Who is eligible for assistance under these programs?

The following agencies and organizations are eligible for grants or contracts as appropriate under these programs:

(a) State and public agencies or organizations;

(b) Private agencies or organizations; and

(c) Institutions of higher education.

(Sec. 204: (29 U.S.C. 762))

§ 350.3 What regulations apply to these programs?

The following regulations apply to grants under the Handicapped Research Programs—

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions);

(b) The regulations in this Part, 34 CFR Part 350;

(c) The regulations in 34 CFR Parts 351, 352, 353, 354, or 355, as appropriate; and

(d) The regulations in 45 CFR Part 46 (Protection of Human Subjects).

(Secs. 202, 204; (29 U.S.C. 761a, 762))

§ 350.4 What definitions apply to these programs?

(a) The following definitions in 34 CFR Part 77 apply to the programs under Handicapped Research—

Applicant.
Application.
Award.
Budget Period.
Department.
EDGAR.
Grant Period.
Nonprofit.
Nonpublic.
Preschool.
Private.
Project.
Project Period.
Public.
Secretary.
State.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

(b) The following definitions also apply to programs under Handicapped Research—

"Act" means the Rehabilitation Act of 1973 (Public Law 93-112), as amended.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

"Core area" means a discrete area of research consisting of a group of related research projects or studies which contribute cumulatively to the resolution of practical rehabilitation problems.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

"Demonstration" means the application of results derived from previous research, testing, or practice for purposes of establishing the reliability, indicating the validity, or determining the cost effectiveness of new rehabilitation procedures.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

"Development" means the systematic use of knowledge and understanding gained from research, directed toward creating useful materials, devices, systems, or methods, including design and development of prototypes and processes.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

"Director" means Director of the National Institute of Handicapped Research.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)((1)))

"Fellowship" means a financial award to obtain the assistance of highly qualified research fellows from the United States and foreign countries. It is not a grant.

(Sec. 202(d); (29 U.S.C. 761a(d)))

"Handicapped individual" means any individual who (1) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and (2) can reasonably be expected to benefit in terms of employability from the provision of vocational rehabilitation services.

(Sec. 7(7)a; (29 U.S.C. 706(7)(A)))

"Institute" means the National Institute of Handicapped Research.

(Sec. 202(a); (29 U.S.C. 761a(a)))

"Research" means intensive systematic study directed toward new or fuller scientific knowledge or understanding of the subject or problem studied. Research is classified on a continuum from basic to applied.

(1) *"Basic research"* is research in which the investigator is concerned primarily with gaining new knowledge or understanding of a subject without reference to any immediate application or utility.

(2) *"Applied research"* is research in which the investigator is primarily interested in developing new knowledge, information or understanding which can be applied to a predetermined rehabilitation problem or need. Applied research builds on selected findings from basic research.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

"Research utilization" means activities seeking to link research findings to practical applications in planning, policy-making, program administration, and service practice in the delivery of services to handicapped persons.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

"State rehabilitation agency" means the sole State agency designated to administer (or supervise local administration of) the State plan for vocational rehabilitation services. The term includes the State agency for the blind, if designated as the State agency with respect to that part of the plan relating to the vocational rehabilitation of blind individuals.

(Sec. 101(a)(1)(A); (29 U.S.C. 721(a)(1)(A)))

"Target population" means the group of individuals, organizations, or other entities expected to be affected by the results of specific research. More than one target group may be involved since research results may affect those who

receive services, provide services, or administer services.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

"Training" means a planned and systematic sequence of instruction under competent supervision which is designed to impart predetermined skills and knowledge.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

Subpart B [Reserved]

Subpart C—How Does One Apply for a Grant?

§ 350.20 What are the application procedures for these programs?

An applicant for assistance under 34 CFR Parts 351, 352, 353, 354, or 355 shall submit a copy of the application to the State rehabilitation agency for comment in accordance with the procedures in EDGAR §§ 75.155–75.159.

(Secs. 204c, 306(i); (29 U.S.C. 762(c), 766(a)))

Subpart D—How Does the Secretary Make a Grant?

§ 350.30 To whom does the Secretary refer an application?

The Secretary refers each application for a grant under the Handicapped Research Programs to a peer review panel established by the Secretary. Peer review panels review applications for the Secretary on the basis of selection criteria described in §§ 350.34, 352.31, 354.31, or 355.31, as appropriate.

(Sec. 202(e); (29 U.S.C. 761a(e)))

§ 350.31 What is the purpose of peer review?

The purpose of peer review is to insure that those activities supported by the Institute are of the highest scientific, administrative, and technical quality and that the results may be widely applied to appropriate target populations and rehabilitation problems.

(Sec. 202(e); (29 U.S.C. 761a(e)))

§ 350.32 What is the composition of a peer review panel?

(a) To the maximum extent possible, the Secretary selects as members of a peer review panel non-Federal scientists and other experts in the field of rehabilitation qualified by training and experience of a particular scientific, administrative, or technical nature to give expert advice on the merit of grant applications.

(b) In selecting an individual for membership on a peer review panel, the Secretary takes into account, among other factors, the following:

(1) The level of formal scientific or technical education completed by the individual;

(2) The extent to which the individual has engaged in scientific, technical, or administrative activities appropriate to the category of applications that the panel will consider, the role of the individual in those activities, and the quality of those activities; and

(3) The recognition received by the individual as reflected by awards and other honors from scientific and professional agencies and organizations outside the Department.

(Sec. 202(e); (29 U.S.C. 761a(e)))

§ 350.33 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application under 34 CFR Parts 351 and 353 on the basis of the selection criteria in § 350.34. The Secretary evaluates an application under 34 CFR Parts 352, 354, or 355 on the basis of the selection criteria in §§ 352.31, 354.31 or 355.31, as appropriate.

(b) The Secretary awards up to 100 possible points for these criteria.

(c) The maximum possible score for each criterion is indicated in parenthesis after the descriptive title of the criterion. For some of the criteria there is also a designation of the maximum score assigned to each of the component elements of those criteria.

(Sec. 202e; (29 U.S.C. 761a(e)))

§ 350.34 What selection criteria does the Secretary use in reviewing grant applications?

The selection criteria to be used for evaluating applications under the Research and Demonstration Projects Program (34 CFR Part 351) and the Rehabilitation Engineering Program (34 CFR Part 353) are described as follows:

(a) *National need* (20 points) (1) The Secretary reviews each application for information that shows how well the proposed project or center will address a national need identified in an Application Notice published in the **Federal Register.**

(2) The Secretary looks for information that shows—

(i) An adequate review of the literature showing what research has already been conducted in areas related to the identified national need (5 of the 20 points);

(ii) The size and type of target population(s) expected to benefit from the proposed research (5 of the 20 points); and

(iii) The nature and degree of that benefit (impact on the target population(s)) (10 of the 20 points);

(b) *Research design* (25 points). (1) The Secretary reviews each application for information that shows the quality of the research design of the project or center.

(2) The Secretary looks for information that shows—

(i) Clarity and achievability of the project or center objectives (5 of the 25 points);

(ii) Validity of the procedures to be utilized in achieving each objective (4 of the 25 points);

(iii) Precise definitions of terms where necessary (4 of the 25 points);

(iv) Description of subject population and appropriateness of sample size (4 of the 25 points);

(v) Appropriateness of statistical methods and instruments to be used (4 of the 25 points); and

(vi) Adequacy of proposed data analysis and basis for the conclusions reached (4 of the 25 points).

(c) *Plan of operation* (15 points). See 34 CFR 75.202.

(d) *Evaluation plan* (5 points). See 34 CFR 75.205.

(e) *Quality of key personnel* (10 points). See 34 CFR 75.203.

(f) *Adequacy of resources* (10 points). See 34 CFR 75.206.

(g) *Research utilization plan* (10 points). (1) The Secretary reviews each application for information that shows the quality of the research utilization plan.

(2) The Secretary looks for information that shows—

(i) The format in which results, findings, or outcomes will be disseminated to the rehabilitation community;

(ii) How the research results may be applied and the costs of its application;

(iii) The expected effect of using the research findings;

(iv) The possible limitation of the findings and any other factors that might promote or inhibit its use; and

(v) The degree of effort needed and the means necessary to promote the adoption of the findings.

(h) *Budget and cost effectiveness* (5 points). See 34 CFR 75.204.

(Secs. 202(e) and 202(i)(1); (29 U.S.C. 761a(e) and 761a(i)(1)))

Subpart E—What Conditions Apply to a Grantee?

§ 350.40 What are the matching requirements?

(a) The Secretary may make grants to pay for part of the costs of research and demonstration projects which bear directly on the development of procedures, methods, and devices to assist in the provision of vocational and other rehabilitation services. Each grantee must participate in the costs of

such projects. The specific amount of cost sharing to be borne by each grantee will be negotiated at the time of the award and is not a factor to be considered in the selection process.

(b) The Secretary may make grants to pay for part or all of the costs of the following activities: establishment and support of Rehabilitation Research and Training Centers, Rehabilitation Engineering Centers, and Model Training Centers; research projects concerned with spinal cord injury, end-stage renal disease, telecommunications, rehabilitation of handicapped children and handicapped individuals who are aged sixty or older, attracting and retaining rehabilitation professionals in rural areas, producing and distributing captioned video cassettes for deaf individuals, and innovative methods of providing services for handicapped children and their parents; joint projects with other Federal agencies and private industry; and international programs of research, demonstration, training, exchange of experts and technical assistance. The Secretary will determine at the time of the award whether the grantee must pay a portion of the project or center costs.

(Sec. 204; (29 U.S.C. 762))

PART 351—HANDICAPPED RESEARCH: RESEARCH AND DEMONSTRATION PROJECTS

Subpart A—General

Sec.

351.1 What is the Research and Demonstration Projects Program?
351.2 Who is eligible for assistance under this program?
351.3 What regulations apply to this program?
351.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

351.10 What types of projects are authorized under this program?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

351.30 How is peer review conducted under this program?
351.31 What selection criteria are used under this program?
351.32 What are the priorities for funding under this program?

Authority: Title II of the Rehabilitation Act of 1973 (Pub. L. 93–112) as amended by Pub. L. 95–602 (29 U.S.C. 760–762; 92 Stat. 2962–2966)

Subpart A—General

§351.1 What is the research and demonstration projects program?

This program is designed—

(a) To assist in the provision of vocational and other rehabilitation services to handicapped individuals, especially the most severely handicapped, through planning and conducting of research and demonstration projects, and specialized research activities;

(b) To cooperate with and assist in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals; and

(c) To assist in development of solutions to problems encountered by handicapped individuals in their daily activities, especially problems related to employment.

(Secs. 202(g)(1); 204; (29 U.S.C. 761a(g)(1), 762))

§351.2 Who is eligible for assistance under this program?

Those agencies and organizations eligible to apply under this program are described in 34 CFR 350.2.

(Sec. 204; (29 U.S.C. 762))

§351.3 What regulations apply to this program?

The regulations referenced in 34 CFR 350.3 apply to this program.

(Secs. 202 and 204; (29 U.S.C. 761a, 762))

§351.4 What definitions apply to this program?

The definitions listed in 34 CFR 350.4 apply to this program.

(Sec. 202(i)(l); (29 U.S.C. 761a(i)(l)))

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

§ 351.10 What types of projects are authorized under this program?

The Research and Demonstration Projects Program provides financial assistance for the following types of projects—

(a) Research and demonstration projects as follows—

Scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques, including basic research where related to rehabilitation techniques or services; studies and analyses of medical, industrial, vocational, social, psychiatric, psychological, economic and other factors affecting rehabilitation of handicapped individuals; research concerned with the special problems of homebound and institutionalized individuals; other research related to problems encountered by handicapped individuals in their daily activities, especially problems related to employment; and demographic studies of handicapped individuals.

(b) Specialized research activities as follows—

(1) Spinal cord injury research and demonstrations;

(2) End-stage renal disease research and demonstrations;

(3) International research, demonstrations, training, and exchange of experts and technical assistance except when related to technology, engineering, research utilization, or research dissemination;

(4) Joint projects with other Federal agencies and private industry except when related to technology or engineering;

(5) Research related to handicapped children and handicapped individuals aged 60 years and older;

(6) Projects to develop and demonstrate methods to attract and retain professionals to serve in rural areas in the rehabilitation of handicapped individuals; and

(7) Research and demonstration projects related to the provision of services to handicapped preschool children.

(Secs. 204(a), 204(b) (3)–(5), 204(b) (7)–(9), 204(o)(11), 202(b)(8); 29 U.S.C. 762(a), 762(b) (3)–(5), 762(b) (7)–(9), 762(b)(11), 761a(b)(8))

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 351.30 How is peer review conducted under this program?

Peer review is conducted under this program in accordance with 34 CFR 350.30–350.32.

(Sec. 202(e); (29 U.S.C. 761a(e))

§ 351.31 What selection criteria are used under this program?

(a) *National need* (20 points). See § 350.34(a).

(b) *Research design* (25 points). See § 350.34(b).

(c) *Plan of operation* (15 points). See 34 CFR 75.202.

(d) *Evaluation plan* (5 points). See 34 CFR 75.205.

(e) *Quality of key personnel* (10 points). See 34 CFR 75.203.

(f) *Adequacy of resources* (10 points). See 34 CFR 75.206.

(g) *Research utilization plan* (10 points). See § 350.34(g).

(h) *Budget and cost effectiveness* (5 points). See 34 CFR 75.204.

(The Secretary awards up to 100 possible points under these criteria.)

(Secs. 202(e) and 202(i)(1); (29 U.S.C. 761a(e) and 761a(i)(1))

§ 351.32 What are the priorities for funding under this program?

(a) The Secretary may from time to time reserve funds to support some or all of the types of projects listed in §351.10.

(b) The Secretary advises the public of these priorities through an Application Notice published in the **Federal Register.**

(Secs. 202(g), 204; (29 U.S.C. 761a(g), 762))

Part 352—Handicapped Research: Rehabilitation Research and Training Centers

Subpart A—General

Sec.

352.1 What is the Rehabilitation Research and Training Centers program?
352.2 Who is eligible for assistance under this program?
352.3 What regulations apply to this program?
352.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Department Assist Under This Program?

352.10 What types of centers are authorized under this program?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

352.30 How is peer review conducted under this program?
352.31 What selection criteria are used under this program?
352.32 What are the priorities for funding under this program?

Authority: Title II of the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended by Pub. L. 95–602 (29 U.S.C. 760–762; 92 Stat. 2962–2966).

Subpart A—General

§ 352.1 What is the rehabilitation research and training centers program?

This program is designed to support the establishment and operation of Rehabilitation Research and Training Centers for the purpose of—

(a) Providing training (including graduate training) to research and other rehabilitation personnel and to assist individuals to more effectively provide rehabilitation services; and

(b) Conducting coordinated and advanced programs of rehabilitation research.

(Sec. 204(b)(1); (29 U.S.C. 762(b)(1)))

§ 352.2 Who is eligible for assistance under this program?

Those agencies and organizations eligible to apply under this program are described in 34 CFR 350.2.

(Sec. 204; (29 U.S.C. 762))

§ 352.3 What regulations apply to this program?

The regulations referenced in 34 CFR 350.3 apply to this program.

(Secs. 202 and 204; (29 U.S.C. 761a, 762))

§ 352.4 What definitions apply to this program?

The definitions listed in 34 CFR 350.4 apply to this program.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

Subpart B—What Kinds of Activities Does the Department Assist Under This Program?

§ 352.10 What types of centers are authorized under this program?

(a) Rehabilitation research and training centers must be operated in collaboration with institutions of higher education and must be associated with a rehabilitation service setting which fosters a close working relationship between researchers service delivery personnel, and service recipients. Each center must conduct a program of research and training activities.

(b) The research to be conducted at each center shall be determined on the basis of the particular needs of handicapped individuals in the geographic area served by the center. It may include basic research, where related to identifiable rehabilitation techniques or services, and applied rehabilitation research; research regarding the medical, psychological, and social aspects of rehabilitation; and research related to vocational rehabilitation, independent living, and the rehabilitation of handicapped children and handicapped individuals aged sixty or older. Each center is encouraged to develop practical applications for all of its research findings.

(c) The purpose of training programs at a center is to disseminate and encourage the utilization of new rehabilitation knowledge, findings and techniques resulting from its research activities. These goals may be accomplished by introducing rehabilitation education into related University undergraduate and graduate curricula and by providing short-term, in-service and continuing education training programs to improve the skills of professionals, paraprofessionals, consumers, parents, and other personnel involved in rehabilitation.

(d) A center may use part of its grant funds to provide to handicapped individuals services that are connected with its research and training activities.

(Sec. 204(b)(1); (29 U.S.C. 762(b)(1)))

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 352.30 How is peer review conducted under this program?

Peer review is conducted under this program in accordance with 34 CFR 350.30–350.32.

(Sec. 202(e); (29 U.S.C. 761a(e)))

§ 352.31 What selection criteria are used under this program?

(a) *National need* (10 points). See § 350.34(a).

(b) *Program of the center* (30 points). (1) The Secretary reviews each application for information that shows the quality of the proposed center program.

(2) The Secretary looks for information that shows—(i) The degree to which the research and training activities of the center are based upon a group of related research core areas that help to meet the needs of the target population(s) it serves (6 of the 30 points);

(ii) The scientific validity of the center's methodological approach to conducting its research and training (6 of the 30 points);

(iii) The degree to which research results will be assessed in a service setting (6 of the 30 points);

(iv) The adequacy of procedures for disseminating research results (6 of the 30 points); and

(v) The degree to which the center will encourage the use of new knowledge, technology and devices in a variety of service settings (6 of the 30 points).

(c) *Plan of operation* (15 points). See 34 CFR 75.202.

(d) *Evaluation plan* (10 points). See 34 CFR 75.205.

(e) *Quality of key personnel* (10 points). See 34 CFR 75.203.

(f) *Adequacy of resources* (10 points). See 34 CFR 75.206.

(g) *Budget and cost effectiveness* (10 points). See 34 CFR 75.204.

(h) *Adequacy of consumer involvement* (5 points).

(1) The Secretary reviews each application for information that shows the adequacy of procedures for securing advice from and transmitting information to appropriate members of the rehabilitation community.

(2) The Secretary looks for information that shows—

(i) The nature and extent of communications with representatives of rehabilitation related public and voluntary agencies, labor, industry, consumers, State rehabilitation agencies, other appropriate agencies, and regional offices of RSA; and

(ii) The degree to which these communications can assist the center in identifying research and training priorities and in sharing the results of its research and training activities.

(The Secretary awards up to 100 possible points under these criteria)

(Secs. 202(e) and 202(i)(1); (29 U.S.C. 761a(e) and 761a(i)(1)))

§ 352.32 What are the priorities for funding under this program?

(a) The Secretary may from time to time reserve funds to support some or all of the types of centers listed in 34 CFR 352.10.

(b) The Secretary advises the public of these priorities through an Application Notice in the Federal Register.

(Secs. 202(g) and 204; (29 U.S.C. 761a(g) and 762))

PART 353—HANDICAPPED RESEARCH: REHABILITATION ENGINEERING PROGRAM

Subpart A—General

Sec.

353.1 What is the Rehabilitation Engineering Program?
353.2 Who is eligible for assistance under this program?
353.3 What regulations apply to this program?
353.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

353.10 What kinds of centers and projects are authorized under this program?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

353.30 How is peer review conducted under this program?
353.31 What selection criteria are used under this program?
353.32 What are the priorities for funding under this program?

Authority: Title II of the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended by Pub. L. 95–602 (29 U.S.C. 760–762; 92 Stat. 2962–2966)

Subpart A—General

§ 353.1 What is the rehabilitation engineering program?

This program is designed to support—

(a) Development of innovative methods of applying advanced medical technology, scientific achievement, and psychiatric, psychological, and social knowledge to solve rehabilitation problems;

(b) Development of systems of technical and engineering information exchange and coordination; and

(c) Improvement in the distribution of technology devices and equipment to handicapped individuals.

(Secs. 200(3), 204(b)(2); (29 U.S.C. 760(3), 762(b)(2)))

§ 353.2 Who is eligible for assistance under this program?

Those agencies and organizations eligible to apply under this program are set forth in 34 CFR 350.2.

(Sec. 204; (29 U.S.C. 762))

§ 353.3 What regulations apply to this program?

The regulations referenced in 34 CFR 350.3 apply to this program.

(Secs. 202 and 204; (29 U.S.C. 761a and 762))

§ 353.4 What definitions apply to this program?

The definitions listed in 34 CFR 350.4 apply to this program.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

§ 353.10 What types of projects are authorized under this program?

The Rehabilitation Engineering Research program provides financial assistance for—

(a) Establishment and support of Rehabilitation Engineering Research Centers.

(i) Each center must be located in a clinical rehabilitation setting which fosters a close working relationship between researchers, service delivery personnel and service recipients;

(ii) Centers must cooperate with State and other appropriate agencies in developing systems of information exchange and coordination to promote the prompt utilization of research findings;

(iii) Centers may conduct research concerning the medical management of disabling conditions, the individual's adjustment to functional limitations and to the environment, service delivery systems, or other research of an engineering or technological nature, including basic research where related to rehabilitation techniques or services; and

(iv) The research activities of a center may address the rehabilitation problems of handicapped persons of any age.

(b) Research and demonstration projects of an engineering or technological nature as follows—

(i) Studies, analyses, and demonstrations of architectural and engineering design adapted to meet the special needs of handicapped individuals, and projects to reduce environmental barriers;

(ii) Cooperative research projects with public or private agencies and organizations to produce new equipment and devices for solving rehabilitation problems;

(iii) Projects concerning the use of existing telecommunication systems;

(iv) International research, demonstrations, training and exchange of experts and technical assistance when related to technology and engineering;

(v) A project to assess the feasibility of establishing a center to produce and distribute captioned video cassettes to deaf individuals; and

(vi) Joint projects with other Federal agencies and with private industry when related to technology or engineering.

(Secs. 204(b)(2), 204(a), 204(b)(5)–(7), 204(b)(10); (29 U.S.C. 762(b)(2), 762(a), 762(b)(5)–(7), 762(b)(10)))

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 353.30 How is peer review conducted under this program?

Peer review is conducted under this program in accordance with 34 CFR 350.30–350.32.

(Sec. 202(e); (29 U.S.C. 761a(e)))

§ 353.31 What selection criteria are used under this program?

(a) *National need* (20 points). See § 350.34(a).

(b) *Research design* (25 points). See § 350.34(b).

(c) *Plan of operation* (15 points). See 34 CFR 75.202.

(d) *Evaluation plan* (5 points). See 34 CFR 75.205.

(e) *Quality of key personnel* (10 points). See 34 CFR 75.203.

(f) *Adequacy of resources* (10 points). See 34 CFR 75.206.

(g) *Research utilization plan* (10 points). See § 350.34(g).

(h) *Budget and cost effectiveness* (5 points). See 34 CFR 75.204.

(The Secretary awards up to 100 possible points under these criteria)

(Secs. 202(e) and 202(i)(1); (29 U.S.C. 761a(e) and 761a(i)(1)))

§ 353.32 What are the priorities for funding under this program?

(a) The Secretary may from time to time reserve funds to support some or all of the types of research centers or projects listed in 34 CFR 353.10.

(b) The Secretary advises the public of these priorities through an Application Notice published in the Federal Register.

(Secs. 202(g) and 204; (29 U.S.C. 761a(g) and 762))

PART 354—HANDICAPPED RESEARCH: MODEL RESEARCH AND TRAINING PROGRAM

Subpart A—General

Sec.

354.1 What is the Model Research and Training Program?
354.2 Who is eligible for assistance under this program?
354.3 What regulations apply to this program?
354.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

354.10 What types of centers are authorized under this program?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

354.30 How is peer review conducted under this program?
354.31 What selection criteria are used under this program?
354.32 What are the priorities for funding under this program?

Authority: Title II of the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended by Pub. L. 95–602 (29 U.S.C. 760–762; 92 Stat. 2962–2966)

Subpart A—General

§ 354.1 What is the model research and training program?

This program is designed to develop and utilize more advanced and effective methods of evaluating and developing the employment potential of handicapped individuals.

(Sec. 204(b)(12); (29 U.S.C. 762(b)(12)))

§ 354.2 Who is eligible for assistance under this program?

Those agencies and organizations eligible to apply under this program are set forth in 34 CFR 350.2.

(Sec. 204; (29 U.S.C. 762))

§ 354.3 What regulations apply to this program?

The regulations referenced in 34 CFR 350.3 apply to this program.

(Secs. 202 and 204; (29 U.S.C. 761a and 762))

§ 354.4 What definitions apply to this program?

The definitions listed in 34 CFR 350.4 apply to this program.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

§ 354.10 What types of centers are authorized under this program?

The model research and training program provides financial assistance for establishing and operating model training centers.

(a) Each center must be associated with a rehabilitation service setting which fosters a close working relationship between researchers, service providers and service recipients.

(b) Each model center must—

(1) Research and develop model procedures for testing and evaluating the employment potential of handicapped individuals;

(2) Research and develop model new approaches for job placement of handicapped individuals, including new follow-up procedures relating to such placement;

(3) Research and develop model training programs to teach handicapped individuals skills which will lead to appropriate employment;

(4) Provide training and continuing education to improve the skills of personnel involved with the employment of handicapped individuals; and

(5) Provide information services regarding education, training, employment and job placement for handicapped individuals.

(Sec. 204(b)(12); (29 U.S.C. 762(b)(12)))

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 354.30 How is peer review conducted under this program?

Peer review is conducted under this program in accordance with 34 CFR 350.30–350.32.

(Sec. 202(e); (29 U.S.C. 761a(e)))

§ 354.31 What selection criteria are used under this program?

(a) *National need* (10 points). See § 350.34(a).

(b) *Program of the center* (30 points).

(1) The Secretary reviews each application for information that shows the quality of the proposed center program.

(2) The Secretary looks for information that shows—

(i) The degree to which the research and training activities of the center are based upon a group of related research core areas that help to meet the needs of the target population(s) it serves (6 of the 30 points);

(ii) The scientific validity of the center's methodological approach to conducting its research and training (6 of the 30 points);

(iii) The degree to which research and training results will be assessed in a service setting (6 of the 30 points);

(iv) The adequacy of procedures for disseminating research results and training materials (6 of the 30 points); and

(v) The capability of the center to provide information services regarding the education, training, employment, and job placement of handicapped individuals (6 of the 30 points).

(c) *Plan of operation* (15 points). See 34 CFR 75.202.

(d) *Evaluation plan* (10 points). See 34 CFR 75.205.

(e) *Quality of key personnel* (10 points). See 34 CFR 75.203.

(f) *Adequacy of resources* (10 points). See 34 CFR 75.206.

(g) *Budget and cost effectiveness* (10 points). See 34 CFR 75.204.

(h) *Adequacy of consumer involvement* (5 points). See § 352.31(h).

(The Secretary awards up to 100 possible points under these criteria)

(Secs. 202(e) and 202(i)(1); (29 U.S.C. 761a(e) and 761a(i)(1)))

§ 354.32 What are the priorities for funding under this program?

(a) The Secretary may from time to time reserve funds to support the types of research activities listed in 34 CFR 354.10(b).

(b) The Secretary advises the public of these priorities through an Application Notice published in the Federal Register.

(Secs. 202(g) and 204; (29 U.S.C. 761a(g) and 762)).

PART 355—HANDICAPPED RESEARCH: KNOWLEDGE DISSEMINATION AND UTILIZATION

Subpart A—General

Sec.

355.1 What is the Knowledge Dissemination and Utilization Program?
355.2 Who is eligible for assistance under this program?
355.3 What regulations apply to this program?
355.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

Sec.

355.10 What types of activities are authorized under this program?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

355.30 How is peer review conducted under this program?

355.31 What selection criteria are used in this program?

355.32 What are the priorities for funding under this program?

Authority: Title II of the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended by Pub. L. 95–602 (29 U.S.C. 760–762; 92 Stat. 2962–2966)

Subpart A—General

§ 355.1 What is the Knowledge Dissemination and Utilization Program?

This program is designed to support activities that will insure that rehabilitation knowledge generated from projects and centers funded by the Institute and from other sources is fully utilized to improve the lives of handicapped persons.

(Secs. 202, 204(a), and 204(b)(5); (29 U.S.C. 761a, 762(a) and 762(b)(5)))

§ 355.2 Who is eligible for assistance under this program?

Those agencies and organizations eligible to apply under this program are described in 34 CFR 350.2.

(Sec. 204; (29 U.S.C. 762))

§ 355.3 What regulations apply to this program?

The regulations referenced in 34 CFR 350.3 apply to this program.

(Secs. 202 and 204; (29 U.S.C. 761a and 762))

§ 355.4 What definitions apply to this program?

The definitions listed in 34 CFR 350.4 apply to this program.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

§ 355.10 What types of activities are authorized under this program?

The knowledge dissemination and utilization program provides financial assistance for the following types of projects—

(a) Domestic or international research utilization;

(b) Domestic or international information dissemination activities;

(c) Building public awareness about ways of rehabilitating handicapped persons;

(Secs. 200(2), 202(b)4–6, 204(a), 204(b)(5); (29 U.S.C. 761a(b)(2), 761a(b) (4–6), 762(a), 762(b)(5)))

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 355.30 How is peer review conducted under this program?

Peer review is conducted under this program in accordance with 34 CFR 350.30–350.32.

(Sec. 202e; (29 U.S.C. 761a(e))

§ 355.31 What selection criteria are used under this program?

"(a) *National need* (20 points). See § 350.34(a).

(b) *Project design* (30 points).

(1) The Secretary reviews each application for information that shows the quality of the project design.

(2) The Secretary looks for information that shows—

(i) A linkage system to prospective target populations (5 of the 30 points);

(ii) Need assessment procedures (10 of the 30 points);

(iii) That rehabilitation knowledge or devices will be adapted or modified to facilitate greater understanding and use by the rehabilitation community (5 of the 30 points); and

(iv) Procedures for dissemination of the rehabilitation knowledge or devices referred to in paragraph (b)(2)(iii) of this section (10 of the 30 points).

(c) *Plan of operation* (15 points). See 34 CFR 75.202.

(d) *Evaluation plan* (10 points). See 34 CFR 75.205.

(e) *Quality of key personnel* (10 points). See 34 CFR 75.203.

(f) *Adequacy of resources* (10 points). See 34 CFR 75.206.

(g) *Budget and cost effectiveness* (5 points). See 34 CFR 75.204.

(The Secretary awards up to 100 possible points under these criteria)

§ 355.32 What are the priorities for funding under this program?

(a) The Secretary may from time to time reserve funds to support some or all of the types of projects listed in 34 CFR 355.10.

(b) The Secretary advises the public of these priorities through an Application Notice published in the **Federal Register**.

(Secs. 202(g) and 204; (29 U.S.C. 761a(g) and 762))

PART 356—HANDICAPPED RESEARCH: RESEARCH FELLOWSHIPS

Subpart A—General

Sec.

356.1 What is the Research Fellowships Program?

356.2 Who is eligible for assistance under this program?

356.3 What regulations apply to this program?

356.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

356.10 What types of activities are authorized?

356.11 What types of problems may be researched under the fellowship program?

Subpart C—How Does One Apply for Assistance Under This Program?

356.20 What are the application procedures under this program?

356.21 What is the fellowship review process?

Subpart D—How Does the Secretary Select a Fellow?

356.30 What selection criteria are used for this program?

Subpart E—What Conditions Have to be Met by a Fellow?

356.40 What is the length of a fellowship award?

356.41 What are the employment limitations during a fellowship period?

356.42 What acknowledgement of support is required?

Subpart F—What are the Administrative Responsibilities of a Fellow?

356.50 What kinds of payments are allowed under this program?

356.51 What program reports are required of fellows?

Authority: Title II of the Rehabilitation Act of 1973 (Pub. L. 93–112) as amended by Pub. L. 95–602 (29 U.S.C. 760–762; 92 Stat. 2962–2966)

Subpart A—General

§ 356.1 What is the Research Fellowships Program?

The purpose of this program is to obtain the assistance of highly qualified individuals to perform research activities in rehabilitation.

(Sec. 202(d); (29 U.S.C. 761a(d)))

§ 356.2 Who is eligible for assistance under this program?

Any person is eligible for assistance under this program who has training and experience that indicate a potential for engaging in scientific research related to the solution of rehabilitation problems of handicapped persons.

(Sec. 202(d); (29 U.S.C. 761a(d)))

§ 356.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The peer review requirements contained in 34 CFR 350.31–350.32.

(b) The regulations in this part—34 CFR Part 356; and

(c) 45 CFR Part 46 (Protection of Human Subjects)

(Sec. 202(d); (29 U.S.C. 761a(d)))

§ 356.4 What definitions apply to this program?

The definitions listed in 34 CFR 350.4 apply to this program.

(Sec. 202(i)(1); (29 U.S.C. 761a(i)(1)))

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

§ 356.10 What types of activities are authorized?

Research fellowships provide awards of Federal assistance to enable individuals to carry out discrete research activities which have been identified in Application Notices published in the Federal Register.

(Sec. 202(d); (29 U.S.C. 761a(d)))

§ 356.11 What types of problems may be researched under the fellowship program?

Problems encountered by handicapped persons in their daily lives that are due to the presence of handicapping condition, problems associated with the provision of rehabilitation services to handicapped persons, and problems connected with the conduct of handicapped research may be addressed under this program.

(Sec. 202(d), 202(g)(1), 204; (29 U.S.C. 761a(d), 761a(g)(1), 762))

Subpart C—How Does One Apply for Assistance Under This Program?

§ 356.20 What are the application procedures under this Part?

From time to time the Secretary will publish in the Federal Register an Application Notice that announces the availability of fellowship assistance under this Part.

(Sec. 202(d); (29 U.S.C. 761a(d)))

§ 356.21 What is the fellowship review process?

Fellowship applications will be reviewed in accordance with the peer review requirements governing grants in 34 CFR 350.30–350.32.

(Sec. 202(d); (29 U.S.C. 761a(d)))

Subpart D—How Does the Secretary Select a Fellow?

§ 356.30 What selection criteria are used for this program?

Individuals applying for a research fellowship will be evaluated on the basis of—

(a) Quality and level of formal education;

(b) Work experience; and

(c) Recommendations of former or present supervisors or colleagues and other independent evidence that indicate an ability to work creatively in scientific research.

(Sec. 202(d); (29 U.S.C. 761a(d)))

Subpart E—What Conditions Have To Be Met by a Fellow?

§ 356.40 What is the length of a fellowship award?

Fellowships may be approved for a maximum of 48 months. The initial award may be for any period not to exceed 12 months. If the Secretary determines that there is satisfactory progress in accomplishing the purposes of the fellowship, the Secretary may make one or more continuation awards.

(Sec. 202(d); (29 U.S.C. 761a(d)))

§ 356.41 What are the employment limitations during a fellowship period?

The Secretary may require a research fellow to work full time on authorized fellowship activities.

(Sec. 202(d); (29 U.S.C. 761a(d)))

§ 356.42 What acknowledgement of support is required?

Publication, distribution, and disposition of all manuscripts and other materials resulting from a fellowship awarded under this Part must acknowledge that assistance was received from the Department and the Institute. Three copies of these publications or other materials must be furnished to the Secretary.

(Sec. 202(d); (29 U.S.C. 761a(d)))

Subpart F—What are the Administrative Responsibilities of a Fellow?

§ 356.50 What kinds of payments are allowed under this program?

A fellowship award may include the following payments:

(a) A stipend in an amount authorized by the Secretary;

(b) A health insurance allowance;

(c) Travel and transportation expenses as follows—

(1) Round trip travel, for the fellow only, from place of residence to the location of fellowship activity.

(2) No allowance will be granted for transporting dependents, except for travel undertaken by dependents to join a fellow who is located during the period of fellowship activity in a country other than his or her country of residence. "Dependent" means the spouse or dependent children of a fellow.

(d) The Secretary may authorize allowances for payment of the following expenses—tuition, fees, supplies, attendance at meetings required to carry out the purpose of the fellowship, or other related expenses of the fellowship.

(Sec. 202(d); (29 U.S.C. 761a(d)))

§ 356.51 What program reports are required?

Fellows are required to submit annual and final reports (along with work plans for the next fellowship period if applicable). Each report must contain as a minimum an analysis of the significance of the project and an assessment of the degree to which the objectives of the project have been achieved.

(Sec. 202(d); (29 U.S.C. 761a(d)))

PART 362—PROJECT GRANTS AND OTHER ASSISTANCE IN VOCATIONAL REHABILITATION

Subpart D—Rehabilitation Research

§§ 362.60–362.66 [Removed]

[FR Doc. 81-26465 Filed 9-9-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research; Applications for Fiscal Year 1982 Rehabilitation Engineering Center Grants

AGENCY: Department of Education.

ACTION: Application Notice for Fiscal Year 1982.

Applications are invited for new Rehabilitation Engineering Center grants for fiscal year 1982 under the National Institute of Handicapped Research.

Authority for this program is contained in Section 204(b)(2) of the Rehabilitation Act of 1973, as amended by Pub. L. 95–602 (29 U.S.C. 762 (b)(2)).

Awards are made under this program to States and public or private agencies and organizations, including institutions of higher education.

The purpose of this program is the establishment and support of Rehabilitation Engineering Research Centers to (A) develop innovative methods of applying advanced medical technology, scientific achievement, and psychiatric, psychological, and social knowledge to solve rehabilitation problems through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and to (B) cooperate with State agencies designated pursuant to section 101 (of the Act) in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

Closing Date for Transmittal of Applications: Applications for grant awards must be mailed or hand delivered by November 9, 1981.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, *Attention:* 84.133, Washington, D.C. 20202.

An applicant must show proof of mailing, consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with his local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered. Amendments received after the closing date also will not be considered in the review of the application.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building No. 3, 7th and D Streets, SW., Washington, D.C. 20202.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: The proposed funding level for the National Institute of Handicapped Research is expected to be approximately $26,250,000 for fiscal year 1982. Approximately $5,660,000 of this amount is expected to be available for funding approximately 11 new Rehabilitation Engineering Research Center grants under this announcement. However, actual availability of funding will be determined by the fiscal year 1982 appropriation. Average funding for each Center will be approximately $500,000 depending on the scope of approved research activities within the Center. Each Center will be funded for a one year period.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that number is specified by statute or regulations.

Application Forms: Application forms and further information may be obtained by writing to or calling the National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building 3511, 400 Maryland Avenue, SW., Washington, D.C. 20202. (Attention: Peer Review Unit); 202/472–6551.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. Applicants are urged not to submit information that is not requested.

Applicable Regulations: Regulations governing the program include the following:

(A) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77; formerly 45 CFR Parts 100a and 100c); and

(B) National Institute of Handicapped Research Regulations (34 CFR Parts 350, 351, 352, 353, 354, 355, and 356).

Applicants for fiscal year 1982 grants should base their applications on Section 204(b)(2) of the Act, NIHR regulations and EDGAR.

Further Information: For further information contact Ms. Deborah Linzer, National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building 3511, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: 202/472–6551.

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: September 3, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–26393 Filed 9–9–81; 8:45 am]

BILLING CODE 4000–01–M

National Institute of Handicapped Research; Applications for Fiscal Year 1982 Research and Training Center Grants

AGENCY: Department of Education.

ACTION: Application Notice for Fiscal Year 1982.

Applications are invited for new Research and Training Center grants for fiscal year 1982 under the National Institute of Handicapped Research.

Authority for this program is contained in Section 204 (b)(1) of the Rehabilitation Act of 1973, as amended by Pub. L. 95–602 (29 U.S.C. 762 (b)(1)).

Awards are made under this program to States and public or private agencies and organizations including institutions of higher education.

The purpose of this program is the establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of (A) providing training (including graduate training), (B) providing coordinated and advanced

programs of research in rehabilitation, and (C) providing training (including graduate training) for rehabilitation research and other rehabilitation personnel.

Closing Date for Transmittal of Applications: Applications for grant awards must be mailed or hand delivered by November 9, 1981.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, *Attention:* 84.133, Washington, D.C. 20202.

An applicant must show proof of mailing, consisting of one of the following:

() A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with his local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered. Amendments received after the closing date also will not be considered in the review of the application.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, SW, Washington, D.C. 20202.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: During fiscal year 1982 the National Institute of Handicapped Research expects to fund up to ten Research and Training Centers which have an identified core area of applied medical rehabilitation research; up to three Research and Training Centers which have an identified core area of vocational rehabilitation research; and, up to four Research and Training Centers which have an identified core area of psychological and social aspects of rehabilitation.

Available Funds: The proposed funding level for the National Institute of Handicapped Research is expected to be approximately $26,250,000 for fiscal year 1982. Approximately $11,225,000 of this amount is expected to be available for funding up to 17 new Research and Training Center grants under this announcement. However, actual availability of funding will be determined by the fiscal year 1982 appropriation. Average funding for each Center will be approximately $675,000 depending on the scope of approved research and training activities within the Center. Each Center will be funded for a one-year period.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that number is specified by statute or regulations.

Application Forms: Application forms and further information may be obtained by writing to or calling the National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building, Rm. 3511, 400 Maryland Avenue, SW, Washington, D.C. 20202. (Attention: Peer Review Unit); 202/472-6551.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. Applicants are urged not to submit information that is not requested.

Applicable Regulations: Regulations governing the program include the following:

(A) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77; formerly 45 CFR Parts 100a and 100c); and

(B) National Institute of Handicapped Research Regulations (34 CFR Parts 350, 351, 352, 353, 354, 355, and 356).

Applicants for fiscal year 1982 grants should base their applications on Section 204(b)(1) of the Act, NIHR regulations and EDGAR.

Further Information: For further information, contact Ms. Deborah Linzer, National Institute of Handicapped Research U.S. Department of Education, Switzer Office Building, Rm. 3511, 400 Maryland Avenue, SW, Washington, D.C. 20202. Telephone: 202/472-6551.

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: September 3, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-26394 Filed 9-9-81; 8:45 am]

BILLING CODE 4000-01-M

National Institute of Handicapped Research; Applications For Noncompeting Continuation Projects For Fiscal Year 1982

AGENCY: Department of Education.

ACTION: Application Notice for Noncompeting Continuation Projects for Fiscal Year 1982.

Applications are invited for noncompeting continuation projects for fiscal year 1982 under the National Institute of Handicapped Research.

Authority for this program is contained in Section 204 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 762).

Under this program awards are issued to States and public or private agencies and organizations, including institutions of higher education.

The purpose of the awards is planning and conducting research, demonstrations, and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and other rehabilitation services to handicapped individuals, especially those with the most severe handicaps.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, applications for a noncompeting continuation award should be mailed or hand delivered no later than 90 days prior to the end of the current budget period.

If the application is late, the Department of Education may lack sufficient time to review it and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, *Attention:* 84.133, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, SW., Washington. D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays.

Available Funds: The funding level for the National Institute of Handicapped Research is expected to be approximately $26,250,000 for fiscal year 1982. Approximately $6,380,000 of this amount is expected to be available for funding 26 noncompeting continuation projects. However, actual availability of funding will be determined by the fiscal year 1982 appropriation. Average funding for each project will be approximately $258,000 depending on the scope of approved research activities.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that number is specified by statute or regulations.

Application Forms: Application forms will be mailed to applicants approximately 90 days before applications are due.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. Applicants are urged not to submit information that is not requested.

Applicable Regulations: Regulations governing the program include the following:

(a) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77; formerly 45 CFR Parts 100a and 100c); and

(b) National Institute of Handicapped Research Regulations (34 CFR Parts 350, 351, 352, 353, 354, 355, and 356).

Applicants for fiscal year 1982 noncompeting continuation projects should base their applications on Section 204 of the Act, NIHR regulations and EDGAR.

Further Information: For further information, contact Ms. Deborah Linzer, National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building, Rm. 3511, 400 Maryland Avenue, SW., Washington, D.C. 20202–2305. Telephone: 202/472–6551.

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: September 3, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-26395 Filed 9-9-81; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
September 10, 1981

Part IV

Department of Transportation

Saint Lawrence Seaway Development Corporation

Tariff of Toll; Revision

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

Tariff of Tolls; Proposed Revision

AGENCY: Saint Lawrence Seaway Development Corporation, Transportation.

SUMMARY: The Saint Lawrence Seaway Development Corporation, United States, and the St. Lawrence Seaway Authority, Canada, propose to revise the tariff of tolls which they establish and administer jointly. The proposed action would raise the level of tolls assessed on all commodities and vessels which transit the Montreal to Lake Ontario section of the Seaway and would reintroduce a lockage fee at the Welland Canal section. The increases are proposed for both the 1982 and the 1983 navigation seasons and are necessary because of the increased costs being encountered by both Seaway agencies as a result of inflation encountered over the past few years in both countries.

Under the proposed toll agreement the U.S. Corporation will continue to receive 29% of revenues generated on the Montreal to Lake Ontario section.

DATES: Public comments and hearing: The Corporation invites comments on the proposed revision to the Tariff of Tolls from any interested persons or organizations. Any party wishing to present views or data on the proposed revision may file comments with the Corporation on or before October 23, 1981. Public hearing October 2, 1981 at 10:00 a.m. EDT.

ADDRESS: The Corporation will hold a public hearing on the rates of tolls in Room 301, 800 Independence Ave., Washington, D.C., on October 2, 1981 beginning at 10:00 a.m. EDT. The hearing will run until concluded subject to adjournment from day to day or otherwise at the discretion of the Administrator. Oral presentations will be limited to 15 minutes. Persons or organizations desiring to present testimony at the hearing shall submit to the Corporation on or before September 25, 1981, a written notice of their intention to appear. If the public hearing is continued to a date later than October 13, 1981, the date by which written comments are to be filed will be extended to 10 days following the actual close of the hearing.

It is requested that data provided in written comments or at the hearing include total transportation costs for the movements of cargo via the St. Lawrence Seaway and should detail individually all pertinent components thereof including all inland freight costs (rail, truck or water), terminal or elevator charges and handling costs ocean freight costs, and other significant transportation costs. It would be helpful if each analysis also detailed similar transportation costs by alternative routes in order to adequately evaluate the potential for diversion.

Notices of appearance, views, data, comments and supplementary statement may be submitted to the Saint Lawrence Seaway Development Coporation, 800 Independence Avenue, SW, Washington D.C. 20591 (Attention: Tolls Revision Docket).

SUPPLEMENTARY INFORMATION: In 1982 the average cost of moving a ton of cargo through the Montreal to Lake Ontario Section of the Seaway will increase about 15 percent; the average cost per ton through the Welland Canal Section, approximately 21 percent; with a resulting increase for traffic transiting both sections of about 18 percent per ton. In 1983 the average cost per ton will increase an additional 8 per percent on the Montreal to Lake Ontario Section, 14 percent on the Welland Canal Section, or about 10 percent for combined transit.

The Corporation projects its revenues as a result of the proposed modifications to total about $13.1 million in 1982 and $15.7 million in 1983. This should provide the Corporation with sufficient revenue to meet its total cost of operations, maintenance and other current expenses as well as meet scheduled bond repayments for the period 1981 through 1983. The Corporation is required by statute to recover these costs from tolls assessed on the vessels and cargoes moving through its facilities.

In June of 1981 the Joint Tolls Review Board, provided for in the 1978 U.S.-Canada Seaway Tolls Agreement, recommended to the heads of the Seaway agencies of the two countries a 30 percent across-the-board increase to take effect September 1, 1981. On June 11, 1981 the Corporation published in the **Federal Register** a request for comments on the Board's report.

In mid-July, U.S. Secretary of Transportation Drew Lewis and Canadian Transport Minister Jean-Luc Pepin announced that the Seaway agencies had agreed to defer any Seaway toll increases until 1982 because of maritime industry concerns over increased costs during 1981 and the disturbance of contractual arrangements involving prior vessel bookings made for 1981. At the same time, it was noted that resulting 1981 revenue shortfall was expected to be recovered during 1982 and 1983.

The Proposal

The Corporation and the Authority have agreed, for the purpose of eliciting public comment, to propose a revision of the charges in the Tolls Schedule of the Joint St. Lawrence Seaway Tariff of Tolls. The proposal will be subjected to subsequent joint review.

It is proposed that the Tolls Schedule for the Montreal to Lake Ontario Section (presently codified as 33 CFR 402.7) be revised as follows (for comparison purposes the rates presently in effect are included):

Montreal-Lake Ontario Section

	Present	1982	1983
Commodities, per metric ton (full transit):			
Bulk	$0.68	$0.79	$0.85
Containerized Cargo	0.68	0.79	0.85
Government Aid Cargo	0.41	0.48	0.52
Food Grains	0.41	0.48	0.52
Feed Grains	0.41	0.48	0.52
General Cargo	1.65	1.91	2.06
Vessel Charge, per gross registered ton (full transit)	0.07	0.075	0.08
Passengers, each per lock	0.75	1.00	1.00
Pleasure craft, per lock	4.00	5.00	5.00
Other vessels, per lock	8.00	10.00	10.00

For the Welland Canal Section, it is proposed that the commodity tolls and vessel charge which are presently in effect will remain unchanged, but a lockage charge will be introduced. The present commodity tolls are (per metric ton): Bulk, $0.31; Containerized cargo, $0.31; Government aid cargo, $0.31; Food Grains, $0.31; Feed grains, $0.31; General cargo, $0.50 and a vessel charge of $0.07 per gross registered ton.

The lockage charge to be introduced on the Welland Canal for loaded vessels will be $150 per lock in 1982 and $250 per lock in 1983; for vessels in ballast the charge will be $75 per lock in 1982 and $187.50 per lock in 1983. The Welland Canal contains eight locks at which this charge will be assessed.

Other increases proposed for the Welland Canal are an increase in the charge per passenger from $0.75 per passenger per lock to $1.00 per passenger per lock; and increase in the charge for pleasure craft from $4.00 per lock to $5.00 per lock; and an increase in the charge for other vessels from $8.00 per lock to $10.00 per lock.

At both the Montreal to Lake Ontario and Welland Canal Sections, the tolls which become effective in 1983 will remain in effect until further modified by the Corporation and the Authority.

The Saint Lawrence Seaway Development Corporation has determined that EO 12291 does not

apply to this rulemaking since the rule involves a foreign affairs function of the United States. After review of the law and the regulations, the Administrator, Saint Lawrence Seaway Development Corporation, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354) will not have a significant impact on a substantial number of small entities.

Issued in Washington, D.C., on September 4, 1981.

D. W. Oberlin,

Administrator.

[FR Doc. 81–26414 Filed 9–9–81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS**		DOT/FAA	USDA/FSIS**
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DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
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DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing August 26, 1981

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register in cooperation with Lexington Technical Institute.

WHAT: Special public briefing (approximately 2½ hours) to present:

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WHEN: September 17 at 9:00 a.m.

WHERE: Room 215, Lexington Technical Institute, Cooper Drive, Lexington, Ky.

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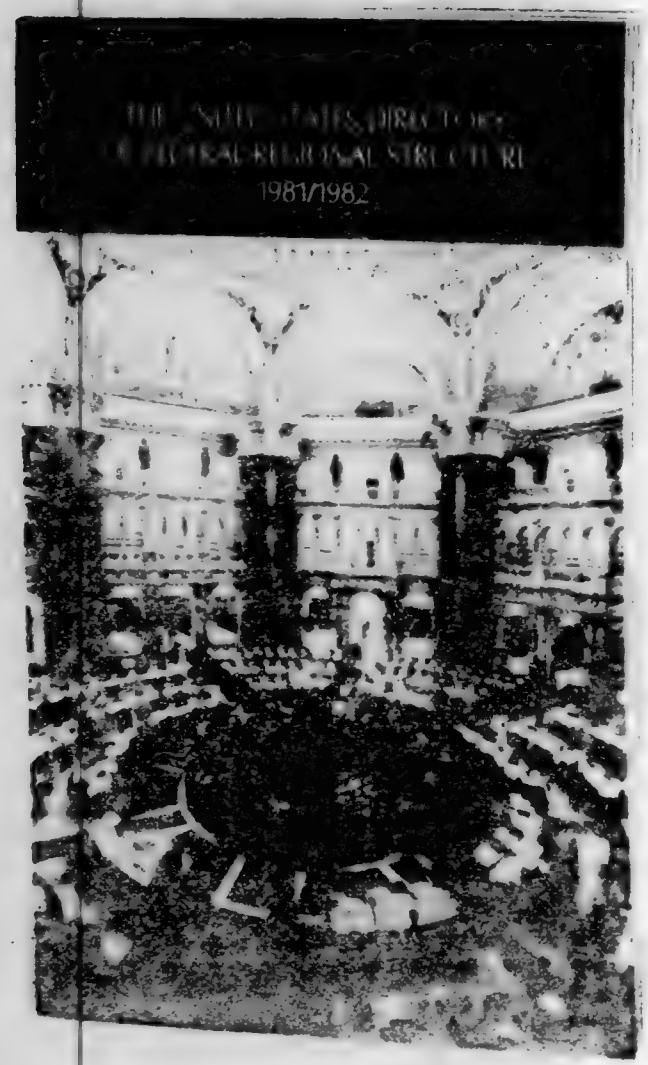

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45321 **Extension of the exercise of certain authorities under the Trading With the Enemy Act** Presidential memorandum

45486 **Loan Programs—Education** ED announces family contribution schedule for Guaranteed Student Loan Program. (Part II of this issue)

45368 **Education—Handicapped** DOD/Sec'y proposes regulations on education of handicapped children in Department of Defense dependents schools.

45329 **Credit Unions—All Savers Certificates** NCUA allows Federal credit unions to waive withdrawal penalties for transferring certain share certificates funds to "All Savers Certificates."

45365 **Credit Unions** NCUA consolidates and clarifies policy on availability of information.

45368 **Water Resources** WRC proposes to repeal certain regulations on water and related land resources planning.

45538 **Drugs** HHS/FDA seeks comments on ways to reduce its involvement in reviewing early phase clinical investigations. (Part IV of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

45326 **Aliens** Justice/INS issues regulation on waiver of foreign residence requirement for reentry into the United States under certain circumstances.

45328 Justice/INS provides guidance to aliens filing applications for waivers of exclusion or for permission to be readmitted.

45504 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part III of this issue)

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Presidential Documents

Title 3—

The President

Memorandum of September 10, 1981

Memorandum for the Secretary of State
the Secretary of the Treasury

Under section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5 note), and a previous determination made by the President on September 8, 1980 (45 Fed. Reg. 59549 (1980)), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 1981.

I hereby determine that the extension for one year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, pursuant to the authority vested in me by section 101(b) of Public Law 95–223, I extend for one year, until September 14, 1982, the exercise of those authorities with respect to countries affected by:

(1) the Foreign Assets Control Regulations, 31 CFR Part 500;

(2) the Transaction Control Regulations, 31 CFR Part 505;

(3) the Cuban Assets Control Regulations, 31 CFR Part 515; and

(4) the Foreign Funds Control Regulations, 31 CFR Part 520.

This Determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, September 10, 1981

[FR Doc. 81–26738
Filed 9–10–81; 12:01 pm]
Billing code 3195–01–M

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Rules and Regulations

Federal Register
Vol. 46, No. 176
Friday, September 11, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Correction; Nepotism Provisions

AGENCY: Office of Personnel Management.

ACTION: Final rule; correction.

SUMMARY: The Office of Personnel Management is issuing a technical amendment to correct an error contained in its regulations on the Excepted Service which implement nepotism provisions to allow for the appointment of a handicapped son or daughter to a Schedule A position in the same agency where a parent is employed. This permits appointment in those cases where severely physically handicapped and mentally retarded persons have difficulties related to worksite adjustments and transportation to and from duty stations. This reflects the original amendment to 5 CFR 213.3102(b) that appeared as a final rule in the **Federal Register** of June 21, 1977 (42 FR 31456) and which was inadvertently changed in a subsequent amendment published in the **Federal Register** of November 20, 1979 (44 FR 66571).

EFFECTIVE DATE: November 15, 1979.

FOR FURTHER INFORMATION CONTACT:
Anice Nelson, 202/632–5687.

Office of Personnel Management.

Beverly McCain Jones,
Issuance System Manager.

PART 213—EXCEPTED SERVICE

Accordingly, the Office of Personnel Management is correcting 5 CFR Part 213 by revising § 213.3101(d)(4) to read as follows:

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is impracticable to examine.

* * * * *

(d) * * *

(4) Who are severely physically handicapped or mentally retarded when such appointees meet the criteria under Schedule A appointing authorities § 213.3102 (t) and (u), except that for the (u) eligibility no certification from a State rehabilitation or Veterans Administration counselor is required;

* * * * *

(5 U.S.C. 3301)

[FR Doc. 81–26562 Filed 9–10–81; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 322]

Lemons Grown in California and Arizona; Minimum Size Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This regulation sets minimum size requirements for shipments of fresh California-Arizona lemons. Such action is designed to promote orderly marketing of suitable sizes of fresh California-Arizona lemons in the interest of producers and consumers.

DATES: Interim rule effective September 20, 1981, through December 5, 1981; comments which are received by October 13, 1981 will be considered prior to issuance of a final rule to become effective December 6, 1981, and continued in effect until modified, suspended, or terminated.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:
William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Lemon Administrative Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

Shipments of lemons from the production area are now in progress, and such shipments are regulated by size through September 19, 1981, under Lemon Regulation 289 (45 FR 60403). This regulation which would be effective September 20, 1981, through December 5, 1981, would require shipments of lemons to be no smaller than 1.82 inches in diameter. The volume and size compositions of the lemon crop in California and Arizona is such that ample supplies of the more desirable sizes are available to satisfy the demand in domestic fresh markets. The committee estimates that approximately 2–3% of each season's crop is smaller than 1.82 inches in diameter. This regulation is designed to permit shipment of ample supplies of lemons of acceptable sizes, maturity, and juice content. Lemons which are smaller than 1.82 inches in diameter normally have negligible demand and sales opportunity, as they have relatively low juice yields. Additionally, such small fruit would be costly to prepare commercially for the market place. Lemons failing to meet this minimum size requirement could be shipped to fresh export markets, left on the trees to attain further growth, or utilized in processing. This regulation is consistent with the objectives of the act by promoting orderly marketing in the interest of producers and consumers.

It is proposed that the size regulation contained in the interim rule, effective for the period September 20, 1981, through December 5, 1981, would continue in effect from marketing season

to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment with regard to the interim rule and proposed final regulation. Heretofore, the size regulation for California-Arizona lemons was made effective for a single marketing season. The proposed change to issue a size regulation which would continue in effect from marketing season to marketing season reflects the fact that the size regulation has changed infrequently from season to season and it is believed unnecessary to issue them for only a single season. With the exception of a 4-month period in 1979, the current size requirement has been in effect for a number of years. In addition, the proposed action could result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period, the committee would continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification suspension, or termination of the size regulation on shipments of California-Arizona lemons would tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of lemons is in progress and this regulation should be applicable to all shipments during the season; (2) the current size regulation will expire September 19, 1981; (3) the size regulation was recommended by the committee following discussion at a public meeting; (4) lemon handlers have been apprised of these requirements and the effective date; and (5) the requirements are the same as those currently in effect.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Therefore, a new § 910.622 is added to read as follows: (§ 910.622 expires December 5, 1981, and will not be published in the annual code of Federal Regulations).

§ 910.622 Lemon Regulation 322.

(a) During the period September 20, 1981, through December 5, 1981, no handler shall handle any lemons grown in District 1, District 2, or District 3 which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, September 8, 1981, to become effective September 20, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–28584 Filed 9–10–81; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 910

[Lemon Reg. 323]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 13–19, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 13, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 8, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as

clearance by the OMB has been obtained.

Section 910.623 is added as follows:

§ 910.623 Lemon Regulation 323.

The quantity of lemons grown in California and Arizona which may be handled during the period September 13, 1981, through September 19, 1981, is established at 231,373 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 10, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-26740 Filed 9-10-81; 12:22 p.m.]

BILLING CODE 3410-02-M

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7 CFR Part 1002

Milk in the New York-New Jersey Marketing Area; Amendments to Classification and Accounting Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action approves the tentative amendments to the classification and accounting rules and regulations issued by the Market Administrator of the New York-New Jersey marketing order on August 14, 1981, after consideration of proposed changes at a public meeting held July 24, 1981. Amendment of the classification and accounting rules and regulations is necessary to make such regulations conform to order amendments effective September 1, 1981. Basically, the revision of the rules involve administrative application of the amendments to the tank truck service charge that handlers may negotiate with producers or their cooperatives with respect to farm-to-first plant hauling costs.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6273.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of § 1002.46 of the order, as amended, regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002), the Market Administrator of said order on August 14, 1981, issued tentative amendments to the classification and accounting rules and regulations.

A copy of the stenographic record of the meeting called by the Market Administrator concerning such amendments to the rules and regulations and the tentative amendments to the rules and regulations were each forwarded by the Market Administrator to the Secretary. Upon consideration of such tentative amendments in the light of the stenographic record, said amendments to the classification and accounting rules and regulations are hereby approved.

It is hereby determined that it is unnecessary and impractical to defer the effective date of the amendments to the classification and accounting rules and regulations for 30 days after publication in the **Federal Register** in that:

(1) A copy of the tentative amendments was mailed on August 14, 1981, to all handlers operating pool plants and other interested parties, thus affording such persons a reasonable time to prepare for the effective date herein specified;

(2) Amendments to the marketing order, as amended, to which such amended rules and regulations apply were effective September 1, 1981; and

(3) The said amended rules and regulations are required by provisions of the order, as amended, to be effective on the first day of the month following their approval.

Accordingly, the said amendments to the classification and accounting rules and regulations shall be effective on and after October 1, 1981.

The tentative amendments issued by the Market Administrator and hereby approved are set forth below.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1981.

Signed at Washington, D.C., on September 4, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

Tentative Amendment to Rules and Regulations

Pursuant to the provisions of § 1002.46 of the order, as amended (7 CFR Part 1002), regulating the handling of milk in the New York–New Jersey marketing area, and applicable law, a public meeting was held at New York, New York, on July 24, 1981 to consider proposals for the amendment of the classification and accounting rules and regulations heretofore issued (7 CFR 1002.100 *et seq.*) pursuant to said order. Notice of said public meeting was issued on July 17, 1981.

After due consideration of the data, views and arguments presented by interested persons at such public meeting and in a brief following such meeting, the classification and accounting rules and regulations heretofore amended are hereby further amended, subject to the approval of the Secretary of Agriculture, to read as follows:

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. Add the following § 1002.223:

§ 1002.223 Method of accounting for fluid milk products in transit at the end of a month from a pool bulk tank unit to any plant.

All fluid milk products transferred from a pool bulk tank unit but not received until the following month at the transferee plant shall be considered in transit and shall be accounted for in the following manner:

(a) At the transferor bulk tank unit, transfers which are in transit shall be included in the disposition in the month in which shipped.

(b) At the transferee plant, tranfers which are in transit shall be considered to have been received in the same month as shipped and shall be included in the closing inventory thereat.

(c) At the transferee plant, transfers which were in transit and were included in the closing inventory pursuant to paragraph (b) of this section shall be included in the following month's opening inventory.

2. Add the following §§ 1002.250–1002.253:

Method of Determining Maximum Allowable Tank Truck Service Charges

Sec.

1002.250 Authorization for hauling deductions.
1002.251 Reports by handlers of the claimed basis for producer hauling deductions.
1002.252 Determination of maximum allowable tank truck service charge deductions.
1002.253 Verification of deductions by the handler for tank truck service charges.

Method of Determining Maximum Allowable Tank Truck Service Charges

§ 1002.250 Authorization for hauling deductions.

An authorization, properly signed before its effective date, will be necessary for any tank truck service charge deduction to be allowed pursuant to the provisions of § 1002.80(a)(3). For producers who are members of a cooperative, the authorization must be obtained from the cooperative involved. Each authorization must contain the following:

(a) The handler's name.

(b) The basis for determining the deduction from the producer payment. If the resulting per hundredweight charge

will vary among producers on the bulk tank unit, an explanation of the basis for determining the deduction for producers on the unit must be included.

(c) A statement that any deduction is limited by the orders to not more than the actual cost of farm-to-plant hauling for the bulk tank unit minus the transportation credit of 15 cents per hundredweight and minus any increase in the class location value between the bulk tank unit and plant of first receipt.

(d) If changes in the basis for determining deductions are to take effect after advance notice without signing of new authorizations, a statement must so indicate. (Without this statement, any change in the basis for determining deductions will require a new authorization.)

(e) The date when the authorization becomes effective. (First pickup.)

(f) An authorized signature and the date signed.

§ 1002.251 Reports by handlers of the claimed basis for producer hauling deductions.

For each bulk tank unit for which deductions are to be made from producer payments for tank truck service charges in accordance with § 1002.80(a)(3), the handler shall report the following to the market administrator:

(a) By the 15th day of the month in which these regulations become effective, an itemized listing of estimated costs incurred in the transportation of milk from the farm(s) to plant(s) of first receipt as proposed to be used as the basis for the calculation of deductions from payments to producers and for which the handler is prepared to show how such costs are to be determined and to maintain appropriate records to substantiate costs as listed.

(b) On or before the last day of each month for milk delivered in the preceding month:

(1) An itemized listing of actual costs incurred in the transportation of producer milk from the farm(s) to plant(s) of first receipt claimed as the basis for deductions from payments to producers as shown on the producer payroll submitted to the market administrator.

(2) The applicable rate basis used for calculation of deductions made from payments to producers.

§ 1002.252 Determination of maximum allowable tank truck service charge deductions.

Total deductions by a handler for tank truck service charges from all producers on a bulk tank unit in accordance with § 1002.80(a)(3) may not exceed the amount calculated as follows:

(a) Actual costs incurred by the handler in transporting the milk from the farm(s) to the point where either (1) or (2) takes place:

(1) It is received at a plant as defined in § 1002.8: *Provided,* That milk reloaded from one tank truck to another will not be considered as so received if it is reloaded at a facility that:

(i) Contains no functional equipment for stationary storage, separation, or processing other than necessary to cool and pump milk from one tank truck to another; and

(ii) Is separate from the premises of any plant as defined in § 1002.8.

(2) It is commingled with the milk of another bulk tank unit (by either combining of milk or use of a common reload facility) during a given month, unless classification at each plant destination is passed back in the same proportions to each of the commingled units.

(b) Minus:

(1) The total value of the transportation credit received by the handler pursuant to § 1002.55.

(2) The total of the amounts that the value in paragraph (b)(2) (ii) of this section exceeds the value in paragraph (b)(2) (i) of this section for the milk transferred to each plant from the bulk tank unit:

(i) The class use value of the milk at the location of the bulk tank unit pursuant to § 1002.51(d);

(ii) The class use value of the milk at the location of the plant where the milk is first received, based on the mileage zone for the plant as determined by the market administrator.

§ 1002.253 Verification of deductions by the handler for tank truck service charges.

All costs claimed by the handler in the reports filed in accordance with § 1002.251 as the basis for deductions from the producer for tank truck service charges are subject to audit under the following guidelines:

(a) Costs not directly related to the transportation of milk from the farm to first plant of receipt are not to be included.

(b) Costs for items utilized in a given month are to be charged to that month.

(c) Costs for items having a useful life of more than one month such as depreciation, licenses and insurance and certain repair and maintenance items are to be allocated over an annual or other reasonable period.

(d) Costs based solely on bills from a hauling company in which handler has an ownership interest are not to be included. For inclusion, such costs must be verifiable on the same basis as costs incurred directly by the handler.

(e) Deductions in excess of the maximum allowable hauling deduction in an amount greater than 5 cents per hundredweight are to be reimbursed to the producer by separate check.

§ 1002.261 [Removed]

3. Remove § 1002.261.

Signed at New York, New York this 14th day of August, 1981.

Thomas A. Wilson,

Market Administrator.

[FR Doc. 81-26574 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service[1]

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Grapefruit Juice[2]

Correction

In FR Doc. 81-24046 appearing on page 41759 in the issue of Tuesday, August 18, 1981, make the following corrections to the tables in § 2852.1228:

(1) In Tables I, II, III, and V, the portions of each table labeled "Sweetened" and "Unsweetened" should have been aligned under the captions for "grade A" and "grade B".

(2) In Tables IV and V, under "Quality", in each entry for "Reconstitution", "Reconstitutes properly" should be inserted under grade A (as well as grade B).

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Foreign Exchange Visitor Eligibility for Waiver of Foreign Residence Requirement

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: Certain foreign exchange visitors are required, under the Immigration and Nationality Act of 1952,

[1] The Commodity Services Program * * *.

[2] Compliance with the provisions * * *.

to reside in their country of nationality or last foreign residence for a two year period following their departure from the United States before becoming eligible to acquire lawful permanent resident status or status as a temporary worker or employee in an H or L visa classification. A waiver of this foreign residence requirement under certain circumstances is also provided for in the Act. Congress has transferred the Secretary of State's responsibilities concerning the foreign residence requirement and waiver to the Director of the International Communication Agency. This rule updates the regulations to reflect this transfer. The rule also clarifies Service policy regarding foreign residence waivers for physician exchange visitors who commenced programs of graduate medical education and training prior to January 10, 1977, who temporarily departed the United States, and who then reentered on or after that date to resume their graduate programs.

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536 Telephone: (202) 633–3048.

For Specific Information: Thomas Simmons, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington , D.C. 20536 Telephone: (202) 633–3946.

SUPPLEMENTARY INFORMATION: Section 212(e) of the Immigration and Nationality Act of 1952, 8 U.S.C. 1182(e), provides that an alien admitted to the United States as an exchange visitor (J visa classification) or acquiring that status after admission, is required to reside for an aggregate of two years in his/her country of nationality or of last foreign residence following his/her departure from the United States if any of the following conditions existed: (1) the alien participated in an exchange program financed in whole or in part, directly or indirectly, by a United States government agency or by the government of the country of his/her nationality or last residence; (2) the alien's training and skills are clearly required in his/her country of nationality or last foreign residence; or (3) the alien was admitted to the United States on or after January 10, 1977 to receive graduate medical education or training or acquired exchange visitor status on or after that date for the same purpose. The exchange visitor subject to this requirement in not eligible to obtain status as a lawful permanent resident or to acquire status as a temporary worker under subparagraphs (H) and (L) of section 101(a)(15) of the Immigration and Nationality Act of 1952, 8 U.S.C. 1101(a)(15), until he/she has complied with the requirement.

A waiver of the foreign residence requirement may be granted to the exchange visitor whose compliance with the requirement would subject him/her to persecution based upon race, religion or political opinion or cause his/her United States citizen or lawful permanent resident alien spouse or child to experience exceptional hardship. A waiver may also be granted if doing so is determined to be in the official interest of an agency of the United States government, and if the government of the alien's nationality or last foreign residence sends a statement of no objection. However, Pub. L. 94–484, 601 (c) and (f), 90 Stat. 2300, effective January 10, 1977, amended section 212(e) of the Immigration and Nationality Act of 1952, 8 U.S.C. 1182(e), making waivers of the two year residence requirement on the basis of the no objection statement from the government of the alien's country of nationality or last foreign residence unavailable to those alien physicians admitted on or after January 10, 1977, as exchange visitors to receive graduate medical education or training or acquiring this status on or after that date.

The former 8 CFR 212.7(c) provided that the graduate medical trainee admitted on or after January 10, 1977, could not be granted a waiver of the foreign residence requirement based upon a statement of no objection from the government of the trainee's country of nationality or last foreign residence. The regulation appeared to make the no objection waiver unavailable to the foreign medical graduate who commenced a program of graduate medical education and training prior to January 10, 1977, and who temporarily departed the United States, reentering on or after January 10, 1977, to resume the same program. This rule amends 8 CFR 212.7(c) to clarify Service policy that the no objection waiver is available to physician exchange visitors who commenced a program prior to January 10, 1977, who temporarily departed from the United States, and who reentered on or after January 10, 1977. Section 212.7(c) is amended to conform with section 212(e) of the Act, amended by Pub. L. 94–484, and with 22 CFR 514.13(a)(9)(v) which provides that alien physicians who were in training programs prior to January 10, 1977, and who are continuing to pursue the same program objective, are still eligible to be considered for a waiver on the basis of a "no-objection" statement.

Section 212(e) of the Act provides that the Attorney General may grant a waiver of the two year residence requirement when the Secretary of State so recommends. In addition, this section authorizes the Secretary of State to publish a list of those countries requiring the services of persons in particular fields of specialized knowledge or skill to enable American Consulate Officers or Immigration Officers to determine if an exchange visitor is subject to the foreign residence requirement. Section 7(a)(8) of the Reorganization Plan No. 2 of 1977, 5 U.S.C. Appendix II, transferred the Secretary of State's functions under 212(e) of the Act to the Director of the International Communication Agency. This rule amends 8 CFR 212.7(c) to reflect this transfer of functions.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule amends the regulations to conform with statute, clarifies existing Service policy, and improves comprehensibility.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities, nor is it a major rule as defined in E.O. 12291 because the rule is less restrictive than the former rule and provides a greater benefit to the public.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.7, paragraph (c) is revised to read as follows:

§ 212.7 Waiver of certain grounds of excludability

* * * * *

(c) *Section 212(e).* (1) An alien who was admitted to the United States as an exchange visitor, or who acquired that status after admission, is subject to the foreign residence requirement of section 212(e) of the Act if his or her participation in an exchange program was financed in whole or in part, directly or indirectly, by a United States government agency or by the government of the country of his or her nationality or last foreign residence.

(2) An alien is also subject to the foreign residence requirement of section 212(e) of the Act if at the time of admission to the United States as an

exchange visitor or at the time of acquisition of exchange visitor status after admission to the United States, the alien was a national or lawful permanent resident of a country which the Director of the International Communication Agency had designated, through public notice in the **Federal Register**, as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was to engage in his or her exchange visitor program.

(3) An alien is also subject to the foreign residence requirement of section 212(e) of the Act if he or she was admitted to the United States as an exchange visitor on or after January 10, 1977 to receive graduate medical education or training, or following admission, acquired such status on or after that date for that purpose. However, an exchange visitor already participating in an exchange program of graduate medical education or training as of January 9, 1977 who was not then subject to the foreign residence requirement of section 212(e) and who proceeds or has proceeded abroad temporarily and is returning to the United States to participate in the same program, continues to be exempt from the foreign residence requirement.

(4) A spouse or child admitted to the United States or accorded status under section 101(a)(15)(J) of the act to accompany or follow to join an exchange visitor who is subject to the foreign residence requirement of section 212(e) of the Act is also subject to that requirement.

(5) An alien who is subject to the foreign residence requirement and who believes that compliance therewith would impose exceptional hardship upon his/her spouse or child who is a citizen of the United States or a lawful permanent resident alien, or that he or she cannot return to the country of his or her nationality or last residence because he or she will be subject to persecution on account of race, religion, or political opinion, may apply for a waiver on Form I–612. The alien's spouse and minor children, if also subject to the foreign residence requirement, may be included in the application, provided the spouse has not been a participant in an exchange program.

(6) Each application based upon a claim to exceptional hardship must be accompanied by the certificate of marriage between the applicant and his or her spouse and proof of legal termination of all previous marriages of the applicant and spouse; the birth certificate of any child who is a United States citizen or lawful permanent resident alien, if the application is based upon a claim of exceptional hardship to a child, and evidence of the United States citizenship of the applicant's spouse or child, when the application is based upon a claim of exceptional hardship to a spouse or child who is a citizen of the United States.

(7) Evidence of United States citizenship and of status as a lawful permanent resident shall be in the form provided in Part 204 of this chapter. An application based upon exceptional hardship shall be supported by a statement, dated and signed by the applicant, giving a detailed explanation of the basis for his or her belief that his or her compliance with the foreign residence requirement of section 212(e) of the Act, as amended, would impose exceptional hardship upon his or her spouse or child who is a citizen of the United States or a lawful permanent resident thereof. The statement shall include all pertinent information concerning the incomes and savings of the applicant and spouse. If exceptional hardship is claimed upon medical grounds, the applicant shall submit a medical certificate from a qualified physician setting forth in terms understandable to a layman the nature and effect of the illness and prognosis as to the period of time the spouse or child will require care or treatment.

(8) An application based upon the applicant's belief that he or she cannot return to the country of his or her nationality or last residence because the applicant would be subject to persecution on account of race, religion, or political opinion, must be supported by a statement, dated and signed by the applicant, setting forth in detail why the applicant believes he or she would be subject to persecution.

(9) The applicant and his or her spouse may be interviewed by an immigration officer in connection with the application and consultation may be had with the Director, International Communication Agency and the sponsor of any exchange program in which the applicant has been a participant.

(10) The applicant shall be notified of the decision, and if the application is denied, of the reasons therefor and of the right of appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from the denial of an application for lack of a favorable recommendation from the Secretary of State. When an interested United States Government agency requests a waiver of the two-year foreign-residence requirement and the Director, International Communication Agency had made a favorable recommendation, the interested agency shall be notified of the decision on its request and, if the request is denied, of the reasons thereof, and of the right of appeal. If the foreign country of the alien's nationality or last residence has furnished statement in writing that it has no objection to his/her being granted a waiver of the foreign residence requirement and the Director, International Communication Agency has made a favorable recommendation, the Director shall be notified of the decision and, if the foreign residence requirement is not waived, of the reasons therefor and of the foregoing right of appeal. However, this "no objection" provision is not applicable to the exchange visitor admitted to the United States on or after January 10, 1977 to receive graduate medical education or training, or who acquired such status on or after that date for such purpose; except that the alien who commenced a program before January 10, 1977 and who was readmitted to the United States on or after that date to continue participation in the same program, is eligible for the "no objection" waiver.

* * * * *

(Secs. 103, 101(a)(15)(J), 212(e); 8 U.S.C. 1103, 1101(a)(15)(J), 1182(e))

Dated: August 26, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-26496 Filed 9-10-81; 8:45 am]

BILLING CODE 4410-10-M

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8 CFR Part 212

Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Consent To Reapply for Admission

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule makes a technical change regarding the proper officials with whom excluded or deported aliens may file applications for waivers of exclusion and/or permission to apply for readmission into the United States. The change is necessary to eliminate the uncertainty which existed about where to file the applications in some instances. Aliens who wish to file applications for waivers of exclusion and for readmission are now provided with explicit guidance.

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization

Service, 425 I Street, N.W., Washington, D.C. 20536 Telephone: (202) 633-3048;

For Specific Information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536 Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: The technical change to paragraph (c) of § 212.2 of 8 CFR now makes the language explicit that the American consul who has jurisdiction over the alien's *place of residence* is the proper official with whom the alien must file concurrent applications for waiver of grounds of excludability (Form I-601) and for permission to reapply for admission (Form I-212). The former language in the regulations did not explicitly identify the particular consul with whom the applications were to be filed by an alien outside the United States.

Similarly, paragraph (f) of § 212.2 of 8 CFR is amended to provide that the district director, in whose district the alien *presently resides*, shall accept and adjudicate an alien's application for permission to reapply for admission (Form I-212). Thus, an alien who is physically present in the United States but who is ineligible to apply for the benefit of adjustment of status to lawful permanent resident, is required to file his/her application for permission to reapply for admission with the Service district director who has jurisdiction over the alien's *current residence*. The district director will adjudicate the application. Previously, the regulation provided that if the alien's Service file was in another Service district office, the application would be forwarded to that office for adjudication even though the alien no longer resided there.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely eliminates ambiguous language in the former regulation.

In accordance with 5 U.S.C. 605(b), this rule will not have a significant economic impact on a substantial number of small entities nor is it a major rule as defined in E.O. 12291 because it makes only a technical change to eliminate a former ambiguity.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.2, paragraphs (c) and (f) are revised to read as follows:

§ 212.2 Consent to reapply for admission after deportation, removal or departure at Government expense.

* * * * *

(c) *Applicant for immigrant visa.* Any applicant for an immigrant visa who is not physically present in the United States, and who is applying for permission to reapply, shall file Form I-212 with the district director having jurisdiction over the place where the deportation or removal proceedings were held. If Form I-212 is filed in conjunction with a request for a waiver, Form I-601, under section 212 (g), (h), or (i) of the Act, both applications must be filed simultaneously with the American consul having jurisdiction over the alien's place of residence. The consul shall forward the applications to the appropriate Service officer abroad who has jurisdiction over the area within which the consul is located.

* * * * *

(f) *Other applicants.* Any applicant for permission to reapply for admission under circumstances other than those described in paragraphs (a), (b), (c), (d), or (e) of this section shall file Form I-212 with the district director having jurisdiction over the place where the deportation or removal proceedings were held, or with the district director who exercised or is exercising jurisdiction over the most recent proceeding relating to the applicant. If the applicant is physically present in the United States but is ineligible to apply for adjustment of status, the application must be filed with the district director having jurisdiction over the alien's place of residence.

* * * * *

(Secs. 103 and 212; 8 U.S.C. 1103 and 1182.)

Dated: August 28, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-26496 Filed 9-10-81; 8:45 am]

BILLING CODE 4410-10-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operation of Federal Credit Unions; Share, Share Draft and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: On September 4, 1981, the National Credit Union Administration published a final rule (46 FR 44422) amending Part 701.35 of the NCUA Rules and Regulations in order to facilitate the issuance of All Savers Certificates (originating from the Economic Recovery Tax Act of 1981) by Federal credit unions. The amendment permitted a waiver of the mandatory early withdrawal penalty imposed on share certificates for *all* share certificates held by a member, if the funds were transferred into an All Savers Certificate. On September 3, 1981, the Department of the Treasury, Internal Revenue Service issued Rev. Ruling 81-218 addressing the tax consequences of certain activity related to the All Savers Certificate which adversely affects the recent amendment to Part 701. In order to align NCUA's regulation with Rev. Ruling 81-218, a further amendment is needed.

DATES: Effective date October 1, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Randall Miller, Acting Director, Office of Policy Analysis or Steven R. Bisker, Senior Attorney, Office of General Counsel, at the above address. Telephone numbers: (202) 357-1090 (Mr. Miller), (202) 357-1030 (Mr. Bisker).

SUPPLEMENTARY INFORMATION: The September 4, 1981, amendment to Part 701 adding § 701.35(h)(5) stated, in part, that:

> For the purpose of permitting members to deposit their funds in the share certificates authorized by this subsection from deposits currently held in other share certificates, Federal credit unions may waive the mandatory penalty provision of subsection (e)(2).

This provision significantly broadened Federal credit union authority existing under § 701.35(d)(3)(ii) which permits an amendment (or "rollover" to another certificate) of a share certificate that does not result in an increase in the dividend rate or a reduction in the qualifying period (or remaining maturity). For example, pursuant to the September 4, 1981, amendment a Federal credit union, at its discretion, *could* allow a member to roll over his/her money held in a 3 year certificate (assume a remaining maturity of 2 years) into an All Savers Certificate ("ASC") even though the maturity on the ASC is only 1 year. In this example it is also assumed that the dividend rate on the 3 year certificate is more than the rate on the ASC. Without the September 4 amendment the roll over would not have been permitted unless an early withdrawal penalty was imposed because the maturity remaining (2 years)

exceeded the maturity (1 year) of the ASC.

While NCUA intended to deregulate, because of Rev. Ruling 81-218, holding that the tax exclusion would be lost where a penalty free rollover from a particular type of certificate is permitted *only* into an ASC (which would have been the case in the above example), it is necessary to modify that amendment.

Specifically, the IRS has indicated that where the purchase of an All Savers' Certificate entitles the purchaser to benefits not available to a non-purchaser, purchasers are receiving an amount [interest or dividends] in excess of that permitted in the law. Therefore, in those situations where the penalty free transfer is restricted to ASC's, the ASC would *not qualify for the exclusion.* To remedy this problem, NCUA is amending its regulation to essentially resort to its old rule (which is consistent with that of the other financial regulatory agencies): Penalty free shifting is permitted only when such action would neither shorten the maturity nor increase the dividend rate paid on the funds. Further, to ensure that members shifting into ASC's do not lose their tax exclusion, the rule requires that if penalty free shifting is permitted into ASC's, it must also be permitted into any other certificate offered by the Federal credit union that has a lower or equal rate and a longer or equal maturity to the existing certificate.

The NCUA Board has determined that notice and public comment on this rule are impracticable and not in the public interest. The Board has also determined, for similar reasons, not to provide a 30 day delayed effective date.

The change will increase the management flexibility and competitive positions of small credit unions, therefore a regulatory flexibility analysis is not required.

The NCUA Board finds that full and separate consideration of all the requirements of the Regulatory Simplification Act is impracticable inasmuch as any undue delay may cause unnecessary harm.

Accordingly, NCUA amends § 701.35 of its rules and regulations as set forth below.

Dated: September 8, 1981.

Rosemary Brady,

Secretary, NCUA Board.

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. Section 701.35(h)(5) is revised to read as follows:

§ 701.35 Share, share draft and share certificate accounts.

(h) * * *

(5) Notwithstanding paragraph (2) above, effective October 1, 1981 and expiring after December 31, 1982, Federal credit unions may pay, on share certificates made available in a denomination of $500 and having a maturity of one year, a dividend (inclusive of compounding) equal to 70 percent of the average investment yield on 52 week United States Treasury bills as most recently announced before the week in which the certificate is issued. Federal credit unions may also offer such certificates in any other denomination of the credit union's choice, as long as a $500 denomination certificate is made available. For the purpose of permitting members to deposit their funds in the share certificates authorized by this subsection from deposits currently held in other share certificates, Federal credit unions may waive the mandatory penalty provision of paragraph (e)(2), *Provided:* (i) the maturity remaining on the share certificates from which the funds are to be transferred is equal to or less than 1 year and has a specified dividend rate equal to or greater than the rate specified in this paragraph and, (ii) the waiver is granted for transfers into any other share certificate account with maturities equal to or greater than the certificate from which the funds are to be withdrawn and have rates which are equal to or less than such certificates.

(12 U.S.C. 1757(6), 1766(9))

[FR Doc. 81-26553 Filed 9-10-81; 8:45 am]

BILLING CODE 7535-01-M

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12 CFR Part 720

Description of Office, Disclosure of Official Records; Availability of Information, Promulgation of Regulations

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This amends NCUA's regulation describing its organizational structure to reflect the realignment of NCUA's central office, in particular the abolition of the Office of the Comptroller and the establishment of the Office of the Insurance Fund. The rule also updates the descriptions of various NCUA offices to reflect internal changes.

EFFECTIVE DATE: September 11, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert S. Monheit, Senior Attorney, or Anne K. Scully, Attorney-Advisor, at the above address. Telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION:

I. Central Office Reorganization

A. Office of the Comptroller

On March 26, 1981, the NCUA Board approved the realignment of the Agency's central office functions. The Office of the Comptroller was abolished. The Office of the Comptroller was responsible for the financial management activities of the Administration. This included preparation and control of financial plans, fiscal accounting and budget, supervision of the National Credit Union Share Insurance Fund (NCUSIF) and its related loan and liquidation activities. The Office had contained the Divisions of Financial Management (which handled fiscal matters), Acquired Assets (which managed the Administration's liquidation activities), Information Systems (which managed the provision of data processing services to the Administration), and Budget and Planning. (The Divisions of Budget and Planning and Information Systems previously had been transferred from the Office of the Comptroller to the Board and to the Office of Administration respectively, on October 5, 1980.) The functions and duties of the Office of the Comptroller have been transferred to two other offices within the agency.

B. Office of the Insurance Fund

The Office of the Insurance Fund will administer the National Credit Union Share Insurance Fund (NCUSIF). The Fund was authorized by Pub. L. 91-648 (October 19, 1970). It was established to provide a program of insurance for member accounts, in Federal credit unions and appropriate state credit unions, in the event of insolvency and liquidation. The NCUSIF also provides assistance to federally insured credit unions in accordance with section 208 of the Federal Credit Union Act (12 U.S.C. 1788). In addition, the Office of the Insurance Fund will supervise all liquidation activities relating to the disposition of assets and liabilities of credit unions.

The Director of the Office of the Insurance Fund is to be assisted by a Deputy Director, and a Director of the Division of Liquidations. These changes

are reflected by replacing the description of the Office of the Comptroller, in § 720.2(b)(7), with a description of the Office of the Insurance Fund.

C. Office of Administration

As a further result of the central office realignment, the NCUA Board has shifted the functions and duties of the Division of Financial Management (previously within the Office of the Comptroller) to the Office of Administration. That Division will be combined with the contracting and purchasing functions (previously within the Division of Procurement) to become the newly established Division of Financial Operations.

The Division of Personnel and the Division of Training and Career Development have been joined to become the Division of Personnel and Training. The Division of Printing, Records and Facilities Management and the remaining portions of the Division of Procurement have been merged to form the Division of Administrative Services. The Office of Administration also includes the Divisions of Management Analysis and Information Systems, the Equal Employment Opportunity staff and the Freedom of Information Officer. These changes are reflected in revisions to § 720.2(b)(4).

II. Terminology Changes

Part 720 is being amended to change the terms "Assistant Director" of NCUA's respective office divisions to "Director of the Division", as appropriate.

III. Other Internal Changes

Section 720.2(b) has been amended to update the descriptions of the various NCUA offices and to reflect the reorganization of the central office. The Office of Examination and Insurance has been restructured by revising the previously existing divisions into the Divisions of Supervisory Actions, Program Development, Supervisory Policy and Evaluation, Corporate Structure and Insurance, and Community Development, which is reflected in the amendment to § 720.2(b)(5). The description of the Office of Policy Analysis, in § 720.2(b)(8) is amended to reflect the separation of responsibilities into the Division of Statistics and the Division of Regulatory Policy and Research. The Division of Complaint Handling and Unfair Practices in the Office of Consumer Affairs has been renamed the Division of Consumer Policy, as described in the revised § 720.2(b)(9). Section 720.2(c)(1) is revised to reflect the new addresses of the Region II and VI offices. The regional offices also have been restructured by reorganizing the previously existing branches into the Branches of Supervision and Examination, Consumer Affairs, Liquidations, and Credit Union Structure, as reflected in the amendment to § 720.2(c)(2). Finally, the description of the regional offices is revised to delineate the division of examiners into financial and consumer examiners and to reflect their respective chains of command.

Section 720.2(d) (3)–(7), describing the duties and responsibilities of the Central Liquidity Facility's (CLF) corporate officers, were originally published on January 2, 1980 (45 FR 17). The original descriptions of the officers were elaborate to provide the general public with specific information and detail regarding the new government corporation. However, these sections are no longer necessary because of the length of time the CLF has been in existence and the increased public knowledge about the institution. Therefore, it is proposed that § 720.2(d) (3)–(7) be deleted.

IV. Failure to Solicit Public Comment

NCUA has not solicited public comments on this regulation because it pertains to matters of agency organization, procedure and practice, and is exempt from the notice and comment requirements of the Administrative Procedures Act under 5 U.S.C. 553(b)(A), and from NCUA rules requiring public participation in rulemaking under 12 CFR 720.8(b), and IRPS 81–4.

By the National Credit Union Administration Board, 13th day of August, 1981.

Beatrix D. Fields,

Acting Secretary of the NCUA Board.

Accordingly, 12 CFR Part 720 is hereby amended as set forth below.

PART 720—DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS—AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

In § 720.2, paragraphs (b) (4), (5), (7), (8), (9), (c)(1), (c)(2) and (d)(3) are revised, the table in paragraph (c)(1) is amended, the last sentence in paragraph (d)(2) is revised, paragraphs (d) (4) through (7) are removed and paragraph (d)(8) is redesignated as paragraph (d)(4) as follows:

§ 720.2 Central and regional organization.

* * * * *

(b) * * *

(4) *Director, Office of Administration.* The Director of the Office of Administration is the official custodian of records for the Administration and performs duties relating to personnel management, career development, training (exclusive of examiner and credit union related training), equal employment opportunity, direction of general services, internal security, and is responsible for appellate determinations on requests for information. The Director is also the designated senior official for purposes of the Paperwork Reduction Act of 1980 (44 U.S.C. 3506(b)). The Director is aided by a Deputy Director and Directors of the Divisions of Personnel and Training, Financial Operations, Administrative Services, Management Analysis and Information Systems.

(5) *Director, Office of Examination and Insurance.* The Director of the Office of Examination and Insurance performs duties relating to the formulation of standards and procedures for examination and supervision of Federal credit unions, formulation and implementation of procedures for administration of the Federal Share Insurance Program, formulation and implementation of chartering and insurance objectives, and procedures relating to mergers, conversions and divisions of Federal credit unions. The Director is aided by a Deputy Director, an Associate Director and Directors of the Divisions of Supervisory Actions, Program Development, Supervisory Policy and Evaluation, Corporate Structure and Insurance, and Community Development.

* * * * *

(7) *Office of Insurance Fund.* The Director of the Insurance Fund performs duties relating to operations and management of the National Credit Union Share Insurance Fund which provides insurance for credit union member accounts. The Director is responsible for oversight of loan guarantee agreements, administering special loan assistance agreements for federally insured credit unions, and coordination of all liquidation related activities, including management and disposition of acquired assets and liabilities, payouts of shares and other disbursement functions. The Director is aided by a Deputy Director and a Director for the Division of Liquidations.

(8) *Director, Office of Policy Analysis.* The Director of the Office of Policy Analysis conducts research and analytical studies in the fields of cooperative thrift, credit, the impact of the national economy on the credit

union movement, and other matters of concern to the Administration, and provides policy advice to the Board and operating officials. The Director is assisted by a Deputy Director, an Assistant Director and Directors of the Divisions of Statistics and Regulatory Policy and Research.

(9) *Director, Office of Consumer Affairs.* The Director of the Office of Consumer Affairs directs the Administration's programs for consumer law compliance, consumer education and complaint handling. The Director provides policy advice to the Board on issues affecting consumers. The Director is assisted by a Deputy Director, and Directors of the Divisions of Enforcement and Consumer Policy.

* * * * *

(c) *Regional Offices.* (1) There are six Regional Offices of the Administration. The office address and the geographical area covered by each is as follows:

Region No.	Area within region	Office address
*	* * *	*
II		310 North Second Street, Harrisburg, Pennsylvania 17101.
*	* * *	*
VI		77 Geary Street (2nd Floor), San Francisco, California 94108.

(2) A Regional Director is in charge of each regional operation. The Regional Director performs such duties as directing the chartering, insurance, examination, and supervision programs, managing regional resources, directing the Administration's programs within the region, maintaining good public relations, operating an Information Service Center, and is responsible for initial determinations on requests for information properly made to the regional office. The Regional Director is aided by a Deputy Regional Director, and Chiefs of the Branches of Supervision and Examination, Consumer Affairs, Liquidations, and Credit Union Structure. In addition, each region is divided into financial examiner districts and consumer examiner districts. The consumer examiners report directly to the Chief of Consumer Affairs; the financial examiners are subordinate to Supervisory Examiners, who in turn report directly to the Regional Director or Deputy Regional Director.

(d) * * *

(2) * * * The Board is assisted in managing the Facility by the President, who is appointed by and is responsible to the Board.

(3) *President.* The President is the chief executive officer of the Facility and works under the general supervision of the Board. The President provides overall executive direction and guidance and is responsible for the ongoing management of the Facility. The President manages the Facility staff and their activities; provides general supervision to the other officers of the Facility; and initiates and maintains working relations with the credit union community, other Federal and State government authorities, and the banking and investment communities. The President is assisted by an Executive Vice President, a Vice President for Credit and Finance, a Treasurer and a Secretary.

* * * * *

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1014 (12 U.S.C. 1789); sec. 307, 92 Stat. 3722 (12 U.S.C. 1795f))

[FR Doc. 81-26557 Filed 9-10-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 444

[Docket No. 81N-0223]

Antibiotic Drugs; Gentamicin Sulfate Cream; Potency Testing Methods

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for a new sample preparation method to be used in potency testing for the certification of gentamicin sulfate cream. The manufacturer has supplied sufficient data and information to establish the safety and efficacy of this drug.

DATES: Effective September 11, 1981; comments, notice of participation, and request for hearing by October 13, 1981; data, information, and analyses to justify a hearing by November 10, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of gentamicin sulfate cream assayed for potency using a new sample preparation method. This revised potency assay procedure incorporates an extraction method for sample preparation in lieu of the existing blending method. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Part 444 (21 CFR Part 444) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(f), (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f), (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 444 is amended in § 444.520b by revising paragraph (b) to read as follows:

§ 444.520b Gentamicin sulfate cream.

* * * * *

(b) *Tests and methods of assay; potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the cream into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, ph 8.0 (solution 3), and shake gently to avoid gel formation. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20 to 25 milliliter quantities of solution, 3. Combine the buffer extractives and adjust to an appropriate volume to obtain a stock solution of convenient concentration. Further dilute with solution 3 to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act, FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective upon the date of publication in the **Federal Register**. However, interested persons may, on or before October 13, 1981, submit written comments on this rule to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before October 13, 1981, a written notice of participation and request for hearing, and (2) on or before November 10, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analysis, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective September 11, 1981.

(Secs. 507, 701(f), (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f) (g)))

Dated: September 2, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81–26367 Filed 9–10–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Parts 510 and 558

Animal Drugs, Feeds, and Related Products; Ammonium Chloride, Feed Grade; Removal of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is removing Pennwalt Corp. from the list of sponsors of approved applications and from the regulation for ammonium chloride, feed grade. Pennwalt Corp. has requested the withdrawal of approval of the new animal drug application (NADA).

EFFECTIVE DATE: September 21, 1981.

FOR FURTHER INFORMATION CONTACT: David Scarr, Bureau of Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register**, approval of NADA 40–978 for Sal Ammoniac (ammonium chloride, feed grade) is withdrawn. This document amends the regulation for the use of ammonium chloride, feed grade, by removing Pennwalt Corp. as a sponsor of the product. In addition, because Pennwalt Corp. is not currently the sponsor of any other approved new animal drug it is being removed from the regulations as a sponsor of an approved application.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(2) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84), Parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

1. In Part 510, § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) by removing the entry for "Pennwalt Corp." and in paragraph (c)(2) by removing the entry for "000018".

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In Part 558, § 558.45 is amended by revising paragraph (c) to read as follows:

§ 558.45 Ammonium chloride, feed grade.

* * * * *

(c) *Approvals.* Premix level of 99 percent granted to No. 011462 in § 510.600(c) of this chapter.

* * * * *

Effective date. This regulation is effective September 21, 1981.

(Sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e)))

Dated: September 1, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–26461 Filed 9–10–81; 8:45 am]

BILLING CODE 4110–83–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Noise Exposure; Hearing Conservation Amendment

Correction

In FR Doc. 81–24448 appearing at page 42622 in the issue for Friday, August 21, 1981, make the following correction:

On page 42635, in Appendix A to § 1910.95, in the second column, in the first paragraph, the equation

"$T = \frac{8}{2^{(L-90)/5}}$"

should have read

"$T = \frac{8}{2^{(L-90)/5}}$"

BILLING CODE 1505-01-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 810

Freedom of Information Act; Implementation

AGENCY: Advisory Council on Historic Preservation.

ACTION: Final regulations.

SUMMARY: These final regulations will implement Council responsibilities under the Freedom of Information Act (5 U.S.C. 552). Heretofore, the Council has opted to follow the Department of the Interior's Freedom of Information Act regulations. These final regulations will provide the Council with its own regulations to better meet its specific needs.

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: John M. Fowler, General Counsel, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005; 202-254-3967.

SUPPLEMENTARY INFORMATION: The Council was established by the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and consists of the Secretary of the Interior, the Secretary of Housing and Urban Development, the Administrator of the General Services Administration, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Transportation, the Architect of the Capitol, the Chairman of the National Trust for Historic Preservation, the President of the National Conference of State Historic Preservation Officers, and four members from the general public appointed by the President, four historic preservation experts appointed by the President, and a governor and a mayor. The Act generally charges the Council with advising the President and the Congress on historic preservation matters. The Council's administrative support is provided by the Department of the Interior. Heretofore, the Council has opted to follow the Department's Freedom of Information Act regulations. These final regulations will provide the Council with its own regulations to better meet its specific needs.

No comments were received on the proposed rule and no changes or additions have been made in the final regulations. The final regulations were approved by the Council at its meeting on August 25, 1981.

Pursuant to 36 CFR 805, "National Environmental Policy Act Implementation Procedures," the Council has determined that an Environmental Impact Statement is not required.

Principal Author: Katherine Raub Ridley, Attorney Advisor.

Robert R. Garvey, Jr.,
Executive Director.
September 4, 1981.

36 CFR is amended by adding Part 810 to read as follows:

PART 810—FREEDOM OF INFORMATION ACT REGULATIONS

Sec.
810.1 Purpose and scope.
810.2 Procedure for requesting information.
810.3 Action on requests.
810.4 Appeals.
810.5 Fees.
810.5 Exemptions.

Authority: Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470) as amended by Pub. L. 91-243, Pub. L. 93-54, Pub. L. 94-422, Pub. L. 94-458, Pub. L. 96-199, Pub. L. 96-244, Pub. L. 96-515.

§ 810.1 Purpose and scope.

This subpart contains the regulations of the Advisory Council on Historic Preservation implementing the Freedom of Information Act (5 U.S.C. 552). Procedures for obtaining the records covered by the Act are established in these regulations. Persons seeking information or records of the Council are encouraged to consult first with the staff of the Council before filing a formal request under the Act pursuant to these regulations. The informal exchange of information is encouraged wherever possible.

§ 810.2 Procedure for requesting information.

(a) Requests for information or records not available through informal channels shall be directed to the Administrative Officer, Advisory Council on Historic Preservation, 1522 K Street NW., Washington. D.C. 20005. All such requests should be clearly marked "FREEDOM OF INFORMATION REQUEST" in order to ensure timely processing. Requests that are not so marked will be honored, but will be deemed not to have been received by the Council, for purposes of computing the response time, until the date on which they are identified by a member of the Council staff as being a request pursuant to the Freedom of Information Act.

(b) Requests should describe the records sought in sufficient detail to allow Council staff to locate them with a reasonable amount of effort. Thus, where possible, specific information, including dates, geographic location of cases, and parties involved, should be supplied.

(c) A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be reasonably described if the records can be identified by any process that is not unreasonably burdensome or disruptive of Council operations.

(d) If a request is denied on the ground that it does not reasonably describe the records sought, the denial shall specify the reasons why the request was denied and shall extend to the requester an opportunity to confer with Council staff in order to reformulate the request in sufficient detail to allow the records to be produced.

§ 810.3 Action on requests.

(a) Once a requested record has been identified, the Administrative Officer shall notify the requester of a date and location where the records may be examined or of the fact that copies are available. The notification shall also advise the requester of any applicable fees under § 810.5.

(b) A reply denying a request shall be in writing, signed by the Administrative Officer and shall include:

(1) Reference to the specific exemption under the Act which authorizes the denial of the record, a brief explanation of how the exemption applies to the record requested, and a brief statement of why a discretionary release is not appropriate; and,

(2) A statement that the denial may be appealed under § 810.4 within 30 days by writing to the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005.

(c) The requirements of § 810.3(b)(1)-(2) do not apply to requests denied on the ground that they are not described with reasonable specificity and consequently cannot be identified.

(d) Within 10 working days from receipt of a request, the Administrative Officer shall determine whether to grant or deny the request and shall promptly notify the requester of the decision. In certain unusual circumstances specified below, the time for determinations on requests may be extended up to a total of 10 additional working days. The

requester shall be notified in writing of any extension and of the reason for it, as well as of the data on which a determination will be made. Unusual circumstances include:

(1) The need to search for and collect records from field offices or other establishments that are separate from the Washington office of the Council;

(2) The need to search for, collect, and examine a voluminous amount of material which is sought in a request; or,

(3) The need for consultation with another agency having substantial interest in the subject matter of the request.

If no determination has been made by the end of the 10-day period or the end of the last extension, the requester may deem his request denied and may exercise a right of appeal in accordance with Section 810.4.

§ 810.4 Appeals.

(a) When a request has been denied, the requester may, within 30 days of receipt of the denial, appeal the denial to the Executive Director of the Council. Appeals to the Executive Director shall be in writing, shall be addressed to the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005, and shall be clearly marked "FREEDOM OF INFORMATION APPEAL." Requests that are not so marked will be honored, but will be deemed not to have been received by the Council, for purposes of computing the response time, until the date on which they are identified by a member of the Council staff as being an appeal pursuant to the Freedom of Information Act.

(b) The appeal will be acted on within 20 working days of receipt. A written decision shall be issued. Where the decision upholds an initial denial of information, the decision shall include a reference to the specific exemption in the Freedom of Information Act which authorizes withholding the information, a brief explanation of how the exemption applies to the record withheld, and a brief statement of why a discretionary release is not appropriate. The decision shall also inform the requester of the right to seek judicial review in the U.S. District Court where the requester resides or has his principal place of business, or in which the agency records are situated, or in the District of Columbia.

(c) If no decision has been issued within 20 working days, the requester is deemed to have exhausted his administrative remedies.

§ 810.5 Fees.

(a) Fees shall be charged according to the schedules contained in paragraph (b) of this section unless it is determined that the requested information will be of primary benefit to the general public rather than to the requester. In that case, fees may be waived. Fees shall not be charged where they would amount to less than $3.00.

(b) The following charges shall be assessed:

(1) Copies of documents—$0.10 per page.

(2) Clerical searches—$1.00 for each one quarter hour in excess of the first quarter hour spent by clerical personnel in searching for requested records.

(3) Professional searches—$2.00 for each one quarter hour in excess of the first quarter hour spent by professional or managerial personnel in determining which records are covered by a request or other tasks that cannot be performed by clerical personnel.

(c) Where it is anticipated that fees may amount to more than $25.00, the requester shall be advised of the anticipated amount of the fee and his consent obtained before the request is processed. The time limits for processing the request under § 810.3 shall not begin to run until the requester's written agreement to pay the fees has been received. In the discretion of the Administrative Officer, advance payment of fees may be required before requested records are made available.

(d) Payment should be made by check or money order payable to the Advisory Council on Historic Preservation.

§ 810.6 Exemptions.

(a) The Freedom of Information Act exempts from disclosure nine categories of records which are described in 5 U.S.C. 552(b).

(b) When a request encompasses records which would be of concern to or which have been created primarily by another Federal agency, the record will be made available by the Council only if the document was created primarily to meet the requirements of the Council's regulations implementing Section 106 of the National Historic Preservation Act or other provisions of law administered primarily by the Council. If the record consists primarily of materials submitted by State or local governments, private individuals, organizations, or corporations, to another Federal agency in fulfillment of requirements for receiving assistance, permits, licenses, or approvals from the agency, the Council may refer the request to that agency. The requester shall be notified in writing of the referral.

[FR Doc. 81-26582 Filed 9-10-81; 8:45 am]
BILLING CODE 4310-10-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1874-3a]

Approval of Revision of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to formally withdraw Sections .06G (1), (2) and (3) of Maryland Regulations 10.18.04 and 10.18.05 from the Maryland SIP. Although these regulations, pertaining to control of photochemically reactive organic materials (PROM) were originally appproved by EPA on March 13, 1979, 44 FR 14555, EPA has subsequently determined that such approval action was in error.

EFFECTIVE DATE: Effective September 11, 1981.

ADDRESSES: Copies of the revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan;

Maryland Department of Health and Mental Hygiene, Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, Maryland 21201, ATTN: George P. Ferreri;

Public Information Reference Unit, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12), U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone (215) 597-8392.

SUPPLEMENTARY INFORMATION:

I. Background

On April 18, 1980, 45 FR 26369, and May 7, 1980, 45 FR 30089, EPA published

a list of regulations contained in the federally-enforceable Maryland State Implementation Plan (SIP) governing control of hydrocarbons and volatile organic compounds (VOC) emissions in the Metropolitan Baltimore Intrastate Air Quality Control Region (AQCR) and the National Capitol Interstate AQCR. In these notices, EPA also proposed that certain regulations be withdrawn from the Maryland SIP and certain other regulations be revised, as a result of requests by Maryland to EPA. These requests were submitted to EPA by Maryland on February 10, 1977, January 19, 1979, September 26, 1979 and December 10, 1979. Specifically, the proposed revisions of the Maryland SIP consist of the following:

(1) Withdrawal from the Maryland SIP of Regulations 10.18.04.06G(1), (2), and (3) and 18.05.06G(1), (2), and (3), governing control of emissions of photochemically reactive organic materials (PROM). These regulations were originally submitted to EPA for inclusion into the SIP on April 24, 1974 and December 11, 1974, and approved by EPA as plan revisions on March 13, 1979, 44 FR 14555. However, before EPA's approval action had become effective, Maryland submitted to EPA, for consideration as plan revisions, substantially revised versions of Sections .06G(1) and (3) of Regulations 10.18.04 and 10.18.05. Because these substantially revised regulations were submitted to EPA (January 19, 1979) prior to the Administrator's March 13, 1979 final rulemaking action, EPA believes that such action was in error. Further, it is also EPA's judgment that approval of Section .06G(2) of Regulations 10.18.04 and 10.18.05 was in error, because of doubts that were subsequently raised about the enforceability of this provision. The State of Maryland recognized this fact and on November 2, 1979, after formal notice and public hearing, deleted Section .06G(2) from Maryland Regulations 10.18.04 and 10.18.05, effective January 2, 1980. On December 10, 1979, Maryland requested that EPA withdraw Section .06G(2) of Regulations 10.18.04 and 10.18.05 of the Maryland SIP.

(2) Amendments to sections .04J(3)a and .04J(3)b of Maryland Regulations 10.18.04 and 10.18.05. These amendments, submitted by Maryland to EPA on February 10, 1977, serve to clarify the language of the current SIP-approved regulation controlling emissions from organic solvents. The amendment specifies that the 85% control, currently required in the SIP, would apply to the *discharge of* organic solvents from any installation or building erected on or before May 12, 1972. Public hearings were held on October 6, 1976 in Baltimore.

(3) The State of Maryland's interpretation of the scope of coverage of Maryland Regulation 10.18.04.04J. On January 21, 1980, the State of Maryland informed EPA that "nothing in [Regulation] 10.18.04.04J is intended to regulate or limit emissions of organic materials from coke ovens, blast furnaces, open hearth, fuel burning equipment, or other similar operations which liberate hydrocarbons as a result of combustion of fuels. Hydrocarbon emissions from painting are not intended to be regulated by any regulatory provisions other than the limitations in .04J(6) on architectural coatings. The State does not deem antifouling paints to be architectural coatings. This regulation [10.18.04.04J], however, does apply to coke oven by-product recovery plants. These regulations also apply to any other process or operation, including steel-making, which makes use of hydrocarbons as a raw material or starting material to the process, where a portion of the material may be discharged to the air."

II. Summary of Public Comments

During the 30-day public comment period, no comments were received with respect to the actions being taken in this notice of final rulemaking.

III. EPA Actions

By this notice, the Administrator approves the amendments to Section .04J(3)a and .04J(3)b of Maryland Regulations 10.18.04 and 10.18.05 submitted February 10, 1977 and as further interpreted in the January 21, 1980 letter from the State of Maryland as revisions of the Maryland SIP. At the same time, the Administrator withdraws from the currently-approved Maryland SIP, Sections .06G(1), .06G(2), and .06G(3) of Maryland Regulations 10.18.04 and 10.18.05 retroactive to March 13, 1979. These rulemaking actions shall become effective upon publication of this notice so as to correct the erroneous approval action of March 13, 1979.

Accordingly, 40 CFR 52.1070 (Identification of plan) of Subpart V (Maryland) is revised to reflect the changes to the Maryland SIP resulting from the Administrator's actions as discussed in this notice.

Under Section 307(b)(1) of the Clean Air Act, judicial review of (this action) is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This rule is not "major" for the same reasons it would not have significant economic impact. This action only approves State actions and imposes no new requirements of its own.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7401–642)

Dated: August 28, 1981.

John W. Hernandez,

Acting Administrator.

Subpart V, Title 40, Part 52 of the Code of Federal Regulations is revised as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart V—Maryland

1. In § 52.1070, the section heading is revised and paragraphs (c)(37)–(40) are added to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(37) Amendments to Section .04J(3)a and .04J(3)b (Organic Compounds) of Maryland Regulations 10.18.04 and 10.18.05; submitted on February 10, 1977 by the Governor.

(38) Deletion of Section .06G(2) (Control and Prohibition of Photochemically Reactive Organic Compounds from sources existing on or before February 12, 1974) of Maryland Regulations 10.18.04 and 10.18.05; submitted on December 10, 1979 by the Governor.

(39) Deletion of Sections .06G(1) and .06G(3) (Control and Prohibition of Photochemically Reactive Organic Materials From Sources Built or Modified after February 12, 1974) of Maryland Regulations 10.18.04 and

10.18.05 from the Maryland State Implementation Plan (SIP).

(40) Letter of January 21, 1980 from Maryland to EPA explaining the State's interpretation of the scope of coverage of Maryland Regulation 10.18.04.04].

[FR Doc. 81-26380 Filed 9-10-81; 8:45 am]
BILLING CODE 4560-38-M

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40 CFR Part 52

[A-3-FRL 1874-3b]

Approval of Revision of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this regulation is to approve the revisions to Section .04J of Maryland regulations 10.18.04 and 10.18.05, which govern emissions of organic compounds. The revisions were part of the plan revisions to meet part D of the Clean Air Act.

In a separate rulemaking notice, published elsewhere in today's Federal Register, EPA is taking action with respect to Maryland regulation which controls the emission of volatile organic compounds 10.18.04 and 10.18.05, Sections .04J(3)a, 04J(3)b, and .06G(2).

EFFECTIVE DATE: Effective September 11, 1981.

ADDRESSES: Copies of the revision and the accompanying support documents are available for inspection during normal business hours at the following offices:.

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan;

Maryland Department of Health and Mental Hygiene, Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, Maryland 21201, ATTN: George P. Ferreri;

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward A. Vollberg (3AH11), U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Phone: (215) 597-8990.

SUPPLEMENTARY INFORMATION:

I. Introduction

The revisions to the Maryland State Implementation Plan (SIP) were developed and submitted to EPA in response to the requirements of Part D of the Clean Air Act (The Act). On August 1, 1979, 44 FR 45194; April 18, 1980, 45 FR 26369; and May 7, 1980, 45 FR 30089; EPA published notices of proposed rulemaking affecting Section .04J and Section .06G(2) of Maryland regulations 10.18.04 (Metropolitan Baltimore Intrastate AQCR) and 10.18.05 (National Capital Interstate AQCR).

In the Federal Register notice published on August 1, 1979, EPA proposed the revisions to the Maryland SIP which were submitted on January 19, 1979, as required by Part D of the Act. These revisions amended many, but not all, of the current SIP-approved regulations. On August 12, 1980, 45 FR 53460, EPA approved in part the Maryland revisions, proposed conditional approval of portions, 45 FR 53490, and reserved action on Section .04J and .06G(2) until it completed review of the revisions and public comment received in response to the proposed rulemaking notices of April 18, 1980, 45 FR 26369 and May 7, 1980, 45 FR 30089. Therefore, EPA in this notice, and in another elsewhere in this Federal Register, is taking final action on the revisions to Section .04J and .06G(2). The Sections affected by this action are .04J(1)c, .04J(1)d, .04J(1)e, .04J(1)f, .04J(1)g, .04J(1)h, .04J(1)i, .04J(3)d, .04J(4)a, .04J(4)b, and .04J(5)a-j.

II. Background

On April 18, 1980, 45 FR 26369; and May 7, 1980, 45 FR 30089; EPA published a list of regulations contained in the federally enforceable Maryland State Implementation Plan (SIP) governing control of hydrocarbons and volatile organic compounds (VOC) emissions in the Metropolitan Baltimore Intrastate Air Quality Control Region (AQCR) and the National Capital Interstate AQCR. In these notices, EPA also proposed that certain regulations be withdrawn from the Maryland SIP and certain other regulations be revised, as a result of requests by Maryland to EPA to revise the SIP. These requests were submitted to EPA by Maryland on February 10, 1977; January 19, 1979; September 26, 1979; and December 10, 1979. Specifically, these proposed revisions of the Maryland SIP consisted of the following:

(1) *Withdrawal from the Maryland SIP of Regulations 10.18.04.06G (1), (2), and (3) and 10.18.05.06G (1), (2), and (3), governing control of emissions of photochemically reactive organic materials (PROM).* These regulations were originally submitted to EPA for inclusion into the SIP on April 24, 1974 and December 11, 1974, and approved by EPA as plan revisions on March 13, 1979, 44 FR 14555. However, before EPA's approval action had become effective, Maryland submitted to EPA, for consideration as plan revisions, substantially revised versions of Section .06G (1) and (3) of Regulations 10.18.04 and 10.18.05. Because these substantially revised regulations were submitted to EPA (January 19, 1979) prior to the Administrator's March 13, 1979 final rulemaking action, EPA believes that such action was in error. Further, it is also EPA's judgment that approval of Section .06G(2) of Regulations 10.18.04 and 10.18.05 was in error because of doubts that were subsequently raised about the enforceability of this provision. The State of Maryland recognized this fact and on November 2, 1979, after formal notice and public hearing, deleted Section .06G(2) from Maryland Regulations 10.18.04 and 10.18.05, effective January 2, 1980. On December 10, 1979, Maryland requested that EPA withdraw Section .06G(2) of Regulations 10.18.04 and 10.18.05 of the Maryland SIP.

(2) *Amendments to Section .04J(3)a and .04J(3)b of Maryland Regulations 10.18.04 and 10.18.05.* These amendments, submitted by Maryland to EPA on February 10, 1977, serve to clarify the language of the current SIP-approved regulation controlling emissions from organic solvents. The amendment specifies that the 85% control, currently required in the SIP, would apply to the *discharge of* organic solvents from any installation or building erected on or before May 12, 1972. Public hearings were held on October 6, 1976 in Baltimore.

(3) *The State of Maryland's interpretation of the scope of coverage of Maryland Regulation 10.18.04.04J.* On January 21, 1980, the State of Maryland informed EPA that "nothing in [Regulation] 10.18.04.04] is intended to regulate or limit emissions of organic materials from coke ovens, blast furnaces, open hearth, fuel burning equipment, or other similar operations which liberate hydrocarbons as a result of combustion of fuels. Hydrocarbon emissions from painting are not intended to be regulated by any regulatory provisions other than the limitations in .04J(6) on architectural coatings. The State does not deem antifouling paints to be architectural coatings. This regulation [10.18.04.04J], however, does apply to coke oven by-

products recovery plants. These regulations also apply to any other process or operation, including steel-making, which makes use of hydrocarbon as a raw material or starting material to the process, where a portion of the material may be discharged to the air."

Maryland further stated that "although benzene is a major component of the coke oven by-product recovery plant, this material is a non-reactive organic material and not regulated by .04J. Control of benzene emissions will be achieved through enforcement of regulations dealing with hazardous and toxic substances."

III. Summary of Public Comments

During the 30-day public comment period following publication of the April 18, 1980 notice of proposed rulemaking, EPA received comments from Venable, Baetjer and Howard, Attorneys-at-Law, on behalf of Bethlehem Steel Corporation.

The comments covered three topics; the Hydrocarbon Regulations, the Particulate Regulations, and Emission Inventories. Each comment is summarized below and EPA's response is presented in the following section of this notice.

A. Hydrocarbon Regulations

1. The first comment on the hydrocarbon regulation was that: "The State's regulation of growth in hydrocarbon non-attainment areas (new COMAR 10.18.04.06G(1)) literally requires that emissions from all commonly owned sources in the same Standard Industrial Classification Major Group ("SICMG") be aggregated to determine coverage, even if the emissions are from geographically distinct sources. Thus, a minor increase in emissions in a non-attainment area could trigger regulation under 06G(1) if the owner operated another 50 ton source elsewhere in the State (even if in another AQCR, and even if in an attainment area). Furthermore, the State's regulations apply to sources with controlled emissions in excess of 50 tons per year. (The State had submitted its plan revisions prior to the Per Curiam opinion in *Alabama Power* and has proposed raising the cut-off level to 100 tons per year under 7 Md. Reg. 879, May 2, 1980.) The Federal definition of "source" is limited to "contiguous or adjacent properties" (both in the currently effective Offset Ruling Section II(A) (1), 44 FR 3282, and in the proposed revisions to the Offset Ruling—see 44 FR 51956, September 5, 1979) and is, therefore, less restrictive than the literal reading of 06G(1). *Alabama Power Company v. Costle* 13 ERC 1993 (D.C. Circ. 1979) (dealing with the PSD definition of "source" (40 CFR 51.24 (b) (4) and 52.21 (b) (4)), which is the same as the Offset Ruling definition of "source") holds that the Federal regulations may only apply to sources with controlled emissions in excess of 250 tons per year (except enumerated types of sources for which the cut-off level is 100 tons per year). Maryland Code Art, 43 section 693 (b) limits the stringency of State air quality regulations to that required by Federal law. Furthermore, a literal reading of 06G(1) is not rationally related to the improvement of air quality in the affected Air Quality Control Region ("AQCR") since it effects turns on accidents of ownership rather than the nature of emissions in the AQCR. Accordingly, 06G(1) should be applied only to sources classified in the same SICMG and located on property contiguous or adjacent to the proposed new source site, and then only if controlled emissions will exceed 250 tons per year, or 100 tons per year, as appropriate."

2. Secondly, the commenter raised questions concerning Section .04J as noted: "The current definitions of PROM, PROS, Organic Solvent and Organic Material (COMAR 10.18.04 .04J(1)) (c), (d), (e), and (i) could all read to include benzene, although the State's consistent interpretation has been that benzene is not subject to control for ozone attainment purposes (see the January 21, 1980 letter from George Ferreri to Stephen Wassersug which asked the EPA to publish a notice to the effect along with the portion of that letter which is cited at 45 FR 26370; the January 7, 1980 letter from George Ferreri to Max Oppenheiner; the May 1, 1979 letter from George Ferreri to Anthony Carey; and the State's technical memorandum TM–78–02, "Reactivity Considerations in Proposed Changes to Regulations for Urban Area Hydrocarbon Controls," all of which have previously been submitted to EPA). As EPA has recognized (42 FR 35314), benzene is negligibly photochemically reactive. There is no evidence that control of benzene emissions will reduce ambient concentrations of criteria pollutants (and in fact, EPA gives no SIP credit for reductions in benzene emissions). EPA should acknowledge that the existing regulations are not intended to apply to benzene emissions."

3. Further, the commenter noted EPA's decision not to federalize State regulations of emissions of methyl chloroform or methylene chloride, published May 16, 1980, 45 FR 32424. The notice stated:

> "Section 110(a) of the Clean Air Act limits state implementation plans to measures designed to achieve and maintain the national ambient air quality standards (NAAQS). Because current information indicates that emissions of methyl chloroform and methylene chloride do not appreciably affect ambient ozone levels, EPA cannot approve measures specifically controlling emissions of either or both compounds as part of a federally enforcable ozone SIP."

The commenter's interpretation is that: "The result, as announced in the **Federal Register**, is that EPA will not federalize State regulations governing compounds which are "negligibly photochemically reactive and do not appreciably contribute to the formation of ozone." He agrees with the legal conclusion not to federalize such regulations and notes that the rationale appears to apply equally to benzene which, as he points out, EPA has also recognized to have "negligible photochemical reactivity"—see 42 FR 35314, as well as the two compounds specifically mentioned in the May 16, 1980 notice.

Therefore, the commenter contends that EPA is bound by the State of Maryland's statement that the proposed regulations are not intended to cover benzene; he also notes that even if EPA disagrees with this contention, the decision announced in the May 16, 1980 **Federal Register** precludes EPA from deeming the regulations to apply to benzene as a matter of federal law.

Response: EPA has reviewed the proposed revision of 10.18.04.06G(1) and has generally found its applicability to be consistent with the requirements of Section 173, Part D, of the Clean Air Act. Noted deficiencies have been discussed in the August 1, 1979 notice of proposed rulemaking, 44 FR 45202. An Interpretation submitted by the State of Maryland on August 29, 1980 states: "* * * Maryland regulations prohibit a person from constructing or modifying a source which discharges more than 50 tons/year and is located in a non-attainment area unless certain conditions are met." One condition which the commenter appears to be addressing is that all major sources owned or operated in the State by the person seeking the exemption must be in compliance with all SIP emission standards or have an approved plan for compliance. This condition is consistent with the requirement of Section 173(3). As such, EPA finds the regulation meets the requirement of Part D, Section 173. A separate rulemaking on the conditional approval of the Part D SIP, which was

proposed August 12, 1980, 45 FR 53490, will address the regulation (10.18.04.06G(1)).

While the *Alabama Power Company* v. *Costle* 636 F. 2d 323 (D.C. Cir. 1979) has resulted in a change in definitions in the PSD and Offset regulation, there is no federal requirement that State regulations be identical, so long as they are at least as stringent as the federal requirement. A State may choose to have regulations which are more inclusive than the federal rules.

As to the portion of the comment which addresses the Maryland Code requirement of Article 43, § 693(b), Maryland implemented § 693(b)(3) through the adoption of the national ambient air quality standards found at COMAR 10.18.01.04. The additional requirement imposed by .06G1 regulates emissions from individual or groups of sources, rather than setting standards for ambient air quality. Furthermore, .06G1 is applicable in nonattainment areas, whereas § 693(b)(6) regulates attainment areas.

Noting the commenter's comments and the Maryland interpretation, EPA agrees that the existing regulation in Section .04J does not apply to benzene emissions.

B. Particulate Regulations

The commenter made the following comments:

1. Definition of "Source". "The State's regulation of growth in particulate non-attainment areas contains a definition of source similar to the definition which applies in hydrocarbon non-attainment areas. Accordingly, the substance of the comments made above should be considered in connection with COMAR 10.18.04.04H(1) as well."

2. Pending Plan for Compliance. "As noted at 44 FR 45202, the Plan for Compliance ("PFC") being negotiated between Bethlehem Steel Corporation and the State of Maryland is (and always has been regarded as) an integral part of the steel industry regulations which, in turn, are significant to the particulate regulations in the Metropolitan Baltimore Intrastate AQCR. It is premature for EPA to act on the particulate regulations before the PFC is approved. Neither component can stand independently, and it is impossible to assess or comment on the reasonableness of one without knowing the terms of the other. In particular (but without intending to limit the generality of the foregoing), we note that EPA has expressed concern about the enforceability of Maryland's iron and steel regulations, particularly the use of EPA Method #9 and reports that EPA and Maryland have agreed to develop a more appropriate test procedure (44 FR 45202, August 1, 1979). Since such a procedure may impact Bethlehem and its Sparrows Point Plant, we request an opportunity to comment on that test procedure when a proposed version is developed."

Response: For the response to comment 1 on particulate see the response above to the comment on Regulation 10.18.04.06G.

EPA agrees that the PFC and the Iron and Steel Regulations as they are presently written complement each other. We have proposed conditional approval on August 12, 1980, 45 FR 53490, based upon the State of Maryland submitting a final PFC as a part of the Iron and Steel Regulation. EPA will take final action on the conditional approval in the near future.

C. Emission Inventory

The final comment submitted dealt with emission inventories as follows: "The EPA has identified some discrepancies between Maryland's 1977 and 1982 emission inventories and EPA's own estimates of emissions for those two years, 44 FR 45202, (August 1, 1979). Bethlehem is aware of the fact that some of the discrepancies concern emissions attributed to Bethlehem's steel plant at Sparrows Point, Maryland. To the best of our knowledge, Maryland's Bureau of Air Quality has not finalized its emission inventories for 1977 and 1982. Bethlehem requests the opportunity to review and comment on Maryland's SIP calculation once they have been finalized by Maryland and submitted to EPA for review and prior to EPA federalization of any relevant regulation."

Response: The emission inventory discrepancy noted in the August 1, 1979 proposed notice, 44 FR 45202, did not concern the Bethlehem Plant. The State of Maryland did discuss emission factors for the steel plant in May of 1979 to be certain that it used the latest EPA emission factors in its calculations. These were resolved at that time and the commenter should contact the State of Maryland to discuss the emission factors which have been used in the development of the Plan for Compliance and which Bethlehem Steel Corporation has negotiated with the State of Maryland.

IV. EPA Action

Based upon EPA's review, the Administrator approves the revision to 10.18.04.04J and 10.18.05.04J as submitted January 19, 1979, and amended September 26, 1979. EPA further interprets that these regulations do not regulate benzene emissions. These rulemaking actions become effective upon publication of this notice, so that the growth restriction may be lifted as soon as possible in those areas for which the State of Maryland has submitted an adequate Part D plan. Accordingly, 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) is revised to reflect the changes to the Maryland SIP resulting from the Administrator's actions as discussed in this notice.

Under Section 307(b)(1) of the Clean Air Act, judicial review of (this action) is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This rule is not "major" for the same reasons it would not have significant economic impact. This action only approves State actions and imposes no new requirements of its own.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7401–642)

Dated: August 28, 1981.

John W. Hernandez, Jr.,
Acting Administrator.

Part 52 of Title 40, Code of Federal Regulations is revised as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart V—Maryland

1. Section 52.1070, is amended by adding paragraph (c)(43) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(43) Amendments to Regulations 10.18.04 and 10.18.05; Sections .04J(1)c, .04J(1)d, .04J(1)e(i), .04J(1)f, .04J(1)g, .04J(1)h, .04J(1)i(i), .04J(3)d, .04J(4)a,

.04J(4)b, and .04J(5) a through j; submitted on January 19, 1979, and amended on September 26, 1979 by the State of Maryland.

[FR Doc. 81-25531 Filed 9-10-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-3-FRL 1874-3C]

Approval of Revision of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's full approval of portions and approval of the schedules and conditions to correct deficiencies of other portions of the Maryland State Implementation Plan (SIP). The revision to the SIP was submitted on January 19, 1979 to satisfy the requirements of Part D of the Clean Air Act (The Act), as amended in 1977. In the notice of final rulemaking, appearing in the Federal Register on August 12, 1980, 45 FR 53460, EPA approved certain parts of the revisions to the Maryland SIP, and in a separate notice, 45 FR 53490, proposed conditional approval of other parts. A conditional approval requires the State to remedy identified deficiencies by specified deadlines.

EFFECTIVE DATE: Effective September 11, 1981.

ADDRESSES: Copies of the materials submitted by the State of Maryland are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, 6th and Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan;

Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Vollberg (3AH11), Air Programs Branch, U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Curtis Building, Tenth Floor, Philadelphia, PA 19106, Telephone: (215) 597-8990.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Maryland SIP revision was developed and submitted to EPA in response to the requirements of Part D of the Clean Air Act, as amended in 1977. In general, the SIP is required to provide for attainment and maintenance of the national ambient air quality standards (NAAQS) for all areas which have been designated "nonattainment" pursuant to Section 107 of the Clean Air Act. Specific requirements for an approvable SIP are discussed in detail in the April 4, 1979 Federal Register, 44 FR 20372, as amended by 44 FR 38583, July 2, 1979; 44 FR 50371, August 28, 1979; 44 FR 53761, September 17, 1979; and 44 FR 67182, November 23, 1979.

II. Background

EPA proposed the schedules and conditions to correct deficiencies of the revision to the Maryland SIP on August 12, 1980. The public was invited to comment on the proposal during the 30-day public comment period. EPA received comments only from the State of Maryland. These were submitted by George P. Ferreri, Administrator, Air Quality Programs, Department of Health and Mental Hygiene, on August 29, 1980 and amended by letter of October 29, 1980. These comments are discussed in the following sections of this notice.

1. Approval of Maryland Regulations 10.18.04 and 10.18.05 Section .06 Governing Preconstruction Review

Section 172(b)(6) and Section 173 of the Clean Air Act require that a preconstruction review procedure be incorporated into the Part D plans. These requirements for major new or modified sources are defined in Section 173. EPA in the notice of proposed rulemaking, 44 FR 45194, 1979, identified several deficiencies with the Maryland preconstruction review regulations. These were:

(1) The regulations did not provide for a review of sources undergoing modification. The State of Maryland agreed that this was an omission and developed proposed regulations to remedy the problem. Public hearings on the proposed regulations were held in August, 1979. Maryland submitted these as a formal State Implementation Plan (SIP) revision on December 10, 1979. Section .06 of Regulation 10.18.04 and 10.18.05 now include a requirement for review of sources undergoing modification, meeting the requirement of Section 173.

(2) EPA noted in the notice of proposed rulemaking that the Maryland offset provision required reasonable further progress on an annual basis. The question arose as to the review of the impact of sources which would operate on a seasonal basis. Maryland stated that in the permit application review, the short-term emission rates and impacts would apply to the permit. On August 12, 1980, EPA proposed to approve conditionally the new source regulation, provided that Maryland submit a written commitment to examine and use the most restrictive emission rate in order to determine compliance with the regulation. On August 29, 1980, Maryland submitted a written commitment addressing the above condition and thereby satisfied EPA's concern.

(3) The Maryland regulations require a permit applicant to demonstrate that all major sources owned or operated by the applicant are in compliance or on a schedule for compliance with applicable emission standards. They did not require the same showing of sources owned or operated by any entity controlling, controlled by, or under common control with the applicant as required by Section 173(3) of the Clean Air Act.

In the letter dated August 29, 1980, an "Advice of Counsel" prepared by the Maryland Assistant Attorney General, satisfactorily substantiated that the regulations (10.18.04 and 10.18.05 Section .06) do meet the requirements of Section 173(3) of the Clean Air Act.

(4) EPA proposed to approve conditionally the new source provisions of the Maryland SIP provided that Maryland committed itself in writing by September 1, 1980 to submit all external offsets as SIP revisions.

Maryland made that commitment on August 29, 1980. Because Maryland has made the appropriate commitments or clarified all the conditional items of Part I, as set forth in the proposed schedule and conditions to correct deficiencies in Maryland's Nonattainment Area Plan Revision, 45 FR 53490, August 12, 1980, EPA is approving Maryland Regulations 10.18.01.01(y), Section .06 of 10.18.04, and 10.18.05 as submitted January 19, 1979 and December 10, 1979.

2. Conditional Approval of Maryland Regulations 10.18.04.04(K)(10) and 10.18.05.04(K)(10) Governing the Use of Cutback Asphalt

Section .04(K)(10)(c) of Maryland Regulations 10.18.04 and 10.18.05 includes a temperature exemption for use of cutback asphalt. A seasonal exemption was recommended by EPA for ease of enforcement. In discussions with Maryland, the State indicated that it intends to use the temperature exemption and will enforce the

regulation by means of the Maryland Highway Administrator's responsibility to enforce the materials specification for highway use. Additionally, the State of Maryland has informed EPA that the regulation will allow for some solvent to be present in the emulsified asphalts as represented by the specifications of the State Highway Administration. This intent will be clarified in a regulation amendment. Maryland committed to EPA by letters of August 29, 1980 and October 29, 1980 to submit documentation of the operation procedure or the policy which will form the basis of the enforcement of the regulation and an acceptable regulatory limit upon the solvent content in emulsified asphalts by May 31, 1981. Therefore, EPA approves of Section .04(K)(10) Regulations 10.18.04 and 10.18.05 on the condition that the State submits the documentation and acceptable regulatory limit, as stated above, by May 31, 1981.

3. Conditional Approval of the Maryland Volatile Organic Compounds (VOC) Regulations 10.18.04 and 10.18.05 Section .04(K)

The following sections of Maryland's VOC regulations should include a test method for determining compliance with the requirement for 90 percent collection efficiency: K(2)(b)(ii)(bb), K(3)(b)(ii)(bb), K(5)(b)(ii)(bb), K(6)(b)(ii)(bb), and K(7)(b)(ii)(bb). An EPA memorandum dated November 15, 1979 outlining the procedures for test methods has been transmitted to the State of Maryland and should be used in the development of the State regulations to be incorporated into the SIP. Maryland is making the requested changes to its Technical Memorandum 73–116. However, a revision to the regulations adding the test procedures, is also required, which must be done in accordance with the Maryland Administrative Procedures Act. Therefore, Maryland has asked for an extension of the deadline to May 31, 1981. This is satisfactory to EPA. Therefore, EPA is approving Regulations 10.18.04 and 10.18.05 Sections .04(K), on the condition that Maryland adopt appropriate test procedures by May 31, 1981.

4. Conditional Approval of the Control Strategies To Attain the Standards for Total Suspended Particulates (TSP)

EPA conditionally approves the plan to attain the primary National Ambient Air Quality Standard for TSP submitted for the Metropolitan Baltimore area provided that:

(1) Maryland submits an approvable Plan for Compliance for applicable steel facilities and, if necessary, revises the iron and steel regulations to satisfy the Agency's enforceability concerns. This condition was proposed in the August 12, 1980 **Federal Register** (45 FR 53490) with a deadline of October 1, 1980 for State submittal of the Plan for Compliance. Maryland has submitted a preliminary Plan for Compliance, in which EPA has found deficiencies. Maryland has committed to EPA to renegotiate the Plan for Compliance and, if necessary, revise its iron and steel regulations by August 11, 1981. Maryland needs the extension so it may adhere to the time requirements of its Administrative Procedures Act after the Plan is renegotiated. EPA finds that the extension is required and finds that Maryland is progressing expeditiously toward satisfying the condition. Therefore, EPA approves Regulations 10.18.04 and 10.18.05, Sections .02 and .03 (control strategies to attain the standard for Total Suspended Particulates), as submitted January 19, 1979, on the condition that Maryland submits an approvable Plan for Compliance for applicable steel facilities and if necessary, revises the iron and steel regulations by August 11, 1981.

III. Conclusion

Based on the above discussion, the Administrator approves the amendments to Regulations 10.18.01.01(y) (definition of "modification"), 10.18.04.06, and 10.18.05.06 (governing preconstruction review) as revisions to the Maryland Nonattainment Area Plan. In conjunction with the Administrator's approval, 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) should be revised to incorporate these amendments.

At the same time, EPA conditionally approves Regulations 10.18.04.04K(10) and 10.18.05.04K(10) (governing the use of cutback asphalt); 10.18.04.04K and 10.18.05.04K (governing volatile organic compound emissions), and 10.18.04.02, 10.18.04.03, 10.18.05.02, and 10.18.05.03 (control strategies to attain the standards for total suspended particulates (TSP) as revisions to the Maryland Nonattainment Area Plan. In conjunction with the Administrator's conditional approval, 40 CFR 52.1075 (Conditional Approvals) of Subpart V (Maryland) should be revised to incorporate these amendments.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject to today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This rule is not "major" for the same reasons it would not have significant economic impact. This action only approves State actions and imposes no new requirements of its own.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7401–642)

Dated: August 28, 1981.

John W. Hernandez,

Acting Administrator.

Part 52 of Title 40, Code of Federal Regulations is revised to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart V—Maryland

1. In § 52.1070, paragraphs (c) (41) and (42) are added to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(41) Amendments to Sections .06 of Maryland Regulation 10.18.04 and 10.18.05 as submitted on January 19, 1979 by the Governor.

(42) Amendment to Section .01(y) of Maryland Regulation 10.18.01 as submitted on December 10, 1979 by the Governor.

2. Section 52.1075 is added to read as follows:

§ 52.1075 Conditional approvals.

(a) Conditional approval of amendments to Sections .04K(10) of Maryland Regulations 10.18.04 and 10.18.05 submitted on January 19, 1979 by the Governor. Maryland is to submit documentation of the operational procedure or the policy which will form the basis of the enforcement of the

regulation and an acceptable regulatory limit upon the solvent content in emulsified asphalts by May 31, 1981.

(b) Conditional approval of amendments to Sections .04K(2)(b)(ii)(bb), .04K(3)(b)(ii)(bb), .04K(6)(b)(ii)(bb), and .04K(7)(b)(ii)(bb) of Maryland Regulations 10.18.04 and 10.18.05 as submitted January 19, 1979 by the Governor. Maryland is to submit for its VOC regulations, an acceptable test method for determining compliance with the requirement for 90 percent collection efficiency by May 31, 1981.

(c) Conditional approval of amendments to Sections .02 and .03 of Maryland Regulations 10.18.04 and 10.18.05 as submitted January 19, 1979 by the Governor. Maryland is to submit an approval Plan for Compliance for applicable steel facilities, and, if necessary, revise the iron and steel regulations by August 11, 1981.

[FR Doc. 81-26530 Filed 9-10-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 81-409]

Office of Science and Technology; Change in Functional Statement

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has established the position of Assistant to the Chairman for International Communications. The functions of coordinating the Commission's international responsibilities have been transferred to this new office from the Office of Science and Technology (OST), requiring a change in the OST functional statement.

EFFECTIVE DATE: October 19, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Marietta, Office of Executive Director (202) 632-7513.

SUPPLEMENTARY INFORMATION:

Adopted: August 28, 1981.

Released: September 2, 1981.

In the matter of amendment of Part 0 of the Commission's Rules to reflect a change in the Office of Science and Technology; order.

1. The Commission has before it for consideration a proposal to establish the position of Assistant to the Chairman for International Communications. Implementation of the proposal would require an amendment to § 0.31 of the Commission's Rules and Regulations, which currently assigns certain of the Assistant's proposed functions to the Office of Science and Technology.

2. International telecommunications have become a vital area of interest for the Commission, with the objective of promoting the coordination and planning of international communications which assures the vital interests of the American public in commerce, defense, and foreign policy. To ensure appropriate visibility of the Commission's needs in this area, the position of Assistant has been proposed as the central liaison for the Commission and its staff in international telecommunications, coordinating overall Commission activity in this area. This function is being reassigned from the International Staff, Office of Science and Technology. In other respects, the Office of Science and Technology and other Commission elements responsible for various facets of the international program will continue as before.

3. The amendment adopted herein pertains to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. Therefore, it is ordered, effective October 19, 1981, that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 0—COMMISSION ORGANIZATION

Appendix

1. In § 0.31 paragraph (b) is revised to read as follows:

§ 0.31 Functions of the Office.

* * * * *

(b) Represent the Commission at various national and international conferences and meetings devoted to the progress of communications and the development of technical and other information and standards, and serve as Commission coordinator for the various national conferences when appropriate.

* * * * *

[FR Doc. 81-26571 Filed 9-10-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1121

[Ex Parte No. 274 (Sub-No. 6)]

Abandonment of Railroad Lines and Discontinuance of Service

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules.

SUMMARY: Section 402 of the Staggers Rail Act of 1980, Pub. L. 96-448, made numerous changes in the procedures governing railroad abandonments and discontinuances of service, 49 U.S.C. 10903-10905. On November 25, 1980, the Commission published interim rules to effectuate these statutory changes and requested public comment on them. (45 FR 78147).

After reviewing the comments the Commission has decided to adopt the interim rules as final with certain changes. These final rules, which revise 49 CFR Part 1121, are set forth in the Appendix to this notice.

The most significant changes caused by these rules are in: (1) The time frames governing processing of abandonment and discontinuance applications; (2) the elimination of the automatic right to appeal initial decisions; and (3) the procedures for making offers of financial assistance either to subsidize continued operations or to purchase the rail line being abandoned.

DATE: These regulations are effective on September 11, 1981.

FOR FURTHER INFORMATION CONTACT:
Ellen D. Hanson (202) 275-7245
Frederick T. Stocker (202) 275-7988

For Copies of These Rules

Office of the Secretary, (202) 275-7248 or (800) 424-5230.

SUPPLEMENTARY INFORMATION:

The Staggers Rail Act of 1980 (Staggers Act) amended 49 U.S.C. 10903-10905 governing railroad abandonments and discontinuances of service. These changes required us to propose revisions to our regulations at 49 CFR Part 1121, "Abandonment of Railroad Lines and Discontinuance of Service" (and to adopt the revisions for interim use).[1] For

[1] There are certain discrepancies between the numbering of the interim rules as they appeared in

Continued

the most part, the revisions simply mirror the statutory language. Other revisions represent our interpretation of the amended statute in the light of its legislative history.

Comments have been received from several States and State entities, an individual shipper, shipper associations and cooperatives, and an association representing rail carriers.

Although the comments have demonstrated a need for some minor refinements to the rules, our basic approach is not altered. Because these refinements are procedural in nature, there is no need for additional public comment. Additionally, some minor, nonsubstantive, editorial changes have been made to the rules for the sake of clarity.

The criticisms raised by the comments fall into a number of broad categories. First, several parties criticized the procedures adopted to permit processing of abandonment cases within the expedited statutory time frames. Second, several comments requested us to remove the verification requirement for protests and to provide a standard for exercising our discretion to investigate abandonment applications. Third, several parties complained that the rules unfairly restricted the right to an appeal from decisions of employee boards. Finally, commentors pointed to portions of our rules governing offers of financial assistance as confusing or unfair. We will address these groups of issues in turn.

General Time Limits

Many of the commentors object to the various steps taken in the interim rules to enable us to comply with the severe time constraints imposed by the Staggers Act. In those instances where we have some latitude to set time frames for the filing of pleadings, however, we have attempted to strike a reasonable balance among competing interests in allocating available time. We believe these rules afford interested parties sufficient time to develop and present relevant data, while allowing us time to exercise our duties in a responsible manner.

Section 1121.30(b) governs the posting and publication of applicant's notice of intent to abandon or discontinue service. The rules merely combine the statutory dictate that these requirements be satisfied "within the most recent 30 days prior to the date the application is filed," with our prior rule that the requirements be met at least 15 days prior to filing. Some commentors argue that, in the interest of fairness, a full 30-days' notice should be required. The statutory language does not contemplate a minimum or fixed 30-day period. The minimum 15-day notice period is a proper exercise of administrative discretion, has proved workable, and will be retained.[2]

Most of the commentors objected to the requirement in the interim rules that pleadings which fall due on a weekend or a legal holiday must be filed on the prior business day (§ 1121.36(d)(2)). Upon reevaluation, with the limited exception noted below, we have decided to conform to our usual practice of extending filing due dates to the end of the next business day after a weekend or federal holiday. This will afford the parties the full time period provided for by the statute to prepare their pleading, and it should not materially impair our task of evaluating them. (*Cf.* the Commission's General Rules of Practice, 49 CFR 1100.19 (a) and (b)). However, we will require offers of financial assistance to be filed on or before the statutory due date.

An example will illustrate the necessity for the strict adherence to the statutory due date for financial assistance offers. The amended statute provides that an offer to subsidize or purchase a line for continued rail service has to be made within 10 days following publication of the Commission's determination that the public convenience and necessity require or permit abandonment or discontinuance of service. Correspondingly, within 15 days of that notice, the Commission has to evaluate the offer and determine whether to postpone issuance of a certificate. (See 49 U.S.C. 10905 (c) and (d)). The tenth day after the publication date could easily fall on the first day of a 3-day holiday weekend. If we were to consider as timely filed a pleading which arrived at the Commission on the first business day following the holiday weekend, 3 of the 5 days the Commission has to evaluate the offer will have elapsed, and we would be afforded only 2 days within which to make our decision. Obviously, a portion of that 2-day period would be lost to administrative details such as routing the document to the appropriate decisional body and arranging for service. In such circumstances, meaningful evaluation of that pleading would be impossible. While this hypothetical situation may represent the "worst case" scenario, it is nonetheless one which is reasonably likely to occur. The mere possibility of its occurrence justifies the requirement that offers of financial assistance be filed by the statutory due date, even if the due date falls on a weekend or holiday. The rules will be changed accordingly.

The interim rules (§ 1121.36(d)(1)) adopt the "modified mailbox rule" contained in our General Rules of Practice (49 CFR 1100.4(b)). This rule provides that the date of the receipt at the Commission and not the date of deposit in the mails is determinative: *Provided, however,* That if any document is mailed by certified, registered, or express mail postmarked at least 3 days prior to the due date, it will be accepted as timely filed. This rule will be retained.[3]

Finally, the interim rules require documents in abandonment or discontinuance proceedings to be filed directly with the Deputy Director of the Section of Finance (§ 1121.36(c)). Contrary to one commentor's assertion, this practice is not an attempt by the Commission "to foist its mail problems or internal rivalries upon the public." It merely represents a necessary step designed to expedite the decisional process in proceedings with extremely tight timeframes; it will be retained.

Protest Standards and Discretionary Investigations

International Mineral and Chemicals Corporation (IMCC) asserts that the Commission has an obligation to investigate all abandonment applications except where protests are frivolous, and that our final rules should so specify. We disagree. The Staggers Act significantly altered the public's participation in abandonment and discontinuance proceedings. The decision to investigate a protested abandonment application is now wholly within our discretion. In making the decision whether to investigate, we will consider all relevant factors on a case-by-case basis.[4] We see no reason for

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the **Federal Register** and as contained in the notice served by the Commission. Reference to the interim rules in this notice will be to those previously published in the **Federal Register**. Correspondingly, the final rules adopted here will be numbered in a manner consistent with the prior publication.

[2] Recently, we issued a notice in Ex Parte No. 274 (Sub-No. 2), *Abandonment of Rail Lines and Discontinuance of Service*, 46 FR 38519 (1981), correcting an inadvertant omission in 49 CFR 1121.30(a). Subsection (a) was not affected by our interim rules in this proceeding. Mistakenly however, the notice in the Sub-No. 2 proceeding also presented subsection (b) of § 1121.30 as it appeared prior to our interim abandonment regulations. The correct version of these regulations, as they appeared in our interim rules, is restated in the final rules.

[3] Parties relying on the "modified mailbox rule" may wish to inform us by telegram of the impending arrival of their pleadings. These telegrams should be addressed to the Section of Finance.

[4] *See, e.g.*, No. AB-3 (Sub-No. 25)F, *Missouri Pacific Railroad Company—Abandonment—*

Continued

establishing an inflexible standard. Furthermore, to do so would abdicate our responsibility to exercise some discretion and would frustrate Congressional intent on this matter.

In a joint comment, the State of Illinois and others object to the requirement that protests be verified (§ 1121.31), arguing that the rule is unnecessarily burdensome. Although we do not believe that this requirement is particularly burdensome, since obtaining verifications is no more difficult than locating a notary public,[5] it will be eliminated from the final rules. While we see no absolute necessity for retaining this requirement for protests, we emphasize that evidentiary presentations (as opposed to statements of position and allegations) must still be verified to ensure development of a reliable record. We further believe that the distinction made in the interim rules between comments and protests serves a useful purpose. The filing of a comment allows a person to participate in an abandonment proceeding without opposing it.

Notwithstanding the severe time constraints imposed in the new statute, we agree with the Association of American Railroads (AAR) that a 5-day period for reply to protests should be provided. Although this will reduce the time in which the Commission has to make its decision to investigate from 15 to 10 days, the replies will assist in this important determination. A 10-day period is sufficient for meaningful evaluation of the issues raised to determine if further evidence would be helpful.

Preclusion of Motions and Appellate Procedures

The AAR and other commentors object to the preclusion of motions to strike in rule 1121.36(d)(4)(iii). They claim the right to strike misleading, irrelevant, or improper evidence is a matter of due process. We believe, however, that we are capable of disregarding or giving little weight to such evidence where appropriate, and we will not hesitate to strike improper material on our own initiative. Nothing precludes parties from calling to our attention attempts to introduce new of misleading evidence, without filing a formal motion. As we indicated in our prior notice in this proceeding, the elimination of motions to strike is necessary because the short time allowed to complete investigations does not allow a sufficient period to entertain motions and their replies.

The AAR has pointed out an inadvertent omission in the interim rules. Section 1121.36(d)(5)(B)(ii) provides that oral hearing shall be for the primary purpose of cross-examination of witnesses filing verified statements pursuant to § 1121.36(b)(5)(i)(A). Since this latter section of the interim rules concerns only applicants' verified statements, the rules appear to deny applicants the opportunity to cross-examine protestants' witnesses. Of course, cross-examination of protestants' witnesses who have filed verified statements will also be allowed at hearing. The final rules clarify this point.

IMCC criticizes the restrictive appellate procedure adopted in the interim rules as violative of the Administrative Procedure Act and contrary to the intent of Congress. These rules substantially limited the permissible grounds for appeal and also eliminated the automatic stay that was previously obtained merely by filing an appeal.

The amended statute clearly states that the Commission has discretion to hear appeals from initial decisions following investigations (49 U.S.C. 10904(c)(3)). Although our prior notice stated that it is reasonable to extend this discretionary appellate review procedure to all decisions involving abandonments or discontinuances (§ 1121.36(e)), including those which are not protested and those which are not investigated, we have reevaluated this position.

The issue was brought into focus when a recent appeal was filed to an abandonment decision in a non-investigated proceeding. In a decision served May 28, 1981, we concluded that the statute does not allow appeals to decisions in non-investigated abandonment proceedings.[6]

We based this determination on the contrast between 49 U.S.C. 10904(c)(2) and (c)(3) governing non-investigated and investigated decisions, respectively.

Subsection (c)(2) declares that when no investigation is ordered in a *protested* proceeding we *shall* decide within 75 days of the filing of the application whether the public convenience and necessity requires or permits abandonment. Assuming the abandonment is granted, we *shall* issue a certificate within 90 days of the application's filing and that certificate *shall* be effective within 120 days of the application's filing. Thus, by the 120th day either the application must be denied or a certificate permitting abandonment be effective.

Conversely, subsection (c)(3) indicates that if an investigation is ordered an initial decision must be rendered within 165 days of the application's filing. That decision shall become final unless we act within 30 days to hear appeals. If the appeals are heard, a final decision shall be issued within 255 days of the application's filing.

Thus, it is clear that there is an opportunity for appeal from an initial decision *only* where an investigation has been conducted. The decision issued when no investigation is ordered is an administratively final decision.

Consequently, we must change the interim regulations. Although there is no opportunity to appeal *protested but not-investigated* decisions, parties may file petitions to reopen these proceedings after issuance of the administratively final decision. *See* 49 U.S.C. 10327(g). If a party wishes the Commission to act on its petition prior to the effective date of the abandonment certificate, it must file its petition no later than 15 days after the date the decision is served; replies will then be due by the 25th day after service (these time frames are identical to the ones established in the interim regulations for appeals from a decision in a non-investigated proceeding). Moreover, these petitions, to be considered, must allege in detail material error, new evidence, or substantially changed circumstances. If filed within the time frame provided, these petitions will be acted upon by the 120th day after the application was filed. In the event that a certificate is issued which permits abandonment or discontinuance to occur prior to 120th day, a party may petition to stay the certificate's effectiveness. These petitions, filed in conjunction with the previously discussed petition to reopen, may seek postponement of effectiveness of the certificate only until the statutory deadline of 120 days. We will address and dispose of the petition to reopen on or before the 120th day.

Similarly, we believe that Congress did not intend to allow appeals in any *non-protested* proceeding. The statute requires us to grant all non-protested abandonments. Therefore, we believe that a party cannot seek administrative review of a decision reached pursuant to

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Between Dearing and Dexter, KS (not printed), decided April 10, 1981; and No. AB-6 (Sub-No. 92)F, *Burlington Northern, Inc.—Abandonment—Between Hill City and Keystone, in Pennington County, SD* (not printed), decided April 23, 1981.

[5] Indeed, the verification requirement is satisfied even without a notary public if the person signing the protest provides a written declaration "under penalty of perjury" that the information contained in the protest is true and correct. 28 U.S.C. 1746.

[6] *See* No. AB-3 (Sub-No. 25), *Missouri Pacific Railroad Company—Abandonment—Between Dearing and Dexter, KS* (not printed), decided May 28, 1981.

49 U.S.C. 10904(b) by alleging substantive error. There is no substantive error, evidence, or circumstance that could justify reversal of a mandatory grant.[7]

While there is no opportunity to appeal non-protested proceedings, the final rules (§ 1121.36(e)(8)) will provide for petitions to vacate certificates issued in these proceedings. In the event of a procedural defect, such as the loss of a protest in the mail, timely filed protests not coming to the attention of the decisional body, the failure of the applicant to afford the public proper notice of its proposed abandonment, or fraud committed by the applicant, we will consider a petition to vacate the certificate and take whatever action is necessary to remedy the procedural defect.

As noted above, Congress did provide for appeals from the initial decision in investigated proceedings. However, it clearly removed the right of parties to an automatic appeal. We will not abuse our discretion by hearing all appeals. Instead, we intend to hear appeals only if they make a clear and convincing showing of general transportation importance, changed circumstances, new evidence, or material error.

An appeal seeking a finding of general transportation importance will only be heard if it states in detail the respects in which the proceeding involves important policy questions not recently addressed by us. If an appeal argues new evidence or changed circumstances, appellant must explain the manner in which the decision being appealed would be materially affected by those changed circumstances or new evidence, and why that information was not available and introduced earlier. Finally, a showing of material error requires proof that error has occurred and that correcting the error would result in a different conclusion.

Because an initial decision "becomes final within 30 days unless the Commission decides to hear appeals," 49 U.S.C. 10904(c)(3), we will issue a brief order, by the 30th day after service of the initial decision, indicating whether the appeal will be heard. By this means, the parties and the courts will know with certainty whether an initial abandonment decision became final despite the filing of an appeal.

The final rules have been altered to indicate that replies to appeals are not contemplated prior to the decision on whether to hear an appeal. Appeals are due on the 20th day after service of the initial decision. Although we would prefer to have the benefit of replies before deciding whether to consider an appeal, we do not believe it is wise to constrict further the time for preparing and submitting the appeals. Our decision to hear the appeal is not a decision to reverse the earlier decision or otherwise to act on the merits of the case, but is simply a determination that the appellant has shown good cause for reexamining some aspects of the earlier decision by a higher body within the Commission. Therefore, other parties are not seriously prejudiced by our making that decision without their replies. If we decide to hear an appeal, then other parties will be afforded 15 days from the date of service of that decision to file replies addressing the substance of the appeal. See § 1121.36(e)(3)(ii). With this additional time for preparation, the replies can be complete and more helpful.

There will be a limited exception to this discretionary appellate process for interlocutory appeals. The decision whether to investigate a particular proceeding will be made by the Director of the Office of Proceedings. We believe that appeals to these decisions should be handled as mandatory, rather than discretionary, appeals. Consequently, § 1121.36(e) will be modified to reflect that the usual rules for appeals to decisions of Commission employees acting under delegated authority (49 CFR 1011.7(b)(1)) will be applicable here. The effect of this modification is to reduce the time period within which such appeals must be filed from 15 to 10 days, to provide a 10-day period for filing replies, and to provide that the Chairman will act upon these appeals.

Under our discretionary appellate process, the mere filing of an appeal does not say the effect of a prior Commission action. However, if an appeal is heard it has the effect of a stay, since the initial decision cannot become final during the pendency of the appeal (until a final decision is made, we are precluded from issuing a certificate). Conversely, if we decide not to hear an appeal, there is no basis for a stay. Therefore, we will not entertain stay requests based on administrative appeals.

Nevertheless, we will entertain petitions to stay pending judicial review, as well as the previously discussed petitions to stay filed in conjunction with a petition to reopen a non-investigated proceeding. These petitions, to stay the effective date of the certificate, must be filed not less than 10 days prior to that date. Section 1121.36(e)(9) of the final rules governs stay petitions.

Additionally, a new subsection (e)(7) will be added to section 1121.36, dealing with certain other procedural aspects related to judicial review of our decisions. In conformance with our general appellate procedures (see 49 CFR 1100.98(c)(7)(i)), interested parties may initiate judicial review on the day the action of the Commission becomes final.[8] Also, where a petition for judicial review is filed with the courts, the Commission will act upon an administrative appeal or petition to reopen after advising the court of its pendency, unless action might interfere with the court's jurisdiction. This new subsection corresponds to our usual appellate procedures in rail proceedings (49 CFR 1100.98(c)(6)).

Offers of Financial Assistance

Our interim rules governing offers of financial assistance (§ 1121.38) attracted the most public comment. Before discussing these comments, however, we shall clarify one point which has caused confusion in proceedings under the interim rules.

The statute provides that offers of financial assistance must be filed and served no later than 10 days after publication in the **Federal Register** of a Commission finding that the present and future public convenience and necessity permit or require the proposed abandonment or discontinuance of service. 49 U.S.C. 10905(c). In those instances where the Commission decides to hear appeals from that initial determination, a subsequent decision upholding the earlier one will *not* give rise to a new period within which offers of financial assistance will be entertained. In these circumstances, notice of the subsequent decision will not be published. Where, however, a partial grant of authority is expanded on appeal, there will be a new publication of the expanded authority and an additional period for filing offers.

The public is encouraged to file their offers at the earliest practicable time. In those instances, however, where offers are filed prior to publication of the Commission's findings, it is incumbent upon offerors to inform both the abandoning carrier and us of their continuing interest within 10 days after the publication. If we are not informed of such continuing interest within the 10 day period, the original offer will be considered to have lapsed. With this

[7] *See* No. AB-55 (Sub-No. 50F) *Seaboard Coast Line Railroad Company—Abandonment—Between Palatka and Interlachen, FL* (not printed), decided June 29, 1981.

[8] *See* Ex Parte No. 55 (Sub-No. 45), *Appellate Procedures*, 132 M.C.C. 705 (served August 6, 1981) (amending 49 CFR 1100.98(c)(7)(i)).

additional notification requirement, early filed offers are acceptable, provided they contain all of the required information and comply with the procedural requirements of these regulations.

The financial assistance procedures will run concurrently with the discretionary appellate procedures. That is, our decision to hear an appeal in an abandonment or discontinuance proceeding does not postpone the financial assistance procedures set forth in the rules. A certificate will not be issued while an appeal is pending, however, even though issuance of the certificate would appear to be required by the interim rules governing the financial assistance procedures. Similarly, if the financial assistance process has not been concluded at the time the Commission has reached its final decision on appeals, the certificate will not be issued. The final rules will be modified by inclusion of these exceptions to the mandatory language concerning the issuance of the certificate. (Sections 1121.37(b) (1) and (2)(iii) and 1121.38 (k)(2), (l)(6), and (m)(2)).

It has come to our attention that, in certain limited instances, it may be necessary to toll the 10-day period for filing offers of financial assistance provided for in 49 U.S.C. 10905(c). Applicants are required to furnish prospective offerors promptly with specified information (49 U.S.C. 10905(b)). While this information is normally submitted in the application, it usually covers the entire line to be abandoned. A person contemplating a subsidy or purchase of only portion of the line, however, may require a "break out" of information on that segment only. Failure to produce the information could frustrate a potential offer. If an applicant does not respond to a *bona fide* request for this information, the period for filing offers will be postponed and correspondingly, issuance of a certificate of abandonment or discontinuance delayed. Although delay in issuance of a certificate may seem inconsistent with the mandatory language in 49 U.S.C. 10904, we believe that this approach is an appropriate way to reconcile that section of the Act with the financial assistance procedures of 49 U.S.C. 10905.

Section 1121.38(c)(1)(iii) of the final rules will establish a procedure whereby prospective offerors can file petitions to call to our attention applicant's failure to provide required information on request. These petitions must be filed with the Commission within 5 days after publication in the **Federal Register** of a Commission finding that the public convenience and necessity permit or require the proposed abandonment or discontinuance. The petition shall include either a copy of the request for information or an outline of the specific request. Five additional days for reply to these petitions will be provided. The Commission will act on the petitions within 15 days after publication.

The Wisconsin Department of Transportation (WISDOT) asks us to define the term "fair market value" in § 1121.38(1)(5), involving our determination of the price and terms of sale of a line. The fair market value is the "Constitutional minimum value" as defined by Congress in Section 401 of the Staggers Act (49 U.S.C. 10910(b)(2)) i.e., "not less than the net liquidation value of such line or the going concern value of such line, whichever is greater (but not including labor protection costs)." This definition will be incorporated into § 1121.38(1)(5); it will be incumbent upon the parties to present evidence as to net liquidation or going concern values.[9]

WISDOT also contends that § 1121.38(j)(2) of the interim rules is logically flawed. This section provides that if a carrier and a person offering to purchase a line enter into an agreement which will provide for continued rail service, the Commission will approve the transaction and dismiss the abandonment application. WISDOT believes that if the purchaser envisions continuation of service by a third party rail operator, the abandonment certificate should be issued. This position is incorrect. Section 1121.38(j)(2) mirrors the mandatory statutory language which provides that the Commission "shall" dismiss the concerned application (49 U.S.C. 10905(e)). The statute does not distinguish between continued service by the purchaser or a third party operator. We interpret this language to mean that if there is an agreement which provides for continuation of service by a third party operator, either immediately or in the reasonably foreseeable future, the abandonment or discontinuance application should be dismissed and the "transaction" (including both the transfer and operating agreement) approved, subject to the resale and discontinuance restrictions imposed by 49 U.S.C. 10905(f)(4). This position is consistent with prior Commission policy and practice. Abandonment authorization is not an essential prerequisite to another party's acquisition or operation proposal. *Cf. Prairie Trunk Railway–Acquisition and Operation*, 348 I.C.C. 832 (1977).

We note that if a line is purchased under the financial assistance procedures, no separate application under sections 10901 or 11343 for authority to acquire and to operate the line is required. Section 10905(e) requires us to approve a purchase transaction which will provide continued rail service, while section 10905(f)(4) prohibits any purchaser from discontinuing service for 2 years after the sale. We read these specific statutory provisions as removing a purchase under section 10905 from the requirements of section 10901 (if the purchaser is not a carrier) or section 11343 (if the purchaser is a carrier).

WISDOT also has difficulty reconciling the sections of the act dealing with offers of financial assistance and with sale of rail properties for public purpose (49 U.S.C. 10905 and 10906, respectively). The former section envisions either an uninterrupted service or a continuation of service within a reasonable period of time. Offers of financial assistance are meant to avoid abandonment and discontinuance. Those situations in which a purchaser of rail properties has no affirmative plans for continuation or resumption of service, but merely holds out the possibility of service at some unspecified future time, are not properly to be considered offers of financial assistance and do not fall within the scope of 49 U.S.C. 10905.

WISDOT also suggested that we amend the existing regulations at 49 CFR 1121.39 to establish a procedure whereby we would set terms for the sale of railroad property for public purposes. We do not have the statutory authority to do so. The abandonment provisions of the Staggers Act, which grant us authority to set the purchase price at which a carrier must sell rail property, represent an extraordinary grant of regulatory power to the Commission. In effect, this grant of authority from Congress makes the Commission a quasi-judicial condemnation tribunal. Broad condemnation powers cannot be ascribed to the "public use procedures" absent specific authorization by Congress.[10]

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[9] In No. AB–1 (Sub-No. 70), *Chicago and North Western Transportation Co.—Abandonment—Between Ringwood, IL and Geneva, WI*, I.C.C. (served July 23, 1981), we noted that since the provisions of 49 U.S.C. 10905 generally affect only those lines which impose a burden on interstate commerce and hence have been found not currently viable economically, it is appropriate to consider only the net liquidation value of the line.

[10] *See*, No. AB–1 (Sub-No. 104), *Chicago and North Western Transportation Company—Abandonment—Between Clintonville and Bland, WI*, I.C.C. (served , 1981).

The AAR expresses concern that prospective State purchasers with condemnation powers might, after obtaining a Commission determination of the value of a line, then seek a more favorable valuation in a condemnation action in a local court. To prevent this, the AAR suggests that we require a financial assistance offer by the State to be accompanied by a non-refundable 25 percent payment of the estimated purchase price to the carrier. We are also asked to provide that this deposit could not be set off against any value subsequently determined in a condemnation proceeding. This suggestion cannot be reconciled with the statutory provision at 49 U.S.C. 10905(f)(2), which allows any offeror to withdraw his offer within 10 days of the Commission's determination. The AAR's non-refundable deposit requirement would effectively eliminate a State's statutory right to withdraw from the transaction. It would also impermissibly discriminate against States and State agencies.

Another matter of pressing concern to AAR is that the Commission will force a debtor-creditor relationship between an applicant and a proposed purchaser. AAR is concerned about the risk of a purchaser defaulting on its payment, and requests that § 1121.38(c)(2)(iii) be amended to require an offeror to establish by clear and convincing evidence that it has, or within a short reasonable time will have, the financial resources to pay cash or the cash equivalent for the net liquidation value of the line. ARR's concern is misplaced. We do not envision forcing a railroad to sell its assets in return for a security interest it is not willing to take. However, we see no reason for a formal rule on this point. Issues relating to the terms of sale are ones best considered on a case-by-case basis.

The AAR argues that the statutory language authorizing the Commission to establish a "binding" purchase price, 49 U.S.C. 10905(f)(2), does not mean that an aggrieved carrier does not have a right to appeal. We disagree and believe that Congress provided for finality. In 49 U.S.C. 10904(c)(3), for example, Congress provided for issuance of an initial decision subject to appeals, while section 10905(f)(2) refers only to a "decision of the Commission." Consequently, these determinations will not be considered proper subjects for administrative appeal. Because of the significance of the determination, however, it will be made by the entire Commission. A party's only remedy if dissatisfied with our decision is to seek judicial review in a United States Court of Appeals pursuant to 28 U.S.C. 2321(a) and 2342. Under these sections, the Court of Appeals has exclusive jurisdiction to review, enjoin, set aside, or determine the validity of all our final orders. Despite the strict time constraints governing arbitration, we will correct errors in mathematical calculations on our own or a party's motion.

Finally, the Commission cannot, as one commenter suggested, give lessors of property along the rail line the right of first refusal to buy the property. The Commission has been granted only limited jurisdiction to direct a sale; under 49 U.S.C. 10905 we can require a sale, which will *provide continued rail service.* In all other instances, the disposition of rail property after an effective certificate of abandonment has been exercised is a matter beyond the scope of the Commission's jurisdiction, and within a State's reserved jurisdiction. Questions of title to, and disposition of, the property are the matters subject to State law.

Retroactivity

WISDOT raises one last point. It maintains that, contrary to the position taken in our prior notice in this proceeding, Congress did not intend the new law to apply to abandonment applications filed prior to October 1, 1981. WISDOT quotes remarks of the Chairman of the House Subcommittee on Transportation and Commerce to support its position. *See* 126 Cong. Rec. H10,086 (daily ed. September 30, 1980) (remarks of Rep. Florio). The general rule, however, is that a court or agency "apply the law in effect at the time it renders its decision, unless doing so would result in manifest injustice or there is statutory direction or legislative history to the contrary." *Bradley* v. *Richmond School Board,* 416 U.S. 696, 711 (1974). Clearly there is no manifest injustice in applying the procedural reforms of the Staggers Act to applications filed before the effective date of the act; just as clearly, the legislation contains no provision directing its application only to abandonment proceedings commenced after its effectiveness.

The House bill preceding the Staggers Act contained a provision stating that all applications or proceedings pending before the Commission, other agencies, or the courts be determined as if the law had not been enacted. H.R. Rep. No. 96–1430, 96th Cong., 2d Sess. 142 (1980). That provision, however, was deleted in conference. In contrast, the conference retained provisions dictating that pending merger and rate bureau proceedings be conducted under existing law. Sections 228(e) and 706. Notwithstanding Representative Florio's floor statement, we believe that the language of section 706 gives the Commission discretion to determine the fairness and applicability of new or old laws to abandonments prior to the Staggers Act.

Environmental Impact

We conclude that this proceeding will not have a significant impact upon either the quality of the human environment, or the conservation of energy resources. This conclusion is premised in large part on the fact that each abandonment application decided under 49 U.S.C. 10903 must contain an independent environment finding.

Certification of Non-Applicability of Sections 603 and 604 of the Regulatory Flexibility Act, Pub. L. No. 96354

The changes made in our regulations by these final rules are required by the Staggers Act. These rules do not significantly change the compliance burdens on regulated carriers or on members of the public who may be interested in abandonment or discontinuance proceedings. While the new regulations change the time frames governing the processing of applications and the procedures for making offers of financial assistance, they allow all interested members of the public, including small entities, to participate equally in abandonment and discontinuance proceedings.

Conclusion

We certify that these final rules will not have a significant economic impact on a substantial number of small entities.

We remove the interim rules published at 45 FR 78141, November 25, 1980, and adopt the final rules set forth in the Appendix.

This action is taken under the authority of 49 U.S.C. 10321 and 10904 et seq., 5 U.S.C. 553.

Decided: August 26, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix

PART 1121—ABANDONMENT OF RAILROAD LINES AND DISCONTINUANCE OF SERVICE

The following sections of the Commission's regulations at 49 CFR Part 1121, "Abandonment of Railroad Lines

and Discontinuance of Service," are amended in the manner specified below.

1. Revise paragraph (b) of § 1121.30 as follows:

§ 1121.30 Notice of intent to abandon line or discontinue service.

* * * * *

(b) The posting and publication requirements of this section must be completed within the 30-day period prior to the actual filing of the application. Service must be completed at least 15 days, and not more than 30 days, prior to the actual filing date.

2. Revise § 1121.31 as follows:

§ 1121.31 Form of notice.

The notice of intent to abandon or to discontinue service shall be in the following form:

No. AB (Sub-No.)

Notice of Intent To Abandon or To Discontinue Service

(Name of Applicant) hereby gives notice that on or about (insert date application will be filed with the Commission) it intends to file with the Interstate Commerce Commission, Washington, D.C. 20423, an application for a certificate permitting the abandonment of (the discontinuance of service on) a line of railroad known as extending from railroad milepost near (station name) to (the end of line or rail milepost) near (station name) a distance of miles, in County(ies), State(s). The line for which the abandonment (or discontinuance) application will be filed includes the stations of (list all stations on the line in order of milepost number, indicating milepost location).

The reason(s) for the proposed abandonment (or discontinuance) is (are) (explain briefly and plainly why the proposed action is being undertaken by the applicant).

This line of railroad has appeared on the system diagram map in category 1 (§ 1121.20(b)(1)) since (insert date).

The interest of railroad employees will be protected by (specify the appropriate conditions).

Any interested person, in response to this notice, is entitled to file with the Interstate Commerce Commission written comments concerning the proposed abandonment (or discontinuance) or protests to it.

Protests to the proposed abandonment (or discontinuance) shall at a minimum contain:

(1) Identification of protestant including its name, address, and business;

(2) Statement of protestant's interest in the abandonment or discontinuance proceeding; whether protestant uses the involved service; and if it does not, information with respect to the group or public interest it represents;

(3) Specific reason(s) for opposing the abandonment (or discontinuance), including information with respect to protestant's reliance on the involved service, with allegations of fact supported by an affidavit of personal knowledge of the facts;

(4) Any rebuttal of information or material submitted by applicant; and

(5) Request for oral hearing and reasons therefor, if desired.

In addition, any commentor or protestant may provide a specific statement of position and summary of evidence with regard to any or all of the following:

(1) Intent to offer financial assistance;

(2) Environmental impact;

(3) Impact on rural and community development;

(4) Suitability of the properties for other public purposes; and

(5) Recommended provisions for protection of the interests of employees.

Written comments and protests will be considered by the Commission in determining whether an investigation is needed to assist in determining what disposition to make of the application. In the event an investigation is conducted, then the commenting party or protestant may participate in the proceeding as its interests may appear.

Those parties filing protests to the proposed abandonment (or discontinuance) should be prepared to participate actively in either oral hearings or via the submission of additional material in the form of verified statements. Parties seeking information concerning the filing of protests should refer to 49 CFR 1121.36.

Written comments and protests should indicate the proceeding designation No. AB (Sub-No.) and should be filed with the Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than (insert the date 30 days after the date applicant intends to file its application). Interested persons may file a written comment or protest with the Commission to become a party to this abandonment (or discontinuance) proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant (insert name, address, and phone number). The original and 2 copies of all comments or protests shall be filed with the Commission together with a certificate of service.

If no protests are *received* within 30 days after the application is filed, the Commission will grant the abandonment (or discontinuance) request and issue a certificate which permits the abandonment (or discontinuance) to occur within 75 days after the application is filed.

The line sought to be abandoned (or discontinued) will be available for subsidy or sale for continued rail use, if the Commission decides to permit the abandonment (or discontinuance), in accordance with applicable laws and regulations (49 U.S.C. 10905 and 49 CFR 1121.38). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms is (insert name and business address).

Persons wishing further information concerning abandonment procedures may contact the Interstate Commerce Commission's Section of Finance, Office of Proceedings or the Commission's Rail Services Planning Office, or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1121.

A copy of the application will be available for public inspection on or after (insert date abandonment application is to be filed with Commission) at each agency station or terminal on the line proposed to be abandoned or discontinued (if there is no agency station on the line, the application shall be deposited at any agency station through which business for the line is received or forwarded) (insert name, address, location and business hours). The carrier shall furnish a copy of the application to any interested person proposing to file a protest or comment, upon request.

§ 1121.32 [Amended]

3. Remove paragraph (a)(5) of § 1121.32 and redesignate:

§ 1121.32(a)(6) as § 1121.32(a)(5)
§ 1121.32(a)(7) as § 1121.32(a)(6)
§ 1121.32(a)(8) as § 1121.32(a)(7)
§ 1121.32(a)(9) as § 1121.32(a)(8)

4. Revise §1121.36 as follows:

§ 1121.36 Participation in abandonment or discontinuance proceedings.

(a) (1) Interested persons may become parties to an abandonment or discontinuance proceeding by filing with the Commission written comments or protests. Protests to an abandonment or discontinuance shall, at a minimum, contain:

(i) Identification of protestant including its name, address, and business;

(ii) Statement of protestant's interest in the abandonment or discontinuance proceeding; whether protestant uses the involved service; and if it does not, information with respect to the group or public interest it represents;

(iii) Specific reason(s) for opposing the abandonment or discontinuance, including information with respect to protestant's reliance on the involved service, with allegations of fact supported by an affidavit of personal knowledge of the facts;

(iv) Any rebuttal of information or material submitted by applicant; and

(v) Request for oral hearing and reasons therefor, if desired.

(2) In addition, any commenter or protestant may provide a specific statement of position and summary of evidence with regard to any or all of the following:

(i) Intent to offer financial assistance;

(ii) Environmental impact;

(iii) Impact on rural and community development;

(iv) Suitability of the properties for other public purposes; and

(v) Recommended provisions for protection of the interests of employees.

(3) Written comments and protests will be considered by the Commission in all proceedings in determining whether

an investigation is needed to assist in determining what disposition to make of the application. In the event an investigation is conducted, then the commenting party or protestant may participate in the proceeding as its interests may appear. Those parties filing protests should be prepared to participate actively in either oral hearings or via the submission of additional material in the form of verified statements.

(b) *Employee or employee representative participation.* (1) In each abandonment or discontinuance proceeding in which the application is granted, employee protective conditions at least as beneficial to the interests of employees as the provisions established pursuant to 49 U.S.C. 11347 and pursuant to section 405 of the Rail Passenger Service Act (as those provisions have been interpreted by the Commission) shall be imposed; and

(2) Employees or their representatives may file comments or protest, but need not, since the Commission will impose in each proceeding the employee protection provisions set forth in paragraph (b)(1) of this section.

(c) *Filing and service of written comments, protests, and replies.* (1) Written comments and protests shall be filed with the Commission (Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423) within 30 days of the filing with the Commission of an abandonment or discontinuance application. The proposed date of filing of an abandonment or discontinuance application shall be included in the Notice of Intent required in §§ 1121.30–1121.31.

(2) An original and 2 copies of each written comment or protest shall be filed with the Commission.

(3) A copy of each written comment or protest shall be served on applicant or its representative at the time of filing with the Commission. Each filing shall contain a certificate of service.

(4) Replies to written comments and protests will be considered by the Commission provided they are filed and served within 5 days of the due date of the pleadings they address. An original and 2 copies of such replies shall be filed with the Commission.

(d) *Time limits.* (1) Pleadings, requests or other papers or documents (including any comments or protests and any appeal from a Commission decision) required or permitted to be filed under this part must be received for filing at the Commission's Offices at Washington, DC within the time limits, if any, for such filing. The date of receipt at the Commission and not the date of deposit in the mails is determinative, provided, however, that if such document is mailed by certified, registered, or express mail, postmarked at least 3 days prior to the due date, it will be accepted as timely filed.

(2) In computing any time period prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included.

(3) Any filing under this Part which falls due on a Saturday, Sunday, or a legal holiday in the District of Columbia, may be filed at the Commission by the end of the next day which is neither a Saturday, Sunday, nor a holiday, except as indicated in paragraph (d)(4) of this section. A half holiday shall not be considered as a holiday.

(4) Offers of financial assistance made pursuant to 49 U.S.C. 1121.38(c) must be filed on or before their statutory due date as computed in paragraph (d)(2) of this section, regardless of whether that date is a Saturday, Sunday, or a legal holiday in the District of Columbia.

(5) The Commission will reject any pleading filed after its due date unless good cause is shown why the pleading is filed late.

(6) Modified procedure: (i) If the Commission decides to institute an investigation under the modified procedure, the following time limits shall govern the submission of evidence:

(A) Applicant's initial verified statements due no later than 15 days after the date the decision instituting an investigation is served;

(B) Protestant's verified statements due no later than 40 days after the date the decision instituting an investigation is served; and

(C) Applicant's reply verified statements due no later than 55 days after the date the decision instituting an investigation is served.

(ii) Under the schedule established in paragraph (d)(6)(i) of this section, parties shall not be permitted to file motions to strike all or part of any evidence submitted.

(7) Oral Hearings: (i) If the Commission decides to institute an investigation through oral hearing, the oral hearing shall be for the primary purpose of cross examination of witnesses filing verified statements pursuant to paragraph (d)(7)(ii) of this section. Any direct testimony, other than applicant's rebuttal evidence, shall be received at the discretion of the hearing officer.

(ii) The following time limits shall govern the submission of written evidence prior to the commencement of the hearing:

(A) Applicant's initial verified statements due no later than 15 days after the date the decision instituting an investigation is served; and

(B) Protestant's verified statements due no later than 40 days after the date the decision instituting an investigation is served. Any rebuttal evidence by applicant shall be received in the form of testimony at the oral hearing.

(iii) Post hearing legal briefs shall be due 20 days after the close of the oral hearing, or at an earlier date if established at the hearing by the hearing officer.

(e) *Appellate procedures*—(1) *Scope of rule.* Except as specifically indicated below, these appellate procedures are to be followed in abandonment and discontinuance proceedings in lieu of the general procedures at 49 CFR 1100.98. Appeals to decisions not to institute an investigation in a particular abandonment or discontinuance proceeding will be governed by the rule set forth in 49 CFR 1011.7(b)(1), pertaining to appeals from decisions of employees under delegated authority. An original and 10 copies of all appeals, and replies to appeals, under this subsection should be filed with the Commission.

(2) *Appeals criteria.* (i) Appeals to the initial decision in non-protested proceedings or non-investigated (protested) proceedings will not be entertained. Those decisions are administratively final upon the date they are served.

(A) In a protested but not investigated proceeding, parties seeking further administrative action may file a petition to reopen the proceeding under paragraph (e)(6) of this section. If an abandonment or discontinuance is granted and a party wishes the Commission to consider a petition to reopen before the abandonment or discontinuance certificate becomes effective, it must file its petition within 15 days after the administratively final decision is served (together with any necessary request for a stay of the certificate's effectiveness). If a petition is received within that 15 day period, any replies to the petition must be filed no later than 25 days after the date the decision is served. The Commission will then announce whether it will grant the petition (and reopen the proceeding) by the 120th day after the application was filed (the last date upon which the certificate could become effective).

(B) In a proceeding that is not protested, since the Commission is required to authorize abandonment or discontinuance, the only subsequent pleadings permitted are petitions to

vacate the certificate filed under paragraph (e)(8) of this section.

(ii) In investigated proceedings, the Commission may hear appeals in its discretion, if it finds that either:

(A) The action (if taken by an administrative law judge, an employee board, or a division) involves a matter of general transportation importance, or

(B) The action would be affected materially because of new evidence, changed circumstances, or material error.

(3) *Time limits.* (i) Any appeal from the initial decision in an investigated proceeding shall be filed no later than 20 days after the date the initial decision is served.

(ii) The Commission will announce whether it will hear an appeal filed under paragraph (e)(3)(i) of this section within 30 days after the date the initial decision is served. If the Commission decides to hear the appeal, other parties will be afforded 15 days from the date of service of the decision to file replies to the appeals.

(4) *Form.* An appeal and any reply shall not exceed 30 pages in length, including the index of subject matter, argument, and appendices or other attachments.

(5) To the extent that an appeal requests further hearing, rehearing, reargument, or reconsideration, the appeal shall state in detail the nature of the relief requested and the reasons therefor. When a party seeks an opportunity to introduce evidence, the appeal must state briefly the evidence, explain why it is not cumulative, and explain why it was not previously adduced.

(6) Petitions to reopen administratively final actions: Except as provided for in paragraph (e)(2)(i)(B) of this section, a person may file a petition to reopen any administratively final action of the Commission. A petition to reopen shall state in detail the respects in which the proceeding involves material error, new evidence, or substantially changed circumstances. An original and 10 copies of such petitions should be filed with the Commission.

(7) Judicial review: (i) Parties may seek judicial review of a Commission action in an abandonment or discontinuance proceeding on the day the action of the Commission becomes final.

(ii) If an appeal or a petition seeking reopening is filed under this section, before or after a petition seeking judicial review is filed with the courts, the Commission will act upon the appeal or petition after advising the court of its pendency unless action might interfere with the court's jurisdiction.

(8) Petitions to vacate certificates: In the event of procedural defects (such as the loss of a properly filed protest, the failure of the applicant to afford the public the requisite notice of its proposed abandonment, etc.) the Commission will entertain petitions to vacate certificates in these abandonment or discontinuance proceedings. An original and 10 copies of these petitions to vacate should be filed with the Commission.

(9) *Petitions to stay.* (i) The filing of an appeal shall not stay the effect of a prior action. An original and 10 copies of any petitions to stay should be filed with the Commission.

(ii) If an appeal is filed in an investigated proceeding, under paragraph (e)(2)(ii) of this section, a petition to stay is unnecessary and inappropriate. A certificate will not have been issued at that time and, if the Commission decides to hear the appeal, will not be issued until the Commission has acted upon the appeal. Therefore, there is no action requiring a stay.

(iii) A petition to reopen an administratively final action in a protested but non-investigated proceeding may be accompanied by a petition for a stay of the effectiveness of a certificate of abandonment or discontinuance, which permits the abandonment or discontinuance to occur prior to 120 days after the application is filed. The petitions may seek postponement of the effectiveness of the certificate only until the 120th day after the application is filed. The petitions may seek postponement of the effectiveness of the certificate only until the 120th day after the application is filed, when effectiveness is required by law (49 U.S.C. 10904(c)(2)).

(iv) A party may petition for a stay of the effectiveness of a certificate of abandonment or discontinuance pending a request for judicial review. The reasons for the desired relief shall be stated in the petition, and the petition shall be filed not less than 10 days prior to the effective date of the certificate. No reply need be filed. If a party elects to file a reply, the reply must reach the Commission no later than 5 days after the petition is filed.

5. Revise § 1121.37 as follows:

§ 1121.37 Commission determination and certification under 49 U.S.C. 10904.

(a) If no protests to an application are filed under § 1121.36, the Commission shall (1) find that the public convenience and necessity require or permit the abandonment or discontinuance, and (2) no later than 45 days after the application is filed, issue a certificate which permits the abandonment or discontinuance to occur within 75 days after the application is filed.

(b) Upon receipt of a protest to an application under § 1121.36, the Commission shall, no later than 45 days after the application is filed, determine whether an investigation is needed to assist in determining what disposition to make of the application.

(1) If no investigation is instituted, the Commission shall issue a decision no later than 75 days after the date the application is filed. If the Commission finds that the present or future public convenience and necessity require or permit the abandonment or discontinuance, it shall issue a certificate no later than 90 days after the application is filed permitting the abandonment or discontinuance to occur no later than 120 days after the application is filed (unless the financial assistance procedures provided for in § 1121.38 have not been concluded).

(2) If the Commission decides to institute an investigation, the investigation shall be completed no later than 135 days, and an initial decision issued no later than 165 days, after the date the application is filed.

(i) The initial decision following an investigation shall become the final decision of the Commission unless, during the 30 days following the initial decision, the Commission decides to hear appeals in accordance with the criteria set forth in § 1121.36(e)(2)(ii).

(ii) If an initial decision following an investigation is appealed, and considered by the Commission in its discretion, the Commission shall issue a final decision no later than 255 days after the date the application is filed.

(iii) Whenever the Commission finds, following an investigation, that the present or future public convenience and necessity require or permit the abandonment or discontinuance, the Commission will issue a certificate no later than 15 days following the final decision, permitting the abandonment or discontinuance to occur no later than 75 days following issuance of the final decision (unless the financial assistance procedures provided for in § 1121.38 have not been concluded).

(3) A copy of the decision instituting an investigation of an abandonment or discontinuance application shall be served on the carrier which owns or operates the line of railroad or its representative. Copies of the decision shall also be served by the Commission on all parties which filed written comments and on all persons upon

which copies of the application are required to be served under § 1121.34(c).

6. Revise § 1121.38 as follows:

§ 1121.38 Financial assistance procedures.

(a) An applicant for a certificate of abandonment or discontinuance shall provide promptly upon request to a party considering an offer of financial assistance and shall provide concurrently to the Commission the following:

(1) An estimate of the annual subsidy and minimum purchase price required to keep the line or a portion of the line in operation;

(2) Its most recent reports on the physical condition of that part of the line involved in the proposed abandonment or discontinuance; and

(3) Traffic, revenue, and other data necessary to determine the amount of annual financial assistance which would be required to continue rail transportation over that part of the railroad line.

(b) In any proceeding in which the Commission finds, after investigation or without investigation, that the present or future public convenience and necessity permit or require the proposed abandonment or discontinuance of rail service, the Commission will, concurrently with service of the decision, publish the findings in the **Federal Register** as notice to persons intending to offer financial assistance to assure continued rail service under 49 U.S.C. 10905 and pursuant to this section of the regulations.

(c) *Submission of offers of financial assistance.* (1) A prospective offeror shall serve any offer of assistance upon the carrier owning or operating the involved line and upon other parties to an abandonment or discontinuance proceeding. The offer shall also be filed concurrently with the Commission (Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423).

(i) An offer may be filed and served any time after the filing with the Commission of an abandonment or discontinuance application.

(ii) An offer must be filed and served no later than 10 days after publication in the **Federal Register** (as required in paragraph (b) of this section) of a Commission finding that the present or future public convenience and necessity permit or require the proposed abandonment or discontinuance of service. This filing and service is subject to the requirements set forth in § 1121.36(d) (1) and (3).

(iii) If, after a *bona fide* request, applicant has failed to provide a potential offeror promptly with the information required by 49 U.S.C. 10905(b) and not otherwise contained in the application, the Commission will entertain petitions to toll the normal 10-day period for submitting offers of financial assistance. These petitions must be filed with the Commission no later than 5 days after publication in the **Federal Register** (as required in paragraph (b) of this section and described in subsection (ii) of this paragraph). These petitions should include copies of the prior written request for information or an accurate outline of the specific information that was verbally requested. Replies to these petitions must be filed within 10 days after the publication. As with the offers (see § 1121.36(d)(4)), these petitions and replies must be filed on or before their actual due date. The Commission will decide whether to toll the 10-day period for submitting offers within 15 days after publication.

(2) The offer as filed shall contain:

(i) An offer of financial assistance accompanied by a Proposed Subsidy Payment in the form prescribed in § 1121.46 or an offer to acquire all or a portion of the line accompanied by a detailed statement of the proposed acquisition cost and proposal for continued operations;

(ii) A resolution, authorization, or other evidence demonstrating that the offeror has, or within a reasonable time will have, the authority to execute and fulfill an agreement to subsidize or to acquire and operate the line;

(iii) Information demonstrating that the offeror has, or within a reasonable time will have, the financial resources to subsidize or acquire the line and otherwise to fulfill its contractual obligations; and

(iv) Information demonstrating that the financial assistance offered is likely to cover the difference between the revenues attributable to an avoidable costs of the line, plus a reasonable return on the value of the line, or the cost of acquisition and the proposed continued operation of the line;

(v) If the offer to subsidize or purchase the line is less than the carrier's estimate provided under paragraph (a)(1) of this section, the offeror shall explain the basis of the disparity, and the manner in which the offer of subsidy or purchase is calculated.

(3) If the offeror is not a government entity it shall also submit:

(i) A current, detailed balance sheet showing its financial condition as to the latest date available (not more than 90 days prior to the filing of the offer);

(ii) A statement of revenues, expenses, and net income for the current portion of the calendar year or offeror's fiscal year and statements for the two immediately preceding calendar or fiscal years or if not available, a statement from a bank or other financial institution attesting to the person's financial capability to discharge its obligations; and

(iii) Such additional information which, in the opinion of the offeror, is necessary or appropriate to support a finding that it is financially responsible.

(d) *Proposed subsidy payment.* (1) An offeror of financial assistance for all, or a portion, of a line may formulate an offer of subsidy predicated upon the owning or operating carrier's base year net avoidable costs and reasonable rate of return or upon the carrier's projected subsidy year Estimated Subsidy Payment, as submitted in its abandonment or discontinuance application under § 1121.32(d).

(2) Alternatively, an offeror may compute its own Proposed Subsidy Payment using the methodology and form described in Subpart D, the traffic, revenue, and other data contained in the abandonment or discontinuance application, and other evidence of record in the abandonment or discontinuance proceeding.

(e) *Proposed acquisiton cost.* (1) An offeror of financial assistance may also make an offer to acquire all or a portion of the line to be abandoned.

(2) In formulating its acquisition offer, an offeror may either accept the carrier's valuation of the properties, as submitted in its abandonment application under § 1121.32(d), or may have the properties appraised by a qualified and certified appraiser and may use either the valuation or the appraisal as its acquisition offer.

(3) An acquisition offer shall include a detailed statement of all items making up the offer, including a price certain and all terms and conditions.

(4) An acquisition offer shall include a detailed statement of the manner in which operations will be continued over the line after acquisition by the offeror, including, if applicable, a proposed operating agreement whereby the owning or operating carrier or another carrier will perform the operations.

(f) Upon receipt by the carrier of a written comment under § 1121.36 indicating an intent to offer financial assistance or upon receipt by the carrier of an actual offer of financial assistance, whichever occurs earlier, the carrier shall make available to the commenting party or offeror the records, accounts, appraisals, working papers, and other

documents used in preparing Exhibit I (§ 1121.46). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

(g) *Commission's 15-day determination under 49 U.S.C. 10905.* If within 15 days after publication in the **Federal Register** of its finding that the abandonment or discontinuance should be permitted, as provided in § 1121.38(b), the Commission finds, consistent with 49 U.S.C. 10905, that a fiancially responsible person has offered assistance which is likely to cover.

(1) The difference between the revenues attributable to the line and the avoidable cost of providing freight service on the line plus a reasonable return on the value of the line, or

(2) The acquisition cost of all or any portion of the line, then the Commission shall postpone the issuance of a certificate, or, if a certificate has been issued, postpone the effective date of the certificate, in accordance with paragraphs (i) and (k) of this section. The Commission shall determine whether the criteria in this paragraph have been met by each offeror if more than one offer is made (see paragraph (m) of this section). However, if the time for filing an offer has been tolled under § 1121.38(c)(1)(iii), the time for the Commission's determination under this section will be extended to five days after an offer has been filed.

(h) *Modified estimated subsidy payment.* Offerors may request, and carriers shall provide, an estimated subsidy payment reflecting operations of less than the entire line.

(i) *Negotiations.* (1) The carrier and the offeror are encouraged to negotiate an agreement for subsidy or acquisition before the issuance by the Commission of a final decision in an abandonment or discontinuance proceeding. The parties may agree to a final Estimated Subsidy Payment or acquisition price which varies from that contained in the application or in the offer, taking into account such factors as rate increases, changes in traffic level, and maintenance necessary to comply with minimum Federal Railroad Administration Class I safety standards, as projected for the subsidy year. The parties may also agree to provisions which modify the standards established under Subpart D of this part.

(2) When an agreement is reached, the parties shall promptly serve a verified copy on the Commission and on all parties to the abandonment or discontinuance proceedings.

(3) The Commission shall not consider an offer of financial assistance or any resulting agreement in making its initial finding on the merits of the abandonment or discontinuance application.

(j) *Agreement on financial assistance.* (1) If the carrier and a person offering financial assistance enter into an agreement which will provide continued rail service, the Commission shall postpone the issuance of the certificate, or, if the certificate has been issued, the effective date of the certificate, for so long as the agreement, or an extension or modification of the agreement, is in effect.

(2) If the carrier and a person offering to purchase a line enter into an agreement which will provide continued rail service, the Commission will approve the transaction and dismiss the application for abandonment or discontinuance. Commission approval is not required under 49 U.S.C. 10901 or 11343 for the parties to consummate the transaction and for the purchaser to institute service.

(k) *Failure to reach agreement on financial assistance.* (1) If the carrier and a financially responsible person (including a government authority) fail to agree on the amount or terms of the subsidy or purchase, either party may, within 30 days after the offer is made, request that the Commission establish the conditions and amount of compensation.

(2) If no agreement is reached within 30 days after the offer of subsidy or purchase is made, and neither party requests the Commission to establish the conditions and amount of compensation during that same period, the Commission will issue a certificate authorizing the abandonment or discontinuance no later than 50 days after notice is published under paragraph (b) of this section (unless an appeal is being heard pursuant to § 1121.36(e)). Such certificate will be effective on the date of issuance. If a certificate had already been issued, and the effective date postponed by the Commission while the parties negotiated the offer of subsidy or purchase, the certificate will be effective 50 days after the date the notice is published under paragraph (b) of this section (unless an appeal is being heard pursuant to § 1121.36(e)).

(l) *Requests to establish conditions and compensation for financial assistance.* (1) If the Commission is requested to establish the conditions and compensation for financial assistance in accordance with paragraph (k) of this section, the Commission will issue its decision on the request no later than 60 days after the request is filed with the Commission and served concurrently on all parties.

(2) Because the applicant may receive multiple offers of financial assistance (see paragraph (m) of this section), no request to establish conditions and compensation shall be permitted prior to applicant's selection of the offeror with whom it wishes to transact business.

(3) Any party filing a request with the Commission to establish conditions and compensation for financial assistance shall provide reasons why its estimates are correct and why the other negotiating party's estimates are incorrect; points of agreement and points of disagreement between the negotiating parties; and evidence substantiating these allegations.

(4) Where subsidy has been offered, and no agreement has been reached, the Commission will determine the amount and terms of subsidy based on the avoidable cost of providing continued rail transportation, plus a reasonable return on the value of the line.

(5) Where an offer of purchase has been made in order to continue rail service on the line, and no agreement has been reached, the Commission will determine the price and other terms of sale. In no case will the Commission set a price which is below the fair market value of the line (including, unless otherwise mutually agreed by the parties, all facilities on the line or portion necessary to provide effective transportation services). Fair market value equals Constitutional minimum value (which is not less than net liquidation value of the line, or the going concern value of line, whichever is greater, computed without regard to any labor protection costs).

(6) The decision of the Commission shall be binding on both parties, except that the person who has offered to subsidize or purchase the line may withdraw its offer no later than 10 days after the date the Commission's decision is served, by notifying, in writing, the Commission, the applicant, and all other parties to the proceeding. If the offeror does withdraw its offer within this time, the Commission shall approve the transaction and issue a certificate authorizing the abandonment or discontinuance no later than 20 days after the date the decision on the request for financial assistance is served, unless other offers are being considered pursuant to paragraph (m) of this section (and unless an appeal is being heard pursuant to § 1121.36(e)).

(m) *Multiple offers of financial assistance.* (1) If an applicant receives more than one offer to purchase or subsidize the line, the applicant shall

select the offeror with whom it wishes to transact business. Applicant shall make its selection known to the Commission and all parties, in writing, no later than 25 days after the date the notice is published pursuant to paragraph (b) of this section.

(2) When the applicant has received multiple offers of financial assistance, and has selected the offeror with whom it wishes to transact business, the negotiating parties shall complete the sale or subsidy agreement or request the Commission to establish the conditions and amount of compensation no later than 40 days after the date notice is published pursuant to paragraph (b) of this section. If no agreement on subsidy or sale is reached within the 40-day period and the Commission has not been requested to establish the conditions and amount of compensation, any other offeror may request the Commission to establish the conditions and amount of compensation no later than 50 days after the date notice is published pursuant to paragraph (b) of this section. If no request by any other offeror is made, the Commission shall issue a certificate authorizing the abandonment or discontinuance no later than 60 days after the date notice is published pursuant to paragraph (b) of this section (unless an appeal is being heard pursuant to § 1121.36(e)).

(3) When the Commission has established the conditions and amount of compensation, and the original offer has been withdrawn pursuant to paragraph (l)(6) of this section, any other offeror may accept the Commission's decision no later than 20 days after the date the decision on the request is served. The Commission will require the applicant carrier to enter into a sale or subsidy agreement with the subsequent offeror, if the sale or subsidy agreement incorporates the Commission's decision.

(n) *Disposition after sale.* No purchaser of a line or portion of line sold under this section may transfer or discontinue service on the line prior to the end of the second year after consummation of the sale. Nor may the purchaser transfer the line, except to the carrier from whom it was purchased, prior to the end of the fifth year after consummation of the sale.

(o) *Discontinuance of subsidy.* Any subsidy provided under this section may be discontinued by giving at least 60 days notice to the applicant and other parties to the proceeding. Unless, within the 60-day notice period, another financially responsible party enters into a subsidy agreement at least as beneficial to the carrier as that which was to be discontinued, the Commission will, at the carrier's request, issue a certificate authorizing the abandonment or discontinuance of service on the line no later than 10 days after the date the carrier's request is filed with the Commission and served by the carrier on all parties.

(p) *Default on agreement.* In the event any party to a financial assistance agreement defaults on the obligations thereunder, then any party to the agreement shall promptly inform the Commission. Upon notification the Commission will take such action as it may deem appropriate.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries; Change in Catch Rate

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Determination pursuant to final rule; notice of change in catch rate.

SUMMARY: The catch rate for giant Atlantic bluefin tuna in the General Category, Northern Area, is changed from three to four fish per day per vessel. Since the catch rate for giant Atlantic bluefin tuna as of September 7, 1981, is below 60 percent of the allowable take, the regulations governing this fishery require this change. The increased daily catch rate will provide handgear fishermen a better opportunity to harvest the quota.

EFFECTIVE DATE: September 10, 1981 until December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Jerome, Jr., National Marine Fisheries Service, Northeast Region, State Fish Pier, Gloucester, MA 01930, Tel: 617-281-3600, ext. 325.

SUPPLEMENTARY INFORMATION: Final regulations governing the Atlantic bluefin tuna fishery were published on June 13, 1980 (45 FR 40118). The regulations require the Assistant Administrator for Fisheries, NOAA, to reassess the daily catch rate for giant Atlantic bluefin tuna based on specified criteria. Section 285.32(b)(1) provides: "On or about September 7, the Assistant Administrator will review dealer and buy-boat reports to determine the total catch of giant bluefin tuna. If the Assistant Administrator determines that 85 percent or more of the quota of giant bluefin is caught, an allowable catch of one giant bluefin tuna per day per vessel will be continued or reestablished. If the Assistant Administrator determines that 70 or more percent and less than 85 percent of the quota has been caught, the allowable catch will be set at two giant bluefin tuna per day per vessel. If more than 60 and less than 70 percent of the quota has been caught, the allowable catch will be set at three giant tuna per day per vessel. If the Assistant Administrator determines that 60 percent or less of the quota has been caught, the allowable catch will be increased to four giant tuna per day per vessel."

The Assistant Administrator has determined that the catch of giant Atlantic bluefin tuna in the General Category, Northern Area, is approximately 925 fish. Since this number is less than 60 percent of the total quota, the daily catch rate of giant Atlantic bluefin tuna will be increased from three to four fish per day per vessel on September 10, 1981. This catch rate will remain in effect until December 31, 1981, or until the quota is reached, whichever is sooner. The change in the daily catch for giant Atlantic bluefin tuna does not apply to those vessels registered in the Charter or Harpoon Boat Categories in the Northern Area, or those vessels permitted to take giant Atlantic bluefin tuna in the Southern Area with gear other than purse seines.

Notice of the change has been provided to all dealers and vessel operators permitted by NOAA to operate in the Atlantic bluefin tuna fishery.

This notice implements a provision required by § 285.32(b)(1) of the final regulations. The impacts of this in-season adjustment of the daily catch rate on the participants in the fishery were considered in the design of the final regulations.

(Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971h)

Dated: September 4, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-26683 Filed 9-10-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 176
Friday, September 11, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 220, and 226

National School Lunch, School Breakfast, and Child Care Food Programs; Meal Pattern Requirements

Correction

In FR Doc. 81-25955, appearing in the issue of Friday, September 4, 1981, at page 44452, make the following changes:

1. On page 44452, in the second column, change the first word in the second line to read "decrease".

2. On page 44452, in the third column, first full paragraph, ninth line, "nutrition" should read "nutrients".

3. On page 44453, in the third column, second paragraph, third and fourth lines from the bottom, the parentheses should be quotation marks.

4. On page 44456, in the first column, the sixth line in the third paragraph, change "ot" to read "to".

5. On page 44463, in § 210.10(g)(2), the 11th line should read "food or cheese spread of appropriate".

6. On page 44468, in § 226.20(f), the last sentence should read "The statement must specify an alternate food or foods."

7. On page 44468, in § 226.20(h), the 5th line should read "of the Northern Mariana Islands,".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Parts 1011, 1046, and 1098

[Docket Nos. AO-251-A23, AO-123-A48, and AO-184-A43]

Milk in Tennessee Valley, Louisville-Lexington-Evansville and Nashville, Tenn., Marketing Areas; Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider proposals by a handler and two cooperative associations to amend the Tennessee Valley, Louisville-Lexington-Evansville, and Nashville, Tennessee, Federal milk marketing orders. Certain proposals would amend the producer and pool plant definitions of the Louisville order, change the Nashville out-of-area plant location adjustments for handlers, and allow handlers under the Nashville order to make payments for milk directly to nonmember producers. Other proposals would amend the provisions for diverting milk from plants regulated by the Nashville and Tennessee Valley orders, and would change the producer location adjustments of the Louisville and Nashville orders with respect to diverted milk.

DATE: The hearing will convene October 6, 1981.

ADDRESS: The hearing will be held at the Ramada Inn, 9700 Blue Grass Parkway, I-64 at Hurstbourne Lane, Louisville, Kentucky, beginning at 9:30 a.m. local time.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-5443.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Ramada Inn, 9700 Blue Grass Parkway, I-64 at Hurstbourne Lane, Louisville, Kentucky, beginning at 9:30 a.m., local time, on Tuesday, October 6, 1981, with respect to proposed amendments to the tentative marketing agreement and to the orders regulating the marketing of milk in the Tennessee Valley, Louisville-Lexington-Evansville, and Nashville, Tennessee, marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

Proposal No. 4 listed below, which would amend the Louisville order, would lessen the number of days on which a producer must deliver his milk to a pool plant in order for his milk to be eligible during certain months for diversion for nonpool plants. Proponent indicated that one effect of this proposal would be the removal of any practical limit on the amount of milk that could be diverted. Although proponent suggested that some type of diversion limit based on a percentage of a handler's receipts probably should be considered at the hearing, no proposal in this regard was offered. Notice is hereby given that testimony may be offered on whether the Louisville order should include a provision to limit diversions to nonpool plants to a greater degree than would be provided by current order provisions if this proposal is adopted.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

Proposed by Dairymen, Inc.

Proposal No. 1

§ 1011.12 [Amended]

1. Revise § 1011.12(b)(4) by inserting ahead of the semicolon the words "except as provided for in § 1011.13(c)(9)".

2. Add a new subparagraph (c)(9) to § 1011.13 as follows:

§ 1011.13 Producer milk.

* * * * *

(c) * * *

(9) Diversions by the operator of a pool plant to an other order plant (regulated as a "distributing" or "city" plant under such other order) in any month may not exceed 25 percent of the total quantity of milk for which such pool plant operator was the reporting handler during the preceding month, nor, with respect to any producer whose milk is so diverted an amount in excess of the volume of such producer's milk which is physically received at pool plants during the month.

§ 1011.42 [Amended]

3. Amend § 1011.42(b)(2) by inserting the words "or diverted" after the word "transferred".

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Proposed by Kraft, Inc.

Proposal No. 2

Amend § 1046.12 by adding a new paragraph (b)(5) as follows:

§ 1046.12 Producer.

* * * * *

(b) * * *

(5) A dairy farmer with respect to milk caused to be moved from this farm to a pool plant under this order by a handler under another Federal order if all of the milk so received is considered as a receipt from a producer under the provisions of the other Federal order.

Proposal No. 3

Revise § 1046.7(b) to read as follows:

§ 1046.7 Pool plant.

* * * * *

(b) A country plant during any of the months of September through February from which not less than 50 percent, and during other months not less than 40 percent, of milk from persons described in § 1046.12(a)(1) and from handlers described in § 1046.9(c) that is physically received at such plant (except by diversion from other plants), or diverted therefrom pursuant to § 1046.13, is shipped to and received at a city plant(s) in the form of milk or skim milk. The operator of a county plant may include milk diverted, pursuant to § 1046.13(b), from such plant to a city plant as qualifying shipments in meeting up to one-half of the shipping percentage(s) specified in this paragraph.

Proposal No. 4

§ 1046.13 [Amended]

Amend § 1046.13 removing paragraph (c)(3).

Proposed by Dairymen, Inc.

Proposal No. 5

§ 1046.7 [Amended]

Amend § 1046.7 by removing (b) and (c).

Proposal No. 6

Revise § 1046.75(a) to read as follows:

§ 1046.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a plant shall be adjusted as follows:

(1) For milk physically received at a pool plant under this or any other order issued pursuant to the Act, such price shall be adjusted at the rates set forth in § 1046.52(a); or

(2) For milk physically received at a plant other than one described in paragraph (a)(1) of this section, such price shall be the price applicable at the location of the pool plant from which diverted less 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 50 miles from the pool plant from which diverted.

* * * * *

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

Proposed by Kraft, Inc.

Proposal No. 7

Make the following changes in the order to allow for diversions between pool plants and to other order plants for limited Class I use:

§ 1098.7 [Amended]

1. Amend § 1098.7(a) by adding the words "pool or" in the eighth line ahead of the word "nonpool".

2. Amend § 1098.7(b) by adding the words "pool or" ahead of the words "nonpool plant pursuant to § 1098.12".

§ 1098.12 [Amended]

3. Amend § 1098.12(b)(3) by inserting the words "except as provided for in § 1098.13(b)(5)" ahead of the semicolon.

§ 1098.13 [Amended]

4. Amend § 1098.13 as follows:

(i) Amend paragraph (a) by inserting the parenthetical phrase "(excluding such milk that is diverted from another pool plant)" after the words "dairy farmer".

(ii) Revise paragraph (b) to read as follows:

"(b) Diverted by the operator of a pool plant or a cooperative association from a pool plant to another pool plant without limit during the month, or to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

"(1) Such milk shall be accounted for as received by the diverting handler at the location of the plant to which diverted;

"(2) * * *

"(3) * * *

"(4) * * *

"(5) Diversions by the operator of a pool plant to an other order plant (regulated as a "distributing" or "city" plant under such other order) in any month may not exceed 245 percent of the total quantity of milk for which such pool plant operator was the reporting handler during the preceding month, nor, with respect to any producer whose milk is so diverted an amount in excess of the volume of such producer's milk which is physically received at pool plants during the month."

§ 1098.41 [Amended]

5. Amend § 1098.41(b)(2) by inserting the words "and in milk diverted to such plant by another pool plant" after the phrase "a handler described in § 1098.9(c)".

6. Revise § 1098.42 to read as follows:

§ 1098.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat tranferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such tranfers of diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or

divertee plant after the computations pursuant to § 1098.44(a)(12) and the corresponding step of § 1098.44(b);

(2) If the transferor-plant or diverting plant received during the month other source milk to be allocated pursuant to § 1098.44(a)(7) or the corresponding step of § 1098.44(b) the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or diverting handler received during the month other source milk to be allocated pursuant to § 1098.44(a)(11) or (12) or the corresponding steps of § 1098.44(b), the skim milk or butterfat so tranferred or diverted up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classifed as Class I milk to a greater extent than would be the case if the other source milk had been received at the tranferee or divertee plant.

(b) *Tranfers and diversions to other order plants.* Skim milk or butterfat tranferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classifed in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraphs (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If tranferred or diverted in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers and diversions in bulk form shall be classified pursuant to the allocation provisions of the other order, or as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order.

* * * * *

Proposal No. 8

Revise § 1098.52(a) to read as follows:

§ 1098.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1098.9(c) at a plant located outside the State of Tennessee and more than 50 miles from the State Capitol in Nashville by the shortest hard-surfaced highway distance determined by the market administrator and classified as Class I milk (subject to the limitations pursuant to paragraph (b) of this section), the Class I price shall be reduced 10 cents plus 1.5 cents for each 10 miles or fraction that such plant is more than 70 miles from the State Capitol, except for such milk that is physically received at plants located:

(1) In the Kentucky counties of Bell, Breathitt, Clay, Harlan, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Perry and Whitley, no location adjustment shall apply.

(2) In Kentucky counties not listed in (a)(1) of this section and in the Indiana counties of Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Harrison, Knox, Martin, Orange, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick, and Washington, the location adjustment shall be minus 15 cents.

(3) In any area not specifically identified in (a) (1) and (2) of this section which is east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina, no location adjustment shall apply.

* * * * *

Proposal No. 9

§§ 1098.71 and 1098.73 [Amended.]

Amend §§ 1098.71 and 1098.73 to provide handlers the option to pay nonmember producers directly on or before the date payment would otherwise be made by the market administrator.

Proposal No. 10

Revise § 1098.7(a) to read as follows:

§ 1098.7 Pool plant.

* * * * *

(a) A distributing plant that has Class I utilization during the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted regulatory agency for fluid consumption that are physically received at such plant or diverted as producer milk to a pool or nonpool plant pursuant to § 1098.13 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of its total disposition of fluid milk products, except filled milk, during the month.

* * * * *

Proposed by Dairymen, Inc.

Proposal No. 11

Revise § 1098.13(b) (2) through (7) to read as follows:

§ 1098.13 Producer milk.

* * * * *

(b) * * *

(2) In any month of March through July, not less than four days production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) In any month of August through February, not less than ten days production of the producer whose milk is diverted is physically received at a pool plant during the month;

(4) In any month of August through February, the total quantity of milk so diverted during the month by a cooperative association shall not exceed one-third of the producer milk that the cooperative association caused to be delivered to, and is physically received at, pool plants during the month;

(5) In any month of August through February, the operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (b)(4) of this Section. The total quantity of milk so diverted during the month shall not exceed one-third of the producer milk physically received at such plant during the month that is eligible to be diverted by the plant operator.

(6) To the extent that it would result in nonpool status for the pool plant for which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk; and

(7) The cooperative association shall designate the dairy farmer deliveries that are not producer milk pursuant to paragraph (b)(6) of this section. If the cooperative association fails to make such designation, no milk diverted by it to a nonpool plant(s) shall be producer milk.

Proposal No. 12

Revise § 1098.75(a) to read as follows:

§ 1098.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1098.73(b), the uniform price and the uniform price for base milk pursuant to § 1098.61 for producer milk received at a plant shall be adjusted as follows:

(1) For milk physically received at a pool plant under this or any other order issued pursuant to the Act, such prices shall be adjusted at the rates set froth in § 1098.52(a); or

(2) For milk physically received at a plant other than one described in (a)(1), such prices shall be the prices applicable at the location of the pool plant from which diverted less 1.5 cents per hundredweight for each 10 miles of fraction thereof that such plant is more than 50 miles from the pool plant from which diverted.

* * * * *

Proposed by National Farmers Organization

Proposal No. 13

§ 1098.75 [Amended]

Amend § 1098.75 to provide that if 65 percent or more of a producer's milk is delivered to a plant or plants at which the same rate is applicable, such rate shall be applicable to all deliveries of such producer during the month regardless of point of delivery.

PARTS 1011, 1046, AND 1098—[AMENDED]

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 14

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the market administrator, Joseph E. Bobo, P.O. Box 18030, Louisville, Kentucky 40218 or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington Office only)
Office of the Market Administrator, Tennessee Valley, Louisville-Lexington-Evansville and Nashville marketing areas

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C. on September 4, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-26570 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service [1]

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Frozen Cauliflower

Corrections

In FR Doc. 81-23566 appearing at page 41077 in the issue of Friday, August 14, 1981 and corrected on page 43431 in the issue of Friday, August 28, 1981, make the following change:

§ 2852.727 [Corrected]

On page 43431, first column, correction numbered 3 § 2852.727, Table I, second column, third entry ("Seriously"), the "X" should be removed from "Major" and placed under "Severe".

BILLING CODE 1505-01-M

Agricultural Marketing Service [1]

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Canned Celery; [2] Proposed Establishment

Correction

In FR Doc. 81-24241 appearing on page 42487 in the issue of Friday, August 21, 1981, make the following correction.

On page 42489, in the table for § 2852.6578, change "millimeter" to "m/m" wherever it appears.

BILLING CODE 1505-01-M

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[1] The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service of USDA by USDA Secretary's Memorandum 1000-1 issued June 17, 1981. A notice detailing the agencies reorganization is being drafted for later publication.

[1] The Commodity Services Program . . . .

[2] Compliance with the provisions . . . .

Agricultural Marketing Service [1]

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Orange Juice [2]

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Orange Juice. The proposed rule was developed by the United States Department of Agriculture (USDA) at the request of the citrus industry. Its effect would be to: (1) Improve the standards by including grade standards for reduced acid frozen concentrated orange juice; (2) combine all orange juice standards into a single format with easy-to-read tables; (3) replace dual grade nomenclature with single letter grade designation; (4) change the maximum Brix/acid ratio requirement for "Grade A" concentrated orange juice for manufacturing and for "Grade A" canned concentrated orange juice; and (5) allow for optional use of electronic colorimetry to provide objective measurement of color reduced acid frozen concentrated orange juice.

DATE: Comments must be received on or before July 30, 1982.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number(s) of this issue of the **Federal Register** and will be made available for public inspection of the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Jennings, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-7913.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator,

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[1] The Commodity Services Program of the Food Safety and Quality Service of the U.S. Department of Agriculture (USDA) was transferred to the Agricultural Marketing Service of USDA by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the agencies' reorganization is being drafted for later publication.

[2] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with the applicable State laws and regulations.

Marketing Program Operations, Agricultural Marketing Service, has determined that this proposed rule is not major. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations; or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

The Food and Drug Administration (FDA) established on February 26, 1980 (45 FR 12414) to become effective July 1, 1981, Standards of Identity for Reduced Acid Frozen Concentrated Orange Juice. This action was based on a petition submitted by the Coca-Cola Company, Foods Division, P.O. Box 2079, Houston, Texas 77001.

Currently, there are no voluntary USDA grade standards for reduced acid frozen concentrated orange juice. This proposed rule would include requirements for grades of reduced acid frozen concentrated orange juice.

Reducing the acid of orange juice changes the flavor just as the flavor of orange juice is changed when a nutritive or artificial sweetener is added. In both cases the ratio of the solids to acid has increased, resulting in a sweeter tasting juice.

The acidity of orange juice is reduced by anionic (negatively charged ions) exchange resins. A technically complex process, ion exchange depends upon the naturally occurring potassium content of orange juice. As the electric charge is exchanged between potassium ions (positive charge) and other chemical components of orange juice, the acidity is reduced. Nutritive carbohydrate sweeteners may not be used since sugar would accomplish essentially the same process as the ion exchange—increase the ratio between carbohydrates and acid—and would be deceiving to the consumer who bought reduced acid orange juice under the premise of "no sugar added."

The term "acid" is used to express the percent, by weight, of anhydrous (free from water) citric acid. The method used to test for acidity is a visual color change, or an equivalent value on a potentiometer, reached when the acidity is neutralized by a basic (sodium hydroxide) solution. The accuracy of the test for acidity is important because the ratio of Brix (carbohydrates) to acid is a parameter of the minimum FDA Standards of Identity for Reduced Acid Frozen Concentrated Orange Juice.

The term "Brix" is used to express the percent, by weight, of soluble orange solids (carbohydrates) in orange juice. The test to determine Brix is rapid and traditionally has been accomplished by refractometry (passing of light through a prism). When a sugar solution is placed upon a prism, and light is passed through the solution, the degree of refraction (bending) is directly related to the percent of soluble orange solids. Industry pricing or orange juice is based on the soluble solids content.

The term "Brix-acid ratio" is used to express the relationship of sweetness to acidity. The ratio is determined by dividing the percent, by weight, anhydrous citric acid into the Brix. A low Brix-acid ratio, such as 12 to 1, indicates a sour tasting juice; and a high ratio, such as 26 to 1, indicates a sweeter juice.

The current voluntary grade standards for canned orange juice, frozen concentrated orange juice, concentrated orange juice for manufacturing, canned concentrated orange juice, dehydrated orange juice, pasteurized orange juice, and orange juice from concentrate contain narrative content that is common to all these grade standards. Much of the narrative content would be eliminated by having a common format with easy-to-read tables. The reduced acid frozen concentrated orange juice standards would be included in the tables.

The standards would be updated to replace dual grade nomenclature (U.S. Grade A or U.S. Fancy; U.S. Grade B or U.S. Choice) with single letter grade designation (U.S. Grade A; U.S. Grade B).

Most of the concentrated orange juice for manufacturing (OM) is blended with other concentrated orange juices to produce frozen concentrated orange juice (FCOJ) or to produce orange juice from concentrate. When producing these products, the processor is able to blend high ratio (Brix/acid ratio) juices and low ratio juices to produce a product within the ratio requirements outlined in the grade standards for: (1) FCOJ or (2) orange juice from concentrate.

Since the end product would be within the existing requirements, it is proposed that the maximum ratio requirements for "Grade A" OM be raised from 20:1 to 24:1. The other ratio requirements would not be changed from the requirements of the existing standards.

It is also proposed that the maximum ratio requirement for "Grade A" canned concentrated orange juice be raised from 18:1 to 20:1. The other ratio requirements would not be changed from the requirements of the existing standards. This change would make the ratio requirements for canned concentrated orange juice more in line with the ratio requirements for FCOJ.

Minimum color criteria have been established in the U.S. Standards for Grades of Orange Juice, government purchase specifications, and frozen concentrated orange juice traded under the Commodities Exchange Act. To provide objective color measurement of orange juice, electronic colorimetry is used to establish the quality grade. Under this proposed revision of the U.S. standards, electronic colorimetry may be used to objectively measure the color of reduced acid frozen concentrated orange juice. For consumers, producers, buyers, and sellers who do not demand as strict an orange juice color criteria, an inexpensive plastic color comparator is available, from a USDA licensed supplier, to determine the color of orange juice. Since the pricing structure of orange juice is determined, in part, by its color an objective method of measurement of color is desirable.

PART 2852—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Accordingly it is proposed to amend various sections of 7 CFR Part 2852 as set forth below:

§§ 2852.1581-2852.1592 (Subpart—United States Standards for Grades of Frozen Concentrated Orange Juice) [Reserved]

1. Subpart—United States Standards for Grades of Frozen Concentrated Orange Juice (7 CFR 2852.1581-2852.1592) would be removed and the sections, excluding the Subpart title, would be reserved.

§§ 2852.2221-2852.2231 (Subpart—United States Standards for Grades of Concentrated Orange Juice for Manufacturing) [Reserved]

2. Subpart—United States Standards for Grades of Concentrated Orange Juice for Manufacturing (7 CFR 2852.2221-2852.2231) would be removed and the sections, excluding the Subpart title, would be reserved.

§§ 2852.2251-2852.2262 (Subpart—United States Standards for Grades of Canned Concentrated Orange Juice) [Reserved]

3. Subpart—United States Standards for Grades of Canned Concentrated Orange Juice (7 CFR 2852.2251–2852.2262) would be removed and the sections, excluding the Subpart title, would be reserved.

§§ 2852.2981-2852.2991 (Subpart—United States Standards for Grades of Dehydrated Orange Juice) [Reserved]

4. Subpart—United States Standards for Grades of Dehydrated Orange Juice (7 CFR 2852.2981–2852.2991) would be removed and the sections, excluding the Subpart title, would be reserved.

§§ 2852.5641-2852.5652 (Subpart—United States Standards for Grades of Pasteurized Orange Juice) [Reserved]

5. Subpart—United States Standards for Grades of Pasteurized Orange Juice (7 CFR 2852.5641–2852.5652) would be removed and the sections, excluding the Subpart title, would be reserved.

§§ 2852.5681-2852.5692 (Subpart—United States Standards for Grades of Orange Juice from Concentrate) [Reserved]

6. Subpart—United States Standards for Grades of Orange Juice from Concentrate (7 CFR 2852.5681–2852.5692) would be removed and the sections, excluding the Subpart title, would be reserved.

7. The title of Subpart—United States Standards for Grades of Canned Orange Juice (7 CFR 2852) would be revised to read "Subpart—United States Standards for Grades of Orange Juice " and the sections thereunder (7 CFR 2852.1551–2852.1562) would be revised to read as follows:

Subpart—United States Standards for Grades of Orange Juice

Sec.

2852.1551 Product description.
2852.1552 Styles.
2852.1553 Definition of terms.
2852.1554 Recommended sample unit size.
2852.1555 Grades.
2852.1556 Factors of quality and analysis.
2852.1557 Requirements for grades.
2852.1558 Sample size.
2852.1559 Lot requirements.
2852.1560 [Reserved].
2852.1561 [Reserved].
2852.1562 [Reserved].

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; (7 U.S.C. 1622, 1624.).

Subpart—United States Standards for Grades of Orange Juice

§ 2852.1551 Product description.

(a) For the purpose of these standards the following products are represented as defined in the Standards of Identity issued under the Federal Food, Drug, and Cosmetic Act.

(1) "Pasteurized orange juice" (21 CFR 146.140).

(2) "Canned orange juice" (21 CFR 146.141).

(3) "Orange juice from concentrate" (21 CFR 146.145).

(4) "Frozen concentrated orange juice" (21 CFR 146.146).

(5) "Reduced acid frozen concentrated orange juice" (21 CFR 146.148).

(6) "Canned concentrated orange juice" (21 CFR 146.150).

(7) "Concentrated orange juice for manufacturing" (21 CFR 146.153 and 21 CFR 146.154).

(b) For the purpose of these standards the following product is not defined in the Standards of Identity issued under the Federal Food, Drug, and Cosmetic Act. The product is defined as follows: "Dehydrated orange juice" is the product made from any of the products listed in paragraph (a) of this section. Optional functional ingredient(s) permissible under the Federal Food, Drug, and Cosmetic Act may be used. The dehydrated orange juice is reduced to a suitable moisture content necessary for preservation.

§ 2852.1552 Styles.

(a) Unsweetened.

(b) Sweetened (not applicable to reduced acid frozen concentrated orange juice).

§§ 2852.1553 Definition of terms.

In these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Acid* means the percent, by weight, of total acidity (calculated as anhydrous citric acid).

(b) *Appearance* means the physical properties of orange juice which are evaluated by the human eye.

(c) *Brix* means the percent, by weight, of orange soluble solids and added sweeteners, if any.

(d) *Brix/acid ratio* means the proportion of orange soluble solids and added sweeteners, if any, to acid.

(e) *Coagulation* means curdling of orange juice.

(f) *Color.*

(1) *Good color* means the orange juice is representative of juice extracted from mature, well-ripened oranges. Orange juice that is good color may be given a score of 36 to 40 points.

(2) *Reasonably good color* means the orange juice may be slightly affected by scorching, oxidation, or caramelization. Orange juice that is reasonably good color may be given a score of 32 to 35 points and may not be graded above "Grade B" regardless of total score.

(3) *Poor Color* means the orange juice fails to meet the requirements for "reasonably good color." Orange juice that is poor color may be given a score of 0 to 31 points and may not be graded above "Substandard" regardless of total score.

(g) *Color standards* means the official USDA Orange Juice Color Standards. The color of orange juice is evaluated by comparing the color of the juice with the USDA Orange Juice Color Standards as points of reference. The availability and procedure for using the color standards may be obtained from:

Chief, Processed Products Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250

Any device approved by the USDA which gives values equivalent to the USDA Color Standards may be used.

(h) *Defects* means juice cells, pulp, seeds or portions of seeds, specks, particles of membrane, core, peel, or any other distinctive features that adversely affect the appearance or drinking quality of the orange juice.

(1) Practically free from defects means defects in excess of that normally expected in orange juice are not present. Orange juice that is practically free from defects may be given a score of 18 to 20 points.

(2) Reasonably free from defects means the presence of defects does not seriously affect the appearance or drinking quality of the orange juice. Orange juice that is reasonably free from defects may be given a score of 16 or 17 points and may not be graded above "Grade B" regardless of total score.

(3) Orange juice that fails the requirements for "reasonably free from defects" may be given a score of 0 to 15 points and may not be graded above "Substandard" regardless of total score.

(i) *Flavor*—(1) *Good flavor* means the flavor is similar to the flavor of juice extracted from mature, fresh, sweet oranges. The orange juice may be slightly affected by processing, packaging, or storage conditions. Orange juice that is good flavor may be given a score of 36 to 40 points.

(2) *Reasonably good flavor* means the flavor is similar to the flavor of juice extracted from reasonably mature, fresh, sweet oranges. The orange juice may be materially, but not seriously, affected by processing, packaging, or storage conditions. Orange juice that is reasonably good flavor may be given a score of 32 to 35 points and may not be

graded above "Grade B" regardless of total score.

(3) *Poor flavor* means orange juice that fails the requirements for "reasonably good flavor." Orange juice that is poor flavor may be given a score of 0 to 31 points and may not be graded above "Substandard" regardless of total score.

(j) *Reconstituted juice* means the orange juice obtained by mixing thoroughly one (1) part by volume of concentrated or dehydrated orange juice with a specific volume of water.

(k) *Reconstitutes properly* means that, upon mixing with water, the concentrate dissolves readily.

(l) *Recoverable oil* means the volume of oil that may be recovered from orange juice as determined by the "Official Methods of Analysis of the Association of Official Analytical Chemists."

(m) *Sample unit* means a portion of orange juice selected for grading.

(n) *Separation* means that the lighter suspended material rises and heavier suspended material sinks resulting in a zone of clear or transparent liquid.

§ 2852.1554 Recommended sample unit size.

The requirements for all factors of quality are based on the following:

(a) The entire contents of a container;

(b) A representative portion of the contents of a container; or

(c) A combination of the contents of two or more containers.

§ 2852.1555 Grades.

(a) *U.S. Grade A* is the quality of orange juice that:

(1) Meets the applicable requirements of Tables I–VIII; and

(2) Scores not less than 90 points.

(b) *U.S. Grade B* is the quality of orange juice that:

(1) Meets the applicable requirements of Table I–VIII; and

(2) Scores not less than 80 points.

(c) *Substandard* is the quality of orange juice that fails to meet the requirements of "Grade B."

§ 2852.1556 Factors of quality and analysis.

The grade for a lot of product is based on observation and analysis of the orange juice or reconstituted orange juice for the following quality and analytical factors:

(a) Quality:
(1) Appearance;
(2) Coagulation;
(3) Color;
(4) Defects;
(5) Flavor;
(6) Reconstitution;
(7) Separation; and
(8) Total score points.
(b) Analytical:
(1) Acid;
(2) Brix measurement;
(3) Brix/acid ratio; and
(4) Recoverable oil.

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Table II - Frozen Concentrated Orange Juice

§ 2852.1557 Requirements for grades.

§ 2852.1557 Requirements for grades.

Table I - Canned Orange Juice

Factors	Grade A				Grade B			
Quality:								
Coagulation.	None.				Slight.			
Color.	Good. Equal to or better (than USDA OJ 6.)				Reasonably good. (Not as good as USDA OJ 6.)			
Defects.	Practically free.				Reasonably free.			
Flavor.	Good.				Reasonably good.			
Score Points.	Minimum - 90.				Minimum - 80.			
Analytical:	Unsweetened		Sweetened		Unsweetened		Sweetened	
Brix: minimum.	10.5°		10.5°		10.0°		10.5°	
Brix/Acid Ratio:	Min	Max	Min	Max	Min	Max	Min	Max
Brix < 11.5°	10.5:1	20.5:1						
Brix 11.5° or more.	9.5:1	20.5:1						
Brix < 15°.			12.5:1	20.5:1			12.5:1	20.5:1
Brix 15° or more.			9.5:1	20.5:1			9.5:1	20.5:1
Any Brix.					9.5:1	20.5:1		
Acid (wt/100g):								
California/ Arizona.	0.7g	1.4g	0.7g	1.4g	0.55g	1.55g	0.6g	1.6g
Outside California/ Arizona.	0.6g	1.4g	0.6g	1.4g	0.55g	1.55g	0.6g	1.6g
Recoverable Oil (percent by volume): maximum	0.035		0.035		0.055		0.055	

Table II - Frozen Concentrated Orange Juice

Factors	Grade A				Grade B			
Quality: 3/								
Appearance.	Fresh orange juice.				Fails grade A.			
Reconstitution.	Reconstitutes properly.				Reconstitutes properly.			
Color.	Good. (Equal to or better than USDA OJ 5.)				Reasonably good. (Not as good as USDA OJ 5.)			
Defects.	Practically free.				Reasonably free.			
Flavor.	Good.				Reasonably good.			
Score Points.	Minimum - 90.				Minimum - 80.			
Analytical:	Unsweetened		Sweetened		Unsweetened		Sweetened	
Concentrate:								
Brix: minimum.	41.8°		42.0°		41.8°		42.0°	
Reconstituted Juice:								
Brix: minimum.	11.8°		11.8°		11.8°		11.8°	
Brix/Acid Ratio:	Min	Max	Min	Max	Min	Max	Min	Max
California/ Arizona.	11.5:1	19.5:1	12:1	19.5:1	10:1		10:1	
Outside California/ Arizona.	11.5:1	19.5:1	13:1	19.5:1	10:1		10:1	
Recoverable Oil (percent by volume): maximum	0.035				0.040			

3/ Reconstituted prior to grading.

Table III - Reduced Acid Frozen Concentrated Orange Juice

Factors	Grade A	Grade B
Quality: 3/		
Appearance.	Fresh orange juice.	Fails grade A.
Reconstitution.	Reconstitutes properly.	Reconstitutes properly.
Color.	Good. (Equal to or better than USDA OJ 5.)	Reasonably good. (Not as good as USDA OJ 5.)
Defects.	Practically free.	Reasonably free.
Flavor.	Good.	Reasonably good.
Score Points.	Minimum - 90.	Minimum - 80.
Analytical:		
Concentrate:		
Brix: minimum.	41.8°	41.8°
Reconstituted Juice:		
Brix: minimum.	11.8°	11.8°
Brix/Acid Ratio.	Min 21:1 Max 26:1	Min 21:1 Max 26:1
Recoverable Oil (percent by volume): maximum	0.035	0.040

3/ Reconstituted prior to grading.

Table IV - Concentrated Orange Juice for Manufacturing

Factors	Grade A	Grade B
Quality: 3/		
Reconstitution.	Reconstitutes properly.	Reconstitutes properly.
Color.	Good. (Equal to or better than USDA OJ 6.)	Reasonably good. (Not as good as USDA OJ 6.)
Defects.	Practically free.	Reasonably free.
Flavor.	Good.	Reasonably good.
Score Points.	Minimum - 90.	Minimum - 80.
Analytical:		
Brix/Acid Ratio.	Min 8:1 Max 24:1	Min 8:1 Max 24:1

3/ Reconstituted prior to grading.

Table V - Canned Concentrated Orange Juice

Table VI - Dehydrated Orange Juice

Table V - Canned Concentrated Orange Juice

Factors	Grade A		Grade B	
Quality: 3/				
Appearance.	Fresh orange juice		Fails grade A.	
Reconstitution.	Reconstitutes properly.		Reconstitutes properly.	
Color.	Good. (Equal to or better than USDA OJ 5.)		Reasonably good. (Not as good as USDA OJ 5.)	
Defects.	Practically free.		Reasonably free.	
Flavor.	Good.		Reasonably good.	
Score Points.	Minimum - 90.		Minimum - 80.	
Analytical:	Unsweetened	Sweetened	Unsweetened	Sweetened
Concentrate:				
Brix: minimum.	41.8°	42.0°	41.8°	42.0°
Reconstituted Juice:				
Brix: minimum.	11.8°	11.8°	11.8°	11.8°
Brix/Acid Ratio.	Min 11.5:1 Max 20:1	Min 12:1 Max 20:1	Min 9.5:1 Max 20:1	Min 10:1 Max 20:1
Recoverable Oil (percent by volume): maximum	0.035		0.040	

3/ Reconstituted prior to grading.

Table VI - Dehydrated Orange Juice

Factors	Grade A	Grade B
Quality: 3/		
Appearance.	Fresh orange juice	Fails grade A.
Reconstitution.	Reconstitutes properly.	Reconstitutes properly.
Color.	Good. (Equal to or better than USDA OJ 6.)	Reasonably good. (Not as good as USDA OJ 6.)
Defects.	Practically free.	Reasonably free.
Flavor.	Good.	Reasonably good.
Score Points.	Minimum - 90.	Minimum - 80.
Analytical:		
Brix/Acid Ratio.	Min 12:1 Max 18:1	Min 10.5:1 Max 19:1
Recoverable Oil (percent by volume): maximum	0.017	0.025

3/ Reconstituted prior to grading.

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Table VII - Pasteurized Orange Juice

Factors	Grade A				Grade B			
Quality:								
Appearance.	Fresh orange juice.				Fails grade A.			
Coagulation.	None.				None.			
Separation.	No material.				Some.			
Color.	Good. (Equal to or better than USDA OJ 5.)				Reasonably good. (Not as good as USDA OJ 5.)			
Defects.	Practically free.				Reasonably free.			
Flavor.	Good.				Reasonably good.			
Score Points.	Minimum - 90.				Minimum - 80.			
Analytical:	Unsweetened		Sweetened		Unsweetened		Sweetened	
Brix: minimum.	11.0°		11.0°		10.5°		10.5°	
Brix/Acid Ratio:	Min	Max	Min	Max	Min	Max	Min	Max
California/ Arizona.	11.5:1	18:1	12.5:1	20.5:1	10.5:1	23:1	10.5:1	23:1
Outside California/ Arizona.	12.5:1	20.5:1	12.5:1	20.5:1	10.5:1	23:1	10.5:1	23:1
Recoverable Oil (percent by volume): maximum	0.035				0.045			

Table VIII - Orange Juice from Concentrate

Factors	Grade A				Grade B			
Quality:								
Appearance.	Fresh orange juice.				Fails grade A.			
Coagulation.	None.				None.			
Separation.	No material.				Some.			
Color.	Good. (Equal to or better than USDA OJ 5.)				Reasonably good. (Not as good as USDA OJ 5.)			
Defects.	Practically free.				Reasonably free.			
Flavor.	Good.				Reasonably good.			
Score Points.	Minimum - 90.				Minimum - 80.			
Analytical:	Unsweetened		Sweetened		Unsweetened		Sweetened	
Brix: minimum.	11.8°		11.8°		11.8°		11.8°	
Brix/Acid Ratio:	Min	Max	Min	Max	Min	Max	Min	Max
California/ Arizona.	11.5:1	18:1	12.5:1	20.5:1	11:1	23:1	11:1	23:1
Outside California/ Arizona.	12.5:1	20.5:1	12.5:1	20.5:1	11:1	23:1	11:1	23:1
Recoverable Oil (percent by volume): maximum	0.035				0.045			

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§ 2852.1558 Sample size.

The sample size to determine acceptance with the requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification" of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1–2852.83).

§ 2852.1559 Lot requirements.

A lot of orange juice is considered as meeting requirements for quality if:

(a) The requirements specified in Tables I, II, III, IV, V, VI, VII, and VIII of this subpart, as applicable, are met; and

(b) The sampling plans and procedures in 7 CFR 2852.1–2852.83 are met.

§§ 2852.1560–2852.1562 [Reserved]

(Agriculture Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; (7 U.S.C. 1622, 1624))

Done at Washington, D.C. on September 3, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81–28294 Filed 9–10–81; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 720

Description of Office, Disclosure of Official Records; Availability of Information, Promulgation of Regulations

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: In accordance with the established policy goals of updating, clarifying, and simplifying existing regulations, the National Credit Union Administration Board (NCUA Board) has reviewed its existing regulation regarding the disclosure of official records, the availability of information and the promulgation of regulations. As a result of this review, the National Credit Union Administration proposes to revise the existing §§ 720.4 through 720.9 and to delete §§ 701.16, 701.17, and 701.18. These changes will consolidate and clarify NCUA policy on the availability of information.

DATE: Comments must be received on or before October 12, 1981.

ADDRESS: Send comments to Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Anne K. Scully, Office of General Counsel, at the above address, telephone (202) 357–1030.

SUPPLEMENTARY INFORMATION: The National Credit Union Administration amended Part 720 Subpart A of its Rules and Regulations (12 CFR Part 720) on February 21, 1975 to implement the 1974 Freedom of Information Act Amendments, Public Law 93–502. However, new issues have arisen subsequent to the publication of these regulations which are not addressed by the existing provisions or are generally treated but are lacking in specificity. In addition, other provisions require revision for clarification of existing language.

Unpublished Confidential and Privileged Information

The present regulation sets forth, in general terms and without further explanation or description, the nine exemptions from disclosure enumerated under the Freedom of Information Act (FOIA). Therefore, while the form of the current regulation is concise, uncertainty remains in interpretation and application of many of the exemptions. In order to avoid conflicting interpretations of the exemptions, the amended version would provide additional examples of types of agency records to which each exemption applies. The examples and accompanying explanations will clarify NCUA's interpretation of the exemptions and will provide a starting point for persons not familiar with the FOIA exemptions.

Release of Exempt Records

The Freedom of Information Act is a disclosure statute the purpose of which is to grant to any person access to all agency records except to the extent the records or portions of them may be withheld pursuant to one or more of FOIA's nine exemptions. Traditionally, the nine exemptions of the Act are discretionary exceptions from the Act's compulsory disclosure requirements. NCUA generally invokes the exemptions where public disclosure of exempt information would frustrate and impede the performance of vital agency functions. However, NCUA recognizes that, in certain instances, legitimate public and private interests may outweigh the agency's need to maintain confidentiality of the information and that disclosure would further the policies, objectives and functions of the Administration.

To facilitate public access without compromising NCUA's traditional reasons for maintaining confidentiality, a new section has been proposed which establishes policy guidelines for the discretionary release of information protected by the FOIA exemptions. The language denotes when and under what circumstances the Administration will release exempt materials.

Release of Exempt Records Subject to Subpoena or Other Legal Process

The existing regulations contains no procedures relating to release of exempt records in the custody of NCUA or other third parties that are requested by subpoena or other legal process. However, because litigation by and against NCUA has increased and use of discovery techniques to prepare for such litigation has also risen, NCUA proposes to include a new § 720.6, entitled "Subpoenas." The new regulation sets forth guidelines for the agency to follow when faced with requests for exempt material by legal process, including when and under what circumstances exempt information that is the subject of a subpoena will and will not be released.

Creation of Position of Freedom of Information Officer

The Office of Administration within NCUA has been restructured and reorganized. The Freedom of Information Officer has assumed all of the duties and responsibilities previously held by the Deputy Director regarding oversight and management of FOIA requests. Therefore, as a technical change, Part 720 is being revised to change the title "Deputy Director" of the Office of Administration to "Freedom of Information Officer" of the Office of Administration.

Fee Schedule for Document Search and Duplication

It is proposed that § 720.5's present fee schedule for document search and reproduction of requested records be amended to reflect the prevailing Federal salary and cost rates that NCUA must pay for retrieval and processing of such documents.

Agency Determination To Release Information

It is proposed that the substantive content of § 720.7 will remain largely unchanged. Proposed additional language would clarify the agency procedure at the initial level of determination of an FOIA request. Upon

receipt of a request, the Freedom of Information Officer would decide either to release the information sought or to withhold all or portions of the information deemed to be confidential or privileged under an FOIA exemption. The two-tiered decision making process is clarified by including the statement that an adverse determination is not a final decision and that the requestor has the right to appeal the initial decision.

Certain Publications Available to the Public

It is proposed that former § 720.6 be revised to include §§ 701.16 (Statements of policy and interpretations) and 701.17 (List of Federal Credit Unions) in its scope. This proposed revision is intended to delineate, within one section of NCUA's Regulations, the publications that are available to the public for inspection and copying, and the procedures an individual should follow in making a request.

Promulgation of Rules and Regulations

In 1979, NCUA published its procedures for developing and improving its regulations in accordance with the Executive Order No. 12044, Appendix A to 12 CFR Part 720. However, that Executive Order has been superseded by Executive Order No. 12291 (February 17, 1981) which is not applicable to NCUA. Further, subsequent statutory enactments have occurred since the issuance of Appendix A, including the Regulatory Flexibility Act of 1980, the Paperwork Reduction Act of 1980, and the Financial Regulations Simplification Act of 1980. These new statutes impose requirements in addition to those already imposed by the Administrative Procedures Act (APA) (5 U.S.C. 551, et seq.) for developing regulations. In response to the new statutory requirements, NCUA has issued an Interpretive Ruling and Policy Statement (IRPS), setting forth its procedures for developing regulations. Since the present Section 720.6 sets forth NCUA's rulemaking procedures in accordance with the APA and the defunct E.O. 12044 only, NCUA proposes to revise its existing Section 720.6 to reference its procedures for complying with the Administrative Procedures Act, the recently enacted statutes, and its IRPS.

Regulatory Flexibility Act

The NCUA Board certifies that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions because the rules concern only agency organization, procedure or practice pertaining to public access to official records and development of regulation.

By order of the National Credit Union Administration Board, August 13, 1981.

Beatrix Fields,

Acting Secretary of the Board.

Accordingly, it is proposed to amend Parts 701 and 720 (12 CFR Parts 701, 720) as set forth below.

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

§§ 701.16, 701.17, 701.18 [Removed]

1. Sections 701.16, 701.17, and 701.18 are proposed to be removed.

PART 720—DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS—AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

2. 12 CFR 720.4(a) is proposed to be revised to read as follows:

§ 720.4 Unpublished, confidential and privileged information.

(a) All records, including files, documents, reports, books and accounts, relating to any credit union, or the internal practices and procedures of the Administration, or any officer, employee, or agent thereof, are confidential and privileged and not subject to disclosure, except as otherwise provided in this Part, if such records are:

(1) Records specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to an Executive Order.

(2) Records related solely to the internal personnel rules and practices of the Administration. This exemption applies to internal rules or instructions to Administration personnel which must be kept confidential in order to assure effective performance of the functions and activities for which the Administration is responsible and which do not affect members of the public. This exemption also applies to manuals and instructions to examiners to the extent that release of the information contained therein would permit circumvention of laws or regulations.

(3) Specifically exempted from disclosure by statute (other than the Privacy Act of 1974, 5 U.S.C. 552a), where the statute either makes non-disclosure mandatory or establishes particular criteria for withholding information.

(4) Records which contain trade secrets and commercial or financial information which relates to the business, personal or financial affairs of any person or organization, is furnished to NCUA and is confidential or privileged. This exemption includes, but is not limited to, information such as various types of confidential sales and cost statistics, trade secrets, and names of key customers and personnel. Assurances of confidentiality given by Administration staff are not binding upon the Administration.

(5) Inter-agency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Administration. This exemption preserves the existing freedom of Administration officials and employees to engage in full and frank written or taped communications with each other and with officials and employees of other agencies. It includes, but is not limited to, inter-agency and intra-agency reports, memoranda, letters, correspondence, work papers, and minutes of meetings, as well as staff papers prepared for use within the Administration or between the Administration and other governmental agencies.

(6) Personnel and medical files and similar files (including financial files), the disclosure of which without written permission would constitute a clearly unwarranted invasion of personal privacy. Examples of files exempt from disclosure include, but are not limted to (i) the personnel records of the Administration; (ii) the personnel records voluntarily submitted by private parties in response to the Administration's requests for proposals; (iii) files containing reports, records or other material pertaining to individual cases in which disciplinary or other administrative action has been or may be taken.

(7) Contained in investigatory files compiled for law enforcement purposes, provided that disclosure of the records would (i) interfere with enforcement proceedings; (ii) deprive a person of a fair trial or an impartial adjudication; (iii) result in an unwarranted invasion of personal privacy; (iv) reveal the identity of a confidential source, or any confidential information furnished by a confidential source in the course of a criminal investigation or a lawful national security intelligence investigation; (v) disclose investigative techniques and procedures; or (vi) endanger the safety of law enforcement personnel. This includes, but is not limited to, information relating to enforcement proceedings upon which the Administration has acted or will act in the future.

(8) Contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of the Administration or any agency responsible for the regulation or supervision of financial institutions. This includes all information, whether in formal or informal report form, the disclosure of which either would harm the financial security of credit unions or would interfere with the relationship between the Administration and member credit unions.

* * * * *

§§ 720.5 through 720.9 [Redesignated as §§ 720.7 through 720.11]

3. It is proposed that existing §§ 720.5 through 720.9 be redesignated as §§ 720.7 through 720.11 and that new §§ 720.5 and 720.6 be added to read as follows:

§ 720.5 Release of exempt records.

(a) *Prohibition Against Disclosure.* Except as provided in §§ 720.3, 720.4 and 720.5 (b) and (c), no officer, employee, or agent of the Administration or of any federally chartered or insured credit union shall disclose or permit the disclosure of any exempt records of the Administration to any person other than those officers, employees, or agents of the Administration or of the credit union properly entitled to such information for the performance of their official duties.

(b) *Disclosure Authorized.* Exempt records of the Administration may be disclosed only in accordance with the following conditions and requirements.

(1) *Exempt Records—Disclosure to Credit Unions, Financial Institutions and to State and Federal Agencies.* In its sole discretion, the NCUA Board, or any person designated by it in writing, may make available to certain Governmental agencies and insured financial institutions copies of reports of examination and other documents, papers or information for their use, when necessary, in the performance of their official duties or functions. All reports, documents and papers made available pursuant to this paragraph shall remain the property of the National Credit Union Administration. No person, agency or its employees shall disclose the reports or exempt records without express written authorization of the Administration.

(2) *Exempt Records—Disclosure to Investigatory Agencies.* The Board, or any person designated by it in writing, may in its discretion and in appropriate circumstances, disclose to proper Federal or State authorities copies of exempt records pertaining to irregularities discovered in credit unions which may constitute either unsafe or unsound practices or violations of Federal or State civil or criminal law.

(3) *Exempt Records—Disclosure to Third Parties.* The Board, or any person designated by it in writing, may disclose copies of exempt records to any third party where requested to do so in writing. The request shall: (i) specify the record or records to which access is requested; and (ii) give the reasons for the request. Any Administration employee authorized to disclose exempt Administration records to third parties may disclose the records only upon determining that good cause exists for the disclosure. The Administration official shall impose such terms and conditions as are deemed necessary to protect the confidential nature of the record, the financial integrity of any credit union or other organization or person to which the record relates, and the legitimate privacy interests of any individual named in such records.

§ 720.6 Subpoenas.

(a) *Service.* Any subpoena or other legal process requesting agency records shall be served upon the General Counsel, National Credit Union Administration, 1776 G Street N.W., Washington, D.C. 20456 or upon the Regional Director of the NCUA Region where the legal action from which the legal process issued is pending.

(b) *Advice to person served.* (1) If any officer, employee or agent of the Administration is served with a subpoena, court order or other legal process requiring that person's attendance as a witness concerning written information or the production of documents that cannot be disclosed under § 720.4, that person should promptly inform the Office of General Counsel of such service and of all relevant facts, including the nature of the doucuments and information sought in the subpoena and any facts and circumstances which may be of assistance to the General Counsel in determining whether such documents or information should be produced.

(2) If any third party who is not an officer, employee or agent of the Administration is served with a subpoena, court order or other legal process requiring that party to produce such records or to testify with respect to the requested records, such party should notify the Office of General Counsel in accordance with the procedures set forth in § 720.6(b)(1).

(c) *Appearance by person served.* Absent the authorization of the Office of General Counsel to disclose the requested information, any officer, employee or agent of the Administration (and any third party having custody of exempt records of the Administration) who is required to respond to the subpoena or other legal process shall attend at the time and place specified and shall respectfully decline to produce the documents and records or to disclose the information called for, basing his refusal upon this paragraph.

4. Redesignated § 720.7(a) is proposed to be revised to read as follows:

§ 720.7 Fee schedule for document search and duplication.

(a) A fee shall be assessed for the searching and processing of requested documents on the following basis:

Direct cost of: Clerical time, $5.97 per hour; professional time, $15.50 per hour; charge per page of material duplicated, $.25.

Computer costs shall be assessed in accordance with a standard formula based on computer time required. A computer cost estimate shall be furnished to the requestor at the time the request is granted.

Actual cost of transportation of people or records if required to process the request.

The fees assessed for searching and processing requests are subject to an annual review and may be revised to reflect the prevailing wage and cost rates.

* * * * *

§§ 720.8 and 720.9 [Amended]

5. It is proposed that redesignated §§ 720.8 (a)(1), (c)(1) and (c)(2) and 720.9(c)(1) be amended: by deleting the words "Deputy Director" and inserting, in their place, the words "Freedom of Information Officer".

6. Redesignated § 720.8(b) is proposed to be revised to read as follows:

§ 720.8 Requests for information and determinations.

* * * * *

(b) *Certain Publications.* (1) A master list of Federal credit unions, arranged by state, is maintained at NCUA headquarters and is available for inspection and copying. Each Regional Office maintains a similar list for the states for which it has jurisdiction. These lists are also available for inspection and copying. In addition, a directory of all Federally insured credit unions, which is updated periodically, is available for purchase at NCUA cost. The directory may be obtained by contacting the Freedom of Information Officer, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

(2) Interpretive Rulings and Policy Statements which do not appear in NCUA publications shall be available for inspection and copying at each Regional Office and at NCUA headquarters in Washington, D.C.

(3) Section 701.14 of this chapter describes certain manuals, booklets and other materials which are available and the places where they may be obtained, inspected or copied.

7. Redesignated § 720.9(a)(1) is proposed to be revised to read as follows:

§ 720.9 Agency determinations.

(a) * * *

(1) Determine within 10 working days (except legal public holidays) after the receipt of any such request whether, or the extent to which, to comply with such request; will upon such determination notify the person making the request that any adverse determination is not a final agency action, and that such person may appeal any adverse determination to the Director of the Office of Administration; and

* * * * * *

8. Redesignated § 720.10 is proposed to be revised to read as follows:

§ 720.10 Promulgation of rules and regulations.

(a) The Administration's procedures for developing regulations shall be governed by the Administrative Procedures Act (5 U.S.C. 551), the Financial Regulation Simplification Act of 1980 (12 U.S.C. 3521 et seq.), the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), and the Administration's policies for the promulgation of rules as set forth in its Interpretive Ruling and Policy Statement (IRPS) number 81–4, dated June 3, 1981.

(b) *Petitions.* Any interested person may petition the Board for the issuance, amendment, or repeal of any regulation by submitting such petition in writing together with a complete and concise statement of the petitioner's interest in the subject matter and the reasons why the petition should be granted. Such petition shall be submitted to the Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G St., N.W., Washington, D.C. 20456.

* * * * * *

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789))

[FR Doc. 81-26556 Filed 9-10-81; 8:45 am]

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WATER RESOURCES COUNCIL

18 CFR Parts 711, 713, 714, and 716

Water and Related Land Resources Planning; Principles, Standards and Procedures; Removal of Regulations

AGENCY: Water Resources Council.

ACTION: Proposed repeal of rules.

SUMMARY: This proposal is for repeal of the Water Resources Council principles, standards and procedures for water and related land resources planning that have been issued as rules in 18 CFR Parts 711, 713, 714, and 716. The purpose of the repeal is to reduce the burden on agencies in complying with detailed and legally binding technical rules for formulation and evaluation of water and related land resources plans and projects.

DATE: The interested public is invited to submit written comments on this proposal by October 13, 1981.

ADDRESS: Written comments should be addressed to: Water Resources Council, 2120 L Street NW., Suite 800, Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Gerald D. Seinwill, Acting Director, (202) 254–6303.

SUPPLEMENTARY INFORMATION:

1. Purpose and Background

The principles, standards, and procedures in 18 CFR Parts 711, 713, 714, and 716 were published as rules at various times in 1979 and 1980, primarily as a result of President Carter's water policy initiatives outlined in his memorandum of July 12, 1978, entitled, "Improvements in the Planning and Evaluation of Federal Water Resources Programs and Projects." Additional directives of a similar nature were given by President Carter in E.O. 12113, *Independent Project Review*, January 5, 1979.

More recent policy review has led to the conclusion that the principles, standards, and procedures are too complicated, too rigid, and too cumbersome as legally binding formal rules. Accordingly, the Water Resources Council proposes to repeal 18 CFR Parts 711, 713, 714 and 716. To take the place of the repealed rules, it is anticipated that Cabinet Council on Natural Resources and the Environment will provide guidelines to be recommended for establishment by Executive Order.

Under Section 103 of the Water Resources Planning Act (Pub. L. 89–80) and E.O. 11747, the Council has authority to take final action on repeal of the Standards and Procedures (18 CFR Parts 713, 714 and 716) and to take final action, with the approval of the President, on the repeal of the Principles (45 FR 64385–88 and 18 CFR Part 711).

2. Required Analysis

This proposed repeal has been determined not to be a major rule under Executive Order 12291, "Federal Regulations," February 17, 1981. It has also been determined that this proposed repeal will not have a significant economic effect on a substantial number of small entities and therefore does not require a small entity flexibility analysis under Pub. L. 96–354.

A preliminary environmental assessment has been prepared in accordance with 40 CFR Parts 1500–1508 and has been determined by the Chairman, Water Resources Council to be sufficient for the present action. Another environmental assessment will be prepared for the final action.

Copies of the environmental assessment may be obtained from the U.S. Water Resources Council, 2120 L Street, NW., Suite 800, Washington, D.C., 20037.

Proposed Action

PART 711—[REMOVED]

PART 713—[REMOVED]

PART 714—[REMOVED]

PART 716—[REMOVED]

It is proposed that the Code of Federal Regulations, Title 18, Chapter VI, Parts 711, 713, 714, and 716 be removed.

(Secs. 103 and 402 of the Water Resources Planning Act (Pub. L. 89–80, 42 U.S.C. 1962, 1962a–2 and 1962d); E.O. 11747, November 7, 1973, 38 FR 30993)

James G. Watt,

Chairman, Water Resources Council.

[FR Doc. 81-26550 Filed 9-10-81; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 57

[6060.XX]

Education of Handicapped Children in the DOD Dependents Schools

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement the Education for All Handicapped Children Act of 1975, as amended, 20 U.S.C. 1401 *et seq.* (1976 & Supp. II 1978), and the Defense

Dependents' Education Act of 1978, 20 U.S.C. 921–932, as amended by Pub. L. No. 96–88. The proposed rule establishes policy and procedures for providing a free appropriate public education to handicapped children receiving or entitled to receive educational instruction from the Department of Defense Dependents Schools. It also creates the Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents and the Department of Defense Coordinating Committee on Special Education and Related Services.

DATE: Written comments must be received by October 13, 1981.

ADDRESS: Department of Defense Dependents Schools, 2461 Eisenhower Avenue, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Dr. Diane L. Goltz, 202–325–7821.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–13860, appearing in the Federal Register on May 7, 1981 (46 FR 25440), the Office of the Secretary of Defense published a directive-type memorandum that established procedural rules to govern impartial due process hearings arising under the Education for All Handicapped Children Act and involving the Department of Defense Dependents Schools. Comments received in connection with the publication of the directive-type memorandum were considered in the preparation of the proposed Instruction, but are not described in detail here because of the opportunity to comment on the proposed Instruction. When issued in final form, the proposed Instruction will supersede the directive-type memorandum, which was codified at 32 CFR Part 57.

Accordingly, it is proposed that 32 CFR Chapter I be amended by revising Part 57, reading as follows:

PART 57—EDUCATION OF HANDICAPPED CHILDREN IN THE DOD DEPENDENTS SCHOOLS

Sec.

57.1 Purpose.
57.2 Applicability.
57.3 Policy.
57.4 Responsibilities.
57.5 Definitions.
Appendix 1—Procedures for Educational Programs and Services for Handicapped Children
Appendix 2—Hearing Procedures

Authority: Pub. L. 94–142, as amended; Pub. L. 95–561, as amended

§ 57.1 Purpose.

This Part proposes to establish policies and procedures for providing a free appropriate public education to handicapped children receiving or entitled to receive educational instruction from the Department of Defense Dependents Schools pursuant to Pub. L. 94–142 and Pub. L. 95–561 and in accordance with Part 69 of this title, and creates an Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents (hereafter called "National Advisory Panel") and a DoD Coordinating Committee on Special Education and Related Services.

§ 57.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense and its field activity, the Department of Defense Dependents Schools (hereafter called "DoDDS") and DoDDS' constituent elements; the Military Departments; the Organization of the Joint Chiefs of Staff; the Unified and Specified Commands; and the Defense Agencies (hereafter called "DoD Components"); and children receiving or entitled to receive educational instruction from the DoDDS, and their parents or guardian, provided, however, that this Part does not apply to schools operated by DoD within the United States.

§ 57.3 Policy.

(a) All handicapped children enrolled or entitled to be enrolled in a school administered by DoDDS shall be provided a free appropriate public education, under the provisions of this Part.

(b) DoDDS shall have the responsibility of providing a free appropriate public education to all handicapped children enrolled in its schools.

(c) Handicapped children receiving or entitled to receive educational instruction from DoDDS shall have the same educational opportunities and services offered by DoDDS to nonhandicapped children and an equal opportunity to participate in school activities.

(d) Physical education services, modified or specially designed if necessary, shall be available to every handicapped child receiving a free appropriate public education in DoDDS.

(e) Where appropriate, a qualified military medical authority will conduct or verify a medical evaluation to determine whether a child has a handicapping condition requiring special education and related services.

§ 57.4 Responsibilities.

(a) The *Director, Department of Defense Dependents Schools, and his subordinate organizational structure,* shall: (1) Ensure that the educational needs of handicapped and nonhandicapped children are met comparably, using the procedures in Appendix 1.

(2) Ensure that educational facilities and services operated by DoDDS for handicapped children are comparable to DoDDS educational facilities and services for nonhandicapped children.

(3) Maintain records on special education and related services provided to handicapped children.

(4) Provide any or all special education and related services required by a handicapped child through interagency, intraagency, and interservice arrangements, or through contracts with private parties, when funds are authorized and appropriated.

(5) Develop and implement a comprehensive system of personnel development.

(6) Monitor compliance with this Part.

(7) Provide technical assistance.

(8) Undertake evaluation activities to ensure compliance with this Part.

(b) The *Secretaries of the Military Departments* shall provide only those related services that are supplied by a physician or require professional medical supervision. In general, those services, which are diagnostic and therapeutic in nature, shall be provided to DoDDS by the appropriate military command having responsibility for medical care in the geographical region.

(c) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics),* in consultation with the Assistant Secretary of Defense (Health Affairs) and the Military Departments, shall assign specific functions and geographical areas of responsibility for all related services.

(d) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)),* or designee, shall:

(1) Chair the DoD coordinating Committee on Special Education and Related Services, which shall be composed of respresentatives of the Secretaries of the military Departments, the OASD(MRA&L), the Assistant Secretary of Defense (Health Affairs), the General Counsel of the Department of Defense, and DoDDS.

(2) Through the Committee, monitor the provision of related services furnished under this Part, and ensure that related services and DoDDS special education programs are properly coordinated.

(3) Ensure that impartial due process hearings concerning disputes arising under this Part are provided in conformity with Appendix 2.

(e) The *National Advisory Panel* shall:

(1) Consist of members appointed by the Secretary of Defense, or designee. Membership shall include at least one representative from each of the following groups:

(i) Handicapped persons.

(ii) Teachers.

(iii) Parents of handicapped children.

(iv) DoDDS headquarters.

(v) DoDDS regional offices.

(vi) DoDDS special educational program administrators.

(vii) Military Departments and overseas commands.

(viii) Other appropriate persons.

(2) Meet as often as necessary.

(3) Perform the following duties:

(i) Review information regarding improvements in services provided to handicapped students in DoDDS.

(ii) Receive and consider the views of various parent, student, and professional groups, and handicapped individuals.

(iii) When necessary, establish committees for short-term purposes composed of representatives from parent, student, and professional groups, and handicapped individuals.

(iv) Review the findings of fact and decision of each impartial due process hearing conducted pursuant to Appendix 2.

(v) Assist in developing and reporting such information and evaluations as may aid DoDDS in the performance of its duties under this Part.

(vi) Make recommendations, based on program and operational information, for changes in the budget, organization, and general management of the special education program, and in policy and procedure.

(vii) Comment publicly on rules or standards regarding the education of exceptional children.

(viii) Perform such other tasks as may be requested by the Director.

(4) Submit an annual report of its activities and suggestions to the Director, DoDDS by July 31 of each year.

§ 57.5 Definitions

(a) *Free Appropriate Public Education.* Special education and related services that:

(1) Are provided at no cost to parents or handicapped children and are under the general supervision and direction of DoDDS.

(2) Provide appropriate preschool, elementary, or secondary school education.

(3) Are provided in conformity with an individualized education program.

(4) Meet the requirements of this Part.

(b) *Handicapped Children.* Those children, evaluated in accordance with this Part, who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multihandicapped, or have specific learning disabilities, and who because of such impairments need special education and related services.

(1) *Deaf.* A hearing loss or deficit so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, to the extent that his or her educational performance is adversely affected.

(2) *Deaf-blind.* Concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

(3) *Hard of Hearing.* A hearing impairment, whether permanent of fluctuating, that adversely affects a child's educational performance but that does not constitute deafness.

(4) *Mentally Retarded.* Significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the development period, that adversely affects a child's educational performance.

(5) *Multihandicapped.* Concomitant impairments (such as mentally retarded-blind or mentally retarded-orthopedically impaired), the combination of which causes such severe educational problems that they cannot be accommodated in special educational programs solely for one of the impairments.

(6) *Orthopedically Impaired.* A severe orthopedic impairment that adversely affects a child's educational performance. The term includes congenital impairments (such as clubfoot and absence of some member), impairments caused by disease (such as poliomyelitis and bone tuberculosis), and impairments from other causes (such as cerebral palsy, amputations, and fractures or burns causing contractures).

(7) *Other Health Impaired.* Limited strength, vitality or alertness due to chronic or acute health problems that adversely affect a child's educational performance, including heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, or autism.

(8) *Seriously Emotionally Disturbed.* A condition that, where appropriate, has been confirmed by clinical evaluation and diagnosis, that, over a long period of time and to a marked degree, adversely affects educational performance, and that exhibits one or more of the following characteristics:

(i) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

(ii) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

(iii) Inappropriate types of behavior under normal circumstances.

(iv) A tendency to develop physical symptoms or fears associated with personal or school problems.

(v) A general pervasive mood of unhappiness or depression.

The term includes children who are schizophrenic, but does not include children who are socially maladjusted, unless it is determined they are seriously emotionally disturbed.

(9) *Specific Learning Disability.* A disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems that are primarily the result of visual, hearing or motor handicaps, mental retardation, or environmental, cultural, or economic disadvantage.

(10) *Speech Impaired.* A communication disorder, such as but not limited to stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects a child's educational performance.

(11) *Visually handicapped.* A visual impairment that, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

(c) *Special Education.* Specially designed instruction, at no cost to the child, parent, or guardian, to meet the unique educational needs of a handicapped child, including education provided in a school, at home, in a hospital or an institution, physical education programs, and vocational education programs.

(1) *At No Cost.* With respect to a child attending a DoDDS school on a non-tuition basis, specially designed instruction and related services are provided without charge, but incidental fees that are normally charged to nonhandicapped students or their parents or guardians as a part of the

regular educational program may be imposed. With respect to a child attending a DoDDS school on a tuition basis, the term does not preclude the imposition of additional charges to reflect the cost of special education and related services.

(2) *Physical Education.* The development of:

(i) Physical and motor fitness.

(ii) Fundamental motor skills and patterns.

(iii) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

(3) *Vocational Education.* Organized educational programs directly related to the preparation for paid or unpaid employment or for additional training in a career requiring other than a baccalaureate or advanced degree.

(d) *Related Services.* Transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education pursuant to that child's Individualized Educational Program. The term includes speech therapy and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluative purposes. The term also includes school health services, social work counseling services in schools, and voluntary parent counseling.

(1) *Audiology.* This term includes:

(i) Identification of children with hearing loss.

(ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention designed to ameliorate or correct that loss.

(iii) Provision of ameliorative and corrective activities, including language and auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation.

(2) *Counseling Services.* Services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) *Early Identification.* The implementation of a formal plan for identifying a disability as early as possible in the child's life.

(4) *Medical Services.* Services provided by a licensed physician to determine and diagnose whether a child has a medically-related handicapping condition that results in the child's need for special and related services.

(5) *Occupational Therapy.* Services provided by a qualified occupational therapist.

(6) *Parent and Guardian Counseling and Training.* Assisting parents or guardians in understanding the special needs of their child's development and special education.

(7) *Physical Therapy.* Services provided by a qualified physical therapist.

(8) *Psychological Services.* This term includes:

(i) Administering psychological and educational tests and other assessment procedures.

(ii) Interpreting test and assessment results.

(iii) Obtaining, integrating, and interpreting information about a child's behavior and conditions relating to his or her learning.

(iv) Consulting with other staff members in planning school programs to meet the special needs of children, as indicated by psychological tests, interviews, and behavioral evaluations.

(v) Planning and managing a program of psychological services, including psychological counseling for children.

(9) *Recreation.* This term includes:

(i) Therapeutic recreational activities.

(ii) Recreational programs in schools and community agencies.

(10) *School Health Services.* Services provided by a qualified school nurse or other qualified health professional. The term does not include catheterization, injections, transfusions, or administration of any drug or substance, whether or not prescribed, recommended, or authorized by any physician, nurse, another medical professional, or other person. The term also does not include any medical or nonmedical procedure, treatment, or course of treatment necessary to sustain or maintain a child's life, life function, or life support function. Nothing herein shall be construed to preclude a duly trained, certified, or licensed DoDDS employee from performing any of the foregoing activities when authorized or directed by a DoDDS regional director.

(11) *Social Work Counseling Services in Schools.* This term includes: (i) Preparing a social or developmental history on a handicapped child.

(ii) Counseling the child and his or her family on a group or individual basis.

(iii) Working with those problems in a child's home, school, and community that adversely affect the child's adjustment in school.

(iv) Using school and community resources to enable the child to receive maximum benefit from his or her educational program.

(12) *Speech Therapy.* This term includes the:

(i) Identification of children with speech or language disorders.

(ii) Diagnosis and appraisal of specific speech or language disorders.

(iii) Referral for medical or other professional attention to correct or ameliorate speech or language disorders.

(iv) Provision of speech and language services for the correction, amelioration, and prevention of communicative disorders.

(v) Counseling and guidance of children, parents or guardians, and teachers for speech and language disorders.

(13) *Transportation.* This term includes the following services rendered pursuant to the Individualized Educational Program of a handicapped child:

(i) Travel to and from school and between schools, including travel necessary to permit participation in educational and recreational activities and related services.

(ii) Travel in and around school buildings.

(iii) Specialized equipment (including special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped child.

(e) *Individualized Education Program (hereafter called "IEP").* A written statement for a handicapped child that is developed and implemented in accordance with this Part.

(f) *Include; Such As.* Not all the possible items are covered, whether like or unlike the ones named.

(g) *Native Language.* When used with reference to an individual of limited English proficiency, the language normally used by such individual, or in the case of a child, the language normally used by the parents of the child.

(h) *Parent.* A parent or guardian of a child who is receiving or is entitled to receive educational instruction from DoDDS.

(i) *Qualified.* A person who has met DoDDS requirements and educational standards in the area in which he or she is providing special education or related services to handicapped children.

(j) *Regional Director.* The Regional Director of a DoDDS region, or designee.

(k) *Evaluation.* Procedures used to determine whether a child is handicapped and the nature and extent of the special education and related services that the child needs. To qualify as an evaluation, these procedures must be used selectively with an individual child and do not include basic tests administered to, or used with, all children in a school, grade, or class.

(l) *Consent.* This term means that:

(1) The parent or guardian of a handicapped child has been fully informed of all information relevant to the activity for which permission is sought in his or her native language or in another mode of communication.

(2) The parent or guardian understands and agrees in writing to the implementation of the activity for which his or her permission is sought. The writing must describe that activity, list the child's records that will be released and to whom, and acknowledge that the parent or guardian understands consent is voluntary and may be prospectively revoked at any time.

(m) *Independent Evaluation.* An evaluation conducted by a qualified examiner who is not employed by the DoDDS school with responsibility for educating the child being evaluated.

(n) *Non-DoDDS School or Facility.* A public or private school or other institution not operated by DoDDS.

(o) *Non-DoDDS Placement.* An assignment by DoDDS of a handicapped child to a non-DoDDS school or facility.

(p) *Separate Facility.* A school or a portion of a school, regardless of whether it is operated by DoDDS, that is only attended by handicapped children.

(q) *Child-Find.* The on-going process used by DoDDS and the Military Departments to seek and identify children (from birth to 21 years of age) who show indications that they might be in need of special education and related services.

Appendix 1—Procedures for Educational Programs and Services for Handicapped Children

A. Identification and Screening

1. DoDDS shall locate, identify, and, with the consent of the child's parent or guardian, evaluate all children who are receiving or are entitled to receive an education from DoDDS and who need special education and related services because they are handicapped as defined in this Part.

2. DoDDS shall: a. Provide screening, by using basic skills tests in reading, language arts, and mathematics and by reviewing records of all children entering DoDDS schools for the first time, to determine whether a child has an undetected handicap.

b. Analyze school health data for those children who demonstrate possible handicapping conditions. Such data shall include:

(1) Results of formal hearing and vision tests.

(2) Reports from physicians and public health service personnel.

(3) Reports from other appropriate professional health personnel as may be necessary to aid in identifying possible handicapping conditions.

c. Analyze other pertinent information, including suspensions, exclusions, withdrawals, and disciplinary actions, compiled and maintained by schools that may aid in identifying possible handicapping conditions.

d. Provide direction and guidelines for child-find activities.

3. Each DoDDS regional office, in cooperation with the Military Departments, shall conduct on-going child-find activities that identify all children with possible handicapping conditions who are or will be entitled to receive an education from DoDDS.

4. If an element of DoDDS, a qualified professional authorized to provide related services, or another source determines that a child has a possible handicapping condition, the child shall be referred to the appropriate Case Study Committee (CSC).

5. A school CSC consists of the participants in the child's IEP meeting as prescribed in paragraph C.6 of appendix, below. In addition, school CSC may contain the DoDDS school principal, or designee, and one or more persons selected by the principal from the following groups:

a. DoDDS resource educators, including psychologists, guidance counselors, social workers, school health personnel, and speech therapists.

b. DoDDS regular classroom teachers.

c. DoDDS special education personnel.

6. Members of a regional CSC shall be appointed by the DoDDS Regional Director, or designee, and include one or more persons belonging to the following groups: DoDDS resource educators, such as psychologists, guidance counselors, social workers, school health personnel, and speech therapists; and DoDDS special education personnel. The Regional CSC shall act in the absence of a school CSC.

7. A school or regional CSC shall:

a. Identify handicapped children.

b. Assess the nature and extent of the handicapping condition.

c. Ensure appropriate involvement of parents.

d. Develop, review and revise IEPs, and monitor their implementation.

e. Determine whether a handicapped child's conduct that either violates school rules and regulations or disrupts classroom activities results in whole or in part from a handicapping condition.

f. Use all locally available community, medical, and school resources to facilitate the implementation of a child's IEP before determining that the child's need for special education and related services exceeds local capabilities.

B. Evaluation Procedures

1. Any child referred to a CSC for a possible handicapping condition shall receive a full and comprehensive diagnostic evaluation of his or her educational needs. An evaluation in accordance with this Part shall be administered before any action is taken regarding placement in a special education program.

2. Assessment materials, evaluation procedures, and tests shall be:

a. Racially and culturally nondiscriminatory.

b. Administered in the native language or mode of communication of the child, unless it clearly is not feasible to do so.

c. Validated for the specific purpose for which they are used or intended to be used.

d. Administered by qualified personnel in conformity with the instructions provided by the producers of the testing device.

e. Administered in a manner that no single procedure is the sole criterion for determining an appropriate educational program for a handicapped child.

f. Selected to assess specific areas of educational need, not merely to provide a single general intelligence quotient.

3. The evaluation shall be conducted by a multidisciplinary team or group of persons, and shall include a teacher or other specialist with knowledge in the area of the suspected disability.

4. The child shall be evaluated in all areas related to the suspected disability. At a minimum, the evaluation shall include:

a. The current level of functioning academically, socially, and within the family.

b. Visual and auditory acuity.

c. Observation in an educational environment.

d. Current physical status, including perceptual and motor abilities.

e. Vocational educational assessment, where appropriate.

5. The regional or school CSC shall issue a written report that contains:

a. A description of the nature and severity of the child's handicapping condition.

b. A review of the formal and informal diagnostic evaluation findings of the multidisciplinary team.

c. A summary of information from the parents or guardians, the child, or other persons having significant previous contact with the child.

d. A description of the child's current academic progress, including a statement of the child's learning style.

6. The appropriate CSC shall meet as soon as practicable after the child's formal evaluation to determine whether he or she is in need of special education and related services. The child's parents or guardians shall be afforded the opportunity to participate in such a meeting.

7. A handicapped child shall receive an individual comprehensive diagnostic evaluation every 3 years, or more frequently if conditions warrant. The scope and nature of the reevaluation will be determined individually based upon the child's performance, behavior, and needs when the reassessment is conducted.

C. Individualized Education Program

1. DoDDS shall ensure that an IEP is developed and implemented for each handicapped child enrolled in a DoDDS school or placed in another institution by DoDDS pursuant to this Part.

2. Each IEP shall include: a. A statement of the present levels of educational performance of the child.

b. A statement of annual goals, including short-term instructional objectives.

c. A statement of specific educational and recreational activities and related services to be provided to the child, and the extent to which the child may be able to participate in regular educational programs.

d. The projected date for the initiation and the anticipated length of such activities and services.

e. Appropriate objective criteria and evaluation procedures and schedules for determining, on an annual basis, whether educational objectives are being achieved.

3. The IEP of each handicapped child shall provide for the opportunity to participate, with adaptations where appropriate, in the regular physical education program available to nonhandicapped children unless:

a. The handicapped child is enrolled full-time in a separate facility; or

b. The handicapped child needs specially designed physical education, as prescribed in the child's IEP.

4. If specially designed physical education services are prescribed in a handicapped child's IEP, DoDDS shall provide such education directly, or make arrangements for the services to be provided through private or other public facilities.

5. DoDDS shall ensure that a handicapped child enrolled in a separate facility receives appropriate physical education services in compliance with this Part.

6. The IEP for each handicapped child shall be developed and later reviewed and, if appropriate, revised at least annually in meetings that include the following participants:

a. The child's teacher.

b. The principal or a representative of the DoDDS school, other than the child's teacher, who is qualified to provide, or supervise the provision of, special education.

c. One or both of the child's parents or the child's guardian.

d. The child, if this is appropriate.

e. A member of the evaluation team, the child's teacher or another person knowledgeable about the evaluation procedures used with the child and familiar with the results of the evaluation.

f. Other individuals, at the reasonable discretion of the parents or guardian, or DoDDS.

7. Each DoDDS school shall:

a. Ensure that an IEP is in effect before a child receives special education and related services. If a child with a current IEP transfers to or from a school within DoDDS, the CSC of the receiving school or region may, at its discretion, implement the current IEP, initiate a meeting to revise the current IEP, or initiate an evaluation of the child.

b. Ensure that an IEP meeting is held, following a determination by the school or regional CSC that the child needs special education and related services.

c. Afford the child's parents or guardians the opportunity to participate in every IEP meeting concerning their child by:

(1) Providing the parents or guardians adequate notice of the time and place of the meeting.

(2) Attempting to schedule the meeting at a mutually agreeable time and place.

8. A meeting may be conducted without a parent or guardian in attendance if the school is unable to convince a parent or guardian to attend. In this case, the school must have a written record of its attempts to arrange a mutually acceptable time and place.

9. If the parents or guardian attends the IEP meeting, the school shall take necessary action to ensure that at least one of the parents or the guardian understands the proceedings at the meetng, including providing an interpreter for a parent or guardian who is deaf or whose native language is other than English.

10. If neither parent or the guardian can attend the meeting, other methods to promote participation by the parent or guardian shall be used.

11. The school shall give a parent or guardian a copy of the child's IEP.

12. Each DoDDS school shall provide special education and related services, in accordance with an IEP, provided that neither DoDDS, its constituent elements, nor its personnel are accountable if a child does not achieve the growth projected in the IEP.

13. DoDDS shall ensure that an IEP is developed and implemented for each handicapped child whom DoDDS places in a non-DoDDS school or other facility.

D. Placement Procedures And Least Restrictive Environment

1. The placement of a child in any special education program by DoDDS shall be effecteed only pursuant to an IEP after a determination, under this Part, has been made that a child is handicapped and needs special education and related services.

2. The appropriate CSC shall meet as soon as is practicable following the development of a handicapped child's IEP to identify the personnel who will provide the child with special education and related services pursuant to the IEP.

3. A placement decision may not be implemented without the consent of a parent or guardian of the child, except as otherwise provided herein.

4. The placement decision must be designed to educate a handicapped child in the least restrictive environment, so the child is educated to the maximum extent appropriate with children who are not handicapped. Special classes, separate schooling, or other removal of handicapped children from the regular educational environment shall occur only when the nature or severity of the handicap is such that the child cannot be educated satisfactorily in regular classes with the use of supplementary aids and services.

5. Each handicapped child's educational placement shall be:

a. Determined at least annually by the appropriate CSC.

b. Based on the child's IEP.

c. Located as close as possible to the residence of the sponsoring parent or guardian.

d. Designed to assign the child to the school the child would attend if not handicapped, unless the IEP requires some other arrangement.

e. Predicated on the consideration of all factors affecting the child's well-being, including the effects of separation from parents or guardian.

E. Handicapped Children In Private Schools

1. Handicapped children eligible to receive instruction in DoDDS who are referred to a non-DoDDS school or facility by DoDDS have all the rights of handicapped children who are enrolled in DoDDS schools.

a. If DoDDS places a handicapped child in a non-DoDDS school or facility as a means of providing special education and related services, the program of that institution, including nonmedical care, room, and board, as set forth in the child's IEP, must be at no cost to the child or the child's parents or guardian.

b. DoDDS may place a handicapped child in a non-DoDDs school or facility only if required by an IEP. An IEP for a student placed in a non-DoDDS school is not valid until signed by an authorized DoDDS official. The IEP shall include determinations that:

(1) DoDDS does not currently have an educational program appropriate to meet the needs of the handicapped child.

(2) The non-DoDDS school or facility and its educational program conform to this Part.

2. DoDDS is not responsible for the cost of a non-DoDDS placement, unless it is authorized by the appropriate DoDDS regional office in coordination with DoDDS Headquarters pursuant to a valid IEP, or is directed by an impartial hearing officer or court of competent jurisdiction.

3. Non-DoDDS placements by DoDDS shall be:

a. In accordance with host nation requirements.

b. Subject to all treaties, executive agreements, and status of forces agreements between the United States and host nations, and all DoD and DoDDS regulations.

c. As close as possible to the DoDDS school that the handicapped child attends or would otherwise attend.

4. Before DoDDS places a handicapped child in a non-DoDDS school or facility, DoDDS shall conduct a meeting in accordance with this Part to develop an IEP for the child.

F. Procedural Safeguards

1. Parents or a guardian shall be given written notice before DoDDS proposes to initiate or change, or refuses to initiate or change, either the identification, evaluation, or educational placement of a child receiving or entitled to receive special education and related services from DoDDS, or the provision of a free appropriate public education by DoDDS to the child. The notice shall fully inform a parent or guardian of the procedural rights conferred by this Part.

2. The consent of a parent or guardian of a child who is handicapped or is suspected of having a handicap shall be obtained before any:

a. Initiation of formal evaluation procedures.

b. Change in educational placement.

c. Initial educational placement.

3. If the parent or guardian refuses consent to any formal evaluation or initial placement in a special education program, DoDDS may initiate an impartial due process hearing under Appendix 2 of this Part to show cause why an evaluation or placement in a special educational program should occur without such consent. If the hearing officer sustains the DoDDS position in the impartial due process hearing, the appropriate DoDDS school may evaluate or provide special education and related services to the child

without the consent of a parent or guardian, subject to the parents' or guardians' due process rights.

4. A parent or guardian is entitled to an independent evaluation of his or her child at DoDDS expense if the parent or guardian disagrees with the findings of an evaluation of the child, conducted by the school, and the parent or guardian successfully challenges the evaluation in an impartial due process hearing.

a. If an independent evaluation is provided at the expense of DoDDS, it must meet the following criteria:

(1) Conform to the requirements of this Instruction.

(2) Be conducted, where possible, within the area where the child resides.

(3) Follow all DoD regulations regarding the host nation.

(4) Meet DoDDS standards governing persons qualified to conduct an educational evaluation.

b. If the final decision rendered in an impartial due process hearing sustains the evaluation of the CSC, the parent or guardian has the right to an independent evaluation, but not at DoDDS expense.

5. The parents or guardians of a handicapped child shall be afforded an opportunity to inspect and review all educational records concerning not only the identification, evaluation, and educational placement of the child, but also the provision of a free appropriate public education to the child.

6. Upon complaint, the parent or guardian of a handicapped child shall have the opportunity for an impartial due process hearing provided by DoDDS, in accordance With Appendix 2 of this Part.

7. During the pendency of any impartial due process hearing or judicial proceeding regarding the identification, evaluation, or educational placement of a handicapped child receiving an education from DoDDS or the provision of a free public education to such a child, unless DoDDS and a parent or guardian of the child agree otherwise, the child shall ramain in his or her present educational placement, subject to the disciplinary procedures prescribed by this Part.

8. If a handicapped child who is entitled to receive an education from DoDDS is applying for initial admission to a DoDDS school, the child shall enter the DoDDS system on the same basis as a non-handicapped child. However, a handicapped child, with the consent of a parent or guardian, may receive an initial placement in a special education program comparable to the child's program prior to entering DoDDS, until all due process and judicial proceedings have been completed.

9. The General Counsel of the Department of Defense is authorized to modify appendix 2.

10. The parent or guardian of a handicapped child or a DoD employee may file a written complaint with the appropriate DoDDS regional office concerning a possible violation of this Part or Pub. L. 94–142.

G. Confidentiality of Records

DoDDS shall maintain all student records under this Instruction in conformity with section 286a of this title.

H. Disciplinary Procedures

1. All regular disciplinary rules and procedures applicable to children receiving educational instruction in DoDDS shall apply to handicapped children who violate school rules and regulations or disrupt regular classroom activities, subject to the provisons of this section.

2. Prior to the suspension or explusion of a handicapped child, the appropriate CSC or, in the case of a handicapped child in a non-DoDDS school, authorized DoDDS officials shall determine whether the child's conduct is the result of the child's handicapping condition.

3. If the CSC or authorized DoDDS officials determine that the child's conduct results in whole or part from his or her handicapping conditon, the child may not be subject to any regular disciplinary rules and procedures, and:

a. The child's parents or guardians shall be notified in accordance with this Part of the right to have an IEP meeting before any change in the child's educational placement.

b. The CSC or authorized DoDDS officials shall ensure that a meeting is held to determine the appropriate educational placement for the child in consideration of his or her conduct.

4. A handicapped child shall neither be suspended, expelled, nor his or her educational placement otherwise changed unless in accordance with this section, except that:

a. This section shall be applicable only to children determined to be handicapped under this Part.

b. Nothing contained herein shall perclude the emergency suspension of any handicapped child who endangers or reasonably appears to endanger the health, welfare, or safety of himself or herself, or any other child, teacher, or school personnel, provided that:

(1) The appropriate CSC or authorized DoDDS officials shall immediately meet to determine whether the child's conduct results from his or her handicapping condition and what change in educational placement is appropriate for the child.

(2) The child's parents or guardian shall be notified immediately of the child's suspension, and the time and location of, and their right to attend, the meeting.

(3) The suspension of the child is only effective for the duration of the emergency.

Appendix 2—Hearing Procedures

A. Purpose

This appendix establishes adjudicative requirements whereby the parents or guardians of handicapped children and DoDDS are afforded impartial due process hearings with respect to the identification, evaluation, and educational placement of, and the free appropriate public education provided to, such children by the Department of Defense, in accordance with Pub. L. 94–142 and Pub. L. 95–561.

B. Administration

1. The DoDDS Regional Director with responsibility for the handicapped child whose education is at issue shall be responsible for the hearings conducted under this enclosure.

2. This enclosure shall be administered to assure that the findings, judgments, and determinations made are prompt, fair, and impartial.

3. Impartial hearing officers shall be appointed by the ASD(MRA&L), or designee, and shall be attorneys who are independent of DoDDS and members in good standing of the bar of any state, the District of Columbia, or a territory or possession of the United States.

4. Counsel shall normally appear and represent DoDDS in proceedings conducted under this enclosure. A parent or guardian shall have the right to be represented in such proceedings at no cost to the government by qualified counsel or a personal representative.

C. Mediation

1. Mediation may be initiated by a parent, guardian or DoDDS in order to resolve informally a disagreement with respect to the identification, evaluation, or educational placement of, or the free appropriate public education provided to, a child. Mediation shall consist of but not be limited to an informal discussion of the differences between the parties in an effort to resolve those differences. The parents or guardians and the appropriate school officials may attend mediation sessions.

2. Mediation must be conducted, attempted, or refused in writing by a parent or guardian of the handicapped child whose education is at issue, before a request for or initiation of a hearing authorized by this enclosure. Any request by DoDDS for a hearing under this enclosure shall state how this requirement has been sastisfied. No stigma may attach to the refusal of a parent or guardian to mediate or to an unsuccessful attempt to mediate.

D. Practice and Procedure

1. *Hearing.* a. Should mediation be refused or otherwise fail to resolve the issues concerning the provision of a free appropriate public education to a handicapped child or the identification, evaluation, or educational placement of the child, the child's parent or guardian or the school principal having jurisdiction over the child may request and shall receive a hearing before a hearing officer to resolve the matter. The parents or guardian of a handicapped child whose education is at issue and DoDDS shall be the only parties to a hearing conducted under this enclosure.

b. The party seeking the hearing shall submit a written request, in the form of a petition setting forth the facts, issues, and proposed relief, to the DoDDS Regional Director who has responsibility for the handicapped child. The petitioner shall deliver a copy of the petition to the opposing party (that is, the parent or guardian, or, on behalf of DoDDS, the school principal), either in person or by first-class mail, postage prepaid. Delivery is complete upon mailing.

When DoDDS petitions for a hearing, it shall inform the other parties of the deadline for filing an answer under paragraph D.1.c., below, and shall provide the other parties with a copy of this enclosure.

c. An opposing party shall submit an answer to the petition to the appropriate Regional Director, with a copy to the petitioner, within 20 calendar days of receipt of the petition. The answer shall be as full and complete as possible, addressing the issues, facts, and proposed relief.

d. Within 10 calendar days after receiving the petition, the Regional Director shall obtain the assignment of a hearing officer, who shall then have jurisdiction over the resulting proceeding. The Regional Director shall promptly forward all pleadings to the hearing officer.

e. The questions for adjudication shall be based on the petition and the answer, provided that a party may amend a pleading if the amendment is filed with the hearing officer and received by the other parties at least 5 calendar days before the hearing.

f. The Regional Director shall arrange for the time and place of the hearing, and shall provide administrative support. Such arrangements shall be reasonably convenient to the parties.

g. The purpose of a hearing is to establish the relevant facts necessary for the hearing officer to reach a fair and impartial determination of the case. Oral and documentary evidence that is relevant and material may be received. The technical rules of evidence shall be relaxed to permit the development of a full evidentiary record, with the Federal Rules of Evidence serving as a guide.

h. The hearing officer shall be the presiding officer, with judicial powers to manage the proceeding and conduct the hearing. Those powers shall include, but not be limited to, the authority to order an independent evaluation of the child at the expense of DoDDS and to call and question witnesses.

i. Those normally authorized to attend a hearing shall be the parents or guardian of the child, the counsel and personal representative of the parents or guardian, the counsel and professional employees of DoDDS, the hearing officer, and an individual qualified to transcribe or record the proceedings. The hearing officer may permit other persons to attend the hearing, consistent with the privacy interests of the parents or guardian and the child, provided the parents or guardian has the right to an open hearing upon waiving in writing his, her or their privacy rights and those of the child.

j. A verbatim transcription of the hearing shall be made in written or electronic form and shall become a permanent part of the record. A copy of the written transcript or electronic recording shall be made available to a parent or guardian upon request and without cost. The hearing officer may allow correctons to the written transcript or electronic recording for the purpose of conforming it to actual testimony after adequate notice of such changes is given to all parties.

k. The hearing officer's decision of the case shall be based on the record, which shall include the petition; the answer; the written transcript or the electronic recording of the hearing; exhibits admitted into evidence; pleadings or correspondence properly filed and served on all parties; and such other matters as the hearing officer may include in the record, provided that such matter is made available to all parties before the record is closed under paragraph D.1.m., below.

l. The hearing officer shall make a full and complete record of a case presented for adjudication.

m. The hearing officer shall decide when the record in a case is closed.

n. The hearing officer shall issue findings of fact and render a decision in a case not later than 60 calendar days after being assigned to the case, unless a discovery request under subsecton D.2, below, is pending.

2. *Discovery.* a. Full and complete discovery shall be available to parties to the proceeding, with the Federal Rules of Civil Procedure serving as a guide.

b. If voluntary discovery cannot be accomplished, a party seeking discovery may file a motion to accomplish discovery, provided such motion is founded on the relevance and materiality of the proposed discovery to the issues. An order granting discovery shall be enforceable as is an order compelling testimony or the production of evidence.

c. A copy of the written or electronic transcription of a deposition taken by DoDDS shall be made available free of charge to a parent or guardian.

3. *Witnesses; Production of Evidence.* a. All witnesses testifying at the hearing shall be advised that it is a criminal offense knowingly and willfully to make a false statement or representation to a department or agency of the United States Government as to any matter within the jurisdiction of that department or agency. All witnesses shall be subject to cross-examination by the parties.

b. A party calling a witness shall bear the witness' travel and incidental expenses associated with testifying at the hearing. DoDDS shall pay such expenses when a witness is called by the hearing officer.

c. The hearing officer may issue an order compelling the attendance of witnesses or the production of evidence upon his own motion or, if good cause be shown, upon motion of a party.

d. When the hearing officer determines that a person has failed to obey an order to testify or to produce evidence, and such failure is in knowing and willful disregard of the order, the hearing officer shall so certify.

e. The party or the hearing officer seeking to compel testimony or the production of evidence may, upon the certification provided for in paragraph D.3.d., above, file an appropriate action in a court of competent jurisdiction to compel compliance with the hearing officer's order.

4. *Hearing Officer's Findings of Fact and Decision.* a. The hearing officer shall make written findings of fact and issue a decision setting forth the questions presented, the resolution of those questions, and the rationale for the resolution. The hearing officer shall file the findings of fact and decision with the appropriate Regional Director, with a copy of each party.

b. The Regional Director shall forward a copy of the hearing officer's findings of fact and decision, with all personally identifiable information deleted, to the National Advisory Panel.

c. The hearing officer shall have the authority to impose financial responsibility for educational placements, evaluation, and related services under his or her findings of fact and decision.

d. The findings of fact and decision of the hearing officer shall become final unless a notice of appeal is filed under paragraph F.1., below. DoDDS shall implement a decision as soon as practicable after it becomes final.

E. Determination Without Hearing

1. At the request of a parent or guardian of the handicapped child whose education is at issue, the requirement for a hearing may be waived and the case may be submitted to the hearing officer on written documents filed by the parties. The hearing officer shall make findings of fact and issue a decision within the period fixed by section D.1.n., above.

2. DoDDS may oppose a request to waive the hearing. In that event, the hearing officer shall rule on the request.

3. Documents submitted to the hearing officer in a case determined without hearing shall comply with section D.1.g., above. A party submitting such documents shall provide copies to all other parties.

F. Appeal

1. A party may appeal the hearing officer's findings of fact and decision by filing a written notice of appeal with the ASD (MRA&L), or designee, within 5 calendar days of receipt of the findings of fact and decision. The notice of appeal must contain the appellant's certification that a copy of the notice of appeal has been provided to all other parties. Filing is complete upon mailing.

2. Within 15 calendar days of filing the notice of appeal, the appellant shall submit a written statement of issues and arguments to the ASD(MRA&L), or designee, with a copy to the other parties. The other parties shall submit a reply or replies to the ASD(MRA&L), or designee, within 15 calendar days of receiving the statement, and shall deliver a copy of each reply to the appellant. Submission is complete upon mailing.

3. The ASD(MRA&L), or designee, shall determine the matter on appeal, including the making of interlocutory rulings, within 20 calendar days of receiving timely submitted replies under paragraph F.2., above. The ASD(MRA&L), or designee, may request oral argument at a time and place reasonably convenient to the parties.

4. The determination of the ASD(MRA&L), or designee, shall be a final administrative decision and be in written form. It shall address the issues presented and set forth a rationale for the decision reached. A determination denying the appeal of a parent or guardian in whole or in part shall state that the parent or guaradian has the right under Pub. L. 94–142 to bring a civil action with respect to the matters in dispute in any state court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.

5. No provision of this enclosure or other DoD guidance may be construed as conferring a further right of administrative review. A party must exhaust all administrative remedies afforded by this enclosure before seeking judicial review of a determination made under this enclosure.

C. Publication and Indexing of Final Decisions

Final decisions in cases arising under this enclosure shall be published and indexed in accordance with § 286 of this title to protect the privacy rights of the parents, guardians, and children who are parties in those cases.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 2, 1981.

[FR Doc. 81-26583 Filed 9-10-81; 8:45 am]

BILLING CODE 3810-01-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of ATBCB meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting for 10:00 am, on September 22, 1981, to consider Notice of Proposed Rulemaking (NPRM) to rescind the ATBCB Minimum Guidelines and Requirements for Accessible Design, published in the Federal Register as a Final Rule on January 16, 1981. Extension of the public comment period on NPRM; regulatory analysis on NPRM; nationwide public hearings on ATBCB Guidelines and Requirements; involvement of ANSI in public hearings on ATBCB Guidelines and Requirements; ATBCB funding of public participation in the rulemaking process; Advanced Notice of Proposed Rulemaking (ANPRM); ATBCB research agreement; the ATBCB Annual Report for 1980; and proposed election of a Vice Chairperson as authorized by ATBCB Statement of Organization and Procedure are also on the agenda for action by the ATBCB.

DATES: The ATBCB meeting will be held on September 22, 1981, 10:00 a.m. until 5:00 p.m. The ATBCB Committee meeting will be held on September 21, 1981 from 9:30 a.m. until 5:00 p.m.

ADDRESSES: The meeting of the Board will be held at the DAV National Service and Legislative Headquarters, 807 Maine Avenue, SW., Washington, D.C. beginning at 10:00 a.m. until 5:00 p.m.

The ATBCB Committee meetings will be held in Rooms 303A and 305A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information (202) 245-1591 (voice or TDD).

SUPPLEMENTARY INFORMATION: The meeting of the ATBCB will enable the Board to further consider developments, including modification, rescission, amendment, of its accessibility rule adopted January 6, 1981. 46 FR 4270. Contact Larry Allison, Director of Public Information (202) 245-1591 (voice or TDD), for exact time of each committee meeting.

Mason H. Rose, V,

Chairperson.

[FR Doc. 81-26316 Filed 9-10-81; 8:45 am]

BILLING CODE 4000-07-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM81-2]

Rules of Practice and Procedure for Introducing Studies and Analyses into Testimony

September 3, 1981.

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: To facilitate more expeditious and efficient analyses of evidentiary presentations based upon computer-generated data, we are considering changes to our Rules of Practice and Procedure which would require parties relying upon computer studies to make available certain supporting materials. In addition, we contemplate changes expanding the applicability and expediting the operation of our rule governing the introduction of studies and analyses.

DATES: Comments must be received on or before September 30, 1981.

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, Postal Rate Commission, Suite 500, 2000 L Street, NW., Washington, D.C. 20268; (202) 254-3824.

SUPPLEMENTARY INFORMATION:

Computer Studies

Experience in recent Commission proceedings, particularly Postal Rate and Fee Changes, 1981 (Docket No. R80-1), has highlighted the need for a separate rule governing computer studies and analyses. An increasingly large percentage of the testimony offered in evidence before the Commission utilizes computer-generated data, much of which is prepared on a sophisticated technical level. This trend, which mirrors technological advances in other areas, is welcomed because of the savings that can be realized in both time and resources.

A properly programmed computer can perform millions of calculations in a matter of minutes or even seconds. In the area of postal ratemaking, where it is necessary to estimate total costs for the Postal Service on the basis of multi-faceted assumptions about the nation's economy, projections of future mail volume, and various other parameters of postal operations, reliance upon computers is virtually a must. Computerization permits a substantially more comprehensive level of analysis and greater assurances of accuracy than would otherwise be obtainable within given time and resource constraints. It thus represents an important step forward in the evolution of postal ratemaking, and is fully consistent with the Postal Reorganization Act and the court decisions interpreting it.

Notwithstanding the advantages, reliance upon computer models, studies and analyses raises evidentiary concerns which cannot be overlooked. Participants in our proceedings frequently base evidence upon the results of computer analyses without providing the input data, computer programs, and other information necessary to test and/or replicate them. From an evidentiary standpoint such an offer is lacking because it does not provide sufficient assurances that the computer output is precisely what it purports to be. As one commentator has noted:

> A computer is merely a device constructed of electronics circuitry; it has no mind with which to examine the thought processes of its programmer. Therefore, if a step in a formula is omitted or improperly translated by the programmer, the computer will nonetheless continue to perform the calculation, albeit incorrectly, on all data entered for its operations.

Note, "Computer-Nourished Experts: An Evidentiary and Procedural Perspective," 33 *Brooklyn L. Rev.* 1119, 1133 (1977) (footnote omitted). There are innumerable opportunities for error when dealing with computers:

> * * * The possibility of an undetected error in computer-generated evidence is a function of many factors: the underlying data may be hearsay; errors may be introduced in any one of several stages of processing; the computer might be erroneously programmed.

programmed to permit an error to go undetected, or programmed to introduce error into the data; and the computer may inaccurately display the data or display it in a biased manner.

Roberts, "A Practitioner's Primer on Computer-Generated Evidence," 41 *U. Chi. L. Rev.* 254, 255–56 (1954).

The *Manual for Complex Litigation* recognizes these shortcomings and recommends that "[c]omputer inputs and outputs, the underlying data and the program method employed should be made available to the opposing party in advance of trial as a condition of admissibility." 1 Pt. 2 *Moore's Federal Practice*, Part 1, 2.717. This is essentially the standard which we adopted in Docket No. R80–1, with respect to the Postal Service's roll-forward program, and we continue to believe that it is the correct one for the consideration of computer studies or analyses. *See* Orders No. 346, 349 and 350; *United States* v. *Dioguari*, 428 F. 2d 1033 (2d Cir. 1970); *United States* v. *Russo*, 480 F. 2d 1228 (6th Cir. 1973); *United States* v. *Liebert*, 519 F. 2d 542 (3rd Cir. 1975); *Pearl Brewing Co.* v. *Joseph Schlitz Brewing Co.*, 415 F. Supp. 1122 (S.D. Tex. 1976).

In the proposed amendment to our rules we have included all the information or materials which the Commission required with respect to the roll-forward program in Docket No. R80–1, as well as a general provision permitting the Commission to require the production of any other information which is necessary to test or replicate the results of a computer analysis. The general provision is included because of the difficulty of identifying in advance all types of information which may be needed to analyze the different types of computer studies—many of which are custom-tailored—relied upon in Commission proceedings.

The proposed rule would permit the party requesting the production of input and output data, programs, and other relevant information to specify production in a computer-readable format, as opposed to hard copy. Again, this change conforms to the position we adopted in Docket No. R80–1, and it is well supported by the case law. *See* Order No. 346, at 21–24; *Adams* v. *Dan River Mills*, 54 F.R.D. 220 (W.D. Va., 1972); *United States* v. *Davey*, 543 F. 2d 996 (2nd Cir. 1976); *National Union Electric Corp.* v. *Matsushita Electric Industrial Company, Ltd.*, 494 F. 2d 1257 (5th Cir. 1980). Because the cost of producing such data in a computer-readable format may be relatively high, the proposed rule would require such costs to be borne by the requesting party, unless the request is made by the Commission.

Other Matters

The proposed amendments to our rules would also extend the applicability of sections 1 and 2 of Rule 31(k) (39 CFR 3001.31(k)) to studies and analyses which are to be relied upon as support for other evidence, even if the studies and analyses themselves are not to be offered in evidence. The need for this change was likewise demonstrated by our experience of recent years. Witnesses in our proceedings have frequently sought to rely upon studies and analyses as the basis for their conclusions without offering such studies and analyses in evidence or providing the basic information necessary to establish their reliability. As a result, opposing parties may be disadvantaged by the lack of an adequate opportunity to test the findings from which conclusions are drawn. The proposed rule would assure uniform treatment of studies and analyses when they are used as the foundation for evidentiary presentations, thereby guaranteeing the right of parties to examine and test all material relied upon by their opponents.

Finally, the proposed amendments include the addition of a new paragraph at the end of Rule 31(k), the purpose of which would be to expedite responses to requests made pursuant thereto. Given the centrality of studies and analyses to the testimony in our proceedings, the need for such a requirement stems directly from our statutory obligation to conduct proceedings with the "utmost expedition consistent with procedural fairness to the parties." 39 U.S.C. 3624(b).

PART 3001—RULES OF PRACTICE AND PROCEDURE

Rule 31(k) (39 CFR 3001.31(k)) follows with the proposed additions enclosed in arrows. Section 3001.31(k) is proposed to be revised to read as follows:

§ 3001.31 Evidence.

* * * * *

(k) *Introduction* ►*and reliance upon*◄ *studies and analysis.* (1) ►*General.*◄ In the case of all studies and analysis offered in evidence in hearing proceedings ►or relied upon as support for other evidence,◄ other than the kinds described in paragraph►s◄ (k)(2) ►and (k)(3)◄ of this section, there shall be a clear statement of the study plan, all relevant assumptions and a description of the techniques of data collection, estimation and/or testing. In addition, there shall be a clear statement of the facts and judgements upon which conclusions are based, together with an indication of the alternative courses of action considered. Tabulations of input data shall be made available upon request at the offices of the Commission.

(2) ►*Statistical studies.*◄ Upon proper request all statistical studies offered in evidence in hearing proceedings ►or relied upon as support for other evidence,◄ shall be described in a summary statement with supplementary details added in appendices so as to give a comprehensive delineation of the assumptions made, the study plan utilized and the procedures undertaken. For example, for each of the following types of statistical studies, the following indicated information should be furnished:

(i) *Sample surveys.* (*a*) A clear description of the survey design, including the definition of the universe under study, the sampling frame and units, and the validity and confidence limits that can be placed on major estimates; and

(*b*) An explanation of the method of selecting the sample and the characteristics measured or counted.

(ii) *Econometric investigations.* (*a*) A complete description of the econometric model and the reasons for each assumption and statistical specification;

(*b*) A clear statement as to the effects on the final result of changes in the assumptions; and

(*c*) Upon request, make available alternative studies which may have been made, which employed alternative models and variables.

(iii) *Experimental analyses.* (*a*) A complete description of the experimental design, including a specification of the controlled conditions and how the controls were realized; and

(*b*) A complete description of the methods of making observations and the adjustment, if any, to observed data.

(iv) *All studies involving statistical methodology.* (*a*) The formula used for statistical estimates;

(*b*) The standard errors of each component estimated;

(*c*) Test statistics and the description of statistical tests and all related computations, and final results; and

(*d*) Summary descriptions of input data, and upon request the actual input data shall be made available at the offices of the Commission.

► (3) *Computer analyses.* (i) In the case of computer studies or analyses which are being offered in evidence, or relied upon as support for other evidence, in addition to any information

required by paragraph (2) of this section, the following shall be furnished:

(*a*) The model name and number of the computer and/or terminal upon which the program was run;

(*b*) Information as to input and output procedures and system reliability;

(*c*) The name of the computer's operating system;

(*d*) If a timesharing vendor is used, the name and location of the vendor; and

(*e*) A general description of the program, including the language in which it is written, and the processes which it performs.

(ii) Upon request of a party, the Commission, or the Presiding Officer, the following shall also be furnished:

(*a*) All data input and output for any computer run relied upon in the study or analysis;

(*b*) All operating manuals for the hardware and software used to run the program;

(*c*) A listing of source codes together with complete documentation; and

(*d*) Any other information which the Presiding Officer or the Commission determines necessary to test or replicate the results of the computer analysis at issue.

(iii) All requests made pursuant to paragraphs (k)(3)(ii) (*a*), (*c*) and (*d*) of this section shall indicate whether production is requested in hard-copy or a computer-readable format.

(*a*) When computer-readable format is requested, the requesting party may specify any widely-employed format, including card decks, magnetic tapes and disks.

(*b*) When the requester is other than the Commission or the Presiding Officer, the cost of producing a computer-readable format shall be borne by the requesting party unless otherwise agreed upon with the requestee.

(4) *Expedition.* The offeror shall expedite responses to requests made pursuant to this section. Responses shall be served on the requesting party, and notice thereof filed with the Secretary in accordance with the provisions of § 3001.12, no later than 20 days after a request is made.◄

(39 U.S.C. Secs. 3603, 3624)

Note.—Pursuant to Executive Order 12291, the Commission finds that the proposed rule changes do not constitute a "major rule." The cost of compliance should be minimal because parties relying upon computer studies will generally have all of the required information readily available. Nor will the changes have any adverse effects on competition, employment or the other factors listed in E.O. 12291.

David F. Harris,

Secretary.

[FR Doc. 81-26521 Filed 9-10-81; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1913-5]

Approval and Promulgation of Implementation Plans; Connecticut Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Proposed revisions to four regulations of the Connecticut State Implementation Plan (SIP) were submitted to EPA by the Director of the Air Compliance Unit of the Connecticut Department of Environmental Protection (CT DEP) on July 7, 1981. The first revision will change regulation 19–508–19 and its narrative explanation to (1) raise the existing statewide sulfur-in-fuel limit from 0.5% sulfur by weight (dry basis) to 1.0%, (2) delineate provisions under which use of fuels with other than 1% sulfur content may be approved, (3) specify an alternative allowable emission rate of 1.1 pounds of sulfur dioxide (SO_2) per million British Thermal Units (mBtu) heat input and, (4) clarify the portion of this regulation that is the basis for the EPA-approved "Air Pollution Control/Energy Trade" program. EPA proposes to approve this revision as to oil but not as to coal or other solid fuels.

EPA also proposes to approve the second revision, which will repeal the state's annual and 24-hour secondary SO_2 standards found in regulation 19–508–24(e), and the third revision, which will change regulation 19–508–20 to extend the annual time period during which natural gas burners are not required for control of volatile organic compounds (VOCs). A fourth revision will change regulation 19–508–18(d) to reduce the total suspended particulate (TSP) emission rate for oil burning equipment from 0.2 to 0.14 pounds of TSP per mBtu, and revise regulation 19–508–18(f) to reduce the allowable TSP emissions from iron foundries, hot mix asphalt plants, and foundry sand processes. EPA proposes to take no action on these revisions at this time, but to act on them in a separate rulemaking.

EPA's review is being conducted concurrently with public review of the same revisions at the state level. This concurrent review prior to final state regulatory action, which EPA refers to as "parallel processing," is designed to reduce the time necessary for EPA approval of SIP revisions and is being used on a trial basis by Region I.

DATE: Comments must be received on or before October 13, 1981. Comments should be submitted to Harley F. Laing, Chief, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

ADDRESSES: Copies of the Connecticut submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; the Office of the Federal Register, 110 L Street, NW., Washington, D.C.; and the Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut 06115.

FOR FURTHER INFORMATION CONTACT: Sarah Simon, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–4448.

I. Revisions to Regulation 19–508–19: Control of Sulfur Compound Emissions

A. Background

The CT DEP has proposed a statewide revision to its fuel burning requirements to allow Connecticut's business and industry to burn 1% sulfur fuel, a type of fuel that is both cheaper and higher in sulfur content than that currently used. In the early 1970s, Connecticut adopted as part of its SIP a statewide 0.5% sulfur-in-fuel limitation. This strategy eliminated all violations of both the health- and welfare-related standards for sulfur oxides across the state and resulted in ambient air quality levels of SO_2 well below the National Ambient Air Quality Standards (NAAQS). However, this control strategy was developed at a time of comparatively low differential cost between low and high sulfur fuels. With the current higher price differential, the DEP believes that a statewide 1% sulfur-in-fuel limit is appropriate.

B. Modeling

If all heavy users burn 1% sulfur oil instead of 0.5%, the existing limitation, this revision will increase SO_2 emissions

from 73,000 tons per year to approximately 120,000 tons. With participation by EPA Region I, the DEP has prepared a demonstration that this increase will not violate the NAAQS for SO_2. In performing the modeling for this demonstration, an emission rate of 1.1 pounds per mBtu, approximately equivalent to the use of 1% sulfur oil, was used.

In urban areas, the attainment demonstration used annual, multi-source modeling with EPA's CDMQC model. An EPA recognized statistical technique (Larsen's) was used to convert the projected annual results into short-term concentrations. The CDMQC analysis employed a statewide emissions inventory provided by the CT DEP and other emissions data for the New York metropolitan area. Connecticut sources with actual SO_2 emissions equal to or greater than 15 tons per year were modeled as point sources, while sources with lesser emissions were aggregated and modeled as area sources. Within the New York metropolitan area, sources with actual SO_2 emissions equal to or greater than 100 tons per year were modeled as point sources, while the others were modeled as area sources. Meteorological data from Bridgeport, CT, Bradley Field (Windsor Locks, CT), and Newark, New Jersey were used in the modeling calculations.

Modeling was performed for the existing emissions at 0.5% sulfur oil (base case) with receptors at monitor locations and out-of-state areas where a Prevention of Significant Deterioration (PSD) baseline has been established. The model was also run for conditions anticipated after the revision (strategy case) with three additional groups of receptors conforming to EPA requirements.

Since the CDMQC model is designed only for use in urban areas, in rural areas DEP used procedures recommended in Connecticut's screening model, the *New Source Ambient Impact Analysis Guideline (CT Modeling Guideline)*, which has been approved by EPA. The DEP used the *CT Modeling Guideline* to determine whether impacts of the 35 rural (as defined in EPA's *Guideline on Air Quality Models* and subsequent guidance) major sources (those with potential emissions of 100 tons per year) would violate the NAAQS. As recommended by the *CT Modeling Guideline*, the modeled impacts of each major subject source were added to the modeled impacts of nearby 15-ton or greater sources. To that concentration, a background level appropriate for each source was added to obtain 3-hour, 24-hour and annual concentration estimates.

The results of the urban analyses indicate that there will be no violation of any NAAQS for SO_2. The results of the rural screening analyses indicate that there will be violations of the NAAQS at 17 locations: (1) The HELCO Power Station in Middletown, (2) Connecticut Light and Power in Montville, (3) Federal Paperboard in Sprague, (4) University of Connecticut in Storrs, (5) Pratt and Whitney in Middletown, (6) Combustion Engineering in Windsor, (7) Kimberly Clark in New Milford, (8) Connecticut Paper Company in Uncasville, (9) Pratt and Whitney in North Haven, (10) New Departure Hyatt in Bristol, (11) Sikorsky Air Division in Stratford, (12) Dow Chemical Company in Gales Ferry, (13) American Thread Company in Willimantic, (14) Nestle Company in New Milford, (15) Plasticrete Corporation in North Haven, (16) Uniroyal in Naugatuck, and (17) Allegheny Ludlum in Wallingford. Thus, more refined modeling in accordance with EPA's *Guideline on Air Quality Models*, or federally enforceable operating restrictions on these sources are required to demonstrate NAAQS compliance while burning 1.0% sulfur oil.[1] EPA anticipates that this refined modeling may reduce the number of sources predicted to cause violations.

An evaluation was also performed to ensure that this revision will not violate any applicable PSD increment. There are no areas in Connecticut where the PSD baseline has been established. The maximum modeled impact of Connecticut sources did not violate any applicable PSD increment in any neighboring states.

Proposed Action

EPA proposes to approve the revision to burn 1.0% sulfur oil for all urban sources.

EPA proposes to approve the revision to burn 1.0% sulfur oil for all rural sources, provided that for the rural major sources listed above, further modeling demonstrations or federally enforceable source operating restrictions that ensure NAAQS compliance are presented to EPA prior to final rulemaking.

C. Other Provisions of Regulation 19–508–19

1. *Use of Coal and Other Solid Fuels.* The CT DEP has proposed that the 1% sulfur revision apply to coal and other solid fuels as well as oil. The technical demonstrations in support of this revision were based on an emission rate of 1.1 pounds SO_2 per mBTu. This approximately equivalent to use of oil with a 1% sulfur content. However, since coal has a lower Btu content per pound than oil, this emission rate represents use of coal with sulfur content of approximately 0.75%, not 1%. The use of coal with a sulfur content higher than approximately 0.75% is not supported by the state's technical demonstration.

To control the air impacts of solid fuel burning, the state proposed to require its prior approval for units equal to or larger than 250 thousand Btu per hour heat input to burn 1% sulfur fuel. Thus, the 1% sulfur revision for coal and other solid fuels would rely on a future demonstration of compliance with the NAAQS. This approach is not acceptable to EPA. EPA cannot approve a sulfur-in-fuel relaxation without an accompanying technical demonstration which ensures compliance with NAAOS and with EPA's PSD requirements.

Two additional problems associated with the state's coal-burning regulation must be addressed. First, unlike oil, which is a homogeneous fuel, the sulfur content of coal varies among coal loads. The CT DEP has not specified an averaging time over which the coal sulfur content must be met. Since the sulfur content of coal is variable, this specification is essential. Second, EPA approved test methods must be specified to assure compliance with the SIP emission limits for the averaging times specified.

Proposed Action

EPA proposes to approve the use of solid fuels with an emission rate no greater than 1.1 pounds SO_2 per mBtu heat input (approximately equivalent to burning coal containing 0.75% sulfur), provided that the state submits a coal averaging time and corresponding compliance test methods consistent with EPA requirements and guidance prior to final rulemaking.

Until the State demonstrates that there will be no violations of the NAAQS or any applicable PSD increment the revision allowing use of solid fuels with a 1% sulfur content on a statewide basis is not approvable.

2. *Energy Trade Program.* The DEP has added specific regulatory language to Regulation 19–508–19(a)(3)(i) to more fully define its EPA-approved "Air Pollution Control/Energy Trade Option". Under this new program, sources may be approved to burn fuels with a sulfur content higher than 1% of the ratio of their energy use to their production has

[1] In the case of Federal Paperboard in Sprague, EPA has already received additional information in support of an increased sulfur limit approved at 46 FR 23412 (April 27, 1981).

declined and if the burning of the higher sulfur fuel will not violate the NAAQS or any applicable PSD increment. Individual source approvals by the state under this program must be submitted to EPA as SIP revisions.

The regulation, like the narrative, states that the CT DEP will not approve sources under the program if they violate the NAAQS. But the regulation must also state that no source will be approved under the program if it will violate any applicable PSD increment. In addition, the narrative provided that credits to burn higher sulfur fuel would be based on energy conservation compared to actual fuel purchases during an agreed upon base year. The regulation contains no such provision. This inconsistency must be resolved by the state prior to the final rulemaking.

Proposed Action

EPA proposes to approve this revision if it is amended prior to final rulemaking to ensure that no source will be approved under this program if it would violate an applicable PSD increment, and to correct the inconsistencies noted above.

3. *Other.* Subsection (a)(2)(ii) allows the Commissioner to approve emergency fuel relaxations. EPA proposes to take no action on this subsection at this time.

Subsection (a)(3)(ii) allows the Commissioner to approve the combustion of fuels which contain more than one percent (1%) sulfur, provided that the total SO_2 emissions from any stack located on a given premise do not exceed 1.1 pounds per million Btu of heat input. The state has submitted a technical demonstration of compliance with the NAAQS based on this rate, and EPA proposes to approve this subsection.

Subsection (a)(3)(iii) contains merely discretionary authority for the Commission to limit emission of SO_2 from any source if they will violate the NAAQS. Unless the Commissioner is required to disapprove a source which violates the NAAQS, or limit the source's emissions to prevent the violation this subsection is not approvable. EPA proposes to disapprove this subsection.

Subsection (a)(4) allows the Commissioner to permit fuel merchants to sell with greater than 1% sulfur content to approved users. Since this subsection does not affect the burning of such fuel, which is regulated by other portions of this rule, EPA proposes to approve this subsection.

Subsection (a)(9) regulates 1.5% sulfur coal at educational and historical exhibits. Because it allows for exemptions without a determination of compliance with the NAAQS or PSD increments this subsection is not approvable.

EPA proposes to approve the narrative supporting these regulatory SIP revisions if the following typographical errors are corrected: The primary annual average SO_2 is 80, not 75 $\mu g/m^3$ as stated on page 11. The revised sulfur-in-fuel limitation is 1.0%, not 1.09% as shown on page 53.

Proposed Action

EPA proposes to approve revisions to subsections (a)(3)(i) and (a)(4) of regulation 19–508–19.

EPA cannot approve subsections (a)(3)(iii) and (a)(9) of regulation 19–508–19 at this time due to the deficiencies not previously approved.

EPA proposes to take no action on subsection (a)(2)(ii) of regulation 19–508–19.

II. Revision to Regulation 19–508–24(e): Secondary SO_2 Standards

The CT DEP is proposing to eliminate the state's annual and 24-hour secondary SO_2 standards, but to retain EPA's 3-hour secondary standard. Since EPA has repealed its own annual and 24-hour secondary standards (38 FR 25681, September 14, 1973), it proposes to approve this revision.

Proposed Action

EPA proposes to approve the revision to regulation 19–508–24(e).

III. Revisions to Regulation 19–508–18: Total Suspended Particulates (TSP)

Connecticut has submitted proposed revisions to its regulations governing TSP and an analysis of its existing TSP regulations, in connection with its sulfur-in-fuel revision and in order to meet the TSP conditions set out in EPA's conditional approval of Connecticut's attainment plan (45 FR 84781, December 23, 1980). EPA is currently reviewing this submission and will announce a proposed decision concerning it in a separate rulemaking.

Proposed Action

EPA proposes to take no action on these revisions at this time.

IV. Revision to Regulation 19–508–20(dd)(1): Seasonal Use of Afterburners

EPA's volatile organic compound (VOC) control guidance allows seasonal use of natural gas afterburners, permitting a reduction of the demand for natural gas during the winter in cooler climates when VOCs do not present an ozone problem. The DEP is proposing to permit discontinuance of these devices during two months (November and March) in addition to the three-month period which has already been approved by EPA. This is consistent with EPA guidance.

Proposed Action

EPA proposes to approve the revision to regulation 19–508–20(dd).

V. Procedures For This Rulemaking

Under the "parallel process" procedures outlined in the SUMMARY of this notice, EPA's review of these proposed revisions is being conducted concurrently with their public review at the state level. EPA's review indicates that, when amended to include the conditions specified in this notice and officially adopted by the state, they will be approvable. EPA is proposing approval of various revisions contingent upon the incorporation of these conditions prior to final rulemaking, and thus before adoption and submittal of the final revisions to EPA. If the regulations as adopted by the state are substantially changed beyond inclusion of the conditions specified, EPA will evaluate these changes and publish a revised notice of proposed rulemaking for these regulations, if necessary. If no substantial changes are made, EPA will approve these revisions.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to requirement of a Regulatory Impact Analysis. These regulations are not Major because they will impose no new requirements, but will only approve state actions. Any disapprovals will merely preserve the status quo.

These regulations were submitted to the Office of Management and Budget for review by Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether they meet the requirements of section 110(a)(2) (A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: July 23, 1981.

Leslie Carothers,

Acting Regional Administrator.

Pursuant to the provisions of 5 U.S.C. 605(b), I have certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The approvals proposed today, if promulgated, will constitute SIP approvals within the meaning of the January 27 certification. I

hereby certify that this proposed rule, if promulgated, will not have a significant adverse impact on a substantial number of small entities. Any disapprovals will merely preserve the status quo.

Dated: September 2, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 81-26558 Filed 9-10-81; 8:45 am]

BILLING CODE 6560-38-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1924-5]

Proposed Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: The Commonwealth of Pennsylvania had submitted a proposed revision of its State Implementation Plan (SIP). The changes involve a restructuring of sulfur dioxide (SO_2) emission limitations and the addition of averaging provisions, sampling and testing specifications, continuous in-stack monitoring requirements for (SO_2) where applicable, and other miscellaneous revisions. The changes affect Chapter 121, 122, 123, 124, and 139 of the Pennsylvania Air Resources Regulations.

This proposed revision applies to eight of the twelve Pennsylvania air basins and the non-air basin areas, The (SO_2) regulation changes as applied to the Erie Air Basin were proposed in the May 9, 1979, **Federal Register**, 44 FR 27188, and approved in the August 8, 1979 **Federal Register**, 44 FR 46465. The (SO_2) regulations for Allegheny County, Philadelphia County, the Beaver Valley Air Basin, and the Monogahela Valley Air Basin are not affected by this revision. The miscellaneous changes apply statewide.

DATE: Comments must be submitted on or before October 13, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompaying support are available of inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Media and Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA. 19106, Attn: Ed. Shoener (3AH11)

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120

Public Information Reference Unit, Room 2922, EPA Library, Environmental Protection Agency 401 M Street SW. (Waterside Mall), Washington, DC 20460.

All comments on the proposed revision submitted on or before October 13, 1981 will be considered and should be directed to Mr. Glenn Hanson, Chief, Pennsylvania Section (3AH11), Air & Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA. 19106; Attn: (AH3000cPA).

FOR FURTHER INFORMATION CONTACT: Mr. Ed. Shoener, Environmental Protection Agency, Region III, Air Media and Energy Branch, Curtis Building, 10th Floor, Curtis Building, 10th Floor, 6th & Walnut, Street, Philadelphia, PA 19106, (215) 579-8179.

SUPPLEMENTARY INFORMATION:

Introduction

The proposed changes to the Pennsylvania regulations were submitted by Governor Richard Thornburgh on April 24, 1979. The Governor certified in his submittal letter that the public hearing and notice requirements of 40 CFR Part 51 have been fulfilled for the amended regulations.

The proposed SIP revision consists of the changes for sulfur dioxide and the miscellaneous changes. The changes for sulfur dioxide were submitted for the entire Commonwealth except Allegheny County, Philadelphia County, the Beaver Valley Air Basin, and the Monongahela Valley Air Basin.

The changes for sulfur dioxide as applied to the Erie Air Basin were proposed in the May 9, 1979 **Federal Register**, 44 FR 27188, and were approved in the August 8, 1979 **Federal Register**, 44 FR 46465. The miscellaneous changes are being proposed statewide.

Description of Change

Change to the SO_2 Regulations

In Pennsylvania there are currently 12 air basins. The remaining areas of the State are referred to as non-air basin areas. The level of control required by the regulations depends on current air quality and estimated future air quality within these air basins and surrounding non-air basin areas. This revision contains regulations pertaining to the following four area classifications:

A. Non-air basin areas

B. Harrisburg, York, Lancaster, and Scranton/Wilkes-Barre Air Basins

C. Allentown-Bethlehem-Easton (A-B-E), Reading, and Johnstown Air Basins

D. The Southeast Pennsylvania Air Basin (less Philadelphia County).

Similar provisions have already been promulgated for the Erie Air Basin. 44 FR 46465, August 8, 1979.

Standards for Contaminants

The SO_2 regulations for the areas affected by this notice contain the following sections:

1. A general provision limiting the emissions of sulfur oxides (expressed as SO_2) from any combustion unit;

2. Commercial fuel oil sulfur content limitations restricting sale, delivery, exchange, causing, suffering, or permitting use of oil with a sulfur content greater than the set limit;

3. An equivalency provision for fuel oil allowing sources using sulfur emissions control equipment or processes to burn oil with a sulfur content higher than that allowed in 2. above provided that the resultant emissions do not exceed those that would result from the use of the percent sulfur allowed in 2. above.

4. An emission averaging provision for solid fossil fuel-fired combustion units. This averaging provision is required for all sources with a heat input equal to or in excess of 250 million BTU/hour. Sources with a heat input of less than 250 million BTU/hour may utilize the averaging provision if a petition to do so is accepted by DER. This provision sets emission limitations for sulfur oxides (expressed as SO_2) in pounds of SO_2 per million BTU (lbs SO_2/MMBTU) heat input for the following time periods:

a. Thirty (30) day running average not to be exceeded at any time;

b. Daily average not to be exceeded more than two (2) days in any running thirty (30) day period; and

c. Daily average maximum not to be exceeded at any time. Any combustion units not qualifying for or not complying with the regulations for installation and operation of continuous monitoring equipment that is required for the averaging provision shall be subject to the general provision limitations. The following chart presents these changes:

Proposed SO_2 Emission Limitations and Sulfur in Fuel Regulations for Areas in the Commonwealth of Pennsylvania

Areas	General provisions (pounds SO_2/MMBTU)	Fuel oils		Continuous emission monitoring provisions (pounds SO_2/MMBTU)		
		No. 2 and lighter (percent S in fuel)	Nos. 4, 5, 6	30 day average	Daily average	Daily maximum average
Group (a)						
Non-air basin areas	4	[illegible]	2.8	3.7	[illegible]	[illegible]
Group (b)						
The Harrisburg, York, Lancaster, & Scranton/Wilkes-Barre Air Basins	4	0.3	[illegible]	3.7	4.9	4.9
Group (c)						
The Allentown-Bethlehem, Easton, Reading, and Johnstown Air Basins	3	[illegible]3	2.0	2.8	3.0	3.6
			[1] 1.5			
Group (d) Southeast Pennsylvania Air Basin:						
Inner 250 MMBTU/hr	1.0	0.2	0.5	0.75	1.00	1.20
Zone 250 MMBTU/hr	0.6	0.2	0.5	0.45	[illegible]0	0.72
Outer 250 MMBTU/hr	1.2	0.3	1.0	[illegible]	1.20	1.44
Zone 250 MMBTU/hr	1.2	0.3	1.0	[illegible]	1.20	1.44

[1] Effective August 1, 1982.

The limitations for the non-air basin areas were previously 4 lbs. SO_2/MMBTU and have not changed, but the emission averaging limitation has been added to the general provision emission limitation (section 123.22 of the Pennsylvania Air Resources Regulations).

The previous limitations for groups B and C were:

1. 3 lbs. SO_2/MMBTU for sources with a heat input greater than 2.5 million but less than 50 million BTU's/hour.

2. The rate determined by an equation for sources of from 50 million to less than 2,000 million BTU's heat input/hour (sliding scale from 3.0 lbs SO_2/MMBTU's to 1.8 lbs/MMBTU).

3. 1.8 lbs/MMBTU for sources of 2,000 million or more BTU's of heat input per hour.

In the Southeast Pennsylvania air basin the general provision, commercial fuel oil, and non-commercial fuel regulations remain unchanged. The equivalency provision has been reworded, and an averaging provision is included for the inner and outer zones of control. The inner and outer control zones and emission limitations were established in a final rulemaking notice of June 4, 1979, 44 FR 31980. This revision does not change the limitations established in that notice, but involves the addition of an averaging provision based on those existing limitations.

The emission averaging provisions for all areas require continuous emission monitoring, the installation and operation of which must meet the requirements of section 123.25 and Chapter 139 of the Pennsylvania Air Resources Regulations.

Sampling and Testing

The Sampling and Testing Regulations (Chapter 139 of the Pennsylvania Air Resources Regulations) were revised to update reference materials and to include the following provisions:

1. Revised hydrogen sulfide (H_2S) and nitrogen dioxide sampling methods (§ 139.13).

2. Sulfur in Fuel Oil Regulations for Analysis of Commercial Fuel Oil (§ 139.16).

3. Requirements for Continuous In-Stack Monitoring for Stationary Sources (§ 139.101).

4. Opacity Monitoring Requirements (§ 139.103).

5. Sulfur Dioxide Monitoring Requirements for Combustion Sources (§ 139.104).

6. General Sulfur Dioxide Monitoring Requirements (§ 139.105).

Miscellaneous Changes

The miscellaneous changes include a change in the language governing the determination of compliance with the coke oven gas regulation (§ 123.23), a revision of the list of existing coke oven batteries which changes the definition of a coke oven battery; minor language changes; a change in the definition of non-commercial fuels; addition of the definitions of commercial fuel oil, solid fossil fuel, solid fossil fuel-fired combustion units, and the term "daily"; and the deletion of the definition for SSU viscosity.

Comments

EPA believes the proposed regulations for the non-air basin areas (Group A) and the Southeast Pennsylvania Air Basin (Group D) are more stringent in the long-term (monthly average) than the existing regulations. EPA also expects no real increase in emissions from the affected sources when considering short-term averages. The proposed SO_2 averaging provisions essentially reformulate the previous regulations and set no precedents in this regard as explained below.

In regard to the averaging provisions, EPA amended its national SO_2 policy to allow sources to take into account two exceedances in any 30-day period to account for the sulfur content variability of their fuel (see 43 FR 6646, February 15, 1978 as amended 47 FR 49296, August 22, 1979) and EPA has permitted the use of SO_2 averaging provisions similar to those being proposed today for Pennsylvania in previous rulemakings on State regulations (see 44 FR 69928, December 5, 1979 and 45 FR 17146, March 18, 1980).

In the Group B and Group C air basins, the emission limits for coal and oil burning sources are slightly less restrictive than the previous limits. DER has submitted an acceptable air quality analysis which meets EPA modeling guidelines (see Guidelines on Air Quality Models, EPA-450/2-78-027, OAQPS No. 1.2-080, April 1978). The analysis showed that there may be a slight increase in emissions in these air basins (except for the Johnstown Air Basin, were a flood in 1978 caused the shutdown of a number of sources and consent agreements require extensive controls on other sources). However, the analysis indicates no violations of the PSD increment and the NAAQS in these areas. The increase in emissions will be due primarily to emission increases from area sources affected by the percent sulfur-in-fuel oil limits. The only large source over 250 MMBTU affected by the regulation change is a coal burning power plant in the Reading air basin; but, this plant is not near the area of highest SO_2 concentrations in the Reading air basin and will not jeopardize attainment of the SO_2 NAAQS in the Reading air basin. The other large sources over 250 MMBTU in these air basins burn anthracite coal and are emitting SO_2 at levels below the previous and proposed emission limits, even though the air quality analysis was conducted using maximum emissions rates allowed under the proposed regulations.

Approval of the Sampling and Testing Regulations is proposed because the regulations are necessary to monitor compliance and enforce DER's emission limitations and because they satisfy the requirements of 40 CFR 51.19, Source Surveillance.

EPA is also proposing to approve the miscellaneous changes because the changes only clarify and streamline the regulations and will have no adverse impact on air quality and do not conflict with EPA policies or regulations.

The public is invited to submit, to the address stated above, comments on whether the proposed changes to the regulations should be approved as a revision of the Pennsylvania State Implementation Plan.

The Administrator's final decision to approve or disapprove the proposed revision will be based on the comments received and on a final determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Note.—Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB and EPA and any EPA response to these comments are available for public inspection at the address listed for Ed Shoener at the beginning of this notice.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 Fed. reg. 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27, certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. 7401–642)

Dated: July 15, 1981

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81–28559 Filed 9–10–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 52

[AD–FRL 1926–6]

Interstate Pollution Abatement; Extension of Comment Period and Announcement of Supplemented Petition for New York and Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period and announcement of supplemental information.

SUMMARY: This notice extends the time period for public comment on the petitions previously submitted by New York and Pennsylvania under Section 126 of the Clean Air Act. This additional time for public comment is required because EPA is allowing New York and Pennsylvania time to submit additional information in support of their petitions if they so desire.

In addition, this notice announces the receipt by EPA of a supplemented Pennsylvania Section 126 petition. This supplemented petition requests that EPA find that emissions from sources in Illinois, Indiana, Kentucky, Ohio, and West Virginia contribute significantly to ambient particulate matter in Pennsylvania.

DATES: EPA has been informed that Pennsylvania will submit additional information by August 21, 1981, and that New York will submit additional information by October 4, 1981. The public comment period will extend until January 4, 1982 to allow a reasonable amount of time for public review and comment.

ADDRESSES: EPA has established a docket containing materials relevant to the petitions filed by New York and Pennsylvania under Section 126. This information is available at: Central Docket Section (A–103), Docket No. A–81–09, U.S. Environmental Protection Agency, Room 2902, 401 M Street, S.W., Washington, D.C. 20460. Telephone No. 202–755–0245. Comments should be submitted to this address.

FOR FURTHER INFORMATION CONTACT: William F. Hamilton, Control Programs Development Division (MD–15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711. Telephone No. 919–541–5551 or FTS 629–5551.

SUPPLEMENTARY INFORMATION: Section 126(b) of the Clean Air Act authorizes any State or political subdivision to "petition the Administrator [of the EPA] for a finding that any major source emits or would emit any air pollutant in violation of the prohibition of Section 110(a)(2)(E)(i)" of the Clean Air Act. That section prohibits "any stationary source within a State from emitting any air pollutant in amounts which will (I) prevent attainment or maintenance by any other State of any national primary or secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other State under Part C [of the Act] to prevent significant deterioration of air quality or to protect visibility."

On December 22, 1980 and January 16, 1981, the State of New York, and on December 19, 1980, the State of Pennsylvania, petitioned EPA, pursuant to Section 126 (b) and (c) of the Clean Air Act as amended in 1977 (42 U.S.C. 7401 et seq.), to make a finding that the sulfur dioxide emissions from certain sources were causing or contributing to high concentrations of total suspended particulates (TSP) and sulfur dioxide (SO_2) and were otherwise in violation of 110(a)(2)(E)(i).

In the **Federal Register** of May 1, 1981 (46 FR 24602), EPA announced that a public hearing would be held on the petitions submitted to EPA by New York and Pennsylvania. This hearing was held on June 18–19, 1981 in Washington, D.C. In his opening remarks at the start of the public hearing the chairman of the hearing panel stated that the provisions of Section 126(b) should not be construed to mean that the petitioning States are without responsibility to articulate and document the basis for their claims. He also stated that the petitioning States should recognize the substantial commitment of public resources necessary to evaluate and respond to Section 126 petitions, and should make every effort to concisely articulate and document their claims. In light of the above, the hearing panel chairman stated that EPA believed that the following information was most relevant to the Section 126 process:

1. A demonstration establishing the existence and geographic boundaries of the nonattainment or prevention of significant deterioration (PSD) area which is the subject of the petition.

2. A demonstration that achievement of ambient air quality standards, or of measures necessary to prevent significant deterioration or to protect visibility, is prevented by the named out-of-State sources.

3. Indications that sources within the petitioning States which impact on the PSD and/or nonattainment areas have been adequately controlled.

To the extent practicable, information identifying the modeling, emission inventories, and relevant meteorological data should also be provided to assist the Administrator in making her determination.

The above criteria had not been publicly stated by EPA prior to the public hearing due to the fact that EPA's policy with regard to interstate pollution has been continually evolving over the past months. Therefore, it is EPA's intention to allow New York and Pennsylvania additional time to examine their petitions and their testimony at the public hearing to see if they believe that their submissions to date satisfy these criteria. For this reason, it is necessary for EPA to deviate from the procedures and schedules stated in the May 1 **Federal Register** in order to allow New York and Pennsylvania time to submit any additional information that they believe

is necessary to satisfy the criteria listed above. EPA has been informed that Pennsylvania will submit additional information by August 21, 1981, and that New York will submit additional information by October 4, 1981. The public comment period will extend until January 4, 1982 to allow a reasonable amount of time for public review and comment. Comments will be accepted during this period on all aspects of the Pennsylvania and New York Section 126 petitions, not just the additional information to be submitted by the two States. After the close of the comment period, all relevant testimony and information will be reviewed and used by the hearing panel to recommend to the Administrator whether to accept or deny some or all of the New York and Pennsylvania petitions. The decision of the Administrator to accept or deny the petitions will then be proposed in the **Federal Register** and adequate opportunity for public comment will be provided.

If the final decision of the Administrator is to accept one or more of the petitions, then Section 126(c) prohibits the operation of the offending source(s) for more than three months after the finding has been made unless the Administrator permits continued operation of the source conditioned on its compliance with emission limitations and compliance schedules established by the Administrator. Compliance with the limitations must be as expeditious as practicable but no later than three years after the date of such finding. Any emission limits and compliance schedules established by the Administrator will be proposed in the **Federal Register** and adequate time will be allowed for public comment prior to promulgation of final limits and schedules.

A second purpose of this notice is to inform the public of the fact that Pennsylvania supplemented their original Section 126 petition of December 19, 1980. On June 4, 1981, Pennsylvania requested EPA to make additional findings that emissions from sources in the States of Illinois, Indiana, Kentucky, Ohio, and West Virginia contribute significantly to ambient particulate matter in Pennsylvania. Pennsylvania requested that EPA's inquiry relating to ambient particulate matter be broadened to include all major SO_2 and particulate matter emitters in the above-mentioned States.

At this time EPA does not intend to schedule additional public hearings on the supplemented Pennsylvania petition. EPA will examine any material submitted by Pennsylvania pertaining to the criteria listed above and will decide at that time whether additional hearings are necessary.

Dated: August 26, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-26660 Filed 9-10-81; 8:45 am]

BILLING CODE 6560-26-M

Notices

Federal Register
Vol. 46, No. 176
Friday, September 11, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Freedom of Information Act; Confidential Business Information

AGENCY: Administrative Conference of the United States; Committee on Regulation of Business.

ACTION: Committee meeting.

Agenda for Meeting

The Committee will meet with its consultants to discuss the development of recommendations related to the administrative of exemption (b)(4) of the Freedom of Information Act.

Date, Time, and Place

October 2, 1981; 1:00 p.m.; Library, Suite 500, 2120 L Street N.W., Washington, D.C. 20037.

Public Participation

Attendance at the Committee's meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least one day in advance of the meeting. The Committee Chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting. Minutes of the meeting will be available on requet to the contact person.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037, Telephone (202) 254–7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference Committee on Regulation of Business (formerly called the Committee on Ratemaking and Economic Regulation) is working toward developing recommendations concerning agency procedures and practices in dealing with Freedom of Information Act requests for information that would fall within exemption 4 of the Act, the "business records exemption", (5 U.S.C. 552(b)(4)). This information would ordinarily be in the form of documents in an agency's possession that had been submitted to the agency by a private person or business firm and that deal with the business of the individual or firm, and would include documents containing "confidential" information or trade secrets.

The Committee is working on this project with two consultants, Russell B. Stevenson and James T. O'Reilly. Mr. Stevenson has presented his final report to the Committee, and Mr. O'Reilly's first draft report is due in mid-October. These reports, and the development of recommendations based on them, will be the subjects of discussion.

Richard K. Berg,
General Counsel.
September 4, 1981.

[FR Doc. 81-26494 Filed 9-10-81; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981-Crop Barley Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1981-crop barley loan and purchase rates.

SUMMARY: This notice of determination sets forth the county loan and purchase rates applicable to the 1981 crop of barley. The county loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1981-crop barley in accordance with the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Eloise V. Mauck, (202) 447–7923.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051, as found in the catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Price support for barley is made available each year by CCC through county Agricultural Stabilization and Conservation Service (ASCS) offices. Price support for each crop of barley is mandatory at a level which is determined in accordance with the formula prescribed by Section 105A of the Act. Section 105A of the Act provides that loans and purchases shall be made available to producers of 1981-crop barley at such level as the Secretary determines is fair and reasonable in relation to the level at which loans and purchases are made available for corn, taking into consideration the feeding value of barley to corn and other factors specified in Section 401(b) of the Act.

Section 403 of the Act provides, in part, as follows:

> Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act * * *.

The Secretary has determined that the 1981-crop barley loan and purchase rate will be $1.95 per bushel and has announced such rate in the **Federal Register** (46 FR 31451). The county loan and purchase rates determined herein reflect the level of support determined for the 1981 crop of barley.

This notice of determination also sets forth the discounts applicable to the 1981 crop of barley.

Accordingly, the individual county loan and purchase rates and discounts for the 1981 crop of barley are as follows:

Determinations

(a) Basic loan and purchase rates (counties).

County	Rate per bushel
ALABAMA	
All Counties	$1.93
ALASKA	
All Counties	2.25
ARIZONA	
All Counties	2.13
ARKANSAS	
All Counties	1.93
CALIFORNIA	
Alameda	2.34
Apine	2.17
Amador	2.30
Butte	2.25
Calaveras	2.30
Clusa	2.29
Contra Costa	2.31
El Dorado	2.29
Fresno	2.28
Glenn	2.30
Humboldt	2.14
Imperial	2.38
Inyo	2.16
Kern	2.29
Kings	2.27
Lake	2.24
Lassen	2.14
Los Angeles	2.34
Madera	2.30
Marin	2.31
Mariposa	2.26
Mendocino	2.16
Merced	2.30
Modoc	2.12
Monterey	2.26
Napa	2.29
Orange	2.34
Placer	2.27
Plumas	2.17
Riverside	2.29
Sacramento	2.34
San Benito	2.25
San Bernardino	2.30
San Diego	2.34
San Francisco	2.34
San Joaquin	2.34
San Luis Obispo	2.25
San Mateo	2.31
Santa Barbara	2.25
Santa Clara	2.30
Santa Cruz	2.27
Shasta	2.14
Sierra	2.16
Siskiyou	2.12
Solano	2.31
Sonoma	2.25
Stanislaus	2.32
Sutter	2.28
Tehama	2.15
Tulare	2.26
Tuolumne	2.28
Ventura	2.25
Yolo	2.31
Yuba	2.28
Wght. St. Avg.	2.27
COLORADO	
All Counties	2.01
CONNECTICUT	
All Counties	1.93
DELAWARE	
All Counties	1.93
FLORIDA	
All Counties	1.94
GEORGIA	
All Counties	1.94
IDAHO	
Ada	2.00
Adams	2.00
Bannock	2.00
Bear Lake	1.97
Benewah	2.06
Bingham	1.99
Blaine	2.00
Boise	2.00
Bonner	2.02
Bonneville	1.97
Boundary	2.01
Butte	1.99
Camas	2.00
Canyon	2.00
Caribou	1.97
Cassia	1.99
Clark	1.96
Clearwater	2.05
Custer	2.00
Elmore	2.00
Franklin	2.01
Fremont	1.97
Gem	2.00
Gooding	2.00
Idaho	2.01
Jefferson	1.97
Jerome	2.00
Kootenai	2.06
Latah	2.06
Lemhi	1.96
Lewis	2.05
Lincoln	2.00
Madison	1.97
Minidoka	2.01
Nez Perce	2.06
Oneida	2.00
Owyhee	2.00
Payette	2.00
Power	2.00
Shoshone	1.94
Teton	1.97
Twin Falls	2.01
Valley	2.00
Washington	2.00
Wght. St. Avg	1.99
ILLINOIS	
Alexander	1.90
Cook	1.94
Madison	1.95
St. Clair	1.96
all Other Counties	1.90
Wght. St. Avg	1.89
INDIANA	
All Counties	1.92
IOWA	
Pottawattamie	1.95
All Other Counties	1.91
Wght. St. Avg	1.91
KANSAS	
Leavenworth	1.96
Wyandotte	1.98
All Other Counties	1.92
Wght. St Avg	1.92
KENTUCKY	
All Counties	1.90
LOUISIANA	
East Baton Rouge	2.11
Jefferson	2.11
Orleans	2.11
St. Charles	2.11
West Baton Rouge	2.11
All Other Counties	1.94
Wght. St Avg	1.94
MAINE	
All Counties	1.93
MARYLAND	
Baltimore	2.11
All Other Counties	1.90
Wght. St Avg	1.93
MASSACHUSETTS	
All Counties	1.93
MICHIGAN	
All Counties	1.85
MINNESOTA	
Aitkin	2.04
Anoka	2.07
Becker	1.89
Beltrami	1.96
Benton	2.05
Big Stone	1.94
Blue Earth	2.07
Brown	2.05
Carlton	2.06
Carver	2.08
Cass	1.96
Chippewa	2.01
Chisago	2.07
Clay	1.87
Clearwater	1.87
Cottonwood	2.01
Crow Wing	2.00
Dakota	2.08
Dodge	2.07
Douglas	1.95
Faribault	2.06
Fillmore	2.04
Freeborn	2.07
Goodhue	2.07
Grant	1.93
Hennepin	2.08
Houston	2.03
Hubbard	1.93
Isanti	2.06
Itasca	2.00
Jackson	2.00
Kanabec	2.05
Kandiyohi	2.04
Kittson	1.82
Koochiching	1.97
Lac qui Parle	1.97
Lake of the Woods	1.92
Le Sueur	2.09
Lincoln	1.96
Lyon	1.99
McLeod	2.07
Mahnomen	1.87
Marshall	1.84
Martin	2.05
Meeker	2.05
Mille Lacs	2.05
Morrison	2.01
Mower	2.08
Murray	1.98
Nicollet	2.07
Nobles	1.96
Norman	1.85
Olmsted	2.07
Otter Tail	1.92
Pennington	1.85
Pine	2.08
Pipestone	1.94
Polk	1.85
Pope	1.76
Ramsey	2.08
Red Lake	1.85
Redwood	2.02
Renville	2.05
Rice	2.08
Rock	1.92
Roseau	1.84
St. Louis	2.08
Scott	2.08
Sherburne	2.07
Sibley	2.07
Stearns	2.03
Steele	2.08
Stevens	1.96
Swift	1.99
Todd	1.98
Traverse	1.92
Wabasha	2.07
Wadena	1.97
Waseca	2.08
Washington	2.08

County	Rate per bushel
Watonwan	2.06
Wilkin	1.90
Winona	2.05
Wright	[illegible]
Yellow Medicine	1.97
Wght. St. Avg	1.87
MISSISSIPPI	
All Counties	1.93
MISSOURI	
Buchanan	1.95
Clay	1.95
Jackson	1.95
St. Louis	1.97
All Other Counties	1.93
Wght. St. Avg	1.93
MONTANA	
Beaverhead	1.89
Big Horn	1.83
Blaine	1.79
Broadwater	1.91
Carbon	1.84
Carter	1.71
Cascade	1.87
Chouteau	1.83
Custer	1.73
Daniels	1.72
Dawson	1.73
Deer Lodge	[illegible]
Fallon	1.71
Fergus	1.83
Flathead	[illegible]
Gallatin	1.95
Garfield	1.79
Glacier	1.86
Golden Valley	1.84
Granite	1.93
Hill	[illegible]
Jefferson	[illegible]
Judith Basin	1.84
Lake	1.93
Lewis and Clark	1.85
Liberty	1.84
Lincoln	2.00
McCone	1.76
Madison	1.95
Meagher	[illegible]
Mineral	1.97
Missoula	1.97
Musselshell	[illegible]
Park	1.92
Petroleum	1.81
Phillips	1.76
Pondera	1.85
Powder River	1.74
Powell	1.95
Prairie	1.73
Ravalli	1.92
Richland	1.72
Roosevelt	1.70
Rosebud	1.77
Sanders	1.97
Sheridan	1.70
Silver Bow	1.95
Stillwater	1.84
Sweet Grass	1.87
Teton	1.85
Toole	1.85
Treasure	1.78
Valley	1.76
Wheatland	1.85
Wibaux	1.71
Yellowstone	1.83
Wght. St. Avg	1.84
NEBRASKA	
Douglas	1.96
All Other Counties	1.88
Wght. St. Avg	1.88
NEVADA	
All Counties	2.13
NEW HAMPSHIRE	
All Counties	1.93
NEW JERSEY	
All Counties	1.93
NEW MEXICO	
All Counties	[illegible]
NEW YORK	
Albany	2.11
New York City	2.11
All Other Counties	1.93
Wght. St. Avg	1.93
NORTH CAROLINA	
All Counties	1.94
NORTH DAKOTA	
Adams	[illegible]
Barnes	1.81
Benson	1.73
Billings	1.66
Bottineau	[illegible]
Bowman	1.66
Burke	1.66
Burleigh	1.72
Cass	1.84
Cavalier	1.75
Dickey	1.79
Divide	1.66
Dunn	1.66
Eddy	1.76
Emmons	1.71
Foster	1.77
Golden Valley	1.66
Grand Forks	1.81
Grant	1.67
Griggs	1.78
Hettinger	1.66
Kidder	1.75
La Moure	1.78
Logan	1.75
McHenry	1.71
McIntosh	1.76
McKenzie	1.68
McLean	1.70
Mercer	[illegible]
Morton	[illegible]
Mountrail	[illegible]
Nelson	1.78
Oliver	1.70
Pembina	1.79
Pierce	1.72
Ramsey	1.75
Ransom	1.81
Renville	1.67
Rolette	1.71
Sargent	[illegible]
Sheridan	1.72
Sioux	[illegible]
Slope	1.66
Stark	[illegible]
Steele	[illegible]
Stutsman	1.79
Towner	1.73
Traill	1.81
Walsh	1.79
Ward	[illegible]
Wells	1.75
Williams	1.66
Wight. St. Avg	1.77
OHIO	
All Counties	1.87
OKLAHOMA	
All Counties	1.94
OREGON	
Baker	2.05
Benton	2.10
Clackamas	2.14
Clatsop	2.20
Columbia	2.20
Coos	2.01
Crook	[illegible]
Curry	1.99
Deschutes	2.09
Douglas	2.03
Gilliam	2.14
Grant	2.09
Harney	1.96
Hood River	2.16
Jackson	2.02
Jefferson	2.12
Josephine	[illegible]
Klamath	2.02
Lake	[illegible]
Lane	2.09
Lincoln	[illegible]
Linn	2.11
Malheur	[illegible]
Marion	2.12
Morrow	2.13
Multnomah	2.20
Polk	2.12
Sherman	2.15
Tillamook	2.15
Umatilla	2.10
Union	2.08
Wallowa	2.05
Wasco	[illegible]
Washington	2.16
Wheeler	2.11
Yamhill	2.14
Wght. St. Avg	2.06
PENNSYLVANIA	
Philadelphia	2.11
All Other Counties	1.93
Wght. St. Avg	1.93
RHODE [illegible]	
All Counties	1.93
SOUTH CAROLINA	
Charleston	2.00
All Other Counties	1.94
Wght. St. Avg	1.94
SOUTH DAKOTA	
Aurora	1.79
Beadle	[illegible]
Bennett	1.73
Bon Homme	[illegible]
Brookings	[illegible]
Brown	[illegible]
Brule	1.77
Buffalo	1.79
Butte	1.86
Campbell	1.76
Charles Mix	[illegible]
Clark	1.84
Clay	1.84
Codington	1.87
Corson	1.71
Custer	1.71
Davison	1.78
Day	[illegible]
Deuel	1.91
Dewey	1.73
Douglas	[illegible]
Edmunds	1.79
Fall River	1.71
Faulk	[illegible]
Grant	1.91
Gregory	1.79
Haakon	1.73
Hamlin	1.87
Hand	1.81
Hanson	1.80
Harding	[illegible]
Hughes	1.77
Hutchinson	1.81
Hyde	1.79
Jackson	1.73
Jerauld	1.79
Jones	1.76
Kingsbury	[illegible]
Lake	[illegible]
Lawrence	1.86
Lincoln	1.84
Lyman	1.77
McCook	1.82
McPherson	1.79
Marshall	1.84
Meade	1.80
Mellette	1.75
Miner	1.81
Minnehaha	1.85
Moody	1.87
Pennington	1.71
Perkins	[illegible]
Roberts	1.86
Potter	1.78
Sanborn	1.79
Shannon	1.71
Spink	1.82
Stanley	1.76
Sully	1.78
Todd	1.75
Tripp	1.77
Turner	1.84
Union	[illegible]
Walworth	1.78
Yankton	1.84
Ziebach	1.71
Wght. St. Avg	[illegible]

County	Rate per bushel
TENNESSEE	
Shelby	1.99
All Other Counties	1.93
Wght. St. Avg.	1.93
TEXAS	
Chambers	2.13
Galveston	2.13
Harris	2.13
Jefferson	2.13
Nueces	2.13
San Patricio	2.13
All Other Counties	1.97
Whgt. St. Avg.	1.97
UTAH	
All Counties	2.00
VERMONT	
All Counties	1.93
VIRGINIA	
Chesapeake (Norfolk)	2.03
All Other Counties	1.93
Wght. St. Avg.	1.93
WASHINGTON	
Adams	2.09
Asotin	2.09
Benton	2.11
Chelan	2.18
Clallam	1.99
Clark	2.20
Columbia	2.16
Cowlitz	2.20
Douglas	2.08
Ferry	2.04
Franklin	2.10
Garfield	2.10
Grant	2.09
Grays Harbor	2.08
Island	2.12
Jefferson	2.04
King	2.20
Kitsap	2.12
Kittitas	2.11
Klickitat	2.12
Lewis	2.13
Lincoln	2.06
Mason	2.08
Okanogan	2.07
Pacific	2.08
Pend Oreille	2.02
Pierce	2.20
San Juan	2.07
Skagit	2.07
Skamania	2.14
Snohomish	2.12
Spokane	2.06
Stevens	2.03
Thurston	2.13
Wahkiakum	2.18
Walla Walla	2.10
Whatcom	2.05
Whitman	2.05
Yakima	2.10
Wght. St. Avg.	2.03
WEST VIRGINIA	
All Counties	1.93
WISCONSIN	
Douglas	2.00
All Other Counties	1.90
Wght. St. Avg.	1.90
WYOMING	
All Counties	1.97

(b) Schedule of discounts.

	Cents per bushel
(1) Grade:	
(i) U.S. No. 3	−4
(ii) U.S. No. 4	−8
(iii) U.S. No. 5	−20
(iv) U.S. Sample grade—on the factors of test weight and/or total damaged kernels plus additional discounts for test weight and total damaged kernels	−32
(A) U.S. Sample grade on account of test weight (pounds):	
(1) 35.9 to 35.0	−1
(2) 34.9 to 34.0	−2
(3) 33.9 to 33.0	−3
(4) 32.9 to 32.0	−4
(5) 31.9 to 31.0	−5
(6) 30.9 to 30.0	−6
(7) 29.9 to 29.0	−7
(8) 28.9 to 28.0	−8
(9) 27.9 to 27.0	−9
(10) 26.9 to 26.0	−10
(11) 25.9 to 25.0	−11
(B) U.S. sample grade on account of total damaged kernels (percent):	
(1) 10.1 to 11.0	−2
(2) 11.1 to 12.0	−4
(3) 12.1 to 13.0	−6
(4) 13.1 to 14.0	−8
(5) 14.1 to 15.0	−10
(6) Each percent over 15	−5
(2) Special discount—Garlicky:	−10
(3) Weed control discount (where required by § 1421.24):	−10

(4) Other factors. Barley grading U.S. sample grade is ineligible for warehouse-stored loan except on the factors of test weight and/or total damaged kernels. In the event quantities of barley grading U.S. sample grade are delivered in satisfaction of farm-stored loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City ASCS Commodity Office for settlement purposes. The schedule will also provide discounts for certain quality factors not specified above which affect the value of the barley, e.g., weevily, ergoty, stones, etc. Such discounts will be established prior to loan maturity and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors, discounts and adjustments at county ASCS offices prior to their loan maturity dates or as soon thereafter as practicable.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105A, 401, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421))

Signed at Washington D.C., on September 3, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-28520 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-05-M

1981-Crop Corn Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1981-crop corn loan and purchase rates.

SUMMARY: This notice of determination sets forth the county loan and purchase rates applicable to the 1981 crop of corn. The county loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1981-crop corn in accordance with the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Fink, (202) 447-7923.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Price support for corn is made available each year by CCC through county Agricultural Stabilization and Conservation Service (ASCS) offices. Price support for each crop of corn is mandatory at a level which is determined in accordance with the formula prescribed by Section 105A of the Act. Section 105A of the Act provides that the Secretary shall make loans and purchases available to producers of the 1981 crop of corn at not less that $2.25 per bushel, and at such level as the Secretary determines will encourage the exportation of feed grains and not result in excessive stocks.

Section 403 of the Act provides, in part, as follows:

> Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act * * *.

The Secretary has determined that the 1981-crop corn loan and purchase rate will be $2.40 per bushel and has

announced such rate in the **Federal Register** (46 FR 31451). The county loan and purchase rates determined herein reflect the level of support determined for the 1981 crop of corn.

This notice of determination also sets forth the premiums and discounts applicable to the 1981 crop of corn.

Accordingly, the individual county loan and purchase rates and premiums and discounts for the 1981 crop of corn are as follows:

Determinations

(a) Basic loan and purchase rates (counties).

County	Rate per bushel
ALABAMA	
All Counties	$2.58
ARIZONA	
All Counties	2.61
ARKANSAS	
All Counties	2.53
CALIFORNIA	
All Counties	2.61
COLORADO	
Baca	2.44
Cheyenne	2.43
Kiowa	2.43
Kit Carson	2.43
Lincoln	2.46
Logan	2.45
Phillips	2.43
Prowers	2.43
Sedgwick	2.43
Washington	2.45
Yuma	2.42
All other Counties	2.47
Wght. State Avg	2.44
CONNECTICUT	
All Counties	2.67
DELAWARE	
All Counties	2.61
FLORIDA	
All Counties	2.59
GEORGIA	
All Counties	2.59
IDAHO	
All Counties	2.58
ILLINOIS	
Adams	2.45
Alexander	2.49
Bond	2.47
Boone	2.45
Brown	2.46
Bureau	2.45
Calhoun	2.47
Carroll	2.43
Cass	2.46
Champaign	2.43
Christian	2.46
Clark	2.44
Clay	2.45
Clinton	2.48
Coles	2.44
Cook	2.49
Crawford	2.43
Cumberland	2.44
DeKalb	2.45
DeWitt	2.44
Douglas	2.44
Du Page	2.48
Edgar	2.44
Edwards	2.46
Effingham	2.45
Fayette	2.46
Ford	2.45
Franklin	2.47
Fulton	2.46
Gallatin	2.47
Greene	2.47
Grundy	2.46
Hamilton	2.46
Hancock	2.45
Hardin	2.49
Henderson	2.45
Henry	2.45
Iroquois	2.45
Jackson	2.46
Jasper	2.44
Jefferson	2.48
Jersey	2.47
Jo Daviess	2.42
Johnson	2.48
Kane	2.47
Kankakee	2.45
Kendall	2.45
Knox	2.48
Lake	2.49
La Salle	2.45
Lawrence	2.45
Lee	2.45
Livingston	2.45
Logan	2.45
McDonough	2.48
McHenry	2.47
McLean	2.44
Macon	2.45
Macoupin	2.47
Madison	2.43
Marion	2.48
Marshall	2.45
Mason	2.46
Massac	2.48
Menard	2.45
Mercer	2.44
Monroe	2.50
Montgomery	2.48
Morgan	2.45
Moultrie	2.44
Ogle	2.44
Peoria	2.46
Perry	2.45
Piatt	2.44
Pike	2.46
Pope	2.48
Pulaski	2.49
Putnam	2.45
Randolph	2.49
Richland	2.45
Rock Island	2.44
St. Clair	2.50
Saline	2.47
Sangamon	2.45
Schuyler	2.46
Scott	2.46
Shelby	2.45
Stark	2.46
Stephenson	2.42
Tazewell	2.45
Union	2.49
Vermilion	2.44
Wabash	2.46
Warren	2.46
Washington	2.50
Wayne	2.46
White	2.48
Whiteside	2.44
Will	2.48
Williamson	2.47
Winnebago	2.43
Woodford	2.45
Wght. State Avg	2.45
INDIANA	
Adams	2.43
Allen	2.43
Bartholomew	2.44
Benton	2.45
Blackford	2.42
Boone	2.46
Brown	2.44
Carroll	2.43
Cass	2.45
Clark	2.47
Clay	2.42
Clinton	2.41
Crawford	2.47
Daviess	2.46
Dearborn	2.47
Decatur	2.44
De Kalb	2.43
Delaware	2.41
Dubois	2.46
Elkhart	2.45
Fayette	2.43
Floyd	2.47
Fountain	2.42
Franklin	2.46
Fulton	2.45
Gibson	2.47
Grant	2.42
Greene	2.44
Hamilton	2.45
Hancock	2.41
Harrison	2.47
Hendricks	2.41
Henry	2.41
Howard	2.43
Huntington	2.42
Jackson	2.46
Jasper	2.46
Jay	2.43
Jefferson	2.47
Jennings	2.45
Johnson	2.42
Knox	2.46
Kosciusko	2.43
Lagrange	2.43
Lake	2.46
La Porte	2.45
Lawrence	2.45
Madison	2.43
Marion	2.41
Marshall	2.45
Martin	2.46
Miami	2.43
Monroe	2.44
Montgomery	2.42
Morgan	2.42
Newton	2.46
Noble	2.43
Ohio	2.47
Orange	2.46
Owen	2.42
Parke	2.42
Perry	2.47
Pike	2.46
Porter	2.46
Posey	2.47
Pulaski	2.46
Putnam	2.41
Randolph	2.42
Ripley	2.46
Rush	2.43
St. Joseph	2.46
Scott	2.47
Shelby	2.42
Spencer	2.47
Starke	2.46
Steuben	2.43
Sullivan	2.44
Switzerland	2.47
Tippecanoe	2.43
Tipton	2.41
Union	2.44
Vanderburgh	2.47
Vermillion	2.43
Vigo	2.43
Wabash	2.43
Warren	2.43
Warrick	2.47
Washington	2.47
Wayne	2.42
Wells	2.42
White	2.45
Whitley	2.45
Wght. State Avg	2.44
IOWA	
Adair	2.37
Adams	2.40
Allamakee	2.35
Appanoose	2.36
Audubon	2.37
Benton	2.38
Black Hawk	2.36
Boone	2.36
Bremer	2.37
Buchanan	2.38
Buena Vista	2.39
Butler	2.38

County	Rate per bushel
Calhoun	[illegible]
Carroll	2.37
Cass	2.38
Cedar	2.41
Cerro Gordo	2.35
Cherokee	2.33
Chickasaw	2.36
Clarke	2.39
Clay	2.31
Clayton	2.37
Clinton	2.41
Crawford	[illegible]
Dallas	[illegible]
Davis	[illegible]
Decatur	2.41
Delaware	[illegible]
Des Moines	2.41
Dickinson	2.29
Dubuque	[illegible]
Emmet	[illegible]
Fayette	2.37
Floyd	[illegible]
Franklin	2.35
Fremont	2.41
Greene	2.35
Grundy	2.37
Guthrie	[illegible]
Hamilton	2.35
Hancock	[illegible]
Hardin	2.37
Harrison	[illegible]
Henry	2.41
Howard	2.34
Humboldt	2.32
Ida	2.35
Iowa	[illegible]
Jackson	[illegible]
Jasper	[illegible]
Jefferson	2.40
Johnson	[illegible]
Jones	[illegible]
Keokuk	[illegible]
Kossuth	[illegible]
Lee	2.41
Linn	[illegible]
Louisa	2.41
Lucas	2.39
Lyon	[illegible]
Madison	2.37
Mahaska	2.39
Marion	[illegible]
Marshall	2.38
Mills	[illegible]
Mitchell	[illegible]
Monona	[illegible]
Monroe	[illegible]
Montgomery	[illegible]
Muscatine	2.41
O'Brien	2.32
Osceola	[illegible]
Page	[illegible]
Palo Alto	[illegible]
Plymouth	[illegible]
Pocahontas	[illegible]
Polk	2.37
Pottawattamie	[illegible]
Poweshiek	[illegible]
Ringgold	[illegible]
Sac	[illegible]
Scott	2.41
Shelby	[illegible]
Sioux	[illegible]
Story	[illegible]
Tama	[illegible]
Taylor	[illegible]
Union	[illegible]
Van Buren	2.41
Wapello	[illegible]
Warren	[illegible]
Washington	[illegible]
Wayne	[illegible]
Webster	[illegible]
Winnebago	[illegible]
Winneshiek	[illegible]
Woodbury	[illegible]
Worth	[illegible]
Wright	[illegible]
Wght. State Avg	[illegible]
KANSAS	
Allen	[illegible]
Anderson	[illegible]
Atchison	[illegible]
Barber	2.41
Barton	2.39
Bourbon	[illegible]
Brown	2.47
Butler	2.43
Chase	[illegible]
Chautauqua	[illegible]
Cherokee	[illegible]
Cheyenne	2.37
Clark	2.41
Clay	2.41
Cloud	2.41
Coffey	[illegible]
Comanche	2.41
Cowley	[illegible]
Crawford	2.49
Decatur	2.39
Dickinson	2.41
Doniphan	2.47
Douglas	[illegible]
Edwards	[illegible]
Elk	2.43
Ellis	[illegible]
Ellsworth	[illegible]
Finney	[illegible]
Ford	2.41
Franklin	[illegible]
Geary	[illegible]
Gove	[illegible]
Graham	[illegible]
Grant	2.41
Gray	2.41
Greeley	2.39
Greenwood	2.44
Hamilton	[illegible]
Harper	2.41
Harvey	2.41
Haskell	2.41
Hodgeman	[illegible]
Jackson	2.47
Jefferson	[illegible]
Jewell	[illegible]
Johnson	2.50
Kearny	[illegible]
Kingman	2.41
Kiowa	2.40
Labette	2.45
Lane	2.39
Leavenworth	2.50
Lincoln	[illegible]
Linn	[illegible]
Logan	[illegible]
Lyon	2.45
McPherson	2.41
Marion	2.41
Marshall	2.45
Meade	2.42
Miami	[illegible]
Mitchell	[illegible]
Montgomery	2.44
Morris	[illegible]
Morton	[illegible]
Nemaha	[illegible]
Neosho	2.47
Ness	[illegible]
Norton	2.40
Osage	[illegible]
Osborne	[illegible]
Ottawa	[illegible]
Pawnee	2.40
Phillips	[illegible]
Pottawatomie	[illegible]
Pratt	[illegible]
Rawlins	2.38
Reno	[illegible]
Republic	2.42
Rice	[illegible]
Riley	2.45
Rooks	[illegible]
Rush	2.39
Russell	[illegible]
Saline	2.41
Scott	[illegible]
Sedgwick	[illegible]
Seward	[illegible]
Shawnee	2.47
Sheridan	[illegible]
Sherman	[illegible]
Smith	[illegible]
Stafford	[illegible]
Stanton	[illegible]
Stevens	[illegible]
Sumner	2.42
Thomas	2.38
Trego	[illegible]
Wabaunsee	2.45
Wallace	2.38
Washington	2.44
Wichita	2.29
Wilson	2.45
Woodson	2.46
Wyandotte	2.50
Wght. State Avg	2.42
KENTUCKY	
Ballard	2.52
Boone	2.51
Bracken	[illegible]
Breckinridge	2.52
Bullitt	2.53
Campbell	2.51
Carroll	2.52
Crittenden	[illegible]
Daviess	2.52
Gallatin	2.52
Hancock	[illegible]
Henderson	2.52
Jefferson	2.52
Kenton	2.51
Lewis	[illegible]
Livingston	[illegible]
McCracken	2.52
Mason	2.53
Meade	2.52
Oldham	[illegible]
Trimble	2.52
Union	2.52
All other Counties	2.54
Wght. State Avg	2.53
LOUISIANA	
All Counties	2.57
MAINE	
All Counties	2.67
MARYLAND	
All Counties	[illegible]
MASSACHUSETTS	
All Counties	2.67
MICHIGAN	
Alcona	2.40
Alger	2.38
Allegan	2.40
Alpena	2.40
Antrim	2.40
Arenac	2.39
Baraga	[illegible]
Barry	2.39
Bay	2.38
Benzie	[illegible]
Berrien	[illegible]
Branch	2.42
Calhoun	[illegible]
Cass	[illegible]
Charlevoix	[illegible]
Cheboygan	[illegible]
Chippewa	[illegible]
Clare	[illegible]
Clinton	2.39
Crawford	2.40
Delta	2.38
Dickinson	[illegible]
Eaton	2.40
Emmet	[illegible]
Genesee	2.40
Gladwin	2.38
Gogebic	[illegible]
Grand Traverse	2.40
Gratiot	2.37
Hillsdale	[illegible]
Houghton	2.38
Huron	[illegible]
Ingham	[illegible]
Ionia	[illegible]
Iosco	[illegible]
Iron	[illegible]
Isabella	2.37
Jackson	2.41
Kalamazoo	2.41
Kalkaska	2.40
Kent	[illegible]
Keweenaw	[illegible]

V 4 6 S E 1 1 8 1 1 UMI

County	Rate per bushel
Lake	2.39
Lapeer	2.40
Leelanau	2.40
Lenawee	2.44
Livingston	2.41
Luce	2.36
Mackinac	2.36
Macomb	2.41
Manistee	2.39
Marquette	2.36
Mason	2.39
Mecosta	2.37
Menominee	2.38
Midland	2.37
Missaukee	2.39
Monroe	2.45
Montcalm	2.37
Montmorency	2.40
Muskegon	2.39
Newaygo	2.38
Oakland	2.41
Oceana	2.39
Ogemaw	2.39
Ontonagon	2.38
Osceola	2.38
Oscoda	2.40
Otsego	2.40
Ottawa	2.39
Presque Isle	2.40
Roscommon	2.39
Saginaw	2.37
St. Clair	2.40
St. Joseph	2.42
Sanilac	2.38
Schoolcraft	2.38
Shiawassee	2.39
Tuscola	2.37
Van Buren	2.41
Washtenaw	2.42
Wayne	2.43
Wexford	2.39
Wght. State Avg	2.40
MINNESOTA	
Aitkin	2.31
Anoka	2.31
Becker	2.29
Beltrami	2.30
Benton	2.31
Big Stone	2.28
Blue Earth	2.30
Brown	2.29
Carlton	2.31
Carver	2.31
Cass	2.29
Chippewa	2.30
Chisago	2.31
Clay	2.29
Clearwater	2.29
Cook	2.31
Cottonwood	2.27
Crow Wing	2.30
Dakota	2.31
Dodge	2.31
Douglas	2.30
Faribault	2.29
Fillmore	2.33
Freeborn	2.30
Goodhue	2.31
Grant	2.28
Hennepin	2.31
Houston	2.33
Hubbard	2.29
Isanti	2.31
Itasca	2.31
Jackson	2.28
Kanabec	2.31
Kandiyohi	2.30
Kittson	2.29
Koochiching	2.31
Lac qui Parle	2.26
Lake	2.31
Lake of the Woods	2.30
Le Sueur	2.31
Lincoln	2.25
Lyon	2.29
McLeod	2.31
Mahnomen	2.29
Marshall	2.29
Martin	2.28
Meeker	2.31
Mille Lacs	2.31
Morrison	2.30
Mower	2.32
Murray	2.27
Nicollet	2.30
Nobles	2.28
Norman	2.29
Olmsted	2.32
Otter Tail	2.29
Pennington	2.29
Pine	2.31
Pipestone	2.27
Polk	2.29
Pope	2.29
Ramsey	2.31
Red Lake	2.28
Redwood	2.28
Renville	2.30
Rice	2.31
Rock	2.28
Roseau	2.29
St. Louis	2.31
Scott	2.31
Sherburne	2.31
Sibley	2.31
Stearns	2.30
Steele	2.30
Stevens	2.28
Swift	2.28
Todd	2.30
Traverse	2.26
Wabasha	2.31
Wadena	2.30
Waseca	2.30
Washington	2.31
Watonwan	2.28
Wilkin	2.29
Winona	2.32
Wright	2.31
Yellow Medicine	2.27
Wght. State Avg	2.29
MISSISSIPPI	
All counties	2.57
MISSOURI	
Adair	2.44
Andrew	2.48
Atchison	2.45
Audrain	2.46
Barry	2.51
Barton	2.47
Bates	2.48
Benton	2.45
Bollinger	2.53
Boone	2.45
Buchanan	2.49
Butler	2.48
Caldwell	2.48
Callaway	2.46
Camden	2.47
Cape Girardeau	2.48
Carroll	2.46
Carter	2.49
Cass	2.48
Cedar	2.48
Chariton	2.47
Christian	2.51
Clark	2.43
Clay	2.49
Clinton	2.49
Cole	2.48
Cooper	2.44
Crawford	2.48
Dade	2.49
Dallas	2.49
Daviess	2.47
De Kalb	2.47
Dent	2.49
Douglas	2.53
Dunklin	2.49
Franklin	2.48
Gasconade	2.46
Gentry	2.45
Greene	2.49
Grundy	2.48
Harrison	2.45
Henry	2.47
Hickory	2.47
Holt	2.46
Howard	2.45
Howell	2.53
Iron	2.48
Jackson	2.49
Jasper	2.48
Jefferson	2.48
Johnson	2.49
Knox	2.44
Laclede	2.51
Lafayette	2.50
Lawrence	2.50
Lewis	2.44
Lincoln	2.47
Linn	2.46
Livingston	2.48
McDonald	2.52
Macon	2.45
Madison	2.46
Maries	2.47
Marion	2.44
Mercer	2.44
Miller	2.47
Mississippi	2.49
Moniteau	2.46
Monroe	2.45
Montgomery	2.46
Morgan	2.46
New Madrid	2.49
Newton	2.50
Nodaway	2.46
Oregon	2.51
Osage	2.46
Ozark	2.53
Pemiscot	2.49
Perry	2.48
Pettis	2.46
Phelps	2.49
Pike	2.46
Platte	2.48
Polk	2.49
Pulaski	2.49
Putnam	2.46
Ralls	2.45
Randolph	2.45
Ray	2.46
Reynolds	2.49
Ripley	2.49
St. Charles	2.47
St. Clair	2.47
St. Francois	2.49
Ste. Genevieve	2.48
St. Louis	2.49
Saline	2.47
Schuyler	2.44
Scotland	2.47
Scott	2.49
Shannon	2.51
Shelby	2.44
Stoddard	2.49
Stone	2.51
Sullivan	2.45
Taney	2.53
Texas	2.51
Vernon	2.47
Warren	2.47
Washington	2.48
Wayne	2.49
Webster	2.51
Worth	2.45
Wright	2.51
Wght. State Avg	2.46
MONTANA	
All counties	2.49
NEBRASKA	
Adams	2.37
Antelope	2.37
Arthur	2.37
Banner	2.42
Blaine	2.33
Boone	2.37
Box Butte	2.40
Boyd	2.34
Brown	2.38
Buffalo	2.34
Burt	2.41
Butler	2.40
Cass	2.41
Cedar	2.35
Chase	2.36
Cherry	2.35
Cheyenne	2.40
Clay	2.39
Colfax	2.40
Cuming	2.39
Custer	2.39
Dakota	2.35

County	Rate per bushel
Dawes	2.48
Dawson	2.33
Deuel	2.40
Dixon	2.35
Dodge	2.40
Douglas	2.42
Dundy	2.35
Fillmore	2.40
Franklin	2.37
Frontier	2.35
Furnas	2.38
Gage	2.43
Garden	2.38
Garfield	2.34
Gosper	2.35
Grant	2.37
Greeley	2.36
Hall	2.36
Hamilton	2.36
Harlan	2.37
Hayes	2.35
Hitchcock	2.35
Holt	2.34
Hooker	2.35
Howard	2.36
Jefferson	2.42
Johnson	2.43
Kearney	2.36
Keith	2.38
Keya Paha	2.33
Kimball	2.42
Knox	2.35
Lancaster	2.41
Lincoln	2.35
Logan	2.34
Loup	2.33
McPherson	2.35
Madison	2.37
Merrick	2.36
Morrill	2.41
Nance	2.37
Nemaha	2.43
Nuckolls	2.39
Otoe	2.42
Pawnee	2.44
Perkins	2.37
Phelps	2.36
Pierce	2.37
Platte	2.34
Polk	2.38
Red Willow	2.35
Richardson	2.45
Rock	2.33
Saline	2.41
Sarpy	2.40
Saunders	2.40
Scotts Bluff	2.42
Seward	2.40
Sheridan	2.38
Sherman	2.34
Sioux	2.42
Stanton	2.39
Thayer	2.40
Thomas	2.34
Thurston	2.39
Valley	2.34
Washington	2.42
Wayne	2.37
Webster	2.37
Wheeler	2.38
York	2.38
Wght. State Avg	2.37
NEVADA	
All counties	2.52
NEW HAMPSHIRE	
All counties	2.67
NEW JERSEY	
All counties	2.63
NEW MEXICO	
Curry	2.53
Harding	2.53
Lea	2.53
Quay	2.53
Roosevelt	2.53
Union	2.53
All other counties	2.50
Wght. State Avg	2.55
NEW YORK	
All counties	2.62
NORTH CAROLINA	
All counties	2.60
NORTH DAKOTA	
All counties	2.33
OHIO	
Adams	2.48
Allen	2.45
Ashland	2.48
Ashtabula	2.55
Athens	2.51
Auglaize	2.44
Belmont	2.53
Brown	2.48
Butler	2.45
Carroll	2.52
Champaign	2.44
Clark	2.44
Clermont	2.47
Clinton	2.46
Columbiana	2.55
Coshocton	2.49
Crawford	2.46
Cuyahoga	2.51
Darke	2.43
Defiance	2.44
Delaware	2.46
Erie	2.47
Fairfield	2.47
Fayette	2.45
Franklin	2.44
Fulton	2.46
Gallia	2.48
Geauga	2.53
Greene	2.44
Guernsey	2.51
Hamilton	2.48
Hancock	2.46
Hardin	2.45
Harrison	2.53
Henry	2.46
Highland	2.46
Hocking	2.48
Holmes	2.49
Huron	2.47
Jackson	2.48
Jefferson	2.54
Knox	2.48
Lake	2.53
Lawrence	2.49
Licking	2.48
Logan	2.45
Lorain	2.48
Lucas	2.48
Madison	2.44
Mahoning	2.55
Marion	2.46
Medina	2.50
Meigs	2.50
Mercer	2.43
Miami	2.44
Monroe	2.54
Montgomery	2.44
Morgan	2.51
Morrow	2.46
Muskingum	2.49
Noble	2.52
Ottawa	2.48
Paulding	2.44
Perry	2.49
Pickaway	2.45
Pike	2.47
Portage	2.53
Preble	2.44
Putnam	2.45
Richland	2.46
Ross	2.48
Sandusky	2.46
Scioto	2.48
Seneca	2.46
Shelby	2.44
Stark	2.52
Summit	2.51
Trumbull	2.55
Tuscarawas	2.51
Union	2.45
Van Wert	2.44
Vinton	2.48
Warren	2.48
Washington	2.53
Wayne	2.50
Williams	2.45
Wood	2.46
Wyandot	2.46
Wght. State Avg	2.48
OKLAHOMA	
Beaver	2.47
Beckham	2.51
Cimarron	2.48
Ellis	2.49
Harmon	2.51
Harper	2.47
Roger Mills	2.51
Texas	2.46
All other counties	2.50
OREGON	
Wght. State Avg	2.48
All counties	2.50
PENNSYLVANIA	
All counties	2.62
RHODE ISLAND	
All counties	2.67
SOUTH CAROLINA	
All counties	2.60
SOUTH DAKOTA	
Aurora	2.25
Buffalo	2.25
Bennett	2.32
Bon Homme	2.29
Brookings	2.25
Brown	2.25
Brule	2.25
Buffalo	2.25
Butte	2.31
Campbell	2.27
Charles Mix	2.27
Clark	2.26
Clay	2.32
Codington	2.25
Corson	2.29
Custer	2.35
Davison	2.26
Day	2.25
Deuel	2.25
Dewey	2.29
Douglas	2.26
Edmunds	2.26
Fall River	2.30
Faulk	2.26
Grant	2.25
Gregory	2.27
Haakon	2.29
Hamlin	2.25
Hand	2.25
Hanson	2.28
Harding	2.31
Hughes	2.27
Hutchinson	2.25
Hyde	2.26
Jackson	2.30
Jerauld	2.25
Jones	2.29
Kingsbury	2.25
Lake	2.27
Lawrence	2.31
Lincoln	2.30
Lyman	2.27
McCook	2.27
McPherson	2.26
Marshall	2.25
Meade	2.30
Mellette	2.29
Miner	2.25
Minnehaha	2.28
Moody	2.27
Pennington	2.32
Perkins	2.29
Potter	2.25
Roberts	2.25
Sanborn	2.26
Shannon	2.35
Spink	2.25
Stanley	2.29
Sully	2.27
Todd	2.30
Tripp	2.26

County	Rate per bushel
Turner	2.29
Union	2.32
Walworth	2.26
Yankton	2.30
Ziebach	2.30
Wght. State Avg	2.27
TENNESSEE	
All Counties	2.56
Armstrong	2.51
Bailey	2.51
Briscoe	2.51
Carson	2.51
Castro	2.51
Childress	2.52
Cochran	2.53
Collingsworth	2.52
Cottle	2.53
Crosby	2.55
Dallam	2.51
Deaf Smith	2.51
Dickens	2.53
Donley	2.52
Floyd	2.51
Gray	2.51
Hale	2.51
Hall	2.52
Hansford	2.51
Hartley	2.51
Hemphill	2.51
Hockley	2.53
Hutchinson	2.51
King	2.53
Lamb	2.51
Lipscomb	2.51
Lubbock	2.53
Moore	2.51
Motley	2.53
Ochiltree	2.51
Oldham	2.51
Parmer	2.51
Potter	2.51
Randall	2.51
Roberts	2.51
Sherman	2.51
Swisher	2.51
Wheeler	2.52
All other Counties	2.58
Wght. State Avg	2.53
UTAH	
All Counties	2.61
VERMONT	
All Counties	2.57
VIRGINIA	
All Counties	2.61
WASHINGTON	
All Counties	2.56
WEST VIRGINIA	
All Counties	2.60
WISCONSIN	
Adams	2.37
Ashland	2.37
Barron	2.35
Bayfield	2.34
Brown	2.39
Buffalo	2.34
Burnett	2.33
Calument	2.39
Chippewa	2.35
Clark	2.37
Columbe	2.41
Crawford	2.37
Dane	2.43
Dodge	2.43
Door	2.40
Douglas	2.32
Dunn	2.35
Eau Claire	2.35
Florence	2.39
Fond du Lac	2.41
Forest	2.39
Grant	2.39
Green	2.43
Green Lake	2.41
Iowa	2.43
Iron	2.38
Jackson	2.35
Jefferson	2.44
Juneau	2.37
Kenosha	2.46
Kewaunee	2.40
La Crosse	2.34
Lafyette	2.42
Langlade	2.39
Lincoln	2.38
Manitowoc	2.40
Marathon	2.38
Marinette	2.39
Marquette	2.38
Menominee	2.39
Milwaukee	2.44
Monroe	2.35
Oconto	2.39
Oneida	2.39
Outagamie	2.38
Ozaukee	2.42
Pepin	2.34
Polk	2.33
Portage	2.38
Price	2.37
Racine	2.45
Richland	2.40
Rock	2.44
Rusk	2.36
St. Croix	2.34
Sauk	2.40
Sawyer	2.36
Shawano	2.39
Sheboygan	2.40
Taylor	2.37
Trempealeau	2.34
Vernon	2.35
Vilas	2.36
Walworth	2.45
Washburn	2.36
Washington	2.43
Waukesah	2.44
Waupaca	2.38
Waushara	2.39
Winnebago	2.39
Wood	2.37
Wght. State Avg	2.40
WYOMING	
All Counties	2.49

(b) Schedule of premiums and discounts.

	Cents per bushel
(1) Premiums—do not apply to sample grade corn (percent):	
(i) Moisture:	
(A) 14.6 through 15.0	+2
(B) 14.1 through 14.5	+3
(C) 14.0 or less	−4
(ii) Broken corn and foreign material 2.0 or less	+2
(2) Discounts:	
(i) Class—mixed corn	−2
(ii) Test weight per bushel (pounds):	
(A) 53.0 through 53.9	−1
(B) 52.0 through 52.9	−2
(C) 51.0 through 51.9	−4
(D) 50.0 through 50.9	−6
(E) 49.0 through 49.9	−9
(iii) Total damage (percent):	
(A) 5.1 through 6.0	−1
(B) 6.1 through 7.0	−2
(iv) Heat damage (percent): .21 through .50	−1
(v) Broken corn and foreign material (percent): 3.1 through 4.0	−2
(3) Weed control laws (discount where required by § 1421.15)	−10

(4) Other factors. Corn exceeding limits shown on foregoing schedule or corn containing in excess of 15.5 percent moisture is not eligible for loan. In the event quanlity of corn exceeding limits shown are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the ASCS Kansas City Commodity Office for settlement purposes. That schedule will also provide discounts for certain quantity factors not specified above which affect the value of corn e.g., sour, stones, weevily, etc. Such discounts will be established prior to loan maturity and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain the schedule of such factors, discounts and adjustments at county ASCS offices prior to their loan maturity date or as soon thereafter as practicable.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 105a, 401, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421))

Signed at Washington, D.C., on September 3, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-26519 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-05-M

1981-Crop Oats Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1981-crop oats loan and purchase rates.

SUMMARY: This notice of determination sets forth the county loan and purchase rates applicable to the 1981 crop of barley. The county loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1981-crop oats in accordance with the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Ware, (202) 447-7923.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Price support for oats is made available each year by CCC through county Agricultural Stabilization and Conservation Service (ASCS) offices. Price support for each crop of oats is mandatory at a level which is determined in accordance with the formula prescribed by Section 105A of the Act. Section 105A of the Act provides that loans and purchases shall be made available to producers of 1981-crop oats at such level as the Secretary determines is fair and reasonable in relation to the level at which loans and purchases are made available for corn, taking into consideration the feeding value of commodity in relation to corn and other factors specified in Section 401(b) of the Act.

Section 403 of the Act provides, in part, as follows:

Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in the Act * * *.

The Secretary has determined that the 1981-crop oats loan and purchase rate will be $1.24 per bushel and has announced such rate in the **Federal Register** (46 FR 31451). The county loan and purchase rates determined herein reflect the level of support determined for the 1981 crop of oats.

This notice of determination also sets forth the premiums and discounts applicable to the 1981 crop of oats.

Accordingly, the individual county loan and purchase rates and premiums and discounts for the 1981 crop of oats are as follows:

Determinations

(a) Basic loan and purchase rates (counties).

County	Rate per bushel
ALABAMA	
All Counties	$1.37
ALASKA[1]	
Delta	1.01
Fairbanks	1.01
Glenallen	1.07
Homer	1.04
Kenai-Soldotna	1.09
Palmer	1.13
Talkeetna	1.13
Wght. State Avg	1.07
ARIZONA	
All Counties	1.44
ARKANSAS	
All Counties	1.34
CALIFORNIA	
All Counties	1.46
COLORADO	
All Counties	1.34
CONNECTICUT	
All Counties	1.36
DELAWARE	
All Counties	1.36
FLORIDA	
All Counties	1.40
GEORGIA	
All Counties	1.37
IDAHO	
All Counties	1.34
ILLINOIS	
Adams	1.27
Alexander	1.30
Bond	1.28
Boone	1.27
Brown	1.27
Bureau	1.27
Calhoun	1.28
Carroll	1.27
Cass	1.27
Champaign	1.28
Christian	1.27
Clark	1.30
Clay	1.29
Clinton	1.29
Coles	1.28
Cook	1.31
Crawford	1.31
Cumberland	1.29
De Kalb	1.27
De Witt	1.27
Douglas	1.28
Du Page	1.28
Edgar	1.29
Edwards	1.32
Effingham	1.29
Fayette	1.28
Ford	1.28
Franklin	1.30
Fulton	1.27
Gallatin	1.32
Greene	1.28
Grundy	1.27
Hamilton	1.31
Hancock	1.27
Hardin	1.31
Henderson	1.27
Henry	1.27
Iroquois	1.29
Jackson	1.30
Jasper	1.30
Jefferson	1.30
Jersey	1.28
Jo Daviess	1.27
Johnson	1.30
Kane	1.27
Kankakee	1.29
Kendall	1.27
Knox	1.27
Lake	1.29
La Salle	1.27
Lawrence	1.32
Lee	1.27
Livingston	1.27
Logan	1.27
McDonough	1.27
McHenry	1.27
McLean	1.27
Macon	1.27
Macoupin	1.28
Madison	1.28
Marion	1.29
Marshall	1.27
Mason	1.27
Massac	1.30
Menard	1.27
Mercer	1.27
Monroe	1.30
Montgomery	1.28
Morgan	1.27
Moultrie	1.27
Ogle	1.27
Peoria	1.27
Perry	1.30
Piatt	1.27
Pike	1.27
Pope	1.31
Pulaski	1.30
Putnam	1.27
Randolph	1.30
Richland	1.30
Rock Island	1.27
St. Clair	1.30
Saline	1.31
Sangamon	1.27
Schuyler	1.27
Scott	1.27
Shelby	1.27
Stark	1.27
Stephenson	1.27
Tazewell	1.27
Union	1.30
Vermillion	1.29
Wabash	1.32
Warren	1.27
Washington	1.30
Wayne	1.31
White	1.32
Whiteside	1.27
Will	1.30
Williamson	1.30
Winnebago	1.27
Woodford	1.27
Wght. State Avg	1.27
INDIANA	
Adams	1.36
Allen	1.36
Bartholomew	1.36
Benton	1.33
Blackford	1.35
Boone	1.34
Brown	1.36
Carroll	1.34
Cass	1.34
Clark	1.37
Clay	1.34
Clinton	1.34
Crawford	1.36
Daviess	1.36
Dearborn	1.38
Decatur	1.36
De Kalb	1.36
Delaware	1.35
Dubois	1.36
Elkhart	1.36
Fayette	1.35
Floyd	1.36
Fount	1.33
Frank	1.37
Fulton	1.35
Gibson	1.36
Grant	1.35
Greene	1.36
Hamilton	1.35
Hancock	1.35
Harrison	1.36
Hendricks	1.34
Henry	1.35
Howard	1.35
Huntington	1.35
Jackson	1.36
Jasper	1.33
Jay	1.36
Jefferson	1.36
Jennings	1.37
Johnson	1.34
Knox	1.36
Kosciusko	1.35
Lagrange	1.36
Lake	1.34
La Porte	1.35
Lawrence	1.36
Madison	1.35

County	Rate per bushel
Marion	1.34
Marshall	1.35
Martin	1.36
Miami	1.35
Monroe	1.36
Montgomery	1.34
Morgan	1.34
Newton	1.36
Noble	1.35
Ohio	1.36
Orange	1.36
Owen	1.34
Parke	1.33
Perry	1.36
Pike	1.36
Porter	1.34
Posey	1.36
Pulaski	1.34
Putnam	1.34
Randolph	1.36
Ripley	1.36
Rush	1.35
St. Joseph	1.35
Scott	1.37
Shelby	1.35
Spencer	1.36
Starke	1.34
Steuben	1.36
Sullivan	1.35
Switzerland	1.36
Tippecanoe	1.34
Tipton	1.35
Union	1.36
Vanderburgh	1.36
Vermillion	1.30
Vigo	1.34
Wabash	1.35
Warren	1.36
Warrick	1.36
Washington	1.36
Wayne	1.36
Wells	1.35
White	1.34
Whitley	1.35
Wght. State Avg	1.35
IOWA	
Adair	1.25
Adams	1.25
Allamakee	1.21
Appanoose	1.25
Audubon	1.23
Benton	1.25
Black Hawk	1.24
Boone	1.23
Bremer	1.23
Buchanan	1.24
Buena Vista	1.23
Butler	1.23
Calhoun	1.23
Carroll	1.23
Cass	1.25
Cedar	1.25
Cerro Gordo	1.21
Cherokee	1.23
Chickasaw	1.22
Clarke	1.25
Clay	1.21
Clayton	1.23
Clinton	1.25
Crawford	1.22
Dallas	1.23
Davis	1.26
Decatur	1.25
Delaware	1.24
Des Monies	1.25
Dickinson	1.20
Dubuque	1.24
Emmet	1.20
Fayette	1.23
Floyd	1.21
Franklin	1.23
Fremont	1.25
Greene	1.23
Grundy	1.23
Guthrie	1.23
Hamilton	1.23
Hancock	1.21
Hardin	1.23
Harrison	1.23
Henry	1.25
Howard	1.21
Humboldt	1.23
Ida	1.22
Iowa	1.25
Jackson	1.25
Jasper	1.23
Jefferson	1.25
Johnson	1.25
Jones	1.25
Keokuk	1.25
Kossuth	1.20
Lee	1.25
Linn	1.25
Louisa	1.25
Lucas	1.25
Lyon	1.19
Madison	1.25
Mahaska	1.25
Marion	1.25
Marshall	1.23
Mills	1.25
Mitchell	1.20
Monona	1.22
Monore	1.25
Montgomery	1.25
Muscatine	1.25
O'Brien	1.21
Osceola	1.19
Page	1.25
Palo Alto	1.22
Plymouth	1.21
Pocahontas	1.23
Polk	1.23
Pottawattamie	1.26
Poweshiek	1.23
Ringgold	1.25
Sac	1.23
Scott	1.26
Shelby	1.21
Sioux	1.21
Story	1.23
Tama	1.23
Taylor	1.25
Union	1.25
Van Buren	1.24
Wapello	1.26
Washington	1.25
Wayne	1.25
Webster	1.23
Winnebago	1.20
Winneshiek	1.21
Woodbury	1.21
Worth	1.20
Wright	1.25
Wght. State Avg.	1.24
KANSAS	
All Counties	1.30
KENTUCKY	
All Counties	1.37
LOUISIANA	
All Counties	1.37
MAINE	
All Counties	1.36
MARYLAND	
All Counties	1.37
MASSACHUSETTS	
MASSACHUSETTS	
All Counties	1.36
MICHIGAN	
Alcona	1.31
Alger	1.32
Allegan	1.33
Alpena	1.31
Antrim	1.32
Arenac	1.31
Baraga	1.31
Barry	1.33
Bay	1.31
Benzie	1.32
Berrien	1.34
Branch	1.34
Calhoun	1.30
Cass	1.34
Charlevoix	1.32
Cheboygan	1.32
Chippewa	1.32
Clare	1.32
Clinton	1.32
Crawford	1.31
Delta	1.31
Dickinson	1.31
Eaton	1.32
Emmet	1.32
Genesee	1.31
Gladwin	1.31
Gogebic	1.31
Grand Traverse	1.32
Gratiot	1.32
Hillsdale	1.34
Houghton	1.31
Huron	1.31
Ingham	1.32
Ionia	1.32
Iosco	1.31
Iron	1.31
Isabella	1.32
Jackson	1.33
Kalamazoo	1.33
Kalkaska	1.32
Kent	1.33
Keweenaw	1.31
Lake	1.33
Lapeer	1.31
Leelanau	1.32
Lenawee	1.34
Livingston	1.32
Luce	1.32
Mackinac	1.32
Macomb	1.32
Manistee	1.33
Marquette	1.31
Mason	1.33
Mecosta	1.32
Menominee	1.31
Midland	1.31
Missaukee	1.32
Monroe	1.34
Montcalm	1.32
Montmerency	1.31
Muskegon	1.33
Newaygo	1.33
Oakland	1.32
Oceana	1.33
Ogemaw	1.31
Ontonagon	1.31
Osceola	1.32
Oscoda	1.31
Otsego	1.32
Ottawa	1.33
Presque Isle	1.31
Roscommon	1.31
Saginaw	1.31
St. Clair	1.32
St. Joseph	1.34
Sanilac	1.31
Schoolcraft	1.32
Shiawassee	1.31
Tuscola	1.31
Van Buren	1.33
Washtenaw	1.33
Wayne	1.33
Wexford	1.33
Wght. State Avg.	1.32
MINNESOTA	
Aitkin	1.19
Anoka	1.21
Becker	1.15
Beltrami	1.15
Benton	1.19
Big Stone	1.16
Blue Earth	1.19
Brown	1.18
Carlton	1.21
Carver	1.20
Cass	1.17
Chippewa	1.17
Chisago	1.21
Clay	1.14
Clearwater	1.15
Cook	1.21
Cottonwood	1.18
Crow Wing	1.16
Dakota	1.20
Dodge	1.19
Douglas	1.17
Faribault	1.19
Fillmore	1.20
Freeborn	1.20
Goodhue	1.19
Grant	1.16
Hennepin	1.21
Houston	1.20

County	Rate per bushel
Hubbard	1.16
Isanti	1.20
Itasca	1.19
Jackson	1.18
Kanabec	1.20
Kandiyohi	1.18
Kittson	1.12
Koochiching	1.16
Lac qui Parle	1.17
Lake	1.21
Lake of the Woods	1.14
Le Sueur	1.19
Lincoln	1.17
Lyon	1.17
McLeod	1.19
Mahnomen	1.14
Marshall	1.13
Martin	1.18
Meeker	1.19
Mille Lacs	1.19
Morrison	1.18
Mower	1.19
Murray	1.17
Nicollet	1.19
Nobles	1.17
Norman	1.13
Olmsted	1.19
Otter Tail	1.16
Pennington	1.13
Pine	1.20
Pipestone	1.17
Polk	1.13
Pope	1.17
Ramsey	1.21
Red Lake	1.13
Redwood	1.18
Renville	1.18
Rice	1.19
Rock	1.17
Roseau	1.13
St. Louis	1.21
Scott	1.20
Sherburne	1.20
Sibley	1.19
Stearns	1.18
Steele	1.19
Stevens	1.16
Swift	1.17
Todd	1.17
Traverse	1.15
Wabasha	1.19
Wadena	1.17
Waseca	1.19
Washington	1.21
Watonwan	1.18
Wilkin	1.15
Winona	1.20
Wright	1.20
Yellow Medicine	1.17
Wght. State Avg	1.17
Mississippi	
All Counties	1.37
Missouri	
All Counties	1.30
Montana	
Beaverhead	1.30
Big Horn	1.23
Blaine	1.20
Broadwater	1.26
Carbon	1.25
Carter	1.16
Cascade	1.25
Chouteau	1.22
Custer	1.17
Daniels	1.14
Dawson	1.13
Deer Lodge	1.30
Fallon	1.14
Fergus	1.22
Flathead	1.25
Gallatin	1.27
Garfield	1.16
Glacier	1.25
Golden Valley	1.24
Granite	1.29
Hill	1.21
Jefferson	1.27
Judith Basin	1.25
Lake	1.29
Lewis and Clark	1.27
Liberty	1.22
Lincoln	1.30
McCone	1.14
Madison	1.28
Meagher	1.25
Mineral	1.30
Missoula	1.28
Musselshell	1.23
Park	1.27
Petroleum	1.20
Phillips	1.19
Pondera	1.24
Powder River	1.18
Powell	1.28
Prairie	1.15
Ravalli	1.29
Richland	1.13
Roosevelt	1.13
Rosebud	1.21
Sanders	1.30
Sheridan	1.13
Silver Bow	1.28
Stillwater	1.25
Sweet Grass	1.26
Teton	1.24
Toole	1.23
Treasure	1.22
Valley	1.18
Wheatland	1.25
Wibaux	1.13
Yellowstone	1.24
Wght. State Avg	1.20
Nebraska	
Adams	1.25
Antelope	1.21
Arthur	1.23
Banner	1.23
Blaine	1.22
Boone	1.23
Box Butte	1.21
Boyd	1.19
Brown	1.20
Buffalo	1.24
Burt	1.23
Butler	1.25
Cass	1.26
Cedar	1.21
Chase	1.26
Cherry	1.20
Cheyenne	1.24
Clay	1.25
Colfax	1.24
Cuming	1.23
Custer	1.23
Dakota	1.23
Dawes	1.21
Dawson	1.24
Deuel	1.24
Dixon	1.22
Dodge	1.25
Douglas	1.26
Dundy	1.27
Fillmore	1.25
Franklin	1.26
Frontier	1.25
Furnas	1.26
Gage	1.27
Garden	1.23
Garfield	1.22
Gosper	1.25
Grant	1.22
Greeley	1.23
Hall	1.24
Hamilton	1.24
Harlan	1.26
Hayes	1.25
Hitchcock	1.27
Holt	1.20
Hooker	1.22
Howard	1.23
Jefferson	1.25
Johnson	1.27
Kearney	1.25
Keith	1.24
Keya Paha	1.19
Kimball	1.24
Knox	1.20
Lancaster	1.26
Lincoln	1.24
Logan	1.23
Loup	1.22
McPherson	1.23
Madison	1.22
Merrick	1.23
Morrill	1.23
Nance	1.23
Nemaha	1.27
Nuckolls	1.26
Otoe	1.26
Pawnee	1.27
Perkins	1.25
Phelps	1.25
Pierce	1.21
Platte	1.23
Polk	1.24
Red Willow	1.26
Richardson	1.27
Rock	1.20
Saline	1.26
Sarpy	1.26
Saunders	1.26
Scotts Bluff	1.23
Seward	1.25
Sheridan	1.21
Sherman	1.23
Sioux	1.21
Stanton	1.22
Thayer	1.26
Thomas	1.22
Thurston	1.23
Valley	1.23
Washington	1.25
Wayne	1.22
Webster	1.20
Wheeler	1.22
York	1.24
Wght. State Avg	1.22
Nevada	
All Counties	1.44
New Hampshire	
All Counties	1.38
New Jersey	
All Counties	1.37
New Mexico	
All Counties	1.42
New York	
All Counties	1.42
North Carolina	
All Counties	1.37
North Dakota	
Adams	1.09
Barnes	1.10
Benson	1.08
Billings	1.07
Bottineau	1.06
Bowman	1.11
Burke	1.07
Burleigh	1.06
Cass	1.11
Cavalier	1.08
Dickey	1.10
Divide	1.08
Dunn	1.07
Eddy	1.09
Emmons	1.09
Foster	1.09
Golden Valley	1.09
Grand Forks	1.10
Grant	1.09
Griggs	1.09
Hettinger	1.08
Kidder	1.09
La Moure	1.10
Logan	1.09
McHenry	1.06
McIntosh	1.09
McKenzie	1.07
McLean	1.06
Mercer	1.06
Morton	1.07
Mountrail	1.07
Nelson	1.09
Oliver	1.07
Pembina	1.10
Pierce	1.07
Ramsey	1.09
Ransom	1.11
Renville	1.06

County	Rate per bushel
Richland	1.12
Rolette	1.07
Sargent	1.11
Sheridan	1.07
Sioux	1.06
Slope	1.10
Stark	1.06
Steele	1.10
Stutsman	1.10
Towner	1.08
Traill	1.10
Walsh	1.10
Ward	1.06
Wells	1.08
Williams	1.09
Wght. State Avg	1.08
OHIO	
Adams	1.38
Allen	1.36
Ashland	1.37
Ashtabula	1.39
Athens	1.39
Auglaize	1.36
Belmont	1.40
Brown	1.38
Butler	1.36
Carroll	1.39
Champaign	1.37
Clark	1.37
Clermont	1.38
Clinton	1.38
Columbiana	1.39
Coshocton	1.38
Crawford	1.37
Cuyahoga	1.38
Darke	1.35
Defiance	1.35
Delaware	1.37
Erie	1.37
Fairfield	1.37
Fayette	1.37
Franklin	1.37
Fulton	1.36
Gallia	1.39
Geauga	1.38
Greene	1.37
Guernsey	1.39
Hamilton	1.37
Hancock	1.36
Hardin	1.36
Harrison	1.39
Henry	1.36
Highland	1.38
Hocking	1.38
Holmes	1.38
Huron	1.37
Jackson	1.38
Jefferson	1.40
Knox	1.37
Lake	1.38
Lawrence	1.38
Licking	1.37
Logan	1.37
Lorain	1.38
Lucas	1.36
Madison	1.37
Mahoning	1.39
Marion	1.37
Medina	1.38
Meigs	1.39
Mercer	1.34
Miami	1.36
Monroe	1.40
Montgomery	1.36
Morgan	1.39
Morrow	1.37
Muskingum	1.38
Noble	1.39
Ottawa	1.37
Paulding	1.35
Perry	1.38
Pickaway	1.37
Pike	1.38
Portage	1.38
Preble	1.35
Putnam	1.36
Richland	1.37
Ross	1.38
Sandusky	1.37
Scioto	1.38
Seneca	1.37
Shelby	1.36
Stark	1.38
Summit	1.38
Trumbull	1.39
Tuscarawas	1.38
Union	1.37
Van Wert	1.35
Vinton	1.38
Warren	1.37
Washington	1.40
Wayne	1.38
Williams	1.36
Wood	1.38
Wyandot	1.37
Wght. State Avg.	1.37
OKLAHOMA	
All Counties	1.37
OREGON	
All Counties	1.40
PENNSYLVANIA	
All Counties	1.42
RHODE ISLAND	
All Counties	1.36
SOUTH CAROLINA	
All Counties	1.37
SOUTH DAKOTA	
Aurora	1.13
Beadle	1.13
Bennett	1.14
Bon Homme	1.16
Brookings	1.14
Brown	1.11
Brule	1.13
Buffalo	1.13
Butte	1.12
Campbell	1.10
Charles Mix	1.14
Clark	1.12
Clay	1.16
Codington	1.13
Corson	1.10
Custer	1.15
Davison	1.13
Day	1.12
Deuel	1.14
Dewey	1.12
Douglas	1.14
Edmunds	1.11
Fall River	1.15
Faulk	1.12
Grant	1.14
Gregory	1.14
Haakon	1.13
Hamlin	1.13
Hand	1.13
Hanson	1.13
Harding	1.11
Hughes	1.13
Hutchinson	1.15
Hyde	1.13
Jackson	1.13
Jerauld	1.13
Jones	1.13
Kingsbury	1.13
Lake	1.13
Lawrence	1.12
Lincoln	1.16
Lyman	1.13
McCook	1.14
McPherson	1.10
Marshall	1.11
Meade	1.12
Mellette	1.14
Miner	1.13
Minnehaha	1.15
Moody	1.14
Pennington	1.13
Perkins	1.09
Potter	1.12
Roberts	1.12
Sanborn	1.13
Shannon	1.15
Spink	1.12
Stanley	1.13
Sully	1.13
Todd	1.14
Tripp	1.14
Turner	1.16
Union	1.16
Walworth	1.12
Yankton	1.17
Ziebach	1.12
Wght. State Avg.	1.13
TENNESSEE	
All Counties	1.37
TEXAS	
All Counties	1.40
UTAH	
All Counties	1.42
VERMONT	
All Counties	1.36
VIRGINIA	
All Counties	1.37
WASHINGTON	
All Counties	1.36
WEST VIRGINIA	
All Counties	1.39
WISCONSIN	
Adams	1.25
Ashland	1.25
Barron	1.23
Bayfield	1.24
Brown	1.24
Buffalo	1.22
Burnett	1.23
Calumet	1.24
Chippewa	1.24
Clark	1.24
Columbia	1.24
Crawford	1.25
Dane	1.26
Dodge	1.25
Door	1.24
Douglas	1.32
Dunn	1.23
Eau Claire	1.23
Florence	1.26
Fond du Lac	1.24
Forest	1.25
Grant	1.25
Green	1.26
Green Lake	1.25
Iowa	1.26
Iron	1.25
Jackson	1.24
Jefferson	1.26
Juneau	1.25
Kenosha	1.27
Kewaunee	1.24
La Crosse	1.23
Lafayette	1.26
Langlade	1.25
Lincoln	1.23
Manitowoc	1.24
Marathon	1.25
Marinette	1.26
Marquette	1.25
Menominee	1.26
Milwaukee	1.27
Monroe	1.24
Oconto	1.25
Oneida	1.26
Outagamie	1.24
Ozaukee	1.26
Pepin	1.22
Pierce	1.22
Polk	1.23
Portage	1.25
Price	1.25
Racine	1.27
Richland	1.24
Rock	1.26
Rusk	1.24
St. Croix	1.23
Sauk	1.26
Sawyer	1.24
Shawano	1.25
Sheboygan	1.25
Taylor	1.25
Trempealeau	1.23
Vernon	1.23
Vilas	1.26
Walworth	1.26
Washburn	1.23
Washington	1.26
Waukesha	1.27
Waupaca	1.25

County	Rate per bushel
Waushara	1.25
Winnebago	1.24
Wood	1.25
Wght. State Avg.	1.24
WYOMING	
All Counties	1.32

[1] In Alaska, loan rates are for marketing areas.

(b) Schedule of premiums and discounts.

	Cents per bushel
(1) Premiums: [1]	
(i) Grade U.S. No. 1	+2
(ii) Grade U.S. No. 2	+1
(iii) Test Weight:	
(A) Heavy	+1
(B) Extra Heavy	+2
(2) Discounts:	
(i) Grade U.S. No. 4 on the factor of test weight only, but otherwise U.S. No. 3 or better	−3
(ii) Slightly weathered [2]	−5
(iii) Materially weathered and badly stained	−10
(iv) Garlicky	−3
(v) Weed control discount (where required by § 1421.24)	−10

[1] Premiums shall not be applicable to slightly weathered, materially weathered or badly stained oats.
[2] No discount if oats are otherwise U.S. No. 2 or better.

(3) Other factors. Oats with quality factors exceeding limits shown in foregoing schedule or oats that (1) contain in excess of 14 percent moisture, (2) is weevily, (3) is musty, or (4) is sour, shall not be eligible for loan. In the event quantities of oats exceeding limits shown are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the ASCS Kansas City Commodity Office for settlement purposes. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedule of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 105A, 401, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421))

Signed at Washington, D.C., on September 3, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-26517 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-05-M

1981-Crop Rye Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination of 1981-Crop Rye Loan and Purchase Rates.

SUMMARY: This notice of determination sets forth the county loan and purchase rates applicable to the 1981 crop of rye. The county loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1981-crop rye in accordance with the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Ware, (202) 447-7923.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051, as found in the catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Price support for rye is made available each year by CCC through county Agricultural Stabilization and Conservation Service (ASCS) offices. Price support for each crop of rye is mandatory at a level which is determined in accordance with the formula prescribed by Section 105A of the Act. Section 105A of the Act provides that loans and purchases shall be made available to producers of 1981-crop rye at such level as the Secretary determines is fair and reasonable in relation to the level at which loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in Section 401(b) of the Act.

Section 403 of the Act provides, in part, as follows:

"Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act * * *."

The Secretary has determined that the 1981-crop rye loan and purchase rate will be $2.04 per bushel and has announced such rate in the **Federal Register** (46 FR 31451). The county loan and purchase rates determined herein reflect the level of support determined for the 1981 crop of rye.

This notice of determination also sets forth the premiums and discounts applicable to the 1981 crop of rye.

Accordingly, the individual county loan and purchase rates and premiums and discounts for the 1981 crop of rye are as follows:

Determinations

(a) Basic loan and purchase rates (counties).

County	Rate per bushel
ALABAMA	
All Counties	$2.15
ARIZONA	
All Counties	2.12
ARKANSAS	
All Counties	2.09
CALIFORNIA	
Alameda	2.29
Los Angles	2.29
Sacramento	2.29
San Diego	2.29
San Francisco	2.29
San Joaquin	2.29
All other Counties	2.16
Wght. State Avg	2.16
COLORADO	
All Counties	1.98
CONNECTICUT	
All Counties	2.13
DELAWARE	
All Counties	2.18
FLORIDA	
All Counties	2.22
GEORGIA	
All Counties	2.22
IDAHO	
All other Counties	2.07
ILLINOIS	
Cook	2.16
St. Clair	2.16
All Counties	2.07
Wght. State Ave	2.07
INDIANA	
All Counties	2.08
IOWA	
Pottawanttamie	2.09
Woodbury	2.09
All other Counties	2.05
Wght. State Avg	2.05
KANSAS	
Wyandotte	2.07
All other Counties	1.97
Wght. State Avg	1.97

County	Rate per bushel
KENTUCKY	
All Counties	2.15
LOUISIANA	
East Baton Rouge	2.31
Jefferson	2.31
Orleans	2.31
St. Charles	2.31
West Baton Rouge	2.31
All other Counties	2.12
Wght. State Avg	2.12
MAINE	
All Counties	2.13
MARYLAND	
Baltimore	$2.29
All other Counties	2.18
Wght. State Avg	2.18
MASSACHUSETTS	
All Counties	2.13
MICHIGAN	
All Counties	2.00
MINNESOTA	
Hennepin	2.11
St. Louis	2.11
All other Counties	2.05
Wght. State Avg	2.05
MISSISSIPPI	
All Counties	2.17
MISSOURI	
St. Louis	2.20
All other Counties	2.07
Wght. State Avg	2.07
MONTANA	
All Counties	1.88
NEBRASKA	
All Counties	1.97
NEVADA	
All Counties	2.02
NEW HAMPSHIRE	
All Counties	2.13
NEW JERSEY	
All Counties	2.15
NEW MEXICO	
All Counties	2.02
NEW YORK	
Albany	2.29
New York City	2.29
All other Counties	2.13
Wght. State Avg	2.13
NORTH CAROLINA	
All Counties	2.22
NORTH DAKOTA	
All Counties	1.92
OHIO	
All Counties	2.08
OKLAHOMA	
All Counties	2.05
OREGON	
Clatsop	2.30
Multnomah	2.30
All other Counties	2.17
Wght. State Avg	2.17
PENNSYLVANIA	
Philadelphia	2.20
All other Counties	2.13
Wght. State Avg	2.13
RHODE ISLAND	
All Counties	2.13
SOUTH CAROLINA	
Charleston	2.29
All other Counties	2.20
Wght. State Avg	2.20
SOUTH DAKOTA	
All Counties	1.97
TENNESSEE	
Shelby	2.22
All other Counties	2.17
Wght. State Avg	2.17
TEXAS	
Galveston	$2.31
Harris	2.31
Jefferson	2.31
Nueces	2.31
San Patricio	2.31
All other Counties	2.10
Wght. State Avg	2.10
UTAH	
All Counties	1.97
VERMONT	
All Counties	2.13
VIRGINIA	
Chesapeake (Norfolk)	2.29
All other Counties	2.18
Wght. State Avg	2.18
WASHINGTON	
Clark	2.30
Cowlitz	2.30
King	2.30
Pierce	2.30
All other Counties	2.17
Wght. State Avg	2.17
WEST VIRGINIA	
All Counties	2.15
WISCONSIN	
Douglas	2.09
Milwaukee	2.17
All other Counties	2.08
Wght. State Avg	2.08
WYOMING	
All Counties	1.97

(b) Schedule of premiums and discounts.

	Cents/ Bushel
(1) Premiums—Rye, grading U.S. No. 1	+2
(2) Discounts:	
(i) Rye, grading, U.S. No. 3 on account of "thin" rye:	
(A) 15.1–17.0 % thins	−3
(B) 17.1–19.0 % thins	−5
(C) 19.1–21.0 % thins	−7
(D) 21.1–23.0 % thins	−9
(E) 23.1–25.0 % thins	−11
(ii) Rye grading U.S. No. 3 for factors other than test weight or % of thins	−5
(iii) Weed control discount (where required by § 1421.24)	−10

(3) Other factors. Rye, grading U.S. No. 4 or sample grade, is not eligible for loan. In the event quantities of rye grading U.S. No. 4 or sample grade are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the ASCS Kansas City Commodity Office for settlement purposes. The schedule will also provide discounts for certain quality factors not specified above which affect the value of rye, e.g., weevily, ergoty, stones, etc. Such discounts will be established prior to loan maturity and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedule of such factors, discounts and adjustments at county ASCS offices prior to their loan maturity date or as soon thereafter as practicable.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105A, 401, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421))

Signed at Washington, D.C. on September 3, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-26516 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-05-M

1981-Crop Sorghum Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1981-crop sorghum loan and purchase rates.

SUMMARY: This notice of determination sets forth the county loan and purchase rates applicable to the 1981 crop of sorghum. The county loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1981-crop sorghum in accordance with the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act").

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: W. W. Beesley, (202) 447–7923.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Price support for sorghum is made available each year by CCC through county Agricultural Stabilization and Conservation Service (ASCS) offices.

Price support for each crop of sorghum is mandatory at a level which is determined in accordance with the formula prescribed by Section 105A of the Act. Section 105A of the Act provides that loans and purchases shall be made available to producers of 1981-crop sorghum at such level as the Secretary determines is fair and reasonable in relation to the level at which loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of sorghums in relation to corn.

Section 403 of the Act provides, in part, as follows:

Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act * * *.

The Secretary has determined that the 1981-crop sorghum loan rate will be $4.07 per hundredweight and has announced such rate in the **Federal Register** (46 FR 31451). The county loan and purchase rates determined herein reflect the level of support determined for the 1981 crop of sorghum.

This notice of determination also sets forth the discounts applicable to the 1981 crop of sorghum.

Accordingly, the individual county loan and purchase rates and discounts for the 1981 crop of sorghum are as follows:

Determinations

(a) Basic loan and purchase rates (counties).

County	Rate per hundredweight
ALABAMA	
All Counties	[illegible]
ARIZONA	
Apache	4.18
Cochise	4.40
Coconino	4.18
Gila	4.18
Graham	4.22
Greenlee	4.18
Maricopa	4.54
Mohave	[illegible]
Navajo	4.18
Pima	4.46
Pinal	4.54
Santa Cruz	4.43
Yavapai	4.18
Yuma	4.59
Wght. State Avg.	4.47
ARKANSAS	
Arkansas	4.07
Ashley	[illegible]
Baxter	[illegible]
Benton	[illegible]
Boone	[illegible]
Bradley	4.01
Calhoun	4.00
Carroll	3.91
Chicot	[illegible]
Clark	[illegible]
Clay	[illegible]
Cleburne	4.02
Cleveland	[illegible]
Columbia	4.01
Conway	3.99
Craighead	4.10
Crawford	3.97
Crittenden	4.11
Cross	4.10
Dallas	4.01
Desha	4.05
Drew	4.03
Faulkner	4.01
Franklin	[illegible]
Fulton	[illegible]
Garland	3.97
Grant	[illegible]
Green	4.09
Hempstead	4.00
Hot Spring	[illegible]
Howard	[illegible]
Independence	4.02
Izard	[illegible]
Jackson	4.07
Jefferson	4.03
Johnson	[illegible]
Lafayette	4.02
Lawrence	4.07
Lee	4.10
Lincoln	4.04
Little River	4.00
Logan	[illegible]
Lonoke	4.05
Madison	3.92
Marion	3.93
Miller	4.02
Mississippi	4.11
Monroe	4.09
Montgomery	[illegible]
Nevada	3.99
Newton	3.94
Ouachita	4.00
Perry	3.98
Phillips	4.10
Pike	3.98
Poinsett	4.10
Polk	3.97
Pope	3.97
Prairie	4.07
Pulaski	4.03
Randolph	[illegible]
St. Francis	4.10
Saline	[illegible]
Scott	3.97
Searcy	3.95
Sebastian	3.97
Sevier	3.98
Sharp	4.02
Stone	[illegible]
Union	4.01
Van Buren	[illegible]
Washington	3.93
White	4.05
Woodruff	[illegible]
Yell	[illegible]
Wght. State Avg.	4.07
CALIFORNIA	
Alameda	4.65
Amador	4.64
Butte	4.54
Calaveras	4.64
Colusa	4.58
Contra Costa	4.65
El Dorado	4.63
Fresno	4.57
Glenn	4.55
Humboldt	4.29
Imperial	4.60
Inyo	[illegible]
Kern	4.61
Kings	[illegible]
Lake	4.48
Lassen	4.33
Los Angeles	4.65
Madera	4.60
Marin	4.61
Mariposa	[illegible]
Mendocino	4.40
Merced	4.61
Modoc	4.32
Monterey	4.52
Napa	[illegible]
Orange	4.65
Placer	[illegible]
Plumas	4.40
Riverside	4.60
Sacramento	4.65
San Benito	[illegible]
San Bernardino	[illegible]
San Diego	4.65
San Francisco	4.65
San Joaquin	4.65
San Luis Obispo	[illegible]
San Mateo	4.64
Santa Barbara	4.52
Santa Clara	4.65
Santa Cruz	4.57
Shasta	4.35
Sierra	4.42
Siskiyou	4.31
Solano	4.64
Sonoma	[illegible]
Stanislaus	4.65
Sutter	4.58
Tehama	4.53
Tulare	4.55
Tuolumne	4.60
Ventura	4.62
Yolo	4.58
Yuba	4.57
Wght. State Avg.	4.58
COLORADO	
Baca	4.02
All other Counties	3.97
Wght. State Avg.	3.97
DELAWARE	
All Counties	4.11
FLORIDA	
All Counties	[illegible]
GEORGIA	
All Counties	4.11
IDAHO	
All Counties	3.84
ILLINOIS	
Alexander	4.10
Bond	4.02
Calhoun	[illegible]
Clay	4.02
Clinton	4.04
Edwards	4.04
Franklin	[illegible]
Gallatin	[illegible]
Hamilton	[illegible]
Hardin	4.07
Jackson	4.07
Jefferson	4.04
Jersey	[illegible]
Johnson	4.08
Lawrence	4.00
Madison	4.04
Marion	4.03
Massac	4.09
Monroe	4.04
Perry	4.05
Pope	[illegible]
Pulaski	4.10
Randolph	4.05
Richland	4.01
St. Clair	4.04
Saline	4.06
Union	4.09
Wabash	4.01
Washington	4.04
Wayne	4.04
White	4.04
Williamson	4.07
All other Counties	3.92
Wght. State Avg.	4.03
INDIANA	
All Counties	3.96
IOWA	
Adair	3.96
Adams	3.95

County	Rate per hundredweight
Appanoose	3.92
Audubon	3.94
Calhoun	3.89
Carroll	3.93
Cass	3.97
Clarke	3.93
Crawford	3.94
Decatur	3.94
Fremont	3.97
Greene	3.90
Guthrie	3.93
Harrison	3.95
Ida	3.91
Lucas	3.92
Madison	3.94
Marion	3.89
Mills	3.97
Monona	3.95
Monroe	3.90
Montgomery	3.97
Page	3.97
Pottawattamie	3.97
Ringgold	3.96
Sac	3.91
Shelby	3.95
Taylor	3.96
Union	3.94
Warren	3.92
Wayne	3.93
Woodbury	3.93
All other Counties	3.95
Wght. State Avg	3.92

KANSAS

Allen	4.04
Anderson	4.05
Atchison	4.08
Barber	3.95
Barton	3.91
Bourbon	4.00
Brown	4.05
Butler	3.96
Chase	3.91
Chautauqua	4.00
Cherokee	4.03
Cheyenne	3.88
Clark	3.95
Clay	3.96
Cloud	3.95
Coffey	4.03
Comanche	3.95
Cowley	3.96
Crawford	4.04
Decatur	3.90
Dickinson	3.99
Doniphan	4.04
Douglas	4.06
Edwards	3.91
Elk	4.00
Ellis	3.91
Ellsworth	3.93
Finney	3.92
Ford	3.95
Franklin	4.07
Geary	4.00
Gove	3.91
Graham	3.91
Grant	3.92
Gray	3.94
Greeley	3.88
Greenwood	4.01
Hamilton	3.90
Harper	3.95
Harvey	3.95
Haskell	3.93
Hodgeman	3.93
Jackson	4.06
Jefferson	4.07
Jewell	3.93
Johnson	4.07
Kearny	3.90
Kingman	3.94
Kiowa	3.92
Labette	4.03
Lane	3.89
Leavenworth	4.06
Lincoln	3.94
Linn	4.07
Logan	3.89
Lyon	4.02
McPherson	3.98
Marion	3.96
Marshall	4.00
Meade	3.94
Miami	4.07
Mitchell	3.93
Montgomery	4.03
Morris	4.00
Morton	3.94
Nemaha	4.02
Neosho	4.04
Ness	3.98
Norton	3.91
Osage	4.04
Osborne	3.99
Ottawa	3.95
Pawnee	3.91
Phillips	3.91
Pottawatomie	4.02
Pratt	3.93
Rawlins	3.89
Reno	3.98
Republic	3.95
Rice	3.93
Riley	4.00
Rooks	3.93
Rush	3.91
Russell	3.91
Saline	3.95
Scott	3.89
Sedgwick	3.95
Seward	3.94
Shawnee	4.05
Sheridan	3.91
Sherman	3.88
Smith	3.92
Stafford	3.91
Stanton	3.92
Stevens	3.94
Sumner	3.95
Thomas	3.89
Trego	3.91
Wabaunsee	4.02
Wallace	3.88
Washington	3.96
Wichita	3.89
Wilson	4.03
Woodson	4.02
Wyandotte	4.06
Wght. State Avg	3.97

KENTUCKY

All Counties	4.06

LOUISIANA

All Counties	4.08

MARYLAND

All Counties	4.11

MICHIGAN

All Counties	3.93

MINNESOTA

All Counties	3.88

MISSISSIPPI

All Counties	4.06

MISSOURI

Adair	3.90
Andrew	4.02
Atchison	3.95
Audrain	3.95
Barry	3.93
Barton	3.97
Bates	4.01
Benton	3.97
Bollinger	4.08
Boone	3.94
Buchanan	4.05
Butler	4.12
Caldwell	4.00
Callaway	3.93
Camden	3.96
Cape Girardeau	4.07
Carroll	4.04
Carter	4.06
Cass	4.05
Cedar	3.96
Chariton	4.00
Christian	3.94
Clark	3.95
Clay	4.07
Clinton	4.01
Cole	3.93
Cooper	3.97
Crawford	3.88
Dade	3.90
Dallas	3.96
Daviess	4.00
De Kalb	4.00
Dent	3.98
Douglas	3.99
Dunklin	4.15
Franklin	3.99
Gasconade	3.94
Gentry	3.96
Greene	3.93
Grundy	3.96
Harrison	3.98
Henry	4.01
Hickory	3.97
Holt	3.98
Howard	3.97
Howell	4.02
Iron	4.01
Jackson	4.07
Jasper	3.98
Jefferson	4.01
Johnson	4.00
Knox	3.99
Laclede	3.96
Lafayette	4.00
Lawrence	3.93
Lewis	3.97
Lincoln	3.97
Linn	3.97
Livingston	4.00
McDonald	3.93
Macon	3.94
Madison	4.06
Maries	3.94
Marion	3.96
Mercer	3.95
Miller	3.96
Mississippi	4.08
Moniteau	3.93
Monroe	3.94
Montgomery	3.96
Morgan	3.97
New Madrid	4.11
Newton	3.93
Nodaway	3.96
Oregon	4.05
Osage	3.94
Ozark	4.00
Pemiscot	4.16
Perry	4.02
Pettis	3.97
Phelps	3.94
Pike	3.94
Platte	4.07
Polk	3.94
Pulaski	3.94
Putnam	3.93
Ralls	3.90
Randolph	3.96
Ray	4.07
Reynolds	4.01
Ripley	4.11
St. Charles	3.99
St. Clair	3.99
St. Francois	4.03
Ste. Genevieve	4.04
St. Louis	4.03
Saline	4.01
Schuyler	3.87
Scotland	3.85
Scott	4.07
Shannon	4.01
Shelby	3.91
Stoddard	4.09
Stone	3.94
Sullivan	3.93
Taney	3.96
Texas	3.98
Vernon	4.00
Warren	3.98
Washington	4.02
Wayne	4.08
Webster	3.90
Worth	3.98
Wright	3.96
Wght. State Avg	4.02

NEBRASKA

Antelope	3.92
Burt	3.95

County	Rate per hundred-weight
Butler	3.94
Cass	[illegible]
Colfax	3.94
Cuming	3.94
Dodge	3.95
Douglas	[illegible]
Gage	[illegible]
Hall	3.91
Hamilton	[illegible]
Jefferson	3.93
Johnson	[illegible]
Lancaster	3.95
Madison	3.93
Merrick	3.91
Nemaha	3.97
Otoe	3.95
Pawnee	3.97
Pierce	3.93
Platte	3.93
Polk	3.93
Richardson	3.99
Saline	3.95
Sarpy	[illegible]
Saunders	3.95
Seward	3.95
Stanton	3.94
Thayer	3.91
Thurston	3.94
Washington	3.96
York	3.94
All other Counties	3.90
Wght. State Avg	3.93
NEVADA	
All Counties	4.00
NEW MEXICO	
Chaves	4.12
Curry	4.14
De Baca	4.11
Guadalupe	4.11
Harding	4.13
Hidalgo	4.17
Lea	4.14
Luna	4.17
Quay	4.14
Roosevelt	4.14
Union	4.10
All other Counties	4.09
Wght. State Avg	4.14
NORTH CAROLINA	
All Counties	4.11
NORTH DAKOTA	
All Counties	3.83
OHIO	
All Counties	3.98
OKLAHOMA	
Adair	4.11
Alfalfa	4.09
Atoka	4.19
Beaver	[illegible]
Beckham	4.15
Blaine	4.16
Bryan	4.19
Caddo	4.18
Canadian	4.17
Carter	4.19
Cherokee	4.16
Choctaw	4.19
Cimarron	4.06
Cleveland	4.19
Coal	4.19
Comanche	4.18
Cotton	4.18
Craig	[illegible]
Creek	4.17
Custer	4.16
Delaware	4.11
Dewey	4.10
Ellis	4.10
Garfield	4.12
Garvin	4.19
Grady	4.19
Grant	[illegible]
Greer	4.16
Harmon	4.15
Harper	[illegible]
Haskell	4.17
Hughes	4.18
Jackson	4.16
Jefferson	4.19
Johnston	4.19
Kay	4.09
Kingfisher	4.15
Kiowa	4.18
Latimer	4.18
Le Flore	4.17
Lincoln	4.18
Logan	4.15
Love	4.19
McClain	4.19
McCurtain	4.17
McIntosh	4.17
Major	4.10
Marshall	4.20
Mayes	4.11
Murray	4.19
Muskogee	4.17
Noble	4.13
Nowata	4.09
Okfuskee	4.17
Oklahoma	4.18
Okmulgee	4.17
Osage	4.11
Ottawa	4.09
Pawnee	4.14
Payne	4.15
Pittsburg	4.18
Pontotoc	4.19
Pottawatomie	4.18
Pushmataha	4.19
Roger Mills	4.11
Rogers	4.11
Seminole	4.18
Sequoyah	4.16
Stephens	4.19
Texas	4.06
Tillman	4.16
Tulsa	4.16
Wagoner	4.15
Washington	4.08
Washita	4.16
Woods	4.09
Woodward	4.08
Wght. State Avg	4.09
OREGON	
All Counties	3.99
PENNSYLVANIA	
All Counties	4.11
SOUTH CAROLINA	
All Counties	4.11
SOUTH DAKOTA	
Bon Homme	3.92
Clay	3.94
Hutchinson	3.91
Lincoln	3.93
Turner	3.91
Union	3.94
Yankton	3.94
All other Counties	3.90
Wght. State Avg	3.90
TENNESSEE	
Shelby	4.18
All other Counties	4.06
Wght. State Avg	4.06
TEXAS	
Anderson	4.26
Andrews	4.05
Angelina	4.31
Aransas	4.39
Archer	4.15
Armstrong	4.10
Atascosa	4.31
Austin	[illegible]
Bailey	4.09
Bandera	4.27
Bastrop	4.26
Baylor	4.15
Bee	4.38
Bell	4.23
Bexar	[illegible]
Blanco	4.27
Borden	4.07
Bosque	4.19
Bowie	4.16
Brazoria	4.39
Brazos	4.30
Brewster	3.98
Briscoe	4.11
Brooks	4.37
Brown	4.17
Burleson	4.26
Burnet	4.26
Caldwell	4.27
Calhoun	4.35
Callahan	4.15
Cameron	4.43
Camp	4.17
Carson	4.10
Cass	4.16
Castro	4.09
Chambers	4.43
Cherokee	4.23
Childress	4.13
Clay	4.17
Cochran	4.09
Coke	4.13
Coleman	4.16
Collin	4.19
Collingsworth	4.12
Colorado	4.33
Comal	4.26
Comanche	4.19
Concho	4.17
Cooke	4.19
Coryell	4.20
Cottle	4.13
Crane	4.05
Crockett	4.03
Crosby	4.11
Culberson	3.98
Dallam	4.05
Dallas	4.19
Dawson	4.07
Deaf Smith	4.09
Delta	4.18
Denton	4.19
De Witt	4.32
Dickens	4.14
Dimmit	4.20
Donley	4.10
Duval	4.34
Eastland	4.18
Ector	4.04
Edwards	4.17
Ellis	4.19
El Paso	3.98
Erath	4.19
Falls	4.25
Fannin	4.19
Fayette	[illegible]
Fisher	4.13
Floyd	4.11
Foard	4.13
Fort Bend	4.39
Franklin	4.17
Freestone	4.24
Frio	4.22
Gaines	4.08
Galveston	4.43
Garza	4.10
Gillespie	4.25
Glasscock	4.07
Goliad	4.38
Gonzales	4.26
Gray	4.10
Grayson	4.20
Gregg	4.16
Grimes	4.35
Guadalupe	4.26
Hale	4.09
Hall	4.11
Hamilton	4.19
Hansford	4.05
Hardeman	4.13
Hardin	[illegible]
Harris	4.43
Harrison	4.17
Hartley	4.05
Haskell	4.15
Hays	4.26
Hemphill	4.08
Henderson	[illegible]
Hidalgo	4.22
Hill	4.40
Hockley	4.20
Hood	4.09
Hopkins	4.19
	4.16

County	Rate per hundredweight
Houston	4.31
Howard	4.07
Hudspeth	3.99
Hunt	4.19
Hutchinson	4.05
Inon	4.09
Jack	4.19
Jackson	4.31
Jasper	4.33
Jeff Davis	3.99
Jefferson	4.43
Jim Hogg	4.34
Jim Wells	4.40
Johnson	4.19
Jones	4.15
Karnes	4.36
Kaufman	4.19
Kendall	4.27
Kenedy	4.37
Kent	4.13
Kerr	4.26
Kimble	4.21
King	4.14
Kinney	4.19
Kleberg	4.40
Knox	4.15
Lamar	4.18
Lamb	4.09
Lampasas	4.21
La Salle	[illegible]
Lavaca	4.29
Lee	[illegible]
Leon	4.26
Liberty	4.39
Limestone	4.24
Lipscomb	4.05
Live Oak	4.36
Llano	4.23
Loving	4.04
Lubbock	4.09
Lynn	4.09
McCulloch	4.17
McLennan	4.23
McMullen	4.27
Madison	4.30
Marion	4.17
Martin	4.07
Mason	4.21
Matagorda	4.37
Maverick	4.13
Medina	4.25
Menard	4.17
Midland	4.06
Milam	4.27
Mills	4.19
Mitchell	4.10
Montague	4.19
Montgomery	4.40
Moore	4.05
Morris	4.17
Motley	4.13
Nacogdoches	4.24
Navarro	4.23
Newton	4.33
Nolan	4.13
Nueces	4.43
Ochiltree	4.05
Oldham	4.09
Orange	4.39
Palo Pinto	4.19
Panola	4.23
Parker	4.19
Parmer	4.09
Pecos	4.03
Polk	4.36
Potter	4.09
Presidio	3.98
Rains	4.18
Randall	4.09
Reagan	4.06
Real	4.24
Red River	4.17
Reeves	4.05
Refugio	4.40
Roberts	4.06
Robertson	4.26
Rockwall	4.19
Runnels	4.14
Rusk	4.20
Sabine	4.28
San Augustine	[illegible]
San Jacinto	4.34
San Patricio	4.43
San Saba	4.18
Schleicher	4.10
Scurry	4.10
Shackelford	4.16
Shelby	4.24
Sherman	4.05
Smith	4.20
Somervell	4.19
Starr	4.36
Stephens	4.18
Sterling	[illegible]
Stonewall	4.15
Sutton	4.15
Swisher	[illegible]
Tarrant	4.19
Taylor	4.15
Terrell	[illegible]
Terry	4.09
Throckmorton	4.16
Titus	4.17
Tom Green	4.13
Travis	[illegible]
Trinity	4.32
Tyler	4.33
Upshur	4.17
Upton	4.04
Uvalde	4.24
Val Verde	4.14
Van Zandt	4.18
Victoria	4.35
Walker	4.35
Waller	4.37
Ward	[illegible]
Washington	[illegible]
Webb	4.21
Wharton	4.35
Wheeler	4.11
Wichita	4.14
Wilbarger	4.14
Willacy	4.42
Williamson	[illegible]
Wilson	4.31
Winkler	[illegible]
Wise	4.19
Wood	4.18
Yoakum	4.09
Young	4.18
Zapata	4.33
Zavala	4.18
Wght State Avg	4.23
UTAH	
All Counties	3.97
VIRGINIA	
All Counties	4.11
WASHINGTON	
All Counties	3.99
WISCONSIN	
All Counties	[illegible]
WYOMING	
All Counties	3.89

(b) Schedule of discounts—apply per hundredweight.

	Cents per hundredweight
(1) Test weight (pounds):	
(i) 52.9 to 52.0	-.01
(ii) 51.9 to 51.0	-.02
(2) Total damaged kernels (percent):	
(i) 5.1 to 6.0	-.02
(ii) 6.1 to 7.0	-.04
(iii) 7.1 to 8.0	-.06
(iv) 8.1 to 9.0	-.08
(v) 9.1 to 10.0	-.10
(vi) 10.1 to 11.0	-.12
(vii) 11.1 to 12.0	-.14
(viii) 12.1 to 13.0	-.16
(ix) 13.1 to 14.0	-.18
(x) 14.1 to 15.0	-.20
(3) Heat damaged kernels (percent):	
(i) 0.51 to 1.00	-.02
(ii) 1.01 to 2.00	-.06
(iii) 2.01 to 3.00	-.10
(4) Broken kernels, foreign material and other grains (percent):	
(i) 8.1 to 9.0	-.02
(ii) 9.1 to 10.0	-.04
(iii) 10.1 to 11.0	-.06
(ev) 11.1 to 12.0	-.08
(v) 12.1 to 13.0	-.10
(vi) 13.1 to 14.0	-.12
(vii) 14.1 to 15.0	-.14
(5) Weed control law (where required by § 1421.24)	-.15

(6) Other factors. Sorghum grading sample is not eligible for loan. In the event quantities of sorghum grading U.S. sample grade are delivered in satisfaction of loan obligations, such quanties will be discounted on the basis of the schedule of discounts as provided by the Kansas City ASCS Commodity Office for settlement purposes. The schedule will also provide discounts for certain quality factors not specified above which affect the value of sorghum, e.g., weevily, weathered, stones, etc. such discounts will be established prior to loan maturity and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors, discounts and adjustments at county ASCS offices prior to their loan maturity date or as soon thereafter as practicable.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105A 401, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421))

Signed at Washington D.C., on September 3, 1981.

C. Hoke Leggett,

Acting Executive Vice President. Commodity Credit Corporation.

[FR Doc. 81-26518 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-05-M

Foreign Agriculture Service

White or Irish Potato Production

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Estimate with respect to 1981 white or Irish potato production Headnote 2 of Subpart A of Part 8 Schedule 1 of the Tariff Schedules of the United States (TSUS) provides that, if for any calendar year the production in the United States of white or Irish potatoes, including seed potatoes, according to the estimate of the Department of Agriculture made as of September 1, is less than 21 billion pounds, an additional quantity of potatoes equal to the amount by which such estimated production is less than 21 billion pounds shall be added to the 45 million pounds for which duty at 37 cents per 100 pounds is provided by TSUS item 137.25 for the 12-month period beginning September 15.

The estimate of the Department of Agriculture, made as of September 1, 1981, is that for the calendar year 1981 the production in the United States of white or Irish potatoes, including seed potatoes, will exceed 21 billion pounds.

Issued at Washington, D.C. this 9th day of September 1981.

[FR Doc. 81-28602 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-10-M

Forest Service

AMAX, Inc.; Proposed Molybdenum Mining and Milling Operation, Gunnison National Forest, Gunnison County, Colorado; Revised Notice of Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, is preparing an environmental impact statement for the AMAX Inc. Mt. Emmons Mining and Milling proposal pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and in accordance with regulations 40 CFR Parts 1500–1508.

On December 4, 1978, a Notice of Intent to Prepare an Environmental Impact Statement was published (43 FR 56669). A revised notice was published on June 1, 1979 to provide more specific information which had become available (44 FR 31687). The revised notice of intent estimated that a draft environmental impact statement would be filed in September 1980 and that the final environmental impact statement would be filed in February, 1981. A notice regarding environmental impact statement scoping meetings was published on December 12, 1979 (44 FR 71853). A revised schedule Notice was published on October 7, 1980 stating that the draft environmental impact statement was expected in July 1981 and the final environmental impact statement proposed for release in November 1981 (45 FR 66981).

This notice establishes revised dates for expected filing of the draft and final environmental impact statement. The draft environmental impact statement will be filed on approximately January 1, 1982 and the final environmental impact statement will be filed on approximately June 1, 1982.

The earlier **Federal Register** notices provided information on the nature of the proposed project, identified public issues, invited public participation in the environmental impact statement process, and indicated that more detailed information regarding the proposed project and related federal actions was available from the Forest Service. This information from the original Notices of Intent remains the same.

The Forest Service has received numerous professional reports and studies from AMAX and/or public agency consultants regarding all aspects of the project. AMAX has also submitted an Environmental Report on the project. These documents are available for inspection during business hours at the Forest Service offices at 216 N. Colorado, Gunnison, Colorado 81230.

D. W. Crawford,

Acting Forest Supervisor.

August 31, 1981.

[FR Doc. 81-28601 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Carney Creek Watershed, Okla.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

0Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricutural Center Building, Stillwater, Oklahoma 74074, telepone number (405) 624–4360.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Carney Creek Watershed project, Choctaw County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The action will involve the construction of one floodwater retarding structure.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-28513 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-16-M

Indian Creek Subwatershed Project, Copiah Creek Watershed, Mississippi; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Billy C. Griffin, State Conservationist, Soil Conservation Service, Suite 1321, Federal Building, 100 West Capitol Street, Jackson, Mississippi 39201, telephone (601) 960–4335.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Indian Creek Subwatershed, Copiah Creek Watershed, Copiah County, Mississippi.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Billy C. Griffin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for land treatment and structural measures to reduce soil erosion and flooding. The planned works of improvement include the establishment of land treatment measures, construction of one floodwater retarding structure, 1.5 miles

of levee system, and 1.6 miles of channel work.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Billy C. Griffin. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–26515 Filed 9–10–81; 8:45 am]

BILLING CODE 3410–16–M

Lake Hiawatha Recreation Area RC&D Measure, North Dakota; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. J. Michael Nethery, State Conservationist, Soil Conservation Service, P.O. Box 1458, Bismarck, North Dakota 58502, telephone 701–255–4011, extension 421.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lake Hiawatha Recreation Area RC&D Measure, Wells County, North Dakota.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. J. Michael Nethery, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns the installation of one comfort station, two picnic shelters, two picnic tables, two trash racks, and two grills as parts of an existing water-based recreation facility on the shore of Lake Hiawatha, a part of Sykeston, North Dakota Community park.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. J. Michael Nethery. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State nd local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–26512 Filed 9–10–81; 8:45 am]

BILLING CODE 3410–16–M

Maysville Laterals Watershed, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for channel work in the Maysville Laterals Watershed, Garvin County, Oklahoma.

The environmental assessment of the federally assisted action indicates that the project will not cause significant local, regional, or national impacts in the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The proposed action involves an increase in capacity for 3.5 miles of channel planned in combination with floodwater retarding structures to accomodate release flows from the floodwater retarding structures and reduce flooding on about 1,328 acres of flood plain. The stream involved is classified as intermittent and no wetlands or significant aquatic ecosystems will be affected.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Public Law 78–534, 58 Stat. 905. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–26514 Filed 9–10–81; 8:45 am]

BILLING CODE 3410–16–M

Oaklandon Elementary School Critical Area Treatment RC&D Measure, Indiana; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317–269–6515.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil

Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Oaklandon Elementary School Critical Area Treatment RC&D Measure, Marion County, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include the regrading of 1.5 acres of playground, the replacement of topsoil, the construction of 600 feet in length of tile outlet terrace, 600 lineal feet of tile outlets, six acres of land smoothing, seedbed preparation, fertilizing, and seeding.

The Notice of a Finding of No Significance Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert Eddleman. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-26511 Filed 9-10-81; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

New York Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:30 p.m. on September 28, 1981, at the Phelps Stokes Fund, 10 E. 87 St., New York, N.Y. The purpose of this meeting is to discuss the coming projects for the year.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Franklin H. Williams, Phelps Stokes Fund, 10 E. 87th Street, New York, NY 10028, 212-427-8100 or the Eastern Regional Office, 26 Federal Office Building, Room 1639, New York, NY 10007, 212-264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-26481 Filed 9-10-81; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:00 p.m., on October 21, 1981, at the Rhode Island State House, Room 313, State House, Providence RI. The purpose of this meeting is to plan this year's programs and to receive committee reports.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Miriam E. Satterfield, 54 Arbor Drive, Providence, RI 20908, 401/277-6920, or the New England Regional Office, 55 Summer Street, Boston, Massachusetts 02110, 617/223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-26479 Filed 9-10-81; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:30 p.m., on October 6, 1981, at the Holiday Inn, Sykes Avenue, Whiteriver Junction, VT 05001. The purpose of this meeting is to discuss the Franco-American report, the sexual harassment information kit and the kit on prejudice and stereotyping.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Philip H. Hoff, 192 College St., Hoff, Wilson & Po, Burlington, VT 05401 or the New England Regional Office, 55 Summer St., 8th Floor, Boston, Massachusetts 02110, 617/223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-26480 Filed 9-10-81; 8:45 am]

BILLING CODE 6335-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1981 services to be provided by and a commodity to be produced by workshops for the blind and other severely Handicapped.

EFFECTIVE DATE: September 11, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On June 19, 1981, July 17, 1981, and July 2, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices 46 FR 32062, 46 FR 37069, and 46 FR 34620) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the services and commodity listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following services and commodity are hereby added to Procurement List 1981:

SIC 7349

Janitorial Service, OSHA Training Center, 1555 Times Drive, Des Plaines, Illinois

SIC 9199

Administrative Services (Includes mail room operations, mail distribution operations, and related recording, reporting, training, and advisory services)
Environmental Protection Agency at the following locations:
Waterside Mall Complex, Washington, D.C.
Marfair Building, Washington, D.C.
Crystal Mall Complex, Arlington, Virginia
Beltsville Research Laboratory, Beltsville, Maryland
9100 Brookville Road, Silver Spring, Maryland
6100 Executive Boulevard, Rockville, Maryland

Class 3990

Pallet, Wood, 3990-00-NSH-0005 (24" x 20"), (Requirements for New Cumberland Army Depot, Pennsylvania only)

C. W. Fletcher,

Executive Director.

[FR Doc. 81-26548 Filed 9-10-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletions from Procurement List.

SUMMARY: This action deletes from Procurement List 1981 commodities produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: September 11, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On June 26, 1981 and July 2, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 33069 and 46 FR 34620) of proposed deletions from Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities are hereby deleted from Procurement List 1981:

Class 6230

Light, Desk, 6230-00-643-2077

Class 7930

Wax, Floor, 7930-00-205-2870 (GSA Regions W, 1, 2, 3, 5, 10), 7930-00-141-5888 (GSA Regions W, 1, 2, 3, 5, 10),7930-00-205-2871 (GSA Regions W, 1, 2, 3, 5, 10)

C. W. Fletcher,

Executive Director.

[FR Doc. 81-26547 Filed 9-10-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1981 a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 14, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1981, November 12, 1980 (45 FR 74836):

SIC 7349

Custodial Service (Including lawn maintenance, pool cleaning, and snow removal), Gerald R. Ford Museum, 303 Pearl Street, Grand Rapids, Michigan

C. W. Fletcher,

Executive Director.

[FR Doc. 81-26549 Filed 9-10-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Defense Communications Agency

Privacy Act of 1974; Deletions of Systems of Records Notices

AGENCY: Defense Communications Agency, Defense.

ACTION: Deletions of four systems of records notices.

SUMMARY: The Defense Communications Agency proposes to delete the notices for four systems of records subject to the Privacy Act of 1974. The systems are no longer being maintained.

DATE: This action is effective immediately.

ADDRESSES: Mr. John T. Whealen, General Counsel, Defense Communications Agency; Washington, D.C. 20305. Telephone: 202/692-2009.

FOR FURTHER INFORMATION CONTACT: Defense Communications Agency; Washington, D.C. 20305; telephone 202/692-2009.

SUPPLEMENTARY INFORMATION: The Defense Communications Agency systems of records notices inventory subject to the Privacy Act of 1974; Title 5, United States Code Section 552a (Pub. L. 93-579; 88 Stat 1896, *et seq)* have been published in the Federal Register at:

FR Doc. 79-37052 (44 FR 74443) December 19, 1979.

FR Doc. 81-897 (46 FR 6696) January 21, 1981.

September 4, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

Deletions

K5PT.02

System name:

Vehicle Parking Registration Card (44 FR 74457) December 17, 1979

Reason:

This system is no longer maintained.

K7090.08

System name:

1USAF Career Motivation Program (44 FR 74474) December 17, 1979

Reason:

This system is no longer maintained.

K890.02

System name:

Navy Officers Service Record (44 FR 74479) December 17, 1979

Reason:

This system is no longer maintained.

kdec.01

System name:

Vehicle Registration (44 FR 74445) December 17, 1979

Reason:

This system is no longer maintained.

[FR Doc. 81-26457 Filed 9-10-81; 8:45 am]

BILLING CODE 3810-01-M

Defense Nuclear Agency

Scientific Advisory Group on Effects (SAGE); Closed Meeting

NAME OF COMMITTEE: DNA Scientific Advisory Group on Effects (SAGE).

DATES: October 20–22, 1981.

PLACE: Kingman Building, Fort Belvoir, Virginia.

AGENDA: October 20 (0830–1700): Survivability of Aircraft and Cruise Missiles to Nuclear Weapon Effects (NWE); October 21 (0830–1700): Survivability of Land-Based Strategic Systems to NWE; October 22 (0830–1700): Hardening of Reentry Vehicles to NWE and Executive Session.

The presentations and discussions in the above cited agenda will focus on current and planned RDT&E programs sponsored by the Defense Nuclear Agency (DNA). Executive sessions will be held for the primary purpose of advising the Director, DNA, as to the adequacy of ongoing and planned programs. All planned presentations, discussions, and executive sessions will include classified defense information; therefore, under the provisions of Sections 552b(c)(1) and (3), Title 5, U.S.C., this meeting is closed to the public.

Any additional information concerning the meeting may be obtained from LTC Roger C. Andrews, USA, Scientific Secretary, SAGE, ATTN: DDST, Headquarter, Defense Nuclear Agency, Washington, DC 20305.

September 8, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-26612 Filed 9-10-81; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Privacy Act of 1974; Amendment to System of Records

AGENCY: Department of the Navy, Defense.

ACTION: Amendment of one system of records.

SUMMARY: The Department of the Navy proposes to amend the notice for one system of records in its inventory of systems of records subject to the Privacy Act of 1974. The proposed change to this system notice is set forth below followed by the notice as amended.

DATE: This action will be effective without further notice on October 13, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Any comments should be addressed to the system manager identified in the systems notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone 202/694–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93–579, 88 Stat. 1896 *et seq.* has been published in the **Federal Register** at:)

FR Doc. 81–697 (46 FR 6696) January 21, 1981
FR Doc. 81–3277 (46 FR 9693) January 29, 1981
FR Doc. 81–10892 (46 FR 21226) April 9, 1981
FR Doc. 81–1360.3 (46 FR 25337) May 6, 1981
FR Doc. 81–14976 (46 FR 27370) May 19, 1981
FR Doc. 81–16065 (46 FR 28893) May 29, 1981
FR Doc. 81–17204 (46 FR 30680) June 10, 1981
FR Doc. 81–19041 (46 FR 33070) June 26, 1981
FR Doc. 81–20655 (46 FR 36730) July 15, 1981
FR Doc. 81–22908 (46 FR 40067) August 6, 1981
FR Doc. 81–23257 (46 FR 400557) August 10, 1981

This change does not require an altered system report as prescribed by 5 U.S.C. 552a(o).

September 4, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

Amendment

System name:

N00011 J010, Navy and Marine Corps Exchange and Commissary Sales Control and Security Files (46 FR 6699) January 21, 1981

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entire entry and substitute with the following: "Sales control and prevention and detection of abuse of privileges. Determine responsibility when there are violations of regulations or criminal statutes. Information may be provided to local, state, federal (including the Naval Investigative Service and the Federal Bureau of Investigation), or foreign organizations for further investigation or prosecution. Used by command legal personnel for prosecution of military offenses and other administrative action; provided to the Department of Justice in support of civil litigation; provided to officials of other federal agencies in connection with the performance of their official duties related to personnel administration."

N00011 J010

SYSTEM NAME:

Navy and Marine Corps Exchange and Commissary Sales Control and Security Files

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Sales control and prevention and detection of abuse of privileges. Determine responsibility when there are violations of regulations or criminal statutes. Information may be provided to local, state, federal (including the Naval Investigative Service and the Federal Bureau of Investigation), or foreign organizations for further investigation or prosecution. Used by command legal personnel for prosecution of military offenses and other administrative action; provided to the Department of Justice in support of civil litigation; provided to officials of other federal agencies in connection with the performance of their official duties related to personnel administration.

* * * * *

[FR Doc. 81–26458 Filed 9–10–81; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Bock & Bacon; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: August 19, 1981. Comments by: On or before October 13, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On August 19, 1981 the Office of Enforcement of the ERA executed a Consent Order with Bock & Bacon of Houston, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Bock & Bacon wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE had determined that it is in the public interest to make the Consent Order with Bock & Bacon effective as of the date of its execution by the DOE and Bock & Bacon.

I. The Consent Order

Bock & Bacon is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Bock & Bacon the Office of Enforcement, ERA, and Bock & Bacon entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through January 27, 1981, Bock & Bacon allegedly sold crude oil above the allowable prices specified in 10 CFR Part 212, Subpart D.

2. Bock & Bacon and the DOE have agreed to a settlement of $180,000. This amount will be refunded by Bock & Bacon on or before 90 days after publication of the Consent Order in the **Federal Register**. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Bock & Bacon.

3. This Consent Order constitutes neither an admission by Bock & Bacon that ERA regulations have been violated nor a finding by the ERA that Bock & Bacon had violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Bock & Bacon agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $180,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide writtten notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Bock & Bacon Consent Order". We will consider all comments we received by 4:30 p.m., local time, October 13, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 28th day of August 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–26580 Filed 9–10–81; 8:45 am]

BILLING CODE 6450–01–M

Cobra Oil & Gas Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: August 25, 1981. Comments by: On or before October 13, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On August 25, 1981 the Office of Enforcement of the ERA executed a Consent Order with Cobra Oil & Gas

Corporation of Wichita Falls, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Cobra wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Cobra effective as of the date of its execution by the DOE and Cobra.

I. The Consent Order

Cobra Oil & Gas Corporation (Cobra) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Cobra the Office of Enforcement, ERA, and Cobra entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through June 30, 1980, Cobra allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Cobra and the DOE have agreed to a settlement of $30,000, including interest, plus compromised civil penalties in the amount of $1,700. This amount will be refunded by Cobra within 30 days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Cobra.

3. This Consent Order constitutes neither an admission by Cobra that ERA regulations have been violated nor a finding by the ERA that Cobra has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Cobra agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $30,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all of a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Cobra Oil & Gas Corporation Consent Order". We will consider all comments we received by 4:30 p.m., local time (30 days after publication). You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 28th day of August 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-26861 Filed 9-10-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between the United States and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 300 grams of normal uranium metal to the Power Reactor and Nuclear Fuel Development Corporation, Japan for use as standard reference material.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract Number S-JA-299 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than September 28, 1981.

Dated: September 8, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-26524 Filed 9-10-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between the United States and the European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the

European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval for the following sales:

Contract Number S–EU–696, 350 milligrams of uranium-236 to be used for production of the nuclide uranium-237 for gamma-gamma angular correlation research by the Interuniversitair Reactor Institut, the Netherlands.

Contract Number S–EU–697, 100 milligrams of thorium-230, to be used as an isotopic tracer in mass spectrometry, in France.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than September 28, 1981.

Dated: September 8, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Programs.

[FR Doc. 81–28523 Filed 9–10–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–1932–6]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A–104), Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9) during the week of August 31, 1981 to September 4, 1981.

REVIEW PERIODS: The 45-day review period for draft EISS' listed in this notice is calculated from September 11, 1981 and will end on October 26, 1981. The 30-day review period for final EISS; as calculated from September 11, 1981 will end on October 13, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558–8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245–3006.

Dated: September 8, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A–104).

Department of Agriculture

FS: Draft—Blackbird Cobalt-Copper Mine, Salmon National Forest, Lemhi County, Idaho; the review period for this EIS has been extended until November 10, 1981 (EIS Order #810719)

FS: Draft—Land and Resource Management Plan, Eastern Region; the review period for this EIS has been extended until December 15, 1981 (EIS Order #810725)

SCS: Final—Washington Mountain Brook Watershed, Berkshire County, Massachusetts (EIS Order #810711)

Army Corps of Engineers

Draft Supplement—Onaga Lake, Vermillion Creek, Pottawatamie County, Kansas; the review period for this EIS has been extended until November 1, 1981 (EIS Order #810714)

Final—Baltimore Harbor Channels, Virginia Capes to Fort McHenry, Maryland and Virginia (EIS Order #810724)

Final—Flood Control, Shore Erosion Control and Navigation, Smith Island, Maryland and Virginia (EIS Order #810726)

Department of Housing and Urban Development

Draft—Summitwood Planned Community, Meriden, New Hanover and Hartford Counties, Connecticut (EIS Order #810715)

Final—Windmill Meadows and Lynn Creek Estates, Tarrant County, Texas (EIS Order #810712)

Final—Development of Ardenwood Village, Freemont, Alameda County, California (EIS Order #810713)

Final—Montclair Planned Residential Community, Prince William County, Virginia (EIS Order #810732)

104 H: Final—Deep River School Waterline Project, Lee County, North Carolina (EIS Order #810723)

Extension: Draft Supplement—Maumelle New Community, Pulaski County, Arkansas—published Federal Register July 31, 1981—the review period for this EIS has been extended until October 26, 1981 to allow consideration and review of a newly circulated addendum (EIS Order #810584)

Environmental Protection Agency

EPA 2: Final—Tri Municipal Sewer Area Wastewater Treatment Facilities, Dutchess County, New York (EIS Order #810721)

EPA 3: Draft—Holly Grove Coal Company, NPDES Permit, Little Kanawha/Burnsville Dam Area, Upshur County, West Virginia (EIS Order #810720)

EPA 3: Final—Wastewater Treatment Facilities, Town of Ashland and Hanover County, Virginia (EIS Order #810717)

EPA 4: Draft—Wastewater Facilities, Sewanee Area, Franklin County, Tennessee (EIS Order #810716)

EPA 4: Draft—Wastewater Facilities, City of Tampa and Central Hillsborough County, Florida (EIS Order #810731)

Department of Transportation

FHWA: Draft—Relocation of US 22, Steubenville Bypass, Jefferson County, Ohio (EIS Order #810718)

FHWA: Draft—Juan Tabo Extension, Wagon Train Drive to Central Avenue, Albuquerque, Bernalillo County, New Mexico; the review period for this EIS has been extended until October 30, 1981 (EIS Order #810722)

UMTA: Final—Washington Metrorail System, Anacostia Segment, Green Line (F) Route, Washington, DC (F–1) (EIS Order #810730)

Report: FHWA—Preliminary Final EIS/Draft 4(f) Evaluation for I–287 from US 202 in Montville, New Jersey to the New York Thruway in Suffern, New York (EIS Order #810733)

Nuclear Regulatory Commission

Final—Enrico Fermi Atomic Power Plant, Unit No 2, Detroit Edison Company, Monroe County, Michigan (EIS Order #810727)

Great Lakes Basin Commission

Final—Great Lakes Basin Wetlands Policy Plan (EIS Order #810728)

Final—Great Lakes Basin Coastal Hazards Plan (EIS Order #810729)

[FR Doc. 81–28599 Filed 9–10–81; 8:45 am]

BILLING CODE 6560–37–M

[ER–FRL–1932–5]

Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent To Prepare an Environmental Impact Statement (EIS).

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare and EIS and therefore, issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Thomas F. Lorenz, Environmental Review Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, Telephone: (Commerical) 816/374-2921, (FTS) 758-2921.

SUMMARY: The cities of Osage Beach and Lake Ozark, Missouri have been awarded Step I grants under Section 201 of the Clean Water Act (P.L. 95-217) for the preparation of facility plans for wastewater collection and treatment facilities. Since these facility plans may propose a joint-owned regional facility, the study area for the EIS is defined as the City of Osage Beach, the City of Lake Ozark, the Village of Lakeside on the south side of Bagnell Dam, Horseshoe Bend and the unincorporated portion of Turkey Bend. The 201 grants included are Osage Beach project No. C290908-2 and Lake Ozark project No. C290799-01. Any additional 201 grants in the study area would also be included in the EIS. The EPA action to be evaluated in the EIS would be the approval of facility plans and the issuance of grant funds pursuant to Section 201 of the Clean Water Act for the design and construction of wastewater collection and treatment facilities in the study area. Copies of a more detailed Notice of Intent are available from the project officer identified above.

Scoping

The first public meeting will be conducted by EPA Region VII, to identify significant environmental issues and determine the scope of the draft EIS. The public scoping meeting is scheduled for 7:00 pm on October 6, 1981 at The School of the Osage High School in Lake Ozark, Missouri. Public notice will be given prior to all subsequent meetings.

Timing

EPA estimates the draft EIS will be available for public review and comment around March 1983. All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the distribution list to receive the draft EIS and related public notices.

Dated: September 3, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

[FR Doc. 81-26600 Filed 9-10-81; 8:45 am]

BILLING CODE 6560-37-M

[OPTS-51313; TSH-FRL 1932-1]

Acrylate-Methacrylate Copolymer; Premanufacture Notice

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATE: Written comments by: PMN 81-413, October 25, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51313]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-413	Rose Allison	202-426-8815	E-222

Mail address of notice manager: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81-413

Close of Review Period. November 24, 1981.

Manufacturer's Identity. S. C. Johnson and Son, Inc., 1525 Howe Street, Racine, WI 53403.

Specific Chemical Identity. Acrylate-methacrylate copolymer.

Use. The manufacturer states that the PMN substance will be used as a printing ink.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100,000	200,000
2d year	300,000	500,000
3d year	60,000	1,000,000

Physical/Chemical Properties

Boiling point—Over 200° F.
Solubility in water—Complete.
Specific gravity—1.05.
Appearance—Milky emulsion.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 4 workers may experience exposure 6 hrs/day, 100 days/yr. Exposure may occur during the charging of the polymer reactor, drum filling, tank wagon filling, the formulation of inks, and cleaning printing equipment.

Environmental Release/Disposal. The manufacturer estimates from <10-1,000 kg/yr may be released to air, land, and water. Minor vapor release is expected as a by-product of the filling. The reactor is rinsed with tap water which is flushed to the sewer. Sewer water is acidified and the sludge is sent to landfill.

Dated: September 3, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-26525 Filed 9-10-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-617—81-620; File Nos. BPCT-800430KI, etc.]

Dayton Telecasting, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: August 28, 1981.

Released: September 3, 1981.

In regarding to applications of Dayton Telecasting, Inc., Dayton, Ohio, BC Docket No. 81-617, File No. BPCT-800430KI; Channel 45, Inc. & Oppenheimer & Co. d.b.a. Channel 45 Company, Dayton, Ohio, BC Docket No. 81-618, File No. BPCT-800718KE; Sinder Broadcasting of Ohio, Inc., Dayton, Ohio, BC Docket No. 81-619, File No. BPCT-800718KE; Freedom Broadcasting Corporation, Dayton, Ohio, BC Docket No. 81-620, File No. BPCT-800721KE; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a

new commercial television broadcast station on Channel 45, Dayton, Ohio.[1]

2. All applicants propose to operate from sites located within 250 miles of the Canadian border with maximum visual effective radiated power of more than 1000 kilowatts. The proposals pose no interference threat to United States television stations; however, they contravene an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes,* T.I.A.S. 2594 (1952). In the event of a grant of any application, the construction permit shall contain a condition precluding station operation with maximum visual ERP in excess of 1000 kilowatts, absent Canadian consent. *South Bend Tribune,* 8 R.R. 2d 416 (1966).

3. *Dayton Telecasting, Inc. (DTI).* Commission Rule 73.1125 requires the main studio of a television station to be located in the principal community to be served or that good cause be shown for locating the studio outside this community. DTI proposes to locate the studio outside the city limits of Dayton, at its proposed transmitter site. DTI states that the proposed location is easily accessible to the residents of Dayton and that use of a combined studio transmitter location will permit applicant to realize a significant savings in construction and operation costs. In light of these circumstances, it appears that adequate justification has been provided for the proposed studio location.

4. *Channel 45 Company (Channel 45).* Applicant indicates that it will require $2,161,000 to construct its proposed facility and operate for three months, itemized as follows:

Equipment	$1,407,000
Land and building	250,000
Legal costs	[illegible]
Engineering costs	[illegible]
Operating costs (3 months)	439,000
Total	2,161,000

To meet these expenses, applicant relies on $565,000 in contributions from its limited partner, Oppenheimer and Company (OPCO), a $500,000 loan from Oppenheimer Holdings, Inc. (OPHI) and an equipment lease.

5. According to the partnership agreement submitted by the applicant, OPCO is to contribute $65,000 to Channel 45 when called for by the general partner and an additional $500,000 after the FCC grants the license application.[2] Since OPCO has not submitted a balance sheet, (see Section III, item 4, FCC Form 301) we cannot determine if OPCO has $565,000 to meet its commitment. Channel 45 also relies upon a $500,000 loan to be provided by OPHI, a subsidiary of OPCO. It is unclear whether the loan will be made directly to the applicant or to OPCO, who will then give the funds to the applicant. At any rate, OPHI has not submitted a current balance sheet (dated within 90 days of the filing of the application), so we are unable to determine if OPHI has the funds to meet its commitment. Applicant further proposes to rely on a lease for its technical equipment [3] from OPCO. OPCO has not indicated that it is regularly engaged in the selling or leasing of broadcast equipment. Since OPCO has not specified that it has the equipment on hand or shown the availability of funds to purchase it, applicant cannot rely on the lease as part of its financial plan. Therefore, we must assume that Channel 45 must pay cash for its equipment. Accordingly, financial issues will be specified to determine if the applicant has $2,161,000 available to construct and operate as proposed.

6. *Sinder Broadcasting of Ohio, Inc. (Sinder).* Sinder estimates that $613,000 plus the cost of its technical equipment will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$2,223,425
Land	51,500
Building	28,000
Legal costs	50,000
Engineering costs	4,000
Installation costs	100,000
Miscellaneous costs	50,000
Operating costs (3 months)	329,500

7. The costs of technical equipment cannot be determined because Sinder indicates, in FCC Form 301, Section III, page 1, that equipment will cost $2,223,425, but in its narrative financial plan, the equipment is said to cost $2,373,425. Sinder has submitted a deferred credit letter from G.E. which offers deferred credit of up to $2,500,000, with a down payment of 10% and monthly installments for 10 years. The amount of the down payment and five monthly installments will depend upon the correct figure for equipment. An issue will be specified therefore, to determine the cost of equipment, the amount of the downpayment required, and the amount of five monthly installments.

8. To meet these expenses, Sinder intends to rely on existing capital of $500, a net loan of $943,780 and deferred credit of $2,031,716. The letter from G.E., dated June 23, 1980, states that funding must take place by December 1, 1980. Since the credit term has expired, the letter may not be accepted as part of Sinder's financial plan. Therefore, we must assume that the applicant will pay cash for its equipment. Accordingly financial issues will be specified to determine whether applicant has funds, over and above $944,280, to construct and operate its proposed facility.

9. *Freedom Broadcasting Corporation FBC).* FBC estimates that it will require $646,572 to construct the proposed facility and operate for three months, itemized as follows:

Equipment (lease)	$81,572
Land (includes tower costs)	350,000
Building	50,000
Legal costs	5,000
Engineering and installation costs	20,000
Operating costs (3 months)	135,000
Total	646,572

10. To meet these expenses, applicant relies upon a net bank loan of $361,875, stock subscription for $100,000 and $195,000 in receipts from subscription television (STV) operations. The letter from Provident Bank states the loan is dependent on whether "collateral acceptable to the bank could be pledged." The bank letter asks for a response from FBC by August 31, 1980. No response from the applicant had been filed. Further, Section III, Item 4(b) of FCC Form 301 requires each person who has agreed to furnish funds, purchase stock, extend credit or guarantee loans to submit a balance sheet or a detailed financial statement showing ability to comply with the terms of the agreements. We do not have this information for stock subscribers Vate E. Jackson, Pearl L. Babson, Charles E. Taylor, Dr. Adegible and Jessie O. Gooding. Therefore, the availability of their combined commitments for $35,000 has not been shown. Accordingly, applicant may rely on only $65,000 in stock subscriptions. Finally, applicant proposes to rely on $195,000 in STV revenues; however, no STV application has been filed. Therefore, FBC's reliance upon $195,000 in STV revenues to demonstrate its financial qualifications is misplaced.

[1] On December 15, 1980, Dayton Telecasting, Inc. filed an amendment to update the business and financial interest of the principals of the corporation. Sinder Broadcasting of Ohio, Inc. filed a motion to dismiss the amendment on December 31, 1980. However, the information filed by DTI is required by § 1.65 of the Commission's rules.

[2] By license, we assume that the applicant means a construction permit.

[3] Applicant proposes to lease tower space from University Regional Broadcasting (WPTD-TV). The tower is presently under construction. In view of the fact that Channel 45's application is being designated for comparative hearing, we may assume that the tower construction will be completed prior to completion of the hearing.

Accordingly, financial issues will be specified to determine the availability of an additional $581,572 to construct its proposed station.

11. Broadcast Management Corporation (BMC), 50% owner of FBC, through wholly owned subsidiaries, owns WCNW(AM), Fairfield, Ohio. WCNW's community of license is within the Grade A Contour of FBC's proposed facility in Dayton. Section 73.636(a)(1) of the Commission's rules sets out a policy against granting a television construction permit to parties who directly or indirectly own, operate or control one or more AM broadcast stations and the grant of such license will result in the Grade A contour of the proposed station encompassing the entire community of license of one of the AM broadcast stations. BMC states that it will dispose of station WCNW(AM) if FBC is granted a construction permit for the proposed Dayton facility. BMC must demonstrate that it has severed all interest in or connection with station WCNW before FBC commences operation.

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

13. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Channel 45 Company:

(a) Whether, it has $2,161,000 available to construct and operate;

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

2. To determine with respect to Sinder Broadcasting of Ohio, Inc:

(a) The costs of its technical equipment and the amount of the downpayment plus five monthly installment payments;

(b) Whether it has additional funds over $944,280 available to construct and operate;

(c) Whether, in light of the evidence adduced pursuant to the issues (a) and (b), applicant is financially qualified.

3. To determine with respect to Freedom Broadcasting Corporation:

(a) Whether it has the additional $581,572 available to meet its estimated construction and operational expenses;

(b) Whether, in light of the evidence adduced pursuant to issue (b), applicant is financially qualified.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. It is further ordered, that in the event of a grant of DTI's application, the construction permit shall contain the following condition:

Operation with effective radiated power in excess of 1000 kW after October 1, 1982 is subject to a further extension of consent by Canada.

15. It is further ordered, that in the event of a grant of Channel 45's application, the construction permit shall contain the following condition:

Operation with effective radiated power in excess of 1000 kW after March 2, 1983 is subject to a further extension of consent by Canada.

16. It is further ordered, that in the event of a grant of Sinder's or FBC's application, the construction permit shall contain the following condition:

Operation with effective radiated power in excess of 1000 kW after December 1, 1982 is subject to a further extension of consent by Canada.

17. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

18. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-26527 Filed 9-10-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-621—81-626; File Nos. BPCT-790821KE, etc.]

United Broadcasting Corporation of Louisiana, et al; Designating Applications For Consolidated Hearing on Stated Issues

Adopted: August 28, 1981.

Released: September 8, 1981.

In re applications of United Broadcasting Corporation of Louisiana, New Orleans, Louisiana, BC Docket No. 81-621, File No. BPCT-790821KF; Oak Television of New Orleans, Inc., New Orleans, Louisiana, BC Docket No. 81-622, File No. BPCT-800109KF; Delta Media, Ltd., New Orleans, Louisiana, BC Docket No. 81-623, File No. BPCT-800721KL; Cypress Broadcasting Limited, Partnership, New Orleans, Louisiana, BC Docket No. 81-624, File No. BPCT-800721KM; National Group Telecommunications, Inc., New Orleans, Louisiana, BC Docket No. 81-625, File No. BPCT-800721KN; Comark Television, Inc., New Orleans, Louisiana, BC Docket No. 81-626, File No. BPCT-800721KO; for a television construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of United Broadcasting Corporation of Louisiana (United), Oak Television of New Orleans, Inc. (Oak), Delta Media, Ltd. (Delta), Cypress Broadcasting Limited Partnership (Cypress), National Group Telecommunications, Inc. (National), and Comark Television, Inc. (Comark) for a new commercial television station to operate on Channel 38, New Orleans, Louisiana.[1]

2. Section 73.685(a) of the Commission's rules requires that a UHF television station place an 80 dBu signal over the entire principal community to be served; however, United's, Delta's, National's and Comark's proposed facilities would not provide such coverage to New Orleans. Accordingly, appropriate issues will be specified.

3. Since we have not received determinations from the Federal Aviation Administration that United's, Oak's, Delta's, and Cypress' proposed

[1] The applications of United and Oak contemplate operating subscription television (STV) over their proposed facilities. Their applications for STV authorization (BSTV-790821KG and BSTV-800109KG, respectively) will not be consolidated for hearing in this proceeding. This is in keeping with the Commission's policy in regard to mutually exclusive applications for a new television station where some contemplate STV operation and the others a conventional facility. *Second Report and Order in Docket 21502*, FCC 81-13 (released March 25, 1981).

tower heights and locations would not constitute hazards to air navigation, issues regarding this matter are required.

United Broadcasting Corporation of Louisiana

4. United estimates that $1,034,561 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment:	
Down payment	$324,750
3 months	82,811
Land lease (5 months)	17,500
Building	37,500
Legal, engineering, installation and other miscellaneous costs	160,000
Operating costs (3 months)	412,000
Total	1,034,561

To meet these expenses, United intends to rely on $1000 in existing capital and a $3,000,000 line of credit from United Cable Television Corporation (UCTC), which proposes to provide 80% of United's funding requirements. UCTC's line of credit is unacceptable for several reasons. First, it does not comply with FCC Form 301, Section III, Question 4, in that it does not indicate the rate of interest to be charged, terms of repayment, and security required, if any. Second, the line of credit is contingent on the grant of STV authorization to United and on a "local group" [2] providing the other 20%. At this point, United cannot depend on its STV application being granted (see Footnote 1), and none of the members in the "local group" has demonstrated the availability of any net liquid assets. Finally, United Stated has not shown that UCTC otherwise has the net liquid assets to provide its proposed line of credit. Consequently, we are able to determine the availability of only $1000 to United, and an appropriate financial issue will be specified.

Oak Television of New Orleans, Inc.

5. Oak estimates that $1,263,084 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment: [4]	
Down payment	$711,750
3 months	186,834
Land	lease
Building	50,000
Legal, engineering, and other miscellaneous costs	110,000
Operating costs (3 months)	194,500
Total	1,253,084

[4] Although, under its terms, the RCA letter extending deferred credit for the purchase of equipment expired on January 7, 1981, it is reasonable to assume that the applicant would still be able to obtain the same or similar credit arrangement from RCA or another equipment supplier, should it receive a grant in this proceeding. *Contemporary Television Broadcasting, Inc.*, Mimeo No. 05812 (FCC, released Jan. 16, 1981).

To meet this requirement, Oak intends to rely on $25,000,000 and $35,000,000 lines of credit to Oak Industries from The First National Bank of Chicago and the Continental Illinois National Bank and Trust Company of Chicago, respectively. At no place in its application does Oak set out the cost of the land lease; however, in view of the fact that approximately $35,000,000 appears to be available,[3] Oak would appear to have sufficient funds to meet the cost of a land lease. Accordingly, we will not specify a financial issue.

6. In the event of a grant of Oak's application, the construction permit will be conditioned to require Oak to demonstrate that its tower will not alter the radiation pattern of nearby Station WTIX(AM).

Delta Media, Ltd.

7. Delta estimates that $280,024 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment rental (3 months)	$51,459
Studio and transmitter site rental (5 months)	17,915
Studio construction	50,000
Legal, engineering, installation, pre-operation, and other miscellaneous costs	25,500
Operating costs (3 months)	134,250
Total	280,024

8. To meet these expenses, Delta intends to rely on $20,000 in existing capital, $75,000 in stock subscriptions, and $200,000 from the sale of program time to a proposed STV franchisee. The availability of any funds from a franchisee is conjectural, since Delta has not even filed an application for STV authorization. With regard to the subscription agreements, John and Gladys DeRussy's balance sheets were out of date upon the filing of the application, Byron Unkauf's and William Ransom's balance sheets were undated, and August Weber submitted no balance sheet. Consequently, we cannot determine whether they have the net liquid assets to meet the total $75,000 subscription. Since Delta has demonstrated the availability of only $20,000, an appropriate financial issue will be specified.

9. In the event of a grant of Delta's application, the construction permit will be conditioned to require Delta to demonstrate that its tower will not alter the radiation pattern of Station WNNR(AM).

Cypress Broadcasting Limited Partnership

10. Cypress estimates that $3,430,000 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$2,768,000
Land	(1)
Building	[illegible]
Legal, engineering, and installation costs	[illegible]
Operating cost (3 months)	[illegible]
Total	[illegible]

[1] Lease.

The applicant does not indicate the costs it will incur in leasing a tower site. Accordingly, an appropriate financial issue will be specified.

11. To meet its expenses, Cypress intends to rely on $55,897 in existing capital, $5,000 contributions from each of eight Class A Limited Partners and from Cypress Broadcasting Corporation (a General Partner) (CBC), $2,000,000 from unspecified Class B Limited Partners, and a bank loan for $2,000,000 (net $1,883,334) from an unspecified bank. The applicant has not submitted CBC's contribution agreement, and none of the proposed contributors has demonstrated the availability of any net liquid assets. Further, the applicant cannot rely on funds from unspecified Class B Limited Partners or from an unspecified bank. Consequently, we can determine the availability of only $55,897 to Cypress, and an appropriate financial issue will be specified.

12. In the event of a grant of Cypress' application, the construction permit will be conditioned to require Cypress to demonstrate that its tower will not alter the radiation pattern of Station WTIX(AM).

National Group Telecommunications, Inc.

13. National estimates that $1,069,564 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment rental (3 months)	$157,144
Legal, engineering, installation, and miscellaneous expenses (including 2 month pre-operation studio and tower site leases)	[illegible]
Operating costs (3 months)	[illegible]
Total	1,069,564

The applicant does not indicate the costs of leasing a studio and tower site

[2] The "local group" consists of Jack M. Weiss, George W. Lowenbaum, Paul M. Haygood, William J. Jefferson, E. Douglas Johnson, Jr., Edgar Bright, Jr., and J. Timothy Rice.

[3] Oak Industries has approximately $65,000,000 available either in net liquid assets or from letters of credit; however, approximately $30,000,000 of that is committed to other television or subscription television ventures.

during the first three months of operation. Accordingly, an appropriate financial issue will be specified.

14. To meet its expenses, National intends to rely on $3,269 in existing capital and a $1,200,000 loan from Louis J. Kearn. Kearn's balance sheet does not demonstrate the availability of any net liquid assets. Further, Kearn's loan is contingent on N. John Douglas and John M. Rohrbach, Jr. personally guaranteering the loan; National states that Douglas and Rohrbach have agreed to guarantee the loan, but neither has submitted such a signed agreement. Consequently, we can determine the availability of only $3,269 to National, and an appropriate financial issue will be specified.

15. In the event of a grant of National's application, the construction permit will be conditioned to require National to demonstrate that its tower will not alter the radiation patterns of Stations WNNR(AM) and WWIW(AM).

Comark Television, Inc.[4]

16. Comark estimates that $715,214 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment by deferred credit:	
downpayment	$137,926
3 months	38,638
Equipment by cash	279,900
Land	30,000
Building	30,000
Studio rent (5 months)	6,250
Legal, Engineering and other miscellaneous costs	12,500
Operating costs (3 months)	180,000
Total	715,214

Comark has not provided for the three months interest on the equipment purchased by deferred credit, and an appropriate issue will be specified.

17. To meet this requirement, Comark intends to rely on a $1,250,000 (net $1,152,232) loan from the Old Colony Bank, Holyoke, Massachusetts, and $100,000 in stock subscriptions from Richard Fiore, David Smith, and LeRoy Wallace. The bank letter is conditioned on Comark's principals and investors guaranteering the loan, but none have agreed to do so. With regard to the stock subscriptions, although Fiore, Smith and Wallace have submitted financial statements, they were outdated upon the filing of Comark's application; none show the availability of any net liquid assets. Further, it appears that Comark relies on the same stock subscriptions in its Daytona Beach, Portland, and Syracuse applications. Consequently, we are unable to determine the availability of any funds to Comark, and an appropriate financial issue will be specified.

18. Comark specifies maximum visual effective radiated power (ERP) of 513 kW, but its calculated maximum by the data submitted is 4570 kW. Similarly, the applicant specifies maximum aural ERP of 51.3 kW, but its calculated maximum by the data submitted is 457 kW. Consequently, Comark will be required to submit the correct figures within 20 days of the mailing of this Order.

Conclusion and Order

19. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

20. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to United Broadcasting Corporation of Louisiana:

(a) Whether United will encompass New Orleans with a city grade signal of 80 dBu, as required by Section 73.685 of the Commission's Rules and, if not, whether circumstances exist which would warrant waiver of the rule;

(b) Whether there is a reasonable possibility that the tower height and location proposed by United would constitute a hazard to air navigation and, if so, whether the applicant is qualified;

(c) Whether the applicant has an additional $1,033,561 available for its construction and three month operating costs;

(d) Whether, in light of the evidence adduced pursuant to (c) above, the applicant is financially qualified to construct and operate as proposed.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Oak Television of New Orleans, Inc. would constitute a hazard to air navigation and, if so, whether the applicant is qualified.

3. To determine, with respect to Delta Media, Ltd.:

(a) Whether Delta will encompass New Orleans with a city grade signal of 80 dBu, as required by Section 73.685 of the Commission's Rules and, if not, whether circumstances exist which would warrant waiver of the rule;

(b) Whether there is a reasonable possibility that the tower height and location proposed by Delta would constitute a hazard to air navigation and, if so, whether the applicant is qualified;

(c) Whether the applicant has an additional $260,024 available for its construction and three month operating costs;

(d) Whether, in light of the evidence adduced pursuant to (c) above, the applicant is financially qualified to construct and operate as proposed.

4. To determine, with respect to Cypress Broadcasting Limited Partnership:

(a) Whether there is a reasonable possibility that the tower height and location proposed by Cypress would constitute a hazard to air navigation and, if so, whether the applicant is qualified;

(b) The cost of leasing a tower site for five months;

(c) Whether the applicant has available an additional $3,374,103 plus the cost of leasing a tower site;

(d) Whether, in light of the evidence adduced pursuant to (b)–(c) above, the applicant is financially qualified to construct and operate as proposed.

5. To determine, with respect to National Group Telecommunications, Inc.:

(a) Whether National will encompass New Orleans with a city grade signal of 80 dBu, as required by § 73.685 of the Commission's Rules and, if not, whether

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[4] Comark has also applied for television stations to operate on:

Channel 26, Daytona Beach, Florida (BPCT–791214KE)

Channel 18, San Juan, Puerto Rico (BPCT–801112KH)

Channel 51, Portland, Maine (BPCT–800721KH)

Channel 62, Syracuse, New York (BPCT–800521KN)

In addition, David Smith, who is Secretary-Treasurer, Director, and 33% owner of Comark, is the 4.8% owner of Commercial Radio Institute, Inc., which has interest in:

WPTT–TV, Pittsburgh, Pennsylvania

WBFF–TV, Baltimore, Maryland

Channel 28, Columbus, Ohio (grantee) (BPCT–4925)

Channel 38, St. Petersburg, Florida (applicant) (BPCT–790130LI)

Channel 59, Indianapolis, Indiana (applicant) (BPCT–781221LE)

Channel 61, Wilmington, Delaware (applicant) (BPCT–801001KI)

Channel 61, Hartford, Connecticut (applicant) (BPCT–790419KE)

Section 73.636(a)(2) of the Commission's rules limits a party to direct or indirect interest in no more than seven television stations.

circumstances exist which would warrant waiver of the rule;

(b) The cost of leasing a tower site and studio space for three months;

(c) Whether the applicant has available and additional $1,066,295 plus the cost of leasing a tower site and studio space for three months;

(d) Whether, in light of the evidence adduced pursuant to (b)–(c) above, the applicant is financially qualified to construct and operate as proposed.

6. To determine, with respect to Comark Television, Inc.:

(a) Whether Comark will encompass New Orleans with a city grade signal of 80 dBu, as required by § 73.685 of the Commission's rules and, if not whether circumstances exist which would warrant waiver of the rule;

(b) The payment to interest for three months to the applicant's equipment suppliers;

(c) Whether the applicant has available $715,214 plus the payment to interest for three months to its equipment suppliers;

(d) Whether, in light of the evidence adduced pursuant to (b)–(c) above, the applicant is financially qualified to construct and operate as proposed.

7. To determine which of the proposals would, on a comparative basis, best serve the public interest.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

21. It is further ordered, that within 20 days of the mailing of this Order, Comark shall submit the correct figures for its maximum visual ERP and its maximum aural ERP.

22. It is further ordered, that in the event of a grant of Oak's application, the construction permit shall contain the following condition:

In connection with its proposed alteration of the WDSU–TV tower, Permittee shall be responsible for restoring the previous effectiveness and for modifying, if necessary or desirable, the existing detuning apparatus and associated monitoring system, so that the tower will not cause adverse effect upon the radiation patterns of WTIX, and Permittee shall also be responsible for the continued maintenance of such detuning apparatus and monitoring system. Both prior to and subsequent to the alteration, a partial proof of performance, as defined in § 73.154(a) of the Commission's rules, shall be conducted for both non-directional test and directional operations to establish that the WTIX arrays have not been adversely affected. The results shall be submitted to the Commission and to WTIX before limited program tests are commenced.

23. It is further ordered, that, in the event of a grant of Delta's application, the construction permit shall contain the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM station WNNR so that that station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continue maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the aforementioned AM station. Subsequent to construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antenna shall be made and sufficient field strength measurements, obtained at least 10 locations along each of eight equally spaced radials, shall be made to establish that the AM radiation pattern is essentially omnidirectional, and the results shall be submitted to the Commission in conjunction with an application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence limited program tests.

24. It is further ordered, that, in the event of a grant of Cypress' application, the construction permit shall contain the following condition:

During installation of the TV antenna, AM Station WTIX shall determine operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point values within authorized limits. Upon completion of the installation, common point impedance measurements of the AM array shall be made and a partial proof of performance, as defined by § 73.154(a) of the Commission's rules, shall be conducted to establish that the AM array has not been adversely affected. The results shall be submitted to the Commission along with a tower sketch of the installation in an application for Station WTIX to return to the direct method of power determination. Thereafter, the TV station may commence limited program tests.

25. It is further ordered, that, in the event of a grant of National's application, the construction permit shall contain the following condition:

During installation of the TV antenna, AM Station WNNR shall determine operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point values within authorized limits. Upon completion of the installation, common point impedance measurements of the AM array shall be made and a partial proof of performance, as defined by § 73.154(a) of the Commission's rules, shall be conducted to establish that the AM array has not been adversely affected. The results shall be submitted to the Commission along with a tower sketch of the installation in an application for Station WNNR to return to the direct method of power determination. Thereafter, the TV station may commence limited program tests.

Prior to construction of the TV tower authorized herein, the permittee shall notify AM Station WWIW, so that that station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation patterns of WWIW. Subsequent to the construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antenna shall be made and sufficient field strength measurements, obtained at at least 10 locations along each of eight equally spaced radials, shall be made to establish that the AM radiation pattern is essentially omnidirectional. The results shall be submitted to the Commission in an application for Station WWIW to return to the direct method of power determination. Thereafter, the TV station may commence limited program tests.

26. It is further ordered, that the Federal Aviation Administration is made a party respondent with respect to Issues 1, 2, 3, and 4 above.

27. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein and the party respondent shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

28. It is further ordered, that the applicants herein shall, pursuant to § 311(a)(2) of the Communication Act and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81–26528 Filed 9–10–81; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket No. 81–600; File No. 22105–CD–P–(1)–80]

R.C.S., Inc.; Designating Application for Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: August 26, 1981.

Released: August 28, 1981.

By the Common Carrier Bureau.

In the matter of R.C.S., Inc. for a construction permit for an additional channel on frequency 454.125 MHz for

Station KMD689 in the Domestic Public Land Mobile Radio Service near San Luis Obispo, Calif.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, is the above-referenced application of R.C.S., Inc. (RCS). Our review of the RCS application has raised a question concerning whether the applicant has demonstrated a need for an additional frequency. We find RCS to be otherwise qualified.

2. RCS has submitted a traffic loading study pursuant to § 22.516 of the Rules in an attempt to demonstrate need for the additional two-way frequency it requests. However, the loading study submitted does not demonstrate sufficient traffic to justify an additional frequency. RCS present has 2 VHF and 4 UHF frequencies. The application is requesting an additional UHF frequency. The traffic loading study shows an average peak hour usage of only 34 minutes for the VHF frequencies and 12 minutes for the UHF frequencies. This results in a 41 percent blocking for the VHF frequencies and a 1 percent blocking for UHF frequencies. As a result, we will designate an issue as to whether the applicant has demonstrated a need for an additional frequency.

3. Accordingly, it is order, that the above-referenced application of R.C.S., Inc., File No. 22105-CD-P-(1)-80 is designated for hearing, pursuant to section 309(e) of the Communications Act of 1934, as amended, upon the following issues:

(a) To determine whether the applicant has demonstrated a sufficient public need for the proposed facility; and

(b) To determine, in light of evidence adduced pursuant to the foregoing issues, what disposition of the referenced application would best serve the public interest, convenience and necessity.

4. It is further order, that the hearing be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further order, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further order, that the applicant may avail itself of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Dated: September 8, 1981.

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-26567 Filed 9-10-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-508, 81-509; File Nos. 3644-CM-P-80, 5847-CM-P-80]

Satellite Vision Broadcasting Co. and Microband Corporation of America; Designating Applications for Consolidated Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: July 31, 1981.

Released: August 13, 1981.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Alexandria, Louisiana. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the bove-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Satellite Vision Broadcasting Company, Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-26569 Filed 9-10-81; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 81-612]

Floyd F. Smith; Designating Application for Hearing on Stated Issues

Designation Order

Adopted: August 27, 1981.

Released: August 28, 1981.

The Chief, Private Radio Bureau, has under consideration the application of Floyd F. Smith, 4225 West Nichols Avenue, Sacramento, California 95820, for a Citizens Band Radio station license. The application is dated January 19, 1981.[1]

1. Information before the Commission indicates that on August 1, 1980, Smith's radio station made radio transmissions which were apparently in violation of the following CB Rules: 17(a) (operation on unauthorized frequency: 26.810 MHz, assigned for use of United States Government radio stations); 19(a) (non type-accepted transmitter) and/or 30(a)

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *See* Application for Transfer of Control *Memorandum Opinion, Order and Authorization*, File Nos. 11-76-CM-TC-(69)-80 (released December 24, 1980).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001883, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[1] Smith previously was the licensee of CB radio station KZB-7123, the license for which expired on December 19, 1980. Since Smith's application for renewal of that license was not filed on time, it will be treated as an application for a new license.

(no station identification).[2] The CB Rules are found in § 95.401 of the Commission's Rules.

2. These apparent violations call into question Smith's qualifications to become a licensee in the Citizens Band Radio Service.[3] The Commission is thus precluded from determining that a grant of Smith's application would serve the public interest, convenience and necessity.

3. Accordingly, it is ordered, pursuant to section 309(e) of the Communications Act of 1934, as amended, and §§ 1.973(b) and 0.331 of the Commission's rules, that Smith's application for a Citizens Band Radio station license is designated for hearing on the issues specified below:

(a) To determine whether Floyd F. Smith's station made radio transmissions on August 1, 1980, in willful violation of CB Rules 17(a), 19(a) and/or 30(a).

(b) To determine whether Floyd F. Smith has the requisite qualifications to become a Commission licensee.

(c) To determine whether a grant of the application of Floyd F. Smith for a station license in the Citizens Band radio service would serve the public interest, convenience and necessity.

4. It is further ordered, That, if Smith desires to be heard on the application, he must file within 20 days a written appearance, in triplicate, stating that he will appear at a hearing to present evidence on the issues specified above.[4] [5] If a hearing is requested, the time, place and Presiding Judge will be specified by subsequent order.

5. It is further ordered, That copies of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the applicant at his address of record (shown in the caption).

Chief, Private Radio Bureau.

W. Riley Hollingsworth,

Assistant Chief, Compliance Division.

[FR Doc. 81-26568 Filed 9-10-81; 8:45 am]

BILLING CODE 6712-01-M

[2] The August 1, 1980, operation was the subject of an Official Notice of Violation mailed to Smith on September 9, 1980.

[3] CB Rule 27 provides that the licensee is responsible for all transmissions made under authority of his license.

[4] Absent a showing of good cause, if a written appearance is not filed within the specified time period, the application will be dismissed with prejudice for failure to prosecute pursuant to § 1.221 of the Commission's Rules.

[5] The enclosed forms should be used to enter your appearance. One copy should be mailed, in the envelope provided, to the Chief Administrative Law Judge and the other, in the envelope provided, to the Federal Communications Commission, Washington, D.C. 20554.

FEDERAL LABOR RELATIONS AUTHORITY

Professional Air Traffic Controllers Organization; Oral Argument; Meeting

AGENCY: Federal Labor Relations Authority.

ACTION: Notice of meeting..

SUMMARY: This notice sets forth the agenda and purpose of a forthcoming meeting of the Federal Labor Relations Authority.

DATE: Wednesday, September 16, 1981, 9:30 a.m.

ADDRESS: Courtroom 20, United States Court House, Constitution Avenue and John Marshall Place, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jerome P. Hardiman, Director, Office of Operations and Technical Assistance, Federal Labor Relations Authority, 1900 E Street, NW., Washington, D.C. 20424, (202) 254–7362.

SUPPLEMENTARY INFORMATION: The Authority, pursuant to § 2429.6 of its rules and regulations (5 CFR 2429.6), has granted a motion filed by the Professional Air Traffic Controllers Organization (PATCO), requested that the Authority afford it an opportunity to present oral argument before the Members of the Authority in an unfair labor practice case, *Professional Air Traffic Controllers Organizaton, Affiliated with MEBA, AFL–CIO and Federal Aviation Administration/ Department of Transportation*, Case No. 3–CO–105. The case concerns an allegation that PATCO called for and participated in a strike or work stoppage at numerous Federal Aviation Administration (FAA) facilities throughout the United States, and that it failed to take action to prevent or stop such action, in violation of section 7116(b)(7) (A) and (B) of the Federal Service Labor-Management Relations Statute (5 U.S.C. 7116(b)(7) (A) and (B)).

The meeting is for the sole purpose of hearing oral argument by the participants designated by the Authority on the issues raised in the case.

Dated: Washington, D.C., September 10, 1981.

For the Authority.

James J. Shepard,

Executive Director.

[FR Doc. 81-26739 Filed 9-10-81; 12:14 pm]

BILLING CODE 6727-01-M

FEDERAL RESERVE SYSTEM

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 USC 1842(a)(3)) to acquire 100 percent of the voting shares, less director's qualifying shares, of Interstate Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 USC 1842 (c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of The Board.

[FR Doc. 81-26594 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Allied Bancshares, Inc.; Proposed Acquisition of Interservice Life Insurance Company

Allied Bancshares, Inc., Houston, Texas, has applied, pursuant to section (4)(c)(8) of the Bank Holding Company Act (12 USC 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Interservice Life Insurance Company, Pasadena, Texas.

Applicant states that the proposed subsidiary would engage in the activity of underwriting credit life, accident and health insurance directly related to extensions of credit by Applicant's subsidiaries. These activities would be performed from offices of Applicant's subsidiary in Pasadena, Texas and the geographic areas to be served are the areas surrounding Pasadena and Houston, Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsounding banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than October 5, 1981.

Board of Governors of the Federal Reserve System, September, 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26595 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Bancorp of Huntingdon, Inc.; Formation of Bank Holding Company

Bancorp of Huntingdon, Inc., Huntingdon, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Bank of Huntingdon, Huntingdon, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an applicaton that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26593 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

CVB Financial Corp.; Formation of Bank Holding Company

CVB Financial Corp.; Chino, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 USC 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Chino Valley Bank, Chino, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 USC 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26592 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Emory Bancshares, Inc. Formation of Bank Holding Company

Emory Bancshares, Inc., Emory, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 USC 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares, less directors' qualifying shares, of The First National Bank of Emory, Emory, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 USC 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26589 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Liberty Bancorporation, Inc.; Formation of Bank Holding Company

Liberty Bancorporation, Inc., Powders Lake, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96 per cent of the voting shares of Liberty State Bank, Burke County, Powers Lake, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26590 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Security New York State Corp.; Acquisition of Bank

Security New York State Corporation, Rochester, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The Mohawk National Bank of Schenectady, Schenectady, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New

York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26586 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Service Bancshares, Ltd.; Formation of Bank Holding Company

Service Bancshares, Limited, Tonkawa, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Service Bancorporation, Inc., Tonkawa, Oklahoma and thereby indirectly acquiring 80 per cent of the voting shares of The Service Bank of Tonkawa, Tonkawa, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26588 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Syracuse Financial Co.; Formation of Bank Holding Company

Syracuse Financial Company, Syracuse, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 68.09 percent or more of the voting shares of the First National Bank of Syracuse, Syracuse, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Syracuse Financial Company has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the activity of acting as agent for the sale of hail and other types of insurance directly related to its agricultural lending business. These activities would be performed from offices of Applicant's subsidiary in Syracuse, Kansas, and the geographic area to be served is Hamilton County, Kansas. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interesterd persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than October 5, 1981.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26591 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Tri City Bankshares Corp.; Acquisition of Bank

Tri City Bankshares Corporation, Oak Creek, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3) to acquire 21.37 per cent or more of the voting shares of First National Bank of Eagle River, Eagle River, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26587 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Illinois Center Bancorporation, Inc.; Formation of Bank Holding Company

Correction

In FR Doc. 81-25343, appearing at page 43744 in the issue for Monday, August 31, 1981, the name of the bank as given in the heading and also in the first line of the text is incorrect. The correct name of the bank is "Illinois Center Bancorporation, Inc.".

BILLING CODE 1505-01-M

Brookhollow Bancshares, Inc.; Formation of Bank Holding Company

Brookhollow Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.56 percent or more of the voting shares of Brookhollow National Bank, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-28509 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Gaylord Bancshares, Inc.; Formation of Bank Holding Company

Gaylord Bancshares, Inc., Gaylord, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.1 percent or more of the voting shares of First National Bank of Gaylord, Gaylord, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-28504 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Grimes County Capital Corp.; Formation of Bank Holding Company

Grimes County Capital Corporation, Iola, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of Iola State Bank, Iola, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-28508 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Grygla Bancshares, Inc.; Formation of Bank Holding Company

Grygla Bancshares, Inc., Grygla, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquireing 93 percent or more of the voting shares of American State Bank of Grygla, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-28506 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Overton Bancshares, Inc.; Formation of Bank Holding Company

Overton Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Overton Park National Bank, Fort Worth, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-28503 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Plaza Commerce Bancorp; Formation of Bank Holding Company

Plaza Commerce Bancorp, San Jose, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Plaza Bank of Commerce, San Jose, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-28505 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Southern Bancorp, Inc.; Formation of Bank Holding Company

Southern Bancorp, Inc., Waycross, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Southern Bank, Waycross, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26507 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Warren Bancshares, Inc.; Formation of Bank Holding Company

Warren Bancshares, Inc., Warren Minnesota, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.0 per cent or more of the voting shares of Peoples State Bank of Warren, Warren, Minnesota. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice is lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26502 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Wilshire Bancshares, Inc.; Formation of Bank Holding Company

Wilshire Bancshares, Inc., Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Wilshire Bank, Oklahoma City, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26510 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than September 28, 1981.

A. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Plateau Bancshares, Inc., Crossville, Tennessee, (insurance activities; Tennessee): to engage, through its subsidiary, Tri-County Insurance Comapny, Inc., in the sale of credit life insurance and credit accident and health insurance, which is directly related to extensions of credit by a bank or a bank related firm. These activities would be conducted from an office at Crossville, Tennessee, serving the county in which the insurance office is located and those portions of contiguous counties in Tennessee within a 75 mile radius of the office.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

The Marine Corporation, Milwaukee, Wisconsin (trust company activities; Wisconsin): to engage, through its subsidiary, The Marine Trust Company, N.A., in trust company activities as permitted by Wis. Stat. § 223.07 and 12 CFR 225.4(a)(4). These activities would be conducted from offices located at Applicant's subsidiary bank, Burlington Marine Bank, Burlington, Wisconsin, serving western Racine County, western Kenosha County, and Walworth County, Wisconsin. Comments on this application must be received not later than September 25, 1981.

C. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

International Bancshares Corp., Laredo, Texas (insurance activities; Texas, Mexico): to engage through its subsidiary, IBC Life Insurance Co., in the sale and reinsurance of credit life, accident, and health insurance. These activities would be conducted from an office of Applicant's subsidiary in Laredo, Texas, and would serve Laredo, the surrounding area in Texas and, to a limited extent, Nuevo Laredo, Mexico.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 4, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26601 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

Guaranty Capital Corp.; Formation of Bank Holding Company

Guaranty Capital Corporation, Belzoni, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Guaranty Bank and Trust Company, Belzoni, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 3, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-26611 Filed 9-10-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Dover Corp.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Dover Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of the Tipper Tie Division of City Investing Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Dover. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 15, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-26598 Filed 9-10-81; 8:45 am]

BILLING CODE 6750-01-M

E. I. du Pont de Nemours & Co.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E. I. du Pont de Nemours & Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Monsanto Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-26597 Filed 9-10-81; 8:45 am]

BILLING CODE 6750-01-M

Seagram Co. Ltd.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Seagram Co. Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of E.I. du Pont de Nemours. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade

Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7(A)(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-26598 Filed 9-10-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Editorial Group To Review Proposed Biosafety Guidelines for Microbiological and Biomedical Laboratories; Open Meeting

On September 16, 1981, the Centers for Disease Control will convene an open meeting of an editorial group to review the proposed changes in content and format of the draft manual, "Proposed Biosafety Guidelines for Microbiological and Biomedical Laboratories." The meeting is open to the public, limited only by space available.

The meeting is scheduled to begin at 8:30 a.m., in room SSB–19, Building 3, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

Additional information may be obtained from: John H. Richardson, D.V.M., Director, Office of Biosafety, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephone, FTS: 236–3883, Commercial: 404/329–3883.

Dated: September 4, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-26611 Filed 9-10-81; 8:45 am]

BILLING CODE 4110-86-M

Food and Drug Administration

Pennwalt Corp.; Ammonium Chloride, Feed Grade; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) providing for the use of ammonium chloride, feed grade. The sponsor, Pennwalt Corp., has requested the withdrawal.

EFFECTIVE DATE: September 21, 1981.

FOR FURTHER INFORMATION CONTACT: David Scarr, Bureau of Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: Pennwalt Corp., P.O. Box 1297, Takoma, WA 98401, is the sponsor of NADA 40–978 which provides for the use of Sal Ammoniac (ammonium chloride, feed grade) for use in ruminant feed to reduce the incidence of urinary calculi in cattle and sheep. The application was originally approved on August 21, 1970. The sponsor has requested by letter dated January 22, 1981, that approval of the NADA be withdrawn because the product is no longer being marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84) and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 40–978 and all supplements thereto for Sal Ammoniac (ammonium chloride, feed grade) is hereby withdrawn effective September 21, 1981.

In a separate document published elsewhere in this issue of the Federal Register, § 558.45 *Ammonium chloride, feed grade* is amended to remove that portion that reflects approval of this NADA.

Dated: September 1, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-26326 Filed 9-10-81; 8:45 am]

BILLING CODE 4110-03-M

Health Care Financing Administration

National Professional Standards Review Council; Cancellation of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I) announcement is made that the September 14–15 meeting of the National Professional Standards Review Council is cancelled.

The next scheduled meeting will be held on November 16–17, 1981. Notice of that meeting will be published 30 days prior to the meeting date.

All communications regarding the Council should be addressed to Cleo E. Hancock, Jr., Staff Director, National Professional Standards Review Council, Health Standards and Quality Bureau, Room 4520, Health and Human Services Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245–6097.

Cleo E. Hancock, Jr.,

National Professional Standards Review Council.

[FR Doc. 81-26639 Filed 9-10-81; 8:45 am]

BILLING CODE 4115-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Announcement of Vacancy; Osage Education Committee

August 24, 1981.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Paragraph (e)5, Committee vacancies, of 25 CFR 112a.5, Establishment of Osage Tribal Education Committee, states that any vacancies shall be filled in the same manner described by this section for the selection of committee members. The period of time for receiving applications shall not exceed 30 days with the expiration date to be announced by the Assistant Secretary. The Assistant Secretary may appoint an individual to serve for a temporary period of time until the vacancy is filled. However, such an appointment shall not exceed 45 days.

This notice announces that a vacancy has occurred on the Osage Education Committee. The purpose of this announcement is to solicit nominations from individuals or from Osage organizations in behalf of nominees for the vacancy. The vacancy represents the unexpired portion (approximately three years) of a four year term for the Pawhuska Village Area, therefore

nominees must meet the requirement of residing within a 20 mile radius of Pawhuska Village. Other requirements state that the nominee must be an adult person of Osage Indian blood, who is an allottee, or a descendant of an allottee. The nominee or his representative organization should submit a brief statement requesting that he/she be considered a candidate for the vacancy and the reason for desiring to serve on the committee. If nominated by an Osage organization, a written statement from the nominee stating his/her willingness to serve on the committee, must be included with the Osage organization nomination.

Applications and nominations shall be made on or before October 13, 1981, and shall be mailed to: Assistant Secretary—Indian Affairs, Attention: Director, Office of Indian Education Programs, Code 500, 18th & C Streets, N.W., Washington, D.C. 20240.

Kenneth L. Payton,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-26609 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-02-M

Leech Lake Reservation, Chippewa Indians of Minnesota; Plan for the Use of the 20-percent Program Funds of the Leech Lake Reservation Group Share of Judgment Funds in Dockets 18-C and 18-T, Before the Indian Claims Commission

August 24, 1981.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

A plan for the use of certain judgment funds of the Leech Lake Reservation group of the Mississippi and Lake Superior Bands of Chippewa Indians, pursuant to the provisions of the Act of October 19, 1973, 87 Stat. 466, became effective on February 1, 1979. Under the plan, twenty (20%) percent of the group's share of the Mississippi and Lake Superior funds awarded in Dockets 18-C and 18-T were set aside for the program aspect of the plan to be developed at a later date. A plan for the use of the program funds of the Leech Lake Reservation group was submitted to the Congress by a letter dated May 1, 1981, and was received (as recorded in the Congressional Record) by the Senate on May 12, 1981, and House of Representatives on May 13, 1981. The program plan became effective on June 21, 1981, since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The program aspect of the plan of the Leech Lake Reservation group, pursuant to the Act of October 19, 1973, 87 Stat. 466, which became effective February 1, 1979, provide that the twenty (20) percent program portion of the respective group's share of the judgment funds awarded to the Mississippi and Lake Superior Chippewa Bands in Dockets Nos. 18-C and 18-T shall be programmed as follows:

The twenty percent (20%) program portion of the funds, including interest and investment income accrued of the groups named in section 5 of this plan shall be deposited in separate accounts and shall be invested by the Secretary under 25 U.S.C. 162a until such time as a further plan for the use of the program funds is approved by the Secretary. The Secretary shall approve no plan for the use of the program funds of the respective groups until at least thirty days after the plan has been submitted to the Congress. The Reservation Business Committees of the Minnesota Chippewa Tribe and their respective band members represented on the reservations shall develop program plans, which may include a joint investment and use program of the funds for the bands represented on a reservation.

In accordance with Resolution No. 81-116, adopted on November 19, 1980, by the Leech Lake Reservation Business Committee, the twenty (20) percent program funds and the interest and investment income accrued, shall be apportioned and utilized in a Reservation Business Capitalization Program as follows:

	Percent
A. Capital investment to assist reservation—owned enterprise(s) in expansion development	33⅓
B. Loan fund to assist the existing tribally owned businesses on a day to day basis	33⅓
C. Loan guarantee funds to support tribally owned business conventional loan packages and bonding programs	33⅓
Total	100

There shall be established three separate program accounts apportioned in the percentages above, including the interest and investment income accrued. The funds shall continue to be invested by the Secretary [of the Interior] (hereinafter "Secretary"), pursuant to 25 U.S.C. 162a, until such time as specific plans for the use of the program funds and tribal budgets are developed by [the] Leech Lake Reservation Business Committee, which shall be subject to approval by the Secretary. Should funds of a program account be in excess of needs, adjustments between program accounts may be made in tribal budgets developed by the governing body."

Kenneth L. Payton,

Acting Deputy Assistant Secretary-Indian Affairs.

[FR Doc. 81-26610 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[F-14895-A]

Alaska Native Claims Selection

On November 22, 1974, Nima Corporation for the Native village of Mekoryuk, filed selection application F-14895-A, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Mekoryuk, including lands within the Nunivak National Wildlife Refuge (Executive Order 5095, dated April 15, 1929 and Executive Order 5470, dated October 22, 1930).

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn from the National Wildlife Refuge System.

This decision approves approximately 62,067 acres of National Wildlife Refuge lands for conveyance to Nima Corporation. This acreage does not exceed the 69,120 acres permitted under Sec. 12(a)(1).

Nima Corporation in its November 22, 1974 application excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2651.4(b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. For these reasons, the water bodies which were improperly excluded in the November 22, 1974 application are considered selected by Nima Corporation.

As to the lands described below, the application submitted by Nima Corporation is properly filed and meets

the requirements of the Alaska Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 103,660 acres, is considered proper for acquisition by Nima Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Lands Outside Nunivak National Wildlife Refuge

Seward Meridian, Alaska (Unsurveyed)

T. 2 N., R. 81 W.
Secs. 10 to 16, inclusive;
Sec. 17, excluding Native allotment F–14173 Parcel B;
Secs. 18 to 21, inclusive;
Secs. 28 to 33, inclusive.
Containing approximately 11,406 acres.

T. 1 N., R. 82 W.
Secs. 1 to 22, inclusive.
Containing approximately 14,053 acres.

T. 2 N., R. 82 W.
Secs. 1, 2, and 3;
Secs. 4, 5, 8, and 9 (fractional);
Secs. 10 to 14, inclusive;
Secs. 15, 16, 17, and 22 (fractional);
Secs. 23 to 26, inclusive;
Secs. 27, 28, 29, and 31 (fractional);
Secs. 32 to 36, inclusive.
Containing approximately 15,189 acres.

T. 1 N., R. 83 W.
Sec. 1.
Containing approximately 640 acres.

T. 2 N., R. 83 W.
Sec. 36 (fractional).
Containing approximately 305 acres.
Aggregating approximately 41,593 acres outside Nunivak National Wildlife Refuge.

Lands Within Nunivak National Wildlife Refuge (E.O.'s 5095 and 5470)

Seward Meridian, Alaska (Unsurveyed)

T. 1 N., R. 95 W.
Sec. 1 (fractional);
Secs. 2, 3, 10, and 11;
Secs. 12, 13, and 14 (fractional);
Secs. 15 and 22;
Secs. 23, 25, and 26 (fractional);
Secs. 27, 34, and 35;
Sec. 36 (fractional).
Containing approximately 9,590 acres.

T. 2 N., R. 95 W.
Sec. 1 (fractional);
Secs. 2, 3, and 11;
Secs. 12, and 13 (fractional);
Secs. 14, 15, and 22;
Secs. 23, 24, and 26 (fractional);
Secs. 27, 34, and 35;
Sec. 36 (fractional).
Containing approximately 8,860 acres.

T. 3 N., R. 95 W.
Sec. 15 (fractional);
Secs. 19, 20, 28, and 29 (fractional);
Secs. 30 to 33, inclusive;
Secs. 34, 35, and 36 (fractional).
Containing approximately 4,221 acres.

T. 3 N., R. 96 W.
Secs. 22, 23, and 24 (fractional);
Sec. 25;
Secs. 26, to 30 (fractional), inclusive;
Sec. 31;
Sec. 32 (fractional);
Secs. 33 to 36, inclusive.
Containing approximately 6,474 acres.

T. 3 N., R. 97 W.
Secs. 3, 4, and 5 (fractional);
Secs. 6 (fractional), excluding ANCSA Sec. 3(e) application AA–41507;
Secs. 7, 8, and 9;
Secs. 10, 14, and 15 (fractional);
Secs. 16 to 21, inclusive;
Secs. 22, 23, 25, and 26 (fractional);
Secs. 27 to 36, inclusive.
Containing approximately 15,843 acres.

T. 4 N., R. 97 W.
Secs. 16, 17, 20, and 21 (fractional);
Secs. 28 and 29 (fractional)
Sec. 31, excluding U.S. Survey No. 4051 (ANCSA Sec. 3(e) application AA–41506), and ANCSA Sec. 3(e) application AA–15145;
Secs. 32, 33, and 34 (fractional).
Containing approximately 1,554 acres.

T. 4 N., R. 98 W.
Secs. 1 to 4 (fractional), inclusive;
Secs. 7, 8, and 9 (fractional);
Secs. 10 and 11;
Sec. 12 (fractional);
Secs. 13 to 17, inclusive;
Sec. 18 (fractional);
Secs. 19, 20, 21, and 23;
Sec. 24, excluding Native allotment F–18463 Parcel B;
Sec. 25.
Containing approximately 11,900 acres.

T. 4 N., R. 98 W.
Secs. 35 and 36 (fractional).
Containing approximately 60 acres.

T. 3 N., R. 99 W.
Secs. 2, 11, 12, and 13 (fractional);
Sec. 14;
Secs. 23 and 24 (fractional), excluding Native allotment F–16843;
Sec. 25.
Containing approximately 3,565 acres.

Aggregating approximately 62,067 acres within Nunivak National Wildlife Refuge.
Total aggregated acreage, approximately 103,660 acres.

The following water bodies were determined to be tidally influenced:

Mekoryuk River from its mouth to the south boundary of Sec. 12, T. 3 N., R. 98 W., Seward Meridian;
An unnamed stream from its mouth near the old campsite of Kanikyakstalikmiut to the east boundary of Sec. 15, T. 1 N., R. 95 W., Seward Meridian; and
Dall Lake.

Actual limits of tidal influence, for water bodies listed above and for other water bodies within the lands to be conveyed if any will be determined at the time of survey.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions do not constitute a rejection of the selection application, unless specifically so stated.

There are no inland water bodies considered to be navigable within the above-described lands.

The conveyance issued for the surface estate of the lands described shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–14895–EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 4 C6) An easement for an existing access trail twenty-five (25) feet in width from the State of Alaska, Department of Highways right-of-way in Sec. 1, T. 3 N., R. 98 W., Seward Meridian, southerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights, therein, if any, including but not limited to those created by any lease (including a lease

issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g)), that (a) the above-described lands which were within the boundaries of the Nunivak National Wildlife Refuge on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;

4. A right-of-way, F–12541, for a power plant site, approximately 9,375 square feet, located in Sec. 31, T. 4 N., R. 97 W., Seward Meridian, granted to Alaska Village Electric Cooperative, Inc., under the Act of March 4, 1911 (36 Stat. 1253, as amended; 43 U.S.C. 961);

5. The following third-party interests, if valid, created and identified by the U.S. Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(g)):

a. *Easement No. R–4*, granted to the State of Alaska, Department of Highways, on October 6, 1972, for highway right-of-way and other purposes, located in protracted Secs. 1 and 2, T. 3 N., R. 98 W., Seward Meridian; Sec. 6, T. 3 N., R. 97 W., Seward Meridian; and Sec. 31, T. 4 N., R. 97 W., Seward Meridian, containing approximately 38 acres.

b. *Permit No. M–9*, granted to the State of Alaska, Department of Public Works, Division of Aviation, on June 7, 1976, for airport right-of-way and other purposes located in protracted Secs. 1, 2, 11, and 12, T. 3 N., R. 98 W., Seward Meridian, containing approximately 528 acres.

6. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Nima Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. To date, approximately 103,660 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 11,540 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, the subsurface estate of the lands described above, excluding those lands which have been withdrawn by Executive Order 5095 and Executive Order 5470 and which are reserved thereby as a national wildlife refuge, shall be conveyed to Calista Corporation, when conveyance is issued to Nima Corporation for the surface estate and shall be subject to the same conditions as the surface conveyance. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week for four (4) consecutive weeks, in the Tundra Drums.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 13, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Nima Corporation, Mekoryuk, Alaska 99630;
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Sandra C. Thomas,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 81–26544 Filed 9–10–81; 8:45 am]

BILLING CODE 4310–84–M

Idaho; Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed at the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective at 10:00 a.m. on October 16, 1981:

Boise Meridian, Idaho

T. 1 S., R. 26 E.,
Sec. 36.
T. 2 S., R. 26 E.,
Sec. 36.
T. 3 S., R. 26 E.,
Sec. 36.
T. 2 S., R. 27 E.,
Sec. 16.
T. 4 S., R. 26 E.,
Sec. 36.
T. 4 S., R. 25 E.,
Sec. 16.
Sec. 36.

The areas described aggregate 4,480 acres of public lands.

2. Except for and subject to valid existing rights, title to the above lands, except for lands listed in paragraph 3 below, passed to the State of Idaho upon the acceptance of the above-mentioned plats of survey.

3. The following lands were used by the State of Idaho as base lands in Indemnity List No. 90 dated March 27, 1957, and are included in the Wildhorse Area Multiple Use Classification I–1542, and will therefore be opened only to such forms of disposition as are allowed under the provisions of the multiple use classification on the effective date of the filing of the plat. The lands have been subject to the operation of the U.S. mining laws and mineral leasing laws.

T. 4 S., R. 25 E.,
Sec. 16, N½, NE¼SW¼, E½NW¼SW¼, E½W½NW¼SW¼.

Inquiries concerning the lands should be addressed to the Chief, Branch of

Records, Bureau of Land Management, Boise, Idaho.

Sharon Deroin,

Chief, Branch of Records, Boise, Idaho.

[FR Doc. 81-26489 Filed 9-10-81; 8:45 am]
BILLING CODE 4310-84-M

[M 48573]

Montana; Conveyance

September 1, 1981.

Notice is hereby given that pursuant to the Act of December 22, 1928 (45 Stat. 1069), as amended and supplemented (43 USC 1068 (1976), and the regulations in 43 CFR 2540, a patent issued to Matt Gasvoda and Sons, Inc., on August 26, 1981 for the following described land:

Principal Meridian

T. 26 N., R. 14 E.,
Sec. 35, SW¼NE¼, E½NW¼, and NW¼SE¼.
Containing 160 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the conveyance.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-26603 Filed 9-10-81; 8:45 am]
BILLING CODE 4310-84-M

Utah; Call for Expressions of Leasing Interest in Coal

AGENCY: Bureau of Land Management, Interior.

ACTION: Call for Expressions of Leasing Interest in Federal Coal.

SUMMARY: This call for expressions of coal leasing interest, Phase I, is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in the Uinta-Southwestern Utah Coal Production Region. The data received from this call will be used along with existing data to delineate tracts which would be considered for possible competitive leasing.

DATE: Responses to this notice may be received until October 31, 1981.

ADDRESS: Responses should be sent to State Director (930), Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, *and* to District Conservation Manager for Resource Evaluation, U.S. Geological Survey, Conservation Division, 2070 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104.

FOR FURTHER INFORMATION CONTACT:

Max Nielson, Coal Project Manger, Utah State Office, BLM, 136 East South Temple, Salt Lake City, Utah 84111; telephone (801) 524-5326.

Morgan Jensen, District Manager, Cedar City District, BLM, 1579 North Main, Cedar City, Utah 84720; telephone (801) 586-2401.

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for expressions of interest in Federal coal leasing, Phase I, is now in effect for the second round of coal leasing activity in the Unita-Southwestern Utah Coal Region for possible lease sales beginning in December 1983. The call for Phase II is anticipated in November and December of 1981. While the total situation and needs of the region should be considered, the responses submitted by October 31, 1981, should be for the Phase I portion only. Areas covered by the call are as follows:

Phase I: (September and October 1981)

BLM Planning Area and Coal Field (KRCRA)

Escalante/Paria/Zion (Utah)—Kaiparowits/Alton-Kanab/Kolob

Phase II (Tentatively planned for November and December 1981)

BLM Planning Area

Forest (Uath; some USPS)—Wasatch Plateau/Emery
Pirce River (Utah)— Book Cliffs

US Forest Service Planning Area

Ferron-Price—Wasatch Plateau
Salina—Wasatch Plateau

This call for experssions of interest is the first step in activity planning under the Federal coal management program. It is being made before any tract boundaries are delineated within an area found suitable for further consideration for coal leasing through the application of the unsuitablity criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be put up for lease sale after they have been through the tract ranking, selection, scheduling and analysis processes that are integral parts of the Federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1-4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set asides. Proof of public body status and evidence of qualifications as required by 43 CFR 3420.1-4(b)(1)(ii) shall be submitted with the expression of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call, as well as from its own site specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tract is of approximately equal quality and tonnage to that shown in the expression of interest.

Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation and State preferences and priorities.

These expressions of leasing interest should include the following data where applicable:

1. *Quantity needs* (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.

2. *Quality needs* (types and grades of coal) for both producers and users.

3. *Location:*

a. Tracts desired by mining companies (narrative description with delineation on s surface minerals management quad map, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/GS delineation team will locate the tract.

4. *Type of Mine:*

a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).

5. *Proposed Uses of Coal:*

a. By mining companies.

b. By public and private industries.

6. *Where coal is consumed (include extra-regional markets).*

7. *Transportation Needs (i.e., railroads, pipelines, etc.):*

a. Existing facilities.
b. Proposed facilities and development timing.
8. Available Sources of Coal:
a. Presently operative.
b. Contingency or other sources.
9. *Information Relating to Mineral Ownership:*
a. Information on surface owner consents previously granted, e.g., a description of the location of the property, whether consents are transferable, etc.
b. Commitments from fee coal owners or for associated non-Federal coal.
10. *Special qualifications* for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3472.2–5.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Management framwork planning information for the Escalante/Paria/Zion planning units may be obtained by contracting the Cedar City BLM District Manager, at the address above. A map with informationon the Phase I area open for expressions of interest and acceptable for further consideration for coal leasing is being sent to the BLM-Utah "coal mailing list." This map may also be obtained by contracting the Coal Project Manager in the BLM Utah State Office at the address given above.

Dated: September 4, 1981.

Gerald E. Magnuson,

Acting State Director, Utah Bureau of Land Management.

[FR Doc. 81-26400 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-84-M

[W-46391]

Wyoming; Termination of Classification

1. By a classification decision dated July 24, 1974, the following described lands were classified for disposal through private exchange.

Sixth Principal Meridian, Wyoming

T. 26 N., R. 114 W.,
Sec. 3, lot 4, SW¼NW¼;
Sec. 4, lots 1, 2, and 3, SE¼NE¼.
T. 27 N., R. 114 W.,
Sec. 33, E½SE¼;
Sec. 34, NE¼SW¼.

The areas described aggregate 360.47 acres.

2. The proposed exchange could not be completed and the applicants withdrew their application. It has been determined that the classification should be terminated.

3. Pursuant to the regulations set forth in 43 CFR Part 2450, the classification set forth in paragraph 1, above is hereby terminated.

4. Acceptance of the withdrawal of the private exchange application removed the segregative effect of the exchange application segregating the lands from the public land laws and mining laws.

5. At 7:45 a.m. on October 1, 1981, the lands shall be open to the public land laws generally subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

6. At 7:45 a.m. on October 1, 1981, the lands will be open to location under the United States mining laws subject to valid existing rights, the provisions of existing withdrawals and applicable law.

7. The lands have been and will continue to be open to mineral leasing.

Dated: September 1, 1981.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-26604 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-84-M

San Bernardino County, California; Conveyance of Public Land

September 3, 1981.

Notice is hereby given that pursuant to Section 203 of the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), Leslie B. Lambert, Sr., has purchased by noncompetitive sale public land in San Bernardino County, California, described as:

San Bernardino Meridian, California

T. 2 N., R. 8 E.,
Sec. 32, W½NE¼NE¼NE¼.
Containing 5 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. Lambert.

Joan B. Russell,

Chief, Land Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-26605 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-84-M

Coal Preference Right Lease Application; Meeting

September 3, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given that a public meeting will be held to discuss a coal preference right lease application (No. U–5146) by Mountain States Resources Corporation of Salt Lake City, Utah. The meeting will be held on October 21, 1981 at 10:00 a.m. in the Sevier County Courthouse Auditorium, Richfield, Utah.

The purpose of the meeting is to allow opportunity for public statements on a draft Environmental Assessment of the impacts of federal lands which could result from issuing the proposed lease. The public may also provide comments on the fair market value and economic recovery potential of the coal which could be developed under the proposed lease.

DATES: Copies of the draft Environmental Assessment will be available from the Bureau of Land Management, Sevier River Resource Area, 180 North 100 East, Richfield, Utah 84701, after September 21, 1981. Comments will be accepted in writing until October 21, 1981 or at the public meeting.

SUPPLEMENTARY INFORMATION: The following is a legal description of the area (2563.32 acres) for which Mountain States Resources Corporation has filed a preference right lease application:

T24S, R5E
Sec. 17, All;
Sec. 18, E½E½;
Sec. 19, Lot 1, Lot 2, S½NE¼, E½SW¼, SE¼;
Sec. 20, Lot 1, Lot 2, Lot 3, Lot 4, S½N½, S½;
Sec. 21, Lot 1, Lot 2, Lot 3, Lot 4, S½N½, S½;
Sec. 28, E½NE¼.

This area falls within the Bureau's Forest Planning Unit. The coal unsuitability report which was prepared for this unit in 1980 will be used in analyzing the preference right lease application. Copies of this report are available from the Sevier River Resource Area.

FOR FURTHER INFORMATION CONTACT:

Roderick Lister, Area Manager, Sevier River Resource Area, 150 North 100 East, Richfield, Utah 84701, or telephone (801) 896–8228; or

Donald L. Pendleton, Richfield District Manager, 150 East 900 North, Richfield, Utah 84701, or telephone (801) 896–8221.

Donald L. Pendleton,

District Manager.

[FR Doc. 81-26606 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-84-M

[1784 (020)]

Arizona; Phoenix District, Advisory council and Kingman Grazing Advisory Board; Joint Meeting

The Phoenx District, BLM, District Advisory council will meet jointly with the Kingman Resource Area (Phoenix District) Grazing Advisory Board on October 22, 1981. The meeting will be held at 7:30 p.m., at the Mohave County Fairgrounds in Kingman, Arizona.

The council and board have been established by, and are managed according to the Federal Advisory Committee Act of 1972, the Federal Land Policy and Managment Act of 1976, and the Public Rangeland Improvement Act of 1978.

The council and board will hear public statements on the causes and solutions to the problem of vandalism on public range lands. Vandalism includes destruction to public and private range improvements such as stock tanks and windmills; leaving open stock gates; destruction of fencing, range survey exclosures, and fragile soils by vehicles; and harrassment of livestock.

The public will have an opportunity to present its views to the council and board from 7:30 p.m. to 9:00 p.m. The council and board will then discuss the problem and offer a resolution to the District Manager, Phoenix, suggesting steps for solving the problem.

People wishing to make statements to the council and board will be requested to sign a speaker's roster before the meeting begins. Depending on the number of people who wish to speak, the Chairman of the council may set a time limit for each speaker.

Summary minutes of the meeting will be maintained at the district office in Phoenix and Kingman Resource Area office, and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

For further information, contact Jack de Golia at (602) 241–2908.

Dated: September 3, 1981.

W. K. Barker,

District Manager.

[FR Doc. 81–28488 Filed 9–10–81; 8:45 am]

BILLING CODE 4310–84–M

Ely District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting.

SUMMARY: The Ely District Advisory Council will conduct a meeting on Wednesday, October 21, 1981. The meeting will convene at 9:30 a.m. in the Conference Room of the Ely District BLM Office, Pioche Highway, Ely, Nevada. The following events and topics will be included on the agenda for the meeting:

(1) Minutes of the last meeting
(2) Committee reports
(3) Acting District Manager's comments
(4) Update on Schell MFP for Wilderness
(5) Public comment period
(6) Update on activities by Resource Area
(7) Council recommendations
(8) Determination of next meeting date and place
(9) White Pine Power Project proposed site visitations

The meeting is open to the public. Written comments may be filed with the District Manager for the Council's consideration, and oral statements will be heard between 10:00 and 10:30 a.m., October 21, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager. Those persons other than Council members wishing to attend the field trip must provide their own transportation.

Summary minutes of the meeting will be available for public inspection at the Ely District Office within 30 days following the meeting.

DATE: October 21, 1981.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FUTHER INFORMATION CONTACT: Ms. Cleone McDonald, 702–289–4865.

Date Signed: September 2, 1981.

G. Duncan MacDonald,

Acting District Manager.

[FR Doc. 81–28487 Filed 9–10–81; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Aminoil U.S.A., Inc.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Aminoil U.S.A., Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 4228 and 3582, Blocks 133 and 146, respectively, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Develoment and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 2, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–28484 Filed 9–10–81; 8:45 am]

BILLING CODE 4310–31–M

ODECO Oil and Gas Co.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3194, Block 59, portion, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S.

Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 3, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-26485 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-31-M

ODECO Oil and Gas Co.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ODECO Oil & Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 073, Block 19, South Pelto Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 4, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-26486 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-31-M

Gulf of Mexico Outer Continental Shelf; Offshore Texas; Matagorda Island Block 669; Blowout and Fire

AGENCY: Geological Survey, Interior.

ACTION: Report on Blowout and Fire, Matagorda Island Block 669, Gulf of Mexico Outer Continental Shelf (OCS), Offshore the State of Texas.

Pursuant to the provisions of section 22 of the OCS Lands Act, 43 U.S.C. 1348, an investigation was conducted into the blowout and fire that occurred on August 30, 1980, involving drilling operations on Well No. 1, Lease OCS-G 4065, Matagorda Island Block 669, Gulf of Mexico, off the Texas coast. A report has been prepared by the Review Board appointed to conduct the investigation, and copies of the report are now available.

The Review Board was comprised of four USGS Conservation Division members with legal assistance by a representative of the Office of the Solicitor, Department of the Interior. A public hearing was held in order to take testimony from 22 witnesses. Sessions were conducted in Metairie, Louisiana, on December 8, 9, 10, and 11, 1980, and January 22, 1981. Testimony was taken from the mud engineer in Houston, Texas, on January 23, 1981.

The investigation findings included in the report cover the following topics:

A. Preliminary Activities
B. Loss of Well-Control
C. Attempts at Restoring Well-Control
D. Explosion and Fire
E. Emergency Warning
F. Deaths and Damage

Additionally, the Review Board's conclusions address the proximate cause of the incident as loss of well-control; the proximate cause of the explosion and fire as the failure of the 9⅝-inch casing just below the blowout-preventer stack and casinghead; the proximate causes of the resulting fatalities; and several contributing causes associated with the incident.

The report also contains a number of recommendations to the USGS concerning revision of regulatory requirements to eliminate or minimize the possibility of a similar occurrence in the future.

Copies of the report may be obtained from the Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092. For further information contact Mr. Price McDonald at (703) 860-6831.

Dated: September 4, 1981.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 81-26528 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Park System Advisory Board; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the National Park System Advisory Board will be held in Washington, D.C., and Gettysburg, PA, October 7, 8 and 9, 1981.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System.

The members of the Advisory Board are: Dr. Robin Winks (Chairman), New Haven, CT; Dr. Douglas Anderson, Providence, RI; Dr. Kathleen Abrams, Miami Shore, FL; Mr. D. Lindsay Pettus, Lancaster, SC; Dr. Asa C. Sims, Jr., New Orleans, LA; Dr. Edgar Wayburn, San Francisco, CA; Hon. Gordon Allott, Englewood, CO; Mr. Charles Cushmam, Sonoma, CA; Mr. Fred E. Hummel, Sacramento, CA; Mr. Raymond J. Nesbit, Sacramento, CA; Hon. Keith G. Sebelius, Norton, KS; and Mr. Allen J. Underberg, Rochester, NY.

On October 7 the Advisory Board will be on a field trip to the Eisenhower National Historic Site, and Gettysburg National Military Park, Gettysburg, PA.

On October 8 and 9, the Advisory Board will meet in general business sessions starting at 9:00 A.M. in Room 7000A and B, Department of the Interior, 18th and C Sts, NW., Washington, to consider administrative matters pertaining to the Board; receive and discuss several task force reports; consider and make recommendations on proposed national historic landmark designations; and review and discuss legislative and management issues affecting the National Park System.

The meetings will be open to the public. Space and facilities to accommodate members of the public at the general sessions of the meeting are limited and persons will be accommodated on a first-come-first-served basis. Any member of the public may file with the Advisory Board a written statement concerning matters to be discussed. Persons wishing further

information concerning this meeting or who wish to submit written statements may contact Shirley Luikens, Advisory Boards and Commissions, National Park Service, Washington, D.C. 20240 (202–343–2012).

Summary minutes of the meeting will be available for public inspection 10 to 12 weeks after the meeting in Room 3416, Interior Building, Washington, DC.

Dated August 31, 1981.

Jean C. Henderer,

Chief, Cooperative Activities Division, National Park Service.

[FR Doc. 81–26543 Filed 9–10–81; 8:45 am]

BILLING CODE 4310–70–M

Sleeping Bear Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1:30 p.m. (EST), October 23, 1981, at Crystal Mountain in Thompsonsville, Michigan.

The Commission was established by the Act of October 21, 1970, 84 Stat. 1076, 16 U.S.C. 460x–3, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Samuel F. Eberly (Chairman)
Mr. Charles H. Yeates
Mr. John B. Daugherty
Mr. Walter B. Hart
Mr. George T. Schilling
Mr. William B. Bolton
Mr. Lawrence J. Verdier
Dr. Michael Chubb
Ms. Evangeline J. Stanchik
Ms. Sylvia B. Kruger

The agenda for the meeting will include a report of the Benzie County Corridor situation and pending legislation relating to land acquisition. There will also be a review of the 5-year development schedule and a progress report on the Docking Facility Feasibility Study.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Richard R. Peterson, Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan 49635, telephone 616–352–9611.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan.

Dated: August 31, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81–26542 Filed 9–10–81; 8:45 am]

BILLING CODE 4310–70–M

Upper Delaware National Scenic and Recreational River

AGENCY: National Park Service, Mid-Atlantic Regional Office.

ACTION: Publication of general guidelines for land and water use controls in the Upper Delaware National Scenic and Recreational River corridor.

SUMMARY: These general guidelines provide local, county, state, regional and federal governments guidance in the preparation and enforcement of plans and regulations, according to the provisions of Section 704 of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 92 Stat. 3467, (16 U.S.C. 1274).

The general guidelines provide a basis for Secretarial review of local plans, regulation and land use decisions that will begin not less than two years after the River Management Plan is approved. The guidelines include general objectives for the river corridor as well as specific management objectives and recommended land uses for scenic and recreational segments.

DATE: The effective date of the general guidelines will be October 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence Beal, Upper Delaware Planning Team, Mid-Atlantic Regional Office, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: The overall philosophy of the Upper Delaware National Scenic and Recreational River is to manage and protect the existing values and character of the 75 mile river corridor through local land use controls, cooperation of local, county, regional and federal plans and regulations, and minimal federal land acquisition (up to 1,450 acres). These guidelines are one of the early steps in the planning process. They provide municipalities as well as all levels of government guidance in the preparation and enforcement of plans and regulations while the River Management Plan is in preparation.

The development of the River Management Plan will be based on these guidelines as well as additional analysis, involvement of interested state and local governmental units and public participation. As noted in a Federal Register Notice of July 13, 1981 (46 FR 35991), environmental review of the Upper Delaware National Scenic and Recreational River program pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, will be conducted in conjunction with development of the River Management Plan.

James G. Watt,

Secretary of the Interior.

September 4, 1981.

General Guidelines—Upper Delaware National Scenic and Recreational River

For land and water use control measures to be developed and implemented by the appropriate officials of the States of New York and Pennsylvania, by the local political subdivisions, and by the Delaware River Basin Commission.

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Upper Delaware National Scenic and Recreational River

General Guidelines

For land and water use control measures to be developed and implemented by the appropriate officials of the States of New York and Pennsylvania, by the local political subdivisions, and by the Delaware River Basin Commission.

I. Introduction

A. *Legislative Authority for General Guidelines.* Section 704 of Pub. L. 95–625, which authorizes inclusion of the Upper Delaware River in the National Wild and Scenic Rivers System, establishes a new approach to river

preservation and management. Heretofore, when Congress had determined that a river segment is of such significance that its preservation should be assured, it has designated one of the Federal land-managing agencies to manage the river. Preservation and management have been implemented through Federal acquisition of lands abutting the river; and, with some exceptions, the Federal agency has had exclusive management responsibility and authority.

However, in authorizing the establishment of the Upper Delaware National Scenic and Recreational River, Congress took a different approach. The Act authorizes relatively little Federal acquisition, and places heavy reliance upon the Delaware River Basin Commission, the Commonwealth of Pennsylvania, the State of New York, the five affected counties (Pike and Wayne Counties in Pennsylvania and Delaware, Orange, and Sullivan Counties in New York), and the fifteen affected towns and townships to protect the values of the river corridor. Where existing Management authorities are being utilized to protect area values, they should continue. Elsewhere, the existing authorities should be more fully and concertedly exercised. The National Park Service is assigned to represent the Federal interest in the protection of area values. In addition to managing recreational use of the river, the Park Service's responsibility is to coordinate and facilitate preservation and management activities in the Upper Delaware Valley. The Federal government's role is not to supercede the authority of the states and local governments, or assume their responsibilities; the Park Service's role will increase, as provided for under the Act, only if the other levels of government do not fulfill their responsibilities.

The legislation requires the following actions:

1. The publication of "General Guidelines for Land and Water Use Control Measures" which set standards for measures to be developed and implemented by the states of New York and Pennsylvania, their affected local political subdivisions, and the Delaware River Basin Commission (Pub. L. 95–625 Sec. 704(b)(1)).

2. The development and implementation of interim programs by the National Park Service as deemed "necessary and appropriate to protect the Upper Delaware River and its environs and to protect the public health and safety. Such interim programs shall include provision of information to river users, education and interpretation activities, and regulation of recreational use of the river" (Pub. L. 95–625 Sec. 704(c)(3)).

3. The development and adoption within three years of a River Management Plan which will define a program for the protection of scenic, recreational, and natural resources, guide the management of recreational use of the river, and coordinate the management activities of local, county, state, and federal governments, and the Delaware River Basin Commission (DRBC) (Pub. L. 95–625 Sec. 704(c)(2)).

4. The review of all relevant local plans, laws, and ordinances to determine whether they substantially conform to the approved management plan and to the general guidelines. The Secretary will also "determine the adequacy of enforcement of such plans, laws, ordinances, including but not limited to review of building permits and zoning variances granted by local governments, and amendments to local laws and ordinances" (Pub. L. 95–625 Sec. 704(e)(1)).

The General Guidelines and the River Management Plan involve two major, but distinctly different, opportunities for local government to assist in shaping the future of the Upper Delaware River. The Guidelines were prepared by the National Park Service with the active participation and recommendation of the many governments and agencies involved in the Upper Delaware River Valley, with the participation of concerned private individuals and organization and the advice of the Upper Delaware Citizens Advisory Council. Public hearings were held in New York and Pennsylvania prior to publication of the General Guidelines. The guidelines may also be amended, as necessary, if they are revised with appropriate participation by various levels of government, the public and the Citizens Advisory Council. These Guidelines represent the initial step towards the development of a coordinated preservation and management program for the Upper Delaware Scenic and Recreational River.

The River Management Plan, which follows the General Guidelines, will consider the full range of land use and management programs and strategies to protect the resource values of the Upper Delaware including local zoning, subdivision controls, special land use districts, land acquisition by private land trusts or other means, scenic easements, performance standards, building and sanitary codes, and various other methods of land use control and protection. The Management Plan will also provide an analysis of the adequacy of existing state, federal, and DRBC laws and programs. The preparation and implementation of the Management plan is a cooperative effort among the National Park Service, the states of New York and Pennsylvania, counties and numerous units of local government, and the Delaware River Basin Commission along with the advice and recommendations of the Citizens Advisory Council. As with the Guidelines, public hearings will be held prior to the publication of the River Management Plan. The Plan must be compatible with the General Guidelines.

B. *Geographical Area Affected by the General Guidelines.* The General Guidelines apply to those lands and waters within the boundaries of the Upper Delaware National Scenic and Recreational River as depicted on the boundary map entitled "The Upper Delaware Scenic and Recreational River," dated April 1978. The boundary map indicates the locations of segments of the river classified as scenic and recreational according to the Wild and Scenic Rivers Act of 1968 and the general location of hamlet, town and township areas. The lateral boundaries of the river corridor should be from "ridgeline to ridgeline" (as described in the *Upper Delaware River—A Wild and Scenic River Study*, Bureau of Outdoor Recreation, July 1976). The term "ridgeline to ridgeline" will be more accurately defined by the River Management Plan. On an interim basis, while the River Management Plan is being prepared, municipalities should consider corridor boundaries, and in doing so, should be guided by the existing 1978 boundary map.

The upper and lower terminals of the river corridor are defined by the legislation as the confluence of the East and West Branches of the Delaware River below Hancock, New York and the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York.

These boundaries will be effective and applicable until final boundaries are determined by the River Management Plan process. The River Management Plan will define the "final landward boundaries and upper and lower termini of the area, and the specific segments of the river classified as scenic and recreational" as provided for in Pub. L. 95–625, Section 704(c)(2)(A).

The classified areas are described as follows:

1. **Recreational**—From the confluence of the East and West Branches to ½ mile downstream from Lordville, NY

II. **Scenic**—From ½ mile downstream from Lordville to 1¼ miles upstream from Callicoon, NY
III. **Recreational**—From 1¼ miles upstream from Callicoon to the lower limits of Narrowsburg, NY
IV. **Scenic**—From the lower limits of Narrowsburg to 1 mile downstream from Westcolang, PA
V. **Recreational**—From 1 mile downstream from Westcolang to the existing railroad bridge immediately downstream of Cherry Island in the Vicinity of Sparrow Bush, NY

c. *Background.* In May 1969, a cooperative Interagency Field Task Force, led by the then Bureau of Outdoor Recreation (now National Park Service) and including representatives of a number of federal and state agencies and the Delaware River Basin Commission (DRBC), began the detailed study of the Upper Delaware required by the National Wild and Scenic Rivers Act. The preliminary findings of the Interagency Task Force described alternative methods for managing the Upper Delaware River, which was found to qualify for inclusion in the National System.

In February 1974, Heritage Conservation and Recreation Service (HCRS) released its report recommending inclusion of the Upper Delaware in the National Wild and Scenic Rivers System. Among the other recommendations contained in this report was a proposal for the development of a land use guidance system. The final report and the environmental impact statement were released by HCRS in 1976. At that point, formal federal agency involvement was curtailed pending Congressional action on the report.

To provide local input on the issue of land use guidance, a group known as the Upper Delaware Clearinghouse (UDC) began meeting in November 1975. The UDC, made up of representatives of county planning departments, local planning boards, the river associations, the two state governments, and the Delaware River Basin Commission, met periodically until the spring of 1978. Among other activities, it prepared and fostered public discussion and support for the proposal of zoning guidelines for the river corridor as one major component of land use controls.

In September, 1977, a joint position statement concerning the designation of the Upper Delaware was agreed to by the New York Department of Environmental Conservation and the Pennsylvania Department of Environmental Resources. The principles of the joint position statement were subequently endorsed by a unanimous vote of the DRBC in a resolution adopted in October, 1977.

Passage of the authorizing legislation in 1978 authorized a Federal presence to the Upper Delaware in the form of the National Park Service.

These General Guidelines are based on the guidelines which were developed and proposed by the Upper Delaware Clearinghouse. The UDC formulated the guidelines over a period of more than a year which included numerous public meetings in the valley. Many elements of these General Guidelines and the overall format have been adapted from the UDC guidelines.

II. Purpose and Objectives

A. *Purpose and Objectives of the National Scenic and Recreational River.* The purpose of designating the Upper Delaware as a National Scenic and Recreational River is to preserve the Upper Delaware River, which, along with its adjacent lands, possesses outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, environmental, and other similar values. The purpose is also to preserve the rivers free-flowing condition and to protect the river and its immediate environment (see Section IB) for the benefit and enjoyment of present and future generations, according to the National Wild and Scenic Rivers Act (Pub. L. 90–542).

B. *Purpose of the General Guidelines.* An important function of the General Guidelines will be to promote a consistency, unity, and commonality of approach to land use management by all of the various agencies of federal, state, and local government having jurisdiction within the Upper Delaware Corridor. These guidelines should complement and contribute to the systematic application of existing local, state and federal laws and regulations. The river corridor is a distinctive physiographic unit, defined by a common scenic quality and united by the river; thus, there is a need for the various governmental agencies to strive for consistency in the application of standards and in their adoption and implementation of laws and ordinances to protect the significant qualities of the resource.

These Guidelines serve:

To guide the NPS in establishing and implementing interim management programs.

To guide all parties, particularly local governments, in the preparation and implementation of plans, ordinances, and regulations in the interim period before the completion and approval of the management plan.

To guide all parties in the development of the management plan.

C. *Specific Objectives of the General Guidelines.*

1. To protect and enhance the unique character of the river corridor for the full use and enjoyment of year-round residents and seasonal visitors and to insure the maintenance of a high quality recreational experience.
2. To maintain and enhance the economic value of the area in a manner consistent with efforts to protect the recognized values of the river corridor.
3. To prevent the destruction or deterioration of the qualities for which the Upper Delaware has been designated through recreational overuse, air and water pollution, incompatible land use, unacceptable noise levels, excessive vehicular traffic, or other threats to environmental quality.
4. To protect and enhance the communal, agricultural, recreational, cultural, historical, and scenic qualities of the river valley.
5. Through appropriate non-structural solutions, such as use of appropriate land use controls, minimize the destruction caused by flooding while permitting the free flow of flood waters.
6. To promote appropriate timber management practices within the corridor.
7. To protect and preserve fish and wildlife habitats through proper land use and land management decisions.
8. To view the Upper Delaware River Valley as a single resource and encourage a unified identity of the area.

III. General Guidelines for Land and Water Use Control Measures

A. *Relation to Existing Laws and Plans.* These Guidelines establish standards for management of land and water uses in the Upper Delaware National Scenic and Recreational River by all levels of government and the private sector. Some of these standards are already embodied in existing federal, state, county, and local laws and ordinances. Others may require further action, particularly by local government, for full implementation and/or adoption.

Although the Guidelines are directed to municipalities to be used in the preparation of zoning ordinances, a wide range of land use control mechanisms may be utilized to manage the Upper Delaware National Scenic and Recreational River. These include, but are not limited to, subdivision regulations, building and sanitary codes, performance standards, special land use districts, private trusts, existing state, federal, and DRBC regulations.

These Guidelines do not relieve any person or public or private agency from

the obligations to comply fully, in all respects, with the applicable provisions of existing federal, state, or local laws or regulations. None of these statutes, ordinances or regulations are superseded by the Guidelines. However, the Guidelines do provide land and water use control standards with which all relevant local statutes, ordinances and regulations must substantially conform.

B. *Coordination and Interface With Municipalities.* These Guidelines are intended to act as a framework within which municipalities are encouraged to develop zoning ordinances and regulations which comply with the intent and purpose of the River Management Plan. For example, municipalities may create a Delaware River District which utilizes these Guidelines as a basis for land use regulations within that district. All of the standards specified in these Guidelines should be fully considered, where they are applicable, in the preparation of local plans, laws, and regulations.

A municipality developing town/township land use controls through an ongoing comprehensive planning process, should recognize the needs of the entire community but also acknowledge that uses within the river corridor should be consistent with these Guidelines and the River Management Plan to be developed as required by Pub. L. 95–625, Section 704(c)(1).

C. *Management Objectives.*

1. Scenic and Recreational River Segments: [1]

—To preserve the scenic quality and the diverse landscape patterns of the river corridor.
—To provide outdoor recreation opportunities in a near natural setting.
—To develop management strategies, site development practices and appearance and other performance standards as necessary to maintain the positive qualities of the natural and manmade environment.
—To maintain the present rural character of the area.
—To preserve significant natural and cultural resources.
—To protect and enforce identified limits as related to the rivers recreational carrying capacity.
—To provide for a quality recreational experience.

2. Recreational River Segments [1] (in addition to those listed in C–1 above):

—To protect and enhance existing recreational values.
—To provide opportunities for water-related and land based recreation.

3. Settlement Areas:

—To direct new growth within the river corridor to established settlement areas.
—To maintain the existing character of these settlement areas.
—To encourage rehabilitation and utilization of existing buildings for commercial and residential uses through appropriate remodeling and renovation.
—To encourage preservation of historic buildings.
—To accommodate additional commercial, residential, and institutional uses, where appropriate, in accordance with the provisions of local plans and the River Management Plan.
—To encourage community infilling and cost effective utilization of government services and facilities.

D. *Schedule of Land Uses and Standards.*

1. Land Uses: [2]

Allowable uses	Examples of incompatible uses
Scenic River Segment	
Agriculture	Recreational vehicle campgrounds
Agriculture-related structures	Industrial development
Forest management	Commercial structures
Fish and wildlife management	Motels and Hotels
Low density residential development	Mining or excavation
Primitive campgrounds	New motor vehicle access to river
Stream improvement structures for fishery management purposes	Moderate to high density residential development
Open space	Structures or developments which significantly diminish the scenic qualities of the river area
Accessory uses	
Recreational River Segment	
All uses permitted in scenic river segments	Commercial development other than allowed as river-related recreational facilities
River-related recreational facilities	Industrial development
Public roads and access points	High density residential development
Recreational vehicle campgrounds	Structures or developments which significantly diminish the scenic and recreational qualities of the river area
Low to Moderate density residential development	
Settlement areas	
Uses allowed in scenic and recreational river segments and, in addition, where a pattern of settlement is already established and adequate sewage treatment is available, and include commercial, light, industrial, moderate to high density residential and institutional uses which are consistent with the character of the settlement area environment	

2. Narrative Explanation of Schedule of Land Uses.

A variety of uses are allowed within the designated scenic and recreational areas providing that such uses are in general conformance with these guidelines.

Settlements are existing thickly settled areas or hamlets where population and structures are concentrated. In these areas, where a pattern of more intensive land use has developed and adequate utilities and infrastructure are available, additional commercial, residential, light industrial, and institutional uses may be accommodated. Within the corridor, settlement areas are limited to: Equinunk, Long Eddy, Hankins, Callicoon, Damascus, Cochecton, Milanville, Narrowsburg, Lackawaxen, Barryville, Shohola, Pond Eddy and Millrift. In general, settlement areas have an existing density of more than one dwelling unit or structure per two acres. Settlement areas will be mapped and identified in the River Management Plan.

High density residential development can be generally defined as exceeding an overall density of one dwelling unit per 2 acres. Moderate density would include densities of one dwelling unit for every two to five acres. Low density would include areas with a density of one dwelling unit per five acres or greater.

Other uses presently existing in the river corridor, not included as allowable uses, would be classified as nonconforming. Nonconforming uses existing at the time of adoption of these Guidelines should be allowed to continue. Specific conditions regarding expansion, conversion or replacement of nonconforming uses would be identified in the River Management Plan and in local plans and ordinances.

Municipalities may adopt conditional use and special permit provisions in

[1] As defined by the Wild and Scenic Rivers Act of 1968.

[2] There are certain land uses which are not listed as allowable uses or examples of incompatible uses. Provisions for these uses are discussed in the narrative explanation of Schedule of Land Uses, which follows.

their zoning ordinances and designate conditional use and special permit granting authorities. Conditional use and special permits may be granted for a variety of uses that should be allowed only if they are located, designed, and constructed in a manner that is consistent with the goals and objectives of these guidelines. Expansion of an existing nonconforming use should be considered in the same manner as a conditional use and should require special review or permit. Conditional use and special permit granting authorities may require site and development plans of varying detail as dictated by the projected impacts and complexity of each individual proposal.

Accessory uses, those that are subordinate to customary principle uses, are allowable and will be identified more specifically in the River Management Plan and should be defined in local ordinances.

River-related recreational facilities are those commercial and/or public recreational uses which are principally oriented toward river users. Such uses shall include but not be limited to boat accesses and bases, campgrounds, swimming areas, comfort stations, and other facilities which offer an array of recreational activities and services but should not include motels, hotels, restaurants, amusement parks and the like. Small services such as a snack stand, bait and tackle shops, etc., may also be allowed if they are part of a larger recreational facility. Where necessary, an appropriate buffer should be maintained to separate these recreational uses from residential and other uses.

3. Standards.

(a) Setback from mean high water
150 feet
(b) Minimum lot size
2 acres—recreational segments
5 acres—scenic segments
Settlement areas are exempt; subject to further refinement in local planning process in accordance with River Management Plan
(c) Minimum river frontage
200 feet
(d) Minimum road frontage
200 feet; settlement areas exempt
(e) Setback from bluff line
150 feet
(f) Maximum allowable slope for building
15 percent
(g) Maximum area of lot that may be cleared for residential, commercial and institutional use
No more than 10,000 square feet of any lot may be totally cleared for building purposes; settlement areas are exempt
(h) Maximum building height
35 feet; municipal water towers, church steeples, and silos are exempt
(i) Yard requirements
50 foot front, 50 foot back, 50 foot each side; settlement areas are exempt
(j) Sign restrictions
Off-Premises Signs
—Public and/or safety signs: permitted according to provisions described in narrative
—Commerical directories: one at each settlement area
On-Premises Signs
—Public and/or safety signs: permitted according to provisions described in narrative
—Business identification signs: one per property per frontage road, on premises only and related to use
(k) Animal husbandry
No intensive livestock operations
(l) Timber harvest
Selective cut except under certain circumstances
(m) Floodplain protection
No development in the 100-year floodplain, as delineated by appropriate methods

4. Federally or State Funded or Regulated Projects and Programs, for example:

(a) New highways and bridges
New construction should be allowed only if it is demonstrated that no feasible and prudent alternatives exist and all possible means to mitigate environmental damage are taken. Replacement or repair of existing bridges are exempt
(b) Impoundments
None permitted, except in compliance with Section 7 of the Wild and Scenic Rivers Act. Stream improvement structures for fishery management are exempt provided they do not obstruct navigation and provided the natural character of the stream is generally maintained
(c) Power Transmission/Utility lines
Construction of new power transmission/utility lines are prohibited unless no direct adverse effect is demonstrated
(d) Hunting and Fishing
Continue as regulated by state and federal law

5. Narrative Explanation of Schedule of Standards.

(a) Setback from mean high water: Structures should be set back 150 feet from the mean high water mark of the river and meet floodplain requirements. Structures exempt from this requirement include fences, docks, river access parking areas, agricultural use structures, boat launching sites, and signs as allowed by these Guidelines.

(b) Minimum lot size: For Recreational segments, the minimum lot size is recommended to be two acres. A five acre minimum lot size is recommended for Scenic segments. Settlement areas are exempt from these mimimum lot size recommendations.

Clustering and planned unit developments are encouraged in order to provide flexibility in site design and utilization, so long as overall density standards are maintained.

Where local regulations and review procedures exist for cluster developments, these density guidelines could be relaxed provided that the proposed development is in keeping with the purpose, goals, and objectives of the Wild and Scenic Rivers Act and these Guidelines.

(c/d) Frontage: Minimum river and road frontage should be 200 feet to prevent crowding on extremely narrow or pie shaped lots and to provide for adequate space between dwelling units. Clustering would be permitted on internal service streets. Within the settlement areas, frontage requirement should be consistent with existing patterns as determined by the River Management Plan process.

(e) Setback from bluff line: The bluff line is the edge or crest of any high bank or bold headland with a broad precipitous cliff face overlooking the Delaware River. Setback from the bluff line is intended to prevent construction in hazardous areas subject to erosion as well as to preserve the scenic integrity of this natural feature in the river corridor. Bluff line construction may obstruct or obscure scenic vistas from the river or view looking towards the river. Setback from the bluff line would minimize the visual impact of a 2½ story or 35 foot structure. Setbacks from the bluff line should be 150 feet. Bluff areas will be identified by the River Management Plan.

(f) Maximum allowable slope for building: Slopes in excess of 15 percent should be avoided as building sites because of the impact of construction activities, erosion of thin soils, and the difficulty in locating septic systems that will function adequately. Construction on sites in excess of 15 percent slope may be acceptable in certain cases where slopes are stable, minimal site disturbance takes place and compliance with health and safety standards can be demonstrated.

(g) Maximum clearing of lots: No more than 10,000 square feet of a two acre lot may be cleared. For lots larger than two acres: 10,000 square feet for the first two acres may be cleared. Additional land clearing should require a special permit. Agricultural uses and settlement areas are exempt. Clearing should not occur within 100 feet of the river or 50 feet of the side lines or road except to provide access. Tree thinning techniques may be utilized to open scenic vistas, but not clear-cutting.

(h) Maximum building height: The maximum building height should be 35 feet. Watertowers, church steeples, and silos are exempt. The purpose of this restriction is to prevent the development

of highly visible highrise structures within the river corridor or on the bluff line.

(i) Yard requirements (except in Settlement Areas): Yard requirements should be set as a 50 foot setback from the front line (edge of the road right-of-way), 50 foot setback from back line, and 50 foot setback from each sideline. The 50 foot setback would encourage vegetative screening of development within the river corridor. The 50 foot setback for yards would not be in addition to setback from the river. Setback from mean high water requirements would take precedence where applicable.

(j) Sign restrictions: All signs should be subdued in appearance, harmonizing in design and color with surroundings. Signs should not be illuminated by neon or flashing devices. Nonconforming signs may continue such nonconformity until they are destroyed, structurally altered, reconstructed, changed or moved.

All signs should be subject to size and type limitations to be determined by municipalities and consistent with plan recommendations. Sign restrictions are established in two categories, on-premises and off-premises. Off-premises signs are those that may be seen from the river, road or highway. They are not located on the property for which the sign information is provided. They are limited to three types: public and/or safety signs or symbols, public site identification signs, and commercial directories. Commercial directories could be established at various public locations in each settlement area.

On-premises signs, which may be seen from the river, road or highway should be limited to public site identification signs and business identification signs of which there would be one allowed per property on-the-premises only and relating only to the use of these premises. Posting and trespassing signs are exempt.

The intent of the standards for signs is to allow for a reasonable number of signs that will direct the public to facilities and commercial establishments while preventing the destruction of the scenic quality of the river valley and the roads leading to and within it from a deluge of signs advertising commercial services. These standards limit the number of signs per establishment to a number which will afford the public reasonable notice of the facility or establishment while preventing the overuse of signs as a means of advertising.

(k) Animal husbandry: Animal husbandry should be allowed, but no intensive livestock operations such as feed lots would be permitted. Any type of animal husbandry or other agricultural practice that would create a significant waste disposal or other type of water quality problem would be included in this restriction.

(l) Timber harvest: Timber harvest should generally be by selective cut method. Clear cutting and the utilization of logging roads and skid trails on the steep slopes in the river valley could present an erosion and sedimentation problem and should be prohibited. In order to maintain scenic values, clear cutting should also be prohibited in areas of high visibility, as identified in the River Management Plan. However, limited clear cutting may be permitted in certain circumstances on moderate to gently sloping lands for wildlife management, reforestation to a more desirable commercial tree type, or clearing land for agricultural uses. Intensive cutting in the area within 100 feet of the river could eliminate already existing and valuable vegetative screening and should be prohibited. Timber harvest within the 100 foot buffer should only be allowed when it proves necessary for safety, vista clearing, or access. Selective harvesting of individual mature trees could be allowed within the 100 foot buffer, provided that at least 50% of the overhead canopy is maintained.

(m) Floodplain protection: No new development should be allowed within the 100-year floodplain of the Delaware River and its tributaries as delineated by appropriate methods. Unless additional, more reliable, investigations are conducted, the 1974 delineation of the 100-year floodplain by the U.S. Geological Survey on 1:24,000 maps will be utilized. Structures exempt from this requirement include: fences, docks, river access parking areas, boat ramps and structures related to agricultural use and temporary structures. Open space uses should be permitted in the floodplain.

6. Federally or State Funded or Regulated Projects.

All state and federally funded and regulated projects should be reviewed through the provisions of the National Environmental Policy Act, state and regional reviews and the A–95 review process with the full consideration of the purposes, goals, and objectives of the Wild and Scenic Rivers Act, the Upper Delaware River legislation (Pub. L. 95–625, Section 704), and these Guidelines. Wherever feasible, state and federally regulated projects should be located outside the river corridor "where it will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on October 2, 1968," (National Wild and Scenic Rivers Act, Pub. L. 90–542, Section 7(b)). In addition, any related impacts should be minimized. Examples of state and federally regulated projects follow:

(a) New highways and bridges: New highways and new bridges should be built only if there is no feasible alternative to serve the public good and all possible measures to mitigate damage to the resources of the area are taken. New improved roads should not be permitted in the scenic sections of the river. However, improvements to roads to eliminate hazards would be acceptable.

(b) Impoundments: No impoundments of the Upper Delaware River or its tributaries will be permitted within the designated river corridor, except in compliance with Section 7 of the Wild and Scenic Rivers Act. Stream improvement structures for fishery management purposes are exempt provided they do not obstruct navigation and provided that the natural character of the stream is generally maintained.

(c) Transmission/Utility Lines: Construction of new power transmission and utility lines are prohibited within the River corridor unless a proposed line is demonstrated not to have a direct and adverse effect on scenic, recreational and other values for which the area was established. This determination will be made by the Secretary of the Interior. Additionally, before the siting of power transmission and utility lines is proposed within the corridor, proponents should further demonstrate that no other feasible and prudent alternative exists and all possible means to mitigate environmental damage would be taken.

(d) Hunting and Fishing: Hunting and fishing will continue to be regulated by existing state and Federal laws. The National Park Service may designate zones where, and establish periods when, no hunting will be permitted for reasons of public safety, administration or public use and enjoyment.

E. *General Standards for River Use.*

1. Use of the surface of the Upper Delaware should be limited to that level consistent with the capacity of the river corridor to absorb use, as determined by the River Management Plan.

2. Use of land areas adjacent to the river for river related activities should be done in such a manner as to insure the protection of the recognized values of the river corridor.

3. Safety regulations governing recreational uses of the river will be applied in conjunction with the existing laws and regulations of the U.S. Coast

Guard and the States of New York and Pennsylvania.

4. It is recognized that some river uses conflict with others, but that enjoyment of the opportunities for river-related recreation must be shared on as equal a basis as much as possible by all users. The right of all users (canoeists, fishermen, swimmers, hunters, bird watchers, sightseers, etc.) to have equal opportunity to obtain maximum enjoyment from their particular use of the river and river corridor is also recognized and will be addressed in the development and implementation of the River Management Plan.

5. The existing quality and quantity of the Delaware River and its tributaries should be maintained for the protection of natural, recreational and other values for which the area was established. In addition, all existing state and Federal programs and policies should be complied with and enforced to protect the high level of water quality of the Delaware River and its tributaries and to maintain their current flow levels. This would include state land planning policies and programs as well as Federal policies and programs.

IV. Effective Date of General Guidelines

The effective date of the General Guidelines for land and water use for the Upper Delaware National Scenic and Recreational River will be October 13, 1981.

Definitions

Bluff. Any high bank or bold headland with a broad precipitous cliff face overlooking the Delaware River.

Bluff line. The edge or crest of the bluff.

Clearcutting means any cutting of all or substantially all trees over six inches in diameter at breast height over any ten year cutting cycle.

Density. High density residential development can be generally defined as exceeding an overall density of one dwelling unit per 2 acres. Moderate density would include densities of one dwelling unit for every two to five acres. Low density would include lands with a density of one dwelling unit per five acres or greater.

Floodplain refers to the 100-year floodplain of the Delaware River and its tributaries as delineated by appropriate methods. Unless additional, more reliable, investigations are conducted, the 1974 delineation of the 100-year floodplain by the U.S. Geological Survey on 1:24,000 maps will be utilized.

Mean high water line (or mark) is the average of the highest water surface elevation at a given point of the Delaware River or its tributaries, measured on an annual basis.

Primitive campgrounds are camping areas where low to moderate density camping activities are permitted, where the alteration of the site used for camping purposes is minimal, where visual and scenic values are protected, and where general road or vehicular access is either limited or restricted to emergency and maintenance purposes. Typical site development may include trail and river access to the area and use of designated rock fire rings and vault toilets. Campground sites and facilities should be screened from the river and adjacent lands as much as possible.

Recreational vehicle campgrounds are areas where moderate to high density camping activities are permitted, where general road or vehicular access is provided, and where the provision of services, including electric hook-ups, water and sanitary facilities may be provided. River access may also be provided if appropriate. Site disturbance would be generally greater than in primitive campground areas, however scenic quality should be maintained and vegetative screening used to minimize visual impacts. Typical site development may include, but not be limited to, road access, parking areas, fire grates, picnic benches, and utility hook-ups. Other recreationally associated improvements such as central showers or bath house and a childrens playground may be permitted if the activities largely serve camping visitors and are in harmony with the overall values of the area.

River-related recreational facilities are those commercial and/or public recreational uses which are principally oriented toward river users. Such uses shall include, but not be limited to, boat accesses and bases, campgrounds, swimming areas, comfort stations, and other facilities which offer an array of recreational activities and services; but should not include motels, hotels, restaurants, amusement parks and the like. Small services such as a snack stand, bait and tackle shops, etc. may also be allowed if they are part of a larger recreational facility.

Settlement areas are existing thickly settled areas or hamlets where population and structures are concentrated. In these areas, where a pattern of more intensive land use has developed and adequate utilities and infrastructure are available, additional commercial, residential, light industrial, and institutional uses may be accommodated. Within the corridor, settlement areas are limited to: Equinunk, Long Eddy, Hankins, Callicoon, Damascus, Cochecton, Milanville, Narrowsburg, Lackawaxen, Barryville, Shohola, Pond Eddy and Millrift. In general, settlement areas have an existing density of more than one dwelling unit or structure per two acres. Settlement areas will be mapped and identified in the River Management Plan.

[FR Doc. 81-26541 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

I. Parent corporation and address of principal office: Blossburg Oil Company. 248 Main Street, Blossburg, PA 16912.

II. Wholly-owned subsidiary which will participate in the operations, and State of incorporation:

Subsidiary and State of Incorporation

Mase Transporation Co., Inc., Pennsylvania

1. Parent Corporation and address of principal office: Economics Laboratory, Inc., Osborn Building, 370 Wabasha Street, St. Paul, MN 55102.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Economics Laboratory, Inc.—Delaware.

(ii) Detergent Services, Inc.—Delaware.

(iii) Economics Laboratory International, Ltd.—Delaware.

(iv) Magnus Maritec International, Inc.—Delaware.

(v) Maritec Corporation—New Jersey.

(vi) Maritec International, Inc.—New Jersey.

(vii) Apollo Technologies—Delaware.

(viii) Apollo Chemical, Ltd. (U.K.)—Delaware.

(ix) Apollo Marine, Inc.—Delaware.

(x) Whippany Corporation—New Jersey.

(xi) Apollo Chemical Corporation—Delaware.

(xii) E.L. International Sales Corp.—Delaware.

(xiii) Solilax Caribbean, S.A.—Delaware.

(xiv) EL Manufacturing Corporation—Delaware.

(xv) EL Caribbean—Delaware.

(xvi) ELSO, Inc.—Delaware.

1. Parent corporation and address of principal office: General Signal Corporation, High Ridge Park, Stamford, Connecticut 06904.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(a) Sola Basic Industries, Inc. (Wisconsin).

(b) OZ/Gedney Company (Connecticut).

(c) Edwards Company, Inc. (Connecticut).

(d) General Signal Mfg. Corp. (Delaware).
(e) General Signal Industries, Inc. (Delaware).
(f) Electroglas, Inc. (California).
(g) Tapco International, Inc. (Delaware).
(h) Telecommunications Technology, Inc. (California).
(i) Xynetics, Inc. (Delaware).
(j) Blue M Electric Company (Delaware).
(k) Micro Automation, Inc. (Delaware).

I. Parent corporation and address of principal office: Hershey Foods Corporation, 19 East Chocolate Avenue, Hershey, Pennsylvania 17033.

II. Wholly-owned subsidiaries which will participate in the operations, and State(s) on incorporation:

Subsidiary and State(s) of Incorporation

(1) Friendly Ice Cream Corp.—Massachusetts.
(2) San Giorgio—Skinner, Inc.—Delaware.
(3) Cory Food Services, Inc.—Delaware.
(4) Y&S Candies, Inc.—New York.
(5) Hershey (Bahamas) Limited—Bahamas.
(6) Hershey International Sales Corporation—Delaware.
(7) Hershey International Ltd.—Delaware.
(8) Friendly Restaurants, Inc.—Delaware.
(9) Friendly Family Restaurants of Manchester, Inc.—Vermont.
(10) CSH Foods, Inc.—Delaware.

1. Parent corporation and address of principal office: L. Knife & Son, Inc., Sandri Drive, Plymouth, MA 02360.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices:

(a) Seaboard Products, Inc., Zero Beechwood Place, Danvers, MA 01923.
(b) Vintners Group Ltd., Inc., Cumberland Mini-Mall, Rte, 44, Plymouth, MA 02360.
(c) Vacationland Soft Drink Distributing Inc., Sandri Drive, Plymouth, MA 02360.
(d) Gambrinus Trucking Co., Inc., Sandri Drive, Plymouth, MA 02360.
(e) L. Knife Realty Trust, Sandri Drive, Plymouth, MA 02360.

(1) Parent corporation and address of principal office: Porter Paint Co., 400 South 13th Street, Louisville, Kentucky 40203.

(2) Wholly-owned subsidiary which will participate in the operations and State on incorporation: Porter Express Company, 400 South 13th Street, Louisville, Kentucky 40203.

I. Parent Corporation and address of principal office: Seaway Food Town, Inc., 1020 Ford Street, Maumee, Ohio 43537.

II. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

1. V.F., Inc. dba Valley Farm Foods—Ohio.
2. Gruber's Food Town, Inc.—Michigan.
3. Tracy & Avery Food Town, Inc.—Ohio.
4. Northern Distributing Co.—Ohio.
5. T & A Marts, Inc.—Ohio.

I. Parent corporation and address of principal office: Winston Industries, Inc., P.O. Box 347, Double Springs, AL 35553.

II. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

A. Winston Carriers, Inc., P.O. Box 347, Double Springs, AL 35553.
B. Klassen & Bronze Limited, 73 Hincks Street, New Hamburg, Ontario, Canada N0B 2G0.
C. National Key Company of Canada Limited, 73 Hincks Street, New Hamburg, Ontario, Canada N0B 2G0.
D. Metl-Stik Limited, 3 Petersfield Road, Whitehill Bordon, Hants, England GU 35 9 AW.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26534 Filed 9-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-24284 appearing at page 42361 in the issue for Thursday, August 20, 1981, make the following correction:

On page 42364, in the first column, under Mc 14043 (Sub-15), application of Apple House, Inc., in the first line, "Mc 14043 (Sub-15)" should have read "MC 140243 (Sub-15)."

BILLING CODE 1505-01-M

[Released Rates Application No. MC-1521]

Motor Carriers; Released Rates Applications

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: National Motor Freight Traffic Association, Inc., seeks authority to further amend Released Rates Order No. MC-894, applying on machines, systems or devices, data processing, or units that form components of data processing machines, systems or devices, or parts thereof, noi, classification ratings, by eliminating the expiration date and reporting requirements in their entirety.

ADDRESS: Anyone seeking copies of this application should contact: Mr. Patrick McEligot, Law Offices, Rea, Cross & Auchincloss, 700 World Center Building, 918 16th Street, N.W., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Mr. Harlo Gillgam, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275-7447.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730, formerly section 20(11) of the Interstate Commerce Act, to publish released value provisions in the NMFC, in tariffs which publish exceptions to the NMFC, and in tariffs which publish specific and/or general commodity rates.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26533 Filed 9-10-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportations service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each

applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–256

Decided: September 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC157870, filed August 24, 1981. Applicant: CLAYTON COURIER SERVICE, INC., d.b.a., NATIONAL COURIER SYSTEMS, INC., 7730 Carondelet Avenue, St. Louis, MO 63105. Representative: B. W. Latourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *shipments weighing 100 pounds or less* if tranported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157920, filed August 25, 1981. Applicant: RONALD L. MEYER, d.b.a. RONNY MEYER; 2245 South King St., Denver, CO 80219. Representative: Ronald L. Meyer (same address as applicant); (303) 934–6679. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157921, filed August 26, 1981. Applicant: BELT'S WHARF WAREHOUSES, INC., 936 Fell St., Baltimore, MD 21231. Representative: Robert K. Goren, Suite 1025, 1875 Eye St., N.W., Washington, D.C. 20006, (202) 463–6400. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–355

Decided: September 3, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams. (Member Williams not participating.

MC 157837, filed August 21, 1981. Applicant: JIM WATERS, Rt. 1, Box 25, Conover, NC 28613. Representative: Jim Waters (same address as applicant); (704) 464–1373. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditions* by the owner of the Motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–357

Decided: September 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 42487 (Sub-1046), filed August 21, 1981. Applicant: CONSOLODATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representatives: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives), between Cloverly, CO, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with existing regular route authority in Sub 1015X. The purpose of this application is to substitute motor carrier service for completely abandoned rail carrier service.

[FR Doc. 81–26596 Filed 9–10–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 160]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: September 8, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 USC 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF 383 (Sub-1)X, filed August 28, 1981. Applicant: EMERY AIR FREIGHT CORPORATION, Old Danbury Road, Wilton, CT 06897. Representative: R. Bruce Keiner, Jr., 1100 Connecticut Avenue, N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its lead permit to eliminate the restriction limiting transportation to traffic having an immediately prior or subsequent movement by air.

MC 37918 (Sub-15)X, filed August 19, 1981. Applicant: DIRECT WINTERS TRANSPORT; LIMITED, 2 Tippet Road, Downsview, Ontario, Canada M3H 5X3. Representative: William J. Hirsch, P.C. 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 7, 8, 10, 11 and 13 certificates to: (1) broaden commodity descriptions as

follows: (a) in the lead and all Subs from general commodities with various exceptions to "general commodities, except classes A and B explosives"; (b) in the lead from fresh fruit to "food and related products;" (2) authorize service to all intermediate points in connection with regular-route authority in Sub-No. 8; (3) remove foreign commerce restrictions in Sub-Nos. 7, 8 and 13; (4) authorize two-way service in the lead between Holley, NY, and the US–CD Boundary line at Niagara Falls, NY: (5) remove "for pick up only" restriction in the lead; (6) broaden territorial description by changing city-wide to county-wide authority as follows: (a) in the lead, Detroit, MI, to Wayne, Oakland, and Macomb Counties, MI; and "points within 8 miles of Detroit" to Macomb, Oakland, and Wayne Counties, MI; (b) in Sub-No. 7, Wellesley Island, NY, Jefferson County, NY; (c) in Sub-No. 13, Port Huron, MI, to St. Clair County, MI; (7) broaden service to off-route points to include entire county as follows: in Sub-No. 11 from Romeo, MI, to MaComb County, MI; in the lead, from points within 25 miles of Holley, NY, to Monroe, Genesee, Niagara, Livingston and Orleans Counties, NY; (8) in Sub-No. 5 replace plantsite limitation with Wayne County, MI; and (9) in irregular route authorities, expand ports of entry as follows: (a) in Sub-No. 5 from Detroit, MI, to ports of entry located in MI; (b) in Sub-No. 7, from Thousand Island International Bridge, Jefferson County, NY, to ports of entry located in NY; and (c) in Sub-No. 13, from Port Huron, MI, to ports of entry located in MI.

MC 40826 (Sub-2)X, filed August 31, 1981. Applicant: CINTI TRUCKING, INC., 2174 Seymour Avenue, Cincinnati, OH 45212. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificate to (1) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions and such bulk commodities as are transported in dump trucks and unloaded by dumping) in the lead and general commodities with the usual exceptions in Sub-No. 1 and (2) change city to county-wide authority from Harrison, IN to Dearborn County, IN in the lead.

MC 106074 (Sub-184)X, filed August 24, 1981. Applicant: B & P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221, Forest City, NC 28043. Representative: Larry Lawing, (Address same as above). Applicant seeks to remove restrictions in its Sub-No. 157F certificate to authorize radial service between points in numerous States located in the eastern portion of the U.S.

MC 108185 (Sub-56)X, filed August 24, 1981. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, 215 South 11th St., Minneapolis, MN. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN. Applicant seeks to remove restrictions in its Sub-No. 51F certificate to (1) broaden the commodity description from tractors, agricultural machinery and agricultural implements, industrial and construction machinery and equipment and parts, attachments and accessories for the commodities above to "transportation equipment and machinery;" (2) remove exception to tractors with vehicle beds, bed frames or fifth wheels in part (1); (3) change city to county-wide authority: from Detroit, MI to Wayne County, MI, and (4) change one-way to radial authority.

MC 113158 (Sub-54)X, filed September 2, 1981. Applicant: TODD TRANSPORT COMPANY, INC., Box 158, Main Street, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions in its Sub-Nos. 47F and 49F certificates to (1) broaden the commodity description to "food and related products" from foodstuffs (except frozen foods and commodities in bulk), in Sub-No. 47F and to "food and related products and materials, equipment, and supplies used in the manufacture and distribution of food and related products" from foodstuffs and materials, equipment, and supplies used in the manufacture and distribution of foodstuffs, in Sub-No. 49F, and (2) replace one-way authority with radial authority, in Sub-No. 47F.

MC 115331 (Sub-554)X, filed August 31, 1981. Applicant: TRUCK TRANSPORT INCORPORATED, 11040 Manchester Road, St. Louis, MO 63122. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-No. 551 certificate to (1) remove the exception to commodities in bulk in its general commodities authority.

MC 117201 (Sub-53)X, filed May 4, previously noticed in the **Federal Register** of May 25, 1981, republished as follows: Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. As is pertinent here, applicant seeks to broaden its lead and Sub-Nos. 1 and 2 certificates by (1) broadening the commodity descriptions to such commodities as are dealt in by grocery, food and variety business establishments (except commodities in bulk) from wine and malt beverages in Sub-No. 1; such commodities as are dealt in by grocery and food business houses (except commodities in bulk and those moving in vehicles equipped with mechanical refrigeration) in Sub-No. 2; (2) removing the restrictions limiting transportation to traffic originating at or destined to named facilities in Sub-Nos. 1 and 2, (3) replacing one way with radial authority. This Board previously broadened its permit but failed to encompass the necessary revisions of the certificate. The purpose of this republication is to reflect applicant's request and to request comments from interested parties.

MC 118180 (Sub-14)X, filed August 27, 1981. Applicant: ARCTIC EXPRESS, INC., P.O. Box 180175, Dallas, TX 75228. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from (a) meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, meals with or without other ingredients in hermetically sealed containers, and foodstuffs to "food and related products"; and (b) laundry products to "chemicals and related products"; (2) eliminate the facility limitations; (3) change city to county-wide authority: Oklahoma City, OK to Oklahoma County, OK; Dallas, TX to Dallas County, TX; Fort Worth, TX to Tarrant County, TX; Liberal, KS to Seward County, KS; Hereford, TX to Deaf Smith County, TX; Fort Madison, IA to Lee County, IA; Shreveport, LA to Caddo Parish, LA; Marshall, TX to Harrison County, TX; Longview, TX to Gregg County, TX; Kilgore to Gregg County, TX; Gladewater, TX to Gregg County, TX; Henderson, TX to Rusk County, TX; Tyler, TX to Smith County, TX; Jacksonville, TX to Cherokee County, TX; Palestine, TX to Anderson County, TX; Overtone, TX to Rusk County, TX; Arp, TX to Smith County, TX; Ironton, TX to Cherokee County, TX; Carlisle, TX to Rusk County, TX; Athens, TX to Henderson County, TX; (4) replace one-way with radial authority; and (5) remove the following restrictions; "except hides and commodities in bulk, in tank vehicles", "to the distribution of pool car and pool truck shipments", "in vehicles equipped

with mechanical refrigeration", and against service to Houston, TX.

MC 119366 (Sub-6)X, filed September 1, 1981. Applicant: MOTOR CITY CARTAGE COMPANY, 175 12th Street, Detroit, MI 48216. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Applicant seeks to broaden the commodity description in its Sub-No. 4F certificate from meats, meat products, meat byproducts, dairy products, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and frozen foods to "food and related products."

MC 123272 (Sub-54)X, filed August 13, 1981. Applicant: FAST FREIGHT, INC., 9651 South Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 12, 13, 14, 15, 16, 17F, 18F, 19F, 20F, 21F, 22F, 23F, 24, 25F 26F, 27F, 28F, 29F, 30F, 31F, 32F, 33F, 34F, 36F, 37, 39F, 41F, 42F, 43F, 46F, 47F, 48F, and 51 certificates. It seeks (1) to broaden commodity descriptions to: "food and related products" from malt beverages, manufactured or processed animal and poultry food, canned processed and manufactured foods, and canned goods in the lead certificate, from canned goods in Sub-No. 14, from baking powder in Sub-Nos. 16 and 34, from canned, bottled and preserved foodstuffs in Sub-Nos. 15 and 51, from animal feed and feed ingredients in Sub-Nos. 20 and 21, from foodstuffs in Sub-Nos. 24, 27, 32, 36, 37, and 42, from sugar in Sub-No. 29, from cheese and cheese products in Sub-No. 33, and from malt beverages in Sub-No. 47; and, in the lead certificate as follows: (a) "waste or scrap materials not identified by industry producing" from waste and salvage materials and metals, waste scrap and salvage materials, and asbestos scrap, (b) "rubber and plastic products" from junk and scrap rubber, (c) "petroleum, natural gas and their products, and coal and coal products" from liquid or solid asphalt, mastic blocks, fiberboard or pulpboard boards impregnated with asphalt, asphalt composition paving or flooring boards, eave filler strips, flashing blocks, shingles, siding, planks and floor tile, asphalt or asphalt base paving joints, roofing pitch, roof coating, roofing cement, roofing tar, composition or prepared roofing, and wood preservatives, (d) "transportation equipment" from automobile body panels, fiberboard, (e) "pulp, paper and related products" from board, wall, fiberboard, pulpboard or strawboard, carpet lining paper, bitumized fiber conduits, fiberboard cartons (knocked down), and empty fibreboard cartons, (f) "clay, concrete, glass or stone products" from asbestos wall board, composition or asbestos cement, tile cement, magnesia cement, insulating materials, millboard, mineral wools, mortar or cement, cement pipe, ridge rolls, asbestos shingles, shorts, and siding, (g) "textile mill products" from burlap, carpet lining, cotton cloth saturated, (h) "metal products" from tin roofing caps, metal clamps, metal fasteners, nails and tin straps, (i) "chemicals and related products" from furnace cement, asphaltum and coal tar paint, and fertilizer, (j) "chemicals and related products, and petroleum or coal products" from creosote, (k) "textile mill products, pulp, paper and related products, and petroleum or coal products" from building or roofing felt, and paper or fabric felts, (l) "pulp, paper and related products, and petroleum or coal products" from asbestos, building, roofing or sheathing paper, (m) "pulp, paper and related products, petroleum or coal products, and clay, concrete, glass or stone products" from sheathings, (n) "machinery, metal products, pulp, paper and related products, rubber and plastic products, and clay, concrete, glass or stone products" from dairy supplies and equipment including empty glass bottles, jugs, trisodium alkalies and cullet, (o) "metal products, and clay, concrete, glass or stone products" from nails, sheet metal and sheet metal roofing, and roofing materials, and (p) "metal products, and lumber and wood products" from pallets, and empty pallets; Sub-No. 7, "clay, concrete, glass or stone products, and pulp, paper and related products" from bottles, jars and closures; Sub-Nos. 12, 23, 43, 46, and 48, "clay, concrete, glass or stone products" from clay and clay products, from ground clay floor sweeping compounds and absorbents, from glass containers, and from ground limestone; Sub-Nos. 13 and 41, "rubber and plastic products" from plastic and plastic-coated articles, and from plastic bottles; Sub-Nos. 18 and 30, "clay, concrete, glass or stone products, pulp, paper and related products, and lumber and wood products" from glass containers, cartons and carton parts, and pallets, and from glass containers, materials and supplies used in the packing and distribution of glass containers, and empty pallets; Sub-Nos. 19 and 25, "pulp, paper and related products" from paper bags, and from paper and paper products; Sub-No. 22, "clay, concrete, glass or stone products, and metal products" from glass containers and caps and covers for glass containers; Sub-No. 26, "clay, concrete, glass or stone products, metal products, rubber and plastic products, lumber and wood products, and pulp, paper and related products" from containers and container closures; and Sub-Nos. 28 and 39, "clay, concrete, glass or stone products, rubber and plastic products, and pulp, paper and related products" from bottles and bottling supplies; (2) remove "in packages," "in containers," "in bundles," and "in mixed shipments with, or when accompanying shipments of, glass containers" in the lead certificate and Sub-Nos. 29 and 48; remove "except commodities in bulk" restrictions in Sub-Nos. 13, 15, 19, 20, 21, 22, 23, 26, 27, 30, 31, 32, 36, 37, and 42, and "except meats, dairy products, candy and confectioneries, and frozen foods" in Sub-No. 24; and remove the restriction against transportation of commodities in bulk, size and weight commodities, and canned goods to points in five named States in Sub-No. 24; (3) remove restrictions limiting transportation of traffic to that originating at or destined to the named facilities in Sub-Nos. 12, 14, 20, 21, 24, 27, 30, 31, 32, 37, and 41; (4) substitute two-way authority in place of one-way service, and authorize service at all intermediate points on regular routes between (a) Louisville, KY and Milwaukee, WI, and (b) St. Louis, MO and Lafayette, IN, in the lead certificate; (5) broaden the named facilities, points, and certain mileage radii to county-wide authority: lead certificate, Vigo and Delaware Counties, IN (Terre Haute and Muncie, IN); Fayette County, IL (Vandalia, IL); Kenton, Campbell, Carroll, McCracken, Henderson and Daviess Counties, KY (Covington, Newport, Carrollton, Paducah, Henderson, Owensboro, and Latonia, KY); Allamakee, Clayton, Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee Counties, IA (points in IA within 5 miles of the Mississippi River); Jefferson and Clarion Counties, PA (Brockway and Knox, PA); Summit, Cuyahoga and Knox Counties, OH (Barberton, Cleveland, and Mt. Vernon, OH); Will County, IL (Joliet, IL); Cabell and Wayne Counties, WV (Huntington, WV); Blackford and Jay Counties, IN (Dunkirk, IN); Warren, Benton, White, Cass, Miami, Wabash, Huntington, Wells, Adams, Jay, Blackford, Grant, Howard, Carroll, Tippecanoe, Fountain, Vermillion, Parke, Montgomery, Boone, Tipton, Hamilton, Madison, Delaware,

Randolph, Clinton, Wayne, Henry, Hancock, Marion, Hendricks, Putnam, Union, Fayette, Rush, Shelby, Johnson, Morgan, Owen, Clay, Vigo, Sullivan, Greene, Monroe, Brown, Bartholomew, Decatur, Franklin, Daviess, Martin, Lawrence, Jackson, Jennings, Ripley, Dearborn, Orange, Washington, Scott, Jefferson, Switzerland and Knox Counties, IN (points in IN within 75 miles of Indianapolis, IN); Johnson, Morgan, Madison, Tipton, Miami, Wabash and Clark Counties, IN (Whiteland, Greenwood, Martinsville, Anderson, Elwood, Tipton, Peru, Wabash, and Jeffersonville, IN); Muscatine County, IA (Muscatine, IA); Dodge, Fond du Lac, Sheboygan, Brown, Waushara, Rusk, Barron and Polk Counties, WI (South Beaver Dam, Astico and points within 10 miles thereof, Brandon, Eden, Mt. Calvary, Plymouth, Green Bay, Wautoma, Ladysmith, Cumberland, Chetek, Clear Lake, Milltown, and Frederic, WI); Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid and Pemiscot Counties, MO (points in MO on the Mississippi River); Wayne, Cabell, Mason, Jackson, Wood, Pleasants, Tyler, Wetzel, Marshall, Brooke and Hancock Counties, WV (points in WV on the Ohio River); Fulton, Hickman, Carlisle, Ballard, McCracken, Livingston, Crittenden, Union, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Jefferson, Bullitt, Oldham, Trimble, Carroll, Gallatin, Boone, Kenton, Pendleton, Bracken, Mason, Lewis, Greenup and Boyd Counties, KY (points in KY on the Ohio River): Madison County, IL (Alton, IL); Henderson County, KY (Henderson, KY); Wood County, WV (Vienna, WV); Randolph County, IN (Winchester, IN); Madison County, IN (Lapel, IN); Monongalia County, WV (Star City, WV); and Peoria and Tazewell Counties, IL (Pekin, IL); Sub-No. 7, Cabell and Wayne Counties, WV (facilities in Huntington, WV); Sub-No. 12, Thomas County, GA (facilities at Ochlocknee, GA); Sub-No. 13, Jackson County, IN (facilities at Seymour, IN); Sub-No. 14, Manitowoc County, WI (plantsite in Manitowoc, WI), and Wabasha County, MN (plantsite in Plainview, MN); Sub-No. 15, Jackson and Scott Counties, IN (Brownstown and Austin, IN); Sub-Nos. 16, 17, and 34, Vigo County, IN (Terre Haute, IN); Sub-No. 17, Sunflower County, MS (Indianola, MS); Sub-No. 18, Dearborn County, IN (Lawrenceburg, IN), and Marshall County, MS (Byhalia, MS); Sub-No. 19, Jackson County, IN (Seymour, IN); Sub-No. 20, Coles County, IL (facilities at Mattoon, IL); Sub-No. 21, Franklin County, OH (facilities at Columbus, OH); Sub-No. 22, Grant County, IN and Indianapolis, IN (facilities near Gas City and Indianapolis, IN); Sub-No. 23, Tippah County, MS (Ripley, MS); Sub-No. 26, Warren County, OH (Mason, OH); Sub-No. 27, Scott, Jackson, Miami, and Johnson Counties, IN (Austin, Brownstown, Converse, and Franklin, IN); Sub-No. 30, Dearborn County, IN (facilities near Lawrenceburg, IN), McCracken and Franklin Counties, KY (Paducah and Frankfort, KY), and LaSalle and Livingston Counties, IL (Streator, IL); Sub-No. 31, Cincinnati and Columbus, OH and Franklin and Hamilton Counties, OH (facilities at Cincinnati, Columbus, Springdale, Woodlawn, Blue Ash, and Whitehall, OH); Sub-No. 32, Auglaize County, OH (facilities at Wapakoneta, OH); Sub-No. 33, Olmsted County, MN (facilities near Rochester, MN); Sub-No. 37, Mercer County, OH (St. Henry, OH); Sub-No. 41, Fayette County, IL (Vandalia, IL), and Clark County, IN (Jeffersonville, IN); Sub-No. 43, Logan County, IL (Lincoln, IL); Sub-No. 47, Detroit, MI (facilities near Detroit, MI), and Wood County, OH (Perrysburg, OH); Sub-No. 48, Bartow County, GA (facilities near Cartersville, GA); and Sub-No. 51, Sibley, Big Stone and Lac Qui Parle Counties, MN (Arlington and Ortonville, MN), and Chippewa County, WI (Bloomer, WI); (6) remove restrictions prohibiting transportation of traffic between Indianapolis and Jeffersonville, IN (sheet 5); in Milwaukee and points south of Milwaukee within five miles of Lake Michigan (sheet 5); at Lafayette, Lebanon, and Seymour, IN (sheet 5); and Louisville, KY (sheet 6), in the lead certificate; remove "except AK and HI" in Sub-Nos. 19, 20, 21, 24, and 26; and remove "except points within 10 miles of the Ohio River" in the lead certificate (sheets 6 and 7).

MC 124170 (Sub-185)X, filed August 31, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 50, 51, and 54 certificates to (1) broaden the commodity descriptions from malt beverages in Sub-Nos. 50 and 51, and grits and malt in Sub-No. 54 to "food and related products"; (2) eliminate the facilities limitation and remove the "originating at and destined to" restriction in Sub-No. 54; (3) expand city to county-wide authority from Trenton, NJ, to Burlington, Mercer, and Hunterdon Counties, NJ, and Bucks and Montgomery Counties, PA, in each certificate; (4) replace one-way with radial authority; and (5) remove the "except commodities in bulk, in tank vehicles" restriction in Sub-No. 54.

MC 124802 (Sub-20)X, filed August 24, 1981. Applicant: ACE MOTOR FREIGHT, INC., R.D. #2, Summerville, PA 15864. Representative: Andrew C. Womeldorf II (same address as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 4, 6, 7, 8, 10, 11, 13, 15, 17F and 18F certificates and E1, E2, E3, E4, E5, E6, E7, E8, E11, E12, E13, E14, E15, E16, E17, E18, E19, E20, E21, E22, E23, E24 E25, E26, E27, E28, E29, E30, E31, E32, E33, E34, E35, E36, E37, E38, E39, E40, and E41, letter notices to (A) broaden its commodity descriptions (1) in the lead and Sub-Nos. 1, 4, 6, 8, 10, 11, 18F, E1, E2, E3, E4, E5, E6, E7, E8, E11, E12, E13, E14, E15, E16, E17, E18, E19, E20, E21, E22, E23, E24, E25, E26, E27, E28, E29, E30, E31, E32, E33, E34, E35, E36, E37, E38, E39, E40, and E41, to "clay, concrete, glass or stone products", from brick, firebrick, refractory products, ground fire clay, structural tile, clay products, dry raw materials and materials used or useful in the manufacturing, installation, or distribution of clay and refractory products; (2) in Sub-No. 2, to "pulp, paper and related products," from paper and paper cartons; (3) in Sub-No. 7, to "metal products", from cast iron soil pipe and fittings; (4) in Sub-Nos. 13, 15 and 17F, to "coal and coal products", from coal; (B) remove facilities restrictions at and/or replace (1) in the lead, Sub-Nos. 1, 4, and 6, Summerville, PA with Jefferson County, PA; (2) in Sub-No. 2, Canton, OH with Stark County, OH; Summerville, PA with Jefferson County, PA; (3) in Sub-No. 7, Bridgeton, NJ with Cumberland County, NJ; (4) in Sub-Nos. 8 and 10, Porter Township, PA with Clarion County, PA; (5) in Sub-No. 10, Porter Township, PA with Clarion County, PA; Summerville, PA with Jefferson County, PA; (6) in Sub-No. 11, Columbiana, OH with Columbiana County, OH; Frostburg, MD with Allegany County, MD; (7) in Sub-No. 18F, Lewis Rn Run, PA with McKean County, PA; Summerville, PA with Jefferson County, PA; (C) change one-way to radial authority in all of the above sub-numbers; (D) remove (1) the commodities in bulk, in dump vehicles, and size and weight restrictions wherever they appear; (2) in Sub-No. 1, restriction against the transportation of fly ash; (3) in Sub-No., 11, restriction against transportation of traffic from Yellow Creek Township, Columbiana County, OH.

MC 138351 (Sub-3)X, filed September 2, 1981. Applicant: DENIS & ROBERT TRANSPORT, INC., 787 Denison Quest, Granby, Quebec, Canada J2G 8C6. Representative: David M. Marshall, 101 State Street—Suite 304, Springfield, MA 01103. Applicant seeks to remove restrictions in its Sub-No. 2 MIF permit to (1) broaden the commodity description from paper, paper products, materials used for packing, parts and supplies used in the maintenance and repair of packing machinery, and materials, supplies and equipment used in the printing of paper, to "such commodities as are dealt in by manufacturers or distributors of paper, paper products, printed matter, packing and packaging materials, machinery, and related products"; and (2) broaden the territorial description to between points in the United States, under continuing contract(s) with named shippers.

MC 138701 (Sub-7)X, filed August 26, 1981. Applicant: G. D. & K. INC., 500 West Main Street, Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its lead permit to broaden the territorial description to between points in the United States under continuing contract(s) with a named shipper.

MC 142239 (Sub-9)X, filed September 2, 1981. Applicant: NEBRASKA COAST, INC., Rural Route No. 1, Box 110, Neola, IA 51559. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-No. 6 permit by (1) removing restrictions of "hides" and "commodities in bulk," (2) broaden the commodity description from meats, meat products, meat byproduts, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, to "food and related products", (3) remove the facilities limitation, and (4) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 145058 (Sub-3)X, filed August 26, 1981. Applicant: THOMAS PRODUCE COMPANY OF MOUNT AIRY, INC., North Carolina Hwy., No. 220 South, Post Office Box 16707, Greensboro, NC 27406. Representative: Michael F. Morrone, 1150 17th Street, N.W., Suite 1000, Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description to "general commodities, except classes A and B explosives" from general commodities, with exceptions; (2) authorize radial, county-wide authority to replace existing one-way, facilities or city-wide authority: between points in Wade and Davidson Counties, NC (for facilities at High Point and Raleigh, NC) and Washington County VA (for Abingdon, VA), and, points in 22 States.

MC 145765 (Sub-13)X, filed August 31, 1981. Applicant: WIEST TRUCKLINE, INC., Rural Route #2, Jamestown, ND 58401. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its MC 135965 Sub-Nos. 2, 3, 4, 5 and 6 permits to (1) broaden the commodity description to "machinery and metal products" from iron and steel articles, agricultural machinery and implements, parts and attachments, prefabricated metal buildings, plow sweeps, plow shovels, and plow chisels and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 146890 (Sub-40)X, filed September 1, 1981. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN, CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th Street, NW, Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 5F, 17F, and 24F certificates to (1) broaden the commodity descriptions from (a) glass products, metal products, plastic products, clay and clay products, feldspar, talc, molds and machinery used in the manufacture of glass products, (and plastic articles and metal articles in Sub-No. 24F) bottle coating systems, parts, accessories, materials, equipment, and supplies used in the manufacture and distribution thereof, to "clay, concrete, glass, or stone products, metal products, rubber and plastic products, ores and minerals, and machinery and materials, equipment, and supplies used in the manufacture and distribution thereof" in all three Sub-Nos.; (2) delete plantsite restrictions in all three Sub-Nos.; (3) delete the exceptions against service to AK and HI in all referenced authorities; (4) delete the in bulk restrictions in Sub-Nos. 5, and 17; (5) broaden cities to counties: (a) Flat River, MO, to St. Francois County, MO, in Sub-No. 5; (b) Centralia, IL, to Marion County, IL; and (c) Springfield, KY, to Washington County, KY.

MC 148281 (Sub-18)X, filed August 21, 1981. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Road, Whittier, CA 90601. Representative: David B. Rosenman, Suite 315, 1315 South Beverly Drive, Beverly Hills, CA 90212. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, 3F, 8F, 9F, 10F, and 12F certificates to (A) broaden the commodity descriptions to; lead certificate, "automobile parts, automobile supplies, and accessories" from automobile supplies; Sub-Nos. 1 and 10, "building materials" from ceramic tile and materials, equipment and supplies used in its installation; Sub-No. 2, "chemicals and related products" from chemicals; Sub-No. 3, "bakery products" from bakery products, and materials, equipment and supplies used in their manufacture and distribution; Sub-No. 9, "rubber and plastic products" from plastic containers; (B) remove "except in bulk" restrictions in all certificates; (C) remove "originating at or destined to" restrictions in the lead and Sub-Nos. 2, 3, 8, and 10; and (D) broaden the territorial descriptions to authorize county-wide service in place of the named points and facilities: lead certificate, Collin, Rockwall, Kaufman, Ellis, Tarrant, Dallas and Denton Counties, TX (Dallas, TX), and Elkhart County, IN (facilities in Elkhart, IN); Sub-No. 1, Los Angeles County, CA (Long Beach and Torrance, CA), Multnomah County, OR (Milwaukee, OR), and King, Snohomish and Kitsap Counties, WA (Seattle, WA); Sub-No. 2, Calcasieu Parrish, LA (Lake Charles, LA), and Summit, Medina, Portage, Stark, Wayne, Cuyahoga, Lake and Lorain Counties, OH (Barberton, Akron, and Cleveland, OH), and Jefferson and Harris Counties, TX (Beaumont and La Porte, TX), and Wetzel and Tyler Counties, WV (Natrium, WV); Sub-No. 3, Allegheny County, PA (Carnegie, PA), and King County, WA (Seattle, WA); Sub-No. 9, Pierce County, WA (Tacoma, WA); Sub-No. 12, Boulder County, CO (Boulder, CO), Scott, Polk, Dallas and Warren Counties, IA (Davenport and Des Moines, IA), St. Charles, St. Louis and Jefferson Counties, MO, St. Louis, MO, and Monroe, Madison and St. Clair Counties, IL (St. Louis, MO), Trumbull County, OH (Warren County, OH), and Salt Lake County, UT (Salt Lake City, UT).

MC 148396 (Sub-3)X, filed August 24, 1981. Applicant: ALLSTATE TRANSPORT, INC., 2250 Occidental South, P.O. Box 24185, Seattle, WA 98124. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Applicant seeks to remove restrictions in its Sub-No. 2 certificate (1) to broaden the commodity description from general commodities (with exceptions) to "general

commoditis (except classes A and B explosives)", (2) to remove the restriction "in containers or trailers", and (3) to remove the restriction to traffic having prior or subsequent movement by rail or water.

MC 152332 (Sub-2)X, filed August 21, 1981. Applicant: INTERCOASTAL WAREHOUSE CORPORATION OF LOUISIANA, P.O. Box 547, Westwego, LA 70094. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) remove exceptions from its general commodity authority except classes A and B explosives; and (2) remove the restriction which limits service to traffic having a prior or subsequent movement by water, rail or motor carrier.

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[Volume No. OPY-3-160]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: September 3, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 44494 (Sub-5), filed August 21, 1981. Applicant: COMMANDER HORSE TRANSPORT CO., INC., Box M, The Plains, VA 22171. Representative: G. A. Horkan, Jr., Route 1, Box 34, Upperville, VA 22176, (703) 592-3252. Transporting *horses* other than ordinary, and *personal effects of attendants*, between points in KY, VA, WV, MD, DE, NY, PA, NJ, NC, SC, OH, NH, MA, RI, FL, CT, MI, IL, TN, GA, AL, MS, LA, AR, VT, IN, TX, OK, MO, and DC.

MC 70294 (Sub-1), filed August 24, 1981. Applicant: CHARLESTON TRANSFER, P.O. Box 36, Charleston, AR 72933. Representative: James M. Duckett, 221 W. Second, Suite 411, Little Rock, AR 72201, (501) 375-3022. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Charleston, AR and Paris, AR, over AR Hwy 22.

MC 89084 (Sub-9), filed August 24, 1981. Applicant: INTERSTATE HEAVY HAULING, INC., P.O. Box 20536, Portland, OR 97220. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3775. Transporting *machinery*, between points in OR and WA, on the one hand, and, on the other, points in the U.S.

MC 104654 (Sub-169), filed August 27, 1981. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, IL 62222. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. N.W., Washington, D.C. 20004, (202) 628-4600. Transporting *commodities in bulk*, between points in the U.S.

MC 105154 (Sub-13), filed August 24, 1981. Applicant: TETON STAGE LINES, INC., Route 5, Box 402, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in Bannock, Bingham, Caribou, Bear Lake, Oneida, Franklin, and Bonneville Counties, ID, on the one hand, and, on the other, points in the U.S.

MC 115374 (Sub-1), filed August 25, 1981. Applicant: EMSLIE BROS., LTD., 2186 Hymus Blvd., Dorval, Quebec, Canada H9P IJ7. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103, (413) 732-1136. Transporting *such commodities* as are dealt in by manufacturers and distributors of stone and stone products, between points on the International Boundary line between the U.S. and Canada in ME, NH, NY and VT, on the one hand, and, on the other, points in CT, ME, MA, NH, NY, RI, and VT.

MC 115944 (Sub-12), filed August 26, 1981. Applicant COLORADO PACIFIC TRUCKING, INC., d.b.a. COLPAC, INC., 5080 McIntyre St., Golden, CO 80401. Representative: Ivan L. Nielson (same address as applicant), (303) 425-8645. Transporting *food and related products*, between AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 116544 (Sub-253), filed August 27, 1981. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O.B. 10061, Palo Alto, CA 94303, (415) 856-0117. Transporting *tractors*, between points in the U.S., under a continuing contract(s) with Linehauler, Inc., of San Jose, CA.

MC 139835 (Sub-2), filed October 24, 1981. Applicant: K & K TRANSPORTATION CORP., 4515 North 24th Street, Omaha, NE 68110. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392–1220. Transporting *such commodities* as are dealt in by chain grocery and food business houses, department stores and variety stores, between points in the U.S., under continuing contract(s) with Safeway Stores, Inc., of Oakland, CA.

MC 144695 (Sub-4), filed August 27, 1981. Applicant: N. & S. TRUCKING, INC., Route 1, Francisco, IN 47649. Representative: Robert W. Loser II, 1101 Chambers of Commerce Bldg. 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Modern Maid Food Products, Inc., of Garden City, NY.

MC 145164 filed August 26, 1981. Applicant: HAROLD N. SCHONSCHECK TRUCKING, INC., 5943 Larsen Rd. Oshkosh, WI 54901. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting (1) *plastic products,* between points in the U.S., under continuing contract(s) with New London Resin Company, a division of New London Plastics, Inc., of New London, WI, (2) *motorcycles,* between points in the U.S., under continuing contract(s) with Francis Sedlachek and R. H. Stearns, d.b.a. Honda-Suzuki House, of Oshkosh, WI, and (3) *chemicals and related products,* between points in the U.S., under continuing contract(s) with En-Gro, Inc., of Winneconne, WI.

MC 145994 (Sub-6), filed August 20, 1981. Applicant: PENGUIN POINT ENTERPRISES, INC., P.O. Box 975, Warsaw, IN 46580. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6555. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with P.V.O. International, Inc., of St. Louis, MO.

MC 147035 (Sub-6), filed August 25, 1981. Applicant: JOSEPH C. GRINGERI, d.b.a. JAYCO, 6 Huckleberry Lane Acton, MA 01720. Representative: Joseph C. Gringeri (same address as applicant), (617) 263–3589. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bee Plastics, Fitchburg, MA; Crusader Paperboard Converting Co., Wilmington, MA, Great American Chemical Co., Fitchburg, MA, J-Von Co., Leominster, MA, Lastomerix Corp., Jefferson, MA; Lawrence Paperboard Corp./Lawrence Packaging Corp., of Lawrence, MA; Lynn Plastic Corp., of Lynn, MA; Plymouth Wire and Cable Co., of Worcester, MA, and The Prince Co., of Lowell, MA.

MC 147655 (Sub-5), filed August 25, 1981. Applicant: PAYNE, INC., P.O. Box 112, Brandy Station, VA 22714. Representative: Gary E. Thompson, 4304 East-West Highway, Bethesda, MD 20814, (301) 654–2240. Transporting *lumber and wood products,* and *metal products,* between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 149014 (Sub-5), filed August 27, 1981. Applicant: EAGLE LINES INC., P.O. Box 902, Merrimack, NH 03054. Representative: Henry Sepessy, 10 Canterbury Way, Merrimack, NH 03054, (603) 424–7030. Transporting *cooking stoves* and *heating stoves,* between points in the U.S.

MC 149244 (Sub-6), filed August 24, 1981. Applicant: PEAKE, INC., 2022 Ave. "A", Kearney, NE 68847. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245–2730. Transporting (1) *clay, concrete, glass or stone products,* between points in CO, IA, KS, MO, NE, SD, and WY, and (2) *chemicals and related products,* between points in Gaines County, TX, on the one hand, and, on the other, points in NE.

MC 151994 (Sub-2), filed August 25, 1981. Applicant: P.R.T., INC., 135 Wyandot Ave., Marion, OH 43302. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of food and related products, between Columbus, OH, and Louisville, KY, on the one hand, and, on the other, points in the U.S.

MC 152045 (Sub-4), filed August 24, 1981. Applicant: CASON COMPANIES, INC., d.b.a. CASON BUILDERS SUPPLY, 1880 Spartanburg Highway, Hendersonville, NC 28739. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., N.W., Washington, DC 20006, (202) 833–1170. Transporting (1) *pulp, paper and related products,* and (2) *instruments and photographic goods,* between points in the U.S., under continuing contract(s) with Kimberly-Clark Corporation, Berkley Mills, of Balfour, NC.

MC 154234 (Sub-1), filed August 24, 1981. Applicant: LAMBERT TRANSFER CO., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245–2730. Transporting *garden, lawn, turf and golf course care equipment, snow throwers and chain saws,* between the facilities of The Toro Company, at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 157885, filed August 24, 1981. Applicant: RODNEY DAVID AND PATRICIA ANN ROBBINS, d.b.a. Q.R.V. ENTERPRISES, 22435 Bents Rd., Aurora, OR 97002. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258, (503) 227–1661. Transporting *building materials,* between points in OR, WA, CA, and ID.

MC 157875, filed August 24, 1981. Applicant: EARL A. LaFAVE AND PHILOMENA LaFAVE, d.b.a. LaFAVE DISTRIBUTING, 1859 Canton Center Rd., Canton, MI 48187. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Kroger Co., of Cincinnati, OH.

MC 157905, filed August 24, 1981. Applicant: RAY HARMON AND SON, INC., Route #4, Box 280, Savannah, TN 38372. Representative: Ray Harmon (same address as applicant), (901) 925–8159. Transporting *mobile homes,* between points in the U.S.

MC 157925, filed August 26, 1981. Applicant: DANNY GOUGE, d.b.a. GOUGE TRUCKING COMPANY, Route 1, Box 34, Greenmountain, NC 28740. Representative: Eric Meierhoefer, 1029 Vermont Avenue, NW., Suite 1000, Washington, DC 20005, (202) 347–9332. Transporting (1) *clay, concrete, glass or stone products,* and (2) *ores and minerals,* between points in Mitchell and Avery Counties, NC, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81–26537 Filed 9–10–81; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–C–10796]

Shipments Weighing 100 Pounds or Less

Decided: August 26, 1981.

This decision finds that the term "shipment" as used in the phrase "shipments weighing 100 pounds or less," in 49 U.S.C. 10922(b)(4)(D), should be construed as "one or more packages weighing in the aggregate 100 pounds or less transported from a single consignor to a single consignee on any one day."

Warren A. Goff, for American Package Express Carriers Association, Inc.

Robert A. Hirsch, for American Trucking Associations, Inc.

Piken & Piken, P.C., for Anytime Delivery Systems, Inc., et al.
Robert A. Newell, for Archer Courier Systems, Inc.
Harold L. Reckson, for Arrow Courier, Inc.
Charles Ephraim and James F. Flint, for Brooks Armored Car Service, Inc., et al.
Lawrence Mawn, for Central Delivery Service of Washington, Inc., et al.
Alan Kahn, for Jamour, Inc., d.b.a. Quick Carrier Service, et al.
Wilmer B. Hill, for J. N. Carr Transport, Inc.

Decision

By the Commission:

The American Package Express Carriers Association, Inc. (APECA), by a petition filed on December 10, 1980, requests that this Commission institute a proceeding to promulgate rules which will incorporate language in all certificates issued pursuant to 49 U.S.C. 10922(b)(4)(D) defining the 100-pound shipments authorized as "one or more packages weighing in the aggregate 100 pounds or less transported from a consignor to a consignee on any one day."

Although the Commission declined to institute a rulemaking proceeding,[1] this declaratory order proceeding was instituted pursuant to the Administrative Procedure Act, 5 U.S.C. 554(e), to resolve uncertainty concerning the scope of permissible operations under the so-called "fitness only" application procedures discussed below. Notice of this proceeding was published in the **Federal Register** on March 19, 1981. Persons desiring to participate were invited to file comments.

A total of nine comments (some filed jointly) have been received. The American Trucking Associations and APECA urge us to adopt petitioner's proposal to interpret the phrase in accordance with language contained in the report of the House Committee on Public Works and Transportation. The rest oppose the proposed interpretation as being too restrictive.

Discussion and Conclusions

Section 5(a)(3) of the Motor Carrier Act of 1980, enacted July 1, 1980, added new 49 U.S.C. 10922(b)(4), which provides an exception from licensing provisions generally applicable to applicants for operating authority. The legislation enables carriers to perform certain types of transportation if the applicant is fit, willing, and able to do so and to comply with the statutory and administrative requirements. Under these fitness-only procedures, applicant is relieved of the other licensing evidentiary requirements, and existing carriers may not oppose an application on the grounds that it would be inconsistent with the public convenience and necessity. One form of transportation covered is the movement of "shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds."

APECA requests that this Commission clarify the phrase "shipments weighing 100 pounds or less" and the extent of operations authorized under this fitness-only category. It asserts that the statute does not define "100-pound shipments" and that the phase may be subject to a variety of interpretations. APECA notes that any number of strategies could be used artificially to create 100-pound shipments and circumvent the legislative intent. For example, a 10,000-pound LTL shipment could be billed as 100 shipments at 100 pounds each, or a carrier could cut a separate freight bill for each 100-pound lot of freight. It argues that the phrase should be defined in accordance with the report of the Committee on Public Works and Transportation of the House of Representatives which specifically sets forth congressional intent on the matter.

We agree that the proper interpretation of the phrase "shipments weighing 100 pounds or less" is as set forth in the legislative history. The House report states that, for purposes of the involved statutory section, "a shipment is one or more packages weighing in the aggregate 100 pounds or less transported from one consignor to a consignee on any one day." H.R. Rep. No. 96–1069, 96th Cong., 2d. Sess. 16 (1980).

Commentors opposing our interpretation raise two issues. First, some commentors argue that the statutory language is not ambiguous. Therefore, they contend that the Commission's traditional definition of shipments should control and that there is no need to resort to the legislative history to determine the type of operations envisioned. Second, several commentors, while agreeing that our proposed interpretation will have the desirable effect of avoiding evasion of normal licensing procedures by general freight carriers, contend that the imposition of the 100-pound daily limit to traffic handled from a particular consignor to consignee will be disruptive and impractical. They state that such a limitation will require them to keep extensive records of traffic previously transported between shippers during any day. They also argue that the limitation will bring about less efficient operations by requiring carriers to refuse shipments between certain parties after the 100-pound limit has been reached. This result, they contend, is contrary to the general philosophy of the Motor Carrier Act, which stresses competition and efficiency in the motor carrier industry.

We are not persuaded by commentors' arguments on either of these points. While the plain meaning of the statutory language is not to be ignored, resort to the legislative history is justified where the language on its face is inescapably ambiguous. *See e.g., F.T.C.* v. *Manager, Retal Credit Co., Miami Branch Office*, 515 F.2d 989, 995–96, (D.C. Cir. 1975). The purpose of this proceeding is to clarify ambiguities in the statutory language which have brought about confusion in the industry as to the type of operations authorized under the new law. We have examined the traditional Commission definition of the term "shipment," and do not believe that Congress envisioned its application to this wholly new type of operating authority described in the 1980 Act. The term "shipment" has been defined by the Commission to mean "a quantity of freight received from one shipper, at one time, at one place, consigned to one consignee at a single destination under one bill of lading." See *East Express, Inc., Ext.—High Point*, 117 M.C.C. 383, 386 (1972). Under this definition, a certificate authorizing the transportation of "shipments weighing 100 pounds or less" might be interpreted to authorize the transportation of several packages aggregating more than 100 pounds from one consignor to one consignee, as long as each package is shipped on a separate bill of lading and does not exceed 100 pounds. This interpretation could lead to evasion of normal licensing requirements and operations outside the scope of those which Congress intended under this section. In view of the uncertainty which exists concerning the meaning of the phrase, we believe that resort to the legislative history is clearly warranted in this instance.

As to commentors' contentions that our interpretation is overly restrictive, we believe that this decision is plainly consistent with the congressional intent regarding the operations envisioned under this section. The purpose of this section was clearly to encourage the entry of carriers into the field of small

[1] Since all authority granted under the fitness only category is framed in terms of the statutory language, a rulemaking proceeding to incorporate language contained in the House Committee Report into each certificate was considered to be unnecessary.

shipment transportation, but within a specifically defined area. In view of the complexity of the legislation in which the section is embodied, it is clear that "Congress did not intend a wholesale deregulation through the medium of this section. The statutory language creates a new type of commodity description to which the traditional Commission definition does not apply. The House report, however, specifically addresses the scope of operations contemplated by Congress under this section and should therefore be given full effect. We note that, if small shipment carriers find that they are unable to operate efficiently under this provision, they are not precluded from applying for appropriate authority under normal application procedures.

A review of the record in this proceeding leads us to conclude that the phrase "shipments weighing 100 pounds or less" as used in 49 U.S.C. 10922(b)(4)(D) should be interpreted in accordance with the congressional intent, as follows:

> A shipment is one or more packages weighing in the aggregate 100 pounds or less transported from one consignor to a consignee on any one day. This will allow carriers receiving a certificate under this subparagrpah to transport up to 100 pounds from one consignor at any one location to one consignee at any one location on any day.

H.R. Rep. No. 96–1069, 96th Cong., 2d. Sess. 16 (1980). Thus, on any given day, a carrier holding a certificate under this fitness-only category is authorized to transport only a package or aggregate of packages weighing 100 pounds or less from one consignor to one consignee.

We find:

The term "shipment" as used in 49 U.S.C. 10922(b)(4)(D) should be interpreted as set forth above.

It is ordered:

This proceeding is discontinued.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26538 Filed 9–10–81; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29720]

Guilford Transportation Industries, Inc.—Control—Boston & Main Corporation; Intent To File

Guilford Transportation Industries, Inc. (GTI), hereby gives notice that it will file with the Interstate Commerce Commission on or about September 21, 1981, an application under 49 USC 11343 seeking authorization to acquire control of Boston & Maine Corporation (B&M), a Class I rail carrier, through stock ownership.

GTI, a non-carrier, currently controls Maine Central Railroad Company (MEC), a Class II rail carrier.

The Reorganization Plan prepared by the trustees of the property of B&M provides for GTI to become the owner of all outstanding B&M stock when B&M emerges from bankruptcy.

GTI and B&M will prepare a traffic study based upon traffic for the 1980 calendar year.

This application will be filed under the requirements of 49 CFR Part 1111 relating to major transactions.

The Commission has waived the 3 to 6 month advance notice requirement [49 CFR 1111.4(b)] for the filing of this application.

Because this case must be decided within 180 days of its receipt under section 1164 of the Northeast Rail Service Act of 1981, the Commission cannot follow the procedural schedule of 49 CFR 1111.4. Upon receipt of the application an expedited procedural schedule will be issued.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26575 Filed 9–10–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–52 (Sub-16F)]

Atchison, Topeka and Santa Fe Railway Co.; Abandonment on Elsinore District in Riverside County, Calif.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that on September 2, 1981, the Commission issued a certificate authorizing Atchison, Topeka and Santa Fe Railway Company to abandon its Elsinore District, Los Angeles Division, beginning at milepost 3.5, in Riverside County, CA to the end of the line at milepost 22.0 near the non-agency station of Elsinore, a total distance of 18.5 miles, subject to certain conditions. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days after an offer is made and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26537 Filed 9–10–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–19 (Sub-57F)]

Dayton & Michigan Railroad Co. and the Baltimore & Ohio Railroad Co.—Abandonment and Discontinuance of Service—Over Portions of Toledo Middleground, and Discontinuance by the Baltimore & Ohio Railroad Co. of Trackage Rights Operations Over the Consolidated Rail Corp.'s Line, All in Toledo, Lucas County, Ohio; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission has issued a certificate authorizing Dayton and Michigan Railroad Company and the Baltimore and Ohio Railroad Company, respectively, to abandon and discontinue service of a line of railroad in Lucas County, OH, (from valuation station 25+81 to railroad valuation station 42–94), a distance of 0.32, as well as authorizing the Baltimore and Ohio Railroad Company to discontinue trackage rights operations over Consolidated Railroad Corporation's line of railroad in Lucas County, OH (from valuation station 0+0000 to

valuation station 25+81), a distance of approximately 0.49 miles, subject to certain conditions. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that:

(1) A financially responsible person (or government entity) has offer financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will become effective. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10950 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26835 Filed 9-10-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-26 (Sub-24F)]

Southern Railway Co. & Southern Railway—Carolina Division—Abandonment in Barnwell, Allendale, and Hampton Counties, SC; Finding

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3 has found that the public convenience and necessity permit Southern Railway Company and Southern Railway Company-Carolina Division to abandon the rail line between Blackville (milepost C–161.7) and Furman (milepost C–211/42) in Barnwell, Allendale and Hampton Counties, SC, a total distance of 48.9 miles, subject to the imposition of employee protective conditions as discussed in *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). A certificate will be issued authorizing this abandonment unless within 15 days from the date of this publication, the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will be issued. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26536 Filed 9-10-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 24–28, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,024; Falcon Coat & Suit Co., Richmond Hill, NY.

TA–W–10,370; Duffey Boneless Beef Co., Inc., Carrollton, GA.

TA–W–10,397; Armca, Inc., Cass City, MI.

TA–W–10,405; J.J.J., Inc., Fraser, MI.

TA–W–10,597; North American Industries Inc., Grand Rapids, MI.

TA–W–10,691; Doris Mfg., Co., Inc., Hagerstown, MD.

TA–W–10,875; Sautter Mfg., Co., Sterling Heights, MI.

TA–W–10,900; Gary Screw & Bolt Div., A.V.C., Modulus Corp. Gary, IN.

TA–W–10,941; Dura Corp., Switches Div., Humboldt, TN.

TA–W–11,007; Tenna Corp., Warrensville Heights, OH.

TA–W–11,059; Rima Mfg., Co., Hudson, MI.

TA–W–10,602; Armco, Inc., Stainless Steel Division, North Wildwood, FL.

TA–W–11,185; High Q. Industries, Inc., Fennville, MI.

TA–W–11,554; National Steel Corp., Granite City Steel, Div., Granite City, IL.

TA–W–11,673; Automated Automation, Inc., Nobelsville, IN.

TA–W–11,808; Uni-Bond, Inc., Ferndale, MI.

TA–W–11,939; Elkhart Rubber, Inc., Elkhart, IN.

TA–W–12,273; Shirley of Atlanta, Inc., d.b.a. Barnwell Garment, Mfg., Co., Barnwell, SC.

In the following case the investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of elastomers did not increase as required for certification. U.S. aggregate imports of alkyd resins and phenolic resins are negligible.

TA–W–9,947 & 10,245; Reichold Chemicals, Inc., Cheswold, DE & Tuscaloosa, AL.

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason(s) specified.

TA–W–10,515; Bechroth, Inc., Brooklyn, NY.

Aggregate U.S. imports of tanned finished sheepskins did not increase as required for certification.

TA–W–11,969; Henmur Cut, Make, & Trim, Inc., New York, NY.

Aggregate U.S. imports of men's & boy's suits did not increase as required for certification.

TA–W–12,694; Unique Leather, Inc., New York, NY.

Aggregate U.S. imports of leather coats & jackets did not increase as required for certification.

TA–W–12,196; Chris-Craft Corp., Holland, MI.

Aggregate U.S. imports of inboard or outdrive pleasure boats did not increase as required for certification.

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,221; Philadelphia, Bethlehem & New England Railroad, Bethlehem, PA.

TA–W–10,414; Clark Equipment Co., Buchanan, MI.

TA–W–10,438 & 10,439; U.S. Steel Corp., San Francisco & Los Angeles, CA.

TA–W–10,013; Ameron Steel & Wire Div., Ameron, Inc., Etiwanda, CA.

The investigation revealed that criterion (3) has not been met. With respect to bar and wire products, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to reinforcing bar, wire rod and bellets, U.S. imports did not increase as required for certification.

TA–W–11,537; United Steel and Wire Co., Battle Creek, MI.

The investigation revealed that criterion (3) has not been met. With respect to shopping carts and milk cases, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to wire shelving, the investigation revealed that sales did not decline.

TA–W–11,361; U.S. Steel Corp., Geneve Works, Provo, UT.

The investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Further, imports of sheet & strip declined absolutely & relatively in 1980 compared to 1971 and in the first quarter of 1981 compared to the first quarter of 1981 to the first quarter of 1980.

TA–W–9,082; New M. T. Shaw, Inc., Coldwater, MI.

The investigation revealed that criterion (1) has not been met. Workers at M. T. Shaw certified under a previous determination were eligible to apply for adjustment assistance until December 19, 1980. New M. T. Shaw's began during March 1980. Employment increased during the March–July period of 1981 compared with same period in 1980.

In the following cases the investigation revealed that criterion (2) has not been met.

TA–W–12,351; London Knitting Co., Inc., Philadelphia, PA.

TA–W–12,356; Wilshire Knitting Mills, Inc., Philadelphia, PA.

In the following case the investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA–W–10,620; Beauty-Rite Cabinet, Inc., Pontiac, MI.

In the following case the investigation revealed that criterion (3) has not been met. Separations from the subject firm were seasonal in nature.

TA–W–12,347; Fashions Maid Knitting Mills, Inc., Philadelphia, PA.

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason specified.

TA–W–11,231; Varflex Corp., Rome, NY.

Aggregate U.S. imports of electrical glass insulation are negligible.

TA–W–11,168; Gallant Fashions, New York, NY.

Aggregate U.S. imports of leather coats and jackets did not increase as required for certification.

TA–W–11,963; Bay City Foundry Div., Midland-Ross Corp., Bay City, MI.

Aggregate U.S. imports of tools and tires for automotive use are negligible.

TA–W–12,691; Engel Indstries, Inc., Merrimac, MA.

Aggregate U.S. imports of shoe components, including counters are negligible.

Affirmative Determinations

TA–W–11,103, 11,103A, 11,103B and 11,196; Mr. Fine, Incorporated, Graham, TX, Jacksonville, TX, Dallas TX, and Athens, TX.

A certification was issued covering all workers of the firm separated on or after September 1, 1980.

TA–W–10,458 & 10,458; Tag-A-Long Handbags and Accessories, Inc., East Haven, CT & New York, NY.

A certification was issued covering all workers of the firm separated on or after August 31, 1980.

TA–W–11,229; Samoset Processing Co., Woonsocket, RI.

A certification was issued covering all workers of the firm separated on or after September 1, 1980.

I hereby certify that the aformentioned determinations were issued during the period August 24–28, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, during normal working hours or will be mailed to persons who write to the above. address.

Dated: August 31, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–26813 Filed 9–10–81; 8:45 am]

BILLING CODE 4510–28–M

Mine Safety and Health Administration

[Docket No. M–81–157–C]

Alabama By-Products Corp.; Petition for Modification of Application of Mandatory Safety Standard

Alabama By-Products Corporation, P.O. Box 127, Goodsprings, Alabama 35560 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its SEGCO Mine No. 1 located in Walker County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the mine's haulage tractors be equipped with lighting devices.

2. The coal seam normally ranges from 28 to 70 inches in height. The current seam height where mining activity exists has a maximum height of only 44 inches with generally good roof conditions and the bottom sometimes soft and oftentimes undulating. Water is

a problem, especially as it concerns the floor conditions.

3. Petitioner states that the glare from the lighting fixtures on the haulage tractors obstructs the equipment operator's view which increases the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 10, 1981. Copies of the petition are available for inspection at that address.

Dated: August 26, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-26322 Filed 9-10-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-160-C]

Bethlehem Mines Corp.; Petition for Modification of Application of Mandatory Safety Standard

Bethlehem Mines Corporation, Room 1871 Martin Tower, Bethlehem, Pennsylvania 18016 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops and permanent pumps) to its Mine No. 81 located in Nicholas County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The No. 81 mine was developed through an abandoned mine; numerous steel support beams and cribbing materials were installed for safety purposes. Installation of such materials caused a reduction of the quantity of air to provide a sufficient safety factor to continuously insure respirable dust control and methane dilution. In response to that problem, petitioner developed additional entries to supplement intake ventilation. One of these entries provided a shorter escape route to the surface.

2. Unavoidable accumulations of water necessitated the installation of pump stations and a power source in two entries. This caused the two entries to be used as return aircourses.

3. As an alternative method, petitioner proposes to ventilate these pumps and transformer in neutral air rather than cause the air ventilating each station to be directly coursed into the return airway.

4. In support of this proposed alternative method, petitioner will:

a. Cause each pump to be protected by automatic heat sensors which will activate two dry-type chemical fire suppression devices (20-pound capacity each);

b. Protect the transformer by six 30-pound dry-type chemical fire suppression devices;

c. Provide each motor with overload and short-circuit protection;

d. Provide a 30-inch metal man-door which would automatically close in the event of a fire and activate the dry-type chemical fire suppressant;

e. Install a switch interconnected into the electrical system so that the metal door, upon closing, would deenergize the power circuit at the beginning of the branch circuit.

6. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comment

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 13, 1981. Copies of the petition are available for inspection at that address.

Dated: August 24, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-26323 Filed 9-10-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-164-C]

Buffalo Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Buffalo Mining Company, P.O. Box 429, Lyburn, West Virginia 25632 has filed a petition to modify the application of 30 CFR 49.6(a)(1) (mine rescue teams; requirements) to its Mark Mine located in Mingo County, West Virginia and its No. 5A and No. 9 Mines, both located in Logan County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that mine rescue stations be equipped with twelve self-contained oxygen breathing apparatus.

2. Petitioner presently has one six-member fully equipped mine rescue team formed at the mine.

3. As an alternative method, petitioner proposes that a second mine rescue team would be available at all times when miners are underground located no more than two hours travel time from the mine rescue station. This second team will be fully equipped with self-contained oxygen breathing apparatus and required accessories which its members will provide themselves.

4. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 13, 1981. Copies of the petition are available for inspection at that address.

Dated: August 20, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-26324 Filed 9-10-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-156-C]

K. C. Rogers Coal Co; Petition for Modification of Application of Mandatory Safety Standard

K. C. Rogers Coal Company, Route 1, Box 660, Harold, Kentucky 41635, has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its mine located in Floyd County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be

installed on the mine's electric face equipment.

2. Petitioner states that the installation of cabs or canopies on the equipment would result in a diminution of safety for the miners affected because the canopy could strike the roof and dislodge roof support in the 39 inch undulating coal seam.

3. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 13, 1981. Copies of the petition are available for inspection at that address.

Dated: September 1, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-26325 Filed 9-10-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-41]

United Salt Corp.; Petition for Modification of Application of Mandatory Safety Standard

United Salt Corporation, 2000 West Loop South, Suite 990, Houston, Texas 77027 has filed a petition to modify the application of 30 CFR 57.4-42 (combustible materials) to its Hockley Mine located in Harris County, Texas. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that no combustible materials shall be permitted within 100 feet of main and booster fans and mine openings.

2. Petitioner proposes an alternative method which involves a three-part response in the event of a fire in the structure which houses the mine opening and main fan, as follows:

a. The fan will be immediately shut off in the event of a fire to minimize the intrusion of smoke and other products of combustion into the mine itself;

b. An alarm will sound, warning all miners inside the mine to proceed to the refuge room; the refuge room is within 10 minutes from any point inside the mine;

c. A diesel blower on the surface, connected to the escape shaft, will be activated to positive-pressure ventilate the escape shaft and refuge room. The diesel blower will reverse the usual flow of air so that combustion products are not drawn into the mine.

3. Petitioner states that the proposed alternative method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 13, 1981. Copies of the petition are available for inspection at that address.

Dated: August 26, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-26319 Filed 9-10-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-42-M]

United Salt Corp.; Petition for Modification of Application of Mandatory Safety Standard

United Salt Corporation, 2000 West Loop South, Suite 990, Houston, Texas 77027 has filed a petition to modify the application of 30 CFR 57.4-62 (timber in mine entrances) to its Hockley Mine located in Harris County, Texas. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that timber in mine entrances be fire retardant for at least 200 feet inside the mine portal.

2. Petitioner proposes an alternative method which involves a three-part response in the event of a fire in the structure which houses the mine opening and main fan, as follows:

a. The fan will be immediately shut off in the event of a fire to minimize the intrusion of smoke and other products of combustion into the mine itself;

b. An alarm will sound, warning all miners inside the mine to proceed to the refuge room; the refuge room is within 10 minutes from any point inside the mine;

c. A diesel blower on the surface, connected to the escape shaft, will be activated to positive-pressure ventilate the escape shaft and refuge room. The diesel blower will reverse the usual flow of air so that combustion products are not drawn into the mine.

3. Petitioner states that the proposed alternative method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 13, 1981. Copies of the petition are available for inspection at that address.

Dated: August 26, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-26320 Filed 9-10-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-43-M]

United Salt Corp.; Petition for Modification of Application of Mandatory Safety Standard

United Salt Corporation, 2000 West Loop South, Suite 990, Houston, Texas 77027 has filed a petition to modify the application of 30 CFR 57.4-43 (buildings; requirements) to its Hockley Mine located in Harris County, Texas. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that buildings within 100 feet of mine openings used for intake air or designated as escapeways in exhaust air be constructed of fire-resistant materials.

2. Petitioner proposes an alternative method which involves a three-part response in the event of a fire in the structure which houses the mine opening and main fan, as follows:

a. The fan will be immediately shut off in the event of a fire to minimize the intrusion of smoke and other products of combustion into the mine itself;

b. An alarm will sound, warning all miners inside the mine to proceed to the refuge room; the refuge room is within 10 minutes from any point inside the mine;

c. A diesel blower on the surface, connected to the escape shaft, will be

activated to positive-pressure ventilate the escape shaft and refuge room. The diesel blower will reverse the usual flow of air so that combustion products are not drawn into the mine.

3. Petitioner states that the proposed alternative method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 13, 1981. Copies of the petition are available for inspection at that address.

Dated: August 26, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-26321 Filed 9-10-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-186-C]

Penn Allegh Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Penn Allegh Coal Company, Inc., Box 238A R.D. #2, Tarentum, Pennsylvania 15084 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Allegheny No. 2 Mine located in Allegheny County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petitioner is mining coal seams ranging from 42 to 52 inches in height. This clearance is reduced 1½ to 7 inches by roof control devices.

2. The petitioner states that installation of cabs or canopies on electric face equipment in its mine would result in a diminution of safety. Canopies in the reduced clearances of its mine would:

a. Impair the equipment operator's field of view;

b. Clear neither the roof of the mine nor electrical cables or master pipes suspended from the roof;

c. Impede rapid exit of the operator in case of emergency;

d. Increase operator fatigue from cramped conditions;

e. Lead the operators to attempt to operate the equipment from outside the confines of the compartment; and

f. Cause operators to hit their heads against the canopies while traveling over the undulating surfaces in the mine.

3. The petitioner further states that it has been unable to construct or obtain from manufacturers electric face equipment cabs or canopies which would not create these safety hazards in its mine.

4. For these reasons, the petitioner requests modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These coments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 13, 1981. Copies of the petition are available for inspection at that address.

Dated: September 2, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-26615 Filed 9-10-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under Section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and Section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on September 29 and 30, 1981 in Room C2318, Frances Perkins Department of Labor Building, Washington, D.C. 20210. The meeting is open to the public and will begin at 9:00 a.m.

The agenda for this meeting will include a review of OSHA activities, a discussion of OSHA enforcement policies related to the construction industry, a review of accident statistics in the construction industry, a subgroup discussion of labor-management committees, a subgroup discussion of health standards, a discussion of proposed OSHA program directives that are relevant to the construction industry, an update of OSHA grants activities, and a general discussion of construction safety and health matters.

Written data, views or comments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions recieved prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the Chairman depending on the extent to which time permits. Communications may be mailed to: Ken Hunt, Committee Management Officer, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Room N3635, Washington, D.C. 20210, phone (202) 523-8024.

Materials provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C. this 4th day of September, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-26614 Filed 9-10-81; 8:45 am]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-341]

Availability of Final Environmental Statement for the Enrico Fermi Atomic Power Plant, Unit No. 2

Notice is hereby given that the Final Environmental Statement (NUREG-0769) for the proposed operation of the Enrico Fermi Atomic Power Plant, Unit No. 2 has been prepared by the Commission's Office of Nuclear Reactor Regulation. The plant is owned by the Detroit Edison Company and is located on Lake Erie in Monroe County, Michigan.

The Final Environmental Statement (NUREG-0769) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and in the Monroe County Library System, Reference Department, 3700 South Custer Road, Monroe, Michigan 48161. The Final Environmental Statement is also being made available at the Office of Intergovernmental Relations, Department of Management and Budget, Lewis Cass Building, P.O.

Box 30026, Lansing, Michigan 48909, and at the Southeast Michigan Council of Governments, 8th Floor, Book Building, 1249 Washington Boulevard, Detroit, Michigan 48226.

The notice of availability of the Draft Environmental Statement (DES) for the Enrico Fermi Atomic Power Plant, Unit No. 2, and requests for comments was published in the Federal Register on May 16, 1981 (46 FR 26958). The comments received from Federal, State and local agencies, and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG–0769) may be purchased, at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 4th day of September 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81–26579 Filed 9–10–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–247]

Consolidated Edison Company of New York, Inc; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR–26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment was effective August 11, 1981.

The amendment was authorized by telephone on August 11, 1981 and was confirmed by letter dated August 11, 1981. The amendment changes the Technical Specifications, one-time only, to allow continued power operation up to seven days, ending 6:00 a.m. August 17, 1981, with one safety injection pump inoperable. The amendment was authorized on an expedited basis to maintain the plant at a steady-state condition and avoid a shutdown transient shown by our evaluation to be unnecessary but required by Technical Specifications unless amended.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see [1] the request for amendment dated August 11, 1981, (2) the Commission's letter to the licensee dated August 11, 1981, (3) Amendment No. 73 to License No. DPR–26, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of September, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–26578 Filed 9–10–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–250 and 50–251]

Florida Power & Light Co.; Notice of Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR–31, and Amendment No. 65 to Facility Operating License No. DPR–41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Guard Training and Qualification Plan as part of the licenses. All security personnel shall be qualified within 2 years of this approval.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filing dated August 17, 1979, and its revisions submitted by letters dated April 29, 1981 and June 23, 1981, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment Nos. 72 and 65 to License Nos. DPR–31 and DPR–41 and (2) the Commission's related letter dated September 4, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of September, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-26580 Filed 9-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment Facility Operating License No. NPF 9

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina. This amendment modifies surveillance requirements of the Engineered Safety Featues Actuation System, specifically the Auxiliary Feedwater Suction Pressure-Low Pressure Instrumentation. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated Ausut 12, 1981, (2) Amendment No. 3 to Facility Operating License No. NPF-9 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of Amendment No. 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of August 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Branch Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 81-26617 Filed 9-10-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259 and 50-260]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 75 to Facility Operating License No. DPR-33 and Amendment No. 72 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1 and 2, located in Limestone County, Alabama. The amendments are effective within 30 days of issuance.

These amendments change the Technical Specifications to reflect modifications being made to the plant electrical distributions systems and to resolve the generic issues of adequacy of station electrical distribution system voltages and degraded grid protection for class 1E power system.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 9, 1981, as supplemented by letters dated June 8, 1981, July 2, 1981, July 31, 1981 and August 17, 1981, (2) Amendment No. 75 to License No. DPR-33 and Amendment No. 72 to License No. DPR-52 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of September 1981.

For the Nuclear Regulatory Commission.

Philip J. Polk,

Acting Branch Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-26581 Filed 9-10-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[Policy Letter 81-3]

Debarment and Suspension of Contractors; Invitation for Public Comment

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Amendment of proposed OFPP Policy Letter 81-3 on debarment and suspension of contractors.

SUMMARY: On July 22, 1981, OFPP invited public comment and Government agency review and comment on a proposed Policy Letter setting forth Government-wide debarment and suspension procedures and providing for the listing of offerors, contractors and subcontractors debarred, suspended or declared ineligible pursuant to such procedures or other specific statutory or regulatory authority. See FR volume 46, page 37832. By this notice, OFPP requests public and Government agency comment on amendments to that proposed policy letter relating to the disposition of cases dring the transition to the new procedures.

DATE: Written comments must be received on or before October 2, 1981.

ADDRESS: Comments are to be submitted to the Office of Federal Procurement Policy, Office of Management and Budget, Room 9013, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:
Mrs. Patricia A. Szervo, Associate Administrator for Procurement Law and Legislation, (202) 395–3501.

SUPPLEMENTARY INFORMATION: The proposed policy letter published at FR Volume 46, page 37832, would establish a uniform procedure for agencies to apply in administratively debarring or suspending those doing business or seeking to do business with the Government, and provide for a consolidated list of firms and individuals debarred or suspended under those procedures as well as pursuant to other statutory or regulatory authority. Among the matters not addressed in the letter were the effect of debarment or suspension decisions made prior to the effective date of the letter and the treatment to be accorded to a contractor when debarment has been proposed prior to the effective date of the letter, but a debarment decision is made subsequent to that date.

Added paragraph 9, Transition Provisions, provides necessary guidance in the foregoing situations. Those debarment or suspension actions taken prior to the effective date of the letter under existing administrative procedures will be limited to the scope of the exclusion provided by those procedures. One exception to this rule is that those actions, e.g., under the Davis-Bacon Act, that require a Government-wide exclusion will be given that effect. The other exception is that when one agency debars or suspends a contractor after the effective date of the letter and in accordance with its procedures, that action will be effective throughout the Executive Branch of the Government, regardless of the fact that the exclusion previously had been limited to one agency or executive department.

In cases in which debarment has been proposed but no decision has been made prior to the effective date of the letter, agencies must issue an amended notice to the contractor advising of the Government-wide exclusion that would result if debarment is imposed and permit the contractor additional time to respond in light of that effect. Thereafter, agencies would be permitted to use previously existing procedures to reach a debarment decision.

Donald E. Sowle,
Administrator.
September 8, 1981.

Proposed OFPP Policy Letter 81–3 Amendment to the Heads of Executive Departments and Establishments

Subject: Policy Guidance Concerning Government-wide Debarment, Ineligibility, and Suspension

This proposed Policy Letter is amended by the addition of paragraph 9:

9. *Transition Provisions*

a. Contractors debarred, suspended or declared ineligible prior to the effective date of this Policy Letter shall be placed on the consolidated list established pursuant to paragraph 4 above with an annotation indicating the scope of the exclusion imposed. Such debarments, suspensions and declarations of ineligibility shall not be effective throughout the Executive Branch of the Government unless the statutory or regulatory authority upon which the decision is based requires that effect. Nothing in this subparagraph prohibits another agnecy from debarring or suspending a contractor which has been so listed. If debarment or suspension is imposed by such other agency after the effective date of and pursuant to this Policy Letter, the debarment or suspension shall be effective throughout the Executive Branch of the Government and the annotation for the contractor on the consolidated list shall be deleted.

b. In those instances in which debarment has been initiated but no decision has been made prior to the effective date of this Policy Letter, the debarring official shall issue an amended notice of proposed debarment to the contractor:

(1) Advising the contractor that debarment, if imposed, shall be effective throughout the Executive Branch of the Government; and

(2) permitting the contractor 30 calendar days in which to submit such additional information, in light of the debarment's effect, as the contractor may deem appropriate.

After taking the foregoing actions, agencies may employ those debarment procedures in effect at the time that debarment was proposed to make final decisions in cases in this category.

Donald E. Sowle,
Administrator.

[FR Doc. 81–28585 Filed 9–10–81; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–18060; File No. SR–MSRB–81–12]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Municipal Securities Rulemaking Board, relating to Fidelity Bonding, comments requested on or before October 2, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 1, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board (the "Board") is filing herewith an amendment to rule G–6 on fidelity bonding (hereafter referred to as the "proposed rule change"). The text of the proposed rule change is as follows:

Rule G–6.[1] *Fidelity Bonding*

No municipal securities broker or municipal securities dealer (other than a bank dealer) shall be qualified for purposes of rule G–2 unless such broker or dealer, if a member of a registered securities association, has met the fidelity bonding requirements set forth in the rules of such association, to the same extent as if such rules were applicable to such broker or dealer, or such broker or dealer, if not a member of a registered securities association, has met the fidelity bonding requirements set forth in rule 15b10–11 under the Act, to the same extent as if such rules were applicable to such broker or dealer[, in each case as such requirements were set forth on January 10, 1977].

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Board rules G–2 through G–7 set forth comprehensive standards for the professional qualifications of municipal securities brokers and dealers and their associated persons. Rule G–2 sets forth a general standard of qualification, rules G–3 and G–7 establish classification, examination, and information retention requirements for associated persons, rules G–4 and G–5 specify requirements concerning statutory and other disqualifications, and rules G–6 establishes fidelity bonding requirements. Rule G–6 currently specifies that municipal securities brokers and dealers (other than bank dealers) must maintain bonding coverage in accordance with the requirements of Article III, Section 32 of the Rules of Fair Practice of the National Association of Securities Dealers, Inc. (the "NASD"), if they are members of the NASD, or in accordance with Commission rule 15b10–11, if they are SECO broker/dealers, in both cases as

[1] [Brackets] indicate deletions.

such requirements were set forth on January 10, 1977.

The proposed rule change deletes the reference in the rule to a specific date, thereby requiring municipal securities brokers and dealers to comply with either the NASD or the SECO requirements, whichever is appropriate, as they are currently in effect, and as they are from time to time amended. The Board believes that the inclusion of the date reference in rule G–6 may serve only to confuse municipal securities brokers and dealers as to the applicability of future changes to the respective fidelity bonding rules, and that municipal securities brokers and dealers should be complying with such changes at the time they are actually adopted. The Board believes that any subsequent changes in these requirements would be refinements, rather than substantive revisions of the basic requirements,[2] and notes that, should substantive revisions be proposed in the future, it would be able to consider the appropriateness of such revisions for municipal securities brokers and dealers at that time.

(b) The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(A) of the Securities Exchange Act of 1934, as amended, which authorizes and directs the Board to adopt rules which

provide that no municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless such municipal securities broker or municipal securities dealer meets such standards of operational capability and such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meets such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors.

The Board believes that the approach reflected in the current fidelity bonding requirements of Article III, Section 32 of the NASD's Rules of Fair Practice and Commission rule 15b10–11 is an appropriate standard of qualification for municipal securities brokers and dealers, and anticipates that any refinements in these requirements will be equally appropriate.

[2]The Board notes, for example, that the NASD adopted a technical amendment to its rule in July 1979 to correct an inequity in the annual review provisions as they apply to firms commencing their second year of business.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board is of the opinion that the proposed rule change will not impose any burden on competition among brokers, dealers or municipal securities dealers inasmuch as it is technical in nature. In the event of future refinements of the requirements of Article III Section 32 of the NASD's Rules of Fair Practice and Commission rule 15b10–11, the Board believes that the proposed rule change may act to remove a burden on competition, since it makes clear that such changes will apply to broker/dealers who are subject to fidelity bonding requirements solely by virtue of their activity as municipal securities brokers and dealers to the same extent and at the same time as such changes would apply to broker/dealers also conducting business in general securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before October 16, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before October 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 4, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–26585 Filed 9–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18081; File No. SR–MSRB–79–5]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Municipal Securities Rulemaking Board, relating to uniform practice, comments requested on or before October 2, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 26, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board (the "Board") is filing herewith an amendment (the "proposed amendment") to the proposed rule change relating to section (d) of rule G–12 on uniform practice contained in File No. SR–MSRE–79–5 (the "proposed rule change"). The proposed rule change, as modified by the proposed amendment, is as follows: Rule G–12.[1] Uniform Practice.

(a) through (c) No change.

(d) Comparison and Verification of Confirmations; Unrecognized Transactions.

(i) and (ii) No change.

(iii) In the event a party has sent a confirmation of a transaction, but fails

[1]*Italics* indicate new language; [brackets] indicate deletions.

to receive a confirmation from the contra party of a notice indicating nonrecognition of the transaction, the confirming party shall, not earlier than the fourth business day following the trade date (the sixth business day following the trade date, in the case of an initial confirmation of a transaction effected on a "when, as, and if issued" basis) not later than the *eighth* [eleventh] business day following the trade date, seek to ascertain whether a trade occurred. If, after such verification, such party believes that a trade occurred, it shall immediately notify the non-confirming party by telephone to such effect and send within one business day thereafter, a written notice, return receipt requested, to the non-confirming party, indicating failure to confirm. Promptly following receipt of telephone notice from the confirming party, the non-confirming party shall seek to ascertain whether a trade occurred and the terms of the trade. In the event the non-confirming party determines that a trade occurred, it shall immediately notify the confirming party by telephone to such effect and, within one business day thereafter, send a written confirmation of the transaction to the confirming party. In the event a party cannot confirm the trade, such party shall promptly send a written notice, return receipt requested, to the confirming party, indicating nonrecognition of the transaction.

(iv) through (viii) No change.

(e) through (1) No change.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

Under rule G–12(d) as currently in effect, a municipal securities dealer which sends a confirmation of an inter-dealer transaction, but does not receive a contra-confirmation, must initiate certain procedures to verify the transaction, including giving telephonic and written notice to the professional who has failed to confirm. Paragraph (d)(iii) provides that in such cases these procedures must be initiated by the municipal securities dealer within four business days of the trade date (within six business days of the trade date in the case of an initial confirmation of a transaction effected on a "when, as, and if issued" basis).

On May 24, 1979, the Board filed with the Commission the proposed rule change, which provided that the verification procedures may be initiated, in the event a contra-confirmation is not received, at any time between the fourth business day and eleventh business day following the trade date. On October 22, 1979, the Board filed a technical amendment to the proposed rule change to clarify the operation of the specified time limits. The Board adopted the proposed rule change due to its concern that the extremely tight time limit of the existing rule was imposing significant compliance burdens on dealers due to problems in the receipt of contra-confirmations arising primarily from difficulties with the mails.

Subsequent to the filing of the technical amendment, the Commission staff communicated to the Board its view that the eleven-business-day outside time limit contemplated in the proposed rule change for initiation of the verification procedure was unnecessarily long, and would contribute to an undue delay in the comparison of transactions in municipal securities. The Commission staff noted that several of the commentators from certain money center cities had suggested that a shorter time limit would be appropriate, and requested that the Board consider adopting such a change. After consideration of the Commission staff's comments, the Board decided to conduct an informal fact-finding study to determine if a period shorter than the proposed eleven-business-day limit would be sufficient to accomplish the Board's goals in adopting the proposed rule change. Twenty-one dealers participated in the informal study, including dealers located in money center cities, dealers located on the West Coast, and other "regional" dealers.

In light of the results of the informal study and its reconsideration of the comments received the Board has concluded that an outside time limit of eight business days, rather than the currently-proposed eleven business days, would be appropriate. The Board believes that the data show that a significant number of contra-confirmations continue to be received after the four-business-day time limit of the existing rule, that the rate of receipt of such contra-confirmations shows a significant decline after approximately six to eight business days, but also that contra-confirmations continue to be received for some period thereafter (with some respondents showing significant numbers of such confirmations received after eleven business days). The significant decline in the rate of receipt of contra-confirmations in the six to eight business day period suggests that the outside time limit would properly be established at that time. The Board believes that the later date in that time period (i.e., the eighth business day) is the appropriate time limit for the following reasons:

(1) While the Board does not view the number of contra-confirmations received after eleven business days as sufficient to necessitate the previously-proposed outside time limit, it does believe that the timing of the requirement should balance the need for early comparison of transactions with this experience of continuing late receipt of certain confirmations. An eight business day limit, in the Board's view, balances these two considerations.

(2) All but one of the commentators on the original exposure draft of the proposed rule change supported lengthening the outside time limit, all of these commentators supported lengthening such time limit to at least the seventh business day after the trade date, and the majority of these supported an outside time limit longer than seven business days.

(3) The experience of those Board members from municipal securities firms and dealer banks also supports the later time limit. Board members have observed or learned about significant compliance burdens, in their own organizations and in others, imposed by the existing requirement, burdens that would not be substantially alleviated by a shorter time limit. The Board accepts the view of these members, based upon their own knowledge of the effect of the rule on dealers in specific regions, that the eighth business day is the date which balances the need for timely comparison with the desirability of minimizing unnecessary burden.

The Board is satisfied that consideration of all three of these factors supports an eight business day time limit.

The Board does not believe that the effect of the clearance of transactions should be given full weight in setting the appropriate outside time limit.[2] The functions of comparison and securities clearance are, in most dealers and dealer banks, performed by separate departments (the clearance function is often not performed internally by the dealer at all). The Board does not believe that it is practical to presume coordination of the results of these two activities as a necessary part of the comparison and verification

[2] On February 17, 1978, the Board issued an interpretive letter clarifying that the "failure to confirm" procedure of rule G–12(d)(iii) need not be completed if a transaction clears on the settlement date.

proecedure,[3] and believes that the time limits of the procedure should be set at those dates which make reasonable allowance for the delays in the receipt of the actual contra-confirmations.

(b) The Board has adopted the proposed amendments and the proposed rule change pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which authorizes and directs the Board to adopt rules which are

designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

The Board believes that the shortening of the outside time limit of the procedure to eight business days will foster timely and efficient comparison of transactions while minimizing the compliance burdens imposed by the comparison and verification procedure.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board is of the opinion that the proposed amendments and the proposed rule change will act to remove a burden on competition. The comparison and verification procedure has a different impact on municipal securities firms and bank dealers located in different regions of the country, depending on the nature of their business, due to the problems in timely receipt of mail from other areas of the country (*e.g.*, dealers on the West Coast who deal in generl market securities (as opposed to local, West Coast issues) frequently experience problems in receiving contra-confirmations from East Coast dealers). The Board believes that the expanded time frames for the procedure provided under the proposed rule change will minimize this differential in the compliance burden imposed by the procedure.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board has not solicited or received comments from the municipal securities industry or interested members of the public on the proposed amendment.[4] The Board's consideration of the proposed amendment was prompted by comments received from the Commission staff, which are discussed earlier in this filing.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before October 16, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before October 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 4, 1981.

George A Fitzsimmons,

Secretary.

[FR Doc. 81-26584 Filed 9-10-81; 8:45 am]

BILLING CODE 8010-01-M

[3] The Board notes that, in many cases, regional dealers do not themselves perform clearance activities for the majority of their transactions. In these cases such dealers do not receive data on the clearance of transactions on the clearance date, and, often do not receive it for several business days.

[4] Comments received on the proposed rule change were discussed in the Board's previous filing.

[Release No. 34-18083; File No. SR-NASD-81-14]

National Association of Securities Dealers, Inc., Proposed Rule Change; Self-Regulatory Organization

In the matter of a proposed rule change relating to criteria for inclusion in the NASDAQ National and Additional Lists. Comments requested on or before October 2, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 18, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association has submitted the specific criteria it will follow in determining the composition of its recommended lists for newspaper publication. The criteria for inclusion in quotation lists will be as follows:

Criteria for Inclusion in Quotation Lists

I. Composition of the Lists.

There shall be two recommended lists of NASDAQ securities provided to the media: the "National List" and the "Additional List." Inclusion on the lists shall be determined semi-annually on the basis of information available to the Association on the selection date. All quotations released shall be Level I quotations.

II. National List.

A. Domestic Common Stock. The financial criteria for domestic common stock are separated into two alternative cagegories detailed below. Issuers which meet either one of the alternative criteria will be included in the National List regardless of their dollar volume. Alternative No. 1 includes a net income requirement while Alternative No. 2 has no income requirement but establishes higher financial requirements for those development companies which have no operating income:

Alternative No. 1

1. 350,000 Publicly Held Shares

2. Market Value of Publicly Held Shares of $2,000,000

3. Minimum Bid Price of $3.00

4. Net Income of $300,000 in the previous fiscal year or in two of the last three fiscal years.

Alternative No. 2

1. 800,000 Publicly Held Shares
2. Market Value of Publicly Held Shares of $8,000,000
3. Net Worth of $8,000,000
4. Incorporated for 4 years.

B. Foreign Securities. Foreign issues and American Depository Receipts (ADR's) registered pursuant to Section 12(g) under the Securities Exchange Act of 1934, as well as issues for which all relevant information has been filed with the Securities and Exchange Commission pursuant to Rule 12g3–2, shall meet the same criteria as domestic common stock except that the publicly held shares requirement for ADR's shall be determined by the number of ADR's outstanding.

C. Warrants. Common stock of issuer must be in the National List and all criteria for domestic common stock apply except that the publicly held shares requirement is replaced with 450,000 warrants publicly held at the time of the initial distribution.

D. Convertible Debentures. Common stock of issuer must be in the National List and $100 million of the issue must be outstanding.

E. Units. All criteria for domestic common stock apply except that the publicly held shares requirement is replaced with 350,000 publicly held units at time of initial distribution.

F. Rights. Automatically included if common stock of issuer is quoted in the National List.

G. Preferred Stock, Shares or Certificates of Beneficial Interest of Trusts, Limited Partnership Interests, Real Estate Investment Trusts and Closed End Funds.

Same criteria as domestic common stock.

H. New Issues.

Securities that meet the above criteria immediately following an initial distribution or secondary offering will be added to the National List on the day of the distribution.

III. Additional List.

All positions in the Additional List will be filled on the basis of dollar value of average weekly volume.[1]

[1] *Explanation of Average Weekly Volume—To monitor security volume data in NASDAQ, a statistical moving average method called exponential averaging is used and is recomputed weekly. This technique gives more weight to the most current volume and less weight to the most distant past. For example, at present the weighting parameter is chosen to give 10% weight to the most current volume and less than 1% weight to the volume that occurred 23 weeks ago. Thus, the significance of the reported volume as maintained for more than 6 months is virtually nil.*

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

These criteria provide that companies meeting certain stated financial standards will be assured of inclusion in the National List recommended to newspapers. Remaining positions on the National List and all of the Additional List will be filled by companies with the greatest dollar volume. This should provide greater stability to the National List.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Association does not anticipate any significant burden on competition and believes that any potential impact is more than offset by providing investors with a more stable source of quotation information.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

In Notice to Members 81–13 (March 18, 1981), the NASD Board of Governors solicited comments. Two hundred eight responses were received, 70% of which favored the proposed criteria.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and argument concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 4, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–26545 Filed 9–10–81; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 34–18082; File No. SR–NASD–81–15]

National Association of Securities Dealers, Inc.; Proposed Rule Change; Self-Regulatory Organization

In the matter of proposed rule change relating to standards for publication and dissemination of NASDAQ quotations to the news media. Comments requested on or before October 2, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 18, 1981, the National Association of Securities Dealers, Inc., filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will permit the use of financial criteria as well as dollar volume of trading for determination of which securities will be recommended by the NASD for inclusion in quotation lists. The precise financial criteria are presented in File No. SR–NASD–81–14 noticed in Release No. 34–18083 ("the companion filing").

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), (C), below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The use of financial criteria, as well as dollar volume, will provide stability to the quotations lists and permit investors to have a more reliable source for quotations for their securities. This proposal is being made pursuant to Section 15A(B)(11) of the Act which provides that the rules of the NASD must govern the form and content of quotations of over-the-counter securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association does not envision any impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments from interested parties were solicited. Since the comments also addressed the specific criteria presented in the companion filing, they are discussed in connection therewith.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before October 16, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before October 2, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 4, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–26548 Filed 9–10–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Disaster Loan Area No. 2007]

California; Declaration of Disaster Loan Area

The area bounded by Folsom Street, Rodgers Street, Harrison Street and Langton Street in the City of San Francisco, San Francisco County, California, constitutes a disaster area because of damage resulting from fire which occurred on July 10, 1981. Eligibe persons, firms and organizations may file applications for loans for physical damage until the close of business on November 2, 1981, and for economic injury until the close of business on June 3, 1982, at:

Small Business Administration, District Office, 211 Main Street, 4th Floor, San Francisco, California 94105.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 3, 1981.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 81–26491 Filed 9–10–81; 8:45 am]

BILLING CODE 8025–01–M

[Disaster Loan Area No. 2009]

Nevada; Declaration of Disaster Loan Area

Clark County, Nevada constitutes a disaster area, as a result of damage caused by severe storms and flooding beginning on or about August 10, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 29, 1981, and for economic injury until the close of business on May 28, 1982, at:

Small Business Administration, Box 7527 Downtown Station, 301 East Stewart, Las Vagas, Nevada 89101.

or other locally announced locations. For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 2, 1981.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 81–26492 Filed 9–10–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Office of the Secretary

[CM–8/438]

Advisory Committee to United States Section International North Pacific Fisheries Commission; Partially Closed Meeting

The Advisory Committee to the United States Section, International North Pacific Fisheries Commission, will meet on September 28, 1981, at the Sheraton Hotel, Anchorage, Alaska, at 9:00 a.m. This session will discuss the 1976 Protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean, surveillance of foreign fishing fleets, the progress of fisheries research, particularly that for dall porpoise, the Alaska salmon fisheries, and fishery developments as they affect the International North

Pacific Fisheries Commission. The session will be open to the public.

The Advisory Committee will also meet from 1:30 p.m. to 5:00 p.m. on September 26, 1981 and from 1:00 p.m. to 5:00 p.m. on September 27, 1981. These sessions will not be open to the public inasmuch as the discussion will involve classified matters pertaining to the United States negotiating position to be taken at the 28th Annual Meeting of the International North Pacific Fisheries Commission to be held in Vancouver, B.C., Canada, during November 2–6, 1981. Pursuant to section 4(c) of the North Pacific Fisheries Act of 1954, as amended, 16 U.S.C. 1023(c) which provides that the "advisory committee * * * shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section," the members of the Advisory Committee will examine various options for the negotiating position at the Special Meeting, and these considerations must necessarily involve review of classified matters. Accordingly the determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(d) and 5 U.S.C. 552b(c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Ms. Christine Dawson, Pacific Fisheries Officer, Room 5806, (OES/OFA) U.S. Department of State, Washington, D.C. 20502. Ms. Dawson can be reached by telephone on (202) 632–2009.

Dated: September 2, 1981.

Theodore G. Kronmiller,

Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc. 81–26563 Filed 9–10–81; 8:45 am]

BILLING CODE 4710–10–M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 6, 1981, at 10 a.m., the Muskogee Station Committee on Educational Allowances shall at Room 2A20, 125 South Main Street, Muskogee, Oklahoma, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Western Oklahoma State College, Altus, Oklahoma, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: September 4, 1981.

Ray E. Smith,

Director, VA Regional Office.

[FR Doc. 81–26607 Filed 9–10–81; 8:45 am]

BILLING CODE 8320–01–M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 5, 1981, at 10 a.m., the Muskogee Station Committee on Educational Allowances shall at Room 2A20, 125 South Main Street, Muskogee, Oklahoma, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Northeastern Oklahoma A and M College, Miami, Oklahoma, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: September 4, 1981.

Ray E. Smith,

Director, VA Regional Office.

[FR Doc. 81–26606 Filed 9–10–81; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 176
Friday, September 11, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: Tuesday, September 15, 1981, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: *Open:*

1. Freedom of Information Act Appeal No. 81-7-FOIA-16-MM, a request for records contained in open ADEA files.
2. Recommended Tribal Employment Rights Office (TERO) FY '81 Contract Extensions.
3. Proposed Revision of Section 15 of Volume I of EEOC's Compliance Manual.
4. Ninety-Day Notice Concerning *County of Washington* v. *Gunther*.
5. Quarterly Review of Section 603 of the Compliance Manual, Volume 2, Identifying and Processing Charges Which Raise Issues not Covered by a Commission Decision Precedent and Exhibit 603-A, Partial Index of Commission Decision Precedent Decisions.
6. Eight Proposed contracts for services needed in connection with litigation matters.
7. Report on Commission Operations by the Executive Director.

Closed

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued September 8, 1981.

[S-1371-81 Filed 9-9-81; 3:45 pm]

BILLING CODE 6570-06-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, September 8, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Cantwell F. Muckenfuss, III, acting in the place and stead of Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of City and County Savings Bank, Albany, New York, for consent to merge, under its charter and with the title "Home and City Savings Bank," With Home Savings Bank of Upstate New York, Albany, New York, and to establish the ten offices of the Home Savings Bank of Upstate New York as branches of the resultant bank.

Request for relief from adjustment for violations of Regulation Z: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8) and (c)(9)(A)(ii)).

Request from the Comptroller of the Currency that the Corporation, pursuant to section 10(b) of the Federal Desposit Insurance Act, assist in an examination of a national bank.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: September 8, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1365-81 Filed 9-9-81; 11:25 am]

BILLING CODE 6714-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

September 9, 1981.

TIME AND DATE: 1:00 p.m., September 10, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket Nos. EL81-13 and ER81-457.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

The following members of the Commission voted that agency business requires the holding of a closed meeting on less than the seven days' notice required by the Government in the Sunshine Act.

Kenneth F. Plumb,

Secretary.

[S-1367-81 Filed 9-9-81; 2:09 pm]

BILLING CODE 6450-85-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., September 17, 1981.

PLACE: 1700 G Street, N.W., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Modification of Service Corporation Activity—AmeriFirst Federal Savings & Loan Association, Miami, Florida

Application for Merger—Oceanside Federal Savings & Loan Association (Mutual), Oceanside, California into Pacific Federal Savings & Loan Association (Mutual), Costa Mesa, California

Bank Membership and Insurance of Accounts—Western Carolina Savings & Loan Association, Valdese, North Carolina

[S–1370–81 Filed 9–9–81; 3:32 pm]
BILLING CODE 6720–01–M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., September 17, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of the Managing Director of Actions taken Pursuant to Delegated Authority.
2. Agreement No. 10414: PRC–USA Eastbound Rate Agreement.
3. Agreement No. 10420: American Flag Common Carrier Charter Agreement.
4. Agreement T–3946: Marine Terminal Lease Between Virginia Port Authority and Oyster Point Development Corporation.

Portion closed to the public:

1. Docket No. 80–76: Heidelberg Eastern, Inc. v. Container Overseas Service, Inc. and Container Overseas Agency, Inc.—Consideration of request of Container Overseas Agency, Inc. for waiver of rules and possible consideration of petition for reconsideration.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–1366–81 Filed 9–9–81; 11:29 am]
BILLING CODE 6730–01–M

6

INTER-AMERICAN FOUNDATION.

TIME AND DATE: 9:30 a.m.–3:30 p.m., September 22, 1981.

PLACE: Board Room, Inter-American Foundation, 1515 Wilson Boulevard, Arlington, VA 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Chairman's Report.
2. President's Report.
3. Minutes of May 7, 1981 Meeting.
4. Extension of Fellowship Program.
5. Financial Report on FY 1981 Spending.
6. FY 1983 Budget.

CONTACT PERSON FOR MORE INFORMATION: Lawrence E. Bruce, Jr. (703) 841–3812.

[S–1368–81 Filed 9–9–81; 2:27 pm]
BILLING CODE 7025–01–M

7

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters)

[1P0401]

TIME AND DATE: 9:30 a.m., Friday, September 18, 1981.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTER TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 10 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5926.

[S–1369–81 Filed 9–9–81; 2:43 pm]
BILLING CODE 4410–01–M

8

POSTAL RATE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, September 10, 1981.

PLACE: Conference Room, Rm. 500, 2000 L Street, N.W., Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Further reconsideration of Docket No. R80–1. (Closed pursuant to 5 U.S.C. 552b(c)(10)).

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–1362–81 Filed 9–8–81; 5:08 pm]
BILLING CODE 7715–01–M

9

POSTAL RATE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, September 10, 1981.

PLACE: Conference Room, Rm. 500, 2000 L Street N.W., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Further reconsideration of Docket No. R80–1. (Closed pursuant to 5 U.S.C. 552b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street N.W., Washington, D.C. 20268, Tel. (202) 254–5614.

[S–1364–81 Filed 9–9–81; 9:06 am]
BILLING CODE 7715–01–M

10

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 10 a.m., September 17, 1981.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Functions and structure of the field service.
(2) Appeal of Railroad Concrete Crosstie Corporation.
(3) Appeal of Excelsior Truck Leasing, Inc.
(4) Appeal of coverage ruling relating to service performed for the Kansas City Southern Railway Company under certain contracts with Trans-Mark Services, Inc., and Servitron, Inc.
(5) Procedure for writing decisions on appealed cases.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity, Elmer L. Tunstall.
(B) Intra-Board personnel matter.

CONTACT PERSON FOR MORE INFORMATION: Beatrice Ezerski, COM No. 312–751–4920; PTS No. 387–4920.

[S–1363–81 Filed 9–9–81; 9:06 am]
BILLING CODE 7905–01–M

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federal register

Friday
September 11, 1981

Part II

Department of Education

Guaranteed Student Loan Program; Family Contribution Schedule

DEPARTMENT OF EDUCATION

Guaranteed Student Loan Program; Family Contribution Schedule

AGENCY: Department of Education.

ACTION: Notice of family contribution schedule.

SUMMARY: The Secretary announces the family contribution schedule for the Guaranteed Student Loan (GSL) Program for use in the period beginning October 1, 1981. This schedule applies where the institution completes its portion of a student's GSL application on or after October 1, 1981, but not later than June 30, 1982, for any period of instruction which begins not later than June 30, 1982. The schedule is used to determine whether a student is eligible to receive an interest subsidy under the GSL program.

EFFECTIVE DATE: The family contribution schedule is effective on October 1, 1981 unless the Senate or the House of Representatives adopts a resolution of disapproval before October 1, 1981.

FOR FURTHER INFORMATION CONTACT: David C. Bayer, Chief, Guaranteed Student Loan Branch, Division of Policy and Program Development, Office of Student Financial Assistance, 400 Maryland Avenue S.W., Washington, D.C. 20202. Telephone (202) 245-2475.

SUPPLEMENTARY INFORMATION:

General

Section 532 of the Omnibus Budget Reconciliation Act of 1981 amended the eligibility requirements for an interest subsidy under the Guaranteed Student Loan Program. (Section 428 of the Higher Education Act.) Section 540 of the Omnibus Budget Reconciliation Act established the effective date for the changes made by section 532. This new procedure required by section 532, as set forth below, applies where the institution completes its portion of a student's GSL application on or after October 1, 1981, but not later than June 30, 1982, for any period of instruction which begins not later than June 30, 1982. If the institution completes its portion of the application before October 1, 1981, the amendments made by section 532 do not apply and the student automatically receives an interest subsidy.

As amended, an otherwise eligible student is eligible to receive an interest subsidy for his loan if the adjusted gross income of the student's family is not more than $30,000, or where that income is more than $30,000, if the student demonstrates financial need for that loan. The adjusted gross income of the student's family means the adjusted gross income of (1) of the student, (2) the student's spouse, if any, and (3) as set forth below, the student's mother and father. In all cases, the income referred to is the income reported on the 1980 Federal income tax return. The institution determines the adjusted gross income of the student's family, based on data provided, and certified to, by each person whose income is required to be considered.

For students whose family income exceeds $30,000, the institution the student attends determines whether the student has financial need by subtracting from the student's estimated cost of attendance, the student's estimated financial assistance and expected family contribution. The institution calculates the student's expected family contribution in accordance with the family contribution schedule established by the Secretary in this notice. For all information required for this calculation, the institution relies on statements made, and certified to, by the student.

The family contribution schedule for the Guaranteed Student Loan Program for the period between October 1, 1981 and June 30, 1982 is as follows:

GSL—Family Contribution Schedule

For the period October 1, 1981 through June 30, 1982, the institution shall calculate the expected family contribution of an applicant for a Guaranteed Student Loan whose adjusted gross family income exceeds $30,000 as follows:

(a) If the student receives financial assistance for award year 1981–82 (July 1, 1981–June 30, 1982) under the Supplemental Educational Opportunity Grant (SEOG), College Work-Study (CWS), or National Direct Student Loan (NDSL) Program, the student's expected family contribution for the Guaranteed Student Loan Program is his or her expected family contribution calculated for the SEOG, CWS, or NDSL program.

(b) If the student has not received financial assistance under the SEOG, CWS, or NDSL program for the 1981–82 award year at the time he applies for a Guaranteed Student Loan, the institution shall calculate the student's expected family contribution under either—

(1) The need analysis system it uses for the SEOG, CWS or NDSL program; or

(2) The system used in conjunction with the following four tables.

The student's status as of the date he applies determines whether Table A, Table B, Table C, or Table D is to be used. Tables A and B refer to dependent students, Tables C and D refer to independent students.

For a two parent family (Table A), adjusted gross income means the adjusted gross income of the student, the student's spouse, if any, and the student's mother and father as reported on the 1980 Federal income tax return. If the student's parents are divorced or separated, or one of the student's parents has died, the student is considered as being from a one parent family and the institution must use Table B. When Table B is used, the adjusted gross income means the adjusted gross income of the student, the student's spouse, if any, and the parent as reported on the 1980 Federal income tax return.

If the parent of the student whose income would be used under Table B remarries, the student is considered as being from a two parent family if the student lives in the home of the parent and step-parent for more than six weeks in 1980 or 1981, or if the student received or will receive $1,000 from the step-parent in either of those years. In such a situation, the institution must use Table A and the adjusted gross income of the step-parent as reported on his or her 1980 Federal income tax return would be included as part of the adjusted gross income.

For purposes of the four tables,

"Dependent student" means a student who does not qualify as an independent student; and

"Independent student" means:

A student who for 1980 and 1981—

(1) Has not been claimed and will not be claimed as an exemption for Federal income tax purposes by his or her parent(s);

(2) Has not received and will not receive financial assistance of more than $1,000 in each year from his or her parent(s); and

(3) Has not lived and will not live for more than six weeks in each year in the home of his or her parent(s).

Record Keeping Requirement

The institution shall retain all information, determinations and certifications required by this notice in accordance with the record retention requirements of 34 CFR 682.612(c).

A. Dependent Student From a Two Parent Family

For a dependent student from a two parent family, the institution determines the applicant's expected family contribution by calculating the family contribution according to the following table and dividing the amount obtained from the table by the number of family members enrolled in a postsecondary institution on at least a half-time basis.

Table A.—*Expected Family Contribution for a Dependent Student From a Two Parent Family*

Adjusted gross income	Number of family members									
	3	4	5	6	7	8	9	10	11	12
Less than $20,001:										
$30,001 to $30,174	$3,140	$2,500	$1,890	$1,490	$1,170	[illegible]	[illegible]	$240	[illegible]	[illegible]
$30,125 to $30,343	3,190	2,540	2,020	1,520	1,200	880	570	990	0	0
$30,375 to $30,624	3,250	2,590	2,060	1,560	1,230	920	610	300	0	0
$30,625 to $30,874	3,310	2,640	2,110	1,600	1,270	960	650	330	20	0
$30,875 to $31,124	3,370	2,690	2,150	1,640	1,300	990	680	370	60	0
$31,125 to $31,374	3,430	2,740	2,200	1,690	1,340	1,030	720	410	100	0
$31,375 to $31,624	3,520	2,790	2,240	1,710	1,370	1,060	750	440	130	0
$31,625 to $31,874	3,570	2,855	2,290	1,750	1,410	1,100	790	480	170	0
$31,875 to $32,124	3,640	2,910	2,340	1,790	1,450	1,130	820	510	200	0
$37,125 to $32,374	3,710	2,970	2,390	1,830	1,480	1,170	860	550	240	0
$32,375 to $32,624	3,780	3,030	2,440	1,880	1,520	1,200	900	580	270	0
$32,625 to $32,874	3,850	3,090	2,490	1,920	1,560	1,240	930	620	310	0
$32,875 to $33,124	3,920	3,150	2,540	1,960	1,600	1,270	960	660	340	30
$33,125 to $33,374	3,980	3,210	2,590	2,010	1,630	1,300	1,000	690	380	70
$33,375 to $33,624	4,050	3,270	2,650	2,050	1,670	1,330	1,030	720	410	100
$33,625 to $33,874	4,110	3,330	2,700	2,090	1,710	1,370	1,070	760	450	140
$33,875 to $34,124	4,180	3,390	2,750	2,140	1,750	1,400	1,100	790	480	170
$34,125 to $34,374	4,240	3,450	2,800	2,180	1,780	1,440	1,130	830	520	210
$34,375 to $34,624	4,310	3,510	2,850	2,220	1,820	1,480	1,170	860	550	250
$34,625 to $34,874	4,370	3,580	2,920	2,270	1,870	1,520	1,200	900	590	280
$34,875 to $35,124	4,440	3,640	2,980	2,320	1,910	1,550	1,230	930	620	310
$35,125 to $35,374	4,500	3,710	3,030	2,370	1,960	1,590	1,260	960	660	340
$35,375 to $35,624	4,570	3,770	3,090	2,420	2,000	1,630	1,300	1,000	690	380
$35,625 to $35,874	4,630	3,840	3,140	2,460	2,040	1,670	1,330	1,030	720	410
$35,875 to $36,124	4,700	3,900	3,200	2,520	2,090	1,700	1,360	1,060	760	440
$36,125 to $36,374	4,760	3,970	3,250	2,570	2,130	1,740	1,400	1,090	790	480
$36,375 to $36,624	4,820	4,030	3,310	2,620	2,160	1,780	1,440	1,130	830	520
$36,625 to $36,874	4,890	4,090	3,360	2,670	2,220	1,820	1,470	1,160	860	560
$36,875 to $37,124	4,850	4,160	3,420	2,710	2,260	1,860	1,510	1,190	900	590
$37,125 to $37,374	5,020	4,220	3,480	2,760	2,310	1,910	1,550	1,230	930	630
$37,375 to $37,624	5,080	4,290	3,550	2,810	2,360	1,950	1,590	1,260	960	660
$37,625 to $37,874	5,150	4,350	3,610	2,870	2,400	2,000	1,620	1,290	990	690
$37,875 to $38,124	5,210	4,420	3,660	2,920	2,450	2,040	1,660	1,330	1,020	720
$38,125 to $38,374	5,280	4,480	3,740	2,970	2,500	2,080	1,700	1,360	1,050	750
$38,375 to $38,624	5,330	4,550	3,800	3,030	2,540	2,120	1,740	1,395	1,080	780
$38,625 to $38,874	5,390	4,610	3,870	3,080	2,590	2,160	1,770	1,430	1,120	810
$38,875 to $39,124	5,450	4,680	3,930	3,140	2,640	2,200	1,810	1,470	1,160	850
$39,125 to $39,374	5,510	4,740	4,000	3,190	2,690	2,240	1,850	1,510	1,190	890
$39,375 to $39,624	5,560	4,800	4,060	3,250	2,730	2,280	1,890	1,540	1,220	930
$39,625 to $39,874	5,620	4,850	4,130	3,300	2,780	2,320	1,930	1,580	1,260	960
$39,875 to $40,124	5,680	4,910	4,190	3,350	2,830	2,360	1,970	1,620	1,290	990
$40,125 to $40,374	5,740	4,970	4,260	3,410	2,880	2,420	2,010	1,650	1,320	1,020
$40,375 to $40,624	5,790	5,030	4,310	3,460	2,940	2,470	2,050	1,690	1,350	1,050
$40,625 to 40,874	5,850	5,090	4,370	3,540	3,000	2,520	2,090	1,720	1,390	1,090
$40,875 to $41,124	5,910	5,140	4,430	3,600	3,050	2,560	2,130	1,750	1,420	1,120
$41,125 to $41,374	5,970	5,200	4,490	3,670	3,110	2,610	2,170	1,790	1,460	1,150
$41,375 to $41,624	6,020	5,260	4,540	3,730	3,160	2,660	2,210	1,830	1,490	1,180
$41,625 to $41,874	6,080	5,320	4,600	3,780	3,220	2,700	2,250	1,870	1,530	1,220
$41,875 to $42,124	6,140	5,370	4,660	3,840	3,270	2,750	2,290	1,910	1,560	1,250
$42,125 to $42,374	6,200	5,430	4,720	3,900	3,320	2,800	2,350	1,950	1,600	1,290
$42,375 to $42,624	6,250	5,490	4,770	3,960	3,370	2,850	2,390	1,990	1,630	1,310
$42,625 to $42,874	6,310	5,550	4,830	4,010	3,420	2,910	2,440	2,030	1,670	1,340
$42,875 to $43,124	6,370	5,600	4,890	4,070	3,480	2,960	2,490	2,070	1,700	1,370
$43,125 to $43,374	6,430	5,660	4,950	4,130	3,540	3,020	2,530	2,110	1,730	1,400
$43,375 to $43,624	6,480	5,720	5,000	4,190	3,590	3,070	2,580	2,150	1,770	1,440
$43,625 to $43,874	6,540	5,780	5,060	4,240	3,650	3,110	2,630	2,190	1,810	1,470
$43,875 to $44,124	6,600	5,830	5,120	4,300	3,710	3,160	2,670	2,230	1,850	1,510
$44,125 to $44,374	6,660	5,890	5,180	4,360	3,770	3,210	2,720	2,270	1,890	1,540
$44,375 to $44,624	6,710	5,950	5,230	4,420	3,820	3,260	2,760	2,320	1,930	1,580
$44,625 to $44,874	6,770	6,010	5,290	4,470	3,880	3,310	2,810	2,370	1,970	1,610
$44,875 to $45,124	6,830	6,060	5,350	4,530	3,940	3,360	2,860	2,410	2,010	1,640
$45,125 to $45,374	6,890	6,120	5,410	4,590	4,000	3,410	2,900	2,460	2,050	1,680
$45,375 to $45,624	6,950	6,180	5,460	4,650	4,050	3,460	2,950	2,500	2,090	1,710
$45,625 to $45,874	7,000	6,240	5,520	4,700	4,110	3,520	3,000	2,540	2,130	1,750
$45,875 to $46,174	7,060	6,290	5,580	4,760	4,170	3,580	3,050	2,580	2,160	1,780
$46,125 to $46,374	7,120	6,350	5,640	4,820	4,230	3,640	3,100	2,630	2,200	1,820
$46,375 to $46,624	7,180	6,410	5,690	4,880	4,290	3,690	3,150	2,670	2,240	1,860
$46,625 to $46,874	7,230	6,470	5,750	4,930	4,340	3,750	3,200	2,710	2,280	1,900
$46,875 to $47,124	7,290	6,520	5,810	4,990	4,400	3,810	3,250	2,750	2,320	1,940
$47,125 to $47,374	7,350	6,580	5,870	5,050	4,460	3,870	3,300	2,790	2,360	1,980
$47,375 to $47,624	7,410	6,640	5,930	5,110	4,520	3,930	3,350	2,840	2,410	2,020
$47,625 to $47,874	7,460	6,700	5,980	5,170	4,570	3,980	3,390	2,880	2,450	2,050
$47,875 to $48,124	7,520	6,750	6,040	5,220	4,630	4,040	3,450	2,940	2,490	2,090
$48,125 to $48,374	7,580	6,810	6,100	5,280	4,690	4,100	3,500	2,990	2,530	2,120
$48,375 to $48,624	7,640	6,870	6,160	6,340	4,750	4,150	3,560	3,040	2,570	2,160
$48,625 to $48,874	7,690	6,930	6,210	5,400	4,800	4,210	3,620	3,090	2,610	2,190
$48,875 to $49,124	7,750	6,990	6,270	5,450	4,860	4,270	3,660	3,140	2,660	2,230
$49,125 to $49,374	7,800	7,040	6,330	5,510	4,920	4,330	3,730	3,180	2,700	2,270
$49,375 to $49,624	7,850	7,100	6,390	5,570	4,980	4,380	3,790	3,230	2,740	2,310
$49,625 to $49,874	7,900	7,160	6,440	5,630	5,030	4,440	3,850	3,280	2,780	2,350
$49,875 to $50,124	7,950	7,210	6,500	5,680	5,090	4,500	3,910	3,330	2,820	2,390
$50,125 to $50,374	8,000	7,200	6,560	5,740	5,150	4,560	3,960	3,380	2,860	2,440
$50,375 to $50,624	8,050	7,310	6,620	5,800	5,210	4,610	4,020	3,430	2,900	2,480
$50,625 to $50,874	8,100	7,360	6,670	5,860	5,260	4,670	4,080	3,490	2,970	2,520
$50,875 to $51,124	8,150	7,410	6,730	5,910	5,320	4,730	4,140	3,540	3,020	2,560
$51,125 to $51,374	8,200	7,460	6,780	5,970	5,380	4,780	4,190	3,600	3,070	2,600
$51,375 to $51,624	8,250	7,510	6,830	6,030	5,440	4,840	4,250	3,660	3,120	2,640
$51,625 to $51,874	8,300	7,560	6,880	6,090	5,490	4,900	4,310	3,720	3,170	2,690
$51,875 to $52,124	8,350	7,610	6,930	6,140	5,550	4,960	4,370	3,770	3,220	2,730

Table A.—*Expected Family Contribution for a Dependent Student From a Two Parent Family*—Continued

Adjusted gross income	Number of family members									
	3	4	5	6	7	8	9	10	11	12
$52,125 to $52,374	8,400	7,660	6,960	6,190	5,610	5,020	4,420	3,830	3,270	2,770
$52,375 to $52,624	8,450	7,710	7,030	6,240	5,670	5,070	4,480	3,890	3,320	2,810
$52,625 to $52,874	8,500	7,770	7,080	6,290	5,720	5,130	4,540	3,950	3,370	2,860
$52,875 to $53,124	8,550	7,820	7,130	6,340	5,780	5,190	4,600	4,010	3,420	2,910
$53,125 to $53,374	8,600	7,870	7,180	6,390	5,830	5,250	4,660	4,060	3,470	2,960
$53,375 to $53,624	8,650	7,920	7,230	6,440	5,880	5,300	4,710	4,120	3,530	3,010
$53,625 to $53,874	8,710	7,970	7,280	6,490	5,930	5,360	4,770	4,180	3,590	3,060
$53,875 to $54,124	8,760	8,020	7,330	6,540	5,980	5,410	4,830	4,240	3,640	3,110
$54,125 to $54,374	8,810	8,070	7,380	6,590	6,030	5,470	4,890	4,290	3,700	3,160
$54,375 to $54,624	8,860	8,120	7,430	6,640	6,080	5,520	4,940	4,350	3,760	3,210
$54,625 to $54,874	8,910	8,170	7,480	6,690	6,130	5,570	5,000	4,410	3,820	3,260
$54,875 to $55,124	8,960	8,220	7,530	6,740	6,190	5,620	5,060	4,470	3,870	3,300
$55,125 to $55,374	9,010	8,270	7,580	6,800	6,230	5,670	5,100	4,520	3,930	3,350
$55,375 to $55,624	9,060	8,320	7,640	6,850	6,280	5,720	5,150	4,580	3,990	3,400
$55,625 to $55,874	9,110	8,370	7,690	6,900	6,330	5,770	5,200	4,640	4,050	3,450
$55,875 to $56,124	9,160	8,420	7,740	6,950	6,380	5,820	5,250	4,690	4,100	3,510
$56,125 to $56,374	9,210	8,470	7,790	7,000	6,430	5,870	5,310	4,740	4,160	3,570
$56,375 to $56,624	9,260	8,520	7,840	7,050	6,480	5,920	5,360	4,790	4,220	3,630
$56,625 to $56,874	9,310	8,570	7,890	7,100	6,530	5,970	5,410	4,840	4,280	3,680
$56,875 to $57,124	9,360	8,620	7,940	7,150	6,580	6,020	5,460	4,890	4,330	3,740
$57,125 to $57,374	9,410	8,680	7,990	7,200	6,640	6,070	5,510	4,940	4,380	3,800
$57,375 to $57,624	9,460	8,730	8,040	7,250	6,690	6,120	5,560	4,990	4,430	3,860
$57,625 to $57,874	9,510	8,780	8,090	7,300	6,740	6,170	5,610	5,040	4,480	3,910
$57,875 to $58,124	9,560	8,830	8,140	7,350	6,790	6,220	5,660	5,090	4,530	3,970
$58,125 to $58,374	9,620	8,880	8,190	7,400	6,840	6,270	5,710	5,150	4,580	4,020
$58,375 to $58,624	9,670	8,930	8,240	7,450	6,890	6,320	5,760	5,200	4,630	4,070
$58,625 to $58,874	9,720	8,980	8,290	7,500	6,940	6,370	5,810	5,250	4,680	4,120
$58,875 to $59,124	9,770	9,030	8,340	7,550	6,990	6,420	5,860	5,300	4,730	4,170
$59,125 to $59,374	9,820	9,080	8,390	7,600	7,040	6,480	5,910	5,350	4,780	4,220
$59,375 to $59,624	9,870	9,130	8,440	7,650	7,090	6,530	5,960	5,400	4,830	4,270
$59,625 to $59,874	9,920	9,180	8,490	7,700	7,140	6,580	6,010	5,450	4,880	4,320
$59,875 to $60,124	9,970	9,230	8,540	7,750	7,190	6,630	6,060	5,500	4,930	4,370
$60,125 to $60,374	10,020	9,280	8,600	7,810	7,240	6,680	6,110	5,550	4,990	4,420
$60,375 to $60,624	10,070	9,330	8,650	7,860	7,290	6,730	6,160	5,600	5,040	4,470
$60,625 to $60,874	10,120	9,380	8,700	7,910	7,340	6,780	6,210	5,650	5,090	4,520
$60,875 to $61,124	10,170	9,430	8,750	7,960	7,390	6,830	6,260	5,700	5,140	4,570
$61,125 to $61,374	10,220	9,480	8,800	8,010	7,440	6,880	6,320	5,750	4,190	4,620
$61,375 to $61,624	10,270	9,530	8,850	8,060	7,490	6,930	6,370	5,800	5,240	4,670
$61,625 to $61,874	10,320	9,580	8,900	8,110	7,540	6,980	6,420	5,850	5,290	4,720
$61,875 to $62,124	10,370	9,630	8,950	8,160	7,600	7,030	6,470	5,900	5,340	4,780
$62,125 to $62,374	10,420	9,690	9,000	8,210	7,650	7,080	6,520	5,950	5,390	4,830
$62,375 to $62,624	10,470	9,740	9,050	8,260	7,700	7,130	6,570	6,000	5,440	4,880
$62,625 to $62,874	10,520	9,790	9,100	8,310	7,750	7,180	6,620	6,050	5,490	4,930
$62,875 to $63,124	10,570	9,840	9,150	8,360	7,800	7,230	6,670	6,110	5,540	4,980
$63,125 to $63,374	10,620	9,890	9,200	8,410	7,850	7,280	6,720	6,160	5,590	5,030
$63,375 to $63,624	10,660	9,940	9,250	8,460	7,900	7,330	6,770	6,210	5,640	5,080
$63,625 to $63,874	10,710	9,990	9,300	8,510	7,950	7,380	6,820	6,260	5,690	5,130
$63,875 to $64,124	10,750	10,040	9,350	8,560	8,000	7,440	6,870	6,310	5,740	5,180
$64,125 to $64,374	10,800	10,080	9,400	8,610	8,050	7,490	6,920	6,360	5,790	5,230
$64,375 to $64,624	10,840	10,130	9,450	8,660	8,100	7,540	6,970	6,410	5,840	5,280
$64,625 to $64,874	10,890	10,170	9,500	8,720	8,150	7,590	7,020	6,460	5,900	5,330
$64,875 to $65,124	10,930	10,220	9,550	8,770	8,200	7,640	7,070	6,510	5,950	5,380
$65,125 to $65,374	10,980	10,260	9,600	8,820	8,250	7,690	7,120	6,560	6,000	5,430
$65,375 to $65,624	11,020	10,310	9,640	8,870	8,300	7,740	7,170	6,610	6,050	5,480
$65,625 to $65,874	11,070	10,350	9,690	8,920	8,350	7,790	7,230	6,660	6,100	5,530
$65,875 to $66,124	11,110	10,400	9,730	8,970	8,400	7,840	7,280	6,710	6,150	5,580
$66,125 to $66,374	11,160	10,440	9,780	9,010	8,450	7,890	7,330	6,760	6,200	5,630
$66,375 to $66,624	11,200	10,490	9,820	9,060	8,500	7,940	7,380	6,810	6,250	5,680
$66,625 to $66,874	11,240	10,530	9,870	9,100	8,560	7,990	7,430	6,860	6,300	5,740
$66,875 to $67,124	11,290	10,570	9,910	9,150	8,610	8,040	7,480	6,910	6,350	5,790
$67,125 to $67,374	11,330	10,620	9,960	9,190	8,650	8,090	7,530	6,960	6,400	5,840
$67,375 to $67,624	11,380	10,660	10,000	9,240	8,690	8,140	7,580	7,010	6,450	5,890
$67,625 to $67,874	11,420	10,710	10,050	9,280	8,740	8,190	7,630	7,070	6,500	5,940
$67,875 to $68,124	11,470	10,750	10,080	9,320	8,780	8,240	7,680	7,120	6,550	5,990
$68,125 to $68,374	11,510	10,800	10,140	9,370	8,830	8,290	7,730	7,170	6,600	6,040
$68,375 to $68,624	11,560	10,840	10,180	9,410	8,870	8,330	7,780	7,220	6,650	6,090
$68,625 to $68,874	11,600	10,890	10,220	9,460	8,920	8,380	7,830	7,270	6,700	6,140
$68,875 to $69,124	11,650	10,930	10,270	9,500	8,960	8,420	7,880	7,320	6,750	6,190
$69,125 to $69,374	11,690	10,980	10,310	9,550	9,010	8,470	7,930	7,370	6,800	6,240
$69,375 to $69,624	11,740	11,020	10,360	9,590	9,050	8,510	7,970	7,420	6,850	6,290
$69,625 to $69,874	11,780	11,070	10,400	9,640	9,100	8,560	8,020	7,470	6,910	6,340
$69,875 to $70,124	11,830	11,110	10,450	9,680	9,140	8,600	8,060	7,520	6,960	6,390
$70,125 to $70,374	11,870	11,160	10,490	9,730	9,130	8,650	8,110	7,560	7,010	6,440
$70,375 to $70,624	11,910	11,200	10,540	9,770	9,230	8,690	8,150	7,610	7,060	6,490
$70,625 to $70,874	11,960	11,240	10,580	9,820	9,280	8,730	8,190	7,650	7,110	6,540
$70,875 to $71,124	12,000	11,290	10,630	9,860	9,320	8,780	8,240	7,700	7,160	6,590
$71,125 to $71,374	12,050	11,330	10,670	9,910	9,360	8,820	8,280	7,740	7,200	6,640
$71,375 to $71,624	12,090	11,380	10,720	9,950	9,410	8,870	8,330	7,790	7,250	6,700
$71,625 to $71,874	12,140	11,420	10,760	9,990	9,450	8,910	8,370	7,830	7,290	6,750
$71,875 to $72,124	12,180	11,470	10,810	10,040	9,500	8,960	8,420	7,880	7,340	6,800
$72,125 to $72,374	12,230	11,510	10,850	10,080	9,540	9,000	8,460	7,920	7,380	6,840
$72,375 to $72,624	12,270	11,560	10,890	10,130	9,590	9,050	8,510	7,970	7,430	6,890
$72,625 to $72,874	12,320	11,600	10,940	10,170	9,630	9,090	8,550	8,010	7,470	6,930
$72,875 to $73,124	12,360	11,650	10,980	10,220	9,680	9,140	8,600	8,060	7,520	6,970
$73,125 to $73,374	12,410	11,690	11,030	10,260	9,720	9,180	8,640	8,100	7,560	7,020
$73,375 to $73,624	12,450	11,740	11,070	10,310	9,770	9,230	8,690	8,140	7,600	7,060
$73,625 to $73,874	12,490	11,780	11,120	10,350	9,810	9,270	8,730	8,190	7,650	7,110
$73,875 to $74,124	12,540	11,830	11,160	10,400	9,860	9,320	8,770	8,230	7,690	7,150
$74,125 to $74,374	12,580	11,870	11,210	10,440	9,900	9,360	8,820	8,280	7,740	7,200
$74,375 to $74,624	12,630	11,910	11,250	10,490	9,950	9,400	8,860	8,320	7,780	7,240

Table A.—*Expected Family Contribution for a Dependent Student From a Two Parent Family*—Continued

Adjusted gross income	Number of family members									
	3	4	5	6	7	8	9	10	11	12
$74,625 to $74,874	12,670	11,960	11,300	10,530	9,990	9,450	8,910	8,370	7,830	7,290
$74,875 to $75,124	12,720	12,000	11,340	10,570	10,030	9,490	8,950	8,410	7,870	7,330
$75,125 to $75,374	12,760	12,050	11,390	10,620	10,080	9,540	9,000	8,460	7,920	7,380
$75,375 to $75,624	12,810	12,090	11,430	10,660	10,120	9,580	9,040	8,500	7,960	7,420
$75,625 to $75,874	12,850	12,140	11,470	10,710	10,170	9,630	9,090	8,550	8,010	7,470
$75,875 to $76,124	12,900	12,180	11,520	10,750	10,210	9,670	9,130	8,590	8,050	7,510
$76,125 to $76,374	12,940	12,230	11,560	10,800	10,260	9,720	9,180	8,640	8,100	7,560
$76,375 to $76,674	12,990	12,270	11,610	10,840	10,300	9,760	9,220	8,680	8,140	7,600
$76,625 to $76,874	13,030	12,320	11,650	10,890	10,350	9,810	9,270	8,730	8,190	7,648
$76,875 to $77,124	13,080	12,360	11,700	10,930	10,390	9,850	9,310	8,770	8,230	7,690
$77,125 to $77,374	13,120	12,410	11,740	10,980	10,440	9,900	9,360	8,810	8,270	7,730
$77,375 to $77,624	13,160	12,450	11,790	11,020	10,480	9,940	9,400	8,860	8,320	7,780
$77,625 to $77,874	13,210	12,490	11,830	11,070	10,530	9,990	9,440	8,900	8,360	7,820
$77,875 to $78,124	13,250	12,540	11,880	11,110	10,570	10,030	9,490	8,950	8,410	7,870
$78,125 to $78,374	13,300	12,580	11,920	11,160	10,610	10,070	9,530	8,990	8,450	7,910
$78,375 to $78,624	13,340	12,630	11,970	11,200	10,660	10,120	9,580	9,040	8,500	7,960
$78,625 to $78,874	13,390	12,670	12,010	11,240	10,700	10,160	9,620	9,080	8,540	8,000
$78,875 to $79,124	13,430	12,720	12,060	11,290	10,750	10,210	9,670	9,130	8,590	8,050
$79,125 to $79,374	13,480	12,760	12,100	11,330	10,790	10,250	9,710	9,170	8,630	8,090
$79,375 to $79,624	13,520	12,810	12,140	11,380	10,840	10,300	9,760	9,220	8,680	8,140
$79,625 to $79,874	13,570	12,850	12,190	11,420	10,880	10,340	9,800	9,260	8,720	8,180
$79,875 to $80,124	13,610	12,900	12,230	11,470	10,930	10,390	9,850	9,310	8,770	8,230
$80,125 to $80,374	13,660	12,940	12,280	11,510	10,970	10,430	9,890	9,350	8,810	8,270
$80,375 to $80,624	13,700	12,990	12,320	11,560	11,020	10,480	9,940	9,400	8,860	8,319
$80,625 to $80,874	13,750	13,030	12,370	11,600	11,060	10,520	9,980	9,440	8,900	8,360
$80,875 to $81,124	13,790	13,080	12,410	11,650	11,110	10,570	10,020	9,480	8,940	8,400
$81,125 to $81,374	13,830	13,120	12,460	11,690	11,150	10,610	10,070	9,530	8,990	8,450
$81,375 to $81,624	13,880	13,160	12,500	11,740	11,200	10,650	10,110	9,570	9,030	8,490
$81,625 to $81,874	13,920	13,210	12,550	11,780	11,240	10,700	10,160	9,620	9,080	8,540
$81,875 to $82,124	13,970	13,250	12,590	11,830	11,280	10,740	10,200	9,660	9,120	8,580
$82,125 to $82,374	14,010	13,300	12,640	11,870	11,330	10,790	10,250	9,710	9,170	8,630
$82,375 to $82,624	14,060	13,340	12,680	11,910	11,370	10,830	10,290	9,750	9,210	8,670
$82,625 to $82,874	14,100	13,390	12,730	11,960	11,420	10,880	10,340	9,800	9,260	8,720
$82,875 to $83,124	14,150	13,430	12,770	12,000	11,460	10,920	10,380	9,840	9,300	8,760
$83,125 to $83,374	14,190	13,480	12,810	12,050	11,510	10,970	10,430	9,890	9,350	8,810
$83,375 to $83,624	14,240	13,520	12,860	12,090	11,550	11,010	10,470	9,930	9,390	8,850
$83,625 to $83,874	14,280	13,570	12,900	12,140	11,600	11,060	10,520	9,980	9,440	8,890
$83,875 to $84,124	14,330	13,610	12,950	12,180	11,640	11,100	10,560	10,020	9,480	8,940
$84,125 to $84,374	14,370	13,660	12,990	12,230	11,690	11,150	10,610	10,060	9,520	8,990
$84,375 to $84,624	14,410	13,700	13,040	12,270	11,730	11,190	10,650	10,110	9,570	9,030
$84,625 to $84,874	14,460	13,750	13,080	12,320	11,780	11,240	10,690	10,150	9,610	9,070
$84,875 to $85,124	14,500	13,790	13,130	12,360	11,820	11,280	10,740	10,200	9,660	9,120
$85,125 to $85,374	14,550	13,830	13,170	12,410	11,870	11,320	10,780	10,240	9,700	9,160
$85,375 to $85,624	14,590	13,880	13,220	12,450	11,910	11,370	10,830	10,290	9,750	9,210
$85,625 to $85,874	14,640	13,920	13,260	12,490	11,950	11,410	10,870	10,330	9,790	9,250
$85,875 to $86,124	14,680	13,970	13,310	12,540	12,000	11,460	10,920	10,380	9,840	9,300
$86,125 to $86,374	14,730	14,010	13,350	12,580	12,040	11,500	10,960	10,420	9,880	9,340
$86,375 to $86,624	14,770	14,060	13,390	12,630	12,090	11,550	11,010	10,470	9,930	9,390
$86,625 to $86,874	14,820	14,100	13,440	12,670	12,130	11,590	11,050	10,510	9,970	9,430
$86,875 to $87,124	14,860	14,150	13,480	12,720	12,180	11,640	11,100	10,560	10,020	9,480
$87,125 to $87,374	14,910	14,190	13,530	12,760	12,220	11,680	11,140	10,600	10,060	9,520
$87,375 to $87,624	14,950	14,240	13,570	12,810	12,270	11,730	11,190	10,650	10,100	9,560
$87,625 to $87,874	15,000	14,280	13,620	12,850	12,310	11,770	11,230	10,690	10,150	9,610
$87,875 to $88,124	15,040	14,330	13,660	12,900	12,360	11,820	11,280	10,730	10,190	9,650
$88,125 to $88,374	15,080	14,370	13,710	12,940	12,400	11,860	11,320	10,780	10,240	9,700
$88,375 to $88,624	15,130	14,410	13,750	12,990	12,450	11,900	11,360	10,820	10,280	9,740
$88,625 to $88,874	15,170	14,460	13,800	13,030	12,490	11,950	11,410	10,870	10,330	9,790
$88,875 to $89,124	15,210	14,500	13,840	13,080	12,530	11,990	11,450	10,910	10,370	9,830
$89,125 to $89,374	15,250	14,550	13,890	13,120	12,580	12,040	11,500	10,960	10,420	9,880
$89,375 to $89,624	15,290	14,590	13,930	13,160	12,620	12,080	11,540	11,000	10,460	9,920
$89,625 to $89,874	15,330	14,630	13,980	13,210	12,670	12,130	11,590	11,050	10,510	9,970
$89,875 to $90,124	15,360	14,670	14,020	13,250	12,710	12,170	11,630	11,090	10,550	10,010
$90,125 to $90,374	15,400	14,710	14,060	13,300	12,750	12,220	11,680	11,140	10,600	10,060
$90,375 to $90,624	15,440	14,750	14,110	13,340	12,800	12,260	11,720	11,180	10,640	10,100
$90,625 to $90,874	15,480	14,790	14,150	13,390	12,850	12,310	11,770	11,230	10,690	10,140
$90,875 to $91,124	15,520	14,830	14,190	13,430	12,890	12,350	11,810	11,270	10,730	10,190
$91,125 to $91,374	15,560	14,870	14,230	13,480	12,940	12,400	11,860	11,320	10,770	10,230
$91,375 to $91,624	15,600	14,910	14,270	13,520	12,980	12,440	11,900	11,360	10,820	10,280
$91,625 to $91,874	15,640	14,940	14,310	13,560	13,030	12,490	11,940	11,400	10,860	10,309
$91,875 to $92,124	15,670	14,980	14,340	13,600	13,070	12,530	11,990	11,450	10,910	10,370
$92,125 to $92,374	15,710	15,020	14,380	13,640	13,120	12,570	12,030	11,490	10,950	10,410
$92,375 to $92,624	15,750	15,060	14,420	13,690	13,160	12,620	12,080	11,540	11,000	10,460
$92,625 to $92,874	15,790	15,100	14,460	13,720	13,200	12,660	12,120	11,580	11,040	10,500
$92,875 to $93,124	15,830	15,140	14,500	13,760	13,240	12,710	12,170	11,630	11,090	10,550
$93,125 to $93,374	15,870	15,180	14,540	13,800	13,280	12,750	12,210	11,670	11,130	10,590
$93,375 to $93,624	15,910	15,220	14,580	13,830	13,320	12,800	12,260	11,720	11,180	10,640
$93,625 to $93,874	15,950	15,260	14,620	13,870	13,360	12,840	12,300	11,760	11,220	10,680
$93,875 to $94,124	15,990	15,290	14,650	13,910	13,390	12,880	12,350	11,810	11,270	10,730
$94,125 to $94,374	16,020	15,330	14,690	13,950	13,430	12,920	12,390	11,850	11,310	10,770
$94,375 to $94,624	16,060	15,370	14,730	13,990	13,470	12,960	12,440	11,900	11,360	10,810
$94,625 to $94,874	16,100	15,410	14,770	14,030	13,510	12,990	12,480	11,940	11,400	10,860
$94,875 to $95,124	16,140	15,450	14,810	14,070	13,550	13,030	12,520	11,980	11,440	10,900
$95,125 to $95,374	16,180	15,490	14,850	14,110	13,590	13,070	12,550	12,030	11,490	10,950
$95,375 to $95,624	16,220	15,530	14,880	14,140	13,630	13,110	12,590	12,070	11,530	10,990
$95,625 to $95,874	16,260	15,570	14,930	14,180	13,670	13,150	12,630	12,120	11,580	11,040
$95,875 to $96,124	16,290	15,600	14,960	14,220	13,710	13,190	12,670	12,150	11,620	11,080
$96,125 to $96,374	16,330	15,640	15,000	14,260	13,740	13,230	12,710	12,190	11,670	11,130
$96,375 to $96,624	16,370	15,680	15,040	14,300	13,780	13,270	12,750	12,230	11,710	11,170
$96,625 to $96,874	16,410	15,720	15,080	14,340	13,820	13,300	12,790	12,270	11,750	11,220
$96,875 to $97,124	16,450	15,760	15,120	14,380	13,860	13,340	12,830	12,310	11,790	11,250

Table A.—*Expected Family Contribution for a Dependent Student From a Two Parent Family—Continued*

Adjusted gross income	Number of family members									
	3	4	5	6	7	8	9	10	11	12
$97,125 to $97,374	16,490	15,800	15,160	14,420	13,900	13,380	12,870	12,350	11,830	11,310
$97,375 to $97,624	16,530	15,840	15,200	14,450	13,940	13,420	12,900	12,380	11,870	11,350
$97,625 to $97,874	16,570	15,880	15,240	14,490	13,980	13,460	12,940	12,420	11,910	11,390
$97,875 to $98,124	16,600	15,910	15,270	14,530	14,020	13,500	12,980	12,460	11,950	11,430
$98,125 to $98,374	16,640	15,950	15,310	14,570	14,050	13,540	13,020	12,500	11,990	11,470
$98,375 to $98,624	16,680	15,990	15,350	14,610	14,090	13,580	13,060	12,540	12,030	11,510
$98,625 to $98,874	16,720	16,030	15,390	14,650	14,130	13,610	13,100	12,580	12,060	11,550
$98,875 to $99,124	16,760	16,070	15,430	14,690	14,170	13,650	13,140	12,620	12,100	11,590
$99,125 to $99,374	16,800	16,110	15,470	14,730	14,210	13,690	13,180	12,660	12,140	11,620
$99,375 to $99,624	16,840	16,150	15,510	14,760	14,250	13,730	13,210	12,700	12,180	11,660
$99,625 to $99,874	16,880	16,190	15,550	14,800	14,290	13,770	13,250	12,740	12,220	11,700
$99,875 to $100,124	16,920	16,220	15,590	14,840	14,330	13,810	13,290	12,770	12,260	11,740

As used in the table—

"Family members" include the student, the student's spouse and dependents, and the student's mother and father and their dependents. If the family includes a step-parent whose income is to be included in the adjusted gross income, family members also include the step-parent and the dependents of the step-parent.

B. Dependent Student From a One Parent Family

For a dependent student from a one parent family, the institution determines the applicant's expected family contribution by calculating the family contribution according to the following table and dividing the amount obtained from the table by the number of family members enrolled in a postsecondary institution on at least a half-time basis.

Table B.—*Expected Family Contribution for a Dependent Student From a One Parent Family*

Adjusted gross income	Number of family members										
	2	3	4	5	6	7	8	9	10	11	12
Less than $30,001:											
$30,001 to $30,124	$2,420	$2,000	$1,540	$1,170	$780	$480	$170	$0	$0	$0	$0
$30,125 to $30,374	2,460	2,030	1,570	1,200	800	500	200	0	0	0	0
$30,375 to $30,624	2,510	2,070	1,600	1,230	830	540	230	0	0	0	0
$30,625 to $30,874	2,550	2,110	1,640	1,260	860	570	270	0	0	0	0
30,875 to $31,124	2,600	2,150	1,670	1,290	890	600	300	0	0	0	0
$31,125 to $31,374	2,640	2,190	1,710	1,320	920	630	330	80	0	0	0
$31,375 to $31,624	2,680	2,230	1,740	1,350	950	660	370	80	0	0	0
$31,625 to $31,874	2,730	2,280	1,780	1,380	980	690	400	100	0	0	0
$31,875 to $32,124	2,770	2,320	1,820	1,420	1,010	720	430	130	0	0	0
$32,125 to $32,374	2,810	2,360	1,860	1,450	1,040	750	460	160	0	0	0
$32,375 to $32,624	2,860	2,400	1,900	1,490	1,080	780	490	200	0	0	0
$32,625 to $32,874	2,910	2,450	1,940	1,520	1,110	810	520	230	0	0	0
$32,875 to $33,124	2,960	2,490	1,980	1,560	1,140	840	550	260	0	0	0
$33,125 to $33,374	3,010	2,530	2,010	1,590	1,170	880	580	290	0	0	0
$33,375 to $33,624	3,060	2,570	2,050	1,630	1,200	910	610	320	30	0	0
$33,625 to $33,874	3,110	2,620	2,090	1,660	1,230	940	640	350	60	0	0
$33,875 to $34,124	3,160	2,660	2,120	1,690	1,260	970	680	380	90	0	0
$34,125 to $34,374	3,210	2,700	2,160	1,720	1,290	1,000	710	410	120	0	0
34,375 to 34,624	3,260	2,740	2,200	1,760	1,320	1,030	740	440	150	0	0
$34,625 to $34,874	3,310	2,790	2,230	1,790	1,350	1,060	770	470	180	0	0
$34,875 to $35,124	3,360	2,840	2,270	1,820	1,380	1,090	800	510	210	0	0
$35,125 to $35,374	3,410	2,890	2,310	1,860	1,410	1,120	830	540	240	0	0
$35,375 to $35,624	3,470	2,940	2,360	1,900	1,440	1,150	860	570	270	0	0
$35,625 to $35,874	3,530	2,990	2,400	1,930	1,470	1,180	890	600	310	10	0
$35,875 to $36,124	3,590	3,040	2,440	1,970	1,510	1,210	920	630	340	40	0
$36,125 to $36,374	3,640	3,090	2,480	2,010	1,540	1,240	950	660	370	70	0
$36,375 to $36,624	3,700	3,140	2,530	2,040	1,570	1,270	980	690	400	110	0
$36,625 to $36,874	3,750	3,190	2,570	2,080	1,600	1,290	1,010	720	430	140	0
$36,875 to $37,124	3,810	3,240	2,610	2,110	1,630	1,320	1,040	750	460	170	0
$37,125 to $37,374	3,860	3,290	2,650	2,150	1,660	1,350	1,070	780	490	200	0
$37,375 to $37,624	3,910	3,330	2,700	2,190	1,690	1,380	1,100	810	520	230	0
$37,625 to $37,874	3,970	3,380	2,740	2,220	1,720	1,410	1,120	840	550	260	0
$37,875 to $38,124	4,020	3,420	2,780	2,260	1,760	1,440	1,150	870	580	290	0
$38,125 to $38,374	4,080	3,480	2,830	2,300	1,790	1,470	1,180	900	610	320	30
$38,375 to $38,624	4,130	3,530	2,879	2,350	1,820	1,500	1,210	930	640	350	60
$38,625 to $38,874	4,180	3,550	2,920	2,390	1,850	1,530	1,230	960	680	380	90
$38,875 to $39,124	4,240	3,640	2,970	2,430	1,900	1,560	1,260	980	700	410	120
$39,125 to $39,374	4,290	3,690	3,010	2,470	1,930	1,590	1,290	1,010	730	440	150
$39,375 to $39,624	4,350	3,750	3,060	2,510	1,970	1,620	1,320	1,040	760	470	180
$39,625 to $39,874	4,400	3,800	3,100	2,550	2,010	1,660	1,340	1,070	790	510	210
$39,875 to $40,124	4,460	3,850	3,150	2,590	2,040	1,690	1,370	1,090	810	530	240
$40,125 to $40,374	4,510	3,910	3,200	2,630	2,080	1,720	1,400	1,120	840	560	270
$40,375 to $40,624	4,560	3,960	3,240	2,670	2,110	1,750	1,430	1,150	870	590	310
$40,625 to $40,874	4,620	4,020	3,290	2,710	2,140	1,780	1,460	1,180	900	620	340
$40,875 to $41,124	4,670	4,070	3,330	2,750	2,180	1,820	1,500	1,200	920	640	360
$41,125 to $41,374	4,730	4,120	3,380	2,780	2,210	1,850	1,530	1,230	950	670	390
$41,375 to $41,624	4,780	4,180	3,430	2,830	2,240	1,890	1,560	1,260	980	700	420
$41,625 to $41,874	4,830	4,230	3,480	2,880	2,280	1,920	1,590	1,290	1,010	730	450
$41,875 to $42,124	4,890	4,290	3,530	2,920	2,320	1,950	1,620	1,310	1,030	750	470
$42,125 to $42,374	4,940	4,340	3,590	2,970	2,360	1,990	1,650	1,340	1,060	780	500
$42,375 to $42,624	5,000	4,390	3,640	3,010	2,400	2,020	1,680	1,370	1,090	810	530
$42,625 to $42,874	5,050	4,450	3,700	3,060	2,440	2,050	1,710	1,400	1,120	840	560
$42,875 to $43,124	5,100	4,500	3,750	3,110	2,480	2,090	1,740	1,430	1,140	860	580
$43,125 to $43,374	5,160	4,560	3,800	3,150	2,520	2,120	1,770	1,460	1,170	890	610
$43,375 to $43,624	5,210	4,610	3,860	3,200	2,560	2,150	1,800	1,490	1,200	920	640

Table B.—*Expected Family Contribution for a Dependent Student From a One Parent Family*—Continued

Adjusted gross income	Number of family members										
	2	3	4	5	6	7	8	9	10	11	12
$43,625 to $43,874	5,270	4,060	3,910	3,240	2,590	2,190	1,800	1,520	1,220	950	670
$43,875 to $44,124	5,320	4,720	3,970	3,290	2,630	2,220	1,850	1,540	1,250	970	690
$44,125 to $44,374	5,370	4,770	4,020	3,340	2,670	2,250	1,900	1,570	1,280	1,000	720
$44,375 to $44,624	5,430	4,830	4,070	3,380	2,710	2,290	1,930	1,600	1,300	1,030	750
$44,625 to $44,874	5,480	4,880	4,130	3,430	2,750	2,330	1,960	1,630	1,330	1,060	780
$44,875 to $45,124	5,540	4,930	4,180	3,480	2,790	2,370	2,000	1,660	1,360	1,090	800
$45,125 to $45,374	5,590	4,990	4,240	3,540	2,840	2,410	2,030	1,690	1,380	1,110	830
$45,375 to $45,624	5,640	5,040	4,290	3,590	2,886	2,450	2,060	1,720	1,410	1,140	860
$45,625 to $45,874	5,700	5,100	4,340	3,640	2,930	2,490	2,100	1,750	1,440	1,160	890
$45,875 to $46,124	5,750	5,150	4,400	3,700	2,970	2,530	2,130	1,770	1,470	1,190	910
$46,125 to $46,374	5,810	5,200	4,450	3,750	3,070	2,570	2,160	1,810	1,500	1,210	940
$46,375 to $46,624	5,860	5,260	4,510	3,810	3,070	2,610	2,200	1,848	1,520	1,240	970
$46,625 to $46,874	5,910	5,310	4,560	3,860	3,110	2,650	2,230	1,870	1,550	1,260	990
$46,875 to $47,124	5,960	5,370	4,610	3,910	3,160	2,680	2,270	1,910	1,580	1,290	1,020
$47,125 to $47,374	6,000	5,420	4,670	3,970	3,200	2,720	2,310	1,940	1,610	1,310	1,040
$47,375 to $47,624	6,050	5,470	4,720	4,020	3,250	2,760	2,340	1,970	1,640	1,340	1,070
$47,625 to $47,874	6,090	5,530	4,780	4,080	3,300	2,800	2,380	2,010	1,670	1,360	1,090
$47,875 to $48,124	6,140	5,570	4,830	4,130	3,340	2,850	2,420	2,040	1,700	1,390	1,120
$48,125 to $48,374	6,180	5,620	4,890	4,180	3,390	2,900	2,460	2,070	1,730	1,420	1,140
$48,375 to $48,624	6,230	5,680	4,940	4,240	3,440	2,940	2,500	2,110	1,770	1,450	1,170
$48,625 to $48,874	6,270	5,710	4,990	4,290	3,490	2,990	2,540	2,140	1,780	1,480	1,190
$48,875 to $49,124	6,310	5,750	5,040	4,350	3,540	3,030	2,580	2,170	1,820	1,500	1,220
$49,125 to $49,374	6,360	5,790	5,790	4,400	3,600	3,080	2,620	2,210	1,850	1,530	1,240
$49,375 to $49,624	6,400	5,840	5,130	4,460	3,650	3,130	2,660	2,240	1,880	1,560	1,270
$49,625 to $49,874	6,450	5,880	5,170	4,510	3,710	3,170	2,700	2,280	1,920	1,590	1,290
$49,875 to $50,124	6,490	5,930	5,210	4,550	3,750	3,220	2,740	2,300	1,950	1,620	1,320
$50,125 to $50,374	6,540	5,970	5,260	4,600	3,810	3,260	2,770	2,340	1,980	1,640	1,340
$50,375 to $50,624	6,580	6,020	5,300	4,640	3,870	3,310	2,820	2,400	2,020	1,680	1,370
$50,625 to $50,874	6,630	6,060	5,350	4,690	3,920	3,360	2,860	2,430	2,050	1,710	1,390
$50,875 to $51,124	6,670	6,110	5,390	4,730	3,960	3,400	2,910	2,470	2,080	1,730	1,420
$51,125 to $51,374	6,720	6,150	5,440	4,780	4,010	3,450	2,960	2,510	2,120	1,760	1,440
$51,375 to $51,624	6,760	6,200	5,480	4,820	4,050	3,510	3,000	2,550	2,150	1,790	1,460
$51,625 to $51,874	6,810	6,240	5,530	4,860	4,100	3,560	3,050	2,590	2,180	1,830	1,510
$51,875 to $52,124	6,850	6,290	5,570	4,910	4,140	3,600	3,096	2,630	2,220	1,860	1,540
$52,125 to $52,374	6,890	6,330	5,620	4,950	4,180	3,650	3,140	2,670	2,250	1,890	1,570
$52,375 to $52,624	6,940	6,380	5,660	5,000	4,230	3,690	3,190	2,710	2,290	1,930	1,600
$52,625 to $52,874	6,980	6,420	5,710	5,040	4,280	3,740	3,230	2,750	2,330	1,960	1,630
$52,875 to $53,124	7,030	6,460	5,750	5,090	4,320	3,780	3,270	2,790	2,370	1,990	1,660
$53,125 to $53,374	7,070	6,510	5,790	5,130	4,370	3,830	3,310	2,830	2,410	2,030	1,690
$53,375 to $53,624	7,120	6,550	5,840	5,180	4,410	3,870	3,340	2,860	2,450	2,060	1,710
$53,625 to $53,874	7,160	6,600	5,880	5,220	4,460	3,910	3,380	2,920	2,490	2,090	1,740
$53,875 to $54,124	7,210	6,640	5,930	5,270	4,500	3,960	3,430	2,960	2,520	2,120	1,770
$54,125 to $54,374	7,250	6,690	5,970	5,310	4,540	4,000	3,460	3,000	2,560	2,160	1,800
$54,375 to $54,624	7,300	6,730	6,020	5,360	4,590	4,050	3,510	3,040	2,600	2,190	1,840
$54,625 to $54,874	7,340	6,780	6,060	5,400	4,630	4,090	3,550	3,070	2,640	2,230	1,870
$54,875 to $55,124	7,390	6,820	6,110	5,440	4,680	4,140	3,600	3,110	2,670	2,260	1,900
$55,125 to $55,374	7,430	6,870	6,150	5,490	4,720	4,180	3,640	3,150	2,710	2,300	1,940
$55,375 to $55,624	7,480	6,910	6,200	5,530	4,770	4,230	3,690	3,190	2,740	2,340	1,970
$55,625 to $55,874	7,520	6,960	6,240	5,580	4,810	4,270	3,730	3,230	2,770	2,360	2,000
$55,875 to $56,124	7,560	7,000	6,290	5,620	4,850	4,320	3,780	3,260	2,800	2,410	2,040
$56,125 to $56,374	7,610	7,050	6,330	5,670	4,900	4,360	3,820	3,300	2,840	2,440	2,070
$56,375 to $56,624	7,650	7,090	6,380	5,710	4,950	4,410	3,870	3,340	2,880	2,480	2,100
$56,625 to $56,874	7,700	7,130	6,420	5,760	4,990	4,450	3,910	3,380	2,900	2,510	2,140
$56,875 to $57,124	7,740	7,180	6,460	5,800	5,040	4,500	3,950	3,420	2,950	2,540	2,160
$57,125 to $57,374	7,790	7,220	6,510	5,850	5,080	4,540	4,000	3,460	2,990	2,570	2,190
$57,375 to $57,624	7,830	7,270	6,550	5,890	5,130	4,580	4,040	3,500	3,030	2,610	2,220
$57,625 to $57,874	7,880	7,310	6,600	5,940	5,170	4,630	4,090	3,540	3,070	2,640	2,250
$57,875 to $58,124	7,920	7,360	6,640	5,980	5,210	4,670	4,130	3,590	3,110	2,670	2,280
$58,125 to $58,374	7,970	7,400	6,690	6,030	5,260	4,720	4,180	3,640	3,150	2,700	2,310
$58,375 to $58,624	8,010	7,450	6,730	6,070	5,300	4,760	4,220	3,680	3,180	2,730	2,340
$58,625 to $58,874	8,060	7,490	6,780	6,110	5,350	4,810	4,270	3,730	3,220	2,770	2,360
$58,875 to $59,124	8,100	7,540	6,820	6,160	5,390	4,850	4,310	3,770	3,260	2,800	2,410
$59,125 to $59,374	8,140	7,580	6,870	6,200	5,440	4,900	4,360	3,820	3,300	2,840	2,440
$59,375 to $59,624	8,190	7,630	6,910	6,250	5,480	4,940	4,400	3,860	3,340	2,880	2,470
$59,625 to $59,874	8,230	7,670	6,960	6,290	5,530	4,990	4,450	3,910	3,370	2,910	2,500
$59,875 to $60,124	8,280	7,710	7,000	6,340	5,570	5,030	4,490	3,950	3,410	2,950	2,540
$60,125 to $60,374	8,320	7,760	7,050	6,380	5,620	5,080	4,540	3,990	3,450	2,990	2,570
$60,375 to $60,624	8,370	7,800	7,090	6,430	5,660	5,120	4,580	4,040	3,500	3,020	2,600
$60,625 to $60,874	8,410	7,850	7,130	6,470	5,710	5,170	4,630	4,080	3,540	3,070	2,630
$60,875 to $61,124	8,460	7,890	7,180	6,520	5,750	5,210	4,670	4,130	3,580	3,100	2,670
$61,125 to $61,374	8,500	7,940	7,220	6,560	5,790	5,250	4,710	4,170	3,630	3,140	2,700
$61,375 to $61,624	8,550	7,980	7,270	6,610	5,840	5,300	4,760	4,220	3,660	3,180	2,730
$61,625 to $61,874	8,590	8,030	7,310	6,650	5,880	5,340	4,800	4,250	3,720	3,220	2,760
$61,875 to $62,124	8,640	8,070	7,360	6,700	5,930	5,390	4,850	4,310	3,770	3,250	2,800
$62,125 to $62,374	8,680	8,120	7,400	6,740	5,970	5,430	4,890	4,350	3,810	3,290	2,830
$62,375 to $62,624	8,730	8,160	7,450	6,790	6,020	5,480	4,940	4,400	3,860	3,330	2,870
$62,625 to $62,874	8,770	8,210	7,490	6,830	6,060	5,520	4,980	4,440	3,900	3,370	2,910
$62,875 to $63,124	8,810	8,250	7,540	6,870	6,110	5,570	5,030	4,490	3,950	3,410	2,950
$63,125 to $63,374	8,860	8,300	7,580	6,920	6,150	5,610	5,070	4,530	3,990	3,450	2,980
$63,375 to $63,624	8,900	8,340	7,630	6,960	6,200	5,660	5,120	4,580	4,030	3,490	3,020
$63,625 to $63,874	8,950	8,380	7,670	7,010	6,240	5,700	5,160	4,620	4,080	3,540	3,060
$63,875 to $64,124	8,990	8,420	7,710	7,050	6,290	5,750	5,210	4,660	4,120	3,580	3,100
$64,125 to $64,374	9,030	8,460	7,760	7,100	6,330	5,790	5,250	4,710	4,170	3,630	3,140
$64,375 to $64,624	9,040	8,500	7,800	7,140	6,380	5,830	5,290	4,750	4,210	3,670	3,180
$64,625 to $64,874	9,080	8,540	7,850	7,190	6,420	5,880	5,340	4,800	4,260	3,720	3,210
$64,875 to $65,124	9,120	8,580	7,880	7,230	6,460	5,920	5,380	4,840	4,300	3,760	3,250
$65,125 to $65,374	9,150	8,610	7,920	7,280	6,510	5,970	5,430	4,890	4,350	3,810	3,290
$65,375 to $65,624	9,190	8,650	7,960	7,320	6,550	6,010	5,470	4,930	4,390	3,850	3,330
$65,625 to $65,874	9,230	8,690	8,000	7,360	6,600	6,060	5,520	4,980	4,440	3,900	3,370
$65,875 to $66,124	9,270	8,730	8,040	7,400	6,640	6,100	5,560	5,020	4,480	3,940	3,400

Table B.—*Expected Family Contribution for a Dependent Student From a One Parent Family*—Continued

Adjusted gross income	Number of family members										
	2	3	4	5	6	7	8	9	10	11	12
$66,125 to $66,374	9,310	8,770	8,060	7,440	6,690	6,150	5,610	5,070	4,530	3,990	3,440
$66,375 to $66,624	9,350	8,810	8,120	7,480	6,730	6,190	5,650	5,110	4,570	4,030	3,490
$66,625 to $66,874	9,390	8,850	8,160	7,520	6,770	6,240	5,700	5,160	4,620	4,070	3,530
$66,875 to $67,124	9,430	8,890	8,190	7,560	6,810	6,280	5,740	5,200	4,660	4,120	3,580
$67,125 to $67,374	9,460	8,920	8,230	7,590	6,850	6,330	5,790	5,250	4,700	4,160	3,620
$67,375 to $67,624	9,500	8,960	8,270	7,630	6,890	6,370	5,830	5,290	4,750	4,210	3,670
$67,625 to $67,874	9,540	9,000	8,310	7,670	6,930	6,410	5,870	5,330	4,790	4,250	3,710
$67,875 to $68,124	9,580	9,040	8,350	7,710	6,970	6,450	5,920	5,380	4,840	4,300	3,760
$68,125 to $68,374	9,620	9,080	8,390	7,750	7,010	6,490	5,960	5,420	4,880	4,340	3,800
$68,375 to $68,624	9,660	9,120	8,430	7,790	7,050	6,530	6,010	5,470	4,930	4,390	3,850
$68,625 to $68,874	9,700	9,160	8,470	7,830	7,090	6,570	6,060	5,510	4,970	4,430	3,890
$68,875 to $69,124	9,740	9,200	8,500	7,870	7,120	6,610	6,090	5,560	5,020	4,480	3,940
$69,125 to $69,374	9,770	9,230	8,540	7,900	7,160	6,640	6,130	5,600	5,060	4,520	3,980
$69,375 to $69,624	9,810	9,270	8,580	7,940	7,200	6,680	6,170	5,650	5,110	4,570	4,030
$69,625 to $69,874	9,850	9,310	8,620	7,980	7,240	6,720	6,210	5,690	5,150	4,610	4,070
$69,875 to $70,124	9,880	9,350	8,660	8,020	7,280	6,760	6,240	5,730	5,200	4,660	4,110
$70,125 to $70,374	9,930	9,390	8,700	8,060	7,320	6,800	6,280	5,770	5,240	4,700	4,160
$70,375 to $70,624	9,970	9,430	8,740	8,100	7,360	6,840	6,320	5,800	5,290	4,740	4,200
$70,625 to $70,874	10,010	9,470	8,780	8,140	7,390	6,880	6,360	5,840	5,330	4,790	4,250
$70,875 to $71,124	10,050	9,510	8,810	8,180	7,430	6,920	6,400	5,880	5,360	4,830	4,290
$71,125 to $71,374	10,090	9,540	8,850	8,210	7,470	6,960	6,440	5,920	5,400	4,880	4,340
$71,375 to $71,624	10,120	9,580	8,890	8,250	7,510	6,990	6,480	5,960	5,440	4,920	4,380
$71,625 to $71,874	10,160	9,620	8,930	8,290	7,550	7,030	6,520	6,000	5,480	4,960	4,430
$71,875 to $72,124	10,200	9,660	8,970	8,330	7,590	7,070	6,550	6,040	5,520	5,000	4,470
$72,125 to $72,374	10,240	9,700	9,010	8,370	7,630	7,110	6,590	6,080	5,560	5,040	4,520
$72,375 to $72,624	10,280	9,740	9,050	8,410	7,670	7,150	6,630	6,110	5,600	5,080	4,560
$72,625 to $72,874	10,320	9,780	9,080	8,450	7,700	7,190	6,670	6,150	5,640	5,120	4,600
$72,875 to $73,124	10,360	9,820	9,120	8,490	7,740	7,230	6,710	6,190	5,680	5,160	4,640
$73,125 to $73,374	10,400	9,850	9,160	8,520	7,780	7,270	6,750	6,230	5,710	5,200	4,680
$73,375 to $73,624	10,430	9,890	9,200	8,560	7,820	7,300	6,790	6,270	5,750	5,240	4,720
$73,625 to $73,874	10,470	9,930	9,240	8,600	7,860	7,340	6,830	6,310	5,790	5,270	4,760
$73,875 to $74,124	10,510	9,970	9,280	8,640	7,900	7,380	6,860	6,350	5,830	5,310	4,800
$74,125 to $74,374	10,550	10,010	9,320	8,680	7,940	7,420	6,900	6,390	5,870	5,350	4,840
$74,375 to $74,624	10,590	10,050	9,360	8,720	7,980	7,460	6,940	6,420	5,910	5,390	4,870
$74,625 to $74,874	10,630	10,090	9,400	8,760	8,010	7,500	6,980	6,460	5,950	5,430	4,910
$74,875 to $75,124	10,670	10,130	9,440	8,800	8,050	7,540	7,020	6,500	5,990	5,470	4,950
$75,125 to $75,374	10,710	10,170	9,470	8,830	8,090	7,580	7,060	6,540	6,020	5,510	4,990
$75,375 to $75,624	10,740	10,200	9,510	8,870	8,130	7,610	7,100	6,580	6,060	5,550	5,030
$75,625 to $75,874	10,780	10,240	9,550	8,910	8,170	7,650	7,140	6,620	6,100	5,580	5,070
$75,875 to $76,124	10,820	10,280	9,590	8,950	8,210	7,690	7,170	6,660	6,140	5,620	5,110
$76,125 to $76,374	10,860	10,320	9,630	8,990	8,250	7,730	7,210	6,700	6,180	5,660	5,150
$76,375 to $76,624	10,900	10,360	9,670	9,030	8,290	7,770	7,250	6,730	6,220	5,700	5,180
$76,625 to $76,874	10,940	10,400	9,710	9,070	8,320	7,810	7,290	6,770	6,260	5,740	5,220
$76,875 to $77,124	10,980	10,440	9,750	9,110	8,360	7,850	7,330	6,810	6,300	5,780	5,260
$77,125 to $77,374	11,020	10,480	9,780	9,150	8,400	7,890	7,370	6,850	6,330	5,820	5,300
$77,375 to $77,624	11,050	10,510	9,820	9,180	8,440	7,920	7,410	6,890	6,370	5,860	5,340
$77,625 to $77,874	11,090	10,550	9,860	9,220	8,480	7,960	7,450	6,930	6,410	5,900	5,380
$77,875 to $78,124	11,130	10,590	9,900	9,260	8,520	8,000	7,480	6,970	6,450	5,930	5,420
$78,125 to $78,374	11,170	10,630	9,940	9,300	8,560	8,040	7,520	7,010	6,490	5,970	5,460
$78,375 to $78,624	11,210	10,670	9,980	9,340	8,600	8,080	7,560	7,050	6,530	6,010	5,490
$78,625 to $78,874	11,250	10,710	10,020	9,380	8,640	8,120	7,600	7,080	6,570	6,050	5,530
$78,875 to $79,124	11,290	10,750	10,060	9,420	8,670	8,160	7,640	7,120	6,610	6,090	5,570
$79,125 to $79,374	11,330	10,790	10,090	9,460	8,710	8,200	7,680	7,160	6,640	6,130	5,610
$79,375 to $79,624	11,360	10,820	10,130	9,490	8,750	8,230	7,720	7,200	6,680	6,170	5,650
$79,625 to $79,874	11,400	10,860	10,170	9,530	8,790	8,270	7,760	7,240	6,720	6,210	5,690
$79,875 to $80,124	11,440	10,900	10,210	9,570	8,830	8,310	7,790	7,280	6,760	6,240	5,730
$80,125 to $80,374	11,480	10,940	10,250	9,610	8,870	8,350	7,830	7,320	6,800	6,280	5,770
$80,375 to $80,624	11,520	10,980	10,290	9,650	8,910	8,390	7,870	7,360	6,840	6,320	5,800
$80,625 to $80,874	11,560	11,020	10,330	9,690	8,950	8,430	7,910	7,390	6,880	6,360	5,840
$80,875 to $81,124	11,600	11,060	10,370	9,730	8,980	8,470	7,950	7,430	6,920	6,400	5,880
$81,125 to $81,374	11,640	11,100	10,400	9,770	9,020	8,510	7,990	7,470	6,950	6,440	5,920
$81,375 to $81,624	11,670	11,130	10,440	9,800	9,060	8,540	8,030	7,510	6,990	6,480	5,960
$81,625 to $81,874	11,710	11,170	10,480	9,840	9,100	8,580	8,070	7,550	7,030	6,520	6,000
$81,875 to $82,124	11,750	11,210	10,520	9,880	9,140	8,620	8,110	7,590	7,070	6,550	6,040
$82,125 to $82,374	11,790	11,250	10,560	9,920	9,180	8,660	8,140	7,630	7,110	6,590	6,080
$82,375 to $82,624	11,830	11,290	10,600	9,960	9,220	8,700	8,180	7,670	7,150	6,630	6,110
$82,625 to $82,874	11,870	11,330	10,640	10,000	9,260	8,740	8,220	7,700	7,190	6,670	6,150
$82,875 to $83,124	11,910	11,370	10,680	10,040	9,290	8,780	8,260	7,740	7,230	6,710	6,190
$83,125 to $83,374	11,950	11,410	10,710	10,080	9,330	8,820	8,300	7,780	7,270	6,750	6,230
$83,375 to $83,624	11,990	11,440	10,750	10,110	9,370	8,850	8,340	7,820	7,300	6,790	6,270
$83,625 to $83,874	12,020	11,480	10,790	10,150	9,410	8,890	8,380	7,860	7,340	6,830	6,310
$83,875 to $84,124	12,060	11,520	10,830	10,190	9,450	8,930	8,420	7,900	7,380	6,860	6,350
$84,125 to $84,374	12,090	11,560	10,870	10,230	9,480	8,970	8,450	7,940	7,420	6,900	6,390
$84,375 to $84,624	12,130	11,600	10,910	10,270	9,530	9,010	8,490	7,980	7,460	6,940	6,420
$84,625 to $84,874	12,160	11,640	10,950	10,310	9,570	9,050	8,530	8,010	7,500	6,980	6,460
$84,875 to $85,124	12,190	11,670	10,990	10,350	9,600	9,090	8,570	8,050	7,540	7,020	6,500
$85,125 to $85,374	12,230	11,710	11,030	10,390	9,640	9,130	8,610	8,090	7,580	7,060	6,540
$85,375 to $85,624	12,260	11,740	11,060	10,420	9,680	9,160	8,650	8,130	7,610	7,100	6,580
$85,625 to $85,874	12,300	11,780	11,100	10,460	9,720	9,200	8,690	8,170	7,650	7,140	6,620
$85,875 to $86,124	12,330	11,810	11,140	10,500	9,750	9,240	8,730	8,210	7,690	7,170	6,660
$86,125 to $86,374	12,370	11,840	11,170	10,540	9,800	9,280	8,760	8,250	7,730	7,210	6,700
$86,375 to $86,624	12,400	11,880	11,210	10,560	9,840	9,320	8,800	8,290	7,770	7,250	6,730
$86,625 to $86,874	12,430	11,910	11,240	10,620	9,880	9,360	8,840	8,320	7,810	7,290	6,770
$86,875 to $87,124	12,470	11,950	11,270	10,650	9,910	9,400	8,880	8,360	7,850	7,330	6,810
$87,125 to $87,374	12,500	11,980	11,310	10,690	9,950	9,440	8,920	8,400	7,890	7,370	6,850
$87,375 to $87,624	12,540	12,010	11,340	10,720	9,990	9,480	8,960	8,440	7,920	7,410	6,890
$87,625 to $87,874	12,570	12,050	11,380	10,760	10,030	9,510	9,000	8,480	7,960	7,450	6,930
$87,875 to $88,124	12,600	12,080	11,410	10,790	10,070	9,550	9,040	8,520	8,000	7,480	6,970
$88,125 to $88,374	12,640	12,120	11,440	10,820	10,100	9,590	9,070	8,560	8,040	7,520	7,010
$88,375 to $88,624	12,670	12,150	11,480	10,860	10,130	9,630	9,110	8,600	8,080	7,560	7,050

Table B.—*Expected Family Contribution for a Dependent Student From a One Parent Family*—Continued

Adjusted gross income	Number of family members										
	2	3	4	5	6	7	8	9	10	11	12
$88,625 to $88,874	12,710	12,180	11,510	10,890	10,170	9,670	9,150	8,640	8,120	7,600	7,080
$88,875 to $89,124	12,740	12,220	11,550	10,930	10,200	9,700	9,190	8,670	8,160	7,640	7,120
$89,125 to $89,374	12,770	12,250	11,580	10,960	10,240	9,740	9,220	8,710	8,200	7,680	7,160
$89,375 to $89,624	12,810	12,290	11,610	10,990	10,270	9,770	9,270	8,750	8,230	7,720	7,200
$89,625 to $89,874	12,840	12,320	11,650	11,030	10,300	9,810	9,310	8,790	8,270	7,760	7,240
$89,875 to $90,124	12,880	12,350	11,680	11,060	10,340	9,840	9,340	8,830	8,310	7,790	7,280
$90,125 to $90,374	12,910	12,390	11,720	11,100	10,370	9,870	9,360	8,870	8,360	7,830	7,320
$90,375 to $90,624	12,940	12,420	11,750	11,130	10,410	9,910	9,410	8,910	8,390	7,870	7,360
$90,625 to $90,874	12,980	12,460	11,790	11,160	10,440	9,940	9,440	8,950	8,430	7,910	7,390
$90,875 to $91,124	13,010	12,490	11,820	11,200	10,470	9,980	9,480	8,980	8,470	7,950	7,430
$91,125 to $91,374	13,050	12,530	11,850	11,230	10,510	10,010	9,510	9,010	8,510	7,990	7,470
$91,375 to $91,624	13,080	12,560	11,890	11,270	10,540	10,040	9,550	9,050	8,540	8,030	7,510
$91,625 to $91,874	13,120	12,590	11,920	11,300	10,580	10,080	9,580	9,080	8,580	8,070	7,550
$91,875 to $92,124	13,150	12,630	11,960	11,330	10,610	10,110	9,610	9,120	8,620	8,110	7,590
$92,125 to $92,374	13,180	12,660	11,990	11,370	10,650	10,150	9,650	9,150	8,650	8,140	7,630
$92,375 to $92,624	13,220	12,700	12,020	11,400	10,680	10,180	9,680	9,190	8,690	8,180	7,670
$92,625 to $92,874	13,250	12,730	12,060	11,440	10,710	10,220	9,720	9,220	8,720	8,220	7,700
$92,875 to $93,124	13,290	12,760	12,090	11,470	10,750	10,250	9,750	9,250	8,750	8,260	7,740
$93,125 to $93,374	13,320	12,800	12,130	11,510	10,780	10,290	9,790	9,290	8,790	8,290	7,780
$93,375 to $93,624	13,350	12,830	12,160	11,540	10,820	10,320	9,820	9,320	8,820	8,320	7,800
$93,625 to $93,874	13,390	12,879	12,190	11,570	10,850	10,350	9,850	9,360	8,860	8,360	7,840
$93,875 to $94,124	13,420	12,900	12,230	11,610	10,880	10,390	9,890	9,390	8,890	8,390	7,890
$94,125 to $94,374	13,460	12,930	12,260	11,640	10,920	10,420	9,920	9,420	8,930	8,430	7,930
$94,375 to $94,624	13,490	12,970	12,300	11,680	10,950	10,450	9,930	9,460	8,960	8,460	7,960
$94,625 to $94,874	13,520	13,000	12,330	11,710	10,990	10,490	9,990	9,490	8,990	8,550	8,000
$94,875 to $95,124	13,560	13,040	12,360	11,740	11,020	10,520	10,020	9,530	9,030	8,530	8,030
$95,125 to $95,374	13,590	13,070	12,400	11,780	11,050	10,560	10,060	9,560	9,060	8,560	8,070
$95,375 to $95,624	13,630	13,100	12,430	11,810	11,090	10,593	10,090	9,590	9,100	8,600	8,100
$95,625 to $95,874	13,600	13,140	12,470	11,850	11,120	10,620	10,130	9,630	9,130	8,630	8,130
$95,875 to $96,124	13,690	13,170	12,500	11,880	11,160	10,660	10,160	9,660	9,160	8,670	8,170
$96,125 to $96,374	13,730	13,210	12,530	11,910	11,190	10,690	10,190	9,719	9,200	8,700	8,200
$96,375 to $96,624	13,760	13,240	12,570	11,950	11,220	10,730	10,220	9,730	9,230	8,730	8,240
$96,625 to $96,874	13,800	13,280	12,600	11,980	11,260	10,760	10,250	9,760	9,270	8,770	8,270
$96,875 to $97,124	13,830	13,310	12,640	12,020	11,290	10,790	10,300	9,800	9,300	8,800	8,300
$97,125 to $97,374	13,860	13,340	12,670	12,050	11,330	10,830	10,330	9,830	9,330	8,840	8,340
$97,375 to $97,624	13,900	13,380	12,700	12,080	11,360	10,860	10,360	9,870	9,370	8,870	8,370
$97,625 to $97,874	13,930	13,410	12,740	12,120	11,400	10,900	10,400	9,900	9,400	8,900	8,410
$97,875 to $98,124	13,970	13,450	12,770	12,150	11,430	10,930	10,430	9,930	9,440	8,940	8,440
$98,125 to $98,374	14,000	13,480	12,810	12,190	11,460	10,960	10,470	9,979	9,470	8,970	8,470
$98,375 to $98,624	14,040	13,510	12,840	12,220	11,500	11,000	10,500	10,000	9,500	9,015	8,510
$98,625 to $98,874	14,070	13,550	12,880	12,260	11,530	11,030	10,530	10,040	9,540	9,040	8,540
$98,875 to $99,124	14,100	13,580	12,910	12,290	11,570	11,070	10,570	10,070	9,570	9,070	8,580
$99,125 to $59,374	14,140	13,620	12,940	12,320	11,600	11,100	10,600	10,100	9,610	9,110	8,610
$99,375 to $99,624	14,170	13,650	12,980	11,360	11,630	11,140	10,640	10,140	9,640	9,140	8,640
$99,625 to $99,874	14,210	13,680	13,010	12,390	11,670	11,170	10,670	10,170	9,670	9,180	8,680
$99,875 to $100,124	14,420	13,720	13,050	12,430	11,700	11,200	10,710	10,210	9,710	9,210	8,710

As used in the table—

"Adjusted gross income" means the adjusted gross income of the student, the student's spouse, if any, and the surviving parent as reported on the 1980 Federal income tax return, if one of the student's parents has died.

If the student's parents are divorced or separated, the adjusted gross income is the income of the student, the student's spouse, and the parent with whom the student resided for the greater portion of the 12 month period preceding the date of application. If the student did not reside with either parent during that period, the adjusted gross income is the income of the student, the student's spouse and the parent who provided the greater portion of the student's support for the 12 month period preceding the date of application. If the student did not reside with either parent or was not supported by either parent during that period, the adjusted gross income is the income of the student, the student's spouse, and the parent who provided the greater support for the period commencing January 1, 1980 and ending 12 months prior to the date of application.

"Family members" include the student, the student's spouse and dependents, the parent and the parent's dependents.

C. Married Independent Student

For a married independent student, the institution determines the applicant's expected family contribution by calculating the family contribution according to the following table and dividing the amount obtained from the table by the number of family members enrolled in a postsecondary institution on at least a half-time basis.

The contributions set forth in Table C are based on a 12 month budget. If an institution calculates an independent student's budget on a 9 month basis, it must mutiply the contribution in the table by .75.

Table C.—*Expected Family Contribution of a Married Independent Student*

Adjusted gross income	Number of family members										
	2	3	4	5	6	7	8	9	10	11	12
Less than $30,001:											
$30,001 to $30,124	$21,660	$21,980	$22,300	$22,620	$22,910	$23,190	$23,470	$23,750	$24,030	$24,270	$24,510
$30,125 to $30,374	21,770	22,090	22,410	22,730	23,040	23,320	23,600	23,880	24,160	24,400	24,640
$30,375 to $30,624	21,930	22,250	22,570	22,891	23,210	23,490	23,770	24,050	24,330	24,580	24,830
$30,625 to $30,874	22,090	22,410	22,730	23,050	23,370	23,660	23,940	24,220	24,500	24,760	25,000
$31,125 to $31,374	22,410	22,730	23,050	23,370	23,690	24,000	24,280	24,560	24,840	25,120	25,360
$31,375 to $31,624	22,570	22,890	23,210	23,530	23,850	24,170	24,450	24,730	25,010	25,290	25,540
$31,625 to $31,874	22,730	23,050	23,370	23,690	24,010	24,330	24,620	24,900	25,180	25,460	25,720
$31,875 to $32,124	22,890	23,210	23,530	23,850	24,170	24,490	24,790	25,070	25,350	25,630	25,900

Table C.—*Expected Family Contribution of a Married Independent Student*[1]—Continued

Adjusted gross income	Number of family members										
	2	3	4	5	6	7	8	9	10	11	12
$32,125 to $32,374	23,040	23,370	23,690	24,110	24,330	24,650	24,960	25,240	25,520	25,800	26,080
$32,375 to $32,624	23,180	23,530	23,850	24,170	24,490	24,810	25,130	25,410	25,690	25,970	26,250
$32,625 to $32,874	23,320	23,690	24,010	24,330	24,650	24,970	25,290	25,569	25,860	26,140	26,420
$32,875 to $33,124	23,480	23,850	24,170	24,490	24,810	25,130	25,450	25,750	26,030	26,310	26,590
$33,125 to $33,374	23,630	24,000	24,330	24,650	24,970	25,290	25,610	25,920	26,200	26,480	26,760
$33,375 to $33,624	23,770	24,140	24,490	24,810	25,130	25,450	25,770	26,090	26,370	26,650	26,930
$33,625 to $33,874	23,920	24,290	24,650	24,970	25,290	25,610	25,930	26,250	26,540	26,820	27,100
$33,875 to $34,124	24,070	24,440	24,810	25,130	25,450	25,770	26,090	26,410	26,710	26,990	27,270
$34,125 to $34,374	24,220	24,590	24,960	25,290	25,610	25,930	26,250	26,570	26,880	27,160	27,440
$34,375 to $34,624	24,360	24,730	25,100	25,450	25,770	26,090	26,410	26,730	27,050	27,330	27,610
$34,625 to $34,874	24,510	24,880	25,250	25,610	25,930	26,250	26,570	26,890	27,210	27,500	27,780
$34,875 to $35,124	24,660	25,030	25,400	25,770	26,090	26,410	26,730	27,050	27,370	27,670	27,960
$35,125 to $35,374	24,810	25,180	25,550	25,920	26,250	26,570	26,890	27,210	27,530	27,840	28,120
$35,375 to $35,624	24,950	25,320	25,690	26,060	26,410	26,730	27,050	27,370	27,690	28,010	28,290
$35,625 to $35,874	25,100	25,470	25,840	26,210	26,570	26,890	27,210	27,530	27,850	28,170	28,460
$35,875 to $36,124	25,250	25,620	25,990	26,360	26,730	27,050	27,370	27,690	28,010	28,330	28,630
$36,125 to $36,374	25,400	25,770	26,140	26,510	26,880	27,210	27,530	27,850	28,170	28,490	28,800
$36,375 to $36,624	25,540	25,910	26,280	26,650	27,020	27,370	27,690	28,010	28,330	28,650	28,970
$36,625 to $36,874	25,690	26,060	26,430	26,800	27,170	27,530	27,850	28,170	28,490	28,810	29,130
$36,875 to $37,124	25,840	26,210	26,580	26,950	27,320	27,690	28,010	28,330	28,650	28,970	29,290
$37,125 to $37,374	25,980	26,360	26,730	27,100	27,470	27,840	28,170	28,490	28,810	29,130	29,450
$37,375 to $37,624	26,120	26,500	26,870	27,240	27,610	27,980	28,330	28,650	28,970	29,290	29,610
$37,625 to $37,874	26,250	26,650	27,020	27,390	27,760	28,130	28,490	28,810	29,130	29,450	29,770
$37,875 to $38,124	26,380	26,800	27,170	27,540	27,910	28,280	28,650	28,970	29,290	29,610	29,930
$38,125 to $38,374	26,510	26,940	27,320	27,690	28,060	28,430	28,800	29,130	29,450	29,770	30,090
$38,375 to $38,624	26,650	27,080	27,460	27,830	28,200	28,570	28,940	29,290	29,610	29,930	30,250
$38,625 to $38,874	26,780	27,210	27,610	27,980	28,350	28,720	29,090	29,450	29,770	30,090	30,410
$38,875 to $39,124	26,910	27,340	27,760	28,130	28,500	28,870	29,240	29,610	29,930	30,250	30,570
$39,125 to $39,374	27,040	27,470	27,900	28,280	28,650	29,020	29,390	29,760	30,090	30,410	30,730
$39,375 to $39,624	27,180	27,610	28,040	28,420	28,790	29,160	29,530	29,900	30,250	30,570	30,890
$39,625 to $39,874	27,310	27,740	28,170	28,570	28,940	29,310	29,680	30,050	30,410	30,730	31,050
$39,875 to $40,124	27,440	27,870	28,300	28,720	29,090	29,460	29,830	30,200	30,570	30,890	31,210
$40,125 to $40,374	27,570	28,000	28,430	28,860	29,240	29,610	29,980	30,350	30,720	31,050	31,370
$40,375 to $40,624	27,710	28,140	28,570	29,000	29,380	29,750	30,120	30,490	30,860	31,210	31,530
$40,625 to $40,874	27,840	28,270	28,700	29,130	29,530	29,900	30,270	30,640	31,010	31,370	31,690
$40,875 to $41,124	27,970	28,400	28,830	29,260	29,660	30,050	30,420	30,790	31,160	31,530	31,850
$41,125 to $41,374	28,100	28,530	28,960	29,390	29,820	30,200	30,570	30,940	31,310	31,690	32,010
$41,375 to $41,624	28,240	28,670	29,100	29,530	29,960	30,340	30,710	31,080	31,450	31,820	32,170
$41,625 to $41,874	28,370	28,800	29,230	29,660	30,090	30,490	30,860	31,230	31,600	31,970	32,330
$41,875 to $42,124	28,500	28,930	29,360	29,790	30,220	30,640	31,010	31,380	31,750	32,120	32,490
$42,125 to $42,374	28,630	29,060	29,490	29,920	30,350	30,780	31,160	31,530	31,900	32,270	32,640
$42,375 to $42,624	28,770	29,200	29,630	30,060	30,490	30,920	31,300	31,670	32,040	32,410	32,780
$42,625 to $42,874	28,900	29,330	29,760	30,190	30,620	31,050	31,450	31,820	32,190	32,560	32,930
$42,875 to $43,124	29,030	29,460	29,890	30,320	30,750	31,180	31,600	31,970	32,340	32,710	33,080
$43,125 to $43,374	29,160	29,590	30,020	30,450	30,880	31,310	31,740	32,120	32,490	32,860	33,230
$43,375 to $43,624	29,300	29,730	30,150	30,590	31,020	31,450	31,880	32,260	32,630	33,000	33,370
$43,625 to $43,874	29,430	29,860	30,290	30,720	31,150	31,580	32,010	32,410	32,780	33,150	33,520
$43,875 to $44,124	29,560	29,990	30,420	30,850	31,280	31,710	32,140	32,560	32,930	33,300	33,670
$44,125 to $44,374	29,690	30,120	30,550	30,980	31,410	31,840	32,270	32,700	33,080	33,450	33,820
$44,375 to $44,624	29,830	30,260	30,690	31,120	31,550	31,980	32,410	32,840	33,220	33,590	33,960
$44,625 to $44,874	29,960	30,390	30,820	31,250	31,680	32,110	32,540	32,970	33,370	33,740	34,110
$44,875 to $45,124	30,090	30,520	30,950	31,380	31,810	32,240	32,670	33,100	33,520	33,890	34,260
$45,125 to $45,374	30,220	30,650	31,080	31,510	31,940	32,370	32,800	33,230	33,660	34,040	34,410
$45,375 to $45,624	30,360	30,790	31,220	31,650	32,080	32,510	32,940	33,370	33,800	34,180	34,550
$45,625 to $45,874	30,490	30,920	31,350	31,780	32,210	32,640	33,070	33,500	33,930	34,330	34,700
$45,875 to $46,124	30,620	31,050	31,480	31,910	32,340	32,770	33,200	33,630	34,060	34,460	34,850
$46,125 to $46,374	30,750	31,180	31,610	32,040	32,470	32,900	33,330	33,760	34,190	34,620	35,000
$46,375 to $46,624	30,890	31,320	31,750	32,180	32,610	33,040	33,470	33,900	34,330	34,760	35,140
$46,625 to $46,874	31,020	31,450	31,880	32,310	32,740	33,170	33,600	34,030	34,460	34,890	35,290
$46,875 to $47,124	31,150	31,580	32,010	32,440	32,870	33,300	33,730	34,160	34,590	35,020	35,440
$47,125 to $47,374	31,280	31,710	32,140	32,570	33,000	33,430	33,860	34,290	34,720	35,150	35,580
$47,375 to $47,624	31,420	31,850	32,280	32,710	33,140	33,570	34,000	34,430	34,860	35,290	35,720
$47,625 to $47,874	31,550	31,980	32,410	32,840	33,270	33,700	34,130	34,560	34,990	35,420	35,850
$47,875 to $48,124	31,570	32,110	32,540	32,970	33,400	33,830	34,260	34,690	35,120	35,550	35,980
$48,125 to $48,374	31,790	32,240	32,670	33,100	33,530	33,960	34,390	34,820	35,250	25,680	36,110
$48,375 to $48,624	31,900	32,380	32,810	33,240	33,670	34,100	34,530	34,960	35,390	35,820	36,250
$48,625 to $48,874	32,020	32,510	32,940	33,370	33,800	34,230	34,660	35,090	35,520	35,950	36,380
$48,875 to $49,124	32,140	32,630	33,070	33,500	33,930	34,360	34,790	35,220	35,650	36,080	36,510
$49,125 to $49,374	32,260	32,750	33,200	33,630	34,060	34,490	34,920	35,350	35,780	36,210	36,640
$49,375 to $49,624	32,370	32,860	33,340	33,770	34,200	34,630	35,060	35,490	35,920	36,350	36,780
$49,625 to $49,874	32,390	32,980	33,470	33,900	34,330	34,760	35,190	35,620	36,050	36,480	36,910
$49,875 to $50,124	32,510	33,100	33,590	34,030	34,460	34,890	35,320	35,750	36,180	36,610	37,040
$50,125 to $50,374	32,730	33,220	33,710	34,160	34,590	35,020	35,450	35,880	36,310	36,740	37,170
$50,375 to $50,624	32,840	33,330	33,820	34,300	34,730	35,160	35,590	36,020	36,450	36,880	37,310
$50,625 to $50,874	32,960	33,450	33,940	34,430	34,860	35,290	35,720	36,150	36,580	37,010	37,440
$50,875 to $51,124	33,080	33,570	34,060	34,550	34,990	35,420	35,850	36,280	36,710	37,140	37,570
$51,125 to $51,374	33,200	33,690	34,180	34,670	35,120	35,550	35,980	36,410	36,840	37,270	37,700
$51,375 to $51,624	33,310	33,800	34,290	34,780	35,260	35,690	36,120	36,550	36,980	37,410	37,840
$51,625 to $51,874	33,430	33,920	34,410	34,900	35,390	35,820	36,250	36,680	37,110	37,540	37,970
$51,875 to $52,124	33,550	34,040	34,530	35,020	35,510	35,950	36,380	36,810	37,240	37,670	38,100
$52,125 to $52,374	33,670	34,160	34,650	35,140	35,630	36,080	36,510	36,940	37,370	37,800	38,230
$52,375 to $52,624	33,780	34,270	34,760	35,250	35,740	36,220	36,650	37,080	37,510	37,940	38,370
$52,625 to $52,874	33,900	34,390	34,880	35,370	35,860	36,350	36,780	37,210	37,640	38,070	38,500
$52,875 to $53,124	34,020	34,510	35,000	35,490	35,980	36,470	36,910	37,340	37,770	38,200	38,630
$53,125 to $53,374	34,140	34,630	35,120	35,610	36,100	36,590	37,040	37,470	37,900	38,330	38,760
$53,375 to $53,624	34,250	34,740	35,230	35,720	36,210	36,700	37,180	37,610	38,040	38,470	38,900
$53,625 to $53,874	34,370	34,860	35,350	35,840	36,330	36,820	37,310	37,740	38,170	38,600	39,030
$53,875 to $54,124	34,490	34,980	35,470	35,960	36,450	36,940	37,430	37,870	38,300	38,730	39,160
$54,125 to $54,374	34,610	35,100	35,590	36,080	36,570	37,060	37,550	38,000	38,430	38,860	39,290
$54,375 to $54,624	34,720	35,210	35,700	36,190	36,680	37,170	37,660	38,140	38,570	39,000	39,430

Table C.—*Expected Family Contribution of a Married Independent Student*[1]—Continued

Adjusted gross income	Number of family members										
	2	3	4	5	6	7	8	9	10	11	12
$54,625 to $54,874	34,840	35,330	35,820	36,310	36,800	37,290	37,780	38,270	38,700	39,130	39,560
$54,875 to $55,124	34,990	35,450	35,940	36,430	36,920	37,410	37,900	38,390	38,830	39,260	39,690
$55,125 to $55,374	35,080	35,570	36,060	36,550	37,040	37,530	38,020	38,510	38,960	39,390	39,820
$55,375 to $55,624	35,190	35,680	36,170	36,660	37,150	37,640	38,130	38,620	39,100	39,530	39,960
$55,625 to $55,874	35,310	35,800	36,290	36,780	37,270	37,760	38,251	38,740	39,230	39,660	40,090
$55,875 to $56,124	35,430	35,920	36,410	36,900	37,390	37,880	38,370	38,860	39,350	39,790	40,220
$56,125 to $56,374	35,550	36,040	36,530	37,020	37,510	38,000	38,490	38,980	39,470	39,920	40,350
$56,375 to $56,624	35,560	36,150	36,640	37,130	37,620	38,110	38,600	39,090	39,580	40,060	40,490
$56,625 to $56,874	35,780	36,270	36,760	37,250	37,740	38,230	38,720	39,210	39,700	40,190	40,620
$56,875 to $57,124	35,900	36,390	36,880	37,370	37,860	38,350	38,840	39,330	39,820	40,310	40,750
$57,125 to $57,374	36,020	36,510	37,000	37,490	37,980	38,470	38,960	39,450	39,940	40,430	40,880
$57,375 to $57,624	36,130	36,620	37,110	37,600	38,090	38,580	39,070	39,560	40,050	40,540	41,020
$57,625 to $57,874	36,250	36,740	37,230	37,720	38,210	38,700	39,190	39,680	40,170	40,660	41,150
$57,875 to $58,124	36,370	36,860	37,350	37,840	38,330	38,820	39,310	39,800	40,290	40,780	41,270
$58,125 to $58,374	36,490	36,980	37,470	37,960	38,450	38,940	39,430	39,920	40,410	40,900	41,390
$58,375 to $58,624	36,600	37,099	37,580	38,070	38,560	39,050	39,549	40,030	40,520	41,010	41,500
$58,625 to $58,874	36,720	37,210	37,700	38,190	38,680	39,179	39,660	40,150	40,640	41,130	41,620
$58,875 to $59,124	36,840	37,330	37,820	38,310	38,800	39,290	39,780	40,270	40,760	41,250	41,740
$59,125 to $59,374	36,950	37,450	37,940	38,430	38,920	39,410	39,900	40,390	40,880	41,370	41,860
$59,375 to $59,624	37,070	37,560	38,050	38,540	39,030	39,520	40,019	40,500	40,990	41,480	41,970
$59,625 to $59,874	37,190	37,680	38,170	38,660	39,150	39,640	40,130	40,620	41,110	41,600	42,090
$59,875 to $60,124	37,310	37,800	38,290	38,780	39,270	39,760	40,250	40,740	41,230	41,720	42,210
$60,125 to $60,374	37,430	37,920	38,410	38,900	39,390	39,880	40,370	40,860	41,350	41,840	42,330
$60,375 to $60,624	37,540	38,030	38,520	39,010	39,500	39,990	40,480	40,970	41,460	41,950	42,440
$60,625 to $60,874	37,660	38,150	38,640	39,130	39,620	40,110	40,600	41,090	41,580	42,070	42,560
$60,875 to $61,124	37,780	38,270	38,760	39,250	39,740	40,230	40,720	41,210	41,700	42,190	42,680
$61,125 to $61,374	37,900	38,390	38,880	39,370	39,860	40,350	40,840	41,330	41,820	42,310	42,800
$61,375 to $61,624	38,010	38,500	38,990	39,480	39,970	40,460	40,950	41,440	41,930	42,420	42,910
$61,625 to $61,874	38,130	38,620	39,110	39,600	40,090	40,580	41,070	41,560	42,050	42,540	43,030
$61,875 to $62,124	38,250	38,740	39,230	39,720	40,210	40,700	41,190	41,680	42,170	42,660	43,150
$62,125 to $62,374	38,350	38,840	39,350	39,840	40,330	40,820	41,310	41,800	42,290	42,780	43,270
$62,375 to $62,624	38,460	38,970	39,460	39,950	40,440	40,930	41,420	41,910	42,400	42,890	43,380
$62,625 to $62,874	38,560	39,090	39,580	40,070	40,560	41,050	41,540	42,030	42,520	43,010	43,500
$62,875 to $63,124	38,670	39,210	39,700	40,190	40,680	41,170	41,660	42,150	42,640	43,130	43,620
$63,125 to $63,374	38,770	39,310	39,820	40,310	40,800	41,290	41,780	42,270	42,760	43,250	43,740
$63,375 to $63,624	38,880	39,420	39,930	40,420	40,910	41,400	41,890	42,380	42,870	43,360	43,850
$63,625 to $63,874	38,980	39,520	40,060	40,540	41,030	41,520	42,010	42,500	42,990	43,480	43,970
$63,875 to $64,124	39,090	39,630	40,170	40,660	41,150	41,640	42,130	42,620	43,110	43,600	44,090
$64,125 to $64,374	39,190	39,730	40,270	40,780	41,270	41,760	42,250	42,740	43,230	43,720	44,210
$64,375 to $64,624	39,300	39,840	40,380	40,890	41,380	41,870	42,360	42,850	43,340	43,830	44,320
$64,625 to $64,874	39,400	39,940	40,480	41,010	41,500	41,990	42,480	42,970	43,460	43,950	44,440
$64,875 to $65,124	39,510	40,050	40,590	41,130	41,620	42,110	42,600	43,090	43,580	44,070	44,560
$65,125 to $65,374	39,610	40,150	40,690	41,230	41,740	42,230	42,720	43,210	43,700	44,190	44,680
$65,375 to $65,624	39,720	40,260	40,800	41,340	41,850	42,340	42,830	43,319	43,810	44,300	44,790
$65,625 to $65,874	39,820	40,360	40,900	41,440	41,970	42,460	42,950	43,440	43,930	44,420	44,910
$65,875 to $66,124	39,930	40,470	41,010	41,550	42,090	42,580	43,070	43,560	44,050	44,540	45,030
$66,125 to $66,374	40,030	40,570	41,110	41,650	42,190	42,700	43,190	43,680	44,170	44,660	45,150
$66,375 to $66,624	40,140	40,680	41,220	41,760	42,300	42,810	43,300	43,790	44,280	44,770	45,260
$66,625 to $66,874	40,240	40,780	41,320	41,360	42,400	42,930	43,420	43,910	44,400	44,890	45,380
$66,875 to $67,124	40,350	40,890	41,430	41,970	42,510	43,050	43,540	44,030	44,520	45,010	45,500
$67,125 to $67,374	40,450	40,990	41,530	42,070	42,610	43,150	43,690	44,150	44,640	45,130	45,620
$67,375 to $67,624	40,560	41,100	41,640	42,180	42,720	43,260	43,770	44,260	44,750	45,240	45,730
$67,625 to $67,874	40,660	41,200	41,740	42,280	42,820	43,360	43,890	44,380	44,870	45,360	45,850
$67,875 to $68,124	40,770	41,310	41,850	42,390	42,930	43,470	44,010	44,500	44,990	45,480	45,970
$68,125 to $68,374	40,870	41,410	41,950	42,490	43,030	43,570	44,110	44,620	45,110	45,600	46,090
$68,375 to $68,624	40,990	41,520	42,060	42,500	43,140	43,680	44,220	44,730	45,220	45,710	46,200
$68,625 to $68,874	41,080	41,620	42,160	42,700	43,240	43,780	44,320	44,850	45,340	45,830	46,320
$68,875 to $69,124	41,190	41,730	42,270	42,310	43,350	43,890	44,430	44,970	45,460	45,950	46,440
$69,125 to $69,374	41,290	41,830	42,370	42,910	43,450	43,990	44,530	45,070	45,580	46,070	46,560
$69,375 to $69,624	41,400	41,940	42,480	43,020	43,560	44,100	44,640	45,180	45,690	46,180	46,670
$69,625 to $69,874	41,500	42,040	42,580	43,120	43,660	44,200	44,740	45,280	45,810	46,300	46,790
$69,875 to $70,124	41,610	42,150	42,690	43,230	43,770	44,310	44,850	45,390	45,920	46,420	46,910
$70,125 to $70,374	41,710	42,250	42,790	43,330	43,870	44,410	44,950	45,490	46,030	46,540	47,030
$70,375 to $70,624	41,820	42,360	42,900	43,440	43,980	44,520	45,060	45,600	46,140	46,650	47,140
$70,625 to $70,874	41,920	42,460	43,000	43,540	44,080	44,620	45,160	45,700	46,240	46,770	47,260
$70,875 to $71,124	42,030	42,570	43,110	43,650	44,190	44,730	45,270	45,810	46,350	46,890	47,380
$71,125 to $71,374	42,130	42,670	43,210	43,750	44,290	44,830	45,370	45,910	46,450	46,990	47,500
$71,375 to $71,624	42,240	42,780	43,320	43,860	44,400	44,940	45,480	46,020	46,560	47,100	47,610
$71,625 to $71,874	42,340	42,880	43,420	43,960	44,500	45,040	45,580	46,120	46,660	47,200	47,730
$71,875 to $72,124	42,450	42,990	43,530	44,070	44,610	45,150	45,690	46,230	46,770	47,310	47,850
$72,125 to $72,374	42,550	43,090	43,630	44,170	44,710	45,250	45,790	46,330	46,870	47,410	47,950
$72,375 to $72,624	42,660	43,200	43,740	44,280	44,820	45,360	45,900	46,440	46,980	47,520	48,060
$72,625 to $72,874	42,760	43,300	43,840	44,380	44,920	45,460	46,000	46,540	47,080	47,620	48,160
$72,875 to $73,124	42,870	43,410	43,950	44,490	45,030	45,570	46,110	46,650	47,190	47,730	48,270
$73,125 to $73,374	42,970	43,510	44,050	44,590	45,130	45,670	46,210	46,750	47,290	47,830	48,370
$73,375 to $73,624	43,080	43,620	44,160	44,700	45,240	45,780	46,320	46,860	47,400	47,940	48,480
$73,625 to $73,874	43,190	43,720	44,260	44,800	45,340	45,880	46,420	46,960	47,500	48,040	48,580
$73,875 to $74,124	43,290	43,830	44,370	44,910	45,450	45,990	46,530	47,070	47,610	48,150	48,690
$74,125 to $74,374	43,390	43,920	44,470	45,010	45,550	46,090	46,630	47,170	47,710	48,250	48,790
$74,375 to $74,624	43,500	44,040	44,580	45,120	45,660	46,200	46,740	47,280	47,820	48,360	48,900
$74,625 to $74,874	43,600	44,140	44,680	45,220	45,760	46,300	46,840	47,380	47,920	48,460	49,000
$74,875 to $75,124	43,710	44,250	44,790	45,330	45,870	46,410	46,950	47,490	48,030	48,570	49,110
$75,125 to $75,374	43,810	44,310	44,890	45,130	45,970	46,510	47,050	47,590	48,130	48,670	49,210
$75,375 to $75,624	43,920	44,460	45,000	45,540	46,080	46,620	47,160	47,700	48,240	48,780	49,320
$75,625 to $75,874	44,020	44,560	45,100	45,540	46,180	46,720	47,260	47,800	48,340	48,880	49,420
$75,875 to $76,124	44,130	44,670	45,210	45,750	46,290	46,830	47,370	47,910	48,450	48,990	49,530
$76,125 to $76,374	44,230	44,770	45,310	45,850	46,390	46,930	47,470	48,010	48,550	49,090	49,630
$76,375 to $76,624	44,340	44,880	45,420	45,960	46,500	47,040	47,580	48,120	48,660	49,200	49,740
$76,625 to $76,874	44,440	44,980	45,520	46,060	46,600	47,140	47,680	48,220	48,760	49,300	49,840
$76,875 to $77,124	44,550	45,090	45,630	46,170	46,710	47,250	47,790	48,330	48,870	49,410	49,950

Table C.—*Expected Family Contribution of a Married Independent Student*[1]—Continued

Adjusted gross income	Number of family members										
	2	3	4	5	6	7	8	9	10	11	12
$77,125 to $77,374	44,650	45,190	45,730	46,270	46,810	47,350	47,890	48,430	48,970	49,510	50,050
$77,375 to $77,624	44,760	45,300	45,840	46,380	46,920	47,460	48,000	48,540	49,080	49,620	50,160
$77,625 to $77,874	44,860	45,400	45,940	46,480	47,020	47,560	48,100	48,640	49,180	49,720	50,260
$77,875 to $78,124	44,970	45,510	46,050	46,590	47,130	47,670	48,210	48,750	49,290	49,830	50,370
$78,125 to $78,374	45,070	45,610	46,150	46,690	47,230	47,770	48,310	48,850	49,390	49,930	50,470
$78,375 to $78,624	45,180	45,720	46,260	46,800	47,340	47,880	48,420	48,960	49,500	50,040	50,580
$78,625 to $78,874	45,280	45,820	46,360	46,900	47,440	47,980	48,520	49,060	49,600	50,140	50,680
$78,875 to $79,124	45,390	45,930	46,470	47,010	47,550	48,090	48,630	49,170	49,710	50,250	50,790
$79,125 to $79,374	45,490	46,030	46,570	47,110	47,650	48,190	48,730	49,270	49,810	50,350	50,890
$79,375 to $79,624	45,600	46,140	46,680	47,220	47,760	48,300	48,840	49,380	49,920	50,460	51,000
$79,625 to $79,874	45,700	46,240	46,780	47,320	47,860	48,400	48,940	49,480	50,020	50,560	51,100
$79,875 to $80,124	45,810	46,350	46,890	47,430	47,970	48,510	49,050	49,590	50,130	50,670	51,210
$80,125 to $80,374	45,910	46,450	46,990	47,530	48,070	48,610	49,150	49,690	50,230	50,770	51,310
$80,375 to $80,624	46,020	46,560	47,100	47,640	48,180	48,720	49,260	49,800	50,340	50,880	51,420
$80,625 to $80,874	46,120	46,660	47,200	47,740	48,280	48,820	49,360	49,900	50,440	50,980	51,520
$80,875 to $81,124	46,230	46,770	47,310	47,850	48,390	48,930	49,470	50,010	50,550	51,090	51,630
$81,125 to $81,374	46,330	46,870	47,410	47,950	48,490	49,030	49,570	50,110	50,650	51,190	51,730
$81,375 to $81,624	46,440	46,980	47,520	48,060	48,600	49,140	49,680	50,220	50,760	51,300	51,840
$81,625 to $81,874	46,540	47,080	47,620	48,160	48,700	49,240	49,780	50,320	50,860	51,400	51,940
$81,875 to $82,124	46,650	47,190	47,730	48,270	48,810	49,350	49,890	50,430	50,970	51,510	52,050
$82,125 to $82,374	46,750	47,290	47,830	48,370	48,910	49,450	49,990	50,530	51,070	51,610	52,150
$82,375 to $82,624	46,860	47,400	47,940	48,480	49,020	49,560	50,100	50,640	51,180	51,720	52,260
$82,625 to $82,874	46,960	47,500	48,040	48,580	49,120	49,660	50,200	50,740	51,280	51,820	52,360
$82,875 to $83,124	47,070	47,610	48,150	48,690	49,230	49,770	50,310	50,850	51,390	51,930	52,470
$83,125 to $83,374	47,170	47,710	48,250	48,790	49,330	49,870	50,410	50,950	51,490	52,030	52,570
$83,375 to $83,624	47,280	47,820	48,360	48,900	49,440	49,980	50,520	51,060	51,600	52,140	52,680
$83,625 to $83,874	47,380	47,920	48,460	49,000	49,540	50,080	50,620	51,160	51,700	52,240	52,780
$83,625 to $84,124	47,490	48,030	48,570	49,110	49,650	50,190	50,730	51,270	51,810	52,350	52,890
$84,125 to $84,374	47,590	48,130	48,670	49,210	49,750	50,290	50,830	51,370	51,910	52,450	52,990
$84,375 to $84,624	47,700	48,240	48,780	49,320	49,860	50,400	50,940	51,480	52,020	52,560	53,100
$84,625 to $84,874	47,800	48,340	48,880	49,420	49,960	50,500	51,040	51,580	52,120	52,660	53,200
$84,875 to $85,124	47,910	48,450	48,990	49,530	50,070	50,610	51,150	51,690	52,230	52,770	53,310
$85,125 to $85,374	48,010	48,550	49,090	49,630	50,170	50,710	51,250	51,790	52,330	52,870	53,410
$85,375 to $85,624	48,120	48,660	49,200	49,740	50,280	50,820	51,360	51,900	52,440	52,980	53,520
$85,625 to $85,874	48,220	48,760	49,300	49,840	50,380	50,920	51,460	52,000	52,540	53,080	53,620
$85,875 to $86,124	48,330	48,870	49,410	49,950	50,490	51,030	51,570	52,110	52,650	53,190	53,730
$86,125 to $86,374	48,430	48,970	49,510	50,050	50,590	51,130	51,670	52,210	52,750	53,290	53,830
$86,375 to $86,624	48,540	49,080	49,620	50,160	50,700	51,240	51,780	52,320	52,860	53,400	53,940
$86,625 to $86,874	48,640	49,180	49,720	50,260	50,800	51,340	51,880	52,420	52,960	53,500	54,040
$86,875 to $87,124	48,750	49,290	49,830	50,370	50,910	51,450	51,990	52,530	53,070	53,610	54,150
$87,125 to $87,374	48,850	49,390	49,930	50,470	51,010	51,550	52,090	52,630	53,170	53,710	54,250
$87,375 to $87,624	48,960	49,500	50,040	50,580	51,120	51,660	52,200	52,740	53,280	53,820	54,360
$87,625 to $87,874	49,060	49,600	50,140	50,680	51,220	51,760	52,300	52,840	53,380	53,920	54,460
$87,875 to $88,124	49,150	49,710	50,250	50,790	51,330	51,870	52,410	52,950	53,490	54,030	54,570
$88,125 to $88,374	49,240	49,810	50,350	50,890	51,430	51,970	52,510	53,050	53,590	54,130	54,670
$88,375 to $88,624	49,330	49,920	50,460	51,000	51,540	52,080	52,620	53,160	53,700	54,240	54,780
$88,625 to $88,874	49,430	50,020	50,560	51,100	51,640	52,180	52,720	53,260	53,800	54,340	54,880
$88,875 to $89,124	49,520	50,110	50,670	51,210	51,750	52,290	52,830	53,370	53,910	54,450	54,990
$89,125 to $89,374	49,910	50,200	50,770	51,310	51,850	52,390	52,930	53,470	54,010	54,550	55,090
$89,375 to $89,624	49,700	50,290	50,880	51,420	51,960	52,500	53,040	53,580	54,120	54,660	55,200
$89,625 to $89,874	49,800	50,390	50,980	51,520	52,060	52,600	53,140	53,680	54,220	54,760	55,300
$89,875 to $90,124	49,890	50,480	51,070	51,630	52,170	52,710	53,250	53,790	54,330	54,870	55,410
$90,125 to $90,374	49,980	50,570	51,160	51,730	52,270	52,810	53,350	53,890	54,430	54,970	55,510
$90,375 to $90,624	50,070	50,660	51,250	51,840	52,380	52,920	53,460	54,000	54,540	55,080	55,620
$90,625 to $90,874	50,170	50,760	51,350	51,940	52,480	53,020	53,560	54,100	54,640	55,180	55,720
$90,875 to $91,124	50,260	50,850	51,440	52,030	52,590	53,130	53,670	54,210	54,750	55,290	55,830
$91,125 to $91,374	50,350	50,940	51,530	52,120	52,690	53,230	53,770	54,310	54,850	55,390	55,930
$91,375 to $91,624	50,440	51,030	51,620	52,210	52,800	53,340	53,880	54,420	54,960	55,500	56,040
$91,625 to $91,874	50,540	51,130	51,720	52,310	52,900	53,440	53,980	54,520	55,060	55,600	56,140
$91,875 to $92,124	50,630	51,220	51,810	52,400	52,990	53,550	54,090	54,630	55,170	55,710	56,250
$92,125 to $92,374	50,720	51,310	51,900	52,490	53,080	53,650	54,190	54,730	55,270	55,810	56,350
$92,375 to $92,624	50,810	51,400	51,990	52,580	53,170	53,760	54,300	54,840	55,380	55,920	56,460
$92,625 to $92,874	50,910	51,500	52,090	52,680	53,270	53,860	54,400	54,940	55,480	56,020	56,560
$92,875 to $93,124	51,000	51,590	52,180	52,770	53,360	53,950	54,510	55,050	55,590	56,130	56,670
$93,125 to $93,374	51,090	51,680	52,270	52,860	53,450	54,040	54,610	55,150	55,690	56,230	56,770
$93,375 to $93,624	51,180	51,770	52,360	52,950	53,540	54,130	54,720	55,260	55,800	56,340	56,880
$93,625 to $93,874	51,280	51,870	52,460	53,050	53,640	54,230	54,820	55,360	55,900	56,440	56,980
$93,875 to $94,124	51,370	51,960	52,550	53,140	53,730	54,320	54,910	55,470	56,010	56,550	57,090
$94,125 to $94,374	51,460	52,050	52,640	53,230	53,820	54,410	55,000	55,570	56,110	56,650	57,190
$94,375 to $94,624	51,550	52,140	52,730	53,320	53,910	54,500	55,090	55,680	56,220	56,760	57,300
$94,625 to $94,874	51,650	52,240	52,830	53,420	54,010	54,600	55,190	55,780	56,320	56,860	57,400
$94,875 to $95,124	51,740	52,330	52,920	53,510	54,100	54,690	55,280	55,870	56,430	56,970	57,510
$95,125 to $95,374	51,830	52,420	53,010	53,600	54,190	54,780	55,370	55,960	56,530	57,070	57,610
$95,375 to $95,624	51,920	52,510	53,100	53,690	54,280	54,870	55,460	56,050	56,640	57,180	57,720
$95,625 to $95,874	52,020	52,610	53,200	53,790	54,380	54,970	55,560	56,150	56740	57,280	57,820
$95,875 to $96,124	52,110	52,700	53,290	53,880	54,470	55,060	55,650	56,240	56,830	57,390	57,930
$96,125 to $96,374	52,200	52,790	53,380	53,970	54,560	55,150	55,740	56,330	56,920	57,490	58,030
$96,375 to $96,624	52,290	52,880	53,470	54,060	54,650	55,240	55,830	56,420	57,010	57,600	58,140
$96,625 to $96,874	52,380	52,980	53,570	54,160	54,750	55,340	55,930	56,520	57,110	57,700	58,240
$96,875 to $97,124	52,480	53,070	53,660	54,250	54,840	55,430	56,020	56,610	57,200	57,790	58,350
$97,125 to $97,374	52,570	53,160	53,750	54,340	54,930	55,520	56,110	56,700	57,290	57,880	58,450
$97,375 to $97,624	52,660	53,250	53,840	54,430	55,020	55,610	56,200	56,790	57,380	57,970	58,560
$97,625 to $97,874	52,760	53,350	53,940	54,530	55,120	55,710	56,300	56,890	57,480	58,070	58,660
$97,875 to $98,124	52,850	53,440	54,030	54,620	55,210	55,800	56,390	56,980	57,570	58,160	58,750
$98,125 to $98,374	52,940	53,530	54,120	54,710	55,300	55,890	56,480	57,070	57,660	58,250	58,840
$98,375 to $98,624	53,030	53,620	54,210	54,800	55,390	55,980	56,570	57,160	57,750	58,340	58,930
$98,625 to $98,874	53,130	53,720	54,310	54,900	55,490	56,060	56,670	57,250	57,850	58,440	59,030
$98,875 to $99,124	53,220	53,810	54,400	54,990	55,580	56,170	56,760	57,350	57,940	58,530	59,120
$99,125 to $99,374	53,310	53,900	54,490	55,080	55,670	56,260	56,850	57,440	58,030	58,620	59,210
$99,375 to $99,624	53,400	53,990	54,580	55,170	55,760	56,350	56,940	57,530	58,120	58,710	59,300

Table C.—*Expected Family Contribution of a Married Independent Student*[1]—Continued

Adjusted gross income	Number of family members										
	2	3	4	5	6	7	8	9	10	11	12
$99,625 to $99,874	53,500	54,090	54,680	55,270	55,860	56,450	57,040	57,630	58,220	58,810	59,400
$99,875 to $100,124	53,590	54,180	54,770	55,360	55,950	56,540	57,130	57,720	58,310	58,900	59,490

[1] Based on a 12 month budget. Multiply contribution by .75 if a 9 month budget is used.

As used in the table—"Adjusted gross income" means the adjusted gross income of the student and the student's spouse as reported on their 1980 Federal income tax return.

"Family members" include the student, the student's spouse and their dependents.

D. Single Independent Student

For a single independent student, the institution determines the applicant's expected family contribution by calculating the family contribution according to the following table and dividing the amount obtained from the table by the number of family members enrolled in a postsecondary institution on at least a half-time basis.

The contributions set forth in Table D are based on a 12 month budget. If an institution calculates an independent student's budget on a 9 month basis, it must multiply the contribution in the table by .75.

Table D.—*Expected Family Contribution of a Single Independent Student*[1]

Adjusted gross income	Number of family members										
	1	2	3	4	5	6	7	8	9	10	11	12
Less than $30,001												
$30,001 to $30,124	$20,300	$20,680	$21,040	$21,400	$21,760	$22,120	$22,480	$22,780	$23,070	$23,380	$23,680	$24,000
$30,125 to $30,374	20,400	20,790	21,150	21,510	21,870	22,230	22,570	22,880	23,190	23,500	23,810	24,120
$30,375 to $30,624	20,530	20,940	21,300	21,660	22,020	22,380	22,740	23,050	23,360	23,670	23,980	24,290
$30,625 to $30,874	20,570	21,090	21,450	21,810	22,170	22,530	22,890	23,210	23,520	23,830	24,140	24,450
$30,875 to $31,124	20,800	21,220	21,600	21,960	22,320	22,680	23,040	23,370	23,680	23,990	24,300	24,610
$31,125 to $31,374	20,940	21,360	21,750	22,110	22,470	22,830	23,190	23,530	23,840	24,150	24,460	24,770
$31,375 to $31,624	21,070	21,490	21,900	22,260	22,620	22,980	23,340	23,700	24,010	24,320	24,630	24,940
$31,625 to $31,874	21,210	21,630	22,050	22,410	22,770	23,130	23,490	23,850	24,170	24,480	24,790	25,100
$31,875 to $32,124	21,340	21,760	22,180	22,560	22,920	23,280	23,640	24,000	24,330	24,640	24,950	25,260
$32,125 to $32,374	21,480	21,900	22,320	22,710	23,070	23,430	23,790	24,150	24,490	24,800	25,110	25,420
$32,375 to $32,624	21,610	22,030	22,450	22,860	23,220	23,580	23,940	24,300	24,660	24,970	25,280	25,590
$32,625 to $32,874	21,750	22,170	22,590	23,010	23,370	23,730	24,090	24,450	24,810	25,130	25,440	25,750
$32,875 to $33,124	21,880	22,300	22,720	23,140	23,520	23,880	24,240	24,600	24,960	25,290	25,600	25,910
$33,125 to $33,374	22,020	22,440	22,860	23,280	23,670	24,030	24,390	24,750	25,110	25,450	25,760	26,070
$33,375 to $33,624	22,150	22,570	22,990	23,410	23,820	24,180	24,540	24,900	25,260	25,620	25,930	26,240
$33,625 to $33,874	22,290	22,710	23,130	23,550	23,970	24,330	24,690	25,050	25,410	25,770	26,096	26,400
$33,875 to $34,124	22,420	22,840	23,260	23,680	24,100	24,480	24,840	25,200	25,560	25,920	26,250	26,560
$34,125 to $34,374	22,560	22,980	23,400	23,820	24,240	24,630	24,990	25,350	25,710	26,070	26,410	26,720
$34,375 to $34,624	22,690	23,110	23,530	23,950	24,370	24,780	25,140	25,500	25,860	26,220	26,560	26,880
$34,625 to $34,874	22,830	23,250	23,670	24,090	24,510	24,930	25,290	25,650	26,010	26,370	26,730	27,056
$34,875 to $35,124	22,960	23,380	23,800	24,220	24,640	25,060	25,440	25,800	26,160	26,520	26,880	27,210
$35,125 to $35,374	23,090	23,520	23,940	24,360	24,780	25,200	25,580	25,950	26,310	27,670	27,030	27,370
$35,375 to $35,624	23,220	23,650	24,070	24,490	24,910	25,330	25,740	26,100	26,460	26,820	27,180	27,540
$35,625 to $35,874	23,340	23,790	24,210	24,630	25,050	25,470	25,890	26,250	26,610	26,970	27,330	27,690
$35,875 to $36,124	23,470	23,920	24,340	24,760	25,180	25,600	26,020	26,400	26,760	27,120	27,480	27,840
$36,125 to $36,374	23,590	24,050	24,480	24,900	25,320	25,740	26,160	26,550	26,910	27,270	27,630	27,990
$36,375 to $36,624	23,720	24,180	24,610	25,030	25,450	25,870	26,290	26,700	27,060	27,420	27,780	28,140
$36,625 to $36,874	23,840	24,300	24,750	25,170	25,590	26,010	26,430	26,850	27,210	27,570	27,930	28,296
$36,875 to $37,124	23,970	24,430	24,880	25,300	25,720	26,140	26,560	26,980	27,360	27,720	28,080	28,440
$37,125 to $37,374	24,090	24,550	25,010	25,440	25,860	26,280	26,700	27,120	27,510	27,870	28,230	28,590
$37,375 to $37,624	24,220	24,680	25,140	25,570	25,990	26,410	26,830	27,250	27,660	28,020	28,380	28,740
$37,625 to $37,874	24,340	24,800	25,260	25,710	26,130	26,550	26,970	27,390	27,810	28,170	28,530	28,896
$37,875 to $38,124	24,470	24,930	25,380	25,840	26,260	26,680	27,100	27,520	27,940	28,320	28,680	29,046
$38,125 to $38,374	24,590	25,050	25,510	25,970	26,400	26,820	27,240	27,660	28,080	28,470	28,800	29,196
$38,375 to $38,624	24,720	25,180	25,640	26,100	26,530	26,950	27,370	27,790	28,210	28,620	28,980	29,346
$38,625 to $38,874	24,340	25,300	25,760	26,220	26,670	27,090	27,510	27,930	28,350	28,770	29,130	29,490
$38,875 to $39,124	24,970	25,430	25,890	26,350	26,806	27,220	27,640	28,060	28,480	28,900	29,280	29,640
$39,125 to $39,374	25,090	25,550	26,010	26,470	26,930	27,360	27,780	28,200	28,620	29,040	29,430	29,790
$39,375 to $39,624	25,220	25,680	26,140	26,600	27,060	27,490	27,910	28,330	28,750	29,170	29,580	29,940
$39,625 to $39,874	25,340	25,800	26,260	26,720	27,180	27,630	28,050	28,470	28,890	29,310	29,730	30,090
$39,875 to $40,124	25,470	25,930	26,390	26,850	27,310	27,760	28,180	28,600	29,020	29,440	29,850	30,240
$40,125 to $40,374	25,590	26,050	26,510	26,970	27,430	27,890	28,320	28,740	29,160	29,580	30,000	30,390
$40,375 to $40,624	25,720	26,180	26,640	27,100	27,560	28,020	28,450	28,870	29,290	29,710	30,130	30,540
$40,625 to $40,874	25,840	26,300	26,760	27,220	27,680	28,140	28,590	29,010	29,430	29,850	30,270	30,690
$40,875 to $41,124	25,970	26,430	26,890	27,350	27,810	28,270	28,720	29,140	29,560	29,980	30,400	30,825
$41,125 to $41,374	26,090	26,550	27,010	27,470	27,930	28,390	28,850	29,260	29,700	30,120	30,540	30,960
$41,375 to $41,624	26,220	26,680	27,140	27,600	28,060	28,520	28,980	29,410	29,830	30,250	30,670	31,090
$41,625 to $41,874	26,340	26,800	27,260	27,720	28,180	28,640	29,100	29,550	29,970	30,390	30,810	31,230
$41,875 to $42,124	26,470	26,930	27,390	27,850	28,310	28,770	29,230	29,680	30,100	30,520	30,940	31,360
$42,125 to $42,374	26,590	27,050	27,510	27,970	28,430	28,890	29,350	29,810	30,240	30,660	31,080	31,500
$42,375 to $42,624	26,720	27,180	27,640	28,100	28,560	29,020	29,480	29,940	30,370	30,790	31,210	31,630
$42,625 to $42,874	26,840	27,300	27,760	28,220	28,680	29,140	29,600	30,060	30,510	30,930	31,350	31,770
$42,875 to $43,124	26,970	27,430	27,890	28,350	28,810	29,270	29,730	30,190	30,640	31,060	31,480	31,900
$43,125 to $43,374	27,090	27,550	28,010	28,470	28,930	29,390	29,850	30,310	30,770	31,200	31,625	32,040
$43,375 to $43,624	27,220	27,680	28,140	28,600	29,060	29,520	29,960	30,440	30,900	31,330	31,758	32,170
$43,625 to $43,874	27,340	27,800	28,260	28,720	29,180	29,640	30,100	30,560	31,020	31,470	31,880	32,310
$43,875 to $44,124	27,470	27,930	28,390	28,850	29,310	29,770	30,230	30,690	31,150	31,600	32,020	32,440
$44,125 to $44,374	27,590	28,050	28,510	28,970	29,430	29,890	30,350	30,810	31,270	31,730	32,160	32,580
$44,375 to $44,624	27,720	28,180	28,640	29,100	29,560	30,020	30,480	30,940	31,400	31,860	32,290	32,710
$44,625 to $44,874	27,340	28,300	28,760	29,220	29,680	30,140	30,600	31,060	31,520	31,980	32,430	32,850
$44,875 to $45,124	27,970	28,430	28,890	9,350	29,810	30,270	30,730	31,190	31,650	32,110	32,566	32,980
$45,125 to $45,374	28,090	28,550	29,010	29,470	29,930	30,390	30,850	31,310	31,770	32,230	32,699	33,120

Table D.—*Expected Family Contribution of a Single Independent Student*[1]—Continued

Adjusted gross income	Number of family members											
	1	2	3	4	5	6	7	8	9	10	11	12
$45,375 to $45,624	28,220	28,660	29,140	29,600	30,060	30,520	30,980	31,440	31,900	32,360	32,820	33,250
$45,625 to $45,874	28,340	28,800	29,260	29,720	30,180	30,640	31,100	31,560	32,020	32,480	32,940	33,390
$45,875 to $46,124	28,440	28,920	29,380	29,850	30,310	30,770	31,230	31,690	32,150	32,610	33,070	33,520
$46,125 to $46,374	28,550	29,050	29,510	29,970	30,480	30,990	31,350	31,810	32,270	32,730	33,190	33,650
$46,375 to $46,624	28,650	29,180	29,640	30,109	30,560	31,020	31,480	31,940	32,400	32,860	33,320	33,780
$46,625 to $46,874	28,760	29,300	29,760	30,220	30,680	31,140	31,600	32,060	32,520	32,980	33,440	33,900
$46,875 to $47,124	28,860	29,400	29,890	30,350	30,810	31,270	31,730	32,190	32,650	33,110	33,570	34,030
$47,125 to $47,374	28,970	29,510	30,010	30,470	30,930	31,390	31,850	32,310	32,770	33,230	33,690	34,150
$47,375 to $47,624	29,070	29,610	30,140	30,600	31,060	31,520	31,980	32,440	32,900	33,360	33,820	34,280
$47,625 to $47,874	29,180	29,720	30,260	30,720	31,180	31,640	32,100	32,560	33,020	33,480	33,940	34,440
$47,875 to $48,124	29,280	29,820	30,360	30,850	31,310	31,770	32,230	32,690	33,150	33,610	34,070	34,530
$48,125 to $48,374	29,390	29,930	30,470	30,970	31,430	31,890	32,350	32,810	33,270	33,730	34,190	34,650
$48,375 to $48,624	29,490	30,030	30,570	31,100	31,560	32,020	32,480	32,940	33,400	33,860	34,320	34,780
$48,625 to $48,874	29,600	30,140	30,680	31,220	31,680	32,140	32,600	33,060	33,520	33,960	34,440	34,900
$48,875 to $49,124	29,700	30,240	30,780	31,320	31,810	32,270	32,730	33,190	33,650	34,110	34,570	35,030
$49,125 to $49,374	29,810	30,350	30,890	31,430	31,930	32,390	32,850	33,310	33,770	34,230	34,690	35,150
$49,375 to $49,624	29,910	30,450	30,990	31,530	32,060	32,520	32,980	33,440	33,900	34,360	34,820	35,280
$49,625 to $49,874	30,020	30,560	31,100	31,640	32,180	32,640	33,100	33,560	34,020	34,480	34,940	35,400
$49,875 to $50,124	30,120	30,660	31,200	31,740	32,280	32,770	33,230	33,690	34,150	34,610	35,070	35,530
$50,125 to $50,374	30,230	30,770	31,310	31,850	32,390	32,890	33,350	33,810	34,270	34,730	35,190	35,650
$50,375 to $50,624	30,330	30,870	31,410	31,950	32,490	33,020	33,480	33,940	34,400	34,860	35,320	35,780
$50,625 to $50,874	30,440	30,980	31,520	32,060	32,600	33,140	33,600	34,060	34,520	34,980	35,440	35,900
$50,875 to $51,124	30,540	31,080	31,620	32,160	32,700	33,240	33,730	34,190	34,650	35,110	35,570	36,030
$51,125 to $51,374	30,650	31,190	31,730	32,270	32,810	33,350	33,850	34,310	34,770	35,230	35,690	36,150
$51,375 to $51,624	30,750	31,290	31,830	32,370	32,910	33,450	33,980	34,440	34,900	35,360	35,820	36,280
$51,625 to $51,874	30,860	31,400	31,940	32,480	33,020	33,560	34,100	34,560	35,020	35,480	35,940	36,400
$51,875 to $52,124	30,960	31,500	32,040	32,580	33,120	33,660	34,200	34,690	35,150	35,610	36,070	36,530
$52,125 to $52,374	31,070	31,610	32,150	32,690	33,230	33,770	34,310	34,810	35,270	35,730	36,190	36,650
$52,375 to $52,624	31,170	31,710	32,250	32,790	33,330	33,870	34,410	34,940	35,400	35,860	36,320	36,783
$52,625 to $52,874	31,280	31,820	32,360	32,900	33,440	33,980	34,520	35,060	35,520	35,980	36,440	36,900
$52,875 to $53,124	31,380	31,920	32,460	33,000	33,540	34,080	34,620	35,160	35,650	36,110	36,570	37,030
$53,125 to $53,374	31,490	32,030	32,570	33,110	33,650	34,190	34,730	35,270	35,770	36,230	36,690	37,150
$53,375 to $53,624	31,590	32,130	32,670	33,210	33,750	34,290	34,830	35,370	35,900	36,360	36,820	37,280
$53,625 to $53,874	31,700	32,240	32,780	33,320	33,860	34,400	34,940	35,480	36,020	36,480	36,940	37,400
$53,875 to $54,124	31,800	32,340	32,880	33,420	33,960	34,500	35,040	35,580	36,120	36,610	37,070	37,530
$54,125 to $54,374	31,910	32,450	32,990	33,530	34,070	34,610	35,150	35,690	36,230	36,730	37,190	37,650
$54,375 to $54,624	32,010	32,550	33,090	33,630	34,170	34,710	35,250	35,790	36,330	36,860	37,320	37,780
$54,625 to $54,874	32,120	32,660	33,200	33,740	34,280	34,820	35,360	35,900	36,440	36,980	37,440	37,900
$54,875 to $55,124	32,220	32,760	33,300	33,840	34,380	34,920	35,460	36,000	36,540	37,080	37,570	38,030
$55,125 to $55,374	32,330	32,870	33,410	33,950	34,490	35,030	35,570	36,110	36,650	37,190	37,690	38,150
$55,375 to $55,624	32,430	32,970	33,510	34,050	34,590	35,130	35,670	36,210	36,750	37,290	37,820	38,280
$55,625 to $55,874	32,540	33,080	33,620	34,160	34,700	35,240	35,780	36,320	36,860	37,400	37,940	38,400
$55,875 to $56,124	32,640	33,180	33,720	34,260	34,800	35,340	35,880	36,420	36,960	37,500	38,040	38,530
$56,125 to $56,374	32,750	33,290	33,830	34,370	34,910	35,450	35,990	36,530	37,070	37,610	38,150	38,650
$56,375 to $56,624	32,850	33,390	33,930	34,470	35,010	35,550	36,090	36,630	37,170	37,710	38,250	38,780
$56,625 to $56,874	32,960	33,500	34,040	34,580	35,120	35,660	36,200	36,740	37,280	37,820	38,360	38,900
$56,875 to $57,124	33,060	33,600	34,140	34,680	35,220	35,760	36,300	36,840	37,380	37,920	38,460	39,000
$57,125 to $57,374	33,170	33,710	34,250	34,790	35,330	35,870	36,410	36,950	37,490	38,030	38,570	39,110
$57,375 to $57,624	33,270	33,810	34,350	34,890	35,430	35,970	36,510	37,050	37,590	38,130	38,670	39,210
$57,625 to $57,874	33,380	33,920	34,460	35,000	35,540	36,080	36,620	37,160	37,700	38,240	38,780	39,320
$57,875 to $58,124	33,480	34,020	34,560	35,100	35,640	36,180	36,720	37,260	37,800	38,340	38,880	39,420
$58,125 to $58,374	33,590	34,130	34,670	35,210	35,750	36,290	36,830	37,370	37,910	38,450	38,990	39,530
$58,375 to $58,624	33,690	34,230	34,770	35,310	35,850	36,390	36,930	37,470	38,010	38,550	39,090	39,630
$58,625 to $58,874	33,800	34,340	34,880	35,420	35,960	36,500	37,040	37,580	38,120	38,660	39,200	39,740
$58,875 to $59,124	33,900	34,440	34,980	35,520	36,060	36,600	37,140	37,680	38,220	38,760	39,300	39,840
$59,125 to $59,374	34,010	34,550	35,090	35,630	36,170	36,710	37,250	37,790	38,330	38,870	39,410	39,950
$59,375 to $59,624	34,110	34,650	35,190	35,730	36,270	36,810	37,360	37,890	38,430	38,970	39,510	40,050
$59,625 to $59,874	34,220	34,760	35,300	35,840	36,380	36,920	37,460	38,000	38,540	39,080	39,620	40,160
$59,875 to $60,124	34,320	34,860	35,400	35,940	36,480	37,020	37,560	38,100	38,640	39,180	39,720	40,260
$60,125 to $60,374	34,430	34,970	35,510	36,050	36,590	37,130	37,670	38,210	38,750	39,290	39,830	40,370
$60,375 to $60,624	34,530	35,070	35,610	36,150	36,690	37,230	37,770	38,310	38,850	39,390	39,930	40,470
$60,625 to $60,874	34,640	35,180	35,720	36,260	36,800	37,340	37,880	38,420	38,960	39,500	40,040	40,580
$60,875 to $61,124	34,740	35,280	35,820	36,360	36,900	37,440	37,980	38,520	39,060	39,600	40,140	40,680
$61,125 to $61,374	34,850	35,390	35,930	36,470	37,010	37,550	38,090	38,630	39,170	39,710	40,250	40,790
$61,375 to $61,624	34,950	35,490	36,030	36,570	37,110	37,650	38,190	38,730	39,270	39,810	40,350	40,890
$61,625 to $61,874	35,050	35,600	36,140	36,680	37,220	37,760	38,300	38,840	39,380	39,920	40,460	41,000
$61,875 to $62,124	35,140	35,700	36,240	36,780	37,320	37,860	38,400	38,940	39,480	40,020	40,560	41,100
$62,125 to $62,374	35,240	35,810	36,350	36,890	37,430	37,970	38,510	39,050	39,590	40,130	40,670	41,210
$62,375 to $62,624	35,330	35,910	36,450	36,990	37,530	38,070	38,610	39,150	39,690	40,230	40,770	41,310
$62,625 to $62,874	35,420	36,010	36,560	37,100	37,640	38,180	38,720	39,260	39,800	40,340	40,880	41,420
$62,875 to $63,124	35,510	36,100	36,660	37,200	37,740	38,280	38,820	39,360	39,900	40,440	40,980	41,520
$63,125 to $63,374	35,610	36,200	36,770	37,310	37,850	38,390	38,930	39,470	40,010	40,550	41,090	41,630
$63,375 to $63,624	35,700	36,290	36,870	37,410	37,950	38,490	39,030	39,570	40,110	40,650	41,190	41,730
$63,625 to $73,864	35,790	36,380	36,970	37,520	38,060	38,600	39,140	39,680	40,220	40,760	41,300	41,840
$63,875 to $64,124	35,880	36,470	37,060	37,620	38,160	38,700	39,240	39,780	40,320	40,860	41,400	41,940
$64,125 to $64,374	35,980	36,570	37,160	37,730	38,270	38,810	39,350	39,890	40,430	40,970	41,510	42,050
$64,375 to $64,624	36,080	36,660	37,250	37,830	38,370	38,910	39,450	39,990	40,530	41,070	41,610	42,150
$64,625 to $64,874	36,180	36,750	37,340	37,930	38,480	39,020	39,560	40,100	40,640	41,180	41,720	42,260
$64,875 to $65,124	36,280	36,840	37,430	38,020	38,580	39,120	39,660	40,200	40,740	41,280	41,820	42,360
$65,125 to $65,374	36,380	36,940	37,530	38,120	38,690	39,230	39,770	40,310	40,850	41,390	41,930	42,470
$65,375 to $65,624	36,440	37,030	37,620	38,210	38,790	39,330	39,870	40,410	40,950	41,490	42,030	42,570
$65,625 to $65,874	36,530	37,120	37,710	38,300	38,890	39,440	39,980	40,520	41,060	41,600	42,140	42,680
$65,875 to $66,124	36,620	37,210	37,800	38,390	38,988	39,540	40,080	40,620	41,160	41,700	42,240	42,780
$66,125 to $66,374	36,720	37,310	37,900	38,490	39,080	39,650	40,190	40,730	41,270	41,810	42,350	42,890
$66,375 to $66,624	36,810	37,400	37,990	38,580	39,170	39,750	40,290	40,830	41,370	41,910	42,450	42,990
$66,625 to $66,874	36,900	37,490	38,080	38,670	39,260	39,850	40,400	40,940	41,480	42,020	42,560	43,100
$66,875 to $67,124	36,990	37,580	38,170	38,760	39,350	39,940	40,500	41,040	41,580	42,120	42,660	43,200
$67,125 to $67,374	37,090	37,680	38,270	38,860	39,450	40,040	40,610	41,150	41,690	42,230	42,770	43,310
$67,375 to $67,624	37,180	37,770	38,360	38,950	39,540	40,130	40,710	41,250	41,790	42,330	42,870	43,410
$67,625 to $67,874	37,270	37,860	38,450	39,040	39,630	40,220	40,810	41,360	41,900	42,440	42,980	43,520

Table D.—*Expected Family Contribution of a Single Independent Student*[1]—Continued

Adjusted gross income	Number of family members											
	1	2	3	4	5	6	7	8	9	10	11	12
$67,875 to $68,124	37,360	37,950	38,540	39,130	39,720	40,310	40,900	41,490	42,080	42,540	43,080	43,620
$68,125 to $68,374	37,460	38,050	38,640	39,230	39,820	40,410	41,000	41,570	42,110	42,650	43,190	43,730
$68,375 to $68,624	37,550	38,140	38,730	39,320	39,910	40,500	41,090	41,670	42,210	42,750	43,290	43,830
$68,625 to $68,874	37,640	38,230	38,820	39,410	40,000	40,590	41,180	41,770	42,320	42,860	43,400	43,940
$68,875 to $69,124	37,730	38,320	38,910	39,500	40,090	40,680	41,270	41,860	42,420	42,960	43,500	44,040
$69,125 to $69,374	37,830	38,420	39,010	39,600	40,190	40,780	41,370	41,960	42,530	43,070	43,610	44,150
$69,375 to $69,624	37,920	38,510	39,100	39,690	40,280	40,870	41,460	42,050	42,630	43,170	43,710	44,250
$69,625 to $69,874	38,010	38,600	39,190	39,780	40,370	40,960	41,550	42,140	42,730	43,280	43,820	44,360
$69,875 to $70,124	38,100	38,690	39,280	39,870	40,460	41,050	41,640	42,230	42,820	43,380	43,920	44,460
$70,125 to $70,374	38,200	38,790	39,380	39,970	40,560	41,150	41,740	42,330	42,920	43,490	44,030	44,570
$70,375 to $70,624	38,290	38,880	39,470	40,060	40,650	41,240	41,830	42,420	43,010	43,580	44,130	44,670
$70,625 to $70,874	38,380	38,970	39,560	40,150	40,740	41,330	41,920	42,510	43,100	43,690	44,240	44,780
$70,875 to $71,124	38,470	39,060	39,650	40,240	40,830	41,420	42,010	42,600	43,190	43,780	44,340	44,880
$71,125 to $71,374	38,570	39,160	39,750	40,340	40,930	41,520	42,110	42,700	43,290	43,880	44,450	44,990
$71,375 to $71,624	38,660	39,250	39,840	40,430	41,020	41,610	42,200	42,790	43,380	43,970	44,550	45,090
$71,625 to $71,874	38,750	39,340	39,930	40,520	41,110	41,700	42,290	42,880	43,470	44,060	44,650	45,200
$71,875 to $72,124	38,840	39,430	40,020	40,610	41,200	41,790	42,380	42,970	43,560	44,150	44,740	45,300
$72,125 to $72,374	38,940	39,530	40,120	40,710	41,300	41,890	42,480	43,070	43,660	44,250	44,840	45,410
$72,375 to $72,624	39,030	39,620	40,210	40,800	41,390	41,980	42,570	43,160	43,750	44,340	44,930	45,516
$72,625 to $72,874	39,120	39,710	40,300	40,890	41,480	42,070	42,660	43,250	43,840	44,430	45,020	45,610
$72,875 to $73,124	39,210	39,800	40,390	40,980	41,570	42,160	42,750	43,340	43,930	44,520	45,110	45,700
$73,125 to $73,374	39,310	39,900	40,490	41,080	41,670	42,260	42,850	43,440	44,030	44,620	45,210	45,800
$73,375 to $73,624	39,400	39,990	40,580	41,170	41,760	42,350	42,940	43,530	44,120	44,710	45,300	45,888
$73,625 to $73,874	39,490	40,080	40,670	41,260	41,850	42,440	43,030	43,620	44,210	44,800	45,390	45,980
$73,875 to $74,124	39,580	40,170	40,760	41,350	41,940	42,530	43,120	43,710	44,300	44,890	45,480	46,070
$74,125 to $74,374	39,680	40,270	40,860	41,450	42,040	42,630	43,220	43,810	44,400	44,990	45,580	46,170
$74,375 to $74,624	39,770	40,360	40,950	41,540	42,130	42,720	43,310	43,900	44,490	45,080	45,670	46,260
$74,625 to $74,874	39,860	40,450	41,040	41,630	42,220	42,810	43,400	43,990	44,580	45,170	45,760	46,350
$74,875 to $75,124	39,950	40,540	41,130	41,720	42,310	42,900	43,490	44,080	44,670	45,260	45,850	46,440
$75,125 to $75,374	40,050	40,640	41,230	41,820	42,410	43,000	43,590	44,180	44,770	45,360	45,950	46,540
$75,375 to $75,624	40,140	40,730	41,320	41,910	42,500	43,090	43,680	44,270	44,860	45,450	46,040	46,630
$75,625 to $75,874	40,230	40,820	41,410	42,000	42,590	43,180	43,770	44,360	44,950	45,540	46,130	46,720
$75,875 to $76,124	40,320	40,910	41,500	42,090	42,680	43,270	43,860	44,450	45,040	45,630	46,220	46,810
$76,125 to $76,374	40,420	41,010	41,600	42,190	42,780	43,370	43,960	44,550	45,140	45,730	46,320	46,910
$76,375 to $76,624	40,510	41,100	41,690	42,280	42,870	43,460	44,050	44,640	45,230	45,820	46,410	47,000
$76,625 to $76,874	40,600	41,190	41,780	42,370	42,960	43,550	44,140	44,730	45,320	45,910	46,500	47,090
$76,875 to $77,124	40,690	41,280	41,870	42,460	43,050	43,640	44,230	44,820	45,410	46,000	46,590	47,180
$77,125 to $77,374	40,790	41,380	41,970	42,560	43,150	43,740	44,330	44,920	45,510	46,100	46,690	47,280
$77,375 to $77,624	40,880	41,470	42,060	42,650	43,240	43,830	44,420	45,010	45,600	46,190	46,780	47,370
$77,625 to $77,874	40,970	41,560	42,150	42,740	43,330	43,920	44,510	45,100	45,690	46,280	46,870	47,460
$77,875 to $78,124	41,060	41,650	42,240	42,830	43,420	44,010	44,600	45,190	45,780	46,370	46,960	47,550
$78,125 to $78,374	41,160	41,750	42,340	42,930	43,520	44,110	44,700	45,290	45,880	46,470	47,060	47,650
$78,375 to $78,624	41,250	41,840	42,430	43,020	43,610	44,200	44,790	45,380	45,970	46,560	47,150	47,740
$78,625 to $78,874	41,340	41,930	42,520	43,110	43,700	44,290	44,880	45,470	46,060	46,650	47,240	47,830
$78,875 to $79,124	41,430	42,020	42,610	43,200	43,790	44,380	44,970	45,560	46,150	46,740	47,330	47,920
$79,125 to $79,374	41,530	42,120	42,710	43,300	43,890	44,480	45,070	45,660	46,250	46,840	47,430	48,020
$79,375 to $79,624	41,620	42,210	42,800	43,390	43,980	44,570	45,160	45,750	46,340	46,930	47,520	48,110
$79,625 to $79,874	41,710	42,300	42,890	43,480	44,070	44,660	45,250	45,840	46,430	47,020	47,610	48,200
$79,875 to $80,124	41,800	42,390	42,980	43,570	44,160	44,750	45,340	45,930	46,520	47,110	47,700	48,290
$80,125 to $80,374	41,900	42,490	43,080	43,670	44,260	44,850	45,440	46,030	46,620	47,210	47,800	48,390
$80,375 to $80,624	41,990	42,580	43,170	43,760	44,350	44,940	45,530	46,120	46,710	47,300	47,890	48,480
$80,625 to $80,874	42,080	42,670	43,260	43,850	44,440	45,030	45,620	46,210	46,800	47,390	47,980	48,570
$80,875 to $81,124	42,170	42,760	43,350	43,940	44,530	45,120	45,710	46,300	46,890	47,480	48,070	48,660
$81,125 to $81,374	42,270	42,860	43,450	44,040	44,630	45,220	45,810	46,400	46,990	47,580	48,170	48,760
$81,375 to $81,624	42,360	42,950	43,540	44,130	44,720	45,310	45,900	46,490	47,080	47,670	48,260	48,850
$81,625 to $81,874	42,450	43,040	43,630	44,220	44,810	45,400	45,990	46,580	47,170	47,760	48,350	48,940
$81,875 to $82,124	42,540	43,130	43,720	44,310	44,900	45,490	46,080	46,670	47,260	47,850	48,440	49,030
$82,125 to $82,374	42,640	43,230	43,820	44,410	45,000	45,590	46,180	46,770	47,360	47,950	48,540	49,130
$82,375 to $82,624	42,730	43,320	43,910	44,500	45,090	45,680	46,270	46,860	47,450	48,040	48,630	49,220
$82,625 to $82,874	42,820	43,410	44,000	44,590	45,180	45,770	46,360	46,950	47,540	48,130	48,720	49,310
$82,875 to $83,124	42,910	43,500	44,090	44,680	45,270	45,860	46,450	47,040	47,630	48,220	48,810	49,400
$83,125 to $83,374	42,990	43,600	44,190	44,780	45,370	45,960	46,550	47,140	47,730	48,320	48,910	49,500
$83,375 to $83,624	43,070	43,690	44,280	44,870	45,460	46,050	46,640	47,230	47,820	48,410	49,000	49,590
$83,625 to $83,874	43,150	43,780	44,370	44,960	45,550	46,140	46,730	47,320	47,910	48,500	49,090	49,680
$83,875 to $84,124	43,240	43,870	44,460	45,050	45,640	46,230	46,820	47,410	48,000	48,590	49,180	49,770
$84,125 to $84,374	43,320	43,950	44,560	45,150	45,740	46,330	46,920	47,510	48,100	48,690	49,280	49,870
$84,375 to $84,624	43,400	44,030	44,650	45,240	45,830	46,420	47,010	47,600	48,190	48,780	49,370	49,960
$84,625 to $84,874	43,480	44,110	44,740	45,330	45,920	46,510	47,100	47,690	48,280	48,870	49,460	50,050
$84,875 to $85,124	43,570	44,200	44,830	45,420	46,010	46,600	47,190	47,780	48,370	48,960	49,550	50,140
$85,125 to $85,374	43,650	44,280	44,910	45,520	46,110	46,700	47,290	47,880	48,470	49,060	49,650	50,240
$85,375 to $85,624	43,730	44,360	44,990	45,610	46,200	46,790	47,380	47,970	48,560	49,150	49,740	50,330
$85,625 to $85,874	43,810	44,440	45,070	45,700	46,290	46,880	47,470	48,060	48,650	49,240	49,830	50,420
$85,875 to $86,124	43,900	44,530	45,160	45,790	46,380	46,970	47,560	48,150	48,740	49,330	49,920	50,510
$86,125 to $86,374	43,990	44,610	45,240	45,870	46,480	47,070	47,660	48,250	48,840	49,430	50,020	50,200
$86,375 to $86,624	44,060	44,690	45,320	45,950	46,570	47,160	47,750	48,340	48,930	49,520	50,110	50,700
$86,625 to $86,874	44,140	44,770	45,400	46,030	46,660	47,250	47,840	48,430	49,020	49,610	50,200	50,790
$86,875 to $87,124	44,230	44,860	45,490	46,120	46,750	47,340	47,930	48,520	49,110	49,700	50,290	50,880
$87,125 to $87,374	44,310	44,940	45,570	46,200	46,830	47,440	48,030	48,620	49,210	49,800	50,390	50,980
$87,375 to $87,624	44,390	45,020	45,650	46,280	46,910	47,530	48,120	48,710	49,300	49,890	50,480	51,070
$87,625 to $87,874	44,470	45,100	45,730	46,360	46,990	47,620	48,210	48,800	49,390	49,980	50,570	51,160
$87,875 to $88,124	44,560	45,190	45,820	46,450	47,080	47,710	48,300	48,890	49,480	50,070	50,660	51,250
$88,125 to $88,374	44,640	45,270	45,900	46,530	47,160	47,790	48,400	48,990	49,580	50,170	50,760	51,350
$88,375 to $88,624	44,720	45,350	45,980	46,610	47,240	47,870	48,490	49,080	49,670	50,260	50,850	51,440
$88,625 to $88,874	44,800	45,430	46,060	46,690	47,320	47,950	48,580	49,170	49,760	50,350	50,940	51,530
$88,875 to $89,124	44,890	45,520	46,150	46,780	47,410	48,040	48,670	49,260	49,850	50,440	51,030	51,620
$89,125 to $89,374	44,970	45,600	46,230	46,860	47,490	48,120	48,750	49,360	49,950	50,540	51,130	51,720
$89,375 to $89,624	45,050	45,680	46,310	46,940	47,570	48,200	48,830	49,450	50,040	50,630	51,220	51,810
$89,625 to $89,874	45,130	45,760	46,390	47,020	47,650	48,280	48,910	49,540	50,130	50,720	51,310	51,900
$89,875 to $90,124	45,220	45,850	46,480	47,110	47,740	48,370	49,000	49,630	50,220	50,810	51,400	51,990
$90,125 to $90,374	45,300	45,920	46,560	47,190	47,820	48,450	49,080	49,710	50,320	50,910	51,500	52,090

Table D.—*Expected Family Contribution of a Single Independent Student*[1]—Continued

Adjusted gross income	Number of family members											
	1	2	3	4	5	6	7	8	9	10	11	12
$90,375 to $90,624	45,380	46,010	46,640	47,270	47,900	48,530	49,160	49,790	50,410	51,000	51,590	52,180
$90,625 to $90,874	45,450	46,090	46,720	47,350	47,980	48,610	49,240	49,870	50,500	51,090	51,680	52,270
$90,875 to $91,124	45,530	46,180	46,810	47,440	48,070	48,700	49,330	49,960	50,590	51,180	51,770	52,360
$91,125 to $91,374	45,630	46,260	46,890	47,520	48,150	48,780	49,410	50,040	50,670	51,280	51,870	52,460
$91,375 to $91,624	45,710	46,340	46,970	47,600	48,230	48,860	49,490	50,120	50,750	51,370	51,960	52,550
$91,625 to $91,874	45,790	46,420	47,050	47,680	48,310	48,940	49,570	50,200	50,830	51,460	52,050	52,640
$91,875 to $92,124	45,880	46,510	47,140	47,770	48,400	49,030	49,660	50,290	50,920	51,550	52,140	52,730
$92,125 to $92,374	45,960	46,590	47,220	47,850	48,480	49,110	49,740	50,370	51,000	51,630	52,240	52,830
$92,375 to $92,624	46,040	46,670	47,300	47,930	48,560	49,190	49,820	50,450	51,080	51,710	52,330	52,920
$92,625 to $92,874	46,120	46,750	47,380	48,010	48,640	49,270	49,900	50,530	51,160	51,790	52,420	53,010
$92,875 to $93,124	46,210	46,840	47,470	48,100	48,730	49,360	49,990	50,620	51,250	51,880	52,510	53,100
$93,125 to $93,374	46,290	46,920	47,550	48,180	48,810	49,440	50,070	50,700	51,330	51,960	52,590	53,200
$93,375 to $93,624	46,370	47,000	47,630	48,260	48,890	49,520	50,150	50,780	51,410	52,040	52,670	53,290
$93,625 to $93,874	46,450	47,080	47,710	48,340	48,970	49,600	50,230	50,860	51,490	52,120	52,750	53,380
$93,875 to $94,124	46,540	47,170	47,800	48,430	49,060	49,690	50,320	50,950	51,580	52,210	52,840	53,470
$94,125 to $94,374	46,620	47,250	47,880	48,510	49,140	49,770	50,400	51,030	51,660	52,290	52,920	53,550
$94,375 to $94,624	46,700	47,330	47,960	48,590	49,220	49,850	50,480	51,110	51,740	52,370	53,000	53,630
$94,625 to $94,874	46,780	47,410	48,040	48,670	49,300	49,930	50,560	51,190	51,820	52,450	53,080	53,710
$94,875 to $95,124	46,870	47,500	48,130	48,760	49,390	50,020	50,650	51,280	51,910	52,540	53,170	53,800
$95,125 to $95,374	46,950	47,580	48,210	48,840	49,470	50,100	50,730	51,360	51,990	52,620	53,250	53,880
$95,375 to $95,624	47,030	47,660	48,290	48,920	49,550	50,180	50,810	51,440	52,070	52,700	53,330	53,960
$95,625 to $95,874	47,110	47,740	48,370	49,000	49,630	50,260	50,890	51,520	52,150	52,780	53,410	54,040
$95,875 to $96,124	47,200	47,830	48,460	49,090	49,720	50,350	50,980	51,610	52,240	52,870	53,500	54,130
$96,125 to $96,374	47,280	47,910	48,540	49,170	49,800	50,430	51,060	51,690	52,320	52,950	53,580	54,210
$96,375 to $96,624	47,360	47,990	48,620	49,250	49,880	50,510	51,140	51,770	52,400	53,030	53,660	54,290
$96,625 to $96,874	47,440	48,070	48,700	49,330	49,960	50,590	51,220	51,850	52,480	53,110	53,740	54,370
$96,875 to $97,124	47,530	48,160	48,790	49,420	50,050	50,680	51,310	51,940	52,570	53,200	53,830	54,460
$97,125 to $97,374	47,610	48,240	48,870	49,500	50,130	50,760	51,390	52,020	52,650	53,280	53,910	54,540
$97,375 to $97,624	47,690	48,320	48,950	49,580	50,210	50,840	51,470	52,100	52,730	53,360	53,990	54,620
$97,625 to $94,874	47,770	48,400	49,030	49,660	50,290	50,920	51,550	52,180	52,810	53,440	54,070	54,700
$97,875 to $98,124	47,860	48,490	49,120	49,750	50,380	51,010	51,640	52,270	52,900	53,530	54,160	54,790
$98,125 to $98,374	47,940	48,570	49,200	49,830	50,460	51,090	51,720	52,350	52,980	53,610	54,240	54,870
$98,375 to $98,624	48,020	48,650	49,280	49,910	50,540	51,170	51,800	52,430	53,060	53,690	54,320	54,950
$98,625 to $98,874	48,100	48,730	49,360	49,990	50,620	51,250	51,880	52,510	53,140	53,770	54,400	55,030
$98,875 to $99,124	48,190	48,820	49,450	50,080	50,710	51,340	51,970	52,600	53,230	53,860	54,490	55,120
$99,125 to $99,374	48,270	48,900	49,530	50,160	50,790	51,420	52,050	52,680	53,310	53,940	54,570	55,200
$99,375 to $99,624	48,350	48,980	49,610	50,240	50,870	51,500	52,130	52,760	53,390	54,020	54,650	55,280
$99,625 to $99,874	48,430	49,060	49,690	50,320	50,950	51,580	52,210	52,840	53,470	54,100	54,730	55,360
$99,875 to $100,124	48,520	49,150	49,780	50,410	51,040	51,670	52,300	52,930	53,560	54,190	54,820	55,450

[1] Based on a 12 month budget. Multiply contribution by 0.75 if a 9 month budget is used.

As used in the table—

"Adjusted gross income" means the adjusted gross income of the student as reported on his or her 1980 Federal income tax return.

"Family members" include the student and his or her dependents.

Rationale for Tables

Table A

Table A is used to determine the expected family contribution for the Guaranteed Student Loan Program for dependent students from two-parent families. The table provides a simple conversion of adjusted gross income to the expected family contribution. Table A is based on the following irrebuttable assumptions:

- One of the two parents is employed,
- No assets are considered, and
- All of the family income was earned by the employed parent.

The conversion of adjusted gross income to the expected family contribution is performed by subtracting from the adjusted gross income, the following:

—Federal income tax, based on standard deductions,

—F.I.C.A. (Social Security) for one wage earner,

—Average state and other taxes (8%), and

—A standard maintenance allowance, based on the average non-discretionary living expenses for families according to family size and derived from the Bureau of Labor Statistics low budget standard.

To this balance, called "available income," which represents discretionary income, a conversion percentage is applied. The percentage increases as available income increases. (This series of rates is also used in the "Uniform Methodology.") The resulting value on the Table is the expected family contribution to be used in determining eligibility for interest subsidies.

Table B

Table B is used to determine the expected family contribution for the Guaranteed Student Loan Program for dependent students from one-parent families. The table provides a simple conversion of adjusted gross income to the expected family contribution. Table B is based on the following irrebuttable assumptions:

- That the parent is employed,
- No assets are considered, and
- All the family income was earned by the parent.

The conversion of adjusted gross income to the expected family contribution is performed by subtracting from the adjusted gross income, the following:

—Federal income tax, based on standard deductions,

—F.I.C.A (Social Security) for one wage earner,

—Average state and other taxes (8%),

—An employment allowance of 50% of income to a maximum of $2,400, and

—A standard maintenance allowance, based on the average non-discretionary living expenses for families according to family size and derived from the Bureau of Labor Statistics low budget standard.

To this balance, called "available income," which represents discretionary income, a conversion percentage is applied. The percentage increases as available income increases. (This series of rates is also used in the "Uniform Methodology.") The resulting value on the Table is the expected family contribution to be used in determining eligibility for interest subsidies.

Table C

Table C is used to determine the expected family contribution for the Guaranteed Student Loan Program for married independent students. The table provides a simple conversion of adjusted gross income to the expected

family contribution. Table C is based on the following irrebuttable assumptions:

- No assets are considered,
- A living allowance will be calculated as part of the student's and spouse's budget by the institutional aid officer following current practices, and
- Twelve month value is represented. (The nine month value would be ¾ of that indicated on the table.)

The conversion of adjusted gross income to the expected family contribution is performed by subtracting from the adjusted gross income, the following:

—Federal income tax, based on standard deductions,

—F.I.C.A. (Social Security) for one wage earner, and

—Average state and local income taxes (4%).

The resulting value on the Table is the contribution to be used in determining eligibility for interest subsidies.

Table D

Table D is used to determine the expected family contribution for the Guaranteed Student Loan Program for single, independent students. The table performs the simple conversion of adjusted gross income to the expected family contribution. Table D is based on the following irrebuttable assumptions:

- No assets are considered,
- A living allowance will be calculated as part of the student's budget by the institutional aid officer following current practices, and
- Twelve month value is represented. (The nine month value would be ¾ of that indicated on the table.)

The conversion of adjusted gross income to the expected family contribution is performed by subtracting from the adjusted gross income, the following:

—Federal income tax, based on standard deductions,

—F.I.C.A. (Social Security) for one wage earner, and

—Average state and local income taxes (4%).

The resulting value on the Table is the contribution to be used in determining eligibility for interest subsidies.

(20 U.S.C. 1078)

(Catalog of Federal Domestic Assistance No. 84.032 Guaranteed Student Loan Program)

Dated: September 2, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-26432 Filed 9-10-81; 8:45 am]

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federal register

Friday
September 11, 1981

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona: AZ81–5142	Aug. 14, 1981.
Delaware: DE81–3028	May 8, 1981.
Florida: FL80–1088	Aug. 1, 1980.
Georgia:	
GA81–1191	Mar. 6, 1981.
GA81–1196	Mar. 20, 1981.
GA81–1193	Mar. 6, 1981.
Hawaii: HI81–5141	Aug. 14, 1981.
Kansas: KS81–4019	Apr. 10, 1981.
Kentucky:	
KY81–1275	Aug. 14, 1981.
KY81–1276	Aug. 14, 1981.
Maine: ME81–3057	Aug. 28, 1981.
Maryland:	
MD80–3047	Aug. 29, 1980.
MD81–3031	May 15, 1981.
Pennsylvania:	
PA80–3011	Feb. 22, 1980.
PA80–3026	Apr. 11, 1980.
PA80–3027	Apr. 18, 1980.
PA80–3028	Apr. 11, 1980.
PA80–3031	Aug. 29, 1980.
PA80–3032	May 30, 1980.
PA80–3037	May 2, 1980.
PA80–3038	May 23, 1980.
PA80–3056	Sept. 12, 1980.
PA80–3075	Dec. 5, 1980.
PA80–3059	Oct. 3, 1980.
PA81–3043	July 17, 1981.
PA81–3058	Aug. 28, 1981.
PA81–3044	Aug. 7, 1981.
PA81–3049	July 17, 1981.
Washington: WA81–5126	July 6, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Kentucky:	
KY80-1093 (KY81-1291)	Aug. 22, 1980
KY80-1108 (KY81-1290)	Oct. 17, 1980
New York:	
NY79-3032 (NY81-3065)	Oct. 12, 1979
NY80-3046 (NY81-3061)	July 25, 1980.
NY80-3023 (NY81-3062)	Apr. 11, 1980.
Oklahoma: OK80-4066 (OK81-4071)	July 25, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. this 4th day of September 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. AZ81-5142 - Mod. #1
(46 FR 41299 - August 14, 1981)
Statewide, Arizona

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters: Area 2:					
Zone A:					
Brush and Roller; Sandblaster (Nozzleman); Sheetrock Taper; Floor Coverer; Sandblaster (Pot Tender)	$13.14	.60	.60		.10
Spray; Paperhanger	13.39	.60	.60		.10
Creosote Applier	13.47	.60	.60		.10
Swing Stage:					
Brush; Sandblaster	13.54	.60	.60		.10
Spray	13.79	.60	.60		.10
Steeplejack	14.00	.60	.60		.10
Steel and bridge, brush; Nozzleman and Pot Tender; Steel (steam cleaner); Electric and air tool Operator; Steel Sandblaster	14.07	.60	.60		.10
Steel and bridge, Spray	14.27	.60	.60		.10
Zone B:					
Brush and Roller; Sandblaster (Nozzleman); Sheet Rock Taper; Floor Coverer; Sandblaster (Pot Tender);	14.14	.60	.60		.10
Spray; Paperhangers	14.39	.60	.60		.10
Creosote Applier	14.47	.60	.60		.10
Swing Stage:					
Brush; Sandblaster	14.54	.60	.60		.10
Spray	14.79	.60	.60		.10
Steeplejack	15.00	.60	.60		.10
Steel and bridge, Brush; Nozzleman and Pot Tender; Steel (steam cleaner; Electric and air tool Operator; Steel Sandblaster	15.07	.60	.60		.10
Steel and bridge, spray	15.27	.60	.60		.10

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DECISION NO. AZ81-5142 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone C:					
Brush and Roller; Sandblaster (Nozzleman); Sheet Rock Taper; Floor Coverer; Sandblaster (pot Tender)	$15.64	.60	.60		.10
Spray; Paperhangers	15.89	.60	.60		.10
Creosote Applier	15.97	.60	.60		.10
Swing Stage:					
Brush; Sandblaster	16.04	.60	.60		.10
Spray	16.29	.60	.60		.10
Steeplejack	16.50	.60	.60		.10
Steel and bridge; Brush; Nozzleman and Pot Tender; Steel (steam cleaner); Electric, air tool operator; Steel Sandblaster	16.57	.60	.60		.10
Steel and bridge, Spray	16.77	.60	.60		.10
DECISION NO. DE81-3028 MOD. NO. 5 (46 FR 25909 - May 8, 1981) State of Delaware					
CHANGE:					
Carpenters:					
Building & Heavy					
New Castle & Kent Cos.	$14.55	1.29	1.40		.05
Carpenters (Highway Construction)					
New Castle & Kent Cos.	12.95	1.29	1.40		.05
Divers	12.97	3.13	1.40		.13

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Modification Page 4

DECISION NO. FL80-1088 - MOD. #5
(45 FR 51400 - August 1, 1980)
Orange County, Florida

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elevator Constructors					
Mechanic	$11.56	1.345	1.085	a & b	.035
Helper	8.09	1.345	1.085	a & b	.035
Roofers:					
Roofers	10.00	.40	.25		.05
Kettlemen	8.55	.40	.25		.05

DECISION #GA81-1191 - Mod. #6
(46 FR 15645 - March 6, 1981)
Clayton, DeKalb, & Fulton Counties, Georgia

CHANGE:

Painters:					
Brush, roller, & drywall finishers	$12.05	.75	1.10		.05
Paperhangers	12.30	.75	1.10		.05
Drywall taping (where pressurized tools are used), boatswain chair & window-jack work, all steel above 25' (where no scaffold is erected), & any scaffold above 25' (not floored solid)	12.55	.75	1.10		.05
Spray, steamcleaning, waterblasting, sandblasting, steeple-jack work, gold leafing, stencil designing, graining, & marbelizing	13.05	.75	1.10		.05

DECISION #GA81-1196 - Mod. #3
(46 FR 17987 - March 20, 1981)
DeKalb & Fulton Counties, Georgia

CHANGE:

Painters:					
Brush & Roller	$12.05	.75	1.10		.05
Spray	13.05	.75	1.10		.05

DECISION #GA81-1193 - Mod. #6
(46 FR 15648 - March 6, 1981)
Chatham County, Georgia

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush & Roller	$10.60	.60	.13		.02
Rubberhanger (installation only) & Paint burners	10.85	.60	.13		.02
Paperhanger, steel brush & steel roller	11.10	.60	.13		.02
Sandblasting, paint spraying, paint mitt or glove, & power tools (no roller larger than 9")	11.35	.60	.13		.02
Drywall finisher	11.50	.60	.13		.02

DECISION NO. HI81-5141 - Mod. #3 (46 FR 41312 - August 14, 1981)
STATEWIDE HAWAII

CHANGE:

LINE CONSTRUCTION WORKERS:					
Technicians	$14.05	1.22	15%+1.94	11.6%	.55

Decision #KS81-4019 - Mod. #1 - (46 FR 21565 - April 10, 1981) -
Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson, and Woodson; and Geary and Riley Counties--HIGHWAY CONSTRUCTION ONLY--Kansas.

Change: Area of Coverage to read:
Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson, and Woodson Counties in Kansas.
Geary, Riley, and Saline Counties in Kansas--HIGHWAY CONSTRUCTION ONLY.

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DECISION NO. KY81-1275 - MOD. #1 (46 FR 41323 - August 14, 1981) Fayette County, Kentucky	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction:					
Linemen & Equipment Oper.	$15.18	.70	8%		½%
Cable Splicers	15.43	.70	8%		½%
Groundmen-Truck Drivers	12.14	.70	8%		½%
Groundmen	10.95	.70	8%		½%
Roofers	10.85	1.05			.02
DECISION NO. KY81-1276 - MOD. #1 (46 FR 41321 - August 14, 1981) Franklin County, Kentucky					
Change:					
Line Construction:					
Linemen & Equipment Oper.	$15.18	.70	8%		½%
Cable Splicers	15.43	.70	8%		½%
Groundmen-Truck Drivers	12.14	.70	8%		½%
Groundmen	10.85	.70	8%		½%
Plumbers & Pipefitters					
Western 3/4 of County, including the city of Frankfurt					
Plumbers	17.02	1.05	1.60		.15
Pipefitters	17.56	.95	1.69		.12
DECISION NO. ME81-3057 - MOD.# 1 (46FR 43620 AUGUST 28, 1981) STATEWIDE MAINE					
CHANGE:					
UNDER CHAIN SAW OPERATOR:					
HANCOCK & YORK COS.	$4.00				
PENOBSCOT COUNTY	4.25				

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DECISION NO. MD80-3047 - MOD. #2 (45 FR 57922 - August 29, 1980) Allegany & Garrett Counties, Maryland	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS	12.29	.80	1.00		
CARPENTERS	12.16	.80	1.15		.04
CEMENT MASONS	13.97	.75			
ELECTRICIANS - ALLEGANY COUNTY	13.70	.90	3%+.70		.75%
ELECTRICIANS - GARRETT COUNTY	14.10	.90	3%+.70		.75%
IRONWORKERS; Structural & Reinforcing	13.61	.80	1.55		
LABORERS:					
Unskilled, landscape workers, tool checkers, dumpmen, handymen, & truck spotters	10.25	.90	1.55		
Power tool operators, masons & plasterers tenders, mortar mixer by hand, scaffold builders, hod carriers, concrete puddlers, pipe layers, chainmen-rodmen, rammers & grade checkers	10.40	.90	1.55		
Mortar mixer by machine	10.48	.90	1.55		
Barco tampers	10.56	.90	1.55		
Blaster/dynamite & wagon drill operator (air track)	10.81	.90	1.55		
Tunnel workers:					
Caisson, driller & mucker	11.23	.90	1.55		
Laborer - unskilled	10.80	.90	1.55		

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DECISION NO. MD80-3047 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	12.50	.80	1.15		.04
TRUCK DRIVERS:					
Group 1	10.34	1.10	1.35		
Group 2	10.52	1.10	1.35		
Group 3	10.76	1.10	1.35		
Group 4	11.00	1.10	1.35		
Group 5	11.28	1.10	1.35		
DECISION NO. MD81-3031 - MOD. #1 (46 FR 27051 - May 15, 1981) Allegany and Garrett Counties, Maryland					
CHANGE:					
ELECTRICIANS:					
Allegany County	13.70	.90	3%+.70		.75%
Garrett County	14.10	.90	3%+.70		.75%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	12.925	1.345	.95	a+b	.035
Elevator Constructors' Helpers	9.048	1.345	.95	a+b	.035
Elevator Constructors' Probationary Helpers	6.463				
GLAZIERS	13.44	1.12	1.55	1.29	.02
PAINTERS:					
Brush, rollers, wall covering hangers, & installation of seamless type floors	9.70		.50		
Spray, sandblasting & use of flame burning & power tools	10.70		.50		
Toxic materials-brush and roller	10.20		.50		
Toxic materials-spray	11.20		.50		
SPRINKLER FITTERS	14.88	.95	1.40		.08

DECISION NO. PA80-3011 MOD. NO. 11 (45 FR 12118 - February 22, 1980) Greene, Somerset & Potter Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers					
Zone I	$15.06	1.00	1.27		
Boilermakers					
Zone I	16.67	1.275	1.00		.02
Bricklayers & Stonemasons					
Zone III	14.20				
Carpenters					
Zone I	12.25	6½%	8%	10%	
Electricians					
Zone II	11.50	.65	3%+1.00	1.00	.02
Glaziers					
Zone I	13.44	1.12	1.55	1.29	.02
Painters					
Zone 3					
Commercial					
Brush & Roller	14.25	.75	1.50		
Spray	15.25	.75	1.50		
Industrial					
Brush & Roller	14.75	.75	1.50		
Spray	15.75	.75	1.50		
Sheet metal workers					
Zone I	14.81	1.17	1.88		.25
Zone II	13.21	.80	.80		.04
Soft Floor Layers					
Zone I	12.94	.81	1.08	1.08	.06
ADD:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

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DECISION NO. PA80-3026 Mod. No. 10 (45 FR 25017 - April 11, 1980) Lehigh County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	$16.67	1.275	1.00		.02
Bricklayers & Stonemasons	12.55	1.10	1.50		.01
Elevator Constructors	13.63	1.345	1.085	a+b	.035
Elevator Constructors Helpers	9.54	1.345	1.085	a+b	.035
Elevator Constructors Helpers (Prob.)	6.815				
Laborers:					
Barko Tamper Operator	10.36	.62	.59		
Line Construction:					
Lineman & Cable Splicers	14.28	.60	3%		3/8%
Groundman	8.57	.60	3%		3/8%
Winch truck operators	10.00	.60	3%		3/8%
Painters:					
Brush	13.00	1.28	.80		.10
Structural Steel	14.50	1.28	.80		.10
Spray	14.00	1.28	.80		.10
Add:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

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DECISION NO. PA80-3027 MOD. NO. 11 (45 FR 26654 - April 18, 1980) Schuylkill County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	$16.67	1.275	1.00		.02
Electricians:					
North Manheim, South Manheim, West Brunswick, Wayne, Washington, Pottsville, Schuylkill Haven Twps.	14.49	.78	3%+.64		.04
Ironworkers	14.30	1.49	1.46		.05
Millwrights	14.42	.70	.90		.05
Painters:					
Remainder of County					
Brush	11.05	1.20	1.05		
Steel	12.05	1.20	1.05		
Spray	12.05	1.20	1.05		
Plasterers	11.60	.70	1.45		
Plumbers	13.59	.95	1.55		.10
Steamfitters	13.59	.70	1.80		.10
Sheet Metal Workers	13.21	.80	.86		.04
Add:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

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DECISION NO. PA80-3028 MOD. NO. 10 (45 FR 25019 - April 11, 1980) Berks County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	$16.67	1.275	1.00		.02
Bricklayers & Stonemasons	12.15	1.00	1.25		
Electricians:					
Remainder of County	14.49	.78	3%+.64		.04
Elevator Constructors	13.63	1.345	1.085	b+c	.035
Elevator Constructors Helpers	9.54	1.345	1.085	b+c	.035
Elevator Constructors Helpers (Prob.)	6.815				
Ironworkers	14.30	1.49	1.46		.05
Line Construction:					
Lineman	14.28	.60	3%		3/8%
Groundman	8.57	.60	3%		3/8%
Winch truck operator	10.00	.60	3%		3/8%
Roofers:					
Remainder of County					
Composition, damp & waterproofer	15.67	1.40	.95	d	
Roofer Assistant	7.75	1.40	.95	d	
Add:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

DECISION NO. PA80-3031 MOD. NO. 9 (45 FR 59747 - August 29, 1980) Bradford, Tioga, & Union Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	$16.67	1.275	1.00		.02
Glaziers					
Zone I	11.85	.70	1.20		
Sheet metal workers	13.21	.80	.86		.04
ADD:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					
DECISION NO. PA80-3031 MOD. NO. 10 (45 FR 36767 - May 30, 1980) Columbia, Montour, Snyder Counties, Pennsylvania					
CHANGE:					
Boilermakers	$16.67	1.275	1.00		.02
Glaziers					
Zone III	11.00	.65	.85		
Ironworkers					
Zone II					
Structural & Ornamental	14.75	b			.10
Reinforcing	14.65	b			.10
Laborers:					
Zone I					
Class I	8.59	.80	1.10		
Class II	8.99	.80	1.10		
Class III	8.69	.80	1.10		
Class IV	8.84	.80	1.10		
Sheet Metal Workers	13.21	.80	.86		.04
Millwrights	14.42	.70	.90		.05
Footnote:					
b. Employer contributes $2.95 to a combined health and welfare and pension fund.					
ADD:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

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DECISION NO. PA80-3037 MOD. NO. 10 (45 FR 29522 - May 2, 1980) Sullivan County, Pa.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	$16.67	1.275	1.00		.02
Glaziers	11.85	.70	1.20		
Ironworkers:					
Structural	14.75	a			.10
Reinforcing	14.65	a			.10
Millwrights	14.42	.70	.90		.05
Sheet Metal Workers	13.21	.80	.86		.04
Footnote:					
a. Employer contributes $2.95 per hour to a combined health & welfare & pension fund					
ADD:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

DECISION NO. PA80-3038 MOD. NO. 10 (45 FR 35148 - May 23, 1980) Lancaster County, Pennsylvania					
CHANGE:					
Boilermakers	$16.67	1.275	1.00		.02
Electricians:					
W. Calico, E. Calico, Brecknuck, E. Carl and Caernarvon Twps.	14.40	.78	3%+.64		.04
Remainder of County	11.75	.60	3%		.03
ADD:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

Modification Page 14

DECISION NO. PA80-3056 MOD. NO. 8 (45 FR 60748 - September 12, 1980) Lackawanna, Susquehanna, Wayne and Wyoming Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Elevators Constructors	$13.10	1.345	1.0%5	a+b	.035
Elevator Constructors Helpers	9.17	1.345	1.0%5	a+b	.035
Elevator Constructors Helpers (Prob.)	6.55				
Glaziers	11.85	.70	1.20		
Ironworkers:					
Lackawanna, Wayne and Wyoming Counties:					
Structural & Ornamental	14.75	e			.10
Reinforcing	14.65	e			.10
Roofers:					
Composition and Kettleman	12.07	1.13	1.00		
Footnote:					
e. Employer contributes $2.95 per hour to a combined Health & Welfare and Pension Fund.					
ADD:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

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Modification Page 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA80-3075 MOD. NO. 6 (45 FR 80638 - December 5, 1980) Northampton County, Pennsylvania					
CHANGE:					
Boilermakers	$16.67	1.275	1.00		.02
Line Construction:					
Lineman & Cable Splicer	14.69	.60	3%		3/8%
Groundman	8.81	.60	3%		3/8%
Winch truck operator	10.28	.60	3%		3/8%
Painters(Bethlehem)					
Brush	13.00	1.28	.80		.10
Structural Steel	14.50	1.28	.80		.10
Spray	14.00	1.28	.80		.10
ADD:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					
DECISION NO. PA80-3057 MOD. NO. 6 (45 FR 65895 - October 3, 1980) Erie County, Pennsylvania					
CHANGE:					
Bricklayers & Stonemasons	$14.40	.75	.60	1.00	.02
Cement masons	14.40	.75	.60	1.00	.02
Plasterers	14.40	.75	.60	1.00	.02
Elevator Constructors	14.88	1.345	1.085	a+b	.035
Elevator Constructors Helpers	70%JR	1.345	1.085	a+b	.035
Elevator Constructors Helpers (Prob.)	50%JR				
Ironworkers:					
Structural, Ornamental and Reinforcing	14.30	1.86	1.51		.25
Sheet Metal Workers	14.81	1.19	1.88		.25
ADD:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

Modification Page 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3043 MOD. NO. 1 (46 FR 37212 July 17, 1981) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Counties, Pennsylvania					
CHANGE:					
Asbestos Workers	$15.06	1.00	2.27		
Elevator Constructors	14.95	1.345	1.085	a+b	.035
Elevator Constructors Helpers	10.465	1.345	1.085	a+b	.035
Elevator Constructors Helpers (Prob.)	7.475				
Glaziers	13.44	1.12	1.55	1.29	.02
Sheet metal workers	14.81	1.19	1.88		.25
Painters					
Zone 5					
Commercial	11.50	.95	1.10	1.50	2%
Industrial	13.15	.95	1.10	1.75	2%
ADD:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					
DECISION NO. PA81-3058 MOD. NO. 1 (46 FR 43596 - August 28, 1981) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, & York Counties, Pennsylvania					
CHANGE:					
HEAVY & HIGHWAY:					
TRUCK DRIVERS:					
CLASS I					
Helper, Stake Body Truck (single axle), dumpster	$11.07				

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DECISION NO. PA81-3044 MOD. NO. 1 (46 FR 40477 - August 7, 1981) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford and Venango Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers					
Zone I	$15.06	1.00	2.27		
Bricklayers & Stonemasons					
Zone 4	14.20	.90	1.20		
Cement Masons					
Zone 3	14.40	.75	.60	1.00	.02
Glaziers					
Zone I	13.44	1.12	1.91	1.29	.01
Plumbers & Steamfitters					
Zone 3					
Contracts under $10,000	10.85	.95	1.30		.15
Contracts over $10,000	15.70	.95	1.30		.15
ADD:					
To Description of Work:					
Excluding Sewage and Water Treatment Plant Projects.					

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DECISION NO. PA81-3049 MOD. NO. 1 (46 FR 27221 - July 17, 1981) Elk, Forest, McKean & Warren Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers					
Elk County	$15.06	1.00	2.27		
Bricklayers, Cement Masons, & Stonemasons:					
Elk, McKean & Warren Cos.	14.20	.90	1.20		
Glaziers:					
Elk County	13 .44	1.12	1.55	1.29	.02
Electricians:					
Elk, Forest & Warren Cos.	14.55	1.20	3%+1.75	1.00	1/2 of 1%
Ironworkers:					
Forest & Warren Counties	14.50	1.80	1.51		.25
Marble Setters: Elk, McKean and Warren Cos.	14.20	.90	1.20		
Plasterers:					
Elk, McKean & Warren Cos.	14.20	.90	1.20		
Sheet metal workers	14.81	1.19	1.88		.25
Plumbers & Steamfitters:					
Forest County					
Contracts under $10,000	10.85	.95	1.30		.15
Contract over $10,000	15.70	.95	1.30		.15
Add:					
To Description of Work:					
Excluding Sewage and Water Treatment Plant Projects.					

Modification Page 19

Modification Page 20

DECISION NO. WA81-5126 - Mod. #5
(46 FR 35029 - July 6, 1981)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CARPENTERS:					
Area 4:					
Carpenters	$15.83	.96	1.20		.10
Piledriver; Sawfiler, Stationary Power Tool Operator	15.98	.96	1.20		.10
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	16.08	.96	1.20		.10
Piledriver, Creosoted material	16.19	.96	1.20		.10
Millwrights and Machine Erectors	16.33	.96	1.20		.10
CEMENT MASONS:					
Area 5:					
Group 1	14.68	1.00	1.75		.15
Group 2	15.18	1.00	1.75		.15
Group 3	15.68	1.00	1.75		.15
PAINTERS:					
Area 5:					
Journeyman Painters	14.98	.84	1.20		.02
Taper Finishers	15.23	.84	1.20		.02
Spray Painters, Steel Painters, Steam Cleaning, Acid Etching	15.48	.84	1.20		.02
Swing Stage Work or high work over 30 ft.	15.48	.84	1.20		.02
Bitumastic, Sand Blasting, Bridges, Towers, Stacks, Steeples, Tank on Legs	15.78	.84	1.20		.02
TV, Radio, and Electrical Transmission Towers	16.48	.84	1.20		.02
SOFT FLOOR LAYERS:					
Area 2	13.32	.68	1.10	1.21	
Area 3	14.00	.84	.90	.60	
LABORERS (area 5)					
DOE Hanford site in Benton and Franklin Counties:					
Group 1	13.20	1.12	1.30		.10
Group 2	13.45	1.12	1.30		.10
Group 3	13.70	1.12	1.30		.10
Group 4	13.95	1.12	1.30		.10
Group 5	14.20	1.12	1.30		.10

DECISION NO. WA81-5126 (Cont'd) Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS (Area 4)					
DOE Hanford Site in Benton and Franklin Counties:					
Group 1	13.48	1.30	2.00		.10
Group 2	13.78	1.30	2.00		.10
Group 3	14.33	1.30	2.00		.10
Group 4	14.48	1.30	2.00		.10
Group 5	14.63	1.30	2.00		.10
Group 6	14.88	1.30	2.00		.10
Group 7	15.13	1.30	2.00		.10
Group 8	16.13	1.30	2.00		.10
Group 9	17.88	1.30	2.00		.10
TRUCK DRIVERS (Area 4)					
DOE Hanford Site in Benton and Franklin Counties:					
Group 1	14.52	1.34	1.47		.09
Group 2	14.56	1.34	1.47		.09
Group 3	14.62	1.34	1.47		.09
Group 4	14.71	1.34	1.47		.09
Group 5	14.92	1.34	1.47		.09
Group 6	14.96	1.34	1.47		.09
Group 7	15.02	1.34	1.47		.09
Group 8	15.06	1.34	1.47		.09
Group 9	15.17	1.34	1.47		.09
Group 10	15.21	1.34	1.47		.09
Group 11	15.52	1.34	1.47		.09
Group 12	15.66	1.34	1.47		.09
Group 13	15.82	1.34	1.47		.09
Group 14	15.96	1.34	1.47		.09

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: Boone, Campbell, Kenton & Pendleton

DECISION NUMBER: KY81-1291 DATE: Date of Publication

~~Supersedes Decision Number: KY80-1093, dated August 22, 1980 in 45~~ FR 56287

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes & apartments up to & including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$16.36	.75	1.25		.02
Boilermakers	12.50	1.275	1.20	2.00	.04
Bricklayers & Stonemasons	16.445	.80	.45		.02
Carpenters & Piledrivermen	15.80	.90	1.10		.075
Cement Masons	14.23	.90	.95		.30
Electricians	15.70	.70	3%+.80		.5%
Elevator Constructors:					
Mechanics	14.32	1.195	.82	a & b	.035
Helpers	10.02	1.195	.82	a & b	.035
Glaziers	14.10		.60		.01
Ironworkers:					
Reinforcing	15.83	1.00	1.60		.02
Structural & Ornamental	15.28	1.00	1.60		.03
Lathers	15.42		1.10		.075
Line Construction					
Linemen & Machine Operators	15.70	.70	3%+.80		.5%
Groundmen	11.775	.70	3%+.80		.5%
Marble Setters	16.275	.80	.45		
Marble Finishers	14.75				
Millwrights	16.44	.60	1.10		.10
Painters:					
Brush, Roller, Taping, Paperhanging, Wall Covering & Washing	14.70		.35		
Steamcleaning (40' or over)	14.85		.35		
Taping (on stilts)	15.10		.35		
Spray	15.20		.35		
Sand & Water Blasting	15.60		.35		
Drywall Machine Operators	15.70		.35		
Pipefitters	14.60	1.075	1.90		.08
Plasterers	16.395		1.00		.02
Plumbers & Gas Fitters:					
Pendleton County	14.42	1.05	1.20		.07
Remaining Counties	16.57	1.25	1.50		.07
Roofers	16.67		1.50		.02

KY81-1291 (Cont'd) Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers:					
Pendleton County	$15.60	1.651	1.66		.16
Remaining Counties	16.94	1.18	.86		.08
Sprinkler Fitters	15.31	.95	1.40		.08
Tile & Terrazzo Workers	16.23%	.80	.45		
Tile & Terrazzo Finishers	14.75				
Welders - Rate for Craft					

FOOTNOTES:

a. Paid Holidays - New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day

b. Employer contributes 8% of the basic hourly rate for 5 years or more of service, or 6% of the basic hourly rate for 6 months to five years of service as Vacation Pay Credit

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a) (1) (ii)).

LABORERS - Boone, Campbell, & Kenton Counties					
Group A	13.70	.95	.90		.05
Group B	13.80	.95	.90		.05
Group C	13.85	.95	.90		.05
Group D	13.90	.95	.90		.05
Group E	14.05	.95	.90		.05
Group F	14.20	.95	.90		.05
Group G	14.45	.95	.90		.05

Group A - Common laborers, cement mason tenders, hand operated mechanical sweeper, signal man

Group B - Bottom man, pipe layer

Group C - Burning torch operator, jack hammer, mechanical & air tamper operator, mechanical concrete buggies, power operated mechanical mule, concrete pump hose man, vibrator man

Group D - Plaster tender, mason tender, stone mason tender, bottom jackhammer man

Group E - Plaster mixer pump operator

Group F - Tunnel laborer

Group G - Gunnite Nozzle Operator

KY81-1291 (Cont'd) Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS - Boone, Campbell, & Kenton Counties					
Group A	14.70	.95	.90		.05
Group B	14.80	.95	.90		.05
Group C	14.85	.95	.90		.05
Group D	14.90	.95	.90		.05
Group E	15.05	.95	.90		.05
Group F	15.20	.95	.90		.05
Group G	15.45	.95	.90		.05

Group A - Oiler, fireman, mechanic helper, mechanic, greaser, tireman, tire repairman, tire changer, mixer operator, mixer operator (skip loader), mixer operator (boom), mixer operator (conveyor), mixer operator (hopper), mixer operator (loader), mixer operator (tower), mixer operator (winch), mixer operator (wheel), mixer operator (wheel & boom), mixer operator (wheel & conveyor), mixer operator (wheel & hopper), mixer operator (wheel & loader), mixer operator (wheel & tower), mixer operator (wheel & winch), mixer operator (wheel & wheel), mixer operator (wheel & wheel & boom), mixer operator (wheel & wheel & conveyor), mixer operator (wheel & wheel & hopper), mixer operator (wheel & wheel & loader), mixer operator (wheel & wheel & tower), mixer operator (wheel & wheel & winch), mixer operator (wheel & wheel & wheel), mixer operator (wheel & wheel & wheel & boom), mixer operator (wheel & wheel & wheel & conveyor), mixer operator (wheel & wheel & wheel & hopper), mixer operator (wheel 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LABORERS - Pendleton County	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	$10.40	.45	.80		
Group II	10.80	.45	.80		
Group III	11.00	.45	.80		
Group IV	11.10	.45	.80		
Group V	11.60	.45	.80		
Group VI	11.90	.45	.80		

Group I - General laborers, water boys, concrete pouring, concrete forms stripping & wrecking, hand digging & backfilling of ditches, clearing of right of right-of-ways & building sites, wood sheeting & shoring, signalman for concrete bucket, & general cleaning
Group II - All air tool operators, air track drills, asphalt rakers, barco tampers, batcher plant & scale man, chain saw, concrete saw, electric hand grinder, all electric bush & chipping hammers, flagman, forklift operators, form setter (street or highway), gunnite laborers, hand spikers, Introflax burning rod, joint makers, mason tenders, pipe layers, plasterer tenders, powderman helpers, power driven Georgia Buggies, power posthole digger, railroad laborers, sandblaster laborers, scow man & deck hand, signal man, sweeper & cleaner machines, vibrator operators, walk behind trenching machines, mortar mixer machines, water pumpman
Group III - Gunnite nozzleman & gunnite nozzle machine operator, sand blaster nozzleman, concrete or grout pumpman, plaster pumpman
Group IV - Powderman & blaster
Group V - Caisson holes (6 ft. & over) pressure & free air including tools
Group VI - Tunnel man & tunnel sand miner, coffordam (pressure & free air), sand hog or mucker (pressure or free air)

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KY81-1291 cont.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group A	$15.61	1.26	1.50		.11
Group B	15.45	1.26	1.50		.11
Group C	15.09	1.26	1.50		.11
Group D	14.31	1.26	1.50		.11
Group E	13.98	1.26	1.50		.11
Group F	11.78	1.26	1.50		.11

Group A - A-frame, air compressor on steel erection, all rotary drills used on caisson work for foundations & substructure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer & tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator (hoisting building materials), hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), trench machines (over 24" wide), tug boat, Helicopter winch operator (hoisting building materials)
Group B - Asphalt paver, bulldozer, CMI type equipment, end loaders, Kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cats & lead greaseman
Group C - Air compressor, pressurizing shafts or tunnels, all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operator installing or operating well points or other type of dewatering system, pumps (4" & over discharge), submersible pumps (4" & over discharge), trenchers (24" & under)
Group D - Compressors on building construction, conveyors building material, gunite machines, mixers (cap., more than one bag), mixers (one bag cap., side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator & generators
Group E - Backfillers & tampers, batch plant, bar & joint installing machine, bull floats, burlap & curing machines, clefplanes, concrete spreading machines, crushers, drum fireman asphalt, farm type tractors, pulling attachments, finishing machines, form trenchers, high pressure pumps (over ¼" discharge), hydro seeders, self propelled sub-grader, self propelled powered spreader, tire repairman, tractors (pulling sheep foot roller or grader), vibratory compactors (with integral power), deckhand
Group F - Oiler, signalman, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure), pumps (under 4" discharge), submersible pumps (under 4" discharge), inboard, outboard motor launch

SUPERSEDEAS DECISION

KY81-1290 (Cont'd)

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STATE: Kentucky

COUNTIES: Boone, Campbell, Kenton, & Pendleton

~~DECISION NUMBER: KY81-1290~~ ~~DATE: Date of Publication~~

Supersedes Decision Number KY80-1108, dated October 17, 1980 in 45 FR 69148

DESCRIPTION OF WORK: Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$15.80	.90	1.10		.075
Cement Masons	14.28	.80	.95		.02
Electricians	16.70	.85	3% +1.00		½ of 1%
Ironworkers:					
Reinforcing	15.83	1.00	1.85		.02
Structural	15.03	1.00	1.85		.03
Painters:					
*Brush	15.80	.75			
*Spray	16.30	.75			
*Sandblast	17.05	.75			
*Painters on Bridges, when highest point of clearance is 60' or more, shall receive $1.00 per hour in addition to the base rate of work classifications					
Piledriverman	15.80	.90	1.10		.075
Pipefitters	16.23	1.095	2.20		.08
Plumbers	15.97	1.70	1.65		.07
Welders - Rate for craft					
LABORERS					
Group I	11.77	.75	1.30		.05
Group 2	11.895	.75	1.30		.05
Group 3	11.97	.75	1.30		.05
Group 4	12.12	.75	1.30		.05
Group 5	12.42	.75	1.30		.05

LABORERS CLASSIFICATIONS

Group 1 - Laborers (construction), plant laborers or yardmen, right-of-way laborers, landscape laborers, utility men or handy men, joint setter, flagmen, carpenter tender, waterproofing laborers, slurry seal, seal coasting surface treatment or road mix laborers, riprap laborers or grouter, asphalt laborers, dump man (batch trucks), guardrail & fence installers, mesh handler & placers, concrete curing applicator, scaffold erector

Group 2 - Asphalt Raker, concrete puddler, kettleman (pipeline), all machine driven tools (gas electric, air), mason tenders, mortar mixers, sheeting & shoring man, surface grinder man, power buggy & wheelbarrow (power)

Group 3 - Form setter, bottom man, welder tender (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer & waterline, cleaning, repairing & reconditioning), tunnel laborer (without air), & caisson, cofferdam (below 35 ft. deep), air track & wagon drill

Group 4 - Blaster & powder man, muckers, wrencher (mechanical joint & utility pipeline), yarner, top lander

Group 5 - Curb setter, & cutter, miner (without air), concrete crew in tunnels, utility pipeline tapper, gunnite nozzleman, waterline caulker

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Master Mechanic	$15.29	1.25	1.50		.15
Class A	15.04	1.25	1.50		.15
Class B	14.92	1.25	1.50		.15
Class C	13.88	1.25	1.50		.15
Class D	13.45	1.25	1.50		.15
Class E	10.09	1.25	1.50		.15

KY81-1290 (Cont'd)

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KY81-1290 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Class F	$ 9.64	1.25	1.50		.15
Class G	9.19	1.25	1.50		.15
Class H	8.74	1.25	1.50		.15
Class I	8.29	1.25	1.50		.15
Class J	7.84	1.25	1.50		.15
Class K	7.39	1.25	1.50		.15
Class L	6.94	1.25	1.50		.15
Class M	6.49	1.25	1.50		.15
Class N	6.04	1.25	1.50		.15
Class O	5.59	1.25	1.50		.15
Class P	5.14	1.25	1.50		.15
Class Q	4.69	1.25	1.50		.15
Class R	4.24	1.25	1.50		.15
Class S	3.79	1.25	1.50		.15
Class T	3.34	1.25	1.50		.15
Class U	2.89	1.25	1.50		.15
Class V	2.44	1.25	1.50		.15
Class W	1.99	1.25	1.50		.15
Class X	1.54	1.25	1.50		.15
Class Y	1.09	1.25	1.50		.15
TRUCK DRIVERS					
Dump Truck	11.77	.75	1.30		.05
Flat Bed	11.895	.75	1.30		.05
Transit Mix	11.97	.75	1.30		.05
Water Truck	12.12	.75	1.30		.05
Tractor Trailer	12.42	.75	1.30		.05

POWER EQUIPMENT OPERATOR CLASSIFICATIONS

Class A - Air compressor on steel erection, boiler operator on compressor or generator when mounted on a rig, cableways, combination concrete mixer & tower, concrete plants (over 4 yd. capacity), concrete pumps, cranes (all types, including A-frame, boom trucks, cherry pickers), derricks, draglines, dredge (dipper, clam or suction), elevating grader or Euclid loader, floating equipment (all types), helicopter crew (operator - hoist or winch), hoes (all types), hoisting engines on shaft or tunnel work, hoisting engines, industrial type tractors, jet engine dryer (D8 or D9), diesel tractor, locomotives (standard gauge), maintenance operator Class A, mixer, paving (single or double drum), mucking machine, multiple scraper, piledriving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), rotary drill on caisson work, slip-form paver, tower derricks, tree shredder, trench machines (over 24" wide), truck mounted concrete pumps, tug boat, tunnel machine, wheel excavator

Class B - Asphalt paver, automatic subgrade machine, self-propelled (CMI type), bulldozer, endloader, Kolman loader (production type-dirt), lead grease man, maintenance operators Class B, power grader, power scoops & scrapers, push cat, trench machines (24" wide & under), Boring machine operator (more than 48")

Class C - Air compressor on tunnel work (low pressure), asphalt plant engineer, locomotive (Narrow gauge), mixers, concrete (more than one bag capacity), mixers (one bag capacity), side loader, power boilers over 15 lb. pressure, pump operator installing & operating well points, pumps (4" & over discharge), rollers (asphalt), utility operator (small equipment), welding machines & generators

Class D - Back fillers, bar joint & mesh installing machine, batch plant, bull-floats, Burlap & curing machine, compressors (portable, sewer, heavy & highway), concrete plant (capacity 4 yd. & under), concrete saw (multiple), conveyors (highways), crushers, deckhand, drill (highway - with integral power), farm type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydro seeders, plant mixers, post drivers, post hole diggers (power auger), power brush burner, power form handling equipment, road widening trenchers, rollers (brick, grade macadam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, tractor (pulling sheepfoot roller or grader), vibratory compactors (with integral power), Boring machine operators (48" or less), hydro hammer, pavement breakers

Class E - Drum fireman (asphalt plant), inboard - outboard motor boat - launch, oil heaters (asphalt plant), oilers, power driven heaters, pumps (under 4" discharge), signalman, tire repairmen

KY81-1290 cont.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Tender	$10.43	*a	*b		
Mobile Batch Truck Tender, Greaser, Tire Changer, & Mechanic Tender	10.54	*a	*b		
Driver - Single Axle Dump & Flat Bed Trucks, Semi-Trailer or Pole Trailer (when used to pull building materials & equipment), Dump Truck Tandem Axle, Distributor, & Truck Mechanic	10.72	*a	*b		
Driver on Mixer Trucks (all types)	10.75	*a	*b		
Driver - Euclid & other Heavy Earth Moving Equip - ment, Low Boy, Winch Truck & A-Frame Truck (when used in transporting materials) & Ross Carrier, Fork Lift Truck (when used to trans-port building materials)	10.82	*a	*b		

a. Health & Welfare Benefits are $28.50 per week
b. Pension Benefits are $27.50 per week

*Fringe benefits apply to Employees who have been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: CHEMUNG
DECISION NO. NY81-3065 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY79-3032 dated October 12, 1979 in 44 FR 59061
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.83	.90	.93		.06
BOILERMAKERS	14.80	1.275	1.975		.03
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS & TILE SETTERS	12.45	.85	.50		
CARPENTERS					
All the area west of a straight line from the intersection of Southport Twp. line and Clark Hollow Road to Route 17E to Winter Street, Big Flats, then in a straight line north to the Schuyler County line					
Carpenters	10.51	.60	1.35		.02
Millwrights & Piledrivers	10.76	.60	1.35		.02
Heavy & Highway	11.51	.60	1.46	a	.025
Remainder of County					
Carpenters	12.32	.55	.70		.04
Millwrights & Piledrivers	12.67	.55	.70		.04
CEMENT MASONS (Heavy & Highway)	12.25	.60	.50		
ELECTRICIANS	14.90	1.00	3%+1.00	b	.05
ELEVATOR CONSTRUCTORS	12.22	1.345	1.085	c+d	.035
ELEVATOR CONSTRUCTORS' HELPER	8.55	1.345	1.085	c+d	.035
ELEVATOR CONSTRUCTORS' HELPER PROBATIONARY	6.11				
GLAZIERS	9.97	.45	.65		.03
IRONWORKERS					
Structural, Reinforcing, Ornamental, Machinery Mover, Rigger, Rodmen, Fence Erector, and Stone Derrickman	12.90	.85	1.30		.05
Sheeter	13.15	.85	1.30		.05
Sheeter Bucker-up	12.96	.85	1.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, Building	9.97	.60	.45		
PAINTERS					
Brush, Taper	10.05	.55	.60		
Paper & Vinyl Hangers	10.40	.55	.60		
Power Grinder with Respirator, Swing Scaffold, Swing Chair	10.55	.55	.60		
Boatswain Chair & Toothpick Staging over 25', Structural Scaffold over 39'	10.30	.55	.60		
Spray, Bridges	10.90	.55	.60		
Epoxy - Brush or Roll	10.60	.55	.60		
Spray Eqpxy, Bridges - Main Road and Highway	11.30	.55	.60		
Steamcleaning, Sandblasting Acid or Hi Pressure water Steeple Jack over 100' & Structural Steel	11.05	.55	.60		
PLUMBERS & STEAMFITTERS	14.15	.60	1.05		.15
ROOFERS	11.00	.99	1.19		
SHEET METAL WORKERS	13.66	3%+ .60	.80		.12
SPRINKLER FITTERS	15.55	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:
a. Holidays: Independence Day & Labor Day
b. Employee shall work 4 hours and receive 8 hours pay on Christmas Eve
c. Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Tahnksgiving Day, & Christmas Day
d. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO. NY81-3065 Page 3

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION					
CLASS A	10.44	.75	.50	a	
CLASS B	10.64	.75	.50	a	
CLASS C	10.84	.75	.50	a	
CLASS D	11.04	.75	.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagman, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer,pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.80	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	3%+1.00	a	

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LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION					
GROUP I:					
I-A	13.61	1.30	1.45	a	.15
I-B	13.86	1.30	1.45	a	.15
I-C	14.11	1.30	1.45	a	.15
I-D	14.36	1.30	1.45	a	.15
I-E	14.86	1.30	1.45	a	.15
I-F	15.36	1.30	1.45	a	.15
I-G	15.86	1.30	1.45	a	.15
I-H	16.36	1.30	1.45	a	.15
GROUP II	13.61	1.30	1.45	a	.15
GROUP III	13.25	1.30	1.45	a	.15
GROUP IV	11.99	1.30	1.45	a	.15
GROUP V	9.86	1.30	1.45	a	.15
GROUP VI	14.27	1.30	1.45	a	.15

FOOTNOTES:
a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

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POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I - Cranes (cable and hydraulic climbing and tower)
I-A 121 ft. and under
I-B 121 ft. and 151 ft.
I-C 151 ft. and 201 ft.
I-D 201 ft. and 251 ft.
I-E 251 ft. and 301 ft.
I-F 301 ft. and 351 ft.
I-G 351 ft. and 401 ft.
I-H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame, backfilling machine, hoist (1 or 2 drums), barber green and similar type machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machine, bituminous spreading machines, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane hoe shovel 3/8 yds. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower mobile and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift, with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft. in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, dongitudinal float.

GROUP V - Truck Crane

GROUP VI - Master Mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION					
GROUP I	13.09	1.25	1.45	a	.15
GROUP II	12.65	1.25	1.45	a	.15
GROUP III	11.41	1.25	1.45	a	.15
GROUP IV	10.31	1.25	1.45	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Paid Holidays: A through F, Providing the employee works the day before and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION:

GROUP I - Automated concrete spreader (CMI), automatic fine grade, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), Cableway, caisson auger, central mix concrete plant (automated), Cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factory rated 15 ft.and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver, tractor drawn belt type loader, truck crane, tunnel shovel.

GROUP II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D:

GROUP II (CONT'D) - power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above sub-grade), tractor with dozer and/or pusher, trencher, tuggas-huist, winch, winch cat.

GROUP III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other welding machines (4 of any type of combination), concrete pave-ment spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

GROUP IV - Aggregate plant, boiler (used in conjunction with prod-uction), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or comb-ination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lightling plants, mulching machine,oiler parapet-(concrete or pavement grinder), power broom (towed), power heat-erman, revinius widener, shell winder, steam cleaner, tractor.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION					
CLASS 1	9.78	1.11	.85	a	
CLASS 2	9.83	1.11	.85	a	
CLASS 3	9.88	1.11	.85	a	
CLASS 4	10.03	1.11	.85	a	
CLASS 5	10.18	1.11	.85	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1 - Pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpster, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2 - Tandems, batch trucks, mechanics and dispatcher.

CLASS 3 - Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4 - Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5 - Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)."

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SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: CLINTON

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO. NY81-3061
Supersedes Decision No. NY80-3046 dated July 25, 1980 in 45 FR 49822
DESCRIPTION OF WORK: Building (does not include single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

COUNTY: CLINTON
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.60	1.07	.66		.02
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, TILE AND TERRAZZO WORKERS	13.12	.70	.70	a	.02
CEMENT MASONS, Heavy & Highway	11.95	.70	.70		
CARPENTERS & SOFT FLOOR LAYERS	12.72	.60	1.15	a	.005
PILEDRIVERMAN	12.87	.60	1.15	a	.005
MILLWRIGHTS	12.97	.60	1.15	a	.005
CARPENTERS, Heavy & Highway	11.82	.60	1.15		.025
ELECTRICIANS					
Zone I - City of Plattsburg and 5 mile Radius					
Electricians	12.90	.90	3%+ .65	b	1%
Cable Splicers	13.20	.90	3%+ .65	b	1%
Zone II - From Zone I to a 20 mile radius of Plattsburg					
Electricians	13.10	.90	3%+ .65	b	1%
Cable Splicers	13.40	.90	3%+ .65	b	1%
Zone III - Beyond Zone II					
Electricians	13.30	.90	3%+ .65	b	1%
Cable Splicers	13.60	.90	3%+ .65	b	1%
ELEVATOR CONSTRUCTORS	13.25	1.345	1.085	c+d	.035
ELEVATOR CONSTRUCTORS' HELPER	9.275	1.345	1.085	c+d	.035
ELEVATOR CONSTRUCTORS' HELPER PROBATIONARY	6.625				
GLAZIERS	10.13		.20	e	.01
IRONWORKERS					
Structural, Ornamental, Reinforcing, Rodmen, Machinery Mover, Riggers, Fence Erectors, Stone Derrickman	13.40	.75	1.60		.04
Sheeter	13.65	.75	1.60		.04
Sheeter, Bucker-up	13.525	.75	1.60		.04
LABORERS, Building					
Common Laborers and self-propelled Equipment Operators	9.80	.70	1.00	f	
Concrete or plaster pump Operator, All men on building demolition and wrecking	9.85	.70	1.00	f	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, Building (Cont'd)					
Sandblasters and construction clean up, Driller, Wagon Jack or Wagon Drill Operator, Metal Form and Curb Setter, Asphalt Raker, Tail or Screw man on paving Machine	10.10	.70	1.00	f	
Acetylene Torch Operator on Demolition work and Cutting of pipes, Blasters	10.25	.70	1.00	f	
PAINTERS					
Brush	10.73		.40	e	.01
Spray Cup, Paperhanging, Spray Structural Steel, Swinging Scaffold, Boatswain Chair, Hanging Scaffold, Sandblasting and Taping	11.23		.40	e	.01
Bridges	11.48		.40	e	.01
Seamless Floor Material	9.88		.40	e	.01
PLUMBERS & STEAMFITTERS	10.98		.40	e	.01
ROOFERS	11.15	.75	1.00		.05
Roofer	12.00	1.37	.40		.04
Pitch and Asbestos	12.50	1.37	.40		.04
SHEET METAL WORKERS	12.57	1.00	1.34	g	.07
TRUCK DRIVERS, Building					
Straight, winch, transit mix on job site, road oilers, dump panel, pick-up, water and fuel trucks on site (including nozzle)	10.62	1.10	1.00		.12
Lowboy or Lowboy Trailers	10.86	1.10	1.00		.12
Euclid or similar equipment	11.01	1.10	1.00		.12
SPRINKLER FITTERS	15.55	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))					

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Paid Holidays: A-New Year's Day; B-Memorial Day; C-Labor Day; D-Independence Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:
a. Paid Holidays: B, C, D, provided the employee is on the payroll 5 days prior to the holiday and reports to work the day after the holiday.
b. B, C, D, E, and F (Paid Holidays)
c. A through F plus the day after Thanksgiving (Paid Holidays)
d. Employer contributes 8% of basic hourly rate for 5 years of service as Vacation Pay Credit
e. B, C, D, F, plus 2 consecutive hours to vote on Election Day (Paid Holidays)
f. B, C, provided the employee has been employed on any day of the week before the holiday (Paid Holidays)
g. The last 2 hours off with pay on the 1st Tuesday after the 1st Monday of November provided they are working on a job beyond 50 miles from the shop

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.99	.70	1.00	h	
CLASS B	10.19	.70	1.00	h	
CLASS C	10.39	.70	1.00	h	
CLASS D	10.59	.70	1.00	h	

Footnote:
h. Paid Holidays: New year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day provided the employee has worked the day before and after the holiday

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats

CLASS B
Bull float, chain saw, concrete aggregate, bin concrete boatman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman

CLASS D
Blasters, form setter, stone or granite curb setters.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.80	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	3%+1.00	a	

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.82	1.15	1.25	a	.15
GROUP 2	12.91	1.15	1.25	a	.15
GROUP 3	13.08	1.15	1.25	a	.15
GROUP 4	13.35	1.15	1.25	a	.15
GROUP 5	13.80	1.15	1.25	a	.15
GROUP 6	14.02	1.15	1.25	a	.15
GROUP 7	14.31	1.15	1.25	a	.15

POWER EQUIPMENT OPEARTORS: BUILDING CONSTRUCTION CLASSIFICATIONS

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant operators, seeding and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pack(beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, conveyurs, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day

Power Equipment Operators: Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	13.09	1.25	1.45	k	.15
GROUP 2	12.65	1.25	1.45	k	.15
GROUP 3	11.41	1.25	1.45	k	.15
GROUP 4	10.31	1.25	1.45	k	.15

GROUP 1 Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

GROUP 2 Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

GROUP 3 A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibrator compactor, vibro tamp, well point

Power Equipment Operators: Heavy & Highway Construction (Cont'd)

GROUP 4 Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D. Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
k. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday

Power Equipment Operators: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration, and repair on any existing

Power Equipment Operators: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration, and repair on any existing structure which is intended for predominantly residential use

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	7.40	.95	1.05	1	.15
GROUP 2	7.45	.95	1.05	1	.15
GROUP 3	7.55	.95	1.05	1	.15
GROUP 4	7.71	.95	1.05	1	.15
GROUP 5	7.98	.95	1.05	1	.15
GROUP 6	8.10	.95	1.05	1	.15
GROUP 7	8.26	.95	1.05	1	.15

GROUP 1 Oilers

GROUP 2 Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3 Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4 Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, farm fine graders, power brooms and sweepers

GROUP 5 Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6 LeTourneau graders or scrapers, trenching machines, puch cart

GROUP 7 Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

FOOTNOTES:
1. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION					
CLASS 1	9.78	1.11	.85	m	
CLASS 2	9.83	1.11	.85	m	
CLASS 3	9.88	1.11	.85	m	
CLASS 4	10.03	1.11	.85	m	
CLASS 5	10.18	1.11	.85	m	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
m. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1 - Pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, greasers, truck tiremen, mechanic helpers

CLASS 2 - Tandems, batch trucks, mechanics

CLASS 3 - Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4 - Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5 - Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: WESTCHESTER
DECISION NO. NY81-3062
DATE: DATE OF PUBLICATION
Supersedes Decision no. NY80-3023 dated April 11, 1980 in 45 FR 25010
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories,)Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	15.66	.913H	1.827h		
BOILERMAKERS	16.34	5%	15%	7%	.02
BRICKLAYERS, CEMENT MASONS, PLASTERERS, POINTERS, CAULKERS, CLEANERS & STONE MASONS	14.50	1.65	2.25	a	.07
CARPENTERS					
Building	13.35	1.40	1.50	1.30	.135
Heavy & Highway	14.25	1.40	1.50	1.30	.135
DOCKBUILDERS	13.25	1.85	1.78	1.01	.05
ELECTRICIANS	15.79	6%+b	9½%	10%	.5%+.02
ELEVATOR CONSTRUCTORS	13.21	1.195	.82+j	c+d	.035
ELEVATOR CONSTRUCTORS HELPER	9.91	1.195	.82+j	c+d	.035
ELEVATOR CONSTRUCOTRS HELPER (PROBATIONARY)	8.605				
ELEVATOR CONSTRUCTORS MODERNIZATION & REPAIR	11.23	1.195	.82+j	c+d	.035
ELEVATOR CONSTRUCTORS MODERNIZATION & REPAIR HELPER	8.42	1.195	.82+j	c+d	.035
ELEVATOR CONSTRUCTORS MODERNIZATION & REPAIR HELPER (PROB)	5.615				
GLAZIERS	13.75	.65	1.91	.67	.01
IRONWORKERS					
ornamental	12.31	1.21	3.55	1.00	.14
Structural	12.95	1.86	4.45	1.85+c	.11
LABORERS, Building					
Unskilled	9.70	1.25	1.70	d	
Equipment Operators, Drillers, Swinger Operators on Conveyor Belt, Pavement Breakers, Plastering, Accoustim Pumps, Barco and all Air Tampers, Vibrator Operators, Power Buggies, Fork Lifts, Power Jacks and all Pneumatic Equipment	9.95	1.25	1.70	d	
MARBLE SETTERS					
Cutters & Setters	13.35	1.21	1.71	e	
Carvers	13.50	1.21	1.71	e	
Polishers	13.03	1.21	1.71	e	
Crane Operators	11.35	1.21	1.71	e	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
Brush	11.65	.70	1.33	.50	.05
Spray	12.65	.70	1.33	.50	.05
Tapers	12.45	.70	1.33	.50	.05
Steel & Swing Stage, Boatswain Chair	13.317	.70	1.33	.50	.05
PILEDRIVERS & SOFT FLOOR LAYERS	13.35	1.85	1.78	1.11	.04
PLUMBERS	14.88	2.127	1.713	1.339	.334
ROOFERS	11.05	3.14	2.85		.15
SHEET METAL WORKERS	15.73	2.27	2.38		.13
SPRINKLER FITTERS	15.55	.95	1.40		.08
TERRAZZO WORKERS	11.88	1.32	1.50		
TERRAZZO FINISHER	9.84	1.21	1.50		
TILE SETTERS	12.675	1.15	1.10		
TILE SETTERS HELPERS	11.21	1.055	.77		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii))					

FOOTNOTES:
a. Paid Holidays: Columbus Day and one hour off with pay on Election Day
b. Employer contributes $7.50/day to a Security Benifit Fund
c. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day provided the employee works a full half day preceding or following the holiday
d. One hr. off to vote on election day
e. Holiday: ½ day's pay for Labor Day
j. $8.00 per day

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Blasters, blaster (quarry master) Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	10.40	9%	9%	a+.82	
Asphalt curb machine operator, jeeper operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders, barco hammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting	9.85	9%	9%	a+.82	
General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and waterproofing	9.75	9%	9%	a+.82	
Joy driller's helper, wagon driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	9.60	9%	9%	a+.82	
	9.50	9%	9%	a+.82	

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers: (CONT'D)					
Wrecking:					
Blasters	10.50	9%	9%	a+.82	
Barmen, and burner	10.00	9%	9%	a+.82	
Barmen helpers and laborers	9.85	9%	9%	a+.82	
Shaft and Tunnel in Free Air:					
Blasters	10.65	9%	9%	a+.82	
Concrete setters	10.85	9%	9%	a+.82	
Form setters	10.35	9%	9%	a+.82	
Miners, drill runners air, Tuggers, chippers, pneumatic tools and source of air-power pumps and their operations and vibrator operators	10.15	9%	9%	a+.82	
Muddlers	10.10	9%	9%	a+.82	
Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners and Boring	10.00	9%	9%	a+.82	
Laborers	9.75	9%	9%	a+.82	
Powder carriers, signalmen	9.70	9%	9%	a+.82	
Brakemen	9.65	9%	9%	a+.82	
Outside laborers	9.60	9%	9%	a+.82	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; F-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veterans' Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Street Lighting Systems, installation of Signal Cable Systems, Overhead and Underground when installed on streets and right of way					
Linemen	13.15	6%+a	9½%	10%	.02
Compressor	10.94	6%+a	9½%	10%	.02
Lamp Changer	10.22	6%+a	9½%	10%	.02
Utility Outside Work					
Lineman, Compressor, Boring Machine, Dynamite Man, Groundman and Driver Groundman	15.79	6%+a	9½%	10%	.02
New Construction of Steel Towers, Substations, All Railroad Work					
Underground					
Linemen and Cable Splicers	13.26	6%+b	9½%	10%	.02
Equipment Operators	12.20	6%+b	9½%	10%	.02
Heavy Driver Groundman	10.87	6%+b	9½%	10%	.02
Driver Groundman	10.21	6%+b	9½%	10%	.02
Groundman	9.68	6%+b	9½%	10%	.02
Dynamite and Transit Men	11.80	6%+b	9½%	10%	.02
Mechanic	11.54	6%+b	9½%	10%	.02

FOOTNOTES:
a. Employer contributes $7.50 per day to Security Benefit Fund
b. Employer contributes $7.00 per day to Security Benifit Fund

POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION PROJECTS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I-A	16.8125	6%+1.20	10%	a	2%
GROUP I-B	15.535	6%+1.20	10%	a	2%
GROUP II	15.94	6%+1.20	10%	a	2%
GROUP III-A	15.7975	6%+1.20	10%	a	2%
GROUP III-B	14.4775	6%+1.20	10%	a	2%
GROUP IV-A	15.515	6%+1.20	10%	a	2%
GROUP IV-B	14.335	6%+1.20	10%	a	2%
GROUP V-A	14.5125	6%+1.20	10%	a	2%
GROUP V-B	13.1925	6%+1.20	10%	a	2%
GROUP VI-A-1	18.22	6%+1.20	10%	a	2%
GROUP VI-A-2	17.3675	6%+1.20	10%	a	2%
GROUP VI-A-3	16.3675	6%+1.20	10%	a	2%
GROUP VI-A-4	17.0825	6%+1.20	10%	a	2%
GROUP VI-A-5	21.0825	6%+1.20	10%	a	2%
GROUP VI-A-6	14.5125	6%+1.20	10%	a	2%
GROUP VI-A-7	20.7975	6%+1.20	10%	a	2%
GROUP VI-B-1	12.2125	6%+1.20	10%	a	2%
GROUP VI-B-2	13.1925	6%+1.20	10%	a	2%
GROUP VI-B-3	12.2275	6%+1.20	10%	a	2%
GROUP VI-B-4	15.41	6%+1.20	10%	a	2%
GROUP VII	16.855	6%+1.20	10%	a	2%

POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION PROJECTS

GROUP I-A: Backhoe Oliver 88, Fordson, Dynahoe dual purpose and similar machines; barber green loader-euclid loader or similar type; conway or similar mucking machines; dragline, gradall, shovel, backhoe, etc. (crawler or truck); front end loaders; hydraulic boom; Jersey spreader; letourneau or tournapull (scrapers over 20 yards struck); mucking machines; pavement breaker(air ram); paver (concrete); road boring machine; road mix machines; ross carrier and similar machines; post hole digger; shovel (tunnels); side boom; spreader (asphalt); scnopmobile-tractor-shovel over 1½ yards; trenching machines-vermeer concretesaw trencher and similar; tractor type demolition equipment; winch truck (A Frame); hydraulic crane under 25 ton and cherry picker under 25 ton

GROUP I-B: Compressor (steel erection); pulse meter and push button (buzz box) elevator

GROUP II: Compactor self-propelled; grader; bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over; mechanic (outside) all types; welder scrapers-20 yards struck and under; machine pulling Sheep's Foot Roller; vibratory rollers, etc. and roller 4 ton and over

GROUP III-A: Asphalt plant; boiler (high pressure); bulldozer D8 and similar tractors with a draw bar Horse Power less than 100; concrete mixing plants; concrete pump; firemen; forklift; forklift (electric); joy drill or similar tractor drilling machine; loader-1½ yards and under; locomotive (all sizes); mixer concrete-21E and over; portable asphalt plant; portable batch plant; portable crusher; quarry master; stone crusher; well drilling machine and well point system

GROUP III-B: Compressor over 125 cu. feet; conveyor belt machine regardless of size,; lighting unit (portable & generator); welding machine (steel erection and excavation); and compressor plant

GROUP IV-A: Air tractor drill; batch plant; bending machines; concrete breaker; concrete spreader; curb cutter machine; farm tractor (all types); finishing machine-concrete; material hopper-sand stone-cement; mixer-concrete-under 21E; mulching grass spreader; pump-gypsum, etc.,, pump-plaster; roller under 4 ton; spreading and fine grading machine; syphone pump-air-steam; tar joint machine; turbo jet burner or similar equipment; vibrator (1 to 5); fine grading machine and roof hoist (tugger hoist)

POWER EQUIPMENT OPERATOR, BUILDING CONSTRUCTION PROJECTS CONT'D

GROUP IV-B: Compressor to 125 feet; dust collector; heater all types; pump; pump station (water and sewer); steam Jenny and sweeper

GROUP V-A: Concrete saw; oiler fuel truck and oiler grease truck

GROUP V-B: Mechanics helper; oiler; paint compressor; welder's helper and motorized roller (walk behind)

GROUP VI-A-1: Master mechanic and assistant master mechanic

GROUP VI-A-2: Helicopter hoist operator

GROUP VI-A-3: Welder certified

GROUP VI-A-4: Engineer pile driver

GROUP VI-A-5: Helicopter pilot

GROUP VI-A-6: Helicopter signalman

GROUP VI-A-7: Engineer,-all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs)

GROUP VI-B-1: Utility man

GROUP VI-B-2: Second engineer

GROUP VI-B-3: Oiler (asphalt paver)

GROUP VI-B-4: Cable splicer

GROUP VII: Concrete-portable hoist; crane & hoist engineer-steel (concrete, material, supper structure sub-structure); derrick (stone-steel); elevator & cage; hoist-single, double, or triple drum; hoist-portable mobile unit; hoist engineer-concrete (crane-derrick-mine hoist); hoist engineer-material; overhead crane and power house plant

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POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I-A	14.25	6% + a	9½%	b	2%
Group I-B	13.275	6% + a	9½%	b	2%
Group II-A	13.45	6% + a	9½%	b	2%
Group III-A	13.325	6% + a	9½%	b	2%
Group III-B	12.35	6% + a	9½%	b	2%
Group IV-A	13.20	6% + a	9½%	b	2%
Group IV-B	12.225	6% + a	9½%	b	2%
Group V-A	12.20	6% + a	9½%	b	2%
Group V-B	11.225	6% + a	9½%	b	2%
Group VI-A					
Class I	15.45	6% + a	9½%	b	2%
Class II	14.70	6% + a	9½%	b	2%
Class III	17.70	6% + a	9½%	b	2%
Class IV	14.45	6% + a	9½%	b	2%
Class V	17.95	6% + a	9½%	b	2%
Class VI	12.20	6% + a	9½%	b	2%
Class VII	13.2875	6% + a	9½%	b	2%
Group VI-B					
Miscellaneous					
Class I	11.225	6% + a	9½%	b	2%
Class II	10.40	6% + a	9½%	b	2%

CLASSIFICATION DEFINITIONS

GROUP I-A - Auger, auto grader, backhoe oilver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader - euclid loader or similar type machine, central mix plant operator, cherry picker (Cableway), compactor with blade, concrete portable hoist, S.M.I. or similar, conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, letourneau or tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsemeter, push button (buzz box) elevator, road mix machines, ross carrier and similar machines, shovels (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephics, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP I-B - Compressor (steel erection)

GROUP II - Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 or over, maintenance engineer, mechanic (outside) all types, welder, scraper - 20 yards struck and under, vibrator roller, etc., roller 4 ton and over

GROUP III- A - Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine - irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader - 1½ yards and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete - 21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, well drilling machine, well point system

GROUP III-B - Compressor, lighting unit (portable & generator), welding machine (steel erection excavation)

GROUP IV-A - Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine - concrete, material hopper - sand - stone - cement, mulching grass spreader, roller under 4 ton, spreading & fine grading machine, steel cutting machine, sweeper, turbo jet burner or similar equipment, fine grading machine

GROUP IV-B - Compressor to 125 cu. ft., dust collector, mixer - concrete under 21E, heater - all types, pump 4 inches and over, pump station (water & sewer), pump - gypsum, etc., pump - plaster, steam jenny, syphon pump - air - steam, tar joint machine, vibrator (1 to 5)

GROUP V-A - Concrete saw, oiler (fuel or grease truck)

GROUP V-B - Oiler, stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorizer (walk behind)

GROUP VI-A MISCELLANEOUS:

CLASS I - Master mechanic, Asst. master mechanic

CLASS II - Helicopter hoist operator

CLASS III - Engineer- all Tower Cranes, all climing cranes and all cranes of greater (3900 Manitowac or similar) irrespective of manufacturer and regardless of how the some is rigged (except for pile rigs).

CLASS IV - Hoist engineer - steel sub-structure, engineer - pile driver

CLASS V - Helicopter Pilot

CLASS VI - Helicopter Signalman

CLASS VII - Jersey spreader, pavement breaker (air ram), Post hole digger

GROUP VI-B MISCELLANEOUS:

CLASS I - Safety man 60 ton crane & over

CLASS II - Oiler asphalt paver and utility man

Footnotes

a. Employer contributes $1.20 per hour to Supplemental Unemployment Benefit Fund.

b. Paid Holidays: New Year's Day, Linuuln's BirtHday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and Christmas Day.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: McIntosh
DECISION NO. OK81-4071 DATE: Date of Publication
SUPERSEDES DECISION NO. OK80-4066 dated July 25, 1980 in 45FR49837
DESCRIPTION OF WORK: Building projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.19	.75	1.00		.03
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS-STONEMASONS	11.75	.60	.40		.05
CARPENTERS(Northern half of county)					
Carpenters	11.28	.65	.75		.08
Millwrights-Piledrivermen	11.78	.65	.75		.08
CARPENTERS(Southern half of county)					
Carpenters	9.80	.55	.85		.05
Millwrights-Piledrivermen	11.15	.55	.85		.05
CEMENT MASONS	9.90				
ELECTRICIANS:					
ZONE I - A 30 mile radius from Post Office of City of Muskogee					
ZONE II - Area outside zone I					
Zone I					
Electricians	12.55	.60	3%		1%
Cable splicers	12.95	.60	3%		1%
Zone II					
Electricians	12.95	.60	3%		1%
Cable splicers	13.35	.60	3%		1%
ELEVATOR CONSTRUCTORS	13.94	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS HELPER	70%JR	1.345	1.085	a+b	.035
GLAZIERS	12.62	.70	.30		.01
IRONWORKERS	13.35	.80	1.15		.12
LABORERS:					
GROUP I	7.85	.25	.40		
GROUP II	8.15	.25	.40		
GROUP III	8.35	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when man is directly tending lathers, masons or plasterers; water boys, when used.

LABORERS CLASSIFICATION DEFINITIONS CONT'D

GROUP II - All machine tool operators, all sewer and drain tile layers and handling at the ditch, excluding distribution; op. of water pumps up to four inches and slip form jack; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines; and gunnite mixing machines, including liquid acids, or like materials when injurious to health, eyes and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signalmen and cutting torch operators in connection with laborers' work; concrete grader.

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$12.50		3%		1/2%
Cable splicers	13.25		3%		1/2%
Hole digger operator	11.33		3%		1/2%
Heavy equipment operator (or Pole cat equivalent)	11.33		3%		1/2%
Line truck driver (winch operator)	10.27		3%		1/2%
Jackhammerman	9.35		3%		1/2%
Powderman	11.33		3%		1/2%
Groundman	8.34		3%		1/2%
Truck driver (flat bed, ton and half and under)	8.91		3%		1/2%
PAINTERS:					
Brush and roller	11.05		.40	.20	.10
High work and stage	11.65		.40	.20	.10
Sandblasting & spray	11.90		.40	.20	.10
Hot or bituminous	12.55		.40	.20	.10
Sheet rock power tools	13.45		.40	.20	.10
POWER EQUIPMENT OPERATORS:					
Group I	13.40	.70	.75		.12
Group II	12.90	.70	.75		.12
Group III	12.40	.70	.75		.12
Group IV	12.15	.70	.75		.12
Group V	11.90	.70	.75		.12
Group VI	11.65	.70	.75		.12
Group VII	11.40	.70	.75		.12
Group VIII	10.40	.70	.75		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 300' of boom or over (including jib)

GROUP II
All crane type equipment with 200-300' of boom (including jib)

GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more

GROUP IV
Sideboom (booms 30' and over); Guy Derrick

GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)

GROUP VI
Fork lift (35' and over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machines

GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck crane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

[FR Doc. 81-26444 Filed 9-10-81; 8:45 am]
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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS-STEAMFITTERS	$15.60	.80	1.10		.20
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
SPRINKLER FITTERS	13.71	.85	1.20		.08
TERRAZZO WORKERS	14.02	.90	.60		
TERRAZZO WORKERS FINISHERS	11.63	.90			
TERRAZZO WORKERS FLOOR MACHINE OPERATORS	11.80	.90			
TERRAZZO WORKERS BASE MACHINE OPERATORS	12.10	.90			
TILE LAYERS	14.02	.90	.60		
TRUCK DRIVERS:					
Group I	10.43				
Group II	10.53				
Group III	10.63				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I - Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.

GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards

GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turnerpulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers.

GROUP IV - Ready-mix concrete trucks up to but not including three yards.

GROUP V - Ready-mix concrete trucks three yards and over

FOOTNOTES:
a - 1st 6 months - none; 6 months to 5 years - 6%; over 5 years - 8% of basic hourly rates.
b - Paid Holidays

PAID HOLIDAYS:
A - New Years' Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - Day after Thanksgiving Day; G - Christmas Day

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

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Part IV

Department of Health and Human Services

Food and Drug Administration

Institutional Review Boards; Request for Information

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81N-0279]

Institutional Review Boards; Request for Information

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is seeking comments on the advisability of, and possible mechanisms for reducing its involvement in the review of early phase clinical investigations in a way that would facilitate the drug approval process but not lessen human subject protection. As part of this appraisal, FDA is interested in obtaining information from Institutional Review Boards (IRB's) about their willingness to assume additional review responsibilities over certain clinical investigations conducted under an investigational new drug exemption (IND). FDA is interested in obtaining views from IRB's and others to supplement information already obtained in the process of promulgating the current IRB regulations. This information will permit FDA to consider the feasibility of later activities which might lead to increasing IRB responsibilities in the drug approval process without changing the standards of human subject protection to which the agency now adheres. This document is a request for information, not a proposed regulation.

DATE: Written comments by November 10, 1981.

ADDRESS: Written comments should be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Halyna P. Breslawec, Office of Health Affairs (HFY-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: FDA is reviewing the human drug approval process and attempting, as part of that review, to find ways in which the time required for approval can be shortened without endangering the public health. Changes that have been suggested and discussed both inside and outside the agency involve revising regulations to reduce the agency's direct involvement in the review and approval of early stages of clinical investigations. One strategy being explored to accomplish this is to give to local review committees (Institutional Review Boards (IRB's)) exclusive review responsibility for certain drug investigations. Before considering this option in more detail, FDA is asking for public comments and suggestions on the feasibility and wisdom of such a change. Earlier FDA proposals relating to IRB's and review of mechanisms utilizing expanded IRB functions have provided some information on this topic.

Clinical testing of previously untested drugs usually consists of three separate phases. Initial testing in humans (Phase I) begins with short-term studies in a small number of normal subjects or patients to test the properties of the drug and levels of toxicity, metabolism, and when appropriate, pharmacologic effects. After basic information about the drug is obtained, larger, more detailed studies in patients (Phase II) are performed to evaluate the effectiveness of the drug and to obtain information about the drug's relative safety. Finally, more extensive testing is performed on patients (Phase III) to systematically assess the drug's safety and effectiveness.

Current regulations governing the clinical investigation of drugs provide for review of proposed human studies both by FDA and by local IRB's. Under current regulations, before human testing may begin, the sponsor of an investigation must submit a Notice of Claimed Investigational Exemption for a New Drug (IND) to FDA containing complete information about the drug, its composition, its source, the method of manufacturing, and how the drug is intended to be used. The IND must also contain the results of prior investigations with the drug, including the results of animal studies showing that the drug is reasonably safe for human testing, and the proposed protocols or plans for the tests. In addition to the submission of data, the sponsor must also make a number of commitments intended to ensure that the proposed investigation will be conducted in accordance with applicable regulations. Thus, the sponsor must make a commitment that an IRB will be responsible for the initial and continuing review and approval of the proposed clinical investigation. The sponsor must also provide assurance that the investigators will report to the IRB all changes in the investigation that may involve risks to the human subject, and that the investigators will not make any changes in the research without IRB approval. The agency has 30 days from receipt of the IND to notify a sponsor that an IND is deficient. If the sponsor is not notified of any deficiencies in 30 days, human testing may begin.

Current and Potential Approaches

During the last several years FDA has been exploring possible revisions to the IND regulations to improve the efficiency of the investigational drug review process and to reduce the burden associated with early stage clinical investigations, i.e., Phases I and II. Several models designed to "deregulate" the new drug approval process have been suggested.

The agency notes that for certain kinds of clinical investigations, local review boards or functionally equivalent bodies now carry out all or part of FDA's normal review functions. For example, an IND is not required when a radioactive tag is used during the course of a research project intended to obtain information regarding basic human physiology, pathophysiology, or biochemistry, but not intended for immediate therapeutic or diagnostic purposes or to carry out a clinical trial (21 CFR 361.1). Instead, there are alternative requirements for these studies including dose limits, research committee review, and reporting. FDA believes that, based upon the absence of a known safety problem apart from the potential hazard of radiation exposure, and upon the experience of the Nuclear Regulatory Commission with peer review of research studies conducted under its auspices, IRB approval and monitoring of such studies is acceptable.

Certain studies are exempted from FDA review on the basis of the degree of risk to human subjects. The recently finalized investigational device exemption (IDE) regulations (21 CFR Part 812) are structured so that an investigation of a device other than a significant risk device is considered to have an approved IDE if certain minimum requirements are met, including IRB review and approval of the study. Prior submission of an IDE to FDA is not required. These regulations were implemented under the Medical Device Amendments of 1976 (Pub. L. 94-295).

Several other alternatives for reducing FDA review functions have been suggested. One of these would be maintaining the current system of dual review by FDA and IRB's but confining FDA's discretion to stop an investigation to a narrowly defined safety standard. Another alternative was suggested in a petition submitted to FDA by the Pharmaceutical Manufacturers Association on November 30, 1980. This petition proposed delegating review of early phase clinical investigations to

IRB's. (Copies of the petition may be obtained from the Dockets Management Branch.) These and other alternatives have been discussed in a variety of forums, dealing with the reform of the drug investigation regulatory process, both inside and outside the agency. One such forum includes discussion of comments on the proposed IRB regulations (see preamble to the final regulations (46 FR 8958; January 27, 1981)). The agency currently is assessing the merits and feasibility of various alternatives.

Request for Specific Information

In looking at the merit of alterntive review schemes, FDA will carefully evaluate its experience with review of radiopharmaceuticals and nonsignificant risk devices. In addition, the agency recognizes the comments which previously have been received on the responsibility of IRB's and these will be considered along with the information received in response to this notice. At the same time, FDA believes that to make an accurate assessment of the potential merits of the various deregulatory models it must have a better gauge of the perceptions of IRB members and others, particularly those representing institutions where such research is conducted, of the feasibility of the alternative review procedures. In particular, FDA would like to determine whether IRD's have the resources and are willing to assume additional responsibilities for the conduct of the early phases of clinical investigations. FDA is soliciting views on the following:

1. The willingness of IRB's to assume additional responsibilities and authorities for reviewing, approving, and monitoring early phases of drug testing (Phase I or Phase I/Phase II).

2. The capability of IRB's to assess the scientific merit and general safety of clinical studies to a greater extent than is now required. The ability of IRB's to obtain the views of experts (IRB members or not) in relevant disciplines (e.g., toxicology and clinical pharmacology) as needed to review adequately clinical studies.

3. Problems to IRB's, such as resources, time commitments, funds, and liability, which might be associated with additional responsibilities. The extent to which these problems could or could not be overcome.

4. The advisability of delegating only limited additional authorities to IRB's, while requiring FDA review in specific situations; for example, high risk studies or studies involving specific drug categories.

5. The effect of increased IRB responsibilities with concomitant decreased FDA involvement on expediting the drug approval process.

Although FDA is particularly interested in comments from IRB's, their chairpersons and members, comments from institutions, sponsors, clinical investigators, and other interested individuals or groups are welcome.

Interested persons may, on or before November 10, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this notice. Two copies of any comments should be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 8, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81–26132 Filed 9–10–81; 8:45 am]

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Part V

Department of Agriculture

Agricultural Marketing Service

Milk in the Alabama-West Florida Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Marketing Agreement and Order

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1093 (Tentative)

[Docket No. AO–386]

Milk in the Alabama-West Florida Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends establishing a Federal milk order for the proposed Alabama-West Florida marketing area. Associated Milk Producers, Inc., a dairy farmer cooperative headquartered in Montgomery, Alabama, proposed the new milk order. The proposal was considered at a public hearing held June 23–July 2, 1980. On the basis of the evidence obtained at that hearing, the Department has concluded that a Federal milk order is needed to provide stable and orderly conditions for the marketing of milk in the proposed area.

DATE: Comments are due on or before October 13, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5443.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of U.S. Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior document in this proceeding:
Notice of Hearing: Issued May 20, 1980; published May 23, 1980 (45 FR 35168).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in an area tentatively identified as the Alabama-West Florida marketing area.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900). Interested parties may file written exceptions to this decision with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, by the 30th day after publication of this decision in the **Federal Register**. Four copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations, as hereinafter set forth, concerning the tentative marketing agreement and order were formulated on the basis of the record of a hearing conducted at Montgomery, Alabama, on June 23–July 2, 1980, pursuant to notice thereof issued May 23, 1980 (45 FR 35168).

The material issues on the record of the hearing relate to:

1. Whether the handling of milk produced for sale in the proposed maketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) Handlers to be regulated and milk to be priced and pooled;

(b) Classification of milk and assignment of receipts to classes of utilization;

(c) Pricing of milk;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Description of the market. The April 1, 1980,[1] population of the proposed marketing area was 3,890,061 persons in Alabama, and 421,002 in the four Florida counties, for a total of 4,311,063 persons. Major population centers include Huntsville, Birmingham, Montgomery, and Mobile, Alabama, and Pensacola, Florida.

Dairy farming constitutes a relatively minor portion of the agricultural production activities in the proposed marketing area. Data contained in one of the exhibits show that in 1974 the value of dairy products sold by Alabama farms with sales of $2500 and over amounted to only 5.3 percent of the total value of farm products sold by such farms. For the four Florida counties, the percent of such sales accounted for by dairy products varied from 1.8 percent (Santa Rosa County) to 17.6 percent (Escambia County), while a specific figure for Okaloosa County was not shown (less than .05 percent of less than $50,000).

Milk production data show that dairy farming is declining in Alabama. Alabama's milk output declined from 830 million pounds in 1973 to 603 million pounds in 1979, a decline of about 27 percent in seven years. Comparable data for the four-county area in Florida are not available.

While milk production is declining, the population of the proposed marketing area is growing. The estimate noted earlier for April 1980 is a 3.8 percent increase from 1978, and a 13.7 percent increase from 1970. Thus, the market may be portrayed as an area where the demand for milk is increasing at the same time that local supplies are declining. This latter point is reflected in raw milk imports from other states into Alabama that increased from 37 percent of the total supply used by Alabama plants in 1976 to 53 percent in 1979. Moreover, imports of packaged milk increased 94 percent over the same four-year period, apparently in response to the early 1977 termination of resale pricing regulations in Alabama.

The record provides no specific estimate of the proposed market size in terms of the total milk that would be pooled under the order. Various data were presented for the Alabama consolidated milkshed, which includes all the plants in Alabama that likely would be pooled under the proposed order. However, no such information was provided for the two plants located outside Alabama that probably would be pooled.

Nevertheless, an estimate of the approximate level of Class I sales within the proposed marketing area can be made. The procedure used here was to compute a weighted average per capita consumption figure for fluid milk products in 6[2] nearby Federal order markets for 1978[3] and multiply that

[1] Official notice is taken of "1980 Census of Population and Housing," Advance Report, Nos. PHC80–V–2 and PHC80–V–11, Issued March 1981, Bureau of the Census, U.S. Department of Commerce.

[2] Georgia, New Orlenas-Mississippi, Nashville, Upper Florida, Tampa Bay, and Southeastern Florida

[3] Official notice is hereby taken of Federal Milk Order Market Statistics, Annual Summary for 1979, Statistical Bulletin No. 641, issued July 1980 by the

Continued

figure by the 1980 population of the proposed market. On this basis (225 pounds per person X 4,311,063 persons), estimated in-area sales totaled 970 million pounds per year, or an average of 81 million pounds per month.

The 1978 Class I and I–A sales for Alabama, according to information released by the Alabama Dairy Commission, were 67.7 million pounds per month. The Alabama population estimate for 1978 was 3,742,000 persons. Per capita consumption derived from these two numbers was 217 pounds. Using the Alabama per capita figure times the 1980 population yields a projected in-area Class I sales figure of 78 million pounds monthly for the proposed marketing area.

Thus, a reasonable estimate of the Class I sales within the proposed marketing area is 78–81 million pounds, which nevertheless may tend to underestimate the total Class I sales that would be pooled under the order because it does not include out-of-area sales. Out-of-area sales may be larger for some plants associated with the market than their in-area distribution. The record implies, for example, that such is the case for the plant at Tupelo, Mississippi. If so, the total amount of Class I milk that would be pooled could be somewhat larger (by an undetermined amount) than the amount estimated above.

Also, the record provides no precise estimate of the total amount of milk that likely would represent the regular supply for the proposed market. This is partly because the record contains little or no evidence on milk supplies associated with the two plants located outside Alabama that are associated with the market. However, an estimate of about 100 million pounds monthly may be reasonable on the basis that additional supplies sufficient to keep the fluid market supplied on a year-round basis are anticipated. Some reserve supplies are necessary to cover daily, weekly, and seasonal variations in milk production and demands for fluid use.

The Florida portion of the proposed marketing area has been without milk marketing regulation for many years. The opposite is true for Alabama where state regulation of the dairy industry has been in operation since the mid 1930's. However, the effectiveness of such regulations has been lessened due to recent court decisions.

1. *Character of commerce.* The proposed Alabama-West Florida marketing area includes all 67 counties in the State of Alabama and four adjoining counties in Florida.

Handlers that likely would be fully regulated by the proposed order receive Grade A milk from more than 900 dairy farms located in six states and additional milk supplies are received from plants located outside the proposed marketing area.

There are 21 milk distributing plants that likely would be fully regulated under the proposed order. Of these, 20 are located within the proposed area. Several of the plants distribute milk in other states, including Georgia, Mississippi and Tennessee. On the basis of limited Class I sales in the order areas, ten of these plants are partially regulated under one or more Federal milk orders covering areas outside the proposed marketing area, and one has regularly been a pool plant under the Georgia or New Orleans-Mississippi orders.

Milk packaged in 17 plants located in Florida, Georgia, Indiana, Louisiana, Mississippi, Missouri, South Carolina, and Tennessee is distributed within the proposed marketing area.

Cooperative associations ship milk not used for fluid use that is produced in Alabama to manufacturing plants in Tennessee and Mississippi for surplus disposition.

The Agricultural Marketing Agreement Act of 1937, as amended, provides in section 608(c)(1) that milk orders issued by the Secretary shall regulate such agricultural commodity, or product thereof, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof. On the basis of the record evidence summarized in the preceding paragraphs, it is concluded that the handling of milk in the proposed marketing area is in the current of interstate commerce. Accordingly, the Department has the authority to establish a Federal milk order for this area.

2. *Need for an order.* A Federal milk marketing order for the proposed area was supported by three major cooperative associations that supply milk to most of the handlers that would be fully regulated. Together, the three associations represented about 75 percent of the producers supplying the proposed market at the time of the hearing. Proponent of the new order was Associated Milk Producers, Inc. (AMP), Montgomery, Alabama. The other two cooperatives, Dairymen, Inc. (DI), Louisville, Kentucky, and Southern Milk Sales, Inc. (SMS), San Antonio, Texas, both strongly supported the adoption of an order. Representatives of the Alabama Farm Bureau endorsed the effort to obtain an order.

During the early part of 1980, Associated Milk Producers, Inc., was supplying about 33–34 million pounds of milk monthly from more than 400 member producers to 12 milk plants in the proposed marketing area. This represented about three-fourths of the cooperative's total production. Diversions to manufacturing outlets varied from about 8 percent to just under 15 percent of total production during January through May 1980. The balance of the members' total production was sold to other fluid milk plants outside the marketing area. AMP does not operate any milk plants.

Dairymen, Inc., at the time of the hearing, represented about 250 producers regularly supplying milk to eight processing plants in the proposed marketing area. Three of the eight plants are operated by Flav-O-Rich, a DI subsidiary, and they receive more than 75 percent of DI's total deliveries to fluid milk plants in the area. During January–March 1980, DI's shipments to the eight plants averaged about 16 million pounds per month. Additionally, in 1978 and 1979, a DI plant at Lewisburg, Tennessee, regularly shipped milk to Alabama plants. In early 1980, such shipments were minimal through March and none were made in April and May. The cooperative operates one ice cream manufacturing plant in Alabama. The data introduced at the hearing did not indicate how much milk associated with the proposed market by DI was diverted to manufacturing plants in the early months of 1980. However, in September–December 1979, DI's monthly diversions to manufacturing outlets ranged from two to four million pounds.

At the time of the hearing, the third cooperative, Southern Milk Sales, Inc., supplied milk from about 100 farms to six fluid milk plants in the proposed market. During January through May 1980, SMS deliveries to those plants averaged about 7.5 million pounds per month. The association operates no plants in connection with the proposed market, and only occasionally diverts milk to manufacturing plants from distributing plants in this market.

Several witnesses testified for the proponent cooperative on the need for a Federal order. A spokesman for Dairymen, Inc., presented the association's views regarding the need for an order. In addition, a professor in the Department of Agricultural Economics and Rural Sociology at Auburn University testified on the need for an order as a public service function of the University. The major viewpoints

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Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C.

of these hearing participants are briefly summarized as follows:

1. There is no effective application of classified pricing and pooling on a marketwide basis in the proposed marketing area to assure farmers of payment for their milk according to its use. Absent such a system, some processors in the proposed area buy milk from producers in other states at prices that differ from prices paid producers located in Alabama. The Alabama Dairy Commission only regulates the price of milk produced, processed, and sold within the State. Inequities result due to the lack of uniformity in prices paid for milk in the same use and which is in direct competition.

2. The combination of individual handler pooling under the State's program and the State's inability to price all milk received and processed at Alabama distributing plants results in a significant disparity in prices paid to producers for their milk. Not all producers delivering milk to a specific plant receive the same price f.o.b. that plant, nor do producers delivering to different plants receive the same price even though such plants are located in the same geographic area.

3. The prices paid some producers are not based on plant utilization, or marketwide utilization. Instead, they are paid flat prices. Such raw milk buying practices create disorder in the market, which is demonstrated by inequities in producer payments and inequities in raw milk costs to processors competing in a common area. Purchases of lower-priced milk for fluid use take the market away from producers who normally supply the local market, leaving them with surplus milk to be diverted to lower-priced manufacturing use. In some cases the local producers must seek what normally is a more distant alternative buyer, which increases costs and reduces marketing efficiency.

4. Under an individual handler pooling system, there is inequity among producers in balancing the daily milk requirements of distributing plants and in the handling of the necessary reserve and the seasonal surplus of the market. Cooperatives perform the function of balancing supplies, yet much of the milk so diverted to manufacturing use is not pooled and so the full costs of balancing are borne by the cooperatives. Thus, where nonpooled diversions by cooperatives are required by distributors, independent producers receive higher prices for their milk.

5. The regulatory program operated by the Alabama Dairy Commission is the only milk marketing regulatory program in effect in the proposed marketing area. That program is ineffective and its future is uncertain under current Alabama law. Thus, there is a low level of producer confidence in the State program.

6. Currently, adequate market information is not regularly available about milk marketing in Alabama, and almost no such information is available about milk marketing in the Florida portion of the proposed marketing area.

7. The auditing program of the Alabama Dairy Commission is inadequate, and no such program exists in the Florida portion of the marketing area. The auditing program conducted through a Federal order would provide greater assurance to producers that they would receive the full value for their milk based on how it was used by processing plants.

8. Individual handler pooling of milk as it exists in Alabama does not provide equity among producers and is a disorderly marketing procedure in today's milk market.

9. Some Alabama processors who distribute milk in price zones other than the zone where the plant is located are paying for their raw milk at Class I prices based on the point of sale of fluid milk products. AMP instituted "point-of-sale" pricing on June 1, 1980.

10. Cooperatives are under constant pressure to reduce the prices charged to handlers in certain areas, particularly from Birmingham, Alabama, northward. The pressure comes from handlers seeking to be competitive with other handlers who receive some, or even all, of their milk at lower unregulated prices from sources outside Alabama.

11. There is no effective program for determining whether producers are paid for their milk on the basis of accurate weights and butterfat tests.

There was no testimony directly opposing an order, but a spokesman for one group of producers who supply milk to a plant at Pensacola, Florida, stated the group's opposition to being included under any Federal order for Alabama. It was indicated that if the plant receiving their milk is to be regulated under a Federal order, the group would prefer that it be regulated under the Upper Florida order. However, this proceeding was not open to consideration of matters pertaining to the Upper Florida order, and no such proposals were received.

Two independent producers offered general testimony related to need for an order. One, who represented more than 50 other independent dairymen, urged that any regulations adopted be kept as simple as possible. Another, who said he represented 23 independent producers, opposed a marketwide pool, preferring instead an individual handler pool.

There was no handler opposition to an order expressed at the hearing. One handler's brief clearly stated that it took no position on the need for an order.

The cooperatives associated with the market generally agree that an overall system of classification, pricing, and accounting for milk should be adopted to restore stability, and that for such a system to be effective it must be established under Federal authority. Clearly, there is a consensus among the major producer groups that the state-administered program no longer effectively provides market order and stability.

The basic problem related to the need for an order is that the State of Alabama cannot classify and price milk produced outside the State, nor milk produced in Alabama and disposed of elsewhere. Over one-half of the milk supply utilized by Alabama handlers that would be regulated under a Federal order comes from outside the State. Thus, the State's classification and pricing program is not applicable to the major portion of the market's milk supply. Yet, milk produced in Alabama competes for the same Alabama retail markets as milk produced in Tennessee, and the out-of-state milk has the competitive advantage. Moreover, the state of Florida has not had a milk classification and pricing program since 1963.

The record indicates that at least two Alabama plants obtain most, if not all, of their raw milk supplies from dairy farmers in Tennessee. Such out-of-state milk is not subject to the Alabama Milk Commission's classified pricing program, but would be regulated under a Federal order.

Exhibits entered by a cooperative and by a dairy farmer from Tennessee show that a Birmingham area plant pays such dairy farmers for their milk under a base and excess plan unrelated to the classified use of milk in the plant. The dairy farmer introduced as an exhibit the milk purchase statement that he received from the plant for milk delivered during May 1980, which showed that he received $13.20 and $10.87 per hundredweight for base milk and excess milk, respectively (without adjustment for butterfat content). The base milk price was applicable at the farmer's barn, while the price for excess milk was the net price after deduction of hauling charges for the excess milk, which were about 85 cents per hundredweight. Adjusted to a 3.3 percent butterfat content, the producer received a weighted average price of

about $12.70 per hundredweight for his milk at the farm.

In the above example, the handler's cost for the base milk was $13.20 plus hauling, presumably about 85 cents per hundredweight, for a total price at the plant of about $14.05. However, the Alabama Dairy Commission's price for Class I milk at Birmingham was $14.74 for that month. Absent information on the plant's actual utilization of Class I and Class II milk, it is impossible to determine whether the dairy farmer's pay price was less than he would have received if paid on the basis of the plant's pool blend price at Alabama's prices. Nevertheless, such an ability to evade the State's classification and pricing program is not conducive to the maintenance of a stable and orderly market for milk.

A second example further demonstrates the nature of the problem that proponent seeks to address through obtaining a Federal order. In this case, another Tennessee producer testified that at the time of the hearing he was receiving a flat price of $13.75 per hundredweight for his milk delivered to a plant at Gadsden, Alabama. The hauling cost was 75 cents per hundredweight, so the producer's net return was $13.00 per hundredweight. Again, neither the handler's cost ($13.75 per hundredweight) nor the producer's return is in any way based on the plant's classified utilization of milk under the State program. However, it must be noted that the $13.75 price was at least $1.00 per hundredweight below the Alabama Dairy Commission's Class I price applicable at Gadsden for May, June, or July 1980.

The record indicates that utilization at the Gadsden plant varies from 70 to 88 percent Class I. Whether or to what extent the handler obtains milk at less than State prices in this example again depends on whether the plant's Class I utilization is at the high or the low end of that range of utilization.

As noted earlier, the plant at Pensacola, Florida, is not subject to any State regulations for classifying and pricing milk, and was not partially regulated under any Federal milk order in the spring of 1980. Thus, the plant is not subject to any classification and pricing regulations on its receipts of milk from dairy farmers. In this regard, a Florida dairy farmer, whose testimony was noted earlier, testified that as of June 1980 he and the other producers he represented were receiving a flat price of $14.65 per hunderedweight for their milk f.o.b. the Pensacola plant. In his case, the hauling cost was 38 cents per hundredweight plus a $2.00 stop charge. It is noted that the Alabama Dairy Commission's Class I price for June 1980, applicable to plants in the Mobile, Alabama, area (which is near Pensacola), was $15.13 per hundredweight.

Under the Alabama regulations, Class I milk products distributed out of state are designated as Class I–A and may be accounted for at prices different from the Class I price. This would be the case for milk distributed in the four unregulated Florida counties by plants located in Alabama. Under such a system, the proportion of a plant's receipts that is fully subject to Alabama's State regulations depends entirely on how much milk is obtained from and disposed of outside Alabama. The Alabama plants, therefore, are subject to varying degrees of regulation, and plant operators have no assurance that their competitors must pay at least the minimum class prices for their milk.

It is noted that the Alabama Dairy Commission's announced butterfat differential for adjusting payments to producers for variations from 3.5 percent butterfat content was 15 cents per one-tenth percent variation for the months of November 1979 through April 1980. However, one exhibit, a milk purchase statement for April 1980, shows a differential of 15.4 cents applicable to milk purchased from a Tennessee dairy farmer. Thus, a uniform butterfat differential did not apply to payments to all producers supplying milk to the proposed marketing area.

Another factor present in the Alabama market situation that contributes to market instability is unequal sharing of the burden of handling reserve milk supplies. The Alabama Milk Commission's regulations provide for individual handler pooling. Under that plan milk diverted to manufacturing plants is classified and priced on a load-by-load basis only if the processing plant operator makes a specific request to include a load in his plant's report of milk receipts and use. As a result, most of the milk that cooperatives have diverted to manufacturing uses in recent years has not been included in a plant's pool. Including diverted milk would, of course, lower the rate of return for any nonmember producers that are part of a plant's supply, and so handlers apparently have been reluctant to include a cooperative's diverted milk as part of their pool. this clearly has put the full burden of disposing of reserve milk supplies onto the dairy farmers who are members of the cooperatives. The costs of balancing supplies for handlers and handling the market's reserve milk supplies are not shared by nonmembers. While all the milk produced by a nonmember generally is pooled, the same often is not true for the members of a cooperative. For cooperative members, it is more likely that only the milk actually received at the plant (often only to supplement supplies of nonmember milk) will be priced under the State program.

Still another aspect of the current situation that must be recognized is that producers lack confidence in the current regulatory program for Alabama and they are uncertain whether the State's program will long endure. This latter point was borne out in testimony that the legislative authority for the State' milk pricing regualtions recently has been extended for relatively short periods of time. The record shows that in 1979 the authority to regulate milk handling was extended for two years, or until a Federal milk order could be implemented.

From the foregoing, it is clear that there is no overall plan whereby all dairy farmers who supply milk for distribution in the Alabama-West Florida marketing area are assured of payment for their milk in accordance with its use and at minimum prices that are uniformly applicable throughout the market. The problems of unstable marketing conditions encountered by the producers in the Alabama-West Florida marketing area, if they continue, could lead to even further dependence on outside milk supplies to meet the fluid milk needs of the area. A Federal milk order establishing a classified milk pricing system at reasonable levels and a marketwide pool for distributing the returns from milk sold at such prices uniformly among all producers will help provide the needed market stability. An environment of stable and orderly marketing conditions throughout the Alabama-West Florida marketing area depends on the adoption of a classified pricing plan based on audited utilization of all Grade A milk purchased by handlers from producers and an equitable division among all producers of the proceeds obtained from sales of their milk under the classified pricing plan.

Under a Federal milk order all producers who supply the proposed market will be assured that their milk will be sold at reasonable minimum prices applicable to the classified uses of milk provided herein and that each producer will share pro rata in the returns from such sales in the respective classes, including the lower priced used of reserve milk supplies not needed for fluid uses. Handlers will be assured that their competitors will pay for milk at not

less than the minimum prices set by the order and that such prices will apply whether the milk comes from farms in Alabama, Florida, Tennessee, or other states, and without regard to whether the milk is disposed of inside or outside the marketing area.

The record in this proceeding clearly shows that the dairy industry does not regularly have available detailed information regarding milk procurement and use in the Alabama-West Florida marketing area. Such information would be provided on a continuing basis under a Federal order, and would contribute to the development and maintenance of stable and orderly marketing conditions. Although the lack of such data does not necessarily demonstrate need for an order, the availability of complete and accurate market information should provide a substantial benefit to producers, cooperatives, and handlers alike.

It is concluded that a Federal order for the Alabama-West Florida marketing area as herein proposed will stabilize and improve milk marketing conditions in the area. The order is in the public interest in that it will establish orderly marketing conditions for producers and handlers relative to milk distributed in the proposed marketing area and will assure a continuing and adequate supply of high quality milk for consumers. Moreover, the order will effectuate the declared policy of the Act by providing for:

1. The establishment of uniform minimum prices to handlers for milk received from producers according to a classified plan based upon the utilization made of the milk;

2. A regular and dependable procedure that affords all interested parties the opportunity to participate, through public hearings, in the determination of changes that may be required in the marketing plan in order to insure an orderly market;

3. An impartial audit of handlers' records to verify the payment of required prices;

4. A system for verifying the accuracy of the weight and butterfat content of milk purchased;

5. Uniform returns to producers supplying the market based upon an equal sharing among all such producers of the returns from the order prices for both the higher-valued Class I milk and the lower returns from the sale of reserve milk that cannot be marketed for fluid use; and

6. Marketwide information on receipts, sales, prices, and other related data concerning milk marketing.

3(a). *Handlers to be regulated and milk to be priced and pooled.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the order. This is accomplished by providing specific definitions to describe the marketing area, route disposition, the types of plants, the various categories of regulated persons (handlers), and the persons (producers) whose milk will be subject to the uniform prices.

Marketing area—The Alabama-West Florida marketing area should include all the territory within the boundaries of Alabama and the Florida counties of Escambia, Santa Rosa, Okaloosa and Walton. The defined marketing area should include all piers, docks, and wharves connected therewith and all craft moored at such facilities. The marketing area should include, as well, all territory occuped by municipal, state, or federal government reservations, installations, institutions, or other similar establishments if any part thereof is within the boundaries specified above.

The record in this proceeding clearly establishes that the entire State of Alabama and the four Florida counties comprise a single marketing area for milk. Such marketing area defines an area wherein the plants that would be fully regulated are the primary sources of milk for consumers.

The basic data to support the marketing area definition adopted herein were obtained from a survey of 523 grocery stores. The estimates of fluid milk distribution by counties that were placed in the record were based solely on the observations made in the grocery stores surveyed. There are limitations, of course, to the conclusions that may be drawn from such data. Nevertheless, the information is useful for identifying which plants compete with other plants for Class I sales and for providing a reasonable estimate of the geographic territory over which that competition extends. It also should be pointed out that, with minor exceptions, the survey data were not challenged at the hearing.

The proposed marketing area is made up of 67 counties in Alabama and four counties in Florida. An analysis of the survey data shows that with only minor exceptions, the proposed area is a largely self-contained market with respect to milk distribution. For example, in 38 of the 71 counties, the survey indicates that 100 percent of the distribution is from plants located within the marketing area. Plants in the marketing area distributed at least 75 percent of the total in another 18 counties. Thus, in 79 percent of the counties, at least ¾ of the distribution observed in the survey was from plants located in the marketing area.

In five Alabama counties (Geneva, Houston, Lee, Russell, and Sumter) the survey data indicated that more than 50 percent of the distribution came from plants that would not be regulated under the new order. For two other counties, Barbour and Henry, a witness for Beatrice Foods (Meadow Gold) disagreed with the survey results and indicated that sales in these two counties were spit about 50 percent each to Alabama plants and to plants fully regulated under the Georgia order. Thus, it is estimated that plants fully regulated under the Georgia Federal order distributed at least half of the total milk distributed in six counties in southeastern Alabama. The observed data for Sumter County indicate the majority of milk sold there originates at a plant pooled under the New Orleans-Mississippi Federal milk order. In these seven counties, the primary source of milk appears to be plants regulated under other orders.

Nevertheless, these counties should be included in the marketing area. Failure to do so would serve no real purpose since the milk being distributed in them would be regulated, either under the Alabama-West Florida order or under some other order. Moreover, inclusion of the seven counties will not result in full regulation of any plant that otherwise would be unregulated, or cause a plant to shift regulation from another order to the order adopted herein. Including the counties also will simplify the reporting requirements of handlers and will simplify administration of the order.

The marketing area is also characterized by substantial overlapping of sales territories. This further demonstrates that the marketing area defines an area within which there is considerable competition among handlers. One plant was found to have its products in stores near the Alabama-Tennessee border as well as in stores in Florida. Most of the counties in the marketing area were shown to have milk distributed from three or more plant located in the marketing area. In only six counties in the proposed marketing area was there distribution from only one plant located within the area.

In addition to competing with each other for Class I sale in common areas, many of these plants either compete with each other for milk supplies, or receive at least a portion of their supplies from the same cooperative association.

As noted elsewhere in this decision, a group of producers who deliver their milk to the plant at Pensacola, Florida, urged that the four Florida counties not

be included with any order adopted for Alabama. Nevertheless, there is compelling evidence that the Florida territory should be included in the marketing area. The plant in Pensacola distributes milk in five Alabama counties. The survey data indicate that such sales comprise about 35 percent of that plant's total distribution within the proposed area.

In addition, the grocery store survey shows that five plants located in Alabama distribute milk into the Florida portion of the market. These plants distributed from three to 24 percent of their total in-area sales within the Florida territory. These data, and those noted in the preceding paragraph, provide a substantial basis for not limiting the proposed marketing area to just the State of Alabama.

Route disposition. A definition for "route disposition" is a convenience for specifying the various kinds of fluid milk sales outlets that will be considered in determining whether a distributing plant would be regulated under the order. As proposed by the order proponent, and adopted herein, route disposition would mean any delivery of a fluid milk product classified as Class I milk to a retail or wholesale outlet (except to a plant), either directly or through any distribution facility or vendor, and including any disposition from a plant store or through a vending machine. It would not include the delivery of fluid milk products to a handler's distribution points. The distribution from such points would be considered a route disposition from the milk plant where the fluid milk products were processed and packaged.

Plant. The order should contain a "plant" definition for proposes of clarity, ease of order interpretation and reference. As proponent suggested and as adopted herein, "plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged.

Separate facilities used only as a distribution point for storing packaged fluid milk products in transit would not be a plant. Similarly, separate facilities at which milk is only reloaded from one tank truck to another would not be a plant as defined herein.

In connection with the discussion of the plant definition, two related issues should be considered. In that regard, the proponent cooperative included a reload point definition in the proposed order. A witness for the cooperative testified that a definition of such facility was needed to clearly establish it as a non-plant and thus not a pricing point. The witness described such a facility for the record as generally an enclosed building without stationary holding tanks (to cool and store milk) where milk is transferred from one tank truck to another. However, he also indicated that no such facility was being used to supply milk to the Alabama market at the time of the hearing.

The plant definition adopted herein provides the basic guidelines as to what constitutes a reload point. In that regard, "separate facilities without stationary holding tanks which are use only as a reload point for transferring bulk milk from one tank truck to another" would not be a plant under the plant definition adopted herein. Hence, the cooperative's intent with respect to a reload point is accomplished in the plant definition. There is no need to include a separate reload point definition in the order.

Another proposal pertaining to the definition of a plant was discussed at the hearing. Five handlers who would be fully regulated under the order proposed that a manufacturing plant which is operated by a handler who also operates a fluid milk plant not be considered a part of the fluid milk plant operation for pooling purposes if the manufacturing and fluid processing facilities are operated completely separate of each other. A spokesman for the handlers testified that several dairy companies in Alabama operate separate ice cream manufacturing plants in addition to their fluid milk plants. He stated that such manufacturing plants, which keep separate books and records, do not distribute fluid milk products on routes and normally do not receive milk from dairy farmers. Rather, receipts at the manufacturing plant essentially are milk and cream that are excess of the handler's distributing plant operations and which are transferred to the handler's manufacturing plant from the distributing plant.

As provided herein, an ice cream manufacturing plant would be defined as a "plant" since it processes milk. However, the plant would not be considered a part of a distributing plant unless the two plants are operated jointly on the same premises, with the receiving, storage, or processing facilities being shared. Whether the separately operated manufacturing plant would be a pool plant would depend on whether the plant also distributed any fluid milk products in the market or shipped bulk milk to pool distributing plants. The provisions that would detemine the pooling status of a plant are discussed later under the heading "pool plant."

Distributing plant. The order should define a distributing plant as a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk and at which fluid milk products are processed or packaged and from which there is route disposition in the marketing area during the month. The definition adopted herein is patterned after the one proposed by the order proponent, with one exception that is discussed later. The definition for a distributing plant is provided to describe the activities conducted at such a plant and to distinguish this type of plant operation from others. It also is helpful in referring to this particular type of plant throughout the order.

Proponent's definition referred to milk "approved for fluid consumption." The definition adopted refers to "Grade A milk" and not to milk "approved for fluid consumption." The terms are essentially synonymous, however, when used in context of the market encompassed by this order area.

The Alabama Department of Public Health is responsible for regulating the State's dairy industry with respect to milk sanitation and quality. It is responsible for all milk and milk products from the time the milk is picked up at the farm, transported to a processing plant, processed, packaged and delivered to the consumer. A similar program is conducted by the Division of Dairy Industry of the State of Florida. The health regulations and the standards for rejection of milk in the two states in many instances are identical.

In that regard, both states conduct routine inspections of dairy farms and processing plants. Rigid surveillance programs are conducted by agencies of both States to insure that only high quality milk and milk products are sold to consumers, and the regulations of both states specify that only Grade A milk may be sold. This means that the dairy farms are inspected and approved for the production of Grade A milk. Likewise, all plants processing or packaging milk for fluid use must be approved for handling Grade A milk. Accordingly, it is appropriate to refer in the order to "Grade A milk", rather than to milk "approved for fluid consumption", as proposed.

Supply plant. A "supply plant" also should be defined under the order. As adopted herein, "supply plant" means a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk, and from which fluid milk products are transferred during the month to a pool distributing plant.

The definition provided herein is similar to the one suggested by the order proponent. However, for the reasons

discussed under the definition of a distributing plant, the supply plant definition should reflect that the plant must be approved to handle Grade A milk.

Proponent's witness testified at the hearing that there were no supply plants furnishing sufficient quantities of milk to distributing plants on a regular basis to qualify for pool plant status. The cooperative also indicated that it was not currently operating a supply plant and has no plans to do so in the future. The only reason proponent advanced for including a supply plant provision for the Alabama-West Florida order was that other Federal orders in the Southeast provide a definition for such plants. However, under cross-examination the cooperative's spokesman acknowledged that although the Alabama market essentially is a direct-delivery market, it is possible in the future that milk may need to be brought into the market through supply plants from procurement areas located considerable distances from the market. In these cases, according to the witness, it would not be economical to furnish the milk on a direct-ship basis.

Pool plant. Essential to the operation of a marketwide pool is the establishment of minimum performance requirements to distinguish between those plants engaged in serving the fluid needs of the regulated market and those that do not serve the market in a way or to a degree that warrants their sharing (by being included in the pool) in the Class I utilization of the market. Because of differences in marketing practices and functions between distributing plants, supply plants and cooperative "balancing" plants, separate performance standards for each type of operation are provided in the attached order.

The following discussion sets forth the pooling standards that should apply to the various types of pool plants. To facilitate the discussion, it is noted that the performance standards for pooling a distributing plant and a supply plant provide that the plant's required association with the market should be measured in terms of the proportion of its milk receipts that are disposed of in the market. It is intended that such receipts would include any producer milk that is diverted from the plant to nonpool plants. Although diverted milk is not physically received at the plant from which diverted, it is, nevertheless, an integral part of that plant's supply of milk and acquires producer milk status by virtue of its association with such plant. Therefore, divered milk should be included in the total receipts of milk at the pool distributing plant or the pool supply plant from which the milk was diverted for the purpose of determining whether the plant qualifies as a pool plant.

Milk that a cooperative bulk tank handler diverts from a pool plant to a nonpool plant also should be included in such plant's receipts for purposes of determining the plant's pool status. Requiring all diverted milk to be included as a receipt at pool plants from which diverted in determining their pool status will insure the integrity of the order by requiring all producer milk to be associated with pool plants.

Along that same line, milk diverted to a supply plant from an other order plant should not be included as a receipt of milk at the supply plant for the purpose of determining whether the plant qualifies as a pool plant. Since such milk would be considered a part of the total suppy of milk at the plant from which diverted, it should not be included in the supply plant's receipts. This will permit milk to be diverted to a supply plant with manufacturing facilities for processing without affecting the pool status of the supply plant. A pool supply plant with manufacturing capabilities may represent the nearest available outlet for milk surplus to the fluid needs of another Federal order area.

No similar accommodation needs to be made when milk is diverted to a distributing plant. Since these plants are essentially fluid bottling plants, there really is no reason to divert milk to these plants for any reason other than for bottling purposes. Hence, all milk physically received (including milk diverted to such plant) at the plant should be considered in the plant's total receipts for the purpose of determining whether the distributing plant qualifies as a pool plant.

Provision also is made for a cooperative association to pool a balancing plant. The pooling standard for such a plant would be measured in terms of the cooperative's overall supply function for the market, i.e., the proportion of the cooperative's member producer milk that is delivered to pool distributing plants.

In connection with performance standards for pool plants, Dairymen, Inc. (DI) submitted a modification at the hearing to impose seasonally varying Class I utilization standards for pooling distributing plants and supply plants. Before discussing the appropriate pooling performance standards for the various types of plants, the question of seasonality of fluid sales and producer receipts should be reviewed.

The order proponent, Associated Milk Producers (AMP), proposed that the months of August through February be recognized as the season when milk production is lowest relative to the market's fluid needs. The months of March through July were designated as the flush milk production months under the cooperative's proposal. DI suggested that September through January be considered as the short milk production season and that February through August be recognized as the flush milk production season.

Market data indicate that the period of September through January generally is the time when milk supplies are shortest relative to the fluid needs of the proposed Alabama-West Florida market. On the other hand, the months of February through August are the months when milk supplies for this market are more adequate to meet the fluid needs of distributing plants.

Based on a statistical summary of data compiled by the Alabama Dairy Commission for a recent 4-year period (1976–79), average monthly Class I sales as a percent of the total supply available to Alabama processors ranged from 91 percent in November to 87 percent in July. The Class I percentage so computed was above 90 percent in each of the months of September through January except in December. The relationship between supplies and sales is somewhat unique in the month of December when, due to school closings and the holidays, the demand for milk falls off sharply in the latter part of the month. However, in view of the relatively higher fluid demand during the first two-thirds of the month, it is appropriate to include December with the months of September, October, November and January as months when production is relatively short to meet the fluid needs of this market.

In each of the other seven months of February through August, the monthly average Class I sales as a percent of producer supply available to Alabama processors was in the upper 80's. Although the sales-supply situation in these months has been in fairly good balance, these are the months when milk supplies have been more adquate to meet the proposed market's fluid needs. Moreover, it should be noted that the data from which these utilization percentages were computed do not include all of the milk that would be diverted to nonfluid uses in these months. Thus, the actual utilization levels under a Federal order likely will be lower.

The months of September through January are adopted as the market's short milk production season. In that regard, greater shipments by supply

plants will be required and individual producers will have to "touch base" more often during these months under the proposed order. In addition, on the basis of their deliveries in such 5-month period, producers will establish their bases under the base-excess plan adopted in this decision.

On the other hand, the months of February through August will be adopted as the flush milk production period for this market. Accordingly, fewer shipments will be required by supply plants and individual producers will not have to "touch-base" as often during these months. In addition, producers will receive their payments on the basis of their base and excess milk deliveries during part of this period.

With respect to its modified proposal to impose Class I utilization standards, DI urged that to qualify as a pool plant not less than 70 percent of certain specified receipts at the distributing plant or supply plant in each of the months of September through January and not less than 50 percent during each of the months of February through August be assigned to Class I milk. Under this modification, a monthly Class I use standard for distributing plants would be used in lieu of the total route disposition standard suggested by the order proponent.

A spokesman for DI contended that monthly Class I use standards for distributing plants and supply plants are needed to assure that the milk pooled under this order is closely associated with the market's fluid milk needs. Based on the statistical data of the Alabama Dairy Commission, the DI witness testified that its proposal would allow an individual plant to have a Class I utilization at least 15 percentage points below the market's average Class I use during the September–January period. During the months of February through August, the proposal by DI would allow an individual plant's Class I use to be about 25 percentage points below the market's average Class I utilization and maintain pool status for such plant. In DI's view, these monthly minimum Class I requirements on distributing plants and supply plants, which would vary seasonally, are reasonable in view of marketing conditions in the proposed area, even though they would be well under average levels of Class I use.

Southern Milk Sales (SMS) supported DI's proposal to impose a Class I utilization standard on supply plants. A spokesman for the association contended that the Class I requirement is needed to insure that milk delivered to a supply plant by producers associated with the proposed market will be made available to pool distributing plants for their bottling requirements. He further testified that the integrity of the blend price thus would be protected for producers closely associated with the market's Class I sales.

In its brief, AMP stated its opposition to DI's proposal to impose Class I utilization standards on distributing plants and supply plants. In that regard, the cooperative supported its position on performance standards for such pool plants as stated at the hearing. AMP's brief stated its view that its pooling proposals were adequate to demonstrate a plant's association with the marketing area to such an extent that it should be a pool plant. Also, Draft, Inc., in its brief opposed DI's pooling proposal on the basis that it would exclude available milk supplies from participation in the marketwide pool.

There is no basis on this record to conclude that the standards for pooling distributing plants and supply plants in the proposed market require the imposition of Class I utilization standards. There is no indication that handlers who will be regulated under the Alabama-West Florida order are likely to experience problems in obtaining adequate supplies of milk for fluid purposes because milk is being used instead for manufacturing uses elsewhere.

DI offered considerable testimony on why the Alabama-West Florida order should accommodate only the pooling of enough milk to meet the proposed market's Class I needs, including reserves to accommodate the daily, weekly, and seasonal variations in supply and demand. DI's contention was that this is what the Act contemplates, and that it indeed has been the Department's policy in that regard.

The Act provides no basis for concluding that a Federal order should restrict the absolute volume of Grade A milk that is pooled. What is intended is to provide regulations to ensure that the market's fluid milk needs will be met under marketing conditions characterized by orderliness and stability. To that end, the order should provide certain performance standards for identifying plants and producers who participate in meeting the fluid milk needs of the market to a degree that warrants being included in the marketwide pool. However, those performance standards should not preclude from pool status additional supplies of milk that may in the future become associated with the fluid milk needs of the Alabama-West Florida market.

In connection with its proposal to impose a Class I utilization requirement on supply plants, DI proposed that milk transferred from a supply plant to another pool plant be classified on a pro rata basis with all other pool receipts at such plant. Since this decision denies the proposal to impose a Class I utilization requirement on supply plants, it is not necessary to further consider this corollary proposal.

In response to DI's proposed modification to impose a Class I utilization standard on distributing plants, a handler operating a fluid milk processing plant at Gadsden, Alabama, proposed that two or more distributing plants of the same handler be permitted to combine their dispositions into a single unit for the purpose of meeting the Class I utilization percentage requirement proposed by DI. The handler's spokesman contended that, if DI's proposal is adopted, the Gadsden plant may not qualify as a pool plant because by-products are made at that plant for distribution by its other fluid milk processing plants in Alabama.

In its brief, the handler took the position that its unit pooling proposal should be considered only if DI's proposed Class I utilization standards are adopted. Since this decision denies the proposal to impose a Class I utilization requirement on distributing plants, it is not necessary to further consider this handler proposal.

To qualify as a pool plant under the proposed Alabama-West Florida order, a distributing plant would be required to meet performance standards related to the proportion of its receipts used in route disposition, including such disposition in the marketing area. Pool distributing plants would include only those plants substantially engaged in the distribution of fluid milk products. In this connection, a pool distributing plant's total route disposition each month, both inside and outside the marketing area, should not be less than 50 percent of its receipts from all sources of Grade A fluid milk products that are physically received at such plant or diverted from the plant to nonpool plants. The route disposition of such a plant in the marketing area must also be at least the lesser of a daily average of 1,500 pounds or 10 percent of such receipts.

The standards for pooling a distributing plant are similar to those proposed by the proponent cooperative. Based on the record of marketing conditions in the proposed marketing area, the 50 percent route disposition requirement herein provided should be appropriate. Any plant which has a

majority of its business as route disposition of fluid milk products should be considered as a pool distributing plant under the new order. The 50 percent route disposition standard is commonly used throughout the Federal milk order program to determine whether a plant is primarily involved in processing and distributing fluid milk products.

AMP's proposed in-area route disposition requirement was intended to assure that a large plant with substantial sales in the marketing area would be fully regulated. For example, assume that a distributing plant had 5 million pounds of Grade A milk receipts and route dispositions of 300,000 pounds per month (6 percent of receipts) in the marketing area. If the only in-area measure of performance for pool plant status is the 10 percent requirement, the plant would be a partially regulated distributing plant. Nevertheless, 300,000 pounds of route dispositions could represent a major portion of the total Class I sales within a small portion of the marketing area. For this reason, AMP proposed that any plant having route disposition in the marketing area averaging 1,500 pounds per day (45,000 pounds per month) should be fully regulated under the order. The AMP witness indicated that the plant at Tupelo, Mississippi, could be in a position to operate in the manner described above.

The in-area pool plant standard proposed by AMP is a reasonable pooling standard and should be adopted. Accordingly, a distributing plant with at least the lesser of a daily average of 1,500 pounds or 10 percent of its receipts disposed of on routes in the marketing area would be a pool plant unless the plant also qualifies as a pool plant under another Federal order and the plant has a larger volume of route disposition in the marketing area of such other order. This standard will provide a reasonable indication of when a distributing plant is associated with this market to the extent that warrants its full regulation under the order.

The record indicates that the 21 distributing plants that would most likely qualify as pool plants under the Alabama-West Florida order would have no difficulty in meeting either the total route disposition standard or the in-area route disposition standard adopted herein.

A supply plant should qualify for pool status by transferring a certain percentage of its total receipts from dairy farmers to pool distributing plants. As provided herein, the supply plant's total receipts would include deliveries to the plant by its own producers and by a cooperative as a bulk tank handler. In addition, producer milk diverted from a supply plant would be included in the plant's total receipts from dairy farmers and, conversely, milk diverted to such plant from another order plant would be excluded from such plant's total receipts for the purpose of determining whether the supply plant qualifies as a pool plant. The reasons for such inclusions and exclusions in a supply plant's total receipts have been discussed previously with respect to this issue and need not be repeated here.

AMP proposed a shipping requirement of 50 percent for supply plants. The cooperative's proposal also would provide automatic pool plant status for a supply plant in the months of March through July if such plant qualified as a pool supply plant for this market in each of the immediately preceding months of August through February.

A witness for DI testified that the order proponent's suggested performance standards for a supply plant would allow such a plant to have a Class I utilization as low as 25 percent and remain pooled. He contended that in an area where the annual average Class I use has been almost 90 percent, a performance standard that would allow a plant to have Class I utilization as low as 25 percent is inappropriate when the objective of the act is to obtain milk for fluid use.

The witness for Dairymen, Inc., testified that he did not believe there was a need for either a supply plant definition in the order or the operation of such plants for this market. This was premised on the belief that the proposed market can be supplied on a direct-delivered basis. He contended that because of this supply plants are an inefficient method of supplying milk to the market.

However, since Federal orders allow handlers to buy their milk supply from whomever they wish, there could be occasions when a milk supply is obtained at sufficient distance from the market center to make it practical for milk to be handled through a supply plant. In recognition of this and in view of the proposed market's anticipated supply-demand conditions, DI proposed seasonally varying monthly shipping requirements for supply plants. Under the DI proposal, a supply plant would be required to ship at least 70 percent of its total receipts from dairy farmers to pool distributing plants during each of the months of September through January and 50 percent of such receipts in each of the other months.

Southern Milk Sales supported DI's higher shipping standards for supply plants for the same reasons that it supported the imposition of Class I utilization standards on such plants proposed by DI. The reasons given by the cooperative for supporting the more stringent pooling standards have been noted in previous findings under this same issue.

Although Kraft, Inc., does not operate a plant that likely would be fully regulated under the Alabama-West Florida order, a brief was filed by Kraft as an interested party. Kraft operates an other order plant that has route disposition in the Alabama-West Florida marketing area and also operates manufacturing facilities that receive milk supplies that are excess to the market's fluid needs. The handler took the position that the proposed supply plant provisions were deficient because a supply plant operator would not get credit for movements directly from the farms of producers as qualifying shipments to distributing plants in addition to transfers to such plants from the supply plant.

There is no basis on this record to adopt the provision described by Kraft. No specific proposal was advanced to cover this issue and the problems that Kraft envisioned with respect to the order's supply plant provisions were not explored on this record.

Kraft also requested in its brief that official notice be taken of two Department of Agriculture publications that predict a steady conversion from manufacturing grade production to Grade A production. The request for official notice is denied. The brief fails to indicate any relevancy of that material to any issue on which hearing evidence was received in this proceeding. Therefore, there is no purpose to be served by taking official notice of the requested USDA publications.

As envisioned for this area, a supply plant would be a plant that is located some distance from the consumption centers and that performs the traditional function of assembling milk and supplying distributing plants with supplemental milk supplies on heavy bottling days. Because of its distance from the market center, this type of plant would find it more efficient to receive milk from the farm at the plant and then transfer it into larger over-the-road tank trucks for transshipment to distributing plants. Accordingly, a "supply plant" should be defined on a functional basis, i.e., transferring fluid milk products to pool distributing plants.

At the time of the hearing the Alabama-West Florida market was not being served by any plant that specializes in the collection of milk for

cooling and transshipment to a distributing plant to such an entent that it would qualify for pool status on this basis. In fact, most markets today do not have such plants, which have generally lost their usefulness with the advent of farm bulk tanks, refrigerated trucks, and a modern highway system. Nevertheless, supply plants have continued to be associated with some Federal order markets.

Since not enough milk is produced in the marketing area to furnish the fluid milk needs of handlers, it is necessary to import milk regularly from sources beyond such area. Hence, specific pooling standards for supply plants need to be included in the order in the event such a plant in the future should supply milk for this market to such an extent that it should particiapte in the marketwide pool.

Under the standards adopted herein, a supply plant would be required to transfer 70 percent of its total receipts from dairy farmers to pool distributing plants in each of the months of September through January and 50 percent of such receipts in each of the other months to qualify as a pool plant. These shipping standards were proposed by DI and supported by SMS.

Given the anticipated high Class I utilization in this market, the order should not provide, as the order proponent suggested, for automatic pool plant status for supply plants during the months of seasonally higher milk production. The fluid requirements of distributing plants in this market are such that supply plants, when relied upon for milk, should be required each month to transfer certain percentages of their receipts to distributing plants to participate in the order's marketwide pool. Supply plants likely would need to ship milk to distributing plants in this market even during the months when production tends to be heavier, because during the days of peak bottling demand all of the milk supply available for this market will be needed to funish the needs of distributing plants. For this reason, a supply plant's requirements for pool status should apply on a year-round basis.

Pooling milk through a supply plant may not be the most efficient way to pool milk in this market. Since the record indicates that this market essentially is supplied on a direct-delivery basis, the order's pooling provisions should be so structured that a handler will not have an incentive to pool milk through a supply plant when the milk can move more efficiently to a distributing plant directly from the farm. Requiring a supply plant to qualify on the basis of shipments each month during the year will serve that purpose.

As indicated, it is reasonable under the market conditions to require a supply plant to deliver at least 70 percent of its receipts from dairy farmers to pool distributing plants during the months when milk supplies tend to be shortest relative to the market's fluid needs. However, a lower shipping percentage (50 percent) for supply plants should apply in each of the months of February through August when milk production is seasonally higher. In these latter months, a smaller proportion of a supply plant's total receipts from producers may be needed at pool distributing plants if their Class I sales remain relatively constant. Furthermore, Class I utilization declines at some pool distributing plants during the summer months when schools are not in session. Accordingly, in the months of heavier milk production, a lower shipping requirement for supply plants is appropriate.

In discussing the pooling issue at the hearing, a witness for Dairymen, Inc., testified that under AMP's proposed shipping standard for supply plants the DI plant at Lewisburg, Tennessee, would have qualified as a pool supply plant in certain past months on the basis of shipments to distributing plants that would be regulated under the new Alabama-West Florida order. Since significant quantities of milk have been shipped from the Lewisburg plant to Alabama distributing plants from time to time, and because the Alabama market is the primary recipient of supplemental shipments from such plant, he contended that the Lewisburg plant should be regulated under the proposed Alabama-West Florida order.

To accommodate this situation, DI modified its hearing notice proposal for a supply plant operated by a cooperative and proposed that a cooperative be permitted to pool a balancing plant, upon request, if the accociation delivers 60 percent or more of its member producer milk to pool distributing plants during the month. The 60 percent delivery requirement could be met by deliveries directly from the farm and or by transfers from the association's plant under the cooperative's proposal.

Two other cooperatives supplying the market (AMP and SMS) opposed the DI proposal essentially for the same reason, i.e., it would allow, in their opinion, the cooperative to "ride" the pool by associating unneeded supplies of milk with the marketwide pool, thereby depressing the order's uniform prices. Thus, in their view, to the extent that the adoption of a balancing plant provision would permit DI to do this, the returns to the member-producers of these two cooperatives would be reduced.

The record indicates that cooperatives have been balancing milk supplies for this market. An exhibit comparing the proponent cooperative's deliveries to fluid milk processors who have independent producers with the association's deliveries to such processors without independent producers shows that the variation in the average daily delivery by AMP to processors with independent producers was almost three times as great as it was for deliveries to processors without independent producers. For example, during September 1978–August 1979, the averge daily deliveries by AMP to processors without independent producers ranged from a low of 91 percent of the annual average in July to a high of 104 percent of such average in April (a difference of 13 percentage points). On the other hand, during that same period, the cooperative's average daily deliveries to fluid milk processors with independent producers ranged from a low of 81 percent of the annual average in June and July to a high of 117 percent in October (a difference of 36 percentage points).

A greater variation in deliveries to a distributing plan twas experienced by AMP if such plant had its own producers. This resulted because as the plant's own producers increase their production, less milk is needed from the cooperative. When the cooperative's milk is displaced like this by milk from the plant's own producers, oftentimes the cooperative's displaced milk must be hauled long distances to a manufacturing plant at the expense of the association. Conversely, when the production of a plant's own producers decreases, the cooperative is called on to supply more milk. If the cooperative is short of milk overall in supplying its customers at this time, it may be necessary for the cooperative to import milk from beyond the local supply area to fulfill the fluid needs of handlers, which also can be costly to the cooperative.

The Lewisburg plant is a large manufacturing plant that receives substantial volumes of milk that are excess to the fluid milk needs of other Federal order markets throughout the Southeastern United States. It has the capacity to handle about 900,000 pounds of milk per day. Although considerable milk is transferred from the plant to fluid milk outlets during certain months of the year, the plant is primarily

engaged in manufacturing butter and nonfat dry milk.

The Lewisburg plant is a fully regulated pool plant under the Nashville order, qualifying as a cooperative balancing plant. Unlike the Alabama situation, very few if any shipments from the Lewisburg plant are made to distributing plants regulated under the Nashville order. A significant portion of the receipts at such plant are diversions off of other Federal order markets in the Southeast. In such cases, the diverted milk may be considered producer milk under the other order rather than a direct receipt of producer milk at the Lewisburg plant under the Nashville order.

The new Alabama-West Florida order should accommodate the pooling of the Lewisburg plant as a cooperative balancing plant. Although the Lewisburg plant is located in a major part of this market's procurement area, it oftentimes may be more economical to move the milk directly from the farm to an Alabama distributing plant than it is to haul the milk to Lewisburg, recieve it there at the cooperative's plant solely for the purposes of qualifying the plant, reload it and then haul it to a distributing plant, which in some cases is closer to where the milk was produced. However, when milk of some producers is temporarily not needed at distributing plants, their milk could maintain pool status by being delivered from the farm directly to the balancing plant, since it would be a pool plant. The plant thus would be an assured outlet for reserve milk without involving arrangements under which the producers' milk would need to be diverted from distributing plants to maintain producer milk status under the order. Affording pool status to the balancing plant also would facilitate the transfer of milk from the cooperative's balancing plant to pool distributing plants.

Although milk should be moved when possible directly from the farm to distributing plants, there are occasions when balancing plants are called upon to make supplemental shipments. Such shipments, however, often may not be in sufficient amounts to qualify the plant as a supply plant. Nevertheless, the plant should qualify for pooling as long as the cooperative has demonstrated an adequate degree of supply performance for the market as a whole.

The cooperative should be permitted to move the milk in the least costly manner (either directly from the farm and/or by transfer from its balancing plant). In certain cases, this could result in significant savings to the cooperative in plant handling and transportation costs. In view of this, the cooperative's deliveries from the farm and/or transfers from the plant should count as qualifying shipments in determining whether a balancing plant meets the minimum delivery requirement. This will provide maximum flexibility to the cooperative in moving its milk supplies to customers.

It is necessary that there be a reasonable demonstration that the milk pooled through balancing plants is a part of the regular market supply. Milk should not be permitted to the associated with the market merely for manufacturing purposes since this would reduce returns to producers and discourage the production of an adequate supply of milk by those producers regularly supplying the fluid market. A balancing plant's pool status should be contingent on its function with respect to the milk supply for the fluid market and this is reasonably reflected in how much of the cooperative's total member producer milk is delivered to pool distributing plants.

The record indicates that, on a year-round basis, 80 percent or more of DI's member producer milk under the proposed order would be delivered to distributing plants that will be regulated under the new Alabama-West Florida order. Based on marketing conditions, at least 70 percent of the producer milk of member producers should be delivered each month to pool distributing plants to qualify a cooperative's balancing plant for pooling without requiring that plant to separately meet the shipping requirements of a pool supply plant. This will assure a substantial association of the cooperative's total producer milk supply with the market's fluid use and will minimize the opportunity for any cooperative to pool unneeded milk through the balancing plant.

As DI suggested, the pooling of the cooperative's balancing plant on a request basis would be conditioned on such plant's not qualifying as a pool distributing plant or a pool supply plant under this or any other Federal order. If a balancing plant meets the performance requirements as a distributing plant or a supply plant under this or any other Federal order, there would be no reason to request status for such a plant under this order as a pool balancing plant. Also, the balancing plant must maintain approval by a duly consituted regulatory agency to handle Grade A milk. Such a provision is necessary to assure that the plant can be depended upon for supplemental supplies when they are needed by distributing plants. Since the Alabama-West Florida order as adopted herein would not require any minimum shipments to the market from a cooperative's balancing plant, it is conceivable that the plant might not take the necessry steps to maintain its health approval, thereby precluding the plant from being able to transfer milk from the balancing plant to pool distributing plants.

The performance standards adopted herein for the various types of pool plants should be adequate to insure that the milk pooled under the Alabama-West Florida order is associated with the market's fluid use. They are sufficient to prevent the development of Grade A milk supplies and the association of such supplies with the order solely for the purpose of obtaining milk for other than Class I use. The provisions are adequate considering the proposed market's Class I needs and the historical utilization of producer milk in such area.

Certain plants should be excluded from "pool plant" status even though they meet the pooling standards of the order. For instance, a distributing plant possibly could meet the pooling requirements of this order and also another Federal order in the same month. Such a situation could develop in particular between this order and the New Orleans-Mississippi order (Order 94) because the low minimum in-area sales requirement (1500 pounds per day on routes) adopted herein is also provided for in the adjoining New Orleans-Mississippi market. Complentary provisions between the two orders should provide administrative guidance to resolve conflicts regarding regulation of a plant that qualifies for pooling under both Federal orders.

A distributing plant that has route disposition in both marketing areas should be regulated in the market in which such plant has the greater route sales. However, if a plant that has been regulated under this order should have greater route disposition in another markting area, the plant should retain pool plant status under this order until the third consecutive month in which it has greater route disposition in the other marketing area. This procedure would limit the casual, disruptive shifting between orders on a month-by-month basis that can occur when intermarket distribution results in qualifying a distrubting plant for pool status under more than one order.

Similarly, the new order should recognize that lock-in provisions for distributing plants also are provided under other orders. In that regard, a complementary provision is adopted in the new order to allow a distributing

plant to continue to be regulated under the other Federal order even though it has greater route sales in the Alabama-West Florida marketing area. In this situation, a distributing plant in Order 94, for example, would retain its pool status under Order 94 until the third consecutive month its route disposition in this marketing area was greater than in the Order 94 marketing area.

A supply plant that meets the shipping requirements of this order and another Federal order but which has greater shipments to distributing plants regulated under the other order should be pooled under the other order. Also, a supply plant pooled under another Federal order on the basis of its automatic pool plant status would not be a pool supply plant under the Alabama-West Florida order even if such plant met the shipping requirement under this order.

In addition, certain types of plant operations that are exempt from the pooling provisions of the order should be specifically excluded from the order's pool plant definition. In that regard, the term "pool plant" shall not apply to a producer-handler's plant or a governmental agency plant.

Nonpool plant. The new order should include a definition of "nonpool plant." Under the order, a nonpool plant would mean any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The "nonpool plant" definition sets forth five specific categories of plants that cannot be pool plants under the order. They are adopted essentially as proposed by the order proponent.

A definition of "nonpool plant" is provided in the new order to facilitate the formulation of the various order provisions as they apply to such a plant. The various types of nonpool plants are described further hereinafter.

An "other order plant" would be a plant that is fully regulated under another Federal order. As such, it cannot be a pool plant under this order.

A plant operated by a "producer-handler", as defined in this or any other Federal order, would be considered a nonpool plant. Due to the nature of the operation, as discussed later, such a plant is specifically exempt from pool status.

A "partially regulated distributing plant" also would be considered a nonpool plant. A partially regulated distributing plant would be a distributing plant that does not qualify as a pool distributing plant, an other order plant, a producer-handler plant, or a governmental agency plant. Generally, such a plant would be a distributing plant that has route disposition in the defined marketing area, but not to an extent that would qualify it for pool status under the order.

An "unregulated supply plant" means a supply plant that does not qualify as a pool supply plant, an other order plant, a producer-handler plant, or a governmental agency plant. In essence, it is a plant that transfers milk to pool distributing plants, but not to an extent that would qualify it for pool status under the order (less than the specified percentage of its receipts from dairy farmers is transferred to pool distributing plants).

As suggested by the order proponent and adopted herein, a distributing plant operated by a governmental agency (Federal, state, or local) would also be included among the nonpool plants specified in the order.

The proponent's witness testified that he was not aware of any distributing plant operated by a governmental agency which would qualify for exempt status under the new order. However, he indicated that such a self-contained operation which runs its own dairy farm, processing plant, and distributes such milk at a plant store or on a college campus should not be fully regulated under the order. He further testified that such an operation would not be a competitive factor in the overall market and for this reason should not be pooled. Accordingly, as suggested, the order should recognize the possibility of such operations in the future by extending nonpool plant status to them.

Handler. The impact of regulation under an order is primarily on handlers. A handler definition is necessary to identify those persons from whom the market administrator must receive reports, or who have financial responsibility for payment for milk in accordance with its classified use value. As herein provided, the following persons are defined as handlers under the order:

(1) The operator of one or more pool plants;

(2) A cooperative association with respect to producer milk that is picked up at the farm and delivered to a nonpool plant as diverted milk for the cooperative's account;

(3) A cooperative association with respect to milk of a producer that is picked up at the farm and delivered to a pool plant of another handler for the cooperative's account;

(4) The operator of a partially regulated distributing plant;

(5) A producer-handler;

(6) The operator of an other order plant from which milk is disposed of in the area; and

(7) The operator of an unregulated supply plant.

All of the categories of handlers listed above, with the exception of the operator of an unregulated supply plant were proposed by the order proponent and are common to most milk orders. Each person who may have a reporting requirement or may incur a financial obligation under the order should be designated a handler. This will assure that all information necessary to determine a person's status under the order can be readily determined by the market administrator. For this reason, the operator of an unregulated supply plant and the other persons listed above should be defined as handlers under the new order.

A pool plant operator who receives milk from producers should be the responsible handler for such milk. As the responsible handler, such person should report, in the detail prescribed by the market administrator, the quantities of milk received from each producer and each other source. Such operator also should be responsible for reporting certain other information deemed necessary by the market administrator in order to determine the utilization of producer milk. Such handlers should be responsible for making payments to producers, cooperative associations and the producer-settlement fund in accordance with the terms of the order.

A cooperative association should be a handler under the order for farm bulk tank milk moved by the cooperative to a pool plant or diverted to a nonpool plant. In the case of such movements to a pool plant, a cooperative should be the handler for milk received for its account from the farm of a producer that is delivered to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative. However, should there be a mutual agreement between the cooperative and the pool plant operator whereby such operator agrees to be the handler for the milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the cooperative need not be the handler for such milk.

Requiring a cooperative to be the handler on milk picked up for its account at the farm of a producer and delivered to a pool plant provides a practicable basis for the complete accounting of such milk. It also recognizes the current handling arrangements used by the cooperatives operating in the market in allocating their milk among distributing plants.

A witness for the order proponent testified that some plants which would be fully regulated by the proposed order buy their milk supply from the cooperative on the basis of weights and tests taken at the farm by the association. In such circumstances, it is only the cooperative that has the opportunity to measure and sample the milk of individual producers that is received at a plant. In the absence of any agreement by the plant operator to be the handler on such milk, the cooperative must be the responsible handler for the milk as it leaves the farm.

Under the terms of the attached order, the pool plant operator's obligation on milk purchased from a cooperative as a "bulk tank handler" is the same as for producer milk received directly from the farm of an individual producer. The plant operator must account to the pool for the milk according to the classification assigned to the milk based on the plant's utilization. The pool plant operator in turn settles with the cooperative on the basis of the uniform price for the milk. Under this arrangement, the pool plant operator is obligated to the producer-settlement fund, the administrative fund and the cooperative on the quantity of milk the cooperative delivers to such handler's pool plant directly from the farms of producers. The cooperative, in turn, is obligated to the producer-settlement fund and administrative fund on only that portion of milk picked up for its account that exceeds the quantity delivered to pool plants.

This accounting and payment procedure for bulk tank milk received from a cooperative will simplify the accounting for such milk by the pool plant operator. It will facilitate the administration of the order with respect to such items as financial responsibility, enforcement, and subsequent audit adjustments that may arise. Since the actual use of milk reflects the receiving pool plant's operation, it is reasonable that the responsibility for the accounting and payment of such milk placed directly on such pool plant operator.

The attached order also provides that a cooperative could be a handler on the milk of a producer which it diverts for its account from a pool plant to a nonpool plant. This handling arrangement will facilitate the movement of milk not needed for fluid use to nonpool plants for manufacturing. It also will assist the principal cooperatives in balancing supplies among the several distributing plants serving the market.

Under this handling arrangement, the diverting cooperative would be obligated to the producer-settlement and administrative expense funds on the diverted milk. Conversely, the operator of the nonpool plant that received the milk from the diverting cooperative would not incur an obligation on such milk under the order.

The new order should afford all cooperatives in the market flexibility in the arrangements under which they sell milk to pool plants or dispose of reserve supplies. If it so chooses, a cooperative should be able to pick up the milk of nonmember producers along with the milk of members for delivery to a pool plant or diversion to a nonpool plant. This procedure will enable the cooperative to act as the marketing agent for a nonmember producer who has contracted with the cooperative to market his or her milk. Nothing in the order would require a cooperative to pick up the milk of nonmenber producers. It would provide, however, that when a cooperative does pick up milk of nonmember producers on trucks under its control, it must assume varying degrees of responsibility with respect to such milk, depending on the handling arrangements made.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. With the adopted handler definition, the new order would be consistent with that provision of the Capper-Volstead Act which recognizes that cooperatives "may deal in the products of nonmembers" and which limits such dealings to amounts not greater in value than those "handled by it for members."

Producer-handler. The order should exempt "producer-handlers" from the pricing and pooling provisions of the order.

Experience under Federal orders has demonstrated that effective regulation can be insured without the full regulation of individuals who essentially process and distribute milk produced on their own farm and who buy no milk from other dairy farmers. Such operations are basically self-sufficient in that they rely primarily on their own farm production and assume the burden of maintaining the necessary reserve supply of milk associated with their fluid milk operation and of disposing of any daily or seasonal surpluses they may produce. Because of the costs associated with producing all of the milk needed for their fluid sales and handling the reserve supplies, producer-handlers seldom are able to gain any competitive edge in the marketplace by virtue of their exempt status.

Although the specific order language adopted with respect to producer-handlers differs somewhat from what the order proponent suggested, the basic intentions of the cooperatives are accommodated under the provisions adopted herein.

As proposed by the order proponent and adopted herein, a "producer-handler" would be any person who operates a dairy farm and a distributing plant from which there is route disposition in the marketing area. Such persons would be permitted to supplement milk production on their own farms with purchases from pool plants and plants fully regulated under other Federal orders. A producer-handler operation would lose its exempt status by disposing of milk from other sources in a fluid milk product (other than by the fortification process). Such person also must satisfy the market administrator that the management and operation of the dairy farm and processing plant are at the personal risk of the producer-handler.

A question was raised at the hearing in connection with the cooperative's proposal to permit a producer-handler to buy unlimited quantities of fluid milk products from pool plants. It is intended that producer-handlers not have a significant advantage over fully regulated handlers when they are permitted to purchase supplemental milk. Since the milk transferred from a pool plant to a producer-handler would be accounted for under the order as a Class I disposition of the pool plant, no significant advantage would result for the producer-handler. Nevertheless, the principal basis for excluding producer-handler operations is that they are primarily self-sufficient, i.e., they bottle and distribute essentially their own milk production. Thus, it is anticipated that supplemental purchases would be relatively small.

The record indicates that there are only two operations that would qualify as producer-handlers under the proposed order. One is located in the Huntsville, Alabama, area and another is in the Dothan, Alabama, area. Both were described as relatively small operations. There is no indication as to whether these operations obtain supplemental supplies from other sources. While there is no basis in this record for limiting supplemental purchases, the matter can be reviewed later in light of actual operating experience under the order.

There was considerable discussion at the hearing about whether a producer-handler also should be permitted to buy supplemental milk from pool plants

regulated under other orders. A witness for the order proponent testified that he did not believe a producer-handler could gain a competitive advantage over other pool plant operators on such purchases, since the milk would have to be accounted for at the Class I price under the other order and transportation costs would have to be added. The cooperative preferred, however, to limit supplemental milk purchases by producer-handlers to pool plants regulated under this order because such purchases would enhance this market's uniform price. However, because no competitive advantage can be obtained when a producer-handler buys fluid milk products from plants regulated under other Federal orders, it is provided herein that supplemental purchases by producer-handlers may be made from pool plants under this order and from plants fully regulated under other Federal orders.

A producer handler's exempt status would be conditioned on certain other methods of operation by such a person. For instance, such a handler would not be permitted to reconstitute or convert milk products into fluid milk products have a surplus value and, if such activities were permitted, would place the producer-handler at a significant competitive advantage over regulated handlers in terms of product costs. This would not, however, prevent a producer-handler from buying Class II and Class III milk products from any source for distribution in the same form along with such handler's fluid milk products. Nor would it prevent a producer-handler from increasing the nonfat milk solids content of the milk produced on such person's own farm or purchased from pool plants by fortifying a fluid milk product.

A producer-handler's status also would be contingent on such person proving to the market administrator that the operation of the dairy farm and processing plant in question are at his/her risk. An exemption from the pooling and pricing provisions for such a person is based upon the basic self-sufficiency of the total operation. Accordingly, no other person should be permitted to share the risk involved with the operation of a producer-handler's farm or plant. All resources necessary and incidental to his/her own farm production of milk must be his/her personal risk. Similarly, all risk associated with the operation of the processing plant must be that of the producer-handler.

Producer. The term "producer" defines those dairy farmers who constitute the regular source of supply for the market. The producer definition adopted herein follows closely the one proposed and supported by the order proponent.

Producer status under the order should be provided for any dairy farmer who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk is received at a pool plant directly from the producer's farm or is picked up at the farm by a cooperative as a bulk tank milk handler for delivery to a pool plant. Producer status also should be accorded to a dairy farmer who has an established association with the market and whose milk is diverted from a pool plant to a nonpool plant by a cooperative association or a pool plant operator, either for fluid use or for surplus disposal.

To establish a producer's association with the market and to insure the marketability of such producer's milk, it is reasonable to require that a dairy farmer's milk be received at a pool plant each month to qualify such dairy farmer's milk for diversion to a nonpool plant. The "touch base" requirement is discussed more fully in the findings dealing with the definition of producer milk under the new Alabama-West Florida order.

The order would provide an exemption for producer-handler operations and for plants operated by a governmental agency. Since these operations are exempt from the order's pricing and pooling provisions, milk which is excess to the needs of such operators should not be treated as producer milk when it is moved directly from the farms of such operators to a pool plant. Accordingly, the producer definition adopted herein would specifically exclude producer-handlers and governmental agency plants. Any such milk delivered to a pool plant from such operations would be other source milk.

In addition, provision must be made to preclude the possibility of a dairy farmer being a producer under two orders with respect to the same milk. In this regard, the producer definition should exclude a dairy farmer with respect to milk which is received at a pool plant under this order by diversion from a pool plant under another order if the dairy farmer is a producer under the other order with respect to such milk and the milk is allocated to Class II or Class III use under this order. Also, the definition should exclude a dairy farmer with respect to milk which is diverted to a pool plant under another order from a pool plant under this order if any portion of such person's milk is assigned to Class I milk under the other order.

Producer milk. The "producer milk" definition is intended to define the milk that would be priced and pooled under the order. The definition adopted herein contains the basic features suggested by the order proponent.

"Producer milk" would include milk of a producer that is (1) received at a pool plant directly from such producer by the operator of the plant; (2) received by a cooperative association acting as a bulk tank handler; or (3) diverted by a cooperative association or a pool plant operator from a pool plant to a nonpool plant that is not a producer-handler plant.

When milk is not needed at a pool plant, it usually is diverted to a nonpool plant where it is used to produce manufactured milk products. Hence, the order should provide for "diversions" to nonpool plants by pool plant operators and cooperative associations within certain specified limits to insure that the pool distributing plants in the market are adequately supplied first. With respect to the limitations on such movements, a portion of an individual producer's milk would have to be received at a pool plant each month to qualify the producer's milk for diversion to nonpool plants during the month. In addition, handlers (pool plant operators and cooperative associations) would be limited in the total quantity they may so divert each month.

The order proponent suggested that pool plant operators and cooperative associations be permitted to divert an amount equal to one-third of the producer milk physically received at pool plants during the months of seasonally short milk production. In support of the proposal, the proponent's witness testified that the proposed diversion allowance would be adequate to accommodate the surplus disposition requirements of handlers supplying milk for the market. He also indicated that his producer group would rarely if ever need to divert as much as 25 to 30 percent of its milk supply in any month.

Proponent further suggested that 2 days' production of each producer should be received at a pool plant during each of the flush producton months of March through July to qualify such producer's milk for diversions to a nonpool plant during each such month. During each of the months of August through February, proponent suggested that the requirement be 6 days' production.

The witness for proponent testified that these are minimum requirements and he would not be opposed to higher "touch-base" requirements for individual producers. He also stated that

based on his knowledge of supply-demand conditions which exist in the general area, the milk of all producers will be needed more than half of the time to supply the fluid milk requirements of the market's distributing plants. He further testified that insuring the delivery of the minimum days' production of each producer's milk to pool plants each month would not result in additional transportation costs for the cooperative.

DI proposed a "touch base" requirement for each individual producer of 4 days' production in each of the months of February through August and 10 days' production in each of the other months of September through January. In support of its higher delivery requirements to pool plants by individual producers, a witness for DI testified that if producers are a regular part of the necessary reserve suppy for this market, it would result in little, if any, additional transportation costs to deliver the minimum number of days' production of each producer's mik to pool plants each month. He contended that when milk supplies not closely associated with the market's fluid milk needs become attached to the market it is costly to the cooperative in terms of a reduced blend price. The DI witness stated that the cooperative will most likely have to ship production of 20 or more days of each producer's milk to pool plants during the months of September through January to furnish the fluid milk requirements of its pool distributing plant customers.

An independent producer proposed that at least one-half of an individual producer's milk should be required to be received at a pool plant each month to qualify such dairy farmer's milk for diversion to nonpool plants. He testified that, in his judgment, the proposed touch-base requirement of 2 days' production (one delivery for producers on every-other-day delivery) was inadequate. He contended that higher delivery requirements would be in his best interest in addition to the best interests of other Alabama producers.

In its post hearing brief, the order proponent (AMP) supported the DI touch-base requirements of 4 and 10 days' production for individual producers. Both cooperatives also repeated their contention that these requirements would not result in additional hauling costs to their associations because more than the minimum number of days' production for each individual producer would be received at pool plants.

Southern Milk Sales, Inc., in its brief urged that the touch-base requirements be 70 percent of a producer's milk (21 days' production) in the fall months and at least 50 percent (15 days' production) in the spring months to protect the integrity of the blend price and to assure consumers an adequate supply of milk to meet their needs.

The limits on total diversions of producer milk to nonpool plants by a handler should be established at a rate that will accommodate the market's needs to efficiently dispose of milk not needed for fluid use. At the same time, it is necessary to assure that milk supplies will be available for fluid use.

It is apparent from the testimony that cooperatives could meet their needs for handling reserve milk dispositions with a total diversion limit of 20–30 percent of their total supplies. DI, for example, indicated that about 80 percent of its producers' milk would be needed for fluid use. AMP indicated that diversions would rarely be as much as 25 percent. Southern Milk Sales' suggested touch-base requirement of 70 percent for individual producers in the short production months would leave 30 percent of their production that would not be required to be delivered to pool plants. There was no testimony by handlers on the need to divert the milk of independent producers.

Based on the evidence noted above, it is concluded that handlers' diversions of milk to nonpool plants should not exceed an amount equal to 30 percent of the milk physically received at pool plants during the month. This is slightly less than the order proponent proposed (30 percent of physical deliveries to pool plants is equivalent to 23 percent of total supplies). Nevertheless, it should adequately serve the purpose of providing an efficient method for disposing of milk not needed for fluid use in the market.

A pool plant operator, other than a cooperative association, should be allowed to divert any milk that is not under the control of a cooperative that is diverting producer milk during the month. The total quantity of milk that such plant operator may divert during any month should be limited to 30 percent of the producer milk physically received at such plant during the month. Likewise, a cooperative association should be allowed to divert milk for its account. In this case, the percentage limit should be 30 percent of the cooperative association's producer milk that is delivered to and physically received at pool plants during the month.

The diversion allowance for handlers should apply in each month. The record indicates that a 30 percent allowance will accommodate handlers' needs in the flush production months, and thus no problems should be experienced by such handlers with the same allowance in the other months. In addition, since plants will be required to meet specified performance standards to attain pool status each month under the new order, a diversion allowance should be specified for handlers on a year-round basis.

The diversion allowance provided herein for handlers establishes the maximum quantity which cooperatives and pool plant operators may divert each month. Having set that allowance at an appropriate level, the individual producer "touch-base" standard should be set at a minimal level in order to allow handlers the maximum flexibility to receive milk from producers in the least costly manner.

Marketing efficiency is optimized when a handler can decide, with the minimum amount of interference, how and where to move milk supplies under such handler's control. Producers supplying a particular pool plant can be widely dispersed. For this reason, a handler may receive milk from several farm routes, some of which likely would be nearer to the plant than others. Thus, it would be more economical to receive the milk of those producers located closest to a handler's plant on a regular basis and to receive the milk of more distant producers only when the handler needs the extra milk. Of course, the reverse would also be true for the disposal of the reserve milk. The handler would want to divert to nonpool manufacturing plants the milk of the distant producers more often than the milk of those producers who are located closest to the pool plant, assuming that the manufacturing plant is located in the outer reaches of the milk shed or beyond, as is likely the case.

It is reasonable, however, that the order include a minimal "touch-base" provision that would require each producer's milk to be received at a pool plant each month. For this purpose, DI's proposed requirements, which would vary seasonally, should be adopted. To qualify a producer's production for diversion to nonpool plants during the month, 10 days' production would have to be delivered to a pool plant during each of the months of September-January and 4 days' production would be required in each of the months of February through August. In view of the anticipated supply-demand situation in the proposed market, the touch-base requirement should apply throughout the year. This procedure is consistent with requiring pool plants to meet monthly performance standards and specifying

monthly diversion allowances for handlers.

As indicated, a seasonally higher requirement would apply in the months of September through January and a lower requirement would apply in the months of February through August. The peak demand for milk in this market occurs on at least four days each week, or a minimum of 16 days each month. On these days, practically all of the available milk of producers associated with the market is needed at distributing plants. It is anticipated that producers on every-other-day pick-up would make a least 8 deliveries (16 days' production) to distributing plants on such peak days. Thus, A touch-base requirement of 10 days' production (five deliveries for producers whose milk is picked up every other day) each month September through January is reasonable. Such a standard is adequate to establish that a producer is eligible to have milk diverted to a nonpool plant during the months when production is short relative to the demand for Class I milk.

During the months of February through August, only four days' production of each producer would have to be received at a pool plant to qualify such producer's milk for pool participation. During these months, the market's fluid needs generally would require a lesser proportion of the available milk supply. Thus, greater flexibility in disposing of the reserve milk supplies would be desirable, and would be provided by not requiring as much of each producer's milk to be delivered to a pool plant.

DI suggested that if a supply plant's qualification is based solely on shipments to distributing plants as the order proponent suggested, then the individual producer touch-base requirement should be met by deliveries to pool distributing plant only. It is unnecessary, however, to specify that only deliveries to pool distributing plant may establish a producer's association with the fluid market.

A supply plant's pool status would be determined solely on the basis of shipments to distributing plants. If the supply plant meets the shipping requirements of the order and thus becomes a pool plant, it has demonstrated an adequate association with the fluid market. Dairy farmers delivering milk to the supply plant are thus themselves with the fluid market.

The order should provide a procedure to be followed for determining pool status of the milk if a pool plant operator or cooperative association diverts milk in excess of the percentage allowanced specified in the order. As adopted herein, the excess quantity of milk would not qualify as producer milk and would not be priced under the order. In such cases, the diverting handler would be required to designate the dairy farmer deliveries that should not be considered producer milk. Absent such designation, no milk diverted by the handler would be producer milk. This method of identifying overdiverted milk was proposed by the order proponent.

Also, the order should provide the method suggested by the order proponent to determine which producers' milk should not be qualified as producer milk when a cooperative's diversions from a pool plant to nonpool plants would cause such plant to lose its pool status. In such cases, the cooperative should be responsible for indentifying which dairy farmers' milk would not be producer milk. Since the cooperative is the accountable handler to the pool for the producers' milk, such handler is in the best position to identify those producer deliveries that would not be producer milk for purposes of assuring continued pool status for the plant involved.

If the cooperative fails to designate the dairy farmers' deliveries that are to be excluded as producer milk, no milk diverted by the cooperative to nonpool plants would be considered producer milk. This procedure is consistent with the method used to specify which dairy farmer deliveries should not be considered producer milk when a handler diverts milk in excess of the precentage allowance specified in the order.

As proposed by AMP, milk diverted from a pool plant to a nonpool plant would be priced at the location of the nonpool plant where the milk is physically received. If diverted milk were priced on the basis of the pool plant from which diverted, different prices could apply for milk received at a pool plant and a nonpool plant at the same location. The pricing method adopted herein is consitant with the requirement of the Act that milk be uniformly priced to all handlers based on the location at which delivery of the milk is made.

The hearing notice included a handler proposal to permit diversions between pool plants. At the heaing a handler spokesman indicated that the proponents had decided to withdraw their proposal.

Other source milk. An other source milk definition should be adopted for the new Alabama-West Florida order. In addition to milk received from producers, a regulated pool plant may receive milk or milk products from other sources. An "other source milk" definition will serve to specifically identify the various categories of such receipts.

The order proponent suggested that the "other source milk" definition that was adopted when a uniform milk classification plan was provided for 30 Federal order markets on August 1, 1974, be included in the new order. There was no opposition to this proposal, which is adopted.

As provided herein, "other source milk" would be all skim milk and butterfat in a handler's receipts of fluid milk products or bulk fluid cream products from any source other than producers, cooperative association handlers, or pool plants. It also would include a handler's receipts of fluid cream products in packaged form from other plants. In addition, any milk products (other than fluid milk products, fluid cream products and products produced at the plant in the same month) from any source which are reprocessed, converted into, or combined with another product in a handler's plant during the month would be considered a receipt of "other source milk". Receipts of milk products (other than fluid milk products or fluid cream products) for which the handler fails to establish a disposition also would be included under the "other source milk" definition.

Although fluid cream products would be Class II products and would not be included in the order's fluid milk product definition, bulk fluid cream products should be treated in the same manner as fluid milk products for purposes of applying the other source milk definition. This procedure will facilitate the application of the other provisions of the order.

Receipts of fluid cream products, eggnog or yogurt (or any filled product resembling such products) in packaged form from other plants would be considered other source milk. These products are Class II under the classification plan provided for this market. Although no handler obligation would apply under the order provisions adopted herein with respect to such receipts, it is desirable for accounting purposes that receipts of packaged Class II products be defined as other source milk. This accounting technique will preclude the recordkeeping difficulties that might otherwise be experienced in accounting separately for inventories and sales of Class II products processed in the handler's plant versus those received at the plant in packaged form from other plants. As provided herein, such receipts of other source milk would be allocated directly to the handler's

Class II utilization, rather than being allocated to the extent possible to the handler's lowest class of utilization as is provided in some cases for other types of other source milk.

The order should provide that manufactured products from any source that are reprocessed, converted into, or combined with another product in the plant shall be considered as other source milk. For accounting purposes, such manufactured products would include dry curd cottage cheese received at a pool plant to which cream is added before distribution to consumers. When used to produce cottage cheese or lowfat cottage cheese, the receipts of dry curd would be allocated under the provisions adopted herein directly to the handler's Class II utilization. No handler obligation would apply under the order to such receipts.

The order also should provide that products manfactured in a pool plant during the month and then reprocessed, converted into, or combined with another product in the same plant during the same month not be defined as other source milk. For example, assume that a handler makes condensed skim milk from producer milk and then uses the condensed product in making ice cream. It is intended under this situation that the producer milk be considered as having been used to produce ice cream. The condensing operation is merely one of the steps performed by the handler in processing ice cream from raw milk.

Any disappearance of manufactured milk products for which the handler fails to establish a disposition would be considered other source milk. It is reasonable that each handler be required to account for all milk and milk products received or processed at the handler's regulated plant. Otherwise, a handler with inadequate records may have an opportunity to gain a competitive advantage over competitors who properly account for all of their receipts of milk and milk products. Specifying any unexplained disappearance of manufactured milk products as other source milk will contribute to a uniform application of the regulatory plan to all handlers.

Filled milk. Filled milk should be defined as any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

This definition and the treatment afforded such products under the order are consistent with the provisions and treatment of filled milk adopted in the Assistant Secretary's decision for all Federal orders issued October 13, 1969 (34 FR 16881). Official notice was taken of the 1969 decision at the hearing held June 23–July 2, 1980, for this market. The record evidence indicates that the findings and conclusions of the 1969 decision are equally applicable under current marketing conditions in the proposed marketing area.

Cooperative association. A definition of "cooperative association" should be adopted as suggested by the order proponent.

As provided herein, a cooperative association means any cooperative marketing association of producers which the Secretary determines, after application by the cooperative association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of, or marketing milk or milk products for its members.

Defining such an organization of producers will facilitate the formulation of the various other order provisions as they apply to such an association of producers.

(b) *Classification of milk.*

The statutory authority for Federal milk orders specifies that an order shall classify milk in accordance with the form in which or the purpose for which the milk is used. As proposed by proponent, the order should provide for three classes of utilization.

The products included in Class I milk and sold in the proposed marketing area for fluid consumption are required to be produced in compliance with the inspection requirements of a duly constituted regulatory agency. This is in contrast to the absence of such requirements for manufactured dairy products such as butter and hard cheese. Because of the extra cost of getting high-quality milk produced and delivered to the market in the condition and quantities required, it is necessary to establish a separate class for such milk to which a price above the manufactured milk price may be applied. The higher price for Class I milk must be at a level which, together with the prices applicable to other classes, will yield a "uniform" price that will encourage production of milk to meet the fluid requirements of the market.

Class I milk should include all skim milk and butterfat disposed of in the form of milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids. Skim milk and butterfat disposed of in any such product that is flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted likewise should be classified as Class I milk. Such classification should apply whether the products are disposed of in fluid or frozen form.

Skim milk disposed of in any product described above that is modified by the addition of nonfat milk solids should be Class I milk only to the extent of the weight of the skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

Class I milk should not include skim milk or butterfat disposed of in the form of evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, or whey.

Each product designated herein as a Class I product would be considered a "fluid milk product" as defined in the order. In addition to these fluid milk products, Class I milk would include any skim milk and butterfat not specifically accounted for in Class II or Class III, other than shrinkage permitted a Class III classification.

As provided, skim milk or butterfat disposed of as filled milk in fluid form shall be classified as Class I milk. This classification is identical to the treatment of filled milk in all Federal order markets. The basis for the uniform treatment of filled milk under this and all other Federal orders is set forth in the earlier findings concerning the definition of filled milk.

Class III milk should include products which are made from surplus Grade A milk and which compete in a national market with similar products made from manufacturing grade milk. These products include cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese), butter, any milk product in dry form (such as nonfat dry milk), any concentrated milk product in bulk, fluid form that is used to produce a Class III product, and evaporated or condensed milk (plain or sweetened) and evaporated or condensed skim milk (plain or sweetened) in consumer-type packages. Class III milk also should include any product not specified in Class I or Class II.

An intermediate class, Class II, should apply to certain products which can command a higher value than Class III products, but which must be competitively priced below Class I in order to compete with non-dairy substitute products or manufactured dairy products that can be used in making Class II products. Class II milk should include skim milk and butterfat disposed of in the form of a "fluid cream product," eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles one of these products. As defined in the order, "fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

Class II milk should also include bulk fluid milk products disposed of to any commercial food processing establishment at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages. In addition, it should include milk used to produce cottage cheese, lowfat cottage cheese, dry curd cottage cheese, milkshake and ice milk mixes containing 20 percent or more total solids, frozen desserts, frozen dessert mixes, and certain other products as specified in the order.

The classification scheme adopted herein was proposed by the order proponent and is identical to the uniform classification plan contained in many of the other Federal order markets. The plan was based on exhaustive hearings held on this issue in 1971 for 39 markets. The final decision on the uniform classification plan was issued February 19, 1974 (39 FR 9012). Official notice was taken of this decision at the hearing held June 23–July 2, 1980, for the Alabama-West Florida market. It contains a detailed discussion of the classification issue. Official notice also was taken of the Assistant Secretary's decision issued July 17, 1975 (40 FR 30119), which modified certain provisions originally adopted in the 39-market decision.

Proponent testified that this classification system (as modified in 1975) would be fully appropriate for the proposed order. Adoption of the uniform classification plan in this new order will coordinate these essential provisions with the same provisions under most other orders.

The record evidence indicates that the findings and conclusions of the above mentioned decisions are equally applicable under current marketing conditions in the proposed marketing area.

Classification of shrinkage. The Alabama-West Florida order should contain provisions for classifying skim milk and butterfat in shrinkage. The shrinkage provisions adopted herein are similar to the shrinkage provisions now provided in most orders.

Total plant shrinkage should be prorated between (1) those kinds of receipts on which the Class III shrinkage limitations apply, and (2) other receipts, principally other source milk in the form of fluid milk products requested for Class II or Class III use. To the extent that the quantity of shrinkage prorated to the first category exceeds the established Class III limit, the excess should be classified in Class I.

The shrinkage provisions provided herein recognize that shrinkage normally varies with the type of handling involved. More loss is usually experienced in plant processing than in merely receiving milk for delivery to another handler. Thus, with respect to milk picked up at producers' farms and delivered to a plant, a Class III shrinkage allowance of 0.5 percent for such milk is provided.

A Class III shrinkage allowance of 1.5 percent to cover milk lost in processing is provided for the pool plant operator. This provides a total of 2 percent Class III shrinkage allowance for such milk from producers in the receiving and processing operations.

The total shrinkage allowance applicable to a pool plant operator depends upon whether the plant operator purchases the milk at farm weights and tests or at plant weights and tests. The provisions allow the plant operator up to 2 perecent shrinkage in Class III if the milk is purchased on the basis of weights determined at the farm and butterfat tests determined from farm bulk tank samples. In this case, there is no shrinkage allowance for a cooperative association handler who may have delivered the milk from the farm to the pool plant.

As provided herein, when bulk milk is transferred to another plant, the shrinkage allowance to the transferor handler would be reduced at the rate of 1.5 percent of the quantity tansferred. This is similar to provisions now applicable under most orders.

In the case of milk diverted from a pool plant to a nonpool plant, a shrinkage allowance in Class III of 0.5 percent would be provided the diverting handler if the operator of the plant to which the milk is diverted purchases such milk on the basis of weights and tests determined at the plant. If the milk is purchased at farm weights and tests, no shrinkage allowance would apply for the diverting handler. This same procedure would apply to cooperative bulk tank deliveries to pool plants when similar handling is involved.

This division of the 2 percent shrinkage allowance, both in the case of deliveries from cooperative bulk tank handlers to plants and for transfers between plants, has been found practical and has been well accepted in Federal order markets where it now applies.

Shrinkage should be accounted for on an individual plant basis in the case of a handler operating more than one pool plant under the order. This procedure will promote plant efficiency in the Alabama-West Florida market.

Classification milk transferred or diverted to other plants. Some fluid milk products or fluid cream products may be disposed of by regulated handlers to other plants. It is necessary, therefore, to provide specific rules so that the classification of such movements may be determined under his order.

Under the adopted classification plan, fluid cream products would be classified as Class II products. If such products are transferred to another plant in packaged form, the skim milk and butterfat contained therein should be classified as Class II milk since these items are moved in final form. The classification of fluid cream products when disposed of in bulk form, however, is determinable ony by following the movement of the bulk product to its subsequent use. Thus, it is necessary that fluid cream products that are transferred in bulk from a pool plant to another plant be classified in a manner similar to that used in classifying transfers of bulk fluid milk products.

Some skim milk or butterfat may be transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant. Such transfers should be classified as Class I milk unless both handlers request the same classification in another class in their monthly reports to the market administrator and sufficient Class II or Class III utilization is available at the transferee-plant after the allocation of its receipts of other source milk. If the shipping plant received other source milk in the form of nonfat dry milk, for example, during the month, the skim milk and butterfat so transferred should be classified so as to allocate the least possible Class I utilization to the other source milk. If the

shipping handler received other source milk from an unregulated supply plant or an other order plant, the transferred quantities, up to the total of such receipts, should not be Class I to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee-plant.

Transfers from a cooperative bulk tank handler to the pool plant of another handler should be assigned classification pro rata with producer milk received at the plant.

The provisions governing transfers between pool plants described herein will contribute to obtaining the best possible utilization of producer milk. Such provisions will tend to insure that producer milk used in Class I will not be classified in a lower class when interplant shipments involve a pool plant with receipts of other source milk. Unless such safeguards are provided, a high-utilization plant could be used as a conduit for assigning milk obtained from nonpool sources for manufacturing purposes to a higher utiliztion (at the expense of producer milk) than it would receive by direct delivery to the plant at which it is actually utilized.

Skim milk or butterfat may be transferred or diverted from a pool plant to an other order plant in the form of a fluid milk product or transferred from a pool plant to an other order plant in the form of a bulk fluid cream product. The classification of such transfers or diversions shall apply only to the skim milk and butterfat in excess of any receipts at the pool plant from the other order plant.

The order should provide for the diversion of milk to other order plants for Class II or Class III use. Such provisions will foster the efficient handling of surplus milk in the market by permitting the disposal of such milk directly from farms to manufacturing plants in other markets, rather than having such intermarket movements limited to the more expensive method of transferring milk from one plant to another. With the safeguards adopted herein, returns to producers in the market to which the milk is diverted will not be affected by the processing of this surplus milk in their market since the diverted milk will continue to be pooled in the Alabama-West Florida market.

Fluid milk products transferred or diverted to other order plants and bulk fluid cream products transferred to such plants will be classified in accordance with the classes to which such milk is allocated under the other order. If information concerning the classification of transfers and diversions is not available to the market administrator in time to compute handler pool obligations, such transfers shall be classified in Class I, subject to adjustments when the information is available. In addition, the order should provide that if the other order provides for a different number of classes than the Alabama-West Florida order, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified in Class I and skim milk and butterfat allocated to other classes shall be classified as Class III milk. The order also provides that if a fluid milk product is transferred to an other order plant and such product is not defined as a fluid milk product under the other order, classification of such transfer shall be in accordance with the classification provisions of this order.

The order should prescribe a method for classifying the skim milk and butterfat in transfers from a pool plant to a producer-handler or in transfers or diversions from a pool plant to a governmental agency plant. If such skim milk and butterfat are in the form of a fluid milk product, such transfers should be classified as Class I milk. As described elsewhere in this decision, such a classification is necessary to assure that producers are not burdened with maintaining reserve supplies associated with the Class I sales of such operations.

Skim milk and butterfat in the form of bulk fluid cream products transferred from a pool plant to a producer-handler or a governmental agency plant should be assigned to the extent possible to the receiving plant's Class III use, and then to Class II use. If the producer-handler or governmental agency plant does not have enough utilization in these classes to cover such transfers, any remaining transfers should be classified as Class I milk.

The order also must prescribe a procedure for classifying transfers or diversions to a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant. Bulk fluid milk products transferred or diverted and bulk fluid cream products transferred should be classified as Class I milk unless a lower classification is requested and the operator of the nonpool plant makes available to the market administrator books and records for the purpose of verifying the receipts and utilization of milk and milk products at the nonpool plant. To determine such lower classification, the nonpool plant's utilization must be assigned to its receipts of milk from various sources.

Under the adopted assignment priorities, the first step is to assign the nonpool plant's Class I utilization to its receipts of packaged fluid milk products from all federally regulated plants. Such receipts should receive first priority on the nonpool plant's Class I use since all orders provide that such packaged transfers from a pool plant to an unregulated nonpool plant shall be classified as Class I milk. Thus, any Class I route disposition of the nonpool plant in the Alabama-West Marketing area, and any transfers of packaged fluid milk products from the nonpool plant to Alabama-West Florida pool plants, would be assigned, first, to the nonpool plant's receipts of packaged fluid milk products from plants fully regulated under the Alabama-West Florida order and, second, to any such remaining packaged receipts from plants fully regulated under other Federal orders.

A similar assignment of any such remaining disposition (i.e., the aforesaid Class I route disposition and transfers of packaged fluid milk products) then would be made to the nonpool plant's receipts of bulk fluid milk products from pool plants and other order plants. Any other Class I disposition of packaged fluid milk products from the nonpool plant, such as route disposition in unregulated areas, would be assigned to any remaining unassigned receipts of packaged fluid milk products at the nonpool plant from plants fully regulated under any Federal order.

After these assignments, any Class I use at the nonpool plant that is attributable to the Class I allocation at a Federal order plant of fluid milk products transferred in bulk from the nonpool plant to the regulated plant would be assigned. Such use would be assigned first to the nonpool plant's remaining unassigned receipts of fluid milk products from plant fully regulated under the Alabama-West Florida order and second to any such remaining receipts from plants fully regulated under other orders.

Any remaining unassigned Class I utilization at the nonpool plant then would be assigned to the plant's receipts of Grade A milk from dairy farmers and unregulated nonpool plants that are determined to be regular sources of Grade A milk for the nonpool plant. Any remaining unassigned receipts of fluid milk products at the nonpool plant from plants fully regulated under any order would be assigned to any of the nonpool plant's remaining Class I utilization, then to its Class III utilization, and then to its Class II utilization.

Following these assignments, any receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants would be assigned to the nonpool plant's remaining unassigned utilization in each class.

Such assignment would be made in sequence beginning with the lowest class.

In determining the classification of any transfers or diversions from a pool plant to a nonpool plant, the utilization of any transfers from the nonpool plant to another unregulated nonpool plant also must be established. In this case, the same assignment priorities just outlined should apply also at the second nonpool plant.

The method herein provided for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and also gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving highest use priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer and diversion provisions of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

Allocation of receipts to utilization. Because the value of producer milk is based on its classification, the Alabama-West Florida order must provide a procedure for assigning a handler's receipts from different sources to the handler's utilization for the purpose of establishing such classification.

The order proponent testified that the system of allocating handlers' receipts to the various classes should be the same as that adopted in the Assistant Secretary's decision dealing with the classification, allocation and pricing of other source milk issued July 7, 1964 (29 FR 9110), commonly known as the "compensatory payment" decision.

The "compensatory payment" decision dealt with the issue of integrating into each order's regulatory plan milk which is not subject to classified pricing under any order and receipts at pool plants from other order plants. The decision established a procedure for allocating over a pool plant's total utilization the receipts at the plant from all nonpool sources and for making payment into the producer-settlement fund on unregulated milk allocated to Class I.

Proponent's representative testified that the method developed for all Federal milk marketing orders as discussed in the 1964 decision is appropriate in the proposed marketing area and will coordinate these regulations with respect to the treatment of unregulated milk and other order milk with comparable regulations under other Federal orders.

The aforesaid decision sets forth the standards for dealing with unregulated milk under Federal orders and the system of allocation to be included in all orders. It describes the appropriate treatment of other order milk received at pool plants that is used for coordinating the applicable regulations on all movements of milk between Federal order markets. This record indicates that the findings and conclusions of the aforesaid decision are equally applicable under current conditions in the proposed marketing area.

The order also provides that handlers using certain types of other source milk (whether in the form received or in reconstituted form) in the processing of Class II products be permitted to have such other source milk allocated directly to their Class II uses. Under the classification plan provided herein, such other source milk to which direct allocation could apply would be limited to milk products (such as nonfat dry milk and condensed milk or skim milk) that are not fluid milk products or fluid cream products.

Handlers rely largely on producers for a regular supply of milk for the products herein included in Class II. The major use of other source milk in making these Class II products is the addition of nonfat dry milk to cream products, mainly half and half, and to skim milk being used for the manufacture of cottage cheese. On occasion, when producer supplies are short, handlers also may reconstitute nonfat dry milk for cottage cheese production. Condensed milk or skim milk may be similarly used. Handlers choosing to use such other source milk in this way should be permitted to have such milk allocated directly to their Class II utilization rather than allocated first to any Class III utilization they may have.

It is not intended that the Class II outlet for producer milk necessarily be reserved for local producers. This use class merely recognizes that some additional value attaches to producer milk used by regulated handlers in the Class II products. Pricing this milk at a level above the Class III price serves also to reduce the burden on the Class I price of attracting a supply of producer milk for the Class I market. It is not intended that producer returns be enhanced for the purpose of also attracting a full supply of producer milk for handlers' Class II uses. Accordingly, no obligation to the pool (commonly known as a compensatory payment) would be imposed on any other source milk which regulated handlers may use in Class II or on any Class II products that may be distributed in the market by nonpool plants, either directly on routes or through pool plants.

As long as the Class II price for producer milk remains in proper relationship with the cost of alternative supplies, it is not expected that this direct allocation of nonfluid other source milk to Class II will induce handlers to use other source milk in preference to producer milk for processing Class II products. Under the adopted Class II price, producers would represent in most circumstances the most economical source of milk for Class II use. As indicated elsewhere, this would be so with respect to the alternative use of nonfat dry milk, the type of other source milk most commonly used in Class II products.

Nonfat dry milk has certain advantages for handlers that producer milk cannot provide. It can be added easily to milk or milk products to increase their nonfat milk solids content. Also, its storability permits handlers to have a concentrated form of nonfat milk solids on hand at all times for emergency use. Nevertheless, the higher cost of nonfat dry milk relative to producer milk would tend to limit its use to only those situations where the nonfat dry milk has a distinct processing advantage for handlers.

No provision should be made for the direct allocation of a handler's Class II utilization of other source milk received in fluid form. Unlike the handling of nonfat dry milk, it would not be unusal for a handler to commingle receipts of fluid other source milk with receipts of producer milk. In this circumstances, it would not be possible to know just how much of the other source milk may have been used in the processing of a Class II product. The difficulty which a handler would have in demonstrating the actual use of fluid other source milk in a Class II product and the administrative difficulty in verifying such claimed use, warrants the allocation of such milk to Class III.

It should be noted that the order would provide for the specific allocation to a handler's Class II and Class III utilization of any receipts of bulk fluid milk products from an other order plant or an unregulated supply plant for which the handler requests a Class II or Class III classification. Such receipts would be allocated to the extent possible first to the handler's Classs III utilization and then to his Class II utilization. This would be the case even if a Class II classification were requested by the handler.

The attached order provides that, in the case of a multiple-plant handler, each of the handler's pool plants shall be considered separately for purposes of allocating receipts to utilization. In accordance with the "compensatory payment" decision referred to earlier, however, certain receipts of milk from unregulated supply plants and other Federal order plants are to share in varying degrees with local producer milk in the receiving handler's Class I utilization at all of the handler's pool plants combined. The order, therefore, provides a procedure whereby the milk from unregulated supply plants and other order plants is classified on the basis of the handler's total system, but is assigned to classes at the pool plant of actual receipt. Under this procedure, the situation may arise where there is not enough utilization in a specific class at the plant of actual receipt to which such other source milk must be assigned (as determined from receipts and utilization of handler's entire system). In this case, an accounting technique is used for increasing the utilization of such class at the plant of actual receipt and making a corresponding reduction in the same class at one or more of such handler's other pool plants in the system. This technique, however, does not change the amount of milk to be accounted for at each plant or the classification of milk within the handler's entire system.

The new order should *not* provide that in an emergency the market administrator may waive certain allocation and pricing provisions that give preference to milk from regulated sources. Such a provision was proposed by five proprietary operators of plants that would be pool distributing plants.

A representative for Borden, Inc., which operates a plant at Pensacola, Florida, testified in support of the proposal. He related the need for such a provision to the procurement problems faced by the Pensacola plant. The plant receives about 75 percent of its milk supply from independent producers. The reminder comes from a cooperative.

The witness stated that the Pensacola plant at times is unable to obtain adequate supplies of milk from local sources. He testified that in the fall months, when milk production falls short of Class I needs, cooperatives normally allocates their supplies first to those plants that receive their total supplies from cooperatives. According to the witness, plants that receive only supplemental supplies from the cooperatives may have a problem obtaining additional milk under such circumstances.

The handlers' spokesman contended that absent the proposed emergency provisions, the operator of such plants have only two alternatives. One would be to buy 100 percent of their milk from independent producers, thus eliminating any reliance on supplemental supplies from cooperatives. A second option would be to buy all the plant's needs from a cooperative association. He expressed a view that it was not the intent of the order to cause either to happen.

At times the Pensacola plant has had to reach out and bring in "spot" loads of milk from as far as the Carolinas, Pennsylvania, and Wisconsin. Unless brought in as "producer milk" under a Federal order, or obtained from a plant that is a pool plant under another Federal order, such milk is "other source milk" and is assigned to the lowest priced classification under the local order. If any such other source milk is assigned to Class I, an additional charge or compensatory payment is required. It is this provision that the handlers propose be waived if the market administrator verifies that an "emergency" exists. "Emergency" was defined by proponents' witness simply as a situation where milk is not physically available in the market.

This proposal was opposed at the hearing by a spokesman for Dairymen, Inc. He stated the association's belief that such a provision would undermine the operation of the Federal order. Moreover, the cooperative maintained that adoption of such a provision would tend to lower prices to producers at a time when milk was most needed. According to the witness this would depress local milk production, which is the most economic source of supply for the area.

Counsel for AMP noted that the handlers' proposal was contradictory to AMP's proposal and stated the association's opposition to the proposal. However, AMP's brief of proposed findings and conclusions urged that the proposal be denied on the basis that the type of emergency referred to could be arranged through certain purchasing practices. The association's brief takes the view that adoption of the proposal would leave "a wide opening for substantial abuse of the Federal milk order system and in particular this proposed Alabama-West Florida order."

The proposal should not be adopted on the basis of the record obtained in this proceeding. A key element of the proposal is that the market administrator would need to verify that an emergency situation existed. Proponents' witness maintained that the market administrator could establish through a single telephone call whether any cooperative association milk is available for delivery to a handler's plant. This may be possible where cooperatives have joint arrangements to supply milk in the most efficient manner, as was the case in this market at the time of the hearing. However, there is no basis to conclude that such arrangements are permanently fixed or that other cooperative associations not involved in the arrangement will not be supplying milk to the market in the future.

The record shows, moreover, that cooperatives may negotiate prices for milk that would exceed the minimum prices established by an order. It is possible that a cooperative may demand a price higher than a handler prefers to pay. If milk is not made available to the handler at a lower price, the handler could claim that it cannot obtain milk and might contend that an "emergency" supply situation exists. In such a case, the market administrator would be unable to verify an "emergency" shortage of milk. Furthermore, any attempt to do so would inject the market administrator into the price negotiations, which goes beyond the duties and responsibilities involved in administering an order.

Another problem lies in proponents' intent that the type of relief sought should be available on a handler-by-handler (plant-by-plant) basis, i.e., the market administrator's decision on waiver thus would not be based on the total market supply and demand situation but rather on the supply problems of an individual handler. Thus, the waiver of certain allocation and pricing provisions could be granted to one handler, but not to others who received other source milk, but for some reason other than the type of emergency envisioned by the proponents. This latter point raises a basic question of handler equity because the proposed provisions for waiver would not be applicable on a marketwide basis.

It is noted that proponents' witness stated that the proposal should not provide a means for circumventing the classification, allocation, and pricing provisions of the order. The allocation provisions adopted for the Alabama-West Florida order are based on uniform provisions already incorporated into all orders. Absent compelling evidence to justify departing from such uniform provisions, the new order should include the allocation provisions as proposed by the order proponent. The record in this proceeding does not provide a basis for concluding that the waiver proposal can be adopted without

at the same time tending to undermine the classification pricing provisions of the Act. For the foregoing reasons, the proposal is denied.

Classification of end-of-month inventory. The order should provide for the classification of inventory on hand at the end of the month. Fluid milk products in either packaged or bulk form that are in a handler's end-of-month inventory should be classified as Class III milk. Ending inventory of fluid cream products, eggnog, and yogurt, when held in bulk form, likewise should be classified in Class III. Such products held in packaged form at the end of the month should be classified as Class II milk.

Inventories classified in Class III should be subject in the following month to reclassification in a higher class, as determined through the allocation of receipts to utilization. A charge to the handler at the difference between the Class III price for the preceding month and the Class I or Class II price, as applicable, for the current month would apply to any reclassified inventory.

Because of the regulatory treatment being accorded certain other source milk, it is necessary that fluid cream products, yogurt and eggnog on hand in packaged form at the end of the month be classifed in Class II, the class of expected ultimate use, rather than in Class III as would be the case for ending inventories of such products in bulk form. The higher classification will accommodate the treatment adopted herein whereby such products that are received at a pool plant in packaged form and disposed of in the same packages would be permitted to "pass through" the plant without any pool obligation or down-allocation. In this connection, the ending Class II inventory, as Class II inventory on hand at the beginning of the next month, would be allocated in such month directly to the handler's Class II utilization.

For the first month the order is in effect, a slightly different classification of inventory must apply. Beginning inventories of fluid cream products in packaged form normally would be allocated directly to a handler's Class II utilization. Such allocation assumes that the products were priced at the Class II price in the preceding month. Since this would not be the case for the first month under the new order, such inventories should be allocated in the first month to the extent possible to Class III, as in the case of inventories of fluid milk products and bulk fluid cream products. A reclassification charge should apply in the following month if a higher classification results.

(c) *Pricing of milk.* In order to promote and maintain orderly marketing conditions for the Alabama-West Florida market, minimum class prices for producers should be established at levels that reflect economic conditions affecting the market supply and demand for milk. Such prices should result in returns to producers that will encourage a supply of milk sufficient to meet the fluid needs of the market, plus a reserve to provide for daily and seasonal fluctuations in demand.

The Class I price must not be so high as to attract unneeded supplies to the market. On the other hand, the price should be high enough to encourage the production of an adequate quantity of high-quality milk required for the fluctuating daily and seasonal fluid needs of the market.

The Class II price should be high enough above the manufacturing milk price to compensate producers for at least a part of the cost of delivering Grade A milk to regulated handlers for cream products, cottage cheese, ice cream, and related items for which handlers want Grade A milk.

The Class III price must be fixed at a level that will insure that milk produced in excess of the Class I requirements of the market can be processed into Class III products and disposed of in competition with similar products from unregulated manufacturing plants.

The class prices and uniform producer prices for milk should be announced on a per hundredweight basis. Because the order would not establish different values for butterfat in each class, the class prices would not be annnounced for a particular butterfat content of milk. Uniform prices to producers, however, would be announced on a 3.5 percent butterfat basis, and handlers would be required to pay producers for their milk at the uniform price adjusted by a butterfat differential to reflect any variation from 3.5 percent in the butterfat content of their milk. These provisions are consistent with such provisions widely applicable throughout the Federal order system.

Class I price and in-area location adjustments. For an 18-month period beginning with the effective date of the order's pricing provisions, the Class I price for the Alabama-West Florida market should be computed by adding a Class I differential of $2.30 to the "basic formula price" for the second preceding month. The Class I price applicable at specific locations within the marketing area should be determined by adjusting the announced Class I price by the location adjustment established for the zone in which a plant is located. The in-area zones and applicable location adjustments are defined as follows:

Zone 1—Minus 20 Cents ($2.10)

Alabama Counties

Lauderdale, Limestone, Madison, Jackson, Colbert, Franklin, Lawrence, Morgan, Marshall, DeKalb and Cherokee.

Zone 2—No Adjustment ($2.30)

Alabama Counties

Marion, Winston, Cullman, Lamar, Fayette, Walker, Pickens, Tuscaloosa, Jefferson, Blount, St. Clair, Etowah, Calhoun, Cleburne, Shelby, Talladega, Clay, Randolph, Bibb, Chilton, Coosa, Tallapoosa and Chambers.

Zone 3—Plus 15 Cents ($2.45)

Alabama Counties

Sumter, Greene, Hale, Perry, Dallas, Autauga, Elmore, Macon, Lee, Russell, Choctaw, Marengo, Wilcox, Lowndes, Montgomery, Bullock, Washington, Clarke, Monroe, Conecuh, Butler, Crenshaw, Pike and Barbour.

Zone 4—Plus 37 Cents ($2.67)

Alabama Counties

Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale and Henry.

Florida Counties

Escambia, Santa Rosa, Okaloosa and Walton.

Zone 4a—Plus 20 Cents ($2.50)

Alabama County

Houston.

The basic formula price should be the average pay price for manufacturing grade milk at plants in the States of Minnesota and Wisconsin. The price for milk used for fluid purposes in the market has a direct relationship to the prices paid for milk used for manufacturing purposes. The Minnesota-Wisconsin price, or "M–W" price, used in determining the price for Class I milk gives appropriate consideration to the economic factors underlying the general level of prices for milk and manufactured dairy products. It is used as the basic formula price in all Federal order markets and is equally appropriate for use in the Alabama-West Florida order. The differential over manufacturing milk prices is necessary to reflect the added cost of meeting quality requirements in the production of milk for fluid use and the cost of moving it to market.

Proponent of the order proposed that the Minnesota-Wisconsin manufacturing milk price be the basic formula price each month. This price is an average of prices paid at a large number of manufacturing plants in the two States. Plant operators report the total pounds of manufacturing grade milk received

from dairy farmers, the total butterfat content, and the total dollars paid to dairy farmers for such milk f.o.b. the plant. These prices are reported on a current basis. The "M–W" price is anounced by the Department for each month on or before the 5th day of the following month.

AMP proposed the Class I differential and the in-area zone location adjustments adopted herein. AMP proposed that its "Central zone (North)" (Zone 2 as adopted herein), which includes the Birmingham area, be the base zone for which no location adjustment would apply. The proposed in-area zone pricing system would have plus adjustments south of Zone 2 and a minus adjustment to the north.

The cooperative's spokesman testified that the proposed Class I price structure for the market would provide reasonable price alignment with nearby orders. He indicated that the proposed prices would be comparable to the prices now being paid by handlers in the market and should not result in higher consumer prices for milk.

DI presented testimony on hauling costs and the boundaries of the pricing zones, but did not present a formal proposal on the Class I price structure for the market. Meadow Gold testified on zone boundaries. No other parties presented evidence on the Class I price structure or opposed the AMP proposal.

A zoned Class I price structure is appropriate for the Alabama-West Florida marketing area because of the geographic relationship between supply and demand in the market. The record indicates that of the producers associated with the proposed market, 36 percent are located in Tennessee, 12 percent in Mississippi, 12 percent in Zone 1, 17 percent in Zone 2, 14 percent in Zone 3, 9 percent in Zone 4 (including 4a), and less than 1 percent in Kentucky. The marketing area has four population centers on a north-south axis—Huntsville, Birmingham, Montgomery, and Mobile-Pensacola. The 1978 population of the marketing area was distributed as follows: Zone 1, 16 percent; Zone 2, 38 percent; Zone 3, 18 percent; Zone 4 (including 4a), 27 percent. These statistics illustrate the geographic disparity between the location of milk supplies and the centers of demand. The Federal order price structure should be designed to attract an adequate supply of fluid milk to each of the population centers and a zoned price structure is an appropriate mechanism to accomplish this objective in the Alabama-West Florida market.

Class I prices in the Alabama-West Florida market should be aligned reasonably well with the pricing structure throughout the Federal order system. Class I prices applicable in most markets east of the Rocky Mountains generally are based on the Chicago Regional Federal order Class I price applicable at Eau Claire, Wisconsin, adjusted for transportation cost from that location to the local market at 1.5 cents per hundredweight per ten miles. This pricing structure has been adopted because the Minnesota-Wisconsin region is an area of surplus production that can serve as a source of reserve supplies for most markets. However, the Class I prices in some markets deviate from this formula because of local market conditions.

Class I prices in this market also should be aligned with the existing prices in surrounding Federal order markets. Alignment should be as close as possible to prevent serious marketing disruptions as a result of implementing a Federal order in the area. Price alignment with nearby markets should prevent handlers in Alabama and West Florida from being placed in an unfavorable competitive position or being given a competitive advantage over handlers regulated by other Federal orders in the region.

Close alignment of the price structure in this market with prices in the surrounding markets and the overall Federal order pricing structure, however, is not possible because of the pricing arrangements in the surrounding markets. To the north, the Class I price for the Nashville order is slightly lower than the Eau Claire, Wisconsin, Class I price plus transportation (at the 1.5-cent rate) to Nashville. Therefore, Alabama prices based on the Eau Claire price plus transportation would be somewhat high relative to the Nashville order price. The Alabama-West Florida market is bounded on the west by the New Orleans-Mississippi market, where prices increase from north to south under a zone pricing structure. To the east is the Georgia market, which has a large area subject to the same Class I price. For reasons stated earlier in this decision, a zone price structure with prices increasing from north to south is appropriate for this market. Alignment of zone prices with the New Orleans-Mississippi market is not difficult to achieve. The eastward extension of the existing Mississippi zone lines generally meets this objective, except for alignment with a group of 12 unregulated counties in northeastern Mississippi. However, a close alignment of the new order's price zones with the pricing in the Georgia market is not possible because the southern two-thirds of the Georgia marketing area (which covers most of the State) has a Class I differential of $2.30. Therefore, any attempt to align prices in southern Alabama and West Florida with both the Georgia price and the New Orleans-Mississippi price will not be successful. Nevertheless, a pricing structure must be provided for the new order within the constraints imposed by the above conditions.

The price structure proposed by AMP is a reasonable approach to reconciling the problems of price alignment in this market. The Eau Claire price adjusted to Birmingham at the 1.5-cent rate would be approximately $2.42, while the Nashville price adjusted to Birmingham by the same rate would be $2.14. The AMP proposal for a $2.30 Class I differential for the base zone at Birmingham represents a compromise between the national pricing system and the adjusted Nashville price. Moreover, a $2.30 differential at Birmingham would provide good price coordination on an east-west basis with the existing Federal order Class I differentials of $2.30 at Atlanta, Georgia, and Columbus, Mississippi. Therefore, $2.30 is a reasonably appropriate Class I differential for the region surrounding Birmingham. It should be reasonably adequate as a minimum Federal order price, together with the zone pricing structure adopted herein, to attract sufficient supplies of milk for the market.

The Class I price adopted for the order should be reviewed within 18 months of the date the order becomes fully effective. By such time, data relative to milk supplies and sales in the market will have been accumulated. This will allow for a careful re-examination of the appropriate Class I price level for this market at a public hearing.

The zone delineations proposed by AMP are only slightly different from the existing price zones as defined by the Alabama Dairy Commission (ADC). The AMP plan places each major metropolitan area in a separate zone and the location adjustments between zones generally reflect the 1.5-cent per ten mile rate. The AMP plan also places all distributing plants located in Alabama in the same zone as under the ADC regulation, except for a plant in Dothan, Alabama.

DI proposed that the AMP zone plan be amended by (1) moving six Northwest Alabama counties (Marion, Winston, Cullman, Lamar, Fayette, and Walker) from Zone 2 to Zone 1; (2) moving Cherokee County, Alabama from Zone 1 to Zone 2; and (3) moving seven East Central Alabama counties

(Bibb, Chilton, Coosa, Clay, Randolph, Tallapoosa, and Chambers) from Zone 2 to Zone 3. Adoption of this proposal would affect only one plant, the DI Flav-O-Rich distributing plant at Fayette. This plant would shift from Zone 2 to Zone 1, lowering the Class I differential for the plant from $2.30 to $2.10. The proposal was based on an analysis of retail sales patterns revealed in a sales survey which, according to DI, showed that the DI plan more accurately reflected the competition among handlers in the marketing area than the AMP proposal.

Meadow Gold, a fluid milk distributor, asked that Lee County, Alabama, be placed in Zone 2 rather than Zone 3 as proposed by AMP. This proposal would lower the Class I differential applicable at Meadow Gold's Opelika plant from $2.45 to $2.30. The Meadow Gold proposal was based on an analysis of data on sales patterns which purported to show that placing Lee County in Zone 2 would more accurately describe the market in which the Opelika plant competes for fluid milk sales.

The DI and Meadow Gold proposals refect the premise that pricing zones should represent the geographic region in which handlers compete for fluid sales. However, competition among handlers cannot be the sole criterion for drawing zone lines because the primay function of the Class I differential in Federal orders is to attract an adequate supply of milk for the fluid market.

The record indicates that in 1978 less than one-half of the milk needed for the fluid market in Alabama came from Alabama producers on an annual basis. Therefore, it is reasonable to conclude that handlers in the Alabama-West Florida market vigorously compete among themselves and with handlers in other markets for supplies of raw milk produced both within and outside of Alabama. In this circumstance, Class I prices at various plant locations must reflect the economic value that milk has to handlers at those locations.

Under the Class I price structure adopted herein for the market Class I prices would increase from north to south. This gradation of prices would reflect the additional value that milk has at the various plant locations relative to the value of milk in the more northern areas, such as in Tennessee where milk supplies are much more plentiful than in Alabama. Handlers in Alabama generally rely on local milk supplies to the extent possible. It is necessary, though, to procure milk from the heavier production areas in Tennessee. Producers in the Tennessee areas cannot be expected, however, to make their milk available to handlers in the deficit production areas in Alabama unless there is a sufficient price incentive. This is related largely to the cost of moving milk.

The Class I prices that would apply at various plants throughout the marketing area thus would represent the value of an economic service to handlers by distant producers who bear the cost of moving their milk to the handlers' plants. This is the case even where a handler draws his entire supply from producers located near his plant. In the absence of any local supply, the handler would have to procure milk from other areas. Thus, the value of milk at that location necessarily must reflect the cost of obtaining milk from reserve supply sources. Also, the economic value of the local milk supply at a given plant location is related to the local producers' opportunity to ship milk to other plants where the price is higher. If the local price is too low relative to this "opportunity" price at other locations, the local supply will be attracted to other areas.

The DI proposal to place the Flav-O-Rich plant at Fayette in Zone 1 is denied. The $2.10 Class I differential that would result from adoption of the proposal would not reflect the general economic value that milk delivered to the Fayette location has. Distributing plants that are relatively close to the Fayette plant are located at Birmingham, Alabama, and Columbus, Mississippi. The Class I price differential at Birmingham, even under the DI proposal, would be $2.30. Similarly, the Class I differential at the Columbus plant, which is regulated under the New Orleans-Mississippi order, is $2.30. Since all three locations lie generally on an east-west line, it is reasonable to establish a Class I differential of $2.30 at the Fayette location. A lower price at Fayette could jeopardize the attraction of adequate supplies at that location over the long run.

The Meadow Gold proposal to move Lee County, Alabama, from Zone 3 to Zone 2 also is denied. The record indicates that the Opelika plant obtains much of its milk supply from Alabama producers. It is presumed, then, that the Opelika plant is competing for local milk supplies with handlers located at Montgomery, Alabama, where a Class I differential of $2.45 would apply under the proposed order. It is recognized that a $2.30 differential applies under the Georgia order at a nearby distributing plant at Columbus, Georgia. However, over the long run, a $2.30 differential at Opelika could place the plant at a disadvantage in competing for raw milk supplies in its principal procurement area in Alabama.

The AMP proposal to create a special pricing provision for a plant at Dothan, Alabama, is adopted. The order should designate a separate Zone 4a that would be limited to Houston County, Alabama, where Dothan is located. This zone should have a plus 20-cent location adjustment rather than the plus 37 cents applicable in Zone 4. Although the proposals by DI and Meadow Gold also were in part premised on competition from unregulated or other order handlers, the 37-cent difference between Dothan and nearby Georgia handlers is substantially greater than the 15-cent difference between Opelika and Georgia handlers or the 20-cent difference between Fayette and the plant at Tupelo, Mississippi, which has been regulated under the Memphis order since July 1980.[5] Prior to July 1980, the plant at Tupelo was an unregulated plant. The special provision included for Houston County reduces the difference between the Georgia Class I differential and the Alabama-West Florida Class I differential applicable at Dothan to 20 cents, which is similar to the position of other Alabama-West Florida handlers who compete with other order handlers.

Out-of-area location adjustments. The Class I price at plant locations outside the marketing area should be the Class I price for Zone 2 plus or minus the following location adjustments:

(1) For a plant located in the Tennessee or Georgia counties included in the Tennessee Valley marketing area or Bledsoe County, Tennessee, the adjustment should be minus 20 cents ($2.10 Class I differential);

(2) For a plant located in the Nashville marketing area or Franklin, Grundy, Lincoln, Moore or Van Buren Counties in Tennessee, the adjustment should be minus 45 cents ($1.85 Class I differential);

(3) For a plant located outside the marketing area and north of a line extending through the northern boundaries of Georgia, Alabama and Mississippi and not located in the areas covered by paragraphs (1) and (2) above, the adjustment should be minus 20 cents and minus an additional 1.5 cents for every 10 miles or fraction thereof that such plant is from the nearer of the City Hall in Florence or Huntsville, Alabama;

(4) For a plant located outside the marketing area and south of the line

[5] Official Notice is taken of the Announcement of Uniform Prices for the months of July 1980 through May 1981, Memphis, Tennessee, Marketing Area, issued by the Market Administrator, P.O. Box 4225, Little Rock, Arkansas 72214.

through the northern boundaries of Georgia, Alabama, and Mississippi, and not in the State of Florida or the Georgia counties listed in paragraph (1) above, the adjustment should be the adjustment applicable at Mobile, York, Tuscaloosa, Florence, Huntsville, Gadsden, Opelika, or Dothan, Alabama, whichever is nearest; and

(5) For a plant located outside the marketing area and in the State of Florida, the adjustment should be plus 55 cents ($2.85 Class I differential).

AMP was the only party that proposed out-of-area location adjustments. AMP's objective in drafting the out-of-area location adjustment proposal was to align the Alabama-West Florida prices with the minimum prices in surrounding Federal orders so that the implementation of a Federal order in Alabama would not disrupt established marketing arrangements. The adjustments adopted by this decision follow closely the AMP proposal. However, the adjustments adopted for the Nashville and Tennessee Valley marketing areas are different.

The Nashville marketing area and the unregulated counties in South Central Tennessee outside the Tennessee Valley order are major sources of fluid milk for the proposed marketing area. For this reason, the Class I price applicable at plants in the Nashville marketing area and five unregulated counties must be low enough to reflect the cost of moving milk south into Alabama. The AMP proposal would have established a Class I differential of $2.10 for much of this area, including DI's plant at Lewisburg, Tennessee. However, this price would not recognize the cost of transporting milk into Alabama and would not encourage the movement of milk from a supply or balancing plant to distributing plants in the marketing area. For this reason, the location adjustment for this area should provide a Class I differential of $1.85, which is 25 cents lower than the adopted differential at Huntsville, Alabama. This 25-cent difference should provide an incentive for producers in South Central Tennessee either to deliver their milk to plants located in Tennessee but pooled on the Alabama-West Florida market and save hauling costs to Nashville or to ship directly to plants in the proposed marketing area and receive the higher price. The $1.85 Class I differential is identical to the Nashville Class I differential which provides for a uniform value of fluid milk in South Central Tennessee.

The decision calls for a minus 1.5-cent per ten miles adjustment for plants located north of the marketing area and not covered by any other location adjustment provision. This would align the Alabama-West Florida Class I price with the lower Class I prices under other Federal orders to the north that are nearer to the Nation's reserve supply area.

Location adjustment credits. In conjunction with its pricing proposal, AMP proposed that a pool plant transferring fluid milk products in bulk form for Class I use to a pool distributing plant at which a higher Class I price applies be accountable for such products at the higher price applicable at the transferee-plant. Under the proposal, however, transferor-plants would receive a location adjustment credit against the higher price equal to the difference between the Class I differentials applicable at the two plants. This was intended to encourage the movement of milk to market centers for Class I use.

When the operator of a supply plant located in an outlying area ships milk to a distributing plant where a higher Class I price is applicable, the supply plant operator cannot pay both the higher price and the transportation costs for hauling the milk to the distributing plant. Thus, a lower Class I price is needed at the supply plant location to reflect the cost of moving the milk to the distributing plant. Such price reductions, however, reduce the total value of the pool. In addition, if supply plant milk replaces local milk going to a distributing plant for Class I use, this further reduces the total pool value. Thus, shipments from outlying supply plants to distributing plants should be made only when such shipments are necessary to meet the fluid milk needs of distributing plants.

Therefore, the limitations on location adjustment credits proposed by AMP are adopted. These provisions limit the amount of location adjustment credits to the transferee-plant's Class I sales that remain after subtracting receipts of milk from producers, cooperative bulk tank handlers, and packaged fluid milk products from other pool plants. Unnecessary transfers are further discouraged by the provision which gives priority in receiving credits to transferor-plants located nearest the transferee-plant. The adopted location adjustment provisions complement the zone price structure as a means of encouraging the movement of bulk fluid milk products to centers of demand for Class I use. However, the provisions will not give price credits to cover unnecessary hauling of milk between pool plants for other than Class I use.

Class III price. The Class III price should be the basic formula price for the month, as proposed by the order proponent.

Reserve milk disposed of in manufactured product uses should be priced at a level that will result in the orderly disposition of all excess supplies. Establishment of a price too high to clear the market of milk excess to fluid requirements would interfere with the orderly marketing of milk for both processors and producers. Fixing a price too low would encourage handlers to associate additional supplies with the market simply to obtain low-cost milk for manufacturing uses.

The Minnesota-Wisconsin price is the best available indicator of the value of milk used in butter, nonfat dry milk, and cheese, which are usually the last-resort uses for surplus milk. The M–W price is an average of the prices being paid by processors of these products who are meeting the competitive test of the unregulated marketplace. Use of the M–W pay price series for the Alabama-West Florida market will provide consistency between this order and other Federal order markets which also use the M–W price series as the basic formula price for pricing Class III milk. In addition, it achieves parity between regulated and unregulated plants since it provides the regulated manufacturer with essentially the same margin for processing as is experienced in the unregulated market.

Class II price. The price for Class II milk should be the basic formula price for the month, plus 10 cents. This price level, which was proposed by the order proponents, will obtain for producers some extra return for producer milk used in Class II products above its value in other manufactured dairy products.

Producers should be compensated for making high-quality milk available to handlers on a steady basis for use in Class II products. Experience in Federal orders throughout the country has shown that milk used in Class II can be priced somewhat higher than the Minnesota-Wisconsin price without impairing the market for producer milk. A 10-cent differential, as proposed, together with the Class I differential, will help to insure producers of a uniform price which will compensate them for the production of a steady supply of high-quality milk.

The order should not provide for advance Class II milk pricing as proposed by handlers. Under that proposal, the Class II price each month would be based on the Minnesota-Wisconsin price for the second preceding month. The proposal was supported on the basis that handlers are disadvantaged if they do not know the

raw product cost before they price and sell finished Class II milk products. The handler witness who testified on the proposal urged that it be adopted on the basis of evidence presented at the hearing.

At the hearing, the order proponent's spokesman stated a concern that the Class II price provisions of a new order for the Alabama-West Florida area should be the same as in surrounding markets to the east, north, and west. These orders are among a group of 29 orders that were involved in litigation concerning a denial of advance Class II pricing at the time uniform classification provisions were adopted for these orders in 1974. At the time that the hearing was being held on the Alabama-West Florida order, handlers in other areas were being invited to submit proposals for consideration at a contemplated hearing related to the pricing of Class II milk in the 29 orders. Thus, there was an expectation in the industry that a hearing would be held to consider the advance Class II pricing issue for this group of markets.

The proponent cooperative's spokesman at the hearing on this new order expressed a desire that the findings from any such hearing for the 29 markets be applied to the consideration of Class II pricing for the proposed Alabama-West Florida order.

Dairymen, Inc., also indicated support for the concept of advance Class II pricing, but opposed adoption of the handler proposal. The Association did not want a Class II pricing formula for the new order that would differ from what might result from any hearing on this issue for the 29 markets. DI held the view, reiterated in its brief, that it would be better to have an additional hearing on that issue in this market after a decision had been issued for the 29 markets.

In its brief, AMP also stated support for advanced Class II pricing in principle, but urged adoption of its proposed Class II price provisions rather than the handlers' proposal.

Advance Class II pricing should not be adopted on the basis of the record in this proceeding. The record indicates that the parties in this proceeding agree in principle that the Class II price should be announced prior to the month to which the price applies. Moreover, there also is evident a strong desire for alignment of provisions with surrounding orders. However, it is not possible to achieve both ends in this proceeding under the circumstances involved in the Class II pricing issue. It is noted that a hearing was held on proposals to change the announcement procedures for Class I and Class II prices in the 29 markets, but the proceeding was limited to those 29 orders.[6] Therefore, the Department cannot incorporate into this proceeding the evidence and findings that arise out of the 29-market proceeding. Moreover, the procedure adopted for the 29 markets for announcing Class II prices differs considerably from the procedure proposed by handlers for the new order. Accordingly, the Alabama-West Florida order should provide that the Class II price be determined as proposed by AMP. Any coordination of the Class II price provisions with other orders should be on the basis of another hearing.

Butterfat differential. The order should have a producer butterfat differential equal to .115 times the average wholesale price of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. This differential was proposed by AMP and is common to most other orders.

A butterfat differential reflects the incremental value of milk containing more or less butterfat than the standard announced level. Weighted average and uniform prices under the order will be announced for milk containing 3.5 percent butterfat. Milk containing less than 3.5 percent butterfat will be worth less than the 3.5 percent price, while milk testing above 3.5 percent will be worth more than the announced price. This adjustment will insure equitable payments reflecting such variations in butterfat content of milk delivered by individual producers.

The butterfat differential adopted herein is the same as provided in a decision to adopt uniform classification provisions in 39 markets (this decision has previously been noticed). Since the classification provisions of that decision are adopted herein, it is appropriate to provide also for the same butterfat differential. This is clearly in line with proponent cooperative's intent in this regard.

Use of equivalent prices. If for any reason a price or pricing constituent needed by the market administrator, in administering the order is not available, the market administrator is authorized by the order to use an equivalent price or pricing constituent as determined by the Secretary. Including such provision in the order will leave no uncertainty with respect to the procedure to be followed in the absence of any data customarily used and thereby will prevent interruption in the operation of the order.

(d) *Distribution of proceeds to producers.* Marketwide pooling of producer returns should be provided in the order as the means of distributing among producers the proceeds from the sale of their milk. Such pooling method will assure each producer supplying the market a proportionate share of the market's total Class I sales.

Record evidence indicates that 21 fluid milk bottling plants will most likely qualify for pooling under the new order. Most of these plants are primarily fluid milk operations with apparently high levels of Class I utilization. However, the record also indicates that three of these plants conduct significant by-product operations in conjunction with their fluid milk bottling operations. Because of this, the Class I utilization will vary somewhat from plant to plant and from month to month. For instance, the handler operating a distributing plant at Gadsden, Alabama, indicated that such plant's Class I utilization ranged from a low of about 70 percent to a high of 88 percent. Hence, while most of the plants in the market are primarily fluid bottling operations and handle little or no surplus milk, others utilize varying proportions of their supplies for manufacturing purposes. Under these conditions, a marketwide pool will facilitate the orderly marketing of producer milk by removing disruptive competition by producers for the high Class I use outlets. Under individual handler pooling, the type of operations conducted at a plant would be a determining factor in the price the plant could pay its producers compared to other plants.

A marketwide pool also will make it possible for producer associations and pool plant operators to divert any weekly or seasonal reserves of milk to nonpool plants and maintain continuous producer milk status for such dairy farmers if their milk is needed to fulfill the year-round requirements of the market. This pooling technique will assist further in apportioning among all producers the lower returns from reserve milk in excess of the market's fluid requirements. In the absence of marketwide pooling, this burden would vary by individual plants and groups of producers.

A marketwide pool thereby will contribute to market stability and the maintenance of an adequate and dependable supply of producer milk at reasonable prices.

Computation of uniform price. A key feature of marketwide pooling is the computation of prices to pay producers.

[6] Official notice is taken of the Assistant Secretary's decision, Docket Numbers AO-10-A54, et al., issued July 8, 1981 (46 FR 36151).

Under the order adopted herein, which includes a seasonal base-excess plan, a weighted average price would be computed each month. During the months of August through February, the weighted average price would be the uniform price and would be used to pay producers. Essentially, such price is the weighted average value of all of the milk in the pool. It would be computed by adding together the classified use value (or total pool obligation) of all the handlers in the market. This total value is then divided by the amount of milk in the pool to arrive at a "uniform price" for producers.

In the months of March through July, uniform prices for base and excess milk would be computed by the market administrator. During each of these months, each producer would be paid on the basis of the producer's deliveries of base and excess milk. The following findings on the base-excess plan describe the computation of the uniform prices for base and excess milk and the computation of an individual producer's base.

In order to compute the uniform price or prices the market administrator must first receive a report of receipts and utilization from each of the handlers in the pool.

Under the proponent cooperative's proposed order, handler reports of receipts and utilization would have to be postmarked on or before the 5th day after the end of each month or be delivered in person not later than the 7th day of each month. A witness for the cooperative contended that such reporting dates were needed to provide the market administrator with sufficient lead time to receive all of the reports, compute the marketwide pool and announce the uniform price or prices by the 11th day of each month.

A spokesman representing five handlers who would be fully regulated under the proposed order stated that the dates included in the proposed order would not provide handlers sufficient time to accumulate the data necessary to file their reports of receipts and utilization. As an alternative, the handlers proposed that such reports be mailed by the 7th of the month instead of the 5th or delivered in person by the 9th day rather than the 7th as proponent suggested.

In support of the handlers' proposals, the spokesman testified that many handlers in the proposed area have one or more branch sales offices located in cities considerable distance from the office where the reports are filed. He stated that it takes considerable time to accumulate the sales information and transmit it to a central location from which the information for such report will be accumulated and submitted to the market administrator. He also testified that a mailing deadline of the 5th would create an impossible situation for handlers in certain months considering how the weekends and holidays fall. He also stated that delivery in person would be costly and time-consuming for distant handlers who failed to meet the 5th of the month mailing deadline.

The order should provide that a handler's report of receipts and utilization is due on or before the 7th after the end of each month. Based on the evidence in this proceeding, any such report mailed on the 7th by a handler who is expected to be subject to the new order should be received by the market administrator within two days. Such timing will provide the market administrator with sufficient time to receive the reports, review and correct them for obvious errors, compute each handler's value of milk at classified prices, compute the uniform price or prices, and announce such price or prices by the 11th day of the month.

The order should not specify a different due date if the report of receipts and utilization is delivered in person. Accordingly, such reports shall be considered to be made on time if they are postmarked on or before the date specified in the order. If a handler elects to hand-deliver the report, it must be so delivered to the market administrator not later than the due date.

Allowing handlers one full week to accumulate and submit their monthly reports of receipts and utilization will maximize the number of work days provided for the office staff to prepare such reports. For instance, if reports were due by the 7th, handlers normally would have a minimum of five work days to accumulate, prepare and mail their reports; otherwise, they could have as few as three days to get their information assembled and in the mail with a due date of the 5th.

The five handlers also proposed that the due dates of the 7th and the 20th for reports of base milk by handlers (on an aggregate and individual producer basis) be postmark dates. The order submitted by the proponent cooperative did not indicate whether the due dates for such reports were receipt or postmark dates. However, since all reports postmarked on or before the due date specified in the order will be considered to have been made on time, no change in the proposed language is needed and the intentions of handlers in this regard will be accommodated.

All of the other dates (for reports, price announcements, and payments) specified in the order should be adopted as they were proposed by the proponent cooperative. It should be noted that the Georgia Federal milk order provides the same sequence of due dates for such activities as are adopted herein. The Georgia marketing area is very similar to the marketing area defined herein, essentially statewide. Like this market, it has several key metropolitan areas and the remainder of the area is predominately rural. There is no reason to believe that the same sequence of dates would not provide adequate timing under this new program.

Also, it should be noted that the dates for reports and payments adopted herein are similar to those provided in other Federal orders in the Southeast which are nearby and adjacent to this marketing area. Under the arrangement provided herein, handlers under the new order will be meeting about the same deadlines with respect to these reporting functions as handlers under nearby orders. Likewise, producers covered by this order will receive their payments at about the same time as producers located in the same general area but who are covered under other Federal orders.

Producer-settlement fund. Marketwide pooling requires the use of an equalization (producer-settlement) fund which enables all handlers in the market to pay the minimum uniform price or prices to their producers.

Payments into the producer-settlement fund would be made each month by each handler whose total classified use value of milk exceeds the value of his milk at the uniform price or prices. Monthly payments out of the producer-settlement fund would be made to each handler whose use value is below the value of milk at the uniform price or prices for the market. This transfer of funds enables handlers with a use value below the average for the market to pay their producers the same uniform price or prices as handlers whose Class I utilization exceeds the market average.

As adopted herein, payments by handlers into the producer-settlement fund would be due by the 12th day of each month so that the market administrator could make payments out of the producer-settlement fund by the 13th day of each month.

Such timing will enable the market administrator to receive the money in the fund and make the payments out of the fund each month at the earliest feasible date. In the event that the balance in the producer-settlement fund on the 13th is insufficient to make the required payments out of the fund, the market administrator would reduce

uniformly such payments. However, the market administrator would complete such payments to handlers as soon as the necessary funds become available.

The payment schedule adopted herein following the announcement of the uniform price or prices has no slack. No one suggested, however, that a longer time be provided to accomplish these transactions. The primary concern of all interested parties in this regard at the hearing was that payments to producers not be delayed any longer than is absolutely necessary. The time schedule adopted herein recognizes the desires of interested parties in the market by providing minimal, but generally adequate transaction time between the filing of reports by handlers and the payment of individual producers to accomplish the necessary functions involved in marketwide pooling. It will require the cooperation of all handlers in the market to work properly. If problems in this regard develop, the issue could be explored at a future hearing.

Payments to producers and cooperative associations. Each handler under the order should pay each producer for milk received from such producer, and for which payment is not made to a cooperative, at not less than the applicable uniform price or prices. Provision also should be made for partial payments for milk received during the first half of the month.

Under the payment provisions adopted herein, a handler would be required to make a partial payment to producers who had not discontinued delivery of milk to such handler prior to the 25th day of the month for their producer milk deliveries during the first 15 day of the month. Such payment would be by the last day of the month and would be at not less than the Class III price for the preceding month or 90 percent of the preceding month's weighted average price, whichever is higher. Proper deductions authorized in writing by the producer could be deducted from the partial payment due such dairy farmer. If a producer discontinued shipping milk to a handler prior to the 25th day of any month or if a producer had no established base upon which to receive payments under the base-excess plan during March through July, the applicable rate for making partial payments would be the Class III price for the preceding month.

The order proposed by the proponent cooperative would provide that producers without bases be paid a partial payment for their producer milk deliveries during the first 15 days of the month at the same rate as producers who had established bases. This rate would be the higher of the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month. Paying producers who have no base and thus have only excess milk deliveries at the higher of these two suggested rates during the adopted base paying months of March through July could result in overpayments to such dairy farmers because the uniform price for excess milk would essentially be the Class III price. A partial payment for a producer's excess milk deliveries at 90 percent of the weighted average price for the preceding month could exceed the value of the milk at the uniform price for excess milk. The hearing notice included a proposal by five handlers to limit the partial payment to producers without bases in these months to the Class III price in the preceding month. Such a limit is appropriate for the foregoing reason and is incorporated in the partial payment provisions of the Alabama-West Florida order.

A similar overpayment problem could occur under the partial payment provisions proposed by the order proponent if a producer discontinues delivering milk to a handler shortly after the 15th day of the month. The order proponent recognized this at the hearing and suggested that the higher of the Class III price for the preceding month or 90 percent of the preceding month's weighted average price be paid only to producers who have not discontinued shipping milk to such handler prior to the 25th day of the month. DI suggested that producers who had not discontinued delivering milk to the handler before the 20th day of the month should receive their partial payments on the basis of the higher rate. In its brief, AMP supported DI's suggested date of the 20th.

It is concluded that the higher partial payment rate should apply only to those producers who have not discontinued shipping to the handler prior to the 25th day of the month. Providing a cutoff date of the 25th, as originally suggested by AMP at the hearing, will provide greater assurances to handlers that they will not overpay producers for their milk deliveries during the first 15 days of the month.

As AMP proposed, handlers would be required to pay producers on or before the 15th day of the following month at the applicable uniform price or prices for milk received from such producers in the preceding month. Final settlement for all of the producer's milk in the preceding month at the uniform price or prices would recognize the partial payment and any other proper adjustments verifiable by the market administrator.

Producers whose milk is covered under the rules and regulations of the Alabama Dairy Commission have been receiving their payments from the handlers buying their milk on or about the 20th day of each month for their deliveries during the first half of the month, and the final settlement for their deliveries during the month on or about the 10th day of the following month. In this connection, four independent producers proposed that handlers be required to pay producers a partial payment on the 20th day of each month for the producer's milk deliveries during the first 15 days of the month and a final payment on the 10th day of the following month for the producer's milk deliveries in the preceding month. This was proposed so that they would not have to wait an additional 5 to 11 days to receive their partial and final payments for milk.

Final settlement by such an early date a Federal order providing for marketwide pooling would not be possible. Handlers need a reasonable amount of time each month to file their reports of receipts and utilization with the market administrator. Likewise, the market administrator must, in turn, have adequate time to process such reports and compute the uniform price or prices. Time is also required for handlers to equalize their payments through the producer-settlement fund. The dates for producer payments provided in the attached order are the earliest practicable. Moreover, they are appropriate considering the reporting, equalizing and price computations that must take place prior to the final settlement with producers. In addition, as already indicated, the producers under this proposed new Alabama-West Florida order would receive the partial and final payments for their milk deliveries on or about the same date as other producers located in the same general area but covered other Federal orders.

In the event a handler has not received from the market administrator the full producer-settlement fund payment by the date such handler is required to pay producers, the handler may reduce the payments to producers on a pro rata basis. Such reduction should not exceed the amount of the underpayment. The handler would be required to complete the producer payments on the next date for making such payments following the receipt of the balance due from the market administrator.

Provision also is made in the attached order for a cooperative association to receive payment from handlers for milk of producers who elect to market their milk through such association. Providing for a cooperative association to collect payments due individual producers who have authorized the cooperative to collect such payments on their behalf will permit the cooperative association to reblend the proceeds from the sale of such milk, as authorized by the Act. Also, it will facilitate the cooperative's movement of milk among pool plants and disposal of reserve milk supplies to other plants for manufacturing use.

As provided in the attached order, each handler upon request should pay cooperatives the full amount due for producers' milk in lieu of payments to individual producers. Both the partial and final payments to a cooperative association should be made at least 1 day prior to the date payments are due to individual producers. This will enable cooperative associations to pay the producers for whom they market milk on the same day other producers supplying the market are paid.

The proposed order would have permitted cooperatives to collect payments only for the producer milk of its members. However, since proponent suggested that a cooperative could be a handler on milk of producers who are not members of such cooperative in addition to the milk of members, the association should be permitted to collect payments with respect to the milk of nonmember producers who have authorized the cooperative to collect such payments Such a payment procedure is appropriate in that it complements the treatment afforded the milk of producers for which the cooperative may be the handler. Accordingly, the new order will permit cooperatives to collect the payments due individual producers (members and other producers) for their producer milk deliveries.

In connection with providing for a cooperative to collect lump-sum payments due the individual producers, the proposed order included a provision that would require a written promise by a cooperative to reimburse the handler for the amount of any actual loss incurred by such handler because of an improper claim by the association. The order proponent testified that this provision was proposed to prevent a handler from paying for a producer's milk twice. He pointed out that if a producer's contact with the cooperative was terminated without informing the handler buying milk from such dairy farmer, and the handler pays the cooperative, a double payment on the milk could result. Since the producer would not be a member of the cooperative, the handler also would be obligated under the order to pay the individual producer for such milk. Under the cooperative's proposal, the association would be required to reimburse the handler for the amount of money the cooperative collected for a producer who had terminated a membership contract with the association.

The proposal thus was presented as providing some basis towards resolution of disputes that concern whether or not a producer is a member of a cooperative. The market administrator may make a determination as to who is marketing a producer's milk. However, except to the extent that a contract raises questions concerning qualification under the Capper-Volstead Act, disputes involving producer contracts with a cooperative association are not a Federal order concern. There are other procedures available to the parties at interest in the market to resolve such disputes. Since the record does not provide any other evidence that such a provision is essential, the new order need not include such a provision.

The proposed order did not specify a payment obligation on milk delivered to a pool plant by a cooperative association acting as a bulk tank handler. To be sure that all aspects of payments for producer milk are covered, the order should specify that pool plant operators shall pay a cooperative bulk tank handler at the uniform price or prices for the milk received from producers who have authorized the cooperative to collect payments for their milk. If such milk is paid for by the pool plant operator at the uniform price or prices, accounting for the milk under the order will be simplified considerably. This method of payment will facilitate any adjustment required when audit by the market administrator discloses an error in classification.

Payments to and from the producer-settlement fund for milk delivered to a pool plant by a cooperative bulk tank handler will be made directly between the pool plant operator and the market administrator. This procedure will place the responsibility for accounting for such milk and for its payment directly on the pool plant operator who processes the milk. If settlement were made through the cooperative association, i.e., when a pool plant operator settles with the cooperative at class prices and the cooperative pays into or collects from the producer-settlement fund, an unnecessary third party is entered into the transaction. By eliminating the cooperative as an intermediary between the pool plant operator and the market administrator with respect to transactions involving the producer-settlement fund, problems of financial responsibility, enforcement and subsequent audit adjustments will be greatly reduced.

For the foregoing reasons, the attached order would require a pool plant operator to pay the cooperative at least one day prior to the last day of the month for milk delivered to such plant during the first 15 days of the month by a cooperative bulk tank handler. The same partial payment rate that handlers pay individual producers would be used by handlers to make partial payments to cooperatives.

By the 14th day of the following month, a pool plant operator would be required to make final settlement with the cooperative for the producer milk delivered to such plant in the preceding month by the cooperative as a bulk tank handler at not less than the appropriate uniform price or prices.

The attached proposed order provides that at the time final settlement is made for milk received from producers during the month, the handler is required to furnish each producer (or cooperative association) a supporting statement. This statement would indicate the month and identity of the producer, the daily and total pounds and average butterfat content of producer milk received from the producer, the minimum rate of payment required under the order, the rate used if it is other than the minimum rate, the amount and nature of any deductions, and the net amount of payment to such producer or cooperative.

Base and excess plan. A seasonal "base and excess" plan should be incorporated in the new order.

The purpose of a base-excess plan is to provide an incentive for producers to even out their milk production throughout the year, i.e., to encourage production in the months of seasonally low production and discourage excess production in the months of seasonally high production.

Associated Milk Producers proposed that a seasonal base-excess plan be used to distribute to producers the returns from the sale of their milk. In support of its base plan proposal, a witness testified that dairy farmers supplying the Alabama market are accustomed to base plans because they have been operating under some type of base or quota plan for at least 20 years. Producers in Alabama previously were

covered by a quota plan under the Alabama Dairy Commission, which was declared illegal by the U.S. Fifth Circuit Court of Appeals in New Orleans. After the quota regulations were struck down, the cooperative operated a similar plan for its members. The cooperative indicated that it was using a 12-month base plan, which was similar to the quota plan, to pay its members at the time of the hearing. The witness also stated that the cooperative was shifting to the seasonal base plan the association was proposing for adoption in the new Alabama-West Florida order on August 1, 1980. He further testified that in his opinion, the proposed market's favorable seasonal production pattern primarily was the result of the existence of some type of base allocation program that encouraged more milk to be produced when fluid sales were high and discouraged excess milk production during the high milk production season.

Dairymen, Inc. (DI), supported the adoption of the seasonal base-excess plan proposed by AMP and essentially for the same reason, i.e., to maintain the market's favorable seasonal production pattern. A witness for DI testified that the cooperative operates a similar seasonal base plan for the members in the Alabama District of its Nashville Division.

At least one proprietary handler in Alabama also was operating a seasonal base and excess plan for its independent producers at the time of the hearing. A producer who sells his milk to such handler testified that he is paid for his milk deliveries in certain months in accordance with the terms and conditions of that plan. He stated that the base plan encourages him to produce more milk in the fall months when milk supplies in Alabama generally are short relative to the market's Class I needs. In this opinion, the base plan provides producers an incentive to tailor their feeding and breeding programs to achieve more level milk production throughout the year by encouraging more milk to be produced in the fall and less in the spring, thereby maximizing their returns under the order.

Southern Milk Sales (SMS) opposed the adoption of a base plan for the Alabama-West Florida market. A witness for the cooperative stated that the blend price for this high Class I utilization market would provide adequate incentives for producers to adjust their production patterns to receive the greatest returns for the sale of their milk, i.e., new producers will enter the market in the fall and established producers will gear their herd management toward fall production when such prices are high.

A base-excess plan should be included for the proposed Alabama-West Florida market. The Alabama market has developed a good seasonal milk production pattern over the years. Nevertheless, milk production for the market does fluctuate seasonally with supplies generally increasing in the spring and declining in the fall. The base plan will provide a means of encouraging a level seasonal production pattern so that the good seasonal coordination between milk supplies and Class I sales will be maintained.

The record indicates that some producers in Alabama have attempted to gear their feeding and breeding programs toward more milk production in the fall months of September and October when Alabama experiences a period of extreme heat and humidity. Because of the heat stress conditions during this time of year, milk production is a little more difficult for dairy farmers in Alabama than in some other areas of the country. To maintain their production level in these months, dairy farmers must manage their herds to bring more cows into production at this time. According to testimony presented at the hearing, a cow that is freshened in the high stress period (September or October) will never produce as much milk, due to the high temperatures, as a cow that is freshened in the spring when cooler temperatures generally prevail. In addition, cows will graze less in the early fall months as pasture conditions deteriorate because of the hot weather than they do in the spring.

Hence, to achieve and maintain level production throughout the year, producers incur certain economic costs by managing their herds in this manner as opposed to what might be the more natural cycle of cows freshening and producing milk for the Alabama-West Florida market.

Milk production and Class I sales have been in fairly good balance in the proposed market, although it is noted that much of the market's supply originates on farms located outside the marketing area. Data gathered by the Alabama Dairy Commission were presented at the hearing to indicate the market's favorable production-sales relationship. they indicated some seasonal fluctuations in production and Class I sales. For example, on the basis of 4-year (1976–79) averages, the relationship between the daily average producer milk supply and the daily average Class I sales ranged from a low of 109 percent in November to a high during the flush milk production months of 117 percent in March.

These data indicate a very small seasonal variation in milk production and Class I sales. However, it should be noted that not all of the milk diverted off the market by Alabama licensed handlers has been priced and pooled under the regulations of the Alabama Dairy Commission, which tends to indicate a more favorable production-sales pattern than would be expected under the Federal order.

If there is a large seasonal variation in milk production and Class I sales, serious marketing problems could be created for producers and especially for cooperatives supplying the market. These problems are centered on obtaining adequate supplies of milk for handlers' fluid needs in the months when milk production is short relative to the market's fluid needs and disposing of excess supplies during the months when milk production is more than adequate to meet the market's Class I needs.

For example, if milk production declines too much in the months when the fluid demand is high (September-January), the cooperative likely would need to import additional milk from beyond the local supply area to meet the market's fluid needs. Encouraging producers to supply the market's fluid needs in the short supply season would reduce the cost associated with purchasing milk produced in distant locations and transporting it to the market to fulfill the Class I demand of plants and consumers in this market. Such movements could involve considerable distances and therefore would be more costly in the future if fuel prices continue to rise.

Conversely, if milk production increases to much in the months when the fluid demand is low, the disposition of milk that is excess to the market's fluid needs would become a burden for producers and cooperatives because there is limited manufacturing capacity in the local area. There are only two relatively small plants in Alabama (other than soft-product plants) that manufacture milk. Hence, if excess milk supplies are generated, such milk must be transported to manufacturing plants located considerable distance from the major consumption centers in Alabama. The costs of such transportation are borne primarily by cooperatives.

Thus, producers, handlers and consumers would benefit from a low variation in milk production by minimizing the costs of obtaining additional supplies in the short production months and through reduced

costs of marketing excess milk production associated with the fluid needs in the flush production months. In view of the foregoing, adoption of a base-excess plan for the new Alabama-West Florida market is appropriate for the purpose of maintaining reasonably level milk production throughout the year.

This issue concerns essentially just producers in that it deals with how the pooled value of milk would be divided among the producers supplying the Alabama-West Florida market. In such case, the views of producers are an important consideration. The record in this proceeding clearly shows that a majority of producers who will be supplying the new market prefer a base-excess plan as a means of distributing the returns for milk among producers.

The base-excess plan adopted in this decision is very similar to that proposed by the order proponent. Each producer would be assigned a base computed by dividing the producer's total pounds of producer milk in September through January (the base-forming period) by the number of days' production represented in such producer milk deliveries or by 120, whichever is more. A single delivery by a producer on every-other-day delivery would be considered two days' production in computing a base.

If a producer operates more than one dairy farm, a separate base should be computed for each such dairy farm. The proposed base-excess plan included in the hearing notice did not cover this point. However, the witness for the proponent of the order testified that in such cases, he preferred that a separate base be computed for each dairy farm of a producer. The order would provide a guideline to cover this type of situation.

As proposed by AMP, the months of September through January should be the base-forming period. It is during these months that milk production tends to be low relative to Class I needs. In order to establish a production level for which they will receive payment at the higher uniform price for base milk in the base-paying months, producers will tend to establish a higher level of production in the base-forming months. The uniform (weighted average) price would be the minimum order price payable to producers for producer milk delivered during the base-forming months of September through January. Such price would also be payable to producers in the months of August and February which would be neither base-forming nor base-paying months.

The base-paying months should be March through July, as proposed. These months form a period when milk production generally is high and Class I utilization of milk is low. Thus, it is a period when the base plan should discourage excessive production. This would occur because during the base-paying months, payments to producers would reflect a lower price for any excess producer milk delivered to the market. Thus, the operation of the base-excess plan should serve to maintain, or perhaps improve, the seasonal production pattern that producers desire.

"Base milk" would be the producer milk of a producer in each month of March through July that is not in excess of the producer's base multiplied by the number of days in the month. "Excess milk" would be the producer milk of a producer in each month of March through July in excess of the producer's base milk for the month. Excess milk would include all of a producer's milk deliveries during March through July if such dairy farmer has no base.

The market administrator each year would compute a new base for each producer and, by February 28, would notify each producer and the handler receiving the milk from such dairy farmer of the producer's base. The market administrator would also notify a cooperative, if requested, of the amount of base assigned to each producer-member.

In computing the uniform prices for base and excess milk, Class III producer milk would be assigned to excess milk first. If Class III producer milk in the market exceeds the pounds of excess milk deliveries by producers, the uniform price for excess milk will be the Class III price. In such case, the additional value for the remaining Class III producer milk as well as the values for Class I and Class II producer milk will be reflected in the uniform price for base milk.

As proposed by producers, the uniform price for excess milk should not be subject to a location adjustment. Since excess milk would represent basically producer milk classified in Class III (milk for manufacturing uses) to which no location adjustment is applicable, the uniform price for excess milk should not be subject to a location adjustment. There is essentially no difference in the location value of milk for Class III uses. The Class III price under the Alabama-West Florida order and other Federal milk orders is equal to the average price per hundredweight for the month of manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin. If a location adjustment were applied to the uniform price for excess milk, it could result in applying an excess price to the producer milk at various plant locations that is less than the value of manufacturing grade milk delivered to those same plant locations.

A producer generally would deliver milk continuously throughout the base-forming period. However, because of various circumstances (e.g., storm damage at the farm or to roads, temporary suspension of a health permit or temporary loss of market when cut off by a buying handler), a producer may be off the market for a limited number of days during the base-forming period. In recognition of this, it was proposed that producer who delivered at least 120 days' production during the base-forming period would have average daily deliveries computed on the same basis as a producer who delivered continuously throughout the entire period (by dividing the total producer milk deliveries by such dairy farmer during the five-month period by the number of days' production represented in such deliveries).

The requirement that a producer supply the market in the base-forming months in order to earn a base provides an incentive to ship to the Alabama-West Florida market instead of to other markets in the months when production is low relative to the demand for Class I milk. A producer who ships at least 120 days' production during the five-month base-forming period can reasonably be considered as being fully associated with the market. A producer who delivered less than 120 days' production should have a base determined by dividing total production in the base forming period by 120. Thus, a producer who may have been supplying the Class I needs of another market for a substantial part of the base-forming period would receive a base that reflects the producer's contribution toward supplying the fluid needs of the Alabama-West Florida market in such period.

The hearing notice included a proposal by four independent dairy farmers requiring that a producer ship milk at least 60 days during the base-forming period to establish a base. At the hearing, a spokesman for the four farmers stated that they had decided to withdraw the proposal from consideration. There was no other testimony on the proposal.

The application of the base-excess plan adopted herein to new producers is essentially that proposed by AMP. One type of new producer coming onto the market in the base-paying period could be dairy farmers who had supplied the fluid milk needs of another order market or an unregulated market in the base-forming period. Milk produced on their farms in the base-paying months that

becomes associated with the Alabama-West Florida market would represent production that is surplus to the Class I needs of the market with which they had been previously associated. It is appropriate, therefore, as provided herein, that in the base-paying months producers should receive only the excess milk price for deliveries of such milk under the Alabama-West Florida order.

In other instances, persons who have not previously supplied a Class I market may become new producers on the new Alabama-West Florida market. Included in this category would be dairy farmers who had previously been shipping manufacturing grade milk and persons starting new dairy farm operations. Before coming onto the market as a new producer, such a person would be expected to have anticipated in advance whether to begin shipping during the base-paying months of March through July or in any of the other seven months of the year. If the choice is to begin delivering as a new producer in one of the five base-paying months, presumably that decision would be made in recognition of the fact that the uniform price for excess milk would be received for milk delivered to the market in those months by producers without bases.

In some instances a "natural disaster" may cause a producer to suffer a significantly reduced rate of production or force such person to discontinue temporarily the production of milk. Unless provision is made in the order to give consideration to such occurrences in computing a producer's base, the producer would suffer an undue hardship. Thus, the order should specify certain conditions under which relief may be granted to a producer whose production was adversely affected in the base-forming period as a result of an occurrence beyond the control of such dairy farmer.

This can be achieved by providing that the base assigned to a person who was a producer within the preceding base-forming period may be increased to the producer's average daily producer milk deliveries in the month immediately preceding the month during which production was adversely affected by an allowable "hardship" condition. Such relief would be granted only after the producer submitted to the market administrator by March 1 a written statement that established to the satisfaction of the market administrator that the amount of milk produced on such dairy farmer's farm in the immediately preceding base-forming period was substantially reduced because of a condition beyond the producer's control, which resulted from:

(1) Loss by fire or windstorm of a farm building used in the production of milk on the producer's farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in the producer's milking herd, as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents the dairy farmer from supplying milk from the farm of such producer to a plant.

The conditions under which hardhip relief (in the form of an increased base) may be granted a producer encompass most natural disasters that could result in reduced production or in the temporary discontinuance of production on the producer's dairy farm. Such a standard will provide the market administrator the guidance necessary for applying the provision in an objective manner.

The base-plan provisions proposed by AMP would provide such hardship relief by assigning to the producer a base equal to 90 percent of the producer's average daily producer milk deliveries in the month immediately preceding the month during which the hardship occurred. The record is unclear as to the exact purpose of using the month specified and reducing the deliveries by 10 percent. Presumably the proposal attempts to provide a reasonable basis for establishing a base when a disaster has adversely affected a producer's output during the base-forming period.

However, an analysis of daily average milk deliveries by dairy farmer members of AMP during the base-forming months in 1978–79 reveals that daily average deliveries increased an average of 2.8 percent from month to month during August through December. Thus, computing such a base by allowing only 90 percent of a producer's deliveries during the preceding month most likely would provide a base smaller than the producer would have had absent the hardship condition. Based on conditions in this market, the daily average deliveries for the month preceding a disaster is appropriate for computing a base under hardship conditions.

If a dairy farmer's milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period, a base should be assigned to such person in the same manner as if the dairy farmer had been a producer during such entire base-forming period. Such base would be calculated from all of the dairy farmer's deliveries that would have been producer milk if the nonpool plant had been a pool plant during such September through January period.

The order provisions covering the situation described in the preceding paragraph are modified somewhat from what was proposed by the order proponent. The provisions adopted herein clearly specify which base-forming period would be used if a nonpool plant became a pool plant after the beginning of the base-forming period. They also specifically identify which producer deliveries would count toward establishing a base for such dairy farmer.

To acquire pool status under the order a plant must dispose of a certain percentage of its receipts on routes in the marketing area or to other pool plants. Hence, when a nonpool plant becomes a pool plant it will most likely add Class I sales to the pool relative to such sales in prior periods when it was a nonpool plant. It is appropriate, therefore, that those dairy farmers who had been supplying the plant have bases computed for them according to their deliveries to the plant in the base-forming period.

Bases so assigned to such producers should not be transferable. Such producers would be receiving bases without having incurred any of the economic costs that the market's regular producers incurred in adjusting their operations to achieve more level production. Thus, any income received from the transfer of such bases in essence would be windfall gains, which should not be permitted.

The base earned by an individual producer who supplied the market in the preceding base-forming period should be transferable. This will facilitate the transfer of property when a baseholder dies or when the farm of a baseholder is sold. It will also facilitate adjustment by those producers desiring to expand or contract their operations. However, proper safeguards should be provided so that the transfer provisions may not be exploited at the expense of producers regularly supplying the market.

The amount of a base transferred could be in its entirety or in amounts of not less than 300 pounds. These limits, which were proposed at the hearing, are administratively practicable and should be adequate under conditions in the Alabama-West Florida market.

The proposed order provisions did not specify that base may be transferred only to another dairy farmer. However, under the base plan provisions adopted herein, only a producer may establish base, and only producer milk could be base milk. Since a base is useful only to producers, only producers should be permitted to hold base. There was no testimony presented at the hearing to

indicate an intent that other persons should be permitted to hold base. Accordingly, the order provides in this regard that base may be transferred only to a person who is or will be a producer by the end of the month that the transfer is to be effective.

Base transfers would be effective on the first day of the month following the date on which an application for transfer is received by the market administrator. However, since producers may not know their bases until February 28, they should be permitted to transfer base effective March 1 if the transfer application is received by the market administrator on or before March 15 as the order proponent suggested. Such application would be requred to be on a form approved by the market administrator and signed by a baseholder or the legal representative of the baseholder's estate and the person to whom the base is to be transferred. If a base is held jointly, it would be required that the application be signed by all joint holders or the legal representative of the estate of any deceased baseholder. These provisions would insure that there will be no misunderstanding between the parties involved concerning transfers.

The base established by a partnership may be divided between partners on any basis agreed on in writing by them if written notification of the agreed upon division, signed by each partner, is received by the market administrator prior to the first day of the month in which the division is to be effective. This will facilitate the division of the assets of a partnership that is dissolved during the base-paying period. On the other hand, it will in no way affect the total quantity of base milk in the pool, irrespective of the manner in which the division of the base is made between the partners.

Likewise, two or more individual producers who establish bases separately and decide to form a partnership should be permitted to combine their bases. Although the proposed order would not have provided this, the new order is drafted to accommodate this situation. The combination of individual bases by producers forming a partnership would not affect the quantity of base milk in the pool.

A producer who on or after March 1 transferred all or part of the base held would not be permitted to receive other base by transfer that would be applicable within the March–July period of the same year. Also, a producer who received base by transfer on or after March 1 would not be permitted to transfer a portion of the base assigned to such dairy farmer to be applicable within the March–July period of the same year, but would be permitted to transfer the entire base. Adoption of these provisions will tend to insure that the exchange of bases between producers are bona fide transfers. Absent such provisions, the transferring of bases back and forth by two or more producers throughout the base-paying period could result in unwarrantedly increasing their share of the total payments under the order for producer milk at the expense of all of the other producers.

The first base-forming period under the proposed order is expected to be September 1982 through January 1983. Complete data would be available at the end of that period to compute bases. It would be appropriate, therefore, to delay application of the base and excess payment provisions of the order until March 1, 1983.

(e) *Administrative provisions.—Charges on overdue accounts.*

The order should provide a charge on all handler obligations to the market administrator that are overdue. Such charge should be 1.5 percent per month and should apply on the first day that a payment is overdue and on the same day of each succeeding month until the obligation is paid. Payments subject to the charge would be those due the market administrator for the producer-settlement fund, order administration, marketing services, and audit adjustments.

Proponent proposed that unpaid handler obligations to the market administrator be increased 1.5 percent for each month or portion of a month that such obligation is overdue. The AMP spokesman stated that the intent of the proposal was to encourage prompt payment of handler obligations to the market administrator. The proponent's witness also testified that 18 percent was about the going annual rate for short-term (business) loans at the time of the hearing.

It is essential to the effective operation of the order that handlers make their payments to the market administrator on time. Under the marketwide pooling arrangement, it is necessary that handlers with Class I utilization higher than the market average pay part of their total use value of milk to the producer-settlement fund. Through this means, money is made available to handlers with lower than average Class I utilization so that all handlers in the market, irrespective of the way they use the milk, can pay their producers the uniform price. The success of this arrangement depends on the solvency of the producer-settlement fund.

Also, the prompt payment of amounts due the administrative and marketing service funds is essential to the performance by the market administrator of the various administrative functions prescribed by the order. Delinquent payments to these funds could impair the ability of the market administrator to carry out his duties in a timely and efficient manner.

Payment delinquency also results in an inequity among handlers. Handlers who pay late are, in effect, borrowing money from producers. In the absence of any late-payment charge that approximates the costs of borrowing money from commercial sources, handlers who are delinquent in their payments have a financial advantage relative to those handlers making timely payments.

It should be noted that late-payment charges are not a substitute for prompt payments by handlers. Those delinquent in their obligations would still be subject to legal enforcement action as authorized under the Act.

Under the provisions adopted herein, overdue handler obligations that are payable to the market administrator would be increased by 1.5 percent on the day after the due date. Any remaining unpaid portion of the original obligation would be further increased by 1.5 percent on the same date of each succeeding month until the obligation is paid. The late payment charge would apply not only to the original obligation but also to any unpaid charges previously assessed. Also, the charge should apply whether the obligation is paid 1 day late or 10 days late, and should be applicable to both fully regulated and partially regulated handlers alike.

The order need not provide that the dates when payments to the market administrator are due be moved back whenever such a due date falls on a Saturday, a Sunday, or a national holiday. A group of handlers proposed that when a payment to the market administrator is due on a Saturday, a Sunday, or a national holiday, such due date be shifted to the next day that the market administrator's office is open for business, and payments received after the due date would be considered as having been made on time if postmarked not later than the second day prior to the due date. In support of the proposal, a handler spokesman testified that the purpose of the proposal was to assure that payments made in good faith by a handler and postmarked at least two days prior to the due date would not

result in assessment of a late-payment charge.

The handlers' intent can be accomplished without adding a specific provision by making it clear that the payment due dates in the order shall be considered as having been met if the envelope bearing the payment is postmarked not later than the due date. Obviously, monies hand delivered to the market administrator by the due date would not be subject to a late payment charge. Recognizing the U.S. Postal Service postmark for payment compliance purposes should serve to alleviate the concerns addressed in the proposal. If other related problems develop, the issue could be considered at a future hearing based on actual operating experiences.

Marketing services. The new order should provide for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator, and the cost should be borne by producers for whom the services are rendered. However, any cooperative association, if approved for such activity by the Secretary, may perform such services for its producers in lieu of having the market administrator perform the services.

AMP proposed that a marketing services provision by included in the new order and that it be funded by an assessment of 7 cents per hundredweight of production to be paid by the producers for whom the market administrator performs the prescribed services. The cooperative's spokesman testified that the 7-cent rate should provide adequate funds for the market administrator to provide marketing services to nonmembers, based on an analysis of the expense of such programs in other markets. Also, he noted that the rate provided in an order is a maximum rate that can be reduced by the Secretary if experience shows that the services can be provided for a lesser amount. He stated that a marketing services provision is needed because producers who are not members of a cooperative do not have such a program provided and that such producers would benefit from such services.

Several producers who were not members of a cooperative testified in opposition to including a marketing services plan in any order adopted for the proposed marketing area. Two key points were raised in such testimony. Most felt that the 7-cent rate was excessive and would reduce their returns unnecessarily. Also, most such producers expressed the view that a marketing services program was not warranted because, to their knowledge, they had experienced few, if any, probems of inaccurate weights and tests.

One producer, however, stated that the marketing services assessment rate appeared to be quite reasonable. Also, he expressed the view that the benefits of verified weights and tests could easily exceed the cost. He did, however, state that he would prefer to have an option of whether or not to participate in the marketing services program.

Another producer, speaking for more than 50 other producers, suggested a marketing services option on a plant by plant basis. He suggested that producers shipping to a plant would have to approve participation in a marketing services program before the market administrator would verify milk weights and butterfat tests of their milk deliveries to that plant. Still another producer testified that nonmembers should be allowed to do their own verifying of weights and tests. He indicated that he planned to build his own lab for such purpose.

The record clearly discloses that within the proposed marketing area, there is no governmental or regulatory agency that regularly checks the weights and butterfat tests of dairy farmers' milk to verify that they are paid for the milk on the basis of accurate farm weights and butterfat tess. State agencies in both Alabama and Florida regularly test milk from dairy farms for butterfat content. However, such tests are not used to resolve disputes between dairy farmers and plants, or for the purpose of establishing that dairy farmers are paid for the actual quanties of milk and butterfat delivered to plants.

Accordingly, the Alabama-West Florida order should provide such services for such producers. A maximum rate of 7 cents per hundredweight appears to be a reasonable amount to assess producers to cover the expenses of conducting the program. If the marketing services program can be operated satisfactorily for less money, the Secretary may reduce the effective rate without holding a hearing.

However, the suggestion that marketing services be provided on an optional basis cannot be adopted. The Act specifies that if a marketing service provision is included in an order, it must apply to all producers under the order. Likewise, while a laboratory operated by a producer could provide the producer with a check on butterfat tests, this in not what the Act contemplates as "verification of weights, sampling, and testing of milk purchased from producers." Tests performed in a producer's own laboratory could not be recognized as adequately fulfilling the marketing services requirement. Marketing services for producers who are not members of a cooperative that provides such services must be performed by the market administrator or under the market administrator's direction.

There is a need for a marketing service program in connection with the administration of a Federal milk order for the Alabama-West Florida area. The weighing and testing of the milk of all producers is closely related to the main provisions of the order, which are the classification and pricing provisions. The latter provisions are the basis of the computation of the minimum uniform price payable to producers.

The order requires all regulated handlers to submit to the market administrator each month a report showing the total quantity of skim milk and butterfat received from producers and the utilization of such skim milk and butterfat in the three price classifications provided. To verify that a handler has reported all receipts and disposition correctly and to insure that producers receive proper payment for their deliveries, the market administrator audits each handler's operation. The quantity of skim milk and butterfat received by a handler must balance, of course, with the quantities of skim milk and butterfat in the products processed and disposed of by the handler. This requires the availability of the weight and butterfat test of each producer's deliveries.

Milk produced on a handler's own farm should be exempt from marketing service deductions, even though it is subject to other provisions of the order. There are no payments to other persons on such milk. Hence, there is no need to provide the same marketing services as are provided other producers.

The other service provided, that of furnishing market information, is designed to keep the producer informed of developments that might affect such producer's price or market outlet in order that the producer may better evaluate marketing conditions. The objective of the program is to aid producers to achieve and maintain orderly marketing conditions for their milk.

In the case of producers who market their milk through a cooperative association, the Act authorizes such cooperative to perform these marketing services, and the costs of these services normally are borne by such producers through membership dues.

Expense of administration. Each handler should be required to pay to the market administrator a proportionate share of the cost of administering the order. For this purpose, a charge of 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, on producer milk (including milk of such handler's milk so assessed under another Federal order) is provided.

The market administrator must have sufficient funds to administer properly the terms of the order. The Act provides that the cost of administration shall be financed through an assessment on handlers. A principal function of the market administrator is to verify the receipts and dispositions of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of milk received from dairy farmers (including milk diverted to nonpool plants) and on other source milk allocated to Class I milk.

The proposed order provides that a cooperative shall be the handler on milk it delivers in tank trucks from producers' farms to pool plants of other handlers. The cooperative is the handler on such milk basically for the purpose of making payments to its individual members. For pricing purposes, however, the handlers that receive such milk at their plants would treat it the same as any other direct receipts from producers.

The market administrator must verify by audit the receipts and utilization at each pool plant whether the plant operator buys milk directly from producers or through a cooperative as a bulk tank handler. Thus, the pool plant operator receiving such milk should pay the administrative assessment on it on the same basis as for producer milk received at the plant. The cooperative bulk tank handler would be liable only for the administrative assessment on the quantity of milk picked up at producers' farms that is not received at the pool plant.

The order specifies minimum performance standards that must be met to obtain regulated status. The operator of a plant not meeting such standards (i.e., a partially regulated distributing plant) is required to either (1) make specified payments (discussed elsewhere in this decision) into the producer-settlement fund on route dispositions in the marketing area in excess of offsetting purchases of Federal order Class I milk, or (2) other wise pay into such fund and/or to dairy farmers an amount not less than the classified use value of all receipts from dairy farmers computed as though such plant were a fully regulated plant.

In administering the order as it applies to partially regulated distributing plants, the market administrator incurs expenses in essentially the same manner as in applying the order to pool handlers, even though the order is not applicable to the partially regulated handler to the same extent as to fully regulated handlers. Hence, payment of the administrative assessment on the partially regulated handler's in-area sales only would reasonably constitute such handler's pro rata share of the administrative expense.

In the case of unregulated milk that enters the market through a regulated plant for Class I use, it is the regulated handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk. Also, the receipts and utilization of all milk at the regulated handler's plant are subject to verification by the market administrator. Hence, the regulated handler should be responsible for payment of the administrative assessment on such unregulated milk.

The order is designed so that the cost of administration is shared equitably among handlers distributing milk in the proposed marketing area. However, to avoid duplication, an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

General provisions. The Alabama-West Florida order adopted herein incorporates, by reference, certain terms, definitions, and administrative provisions that are included in Part 1000 of the Code of Federal Regulations. These provisions are common to all Federal milk orders, having been so adopted effective July 1, 1971 (36 FR 9844).

Under Part 1000, a market administrator was required to deliver a bond to the Secretary covering himself or herself and each employee designated to act in his or her stead. Pub. L. 92–310 exempted Federal employees from such bonding requirements. Hence, Part 1000 was changed so that all Federal milk orders would conform with Pub. L. 92–310. To accomplish this, on February 5, 1980 (45 FR 7777), the bonding requirements in Part 1000 were terminated.

Since Part 1000 is applicable to all Federal milk orders and was proposed for adoption under this new program, it was printed in the hearing notice for informational purposes of interested parties. As it appeared in the notice of hearing, it did not reflect the bonding change. Proponent witness testified that the cooperative intended to propose the identical general provisions for this order which are applicable to all other orders. Accordingly, the general provisions adopted in July 1971, and as changed in February 1980, should be, and hereby are incorporated by reference in this order.

The first section (§ 1000.1) states that the uniform provisions included in Part 1000 shall be a part of each Federal milk marketing order as if set forth in full in each order, except in any order where any such provision is expressly defined or modified otherwise.

The second section (§ 1000.2) includes definitions of five general terms used in all Federal milk orders: Act, Order, Department, Secretary, and Person.

The third section (§ 1000.3) deals with the designation, powers, and duties of the market administrator.

The fourth section (§ 1000.4) pertains to the continuity and separability of provisions in an individual order. For the most part, these are internal administrative rules and instructions to Department employees regarding procedures involved in the suspension, termination, or liquidation of any or all provisions of a Federal milk order.

The fifth section (§ 1000.5) describes a handler's responsibility with respect to records and facilities.

The final section (§ 1000.6) relates to the termination of obligations.

The general provisions of Part 1000 have the same intent and purpose in each Federal milk order. They have worked effectively. Adopting Part 1000 by reference for the Alabama-West Florida order will promote uniform application of these provisions, which have the same intent and purpose in all orders.

A detailed discussion of the need and basis for incorporating the general provisions in each order is contained in a decision issued by the Assistant Secretary on April 15, 1971 (36 FR 7514). Official notice was taken of this decision at the hearing held June 23–July 2, 1980, for this market. The record evidence indicates that the findings and conclusions of the 1971 decision and the statement of consideration in the 1980 termination order are equally applicable under current marketing conditions in the proposed Alabama-West Florida marketing area.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

(a) The tentative marketing agreement and the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The proposed marketing agreement and the order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers as defined in the tentative marketing agreement and the order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1093.85 of the aforesaid tentative marketing agreement and the order.

Recommended Marketing Agreement and Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order. The following order regulating the handling of milk in the Alabama-West Florida marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1093—MILK IN THE ALABAMA-WEST FLORIDA MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.
1093.1 General provisions.

Definitions

1093.2 Alabama-West Florida marketing area.
1093.3 Route disposition.
1093.4 Plant.
1093.5 Distributing plant.
1093.6 Supply plant.
1093.7 Pool plant.
1093.8 Nonpool plant.
1093.9 Handler.
1093.10 Producer-handler.
1093.11 [Reserved]
1093.12 Producer.
1093.13 Producer milk.
1093.14 Other source milk.
1093.15 Fluid milk product.
1093.16 Fluid cream product.
1093.17 Filled milk.
1093.18 Cooperative association.

Handler Reports

1093.30 Reports of receipts and utilization.
1093.31 Payroll reports.
1093.32 Other reports.

Classification of Milk

1093.40 Classes of utilization.
1093.41 Shrinkage.
1093.42 Classification of transfers and diversions.
1093.43 General classification rules.
1093.44 Classification of producer milk.
1093.45 Market administrator's reports and announcements concerning classification.

Class Prices

1093.50 Class prices.
1093.51 Basic formula price.
1093.52 Plant location adjustments for handlers.
1093.53 Announcement of class prices.
1093.54 Equivalent price.

Uniform Price

1093.60 Handler's value of milk for computing uniform price.
1093.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).
1093.62 Announcement of uniform price and butterfat differential.

Payments for Milk

1093.70 Producer-settlement fund.
1093.71 Payments to the producer-settlement fund.
1093.72 Payments from the producer-settlement fund.
1093.73 Payments to producers and to cooperative associations.
1093.74 Butterfat differential.
1093.75 Plant location adjustments for producers and on nonpool milk.
1093.76 Payments by handler operating a partially regulated distributing plant.
1093.77 Adjustment of accounts.
1093.78 Charges on overdue accounts.

Administrative Assessment and Marketing Service Deduction

1093.85 Assessment for order administration.
1093.86 Deduction for marketing services.

Base-Excess Plan

1093.90 Base milk.
1093.91 Excess milk.
1093.92 Computation of daily average base for each producer.
1093.93 Base rules.
1093.94 Announcement of established bases.

Authority: Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. Seq.)

Subpart—Order Regulating Handling

General Provisions

§ 1093.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1093.2 Alabama-West Florida marketing area.

The "Alabama-West Florida marketing area", hereinafter called the "marketing area", means all territory within the boundaries of the State of Alabama and the Florida counties of Escambia, Santa Rosa, Okaloosa and Walton, including all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed counties:

Zone 1

Alabama Counties

Cherokee, Colbert, De Kalb, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall and Morgan.

Zone 2

Alabama Counties

Bibb, Blount, Calhoun, Chambers, Chilton, Clay, Cleburne, Coosa, Cullman, Etowah, Fayette, Jefferson, Lamar, Marion, Pickens, Randolph, St. Clair, Shelby, Talladega.

Tallapoosa, Tuscaloosa, Walker and Winston.

Zone 3

Alabama Counties

Autauga, Barbour, Bullock, Butler, Choctaw, Clarke, Conecuh, Crenshaw, Dallas, Elmore, Greene, Hale, Lee, Lowndes, Macon, Marengo, Monroe, Montgomery, Perry, Pike, Russell, Sumter, Washington and Wilcox.

Zone 4

Alabama Counties

Baldwin, Coffee, Covington, Dale, Escambia, Geneva, Henry, and Mobile.

Florida Counties

Escambia, Okaloosa, Santa Rosa and Walton.

Zone 4a

Alabama County

Houston.

§ 1093.3 Route disposition.

"Route disposition" means a delivery to a retail or wholesale outlet (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I milk.

§ 1093.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products, including filled milk, are received, processed, or packaged. Separate facilities without stationary storage tanks that are used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1093.5 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk and at which fluid milk products are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1093.6 Supply plant.

"Supply plant" means a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk and from which fluid milk products are transferred during the month to a pool distributing plant.

§ 1093.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant from which during the month there is:

(1) Total route disposition, except filled milk, equal to 50 percent or more of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1093.13; and

(2) Route disposition, except filled milk, in the marketing area is at least the lesser of a daily average of 1500 pounds or 10 percent of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1093.13.

(b) A supply plant from which fluid milk products are transferred to pool distributing plants. Such transfers must equal not less than 70 percent in each of the months of September through January, and 50 percent in each of the months of February through August, of the total quantity of Grade A milk that is received during the month from dairy farmers (including producer milk diverted from the plant pursuant to § 1093.13 but excluding milk diverted to such plant) and handlers described § 1093.9(c).

(c) A plant operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month 70 percent or more of the producer milk of members of such cooperative association is delivered directly from their farms to pool distributing plants or is transferred to such plants as a fluid milk product from the cooperative's plant, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a) or (b) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency to handle Grade A milk.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its route disposition, except filled milk, is made in such other marketing area;

(4) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which there is a greater quantity of route disposition, except filled milk, in this marketing area than in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(5) A plant qualified pursuant to paragraph (b) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, or such plant has automatic pooling status under such other order.

§ 1093.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a distributing plant that does not qualify as a pool plant and is not an other order plant, a producer-handler plant or a governmental agency plant.

(d) "Unregulated supply plant" means a supply plant that does not qualify as a pool supply plant and is not an other order plant, a producer-handler plant, or a governmental agency plant.

(e) "Governmental agency plant" means a plant operated by a governmental agency from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1093.9 Handler.

"Handler" means:

(a) Any person who operates one or more pool plants;

(b) Any cooperative association with respect to producer milk which it causes to be diverted pursuant to § 1093.13 for the account of such cooperative association;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler of such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler;

(f) Any person who operates an other plant described in § 1093.7(d); and

(g) Any person who operates an unregulated supply plant.

§ 1093.10 Producer handler.

"Producer-handler" means any person:

(a) Who operates a dairy farm and a processing plant from which there is route disposition in the marketing area;

(b) Who receives no fluid milk products from sources other than own farm production, pool plants, and other order plants;

(c) Who disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from own farm production, pool plants, and other order plants; and

(d) Who provides proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for such person's own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

§ 1093.11 [Reserved]

§ 1093.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such producer;

(2) Received by a handler described in § 1093.9(c); or

(3) Diverted from a pool plant in accordance with § 1093.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) A governmental agency plant exempt pursuant to § 1093.8(e);

(3) Any person with respect to milk produced by such person which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II of Class III utilization pursuant to § 1093.44(a)(8)(iii) and the corresponding step of § 1093.44(b); and

(4) Any person with respect to milk produced by such person which is reported as diverted to an other plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1093.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1093.9(c); or

(c) Diverted by the operator of a pool plant or a cooperative association from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) In any month of February through August, not less than four days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(2) In any month of September through January, not less than ten days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) The total quantity of milk so diverted during any month by a cooperative association shall not exceed 30 percent of the producer milk that the cooperative association caused to be delivered to, and is physically received at, pool plants during the month;

(4) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (c)(3) of this section. The total quantity of milk so diverted during any month shall not exceed 30 percent of the producer milk physically received at such plant during the month;

(5) Any milk diverted in excess of the limits prescribed in paragraphs (c) (3) and (4) of this section shall not be producer milk. The diverting handler shall designate the dairy farmer deliveries that will not be producer milk pursuant to paragraph (c) (3) or (4) of this section. If the handler fails to make such designation, no milk diverted by such handler shall be producer milk;

(6) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(7) The cooperative association shall designate the dairy farm deliveries that are not producer milk pursuant to paragraph (c)(6) of this section. If the cooperative association fails to make such designation, no milk diverted by it to a nonpool plant shall be producer milk.

(8) Diverted milk shall be priced at the location of the nonpool plant to which diverted.

§ 1093.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1093.40(b)(1) from any source other than producers, handlers described in § 1093.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1093.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1093.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1093.40(b)(1)) for which the handler fails to establish a disposition.

§ 1093.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or

sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1093.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1093.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1093.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and be engaged in making collective sales of or marketing milk or milk products for its members.

Handler Reports

§ 1093.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of its pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1093.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1093.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1093.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each holder not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1093.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1093.9(a), (b), and (c) shall report to the market administrator its producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) Such producer's name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1093.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1093.32 Other reports.

(a) Each handler described in § 1093.9 (a), (b) and (c) shall report to the market administrator on or before the 7th day after the end of each month of March through July the aggregate quantity of base milk received from producers during the month, and on or before the 20th day after the end of each month of March through July the pounds of base milk received from each producer during the month.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1093.30 and 1093.31, each handler shall report such other information as the market administrator deems necessary to verify or establish each handler's obligation under the order.

Classification of Milk

§ 1093.40 Classes of utilization.

Except as provided in § 1093.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1093.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is not disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition.

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1093.15; and

(6) In shrinkage assigned pursuant to § 1093.41(a) to the receipts specified in § 1093.41(a)(2) and in shrinkage specified in § 1093.41 (b) and (c).

§ 1093.41 Shrinkage.

For the purpose of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1093.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat;

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1093.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1093.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1093.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1093.44(a)(12) and the corresponding step of § 1093.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1093.44(a)(7) or the corresponding step of § 1093.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1093.44(a) (11) or (12) or the corresponding steps of § 1093.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or transferred in the form of a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same

category as described in paragraph (b)(1), (2), or (3) of this section.

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfer or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I subject to adjustment when such information is available.

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to the class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1093.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat in the following forms that is transferred from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted from a pool plant to a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk of butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or transferred in the form of a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2)(ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in such handler's report of receipts and utilization filed pursuant to § 1093.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extend possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market admininstator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determined constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfer by a handler described in § 1093.9(c) pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1093.9(c) to another handler's pool plant shall be classified pursuant to § 1093.44 pro rata with producer milk received at the transferee-handler's plant.

§ 1093.43 General classification rules.

In determining the classification of producer milk pursuant to § 1093.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1093.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1093.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1093.40, 1093.41, and 1093.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1093.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1093.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1093.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1093.9(a) for each pool plant of the handler separately the classification of producer milk and milk received from a handler described in § 1093.9(c), by allocating the handler's receipts of skim milk and butterfat to the utilization of such receipts by such handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1093.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1093.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1093.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1093.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1093.40(b)(1) that were not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in such class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1093.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk

products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk is receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1093.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or dversions of fluid milk products to the same unregulated supply plant from whcih fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1093.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1093.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received from a handler described in § 1093.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1093.9(c) in each class shall be the

combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1093.45 Market Administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1093.44(a)(12) and the corresponding step of § 1093.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from another order plant, the class to which such receipts are allocated pursuant to § 1093.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to another order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association that was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Class Prices

§ 1093.50 Class prices.

Subject to the provisions of § 1093.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* For the first 18 months this order is fully effective, the Class I price shall be the basic formula price for the second preceding month plus $2.30.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1093.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1093.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1093.9(c) and which is classified as Class I milk without movement in bulk form to a pool distributing plant at which a higher Class I price applies, the price specified in § 1093.50(a) shall be adjusted by the amount stated in paragraph (a) (1) through (6) of this section for the location of such plant:

(1) For a plant located within one of the zones set forth in § 1093.2, the adjustment shall be as follows:

	Adjustment per hundredweight
Zone 1	Minus 20 cents.
Zone 2	No adjustment.
Zone 3	Plus 15 cents.
Zone 4	Plus 37 cents.
Zone 4a	Plus 20 cents.

(2) For a plant located in any of the Tennessee and Georgia counties listed below, the adjustment shall be minus 20 cents;

Tennessee Counties

Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicol, Union and Washington.

Georgia Counties

Catoosa, Chattooga, Dade, Fannin, Murray, Walker, and Whitfield.

(3) For a plant located in any of the Tennessee and Kentucky counties listed below or in the Fort Campbell military reservation, the adjustment shall be minus 45 cents;

Tennessee Counties

Bedford, Cannon, Cheatham, Clay, Coffee, Davidson, DeKalb, Dickson, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Van Buren, Warren, Wayne, White, Williamson, and Wilson.

Kentucky Counties

Allen, Barren, Metcalfe, Monroe, Simpson, and Warren.

(4) For a plant located outside the marketing area and north of a line extending through the northern boundaries of Georgia, Alabama and Mississippi, and at a location not included in paragraphs (a) (2) and (3) of this section, the adjustment shall be minus 20 cents. Such minus adjustment shall be increased 1.5 cents for each 10 miles or fraction thereof (by the shortest hard-surfaced highway distance as determined by the market administrator) that such plant is from the nearer of the city halls in Florence or Huntsville, Alabama;

(5) For a plant located outside the marketing area and south of a line extending through the northern boundaries of Georgia, Alabama and Mississippi, and not in the State of Florida or the Georgia counties listed in paragraph (a)(2) of this section, the adjustment shall be the adjustment applicable at Mobile, York, Tuscaloosa, Florence, Huntsville, Gadsden, Opelika or Dothan, Alabama, whichever city is nearest;

(6) For a plant located outside the marketing area in the State of Florida, the adjustment shall be plus 55 cents.

(b) For fluid milk products transferred in bulk from a pool plant to a pool distributing plant at which a higher Class I price applies and which are classified as Class I milk, the Class I price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant which shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee-plant after the computations pursuant to § 1093.44(a)(12) an amount equal to:

(i) The pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1093.9(c); and

(ii) The pounds of skim milk in receipts of packaged fluid milk products from other pool plants.

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of fluid milk products from other pool plants, first to the transferor-plants at which the highest Class I price applies and then to other plants in sequence beginning with the plant at which the next highest Class I price applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b)(2) of this section to each transferor-plant at which the Class I price is lower than the Class I price at the transferee-plant by the difference in Class I prices applicable at the transferor-plant and transferee-plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1093.42(a) and at which the applicable Class I price is less than the Class I price at the transferee-plant, in sequence beginning with the plant at which the highest Class I price applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable adjustment rate determined pursuant to paragraph (b)(3) of this section for such plant. If the aggregate of this computation for all plants having the same adjustment rate as determined pursuant to paragraph (b)(3) of this section exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(5) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b)(1) through (4) of this section.

(c) The market administrator shall determine and publicly announce the zone location of each plant of each handler. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

(d) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1093.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1093.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price of pricing constituent that is required.

Uniform Price

§ 1093.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of such handler's pool plants and of each handler described in § 1093.9(b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1093.9(c) that were classified in each class pursuant to §§ 1093.43(a) and 1093.44(c) by the applicable class prices, and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1093.44(a)(14) and the corrresponding step of § 1093.44(b) by the respective class prices, as adjusterd by the butterfat differential specified in § 1093.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1093.44(a)(9) and the corresponding step of § 1093.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1093.44(a)(7)(i) through (iv) and the corresponding step of § 1093.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1093.44(a)(7)(v) and (vi) and the corresponding step of § 1093.44(b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1093.44(a)(11) and the corresponding step of § 1093.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1093.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) The market administrator shall compute the weighted average price for each month and the uniform price for each month of August through February per hundredweight for milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1093.60 for all handlers who filed the reports prescribed in § 1093.30 for the month and who made the payments pursuant to § 1093.71 for the preceding month;

(2) Add not less than one-half the unobligated balance in the producer-settlement fund;

(3) Add or subtract an amount equal to the total net value of the location adjustments computed pursuant to § 1093.75;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1093.60(f); and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The resulting figure, rounded to the nearest cent, shall be the weighted average price for each month and the

uniform price for the months of August through February.

(b) For each month of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a)(1) of this section as follows:

(i) Multiply the hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class III milk by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class II milk by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iv) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b)(1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations pursuant to paragraph (a)(1) through (3) of this section subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(4)(ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b)(2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b)(3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b)(4) of this section by the total hundredweight of base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b)(5) of this section. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

§ 1093.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the applicable uniform price(s) pursuant to § 1093.61 for such month.

Payments for Milk

§ 1093.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1093.71, 1093.76, and 1093.77, and out of which he shall make all payments pursuant to §§ 1093.72 and 1093.77. Payments due any handler shall be offset by any payments due from such handler.

§ 1093.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1093.60.

(2) The sum of:

(i) The value at the uniform price(s), as adjusted pursuant to § 1093.75, of such handler's receipts of producer milk and milk received from handlers pursuant to § 1093.9(c); and

(ii) The value at the weighted average price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1093.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1093.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1093.71(a)(2) exceeds the amount computed pursuant to § 1093.71(a)(1). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1093.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler before the 25th day of the month at not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher, less proper deductions authorized in writing by the producer. If the producer had discontinued shipping milk to such handler before the 25th day of any month, or if the producer had no established base upon which to receive payments during the base paying months of March through July, the applicable rate for making payments to such producer pursuant to this paragraph in either case shall be the Class III price for the preceding month; and

(2) On or before the 15th day of the following month, an amount equal to not less than the uniform price(s), as adjusted pursuant to §§ 1093.74 and 1093.75, multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1093.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producers; and

(iv) Less proper deductions authorized in writing by such producer.

(b) On or before the day prior to the dates specified in paragraph (a) of this section, each handler shall make

payment to the cooperative association for milk from producers who market their milk through the cooperative association and who have authorized the cooperative to collect such payments on their behalf an amount equal to the sum of the individual payments otherwise payable for such producer milk pursuant to paragraph (a) of this section.

(c) If a handler has not received full payment from the market administrator pursuant to § 1093.72 by the 15th day of such month, such handler may reduce payments pursuant to paragraphs (a) and (b) of this section to producers on a pro rata basis but not by more than the amount of the underpayment. Such payments shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(d) Each handler pursuant to § 1093.9(a) who receives milk from a cooperative association as a handler pursuant to § 1093.9(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before the day prior to the last day of the month for milk received during the first 15 days of the month, not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher; and

(2) On or before the 14th day of the following month for milk received during the month, not less than the appropriate uniform price(s) as adjusted pursuant to §§ 1093.74 and 1093.75, and less any payments made pursuant to paragraph (c)(1) of this section.

(e) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) For the months of March through July the total pounds of base milk received from the producer;

(4) The minimum rate(s) at which payment to the producer is required pursuant to this order;

(5) The rate(s) used in making the payment if such rate(s) is other than the applicable minimum rate(s);

(6) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(7) The net amount of payment to such producer or cooperative association.

§ 1093.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price(s) shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1093.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price and the uniform price for base milk shall be adjusted according to the location of the plant at which the milk was physically received at the rates set forth in § 1093.52(a); and

(b) The weighted average price applicable to other source milk shall be adjusted at the rates set forth in § 1093.52(a) applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

§ 1093.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to § 1093.30(b) and § 1093.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and weighted average shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1093.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1093.60 shall be priced at the uniform price (or at the weighted average price if such is

provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1093.60 for such handler shall include, in lieu of the value of other source milk specified in § 1093.60(f) less the value of such other source milk specified in § 1093.71(a)(2)(ii), a value of milk determined pursuant to § 1093.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1093.7(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with its reports filed pursuant to §§ 1093.30(b) and 1093.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1093.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1093.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1093.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1093.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or other verification discloses errors resulting in money due the market administrator from a handler, or due a handler from the market administrator, or due a producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which the error(s) occurred.

§ 1093.78 Charges on overdue accounts.

Any unpaid obligation due the market administrator from a handler pursuant to §§ 1093.71, 1093.76, 1093.77, 1093.78, 1093.85, and 1093.86, shall be increased 1.5 percent each month beginning with the day following the date such obligation was due under the order. Any remaining amount due shall be increased at the same rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation and shall include any unpaid charges previously made pursuant to this section. For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

Administrative Assessment and Marketing Service Deduction

§ 1093.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in §1093.9(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1093.9)c);

(c) Other source milk allocated to Class I pursuant to § 1093.44(a)(7) and (11) and the corresponding steps of § 1093.44(b), except such other source milk that is excluded from the computations pursuant to § 1093.60(d) and (f); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1093.76.(a)(2).

§ 1093.86 Deduction for marketing services.

(a) Except as provided in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of such handler's own production) pursuant to § 1093.73, shall deduct 7 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and provide market information for producers who are not receiving such services from a cooperative association. Such services shall be performed in whole or in part by the market administrator or an agent engaged by and responsible to the market administrator;

(b) In the case of producers for whom a cooperative association that the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month, pay such deductions to the cooperative association rendering such services accompanied by a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

Base-Excess Plan

§ 1093.90 Base milk.

"Base milk" means the producer milk of a producer in each month of March through July that is not is in excess of the producer's base multiplied by the number of days in the month.

§ 1093.91 Excess milk.

"Excess milk" means the producer milk of a producer in each month of March through July in excess of the producer's base milk for the month, and shall include all the producer milk in such months of a producer who has no base.

§ 1093.92 Computation of base for each producer.

(a) Subject to § 1093.93, the base for each producer shall be an amount obtained by dividing the total pounds of producer milk delivered by such producer during the immediately preceding months of September through January by the number of days' production represented by such producer milk or by 120, whichever is more. If a producer operated more than one farm at the same time, a separate computation of base shall be made for each such farm.

(b) Any producer who, during the immediately preceding months of September through January, delivered milk to a nonpool plant that became a pool plant after the beginning of such base-forming period shall be assigned a base calculated as if the plant were a pool plant during such entire base-forming period. A base thus assigned shall not be transferable.

§ 1093.93 Base rules.

(a) Except as provided in § 1093.92(b) and in paragraph (b) of this section, a base may be transferred in its entirety or in amounts of not less than 300 pounds effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Base may be transferred only to a person who is or will be a producer by the end of the month that the transfer is to be effective. A base transfer to be effective on March 1 for the month of March must be received by the market administrator on or before March 15. Such application shall be on a form approved by the market administrator and signed by the baseholder or the legal representative of the baseholder's estate and the person to whom the base is to be transferred. If a base is held jointly, the application shall be signed by all joint holders or the legal representative of the estate of any deceased baseholder.

(b) A producer who transferred base on or after March 1 may not receive by transfer additional base that would be applicable during March through July of the same year. A producer who received base by transfer on or after March 1 may not transfer a portion of the base to be applicable during March through July of the same year, but may transfer the entire base.

(c) The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division of base signed by each partner is received by the market administrator prior to the first day of the month in which such division is to be effective.

(d) Two or more producers in a partnership may combine their separately established bases by giving notice to the market administrator prior to the first day of the month in which such combination of bases is to be effective.

(e) The base assigned a person who was a producer during any of the immediately preceding months of September through January may be increased to such producer's average daily producer milk deliveries in the month immediately preceding the month during which a condition described in paragraph (e)(1), (2), (3) of this section occured, providing such producer submitted to the market administrator in writing on or before March 1 a statement that established to the satisfaction of the market administrator that in the immediately preceding September through January base-forming period the amount of milk produced on such producer's farm was substantially reduced because of conditions beyond the control of such person, which resulted from:

(1) The loss by fire or windstorm of a farm building used in the production of milk on the producer's farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in the producer's milking herd as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents the dairy farmer from supplying milk from the farm of such producer to a plant.

§ 1093.94 Announcement of established bases.

On or before February 28 of each year, the market administrator shall calculate a base for each person who was a producer during any of the immediately preceding months of September through January and shall notify each producer and the handler receiving milk from such dairy farmer of the base established by the producer. If requested by a cooperative association, the market administrator shall notify the cooperative association of each producer-member's base.

Signed at Washington, D.C., on September 8, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.
**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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45591 **River Basin Commissions** Executive order.

45603 **Community Development Block Grants** HUD/CPD establishes qualification requirements for urban counties and provides for consolidated community development and housing assistance programs between metropolitan cities and urban counties.

45627 **Homeowners' Relocation Assistance** DOT/FHWA proposes to change interest differential payments to homeowners displaced by Federal or federally assisted highway projects.

45602 **Highways and Roads** DOT/FHWA and UMTA amend regulations on withdrawal and substitution of projects on the Interstate System.

45744 **Railroad-Highway Projects** DOT/FHWA proposes regulations on advancing Federal-aid and direct Federal projects involving railroad facilities. (Part II of this issue)

45694 **Oil and Gas Exploration** Interior/FWS invites applications for studies on Alaska National Wildlife Refuge lands.

45672 **Continental Shelf—Water Pollution Control** EPA issues notice of draft general discharge permit for oil and gas facilities off Southern California.

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Highlights

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Executive Order 12319 of September 9, 1981

River Basin Commissions

By the authority vested in me as President by the Constitution and laws of the United States, in order to ensure the orderly termination of the six river basin commissions established pursuant to the Water Resources Planning Act (42 U.S.C. 1962 *et seq.*), it is hereby ordered as follows:

Section 1. In accord with the decision of the Water Resources Council pursuant to Section 203(a) of the Water Resources Planning Act (42 U.S.C. 1962b–2(a)), the following river basin commissions shall terminate on the date indicated:

(a) Pacific Northwest River Basins Commission, terminated on September 30, 1981.

(b) Great Lakes Basin Commission, terminated on September 30, 1981.

(c) Ohio River Basin Commission, terminated on September 30, 1981.

(d) New England River Basins Commission, terminated on September 30, 1981.

(e) Missouri River Basin Commission, terminated on September 30, 1981.

(f) Upper Mississippi River Basin Commission, terminated on December 31, 1981.

Sec. 2. All Federal agencies shall cooperate with the commissions and the member States to achieve an orderly close out of commission activities and, if the member States so elect, to carry out an orderly transition of appropriate commission activities to the member States.

Sec. 3. To the extent permitted by law, the assets of the commissions which the Federal Government might otherwise be entitled to claim are to be transferred to the member States of the commissions, or such entities as the States acting through their representatives on the commissions may designate, to be used for such water and related land resources planning purposes as the States may decide among themselves. The terms and conditions for transfer of assets under this Section shall be subject to the approval of the Director of the Office of Management and Budget, or such Federal agency as he designates, before the transfer is effective.

Sec. 4. Federal agency members of river basin commissions are directed to continue coordination and cooperation in future State and inter-State basin planning arrangements.

Sec. 5. (a) Effective October 1, 1981, the following Executive Orders are revoked:

(1) Executive Order No. 11331, as amended, which established the Pacific Northwest River Basins Commission.

(2) Executive Order No. 11345, as amended, which established the Great Lakes Basin Commission.

(3) Executive Order No. 11371, as amended, which established the New England River Basins Commission.

(4) Executive Order No. 11578, as amended, which established the Ohio River Basin Commission.

(5) Executive Order No. 11658, as amended, which established the Missouri River Basin Commission.

(b) Effective January 1, 1982, Executive Order No. 11659, as amended, which established the Upper Mississippi River Basin Commission, is revoked.

Ronald Reagan

THE WHITE HOUSE,
September 9, 1981.

[FR Doc. 81-26787
Filed 9-10-81; 2:30 pm]
Billing code 3195-01-M

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 523 and 561

[No. 81-516]

Securities Constituting Permanent Equity

Dated: September 4, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules.

SUMMARY: The Federal Home Loan Bank Board has adopted amendments to its regulations to ensure appropriate treatment of certain securities that may be issued by savings and loan associations including those issued in connection with assistance provided by the Federal Savings and Loan Insurance Corporation. The amendments define the status of these securities under the liquidity and net worth rules.

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Douglas P. Faucette, Senior Associate General Counsel ((202) 377-6410), Thomas Haggerty ((202) 377-6911), or James C. Stewart ((202) 377-6457), Office of General Counsel, Federal Home Loan Bank Board, Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board has adopted several amendments to its regulations to clarify the status of certain securities that may issued by savings and loan associations including those issued in connection with assistance that may be provided by the Federal Savings and Loan Insurance Corporation (FSLIC). The Board has directed a comprehensive staff study of the accounting and legal attributes of these securities that may be issued in return for cash or cash-equivalent notes issued by the FSLIC. Based on the results of that study, the Board has concluded that when such securities are in the nature of permanent equity, they are eligible for treatment as both reserves and net worth under governing statutes. 12 U.S.C. 1726. The Board has received confirmation of this conclusion of the staff study from outside consultants who are expert in the accounting field. Since the current version of the Board's regulatory definition of net worth does not expressly provide for inclusion of securities of this type, the Board is amending § 561.13 to include securities that it and the FSLIC approve as constituting permanent equity capital in accordance with generally accepted accounting principles.

Regarding the appropriate treatment of the assets evidenced by notes issued by the FSLIC for such securities issued by an insured institution when such notes will be substantially equivalent to cash, the Board has concluded that it is proper to deem them as liquid assets which may be used to meet liquidity requirements. Therefore, the Board has amended § 523.10 of the Bank System Regulations to allow this treatment when the notes are issued in return for securities qualifying as equity.

The Board determines that immediate implementation of these amendments serves the public interest by enabling the FSLIC to enter into assistance agreements that will more effectively aid associations. Accordingly, notice and public procedure and thirty day delayed effective date are not warranted.

For the reasons stated above, the Federal Home Loan Bank Board hereby amends Subchapters B and D of Chapter V, Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

1. Amend paragraph (g) of § 523.10 by removing the word "and" at the end of paragraph (g)(6)(ii), by redesignating paragraph (g)(7) as paragraph (g)(8), and by adding a new paragraph (g)(7) to read as follows:

§ 523.10 Definitions for purposes of this section, § 523.11 and § 523.12.

* * * * *

(g) *Liquid assets.* * * *

(7) promissory notes issued to and made to the order of an insured institution by the Federal Savings and Loan Insurance Corporation; and

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

§ 561.13 [Amended]

2. Amend the first sentence of § 561.13 by adding after the second parenthetical and before the phrase "and any other nonwithdrawable accounts," the phrase "if approved by the Corporation, securities which constitute permanent equity capital in accordance with generally accepted accounting principles,".

(Sec. 5, 48 Stat. 134, as amended; 12 U.S.C. 1464. Secs. 402, 403, 406, 48 Stat. 1256, 1257, 1259, as amended; 12 U.S.C. 1725, 1726, 1729. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 81-26727 Filed 9-11-81; 8:45 am]
BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21823, Amdt. 39-4218]

Avions Marcel Dassault—Breguet Aviation Model Falcon 10 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires reinforcement of the pilot and co-pilot seats and restraint systems on Avions Marcel Dassault—Breguet Aviation Model Falcon 10 airplanes. The AD is needed to prevent loosening of seat belt screws, jamming of movement locking spigots, rupture of the movement actuator coupling endfitting, and rupture of the backrest housings in the pilot and co-pilot seats, which could result in loss of control of the airplane.

DATES: Effective October 14, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Falcon Jet Corporation, 90 Moonachie Avenue, Moonachie, New Jersey 07074. A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:
C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require reinforcement of the pilot and co-pilot seats and restraint systems on Avions Marcel Dassault—Breguet Aviation Model Falcon 10 airplanes was published in the Federal Register at 46 FR 31899. The proposal was prompted by the FAA determination that with normal use and adjustment of the pilot and co-pilot seats, the seat belt attachment screws may be loosened, the fore and aft movement locking spigots may be jammed in the disengaged position or may not obtain sufficient engagement when in the engaged position, the up and down movement actuator coupling endfitting may bind and rupture, and the backrest housings may rupture so that the backrest of the seat becomes loose on certain Avions Marcel Dassault—Breguet Aviation Model Falcon 10 series airplanes, which could result in loss of control of the airplane.

Since these conditions are likely to exist or develop on other airplanes of the same type design, the AD requires installation of protective spacers on, and additional securing of, the seat belt attachment screws, modification of the fore and aft movement locking mechanism, installation of a grease fitting for the up and down movement actuator endfitting, and reinforcement of the backrest housings on the pilot and co-pilot seats on certain Avions Marcel Dassault—Breguet Aviation Model Falcon 10 series airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change except that the pilot seat serial number in paragraph (c) was incorrectly stated and has been corrected.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Avions Marcel Dassault—Breguet Aviation:
Applies to Model Falcon 10 series airplanes, certified in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent loosening of seat belt screws, jamming of movement locking spigots, rupture of movement actuator coupling endfitting, and rupture of backrest housing in pilot and co-pilot seats, accomplish the following:

(a) Within the next 300 hours time in service after the effective date of this AD, on Falcon 10 airplanes serial numbers 1 through 20, 22 through 31, 33 through 38, 41 and 42, modify the pilot and co-pilot seat belt attachments in accordance with paragraph 2, "Accomplishment Instructions," of Avions Marcel Dassault—Breguet Aviation Service Bulletin No. F10 0085, Revision 1, dated November 30, 1979, or an FAA-approved equivalent.

(b) Within the next 300 hours time in service after the effective date of this AD, on Falcon 10 airplanes serial numbers 1 through 49, 51 through 90, 92, 94 through 97, 99, 100, 102 and 104, modify the pilot and co-pilot seat fore and aft movement locking control in accordance with paragraph 2, "Accomplishment Instructions," of Avions Marcel Dassault—Breguet Aviation Service Bulletin No. F10 0143, Revision 1, dated November 30, 1979, and SICMA Aero-Seat Service Bulletin No. 376/F10/BS02, Revision 1, dated November 30, 1979, or an FAA-approved equivaleat.

(c) Within the next 600 hours time in service after the effective date of this AD, or before the accumulation of 1600 hours time in service, whichever occurs later, modify and improve greasing of the actuator endfitting on the following pilot and co-pilot seats in accordance with the instructions in paragraph 2, "Accomplishment Instructions," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0148, Revision 2, dated February 1, 1980, and SICMA Aero-Seat Service Bulletin No. 376/F10/BS03, Revision 1, dated November 30, 1979, or an FAA-approved equivalent:

Part No.	Seat serial Nos.
Pilot seat:	
376-2R1	1-52
376-211	53-117
376-22	118-123
Co-pilot seat:	
376-3R1	1-52
376-311	53-83 and 85-117
376-32	118-122

(d) Within the next 600 hours time in service after the effective date of this AD or before the accumulation of 1600 hours time in service, whichever occurs later, on Falcon 10 airplanes serial numbers 1 through 102, 104 through 123, 125 through 128, and 133, modify the pilot and co-pilot seat backrest housings in accordance with the instructions in paragraph 2, "Accomplishment Instructions," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0193, Revision 1, dated November 30, 1979, and SICMA Aero-Seat Service Bulletin No. 376-0017, Revision 2, dated November 30, 1979, or an FAA-approved equivalent.

(e) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Falcon Jet Corporation, 90 Moonachie Avenue, Moonachie, New Jersey 07074. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

This amendment becomes effective October 14, 1981.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since there are only a few of these aircraft owned by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on September 4, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-26631 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-40, Amdt. 39-4208]

Bell Helicopter Textron Model 204 and 205 Series Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which establishes a retirement life of 3,600 hours for the main rotor yoke on Bell Helicopter Textron Model 204 and 205 series helicopters. This AD is needed to establish retirement criteria to prevent yoke failure and possible loss of a helicopter.

DATE: Effective September 30, 1981. Compliance required as indicated in the AD.

ADDRESSES: The applicable service information may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, Attention: Product Support.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: H. A. Armstrong, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 517.

SUPPLEMENTARY INFORMATION: All Bell Model 204 and 205 series helicopters have main rotor yoke Part Number 204-011-102 installed. As a result of three field reports of yokes being cracked, the manufacturer has conducted additional flight and fatigue testing. This testing has determined that yoke stress levels are encountered that make it necessary to establish a 3,600-hour retirement life for the yoke. The yoke previously had no retirement life. Cracked yokes were detected after pilots reported increased vibration levels. No accidents have resulted from these cracks.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Bell Helicopter Textron (BHT): Amendment 39-4208. Applies to all Model 204 and 205 series helicopters certified in all categories (Airworthiness Docket No. 81-ASW-40).

To prevent possible failure of main rotor yoke Part Number 204-011-102 (all dash numbers), accomplish the following:

a. Unless Bell Helicopter Textron Alert Service Bulletin No. 204-81-11 or 205-81-16, as applicable, has previously been complied with, within 10 days after the effective date of this Airworthiness Directive:

(1) Create a component history card for yoke Part Number 204-011-102 (all dash numbers).

(2) Record the operating time accumulated on the yoke. If the previous operating time cannot be determined, enter 2,400 hours.

(3) Retire yokes with more than 3,3000 hours' time on the compliance date of this AD prior to obtaining an additional 300 hours.

(4) Retire yokes with less than 3,300 hours' time on the compliance date of the AD on or before attaining 3,600 hours.

b. The 3,600-hour life shall continue in effect on all Part Number 204-011-102 yokes.

c. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

d. In accordance with FAR 21.197, flight is permitted to a base where the requirements of this AD may be accomplished.

This amendment becomes effective September 30, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Tex., on August 26, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-26894 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-39, Amdt. 39-4207]

Bell Model 212 Helicopter; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which establishes a retirement life of 3,600 hours for the main rotor yoke of Bell Model 212 helicopters. A further reduction in the yoke retirement life below 3,600 hours is established for those helicopters utilized in external load operations involving more than four lift events per hours. There have been three reports of yokes being cracked in the center section web. This AD is needed to establish retirement criteria to prevent yoke failure and possible loss of a helicopter.

DATE: Effective September 30, 1981. Compliance required as indicated in the AD.

ADDRESSES: The applicable service information may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, Attention: Product Support.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: H. A. Armstrong, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 517.

SUPPLEMENTARY INFORMATION: All Bell Model 212 helicopters have main rotor yoke Part Number 204-011-102 installed. The main rotor yoke previously had no retirement life. Although there have been no accidents, as a result of three field reports of yokes being cracked, the manufacturer has conducted additional flight and fatigue testing. This testing has determined that yoke stress levels

[illegible] encountered that make it necessary to establish a 3,600-hour retirement life for the yoke. This testing has also shown that for frequent external load lift operations, a further reduction in main rotor yoke life is required. For the purpose of this AD, "frequent" external load lift operations is defined as more than four per hour. For each hour of flight operation involving more than four external load lifts per hour, the operator is required to log 5 hours against the 3,600-hour retirement life of the main rotor yoke.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Bell Helicopter Textron (BHT): Amendment 39-4207. Applies to Model 212 series helicopters certified in all categories (Airworthiness Docket No. 81-ASW-38).

To prevent possible failure of main rotor yoke Part Number 204-011-102 (all dash numbers), accomplish the following:

a. Unless Bell Helicopter Textron Alert Service Bulletin No. 212-81-23 has been previously complied with, within 10 days after the effective date of this Airworthiness Directive:

(1) Create a component history card for yoke Part Number 204-011-102 (all dash numbers).

(2) Record the operating time accumulated on the yoke as follows:

a. For each flight hour of passenger or internal cargo operation, enter 1 hour on the component history card.

b. For each flight hour involving external load operations where more than four lifts per hour occur, including those conducted under Federal Aviation Regulation Parts 133 and 137, enter 5 hours on the component history card.

c. If operating time for the yoke is unknown, enter 2,400 hours on the component history card.

(3) Yokes with more than 3,300 hours time on the compliance date of this AD must be retired prior to obtaining an additional 300 hours time.

(4) Yokes with less than 3,300 hours time on the compliance date of this AD must be retired on or before attaining 3,600 recorded hours.

b. The 3,600-hour life and the above method of recording flight hours on the yoke component history card shall continue in effect on all Part Number 204-011-102 yokes.

c. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

d. In accordance with FAR 21.197, flight is permitted to a base where the requirements of this AD may be accomplished.

This amendment becomes effective September 30, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Tex., on August 28, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-26635 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 8168, Amdt. 39-4217]

British Aerospace, Aircraft Group (Formerly British Aircraft Corp.), Model BAC 1-11 Series 200 and 400 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to British Aerospace, Aircraft Group, Model BAC 1-11 series 200 and 400 airplanes, by reducing the scrap life limit of the spring discs in the main landing gear down lock jacks. The AD is needed to prevent collapse of the main landing gear.

DATES: Effective October 14, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Amendment 39-476 (32 FR 12910), AD 67-25-01, which currently requires repetitive inspections of main undercarriage down lock links and imposes service life limits on the Belleville washers in the main undercarriage down lock jacks on British Aerospace, Aircraft Group, Model BAC 1-11 series 200 and 400 airplanes, was published in the **Federal Register** at 46 FR 27715. The proposal was prompted by an FAA determination, as a result of fatigue tests and quality investigations, that the life expectancy of the spring discs in the main landing gear down lock jacks is less than originally expected. Therefore, in order to prevent collapse of the main landing gear, the FAA is amending Amendment 39-476 by reducing the scrap life limit of the spring discs in the main landing gear down lock jacks on British Aerospace, Aircraft Group, Model BAC 1-11 series 200 and 400 airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. The only comment received offered no objection to the proposed AD. Accordingly, the proposal is adopted without change.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-476 (32 FR 12910), AD 67-25-01, as follows:

1. By adding the following paragraph immediately after existing paragraph (e):

(f) For airplanes with Tonks spring discs, P/N AK43-1283, installed in BAC Modification PM 4676 main landing gear down lock jacks, unless already accomplished, before accumulating 16,000 landings or within the next 3,000 landings after the effective date of this AD, whichever occurs later, remove the spring discs from service in accordance with paragraph 2, "Accomplishment Instructions," of BAC 1-11 Alert Service Bulletin 32-A-PM5700, Issue No. 1, dated May 10, 1979, or an FAA-approved equivalent.

2. By changing the designations of existing paragraphs (f) and (g) to (g) and (h) respectively.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20591. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

This amendment amends Amendment 39-476, (AD-67-25-01).

This amendment becomes effective October 14, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since there are only a few of these aircraft owned by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on September 4, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-26630 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 72-CE-21-AD, Amdt. 39-4215]

Cessna Model 310, 320, 401, 402, 411 and 421 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule (revision).

SUMMARY: This amendment revises Airworthiness Directive 72-14-08, applicable to Cessna Models 310, 320, 401, 402, 411 and 421 series airplanes to provide relief to owners/operators. Service experience substantiates that an acceptable level of safety will be maintained by increasing the required inspection interval to 60 hours, allowing it to be accomplished concurrently with Cessna Progressive Care Program inspections or by allowing the installation of improved fuel and oil system hoses, equivalent to current production hoses, eliminating the need for the AD repetitive inspections.

EFFECTIVE DATE: September 4, 1981.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Cessna Service Letter ME68-23 dated November 1, 1968, and Cessna Service Information Letter ME81-17 dated July 10, 1981, applicable to this AD may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. A copy of the service information is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Leon Edwards, Propulsion Section, ACE-214, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: Amendment 39-1484 (37 FR 13614), AD 72-14-08, requires repetitive visual inspections of the flammable fluid-carrying flexible hose assemblies in the engine compartment on Cessna Model 310, 320, 401, 402, 411, and 421 series airplanes. After issuing Amendment 39-1484, the FAA has evaluated additional service instructions prepared by the manufacturer and has determined that these procedures include actions which permit termination of the repetitive inspection requirements of the original AD. Therefore, the AD is being amended to exclude those airplanes which have improved flexible hose assemblies installed and to increase the repetitive inspection interval to 60 hours for those airplanes with the original flexible hose assemblies.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days after the date of publication in the **Federal Register**.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising AD 72-14-08, Amendment 39-1484 (37 FR 13614), as follows:

1. Revise Compliance paragraph to read as follows:

On airplanes having 200 hours or more time-in-service and thereafter at intervals not to exceed 60 hours time-in-service, to determine condition of flammable fluid-carrying flexible hose assemblies in the engine compartment, accomplish the following:

2. Revise the Note at the end of paragraph C to read as follows:

Note.—Cessna Service Letter ME68-23, dated November 1, 1968, and applicable Cessna Service Manuals pertain to paragraphs A, B, and C.

3. Add new paragraph D which reads as follows:

D. This AD does not apply to the following airplanes which were manufactured with improved fuel and oil system flexible hose assemblies in the engine compartment:

Model	Serial No.
310R	[illegible]001 and on
402C	[illegible]001 and on
421C	[illegible]001 and on

4. Add new paragraph E which reads as follows:

E. This AD does not apply to those airplanes which have improved fuel and oil system flexible hose assemblies installed in the engine compartment in accordance with Cessna Service Information Letter ME81-17 dated July 10, 1981.

5. Add new paragraph F which reads as follows:

F. Any equivalent method of compliance with this Airworthiness Directive must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209, Telephone (316) 942-4285.

This amendment becomes effective September 4, 1981.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this document involves a final regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

The rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Court of

Appeals of the United States or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on September 4, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-26837 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NE-09, Amdt. 39-4211]

Airworthiness Directives; Sikorsky S-76A Helicopters Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises AD 81-07-51 to extend the replacement time for the redesigned 76102-08001-043 spindle/cuff assemblies from 700 to 2,500 hours time in service as a result of the FAA determination based on subsequent engineering tests and analytical data, and to remove all 76102-08001-041 spindle/cuff assemblies from service by December 15, 1981. The requirements for the mandatory inspection and replacement of the spindle/cuff assemblies and the shear bearings continue in effect for the 76102-08001-043 assemblies and have been incorporated in the Sikorsky S-76A Maintenance Manual, Chapter 4.

DATES: Effective date: September 21, 1981. Comments must be received on or before October 21, 1981.

ADDRESSES: Send comments on the rule to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. ——, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable service bulletins may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. Copies of the service bulletins are contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: William E. Garlock, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

A main rotor spindle (76102-08001-041) fatigue failure in flight was found to be the cause of a Sikorsky S-76A accident that occurred on March 12, 1981. Telegraphic AD T-81-06-52 was issued March 13, 1981, to require inspections of the spindles and, if crack indications were found, their removal from service. It also required their removal from service prior to 900 hours in service.

On March 20, 1981, emergency telegraphic AD T81-07-51 was issued superseding AD T-81-06-52 and on June 8, 1981, it was published in the Federal Register as Amendment 39-4130 (46 FR 30334), AD 81-07-51.

AD 81-07-51 requires immediate removal from service of all main rotor spindles (spindle/cuff assemblies) with 700 hours or more time in service and initial and repetitive flourescent penetrant inspections of the spindles. It also requires inspections of the spindles and shear bearings under specified conditions.

The main rotor spindles are manufactured as rotary wing head spindle/cuff assemblies under part numbers (P/N) 76102-08001-041 and -043. The 76102-08001-043 assembly is the improved design which has preload bolts installed under the factory assembly requirements of 76102-08000-050 and -051.

The FAA has determined, based on subsequent engineering test and analytical data, that the replacement time for the 76102-08001-043 spindle/cuff assembly can be increased to 2,500 hours time in service and has also determined that the P/N 76102-08001-041 spindle/cuff assemblies must be removed from service by December 15, 1981.

This amendment, therefore, revises Amendment 39-4130 (46 FR 30334), AD 81-07-51, by revising part numbers and requiring that 76102-08001-041 spindle/cuff assemblies be removed from service by December 15, 1981, and replaced with 76102-08001-043 spindle/cuff assemblies.

The increased replacement time for the P/N 76102-08001-043 spindle/cuff assemblies with P/N 76102-08051-103 and -104 spindle preload bolts is specified in the Airworthiness Limitations Section of the latest revision of Chapter 4 of the Sikorsky S-76A Maintenance Manual, publication SA 4047-76-2. The requirements for the mandatory inspections and replacement of these spindle/cuff assemblies, and the shear bearings under certain conditions, are also specified in the latest revision of Chapter 4 of the Sikorsky S-76A Maintenance Manual, SA 4047-76-2, Airworthiness Limitations Section. Compliance with this section is mandatory per §§ 91.163(c) and 43.16 of the Federal Aviation Regulations (FARs) (14 CFR 91.163(c) and 43.16).

Installation of P/N 76102-08001-043 spindle/cuff assemblies with the 76102-08051-103 or -104 spindle preload bolts terminates the requirements of AD 81-07-51.

Need for Amendment

This amendment is an extension of a replacement time thereby relieving a requirement and provides a substantial notice of the requirement for replacing the older design spindle/cuff assembly; thus, it imposes no additional burden on any person. It is found that notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule and was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising Amendment 39-4130 (46 FR 30334), AD 81-07-51 effective September 21, 1981, as follows:

1. In paragraphs 1 through 4, delete "P/N 76102-08001 series" wherever it occurs and insert in its place: P/N 76102-08001-041.

2. Add a new paragraph:

9. Prior to December 15, 1981, remove from service all spindle/cuff assemblies, P/N 76102-08001-041, and replace with spindle/cuff assemblies, P/N 76102-08001-043, with spindle preload bolt P/N 76102-08051-103/-104 in accordance with Sikorsky Service

Bulletin No. 76-65-24B, dated 8-17-81, or later FAA approved revision. Mandatory requirements for the inspection and replacement of the spindle/cuff assemblies and the shear bearings continue in effect for the P/N 76102-08001-043 assemblies and have been incorporated in Chapter 4 of the Sikorsky S-76A Maintenance Manual, SA 4047-76-2, Airworthiness Limitations Section.

3. Add a new paragraph:

10. Installation of P/N 76102-08001-043 spindle/cuff assemblies with the 76102-08051-103 or -104 spindle preload bolts terminates the requirements of AD 81-07-51.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C.

This amendment becomes effective September 21, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final Order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Court of Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Note.—The incorporation by reference provisions of this document was approved by the Director of the Federal Register on December 31, 1980.

Issued in Burlington, Mass., on August 31, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-26288 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80 ARM-20]

Establishment of 700' and 1,200' Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the existing Douglas, Wyoming, transition area and establishes 700' and 1,200' transition areas at Douglas, Wyoming, to provide controlled airspace for aircraft executing the new VOR runway 28 standard instrument approach procedure (SIAP) developed for the Converse County Airport, Douglas, Wyoming.

EFFECTIVE DATE: 0901 g.m.t., November 26, 1981.

FOR FURTHER INFORMATION CONTACT: David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 340-5494.

SUPPLEMENTARY INFORMATION:

History

On Thursday, April 30, 1981, the FAA published for comment (46 FR 24195) a proposal to establish a 700' and 1,200' transition area at Douglas, Wyoming. The only comments received as a result of this circular expressed no objections.

Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulation establishes 700' and 1,200' transition areas and revokes the existing transition area at Douglas, Wyoming, to provide controlled airspace for aircraft executing the new VOR runway 28 standard instrument approach procedure developed for the Converse County Airport, Douglas, Wyoming.

Drafting Information

The principal authors of this document are David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., November 26, 1981, as follows:

By amending Subpart G, § 71.181 by revoking the existing Douglas, Wyoming, transition area and establishing the following transition areas:

Douglas, Wyoming

That airspace extending upward from 700' above the surface within a 9-mile radius of the Converse County Airport, Douglas, Wyoming, (latitude 42°44'40" N., longitude 105°21'56" W.) within 5 miles each side of the Douglas VORTAC 123° radial extending from the 9-mile radius to 16.5 miles southeast of the VORTAC; and that airspace extending upward from 1,200' above the surface within the area bounded by a line beginning at a point latitude 43°14'00" N., longitude 105°28'01" W., east along the south edge of V26 to latitude 43°28'30" N., longitude 104°30'00" W., to latitude 43°00'00" N., longitude 104°30'00", east to the Wyoming-Nebraska State boundary, south to the north edge of V100, west to the west edge of V19, northwest to latitude 42°27'30" N., longitude 105°52'05" W.; thence to point of beginning, excluding the Casper and Cheyenne, Wyoming, transition areas.

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 (as implemented by DOT Regulatory Policies and Procedures (44 FR 11034) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colo., on September 4, 1981.

Paul K. Bohr,

Acting Director, Rocky Mountain Region.

[FR Doc. 81-26636 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 270

Standard for Determining Btu Content of Natural Gas; Partial Stay of Final Rule

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order granting partial stay of final rule.

SUMMARY: The Federal Energy Regulatory Commission stays, pending further order, the effect of Order No. 93 (Docket No. RM80–33; 45 FR 49077; July 23, 1980) and Order No. 93–A (46 FR 24537; May 1, 1981) insofar as they concluded that the standard they prescribed for determining the Btu content of natural gas codified at 18 CFR 270.204 was in effect from December 1, 1978, to April 24, 1981. The order is subject to the approval of the United States Court of Appeals for the District of Columbia.

DATES: FERC will publish another document in the **Federal Register** announcing the effective date of the stay if the U.S. Court of Appeals for the District of Columbia approves of this order.

Section 270.204 shall remain effective as to all sales which occurred after April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Teresa Ponder, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357–8151.

SUPPLEMENTARY INFORMATION: In the matter of final rules for Part 270, Subpart B, §§ 270.201, 270.202, and 270.204; Order Granting Partial Stay of Order Nos. 93 and 93–A Pending Further Order (Docket No. RM80–33).

Issued August 20, 1981.

On July 16, 1980, the Commission issued Order No. 93 (Docket No. RM80–33; 45 FR 49077; July 23, 1980) amending and issuing as final rules the regulation in 18 CFR 270.204 relating to the standard for determining the Btu content of natural gas. On April 24, 1981, the Commission issued Order No. 93–A, entitled "Order Denying Rehearing and Clarifying Order No. 93" (46 FR 24537; May 1, 1981). On July 22, 1981, El Paso Natural Gas Company filed a petition requesting full or partial stay of Order Nos. 93 and 93–A.

Order No. 93–A stated that the measuring standard prescribed in Order No. 93 took effect on December 1, 1978. We wish to reconsider that conclusion. Many pipelines have not yet paid all sums which would be due on the basis of that effective date. To that extent, we wish to preserve the status quo pending reconsideration of the question of the effective date.[1]

[1] Should this reconsideration produce a different conclusion as to the effective date, we will make appropriate adjustments to relieve those who already paid in whole or in part.

The Commission Orders

Order Nos. 93 and 93–A are stayed, pending further order, insofar as they concluded that the standard they prescribed for determining Btu content of natural gas was in effect from December 1, 1978, to April 24, 1981 (the date Order No. 93–A was issued). This order is subject to the approval of the United States Court of Appeals for the District of Columbia Circuit.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26235 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 18 and 112

[T.D. 81-243]

Carriers, Cartmen, Lightermen; Carriage of Bonded Merchandise by Private Carriers

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to simplify the requirements that a private carrier must meet to be designated as a carrier of bonded merchandise. The amendment provides that a private carrier may be designated as a carrier of bonded merchandise if (1) the merchandise (including containerized merchandise) to be transported is the property of the private carrier, and (2) the private carrier files a proper Customs bond. Conforming amendments are also set forth.

EFFECTIVE DATE: October 14, 1981.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: Donald F. Beach, Carriers, Drawback and Bonds Division (202–566–5856), Operational Aspects: Bradley Lund, Inspection and Control Division (202–566–5354), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

On October 27, 1980, a notice of proposed rulemaking was published in the **Federal Register** (45 FR 70907), requesting comments from the public concerning proposed Customs Regulations amendments to simplify Customs requirements which a private carrier must meet to be designated as a carrier of bonded merchandise.

Section 551, Tariff Act of 1930, as amended (19 U.S.C. 1551), provides that in the discretion of the Secretary of the Treasury, a private carrier, upon application, may be designated as a carrier of bonded merchandise, subject to such regulations and, in the case of each applicant, to such special terms and conditions, as the Secretary may prescribe to safeguard the revenue of the United States with respect to the transportation of bonded merchandise by the applicant.

Section 112.11(a)(4), Customs Regulations (19 CFR 112.11(a)(4)), provides that district directors of Customs may authorize a private carrier to receive and transport imported merchandise in bond if:

(i) The private carrier is the proprietor of a Customs bonded warehouse or bonded container station;

(ii) The merchandise (including containerized merchandise) to be transported is his property, having been imported by him or purchased from another importer; and

(iii) The merchandise is to be transported:

(A) From the port of importation, or port where entered for warehouse, to the private carrier's Customs bonded warehouse or bonded container station for physical deposit;

(B) From the private carrier's Customs bonded warehouse or bonded container station to another Customs bonded warehouse for physical deposit; or

(C) If for exportation, from the private carrier's Customs bonded warehouse or bonded container station to a Customs bonded warehouse at the port of exportation.

Customs believes that the present requirements in § 112.11(a)(4), which must be met by an applicant before being designated as a private carrier of bonded merchandise, are needlessly restrictive. The goal of these requirements, as set forth in 19 U.S.C. 1551, is to safeguard the revenue. Requiring a private carrier to be a proprietor of a Customs bonded warehouse or bonded container station and restricting a private carrier to transporting merchandise to or from the private carrier's bonded warehouse or bonded container station are not necessary to accomplish this goal, and severely limit the number of carriers able to qualify as carriers of bonded merchandise. The carrier's bond and security requirements concerning container stations in §§ 19.40 through 19.49, Customs Regulations (19 CFR 19.40–19.49), are considered adequate to protect the revenue if the private carrier

is restricted to carrying property which it owns.

Accordingly, the notice proposed to amend § 112.11(a)(4) by deleting the requirements in paragraphs (i) and (iii), and by providing that a private carrier may be designated as a carrier of bonded merchandise if (1) the merchandise (including containerized merchandise) to be transported is the property of the private carrier (present subparagraph (ii)), and (2) the private carrier files Customs Form 3588, "PRIVATE CARRIER's BOND."

The deletion of the requirements in paragraphs (i) and (iii) will allow a private carrier's vehicles, which now return empty to company locations after delivering merchandise at ports of export, to load imported merchandise for shipment under the bond for exportation or transportation or for transportation and exportation (Customs Forms 7557, 7559). Private carriers also will be able to deliver their bonded merchandise by the most direct route.

On the basis of the requirement in present § 112.11(a)(4) that a private carrier must be the proprietor of a Customs bonded warehouse or bonded container station to be designated as a carrier of bonded merchandise, § 112.12(b)(3), Customs Regulations (19 CFR 112.12(b)(3)), provides that if a private carrier is the proprietor of Customs bonded warehouses in two or more Customs districts to which imported merchandise will be transported, he shall file Customs Form 3588, "PRIVATE CARRIER's BOND," with the district director for one of the districts, accompanied by a statement showing the location of each warehouse and an additional copy of the bond for each additional district.

Accordingly, it was proposed to amend § 112.12(b)(3) to conform to the amendment of § 112.11(a)(4) which would delete the requirement that a private carrier must be the proprietor of a Customs bonded warehouse or bonded container station to be designated as a carrier of bonded merchandise. Section 112.12(b)(3) would be amended to provide that the private carrier shall file Customs Form 3588 with the district director in the district where the private carrier intends to operate. If the private carrier intends to operate in two or more districts, he shall file the bond with the district director for one of the districts, send a copy of the bond to the district director for each additional district, and include with the bond and copies of the bond a list of all districts in which he intends to operate. If the private carrier is the proprietor of one or more of Customs bonded warehouses or bonded container stations to which imported merchandise will be transported, he shall accompany the bond and copies of the bond by a statement showing the location of each warehouse and container station.

The notice also proposed to amend § 18.2(e), Customs Regulations (19 CFR 18.2(e)), to conform to the proposed amendment to § 112.11(a)(4). Presently, § 18.2(e) provides that an entry for immediate transportation in bond by a private carrier shall be accompanied by a commercial invoice setting forth the particulars of the merchandise and a statement verified by the district director of the district in which the private carrier's warehouse is located requesting permission to transport the merchandise to the private carrier's warehouse. Section 18.2(e) also sets forth a sample statement whereby the warehouse proprietor and carrier requests the permission of the district director to transport the merchandise described in the invoice from the port to his warehouse.

Discussion of Comments

The three comments received in response to the notice were, in general, in favor of relaxing the restrictions on private carriers. Two commenters recommended expanding the proposed relaxation of restrictions.

Specifically, both commenters were of the opinion that § 18.2(e) should be amended or deleted in its entirety because it imposes unnecessary costs and delays on private carriers who are bonded to carry their own merchandise. For example, one of the commenters indicated that because of the different billing systems used by foreign vendors, the commercial invoice is not always available at the time the shipment is placed in bond. In fact, some commercial invoices are not available for several days or even weeks after the shipment is placed in bond. The commenter expressed the view that to require a shipment to remain on the pier until a commercial invoice is available would result in unnecessary detention expense and also subject the shipment to potential general order storage (pursuant to § 4.37, Customs Regulations (19 CFR 4.37)), if the shipment is not entered within five days of the date of entry of the vessel on which the shipment arrived.

In addition, one of the commenters expressed the view that the request in the verified statement under § 18.2(e) for "permission to transport" from the district director of the district to which the merchandise will be carried would deter private carriers from carrying bonded merchandise. For example, because many shipments arrive at ports without advance notice, the coordination of these requests for permission from the district director and the dispatching of trucks for pick-up would be nearly impossible, and would cause, in many instances, several days delay to the private carrier. As a result, possible detention charges and loss of time to the carrier could cause a private carrier to forego the benefits of private carriage.

Customs agrees with the views expressed by the commenters regarding § 18.2(e), and is of the opinion that the private carrier's bond adequately protects the revenue and that requiring the carrier to furnish a verified statement accompanied by a commercial invoice is unnecessary. Accordingly, § 18.2(e) has been deleted.

Also, one of the commenters asked whether a private carrier will be required to obtain a bond for transportation and exportation (Customs Form 7559), if the carrier intends to ship merchandise for both transportation and subsequent exportation, as well as the private carrier's bond (Customs Form 3588). In addition, another commenter questioned the necessity of filing a private carrier's bond pursuant to § 112.12(b)(3), with the district director in one district and a copy of the bond (with a list of all Customs districts in which the carrier intends to operate) with each district director in the districts in which the carrier intends to operate. The commenter believes that this requirement is being maintained by Customs so that each district in which the private carrier operates will know that the carrier is properly bonded. Because many private carriers operate nationwide, the commenter feels that large scale mailing could be avoided by simply adding the private carriers to the list of bonded common carriers and verifying in the same manner as common carrier bonds are verified.

In response to the first question, it is Customs position that a private carrier must obtain a bond for transportation and exportation shipments (Customs Form 7559) in addition to the private carrier's bond (Customs Form 3588), inasmuch as the private carrier's bond does not presently cover transportation and exportation movements. It should be noted that the private carrier's bond, like the common carrier's bond, does cover immediate transportation bond shipments. With respect to the inquiry concerning § 112.12(b)(3), Customs Headquarters is currently exploring the possibility of adding bonded private carriers to the list of bonded common

carriers, thereby enabling Customs to verify private carrier bonds in the same manner as common carrier bonds. Presently, holders of common carrier bonds are published in the Customs Bulletin and are ordinarily verified by Customs districts using the Customs Bulletin or the Automated Bond Information System ("ABIS"). Until such time as Customs has developed a cost-effective and feasible method for adding existing as well as future holders of private carrier bonds to the list of holders of common carrier bonds, the present requirements under § 112.12(b)(3) must be maintained.

In view of the comments received in response to the notice, Customs is adopting the amendments as proposed, with the exception of the proposed amendment to § 18.2(e). Section 18.2(e) is deleted.

It should be noted that the above amendments do not affect Customs requirements relating to the transportation of merchandise in bond by bonded common carriers, contract carriers, or freight forwarders.

Executive Order 12291

Because this will not result in a "major" rule as defined by section 1(b) of E.O. 12291, the regulatory impact analysis and review prescribed by section 3 of the E.O. is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of 5 U.S.C. 603 and 604 (as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act"), because it was the subject of a notice published in the Federal Register before January 1, 1981, the effective date of the Act.

Drafting Information

The principal author of this document was Robert J. Pisani, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

Parts 18 and 112, Customs Regulations (19 CFR Parts 18, 112), are amended as set forth below.

William T. Archey,

Acting Commissioner of Customs.

Approved: August 31, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.2 [Amended]

In § 18.2, paragraph (e) is removed.

(R.S. 251, as amended, section 551, 565, 624, 46 Stat. 742, as amended, 747, as amended, 759 (19 U.S.C. 66, 1551, 1565, 1624))

PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

1. Section 112.11(a)(4)(i) and (ii), Customs Regulations (19 CFR 112.11(a)(4)), is revised to read as follows:

§ 112.11 Carriers which may be authorized.

(a) *From port to port in the United States.* The district director may authorize the following types of carriers to receive merchandise for transportation in bond from one port to another in the United States upon compliance with the provisions of this subpart:

* * * * *

(4) Private carriers, if:

(i) The merchandise (including containerized merchandise) to be transported is the property of the private carrier; and (ii) the private carrier files Customs Form 3588, "Private Carriers Bond".

* * * * *

2. Section 112.12(b)(3), Customs Regulations (19 CFR 112.12(b)(3)), is revised to read as follows:

§ 112.12 Application for authorization.

* * * * *

(b) *Special requirements.* In addition to the requirements in paragraph (a) of this section, the specified carriers shall also file with the district director the following documents:

* * * * *

(3) *Private carriers.* The private carrier shall file the bond with the district director in the Customs district where the private carrier intends to operate. If the private carrier intends to operate in two or more Customs districts, he shall file the bond with the district director for one of the districts, send a copy of the bond to the district director for each additional district, and include with the bond and copies of the bond a list of all Customs districts in which he intends to operate. If the private carrier is the proprietor of one or more Customs bonded warehouses or bonded container stations to which imported merchandise will be transported, he shall accompany the bond and copies of the bond by a statement showing the location of each warehouse and container station.

* * * * *

(R.S. 251, as amended, sections 551, 565, 624, 46 Stat. 742, as amended, 747, as amended, 759 (19 U.S.C. 66 1551, 1565, 1624))

[FR Doc. 81-26696 Filed 9-11-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

23 CFR Part 476

Interstate System Withdrawal and Substitution

AGENCIES: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Amendment to final rule.

SUMMARY: The FHWA and the UMTA are amending the Interstate System Withdrawal and Substitution provisions of 23 CFR 476, Subpart D, to reflect a DOT policy which limits the applicability of the regulation. The policy has been in effect since February 1978, but was omitted from the October 20, 1980, revisions to the regulation (45 FR 69390).

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Shufflebarger, Office of Engineering (Attention: HNG-13), 202-426-0404, or Mr. Frank L. Calhoun, Office of the Chief Counsel (Attention: HCC-10), 202-426-0761, in the Federal Highway Administration (FHWA); or Mr. Albert Lim, Office of Program Analysis (Attention: UTA-31), 202-472-6997, or Mr. John J. Collins, Office of the Chief Counsel (Attention: UCC-10), 202-426-1909, in the Urban Mass Transportation Administration (UMTA); all at 400 Seventh Street, SW., Washington, D.C. 20590. The FHWA hours are from 7:45 a.m. to 4:15 p.m. and the UMTA hours are from 8:30 a.m. to 5:00 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The existing regulation provides for the withdrawal of certain uncompleted or planned highways on the Interstate System in and connecting urbanized areas (within a State) and the authorization of funding for substitute highway and/or mass transit projects. The authority for Interstate System withdrawal and substitution actions is found in 23 U.S.C. 103(e)(4).

The Interstate transfer provisions were first enacted in the Federal-Aid Highway Act of 1973 with the stipulation that they applied only to

routes approved prior to enactment of that Act (August 13, 1973). This stipulation was removed by the Federal-Aid Highway Act of 1976, but the 1976 Highway Act Conference Committee report[1] specified that "* * * The Secretary, before approving any new Interstate designation, must be satisfied that a State does intend to construct an Interstate route and not later request a transfer to a transit project." Upon determining that removal of the statutory stipulation did not require application of 23 U.S.C. 103(e)(4) to mileage designated after enactment of the Federal-Aid Highway Act of 1973 and that either approach (i.e., permitting or denying a withdrawal) was a matter of policy, the DOT carefully considered retaining the earlier stipulation as Departmental policy.

Mileage for Interstate segments designated after August 13, 1973, under 23 U.S.C. 103(e)(1) came from routes which were previously withdrawn from the System under 23 U.S.C. 103(e)(4) and involved intense competition among the States. Permitting withdrawal of and substitution of the redesignated mileage was considered unfair to other States that applied for the same mileage. Further, the DOT concluded that it was the intent of Congress to limit the use of redesignated mileage to the building of other Interstate segments and that repeated withdrawals of the same mileage under 23 U.S.C. 103(e)(4) would be inappropriate and could have severe fiscal impacts on Federal funds.

For these reasons, a Departmental policy was established which continued the prohibition on withdrawal of Interstate segments designated under 23 U.S.C. 103(e)(1) after August 13, 1973. This amendment incorporates the Departmental policy into the Interstate System Withdrawal and Substitution regulation.

Since August 13, 1973, 32 segments have been added to the Interstate System under the provisions of 23 U.S.C. 103(e)(1). Seven of these segments were added as a result of specific legislation and are already prohibited from withdrawal by 23 CFR 476.302(b)(6) unless a comparable statute permitting their withdrawal is enacted. All but two of the remaining 25 segments were under statutory or written administrative prohibition against future withdrawal at the time of their addition. A policy statement by the Secretary of Transportation on June 21, 1978, confirmed that the prohibition applied to all the segments.

[1] H.R. Rep. No. 94-1017 and S. Rep. No. 94-741, 94th Cong., 2d Sess. 44 (1976).

The 1978 Highway Act (November 6, 1978) prohibited any further segment additions and thus stopped the possible repeated withdrawals of the same mileage. Because this greatly reduced potential fiscal impacts, three exceptions to the policy were granted. However, the Department now considers even the limited potential fiscal impacts too great to permit any further exceptions.

Because this amendment is simply intended to incorporate established DOT policy into the regulation, no economic impacts are anticipated. It has also been determined that this action will not have a significant economic impact on a substantial number of small entities. For the foregoing reasons, neither a full regulatory evaluation nor a regulatory impact analysis is required.

Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Because this amendment simply incorporates established DOT policy into an existing regulation and creates no new regulatory burden, the FHWA and UMTA find good cause to make this amendment effective in less than 30 days under DOT regulatory procedures. Accordingly, this amendment is effective upon issuance.

Neither a general notice of proposed rulemaking nor a 30-day delay in effective date is required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2).

The FHWA and UMTA have determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures.

PART 476—INTERSTATE HIGHWAY SYSTEM

Accordingly, Chapter I of Title 23, Code of Federal Regulations, Part 476, Subpart D is amended by adding a new paragraph (7) to § 476.302(b) as follows:

§ 476.302 Applicability.

* * * * *

(b) * * *

(7) A segment added to the Interstate System after August 13, 1973, under the provisions of 23 U.S.C. 103(e)(1).

* * * * *

(23 U.S.C. 103(e)(4) and 315; 49 CFR 1.48(b) and 1.51(f))

(Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on September 4, 1981.

L. P. Lamm,

Executive Director, Federal Highway Administration.

Carole Foryst,

Acting Administrator, Urban Mass Transportation Administration.

[FR Doc. 81-26566 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-81-930]

Community Development Block Grant Program; Revisions to Urban County Qualification Requirements; Procedures for Joint Applications From Urban Counties and Metropolitan Cities; and Qualification of Towns and Townships as Metropolitan Cities

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Interim rule.

SUMMARY: The Department of Housing and Urban Development is publishing interim regulations regarding its Community Development Block Grants. This rule (1) amends Community Development Block Grant regulations on the urban county qualification requirements by establishing a three year qualification period, and (2) establishes procedures by which metropolitan cities may join urban counties for purposes of carrying out consolidated community development and housing assistance programs. This rule is published to implement provisions of the Housing and Community Development Act of 1980 which require changes in the Community Development Block Grant program beginning with Federal Fiscal Year 1982.

EFFECTIVE DATE: September 14, 1981. Comment due date: November 13, 1981.

ADDRESS: Comments should be addressed to: The Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Richard K. Fromm, Community Development Specialist, Entitlement Cities Division, Office of Community Planning and Development, Washington, D.C. 20410. Phone: (202) 755–6306. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Under a 1980 amendment to the urban county provisions of the Housing and Community Development Act of 1974 (the "Act"), units of general local government included in an urban county will be included for a period of three years, during which they will be ineligible to receive Small Cities or entitlement grants in their own right unless the urban county does not receive a grant in any year during the three year period. This change was instituted in an effort to provide a more stable base for planning and implementing urban county community development and housing programs under the Community Development Block Grant (CDBG) program. In implementing this change in the Community Develoment Block Grant program the Department is establishing a three year qualification period for urban counties. A county may seek to qualify as an urban county during any year. Upon qualifying, the county will remain an urban county (including its unincorporated areas and a stable group of included units of general local government) for a period of three years. That is, during the three year qualification period no included unit of general local government can be removed from the urban county, nor can any additional unit of general local government be included in the urban county during that period. Nor will any unit of general local government included in an urban county be eligible for a Small Cities grant or entitlement grant as a metropolitan city during the three year urban county qualification period unless the urban county does not receive a grant in any year during the three year period, but rather will remain part of the urban county for the entire three year urban county's qualification period. To assure that included units of general local government remain an effective part of the urban county for the entire three year qualification period, the Department is requiring that necessary cooperation agreements between the urban county and its included units of general local government must cover three successive program years. Also, no urban county will lose its qualification for an entitlement grant during the three year period, even if the population of the urban county falls below 200,000 persons.

The 1980 amendment also provides that upon approval of a joint request from an urban county and a metropolitan city located in whole or in part within the county, the Secretary of HUD may approve inclusion of the metropolitan city as a part of the urban county for purposes of planning and implementing a consolidated community development and housing program. In order to maintain the stability of urban county programs, the Department will only consider joint requests under this provision at the time that the urban county is attempting to qualify for a three year period. Upon Departmental approval of such a joint request, the metropolitan city will be included in the urban county for program planning and implementation purposes for the entire three year urban county qualification period. To this end an urban county and any metropolitan city filing a joint request must have executed a cooperation agreement allowing the county to undertake or assist in undertaking essential community development and housing assistance activities for the three year urban county qualification period, similar to the cooperation agreements between the county and other included units of general local government. The grant amount of a joint recipient is established as the sum of the individual grant amounts of the entitled entities. No metropolitan city may join more than one urban county for any three year period; however, any and all metropolitan cities located, in whole or in part, within one urban county may join that county under this rule.

Finally, this rule implements a 1980 amendment to Section 102 of the Act regarding notifications to "opt out" units of general local government. Specifically, the statutory amendment requires that any county seeking qualifiction as an urban county notify each unit of general local government located within the county which is eligible to elect to have its population excluded from that of an urban county of its opportunity to so "opt out" of the urban county, and states that any such unit of general local government which does not elect to have its population excluded from the urban county will be included as a part of the urban county for the three year period of urban county qualification.

The triennial qualification of urban counties is required by statute to begin with funds appropriated for Federal Fiscal Year 1982. Also, it is not possible to make a final calculation of Fiscal Year 1982 entitlement grants and allocation of Fiscal Year 1982 Small Cities grant funds until the Department has determined the qualifications of counties to receive entitlements as urban counties. Such determinations cannot be made until the necessary notification, negotiation and agreement processes between counties and other units of general local government within their boundaries are completed. Since several months are required to complete those processes, HUD is publishing this rule for interim effect. For these same reasons, it is not appropriate to delay the effective date of these provisions for the 30-day period provided in 5 U.S.C. 553(d).

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address listed above.

The Entitlement Cities Program is listed in the Catalogue of Federal Domestic Assistance under the number 14–218, Community Development Block Grants/Entitlement Cities Program. OMB Circular A–95 applies to this program.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Accordingly the Department amends 24 CFR 570.105 by adding the following paragraphs (e)—(h):

§ 570.105 Urban counties.

* * * * *

(e) *Period of qualification.* (1) Beginning on October 1, 1981, the qualification by HUD of an urban county shall be effective for three successive Federal fiscal years regardless of changes in its population during that period.

(2) During the three year period of qualification, no included unit of general local government may withdraw from nor be removed from the urban county for HUD's grant computation purposes, and no unit of general local government which was not so included may be added during that period.

(3) If some portion of an urban county's unincorporated area becomes incorporated during the three year urban county qualification period, and the urban county ceases to have authority to carry out essential housing and community development activities in the

newly incorporated area without the consent of the governing body of that newly incorporated area, then the newly incorporated area of the county shall be excluded from the urban county for the purpose of calculating the urban county grant amount, and shall be eligible to apply for a Small Cities grant, unless the urban county and the newly incorporated area have submitted an executed cooperation agreement acceptable to HUD by the beginning of the Federal Fiscal Year for which the urban county's grant is being calculated. Such an incorporation of some portion of the unincorporated area of an urban county shall not affect the qualification of the county as an urban county until such time as the urban county must submit documentation for requalification for an additional three year period.

(f) *Grant ineligibility of included units of general local government.* (1) An included unit of general local government cannot become eligible for an entitlement grant as a metropolitan city during the three year period of qualification of the urban county even though its population surpasses 50,000 during that period. Rather, such a unit of government shall continue to be included as an integal part of the urban county for the remainder of the urban county's three year qualification period, unless the urban county does not receive a grant in any year during such three year period.

(2) An included unit of general local government shall be ineligible for grants under the Small Cities program for the three year period of urban county qualification, unless the urban county does not receive a grant in any year during such three year period.

(g) *Notifications of the opportunity to be excluded.* Any county seeking to qualify for an entitlement grant as an urban county for any Federal Fiscal Year shall notify each unit of general local government which is located, in whole or in part, within the county and which is eligible to elect to have its population excluded from that of the urban county under paragraph (b)(1)(iii)(B) of this section, that it has the opportunity to make such an election, and that such an election, or the failure to make such an election, shall be effective for the three year period for which the county qualifies as an urban county. These notifications shall be made 60 days prior to the urban county's submission of documentation to HUD for qualification as an urban county. A unit of general local government which elects to be excluded from participation as a part of the urban county shall notify the county and HUD in writing 15 days prior to the urban county's submission of documentation to HUD for qualification as an urban county.

(h) *Inclusion of a metropolitan city in an urban county.*—(1) *Joint requests and cooperation agreements.* (i) Any urban county and any metropolitan city located, in whole or in part, within that county may submit a joint request to HUD to approve the inclusion of the metropolitan city as a part of the urban county for purposes of planning and implementing a joint community development and housing program. Such a joint request shall only be considered if submitted at the time the county is seeking its three year qualification or requalification as an urban county. Such a joint request shall, upon approval by HUD, remain effective for the period for which the county is qualified as an urban county. An urban county may be joined by more than one metropolitan city, but a metropolitan city located in more than one urban county may only be included in one urban county for any program year. A joint request shall be deemed approved by HUD unless HUD notifies the city and the county of its disapproval and the reasons therefore within 30 days of receipt of the request by HUD.

(ii) Each metropolitan city and urban county submitting a joint request shall submit an executed cooperation agreement to undertake or to assist in the undertaking of essential community development and housing assistance activities.

(2) *Joint grant amount.* The grant amount for a joint recipient shall be the sum of the amounts authorized for the individual entitlement grantees, as described in § 570.102. The urban county shall be the grantee.

(3) *Effect of inclusion.* Upon urban county qualification and HUD approval of the joint request and cooperation agreement, the metropolitan city shall be considered a part of the urban county for purposes of program planning and implementation for the three year period of the urban county qualification, and shall be treated the same as any other unit of general local government which is a part of the urban county.

(4) *Submission requirements.* In requesting a grant under this Part, the urban county shall make a single submission covering all members of the joint recipient which meets the submission requirements of 24 CFR Part 570 Subpart D.

(Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., July 31, 1981.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 81-26000 Filed 9-11-81; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1927-3]

Approval and Promulgation of Implementation Plans; Extension Requests for Carbon Monoxide Attainment Dates; States of Arizona and Nevada

AGENCY: Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: The Environmental Protection Agency today approves revisions to the Arizona and Nevada State Implementation Plans (SIP), which consist of attainment date extensions for the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS). These extensions affect the Maricopa County Urban Planning Area in Arizona and the Truckee Meadows Nonattainment Area in Nevada and meet the requirements of the Clean Air Act. This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective November 13, 1981.

ADDRESSES: Written comments should be addressed to Douglas Grano of the EPA Region 9 Air Programs Branch (address below). Copies of the revisions are available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 M Street, S.W., Room 2404, Washington, D.C. 20460

Library, Office of the Federal Register, 1100 "L" Street, N.W., Room 8401, Washington, D.C. 20408

Arizona Department of Health Services, 1740 West Adams Street, Phoenix, AZ 85007

Maricopa Association of Governments, 1820 West Washington Street, Phoenix, AZ 85007

Nevada Department of Conservation and Natural Resources, Division of

Environmental Protection, 201 South Fall Street, Carson City, NV 89710
Washoe Council of Governments, 241 Ridge Street, Reno, NV 89502

FOR FURTHER INFORMATION CONTACT:
Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Background

The States have submitted Nonattainment Area Plans (NAP) for the areas in which extensions are being requested. EPA took final action to conditionally approve the Truckee Meadows NAP and the Maricopa County Urban Planning Area NAP in recently published **Federal Register** notices.

On August 19, 1980, the Governor of Nevada submitted a request to extend the CO NAAQS attainment date for the Truckee Meadows Nonattainment Area and on October 30, 1980, the Governor's designee for Arizona submitted a request to extend the CO NAAQS attainment date for the Maricopa County Urban Planning Area.

Discussion

The requests from the respective states were accompanied by demonstrations that attainment of the CO NAAQS is not possible within the period prior to December 31, 1982, despite the implementation of all reasonably available control measures. EPA approves these requests as complying with the provisions of the Clean Air Act, Section 172(a)(2).

As a consequence of the extension, the states must submit plan revisions for the CO nonattainment areas before July 1, 1982. These revisions must meet all the requirements of Section 110 and Part D, of the Clean Air Act as described in the January 22, 1981 **Federal Register**, including the special provisions of Section 172(b)(11) listed below:

1. Establish a program which requires, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. (172(b)(11)(A))

2. Establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program. (172(b)(11)(B))[1]

3. Identify other measures necessary to provide for attainment of the applicable national ambient air quality standard not later than December 31, 1987.(172(b)(11)(C))

4. Establish, expand, or improve public transportation measures to meet basic transportation needs, as expeditiously as is practicable; and implement transportation control measures necessary to attain and maintain national ambient air quality standards. (110(c)(5)(B))

EPA is approving these revisions to the Arizona and Nevada SIPs since they meet EPA's requirements for extension requests. This is being done without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, the approval will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action approves state actions.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it approves State actions and would have no significant economic impact. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

[1] EPA policy requires establishment of a vehicle inspection and maintenance program only in urbanized areas (1970 population of 200,000 or more; see 44 FR 20372). Consequently, this provision does not apply to the Truckee Meadows Nonattainment Area. As described at 45 FR 53145 Arizona has an operating inspection and maintenance program.

Note.—Incorporation by reference of the State Implementation Plans of the States of Arizona and Nevada was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110, 129, 172, 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7502, 7601(a)))

Dated: September 8, 1981.

John W. Hernandez, Jr.,
Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subparts D and DD of Part 52, Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

Subpart D—Arizona

1. Section 52.120, is amended by adding paragraphs (c) (46) to (48) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(46)–(47) [Reserved]

(48) The following amendments to the plan were submitted on October 30, 1980 by the Governor's designee.

(i) Request for Extension of the Carbon Monoxide Attainment Date for the Maricopa County Urban Planning Area.

* * * * *

2. Section 52.122 is amended by revising paragraph (d)(1) and adding paragraph (e) to read as follows.

§ 52.122 Extensions.

* * * * *

(d) * * *

(1) Maricopa County Urban Planning Area for O_3 and TSP.

(e) The Administrator hereby extends to December 31, 1987 the attainment dates for the national standards for carbon monoxide (CO), in the following areas:

(1) Maricopa County Urban Planning Area for CO.

* * * * *

3. In § 52.131, the entry for the "Maricopa County Urban Planning Area" is revised to read as follows:

§ 52.131 Attainment dates for national standards.

Air quality control region and nonattainment area	TSP		Pollutants			
	Primary	Secondary	Primary	Secondary	SO_2	NO_2	CO	O_3
Maricopa Intrastate: Maricopa County urban planning area nonattainment area	d	d	b	b	c	c	d

(c) December 31, 1987.

Subpart DD—Nevada

4. Section 52.1470 is amended by adding paragraph (c)(20) to read as follows:

§ 52.1470 Identification of plan.

(c) * * *

(20) The following amendment to the plan was submitted on August 19, 1980 by the Governor.

(i) Request for Extension of the Carbon Monoxice Attainment Date for the Truckee Meadows Nonattainment Area.

5. In § 52.1480, the entry for "Truckee Meadows" is revised to read as follows:

§ 52.1480 Attainment dates for national standards.

Air quality control region and nonattainment area	TSP		Pollutants				
			SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
Northwest Nevada Intrastate							
Truckee Meadows	e	e	e	e	e	f	f

6. Section 52.1481 is amended by revising paragraph (c)(1) to read as follows:

§ 52.1481 Extensions.

(c) * * *

(1) Truckee Meadows for CO and O_3.

[FR Doc. 81-26859 Filed 9-11-81; 8:45am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A 10-FRL 1923-2]

Approval and Promulgation of Implementation Plan Revisions: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to delete EPA's conditions of approval published June 5, 1980 (45 FR 37821) on portions of the State of Washington's implementation plan, which was submitted on April 29, 1979 to satisfy Part D (Plan Requirements for Nonattainment Areas) of the Clean Air Act as amended in 1977 (hereafter referred to as the Act) (42 U.S.C. 1857 et seq.). In addition, the "Identification of Plan" Section of the rule has been revised to more clearly describe exactly which provisions are included in the State implementation plan (SIP).

EFFECTIVE DATE: September 14, 1981.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-80-9), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224 Sixth Avenue SE., Lacey, Washington 98503

Office of Federal Register, 1100 L Street, Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard R. Thiel, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1230, (FTS) 399-1230.

SUPPLEMENTARY INFORMATION: On July 15 and December 10, 1980 the Washington Department of Ecology (DOE) held public hearings to consider changes to satisfy conditions of EPA's June 5, 1980 approval. The revisions adopted subsequent to these public hearings were submitted to EPA on July 31, 1980 and January 13, 1981. On January 15, 1981 (46 FR 3569) EPA proposed to approve the revisions submitted as satisfying the conditions of approval published June 5, 1980 (45 FR 37821).

Since no comments were received with respect to satisfaction of conditions, EPA will take final action in the same manner as proposed January 15, 1981.

It should be noted that this action deals only with material submitted by DOE to satisfy the conditions of approval published by EPA on June 5 and July 31, 1980. It does not attempt to deal with deficiencies in the SIP precipitated by the *Alabama Power Co. v. Costle* ruling and subsequent (August 7, 1980 45 FR 52676) EPA regulations. SIP revisions necessitated by the new EPA requirements will be submitted to EPA at a later date.

Comments

Two comments were received in response to EPA's proposed action (46 FR 3569) to approve the material submitted as changes to correct the SIP deficiencies identified in the EPA final conditional approval published June 5, 1980 (45 FR 37821). The commenters suggested that the Kraft Pulping Mill regulation (WAC 173-405) should include provisions for visible emissions limitations. EPA will evaluate with DOE the requirement for visible emission limits for pulp mills and then make a final determination as to their inclusion in the SIP. No other comments were received.

EPA finds that good cause exists for making the action taken in this notice

immediately effective for the following reasons: (1) Implementation plan revisions are already in effect under State law and EPA approval poses no additional regulatory burden, and (2) EPA has a responsibility under the Clean Air Act to take final action on the portion of the SIP which addresses Part D regulations by July 1, 1979 or as soon thereafter as possible.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. Section 605(b), I certify that the SIP approvals under 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Section 110 and 172 of the Clean Air Act.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement for regulatory impact analysis. This regulation is not major because EPA is approving an action taken by the State and, therefore, not establishing new requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110, 172, Clean Air Act as amended (42 U.S.C. 7410(a) and 7502))

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart WW—Washington

1. In § 52.2470 paragraphs (c) (16) through (24) are revised and paragraphs (c) (25) and (26) are added as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(16) On June 14, 1974 the State of Washington submitted amendments to WAC 18–24 "State Jurisdiction over Motor Vehicles" to provide for preconstruction review and approval of indirect sources. On June 26, 1975 the Governor submitted further revisions repealing the portion of WAC 18–24 constituting the indirect source review program. On June 5, 1980 EPA removed those portions of WAC 18–24 dealing with indirect source review from the SIP leaving only Sections 020–Definitions and 030–Assumption of Jurisdiction.

(17) On April 4, 1979 the State submitted a request to extend the dates for plan submission for all secondary TSP nonattainment areas. (This request affected the secondary TSP plans submitted April 27, 1979 and, as a result, EPA took no action on the following secondary TSP plans: Kent, Auburn, Port Angeles, Longview, and Seattle (S. Duwamish portion)). On July 30, 1979 (44 FR 4497) EPA approved the extension request.

(18) On April 27, 1979 the Governor submitted an implementation plan revision to satisfy the 1977 amendments to the Clean Air Act for the attainment and maintenance of national ambient air quality standards in all areas of the State. The revision consisted of the following elements:

I. Applicable Regulations (refer to Table 52.2479)

A. Department of Ecology (applicable statewide)

1. Chapter 173–400 WAC General Regulation for Air Pollution Sources—All Sections, dated April 26, 1979.

2. Chapter 173–405 WAC, Kraft Pulp Mills, Sections 011; 021; 031 (1), (4), (5) and (6); 036 (1), (2), (4); 061; 071 (2), (3), (4d, e), (5); 076; 081; 101, dated December 29, 1976.

3. Chapter 173–410 WAC, Sulfite Pulp Mills, Sections 011; 021; 031 (1), (4), (5) and (6); 036 (1), (2), (4); 041; 061; 061 (1) thru (8); 066; 081; 091, dated December 29, 1976.

4. Chapter 173–420 WAC, State Jurisdiction over Motor Vehicles—All Sections dated March 29, 1977. (Note: submitted in error; regulation never adopted. WAC 18–24, dated June 18, 1975 remains in the SIP).

5. Chapter 173–425 WAC, Open Burning—All Sections, dated October 24, 1977.

6. Chapter 173–435 WAC, Emergency Episode Plan—All Sections, dated October 31, 1977.

7. Chapter 173–490 WAC, Volatile Organic Compounds—All Sections, dated April 26, 1979.

8. Chapter 18–52 WAC. Primary Aluminum Plants, Sections 010; 016; 021; 031 (2) and (4); 036(1); 050; 061; 071 (1c), (1f), (2); 076; 091; dated July 28, 1976.

B. Puget Sound Air Pollution Control Agency

1. Regulation I dated December 1974
Article 1
Article 3
Article 6
Article 9—9.02; 9.02A; 9.03; 9.04; 9.05; 9.06; 9.07d; 9.07e; 9.09.

C. Northwest Air Pollution Control Authority

1. Regulations dated August 9, 1978 Section 455.11

D. Spokane County Air Pollution Control Authority

1. Regulation II dated January 6, 1975
Article IV, Section 4.01

II. Nonattainment Plans for Areas Designated Nonattainment as of September 11, 1979

A. Seattle area (TSP, CO, O_3)
B. Tacoma area (TSP, CO, O_3)
C. Kent area (TSP, CO, O_3)
D. Auburn area (TSIP, CO, O_3)
E. Spokane area (TSP, CO)
F. Clarkston area (TSP)
G. Port Angeles area (TSP)
H. Vancouver area (TSP)
I. Longview area (TSP)
J. Yakima area (CO)

III. Extension of Attainment Dates

A. Seattle—CO and O_3
B. Tacoma—O_3

No nonattainment plan was submitted for Vancouver O_3 until June 20, 1979 (see paragraph 18). Also, since the pulp mill and aluminum plant regulations have undergone extensive revisions, they will be resubmitted (see paragraph 23).

On June 5, 1980 (45 FR 37821) EPA published final rulemaking action on the Washington SIP as described below:

1. Approval
(a) Yakima CO nonattainment area strategy;
(b) Extension of attainment date for CO and O_3 for Seattle-Tacoma nonattainment area;
(c) Inspection and maintenance program;
(d) Deletion of WAC 18–08 (Sensitive Areas).

2. Conditional Approval
(a) New Source Review (WAC 173–400);
(b) Volatile Organic Compounds (WAC 173–490);
(c) Other General Regulations Provisions (Combined Emissions: WAC 173–400–040; Source Test Procedures; WAC 173–400–120(3); No Burn Areas: WAC 173–425);
(d) Seattle-Tacoma CO nonattainment area strategy;
(e) Seattle-Tacoma O_3 nonattainment area strategy; and
(f) Vancouver O_3 nonattainment area strategy; and
(g) Seattle-Tacoma, Vancouver, Spokane and Clarkston Primary TSP strategies.

3. No Final Action
(a) Tacoma SO_2 nonattainment area strategy;
(b) Spokane CO nonattainment area strategy;
(c) Kraft Pulp Mills: WAC 173–405;
(d) Sulfite Pulp Mills: WAC 173–410;
(e) Primary Aluminum Plants: WAC 18–52; and
(f) Energy Facility Site Evaluation Council Regulations: WAC 463–39.
(g) Miscellaneous regulatory provisions, grass seed field burning: WAC 18–16; input sulfur limitation: Puget Sound Air Pollution Control Agency (PSAPCA) Regulation I—Section 9.07(c).
(h) Secondary TSP plans (see paragraph 17)

4. Recission
(a) Portions of WAC 18–24 dealing with indirect source review
(b) All regulations not expressly delineated in paragraph (17) are no longer part of the SIP, except
i. WAC 18–52–031(3): Opacity for Primary Aluminum Plants

ii. PSAPCA Regulation I Section 9.07(c): 90 percent limitation on input sulfur

(19) On June 20, 1979, the Governor submitted the O_3 nonattainment plan for Vancouver and indicated a need for extension of the attainment date beyond 1982. On (date of publication) EPA approved the O_3 nonattainment plan.

(20) On August 17, 1979 the Governor submitted regulations for energy sources which are under the jurisdiction of the Energy Facility Site Evaluation Council. These regulations and the program to implement them were incomplete and therefore EPA took no action at that time. This submission was superseded by the July 31, 1980 submission.

(21) On December 21, 1979 the Department of Ecology submitted the Inspection and Maintenance (I/M) legal authority and a detailed schedule to implement the I/M program. The State committed to submitting a revised transportation control plan for Spokane by May 1, 1980. On June 5, 1980 (45 FR 37821) EPA approved the State inspection and maintenance program based on this information.

(22) On April 1, 1980 the Department of Ecology submitted revised regulations for kraft and sulfite pulping mills and primary aluminum plants adopted March 27, 1980. The regulations were revised to include the new source review requirements in Section 173 of the Act. EPA published conditional approval of the following portions of these regulations on July 31, 1980:

Chapter 173-405 WAC, Kraft Pulp Mills, Sections 011; 021; 031 (1), (4), (5) and (6); 033; 036 (1), (2) (4); 061; 071 (2), (3) (4 d, e) (5); 077; 101, dated March 27, 1980.

Chapter 173-410 WAC, Sulfite Pulp Mills, Sections 011; 021; 031; 033; 036 (1), (2), (4); 041; 051; 061 (1) thru (8); 067; 071; 086; 091, dated March 27, 1980.

Chapter 18-52 WAC, Primary Aluminum Plants, Sections 010; 016; 021; 031 (2), (4); 036(1); 051; 056; 071 (1)(c), 1(f), (2), (3), dated March 27, 1980.

(23) On July 31, 1980 and January 13, 1981 the Department of Ecology submitted revisions to the SIP to satisfy the conditions of approval published June 5, 1980 (45 FR 37821). The revised regulations are dated as follows:

1. WAC 173-400: January 8, 1981
2. WAC 173-490: January 8, 1981
3. PSAPCA Regulation I: Article 1, 3, 6, and 9(9.03, 9.04, 9.05, 9.06, 9.07(d), 9.07(e), and 9.09) dated December 8, 1977. (Refer to Table 52.2479)

A new regulation added to the SIP is WAC 173-402, Civil Sanctions Under Washington Clean Air Act, dated June 24, 1980. On September 14, 1981, EPA approved the foregoing material submitted as satisfying the conditions of approval published June 5, 1980.

(24) On July 31, 1980 the Department of Ecology submitted revisions to the pulp mill and aluminum plant regulations to satisfy the conditions of approval published July 31, 1980 (45 FR 50749). These regulations are dated August 20, 1980. On September 14, 1981, EPA approved the revisions submitted as satisfying the conditions of approval. The portions of the regulations approved as part of the SIP are as follows:

Chapter WAC 173-405, Kraft Pulp Mills, Sections 012; 021; 033; 040 (1), (2), (3), (4), (5), (8), and (17); 072 (1), (4) and (5); 077; 086; and 101.

Chapter WAC 173-410, Sulfite Pulping Mills, Sections 012; 021; 040 (1), (2), (3), (5), and (16); 062 (1), (2) and (3); 067; 086; 090; and 091.

Chapter WAC 173-415, Primary Aluminum Plants, Sections 010; 020; 030 (2)(b), (4), (5), (7), and (11); 040; 050; 060 (1)(c) and (2); 070; and 090.

(25) [Reserved]

(26) On September 10, 1980 the Governor submitted a revised transportation control plan for the Spokane carbon monoxide nonattainment area calling for attainment by December 31, 1982. On December 24, 1980 (45 FR 85007) EPA conditionally approved the transportation control plan.

(27) On March 5, 1980, the State of Washington Department of Ecology submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR Part 58, Subpart C § 58.20. On April 15, 1981 (46 FR 21994) EPA approved the Part 58 monitoring plan.

§ 52.2473 [Amended]

2. Section 52.2473 is amended to clarify the extent of application of the regulations included in the SIP. The following sentence is inserted after the first sentence:

* * * The regulations included in the SIP (See Table 52.2479) are applicable statewide unless otherwise noted in the regulation itself.

§ 52.2479 [Amended]

3. Paragraphs (a)(1) through (a)(6) of § 52.2479 are removed and the following Table 52.2479 is added:

Table 52.2479.—Washington SIP Regulations

Citation	Title	Date of regulation	Date of EPA approval	Federal Register citation	Applicable sections
WAC 173-400	General regs. for air pollution sources	Jan. 18, 1981	Sept. 14, 1981	46 FR 45607	All.
WAC 173-402	Civil sanctions under WA Clean Air Act	June 24, 1980	Sept. 14, 1981	46 FR 45607	All.
WAC 173-405	Kraft pulping mills	Aug. 20, 1980	Sept. 14, 1981	46 FR 45607	012; 021; 033; 040(1), (2), (3), (4), (5), (8), (9) and (17); 072(1), (4) and (5); 077; 086; and 101.
WAC 173-410	Sulfite pulping mills	Aug. 20, 1980	Sept. 14, 1981	46 FR 45607	012; 021; 040(1), (2), (3), (5) and (16); 062(1), (2) and (3); 067; 086, 090; and 091.
WAC 173-415	Primary aluminum plants	Aug. 20, 1980	Sept. 14, 1981	46 FR 45607	010; 020; 030(2)(b), (4), (5), (7) and (11); 040; 050; 060(1)(c) and (2), 070, 090.
WAC 173-425	Open burning	Oct. 24, 1977	June 5, 1980	45 FR 37821	All.
WAC 173-435	Emergency episode plan	Oct. 31, 1977	June 5, 1980	45 FR 37821	All.
WAC 173-490	Emission standards and controls for sources emitting volatile organic compounds.	Jan. 8, 1981	Sept. 14, 1981	46 FR 45607	All.
WAC 18-16	Grass seed field burning	Undated	May 31, 1972	37 FR 10900	All.
WAC 18-24	State jurisdiction over motor vehicles	June 18, 1975	June 5, 1980	45 FR 37821	All.
PSAPCA[1]	Regulation I	Dec. 8, 1977	Sept. 14, 1981	46 FR 45607	Articles 1, 3, 6 and 9 (Sections 9.03, 9.04, 9.05, 9.06, 9.07 (c), (d) and (e), 9.09).
NWAPA[2]	Regulations	Aug. 9, 1978	Sept. 14, 1981	46 FR 45607	Section 455.11.
SCAPCA[3]	Regulation II	Jan. 6, 1975	Sept. 14, 1981	46 FR 45607	Article IV, Section 4.01.

[1] Puget sound air pollution control agency.
[2] Northwest air pollution authority.
[3] Spokane County air pollution control authority.

§ 52.2484 [Removed]

4. Section 52.2484 is removed.

§ 52.2487 [Removed]

5. Section 52.2487 is removed.

§ 52.5488 [Removed]

6. Section 52.2488 is removed.

Note.—Incorporation by reference of the State Implementation Plan for the State of Washington was approved by the Director of the Office of the Federal Register on July 1, 1981.

Dated: September 8, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 81-26858 Filed 9-11-81; 8:45 am]

BILING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1925-6]

Approval and Promulgation of Implementation Plans; Bubble Action for National Distillers Co.'s Old Crow Plant, Woodford County, Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves a State Implementation Plan (SIP) revision submitted by the Kentucky Department for Natural Resources and Environmental Protection according to EPA's Alternative Emission Reduction Policy (bubble policy). EPA proposed approval of the Kentucky revision in the Federal Register on May 20, 1981 (46 FR 27504); no comments were received in response to the proposal.

The Kentucky revision alters the allowable particulate emission limits for three boilers at the National Distillers Company's Old Crow Plant in Woodford County. After reviewing Kentucky's submittal EPA finds that the altered emission limits provide a net air quality benefit, and are consistent with EPA's bubble policy.

DATE: This action is effective October 14, 1981.

ADDRESSES: The Kentucky submittal may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Library, Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20005

Environmental Protection Agency, Air Programs Branch, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution Control, W. Frankfort Office Complex, 1050 U.S. 127 South, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Melvin Russell of the Air Programs Branch at the EPA, Region IV address above or call (404) 881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On December 24, 1980, EPA received a SIP revision from the Commonwealth of Kentucky, proposing to use the bubble concept for particulate emissions from three boilers at the National Distillers Company's Old Crow Plant in Woodford County. The three boilers are presently required to meet an allowable emission limit of 0.4 lb/MBTU. The proposed plan would lower the allowable emission limit for two 25 MBTU/hr boilers from 0.4 lb/MBTU to 0.3 lb/MBTU, and raise the emission limit for one 100 MBTU/hr boiler from 0.4 lb/MBTU to 0.413 lb/MBTU. The following table and analysis further clarifies the effect of Kentucky's proposal:

Boiler size	Present allowable emissions	Proposed allowable emissions	Actual emissions
25 Mbtu/hr	0.4 lb/Mbtu	0.3 lb/Mbtu	0.25 lb/Mbtu
25 Mbtu/hr	0.4 lb/Mbtu	0.3 lb/Mbtu	0.25 lb/Mbtu
100 Mbtu/hr	0.4 lb/Mbtu	0.413 lb/Mbtu	0.415 lb/Mbtu
Total plant allowable	0.4 lb/Mbtu	0.375 lb/Mbtu	
Total actual			0.345 lb/Mbtu

The new total plant allowable of 0.375 lb/MBTU is less than the old total plant allowable of 0.4 lb/MBTU, and air quality modeling submitted by Kentucky indicates that enacting this bubble proposal will provide a net air quality benefit. The plant was modelled at the proposed allowables and the previous allowable using the CRSTER Model. The modelling revealed a decrease in the maximum annual mean concentration and the maximum 24-hour concentration; there is no consumption of increment since there is no increase in actual emissions. Under conditions of the permit to be issued by Kentucky to the National Distillers Company (1) particulate emissions from the 100 MBTU/hr boiler shall not exceed 0.413 lb/MBTU, and (2) particulate emissions from either 25 MBTU/hr boiler shall not exceed 03 lb/MBTU.

Action: EPA is today approving the SIP revision submitted by Kentucky. This action is effective October 14, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before November 13, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in additional cost to the industry or consumers; moreover only one plant is affected.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1981.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: September 8, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart S—Kentucky

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. Section 52.920 is amended by adding paragraph (c)(20) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(20) Revision to the State Implementation Plan for a bubble action at National Distillers Company's Old Crow Plant in Woodford County, submitted on December 24, 1980, by the Kentucky Department for Natural

Resources and Environmental Protection.

[FR Doc. 81-26637 Filed 9-11-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5994

[M-49376]

Montana; Partial Revocation of Forest Service Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes a Secretarial order as modified by Commissioner's letters of September 12, 1914, and October 12, 1915, which withdrew lands for the Jennings Camp Ranger Station. This action will open the lands to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: October 9, 1981.

FOR FURTHER INFORMATION CONTACT: Edgar D. Stark, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated November 25, 1907, as modified by Commissioner's letters of September 12, 1914, and October 12, 1915, which withdrew lands for the Jennings Camp Ranger Station is revoked insofar as it affects the following described lands:

Principal Meridian

Bitterroot National Forest

T. 2 N., R. 18 W.,

Sec. 27, M&B as follows:

Forest Service Monument consists of a block of granite 3' x 3' x 3½', marked R/1 F.S.N. located at the east end of the Jennings Camp flat on the north side of the river, and markings are visible from the road. Whence the summit of a bald mountain bears N. 60° W. about 30 chains, the junction of trail and road bears S. 17° E., 1 chain, a fir tree 10" D.B.H. marked NW/1 bears due west 44 links distant and a yellow pine tree 10" D.B.H. bears S. 1° E. 1 chain distant, marked NW/1.

Thence N. 10° W.

6.00 chains up foot of mountain between two dikes of granite over slide rock to Corner No. 2, a rock, 22" x 6" x 8" set in mound of stone marked R/2, which is Corner No. 2 of old survey:

Whence a forked yellow pine tree 28" D.B.H. bears N. 10° W., 11 links distant, marked W/2, and a fir tree 20" D.B.H. bears S. 10° W. 56 links distant marked W/2.

Thence S. 63°30' W. 8.00 chains across grass land to pole stand. 37.00 chains through pole stand to Corner No. 3, a rock 4" x 6" x 10" set in ground marked H/2 which is Corner No. 2 of H.A. No. 148.

Whence a fir tree, 16" D.B.H. bears S. 20° W., 60 links distant, marked HW/2.

And a fir tree 14" D.B.H. bears N. 40° W., 45 links distant marked HW/2.

Thence S. 33° E. 6.33 chains to river. 9.00 chains to Corner No. 4, a boulder 18" x 10" x 12" set in ground marked R/4, whence a yellow pine tree 9" D.B.H. bears N. 78° E., 25 links distant, marked WR/4, and a lodgepole pine tree 10" D.B.H. bears N. 30° E., 35 links distant, marked WR/4.

Thence S. 58° E. 4.69 chains across meadow to Corner No. 5, a rock 8" x 8" x 8", set in ground, marked R/5, whence a fir tree 14" D.B.H. bears S. 61° E. 26 links distant, marked WR/5, and a fir tree 10" D.B.H. bears S. 33° W., 26 links distant, marked WR/5.

Thence N. 62°30' E. 30.00 chains through lodgepole and across river twice to Corner No. 6, which is Corner No. 5 of the old survey. A rock 15" x 6" x 10" set in mound of earth, marked R/6. Whence a lodgepole pine tree 6" D.B.H. bears N. 16° W. 66 links distant, and a lodgepole pine tree 12" D.B.H. bears S. 78° W., 8 links distant, marked W/6.

Thence N. 10° W. 2.00 chains to river. 7.00 chains to Forest Service Monument, the place of beginning, containing 45.62 acres of land in Ravalli County.

2. At 8 a.m. on October 9, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest land.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 3, 1981.

[FR Doc. 81-26623 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 56

Piping Systems and Appurtenances

CFR Correction

In October 1, 1980, revision of Title 46, Parts 41 to 69, of the Code of Federal Regulations the text of the table appearing in § 56.95-10 is incorrect. The table set forth below appeared on page 277 of the July 1, 1979 revision of Title 46, Parts 41 to 69. This table remains in force and effect and will appear in the 1981 revision of Title 46.

TABLE 56.95-10—MANDATORY MINIMUM NONDESTRUCTIVE TESTS FOR WELDS

Class	Material	Nominal diameter [1]	Wall thickness [1]	Tests [2,3] RT [4]	MT [5]	PT [6]	Notes
I, I-L, II-L	Any material	<3"	≤¾"	No	No	No	(7, 8)
I, I-L, II-L	P-1 materials or C-Mo P-3	≥3"	≤¾"	No [7]	Yes	No	(7, 8)
		<3"	≤¾"	Yes	No	No	
I, I-L, II-L	Materials other than P-1 or C-Mo P-3	≥3"	≤¾"	No [7, 9]	Yes	Yes	(7, 8, 9, 10)
I, I-L, II-L	Any material	≥3"	>¾"	Yes	No	No	
II	do	≥16"	Any				(11)
		<16"	Any	No	No	No	

[1] The symbol < means less than the dimension stated. The symbol ≤ means equal to or less than the dimension stated. The symbol ≥ means equal to or greater than the dimension stated. The symbol > means greater than the dimension stated.

[2] Fabricators desiring to use ultrasonic testing in lieu of any of the required tests shall submit procedures to the Commandant and obtain approval for its use.

[3] The word "no" means not required. The word "yes" means required.

[4] "RT" means radiographic testing for 100 percent unless otherwise permitted.

[5] "MT" means magnetic particle testing for 100 percent unless otherwise permitted.

[6] "PT" means liquid penetrant testing for 100 percent unless otherwise permitted.

[7] Random radiography of at least 20 percent of joints required for Classes I-L and II-L systems, but ultrasonic testing may be utilized as an alternate inspection method if procedures are approved. Joints examined by radiographic testing or ultrasonic testing need not be tested by magnetic particle testing.

[8] Radiographic testing may be required for certain joining configurations (see § 56.70-15(b)(2)).

[9] When nominal diameter exceeds 4 inches radiographic testing is required regardless of wall thickness. Under such conditions testing by magnetic particle testing or by liquid penetrant testing is not required.

[10] Use liquid penetrant testing for nonmagnetic materials.

[11] Any method of nondestructive testing may be used.

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[General Order 4, Revised; Docket 80-13]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Stay of final rule.

SUMMARY: The Commission's final rules in this proceeding provided in 46 CFR 510.32(j) that the waiver or reduction of forwarding fees for relief agencies or charitable organizations was prohibited. The Commission has determined to consider further the proper treatment of such fees. Accordingly, the provision is stayed pending final resolution of the matter.

DATE: The stay is effective September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission published final rules in this proceeding May 1, 1981 (46 FR 24565). These rules contain a provision which prohibits the waiver or reduction of forwarding fees for relief agencies or charitable organizations (46 CFR 510.32(j)). The Commission has determined to further consider this provision and has determined to stay the provision pending final resolution of the matter.

Therefore, it is ordered, That the effect of § 510.32(j) of Title 46 CFR is stayed pending final resolution of this matter.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-26638 Filed 9-11-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC-94; Amdt. No. 80-4]

Minimum Levels of Financial Responsibility for Motor Carriers; Technical Corrections

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Federal corrections to final rule.

SUMMARY: The final rule pertaining to Minimum Levels of Financial Responsibility for Motor Carriers was published on Thursday, June 11, 1981 at 46 FR 30974. A number of technical corrections are being made to the final rule to indicate among other things the OMB approval of the Bureau of Motor Carrier Safety (BMCS) forms. Some are corrections of typographical errors and others contain clarifying language. To prevent any chance of misunderstanding the corrections appearing in this document, the entire paragraph or definition is being reprinted.

EFFECTIVE DATE: The rule was effective on July 1, 1981. The technical corrections contained in this document are effective on September 14, 1981. The requirement that motor carriers secure and retain an endorsement or surety form is effective December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Bureau of Motor Carrier Safety (BMCS), (202) 426-9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The final rule pertaining to Minimum Levels of Financial Responsibility for Motor Carriers was published on Thursday, June 11, 1981 at 46 FR 30974. On page 30982 of that publication, the public was informed that the Office of Management and Budget (OMB) had not approved the two forms (MCS-90) and (MCS-82) that appeared on pages 30985-87 and that the BMCS did not intend to enforce the requirement that motor carriers have the endorsement(s) attached to their policies of insurance for 90 days from either the effective date of July 1, 1981 or the date the OMB approves the forms, whichever was later. The OMB has approved the use of these forms on August 21, 1981 and the use of these forms will be required on and after December 1, 1981.

In approving these forms, the OMB requested a few minor changes be made to Form MCS-90 which make the form more understandable. In making these changes, the BMCS is also making minor conforming changes to the rule. To assure complete understanding of those subsections that are being changed, the complete paragraph or definition is being reprinted.

Note.—The FHWA has determined that this document contains neither a major rule under Executive Order 12991 nor a significant regulation under DOT regulatory procedures. No economic impacts are anticipated as a result of this action. It has also been determined that this action will not have a significant economic impact on a substantial number of small entities. Accordingly neither a full regulatory evaluation nor a regulatory impact analysis is required.

Notice and opportunity for comment are not required under the regulatory policies and procedures of DOT because it is not anticipated that such action would result in the receipt of useful information. Also, because the rule was effective on July 1, 1981, these amendments are effective upon issuance. As stated above, the use of the endorsement and surety forms will be required on and after December 1, 1981.

(Sec. 30, Pub. L. 96-296, 94 Stat. 793; Sec. 108(b)(5), Pub. L. 96-510, 94 Stat. 2767; 23 U.S.C. 315; 49 CFR 1.48 and 301.60)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: September 2, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

Accordingly, the following corrections are made in FR Doc. 81-17438 appearing on page 30974 in the issue of Thursday, June 11, 1981, as set forth below.

§ 387.3 [Corrected]

1. On page 30982, column three, under § 387.3, *Applicability,* paragraph (c)(2) is corrected to read "The rules in this part do not apply to the transportation of nonbulk oil, nonbulk hazardous materials, substances, or wastes in intrastate commerce except large quantity radioactive materials."

§ 387.5 [Corrected]

2. On page 30982, column three, under § 387.5, *Definitions,* the definition of *Bodily injury* is corrected to read "includes injury to the body, sickness, or disease including death resulting from any of these."

3. On page 30983, column one, under § 387.5, *Definitions,* the definition of *Property damage* is corrected to read "includes damage to or loss of use of tangible property."

§ 387.7 [Corrected]

4. On age 30983, column two, under § 387.7, *Financial responsibility required,* paragraph (d)(1) is corrected to read "'Endorsement(s) for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980' (Form MCS-90) issued by an insurer(s); or"

§ 387.9 [Corrected]

5. On page 30983, columns two and three, under § 387.9, *Financial responsibility,* minimum levels, the Schedule of Limits—Public Liability is corrected to read as shown below:

Schedule of Limits.—Public Liability

[Freight Vehicles With Gross Vehicle Weight Rating of 10,000 Pounds of More]

Type of carriage	Commodity transported	Combined single limit (CSL)	
		July 1, 1981	July 1, 1983
(1) For-hire (in interstate or foreign commerce).	Property (non-hazardous)	$500,000	$750,000
(2) For-hire and private (in interstate or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas, or compressed gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000
(3) For-hire and private (in interstate commerce: in any quantity) (in intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101, hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above.	500,000	1,000,000

Form MCS–90 [Corrected]

6. On pages 30985 and 30986, Form MCS–90 is corrected to reflect the anticipated accommodation of ICC regulated carriers as well as those who operate without ICC's authority. Form MCS–90 also reflects the OMB approval number and reads as illustrated (Illustration I).

Form MCS–82 [Corrected]

7. On page 30987, Form MCS–82 is corrected to reflect the anticipated accommodation of ICC regulated carriers as well as those who operate without ICC's authority. Form MCS–82 also reflects the OMB approval number and reads as illustrated (Illustration II).

Illustration I

Endorsement for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980

Definitions as Used in This Endorsement

Accident includes continuous or repeated exposure to conditions which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

Motor Vehicle means a land vehicle, machine, truck, tractor, trailer, or semitrailer with a gross vehicle weight rating of 10,000 pounds or more propelled or drawn by mechanical power and used on a highway for transporting property.

Bodily Injury includes injury to the body, sickness, or disease to any person, including death resulting from any of these.

Environmental Restoration means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage or potential for damage to human health, the natural environment, fish, shellfish, and wildlife.

Property Damage includes damage to or loss of use of tangible property.

Public Liability means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau) and the Interstate Commerce Commission (ICC).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance of use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "X", for the limits shown:

☐ This insurance is primary and the company shall not be liable for amounts in excess of $———— for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of $———— for each accident in excess of the underlying limit of $———— for each accident.

Whenever required by the Bureau or the ICC the company agrees to furnish the Bureau or the ICC a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the Bureau or the ICC, to verify that the policy is in force as of a particular date. The telephone number to call is: ————

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, D.C.).

Issued to ————————
of ————————
Dated at ————————
this ——— day of ———, 19—
Amending Policy No. ————————
Effective Date ————————
Countersigned by ————————
Authorized Company Representative
Name of Insurance Company ————————

The Motor Carrier Act of 1980 requires limits of financial responsibility according to type of carriage and commodity transported by the motor carrier. It is the Motor Carrier's obligation to obtain the required limits of financial responsibility.

The schedule of limits shown below does not provide coverage. The limits shown in the schedule are for information purposes only.

Schedule of Limits.—*Public Liability*

[Freight Vehicles With Gross Vehicle Weight Rating of 10,000 Pounds or More]

Type of carriage	Commodity transported	Combined single limit (CSL)	
		July 1, 1981	July 1, 1983
(1) For-hire (in interstate or foreign commerce).	Property (non-hazardous)	$500,000	$750,000
(2) For-hire and private (in interstate or foreign commerce).	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas, or compressed gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000
(3) For-hire and private (in interstate commerce: in any quantity) (in intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above.	500,000	1,000,000

Illustration II

Motor Carrier Public Liability Surety Bond Under Sections 29 and 30 of the Motor Carrier Act of 1980

Parties—Surety Company and Principal Place of Business Address; Motor Carrier Principal, I.C.C. Docket No. and Principal Place of Business Address.

Purpose—This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability, property damage, and environmental restoration liability claims in the sums prescribed herein; subject to the governing provisions and following conditions.

Governing provisions—(1) Sections 29 and 30 of the Motor Carrier Act of 1980 (49 USC 10927 note) (2) Rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau) (3) Rules and regulations of the Interstate Commerce Commission (ICC).

Conditions—The Principal is or intends to become a motor carrier of property which operates a motor vehicle having a gross vehicle weight rating of 10,000 pounds or more subject to the applicable governing provisions relating to financial responsibility for the protection of the public.

This bond assures compliance by the Principal with the applicable governing provisions, and shall insure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for public liability, property damage, or environmental restoration liability claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety on each motor vehicle subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 for each accident shall not exceed $————, and shall be a continuing one notwithstanding any recovery hereunder.

The surety agrees, upon telephone request by an authorized representative of the Bureau or the ICC, to verify that the surety bond is in force as of a particular date. The telephone number to call is: ————.

This bond is effective from—(12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The Principal or the Surety may at any time terminate this bond by giving (1) thirty five (35) days notice in writing to the other party (said 35 day notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the Principal is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, D.C.). The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability, property damage, or environmental restoration claims resulting from accidents which occur after the termination of this bond as described herein, but such termination shall not affect the liability of the Surety for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

(Affix Corporate Seal)
Date ————————
Surety ————————
City ————————
State ————————
By ————————

Acknowledgment of Surety

State of ————————
County of ————————

On this —— day of ———, 19—, before me personally came ———, who, being by me duly sworn, did depose and say that he resides in ———; that he is the ——— of the ———, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the board of directors of said corporation, that he signed his name thereto by like order, and he duly acknowledged to me

that he executed the same for and on behalf of said corporation.

(Official Seal)

Surety Company File No. _____

Title of official administering oath _____

[FR Doc. 81-26482 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coast of California, Oregon, and Washington

Correction

In FR Doc. 81-26300, appearing at pages 44989—44991 in the issue for Wednesday, September 9, 1981, make the following change:

On page 44991, the file line which appears at the end of the third column and which now reads:

[FR Doc. 81-26300 Filed 9-8-81; 8:45 am]

should actually read:

[FR Doc. 81-26300 Filed 9-3-81; 5:07 pm]

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 46, No. 177
Monday, September 14, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 112

Viruses, Serums, Toxins, and Analogous Products; Revision of Packaging Biological Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the packaging requirement now entitled *Packaging desiccated products.* The proposal would make current packaging standards applicable to all biological products rather than just desiccated products. The proposal would also delete the 1,000 dose limit for final containers of mass administration products for poultry.

As proposed, this section would specify the allowable number of doses in a final container of poultry products for administration to individual birds, the allowable number of final containers of biological product in a carton, when and to what extent containers of diluent must be included in a carton with final containers of desiccated product, when final containers of product must be packaged in a carton, and a poultry product labeling requirement for multiple container cartons reflecting the continuance of current labeling requirements.

Average poultry flock size has increased 5 to 10 times since the present 1,000 dose per container limit was established for poultry products. The proposed deletion of specified maximal doses per container for mass administration products would make these products more convenient and economical to use in larger flocks than the present 1,000 dose containers.

Broadening the scope of the section to include all biological products is proposed to make a place in the regulations for current and future standards for packaging products other than desiccated ones.

DATE: Comments must be received on or before November 13, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8245.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "non-major" rule.

This proposed rule would have a significant economic effect primarily on producers and consumers of mass administration poultry vaccines. Eighty percent of the total doses of such vaccines produced annually are either Newcastle Disease vaccines, Bronchitis vaccines, or Newcastle Disease-Bronchitis vaccines. It is estimated that production costs for these three types of products can be reduced by 10 percent or more by packaging in 5,000 to 10,000 dose containers rather than the present limit of 1,000 doses per container. It is also estimated that these larger vials of vaccines can be sold at least 10 percent cheaper per dose. Based upon an estimated annual production of 6 billion doses of Newcastle and Bronchitis vaccines, currently selling for approximately $1 per 1,000 doses, the annual reduction in cost to consumers would be expected to be approximately $600,000. No estimate on economic impact is available for the other mass administered poultry products which include vaccines for Laryngotracheitis, Avian Encephalomyelitis, *Pasteurella multocida,* and Bursal disease.

The economic effect of the packaging standards for nondesiccated products should be minimal, because the present revision merely codifies current licensee practices.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

There are currently 11 USDA licensed establishments producing one or more of these mass administration poultry vaccines. Only three of these are considered small entities, i.e., a business which is independently owned and operated and which is not dominant in the field of veterinary biologics manufacturing. It is anticipated that the effects on one of the three establishments will be minimal as it already produces a frozen mass administration poultry vaccine in 5,000 dose containers. There is currently insufficient information to project the specific effect on the other two small business entities concerned. However, a general production cost decrease is expected.

The present limitation of 1,000 doses of desiccated poultry product per final container was intended to insure that all of the vaccine in a container would be used within a short time after reconstitution to prevent significant loss of potency. At the time this standard was enacted in 1961, the 1,000 dose container was convenient for the size of flocks grown. Presently, the average flock is 5 to 10 times larger, and houses have been expanded to accommodate up to 50,000 birds. The current 1,000 dose container no longer meets the need of the poultry industry.

This proposed rule would remove the 1,000 dose per container limit for all mass administration poultry vaccines, i.e., vaccines administered by aerosol or in drinking water. Larger dose vials would enable producers to vaccinate the currently larger flocks of birds more conveniently and with some labor savings in vaccine preparation. As shown above, it is anticipated that the larger dose vials will result in a 10 percent or more cost saving to the consumers of these vaccines. The 1,000 dose limit for poultry products for administration to individual birds has been retained, because the time involved in individual administration still poses a threat of loss of potency if larger, multiple-dose final containers are used.

Presently this section only refers to desiccated products. Packaging standards and a place for future standards are needed for other products. Since the time Part 112.6 was enacted;

changes in the industry have warranted administrative interpretations of the applicability of the section and amendments to the section such as the one for packaging Marek's Disease Vaccine. Cumulative changes in the industry have brought to the attention of the agency the need to revise the entire section to develop a comprehensive, integrated, regulatory program with respect to packaging biological products. The latest change in the industry has been the development of a large, multiple-dose, mass administration poultry biological product which is not manufactured in desiccated form as previous products have been. As there were no standards in the regulations to cover the situation, it is proposed that the entire section be revised to keep the regulations responsive to developments in the industry which the agency is charged with regulating. Therefore, to broaden the scope of the section, the heading would be revised to refer to packaging biological products instead of packaging desiccated products. The body of the section would be changed to refer to nondesiccated as well as desiccated biological products to increase the applicability of the standards to a broader range of products. Proposed changes in language are intended to clarify the broader scope of this section.

PART 112—PACKAGING AND LABELING

Section 112.6 would be revised to read:

§ 112.6 Packaging biological products.

(a) Each multiple-dose final container of a biological product which requires a diluent for administration shall be packaged in an individual carton with a container of the proper volume of diluent for that dose as specified in the filed Outline of Production. Each multiple-dose final container of a product which does not require a diluent for administration need not be packaged in an individual carton unless the final container labeling does not contain all information required by the regulations. Such information must be included in or on a carton. Exceptions are provided in paragraphs (c) and (d) of this section and § 112.8.

(b) Single-dose final containers of a product need not be packaged one per carton. For single-dose products which require a diluent for administration, the number of containers of the proper amount of diluent specified in the filed Outline of Production for the number of doses contained in the carton shall be included in each carton.

(c) Poultry products for mass administration (including, but not limited to such means as drinking water and aerosol sprays) may be packaged in multiple-dose final containers as specified in the filed Outline of Production. Poultry products for administration to individual birds shall not exceed 1,000 doses in each final container. One to ten poultry product final containers may be packaged in a single carton. For products which require a diluent for administration, the number of containers of the proper amount of diluent specified in the filed Outline of Production for the number of multiple-dose final containers contained in the carton shall be included in each carton, except as specified in paragraph (d) of this section. The following requirements apply to cartons containing more than one final container of poultry product or of diluent:

(1) They shall be sealed prior to leaving the licensed establishment;

(2) The contents may not be repackaged after the seal is applied to the carton;

(3) The contents of such cartons may not be sold in fractional units; and

(4) The following statement must appear in a prominent place on the label of the carton: "Federal regulations prohibit the repackaging or sale of the contents of this carton in fractional units. Do not accept if seal is broken."

(d) Diluent for the following products need not be packaged with the final container(s) of the product, but the licensee shall provide the consumer with the required number of containers of the proper amount of diluent as specified in the filed Outline of Production:

(1) Marek's Disease Vaccine

(2) Poultry vaccines administered to individual birds using automatic vaccinating equipment.

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 9th day of September 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-26687 Filed 9-11-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 22125, Notice No. SC-81-5]

Special Conditions; Boeing Model 767 Series Airplanes (Three-Man Crew)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Boeing Commercial Airplane Company Model 767 series airplane having a three-man flightcrew. This airplane will have novel or unusual design features associated with a centralized caution and warning system for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice contains adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary, by means of these novel or unusual design features, to establish a level of safety equivalent to that established in the regulations, applicable to the Boeing Model 767 Series airplanes.

DATE: Comments must be received on or before November 13, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to : Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 22125, 800 Independence Avenue SW, Washington, D.C., 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW, Washington, D.C. 20591. All comments must be marked: Docket No. 22125. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: James Treacy, Lead Region Staff, FAA Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108. Telephone (206) 767–2565.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications

received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed based on comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Program Status and Type Certification Basis

An announcement of the program status and a statement of the type certification basis for the Boeing 767 was published in the **Federal Register** on January 6, 1981 (46 FR 2241). The certification basis for the Boeing Model 767 series airplane will be Part 25 of the Federal Aviation Regulations (FAR) effective 2/1/65, plus Amendments 25–1 through 25–37; Part 36, Amendments 36–1 through 36–39; Special Federal Aviation Regulation 27, and other amendments as described in the statement of type certification basis with which Boeing has voluntarily elected to comply. The special conditions which may be developed as a result of this notice will form an additional part of the type certification basis for the Model 767.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airpane. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.49(b), effective October 14, 1980, and will become part of the type certification basis in accordance with § 21.17(a)(2). As stated in the **Federal Register** announcement, the only novel or unusual design feature of the Model 767 series airplane known to the FAA at this time, which necessitates the issuance of special conditions under § 21.16, is the centralized caution and warning system.

Background

On October 13, 1976, the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, filed an application for a type certificate in the transport category for the airplane now designated as the Boeing Model 767.

The Boeing Model 767 will incorporate a centralized system which will provide caution and warning indications to the flightcrew. This system is designed to provide an aural alert to the flightcrew which will direct their attention to the central caution and warning visual display panel to determine the cause of the alert. This system does not provide distinctive aural warnings for each condition but, rather, is designed so that the flightcrew's reaction to each aural alert will be the same with reference to the visual caution and warning display panel. Part 25 does not contain safety standards which are adequate or appropriate for a caution and warning system of this type. Therefore, special conditions are proposed for the Boeing Model 767 series airplanes having a three-man crew and equipped with the centralized caution warning system. Boeing intends to certificate a Model 767 series airplane at a later date which uses a two-man crew. Although a distinction will be made between the crew complement of the two model series, it cannot be determined at this time what differences, if any, will exist in the caution and warning systems of the airplanes.

The special conditions contain the standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions for the Boeing Model 767 airplanes (three-man crew):

A. Instead of the requirements of §§ 25.703, 25.729(e) (2), (3), and (4), 25.841(b)(6), 25.1303(c)(1), and 25.1305(a)(7), for the required individual systems and other warning systems, if installed, a centralized caution and warning system must comply with the applicable requirements of paragraphs B through E of these special conditions.

B. An aural alert audible to all flight crewmembers under all expected operating conditions must be sounded when any of the conditions listed in paragraphs D1 through D7 exist. If the aural alert occurs because of the landing gear configuration warning, overspeed warning, or ground proximity warning of paragraphs D1(d), D3, or D7, respectively, the aural alert must sound continuously while the condition exists. Special means may be provide to cancel these aural warnings during selected nonnormal procedures. Other aural alerts may be cancellable by the flightcrew.

C. A separate and distinct visual caution or warning message must be conspicuously displayed for each caution or warning condition listed in paragraphs D1 through D7. The visual indication must be displayed continuously as long as the condition exists. The visual indication must be visible to all flight crewmembers under all expected lighting conditions. The colors of visual warning and caution displays provided by this system must comply with § 25.1322 (a) and (b), respectively.

D. The centralized caution and warning system must provide aural and visual alerts to the flightcrew for any of the following:

1. An unsafe configuration warning for the following conditions:

(a) A takeoff warning that is automatically activated during the initial portion of the takeoff roll if the airplane is in a configuration, including any of the following, that would not allow a safe takeoff:

(1) The wing flaps or leading edge devices are not within the approved range of takeoff positions; or

(2) Wing spoilers (except lateral control spoilers meeting the requirements of § 25.671), speed brakes, or longitudinal trim devices are in a position that would not allow a safe takeoff.

(b) The takeoff warning required by paragraph D1(a) must continue until either—

(1) The configuration is changed to allow a safe takeoff;

(2) Action is taken by the pilot to terminate the takeoff roll; or

(3) The airplane is rotated for takeoff.

The means used to activate this warning must function properly throughout the ranges of takeoff weights, altitudes, power settings and temperatures for which certification is requested.

(c) A landing gear warning that will function continuously when one or more throttles are closed, if the landing gear is not fully extended and locked and the radio altimeter is below an appropriate safe value to be determined during the flight test program. Failure of the radio altimeter must not inhibit this warning.

(d) A landing gear warning that will function continuously, when the wing flaps are extended beyond the maximum approach position, if the gear is not fully extended and locked.

(e) The system which produces the warnings required by paragraphs D1(a) through D1(d) may use common components.

2. A cabin pressurization warning which activates when the cabin pressure altitude exceeds 10,000 feet. The cabin differential pressure indicator required by § 25.841(b)(5), must be marked to show pressure differential limits.

3. An overspeed warning which activates and functions continuously whenever the speed exceeds V_{MO} plus 6 knots of M_{MO} + 0.01. The upper limit of the production tolerance for the warning device may not exceed the prescribed warning speed.

4. A fire warning which activates whenever a fire is detected in either of the engines or in the auxillary power unit.

5. An autopilot disconnect warning which activates whenever the autopilot has been completely disconnected, either by the flightcrew or by automatic action of the monitors.

6. If an altitude alert system is installed, it must—

(a) Alert the flightcrew—

(1) Upon approaching a preselected altitude in either ascent or descent, by a sequence of both aural and visual signals in sufficient time to establish level flight at that preselected altitude; or

(2) Upon approaching a preselected altitude in either ascent or descent, by a sequence of visual signals in sufficient time to establish level flight at that preselected altitude, and when deviating above and below that preselected altitude, by an aural and visual signal;

(b) Provide the required signals from sea level to the highest operating altitude approved for the airplane in which it is installed;

(c) Preselect altitudes in increments that are commensurate with the altitudes at which the aircraft is operated;

(d) Be tested without special equipment to determine proper operation of the alerting signals; and

(e) Accept necessary barometric pressure settings if the system or device operates on barometric pressure.

Note.—For operations below 3,000 feet AGL, the system need only provide a visual signal to comply with this paragraph.

7. If installed, a ground proximity warning system which meets the minimum performance standards of TSO–92a or –92b must be incorporated as a subsystem of the centralized caution and warning system.

E. It must be shown that malfunctions which would cause the loss of more than one of the aural or visual alerts in paragraphs D1 through D7 are improbable. In meeting this requirement, consideration may be given to the alerting features of the master caution and master warning lights in the event of the failure of the aural alert. The extent of credit for these lights must be determined by simulator and flight tests.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—This action is not a proposed rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, D.C., on August 28, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81–28562 Filed 9–11–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 21

[Docket No. 22126, Notice No. SC–81–6]

Special Conditions: Superchute, Ltd.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the supplemental type certification of Superchute, Ltd., modifications to the Cessna Model 150, 152, 172, and 180 series airplanes. This modification will have novel or unusual design features associated with a parachute system for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations by reason of the novel or unusual features.

DATE: Comments must be received by November 13, 1981.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 22126, 800 Independence Ave., SW, Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Ave., SW, Washington, D.C. 20591. All comments must be marked: Docket No. 22126. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: David P. West, Airworthiness Standards Program (ACE–215), Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64101, Telephone 816–374–6943.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specfied above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on this proposal. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date in the Rules Docket for examination by interested persons.

Background

On January 13, 1981, Superchute, Ltd., filed an application for a Supplemental Type Certificate (STC) for the Cessna Model 150K, 150L, and 150M airplanes to install a Superchute system. An amended application dated May 20, 1981, was filed on May 22, 1981, adding the Cessna Model 152, 172, and 180 series airplanes. The Superchute system is a parachute installed in an outside canister on the underside of the airplane connected to a tether line leading aft under the fuselage, up behind the horizontal stabilizer, and forward on the top of the fuselage to a connection at the wing. The Superchute system for parachuting the airplane to the ground is intended for use as a last resort for the survival of the occupants in certain emergency situations.

Type Certification Basis

The applicable airworthiness standards for aircraft are those regulations designated in accordance with § 21.17 and are known as the "type certification basis" for the airplane design. Special conditions may be issued and amended, as necessary, as part of the type or supplemental type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(2) or § 21.101(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane or the modification thereto. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.49(b), effective October 14, 1980; and will become part of the supplemental type certification basis for the involved airplanes.

The certification basis for the Cessna Model 150K, 150L, 150M, and 152 airplanes is Civil Air Regulations (CAR) Part 3, effective May 19, 1956, as amended by Amendment 3–4 plus FAR § 23.1559 effective March 1, 1978, for the 152. The Cessna Models 150K, 150L, 150M, and 152 are small, two-place (Utility Category), single-engine, high-wing airplanes with a maximum certificated weight of 1600 pounds (150's) or 1670 pounds (152).

The certification basis for the Cessna Model 172 series airplanes is CAR Part 3, effective November 11, 1949, as amended by Amendments 3–1 through 3–12 plus FAR § 21.1559 effective March 1, 1978, for S/N 17271035 and on. The Cessna Model 172 series are small, four-place (Normal Category) or two-place (Utility Category) single-engine, high-wing airplanes with a maximum certificated weight ranging from 2200 pounds to 2400 pounds (Normal Category).

The certification basis for the Cessna Model 180 series airplane is CAR Part 3, effective November 11, 1949, as amended by: (Models 180, 180A and 180B) Amendments 3–1 through 3–6

except paragraphs 3.265 and 3.668 of 3–7; (Models 180C through 180H) Amendments 3–1 through 3–12 except paragraph 3.265 of 3–7 plus paragraph 3.668 only as amended by 3–3 of CAR Part 3 dated May 15, 1956; (Models 180J and 180K) Amendments 3–1 through 3–12 except paragraphs 3.265 and 3.668 and Subpart B plus Subpart B as amended by Amendments 3–1 through 3–5 of CAR Part 3 dated May 15, 1956; and FAR § 23.1559 effective March 1, 1978, for serial numbers 18052490, 18053001, and on. The Cessna 180 series are small, four-to-six place Normal Category, single-engine, high-wing airplanes with a maximum certificated weight ranging from 2550 pounds to 2800 pounds.

The type certification basis for the aforementioned airplanes with the Superchute system installed to be incorporated in the supplemental type certificate is as cited above for the respective models and the special conditions that may result from this notice.

The type design of these airplanes with the Superchute system installed contains a number of novel or unusual design features for an airplane type certificated under the airworthiness requirements incorporated by reference in Type Certificate Numbers 3A19, 3A12, and 5A6. The applicable airworthiness requirements do not contain adequate or appropriate safety standards. Special conditions are necessary to provide a level of safety equal to that established by the regulations incorporated by reference in the respective type certificates and to support a finding by the Administrator that no feature or characteristic of the airplanes with the Superchute system installed makes them unsafe for the category in which supplemental type certification is requested.

These special conditions require in-flight demonstrations of performance of intended function of the Superchute system within an approved flight envelope, in-flight demonstrations that inadvertent parachute deployment will have no detrimental effect on aircraft operation, and that after deployment, the parachute can be jettisoned and the aircraft recovered to resume normal operation in the event that the cause for the emergency descent has been eliminated. The proposed special conditions recognize that Technical Standard Order (TSO)–C23 was intended for man-carrying parachutes and that changes appropriate to the weights and parachute-aircraft interface are required.

The special conditions allow for damage to the aircraft due to ground impact yet propose a fuselage occupant environment that will give the occupants a reasonable chance of escaping serious injury. The special conditions proposed for the system design would require protection from inadvertent pilot operation and inadvertent jettisoning after a deliberate deployment and would provide for a showing of reliability and performance of the system. In recognition of the hazards which could occur in adverse weather, including in high wind conditions after the aircraft is on the ground, a special condition is proposed to show that the parachute can be jettisoned when the tether line is loaded and positioned under these conditions.

To assure that the pilot is aware of the operational limitations of the system, operating limitation special conditions are being proposed. The materials and packaging of existing personnel parachutes are such that a 120-day repacking interval has been required. New parachute materials and the unique packaging proposed for this system may allow a longer repacking interval. The special conditions require prescribing a repacking interval that must be substantiated during the certification program.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions for the Cessna Model 150K, 150L, 150M, 152, 172 through 172P, and 180 through 180K airplanes equipped with a Superchute, Ltd., parachute system:

A. Flight Conditions

1. The Superchute system must be demonstrated in flight to satisfactorily perform its intended function in the critical flight conditions within the flight envelope approved for the superchute system.

2. It must be demonstrated in flight that inadvertent parachute deployment will have no detrimental effect on aircraft operation.

3. It must be demonstrated that the airplane can be recovered to normal flight by jettisoning the parachute during an emergency descent, and the altitude needed to recover to normal flight must be determined.

B. Airframe Conditions

1. The fuselage parachute must meet the applicable requirements of TSO–C23, or other approved equivalent, at weights at which it is to be used.

2. In addition, it must be shown that although the structure may be damaged, the fuselage impact with the ground will result in an occupant environment so that serious injury to the occupants is improbable.

C. System and Equipment Conditions

1. It must be shown that the inadvertent jettisoning of the parachute, after it has been deliberately deployed, is extremely improbable.

2. It must be shown that arming the system, chute deployment, and chute jettisoning can only be accomplished in a sequence which would make inadvertent pilot operation extremely improbable. It must be shown that the system, after arming, may be disarmed at any time prior to chute deployment.

3. The parachute system must be shown to function reliably and to adequately perform its intended function. It must be labeled as to its identification, function, and operational limitations.

4. It must be shown that after impact the parachute can be jettisoned under various adverse weather conditions including high winds.

D. Operating Limitation Conditions

1. Operating limitations must be prescribed to ensure proper operation within the confines of an approved flight envelope and aircraft attitude.

2. An operating limitation must be prescribed that requires the parachute to be repacked at an approved interval.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b))

Note.—This action is not a rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, D.C., on September 4, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 18–28621 Filed 9–11–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ANW–7]

Alteration of V–497 and V–298 and Revocation of 2 Alternate Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend V–497, modify V–298, and eliminate two alternate airway segments. This action would support objectives to be responsive to user needs and eliminate alternate airways from the National Airspace System which do not justify continued designation as airways. Chart clutter would also be reduced.

DATE: Comments must be received on or before October 14, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ANW-7, FAA Building, Boeing Field, Seattle, WA 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ANW-7." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be avilable for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to: (a) Extend V-497 from The Dalles, OR, to Ephrata, WA; (b) realign V-298 between Yakima, WA, and Pasco, WA; (c) revoke V-25E between The Dalles and Yakima; and (d) revoke the V-448S between Yakima and Moses Lake. The V-497 extension to Ephrata will provide a convenient route from the Portland area to Moses Lake and Spokane clear of special use airspace. The realignment of V-298 will reduce delays in the Pasco terminal area by providing a means for a more efficient application of regulations. Usage of V-25E between Dalles and Yakima does not justify continued designation as an airway. The elimination of V-448S supports objectives to eliminate alternate airways from the National Airspace System. Section 71.123 was republished in the Federal Register on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend V-297 and to revoke two alternate airway segments under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

1. Under V-497 after the words "The Dalles," eliminate "OR" and replace it with the words "OR; INT The Dalles 053°T(032°M) and Moses Lakes, WA, 206°T(185°M) radials; Moses Lake; Ephrata, WA"
2. Under V-298 after the words "331° radials to Yakima" replace the words ", INT Yakima 120° and Pasco, WA, 276° radials" with the words "; INT Yakima 129°T(108°M) and Pasco, WA, 274°T(254°M) radials"
3. Under V-25 after the words "Yakima, WA" delete the words ", including an east alternate via INT The Dalles 051° and Yakima 183° radials"
4. Under V-448 delete the entire description and replace it with the words "V-448 From Portland, OR; Yakima, WA, including a south alternate via INT Portland 075°T(054°M) and Yakima 227°T(206°M) radials Moses Lake, WA; Spokane, WA, 45 miles 12 AGL, 21 miles 75 MSL, 20 miles 80 MSL, 59 miles 12 AGL, to Kalispell, MT."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on September 3, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-26[illegible] Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Plan for Periodic Review of Rules

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Regulatory Flexibility Act review plan.

SUMMARY: The Regulatory Flexibility Act, intended to ensure that agencies consider the impact of their regulations on small entities (including small businesses), requires the Commission and other agencies to publish a plan for the periodic review of regulations that have a significant economic impact on a substantial number of these entities. The purpose of the review is to determine whether the regulations should be continued without change, or should be amended or revoked, consistent with the agency's objectives, in order to minimize this impact. Agencies must review all existing rules within 10 years after the effective date of the act, and must review, within ten years, all new rules adopted after the effective date of the act. In this notice, the Commission publishes its plan for reviewing regulations within a ten year period.

FOR FURTHER INFORMATION CONTACT: Stephen Lemberg, Assistant General Counsel, Office of the General Counsel, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C., 20207, (202) 634–7770.

SUPPLEMENTARY INFORMATION:

Background

On January 1, 1981 the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 note, Pub. L. 96–354, 94 Stat. 1164 became effective. The purpose of the RFA, as stated in section 2(b) (5 U.S.C. 601 note), is to require agencies, consistent with their objectives, to fit the requirements of regulations to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. In general, the RFA requires regulatory agencies, including the Commission, to evaluate and take into consideration the impact of their regulations on small entities. The RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their action to ensure that such proposals are given serious consideration.

Section 610 of the RFA requires the Commission to publish in the **Federal Register** a plan for reviewing regulations which have or will have a significant economic impact on a substantial number of small entities. The plan must provide for the review of all regulations existing on the effective date of the section (January 1, 1981) within a ten year period, and must provide for the review, within ten years, of all rules adopted after the January 1, 1981 effective date.

The purpose of the review is to determine whether the regulations should be continued without change, or should be amended or rescinded, consistent with statutory objectives, to minimize any significant economic impact of the regulations on a substantial number of small entities. In reviewing rules, the Commission, as required by section 610(b) of the RFA, will consider the following factors:

(1) The continued need for the rule;

(2) The nature of complaints or comments received concerning the rule from the public;

(3) The complexity of the rule;

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal rules; and, the Commission will also consider, to the extent feasible, the extent to which the rule overlaps, duplicates, or conflicts with state and local governmental rules; and

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

In this document the Commission publishes its plan for the review of regulations as required by section 610 of the RFA. (Although the act required the Commission to publish a plan by July 1, 1981, the Commission staff was not able to meet this date because of on-going activities, including work required for the Commission's reauthorization process. The staff advised SBA that an additional two months were required to complete work on the plan.)

Interested persons should be aware that the RFA review process will require the expenditure of Commission resources. The Commission intends to fulfill its statutory obligations under the RFA while minimizing the costs of the review process. However, since the review period extends for a period of several years beyond the current congressional authorization for the Commission, at this time the Commission is not able to estimate the resources that will be available for the on-going review process. The Commission will incorporate in the RFA review process, wherever possible, information already obtained through another rule review process which the Commission instituted under the Consumer Product Safety Act (CPSA) (15 U.S.C. 2076(m).) (This section was repealed by section 1211(d) of the Consumer Product Safety Amendments of 1981 (Pub. L. 97–35). The Commission has, under this section, closely examined 17 of its regulations and has submitted a report to Congress (May, 1980) that includes an economic impact analysis, a paperwork impact analysis, and a judicial impact analysis of the effects of Commission regulations for the purpose of determining whether rules should be deleted or amended. In preparing an economic impact analysis, the act directed the Commission to take into account the cost impact on, and benefits to, consumers and affected businesses, paying particular attention to small businesses. (In March, 1981 the Commission staff prepared an updated report for the Commission on the status of rule review projects.) Even though this section has been repealed, the Commission will, where appropriate, review individual regulations and make necessary amendments or deletions to minimize adverse impacts on small businesses. This review could be in addition to the review specified in the plan described below.

RFA Plan for Review of Regulations

A. Existing Regulations

The Commission's plan under the RFA for the review of regulations in existence as of January 1, 1981 is as follows:

(1) During 1982–1983, the Commission will solicit written comments from all interested persons on its regulations, in existence as of January 1, 1981, the effective date of the RFA, that may have a significant economic impact on a substantial number of small entities. At the present time the Commission believes that the regulations concerning the Commission's internal operations and regulations specifying administrative procedures for complying with obligations imposed by acts such as the Government in the Sunshine Act, the Privacy Act, the Freedom of Information Act, and the National Environmental Policy Act, would not have a significant economic impact on a substantial number of small entities. As a result, the Commission will not make an effort to solicit comments on the following regulations of Title 16 CFR Chapter II: Parts 1000, 1012, 1014, 1015, 1016, 1017, 1021, 1025, 1028, 1030, 1031, 1032, 1050, 1109, 1118, 1145. In addition, the Commission will not specifically solicit comments on existing regulations that have been substantially outdated by subsequent legislative amendments and will be updated or revoked by the Commission, such as the following regulations at Title 16 CFR, Chapter 11: Parts 1018, 1105, and 1110. However, the Commission intends to actively solicit comments on its other regulations in existence as of January 1, 1981. Although not all of these regulations are likely, in fact, to have a significant economic impact on a substantial number of small entities, the Commission believes that an assessment of the magnitude of the impact, if any, would be assisted by the process of soliciting and evaluating comments from interested persons, especially small entities. The Commission will attempt to solicit comments from as many affected small entities as possible. In order to accomplish this the Commission will, where feasible, contact small entities directly or through trade associations and trade publications, as well as by publication in the **Federal Register**. The Commission will also make an effort to contact those persons who submitted comments during the earlier rulemaking proceeding. The Commission will make available to the public the information obtained as a result of its rule review process conducted under the CPSA.

In an appendix at the end of this document, the Commission has listed the existing regulations under Title 16 CFR Ch. II that the Commission intends to review under section 610 of the RFA.

(2) By the end of 1984, the Commission will have completed the process of soliciting and receiving comments on all of its regulations in existence as of January 1, 1981. Based on the information received in comments, as well as any other available information, the Commission will also complete the process of assessing the degree of economic impact on small entities for each existing regulation. The Commission will publish the results of the assessment and identify those regulations that do and those that do not have a significant economic impact on a substantial number of small entities.

(3) During 1985–86, the Commission intends to complete the process of evaluating the information received and will consider staff recommendations for appropriate administrative action for those regulations that have the most significant economic impact on a substantial number of small entities. Any Commission actions based on these recommendations to minimize the economic impact on small entities will be consistent with the objectives of the statute(s) under which the regulation was issued.

(4) During 1987, the Commission intends to complete the process of evaluating the information received and will consider staff recommendations for appropriate administrative action for any other regulations that have a significant economic impact on a substantial number of small entities. Any Commission action based on these recommendations to minimize the economic impact on small entities will be consistent with the objectives of the statute(s) under which the regulation was issued.

B. Regulations Issued After January 1, 1981

The Commission's plan for the review of regulations issued after January 1, 1981 is as follows:

(1) For regulations issued from January 1, 1981 to January 1, 1984 that may have a significant economic impact on a substantial number of small entities the Commission will begin the review process in 1986. During 1986–1987, the Commission will solicit written comments from all interested persons on these regulations. By the end of 1988, the Commission will have completed the process of soliciting and reviewing comments on all of the regulations, and will have completed the process of assessing the degree of economic impact on small entities. The Commission will publish in the **Federal Register** the results of this assessment and will identify those regulations that do not have a significant economic impact on a substantial number of small entities. During 1989–1991 the Commission intends to evaluate the information received and will consider staff recommendations for appropriate administrative action for those regulations that have a significant economic impact on a substantial number of small entities. Commission action based on these recommendations will be consistent with the objectives of the statute(s) under which the regulations were issued.

(2) For regulations issued after January 1, 1984, the Commission intends to conduct a review process that is the same as that outlined above, involving a three year span of regulations and a process beginning 2 years after the last regulation was issued and extending for a maximum period of five years.

For regulations proposed after January 1, 1981, that have a significant economic impact on a substantial number of small entities, the RFA requires the Commission to prepare and make available for comment an initial regulatory flexibility analysis with a description of alternatives that minimize the economic impact while accomplishing the agency's objectives. Before issuing a final rule, the Commission must explain why each of the alternatives was rejected. These requirements should facilitate the review process for regulations proposed after January 1, 1981.

(5 U.S.C. 610, 94 Stat. 1169; Pub. L. 96–354)

Dated: September 4, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Appendix

The regulations that the Commission intends to review under section 610 of the Regulatory Flexibility Act are as follows:

Title 16 CFR Chapter II, Consumer Product Safety Commission

SUBCHAPTER A—GENERAL

Part
1009 General statements of policy or interpretation.
1019 Procedures for export of noncomplying products.

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

Part
1115 Substantial product hazard reports.
1201 Safety standard for architectural glazing materials.
1202 Safety standards for matchbooks.
1205 Safety standards for walk-behind power lawn mowers.
1207 Safety standard for swimming pool slides.
1209 Interim Safety standard for cellulose insulation.
1212 Safety standard requiring Oxygen Depletion Safety Shutoff Systems (ODS) for unvented gas-fired space heaters.
1301 Ban of unstable refuse bins.
1302 Ban of extremely flammable contact adhesives.
1303 Ban of lead-containing paint and certain consumer products bearing lead-containing paint.
1304 Ban of consumer patching compounds containing respirable free form asbestos.
1305 Ban of artificial emberizing materials (ash and embers) containing respirable free form asbestos.
1401 Self pressurized consumer products containing chlorofluorocarbons; requirements to provide the Commission with performance and technical data, requirements to notify consumers at point of purchase of performance and technical data.
1402 CB Base station antennas, TV antennas, and supporting structures.
1404 Cellulose insulation.

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

Part
1500 Hazardous substances and articles; administration and enforcement regulations.
1501 Method for identifying toys and other articles intended for use by children under 3 years of age which present choking, aspiration, or ingestion hazards because of small parts.
1505 Requirements for electrically operated toys or other electrically operated articles intended for use by children.
1507 Fireworks devices.
1508 Requirements for full-size baby cribs.
1509 Requirements for non-full-size baby cribs.
1510 Requirements for rattles.
1511 Requirements for pacifiers.
1512 Requirements for bicycles.

SUBCHAPTER D—FLAMMABLE FABRICS ACT REGULATIONS

Part
1602 Statements of policy or interpretation.
1604 Applications for exemption from preemption.
1605 Investigations, inspections, and inquiries pursuant to the Flammable Fabrics Act.
1607 Procedures for the development of flammability standards.
1608 General rules and regulations under the Flammable Fabrics Act.
1610 Standard for the flammability of clothing textiles.
1611 Standard for the flammability of vinyl plastic film.
1615 Standard for the flammability of children's sleepwear: sizes 0 through 6X (FF 3–71).

Part
1616 Standard for the flammability of children's sleepwear: sizes 7 through 14 (FF 5–74).
1630 Standard for the surface flammability of carpets and rugs (FF 1–70).
1631 Standard for the surface flammability of small carpets and rugs (FF 2–70).
1632 Standard for the flammability of mattresses (and mattress pads) (FF 4–72).

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

1700 Poison prevention packaging.
1701 Statements of policy and interpretation.
1702 Petitions for exemptions from Poison Prevention Packaging Act requirements; petition procedures and requirements.
1704 Applications for exemption from preemption.

[FR Doc. 81-26651 Filed 9-11-81; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2 and 35

[Docket No. RM81-38]

Inclusion of Construction Work in Progress for Public Utilities; Notice Extending the Comment Period, Scheduling a Public Hearing and Establishing Service List

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice extending the comment period, scheduling a public hearing and establishing a service list.

SUMMARY: On July 27, 1981, the Commission issued a Notice of Proposed Rulemaking to amend its regulations regarding the inclusion of construction work in progress (CWIP) in rate base of public utilities to relieve severe financial difficulty (46 FR 39445, August 3, 1981). Requests have been received by the Commission to extend the comment periods and to schedule a public hearing. The Commission grants these requests to the extent set forth in the Notice.

DATES: Notice of intent to participate is due September 18, 1981. Comments are due by October 7, 1981. Reply comments are due by November 6, 1981. An opportunity for oral presentations is scheduled for November 19, 1981, and November 20, 1981. Requests to participate in the oral presentations are due by October 7, 1981.

ADDRESS: All filings should reference Docket No. RM81-38 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: James Hoecker, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357-9342.

SUPPLEMENTARY INFORMATION: September 4, 1981.

Requests have been received by the Federal Energy Regulatory Commission (Commission) to extend the period for filing comments in this docket. In addition there has been a request that the Commission schedule oral presentation of the issues raised by this rulemaking, and a request that the Commission provide a service list to facilitate the timely preparation of reply comments. The Commission grants these requests as provided in this order.

On July 27, 1981, the Commission issued a Notice of Proposed Rulemaking in this docket (46 FR 39445, August 3, 1981). The proposed rule focuses on the standards and the extent to which an allowance for construction work in progress should be included in rate base. As originally scheduled by that Notice, comments on the proposal were to be filed by September 23, 1981, and reply comments were to be filed by October 23, 1981.

The Commission scheduled the comment and reply comment periods described in the Notice having decided that three months would be an adequate period for interested persons to consider the comment upon this rulemaking. Although this rulemaking presents many issues of a complex and highly technical nature, the central issues have been discussed and analyzed by industry representatives, regulators, and academics for several years. The questions presented in the Notice and the requests for empirical data contained in that Notice will assist interested persons in transforming background information into concise and useful comments on this proposal.

Requests to extend the comment period in this rulemaking have been received from the American Public Power Association*, the National Rural Electric Cooperative Association (NRECA), and Mr. Joseph Swidler. The American Public Power Association requested that the comment and reply comment periods be extended by a total of four months and the NRECA requested a two and one-half month extension of time to file comments. In support of these requests, both cited to the complexity of issues, the need to retain experts, and anticipated data collection problems.

The extensions requested would serve only to delay substantially the resolution of the issues raised in this rulemaking. However, some additional time for collecting data and coordinating the formulation of responses to the specific questions raised in the Notice may be appropriate since August is traditionally a major vacation month. Therefore, the comment and reply comment periods are extended by a total of two weeks. Comments on the Notice of Proposed Rulemaking are due on Wednesday, October 7, 1981. The reply comments are due on Friday, November 6, 1981.

In addition to requests to extend the comment period, the Commission has also received a request from Morgan Stanley & Company, Incorporated, for a public hearing. A hearing in the accepted sense of the term will not be scheduled, however there will be an opportunity for oral presentations in connection with this proposal. Oral presentations will be scheduled for Thursday, November 19 and Friday, November 20, 1981, in Washington, D.C. The hearing will be held at the Offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. The time the proceedings will begin on each day of the hearing will be announced at a later date.

Requests for oral presentation of views should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should be filed no later than Wednesday, October 7, 1981. Requests should reference Docket No. RM81-38, should indicate the name of the person making the presentation and a phone number at which that person may be contacted, and should indicate the amount of time the person requests for oral presentation. Those having related interests in the rulemaking are encouraged to consolidate their presentations and the Commission reserves the right to group commenters having related interests for the purpose of oral presentation. The Commission will announce the procedures for the consolidated presentations when it determines that such procedures are necessary. Persons making oral presentations will be required to file 15 copies of their testimony with the Secretary no later than the day before the date of their oral presentation. A list of the participants and the room in which the presentation will be held will

*The request of American Public Power Association was joined by the "Public Systems" group.

be available in the Commission's Office of Public Information in Room 1000, 825 North Capitol Street, NE., Washington, D.C., prior to November 19, 1981, and will be available at the Commission on the morning of each day of the hearing. A transcript will be placed in the public file for this docket and be made available for inspection at the Commission's Office of Public Information.

Finally, on request of the "Public Systems" group, a list of participants to the written comment process will be provided to those participants to facilitate the service of initial comments and the filing of reply comments. In order for this to take place, any person intending to file written comments in this rulemaking proceeding shall notify the Secretary of the Commission in writing of that fact on or before September 16, 1981. A service list will then be prepared and mailed to those who have stated an intent to participate. Each person submitting initial comments to the Commission should serve a copy of those comments to those on the service list by the same day as the comments are to be filed, October 7, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26675 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-35-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Proposed Changes in Field Organization

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to change the field organization of the Customs Service as follows:

1. In the New Orleans Region, (a) establish a new Customs port of entry at Gramercy, Louisiana; and (b) revoke the designation of Gramercy, Louisiana, as a Customs station.

2. In the San Francisco Region, (a) revoke the designation of Annette Island and Tok, Alaska, as Customs stations under the jurisdiction of the Juneau, Alaska, district; (b) transfer jurisdiction of the Customs stations of Eagle, Haines, and Hyder from the Juneau to the Anchorage, Alaska, district; (c) revoke the designation of Kodiak, Pelican, Petersburg, and Sand Point, Alaska, as Customs ports of entry; and (d) designate Kodiak, Pelican, Petersburg, Barrow, Dutch Harbor, Fort Yukon, Kaktovik, Kenai, and Northway, Alaska, as Customs stations under the jurisdiction of the Anchorage, Alaska, district.

These changes are part of a continuing program to obtain more efficient use of Customs personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

DATE: Comments must be received on or before November 13, 1981.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Richard Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20229, (202-566-8157)

SUPPLEMENTARY INFORMATION:

Background

Gramercy, Louisiana

Gramercy, Louisiana, is currently a very busy Customs station in the New Orleans, Louisiana, Customs region (Region V). In reviewing the application of the South Louisiana Port Commission for designation of Gramercy as a Customs port of entry, Customs has found that the workload at this station has increased significantly over the past few years and now far exceeds the established workload standards used by Customs for creating a new port of entry. The Gramercy station now handles more than 2,000 cargo vessels annually. The minimum requirement recommended in Customs workload standards is 250 cargo vessels annually.

Accordingly, to provide the most economical and efficient service to the public and to meet the expanded needs of the importing community in the Gramercy area, it is proposed to establish Gramercy, Louisiana, as a new port of entry in the New Orleans, Louisiana, Customs district.

The port limits of the proposed port of entry at Gramercy, Louisiana, would include that portion of the Parishes of St. Charles, St. John the Baptist, and St. James, lying within the area bounded on the East where the longitude line of 90°27'30" intersects on the North at the latitude line 30°06' and intersects on the South at the latitude line of 29°57', and bounded on the West where the longitude line of 90°54' intersects on the North at the latitude line of 30°06' and intersects on the South at the latitude line of 29°57'.

Juneau and Anchorage, Alaska

As part of a general revision of the Customs Regulations, by T.D. 77-241, published in the **Federal Register** on October 5, 1977 (42 FR 54274), Part 1 of Title 19, Code of Federal Regulations (19 CFR Part 1), which sets forth the general provisions relating to the operation of the Customs Service including a listing of the Customs regions, districts, ports, and stations, was replaced with a new Part 101 (19 CFR Part 101).

One of the changes set forth in T.D. 77-241 was to amend § 101.4, Customs Regulations, to indicate that Annette Island, Eagle, Haines, Hyder, and Tok, Alaska, were Customs stations in the Anchorage, Alaska, district. Even though this change, which was made to reflect the transfer of the district office from Juneau to Anchorage, was published in the **Federal Register**, the amendment to § 101.4 was never made and that section still incorrectly indicates that these Customs stations are in the Juneau district. Accordingly, it is proposed to amend § 101.4 to indicate that these Customs stations are in the Anchorage district, rather than in the Juneau district.

In order to increase management effectiveness and adjust to the changing traffic patterns in Anchorage, Alaska, it is now considered desirable to abolish rather than transfer Annette Island and Tok as Customs stations. Further, the abolishment of the Customs stations at Annette Island and Tok is warranted by the fact that neither station has been staffed by Customs for some time now due to lack of requests for services. To provide the most economical and efficient service to the public and to meet the expanding needs of the importing public in the Anchorage area, it is also proposed to abolish Kodiak, Pelican, Petersburg, and Sand Point as ports of entry in Anchorage, Alaska, and designate Kodiak, Pelican, and Petersburg as Customs stations in the Anchorage district. All of these areas have peak activity during the summer fishing season and little or no activity at other times. Because there is relatively little activity at these locations at other times, it is not practical or feasible that they be retained as Customs ports of entry, but rather that they be designated as Customs stations. The workload at Sand Point is so small, it would not even be practical to retain it as a Customs station.

The result of the changes in § 101.4 is to abolish two Customs stations, Annette Island and Tok, Alaska, and to designate Customs stations in the Anchorage district as follows:

District	Customs stations	Port of entry having supervision
Anchorage, Alaska	Barrow, Alaska	Fairbanks.
	Dutch Harbor, Alaska	Anchorage.
	Eagle, Alaska	Alcan.
	Fort Yukon, Alaska	Fairbanks.
	Haines, Alaska	Dalton Cache.
	Hyder, Alaska	Ketchikan.
	Kaktovik (Barter Island), Alaska	Fairbanks.
	Kenai (Nikiski), Alaska	Anchorage.
	Kodiak, Alaska	Anchorage.
	Northway, Alaska	Alcan.
	Pelican, Alaska	Juneau.
	Petersburg, Alaska	Wrangell.

These change will update the description of the Alaska Customs field organization in the Customs Regulations. They will also help Customs to use its resources more effectively by abolishing Customs ports and stations which are no longer needed and by creating new stations where they are needed.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20229.

Executive Order 12291

These proposed amendments do not meet the criteria for a "major" regulation as defined by section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act Pub. L. 96-354, 5 U.S.C. 601, et seq.), the Secretary of the Treasury has determined that if promulgated, the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Customs routinely establishes, expands, and eliminates Customs ports of entry throughout the United States to accomodate the volume of Customs-related activity in various parts of the country. Although this proposal may have a limited effect upon some small entities in the affected areas, it is not expected to be significant because the establishment of Customs ports of entry in other locations has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act.

Authority

This change is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (46 FR 9336).

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: August 31, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-26699 Filed 9-11-81; 8:45 am]

BILLING CODE 4810-22-M

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19 CFR Part 162

Inspection, Search, and Seizure of Vessels by Customs Officers

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations relating to the boarding and search of vessels to: (1) permit Customs officers to board American vesels on the high seas for the purpose of examining the manifest and other documents and papers and examining, inspecting, and searching these vessels without first making a determination that there is probable cause to believe that such vessels are violating or have violated the laws of the United States; and (2) provide that Customs officers are authorized to assist any other agency in the enforcement of United States law on any vessel.

The proposed changes are designed to remove a potentially unnecessary barrier to the effective enforcement of customs and navigation laws consistent with constitutional and statutory principles.

DATE: Comments must be received on or before November 13, 1981.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the commissioner of Customs, Attention: Regulations and Information Division, Room 2426, 1301 Constitution Avenue, NW., Washington D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Dennis Cronin, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20229 (202-566-5476).

SUPPLEMENTARY INFORMATION:

Background

Section 162.3(a), Customs Regulations (19 CFR 162.3(a)), states in part that a Customs officer, for the purposes of examining the manifest and other documents and papers and examining, inspecting, and searching the vessel, may at any time go on board:

(1) Any vessel at any place in the United States or within the Customs waters of the United States;

(2) Any American vessel on the high seas, when there is probable cause to believe that such vessel is violating or has violated the laws of the United States.

The statutory authority for this regulation is section 581(a), Tariff Act of 1930, as amended (19 U.S.C. 1581(a)). However, recent judicial decisions, *United States v. Dominguez*, 604 F. 2d 304 (4th Cir. 1979), and *United States v. Warren*, 578 F. 2d 1058 (5th Cir. 1978) (*en banc*), *rev'g*, 550 F. 2d 219 (5th Cir. 1977), regarding 14 U.S.C. 89, which is substantially similar to 19 U.S.C. 1581(a), conclude that 14 U.S.C. 89 authorizes Coast Guard officers to board American vessels on the high seas without probable cause. These decisions, coupled with the absence of any constitutional or statutory requirement that probable cause be present before Customs officers board American vessels on the high seas, warrant the removal of the probable cause requirement from § 162.3.

Further, Customs frequently is called upon to assist other agencies in the enforcement of United States law upon vessels. In many instances, the statutes authorizing these agencies to seek assistance are similar to 14 U.S.C. 141(b), which states that "The Coast Guard, with the consent of the head of the agency concerned, may avail itself of such officers and employees, advice, information, and facilities of any Federal agency * * * as may be helpful in the performance of its duties."

Customs has determined that it would be advantageous to provide standing authority for Customs offices to assist officers of other agencies in enforcing the laws of the United States on any vessel instead of requiring the consent of the Commissioner of Customs on a case-by-case basis.

The present situation of massive smuggling of contraband by vessel and the need for swift and effective law enforcement response convinces Customs that it must not restrict its lawful authority to enforce the law with

respect to American vessels on the high seas.

Comments

Before adopting this proposal, consideration will be given to any wirtten comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations and Information Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington D.C. 20229.

Inapplicability of Regulatory Flexibility Act

Because the proposed changes are enforcement measures, the amendment is not expected to; have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from small entities through comments, either formal or informal.

Accordingly, the proposed amendment does not require a regulatory flexibility analysis under the provisions of Pub. L. 96–354, the "Regulatory Flexibility Act" (5 U.S.C. 601, *et seq.*).

Authority

These changes are proposed under the authority of R.S. 251, as amended, secs. 455, 581, 46 Stat. 716, as amended, 747, as amended; 19 U.S.C. 1455, 1581.

Drafting Information

The principal author of this document was Robert J. Pisani, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Proposed Amendments

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

It is proposed to amend § 162.3, Customs Regulations (19 CFR 162.3), in the following manner:

1. Section 162.3(a)(2) would be revised and a new paragraph (c) would be added to read as follows:

§ 162.3 Boarding and search of vessels.

(a) * * *

(1) * * *

(2) Any American vessel on the high seas; or

* * * * *

(c) *Assistance of other agencies.* Customs officers are authorized to assist any other agency in the enforcement of United States laws on any vessel.

William T. Archey,

Acting Commissioner of Customs.

Approved: August 26, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-26700 Filed 9-11-81; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 740

[FHWA Docket No. 81–8]

Relocation Assistance; Revised Interest Payments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The purpose of this amendment is to change the discount rate to be used when computing an interest differential payment for homeowners displaced by Federal or federally assisted highway projects. This amendment would eliminate the requirement that the discount rate must be the prevailing rate paid on passbook savings accounts.

DATE: Comments must be submitted on or before October 29, 1981.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 81–8, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Gerald Starkweather, Relocation Assistance Division, Office of Right-of-Way (202–426–0117); or Reid Alsop, Office of the Chief Counsel (202–426–0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours Monday–Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 203(a)(1)(B) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) provides that the replacement housing payment to displace homeowners, provided by section 203, shall include "The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any * * * comparable dwelling". The amount of such payment is to equal the total increase in cost for a mortgage of the same amount and term as was on the acquired dwelling, "reduced to discounted present value". Section 203(a)(1)(B) provides that "the discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located".

In implementing this provision FHWA provided in 23 CFR 740.74(c)(4) that the discount rate "shall be the prevailing rate of the interest paid on *passbook* savings account deposits by commercial banks in the general area in which the replacement dwelling is located". (Emphasis supplied.)

At the time the regulation was issued, interest rates for home mortgages were substantially lower, and the passbook savings rate was a reasonable rate to utilize. With the general escalation of interest rates and with the advent of the savings certificate, and its increased popularity, it is considered necessary to eliminate the requirement that computation of the interest differential payment be based upon the interest rate paid on passbook savings. The current regulation, which limits the discount rate to that paid on passbook savings account deposits has resulted in inordinately excessive interest differential payments.

The use of the passbook savings account rate of interest in computing the differential payment results in a final computed amount which is larger than if higher alternative rates (such as those paid by commercial banks on savings deposited in "certificates of deposit") could be used. Consequently, in certain instances displaced homeowners are currently provided differential payments which, when prudently deposited in these certificates, results in a windfall profit to such persons. In extreme cases use of the passbook rate can result in the computation of interest differential payments that exceed the unpaid balance of the displaced homeowner's mortgage.

Accordingly, FHWA is proposing to amend 23 CFR 740.74(c)(4) to eliminate any reference to passbook savings accounts. Similar changes would also be made in Appendix A to Part 740 which contains a "Format for Computation of Interest Payments". As amended, the regulation would be identical to the language in the statute.

This change would permit the displacing agency to utilize a discount

rate based upon the interest rate paid on accounts other than passbook savings accounts, such as the rate paid on certificates of deposit by commercial banks. It is estimated that this change would reduce the average annual interest differential payment by approximately 40 percent.

Displaced homeowners would still be fully compensated for their increased interest costs, as required by the Uniform Relocation Act. This change would merely eliminate unjustifiable windfalls that are possible under the current regulation because of the escalation of interest rates that have occurred since the regulation was promulgated.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. The FHWA has also determined that this action will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. Gerald Starkweather of the program office at the address specified above.

Because of the growing seriousness of the problem set forth above, and the compounding of the problem as time goes by, the FHWA is requesting that all comments be provided to the agency within 45 days.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

(23 U.S.C. 315; 42 U.S.C. 4601 *et seq;* 49 CFR 1.48)

Accordingly, it is proposed to amend 23 CFR 740.74(c)(4) and Appendix A of Part 740 to read as set forth below.

Issued on September 3, 1981.

L. P. Lamm,

Executive Director, Federal Highway Administration.

PART 740—RELOCATION ASSISTANCE

1. Paragraph (c)(4) of § 740.74 is amended to read as follows:

§ 740.74 Replacement housing payments for 180-day owner who purchases.

* * * * *

(c) * * *

(4) *Discount rate.* The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

* * * * *

2. Appendix A to Part 740 is revised to read as follows:

Appendix A.—Format for Computation of Interest Payments

Required Information	
1. Outstanding balance of mortgage on acquired dwelling	$
2. Outstanding balance of mortgage on replacement dwelling	$
3. Lesser of Line 1 or Line 2	$
4. Number of months remaining until last payment is due for mortgage on acquired dwelling	
5. Number of months remaining until last payment is due for mortgage on replacement dwelling	
6 Lesser of Line 4 or Line 5	
7. Annual interest rate of mortgage on acquired dwelling	
8. Annual interest rate of mortgage on replacement dwelling (or, if it is lower, the prevailing annual interest rate currently charged by mortgage lending institutions in the general area in which the replacement dwelling is located) (percent)	
9. Prevailing interest rate paid on savings deposits by commercial banks (percent)	
10. If applicable, any debt service costs on the loan on the replacement dwelling, such as points paid by the purchaser which are not reimbursable as an incidental expense	$
Developing of Monthly Payment Figures	
A. Monthly payment required to amortize a loan of $—— (Line 3) in — months (Line 6) at an annual interest rate of — % (Line 7)	$
B. Monthly payment required to amortize a loan of $—— (Line 3) in — months (Line 6) at an annual interest rate of —% (Line 8)	$
C. Monthly payment required to amortize a loan of $—— (Line 3) in — months (Line 6) at an annual interest rate of —% (Line 9)	$
Calculation of Interest Payment	
Step 1—Substract A from B:	
Monthly payment based on rate for replacement dwelling (B)	$
Monthly payment based on rate for acquired dwelling (A)	$
Result (difference)	$
Step 2—Divide result (difference) of Step 1 by C (carry to 6 decimal places)	$
Result (difference) from Step 1	$
Monthly payment based on savings rate (C)	$
Result (quotient)	
Step 3—Multiply outstanding balance of mortgage on acquired dwelling by result (quotient) of Step 2:	
Outstanding Balance (from Line 3)	$
Result (quotient) of Step 2×	
Result (product)	$
Step 4—Add to result (product) of Step 3 any debt service costs on the loan on the replacement dwelling:	
Result (product) of Step 3, first mortgage	$
Result (product) of Step 3, second mortgage[1]	$
Sum or difference, as applicable[1]	$
Add debt service costs on loan on replacement dwelling (Line 10)	$
Amount of interest payment	$

[1] If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made to each mortgage through Step 3. A consolidated Step 4 is then completed.

[FR Doc. 81-26555 Filed 9-11-81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1927-1]

Commonwealth of Virginia; Proposed Revision of the Virginia State Implementation Plan AH300dVA

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: A revision to the Virginia State Implementation Plan (SIP) for the attainament of ozone and carbon monoxide standards was submitted to the Environmental Protection Agency (EPA) by the Governor on February 16, 1981. The intended effect of the revision is to meet the requirements of Part D of the Clean Air Act, as amended, "Plan Requirements for Nonattainment Areas."

This proposed rule provides a description of the proposed SIP revision, summarizes the previously submitted plan revisions, compares this revision to the requirements and any previously noted deficiencies, identifies major issues in the proposed revision, and proposes approval of the SIP revision, where appropriate.

DATE: Comments must be submitted on or before November 13, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch (3AH13), Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Ms. Eileen M. Glen

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, Southwest (Waterside Mall), Washington, DC 20460

Virginia State Air Pollution Control Board, Ninth Street Office Building, Room 1106, Richmond, Virginia 23219, Attn: John M. Daniel, Jr.

All comments on the proposed revisions submitted within 60 days of publication of this Notice will be considered and should be directed to Mr. James E. Sydnor, Chief, WV/VA Section, at the EPA, Region III address cited above.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen at the above address or by telephone at 215/597-8187.

SUPPLEMENTARY INFORMATION: On April 4, 1979 (44 FR 20372) EPA published a Notice entitled "General Preamble for Proposed Rulemaking on Approval of State Implemented Plan Revisions for Nonattainment Areas." EPA supplemented the General Preamble on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). The general preamble supplements this proposal by identifying the major considerations that will guide EPA's evaluation of the submittal. The EPA invites public comments on this revision, the identified issues, the suggested corrections, and whether the revision should be approved or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

This section is divided into three categories entitled Background, Description and Evaluation, and Conclusion. The Background section outlines the development of the Virginia SIP revision and summaries actions already taken by EPA on related submittals. The Description and Evaluation section describes each area plan submittal and EPA's preliminary findings. The Conclusion category is a closing section which again requests public comments on today's proposed actions.

Background

New provisions of the Clean Air Act, enacted in August 1977, Public Law No. 95-95, require States to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each State to submit, to the Administrator, a list of the NAAQS attainment status for all area within the State. The Administrator promulgated these lists on March 3, 1978 (43 FR 8962) and on September 12, 1978 (43 FR 40502). This list was revised on June 27, 1980 at 45 FR 43412 to delete Smyth County from the list of designated nonattainment areas. Various portions of Virginia were designated as nonattainment for ozone and carbon monoxide. As a consequence, the Commonwealth of Virginia was required to develop, adopt, and submit to EPA revisions to its SIP for those nonattainment areas by January 1, 1979. These revisions must conform to requirements of Part D of the Clean Air Act and provide for attainment of the NAAQS as expeditiously as practicable. In accordance with these requirements, Maurice B. Rowe, Secretary of Commerce and Resource, acting on behalf of Governor John N. Dalton, submitted a revised SIP on Janury 11, 1979. This submittal was the subject of a final rulemaking on August 19, 1980 (45 FR 55180) conditionally approving the Commonwealth's ozone and CO Part D plan. Except as noted elsewhere in this notice, the conditions of approval specified in the August 19, 1980 rulemaking will be handled in a separate **Federal Register** notice.

Shortly thereafter, on February 8, 1979 (44 FR 8202), EPA revised the ozone standard from .08 to .12 ppm. As a result of this change in the ozone standard and the need to implement regulations in accordance with Round II Control Techniques Guidelines (CTG's), the Commonwealth revised its Part D nonattainment plan and submitted these revisions on December 17, 1979.

On May 15, 1980, the Commonwealth submitted Part D SIP revisions which dealt only with Chapter 9, Inspection/Maintenance (I/M), of the plan.

The December 17, 1979 and May 15, 1980 submittals were the subject of a proposed rulemaking published in the **Federal Register** on April 7, 1981 (46 FR 20692). We received several comments from citizen groups, industry and state officials. These comments are currently under review by EPA and final action will be taken shortly.

The subject of this Notice, is a February 16, 1981 submittal which deals only with the Richmond nonattainment plan. The plan revision contains the following major differences from the 1979 plan revisions:

1. An air quality analysis based upon more recent air quality monitoring data indicates that the Richmond nonattainment area can attain the ozone air quality standard by December 31, 1982. Therefore, the request for extension of the attainment date until December 31, 1987 is withdrawn for the Richmond nonattainment area.

2. Because of the new attainment date demonstration cited above, the provisions requiring the implementation of an inspection/maintainance program, the implementation of currently planned transportation control measures, and the analysis, adoption and implementation of additional transportation control measures are no longer required.

The following list summarizes the basic requirements for nonattainment area plans as contained in Section 172(b) of the Clean Air Act:

1. Evidence that the proposed SIP revisions were adopted by the State after reasonable notice and public hearing.

The February 16, 1981 submittal satisfies this requirement in that a Notice of Hearing was published in the *Richmond Times Dispatch* on December 22, 1980 and a public hearing was held on January 26, 1981.

2. A provision for implementation of all reasonable available control measures as expeditiously as practicable.

The February 16, 1981 plan makes no changes to this portion of the SIP and, therefore, EPA's previous comments are still appropriate. (45 FR 55228, August 19, 1980).

3. Provisions for reasonable further progress (RFP) as defined in Section 171 of the Clean Air Act.

Chapter 3 of the proposed Plan deletes and replaces the provisions contained in the corresponding chapters submitted January 11, 1979 and December 17, 1979 for the Richmond area only, provides a detailed schedule of emission reductions to be achieved each year, and appears to satisfy this requirement.

4. An accurate inventory of existing sources.

The February 16, 1981 submittal appears to satisfy this requirement.

5. An identification of emissions growth.

Chapter 3 of the February 16, 1981 submittal furnishes this information and appears to satisfy this requirement.

6. A permit program for major new or modified sources, consistent with Section 173 of the Clean Air Act.

This requirement was satisfied by the January 11, 1979 submittal. The December 17, 1979 submittal made several changes to the Commonwealth's permit program and they are discussed in the April 7, 1981 **Federal Register**. The February 16, 1981 submittal makes no changes to this portion of the plan.

7. An identification of and commitment to the resources necessary to carry out the plan.

The Commonwealth commits itself to assign resources as required or needed to carry out the requirements of the SIP. Although this commitment is contingent upon the constraints set by the Governor and the General Assembly, as well as upon the level of Federal funding received, EPA believes it to be sufficient.

8. Contain emission limitations, schedules of compliance and such other measures as may be necessary to attain the standards.

Chapter 7 of this plan revision contains provisions intended to supplement the provisions contained in the corresponding chapters submitted January 11 and December 17, 1979. See below for detailed discussion of this requirement and the Commonwealth's submittal.

9. Evidence of public, local government and State involvement and consultation.

Chapter 11 of the February 16, 1981 submittal details the Commonwealth's compliance with this requirement.

10. Evidence of the enforceability of the regulations and compliance schedules as well as a commitment to implement and enforce the appropriate elements of the plan.

The Commonwealth has long had the legal authority to adopt and enforce regulations pertaining to stationary sources.

11. In areas where attainment will not be achieved until December 31, 1987, the plans must satisfy several requirements.

The Commonwealth believes it now demonstrates attainment of the ozone standard by December 31, 1982 in the Richmond area. EPA agrees with this demonstration and, therefore, any requirements of No. 11 above are no longer applicable to the Richmond area.

The following is a list of Virginia's submittals dealing with nonattainment area plans and a summary of EPA actions thus far:

January 11, 1979: The plan addressed attainment of the .08 ppm ozone standard and installation of RACT for certain sources of volatile organic compounds. EPA published its final rulemaking on August 19, 1980 (45 FR 55180) approving, in part, this submission. At the same time, EPA conditionally approved certain portions and proposed deadlines for correcting the deficiencies (45 FR 55228).

September 7 and 21, 1979: These submittals proposed numerous revisions to the Virginia SIP including the nonattainment area plans. Those portions of these submittals which specifically addressed deficiencies in the January 11, 1979 submittal were approved in the August 19, 1980 rulemaking. The balance of these submittals are being addressed in a separate rulemaking.

December 17, 1979: This plan addresses attainment of the .12 ppm ozone standard and installation of RACT for nine new categories of VOC sources. In addition, Chapter 3, Control Strategy Demonstration, containing the revised design value for Northern Virginia was included in this submittal. It was approved in the August 19, 1980 rulemaking (45 FR 55180).

May 15, 1980: This submittal includes the statutory authority for the implementation of an I/M program and a revised Chapter 9 for the Richmond and Northern Virginia area plans only.

February 16, 1981: This submittal, the subject of today's Notice, pertains to the Richmond area only and is described below.

Chapter 5—Regulations

This submittal contains no changes to Chapter 5.

Chapter 6—Emission Inventory

This submittal contains provisions intended to delete and replace the provisions contained in the corresponding chapters submitted on January 11 and December 17, 1979. The inventory, which EPA had previously questioned (see 46 FR 20692, April 7, 1981), now appears to be acceptable.

Chapter 7—Compliance Schedules

This chapter describes the historical procedure for dealing with compliance and the new requirements of Section 120 of the Clean Air Act which allows a maximum of three years for a source to comply with a new or more stringent emission standard.

The February 16, 1981 plan contains three alternate compliance schedules submitted pursuant to Section 4.02(f) of the Commonwealth's regulations.

EPA requested additional information and supporting material for each of these schedules. This data was submitted as an addenda to the SIP by the Commonwealth on May 27, 1981 and EPA's preliminary findings are detailed below:

J. W. Ferguson & Sons, Inc. is a rotogravure packaging printer subject to the regulations in Section 4.55(m)(2) and has requested an extended compliance schedule pursuant to Appendix N of the Commonwealth's Regulations. Section 4.02(f) is the regulatory authority which provides for such alternate compliance schedules but it does state in § 4.02(f)(7) that alternate compliance schedules must contain the same increments of progress as those in Appendix N.

Description and Evaluation

The following is a brief of the proposed SIP revision submitted on February 16, 1981 and a summary of EPA's preliminary evaluation:

Chapter 2—Air Quality Monitoring Data Analysis

This chapter deletes and replaces the material submitted on January 11, 1979 and December 17, 1979 by the Commonwealth. It contains the design value, the statistical procedures, and monitoring methods used to demonstrate attainment and/or reasonable further progress toward attainment of the standard. EPA believes the material contained therein is acceptable.

Chapter 3—Control Strategy

This chapter deletes and replaces the material submitted on January 11, 1979 and December 17, 1979 by the Commonwealth. It also contains a plan for tracking growth and Reasonable Further Progress.

This chapter also provides for the accommodative concept in dealing with new source growth in nonattaiment areas. By letter dated April 15, 1980, the Commonwealth confirmed that any offsets required to allow new source growth would be processed under this system. However, the Commonwealth also agreed that should additional offsets be necessary, the administrative procedures contained in the EPA Emission Offset Interpretative Ruling would be followed.

EPA believes the material contained therein is acceptable.

Chapter 4—New Source Review (NSR)

Chapter 4 is merely a summary of the Commonwealth's NSR program and is not affected by this submittal.

The Company's compliance plan submitted to the Commonwealth on June 3, 1980 contains many increments regarding its schedule for conversion to low-solvent technology and a final compliance date of January 1, 1984. However, several of the increments in this plan differ from those contained in the Company's letter of September 10, 1980. In addition to this discrepancy, the submittal included no letter, variance or other document from the Commonwealth to the Company confirming its approval of the extended compliance schedule and stating the exact increments of progress to be achieved.

EPA has reviewed all the material submitted by the Commonwealth and believes the extended compliance schedule is acceptable. However, before final action can be taken, the above-cited deficiencies must be corrected.

Westvaco Corporation operates three (3) printing plants in the City of Richmond:

1. Plant No. 1 at 320 Hull Street
2. Plant No. 2 at 401 Stockton Street
3. Milk Carton Plant at 2828 Cofer Road

Westvaco is also building a new facility at 3001 Cofer Road.

EPA's preliminary review of this submittal has uncovered several problems. The Company is not merely requesting an extended compliance schedule but is proposing to "bubble" the emissions from the existing plants and possibly those from the new facility. The existing plants are subject to the regulations contained in Section 4.55(m) and the proposed new facility may be subject to new source review requirements.

The plan submitted by Westvaco to the VASAPCB on April 14, 1980 and subsequently submitted to EPA by the Commonwealth on May 27, 1981 contains no emissions data for any of the plants, no control equipment data, no percentage of efficiency calculations or discussions, and no details or discussion comparing its program with the requirements of Section 4.55(m). Furthermore, because the material does not include any emissions data, we are not certain if the new facility constitutes a "major" source and is thus subject to the LAER (Lowest Acheivable Emission Rate) and offset requirements.

As with the Fergusson schedule discussed above, the Commonwealth's submittals of February 16 and May 27, 1981 do not include any documents from the Commonwealth to the Company officially approving or denying Westvaco's request for an extended compliance schedule and "bubble". There is also no copy of any State permit that may have been issued to Westvaco approving the construction of a new source. This information is necessary to clarify whether the new facility's emission offsets are part of the bubble for the existing plants.

EPA cannot approve the Westvaco proposal until the above deficiencies are remedied.

Reynolds Metals Company operates two graphic arts facilities in Richmond which are subject to Section 4.55(m); these are the Richmond South and Bellwood Printing plants. The Company proposed to bring the Richmond South plant into compliance by December 31, 1982 through the use of a low solvent technology and incineration with heat recovery. The control program for the Bellwood Printing plant consists of low solvent technology, incineration with heat recovery, and equipment replacement. The proposal calls for compliance by certain operations by December 31, 1982 and final compliance of all operations by December 31, 1984.

As a result of our preliminary review, EPA again found that the submittal contained no detailed, line-by-line, emissions data, efficiency calculations or comparisons of the Company's projected control program with the requirements of section 4.55(m). Also, again, there is no documentation in this submittal from the Commonwealth to the Company approving or denying its proposed program, setting forth increments of progress in accordance with Appendix N and establishing a final compliance date. These deficiencies must be corrected before EPA can take final action on the proposed control program.

EPA has recently discussed all of the above-mentioned problems with the Commonwealth and will continue to work with the VSAPCB staff and company officials to resolve them.

Chapter 8—Resources

The February 16, 1981 submittal makes no changes to the chapter.

Chapter 9—Inspection/Maintenance

The February 16, 1981 submittal repeals the provisions contained in the corresponding chapters submitted January 11, 1979, December 17, 1979 and May 15, 1980.

As a result of more recent air quality monitoring data, the control strategy demonstration (see Chapter 3) now shows that the implementation of this measure in the Richmond nonattainment area is not required.

Chapter 10—Transportation Source Measures

This submittal proposed deletion of many of the provisions of this chapter as submitted on January 11, 1979.

Since the submittal of the above-mentioned chapter, the control stragtegy for the nonattainment area has been revised and now shows that the ambient air quality standard will be attained on or before December 31, 1982 without the implementation of any transportation source measures. Therefore, the State proposed to withdraw those portions of the January 11, 1979 revision of this chapter relative to Items 2 thru 5 of Chapter 10. They do not propose to evaluate, adopt or implement any future transportation measures. Withdrawal of transportation control measures for the Richmond nonattainment area appears to be acceptable.

Chapter 11—Intergovernmental Responsibilities, Legal Authority, Consultation

The Commonwealth has certified that the appropriate public hearings were held in accordance with State and Federal regulations and procedures.

Chapter 12—Analysis of Effects

This section should be revised to demonstrate what effects, if any, the new regulations will have.

Conclusion

The public is invited to submit, to the address stated above, comments on whether the proposed amendments to the Commonwealth of Virginia air pollution regulations should be approved as a revision of the Commonwealth's SIP. The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination of whether the amendments meet the requirements of Part D and Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans. Deficiencies in the Commonwealth's plan that are not corrected may be cause for conditional approval or disapproval of the proposed revisions to the SIP.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. 7401–7642)

Dated: July 29, 1981.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 81–28692 Filed 9–11–81; 8:45 am]

BILLING CODE 6560–85–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Ch. I

[CGD 80–136]

Maneuvering Performance Standards for U.S. Flag Vessels

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering development of performance standards and regulations for the evaluation of the maneuvering and stopping characteristics of new vessels: ocean-going tank vessels carrying oils and hazardous materials, passenger vessels, cargo and miscellaneous vessels, and Great Lakes

bulk carriers. Accompanying the standards will be standardized trials maneuvers designed to verify the vessel's maneuvering performance, and to provide the information on maneuvering already required to be posted in the pilothouse.

These performance standards would supplement the existing operations oriented requirements (or example 46 CFR 35.20–40) for the display of a maneuvering information fact sheet in the pilothouse. It is anticipated that the performance standards—a set of maneuvering indices—would be based on the performance of existing vessels, and would provide ship owners, designers, builders, pilots, masters, port authorities, and law enforcement officials with a means to assess a vessel's inherent maneuverability. The regulation effort, to the extent that it applies to tank vessels, would result in the implementation of certain portions of the Port and Tanker Safety Act of 1978.

DATE: Comments must be received on or before January 12, 1982.

ADDRESSES: Comments should be mailed to Commandant (G–CMC/44)(CGD 80-136), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying from 7:00 am to 5:00 pm, Monday through Thursday, at the Marine Safety Council (G–CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, 202–426–1477.

FOR FURTHER INFORMATION CONTACT: Mr. H. Paul Cojeen, 202–426–2197.

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 80–136), and include sufficient detail to indicate the basis on which each comment is made. Information that is proprietary should be indicated on the letter accompanying the data. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard. Persons wishing to be placed on the mailing list for documents issued in connection with this project should submit their names and addresses; acknowledgment that they are on the list will be sent if a stamped self-addressed postcard is enclosed. No public hearing is planned at this stage. The Coast Guard will determine whether or not to proceed with regulatory action after the comments on this advance notice have been evaluated. Any proposed regulations will be prepared after consideration of all comments received.

Drafting Information

The principal persons involved in drafting this proposal are Mr. H. Paul Cojeen, Ship Design Branch, Merchant Marine Technical Division, Office of Merchant Marine Safety, and Michael N. Mervin, Project Counsel, Office of the Chief Counsel.

Discussion

The Coast Guard contemplates: (1) Developing a technical basis using the inherent maneuvering performance characteristics of existing vessels; (2) determining those characteristics which best describe maneuvering performance; and (3) establishing a performance rating system for the maneuvering characteristics. For each new vessel, the Coast Guard contemplates: (1) Establishing the preliminary maneuvering characteristics through plan review and assignment of "tentative" ratings; (2) establishing the final performance ratings through maneuvering trials performed in conjunction with the builder's trials; and (3) encouraging supplementary trials to provide more operationally related maneuvering information.

Establishing a technical basis, developing regulations, responding and incorporating comments from the public and industry, and providing the necessary supporting information for implementation of somewhat new and complex performance standards for merchant vessel maneuvering require participation of nearly everyone in the marine industry. To this end, this advance notice is addressed to each group involved in the industry:

- Ship owners and operators—The proposed performance standards might be useful for guidance when purchasing or chartering a vessel, and evaluating ship entry into an unfamiliar port.
- Ship designers—The standards might serve as a guide for design to ensure that inherent controllability is considered in a systematic manner.
- Shipbuilders—Standardized maneuvering trials might complement the existing builders trials.
- Pilots, masters and unions—The discussions demonstrate the Coast Guard's concern for the overall problems of collisions, rammings, and groundings, and the part these contemplated regulations may play; the resulting maneuvering performance indices, when related to the experience of a pilot or master, could aid in the assessment of the safety procedures required.
- Port authorities and the public—The contemplated regulations might lead to both safer and more efficient commerce.
- National and international shipping interests—It is desired that the approach, and its relation to other efforts be understood, including the need for additional data from world-wide sources.
- Captains of the Port and Marine Safety Offices—Vessel maneuvering information could be a useful aid to consideration of port entry and operating conditions, especially under adverse conditions where pollution or hazardous situations might result.

Background and Project History

A master or pilot performs many functions during port entry and harbor navigation. He must have the ability to compensate for many quirks of the vessel and the waterway; but he should not bear responsibility for a vessel with marginal maneuvering characteristics. The master should be able to depend on the ship to maneuver reliably and predictably, which implies that the ship should possess adequate maneuvering characteristics.

This could be based largely on existing "good vessel" maneuverability data. Results from mathematical simulation and full scale trials show that most vessels are maneuverable, and can be handled in a reliable and predictable manner. This is not to say that all vessels maneuver in the same way. The maneuvering characteristics of a vessel are determined by its physical dimensions, the shape of its hull, its power, and the size, type, and location of its rudder. With such design variables, the maneuvering characteristics of ships of conventional design vary widely. In some designs where the owner expressed concern about maneuvering, and requested additional design studies, maneuvering capabilities have been enhanced.

The numerous maritime accidents (ARGO MERCHANT, SANSINENA, OLYMPIC GAMES, MARINE FLORIDIAN) that occurred during the winter of 1976/77 both here and abroad resulted in renewed national and international efforts to reduce the risk of oil pollution from tank vessels. Collisions, rammings and groundings (CRG) continue to occur (MIMOSA/BURMAH AGATE, MASON LYKES/AMOCO CREMONA, AMOCO CADIZ, SEADANIEL/TESTBANK, METULA, AEGEAN CAPTAIN/ATLANTIC EMPRESS, TEXACO NORTH DAKOTA, INDEPENDENTA/EVERYALI, TUPAC YUPANQUI/PANAMA CITY, SUMMIT VENTURE) and remind the Coast Guard

and industry that vessel maneuvering abilities need to be considered. CRGs are a significant source of economic loss and pollution, and one way to reduce the cost is to reduce the number of accidents.

One solution proposed an improvement in the maneuvering and stopping capabilities of large tankers. That premise was evaluated by Card, et al. (1979) in a report[1] to the President. The report, which was forwarded to the President by the Secretary (20 November 1979), concluded that vessels could be designed to maneuver safely and reliably. At present, however, there are no national or international design standards for maneuvering performance.

This project is a step towards implementation of the Port and Tanker Safety Act of 1978 (46 U.S.C. 391a). Subsection (6)(A) of that Act requires the Secretary (i.e., the Coast Guard) to:

"* * * issue * * * regulations for the design, construction, alteration, repair, maintenance, operation, equipping * * * of vessels to which this section applies as may be necessary for increased protection against hazards to life and property, for navigation and vessel safety, and for enhanced protection of the marine environment * * * the regulations * * * shall include but not be limited to standards to improve vessel maneuvering and stopping ability and other features which reduce the possibility of collision, grounding or other accidents * * *"

To accomplish a significant reduction in the number and severity of collisions, rammings, and groundings (CRG), the Coast Guard is pursuing a multi-phased and coordinated effort:

- Posting information on maneuverability.
- Establishing ratings for the inherent maneuvering abilities of vessels.
- Developing bridge design and visibility standards.
- Studying the human aspects of vessel control.
- Developing steering component reliability standards.
- Standardizing navigation rules and aids.
- Evaluating the need for vessel traffic systems.

This project relates to the second item, with the expressed intent of eliminating outliers. Regulations are contemplated only for new U.S. flag vessels, but may have a wider application if the studies and standards are well conceived. Since there are no standards currently available, a well established and sensible technical basis, and reasonable and simple standards would probably be used by ship owners and designers throughout the world.

An international effort is being planned through the auspices of IMCO, which will rely on the results of this project.

The utilization of tugs has been investigated in joint Coast Guard, Maritime Administration and industry programs. Tugs show promise for propulsion and rudder system assistance in emergency situations at low speeds, but are not a substitute for inherent maneuvering capabilities.

Approach

Five maneuverability ratings (A through E), would have the advantage of the quantification of performance into several categories, i.e., outstanding (A and B), average (C and D), and poor. Inherent maneuverability ratings should aid a new master, the pilot, and the Captain of the Port in assessing each vessel's controllability. To assist in the development of ratings, the maneuvering performance of those vessels known by pilots and masters for their "good" performance will be looked at and carefully compared to the majority of the vessels. Comparison of the performance of "bad actors" or outliers would be extremely beneficial, but their identification may prove difficult because of the potential liability aspects.

The final maneuverability performance ratings for each new vessel might be established by use of full scale maneuvering standarization trials which, through a trials agenda, would be integrated with existing builder's trials. These trials would be used to establish the final maneuvering indices based on certain neasures of ship controllability. Three possible measures are:

(1) Turning Ability—

- Turning circle would provide heading angle, path, and speed using shorebased tracking.
- Auxiliary device (lateral thrusters, etc.) performance would be determined for the posting of information on the bridge.

(2) Coursechanging Ability—

- Z-maneuvers would provide rudder angles and times to determine the overshoot angle at full speed.

(3) Stopping Ability—

- The stopping maneuver would provide times and distance from the execution command. The path and heading of the vessel would be recorded with tracking equipment. The performance is highly dependent on vessel speed, and would provide the most information if executed at the vessel maneuvering speed—6 to 8 knots.

A secondary set of trials would be performed (in-service) by the ship's personnel shortly after the vessel is delivered. The purpose would be to provide additional information for the maneuvering display under actual operating conditions, fully loaded, and in more realistic water depths. The trials might include:

Turning Ability—

- Turning circle—can be performed at a different water depth at fully loaded draft, which is especially important for cargo and miscellaneous vessels.
- Accelerating turn can illustrate the potential for its use as an evasive maneuver, as in the rudder kick maneuver.

Coursekeeping Ability—

- Performance in wind and currents, and in shallow water can be incorporated in display and maneuvering information.

Coursechanging Ability—

- Z-Maneuver—the effect of wind, current, and seas, the execution at various speeds, and the relationships with turning diameter are important for the display and maneuvering information.

Stopping Ability—

- Stopping trials based on various engine settings can illustrate the effect of speed on stopping performance. Trials in shallow water, and with different rudder positions, can be performed.

Request for Data, Information, and Comments

There are many factors to be considered in developing the technical basis and regulations related to maneuvering performance. Some of them, along with background or explanation and questions, are posed.

The Coast Guard has collected information on turning and stopping, but needs more Z-maneuver information, especially deep water trials for fully loaded cargo and miscellaneous vessels. The angle and the time to the first overshoot can be obtained by ships' officers, without recording the vessel track.

Question 1. Could ship owners and operators perform 20/20 Z-maneuvers and provide the Coast Guard with overshoot angles and times?

Other maneuvering information—turning circles, Z-maneuvers and crash astern maneuvering trials that have been conducted with Hi-Fix or Radist tracking—are needed. The ship (load conditions, drafts, approach speeds) and environmental (wind, sea and current) conditions are required for both Z-

[1] "Report to the President on an Evaluation of Devices and Techniques to Improve Maneuvering and Stopping Abilities of Large Tank Vessels", Coast Guard Report CG-M-4-79, September 1979. NTIS AD A082711. Copies may be obtained from the National Technical Information Service, Springfield, VA 22161.

maneuvers and standardization trials data. To correlate the trials data, the following additional information would be helpful: hull form characteristics, the general configuration of the afterbody, the forebody configurations if vessel is fitted with a bulbous bow, the rudder area, the type of machinery, and the speed/RPM curve.

Question 2. Would ship owner provide us with maneuvering information gathered during shipyard builder's trials?

Certain owners and operators have conducted extremely thorough maneuvering trials during acceptance trials, or after their vessels have been delivered, using a fixed positioning buoy or precision navigation systems, such LORAN C or DECCA chains, to record the ship track. Results of these trials [3] would be used in the same manner as the shipyard builder's trials.

Question 3. Would owners supply the Coast Guard with these maneuvering trials results? Has the Coast Guard identified the important measures of controllability?

The ratio of rudder area to submerged area used currently in shipyards and design offices can be extremely valuable to the Coast Guard when formulating the alternate performance standards.

Question 4. Would shipyards and designers supply the Coast Guard with these and other design-oriented relationships?

Since some of this data is proprietary, the results that will be published will contain curves and relationships derived from data analysis for many vessels, with no reference to vessel name or owner. The results will be used to show the trends and pertinent features associated with the maneuvering performance by type of vessel. The raw data will be held in confidence and not released in any form.

Various reports will be prepared and distributed during the project, including the Technical Basis in the Fall 1981, and the Alternative Performance Standards in the Winter 1981/82. See Supplementary Information for inclusion on distribution list.

Question 5. Would interested parties provide comments on the above reports?

The costs of implementing the standards, for example, in the form of a five or ten percent increase in rudder area, might be from three sources: additional design, construction, and trials costs. The Coast Guard anticipates that the economic impact will be "insignificant," since the performance is adequate for the majority of the vessels which are being used to establish the basis. If the increased rudder area is assumed, the following rough estimates per vessel are based on four vessels of the same class:

Design	$25,000
Construction	$25,000
Trials	$40,000

Question 6. Could ship owners and shipbuilders comment on the above assumed cost estimates, and suggest direct or indirect benefits of having design and contract guidance for maneuvering performance?

Maneuvering devices (e.g. lateral thrusters) may be desired by operators to supplement the inherent performance of the vessel.

Question 7. Should devices be considered as a replacement for inherent maneuvering performance, especially since they are effective only at low speeds? How would your operations be compromised if the device were inoperative?

Question 8. There are some inherent features of vessels that appear to be linked to poor vessel maneuverability. Ship owner, designer, and pilot association member comments are solicited:

- Stopping—inability or excessive time required to restart diesels in the astern direction?
- High minimum maneuvering speed of large direct drive diesels?
- Lack of control during stopping?
- Vessels of unusual hull form that may not be considered during the establishment of the technical basis?
- Single rudder/twin screw—greatly reduces rudder effectiveness?
- Excessive above water lateral area compared to underwater area, especially in ballast or partial load condition?

Various technical and professional authorities have advocated that maneuvering indices should be given in absolute terms since harbors and waterways are finite. Conversely, the technical basis (and maneuvering indices) will probably be based on non-dimensional parameters in an effort to compress and systematize the trials results.

Question 9. Would maneuvering indices that related to dimensional terms provide the ship owner, design agent, pilot, or master with the most information? What would be the most useful form?

Alternatives

One of the major purposes of the advance notice is to explore the alternatives which could conceivably cover the range between doing nothing, and proposing detailed design and equipment regulations. The final decision will probably be somewhere between the two extremes, and will be based on the responses from this advance notice, the NPRM, if any, pressure for international standards, and the balancing of the costs with the benefits. The Coast Guard suggests the following alternatives for consideration and comment:

Alternative A: Do nothing.

Alternative B: Guidance on maneuvering performance for commercial vessels.

Alternative C: Regulations on tank vessel maneuvering performance and guidance for other vessels.

Question 10. What would be the effect on the overall safety aspects related to collisions, rammings and grounding (CFR) if only tank vessels were required to comply with standards?

Alternative D: Issue regulations for all new commercial vessels—This would include cargo and miscellaneous vessels (including Great Lakes vessels), passenger vessels, and tank vessels carrying oils and hazardous materials.

Question 11. Would standards derived by IMCO without substantial "influence" from domestic interests by advantageous to U.S. ship owners, pilots, designers, or the public in general? How should the timing of final rules and IMCO standards be related?

Question 12. Would ship owners consider paying extra for a vessel to get one with outstanding maneuvering indices (A/A/B/A), rather than one with poor performance (C/C/D/C)?

Alternative E: Issue regulations allowing the use of tugs or maneuvering devices in lieu of inherent maneuvering performance.

Question 13. Would ship owners accept the economic losses of not being able to enter a harbor due to the unavailability of tugs, or the breakdown of devices?

Question 14. Considering the operating costs for tugs, and the additional studies needed to determine tug requirements, would it be preferable to use tugs or to incorporate maneuverability based design features from the point of view of the cost/benefit relationship?

Alternative F: Issue regulations to improve the performance of new and existing commercial vessels.

Analyses and Assessments

Various Executive Orders, Acts of Congress, and publicly stated administration policies have set out

[3] Additional information can be obtained from the Society of Naval Architects and Marine Engineers, One World Trade Center, Suite 1369, New York, 10048: *Code for Sea Trials*, 1973, and *Ship Design and Construction*, 1980.

specific procedures that agencies should follow for the promulgation of regulations. In general, the purpose of these procedures is to ensure that regulations are not undertaken unless the potential benefits to society outweigh the potential costs (Executive Order 12291), that the competitive posture of small business entities are not compromised as compared to larger ones (Regulatory Flexibility Act), and that the public is not burdened unduly with Federal paperwork requirements (Paperwork Reduction Act).

Regulatory Impact Analysis—Executive Order 12291 requires an agency to prepare a Regulatory Impact Analysis if the proposed regulation is a "major rule." This Analysis must contain a cost/benefit analysis of the alternative approaches that were considered.

There are certain guidelines that agencies are required to use to determine whether a proposed regulation is considered a major rule. A major rule would: have an annual effect on the economy of $100 million or more; result in major increases to costs or prices for consumers, individual industries, or federal, state, or local governments; or have a significant adverse effect on competition, employment, productivity, or the ability of United States based enterprises to compete in the world market.

Question 15. Would maneuvering regulations affect the economy, result in major increased costs to the maritime industry, or have an adverse effect on competition, and thus be deemed a major rule?

The Coast Guard submits that reducing marine casualties (from all causes) can provide a net benefit to society. We plan to include in the cost/benefit analysis the direct and indirect losses to the ship owner and to society of representative marine casualties. The direct losses might include: repairs to the vessels, loss of the cargo, loss of the earning capability of the vessel, and salaries and wages for crew members to testify at inquiries, boards, and trials. The indirect costs, though somewhat harder to estimate, are, we feel, valid and are significant. These might include: preparation of testimony including civil suits related to the loss of lives and property, payouts from law suits, losses through diminished reputation with customers, loss of the use of a highway or bridge, loss of fisheries, recreational and other irreplaceable resources, costs to the Coast Guard and waterways users of search and rescue efforts, costs for the investigations (Coast Guard, National Transportation Safety Board, underwriters/hull insurers, owner/operator, pilots associations) report preparation, Congressional testimony and subsequent lawsuits.

Question 16. Are these losses reasonable, and to what extent should they be considered in a complete cost/benefit analysis?

Question 17. Could owners provide cost (both direct and indirect) estimates for use in the cost/benefit analysis?

Regulatory Flexibility Analysis—The Regulatory Flexibility Act requires that the agency consider whether the proposed rules would cause a significant impact on a substantial number of "small business" entities. Small business entities are defined in the Small Business Act as independently owned and operated, and not dominant in their field.

Question 18. Does your business qualify as small?

It may be desirable to incorporate a new data point into the technical basis. The new data point would be established once the first of a class has been tested. This would provide a feedback to the owner and designer, and expand the technical basis (data base).

Question 19. If the Coast Guard were to establish the new data point formally as a "reporting requirement" with the Officec of Management and Budget (OMB), would reporting the results of the trials be considered a significant burden? Could you provide an estimate of the cost and hours to prepare such a report?

A draft regulartory evaluation, including the regulatory flexibility analysis will be developed by the Coast Guard and placed in the file, if the rulemaking proceeds to the NPRM stage. The Coast Guard does not anticipate that the rules developed from this advance notice will meet the criterion for a "major" rule, requiring a full Regulatory Impact Analysis.

If rulemaking continues, an environmental assessment will be prepared to determine the probable effects of maneuvering performance standards. It is not anticipated that an Environmental Impact Statement will be required. The assessment will be placed in the public file.

Participation

The Cost Guard welcomes public comments, critique, and suggestions on this rather complicated and lengthy advance notice. We have allowed an extended period for review of the advance notice, and are planning to distribute additional documents and reports. This approach is designed to fulfill the requirements of the Ports and Tanker Safety Act for consulting with, and receiving and considering the views of other agencies, the maritime community, and environmental groups, during development of regulations.

(46 U.S.C. 369, 391a, 49 U.S.C. 1655(b), 49 CFR 1.46(b))

Dated: September 2, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-26701 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 21, 74, and 94

[Gen. Docket No. 79-168; RM-3247; RM-3497; FCC 81-388]

Amendment of the Commission's Rules With Respect to Digital Termination Systems

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: In anticipation of a great demand for radio services offered over Digital Termination Systems (DTS), the Commission proposes to allocate a portion of a specific GHz band for DTS and associated point-to-point intermodal links to supplement recently allocated GHz band for DTS.

The Commission proposes to authorize private entities as DTS licensees at specific GHz bands. Also, in response to a rulemaking petition to rechannelize the 18 GHz band, the Commission proposes to channelize another portion of the band to accommodate narrowband point-to-point operations.

DATES: Comments must be received by November 2, 1981 and replies by December 2, 1981.

ADDRESS: Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kenneth R. Nichols, Office of Science and Technology, 2025 M St., N.W., Washington, D.C. 20554 (202) 632-7025;

Kevin J. Kelley, Domestic Facilities, Common Carrier Bureau, 1229 20th Street N.W., Washington, D.C. 20554 (202) 632-6430, Room A-328.

SUPPLEMENTARY INFORMATION:

[General Docket No. 79-188; RM-3247, RM-3497]

Further Notice of Proposed Rulemaking

In the matter of amendment of Parts 2, 21, 74 and 94 of the Commission's Rules to allocate spectrum at 18 GHz for, and to establish other rules and policies pertaining to, the use of radio in digital termination systems and in point-to-point microwave radio systems for the provision of digital electronic message services, and for other common carrier, private radio, and broadcast auxiliary services; and to establish rules and policies for the private radio use of digital termination systems at 10.6 GHz.

Adopted: August 4, 1981.

Released: September 2, 1981.

By the Commission: Commissioner Jones absent.

I. Introduction

1. This action results from a rulemaking petition [1] filed by the Xerox Corporation (hereinafter "Xerox") and our subsequent issuance of a Notice of Proposed Rulemaking and Inquiry ("Notice") [2] and from another rulemaking petition filed by Farinon Electric ("Farinon"), a division of the Farinon corporation.[3] In part, this Further Notice of Proposed Rulemaking ("Further Notice") is directly related to the First Report and Order ("Order") [4] in which the Commission reallocated spectrum in the 10.55–10.68 GHz (10.6 GHz) band for, and established other rules and policies pertaining to, digital termination systems (DTS) and associated internodal links. We also authorized a new digital communications service employing DTS called Digital Electronic Message Service (DEMS). The allocation of frequencies was made because the Commission found that the establishment of nationwide networks for the transmission of digitally encoded information directly to and from subscribers' premises is in the public interest. In the Notice, we discussed the possibility of authorizing usage of the 17.7–19.7 GHz (18 GHz) band for DTS, and received a number of comments on the use of this band. For the reasons stated below, we propose making the 18 GHz band available for DTS in addition to the 10.6 GHz band previously adopted. The Order only provided for the licensing of DTS facilities and related internodal links to common carriers. In this Further Notice, we propose rules necessary to make the frequencies at 10.6 and 18 GHz available to private radio applicants.

2. The other major component of this Further Notice responds to the request by Farinon Electric to rechannelize the 18 GHz band to permit narrower bandwidth channel assignments than are currently provided for. The meager use, if any, of the 18 GHz band, asserted Farinon, is due to its wideband channelization, poor cost competitiveness with other high capacity communications facilities, the shortened path lengths of several kilometers required for reliability of these systems of high channel density, and problems with service restoration of such a high capacity system. These factors were cited as the major reasons for its proposed rechannelization. Additionally, this petitioner pointed to indications that lighter density microwave systems at 18 GHz using narrowband [5] channels could be attractive for telephone, utility, railroad and oil companies, particularly because of the congestion at lower frequencies. These reasons along with our own projections of possible new uses of the band, persuade us to propose a narrowband channelization scheme which we believe more closely comports with the public interest than does the existing channelization.

3. We think it prudent to consider the proposal for DTS use of 18 GHz as well as Farinon's request in a single proceeding. Both proposals involve narrowband use of this frequency band. 18 GHz is virtually unused under the present wideband channeling scheme.[6] We wish to formulate a comprehensive plan to satisfy an expected demand for services over DTS that may exceed the capacity provided at 10.6 GHz, and to accommodate the prospective need for narrowband channelization for point-to-point uses. We wish to assure the feasibility of sharing the spectrum at 18 GHz among all currently anticipated users. Our goal is to structure the band to encourage the most spectrally efficient use of 18 GHz, particularly in light of the congestion being experienced at lower frequency.[7] The prospect of services being offered over DTS at 18 GHz and the proposed restructuring of the band by Farinon to encourage its use make it particularly appropriate to consider a partial modification of the channeling plan for 18 GHz.

II. Discussion of and Comments on DTS at 18 GHz

4. While most of the parties commenting in response to the Notice supported the allocation of 10.6 GHz to DTS, only a few commented on the use of 18 GHz. Those that favorably commented on the use of 18 GHz for DTS, namely Tymnet, GTE Telenet, and Southern Pacific Communications, suggested that the use of 18 GHz should not be foreclosed without consideration of the band as an alternative. Farinon strongly recommended that we not foreclose the 18 GHz alternative, pointing particularly to the abundance of spectrum there to accommodate DTS growth as well as other services. Xerox, on the other hand, claimed that equipment at 18 GHz is "experimental," of "unproved reliability," and "expensive to install and maintain." [8] Xerox also argued that the more severe rain attenuation at 18 GHz would necessitate more local nodes and internodal links because of the shorter effective service range of the transmitted signal, thus making network implementation more expensive.

5. Xerox's concerns about the use of 18 GHz for DTS are not persuasive reasons to reject 18 GHz for DTS. First, it is not clear how great the actual differences are between use of the 10 GHz and 18 GHz bands. Second, making the 18 GHz portion of the spectrum available for DTS should spur equipment development and thus

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[1] This petition, RM-3247, filed on November 16, 1978 requested the reallocation of 10.55–10.68 GHz, and the adoption of other rules and policies for establishment of nationwide digital communications networks.

[2] FCC 79-494, released August 20, 1979; 44 FR 51257, August 31, 1979.

[3] Filed on September 21, 1979. Farinon Electric is now a part of the Harris Corporation.

[4] FCC 81-18, released April 17, 1981; 46 FR 23428, April 27, 1981.

[5] We employ the term "narrowband" herein to refer to channels 5, 10, 20, and 40 MHz, narrower than the 220 MHz channels currently provided for at 18 GHz. In other contexts these narrower channels have been referred to as "wideband".

[6] The 17.7–19.7 GHz band is currently channelized into eight RF channels 220 MHz wide to be used on a cross-polarized basis to derive two communications channels per frequency assignment and a 240 MHz unchannelized segment for channels of 100 MHz or less. *See* Rule § 21.701(j), 47 CFR 21.701(j).

[7] Such congestion most commonly arises because of the growth in the usage of radio services on particular frequencies. However, congestion may also occur because of sharing of these frequencies with newly authorized radio services e.g. the broadcast satellite service (BSS) in the 12.2–12.7 GHz band, an allocation for which was adopted by the 1979 WARC and is proposed to be implemented into our domestic rules. Such operation may be incompatible with the operational-fixed service in the 12.2–12.7 GHz band and may require relocation of an undetermined number of such stations to another frequency band. The 18 GHz band is a candidate for relocation of operational-fixed stations at 12 GHz displaced by BSS. *See* paragraphs 17 and 18 below.

[8] We note, however, that these comments appear to have been submitted in the context of our consideration of a possible exclusive allocation for DTS use at 18 GHz, rather than joint availability of 10.6 GHz and 18 GHz for DTS assignments, as we propose herein.

minimize any cost or reliability differences that exist between 10.6 GHz and 18 GHz equipment. With respect to the problem of signal attenuation due to rain, we note as we did in the Notice, that for a path length of about 10 kilometers (typical for the Xerox Telecommunications Network [XTEN], Xerox's system concept) for the nodal station/user links, excessive rainfall attenuation would only be experienced in the areas of the country with high rainfall rates (30mm/hr or more).[9] Third, as the Commission suggested in Docket 18920 in dealing with the channelization of frequency bands at 18 GHz and above, because of the shorter path lengths practicably achievable, it is appropriate to use these frequencies for local distribution.[10] We believe that given the relatively short path lengths achievable at 18 GHz and the omni-directional or sectorized transmissions that will likely predominate, this band is particularly well suited for this type of local distribution signal coverage. Furthermore, the shorter path length configurations using antennas with superior discrimination characteristic can result in greater spectral efficiency through the more extensive reuse of frequencies.

6. Moreover, although the transmission of electromagnetic waves through the atmosphere will always be subject to the effects of rain or other atmospheric phenomena, the impact on microwave radio systems can be minimized by increasing transmitter power or antenna size,[11] by implementing technological advances in equipment or techniques as well as by shortening the communications link. For example, the continuing development of digital modulation techniques will certainly provide for more efficient use of the spectrum through more efficient packing densities, meaning a greater number of bits per second per hertz.

7. We also recognize that the demand for DTS may exceed our initial estimates made in the Notice.[12] In that case, allocation of spectrum at 18 GHz for DTS would alleviate any resulting spectrum shortage at 10.6 GHz and eliminate the future need for the Commission to reallocate more spectrum to meet any unforseen demand for services offered over DTS. Should applicants other than common carriers be authorized to apply for DTS licenses, an undetermined amount of spectrum additional to that at 10.6 GHz would likely be required to accommodate them.[13] Another beneficial consequence of an allocation at 18 GHz, as we noted in the order at paragraphs 37 and 78, is that its availability may result in a decreased likelihood of mutually exclusive applications, especially for Limited DEMS during the initial 5 years after the Order's release.[14] Furthermore, if these services do not prove themselves in the marketplace, the costs of having the 18 GHz spectrum lie fallow for a limited period can be expected to be low. At this time, there is almost no use of 18 GHz for operational services. We foresee that another consequence of a great demand for DTS services would be an increased opportunity for many firms, including smaller entrepreneurs, to provide a wide range of services. Competition and easy entry are beneficial because they would spur DTS licensees to tailor their services to meet particularized subscriber needs.

8. The allocation of spectrum at 18 GHz would provide the opportunity to relax the criteria for qualifying as an Extended DEMS licensee. These criteria were established to ensure that the development of large-scale DTS networks at 10.6 GHz would not be thwarted by lengthy comparative hearings. We are not proposing such entry criteria at 18 GHz. Additionally, we propose to relax several of the technical standards that were deemed necessary to provide for an efficient use of the 10.6 GHz spectrum. For example, the 18 GHz band will offer wider channel bandwidths per licensee. By relaxing the entry criteria and the technical standards for use of the 18 GHz spectrum, we hope to provide the regulatory environment of maximum flexibility for development of DTS. While doing so, the Commission will not jeopardize what we believe is a well-thought-out approach to meeting the projected requirements for Extended DTS services at 10.6 GHz.

III. Farinon Petition and Comments

9. Farinon proposed that the whole of the 18 GHz frequency band be restructured into narrower channels. This channelization proposal was predicated on the lack of use of these frequencies since 1974 when the existing channel plan was adopted in Docket 18920.[15] That plan consists of eight RF channels 220 MHz wide from which 16 cross-polarized communications channels can be derived and an unchannelized 240 MHz for channels of 100 MHz or less. The Commission had intended the entire band to be primarily a common carrier band [16], but private radio licensees may share the 240 MHz and, when this spectrum is exhausted, may also share the upper adjacent and lower adjacent 220 MHz channels. Farinon proposed that the Commission restructure the 2000 MHz band as follows: (1) three pairs of channels 80 MHz wide with a separation between transmit and receive channels of 1760 MHz; (2) ten pairs of 40 MHz channels with transmit-receive channel separations of 1120 MHz, and (3) seventeen pairs of 20 MHz channels with channel separations of 380 MHz (plus a center segment 40 MHz wide, left unchannelized). An optional plan was

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[9] The greater path attenuation at 18 GHz is a function of rainfall rate rather than the amount of rainfall. Statistical studies of rainfall rate distribution indicate that rainfall attenuation would be a serious problem in parts of the Southeastern U.S., especially the Gulf Coast, and probably in the Pacific Northwest for brief periods of the year.

[10] In Docket 18920 "local distribution" is defined "rather loosely to describe those facilities that would be used to connect circuits on a carrier's intercity trunk terminal with numerous customer locations or customer 'clusters'." Further Notice of Proposed Rulemaking, 36 F.C.C. 2d 385, 388. The Commission appeared to deal with local distribution as if it were exclusively point-to-point; in this proceeding we use "local distribution" to encompass point-to-multipoint as well as point-to-point signal coverage. Local distribution as used herein would suggest a modification of this definition only to the extent that there is no analogous trunk terminal at DTS nodal stations providing communications directly to user locations or "clusters". The city node (as configured in XTEN) would be analogous to an intercity trunk terminal.

[11] However, in the Order we imposed maximum power limits in the forms of absolute transmitter output power and absolute effective radiated power. These rules are currently the subject of two petitions for reconsideration submitted by Satellite Business Systems and Local Digital Distribution Company, the notice of which appeared in the Federal Register on June 8, 1981, 46 FR 30391. Both recommend the adoption of power density maximums in watts per Hertz. Nonetheless there are practical limits on the power output from the commonly used solid-state power sources. A limit also exists on the gain of the antenna in that the gain of a parabolic antenna increases with its diameter (or its aperture). Environmental or aesthetic considerations in a downtown urban area (where most DTS use is expected to occur) may limit the size of these antennas.

[12] We continue to hold this view despite the announcement (reported in the Wall St. Journal on May 15, 1981) that Zerox was abandoning plans to build XTEN. Nevertheless we have no information suggesting that the public demand has slackened for services provided by DTS facilities. The specific impact on other prospective providers of these services because of the apparent demise of XTEN is undetermined.

[13] We propose to make such an authorization. *See* paragraphs 32–37 below.

[14] In the Order we defined a Limited DEMS as a service provided over DTS facilities operating in fewer than 30 Standard Metropolitan Statistical Areas (SMA's). An Extended DEMS network provides service over DTS in 30 or more SMSA's. An Extended-Limited bifurcation at 10.6 GHz applies only for five years after the release of the Order. During this period, Limited DEMS applicants only have access to 30 MHz of spectrum, while Extended DEMS may access, in addition to 40 MHz immediately available, a 30 MHz reserve on an as-needed basis before expiration of 5 years.

[15] Second Report and Order, 47 F.C.C. 2d 737 (1974).

[16] *Id.* at 741.

also suggested wherein two pairs of 220 MHz channels could be assigned, which would render all three of the 80 MHz channels and five of the 40 MHz channel pairs unavailable for assignment as such. Farinon made no proposals regarding frequency stability or minimum modulation spectral efficiency, nor did it discuss what the existing standards (or lack thereof) would have on the proposed narrowband channels at 18 GHz.

10. Farinon cited a number of factors that purport to explain the current non-use of the 18 GHz band. The petitioner noted that the 220 MHz channels that comprise 1760 MHz of the 2000 MHz available were intended to accommodate very high-speed data rates on the order of 274 Megabits per second (Mb/s). The large number of communications channels (described in terms of numbers of pulse-code modulated (PCM) voice channels) made possible by these very high data rates raised concerns over the reliability of the radio link. Farinon suggested that shorter path lengths than already required by excessive rain-induced attenuation at 18 GHz would be needed to insure high reliability. Furthermore, Farinon claimed that the forecasted equipment costs for such systems now frequently exceeded the costs of alernative communications systems, principally optical links. Another concern related to reliability that has been more formidable than originally perceived, asserted Farinon, has been the problem of restoring service on a microwave channel carring information up to an equivalent 4032 simultaneous voice channels. Implying that most, if not all, of these problems would be alleviated, Farinon claimed that usage of 18 GHz would be greater if the entire band were rechannelized as it proposed.

11. Relying on its marketing research and experience, Farinon stated that its lighter density microwave systems offering channels of 10 or 20 MHz each with a capacity of 24 or 96 PCM voice channels, respectively, could be made attractive to users. The company suggested that its traditional customers, primarily telephone, utility, railroad and oil companies, would find that the proposed 20 MHz wide channelization meets their needs. There is a market for equipment at 18 GHz, Farinon asserted, because of the congestion in the lower bands, provided the equipment costs dropped sufficiently to offset the shorter achievable path lengths at these frequencies.

12. In response to Farinon's petition, American Telephone and Telegraph Company (AT&T), M/A-COM, Inc., and Datapoint Corporation filed formal comments.[17] M/A-COM and Datapoint essentially supported Farinon in its assertion that the 18 GHz band would be better utilized by restructuring it into narrower channels. M/A-COM, a manufacturer of microwave products and other telecommunications equipment, and Datapoint, a firm designing and providing dispersed data processing systems and associated communications, both agreed with Farinon's perception of the market need for narrowband channels at 18 GHz. More specifically, M/A-COM agreed that the 18 GHz band should be restructed to meet the need for intra-city data transmission. The band's present channelization was adopted in contemplation of the need for wideband transmission for high capacity trunking within the cities or for short links between them. This need, asserted M/A-COM, has not as yet developed, and it questioned whether it ever will. On the other hand, AT&T categorically opposed the Farinon petition on the grounds that Farinon failed to show sufficient need, that spectral inefficiency would result, and the proposed rechannelization could cause conflicts internationally.

IV. Discussion: Allocation Proposal

13. We are aware of the need for facilities to handle the expected burgeoning growth in data communications. The reallocation of 10.55–10.68 GHz for digital termination systems, for example, is testimony to the Commission's recognition of this need. However, thus far the need for high capacity trunking within and between cities provided by 18 GHz radio links, as envisioned in 1974, has not developed. Our records confirm the lack of usage of the frequencies between 17.7 and 19.7 GHz that Farinon and M/A-COM cite. The development of other high capacity media, particularly optical fiber, has likely served to forestall, at least temporarily, the early implementation of radio facilities to serve the purpose originally envisioned. The fact that the need as envisioned in 1974 has not materialized could mean that the demand for services will develop at some later time. Or it could mean that such services, because of technologies like fiber optics, never will develop. Should it be the latter, it might be appropriate to consider a wholesale rechannelization as Farinon requested. However, the growth in data communications is in its infancy and the character of that growth has yet to be determined. Consequently, we cannot now predict with any certainty what facility arrangements will best serve the needs of the data communications user.

14. Nonetheless, in the very extensive Docket 18920 the Commission, with the best information available at the time, made an assessment of prospective data communications needs. And despite the very significant technological advances since the conclusion of that Docket and their impact on the character of the digital communications market, a reallocation of the scope requested by Farinon would suggest that the painstaking considerations made by the Commission in Docket 18920 have been entirely outrun by dramatic unforeseen developments. AT&T, in opposition to the petition, opines that the rechannelization that Farinon proposes could be premature given the impending explosion in the use of digital communications. We agree generally with this opinion. We believe that any attempt to restructure totally the 18 GHz band would be premature, based only on an absence of use over a limited period of time and a customer interest in equipment not yet reflected in actual use of these frequencies.

15. However, the Commission is charged in Section 303(g) of the Communications Act of 1934, 47 U.S.C. 303(g), with insuring the "larger and more effective use of radio". The Farinon petition raises two of the important ways this use can be better effected—by making appropriate channel assignments available and by use of the less congested high frequency bands. Such larger use would be prompted, the petitioner and two of the three commenters urge, by a rechannelization of all of or portions of the 18 GHz band. Our statutory mandate requires us to determine the prospects that any reasonable plan has for increasing efficiency in use of the spectrum.

16. The observation that there has been a virtual non-use of the frequencies between 17.7 and 19.7 GHz applies to the entire band, including the 240 MHz segment set aside for narrowband use. AT&T cited non-use of this segment as evidence that there is no need for a narrow-band rechannelization of the 18 GHz band. In reply, Farinon cited the volume of prospective users expressing interest in its 18 GHz products, who purportedly maintained that the lack of narrowband channelization has served to discourage them from utilizing this

[17] We hereby grant M/A-COM's Motion to Accept Late-Filed Comments submitted on December 21, 1979 and grant Datapoint's Motion to Accept Late Comments submitted on April 1, 1980 because both sets of Comments will serve the public interest in providing more extensive analyses of the issues raised by Farinon's petition.

band. For example, it was suggested that private users, accustomed to channeling plans in the lower frequency bands, have balked at operating their narrowband radio systems in unchannelized spectrum for fear of greater potential interference. The frequency coordination requirements imposed on common carriers and private users to resolve interference conflicts would be greatly simplified by a plan for narrowband channelization, asserted Farinon. Datapoint favored narrowband channelization of the 720 MHz from 18.34 to 19.06 GHz to facilitate low-power, low-cost radio systems to serve the needs of business users for the development of high-speed data transfer. AT&T stated, however, that a need for narrowband channels can be met in the 21.2–23.6 GHz (22 GHz) band, for which the Commission has stated a preference for narrowband operation,[18] and the Farinon demonstrate imminent unavailability of this band before rechannelization of 18 GHz. Our preference then, however, was made in expectation of significant wideband use of 18 GHz. We also noted that "path attenuation at 22 GHz is somewhat greater than at 18 GHz"[19]. We stated in Docket 18920 that we wished "to develop the 18 GHz band and other higher band frequencies in a manner which would encourage the development of each band for a type of use for which we believe it is best, considering technical development and economic incentive." [20] This principle is still relevant, and its application now, while it may be premature insofar as wholesale restructuring of 18 GHz is concerned, offers the prospect that significantly greater use of the band will occur by providing for narrowband channelization. Therefore, we propose to grant Farinon's petition in part and to leave most of the 18 GHz spectrum as presently channelized for wideband systems. .

17. Notwithstanding the prospective need for narrowband channelization that all commenters except AT&T foresee, an additional need for 18 GHz spectrum could develop because of broadcast-satellite service (BSS) operation in the 12.2–12.7 GHz (12 GHz) band. Such operation could displace the currently authorized private operational-fixed users at 12 GHz. The Commission tentatively recommended that the U.S. formally propose to the 1983 Regional Administrative Radio Conference for Region 2 (RARC–83, which will allot frequencies and orbital slots for BSS for nations of the Western Hemisphere) that the 12.3–12.7 GHz band for BSS downlinks be extended downward by establishing 12.2 GHz as the lower band limit [21]. In the planning for an interim BSS to be operated domestically (Direct Broadcast Satellites of DBS) the Commission proposes that DBS be authorized to operate in the 12.2–12.7 GHz and 17.3–17.8 GHz bands.[22] According to our records there are over 1700 one-way radio authorizations in 12.2–12.7 GHz band, most of which are in and around the major metropolitan areas. Because the point-to-point operations of operational-fixed licensees would likely interfere with DBS reception, we stated in the Notice of Proposed Policy Statement and Rulemaking on DBS (NPPS/RN) that these licensees

> will be required to make whatever adjustments in technical parameters or assigned frequencies are necessary to prevent harmful interference to operating DBS systems. Thus the terrestrial users will be subject to reassignment within the 12 GHz band or other appropriate bands if they cause interference to a DBS system and cannot adjust their technical parameters to eliminate the interference.[23]

Since the international arrangements for the implementation of BSS have not been made, we will not know which 12 GHz terrestrial systems may have to be reassigned frequencies and which may not need to make changes until after RARC–83.

18. However, despite this uncertainty, as stated in the NPPS/RM on DBS, prudent planning for a potential movement of terrestrial licensees would dictate the selection of an alternate band for the 12 GHz fixed users. Narrowband channelized spectrum at 18 GHz seems quite appropriate. We state here again that we are mindful of the considerable equipment and other costs associated with such a move.[24] It appears that these costs would be minimized by a relocation of 12 GHz operational-fixed licensees to the next higher band already authorized for private licensees, i.e. 18 GHz.[25] Equipment may be better developed at 18 GHz and rain-induced attenuation is certainly less of a factor at 18 GHz than at 22 GHz, it having been cited along with 18 GHz as a possible home for existing or future private operations by the DBS Notice.[26] Despite the costs of relocating to another higher frequency band, we believe that our proposed expansion of narrowband channels at 18 GHz will make this band more attractive for such operational-fixed licensees than it is at present.

19. In proposing a restructuring of the 18 GHz band in accord with our comments above, we propose to accommodate the following uses: 1) currently authorized point-to-point links to accommodate wideband intra-city trunks or inter-city links of digital communications; 2) point-to-point links to accommodate primarily prospective operational-fixed users and DTS operators for associated intermodal links, both having need for narrowband channelization (including those 12 GHz users who may be displaced due to operation of broadcast satellite downlinks); 3) point-to-multipoint use by digital termination systems; 4) uplinks functioning as broadcast satellite feeder links; 5) operation of environmental passive sensors in a part of the band where radiated power shall be limited.

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[18] The Commission stated in Docket 18920 that it preferred "most narrow channel systems (to) be developed in the 22 GHz band", comprised of four 600 MHz sub-bands, two of which are primarily for private operational-fixed use. The 22 GHz band is not channelized, however. Second Report and Order, 47 F.C.C. 2d at 742.

[19] 47 F.C.C. 2d at 741.

[20] *Id.* at 740.

[21] As part of the preparation for RARC–83, the Commission made tentative recommendations for U.S. proposals as reflected in the Notice of Inquiry in Docket 80–398, 45 Fed. Reg. 51914 (1980). One of these recommendations was to provide for BSS downlinks in the 12.2–12.7 GHz portion of the 12.1–12.7 GHz band. It had been adopted by the World Administrative Radio Conference (WARC–79) as the band in which BSS might operate. WARC–79 directed, in footnote 841 to the international Table of Frequency Allocations, that RARC–83 divide the 12.1–12.3 GHz band into a lower sub-band for fixed-satellite service (already allocated 11.7–12.1 GHz) and an upper sub-band for broadcasting satellite service (allocated 12.3–12.7 GHz). The precise manner in which this division will be done will be determined at RARC–83. WARC–79 also issued CH Resolution No. 701 resolving that the RARC provide for feeder links (uplink) operation at 17 GHz in a band equal to that at 12 GHz. Although the Commission does not express in the Second NOI implementing WARC, a clear preference for a matching 500 MHz (17.3–17.8 GHz) for BSS feeder links it does express skepticism over using a different channel width for feeder links than for downlinks in the 12.2–12.7 GHz band.

[22] Paragraphs 30 and 32, respectively, of the Notice of Proposed Policy Statement and Rulemaking (NPPS/RM) in General Docket No. 80–603, 46 FR 30124 (1982).

[23] *Id.* at paragraph 36. Footnote 27 in this passage states: "Studies indicate that the terrestrial microwave operations are likely to cause interference to DBS home receivers, while DBS transmissions will probably cause little or no interference to the terrestrial microwave users. See for instance Hiroshi Akima, 'Sharing of the Band 12.2–12.7 GHz Between the Broadcasting-Satellite and Fixed Services', (Boulder, Colorado: Institute for Telecommunication Sciences, January 1980)".

[24] *Id.* at paragraph 39–42 and accompanying footnotes 28–30.

[25] There are virtually no private operational-fixed operations at 18 GHz whereas the next lower band to 12 GHz, 6.575–6.875 GHz, is significantly more congested than the 12 GHz band, usage of which is cited as congested in 17 Standard Metropolitan Statistical Areas (SMSA's) *Id.* footnote 35.

[26] *Id.* at paragraph 40 and accompanying footnote 30.

Spectrum was allocated internationally for these latter two uses at WARC–79.

20. We attempt to avoid any conflict with these allocation agreements that when ratified by the U.S. Senate have the same status as treaty obligations. These agreements are effective domestically, however, only after formal implementation of them into our domestic allocation table. At WARC–79, the international Table of Frequency Allocations was amended by providing for broadcast satellite feeder links (uplinks) in the band from 17.3–18.1 GHz and passive environmental sensors operated in the 18.6–18.8 GHz band. While these bands may be shared with fixed stations like DTS, we expect that the electromagnetic compatibility of passive sensors and of these satellite uplinks with DTS may be problematical in some cases because of the omni-directional coverage of DTS and its higher powered nodal transmitters. Regarding passive sensors, there are limitations imposed on fixed stations sharing the 18.6–18.8 GHz, but they are not quanitified.[27] Therefore, an allocation for DTS local distribution that avoids both 18.6–18.8 GHz and 17.7–18.1 GHz should obviate concerns about DTS interference potential to passive sensors or about interference to DTS due to broadcast satellite uplinks, respectively. With regard to narrowband links at 18 GHz such as internodal links used with DTS, we believe that they can operate compatibly with passive sensors in the 18.6–18.8 GHz band. The expected relatively small number of narrowband point-to-point links relative to the numbers of point-to-multipoint DTS links between nodal stations and their user stations strongly suggests that the probability of harmful interference to passive sensors is low. Comments, nonetheless, are invited on whether sharing in the 18.6–18.8 GHz band between point-to-point stations and passive sensors would be feasible.

21. As stated above, we do not believe that the lack of use of 18 GHz necessarily justifies at this time a wholesale restructing of the band. There have arisen since 1974, however, prospective demands on the use of this band. Our public interest mandate requires us to assess the potential benefits these new uses would render in light of an as-yet undeveloped need for wideband digital communications. We have explored the potential public benefits of DTS operated at 10.6 GHz in the Notice of Proposed Rulemaking and Inquiry and in the Report and Order in Docket 79–188, and in this proceeding in paragraphs 4–8. For the reasons stated above we now propose that DTS be operated at 18 GHz. Since DTS is effectively omni-directional it would not be advisable to mix point-to-point with omni-directional or point-to-multipoint operations. Operation in separate bands avoids cumbersome, if not extremely difficult or costly frequency coordination procedures. Thus, primarily in consideration of our intent to authorize wider bandwidth assignments at 18 GHz, we propose to reallocate 200 MHz in two segments of the 18 GHz band for DTS. (See Appendix B for proposed changes to the Table of Frequency Allocations § 2.106.) Two paired bands, 18.36–18.46 GHz and 18.94–19.04 GHz would be made available for this purpose; these do not overlap the 200 MHz allocated for passive sensor operation within 18.6–18.8 GHz. The transmit-receive channel separation of 580 MHz between the paired bands is consistent with the 18 GHz channeling scheme presently in our Rules. These two 100 MHz bands will occupy the lower and upper portions, respectively, of existing 220 MHz channels 7 and 8. We solicit public comment, however, on whether the proposed channel separation is consistent with optimal DTS equipment and system design. Additionally, if other DTS channeling plans are considered better suited for efficient spectrum usage, and for optimal system design, we urge submission of detailed comments in that regard.

22. The remaining spectrum between the 100 MHz paired bands for DTS—120 MHz each from existing channels 7 and 8 and the currently unchannelized 240 MHz—total 480 MHz. We propose to make this spectrum from 18.46 to 18.94 GHz accessible to point-to-point private operational-fixed and common carrier systems and to digital termination systems for internodal links. Making these frequencies available would expand the spectrum currently available for narrowband point-to-point operation at 18 GHz. These frequencies could also accommodate those operational-fixed systems that may be displaced from 12.2–12.7 GHz due to domestic broadcast satellite operation there. We welcome the submission of comments on this plan, including recommendations as to how best to encourage usage of 18 GHz given the needs we have identified and the constraints of domestic and international requirements.

V. Technical Standards

23. In deriving a plan for use of the 18 GHz frequencies, spectral efficiency is a foremost consideration. Our major concern here is the specific channel width we propose. M/A–COM suggests that the point-to-point channel width should be compatible with the DTS channel width at 18 GHz. We believe that is it more appropriate to consider the bandwidth of DTS channels separately from the would-be point-to-point uses of the 18 GHz band, since spectrum for point-to-point operations cannot be well shared with wide area coverage systems like DTS. We do propose, however, to maintain the same ratio between the DTS channel width and channel width of the associated internodal links that we adopted in the DTS Order for 10.6 GHz. The Commission adopted DTS channel widths of 5 MHz and 2.5 MHz (for Extended network and Limited network systems, respectively) along with associated point-to-point internodal channels of 2.5 MHz and 1.25 MHz, respectively. In other words, at 10.6 GHz qualified Extended network applicants would be assigned a DTS channel of 5 MHz along with an internodal channel of 2.5 MHz. A Limited network applicant would be assigned a 2.5 MHz DTS channel and an internodal link of 1.25 MHz. M/A–COM recommended that a portion of the spectrum of 18 GHz be channelized in 2.5 MHz segments for point-to-point internodal links for DTS or other uses. We question the feasibility of such operation, however. We believe it more prudent to propose a 5 MHz channel as the narrowest point-to-point channel because of the doubts of insuring adequate information bandwidths. While proposing this minimum width channel, we urge submission of comments of the appropriateness of such a channel for DTS internodal links or other narrowband uses. We also propose a 10 MHz channel width for DTS wide-area coverage, maintaining the 2 to 1 ratio to the internodal link bandwidth of 5 MHz. *See* proposed Rule §§ 21.502 (g) and (h) and 94.189 (g) and (h) in Appendix B. We invite comment as well on this DTS channel bandwidth, which would allow for 10 two-way channels each 10 MHz, within the 200 MHz total proposed for DTS at 18 GHz.

[27] Footnote 3800A to the international Table of Frequency Allocations states that in the 18.6–18.8 GHz band, we should "endeavor to limit as far as possible both the power delivered by the transmitter to the antenna and the e.i.r.p. in order to reduce the risk of interference to passive sensors to the minimum". However, on July 16, 1981 the Commission proposed that footnote USYY22 be added to the domestic allocations table for all fixed and mobile services operating in the 18.6–18.8 GHz band. The footnote would limit the effective radiated power to a maximum of +35 dBW and the power delivered to the antenna to a maximum of −3 dBW. Third Notice of Inquiry, The Implementation of the Final Acts of the World Administrative Radio Conference, 1979 in Docket 80–739, FCC 81–323 (released August 7, 1981).

24. For the spectrum dedicated to DTS, we propose to accommodate the narrowband uses that the petitioner and all commenters but AT&A foresee. We propose a channeling plan that will accommodate varying kinds of needs—from narrowband requirements like DTS internodal links to systems accommodating bit rates upwards of 45 Mb/s. This channeling plan would make available 5, 10, 20, and 40 MHz bandwidths. *See* proposed Rule §§ 21.701(j) and 94.65(k) in Appendix B. The available spectrum for these point-to-point links would be divided into two segments where users could opt for a 5 or 10 MHz channel or a 20 or 40 MHz channel. This plan would allow for great flexibility in the usage of the 18 GHz spectrum. The number of paired 10 MHz channels made available would be 10 totalling 200 MHz. We proposed a total of 3 paired 40 MHz channels for a total of 240 MHz. These two sections total 440 MHz in addition to two 10 MHz segments not part of either the 10 MHz or the 40 MHz channels and leave a center section of 20 MHz. To provide room for the long-range growth of the broadcast auxiliary aural studio-to-transmitter links (STL's) and intercity relay stations (See subpart E of Part 74)[28] as well as similar narrowband point-to-point services, we propose that this 20 MHz sub-band (i.e. 18.69–18.71 GHz) be allocated accordingly. A separate rulemaking to propose specific technical standards for this sub-band is anticipated in the near future.

25. We also propose that the 5 and 20 MHz channels be interstitial channels of bandwidths one-half that of the 10 MHz and 40 MHz channels, respectively. Therefore, we propose to derive ten 5 MHz channels pairs from the spectrum set aside for the ten 10 MHz channel pairs and located at the band edges of the 10 MHz channels. In the spectrum for 40 MHz channels, there would be three 20 MHz channel pairs whose center frequencies would be located at the band edges of the three 40 MHz channels. Farinon's alternate proposal is similar to the channelization we propose in that a portion of the 220 MHz channels is left intact. However, as indicated in paragraph 14 above, we do not believe that the more extensive rechannelization proposed by Farinon or Datapoint is warranted at this time. Farinon recommends in its alternate plan that we make wideband channels available—two pairs of 220 MHz channels (instead of 3 pairs as we propose) in addition to 5 pairs of 40 MHz and 17 pairs of 20 MHz channels. We believe that the spectrum we propose to channelize is sufficient in light of the presently identifiable demand. Further, we do not wish to scrap the old plan entirely. However, the Commission is continually engaged in comparative analyses between current uses of the spectrum and newly proposed ones to determine whether a new use should share common spectrum or should displace the old use. This is a continuing process. The spectrum at 18 GHz will certainly receive our close attention should its development not fulfill the expectations apparent in Docket 18920.

26. The requirement to use spectrally efficient modulation techniques is an important facet of our oversight of the most effective use of the spectrum. The state-of-the-art has advanced to make the achievement of a modulation spectral efficiency of 1.0 bps/Hz a distinct possibility, although it may not be feasible to achieve it 18 GHz.[29] We note that Farinon intended to market equipment at 18 GHz which would achieve 1/3 bps/Hz, i.e. in 20 MHz of spectrum only 96 digitally encoded voice channels or 6.1 Mb/s would be transmitted. Whether we finally adopt the 1 bps/Hz standard for 18 GHz or not, a bit-rate-to-bandwidth ratio of one to three is far too low. However, the prospect that extensive use of 18 GHz is in the offing compels us to propose the minimum bandwidth packing density of 1 bps/Hz for all systems operating at 18 GHz. *See* proposed Rule §§ 21.122(e) and 94.94 in Appendix B. We solicit comments, however, on this point, especially as it relates to the impact of such a requirement on the economic viability of operation at 18 GHz.

27. While also expressing the concern that Farinon proposes to employ spectrally inefficient modulation techniques (M/A-COM also made this point), AT&T cited spectral inefficiency as its rationale for opposing the proposal for relaxed antenna standards. Farinon proposed that Category B and periscope antennas [30] be allowed so as to encourage usage of 18 GHz by limiting equipment costs. Use of these antennas, said AT&T, could cause compatibility problems with other services sharing the same spectrum, e.g. the 18.6–18.8 GHz region where environmental passive microwave sensors are to operate. We propose that no changes be made to the current radiation suppression standards or to the present policy regarding the use of periscopes because of the difficulties establishing their radiation patterns.

28. For the presently channelized 220 MHz channels, cross-polarized signals on the same frequency may be used to derive two channels.[31] Considering the likelihood of polarization shifts, derivation of two DTS channels on the same frequency may not be possible, however. The potential for polarization shifts is significantly greater for DTS with its wide-angle beamwidths than for pencil-beam point-to-point systems. These phenomena are particularly critical in large metropolitan areas where the most intense DTS use is expected, because of specular reflections due to building blockages. However, for the 480 MHz where point-to-point operations would be conducted, use of the opposite orthogonal polarization by licensees employing digital modulation could effectively enhance spectral efficiency, doubling the utilization of the frequencies available to them. We therefore propose the use of linear polarization to derive cross-polarized channels for point-to-point uses. Detailed public comment is invited on the use of cross polarization to derive two channels on the same frequency and on whether the use of circular polarization is a viable alternative to orthogonal linear polarization.

29. The problems cited in paragraph 33 of the Order regarding use of narrow channels with their decreased throughput efficiency, a major facet of which is a decreased spectrum efficiency, are more acute at 18 GHz. Additionally, at 18 GHz significantly more of the information bandwidth would be reduced as a result of the

[28] Allocations to broadcast auxiliary STL's and intercity relays are the subject of two rulemaking petitions filed with the Commission and an outstanding docket, No. 19494. The two petitions were filed by the National Association of Broadcasters and by Mosely Associates, Inc.

[29] Rule § 21.122(a)(1), 47 CFR 21.122(a)(1), requires digitally modulated transmitters operating below 15 GHz to achieve 1.0 bps/Hz modulation spectral efficiency.

[30] Category B is the designation for antennas used in the Private Operational-Fixed Microwave Services, which do not suppress unintended radiation as well as Category A antennas that yield higher gain than Category B antennas. Standard B is the designation for common carrier antennas whose radiation suppression standards are nearly the same as for Category B antennas. Standard A is likewise analogous to Category A. Periscope antennas, primarily because of their uncertain radiation patterns, are not authorized in the common carrier Point-to-Point Microwave Radio Service. Rule § 21.108(a), 47 CFR 21.108(a). New periscope antenna systems in the private services are only authorized upon certification that the radiation suppression standards "meet or exceed the standards for direct-radiating Category A or B antennas." Rule § 94.75(d), 47 CFR 94.75(d). Our understanding has been that such certification has been very difficult to achieve.

[31] Rule § 21.701(j), 47 CFR 21.701(j) sets forth such channelization.

transmitter frequency tolerances.[31] This consideration would apply with particular force to DTS licensees who employ subchannel nodal transmitters to communicate with their users. It would be desirable, therefore, for 18 GHz DTS to operate at frequency stabilities at least as stringent as those at 10.6 GHz. Even at the channel widths that operational-fixed stations would typically employ, in the interests of spectrum conservation, frequency stability should be more stringent than that presently in the Rules for 18 GHz. The state-of-the-art has certainly advanced beyond the level that the existing frequency standard of ±0.03% would suggest.[32] However, we recognize that the achievement of stabilities at 18 GHz in the range of those we have stipulated at 10.6 GHz may not be economically feasible. We propose, then, at 18 GHz frequency stability standards of ±0.001% for DTS nodal stations and ±0.003% for user stations and narrowband common carrier and operational-fixed point-to-point stations used as DTS internodal links, respectively. *See* proposed Rule §§ 21.503(b) and 94.191(b) in Appendix B. These proposed standards are looser by an order of magnitude than those that apply at 10.6 GHz. We urge comment on the feasibility of achieving these frequency stabilities at 18 GHz. Alternatively, we seek recommendations on tighter frequency tolerances that are consistent with optimal spectral efficiency achieveable at affordable equipment costs. Nontheless, it seems clear that wider bandwidths at 18 GHz are needed than at 10.6 GHz to acommodate the greater consumption of bandwidth for a given frequency stability at the higher frequency band. We also seek comment on the advisability of tightening the standard of ±0.03% for non-DTS operations at 18 GHz.

30. We also solicit comments on the feasibility and advisability of making a portion of the spectrum that we are preparing to reallocate available for use by licensees in the Multipoint Distribution Service. We may initiate a separate rulemaking proceeding to deal with this issue depending on the comments received. In particular, we may propose that some spectrum be made available for MDS licensees to be used in conjunction with their existing one-way channels to provide a two-way communication service. In its comments on the original Notice, Microband Corporation urged such action. In the Order we declined to make spectrum available for this purpose. Since we propose to make the frequency assignment criteria more flexible at 18 GHz than they are at 10.6 GHz, we feel it is more appropriate that any expansion of MDS capability other than that proposed in Docket 80–112 [34] be done in this region of the spectrum.

31. Our long-range concern is that the 18 GHz band be structural to maximize its efficient utilization for point-to-point as well as point-to-multipoint communications, including those using DTS. We urge public comment on other issues not addressed directly in this proceeding as well as those raised herein. We intend to obtain as full and complete a record as can be developed to serve as the basis for the early adoption of rules to make the 18 GHz spectrum available for the several uses we have identified above.

VI. Use of DTS By Private Entities

32. The Order had two substantive effects. Spectrum in the 10.55–10.68 GHz band was reallocated to fixed stations for use by digital termination systems and associated internodal links. In addition, common carriers were authorized to provide Digital Electronic Message Service using DTS and associated facilities. We took care to allocate spectrum to the type of *facilities* (i.e. fixed) and not to the radio services (e.g. various common carrier or private radio services) to be provided over those facilities. The philosophy behind this allocation scheme is that different radio services should be authorized in common frequency bands based on the similarity of the radio facilities employed and their electromagnetic compatibility. The same philosophy underlies the reallocation proposed in Docket 80–112. Therefore, we propose to authorize applicants other than common carriers to apply for spectrum allocated in the Order. *See* subpart F, proposed Rule §§ 94.161–94.201 in Appendix B. Additionally, we propose to make spectrum in the 10.6 and 18 GHz band available to these applicants as well as common carriers.

33. Past experience, dating back to the authorization of private terrestrial microwave systems,[35] suggests that the public interest has been well served by allowing eligibles in the private services the option of obtaining their own facilities to satisfy their communications needs.[36] This suggests that DTS should be available to satisfy private communications requirements.[37] We propose to provide for this availability in Part 94 of our Rules, which covers the Private Operational-Fixed Microwave Service.[38]

34. In the Order we established a temporary distinction between Extended and Limited networks at 10.6 GHz. To qualify as an Extended network licensee (and be eligible for a 5 MHz channel pair) an applicant must be committed to serving 30 or more SMSA's within five years. Applicants for Limited network licenses will normally be assigned one 2.5 MHz channel pair. More than one 2.5 MHz channel pair may be assigned to any Limited network applicant upon showing that the spectrum will be fully utilized. We now propose that private radio applicants obtaining DTS licenses and licenses for related internodal links in the 10.6 GHz band comply with these same standards. At 18 GHz, the Limited-Extended distinction would not apply. Small-scale DTS licensees may find 18 GHz attractive due to the wider bandwidth channels and less stringent technical standards than govern usage at 10.6 GHz.

35. Because we are allocating spectrum to facilities rather than to services, the same operational and technical standards would apply to all licensees of DTS facilities. Both common carrier and private DTS licensees would be required to coordinate their frequencies in accordance with the procedures set out in Part 21 of our

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[31] For example, the frequency stability of ±0.0001% of the nodal transmitters (as per XTEN design) and of the receiver could result in greater than a 20 kHz reduction at 10.6 GHz, whereas at 18 GHz (if ±0.0001% were economically achievable in this frequency range) a 37.4 kHz reduction in information bandwidth would result.

[32] *See* Rule § 94.67, 47 CFR 94.67.

[34] *See* Reallocation of ITFS, MDS, AND OFS Frequencies, Notice of Inquiry, Proposed Rulemaking and Order in General Docket 80–112, FCC 80–136 (released May 2, 1980). In this docket, the Commission proposed that the channels between 2500 and 2690 MHz be divided among the Instructional Television Fixed, the Multipoint Distribution, and the Operational Fixed Services. After the channels primarily allocated for a given service are occupied, subsequent applicants in that service would be free to apply for unassigned channels of the other two services.

[35] In the Matter of Allocation of Microwave Frequencies Above 890 MHz, Report and Order, Docket No. 11866, 27 FCC 359 (1966).

[36] This conclusion holds even when common carrier services are also available. Under our rules (Parts 90 and 94) virtually any business or local government is an "eligible" in the private radio services.

[37] The Central Committee on Telecommunications of the American Petroleum Institute (API) suggested in its comments to the Notice that spectrum should be set aside for "possible future private system utilization when necessary." API comments at page 4.

[38] Non-common carriers intending to provide exclusively enhanced services may apply for spectrum under Part 94. The provision of enhanced services as defined in § 64.702, 47 CFR 64.702 is not the provision of common carrier communications services. *See* Second Computer Inquiry, 77 FCC 2d 384, 419, 420 (1980), *reconsideration*, 84 FCC 2d 50 (1980).

Rules. Operational and technical rules for DTS as proposed for Part 94 are virtually the same as those set forth in Part 21. Any outstanding conflicts would be resolved expeditiously by the Commission.

36. We have set forth these proposals because we foresee the possibility that the demand for services provided over DTS facilities will be great, and because we wish to promote the development of heretofore virtually unused spectrum. We have intentionally attempted to avoid the spectrum's further "Balkanization" according to service categories. We consider it highly desirable to accommodate technically compatible uses in the same frequency bands without regard to service distinctions. Concurrent use of the spectrum at 18 GHz and at 10.6 GHz by common carriers and private users promotes this ideal.

37. Full and complete comments are requested on all issues raised here. Particularly, we request that these comments address the question of whether our proposal sets forth a regulatory scheme affording all users sufficient options for availing themselves of digital communications or whether there are more appropriate choices. In this regard, we seek comments on whether common carrier applicants should have priority over other applicants in obtaining access to DTS spectrum or whether all applicants should be treated equally. We wish to build a record sufficient for us to develop rules to implement these proposals. We intend to issue rules at the earliest opportunity, consistent with the public interest as evidenced by the comments we receive.

VII. Regulatory Flexibility Act

38. Pursuant to Section 603 of the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, we submit the following statement with this Further Notice in Docket 79–188. The actions that we contemplate—allocating spectrum at 18 GHz for Digital Termination Systems, rechannelizing another portion of it to accommodate narrowband uses including internodal links, and allowing private DTS licensees to access both 10.6 GHz and 18 GHz spectrum—may have a significant impact on a substantial number of small entities. As indicated, we take these actions pursuant to our general authority under Section 303 of the Communications Act, 47 U.S.C. 303.

39. If the Commission allocates frequencies for DTS as proposed, it would create potential business opportunities for both large and small entities in many geographic markets. Should the Commission also authorize rechannelization of a portion of 18 GHz, a significant increase in usage of this spectrum could result. At the same time it could serve as spectrum for 12 GHz private operational fixed microwave stations if any of them are required to operate in another frequency band because of operation of direct broadcast satellite downlinks at 12 GHz. An increase due to these factors presumably would also entail expanded opportunities for small entities including prospective licensees and equipment suppliers. At this time it is not possible, however, to determine how many small entities would be affected for several reasons. First, there is no way to project how many small entities will want to enter the as-yet undeveloped market for services provided over DTS facilities. Second, we have no reliable indication of how many narrowband point-to-point users will be motivated to apply for assignments at 18 GHz by our providing for a new narrowband channelization scheme. And third, it is even more difficult to gauge the impact that use of these bands would have on prospective small entities that could supply equipment to various licensees. Comments are welcome on the extent to which different classes of small entities would be affected by our proposals.

40. Furthermore, there are no small entities now using that portion of the spectrum that we propose to allocate. In order to use the spectrum, small entities, like large entities, would be required to submit applications to the Commission for use of the spectrum. Licensing is required by law of all persons using radio frequencies. It is possible, however, that mutually exclusive applications for spectrum would be received by the Commission and that small entities would have to participate in a hearing to determine which applicant would receive the license. We believe, however, that such a situation is unlikely to occur, because of the abundance of spectrum we propose making available at 18 GHz (in addition to that allocated at 10.6 GHz). Also, small entities electing to apply for spectrum for DTS or narrowband point-to-point facilities may be required to comply with the reporting, recordkeeping and other rules applicable to common carriers. We note that with respect to non-dominant carriers, which many small entities presumably will be, we have recently adopted less burdensome tariff and Section 214 facility application requirements. In addition, many of the reporting requirements apply only to larger companies. We do not believe that there are any federal rules that would duplicate or conflict with the proposed rules.

41. It also does not appear that there are any significant alternatives to the proposed rules that would accomplish the stated objectives of the Communications Act and minimize the impact on small entities as envisioned by the Regulatory Flexibility Act. Public comment is invited as to whether there are such alternatives. In general, we invite comment on the applicability of our proposals to small entities as prescribed in the Regulatory Flexibility Act. As noted, the proposed allocation and rechannelization of frequencies should benefit small as well as large entities. The compliance or reporting requirements are only a necessary concomitant of the benefits realized in using the frequencies.

VIII. Miscellaneous Matters and Ordering Clauses

42. For further information concerning procedures to follow with respect to this rulemaking proceeding, contact Kenneth R. Nichols, (202) 632–7025 or Kevin J. Kelley, (202) 632–6430. For purposes of this non-restricted [39] informal rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time of issuance of a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting, or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff who addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed, written comments for the proceeding, must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official

[39] A non-restricted proceeding is one which does not involve "competing claims to a valuable privilege."

receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* Section 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of these new Commission procedures [40] governing *ex parte* presentations in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632–7000.

43. Accordingly it is ordered, pursuant to the provisions of Sections 1, 4(i), 303 and 403 of the Communications Act, 47 U.S.C. 1, 4(i), 303, and 403 and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, that a further rulemaking proceeding is hereby instituted into the foregoing matters. Members of the public are hereby put on notice that any such policies that may be established in this proceeding may be embodied in the Rules and Regulations of the Commission.

44. It is further ordered that any interested person may file comments on the proposals contained in Parts IV, V and VI of this Further Notice and the supporting analysis on or before November 2, 1981. Reply comments shall be filed on or before December 2, 1981. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419 an original and five copies of all comments shall be furnished to the Commission. All comments received in response to this Notice will be available for public inspection in the Docket Reference Room in the Commission's offices.

45. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

46. It is further ordered, that the Secretary shall cause this further notice of proposed rulemaking to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

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[40] *See* Report and Order re Policies and Procedures Regarding Ex Parte Communications During Informal Rulemaking Proceedings, 47 R.R. 2d 1213 (1980), in which rule amendments were made to rule § 1.1231, 47 CFR 1.1231.

FNPRM CHANNELIZATION PROPOSAL
for the band segment 18 460 - 18 940 MHz

APPENDIX A

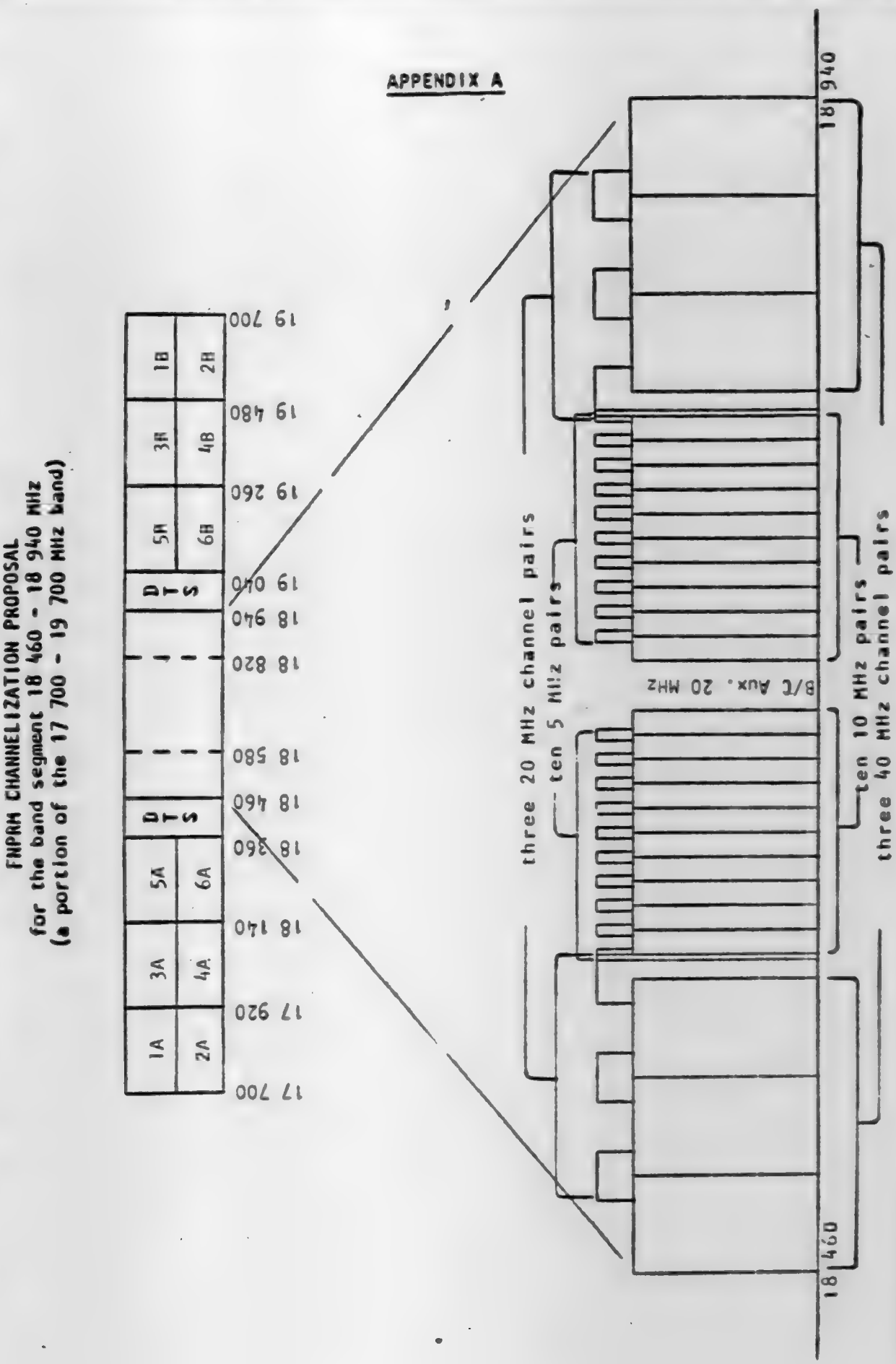

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Appendix B

Chapter I, Parts 2, 21, and 94 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

§ 2.106 [Amended]

In § 2.106, the Table of Frequency Allocations is proposed to be amended for the frequency bands 10.55–10.68 GHz and 17.7–19.7 GHz as follows:

Federal Communications Commission

Band (GHz) 7	Service 8	Class of station 9	Frequency 10	Nature of services of stations 11
•	•	•	•	•
10.5–10.55	• • •			
10.55–10.565	Fixed	Fixed		Domestic public. Operational fixed.
10.565–10.615	Fixed	Fixed		Domestic public. Operational fixed. Digital termination nodal stations.
10.615–10.68	Fixed	Fixed		Domestic public. Operational fixed.
10.68–10.7	Fixed	Fixed		Domestic public. Operational fixed. Digital termination user stations.
•	•	•	•	•
17.7–18.36	• • •			
18.36–18.58	Fixed. Fixed-satellite mobile.		Fixed. Mobile. Space.	Domestic fixed public. Operational fixed. Fixed-satellite.
18.58(NG 106)–18.71	Fixed. Fixed-satellite.	Fixed		Aural studio-transmitter link and intercity relay broadcast.
	Space	Fixed-satellite. Domestic fixed public. Opearational fixed..		
18.71–18.94 (NG 106)	Fixed. Fixed-satellite. Mobile	Fixed. Mobile. Space		Domestic fixed public. Operational fixed. Fixed-satellite.
18.94–19.04	Fixed. Fixed-satellite. Mobile	Fixed. space		Digital termination user stations. Fixed-satellite.

• • • • •

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES (OTHER THAN MARITIME MOBILE)

The table in § 21.101(a) is proposed to be amended by applying footnote 4 to the item "12,200 to 40,000" in column 1, "Frequency Range (MHz)" and by adding a footnote [4] as follows:

§ 21.101 Frequency tolerance.

(a) • • •

Frequency range (MHz)	Frequency tolerance (percent)		
	All fixed and base stations	Mobile stations over 3 watts	Mobile stations 3 watts or less [1]
•	•	•	•
12,200 to 40,000 [4] [5]	.001	.003	.005
•	•	•	•

[4] For stations except Digital Termination System Termination System Nodal Stations operating between 18,360 and 19,040 MHz, the frequency tolerance shall be ±0.003%. Digital Termination System Nodal Stations shall maintain a frequency tolerance of ±0.001% *See* § 21.503(b). DTS Nodal Stations.

3. Section 21.106 is amended by revising paragraph (a)(3) (i) and (ii) to read as follows:

§ 21.106 Emission limitations.

(a) • • •

(3) • • •

(i) In any 4 kHz band, the center frequency of which is removed from the frequency of the center of the Digital Electronic Message Service channel by more than 50 percent of the Digital Electronic Message Service channel bandwidth up to and including 50 percent plus 250 kHz (in the 10,550–10,680 MHz band) or 500 kHz (in the 17,000–19,700 MHz band): As specified by the following equation but in no event less than 50 decibels.

(in the 10,550–10,680 MHz band)

$A = 50 + 0.12(F - 0.5B) + 10 \log_{10} N$

(in the 17,700–19,780 MHz band)

$A = 50 + 0.06(F - 0.5B) + 10 \log_{10} N$

• • • • •

(ii) In any 4 kHz band within the authorized Digital Electronic Message Service band, the center frequency of which is removed from the center frequency of the channel by more than 250 kHz (in the frequency band 10,550–10,680 MHz) or 500 kHz (in the 17,700–19,700 MHz band) plus 50 percent of the channel bandwidth: As specified by the following equation but in no event less than 80 decibels.

$A = 80 + 10 \log_{10} N$ decibels.

4. Section 21.122 is proposed to be amended by adding paragraph (e) to read as follows:

§ 21.122 Microwave digital modulation.

• • • • •

(e) Microwave transmitters employing digital modulation techniques operating in the frequency band 18.36–19.04GHz shall transmit at a bit rate, in bits per second, equal top or greater than the bandwidth specified by the designator in Hertz (e.g., to be acceptable, equipment transmitting at a 20 MB/s rate must not require a bandwidth greater than 20 MHz), except the bandwidth used to calculate the minimum rate shall not include any authorized guard band.

5. Section 21.502 is proposed to be amended by revising paragraph (a) and adding paragaphs (g) and (h) as follows:

§ 21.502 Frequencies.

(a) Each assignment in the 10,550–10,680 band will be for either Extended network or for Limited network operation. Assignments in the 17,700–19,700 MHz band will be for all DEMS applicants regardless of the size of any intended network an applicant chooses to construct. Assignments for Extended network operation will consist of a pair of 5 MHz channels as set out in subsection (b) of this section plus internodal channels as set out in subsection (d) of this section. Assignments for Limited network coverage will consist of a pair of 2.5 MHz channels as designated in subsection (c) of this section plus internodal channels as set out in subsection (d) of this section. Assignments in 17,700–19,700 MHz band will consist of a pair of 10 MHz channels as designated in subsection (g) of this section plus internodal channels set out in subsection (h) of this section. A Limited network applicant or an applicant for an assignment in the 17,700–19,700 MHz band may simultaneously apply for more than one channel pair on showing the service to be provided will fully utilize all spectrum requested. An Extended network licensee may not apply for an additional channel pair until such time as the applicant has operated its initial

channel pair at or near the expected capacity.

* * * * *

(g) Assignements in the 17,700–19,700 MHz band shall be made according to the following plan:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
1–A	18,360–18,370	1–B	18,940–18,950
2–A	18,370–18,380	2–B	18,950–18,960
3–A	18,380–18,390	3–B	18,960–18,970
4–A	18,390–18,400	4–B	18,970–18,980
5–A	18,400–18,410	5–B	18,980–18,990
6–A	18,410–18,420	6–B	18,990–19,000
7–A	18,420–18,430	7–B	19,000–19,010
8–A	18,430–18,440	8–B	19,010–19,020
9–A	18,440–18,450	9–B	19,020–19,030
10–A	18,450–18,460	10–B	19,030–19,040

(h) The band segments 18,587.5–18,682.5 and 18,717.5–18,812.5 MHz are available to the Point-to-Point Microwave Radio Service and will be used for Digitial Termination Systems operating within the above-listed channels. Assignments in this band shall be made according to the following frequency plan consisting of 20 two-way channels, each 5 MHz wide:

Channel Group A		Channel Group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
11–A	18,587.5–18,592.5V	11–B	18,717.5–18,722.5V
12–A	18,587.5–18,592.5H	12–B	18,717.5–18,722.5H
13–A	18,597.5–18,602.5V	13–B	18,727.5–18,732.5V
14–A	18,597.5–18,602.5H	14–B	18,727.5–18,732.5H
15–A	18,607.5–18,612.5V	15–B	18,737.5–18,742.5V
16–A	18,607.5–18,612.5H	16–B	18,737.5–18,742.5H
17–A	18,617.5–18,622.5V	17–B	18,747.5–18,752.5V
18–A	18,617.5–18,622.5H	18–B	18,747.5–18,752.5H
19–A	18,627.5–18,632.5V	19–B	18,757.5–18,762.5V
20–A	18,627.5–18,632.5H	20–B	18,757.5–18,762.5H
21–A	18,637.5–18,642.5V	21–B	18,767.5–18,772.5V
22–A	18,637.5–18,642.5H	22–B	18,767.5–18,772.5H
23–A	18,647.5–18,652.5V	23–B	18,777.5–18,782.5V
24–A	18,647.5–18,652.5H	24–B	18,777.5–18,782.5H
25–A	18,657.5–18,662.5V	25–B	18,787.5–18,792.5V
26–A	18,657.5–18,662.5H	26–B	18,787.5–18,792.5H
27–A	18,667.5–18,672.5V	27–B	18,797.5–18,802.5V
28–A	18,667.5–18,672.5H	28–B	18,797.5–18,802.5H
29–A	18,677.5–18,682.5V	29–B	18,807.5–18,812.5V
30–A	18,677.5–18,682.5H	30–B	18,807.5–18,812.5H

The assignment of these channels will be in accord with the demonstrated needs of the applicant. The preferred use of these channels is to provide internodal communications for Digital Termination Systems. All applicants for these channels shall follow the frequency coordination procedures of Section 21.100(d).

6. Section 21.503 is proposed to be amended by revising it and designating it paragraph (a) and adding paragraph (b) to read as follows:

§ 21.503 Frequency stability.

(a) In the frequency band 10 550–10 680 MHz the frequency stability of each Digital Termination Nodal Station transmitter authorized for this service shall be ±0.0001%. The frequency stability of each Point-to-Point Microwave Radio Station transmitter used for an internodal link and each Digital Termination User Station transmitter shall be ±0.0003%.

(b) In the frequency band 17 700–19 700 MHz the frequency stability of each Digital Termination Nodal Station transmitter authorized for this service shall be ±0.001%. The frequency stability of each Point-to-Point Microwave Radio Station transmitter used for an internodal link and each Digital Termination User Station transmitter shall be ±0.003%.

7. Section 21.506 is proposed to be amended by revising paragraph (a) to read as follows:

§ 21.506 Transmitter power.

(a) The output power of a Digital Electronic Message Service transmitter shall not exceed 0.5 watt. This limitation applies only to stations using frequencies in the 10 550–10 680 MHz band. The transmitter output power of stations using frequencies in the 17 700–19 700 MHz band will be governed by Section 21.107 of this rule part. Each application for either band shall contain an analysis demonstrating compliance with 21.107(a).

* * * * *

8. Section 21.701 is proposed to be amended by revising paragraph (j) as follows:

§ 21.701 Frequencies.

* * * * *

(j)(1) The 17,700–19,700 MHz band is channelized into bandwidths ranging from narrow to wide (from 5 MHz to 220 MHz). Assignments for wideband point-to-point uses shall be made on the basis of the following frequency plan consisting of six two-way channels, each 220 MHz wide:

Channel group A		Channel group B	
Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)	Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)
1–A	17,810 V	1–B	19,590 V
2–A	17,810 H	2–B	19,590 H
3–A	18,030 V	3–B	19,370 V
4–A	18,030 H	4–B	19,370 H
5–A	18,250 V	5–B	19,150 H
6–A	18,250 H	6–B	19,150 H

(2) Assignments for point-to-point uses requiring channels of 40 MHz bandwidth shall be made on the basis of the following frequency plan consisting of 3 two-way 40 MHz channels with 3 two-way interstitial channels, each 20 MHz wide:

Channel group A		Channel group B	
Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)	Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)
1–A	18,480 V	1–B	18,640 V
2–A	18,480 H	2–B	18,640 H
3–A	18,520 V	3–B	18,680 V
4–A	18,520 H	4–B	18,680 H
5–A	18,560 V	5–B	18,720 V
6–A	18,560 H	6–B	18,720 H
Interstitial channels (20 MHz wide)			
7–A	18,500 V	7–B	18,620 V
8–A	18,500 H	8–B	18,620 H
9–A	18,540 V	9–B	18,660 V
10–A	18,540 H	10–B	18,660 H
11–A	18,580 V	11–B	18,900 V
12–A	18,580 H	12–B	18,900 H

(3) Assignments for point-to-point uses requiring channels of 10 MHz bandwidth shall be made on the basis of the following frequency plan consisting of 20 two-way 10 MHz channels:

Channel group A		Channel group B	
Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)	Channel No.	Assigned frequency polarized vertically (V) or horizontally (H)
1–A	18,595 V	1–B	18,715 V
2–A	18,595 H	2–B	18,715 H
3–A	18,605 V	3–B	18,725 V
4–A	18,605 H	4–B	18,725 H
5–A	18,615 V	5–B	18,735 V
6–A	18,615 H	6–B	18,735 H
7–A	18,625 V	7–B	18,745 V
8–A	18,625 H	8–B	18,745 H
9–A	18,635 V	9–B	18,755 V
10–A	18,635 H	10–B	18,755 H
11–A	18,645 V	11–B	18,765 V
12–A	18,645 H	12–B	18,765 H
13–A	18,655 V	13–B	18,775 V
14–A	18,655 H	14–B	18,775 H
15–A	18,665 V	15–B	18,785 V
16–A	18,665 H	16–B	18,785 H
17–A	18,675 V	17–B	18,795 V
18–A	18,675 H	18–B	18,795 H
19–A	18,685 V	19–B	18,805 V
20–A	18,685 H	20–B	18,805 H

Interstitial channel frequencies assigned of 5 MHz bandwidth are set forth in Section 21.502.

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

9. Section 94.3 is proposed to be amended by adding the following definitions in appropriate alphabetical order:

§ 94.3 Definitions

* * * * *

Control station. * * *

Digital Termination Nodal Station—A fixed point-to-multipoint radio station in a Digital Termination System providing two-way communications with Digital Termination User Stations.

Digital Termination System—A fixed point-to-multipoint radio system consisting of Digital Termination Nodal

Stations and their associated Digital Termination User Stations.

Digital Termination User Station—Any one of the fixed microwave radio stations located at users' premises, lying within the coverage area of a Digital Termination Nodal Station, and providing two-way digital communications with the Digital Termination Nodal Station.

Effective Radiated Power (ERP). * * *

Extended Network—A group of interconnected Digital Termination Systems that provides service to users in at least 30 Standard Metropolitan Statistical Areas.

* * * * *

Frequency Tolerance. * * *

Internodal Link—The communications link between two point-to-point microwave radio stations used to provide two-way communications between Digital Termination Nodal Stations or to interconnect Digital Termination Systems to other communications media.

Limited Network—A group of interconnected Digital Termination Systems that provides service to users in fewer than 30 Standard Metropolitan Statistical Areas. A single Digital Termination System will be considered to be a Limited Network for frequency assignment purposes.

* * * * *

10. Section 94.9 is proposed to be amended by adding paragraph (a)(5) and revising paragraph (b)(1) to read as follows:

§ 94.9 Permissibility of communications.

(a) * * *

* * * * *

(5) Communications on a commercial basis between the licensee and a user, among different premises of a single user, or from one user to another, but only in the frequency bands provided in this Part for Digital Termination Systems and associated internodal links.

(b) * * *

(1) Rendition of a common carrier communications service, except that stations carrying public correspondence associated with public coast stations licensed under Part 81 may continue in operation for the balance of the term of their licenses and for an additional five-year renewal term.

* * * * *

11. Section 94.15 is proposed to be amended by adding paragraph (i) to read as follows:

§ 94.15 Policy governing the assignment of frequencies.

* * * * *

(i) Licensees and applicants for Digital Termination Systems will not be subject to the provisions of paragraphs (a) through (h) of the section. They shall comply with frequency assignment policies and procedures prescribed for Digital Termination Systems and associated internodal links in Subpart F of this Part and § 21.100(d) of this chapter.

12. Section 94.61 is proposed to be amended by revising paragraph (b) and the text of footnote 17, to read as follows:

§ 94.61 Applicability.

* * * * *

(b) Frequencies in the following bands are available for assignment to stations in the Private Operational-Fixed Microwave Service.

* * * * *

6,625 to 6,875	(5), (6), (17)
10,550 to 10,680	(17)
12,200 to 12,500	(6)

* * * * *

[17] Frequencies in this band are shared with the Common Carrier services and may be authorized for Digital Termination Systems, associated internodal links, and other uses. The channelization of this band is indicated in Sections 94.65 and 94.109.

13. Section 94.63 is proposed to be amended by revising the second sentence of paragraph (a) as follows:

§ 94.63 Interference protection criteria for operational fixed stations.

(a) Before filing an application for new or modified facilities under this part the applicant must perform a frequency engineering analysis to assure that the proposed facilities will not cause interference to existing or previously applied-for stations in this service of magnitude greater than that specified in the criteria set forth in paragraph (b) of this section, unless otherwise agreed to in accordance with § 94.15(b). In addition, when the proposed facilities are to be operated in the bands 10,550—10,680 MHz, 18,360—19,040 MHz, 21,200—21,800 MHz, 22,400—23,000 MHz, 31,000—31,200 MHz, or 38,600—40,000 MHz, applicants shall follow the prior coordination procedure specified in § 21.100(d) of this chapter as regards stations in the Domestic Public Radio Services and when the proposed facilities are to be operated in the bands 2655—2690 MHz or 12,500—12,700 MHz, applications shall also follow the procedures in § 21.706 (c) and (d) and the technical standards and requirements of Part 25 of this chapter as regards licenses in the Communication-Satellite Service. *See also* § 94.77.

* * * * *

14. Section 94.65 is proposed to be amended by removing old paragraph (i) and adding new paragraphs (i) through (k) to read as follows:

§ 94.65 Frequencies.

* * * * *

(i) *10,550–10,680 MHz and 18,360–19,040 MHz.* Frequencies in the bands 10,550–10,680 MHz and 18,360–19,040 MHz authorized for Digital Termination Systems and associated internodal links are specified in § 94.137.

(j) *18,460–18,590 MHz, 18,810–18,940 MHz.*

(1) 40 MHz maximum bandwidth.

Paired Frequencies

Transmit (or receive) polarized vertically (V) or horizontally (H)	Receive (or transmit) polarized vertically (V) or horizontally (H)
18,480 V.	18,840 V.
18,480 H.	18,840 H.
18,520 V.	18,860 V.
18,520 H.	18,880 H.
18,560 V.	18,920 V.
18,560 H.	18,920 H.

(2) 20 MHz maximum bandwidth.

Paired frequencies

Transmit (or receive) polarized vertically (V) or horizontally (H)	Receive (or transmit) polarized vertically (V) or horizontally (H)
18,500 V.	18,820 V.
18,500 H.	18,820 H.
18,540 V.	18,860 V.
18,540 H.	18,860 H.
18,580 V.	18,900 V.
18,580 H.	18,900 H.

(k) *18,587.5–18,690 MHz, 18,710–18,812.5 MHz.*

(1) 10 MHz maximum bandwidth.

Paired frequencies

Transmit (or receive) polarized vertically (V) or horizontally (H)	Receive (or transmit) polarized vertically (V) or horizontally (H)
18,595 V.	18,715 V.
18,595 H.	18,715 H.
18,605 V.	18,725 V.
18,605 H.	18,725 H.
18,615 V.	18,735 V.
18,615 H.	18,735 H.
18,625 V.	18,745 V.
18,625 H.	18,745 H.
18,635 V.	18,755 V.
18,635 H.	18,755 H.
18,645 V.	18,765 V.
18,645 H.	18,765 H.
18,655 V.	18,775 V.
18,655 H.	18,775 H.
18,665 V.	18,785 V.
18,665 H.	18,785 H.
18,675 V.	18,795 V.
18,675 H.	18,795 H.
18,685 V.	18,805 V.
18,685 H.	18,805 H.

(2) 5 MHz maximum bandwidth.

The 20 channels interstitial to the 10 MHz channels listed in this subsection are set forth in Section 94.189.

15. Section 94.67(a) is proposed to be amended by revising the table and adding footnote 6 to read as follows:

§ 94.67 Frequency tolerance.

* * * * *

Frequency band MHz	Tolerance in percentage of assigned frequency
928–929	0.0005
952–960 [5]	0.0005
1,850–1,990	0.002
2,130–2,150	0.001
2,150–2,160	0.001
2,180–2,200	0.001
2,450–2,500	0.001
2,500–2,690	([2])
6,525–6,875	0.005
10,550–10,680	([6])
12,200–12,700	[3]0.005
12,700–18,460	[4]0.03
18,460–18,940	0.003
18,940–40,000	[4]0.03

* * * * *

6. Digital Termination System transmitters must maintain frequency tolerances in accord with § 94.191 in this band.

16. Section 94.71 is proposed to be amended by revising the introductory text of paragraph (b), by adding 10,550–10,680 to the table in paragraph (b) and by adding subparagraph (c)(3) as follows:

§ 94.71 Emission and bandwidth limitations.

* * * * *

(b) The maximum bandwidth that will be authorized per frequency assigned is as follows:

Frequency band MHz	Maximum authorized bandwidth
6,525–6,875 MHz	5 or 10 MHz [1]
10,550–10,680 MHz	5 MHz [1]
12,200–12,700 MHz	10 or 20 MHz [1]

(c) * * *

(3) For Digital Termination System channels and point-to-point microwave channels authorized for internodal communications:

(i) In any 4 kHz band, the center frequency of which is removed from the frequency of the center of the Digital Termination System channel by more than 50 percent of Digital Termination System channel bandwidth up to and including 50 percent plus 250 kHz (in the 10,550–10,680 MHz band) or 500 kHz (in the 17,700–19,700 MHz band): As specified by the following equation but in no event less than 50 decibels.

(in the 10,550–10,680 MHz band)

$A = 50 + 0.12(F - 0.5B) + 10 \text{ Log } {}_{10}N$

(in the 17,700–19,700 MHz band)

$a = 50 + 0.06(F - 0.5B) + 10 \text{ Log } {}_{10}N$

Where:

A = Attenuation (in decibels) below mean output power level contained within the Digital Termination System channel for a given polarization.

B = Bandwidth of Digital Termination System channel (in kHz).

F = Absolute value of the difference between the center frequency of the 4 kHz band measured and the center frequency of the Digital Termination System channel (in kHz).

N = Number of active subchannels of the given polarization within the Digital Termination System channel.

(ii) In any 4 kHz band within the authorized Digital Termination System band, the center frequency of which is removed from the center frequency of the channel by more than 250 kHz (in the 10,550–10,680 MHz band) or 500 kHz (in the 17,700–19,700 MHz band) or 500 kHz plus 50 per-cent of the channel bandwidth: As specified by the following equation but in no event less than 80 decibels.

$A = 80 + 10 \text{ Log } {}_{10}N$ decibels.

(iii) In any 4 kHz band the center frequency of which is outside the authorized Digital Termination System band:

At least $43 + 10 \text{ Log } {}_{10}$ (mean output power in Watts) decibels.

* * * * *

17. Section 94.73 is proposed to be amended by revising paragraph (a)(1) and adding a footnote 6 to paragraph (a)(2) to read as follows:

§ 94.73 Power limitations.

(a) * * *

(1)

Frequency band	Maximum transmitter output power (watts)
952–960 MHz	[1] 20
1,850–6,875 MHz	20
10,550–10,680 MHz	[3] 1
12,200–40,400 MHz	10

(2)

Frequency band	Maximum EIRP [2] dBm
6,525–40,000 MHz	[4] [5] [6] 80

[2] Except for Digital Termination Systems as provided in § 94.197.

§ 94.75 [Amended]

18. The table in § 94.75 is proposed to be amended by revising the fourth element under the heading "Frequency band (megahertz)" to "10,550 to 12,700 [3]," and by revising footnote 3 to read, "Except as provided in Section 94.90 and for Digital Termination System antennas whose coverage is omnidirectional or sectorized".

19. Section 94.94 is proposed to be added to read as follows:

§ 94.94 Microwave digital modulation in the 18,360–19,040 MHz band.

For transmitters operated in the 18,360–19,040 MHz band (including for Digital Termination Systems and point-to-point links) the bit rate, in bits per second, shall be equal to or greater than the bandwidth specified by the emission designator in Hertz (e.g., to be acceptable, equipment transmitting at a 20 MB/s rate must not require a bandwidth of greater than 20 MHz), except the bandwidth used to calculate the minimum rate shall not include any authorized guard band.

20. A new Subpart F of Part 94 on *Digital Termination Systems* is proposed to be added to read as follows:

Subpart F—Digital Termination Systems

§ 94.181 Scope.

Digital Termination Systems and associated internodal links are intended to provide for the exchange of digital information between fixed locations.

§ 94.183 Permissible communications.

Unless otherwise directed or conditioned in the applicable instrument of authorization, Digital Termination Systems and associated internodal links may be used to exchange any type of digital information consistent with the Commission's Rules.

§ 94.185 Applications.

(a) A separate application form must be filed for each Digital Termination System. When a set of related applications are filed to form a network of Digital Termination Systems, an exhibit must be included which contains a list of the Standard Metropolitan Statistical Areas (SMSA's) or service areas that will be served by the network and a proposed construction schedule showing the completion dates for each proposed Digital Termination Nodal Station in the network. Applications proposing frequencies specified for Extended networks must contain at least 30 SMSA's.

(b) All applicants for Digital Termination System frequencies must submit as part of the original application a detailed plan indicating how the

bandwidth requested will be utilized. In particular the application must contain detailed descriptions of the modulation method, the channel time sharing method, any error detecting and/or correcting codes, any spatial frequency reuse system and the total data throughput capacity in each of the links in the system. Further, the application must include a separate analysis of the spectral efficiency including both information bits per unit bandwidth and the total bits per unit bandwidth.

(c) Only those applications which state an intent to provide interconnected service to users in at least 30 Standard Metropolitan Statistical Areas (SMSA's) within 60 months of the granting of the application will be eligible for assignment of any of the frequencies designated as Extended network frequencies in § 94.189(b). All other applications will be eligible for assignment of the frequencies designated for Limited network frequencies in § 94.189(c) or of the frequencies designated for all DTS applicants in § 94.189(g).

(d) Digital Termination Nodal Stations may be authorized only as a part of an integrated communication system wherein Digital Termination User Stations associated therewith also are licensed to the Digital Nodal Station licensee. Applications for Digital Nodal Station licenses should specify the maximum number of Digital Termination User Stations to be served by that nodal station. No separate authorization is required for Digital Termination User Stations.

§ 94.187 Time in which station must be placed in operation.

(a) For stations in an Extended network each authorization issued by the Commission will specify the date of the grant as the earliest date of construction and a maximum of 60 months thereafter as the latest time when all construction shall be completed and the station is ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. The schedule filed in accordance with § 94.185(a) shall provide for substantial progress in the early years of the construction period. Furthermore, the licensee must file progress reports with the Commission commencing six months after the date of issue of the authorization and continuing every six months thereafter until construction is completed.

(b) For stations in a Limited network each authorization issued by the Commission will specify the date of the grant as the earliest date of construction and a maximum of 30 months thereafter as the latest time when all construction shall be completed and the stations ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. The schedule filed in accordance with § 94.185(a) shall provide for substantial progress in the early years of the construction period. Furthermore, the licensee must file progress reports with the Commission commencing six months after the date of issue of the authorization and continuing every six months thereafter until construction is completed.

§ 94.189 Frequencies.

(a) Each assignment in the 10,550–10,680 MHz band will be for either Extended network or Limited network operation. Assignments in the 17,700–19,700 MHz band will be for all applicants regardless of the size of the network that an applicant intends to construct.

(i) In the 10,550–10,680 MHz band, assignments for Extended network operations will consist of a pair of 5 MHz channels as set out in subsection (b) of this section plus internodal channels as set out in subsection (d) of this section. Assignment for Limited network operations will consist of a pair of 2.5 MHz channels as designated in subsection (c) plus internodal channels set out in subsection (d) of this section.

(ii) In the 17 700–19 700 MHz band, assignments will consist of a pair of 10 MHz channels as designated in subsection (g) of this section plus internodal channels set out in subsection (h) of this section.

(iii) A Limited network applicant or an applicant for assignment in the 17 700–19 700 MHz band may simultaneously apply for more than one channel pair on showing the service to be provided will fully utilize all spectrum requested. An Extended network licensee may not apply for an additional channel pair until such time as the applicant has operated its initial channel pair at or near the expected capacity.

(b) Extended network assignments in the 10 550–10 680 MHz band shall be made according to the following plan:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency bank limits MHz
1–A	10,565–10,570	1–B	10,630–10,635
2–A	10,570–10,575	2–B	10,635–10,640
3–A	10,575–10,580	3–B	10,640–10,645
4–A	10,580–10,585	4–B	10,645–10,650

Each assignment will consist of one channel from Group A and the same numbered channel from Group B. The channel from Group A will be used for the Digital Termination Nodal Station transmitter and the channel from Group B will be used for Digital Termination User Station Transmitters. The channels will be assigned in each SMSA starting with Channel pair 1 and continuing numerically upward to Channel pair 4. These channels may be subdivided as desired by the license.

(c) Limited network assignments in the 10 550–10 MHz band shall be made according to the following plan:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency bank limits MHz
5–A	10,600.0–10,602.5	5–B	10,665.0–10,667.5
6–A	10,602.5–10,605.0	6–B	10,667.5–10,670.0
7–A	10,605.0–10,607.5	7–B	10,670.0–10,672.5
8–A	10,607.5–10,610.0	8–B	10,672.5–10,675.0
9–A	10,610.0–10,612.5	9–B	10,675.0–10,677.5
10–A	10,612.5–10,615.0	10–B	10,677.5–10,680.0

Each assignment will consist of one channel from Group A and the corresponding channel from Group B. The channel from Group A will be used for the Digital Termination Nodal Station transmitter and the channel from Group B will be used for Digital Termination User Station Transmitters. The channels will be assigned in each SMSA starting with Channel pair 10 and continuing numerically downward to Channel pair 5. These channels may be subdivided as desired by the licensee.

(d) The bands 10 550–10 565 MHz and 10 615–10 630 MHz are available for internodal links and other point-to-point microwave facilities. Assignments in these bands will be made according to the following plan:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency bank limits MHz
11–A	10,550.0–10,552.5	11–B	10,615.0–10,617.5
12–A	10,552.5–10,555.5	12–B	10,617.5–10,620.0
13–A	10,555.5–10,557.5	13–B	10,620.0–10,622.5
14–A	10,557.5–10,560.0	14–B	10,622.5–10,625.0
15–A	10,560.0–10,561.25	15–B	10,625.0–10,626.25
16–A	10,561.25–10,562.5	16–B	10,626.25–10,627.5
17–A	10,562.5–10,563.75	17–B	10,627.5–10,628.75
18–A	10,563.75–10,565.0	18–B	10,628.75–10,630.0

The assignment of these channels will be in accord with the demonstrated requirement of the applicant. The preferred use of these channels is to provide internodal communications for Digital Termination Systems. All applicants for these channels shall follow the frequency coordination procedures of Section 21.100(d). Channels 11–14 will be assigned to Extended network licensees and channels 15–18 will be assigned to Limited network licensees.

(e) The bands 10 585–10 600 MHz and 10 650–10 665 MHz will be available for Extended network applicants when all the available Extended network channels have been assigned or when applications have been accepted for all available Extended network channels. These bands will be available for Limited network applicants only after April 16, 1986. Assignments in these bands will be according to the following plan:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency bank limits MHz
18–A	10,585.0–10,587.5	19–B	10,650.0–10,652.5
20–A	10,587.5–10,590.0	20–B	10,652.5–10,655.0
21–A	10,590.0–10,592.5	21–B	10,655.0–10,657.5
22–A	10,592.5–10,595.0	22–B	10,657.5–10,660.0
23–A	10,595.0–10,597.5	23–B	10,660.0–10,662.5
24–A	10,597.5–10,600.0	24–B	10,662.5–10,665.0

(i) An Extended network licensee will be assigned one pair of channels from Group A and the corresponding pair of channels from Group B. These channels may be adjacent, if available as such. The channel from Group A will be used for the Digital Termination Nodal Station transmitter and the channel from Group B will be used for Digital Termination User Station transmitters. Each pair of channels if adjacent may be used as a single channel by all Extended network licensees. Extended network assignments will start with Channels 19 and 20 and continue numerically upward.

(ii) A Limited network licensee will be assigned one channel from Group A and the corresponding channel from Group B. The channel from Group A is to be used for a Digital Termination Nodal Station transmitter and the channel from Group B is to be used for a Digital Termination User Station transmitter. Limited network assignments will start at Channel 24 and proceed numerically downward.

(f) After April 16, 1986, all unassigned Extended network channels will be rechannelized into 2.5 MHz channels. This spectrum, plus any unassigned Limited network channels, will then become available to either Limited for Extended network applicants.

(g) Assignments in the 17 700–19 700 MHz band shall be made according to the following plan:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
1–A	18,360–18,370	1–B	18,940–18,950
2–A	18,370–18,380	2–B	18,950–18,960
3–A	18,380–18,390	3–B	18,960–18,970
4–A	18,390–18,400	4–B	18,970–18,980
5–A	18,400–18,410	5–B	18,980–18,990
6–A	18,410–18,420	6–B	18,990–19,000
7–A	18,420–18,430	7–B	19,000–19,010
8–A	18,430–18,440	8–B	19,010–19,020
9–A	18,440–18,450	9–B	19,020–19,030
10–A	18,450–18,460	10–B	19,030–19,040

(h) The bands 18 587.5–18 682.5 and 18 717.5–18 812.5 MHz available to point-to-point operational-fixed stations as specified in Section 94.65(l)(1) will be used to provide internodal communications for Digital Termination Systems operated within the above-listed channels. All applicants for frequencies in the 18 587.5–18 812.5 MHz band segment shall follow the frequency coordination procedures of Section 21.100(d). Assignments in this band shall be made according to the following plan consisting of 20 two-way channels, each 5 MHz wide:

Channel group A		Channel group B	
Channel No.	Frequency band limits MHz	Channel No.	Frequency band limits MHz
11–A	18,587.5–18,592.5V	11–B	18,717.5–18,722.5V
12–A	18,587.5–18,592.5H	12–B	18,717.5–18,722.5H
13–A	18,597.5–18,602.5V	13–B	18,727.5–18,732.5V
14–A	18,597.5–18,602.5H	14–B	18,727.5–18,732.5H
15–A	18,607.5–18,612.5V	15–B	18,737.5–18,742.5V
16–A	18,607.5–18,612.5H	16–B	18,737.5–18,742.5H
17–A	18,617.5–18,622.5V	17–B	18,747.5–18,752.5V
18–A	18,617.5–18,622.5H	18–B	18,747.5–18,752.5H
19–A	18,627.5–18,632.5V	19–B	18,757.5–18,762.5V
20–A	18,627.5–18,632.5H	20–B	18,757.5–18,762.5H
21–A	18,637.5–18,642.5V	21–B	18,767.5–18,772.5V
22–A	18,637.5–18,642.5H	22–B	18,767.5–18,772.5H
23–A	18,647.5–18,652.5V	23–B	18,777.5–18,782.5V
24–A	18,647.5–18,652.5H	24–B	18,777.5–18,782.5H
25–A	18,657.5–18,662.5V	25–B	18,787.5–18,792.5V
26–A	18,657.5–18,662.5H	26–B	18,787.5–18,792.5H
27–A	18,667.5–18,672.5V	27–B	18,797.5–18,802.5V
28–A	18,667.5–18,672.5H	28–B	18,797.5–18,802.5H
29–A	18,677.5–18,682.5V	29–B	18,807.5–18,812.5V
30–A	18,677.5–18,682.5H	30–B	18,807.5–18,812.5H

The assignment of these channels will be in accord with the demonstrated needs of the applicant. The preferred use of these channels is to provide internodal communications for Digital Termination Systems.

§ 94.191 Frequency tolerance.

(a) In the frequency band 10 550–10 680 MHz the frequency tolerance of each Digital Termination Nodal Station transmitter authorized for this service shall be ±0.0001%. The frequency tolerance of each point-to-point operational-fixed transmitter and each Digital Termination User Station transmitter operated in the frequency band 10,550–10,680 MHz shall be ±0.0003%.

(b) In the frequency band 17 700–19 700 MHz, the frequency stability tolerance of each Digital Termination Nodal Station transmitter authorization this service shall be ±0.001%. The frequency tolerance of each point-to-point fixed transmitter and each Digital Termination User station transmitter in this band shall be ±0.003%.

§ 94.193 Interference.

(a) All harmful interference to other users and blocking of adjacent channel use in the same city and cochannel use in nearby Standard Metropolitan Statistical Areas is prohibited. In areas where SMSA's are in close proximity, careful consideration should be given to minimum power requirements and to the location, height, and radiation pattern of the transmitting antenna. Licensees, permittees and applicants are expected to cooperate fully in attempting to resolve problems of potential interference before bringing the matter to the attention of the Commission.

(b) As a condition for use of frequencies in this subpart each applicant is required to:

(1) engineer the system to be reasonably compatible with adjacent channel operations in the same city; and

(2) cooperate fully and in good faith to resolve whatever potential interference and transmission security problems may be present in adjacent channel operation.

(c) The following interference studies, as appropriate, shall be included with each application for a new or major modification in a Digital Termination Nodal Station:

(1) an analysis of the potential for harmful interference with other stations if the coordinates of any proposed station are located within 80 kilometers (50 miles) of the coordinates of any authorized, or previously proposed station(s) that utilizes, or would utilize, the same frequency or an adjacent potentially interfering frequency; and

(2) an analysis concerning possible adverse impact upon Canadian communications if the station's transmitting antenna is to be located within 55 kilometers (35 miles) of the Canadian border.

§ 94.195 Transmitter power.

(a) In the band 10,550–10,680 MHz the output power of the transmitters for Digital Termination Systems and associated internodal links shall not exceed 0.5 watt. In the 17,700–19,700 MHz band the output power of a Digital Termination System transmitter shall not exceed that specified in the authorization. Further, each application shall contain an analysis demonstrating compliance with § 94.73(a).

(b) The transmitter output power specified in this section is the peak envelope power of the emission measured at the associated antenna input port.

(c) Operating power shall not exceed the authorized power by more than ten (10) percent at any time.

§ 94.197 Radiated power limitation in the 10,600–10,680 MHz band.

The effective isotropic radiated power (EIRP) of stations in the band 10,600–10,680 MHz cannot exceed the following limits.

(1) Digital Termination User Stations—+53 dBm.

(2) Digital Termination Nodal Stations—+70 dBm.

(3) Point-to-point microwave stations used for internodal communications—+70 dBm.

§ 94.199 Antennas.

(a) Transmitting antennas may be omnidirectional or directional consistent with coverage and interference requirements.

(b) The use of horizontal or vertical plane wave polarization, or right hand or left hand rotating elliptical polarization must be used to minimize harmful interference between stations.

(c) Directive antennas shall be used at all Digital Termination User Stations and shall be elevated no higher than necessary to assure adequate service. The Digital Termination User Station antennas shall meet performance Category B and have a minimum power gain of 34 dBi. User antenna heights shall not exceed the height criteria of Part 17 of this chapter, unless authorization for use of a specific maximum antenna height (above ground and above sea level) for each location has been obtained from the Commission prior to the erection of the antenna. Requests for such authorization shall show the inclusive dates of the proposed operation. (*See* Part 17 of this chapter concerning the construction, marking and lighting of antenna structures).

[FR Doc. 81-26206 Filed 9-11-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket HM-179, Advance Notice]

Definition of Oxidizer; Extension of Comment Period

AGENCY: Material Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Extension of time to file comments.

SUMMARY: On June 15, 1981, the Materials Transportation Bureau (MTB) published an advance notice of proposed rulemaking under Docket HM-179 (46 FR 31294) pertaining to the definition of an oxidizer. This notice requested comments on efforts to make that definition more specific and to provide tests which shippers may use to determine whether their products are oxidizers for purposes of transportation. By this notice, MTB is extending the comment period 90 days, from September 14, 1981, to December 15, 1981.

DATE: The time for filing comments is extended from September 14, 1981, to December 15, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Ke, Sciences Branch Technical Dvision, Materials Transportation Bureau, Department of Transportation, 400 7th St. S.W., Washington, D.C. 20590. (202–426–2311).

SUPPLEMENTARY INFORMATION: In consideration of a request made by the Harry A. Wray Associates for additional time in which it may file comments on this advance notice of proposed rulemaking, MTB is extending the comment period by 90 days. This extension should allow ample time in which interested persons can assemble technical and historical information on materials which may or may not be currently regulated as oxidizers transported in commerce.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App A to Part 106)

Note.—The Material Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.)

Issued in Washington, D.C., on September 4, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-26703 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Part 175

[Docket No. HM-166J; Notice No. 81-5]

Carriage of Tear Gas Devices Aboard Aircraft; Extension of Comment Period

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Extension of time to file comments.

SUMMARY: On August 10, 1981, the MTB published a notice of proposed rulemaking under Docket HM-166J (46 FR 40540) pertaining to the carriage of tear gas devices on passenger-carrying aircraft. The MTB proposes to relax an existing prohibition in order to permit passengers and crewmembers to carry small tear gas devices in checked baggage. By this notice, MTB is extending the time for filing comments, from September 9, 1981, to October 19, 1981.

DATE: The time for filing comments is extended from September 9, 1981 to October 19, 1981.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426–2075.

SUPPLEMENTARY INFORMATION: In consideration of a request made on behalf of the International Air Transport Association (IATA) for additional time in which to file comments on this notice of proposed rulemaking, MTB is extending the comment period by 40 days. This extension should allow sufficient time for IATA to solicit comments from member airlines and submit its consolidated comments to the MTB.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.)

Issued in Washington, D.C. on September 4, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-26487 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Proposal To Remove the Bobcat From Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of potential United States proposal.

SUMMARY: The United States, as a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may propose changes in the list of animal and plant species included in Appendices I and II for protection by this treaty. Under the terms of CITES, the party nations may consider such proposals either at their biennial meetings or through a postal procedure between the meetings.

This notice announces a preliminary determination that the bobcat is inappropriately included in Appendix II. Information obtained since its listing in 1976 shows that the bobcat is not potentially threatened with extinction unless international trade is controlled and that such control also is unnecessary in order to effectively regulate international trade in other listed species.

The Service invites comments from the public, which will be considered in determining whether the United States should submit a proposal for the CITES parties to consider through the postal procedure.

DATE: The Service will consider all information and comments received by November 13, 1981 in determining whether it should submit the proposal to the party nations.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 536, 1717 H Street, NW., Washington, D.C..

FOR FURTHER INFORMATION CONTACT: Dr. Richard M. Mitchell, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202)653–5948.

SUPPLEMENTARY INFORMATION: The bobcat (*Lynx rufus*) was listed on Appendix II of CITES following the First Meeting of the Conference of the Parties in 1976, when a proposal was adopted to list all Felidae. This was done without supporting evidence as to the population status of the bobcat. Since the U.S. then generally opposed the taking of reservations on any species, it refrained from doing so in this case.

In the years since the inclusion of the bobcat in Appendix II, all states within the U.S. that allow the species to be harvested have taken positive steps in conducting surveys and establishing or improving management programs for it. At least 5 years of harvest data and population trend information have been gathered on a national basis. It is evident that the bobcat is not a currently or potentially threatened species, and that its removal from CITES Appendix II will have no adverse affect on its survival or on the effectiveness of CITES in controlling international trade in other Felidae.

Information supporting these conclusions is summarized below. Persons interested in obtaining further information should contact the Service's Office of the Scientific Authority for a copy of the draft proposal.

Criteria

According to Article II of CITES, Appendix II shall include:

(a) All species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) Other species which must be subject to regulation in order that trade in specimens of certain species referred to in subparagraph (a) of this paragraph may be brought under effective control.

Based on language in the original proposal to list the Felidae in Appendix II, the Service has considered the bobcat to be listed for a combination of reasons (a) and (b) above.

The original listing proposal by the United Kingdom consists of the following statement, without supporting information:

"Inclusion of *Panthera leo* in Appendix I and of all Felidae species in Appendix II except those mentioned in Appendix I and the domestic cat (*Felis catus*):

These proposals extend those from Switzerland to delete certain subspecies from Appendix I, and to place three species on Appendix II. All cats are potentially involved in the fur trade, and the scale of this trade is such that all species must be considered as vulnerable, few populations now remaining unaffected. All wild species not in Appendix I should be on Appendix II, so that the scale of their occurrence in trade can be monitored. Further, the Indian lion is now so reduced in numbers that it should be placed on Appendix I."

It should be noted that Article II of CITES does not provide for listing species in Appendix II because of a need to monitor trade, although once species are listed, trade in them should be monitored.

The nations participating in CITES adopted criteria for listing and delisting species in Appendices I and II at their 1976 meeting. They agree that:

"Criteria for deletion, or transfer from Appendix I to Appendix II, should required positive scientific evidence that the plant or animal can withstand the exploitation resulting from the removal of protection. This evidence must transcend informal or lay evidence of changing biological status and any evidence of commercial trade which may have been sufficient to require the animal or plant to be placed on an appendix initially. Such evidence should include at least a well documented population survey, an indication of the population trend of the species, showing recovery sufficient to justify deletion, and an analysis of the potential for commercial trade in the species or population."

The parties adopted a further resolution concerning the delisting of species at their 1979 meeting:

"Considering that many species have been included on Appendices I and II of the Convention with little or no supporting information;

Considering, also, that criteria for adding species to Appendices I and II (Conf. 1.1) and criteria for deleting species from these appendices (Conf. 1.2) were adopted at the first meeting of the Conference of the Parties (Berne, 1976) to ensure the soundness of decisions on amendments to the appendices;

Observing, however, that these criteria were not applied to inclusions in Appendix I or II that were agreed to before the first meeting of the Conference of the Parties, and observing that there was not adequate time to effectively apply these criteria in inclusions agreed to at that meeting;

Conscious of the need to apply stringent criteria for deletion of species included in Appendix I or II under the criteria for addition, including the requirement of a well-documented population survey;

Convinced, however, that the appendices must be scientifically valid in order that the limited resources for implementing the Convention can be focused on species most in need of protection;

Considering the enormous cost of rigorously documenting the population status of all species in Appendix I or II that were included with little or no information and that apparently do not meet the criteria for addition;

Recognizing, therefore, the need to delete species from Appendix I or II if they were included without supporting information and are not qualified for inclusion under the criteria for addition.

The Conference of the Parties to the Convention

Decides that species included in Appendix I or II during or before the first meeting of the Conference of the Parties may be proposed for deletion from Appendix I or II or for transfer from Appendix I to Appendix II if a careful review of all available information on the status of the species does not lead to the conclusion that the species would be eligible for retention in its present appendix under the adopted criteria. Proposed amendments based on such reviews will be subject to the provisions of Article XV, as are all amendments to Appendices I and II."

Population Status

Presently, the bobcat is found throughout much of the United States, north to the Canadian border, crossing into British Columbia in the west and Nova Scotia in the east, and south into Mexico. The species has been extirpated only in the most densely populated areas of some eastern states and some intensively cultivated midwestern states of the U.S.

The bobcat is the most numerous and widely-distributed felid in North America, inhabiting sagebrush country, semidesert regions, bare mountainsides, montane forests, West Coast chaparral, and woodlands of many types including deciduous and coniferous forests of the east and northeast, subtropical swamp forests of the south and southeast, and dense humid forests of the Cascade Mountains in the northwest.

In Mexico, the species is most abundant in the north, but its range extends southward into the temperate highlands. The bobcat is distributed along the southern boundary of Canada where evidence suggests a recent invasion since the beginning of this century.

Following the inclusion of all Felidae species in Appendix II of CITES in 1977, all states allowing a harvest of bobcats have had to meet standards set by the U.S. Scientific Authority in order to export bobcat skins. These criteria require the states annually to furnish harvest figures (numbers taken, number of trappers, and prices paid for pelts), population estimates and trends, habitat assessment (trends), and management plans.

Method used in estimating bobcat numbers have been left up to each state. Some states employ population models, other use hunter and trapper surveys, a few use line censuses of track data and scent post stations (which show only the relative abundance of bobcats), and many use wildlife habitat inventories and population trends based on harvest data (including information on age-class structure and reproductive condition), or a combination of all the above methods.

In conducting wildlife habitat inventories, states determine the amount of habitat available for bobcats and compare this information to known harvest figures, censuses, direct observations, and other population information. Some State employing this method to estimate populations classify different types of habitat according to relative bobcat abundance. Habitat is classified as supporting high, medium, or low bobcat densities, with each vegetation type assigned a relative abundance designation. In the western states, it is assumed that the maximum density of adult bobcat in high density vegetation types is 1 per 18.4 sq. km based on research conducted by Bailey (1972) in Idaho and Crowe (1975) in Wyoming. Miller and Speake (1979) found the densities of bobcats in the southeastern United States to be 1 per 2.6 sq. km in high density vegetation types.

An estimate of the numbers of bobcats occurring in each state is determined by multiplying the densities of bobcats by the area of high, medium, and low density vegetation types. Population estimates derived in this and other means indicate that there are between 725,000 and 1,020,000 bobcats with a mean of 871,000 in the Continental U.S.

Bobcats have a lifespan of about 12 years in the wild and are sexually active until death. Females reach sexual maturity within a year and are polyestrous from February to June; the peak season is March (Crowe, 1975). After a gestation period of 60–63 days, one to four kittens (an average of 2.8—Bailey, 1972; Crowe, 1975) are born from late May to the end of June. The kittens are weaned between 60–70 days of age and remain with the female until they are two-thirds to three-quarters grown (usually early winter, November-December). Female offspring become sexually mature in the following year, but males do not become sexually mature until the second year.

Crowe (1975) reported a juvenile survival rate of from practically zero to a maximum survival rate of approximately 71 percent, with a 20-year average of 27 percent young survival. Bailey (1972) and Crowe (1975) reported very low natural mortality (about 4 percent) once bobcats survived their second winter. Crowe (1975) found that while the young-of-the-year were extremely susceptible to variations in prey populations, adults were resistant to mortality induced by changes in prey abundance. He concluded that survival rates of the young may be the major factor in bobcat population fluctuations.

The density of bobcats in a given area with no human interference is influenced by social behavior, habitat quality, prey base, and interspecific competition. The number of adults in an area appears to remain relatively stable throughout the year (Bailey, 1972). Bobcats space themselves by mutual avoidance throughout their range and avoidance appears to be greatest between animals of the same sex. Bobcats are territorial in nature, following well-established routes and using feces and urine posts (scrapes) to delineate their territory. According to Bailey (1974), the primary function of territoriality appears to be the spacing of individuals, thus ensuring an adequate supply of resources.

When old enough to become self-sufficient, bobcats wander in search of available territories. Most transient bobcats appear sexually immature (Bailey, 1972), it is probable they do not rear young until they have permanently settled in an area (established a home range). Adult resident bobcats appear to prevent transients from rearing young in their territory.

Crowe (1975) calculated age specific survivorship at approximately 67% of the adults surviving each year in the exploited population. The annual recruitment of bobcats into a population is about 0.71 kittens per female. If it is assumed that the average litter size is 2.8 and that the annual kitten survival rate based on a 20-year average is 26 percent, then the annual recruitment rate of new bobcats into a population is approximately 0.71 kittens per breeding female.

Based on the above population estimates, using the value of 0.71 kittens surviving per female (Crowe, 1975) and assuming that the ratio of males to females in the population is nearly equal, the annual recruitment of young-of-the-year into the population would be 254,000 to 362,000 individuals. The sex ratio among 28,432 bobcats caught by government trappers from 1915 to 1956 was 100 males to 77.6 females (Gashwiler et al., 1961). The greater movements of males could produce a bias in the sex ratio of trapped animals because of increased opportunities for capture.

Crowe (1975) employed a model for exploited bobcat populations in Wyoming to predict the limits within which harvested bobcats may be expected to respond. He found that 33 percent of the bobcats could be harvested from an area annually

without affecting the overall bobcat population. With a recruitment of 254,000 to 362,000 juveniles into an existing population of 725,000 to 1,020,000 adults, the population of bobcats would be anywhere from 979,000 to 1,382,000 before the following hunting and trapping season (usually Dec. 1–Feb. 28). Each state sets a season to manage the bobcat and regulate the harvest. Many states have management plans to annually harvest 10 to 20 percent of the bobcat population. Few exceed this percentage in actual take. In the past 5 years, the annual take of bobcats has averaged about 92,000; thus, the overall U.S. annual take is less than 10 percent of the available population. Since many young-of-the-year and juveniles would not survive their first two years of life, trapping and hunting are probably taking animals out of the population that ordinarily would die from natural causes.

Habitat availability and prey abundance appear to be the determining factors affecting bobcat numbers. Harvesting by man appears to have little direct effect on the overall adult or breeding population because much of the harvest involves nonreproducing individuals. This is reflected in age-class data compiled by most states. Age-classes 0–1 and 1–2 years are most heavily exploited by hunters and trappers. Nearly 53% of the bobcats harvested annually are in these two age groups. Many of these animals are transient juveniles that have not established territories and have not been incorporated into the existing breeding population.

Available information furnished annually by the states indicates the bobcat populations in the U.S. have generally remained stable, with little significant increase or decrease since nationwide data collection began in 1977.

Trade Status

Until recently, bobcat pelts had little monetary value and trapping for commercial purposes was not an important reason for taking the animal. Generally, it was treated as a predator and hunted for sport or bounty. For the past 5 years approximately 92,000 bobcats have been harvested annually. Available data show that in many states 55 percent of the harvest is by trappers and 45 percent by hunters. Only 35 percent of the bobcat pelts harvested are exported (4-year average, 1976–79).

Even without regulation by CITES, evidence that most of the harvest is not exported demonstrates that bobcats probably would continue to be harvested in many states at nearly the present level. While trappers take bobcats primarily for the fur trade, which is largely an export market, hunters shoot them for sport and do not regularly sell the pelts. For example, in 1976–77, California harvested approximately 20,000 animals of which 15,000 were taken by hunters. In addition to commercial and sport harvests, a number of animals are removed annually because of their threat to livestock and poultry. In the southeast and southwest where pelts do not bring top prices, much of the harvest involves sport hunting and predator control.

The bobcat pelts harvested for export are used for manufacture into garments, mostly as trim on cloth coats or as full length coats. Generally, only the larger pelts and prime skins are exported. Even with the tremendous rise in fur prices, especially in 1978–79, the harvest of bobcats and the number of pelts exported did not rise significantly. Possibly this is because only prime pelts are utilized in trade and the numbers required by the European market is limited. The prices paid for pelts reached a peak in 1978–79 ($145) and presently have fallen by at least 30 percent ($103).

Protection

Before 1976, the bobcat was listed as a predator by many states and there were few states with closed seasons or management programs for the species. Many states paid a bounty for the removal of nuisance bobcats. Presently, no state pays a bounty and all states manage the bobcat as a game animal, furbearer or protected species. Currently, (1980–81 season) 11 states list the bobcat as protected against taking and 37 states allow a regulated harvest of bobcats.

Of the states now allowing bobcat harvest, all have a limited season running usually between November 1 to March 31. This season insures against the taking of adults in the breeding season and against the taking of immatures. Thirty-two states require mandatory tagging of all pelts and the reporting of all cats taken. Reporting is usually required within 6 to 7 days after the taking of a bobcat. Some states have a seasonal quota on harvest and others have established a limit or number that each trapper or hunter can take.

All states within the U.S. allowing bobcat harvest presently have the population data and the management ability needed to regulate that harvest by means of seasons, bag limits, mandatory tagging and reporting, and habitat manipulation. This is reflected by the change of status of the bobcat in many states from a predator to a game animal or a furbearer and the strict regulation of the harvest. Each state adjusts its harvest season for the purpose of preventing the taking of excess numbers. For example, in 1980–81, Nevada reduced its trapping season by one-third and this in turn reduced the bobcat harvest by 22 percent, and in 1981–82, South Dakota will close its bobcat season for two years to allow the population to build up.

Each state in the U.S. that allows bobcats to be harvested has established a management program for the species. There is no sound biological basis for establishing additional legal protection. Because approximately 60 percent of all bobcats harvested are utilized within the U.S., the elimination of CITES export requirements would have little impact on the current or future harvest of the species. In effect, each state has determined export will not be detrimental to the survival of the species when a decision is made to allow an annual harvest. Subsequent establishment of bag limits and periods during which harvest is allowed insure the continued survival of the species.

Similar Species

The lynx is the only animal whose pelt might be mistaken for that of the bobcat. While somewhat similar in appearance to the Canadian lynx (*Lynx canadensis*), the bobcat differs from it in having shorter legs, smaller feet with exposed toe pads, ears tufted slightly or not at all, a longer tail not black all around and white at the tip, and shorter fur.

The draft proposal contains illustrations and a full description of characters used to distinguish the bobcat from the lynx or other cats. Pelts of these species are sufficiently distinct that there is no reasonable need to regulate bobcat exports in order to effectively control trade in lynx or other species.

Schedule of Events

The Service requests comment on the present notice for 60 days and plans to reach a final decision on the proposal in December, 1981. At that time, the Service will publish a **Federal Register** notice of its decision and, if appropriate, send a proposal to the CITES Secretariat for consideration through the postal procedure.

This procedure, set forth in Article XV of CITES, is as follows:

(a) Any party may propose an amendment to Appendix I or II for consideration between meetings by the

postal procedures set forth in this paragraph.

(b) For marine species, [section omitted].

(c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.

(d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under subparagraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.

(e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.

(f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of subparagraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

(g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of subparagraph (h), (i), and (j) of this paragraph.

(h) The Secretariat shall notify the Parties that notification of objection has been received.

(i) Unless the Secretariat receives the votes for, against, or in abstention from at least one-half of the Parties within 60 days of the date of notification under subparagraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.

(j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.

(k) The Secretariat shall notify all Parties of the result of the vote.

(l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

Alternatives

As a result of this proposal, there are two alternatives: (1) delete the bobcat from the Appendices altogether or (2) take no action and retain the species in Appendix II.

(1) Delete the bobcat from the Appendices altogether.

CITES controls for the exportation of bobcat pelts generally have not been more restrictive than regulations imposed by individual states on the harvest of the species. Therefore, delisting would not result in any threat to the bobcat because management of bobcats will continue to be exercised by the states. If evidence should later show the species to be potentially threatened by trade, the species could be reinstated in Appendix II.

(2) Retain the bobcat in Appendix II.

This alternative would weaken the effectiveness of CITES as a conservation tool in the U.S. Removal of the bobcat from Appendix II is needed to improve the integrity of CITES, in compliance with criteria adopted by the party nations. Information now available shows that the species is inappropriately listed in the appendix, which imposes unnecessary permit requirements upon state agencies and the public.

Request for Information

The Service requests information that might be useful in determining if the bobcat is appropriately listed in Appendix II. Please address correspondence to the Office of the Scientific Authority (address given above).

This notice is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. et seq.; 87 Stat. 884, as amended). It was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority, telephone (202) 653-5948.

Note.—The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601).

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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[FR Doc. 81-26024 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of proposed change in appendix and request for comments.

SUMMARY: This notice proposes to increase the total allowable level of foreign fishing (TALFF) of Pacific whiting in the fishery conservation zone off the Washington, Oregon, and California coasts by releasing the reserve of Pacific whiting for allocation by the Department of State. Regulations allow the Regional Director to release any part of the whiting reserve to TALFF in excess of domestic needs as soon after August 1 as practical.

DATE: Comments on this proposed action are invited until September 29, 1981.

ADDRESSES: Comments may be mailed to H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sandpoint Way NE., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206–527–6150.

SUPPLEMENTARY INFORMATION: On February 10, 1977, a preliminary fishery management plan (PMP) prepared by the Secretary of Commerce was published in the **Federal Register** (42 FR 8578). The PMP established conservation and management measures for the foreign trawl fisheries of the Washington, Oregon, and California region under authority of Section 201(h) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.* The fourth amendment to the PMP, published in the **Federal Register** on May 20, 1981 (46 FR 27483), established an optimum yield of 175,000 mt, a domestic annual harvest (DAH) of 80,000 mt, and a TALFF of 60,000 mt. Because of uncertainties in stock abundance and DAH, 35,000 mt of the optimum yield were held in reserve until better information could be obtained. Provisions were made in the

fourth amendment for the Regional Director or his designee, to release to TALFF any part of the whiting reserve and DAH in excess of domestic needs as soon as practical after August 1 if events and available data justified this action. A 15-day comment period (following publication of the proposal) was established to allow for public review of a proposal to release any part of the whiting reserves or DAH. This action constitutes such a proposal. All pertinent statistics are available for public review in the Regional Office during this time.

The following criteria for release of the reserve and excess DAH were established in the fourth amendment to the PMP. The Regional Director may supplement TALFF with all or part of the Pacific whiting reserve and DAH in excess of domestic needs if, as of July 1:

(1) The results of the spring larval whiting assessment support the OY estimate; and

(2) The part of the Pacific whiting reserve and DAH to be added to TALFF will not be harvested by domestic vessels during the rest of the fishing year, as determined by U.S. catch and effort compared to previously projected U.S. catch and effort for the rest of the fishing year.

Statistics reviewed by the Regional Director indicate that, by July 1, the criteria for release of the whiting reserve were met:

(1) The 1981 whiting larvae survey showed no significant changes in spawning biomass, and thereby supports the 1981 estimate of OY; and

(2) The unharvested balance of the initial DAH estimate of 80,000 mt represents domestic needs and intentions for the remainder of 1981. The inseason survey of shore-based processors reaffirmed the accuracy of the initial domestic annual processing (DAP) estimate of 5,000 mt of whiting. Although one foreign processor (joint venture) ceased processing U.S. harvested whiting in June, demand from other joint venture participants has increased and compensates for this withdrawal; the initial estimate for joint venture processing (JVP) of 75,000 mt therefore remains the same. Consequently, no part of the DAH is available for TALFF and domestic intentions are not to harvest any part of the whiting reserve of 35,000 mt.

Based on the above information, the Regional Director proposes that the 35,000 mt reserve be added to TALFF.

In promulgating regulations providing for this action, the Assistant Administrator determined that this action is consistent with the national standards and other provisions of the Mangnuson Act, and other applicable law. The Administrator of NOAA further determined that this not a "major rule" under E.O. 12291, and that it will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rule does not change any existing collection of information requirements.

Dated: September 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611 is proposed to be amended as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. In § 611.20, Appendix I, Entry 5 is revised to read as follows:

§ 611.20 Total allowable level of foreign fishing.

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Appendix I.—Optimum Yield (OY), Domestic Annual Harvest (DAH), Domestic Annual Processing (DAP), Joint Venture Processing (JVP), Domestic Non-processed Fish (DNP), Reserve, and Total Allowable Level of Foreign Fishing (TALFF), all in Metric Tons

Species and species code	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
• • • • • •							
5. Northeast Pacific Ocean Fisheries: Washington, Oregon, and California Fisheries.							
Pacific whiting, 704	175,000	80,000	5,000	[18] 75,000		0	[illegible]
Shortbelly rockfish, 850	10,000	10,000	7,500	2,500		0	[14] 0
Flounders, 129	36,400	36,400	36,400	[14] 0		0	[14] 0
Jack mackerel, 208	55,000	55,000	55,000	[14] 0		0	[14] 0
Rockfishes, excluding Pacific ocean perch, 849	43,300	43,300	43,300	[14] 0		0	[14] 0
Pacific ocean perch, 780	1,000	1,000	1,000	[14] 0		0	[14] 0
Sablefish, 703	13,400	13,400	13,400	[14] 0		0	[14] 0
Other species, 499	26,100	26,100	26,100	[14] 0		0	[14] 0
• • • • • •							

[18] Includes 200 mt taken incidentally in shortbelly joint venture.
[14] See § 611.70(b)(1)(iii) for incidental catch allowances.

[FR Doc. 81-26704 Filed 9-11-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 177
Monday, September 14, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended September 4, 1981

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Subpart Q Applications

Date filed	Docket No.	Description
Sept. 2, 1981	39975	Trenton Hub Express Airline, Inc., Post Office Box 1117, Flemington, New Jersey 08822. Application of Trenton Hub Express Airline, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in unrestricted nonstop scheduled air transportation of passengers, property and mail as follows: Between and among the terminal point Trenton, New Jersey, and the alternate terminal points: Albany, New York, Atlanta, Georgia, Boston, Massachusetts, Buffalo, New York, Charlotte, North Carolina, Chicago, Illinois, Cincinnati, Ohio, Cleveland, Ohio, Columbus, Ohio, Detroit, Michigan, Fort Lauderdale, Florida, Hartford, Connecticut, Indianapolis, Indiana, Orlando, Florida, Pittsburgh, Pennsylvania, St. Louis, Missouri, Syracuse, New York, Tampa, Florida, Washington, D.C., West Palm Beach, Florida. Conforming Applications, motions to modify scope, and Answers may be filed by September 30, 1981.
Sept. 1, 1981	39972	Golden West Airlines Co., 4200 Campus Drive, P.O. Box 1877, Newport Beach, California 92663. Application of Golden West Airlines Co. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its certificate of public convenience and necessity for Route 201 be amended so as to authorize the nonstop round trip carriage of persons, property, and mail between the points listed below: Orange County, California— Monterey, California (MRY) Conforming Applications, motions to modify scope, and Answers may be filed by September 29, 1981.
Sept. 4, 1981	39991	Philippine Airlines, Inc., c/o Arthur D. Bernstein, Galland, Kharasch, Calkins & Short, 1054 Thirty-first Street NW., Washington, D.C. 20007. Application of Philippine Airlines, Inc. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests that its foreign air carrier permit be amended to authorize it to engage in foreign air transportation with respect to passengers, property, and mail in accordance with the rights expressed in Paragraph D of the MOU and Annex I of the Agreement as follows: *Under the MOU* *Until September 1, 1981* Route 1: From the Philippines to Palau, Guam and Saipan and return Route 2: From the Philippines via Japan to Honolulu, San Francisco, Los Angeles, one point in the United States to be selected by the Republic of the Philippines and beyond to one other country to be selected by the Republic of the Philippines Route 3: From the Philippines via intermediate points to Guam, Honolulu, San Francisco, Los Angeles, five points in the United States to be selected by the Republic of the Philippines and beyond. *From September 1, 1981 to August 31, 1982* Route 1: From the Philippines to Palau, Guam and Saipan and return Route 2: From the Philippines via Japan to Guam, Honolulu, San Francisco, Los Angeles, two points in the United States to be selected by the Republic of the Philippines and beyond to two countries to be selected by the Republic of the Philippines. Route 3: From the Philippines via intermediate points to Guam, Honolulu, San Francisco, Los Angels, five points in the United States to be selected by the Republic of the Philippines and beyond. *Under the Air Transport Agreement* *From September 1, 1982 and thereafter* Route 1: From the Philippines to Palau, Saipan and Guam and return Route 2: From the Philippine via intermediate points to Guam, Honolulu, San Francisco, Los Angels and five points in the United States to be selected by the Republic of the Philippines and beyond to three countries to be selected by the Republic of the Philippines Route 3: From the Philippines via intermediate points to Guam, Honolulu, San Francisco, Los Angeles and five points in the United States to be selected by the Republic of the Philippines and beyond. Answers may be filed by October 2, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-26662 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33068 and 39760; Order 81-9-35]

Application of Pan American World Airways, Inc.; Transpacific Low-Fare Route Investigation (Japan Phase)

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of September 1981.

In the matter of Transpacific Low-Fare route Investigation (Japan Phase) [Docket 33068] and application of Pan American World Airways, Inc. for restriction removal, pursuant to section 401(e)(7)(B) of the Federal Aviation Act of 1958, as amended (U.S.-Japan-Philippines) [Docket 39760].

Order

By Order 81-1-30, December 24, 1980, we granted additional transpacific route authority to U.S. carriers, but reserved judgment on the question of new and improved Japan authority pending United States-Japan aviation discussions. We found that the public

interest would best be served by deferring the question of the award of new authority and of restriction removal until after the talks with the Japanese to afford the U.S. negotiators flexibility in dealing with their Japanese counterparts.

The talks with the Japanese focus on the questions of new entry and new designations under the United States-Japan aviation agreement. Those talks are continuing and some progress is being made. Although we assume that an agreement will be reached, we do not know how many additional designations will be available to U.S. carriers, or if the designations will be on a phased basis, since we cannot predict the negotiating climate with certainty..We can foresee three possible outcomes of the negotiations. First, the parties may fail to reach agreement. In that event, the U.S. retains its Bermuda I multiple designation rights. Second, as part of an overall agreement, both parties could agree to a new designations article which also permits unlimited designations by both parties. The third possible alternative is that there will be limitations on the number or timing of the designations of new carriers in the U.S.-Japan market.

We wish to be in a position to proceed quickly to authorize new U.S. carriers to serve the U.S.-Japan market under any of the several possible resolutions of the talks. In the *Transpacific Low-Fare Route Investigation,* Judge Sobernheim recommended award of multiple authority in the U.S.-Japan market. Therefore, if a multiple-entry policy is adopted, we are in a position to respond promptly to that outcome based upon the record in the *Transpacific* case. We think that it is also desirable to have a forum to consider expeditously the grant of additional authority in the event that the negotiations result in limitations on the number of carriers that may serve the market. This approach will enable U.S. carriers to take quick advantage of opportunities that may result from the discussions.

The record in the *Transpacific* case does not, as presently developed, provide use with a basis for carrier selection.[1] Therefore, we have decided to reopen the record in the *Transpacific* investigation and to remand it for an oral evidentiary hearing before an administrative law judge to consider which U.S.-flag carrier(s) should be selected for primary and back-up authority to serve the U.S.-Japan market and what conditions, terms or limitations, if any, should be attached to that authority.

We confirm our finding that the authorization of new U.S.-flag service to Japan is consistent with the public convenience and necessity.[2] Therefore, the *Japan Phase* of the remanded *Transpacific* case need not consider this issue. Only the selection of a carrier or carriers, and ancillary matters, will be considered.

Certain aspects of the scope and decisional criteria we expect to use in this reopened phase of the *Transpacific* case bear emphasis. The schedule routing should correspond to the present North Pacific Central Pacific and Micronesia routings contained in the existing United States-Japan Air Transport Services Agreement, as amended (Agreement). As noted, we do not know at this time how many additional carriers should be certificated over each routing or whether the designations will be on a phased basis. Therefore, it is necessary to retain the flexibility to license one or more carriers over each or less than all of the schedule routings. We ask the judge to rank the top three applicants overall and the top three applicants for each routing.

In selecting the carrier or carriers to serve the U.S.-Japan market, our primary focus will be on improving the market structure and the level of competition in the U.S.-Japan air transportation system in order to promote a competitive environment that will sustain the greatest public benefits over time. Although we realize that under the terms of the existing agreement with the Japanese, carriers will be able to combine their newly gained authority to service Japan with their other transpacific authority, the focal point of this investigation will be on economically viable service in the U.S.-Japan market. We will also take into account fares and services in determining which carriers will be selected, although these factors may carry less decisional weight than market structure considerations. We do not exclude other factors historically used by the Board for carrier selection where they are relevant.

In Order 81–1–30, we deferred action on the requests of Northwest and Pan American to eliminate certain restrictions on their U.S.-Japan certificate authority. Northwest requests the removal of condition (7) of its certificate of public convenience and necessity for Route 129 which requires it to make a mandatory stop in Honolulu on flights between California and Tokyo.[3] One of the restrictions prevents Pan American from serving points in Japan on flights between the United States and the Philippines.[4] On June 29, 1981, Pan American filed a second application for amendment of its certificate of public convenience and necessity for Route 130 to remove the restriction. Answers in opposition to Pan Am's application were filed by Northwest Airlines, Inc.; DHL Corporation; the Department of the Interior; the Governor of Guam, the Guam Airport Authority, and the Guam Growth Council; the Commonwealth of the Northern Mariana Islands; the Guam Oil and Refining Company; and Jones and Guerrero Company, Inc.[5] On July 22, 1981, Pan Am filed a motion for leave to file an unauthorized reply to the answers of the Guam Oil and Refining Company and Jones and Guerrero Company, Inc.[6] Pan Am's filings and the answers are summarized in Appendix B.

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[1] As we stated in Order 80–10–44, we agreed with Judge Sobernheim's conclusion that the record in the *Transpacific* investigation does not present sufficient evidence to rank carrier proposals or award authority on the basis of ranking.

[2] Orders 81–5–5, 81–3–36, 81–1–30.

[3] By Order 81–5–5 we granted Northwest a *pendente lite* exemption for this restriction to permit the carrier to operate nonstop between Los Angeles and San Francisco, California and Tokyo, Japan. By Order 81–9–34 we denied a petition for reconsideration of this exemption and indicated that Northwest's restriction removal application would be disposed of in the *Japan Phase* of the remanded *Transpacific* case. Naturally, our decision to grant Northwest a *pendente lite* exemption will have no bearing on our disposition of its certificate amendment application.

[4] Route 130 contains two transpacific routings that bifurcate at Guam. Since Japan and the Philippines are on separate branches, Pan Am may not serve both countries on the same flight. *See* Order 78–5–165.

[5] The deadline for answers was extended to July 21, 1981, by the Secretary acting under delegated authority.

[6] We will grant Pan Am's motion.

We will consolidate Pan Am's certificate amendment application into the remanded investigation.[7] We will also place in issue the restriction removal request of Northwest and Pan Am that we deferred by Order 81–1–30. In addition, we will place in issue the suspension, alteration or amendment under section 401(g) of the dormant authority of Trans World Airlines to serve Okinawa on Route 164. We will *not*, however, consider as an issue in this reopened phase of the *Transpacific* case any action under section 401(g) with regard to the certificate authority held by Continental, Flying Tiger, Northwest, Pan American and United Air Lines to serve Japan.

In accordance with Board policy, we shall issue the primary and back-up authority in the form of temporary certificates under section 401(d)(8) of the Act.[8] We ask, however, that the parties and the administrative law judge explore the terms of the temporary certificates and the selection of realistic inauguration dates that take into account factors peculiar to the market. The service proposals of the back-up carriers need not necessarily be over the same routing as those of the primary carrier.

We request that all applications, motions to consolidate, petitions to intervene and petitions for reconsideration be submitted within 15 days of the service of this order.[9] Answers should be filed within 10 days thereafter. To reduce the delay and costs of the evidentiary burden associated with traditional carrier selection cases, we invite the parties to explore with the judge ways to reduce the quantity of required exhibit material, eliminate duplication and excessive detail, standarize methodology, and focus on significant facts and assumptions. Although the record in the *Transpcific* case does not permit us to rank carrier proposals, it does contain much useful information. We urge the parties to use the record in that case where possible in the preparation of their exhibits and testimony in this reopened phase. We leave the resolution of these matters to the administrative law judge.

Accordingly, 1. We reopen the record in the *Transpacific Low-Fare Route Investigation*, Docket 33068, and remand it for an oral evidentiary hearing before an administrative law judge;

2. We designate the remanded proceeding as the *Transpacific Law-Fare Route Investigation (Japan Phase)*, Docket 33068;

3. The remanded proceeding shall include consideration of the following issues:

(a) Which carrier or carriers should be authorized to engage in foreign air transportation of persons, property, and mail between a point or points in the United States and a point or points in Japan;[10]

(b) What terms, conditions, or limitations, if any, should be attached to the authority granted;

(c) Does the public convenience and necessity require us to alter, amend, modify, or suspend the certificate authority of Trans World Airlines, Inc. to engage in foreign air transportation of persons, property, and mail between Los Angeles, Ontario and Long Beach, California, the intermediate points Honolulu, Hawaii and Guam, and Okinawa, Japan;

(d) Whether condition (7) of the certificate of public convenience and necessity of Northwest Airlines, Inc. for Route 129 should be deleted;

(e) Whether conditions (9) and (13), and (10), insofar as it relates to service to Japan, of the certificate of public convenience and necessity of Pan American World Airways, Inc. for Route 130 should be deleted;

(f) Whether the condition in the certificate of public convenience and necessity of Pan American World Airways, Inc. for Route 130 which prevents Pan American from serving points in Japan on flights between the United States and the Philippines should be deleted;

4. Applications, petitions for reconsideration, petitions to intervene, and motions to consolidate shall be filed no later than September 24, 1981;

5. Answers shall be filed no later than October 5, 1981;

6. We consolidate the application of Pan American World Airways, Inc. in Docket 39760 into the remanded proceeding in Docket 33068;

7. We grant the motion for leave to file an unauthorized reply of Pan American World Airways, Inc. in Docket 39760;

8. Except to the extent granted, all applications, motions, and other requests are denied; and

9. We shall serve a copy of this order upon all parties to Docket 33068; the Department of the Interior; the Governor of Guam, the Guam Airport Authority, and the Guam Growth Council, the Commonwealth of the Northern Mariana Islands; the Guam Oil and Refining Company; and Jones and Guerrero Company, Inc.; and all certificated air carriers.

We shall publish this order in the **Federal Register**.[11]

By the Civil Aeronautics Board.[12]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-26666 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 35084, 39715, 39722, 39872; Order 81-9-20]

Applications of United Air Lines, Inc., et al.; Emergency Air Transportation Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of September 1981.

In the matter of applications of United Air Lines, Inc. for an exemption pursuant to section 403 of the Federal Aviation Act of 1958 [Docket 35084], application of Transamerica Airlines, Inc. for an emergency exemption from sections 401 and 403 of the Act [Docket 39715], Emergency Air Transportation Requirements [Docket 39722] and application of Trans World Airlines, Inc. for an exemption pursuant to section 416(b) of the Act [Docket 39872].

Order

By Order 81–8–86, August 13, 1981, we granted exemptions from our essential air service requirements in order to relieve carriers form certain service requirements during the service cutbacks resulting from the job action by the Professional Air Traffic Controllers Organization (PATCO).[1] In that order, we also indicated that, in order to ease the financial difficulties

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[7] Our decision to consider Pan Am's application to operate U.S.-Tokyo-Manila service has no bearing on the essential air service needs of Guam, nor does it constitute approval for any reduction in Pan Am's existing service to Guam. While Pan Am's application indicates an intention to reroute Honolulu-Guam-Manila flights via Tokyo, it can reduce its existing service to Guam only in connection with a properly filed notice under section 401(j) of the Act and Part 323 of the Board's regulations. On July 1, 1981, Pan Am filed such a notice to reduce its service between Honolulu and Guam from six roundtrips per week to five, effective October 1, 1981, Docket 39774. By Order 81–9–28 the Board took no action to prohibit Pan Am from reducing its service.

[8] Backup awards will be needed only in the case of limited designations.

[9] Carriers with existing applications in the *Transpacific* case should submit new applications which conform to the scope of the reopened *Japan Phase*. They will not be charged an additional filing fee. Pan Am need not refile its application in Docket 39760. New applicants may file applications under normal procedure.

[10] This includes the issue of carrier fitness.

[11] Appendices A and B filed as part of the original document.

[12] All members concurred.

[1] *See also* Order 81–8–22, August 6, 1981; Order 81–8–148, June 19, 1981 (by Director, BDA, under delegated authority).

experienced by carriers providing essential air service, we would accept 401(j) and 419(a)(3) notices for suspensions of service from nonsubsidized essential air service carriers and consider immediate hold-in Payments, but not invite proposals to provide replacement service for the duration of the emergency unless the filing is unrelated to it. We stated in that order that "[i]f carriers desire such payments because of this emergency situation, they should indicate that the filing of the notice is for this purpose and that they intend to resume normal unsubsidized service." [2]

By this order we are delegating authority to the Director, Bureau of Domestic Aviation, to authorize the payment of hold-in compensation for the purpose described above. In addition, we will delegate to the Director, BDA, authority to exempt carriers from the notice provisions of sections 401(j) and 419(a)(3) of the Act to the extent that they require 30 or 90 days' notice prior to termination, reduction or suspension of service during the period of service cutbacks.

Upon the filing of a 401(j) or 419(a)(3) notice by a nonsubsidized EAS carrier, the Director, BDA may (1) exempt that carrier from the statutory notice period and (2) authorize payment of hold-in subsidy. These payments should provide sufficient compensation for the actual costs of providing essential air service, but will not cover a carrier's general and administrative expenses. In addition, payments will cover only those losses attributable to the PATCO walk-out, and not those losses unrelated to the emergency situation.[3] Payment will be effective from the date of the filing of the notice. We will exempt carriers from the statutory time periods set forth in sections 401(j) and 419(a)(3) here because of the unusual circumstances resulting from the PATCO job action. The emergency situation was beyond the carriers' control and ability to predict; therefore, we could not expect the carriers to file their notices any earlier.

We have also decided to make an adjustment to Order 81–8–86 in order to clarify which carriers remain bound to file notices of terminations, reductions, or suspensions of service in accordance with ordering paragraph 3 of Order 81–8–86. We here make clear that we will require the filing of a notice from (1) carrier(s) that we have designated as providing essential air service or on whom we are relying to provide essential air service at points where we have defined essential air service; and (2) any air carrier that carried more than 20 percent of the enplanements in the second quarter of 1981 at points where we have not defined essential air service.

Our previous orders exempted carriers from the statutory notice requirements to the extent that such requirements would prohibit service cutbacks required to comply with flight schedule plans established by the FAA.[4] We have not granted exemption authority to carriers to permit them to reduce service without notice when such action is unrelated to the air transportation emergency.[5] Moreover, in cases in which a carrier terminates or reduces service in accordance with this exemption authority but its service is critical to the community's needs, we may override this exemption and order the carrier to maintain service.

In addition, we have decided to extend the effective dates of the exemption authority awarded in Order 81–8–86, except the reduction of EAS levels to one daily round trip. The reduction to one daily round trip was the most drastic of the actions we have taken. It appears that the air traffic control system is operating at sufficient capacity to accommodate these few additional services so we will eliminate that exemption. If any carrier cannot comply with the requirement to provide a minimum of two daily round trips, it should request a specific exemption from this requirement.

We will extend the remaining exemption authority until October 1, 1981, when the first normal schedules under the FAA's long-term plan will be in place.

We will extend the time period for interested persons to file comments on these actions until September 11, 1981. The FAA has indicated that it will release its long-term plan for the operation of the air transportation system on September 8, 1981. Commenters will be able to respond to the effects of the FAA's plan on our actions here.

Accordingly, 1. We delegate authority to the Director, Bureau of Domestic Aviation, to (1) authorize the payment of immediate hold-in subsidy under section 419(a)(7) to carriers currently providing nonsubsidized essential air service that file notices under sections 401(j) and 419(a)(3) of the Act under the circumstances described in this order; (2) exempt carriers from the 30/90 day notice provisions of section 419(a)(3); and (3) exempt individual carriers from the requirement to provide two daily round trips;

2. We require all carriers filing a notice under sections 401(j) and 419(a)(3) in order to receive immediate payments, to supply the following information with their notices:

For the month of July and the period August 1st to date:

(1) EAS departures by aircraft type;

(2) EAS miles flown by aircraft type;

(3) EAS passengers (in the event that more than two points are involved in the EAS service, the passenger totals must be broken out by on-line O&D markets).

In addition, a current schedule of EAS service should be provided;

3. We amend ordering paragraph 3 of Order 81–8–86 by deleting the phrase "the last carrier serving a point" and inserting instead "(1) carrier(s) that we have designated as providing essential air service at points where we have defined essential air service; and (2) any air carrier that carrier more than *20* percent of the traffic in the second quarter of 1981 at points where we have not defined essential air service;"

4. We amend ordering paragraph 10 of Order 81–8–86 by deleting "September 9, 1981," and inserting instead "October 1, 1981; except that our award of exemption authority which permits carriers to provide a minimum of one, instead of two, round trips per day shall expire on September 9, 1981;"

5. We will accept comments from persons requesting modification or curtailment of these exemptions or commenting on the desirability of extending this authority beyond October 1, 1981; comments should be filed in Docket 39722 by September 11, 1981;

6. This order shall be effective immediately. The authority delegated to the Director, Bureau of Domestic Aviation, in ordering paragraph 1 shall expire on November 1, 1981; and

7. We will serve a copy of this order on all U.S. certificated and foreign carriers, all commuter air carriers, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation

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[2] Order 81–8–86 at 3.

[3] We require all carriers filing a notice under section 401(j) or 419(a)(3) in order to receive immediate payments, to supply the following information with their notices;

For the month of July and the period August 1st to date:

(1) EAS departures by aircraft type.

(2) EAS miles flown by aircraft type.

(3) EAS pasengers (in the event that more than two points are involved in the EAS service, the passenger totals must be broken out by on-line O&D market).

In addition, a current schedule of EAS service should be provided.

[4] Orders 81–8–86, August 13, 1981; 81–6–148, June 19, 1981.

[5] *See* Order 81–9–6, September 1, 1981.

Administration, the Professional Air Traffic Controllers Organization, the Postmaster General, the Department of Defense, the Aviation Consumer Action Project, the Air Transport Association of America, the aviation agency of each State, Territory and possession of the United States, and all eligible points with effective essential air service determinations.

A copy of this order will be published in this Federal Register.

By the Civil Aeronautics Board.[6]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-26663 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39595]

Japan Air Lines Co., Ltd. and Northwest Airlines, Inc.; Assignment of Proceeding

In the matter of complaint of Japan Air Lines Company, Ltd. against Northwest Airlines, Inc.: "Export Inland Contract" Rates.

The above-entitled case has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., September 8, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-26661 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-9-43]

Midway Airlines Additional Points Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (81-9-43).

SUMMARY: The Board is instituting the *Midway Airlines Additional Points Proceeding* and is proposing to grant unrestricted authority to Midway Airlines at Orlando and Tampa under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file, and serve on all persons listed below, no later than September 25, 1981, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order shall be filed in Docket 39752, which we have entitled the *Midway Airlines Additional Points Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Midway Airlines; Florida Department of Transportation, Aviation Bureau; Mayors of Clearwater, Orlando, St. Petersburg and Tampa; and the airport authorities at Orlando and Tampa.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5384.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-43 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-9-43 to that address.

By the Civil Aeronautics Board, September 8, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-26664 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39934; Order 81-9-33]

Republic Airlines, Inc.; Approval of Subcontract Service and Compensation at Beloit/Janesville, Wis.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of September 1981.

By this order, the Board is approving the application of Republic Airlines, Inc., to replace Republic's service at Beloit/Janesville, Wisconsin, with service to be provided under a subcontract arrangement by Mid-Continent Airlines, Inc. Under the terms of this arrangement, the Board will pay Republic compensation for losses of $28,700 per month which Republic will pay to Mid-Continent.

On January 16, 1981, Republic filed in Docket 39162 a 90-day notice of intent to terminate service at Beloit/Janesville under section 401(j)(1) of the Federal Aviation Act of 1958, as amended. We prohibited Republic from terminating its service at this point until replacement service is initiated. Subsequently, the Board's essential air service staff has been conducting a carrier selection proceeding under section 419(a)(4) of the Act. Mid-Continent is the only applicant in that proceeding. Republic has advised the Board that, as a consequence of the Federal Aviation Administration's restrictions on aircraft operations following the firing of striking members of the Professional Air Traffic Controllers Organization, the carrier's landing slots at Chicago have been sharply reduced to the point where Republic can no longer maintain reliable service to Beloit/Janesville. Republic states that it has contacted Mid-Continent and that Mid-Continent would be able to initiate service immediately to Beloit/Janesville with Piper Navajo aircraft, using slots currently available to Mid-Continent at Chicago. The service would consist of four round trips between Beloit/Janesville and Chicago per weekday and two round trips over the weekend period. Compensation for losses amounting to $28,700 per month ($344,400 annually) would be paid by the Board to Republic, which would pay the funds to Mid-Continent. This compensation for losses would be in lieu of Republic's existing compensation for serving Beloit/Janesville, and it would be set as a final rate, not subject to retroactive adjustment for as long as it remains in effect. Mid-Continent instituted service on August 17, 1981, pending approval of the proposed sub-contract arrangement.

Answers have been filed in the proceeding by Congressman Les Aspin, Rock County Airport Manager Dennis E. VanBeest, and the City of Janesville. In summary, the major points raised in these answers are that: (1) the Board's consideration of this application should not be intertwined with the carrier selection process of Beloit/Janesville; (2) arguments made by Republic about tre number of passengers who use the air service at Beloit/Janesville and the level of service which should be provided at this community are misplaced in this proceeding; (3) Republic should commit itself to supporting the proposed replacement service with, for example, public service announcements or by instructing Republic's personnel to advise Beloit/Janesville-bound passengers of the availability of Mid-Continent's service; (4) the proposed replacement service does not meet Beloit/Janesville's essential service requirements (although two of the persons who raised this point expressed the view that the reduced level of service was acceptable as a temporary expedient); (5) the subcontract arrangement should have a specific termination date; (6) the issues and effects of the firing of the air traffic

[6] All members concurred.

controllers are temporary; (7) replacement service was implemented by Mid-Continent before the Board had approved the subcontract arrangement; (8) Beloit/Janesville had no notice period to review the proposed service; (9) the hasty manner in which replacement service was initiated posed administrative and other difficulties to Rock County officials; and (10) Republic has presupposed that Mid-Continent will be chosen as the replacement carrier at Beloit/Janesville.

We have decided to authorize the replacement service proposed by Republic because the restrictions on aircraft operations due to the reduced capacity of the air traffic control system clearly pose a threat to the uninterrupted provision of essential air service at Beloit/Janesville. Rather than risk a prolonged hiatus of service, we are approving this temporary arrangement so that the community will have service during this period. We wish to emphasize, though, that Republic will continue to be the carrier primarily responsible for the provision of essential air service at Beloit/Janesville. If the replacement service provided proves unnecessary or unacceptable, we shall cancel our authorization of this arrangement and order Republic to resume service.

We have studied the answers carefully, and we believe that the form of action which we are taking here should satisfactorily address the concerns raised in the answers. First, we view our action here as a purely temporary measure. Because we do not know when the replacement service will no longer be desirable, we are not setting a fixed expiration date. Instead, we are reserving the right to unilaterally cancel this arrangement if the replacement service proves unnecessary or unacceptable. Secondly, we expect that Republic will enthusiastically support the replacement service that it is proposing. While we are not prescribing all specific measures that the carrier should take, we shall certainly consider transition problems faced by Beloit/Janesville passengers in considering whether our authorization of the arrangement should be cancelled. We at least expect Republic to aid Mid-Continent in establishing ground services, with reservations, and in informing the public of the replacement schedules. Next, we recognize that the proposed replacement service falls short of our essential air service determination for Beloit/Janesville (Order 79–10–150, October 24, 1979). Again, our action here is a temporary measure which we expect to terminate with either the conclusion of the carrier selection or the restoration of normal air service at Chicago. In Order 81–8–86, adopted August 13, 1981, we permitted carriers which were providing essential air service to reduce their service levels to what effectively amounts to one-half of the essential service determination. The number of round trips to be operated by Mid-continent are in excess of those required by our original determination for Beloit/Janesville, and the 32 one-way seats are well in excess of one-half of those required by our emergency determination. Although the application indicates that Mid-Continent will operate a Dubuque-Beloit/Janesville-Chicago routing, Mid-Continent has informally advised our staff that it will, instead, operate nonstop turnaround service. The compensation reflects this service, which will give Beloit/Janesville passengers more seats to Chicago. Finally, while Mid-Continent is the only applicant in the carrier selection proceeding, our action here is not intended in any way to prejudge the outcome of that process. Until we have made that decision, there can be no guarantee that Mid-Continent will or will not be designated as the essential air service carrier at Beloit/Janesville.

Under section 419(c)(2) of the Act, we must determine that a commuter carrier is fit, willing, and able and that its aircraft conform to applicable safety standards before we pay compensation to it to provide essential air transportation. We have reviewed Mid-Continent's service record, equipment and fuel availability, as well as information from the operational and financial audits performed in the context of our pending carrier selection procedures at Beloit/Janesville[1] and information from the FAA concerning Mid-Continent's compliance with the FAA's safety standards. On the basis of this review we are satisfied that Mid-Continent is fit, willing and able to provide the essential air service at Beloit/Janesville under the terms of its subcontract with Republic. We emphasize, however, that our determination of Mid-Continent's fitness relates solely to and is limited to its scope of operations under the subcontract arrangement with Republic which we are authorizing by this Order. Mid-Continent's fitness to serve Beloit/Janesville as a possible permanent replacement for Republic and more generally under our commuter fitness procedures will be handled in separate proceedings.

[1]Docket 39162.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 419, and 1002(d) thereof, and the regulations promulgated in 14 CFR Part 324:

1. We authorize Mid-Continent Airlines to provide replacement emergency essential air transportation at Beloit/Janesville, Wisconsin, for Republic Airlines, Inc.;

2. We find that Mid-Continent Airlines is fit, willing and able to provide reliable essential air service at Beloit/Janesville under the terms of its sub-contract arrangement with Republic Airlines authorized above;

3. We set the final level of compensation for losses sustained by Republic Airlines, Inc., by virtue of its provision of essential air transportation at Beloit/Janesville, Wisconsin, at $150.00 for each scheduled flight completed beginning August 17, 1981, subject to maximum compensation of $1,200 per weekday and $600 per weekend period;[2]

4. We may, at our discretion, cancel our authorization of Mid-Continent's replacement service at any time after giving 15 days notice;

5. We shall serve this Order upon all parties to this proceeding.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.[3]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-26663 Filed 9-11-81; 8:45 am]

BILLING CODE 6320-01-M

[2]For weekends that fall into two separate calendar months, both weekend days will be considered as part of the latter month for the purposes of calculating both monthly compensation and the monthly compensation ceiling.

[3]All members concurred.

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Bellissima Knitwear, Inc., 5711 Kennedy Boulevard, North Bergen, New Jersey 07047, producer of women's dresses, suits and sweaters (accepted August 21, 1981); (2) Allentown Manufacturing Company, Inc., 315 Linden Street, Allentown, Pennsylvania 18101, producer of women's shirts, skirts, pants and shorts (accepted August 21, 1981); (3) A. B. Coddington Garment Company, Inc.,

P.O. Box C, LaPorte, Indiana 46350, producer of women's suits, slacks, skirts, shorts, vests and blouses (accepted August 24, 1981); (4) Jack Spector, Inc., 37 East 18th Street, New York, New York 10003, producer of paint brush bristles (accepted August 24, 1981); (5) Nordic Enterprises, Ltd., 15365 Woodburn-Monitor Road, Woodburn, Oregon 97071, producer of men's and women's vests and jackets (accepted August 25, 1981); (6) Conaco, Inc., P.O. Box 428, Birmingham, Alabama 35201, producer of steel castings (accepted August 26, 1981); (7) Lake Castings, Inc., 1737 Camp Street, Sandusky, Ohio 44870, producer of iron castings (accepted August 27, 1981); (8) Handi-Pak, Inc., 224 E. 4th Street, Hermann, Missouri 65041, producer of roller skates and toys (accepted August 28, 1981); (9) Decor Lite Enterprises, 10771 Pearl Street, Garden Grove, California 92642, producer of paneling (accepted August 31, 1981); (10) A & D Carriage House, Inc., R.D. #1, Bethlehem, Pennsylvania 18017, producer of women's blouses (accepted August 31, 1981); (11) Garon Knitting Mills, Inc., 101–109 North 30th Avenue, West, Duluth, Minnesota 55806, producer of headwear, gloves, mittens, hosiery, scarves and sweaters (accepted September 2, 1981); (12) Herreria Fernandez, Inc., P.O. Box 7378, Pampanos Station, Ponce, Puerto Rico 00732, producer of steel fence posts and other metal products (accepted September 2, 1981); (13) Crescent Industrial Safety Products, Inc., Box 703, Johnstown, New York 12095, producer of work gloves, jackets, aprons and other protective apparel (accepted September 2, 1981); (14) Flodin Lumber and Manufacturing Company, Box 309, Plains, Montana 59859, producer of softwood lumber (accepted September 3, 1981); and (15) Twintech, Inc., P.O. Box 207, Meridianville, Alabama 35759, producer of printed circuit boards; electronic training and testing equipment (accepted September 4, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than September 24, 1981.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81–26847 Filed 9–11–81; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

Export Bibliography

This is to inform the public that the Department of Commerce is planning to publish a special issue of the "International Marketing Newsmemo" which would include a comprehensive bibliography of publications dealing with the "how to" of exporting. Authors, publishers and other interested persons are invited to submit titles to be included in this bibliography.

The bibliography would be intended to serve the needs of the U.S. business community as well as academia. A need for information of this nature has been made apparent through inquiries received by the Department of Commerce from representatives of small- and medium-sized business firms taking the first steps in overseas marketing. In addition, discussions with academicians have revealed that the basic "how to" of exporting needs to accompany the study of theory in this area. An export bibliography should provide the necessary texts for educating the prospective exporter.

Sources presently being used for compilation of this listing are as follows:

Library of Congress Cataloging (LCCC and LIBCON)
GOP and NTIS Data Bases
Monthly Checklist of State Publications
U.S. Department of Commerce Library
81 Ayer Directory of Publications
Ulrich's International Periodicals Directory
The Standard Periodical Directory

Listings would include titles published from 1975 to the present and authorized by the U.S. Government as well as the public and private sectors. The bibliography is intended to be an impartial listing of all titles dealing with the mechanics of exporting retrievable through the aforementioned sources or submitted to the Department in response to this notice.

The Department of Commerce does not intend to endorse any of the publications listed, nor to assume responsibility for the accuracy of the information they contain. For this first printing, subject matter dealing with such topics as the following will be excluded: export policy review, nuclear proliferation, overseas military sales and export legislation. Such categories of publications appear either too broad in scope or are in insufficient demand by exporters to justify inclusion at this time.

Authors, publishers, etc. interested in submitting publication titles to be included in the bibliography should direct correspondence to the Seminars and Educational Programming Section, Office of Export Marketing Assistance, International Trade Administration, Room 2015–B, U.S. Department of Commerce, Washington, D.C. 20230. Submissions should include the following information: author, title, publisher, publication date, number pages, Library of Congress card number, ISBN or ISSN number and a copy of the table of contents and/or summary of the contents. Notification of any similar bibliographies which may already be available would be appreciated. Responses are requested on or before October 14, 1981. Suggestions or comments regarding this bibliography are welcome.

Donald V. Earnshaw,

Deputy Assistant Secretary for Export Development.

[FR Doc. 81–26841 Filed 9–11–81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Romania; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Romania. The review covers the only know exporter of this merchandise to the United States, Metalimport. The

review covers the period October 3, 1978 through September 30, 1980. There have been no known shipments to the U.S. during this period and there are no known unliquidated entries.

As a result of this review, the Department has decided to require a cash deposit equal to the margin calculated during the original fair value investigation. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3814/5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On October 29, 1968, a dumping finding with respect to pig iron from Romania was published in the **Federal Register** as Treasury Decision 68–262 (33 FR 15904). A "Notice of Tentative Determination to Modify or Revoke Dumping Findings" with respect to this merchandise was published by the Department of the Treasury on October 2, 1978 (43 FR 45497–8). Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. Treasury received comments but took no further action on the proposed revocation. On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on pig iron from Romania.

Scope of the Review

Imports covered by this review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron casting such as pipe, automobile castings, and machinery parts.

Pig iron is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one exporter of pig iron from Romania to the United States, Metalimport. The review covers the period October 3, 1978 through September 30, 1980. The Treasury Department reviewed all prior periods.

Review of Prior Comments

The Ad Hoc Committee of Merchant Pig Iron Producers of America objected when Treasury published its tentative revocation. The basis of its objection was that "if the impediment against price discrimination is removed, they will be free to resume their proven unfair marketing tactics and will not hesitate to do so."

Since the exporter has neither requested revocation nor provided the written agreement required by § 353.54(e) of the Commerce Regulations, we will not consider this proposed revocation further.

Preliminary Results of the Review

Our records indicate no shipments of pig iron from Romania for the period October 3, 1978 through September 30, 1980, and there are no known unliquidated entries.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

It is our general intention in cases where there are no shipments to determine cash deposit rates on the basis of the margins on the last known shipments. Metalimport has not responded to any questionnaire. Therefore, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit of 70 percent, based on the margin calculated during the original fair value investigation as best evidence, shall be required on all shipments of pig iron from Romania entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

September 4, 1981.

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 81–26629 Filed 9–11–81; 8:45 am]

BILLING CODE 3510–25–M

Steel Trigger Price Mechanism Product Coverage; Decision and Additional Requests for Expansion

AGENCY: International Trade Commission, Commerce.

ACTION: Announcement of the Department of Commerce's decision to expand trigger price coverage and notice of additional requests for expansion.

SUMMARY: The Department of Commerce announces the expansion of coverage on submerged arc welded line pipe to include grade API 5LX X–70. The Department is also publishing notice of additional requests received for product coverage expansion on packaging, finishing, and cut length extras on stainless steel wire; a coating extra for electrogalvanized carbon steel wire; alloy steel rail; and aluminum coated steel sheet. Interested parties are invited to comment within thirty days of this notice on the new coverage requests.

FOR FURTHER INFORMATION CONTACT: Stanley P. Gustafson, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377–3529.

SUPPLEMENTARY INFORMATION: The Department of Commerce has previously announced requests for changes in trigger price product coverage on October 21, 1980 (45 FR 69527), November 20, 1980 (45 FR 76722), January 27, 1981 (46 FR 8637) and June 16, 1981 (46 FR 31461). The Department is hereby announcing a decision on one of the requests in the June 16, 1981 notice and is announcing the receipt of additional requests.

I. Expansion of Coverage on Grade X–70 Line Pipe

The Department received a request to expand coverage on submerged arc welded (SAW) line pipe. This request was published on June 16, 1981 (46 FR 31461) with a thirty day period for public comment.

Based on a review of the comments received and an analysis of the issues, a decision has been made to expand the coverage on SAW line pipe (page 14–12 in the *Third Quarter 1981 TPM Price Manual)* to include grade X–70. The pipe

on that page is to API (American Petroleum Institute) specification 5LX. The current coverage is for grades X–42 through X–65.

X–70 is a basic high strength grade now commonly used in pipeline projects. It has high tensile properties and therefore can have thinner walls, and consequently lighter weight per foot, while providing greater strength. Production of this product requires sophisticated steel-making equipment as well as sophisticated pipe-making equipment. There are currently four domestic producers.

Because the purchasers are pipeline contractors, bids are for large quantities (usually an entire section of pipeline) to be delivered over a long period of time based on the construction schedule. Thus a single failure to bid successfully will have a long-term effect upon production and future investment.

The consumption of X–70 has risen substantially in the last year. Estimates of X–70 consumption in 1978 through 1980 were less than 5,000 metric tons per year. The consumption for 1981 is estimated at 230,000 metric tons based on amounts known to be used in pipeline projects. The number of projected pipeline projects committed to using X–70 indicates that it will command an increasing share of the line pipe market in the future.

The Department received a comment indicating that domestic producers could not supply projected domestic demand. This comment assumed domestic producers would be bidding on Canadian as well as U.S. projects, ignoring the fact that U.S. producers have not been successful in bidding past Canadian projects. Current U.S. capacity indicates that an ability to meet expected 1981 U.S. pipeline demands for X–70 exists. However, full future domestic participation in this growing market will necessitate the expansion of current production facilities. The Department has decided to establish trigger prices for X–70 in order to be able to respond promptly should it appear that unfairly traded importations of X–70 are preventing U.S. producers from competing in this vital and growing market.

The trigger prices for the X–70 grade and the effective date of the coverage change will be announced in a subsequent notice.

II. Notice of Requests for Expansion of Coverage on Stainless Steel Wire

The Department has received several requests for expansion of coverage on stainless steel wire. This product is currently covered on pages 16–20 through 16–30 in the *Third Quarter 1981 TPM Price Manual*. These requests are for the addition of certain extras to the current coverage.

The first request is for the addition of a packing extra (page 16–30) for "cores." These are used for stainless steel lashing wire, the wire used to support telephone and other cables that are strung between utility poles. The lashing wire is wrapped around the other cables and the "core" allows the wire to feed properly into the spinning apparatus that wraps it around the cable. The "cores" are substantially more expensive than the other types of packing covered by the current packing extras.

A second request is to expand the centerless grinding finish extras (page 16–29) to extend the size range to include wire sizes from 0.040" through 0.092". Current centerless grinding extras cover sizes from 0.093" through 0.703". The cost of the extra processing on the smaller sizes is substantial.

A third request is to add finish extras (page 16–29) for taper grinding. This process is used on wire for antennas. The cost of the taper grinding is substantial due to the large amount of material loss which occurs in this process.

A fourth request is to extend the straightening and cut-to-length extras (page 16–30) to include wire sizes 0.031" and smaller in diameter and to add additional size break-outs for cut lengths shorter than 12". Current extras cover diameters from 0.032" through 0.703", and have a single amount for cut lengths shorter than 12".

III. Notice of Request for Amending of Coverage on Electrogalvanized Wire

The Department has received a request to amend coverage to provide a specific extra for electrogalvanized wire. Galvanized wire is currently covered on pages 16–5 and 16–6 in the *Third Quarter 1981 TPM Price Manual* and the extra for regular or commercial coating is applied to electrogalvanized product. This request is for the establishment of a separate extra which reflects the costs attributable to the electrogalvanized product. It is also requested that the ocean freight component of the trigger price include a container vessel rate for electrogalvanized wire.

IV. Notice of Request for Expansion of Coverage to Alloy Rail

The Department has received a request for expansion of coverage in AISI import category 6 to include alloy rail. Current published price coverage in this category is limited to carbon steel rail. The requestor states that imports of alloy rail have increased dramatically in the past three years.

V. Notice of Request for Expansion of Coverage to Aluminum Coated Sheet

The Department has received a request for expansion of coverage in AISI import category 27 to include aluminum coated sheet. Current published price coverage in this category is limited to electrogalvanized and hot dipped galvanized sheets.

Comments on these requests should be submitted to Stanley P. Gustafson, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, on or before October 14, 1981. One copy should be provided for each issue addressed plus a non-confidential copy for the public file.

Dated: September 8, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–26884 Filed 9–11–81; 8:45 am]
BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Department of the Army

Ad Hoc Cost Discipline Advisory Committee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of committee: U.S. Army Ad Hoc Cost Discipline Advisory Committee
Date of meeting: 16–17 September 1981
Place: Room 2E715B, Pentagon, Washington, D.C.
Time: 0900–1700 each day.

This announcement amends the notice published in Vol 46 FR, 43076, on Wednesday, August 26, 1981.

The meeting will be open to the public on September 16, 1981 from 0900–1130 hours to provide the Army program overview and the initiatives to control cost growth in weapon systems. Attendance by the public at the open sessions will be limited to space available. Persons desiring to attend should contact Mary Minor/202–694–1264.

In accordance with the provisions set forth in Section 552b(c), Title 5, U.S. Code exception 4 of Pub. L. 92–463, the meeting will be closed to the public from 1300–1700 on September 16 and from 0900–1700 hours on September 17, 1981. After reviewing the material to be given to the committee, the executive director has determined that financial

information relating to specific programs and contractors will be presented. These data are considered privileged and are provided to the government for management purposes. The manner in which these items are to be presented are inextricably intertwined with the total agenda and can not be separated therefrom. Accordingly, this portion of the meeting will be closed.

Dated: September 9, 1981.

John O. Roach II,

Department of the Army, Liaison Officer with the Federal Register.

[FR Doc. 81-26234 Filed 9-11-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Aminoil USA, Inc.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of final action taken on a Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces final action of a Consent Order.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTARY INFORMATION: On July 13, 1981 the ERA of the DOE executed a Proposed Consent Order with Aminoil USA, Inc. of Houston and a **Federal Register** Notice was published on July 29, 1981. (46 FR 38721). Under 10 CFR 205.199I(c), a Proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the thirty-day comment period, the ERA had received two notices of claims against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Aminoil USA, Inc. is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, upon publication of this Notice. Procedures and requirements for documenting proof of claim are being developed. Refunded overcharges received, if any, will remain in a suitable government escrow account pending the determination of their proper disposition.

Issued in Dallas, Texas on the 3rd day of September 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-26626 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Grace Petroleum Corp.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of final action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces final action of a Consent Order.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTARY INFORMATION: On June 30, 1981 the ERA of the DOE executed a Proposed Consent Order with Grace Petroleum Corporation of Oklahoma City and a **Federal Register** Notice was published on July 24, 1981 (46 FR 38122). Under 10 CFR 205.199I(c), a Proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the 30-day comment period, the ERA had received eight notices of claims against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Grace Petroleum Corporation is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, upon publication of this Notice. Procedures and requirements for documenting proof of claim are being developed. Refunded overcharges received, if any, will remain in a suitable government escrow account pending the determination of their proposer disposition.

Issued in Dallas, Texas on the 3rd day of September, 1981.

Wayne I. Tucker

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-26625 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Diamond Shamrock Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Program Operation Division, Office of Enforcement, Room 5302, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3517.

SUPPLEMENTARY INFORMATION: On June 26, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Diamond Shamrock Corporation, (Diamond Shamrock) of Amarillo, Texas on May 24, 1979, 44 FR 37330 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Diamond Shamrock pursuant to the Consent Order were requested to submit their notices of claim to the OE.

The following person submitted a notice of claim to the OE: Diamond Shamrock Corporation.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Diamond Shamrock refunded the sum of $55,056.78 by certified check made payable to the United States Department of Energy on May 31, 1979. This sum has been placed into a suitable account pending determination of its proper distribution.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $55,056.78, or to ascertain

the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals (OHA) on August 27, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of September, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-26873 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Eastern of New Jersey, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Adna Day, Program Manager for Product Resellers, Office of Enforcement, Room 5204, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On December 18, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Eastern of New Jersey, Inc. (Eastern) of Jersey City, New Jersey on October 9, 1979, 44 FR 74899 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund paid by Eastern pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

The OE received no notices of claim to the refunds.

Pursuant to the Consent Order, Eastern is refunding the sum of $425,000 by certified checks made payable to the United States Department of Energy in six equal installments. All such funds received by the OE have been placed into a suitable account pending determination of their proper distribution.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $425,000, or to ascertain the amounts of refunds that such persons are entitled to receive. The OE, therefore, petitioned the Office of Hearings and Appeals on September 1, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the remaining refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, subpart V.

Issued in Washington, D.C. on the 3rd day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-26871 Filed 9-11-81; 8:45 am]

BILLING CODE 6450-01-M

Houston Natural Gas Corp.; Proposed Consent Order Reissuance

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order reissued and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces the reissuance of a proposed Consent Order published at 46 FR 37751, July 22, 1981 and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

COMMENTS BY: October 14, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] 214/767-7745.

SUPPLEMENTARY INFORMATION: On July 2, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Houston Natural Gas Corporation, of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Houston Natural Gas Corporation, is a firm engaged in the processing of natural gas and sale of natural gas liquids, natural gas liquid products and certain condensate, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of natural gas liquids, natural gas liquid products and plant condensate, the Office of Enforcement, ERA, and Houston Natural Gas Corporation, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1973 through January 27, 1981, and it included all sales of natural gas liquids, natural gas liquid products and certain condensate which were made during that period. The Consent Order does not settle claims and disputes between the DOE and Houston Natural Gas Corporation concerning sales of crude oil and condensate included in the Proposed Remedial Order issued under DOE case number 610C00329.

2. The DOE alleged that Houston Natural Gas Corporation did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts D, E and K, when determining the prices to be charged for its natural gas liquid products and certain condensate; and, as a consequence, may have charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Houston Natural Gas Corporation have agreed to a settlement in the amount of $750,000, including interest, and a

compromise of civil penalties of $10,000 to be paid on or before 30 days after the effective date of this Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Houston Natural Gas Corporation.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunds

In this Consent Order, Houston Natural Gas Corporation agrees to refund, in full settlement of any civil liability will respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $750,000, including interest, in the manner specified in I. 3. above, plus $10,000 in the compromise of civil penalties. The refunds will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in accordance with applicable laws and regulations. Accordingly, distribution of such refunds requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges, if any, have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of any such overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that thay have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not been required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Houston Natural Gas Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time on October 14, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 28th day of August, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–26872 Filed 9–11–81; 8:45 am]

BILLING CODE 6450–01–M

Louis H. Haring, Jr.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: August 27, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, 2000 M Street NW., Room 5204, Washington, D.C. 20461, 202/653–3551.

SUPPLEMENTARY INFORMATION: On June 28, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Louis H. Haring, Jr., (Haring) of San Antonio, Texas on June 18, 1979, 44 FR 37670 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Haring pursuant to the Consent Order were requested to submit their notices of claim to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the OE, no comments were received. Therefore, the Consent Order was not modified.

The OE received no notices of claim to the refunds.

Pursuant to the Consent Order, Haring refunded the sum of $160,897.79 by certified checks made payable to the United States Department of Energy in eight quarterly installments. This sum has been placed into a suitable account pending determination of its proper distribution.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $160,897.79, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on August 27, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81–26870 Filed 9–11–81; 8:45 am]

BILLING CODE 6450–01–M

Olin Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submission to the Office of Hearings and Appeals: September 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Claude Corzatt, Acting Program Manager for Natural Gas Liquid Processors, Office of Enforcement, 2000 M Street NW., Room 5204, Washington, D.C. 20461, (202) 653–3541.

SUPPLEMENTARY INFORMATION: On February 21, 1980, the OE published notification in the **Federal Register** that it executed a proposed Consent Order with Olin Corporation, (Olin) of Stamford, Connecticut on January 31, 1980, which would not become effective sooner than 30 days after publication, 45 FR 11527 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund of overcharges paid by Olin pursuant to the proposed Consent Order were requested to submit notice of their claims to the OE.

A second notice was published in the **Federal Register** 45 FR 22185 (1980) which stated that no comments were received and, therefore, the proposed Consent Order was finalized and made effective on April 3, 1980.

Pursuant to the Consent Order, Olin refunded the sum of $3,738,926.71 by certified check made payable to the United States Department of Energy. This sum has been deposited in a suitable account pending determination of its proper distribution.

The OE received no notices of claim to the refunds.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $3,738,926.71, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on September 1, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81–26868 Filed 9–11–81; 8:45 am]

BILLING CODE 6450–01–M

Panhandle Eastern Pipe Line Co. Through Its Subsidiary Century Refining Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: August 31, 1981.

FOR FURTHER INFORMATION CONTACT:
Office of Enforcement, Attn: Mr. Claude Corzatt, 2000 M Street N.W., Washington, D.C. 20461, (202) 653–3541.

SUPPLEMENTARY INFORMATION: On February 29, 1980 the OE published notification in the **Federal Register** that it executed a proposed Consent Order with Panhandle Eastern Pipe Line Company through its subsidiary Century Refining Company (Century) of Kansas City, Missouri on January 29, 1980 which would not become effective sooner than 30 days after publication, 45 FR 13502 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund of overcharges paid by Century pursuant to the proposed Consent Order were requested to submit their notices of claim to the OE.

A second notice was published in the **Federal Register** 45 FR 26749 (1980). Although interested persons were invited to submit comments regarding the proposed Consent Order to the DOE, no comments were received. Therefore, the proposed Consent Order was finalized and made effective on April 7, 1980.

Pursuant to the Consent Order, Century refunded the sum of $2,700,000 by certified check made payable to the United States Department of Energy. This sum has been deposited in a suitable account pending determination of its proper distribution.

The OE received no notices of claim to the refunds.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $2,700,000, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on August 31, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of September, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81–26869 Filed 9–11–81; 8:45 am]

BILLING CODE 6450–01–M

[Docket Nos. OFC 67023–9142–03,04,05–81]

Powerplant and Industrial Fuel Use Act of 1978; Intention To Proceed With Prohibition Order Proceeding

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of intention to proceed with prohibition order proceeding.

SUMMARY: This notice announces the Economic Regulatory Administration's (ERA) intention to proceed with its proposed prohibition order action in the matter of the Department of Defense, Naval Ordnance Station, Indian Head, Maryland.

This notice also establishes the schedule for, and outlines the procedures that will be used in the continuation of the proceeding.

DATE: Comments are due no later than December 4, 1981.

ADDRESS: Fifteen copies of written comments are to be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), P.O. Box 4629 M Street NW., Washington, D.C. 20461.

Docket Nos. OFC 67023–9142–03,04,05–81 should be printed clearly on the outside of the transmittal envelope and on the documents therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vanderberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, (202) 653–4055.

Robert L. Davies, Office of Fuel Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3002, Washington, D.C. 20461, (202) 653–3649.

Walter A. Romanek, Federal Facilities Branch, Office of Fuels Conversion, Economic Regulatory Administration,

Department of Energy, 2000 M Street NW., Room 3214, Washington, D.C. 20461, (202) 653–4500.

Marya Rowan, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–178, Washington, D.C. 20585, (202) 252–2967.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its intention to proceed with the pending prohibition order proceeding relating to the DOD-Naval Ordnance Station's Goddard Powerplant Boilers Nos. 3, 4, and 5 (hereafter referred to as Goddard 3, 4, and 5), located at Indian Head, Maryland.

The proposed prohibition orders for Goddard 3, 4, and 5 were issued on March 28, 1980, pursuant to sections 302(a) and 701(b) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA), and was published in the **Federal Register** on April 3, 1980 (45 FR 22181).

Description of Prohibition Order Proceeding

In accordance with 10 CFR 501.51 of the FUA procedural regulations applicable to existing facilities, the publication of the proposed prohibition orders to Goddard 3, 4, and 5 commenced an initial public comment period of three months during which period interested parties, including the Department of Defense, were given the opportunity to challenge ERA's initial finding that Goddard 3, 4, and 5 have the technical capability to burn an alternate fuel (coal) as their primary energy source. During this period, the recipient of the proposed orders and any other interested parties were required to furnish ERA with any evidence bearing upon the other statutory findings which Section 302(a) of FUA requires ERA to make prior to the issuance of final prohibition orders. Under 10 CFR 501(b)(3), the recipient of the proposed orders was also required, during this period, to identify any exemptions for which Goddard 3, 4, and 5 might qualify, but was not required to submit evidence supporting the claim of entitlement to an exemption. The initial public comment period on the Goddard 3, 4, and 5 proposed prohibition orders expired on June 30, 1980. No comments were received and the recipient of the proposed orders asserted no possible qualification for an exemption from the prohibitions of the proposed orders.

ERA has determined to proceed with the order proceeding on the basis of the evidence now available to it. Accordingly, the publication of this Notice of Intention to Proceed (NOIP), as required by 10 CFR 501.51(b)(4), commences a second three-month comment period during which interested parties may address any relevant issues involving the proposed prohibition orders.

Subsequent to the end of the second three-month period, ERA will, if it intends to issue final prohibition orders, prepare and publish a Notice of Availability of Tentative Staff Analysis. Thereafter, as provided by section 701(d) of FUA and 10 CFR 501.51(b), any interested person wishing a hearing on the proposed prohibition orders may request the hearing within 45 days after publication of the Notice of Availability of Tentative Staff Analysis. Interested persons may also submit written comments on the proposed orders and the Tentative Staff Analysis (TSA) during this 45 day period. If a hearing is requested, ERA will provide interested persons with an opportunity to present oral data, views, and arguments at such a public hearing held in accordance with Subpart C of 10 CFR Part 501.

At the hearing, if any, interested persons will be given the opportunity to question the participating parties about EPA's proposed orders and TSA, including the recommended findings which ERA must make prior to issuing final prohibition orders.

After the hearing, if any, and the close of the final comment period, ERA shall determine whether final prohibition orders will be issued, based upon its review of the entire administrative record. Any final prohibition orders issued, together with a summary of the basis therefor, will be published in the **Federal Register**. Such final orders shall not take effect earlier than 60 days after such publication.

Comment Procedures

ERA hereby gives notice of the commencement of the second comment period which will remain open for a period of three months after publication of the NOIP in the **Federal Register**. During this period, interested parties may submit written data, views, and arguments on the NOIP for the record. Notice of any change in the time for public comment will be published in the **Federal Register**.

The public file containing documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street, N.W., Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

(Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101 et seq.) as amended by Pub. L. 95–509, Pub. L. 95–619, Pub. L. 96–620 and Pub. L. 95–621; Powerplant and Industrial Fuel Act of 1978, Pub. L. 95–620 (42 U.S.C. 8301 et seq.); E.O. 11790, 39 FR 23185 (June 25, 1974); E.O. 12009, 42 FR 46267 (September 15, 1977))

Issued in Washington, D.C., on September 3, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–26007 Filed 9–11–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. GP81–30–000]

Midlands Gas Corp.; Preliminary Finding

Issued: June 2, 1981.

In the matter of U.S. Geological Survey, Casper, Wyoming, Section 108 NGPA Determination, Midlands Gas Corporation, USGS No. M718–0–E *et al.* JD81–19731 *et al.*

On March 4 and 9, 1981, the United States Geological Survey (USGS) in Casper, Wyoming, notified the Federal Energy Regulatory Commission (Commission) that gas produced from the seven wells in question (*see*, appendix for a listing of the wells) did not continue to qualify as stripper well natural gas under section 108 of the Natural Gas Policy Act of 1978 (NGPA). The Commission published notice of the negative determinations in the **Federal Register** on March 27 and April 22, 1981.[1]

Section 108(b)(2) of the NGPA provides that a well which previously qualified as a stripper well may continue to qualify as such even though production exceeds the 60 Mcf per production day stripper well limit during any 90-day production period, if the increase in production was the result of the application of recognized enhanced recovery techniques.

Section 271.803(a) of the Commission's regulations defines recognized enhanced recovery techniques as:

> * * * Processes or equipment, or both, which when performed or installed by the producer, increase the rate of production of gas from a well. Processes qualifying as recognized enhanced recovery techniques include mechanical as well as chemical stimulation of the reservoir formation.

[1] In the present case, the 45 day review period did not begin until April 21, 1981. This was due to the fact that Staff, pursuant to § 275.202(b) of the Commission's regulations, sent a letter on April 4, 1981 to the USGS requesting additional information. Staff received the response of the USGS on April 21, 1981 at which time the 45-day review period began.

Equipment may include items installed in the well bore or on the surface.

Normal well maintenance, repair, or replacement of equipment or facilities does not qualify as enhanced recovery techniques. Normal completion operations (as defined by the jurisdictional agency or, if the agency has not defined the term, by state custom or practice) which are performed within the two years of the initial completion do not qualify as recognized enhanced recovery techniques * * *.

In this case, Midlands petitioned the USGS under § 271.806(a)(2)(i) of the Commission's regulations for determinations that the increased natural gas production from the subject wells, which had previously qualified as stripper wells, was the result of the application of a recognized enhanced recovery technique—namely, the installation of tubing two years or more after a well's completion. The USGS determined that the installation of tubing did not constitute an enhanced recovery technique. According to the USGS, the installation of tubing in the gas wells should be considered as part of the completion of the wells. A conference was held on February 26, 1981, at which the USGS agreed to supplement the negative notices of determination with all the information specified in § 274.104(a) of the Commission's regulations, for purposes of Commission review.

On April 3, 1981, Midlands filed with the Commission a protest of the USGS negative determinations. It is Midland's position that the installation of tubing is not a normal completion operation. In addition, Midlands points out that with respect to the non-federal lands in the Bowdoin Field, which are under the jurisdiction of the Montana Board of Oil & Gas Conservation (Montana), Montana has made affirmative determinations that the installation of tubing two or more years after completion of a well is a recognized enhanced recovery technique.[2]

Section 271.803(a) of the Commission's regulations provides that any technique which increases the rate of production of gas from a well should generally qualify as an enhanced recovery technique. However, the Commission in Order No. 44, Docket No. RM79–73 (issued August 22, 1979), provides that normal completion operations performed within two years of the initial completion do not qualify as recognized enhanced recovery techniques. The two-year period was intended to insure that a producer would not delay installation of a normal completion operation in order to establish the well as a stripper well, apply the completion operation, and then claim that it was a recognized enhanced recovery technique.[3]

In the instant case, the tubing was installed more than two years after initial completion of the wells. Since the two year requirement of § 271.803(a) has been met, it appears that there is lack of substantial evidence supporting the USGS negative determinations.

The Commission finds:

On the basis of the record submitted with these determinations, the Commission hereby makes a preliminary finding, pursuant to 18 CFR 275.202(a)(1)(i), that the negative determinations submitted by the USGS that the subject wells do not qualify as section 108 stripper wells are not supported by substantial evidence in the record on which the determinations were made.

By the direction of the Commission.

Kenneth F. Plumb,

Secretary.

Appendix

Midlands Gas Corporation

2761 1–27 SOC et.al. Federal
Docket No. M 718–0–E
FERC No. JD 81–19731

1561 15–36–31 No. 1 Federal
Docket No. M 761–0–E
FERC No. JD 81–19732

1433 Federal No. 1
Docket No. M 38–1–E
FERC No. JD 81–19733

2561 253631
Docket No. M 719–0–E
FERC No. JD 81–19734

2861 Federal 1–28
Docket No. M 763–0–E
FERC No. JD 81–19735

1451 Federal 143531
Docket No. M 760–0–E
FERC No. JD 81–19736

2570 No. 1 Federal
Docket No. M 762–0–E
FERC No. JD 81–22871

[FR Doc. 81–26074 Filed 9–11–81; 8:45 am]
BILLING CODE 6450–85–M

[2] In response to an inquiry from the Commission's Division of NGPA Compliance for an explanation of its position, the USGS reiterated that it did not consider the running of tubing in a well to be an enhanced recovery technique and that, in its opinion, installing tubing is part of the completion of the well no matter when it is done. The USGS further asserts that the lack of tubing in a well results in restricted flow and that other operators who ran tubing within two years of the initial completion are not eligible to claim that the tubing constitutes an enhanced recovery technique.

[3] In Order No. 44–A, Docket No. RM79–73, *mimeo.*, p.6 (issued November 9, 1979), the Commission stated: "the purpose of the two-year waiting period was to discourage producers from engaging in this type of waiting game. We considered a two-year period to be a sufficient deterrent.

ENVIRONMENTAL PROTECTION AGENCY

[EN–9–FRL 1907–3]

Draft General NPDES Permit and Public Hearing for Oil and Gas Operations on the Outer Continental Shelf (OCS) off Southern California

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice of Draft NPDES General Permit and public hearing.

SUMMARY: The Regional Administrator of Region 9 is today, in accordance with the authorities vested in Section 402 of the Clean Water Act, providing notice of a draft general NPDES permit for certain dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category. This draft general NPDES permit proposes effluent limitations, standards, prohibitions and other conditions on discharges from oil and gas facilities. The facilities to be covered by this permit will operate in areas located in the OCS off the coast of Southern California including areas described and leased by the Department of the Interior's Bureau of Land Management in the OCS Lease Sales 35, 48, and the Santa Maria Basin of Lease Sale No. 53. This draft general permit will not permit facilities operating in the territorial seas of California as NPDES permits for these facilities are issued by the State of California. This draft general permit is based on the administrative record available for public review in Region 9 of the Environmental Protection Agency. The fact sheet sets forth the principal facts and the significant factual, legal, and policy questions considered in the development of the draft permit. A copy of the draft permit is reprinted as required by the Consolidated Permit Regulations (40 CFR 122.59).

DATES:

Comment Period—Interested persons may submit comments on the draft general permits and administrative records to the Regional Administrator at the address below no later than October 15, 1981.

Public Hearings—The Hearing Officer designated by the Regional Administrator will conduct a public hearing on October 16, 1981, at the City Council Chambers, 2nd Floor, City Hall, De La Guerra and Anacapa Streets, Santa Barbara, California. The hearing will begin at 1:30 p.m. and 7:30 p.m. and will continue until all persons have been heard.

ADDRESS: Comments should be sent to the Regional Administrator, Region 9,

U.S. Enviornmental Protection Agency, 215 Fremont Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Eugene Bromley, Region 9, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105. (Telephone No. (415) 556–3454).

FACT SHEET AND SUPPLEMENTARY INFORMATION:

I. BACKGROUND

A. General Permits

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Although such permits to date have generally been issued to individual dischargers, EPA's regulations authorize the issuance of general permits to categories of dischargers (40 CFR 122.59). EPA may issue a single general permit to a category of point sources located within the same geographic area, whose discharges warrant similar pollution control measures. The Director of an NPDES permit program (in this case the Regional Administrator) is authorized to issue a general permit if there are a number of point sources operating in a geographic area that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring requirements; and
5. In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Act and subjects the discharger to the penalties specified in section 309 of the Act. Any owner or operator authorized by a final general permit may be excluded from coverage by applying for an individual permit. This request may be made by submitting an NPDES permit application, together with reasons supporting the request. The Regional Administrator may require any person authorized by this general permit to apply for and obtain an individual permit. In addition, any interested person may petition the Regional Administrator to take this action. However, an individual permit will not be issued for an oil or gas facility covered by a general permit unless it can be clearly demonstrated that inclusion under a general permit is inappropriate. The Regional Administrator may consider the issuance of individual permits according to the criteria in 40 CFR 122.59(b)(2). These criteria include:

1. The discharge(s) is a significant contributor of pollution;
2. The discharger is not in compliance with the terms and conditions of the general permit.
3. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.
4. Effluent guidelines are subsequently promulgated for the point sources covered by the general permits;
5. A Water Quality Management Plan containing requirements applicable to such point sources is approved; or
6. The requirements listed in 40 CFR 122.59(a) and identified in the previous paragraphs are not met.

B. Oil and Gas Operations on the Outer Continental Shelf Offshore of California

On January 30, 1981, EPA received a request from Chevron U.S.A. for the issuance of a general NPDES permit for Offshore California. This request was followed by numerous requests from oil and oil-related industries that the Agency proceed with the development of and expedite issuance of a final general permit. On March 23, 1981 Region 9 notified Chevron of its intent to develop a general permit and notified state and local agencies, as well as interested parties by letter dated June 15, 1981. To date Region 9 of the U.S. Environmental Protection Agency has issued individual NPDES permits for 15 exploratory drilling vessels and 12 production platforms. These facilities are located seaward of the outer boundary of the territorial seas of the State of California. A review of these NPDES permits, their effluent limitations and monitoring requirements, and the criteria for establishing a general permit clearly indicated that these facilities would be more appropriately controlled by a single general permit. A general permit has been most recently issued for a similar category of point source discharges in the Gulf of Mexico. General permits eliminate, for the Agency, the time-consuming and resource-intensive process of reviewing and evaluating individual permit applications, and significantly reduce the regulatory burden imposed on industry in applying for and obtaining individual permits. For point source discharges from offshore oil and gas operations where the principal issue is the environmental fate and effects of drilling fluid discharges, the provisions for general permits allow the Agency to address cumulative effects of multiple facilities operating in one area in permit reissuance, modification, and revocation. In addition, environmental monitoring can be defined and imposed on facilities operating in a permit area reducing the cost per facility and providing the Agency a better mechanism to address environmental degradation.

In view of the national effort to identify and develop the Nation's natural resources and in view of the Department of the Interior's efforts to accelerate offshore oil and gas lease sales, it is particularly important that EPA expedite issuance of NPDES permits for these facilities where discharges will not significantly affect the marine environment. Facilities entering the areas covered by this permit will be required to notify the Agency of their intent to be covered. This provision is particularly appropriate for mobile drilling units used in exploratory operations on the OCS which drill a limited number of wells at a given site to identify oil reserves. These operations require a permitting action which will allow maximum flexibility, i.e., the ability to move efficiently from one location to another within the general permit area.

II. NATURE OF DISCHARGES FROM OFFSHORE OIL AND GAS FACILITIES

The Offshore Subcategory of the Oil and Gas Extraction Point Source Category includes facilities engaged in the field exploration, drilling, production, well production, and well treatment within the oil and gas extraction industry which are located seaward of the inner boundary of the territorial seas.

Operations within the Offshore Subcategory can be divided into these distinct phases: Exploration, development, and production. Exploratory operations involve drilling to determine the nature and extent of potential hydrocarbon reserves. These operations are usually of short duration at a given site, involve a small number of wells, and are generally conducted from mobile drilling units. These include units with traditional ships' hulls or semisubmersible craft—essentially a floating platform with submerged hulls which support the unit above water.

Development operations involve the drilling of wells once a hydrocarbon reserve has been identified. Developmental drilling averages a large number of wells (20–40) and is usually conducted from a fixed platform.

However, in some instances development wells can be drilled from mobile drilling units.

Production operations usually begin once the drilling unit used in well development operations has been removed and the actual recovery of hydrocarbons from underground geologic formations begins. Production platforms are usually fixed for long periods of time.

The discharges which accompany the recovery of offshore oil and gas resources are discussed below. The discharges are similar for drilling vessels (exploration and development operations) and production platforms with the exception of produced water which does not result from well drilling but from actual hydrocarbon recovery. Produced water from production platforms may be discharged or reinjected into the well. Region 9 has identified a total of 14 discharges which are discussed below.

A. *Drilling Fluids, and Drill Cuttings, (Discharge 001).* Drilling fluid is defined as any fluid sent down the hole including drilling muds, gelling compounds, weighting agents, and any speciality products, from the time a well is begun until final cessation of drilling in that hole. There are two basic types of muds: Water-based and oil-based muds. Water-based muds are usually mixtures of fresh water or seawater with clays. Oil-based muds (invert emulsion muds) are mixtures of diesel oil and clays with water or brine emulsified in the oil.

Drilling fluids are used in both exploration and production drilling to maintain hydrostatic pressure control in the well, lubricate the drilling bit, and remove drill cuttings from the well. Oil-based muds are used for special drilling requirements such as tightly consolidated subsurface formations, water-sensitive clays, and shales. Specific needs of a drilling program may require other additives in the drilling fluids.

Drill cuttings are mineral particles generated by drilling into subsurface geologic formations. Drill cuttings are carried to the surface of the well with the circulation of the drilling fluids and separated from the fluids on the platform by solid separation equipment (screens and shakers).

B. *Produced Water (Formation Water or Brine). (Discharge 002).* Produced water includes water and suspended particulate matter, brought to the surface in conjunction with the recovery of oil and gas from underground geologic formations. Produced waters are primarily generated during the production phase of oil and gas operations with the amount generated dependent upon the method of recovery and the nature of the formation. Geologic formations contain different oil-water or gas-water mixtures which are produced at different times:

1. In some formations, water is produced with the oil and gas in the early stages of production;
2. In others, water is not produced until the formation has been significantly depleted; and
3. In still others, water is never produced.

C. *Produced Sands. (Discharge 003).* Produced sands include sands and other solids removed from the produced waters.

D. *Well Completion Fluids. (Discharge 004).* Well completion fluids include fluids pumped downhole to enhance oil recovery.

E. *Deck Drainage. (Discharge 005).* Deck drainage includes all water resulting from platform washings, deck washings, tank cleaning operations, and run-off from curbs, gutters, and drains including drip pans and work areas.

F. *Sanitary Wastes. (Discharge 006).* Sanitary wastes include human body waste discharges from toilets and urinals.

G. *Domestic Wastes. (Discharge 007).* Domestic wastes include materials discharged from sinks, showers, laundries, and galleys.

H. *Miscellaneous Discharges. (Discharges 008–014).*

Desalinization Unit Discharge. (Discharge 008). Desalinization unit discharge means any wastewater associated with the process of creating fresh water from seawater.

Cooling Water. (Discharge 009). Cooling water means once-through, non-contact cooling water.

Bilge Water. (Discharge 010). Bilge water is water that accumulates in the bilge of the drilling vessel.

Ballast Water. (Discharge 011). Water used by a drilling vessel to maintain proper stability.

Excess Cement. (Discharge 012). Excess cement is unused cement discharged after a well cementing operation.

Blow-out Preventer Fluid. (Discharge 013). Blow-out preventer fluid is a mixture of water and 1–2% hydraulic fluid vented at the ocean floor during periodic testing of the blow-out preventer system as required by the U.S. Geological Survey.

Fire System Test Water. (Discharge 014). Fire system water is seawater discharged during periodic testing of the fire control system.

III. CONDITIONS IN THE DRAFT GENERAL NPDES PERMIT

A. Geographic Areas of Draft General Permit

The draft general permit published today is applicable to dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435) operating in Federal waters on the Outer Continental Shelf (OCS) off the coast of Southern California.

These waters are described in final Environmental Impact Statements for OCS lease sales 35, 48, and 53. These areas include waters: west and northwest of Point Arguello, south and west of Point Conception, of the Santa Barbara Channel from Point Conception to Goleta Point, of the Santa Barbara Channel from Santa Barbara to Ventura, south of Santa Rosa and Santa Cruz Island, of the San Pedro Channel between San Pedro and Laguna, and west of San Clemente Islands in the Tanner Bank area. Under the regulatory provisions of general permits, new information on any portion of the permit area which indicates that the terms and conditions of the permit are inappropriate or do not provide adequate protection of the marine environment under Section 403 of the Act, would require the Regional Administrator to modify the permit or require a facility owner or operator to apply for and obtain an individual permit.

This general permit does not authorize discharges into the territorial seas of the State of California, nor does it authorize discharges into any body of water landward of the inner boundary of the territorial seas or any wetland adjacent to such waters (facilities in the Onshore and Coastal Subcategories as defined in 40 CFR Part 435).

One lease block containing a special biological community is included in the general permit area. The Bureau of Land Management (BLM) has identified a special lease stipulation (Stipulation 7 in Lease Sale No. 48) for this area in Tanner Banks. The stipulation prohibits the discharge of drill cuttings and drilling muds within the 80-meter isobath and within a 1500-meter buffer zone surrounding the 80-meter isobath within OCS parcel P–0369.

B. Application of the General Permit Program

The Regional Administrator of Region 9 has determined that oil and gas facilities operating within the areas described in this permit are more appropriately controlled by a general

permit than by individual permits. There are several reasons for this determination. In accordance with 40 CFR 122.59, these facilities involve similar types of operations, discharge the same types of wastes, require the same effluent limitations and operating conditions, and require the same monitoring requirements. These similarities are discussed in Part II of this fact sheet. Additionally, as discussed earlier, the provisions for general permits allow the Agency to address cumulative effects of multiple facilities operating in one geographic area, and to impose an areawide monitoring program that can more effectively assess environmental degradation.

The Agency will be permitting a large number of exploratory operations with this permitting action. These facilities remain at a site for a short period of time and drill a limited number of wells at each site. The general permit provides these facilities the flexibility to move within a permitted area without applying for and obtaining a new permit. Moreover, the Agency is unable to impose the more stringent new discharger provisions to mobile drilling units operating in this permit area.[1] Therefore, the general permit is the best regulatory mechanism available to the agency to impose uniform effluent limitations and conditions upon all facilities entering the permit area.

The Regional Administrator has also concluded that oil and gas facilities operating under the effluent limitations and conditions of this permit will not cause unreasonable degradation of the marine environment. This determination is based on a review of all of the material available for a determination of the issues in this general permit. The major source of wastewaters generated by these facilities is produced waters; these discharges are discussed in Part III D. of the fact sheet. No limitations have been established for other wastewater pollutants because they are normally reduced incidentally with the removal or reduction of another pollutant parameter, or do not represent a threat to marine water quality. Environmental concerns appear to center around the environmental fate and effects of drilling fluids in the marine environment. In the past year the Agency has undertaken several efforts to examine this issue. The Agency has prepared an extensive analysis of the available information on the environmental fate and effects of drilling fluids and cuttings discharged from oil and gas facilities which is appropriate for this permitting action. The document "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released Onto the Outer Continental Shelf" presents the scientific basis for the decision to allow the discharge of drilling fluids and cuttings in the issuance of three general permits to oil and gas facilities in the Gulf of Mexico. A review of this document combined with the fact that the permit contains limitations in addition to BPT limitations on these discharges supports the conclusion that oil and gas facilities operating under the effluent limitations and conditions of this permit will not cause unreasonable degradation of the marine environment.

Efforts are presently underway to address the long-term fate and effects of drilling muds and cuttings. EPA's Gulf Breeze Laboratory has also completed a Summary Report of the status of the Agency's Drilling Fluids Hazard Assessment Program which is also part of the administrative record of this permit. In addition, continuing monitoring programs at the Flower Garden Banks in the Gulf of Mexico, and the monitoring program of the interagency Biological Task Force for Georges Bank, as well as on-going bioassay studies to be conducted by industry and the Gulf Breeze Laboratory will provide the Agency additional information to address the potential for long-term fate and effects, bioaccumulation, and food chain concentration of the constituents of drilling fluids and cuttings, as well as other discharges from oil and gas facilities. Under Section 403(c) of the Clean Water Act these permits contain a reopener clause which requires the Regional Administrator to modify or revoke this general permit if new data indicates that continued discharges may cause unreasonable degradation of the marine environment.

This draft general permit is proposed for expiration on December 31, 1983. Discharges during the short term of this permit should not allow unreasonable degradation of the marine environment and the new information on the long-term fate and effects of drilling fluid discharges obtained during the term of the permit will be considered in permit reissuance.

C. Notification by Permittees

Part I, E, of the draft general permit requires each operator of a lease block within the general permit area to notify the Regional Administrator in writing of the commencement and termination of discharges from each facility. However, notification is not required for movements of exploratory rigs within lease blocks specified in the permit once the Agency has been notified that the facility is operating within the general permit area. This written notification must include the owner or operator's legal name and address, lease block number, and the number and type of facilities located within the lease block or area. Failure to provide this written notification means that the facility is not authorized to discharge under this general permit. Individual permit applications are not required to be submitted by persons discharging within the general permit area.

D. Technology-Based Effluent Limitations

The Act requires all dischargers to meet effluent limitations based on the technological capacity of dischargers to control the discharge of their pollutants. Section 301(b)(1)(A) of the Act requires the application of "Best Practicable Control Technology Currently Available" (BPT). On April 13, 1979, EPA promulgated final effluent limitations guidelines establishing BPT for the Offshore Subcategory (40 CFR Part 435). These limitations have been incorporated into these final general permits.

The BPT limitations guidelines restrict the concentration of oil and grease in produced waters to a monthly average of 48 mg/l and a daily maximum of 72 mg/l. However, because these permits require monthly monitoring, a monthly average cannot be calculated and only the daily maximum (72 mg/l) is incorporated into the permits. (See 44 FR 22069, April 13, 1979 for more detailed explanation.)

BPT effluent limitations guidelines require a "no discharge of free oil" limitation for all other discharges associated with drilling operations (deck drainage, drilling fluids, drill cuttings, and well treatment fluids). The term "no discharge of free oil" means that a discharge shall not cause a film or sheen upon or a discoloration on the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines (40 CFR Part 435).

The BPT limitation requires that in sanitary wastes from facilities housing ten or more persons the concentration of chlorine be maintained as close to 1 mg/l as possible. This general permit provides that any exploratory drilling vessel facility using an approved marine sanitation device that complies with

[1] "American Petroleum Institute v. Costle" N. 79-0858 U.S. District Court Western District of Louisiana, July 27, 1981.

Section 312 of the Act shall be in compliance with the permit.

E. Other Discharge Limitations

In addition to the BPT effluent limitations, these permits contain several other conditions.

1. *Drilling Muds and Cuttings. (Discharge 001).* The Agency has conducted bioassay testing of seven generic types of drilling muds and has approved these muds for discharge based on the bioassay results. The permit prohibits the discharge of drilling mud in a volume and/or concentration which, after allowance for initial dilution, would result in exceedances of the limiting permissible concentration (LPC) for a particular drilling mude. The definition of the LPC (Part III C. 17) was derived from the Ocean Discharge Regulations (40 CFR 227.27(a)). (The mud compositions and bioassay results are contained in the administrative record.) Variation from the list of approved muds will require the facility owner or operator to conduct bioassay tests to be submitted to the Regional Administrator within six months of the commencement of discharge. Based on the results of these bioassay tests, authorization for continued discharge will be at the discretion of the Regional Administrator.

The discharge of oil-based drilling fluids constitutes the discharge of free oil and, in accordance with Section 403, is prohibited.

A provision which provides for permit modification or revocation based on new data or information on the toxicity or long-term fate and effects of drilling fluids or their constituents is included in Part I.A.5. of the permit.

2. *Produced Waters. (Discharge 002).* This general permit includes effluent limitations for heavy metals in produced waters. In order to provide a margin of protection from any chromic toxicity, the effluent limitations in the permit are the lesser of 0.01 of the acute toxicity and the California Ocean Plan objectives. In the event that the resulting concentration is less that the ambient concentration in seawater, the permit limitation is based on the seawater concentration. Computer models such as PLUME which was developed by EPA for calculating the dilution which occurs when the produced water is discharged into the marine environment, are available for review at the Environmental Protection Agency, Region 9.

3. *Dispersants, Surfactants, and Detergents.* The facility operator is also required to minimize the discharge of dispersants, surfactants, and detergents except as necessary to comply with the safety requirements of the Occupational Safety and Health Administration and the United States Geological Survey. This restriction applies to tank cleaning and other operations which do not directly involve the safety of workers. This restriction is imposed because detergents disperse and emulsify oil, thereby enhancing toxicity and making the detection of a discharge of oil more difficult. These limitations have been established pursuant to Section 403 of the Act and 40 CFR 125.123(d)(3).

4. The discharge of halogenated phenol compounds is prohibited in accordance with a U.S. Geological Survey Operations Order.

F. Ocean Discharge Criteria

Section 403 of the Act requires that an NPDES permit for a discharge into marine waters be issued in compliance with EPA's guidelines for determining the degradation of marine waters. The final 403(c) Ocean Discharge Criteria guidelines published on October 3, 1980 (45 FR 65952) set forth specific criteria for a determination of unreasonable degradation that must be addressed prior to the issuance of an NPDES permit. If sufficient information is unavailable on the proposed discharge or on its potential effects to make this determination the Director may require the applicant to submit additional information. If it is determined that there will be no unreasonable degradation, the permit may be issued. If a determination of unreasonable degradation cannot be made, the Director must then determine whether a discharge will cause irreparable harm to the marine environment. In assessing the probability of irreparable harm, the Regional Administrator is required to make a reasonable determination that the discharger operating under a permit with monitoring requirements and effluent limitations, will not cause permanent and significant harm to the environment. If further data gathered through monitoring indicates that the continued discharge of a pollutant will produce unreasonable degradation, the discharge must be halted or additional permit limitations established.

The regulations identify ten factors which are to be considered in making the determination of unreasonable degradation: these factors include: (1) The quantities, composition and potential for bioaccumulation or persistence of the pollutants to be discharged; (2) The potential transport of such pollutants by biological, physical or chemical processes; (3) The composition and vulnerability of the biological communities which may be exposed to such pollutants including the presence of unique species or communities of species, the presence of species identified as endangered or threatened pursuant to the Endangered Species Act or the presence of those species critical to the structure or function of the ecosystem such as those important for the food chain; (4) The importance of the receiving water area to the surrounding biological community, including the presence of spawning sites, nursery/forage areas, migratory pathways or areas necessary for other functions or critical stages in the life cycle of an organism; (5) The existence of special aquatic sites including but not limited to marine sanctuaries and refuges, parks, national and historic monuments, national seashores, wilderness areas and coral reefs; (6) The potential impacts on human health through direct and indirect pathways; (7) Existing or potential recreational and commercial fishing, including finfishing and shellfishing; (8) Any applicable requirements of an approved Coastal Zone Management plan; (9) Such other factors relating to the effects of the discharge as may be appropriate, and (10) marine water quality criteria developed pursuant to Section 304(a)(1).

Factors 1, 2 and 3 relate to the composition of the pollutant to be discharged, the physical, chemical and biological transport of the pollutants, and the effects of the pollutants on biological communities, critical species, and endangered species.

The document "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released onto the Outer Continental Shelf" includes an extensive analysis of the bioassay test studies which address the toxicity of whole drilling muds and their constituents on marine organisms. A summary of current bioassay studies indicates that 72 species of organisms including all major groups from invertebrates to fin fish have been tested. Although the results of the tests vary, they do indicate that the concentrations of most drilling fluid discharges after dilution and dispersion in the water column will not have any significant adverse effect on marine organisms. In addition, this permit limits the discharge of drilling muds and additives to an approved list for which the Agency has bioassay test data, and for which the concentration after initial dilution will be 0.01 of the concentration found to be toxic. Variation from the approved drilling muds and additives list requires the facility owner or operator to conduct bioassay tests with appropriate sensitive marine species.

Such muds must also meet the toxicity test noted above for previously tested muds. At this time the Agency is working with scientists within the Agency, in industry, and in other Federal agencies to develop a list of appropriate species to be used in further bioassay tests. The Regional Administrator may waive the bioassay requirement upon determination by the Regional Administrator that concentrations of components in the drilling mud do not pose a significant threat to marine organisms. The criteria which will be applied in making the determination will be the ranges of component concentrations in the seven drilling muds referred to in the document "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released onto the Outer Continental Shelf" and additional bioassay analysis or related information.

Factors 5, 7, and 8 relate to the geographic areas covered by these general permits. The general permit areas are described in Part III.A. of the Fact Sheet. The Agency has not identified any special aquatic sites or potential recreational and commercial fishing areas in the general permit area. These permit effluent limitations or conditions should provide adequate protection of the marine environment.

Factor 4 addresses the importance of the receiving water of the permit area to non-resident species and critical habitats. This factor is intended to ensure that potential impacts on spawning sites, nursery/forage areas, migratory pathways, or other critical functions are considered. In considering this factor, the Agency has reviewed the Environmental Impact Statements prepared by the Bureau of Land Management. These sources and the conclusions of the technical support document indicate that discharges from oil and gas facilities operating under the terms and conditions of these general permits will not adversely affect marine species or marine communities beyond the immediate area of the discharges.

The potential impacts to human health (Factor 6) are examined in the technical summary "Preliminary Report: An Environmental Assessment of Drilling Fluids and Cuttings Released onto the Outer Continental Shelf." Oil and gas discharges permitted by the general permit should not pose a threat to human health.

Factor 10 requires that the Agency identify conventional, non-conventional, and toxic pollutants in the discharge to be permitted and establish that numeric units in applicable marine water quality criteria will be met with permit limitations. The technical support document contains a thorough analysis of the components of drilling fluids and summaries of the applicable marine water quality criteria have been prepared from the EPA publication, Quality Criteria for Water (the "Red Book"), and from the water quality criteria for toxic pollutants published November 28, 1980 at 45 FR 79318.

The application of dispersion/dilution models from the technical summary indicates that the dilution of drilling fluid components within the mixing zone will be sufficient to reduce the concentrations of pollutants to levels below the numeric limits set in the marine water quality criteria. The report, Analysis of Potential for Violations of Marine Water Quality Criteria Resulting from Oil and Gas Operations, has been placed in the Administrative Record for this general permit. For those drilling muds not previously tested, the permit requires biological toxicity testing. The permit prohibits discharge of muds or any other pollutant if, after initial dilution, the concentration in the receiving water will exceed 0.01 of the concentration found to be toxic or applicable marine water quality criteria.

In the preparation of this general NPDES permit a review has been made of all of the material in the administrative record, all of the material in the file, and all material either admitted or offered in evidence in the evidentiary hearing titled: In re Diamond M Drilling Company (Diamond M General) et al.; Docket No. IX–WP–80–3, now pending before the Administrator and assigned to Administrative Law Judge Thomas B. Yost. A review of all of the material available for a determination of the issues in this general permit discloses that the state of knowledge on these subjects is extensive but not perfect. Areas of uncertainty remain. A complete factual support in the record is not possible or required. It is necessary to make policy judgments as to these matters where no factual certainties exist or are possible.

Based on a consideration of the criteria for unreasonable degradation, applying to the consideration all of the available factual data, and exercising the best judgment possible in the circumstances, the Regional Administrator has determined that the discharges associated with oil and gas facilities located in the general permit area and operating in compliance with this permit will not cause unreasonable degradation of the marine environment.

G. Monitoring and Enforcement

This general permit requires dischargers to monitor monthly, the concentrations of oil and grease in produced water discharges and the chlorine in sanitary waste discharges. In addition, monthly monitoring or estimates of the produced water flow rate is required, as well as semi-annual sampling to demonstrate compliance with the numeric limits placed on heavy metals in produced water discharges. Monthly volume estimates are required for drilling fluids, drill cuttings, deck drainage, produced sand, and well treatment fluids. Discharge Monitoring Reports (DMRs) must be submitted annually. A chemical inventory of all materials actually added down the well must be maintained and all records retained for three years.

H. State Certification

Section 301(b)(1)(C) of the Act requires that NPDES permits contain conditions which ensure compliance with applicable State water quality standards or limitations. Under section 401(a)(1) of the Act, EPA may not issue a NPDES permit until the State in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law.

A formal request for State Certification of this general permit has been submitted to the California State Water Resources Control Board.

I. Oil Spill Requirements

Section 311 of the Act prohibits the discharge of oil and hazardous materials in harmful quantities. In the 1978 amendments to section 311, Congress clarified the relationship between this section and discharges permitted under Section 402 of the Act. It was the intent of Congress that routine discharges permitted under section 402 be excluded from section 311. Discharges permitted under Section 402 are not subject to section 311 if they are:

1. In compliance with a permit under Section 402 of the Act;

2. Resulting from circumstances identified, reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Act, and subject to a condition in such permit; or

3. Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under Section 402 of this Act, which are caused by events occurring within the scope of the relevant operating or treatment systems.

To help clarify the relationship between discharges permitted under Section 402 and section 311 discharges, EPA has compiled the following list of discharges which it considers to be regulated under section 311 rather than under a Section 402 permit. The list is not to be considered all-inclusive.

1. Discharges from a platform or structure on which oil or water treatment equipment is not mounted.
2. Discharges from burst or ruptured pipelines, manifolds, pressure valves or atmospheric tanks.
3. Discharges from uncontrolled wells.
4. Discharges from pumps or engines.
5. Discharges from oil gauging or measuring equipment.
6. Discharges from pipeline scraper, launching, and receiving equipment.
7. Spills of diesel fuel during transfer operations.
8. Discharges from faulty drip pans.
9. Discharges from well head and associated valves.
10. Discharges from gas-liquid separators, and
11. Discharges from flare lines.

J. Other Legal Requirements

The *Endangered Species Act* requires that each Federal Agency shall ensure that any of their actions, such as permit issuance, do not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modifications of their habitats. Although the Bureau of Land Management has undertaken endangered species reviews including full consultation with the Department of Commerce, the National Marine Fisheries Service and the Department of the Interior, Fish and Wildlife Service, with respect to all oil and gas leasing in the general permit area, EPA has submitted a request for separate consultation on the terms and conditions of this draft general permit. Full biological opinions are required within 60 days. EPA recognizes its obligation to comply with the requirements of the Endangered Species Act, and the agency will join in any future consultation with the Secretary with respect to any lease activities not now covered by the Secretary's opinion. Additionally, EPA will initiate consultation should new information reveal impacts not previously considered, if the activities are modified in a manner beyond the scope of the original opinion or should the activities affect a newly listed species.

The *Coastal Zone Management Act* (CZMA) and its implementing regulations (15 CFR Part 930) require that any federally licensed activity affecting the coastal zone with an approved Coastal Zone Management Program (CZMP) be determined to be consistent with the CZMP. EOA's Region 9 has determined that this draft general NPDES permit is consistent with the CZMP. Operations within 1,000 meters seaward of the territorial sea of the State of California may have some effect on the coastal zone of California. For that reason operations under this permit may not be conducted within 1,000 meters of the territorial sea of the State of California until the plan of exploration or development has been certified to the Coastal Commission of the State of California as consistent with the CAMP and has been concurred upon by that Commission.

Section 306 of the Act directs the Administrator to promulgate standards of performance for categories of sources identified in 306(b)(1)(A) which reflect the greatest degree of effluent reduction achievable through best available demonstrated control technology. The Agency has not proposed nor finally promulgated such standards for the Offshore Subcategory of the Oil and Gas Extraction Point source Category. These standards are currently under development. Until these standards, new source performance standards, are finally promulgated, the Agency is not required to conduct an environmental review for the issuance of this general NPDES permit under the National Environmental Policy Act (NEPA).

K. Economic Impact

EPA has reviewed the effect of Executive Order 12291 on this proposed general permit and has determined the proposal not to be major under that order. The proposed permit will result in substantial elimination of regulated facility paperwork by reducing or waiving permit applications and reducing routine reporting.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: August 21, 1981.

Frank M. Covington,

Acting Regional Administrator, Region 9.

After review of the facts presented in the Notice of Intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that the proposed general permit, when issued, will not have a significant impact on a substantial number of small entities. This action imposes no new requirements. Moreover, it reduces a significant administrative burden on regulated sources.

Dated: September 1, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[Permit No. CA0110516]

General Permit Authorization to Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the "Act"), the following discharges are authorized:

Drill Cuttings and Drilling Muds (discharge 001),
Produced Water (discharge 002),
Produced Sand (discharge 003),
Well Completion and Treatment Fluids (discharge 004),
Deck Drainage (discharge 005),
Sanitary Wastes (discharge 006),
Domestic Wastes (discharge 007),
Desalinization Unit Discharge (discharge 008),
Cooling Water (discharge 009),
Bilge Water (discharge 010),
Ballast Water (discharge 011),
Excess Cement Slurry (discharge 012),
BOP Control Fluid (discharge 013), and
Fire Control System Test Water (discharge 014),

from offshore oil and gas facilities (defined in 40 CFR Part 435, subpart A) to receiving waters named the Pacific Ocean, in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II and III thereof.

Offshore operators who fail to notify the Regional Administrator of their intent to be covered by this general permit are not authorized to discharge to the specified receiving waters unless an individual permit has been issued to the facility by EPA, Region 9.

The authorized discharge sites are (by OCS lease parcel number):

in waters west and northwest of Point Arguello,

P-0393	P-0414	P-0436
P-0394	P-0415	P-0437
P-0395	P-0416	P-0438
P-0396	P-0418	P-0439
P-0397	P-0419	P-0440
P-0400	P-0420	P-0441
P-0401	P-0421	P-0443
P-0402	P-0422	P-0444
P-0403	P-0424	P-0445
P-0404	P-0425	P-0446
P-0405	P-0426	P-0447
P-0406	P-0427	P-0448
P-0407	P-0429	P-0449
P-0408	P-0430	P-0450
P-0409	P-0431	P-0451
P-0410	P-0432	P-0452
P-0411	P-0433	P-0453;
P-0412	P-0434	
P-0413	P-0435	

in waters south and west of Pt. Conception,

P-0315	P-0321	P-0328
P-0316	P-0322	P-0330
P-0317	P-0323	P-0331
P-0318	P-0324	P-0332
P-0319	P-0325	P-0333
P-0320	P-0327	P-0336;

in the Santa Barbara Channel from Pt. Conception to Goleta Point,

P-0180	P-0195	P-0348
P-0181	P-0196	P-0349
P-0182	P-0197	P-0350
P-0183	P-0326	P-0351
P-0184	P-0329	P-0352
P-0185	P-0334	P-0353
P-0186	P-0335	P-0354
P-0187	P-0336	P-0355
P-0188	P-0339	P-0356
P-0189	P-0340	P-0357
P-0190	P-0341	P-0358
P-0191	P-0342	P-0359
P-0192	P-0343	P-0360;
P-0193	P-0344	
P-0194	P-0345	

in the Santa Barbara Channel from Santa Barbara to Ventura,

P-0166	P-0215	P-0240
P-0202	P-0216	P-0241
P-0203	P-0217	P-0337
P-0204	P-0231	P-0346
P-0205	P-0232	P-0347
P-0208	P-0233	P-0361;
P-0209	P-0234	
P-0210	P-0238	

in waters south of Santa Rosa and Santa Cruz Islands,

P-0248	P-0362	P-0364;
P-0251	P-0363	

in the San Pedro Channel between San Pedro and Laguna,

P-0295	P-0301	P-0366;
P-0296	P-0301	

in waters west of San Clemente Island in the Tanner Bank Area,

P-0367	P-0368	P-0369.

The permit shall become effective on————.

This permit and the authorization to discharge shall expire at midnight, December 31, 1983.

Signed this —— day of ————.

Sheila M. Prindiville,

Acting Regional Administrator, Region 9.

A. Effluent Limitations and Monitoring Requirements

1. During the period beginning the date notification of commencement of operations is received by the Regional Administrator and lasting through December 31, 1983 the operator is authorized to discharge from outfall(s) serial number 001 (drill cuttings and drilling muds).

a. Such discharges shall be limited and monitored by the operator as specified below:

Effluent characteristic	Discharge limitations				Monitoring requirements	
	Kilograms/day (lbs/day)		Other units (specify)			
	Daily average	Daily maximum	Daily average	Daily maximum	Measurement frequency	Sample type
Total volume (cubic meters)[1]					Once/month	Estimate.

[1] The total volume of drill cuttings and drilling muds discharged at each site shall each be monitored by an estimate sample type.

b. There shall be no discharge of free oil as a result of the discharge of drill cuttings and/or drilling muds.

c. There shall be no visible floating solids in the receiving waters as a result of these discharges.

d. The discharge of oil-base drilling muds is prohibited.

e. There shall be no discharge of toxic materials in a concentration and/or volume which after allowance for initial mixing, exceeds the limiting permissible concentration defined in Condition III.C.17.

f. The discharge of drill cuttings and drilling muds is prohibited in Areas of Special Biological Significance as designated by Bureau of Land Management (BLM) lease contracts. Areas of Special Biological Significance presently identified in BLM contracts include, but are not limited to, areas in OCS parcel P-0369. Specifically, discharges are prohibited within the 80 meter isobath and within a 1500 meter buffer zone surrounding the 80 meter isobath, within OCS parcel P-0369.

g. Drilling Fluids Inventory. The operator shall maintain a precise chemical inventory of all constituents and their volume added downhole for each well. This inventory shall include diesel fuel and any drilling fluid additives used to meet specific drilling requirements.

Part I.A.1.h Additional Monitoring Requirements: Bioassay of Spent Drilling Muds

Within six (6) months of the initiation of drilling mud discharges, the operator shall demonstrate compliance with condition I.A.1.e. by conducting and reporting the results of a drilling mud bioassay performed for each type of drilling mud discharged. A sample of spent drilling muds, immediately prior to its intended discharge, shall be collected for analysis. The bioassay shall be conducted in accordance with the procedures developed by the Mid-Atlantic Joint Industry Bioassay Program, or other methods approved by the Regional Administrator, Region 9. The following shall be submitted to the Regional Administrator:

(a) The date the sample was collected;

(b) The total volume of spent muds discharged on the date of the sample;

(c) The water depth into which the muds were discharged;

(d) The results of the bioassay, including the survival percentages of all dilutions tested and the graph from which the LC_{50} was extrapolated; and

(e) A list of all components, including the weights, used to compose the drilling muds which are discharged. If commercial names are listed, their chemical constituents shall also be provided.

The bioassay requirement shall be deemed satisfied if the operator discharges a mud for which bioassay test data has previously been submitted to the Agency without regard to whether the operator originally submitted the test data. Copies of this data shall be provided to the Regional Administrator prior to initiation of discharge. The bioassay requirement for a mud not previously tested may be waived by the Regional Administrator upon written request by the permittee. *Provided,* That:

(1) The mud is of one of the generic types which have been tested and accepted for discharge by EPA;

(2) The mud contains no additives not present in the generic mud;

(3) The Regional Administrator determines that, based on the concentrations of components in the proposed mud and bioassays of other muds, the discharge of the mud would not pose a significant threat to marine organisms.

2. During the period beginning the date notification of commencement of operations is received by the Regional Administrator and lasting through December 31, 1983 the operator is authorized to discharge from outfall(s) serial number(s) 002 (produced water).

a. Such discharges shall be limited and monitored by the operator as specified below:

Effluent characteristic	Discharge limitations: Kilograms/day (lbs/day) Daily average	Kilograms/day (lbs/day) Daily maximum	Other units (specify) Daily average	Other units (specify) Daily maximum	Monitoring requirements: Measurement frequency	Monitoring requirements: Sample type
Flow-m³/day (MGD)					Once/month	Composite
Oil and grease				72.0	...do	Dn.
Arsenic				[1] [2].006	Once/6 months	Dn.
Cadmium				[1].003	...do	Do.
Total chromium				[1].002	...do	Do.
Copper				[1].002	...do	Do.
Cyanides				[1].0045	...do	Do.
Lead				[1].004	...do	Do.
Mercury				[1].00014	...do	Do.
Nickel				[1].01	...do	Dn.
Silver				[1].00016	...do	Do.
Zinc				[1].009	...do	Do.
Phenols				[1].03	...do	Do.

[1] This limit is applicable after initial dilution within a mixing zone defined in Condition III.C.16.
[2] Milligrams per liter.

b. Samples taken in compliance with the monitoring requirements specified in Condition A.2.a., above, shall be taken at the following location: At a point in discharge 002 prior to entry into the waters of the Pacific Ocean.

3. During the period beginning the date notification of commencement of operations is received by the Regional Administrator and lasting through December 31, 1983 the operator is authorized to discharge from the following outfalls.

a. Such discharges shall be limited and monitored by the operator as specified below:

Serial numbers outfalls	Effluent characteristic	Discharge limitations	Monitoring requirements: Measurement frequency	Monitoring requirements: Sample type
003—Produced sand [1]	Quantity(m³)		Once/month	Estimate.
004—Well completion and treatment fluids [1]	Volume (bbl/mo)		Once/month	Estimate.
005—Deck drainage [1]	Volume (bbl/mo)		Once/month	Estimate.
006—Sanitary waste	Flow rate (MGD) Residual chlorine	[2] [3] 1.0 mg/1	Once/month	Estimate.
007—Domestic waste				

[1] There shall be no free oil in the receiving waters as a result of this discharge.
[2] Minimum of 1 mg/1 and maintained as close to this concentration as possible. This requirement is not applicable to facilities intermittently manned or to facilities permanently manned by nine (9) or fewer persons.
[3] Milligrams per liter.

b. Samples taken in compliance with monitoring requirements specified above shall be taken at a sampling point prior to commingling with any other waste stream oreentering Pacific waters.

4.a. During the period beginning the date notification of commencement of operations is received by the Regional Administrator and lasting through the operator is authorized to discharge from outfall(s) serial number(s) 008–014 (miscellaneous discharges).

Discharge:
008—Desalinization Unit discharge
009—Cooling water
010—Bilge Water
011—Ballast Water
012—Excess Cement Slurry
013—Control Fluid From Blow-Out Preventer
014—Fire Control System Test Water

b. There shall be no free oil in the receiving waters as a result of these discharges.

Part I.A.5 Reopener Clause

In addition to any other grounds specified herein, this permit shall be modified or revoked at any time if, on the basis of any new data, the Regional Administrator determines that continued discharges may cause unreasonable degradation of the marine environment.

Part I.A.6 Commencement and Termination of Operations—Notification Requirements

Written notification of commencement of operations including name and address of operator, description and location of operation and of accompanying discharges shall be provided to the Regional Administrator at least fourteen (14) days prior to initiation of discharges. Operators shall also notify the Regional Administrator upon permanent termination of discharge from these facilities.

Part I.A.7 Effective Date for Monitoring Requirement

The monitoring requirements shall take effect upon commencement of discharge.

Part I.A.8 Notification of Relocation by Exploratory Drilling Vessel

No less than fourteen (14) days prior to any relocation and initiation of discharge activities at an authorized discharge site the operator shall provide to the Regional Administrator written notification of such actions. The notification shall include the parcel number and exact coordinates of the new site and the initial date and expected duration of drilling activities at the site.

B. Other Discharge Limitations

1. *Floating Solids or Visible Foam.* There shall be no discharge of floating solids or visible foam in other than trace amounts.

2. *Halogenated Phenol Compounds.* There shall be no discharge of halogenated phenol compounds.

3. *Surfactants, Dispersants, and Detergents.* The discharge of surfactants, dispersants, and detergents shall be minimized except as necessary to comply with the safety requirements of the Occupational Health and Safety Administration and the U.S. Geological Survey.

4. *Sanitary Wastes.* Any facility using a marine sanitation device that complies with pollution control standards and regulations under section 312 of the Act shall be deemed to be in compliance with permit limitations for sanitary waste discharges until such time as the device is replaced or is found not to comply with such standards and regulations.

C. Monitoring and Records

1. *Representative Sampling.* Samples and measurements taken for the purpose of

monitoring shall be representative of the volume and nature of the monitored activity.

2. *Reporting Procedures.* Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. *Penalties for Tampering.* The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

4. *Reporting of Monitoring Results.* Monitoring results obtained during the previous 12 months shall be summarized and reported on a Discharge Monitoring Report Form, EPA No. 3320–1 (DMR). In addition, the annual average shall be reported and shall be the arithmetic average of all samples taken during the year. The highest daily maximum sample taken during the reporting period shall be reported as the daily maximum concentration.

If any category of waste (outfall) is not applicable due to the type of operation (e.g., drilling, production) no reporting is required for that particular outfall. Only DMR's representative of the activities occurring need to be submitted. A notification indicating the type of operation should be provided with the DMR's.

The first report is due on the 28th day of the 13th month from the day this permit first becomes applicable to a permittee. Signed and certified copies of these and other reports required herein, shall be submitted to the Regional Administrator at the following address: Director, Enforcement Division, Region 9, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105.

5. *Additional Monitoring by the Permittee.* If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

6. *Averaging of Measurements.* Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

7. *Retention of Records.* The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit for a period of at least three (3) years from the date of the sample, measurement, or report. This period may be extended by request of the Regional Adminsitrator at any time.

8. *Record Contents.*

Records of monitoring information shall include:

a. The date, place, and time of sampling or measurements;

b. The individual(s) who performed the sampling or measurements;

c. The date(s) analyses were performed;

d. The individual(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of such analyses.

9. *Inspection and Entry.* The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substancers or parameters at any location.

D. Reporting Requirements

1. *Anticipated Noncompliance.* The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

2. *Monitoring Reports.* Monitoring results shall be reported at the intervals specified in Part I.C. of this permit.

3. *Twenty-Four Hour Reporting of Noncompliance.* The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

a. Any unanticipated bypass which exceeds any effluent limitation in the permit;

b. Any upset which exceeds any effluent limitations in the permit; and

c. Violation of a maximum daily discharge limitation for any toxic pollutant or hazardous substances, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance, listed as such by the Regional Administrator in the permit to be reported within 24 hours.

Reports should be made to telephone #415–556–6895. The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. *Other Noncompliance.* The permittee shall report all instances of noncompliance not reported under Part I.D.3. at the time monitoring reports are submitted. The reports shall contain the information listed in Part I.D.3.

5. *Signatory Requirements.* All reports or information submitted to the Regional Administrator shall be signed and certified in accordance with 40 CFR 122.6.

6. *Availability of Reports.* Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

7. *Penalties for Falsification of Reports.* The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

A. Operation and Maintenance of Pollution Controls

1. *Proper Operation and Maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxilliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. *Duty to Halt or Reduce Activity.* Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

3. *Bypass of Treatment Facilities.*

a. *Definitions.* (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which are reasonably to be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused be delays in production.

b. *Bypass not exceeding limitations.* The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section.

c. *Notice.* (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least 10 days before the date of the bypass.

(2) Unanticipated bypass. The permttee shall submit notice of an unanticipated bypass as required in Part I.D.3. (24-hour notice).

d. *Prohibition of bypass.* (1) Bypass is prohibited, and the Regional Administrator may take enforcement action against the permittee by bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxilliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph c. of this section.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if he determines that it will meet the three conditions listed above in paragraph d.(1) of this section.

4. *Upset Conditions.* a. *Definition.* "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless of improper operation.

b. *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination, made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. *Conditions necessary for a demonstration of upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Part I.D.3. (24-hour notice); and

(4) The permittee complied with any remedial measures required under Part II.B.4 (duty to mitigate).

d. *Burden of proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. *Removed Substances.* Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

B. General Conditions

1. *Duty to Comply.* The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action or for requiring a permittee to apply for and obtain an individual NPDES permit.

2. *Duty to Comply with Toxic Effluent Standards.* The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3. *Penalties for Violation of Permit Conditions.* The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 303, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

4. *Duty to Mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

5. *Permit Actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or notification of planned charges or anticipated noncompliance, does not stay any permit condition.

6. *Civil and Criminal Liability.* Except as provided in permit conditions on "Bypasses" (Part II.A.3.) and "Upsets" (Part II.A.4.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. *Oil and Hazardous Substance Liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

8. *State Coastal Zone Management Plan Consistency.* Discharge from drilling vessels, production platforms or other facilities engaged in exploratory drilling or production of oil and gas within 1000 meters seaward of the territorial seas of California is prohibited until the plan of exploration or developments, for each affected parcel, is determined to be consistent with the Coastal Zone Management Plan by the Coastal Commission of the State of California.

9. *State Laws.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

10. *Property Rights.* The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

11. *Severability.* The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Part III Other Requirements

A. When the Regional Administrator May Require Application for an Individual NPDES Permit

The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual NPDES permit when:

a. The discharge(s) is a significant contributor of pollution;

b. The discharger is not in compliance with the conditions of this permit;

c. A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

d. Effluent limitation guidelines are promulgated for point sources covered by this permit;

e. A Water Quality Management Plan containing requirements applicable to such point source is approved; or

f. The point source(s) covered by this permit no longer:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring; and

(5) In the opinion of the Regional Administrator are more appropriately controlled under a general permit than under individual NPDES permits.

The Regional Administrator may require any operator authorized by this permit to apply for an individual NPDES permit only if the operator has been notified in writing that a permit application is required.

B. When an Individual NPDES Permit May Be Requested

a. Any operator authorized by this permit may request to be excluded from the

coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator (no later than 90 days after the publication).

b. When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that owner or operator is automatically terminated on the effective date of the individual permit.

c. A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

C. Definitions

1. "Cooling water" means once through non-contact cooling water.

2. "Daily maximum" means the average concentration of the parameter specified during any 24-hour period that reasonably represents the 24-hour period for the purposes of sampling.

3. "Deck drainage" means all waste resulting from platform washing, deck washings, and run-off from curbs, gutters, and drains including drip pans and wash areas.

4. "Desalinization unit discharge" means wastewater associated with the process of creating fresh water from seawater.

5. "Domestic waste" includes discharges from galleys, sinks, showers, and laundries.

6. "No discharge of free oil" means a discharge that does not cause a film or sheen upon or a discoloration on the surface of the water or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

7. "Drill cuttings" means particles generated by drilling into subsurface geological formations.

8. "Drilling fluids" means any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.

9. "Produced waters" means waters and particulate matter associated with oil and gas producing formations. Sometimes the terms "formation water" or "brine water" are used to describe produced water.

10. "Produced sands" means sands and other solids removed from the produced waters.

11. "Sanitary waste" means human body waste discharged from toilets and urinals.

12. The term "territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

13. "Well completion and treatment fluids" means any fluids sent down the drill hole to improve the flow of hydrocarbons into or out of geological formations which have been drilled.

14. A "discrete sample" means any individual sample collected in less than fifteen minutes.

15. For flow rate measurements, a "composite sample" means the arithmetic mean of no fewer than eight individual measurements taken at equal intervals for twenty-four hours or for the duration of the discharge, whichever is shorter.

For oil and grease measurements, a "composite sample" means four samples taken over a twenty-four hour period analyzed separately and the four samples averaged. The daily maximum limitation for oil and grease is based on this definition of a composite sample.

For measurements other than flow rate or oil and grease, a composite sample means a combination of no fewer than eight individual samples obtained at equal time intervals for twenty-four hours or for the duration of the discharge, whichever is shorter.

16. Mixing Zone—the zone extending from the sea's surface to seabed and extending laterally to a distance of 100 meters in all directions from the discharge point or to the boundary of the zone of initial dilution as calculated by a plume model approved by the Regional Administrator, whichever is greater.

17. Limiting Permissible Concentration—that concentration of a constituent which, outside the boundaries of a mixing as defined in Part III.C.16 above, does not exceed applicable marine water quality criteria, or, when there are no applicable water quality criteria, that concentration of a waste which, after allowance for initial mixing will not exceed a toxicity threshold defined as 0.01 of a concentration shown to be acutely toxic to appropriate sensitive marine organisms in a bioassay carried out in accordance with Condition I.A.1.h. When there is reasonable scientific evidence on a specific waste material to justify the use of an application factor other than 0.01, the Regional Administrator may approve the use of such alternative factor in calculating the LPC.

[FR Doc. 81-26118 Filed 9-11-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

Correction to Report No. 1306; Petitions for Reconsideration of Actions In Rule Making Proceedings

September 4, 1981.

Public Notice released on September 1, 1981, (46 FR 44885; September 8, 1981) which was inadvertently listed as Report No. 1306 should be corrected to read "Report No. 1307".

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-26723 Filed 9-11-81; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee; Amateur Radio Services Subcommittee; Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of the Amateur Radio Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Friday, September 25, 1981. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A-106, 1229—20th Street, N.W., Washington, D.C. at 10:00 A.M.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items: Opening of meeting by Vice-Chairman Mr. Meserve

Introduction of new Amateur Radio Services Subcommittee Chairman

1. Opening statement by new Chairman Mr. Dunn and approval of minutes and attachments of the May 16, 1981 meeting.

2. Report on status and promulgation of operational Amateur Radio Communications Emergency Plans, FCC staff.

3. Progress reports and information on previously assigned activities of subcommittee members.

a. *Local Government Planning*, Mr. Estevez, Mr. Newland.

b. *Broadcast Services*, Mr. Payne.

c. *Citizens Band*, Mr. Flinn.

d. *Red Cross & Salvation Army*, Mr. Estevez, Mr. Lindholm.

e. *Independent Traffic Nets and Networking*, Mr. Estevez, Mr. Lindholm.

f. *Radio Amateur Civil Emergency Service*, Mr .Snyder.

g. *Military Affiliate Radio System*, Mr. Dunn, Mr. Hurd, Mr. Todd. Others as available.

h. *New Operational and Technical Advances in High Speed Data and Information Transmission for Emergency Communications*, Mr. Green.

i. *Plain Language Rules*, Mr. Imlay.

j. *Other Reports.*

4. Establishment of Subcommittee Working Groups, Mr. Dunn.

5. Developing More Trained Amateurs for Emergency Operations, Mr. Green.

6. Report of Rebroadcast Recommendation, FCC staff.

7. Electromagnetic Pulse, Mr. Meserve.

8. Determination of the number of NIAC Amateur Radio Services Subcommittee meetings per year.

9. New business

10. Federal agency and public comments

11. Establish next Amateur Radio Services Subcommittee Meeting Date.

12. Establish Agenda Items and Timetable for next Meeting.

13. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those

desiring more specific information about the meeting may telephone the Executive Secretary, National Industry Advisory Committee, at the FCC on (202) 632-7232.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-26702 Filed 9-11-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974: Notice of Amendments to and Annual Publication of Systems of Records

Subsection (e)(4) of the Privacy Act of 1974 requires Federal agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. 5 U.S.C. § 552a(e)(4), 88 Stat. 1896, 1899-1900. The Federal Deposit Insurance Corporation ("FDIC") last made such an annual publication on September 26, 1980 (45 FR 63920). That publication cited the last actual full publication of the FDIC's Systems of Records at 43 FR 37152 (August 21, 1978). Also, subsection (e)(11) of the Privacy Act requires 30 days notice of a change to an agency's intended use of information ("routine use") for one of its Systems of Records prior to the change's effective date. 5 U.S.C. 552a(e)(11), 88 Stat. 1896, 1900.

Since September 1980, the FDIC finds that numerous changes must be made to its Systems of Records, including new routine uses. On May 21, 1981 (46 FR 27759), FDIC published notice of proposed changes to its Systems of Records. Specifically, the FDIC proposed new routine uses for eight of its existing Systems of Records. Also, the FDIC proposed to establish two new Systems of Records ("Employee Financial Disclosure Statements—FDIC" (30-64-0006) and "Financial Payments and Payroll Deduction System—FDIC" (30-64-0008)), new system locations for two of the existing Systems of Records, and extensions in the retention and disposal periods for four different systems. Finally, because of the extensive changes made to them, two of the existing FDIC Systems of Records ("Unofficial Personnel System—FDIC" (30-64-0015) and "Medical Records and Emergency Contact Information System—FDIC" (30-64-0017)) were to be republished in their entireties.

Comments on these proposed changes were requested from the public, as well as from the Director of the Office of Management and Budget, the Speaker of the House of Representatives and the President of the Senate. Only one comment was received, this from the United States Office of Personnel Management ("OPM"). Referring to FDIC Systems of Records 30-64-0006 and 30-64-0015, OPM characterized these FDIC systems as "duplicative" of OPM's comparable government-wide systems and stressed that FDIC employees will still retain their rights of appeal to OPM under OPM's rules and regulations (5 CFR Parts 294 and 297) with regard to OPM's government-wide systems of records. Also, OPM uggested a new routine use for FDIC System of Records 30-64-0006. Referring to subsection (b)(1) of the Privacy Act of 1974 (5 U.S.C. 552a(b)(1), 88 Stat. 1896, 1897), which provides in pertinent part that there may be disclosure of a record to those persons in the agency maintaining the record "who have a need for the record in the performance of their duties," OPM stated that for purposes of subsection (b)(1), employees of OPM are considered to be "employees" of the other agency maintaining the record for which OPM has already published a system of records. Hence, another routine use should be added to Systems of Records 30-64-0006 for the disclosure of information in that system to OPM.

The FDIC has chosen not to adopt the recommendations of OPM. Concerning OPM's statements of "duplicative" FDIC systems, the fact remains that FDIC Systems of Records 30-64-0006 and 30-64-0015 are not necessarily duplicative of similar systems maintained by OPM. As for OPM's suggestion that there be added another routine use to FDIC Systems of Records 30-64-0006, under the "Categories of Records" section of Systems of Records 30-64-0006, there are provisions for the maintenance of records on FDIC employees pertaining to bank ownership and indebtedness and such information can be particularly sensitive. Under specific conditions already contained in the routine uses of this system, there can be disclosure to other Federal agencies, including OPM.

No other comments were filed in response to the FDIC's proposed amendments to its Systems of Records and FDIC's Board of Directors adopted the amendments to its Systems of Records as proposed. No substantive changes other than those adopted in this publication have occurred in any FDIC Systems of Records since FDIC's last annual publication. There are certain technical changes in this publication that vary from the earlier proposal. First, new sentences added to existing FDIC systems, which were printed in italics in the May 21 **Federal Register** proposal, are now printed in regular Roman type. Also, several minor typographical errors that appeared in the May 21 **Federal Register** notice of proposed changes are now made.

The full text of each of the systems which have been amended and have changed since FDIC's last annual publication appears below. This includes the two new Systems of Records being adopted by the FDIC. The full text of the FDIC Systems of Records also appears in Privacy Act Issuances, 1980 Compilation, Volume IV, page 272. Copies of this volume are available at the Depository Libraries and Federal Information Centers throughout the United States. Finally, this notice of the changes to and the annual publication of the FDIC's Systems of Records shall become effective October 14, 1981.

Dated: September 8, 1981.

Hoyle L. Robinson,

Executive Secretary.

Table of Contents

30-64-0001 Attorney-Legal Intern Applicant System. [This system is subject to exemption pursuant to 12 CFR Sec. 310.13(b), to the extent it contains information provided by confidential sources.)

30-64-0002 Bank, and Proposed Bank Irregularity Record System. [The system is subject to exemption pursuant to 12 CFR Sec. 310.13(a), to the extent it contains material compiled for law enforcement purposes.)

30-64-0003 Board of Directors' Actions System.

30-64-0004 Changes in Bank Control Ownership Records.

30-64-0005 Consumer Complaint and Inquiry Records.

30-64-0006 Employee Financial Disclosure Statements

30-64-0007 Employee Education System.

30-64-0008 Financial Payments and Payroll Deduction System

30-64-0009 Examiner Training and Education Records. (The system is subject to exemption pursuant to 12 CFR Sec. 310.13(c).)

30-64-0010 (Reserved).

30-64-0011 Legal Compliance and Enforcement Records. (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(a), to the extent it contains material compiled for law enforcement purposes.)

30-64-0012 Payroll and Employee Financial Records.

30-64-0013 Savings Bond Payroll Deduction System.

30-64-0014 Travel Voucher System.

30-64-0015 Unofficial Personnel System.

30-64-0016 Municipal Securities Principals and Representatives System.

30-64-0017 Medical Records and Emergency Contact Information System.

30-64-0018 Grievance Records.
30-64-0002

SYSTEM NAME:

Bank and Proposed Bank Irregularity Records System—FDIC.

SYSTEM LOCATION: Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, officers and employees of FDIC insured banks who have been involved in reported irregularities. Directors and officers of noninsured banks and organizers of proposed banks which have applied for Federal deposit insurance and who have been involved in reported irregularities. Customers of FDIC insured banks, and other individuals, who have been involved in reported irregularities at such banks. In addition, the system may contain information on individuals who have been the subject of background checks designed to uncover irregularities bearing on these individuals' fitness to be directors, officers, or employees of the banks or to control its management. These individuals may include the following: directors, officers and employees of FDIC insured banks; directors and officers of uninsured banks and organizers of proposed banks which have applied for Federal deposit insurance; and controlling shareholders of banks endeavoring to gain control over FDIC insured banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains interagency correspondence, intra-agency memoranda and reports of investigation. May contain newspaper clippings. May contain Federal or State criminal law enforcement agency investigatory and/or arrest and conviction reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 5, 6, 7, 9, 18 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1815, 1816, 1817, 1819, 1828, 1829).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) In the event that information contained in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) In the event of litigation, the appropriate records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (4) Disclosure may be made to the bank affected by a discovered irregularity; (5) Disclosure may be made to another Federal or State financial institution regulatory agency if the individual involved has notified that agency of his intent to acquire controlling interest in a bank or bank holding company, has filed an application for a bank charter or to form a bank holding company, or has or will become associated with an insured bank under that agency's supervision.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on file cards and in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Indexed cards and file folders are maintained in lockable metal cabinets.

RETENTION AND DISPOSAL:

Destruction after five years. Destruction is by shredder.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Bank Supervision, FDIC, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429. Inquiries must provide the full name of the inquirer. All inquiries must include a notarized statement attesting to the identity of the inquirer.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

FDIC insured banks and applicants for Federal deposit insurance; Federal and State banking supervisory authorities; newspapers; Federal and State criminal law enforcement and prosecutorial agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to section 310.13(a) of the FDIC's rules and regulations, investigatory material compiled for law enforcement purposes, concerning irregularities involving officers, directors, employees, customers, or other individuals at FDIC insured banks; directors and officers of noninsured banks; or organizers of proposed banks which have applied for Federal deposit insurance, is exempted from the accounting provisions of section 310.10(d)(2) of the FDIC's rules and regulations and may be withheld from disclosure to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal, or administrative law enforcement proceedings. Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

30-64-0004

SYSTEM NAME:

Changes in Bank Control Ownership Records—FDIC.

SYSTEM LOCATION:

Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been involved in the change of bank control or ownership in FDIC insured banks and/or have obtained loans from insured banks, when such loans are secured by 25 percent or more of the outstanding stock of an insured bank.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name of the individual seller or purchaser of shares of stock, the number of shares of stock involved and outstanding, the name of the bank whose control is changing, the purchase price of the stock, the names of beneficial owners if the shares are registered in another name, the total number of shares owned by the seller, purchaser, or beneficial owner, both before and after the transaction, the personal history, business background and experience, and pending legal or administrative proceedings involving each purchaser or beneficial owner, financial and income statements of purchasers or beneficial owners, the source of funds used in the purchase, the identity of any person who will solicit stockholders in connection with the

purchase, the terms and conditions of the acquisition, any plans to make a major change to the business or corporate structure of the acquired bank, copies of invitations, tenders, or advertisements used in making tender offers to stockholders, comments by State and Federal regulatory agencies, and changes of directors and chief executive officers within one year of the change in control and a statement of their past and current business and professional affiliations. In the case of loans, contains all of the information listed above and contains the name and location of the lending bank, the name and address of the borrower, the amount of the loan and the name of the bank issuing the stock securing the loan and the number of shares securing the loan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USE AND THE PURPOSES OF SUCH USES:

(1) The name of the bank whose control is changing, the seller and purchaser, and the number of shares involved, may be distributed to periodicals for publication; (2) in the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) in the event of civil, criminal, or administrative law enforcement proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (4) disclosure may be made to the appropriate State banking authority and the appropriate Federal financial institutions regulatory agency as required by the Change in Bank Control Act of 1978 (section 7(j)(11)) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(11)) as added by section 602 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, (92 Stat. 3686); (5) disclosure may be made to a law enforcement or other government agency, whether Federal or State, for the purpose of identity verification; (6) disclosure may be made to a congressional office from the record of an individual as may be necessary to respond to an inquiry from the congressional office made at the request of the individual; (7) the records may be disclosed to third parties for the purposes of verifying the accuracy and/or completeness of any of the information contained in these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on index cards.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable metal filing cabinets.

RETENTION AND DISPOSAL:

Destruction after 10 years. Destruction is by shredder.

SYSTEM MANAGER(S) AND ADDRESS:

Director Division of Bank Supervision FDIC, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The persons who are acquiring control of an FDIC insured bank, the bank in which control is changing, the bank which makes a loan secured by 25 percent or more of the outstanding voting stock of an insured bank, and state and federal regulatory agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-54-0005

SYSTEM NAME:

Consumer Complaint and Inquiry Records—FDIC.

SYSTEM LOCATION:

Division of Bank Supervision, Office of Consumer and Compliance Programs, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 and the appropriate FDIC Regional Office for complaints or inquiries originating within or involving a bank located in an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints or inquiries concerning activities and practices of FDIC insured banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the names of individuals and the nature of their complaints or inquiries. Contains correspondence and records of other communications between the FDIC and the individuals filing complaints and/or making inquiries. May contain correspondence between the FDIC and the bank in question and/or Federal or State supervisory authorities. May contain copies of supporting documents supplied by a complainant and intra-agency memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 202 of Title II of the Federal Trade Improvement Act (15 U.S.C. 57a(f): Sec. 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Since records are compiled and used for investigation and resolution of consumer inquiries and complaints, disclosure may be necessary to the institution which is the subject of the complaint; (2) reolution of the complaint or inquiry may also require disclosure limited to the name of the inquirer and the nature of the inquiry, to third party sources during the course of the investigation; (3) transmittal may be made to the Federal or State supervisory authority that has direct supervision over the financial institution that is the subject of the complaint; (4) in the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statue or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or proxecuting such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (5) in the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the

development of the proceedings; (6) disclousre may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer discs and tapes.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable metal filing cabinets; computer tapes and discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained for two years after receipt unless updated by correspondence received during the previous year. Correspondence files are destroyed by shredder; computer tapes and discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Bank Supervision, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual on whom the record is maintained; institutions that are the subject of the complaint; the appropriate agency, whether Federal or State, with supervisory authority over the institution; Congressional offices that may initiate the inquiry; and other third party sources mentioned in "Routine Use" above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0006

SYSTEM NAME:

Employee Financial Disclosure Statements—FDIC

SYSTEM LOCATION:

Office of the Executive Secretary, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former officers and employees, including Special Corporation employees and employees occupying noncompetitive positions, of FDIC required to file Public Financial Disclosure Reports pursuant to the Ethics in Government Act of 1978 (92 Stat. 1836); current and former employees required to file Confidential Statements of Employment and Financial Interests pursuant to Executive Order 11222 and FDIC's implementing regulation, 12 CFR Part 336; current and former bank examiners and assistant bank examiners required to file disclosures of their personal indebtedness to insured banks or affiliates thereof pursuant to Part 336; and all current and former employees required to disclose their ownership of insured bank securities and other outside interests pursuant to Part 336.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system includes records relating to, or data directly furnished by the subject individual, on the following four forms: (1) Financial Disclosure Reports, Standard Form 278—Contains financial information such as income from salaries, honoraria, dividends, rent, interest, trusts and capital gains; interest in property held in a trade or business or for investment or the production of income; income from the sale, exchange or purchase of real property or property such as stocks and bonds; gifts; reimbursements; liabilities in excess of $10,000 owed to any creditors; copies of and documents relating to qualified blind trusts; information on positions held in private organizations and on agreements with private employers; and other documents that may be generated in the course of administering the Ethics in Government Act of 1978; (2) Confidential Statements of Employment and Financial Interests, FDIC Form 6130/15—Contains statements of personal and family holdings, interests in business enterprises and real property, creditors, outside employment, and other documents that may be generated in the course of administering the provisions of Executive Order 11222 and Part 336; (3) Confidential Disclosures of Indebtedness by Bank Examiners, FDIC Form 6130/16—Contains information on extensions of credit (loans and credit cards) by FDIC insured banks and noninsured banks to examiners and assistant examiners; may also contain memoranda and correspondence relating to requests for approval of certain loans extended by insured banks to examiners and assistant examiners; (4) Disclosures of Direct or Indirect Financial Interest in Bank or Other Interest in Corporation Decision, FDIC Form 6130/17—Contains information on whether or not Corporation employees own or control, directly or indirectly, any securities of an insured bank or its affiliates, and if so, lists specific securities; also contains information on other outside interests which may impact on an employee's official duties; may also contain memoranda and correspondence relating to requests for approval or retention of bank securities by Corporation employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title II of the Ethics in Government Act of 1978 (92 Stat. 1836); Section 402 of Executive Order 11222 dated May 8, 1965; Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Financial Disclosure Reports may be disclosed upon written request to any requesting person pursuant to Section 205 of the Ethics in Government Act of 1978 (92 Stat. 1836), as amended, or as otherwise authorized by law; (2) Confidential Statements of Employment and Financial Interests, Confidential disclosures of Indebtedness by Bank Examiners, and disclosures of Direct or Indirect Financial Interest in Bank or Other Interests in Corporation Decision may be disclosed where the Director of the Office of Government Ethics or the Chairman of the Board of Directors of the FDIC determines that good cause has been shown for such use (a) to the appropriate Federal, State or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order where FDIC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (b) to provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual; (c) to another Federal agency or to a court where the Government is party to a judicial proceeding before the court; (d) to any source where necessary to obtain information relevant to a conflict-of-interest investigation or determination;

(e) in response to a request for discovery or for an appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on index cards.

RETRIEVABILITY:

Indexed alphabetically by name of individual.

SAFEGUARDS:

Maintained in lockable metal filing cabinets in lockable office to which only authorized personnel have access.

RETENTION AND DISPOSAL:

(1) Financial disclosure Reports—Retained for six years and then destroyed by shredding. (2) Confidential Statements of Employment and Financial Interests—Retained two years after separation of employee or two years after employee leaves the position for which the Confidential Statement was required and then destroyed by shredding. (3) Confidential disclosures of Indebtedness by Bank Examiners—(a) for examiners required to file Confidential Statements, retained two years after separation of employee or two years after employee leaves the position for which the Confidential Statement was required; (b) for assistant examiners, destroyed when Corporation employment is terminated. Destruction is by shredding. (4) disclosures of direct or Indirect Financial Interest in Bank or Other Interest in Corporation Decision—(a) for employees required to file Financial disclosure Reports, retained for six years and then destroyed; (b) for employees required to file Confidential Statements, retained two years after separation of employee or two years after employee leaves the position for which the Statement was required; (c) for all other employees, destroyed when Corporation employment is terminated. In all cases, destruction is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Ethics Counselor, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FCIC, 550 17th Street, N.W., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual on whom the record is maintained or a person designated by them and from the Corporation's Ethics Counselor and support personnel

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0007

SYSTEM NAME:

Employee Education System—FDIC.

SYSTEM LOCATION:

Employee Development Branch, FDIC, 550 17th Street, NW, Washington, D.C. 20429; Division of Bank Supervision Training Center, FDIC, 1701 N. Fort Myer Drive, Arlington, Virginia 22209 for all FDIC bank examiners: and the appropriate FDIC Regional Office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the educational history of employees prior to their employment with the FDIC, and educational progression of employees while employed by the FDIC. Information includes employee's schools of attendance, courses completed or enrolled in, dates of attendance, tuition fees and expenses, and may include per diem and travel expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order No. 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) to the United States Office of Personnel Management, the Merit System Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance; (4) to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Audits, for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and computer discs.

RETRIEVABILITY:

File folders—alphabetically by name; computer discs—social security number.

SAFEGUARDS:

File folders are stored in lockable metal cabinets, computer discs are accessed by only authorized personnel.

RETENTION AND DISPOSAL:

Permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, FDIC, 550 17th Street, N.W., Washington, D.C. 20429; Director, Division of Bank Supervision, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 for records maintained at Division of Bank Supervision Training Center; the appropriate FDIC Regional Director for records maintained in FDIC Regional Offices (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained and the training institution in which the employee is enrolled.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0008

SYSTEM NAME:

Financial Payments and Payroll Deduction System—FDIC

SYSTEM LOCATION:

Office of Fiscal Management, FDIC, 1850 K Street, NW, Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees and individuals providing goods and/or services to the FDIC under contractual arrangements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the following information of FDIC employees: mailing addresses and home addresses: rate and amount of pay; hours worked; leave accrued and leave balances; life insurance, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations (including, where applicable, State or Federal tax liens, bankruptcies, attachments, and wage garnishments and the designated co-owner or beneficary, and their social security number). Further the system contains records relating to employees' claims for reimbursement of official travel expenses including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied; records relating to claims for reimbursement for relocation expense including authorizations, advances, vouchers showing amounts claimed and amounts paid; records pertaining to education expense reimbursement, incentive award payments, fiduciary responsibility reimbursements, advances or other funds owed to the Corporation. Records on individuals that are not employees of the FDIC consist of all documents relating to the purchase of goods and/or services from individuals including contractual documents and amounts paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) In the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) In the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) Disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority; and the Equal Employment Opportunity Commission to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (5) Disclosure may be made to a congressional office from the record of an individual in respose to an inquiry from the congressional office made at the request of the individual; (6) Disclosure may be made to the United States Treasury Department for preparation of savings bonds; (7) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers and charity funds.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, and computer discs.

RETRIEVABILITY:

File folders and record cards are indexed by name; computer discs are indexed by Social Security Number or specialized identifying number.

SAFEGUARDS:

File folders and record cards are stored in lockable metal cabinets, computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained by the FDIC for three years and then transferred to Federal Records Center or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Accounting and Corporate Services, FDIC, 550 17th Street, NW. Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW, Washington, D.C. 20429

RECORDS ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the persons on whom the records are maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0009

SYSTEM NAME:

Examiner Employment, Training, and Education Records—FDIC

SYSTEM LOCATION:

Division of Bank Supervision Training Center, FDIC, 1701 North Fort Myer Drive, Arlington, Va. 22209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FDIC assistant examiners who have been candidates for determination of progress to become a commissioned bank examiner (progress evaluation candidates). FDIC examiners who attend, or have attended, graduate schools of banking (graduate school of banking students).

CATEGORIES OF RECORDS IN THE SYSTEM:

Progesss Evaluation Candidates—contains a statement of the candidate's education, home address, date and place of birth, and experience, a report of evaluation of a progress evaluation panel, the consolidated findings of each progress evaluation panel member, the candidate's case studies, basic work papers, and responses, and, in the case of an unsuccessful candidate, the candidate's complete work papers and responses, as well as the individual findings of each progress evaluation panel member.

Graduate school of banking students—contains the student's name, enrollment data, record of attendance.

record of completion or graduation and general correspondence between the FDIC and the student's school of enrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance; (4) to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Audits, for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All categories are stored in file folders.

RETRIEVABILITY:

All categories are indexed by name.

SAFEGUARDS:

All categories are maintained in lockable metal filing cabinets.

RETENTION AND DISPOSAL:

Progress Evaluation Candidates' records maintained for three years for the successful candidate and then destroyed by shredder, records of unsuccessful candidate retained until the candidate's successful completion or until the candidate leaves the FDIC's employ. Graduate School of Banking student records are permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429. Inquirers must provide their full name and identify the category or categories of which they are inquiring.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

Progress Evaluation Candidates—the candidate, the candidate's personnel record, and members of the candidate's progress evaluation panel. Graduate school of banking students—the student, the student's school, and the student's personnel record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to section 310.13(c) of the FDIC's rules and regulations, testing material used solely to assess individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fariness of the testing, evaluation or examination process, may be withheld from disclosure.

30-64-0012

SYSTEM NAME:

Payroll and Employee Financial Records—FDIC.

SYSTEM LOCATION:

Office of Fiscal Management, FDIC, 1850 K Street, N.W., Washington, D.C. 20006 and the appropriate FDIC Regional Office for employees working out of regional offices. (See Applendix A for the location of FDIC Regional Offices.) Information pertaining to state or federal tax liens, bankrupticies, attachments, and wage garnishments also is maintained in the Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the following information on FDIC employees: mailing addresses and home addresses; rate and amount of pay; hours worked; leave accrued and leave balances; life insurance, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations (including, where applicable, state or federal tax liens, bankruptcies, attachments, and wage garnishments which have been legally executed by the appropriate taxing or judicial authority).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819): Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and, to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions insurance carriers and charity funds; (2) records are periodically made available for inspection to auditors employed by the General Accounting Office; (3) relevent records in this system of records may be referred, as a routine use to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting any violation of law, rule or regulation: (4) in the event of litigation, relevant records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (5) disclosure may be made to the United States Office of Personal Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and Equal Employment Opportunity Commission, to the extent necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (6) disclosure may be made to a congressional office from the records of an individual in response to an inquiry from the congressional office made at the request of the individual; (7) disclosure may be made by the FDIC Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, record cards and computer discs.

RETRIEVABILITY:

File folders and record cards indexes by name; computer discs are indexed by social security number.

SAFEGUARDS:

File folders, record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Year-end trial balances (the individual earnings record) are retained during the employment and then transferred to the Federal Records Center, where the records are maintaned indefinitely. Deduction authorizations and documents used to develop the records are retained for the period of use and up to an additional 3 years after which they are disposed of by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Accounting and Corporate Services, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for th location of FDIC Regional Offices.) General Counsel, Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 for records maintained by the Legal Division.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained. Where an employee is subject to a tax lien, a bankruptcy, an attachment, or a wage garnishment, information also is obtained from the appropriate taxing or judicial entity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0013

SYSTEM NAME:

Savings Bond Payroll Deduction Systems—FDIC.

SYSTEM LOCATION:

Office of Fiscal Management, FDIC, 1850 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees who have authorized payroll deductions for the purchase of United States Savings Bonds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the name and address of the employee; the amount of the employee's salary to be withheld; the denomination of bond to be purchased; the series of the bond; the owner's name, address, and social security number; the designated co-owner or beneficiary, and their social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) the United States Treasury Department for the preparation of savings bonds; (2) the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (3) a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (4) to vendors, carriers, or other appropriate third parties, by the FDIC Office of Corporate Audits, for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, and computer discs.

RETRIEVABILITY:

File folders and record cards are indexed by name; computer discs are indexed by social security number.

SAFEGUARDS:

File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained for 2 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Accounting and Corporate Services, FDIC, 550 17th Street NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30-64-0014

SYSTEM NAME:

Travel Voucher System—FDIC.

SYSTEM LOCATION:

Office of Fiscal Management, FDIC, 1850 K Street, NW., Washington, D.C. 20006, Administrative Section, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429, and the appropriate FDIC Regional Office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FDIC employees who travel on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains records relating to employees' claims for reimbursement of

official travel expenses including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied, and amounts paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1820(a)); Travel Expense Act of 1949 (5 U.S.C. 5701–5709); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) in the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) in the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (5) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (6) disclosure may be made by the FDIC Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and computer discs.

RETRIEVABILITY:

File indexed by name; computer discs by social number.

SAFEGUARDS:

File folders are stored in lockable room; computer discs are accessed by only authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained for three years, then file folders are shredded and computer discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director Division of Accounting and Corporate Services, FDIC, 550 17th Street NW., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "notification" above.

CONTESTING RECORD PROCEDURES:

Same as "notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30–64–0015

SYSTEM NAME:

Unofficial Personnel System—FDIC.

SYSTEM LOCATION:

Office of Personnel Management, FDIC, 1709 New York Avenue, NW., Washington, D.C. 20429. In addition records are maintained at the Division or Office levels in the FDIC Washington Office and at the FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees and applicants to and graduates of the FDIC upward mobility program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of personnel-related records that are maintained in addition to those kept in the official personnel folder pursuant to the Federal Personnel Manual Suppl. 296–31, Table 8, Sec. 1 (The United States Office of Personnel Management has Privacy Act responsibility for those systems of records which are goverment-wide in nature and it requires agencies to maintain them. Include among these is the Official Personnel Folder. While OPM has designated the FDIC as being responsible for disclosing to its current employees the contents of their Official Personnel Folder, notice of the existence and character of this system is published by the Office of Personnel management as "General Personnel Records", OPM/GOVT–1.) This system contains records of various types. They are: (1) records maintained in the Washington and regional offices which may contain information on individuals relating to: birthday; social security number; past and present salaries, grades, and position titles; home address and telephone number, emergency contacts, addresses and telephone numbers, employment history; original applications, resume, and letters of reference; statement of bank loans and stock ownership; record of equipment and material issued to the individual; record of leave and time-and-attendance; written notes or memoranda on employee performance; counseling; examiner assignments and lists of banks examined; records relating to on-the-job training; and data documenting reasons for personnel actions, decisions, or recommendations made about an employee; disciplinary and adverse action backup material; claims for benefits under the Civil Service Retirement System; Group Life Insurance; documents related to on-the-job injuries; (2) parking permit records containing information (name, address, and type of automoble) about FDIC employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington office garage; (3) FDIC personnel awards including information supporting the employee's nomination for one of these awards; (4) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and social security number; (5) employee locator records containing the employee's name, social security number, division or office assignment, office telepone number and office room number; and (6) upward mobility

program coordinator files initiated by the FDIC Office of Employee Relations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101). For category (6), Sec. 717 of the Equal Employment Opportunity Act (42 U.S.C. 2000e–16).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

With regard to category (1) above, the records are primarily maintained to be used by the empoyee's supervisor for preparation of general personnel action; however, in the case of categories (1), (2), (3) and (6), disclosures may be made, where relevant: (a) to financial and credit institutions for loan and credit reference purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade); (b) [Reserved]; (c) to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdiction; (d) in the event of litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (e) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (f) to State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation; (g) to Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location of FDIC bank examiners.

Disclosure may be made, in the case of category (4) above, to the dental insurance carrier in support of a claim for dental insurance benefits. In category (5) above, except for the employee's Social Security Number, all information in the record is available to the public. In category (6) above, disclosure may be made to appropriate FDIC managers, supervisors and Office of Personnel Management individuals who are involved in the assessment, evaluation and selection of an applicant for upward mobility training and/or in the monitoring and evaluation of the upward mobility participant during the training period. In categories (1), (2) and (4) above, disclosure may be made by the FDIC Office of Corporate Audits to vendors, carriers, or other appropriate third parties for the purpose of verification, confirmation, or substantiation during the performance of audits or investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on file cards and in file folders. Category (5) is maintained on computer discs, category (6) by file folders.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Maintained in lockable metal cabinets.

RETENTION AND DISPOSAL:

Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Division or Office which compiled and maintained the information. Parking permit records are kept for one year and then destroyed. Records of unsuccessful upward mobility candidates are retained for four years after submission; records of successful applicants are maintained until two years after leaving the employ of the FDIC.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, FDIC, 550 17th Street, NW., Washington, D.C. 20429, for Corporation level records. For FDIC Division or Office levels, the Head of the appropriate Division or Office; for FDIC Regional Offices, the Regional Director. (See Appendix A for the location of FDIC Regional Offices); For Parking Permit Records and Employee Locator Records, the Director, Division of Accounting and Corporate Services, FDIC, 550 17th Street, NW., Washington, D.C. 20429. For the upward mobility program, Director of Employee Relations, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Individuals to whom the records pertain; their immediate supervisors or persons at other supervisory levels; other fellow employees. For upward mobility, record source categories would include educational institutions which the applicant has attended.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

30–64–0017

SYSTEM NAME:

Medical Records and Emergency Contact Information System—FDIC.

SYSTEM LOCATION:

Health Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical record of the employee, including the date of visit to the FDIC Health Unit, the diagnosis, and the treatment administered. Attached to this record is a separate sheet containing the name and telephone number of the person to contact in the event of an emergency involving the employee. Also contained are the American Red Cross donor cards containing the donor's name, blood type, and dates of donations; Standard Form 78 (Certificate of Medical Examination); and Standard Form 177 (Statement of Physical Ability for Light Duty Work).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. Sec. 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

No disclosure (including intra-agency disclosure) of information contained in the medical files is made without prior written consent of the employee concerned. In the event of an emergency, the emergency contact would be notified. For American Red Cross donor cards, disclosure of name and blood type is made only to the

American Red Cross in response to specific requests for emergency donations to ensure that donor will be accepted immediately on arriving at Blood Center.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On 8" x 10" cards with a separate emergency contact sheet attached to it. American Red Cross donor cards are stored alphabetically in wooden files in the Health Unit.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Kept in lockable metal cabinets in the nurse's office of the Health Unit. Only the nurse and substitute nurse are allowed access to the files. The Health Unit is locked whenever the nurse is absent.

RETENTION AND DISPOSAL:

Kept for the duration of the employee's tenure with the FDIC and for five years thereafter, then destroyed. Medical records are kept for the duration of the employee's tenure with the FDIC and for five years thereafter, then destroyed. Standard Forms 78 and 177 are reviewed by the Corporation Nurse. If a disability is noted, the form is kept by the nurse; otherwise, the form is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, 550 17th Street, NW., Washington, D.C. 20429.

NOTIFICATION PROCEDURE:

Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

The medical records are compiled by the employee and the nurse during the course of visits to the Health Unit for treatment. The information on the emergency contact sheet is supplied by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-26696 Filed 9-11-81; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organization Amendments of 1981

AGENCY: Public Health Service, HHS.

ACTION: Notice regarding "Health Maintenance Organization Amendments of 1981".

SUMMARY: This notice explains the relationship between the recently enacted amendments to Title XIII of the Public Health Service Act, "Health Maintenance Organizations," and the current Public Health Service (PHS) regulations on health maintenance organizations (HMOs).

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building—Room 3–10, 12420 Parklawn Drive, Rockville, Maryland 20857, 301–443–4106.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 amended Title XIII of the PHS Act by enacting the HMO Amendments of 1981. These provisions became effective on August 13, 1981, when Pub. L. 97–35 was signed into law. To the extent that the regulations issued by PHS on HMOs (42 CFR Part 110) are inconsistent with Title XIII, as amended, the provisions of Title XIII will govern HMOs.

Persons with questions about specific provisions of the HMO Amendments of 1981 should direct them to the Acting Director at the address listed above.

Dated: September 3, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-26655 Filed 9-11-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Upland Oil and Gas Preleasing Studies—Alaska; Invitation for Study Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of invitation to submit applications for conducting studies on National Wildlife Refuge Lands of Alaska.

SUMMARY: In anticipation of establishment of a leasing program for oil and gas activities on applicable Alaska National Wildlife Refuge lands, pursuant to Section 1008 of the Alaska National Interest Lands Conservation Act (ANILCA), the Department of the Interior is accepting applications from industry and the public for conducting geophysical exploration studies and/or other environmental studies.

DATES: Solicitation to be effective September 14, 1981, and will close December 14, 1981.

ADDRESS: Applications should be submitted to the following address: Regional Director, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: the U.S. Fish and Wildlife Service, Keith Schreiner, at (907) 276–3800 in Alaska or William Reffalt, (202) 343–4791 in Washington, D.C.

SUPPLEMENTARY INFORMATION: The Department of the Interior invites interested parties to sumbit study applications for oil and gas assessment and environmental characteristics and wildlife resources which would be affected by the exploration for and development of oil and gas on applicable refuge lands in Alaska. These lands, administered by the U.S. Fish and Wildlife Service, are situated south of the Brooks Range and described in more detail in the notice published at 46 FR 24307 (April 30, 1981). Units of the National Wilderness Preservation system are excluded as are certain other lands withdrawn from mineral leasing, identified as cemetery and/or historic sites or where title is otherwise encumbered by outstanding rights. This invitation is made part of the implementation of Section 1008 of the Alaska National Interest Lands Conservation Act. Information gained from applications will be used by the U.S. Fish and Wildlife Service to assist in structuring comprehensive conservation plans and compatibility assessments for oil and gas study activities on Alaskan Refuge lands. A permit may or may not be issued for studies based on compatibility analysis by the U.S. Fish and Wildlife Service.

Information gained from studies must be made available to the Secretary through the Fish and Wildlife Service upon request. All geologic information will be treated in accordance with the provisions of the Freedom of Information Act 5 U.S.C. 552. USGS will use study and application information as part of their oil and gas resource assessment program. The U.S. Fish and Wildlife Service will utilize study information, in part, to determine how best to meet long and short-term management objectives on refuge lands.

Applications should include the location of the work proposed, the periods over which the work could be performed, a description of the methods to be used, a description of the camp configurations and moving procedures, land or air operations necessary, equipment to be used, operating configuration and procedures, noise levels, if possible, and a description of the support requirements for study, including the number of personnel involved in the studies. Those interested parties should contact the U.S. Fish and Wildlife Service prior to submitting applications to be appraised of any additional information that may be required.

A grouping requirement for effort(s) of study may be imposed by the Fish and Wildlife Service.

F. Eugene Hester,

Acting Deputy Director, Fish and Wildlife Service.

September 8, 1981.

[FR Doc. 81-26648 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

[NTL-7]

Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases; Removal of Crude Oil by Means Other Than an Approved Lease Automatic Custody Transfer System

AGENCY: Geological Survey, Interior.

ACTION: Interim notice and request for public comment.

SUMMARY: This notice to lessees and operators is being promulgated to provide procedures that the U.S. Geological Survey may use to prevent the unauthorized movement of crude oil for which it is responsible.

DATE: This interim notice will be effective October 1, 1981. Comments on this notice must be received by October 14, 1981.

ADDRESS: Comments may be mailed to Mr. Gerald R. Daniels, Chief, Branch of Fluid Minerals Management, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels, (703) 860-7535, (FTS) 928-7535.

SUPPLEMENTARY INFORMATION: Because of reports alleging the unauthorized movement of crude oil and the need for the prevention of such future incidents, this interim notice will be effective October 1, 1981. The seriousness of such a situation makes it imperative and in the public interest to have the procedures contained in this interim notice available for use prior to receipt of comments and publication as final.

It is recognized, however, that this interim notice to lesses and operators may require modifications to accomplish the desired result. Therefore, the U.S. Geological Survey is requesting that the public forward for consideration suggestions for improving and comments on the interim notice. The interim notice to lessees and operators is set forth below.

Dated: September 8, 1981.

Andrew V. Bailey,

Acting Chief, Conservation Division.

Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases

[NTL-7]

Removal of Crude Oil From Federal and Indian Oil and Gas Leases by Means Other than an Approved Lease Automatic Custody Transfer System

In accordance with the pertinent provisions of the onshore oil and gas operating regulations (30 CFR Part 221) and the terms of the various oil and gas leases issued pursuant to the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181-287), the Mineral Leasing Act for Acquired Lands of August 7, 1947, as amended (30 U.S.C. 351-359), the Allotted Indian Land Leasing Act of March 3, 1909, as amended (25 U.S.C. 396), and the Tribal Lands Leasing Act of May 11, 1938, as amended (25 U.S.C. 296d), the Deputy Conservation Manager for Oil and Gas (DCM) of the U.S. Geological Survey has the authority to prescribe the means by which both the quantity and quality of oil removed from jurisdictional lands is to be measured and reported. Jurisdictional lands include all onshore Federal and Indian leases, except those on the Osage Indian Reservation, Oklahoma.

All crude oil produced from jurisdictional lands is to be stored and measured in accordance with the requirements of 30 CFR 221.33 and 221.34. This notice is to reinforce the regulations and to clarify for lessees/operators the requirements of the U.S. Geological Survey with respect to the removal of crude oil from jurisdictional lands by means other than an approved Lease Automatic Custody Transfer System (LACTS).

The removal of crude oil from storage tanks, pits, or other facilities on jurisdictional leases by means other than an approved LACTS requires, without exception, the timely and proper completion of a run ticket.

While run tickets may be printed in a number of acceptable formats, those used for the removal of crude oil from Federal and Indian leases must, as a minimum, provide space for recording the following information:

1. Date of removal.
2. Federal or Indian lease number or, as appropriate, the communitization agreement number or unit participating area.
3. Lessee/operator lease name.
4. Lessee/operator name.
5. Transporter/purchaser name.
6. Tank number or identification of other facility.
7. Tank size.
8. Top and bottom gauge of storage tank. If oil is removed by transport truck from pits, spill sites, or other facilities, the top and bottom gauge of the truck tank and the capacity thereof.
9. Quality measurements, i.e., the BS&W content and the observed temperature and gravity (°API) of the crude oil.
10. Signature blocks for the representative of both the lessee/operator and transporter/purchaser and for the date and time of such signatures.

A run ticket must be fully and properly completed by the purchaser/transporter prior to removal of any oil from a Federal or Indian lease.

If multiple truck loads of oil are removed from a lease, or other approved sales point, a fully and properly completed run ticket must be furnished for each truck load.

A copy of all such completed run tickets must be left at the facility, or delivered to the representative of the lessee/operator, before removal of the oil. Lessees/operators are to require, where oil is removed by truck transport, that a fully and properly completed copy of the run ticket by physically in the possession of the truck driver.

Failure to comply with this notice will result in the issuance of an incident of noncompliance. Moreover, any oil which is removed from a lease in violation of these requirements will be considered as having been illegally removed from the lease and will result in the initiation of further appropriate action.

Effective Date: This notice shall become effective October 1, 1981.

[FR Doc. 81-26620 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Gulf Oil Exploration and Production Co.

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is here by given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3964, Block 204, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules govering practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 31, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–[illegible] Filed 9–11–81; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Indian Affairs

Fort Peck Assiniboine and Sioux Tribes; Plan for the Use and Distribution of Fort Peck Assiniboine and Sioux Tribes Judgment Funds in Docket 184 Before the United States Court of Claims

September 2, 1981.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on August 5, 1980, in satisfaction of the award granted to the Fort Peck Assiniboine and Sioux Tribes in United States Court of Claims Docket 184. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated April 29, 1981, and was received (as recorded in the Congressional Record) by the House of Representative on May 5, 1981, and by the Senate on May 7, 1981. The plan became effective on July 28, 1981, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on August 5, 1980, in satisfaction of the award granted to the Assiniboine and Sioux Tribes of Fort Peck Reservation in Docket 184 before the United States Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

Per Capita Payment Aspect

"Seventy (70) percent of the funds shall be distributed by the Secretary of the Interior (hereinafter 'Secretary') in the form of per capita payments, in sums as equal as possible, to all persons duly enrolled as tribal members and born on or prior to and living on the effective date of this plan. The Secretary's determination concerning eligibility to share in the per capita payment shall be final.

Programing Aspect

"Thirty (30) percent of the funds, and any amounts remaining after the per capita payment provided above, shall be invested by the Secretary and the principal and interest and investment income accrued shall be available for expenditure by the tribal governing body, on an annual budgetary basis subject to the approval of the Secretary, for social and economic programs. Such programs may include, but are not limited to, land acquisition and the development of local reservation community projects.

General Provisions

"The per capita shares of living competent adults shall be paid directly to them. Shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR Part 4, Subpart D. Shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. Shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b)(1) and 104.4.

"None of the funds distributed per capita or made available under the programing aspects of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs."

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 81–26854 Filed 9–11–81; 8:45 am]

BILLING CODE 4310–02–M

Yankton Sioux Tribe; Plan for the Use and Distribution of Yankton Sioux Judgment Funds in Dockets 332–D and 332–C–2 Before the United States Court of Claims

September 2, 1981.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on July 16, 1980, in satisfaction of the award granted to the Yankton Sioux Tribe in United States Court of Claims Docket 332–D, and in Docket 332–C–2 on July 22, 1980. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated April 6, 1981, and was received (as recorded in the Congressional Record) by the Senate on April 9, 1981, and by the House of Representatives on April 10, 1981. The plan became effective on July 17, 1981, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on July 22, 1980, for Docket 332–C–2 and July 16, 1980, for Docket 332–C in satisfaction of awards granted to the Yankton Sioux Tribe before the United States Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

Per Capita Payment Aspect

"Eighty (80) percent of the funds shall be distributed by the Secretary of the Interior (hereinafter 'Secretary') in the form of per capita payments, in sums as equal as possible, to all persons duly

enrolled as tribal members and born on or prior to and living on the effective date of this plan. The Secretary's determination concerning eligibility to share in the per capita payment shall be final.

Programing Aspect

Land Purchase Program

"Ten (10) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, in the tribal Land Purchase Program.

Loan Program

"Five (5) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, in the tribal Loan Program.

Senior Members Benefits Program

"Two (2) percent of the funds, and any amounts remaining from the per capita payment provided above, shall be invested by the Secretary, and this amount and the interest and investment income accrued shall be distributed in payments as equal as possible to all tribal members who have attained the age of at least sixty (60) years on the date such payments are declared. Such date shall not be earlier than six (6) months from the date that per capita payments, as provided above, are actually made.

Higher Education Assistance Program

"Two (2) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, in the tribal Higher Education Assistance Program in the form of grants and loans.

General Tribal Needs

"One (1) percent of the funds shall be invested by the Secretary and this amount and the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, for general tribal needs including administrative operations.

General Provisions

"The per capita shares of living competent adults shall be paid directly to them except as provided below. Shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. Shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. Shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b)(1) and 104.4.

"Adults who are determined by the Yankton Sioux Business and Claims Committee and the Agency Superintendent to be in arrears in debts owed to the tribe shall have their shares placed in Individual Indian Monies (IIM) accounts; and the Agency Superintendent shall have the authority to apply all or part of such shares to the payment of delinquent debts.

"Should any funds in any of the above-cited general program categories not be needed or be found in excess of programing goals in any given annual budget, such funds may be transferred by the Business and Claims Committee, with the approval of the Secretary, to another of the above-cited general program categories.

"None of the funds distributed per capita or made available under the programing aspects of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs."

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 81-26853 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Serial No. A-16420]

Realty Action; Noncompetitive Sale; Public Land in Maricopa County, Ariz.

In Federal Register Document 81-24396 appearing on pages 42534 and 42535 of the issue for August 21, 1981, the following change should be made:

Township 2 North, Range 7 East, G&SRM

Section 43, SW¼SW¼SW¼SW¼SW¼SW¼SW¼ *should read* Section 34, SW¼SW¼SW¼SW¼SW¼SW¼.

M. J. Schnitker,

Acting District Manager.

[FR Doc. 81-26852 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-02-M

[F-14835-A, F-14835-A2, F-14835-EE]

Alaska Native Claims Selection

On November 22, 1974, Atmautluak Limited, for the Native village of Atmautluak, filed selection application F-14835-A under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971, (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (1976) (ANCSA), for the surface estate of certain lands in the vicinity of Atmautluak, Alaska.

As to the lands described below, selection application F-14835-A is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 83,017 acres, is considered proper for acquisition by Atmautluak Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey No. 2052 situated at Tundra, Alaska.

Containing 4.22 acres.

Seward Meridian Alaska (Unsurveyed)

T. 9 N., R. 72 W.
- Secs. 3 to 10, inclusive;
- Secs. 15 to 22, inclusive;
- Secs. 27, 28 and 29;
- Sec. 30, excluding Native allotments F-14378 and F-17809 Parcel A;
- Sec. 31;
- Sec. 32, excluding Native allotment F-15484;
- Sec. 33.

Containing approximately 14,298 acres.

T. 10 N., R. 72 W.
- Secs. 3 to 10, inclusive;
- Secs. 15 to 22, inclusive;
- Secs. 27 to 34, inclusive.

Containing approximately 15,267 acres.

T. 11 N., R. 72 W.
- Sec. 29;
- Sec. 30, excluding U.S. Survey 2052 and Native allotments F-14220 and F-14980 Parcel B;
- Secs. 31 to 34, inclusive.

Containing approximately 3,705 acres.

T. 8 N., R. 73 W.
- Sec. 4, excluding Native allotments F-13999 and F-15617;
- Sec. 5, excluding Native allotments F-17927 Parcel A and F-18896;
- Sec. 6, excluding Native allotments F-15483 and F-17927 Parcel A;
- Sec. 7, excluding Native allotment F-17927 Parcel A;
- Sec. 8, excluding Native allotments F-17927 Parcel A and F-18896.

Containing approximately 2,597 acres.

T. 9 N., R. 73 W.
- Sec. 1, excluding Native allotment F-18065;
- Secs. 2 to 9, inclusive;
- Sec. 10, excluding Native allotment F-17809 Parcel B;
- Secs. 11, 12 and 13;
- Sec. 14, excluding Native allotment F-14389 Parcel B;
- Secs. 15 to 19, inclusive;
- Sec. 20, excluding Native allotment F-13263;

Sec. 21, excluding Native allotments F–13263, F–17810 and F–17811 Parcel A;
Sec. 22, excluding Native allotment F–18892;
Secs. 23 to 27, inclusive;
Secs. 28 and 29 excluding Native allotment F–13263;
Secs. 30 to 33, inclusive;
Sec. 34, excluding Native allotment F–17811 Parcel B;
Sec. 35, excluding Native allotments F–15483 and F–18885;
Sec. 36, excluding Native allotment F–15483.
Containing approximately 20,078 acres.

T. 10 N., R. 73 W.
Secs. 1 and 2 excluding Native allotment F–18867;
Sec. 3, excluding Native allotment F–16907 Parcel A;
Secs. 4 to 17, inclusive;
Sec. 18, excluding Native allotment F–14960 Parcel A;
Secs. 20 and 21;
Sec. 22, excluding Native allotment F–14239;
Secs. 23 to 28, inclusive;
Sec. 33;
Sec. 34, excluding Native allotment F–14256 Parcel A;
Sec. 35, excluding Native allotments F–14256 Parcel A, F–18897 and F18898;
Sec. 36, excluding Native allotment F–14054.
Containing approximately 16,346 acres.

T. 11 N., R. 73 W.
Sec. 25, excluding Native allotments F–14220, F–14980 Parcel B and F–17958;
Secs. 26 to 36, inclusive.
Containing approximately 4,542 acres.

T. 8 N., R. 74 W.
Sec. 1, excluding Native allotments F–15483 and F–18885;
Sec. 2, excluding Native allotment F–15938;
Sec. 3;
Sec. 4, excluding Native allotments F–14252 Parcel B, F–17334 Parcel B and F–17923 Parcel A;
Sec. 9, excluding Native allotments F–14257 Parcel B, F–14962 Parcel D, F–15578 and F–17334 Parcel B;
Sec. 10, excluding Native allotment F–15940;
Sec. 11, excluding Native allotments F–15938, F–15939, F–15945 and F–17467 Parcel B;
Sec. 12;
Sec. 14, excluding Native allotments F–15939 and F–17467 Parcel B;
Sec. 15, excluding Native allotments F–025351, F–15940 and F–17467 Parcel B;
Sec. 16, excluding Native allotment F–15943;
Sec. 21;
Sec. 22, excluding Native allotment F–025351;
Sec. 23.
Containing approximately 5,305 acres.

T. 11 N., R. 74 W.
Secs. 25 and 36, excluding Notice allotment F–13387.
Containing approximately 875 acres.
Aggregating approximately 83,017 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce, as depicted on the attached navigability maps, the original of which will be found in the easement case file (F–14835–EE).

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on available evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–14835–EE, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporations regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 1 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Kasigluk in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, southeasterly to Atmautluak and on to Bethel. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Airport lease AA–9030 containing 114 acres, lying within Secs. 17 and 20, T. 9 N., R. 73 W., Seward Meridian, issued to the State of Alaska, Department of Public Works, Division of Aviation (now the Department of Transportation and Public Facilities), under the provisions of the Act of May 24, 1928, as amended (49 U.S.C. 211–214); and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

A school site lease, AA–13181, containing 6.720 acres, in Sec. 20, T. 9 N., R. 73 W., Seward Meridian, Alaska (unsurveyed) granted to the State of Alaska, pursuant to and subject to the terms and conditions of section 302 of the Federal Land Policy and Management Act of 1976, Public Law 94–579 of October 21, 1976 (90 Stat. 2743) and the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. Sec. 1622(i)) will terminate upon conveyance of title of said land to the above-named corporation.

Atmautluak Limited is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or

approved for conveyance is approximately 83,017 acres. The remaining entitlement of approximately 9,143 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Atmautluak Limited, and shall be subject to the same conditions as the surface conveyance.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week for four (4) consecutive weeks, in the TUNDRA DRUMS.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board: *Provided, however,* Purusant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 14, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Atmautluak Limited, Atmautluak, Alaska 99559

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Sandra C. Thomas,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-26627 Filed 9-11-81 8:45 am]

BILLING CODE 4310-84-M

National Park Service

[INT FES 81-38]

Bighorn Canyon National Recreation Area, Montana-Wyoming; Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, Department of the Interior, has prepared a final environmental impact statement for the proposed General Management Plan, Development Concept Plan, and Wilderness Designation for Bighorn Canyon National Recreation Area, Montana-Wyoming. The proposed combined general management plan and development concept plan provides the basis for long range management and development of the recreation area. The document also contains a proposal to designate 8,108 acres of the national recreation area as a wilderness, although it is presently uncertain whether a formal recommendation for designation of the wilderness area will be forwarded to the Congress. The four alternatives considered include no action, emphasizing cultural resources and providing minimal recreational development, providing opportunities for a large range of recreational and social activities, and establishing a regional cultural and recreational area through cooperative efforts with applicable agencies and groups.

A limited number of copies are available upon request to the Superintendent, Bighorn Canyon National Recreation Area, P.O. Box 458, Fort Smith, Montana 59035; or Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225.

Public reading copies will be available at the above locations and at the following location: Office of Public Affairs, National Park Service, Department of the Interior, 18th & C Streets NW., Washington D.C. 20240, (Telephone (202) 343-6843).

Dated: September 8, 1981.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 81-26627 Filed 9-11-81; 8:45 am]

BILLING CODE 4310-79-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-48)]

Bessemer and Lake Erie Railroad Co., et al.; Exemption for Contract Tariff ICC-NW-C-0004

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioners are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and their contract and contract tariff may be made effective on one day's notice. this exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: On August 27, the Bessemer and Lake Erie Railroad Company, the Lake Terminal Railroad Company, the Norfolk and Western Railway Company, and the Union Railroad Company filed a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). They request that we permit them to make tariff ICC-NW-C-0004 effective on one day's notice. The petition is supported by the shipper.

This contract covers only inter-plant movements of iron or steel articles and scrap iron between facilities of the U.S. Steel Corporation and consequently does not have significant commercial implications. U.S. Steel has informed the railroads that early implementation of the rates and services provided in this contract is imperative in order to prevent plant shutdown or production curtailment. Furthermore, early implementation of this contract will not impair the ability of the railroads to perform their common carrier responsibilities to other shippers on their lines.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on nor less than 30 nor more than 60 day's notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505

exemption authority in exceptional situations.

The railroads shall be granted a waiver and may file their contract and contract tariff on one day's notice. In this case, only these railroads and one shipper are affected. The public should not be harmed by moving the effective date of this contract forward by a few days. Section 10505 permits an exemption in a case such as this, where the statutory provision is not necessary to carry out the national transportation policy and where either the transaction is of limited scope or the application of the provisions is not needed to protect shippers from the abuse of market power. Allowing the contract to take effect on one day's notice is consistent with the rail policy described in 49 U.S.C. 10101a.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: September 8, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26643 Filed 9-11-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-152

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107012 (Sub-II-184TA), filed August 12, 1981. Originally published in the **Federal Register**, August 24, 1981.[1] Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Appliances* from Memphis, TN to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, KS, KY, LA, MN, MS, NC, NM, NV, OK, SC, SD, TX, UT, VA, and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sunbeam Applicance Company, 5400 West Roosevelt, Chicago, IL 60650.

Note.—Common control may be involved.

MC 142723 Sub-II-4TA), filed September 1, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract, irregular: Such merchandise as is dealt in by retail grocery stores, and equipment, materials and supplies used in the conduct of such business* (except commodities in bulk), between Allegheny and Butler counties, PA, on the one hand, and, on the other, points in the U.S., under a continuing contract(s) with Giant Eagle Markets, Inc. of Pittsburgh, PA for 270 days. Supporting shipper: Giant Eagle Markets, Inc., 101 Kappa Drive, Pittsburgh, PA 15238.

MC 141590 (Sub-II-1TA), filed September 2, 1981. Applicant: NOAH E. FERRIS, d.b.a. CONTRACT FURNITURE CARRIERS, 7004 Peters Creek Road, P.O. box 7586, Roanoke, VA 24019. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Foodstuffs and related products, and materials, supplies and equipment used in the productions, sale and distribution of foodstuffs and related products,* between points in Bedford County, VA, on the one hand, and, on the other, points in CA, KS, OK, and TX and points in the U.S. in and east of MN, IA, MO, AR, and LA; (2) *Hosiery,* and *materials, supplies and equipment used in the production, sale and distribution of hosiery,* (a) between points in Grenada County, MS; Pulaski County, VA; Shelby County, TN; Camden County, NJ; and Rockingham County, NC; and, (b) between points in Grenada County, MS; Pulaski County, VA and Shelby County, TN, on the one hand, and, on the other, points in CA for 270 days. An underlying ETA seeks 120 day authority. Supporting shippers: Golden West Foods, Inc., P.O. Box 335, Bedford, VA 24523, Pennaco Hosiery Inc., 1155 Morehead St., Memphis, TN 38107.

MC 148412 (Sub-II-5TA), filed September 1, 1981. Applicant: GRIBBLE TRUCKING, INC., Rd. 3, Rockwood, PA 15557. Representative: John Fullerton, 407 N. Front St., Harrisburg, PA 17101. Contract, irregular: *Iron and steel forgings* between the facilities of Meadville Forging Co. at Meadville, PA on the one hand, and, on the other, points in IN, IL, KY, MI, NY and OH for 270 days under continuing contract(s) with Meadville Forging Co. An underlying ETA seeks 120 days authority. Supporting shipper: Meadville Forging Co., Meadville, PA 16335.

MC 107012 (Sub-II-189TA), filed September 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Ft. Wayne, IN 46801. Representative: David

[1] The purpose of this republication is to include the destination state of AZ, which was omitted from the first publication.

D. Bishop (same address as applicant). *Parts, materials, and supplies used in the manufacture and distribution of fireplaces* from points in IL, IN, MI, MN, NY, PA and WI to Appanoose and Henry Counties, IA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Heatilator Inc., Div. of HON Industries, 1915 W. Saunders Rd., Mt. Pleasant, IA 52641.

MC 144864 (Sub-II-1TA), filed September 1, 1981. Applicant: PERRY STEEL TRANSPORT, INC., 3747 Shepard Rd., Perry, OH 44981. Representative: Manfred Rosenbaum (same address as applicant). *Primary metal products,* from points in OH to points in PA, NY, NJ, MD, VA, WV, KY, TN, GA, IN, MI, IL, WI, DE, and DC, for 270 days. Supporting shipper(s): There are nine supporting shippers' statements attached to this application which may be examined at the Philadelphia Regional office.

MC 151707 (Sub-II-21TA), filed September 1, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market Street, 15th floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same as applicant). *Contract: Irregular: Aluminum, Zinc, and Zinc Ingots; Scrap Aluminum and Materials and supplies used in the manufacture thereof* between Cleveland, OH, and points in the US east of ND, SD, WY, CO and NM under continuing contract(s) with Apex International Alloys, Inc. for 270 days An underlying ETA seeks 120 days authority. Supporting shipper: Apex International Alloys, Inc., 6700 Grant Ave., Cleveland, OH 44105.

MC 151707 (Sub-II-21TA), filed September 1, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market Street, 15th floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (same as applicant). *Contract: Irregular: Such commodities as dealt in by wholesale/ retail food stores* between points in the US under continuing contract(s) with H. J. Heinz Co., Pittsburgh, PA, for 270 days. Supporting shipper: Heinz USA Div. of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 127820 (Sub-II-2TA), filed August 31, 1981. Applicant: TRANS-SERVICE, INC., 1943 S. Lawn Ext., Coshocton, OH 43812. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Lumber and building products,* between points in and east of WI, IL, KY, TN and MS. Restricted to movements originating at or destined to facilities used by Carolina Mills Lumber Co., Inc., Cherokee Wood Preserving, Inc., Collum's Lumber Mill and Spartanburg Forest Products, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Cherokee Wood Preserving, Inc., P.O. Box 2882, Spartanburg, SC 29304; Collum's Lumber Mill, Hwy. 278, Allendale, SC 29810; Carolina Mills Lumber Co., Inc., 1425 E. Dublin-Granville Rd., Columbus, OH 43229; Spartanburg Forest Products, Inc., P.O. Box 2882, Spartanburg, SC 29304.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 156294 (Sub-3-2TA), filed September 2, 1981. Applicant: HENDRICKS AND ANDERSON, INC., 446 W. Cedar Street, Franklin, KY 42134. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Tape and surgical supplies and materials and supplies used in the manufacture and distribution of the aforementioned* between the facilities of The Kendall Company at Franklin, KY on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: The Kendall Company, P.O. Box 348, Franklin, KY 42134.

MC 157848 (Sub-3-1TA), filed August 24, 1981. Applicant: O.K.T., INC., P.O. Box 353, Rockingham, NC 28379. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract;* Irregular, *paper products* between Florence, SC, on the one hand, and, on the other hand, points in and east of WI, IL, KY, TN and MS under continuing contract with South Carolina Industries, Inc., of Florence, SC. Supporting shipper(s): South Carolina Industries, Inc., P.O. Box 4000, Florence, SC 29501.

MC 156294 (Sub-3-3TA), filed September 3, 1981. Applicant: HENDRICKS AND ANDERSON, INC., 446 W. Cedar Street, Franklin, KY 42134. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Metal products* between Franklin, KY on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: The Anaconda Company, Brass Division, Route 1, Box 355B, Franklin, KY 42138; Sealed Power Corporation, P.O. Box 486, 709 Blackjack Rd., Franklin, KY 42134.

MC 145710 (Sub-3-1TA), filed September 2, 1981. Applicant: MACON FARMS TRUCKING, INC., P.O. Box 925, Cheraw, SC 29520. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Washington, D.C. 20036, 202-887-5868. *Contract;* Irregular: *carbonated soft drinks* from Miami, FL to Brunswick, GA and Savannah, GA under continuing contract(s) with South Florida Beverage Corporation, Miami, FL. Supporting shipper: South Florida Beverage Corporation, *7777* Northwest 41 St., Miami, FL 33512.

MC 151985 (Sub-3-5TA), filed September 2, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Suite 10, Atlanta, GA 30318. Representative: John C. Bach, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346. *Printed matter,* between the facilities of I.P.D. Printing & Distributing, Inc., located at or near Chamblee, GA on the one hand, and points in the U.S. (except AK and HI), on the other hand. Supporting shipper: I.P.D. Printing & Distributing, Inc., 5600 Peachtree Road, Chamblee, GA. 30341.

MC 145230 (Sub-3-5TA), filed September 3, 1981. Applicant: H & S MOTOR LINES, INC., P.O. Box 248, Wesson, MS 39191. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205-2628. *Contract* carrier; *irregular* routes; *lighting fixtures, fluorescent, high density discharge, with equipment of electrical apparatus, with or without lamps,* from the facilities of Day-Brite Lighting, Division Emerson Electric Co., at or near Tupelo, MS, to Los Angeles and San Francisco, CA; Atlanta, GA; Chicago, IL; Detroit, MI; New York, NY; Toledo, OH; Dallas, Ft. Worth, and Houston, TX; and Salt Lake City, UT, under continuing contract(s): with Day-Brite Lighting of Tupelo, MS. Supporting Shipper(s): Day-Brite Lighting, Division Emerson Electric Co., 1015 S. Green St., Tupelo, MS 38801.

MC 154103, (Sub-3-19TA), filed September 3, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 440, Hendersonville, TN 37075. Representative: Joe F. Powell Same address as applicant. *Elevators knocked down, elevator parts,* between the plant sites and facilities of Dover Corporation located at or near Horn Lake, MS, Walnut, MS, Middleton, TN, Cincinnati, OH, and points in the U.S. Supporting shipper: Dover Corporation, Elevator Division, Horn Lake, MS 38637.

MC 152045 (Sub-3-2TA), filed September 3, 1981. Applicant: CASON COMPANIES, INC. d.b.a. CASON BUILDERS SUPPLY, 1880 Spartanburg Highway, Hendersonville, NC 29739 Representative: Charles Ephraim, Ephraim and Flint, 406 World Center Building, 918-16th Street, N.W., Washington, D.C. 20006. *Contract;* irregular; (1) *Pulp, paper and related products,* (2) *Instruments and photographic goods* and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between points in Henderson County.

NC, on the one hand, and, on the other, points in the U.S., pursuant to continuing contract(s) with Kimberly-Clark Corporation, Berkley Mills, of Balfour, NC. Supporting shipper: Kimberly-Clark Corporation, Berkley Mills, Balfour, NC 28706.

MC 157480 (Sub-3–1TA), filed September 3, 1981. Applicant: GOLDEN ISLES COACHES, INC., 4140 Norwich Street Extension, Brunswick, GA 31520. Representative: James Perry Fields, 1612 Union Street, Brunswick, GA 31520. *Passengers and their baggage in special and charter operations* between Glynn County, Camden County, GA and Duval County, FL and points in the U.S. Supporting shipper: Coastal Tours, P.O. Box 574, St. Simons Island, GA 31522 and Ground Transportation Services, P.O. Box 31261, Jacksonville, FL 32230.

MC 157905 (Sub-3–1TA), filed September 3, 1981. Applicant: RAY HARMON & SON, INCORPORATED, Route 4, Box 280, Savannah, TN 38372. Representative: Ray Harmon same as applicant. *New and Used Mobile Homes* between Hardin County, TN, and points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OK, SC, TX, OH, VA. Supporting shipper: Clayton Homes, Inc., Airport Road, Savannah, TN 38372.

MC 157482, (Sub-3–1TA), filed August 3, 1981. Republication—Originally Published in **Federal Register** of Aug. 12, 1981, Volume 46, No. 155, page 40835. Applicant: CHARLES J. POTEAT, Route #9, Box 438, Morganton, NC 28655. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. *contract carrier;* irregular routes; *beverages,* from Morganton, NC to Charleston, WV and Roanoke, VA, under continuing contract(s) with Nawa, Inc. Supporting shipper(s): Nawa, Inc., 1500 East Union St., Morganton, NC 28655.

MC 157428, (Sub-3–1TA), filed August 4, 1981. Republication—Originally Published in **Federal Register** of Aug. 12, 1981, Volume 46, No. 155, page 40834. Applicant: PIONEER WAREHOUSE CARRIER, INC., P.O. Box 2087, Sebastian, FL 32958. Representative: Mr. Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *contract carrier;* irregular routes; *General commodities (except Classes A and B explosives),* between the facilities of Pioneer Warehouse Corporation located at Pennsauken, NJ, on the one hand, and, on the other, points and places in AL, AR, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, under continuing contract(s) with Pioneer Warehouse Corporation of Pennsauken, NJ. Supporting shipper(s): Pioneer Warehouse Corporation, 8301 National Highway, Pennsauken, NJ 08110.

MC 142064 (Sub-3–4TA), filed September 2, 1981. Applicant: CAROLINA CARPET CARRIERS, INC., P.O. Box 6, Williamston, SC 29697. Representative: Mitchell King, Jr., Esq., P.O. Box 5711 Greenville, SC 29606. *Contract:* Irregular: *Malt beverages, wine and brandy* between points in the US (except AK and HI) under continuing contract(s) with Acme Distributing Co. of Spartanburg, Inc., Better Beer and Wine Company, Central Distributing Company, Southern Distributing Co., Inc. and Stevens Corporation. Supporting shipper(s): There are five (5) statements of support attached to this application which may be examined at the ICC office, Atlanta, GA.

MC 157511 (Sub-3–1TA), filed September 2, 1981. Applicant; JIM STUDER RESOURCES, INC., 1243 Mountain Brook Circle, Signal Mountain, TN 37377. Representative: R. J. Studer Same address as applicant: *Contract:* Irregular: *Coal in bulk,* from Van Buren and Sequatchie counties TN to Polk county GA, under continuing contracts(s) with Sequatchie Valley Coal Corporation. Supporting Shipper: Sequatchie Valley Coal Corporation, 5519 Highway 153, Suite 16, Hixson, TN 37415.

MC 157925 (Sub-3–1TA), filed August 31, 1981. Applicant: DANNY GOUGE d.b.a. GOUGE TRUCKING COMPANY, Route 1, Box 34, Greenmountain, NC 28740. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, D.C. 20005. *Clay, concrete, glass and stone products, and ores and minerals, and materials and supplies used in the manufacture and distribution thereof,* between points in Mitchell and Avery Counties, NC, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper(s): Harris Mining Company, Spruce Pine, NC 28777.

MC 155407 (Sub-3–1TA), filed August 31, 1981. Applicant: D. P. GALLIMORE & SONS, INC., Route 1, Ellerbe, NC 28338. Representative: P. Pratt Gallimore (Same address as applicant). *Processed Pork and skin* from Holly Ridge, NC to AL, AR, AZ, CA, CO, CT, DE, FL, GA, IA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MO, MS, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, WI. Supporting shipper: Carolina Meat Processors, Inc., P.O. Box 38, Holly Ridge, NC 28445.

MC 153679 (Sub-3–3TA), filed August 31, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 201–25th Avenue North, Nashville, TN 37202. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, TN 37219. *Contract carrier,* irregular routes: *General commodities (except classes A & B explosives)* between points in the U.S. under a continuing contract with Allen Canning Company, Siloam Springs, AR. Supporting Shipper: Allen Canning Company, P.O. Box 250, 305 East Main St., Siloam Springs, AR 72761.

MC 133732 (Sub-3–1TA), filed August 31, 1981. Applicant: V. F. CARTER DELIVERY SERVICE, 6855 Cisco Garden Road, Jacksonville, FL 32219. Representative: V. F. Carter (Same address of applicant). *Household Applicances,* from Jacksonville, FL to points in FL and GA on shipments which have had prior movement in interstate commerce from General Electric Co., at or near Norcross, GA. Supporting shipper: General Electric Company, 1225 Chattahoochee Ave. NW., Atlanta, GA 30318.

MC 144989 (Sub-3–5TA), filed August 31, 1981. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Court, Charlotte, NC 28205. *Contract carrier:* irregular: (1) *Such commodities as are dealt in or used by Textile Manufacturing companies, and* (2) *Machinery, Machinery Parts and accessories (except in bulk),* between points in the GA counties of Catoosa, Walker, Murray, Whitfield, Gilmer, Pickens, Gordon, Chattooga, Floyd, Bartow, Cherokee, Cobb, Paulding, Polk, Haralson and Douglas, on the one hand, and, on the other, points in the U.S. (except AK and HI). There are 5 statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 105984 (Sub-5–3TA), filed August 31, 1981. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Contract irregular: *rubber and plastic products, and related products, materials and supplies used in the manufacture and distribution thereof,* between points in Cooke County, TX and Kimball County, NE, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Poly Pipe Industries, Gainsville, TX.

MC 111672 (Sub-5–2TA), filed August 31, 1981. Applicant: R & M TRUCK LINE,

INC., P.O. Box 422, Oskaloosa, IA 52577. Representative: Ronald R. Adams, Myers, Knox & Hart 600 Hubbell Building, Des Moines, IA 50309. *Malt beverages and empty malt beverage containers,* (1) between Oskaloosa, IA, on the one hand, and, on the other, LaCrosse and Milwaukee, WI; Belleville, IL; Memphis, TN; and Winston-Salem, NC; and (2) between Ottumwa, IA, on the one hand, and, on the other, LaCrosse and Milwaukee, WI; Belleville, IL; Memphis, TN; and Winston-Salem, NC. Supporting shippers: Beadel Distributing, Inc., 208 N.J Oskaloosa, IA 52577 and Iowa Beverage Distributing, Inc., 651 Gateway Drive, Ottumwa, IA 52501.

MC 123476 (Sub-5–11TA), filed August 31, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Roofing Materials, (except in bulk in tank vehicles)* from Frankling, OH to points in St. Louis, MO and the MO counties of Jefferson, St. Louis, Franklin, St. Charles and Lincoln and points in IL on or south of Highways 24, 125, I–72 and I–74 and on or west of I–57. Supporting shipper: Georgia-Pacific Corp., 6025 Byassee, Hazelwood, MO 63042.

MC 146853 (Sub-5–7TA), filed August 31, 1981. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Petroleum oil, in drums,* from Denver, CO, to Omaha, NE, and pts in ND, SD, and WY. Supporting shipper: Silco Oil Co., 11575 E. 40th Avenue, Denver, CO 80329.

MC 152742 (Sub-5–2TA), filed August 31, 1981. Applicant: N & C DISTRIBUTING COMPANY, INC., 402 East "F" Street, Lawton, OK 73502. Representative: Ray K. Babb, Jr., 1100 Classen Dr., Ste. 221, Oklahoma City, OK 73103. Contract; Irregular: *Malt Beverages,* between Wichita Falls, TX, and Fort Sill Military Base, OK. Supporting shipper: Falls Distributing Company, Inc., 3811 Tarry Road, Wichita Falls, TX 76318.

MC 156834 (Sub-5–2TA), filed August 31, 1981. Applicant: NEBRASKALAND TRUCKING, INC., Route 3, Box 63, Blair, NE 68008. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Lumber and lumber products,* from Arcadia, Scotia, Willits, and Red Crest, CA to Tyler and San Antonio, TX. Supporting shipper: Powell Lumber Co., P.O. Box T, Lake Charles, LA 70602.

MC 157061 (Sub-5–2), filed August 31, 1981. Applicant: ATLAS CARRIERS, INC., 800 S. Main St., Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. (1) *Copper and aluminum wire and cable* from facilities of Kagan Dixon Wire Corp. at or near Osceola, AR, to points in CA, NJ, MO, Spokane, WA, and New York, NY, and its commercial zone; (2) *Materials and supplies used in the manufacture of commodities in (1) above* from points in the U.S. to facilities of Kagan Dixon Wire Corp. at or near Osceola, AR. Supporting shipper: Kagan Dixon Wire Corp., P.O. Box 643, Osceola, AR 72370.

MC 157996 (Sub-5–1TA), filed August 31, 1981. Applicant: FRANA LEASING, INC., Calmar, Iowa 52132. Representative: Thomas E. Leahy, Jr., 1980 financial Center, Des Moines, Iowa 50309. Contract, irregular; *Malt beverages,* between pts in the U.S. under contract with Frana Beer Distributing Co., Inc. Supporting shipper: Frana Beer Distributing Co., Inc., Calmar, IA 52132.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 134387 (Sub-6–25TA), filed August 31, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Michael J. O'Neill, 611 S. 59th Ave., Phoenix, AZ 85043. *General commodities,* between points in Spokane County, WA on the one hand, and, on the other, points in CA, OR, UT, and CO, restricted to traffic originating at or destined to the facilities of URM Stores, Inc., for 270 days. Supporting shipper: URM Stores, Inc., P.O.B. 3365 Spokane, WA 99220.

MC 157955 (Sub-6–1TA), filed August 26, 1981. Applicant: DON BROWNING, d.b.a. BROWNING TRUCKING, 9325 Malad, Boise, ID 83709. Representative: David E. Wishney, POB 837, Boise, ID 83701. *Lumber and wood products* from points in CA, ID, MT, OR, UT, WA and WY to points in CA, CO, ID, NV, OR, UT, WA and WY, for 270 days. Supporting shippers: There are five shippers. Their statements may be examined at the Regional Office listed.

MC 15707 (Sub-6–1TA), filed August 28, 1981. Applicant: C & B FURNITURE TRANSPORT CO., INC., 20107 146th S.W., Renton, WA 98055. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Furniture and Fixtures, blanket wrapped, crated or boxed,* between WA, OR, CA, NV, UT and ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 14 shippers. Their statements may be examined at the Regional office listed.

MC 157952 (Sub-6–1TA), filed August 27, 1981. Applicant: C MILE TRANSPORT, LTD., Box 424, Exeter Rd., 100 Mile House, B.C. VOK 2E0. Representative: George Costello (same as applicant). *Contract Carrier;* irregular routes: (1) *Lumber and Wood Products;* (2) *Salt and Salt Products;* (3) *Irrigation Equipment and Accessoral Parts;* (4) *Farm Hardware and Ranch Equipment:* between the ports of entry on the U.S.-Canadian International Boundary Line at WA, ID, and MT and AZ, CA, CO, NV, OR, UT, WA, WY, for 270 days. Supporting shippers: There are 9 supporting shippers. Their statements may be examined at the office listed above.

MC 150256 (Sub-6–2TA), filed August 28, 1981. Applicant: CAL COAST TRUCKING, INC., 4290 Maywood Ave., Vernon, CA 90058. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Contract Carrier:* Irregular routes: *Magazines and printed material,* between Los Angeles County and Orange County, CA, on the one hand, and, on the other, points in CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Periodical Distributors, Inc., 4280 Maywood Ave., Vernon, CA 90058. Playgirl Inc., 3420 Ocean Park Blvd., Santa Monica, CA 90405.

MC 140373 (Sub-6–1TA), filed August 28, 1981. Applicant: COOK TRUCKING SERVICE, INC., 305 S. Harbor Blvd., Fullerton, CA 92632. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Contract Carrier,* Irregular Route: *Sugar Beet or cane in bags or liquid in tank truck or bulk in hoppers,* from points in CA to points in NV and AZ, for the account of Holly Sugar Corporation, for 270 days. Supporting shipper: Holly Sugar Corporation, P.O. Box 1052, Colorado Springs, CO 80901.

MC 151428 (Sub-6–4TA), filed August 28, 1981. Applicant: J & H TRUCKING, INC., 12425 Telephone, Chino, CA 91710. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract Carrier,* Irregular routes: *Food and related products, and chemicals and related products,* from points in FL, IA, IL, KY, LA, MI, MO, NJ, OH, SC and VT to points in Los Angeles County, CA, under a continuing contract(s) with E. T. Horn, Inc. of Los Angeles, CA, for 270 days. Supporting

shipper: E. T. Horn, Inc., 16141 Heron Ave., La Mirada, CA 90638.

MC 157988 (Sub-6–1TA), filed August 28, 1981. Applicant: LIDO LIMOUSINE SERVICE, INC., 11524 La Maida St., No. Hollywood, CA 91601. Representative: Ron Hirano, 777 No. Broadway, #310, Los Angeles, CA 90012. *Common carrier;* regular routes: *Passengers and their baggage* by chartered limousines primarily for Chinese speaking passengers; from (1) Los Angeles, CA to Las Vegas, NV via Interstate 10 to 15 and return via same route; (2) Los Angeles to San Francisco, CA via Hwy 5 to 580 to 80 to 101 and return via the same route; (3) San Francisco, CA to Lake Tahoe, NV via Hwy 80 to 50 and return via same route, for 180 days. Supporting shippers: R. Y. Property, 2146 Mt. Olympus Rd., Los Angeles, CA 90046; San Yuan Restaurant, 403 So. Schug Ave., Orange, CA 92667; TOT Encouted, 939 So. Broadway, Los Angeles, CA 90015.

MC 136798 (Sub-6–1TA), filed August 25, 1981. Applicant: THE FORTUNE CORPORATION d.b.a. MAUST TRANSFER CO., 1762 Sixth Ave. S., Seattle, WA 98134. Representative: George S. Holzapfel, 100 S. King St., #6000, Seattle, WA 98104. *Contract carrier,* irregular route, *containerized canned salmon,* in shipments having prior or subsequent movement by water, between the Port of Bellingham, South Terminal, WA, and the Port of Seattle, WA, under a continuing contract with the Port of Bellingham, South Terminal, for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: The Port of Bellingham, South Terminal, 625 Cornwall Ave., Bellingham, WA 98227.

MC 148597 (Sub-6–1TA), filed August 28, 1981. Applicant: NORRIS SUPPLY COMPANY INC., 325 S. Eighteenth St., Sparks, NV 89431. Representative: Mike Pavlakis P.O. Box 646, Carson City, NV 89702. *Petroleum products; crude petroleum; natural Gas or gasoline; coal products,* between points in NV and OR, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Defense Fuel Region West, 3171 N. Gaffey St., San Pedro, CA 90731.

MC 147695 (Sub-6–2TA), filed August 28, 1981. Applicant: ONAHU TRANSPORTATION COMPANY, INC., P.O. Box 39, Bethune, CO 80805. Representative: Winston A. Hollard, P.O. Box 1169, Arvada, CO 80001–1169. (1) *General Commodities except for Class A & B Explosives, Commodities in Bulk in Tank Vehicles and Livestock,* between Lenexa, KA. and Denver, CO. Supporting shipper: J.C. Penney Co., 10500 Lackman Road, Lenexa, KA 66250. (2) *Dry Cleaning Powders and Liquid Cleaners,* Denver and Longmont, CO., to Salina, Wichita, Kansas City, KS. Supporting shippers: Heritage Consumer Services, 1109A Kembark, Longmont, CO 80501. (3) *Animal Health Products, to include Biologicals, Pharmaceuticals, Insecticides and Related Items.* Lenexa, KS to Commerce City and Denver, CO., for 270 days. Supporting shipper: Bayvet, Division of Cutter Laboratories, Inc., 15560 W. 110th St., Lenexa, KS 66219. For 270 days.

MC 157369 (Sub-6–1TA), filed August 27, 1981. Applicant: ROLL OUT PRODUCTIONS, INC., 204 West Mariposa, San Clemente, CA 92672. Representative: Jerry Rappaport, 16530 Ventura Blvd., Suite 208, Encino, CA 91436. *Contract Carrier,* irregular routes: *Equipment, materials and supplies, musical instruments, sound equipment, lighting equipment, props, and other equipment for theatrical, stage and television shows and productions,* between points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Mac Davis Show, 9348 Santa Monica Blvd., Suite 200, Beverly Hills, CA 90210.

MC 158002 (Sub-6–1TA), filed August 31, 1981. Applicant: SAHARA EXPRESS, DIVISION OF SAHARA PACKING COMPANY, P.O. Box 1932, Corona, CA 91720. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786. *Contract carrier;* Irregular routes; *General Commodities* (except Classes A and B explosives), between points in CA, OR and WA on the one hand, and, on the other, points in the U.S., under continuing contract with 7/24 Freight Sales, Inc. of Modesto, CA, for 270 days. Supporting shipper: 7/24 Freight Sales, Inc., P.O. Box 3981, Modesto, CA 95352.

MC 158002 (Sub-6–2TA), filed August 31, 1981. Applicant: SAHARA EXPRESS, DIVISION OF SAHARA PACKING COMPANY, P.O. Box 1932, Corona, CA 91720. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786. *Contract carrier;* irregular routes: *General Commodities* (except Classes A and B explosives), between points in CA on the one hand, and, on the other, points in NE, IA, MN, WI, IL and MI under continuing contract with F. A. K., Inc. of Long Beach, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: F. A. K., Inc., 110 W. Ocean Blvd., Suite 523, Long Beach, CA 90802.

MC 144882 (Sub-6–3TA), filed August 26, 1981. Applicant: STATEWIDE DISTRIBUTION SERVICES, INC., P.O. Box 58926, Vernon, CA 90058. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract carrier,* irregular route; *paper and paper products, plastic or plastic articles, furniture* and *fixtures* between points in OR and WA, on the one hand and, on the other, points in CA for 270 days. Supporting shipper: Scott Paper Co., Scott Plaza II, Philadelphia, PA 19113.

MC 147898 (Sub-6–5TA), filed August 26, 1981. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Transportation equipment,* between points in Los Angeles, Riverside, San Diego, and Ventura Counties, CA, on the one hand, and, on the other, points in Cobb County, GA, Peoria and Tazewell Counties, IL, Muscatine and Woodbury Counties, IA, Auglaize, Cuyahoga, Lake and Stark Counties, OH, and Polk County, OR, for 270 days. Supporting shipper(s): Johnson Tractor, Inc., P.O.B. 351, Riverside, CA 92501; Wallace Machinery Co., P.O.B. 5992, Oxnard, CA 93030; Hawthorne Machinery, Inc., P.O.B. 708, San Diego, CA 92112.

MC 145110 (Sub-6–1TA), filed August 27, 1981. Applicant: Willamet Industries, Inc., Trucking Division, P.O. Box G, Beaverton, OR 97005. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *paper and paper articles,* from Sebastian County, AR to Dallas and Ft. Worth, TX, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper(s): West-Ark Specialties, 7209 Jenny Lind Rd., Ft. Smith, AR 72908.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26646 Filed 9–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP3–395]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: September 2, 1981.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth

specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specifc portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed.

Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

MC 124174 (Sub-176), filed June 27, 1980, previously published in the **Federal Register** issue of September 3, 1980. Applicant: MOMSEN TRUCKING CO., a Corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting (1) *hides, skins, chromes, tannery byproducts, equipment, materials, and supplies, gelatin and glue,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S.

Note.—This republication corrects the commodity description.

[FR Doc. 81-26844 Filed 9-11-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant

maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7328.

Volume No. OP1-255

Decided: September 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1041 (Sub-5), filed August 26, 1981. Applicant: B. N. CORKUM TRANSPORTATION COMPANY, 326 Ballardvale St., Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617)-742-3530. Transportation *general commodities* (except classes A and B explosives), between points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, and VA.

MC 65781 (Sub-10), filed August 24, 1981. Applicant: BARRETT MOVING & STORAGE CO., 7100 Washington Avenue South, Eden Prairie, MN 55344. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333-1341. Transporting *chemicals and related products*, between points in Carver, Scott and Hennepin Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 67340 (Sub-14), filed August 13, 1981. Applicant: RESORT BUS LINES, INC., 1010 Nepperhan Ave., Yonkers, NY 10703. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021, (516) 482-0881. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at New York, NY, and points in Westchester and Putnam Counties, NY, and extending to points in the U.S.

MC 77081 (Sub-39), filed August 3, 1981, previously noticed in **Federal Register** issue of August 17, 1981. Applicant: SHERMAN BROS., INC., 29534 Airport Road (Box 706), Eugene, OR 97440. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224-4840. Transporting (1) *transportation equipment*, (2) *machinery*, (3) *building materials*, and (4) *metal products*, between points in ND, SD, WY, CO, AZ and NM.

Note.—This republication clarifies the territorial descriptions.

MC 85621 (Sub-12) (partial republication), filed July 7, 1981, previously noticed in the **Federal Register** issue of August 11, 1981. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Representative: R. Kent Henslee, 754 Chestnut Street, P.O. Box 246, Gadsden, AL 35902. Over *regular* routes transporting *general commodities* (except classes A and B explosives), over the routes specified in the previous publication.

Note.—Applicant intends to tack the requested authority with its existing authority. The purpose of this partial republication is to indicate applicant's intent to tack. The rest of the publication remains the same.

MC 88380 (Sub-42), filed August 25, 1981. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, P.O. Box 4309, Fort Worth, TX 76106. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting *metal products*, between points in St. John the Baptist Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 110191 (Sub-42), filed August 14, 1981. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Ave., Norfolk, VA 23502. Representative: W. P. Davis, P.O. Box 1006, Norfolk, VA 23501, (804) 853-4344. Transporting *containers, container closures, and container accessories*, between points in Venango County, PA, on the one hand, and, on the other, those points in VA on and east of Interstate Hwy 95.

MC 110191 (Sub-43), filed August 14, 1981. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Ave., Norfolk, VA 23502. Representative: W. P. Davis, P.O. Box 1006, Norfolk, VA 23501 (804) 853-4344. Transporting *foodstuffs, beverages, and beverage preparations*, between points in CT, DE, FL, GA, MD, NJ, NY, NC, OH, PA, SC, VA, WV, and DC.

MC 115660 (Sub-5), filed August 25, 1981. Applicant: BROOKFIELD BUS SERVICE, INC., 3 Railroad Place, Maspeth, NY 11378. Representative: Arthur Wagner, 342 Madison Avenue, New York, NY 10017. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, between New York, NY, and points in Nassau, Suffolk and Westchester Counties, NY, on the one hand, and, on the other, points in the U.S.

MC 125561 (Sub-5), filed August 24, 1981. Applicant: SUNNYSIDE TRANSFER, INC., P.O. Box 526, 7th & Railroad, Sunnyside, WA 98944. Representative: James M. Peterson, 520 Franklin, Richland, WA 99352 (509) 375-1683. Transporting *general commodities* (except classes A and B explosives), between points in Benton, Franklin, and Yakima Counties, WA, on the one hand, and, on the other, points in Clackamas, Multnomah, and Washington Counties, OR.

MC 134210 (Sub-4), filed August 25, 1981. Applicant: PRINS TRUCKING, INC., 5718 Lawndale, Hudsonville, MI 49426. Representative: D. Richard Black, Jr., 7610 Cottonwood Drive, P.O. Box 294, Jenison, MI 49428, (616) 457-9290. Transporting *petroleum, natural gas and their products*, between points in Nenango County, PA, on the one hand, and, on the other, points in IL, IN, MI and OH. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

MC 140510 (Sub-2), filed August 25, 1981. Applicant: GLOBE MOVING & STORAGE, INC., 1007 Cedar Street, Flint, MI 48504. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489-5724. Transporting *household goods* between points in MI, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a Certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC 140510.

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC 140510 to a Certificate of Public Convenience and Necessity and extend its operating rights.

MC 141431 (Sub-3), filed August 24, 1981. Applicant: CAL-VALLEY TRANSPORTATION, INC., 1315 E. Holt Blvd., Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945-3002. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with J. R. Wood, Inc., of Atwater, CA.

MC 141590 (Sub-3), filed August 24, 1981. Applicant: NOAH E. FERRIS, d.b.a. CONTRACT FURNITURE CARRIERS, 7004 Peters Creek Road, P.O. Box 7586, Roanoke, VA 24019.

Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168–0025, (703) 629–2818. Transporting (1) *hosiery,* (a) between points in Grenada County, MS, Shelby County, TN, and Pulaski County, VA and (b) between points in Grenada County, MS, Shelby County, TN, and Pulaski County, VA, on the one hand, and, on the other, points in CA, NC, and NJ, (2) *furniture and fixtures,* between points in Carroll and Grayson Counties, VA, on the one hand, and, on the other, points in AZ, CA, OR, and WA, and (3) *food and related products,* between points in Bedford County, VA, on the one hand, and, on the other, points in CA, KS, OK, and TX, and those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 142630 (Sub-3), filed August 25, 1981. Applicant: FUGAZY CONTINENTAL CORPORATION OF NEW JERSEY, INC., 667 Madison Ave., New York, NY 10021. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10017, (212) 755–9500. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, between Atlantic City, NJ, on the one hand, and, on the other, Philadelphia, PA, and points in NY and CT. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to team 1, room 6354.

MC 144330 (Sub-95), filed August 26, 1981. Applicant: UTAH CARRIERS, INC., 3220 N. Hwy 89, Layton, UT 84041. Representative: John T. Caine, 2568 Washington Blvd., Ogden, UT 84401, (801)–393–5367. Transporting *glass and glass products,* between points in Wichita, Clay and Archer Counties, TX and Jefferson County, MO, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, MT, WY, UT, CO, AZ and NM.

MC 145220 (Sub-18), filed August 24, 1981. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 5, Box 242, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 39687, (803) 244–9314. Transporting *food and related products,* between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC.

MC 148240 (Sub-1), filed August 24, 1981. Applicant: SHELBY WILLIAMS INDUSTRIES, INC., PO Box 111, Canton, MS 39046. Representative: Fred W. Johnson, Jr., PO Box 1291, Jackson, MS 39205 (601) 355–3543. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jay-Zee, Inc., of Maryland Heights, MO.

MC 150290 (Sub-6), filed August 26, 1981. Applicant: MIDLAND TRANSPORTATION CO., INC., 801 West Artesia Blvd., Compton, CA 90220. Representative: William Davidson, 5501 Pacific Blvd., Huntington Park, CA 90255, (213) 589–6073. Transporting *chemicals and related products and packaging materials,* between points in Onondaga County, NY and Sandusky and Seneca Counties, OH, on the one hand, and, on the other, points in the US.

MC 150770 (Sub-2), filed August 24, 1981. Applicant: COTANT TRUCK LINES, INC., 420 W. Chubbuck Rd., Chubbuck, ID 83201. Representative: Timothy R. Stivers, PO Box 1576, Boise, ID 83701, (208) 343– Transporting *rubber and plastic products, automotive parts, tires, and such commodities* as are dealt in by grocery stores and food business houses, between points in AZ, CA, NV, UT, ID, OR, and WA.

MC 150951 (Sub-4), filed August 18, 1981. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston St, Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant) (401) 943–4800. Transporting *textile mill products,* between points in the U.S., under continuing contract(s) with General Fabrics, of Pawtucket, RI.

MC 153161 (Sub-2), filed August 24, 1981. Applicant: WAYNE SOLVENTS, INC., 120 Grace Avenue, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR and LA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to team 1, room 6354.

MC 154701, filed August 17, 1981. Applicant: CARL SOWELL, d.b.a. SOWELL TRUCKING, 1365 Paramount Ave., Pocatello, ID 83201. Representative: Davis E. Wishney, P.O. Box 837, Boise ID 83701, (208) 336–5955. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with J. R. Simplot Company, of Boise, ID, and Border Blenders Ag. Supply, of Chester, MT.

MC 156061 (Sub-2), filed August 20, 1981. Applicant: LAND & SEA, INC., Route 6, Twin Falls, ID 83301. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *lumber and wood products and building materials,* between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 157600, filed August 6, 1981. Applicant: GOLDEN WEST SCENIC TOURS, INC., Berry St. at Highway 88, Pine Grove, CA 95665. Representative: John F. Richardson (same address as applicant) (209) 296–5555. As a *broker,* at Pine Grove, CA, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in CA and extending to points in the U.S.

MC 157761, filed August 18, 1981. Applicant: DENNIS C. CLUCK, 3816 Littlestown Pike, Westminister, MD 21157. Representative: William T. Fitzgerald, 6 North Court St., Westminister, MD 21157, (301) 876–2455. Transporting (1) *ores and minerals,* and (2) *clay, concrete, glass or stone products,* between points in Adams County, PA, on the one hand, and on the other, Baltimore and points in Frederick, Carroll, Baltimore and Harford Counties, MD.

MC 157881, filed August 25, 1981. Applicant: EVERFRESH TRANSPORT, INC., PO Box 711, Derby, NY 14047. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transportng *food and related products,* between points in the U.S., under continuing contract(s) with Castle and Cooke Foods, Inc., of Hauppauge, NY.

MC 157910, filed August 25, 1981. Applicant: ALPHA OMEGA LINE, INC., 739 Vandalia, St. Paul, MN 55114. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transportng *general commodities* (except classes A and B explosives), between points in CO, IA, IL, IN, KS, MI, MN, MO, MT, ND, NE, OH, SD, WI and WY. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affadavit indicating why such approval is unnecessary to the

Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 157911, filed August 24, 1981. Applicant: TOMMY HANKINS, d.b.a. TOMMY & SONS TRUCKING, 2708 Norman Ave., Bakersfield, CA 93303. Representative: Earl N. Miles, 3704 Candlewood Drive, Bakersfield, CA. (805) 872–1106. Transportng *such commodities* as are dealt in or used by distributors of irrigation materials, equipment and supplies, between points in the U.S., under continuing contract(s) with Western Oilfield Supply Co., of Bakersfield, CA.

Volume No. OPY–4–354

Decided: September 3, 1981.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams. (Member Williams not participating.)

MC 1977 (Sub-57), filed August 12, 1981. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Transportng *general commodities*, (except classes A and B explosives), (1) Between points in the U.S. located in and west of the states of WI, IL, MO, AR, and LA, and (2) Between points in CO on the one hand, and, on the other, points in the U.S. Located east of the states of WI, IL, MO, AR, and LA.

MC 60887 (Sub-8), filed August 14, 1981. Applicant: HARRY H. LONG MOVING-STORAGE & EXPRESS INC., 1631 S. Lyndale Drive, Appleton, WI 54911. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives), between points in Outagamie County, WI, on the one hand, and, on the other, those points in the Upper Peninsula of MI.

MC 97127 (Sub-19), filed August 14, 1981. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box 2397, Batesville, AR 72501. Representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood Ave., Fort Smith, AR 72902, (501) 782–1001. Transporting *general commodities* (except classes A and B explosives), between points in Shelby County, TN, on the one hand, and, on the other, points in AR.

Note.—Applicant intends to tack with existing regular-route authority.

MC 121107 (Sub-26), filed August 20, 1981. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., P.O. Box 207, Farmville, NC 27828. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., NW, Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 134467 (Sub-80), filed August 14, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203 (303) 839–5856. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 139957, filed August 17, 1981. Applicant: A. & J. CARTAGE, INC., 8221 S. School Ave., La Grange, IL 60525. Representative: Robert G. Paluch, 7800 W. 60th Place, P.O. Box 356, Summit, IL 60501 (312) 563–0660. Transporting *commodities in bulk*, between points in IL, IN, MI, and WI, on the one hand, and, on the other, points in the U.S.

MC 144757 (Sub-14), filed August 20, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 412 Oshkosh, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701 (605) 343–4036. Transporting (1) *machinery*, and (2) *rubber and plastic products*, between points in SD and WY, on the one hand, and, on the other, points in AR, CA, CO, IN, IA, MI, NE, OR, and TN.

MC 148107 (Sub-7), filed August 19, 1981. Applicant: JESSE J. MESA, d.b.a. J.J. MESA TRUCKING CO., 1500 S. Zarzamora St., San Antonio, TX 78207. Representative: Ronald Mercier (same address as applicant) (512) 223–1859. Transporting *tile facing or flooring* between points in TX, on the one hand, and, on the other, points in FL, GA, AL, MS, TN, KY, IN, IL, MO, NE, KS, LA, NV, and AR.

MC 149497 (Sub-13), filed August 24, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023 Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant) (715) 359–2907. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Oshkosh Truck Corporation, of Oshkosh, WI.

MC 157807, filed August 20, 1981. Applicant: JOSE A. RAMOS AND MILAGRO CABRERA, a partnership d.b.a. PROMOTOURS 2667 Harrison St., San Francisco, CA 94110. Representative: Jose A. Ramos (same as applicant) (415) 647–7296. To operate as a *broker* at San Francisco, CA in arranging for the transportation of passengers and their baggage between points in CA and NV.

MC 157817, filed August 20, 1981. Applicant: SUPERTONE TRANSPORTATION LIMITED, 58 Marathon Crescent, Willowdale, Ontario, Canada M2R 2L7. Representative: Robert D. Gunderman, 101 Niagara St., Buffalo, NY 14202 (716) 854–587. Transporting *textile and fibre products*, between points in the U.S., under continuing contract(s) with Fibre Products of Canada Company Limited, of Weston, Ontario, Canada.

Volume No. OPY–4–356

Decided: September 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 97457 (Sub-9), filed August 17, 1981. Applicant: WARNER & SONS TRUCKING CO., 6556 Belding Rd., Belding, MI 48809. Representative: Gregory G. Prasher, 500 Calder Plaza, Grand Rapids, MI 49503 (616) 459–9487. Transporting *general commodities*, (except classes A and B explosives), between Chicago, IL, and Detroit, MI, on the one hand, and, on the other, those points in MI on and west of a line beginning at Mackinaw City and extending along Interstate Hwy 75 to its junction with U.S. Hwy 27, then along U.S. Hwy 27 to Lansing, then along U.S. Hwy 127 to the MI–OH State line.

MC 136267 (Sub-9), filed August 21, 1981. Applicant: BELS PRODUCE CO., INC., P.O. Box 348, Montrose, MI 48457. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167 (313) 349–3980. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of foodstuffs, between points in the U.S., under continuing contract(s) with Aunt Jane Foods, Inc., of Croswell, MI, C. F. Cates & Sons, of Faison, NC, and Old Virginia, Inc., of Front Royal, VA.

MC 142517 (Sub-3), filed August 19, 1981. Applicant: HOWARD DELIVERY SERVICE, INCORPORATED, P.O. Box 542, 1900 W. 16th St., Broadview, IL 60153. Representative: Francis W. McInerney, 1000 16th St. NW. #502, Washington, DC 20036 (202) 783–8131. Transporting *motor vehicle parts, components, materials, and supplies*, between points in the U.S., under continuing contract(s) with General Motors Corporation (General Motors Warehousing & Distribution Division), of Detroit, MI.

Volume No. OPY–5–142

Decided: September 1, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 228 (Sub-82), filed August 19, 1981. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Michael J. Marzano, 99 Kinderkamack Road, Westwood, NJ 07675 (201) 666–5111. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in the U.S., under continuing contract(s) with Short Line Bus Systems, Inc., of Mahwah, NJ.

MC 15728 (Sub-13), filed August 20, 1981. Applicant: AUTO PRODUCTS TRANSPORT, INC., 28000 Southfield, Lathrup Village, MI 48076. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684 (616) 941–5313. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and paper products, between the facilities of Westvaco Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 31879 (Sub-45), filed June 10, 1981. Initially published in the **Federal Register** on August 3, 1981. Applicant: EXHIBITORS FILM & DELIVERY SERVICE, INC., 101 West 10th Ave., North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767–5600. Transporting *wearing apparel*, between points in Boyle County, KY, Boone and Carroll Counties, AR, Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Benton, Prowers, and Baca Counties, CO, Laramie and Goshen Counties, WY, Bond, Calhoun, Christian, Clinton, Cook, DuPage, Fayette, Greene, Jersey, Kane, Macon, Macoupin, Madison, Marion, Monroe, Montgomery, Morgan, Perry, Pike, Randolph, St. Clair, Sangamon, Scott, Shelby, Washington, and Will Counties, IL, and Bernalillo, Colfax, Currey, De Baca, Guadalupe, Harding, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Sante Fe, Socorro, Taos, Torrance, Union, and Valencia Counties, NM, and points in IA, MO, KS, and NE. This application is republished to show the complete territorial description of the authority sought.

MC 45398 (Sub-3), filed August 21, 1981. Applicant: F. J. BERNERD & SON, INC., 2400 Barnum Ave., Stratford, CT 06497. Representative: Mark C. Ellison, 300 Interstate N. Parkway, Suite 329, Atlanta, GA. Transporting *household goods* between points in CT, DE, MA, ME, MD, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 48958 (Sub-224), filed August 17, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189 (806) 374–1641. Transporting *dental, hospital, and surgical supplies*, between points in the U.S., under continuing contract(s) with Johnson & Johnson Products, Inc., of New Brunswick, NJ.

MC 65419 (Sub-7), filed August 17, 1981. Applicant: ARMORED CAR COMPANY, INC., 1031 South Sixth Street, P.O. Box 32930, Louisville, KY 40232. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602 (502) 223–8244. Transporting *money, bullion, securities, bonds, and other commodities and articles of unusual value*, between points in the U.S., under continuing contract(s) with the Federal Reserve Bank of St. Louis, of St. Louis, MO.

MC 71478 (Sub-54), filed August 19, 1981. Applicant: THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard Avenue, Tulsa, OK 74115. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in CT, IL, IN, KY, KS, MA, MO, NJ, NY, OH, OK, RI, WV, and PA, and those points in TX, on and east of U.S. Hwy 75.

MC 114098 (Sub-57), filed July 31, 1981. Published originally in the **Federal Register** on August 19, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 425 13th St., NW, Suite 1032, Washington, DC 20004 (202) 628–4600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clow Corporation of Oak Brook, IL, and Associated Mechanical Erectors, Co., Inc., of Rock Hill, SC. This application is republished to show the complete authority requested by applicant.

MC 118089 (Sub-47), filed July 13, 1981. Published initially in the **Federal Register** (Republication) on August 12, 1981. Applicant: ROBERT HEATH TRUCKING , INC., 2909 Avenue C., P.O. Box 2501, Lubbock, TX 79408. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, 303–839–5856. Transporting *food and related products*, between Kansas City, MO; points in Buchannan and Atchison Counties, MO; points in Kansas; and points in Hale, Parmer, Potter, Randall and Lubbock Counties, TX on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

Note.—This republication is to authorize service from and to all points in Kansas rather than the three counties.

MC 135678 (Sub-33), filed July 22, 1981. Initially published in the **Federal Register** on August 12, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106 (405) 528–3884. Transporting *automobile parts, wheels, and tires*, between points in AR, OK, TX, NM, CA, CO, AZ, and NV. This application is republished to include AR.

MC 138438 (Sub-111), filed August 21, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1 Williamsport, MD 21975. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740 (301) 739–4860. Transporting (1) *metal products*, and (2) *machinery*, between points in the U.S.

MC 140968 (Sub-7), filed August 21, 1981. Applicant: VALLEY TRANSPORT, INC., P.O. Box 68, Drayton, ND 58225. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424 (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between the facilities of American-Canadian Centers, Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144598 (Sub-6), filed August 20, 1981. Applicant: C & J TRANSPORT, INC., Route 32, P.O. Box 42, North Vassalboro, ME 04962. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW , Washington, DC 20005 (202) 296–3555. Transporting *coal* between points in WV and PA, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, and RI.

MC 147348 (Sub-16), filed August 21, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72214. Representative: James M. Duckett, 221 W. Second, Suite 411, Little Rock, AR 72201 (501) 375–3022. Transporting *such commodities* as are dealt in by retail, discount and grocery stores, between Houston, TX, on the one hand, and, on the other, points in AR.

MC 147768 (Sub-3), filed August 17, 1981. Applicant: IMPERIAL BULK CARRIERS, INC., 7061 South Willow Springs Rd., Countryside, IL 60525. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *roofing pitch*,

creosote, and tar, between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, NE, KS, OK, and TX.

Volume No. OPY-5-143

Decided: September 1, 1981.

By the Commission, Review Board No 3, Members Krock, Joyce, and Dowell.

MC 148259 (Sub-1), filed August 19, 1981. Applicant: WM. MEYERS MOVERS, INC., 353 West Lake St., Elmhurst, IL 60126. Representative: Terrence E. Budny, 3 First National Plaza, 70 West Madison St., Suite 3200, Chicago, IL 60602 (312) 372-1121. Transporting *household goods,* between points in IL, on the one hand, and, on the other, points in AR, KY, NJ, NY, PA, TN, WV, and VA.

MC 151589 (Sub-2), filed August 19, 1981. Applicant: NEIL WADE TRUCKING, INC., 5225 N. Minnesota, Portland, OR 97217. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224-4840. Transporting (1) *food and related products* between points in OR, WA, CA, ID, AZ, NV, NM, MT, CO, UT, and WY, and (2) *motor vehicle parts and accessories,* between points in OR, WA, and CA.

MC 153328 Sub 9, filed June 19, 1981. Published originally in the **Federal Register** on July 15, 1981. Applicant: RED K. TRANSPORT, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 321 North Spring Ave., Cape Girardeau, MO 63601, (314) 335-6636. Transporting (1) *pulp, paper and related products* and (2) *printed matter,* (a) between points in Riverside County, CA, Middlesex County, CT, Stephens County, GA, Cook, De Kalb, and Iroquois Counties, IL, Adams County, IA, Hardin County, KY, Lenawee County, MI, Dunklin County, MO, Bergen County, NJ, Lake County, OH, Douglas County, OR, and Lamar County, TX, and (b) between points in (a) on the one hand, and, on the other, points in the U.S.

MC 153328 (Sub-16), filed August 17, 1981. Applicant: RED K TRANSPORT, INC., 2345 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 400 State Street, Madison, IL 62060 (618) 451-2323. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of closet and bathroom accessories and juvenile furniture, between St. Louis, MO, and points in Los Angeles County, CA, and Cape Girardeau County, MO, on the one hand, and, on the other, points in the U.S.

MC 153479 (Sub-1), filed August 13, 1981. Applicant: KAYE TRUCKING AND LEASING COMPANY, INC., P.O. Box 632, Lucasville, OH 45648. Representative: Stephen C. Fitch, 155 East Broad St., Columbus, OH 43215 (614) 461-1337. Transporting *commodities in bulk,* between points in Scioto, Jackson, Ross, and Pike Counties, OH, on the one hand, and, on the other, Detroit, MI, Pittsburgh, PA, Richmond, VA, and points in IN, KY, and WV.

MC 153559 (Sub-1), filed August 17, 1981. Applicant: PLAZA EXPRESS, INC., 6467 Van Nuys Blvd., Suite 460, Van Nuys, CA 91401. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609 (213) 945-2745. Transporting *bathroom vanities* and *medicine cabinets,* between points in San Bernardino County, CA, on the one hand, and, on the other, points in the U.S.

MC 153679 (Sub-3), filed August 21, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 501 25th Ave., North, Nashville, TN 37202. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 38219 (615) 244-8100. Transporting *foodstuffs,* between points in the U.S., under continuing contract(s) with Allen Canning Company of Siloam Springs, AR.

MC 156379, filed June 26, 1981, previously noticed in the **Federal Register** issue of July 23, 1981. Applicant: RONALD HAGEMAN, d.b.a. HAGEMAN ENTERPRISES, Rural Route No. 1, Box 259-22, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501 (515) 682-8154. Transporting *trailers* designed to be transported by passenger automobiles, and *buildings* complete or in sections, between points in IA, IL, and MO.

Note.—This republication deletes the phrase "mounted on wheeled undercarriages" from the previous publication.

MC 156409, filed June 8, 1981. Applicant: E. E. MCAFEE AND D.W. MCAFEE d.b.a. MCAFEE TRUCKING COMPANY, Route 1 Michie, TN 38357. Representative: Phil R. Hinton, Box 801 411 Waldron St., Corinth, MS 38834 (601) 286-2231. Transporting *ores and minerals,* between those points in TN, west of the Tennessee River, those in AL, on and north of Interstate Hwy 20, and those in MS, on and north of U.S. Hwy 82.

MC 156468, filed June 24, 1981. Applicant: P.E.T.S. LEASING, INC., 266 Front Street, Winchendon, MA 01475. Representative: Ernest J. Coderre (same address as applicant) (617) 297-2635. Transporting *furniture* and furniture parts between points in IL, IN, IA, KS, LA, MA, MI, MN, MS, MO, NE, NC, OH, OK, PA, TN, TX, and WI.

MC 157589, filed August 5, 1981. Applicant: SWEET MANUFACTURING COMPANY, P.O. Box 1086, 2000 E. Leffel Lane, Springfield, OH 45501. Representative: James A. Hagen, 2912 Mystic Lane, Springfield, OH 45503 (513) 390-3516. Transporting (1) *lumber and wood products,* under continuing contract(s) with Middle State Mfg., Inc., of Columbus, NE, and The Champion Company, of Springfield, OH, (2) *metal products,* under continuing contract(s) with Nucor Corporation, of Norfolk, NE, Middle State Mfg. Inc., of Columbus, NE, Farmaster (a div. of Wickes Corp.), of Dublin, GA, Joslyn Mfg. & Supply, Inc. (Galv. Div.), of Columbus, OH, The Champion Company, of Springfield, OH. Van Gorp Corp., Subsidiary of Emerson Electric, of Pella, IA, Benjamin Steel Co., Inc. of Springfield, OH, Cooper Energy Services, Superior Operations-Div. of Cooper Ind., of Springfield, OH (3) *machinery,* under continuing contract(s) with Nucor Corporation, of Norfolk, NE, Middle State Mfg. Inc. of Columbus, NE, Farmaster (a div. of Wickes Corp.), of Dublin, GA, Anchor Rubber Company, of Dayton, OH, FMC Corporation, Drive Div., of Philadelphia, PA, Cooper Energy Services, Superior Operations-Div. of Cooper, Ind., of Springfield, OH, Ohio Western Steel Company, of Springfield, OH, and Elliott Company, of Springfield, OH, and (4) *rubber and plastic products,* under continuing contract(s) with Anchor Rubber Company, of Dayton, OH, Champion Company, of Springfield, OH, Dunham Rubber & Belting Co., of Indianapolis, IN, Scandura, Inc., of Charlotte, NC, and Fenner America Ltd., of Middletown, CT, between points in the U.S.

MC 157758, filed August 17, 1981. Applicant: NOLAND TRANSPORTATION, INC., P.O. Box 2, Irvine, KY 40336. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391 (606) 744-3503. Transporting (1) *metal products,* between points in Powell County, KY, on the one hand, and, on the other, points in the U.S., (2) *fertilizer,* points in Fayette County, KY, on the one hand, and, on the other, points in the U.S., and (3) *lumber and wood products,* between points in Estill County, KY, on the one hand, and, on the other, points in the U.S.

MC 157778, filed August 19, 1981. Applicant: HAROLD L. RAY, d.b.a. HAROLD L. RAY TRUCK & TRACTOR SERVICE, INC., Box 127, Cisne, IL 62823. Representative: Michael W. O'Hara, 300

Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *Mercer commodities,* between points in IA, IL, IN, KS, KY, LA, MI, MO, OH, OK, PA, SC, TN, TX, VA, WI, and WV.

MC 157798, filed August 20, 1981. Applicant: SENIORTOURS, INC., 308 E. Spicer Ave., Wildwood, NJ 08260. Representative: Robert J. Holt and Christopher J. Plagge (Same address as applicant.) (609) 729–0880. To operate as a *broker* at Wildwood, NJ, arranging the transportation of *passengers and their baggage,* in the same vehicle with passengers, between points in Cape May County, NJ, on the one hand, and, on the other, points in FL.

MC 157829, filed August 21, 1981. Applicant: E. C. R. CO., INC., 705 Caldwell Street, Paducah, KY 42001. Representative: H. S. Melton Jr., P.O. Box 7406, Paducah, KY 42001 (502) 442–5442. Transporting *petroleum and petroleum products,* between points in Marshall and McCracken County, KY, Scott, and Mississippi Counties, MO, Posey, Gibson, and Vanderburgh Counties, IN, on the one hand, and, on the other, points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Graves, Hopkins, Henderson, Hickman, Lyon, Livingston, Marshall, McCracken, Trigg, and Union Counties, KY, Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, White, and Williamson Counties, IL, Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Scott, and Stoddard Counties, MO, Posey County, IN, Carroll, Dickson, Dyer, Gibson, Henry, Houston, Humphreys, Montgomery, Obion, Stewart, and Weakley Counties, TN.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26642 Filed 9–11–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 161]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 9, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 56344 (Sub-6)X, filed August 26, 1981. Applicant: ALERT MOTOR FREIGHT, INC., P.O. Box 1045, Delran, NJ 08075. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions from its Sub-No. M1 certificate to broaden the commodity description from heaters and parts, radiator, enamel ware, plumbing supplies, sheet metal, and corrugated metal products to "metal products".

MC 105007 (Sub-82)X, filed August 24, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 66 certificate to (1) broaden the commodity description to "food and related products" from hides; and (2) substitute radial authority in place of existing one-way authority.

MC 114457 (Sub-589)X, filed August 21, 1981. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: Alan D. Swenson (same address as above). Applicant seeks to broaden the commodity description in its Sub-No. 580 certificate, authorizing service between points in the U.S., by removing all restrictions in its general commodities authority "except classes A and B explosives".

MC 120906 (Sub-II)X, filed August 26, 1981. Applicant: SPECIAL SERVICE DELIVERY, INC., 3950 Detroit Avenue, Toledo, OH 43612. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Applicant seeks to remove restrictions in its Sub-Nos. 3 and 5 certificates to (1) broaden the community descriptions from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in both Sub-Nos.; (2) remove facilities limitations in Sub-No. 5; (3) replace Toledo, OH, with Lucas County, OH, in Sub-Nos.; (4) replace one-way authority with radial authority between Lucas County, OH, and named MI counties in Sub-No. 3; (5) delete weight and ex-air limitations in Sub-No. 3; (6) remove originating at or destined to restrictions in Sub-No. 5; and (7) delete the restrictions against transportation of commercial papers, documents and written instruments as are used in the conduct of banks and banking institutions, and film from Sub-No. 3.

MC 127602 (Sub-30)X, filed August 24, 1981. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., P.O. Box 1774, Litchfield Park, AZ 85340. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 6, 8, 9, 11, 12, 13, 17F, 23F, 26, and 28 certificates to (1) broaden the commodity descriptions to: (a) "food and related products" from canned goods (sheet 5), peanut butter, syrup, extracts, mustard, vinegar, canned and preserved food products, coffee, cereals, flour, dessert and beverage preparations, spices, and honey (sheet 6), and cheese in containers (sheet 7), in Sub-No. 6: from meats, meat products and byproducts, as described in the *Descriptions case,* 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles) in Sub-No. 11, sheet 4: and from food in Sub-No. 26, sheet 6; (b) "farm products, and household goods" from livestock, agricultural commodities, and household goods as defined by the Commission, in Sub-No. 6, sheet 6; (c) "pulp, paper and related products" from cheese packaging supplies in Sub-No. 6, sheet 7: and from paper boxes, trading stamps and cancelled trading stamps, in Sub-No. 11, sheets 3 and 4; (d) "general commodities, except classes A and B explosives" from household goods as defined by the Commission and general commodities, with various exceptions, in Sub-No. 26, sheet 2; (e) "machinery, metal articles, and those commodities which because of their size or weight require the use of special equipment" from contractors' equipment, machinery, and supplies in Sub-No. 26, sheet 6; (f) "petroleum, natural gas and their

products" from lubricating oil and grease in containers, in Sub-No. 26, sheet 6; and (g) remove all restrictions in the general commodity authorities "except classes A and B explosives" in each certificate; (2) authorize service at all intermediate points in regular-route authorities in the lead certificate and Sub-Nos. 3, 6, 8, 9, 11, 23, 26 and 28; (3) expand off-route points to county-wide authority as follows: lead certificate, Pottawattamie County, IA (Council Bluffs, IA); Sub-No. 6, Pierce County, NE (points within 25 miles of Foster, NE) sheet 2: Cedar, Dixon, Knox, Pierce and Wayne Counties, NE (points within 15 miles of Coleridge, NE) sheet 4: Wayne, Pierce, Cedar and Knox Counties, NE (points within 15 miles of Wausa, NE) sheet 4: Holt, Dakota and Antelope Counties, NE (Ewing, Goodwin, and Copenhagen, NE) sheet 4; Sub-No. 11, DuPage County, IL (terminal site in DuPage County, IL); Sub-Nos. 13 and 26, Pottawattamie County, IA (facilities near Underwood, IA); Sub-No. 26, Brown County, KS (Hiawatha, KS) sheet 2: Lancaster County, NE (Firth and Hickman, NE) (sheet 3: Lancaster, Cass and Otoe Counties, NE (Prairie Home, Nehawka, Otoe, Avoca, Alvo, Weeping Water, Manley, Elmwood, and Murdock, NE) sheet 3: Pawnee, Johnson and Gage Counties, NE (DuBois, Steinauer, Mayberry, Armour, Wymore, Blue Springs, Elk Creek, Barneston, Liberty, and Holmesville, NE) sheet 4: Johnson County, NE (Graf, NE) sheet 4: Otoe County, NE (Palmyra and Syracuse, NE) sheet 5: Pottawattamie County, IA (Council Bluffs, IA), and Cass, Nemaha, Otoe and Richardson Counties, NE (Murray, Julian, Paul, Barada, Rulo, Preston, Salem, and Verdon, NE) sheet 5: Doniphan County, KS (White Cloud and Iowa Point, KS) sheet 5: and Atchison County, MO (plantsite ner Phelps City, MO) sheet 5: (4) expand named points and plantsites in the irregular-route authorities to countywide authority, and substitute radial authority in place of one-way authority: lead certificate, Deuel, Keith and Lincoln Counties, NE (Chappell, Ogallala, and North Platte, NE); Sub-No. 6, Otoe and Cass Counties, NE (Nebraska City and Plattsmouth, NE): Woodbury County, IA (Sioux City, IA) and Reno County, KS (Hutchinson, KS): Clay, Yankton, Davison, Beadle, Spink, Brown, Union, Lincoln, Minnehaha, Brookings, Kingsbury, Codington, Lake, Moody and Turner Counties, SD (Burbank, Volin, Mission Hill, Yankton, Mitchell, Huron, Redfield, Aberdeen, Jefferson, Elk Point, Beresford, Worthing, Sioux Falls, Dell Rapids, Brookings, Arlington, Watertown, Canton, Lennox, Madison, Flandreau, Parker, Vermillion, Viborg, and Centreville, SD): Antelope, Pierce and Boone Counties, NE (Tilden, NE and points within 25 miles thereof): Knox, Holt, Antelope, Cedar and Pierce Counties, NE (Creighton, NE and points in NE within 30 miles of Creighton): and McLeod and Brown Counties, MN (Hutchinson and New Ulm, MN) and Hughes County, SD (Pierre, SD): Sub-No. 11, Grundy County, IL (Morris, IL), Woodbury County, IA (Sioux City, IA): Woodbury County, IA (plantsite at Sioux City, IA), Kankakee County, IL (plantsite at Momence, IL): DuPage County, IL (plantsite at Carol Stream, IL): Arlington Heights County, IL (warehouse at Elk Grove, IL); and Sub-No. 26, Nemaha County, NE (Auburn, NE); (5) Sub-No. 6, sheet 7, remove the restriction limiting transportation of traffic to that originating at and destined to the described points; Sub-No. 11, sheets 2 and 3, remove the phrase "for purposes of joinder only," and the restriction limiting transportation of shipments to those "moving radially between points in the Chicago, IL commercial zone, on the one hand, and, on the other, Sioux City, IA and Omaha, NE"; Sub-No. 17, remove tacking and interlining restrictions; and Sub-No. 26, remove restrictions (a) limiting service over regular routes to specific commodities, moving to or from specified points with and without restriction, and (b) prohibiting the pickup or delivery of traffic which originates at or is destined to Atchison, KS and St. Joseph, MO.

MC 136161 (Sub-39)X, filed August 27, 1981. Applicant: ORBIT TRANSPORT, INC., P.O. Box 365, LaSalle, IL 61301. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to (1) broaden the commodity descriptions in its Sub-Nos. 25F and 26F certificates to: "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, and machinery" from glass, metal, plastic and clay and clay products, feldspar, talc, molds and machinery used in the manufacture of glass products, bottle coating systems, and parts and accessories for these commodities; and, in its Sub-No. 32 certificate, to "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, gift items, and machinery" from glass, metal, plastic, feldspar, talc, and clay articles and products, gift items, molds and machinery used in producing glass, plastic and metal articles, bottle coating systems, and parts and accessories for these commodities; (2) remove "except commodities in bulk" restrictions in Sub-Nos. 25 and 26; (3) replace authority to serve shipper facilities at named points with countywide authority: Sub-No. 25, St. Francois County, MO (facilities near Flat River, MO); Sub-No. 26, Marion County, IL (facilities near Centralia, IL); and Sub-No. 32, Washington County, KY (facilities near Springfield, KY); and (4) remove "except AK and HI" in each certificate.

MC 136711 (Sub-43)X, filed August 28, 1981. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 94968, Oklahoma City, OK 73143. Representative: G. Timothy Armstrong, P.O. Box 1124, El Reno, OK 73036. Applicant seeks to remove restrictions in its Sub-No. 40F certificate to (1) broaden the commodity description in part (B) from crushed rock, stone, gravel, sand, mineral aggregates and synthetic aggregates, in bulk, and in part (C) from crushed rock, clay, stone, sand, mineral aggregates and synthetic aggregates, in bulk, to "commodities in bulk"; (2) remove the restriction against the transportation of named commodities from (a) points in MO, (b) I MO county to points in KS, NE, and TN and (c) points in MO to points in KS and TN, and, from and to a named facility in St. Louis, MO, and an AR point and from named facilities in AL; and (3) remove in bulk restriction.

MC 136818 (Sub-133)X, filed August 31, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 West Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Applicant seeks to remove restrictions in its Sub-No. 114F certificate to broaden the commodity description from iron and steel articles, to "metal products" in its authority to serve 16 western States.

MC 140033 (Sub-102)X, filed August 28, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: L. S. Richey (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 25, 40, and 57F certificates to (1) broaden commodity descriptions in: Sub-Nos. 25 and 40 to "chemicals and related products" from lime (except in bulk), and from toilet preparations; and in Sub-No. 57, "building materials" from fiberglass; (2) change one-way authority to radial authority; and (3) broaden the facilities and named points to countywide authority as follows: Sub-No. 25, Ellis County, TX (Midlothian, TX), Wayne County, MI (Allen Park, MI), Rock County, WI (Beloit, WI), Prince Georges County, MD (Brentwood,

MD), San Bernardino County, CA (Cucamonga, CA), Bristol County, MA (Fall River, MA), Broome County, NY (Kirkwood, NY), Green County, WI (Monroe, WI), Stark County, OH (Massillon, OH), Rowan County, NC (Salisbury, NC), Santa Clara County, CA (San Jose, CA), Shawnee County, KS (Topeka, KS), Clark County, WA (Vancouver, WA), Lycoming County, PA (Williamsport, PA), and Wayne County, OH (Wooster, OH); Sub-No. 40, Jacksonville, FL (facilities near Jacksonville, FL); and Sub-No. 57, Young County, TX (Graham, TX), King County, WA (Kirkland, WA), Montgomery County, NY (Amsterdam, NY), and McHenry County, IL (Union, IL).

MC 144923 (Sub-2)X, filed August 31, 1981. Applicant: KELTRAN, INC., 210 Industrial Parkway, Buffalo, NY 14224. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden the commodity description to "food and related products" from malt beverages; (2) remove the "in container" restriction; and (3) broaden the territorial description to authorize service between points in the U.S., under contract(s) with the named shippers.

MC 145603 (Sub-4)X, filed August 25, 1981. Applicant: B & H TRUCKING CO., INC., 570 West 17th Street, Indianapolis, IN 46202. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to (1) broaden the commodity descriptions in its Sub-No. 3F certificate to (a) "metal products" from lead and lead products, and (b) "waste or scrap materials not identified by industry producing" from scrap batteries; and (2) change the territorial descriptions to authorize radial authority in place of one-way authority.

MC 146758 (Sub-19)X, filed August 27, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main Street, Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) broaden the commodity description from such commodities as are dealt in or used by manufacturers and converters of paper and paper products (except commodities in bulk) to "pulp, paper, and related products"; (2) delete plantsite restrictions; (3) remove originating at or destined to restrictions and (4) authorize radial service in place of existing one-way authority between Portage and Wood Counties, WI, and, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 146817 (Sub-13)X, filed August 31, 1981. Applicant: GEORGE CAVES, d.b.a. CAVES TRUCKING, P.O. Box 29357, Lincoln, NE 68529. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 6F, 7F, and 8F certificates to (1) broaden the commodity descriptions to: "food and related products" from meats, meat products and byproducts, and articles distributed by meat packinghouses as described in the *Descriptions case*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) in Sub-Nos. 3, 6 and 8; and sugar (except in bulk) in Sub-No. 7; (2) replace one-way service with radial service; (3) remove the restriction in Sub-No. 6 limiting traffic to that originating at the named facilities and destined to the named destinations; and (4) substitute countywide authority in place of the named facilities and points: Sub-Nos. 3, 6 and 8, Carroll, Crawford, Hardin, Cherokee, Woodbury, Webster, Polk and Warren Counties, IA (facilities near Carroll, Denison, Iowa Falls, Cherokee, Sioux City, Ft. Dodge, and Des Moines, IA), and Saline, Lancaster, Douglas and Sarpy Counties, NE and Pottawattamie County, IA (Crete, Lincoln, and Omaha, NE); Sub-No. 7, Cerro Gordo County, IA (Mason City, IA), Carver County, MN (Chaska, MN), and Erie County, NY (Buffalo, NY).

MC 147311 (Sub-8)X, filed August 27, 1981. Applicant: T & S TRANSPORTATION, INC., P.O. Box 9729, Richmond, VA 23228. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to broaden the territorial description to Hamilton County, OH, from Cheviot, Bridgetown, and Miamitown, OH.

MC 147832 (Sub-8)X, filed August 10, 1981. Applicant: JIM EDDLEMAN, d.b.a. J & J CATTLE CO., 3395 Wright Street, Wheatridge, CO 80033. Representative: James A. Beckwith, Suite 100, 1365 Logan Street, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5, 6, and 7 certificates to (A) broaden existing commodity descriptions to include "materials, equipment and supplies used in the production and processing of" meats and meat products (Sub-No. 2), frozen fruits, berries, vegetables, and fish (Sub-No. 5), foodstuffs and meats (Sub-No. 6), and meats and canned goods (Sub-No. 7); (B) change the territorial descriptions to authorize radial service in place of one-way service; (C) remove the limitation on service in Sub-No. 6 which restricts transportation of traffic to that originating at and destined to the named origins and destinations; and (D) broaden the named facilities and points to county-wide authority: Sub-Nos. 2, 5, 6 and 7, Adams, Arapahoe, Douglas, Jefferson and Denver Counties, CO (Denver, CO); Sub-No. 5, Pueblo County, CO (Pueblo, CO); Sub-No. 6, Delta County, CO (Delta, CO), and Adams County, CO (facilities at Brighton, CO); and Sub-No. 7, Boulder, Adams, Arapahoe, Morgan, Larimer and Logan Counties, CO (Boulder, Brighton, Englewood, Fort Morgan, Loveland, and Sterling, CO).

MC 148199 (Sub-1)X, filed August 26, 1981. Applicant: T. G. & J. C. GARLAND, d.b.a. AQUARIAN LINES, Rte. 1, Box 261, Van Alstyne, TX 75095. Representative: T. G. Garland (same address as above). Applicant seeks to (1) broaden the commodity description in its Sub-No. 2F certificate by removing "except commodities in bulk, and those requiring special equipment" from existing authority to transport paper and paper products, and materials, equipment and supplies; and in its Sub-No. 3F certificate by removing all restrictions in the general commodities authority "except classes A and B explosives"; (2) substitute countywide authority in Sub-No. 2 in place of the plantsite as follows: Lexington and Richland Counties, SC (Columbia, SC); and (3) in Sub-No. 3, authorize service at all intermediate points on regular routes between Oklahoma City, OK and Wichita Falls, TX.

MC 133405 (Sub-18)X, filed August 26, 1981. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 1470, LaPlata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814. Applicant seeks to remove a restriction in its Sub-No. 14 certificate to broaden the commodity description from malt beverages to "food and related products."

[FR Doc. 81-26643 Filed 9-11-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants Under the Clean Air Act; Phillips Petroleum Co. and Phillips Pipe Line Co.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Phillips Petroleum Company and Phillips Pipe*

Line Company, Civil Action No. CIV 81–C–4964 has been lodged with the District Court for the Northern District of Illinois. The proposed decree requires Phillips Petroleum Company and Phillips Pipe Line Company to comply with applicable organic material emission limitations at their gasoline loading rack terminals in Kankakee, East St. Louis, and Forsyth, Illinois; East Chicago, Indiana; and Columbus, Ohio. The decree also requires that Phillips Petroleum pay a civil penalty of $5,000 and Phillips Pipe Line a civil penalty of $10,000.

The proposed decree may be examined at the Office of the United States Attorney, Room 1500 South, 219 S. Dearborn Street, Chicago, Illinois 60604 at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed judgment until October 14, 1981. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530. The comments should refer to *United States* v. *Phillips Pipe Line Company and Phillips Petroleum Company,* and should include the Department of Justice reference number 90–5–2–1–408.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–26650 Filed 9–11–81; 8:45 am]

BILLING CODE 4410–01–M

[Order No. 954–81]

Modification to List of Bureau of Prisons Institutions

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: Attorney General Order No. 646–76 (41 FR 14805), as amended, classifies and lists the various Bureau of Prisons institutions. This order modifies the list by deleting McNeil Island, Washington as a Federal Prison Camp and redesignating the Federal Correctional Institution, Lompoc, California as U.S. Penitentiary, Lompoc, California.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ira B. Kirschbaum, Assistant General Counsel, Bureau of Prisons, U.S. Department of Justice, 320 First Street, N.W., Washington, D.C. 20534 (202–724–3062).

SUPPLEMENTARY INFORMATION: This order is not a rule within the meaning of the Administrative Procedure Act, 5 U.S.C. 551(4), the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, Sec. 1(a).

By virtue of the authority vested in me as Attorney General by 18 U.S.C. 4001, 4003, 4081, 4082, Attorney General Order No. 646–76, as amended, is further amended as follows:

(1) In Subparagraph A, by adding United States Penitentiary, Lompoc, California;

(2) In Subparagraph B, by deleting Federal Correctional Institution, Lompoc, California; and

(3) In Subparagraph C, by deleting Federal Prison Camp, McNeil Island.

Dated: September 2, 1981.

William French Smith,

Attorney General.

[FR Doc. 81–26649 Filed 9–11–81; 8:45 am]

BILLING CODE 4410–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Shoreham Nuclear Power Station Unit 1; Meeting

The ACRS Subcommittee on Shoreham Nuclear Power Station Unit 1 will hold a meeting on September 30, 1981, Room 1046 at 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the Long Island Lighting Company's request for an Operating License. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, September 30, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Long Island Lighting Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. David C. Fischer (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: September 8, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–26679 Filed 9–11–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–320]

Metropolitan Edison Co., et al.; Granting of Relief From Appendix J Requirements

The Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of Appendix J to 10 CFR Part 50, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors", to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company. The relief relates to the leakage testing

requirements for tests in areas which are radiologically inaccessible.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulation in 10 CFR Chapter I, which are set forth in the NRC Staff Safety Evaluation Report in this matter dated.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d) (4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief (2) dated May 11, 1981, and (3) the Commission's letter to the licensee dated September 2, 1981.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, TMI Program Office.

Dated at Bethesda, Maryland this September 2, 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81-26680 Filed 9-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387 OL and 50-388 OL]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 and 2); Memorandum and Order on Hearing Schedule

September 8, 1981.

This Order relates to matters involved in the hearing which commences on October 6, 1981.

1. The hearing will begin at 9:00 a.m. in the Gennetti Best Western Motor Inn, 77 E. Market Street, in Wilkes-Barre on October 6. Sessions of the hearing will be held three days each week—Tuesday through Thursday—during the month of October. However, the schedule may be extended to maintain progress.

2. Sessions of the hearing for individuals who requested an opportunity to make a statement of their position will be conducted on two occasions. The first on October 8 at the Motor Inn, 77 E. Market Street, in Wilkes-Barre and the second, October 23, at the Hotel Colone, 3rd and Market Street in Berwick. Both sessions will begin at 9:00 a.m. Statements will be limited to five minutes for each individual. However, written comments will be included in the hearing record if a request is made and if the comments are not of unreasonable length.

3. Pursuant to agreement, lead intervenors have been designated for the following contentions: 4–20–21 (SEA); 1 (ECNP); 6–17 (CAND); 2 (ECNP–CAND); and 9 (SEA–ECNP).

4. Since there are several motions for summary disposition outstanding where responses are not required for several weeks, and additional motions may be filed, the Board believes it necessary to revise its Order of August 14 on the order in which contentions will be considered at the meeting. The revision is as follows: 17–9–11–21–1–2–4–14–6–20. Except for emergency planning issues, this places all contentions, or parts of contentions, with an uncontested status at the beginning of the hearing proceedings.

5. The Board will issue a decision on motions for summary disposition and other motions as soon as responses have been received or the time for such has expired.

Dated at Bethesda, Maryland, this 8th day of September 1981.

For the Atomic Safety and Licensing Board.

James P. Gleason,

Chairman, Administrative Judge.

[FR Doc. 81-26681 Filed 9-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register** (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered:

Philadelphia Electric Company

Limerick Generating Station, Units 1 and 2

Construction Permit Nos. CPPR-106 and CPPR-107

This Board is being constituted pursuant to a notice published by the Commission on August 21, 1981, in the **Federal Register** (46 FR 42557–58) entitled, "Receipt of Application for Facility Operating Licenses; Consideration of Issuance of Facility Operating Licenses; Availability of Applicant's Environmental Report; and Opportunity for Hearing."

The Board is comprised of the following Administrative Judges:

Lawrence Brenner, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555;

Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555;

Dr. Peter A. Morris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 8th day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-26682 Filed 9-11-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22187; 70-6632]

Allegheny Power System, Inc.; Proposal by Holding Company To Issue Short-Term Notes to Banks and Commercial Paper to Dealer

September 4, 1981.

Allegheny Power System, Inc. ("Allegheny") 320 Park Avenue, New York, New York 10022 a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50 promulgated thereunder.

Allegheny proposes to issue, reissue, sell and renew from time to time through March 31, 1983 short-term notes to banks and commerical paper to a dealer in a maximum aggregate principal amount outstanding at any one time of $225,000,000, including any notes to banks or commerical paper as may still be outstanding pursuant to the

Commission's order of March 31, 1980 (HCAR No. 21504). Such notes and commercial paper will be issued and renewed from time to time prior to March 31, 1983 provided that no such notes or commercial paper shall mature after September 30, 1983. As of September 30, 1981, it is expected that Allegheny will have $40,000,000 of short-term debt outstanding if the Bath County transactions proposed in File No. 70-6613 are authorized by the Commission and consummated. No short-term debt is expected to be outstanding if those transactions have not been consummated.

Each note payable to a bank will be dated as of the date of the borrowing which it evidences, will mature not more than 270 days after the date of issuance of renewal thereof, will bear interest at the prime or equivalent interest rate in effect at the time of issuance, or in effect from time to time, at the bank at which the borrowing is made and will be prepayable at any time without premium or penalty. The name or names of the banks from which such borrowings are proposed to be effected (maximum $240 million for all companies in the Allegheny Power System outstanding at any one time) and the maximum aggregate principal amount of loans which may be outstanding to any one or more of the companies in the Allegheny Power System, including Allegheny, from each bank at any one time are as follows:

Citibank, N.A., New York, New York	$40,000,000
The Chemical Bank, New York, New York	30,000,000
Mellon Bank, N.A., Pittsburgh, Pennsylvania	70,000,000
Pittsburgh National Bank, Pittsburgh, Pennsylvania	17,500,000
Manufacturers Hanover Trust Co., New York, New York	75,000,000
Irving Trust, New York, New York	5,000,000
Chase Manhattan Bank, N.A., New York, New York	2,500,000
Total	$240,000,000

The maximum amount of such borrowings on behalf of Allegheny at any one time outstanding will not, when taken together with any commercial paper then outstanding, be in excess of $225 million.

Allegheny and its subsidiaries have established lines of credit with various banks for short-term borrowings. Balances are maintained to meet regular operating requirements at all of these banks as well as, when necessary, in connection with these lines of credit. Compensating cash balance requirements are generally either on the basis of a percentage of the line of credit extended by such bank, or a higher percentage of notes outstanding, whichever is greater, or a percentage of the line of credit plus a percentage of notes outstanding, in every case on an average annual basis. If such balances were maintained by Allegheny solely to fulfill compensating balance requirements for borrowings to be made by Allegheny the effective interest cost to Allegheny of issuing and selling the notes would not be more than 25% on the basis or a prime commercial credit rate of 20%.

Certain of the banks listed above have offered to substitute fees for, or to be used in conjunction with, lower compensating balances. The fee arrangements vary and would not be utilized unless the effective cost thereof is less than the compensating balance arrangement in effect at the bank at that time. The proposed fee arrangements produce an effective interest cost of issuing and selling the notes of not more than 23.9% on the basis of a prime commercial rate of 20% rather than the 25% effective cost resulting from meeting compensating balance requirements set forth above.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000,000 nor more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. Allegheny has designated A.G. Becker & Co., Incorporated as its commercial paper dealer. The commercial paper notes will be sold directly to the dealer, at a discount, not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The dealer may reoffer the commercial paper at a discount rate of ⅛ of 1% per annum less than the discount rate to Allegheny. Allegheny may issue commercial paper notes if (1) the interest cost thereof is equal to or less than the effective cost at which Allegheny could borrow the same amount from the above banks at that time or (2) Allegheny cannot at that time borrow the same amount for the same period of time from the above banks. The dealer will reoffer the commercial paper notes to not more than 200 of its customers, identified and designated in a non-public list prepared in advance. No sale of commercial paper of Allegheny will be made to any customer unless that customer has received up to date reports as to Allegheny's credit position. No additions will be made which would increase the customer list which will include commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges and universities, financial companies and nonfinancial corporations which invest funds in commercial paper. It is expected that the commercial paper notes will be held by the dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others on said list.

Allegheny requests an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) thereof since it is not practicable to invite competitive bids for commercial paper and current rates for commercial paper for prime borrowers such as Allegheny are published daily in financial publications.

Allegheny will use the proceeds of the proposed short-term borrowings to operate its business as a utility holding company, to make advances to Allegheny Pittsburgh Coal Company and Allegheny Generating Company, and to purchase common stock in its electric utility subsidiaries and Allegheny Generating Company. The following table sets forth the projected investments by Allegheny in its subsidiaries through 1983 (in millions):

Investments	Total[1]
Monongahela Power Company	$40.5
The Potomac Edison Company	76.5
West Penn Power Company	85.5

[1] Includes $85 million to be used to acquire common equity of Allegheny Generating Company.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-26686 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22188; 70-6636]

Connecticut Yankee Atomic Power Co., et al.; Proposed Borrowings Under Revolving Credit Agreement and Issuance of Debentures; Guarantee of Loans and Debentures

September 8, 1981.

In the matter of CONNECTICUT YANKEE ATOMIC POWER COMPANY, THE CONNECTICUT LIGHT AND POWER COMPANY, THE HARTFORD ELECTRIC LIGHT COMPANY, P.O. Box 270, Hartford, Connecticut 06101; NEW ENGLAND POWER COMPANY, 25 Research Drive, Westborough, Massachusetts 01581; CENTRAL MAINE POWER COMPANY, Edison Drive, Augusta, Maine 04336; and MONTAUP ELECTRIC COMPANY, c/o Eastern Utilities Associates, P.O. Box 2333.

Connecticut Yankee Atomic Power Company (the "Company"), a subsidiary of Northeast Utilities ("NU") and New England Electric System ("NEES"), both registered holding companies, The Connecticut Light and Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO") and Western Massachusetts Electric Company ("WMECO"), all subsidiaries of NU; New England Power Company ("NEP"), a subsidiary of NEES; Montaup Electric Company ("Montaup") a subsidiary of Eastern Edison Company, in turn a subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company; and Central Maine Power Company ("Central Maine"), an exempt holding company, have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a)(1), 9(a)(2) and 10 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 2(a) and 11(a) promulgated thereunder.

The Company is the owner of a 575,000 KW nuclear electric generating plant (the "Plant") in Haddam, Connecticut, which has been in commerical operation since January 1968. Outstanding shares of the Company's common stock are owned by eleven New England electric utilities (the "Sponsors"). By order dated September 26, 1963, July 17, 1964, January 6, 1965, August 1, 1966 and December 22, 1967 (HCAR Nos. 14947, 15106, 15172, 15536 and 15930), the Commission authorized, among other things, the organization of the Company and the initial financing for the Plant.

The Company proposes to incur up to $50,000,000 of revolving credit bank loans (the "Revolving Credit Loans"), and to issue up to $50,000,000 of the Company's 17% sinking fund debentures due 1996 (the "Debentures"), as part of the Company's 1981 financing program. The Revolving Credit Loans and the Debentures are to be guaranteed by the Sponsors.

The Company presently has outstanding first mortgage bonds and pollution control notes and these will remain outstanding and not be affected by the 1981 financing program. The Company will also continue the arrangement entered into in 1979 under which up to $50,000,000 of uranium for nuclear fuel is being financed under a trust arrangement. The Company is obligated to purchase the fuel on completion of enrichment and reimburse the trust for payments made by the trust and for financing costs. At June 30, 1981 the Company had outstanding borrowings from banks under lines of credit of $22,500,000, term loans from banks of $18,000,000, and $21,000,000 of long-term subordinated notes issued to Sponsors (the "Sponsor Notes"), all of which are to be repaid in full out of the proceeds of the 1981 financing program. The Company will, however, continue to have the right to effect subordinated borrowings from Sponsors. After the repayment of such bank borrowings, term loans and Sponsor Notes, the balance of the proceeds from the proposed financing will be used to finance construction program and nuclear fuel expenditures. The Company now estimates that it will be required to spend $24,950,000 in 1981, $12,179,000 in 1982 and $12,190,000 in 1983 for modifications to the Plant required by the Nuclear Regulatory Commission and by the Company's own studies in light of the nuclear accident at Three Mile Island and subsequent safety concerns. The Company further estimates that it will be required to spend $21,012,000 in 1981, $41,300,000 in 1982 and $48,892,000 in 1983 for the purchase of fuel under the nuclear fuel trust arrangement.

In accordance with the Commission's order of April 17, 1981 (HCAR No. 22011), the Company has negotiated the sale of $47,750,000 principal amount of the Debentures (the "Series A Debentures") to institutional investors, as follows:

	Amount (dollars in millions)
John Hancock Mutual Life Insurance Co	[illegible]
Connecticut General Insurance Corp	10.0
Morgan Guaranty Trust Company	8.0
United Benefit Life Insurance Co	5.0
Knights of Columbus	2.250
Atlantic Richfield Company	2.5
American United Life Insurance Co	2.0
Confederation Life Insurance Co	2.0
Crown Life Insurance Co	1.0
American Mutual Life Co	1.0
Total	47.75

The Series A Debentures are to be severally but not jointly guaranteed by the Sponsors, other than Cambridge Electric Light Company, in accordance with the following percentages:

	Percent of series A debentures guaranteed
The Connecticut Light and Power Company	[illegible]
New England Power Company	[illegible]
Boston Edison Company	[illegible]
The Hartford Electric Light Company	[illegible]
The United Illuminating Company	[illegible]
Western Massachusetts Electric Company	[illegible]
Central Maine Power Company	[illegible]
Public Service Company of New Hampshire	[illegible]
Montaup Electric Company	[illegible]
Central Vermont Public Service Corporation	2.0942
Total	[illegible]

The remaining $2,250,000 principal amount of the Debentures (the "Series B Debentures") will be sold to one of the Company's Sponsors, Cambridge Electric Light Company. The Debentures will bear interest at the rate of 17% per annum and will mature approximately 15 years after the initial sale.

The Company expects to sell $38,480,000 principal amount of the Debentures on October 1, 1981 or as soon thereafter as the necessary documentation can be completed and required regulatory approvals obtained. The remaining $11,520,000 of the Debentures are expected to be sold on January 14, 1982.

The Revolving Credit Loans are to be incurred under an agreement ("Credit Agreement") to be entered into with Bankers Trust Company and The Chase Manhattan Bank, N.A. ("Banks"), each of which has agreed to loan the Company up to a maximum of $25,000,000. The commitment of each Bank will be subject to reduction by the Company in integral multiples of $100,000 and subject to further reduction in the event of any Sponsor's election to make loans to the Company on the basis described below. Within such limits, the Company will be able to borrow from, repay, and reborrow from the Banks in

proportion to their respective commitments from time to time until October 1, 1984 ("Termination Date").

The Revolving Credit Loans will mature on the Termination Date, and will bear interest on the first $12,500,000 borrowed from each Bank at a rate per annum equal to the Bank's Base Rate, as defined, and on any additional amounts borrowed thereunder at a rate per annum equal to 105% of the Bank's Base Rate. The Company will pay each Bank a stand-by commitment fee payable quarterly in arrears at the rate of ½ of 1% per annum on the average daily unused portion of the Bank's commitment.

Each of the Sponsors, including CL&P, HELCO, WMECO, NEP, Montaup and Central Maine, will enter into a Guarantee Agreement (the "Guarantee Agreement") with the Banks and the Company. Under each Guarantee Agreement, a Sponsor will guarantee its percentage share of the Revolving Credit Loans by the Banks in proportion to its stock ownership in the Company or, in the alternative, may elect to loan directly to the Company for any six-month period commencing January 1 or July 1 ("Borrowing Period") its percentage share of any amounts of Revolving Credit Loans to be made during such six-month period. The percentage shares and the maximum amount to be guaranteed or, in the alternative, to be loaned by each Sponsor, are as follow:

Company	Ownership (percent)	Amount
The Connecticut Light and Power Company	25.0	$12,500,000
New England Power Company	15.0	7,500,000
Boston Edison Company	9.5	4,750,000
The Hartford Electric Light Company	9.5	4,750,000
The United Illuminating Company	9.5	4,750,000
Western Massachusetts Electric Company	9.5	4,750,000
Central Maine Power Company	6.0	3,000,000
Public Service Company of New Hampshire	5.0	2,500,000
Cambridge Electric Light Company	4.5	2,250,000
Montaup Electric Company	4.5	2,250,000
Central Vermont Public Service Corporation	2.0	1,000,000
Total	100.0	50,000,000

The obligations of the Sponsors will be several and not joint.

Any loans made by a Sponsor to the Company under its Guarantee Agreement will be evidenced by a note maturing on the last day of the Borrowing Period. Any notes issued to a Sponsor will not be guaranteed by the other Sponsors. If any Sponsor elects to make loans to the Company during any Borrowing Period, the guarantee percentages of the other Sponsors for loans made by the Banks during such period will be adjusted.

Repayment of the Sponsor Notes with funds borrowed under the Credit Agreement will result in interest savings to the Company. The Sponsor Notes bear interest at an annual rate of 1½% in excess of the prime rate in effect from time to time at The Connecticut Bank and Trust Company, Hartford, Connecticut on short-term commercial loans. Interest on the Revolving Credit Loans will be charged at a rate per annum equal to each Bank's Base Rate, as defined, on the first $12,500,000 borrowed from each Bank, and on additional amounts borrowed at a rate per annum equal to 105% on each Bank's Base Rate.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 1, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the amended application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26686 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22186; 70-6099]

General Public Utilities Corp.; Proposed Extension and Amendment of Short-Term Debt Authorization

September 4, 1981.

General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a registered holding company, has filed a post-effective amendment to its application previously filed and amended pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

By order dated February 23, 1981 (HCAR No. 21929), the Commission granted GPU authority to issue or renew, from time to time until October 1, 1981, its unsecured promissory notes maturing not more than nine months after date of issue, evidencing short-term bank borrowings, provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to GPU's secured borrowings outstanding under the GPU System Revolving Credit Agreement, did not exceed $150,000,000.

By order dated August 18, 1980 (HCAR No. 21681) in File No. 70-6311, the Commission authorized GPU to issue, sell and renew from time to time through October 1, 1981, its secured promissory notes (having a maturity of not more than six months from the date of issue) pursuant to the GPU System Revolving Credit Agreement dated as of June 15, 1979, as amended. The Commission's order, among other things, authorized GPU to incur indebtedness under the Agreement up to an amount which, when added to its other outstanding short-term borrowings, would not in the aggregate exceed $150,000,000.

Borrowings under the GPU System Revolving Credit Agreement are secured by the guarantee of GPU, by the common stock of GPU's subsidiaries and, in the case of Metropolitan Edison and Jersey Central Power & Light, by certain other collateral. By a pending post-effective amendment filed in File No. 70-6311, GPU, together with its subsidiary operating companies, has requested authority to enter into a new GPU System Revolving Credit Agreement ("New Credit Agreement") pursuant to which GPU would issue, sell and renew from time to time through December 31, 1982, its secured promissory notes maturing not more than three months from the date of issue.

GPU believes that it would be advantageous for it to continue to have the flexibility to borrow under both unsecured credit lines and the New Credit Agreement since from time to time it may be less costly and more expeditious to borrow pursuant to unsecured credit lines. GPU proposes to issue, sell and renew, from time to time until December 31, 1982, its unsecured promissory notes to banks evidencing short-term bank borrowings provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to GPU's borrowings outstanding at any one time under the New Credit Agreement, shall not in the aggregate

exceed $80,000,000. In all other respects the transactions as heretofore authorized by the Commission would remain unchanged including the fact that such borrowings will continue to bear interest at a rate not to exceed 125% of the lending bank's prime rate. Assuming a prime rate of 20% the effective cost of borrowing would be 25%.

The amended application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-28690 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22184; 70-6098]

Jersey Central Power & Light Co.; Proposed Extension and Amendment of Short-Term Debt Authorization

September 4, 1981.

Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed a post-effective amendment to its application previously filed and amended pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

By order dated January 28, 1981 (HCAR No. 21900), the Commission granted JCP&L authority to issue or renew, from time to time until October 1, 1981, its unsecured promissory notes maturing not more than nine months after date of issue, evidencing short-term bank borrowings, provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to JCP&L's secured borrowings outstanding under the GPU System Revolving Credit Agreement, did not exceed the lesser of (a) $160,000,000 or (b) the amount permitted by JCP&L's Charter.

By order dated August 18, 1980 (HCAR No. 21681) in File No. 70-6311, the Commission authorized JCP&L to issue, sell and renew from time to time through October 1, 1981, its secured promissory notes (having a maturity of not more than six months from the date of issue) pursuant to the GPU System Revolving Credit Agreement dated as of June 15, 1979, as amended. The Commission's order, among other things, authorized JCP&L to incure indebtedness under the Revolving Credit Agreement up to an amount which, when added to its other outstanding short-term borrowings, would not in the aggregate exceed the lesser of (a) $160,000,000 or (b) the amount permitted by JCP&L's Charter.

Borrowings under the GPU System Revolving Credit Agreement are secured by the guarantee of GPU, by the common stock of GPU's subsidiaries and, in the case of JCP&L and Metropolitan Edison, by certain other collateral. By a pending post-effective amendment filed in File No. 70-6311, JCP&L, together with its affiliates, has requested authority to enter into a new GPU System Revolving Credit Agreement ("New Credit Agreement") pursuant to which JCP&L would issue, sell and renew from time to time through December 31, 1982, its secured promissory notes maturing not more than three months from the date of issue.

JCP&L believes that it would be advantageous for it to continue to have the flexibility to borrow under both unsecured credit lines and the New Credit Agreement since from time to time it may be less costly and more expeditious to borrow pursuant to unsecured credit lines. JCP&L proposes to issue, sell and renew, from time to time until December 31, 1982, its unsecured promissory notes to banks evidencing short-term bank borrowings provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to JCP&L's borrowings outstanding at any one time under the New Credit Agreement, shall not in the aggregate exceed $135,000,000, or such lesser amount as may be permitted by JCP&L's Charter. At June 30, 1981, JCP&L's Charter would limit its permissible short-term debt to approximately $158,000,000. In all other respects the transactions as heretofore authorized by the Commission would remain unchanged including the fact that such borrowings will continue to bear interest at a rate not to exceed 125% of the lending bank's prime rate. Assuming a prime rate of 20% the effective cost of borrowing would be 25%.

The amended application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-28691 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22185; 70-6283]

Metropolitan Edison Co.; Proposed Extension and Amendment of Short-Term Debt Authorization

August 4, 1981.

Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, an electric utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed a post-effective amendment to its application previously filed and amended pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

By order dated February 26, 1981 (HCAR No. 21934), the Commission granted Met-Ed authority to issue or renew, from time to time until October 1, 1981, its unsecured promissory notes maturing not more than nine months

after date of issue, evidencing short-term bank borrowings, provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to Met-Ed's secured borrowings outstanding under the GPU System Revolving Credit Agreement, did not exceed the lesser of (a) $125,000,000 or (b) the amount permitted by Met-Ed's Articles of Incorporation.

By order dated October 30, 1979 (HCAR No. 21276) in File No. 70–6311, the Commission authorized Met-Ed to issue, sell and renew from time to time through October 1, 1981, its secured promissory notes (having a maturity of not more than six months from the date of issue) pursuant to the GPU System Revolving Credit Agreement dated as of June 15, 1979, as amended. The Commission's order, among other things, authorized Met-Ed to incur indebtedness under the Revolving Credit Agreement up to an amount which, when added to its other outstanding short-term borrowings, would not in the aggregate exceed the lesser of (a) $125,000,000 or (b) the amount permitted by Met-Ed's Articles of Incorporation.

Borrowings under the GPU System Revolving Credit Agreement are secured by the guarantee of GPU, by the common stock of GPU's subsidiaries and, in the case of Met-Ed and Jersey Central Power & Light, by certain other collateral. By a pending post-effective amendment filed in File No. 70–6311, Met-Ed, together with its affiliates, has requested authority to enter into a new GPU System Revolving Credit Agreement ["New Credit Agreement"] pursuant to which Met-Ed would issue sell and renew from time to time through December 31, 1983, its secured promissory notes maturing not more than three months from the date of issue.

Met-Ed believes that is would be advantageous for it to continue to have the flexibility to borrow under both unsecured credit lines and the New Credit Agreement since from time to time it may be less costly and more expeditious to borrow pursuant to unsecured credit lines. Met-Ed proposes to issue, sell and renew, from time to time until December 31, 1982, its unsecured promissory notes to banks evidencing short-term bank borrowings provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to Met-Ed's borrowings outstanding at any one time under the New Credit Agreement, shall not in the aggregate exceed $55,000,000, or such lesser amount as may be permitted by Met-Ed's Articles of Incorporation. At June 30, 1981, Met-Ed's Articles of Incorporation would limit its permissible short-term debt to approximately $99,000,000. In all other respects the transactions as heretofore authorized by the Commission would remain unchanged including the fact that such borrowings will continue to bear interest at a rate not to exceed 125% of the lending bank's prime rate. Assuming a prime rate of 20% the effective cost of borrowing would be 25%.

The amended application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-28667 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–18084; File No. SR–NASD–81–20]

National Association of Securities Dealers, Inc.; Proposed Rule Change; Self-Regulatory Organizations

In the matter relating to Transaction Fee on NSCC Cleared Trades. Comments requested on or before October 5, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 19, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule is to provide for the assessment of a fee upon NASD members in the amount of $0.12 per side for transactions cleared through National Securities Clearing Corporation.

II. Self-Regulatory Organization's Statements Regarding the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The test of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the rule change is to prevent the loss of the revenue flow presently provided to the Association, as well as to the American and New York Stock Exchanges, by the regulatory fee paid by the National Securities Clearing Corporation pursuant to the shareholders' agreement executed at the time of the formation of NSCC. The proposed rule will not be implemented until the expiration of the fee provisions of that agreement on January 15, 1982. The proposed fee is intended by the Associaton to be of an interim nature and to be continued only until such time as a substitute fee structure based upon the Association's activities relating to the National Market System can be developed. Section 15A(b)(5) of the act provides for the equitable allocation of reasonable fees among members of the Association. The Association believes that the proposed rule is the most efficient and least costly interim fee that can be assessed and that the fee will form a part of a total flow of revenues for the Association which are equitably allocated among the members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Association does not believe that the proposed rule change will result in a significant burden on competition nor will it hinder efforts to facilitate national clearance and settlement of securities transactions in that the fee is a continuation of the existing NSCC

regulatory fee which has not proved to be a substantial disincentive to agency clearing and which has ultimately been borne by those NASD members now clearing through NSCC.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Association's Rules of Fair Practice provide that Schedule A may be amended by the Board without recourse to the membership. Thus, no comments on the proposed change where solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submisssion, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 522, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and coping at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted on or before October 5, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 8, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26689 Filed 9-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22183; 70-5987]

Pennsylvania Electric Co.; Proposed Extension and Amendment of Short-Term Debt Authorization

September 4, 1981.

Pennsylvania Electric Company ("Penelec") 1001 Broad Street, Johnstown Pennsylvania 15907, an electric utility subsidiary of General Public Utilities Inc. ("GPU"), a registered holding company, has filed with this Commission a post-effective amendment to an application previously filed and amended pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50 thereunder.

By order dated February 23, 1981 (HCAR No. 21928), the Commission granted Penelec authority to issue or renew, from time to time until October 1, 1981, its unsecured promissory notes maturing not more than nine months after the date of issue, evidencing short-term bank borrowings, provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to Penelec's secured borrowings outstanding under the GPU System Revolving Credit Agreement did not exceed the lesser of (a) $116,000,000 or (b) the amount permitted by Penelec's Articles of Incorporation.

By order dated June 19, 1979 (HCAR No. 21107) in File No. 70–6311, the Commission authorized Penelec to issue, sell and renew from time to time through October 1, 1981, its secured promissory notes (having a maturity of not more than six months from the date of issue) pursuant to the GPU System Revolving Credit Agreement dated June 15, 1979 as amended. The Commission's order, among other things, authorized Penelec to incure indebtedness under the Revolving Credit Agreement up to an amount which, when added to its other outstanding short-term borrowings, would not in the aggregate exceed the lesser of (a) $116,000,000 or (b) the amount permitted by Penelec's Articles of Incorporation.

Borrowings under the GPU System Revolving Credit Agreement are secured by the guarantee of GPU, by the common stock of GPU's subsidiaries and, in the case of Metropolitan Edison Company and Jersey Central Power & Light, by certain other collateral. By a pending post-effective amendment filed in File No. 70–6311, Penelec, together with its affiliates, has requested authority to enter into a new GPU System Revolving Credit Agreement ("New Credit Agreement") pursuant to which Penelec would issue, sell and renew from time to time through December 31, 1983, its secured promissory notes maturing not more than three months from the date of issue.

Penelec believes that it would be advantageous for it to continue to have the flexibility to borrow under both unsecured credit lines and the New Credit Agreement since from time to time it may be less costly and more expeditious to borrow pursuant to unsecured credit lines. Penelec proposes to issue, sell and renew, from time to time until December 31, 1982, its unsecured promissory notes to banks evidencing short-term bank borrowings provided that the aggregate principal amount of such unsecured promissory notes outstanding at any one time, when added to Penelec's borrowings outstanding at any one time under the New Credit Agreement, shall not in the aggregate exceed $80,000,000, or such lesser amount as may be permitted by Penelec's Articles of Incorporation. At June 30, 1981, Penelec's Articles of Incorporation would limit its permissible short-term debt to approximately $123,000,000.

Penelec is normally required to maintain compensating balances ranging from a minimum of 10% of the available line to a maximum of 10% of the line plus 10% of the loan outstanding. Penelec also proposes to borrow at rates in excess of the prime rate with lower compensating arrangements. However, the effective interest cost of any of Penelec's borrowings, after giving effect to compensating balance requirements, would not result in an effective cost to Penelec in excess of 125% of the lending bank's prime rate in effect from time to time. In all other respects the transactions as heretofore authorized by the Commission would remain unchanged.

The amended application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing

shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-26886 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Carrier District Office, General Aviation District Office, Ypsilanti, Michigan; Address Change

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change of address.

SUMMARY: Notice is hereby given that the Air Carrier District Office located at the Bank Building—Suite 401, 301 West Michigan Ave., Ypsilanti, Michigan 48197, and the General Aviation District Office located at the Flight Standards Building, Willow Run Airport, Ypsilanti, Michigan 48197, will be relocated to 8800 Beck Road, East Willow Run Airport, Belleville, Michigan 48111. Services to the aviation public, formerly provided by these offices, will continue to be provided at their new location.

EFFECTIVE DATE: September 15, 1981.

Issued in Des Plaines, Ill., on September 3, 1981.

Kenneth C. Patterson,

Director, Great Lakes Region.

[FR Doc. 81-26039 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; LaPorte County, Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in Michigan City, LaPorte County, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John Breitwieser, Staff Environmentalist, Federal Highway Administration, Federal Office Building, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204. Telephone: (317) 269-7481.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Indiana Department of Highways will prepare an EIS for replacement of the existing U.S. 12 Bascule bridge over Trail Creek in Michigan City, Indiana. The proposal intends to construct a new bridge with new approaches. Four 12-foot lanes with curb and gutter and sidewalks are warranted due to current and expected future traffic demands. A minimum right-of-way width of 60 feet is required. Total maximum project study length is approximately 2,900 feet. Replacement of the structure is considered necessary due to the poor condition of the mechanical equipment associated with the existing bascule structure. Due to the structure's age and condition, repair is not considered feasible.

One alternate under consideration is construction of a fixed structure with a 40-foot vertical clearance over Trail Creek on new alignment approximately 150' upstream of the existing structure. Replacement of the existing structure at its present location with another at grade bascule structure and the no-build are also being considered. The no-build would result in the eventual closing of the bridge. The alternates have varying degrees of potential impacts to recreational and residential resources in the area. Specifically, alternates on new alignment require the relocation of approximately four (4) public housing buildings under the jurisdiction of the Michigan City Housing Authority.

Letters describing the proposed action and soliciting comments have been sent to 20 Federal, State and Local agencies. A public information meeting was held on July 9, 1981. In addition, the opportunity for a public hearing will be advertised. Public notice will be given of the time and place of the public hearing. The draft EIS will be available for public and agency review and comment. A formal scoping meeting is planned at 1 p.m. (e.s.t.) on October 20, 1981 at room 1201, Indiana State Office Building, 100 North Senate, Indianapolis, Indiana.

To insure that the full range of issues to this proposed action are addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and individuals interested in submitting comments and/or questions should direct them to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued: September 4, 1981.

George D. Gibson, Jr.,

Division Administrator Indianapolis, Indiana.

[FR Doc. 81-26493 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: (1) Motor vehicle, (2) Rail freight, (3) Cargo vessel, (4) Cargo-only aircraft, (5) Passenger-carrying aircraft.

DATES: Comment period closes October 14, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8699-N	Copps Industries, Inc., Menomonee Falls, WI	49 CFR 173.245, 173.249	To authorize shipment of alkaline corrosive liquid, n.o.s., classed as a corrosive material in a one gallon unlined tin can placed in a polyethylene bag overpacked in a DOT Specification 37 five gallon pail containing a non-hazardous resin mix. (modes 1, 2, 3, 4).
8700-N	Halocarbon Products Corporation, Hackensack, NJ.	49 CFR 173.314	To authorize shipment of trifluoroacetyl chloride, classed as a compressed gas, in DOT Specification 106A500X tank car tanks. (modes 1, 2, 3).
8701-N	Copps Industries, Inc., Menomonee Falls, WI	49 CFR 173.245, 173.249	To authorize shipment of alkaline corrosive liquid, n.o.s., classed as a corrosive material in a one quart tin can placed in a polyethylene bag overpacked in a non-DOT specification two gallon removable head polyethylene pail containing a non-hazardous resin mix. (modes 1, 2, 3, 4).
8702-N	Inland Container Corporation, Indianapolis, IN	49 CFR 173.154, 173.234, 173.245b, 173.365	To manufacture, mark, and sell a non-DOT specification 61 gallon capacity fiberboard box for shipment of various hazardous materials (solid) for which a DOT Specification 21C is prescribed. (modes 1, 2).
8703-N	Union Carbide Corporation, New York, NY	49 CFR 172.101	To authorize the shipment of a flammable liquid/poison using methyl isocyanate as the proper shipping name in packaging presently prescribed in the regulations. (mode 1).
8705-N	General Electric Company, San Jose, CA	49 CFR 173.395(b)(2), part 172 subpart D,E	To authorize shipment of type B quantities of radioactive materials in a certain form contained in other than type B packagings. (mode 1).
8706-N	Prairie State Equipment, Inc., Sioux Falls, SD	49 CFR 173.119(a)(17), 173.245(a)(30)(31), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (mode 1).
8707-N	American Aircraft International, Inc., Fort Worth, TX.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 App. B.	To authorize carriage of Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (mode 4).
8709-N	Delta Drum, Inc., Indianapolis, IN	49 CFR 173 Subpart F, 178.19	To manufacture, mark and sell non-DOT specification 55 gallon reusable tight head polyethylene drums for shipment of those corrosives presently authorized in a DOT Specification 34 drum. (modes 1, 2, 3).
8710-N	Noury Chemical Corporation, Burt, NY	49 CFR 173.119(m)(11)(12)	To authorize shipment of an organic peroxide classed as a flammable liquid, in a DOT Specification MC-307/312 cargo tank equipped with temperature and pressure sensing devices. (mode 1).
8711-N	Goodrich Company, Cleveland, OH	49 CFR 173.245(a)	To authorize a one time shipment of 64 non-DOT specification 55 gallon fiber drums with a polyethylene liner containing a waste corrosive liquid, n.o.s. (mode 1).
8712-N	Allied Corporation, Morristown, NJ	49 CFR 178.17-4(b)	To authorize the application of closure tape on the 1M carboy in a vertical manner. (modes 1, 2, 3).

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on September 4, 1981.

J. R. Grothe,

Chief Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-26498 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes September 29, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, D.C.

Application No.	Applicant	Renewal of exemption
3121-X	U.S. Department of Defense, Washington, DC (see footnote 1).	3121
3121-X	Vertac, Incorporated, Memphis, TN.	3121
3509-X	NL McCullough/NL Industries, Incorporated, Houston, TX (see footnote 2).	3509
3768-X	Minerec Corporation, Baltimore, MD.	3768
5022-X	National Aeronautics and Space Administration, Washington, DC.	5022
5716-X	Virginia Chemicals, Incorporated, Portsmouth, VA.	5716
6452-X	Pennwalt Corporation, Buffalo, NY.	6452
6988-X	K & M Plastics, Inc., Elk Grove Village, IL.	6988
7023-X	Allied Chemical Company, Morristown, NJ.	7023
7985-X	Process Engineering, Incorporated, Plaistow, NH (see footnote 3).	7985
8000-X	Transport International Containers, Paris, France.	8000
8009-X	Pressure Transport, Inc., Austin, TX (see footnote 4).	8009
8065-X	U.S. Department of Energy Washington, DC.	8065
8141-X	GTE Products Corporation, Needham, MA (see footnote 5).	8141
8186-X	King-Seeley Thermos Company, Kendallville, IN.	8186
8188-X	Owens-Illinois (Plastic Products Division), Toledo, OH (see footnote 6).	8188
8196-X	Eurotainer, Paris, France (see footnote 7).	8196
8209-X	Coastal Planes Airways, Incorporated, Warner Robins, GA.	8209
8217-X	Hugonnet, S.A., Paris, France	8217
8278-X	Maintenance Mechanical Corporation, Houston, TX.	8278
8286-X	Union Carbide Corporation, Tarrytown, NY.	8286

Application No.	Applicant	Renewal of exemption
8442-X	Evans Tank Company, Lubbock, TX (see footnote 8).	8442

[1] To add driver training requirements as part of the safety control measures under the exemption.
[2] To renew and to authorize water as an additional mode of transportation.
[3] To authorize an additional 1920 gallon portable tank for shipment of pressurized liquid nitrogen.
[4] To authorize shipment of natural gas received directly from pipeline sources instead of from storage wells.
[5] To authorize person receiving cells and/or modules to reship them and to authorize shipment of individual cells and modules consisting of multiple cells containing lithium metal or thionyl chloride.
[6] To authorize compound, cleaning, liquid, containing hydrofluoric acid, classed as a corrosive material as an additional commodity.
[7] To authorize shipment of pentane and isopentane, classed as flammable liquids, as additional commodities.
[8] To authorize shipment of anhydrous hydrogen chloride as an additional commodity.

Application No.	Applicant	Parties to exemption
2709-P	Thiokol Corporation, Brigham City, UT.	2709
3630-P	E.I. du Pont de Nemours & Company, Wilmington, DE.	3630
5248-P	Los Alamos Scientific Laboratory, Los Alamos, NM.	5248
6806-P	Transfresh Corporation, Salinas, CA.	6806
7005-P	Reilly Tar & Chemical Corporation, Indianapolis, IN.	7005
7607-P	Lubrizol Corporation, Wickcliffe, OH.	7607
7907-P	Union Explosivos Rio Tinto, Madrid, Spain.	7907
8002-P	Compagnie Generale Maritime, Paris, France.	8002
8127-P	Union Explosivos Rio Tinto, Madrid, Spain.	8127
8451-P	SRI International, Menlo Park, CA.	8451
8526-P	Benjamin Moore & Co., Melrose Park, IL.	8526
8554-P	Bennett Explosives, Inc., Manchester, IA.	8554
8613-P	Groendyke Transport, Inc., Enid, OK.	8613

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on September 4, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-28499 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-60-M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to Section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held September 29, 1981, at 10:00 a.m. until 1:00 p.m. in Room 10234 at the Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590. The agenda for the meeting is as follows:

—Introduction of Members by Secretary Lewis
—Remarks by Chairman Henry Lucas
—Briefing of Committee by Dr. Melvin Humphrey, Director, Office of Small and Disadvantaged Business Utilization
—Summary of MBRC FY 81 Program Activities
—Open Discussion
—Closing Remarks by Chairman Henry Lucas

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Office of the Secretary, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on September 9, 1981.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

FR Doc. 81-28797 Filed 9-11-81; 10:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Order of Succession of Officials to Act as Commissioner of the Public Debt, and Provisions for Continuous Performance of Functions of the Bureau of the Public Debt in the Event of an Enemy Attack on the Continental United States

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Deputy Commissioner
2. Assistant Commissioner (Washington)
3. Assistant Commissioner (Field)
4. Assistant Commissioner (Financing)
5. Assistant Commissioner (Administration)
6. Deputy Assistant Commissioner (Field)
7. Director, Division of Securities Operations
8. Director, Division of Investor Accounts
9. Director, Division of Public Debt Accounting
10. Chief Counsel

2. In the event of an enemy attack on the continental United States and without regard to the matter of succession, the Assistant Commissioners are hereby authorized to perform any functions of the Secretary of the Treasury (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

3. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of Department of the Treasury Order No. 129, Revision No. 2, dated April 22, 1955. This order of succession supersedes the order of this Bureau dated October 13, 1976.

September 1, 1981.

H. J. Hintgen,

Commissioner of the Public Debt.

[FR Doc. 81-28622 Filed 9-11-81; 8:45 am]

BILLING CODE 4810-40-M

Office of the Secretary

Gold Commission; Meeting

Notice is hereby given that the Commission established pursuant to Pub. L. 96-389 to review the role of gold in the domestic and international monetary systems and report its findings and recommendations to the Congress, will meet in the Treasury Department Cash Room on Friday, September 18, 1981, beginning at 10:00 a.m. The meeting is open to the public.

Any comment or inquiry with respect to this notice can be addressed to Ralph Korp, Director, Office of International Monetary Affairs, U.S. Department of the Treasury, Washington, D.C. 20220, (202) 566-5365.

Dated: September 9, 1981.

Thomas Leddy,

Deputy Assistant Secretary for International Monetary Affairs, Department of Treasury.

[FR Doc. 81-28728 Filed 9-11-81; 8:45 am]

BILLING CODE 4810-25-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Request for Public Comment: the International Sugar Organization: November Council Meeting

The International Sugar Organization, of which the United States is a member, will hold its second Council meeting for 1981 November 9–20. The United States is also a full member of the International Sugar Agreement.

To assist in formulating the Government's position for the meeting, the Trade Policy Staff Committee is soliciting public views and comments on revisions of the price range and the global quota.

Views on adjustment of the price range, currently set at 13–23 cents per pound, would be particularly useful.

Any interested party may file a written statement, in 20 copies, with the Office of the United States Trade Representative in accordance with § 2003.2 of Title 15 of the Code of Federal Regulations. Statements should be forwarded to Carolyn Frank, Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, Room 413, 600 Seventeenth Street NW., Washington, D.C. 20506, by October 16, 1981.

For further information, call Ms. R. Prager on (202) 395–3077.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81–28019 Filed 9–11–81; 8:45 am]

BILLING CODE 3190–01–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 177
Monday, September 14, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Thursday, September 17, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Gross Margining of Omnibus Accounts/ Dicussion.

CONTACT PERSONS FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1373-81 Filed 9-10-81; 9:44 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 1 p.m., Wednesday, September 16, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Regulatory Enforcement Program.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1375-81 Filed 9-10-81; 3:49 pm]

BILLING CODE 6351-01-M

3

FEDERAL ELECTION COMMISSION.

[FR 1356]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, September 17, 1981 at 10 a.m.

CHANGE IN MEETING: The following item has been added to this open meeting:

Notice on Internal Communications

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Lena L. Stafford,
Acting Secretary of the Commission.

[S-1377-81 Filed 9-10-81; 3:58 pm]

BILLING CODE 6715-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

September 9, 1981.

TIME AND DATE: 1 p.m., September 10, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket Nos. EL81-13 and ER81-457.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

Kenneth F. Plumb,
Secretary.

[S-1372-81 Filed 9-10-81; 9:32 am]

BILLING CODE 6450-85-M

5

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 1324, September 3, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 10, 1981.

PLACE: 1700 G Street, NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The meeting previously scheduled for September 10, 1981 has been cancelled.

[S-1374-81 Filed 9-10-81; 10:09 am]

BILLING CODE 6720-01-M

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TENNESSEE VALLEY AUTHORITY.

[Meeting No. 1274]

TIME AND DATE: 7 p.m. (CDT), Thursday, September 17, 1981.

PLACE: City Administration Building Auditorium, 232 West Gaines, Lawrenceburg, Tennessee.

STATUS: Open.

Action Items

Old Business Item

1. Revised TVA policy code relating to development and utilization of recreation resources.

New Business Items

A—Project Authorizations:
1. Project Authorization No. 3361.3—Amendment to project authorization for railroad tank car replacements for TVA's tank car fleet used for shipping experimental TVA fertilizers.
2. Project Authorization No. 3580—Development of additional ash disposal within rail loop area at Bull Run Steam Plant.

B—Purchase Awards:
1. Req. No. 72-603099—Indefinite quantity term contract—Carbon steel (warehouse quantities—non-nuclear—general purpose) for any TVA project or plant.
2. Req. No. 26-181375—(Reissue)—Truck coal-handling facility for Kingston Fossil Plant.
3. Termination by mutual agreement of Contract No. 79K32-824271, with Envirotech, Inc., for flue gas desulfurization system, including installation for Paradise Steam Plant units 1 and 2.

C—Power Items:
1. Letter agreement covering arrangements for TVA to convey an easement tract in the Phipps Bend-Pocket 500-kV Transmission Line to Old Dominion Power Company, a subsidiary of Kentucky Utilities Company.
2. Lease and amendatory agreement with Franklin, Kentucky, covering arrangements for 161-kV delivery at TVA's Franklin 161-kV Substation.

D—Personnel Items:
1. Renewal of consulting contract with Robert H. Park, Brewster, Massachusetts, for services in connection with the improvement of stability of large generators and reliability of bulk power supply at TVA power plants, requested by the Office of Power.
2. Renewal of consulting contract with Dr. Geno Saccomanno, Grand Junction, Colorado, for services in connection with environmental and safety aspects of the effects of nuclear power plants, requested by the Division of Occupational Health and Safety.

3. Renewal of persona services contracts with various contractors for architectural, engineering, and design services, requested by the Office of Engineering Design and Construction. (Ebasco Services, Incorporated, New York, New York; Gilbert Associates, Incorporated, Reading, Pennsylvania; Burns and Roe, Incorporated, Oradell, New Jersey; Sargent & Lundy, Chicago, Illinois; United Engineers & Constructors, Inc., Philadelphia, Pennsylvania; and Gibbs & Hill, Inc., New York, New York)
4. Amendment to personal services contract with Chas. T. Main, Inc., Boston, Massachusetts, for advice and assistance in connection with nuclear and fossil power plant design, new energy progams, and evironmental requirements, requested by the Office of Engineering Design and Construction.
5. Amendment to personal services contract with Syska & Hennessey, Incorporated, New York, New York, for electrical and mechanical engineering services during the construction of the Chattanooga Office Complex, requested by the Office of Engineering Design and Construction.

E—Real Property Transactions:

1. Exchange of road right of way affecting 0.59 acre of Norris Reservoir land located in Union County, Tennessee—Tract Nos. NR–1873 and XNR–899E.
2. Reconveyance to TVA by the State of Tennessee of approximately 0.34 acre of Chickamauga Reservoir land in Hamilton County, Tennessee and subsequent conveyance to Hamilton County of a permanent easement for a road right of way affecting the same land—Tract No. XTCR–171H.
3. Grant of permanent industrial easement to Inland Ports, Inc., and abandonment of certain flowage easement rights affecting Watts Bar Reservoir lands near Harriman Industrial Park in Harriman, Tennessee Tract Nos. XWBR–6931E, WBR–1260F, WBR–1261F, and WBR–1263F.

F—Unclassified:

1. Short-term borrowing from the Treasury.
2. Payment from net power proceeds for fiscal year 1981 to the Treasury of the United States.
3. Payments to States and counties in lieu of taxes for fiscal year ending September 30, 1981, as provided under Section 13 of the TVA Act, as amended.
4. Contribution rate to the TVA Retirement System for fiscal year 1982.
5. Agreement between TVA and Union County Industrial Development Authority, covering arrangements for an economic development loan program for Union County, Georgia.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632–3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: September 10, 1981.

[S–1378–81 Filed 9–10–81; 3:50 pm]

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federal register

Monday
September 14, 1981

Part II

Department of Transportation

Federal Highway Administration

Railroad-Highway Projects; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 140 and 646

[FHWA Docket No. 81-6]

Railroad-Highway Projects

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA proposes to revise certain of its regulations prescribing policies, procedures, and reimbursement provisions for advancing Federal-aid and direct Federal projects involving railroad facilities. The revisions are designed to eliminate unnecessary requirements, to eliminate various rate setting requirements which should allow for more equitable reimbursement allowances and to update selected requirements as deemed necessary.

DATE: Written comments must be received by December 14, 1981.

ADDRESS: Submit written comments (preferably in triplicate) to the Federal Highway Administration, HCC-10, FHWA Docket No. 81-6, Room 4205, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: James A. Carney, Office of Engineering, 202-426-0104; Harvey C. Wood, Office of Fiscal Services, 202-426-0563; or Thomas Holian, Office of the Chief Counsel, 202-426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The FHWA's current regulations concerning railroad-highway projects are contained in 23 CFR Part 140, Subpart I, which deals with reimbursement to the States for railroad work done on Federal-aid highways projects; 23 CFR Part 646, Subpart A, which provides procedures on Federal-aid projects for insurance required of contractors working on or about a railroad right-of-way; and 23 CFR Part 646, Subpart B, which prescribes policies and procedures for advancing Federal-aid projects involving railroad facilities.

The following items discuss the primary features of the proposed regulation changes:

1. The existing reimbursement regulation, 23 CFR 140, Subpart I, Reimbursement for Railroad Work, establishes procedures under which the FHWA will pay the States for costs incurred for railroad work necessary on Federal-aid highway projects. The basic functioning of these procedures is that the railroads incur costs which are billed to, and paid by, the States. The States in turn then present these costs to the FHWA for reimbursement with Federal-aid highway funds. The existing regulation contains several methods by which the railroad can establish its costs. These include actual costs or average costs as supported by the company's records or, for selected items, the use of previously agreed to rates as set forth in the regulation. These rates cover such items as labor surcharges for workmen's compensation insurance, public liability and property damage insurance, and railroad employee fringe benefits, costs for use of company owned equipment, and costs for transporting materials to the project site.

The Association of American Railroads (AAR), as the organization representing the railroad industry, participated with the FHWA in establishing several of these fixed rates. However, the AAR has informed the FHWA that it no longer wants to continue this past rate establishing arrangement with the FHWA. Additionally, a railroad company has advised the FHWA that the transportation of material cost rates in the current regulation are out-dated and far below the railroad's actual current cost levels.

The FHWA agrees that certain rates established by the regulation may no longer be representative of actual industry costs. Since the FHWA has little current available information on which to base a decision on appropriate reimbursement rates which would have nationwide application and since the AAR does not want to continue its past rate setting arrangement, the FHWA proposes to amend §§ 140.906(b), 140.910(a) and 140.912 by eliminating the preset reimbursement rates contained in these sections. In lieu of preset national rates, the proposed regulation would allow the individual States to continue to use rates if they so chose. These rates would be based on negotiation between the States and railroads and be subject to the approval of the FHWA. The FHWA plans to delegate this approval authority to its field offices. The results would be that costs to ultimately be claimed against Federal funds could continue to be developed based on either actual expenses or on pre-determined rates; however, the basic decisions on these pre-determined rates would be made at the State level. In addition to allowing the States maximum flexibility, this method should result in equitable payment for railroad work in that pre-determined rates, if used, can reflect regional and railroad operational differences and can be routinely re-negotiated and up-dated at the State level.

2. Section 646.111(a) of the current regulation establishes the maximum amount of railroad protective insurance coverage which may be reimbursed with Federal-aid highway funds. In 1978 the FHWA changed the insurance coverge limits found in § 646.111(a). This change resulted in establishing a new combined limit of $2 million per occurrence for bodily injury, death, and property damage coverage. Although this change raised the amount of coverage per individual occurrence, a previously included statement concerning a $1 million aggregate amount of coverage which applied to property damage alone (i.e., maximum amount of claims which would be covered during a period of time, typically one year) was eliminated.

During 1979 the insurance industry informed the FHWA that current insurance industry practice was to include aggregate limits for property damage coverage. The insurance industry was reluctant to write policies without this limit. Several railroads began insisting on policies without aggregates and it was reported Federal-aid highway projects were being delayed because the insurance and railroad companies could not reach agreement for an insurance policy for a specific project. As a result, FHWA Headquarters held meetings jointly with railroad and insurance industry representatives. A compromise position was reached which allows for use of a $6 million aggregate limit applied to the $2 million per occurrence coverage for bodily injury, death, and property damage. It is now proposed to amend § 646.111(a) in order to permanently incorporate this position into the regulation.

3. The current insurance regulation, 23, CFR 646, Subpart A, also contains detailed instructions on standards and format for insurance policies. These requirements are burdensome and do not fully reflect actual insurance industry practice in writing policies. It is proposed to eliminate these requirements by rescinding §§ 646.113

through 646.127 and Appendix A from the current regulation.

4. The current regulation dealing with general requirements for railroad-highway projects includes a provision in § 646.216 which establishes a ceiling of $10,000 for using a lump sum payment arrangement for reimbursement for certain types of railroad work. This ceiling was last adjusted in 1975 and now needs to again be adjusted. It is proposed to raise this ceiling to $25,000.

5. Two minor/technical changes are proposed to the current railroad-highway project procedures regulation, 23 CFR 646, Subpart B. Section 646.212(b)(1) would be revised to change the Federal share for right-of-way costs from 70 to 75 percent. This reflects a change in Federal law. Additionally, § 646.214(b)(1) currently includes a reference to the AAR Bulletin on Recommended Practices for Railroad-Highway Grade Crossing Warning Systems. This bulletin was superseded and the appropriate material included in the Manual on Uniform Traffic Control Devices for Streets and Highways. As a consequence, the reference to the AAR bulletin can be eliminated.

This notice of proposed rulemaking is issued under the authority of 23 U.S.C. 109(e), 120(d), 130, 315, and 405, Section 203 of the Highway Safety Act of 1973, as amended, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

This document is neither a major action within the meaning of Executive Order 12291 nor considered significant within the meaning of the current DOT Regulatory Policies and Procedures. A draft regulatory evalution is available for inspection in the public docket and may be obtained by contacting James A. Carney of the program office at the address specified above. The FHWA has also determined that this document would not have a significant economic impact on a substantial number of small entities due to the fact that the proposed requirements are less restrictive than those currently in effect. Also, this document does not contain any reporting or recordkeeping requirements which would be a burden to small entities.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: September 3, 1981.

L. P. Lamm,

Executive Director, Federal Highway Administration.

In consideration of the foregoing, the FHWA proposes to amend Part 140, Subpart I, and Part 646, Subparts A and B, to Chapter 1 of Title 23, Code of Federal Regulations, as set forth below.

PART 140—REIMBURSEMENT

Subpart I—Reimbursement for Railroad Work

1. Paragraph (b) of § 140.906 is revised to read as follows:

§ 140.906 Labor costs.

* * * * *

(b) *Labor Surcharges.* (1) Labor surcharges include worker compensation insurance, public liability and property damage insurance, and such fringe benefits as the company has established for the benefit of its employees. The cost of labor surcharges will be reimbursed at actual cost to the company or a company may, at its option, use an additive rate or other similar technique in lieu of actual costs provided that (i) the rate is based on historical cost data of the company, (ii) such rate is representative of actual costs incurred, (iii) the rate is adjusted at least annually taking into consideration known anticipated changes and correcting for any over or under applied costs for the preceding period, and (iv) the rate is approved by the SHA and the FHWA.

(2) Where the company is a self-insurer there may be reimbursement at experience rates properly developed from actual costs, not to exceed the rates of a regular insurance company for the class of employment covered.

2. Paragraph (a) of § 140.910 is revised to read as follows:

§ 140.910 Equipment.

(a) *Company owned equipment.* Cost of company-owned equipment may be reimbursed for the average or actual cost of operation, light and running repairs, and depreciation, or at industry rates representative of actual costs as agreed to by the railroad, the SHA,and the FHWA. Reimbursement for company-owned vehicles may be made at average or actual costs or at rates of recorded use per mile which are representative of actual costs and are agreed to by the company, SHA, and FHWA.

* * * * *

3. Paragraph (b) of § 140.912 is revised to read as follows:

§ 140.912 Transportation.

* * * * *

(b) *Materials, supplies, and equipment.* The most economical movement of materials, supplies and equipment to the project and necessary return to storage, including the associated costs of loading and unloading equipment, is reimbursable. Transportation by a railroad company over its own lines in a revenue train is reimbursable at rates which the company charges its customers for similar shipments provided the rate structure is documented and available to the public and the rates are agreed to by the company, SHA, and FHWA. No charge will be made for transportation by work train other than the operating expenses of the work train. When it is more practicable or more economical to move equipment on its own wheels, reimbursement may be made at average or actual costs or at rates which are representative of actual costs and are agreed to by the railroad, SHA, and FHWA.

Appendix A [Removed]

4. Appendix A of Part 140, Subpart I, Rates for Labor Surcharges, is removed.

PART 646—RAILROADS

Subpart A—Railroad-Highway Insurance Protection

5. Paragraph (a) of § 646.111 is revised to read as follows:

§ 646.111 Amount of coverage.

(a) The maximum dollar amounts of coverage to be reimbursed from Federal funds with respect to bodily injury, death and property damage is limited to a combined amount of $2 million per occurrence with an aggregate of $6 million for the term of the policy except as provided in paragraph (b) of this section.

* * * * *

§§ 646.113, 646.115, 646.117, 646.119, 646.121, 646.123, 646.125, and 646.127 [Removed]

6. Sections 646.113, 646.115, 646.117, 646.119, 646.121, 646.123, 646.125, and 646.127 are removed.

Appendix A [Removed]

7. Appendix A of Part 646, Standard Provisions for General Liability Policies, is removed.

§ 646.107 [Amended]

8. In § 646.107 the reference to "§§ 646.109 through 646.127" is revised to read "§§ 646.109 through 646.111".

Subpart B—Railroad-Highway Projects

§ 646.212 [Amended]

9. In paragraph (b)(1) of § 646.212 the phrase "70 percent" is revised to read "75 percent."

10. Paragraph (b)(1) of § 646.214 is revised to read as follows:

§ 646.214 Design.

* * * * *

(b) *Grade crossing improvements.* (1) All traffic control devices proposed shall comply with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

* * * * *

§ 646.216 [Amended]

11. In Paragraph (d)(3)(ii) of § 646.216 the "$10,000" figure is revised to read "$25,000."

[FR Doc. 81-[illegible]4 Filed 9-11-81; 8:45 am]

BILLING CODE 4910-22-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
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DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.
**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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federal register

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45756 **Social Security** HHS/SSA provides payment for medical evidence needed in making Title II disability determinations.

45758 **Occupational Safety and Health** Labor/OSHA lifts administrative stay on employee exposure and medical records access standard for the contract construction industry.

45854 **Labor Management Relations** FSLRB/FLRA/FSIDP issues final regulations on processing of cases. (Part II of this issue)

45881 FSLRB describes statutory authority and assigned responsibilities of the General Counsel of the FLRA. (Part II of this issue)

45761 **Employee Benefit Plans** PBGC adjusts interest rates and factors for valuation of benefits in non-multiemployer pension plans.

45750 **Consumer Safety** CPSC issues interpretation on safety standard for architectural glazing materials, used in bathtub and shower doors and enclosures.

45785 **Veterans** VA proposes to revise regulations on disclosure of loan guaranty information.

45814 **Government Employees—Travel** GSA/TPUS announces availability of new publication, "Federal Hotel/Motel Discount Directory".

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

45820 Outer Continental Shelf Interior/BLM requests specific information on sand and gravel in the Arctic offshore Alaska and on manganese nodules offshore the South Atlantic States.

45887 Oil and Gas Leasing Interior/BLM increases filing fees for noncompetitive oil and gas lease applications. (Part III of this issue)

45752 Natural Gas DOE/FERC denies request for rehearing and stay on agricultural exemptions from incremental pricing.

45886 Mineral Resources Commerce/NOAA publishes regulations for issuance of deep seabed hard mineral exploration licenses. (Part IV of this issue)

45785 Phonorecords Copyright Royalty Tribunal requests comments on possible proceeding on mechanical royalty adjustment mechanism.

45789 Antidumping Commerce/ITA issues preliminary results of administrative review on elemental sulphur from Canada and tentatively determines to revoke finding in part.

45792 Imports CITA increases import restraint level for certain man-made fiber apparel products from the Socialist Republic of Romania.

45792 Textiles CITA solicits comments on bilateral textile consultations with the Government of Sri Lanka on certain cotton trousers and wool sweaters.

45788 Sugar USDA announces increase of import fees on raw and refined sugar.

45789 Privacy Act Document DOD/Army

45849 Sunshine Act Meetings

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 531

Pay Under the General Schedule Merit Pay System

Correction

The Correction of August 28, 1981, on page 43371 correcting FR Doc. 81–23662 (46 FR 41019, 8–14–81) was partly wrong. Item 1 of the correction should have read as follows:

1. On page 41019, third column, § 531.406(a), first line, "Civil law employment" should read "Civilian employment".

Item 2 of the correction appeared correctly.

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 11

[Docket No. 81–17]

Securities Exchange Act Disclosure Rules; Correction

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule; correction.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is making certain technical corrections to amendments to its Securities Exchange Act Disclosure Rules ("Part 11 Regulations") which were published in the **Federal Register** of January 22, 1981 (46 FR 6865).

FOR FURTHER INFORMATION CONTACT: Ginger S. Barnum, Attorney, Securities & Corporate Practices Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW, Washington, D.C. 20219, (202) 447–1954.

SUPPLEMENTARY INFORMATION: This correction document makes four principal corrections to recent amendments to 12 CFR 11.5, the section of the Part 11 Regulations relating primarily to proxy solicitations and tender offers. First, 12 CFR 11.5(d), regarding the form of the proxy, is corrected to indicate the retention of certain previously codified provisions which were inadvertently omitted from the final regulations as published in the **Federal Register** of January 22, 1981. Former paragraphs (d) (4)–(6) are retained as paragraphs (d) (3)–(5), further necessitating a reference correction in paragraph (d)(1). For the convenience of users, 12 CFR 11.5(d), as corrected, has been reprinted in its entirety. Second, 12 CFR 11.5(e)(5) is corrected to refer to the Office's existing rule at 12 CFR 11.5(k)(1)(iii)(A), rather than the corresponding provisions of Rule 14a–8(a)(3)(i) under the Securities Exchange Act of 1934, concerning calculation of the date for submission of shareholder proposals intended to be included in annual meeting proxy materials. Third, 12 CFR 11.5(l)(14)(vi) is corrected so that it is consistent with the provisions concerning "stop-look-and-listen" communications in 12 CFR 11.5(n)(10). Fourth, existing material that, prior to the publication of the final regulations, had been designated paragraphs (n) and (o) of 12 CFR 11.5, was apparently omitted from the final regulations, which contained new provisions so designated. To resolve any resulting uncertainty, 12 CFR 11.5 is corrected to indicate the retention of former paragraphs (n) and (o) as paragraphs (p) and (q). Also, a number of technical corrections to various paragraphs of 12 CFR 11.5 are made.

Accordingly, the Office is correcting 12 CFR 11.5 as follows:

1. Paragraphs (d), (e)(5), (l)(14)(vi), (p) and (q) of 12 CFR 11.5 are corrected to read as follows:

§ 11.5 Proxies, proxy statements and statements where management does not solicit proxies.

* * * * *

(d) *Requirements as to proxy.* (1) The form of proxy (i) shall indicate in bold-face type whether or not the proxy is solicited on behalf of the bank's board of directors or, if provided other than by a majority of the board of directors, shall indicate in bold-face type the identity of the persons on whose behalf the solicitation is made, (ii) shall provide a specifically designated blank space for dating the proxy, and (iii) shall identify clearly and impartially each matter or group of related matters intended to be acted upon whether proposed by the bank or by security holders. No reference need be made, however, to matters as to which discretionary authority is conferred under paragraph (d)(3) of this section.

(2)(i) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by boxes a choice between approval or disapproval of, or abstention with respect to, each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified by the security holder if the form of proxy states in bold-face type how the shares represented by the proxy are intended to be voted in each such case.

(ii) A form of proxy which provides for the election of directors shall set forth the names of persons nominated for election as directors. Such form of proxy shall clearly provide any of the following means for security holders to withhold authority to vote for each nominee:

(A) A box opposite the name of each nominee which may be marked to indicate that authority to vote for such nominee is withheld; or

(B) An instruction in bold-face type which indicates that the security holder may withhold authority to vote for any nominee by lining through or otherwise striking out the name of any nominee; or

(C) Designated blank spaces in which the shareholders may enter the names of nominees with respect to whom the shareholder chooses to withhold authority to vote; or

(D) Any other similar means, provided that clear instructions are furnished indicating how the shareholder may withhold authority to vote for any nominee.

(iii) Such form of proxy also may provide a means for the security holder to grant authority to vote for the nominees set forth, as a group, provided that there is a similar means for the

security holder to withhold authority to vote for such group of nominees. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of any nominee shall be deemed to grant such authority, provided that the form of proxy so states in bold-face type.

(iv) Instructions. (A) Paragraph (d)(2)(ii) does not apply in the case of a merger, consolidation or other plan if the election of directors is an integral of the plan.

(B) If applicable law gives legal effect to votes cast against a nominee, then in lieu of, or in addition to, providing a means for security holders to withhold authority to vote, the bank should provide a similar means for security holders to vote against each nominee.

(3) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters that the persons making the solicitation do not know, within a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy statement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to paragraph (k) of this section;

(v) Matters incident to the conduct of the meeting.

(4) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

(5) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited has specified by means of a ballot provided pursuant to paragraph (d)(2) of this section, a choice with respect to any matters to be acted upon, the shares will be voted in accordance with the specifications so made.

(e) *Presentation of information in statement.* * * *

(5) All proxy statements shall disclose, under an appropriate caption, the date by which proposals of security holders intended to be presented at the next annual meeting must be received by the bank for inclusion in the bank's proxy statement and form of proxy relating to that meeting, such date to be calculated in accordance with the provisions of 12 CFR 11.5(k)(1)(iii)(A). If the date of the next annual meeting is subsequently advanced by more than 30 days or delayed by more than 90 days from the date of the annual meeting to which the proxy statement relates, the bank shall, in a timely manner, inform security holders of such change, and the date by which proposals of security holders must be received, by any means reasonably calculated to so inform them.

* * * * *

(l) *Tender Offers.* * * *

(14) * * *

(vi) A communication from a subject bank to its security holders which communicates no more than the information permitted by paragraph (n)(10) of this section.

* * * * *

(p) *Change in majority of directors.* If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to section 13(d) or 14(d) of the Act, any persons are to be elected or designated as directors of the bank, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the bank, then, not less than 10 days prior to the date any such person takes office as a director, or such shorter period prior to that date as the Comptroller of the Currency may authorize upon a showing of good cause therefor, the bank shall file with the Comptroller of the Currency and transmit to all holders of record of securities of the bank who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by items 5 (a), (d), (e) and (f), 6 and 7 of Form F–5 to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders.

(q) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of paragraph (a) of this section, a solicitation (other than one subject to paragraph (i) of this section) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F–5 with respect to such solicitation if:

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity which, if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by paragraph (a) of this section is furnished to security holders: *Provided, however,* That this paragraph (q)(1)(ii) shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests, direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation; and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by paragraph (a) of this section shall be filed with the Comptroller of the Currency in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as may be authorized.

2. 12 CFR 11.5 is further corrected as follows:

a. In 12 CFR 11.5(l)(1), "any class of equity security which is registered pursuant to Section 12 of the Act, or a national bank * * * is corrected to read "any class of equity security, which is registered pursuant to Section 12 of the Act, of a national bank * * *."

b. In 12 CFR 11.5(l)(1), the reference to "§ 11.4(g)(4)(i)" is corrected to "12 CFR 11.4(g)(4)."

c. In 12 CFR 11.5(l)(2)(iv), references to "12 CFR 11.4(g)(4)(i)" are corrected to "12 CFR 11.4(g)(4)."

d. In 12 CFR 11.5(l)(4)(ii)(B), the reference to subparagraph "(5)(ii)(A)" is corrected to subparagraph "(4)(ii)(A)."

e. In 12 CFR 11.5(l)(4)(iii), the reference to subparagraph "(5)" is corrected to subparagraph "(4)."

f. In 12 CFR 11.5(l)(5), the reference to subparagraphs "(6)(i) through (6)(iii)" is

corrected to subparagraphs "(5)(i) through (5)(iii)."

g. In 12 CFR 11.5(m)(2)(ii), the reference to subparagraph "(2)(iii)" is corrected to subparagraph "(1)(ii)."

h. In 12 CFR 11.5(m)(6)(iii)(D), the reference to subparagraph "(6)(ii)(c)" is corrected to subparagraph "(6)(iii)(C)."

i. In 12 CFR 11.5(n)(3), the reference to paragraphs "(l)(3)–(6)" is corrected to paragraphs "(l)(7)–(9)."

j. In 12 CFR 11.5(n)(6)(i), the reference to "Form F–14 (12 CFR 11.55]" is corrected to "Form F–12 (12 CFR 11.53)."

k. In 12 CFR 11.5(n)(6)(ii)(A), the reference to "Form F–14" is corrected to "Form F–12."

l. In 12 CFR 11.5(n)(6)(ii)(B), the reference to "Form F–14" is corrected to "Form F–12."

(m) In 12 CFR 11.5(n)(7), the reference to "Form F–14 (12 CFR 11.55)" is corrected to "Form F–12 (12 CFR 11.53)" and the reference to "Form F–14" is corrected to "Form F–12."

n. In 12 CFR 11.5(n)(7)(i), the reference to "Form F–14" is corrected to "Form F–12."

o. In 12 CFR 11.5(n)(8), the reference to "Form F–14" is corrected to "Form F–12."

p. In 12 CFR 11.5(n)(9)(i)(C), the reference to "this paragraph" is corrected to "paragraphs (n)(6)–(11)."

q. In 12 CFR 11.5(o)(6), the reference to "paragraph (a) of this section" is corrected to "subparagraph (5) of this paragraph."

Dated: September 9, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81–26765 Filed 9–14–81; 8:45 am]

BILLING CODE 4810–33–M

FEDERAL TRADE COMMISSION

16 CFR Parts 3 and 4

Organization, Procedures, and Rules of Practice; Disqualification of Commissioners

AGENCY: Federal Trade Commission.

ACTION: Final rules.

SUMMARY: The Commission has amended its Rules of Practice and Procedure to specify procedures to be followed when a participant in a Commission proceeding believes a Commissioner ought to be disqualified from further participation in that proceeding. Conforming changes have been made to other sections of the Rules of Practice.

EFFECTIVE DATE: September 15, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce G. Freedman (202) 523–3865, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On December 17, 1980, at 45 FR 82956, the Commission published for comment a proposed amendment to its Rules of Practice and Procedure to specify procedures to be followed when a participant in a Commission proceeding believes that a Commissioner ought to be disqualified from that proceeding. The proposed rule was to apply to both adjudicative and rulemaking proceedings.

The proposed rule, which would add a new § 4.16 to the rules of practice, responded to Recommendation 80–4, Decisional Officials' Participation in Rulemaking Proceedings, adopted by the Administrative Conference of the United States at its last plenary session. The proposed rule did not attempt to prescribe the substantive standards governing disqualification and, instead, codified existing procedures. In proposing the rule, the Commission observed that because such standards have evolved in the context of particular cases, and such evolution can be expected to continue, it believed it advisable not to attempt to fix such standards in its rules, but rather to incorporate by general reference the legal standards applicable to the given proceeding.

Two comments were filed. One, submitted by the Office of the Chairman of the Administrative Conference of the United States, urged the Commission to adopt the guidelines set forth in Recommendation 80–4 with respect to conflicts of interest, decorum, and expression of views. Nevertheless, existing practice already provides guidance with respect to decorum and important safeguards against the potential for financial or nonfinancial conflicts of interest touched upon in the recommendation.

Moreover, the question of prejudgment of fact in rulemaking has been addressed with respect to this agency in a recent case, see *Association of Nat'l Advertisers, Inc.* v. *FTC*, 627 F.2d 1151 (D.C. Cir. 1979), *cert. denied*, 447 U.S. 921 (1980). Because the significance of the difference between the formulation for prejudgment of fact embodied in Recommendation 80–4 and the Court of Appeals' test is not entirely clear and the D.C. Circuit decision is so recent, the Commission continues to believe it advisable to incorporate in its rule only a general reference to applicable legal standards. The Commission, however, regards Recommendation 80–4, and the accompanying report by Professor Strauss, see *Disqualifications of Decisional Officials in Rulemaking*, 80 *Colum. L. Rev.* 990 (1980), as useful steps toward clarification of standards for decisionmakers in rulemaking and will take them into account if further issues arise with respect to disqualification of Commissioners in rulemaking.

The other comment (Sullivan & Cromwell) similarly urges that the rule include substantive standards for disqualification in rulemaking and also contends that substantive standards should be included for adjudication. The comment suggests that the rule incorporate 28 U.S.C. 455, one of the provisions in the Judicial Code governing disqualification of federal judges. As noted, the Commission continues to believe that the rule should not embody substantive standards governing disqualification. Even if substantive standards were to be prescribed, standards applicable to federal judges would not take account of the special characteristics of rulemaking which call for standards different from those applied in adjudications conducted by courts and administrative agencies. See *ANA*, 627 F.2d at 1168–75; Strauss, 80 *Colum. L. Rev.* at 993–97, 1027 *et seq.*

Nor do we see any need to codify standards for disqualification in adjudicatory proceedings. The Ethics in Government Act and the Commission's Standards of Conduct already include provisions, similar to those included in 28 U.S.C. 455, to prevent conflicts of interest. We are not persuaded at this time that certain of the other standards are appropriate to administrative adjudication.

Finally, the comment urges deletion of the proposed requirement that motions to disqualify "be filed at the earliest practicable time." The comment observes that "[t]he requirement that a motion to disqualify be filed in a timely manner is considered important at the federal court trial level because of its potential for substantial delay if filed after the start of trial, since the judge's recusal is automatic upon the filing of such a motion (see 28 U.S.C. 144). The rationale for this timeliness requirement is not present in FTC proceedings." However, a timeliness requirement has been applied to motions filed under 28 U.S.C. 455, which, unlike 28 U.S.C. 144, does not provide for automatic disqualification. See *United States* v. *Daley*, 564 F.2d 645, 651 (2d Cir. 1977), *cert. denied*, 435 U.S. 933 (1978). Moreover, it is well established that this

timeliness requirement is "normally applicable to the federal judiciary and administrative agencies alike * * *." *Marcus* v. *Director, Office of Workers' Compensation Programs*, 548 F.2d 1044 (D.C. Cir. 1976); see also *Duffield* v. *Charleston Area Medical Center, Inc.*, 503 F.2d 512, 515 (4th Cir. 1974). The rule is designed to avoid disruption that can result from motions that are not filed at the earliest practicable time. The disruptiveness of an untimely motion is not cured because the motion only seeks to disqualify a Commissioner from further proceedings. Rather, such a motion may interfere with or delay the Commission's consideration of other aspects of the same proceeding. The Commission's consideration of the appeal from an initial decision can be delayed unnecessarily by a tardy disqualification motion. Similar disruption can result from untimely motions during pretrial and trial proceedings because the Commission may at any point be asked to review an ALJ's interlocutory ruling.

As a result of the additions to the Rules of Practice announced in 45 FR 36338 (May 29, 1980) and 46 FR 26284 (May 12, 1981), proposed § 4.16 has been redesignated as § 4.17.

The Commission has also determined to amend § 3.22(a) of the rules of practice to provide that motions to disqualify a Commissioner shall be addressed to the Commission and § 3.42(g) to add a requirement that motions to disqualify administrative law judges be timely filed, similar to the requirement set forth in new § 4.17 (b)(2).

Accordingly, the Commission amends 16 CFR Chapter I as follows:

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

1. By revising § 3.22(a) to read as follows:

§ 3.22 Motions.

(a) *Presentation and Disposition.* During the time a proceeding is before an Administrative Law Judge, all motions therein, except those filed under §§ 3.42(g) or 4.17, shall be addressed to the Administrative Law Judge, and if within his authority shall be ruled upon by him. Any motion upon which the Administrative Law Judge has no authority to rule shall be certified by him to the Commission, with his recommendation where he deems it appropriate. Such recommendation may contain a proposed disposition of the motion or other relevant comments or observations. Where the Commission believes that a recommendation or an amplification thereupon would assist it in its deliberations, it may order the Administrative Law Judge to file a recommendation. All written motions shall be filed with the Secretary of the Commission and all motions addressed to the Commission shall be in writing.

* * * * *

2. By adding a new § 3.42(g)(3) to read as follows:

§ 3.42 Presiding officials.

* * * * *

(g) * * *

(3) Such motion shall be filed at the earliest practicable time after the participant learns, or could reasonably have learned, of the alleged grounds for disqualification.

* * * * *

PART 4—MISCELLANEOUS RULES

3. By adding a new § 4.17 to read as follows:

§ 4.17 Disqualification of Commissioners.

(a) *Applicability.*—This section applies to all motions seeking the disqualification of a Commissioner from any adjudicative or rulemaking proceeding.

(b) *Procedures.*—(1) Whenever any participant in a proceeding shall deem a Commissioner for any reason to be disqualified from participation in that proceeding, such participant may file with the Secretary a motion to the Commission to disqualify the Commissioner, such motion to be supported by affidavits and other information setting forth with particularity the alleged grounds for disqualification.

(2) Such motion shall be filed at the earliest practicable time after the participant learns, or could reasonably have learned, of the alleged grounds for disqualification.

(3)(i) Such motion shall be addressed in the first instance by the Commissioner whose disqualification is sought.

(ii) In the event such Commissioner declines to recuse himself or herself from further participation in the proceeding, the Commission shall determine the motion without the participation of such Commissioner.

(c) *Standards.*—Such motion shall be determined in accordance with legal standards applicable to the proceeding in which such motion is filed.

(15 U.S.C. 46(g))

By direction of the Commission dated August 26, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81-26754 Filed 9-14-81; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1201

Safety Standard for Architectural Glazing Materials; Statement of Policy and Interpretation

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of policy and interpretation.

SUMMARY: The Commission's safety standard for architectural glazing materials applies to several products, including bathtub and shower doors and enclosures. The Commission is issuing an interpretation of the standard that clarifies that the terms "bathtub doors and enclosures" and "shower door and enclosure" do not include glazing materials in a window located over a bathtub or within a shower stall and in the exterior wall of a building. The interpretation is intended to resolve questions which have arisen among firms whose activities are subject to regulation by the standard.

DATE: The statement of policy and interpretation will become effective on October 15, 1981.

FOR FURTHER INFORMATION CONTACT: Wade Anderson, Directorate for Compliance and Administrative Law, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6400.

SUPPLEMENTARY INFORMATION: In January 1977 the Consumer Product Safety Commission issued a safety standard to reduce unreasonable risks of injury associated with architectural glazing materials and certain products incorporating those materials (42 FR 1428; 16 CFR Part 1201). The standard prescribes tests to ensure that the glazing materials either do not break when impacted with a specified energy or break with such characteristics that they are less likely than other glazing materials to present an unreasonable risk of injury. The standard became effective on July 6, 1977.

The standard is applicable to glazing materials used in six specific products and to the products themselves. These products, each defined in the standard, are doors, storm doors, bathtub doors

and enclosures, shower doors and enclosures, sliding glass doors (patio-type), and glazed panels. On August 28, 1980 the Commission revoked the provisions applicable to glazed panels (45 FR 57383). Therefore, as of August 28, 1981, the standard applies only to five products and the glazing materials used in those products.

Bathtub and Shower Windows

The standard defines the term "bathtub doors and enclosures" to mean "assemblies of panels and/or doors that are installed on the lip of or immediately surrounding a bathtub" (§ 1201.2(a)(2)). The standard defines the term "shower door and enclosure" to mean "an assembly of one or more panels installed to form all or part of the wall and/or door of a shower stall" (§ 1201.2(a)(30)).

Since the effective date of the standard, firms whose activities are regulated by the standard have raised the question of whether these definitions include glazing materials in a window that is located over a bathtub or within a shower stall and in the exterior wall of a building. The definitions of bathtub and shower doors and enclosures contain no specific exemption for glazing materials in such windows. The text of § 1201.2(a)(2), if read literally, could include glazing material in an exterior wall window located above a bathtub because that window could be interpreted as being "immediately surrounding" the bathtub. Similarly, the text of § 1201.2(a)(30), if read literally, could include glazing material in an exterior wall window because that window could be interpreted as forming "all or part of the wall of a shower stall."

Petition From NGDA

In September, 1978 the National Glass Dealers Association (NGDA) petitioned the Commission to amend the architectural glazing standard (Petition CP 78–18). (*2*) [1] A portion of the petition requested amendments to the definitions of bathtub and shower doors and enclosures to exclude any glazing material in a window that is located over a bathtub or within a shower stall and in the exterior wall of a building.

In January of 1980, the Commission staff transmitted to the Commission a briefing package that evaluated the issues of the NGDA petition. That portion of the briefing package concerning exterior windows in shower enclosures and over bathtubs observed that when the Commission issued the standard, it did not express any intent to include such windows within the coverage of the standard. (*1*) The briefing package also stated that after reviewing injury information associated with glazing materials, the staff was unable to find any report of injury resulting from breakage of such a window by accidental human impact. (*4, 5*)

After considering the petition and information supplied by NGDA, and the briefing package prepared by the Commission staff, the Commission decided in March of 1980 to grant that portion of the petition relating to exterior windows in shower stalls and over bathtubs by proposing a statement of policy and interpretation rather than by amending the standard. The Commission decided that it had not intended to include windows in the exterior wall of a building in the definition of the term "bathtub doors and enclosures" or "shower door and enclosure" when it issued the Standard. (*6, 7*) For that reason, the Commission voted to propose a policy statement to clarify its intent that glazing materials in exterior windows are not included within either definition. Later in 1980, the Commission denied the remaining portions of the petition.

In the **Federal Register** of December 30, 1980 (45 FR 85777), the Commission published a proposed statement of policy and interpretation to clarify the definitions of the terms "bathtub doors and enclosures" and "shower door and enclosure" set forth in the standard. The proposed policy statement observed that while the language in the definitions of those terms may be broad enough to cover windows in exterior walls of shower enclosures and above bathtubs, the Commission did not intend to regulate such windows when it issued the standard. (*8*) The notice of December 30, 1980, invited written comments from all interested persons on the proposed statement of policy. The notice also described the remaining portions of the petition, and the Commission's reasons for denying them.

Response to Proposal

In response to the notice of December 30, 1980, the Commission received one written comment, submitted by NGDA. In this comment, NGDA expressed its support of the proposed statement of policy in view of the absence of any reports of injuries associated with the glazing materials which are the subject of the proposal. (*9*) The Commission staff has reviewed reports of injuries associated with glazing materials which have become available to the Commission since January of 1980, and has found no report of any injury associated with glazing materials used in exterior windows of showers stalls or above bathtubs.

After considering the single comment received in response to the proposal of December 30, 1980, and the most recent information submitted by the staff, the Commission has decided to issue the policy statement on a final basis, without modification.

As stated in the notice of December 30, 1980, the clarification contained in the policy statement does not amend the standard. For this reason, provisions of section 9(e) of the Consumer Product Safety Act (15 U.S.C. 2058(e)) do not apply. The Commission has solicited written comment on the proposed statement of policy only because it desired to obtain the views of any member of the public who might be affected by it.

Accordingly, pursuant to sections 7 and 9 of the Consumer Product Safety Act, 15 U.S.C. 2056, 2058, the Commission amends Title 16, Chapter II, Subchapter B, Part 1201 of the Code of Federal Regulations by adding a new Subpart C, as follows:

PART 1201—SAFETY STANDARD FOR ARCHITECTURAL GLAZING MATERIALS

Subpart A—The Standard

Subpart B [Reserved]

* * * * *

Subpart C—Statements of Policy and Interpretation

§ 1201.40 Interpretation concerning bathtub and shower doors and enclosures.

(a) Purpose and background. The purpose of this section is to clarify the scope of the terms "bathtub doors and enclosures" and "shower door and enclosure" as they are used in the Standard in Subpart A. The Standard lists the products that are subject to it (§ 1201.1(a)). This list includes "bathtub doors and enclosures," a term defined in the Standard to mean "assemblies of panels and/or doors that are installed on the lip of or immediately surrounding a bathtub" (§ 1201.2(a)(2)). The list also includes "shower doors and enclosures," a term defined to mean "(assemblies) of one or more panels installed to form all or part of the wall and/or door of a shower stall" (§ 1201.2(a)(30)). Since the Standard became effective on July 6, 1977, the question has arisen whether the definitions of these products include glazing materials in a window that is located over a bathtub or within a

[1] Numbers in parentheses identify reference documents listed in Bibliography at the end of this document.

shower stall and in the exterior wall of a building. The definitions of the terms "bathtub doors and enclosures" and "shower door and enclosure" contain no specific exemption for glazing materials in such windows. If read literally, the Standard could include glazing materials in an exterior wall window located above a bathtub because that window could be interpreted as being "immediately surrounding" the bathtub. Similarly, the Standard, if read literally, could include glazing materials in an exterior wall window because that window could be interpreted as forming "all or part of the wall * * * of a shower stall."

(b) Interpretation. When the Consumer Product Safety Commission issued the Standard, it did not intend the standard to apply to any item of glazing material in a window that is located over a bathtub or within a shower stall and in the exterior wall of a building. The Commission clarifies that the Standard does not apply to such items of glazing material or such windows. This interpretation applies only to the term "bathtub doors and enclosures" and "shower door and enclosure" and does not affect the applicability of the Standard to any other product.

Effective date: October 15, 1981.

Dated: September 9, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Bibliography

1. Staff briefing package on petition CP 78-18, prepared by Nick Marchica, OPM; 10 pages; January 29, 1980. The tabs to this package are listed separately.
2. TAB A, Petition from National Glass Dealers Association requesting amendment of Safety Standard for Architectural Glazing Materials; 47 pages; September 22, 1978.
3. TAB B, Memorandum from Allen F. Brauninger, C&E to Nick Marchica, OPM, expressing views of Directorate for Compliance and Enforcement on petition from NGDA, with attachments; 14 pages; January 14, 1980.
4. TAB C, memorandum from Paula Present, HIEA, to Nick Marchica, OPM, concerning NGDA petition; 1 page; September 21, 1979.
5. TAB D, memorandum from William Rowe, HIEA, to Nick Marchica, OPM, concerning injury information relevant to NGDA petition; 1 page; September 21, 1979.
6. Vote sheet on petition CP 78-18 from Alan Shakin, OGC, to the Commission; 3 pages; February 15, 1980.
7. Minutes of Commission vote on March 19, 1980, granting portion of petition CP 78-18; 1 page; March 24, 1980.
8. Federal Register notice proposing statement of policy to clarify definitions of "bathtub doors and enclosures" and "shower door and enclosure"; 3 pages; December 30, 1980.
9. Comment on proposal of December 30, 1980, from Jerald A. Jacobs and Richard F. Mann on behalf of National Glass Dealers Association; 2 pages; February 23, 1981.

[FR Doc. 81-28628 Filed 9-14-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket Nos. RM79-14, RM80-18, and RM80-75]

Agricultural Exemptions From Incremental Pricing

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order denying rehearing and denying stay.

SUMMARY: On July 31, 1981, the Federal Energy Regulatory Commission (Commission) issued an Order Delineating Effect of Judicial Action on Commission's Regulations regarding agricultural exemption from incremental pricing ("the July 31 Order"), 46 FR 41034, August 14, 1981. On August 5, 1981, the Fertilizer Institute, *et al.*, filed an application for rehearing and stay of the July 31 Order. The Commission hereby denies the application.

FOR FURTHER INFORMATION CONTACT:

Carol M. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8511.

Alice Fernandez, Office of Pipeline & Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-9095.

SUPPLEMENTARY INFORMATION: The July 31 Order informed natural gas suppliers and end-users of a recent D.C. Circuit opinion vacating the Secretary of Agriculture's definition of "process fuel." The Order explained that this development removed the exemption from incremental pricing under the Natural Gas Policy Act currently being claimed by end-users who manufacture fertilizer, agricultural chemicals, or animal feed and food. The order noted that, as a result of this development, these end-users would have to file "Change of Circumstances" notices with the Commission and the supplier pursuant to the "prompt notice" requirements of 18 CFR 282.205(a) of the Commission's incremental pricing regulations.

The application for rehearing and stay of the July 31 Order urged the Commission to continue the exemption for the affected end-users. The instant order denies rehearing and stay on the basis that it was not the July 31 Order that subjected these end-users to incremental pricing, but rather the court's action; thus rehearing and stay of the July 31 Order would not continue any exemption. The instant order also addresses several other procedural and policy arguments raised by the petitioners.

Issued: September 4, 1981.

In the matter of agricultural exemptions from incremental pricing; order denying rehearing and denying stay.

On August 5, 1981, an application for rehearing and stay of the Commission's "Order Delineating Effect of Judicial Action on Commission's Regulations" [1] was filed jointly by The Fertilizer Institute, the National Council of Farmer Cooperatives, and the American Feed Manufacturers Association ("TFI"). On August 12, 1981, a joinder in TFI's application was filed by W. R. Grace and Company ("Grace"). This order denies the rehearing and stay requested by these petitioners.

Background

The Order Delineating Effect of Judicial Action on Commission Regulations ("the July 31 Order") has a complex factual and procedural background that is set forth in detail in that order. In sum, however, the July 31 Order informed natural gas suppliers and industrial end-users of a recent judicial decision, *Process Gas Consumers Group, et al.* v. *United States Department of Agriculture (PGCG)* (D.C. Circuit. Nos. 80-1558 and 80-1603), and explained how that decision affects the Commission's regulations under Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432).

The *PGCG* case concerned Title IV of the NGPA (curtailment). Under Title IV, the Secretary of Agriculture (Secretary) has the authority to certify certain uses of gas as "essential agricultural uses." Once so certified, the user is eligible for priority treatment during periods of gas curtailment. Section 401 defines "essential agricultural use" as follows:

> [A]ny use of natural gas—
> (A) for agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, crop drying, or
> (B) *as a process fuel* or feedstock *in the production of fertilizer, agricultural*

[1] Issued July 31, 1981, Docket Nos. RM79-14, RM80-18 and RM80-75; 46 FR 41034, August 14, 1981.

chemicals, animal feed, or food, (emphasis added).

The Secretary's regulations implementing this definition are set forth at 7 CFR Part 2900. These regulations, until the *PGCG* decision, defined "process fuel," as "natural gas used to produce steam which in turn is directly applied in processing of products." As a result of this definition, boiler fuel users of natural gas who use steam directly to produce fertilizer, agricultural chemicals, animal feed, and food (hereinafter referred to collectively as "fertilizer manufacturers") became eligible for curtailment priority as "process" users. The *PGCG* case vacated and set aside this definition, an action which obviously affected Title IV curtailment priorities. But the court's mandate also had an effect on the Commission's implementation of Title II.

Under Title II of the NGPA, industrial boiler fuel users of natural gas are subject to incremental pricing unless an exemption is provided pursuant to section 206. Section 206 (b) provides an exemption for "agricultural uses" of gas and defines those uses in terms similar to those used in section 401 to define "essential agricultural uses." The Commission's regulations implementing the agricultural exemption from incremental pricing (18 CFR 282.202) were set forth in Order No. 49 [2] and defined "agricultural use" to include:

> [A]ny use of natural gas:
> (1) which is certified by the Secretary of Agriculture under 7 CFR 2900.3 as an "essential agricultural use" pursuant to section 401 of the NGPA * * *

When the Secretary subsequently certified the above-described uses of gas by fertilizer manufacturers as "essentially agricultural uses," most of these manufacturers filed affidavits claiming "agricultural use" exemptions from incremental pricing pursuant to § 282.202. The *PGCG* decision thus affected the incremental pricing status of these fertilizer manufacturers. It removed their use of gas from the Secretary's list of certified uses, and by so doing removed the basis for their "agricultural use" exemption from incremental pricing under §282.202. The July 31 Order informed affected users that this development would make it necessary for them to file a "Change of Circumstances" notice with the Commission and the appropriate supplier by August 31, 1981, pursuant to the "prompt notice" requirement of § 282.205(a) of the Commission's regulations. The order noted that such filings would take effect, pursuant to § 282.205(d), as of the billing period beginning September 1, 1981.

[2] Docket No. RM79–14, issued September 28, 1979, 44 FR 57726, October 5, 1979.

Discussion

The following issues are raised by the applications for rehearing and stay of the July 31 Order:

1. *Should the Commission continue the exempt status of fertilizer manufacturers under section 206(b) in view of its imminent consideration of a permanent exemption for these users under section 206(d)?*

TFI and Grace assert that the July 31 Order "threatens a serious but needless disruption" in the status of fertilizer manufacturers under Title II, and that the Commission should stay the Order and permit these users to continue to claim an exemption from incremental pricing. The applicants note in particular the Commission's statement in the Order (at p. 5, *mimeo*) that it intends to act promptly in Docket No. RM80–18 to decide whether to promulgate a section 206(d) exemption for these users since they no longer can claim a section 206 (b) exemption.[3] In light of this imminent consideration of another type of exemption, the applicants argue the Commission should stay the July 31 Order so as not to subject fertilizer manufacturers to incremental pricing in the meantime.

In response, the Commission notes that it was not the July 31 Order that subjected fertilizer manufacturers to incremental pricing. The Order merely described the *PGCG* decision and explained how it affected the Commission's already-existing incremental pricing regulations. Rather, it was the effect of the court's decision on those regulations that subjected fertilizer manufacturers to incremental pricing. Once a use of gas is removed from the Secretary's list of certified "essential agricultural uses," that use no longer falls within the definition of "agricultural use" in § 282.202(a). Thus there is no basis upon which to claim an exemption from incremental pricing under that section. With or without the July 31 Order, fertilizer manufacturers have lost the basis upon which their exemption was founded. The only way in which an exemption could be regained would be if the Commission were to take independent action to exempt these gas users. For example, an exemption could be regained if the Commission were to promulgate a rule under section 206(d) specifically exempting the category of fertilizer manufacturers from incremental pricing.[4]

Accordingly, a stay of the July 31 Order would not continue any exemption. It would only cause confusion as to how fertilizer manufacturers and their suppliers are to comply with the existing regulations. Some participants in proceedings in these dockets have stated that the claimed exemptions from incremental pricing by these manufacturers were invalid *ab initio,* since the underlying certification was vacated and set aside by the court.[5] Under this theory, incremental pricing surcharges should be applied retroactively to the date that the fertilizer manufacturers began claiming exemptions. However, these participants assert that, due to the complexity of the surcharge program, the surcharges should be assessed only as of August 1, 1981.

In order to eliminate potential confusion as to retroactivity, or inconsistency in application of the court's order from supplier to supplier, the Commission issued the July 31 Order. The Order made it clear that incremental pricing surcharges were to be assessed only as of the billing period beginning September 1, 1981. Selection of this date represented a reasonable interpretation of the Commission's already existing "Change of Circumstances" regulations, giving end-users sufficient time to make "Change of Circumstances" filings and suppliers sufficient time to adjust their billing records.

2. *Should the Commission alter the full stay in Docket No. RM80–75 that was issued on April 23, 1981?*

TFI and Grace assert that "it makes no sense to disrupt the current full stay" in Docket No. RM80–75, which stay preserved the incremental pricing exemption for fertilizer manufacturers. This assertion appears to be based upon a misunderstanding of both the rule in that docket and the scope of the stay orders.

In Docket No. RM80–75, the Commission issued an Interim Rule on October 6, 1980 (45 FR 67276, October 9, 1980). The rule amended § 282.202(a) to provide that only those uses of gas that were certified as "essential agricultural

[3] Section 206(d) of the NGPA provides that the Commission may exempt any incrementally priced facility or category thereof from the Title II program, but that any rule providing for such an exemption must be submitted to Congress for approval.

[4] The Commission notes that in fact such a proceeding has been initiated in Docket No. RM80–18. *See* Notice of Proposed Rulemaking, issued August 14, 1981, 46 FR 41748 (August 17, 1981).

[5] *See* "Motion of United Distribution Companies for Clarification, Dissolution of Stay and Termination of Rulemaking and Answer to Request for Immediate Action on Rulemaking," filed July 24, 1981, in Docket Nos. RM79–14, RM80–75 and RM80–18.

uses" by the Secretary on or before October 15, 1979, were automatically adopted as "agricultural uses" for incremental pricing. Uses certified after that date are to be evaluated individually by the Commission as to whether they meet the Title II definition of "agricultural use."

This rule, in effect, removed fertilizer manufacturers and certain other gas users from the definition of "agricultural use" in § 282.202(a), since their certifications had occurred after October 15, 1979. However, this rule was stayed on October 23, 1980 (45 FR 76681, November 20, 1980) insofar as it applied to users who had previously claimed exemptions from incremental pricing in reliance on the Secretary's certification. Later the rule was fully stayed to permit all users certified after October 15, 1979, to claim exemptions (46 FR 25599, May 8, 1981).

Contrary to the understanding of TFI and Grace, the full stay remains in effect and is not "disrupted" by the July 31 Order. Under this stay, any user of natural gas whose use was certified by the Secretary after October 15, 1979, may claim an "agricultural use" exemption from incremental pricing pursuant to the definition of "agricultural use" as it was set forth in § 282.202(a) before the Interim Rule was issued in Docket No. RM80-75.[6] But such a claim can no longer be made by fertilizer manufacturers since, as a result of the court's action in *PGCG*, they are no longer certified by the Secretary. Thus, they cannot fall within the definition of "agricultural use" as it stood prior to the rule in Docket No. RM80-75.

In sum, whether the stay in RM80-75 is in effect or not has no bearing upon the current position of fertilizer manufacturers now that they are no longer certified as "essential agricultural users."

3. *Is "agricultural use" currently defined under section 206(d) of the NGPA, not under section 206(b), thus making it impossible for any "agricultural use" exemption to be removed without Congressional approval?*

TFI and Grace assert that the "agricultural use" exemption claimed by fertilizer manufacturers is no longer based on section 206(b) of the NGPA. Instead, they assert, all "agricultural use" exemptions are now based solely on section 206(d) as the result of Order No. 83.[7] Although their argument is not clearly articulated, they are apparently asserting that they have a section 206(d) exemption pursuant to Order No. 83 that can only be removed if Congress approves its removal. Accordingly, an explanation of Order No. 83 may be helpful in responding to this argument.

The agricultural use exemption set forth in section 206(b) of the NGPA is not permanent. It exempts agricultural uses only for an interim period until the Commission promulgates an alternative fuel test for such uses. Specifically, section 206(b)(2) provides that:

> Not later than 18 months after the date of the enactment of this Act [not later than May 9, 1980], the Commission shall prescribe and make effective a rule providing for the exemption from the rule required under section 201 * * * [of] any facility with respect to any agricultural use of natural gas for which the Commission determines that an alternative fuel or feedstock is not—
> (A) Economically practicable; or
> (B) Reasonably available.

Shortly before this statutory deadline occurred, the Commission determined that for several reasons it would require additional time to study the factors upon which an alternative fuel test could be formulated. Accordingly, the Commission promulgated Order No. 83, a rule that continued the interim exemption from incremental pricing for agricultural uses of gas for an indefinite period, pursuant to section 206(d). The rule adopted in Order No. 83 reads as follows:

> All gas consumed in an agricultural use shall be exempt from incremental pricing under this part unless by rule or order the Commission determines that there is an alternative fuel or feedstock for the agricultural use that is economically practicable or reasonably available.[8]

TFI and Grace apparently misunderstand the effect of Order No. 83. The rule promulgated in that order did not eliminate the section 206(b)(1) exemption for agricultural uses. Rather, it extended the section 206(b)(1) exemption for these users by virtue of the Commission's exemptive authority under section 206(d). The rule was submitted to Congress as is required by section 206(d) and no Congressional action to disapprove this continued exemption for agricultural uses was taken.

In the Preamble to Order No. 83, the Commission explained that "Under the rule set forth below, all agricultural uses, as defined in section 206(b)(3) of the NGPA and § 282.202(a) of the Commission's regulations, will be exempt from being incrementally priced until further action is taken by the Commission." Thus, the Commission made it clear that the continued agricultural use exemption is dependent upon a use falling within the definition of "agricultural use" set forth in § 282.202(a) of the regulations. But there is no language in Order No. 83 to indicate that the scope of § 282.202(a) was forever prescribed by the uses falling within that definition as of the date Order No. 83 became effective. Indeed, if that had been the case, the Commission could not have later amended § 282.202(a), as it did in Order No. 114, to add a number of Standard Industrial Code (SIC) numbers to its list of exempt agricultural uses without getting Congressional approval.[9] In fact, when the Commission amended § 282.202 to add these uses, it did not send the rule to Congress, and neither TFI/Grace nor any other person objected.

In sum, Congress' approval of Order No. 83 did not represent a Congressional mandate that specific uses of gas be permanently categorized as "agricultural uses." It merely represented approval of a continued generic exemption from incremental pricing for "agricultural uses," as the Commission defines that term.

Accordingly, Order No. 83 has no bearing upon the fact that under the *PGCG* case fertilizer manufacturers do not fall within the Commission's § 282.202(a) definition of "agricultural use."

4. *Why should the Commission minimize the impact of incremental pricing by exempting gas used to manufacture "felt goods" and "particle board" but not by exempting fertilizer manufacturers?*

TFI and Grace note that the Commission "has taken steps to minimize the impact of incremental pricing" by exempting gas used to manufacture "felt goods" and "particle board," even though these uses have not been certified by the Secretary. Thus, they assert, "there is no policy reason to maximize the application of the incremental pricing program" by subjecting fertilizer manufacturers to surcharges.

In response, the Commission notes that it was the Congress, not the Commission, that established the policy framework for upon which all "agricultural use" exemptions from incremental pricing are based. Section

[6] For example, facilities that use gas to manufacture bottle caps and crowns, which use was certified by the Secretary after Octber 15, 1979, remain exempt from incremental pricing under the stay in Docket No. RM80-75.

[7] 45 FR 33601 (May 20, 1980).

[8] This rule now appears in § 282.203(a)(2) of the Commission's regulations.

[9] *See* Order No. 114, Docket No. RM80-48, issued December 5, 1980, 45 FR 82915, December 17, 1980.

206(b)(3) of the NGPA defines "agricultural use" as:

> [T]he use of natural gas to the extent such use is—
>
> (A) for agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, crop drying, or
>
> (B) as a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feed, or food,

The Commission exempted the boiler fuel use of gas to manufacture felt goods and particle board because those uses constitute "natural fiber processing" as set forth in the above definition. The manufacture of fertilizer, on the other hand, falls within the above definition only when the gas is used "as a process fuel" (or feedstock). The court has now determined that, due to the deficiencies it found in the Secretary of Agriculture's role in this matter, and the way he defined "process fuel," boiler fuel use in fertilizer production is not "process fuel" use.[10]

Thus there is presently no basis for an "agricultural use" exemption for boiler fuel use of gas by fertilizer manufacturers. Accordingly, the argument made by TFI and Grace is not relevant. There is no analogy between boiler fuel gas used for natural fiber processing and boiler fuel gas used in fertilizer production. The statute clearly established a distinction between the two.

The Commission Orders:

The applications for rehearing and stay of the Order Delineating Effect of Judicial Action on Commission's Regulations, filed by the Fertilizer Institute, *et al.*, and by W.R. Grace Company, are hereby denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26676 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 375

Publication of Procedures for Closing Commission Meetings

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Publication of procedures for closing Commission meetings.

SUMMARY: On July 31, 1981, by memorandum opinion, the United States District Court for the District of Columbia rendered a decision in the case of *Tenneco Inc.* v. *Federal Energy Regulatory Commission*, C.A. No. 80-3314. As part of this decision, the court ordered that the Commission publish its procedures, as submitted to the Court, for closing meetings under the provisions of section 552b of Title 5 of the United States Code (the Sunshine Act). Those procedures were submitted to the court by copy of the memorandum from the Commission's Deputy General Counsel to the Secretary of the Commission. The Commission's regulations, described in that memorandum are found under 18 CFR 375.204 through 375.206. In compliance with the order of the court, the text of that memorandum is reproduced below.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426 (202) 357-8400.

SUPPLEMENTARY INFORMATION: This responds to your request for our opinion regarding appropriate procedures to meet the Commission's obligations under the Sunshine Act (the Act), 5 U.S.C. 552b, particularly with respect to public announcement of closed meetings. This memorandum confirms oral communications between your office and our Division of Legal Counsel on January 23, 1981.

The General Counsel will provide you certifications for each matter proposed for consideration in a closed Commission meeting upon determining that the meeting to discuss the matter may properly be closed under one or more of the exemptions in subsection (c) of the Act. Each such certification will state the relevant exemptions under which the meeting may be closed. Through meeting schedules and submission deadlines established by Acting Chairman Sheldon, you will have the substantive materials concerning each matter and the certifications by the close of business eight days before the scheduled meeting date, except where agency business appears to require consideration of a matter in a closed meeting on shorter notice.

As you know, the Commission must vote on each matter proposed for consideration in a closed meeting. A separate Commission vote is also required if it is determined that any information about the meeting should be withheld pursuant to an appropriate exemption. 5 U.S.C. 552b(d)(1); 18 CFR 375.206(a). In order to meet our public announcement responsibilities under the Act (discussed below), these votes should take place at least seven days prior to the scheduled meeting date. As already mentioned, a meeting may be closed on less than seven days' notice if the Commission determines by a recorded vote that agency business requires that such meeting be called at an earlier date. 5 U.S.C. 552b(e)(1).

Within one day of any Commission vote to either close a meeting, or to withhold any information about the meeting, the Act requires that you make the following information publicly available: (1) A written copy of the Commission vote reflecting the vote of each member (2) a full written explanation of the Commission's action closing the meeting (the reasons, in most instances, will be set forth in the certifications by the General Counsel), and (3) a list of all persons expected to attend the meeting and their affiliation. 5 U.S.C. 552b(d)(3); 18 CFR 375.206(c). We construe "publicly available" to include posting on the Commission's Public Notice Board. We also recommend that the certification by the General Counsel be posted at the same time.

The Act also requires that you make a public announcement, at least one week prior to the meeting, of the time, place and subject matter of the meeting, whether it is to be open or closed to the public, and the name and telephone number of the official designated by the Agency to respond to requests for information about the meeting. If the Commission determines by recorded vote that agency business requires that such meeting be called at an earlier date, this public announcement is to be made at the earliest practicable time. 5 U.S.C. 552b(e)(1).

The public announcement requirements of the Act should be satisfied by one or more of the following: posting the requisite notices on the Commission's Public Notice Board, publishing them in official Commission publications, or sending them to the persons on a mailing list maintained for those who want to receive such material. 18 CFR 375.204(d)(1). We recommend posting in all cases at a minimum.

Additionally, the Act requires submission for publication in the Federal Register notice of the time, place and subject matter of the meeting, whether the meeting is open or closed, any changes in one of the proceedings, and the name and phone number of the official designated by the Commission to respond to requests for information about the meeting. 5 U.S.C. 552b(e)(3).

Notwithstanding the above, the time or place of the meeting may be changed even after public announcement is made

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[10] It is still open to the Commission to adopt a definition of "process fuel" under Title II of the NGPA. Whether such a definition would create an incremental pricing exemption for fertilizer manufacturers is a matter upon which the Commission expresses no opinion here.

if such change is publicly announced at the earliest practicable time. The subject matter of a meeting, or the determination to open or close a meeting, may be changed following public announcement only if (1) the Commission determines by a recorded vote that agency business so requires and that no earlier announcement of the change was possible, and (2) the change as well as the vote to change is made publicly available at the earliest practicable time. 5 U.S.C. 552b(e)(2).

After a closed meeting has been held, the Act requires that you retain a copy of the certification by the General Counsel, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present. 5 U.S.C. 552b(f)(1); 18 CFR 375.206(d). Additionally under the Act, you must maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting or portion of a meeting closed to the public. In the case of a meeting or portion of a meeting closed to the public pursuant to exemptions (8), (9)(A), or (10) of subsection (c), either a transcript or recording, or a set of minutes is required. Any such minutes must fully and clearly describe all matters discussed and must provide a full and accurate summary of any actions taken, and the reasons thereof, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member on the question). All agenda documents considered in connection with any Commission action must be identified in such minutes. 5 U.S.C. 552b(f)(1); 18 CFR 375.206(e).

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26042 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regulations No. 4]

Federal Old-Age, Survivors, and Disability Insurance Benefits; Payment for Medical Evidence of Record

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: These final rules provide that any non-Federal hospital, clinic, laboratory, or other provider of medical services, or physician who is not employed by the Federal government, and who supplies medical evidence that we ask for and need for making determinations of disability shall be entitled to payment for the reasonable cost of providing the evidence. These rules do not meet the criteria for major rules, as defined in Executive Order 12291.

DATES: Effective date: December 1, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Ziegler, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–7415.

SUPPLEMENTARY INFORMATION: Section 309 of Pub. L. 96–265 amends section 223(d)(5) of the Social Security Act to permit us to pay for certain medical evidence which we need to make title II disability determinations. As a result of this change in the law, we will now pay the reasonable cost for existing medical evidence which we ask for and need. However, we will pay only a non-Federal hospital, clinic, laboratory, or other provider of medical service, or a physician who is not employed by the Federal government. This law authorizes us to pay only for evidence which we ask for after November 30, 1980. The date of the request will be the first date that we ask for a medical report and not the date of a later request.

Until December 1, 1980 the claimant was primarily responsible for paying for existing medical evidence submitted to us for making a title II disability determination. The title II law did not allow us to routinely purchase existing medical evidence.

On the other hand, we have always paid for existing medical evidence which we needed for making disability and blindness determinations under the title XVI Supplemental Security Income Program. Under the title XVI program, a claimant must always have limited income and resources in order to get payments based upon disability or blindness.

To reflect this change in the law, we are amending § 404.1514.

Although the law provides that we pay for existing medical evidence which we require and request, we may in some unusual situations pay for evidence of record which we did not require or which we did not request. From our past experience in paying for medical evidence under the title XVI Supplemental Security Income Program, we have found that medical evidence of record which we need is sometimes given to us before we request it. As in the title XVI program we may pay for such evidence in the title II program (under the authority we have in section 205(a) of the Act to efficiently carry out the purposes of that title) if we believe the evidence helps us to insure the correctness of our payments.

We will generally consider as existing medical evidence any medical report prepared on the basis of a prior medical examination, test, or laboratory study. We will pay a reasonable fee to cover any expenses for processing our request for the evidence, including expenses for preparing, copying, and mailing the report. We will not pay for the cost of the actual medical examination, test, or laboratory study unless we schedule it. Therefore, we are also amending § 404.1517 to make it clear that we will not pay for any medical examination arranged by a claimant or his or her representative without our advance approval. This is the same rule which we are already following under the title XVI Supplemental Security Income Program.

The Social Security Administration found that publication of a Notice of Proposed Rulemaking (NPRM) was "unnecessary" under the Administrative Procedure Act (5 U.S.C. 553(b)(B)). Therefore, interim regulations were published in the **Federal Register** on October 30, 1980 (45 FR 71791). These interim regulations only updated existing regulations to reflect the Social Security Disability Amendments of 1980 (Section 309 of Pub. L. 96–265). However, to insure that the public had an opportunity to give us their views about these regulations, we asked interested persons to send us their comments before proceeding with these final amendments. Following are our responses to the comments which we received.

Comment: One legal service attorney commented that we should pay for nonduplicative medical evidence requested by claimants or their representatives. According to this attorney, the claimant has a better relationship with the physician and can more readily obtain the necessary medical evidence. Also, the commenter stated that the claimant and the representative are frequently better able to prepare individualized questionnaires about the claimant's impairment and its limiting effects.

Response: Payment for existing medical evidence requested by claimants or their representatives would be contrary to section 223(d)(5) of the Social Security Act as amended by section 309 of Pub. L. 96–265. That section provides that we will pay only the reasonable cost for medical

evidence required and requested by the Secretary. In § 404.1514 we do say that the claimant is responsible for submitting medical evidence to support his or her disability claim. Usually, however, we will ask only that the person cooperate with us in obtaining the evidence. We will pay for medical evidence of record we ask the claimant to get. Of course, the claimant may voluntarily provide all the medical evidence he or she wishes, or thinks is pertinent to the claim, but the law does not require us to pay for it. However, in the preamble to the regulations, we explain that we may pay for evidence we did not ask for if this evidence helps us to insure the correctness of our payments. While we cover this point in some detail in our operating instructions, we do not plan to include it in the regulations.

Comment: One person from a non-profit health care corporation suggested that the regulations be expanded to also include evidence required to determine an applicant's eligibility for Medicare (title XVIII) benefits under the end-stage renal disease program, especially for providers other than kidney dialysis centers and kidney transplant medical centers. This person also said that the phrase "shall be entitled to payment for the reasonable cost" should be defined more specifically. This person further suggested publication periodically in the **Federal Register** of a proposed schedule of reimbursement per photocopy page taking into account material and labor costs, or adoption of the customary fee scale of the private insurance industry.

Response: Section 223(d)(5) of the Social Security Act as amended by section 309 of Pub. L. 96–265, provides that we will pay for medical evidence required and requested by the Secretary under paragraph (5) of section 223(d). Section 223(d) defines disability for purposes of establishing entitlement to monthly title II disability benefits or a period of disability. Since medical determinations to establish entitlement under the end-stage renal disease program are made under section 226A of the Social Security Act, not under section 223(d), we cannot pay for medical evidence needed solely for that program. We will pay for this evidence if it is also needed for a determination under section 223(d). Therefore, we are not adopting this suggestion.

Neither are we adopting the second comment. "Reasonable cost" is the rate of payment established by each State or State agency. Our practice is to permit the States to set rates of payment for medical and other services necessary to make determinations of disability. We considered adopting a national, uniform reimbursement schedule but rejected this approach because payments based on local rates are more realistic and the States are in a better position to determine local rates based upon up-to-date information available to them. These rates, however, may not exceed the highest rate paid by Federal or other agencies in the State for the same or similar services. Since "reasonable cost" is, in effect, determined by the State, we require no substantiation from the provider. Consequently, there is no reason for periodically publishing a proposed schedule of reimbursement in the **Federal Register.**

Comment: A physician commented that the "reasonable fee" for providing evidence in disability determinations is insufficient for the physician to properly furnish the information required and that it should be at least what the physician charges for a consultation report. The physician also said that the fee for this kind of information forwarded to insurance carriers for an independent medical examination is much higher than the regular consultation fee allowed by Medicare.

Response: The law permits us to pay for certain existing medical evidence which we need to make title II disability determinations. In the preamble to the regulations, we explain that we will generally consider as existing evidence any medical report prepared on the basis of a prior medical examination, test, or laboratory study. We will pay a reasonable fee to cover any expenses for processing our request for evidence, including expenses for preparing, copying, and mailing the report. We will not pay for the cost of the actual medical examination, test, or laboratory study unless we schedule it.

"Reasonable fee" is the rate of payment established by each State or State agency. Our practice is to permit the States to set rates of payment for medical and other services necessary to make determinations of disability. These rates, however, may not exceed the highest rate paid by Federal or other agencies in the State for the same or similar services.

The interim rules published in the **Federal Register** on October 30, 1980, are hereby adopted, without any further changes, as final rules, as set forth below.

We certify that these regulations will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

(Secs. 205, 223 and 1102 of the Social Security Act, as amended; 53 Stat. 1368, as amended; 70 Stat. 815, as amended; 49 Stat. 647, as amended; 42 U.S.C. 405, 423, and 1302)

(Catalog of Federal Domestic Assistance Program No. 13.802, Disability Insurance)

Dated: August 7, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: August 27, 1981.

Dick Schweiker,

Secretary of Health and Human Services.

PART 404—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

For the reasons set out in the preamble, Part 404, Subpart P, Chapter 111 of Title 20, Code of Federal Regulations, is amended as set forth below.

20 CFR Part 404, Subpart P is amended as follows:

1. The authority citation for Subpart P reads as follows:

Authority: Issued under Secs. 202, 205, 216, 221, 222, 223, 225, and 1102 of the Social Security Act, as amended; 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 68 Stat. 1081, as amended, 68 Stat. 1082, as amended, 70 Stat. 815, as amended, 70 Stat. 817, as amended, 49 Stat. 647, as amended; 42 U.S.C. 402, 405, 416, 421, 422, 423, 425, and 1302.

2. In Part 404, § 404.1514 and paragraph (a) of § 404.1517 are revised to read as follows:

§ 404.1514 When we will purchase existing evidence.

We need specific medical evidence to determine whether you are disabled or blind. You are responsible for providing that evidence. However, we will pay physicians not employed by the Federal government and other non-Federal providers of medical services for the reasonable cost of providing us with existing medical evidence that we need and ask for after November 30, 1980.

§ 404.1517 Consultative examination at our expense.

(a) *Notice of the examination.* If your medical sources cannot give us sufficient medical evidence about your impairment for us to determine whether you are disabled or blind, we may ask you to have one or more physical or mental examinations or tests. We will pay for these examinations. However, we will not pay for any medical examination arranged by you or your representative without our advance approval. If we arrange for the examination or test, we will give you reasonable notice of the date, time, and place the examination or test will be

given, and the name of the person who will do it. We will also give the examiner any necessary background information about your condition when your own physician will not be doing the examination or test.

* * * * *

[FR Doc. 81-26736 Filed 9-14-81; 8:45 am]
BILLING CODE 4110-07-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Access to Employee Exposure and Medical Records; Construction Industry; Lifting of Administration Stay

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final Rule; Lifting of administrative stay.

SUMMARY: After a review of the record and of recommendations made by the Construction Advisory Committee, OSHA has decided to lift the administration stay of the Access to Employee Exposure and Medical Records standard, 29 CFR 1910.20, which has been in effect for the contract construction industry since April 28, 1981. The notice explains the basis for this decision and indicates that OSHA intends to consider whether the standard should be modified for the construction industry as part of its overall review of the standard.

EFFECTIVE DATE: September 15, 1981.

FOR FURTHER INFORMATION CONTACT: James F. Foster, Occupational Safety and Health Administration, Office of Public Affairs, Rm. N3641, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone 202-523-8148.

SUPPLEMENTARY INFORMATION: In the April 28, 1981, **Federal Register** (46 FR 23740) OSHA stayed § 1910.20 of 29 CFR (Access to Employee Exposure and Medical Records) with respect to the construction industry, except that employers in the industry were required to (1) continue to preserve exposure and medical records and make them available to OSHA, and (2) make employee medical records available to employees. In the same notice, OSHA solicited comments on whether the stay should be continued pending the standard's consideration by the Construction Advisory Committee (CAC) and the outcome of any subsequent rulemaking on the standard.

More specifically, the notice asked commenters to respond to four questions related to the stay issue: (1) What has been the experience in the construction industry with the standard since October 1 when the standard went into effect for this industry? (2) What are the unique aspects of the construction industry which would render the existing access standard inappropriate? (3) What have been the benefits and costs, if any, of the standard's being in effect? and (4) Are there alternatives to total effectiveness or total stay of the employee access provisions?

The deadline for comments was June 12, 1981. This deadline was extended to June 26, 1981 (46 FR 31010) to allow interested parties to comment on any specific matters raised at the CAC meetings of June 10-12, 1981. A total of 47 comments were received. In addition, the proceedings before the CAC have also been considered.

Following the close of the construction stay record, OSHA decided to review the entire records access standard in general, and not just for the construction industry (see 46 FR 40492; August 7, 1981). The purpose of this review is to determine whether, and to what extent, to modify the standard by means of additional rulemaking. Since OSHA is considering modification of the standard, a motion has been filed in the U.S. Court of Appeals for the District of Columbia Circuit seeking a six-month delay in the briefing schedule in the union and industry challenges to the standard. *Industrial Union Department, AFL-CIO* v. *Marshall*, No. 80-1550 and consolidated cases. This motion was granted by the Court. During this period, OSHA intends to scrutinize all aspects of the standard, including current enforcement experience; the issues raised by the litigation; pending petitions for modification from several trade associations; and other comments on the standard that have been received from numerous interested persons.

The appropriateness of the records access standard to the contract construction industry remains one of the important issues which OSHA has been considering regarding the standard. In their comments, construction contractors generally maintain that the stay of the records access standard should remain in effect since the standard is not suited to the unique nature of the contract construction industry. Conversely, contract construction employee organizations argue that the stay should be lifted because their employees have a need for exposure and medical records comparable to other employees and because the standard is suitable to the construction industry. Responses to the specific questions are discussed below.

1. Experience of the construction industry under the records access standard.

Many commenters stated that the brief time period during which the standard has been in effect (10/1/80-4/28/81) does not allow for adequate assessment of the effect of the standard on the construction industry. The National Constructors Association (NCA) (Ex. 2-42) commented that there have been very few employee records access requests. However, the International Brotherhood of Painters and Allied Trades (IBPAT) (Ex. 2-31) stated that the standard encourages and made possible the joint labor-management development of low cost means of medical and exposure monitoring and recordkeeping which goes beyond the actual requirements of the standard. They also observed that since few construction employees maintained records in the past, the greatest benefits will be in the future as more records are generated.

2. Do the unique aspects of the construction industry make the records access standard inappropriate?

The recommendations of the CAC, discussed below, indicate the Committee's belief that, with relatively minor clarification and modifications, the standard is appropriate to the construction industry.

Nearly all commenting employers and employer groups, however, contended that the standard is inappropriate for construction due to the nature of construction employment. In particular, this claim is based on (1) high annual employee turnover; (2) reliance on area monitoring, the records of which do not reveal the identities of individual employees exposed; and (3) general reliance on off-site physicians who do not provide any information to the employer except that information necessary for insurance purposes.

Worker organizations (e.g., IBPAT, Ex. 2-31) maintain the transience and mobility of construction workers make the access standard particularly appropriate for the construction industry, since construction workers do not have the benefit of many of the industrial hygiene controls found at permanent fixed work sites and there is currently no other mechanism for providing a continuous medical history for construction workers. If employees can gain access to their medical and exposure records, they can help to create some continuity in their medical

care. In addition, they point out that modern computerized recordkeeping methods make the storage and access of medical and exposure records feasible and inexpensive.

3. What have been the benefits and costs of the standard's being in effect.

Employer groups generally contend that the occupational health benefits of the standard have been inconsequential since few employees to date have sought access to records and the records which are available do not contain complete information for occupational health purposes or cannot be related to individual employee exposure.

In contrast to these views, employee groups argue that construction workers are increasingly exposed to toxic substances, and the standard helps them find out what they are exposed to and act accordingly. The IBPAT credits the regulation with enabling the joint labor/management development of a low cost comprehensive program of exposure and medical monitoring and recordkeeping. In Canada, where no general right of access exists, they have been unable to achieve a similar program.

The IBPAT estimated that records storage and access would cost between $16 and $22.50 per worker per year. The Industrial Health and Hygiene Group, a private firm which develops and markets protocols for compliance with the standard in the construction industry, estimated the costs to be between $6 and $19 per employee per year (Ex. 2–20). However, a study contracted by the NCA concluded that the costs of the standard would be approximately $100 per employee per year. IBPAT argues that the costs of staying the standard totally would be greater than total implementation, due to litigation and other costs associated with seeking access to records which the standard now affords them.

4. Are there alternatives to total effectiveness or total stay of the employee access provisions of the standard?

An alternative to the records acess standard suggested by many employer organizations was to use in-place records systems such as workers' compensation records and insurance company case files for occupational health research. Health research, however, is not the primary purpose of the standard. Further, the standard does not in any event require the creation of new records not already in existence and kept by the employer. Employee groups maintain that access to complete exposure and medical data is necessary to ascertain the causes and effects of occupational health problems, and that any alternative to this would be unacceptable. They contend that the limited obligations and narrower definitions of the current stay make the standard largely unenforceable and deprive them of access to important information, e.g., material safety data sheets and medical records maintained by contract physicians.

Other specific alternatives and modifications to the standard are discussed with respect to the CAC recommendations.

The Construction Advisory Committee Recommendations

At the June CAC meeting, the Committee (1) recommended that OSHA lift the stay, and (2) reviewed the standard and offered 13 suggestions and recommendations. These recommendations, which appear to be generally supported by both industry and labor, do not challenge the fundamental applicability of the standard to the construction industry. Almost all of them raise questions which can be simply handled as a matter of interpretation, and are discussed below.

(1) *Clarification of "contract" physician.* The scope of the standard includes records generated by a physician under contract to an employer. The CAC desired the term "contract" clarified to exclude the records of physicians with whom they do not have an ongoing relationship and whose records are not available to the employer.

Coverage of records generated or maintained by a physician pursuant to an agreement with the employer is crucial since the rulemaking record indicated that many medical services are performed through contractual arrangements rather than done in-house by persons employed by the employer. The contractual arrangements typically exist in written form specifying the medical services to be provided and the corresponding fees. Under the records access standard, OSHA specifically requires that, where necessary, contractual arrangements be modified to assure that the access and preservation provisions of the rule are complied with (45 FR 35259).

The CAC noted that written contracts for medical services do not typically exist in the construction industry. Instead, arrangements for the medical treatment of an injured worker or a worker exposed to toxic substances are usually made by phone with a private physician, and the records of that treatment are not available to the employer except to the extent necessary for insurance purposes. In such a case the employer is responsible for making a reasonable effort to make the records access standard known to the physician and to ensure that the physician complies. If a reasonable effort has been made to assure physician compliance, the employer will not be cited for failure to comply with the standard.

(2) *Material Safety Data Sheets.* Paragraph (c)(5)(iii) of the standard defines exposure records to include Material Safety Data Sheets (MSDS's). The CAC noted that MSDS's which typically identify a substance, describe its properties and toxic effects, and provide precautionary information about it, are often inadequate, inaccurate and difficult to obtain.

OSHA agrees; however, where these sheets are available they usually represent the best hazard information readily available. Therefore they should be retained and made available to employees. However, MSDS's are not subject to the 30-year retention period as long as some record of chemical identity is kept for the period. (29 CFR 1910.20(d)(1)(ii)(B)).

(3) *Paragraph (c)(8) definition of "exposure."* The standard provides employees "exposed" to toxic substances with rights of access, and "exposure or exposed" is defined in paragraph (c)(8). Some construction employers have expressed concern that since only "exposed" employees have access rights, this implies the need to measure or monitor exposures. The CAC properly interpreted the standard as not independently requiring the monitoring or measurement of employee exposures. As long as it is likely that an employee was exposed to toxic substances or harmful physical agents, the employee's right to request relevant records is not dependent on an exact determination of what the level or nature of the exposure was.

(4) *Background contaminant levels.* Under the standard, an employee is not considered "exposed" to a toxic substance if the levels are at or below ambient (non-occupational) levels. Consequently, records of such levels are not considered to be "exposure records." The CAC correctly interpreted the standard as not requiring air sampling results to be kept or made available if they show contaminant levels to be at or below ambient (non-occupational) levels.

(5) *Authorization of release of future records.* The CAC indicated that paragraph (c)(10)(ii), which is a limitation on what constitutes "specific written consent" under the standard, is difficult to understand. They concurred.

however, with OSHA's intent, which requires express authorization by an employee before an employer must release medical information created after the date of authorization.

(6) *The 30 year retention period.* Paragraph (d) requires that most exposure and analysis records be kept for 30 years and that medical records be kept for the duration of employment plus 30 years. The CAC agreed that 30 year retention of records is necessary due to the latency periods of occupational deseases. However, they expressed concern about the storage and use of the records for that length of time.

This concern relates to the next recommendation to establish a central records depository. The preservation requirements of the standard will be one of the issues undergoing review by OSHA over the next several months.

(7) *Central records depository.* Responding to concerns about the difficulty for a construction employer in storing records for long periods of time, the CAC recommended the establishment of a central depository for medical and exposure records in the construction industry. A central depository would facilitate employer compliance with the standard by centralizing the recordkeeping function. It would also make it possible to keep track of employee exposure and medical histories over time as employees move from employer to employer.

OSHA encourages any labor/industry effort to provide for centralized storage of records. This should continue to be a topic of discussion at future CAC meetings. However, it does not appear to lend itself to rulemaking since it is unlikely that the government would be directly involved in the establishment or operation of such a depository.

(8) *The paragraph (e)(1)(i) 15-day limit for fulfilling a records access request.* The standard requires employers to provide access to employees and their designated representatives in a reasonable time not exceeding 15 days. The CAC recommended that the 15-day limit be modified as follows: 15-days for records up to 5 years old and 30 days for older records.

OSHA has addressed the 15-day limit in its recent **Federal Register** publication (46 FR 40490). As we stated, as long as the employer is making a diligent, good faith effort to provide requested records as soon as possible, and is keeping the employee or employee representative informed of any reasons for delay, OSHA will not cite for violations of the 15-day rule. Moreover, in the construction situation, which is characterized by high employee turnover and on-the-job mobility, it would be appropriate for the employer to require of the requesting employee specific information on where and when the employee was working to facilitate an efficient search of the relevant records.

(9) *"Immediate" access by OSHA.* Paragraph (e)(3)(i) states that "each employer shall upon request, assure the immediate access of (OSHA) to (employee records)." The CAC recommended that the word "immediate" in paragraph (e)(3)(i) should be defined to clarify the extent of an employer's obligation to provide OSHA with access to records.

The use of "immediate" in conjunction with OSHA access is intended as a contrast to the 15-day rule with respect to employee and designated representative access. The intent was to require employers to comply with OSHA requests for employee records as quickly as possible, subject to their constitutional and statutory due process rights.

(10) *Employee privacy.* The CAC expressed concern for worker privacy when OSHA has access to personal medical records and health insurance records.

OSHA shares the privacy concerns of the CAC and has therefore adopted 29 CFR Part 1913 (Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records) which includes stringent privacy protection safeguards to preclude unwarranted violation of personal privacy.

(11) *Paragraph (e)(3)(ii) posting requirement.* The CAC noted that the posting of an OSHA access order, as required by the standard, may not adequately alert employees of OSHA's unconsented access to medical records.

OSHA specifies in 29 CFR Part 1913 that additional methods of alerting employees of an access order are permitted. For example, the employer or designated representative may provide actual notice to each affected employee if they believe such notice is necessary.

(12) *Notification of "employees" in paragraph (g)(1).* The standard requires employers to inform employees of their rights under the standard upon entering employment and at least annually thereafter. The CAC questioned whether an employer is required to notify former employees of their records access rights. The CAC recommended that OSHA modify the paragraph, if necessary, to specify that only current employees are required to be notified.

OSHA already interprets the "upon an employee's first entering into employment" language of paragraph (g)(1) as limiting its application to current employees only. Thus, while former employees have the right to request access under the standard, OSHA's intention was to limit the notification requirement to employees who are actually working for the employer at the time of the notification.

(13) *Cost-benefit analysis.* The CAC subgroup posed the question of whether or not the records access standard would be subject to cost-benefit analysis. The cotton dust Supreme Court decision, *American Textile Manufacturers Institute* v. *Donovan*, —— U.S.L.W. —— (June, 1981), precludes a cost-benefit analysis for the records access standard.

Decision To Dissolve Stay and Follow CAC Recommendations

After a careful review of the record and the CAC recommendations, OSHA has decided to dissolve the stay, allowing the entire records access standard, 29 CFR 1910.20, to go into effect for contract construction immediately. At the same time, consistent with OSHA's responses to the CAC recommendations, OSHA's enforcement policy will continue to be sensitive to those unique aspects of the construction industry which warrant some tailoring of the compliance obligations to make the standard more suitable to it.

The April stay was predicated in large part on the need to have the CAC review the standard and consider changes appropriate to the construction industry. Now that they have done so with considerable care and detail, OSHA intends to follow their recommendations as closely as possible. As outlined above, nearly all the CAC recommendations require only clarification of OSHA's intent, which generally coincides with the Committee's views on how the standard should be interpreted. Therefore, the continuation of the stay while OSHA considers possible modification of the standard is not warranted. OSHA is particularly mindful of the fact that the CAC itself recommended that the stay be lifted, as well as of the union submissions, supported by Cal/OSHA (Ex. 2–43), which present extensive arguments on why the standard is particularly necessary to protect the safety and health of construction workers and how the stay is harmful to them. OSHA is likewise mindful of the fact that the NCA, while arguing for continuation of the stay, nevertheless "generally supports the [CAC] recommendation" concerning specific provisions, most of which have been

accommodated. (Ex. 2–42, p. 7). Thus, while the record was generally divided between industry comments supporting continuation of the stay and union comments opposing it, OSHA concludes that the heavy burden to demonstrate infeasibility or irreparable harm which proponents of a stay must bear was not met in this instance, and the standard must accordingly be allowed to go into effect.

This decision to lift the stay does not mean that OSHA has resolved the basic issue of whether the standard should be modified in general or for the construction industry in particular. On the contrary, this question will continue to be a subject for review during the next six months, and the comments in this record will continue to form a major basis for the review process. Rather than consider the construction issue independently from the general reconsideration of the standard, OSHA has determined that it is more rational to examine all aspects of the standard and its impact or suitability for different industries in a single review process. Any modification affecting the construction industry, however, will be submitted to the CAC for their consideration and recommendations prior to proposal. In the meantime, in the absence of compelling justification, the standard is equally in effect for all industries.

(Sec. 6 (84 Stat. 1593; 29 U.S.C. 655); 5 U.S.C. 553; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C. this 9th day of September, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–26710 Filed 9–11–81; 12:10 pm]
BILLING CODE 4510–26–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning October 1, 1981. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after October 1, 1981, and enables the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes an amendment revising them.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation (46 FR 9492 *et seq.*) establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96–364, 94 Stat. 1208 (the "Act"). That regulation, 29 CFR Part 2610, was recodified as 29 CFR Part 2619 on June 24, 1981, effective June 29, 1981 (46 FR 32574). That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B to the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before August 1, 1981. (29 CFR 2610 (1980), 45 FR 64907, 45 FR 75658, 45 FR 75209, 45 FR 82172, 46 FR 3510, 46 FR 16685, 46 FR 18312, 46 FR 26765, 46 FR 31257).

On July 15, 1981, the PBGC last published rates for plans that terminate on or after August 1, 1981 (46 FR 36693). At this time, changes in the financial and annuity markets have necessitated an increase in the rates used by the PBGC to value benefits. Accordingly, this amendment changes the rates in Appendix B to add a set of interest rates and factors for plans that terminate on or after October 1, 1981. These rates and factors will remain in effect until such time as PBGC publishes another amendment which changes the rates.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish an amendment in the **Federal Register**, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no amendment will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the rates and factors contained in Appendix B to Part 2619 are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, becuase of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after October 1, 1981, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will

not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

PART 2619—VALUATION OF PLAN BENEFITS IN NONMULTIEMPLOYER PLANS

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by revising Rate Set 27 and adding Rate Set 28 of Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate Annuity Rate	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
27	8-1-81	10-1-81	10.25	1.0950	1.0825	1.0400	7	8
28	10-1-81		10.50	1.0975	1.0850	1.0400	7	8

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974) as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat 1302, 1301, 1299, (1980) (29 U.S.C. 1302, 1341, 1344, 1362)).

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-26789 Filed 9-14-81; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1919-7]

Commonwealth of Pennsylvania; State and Local Air Monitoring Stations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is announcing the approval of a revision to the Commonwealth of Pennsylvania's State Implementation Plan (SIP) for Allegheny County to meet Federal Monitoring Regulations, 40 CFR Part 58, Subpart C Paragraph 58.20, Air Quality Surveillance plan content.

This revision approves the criteria for the installation and the ambient monitoring of the National Ambient Air Quality Standards in Allegheny County, Pennsylvania. Once this revision is approved, Allegheny County will have the authority to install, operate and maintain the air quality surveillance plan in accordance with 40 CFR Part 58 requirements.

DATE: This action is effective November 16, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, Attn.: Patricia Sheridan

Allegheny County Health Department, Bureau of Air Pollution Control, 301 39th Street, Pittsburgh, PA 15201, Attn. Mr. Ronald Chleboski, Deputy Director

Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources, Third and Locust Streets, Harrisburg, PA 17120, Attn.: Mr. James K. Hambright, Director

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

All comments on this revision submitted on or before October 15, 1981, will be considered and should be directed to:

Glenn Hanson, Chief, Pennsylvania Section (3AH11), Air Media and Energy Branch, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attn.: AH500BPA

FOR FURTHER INFORMATION CONTACT:
Patricia Sheridan at (215) 597-8176.

SUPPLEMENTARY INFORMATION:

Background

In a May 10, 1979 Federal Register notice, (44 FR 27571), EPA required that by January 1, 1980, States shall adopt a revision to their SIP which meets the requirements of 40 CFR Part 58, Subpart C, Paragraph 58.20.

On December 24, 1980, the Secretary of the Department of Environmental Resources submitted for the Allegheny County Health Department a revision to the Commonwealth of Pennsylvania SIP concerning compliance with the Federal Monitoring Regulations. EPA has reviewed the revision and finds that it meets the requirements of Part 58.

Conclusion

The Clean Air Act requires a SIP to include evidence of involvement, and consultation with the public, local government, legislature, and all other interested parties. The County has satisfied this requirement in accordance with the requirements of 40 CFR 51.4 through the issuance of public mailings, public hearings, and representation of the public, industry, and local governments on various committees and board's involved in the SIP process.

Based on the foregoing, the Administrator approves the above-described revision to the Commonwealth of Pennsylvania State Implementation Plan without prior proposal. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities.

This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Authority: 42 U.S.C. §§ 7401–642.

Dated: September 8, 1980.

John W. Hernandez,

Acting Administrator of the Environmental Protection Agency.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended by adding paragraph (c)(38) to § 52.2020 as follows:

Subpart NN—Pennsylvania

52.2020 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date(s) specified * * *

(38) A revision submitted by the Commonwealth of Pennsylvania on December 24, 1980 which is intended to establish an Ambient Air Quality Monitoring Network for Allegheny County.

[FR Doc. 81-26782 Filed 9-14-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6132]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 287–0184 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, 500 C Street Southwest, Donohoe Building, Room 506, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub.L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elasped since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 USC 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Alabama: Lee	Auburn, city of	010144D	Nov. 21, 1974, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	June 7, 1974, Oct. 3, 1974, Sept. 10, 1976 and Nov. 10, 1978.	September 16, 1981.
Do	Opelika, city of	010145C	June 20, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	July 26, 1974 and Jan. 16, 1976.	Do.
Russell	Phenix City, city of	010184B	May 24, 1976, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Nov. 26, 1976 and Feb. 8, 1980.	Do.
Do	Unincorporated areas	010267B	Feb. 25, 1976, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Jan. 17, 1975 and Feb. 3, 1978.	Do.
Arizona: Yavapai	Cottonwood, town of	040096B	May 5, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	June 7, 1974 and May 19, 1975.	Do.
Navajo	Winslow, city of	040072B	Nov. 2, 1974, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	July 19, 1974 and Dec. 19, 1975.	Do.
Delaware: Kent	Camden, town of	100003B	Mar. 18, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	May 24, 1974 and Dec. 12, 1975.	Do.
Sussex	Frankford, town of	100037B	July 17, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Sept. 13, 1974 and Dec. 12, 1975.	Do.
Florida: Polk	Haines, city of	120266B	May 28, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	June 7, 1974 and Sept. 5, 1975.	Do.
Putnam	Unincorporated areas	120272A	Nov. 15, 1973, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Jan. 10, 1975	Do.
Seminole	Winter Springs, city of	120295B	Aug. 26, 1974, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Jan. 10, 1975 and Jan. 2, 1976.	Do.
Illinois: Pike	Pearl, village of	170556B	Sept. 1, 1976, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Dec. 28, 1973 and Mar. 26, 1976.	Do.
Indiana: Johnson & Bartholomew	Edinburg, town of	180113B	Feb. 13, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Feb. 1, 1974 and Oct. 10, 1975.	Do.
Maryland: Harford	Belair, town of	240042B	Jan. 17, 1974, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	July 10, 1974 and Dec. 19, 1975.	Do.
Massachusetts: Worcester	Hardwick, town of	250307B	Apr. 18, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	June 28, 1974 and Oct. 29, 1976.	Do.
Plymouth	Middleborough, town of	250275B	May 29, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Nov. 1, 1974 and Mar. 4, 1977.	Do.
Michigan Oakland	Avon, township of	260471A	July 22, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Apr. 25, 1975	Do.
Do	Lake Orion, village of	260588A	Mar. 22, 1976, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Oct. 10, 1975	Do.
Wayne and Oakland	Northville, city of	260235A	Mar. 29, 1976, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Sept. 3, 1976	Do.
Oakland	Northville, township of	260669B	Dec. 23, 1977, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Sept. 24, 1976	Do.
Wayne	Riverview, city of	260240C	Oct. 6, 1976, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	May 3, 1974, Feb. 26, 1975 and Feb. 13, 1976.	Do.
Minnesota: Hennepin	Bloomington, city of	275230B	Sept. 8, 1972, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Sept. 12, 1972 and Mar. 12, 1976.	Do.
Missouri: Butler	Fisk, city of	290045B	Aug. 8, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Mar. 29, 1974 and Oct. 31, 1975.	Do.
Montana: Wheatland	Unincorporated areas	300172B	Mar. 28, 1978, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Nov. 6, 1979	Do.
Nebraska: Dakota	Dakota City, city of	310053B	Dec. 17, 1974, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Dec. 7, 1973 and Jan. 16, 1976.	Do.
New Jersey: Monmouth	Allentown, borough of	340284B	May 28, 1974, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Jan. 28, 1973 and Feb. 6, 1976.	Do.
Do	Eatontown, borough of	340293B	July 1, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	June 21, 1974 and June 6, 1976.	Do.
New York: Orleans	Lyndonville, village of	361459B	Jan. 16, 1976, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, Sept. 16, 1981, suspended.	Dec. 20, 1974 and Mar. 16, 1981.	Do.
Seneca	Waterloo, town of	360759B	Nov. 20, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	July 19, 1974 and July 1, 1977.	Do.
Pennsylvania: McKean	Bradford, township of	422245B	July 2, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	May 10, 1974 and Oct. 15, 1976.	Do.
Do	Bradford, city of	420665B	Apr. 15, 1974, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Apr. 5, 1974 and May 7, 1976	Do.
Greene	Clarksville, borough of	420476B	Dec. 3, 1981, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended..	Nov. 15, 1974 and Oct. 31, 1975.	Do.
Blair	Freedom, township of	421386A	July 31, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Jan. 31, 1974	Do.
York	Hopewell, township of	422222A	Apr. 21, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Dec. 27, 1974	Do.
Greene	Jefferson, township of	421672B	Dec. 2, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Dec. 20,1974 and June 11, 1976.	Do.
Blair	Juniata, township of	421390A	Feb. 3, 1976, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Dec. 27, 1974	Do.
Delaware	Marcus Hook, borough of	420419B	June 10, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Dec. 28, 1973 and May 7, 1976.	Do.
Wyoming	Meshoppen, borough of	420914B	July 25, 1973, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Nov. 9, 1974 and July 22, 1977.	Do.
Lancaster	Mount Joy, township of	421776B	Sept. 20, 1974, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Dec. 27, 1974 and Oct. 17, 1975.	Do.
Montgomery	New Hanover, township of	421914B	Aug. 1, 1974, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Nov. 1, 1974 and July 9, 1976	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Blair	North Woodbury, township of	421392A	Feb. 6, 1976, emergency; Sept. 18, 1981, regular; Sept. 16, 1981, suspended.	Jan. 24, 1975	Do.
Allegheny	Plum, borough of	420065B	July 2, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	June 28, 1974 and May 21, 1976.	Do
Northampton	Portland, borough of	420729B	June 3, 1974, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Apr. 12, 1974 and May 21, 1976.	Do
York	Shrewsbury, township of	422230A	Apr. 1, 1976, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Jan. 3, 1975	Do
Erie	Summit, township of	422416A	Oct. 15, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended.	Apr 11, 1975	Do
Do	Union, township of	421370A	Feb. 18, 1976, emergency; Sept. 18, 1981, regular; Sept. 16, 1981, suspended.	Dec. 13, 1974	Do
Texas:					
Brazoria	Danbury, city of	480069B	Apr. 2, 1975, emergency; Sept. 18, 1981, regular; Sept. 16, 1981, suspended.	May 24, 1974 and June 11, 1976.	Do
Harrison	Marshall, city of	480139B	July 17, 1974, emergency; Sept. 18, 1981, regular; Sept. 16, 1981, suspended..	Feb 22, 1974 and June 14, 1977.	Do
Vermont: Franklin	Georgia, town of	500217A	May 7, 1976, emergency; Sept. 18, 1981, regular; Sept. 16, 1981, suspended.	Feb. 7, 1975	Do
Washington:	Lower Elwha Indian Reservation	530316B	Feb. 22, 1977, emergency; Sept. 18, 1981, regular; Sept. 16, 1981, suspended.	June 12, 1979	Do
Wisconsin: Lacrosse	Onalaska, city of	550221B	July 3, 1975, emergency; Sept. 18, 1981, regular; Sept. 16, 1981, suspended.	Dec. 26, 1973 and May 28, 1976.	Do
Alabama: Mobile	Unincorporated areas	015008D	Dec. 11, 1970, emergency; Dec. 11, 1970, regular; Sept 30, 1981, suspended..	Apr. 1, 1981	Sept. 30, 1981
Connecticut:					
New London	Bozrah, town of	090094B	Apr. 23, 1974, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	May 31, 1974 and Oct. 15, 1976.	Do
Litchfield	Morris, town of	090176A	Feb. 24,1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Jan. 31, 1975	Do
Florida: Polk	Winter Haven, city of	120271B	Apr. 23, 1975, emergency; Sept. 30, 1981, regular Sept. 30, 1981, suspended.	Aug. 16, 1974 and Oct. 31, 1975.	Do
Georgia: Liberty	Midway, city of	130351A	July 22, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Apr. 4, 1975	Do
Illinois: McHenry	Unincorporated areas	170732B	Jan. 15, 1974, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Jan. 3, 1975 and May 20, 1977.	Do
Kentucky:					
Scott	do	210207B	Aug. 14, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Jan. 30, 1975 and May 20, 1977.	Do
Greenup	Worthington, city of	210092B	Feb. 22, 1977, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Mar. 18, 1977	Do.
Louisiana: Lafayette	Duson, town of	220104B	Nov. 11, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Apr. 5, 1974 and Feb. 27, 1976.	Do
New Jersey:					
Hunterdon	High Bridge, borough of	340508B	Nov. 18, 1974, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	June 21, 1974 and May 28, 1976.	Do.
Monmouth	Matawan, borough of	340311A	June 23, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Mar. 1, 1974	Do
New York:					
Chemung	Big Flats, town of	360148C	Mar. 23, 1973, emergency; Sept. 30, 1981, regular; Sept. 30, 1981. suspended.	Sept. 14, 1973, Apr. 12, 1974 and Oct. 3, 1975.	Do.
Tompkins	Ithaca, city of	360650B	Apr. 2, 1974 emergency; Sept. 30, 1981, regular; Sept. 30, 1981 suspended.	June 28, 1974 and July 16, 1976.	Do
Oswego	Minetto, town of	361261A	Oct. 24, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981 suspended.	Nov. 22, 1974	Do
Do	Oswego, town of	360657B	Dec. 10, 1976, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended	May 10, 1974 and May 14, 1976	Do
Rockland	Stony Point, town of	360693C	May 8, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	May 10, 1974, Sept. 26, 1975 and June 15, 1979.	Do
Do	West Haverstraw, village of	360696B	June 10, 1975 emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	May 31, 1974 and June 4, 1976.	Do
Oklahoma:					
Garwin	Maysville, town of	400402A	Feb. 27, 1978, emergency; Sept. 30, 1981 regular; Sept. 30, 1981, suspended.	Dec. 17, 1975	Do
Oklahoma	Valley Brook, town of	400445A	Apr. 7, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Jan. 24, 1975	Do
Pennsylvania:					
Lackawanna	Abington, township of	422453A	Jan. 14, 1976, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Dec. 27, 1974	Do
Lebanon	Bethel, township of	420967B	Jan. 23, 1974, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	July 26, 1974 and May 28, 1976.	Do.
Chester	Caln, township of	422247B	Aug. 14, 1975, emergency; Sept. 30, 1981, regular. Sept. 30, 1981, suspended.	Aug. 30, 1974 and Feb. 2, 1976.	Do.
Lackawanna	Carbondale, township of	421750A	Feb. 4, 1976, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Jan. 31, 1975	Do.
Adams	Cumberland, township of	421249B	Nov. 4, 1974, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Feb. 7, 1975 and May 30, 1980.	Do.
Juniata	Delaware, township of	421739A	Aug. 18, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Feb. 7, 1975	Do.
Lackawanna	Fell, township of	421753A	Aug. 7, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Jan. 3, 1975	Do.
York	Heidelburg, township of	422221C	Feb. 18, 1976, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Jan. 10, 1975, Aug 27, 1976 and Apr. 4, 1980.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Mercer	Hermitage, municipality of	421862B	Aug. 21, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Sept. 20, 1974 and July 9, 1976.	Do.
York	Jackson, township of	422223A	Mar. 10, 1976, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Apr. 4, 1975	Do.
Lebanon	Jackson, township of	421805B	Jan. 21, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Oct. 28, 1977	Do.
Lehigh	North Whitehall, township of	421813B	July 26, 1974, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Oct. 18, 1974 and May 28, 1976.	Do.
York	Peach Bottom, township of	422229A	Jan. 16, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Nov. 28, 1974	Do.
Lancaster	Providence, township of	421780B	Dec. 13, 1974, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	May 31, 1974 and June 4, 1976.	Do.
Montgomery	Schwenksville, borough of	421905C	Nov. 19, 1976 emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Oct. 25, 1974, May 21, 1976, and Nov. 19, 1976.	Do.
Northampton	Upper Mt. Bethel, township of	421933A	Sept. 15, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Nov. 6, 1974	Do.
Erie	Venango, township of	421371A	Sept. 10, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Dec. 13, 1974	Do.
Tennessee: Shelby	Collierville, city of	470263A	Sept. 29, 1975 emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Feb. 14, 1975	Do.
Texas:					
Howard	Big Spring, city of	480360B	Feb. 7, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	June 28, 1974 and Dec. 17, 1976.	Do.
Terry	Brownfield, city of	480620B	Mar. 21, 1975, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	June 28, 1974 and Aug. 22, 1975.	Do.
Coryell	Unincorporated areas	480768B	Oct. 28, 1979, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Dec. 6, 1977	Do.
Coryell	Gatesville, city of	480156B	Dec. 18, 1974, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Apr. 5, 1974 and Jan. 2, 1976	Do.
Bell	Rogers, city of	480708A	May 17, 1976, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	June 27, 1975	Do.
Vermont: Windham	Dover, town of	500127B	July 21, 1976, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Jan. 30, 1981	Do.
Washington: Benton	West Richland, town of	530014B	June 20, 1974, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended.	Mar. 22, 1974 and Jan. 16, 1976.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Excutive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-[illegible] Filed 9-14-81: 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 64

[Docket No. FEMA 6136]

List of Communities Eligible for Sale of Insurance Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 287–0184 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, 500 C Street Southwest, Donohoe Building, Room 506, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is

subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certified that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Georgia: Ware	Waycross, city of	130186B	Aug. 3, 1981; suspension withdrawn	May 24, 1974 and Apr. 9, 1976
Illinois:				
Cook	Lynwood, village of	170119C	do	Apr. 12, 1974, May 7, 1976 and Apr 21. 1978.
Kane	Geneva, city of	170325B	do	Aug. 9, 1974 and Jan. 23, 1976
Indiana:				
Adams	Unincorporated areas	180424C	do	Aug. 26, 1977 and May 12, 1978.
Cass	Unincorporated areas	180022B	do	Jan. 10, 1975 and June 2, 1978.
Howard	Kokomo, city of	180093B	do	Dec. 17, 1973 and Jan. 3, 1976.
Iowa:				
Story	Nevada, city of	190258B	do	June 28,1974 and Jan. 16, 1976.
Pottawattamie	Oakland, city of	190237B	do	Jan. 9, 1974 and Apr. 23, 1976.
Montgomery	Red Oak, city of	190210B	do	June 28, 1974 and Jan. 16, 1976.
Kentucky: Greenup	South Shore, city of	210091B	do	Feb. 1, 1974 and Nov. 21, 1975.
Louisiana:				
Vermillion	Abbeville, city of	220264B	do	Mar. 15, 1974 and July 2, 1976.
St. Landry Parish	Opelousa, city of	220173B	do	June 14, 1974 and Oct. 17, 1975
Michigan:				
Lapeer	Almont, village of	260311B	do	May 10, 1974 and Nov. 28, 1975.
Macomb	Sterling Heights, city of	260128E	do	June 29, 1973, Apr. 12, 1974, Sept. 10, 1976. Feb. 10, 1978 and Sept. 7, 1979.
Missouri:				
New Madrid	Matthews, city of	290254B	do	May 17, 1974 and Dec. 12, 1975.
Do	North Lilburn, village of	290257A	do	Feb. 6, 1976 and Apr. 15, 1977.
Nebraska: Madison	Madison, city of	310240B	do	Sept. 6, 1974 and Dec. 19, 1975.
New Jersey:				
Monmouth	Atlantic Highlands, borough of	340286B	do	Dec. 21, 1975 and Feb. 20, 1976.
Hunterdon	Califon, borough of	340232B	do	Sept. 13, 1974 and Feb. 27, 1976.
New York:				
Onondaga	Camillus, village of	360571A	do	July 30, 1976.
Monroe	Churchville, village of	360999C	do	June 28, 1974, June 11, 1976 and May 9. 1980.
Steuben	Corning, town of	360773B	do	Sept. 14, 1973 and Oct. 8, 1976.
Onondaga	East Syracuse, village of	360574B	do	Apr. 12, 1974 and Oct. 24, 1975.
Broome	Fenton, town of	360046B	do	May 3, 1974 and Feb. 7, 1975.
Chenango	Greene, town of	361087B	do	Dec. 27, 1974 and Jan. 9 1976.
Do	Greene, village of	360159C	do	Feb. 20, 1976, May 21, 1976 and Jan 19. 1978.
Monroe	Hilton, village of	360420B	do	Mar. 8, 1974 and Oct. 24, 1975.
Genesee	Leroy, village of	360281B	do	Mar. 8, 1974.
Rockland	Piermont, village of	360687B	do	Mar. 15, 1974 and Sept. 17, 1976.
Do	Seneca Falls, town of	360756B	do	Apr. 12, 1974 and Jan 9, 1976.
Rensselaer	Stephentown, town of	361170A	do	Dec 20, 1974.
Cayuga	Sterling, town of	3610126B	do	July 26, 1974 and July 9, 1976.
Seneca	Waterloo, village of	360760B	do	July 19, 1974 and July 19,1977.
Wyoming	Wyoming, village of	360952B	do	May 17, 1974 and June 25, 1976.
North Carolina:				
Edgecombe	Unincorporated areas	370087B	do	Nov. 29, 1974 and Mar. 24, 1978.
Catawba	Hickory, city of	370054B	do	Sept. 13, 1974 and Jan. 23, 1976.
South Carolina: Cherokee	Gaffney, city of	450046C	do	June 28, 1974, Apr. 23, 1976 and June 3 1977.
Tennessee: Sumner	Gallatin, city of	470185B	do	Aug. 16, 1974 and July 16, 1976.
Texas:				
Cameron	Harlingen, city of	485477B	do	July 13, 1972, July 1 1974 and Oct. 17, 1975
Bell	Killeen, city of	480031B	do	Nov. 1, 1974 and July 4, 1978.
Washington: King	Tukwila, city of	530091B	do	May 24, 1974 and Sept. 13, 1977
Wisconsin:				
Brown	Pulaski, village of	550024B	do	May 24, 1974 and May 28, 1976.
Monroe	Sparta, city of	550290B	do	Jan. 9, 1974 and June 25, 1976.
Marathon	Unincorporated areas	550245B	do	Feb. 1, 1979.
Oconto	Oconto, city of	550297B	do	Dec. 28, 1973 and Aug. 8, 1975.
Minnesota: McLeod	Unincorporated areas	270616B	do	June 3, 1977.
Arkansas: Cleburne	Unincorporated areas	050424A	Aug. 5, 1981, emergency	June 7, 1977.
North Carolina: Craven	River Bend,[1] town of	37-432 New	do	
Pennsylvania:				
Venango	Allegheny, township of	422529	do	Jan. 17, 1975.
Dauphin	Wayne, township of	421599A	do	Jan. 17, 1975 and Mar. 14, 1980.
Vermont: Orleans	Glover, town of	500251A	Aug. 6, 1981, emergency	Dec. 20, 1974 and July 12, 1977.
Texas: Pecos	Iraan, city of	480973	Aug. 12, 1981	July 30, 1976.
Iowa: Lee	Unincorporated areas	190182B	Sept. 11, 1978, emergency; June 15, 1981, regular; June 15, 1981, suspended; Aug. 12, 1981, reinstated.	June 21, 1977.
New Jersey: Bergen	East Rutherford, borough of	340028B	June 24, 1975, emergency; Dec. 16, 1980, regular; Dec. 16, 1980, suspended; Aug. 14, 1981, reinstated.	Apr. 12, 1974 and Aug. 13, 1976.
Arizona: Pinal	Kearny, town of	040065B	Aug. 17, 1981, suspension withdrawn	Nov. 30, 1973 and May 21, 1976.
Florida:				
Pasco	Dade City, city of	120231B	do	Jan. 4, 1974 and Aug. 6, 1976.
Do	Port Richey, city of	120234A	do	Jan. 16, 1974.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Do.	New Port Richey, city of	120232C	do	Jan. 16, 1974, June 18, 1976 and Mar. 18, 1977.
St. Lucie	Unincorporated areas	120285A	do	Jan. 24, 1975.
Bay	Springfield, city of	120014B	do	July 19, 1974 and Feb. 27, 1976.
Illinois: Kane	Carpentersville, village of	170322B	do	Mar. 22, 1974 and Jan. 9, 1976.
Indiana: St. Joseph	Mishawaka, city of	180227B	do	Dec. 28, 1973 and May 28, 1976.
Iowa: Polk	Des Moines, city of	190227B	do	Feb. 4, 1981.
Kansas: Sedgwick	Haysville, city of	200324C	do	June 28, 1974, Nov. 7, 1975 and Mar 14, 1978.
Massachusetts: Hampshire	Ware, town of	250172B	do	June 28, 1974 and Dec. 17, 1976.
Michigan: Wayne	Trenton, city of	260244B	do	May 10, 1974 and Mar. 7, 1975.
Mississippi: Hinds	Clinton, city of	280071C	do	June 14, 1974, Nov. 12, 1976 and July 11, 1980.
Missouri:				
New Madrid	Lilbourn, city of	290252B	do	May 17, 1974 and Nov. 7, 1975.
Do.	Marston, city of	290253B	do	May 24, 1974 and Nov. 14, 1975.
Nebraska:				
Dodge	Unincorporated areas	310068B	do	Aug. 16, 1977.
Adams	Hastings, city of	310001B	do	May 10, 1974 and Jan. 9, 1976.
New Jersey: Passaic	Little Falls, township of	340401B	do	Dec. 28, 1973 and June 18, 1976.
New York:				
Broome	Chenango, town of	360040C	do	Mar. 8, 1974, Feb. 7, 1975 and Dec. 26, 1975.
Westchester	North Tarrytown, village of	361515A	do	Dec. 13, 1974.
Ohio:				
Cuyahoga	Euclid, city of	390107B	do	Apr. 5, 1974 and June 18, 1976.
Do.	South Euclid, city of	390131B	do	Mar. 22, 1974 and Oct. 3, 1975.
Do.	Warrensville Heights, city of	390135B	do	Mar. 15, 1974 and Oct. 10, 1975.
Pennsylvania:				
Montgomery	Upper Frederick, township of	421916A	do	Dec. 20, 1974.
Adams	Straban, township of	421259A	do	Jan. 3, 1975.
Rhode Island: Newport	Little Compton, town of	440035B	do	July 19, 1974 and Dec. 24, 1976.
Texas:				
Navarro	Corsicana, city of	480498A	do	Dec. 27, 1974.
Kleburg	Kingsville, city of	480424C	do	Feb. 26, 1971, July 1, 1974 and Dec. 10, 1976.
Utah: Davis	Farmington, city of	490044B	do	June 28, 1974 and Oct. 31, 1975.
Washington: Klickitat	Goldendale, city of	530101B	do	May 24, 1975 and Jan. 16, 1976.
West Virginia: Wayne and Cabell	Huntington, city of	540018B	do	May 6, 1977.
Wisconsin:				
Washington	Jackson, village of	550530C	do	Dec. 28, 1973, May 21, 1976 and Mar. 30, 1979.
Monroe	Tomah, city of	550291B	do	May 31, 1974 and June 18, 1976.
Vermont: Orleans	Newport, city of	500060	Aug. 19, 1981, emergency; Aug. 19, 1981, regular.	Dec. 12, 1977 and June 18, 1980.
Michigan: Kent	Sparta, village of	260336	Aug. 24, 1981 emergency	Oct. 15, 1976.
Ohio: Pickaway	Darbyville, village of	390712A	Aug. 25, 1981, emergency	Feb. 7, 1975 and Oct. 6, 1978.
Michigan:				
Allegan	Lee, township of	260722 New	Aug. 26, 1981, emergency	
Oceana	Benona, township of	260481	Aug. 26, 1981 emergency	Oct. 15, 1976.
Montana: Meagher	White Sulphur Springs, city of	300047A	Aug. 27, 1981, emergency	May 24, 1974 and Jan. 16, 1976.

[1] This community will be using the Craven County, North Carolina Flood Hazard Boundary Map (FHBM) until such time as one is printed for the Town of River Bend, NC. Craven County's community number is *370072* and ID Date *11-17-78*.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-26710 Filed 9-14-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 6135]

Communities With No Special Hazard Areas for National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administration, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without a map.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with no Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1–4 family dwelling is $.25 per $100 per coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifes that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

§ 65.8 List of Communities with no special flood hazard areas.

State	County	Community name	Date of conversion to regular program
California	Tulare	City of Exeter	August 24, 1981.
Colorado	Weld	Town of Kennesburg	August 24, 1981.
Kansas	Butler	City of Rose Hill	August 24, 1981.
[illegible]	Hennepin	City of Richfield	August 24, 1981.
Minnesota	Anoka	City of Spring Lake Park.	August 24, 1981.
Ohio	Butler	Village of Seven Mile	August 24, 1981.
Ohio	Montgomery.	Village of Union	August 24, 1981.
Pennsylvania	Tioga	Borough of Mansfield	August 24, 1981
Texas	Cottle	City of Paducah	August 24, 1981.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: August 12, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-26713 Filed 9-14-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 6137]

List of Communities With Special Hazard Areas Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or 30 days after the date of this **Federal Register** publication, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland; 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six month to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 or Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information or regarding the completed stages of engineering tasks in delineating the special flood hazard areas of the specified community. This rule imposes no new requirements or regulations on participating communities.

BILLING CODE 6718-03-M

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

EFFECTIVE DATE September 4, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
WI	550602	Rusk County (Uninc. Area)	Index 0001A thru 0011A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Elgin Erickson Zoning Administrator 311 Miner Avenue E. Ladysmith, WI 54848 Phone: 715-532-7743
WI	550579	Oneida County (Uninc. Area)	Index 0001A thru 0018A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Mr. Tony Lorbetske, Chairman County Board Oneida County Courthouse Rhinelander, WI 54501 Phone: 715-369-4651
IL	171004	Village of Jerome (Sangamon Co.)	0001A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Mr. Vernon Shontz, Jr. Village President 2901 Leonard Street Springfield, IL 62704 Phone: 217-782-3500
IN	180479	Martin County (Uninc. Area)	Index 0001A thru 0007A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	William Abel, Chairman County Board of Commissioners Martin County Courthouse Shoals, IN 47581 Phone: 812-247-3651
OH	390876	City of Beavercreek (Greene Co.)	Index 0001A 0002A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Hon. Fred Berta, Mayor 1599 N. Central Drive Dayton, OH 45432 Phone: 513-426-5100
EFFECTIVE DATE: September 8, 1981															
MO	290833	Ste. Genevieve County Unincorporated Areas	0001 – 0008A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Raymond B. Donze County Judge County Courthouse 135 South Main St. Ste. Genevieve, MO 63670 (314) 883-5589

EFFECTIVE DATE September 11, 1981

EFFECTIVE DATE September 11, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
OH	390185	Gallia County (Uninc. Area)	Index 0001B thru 0008 B	I	FL	B	I	3	I	12/27/74 5/27/77	N/A	9 10 16	N/A	N/A	Paul D. Niday, President County Commissioners Courthouse Gallipolis, OH 45631 614 - 446-4612
PA	421054	Township of Burlington (Bradford County)	Index 0001B	I	FL	B	4	3	I	9/13/74 5/7/76	N/A	9 10	N/A	N/A	Stuart Wrisley, Chairman Twp. Board of Supervisors RD #2 Ulster, PA 18850 717-265-3250
PA	421487A	Township of Penn (Chester County)	Index 01 02	I	FL	B	1	3	1	11/8/74	N/A	12	N/A	N/A	John P. Gray, Chairman Twp. Board of Supervisors RD #2, Box 83 West Grove, PA 19390 215 - 869-9259
VA	510199	Floyd County (Unincorporated Area)	Index 0001A thru 0007A	I	FL	B	1	3	1	4/25/75	N/A	9 10 16	N/A	N/A	Henry McDaniel County Administrator P.O. Box 88 County Courthouse Floyd, VA 24091 703 - 745-2610
WV	540188	Taylor County (Unincorporated Area)	Index 0001A 0002A 0003A 0004A	I	FL	B	1	3	1	12/13/74	N/A	9 10 16	N/A	N/A	Donald Sheaffer President County Commissioners Taylor County Courthouse Grafton, WV 26354 304 - 265-1401
EFFECTIVE DATE: September 15, 1981															
MO	290792	Clark County Unincorporated Areas	0001- 0007A	I	FL	B	4	2	I	N/A	N/A	N/A	N/A	N/A	Ralph Plenge, Sr. Clark County Judge Co. Courthouse Kahoka, MO 63445 (816) 727-3283

UMI 1 8 5 1 E S 6 4 V

EFFECTIVE DATE September 18, 1981

1 STATE	2 IDENT NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
VA	510252	Patrick County (Uninc. Area)	Index 0001B thru 0007B	I	FL	B	1	3	1	1/24/75 12/26/75	N/A	9 10 16	N/A	N/A	Edward Turner Jr. County Administrator Hooker Building P.O. Box 466 Stuart, VA 24171 703 - 694-6094
WV	540035	Gilmer County (Uninc. Area)	Index 0001A thru 0006A	I	FL	B	1	3	1	1/3/75	N/A	9 10 16	N/A	N/A	O.V. Gene Ellyson President County Commissioner Gilmer County Courthouse Glenville, WV 26351 304 - 462-7641
WI	550511D	Juneau County (Uninc. Area)	Index 0001A thru 0011A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	C.F. Taylor Chairman County Board Route 1 Necedah, WI 54646 608 - 565-2256
EFFECTIVE DATE: September 22, 1981															
OR	410190	City of Monmouth Polk County	0001D	I	FL	B	1	3	1	5/24/74 4/9/76	N/A	8 9	N/A	N/A	Mayor 151 West Main Street Monmouth, OR 97361 (503) 838-0722
MO	290944	Lewis County Unincorporated Areas	0001-0009A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Chester Hinton, Co. Judge County Seat Monticello, MO 83457 (314) 767-5205
EFFECTIVE DATE: September 25, 1981															
WV	540191D	Upshur County (Uninc. Area)	Index 0001A thru 0007A	I	FL	B	1	3	1	1/17/75	N/A	9 10 16	N/A	N/A	Dalton E. Cutright President Co. Commissioners Upshur Co. Courthouse Buckhannon, West Virginia 26201 304 - 472-1068

EFFECTIVE DATE September 25, 1981

EFFECTIVE DATE September 25, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
OH	390741	Village of Irondale Jefferson County	0001A	I	FL	B	I	3	1	7/11/75	N/A	9 10 16	N/A	N/A	Harry Diehl, Mayor Village Hall P. O. Box Irondale, OH 43932 216 532-2900
													EFFECTIVE DATE: September 29, 1981		
OR	410076	City of Dayville, Grant County	0001A	I	FL	B	I	3	1	1-24-75	N/A	9 10	N/A	N/A	Mayor Mark Reasoner P. O. Box 316 Dayville, OR 97825
AR	050345	Marion, City of Crittenden County	0001A	I	FL	B	I	3	1	4/18/75	N/A	9 10	N/A	N/A	Mayor, E. W. Bigger, JR. P.O. Box 7 Marion, AR 72364
UT	490012	Cache County Unincorporated Areas	0001A 0003A 0005A 0006A 0008A 0009A 0011A 0012A	I	FL	B	I	2	1	N/A	N/A	N/A	N/A	N/A	Robert Chambers Cache County Commissioner County Courthouse Logan, Utah 84321

BILLING CODE 6718-03-C

Community Map Actions

(Codes: Where no entry is necessary use - N/A)

Column Code:
1. Two letter state designator.
2. FIA Community 6-digit identity number.
3. Community name; County(ies) name.
4. Four digit number and suffix of each FIRM or FHBM panel printed.
5. INL/Coast:
I=Inland
C=Coastal
6. Hazard:
FL=Flood
MS=Mudslide
ER=Erosion
NF=Non Flood Prone
MF=Minimally Flood Prone
7. 60.3 Code:
A=Special Hazard not defined, no elevation data (No FHBM)
B=Special Hazard Designated, no elevation data (FHBM)
C=FIRM, No Floodway or Coastal High Hazard
*D=FIRM, Regulatory Floodway Designated
*E=FIRM, Coastal High Hazard
*Dual entry is available.
8. Program Status:
1=Emergency
2=Regular
3=Not participating, no map
4=Not participating, with map
5=Withdrew
6=Suspended
9. FHBM Status:
1=Never Mapped
2=Original
3=Revised
4=Rescinded
5=Superceded by firm
9. Firm Status:
1=Never Mapped
2=Original
3=Revised
4=Rescinded
5=All zone C—No published firm
6=All zone A and C—No elevations determined
10. Dates of all previous maps.
11. Revision Codes:
1. 1916 BFE (Base Flood Elevation) Decrease
2. 1916 BFE Increase
3. 1916 SFHA (Special Flood Hazard Area) Change
4. Change of Zone Designation: revised FIRM
5. Curvilinear
6. 1914 Incorporation
7. 1914 Discorporation
8. 1914 Annexation
9. SFHA Reduction
10. Non-1916 SFHA Increase Without Numbered Zones
11. Non-1916 SHFA Increase with Numbered Zones
12. Drafting Correction; Printing Errors
13. Suffix Change ONLY
14. Change to Uniform Zone Designations (7/1/74)
15. Revisions Withdrawn
16. Refunds Possible
17. Letter of Map Amendment (1916)
18. Letter of Map Amendment (1916 without Federal Register publication)
19. Federal Register Omission
20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
21. Miscellaneous
13. List of Numbered Floodway Panels Printed.
14. Address of Community Map Repository.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-26715 Filed 9-14-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Fourth Revised Service Order No. 1495]

Burlington Northern Inc. and Fort Worth and Denver Railway Co. Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Fourth Revised Service Order No. 1495.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254, this order authorizes the Burlington Northern and Fort Worth and Denver to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., September 11, 1981, and continuing in effect until 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: September 9, 1981.

In the matter of Burlington Northern Inc. and Fort Worth and Denver Railway Company authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee); decision.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254, (RITEA), the Commission is authorizing Burlington Northern, Inc. (BN) and Fort Worth and Denver Railway Company (FWD) to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits BN and FWD to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A of the previous order is revised by the addition of Item 2.C., which extends the authority of the FWD to Groom and Adrian, Texas, as requested.

It is the opinion of the Commission that an emergency exists requiring that the BN and FWD, as indicated in the attached appendix, be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1495 Fourth Revised Service Order No. 1495.

(a) Burlington Northern Inc. and Fort Worth and Denver Railway Company authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, trustee): Burlington Northern Inc. (BN) and Fort Worth and Denver Railway Company (FWD) are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific

Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the BN and FWD to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the BN and FWD; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced on the expected commencement date of those operations.

(e) BN and FWD, as authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of operations over the RI lines authorized in paragraph (a), BN and FWD shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties, or failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by BN and FWD over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, the interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, the carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., September 11, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. 10304, 10305, and Section 122, Public Law 96–254)

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association.

Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,
Secretary.

Appendix A.—RI Lines Authorized to be Operated by Interim Operator

1. *Burlington Northern Inc. (BN):*

A. Burlington, Iowa (milepost 0 to milepost 2.06).

B. Fairfield, Iowa (milepost 275.2 to milepost 274.7).

C. Henry, Illinois (milepost 126) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62).

D. Phillipsburg, Kansas (milepost 262) to Stratton, Colorado (milepost 473).

E. At Okeene, Oklahoma.

2. *Fort Worth and Denver Railway Company (FWD):*

A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.

B. North Fort Worth, Texas (milepost 603.0 to 611.4).

C.[1] From Groom to Adrian, Texas (milepost 718.9 to 809.5).

[FR Doc. 81–26758 Filed 9–14–81: 8:45 am]
BILLING CODE 7035–01–M

[1] Added.

Proposed Rules

Federal Register
Vol. 46, No. 178
Tuesday, September 15, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 220, and 226

National School Lunch, School Breakfast, and Child Care Food Programs; Meal Pattern Requirements; Corrections

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed Rule; correction.

SUMMARY: This document corrects a table indicating the changes in subsidy levels that appeared on page 44453 in the **Federal Register** of Friday, September 4, 1981 (46 FR 44453). This action is necessary to correct an error.

DATES: Comments must be postmarked on or before October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Virginia Wilkening, Section Head, Room 556, Technical Assistance Branch, Nutrition and Technical Services Division, Food and Nutrition Service, USDA, Washington, D.C. 20250, (202) 447–9067.

The following correction is made in FR Doc. 81–25955 appearing on 44453 in the issue of September 4, 1981.

1. In the preamble, on page 44453, column 2, paragraph a, in the portion of the table which reads:

	Comparison of per meal subsidy levels		
	Previous law (cents)	Current law (cents)	Difference (cents)
Supplements:			
Paid	5.50	2.75	−2.75 (50)
Reduced price	22.25	15.00	−7.25 (33)
Free	[illegible]	[illegible]	−.25 (26)
The last line should read:	30.50	30.00	−.50 (2)

Signed in Washington, D.C. on: September 11, 1981.

Darrel Gray,
Acting Administrator.

[FR Doc. 81–28976 Filed 9–14–81; 9:45 am]
BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Part 1139

[Docket No. A0–374–A6]

Milk in the Lake Mead Marketing Area; Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the Lake Mead Federal milk marketing order. The changes relate to butterfat differentials for adjusting prices to the actual butterfat content of the milk being priced and to the classification of milk used in the production of ice cream and other frozen desserts. The decision is based on industry proposals considered at a public hearing held in September 1980. The proposed changes are necessary to reflect current marketing conditions and to assure orderly marketing in the area.

DATE: Comments are due on or before October 5, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior document in this proceeding: Notice of Hearing: Issued August 27, 1980, published September 3, 1980 (45 FR 58366).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed amendment to the tentative marketing agreement and order regulating the handling of milk in the Lake Mead marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, by October 5, 1981. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made availabe for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

The proposed amendments set forth below are based on the record of a public hearing conducted at Las Vegas, Nevada, on September 23–24, 1980. Notice of such hearing was issued August 27, 1980 (45 FR 58366).

The material issues on the record of the hearing relate to:

1. Producer status of a dairy farmer delivering to a pool supply plant.
2. Classification of ice cream and other related products.
3. Adoption of a single butterfat differential.
4. Payment obligations that must be met by the operator of a partially regulated distributing plant.

1. *Producer status of a dairy farmer delivering to a pool supply plant.* The requirement that at least 52 days' milk production of a dairy farmer be received at a pool supply plant during January and February if the farmer wishes to deliver milk to the same pool plant in

the following March–July period and have it pooled under the order should be deleted.

The deletion of this requirement was proposed by the Lake Mead Cooperative Association (LMCA), which represents a substantial majority of the producers on the market. For a number of years, proponent operated the only supply plant that was regulated under the order. However, the cooperative closed the plant in 1980 and since that time has supplied pool distributing plants by delivering the milk of its member-producers directly from farms to the distributing plants. There is no other supply plant on the market.

Proponent's spokesman contended that the 52-day delivery requirement is no longer needed since the cooperative discontinued using its Minersville, Utah plant facilities as a supply plant for the Lake Mead market. He stated that although the cooperative continues to own the plant, under current marketing conditions it is not likely that in the future the plant will be needed to supply any of the pool distributing plants. Finally, he noted that this delivery requirement was suspended in 1978 to assure the continued association with the market of a number of the cooperative's member producers who were delivering milk to the cooperative's supply plant but who had not met the 52-day delivery requirement because the milk was being delivered at the time directly to pool distributing plants on a regular basis.

A proprietary handler who operates a pool distributing plant opposed the proposal. The handler objected to the proposal on the the grounds that the basis for the 1975 decision to adopt the delivery requirement in question continues to be valid under current marketing conditions.

The 52-day delivery requirement became effective under the order on September 1, 1975. The practical effect of this provision is that during the months of March–July it excludes from the pool any dairy farmer whose milk production is received at or diverted from a supply plant with automatic pool status unless at least 52 days' milk production of such dairy farmer was associated with the supply plant during the preceding months of January and February. This provision was intended to prevent the attachment of reserve milk supplies from other markets to the Lake Mead market through a pool supply plant that has automatic pool plant status during the months of March–July. Under automatic pooling, a supply plant does not need to ship a certain percentage of its receipts to pool distributing plants. Thus, a supply plant could pool substantial quantities of milk during the automatic pooling period.

The record evidence establishes that current marketing conditions in the market are substantially different than existed at the time when the Secretary adopted the 52-day delivery requirement. As indicated earlier, there is no longer a supply plant associated with the market, and there is no indication that a supply plant will again be a part of the marketing system for this area.

Also, and perhaps more importantly, past experience with this delivery requirement has indicated that while its intent was valid its application to actual operating situations in the market was less than satisfactory. As indicated, it was necessary to suspend the requirement because it would have resulted in excluding from the pool a number of producers who had a bona-fide association with the market. If the provision were to be retained, it would be necessary to modify it in some manner to overcome this type of problem so that it would be appropriate for the market should there eventually be another supply plant on the market. Modification of this provision was not explored at the hearing. Thus the record provides no guidance on what changes might be made other than to remove it from the order.

Accordingly, it is reasonable that the provision be deleted. As a conforming change, the reference in § 1139.44(a)(7)(vii) to the receipts at a pool supply plant from dairy farmers who do not meet the 52-day requirement also should be deleted.

2. *Classification of ice cream and certain other related products.* A Class II classification should apply to milkshake and ice cream mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes. Such products are now classified under the order as Class III products. This would increase the minimum order price for producer milk in such uses by 15 cents per hundredweight.

LMCA proposed this change in the classification of ice cream and certain other related products. Proponent stated that the adoption of this change will bring the classification of such products under the order in line with the other 29 (formally 39) orders which uniformly classify the above-mentioned frozen products as Class II products. In this connection, proponent's spokesman asserted there is need to have uniform classification provisions and other provisions among orders to accommodate inter-market movements of milk and milk products and to standardize accounting procedures of the Lake Mead order.

In further support of the proposal, the cooperative's spokesman testified that it initially supported a Class III classification for ice cream and related products at the time the order was promulgated based on the Department's initial tentative decision (37 FR 18984) at the time recommending a uniform milk classification plan for 39 markets. However, after the Lake Mead order was promulgated, the witness noted, a revised recommended decision for the 39 markets was issued by the Department, which provided for a Class II classification for ice cream and related products. This classification was later implemented under the 39 orders. The witness stated that it was always the intent of the cooperative that the Lake Mead order provide the same classification for ice cream and related products as was finally adopted in the 39-market classification decision.

Another reason cited by proponent in support of its proposal was that milk for use in ice cream production in this market by the operator of a pool distributing plant is supplied by producers on a regular and sustaining basis much the same as milk used for making cottage cheese. Proponent stressed that local producers represent the regular source of milk for the only regulated handler in the market that manufactures ice cream. In this connection, proponent's spokesman testified that this handler wants a dependable year-round milk supply from local producers for the production of ice cream in the same manner that handlers seek Grade A milk for the production of cottage cheese, a Class II product. The witness pointed out that the same reasoning for including cottage cheese in an intermediate price class is generally applicable to ice cream and related products. Finally, he contended that the adoption of the proposal will reflect some of the additional value which producer milk used in ice cream has to a regulated handler.

The only regulated handler under the order which manufactures ice cream opposed the proponent's proposal. A spokesman for the handler testified that if the proposal were adopted it would increase the handler's cost of producer milk used to produce ice cream about $550 per month. He claimed that this additional cost would jeopardize the competitive position of the regulated handler with unregulated processors that distribute ice cream in the Lake Mead market. The witness, however, did not provide any data or other evidence to support this claim.

The record clearly establishes that the above-mentioned regulated handler relies regularly on producer milk for ice cream and related products. As proponent pointed out in its testimony, the demand for producer milk used in such products is related closely to the current consumer demand for these products. Thus, the handler processing frozen desserts depends on regular supplies of producer milk being made available at his plant in the quantities and at the times needed for these uses. This is in contrast to the more storable "hard products" (butter, hard cheese and nonfat dry milk) that also are included in Class III. Traditionally, such hard products are residual uses of reserve milk supplies associated with the fluid milk market which is not the case with frozen desserts. Instead, the marketing situation is essentially the same for ice cream and other related products as it is for other "soft" dairy products presently included in Class II, such as cottage cheese. Milk used in cottage cheese is sought by handlers on a regular basis and in the quantities and at the times needed. Such milk is priced under the order at 15 cents per hundredweight over the Minnesota-Wisconsin manufacturing price. The record establishes that the handler processing ice cream generally cannot obtain alternative supplies of milk or product ingredients for frozen desserts on a regular basis at less than this cost. The higher classification of frozen desserts thus will compensate producers for some of the additional value which their milk used in these products has to the regulated handler.

The argument of the opposing handler that this classification change will jeopardize his competitive position for ice cream sales in the market is not convincing. The record evidence establishes that the opposing handler's principal competition is from California handlers. However, the higher cost of producer milk used in ice cream production to the opposing handler that would result from the proposed classification change would be offset, generally, by raw product costs and additional transportation costs incurred by his California competitors in supplying the local market.

3. *Adoption of a single butterfat differential.* A single butterfat differential should be used to adjust prices to the actual butterfat content of the milk being priced. This differential should be the Chicago Grade A bulk butter price as reported by the Department for the month multiplied by 0.115.

Presently, the order provides for three separate butterfat differentials. For Class I milk, the differential (for each one-tenth percent of butterfat above or below 3.5 percent) is the Chicago butter price for the preceding month multiplied by 0.12, and for Class II and Class III milk it is the Chicago butter price for the current month multiplied by 0.115. The butterfat differential used in adjusting the uniform price is the average of the butterfat differentials for each class weighted by the proportion of butterfat in producer milk allocated to each class.

LMCA proposed that a single butterfat differential apply to all classes of milk. Under the proposal, which in essence would reduce the Class I butterfat differential from 12 percent of the butter price for the preceding month to 11.5 percent of the butter price for the current month, the butterfat differential for Class I milk would be the same as the present butterfat differential for Class II and Class III milk. This proposal was supported in its post-hearing brief by the only other producer association associated with the market, Western General Dairies, Inc.

In proposing a lower Class I butterfat differential, proponent contended that the values now assigned to butterfat and skim milk in Class I products do not reflect the current market values of these components of milk. Proponent's witness testified that the proposal also is designed to make butterfat utilized in all classes by regulated handlers more competitive with butterfat or vegetable oil in products distributed in the marketing area from unregulated sources, but in no event less than its alternative use in butter. Also, the witness stated that the proposal conforms the Lake Mead order to that of most other orders which use a single butterfat differential and simplifies the accounting process for regulated handlers.

The only proprietary handler in the market who operates a pool distributing plant opposed the proposal. The handler's witness testified that reducing the Class I butterfat differential in the manner proposed will increase the handler's cost of Class I low-fat products about one cent per gallon. According to the witness, such sales represent about 25–30 percent of the handler's total Class I sales. At the hearing and in its brief, the opposing handler asserted that similar arguments to decrease the value of Class I butterfat were advanced at the promulgation hearing and were rejected by the Department. On the basis of that hearing record, he added, the Department adopted the order's present Class I butterfat differential which he believes continues to be appropriate under current marketing conditions.

A change in the relative values of the components of milk in Class I uses has been occurring for some time. This has been related to the continuous decline, both nationally and locally, in the proportion of butterfat in Class I sales. An indication of this trend is the average test of fluid milk products sold in the Federal order marketing areas. In 1975 the average butterfat test in 55 Federal order markets for such sales was 2.75 percent. This percentage declined from year to year, and in 1980 the comparable average butterfat test was 2.56 percent.[1] On a percentage basis, the average butterfat content in these fluid milk products declined 9 percent from 1975 to 1980. It is anticipated that this decline will continue because of consumer's preference for low-fat products.

Under the Lake Mead order, the average butterfat test of Class I sales has been declining at a rate similar to that experienced nationally. Most recently, the average test of Class I sales by handlers regulated by the order dropped from 3.06 percent in 1974 to 2.83 percent in 1979, a decline of 8 percent.[2]

The increasing demand for fluid milk products with lower butterfat content can be expected to result in a continuing decline in the average butterfat test of Class I sales under the order. Adopting the same butterfat differential for Class I milk as for other classes, as herein provided, will give recognition to the reduced demand and the related lower market value of butterfat in the fluid milk products in Class I. By reflecting a lower value for butterfat in the returns to producers, there will be less incentive to produce high-test milk which consumers do not want.

As indicated previously, the single butterfat differential would be based on the butter price for the current month, which is now used for computing the differentials for Class II and Class III. Presently, the Class I butterfat differential is based on the butter price for the preceding month. This change should have little impact on the level of the butterfat differential since there is little variation from month to month in the Chicago butter price. In view of this, it appears unnecessary to compute

[1] Official notice is taken of the February 1980 and May 1981 issues of the Summary of Federal Milk Order Statistics, issued by the Dairy Division, AMS, USDA.

[2] Official notice is taken of the Annual Summary for 1975, Federal Milk Order Market Statistics, Statistical Bulletin No. 554, issued by the Dairy Division, AMS, USDA.

butterfat differentials applicable for the same month both on the current and preceding month's average monthly butter quotations, as is now the case.

Since the same butterfat differential would apply to all classes of milk, it is necessary under the order to provide only for a producer butterfat differential. Under this procedure, there is no need to provide for a separate butterfat differential for adjusting class prices nor is there any need to pool the value of butterfat in each class. All producer "differential" butterfat received by handlers will be priced the same to all handlers regardless of the class in which the butterfat is used. Accordingly, the order should be modified to provide only for the announcement and use of a single producer butterfat differential.

4. *Payment obligations that must be met by the operator of a partially regulated distributing plant.* The provisions of the order which specify the payment obligations that must be met by the operator of a partially regulated distributing plant [3] should not be modified on the basis of this record.

Under the present provisions of the order, an operator of a partially regulated distributing plant has three options in meeting the order's payment obligations on any fluid milk products that such operator disposes of on routes in the marketing area:

(a) The plant operator incurs no payment obligation if the operator purchases from any Federal milk order source an amount of milk classified and priced as Class I milk that is equivalent to such operator's fluid milk sales in the marketing area. Such purchases, however, may not be used to offset any obligation under another Federal order.

(b) The plant operator incurs no obligation under the order, except for an administrative assessment charge on the volume of fluid milk products disposed of in the marketing area, if the operator's payments to dairy farmers and to the producer-settlement fund of any Federal order are not less than the pool obligation that such operator would have incurred if such plant had been fully regulated under the order. Under this option, a plant operator whose payments for milk are less than the order's obligations may pay the difference either to his own dairy farmers or to the producer-settlement fund.[4]

(c) The plant operator may choose to pay to the producer-settlement fund the difference between the Class I price and the producer blend price of the order (both prices adjusted for the location of the plant) on all fluid milk products distributed in the marketing area (less any purchases of milk classified and priced as Class I milk under any Federal order).

The major cooperative on the market (LMCA) proposed the elimination of option B. The practical effect of the proposal under the current marketing situation would be that, irrespective of the amount that the plant operator may have paid his dairy farmers, a partially regulated distributing plant operator would be required to make payment into the producer-settlement fund on the quantity of Class I milk distributed in the marketing area. This would be at a rate equal to the difference between the order's Class I price and the blend price.

In addition to the proponent cooperative, the proposal was supported by the Nevada Milk Commission, Western General Dairies, Inc., and Anderson Dairy. These latter two parties, together with the proponent, operated at the time of the hearing the only three fully regulated distributing plants under the order.

Proponent's witness indicated that the elimination of option B is necessary to provide equity between dairy farmers supplying distributing plants fully regulated under the Lake Mead order and those dairy farmers supplying partially regulated distributing plants which also compete for Class I sales in the Lake Mead market. He stated that the proposal was prompted by the rapid increase in recent years in the proportion of the market's total Class I sales being made by the four partially regulated distributing plants serving the market. These plants are all located in the State of California and are fully regulated by the California State Bureau of Milk Stabilization.[5]

In support of the proposal, proponent's witness testified that option B, which allows a partially regulated plant operator to meet the order obligation by demonstrating that he has paid at least the order's full class use value for such milk, has enabled California handlers to incur little or no obligations to the producer-settlement fund of the Lake Mead order.

Because of this, the witness contended, producers supplying the fully regulated plants are disadvantaged since they are the only ones who share in the lower-valued reserve milk associated with the market. It was proponent's position that all Class I sales in the marketing area should contribute to the market's uniform producer price.

The spokesman for the proponent indicated that if option B were eliminated, the effect would be to equalize between the dairy farmers supplying regulated plants and the dairy farmers supplying California plants the benefits of the market's higher-valued Class I milk sales and the burden of carrying the market's reserve milk supplies. In his opinion, this would achieve equity between the two groups of dairy farmers involved.

In discussing the appropriateness of the proposal, the spokesman for the proponent noted that option B is uniformly provided in most other orders and may be an appropriate option available to the operator of a partially regulated distributing plant under the marketing conditions existing in those markets. However, the witness contended that option B is inappropriate for the Lake Mead market because of the unique circumstances and conditions existing in the market. He cited several factors to support this contention: (1) The Lake Mead market is small in comparison to the California market, both in terms of population and the volume of milk production involved; (2) The Class I milk disposition in the Lake Mead market by California plants is substantial in terms of the market's total Class I sales; (3) California plants are fully regulated by State regulation under terms markedly different than those of the Lake Mead order; (4) California plants are controlled by food chains operating both in the California and Lake Mead markets; (5) Class I sales in the Lake Mead market by California handlers represent only a minor part of their total Class I disposition; and (6) California plants normally are required by the State regulation to pay prices for Class I milk that are higher than those under the Lake Mead order. Because of these conditions prevailing in the California and Lake Mead markets, the witness concluded that option B is not equitable to fully regulated handlers and the producers supplying them.

At the hearing the proponent cooperative offered two alternative proposals in the event the Department did not adopt its proposal to eliminate option B. These alternative proposals (1) would eliminate the application of location adjustments to California plants in computing their order obligations under option B and (2) would apply the administrative assessment

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[3] A plant with route disposition in the marketing area of less than 10 percent of its receipts of fluid milk products or its total route disposition of fluid milk products is less than 50 percent of such plant's receipts.

[4] In this proceeding and as used herein, this option is commonly referred to as option B.

[5] For ease of discussion, these plants are referred to herein as "California plants" and the operators of such plants" as "California handlers."

charge on a California plant's total milk receipts rather than on just the quantity of Class I milk distributed in the marketing area as the order now provides.

Proponent did not present any testimony in support of the first alternative proposal. In the case of the second alternative proposal, proponent held that when the handler elects option B the market administrator must audit a California handler's plant on the same basis as though the plant were fully regulated. In this case, proponent contended, it is appropriate that such plant be subject to an administrative charge equivalent to what is assessed against a fully regulated plant. Proponent's witness claimed that this change in the application of the administrative assessment would fully defray the costs of verifying the utilization and payments of such a plant electing option B which, he claimed, are now borne in large part by fully regulated handlers.

At the hearing, three of the four California handlers that presently have Class I route disposition in the Lake Mead market opposed the proposal to remove option B. They claimed that the adoption of the proposal would either force them to discontinue serving the market because of higher product costs or to increase their wholesale and retail prices to noncompetitive levels. In their post-hearing briefs, opponents argued that the proponent failed to demonstrate a need for the proposal. Beyond this, they questioned the legality of the proposal on the basis that it may constitute a trade barrier prohibited by the Act.

The current provisions of the Lake Mead order prescribing the payment obligations of a partially regulated distributing plant have been in effect since the inception of the order in August 1973. They were patterned after those adopted in most of the Federal orders following a 1962 U.S. Supreme Court decision that in effect invalidated many of the existing order provisions relating to the pricing of milk not fully regulated under an order. The court ruled against provisions that resulted in partially regulated handlers paying a higher cost for raw milk than handlers fully regulated under an order. The Court concluded that such a payment constituted a trade barrier to the free movement of milk, and, thus, was prohibited by the Act authorizing Federal milk orders.

In this regard, the Assistant Secretary's June 1, 1973 decision (38 FR 15008) proposing a new order for the Lake Mead marketing area adopted the findings and conclusions of the Assistant Secretary's June 14, 1964 decision (29 FR 9002) which provided the basis for the three payment options available under the Lake Mead order to the operator of a partially regulated distributing plant. (These three options were summarized earlier.) These options were designed to place handlers operating partially regulated distributing plants and handlers operating fully regulated plants on a comparable basis with respect to the cost of Class I milk distributed in an order's marketing area.

The basis for option B was stated in the 1964 decision (referred to as option (a) in such decision) as follows:

"If the operator of the unregulated distributing plant elects to show that he has complied with option (a) above, it will be clearly evident that he has paid at least as much for his Class I sales as a fully regulated handler for in fact he has paid for all his milk as if he were fully regulated. Such an option accords him competitive parity with respect to his minimum class prices with regulated handlers. The regulated handler is required to pay for all his milk sold as Class I whether inside or outside the marketing area, at the Class I price established by the order. The operator of the unregulated distributing plant will show that he has also paid at least the equivalent of the order Class I and Class II prices for milk utilized in these repective classes. This option provides a meaningful determination of actual pay prices for milk by such an operator."

The 1964 decision also stated that:

"* * * This option will particularly accommodate such operators who, because of State regulation of milk prices, pay their dairy farmers at least the minimum prices required by the order regulating the handling of milk in the Federal order marketing area where they distribute milk. When he pays for his milk supply as much as if he were fully regulated, this option gives him an opportunity to distribute milk in regulated areas without incurring any additional financial obligations on such milk as the result of the order. At the same time, the fact that he has paid full class prices for his milk, will assure the integrity of the regulatory plan has been protected."

Option B thus was established as a means of providing competitive parity between fully regulated handlers who are required to pay the order's minimum class prices and those handlers who have only limited in-area sales and thus are not subject to full regulation and minimum prices. In dealing with the issue at hand, it is necessary to determine if there are overriding reasons, as suggested by proponent, for doing away with this means of maintaining competitive parity.

Option B, as well as the other two options available to the operator of a partially regulated distributing plant in meeting the order's payment obligations, was concluded to be appropriate at the outset of the Lake Mead order even though California plants at that time had substantial Class I sales in the Lake Mead market. Such sales were over 15 percent of the market's total Class I disposition during the first month (August 1973) that the order was effective. From 1974 through 1978 the percentage of total Class I sales in the Lake Mead market by the California plants increased slightly—from 19 percent in 1974 to 24 percent in 1978. However, this percentage jumped to over 36 percent in 1979, which was the basic factor prompting the proponent cooperative's proposal. The record reveals that this latter change was due largely to the closing of two pool distributing plants. Most of the Class I disposition from these two plants was taken over by California plants.

Early in 1980, the proponent cooperative started a bottling operation at one of the closed pool distributing plants, the former Logandale, Nevada plant of Knudsen Dairy. The cooperative then customed bottled part of the Lake Mead area sales that had been coming from Knudsen Dairy's California plant. As a result of this change, the share of the market's total Class I disposition by California plants declined in 1980 to 30 percent.[6]

In February 1981 Knudsen Dairy reacquired this plant from the cooperative.[7] With this change, it would be reasonable to expect that the share of the Lake Mead Class I market held by California handlers will return to about the same level that existed prior to 1979.

At the time of the hearing, there were four California plants distributing Class I milk on routes in the Lake Mead market. These plants were purchasing their milk in California under regulations established by the California Department of Agriculture. Their principal sales were in the Las Vegas portion of the marketing area to their own retail store outlets. Such sales, however, represented only a small part of each plant's total sales, all of which are large Class I volume plants.

As indicated, the operator of a partially regulated distributing plant is exempt from the payment provisions of the Lake Mead order (except for an administrative assessment) during those months in which such operator pays a utilization value for all milk received at the plant from dairy farmers that is equal to or in excess of what the

[6] Official notice is taken of the release entitled "Market Administrator's Report" issued monthly by the market administrator of the Lake Mead order for each month from January 1980 through April 1981.

[7] Official notice is taken of the commercial fact of this acquisition by Knudsen Dairy in February 1981.

payment obligation would have been if it had been fully regulated under the Lake Mead order. For the most part, California handlers have not incurred a payment obligation under the order on their Class I sales in the marketing area for they have elected option B. This is because they paid as much or more for their total milk supply under the classified pricing plan established by the State of California than they would have been requred to pay if they had been fully regulated by the Lake Mead order. A temporary aberration from this normal situation happened only when the California Class I prices became relatively low in relation to the Lake Mead order Class I prices. Under such circumstances, California handlers incurred a payment obligation to the producer-settlement fund.

Data placed in the record by a representative of the market administrator's office showed the extent of payments made by California handlers to the producer-settlement fund from the inception of the order in August 1973 until July 1980. During the 84 months covered by this tabulation, California handlers made no such payments in 69 of these months. In 15 of the remaining months, one or more of the California handlers made payments to the producer-settlement fund. However, this situation could change at any time as a result of price adjustments under either the State or Federal orders.

There is no indication that California partially regulated handlers enjoy a price advantage over fully regulated handlers in terms of the cost of Class I milk distributed in the marketing area. The order has not contributed to the inroads on the market's Class I sales by California handlers. Instead, it is apparent that the principal reason for the relatively large volume of in-area sales by these handlers is that the handlers operate stores in the Lake Mead market, which they choose to supply from their California plants. Because the handlers have no price advantage, over Lake Mead handlers on their raw milk, the reasons for this marketing arrangement presumably are due to other incentives, such as increased plant efficiency with large-volume operations.

On the basis of the marketing conditions described above, it is concluded that the present payment provisions applicable to partially regulated handlers are carrying out the basic intent of placing pool and nonpool milk on substantially similar competitive positions.

The problem presented by proponent in connection with its proposal involves basically a concern that there is a lack of equity between dairy farmers supplying fully regulated plants in the Lake Mead area and dairy farmers supplying partially regulated plants that also are competing for Class I sales in the Lake Mead market. Proponent's position was that, when associated with the Lake Mead market, all dairy farmers, whether they are supplying a fully or partially regulated plant, should share proportionately in the benefits of the Class I sales as well as in the burden of the lower-priced reserve milk for the market. Proponent believes that equity for both groups of dairy farmers can be achieved by charging a California handler the difference between the order's Class I and blend prices on all of the handler's sales in the Lake Mead market. Proponent claims that this charge in turn, would be passed on automatically to the California dairy farmer in the form of a lower price for their milk. The reasoning for this approach was that the California producers would thus share in the volume of the Lake Mead

Class I sales only to the extent of the Lake Mead blend price. This is because the California handlers would have to pay the difference between the Class I price and blend price to the Lake Mead pool. Proponent indicated that in this way the returns to California producers would be comparable to those of the Lake Mead producers who also share in the market's Class I sales only to the extent of the blend price.

The present partially regulated plant provisions of the order should not be amended for this purpose. There is no indication that the increased sales by California handlers have had any serious impacts on the local producers supplying the market. Such sales have not reduced the proportion of producer milk classified as Class I under the order and thus have not reduced the net price received by the producers associated with the Lake Mead market. Data introduced into the record show that in 1974, the first full year of operation of the order, producer milk classified as Class I was 63 percent of the total. With one minor exception, Class I utilization of producer milk has increased over the previous year from 1974 to 1980, reaching a high of 74 percent in 1980. During this same period, producer deliveries also increased—129 million pounds in 1974 compared to 146 million pounds in 1980, an increase of over 13 percent. Under these marketing conditions, it is concluded that the sales by California handlers in the Lake Mead market have not had an adverse effect on the Lake Mead producer price.

As indicated, the proponent cooperative proposed at the hearing that if its proposal to eliminate option B were not adopted then the California handlers involved in the market should be required to make a payment for administrative assessment based on their total plant receipts of milk from dairy farms. The proposal should not be adopted. There was no indication that the market administrator has inadequate funds to defray the costs of completing an audit to verify the utilization and payments of California handlers when they elect option B. Moreover, to apply the administrative assessment on the total receipts of a partially regulated plant would result in a monetary obligation to the California handlers, because of their large size, in excess of their obligation through the alternative of electing to make payment into the producer-settlement fund at the Class I price minus blend price rate. Under such circumstance, it would nullify the purpose of providing the partially regulated distributing plant operator alternatives in meeting the order's payment obligations on any fluid milk products that such operator distributes in the marketing area.

Finally, the proponent's alternative proposal to eliminate the application of location adjustments to California partially regulated distributing plants should not be adopted. The spokesman for the proponent cooperative did not present any specific testimony on this issue other than merely offering the proposal. Moreover, the record provides no evidence of marketing problems that would warrant not applying location adjustments to California partially regulated distributing plants.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the

aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

PART 1139—MILK IN THE LAKE MEAD MARKETING AREA

The recommended marketing agreement is not included in this decision because the regulatory provisions of it would be the same as those contained in the order that is proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Lake Mead marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

§ 1139.12 [Amended]

1. In § 1139.12, paragraph (b)(5) is removed.

2. In § 1139.40, paragraphs (b)(3) and (c)(1) are revised to read as follows:

§ 1139.40 Classes of utilization.

* * * * *

(b) * * *

(3) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese; and

(ii) Milkshakes and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes.

(c) * * *

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter, plastic cream, frozen cream, and anhydrous milkfat;

(iii) Any milk product in dry form;

(iv) Custards, puddings, and pancake mixes;

(v) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers;

(vi) Evaporated or condensed milk (plain or sweetened) in a consumer-type package, evaporated or condensed skim milk (plain or sweetened) in a consumer-type package, and any concentrated milk product in bulk, fluid form;

(vii) Any product containing 6 percent or more nonmilk fat (or oil) except those products specified in paragraph (b)(1) of this section; and

(viii) Any product that is not a fluid milk product and that is not specified in paragraphs (b) or (c)(1)(i) through (vii) of this section;

* * * * *

3. In § 1139.44, paragraph (a)(7)(vii) is revised to read as follows:

§ 1139.44 Classification of producer milk.

* * * * *

(a) * * *

(7) * * *

(vii) Receipts of milk from a dairy farmer pursuant to § 1139.12(b)(4);

* * * * *

4. Section 1139.53 is revised to read as follows:

§ 1139.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1139.55 [Removed]

5. Section 1139.55 is removed in its entirety.

6. In § 1139.60, paragraphs (a), (b), and (c) are revised to read as follows:

§ 1139.60 Handler's value of milk for computing uniform price.

* * * * *

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1139.44 by the applicable class prices (adjusted pursuant to § 1139.52) and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1139.44(a)(14) and the corresponding step of § 1139.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1139.74, that are applicable at the location of the pool plant;

(c) Add the following:

(1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1139.44(a)(9) and the corresponding step of § 1139.44(b); and

(2) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1139.44(a)(9) and the corresponding step of § 1139.44(b) for the current month; or

(ii) The hundredweight of skim milk and butterfat remaining in Class III after the computations pursuant to § 1139.44(a)(12) and the corresponding step of § 1139.44(b) for the preceding month, less the hundredweight of skim milk and butterfat specified in paragraph (c)(1) of this section;

* * * * *

7. Section 1139.61 is revised to read as follows:

§ 1139.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1139.60 for all handlers who filed reports prescribed by § 1139.30 for the month and who made the payments pursuant to § 1139.71 for the preceding month;

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1139.75;

(c) Add an amount equal to not less than one-half the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1139.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price."

8. Section 1139.62 is revised to read as follows:

§ 1139.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The 5th day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

9. Section 1139.74 is revised to read as follows:

§ 1139.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

Signed at Washington, D.C., on September 9, 1981.

William T. Manley,

Deputy Administrator.

[FR Doc. 81-26764 Filed 9-14-81; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Defective and Nonstandard Materials and Equipment, Bulletin 345-5

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A by withdrawing Bulletin 345-5, Defective and Nonstandard Materials and Equipment. This action is being taken as the document is obsolete and redundant. Essential material addressed in this document is more effectively covered in other REA bulletins.

DATE: Public comments must be received by REA no later than November 16, 1981.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: E. J. Cohen, Engineering Management and Standards Engineer, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-4561. The Draft Regulatory Impact Analysis describing the options considered in developing the proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et. seq.), REA proposes to amend Appendix A—REA Bulletins by withdrawing Bulletin 345-5, Defective and Nonstandard Materials and Equipment. This action has been reviewed under USDA procedures established to implement Executive Order No. 12291 and has been classified as not major. A Regulatory Flexibility Analysis is not required, nor is an OMB Circular A-95 Review.

As the material addressed in this 1958 Bulletin has been more effectively addressed in subsequent documents, it is considered to be in the best interest of all concerned to withdraw it. Alternatives considered were the retention of the document in its present form, or a revision of it and other related bulletins to centralize and update the material. The present redundancy causes confusion, while the revisions required to update 345-5 and related bulletins would be significant, and coverage of the material would be in a less optimal context, so that neither of these options was considered best.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851 Rural Telephone Loans and Loan Guarantees.

All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Dated: September 8, 1981.

Jack Van Mark,

Acting Administrator.

[FR Doc. 81-26761 Filed 9-14-81; 8:45 am]

BILLING CODE 3410-15-M

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7 CFR Part 1701

Proposed Revision of REA Bulletin 44-7 (Electric) and 345-3 (Telephone)

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration proposes to amend Appendix A—REA Bulletins to provide for the revision of REA Bulletin 44-7 (Electric) and 345-3 (Telephone) "Acceptance of Standards, Standard Specifications, Drawings, Materials and Equipment for the Electric and Telephone Programs." The proposed revision will provide separate bulletins for the telephone and electric programs. This proposal deals with revised Bulletin 44-7 (Electric) "Standards, Standard Specifications, Drawings, Materials, Equipment, and Programs and Inspection Agencies for the Procurement of Timber Products for the Electric Program." It will bring organizational references up to date, consolidate electric program rules on the subject matter which are presently contained in REA Bulletin 44-7, Bulletin 44-1, "Specifications and Standards for Materials and Equipment," and Bulletin 43-6, "Selection and Inspection of Materials and Equipment." REA Bulletin 44-7 will include provisions for acceptance and removal of timber products inspection agencies to provide a more equitable procedure, and include new guidelines and procedures for removing-for-cause items from REA Bulletin 43-5, "List of Materials Acceptable for Use on Systems of REA Electrification Borrowers."

Upon issuance of the proposed revision of Bulletin 44-7, which will contain all the rules presently in Bulletins 44-1 and 43-6, REA proposes to amend Appendix A—REA Bulletins to provide for (1) the rescision of Bulletin 44-1 and (2) the removal of Bulletin 43-6 from Appendix A. A proposal for revised REA Bulletin 345-3 (Telephone) will be issued separately.

DATE: Public comments must be received by REA no later than: November 16, 1981.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Archie W. Cain, telephone (202) 447-3813. A Draft Impact Analysis has been prepared and is available from the Director, Engineering Standards Division, at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A—REA Bulletins to provide for the revision of REA Bulletin 44-7 (Electric) and 345-3 (Telephone), "Acceptance of Standards, Standard Specifications, Drawings, Materials and Equipment for the Electric

and Telephone Programs," resulting in separate bulletins for each program. This proposal deals with revised REA Bulletin 44–7 (Electric), "Standards, Standard Specifications, Drawings, Materials, Equipment, and Programs and Inspection Agencies for the Procurement of Timber Products for the Electric Program." This proposal has been issued in conformance with Executive Order No. 12291, Federal Regulation, and has been determined to be "not major."

The Regulatory Flexibility Act (Public Law 96–354) does not apply to this action, therefore, a Regulatory Flexibility Analysis has not been prepared.

The proposed changes in REA requirements in revised REA Bulletin 44–7 (Electric) are as follows:

(a) Add provisions for acceptance and removal of timber products inspection agencies by the technical standards committees to provide more equitable procedures.

(b) Include new guidelines and procedures for removing-for-cause items from REA Bulletin 43–5, "List of Materials Acceptable for Use on Systems of REA Electrification Borrowers," in order to provide due process.

Copies of the draft revision are available from the Director, Engineering Standards Division, at the above address. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: September 8, 1981.

Jack Van Mark,

Acting Administrator.

[FR Doc. 81–26790 Filed 9–14–81; 8:45 am]

BILLING CODE 3410–15–M

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7 CFR Part 1701

Specification for Self-Supporting Cable, PE–38, Bulletin 345–29

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A by issuing a revised Bulletin 345–29, Specification for Self-Supporting Cable, PE–38. With increased labor rates for cable installations, self-supporting cable has become more cost-effective than lashed cable. The revision of this specification reflects this increased interest and the advances in technology since the last revision in 1971.

DATE: Public comments must be received by REA no later than November 16, 1981.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3827. The Draft Regulatory Impact Analysis describing the options considered in developing the proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electriciation Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A by issuing a revised Bulletin 345–29, Specification for Self-Supporting Cable, PE–38. This proposed action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major." A Regulatory Flexibility Analysis is not required, nor is an OMB A–95 review applicable.

This specification was last revised in July 1971 to reflect the product available at that time. Due to the relatively high first cost of self-supporting cable, compared to lashed cable, and to the relatively small savings in installation costs, due to low labor rates, this product was not used extensively.

With recent drastic increases in labor rates, the product is now cost-effective for many installations. As technology has advanced in the decade since that last issuance of PE–38, this revision reflects these changes and provides a cost-effective tool for rural telephony.

Retaining the document in its 1971 form was considered inadvisable as this would have forced the use of obsolescent materials. Changing only sections of the document via addenda was considered and rejected as this would have forced the user to refer between several documents, thus increasing the likelihood of confusion and errors in applying the specification. The comprehensive revision, as undertaken, was considered to be the best available option.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

REA, in its effort to assure the best, most cost-effective telecommunications for rural America, proposes to revise PE–38. This revision will permit the use of improved self-supporting cable resulting in more cost-effective installations. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Dated: September 8, 1981.

Jack Van Mark,

Acting Administrator.

[FR Doc. 81–26739 Filed 9–14–81; 8:45 am]

BILLING CODE 3410–15–M

FEDERAL ELECTION COMMISSION

11 CFR Part 114

Communications by Corporations and Labor Organizations

Corrections

In FR Doc. 81–26192 appearing at page 44964 in the issue of Tuesday, September 8, 1981, make the following changes:

(1) On page 44964, third column, three lines from the top of the page, "Is is proposed * * *" should have read "It is proposed * * *".

(2) In the same column, in § 114.3, in the heading, "* * * corporation of labor organization * * *" should have read "* * * corporation or labor organization * * *"; and the 16th line of paragraph (a) now reading "* * * organizations permitted under 11 CFR * * *" should have read "* * * organizations may also choose to make the nonpartisan communications permitted under 11 CFR * * *".

(3) On page 44965, first column, paragraph (4) of § 114.3(c), in the first line, *"Partisan Registeration* * * *" should have read *"Partisan Registration* * * *".

(4) In the same column, in the heading for § 114.4, "* * * corporation of labor organization * * *" should have read "* * * corporation or labor organization * * *".

(5) In the second column of page 44965, in paragraph (i) of § 114.4(a)(2), in the fourth line, "* * * apear * * *" should have read "* * * appear * * *".

(6) In the third column of page 44965, change the following:

Seventeenth line from the top of the page (in § 114.4(a)(3)(i)), "* * * cadidate * * *" should have read "* * * candidate * * *".

Twenty lines from the bottom of the page (in § 114.4(b)(2)(i)(A)), "* * * candidates(s) * * *" should have read "* * * candidate(s) * * *".

Thirteen lines from the bottom of the page (in § 114.4(b)(2)(i)(B)), the reference now reading "* * * 11 CFR 114.4(b)(2)(A) * * *" should have read "* * * 11 CFR 114.4(b)(2)(i)(A) * * *".

(7) On page 44966, first column, six lines from the top of the page (in paragraph (ii) of § 114.4(b)(2)), "* * * means of communications * * *" should have read "* * * means of communication* * *".

(8) In the third column of the same page, in the second line of paragraph (i) of § 114.4(c)(1), "* * * sponsors the drivers * * *" should have read "* * * sponsors the drives * * *".

(9) On page 44967, first column, between the tenth and eleventh lines, insert the beginning of paragraph (d) to § 114.4 as follows:

"(d) *Incorporated Membership Organizations, Trade Associations, Cooperatives and Corporations Without* * * *".

(10) In the third column of page 44967, between the second and third lines from the top of the page, insert the following to indicate that paragraph (e) of § 114.4 was not amended:

"(e) (No change)"

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 203

[Docket No. 79N-0186]

Prescription Drug Products; Patient Package Insert Requirements; Public Meeting and Request for Comments; Amendment to Previous Announcement

AGENCY: Food and Drug Administration, HHS.

ACTION: Amended notice of public meeting and request for comments.

SUMMARY: The Food and Drug Administration announced in the Federal Register of August 21, 1981, (46 FR 42470) a public meeting to be held September 30, 1981, to receive comments on its proposed patient package insert program. This document announces that a second meeting will be held on the same subject and at the same location. Mark Novitch, Deputy Commissioner of Food and Drugs, will preside at the second meeting.

DATE: The meeting will be held October 1, 1981, beginning at 9:30 a.m.

ADDRESS: The meeting will be held in the auditorium, HHS North Bldg., 330 Independence Ave. SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Louis A. Morris, Bureau of Drugs (HFD-175), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4893.

Dated: September 11, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-26965 Filed 9-14-81; 8:45 am]

BILLING CODE 4110-03-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 307

[Docket No. 81-3]

Royalty Payable Under Compulsory License for Making and Distributing Phonorecords (Mechanical Royalty); Possible Commencement of Proceeding for Determination of Interim Adjustment

September 9, 1981.

AGENCY: Copyright Royalty Tribunal.

ACTION: Request for comments on possible commencement of rulemaking proceeding.

SUMMARY: The Copyright Royalty Tribunal (Tribunal) published in the Federal Register of January 5, 1981 (46 FR 891-92) its final rule concerning the adjustment of the royalty payable under the compulsory license for the making and distributing of phonorecords. The findings to accompany the rule were published in the Federal Register of February 3, 1981 (46 FR 10466-87). The Tribunal rule adjusted the royalty payable under the compulsory license, and provided for interim adjustment of the royalty on the basis of changes in record prices.

Several parties filed petitions for judicial review of the Tribunal's rule. These petitions challenged the Tribunal's rule and findings on a variety of grounds. These petitions were consolidated in the United States Court of Appeals for the District of Columbia Circuit (Recording Industry Association of America v. Copyright Royalty Tribunal and the United States of America, No. 80-2545). The Court on June 23, 1981 entered its judgment in the consolidated cases and on August 27, 1981 issued its opinion. The Court set aside the Tribunal's interim adjustment mechanism, but in "all other respects" upheld the Tribunal's decision.

The Court has remanded the case to the Tribunal "for the limited purpose of allowing the Tribunal to consider whether it wishes to adopt an alternative scheme for interim adjustments."

The Tribunal now invites comments on whether the Tribunal should commence a proceeding for the purpose of modifying the record price interim adjustment mechanism as set forth in 37 CFR 307.3 and 307.4, in accordance with the opinion of the Court of Appeals so as to exclude "annual exercise of discretion" by the Tribunal.

DATE: Any such comments shall be submitted not later than October 1, 1981.

ADDRESS: Comments shall be addressed to the Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Rm. 450, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Thomas C. Brennan, Acting Chairman, (202) 653-5175.

Thomas C. Brennan,

Acting Chairman, Copyright Royalty Tribunal.

[FR Doc. 81-26678 Filed 9-14-81; 8:45 am]

BILLING CODE 1410-01-M

VETERANS ADMINISTRATION

38 CFR Part 1

Disclosure of Loan Guaranty Information

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The VA (Veterans Administration) is proposing to revise the provision of the general regulations which governs the release of information from loan guaranty files. The proposed regulation is designed to assure compliance with the Freedom of Information Act, the Privacy Act, and the Veteran's Rehabilitation and Education Amendments of 1980.

DATES: Comments must be received on or before October 15, 1981. It is proposed to make this regulation effective on the date of final approval.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW, Washington, D.C. 20420. All written comments received will be available for public inspection only at the above address between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until October 26, 1981. Persons visiting the Veterans Administration Central Office for the purpose of inspecting public comments will be received by the Veterans

Services Unit in room 132 of the above address.

FOR FURTHER INFORMATION CONTACT: George Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW Washington, D.C. 20420, (202) 389–3042.

SUPPLEMENTARY INFORMATION: The proposed § 1.512 would require field stations to release information from loan guaranty files in accordance with the Freedom of Information Act (Pub. L. 89–487, 5 U.S.C. 552), the Privacy Act (Pub. L. 93–579, 5 U.S.C. 552a) and the confidentiality provisions of the law governing veterans benefits (38 U.S.C. 3301), as amended by the Veterans' Rehabilitation and Education Amendments of 1980 (Pub. L. 96–466).

Section 1.512(a) sets forth the general requirements concerning the disclosure of information from loan guaranty files.

Section 1.512(b) lists those items including appraisal reports and certificates of reasonable value, which will be disclosed to any person under the Freedom of Information Act, provided the veteran-purchaser's or dependent's name and address are deleted before release to any person not a party to the related transaction.

Section 1.512(c) will implement 38 U.S.C. 3301(h)(2)(A) through (C), as added by Pub. L. No. 96–466. It allows the VA to release a veteran's or other person's name and address when requesting or verifying data used to evaluate creditworthiness in connection with loans made, insured or guaranteed by the VA, or where necessary to allow a person to obtain a specially adapted housing grant. Releases shall also be made in connection with a person's request to assume the liability of or substitute loan graranty entitlement on an existing VA loan, or where necessary for sale of a loan or installment sales contract held by the VA.

Section 1.512(d) will implement 38 U.S.C. 3301(e), (h)(2)(A) and (D) as amended by Pub. L. No. 96–466 with respect to loan guaranty matters. The proposed regulatory paragraph authorizes release of a veteran's or other person's VA loan account status to a prospective creditor or other person or organization which is considering extending credit, providing services, or other benefits to the VA loan obligor. In administering the credit underwriting function of the Loan Guaranty Program, the VA relies on credit data furnished by other credit granting persons and organizations. The VA uses such data in order to underwrite loans with a proper regard for both the Government's fiscal interests and the veteran's ability to carry his or her prospective financial obligations. The VA cannot expect to receive data from other organizations without reciprocating by furnishing other prospective creditors with like data on the status of a veteran's financial obligations undertaken through his or her participation in the Loan Guaranty Program. Therefore, these releases are made as a part of the ongoing administration of the program. They also serve to assist individuals who might otherwise be unable to obtain credit or some other benefit from a prospective creditor or other organization without verification of the payment history on his or her obligation to the VA. Releases shall be made only if the person or organization seeking the information furnishes the individual's name, address, or other necessary identifying information.

Section 1.512(e) will provide that appropriate records of any releases from loan guaranty files shall be maintained in the affected files.

The Administrator hereby certifies that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, Secs. 601–612. Pursuant to 5 U.S.C.(b), this proposed regulation is therefore exempt from the initial and final Regulatory Flexibility analyses requirements of Secs. 603 and 604. The proposed regulation, if adopted, should have no effect upon small government jurisdictions, small organizations, or small businesses. The regulations are proposed to assure VA compliance with existing statutory provisions relating to the release of information from loan guaranty files.

The proposed regulation has been reviewed pursuant to Executive Order 12291 and has been found to be a nonmajor regulation. The official program numbers and titles of the VA programs affected by this action as set forth in OMB Circular A–89, Catalog of Federal Domestic Assistance, are: (1) 64.106, Specially Adapted Housing for Disabled Veterans; (2) 64.113, Veterans Housing—Direct Loans and Advances; (3) 64.114, Veterans Housing—Guaranteed and Insured Loans; (4) 64.118, Veterans Housing—Direct Loans for Disabled Veterans, and (5) 64.119, Veterans Housing—Mobile Home Loans.

Approved: September 3, 1981.

Robert P. Nimmo,

Administrator.

(38 U.S.C. 210(c), 1803(c), 1819(g), 1820(a) and 3301(c); (e) and (h)).

PART 1—GENERAL PROVISIONS

38 CFR 1.512 is revised to read as follows:

§ 1.512. Disclosure of loan guaranty information.

(a) The disclosure of records or information contained in loan guaranty files is governed by the Freedom of Information Act, 5 U.S.C. 552; the Privacy Act, 5 U.S.C. 552a; the confidentiality provisions of 38 U.S.C. 3301, and the provisions of 38 CFR 1.500–1.584. In addition, the release of names and addresses and the release of certificates of reasonable value, appraisal reports, property inspection reports, or reports of inspection on individual water supply and sewage disposal systems shall be governed by paragraphs (b), (c), (d), and (e) of this section.

(b)(1) Upon request, any person is entitled to obtain copies of certificates of reasonable value, appraisal reports, property inspection reports, or reports of inspection on individual water supply and sewage disposal systems provided that the individual identifiers of the veteran-purchaser(s) or dependents are deleted prior to release of such documents. However, individual identifers may be disclosed in accordance with paragraph (b)(2) of this section. The address of the property being appraised or inspected shall not be considered an individual identifier. (38 U.S.C. 3301(a), (c))

(2) Individual identifiers of veteran purchasers or dependents may be disclosed when disclosure is made to the following;

(i) The individual purchasing the property;

(ii) The current owner of the property;

(iii) The individual that requested the appraisal or report;

(iv) A person or entity which is considering making a loan to an individual with respect to the property concerned; or

(v) An attorney, real estate broker, or any other agent representing any of these persons. (38 U.S.C. 3301(c), (h)(2)(D))

(c)(1) The Administrator may release the name, address, or both, and may release other information relating to the identity of an applicant for or recipient of a Veterans Administration-guaranteed, insured, or direct loan, specially adapted housing grant, loan to finance acquisition of Veterans Administration-owned property, release of liability, or substitution of entitlement to credit reporting agencies, companies or individuals extending credit, depository institutions, insurance companies, investors, lenders, employers, landlords, utility companies and governmental agencies for any of

the purposes specified in paragraph (c)(2) of this section.

(2) A release may be made under paragraph (c)(1) of this section

(i) To enable such parties to provide the Veterans Administration with data which assists in determining the creditworthiness, credit capacity, income or financial resources of the applicant for or recipient of loan guaranty administered benefits, or verifying whether any such data perviously received is accurate; or

(ii) To enable the Administrator to offer for sale or other disposition any loan or installment sale contract. (38 U.S.C. 3301(h)(2)(A), (B), (C))

(d) Upon request, the Administrator may release information relating to the individual's loan transaction to credit reporting agencies, companies or individuals extending credit, depository institutions, insurance companies, investors, lenders, employers, landlords, utility companies and governmental agencies where necessary in connection with a transfer of information on the status of a Veterans Administration loan account to persons or organizations proposing to extend credit or render services or other benefits to the borrower in order that the person or organization may determine whether to extend credit or render services or other benefits to the borrower. Such releases shall be made only if the person or organization seeking the information furnishes the individual's name, address or other information necessary to identify the individual. (38 U.S.C. 3301(e), (h)(2)(A) and (D))

(e) The Administrator shall maintain information in the loan guaranty file consisting of the date, notice and purpose of each disclosure, and the name and address of the person to whom the disclosure is made from the loan guaranty files. (38 U.S.C. 3301(h)(2)(D), 5 U.S.C. 552a(c))

[FR Doc. 81-26755 Filed 9-14-81; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Northern Mariana Islands; Mail Security Regulations

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize postal employees in the Northern Mariana Islands to cooperate with customs officials of the Government of the Northern Mariana Islands by permitting them to examine the exterior of mail entering the Islands which may contain dutiable or prohibited articles and to open without a search warrant or the consent of the sender or addressee, such incoming mail as the Postal Service has authority to open without a search warrant or consent. This would extend to customs officials of the Northern Marianas the same cooperation which is authorized to be given by postal employees in Guam and American Samoa to customs officials of the Government of Guam and the Government of American Samoa, respectively, and by postal employees in the U.S. Virgin Islands to officials of the U.S. Customs Service in the Virgin Islands, under existing postal regulations.

DATE: Comments must be received on or before October 15, 1981.

ADDRESS: Written comments should be directed to the Assistant General Counsel, Special Projects Division, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, outside room 9010, 475 L'Enfant Plaza West, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Scott L. Reiter or Charles R. Braun (202) 245-4620.

SUPPLEMENTARY INFORMATION: Postal mail security regulations generally prohibit, with expressly stated exceptions, the opening, detention, and delay of mail, and the disclosure of information concerning mail in postal custody. Domestic Mail Manual ("DMM"), part 115, incorporated by reference, 39 CFR 111.1 (1980), 46 FR 33980, 33997 (1981). Among the exceptions are authorizations for postal employees in the U.S. Virgin Islands, in Guam, and in American Samoa, to permit customs officials of the United States, of Guam, and of American Samoa, respectively, without a search warrant, to open, inspect, and read the contents of incoming unsealed mail, and to examine the exterior (but not open or read the contents) of incoming sealed mail. DMM 115.91b, 43 FR 14313-14 (1978) (Virgin Islands); DMM 115.94, 43 FR 14314 (1978) (Guam); DMM 115.98, 44 FR 37229-30 (1979) (American Samoa).

The Government of the Northern Mariana Islands ("NMI") has asked the Postal Service to provide for a similar arrangement with respect to mail entering the NMI to enable NMI customs officials adequately to enforce NMI customs laws prohibiting the importation of certain items and NMI internal revenue laws imposing taxes on imported articles. The Postal Service has concluded that there is no reasonable basis to withhold from customs officials of the NMI Government the same cooperation which the Postal Service presently affords to Guam customs officials in Guam, to American Samoa customs officials in American Samoa, and to U.S. customs officials in the U.S. Virgin Islands. No comments in opposition to the provisions authorizing such cooperation in these areas were received before or after their adoption. Accordingly, the Postal Service proposes to adopt regulations authorizing the same cooperation with the customs officials of the Northern Mariana Islands that is authorized with the other above-named customs officials.

Although exempted by 39 U.S.C. 410(a) from the provisions of the Administrative Procedure Act regarding proposed rulemaking, 5 U.S.C. 553 (b), (c), the Postal Service invites comments on the following proposed amendment of the Domestic Mail Manual, incorporated by reference in the Federal Register. 39 CFR 111.1.

Part 115 of the Domestic Mail Manual is proposed to be amended by adding a new section 115.95 as follows:

.95 *Customs Inspection in the Northern Mariana Islands.*

Postal employees in the Saipan post office and the Rota post office may permit designated Northern Mariana Islands customs officials, without a search warrant, to open, inspect, and read the contents of unsealed mail, and to examine the exterior (but not open or read the contents) of sealed mail which originates outside the Northern Mariana Islands and is addressed for delivery within the Northern Mariana Islands. Upon the request of Northern Mariana Islands customs officials, postal employees in the Saipan post office or the Rota post office may ask the addressee of sealed mail which Northern Mariana Islands customs reasonably suspects of containing dutiable or prohibited matter to authorize Northern Mariana Islands customs officials to open and inspect the contents of the sealed mail, or to appear at the post office to accept delivery of the sealed mail in the presence of a Northern Mariana Islands customs official.

An appropriate amendment of 39 CFR 111.3 to reflect this change will be published if the proposal is adopted.

(39 U.S.C. 401, 403, 404, 3623(d))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-26717 Filed 9-14-81; 8:45 am]

BILLING CODE 7710-12-M

Notices

Federal Register
Vol. 46, No. 178
Tuesday, September 15, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Adjustment of Section 22 Import Fees on Sugar

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to increase by one cent the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended, whenever the average daily spot price quotation for raw sugar for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect, is less than 14.0 cents. This notice announces such adjustment.

EFFECTIVE DATE: 12:01 AM (local time at point of entry) September 11, 1981. (See Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250, (202) 447–6723.

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4631, dated December 28, 1978, headnote 4 of Part 3 of the Appendix to the TSUS was amended to provide for quarterly adjusted fees on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect, (1) exceeds 16.0 cents, the fee then in effect shall be decreased by one cent, or (2) is less than 14.0 cents, the fee then in effect shall be increased by one cent. However, the fee may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

The average of the daily spot price quotations for raw sugar (item 956.15) for the 10 consecutive market day period August 24–September 4, inclusive, within the third calendar quarter of 1981, adjusted as provided in headnote 4(c) to a United States delivered basis, plus the fee of 0 cents per pound now in effect for item 956.15 [13.90 cents +0=13.90 cents], is less than 14 cents per pound. Accordingly, the fee of 0 cents per pound for item 956.15 is required to be increased by one cent, resulting in a fee for item 956.15 of 1.00 cents per pound and a fee for items 956.05 and 957.15 of 1.52 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce any adjustment in the fees made within a calendar quarter, certify such adjustment fees to the Secretary of the Treasury, and file notice thereof with the **Federal Register** within 3 market days of such determination. This notice is therefore being issued in order to comply with the requirements of headnote 4(c).

Effective Date

In accordance with headnote 4(c)(v) of part 3 of the Appendix to the Tariff Schedules of the United States, the adjustment in fee made herein shall not apply to the entry or withdrawal from warehouse for consumption of sugar exported (as defined in § 152.1 of the Customs Regulations) on a through bill of lading to the United States from the country of origin before the effective date of the adjustment.

Notice

Notice is hereby given that, in accordance with the requirements of headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the remainder of the third calendar quarter of 1981 shall be as follows:

Item and Fee

956.05—1.52 cents per lb.
956.15—1.00 cents per lb.
957.15—1.52 cents per lb.

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of headnote 4.

Signed at Washington, D.C. on September 10, 1981.

John R. Block,
Secretary of Agriculture.

[FR Doc. 81–26743 Filed 9–10–81; 1:28 pm]
BILLING CODE 3410–10–M

Rural Electrification Administration

Oglethorpe Power Corp.; Finding of no Significant Impact

The Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance to Oglethorpe Power Corporation (OPC) for 30 percent ownership of a 49 MW combustion turbine. The turbine is located at the Plant Wansley Electric Generating Station in Heard and Carroll Counties, Georgia, and has already been constructed. The project was required to provide black-start capability and loss of power protection at Plant Wansley, to increase system reliability, and to provide black-start capability at Plant Yates.

OPC prepared a Borrower's Environmental Report (BER) concerning the project. Based on this BER and other support documents, REA prepared an Environmental Assessment which

incorporates the BER. REA's independent evaluation of the project leads to the conclusion that approval of the project does not represent a major Federal action that will significantly affect the quality of the human environment, and in accordance with REA Bulletin 20–21:320–21, REA has made a FONSI.

Copies of the FONSI, REA's Environmental Assessment and OPC's Borrower's Environmental Report may be obtained from the office of Frank W. Bennett, Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382–1400 or at the Office of Oglethorpe Power Corporation, 2888 Woodcock Boulevard, Atlanta, Georgia 30341.

This Program is listed in the catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 8th day of September 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-26756 Filed 9-14-81; 8:45 am]

BILLING CODE 3410-15-M

COMMISSION ON CIVIL RIGHTS

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on October 14, 1981, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110. The purpose of this meeting is to discuss the following: (1) Consultation on Layoffs in Public Education and the Impact on Minorities and (2) the report, Massachusetts Bay Transportation Authority and Affirmative Action in the Private Sector.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Bradford Brown, 17 Roberta Jean Cir., P.O. Box 95, E. Falmouth, MA 02536, 617/540–0276 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, 617/223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 9, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-26705 Filed 9-14-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Elemental Sulphur From Canada; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke in Part

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding and tentative determination to revoke in part.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on elemental sulphur from Canada. The review covers 47 of the 52 known producers and/or exporters of this merchandise to the United States, generally for the period July 1, 1978 through November 30, 1980. The review indicates the existence of dumping margins in particular periods for certain exporters.

As a result of this review the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value on each of their shipments during the period of review. Where company-supplied information was inadequate or no information was received, the Department has used the best information available.

The Department also has tentatively determined to revoke the finding with respect to the following companies: Home Oil Co., Ltd., Sulconam, Inc., and Irving Oil, Ltd. There have been no imports of elemental sulphur from Canada, produced and sold by Home Oil Co., Ltd., Sulconam, Inc., and Irving Oil, Ltd., at less than fair value from July 1, 1978 through November 30, 1980, and there is no evidence of any sales at less than fair value since that time. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 15, 1981.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2704).

SUPPLEMENTARY INFORMATION:

Procedural Background

On December 17, 1973, a dumping finding with respect to elemental sulphur from Canada was published in the Federal Register as Treasury Decision 74–1 (38 FR 34655). A notice of "Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise sold by Shell Canada, Ltd., Hudson's Bay Oil & Gas, Ltd., Gulf Oil Canada, Ltd., Chevron Standard, Ltd., and Canadian Superior Oil, Ltd., was published by the Department of the Treasury in the Federal Register on February 8, 1979 (44 FR 8057–8). Reasons for the tentative determination were given in the notice and interested parties were given an opportunity to present written or oral views. Treasury received comments from the petitioner; however, Treasury took no final action on the proposed revocation. The Department of Commerce ("the Department") published in the Federal Register of April 9, 1981 (46 FR 21214–16) a notice of preliminary results and tentative determination to revoke in part with respect to these five companies.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department. The Department published in the Federal Register of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on elemental sulphur from Canada. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of elemental sulphur, currently classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 52 exporters to the United States of elemental sulphur from Canada, 47 of which are covered by this notice. This review covers varying time periods

through November 30, 1980. Treasury reviewed all prior periods. The applicable periods are indicated for each firm under *Preliminary Results of the Review*.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Six exporters stated that they did not export elemental sulphur to the U.S. during the period July 1, 1978 through November 30, 1980. The estimated deposit rate for these firms shall be the most recent information for each firm. Twenty-eight exporters refused to respond to our questionnaire or gave inadequate information. For these non-responsive exporters we proceeded to use the best information available to determine the assessment and estimated deposit rates. The best information available is the highest current rate among all responding firms with shipments during the review period, which is 75.19 percent.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as defined in section 772 of the Tariff Act or sections 203 or 204 of the 1921 Act, as appropriate.

Purchase price was based either on the ex-factory, packed price to an unrelated purchaser in the U.S., or to an unrelated trading company for export to the U.S., as appropriate. Exporter's sales price was based on the ex-factory, packed or loaded price to the first unrelated purchaser in the United States. Where applicable, deductions were made for brokerage charges, commissions to unrelated parties, Canadian and U.S. inland freight and discounts to distributors. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act. For companies where we used home market price, at least 3.7 percent of total sulphur production (and at least 7 percent of the amount sold to third countries) was sold in the home market during the covered period. The foreign market values were adjusted, where applicable, for Canadian inland freight, commissions to unrelated parties, packing differentials, and handling charges. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exists:

Manufacturer/exporter	Time period	Margin (percent)
Amerada Minerals	7/1/78–11/30/80	75.19
Amoco Canada	1/1/79–11/30/80	75.19
Amoco/Canamex	6/1/79–11/30/80	0
Aquitaine	7/1/78–12/31/78	75.19
	1/1/79–11/30/80	2.46
Aquitaine/Brimstone	12/1/73–12/31/78	75.19
	1/10/79–11/30/80	75.19
Aquitaine-Canamex	6/1/79–11/30/80	21.22
BP Canada	7/1/78–11/30/80	75.19
BP Canada/Canamex	6/1/79–11/30/80	75.19
Brimestone Export/all other mfrs	12/1/73–11/30/80	75.19
Candel Oil	7/1/78–11/30/80	[1] 28.90
Canadian Reserve	7/1/78–11/30/80	19.06
Canadian Reserve/Canamex	6/1/79–11/30/80	18.96
Canadian Bright Sulphur	2/1/76–11/30/80	75.19
Canamex Commodity/all other mfrs	12/1/73–5/31/79	75.19
CDC Oil & Gas	7/1/78–11/30/80	[1] 28.90
Cities Service	10/1/79–11/30/80	75.19
Cornwall Chemicals	12/1/74–12/31/75	75.19
	1/1/76–11/30/80	3.84
Dome Petroleum	7/1/78–11/30/80	[1] 28.90
Fanchem	3/1/79–11/30/80	75.19
Home Oil	7/1/78–11/30/80	0
Home Oil/Canamex	6/1/79–11/30/80	45.75
Imperial Oil	7/1/78–12/31/78	.32
	1/1/79–12/31/79	1.08
	1/1/80–11/30/80	8.47
Irving Oil	7/1/78–11/30/80	0
Koch Oil	2/1/74–11/30/80	75.19
Marathon Oil	7/1/78–11/30/80	75.19
Marathon Oil/Canamex	6/1/79–11/30/80	75.19
Mobil Oil	7/1/78–12/31/78	12.90
	1/1/79–11/30/80	75.19
Pacific Petroleum	1/1/75–11/30/80	75.19
Pan Canadian	6/1/76–12/31/78	75.19
	1/1/79–11/30/80	0
Pan Canadian/Canamex	1/1/79–11/30/80	0
Petro Canada Exploration	3/1/74–12/31/78	75.19
	1/1/79–11/30/80	.56
Petrofina	12/1/79–11/30/80	75.19
Petrofina/Canamex	6/1/79–11/30/80	75.19
Petrogas Processing	7/1/78–11/30/80	75.19
Petrosul	5/1/78–11/30/80	75.19
Real Int'l Marketing	7/1/78–11/30/80	75.19
Real Int'l/Canamex	6/1/79–11/30/80	75.19
Suconam [2]	7/1/78–11/30/80	0
Sulbow Minerals	2/1/80–11/30/80	75.19
Sulmar Canada	6/1/73–11/30/80	75.19
Suncor, Inc. [3]	12/1/73–11/30/80	75.19
Texaco Canada	7/1/78–11/30/80	[1] 28.90
Tiger Chemcials	11/1/78–11/30/80	.77
Union Oil	7/1/78–12/31/78	0
	1/1/79–11/30/80	75.19
Union Texas	7/1/78–11/30/80	75.19
West Decalta	7/1/78–11/30/80	[1] 28.90
Westcoast Transmission	7/1/78–11/30/80	[1] 28.90

[1] No shipments made during period.
[2] Formerly known as Laurentide Sulphur & Chemicals, Ltd.
[3] Formerly known as Sun Oil Company of Canada, Ltd. and Great Canadian Oil Sands, Ltd.

The proposed rate for Imperial Oil is based on shipments from Imperial's Sarnia, Ontario refinery. The Department has learned of additional shipments originating in Vancouver, British Columbia, and is attempting to determine the appropriate foreign market value to which to compare these shipments. The results of this examination will be presented in the *Final Results of Review*.

In addition, the Department has concluded that, for the period July 1, 1978 through November 30, 1980, there were no sales of elemental sulphur made at less than fair value by Home Oil Company, Ltd., and Irving Oil, Ltd., and that, for the period January 1, 1979 through November 30, 1980, there were no sales made at less than fair value by Sulconam, Inc. Prior Treasury review indicated no sales at less than fair value by Sulconam, Inc. for the period July 1, 1978 through December 31, 1978. There is no indication of any sales at less than fair value by these three companies since that time. As provided for in § 353.54(e) of the Commerce Regulations, the three firms have agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that elemental sulphur thereafter produced and imported by these three companies into the United States is being sold at less than fair value.

Tentative Determination

As a result of our review we tentatively determine to revoke the finding on elemental sulphur with respect to Sulconam, Inc., Home Oil Company, Ltd., and Irving Oil, Ltd. If this revocation is made final it will apply to entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after September 15, 1981.

Interested parties may submit written comments on these preliminary results on or before October 15, 1981, and may request disclosure and/or a hearing on or before September 30, 1981. Any request for an administrative protective order must be made no later than September 21, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase or export dates, as appropriate, during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of elemental sulphur entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall

remain in effect until publication of the final results of the next administrative review.

This administrative review, tentative determination to revoke in part and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53 and 353.54 of Commerce Regulations (19 CFR 353.53 and 353.54).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 9, 1981.

[FR Doc. 81-26712 Filed 9-14-81; 8:45 am]

BILLING CODE 3510-25-M

University of Iowa Hospitals and Clinics, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00337. Applicant: The University of Iowa, Hospitals and Clinics, Newton Road, Iowa City, Iowa 52252. Article: Single-Photon Emission Tomography System with Accessories. Manufacturer: Medimatic A/S, Denmark. Intended use of article: The article is intended to be used to study blood flow into different brain regions. Two experiments planned are: (1) The study of rCBF in both healthy subjects and in patients as it measures brain activity in a series of functions, such as various reading problems, stuttering and hearing, (2) the study of rCBF in patients threatened by stroke or who are suffering stroke "in evolution" and migraine as caused by minor to major reduced blood flow to the brain. A better understanding of how various brain functions are affected by cerebral vascular diseases and other higher brain disorders will be sought. The article will not be used in formal education courses but its results will be used to enhance and broaden graduate training. Application received by Commissioner of Customs: August 4, 1981.

Docket No. 81-00338. Applicant: NINCDS-Lab of Neuro-Otolaryngology, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205. Article: Election Microscope, Model JEM-100CX/SEG with Accessories. Manufacturer: Japan Electron Optics Ltd., Japan. Intended use of article: The article will be used to carry out medium and high resolution ultrastructural investigations in the auditory and other regions of the nervous system. These investigations are to include:

1. Immunohistochemical localizations of a variety of substances related to synaptic activity in the organ of Corti and cochlear nucleus.

2. Developmental study of the organ of Corti, spiral ganglion cells and cochlear nucleus.

3. Studying purified membrane and synaptosome preparations. The article will also be used to train graduate and postgraduate students involved in doctoral level research requiring electron microscopy. Application received by Commissioner of Customers: August 4, 1981.

Docket No. 81-00339. Applicant: Lucile Reid Cancer Institute, 2920 H Street, Suite R, P.O. Box 2471, Bakersfield, CA 93303. Article: Automated Ultrasound Body Imager. Manufacturer: Ausonics, Ltd., Australia. Intended use of article: The article will be used for clinical and scientific research in the field of human ultrasonic diagnosis. The fully automated, high resolution features of this diagnostic instrument provides several capabilities not currently available in domestic instrumentation. It will permit large image reconstruction of the heart at selected phases of the cardiac cycle to provide images of structure position or in a motion format it will provide diagnostic information concerning the movement of structures. It will also permit rapid and accurate calculations of the volumes of organs, as well as the display of structures in 3-dimension, using a computerized facility. Certain organs are not well studied by contact B-scanning techniques, for example, excellent images of the breast can be obtained for analysis of tissue characteristics and for the identification of disease processes. The heads of infants can also be imaged to demonstrate the size of the ventricular system and to evaluate surgical procedure aimed at decompression. Testicles can also be readily imaged to permit more invasive diagnoses of a variety of diseases. Also the article's results on mammogaphy will be correlated with thermography of the breast. In addition, the article will be used to educate 12 resident physicians who will have continuous exposure to the article. Application received by Commissioner of Customs: August 4, 1981.

Docket No. 81-00340. Applicant: Presbyterian Hospital, Columbia-Presbyterian Medical Center, 622 West 168th Street, New York, New York 10032. Article: Therac 6/Neptune Linear Accelerator with Accompanying Accessories. Manufacturer: Atomic Energy of Canada, Canada. Intended use of article: The article will be used to study the complex and sophisticated techniques in radiation therapy as an important part of clinical cancer research. Experiments will be conducted to verify the dose distribution of the deep-seated cancers and vital normal tissues and organs. In addition, the article will be used in a resident teaching program for continuing education of physicians specializing in the field of Radiation Therapy. Application received by Commissioner of Customs: August 4, 1981.

Docket No. 81-00341. Applicant: Medical College of Wisconsin, National Biomedical ESR Center, 8701 Watertown Plank Road, P.O. Box 26509, Milwaukee, Wisconsin 53226. Article: Laser Energy Meter with Accessories. Manufacturer: GEN-TEC Inc., Canada. Intended use of article: The article will be used to test and monitor the energy output of a single pulse from a high energy Excimer Laser. The immediate purpose will need measurement of the outputs in the 250 to 450 nm region and the 10.6 u region. Application received by Commissioner of Customs: August 4, 1981.

Docket No. 81-00342. Applicant: U.S. Department of Interior, Bureau of Reclamation, P.O. Box 25007, Code D-1523, Denver, CO 80225. Article: High Resolution Double-Focusing Mass Spectrometer, VG-7070H with Accessories. Manufacturer: VC-Organic Limited, United Kingdom. Intended use of article: The article will be used for the following intended purposes:

(1) Establish the chemical composition of PVC, CPE, polyurethanes and other polymeric type materials in order to study aging characteristics, long-term stability.

(2) Identification of hazardous waste which is generated by Bureau projects.

(3) Identification of organic and halogenated organic compounds from natural and treated water supplies.

(4) Identification of organic chemicals which will adversely effect the performance of reverse-osmosis membranes through chemically attacking the membrane or altering the physical and mechanical properties of the membrane.

(5) Characterization of the reverse-osmosis membranes to establish whether any chemical degradation of the membrane has taken place. The reverse-osmosis membranes are used in desalination of brackish waters.

(6) Identification of organic compounds in reservoirs, impoundments and selected irrigation systems for Environmental Impact Statements, and to establish organic water quality.

These studies involve the separation and isolation of complex mixtures of organic compounds from a variety of sample matrices. Application received by Commissioner of Customs: August 4, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26711 Filed 9-14-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Man-Made Fiber Apparel Products From the Socialist Republic of Romania

September 10, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing from 41,162 to 44,044 dozen the consultation level for women's, girls' and infants' man-made fiber coats in Category 635, produced or manufactured in the Socialist Republic of Romania and exported during the agreement year which began on April 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).)

SUMMARY: Pursuant to the terms of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, the consultation level established for man-made fiber apparel products in Category 635 is being increased for the agreement year which began on April 1, 1981 and extends through March 31, 1982.

EFFECTIVE DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On March 25, 1981, there was published in the **Federal Register** (46 FR 18576) a letter dated March 19, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of wool and man-made fiber textile products, including Category 635, produced or manufactured in the Socialist Republic of Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on April 1, 1981 and extends through March 31, 1982. In the letter published below, in accordance with the terms of the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the twelve-month level previously established for Category 635 to 44,044 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

September 10, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on March 19, 1981 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain wool and man-made fiber textile products, produced or manufactured in Romania.

Effective on September 10, 1981, paragraph 1 of the directive of March 19, 1981 is amended to increase the level of restraint for man-made fiber textile products in Category 635 to 44,044 dozen for the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982.[1]

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-26802 Filed 9-14-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after March 31, 1981.

Soliciting Public Comment on Bilateral Textile Consultations With the Government of Sri Lanka To Include a Review of Trade in Categories 347 (Cotton Trousers) and 445/446 (Wool Sweaters)

September 14, 1981.

In accordance with the Committee for the Implementation of Textile Agreement's wish to solicit public comment whenever practicable on U.S. Government actions implementing the GATT Arrangement Regarding International Trade in Textiles (the "Multifiber Arrangement" or "MFA"), and pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 7, 1980 between the Governments of the United States and Sri Lanka, the United States requested, on August 24, 1981, consultations with the Government of Sri Lanka regarding exports of cotton trousers in Category 347 and wool sweaters in Category 445/446. It is anticipated that these consultations will be held shortly.

The purpose of this notice is to advise that if no solution is agreed upon between the two governments within 90 days of the date of delivery of the aforementioned note requesting consultations, entry and withdrawal from warehouse for consumption of cotton and wool textile products in Categories 347 and 445/446, produced or manufactured in Sri Lanka and exported to the United States during the twelve-month period beginning on November 22, 1981 and extending through November 21, 1982 may be restrained at respective levels of 255,988 dozen and 33,070 dozen. The United States reserves the right to invoke import controls on these categories during the 90-day consultation period.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 347 or 445/446 is invited to submit such comments or information in ten copies to Mr. Paul T. O'Day, Chairman, Committe for the Implementation of Textile Agreements

and Deputy Assistant Secretary of Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, it is requested that comments be submitted promptly.

Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 2808, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, and may be obtained upon written request. Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the U.S. textile and apparel import restraint program is not a waiver in any respect of the exemption contained in 5 U.S.C. 533(a)(1) and 554(a)(4) relating to matters which constitute "a foreign affairs function of the United States".

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-28980 Filed 9-14-81; 11:05 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Notice of Amendments to Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Proposed deletion and amendment of systems of records notices.

SUMMARY: The Department of the Army proposes to delete one system notice and amend another system notice for two systems of records subject to the Privacy Act of 1974. Specific changes to the system of records being amended are set forth below, followed by that system printed in its entirety as amended.

DATE: Actions shall be effective proposed on October 15, 1981 unless comments are received which would result in a contrary determination.

ADDRESSES: Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Room 1146, Hoffman Building I, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General (DAAG-AMR-R), HQDA, at the above address; telephone: 703-325-6163.

SUPPLEMENTARY INFORMATION: Department of the Army systems of records appear in the following editions of the **Federal Register:**

FR Doc. 79-37052 (44 FR 73729), December 17, 1979
FR Doc. 81-85 (46 FR 1002), January 5, 1981
FR Doc. 81-897 (46 FR 6460), January 21, 1981
FR Doc. 81-3374 (46 FR 9692), January 29, 1981
FR Doc. 81-5883 (46 FR 13544), February 23, 1981
FR Doc. 81-7250 (46 FR 15531), March 6, 1981
FR Doc. 81-7621 (46 FR 16111), March 11, 1981
FR Doc. 81-10724 (46 FR 21220), April 9, 1981
FR Doc. 81-10791 (46 FR 21221), April 9, 1981
FR Doc. 81-12660 (46 FR 23523), April 27, 1981
FR Doc. 81-15109 (46 FR 27518), May 20, 1981
FR Doc. 81-16678 (46 FR 29981), June 4, 1981
FR Doc. 81-19043 (46 FR 33069), June 26, 1981
FR Doc. 81-25194 (46 FR 43231), August 27, 1981

The proposed amendment does not fall within the criteria of 5 U.S.C. 552a(o), which requires an altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services Department of Defense.

September 9, 1981.

DELETION

A1107.21aDAMO

System Name:

Still Picture Files (Personalities/ Categories) (44 FR 73980), December 17, 1979.

Reason:

Records were transferred to Defense Audiovisual Agency.

AMENDMENT

A1205.30aDAAG

System Name:

Individual Travel Files (44 FR 73993), December 17, 1979.

Changes:

System Location:

Delete entry and substitute therefor: "Travel offices at installations, major commands, and Army Staff Agencies. Addresses are listed in the Appendix to the Army's Inventory of System Notices (44 FR 73702), December 17, 1979."

Categories of individuals covered by the system:

Delete entry and substitute therefor: "Army military (active and reserve) and civilian personnel, US Government personnel assigned to Army and other military installations, their dependents and bona fide members of individual's household, and US personnel traveling under Army sponsorship, including contractors."

Categories of records in the system:

Delete entry and substitute therefor: "Documents pertaining to travel of persons on official Government business, and/or their dependents, including but not limited to travel assignment orders, authorized leave enroute, availability of quarters and/or shipment of household goods and personal effects, application for passport/visas, the passport on completion of authorized travel, security clearance, and relevant messages and correspondence. Records may also include clearances for official travel to or within certain foreign countries which may require military theater/area and/ or Department of State authorization pursuant to DOD Directive 5000.7, AR 1-40, or other established military requirements applying in oversea commands for personal unofficial travel in certain foreign countries."

Authority for maintenance of the system:

Delete entry and substitute therefor: "10 U.S.C., sections 704 and 3012; Status of Forces Agreement or other similar international agreements binding on military forces."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and substitute therefor: "By the Department of the Army: to process official travel requests (and personal travel to restricted areas, if in oversea commands) for military and civilian personnel; to determine eligibility of individual's dependents to travel; to obtain necessary clearances where foreign travel is involved, including assisting individual in applying for passports and visas and counseling where proposed travel involves visiting/transiting communist countries. Information may be disclosed to attaché or law enforcement authorities of foreign countries; to US Department of Justice or Department of Defense legal/intelligence/investigative agencies for security, investigative, intelligence, and/or counterintelligence operations."

Safeguards:

Add "Buildings in which records are housed are either located on controlled access post or otherwise secured when offices are closed."

Notification procedure:

Delete entry and substitute therefor: "Information may be obtained from the Administrative or Personal Services Office of the installation/major command at which travel request/clearance was initiated."

Record access procedures:

Delete entry and substitute therefor: "Individuals may submit written requests for information in this system to the appropriate decentralized record custodian, furnishing full name, grade/rank, signature, and details of travel authorization/clearance documents being accessed. Custodian of records may require notarized statement of indentity."

Contesting record procedures:

Delete entry and substitute therefor: "The Army's rules for contesting contexts and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Delete entry and substitute therefor: "From the individual requesting travel authorization/clearance, and from existing records."

A1205.30aDAAG

SYSTEM NAME:

Individual Travel Files

SYSTEM LOCATION:

Travel offices at installations, major commands, and Army Staff Agencies. Addresses are listed in the Appendix to the Army's Inventory of System Notices (44 FR 73702), December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military (active and reserve) and civilian personnel, US Government personnel assigned to Army and other military installations, their dependents and bona fide members of individual's household, and US personnel traveling under Army sponsorship, including contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to travel of persons on official Government business, and/or their dependents, including but not limited to travel assignment orders, authorized leave enroute, availability of quarters and/or shipment of household goods and personal effects, application for passport/visas, the passport on completion of authorized travel, security clearance, and relevant messages and correspondence. Records may also include clearances for official travel to or within certain foreign countries which may require military theater/area and/or Department of State authorization pursuant to DOD Directive 5000.7, AR 1–40, or other established military requirements applying in oversea commands for personal unofficial travel in certain foreign countries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., sections 704 and 3012; Status of Forces Agreement or other similar international agreements binding on military forces.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army: to process official travel requests (and personal travel to restricted areas if in oversea commands) for military and civilian personnel; to determine eligiblity of individual's dependents to travel; to obtain necessary clearances where foreign travel is involved, including assisting individual in applying for passports and visas and counseling where proposed travel involves visiting/transiting communist countries. Information may be disclosed to attaché or law enforcement authorities of foreign countries; to US Department of Justice or Department of Defense legal/intelligence/investigative agencies for security, investigative, intelligence, and/or counterintelligence operations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons who are properly screened, cleared, and trained. Buildings in which records are housed are either located on controlled access post or otherwise secured when offices are closed.

RETENTION AND DISPOSAL:

Records are retained for 2 years after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the Administrative or Personal Services Office of the installation/major command at which travel request/clearance was initiated.

RECORD ACCESS PROCEDURES:

Individuals may submit written requests for information in this system to the appropriate decentralized record custodian, furnishing full name, grade/rank, signature, and details of travel authorization/clearance documents being accessed. Custodian of records may require notarized statement of identity.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contexts and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual requesting travel authorization/clearance, and from existing records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–26729 Filed 9–14–81; 8:45 am]
BILLING CODE 3810–08–M

Office of the Secretary

Defense Systems Management College; Board of Visitors Meeting

A meeting of the Defense Systems Management College (DSMC) Board of Visitors will be held in Building 204, Fort Belvoir, VA, on Thursday, October 8, 1981, from 11:00 a.m. until 4:30 p.m. The agenda will include a review of accomplishments related to the system acquisition education, system acquisition research, and information collection and dissemination missions. It will also include a review of the DSMC plans, resources and operations. The meeting is open to the public; however, because of limitations on the space available, allocation of seating will be made on a first-come, first-served basis. Persons desiring to attend the meeting should call Lieutenant Commander Judy Ray (703–664–1175) to reserve a seat.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 10, 1981.

[FR Doc. 81–26796 Filed 9–14–81; 8:45 am]
BILLING CODE 3810–01–M

Joint Strategic Target Planning Staff Scientific Advisory Group; Closed Meeting

Pursuant to the provisions of Section 10 of Public Law 92–463, effective January 5, 1973 as amended by Public Law 94–409, notice is hereby given that a closed meeting of the Joint Strategic Target Planning Staff Scientific Advisory Group will be held at Offutt Air Force Base, Nebraska, during the period: Tuesday, December 1, 1981 through Wednesday, December 2, 1981. The entire meeting is devoted to the discussion of classified information within the meaning of Section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public.

Dated: September 9, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 81–26726 Filed 9–14–81; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81–25–NG]

Natural Gas Imports; Great Lakes Gas Transmission Co.; Application for Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Application to Import Natural Gas from Canada for Resale.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on July 9, 1981, of an application from Great Lakes Gas Transmission Company (Great Lakes) for authorization to import natural gas from Canada. Great Lakes proposes to import up to 25,000 Mcf of natural gas per day from TransCanada Pipelines Limited (TransCanada) for the period November 1, 1982 through October 31, 1991, and to resell the gas, in equal shares, to Natural Gas Pipeline Company of America (Natural) and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin). Great Lakes proposes to pay a price equal to the U.S.-Canadian border price. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act (NGA) and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on October 15, 1981.

FOR FURTHER INFORMATION CONTACT:

Stephen Gary, Division of Natural Gas, Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, RG–13, Washington, D.C. 20461, (202) 653–3220

Sue D. Sheridan (Office of General Counsel Natural Gas and Mineral Leasing), 1000 Independence Avenue, S.W., Forrestal Building, Room 6E–042, Washington, D.C. 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION: By an order issued June 1, 1971, by the Federal Power Commission (FPC) (FPC Docket No. CP71–223), Great Lakes was authorized to import from TransCanada up to 17 Bcf of natural gas annually for fuel and other company uses available to it under Gas Purchase Contract No. 3 (Contract No. 3), dated June 11, 1971, with TransCanada. By an amendment to Contract No. 3 dated April 30, 1981, transCanada agreed to sell Great Lakes, for resale, up to 25,000 Mcf per day of the company use volumes not previously taken under Contract No. 3.

In an application filed with ERA on July 9, 1981, Great Lakes requested authorization to import up to 25,000 Mcf per day for resale, over a nine year term beginning November 1, 1982 and ending on October 31, 1991.

Great Lakes states that the price of the gas will be a price equal to the U.S.-Canadian international border price, currently U.S. $4.94 per MMBTU. Great Lakes also states that the take-or-pay provisions under the contract are the same as those under its Gas Purchase Contract No. 1, as amended (Contract No. 1) with TransCanada, dated July 14, 1967, which was authorized by the FPC in an order issued on June 20, 1967 (FPC Docket No. CP66–112). Under Contract No. 1, Great Lakes is required to take and pay for, or nevertheless pay for, seventy-five percent (75%) of the total contract quantity times the number of days in the contract year.

Great Lakes states that it has filed an application with the Federal Energy Regulatory Commission (FERC) requesting authority to construct and operate additional facilities needed for receipt and marketing of the volumes of gas proposed to be imported (FERC Docket No. CP81–375).

Great Lakes proposes to resell the 25,000 Mcf per day to Natural and to Michigan Wisconsin in equal shares. Both Natural and Michigan Wisconsin are current customers of Great Lakes. Natural and Michigan Wisconsin have indicated a need for these additional volumes for their system supplies in correspondence attached to the application. Great Lakes states that the proposed import will not be inconsistent with the public interest, since authorization of these small volumes will have a *de minimus* impact on the United States balance of payments.

Other information: Any person wishing to become a party to the proceeding or to participate as a party in any conference or hearing which might be convened must file a petition to intervene. Any person may file a protest with repect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., on October 15, 1981.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of the application noticed herein is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on September 8, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81–26838 Filed 9–14–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. G-6613-000, et al.]

Champlin Petroleum Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

September 8, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and dated filed		Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
G-6613-000, Aug. 26, 1981 [1]		Champlin Petroleum Company, Two Allen Center, Suite 1900, 1200 Smith Street, Houston, Texas 77002.	Cities Service Gas Company, Witcher Plant, Witcher Field, Logan County, Oklahoma.	(2)	14.65
C-10083-001	D Aug. 24, 1981	Texaco Inc. (Operator), *et al.*, P.O. Box 2420, Tulsa, Oklahoma 74102.	Northern Natural Gas Company, Hugoton Field, Finney County, Kansas.	(3)	
G-13299-001	C Sept. 20, 1978	Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Company, Goering Unit, Section 22, T26N, R24W, Harper County, Oklahoma.	(4)	14.73
G-18142-000	D Aug. 24, 1981	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221	Transwestern Pipeline Company, Laverne, et al., Fields—Beaver, Ellis and Harper Counties, Oklahoma.	(5)	
C160-252-001	D Aug. 25, 1981	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Panhandle Eastern Pipe Line Company, Guymon-Hugoton (Deep) Field, Texas County, Oklahoma.	(6)	
C167-601-000	D Aug. 13, 1981	Texaco Inc., P.O. Box 2420, Tulsa, Oklahoma 74102	Michigan Wisconsin Pipeline Company, Lovedale N.W. Field, Harper County, Oklahoma.	(7)	
C167-1437-000	D Aug. 26, 1981	do	Natural Gas Pipeline Company of America, South Balko Field, Beaver County, Oklahoma.	(7)	
C167-1437-000	D Aug. 26, 1981	do	Natural Gas Pipeline Company of America, Balko South Field, Beaver County, Oklahoma.	(7)	
C178-450-000	D Aug. 24, 1981	Ladd Petroleum Corporation, 830 Denver Club Building, Denver, Colorado 80202.	Arkansas Louisiana Gas Company, Cedars Field, Le Flore County, Oklahoma.	(8)	
C178-109-002	E Aug. 18, 1981 [9]	Buckhorn Petroleum Co. (Succ. in Interest to Texoma Production Company), P.O. Box 5928, T.A., Denver, Colorado 80217.	Kansas-Nebraska Natural Gas Company, Inc., Wallace Creek Field, Natrona County, Wyoming.	(10)	15.025
C181-475-000	(G-4950) B Aug. 24, 1981.	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221	United Gas Pipe Line Company, Brandt Field, Goliad County, Texas.	(11)	
C181-476-000	B Aug. 21, 1981	W. W. Lindsey, P.O. Box 902, Pikeville, Kentucky 41501	Columbia Gas Transmission Corporation and Kentucky West Virginia Gas Co., five counties in eastern Kentucky—Floyd, Knott, Pike, Letcher and Perry Counties.	(12)	
C181-477-000	(C177-689) B Aug. 24, 1981.	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001	Columbia Gas Transmission Corporation, Bayou Jean LaCroix Field, Terrebonne Parish, Louisiana.	(13)	
C181-478-000	A Aug. 27, 1981	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, California 94120.	Trunkline Gas Company, Vermilion Block 213, Offshore Louisiana.	(14)	15.025
C181-479-000	A Aug. 27, 1981	ANR Production Company, 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Texas 77056.	Michigan Wisconsin Pipe Line Company, Mustang Island Block A-85, Offshore Texas.	(15)	14.73

[1] Applicant is filing to change delivery point from Southeast Quarter of Section 21, Township 15 North, Range 4 West, Logan County, Oklahoma to Southeast corner of Section 28, Township 15 North, Range 4 West, Logan County, Oklahoma.
[2] Applicant is filing under Gas Purchase Contract dated March 21, 1949, as amended and further amended by amendment dated October 22, 1980.
[3] Leases have been terminated or forfeited.
[4] Applicant is filing under Gas Purchase Contract dated March 9, 1957, amended by amendment dated May 8, 1978.
[5] Sun released rights to these leases because all economically recoverable reserves had been depleted.
[6] The subject contract expired of and by its own terms on November 1, 1980. Production has never occurred on these leases in the zone dedicated to Panhandle; however, they are held by oil and gas production in shallower formations.
[7] Leases expired or were terminated.
[8] Well is not economic at rate in effect. Purchaser has declined Ladd's request to amend the contract to provide for the payment of NPGA rates.
[9] By Assignment dated December 31, 1980, Texoma has assigned all of its interest in the Wallace Creek State No. 1 Well to Buckhorn Petroleum Co.
[10] Applicant proposes to continue the sale of gas to Kansas-Nebraska at the existing delivery point under an existing gas sales contract between Narmco Inc. (Del.) and Kansas-Nebraska Natural Gas Company, Inc., dated October 11, 1977.
[11] G. H. Brandt, et ux, Lease expired and was released by "Release of Oil and Gas Lease" dated November 28, 1979.
[12] Under the Kentucky Revised Statute 278.485, Applicant is filing to abandon sufficient gas to supply approximately 625 domestic customers.
[13] The available supply of gas is depleted, and the contract has been cancelled.
[14] Applicant agrees to accept a Certificate at the rates prescribed by the NGPA.
[15] Applicant is filing under Gas Sales Contract dated August 21, 1981.
Filing code: A.—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total succession. F—Partial succession.

[FR Doc. 81-26617 Filed 9-14-81: 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-473-000]

Florida Gas Transmission Co.; Application

September 8, 1981.

Take notice that August 20, 1981, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP81-473-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and appurtenant facilities in Putnam County, Florida, in order to deliver natural gas to Florida Power and Light Company (FP&L), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that pursuant to an agreement dated March 12, 1964, Amoco Production Company delivers gas to Applicant for the account of FP&L in Louisiana and that Applicant subsequently delivers such gas to FP&L at certain designated plants in Florida. It is further submitted that FP&L has requested Applicant to provide an additional delivery point under such agreement.

In order to establish such delivery point, Applicant proposes to construct and operate approximately 19 miles of 12-inch pipeline extending from a point on Applicant's existing mainline in Putnam County, Florida, to a proposed new delivery point on FP&L's Putnam generating station, East Palatka, Putnam County, Florida, along with a meter and regulator station and other appurtenant facilities pursuant to a July 23, 1981 agreement with FP&L.

Applicant estimates the cost of the proposed facilities to be $6,627,000, for which cost Applicant would be reimbursed by FP&L.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26808 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-48-000]

Melvin Grundmeier; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 8, 1981.

On July 16, 1981, Melvin Grundmeier filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a Jacobs 10 kilowatt Wind Electric System to be located in Storm Lake, Iowa. The primary energy source of the facility is wind. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility. Applicant states that this is the only unit installed at the site owned by Melvin Grundmeier.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before October 15, 1981, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26809 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS71-0571-000, et al.]

Houston Oil & Gas Co., Inc. (Southeastern Public Service Co.), et al.; Applications for "Small Producer" Certificates [1]

September 8, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS71-0571-000.	Aug. 14, 1981 [1].	Houston Oil & Gas Company, Inc. (Southeastern Public Service Company), 1625 Southwest Tower, Houston, Texas 77002.
CS74-414	July 10, 1981 [2]	Comanche Production Inc. (Ilus Industries, Inc.), 4121 West 83rd Street, Prairie Village, Kansas 66208.
CI81-112-000	Aug. 24, 1981	Bruce F. Evertson—Operator, P.O. Box 397, Kimball, Nebraska 69145.
CS81-113-000	Aug. 21, 1981	Marie C. Anderson, 19100 Crest Ave. #10, Castro Valley, California 94546.
CS81-114-000	Aug. 21, 1981	Richard M. Fulsaas, West 1417 Kiernan, Spokane, Washington 99205.
CS81-115-000	Aug. 20, 1981	West Delta Block 52 Partners, 610 Six Piedmont Center, Atlanta, Georgia 30305.

[1] Applicant is filing to change its name from Southeastern Public Service Company to Houston Oil & Gas Company, Inc.

[2] Applicant has informally advised that as a result of a corporate acquisition, Ilus Industries, Inc. (CS74-414) has been absorbed by Comanche Production Inc. This filing has been filed to reflect a name change from Ilus Industries, Inc. to Comanche Production Inc.

[FR Doc. 81-28811 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5199-000]

Mac Hydro-Power Co., Inc.; Application for Preliminary Permit

September 8, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on August 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5199 to be known as the Ladies Canyon Creek Project located on Ladies Canyon Creek in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary A. McKnight, Vice President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Hwy., P.O. Box 5193, Auburn, California 95603.

Project Description—The project would consist of: (1) A 5-foot high, 20-foot long concrete diversion structure; (2) a 4,200-foot long, 48-inch diameter low pressure conduit; (3) a 4,000-foot long, 24-inch diameter steel penstock; (4) a powerhouse with a total installed capacity of 5,100 kW; and (5) a 300-foot long, 12.5-kV transmission line which would connect the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 44 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before November 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the tile "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICANT", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representatives of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28815 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5198-000]

Mac Hydro-Power Co., Inc.; Application for Preliminary Permit

September 8, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on August 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5198 to be known as the Haypress Creek (Middle Facility) located on Haypress Creek (Middle Facility) in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary A. McKnight, Vice President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Hwy., P.O. Box 5193, Auburn, California 95603.

Project Description—The project would consist of: (1) A 5-foot high, 20-foot long concrete diversion structure; (2) a 3,200-foot long, 48-inch diameter low pressure conduit; (3) a 2,200-foot long, 24-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 5,100 kW; and (5) a 1.5-mile long, 12.5kV transmission line which would connect the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 44 million kWh,

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000 to $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26816 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-176]

Michigan Wisconsin Pipe Line Co.; Status of Proceeding

September 8, 1981.

On August 27, 1981, the presiding judge in this proceeding certified to the Commission the question of the current status of the case. The proceeding was terminated and the docket closed on November 12, 1980.

Michigan Wisconsin filed a notice of withdrawal of its application on October 8, 1980. In accordance with our regulations, 18 CFR 1.11(d), the withdrawal was deemed effective, in the absence of Commission directions to the contrary, after 30 days. The Director of the Office of Pipeline and Producer Regulation, acting under the authority delegated to him by the regulations, 18 CFR 375.307(g), notified the parties by letter of November 12, 1980, that the withdrawal had been accepted and became effective on that date. No further action is warranted.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26821 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5185-000]

San Juan Hydro, Inc.; Applicant for Preliminary Permit

September 8, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5185 to be known as the Cedar Bluff Reservoir Dam near Brownell, Kansas located on Cedar Bluff Reservoir on the Smokey Hill River in Trego County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, Inc., 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 5185 would consist of: (1) An existing flood control gate; (2) an existing conduit to be used as a penstock; (3) a proposed powerhouse to be built at the end of the existing conduit; (4) a proposed tailrace; (5) a proposed transmission line that would interconnect with an existing utility line 5 miles east of the project site; and (6) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 1.0 MW and the annual energy output to be 1.5 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 12 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other federal, state, and local agencies as estimated by the Applicant to be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 4, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, state, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION".

"COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28612 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5189-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

September 8, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5189 to be known as the Wilson Lake Dam near Wilson, Kansas located on Wilson Lake, on the Saline River in Russell County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, Inc., 120 Valdiva Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 5189 would consist of: (1) An existing flood control gate; (2) an existing conduit to be used as a penstock; (3) a proposed powerhouse to be built at the end of the existing conduit; (4) a proposed tailrace; and (5) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 2.0 MW and the annual energy output to be 5.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 12 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 12, 1981, either the competing applicaton itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 12, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28613 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5187-000]

San Juan Hydro, Inc., Application for Preliminary Permit

September 8, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5187 to be known as the Pomona Reservoir Dam near Vassar, Kansas located on Pomona Reservoir on Hundred and Ten Mile Creek in Osage County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, Inc., 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 5187 would consist of: (1) An existing flood control gate; (2) an existing conduit to be used as a penstock; (3) a proposed powerhouse to be built at the end of the existing conduit; (4) a proposed tailrace; (5) a proposed transmission line to run from the powerhouse to a Kansas Power and Light substation in Vassar, Kansas, 3¼ miles from the proposed site; and (6) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 2.0 MW and the annual energy output to be 4.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 12 month permit to prepare a definitive project report, including a preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application.

Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 13, 1981.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26614 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5076-000]

St. Vrain and Left Hand Water Conservancy District; Application for Preliminary Permit

September 8, 1981.

Take notice that the St. Vrain and Left Hand Water Conservancy District (Applicant) filed on July 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5076 known as the Coffintop Pumped Storage Project located on St. Vrain Creek in Sections 23 through 27, T3N, R71W, of the 6th P.M., in Boulder County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the applicant should be directed to: Mr. James A. Cinea, Executive Director, St. Vrain and Left Hand Water Conservancy Disatrict, 500 Coffman, Suite 107, Longmont, Colorado 80501.

Project Description—The proposed project would utilize the existing Price Reservoir (impounded by Button Rock Dam which is owned by the City of Longmont, Colorado) as the forebay for a pumped storage hydroelectric project. The reservoir to be created by the proposed Coffintop Dam would be utilized as the proposed hydroelectric project's afterbay reservoir. Button Rock dam, an earth and rockfill dam 925 feet long with a maximum height of 215 feet, impounds Price Reservoir with a surface area of 248 acres and storage capacity of 16,000 acre-feet at maximum surface elevation 6,400 feet m.s.l. The proposed Coffintop Dam would be an earth and rockfill or a roller compacted concrete dam 2,350 feet long and 350 feet high (if concrete) or 365 feet high (if earthfill), impounding a reservoir with a surface area of 800 acres and storage capacity of 115,000 acre-feet at maximum surface elevation 5,740 feet m.s.l. Additional new project works would consist of: (1) a 15-foot diameter concrete-lined tunnel/penstock 17,800 feet long; connecting to (2) a 15-foot diameter steel-lined tunnel/penstock 2,350 feet long; leading to (3) a powerhouse with an installed capacity of 156 MW consisting of 3 pump-turbines rated at 52 MW each; (4) a surge chamber, 5,950 feet upstream of the powerhouse; (5) a 1,550-foot long 15-foot diameter concrete-lined tunnel leading from the powerhouse to (6) a tailrace; (7) a transmission line 2.5 miles long; and (8) other appurtenances. Applicant estimates average annual energy production would be 573,955,000 kWh. Project energy would be sold to area utility systems including the Public Service Company of Colorado, Tri-State Generation and Transmission Association, and the Platte River Power Authority.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a permit for a period of 36 months during which time it would complete studies in progress including geological surface and deep drilling investigations, environmental studies and cost and financing studies. Additional proposed studies would include an environmental impact study. Based on the results of studies, preliminary and final design and preparation of an application for FERC license would be accomplished. Cost of studies in progress and proposed would not exceed $25,000,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission,

Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28610 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5266-000]

Lawrence R. Taft; Application for Preliminary Permit

September 8, 1981.

Take notice that Lawrence R. Taft (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5266 to be known as the Cranberry Lake Power Project located on the East Branch Oswegatchie River in the Town of Clifton, St. Lawrence County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Philip J. Movish, Daverman & Associates, 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would utilize existing facilities owned by the Oswegatchie River-Cranberry Lake Commission conisting of: (1) A 162-foot long and 17-foot high concrete gravity-type dam having a 110-foot long spillway section and having five sluice ways; (2) a reservoir having a surface area of 6,975 acres and a storage capacity of 60,100 acre-feet at normal maximum pool elevation 1,486 m.s.l.; and (3) appurtenant facilities.

Applicant proposes to construct a new powerhouse at the toe of the dam containing three generating units having a total rated capacity of 400 kW. Applicant estimates that the average annual energy output would be 2,450,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform technical and economic feasibility studies, investigations, and the work involved to prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before November 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28618 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-463-000]

Trunkline Gas Co.; Application

September 8, 1981.

Take notice that on August 13, 1981, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-463-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a transportation agreement dated August 11, 1981, to transport up to 13,200 Mcf of natural gas per day, on a firm basis for Panhandle. Applicant explains that the gas would be transported from a point of production in East Cameron Block 359, Offshore Louisiana, to an existing point of redelivery at the interconnection of Applicant's and Panhandle's facilities in Douglas County, Illinois.

Applicant states that it has jointly filed with other pipeline companies an application in Docket CP81-213 requesting authorization to construct and operate a lateral pipeline facility necessary to connect East Cameron Block 359 to Stingray Pipeline Company's (Stingray) system. Applicant explains that it would transport Panhandle's gas through the facilities proposed to be constructed in Docket CP81-213 to the East Cameron Block 338 point of interconnection. It is said that Stingray would then deliver the gas to the interconnection between Stingray and the High Island Offshore System (HIOS) in High Island Block A-330 for the account of Applicant.

Applicant states that it has arranged for pipeline capacity in HIOS and the U-T Offshore System (U-TOS) and has arranged with Natural Gas Pipeline Company of America (Natural) to transport volumes of gas from the onshore terminus of U-TOS to Applicant's onshore facilities.

Applicant asserts that it has agreed to redeliver a daily quantity of gas equal to the quantity received by Applicant less appropriate fuel and shrinkage due to processing, less a proportionate part of the compressor fuel and unaccounted for losses on any pipeline system through which the volumes are transported, and less 5 percent reduction for fuel usage and unaccounted for losses on Applicant's system.

Applicant states that the term of the transportation agreement is ten years from the date of first deliveries and from

year to year thereafter. Applicant further states that Panhandle may reduce the daily transportation quantity six months prior to the end of the first five years of the transportation agreement but that such reduction would not be less than fifty percent of the daily transportation quantity in effect at the date such reduction is made.

Applicant proposes to charge Panhandle a monthly charge of $245,150 for the proposed transportation service which charge consists of, a charge for the utilization of a portion of Applicant's capacity entitlement in the pipeline system of others including but not limited to HIOS, U-TOS and Natural, an amount equal to the product of (i) the transportation quantity under the transportation agreement on either a daily or monthly basis as appropriate, and (ii) the then currently effective rates being charged to Applicant by the other pipeline transporters as approved by the Commission, and a charge for the utilization of a portion of Applicant's capacity in the offshore lateral pipeline facilities connecting East Cameron Block 359 to the Stingray system in East Cameron Block 338 and for the transportation from the onshore point of receipt of said gas by Applicant to the point of redelivery hereunder. Applicant explains that the monthly charge would be increased or decreased 61.05 cents for each Mcf above or below 13,200 Mcf which Applicant takes or fails or is unable to take on any day or days.

Applicant states that Panhandle would purchase its gas in East Cameron Block 359 from Pan Eastern Exploration Company and Texas Eastern Exploration Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28819 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2075-002]

Washington Water Power Co.; Application for Approval of Change in Land Rights

September 8, 1981.

Take notice that an application was filed on July 17, 1981, under the Federal Power Act, 16 U.S.C. 791(a)-825(r) by The Washington Water Power Company, Licensee for the Noxon Rapids Project No. 2075, for approval of a change in land rights. The project is located on the Clark Fork River in Sanders County, Montana, between the Towns of Thompson Falls, Montana, and Clark Fork, Idaho. Correspondence with the Applicant should be directed to: Mr. J. P. Buckley, Vice President and Secretary, The Washington Water Power Company, P.O. Box 3727, Spokane, Washington 99220.

The Company is requesting Commission approval of the leasing of 37.8 acres of land within the project boundary to the Town of Thompson Falls, Montana. The parcel is located within the Noxon Rapids Project approximately 3 miles downstream from Thompson Falls, Montana. The property will be used by Thompson Falls for construction of a municipal golf course to be used in conjunction with adjoining property presently owned by the Town of Thompson Falls.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28820 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5066-000]

Charles Loring Woodman; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 8, 1981.

Take notice that on July 6, 1981, and revised on August 13, 1981, Charles Loring Woodman (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5066) would be located on Kinky Creek, a tributary to the Gros Ventre River, in Teton County, Wyoming. Correspondence with the Applicant should be directed to: Charles L.

Woodman, Darwin Ranch, Box 511, Jackson, Wyoming 83001.

Project Description—The run-of-creek project would affect lands within the Teton National Forest and would consist of: (1) An existing diversion structure at about elevation 8,400 feet; (2) a reservoir having a small surface area and negligible storage; (3) an existing 8-inch diameter, 1,650-foot long buried PVC pipeline and a proposed 8-inch diameter, 50-foot long buried PVC pipeline; (4) a proposed powerhouse containing a generating unit having a rated capacity of 12 kW operated under a 200-foot head; (5) a proposed 15-inch diameter, 10-foot long buried culvert tailrace; (6) a proposed 1,300-foot long buried transmission line; and (7) appurtenant facilities.

Purpose of Project—Project energy would be used by Applicant within the Darwin Ranch. Applicant estimates that the average energy output would be 61,320 kWh.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State of Wyoming Game and Fish Department, Cheyenne, Wyoming 82002 are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 22, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc., are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 22, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26822 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Objection to Proposed Remedial Order Filed the Week of August 17 Through August 21, 1981

During the week of August 17 through August 21, 1981, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before October 5, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 9, 1981.

Frederick Walentynowicz, Buffalo, New York, BRO-1462, motor gasoline

On August 17, 1981, the Statement of Objections filed by Frederick Walentynowicz to a Proposed Remedial Order that was issued by the Northeast District Office of Enforcement on May 22, 1980 was transferred to the National Office of Hearings and Appeals for analysis. In the PRO the Northeast District found that during the period from August 1, 1979 to April 12, 1980, Walentynowicz exceeded maximum lawful prices in his sales of motor gasoline. According to the PRO, Walentynowicz's violation resulted in $802.71 of overcharges.

[FR Doc. 81-26832 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; the Week of July 20 Through July 24, 1981

During the week of July 20 through July 29, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial oders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205. 194 on or before October 5, 1981. The Office of Hearings and Appeals will then determine those person who may participate on an active basis in the proceeding and will prepare an official service list, which it

will mail to all persons who filed requests to participate. Persons may also be placed on the official servcie list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC. 20461.

September 9, 1981

George B. Breznay,

Director Office of Hearings and Appeals.

Shelter Ridgo Arco, Mill Valley, California, BRO–1456, Crude Oil

On July 21, 1981, Shelter Ridge Arco filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on May 29, 1981.

In the PRO the Western District found that during the period February 26, 1980 through April 30, 1980, Shelter Ridge Arco charged prices for motor gasoline which exceeded the maximum lawful selling price allowed by 10 CFR Part 212.

According to the PRO the Shelter Ridge Arco Violation resulted in $14,252.47 of overcharges.

[FR Doc. 81–26833 Filed 9–14–81; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed Week of July 13 Through July 17, 1981

During the week of July 13 through July 17, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before October 5, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 9, 1981.

Conoco, Inc., Houston, Texas, BRO–1455, Crude Oil

On July 13, 1981, Conoco, Inc., Houston, Texas, filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel for the Compliance of the Economic Regulatory Administration issued to the firm on June 8, 1981.

In the PRO the Office of Special Counsel found that during the period September 1973 through May 1979, Conoco, Inc. charged prices for domestically produced crude oil in excess of the ceiling price permitted by 10 CFR, Part 212.

According to the PRO the Conoco, Inc., violation resulted in $23,868,317.19 of overcharges.

[FR Doc. 81–26834 Filed 9–14–81; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Proposed Decisions and Orders; Week of August 24 Through August 28, 1981

During the week of August 24 through August 28, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 9, 1981.

CENTRAL SALES, 8/25/81, BEE–1666

Central Sales filed an Application Exception from the reporting requirements of Form EIA–9A ("No. 2 Distillate Price Monitoring Report"). The exception request, if granted, would relieve the firm of the obligation to prepare and submit the form to the Energy Information Administration. On August 25, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

[FR Doc. 81–26835 Filed 9–14–81; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed Week of August 14 Through August 21, 1981

During the week of August 14 through August 21, 1981, the appeals and applications for exception or other relief listed in the appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energency.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 9, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of August 14 Through August 21, 1981]

Date	Name and location of applicant	Case No.	Type of Submission
Aug. 14, 1981	Caribou Four Corners, Inc., Alton, Wyoming	BER-0156; BES-0169	Motion for Modification/Rescission and Request for Stay. If granted: The June 25, 1981, Decision and Order (Case No. BEE-1478) issued by the Office of Hearings and Appeals to Caribou Four Corners, Inc. would be modified to correct errors made in the calculations. Caribou Four Corners, Inc. would also receive a stay of the June 25, 1981 Decision and Order (Case No. BEE-1478).
Aug. 17, 1981	Hatcher & Arthur Production Co., Burkburnett, Texas	BEE-1687	Price exception. If granted: Hatcher & Arthur Production Company would receive an exception from the provisions of 10 CFR 212.131, the crude oil price certification regulations.
Aug. 17, 1981	McDonald Oil Company, Fort Edward, NY	BEE-1686	Exception to the reporting requirements. If granted: McDonald Oil Company would not be required to file Form EIA-9A, "No. 2 Distillate Price Monitoring Report."
Aug. 17, 1981	Quad Refining Corp., Newport Beach, CA	BEE-1685	Exception from the entitlements program. If granted: Quad Refining Corp. would receive an exception from the provisions of 10 CFR 211.67 regarding the entitlements sales obligations to Southwestern Refining Co., Inc.
Aug. 18, 1981	Audubon Society of the Everglades, West Palm Beach, FL	BFA-0729	Appeal of an Information Request Denial. If granted: The July 13, 1981, Information Request Denial issued by the Office of Procurement Operations would be rescinded and the Audubon Society of the Everglades would receive access to certain DOE information.
Aug. 18, 1981	Butler, Binion, Rice, Cook and Knapp, Washington, D.C	BFA-0728	Appeal of an Information Request Denial. If granted: The July 16, 1981, Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Butler, Binion, Rice, Cook and Knapp would receive access to information relating to price violations by Inexco Oil Company.
Aug. 18, 1981	Phibro Corporation, Washington, D.C	BEG-0061, BES-0171	Petition for Special Redress and Request for Stay. If granted: The Office of Hearings and Appeals would direct the Economic Regulatory Administration (ERA) to promptly release the documents involved in the April 17, 1981, FOIA Appeal Decision issued to Englehard Minerals & Chemicals Corporation (Case No. BFA-0633). The ERA would also be stayed from issuing a Proposed Remedial Order to Phibro Corporation pending release of the documents involved in its Petition for Special Redress.
Aug. 18, 1981	Plateau, Inc., Washington, D.C	BEL-0079	Request for Temporary Exception. If granted: Plateau, Inc. would receive a temporary exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Aug. 18, 1981	Ward, L.O., Enid, Oklahoma	BFA-0703	Appeal of an Information Request Denial. If granted: The July 16, 1981, Information Request Denial issued by the Economic Regulatory Administration would be rescinded and L.O. Ward would receive access to certain DOE information.
Aug. 19, 1981	Bracewell & Patterson, Washington, D.C	BFA-0733	Appeal of an Information Request Denial. If granted: The Information Request Denial issued by the Office of Enforcement, Economic Regulatory Administration would be rescinded, and Bracewell & Patterson would receive access to certain DOE information.
Aug. 19, 1981	Hermiston Herald, The, Hermiston, Oregon	BFA-0731	Appeal of an Information Request Denial. If granted: The July 17, 1981, Information Request Denial issued by the Idaho Operations Office would be rescinded, and *The Hermiston Herald* would receive access to certain DOE information.
Aug. 19, 1981	Standard Oil Company of Ohio, Cleveland, Ohio	BEA-0732	Appeal of an Economic Regulatory Administration Decision and Order. If granted: The Office of Hearings and Appeals would review the June 12, 1981 Decision and Order issued to Standard Oil Company of Ohio by the Economic Regulatory Administration regarding Monthly Cost Allocation Reports.
Aug. 19, 1981	Warrior Asphalt Company of Alabama, Inc., Tuscaloosa, Alabama	BES-0172	Request for Stay. If granted: Warrior Asphalt Company of Alabama, Inc. would receive a stay of its entitlements purchase obligations pending a final determination on its Motions for Modification/Rescission (Case Nos. BYR-0137, BYR-0132 and BYR-0133).
Aug. 20, 1981	OE/Armour Oil Company, Washington, D.C	BER-0157	Request for Modification/Rescission. If granted: The February 22, 1980, Decision and Order (Case No. BRF-0001) to the Office of Enforcement by the Office of Hearings and Appeals would be modified and OHA would accept jurisdiction over the Petition for Special Refund Procedures involving the Armour Oil Company Consent Order.
Aug. 20, 1981	OE/Homestake Production Company, Washington, D.C	BEF-0074	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, Subpart V, in connection with June 1, 1979, Consent Order issued to Homestake Production Company.

Notices of Objection Received

[Week of August 14, 1981 to August 21, 1981]

Date	Name and location of applicant	Case No.
Aug. 21	Placid Oil Company, Washington, D.C	BEE-1584

[FR Doc. 81-76836 Filed 9-14-81; 8:45 am]
BILLING CODE 6450-01-M

Cases Filed Week of August 21 Through August 28, 1981

During the week of August 21 through August 28, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the

procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 9, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of Aug. 21 through Aug. 28, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 21, 1981	Clark Oil & Refining (Gainsburg), Washington, D.C	BFA-0734	Appeal of Information Request Denial. If granted: The June 20, 1981 Information Request Denial issued by the Office of Special Counsel would be rescinded, and Clark Oil & Refining would receive access to certain DOE enforcement documents.
Aug. 21, 1981	Tesoro Petroleum Corp., San Antonio, Texas	BER-0158	Request for Modification. Rescission. If granted: The August 5, 1981 Decision and Order (Case No. BEE-1668) issued to Tesoro Petroleum Corp by the Office of Hearings and Appeals would be modified regarding the firm's participation in the entitlements program.
Aug. 24, 1981	Barkett Oil Company, Maimi, Florida	BRD-1357	Motion for Discovery. If granted: Discovery would be granted to Barkett Oil Company in connection with the Statement of Objections submitted by the firm in response to the November 12, 1980 Proposed Remedial Order (Case No. BRO-1357) issued to the firm by the Southeast District Office of Enforcement of the Economic Regulatory Administration.
Aug. 24, 1981	Barkett Oil Company, Maimi, Florida	BRD-1342	Motion for Discovery. If granted: Discovery would be granted to Barkett Oil Company in connection with the Statement of Objections submitted by the firm in response to the November 7, 1980 Proposed Remedial Order (Case No. BRO-1342) issued to the firm by the Southeast District Office of Enforcement of the Economic Regulatory Administration.
Aug. 24, 1981	Laketon Asphalt Refining, Inc., Washington, D.C	BES-0173	Request for Stay. If granted: Laketon Asphalt Refining, Inc. would receive a stay of the April 20, 1981 Decisions and Orders (Case Nos. DEX-0053 and DEX-0155) issued by the Office of Hearings and Appeals with respect to the firm's entitlement purchase obligations.
Aug. 24, 1981	Petroleum Supply, Inc., Houston, Texas	BFA-0735	Appeal of Information Request Denial. If granted: The July 14, 1981 Information Request Denial issued by the Southwest District Manager of the Economic Regulatory Administration would be rescinded, and Petroleum Supply, Inc. would receive access to certain DOE enforcement documents.
Aug. 27, 1981	Office of Enforcement/Diamond Shamrock Corporation, Amarillo, Texas.	BEF-0676	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR part 205, in connection with the May 24, 1979 Consent Order entered into by Diamond Shamrock Corporation.
Aug. 27, 1981	Office of Enforcement/Louis H. Haring, Jr., San Antonio, Texas.	BEF-0675	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR part 205, in connection with the June 14, 1979 Consent Order entered into by Louis H. Haring, Jr.

Notices of Objection Received

Week of Aug. 21 to Aug. 28, 1981

Date	Name and location of applicant	Case No.
Aug. 25, 1981	Gulf States Oil & Refining, Washington, D.C.	BEE-1618

[FR Doc. 81-26837 Filed 9-14-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51315; TSH-FRL-1932-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of nine PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-425, 81-427, 81-428, and 81-429—October 31, 1981.

PMN 81-430, 81-431, 81-432, 81-433, and 81-434—November 1, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51315]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-425	Carne Berlin	202-426-8815	E-222.
81-427	Rachel Diamond	202-426-2601	E-222.
81-428	Kathleen Ehrensberger	202-426-8815	E-222.
81-429	Mary Cushmac	202-426-0503	E-229.
81-430	Carne Berlin	202-426-8815	E-222.
81-431	Carne Berlin	202-426-8815	E-222.
81-432	Carne Berlin	202-426-8815	E-222.
81-433	Rose Allison	202-426-8815	E-222.
81-434	Mary Cushmac	202-426-0503	E-229.

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–425

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—between $100,000,000 and $499,999,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—851.

Specific Chemical Identity. Aromatic aliphatic branched polyester resin.

Use. Claimed confidential business information.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	250,000	450,000
2d year	300,000	500,000
3d year	350,000	550,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. The manufacturer states that there is no release to the environment. Condensates are collected, pumped into a tank truck, and hauled away for incineration.

PMN 81–427

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—over $500 million.

Manufacturing site—East South Central.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Epoxidized glyceride polyoxyethylene ether.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a dispersive use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Milky emulsion (liquid).
pH—7.2.
Percent Activity—50.
Specific gravity—1.036.
Nonionic.

Toxicity Data

Ames Salmonella—Non-mutagenic.

Environmental Test Data

BOD_5—58,000 mg/l at 0.1% concentration.

COD—1,083 mg/l at 0.1% concentration.

Exposure. The manufacturer estimates that during manufacture, processing, use, and disposal a total of 14 workers may experience dermal and inhalation exposure 9 hrs/day, 5 days/wk. Exposure could occur during removal from the reactor, drumming and/or blending, and cleaning/removal of residual product in reactor.

Environmental Release/Disposal. The manufacturer states that rinse water from the reactor cleaning would be discharged into a holding lagoon which would overflow into the city sewer. Release to the air is anticipated to be negligible.

PMN 81–428

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—between $10,000,000 and $99,999,999.

Manufacturing site—East North Central.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Substituted heteromonocyclic derivative of a substituted thiozantheno isoquinolin. phenylpyrazol-3-ene-5-one[2,3-b]thioxantheno[2,1,9-d,e,f] isoquinolin-7-one.

Use. The manufacturer states that the PMN substance will be used in textile and plastic coloration.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5	500
2d year	500	3,000
3d year	1,000	5,000

Physical/Chemical Properties

Appearance—Deep, yellow powder.
Melting point—250–290° C.
Insoluble in water.
Slightly soluble in alcohol.
Soluble in ketones and esters.

Toxicity Data. No data were submitted.

Exposure. The manufacturer estimates that during manufacture 2 workers may experience dermal and inhalation exposure 8 hrs/day, 10 days/yr. Exposure may occur during the manual transfer of the product from filter press to tub to drier, to grinder to packaging.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Grinding and packaging will be done under conventional dust collection systems.

PMN 81–429

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Dow Corning Corporation, P.O. Box 1767, 2200 W. Salzburg Road, Midland, MI 48640.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Silicon substituted organic ester.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Color—Pale yellow to brown.
Physical state—Liquid.
Flash point—>160° F.
Soluble in toluene and chloroform.

Toxicity Data. The manufacturer states that due to the corrosive nature of the material toxicity testing was not done.

Environmental Test Data

Acute state toxicity LC_{50} 48 hr (daphnia magna)—>100 parts per million (ppm).

Acute state toxicity LC_{50} 96 hr (rainbow trout)—71 mg/l.

Ames Salmonella—Non-mutagenic.

Exposure. The manufacturer states that the manufacturing process for the production of this material incorporates a closed system and no worker exposure is anticipated. One individual could be exposed 1 hr/day, 37 days/yr during the drumming off process.

Environmental Release/Disposal. The manufacturer states that there will be essentially no release of this new chemical to the environment. Any material requiring disposal will be incinerated.

PMN 81–430

Close of Review Period. December 1, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted aromatic amine.

Use. The manufacturer states that the PMN substance will be used as an intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 7 workers may experience dermal exposure 8 hrs/day, 10 days/yr. Exposure may occur during the removal of solids from the filterpress and the charging of solids to the reaction vessel.

Environmental Release/Disposal. The manufacturer states that no environmental release is expected. Upon completion of the manufacture process, equipment is washed down and the wash is directed to the manufacturer's waste treatment facility for treatment.

PMN 81–431

Close of Review Period. December 1, 1981.

Manufacturer's Identity. Claimed confidential business information.

Special Chemical Identity. Claimed confidential business information. Generic name provided: Substituted aromatic amine.

Use. The manufacturer states that the PMN substance will be used as an intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 7 workers may experience dermal exposure 8 hrs/day, 10 days/yr. Exposure may occur during the removal of solids from the filterpress and the charging of solids to the reaction vessel.

Environmental Release/Disposal. The manufacturer states that no environmental release is expected. Upon completion of the manufacture process equipment is washed down and the wash is directed to the manufacturer's waste treatment facility for treatment.

PMN 81–432

Close of Review Period. December 1, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted aromatic amine.

Use. The manufacturer states that the PMN substance will be used as an intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 6 workers may experience dermal exposure 4 hrs/day, 2 days/yr. Exposure may occur during the removal of solids from the filterpress and the charging of solids to the reaction vessel.

Environmental Release/Disposal. The manufacturer states that no environmental release is expected. Upon completion of the manufacture process equipment is washed down and the wash is directed to the manufacturer's waste treatment facility for treatment.

PMN 81–433

Close of Review Period. December 1, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic polymer.

Use. The manufacturer states that the PMN substance will be used in preparation of textile fibers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, liquid.
Odor—Mild amine.
Solubility in water—>10%.
Evaporation rate (butyl acetate)—<1.

Toxicity Data. Data on the chemical substance not available.

Exposure. The manufacturer states that because polymerization is carried out in a closed system, practices instituted to control exposure to the major component are considered sufficient to ensure safety.

Environmental Release/Disposal. The manufacturer states that the unrecovered monomer will be discharged as a dilute aqueous stream to the plant waste disposal system. Approximately 75% biodegrades in the system. The remaining monomer and the biodegraded products are non-toxic at these levels to the waste treatment organisms. The outflow is retained in ponds and diluted one hundredfold before release to the river. Nonsalable fibers will be committed to landfill and incineration.

PMN 81–434

Close of Review Period. December 1, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—over $500,000,000.

Manufacturing site—South Atlantic region.

Standard Industrial Classification Code—289.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstituted cyclohexanol.

Use. The manufacturer states that the PMN substance will be used in a intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	800	1,600
2d year	[illegible]	5,000
3d year	800	[illegible]

Physical/Chemical Properties

Boiling point—93° C. at 10 mm/Hg.
Specific gravity—0.9566.
Color—0–5 APHA.
Refractive index (20° C.)—1.4980.
Flash point, TAG closed cup—190° F.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 3 workers may experience dermal exposure 24 hrs/day, 1–6 days/yr. Exposure may occur during transfer of material from reactor to drums to distillation column, from distillation column to use reactor and during sampling.

Environmental Release/Disposal. The manufacturer states that from less than 10 to 100 kg/yr may be released to air, land and water. Disposal is via an approved publicly owned treatment works (POTW).

Dated: September 4, 1981.

Linda K. Smith,

Acting Director for Management Support Division.

[FR Doc. 81-28742 Filed 9-14-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-999]

Common Carrier Bureau; Fourth Datel Interconnection Meeting

August 19, 1981.

The Commission's staff has scheduled a fourth meeting on Datel Interconnection for Tuesday and Wednesday, September 22nd and 23, 1981, at 10:00 am in room A-110, 1229-20th Street, N.W. (the Annex).

FOR FURTHER INFORMATION CONTACT: Stuart Chiron (202) 632-7265 or William F. Adler (202) 632-7265.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-28725 Filed 9-14-81; 8:45 am]

BILLING CODE 6712-01-M

[Gen. Docket No. 81-498; FCC 81-384]

Telecommunications Technical Assistance to Developing Countries

AGENCY: Federal Communications Commission.

ACTION: Public notice regarding notice of inquiry.

SUMMARY: This Notice regarding FCC Participation in Telecommunications Technical Assistance is issued to inform public and private sectors of the FCC Technical Assistance Program and to encourage their participation and suggestions for improvement.

DATES: Comments are due on or before December 14, 1981 and replies on or before January 29, 1982.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Gloria McShane, Office of Science and Technology, (202) 653-8102.

SUPPLEMENTARY INFORMATION: .

August 11, 1981.

In the matter of action in docket case: FCC seeks to upgrade technical telecommunications assistance to developing countries.

The Commission has issued a Notice of Inquiry seeking to encourage the American communications industry and educational institutions to participate in upgrading U.S. technical telecommunications assistance to developing countries, in order to meet existing international needs.

Since 1944, the Commission has been the primary U.S. agency for administering foreign technical assistance programs in telecommunications. The telecommunications technical assistance program is funded primarily by the United Nations Development Program through voluntary contributions by U.N. member countries. The program is sponsored by the International Telecommunication Union (ITU) in the form of fellowship grants, recruitment of experts and procurement of equipment.

Through the FCC's Office of Science and Technology, the Commission designs study and observation programs in the United States for selected telecommunications personnel from ITU member countries. Every attempt is made to arrange training that will provide maximum benefit to candidates at a minimum cost to their governments and participating training organizations.

According to a recent FCC study, several problems in administering the technical assistance program were uncovered. A major drawback found was the lack of awareness in the public and private sectors of Commission responsibility for telecommunications training for foreign nationals.

Another problem has been the reluctance of some industries and educational institutions to participate because they feel foreign nationals receive inadequate cultural orientation before undertaking a program in the United States. Moreover, participating organizations have found that the time required for their employees to assist the foreign national is indirectly costly.

The Commission noted that the U.S. Government has a policy whereby employees may participate in the technical assistance programs of international organizations. However, some employers in the private sector, faced with a position vacancy, but a job yet to accomplish, are unable or unwilling to guarantee an employee's reinstatement to his former position at the end of an overseas assignment.

Another deterrent in recruiting experts for overseas positions, the Commission pointed out, is that salaries, including benefits, are often not commensurate with the pay they would have received if they remained in domestic employ.

However, the Commission stated, whereas private organizations may be concerned about the disadvantages of participating in the recruitment of experts, there are advantages.

Since 1975, the trend has been toward short-term rather than long-term assignments, generally about three to six months. Therefore, an employer can lend his employee for a relatively short period and reap the benefits of international exposure.

Cooperation in the technical assistance program can prove economically beneficial to American firms and institutions because developing countries, recognizing the importance of telecommunications to basic infrastructural, social and economic development needs, are augmenting their investments in this area.

Therefore, the Commission said it hoped that a heightened awareness and understanding of the program, its problems and its benefits would encourage increased participation by the communications industry and educational institutions.

Comments are due by December 14, 1981, replies by January 29, 1982.

Action by the Commission August 4, 1981, by Notice of Inquiry (FF 81-384). Commissioners Fowler (Chairman), Quello, Washburn, Fogarty and Dawson, with Commission Fogarty issuing a statement.

For additional information contact Gloria McShane, (202) 653-8102.

Note.—Because of the effort to minimize printing costs, the Notice of Inquiry will not be printed herein. However, copies may be obtained through the FCC Press Office, Rm. 202, 1919 M St. N.W., Washington, D.C. 20554.

William J. Tricarico,

Secretary, Federal Communications Commission.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: An Inquiry Relating to FCC Participation in Telecommunications Technical Assistance

I would urge all communications companies to participate in the Commission administered foreign technical assistance programs. Both the ITU Fellowship Program and the ITU Experts Program serve worthwhile purposes. I congratulate those companies currently participating in these programs including Comsat, GT&E and AT&T. It is clear, however, that greater corporate participation is necessary as the number of applicants seeking technical assistance is expected to increase several-fold in the next few years. I would particularly encourage the United States Independent Telephone Association and its members as well as the other independent telephone companies to participate in these technical assistance programs. The independent telephone industry represents substantial expertise which should be utilized. I hope that this Notice of Inquiry will

alert the independent telephone companies of the need to share this expertise.

[FR Doc. 81-26724 Filed 9-14-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 5, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 50 DR-5.

Filing Party: Ralph M. Pais, Esquire, Graham & James, One Maritime Plaza—Suite 300, San Francisco, California 94111.

Summary: Agreement No. 50 DR-5 would amend the arbitration provisions contained in the Pacific/Australia-New Zealand Conference's Merchant's (Dual Rate) Contract.

Agreement No.: 8210-46.

Filing party: Mr. Howard A. Levy, Attorney at Law, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 8210-46 amends Article 17 of the Continental North Atlantic Westbound Freight Conference Agreement to (1) authorize members to establish uniform credit rules and (2) provide that tariff matters regarding credit conditions (except the time and currency in which payments will be made, and currency conversion rules) will be determined by unanimous agreement of all members entitled to vote. Agreement No. 8210-46 supersedes a previous amendment, Agreement No. 8210-43 conditionally approved by the Commission by Order dated June 30, 1981, and withdrawn by the parties effective September 1, 1981.

Dated: September 10, 1981.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-26706 Filed 9-14-81; 8:45 am]
BILLING CODE 6730-01-M

Filing and Approval of Agreement

The Federal Maritime Commission hereby gives notice that on August 17, 1981, the following agreement was filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended by section 4 of the Maritime Labor Agreements Act of 1980, Pub. L. 96-325, 94 Stat. 1021, and was deemed approved that date, to the extent it constitutes an amendment to an assessment agreement as described in the fifth paragraph of section 15, Shipping Act, 1916.

Agreement No: LM-65-1.

Filing party: C. P. Lambos, Esquire, Lambos, Flynn, Nyland & Giardino, 29 Broadway, New York, New York 10003.

Summary: Agreement No. LM-65-1 is a modification of Agreement No. LM-65, which is the collectively-bargained Job Security Program Agreement between steamship carriers operating on the North Atlantic, South Atlantic and Gulf Coasts, and the International Longshoremen's Association, AFL-CIO (ILA). The purpose of the modification is to formalize the settlement of a dispute between various locals of the ILA, the ILA trustees of the Philadelphia Marine Trade Association (PMTA)-ILA Welfare Fund and PMTA-ILA Pension Fund, the PMTA and the Job Security Program as to whether or not the JSP Agency, Inc., or the PMTA, or both, are obligated to make certain payments to the PMTA-ILA Welfare and Pension Funds.

Dated: September 10, 1981.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-26707 Filed 9-14-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, October 1, 1981
Thursday, October 15, 1981
Thursday, October 22, 1981

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public.

upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202–632–9710).

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

September 9, 1981.

[FR Doc. 81-26737 Filed 9-14-81; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Community Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26770 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

Central Banking Co.; Formation of Bank Holding Company

Central Banking Company, Swainsboro, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Central Bank, Swainsboro, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26774 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Bancorp of N.H., Inc.; Acquisition of Bank

First Bancorp of N.H., Inc., Manchester, New Hampshire, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Granite State National Bank, Somersworth, New Hampshire. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26775 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

First National Cincinnati Corp.; Acquisition of Bank

First National Cincinnati Corporation, Cincinnati, Ohio, has applied for the Board's approval under section 3(a)[3] of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of the successor by acquisition to The Second National Bank of Hamilton, Hamilton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26776 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Virginia Banks, Inc.; Acquisition of Bank

First Virginia Banks, Inc., Falls Church, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First Virginia Bank-Alleghany, Covington, Virginia, an organizing state-chartered bank that would be the successor by merger to The Covington National Bank, Covington, Virginia, an existing bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26773 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

Hernando Banking Corp.; Formation of Bank Holding Company

Hernando Banking Corporation, Brooksville, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Hernando State Bank, Brooksville, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26771 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

Lexington Bancshares, Inc.; Formation of Bank Holding Company

Lexington Bancshares, Inc., Lexington, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Peoples Bank of Lexington, Lexington, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lie of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26777 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

McLean Bank Holding Co.; Formation of Bank Holding Company

McLean Bank Holding Company, Garrison, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87 percent or more of the voting shares of Garrison State Bank, Garrison, North Dakota; 92 percent or more of the voting shares of Bank of Turtle Lake, Turtle Lake, North Dakota; and 93 percent or more of the voting shares of the Farmers Security Bank, Washburn, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26778 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

Michigan Financial Corp.; Acquisition of Bank

Michigan Financial Corporation, Marquette, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of First National Bank & Trust of Menominee, Menominee, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26779 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

Midwest National Corp.; Formation of Bank Holding Company

Midwest National Corporation, Indianapolis, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Midwest National Bank, Indianapolis, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26780 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

New Mexico Banquest Corp.; Acquisition of Bank

New Mexico Banquest Corporation, Santa Fe, New Mexico, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of San Juan National Bank, Farmington, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The Application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26780 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

Preston Bancshares, Inc.; Formation of Bank Holding Company

Preston Bancshares, Inc., Preston, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding compnay be acquiring 80 percent or more of the voting shares of Farmers Savings Bank, Preston, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26772 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

Scandia American Bancorporation, Inc.; Formation of Bank Holding Company

Scandia American Bancorporation, Inc., Stanley, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98.5 percent of the voting shares of Scandia American Bank, Stanley, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26781 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

Utah Bancorporation; Acquisition of Bank

Utah Bancorporation, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Silver King State Bank, Park City, Utah. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26782 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

Wyatt Bancorp, Inc.; Formation of Bank Holding Company

Wyatt Bancorp, Inc., Wyatt, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Farmers State Bank of Wyatt, Wyatt, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26783 Filed 9-14-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

Federal Hotel/Motel Discount Directory; Availability

The General Services Administration (GSA) announces a new semiannual publication, the "Federal Hotel/Motel Discount Directory."

This directory has been developed to assist the Government employee, traveling on official business, to secure discounted lodging rates at certain

hotels and motels, nationwide. The use of these establishments is on an optional basis; however, significant savings in lodging costs can be achieved by using the hotels and motels listed in the directory. The 4½ x 8½-inch, 87-page directory includes over 1,200 establishments in more than 475 cities in all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Copies of the directory will be available in mid-September 1981 at the General Services Administration, Transportation and Public Utilities Service, Office of Tranaportation and Travel Management, 425 I Street, NW., Room 3210, Washington, D.C. 20406. For additional information contact: Phyllis M. Hickman (202) 275–0651.

Dated: September 2, 1981.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 81–26798 Filed 9–14–81; 8:45 am]

BILLING CODE 6820–AM–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. October 2, 1 p.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Open public hearing, 1 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 3 p.m.; Dr. Gregory Singleton, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7536.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before September 20, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for a material used to construct customs endosseous implants.

Applications for reimbursement. Must be received by September 24, 1981.

Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel

Date, time, and place. October 14, 9 a.m., Rm. 703–727A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and panel section leader. Open public hearing, October 14, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Dr. James G. Dillon, Bureau of Medical Devices (HFK–410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7238.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before October 1, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss questions pertaining to bone cements, and premarket approval applications for bone cement (P810020) and a bovine heterograft (P800044).

Applications for reimbursement. Must be received by September 30, 1981.

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. October 15, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; A. T. Gregoire, Bureau of Drugs (HFD–130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3542.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in treating endocrine and metabolic disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to present information should contact the executive secretary.

Open committee discussion. The committee will review and discuss (1) the FDA action report, (2) the safety and efficacy of Metformin, and (3) Phase IV protocols for lipid-altering drugs.

Applications for reimbursement. Must be received by September 30, 1981.

Miscellaneous Internal Drug Products Panel

Date, time, and place. October 16 and 17, 9 a.m., Conference Rm. M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD (October 16), Bldg. A, Lecture Rm. C, Uniformed Services University of the Health Sicences, 4301 Jones Bridge Rd., Bethesda, MD.

Type of meeting and executive secretary. Open public hearing, October 16, 9 a.m. to 10 a.m.; open committee discussion, October 16, 10 a.m. to 5 p.m., October 17, 8 a.m. to 3 p.m.; John R. Short, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6156.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of nonprescription drugs.

Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the executive secretary before October 9, 1981, and submit a brief statement of the general nature of

the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). This is the last meeting of the Panel. The Panel will be adopting a report on OTC menstrual drug products. The Panel also invites comments on, and may discuss, the following drug categories: glucose tolerance, appetite stimulants, leg muscle cramps, oral electrolyte replacement, poison oak/ivy remedies, ammonia inhalants, benign prostatic hypertrophy, kidney and bladder irritation remedies. The agency will use these comments in the future in developing proposed rulemaking for these categories of drugs. The Panel will also be approving the summary minutes of the August 21–23, 1981 meeting.

Applications for reimbursement. Must be received by September 30, 1981.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will faciliate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: September 9, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–26746 Filed 9–14–81; 8:45 am]

BILLING CODE 4110–03–M

National Institutes of Health

Allergy, Immunology, and Transplantation Research Committee: Allergy and Clinical Immunology Research Subcommittee and Transplantation Biology and Immunology Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Allergy, Immunology, and Transplantation Research Committee, National Institute of Allergy and Infectious Diseases, and its Subcommittees on October 28–30, 1981 at the National Institutes of Health, Building 31C, Conference Room 10, Bethesda, Maryland 20205.

The meeting will be open to the public on October 29 from approximately 9:00 a.m. until 11:00 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting of the AITRC Transplantation Biology and Immunology Subcommittee will be closed to the public for review, evaluation, and discussion of individual grant applications and contract proposals from 9:00 a.m. until approximately 5:00 p.m. on October 28. The meeting of the AITRC Allergy and Clinical Immunology Research Subcommittee will be closed to the public from 11:30 a.m. to approximately 5:00 p.m. on October 29 and again on October 30 from 9:00 a.m. to approximately 5:00 p.m. for review, evaluation, and discussion of individual grant applications and contract proposals.

These applications, proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Luz A. Froehlich, Acting Executive Secretary, Allergy, Immunology and Transplantation Research Committee, NIAID, NIH, Westwood Building, Room 703, Telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855 Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "program not considered appropriate" in Sections 8(b) (4) and (5) of that Circular.

Dated: September 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–26731 Filed 9–14–81; 8:45 am]

BILLING CODE 4110–08–M

Animal Resources Review Committee, Animal Resources Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Subcommittee on Animal Resources, Animal Resources Review Committee, Division of Research Resources, November 2–3, 1981, Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland, 20205.

The meeting will be open to the public on November 2 from approximately 2:00 p.m. to recess, during which time there will be a brief staff presentation on the current status of the Animal Resources Program and the Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 2 from 8:00 a.m. to approximately 2:00 p.m. and on November 3 from 8:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Laboratory Animal Sciences Program.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Laboratory Animal Sciences, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: September 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–26737 Filed 9–14–81; 8:45 am]

BILLING CODE 4110–08–M

Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, November 18, 1981, Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on November 18, from 9:00 am. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 18, from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and a roster of committee members, upon request.

Dr. Wilna A. Woods, Executive Secretary, National Cancer Institute, Westwood Building, Room 822, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5173) will furnish substantive program information.

Dated: September 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–26732 Filed 9–14–81; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors Division of Cancer Treatment; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCT, National Cancer Institute, October 1–2, 1981, Building 31, 6th Floor, "C" Wing, Conference Room 6, National Institutes of Health. This meeting will be open to the public on October 1, 1981, from 8:30 a.m. until 5:30 p.m., and again on October 2, 1981, from 8:30 a.m. until adjournment, to review program plans, contract recompetitions and budget for the DCT program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 1, 1981, from 7:30 p.m. to 9:30 p.m., for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Managemen. Officer, National Cancer Institute, Building 31, Room 10A–06, National Institutes of Health, Bethesda, Maryland 20205 (301–496–5708) will provide summaries of the meeting and rosters of committee members, upon request. Dr. Bruce A. Chabner, Acting Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A–52, National Institutes of Health, Bethesda, Maryland 20205 (301–496–4291) will furnish substantive program information.

Dated: September 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–26736 Filed 9–14–81; 8:45 am]

BILLING CODE 4110–08–M

Cancer Clinical Investigation Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, November 9–10, 1981, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on November 9, from 8:30 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 9, from 9:30 a.m. to 5:00 p.m., and on November 10, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property

such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Dorothy K. Macfarlane, Executive Secretary, National Cancer Institute, Westwood Building, Room 819, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7481) will furnish substantive program information.

(Catalog of Federal Domestic Assistance, No. 13.396, Project grants in cancer treatment research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: September 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–26735 Filed 9–14–81; 8:45 am]

BILLING CODE 4110–08–M

Cancer Research Manpower Review Committee; Amended Meeting

Notice is hereby given of the cancellation of the first day of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, National Institutes of Health, September 24, 1981; which was published in the **Federal Register** on July 24, 1981 (46 FR 38143). Also the open portion of the meeting will be changed from September 24, 9:00 a.m.–10:00 a.m., to September 25 from 9:00 a.m.–9:30 a.m., to review administrative details. Attendance by the public will be limited to space available. For further information, please contact Dr. Leon Niemiec, Executive Secretary, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7978).

Dated: September 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–26734 Filed 9–14–81; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Dental Research Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institutes of Dental Research, on November 2–3, 1981, in Conference Room 6, Building 31–C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to adjournment on November 3 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 525b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on November 2 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Dorothy Costinett, Committee Management Assistant, National Institute of Dental Research, National Institutes of Health, Building 31–C, Room 2C17, Bethesda, MD 20205, (phone 301 496–2883), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs Nos. 13.840—Caries Research, 13.841—Periodontal Diseases Research, 13.842—Craniofacial Anomalies Research, 13.843—Restorative Materials Research, 13.844—Pain Control and Behavioral Studies, 13.845—Dental Research Institutes, 13.878—Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: September 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–26736 Filed 9–14–81; 8:45 am]

BILLING CODE 4110–08–M

Clinical Cancer Education Committee, National Cancer Institute; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Cancer Education Committee, National Cancer Institute, November 4, 1981, Building 31C, Conference Room 6, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on November 4, from 8:30 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on November 4, 1981, from 9:30 a.m. to 5:00 p.m., for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Margaret H. Edwards, Executive Secretary, National Cancer Institute, Blair Building, Room 722, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8855) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: September 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–26730 Filed 9–14–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–81–1090]

President's Commission on Housing; Schedule of Meetings

Notice is hereby given in the following revised schedule of meetings of the President's Commission on Housing, through October 20, 1981.

Due to the possibility of changes in the schedule, members of the public should call the Commission offices to confirm the date, location and time for

each meeting. All Commission and Committee meetings are open to the public.

Further information may be obtained by calling Jean M. Freeze, President's Commission on Housing, 730 Jackson Place, N.W., Washington, D.C. 20503, (202) 395–5832.

Section 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App. I).

Issued at Washington, D.C., September 11, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

The President's Commission on Housing

Tentative Schedule of Meetings Thru October 30, 1981 [1]

Date	Commission/committee	Place	Time
Monday, Sept. 14	Committee on Federal Housing Programs and Alternatives.	New Executive Office Bldg., Room 2010, Washington, D.C..	9:00 a.m.–5:00 p.m
Monday, Sept. 14	Committee on Private Sector Financing of Housing	CEQ Conference Room, 722 Jackson Place, NW., Washington, D.C..	2:00 a.m –5:00 p.m
Monday, Sept. 14	Committee of Government Regulation and the Cost of Housing.	New Executive Office Bldg., Room 7008, Washington, D.C..	9:00 a.m.–5:00 p.m.
Monday, Sept. 14	Committee on Housing and the Economy	New Executive Office Bldg., Room 8103, Washington, D.C..	3:00–5:00 p.m
Tuesday, Sept. 15	President's Commission on Housing (Full Commission).	New Executive Office Bldg., Room 2010, Washington, D.C.	9:00 a.m.–5:00 p.m
Wednesday, Sept. 16 and Thrusday, Sept. 17.	Committee on Government Regulations and the Cost of Housing	Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C., 6th Fl Board Room (Wed), 2nd Fl Amphitheater (Thurs).	9:00 a.m.–5:00 p.m
Thursday, Oct. 1	Committee on Federal Housing Programs and Alternatives.	New Executives Office Bldg., Room 2010.	9:00 a.m.–5:00 p.m
Thursday, Oct. 1	Committee on Private Sector Financing of Housing	CEQ Conferences Room, 722 Jackson Place, NW., Washington, D.C..	To be announced
Thrusday, Oct. 1	Committee on Government Regulation and the Cost of Housing.	New Executive Office Bldg., Room 10104, Washington, D.C..	To be announced
Thursday, Oct. 1	Committee on Housing and the Economy	New Executive Office Bldg., Room 8103, Washington, D.C..	To be announced
Friday, Oct. 2	President's Commission on Housing (Full Commission).	New Executive Office Bldg., Room 2010, Washington, D.C..	9:00 a.m.–5:00 p.m
Monday, Oct. 19 and Tuesday, Oct. 20.	President's Commission on Housing (Full Commission) and Committee Meetings	New Executive Office, Bldg., Room 2010, Washington, D.C. (Other rooms to be announced).	To be announced

[1] Meetings, dates, times, and locations are subject to change. Confirmation of the above information should be obtained prior to attendance at a meeting by calling the Commission offices at (202) 395–5832.

[FR Doc. 81–26847 Filed 9–14–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–14015]

Alaska Native Claims Selection

Correction

In FR Doc. 81–24113 appearing at page 42195 in the issue of Wednesday, August 19, 1981, make the following correction:

In the first column of page 42196, under **Copper River Meridian**, in Sec. 26, ". . . N½SE¼" should have read ". . . N½SW¼".

BILLING CODE 1505–01–M

[OR 3225–A]

Oregon; Partial Termination of Classification for Multiple Use Management

1. By order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on September 19, 1968 (33 FR 14182), the following described public lands were classified for multiple-use management pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1412):

Willamett Meridian

T. 16 S., R. 15 E.,
Sec. 1, Lot 4, S½NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, and SE¼;
Sec. 12, N½NE¼, SE¼NE¼, NW¼, and E½SE¼;
Sec. 13, W½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼.
T. 16 S., R. 16 E.,
Sec. 20, S½SE¼;
Sec. 28, W½, W½SE¼, and SE¼SE¼;
Sec. 29, NE¼ and S½SE¼;
Secs. 32, 33, and 34.
T. 17 S., R. 16 E.,
Sec. 2, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 3, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 4, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 5, Lots 1, 2, and 4, S½N½, and S½;
Sec. 10, NW¼NE¼, W½, W½SE¼, and SE¼SE¼.
T. 16 S., R. 21 E.,
Sec. 1, Lots 1, 2, 5, 6, and 7, SW¼NE¼, SW¼, and W½SE¼;
Sec. 11;
Sec. 12, Lots 1, 2, 3, and 4, W½, and W½E½;
Sec. 13, Lots 1, to 12, inclusive, and SE¼;
Sec. 14, Lots 1, 2, 3, and 4, N½, and N½S½;
Sec. 15, Lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼ and N½SE¼;
Secs. 24, 26, and 34.
T. 15 S., R. 22 E.,
Sec. 20, S½;
Sec. 21, E½, E½NW¼, and SW¼;
Sec. 28;
Sec. 29, W½;
Sec. 31, Lots 1, 2, 3, and 4, NE¼, and E½W½;
Secs. 32 and 33.
T. 16 S., R. 22 E.,
Sec. 4, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 5, Lots 1 to 10, inclusive, S½NE¼, and SE¼;
Sec. 6, Lots 1 to 13, inclusive, SE¼NW¼, and E½SW¼;
Sec. 7, Lots 1, 2, 3, and 4, E½, and E½W½;
Sec. 8;
Sec. 18, Lots 1, 2, 3, and 4, E½, and E½W½.

The areas described aggregate 19,657.53 acres in Crook County, Oregon.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification as to the above-described public lands is terminated upon publication of this notice in the **Federal Register**.

3. At 10:00 a.m., on October 14, 1981, the above described public lands will be relieved of the segregative effect of the above-mentioned classification order.

Dated: September 8, 1981.

William G. Leavell,

State Director.

[FR Doc. 81–26800 Filed 9–14–81; 8:45 am]

BILLING CODE 4310–84–M

[M 45991 (SD)]

South Dakota; Realty Action, Noncompetitive Sale of Public Lands in Lawrence County, S. Dak.

September 8, 1981.

The following described lands have

been examined and identified as suitable for disposal by direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the fair market value:

Black Hills Meridian

T. 4 N., R. 2 E.,
Sec. 1, Lots 9, 14, 15, 16, 17, 18, 19, 20, 21, and MS-997; and
Sec. 2, Lots 2 and 3.
Containing 17.81 acres.

The above-described lands will be sold to the Black Hills Chairlift Corporation owner of the improvements (chairlift, ski runs, parking lot) on the above tracts. Sale of the land will not be held until 60 days after date of this notice.

The proposed sale is consistent with the Bureau's planning system. The sale of this land has been discussed with Lawrence County and South Dakota government officials. Public interest will be served, as the sale will assist the economy of the area by satisfying local government and private needs for land identified for disposal.

The following terms and conditions will be applicable to the sale:

1. All minerals will be reserved to the United States;

2. A right-of-way for ditches and canals will be reserved to the United States; and

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

The decision to conduct the sale is based on information contained in the environmental assessment and land report written for this case. These documents are available for inspection at the Bureau of Land Management, Miles City District Office, Box 940, Miles City, Montana 59301.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absense of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Kannon Richards,

Acting State Director.

[FR Doc. 81-[illegible] Filed 9-14-81; 8:45 am]

BILLING CODE 4310-84-M

Hard Mineral Leasing on Outer Continental Shelf Offshore Alaska (Arctic) and Offshore South Atlantic States; Request for Additional Information

ACTION: Request for additional informtion regarding hard mineral leasing on the Outer Continental Shelf offshore Alaska (Arctic) and offshore the South Atlantic States.

SUMMARY: The Secretary of the Interior is authorized under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.), to issue leases for minerals other than oil, gas, and sulphur on the Outer Continental Shelf. The Department requests additional information to that submitted by commenters on the **Federal Register** (46 FR 1037) on January 5, 1981. Specific information is requested for sand and gravel mining on the OCS in the Arctic offshore Alaska and for manganese nodules located offshore the South Atlantic States.

DATE: Comments and information must be received on or before October 9, 1981.

ADDRESS: Information should be submitted to the Division of Offshore Resources (540), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. Envelopes or packages should be marked "Request for Additional Information on Hard Mineral Leasing on the Outer Continental Shelf." Respondents to the January 1981 request need not send duplicate information, but may wish to update or supplement previous submissions.

FOR FURTHER INFORMATION CONTACT: Eileen Carlton or Carol Hartgen at (202) 343-6906.

SUPPLEMENTAL INFORMATION: The Department issued a Request for Comments Regarding Hard Mineral Leasing on the Outer Continental Shelf in the **Federal Register** on January 5, 1981. This Request for Additional Information asks for commodity-specific information on sand and gravel in the Arctic offshore Alaska and on manganese nodules offshore the South Atlantic States.

The Outer Continental Shelf Lands Act, as amended, provides that the leasing of these minerals on the OCS will be by cash bonus bid with the royalty established by the Secretary. Also annual rental payments will be established by the Secretary.

Precise marine boundaries between the United States and opposite or adjacent Nations have not been determined in all cases. Accordingly, certain areas are or may be subject to negotiation or dispute.

AREA OF INTEREST: Respondents are requested to submit information and comments on Federal portion of the Arctic offshore Alaska especially the area east of 156° 30′ W. Longitude to the U.S.-Canadian boundary for any interest in mining sand and gravel deposits. For mining manganese nodules, submit information and comments on the Federal area offshore the South Atlantic States.

A. Information is requested on the following items. Respondents should identify any proprietary information so that the Department can protect its confidentiality.

1. Interest in leasing sand and gravel on the Arctic OCS offshore Alaska.

a. Grade or quality of gravel.

b. Intended use of material; for example, whether intended for sale to manufacturers or others, or for use by a lessee in construction of artificial islands used in oil and gas exploration and development activities in the Arctic.

c. Location of probable markets.

2. Interest in mining manganese nodules offshore the South Atlantic States.

a. Intended use of material mined; for example, whether material will be used for extraction of its metal content for strategic applications.

b. Location of probable markets.

3. Timing of Lease Sale, Schedule of Operational Activities and Location of Area.

a. Specify approximate time at which your company would be economically and technologically prepared to bid for these commodities.

b. Submit schedule of operations (timing), including whether activities will be continuous or intermittent.

c. Express whether areas of interest are contiguous or noncontiguous (i.e., whether they lie adjacent to each other or scattered throughout area).

4. Ability to mine and transport commodity to shore.

a. Describe present and projected state of technology for extraction and processing of commodities, including any water depth limitation.

b. Specify the minimum acreage needed to be economically viable in mining of these resources.

c. Estimate the magnitude of exploration, development and production activities needed to mine these commodities economically.

5. Any other relevant commodity and site-specific information.

B. Geological and geophysical (G&G) permits. Notice is also give that permits are available, upon suitable application pursuant to 30 CFR 251, for hard mineral exploration on the Outer Continental

Shelf. Activities authorized under this regulation include geological and geophysical activities for exploration of mineral resources and for scientific research. For further information in regard to these permits, contact Hans Waetjen, U.S. Geological Survey, Stop 640, 12201 Sunrise Valley Drive, Reston, Virginia 22092, (703) 860–7571.

Robert F. Burford,

Director, Bureau of Land Management.

Approved:

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 9, 1981.

[FR Doc. 81–28693 Filed 9–14–81; 8:45 am]

BILLING CODE 4310–84–M

Roseburg District Advisory Council; Meeting

Notice is hereby given that in accordance with Section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet October 20, 1981. The meeting will convene at 9:00 a.m. in the conference room at the Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, OR. The topic to be considered at the meeting is the next step in the land use planning process, the Timber Management Environmental Impact Statement for the Douglas-South Umpqua Sustained Yield Units. Particular attention will focus on the issues and alternatives that have surfaced in the EIS "scoping" process.

All Council meetings are open to the general public and news media. Interested persons or organizations may make oral statements to the Council at 11:00 a.m., or they may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by October 13, 1981. Depending upon the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of each Council meeting will be maintained in the Roseburg District Office and will be available for public inspection and copying during regular business hours within 30 days following the meeting.

For additional information, contact Gary Majors, Public Information Officer, telephone (503) 672–4491.

Dated: September 3, 1981.

James E. Hart,

District Manager.

[FR Doc. 81–28702 Filed 9–14–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 6918]

Oregon; Termination of Disposal Classification

Correction

In FR Doc. 81–24292, appearing at page 42357, in the issue of Thursday, August 20, 1981, make the following changes:

1. Add [OR 6918] to the heading of the document.

2. In the land description under "Willamette Meridian, Oregon", in Sec. 7, change "E½SE¼" to read "E½SW¼".

BILLING CODE 1505–01–M

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Third Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service announces the availability of the official report of the U.S. Representative to the Third Regular Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and publishes a summary of resolutions adopted by the Conference which may bear directly on the conditions of international trade in specimens of species controlled by the Convention.

ADDRESS: Copies of the official report may be requested from the U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Due to limited supply, requests should be limited to one copy per person or organization.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235–2418.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Service's rules providing for public participation in the development of negotiating positions for meetings of the Conference of the Parties (hereinafter referred to as Conference) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as CITES or Convention), the Service announces the availability of the official report of the United States Representative to the Third Regular Meeting of the Conference held in New Delhi, India, February 25–March 8, 1981. Only a limited number of copies of this report have been produced; therefore, requests for it should be limited to one per person or organization.

In addition, in the interest of informing the general public of those actions taken by the Parties at New Delhi which may bear directly on the conditions of international trade in CITES controlled specimens, the Service publishes the following as summaries of some of the resolutions adopted by the Conference. Actions taken on proposals to amend the lists of CITES controlled species will not be treated here. For information on such actions, see the Federal Register of April 7, 1981 (46 FR 20713).

1. Harmonization of Permit Forms and Procedures

Each Party should adapt their CITES export permits and re-export certificates both as to content, and layout (to the extent practicable) to the standard format approved by the Conference. One element of the standard format calls for a statement of the country of origin of the specimen concerned, i.e., the country in which the specimen was taken from the wild, captive-bred, etc. This statement can be omitted only where specifically justified.

Parties should see to it that information on units of measurement avoid general descriptions such as "one case" or "one shipment". Where, for example, skins, hides or trophies are being shipped, the number of animals represented by the shipment should appear on the CITES document or, where this is not possible, the weight in kilograms.

The Conference urged Parties to comply with the documentary requirements of Article VI which is designed to assure the validity and authenticity of permits, and to comply with the resolution on the Article VII exemptions for specimens "bred in captivity" or "artificially propagated". That resoluton passed at the Second Regular Meeting of the Conference (San Jose, 1979) limits the availability of these exemptions by the following interpretations:

> * * * [T]hat the term "bred in captivity" be interpreted to refer only to offspring, including eggs, born or otherwise produced in a controlled environment, either of parents that mated or otherwise transferred gametes in a controlled environment, if reproduction is sexual, or of parents that were in a controlled environment when development of the offspring began, if reproduction is asexual. The parental breeding stock must be to the satisfaction of the competent

government authorities of the relevant country:

(i) Established in a manner not detrimental to the survival of the species in the wild;

(ii) Maintained without augmentation from the wild, except for the occasional addition of animals, eggs or gametes from wild populations to prevent deleterious inbreedng, with the magnitude of such addition determined by the need for new genetic material and not by other factors, and

(iii) Managed in a manner designed to maintain the breeding stock indefinitely.

A controlled environment for animals is an environment that is intensively manipulated by man for the purpose of producing the species in question, and that has boundaries designed to prevent animals, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of a controlled environment may include but are not limited to artificial housing, waste removal, health care, protection from predators, and artifically supplied food. A parental breeding stock shall be considered to be "managed in a manner designed to maintain the breeding stock indefinitely" only if it is managed in a manner which has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment * * *.

* * * That the term "artificially propagated" be interpreted to refer only to plants grown by man from seeds, cuttings, callus tissue, spores or other propagules under controlled conditions. The artificially propagated stock must be:

(i) Established and maintained in a manner not detrimental to the survival of the species in the wild, and

(ii) Managed in a manner designed to maintain the artificially propagated stock indefinitely.

Controlled conditions for plants is under an environment that is intensively manipulated by man for the purpose of producing selected species. General characteristics of controlled conditions may include but are not limited to tillage, fertilization, weed control, irrigation, or nursery operations such as potting, bedding, or protection from weather * * *.

The San Jose resolution also resolved the question of whether captive bred or artificially propagaged specimens of Appendix I species produced for commercial purposes were eligible for certificates of exemption under Article VII.5 by stating:

* * * that the provisions of Article VII, paragraph 4, of the Convention be applied separately from those of Article VII, paragraph 5. Specimens of animal species in Appendix I bred in captivity for commercial purposes or plant species in Appendix I artificially propagated for commercial purposes shall be treated as if they were in Appendix II, and shall not be exempted from the provisions of Article IV by the granting of certificates to the effect that they were bred in captivity or artificially propagated * * *.

2. Security Paper

Parties should affix serially numbered adhesive security stamps to be designed by the Secretariat on CITES permits and certificates. The issuing officer should validate the stamp with his or her signature across the stamp and onto the document.

The Parties should exchange permits and certificates both regularly and whenever irregularities are suspected.

3. Trade With Non-Parties

Parties should not accept documents issued by non-Parties unless they contain:

a. The name, stamp (if any) and signature of a competent issuing authority (nature conservation authorities shall be considered as competent unless another authority is so designated),

b. Sufficient identification of the species concerned for purposes of CITES,

c. The country of origin or justification for its omission,

d. In case of export, certification to the effect that export will not be detrimental to survival of the species concerned and that the specimen was not obtained in contravention to the law,

e. In the case of re-export, certification to the effect that the competent authority of the country of origin has issued an export document which substantially meets the requirements of Article VI,

f. In the case of export or re-export of live specimens, certification to the effect that transport will be in a manner which will minimize the risk of injury, damage to health or cruel treatment,

g. In the case of import by a non-Party of Appendix I specimens from a Party, certification on its import document that import will be for purposes which are not detrimental to the survival of the species concerned, that specimens are not to be used for primarily commercial purposes, and, where the specimens are living, that the proposed recipient is suitably equipped to house and care for them.

4. Shipping Guidelines

The Parties should take measures to promote the full and effective use of the CITES "Guidelines for Transport and Preparation for Shipment of Live Wild Animals and Plants". The guidelines should be brought to the attention of interested Parties inviting comment from them and encouraging their use. The guidelines can be amended. The Technical Expert Committee shall consider recommendations from Parties, circulate them to interested persons and organizations for comment and report its recommendations to a meeting of the Conference. Suggestions for recommendations may be addressed to the Federal Wildlife Permit Office (see "ADDRESS" above).

The Conference limited the applicability of the guidelines to wild animals. It changed a reference to "Rats, Mice and Cavies-Bred for Laboratory Use" to "Rats, Mice and Cavies and other Small Mammals", and eliminated an element in the guideline recommending that pregnant specimens and specimens dependent on their mother not be shipped.

The Service will consider that preparation and shipment plans for live specimens in accordance with the guidelines will satisfy the Service that the specimens will be "so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment", unless other circumstances point to the contrary.

5. Ranching of Appendix I Specimens

Populations of species included in Appendix I which occur within the jurisdiction of Parties, but which are deemed by the Parties to be no longer endangered and to benefit by ranching (the rearing in a controlled environment of specimens taken from the wild) with the intention of trade may be included in Appendix II (and therefore may be commerically traded) provided the following criteria are satisfied:

(a) The ranching operation must be primarily beneficial to the conservation of the local population (contribute to its increase in the wild),

(b) The products of the operation must be adequately identified and documented to ensure that they can be readily distinguished from products of Appendix I populations.

Proposals to list such populations in Appendix II must contain the following information:

(i) Evidence that the taking from the wild shall have no significant detrimental impact on wild populations,

(ii) An assessment of the likelihood of the biological and economic success of the ranching operation,

(iii) Assurance that the operation shall be carried out at all stages in a humane (non-cruel) manner,

(iv) Assurance that the operation will be beneficial to the wild population through reintroduction or in other ways,

(v) A description of the methods to be used to identify the products through marking and/or documentation,

(vi) Assurance that the criteria continue to be met, records to be open to scrutiny by the Secretariat,and that the Management Authority shall incude in its reports to the Secretariat sufficient detail concerning the status of its

population and concerning the performance of any ranching operation to satisfy the Parties that these criteria continue to be met.

Any proposal to include in Appendix II a population of a species incuded in Appendix I under the provisions of this resolution should be received by the Secretariat 330 days (a regular proposal is 150 days) in advance of the meeting of the Conference that will consider the proposal.

6. Trade in African Elephant Ivory

Any imports, exports or re-exports of African elephant ivory by a Party should be authorized only if the Party is satisfied that the ivory was legally acquired in the country of origin. Permits and certificates for trade in raw ivory should be accepted only if they mention the actual country of origin. Each tusk or other piece of raw ivory should be marked by means of punch-dies using the following formula: Country of origin ISO code of two letters, serial number for the year in question/the last two digits of the year and the weight in kilograms (e.g., KE 127/8114). In the case of whole tusks, this mark is to be placed at the "lip mark", and indicated with a flash of color. Parties should not accept raw ivory which is not clearly marked.

Where possible, Parties should adopt domestic measures licensing importers, exporters or re-exporters of raw ivory. (The resolution defined raw ivory to include all whole African elephant tusks, polished or unpolished and in any form whatsoever, and all African elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for "worked ivory".) The term "worked ivory" shall cover all items made of ivory for jewelry, adornment, art utility or musical instruments (but not including whole tusks in any form except when the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose. The Service is currently considering the modification of its "special rule" on African elephants so as to ease restrictions on domestic activities and bring the rule more into line with the importation and exportation provisions of CITES. The Service has published a notice of intent to this effect in the **Federal Register** of April 9, 1981 (46 FR 2209), and a proposed rule in the **Federal Register** of July 17, 1981 (46 FR 37059).

7. Trade in Whale Products

The Conference called on the Parties to pay particular attention to the documentation requirements for specimens of cetaceans. It called on those CITES Parties which have not adhered to the International Convention for the Regulation of Whaling (IWC) to do so.

8. Trade in Rhinceros Horn

The Secretariat should request non-Parties that have traded in rhinoceros products within the past five years to take measures preventing import or export of such products; and to request both Parties and non-Parties to place a moratorium on the sale of all governmental and semigovernmental stocks of rhinoceros products.

9. International Compliance Controls

The Conference made a general call for strict compliance and control of CITES trade and called on Parties to assure that permits and certificates were issued by competent authorities. Importing Parties in particular should not accept documents other than those issued by Management Authorities officially designated as competent and duly notified as such to the Secretariat.

This notice was prepared by Arthur Lazarowitz, Federal Wildlife Permit Office.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-26830 Filed 9-14-81; 8:45 am]

BILLING CODE 4310-15-M

Geological Survey

Known Geothermal Resources Area; Conda, Idaho; Correction

In FR Doc. 78-30723 appearing on page 50744 in the issue for Tuesday, October 31, 1978, the land description is incorrect. This notice replaces that previously published document.

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area effective January 1, 1978:

(12) Idaho

Conda Known Geothermal Resources Area

Boise Meridian, Idaho

T. 8 S., R. 42 E.
Secs. 1, 2, 11, 12, 13, and 14.

The area described aggregates 3,846.24 acres, more or less.

Dated: September 9, 1981.

John J. Dragonetti,

Deputy Division Chief, Onshore Minerals Regulation.

[FR Doc. 81-26809 Filed 9-14-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 9, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by September 30, 1981.

Carol Shull,

Acting Keeper of the National Register.

LOUISIANA

Orleans Parish

New Orleans, *Bullitt-Longenecker House*, 3627 Carondelet St.

[FR Doc. 26840 Filed 9-14-81; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 4, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by September 30, 1981.

Carol Shull,

Acting Keeper of the National Register.

CALIFORNIA

San Bernardino County

Fort Irwin vicinity, *Bitter Spring Archeological Site* (4-SBr-2650)

CONNECTICUT

Hartford County

Hartford, *U.S. Post Office and Federal Building*, 135-149 High St.

IDAHO

Shoshone County

Avery vicinity, *Arid Peak Fire Lookout*, N of Avery

LOUISIANA

Claiborne Parish

Homer, *Claiborne Parish Courthouse*, Courthouse Sq.

Franklin Parish

Baskin, *Baskin High School Building*, LA 857

Pointe Coupee Parish

New Roads, *Pointe Coupee Parish Courthouse*, Main St.

MONTANA

Granite County

Philipsburg vicinity, *Rock Creek Guard Station (Rock Creek Ranger Station)* W of Philipsburg

OHIO

Cuyahoga County

Parma, *Stearns, Lyman, Farm*, 6975 Ridge Rd.

Greene County

Fairborn, *Mercer Log House*, 41 N. 1st St.

Jefferson County

Smithfield, *Smithfield School*, High St.
Wintersville vicinity, *Bantam Ridge School*, Bantam Ridge Rd.

Lake County

Mentor, *Oliver, John G., House*, 7645 Little Mountain Rd.

VIRGINIA

Fairfax County

Fairfax, *Fairfax County Courthouse and Jail*, 4000 Chain Bridge Rd. (boundary increase)

Prince William County

Manassas Park vicinity, *Conner House*, Conner Dr.
Salem (independent city)
Academy Street School, Academy St.

[FR Doc. 81-26529 Filed 9-14-81; 8:45 am]

BILLING CODE 4310-70-M

National Registry of Natural Landmarks; Request for Comment

AGENCY: National Park Service, Department of the Interior.

ACTION: Public notice and request for comment.

The area listed below appears to qualify for designation as a national natural landmark, in accordance with the provisions of 36 CFR Part 1212. Pursuant to § 1212.4(d)(1) of 36 CFR Part 1212, written comments concerning the potential designation of this area as a natural landmark may be forwarded to the Associate Director, Science and Technology, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or requests for additional time or information should be received no later than November 16, 1981.

Dated: August 28, 1981.

Richard H. Briceland,

Associate Director, Science and Technology.

Maine

Knox County

Appleton Bog; a 560-acre site located 4 miles southeast of Liberty. This relatively undisturbed peatland area contains the northeasternmost extensive, virgin stand of Atlantic White Cedar in the country.

[FR Doc. 81-26794 Filed 9-14-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-28 (Sub-No. 3F)]

Central of Georgia Railroad Co.; Abandonment Between Edgefield and Waters, S.C.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission has issued a certificate authorizing Central of Georgia Railroad Company to abandon its rail line between Edgefield (milepost GF-275.95) and Waters (milepost GF-280.3) in Edgefield County, S.C., a total distance of 4.35 miles, subject to certain conditions. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will become effective. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26804 Filed 9-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: September 10, 1981.

In our recent decisions, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 17.8 percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.7-percent surcharge for the bus carriers, or the 2.0-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., September 11, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Vice Chairman Clapp was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

September 8, 1981.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

Jan. 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

Sept. 8, 1981 ..... 130.6¢

	Transportation performed by—			
	Owner-operators [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	17.8	3.1	6.7	[3] 2.8
Percent surcharge allowed	18.0	3.1	6.7	[4] 2.0

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 61 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-26806 Filed 9-14-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce, and Dowell.

MC–FC–79234. By decision of June 26, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MITCHELL & SONS MOVING AND STORAGE of Ashland, OH, of Certificate No. 18222 issued June 5, 1973 to BEST MOVING & STORAGE CO., INC. of Akron, OH, as a motor *common* carrier, in interstate or foreign commerce over irregular routes, transporting *household goods,* between points in Summit County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Representative: James Duvall, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017, (614) 889–2531.

MC–FC–79024. By decision of August 21, 1981 issued under 49 U.S.C. 10931 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WHITAKER TRANSPORTATION, INC., of Donie, TX, a portion of Certificate of Registration No. MC–58734 (Sub-No. 1) issued to Ivan Thorne, of Mexia, TX (Etherine Thorne, Successor-In-Interest) authorizing oilfield equipment and pipe; and wading and other named commodities which because of their size and weight require the use of special equipment, between points in Texas. The underlying intrastate rights are in Certificate No. 5432, dated June 6, 1950 issued by the railroad Commission of Texas, and were transfered to transferee as Certificate No. 35989, dated February 2, 1981. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 787678. TA Lease is not sought. Transferee is not a carrier.

MC–FC–79143. By decision of August 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to LOOP FLEET SERVICE, INC., of Milwaukee, WI, of Certificate No. MC–148583 (Sub-No. 2), issued August 4, 1981, to LOOP CARTAGE, INC, of Milwaukee, WI, authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Milwaukee County, WI, to points in Racine, Kenosha, Walworth, Rock, Dane, Jefferson, Columbia, Dodge, Washington, Ozaukee, Sheboygan, Fond du Lac, Winnebago, Calumet, Manitowoc, Outagamie, Brown, Kewaunee, and Waukesha Counties, WI. Representative: James Sernovitz, 1818 N. Commerce Street, Milwaukee, WI 53212. TA application has not been filed. Transferee holds authority under MC–139077 and sub-numbers thereunder.

MC–FC–79206. By decision of September 1, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Truck One, Inc., of Newcomerstown, OH, of Certificates No. MC–123255 (Sub-Nos. 223 and 226) issued to B & L MOTOR FREIGHT, INC., of Newark, OH, authorizing: *General commodities* (except classes A and B explosives), between points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia, and Wisconsin; and between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Condition: The operating rights of transferor and transferee, to the extent they duplicate, may not be severed from common ownership by sale or otherwise. Representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, OH 43215. TA lease is not sought. Transferee is not a carrier, but is affiliated with transferor.

MC–FC–79253. By decision of August 21, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to QUAD CITIES EXPRESS, INC. of a portion of certificate No. MC–53752 issued to WESTERN TRANSPORTATION COMPANY authorizing the transportation of general commodities, with exceptions between Moline, IL and Des Moines, IA, over U.S. Highway 6, serving all intermediate points. Representative: Earl H. Soudder, Jr., Attorney, for Transferee, P.O. Box 82028, Lincoln, NE; Carl L. Steiner,

Attorney for Transferor, 39 South La Salle Street.

MC–FC–79284. By decision of August 26, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WILLETT INTERSTATE SYSTEM, INC. of Chicago, IL 60609 of Permit No. MC–104377 (Sub-No. 1) issued to WILLETT TRANSPORTS, INC. of Chicago IL 60609 authorizing: IRREGULAR ROUTES: (1) *Sulphuric acid,* in bulk in tank vehicle, (a) from Hammond, IN, to Milwaukee, WI, and (b) from Whiting and Hammond, IN, to Chicago Heights and Lockport, IL, and points in the Chicago, IL, commercial zone, as defined by the Commission; (2) *rejected shipments* of sulphuric acid, from Chicago Heights and Lockport, IL, and points in the Chicago, IL, commercial zone, as defined by the Commission, to Whiting and Hammond, IN: and (3) *spent sulphuric acid,* in bulk, in tank vehicles, from Lockport, IL, to Hammond, IN. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. TA lease is not sought. Transferee is not a carrier.

MC–FC–79290. By decision of August 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Southwestern Carriers, Inc. of Certificate No. MC–144616 and (Sub-Nos. 2, 4, 8, 9, 10, 11, 12, 13, and 14), issued to Trucks, Inc. authorizing the transportation of (1) *meats, meat products, meat byproducts, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (a) from the facilities of John Morrell & Co. at or near Arkansas City and Wichita, KS, and El Paso, TX, to point in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, (b) from the facilities of John Morrell & Co. at or near Sioux Falls, SD, Estherville and Sioux City, IA, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, (c) from the above named facility at or near Shreveport, LA, to points in Alabama, Florida, Georgia, Maryland, Mississippi, North Carolina, New York, New Jersey, Pennsylvania, South Carolina, Tennessee, and the District of Columbia, (d) from the above named facility at Shreveport, LA, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, New Hampshire, Ohio, Rhode Island, Virginia, and West Virginia, (e) from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to those points in the United States in and west of Montana, Wyoming, Colorado, Oklahoma, Arkansas and Louisiana, and (f) from Hereford, TX, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Arizona, California and the District of Columbia, (2) *canned and preserved foodstuffs,* from the facilities of Heinz USA, at or near (a) Fremont and Toledo, OH, (b) Holland, MI, and Pittsburgh, PA, to points in Texas, Oklahoma, and Kansas, (3) *foodstuffs,* from points in Dallas County, TX, to points in Louisiana, Arkansas, Oklahoma, and New Mexico, (4) *foodstuffs* (except in bulk), from points in Adams, Cumberland, Dauphin, and Franklin Counties, PA, to points in Arkansas, Arizona, California, Louisiana, New Mexico, Oklahoma, and Texas and (5) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the United States.

Notes.—(1) Transferee is a non carrier, (2) No application for TA has been filed. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 16112.

MC–FC–79292. By decision of August 13, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Graham Trucking, Inc. of Certificate of Registration No. MC–58856 (Sub-No. 2) issued May 5, 1976 to Star Trucking Company, Inc. authorizing the transportation of to and from all points in Texas located West of U.S. Highways Nos. 61 and 151, from Ringgold to San Antonio and Arkansas Pass: Oilfield equipment and pipe, when moving as oilfield equipment. Pipe when it is to be used in the construction and maintenance of pipe lines of any and every other character or use other than oilfield equipment; except the carrier is prohibited from transporting pipe when not moving as oilfield equipment when such pipe is less than four (4") inches in diameter and is also less than twenty-eight (28') feet in length. Trucking machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, botas and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, punches, pressers, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, water plant and wire covering, twisting or laving, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks, when said commodities are not moving as oilfield equipment, as follows: The holder of this authority may transport the above named commodities together with its attachments and its detached parts thereof between incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a simple place or when such commodity, because of physical characteristics other than weight, requires the use of "special devices, facilities or equipment" for the safe and proper loading or unloading thereof. The terms "special services, facilities or equipment" is considered to mean only those operations by motive or mechanical power.

MC–FC–79301. By decision of August 19, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Southern Leasing Company, Inc. of Certificate No. MC–6143 (Sub-No. 4) issued July 15, 1981 to Dunbar Transportation Services, Inc. authorizing the transportation of *general commodities* (except classes A and B explosives), between points in Shelby County, TN, on the one hand, and, on the other, points in the United States. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Washington, DC 20014.

Notes.—(1) Transferee is a non-carrier. (2) No application for temporary authority has been filed.

MC–FC–79304. By decision of 8/25/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to BENNETT TRUCKING, INC. of Windom, MN 56101 of Certificate No. MC–143651 (Sub-Nos. 3 and 11) issued to HI–LO TRANSPORT, INC. of Wall Lake, IA 51466 authorizing: Sub-No. 3 over irregular routes, *meats, meat products, meat byproducts, dairy products and articles distributed by meat-packing houses, as described in sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the facilities of John Morrell & Co., at Estherville and Sioux City, IA, and Sioux Falls, SD, to points in AL, AR, CT, DE, FL, PA, GA, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, RI, SC, TN, VT, VA, and WV, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. Sub-No. 11 over irregular routes, *meats, meat products and meat byproducts, and articles distributed by meatpacking houses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near (a) Estherville and Sioux City, IA, (b) Sioux Falls, SD, and (c) Worthington, MN, to points in IL, IN, KS, MO, OH, OK, TX, and WI, restricted to traffic originating at the named facilities. Representative: David W. Huey, 603 Second St., Jackson, MN 56143. TA lease is sought. Transferee is not a carrier.

MC–FC–79305. By decision of 8/24/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to BMC TRUCKING CO., INC. of Blanco, TX of Certificate No. MC–138322 and Subs thereto, issued to BHY TRUCKING, INC. of South El Monte, CA authorizing general and specified commodities over irregular routes between named points in the United States. The request to transfer transportation of Government traffic is denied. This authority granted cannot be transferable by sale or otherwise. See Ex Parte No. MC–107, *Transportation of Government Traffic*, 131 M.C.C. 845, 870 (1979). Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. TA lease is not sought. Transferee is not a carrier.

MC–FC–79307. By decision of August 19, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Stumps Refrigerated Express, Inc. of Tiro, OH of Certificate Nos. MC–143651 (Sub-Nos. 7 and 13) issued to Blackhawk Express, Inc. known as Hi-Lo Transport Inc. authorizing transportation in No. MC–143651 (Sub-Nos. 7) of *potting soil and agrease compost* from La Porte, IN to points in 18 states and in No. MC–143651 (Sub-No. 13) of Clay (except in bulk) from Ochlocknee, GA and Ripley, MS to points in 9 states. Transferee is a motor common carrier operating under authority contained in No. MC–148831 and subs thereunder. Representative: David A. Turano, Esq., 100 E. Broad Street, Columbus, OH 43215.

MC–FC–79308. By decision of August 19, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to TRANS CONTINENTAL LEASING, LTD., of Permit No. MC–145925F issued April 1, 1980 to Wetterau Transport, Incorporated authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), under continuing contract(s) with Wetterau, Incorporated, of Hazelwood, MO, Consolidated Toy Company, of Hazelwood, MO, W. T. Sistrunk, of Lexington, KY, and G. H. Delp Company, of Temple, PA. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105.

Note.—(1) Transferee is a non-carrier. (2) No application for temporary authority has been filed.

MC–FC–79309. By decision of August 28, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WESTHOFF, INC. of Sioux City, IA, of Certificate No. MC–143651 (Sub-No. 4) issued to HI–LO TRANSPORT, INC. of Lake View, IA, authorizing the transportation of *meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from LeMars, IA, to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the facilities of Dubuque Packing Co. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101. TA lease is sought. Transferee is not a carrier.

MC–FC–79310. By decision of August 20, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CONLEY TRUCK LINE, INC. of Wood River, NE of Certificate No. MC–120–427 (Sub-No. 32F) issued August 15, 1980 to Williams Transfer, Inc. of Grand Island, NE authorizing the transportation of *iron and steel articles, scaffolding, conveyors and parts* for the foregoing commodities between Yankton, SD, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the facilities of Morgen Manufacturing Company, at or near Yankton, SD. Representative: Brain K. Ridenour, P.O. Box 82028, 1200 N Street, 500 The Atrim, Lincoln, NE 68501. TA lease is not sought Transferee is a carrier.

MC–FC–79311. By decision of August 19, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Speedway Express, Inc. of Certificate Nos. MC–140639 and MC–140639 (Sub-No. 1) issued to Norcon Transportation Company, Inc. authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) in No. MC–140639 between New York, NY, on the one hand, and, on the other, points in Bergen, Essex, Hudson, Possaic, and Union Counties, NY, and (2) in Sub-No. 1(a) from New York, NY to points in Nassau and Suffolk Counties, NY, (n) from points in Suffolk County, NY, to New York, NY and points in Nassau County, NY, and (c) from points in Nassau County, NY to points in Suffolk County, NY. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374.

Notes.—(1) Transferee holds no authority from the Commission; (2) application for temporary authority has not been filed.

MC–FC–79314. By decision of August 20, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to ALL WAYS FREIGHT LINES, INC. of Certificate No. MC–7789 issued March 10, 1941 to John Seybold and Gotthilf Seybold d/b/a Seybold Brothers authorizing the transportation of (1) *livestock*, from Republic, KS, and points within 25 miles of Republic, to Omaha, NE, (2) *livestock, agricultural commodities and feed*, from Omaha, to points in the above-described Kansas territory; (3) *clay products*, from Endicott, NE, to points in the above-described Kansas territory; and (4) *general commodities* (except those of unusual value classes A and B

explosives, household goods, commodities in bulk, and those requiring special equipment), between points in the above-described territory, on the one hand, and, on the other, Geneva, Beatrice, and Lincoln, NE, and those in NE within 25 miles of Republic, KS. Representative: John E. Jandera, P.O. Box 1479, Topeka, KS 66601.

Notes.—(1) Transferee is a motor carrier pursuant to No. MC–138772; (2) application for TA has not been filed.

MC–FC–79315. By decision of August 18, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer of Illiana Motor Services, Inc., of Chicago, IL, from Star West Cartage Company, Inc., of Permit Nos. (1) MC–82044, to transport such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, (a) between points in a described northern portion of Illinois, and a northwestern portion of Indiana, and (b) between points in a described northern portion of Illinois, a northwestern portion of Indiana, a southwestern portion of Michigan, and a southeastern portion of Wisconsin, restricted to a transportation service, as a contract carrier by motor vehicle, in interstate or foreign commerce, under special and individual contracts or agreements with persons who operate retail stores, the business of which is the sale of food, (see Note 1, below); and (2) MC–82044 (Sub-No. 4), to the transport of newsprint in rolls, from Chicago, IL, to Valparaiso, La Porte, Highland, South Bend, and Elkhart, IN, and Niles, MI, under continuing or contract(s), with Wacker Warehouse Company, Inc., of Chicago, IL. Representative is: Harold Tatro, c/o Illiana Motor Service, Inc., 4431 South Halsted Street, Chicago, IL 60609. Temporary authority has been filed.

MC–FC–79320. By decision of August 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to RAMSEY'S TRAILWAYS, INC. of Jonesboro, LA, of a portion of Certificate Nos. MC–61616 and MC–61616 (Sub-No. 61), issued to MIDWEST BUSLINES, INC., of Kansas City, MO, as follows: (1) that portion of Certificate No. MC–61616 which authorizes the transportation of *passengers, baggage, express and newspapers* in the same vehicle with passengers, between Monroe, LA, and junction LA Hwy 15 and U.S. Hwy 65, over LA Hwy 15, serving all intermediate points; and (2) that portion of Certificate No. MC–61616 (Sub-No. 61) which authorizes the transportation of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between junction LA Hwy 15 and U.S. Hwy 65, about 1 mile south of Clayton, LA, and Natchez, MS over U.S. Hwy 65, serving the intermediate points of Ferriday and Vidalia, LA. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave., and 13th Street NW., Washington, DC 20004.

Note.—Transferee is a non-carrier. TA has not been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26807 Filed 9–14–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-No. 53F)]

Seaboard Coast Line Railroad Co.; Abandonment Between Kimbrough and Dawson, GA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission has issued a certificate authorizing Seaboard Coast Line Railroad Company to abandon its rail line between Kimbrough, GA (milepost SLB–45.35) and Dawson, GA (milepost SLB–63.52) in Webster and Terrell Counties, GA, a total distance of 18.17 miles, subject to conditions. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will be issued. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26805 Filed 9–14–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–24105, appearing at page 42212, in the issue of Wednesday, August 19, 1981, on page 42214, in the first column, first paragraph, designated as "MC 989 (Sub-43)" for Ideal Truck Lines, line 9, correct "NM" to read "MN".

BILLING CODE 1505–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applicantions may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual

operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–171

Decided: September 8, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 157803, filed August 20, 1981. Applicant: WALTER J. BREWER, d.b.a. BREWER TRUCKING COMPANY, P.O. Box 801, Spring, TX 77373. Representative: Walter J. Brewer (same address as applicant), 713–353–2449. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157903, filed August 24, 1981. Applicant: WICO EXPRESS, INC., P.O. Box 2277, Sandusky, OH 44870. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215, (614) 228–1541. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S.

MC 157913, filed August 26, 1981. Applicant: GERALDINE CROSS, d.b.a. CROSSWAYS TRANSPORTATION, 5403 Dreher Lane, Little Rock, AR 72209. Representative: Geraldine Cross (same address as applicant), 501–224–2506. Transporting *general commodities* (except classes A and B explosives), between Hamburg, AR, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor-carrier for abandoned rail-carrier service.

Volume No. OPY–3–316

Decided: September 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 157935, filed August 27, 1981. Applicant: GARY M. THOMPSON, d.b.a. CIMARRON, P.O. Box 297, Valley, NE 68064. Representative: Gary M. Thompson (same address as applicant), (402) 289–2242. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157965, filed August 27, 1981. Applicant: GRIGGS TRUCKING, 2340 Farwell Rd., Des Moines, IA 50317. Representative: Kenneth G. Griggs (same address as applicant), (515) 266–1910. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–360

Decided: September 3, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 157907, filed August 25, 1981. Applicant: BYFORD LOWRY, 1802 Rampart St., Cape Girardeau, MO 63701. Representative: Byford Lowry (same address as applicant), (314) 335–3505. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157927, filed August 26, 1981. Applicant: FRANK D. CLARKE d.b.a. CLARKE TRUCKING, 1231 West 71st Place, Chicago, IL 60636. Representative: Frank D. Clarke (same address as applicant), (312) 924–0763. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agriculture limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–26740 Filed 9–14–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the

Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-169

Decided: September 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 127172 (Sub-8), filed August 7, 1981. Applicant: MARC BAGGAGE LINES, INC., 9033 Hollyberry Ave., Des Plaines, IL 60016. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, 404-477-1525. Transporting *electrical and electronic products,* between points in IA, IL, IN, MI, MN, OH, WI, and St. Louis, MO.

MC 129712 (Sub-55), filed August 24, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326, (404) 237-6472. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Hull Corporation, of Hatboro, PA.

MC 145102 (Sub-79), filed August 24, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 South Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *food and related products,* between points in Los Angeles, Orange, and Ventura Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 146893 (Sub-13), filed August 27, 1981. Applicant: BROWN TRANSPORT, INC., Box 327A, RR 3, West Alexandria, OH 45381. Representative: Lewis S. Witherspoon, 2455 N. Star Rd., Columbus, OH 43221, 1-614-486-0448. Transporting *commodities in bulk,* between points in IN, KY, MI, and OH.

MC 149133 (Sub-7), filed August 24, 1981. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Blvd., P.O. Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same address as applicant), 704-588-2109. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hancock Textile Company, of Tupelo, MS.

MC 151293 (Sub-2), filed August 24, 1981. Applicant: HUTCHENS TRUCKING COMPANY, INC., 615 Rosann Dr., Winston-Salem, NC 27107. Representative: B. G. Martin, 1979 Beach St., Winston-Salem, NC 27103, (919) 723-7970. Transporting *electrical controllers and parts, transformers, switch gear equipment, appliances and electrical switches, and breakers and parts,* between points in the U.S., under continuing contract(s) with General Electric Company, of Fort Wayne, IN.

MC 154103 (Sub-1), filed August 24, 1981. Applicant: MID-SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, 502-589-5400. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Shima American Corp., of Elmhurst, IL, (2) Trialco, Incorporated, of Chicago Heights, IL, (3) Metalex, Inc., of Libertyville, IL, (4) Enterprise Paint, Inc., of Wheeling, IL, (5) Tape Coat, Inc., of Evanston, IL, (6) Desa Industries, Inc., of Forrest Park, IL, (7) American Threshold Industries, Inc., of Asheville, NC, (8) Freshlabs, Inc., of Warren, MI, (9) Univertical Corporation, of Detroit, MI, (10) Cupples Company, of St. Louis, MO, (11) Cotswold Industries, Inc., of New York, NY, (12) Reliance Pen and Pencil Corp., of Lewisburg, TN, (13) Silver Manufacturing, Inc., of Knoxville, TN, (14) Camel Manufacturing Co., of Knoxville, TN, (15) Arnold Sub Magnetics and Electronics, Inc., of Sevierville, TN, (16) Steiner-Liff, Inc., of Nashville, TN, (17) Perfection Automotive Products Corp., of Livonia, MI, (18) Temtex Products, Inc., of Nashville, TN, (19) Wholesale Buildings Products Division, Franklin Industries, of Nashville, TN, (20) Central Cumberland Corp., of Nashville, TN, (21) Textile Industries, Inc., of Detroit, MI, (22) Fairway Products, Inc., of Hillsdale, MI, (23) Molo Mills, Inc., of Detroit, MI, (24) Alumax Extrusions, Inc., of Hernando, MS, (25) Dover Corporation, Elevator Division, of Horn Lake, MS, (26) Ferro Corporation, Coatings Division, of Nashville, TN, (27) Reichold Chemicals, Inc., of Nashville, TN, (28) United National Industries, Inc., of Chicago, IL, (29) Pioneer Manufacturing, Inc., of Springhill, TN, and (30) Twitchell Division of Ludlow Corp., of Dothan, AL.

MC 154683 (Sub-1), filed August 20, 1981. Applicant: COASTAL TRANSPORTATION INC., P.O. Box 902, Pensacola, FL 32594. Representative: Ralph B. Matthews, Suite 1200, Gas Light Tower, 235 Peachtree Street NE., Atlanta, GA 30303, 404-522-2322. Transporting *such commodities* as are dealt in or used by manufacturers and distrubutors of soft drinks, between points in Escambia and Santa Rosa Counties, FL, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and TX.

MC 157842, filed August 24, 1981. Applicant: WEBBER PETROLEUM COMPANY, 93 Kensington St., Portland, ME 04101. Representative: Robert E. Sutcliffe, 84 Harlow St., Bangor, ME 04401, (207) 947-4501. Transporting *petroleum, natural gas and their products,* between points in the U.S. under continuing contract(s) with Sunmark Industries, of Framingham, MA. Condition: to the extent any permit issued in this proceeding authorizes liquified petroleum gasses, it shall be limited to a period expiring 5 years from its date of issuance.

MC 157853, filed August 24, 1981. Applicant: VAN HEUSEN TRANSPORTATION CORPORATION, P.O. Box 307, Schuylkill Haven, PA 17972. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518, (215) 385-6086. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CT, DE, FL, GA, LA, MA, MD, MS, NJ, NY, NC, PA, RI, SC, TN, TX, VA, WV, and DC.

MC 157942, filed August 27, 1981. Applicant: TRUMAN BARKS d.b.a. BARKS TRUCKING CO., Greenville, MO 63944. Representative: W. R. England, III, P.O. Box 456, Jefferson City, MO 65102, 314–635–7166. Transporting *lumber and wood products,* between points in MO south of Interstate Hwy 70, on the one hand, and, on the other, points in the U.S.

Volumn No. OPY–2–172

Decided: September 8, 1981.
By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 64402 (Sub-1), filed August 26, 1981. Applicant: RAINBOW PIANO & FURNITURE MOVERS, INC., 76 George Levin Drive, North Attleboro, MA 02761. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036, 202–785–0024. Transporting *household goods,* between those points in MA east of the Connecticut River and RI, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, OH, WV, VA, KY, TN, NC, SC, MS, AL, GA, FL, and DC.

MC 98562 (Sub-3), filed August 24, 1981. Applicant: SMITHVILLE FREIGHT LINES, INC., Armour Dr., Smithville, TN 37166. Representative: Roland M. Lowell, 681 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *general commodities* (except classes A and B explosives), (I) OVER REGULAR ROUTES: (1) between Smithville and Sparta, TN, over TN Hwy 26, serving all intermediate points, and (2) between Nashville and Cookeville, TN: from Nashville over U.S. Hwy 70 to Smithville, then over TN Hwy 56 to junction TN Hwy U.S. Hwy 70N, then over U.S. Hwy 70N to Cookeville, and return over the same route, serving all intermediate points; and (II) OVER IRREGULAR ROUTES: between points in DeKalb County, TN, on the one hand, and, on the other, points in the U.S.

Note.—Applicant proposes to tack this irregular and regular-route authority and to interline at all points where interchange agreements are established. The purposes of parts (1) and (2) of this application are to remove restrictions and convert existing Certificates of Registration to a Certificate of Public Convenience and Necessity.

MC 107103 (Sub-29), filed August 27, 1981. Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive SW., Grand Rapids, MI 49509. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *those commodities which because of their size or weight require the use of special handling or equipment,* between points in IA, IN, IL, KY, MI, MN, MO, NY, OH, PA, WI, and WV, on the one hand, and, on the other, points in the U.S.

MC 128662 (Sub-5), filed August 28, 1981. Applicant: STICKLEY'S GARAGE, INC., P.O. Box 2842, Winchester, VA 22601. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *foodstuffs,* between points in the U.S., under continuing contract(s) with Globe Products Company, Inc., of Clifton, NJ.

MC 146553 (Sub-23) filed August 24, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting (1) *furniture and fixtures,* between points in Scott County, IA, on the one hand, and, on the other, points in the U.S.; (2) *building materials and metal products,* between points in Whiteside County, IL, on the one hand, and, on the other, points in the U.S., and (3) *Mercer commodities,* between points in Clinton County, IA, on the one hand, and, on the other, points in CA, CO, KS, LA, NM, NV, OK, TX, and UT.

MC 147323 (Sub-36) filed August 24, 1981. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, 414–722–2848. Transporting *metal products, machinery,* and *rubber and plastic products,* between point in the U.S.

MC 149472 (Sub-9) filed August 27, 1981. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Rd., Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting *rubber and plastic products,* between points in Spartanburg County, SC, and Wayne County, MI, on the one hand, and, on the other, points in the U.S.

MC 150783 (Sub-18) filed August 28, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: James H. Berry, P.O. Box 32, Wesley, AR 72773, (501) 456–2453. Transporting *food and related products,* between points in the U.S.

MC 151193 (Sub-16) filed August 25, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Dr., Cranford, NJ 07016. Representative: Michael A. Beam (same address as applicant), (201) 499–3869. Transporting *pharmaceuticals, chemicals, and drugs,* between points in the U.S., under continuing contract(s) with Hoechst-Roussel Pharmaceuticals, Inc., of Somerville, NJ

MC 157113, filed August 20, 1981. Applicant: DEWEY DAVIS, d.b.a. SUPERIOR SERVICE, 503 Spruce St., Appalachia, VA 24216. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting, over regular routes, *general commodities* (except classes A and B explosives), (1) between Norton, VA, and Kingsport, TN: from Norton over U.S. Hwy 23 to Big Stone Gap, VA, then over Alt U.S. Hwy 58 to Jonesville, VA, then over U.S. Hwy 58 to junction U.S. 23, then over U.S. Hwy 23 to Kingsport, and return over the same route, (2) between Kingsport, TN, and Norton, VA: from Kingsport over U.S. Hwy 11W to Bristol, TN–VA, then over U.S. Hwy 11 to Abingdon, VA, then over U.S. Hwy 19 to Hansonville, VA, then over Alt U.S. Hwy 58 to Norton, and return over the same route, and (3) serving in connection with routes (1) and (2) above all intermediate points, and serving all points in Lee, Russell, Scott, Washington, and Wise Counties, VA and Sullivan and Washington Counties, TN, as off-route points.

Note.—Applicant proposes to tack the routes sought and interchange.

MC 157713, filed August 14, 1981. Applicant: JOHNNY GOODNOH TRUCKING COMPANY, Route 2, Box 45, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *lumber and metal products,* between points in AR, AZ, CA, CO, IL, KS, LA, MO, NC, NM, OK, TN, and TX.

MC 157863, filed August 24, 1981. Applicant: YOUNG ENVIRONMENTAL SERVICES, INC., 285 Manning St., P.O. Box 917, Newark, OH 43055. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, 614–889–2531. Transporting *waste or scrap materials not identified by industry producing,* between points in Licking County, OH, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

MC 157983, filed August 28, 1981. Applicant: MILTON L. SPANN, d.b.a. BEARLINE TRANSPORT, Marion Station, P.O. Box 18746, Denver, CO 80218. Representative: Milton L. Spann, 1135 Ogden #9, Denver, CO 80218, 303–861–2318. Transporting (1) *such commodities* as are dealt in by wholesale and retail grocery and food business houses, and (2) *rubber and plastic products* and *metal products,* between points in AR, LA, MS, MO, KS,

OK, TX, WY, CO, UT, AZ, CA, NM, and NV.

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Decided: September 4, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 4024 (Sub-16), filed August 24, 1981. Applicant: HORN TRUCKING CO., 300 Schmetter Rd., Highland, IL 62249. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting (1) *metal products,* between points in IL, MO, AR, TN, KY, LA, MI, AL, GA, TX, IN, OH, IA, OK, FL, WI, MS, PA, MN, NE, KS, CO, NC, SC, AZ, NM, NY, VA, and WV, (2) *lumber and wood products,* between points in AR, LA, MS, AL, OK, TX, GA, MO, IL, TN, IA, NE, KS, KY, IN, OH, MI, and WI, (3) *refractory compounds,* between points in OH, on the one hand, and, on the other, points in TX and MO, (4) *machinery,* between points in TX, Al, OK, OH, MI, KY, GA, IL, MO, WI, TN, MS, and LA, (5) *roofing materials,* between points in Pulaski County, AR, on the one hand, and, on the other, points in OK, TX, MS, TN, MO, IN, LA, KS, and IL, and (6) *general commodities,* between points in Madison County, IL, on the one hand, and, on the other, New Orleans, LA, Toledo, OH, McAllen, TX, Little Rock, AR, Kansas City, MO, Chicago, IL, Port Everglades, FL, Shenandoah, GA, Louisville, KY, Granite City, IL, Miami, FL, Galveston, TX, Milwaukee, WI, Orlando, FL, Battle Creek, MI, Cincinnati, OH, Tucson, AZ, and points in Campbell County, KY, Rogers County, OK, IL, MO, AR, TN, KY, LA, MI, AL, GA, TX, IN, OH, IA, OK, FL, WI, and MS.

Note.—The certificate in this proceeding to the extent it authorizes the transportation of classes A and B explosives shall expire 5 years from the date of issuance.

MC 118985 (Sub-3), filed August 21, 1981. Applicant: JOHN AYERS, d.b.a. AYERS TRANSPORT CO., 5912 Westwood Lane, Kansas City, MO 64151. Representative: William B. Barker, 841 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *rubber products,* between points in the U.S., under continuing contracts with Brad Ragan, Inc., and Goodyear Tire & Rubber Company, both of Topeka, KS.

MC 123255 (Sub-233), filed August 27, 1981. Applicant: B & L MOTOR FREIGHT, INC., 1981 Coffman Rd., Newark, OH 43055. Representative: Phillip D. Patterson, (same address as applicant), (614) 522–8111. Transporting *televisions, radios, video recorders, stereos,* and *related products,* between the facilities of Zenith Radio Corporation, at Chicago, IL, Evansville, IN, Springfield, MO, and Watsontown, PA, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, NY, and WV.

MC 135705 (Sub-16), filed August 27, 1981. Applicant: MELROSE TRUCKING CO., INC., 2672 So. Robertson Rd., Casper, WY 82604. Representative: Kim Melrose, (same address as applicant), (307) 265–1277. Transporting *commodities in bulk,* between those points in the U.S. in and west of ND, SD, NE, KS, OK, TX, and LA.

MC 143044 (Sub-8), filed August 27, 1981. Applicant: EQUIPMENT EXPRESS LIMITED, 8105 Woodbine Ave., Markham, Ontario, Canada L3R 2P1. Representative: Thomas E. Acey, Jr., Suite 1100, 1660 L St., N.W., Washington, DC 20036, (202) 452–8732. Transporting *architectural precast concrete products,* between ports of entry on the International Boundary Line, between the U.S. and Canada located on the Niagara River, on the one hand, and, on the other, points in MA, ME, CT and VT.

MC 146404 (Sub-3), filed August 31, 1981. Applicant: C & J TRUCKING, INC., 2200 McKinley Ave., Columbus, OH 43204. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *such commodities* as dealt in or used by manufacturers and distributors of household appliances, between points in Franklin County, OH, on the one hand, and, on the other, points in IN, IL, KY, MI, and WV.

MC 147484 (Sub-2), filed August 27, 1981. Applicant: MYERS TRANSFER, INC., 1241 Haines St., P.O. Box 11033, Jacksonville, FL 32206. Representative: Donald L. Myers (same address as applicant), (904) 353–3906. Transporting *general commodities* (except classes A and B explosives), between Charleston, SC, on the one hand, and, on the other, points in AL, NC, SC, and TN, restricted to traffic having a prior or subsequent movement by water.

MC 157924, filed August 26, 1981. Applicant: FIVE STAR TRANSPORTATION, INC., 7814 Miller Rd., #3, P.O. Box 9670, Houston, TX 77049. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *Mercer Commodities,* between points in TX, on the one hand, and, on the other, points in AR, CO, KS, LA, MS, NM, and OK.

FF 565, filed August 21, 1981. Applicant: TRANS-CANADA AUTO TRAIN TRANSPORT, LTD., 375 Terminal Avenue, Vancouver, British Columbia, Canada V6A2L8. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001, (202) 628–9243. As a *freight forwarder,* transporting *transportation equipment,* between points in CA, FL, OR, and WA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

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Decided: September 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 54534 (Sub-8), filed August 28, 1981. Applicant: GRAND ISLAND TRANSIT CORPORATION, 5355 Junction Rd., Lockport, NY 14094. Representative: Ronald W. Malin, Bankers Trust Bldg., 4th Floor, Jamestown, NY 14701, (716) 664–5210. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in Erie, Niagara, and Orleans Counties, NY, and extending to points in the U.S.

MC 121604 (Sub-2), filed August 28, 1981. Applicant: CENTRAL TRANSFER AND DISTRIBUTION CO., 828 So. 17th St., Omaha, NE 68108. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001, (319) 557–1320. Transporting *general commodities* (except classes A and B explosives), between points in Douglas County, NE, on the one hand, and, on the other, points in NE.

MC 151504 (Sub-6), filed August 28, 1981. Applicant: PHELCO, INC., 11841 Missouri Bottom Rd., St. Louis, MO 63042. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting (1) *general commodities,* between points in the U.S., under continuing contract(s) with Chrysler Corporation, of Highland Park, MI, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of chemicals and plastic products, between points in the U.S., under continuing contract(s) with Dow Chemical U.S.A., of Midland, MI.

MC 154765 (Sub-2), filed August 28, 1981. Applicant: NORTHSTAR TRANSPORTATION, INC., 10951 Lakeview Ave., Lenexa, KS 66219. Representative: Stanley O. Wilson (same address as applicant), (913) 888–9800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chloride Industrial Batteries of Kansas City, KS, Robbie Manufacturing Co. of Lenexa,

KS, Seaboard Allied Milling Corp. of Shawnee Mission, KS, and Tobin Lawn & Garden Supply Co. of Kansas City, MO.

MC 157974, filed August 28, 1981. Applicant: KEVIN HOGAN & ROBERT VIUP, d.b.a. SHORE MOVING, 9 Ash Pl., Huntington, NY 11743. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *household goods,* between New York, NY and points in Suffolk County, NY, on the one hand, and, on the other, points in MA, CT, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL and DC.

MC 157934, filed August 27, 1981. Applicant: JOHN H. TILLOTSON, JR., d.b.a. ITRANS, 18420 South Santa Fe Avenue, Long Beach, CA 90801. Representative: Robert L. McGeorge, 1000 Potomac Street, N.W., 5th Floor, Washington, DC 20007, (202) 965–6670. As a *broker,* transporting *household goods,* between points in the U.S.

Volume No. OPY–4–349

Decided: September 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 30446 (Sub-21), filed August 31, 1981. Applicant: BRUCE JOHNSON TRUCKING CO., INC., 3408 North Graham Street, P.O. Box 5647, Charlotte, NC 28225. Representative: Leon Thompson, 3408 North Graham Street, P.O. Box 5647, Charlotte, NC 28225, (704) 376–9101. Transporting *general commodities* (except classes A and B explosives), between points in and east of ND, SD, NE, KS, OK and TX, under continuing contract(s) with the Cato Corporation, of Charlotte, NC.

MC 61396 (Sub-394), filed August 31, 1981, Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *cement,* between the facilities of Ideal Basic Industries, Cement Division, in Washington County, TN, on the one hand, and, on the other, points in AL, KY, WV, VA, NC, SC, and GA.

MC 95376 (Sub-20), filed August 31, 1981, Applicant: McVEY TRUCKING, INC., R.R. #1, Box 116, Oakwood, IL 61858. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *coal,* between points in IL and IN.

MC 142096 (Sub-19), filed August 31, 1981, Applicant: MILLER BROTHERS TRUCKING CO., INC., 4100 West Mitchell Street, Milwaukee, WI 53215. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *plastic and rubber products,* between points in Noble County, IN, and the facilities of W. B. Bottle Supply Co., Inc., in Milwaukee County, WI.

MC 155426, filed August 31, 1981, Applicant: JOHN H. GARLAND, d.b.a. GARLAND TRANSPORTATION, 612 23rd St., Richmond, CA 94804. Representative: Arden Riess, 4509 Pacific Ave., Suite A, Stockton, CA 95207, (209) 957–6128. Transporting (1) *confectionery or related products,* and (2) *nuts,* between points in the U.S., under continuing contract(s) with California Peanut Co., of Richmond, CA.

MC 157976, filed August 28, 1981, Applicant: CAROLINA CARRIERS, INC., P.O. Box 338, Durham, NC 27702. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Transporting *petroleum, natural gas and their products,* between points in NC and SC.

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Decided: September 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 61396 (Sub-393), filed August 31, 1981. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *fly ash and lime kiln dust,* between Carbo and Saltville, VA, and Luttrell, TN, on the one hand, and, on the other, points in TN, KY, WV, GA, NC, SC, and VA.

MC 123876 (Sub-6), filed August 28, 1981. Applicant: PRATT TRANSPORTATION CO., INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *cement,* between points in Washington County, TN, on the one hand, and, on the other, points in AL, KY, VA, NC, SC, and GA.

MC 123876 (Sub-7), filed August 28, 1981. Applicant: PRATT TRANSPORTATION CO., INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *fly ash and lime kiln dust,* between Carbo and Saltville, VA, and Luttrell, TN, on the one hand, and, on the other, points in TN, KY, WV, GA, NC, SC, and VA.

MC 123876 (Sub-8), filed August 31, 1981. Applicant: PRATT TRANSPORTATION CO., INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *portland and masonry cement,* between Kingsport and Richard City, TN, on the one hand, and, on the other points in WV, VA, NC, SC, GA, AL, and KY.

MC 151566 (Sub-7), filed August 27, 1981. Applicant: PERRY TRANSPORT, INC., 14375 172nd Ave., Grand Haven, MI 49417. Representative: Richard O. Peel (same address as applicant), (616) 842–3550. Transporting *pianos, and material, equipment and supplies* used in the manufacture, sale and distribution thereof, between South Haven, MI, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Everett Piano co., of South Haven, MI.

MC 152806 (Sub-2) filed August 28, 1981. Applicant: SUR-WAY TRANSPORT, INC., 31414 Ecorse Rd., Romulus, MI 48174. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. Transporting *general commodities* (except classes A and B explosives), between points in the Lower Peninsula of MI, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

MC 153816, filed August 31, 1981. Applicant: WELLS TRUCKING, INC., 108 Zeiler, Paris, AR 72855. Representative: Stephen A. White, P.O. Box 85, Charleston, AR 72933, (501) 965–2226. Transporting *cleaning products and household items,* between points in the U.S., under continuing contract(s) with Amway Corporation, of Arlington, TX.

MC 155256, filed August 27, 1981. Applicant: KASSEL TRANSFER, INC., Route 1, Letts, IA 52754. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting (1) *ores and minerals,* between Muscatine County, IA, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI, (2) *general commodities* (except classes A and B explosives), between points in IA and IL, restricted to the transportation of traffic having a prior or subsequent movement by rail trailer-on-flatcar service, and (3) *machinery,* between Muscatine and Louisa Counties, IA, on the one hand, and, on the other, points in IL, IN, MO, NE, OH, PA and WI, and (4) *chemicals and clay products* between Muscatine County, IA, on the one hand, and, on the other, points in the U.S.

MC 157966, filed August 28, 1981. Applicant: ROY JEMISON AND DARLEEN JEMISON, d.b.a. R & D JEMISON TRANSPORT, 5674 Ave. Juan

Bautista, Riverside, CA 92509. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *building materials,* between points in the U.S., under continuing contract(s) with Chandler Corporation of Idaho, of Fontana, CA.

MC 155936, filed August 27, 1981. Applicant: GREAT WESTERN TRANSPORTATION CO., INC., 8058 E. Carol Way, Scottsdale, AZ 85260. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012, (602) 266–2224. Transporting *food and related products,* between points in Los Angeles, Riverside, San Bernardino, Orange, Ventura, Stanislaus, San Francisco, Santa Cruz, San Diego, San Mateo, and Alameda Counties, CA, Sedgwick County, KS, Logan County, AR, Adams, Jefferson, Douglas, Araphahoe Counties, CO, Maricopa, Pima, Coconino Counties, AZ, Bexar and El Paso Counties, TX, and Kitsap, King, Pierce Counties, WA.

MC 157967, filed August 27, 1981. Applicant: CHARLES ROSENBLATT d.b.a. ORWELL-CLEVELAND COACH LINE, 4220 E. 146th St., Cleveland, OH 44128. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *passengers and their baggage,* in special operations, beginning and ending at points in Ashtabula, Cuyahoga, Geauga, and Lake Counties, OH, and extending to points in AL, CT, FL, GA, IL, IN, KY, MD, MI, MO, MS, NJ, NY, NC, PA, SC, TN, VA, WI, WV, and DC.

Volume No. OPY–4–358

Decided: September 3, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 29647 (Sub-50), filed August 24, 1981. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson St., Hagerstown, MD 21740. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *ink,*, between Williamsport, MD, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Kochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 59247 (Sub-19), filed August 26, 1981. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Rd., Linden, NJ 07036. Representative: William Biederman, 371 7th Ave., New York, NY 10001, (212) 279–3050. Transporting *chemicals,* between points in the U.S., under continuing contract(s) with American Cyanamid Company, of Wayne, NJ.

MC 97977 (Sub-9), filed August 25, 1981. Applicant: CARTAGE SERVICE, INC., 2437 E. 14th St., Los Angeles, CA 90021. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945–3002. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, NV, OR, and WA, on the one hand, and, on the other, points in the U.S.

MC 121827 (Sub-2), filed August 24, 1981. Applicant: BLOUNT MOTOR LINES, INC., Route 4, New Topside Rd., Louisville, TN 37777. Representative: James B. Edmondson (same address as applicant), (615) 984–1668. Transporting *general commodities* (except classes A and B explosives), between points in Blount County, TN and Knox County, TN.

MC 144587 (Sub-3), filed August 24, 1981. Applicant: DON E. KEITH, 2990 Pierce Rd., Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *petroleum, natural gas, and their products,* between points in CA, on the one hand, and, on the other, points in NV.

MC 147737 (Sub-1), filed August 25, 1981. Applicant: ABT, INC., d.b.a. ANDREOTTI BROTHERS TRUCKING, P.O. Box 298, Colusa, CA 95932. Representative: Ann M. Pougiales, 100 Bush St., 21st Floor, San Francisco, CA 94104, (415) 986–5778. Transporting *aluminum and copper electric wire and cable,* between points in Colusa County, CA, on the one hand, and, on the other, points in AZ, CA, ID, NV, OR, UT, and WA.

MC 150187 (Sub-4), filed August 24, 1981. Applicant: D & L TRUCKING SERVICES. INC., 1419 South Clark Blvd., Clarksville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W.R. Grace & Co., of Reading, PA.

MC 154127 (Sub-1), filed August 24, 1981. Applicant: A. LUURTSEMA PRODUCE, INC., P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *such commodities* as are dealt in or used by food services distributors, between points in the U.S., under continuing contract(s) with Dykstra Food Services, Incorporated, of Comstock Park, MI, Gordon Food Services, of Grand Rapids, MI, and Sysco Frost Pack–Food Services Incorporated, of Grand Rapids, MI.

MC 155947 (Sub-1), filed August 24, 1981. Applicant: MISSIE, INC., 3400 McIntosh Rd., Port Everglades, Fort Lauderdale, FL 33316. Representative: Richard M. Davis, Suite 710, Barnett Bank Bldg., Tallahassee, FL 32301, (904) 224–4926. Transporting (1) *lumber and wood products,* (2) *clay, concrete, glass, or stone products,* (3) *machinery,* (4) *transportation equipment,* and (5) *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Transit Products, Inc., of College Park, GA.

MC 157857, filed August 24, 1981. Applicant: BAKER RENTAL AND SALES, INC., 1151 Baker Street, Costa Mesa, CA 92627. Representative: Floyd L. Darano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. Transporting those *commodities which because of size or weight require the use of special handling or equipment., Mercer Commodities, farm machinery, contruction machinery, pipe and steamfitting materials, building materials used in the construction of oil field refineries, water processing plants and pipe line construction,* between points in AZ, CA, CO, ID, GA, KY, MO, MS, NV, OR, TN, TX, WA, WY, VA, UT, and NM, under continuing contract(s) with Brinderson Corp., Irvine, CA., Case Power and Equipment San Diego, CA; Agee Agriculture Equipment Sales, Inc., Escondido, CA.

MC 157877, filed August 24, 1981. Applicant: OMNI TRANSPORTATION, INC., 518 Laskin Road, Virginia Beach, VA 23451. Representative: Micheal A. Inman, Esq., Suite 211, Pembroke Four, Virginia Beach, VA 23462–5483. Transporting *passengers and their baggage in special* or charter operations, between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk and Virginia Beach, VA and points in James City and York Counties, VA on the one hand, and, on the other, points in the U.S.

MC 157887, filed August 24, 1981. Applicant: A. D. WINCH TRUCKING, INC., 1135 Robert St., Pearland, TX 77581. Representative: Damon R. Capps, 1300 Main St., Suite 1230, Houston, TX 77002, (713) 658–8101. Transporting (1) *Mercer commodities,* (2) *pipe,* (3) *metal products,* (4) *plastic products,* and (5) *machinery,* between points in TX, NM, OK, LA, AZ, CA, WY, KS, and CO.

Volume No. OPY–4–359

Decided: September 3, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 105007 (Sub-83), filed August 27, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Ave., Albert Lea, MN 56007. Representative: Leonard K. Sackson (same address as applicant), (507) 373–1467. Transporting *metal products* between Chicago, IL and Milwaukee, WI on the one hand, and, on the other points in and east of MT, WY, CO and NM.

MC 108207 (Sub-566), filed August 24, 1981. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant), (214) 428–7661. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 155736, filed August 27, 1981. Applicant: WENDT & SONS, INC., 1322 Garfield St., Wabash, IN 46922. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting (1) *machinery*, and (2) *those commodities which because of their size or weight require the use of special equipment*, between points in IN, on the one hand, and, on the other, points in the U.S.

MC 156736, filed August 27, 1981. Applicant: FOX RIVER TRUCKING, INC., 4942 Elm Island Circle, Waterford, WI 53185. Representative: Richard A. Kerwin, 180 N. La Salle St., Chicago, IL 60601–2897, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), under continuing contract(s) with Moebius Printing Co., Inc., of Milwaukee, WI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26750 Filed 9–14–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 162]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 10, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 USC 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 5117 (Sub-16)X, filed August 20, 1981. Applicant: VAN SOMEREN TRANSFER, INC., P.O. Box 94, 420 8th Avenue, Baldwin, WI 54002. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Edina, MN 55424. Applicant seeks to remove restrictions in its lead and Sub-Nos. 10 and 15F certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except class A & B explostives)" in its lead and Sub-No. 15F; (2) from feed and grain to "food and related products" from farm machinery and twine to "machinery and textile mill products" from empty containers to "such commodities as are dealt in by manufacturers, and distributors of containers" from livestock to "farm products" from cleansing, scouring, and washing compounds, cooking oil fats, lard compounds, lard substitutes, soap, soap products, vegetable oil shortening, and foodstuffs, and related chemicals, and related products, and food and related products, and from manufactured fertilizer to "chemicals and related products" in its lead; and from refrigerators, coolers, and cooling equipment and equipment materials and supplies used in the manufacture of those commodities to "machinery, metal products, and rubber and plastic products" in Sub-No. 10; (3) replace one-way with radial authority in its lead and Sub-No. 10; (4) authorize service at all intermediate points on its regular route between St. Paul, MN, and Baldwin, WI, in its lead; (5) replace (a) Red Wing and Hastings, MN with Goodhue and Dakota Counties, MN; over Hammond, Woodville, and Spring Valley, WI, with St. Croix and Pierce Counties, WI; Stillwater, MN, with Washington County, MN; Forest, Glenwood, Springfield, Cadey, Eau Galle, Baldwin, Emerald, Cylon, Erin Prairie, Hammond, Rush River, Pleasant Valley, Kinnickinnick, Warren, Richmond, and Hudson, WI (with exceptions) with St. Croix and Dunn Counties, WI; Baldwin and Roberts, WI, with St. Croix County, WI; South St. Paul and Newport, MN, and Dakota and Washington Counties, MN; Baldwin, WI, and points within 25 miles of Baldwin with St. Croix, Pierce, Dunn, Barion, Polk, and Pepin Counties, WI; St. Paul, MN, and points within 25 miles of St. Paul with Ramsey, Hennepin, Anoka, Washington, Dakota, Chisago, Scott, Carver, and Goodhue Counties, MN, Winona, MN, with Winona County, MN; Baldwin, WI, and points within 15 miles of Baldwin, with St. Croix, Pierce, and Dunn Counties, WI, and replace Hammond, Rush River, Pleasant Valley, Warren and Erin Prairie, WI, with St. Croix County, WI, and South St. Paul with Dakota County, MN, in its lead; (6) River Falls and Roberts, WI, with Pierce and St. Croix Counties, WI, in Sub-No. 10; and (c) River Falls and Woodville, WI, with Pierce and St. Croix Counties, WI, in Sub-No. 15F; (6) remove exceptions to St. Croix, County, WI, in its lead.

MC 45764 (Sub-40)X, filed September 4, 1981. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Essington, PA 19029. Representative: Paul F. Sullivan, 711 Washington Bldg. Washington, D.C. 20005. Applicant seeks to remove restrictions in its Sub-No. 31F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", and (2) remove the special equipment restriction (containers or trailers having immediately prior or subsequent movement by water and empty containers or trailer chassis).

MC 96604 (Sub-2)X, filed August 27, 1981. Applicant: NELSON TRUCKING CO., INC., P.O. Box 80323, Seattle, WA 98108. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Applicant seeks to remove restrictions in its lead and Sub-No. 1F certificates to (1) broaden the commodity description from lumber to "lumber and wood products," in the lead; (2) remove the restrictions limiting service to (a) shipments moving to U.S. territories and

possessions and Alaska and Hawaii only, in the lead; and (b) traffic having a prior or subsequent movement by water, in Sub-No. 1F; and (3) replace one-way authority with radial authority between 3 named cities in Washington, in the lead.

MC 116400 (Sub-9)X, filed August 26, 1981. Applicant: LAWRENCE TRANSFER & STORAGE CORPORATION, 2727 Hollins Road, NE, P.O. Box 13025, Roanoke, VA 24030. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Applicant seeks to remove restrictions in its Sub-Nos. 7F certificate to broaden the commodity description from household goods to "household goods and furniture and fixtures" between points in 25 states.

MC 119631 (Sub-46)X, filed June 30, 1981, noticed in the **Federal Register** of July 22, 1981, and August 20, 1981, and republished as follows: Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. N.W., Washington, DC 20004. As is pertinent here, applicant seeks to broaden its Sub-Nos. 5, 7, 22, 23, 24, 28, 32, 36, 38, and 39 certificates and its E–1, E–3, E–4, E–5, and E–6 letter notices by broadening the commodity description to metal products from refractories and refractory products. The certificate in this proceeding failed to encompass this revision. The purpose of this republication is to correct these inadvertent omissions.

MC 121658 (Sub-39)X, filed August 9, 1981 and published in the **Federal Register** of August 12, 1981, republished as corrected, this issue. Applicant: STEVE D. THOMPSON TRUCKING, INC., 710 Prairie St., Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, 7, 8, 9, 11F, 12F, 13F, 14F, 17F, 21F, 24F, 30F, 31F, 32F, 33F, 34F, 35F, and 36F certificates as previously published, and to (1) replace the following city with county-wide authority in Sub-No. 24 from Jackson, MS to Hinds, Madison and Rankins Counties, MS (previously published as Hinds County, MS); (2) remove the "originating at" and/or "destined to" named facilities restrictions in Sub-Nos. 17, 21 and 33. The certificate in this proceeding failed to encompass this revision. The purpose of this republication is to correct these inadvert omissions.

MC 133545 (Sub-8)X, filed August 26, 1981. Applicant: LEMONS HOUSE MOVING, INC., 1250 Houston Rd., Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 5F and 7F certificates to (1) broaden the commodity description to "buildings, building sections, and buildings materials" from prefabricated buildings, complete, in sections or without fixed under-carriages, in all certificates; (2) authorize county-wide authority to replace existing facilities or city-wide authority: (a) Ada and Bannock Counties, ID, for Meridian and Pocatello, ID, in Sub-No. 3, (b) Bannock County, ID, for facilities at or near Pocatello, ID, in Sub-No. 5F, and (c) Yellowstone County, MT, Salt Lake County, UT, and Bannock County, ID, for facilities at or near Laurel, MT, West Jordan, UT, and Pacatello, ID, in Sub-No. 7F; and, (3) authorize radial authority to replace existing one-way authority between points in various western States, in all certificates.

MC 134286 (Sub-172)X, filed August 21, 1981. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Jack B. Wolfe, 1600 Sherman, #665, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 4, 6, 7, 8, 10, 13, 16, 17, 20, 22, 24, 25, 26, 29, 30, 31, 32, 35, 37, 38, 39, 41, 52F, 53F, 54F, 56F, 58F, 60F, 62F, 63F, 64F, 65F, 66F, 69F, 70F, 71F, 72F, 73F, 81F, 83F, 84F, 86F, 89, 90F, 91F, 92, 93F, 94, 99F, 100F, 101F, 104F, 105, 107F, 113F, 114F, 115F, 116F, 118F, 121F, 122F, 125F, 126F, 129F, 132F, 140F, 141F, 142F, 145F, 146F, 147F, 148F, 149F, 153F, 154F, 155F, 159F, 160F, 161F, 162, 164F, 165F, 166F, 167F, and 169F certificates to (1) broaden its commodity descriptions to (a) "food and related products" from specified commodities such as meats, meat products, meat by-products and/or articles distributed by meat packinghouses, as described in Section A of Appendix 1 in the report in the *Descriptions* case, 61 M.C.C. 209, and 766; frozen foods; foods, food products, food ingredients, animal foods, animal food ingredients, and meat by-products; foodstuffs; frozen, canned and packaged foodstuffs; shortening, edible tallow, cooking oil, and margarine; edible oils; frozen bagels; frozen onion rings; frozen fish and frozen bakery products; dry spaghetti and macaroni products; feed grade; prepared flour mixes and frosting mixes; frozen onion rings and frozen diced onions; canned and bottled apple juice and sweet cider; animal feed; frozen foodstuffs; alcoholic liquors; and corn products in Sub-Nos. 4, 6, 7, 8, 10, 13, 16, 17, 20, 22, 24, 25, 26, 29, 30, 31, 32, 35, 37, 38, 39, 52F, 53F, 54F, 56F, 58F, 60F, 62F, 63F, 65F, 71F, 73F, 81F, 83F, 89, 90F, 91F, 92, 93F, 94, 99F, 101F, 104F, 113F, 115F, 118F, 140F, 141F, 145F, 148F, 159F, 160F, 162, 164F, 165F, 166F, and 169F; (b) "such commodities as are dealt in or used by restaurants" from restaurant materials, equipment and supplies in Sub-No. 17; (c) "instruments and photographic goods" from specified commodities such as pharmaceutical materials, supplies and products; needles, syringes and blood collection tubes; hospital supplies; laboratory equipment and supplies; in Sub-Nos. 26, 41, 69F, 142F and 154F; (d) "chemicals and related products", from chemicals; pharmaceutical materials, supplies and products; chemicals, acids and solvents; ferrous sulfate and fertilizer; zinc oxide, zinc dust and metallic cadmium; chemicals and materials, equipment and supplies used in the manufacture and distribution of chemicals; washing, cleaning, scouring, compounds, soap and soap products and toilet preparations; weed killing compounds; hospital supplies; adhesives; diagnostic chemicals, laboratory chemicals and damaged and refused laboratory chemicals; and textile, softeners lubricants, hypochlorite solutions, deodorants, or disinfectants in Sub-Nos. 17, 41, 54F, 66F, 70F, 72F, 101F, 104F, 107F, 114F, 121F, 122F, 141F, 146F, 147F, 154F, 161F, 166F and 167F; (e) "clay, concrete, glass or stone products" from specified commodities such as laboratory equipment and supplies; glass and glass products; hospital supplies; limestone; laboratory equipment and supplies in Sub-Nos. 41, 125F, 142F, 146F and 154F; (f) "rubber and plastic products" from specified commodities such as plastic, film and plastic articles; heavy thermol plastic covering, materials for cutting boards; and hospital supplies in Sub-Nos. 64F, 100F and 142F; (g) "pulp, paper and related products" from specified commodities such as corrugated boxes; fiber board boxes; toilet preparations; and hospital supplies in Sub-Nos. 64F, 71F, 121F, 142F and 167F; (h) "metal products" from specified commodities such as slab zinc and metallic cadmium; materials and supplies used in the manufacture of cast iron products and nails in Sub-Nos. 70F, 72F, 126F and 147F; (i) "leather and leather products" from boots, shoes and handbags in Sub-Nos. 84F and 86F; (j) "textile mill products" from specified commodities such as cotton bags and carpet strips in Sub-Nos. 100F and 147F; (k) "petroleum, natural gas and their products" from sealants, solvents, stains and wood preservatives; and paints, stains or varnishes in Sub-Nos. 107F and 161F; (1)

"printed matter"" from dated magazine parts in Sub-No. 116F; (m) "such commodities as are dealt in by laboratories" from laboratory equipment, materials and supplies in Sub-No. 153F; (n) "furniture and fixtures" from laboratory furniture in Sub-No. 155F; (2) replace its city-wide and facilities authority with county-wide or city-wide authority: (a) in Sub-Nos. 4 and 6, facilities at Council Bluffs, IA and Omaha, NE with Washington, Douglas and Sarpy Counties, NE and Pottawattamie County, IA; (b) in Sub-Nos. 7 and 92, facilities at Wahoo, NE with Saunders County, NE; (d) in Sub-No. 8, facilities at Cherokee, IA with Cherokee County, IA; (d) in Sub-No. 10, facilities at Lemars, Mason City, Denison and Ft. Dodge, IA, Emporia, KS, Luverne, MN, Dakota City, and West Point, NE with Plymouth, Crawford, Webster and Cerro Gordo Counties, IA; Lyon County, KS; Rock County, MN; Dakota and Cuming County, NE; (e) in Sub-No. 13, facilities at Holton, KS with Jackson County, KS; (f) in Sub-No. 16, facilities at Scranton and Allentown, PA with Lackawanna, Luzerne, Lehigh and Northampton Counties, PA; (g) in Sub-No. 17, facilities at Denver, CO and Albuquerque, NM with Denver, Douglas, Jefferson, Arapahoe, and Adams Counties, CO and Bernalillo and Sandoval Counties, NM; (h) in Sub-No. 20, facilities at St. Louis, MO with St. Charles, St. Louis and Jefferson Counties, MO, St. Louis, MO, and Madison, St. Clair, and Monroe Counties, IL; (i) in Sub-No. 22, facilities at Lexington, KY with Fayette County, KY; (j) in Sub-Nos. 24 and 35, facilities at Archbold, OH with Fulton County, OH; (k) in Sub-No. 25, facilities at Bradley, IL with Kankakee County, IL; (1) in Sub-No. 26, Denver, CO and facilities at Albuquerque, NM, with Denver, Jefferson, Douglas, Arapahoe, and Adams Counties, CO and Bernalillo, and Sandoval Counties, NM; and facilities at Laramie, WY with Albany County, WY; (m) in Sub-No. 29, facilities at Kansas City, KS with Johnson, and Wyandotte Counties, KS and Platte, Clay and Jackson Counties, MO; (n) in Sub-No. 30, facilities at Itasca, IL and St. Louis, MO with DuPage, Madison, St. Clair, and Monroe Counties, IL and St. Charles, St. Louis and Jefferson Counties, MO and St. Louis, MO; (o) In Sub-No. 31, facilities at National Stockyards, IL and St. Louis, MO with Madison, St. Clair and Monroe Counties, IL and St. Charles, St. Louis and Jefferson Counties, MO and St. Louis, MO; (p) in Sub-No. 32, facilities at Grand Island and Omaha, NE, Des Moines, Glenwood, Marshalltown and Sioux City, IA with Hall, Hamilton, Washington, Douglas, Dakota and Sarpy Counties, NE, Pottawattamie, Polk, Warren, Mills, Marshall, Woodbury and Plymouth Counties, IA and Union County, SD (q) in Sub-No. 37, facilities at Estherville, Humboldt, Sioux City, IA and Sioux Falls, SD with Emmet, Humboldt, Plymouth and Woodbury Counties, IA, Dakota County, NE; Union and Minnehaha Counties, SD; (r) in Sub-No. 38, facilities at Sioux Falls, SD and Sioux City, Estherville and Humboldt, IA with Emmet, Humboldt, Plymouth and Woodbury Counties, IA; Dakota County, NE; Union and Minnehaha Counties, SD; (s) in Sub-No. 39, facilities at Denison and Ft. Dodge, IA; Luverne, MN and Dakota City and West Point, NE with Crawford and Webster Counties, IA; Rock County, MN and Dakota and Cuming Counties, NE; (t) in Sub-No. 41, facilities at Bridgewater Township, NJ with Somerset County, NJ; and Atlanta, GA; Chicago, IL; Cincinnati, and Cleveland, OH; Houston, TX; Los Angeles, CA; Orlando, FL; Pittsburgh, PA; St. Louis, MO; and Raleigh, NC; with Cobb, Fulton, DeKalb, and Clayton Counties, GA; Cook, DuPage, Will, and Lake Counties, IL; Hamilton, Butler, Clermont Counties, OH and Campbell, Kenton and Boone Counties, KY; Lake, Cuyahoga, Lorain, Summit, Medina Counties, OH; Harris, Montgomery, Ft. Bend, and Brazoria Counties, TX; Ventura, Los Angeles, Orange Counties, CA; Orange and Seminole Counties, FL; Allegheny and Westmoreland Counties, PA; Jefferson, St. Louis and St. Charles Counties, MO, St. Louis, MO, and Madison, St. Clair and Monroe Counties, IL; and Wake County, NC; (u) in Sub-No. 52F, facilities at Sioux Center and Sioux City, IA with Sioux and Woodbury Counties, IA, Dakota County, NE and Union County, SD; (v) In Sub-No. 53, facilities at Sioux Center, IA with Sioux County, IA; (w) in Sub-No. 54, the facilities in Chicago, IL with Lake, Cook, DuPage and Will Counties, IL; Minneapolis, MN, with Washington, Ramsey, Anoka, Hennepin, and Dakota Counties, MN; Lawrence, KS and Green River, WY with Douglas County, KS and Sweetwater County, WY; Joliett, IL with Will County, IL; Elk Grove Village, IL with Cook and DuPage Counties, IL; St. Louis, MI with Gratiot County, MI; St. Louis, MO with St. Charles, St. Louis and Jefferson Counties, MO; St. Louis, MO; and Madison, St. Clair, and Monroe Counties, IL; Wyandotte, MI with Wayne County, MI; Tulsa, OK with Osage, Tulsa, and Creek Counties, OK; Berkeley Springs, WV and Quincy, FL with Morgan County, WV and Gadsden County, FL; Springfield, MO with Green County, MO; Rapid City, SD with Pennington and Lawrence Counties, SD; Charleston, SD and East Point, GA with Berkeley, Dorchester and Charleston Counties, SD and Fulton County, GA; Columbus, OH with Franklin, Delaware, Union, Licking, Fairfield, Pickaway and Madison Counties, OH; Copperhill, TN with Polk County, TN; Ft. Recovery, OH with Mercer County, OH; West Lafayette, IN with Tippecanoe County, IN; Hammond, IN with Lake County, IN; Dickinson, TX with Galveston County, TX, Gurnee, IL with Lake County, IL; Green River, WY with Sweetwater County, WY; Covington, VA with Allegheny County, VA; Oran, MO with Scott County, MO; Barberton, OH and Natrium, WV with Summit, Wayne, Medina Counties, OH and Wetzel County, WV; Painesville, OH with Lake County, OH; Wilmington and North Claymont, DE, and Syracuse, NY with New Castle County, DE, and Onondaga County, NY; Memphis, TN with Shelby County, TN and Crittenden County, AR; Midland and Ludington, MI with Midland and Mason Counties, MI; Pine Bend, MN with Dakota County, MN; Delaware, OH to Delaware County, OH; Meta, MO with Osage County, MO; and Omaha, NE, Sioux City, IA and Phoenix, AZ with Washington, Douglas and Sarpy Counties, NE, Pottawattamie, Plymouth and Woodbury Counties, IA, Union County, SD and Maricopa and Pina Counties, AZ (x) in Sub-No. 56, facilities at Livonia, MI with Wayne County, MI; (y) in Sub-No. 58, facilities at Buffalo, NY with Niagara and Erie Counties, NY; and Chicago, IL, St. Louis and Kansas City, MO, Minneapolis, MN, Denver, CO, Milwaukee, WI, and Omaha, NE with Lake, DuPage, Cook and Will Counties, IL, St. Charles and St. Louis and Jefferson Counties, MO, St. Louis, MO, and Madison, St. Clair and Monroe Counties, IL; Wyandotte and Johnson Counties, KS and Clay, Platte, and Jackson Counties, MO; Anoka, Ramsey, Washington, Dakota and Hennepin Counties, MN, Denver, Adams, Arapahoe, Douglas, and Jefferson Counties, CO, Milwaukee, Waukesha, Washington and Ozaukee Counties, WI, Washington, Douglas and Sarpy Counties, NE and Pottawattamie County, IA; (z) in Sub-No. 60, facilities at Boston, MA with Essex, Middlesex, Norfolk, Suffolk and Plymouth Counties, MA; (aa) in Sub-No. 62, facilities at Stamford, CT with Fairfield County, CT and Cleveland, OH, Detroit, MI with Macomb, Oakland and Wayne Counties, MI; Lake, Cuyahoga, Summit, Medina and Lorain Counties, OH, (bb) in Sub-

No. 63, facilities at Sioux City, IA with Plymouth and Woodbury Counties, IA, Dakota County, NE and Union County, SD; (cc) in Sub-No. 64F, facilities at North Hanover, MA, Griffin, GA, Illiopolis, and Elk Grove Village, IL, Carson and Oakland, CA, North Bergen and Gloucester City, NJ, Cockeysville, MD, Charlotte, NC, Cleveland, OH, Seattle, WA, Dallas, TX, Tampa, FL, Minneapolis, MN and Yonkers, NY with Essex County, MA; Spaulding County, GA, Sangamon, Cook, and DuPage Counties, IL; Los Angeles, Contra Costa, Alameda, San Francisco, San Mateo Counties, CA, Hudson and Camden Counties, NJ, Baltimore County, MD, Mecklenburg County, NC; Lake, Cuyahoga, Summit, Medina, and Lorain Counties, OH, King and Kitsap Counties, WA, Denton, Collin, Rockwall, Kaufman, Ellis, Dallas, and Tarrant Counties, TX, Hillsboro, Pinellas Counties, FL, Anoka, Ramsey, Washington, Dakota and Hennepin Counties, MN and Winchester County, NY; (dd) in Sub-Nos. 65 and 113 facilities at Jersey City, NJ with Hudson, Essex and Bergen Counties, NJ; (ee) in Sub-No. 66, Quincy, Rock Island and Chicago, IL, Marion, Eldora, Ladora, Sioux City, Council Bluffs and Des Moines, IA, Omaha, NE and Manistee, MI with Adams, Lake, Du Page, Cook, Will and Rock Counties, IL and Scott County, IA; Lynn, Hardin, Iowa, Woodbury, Pottawattamie, Polk and Warren Counties, IA, Dakota, Washington, Douglas and Sarpy Counties, NE, Union County, SD and Manistee County, MI; (ff) in Sub-No. 69F facilities at Norfolk, NE with Madison and Stanton Counties, NE; Atlanta, GA, North Brunswick, NJ, St. Louis, MO, Dallas, TX, Libertyville, IL, Anaheim and Hayward, CA, Boston, MA and Minneapolis, MN with Cobb, De Kalb, Clayton, and Fulton Counties, GA, Middlesex County, NJ, St. Charles, St. Louis and Jefferson Counties, MO, St. Louis, MO and Madison, St. Clair and Monroe Counties, IL, Collin, Rockwall, Dallas, Kaufman, Ellis, Tarrant and Denton Counties, TX, Lake County, IL, Alameda and Orange Counties, CA, Essex, Middlesex, Sulfolk, Norfolk and Plymouth Counties, MA and Anoka, Ramsey, Washington, Dakota and Hennepin, MN; (gg) in Sub-No. 70, Chicago, IL, St. Louis, MO with Lake, Cook, DuPage, Will, Madison, St. Clair, and Monroe Counties, IL and St. Charles, St. Louis and Jefferson Counties, MO and St. Louis, MO; (hh) in Sub-No. 71, facilities at Kenosha, WI and North Chicago, IL with Kenosha County, WI and Lake County, IL; (ii) in Sub-Nos. 73 and 165, facilities at Buffalo, NY with Niagara and Erie Counties, NY and Pittsburgh, PA with Allegheny County, PA; (jj) in Sub-No. 81, facilities at Chelsea, MI with Washtenaw County, MI and New Orleans, LA with Orleans, Jefferson, Plaquemine, St. Bernard and St. Charles Parishes, LA; (kk) in Sub-Nos. 83 and 89, facilities at Nepoleon, OH with Henry County, OH, and Paris, TX and Chicago, IL with Marr County, TX, Lake, DuPage, Cook, and Will Counties, IL; (ll) in Sub-No. 90, facilities at Denison and Sioux City, IA, Emporia and Wichita, KS, Luverne, MN, Dakota City and West Point, NE with Crawford, Plymouth and Woodbury Counties, IA, Dakota County, NE and Union County, SD; Lyon, Butler, and Sedgwick Counties, KS, Rock County, MN and Dakota City and Cuming Counties, NE; and Ft. Dodge, IA with Webster County, IA; (mm) in Sub-No. 91, facilities at Dodge City, KS with Ford County, KS; (nn) in Sub-No. 93, facilities in Dakota City, NE with Dakota County, NE; (oo) in Sub-No. 94, facilities at Memphis, Bridgeport and Imlay City, MI with St. Clair, Macomb, Saginaw, and Laper Counties, MI; (pp) in Sub-No. 99, facilities at Freemont, MI with Newaygo County, MI; and Anaheim and San Francisco, CA, Yakima, WA, Kansas City, MO, Rogers, AR, Minneapolis, MN, Oklahoma City, OK and Paris and Dallas, TX with Orange, San Francisco, Marin, San Mateo, Alameda and Contra Costa Counties, CA, Yakima, WA, Clay, Platte, and Jackson Counties, MO; and Wyandotte and Johnson Counties, KS; Benton County, AR, Anoka, Ramsey, Washington, Dakota and Hennepin, MN; Adams, Arapahoe, Douglas, Denver, and Jefferson Counties, CO; Oklahoma, Cleveland, Canadian, and Logan Counties, OK; Collin, Rockwall, Dallas, Kaufman, Ellis, Johnson, Tarrant and Denton Counties, TX; (qq) in Sub-No. 100, facilities at Reading, PA with Berks County, PA; Bay Village, OH with Cuyahoga County, OH; facilities at Scranton, PA with Lackawanna and Luzerne Counties, PA; Bay Village, OH with Cuyahoga County, OH and Reading, PA with Berks County, PA; (rr) in Sub-No. 101, facilities at Syracuse, NY, Ludington, MI, East Point, GA, Pine Bend, MN, Meta, MO with Onodaga County, NY; Mason County, MI, Dakota County, MN, Osage County, MO; facilities at Sioux City, IA and Omaha, NE with Plymouth, Woodbury and Pottawattamie Counties, IA, Union County, SD

and Kakota, Washington, Douglas and Sarpy Counties, NE; (ss) in Sub-No. 105; facilities at Kansas City, MO with Clay, Platte, and Jackson Counties, MO and Wyandotte and Johnson Counties, KS; facilities at Sparks, NV with Washoe and Story Counties, NV; facilities at Kansas City, MO and Chicago, IL with Clay, Platte and Jackson Counties, MO and Wyandotte and Johnson Counties, KS and Lake, DuPage, Cook and Will Counties, IL;, (tt) in Sub-No. 107; facilities at Dayton, OH and Kalamazoo, MI with Montgomery and Greene Counties, OH and Kalamazoo County, MI; (uu) in Sub-No. 114, facilities at Meredosia, IL and Indianapolis, IN with Morgan, Pike and Brown Counties, IL and Hamilton, Hancock, Marianne, Shelby, Johnson, Morgan, Hendricks and Boone Counties, IN; (vv) in Sub-No. 115; facilities at Columbus, OH and Mattoon, IL with Delaware, Licking, Franklin, Fairfield, Pickaway, Madison and Union Counties, OH and Coles County, IL; (ww) in Sub-No. 116; Brookfield, WI and Saybrook, CT with Waukesha County, WI and Middlesex County, CT; (xx) in Sub-No. 118, facilities at Chicago, IL with Lake, DuPage, Cook and Will Counties, IL; (yy) in Sub-No. 121F, facilities at St. Louis, MO with St. Charles, St. Louis, and Jefferson Counties, MO, St. Louis, MO and Madison, St. Clair, Monroe Counties, IL; and Kansas City, MO with Platte, Clay and Jackson Counties, MO and Wyandotte and Johnson Counties, KS; (aaa) in Sub-No. 125, facilities at Evansville, IN with Vanderburgh and Warrick Counties, IN and Henderson County, KY; (bbb) in Sub-No. 126, Council Bluffs, IA with Pottawattamie and Mills Counties, IA and Washington, Douglas and Sarpy Counties, NE; (ccc) in Sub-No. 129; facilities at Kansas City, KS with Wyandotte, and Johnson Counties, KS and Platte, Clay and Jackson Counties, MO; (ddd) in Sub-No. 132, Rialto, CA and Byhalia, MS with San Bernardino County, CA and Marshall County, MS; (eee) in Sub-No. 140, facilities at Buffalo, NY and West Haven, CT with Erie and Niagara Counties, NY and Haven County, CT; (fff) in Sub-No. 141, facilities at Clinton, Lafayette and Indianapolis, IN with Vermillion, Tippecanoe, Marion, Hamilton, Hancock, Shelby, Johnson, Morgan, Hendricks and Boone Counties, IN; (ggg) in Sub-No. 142, facilities at Rocky Mount, NC, North Chicago, IL and Altavista, VA with Nash and Edgecombe Counties, NC, Lake County, IL and Campbell and Pittsylvania Counties, VA; (hhh) in Sub-No. 145; facilities at Elizabeth, NJ with Essex, Union and Middlesex Counties, NJ; (iii) in Sub-No. 146, facilities at Columbus, OH with Franklin, Delaware, Licking, Fairfield, Pickaway, Madison and Union Counties, OH; and Springfield, MA, North Bergon, NJ, Atlanta, GA,

Memphis, TN, Ft. Smith, AR, Denver, CO, Salt Lake City, UT, Anaheim and Hayward, CA, Portland, OR, Seattle, WA, Kansas City, KS and St. Louis, MO with Hampden County, MA, Hudson and Bergen Counties, NJ; Fulton, De Kalb, Clayton, and Cobb Counties, GA; Shelby County, TN and Crittenden County, AR; Crawford and Sebastian Counties, AR and Sequoyah County, OK; Denver, Adams, Arapahoe, Douglas, and Jefferson Counties, CO; Davis Morgan and Salt Lake Counties, UT; Contra Costa, Alameda and Orange Counties, CA; Multnomah, Washington and Clackamas Counties, OR and Clark County, WA; Wyandotte and Johnson Counties, KS and Clay, Platte and Jackson Counties, MO; St. Charles, St. Louis and Jefferson Counties, MO St. Louis, MO and Madison, St. Clair and Monroe Counties, MO; Hunt Valley, MD with Baltimore County, MD, Columbus, OH with Franklin, Delaware, Licking, Fairfield, Pickaway, Madison and Union Counties, OH; (jjj) in Sub-No. 147, facilities at Asheville, ND with Buncombe County, NC; and Savannah, GA with Chatham County, GA and Beaufort County, NC; (kkk) in Sub-No. 148, facilities at Chattanooga, TN with Marion and Hamilton Counties, TN and Dade, Walker and Catoosa Counties, GA; St. Paul, MN, Chicago, IL, Kansas City, MO, Dallas, TX and Des Moines, IA with Anoka, Ramsey, Washington, Dakota, and Hennepin Counties, MN; Lake, Cook, DuPage and Will Counties, IL, Wyandotte and Johnson Counties, KS and Clay Platte, and Jackson Counties, MO; Denton, Collin, Rockwall, Kaufman, Dallas, Ellis, Johnson, and Tarrant Counties, TX; and Polk, Dallas and Warren Counties, IA; (lll) in Sub-No. 149; Brattleboro, VT, Scranton, PA, Binghamton, NY, Dallas, PA, and Kingsport, TN with Windham County, VT and Cheshire County, NJ; Lackawanna and Luzerne Counties, PA; Broome County, NY; Hawkins and Sullivan Counties, TN; (mmm) in Sub-No. 153, Los Angeles, CA and Denver, CO with Ventura, Los Angeles and Orange Counties, CA and Denver, Adams, Arapahoe, Douglas and Jefferson Counties, CO; and facilities at Indiana, PA and Summerville, NJ with Indiana County, PA and Somerset County, NJ; (nnn) in Sub-No. 154, facilities at Orangeburg, NY with Rockland County, NY; facilities at Bridgewater Township, NJ with Somerset County, NJ; Rochester, NY with Monroe County, NY; Atlanta, GA, Chicago, IL, Cincinnati and Cleveland, OH, Houston, TX, Los Angeles, CA, Orlando, FL, Pittsburgh, PA, St. Louis, MO, Raleigh, NC and Rochester, NY with Fulton, DeKalb, Clayton, and Cobb Counties, GA; Lake, Cook, DuPage and Will Counties, IL; Hamilton, Butler, and Clermont Counties, OH and Boone, Kenton and Campbell Counties, KY; Cuyahoga, Lake, Summit, Medina and Lorain Counties, OH; Harris, Ft. Bend, Brazoria, and Chambers Counties, TX, Ventura, Los Angeles and Orange Counties, CA; Orange and Seminole Counties, FL; Allegheny and Westmoreland Counties, PA; St. Charles, St. Louis and Jefferson Counties, MO, St. Louis, MO and Madison, St. Claire and Monroe Counties, IL; Wake County, NC; and Monroe County, NY; (ooo) in Sub-No. 155; facilities at Kansas City, MO with Wyandotte and Johnson Counties, KS and Clay, Platte, and Jackson Counties, MO; and facilities at Indiana, PA and Summerville and Springfield, NJ with Indiana County, PA; and Somerest and Union Counties, NJ; (ppp) in Sub-No. 159; facilities at Albany, GA with Dougherty and Lee Counties, GA; (qqq) in Sub-No. 160, facilities at Tama, IA with Tama County, IA; (rrr) in Sub-No. 161; facilities at Joliet, IL with Will County, IL; Avenel and Woodbridge, NJ with Middlesex County, NJ; (sss) in Sub-No. 162; Ft. Smith, AR with Crawford and Sebastian Counties, AR and Sequoyah County, OK; Bardstown and Louisville, KY with Nelson and Jefferson Counties, KY and Floyd and Clark Counties, IN; New Orleans, LA with St. Tammany, Orleans, St. Bernard, Plaquemines and Jefferson Parishes, LA; (ttt) in Sub-No. 164; Muscatine, IA with Muscatine County, IA and Rock Island County, IL; (uuu) in Sub-No. 167; facilities at Holmdel, NJ with Monmouth County, NJ; and Chicago, IL with Lake, Cook, DuPage, and Will Counties, IL, (vvv) in Sub-No. 169; facilities at Holcomb, KS with Finney County, KS; (3) remove the restriction prohibiting the trnanportation of specified commodities in bulk, in tank vehicles, and vehicles equipped with mechanical refrigeration, hides, except USP grade, in bags, frozen commodities, etc., in all Subs except Sub-Nos. 7, 24, 41, 62F, 71F, 92, 99F, 125F, 129F, and 155F; (4) eliminate the originated at and/or destined to restrictions in Sub-Nos. 4, 6, 7, 8, 10, 13, 16, 17, 20, 22, 24, 25, 26, 31, 32, 35, 37, 38, 52F, 53F, 54F, 64F, 70F, 71F, 72F, 73F, 83F, 84F, 86F, 89, 90F, 91F, 92, 93F, 94, 99F, 113F, 114F, 118F, 126F, 132F, 140F, 147F, 149F, 153F, 155F, 160F, 161F, and 162; (6) eliminate the AK and HI exceptions, in Sub-Nos. 26, 64F, 107F, 142F, and 164F; and (5) replace one-way authority with radial authority in all Subs except Subs 16, 26, 84, 86, 125, 129, 142 and 162.

MC 139837 (Sub-3)X, filed September 3, 1981. Applicant: K & I DISTRIBUTORS, INC., P.O. Box 20, New Haven, IN 46774. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 2 permit to (1) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 146724 (Sub-8)X, filed August 31, 1981. Applicant: DEAN RAPPLEYE, INC., 7444 S. 2200 W., West Jordan, UT 84084. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F and 6F certificates to: (A) broaden the commodity description to "food and related products" from bananas, in Sub-No. 1F; to "food and related products, table decorations, pulp, paper and related products, and printed matter" from foodstuffs, table decorations, and books, in Sub-No. 3F; and to "pulp, paper and related products and rubber and plastic products" from (1) paper and paper products, and (2) plastic bags in Sub-No. 6F, (B) remove the facilities limitation in Sub-No. 1F, (C) broaden Port Hueneme, CA to Ventura County, CA in Sub-No. 1F, (D) remove the ex-water restriction in Sub-No. 1F, (E) remove the "originating at" restriction in Sub-No. 3F, and (F) change one-way authority to radial authority, between Ventura County, CA, and, 15 states in Sub-No. 1F; between points in CA, and, ports of entry on the international boundary line between the United States and Canada in ID, MT, and WA, in Sub-No. 3F; and between points in CA, OR, and WA, and, ports of entry on the international boundary line between the United States and Canada in ID, MT, and WA in Sub-No. 6F; (G) remove the "except commodities in bulk" restricitons in Sub-Nos. 3F and 6F; (H) eliminate the "mixed load" limitations in Sub-Nos. 1F and 3F.

MC 151485 (Sub-3)X, filed September 1, 1981. Applicant: DOUBLE JAY ENTERPRISES, INC., Route 1, P.O. Box 90, Kearney, MO 64060. Representative: W. H. Sapp, P.O. Box 30010, Kansas City, MO 64112. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F certificates to (1) broaden the commodity descriptions from railway car parts, and mounted wheel sets with or without bearings, and materials and supplies used in the manufacture, repair, distribution or sale of railway car parts, "machinery and metal products" and materials, equipment, and supplies used

in the manufacture, repair, distribution or sale of machinery and metal products" in Sub-No. 1F and from foodstuffs in packages to "food and related products" in Sub-No. 2F; (2) remove the facilities limitations at Kansas City, KS, in Sub-No. 1F and at Kansas City, Joplin, and St. Louis, MO, in Sub-No. 2F; and (3) remove the exception of AK and HI in Sub-No. 1F.

[FR Doc. 81-26776 Filed 9-14-81; 8:45 am]
BILLING CODE 7035-01-M

[Volumes No. OPY-4-341; OPY-4-342]

Motor Carriers; Permanent Authority Decisions; Correction

Decided: August 24, 1981.

The following volumes were incorrectly published on September 1, 1981, under the fitness guidelines, and are being republished this issue to reflect that the following applications fall under the non-fitness standards. (See 46 FR 43904 and 43905, 9-1-81, for complete permanent authority description.)

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Kelly, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 67648 (Sub-104), filed August 13, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa 17055. Representative: Edward W. Kelliher, (same address as applicant), (717) 790-8543.

MC 142126 (Sub-16), filed August 12, 1981. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742-3530.

MC 145516 (Sub-29), filed August 13, 1981. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., 8100 E. Independence Blvd., P.O. Box 1286, Matthews, NC 28105. Representative: T. Gene Stegall, Jr., (same address as applicant), (704) 536-1122.

MC 149576 (Sub-4), filed August 12, 1981. Applicant: TRANS-AMERICAN TRUCKING SERVICE, INC., Box 1247, Nixon Station, Edison, NJ 08817. Representative: Morton E. Keil, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466-0220.

MC 157686, filed August 13, 1981. Applicant: MATT HUGHEY TRUCKING, INC., 25 Napanee Dr., Carmel, IN 46032. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655.

MC 157696, filed August 13, 1981. Applicant: MARGARET H. NORDQUIST, d.b.a. NORDQUIST TRUCKING, Rt. 1, Amery, WI 540011. Representative: Timothy J. Byrnes, Box 376, Turtle Lake, WI 54889, (715) 986-4151.

MC 4426 (Sub-4), filed August 17, 1981. Applicant: M & T TRANSPORT, INC., 7391 Richmond Rd., P.O. Box 292, East Syracuse, NY 13057. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 473-8845.

MC 105636 (Sub-42), filed August 14, 1981. Applicant: ARMELLINI EXPRESS LINES, INC., P.O. Box 2394, Stuart, FL 33494. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001, (202) 628-9243.

MC 118516 (Sub-7), filed August 17, 1981. Applicant: MAMMOTH OF ALASKA, INC., 1048 Whitney Rd., Anchorage, AK 99501. Representative: Arthur R. Hauver, Suite 200, 750 West 2nd Ave., Anchorage, AK 99501, (907) 276-6354.

MC 148996 (Sub-3), filed August 17, 1981. Applicant: MERCHANTS' DELIVERY SERVICE, INC., 221 Burleson, San Antonio, TX 78204. Representative: William E. Collier, 8918 Tesoro Dr., Suite 215, San Antonio, TX 78217, (512) 828-6496.

MC 150026 (Sub-2), filed August 17, 1981. Applicant: McKINLEY TRUCKING, INC., 1162 Hillview Dr., Salt Lake City, UT 84117. Representative: Patricia S. Woolley (same address as applicant), *801) 268-4474.

MC 150526 (Sub-3), filed August 14, 1981. Applicant: YARMOUTH LUMBER, INC., North St. Box 46, Yarmouth, ME 04096. Representative: Donald E. Martin, 94 Auburn St., Portland, ME 04103, (207) 797-5194.

MC 152906 (Sub-1), filed August 14, 1981. Applicant: BILLIG TRUCKING SERVICE, INC., Box 136, Route 8, Allentown, PA 18104. Representative:

Paul B. Kemmerer, 1620 N. 19th St., Allentown, PA 18104, (215) 432–7946.

[FR Doc. 81–26746 Filed 9–14–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–43 (Sub-No. 71F)]

Illinois Central Gulf Railroad Co.; Abandonment Between Columbia and Silver Creek, MS; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that on September 10, 1981, the Commission found that the public convenience and necessity require or permit abandonment by Illinois Central Gulf Railroad Company of its line of railroad between Silver Creek and Columbia in Lawrence, Jefferson Davis and Marion Counties, MS, a distance of 28.78 miles, subject to conditions. A certificate of abandonment will be issued permitting this abandonment unless within 15 days from the date of this publication, the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the effectiveness of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will be issued. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–26967 Filed 9–14–81; 10:07 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

Agency for International Development

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on October 2 (from 9:00 a.m. to 5:00 p.m.), and October 3 (from 9:00 a.m. to 12 noon), 1981, at the Hyatt Arlington at Key Bridge Hotel, 1325 Wilson Boulevard, Arlington, Virginia 22209.

The Committee will discuss implementation of the "Biden-Pell" Amendment, section 316(a) of the International Security and Development Cooperation Act of 1980, Pub. L. 96–533, December 16, 1980. The amendment calls for encouragement of the work of private and voluntary organizations to deal with world hunger problems, and for assistance to facilitate public discussion, analysis and review of issues relating to world hunger and poverty. Sessions will include discussion on: how to initiate programs to facilitate public discussion of hunger and other related issues; and how AID, through its programming, can assist private and voluntary organizations in this action. The meeting, with input from private and voluntary organizations, will seek to identify and clarify the goals and methods of how public discussion may be facilitated on world hunger and related issues (development education). The funding of projects which assist such public discussion will be addressed. Attention will be given, via small workshops, to the theme of development education, and to the methods of communicating it. Following the meeting, the Committee will make recommendations to the Administrator of AID on further steps in implementing the Biden-Pell Amendment.

The meeting will be open to the public. Any interested person may attend, request to appear before, or file statements with the Committee in accordance with procedures established by the Committee. Written statements should be filed prior to the meeting and should be available in twenty copies.

Ms. Kate Semerad will be the AID representative at the meeting. It is suggested that those desiring further information contact Ms. Semerad or Ms. Coss at 703/235–2708, or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Dated: September 3, 1981.

Barry Sidman,

Acting Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance.

[FR Doc. 81–26796 Filed 9–14–81; 8:45 am]

BILLING CODE 4710–02–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Brady Kortland Fleming; Denial of Application for Registration

On July 24, 1981, the Acting Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause as to why the application for registration filed by Brady Kortland Fleming, D.O. should not be denied, for reason that on May 30, 1980, Dr. Fleming (Respondent herein) was convicted of violating 21 U.S.C. 841(a)(1), a controlled substance-related felony. In a letter received on August 10, 1981, Respondent expressly waived his right to a hearing in this matter and provided the Acting Administrator with a short written statement regarding his position on the matters of fact and law involved. Pursuant to 21 CFR 1301.54(c) and (e), the Acting Administrator has considered the entire file in this matter and hereby publishes this Final Order pursuant to 21 CFR 1316.66.

The Acting Administrator finds that on March 11, 1980, in United States District Court for the Southern District of Texas, Brownsville Division, respondent was charged with conspiracy to possess with intent to distribute a quantity of amphetamine and methamphetamine, possession with intent to distribute amphetamine and/or methamphetamine, and two counts of using a communications facility during the commission of a felony. On May 30, 1980, Respondent, represented by legal counsel, pleaded guilty to one count of possessing with intent to distribute amphetamine and/or methamphetamine in violation of 21 U.S.C. 841(a)(1) a controlled substance-related felony. Respondent was placed on probation with supervision for one year, conditioned on good behavior, and fined the sum of $10,000.

Repondent's brief written statement reveals the claim that he is no longer in

a general practice of osteopathy. He states that he is now working for the Texas Department of Corrections and would only need his DEA registration to order medication in case of an emergency.

The Acting Administrator finds that Respondent has been convicted of a felony offense relating to controlled substances and concludes that such a conviction provides a statutory basis for the denial of Respondent's application for registration. The Drug Enforcement Administration has consistently held that where a registration can be revoked pursuant to 21 U.S.C. 824, an application for registration pursuant to 21 U.S.C. 823 can be denied, since the law would not require the useless act of granting an application for registration on on day only to revoke it on the next. See, for example, *Serling Drug company,* Docket No. 74–12, 40 FR 11918 (1975); *Norman Bridge Drug Company, Inc.,* docket No. 74–22, 41 FR 3108 (1976); *Rafael C. Cilento, M.D.,* Docket No. 79–2, 44 FR 30466 (1979); and cases cited therein.

The Acting Administrator notes that Respondent claims to be employed by the Department of Corrections, presumably that of the State of Texas. The Acting Adminstrator finds that the public interest would be served if Respondent is permitted to administer or order the administrtion of controlled substances in the course of an accepted professional osteopathic practice while employed by the State of Texas Department of Corrections and under the supervision of a qualified and properly registered employee of the assigned facility. It is assumed that the facility in which Respondent is employed is registered to handle controlled substances. 21 CFR 1301.76(a) provides that "a registrant shall not employ as an agent or employee who has access to controlled substances any person who has had an application for registration denied * * * at any time." In order that Respondent may be employed by the State of Texas Department of Corrections, the Acting Administrator hereby waives the prohibition of 21 CFR 1301.76(a) with respect to the employment of Brady Kortland Fleming, D.O. by the State of Texas Department of Corrections.

Having determined that legal grounds exist for the denial of Respondent's application for registration and pursuant to the authority vested in the Attorney General by sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 924, and redelegated to the Administrator of the Drug Enforcement Administration, the Acing Administrator hereby orders that the application of Brady Kortland Fleming, D.O. be, and it hereby is, denied.

Dated: September 9, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81–26744 Filed 9–14–81; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 80–22]

Ray Roya; Denial of Application

On August 11, 1980, the Administrator of the Drug Enforcement Administration (DEA) issued to Respondent, Ray Roya, M.D., an Order to Show Cause proposing to deny Respondent's pending application for registration as a practitioner. Included in the basis for the proposed denial was the fact that Respondent had been convicted in the United States District Court for the Northern District of Illinois, Eastern Division, on twenty-four felony counts of illegal distribution of controlled substances, said conviction having been affirmed by the United States Court of Appeals for the Seventh Circuit, and the fact that Respondent had been prohibited from prescribing, dispensing, or otherwise distributing controlled substances in Illinois by the State of Illinois Department of Registration and Education. Respondent, acting *pro se,* requested a hearing in a letter dated August 22, 1980. Following the completion of many prehearing procedures and rulings, the hearing in this matter was held in Chicago, Illinois on May 12, 1981 with Administrative Law Judge Francis L. Young presiding.

On August 13, 1981, pursuant to 21 CFR 1316.65, as amended, Judge Young certified the entire record of these proceedings to the Acting Administrator of DEA. The record included, *inter alia,* the hearing transcript; the transcript of the criminal trial held in the United States District Court for the Northern District of Illinois, Eastern Division involving Respondent; all exhibits that have been entered into the record, and the Administrative Law Judge's report or opinion, including his recommended rulings, findings of fact, and conclusions of law. In accordance with the provisions of 21 CFR 1316.65(b), copies of the Administrative Law Judge's report were served upon counsel for the Government and upon Respondent. Neither party has filed exceptions or objections to the Administrative Law Judge's report.

After considering the record of these proceedings in its entirety, and pursuant to 21 CFR 1316.67, as amended, the Acting Administrator hereby publishes his final order, based upon the findings of fact and conclusions of law hereinafter set forth.

The Administrative Law Judge found that Respondent has applied to the Drug Enforcement Administration for registration, as a practitioner, to handle controlled substances in Schedules II (narcotic), II (nonnarcotic), III (narcotic), III (nonnarcotic), IV, and V. In his application, Respondent had answered affirmatively the question of whether the applicant had ever been convicted of a felony offense in connection with controlled substances under either State or Federal law. He also answered affirmatively the question of whether the applicant ever surrendered a previous DEA registration or had a CSA registration revoked, suspended or denied.

Pursuant to a twenty-four count indictment, charging violations of 21 U.S.C. 841 and 21 U.S.C. 846, criminal trial was set and held in United States District Court, Northern District of Illinois, Eastern Division, before the Honorable Alfred Y. Kirkland, beginning on February 22, 1977. Each count charged Respondent with unlawfully writing a prescription for a Schedule II controlled substance, Tuinal (containing Amobarbital and Secobarbital) or Preludin (containing Phenmetrazine). At the beginning of the trial, Respondent opted to waive his right to a trial by jury and elected to have his case heard and decided solely by the judge. During the four-day trial, fifteen witnesses, eight of whom were agents from the Illinois Bureau of Investigation, testified concerning the instances of Respondent's prescription writing as set out in the counts of the indictment. Respondent also testified on his own behalf. Two witnesses were called by Respondent; one was a psychiatrist and the other was a person admitted to practice both medicine and law who also held a degree in pharmacology. At the conclusion of the trial, Judge Kirkland found that the Government has proved its case beyond a reasonable doubt on all counts. His verdict was that the defendent was guilty as charged on all twenty-four counts of the indictment. Respondent appealed the verdict and the case was heard by the United States Court of Appeals for the Seventh Circuit on November 4, 1977. On April 14, 1978, the Court of Appeals issued its opinion in *United States of America* v. *Ray Roya,* No. 77–1401, affirming the convictions as found by the District Court. On March 23, 1979, after a hearing was held and the evidence considered by the Medical Disciplinary Board, the Illinois Department of Registration and Education entered an

order that, *inter alia*, prohibited Respondent from prescribing, dispensing, or otherwise distributing any products designated as Controlled Substances by authority of the Federal Government or the State of Illinois. That Order was in effect at the time the Administrator issued the Order to Show Cause in this matter. Subsquent to the date of the hearing, however, the Illinois Department of Registration and Education reconsidered Respondent's case with the result that Respondent's State license or registration to dispense controlled substances was restored, subject to a period of probation to be no less than two years.

The Acting Administrator finds that Respondent has been convicted of felony offenses relating to controlled substances and concludes that such convictions provide a statutory basis for the denial of Respondent's application for a controlled substance registration. The Drug Enforcement Administration has consistently held that where a registration can be revoked pursuant to 21 U.S.C. 824, an application for registration pursuant to 21 U.S.C. 823 can be denied, since the law would not require the useless act of granting an application for registration on one day only to revoke it on the next. See, for example, *Serling Drug Company*, Docket 74–12, 40 FR 11918 (1975); *Norman Bridge Drug Company, Inc.*, Docket 74–22, 41 FR 3108 (1976); *Rafael C. Cilento, M.D.*, Docket No. 79–2, 44 FR 30466 (1979); and cases cited therein.

Having concluded that there is a lawful basis upon which to deny Respondent's application, the question remains as to whether the Acting Administrator should, in the exercise of his discretion, grant or deny the application. Close examination of the record, and specifically the criminal trial transcript, reveals a somewhat indifferent attitude on the part of Respondent towards the professional practice of medicine. The examination room in the doctor's office contained no examination table or weight scale. The "patient" (undercover agents posing as patients relative to the counts as charged in the indictment) was not questioned concerning a medical history; in fact, no physical examination of the "patient" was undertaken. On one occasion, when asked for a prescription specifically for Preludin, Respondent wrote the prescription and gave it to the agent in exchange for ten dollars. On a subsequent visit only three days later, the same agent visited Respondent and requested another prescription for Preludin, expressing no medical need for the drugs. While voicing concern that the authorities were closely monitoring usage of Preludin, Respondent agreed to write the prescription in the name of another individual, one not present or known to Respondent at the time. In consideration of all the facts presented in this matter, the Acting Administrator agrees with the opinion of the Administrative Law Judge that Respondent was ready, willing and, being able, did write prescriptions for abusable drugs in the absence of the slightest scintilla of indication of legitimate medical need. The record herein indicates that Respondent did this twenty-four times for eight different people within the referenced time period of sixty-three days. There is no telling how many other instances occurred in this same manner. The Acting Administrator also agrees with the Administrative Law Judge's conclusion that the record, considered as a whole, gives no reasonable assurance that Respondent would refrain from such acts in the future if the application for registration should be granted.

Accordingly, pursuant to the authority vested in the Attorney General by sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that the application of Ray Roya, M.D. be, and hereby is, denied.

Dated: September 9, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81–26745 Filed 9–14–81; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Anchor Hocking Corp., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (the "Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 8th day of September 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (Union/worker or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Anchor Hocking Corp., Ceramic Products Div. (workers).	Chester, West Va	8/28/81	8/22/81	TA-W-12,954	Dinner ware iron stone pottery.
Cowden Mfg. Co. (ACTWU)	Waverly, Tenn	8/27/81	8/20/81	TA-W-12,955	Jeans—men, women, and children.
Feuer Leather Corp. (ACTWU)	Johnstown, N.Y	9/3/81	8/14/81	TA-W-12,956	Sorting, trimming, and shipping of leather.
Foster Grant Co., Inc. (retail, wholesale and department store workers).	Leominster, Mass	8/27/81	8/20/81	TA-W-12,957	Sunglasses.
John DeMolet Lincoln Mercury, Inc. (workers)	Springfield, Pa	9/1/81	8/25/81	TA-W-12,958	Auto dealership.
Marek, Inc. (workers)	New York, N.Y	9/1/81	8/24/81	TA-W-12,959	Ladies' dresses.
Munsingwear, Inc. (ACTWU)	Crossville, Tenn	8/27/81	8/18/81	TA-W-12,960	Men's sportshirts and underwear.
Steve Matson Products, Inc. (ACTWU)	New York, N.Y	8/27/81	8/20/81	TA-W-12,961	Blouses and dresses.
Swan Sportswear Co., Inc. (ILGWU)	Brooklyn, N.Y	8/28/81	8/24/81	TA-W-12,962	Ladies' knit garments.

[FR Doc. 81-26785 Filed 9-14-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-10,468]

C. G. Conn, Ltd., Abilene, Tex.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on September 2, 1980 in response to a petition which was filed on behalf of workers at C. G. Conn, Limited, Abilene, Texas. The workers produce brass musical instruments.

U.S. imports of brasswinds increased both absolutely and relative to domestic shipments during 1980 compared to 1979.

Prior to 1978 the Abilene plant of C. G. Conn produced all of the component parts it utilized in the production of brass musical instruments. During 1978 C. G. Conn began the transfer of production of certain musical instrument components to its Nogales, Mexico plant. Most of the planned transfers of production were completed by early 1979. The transfer of production of all components for student model cornets and trumpets began in the second quarter of 1980. All production of parts for student model cornets and trumpets at Abilene ceased as of December 31, 1980 when the transfer of production of cornet and trumpet components was completed.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with components of cornets and trumpets produced at C. G. Conn, Limited, Abilene, Texas contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification.

All workers of C. G. Conn, Limited, Abilene, Texas who were engaged in employment related to the production of components of cornets and trumpets who became totally or partially separated from employment on or after June 1, 1980 and before January 1, 1981 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of September 1981.

Bert Lewis,

Administrator, Unemployment Insurance Service.

[FR Doc. 81-26786 Filed 9-14-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-10,892]

Ferry Cap and Set Screw Co., Cleveland, Ohio; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on September 15, 1980 in response to a petition which was filed by International Association of Machinists and Aerospace Workers on behalf of workers at Ferry Cap and Set Screw Company, Cleveland, Ohio. The workers produce industrial fasteners.

U.S. imports of threaded industrial fasteners increased relative to the quantity of domestic shipments in 1980 compared to 1979 and increased in the first quarter of 1981 compared to the first quarter of 1980.

The Department of Labor conducted a survey of the customers which represented the majority of the sales declines experienced by Ferry Cap and Set Screw Company during January–September, 1980.

The survey revealed that customers representing a significant portion of the company's sales decline reduced purchased of fasteners from Ferry Cap and Set Screw Company during January–September 1980 while increasing purchases of imported fasteners. The survey further indicated that several large customers, who represented another substantial portion of the company's sales decline, increased their reliance on imported threaded fasteners while decreasing purchases from Ferry in January–September 1980.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with threaded fasteners produced at Ferry Cap and Set Screw Company, Cleveland, Ohio contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Ferry Cap and Set Screw Company, Cleveland, Ohio who became totally or partially separated from employment on or after December 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of September 1981.

Bert Lewis,

Administrator, Unemployment Insurance Service.

[FR Doc. 81-26788 Filed 9-14-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,534; 12,733]

Hyde Athletic Industries, Cambridge, Mass.; Spot-Bilt Factory, Bangor, Maine; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigations were initiated on September 2, 1980 and May 29, 1981 in response to petitions which were filed on behalf of workers at Hyde Athletic Industries, Cambridge, Massachusetts and Bangor, Maine. The workers produce athletic footwear.

U.S. imports of athletic footwear increased absolutely and relative to domestic production from 1979 to 1980.

Company imports of athletic footwear increased absolutely and as a proportion of company sales from 1979 to 1980 and in the first quarter of 1981 compared to the first quarter of 1980. Hyde Athletic Industries began importing athletic shoes in July 1979. The increase in company imports corresponds to the declines in employment and production at both the Cambridge and Bangor plant.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with athletic footwear produced at the Cambridge, Massachusetts plant and the Spot-Bilt Factory in Bangor, Maine of Hyde Athletic Industries contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Hyde Athletic Industries, Cambridge, Massachusetts and Spot-Bilt Factory in Bangor, Maine, who became totally or partially separated from employment on or after January 10, 1981 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1971.

Signed at Washington, D.C. this 9th day of September 1981.

Bert Lewis,

Administrator, Unemployment Insurance Service.

[FR Doc. 81-26787 Filed 9-14-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,702]

Page Shake, Mineral, Washington; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 18, 1981, in response to a worker petition received on May 12, 1981, which was filed by the company on behalf of the workers at Page Shake, Mineral, Washington.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 9th day of September 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-26789 Filed 9-14-81; 8:45 am]

BILLING CODE 4510-28-M

Occupational Safety and Health Administration

Wyoming State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) 29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On May 3, 1974, notice was published in the **Federal Register** (39 FR 15394) of the approval of the Wyoming Plan and the adoption of Subpart BB to Part 1952 containing the decision.

The Wyoming Plan provides for the adoption of Federal standards as State standards after public hearings. Section 1953.23(a)(2) of 29 CFR provides that whenever a Federal standard is promulgated, the State must adopt or promulgate a standard or standard change which will make the State standard at least as effective as the Federal standard or change within six months of the Federal promulgation or change. In response to Federal standard changes, the State has submitted by letters dated February 14, 1979, May 30, 1979, May 19, 1980 and May 18, 1981 from Donald D. Owsley, Health and Safety Administrator, to Curtis A. Foster, Regional Administrator, and revocated and amended Wyoming Occupational Health and Safety General Rules and Regulations comparable to those published in **Federal Register** (43 FR 49728), Tuesday, October 24, 1978 and (43 FR 51759), Tuesday, November 7, 1978, with the following exceptions: 29 CFR 1910.261—Pulp. Paper, and Paperboard Mills, 29 CFR 1910.264—Laundry Machinery and Operations, 29 CFR 1910.265—Sawmills and 29 CFR 1910.266—Pulpwood Logging.

Those Occupational Health and Safety General Rules and Regulations, which were revoked and amended after hearings on March 16, 1979, and were by resolution vacated by the Wyoming Occupational Health and Safety Commission on March 16, 1979, and the revocation and amendments became effective on April 25, 1980 pursuant to Section 27-278 Wyoming Statute 1957 as amended 1973.

2. *Decision.* Having reviewed the State submission in comparison with the Federal Standards, it has been determined that the State Rules and Regulations are at least as effective as the comparable Federal Standards and the State has retained more stringent than comparable Federal Standards in Subpart R—Special Industries.

3. *Location of supplements for inspection and copying.* A copy of the standards supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 1554, Federal Buiding, 1961 Stout Street, Denver, Colorado 80294; the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyoming 82001; and Office of State Programs, Occupational Safety and Health Administration, Room N-3613, 3rd and Constitution Ave., NW., Washington. D.C. 20210.

4. *Public Participation.* Under § 1953.2(c) of 29 CFR Part 1953, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with

applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Wyoming State Plan is a proposed change and making the Regional Adminstrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law, which included public comments, and further public participation would be unnecessary.

This decision is effective September 11, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this twenty ninth day of May, 1981.

Curtis A. Foster,

Regional Administrator.

[FR Doc. 81–26784 Filed 9–14–81; 8:45 am]

BILLING CODE 4510–29–M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Commission Procedures, Budget Programs, Schedule, and Other Reports; Public Meeting

DATE: September 29, 1981.

PLACE: Russell Senate Office Bldg., Washington, D.C. 20510.

TIME: 10 a.m.

PURPOSE: To discuss Commission procedures, budget, programs, schedule, and other reports, as appropriate.

Pub. L. 96s–296, the Motor Carrier Act of 1980, directs this Study Commission to make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers and of the need or lack of need for continued antitrust immunity. The Commission is specifically directed further to estimate the impact of the elimination of such immunity upon the rate structure and rate levels and to describe the impact on the Interstate Commerce Commission and its staff. Finally, the Commission has been directed to give special consideration to the impact on small communities.

The purpose of this, the second meeting of the Commission, is to discuss and adopt formal Commission procedures; to discuss the Commission's budget, programs, and schedules to review staff reports as appropriate; and, to consider other business.

FOR FURTHER INFORMATION, CONTACT: Gary D. Dunbar, Deputy General Counsel, 202–724–9600.

Submitted this 11th day of September 1981.

Larry F. Darby,

Executive Director.

[FR Doc. 81–26958 Filed 9–14–81; 8:45 am]

BILLING CODE 6320–80–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–245]

Northeast Nuclear Energy Co., et al.; Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 78 to Provisional Operating License No. DPR–21, issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1 (the facility), located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment approves an Appendix A Technical Specification change which reduces the maximum protection system (RPS) response time from 100 milliseconds to 50 milliseconds.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated September 9, 1980, (2) Amendment No. 78 to License No. DPR–21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this eighth day of September 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors, Branch No. 5, Division of Licensing.

[FR Doc. 81–26796 Filed 9–14–81; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and Opportunity for Hearing

September 9, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Inter-Regional Financial Group, Common Stock, $.25 Par Value (File No. 7–6035)
Manor Care Incorporated, Common Stock, $.10 Par Value (File No. 7–6036)
Pan American Banks Incorporated, Common Stock, $1 Par Value (File No. 7–6037)
Sun Banks of Florida Incorporated, Common Stock, $2.50 Par Value (File No. 7–6038)
Sundance Oil Company, Common Stock, Class B, $.10 Par Value (File No. 7–6039)
Wang Laboratories Incorporated, Common Stock, Class B, $.50 Par Value (File No. 7–6040)
Warner Communications Incorporated, Stock Purchase Warrants (File No. 7–6041)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 30, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26751 Filed 9-14-81; 8:45 am]

BILLING CODE 8815-01-M

Pacific Stock Exchange, Inc.; Application for Unlisted Trading Privileges and Opportunity for Hearing

September 9, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Nabisco Brands, Inc., Common Stock, $2 Par Value (File No. 7-6025)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 30, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26752 Filed 9-14-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and Hearing

September 9, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Ensource, Inc., Common Stock, $.01 Par Value (File No. 7-6034)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 30, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this oppoortunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26753 Filed 9-14-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 09/09-5291]

Compton Investment Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Compton Investment Corporation (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1981).

The officers, directors, and stockholders of the applicant are as follows:

Rodney R. Buck, 717 Paseo Del Mar, Palos Verdes Estates, Ca. 90274—President, Treasurer, Director, 100% Stockholder
Aileen D. Buck, 2530 East 21 Street, Signal Hill, Ca. 90806—Secretary
Charles A. Byler, 22855 Calvert Street, Woodland Hills, Ca. 91367—Director
Alexander Spitzer, 6705 South Holt Avenue, Los Angeles, Ca. 90056—Director

The Applicant, a California corporation, with its principal place of business at 219 East Compton Boulevard, Compton, California 90221, will begin operations with $1,000,000 of private capital derived from the sale of 1,000 shares of common stock.

The Applicant will conduct its activities principally in the State of California.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small busines investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitiating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act and the SBA rules and regulations.

Notice is hereby given that any person may, no later than September 30, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Compton, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-26709 Filed 9-14-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0431]

MRN Capital Co.; Application for a License to Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies

(13 CFR 107.102 (1981)), by MRN Capital Company (Applicant), 111 Great Neck Road, Great Neck, New York 11021, for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act) (15 U.S.C. 661 et Seq.), and the rules and regulations promulgated thereunder.

The formation and licensing of a limited partnership SBIC is subject to the provisions of § 107.4 of the regulations. The application provides for a corporate general partner which must be a corporation, organized under State law solely for the purpose of managing the functions and activities of the limited partnership SBIC. There will be one limited partner.

The initial investors and their percent of ownership of the Applicant are as follows:

MRN Capital Corp., General Partner
All stock owned by Carol Schulman, Trustee under a trust for the benefit of Majorie, Nancy and Richard, children of Robert and Carol Schulman 100% ($80,000)
Carol Schulman, Limited Partner
Will individually own all the limited partnership interests (10). Such units are for investment ($423,500)

The Applicant proposes to commence operations with a partnership capital of $503,500. The Applicant anticipates it will primarily provide venture capital in the form of equity financing and long term debt. It will have a broad financing policy.

The corporate general partner MRN Capital Corp., will consist of the following officers, directors and shareholders:

Robert E. Schulman, 18 Pinetree Drive, Great Neck, N.Y.—President, General Manager, Director
Carol Schulman, 18 Pinetree Drive, Great Neck, N.Y.—Treasurer, Secretary, Investment Advisor, Director, 100%

There will be only one class of common stock with the initial paid-in capital and paid-in surplus being $80,000 which will be contributed to the capital of the partnership for general partners interest in the partnership. Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed officers, directors, and shareholders of the corporate general partner, as well as the limited partner of the Applicant, and the probability of successful operation of the Applicant, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than September 30, 1981, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington D.C. 20416. A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Great Neck, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Peter F. McNeish,

Acting Associate Administrator for Investment.

September 4, 1981.

[FR Doc. 20700 Filed 9-14-81; 0:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 178
Tuesday, September 15, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

[M-329, Amdt. 1, September 9, 1981]

Notice of Addition of Item

TIME AND DATE: 9:30 a.m., September 15, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 10a. Dockets 39708 and 39868, Applications of Air Florida, Inc. and Empire Airlines, Inc. for Classification as Local or Feeder Carriers. (Memo 763, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1388-81 Filed 9-11-81; 4:02 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD.

[M-329, Amdt. 2, September 11, 1981]

Notice of additions and closure of item

TIME AND DATE: 9:30 a.m., September 15, 1981.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

Addition: 15a. Essential Air Service for Ely and Elko, Nevada, Docket 39992. (BDA, OCCR)

Addition and Closure: 23. Request of World Airways for Designation to Transport Local Traffic Between London and Frankfurt. (BIA)

STATUS: Items 1-22 (Open), Item 23 (Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1389-81 Filed 9-11-81; 4:02 pm]

BILLING CODE 6320-01-M

3

CIVIL AERONAUTICS BOARD.

[M-329, September 8, 1981]

TIME AND DATE: 9:30 a.m., September 15, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.

2. CAB Information Systems and Early Sunset—Solicitation of Comments from Heads of Other Federal Agencies and Departments on a Staff Report. (Memo 760, OC, OGC, BALJ, BCAA, BIA, BDA, OEA, BCCP)

3. Docket 39616, Liberalized Regulation of Wet Lease Agreements. (OGC, BIA, BDA)

4. H.R. 1744, A Bill to Require Operators of Commuter Service Airports and Commuter Carriers to Set Up Passenger Security Programs. (OGC)

5. Dockets 35634, 30332 and 36595, Petition for Reconsideration of Previously Approved IATA Agreements Involving Cargo Agency Matters and Grant of Antitrust Immunity, and Agreements CAB 28485-R-11 through R-13, Application of IATA for Approval and Immunity of Cargo Agreements. (OGC)

6. Docket 39836, Proposed Amendment to Part 221 Permitting Airlines to Use a Tariff Flexibility System for Domestic Passenger Air Fares; and Docket 36595, *Investigation Into the Competitive Marketing of Air Transportation, Pricing Phase.* (OGC)

7. Docket 33363, *Former Large Irregular Air Service Investigation;* and Dockets 39103 and 39104, Applications of Zantop Airlines, Inc. for Interstate and Foreign Charter Authority and Domestic All-Cargo Authority. (Memo 759, OGC)

8. Docket 33363, *Former Large Irregular Air Service Investigation;* and Dockets 39237 and 39238, Applications of International Air Cargo, Inc. for Interstate, Overseas and Foreign Charter Air Transportation of Property and Mail. (Memo 757, OGC)

9. Docket 39412, *Air Berlin USA Fitness Investigation;* and Docket 37031, Application of Lelco, Inc. d.b.a. Air Berlin USA for Authority to Operate Between Orlando, Florida, and Berlin, Germany, via Brussels, Belgium. (Memo 340-A, OGC)

10. Docket 38788, Application of Two Americas Trading Company, Inc. d.b.a. ICB International Airlines for a Certificate of Public Convenience and Necessity; and Docket 39106, *ICB International Airlines Fitness Investigation.* (Memo 183-A, OGC)

11. Fitness Determination of Southern Jersey Airways, Inc. Under Section 419(c)(2) of the Federal Aviation Act. (Memo 758, BDA)

12. Fitness Determination of Rocky Mountain Airways, Inc. Under Section 419(c)(2) of the Federal Aviation Act. (Memo 754, BDA)

13. Fitness Determination of Walker's Cay Air Terminal, Inc. Under Section 419(c)(2) of the Federal Aviation Act. (Memo 746, BDA)

14. Fitness Determination of Princeville Airways, Inc. Under Section 419(c)(2) of the Federal Aviation Act. (Memo 755, BDA)

15. Docket EAS-487 and 39671, Essential Air Service Determination for West Yellowstone, Montana. (Memo 735, BDA, OGC, OCCR)

16. Docket 39162, Notice of Republic Airlines, Inc. of Its Intent to Suspend Service at Beloit/Janesville, Wisconsin. (Memo 328-A, BDA, OGC, OCCR)

17. Dockets 35908 and 36204, Notices of USAir and Pennsylvania Airlines to Suspend Service at Clearfield/Philipsburg, Pennsylvania. (BDA, OGC, OCCR)

18. Docket 39457, *Minnesota Points Case:* Notices of Republic Airlines of Intent to Terminate Service at Fairmont, Mankato, and Worthington, Minnesota. (BDA)

19. Docket 39345, Notice of Frontier Airlines, Inc. to Terminate Service at Gallup, New Mexico, (BDA)

20. Docket 39852, Notice of USAir Under Section 401(j) of Its Intent to Terminate Service at Atlantic City, New Jersey. (Memo 753, BDA)

21. Docket 39497, Petition on Behalf of the Air Transport Association of America to Broaden the Domestic and International Fare Flexibility Zones. (Memos 716 and 716-A, BDA, BIA, OGC)

22. Docket 32660, IATA Agreement Proposing a Five Percent Increase in Colombia-U.S. Passenger Fares. (BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1390-81 Filed 9-11-81; 4:02 pm]

BILLING CODE 6320-01-M

4

COMMODITY CREDIT CORPORATION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published September 4, 1981, 46 FR 44549.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:45 a.m., September 14, 1981.

PLACE: Room 104–A Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open, except for items 7 and 8 which will be closed to the public.

CHANGE IN MEETING: Revised agenda as follows:

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meetings on July 6, 1981 and July 29, 1981.
2. Docket WCP 319 re: Extended storage use guarantees to insure CCC long-term storage for grain and processed commodities.
3. Informational discussion re: FCIC funding.
4. Memorandum re: Review of CCC inventory and sales policies.
5. Memorandum re: Commodities available for sale to foreign governments or their agents, international organizations, and voluntary relief organizations during fiscal years 1981–1982, for restricted use.
6. CCC Board ratification of sale of CCC-owned butter to New Zealand Dairy Board.
7. Discussion re: CCC interest policy.
8. Resolution 19, CZ 266, re: Commodities available for Pub. L. 480 during fiscal year 1982.

CONTACT PERSON FOR MORE INFORMATION: Edward D. Hews, Secretary, Commodity Credit Corporation, Room 3088 South Building, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013, telephone (202) 447–7583.

[S–1380–81 Filed 9–11–81; 10:02 am]

BILLING CODE 3410–05–M

5

FEDERAL ENERGY REGULATORY COMMISSION.

September 11, 1981.

TIME AND DATE: 10 a.m., September 18, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. CP80–135, *et al.*

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357–8400.

[S–1386–81 Filed 9–11–81; 3:35 pm]

BILLING CODE 6450–85–M

6

FEDERAL ENERGY REGULATORY COMMISSION.

September 9, 1981.

TIME AND DATE: 10 a.m., September 16, 1981.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—731st Meeting—September 16, 1981, Regular Meeting (10:00 a.m.)

CAP–1. Project No. 3183, Massachusetts Municipal Wholesale Electric Co. and Connecticut Municipal Energy Cooperative
CAP–2. Project No. 4296–000, Seneca Hydroelectric Co. Inc.
CAP–3. Project Nos. 4307–000 and 4305–000, City of Hibbing, Minn.
CAP–4. Project No. 4937, Modesto Irrigation District
CAP–5. Project No. 2545–004, The Washington Water Power Co.
CAP–6. Project No. 3731, Mitchell Energy Co., Inc.; Project No. 4531, City of Gillette, Wyo.; Project No. 5092, Bridger Valley Electric Association
CAP–7. Docket Nos. ER81–645–000 and ER81–646–000, New England Power Co.
CAP–8. Docket No. ER81–550–000, Duke Power Co.
CAP–9. Docket No. ER81–560–000, Lockhart Power Co.
CAP–10. Docket No. ER81–643–000, Iowa Public Service Co.
CAP–11. Docket No. ER81–392–000, Pennsylvania Power & Light Co.
CAP–12. Docket No. EL81–11–000, Kansas Municipal & Cooperative Electric Systems
CAP–13. Docket No. ER81–95–000, Alabama Power Co.
CAP–14. Docket No. ER80–508, Boston Edison Co.
CAP–15. Docket No. ER81–282–000, Montana Power Co.
CAP–16. Docket Nos. ER80–222, ER81–69–000 and ER80–466, Georgia Power Co.
CAP–17. Docket Nos. ER80–116 and ER80–511, Niagara Mohawk Power Corp.
CAP–18. Docket No. ER80–506, Alabama Power Co.
CAP–19. Docket Nos. ER80–181 and ER81–311–000, Northern States Power Co. (Wisconsin)
CAP–20. Docket No. ES81–65–000, Consumers Power Co.

Consent Miscellaneous Agenda

CAM–1. Docket No. SA80–8, Wallace Energy Corp.; Docket No. GP80–68, Delvan Development Corp. and Ciba-Geigy Corp.
CAM–2. Docket No. GP81–31–000, State of West Virginia, Section 108 NGPA determination, P&S Oil & Gas Corp., Dickinson 7 well, W. V. file No. 790228–108–039–1743, FERC No. JD80–15958
CAM–3. Docket No. GP80–116, Texaco Inc.

Consent Gas Agenda

CAG–1. Docket Nos. RP80–102 and RP81–86, Southern Natural Gas Co.
CAG–2. Docket Nos. RP80–55 and RP80–118, Sea Robin Pipeline Co.
CAG–3. Docket Nos. RP81–41–000 and RP81–66–000, ANR Storage Co.
CAG–4. Docket Nos. G–11980, et al., and RP67–23, et al., Tennessee Gas Pipeline Co.
CAG–5. Docket Nos. RP72–91, et al., Southern Natural Gas Co.
CAG–6. Docket Nos. ST79–16, ST80–10, ST80–78, ST80–283, ST80–279, ST81–146, ST81–277–000 and ST81–311–000, Delhi Gas Pipeline Corp.
CAG–7. Docket No. G–3636, Allied Chemical Corp.
CAG–8. Docket No. RP76–91, Montana-Dakota Utilities Co.
CAG–9. Docket No. CP81–317–000, Columbia Gas Transmission Corp.
CAG–10. Docket No. CP81–267–000, Transwestern Pipeline Co.
CAG–11. Docket No. CP80–487, Chattanooga Gas Co., a Division of Jupiter Industries, Inc.
CAG–12. Docket Nos. CP78–123, et al., Northwest Alaskan Pipeline Co.

Regular Power Agenda

I. Licensed Project Matters

P–1. Project No. 176 San Pasqual Band of Mission Indians, petitioner, v. Escondido Mutual Water Co., the City of Escondido, and Vista Irrigation District, respondents
P–2. Project No. 3238, Marsh Island Hydro Associates; Project No. 3323, Bangor Hydro-Electrict Co.
P–3. Project No. 3137, City of Fayetteville Public Works Commision; Project No. 3066, North Carolina Electric Membership Corp. and the City of Jefferson, North Carolina

II. Electric Rate Matters

ER–1. Docket No. ER81–620–000, Public Service Co. of New Hampshire
ER–2. Docket No. ER81–615–000, Missouri Utilities Co.
ER–3. Docket No. ER81–457–000 and EL81–13–000, Louisiana Power & Light Co.
ER–4. Docket No. ER81–179–000, Arizona Public Service Co.
ER–5. Docket No. ER81–450–000, Union Electric Co.

Regular Miscellaneous Agenda

M–1. (a) Docket No. RM81–41, sales of electric power to the Bonneville Power Administration—Methodology and filing requirements, (b) Docket No. EL81–20, Pacific Northwest Electric Power Planning and Conservation Act—Rates for sales to Bonneville Power Administration
M–2. Reserved
M–3. Reserved
M–4. Docket No. RM80–18, treatment under the incremental pricing program of natural gas used in the manufacturing process for fertilizer, agriculture chemicals, animal feed or food
M–5. Docket No. GP80–12, Consolidated Gas Supply Corp.
M–6. Docket No. GP80–9, Equitable Gas Co.

Regular Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. RP81–78, Cities Service Gas Co.

RP–2. Docket No. RP78–62 (reserved issues), Panhandle Eastern Pipe Line Co.
RP–3. Docket No. RP78–78, Natural Gas Pipeline Co. of America
RP–4. Docket No. OR78–1, Trans Alaska Pipeline System; Docket Nos. OR79–1, et al., Williams Pipe Line Co.

II. Producer Matters

CI–1. Reserved

III. Pipeline Certificate Matters

CP–1. Docket Nos. CP81–302–000, CP81–303–000 and CP81–304–000, Natural Gas Pipeline Co. of America; Docket No. CP81–322–000, Texas Gas Transmission Corp.
CP–2. Docket No. CP81–377–000, Northern Natural Gas Co.
CP–3. Docket No. CP81–477–000, Consolidated Gas Supply Co.
CP–4. Docket No. CP81–386–000, Natural Gas Pipeline Co. of America

Kenneth F. Plumb,

Secretary.

[S–1381–81 Filed 9–11–81; 8:45 am]

BILLING CODE 6450–85–M

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 46, Issue No. 176, Date of publication should be September 11, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 17, 1981.

PLACE: 1700 G Street, N.W., board room, Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Thursday, September 17, 1981:

Equal access to Justice regulations
No. 537, September 10, 1981.

[S–1379–81 Filed 9–11–81; 9:13 am]

BILLING CODE 6720–01–M

8

NATIONA . TRANSPORTATION SAFETY BOARD.

[N–AR–81–33]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 44954, Sept. 8, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Sept. 15, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report:* Continental Trailways, Inc., Scheduled Intercity Bus/Multiple-Vehicle Collision and Fire, Interstate 95, Near Beltsville, Maryland, April 20, 1981, and *Recommendations* to the Federal Highway Administration, the Maryland DOT, and the Automobile Manufacturers Association of America.
2. *Aircraft Accident Report:* McDonnell-Douglas, Inc., DC–9–80, N1002G, Yuma, Arizona, June 8, 1980.
3. *Recommendation* to the Federal Aviation Administration regarding updating of DC–9 series Aircraft Flight Manuals, Training Manuals, and Flight Simulators.
4. *Aircraft Accident Report:* Northeast Jet Company, Gates Learjet 25D, N125NE, Gulf of Mexico, May 19, 1980.
5. *Recommendation* to National Oceanic and Atmospheric Administration to improve clear air turbulence forecasts.
6. *Railroad Accident Report:* Derailment of Southern Pacific Transportation Company Freight Train Extra 9164 West at Surf, California, on May 22, 1981, and *Recommendations* to the Materials Transportation Bureau.
7. *Marine Summary Report.*

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–382–6525.

September 11, 1981.

[S–1383–81 Filed 9–11–81; 3:03 pm]

BILLING CODE 4910–58–M

9

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–34]

TIME AND DATE: 9 a.m., Tuesday, September 22, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Safety Effectiveness Evaluation* of the Federal Highway Administration's Non-Interstate Resurfacing, Restoration, and Rehabilitation Program.
2. FY 1982 Safety Objectives Program.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–382–6525.

September 11, 1981.

[S–1384–81 Filed 9–11–81; 3:03 pm]

BILLING CODE 4910–58–M

10

NUCLEAR REGULATORY COMMISSION.

DATE: Week of September 14, 1981 (revised), and Week of September 21, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, September 15:*

10:30 a.m.:
1 Discussion and Possible Vote on Revised Licensing Procedures—Proposed Rule Change to Part 2 (closed/portions may be open) (postponed from September 11)

2:00 p.m.:
1. Briefing on Pressurized Thermal Shock (public meeting) (as announced)

Wednesday, September 16:

10:00 a.m.:
1. Discussion of Interim Rule on Hydrogen Control (public meeting) (as announced)

2:00 p.m.:
1. Briefing on Reactor Operator Qualifications (public meeting) (as announced)

Thursday, September 17:

3:00 p.m.:
1. Affirmation/Discussion Session (public meeting)

Items to be affirmed and/or discussed:
a. Protection of Unclassified Safeguards Information
b. San Onofre *Sua Sponte* Issue
c. Comanche Peak *Sua Sponte* Issues
d. Response to Requests for Hearings in the Matter of Proposed Decontamination of Dresden Unit 1 (postponed from September 10)
e. EDO Delegatons of Authority
f. Modifications to Immediate Effectiveness Rule

Friday, September 18:

3:30 p.m.:
1. Discussion of Low-Power Operating License for Diablo Canyon (closed meeting)

Monday, September 21:

2:00 p.m.:
1. Discussion and Vote on Low-Power Operating License for Diablo Canyon (public meeting)

Tuesday, September 22:

10:00 a.m.:
1. Discussion of Management-Organization and Internal Personnel Matters (closed meeting)

Wednesday, September 23:

10:00 a.m.:
1. Discussion of Petition for Extension of Deadline for Environmental Qualification of Class IE Electrical Equipment (public meeting)

2:00 p.m.:
1. Discussion of Revised Licensing Procedures (open/closed status to be determined)

Thursday, September 24:

3:00 p.m.:

1. Briefing by American Nuclear Society on Current Activities (approximately 1½ hours, public meeting)
2. Affirmation/Discussion Session (public meeting)

Items to be affirmed and/or discussed:

a. Delegation of Rulemaking Authority
b. Interim Rule on Hydrogen Control
c. Financial Protection for TMI Units 1 and 2
d. Petition for Extension of Deadline for Environmental Qualification of Class IE Electrical Equipment.

ADDITIONAL INFORMATION: Discussion of Congressional Testimony, scheduled for September 10 has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

September 10, 1981.

[S–1387–81 Filed 9–11–81; 3:55 pm]

BILLING CODE 7590–01–M

11

OVERSEAS PRIVATE INVESTMENT CORPORATION.

Special Meeting of the Board of Directors

TIME AND DATE: Meeting of the OPIC Board of Directors: Thursday, September 24, 1981 at 9:00 a.m.

PLACE: Offices of the Corporation, seventh floor board room; 1129 20th Street N.W., Washington, D.C.

STATUS: The meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Finance/Insurance Project in a Caribbean Country.

CONTACT PERSON FOR INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653–2949.

Elizabeth A. Burton,

Corporate Secretary.

[S–1382–81 Filed 9–11–81; 12:51 pm]

BILLING CODE 3210–01–M

12

PAROLE COMMISSION.

[0P0401]

TIME AND DATE: Friday, September 11, 1981—12:30 p.m.–2 p.m.

PLACE: Room 420; 5550 Friendship Blvd.; Bethesda, Maryland 20015. Regional Commissioners will participate via a conference telephone circuit.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. The U.S. Parole Commission's budget for fiscal year 1983.
2. Participation in a Sentencing Institute to be held in November 1981.

CONTACT PERSON FOR MORE INFORMATION: James Draley, Budget Officer, U.S. Parole Commission. (301) 492–5974.

[S–1385–81 Filed 9–11–81; 3:12 pm]

BILLING CODE 4410–01–M

13

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 44337 September 3, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, September 1, 1981.

CHANGES IN THE MEETING: Deletion/ additional items.

The following item will not be considered at a closed meeting scheduled for Thursday, September 10, 1981, following the 10:00 a.m. open meeting.

Regulatory matter bearing enforcement implications.

The following additional item will be considered at a closed meeting scheduled for Thursday, September 10, 1981, following the 10:00 a.m. open meeting.

Institution of injunctive action.

The following item will be considered at a closed meeting scheduled for Thursday, September 17, 1981, following the 10:00 a.m. open meeting.

Regulatory matter regarding financial institution.

Chairman Shad and Commissioners Loomis, Evans, Thomas and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert (202) 272–2467.

September 10, 1981.

[S–1378–81 Filed 9–11–81; 9:10 am]

BILLING CODE 8010–01–M

federal register

Tuesday
September 15, 1981

Part II

Foreign Service Labor Relations Board; Federal Labor Relations Authority; General Counsel of the Federal Labor Relations Authority; and the Foreign Service Impasse Disputes Panel

Processing of Cases; Final Rules and Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority Under the Foreign Service Labor-Management Relations Statute

FOREIGN SERVICE LABOR RELATIONS BOARD; FEDERAL LABOR RELATIONS AUTHORITY; GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY; AND THE FOREIGN SERVICE IMPASSE DISPUTES PANEL

22 CFR Ch. XIV

Processing of Cases; Final Rules

AGENCY: Foreign Service Labor Relations Board, Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and the Foreign Service Impasse Disputes Panel.

ACTION: Final rules and regulations.

SUMMARY: These final rules and regulations principally govern the processing of cases by the Foreign Service Labor Relations Board (Board), Federal Labor Relations Authority (Authority), the General Counsel of the Federal Labor Relations Authority (General Counsel), and the Foreign Service Impasse Disputes Panel (Panel) under Chapter 41 of title 22 of the United States Code. These final rules and regulations are required by title 1 of the Foreign Service Act of 1980.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Harold D. Kessler, Deputy Executive Director, Authority (202) 632–3920
Jerome P. Hardiman, Director, Office of Operations, Authority (202) 254–7362
S. Jesse Reuben, Deputy General Counsel, (202) 254–8305
Howard W. Solomon, Executive Director, Panel (202) 653–7078

SUPPLEMENTARY INFORMATION: Effective February 15, 1981, the Board and the Panel issued interim rules and regulations which were to expire on July 30, 1981, or upon the effective date of final rules and regulations prior to July 30, 1981 (46 FR 16058).

The interim rules and regulations renamed Chapter XIV of title 22 of the Code of Federal Regulations. The interim rules and regulations further set forth the balance of the revisions of this chapter, namely, Subchapter B, C, D and Appendix A of this chapter.

The interim rules and regulations also requested written comments from labor organizations, agencies, and other interested persons by June 15, 1981. No proposed modifications were suggested and the interim rules and regulations were adopted without substantive change.

Consistent with 22 U.S.C. 4172, all determinations, authorizations, regulations, orders, agreements, exclusive recognition of an organization, or other actions made, issued, undertaken, entered into, or taken under the authority of the Foreign Service Act of 1946 or any other law including Executive Order 11636, repealed, modified, or affected by this Act shall continue in full force and effect until modified, revoked, or superseded by appropriate authority. Any grievances, claims, or appeals which were filed or made under any such law, including Executive Order 11636, and are pending resolution on the effective date of this Act shall continue to be governed by the provisions repealed, modified, or affected by this Act.

No systems of records, as defined in the Privacy Act, are maintained by the Foreign Service Relations Board or the Foreign Service Impasse Disputes Panel. Accordingly, no regulations pertaining to the Privacy Act are included below. All requests for access to, or amendment or correction of, records maintained by the Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority and the Federal Service Impasse Panel that are contained in a system of records and contain information about an individual, will be processed in accordance with the Rules and Regulations of the Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority and the Federal Service Impasses Panel, Title 5, Code of Federal Regulations, Part 2412 (effective January 28, 1980).

Accordingly, Chapter XIV of Title 22 of the Code of Federal Regulations is revised in its entirety to read as follows:

Chapter XIV—Foreign Service Labor Relations Board; Federal Labor Relations Authority; General Counsel of the Federal Labor Relations Authority; and the Foreign Service Impasse Disputes Panel

Subchapter A—[Reserved]

Subchapter B—General Provisions

Part
1411 Availability of official information.
1413 Open meetings.
1414 Ex parte communications.

Subchapter C—Foreign Service Labor Relations Board and General Counsel of the Federal Labor Relations Authority

1420 Purpose and scope.
1421 Meaning of terms as used in this subchapter.
1422 Representation proceedings.
1423 Unfair labor practice proceedings.
1424 Expedited review of negotiability issues.
1425 Review of implementation dispute actions.
1427 General statements of policy or guidance.
1428 Enforcement of Assistant Secretary standards of conduct decisions and orders.
1429 Miscellaneous and general requirements.

Subchapter D—Foreign Service Impasse Disputes Panel

1470 General.
1471 Procedures of the panel.
Appendix A to Chapter XIV—Current Addresses and Geographic Jurisdictions.
Appendix B to Chapter XIV—Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority Under the Foreign Service Labor Management Relations Statute.

SUBCHAPTER A—[RESERVED]

SUBCHAPTER B—GENERAL PROVISIONS

PART 1411—AVAILABILITY OF OFFICIAL INFORMATION

Sec.
1411.1 Purpose and scope.
1411.2 Delegation of authority.
1411.3 Information policy.
1411.4 Procedure for obtaining information.
1411.5 Identification of information requested.
1411.6 Time limits for processing requests.
1411.7 Appeal from denial of request.
1411.8 Extension of time limits.
1411.9 Effect of failure to meet time limits.
1411.10 Fees.
1411.11 Compliance with subpenas.
1411.12 Annual report.

Authority: 5 U.S.C. 552

§ 1411.1 Purpose and scope.

This part contains the regulations of the Foreign Service Labor Relations Board (the Board), the General Counsel of the Federal Labor Relations Authority (the General Counsel) and the Foreign Service Impasse Disputes Panel (the Panel) providing for public access to information from the Board, the General Counsel or the Panel. These regulations implement the Freedom of Information Act, as amended, 5 U.S.C. 552, and the policy of the Board, the General Counsel and the Panel to disseminate information on matters of interest to the public and to disclose to members of the public on request such information contained in records insofar as is compatible with the discharge of their responsibilities, consistent with applicable law.

§ 1411.2 Delegation of authority.

(a) *Foreign Service Labor Relations Board/General Counsel of the Federal Labor Relations Authority.* Regional Directors of the Federal Labor Relations Authority, the Freedom of Information Officer of the Office of the General Counsel, Washington, D.C., and the Solicitor of the Federal Labor Relations

Authority are delegated the exclusive authority to act upon all requests for information, documents and records which are received from any person or organization under § 1411.4(a).

(b) *Foreign Service Impasse Disputes Panel.* The Executive Director of the Federal Service Impasses Panel is delegated the exclusive authority to act upon all requests for information, documents and records which are received from any person or organization under § 1411.4(b).

§ 1411.3 Information policy.

(a) *Foreign Service Labor Relations Board/General Counsel of the Federal Labor Relations Authority.* (1) It is the policy of the Foreign Service Labor Relations Board and the General Counsel of the Federal Labor Relations Authority to make available for public inspection and copying: (i) Final decisions and orders of the Board and administrative rulings of the General Counsel; (ii) statements of policy and interpretations which have been adopted by the Board or by the General Counsel and are not published in the **Federal Register**; and (iii) administrative staff manuals and instructions to staff that affect a member of the public (except those establishing internal operating rules, guidelines, and procedures for the investigation, trial, and settlement of cases). Any person may examine and copy items in paragraph (a)(1) (i) through (iii) of this section at each regional office of the Authority and at the offices of the Authority and the General Counsel, respectively, in Washington, D.C., under conditions prescribed by the Board and the General Counsel, respectively, and at reasonable times during normal working hours so long as it does not interfere with the efficient operations of the Authority, the Board and the General Counsel. To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted and, in each case, the justification for the deletion shall be fully explained in writing.

(2) It is the policy of the Board and the General Counsel to make promptly available for public inspection and copying, upon request by any person, other records where the request reasonably describes such records and otherwise conforms with the rules provided herein.

(b) *Foreign Service Impasse Disputes Panel.* (1) It is the policy of the Foreign Service Impasse Disputes Panel to make available for public inspection and copying: (i) Procedural determinations of the Panel; (ii) factfinding and arbitration reports; (iii) final decisions and orders of the Panel; (iv) statements of policy and interpretations which have been adopted by the Panel and are not published in the **Federal Register**; and (v) administrative staff manuals and instructions to staff that affect a member of the public. Any person may examine and copy items in paragraph (b)(1) (i) through (v) of this section at the offices of the Federal Service Impasses Panel in Washington, D.C., under conditions prescribed by the Panel, and at reasonable times during normal working hours so long as it does not interfere with the efficient operations of the Federal Service Impasses Panel and the Panel. To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted and, in each case, the justification for the deletion shall be fully explained in writing.

(2) It is the policy of the Panel to make promptly available for public inspection and copying, upon request by any person, other records where the request reasonably describes such records and otherwise conforms with the rules provided herein.

(c) The Board, the General Counsel and the Panel shall maintain and make available for public inspection and copying the current indexes and supplements thereto which are required by 5 U.S.C. 552(a)(2) and, as appropriate, a record of the final votes of each member of the Board and of the Panel in every agency proceeding. Any person may examine and copy such document or record of the Board, the General Counsel or the Panel at the offices of the Authority, the General Counsel, or the Federal Service Impasses Panel, as appropriate, in Washington, D.C., under conditions prescribed by the Board, the General Counsel or the Panel at reasonable times during normal working hours so long as it does not interfere with the efficient operations of the Authority, the Board, the General Counsel, the Federal Service Impasses Panel, or the Panel.

(d) The Board, the General Counsel or the Panel may decline to disclose any matters exempted from the disclosure requirements in 5 U.S.C. 552(b), particularly those that are:

(1)(i) Specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such executive order;

(2) Related solely to internal personnel rules and practices of the Authority, the General Counsel or the Federal Service Impasses Panel;

(3) Specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b)): *Provided,* That such statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would:

(i) Interfere with an enforcement proceeding;

(ii) Deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy;

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(v) Disclose investigative techniques and procedures; or

(vi) Endanger the life or physical safety of law enforcement personnel.

(e)(1) The formal documents constituting the record in a case or proceeding are matters of official record and, until destroyed pursuant to applicable statutory authority, are available to the public for inspection and copying at the appropriate regional office of the Authority, or the offices of the Authority, the General Counsel or the Federal Service Impasses Panel in Washington, D.C., as appropriate, under conditions prescribed by the Authority, the General Counsel or the Federal Service Impasses Panel at reasonable times during normal working hours so long as it does not interfere with the efficient operations of the Authority, the General Counsel or the Federal Service Impasses Panel.

(2) The Board, the General Counsel or the Panel, as appropriate, shall certify copies of the formal documents upon request made a reasonable time in

advance of need and payment of lawfully prescribed costs.

(f)(1) Copies of forms prescribed by the Board for the filing of charges and petitions may be obtained without charge from any regional office of the Authority.

(2) Copies of forms prescribed by the Panel for the filing of requests may be obtained without charge from the offices of the Federal Service Impasses Panel in Washington, D.C.

§ 1411.4 Procedure for obtaining information.

(a) *Foreign Service Labor Relations Board/General Counsel of the Federal Labor Relations Authority.* Any person who desires to inspect or copy any records, documents or other information of the Board or the General Counsel, covered by this part, other than those specified in paragraphs (a) (1) and (c) of § 1411.3, shall submit a written request to that effect as follows:

(1) If the request is for records, documents or other information in a regional office of the Authority, it should be made to the appropriate Regional Director;

(2) If the request is for records, documents or other information in the Office of the General Counsel and located in Washington, D.C., it should be made to the Freedom of Information Officer, Office of the General Counsel, Washington, D.C.; and

(3) If the request is for records, documents or other information in the offices of the Authority in Washington, D.C., it should be made to the Solicitor of the Authority, Washington, D.C.

(b) *Foreign Service Impasse Disputes Panel.* Any person who desires to inspect or copy any records, documents or other information of the Panel covered by this part, other than those specified in paragraphs (b) (1) and (c) of § 1411.3, shall submit a written request to that effect to the Executive Director, Federal Service Impasses Panel, Washington, D.C.

(c) All requests under this part should be clearly and prominently identified as a request for information under the Freedom of Information Act and, if submitted by mail or otherwise submitted in an envelope or other cover, should be clearly identified as such on the envelope or other cover. If a request does not comply with the provisions of this paragraph, it shall not be deemed received by the appropriate Regional Director, the Freedom of Information Officer of the Office of the General Counsel, the Solicitor of the Authority, or the Executive Director of the Federal Service Impasses Panel, as appropriate, until the time it is actually received by such person.

§ 1411.5 Identification of information requested.

(a) Each request under this part should reasonbaly describe the records being sought in a way that they can be identified and located. A request should include all pertinent details that will help identify the records sought.

(b) If the description is insufficient, the officer processing the request will so notify the person making the request and indicate the additional information needed. Every reasonable effort shall be made to assist in the identification and location of the record sought.

(c) Upon receipt of a request for records, the appropriate Regional Director, the Freedom of Information Officer of the Office of the General Counsel, the Solicitor of the Authority, or the Executive Director of the Federal Service Impasses Panel, as appropriate, shall enter it in a public log. The log shall state the date and time received, the name and address of the person making the request, the nature of the records requested, the action taken on the request, the date of the determination letter sent pursuant to paragraphs (b) and (c) of § 1411.6, the date(s) any records are subsequently furnished, the number of staff-hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

§ 1411.6 Time limits for processing requests.

(a) All time limits established pursuant to this section shall begin as of the time at which a request for records is logged in by the appropriate Regional Director, the Freedom of Information Officer of the Office of the General Counsel, the Solicitor of the Authority, or the Executive Director of the Federal Service Impasses Panel, as appropriate, processing the request pursuant to paragraph (c) of § 1411.5. An oral request for records shall not begin any time requirement. A written request for records sent to other than the appropriate officer will be forwarded to that officer by the receiving officer, but in that event the applicable time limit for response set forth in paragraph (b) of this section shall begin upon the request being logged in as required by paragraph (c) of § 1411.5.

(b) Except as provided in § 1411.8, the appropriate Regional Director, the Freedom of Information Officer of the Office of the General Council, the Solicitor of the Authority, or the Executive Director of the Federal Service Impasses Panel, as appropriate, shall, within ten (10) working days following receipt of the request, respond in writing to the requester, determining whether, or the extent to which, the request shall be complied with.

(1) If all the records requested have been located and a final determination has been made with respect to disclosure of all of the records requested, the response shall so state.

(2) If all of the records have not been located or a final determination has not been made with respect to disclosure of all the records requested, the response shall state the extent to which the records involved shall be disclosed pursuant to the rules established in this part.

(3) If the request is expected to involve an assessed fee in excess of $25.00, the response shall specify or estimate the fee involved and shall require prepayment of any charges in accordance with the provisions of paragraph (a) of § 1411.10 before the records are made available.

(4) Whenever possible, the response relating to a request for records that involves a fee of less than $25.00 shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter, consistent with other obligations of the Board, the General Counsel or the Panel.

(c) If any request for records is denied in whole or in part, the response required by paragraph (b) of this section shall notify the requester of the denial. Such denial shall specify the reason therefor, set forth the name and title or position of the person responsible for the denial, and notify the person making the request of the right to appeal the denial under the provisions of § 1411.7.

§ 1411.7 Appeal from denial of request.

(a) *Foreign Service Labor Relations Board/General Counsel of the Federal Labor Relations Authority.* (1) Whenever any request for records is denied, a written appeal may be filed within thirty (30) days after the requester receives notification that the request has been denied or after the requester receives any records being made available, in the event of partial denial. If the denial was made by a Regional Director or by the Freedom of Information Officer of the Office of the General Counsel, the appeal shall be filed with the General Counsel in Washington, D.C. If the denial was made by the Solicitor of the Authority, the appeal shall be filed with the Chairperson of the Board in Washington, D.C.

(2) The Chairperson of the Board or the General Counsel, as appropriate, shall, within twenty (20) working days from the time of receipt of the appeal, except as provided in § 1411.8, make a determination on the appeal and respond in writing to the requester, determining whether, or the extent to which, the request shall be complied with.

(i) If the determination is to comply with the request and the request is expected to involve an assessed fee in excess of $25.00, the determination shall specify or estimate the fee involved and shall require prepayment of any charges due in accordance with the provisions of paragraph (a) of § 1411.10 before the records are made available.

(ii) Whenever possible, the determination relating to a request for records that involves a fee of less than $25.00 shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter, consistent with other obligations of the Board or the General Counsel.

(b) *Foreign Service Impasse Disputes Panel.* (1) Whenever any request for records is denied by the Executive Director of the Federal Service Impasses Panel, a written appeal may be filed with the Chairperson of the Panel within thirty (30) days after the requester receives notification that the request has been denied or after the requester receives any records being made available, in the event of partial denial.

(2) The Chairperson of the Panel, within twenty (20) working days from the time of receipt of the appeal, except as provided in § 1411.8, shall make a determination on the appeal and respond in writing to the requester, determining whether, or the extent to which, the request shall be complied with.

(i) If the determination is to comply with the request and the request is expected to involve an assessed fee in excess of $25.00, the determination shall specify or estimate the fee involved and shall require prepayment of any charges due in accordance with the provisions of paragraph (a) of § 1411.10 before the records are made available.

(ii) Whenever possible, the determination relating to a request for records that involves a fee of less than $25.00 shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter, consistent with other obligations of the Panel.

(c) If on appeal the denial of the request for records is upheld in whole or in part by the Chairperson of the Board, the General Counsel, or the Chairperson of the Panel, as appropriate, the person making the request shall be notified of the reasons for the determination, the name and title or position of the person responsible for the denial, and the provisions for judicial review of that determination under 5 U.S.C. 552(a)(4). Even though no appeal is filed from a denial in whole or in part of a request for records by the person making the request, the Chairperson of the Board, the General Counsel or the Chairperson of the Panel, as appropriate, may, without regard to the time limit for filing of an appeal, sua sponte initiate consideration of a denial under this appeal procedure by written notification to the person making the request. In such event the time limit for making the determination shall commence with the issuance of such notification.

§ 1411.8 Extension of time limits.

In unusual circumstances as specified in this section, the time limits prescribed with respect to initial determinations or determinations on appeal may be extended by written notice from the officer handling the request (either initial or on appeal) to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in a total extension of more than ten (10) working days. As used in this section, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request:

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(b) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

§ 1411.9 Effect of failure to meet time limits.

Failure by the Board, the General Counsel or the Federal Service Impasses Panel either to deny or grant any request under this part within the time limits prescribed by the Freedom of Information Act, as amended, 5 U.S.C. 552, and these regulations shall be deemed to be an exhaustion of the administrative remedies available to the person making this request.

§ 1411.10 Fees.

Persons requesting records from the Board, the General Counsel or the Panel shall be subject to a charge of fees for the direct cost of document search and duplication in accordance with the following schedules, procedures and conditions:

(a) The following fees shall be charged for disclosure of any record pursuant to this part:

(1) *Copying of records.* Ten cents per copy of each page.

(2) *Clerical searches.* $1.25 for each one-quarter hour spent by clerical personnel searching for and producing a requested record, including time spent copying any record.

(3) *Nonclerical searches.* $2.50 for each one-quarter hour spent by professional or managerial personnel searching for and producing a requested record, including time spent copying any record.

(4) *Forwarding material to destination.* Postage, insurance and special fees will be charged on an actual cost basis.

(b) All charges may be waived or reduced whenever it is in the public interest to do so.

(c) Requests for copies of transcripts of hearings should be made to the official hearing reporter. However, a person may request a copy of a transcript of a hearing from the Board, the Panel or the General Counsel, as appropriate. In such instance, the Board, the Panel or the General Counsel, as appropriate, may, by agreement with the person making the request, make arrangements with commercial firms for required services to be charged directly to the requester.

(d) No charge shall be made for the time spent in resolving legal or policy issues or in examining records for the purpose of deleting nondisclosable portions thereof.

(e) Payment of fees shall be made by check or money order payable to the U.S. Treasury.

§ 1411.11 Compliance with subpenas.

No member of the Board or the Panel, or the General Counsel, or employee of the Authority, the Federal Service Impasses Panel, or the General Counsel shall produce or present any files, documents, reports, memoranda, or records of the Board, the Panel or the General Counsel, or testify in behalf of any party to any cause pending in any

arbitration or in any court or before the Board or the Panel, or any other board, commission, or administrative agency of the United States, territory, or the District of Columbia with respect to any information, facts, or other matter to their knowledge in their official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board, the Panel or the General Counsel, whether in answer to a subpena, subpena duces tecum, or otherwise, without the written consent of the Board, the Panel or the General Counsel, as appropriate. Whenever any subpena, the purpose for which is to adduce testimony or require the production of records as described above, shall have been served on any member of the Board or of the Panel or employee of the Authority, the Federal Service Impasses Panel or the General Counsel, such person will, unless otherwise expressly directed by the Board, the Panel or the General Counsel, as appropriate, and as provided by law, move pursuant to the applicable procedure to have such subpena invalidated on the ground that the evidence sought is privileged against disclosure by this rule.

§ 1411.12 Annual report.

On or before March 1 of each calendar year, the Executive Director of the Authority shall submit a report of the activities of the Board, the General Counsel and the Panel with regard to public information requests during the preceding calendar year to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of the Congress. The report shall include for such calendar year all information required by 5 U.S.C. 552(d) and such other information as indicates the efforts of the Board, the General Counsel and the Panel to administer fully the provisions of the Freedom of Information Act, as amended.

PART 1413—OPEN MEETINGS

Sec.
1413.1 Purpose and scope.
1413.2 Public observation of meetings.
1413.3 Definition of meeting.
1413.4 Closing of meetings; reasons therefor.
1413.5 Action necessary to close meeting; record of votes.
1413.6 Notice of meetings; public announcement and publication.
1413.7 Transcripts, recordings or minutes of closed meeting; public availability; retention.

Authority: 5 U.S.C. 552b.

§ 1413.1 Purpose and scope.

This part contains the regulations of the Foreign Service Labor Relations Board implementing the Government in the Sunshine Act, 5 U.S.C. 552b.

§ 1413.2 Public observation of meetings.

Every portion of every meeting of the Board shall be open to public observation, except as provided in § 1413.4, and Board members shall not jointly conduct or dispose of agency business other than in accordance with the provisions of this part.

§ 1413.3 Definition of meeting.

For purposes of this part, "meeting" shall mean the deliberations of at least two (2) members of the Board where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations to determine whether a meeting should be closed to public observation in accordance with the provisions of this part.

§ 1413.4 Closing of meetings; reasons therefor.

(a) Except where the Board determines that the public interest requires otherwise, meetings, or portions thereof, shall not be open to public observation where the deliberations concern the issuance of a subpena, the Board participation in a civil action or proceeding or an arbitration, or the initiation, conduct or disposition by the Board of particular cases of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing, or any court proceedings collateral or ancillary thereto.

(b) Meetings, or portions thereof, may also be closed by the Board, except where it determines that the public interest requires otherwise, when the deliberations concern matters or information falling within the reasons for closing meetings specified in 5 U.S.C. 552b(c)(1) (secret matters concerning national defense or foreign policy); (c)(2) (internal personnel rules and practices); (c)(3) (matters specifically exempted from disclosure by statute); (c)(4) (privileged or confidential trade secrets and commercial or financial information); (c)(5) (matters of alleged criminal conduct or formal censure); (c)(6) (personal information where disclosure would cause a clearly unwarranted invasion of personal privacy); (c)(7) (certain materials or information from investigatory files compiled for law enforcement purposes); or (c)(9)(B) (disclosure would significantly frustrate implementation of a proposed agency action).

§ 1413.5 Action necessary to close meeting; record of votes.

A meeting shall be closed to public observation under § 1413.4, only when a majority of the members of the Board who will participate in the meeting vote to take such action.

(a) When the meeting deliberations concern matters specified in § 1413.4(a), the Board members shall vote at the beginning of the meeting, or portion thereof, on whether to close such meeting, or portion thereof, to public observation and on whether the public interest requires that a meeting which may properly be closed should nevertheless be open to public observation. A record of such vote, reflecting the vote of each member of the Board, shall be kept and made available to the public at the earliest practicable time.

(b) When the meeting deliberations concern matters specified in § 1413.4(b), the Board shall vote on whether to close such meeting, or portion thereof, to public observation, and on whether there is a public interest which requires that a meeting which may properly be closed should nevertheless be open to public observation. The vote shall be taken at a time sufficient to permit inclusion of information concerning the open or closed status of the meeting in the public announcement thereof. A single vote may be taken with respect to a series of meetings at which the deliberations will concern the same particular matters where such subsequent meetings are scheduled to be held within thirty (30) days after the initial meeting. A record of such vote, reflecting the vote of each member of the Board, shall be kept and made available for the public within one (1) day after the vote is taken.

(c) Whenever any person whose interests may be directly affected by deliberations during a meeting, or a portion thereof, requests that the Board close that meeting, or portion thereof, to public observation for any of the reasons specified in 5 U.S.C. 552b(c)(5) (matters of alleged criminal conduct or formal censure), (c)(6) (personal information where disclosure would cause a clearly unwarranted invasion of personal privacy), or (c)(7) (certain materials or information from investigatory files compiled for law enforcement purposes), the Board members participating in the meeting, upon request of any one of its members, shall vote on whether to close such meeting, or a portion thereof, for that reason. A record of such vote, reflecting the vote of each member of the Board participating in the meeting, shall be

kept and made available to the public within one (1) day after the vote is taken.

(d) After public announcement of a meeting as provided in § 1413.6, a meeting, or portion thereof, announced as closed may be opened, or a meeting, or portion thereof, announced as open may be closed only if a majority of the members of the Board who will participate in the meeting determine by a recorded vote that Board business so requires and that an earlier announcement of the change was not possible. The change made and the vote of each member on the change shall be announced publicly at the earliest practicable time.

(e) Before a meeting may be closed pursuant to § 1413.4, the Solicitor of the Authority shall certify that in the Solicitor's opinion the meeting may properly be closed to public observation. The certification shall set forth each applicable exemptive provision for such closing. Such certification shall be retained by the agency and made publicly available as soon as practicable.

§ 1413.6 Notice of meetings; public announcement and publication.

(a) A public announcement setting forth the time, place and subject matter of meetings, or portions thereof, closed to public observation pursuant to the provisions of § 1413.4(a), shall be made at the earliest practicable time.

(b) Except for meetings closed to public observation pursuant to the provisions of § 1413.4(a), the agency shall make public announcement of each meeting to be held at least seven (7) days before the scheduled date of the meeting. The announcement shall specify the time, place and subject matter of the meeting, whether it is to be open to public observation or closed, and the name, address, and phone number of an agency official designated to respond to requests for information about the meeting. The seven (7) day period for advance notice may be shortened only upon a determination by a majority of the members of the Board who will participate in the meeting that agency business requires that such meeting be called at an earlier date, in which event the public announcements shall be made at the earliest practicable time. A record of the vote to schedule a meeting at an earlier date shall be kept and made available to the public.

(c) Within one (1) day after a vote to close a meeting, or any portion thereof, pursuant to the provisions of § 1413.4(b), the agency shall make publicly available a full written explanation of its action closing the meeting, or portion thereof, together with a list of all persons expected to attend the meeting and their affiliation.

(d) If after public announcement required by paragraph (b) of this section has been made, the time and place of the meeting are changed, a public announcement shall be made at the earliest practicable time. The subject matter of the meeting may be changed after the public announcement only if a majority of the members of the Board who will participate in the meeting determine that agency business so requires and that no earlier announcement of the change was possible. When such a change in subject matter is approved, a public announcement of the change shall be made at the earliest practicable time. A record of the vote to change the subject matter of the meeting shall be kept and made available to the public.

(e) All announcements or changes thereto issued pursuant to the provisions of paragraphs (b) and (d) of this section or pursuant to the provisions of § 1413.5(d) shall be submitted for publication in the Federal Register immediately following their release to the public.

(f) Announcements of meetings made pursuant to the provisions of this section shall be made publicly available by the Executive Director of the Authority.

§ 1413.7 Transcripts, recordings or minutes of closed meeting; public availability; retention.

(a) For every meeting, or portion thereof, closed under the provisions of § 1413.4, the presiding officer shall prepare a statement setting forth the time and place of the meeting and the persons present, which statement shall be retained by the agency. For each such meeting, or portion thereof, there shall also be maintained a complete transcript or electronic recording of the proceedings, except that for meetings closed pursuant to § 1413.4(a), the Board may, in lieu of a transcript or electronic recording, maintain a set of minutes fully and accurately summarizing any action taken, the reasons therefor and views thereon, documents considered and the members' vote on each rollcall vote.

(b) The agency shall make promptly available to the public copies of transcripts, recordings or minutes maintained as provided in accordance with paragraph (a) of this section, except to the extent the items therein contain information which the agency determines may be withheld pursuant to the provisions of 5 U.S.C. 552b(c). Copies of transcripts or minutes, or transcriptions of electronic recordings including the indentification of speakers, shall to the extent determined to be publicly available, be furnished to any person, subject to the payment of duplication costs in accordance with the schedule of fees set forth in § 1411.10 of this subchapter and the actual cost of transcription.

(c) The agency shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two (2) years after such meeting or until one (1) year after the conclusion of any agency proceeding with respect to which the meeting or portion was held whichever occurs later.

PART 1414—EX PARTE COMMUNICATIONS

Sec.

1414.1 Purpose and scope.
1414.2 Unauthorized communications.
1414.3 Definitions.
1414.4 Duration of prohibition.
1414.5 Communications prohibited.
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1414.7 Solicitation of prohibited communications.
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Authority: 22 U.S.C. 4107(c).

§ 1414.1 Purpose and scope.

This part contains the regulations of the Foreign Service Labor Relations Board relating to ex parte communications.

§ 1414.2 Unauthorized communications.

(a) No interested person outside this agency shall, in any Board proceeding subject to 5 U.S.C. 557(a), make or knowingly cause to be made any prohibited ex parte communication to any Board member or Authority employee who is or may reasonably be expected to be involved in the decisional process of the proceeding.

(b) No Board member or Authority employee who is or may reasonably be expected to be involved in the decisional process of the proceeding relevant to the merits of the proceeding shall: (1) Request any prohibited ex parte communications; or (2) make or knowingly cause to be made any prohibited ex parte communications about the proceeding to any interested person outside this agency relevant to the merits of the proceeding.

§ 1414.3 Definitions.

When used in this part:

(a) The term "person outside this agency," to whom the prohibitions

apply, shall include any individual outside the Board or the Authority, labor organization, agency, or other entity, or an agent thereof, and the General Counsel or his representative when prosecuting an unfair labor practice proceeding before the Board pursuant to 22 U.S.C. 4116.

(b) The term "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, subject however, to the provisions of §§ 1414.5 and 1414.6.

§ 1414.4 Duration of prohibition.

Unless otherwise provided by specific order of the Board entered in the proceeding, the prohibition of § 1414.2 shall be applicable in any Board proceeding subject to 5 U.S.C. 557(a) beginning at the time of which the proceeding is noticed for hearing, unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply beginning at the time of such person's acquisition of such knowledge.

§ 1414.5 Communications prohibited.

Except as provided in § 1414.6, ex parte communications prohibited by § 1414.2 shall include:

(a) Such communications, when written, if copies thereof are not contemporaneously served by the communicator on all parties to the proceeding in accordance with the provisions of Part 1429 of this chapter; and

(b) Such communications, when oral, unless advance notice thereof is given by the communicator to all parties in the proceeding and adequate opportunity afforded to them to be present.

§ 1414.6 Communications not prohibited.

Ex parte communications prohibited by § 1414.2 shall not include:

(a) Oral or written communications which relate solely to matters which the Hearing Officer, Regional Director, Administrative Law Judge, General Counsel or member of the Board is authorized by law or Board rules to entertain or dispose of on an ex parte basis;

(b) Oral or written requests for information solely with respect to the status of a proceeding;

(c) Oral or written communications which all the parties to the proceeding agree, or which the responsible official formally rules, may be made on an ex parte basis;

(d) Oral or written communications proposing settlement or an agreement for disposition of any or all issues in the proceeding;

(e) Oral or written communications which concern matters of general significance to the field of labor-management relations or administrative practice and which are not specifically related to any agency proceeding subject to 5 U.S.C. 557(a); or

(f) Oral or written communications from the General Counsel to the Board when the General Counsel is acting on behalf of the Board under 22 U.S.C. 4109(d).

§ 1414.7 Solicitation of prohibited communications.

No person shall knowingly and willfully solicit the making of an unauthorized ex parte communication by any other person.

§ 1414.8 Reporting of prohibited communications; penalties.

Any Board member or Authority employee who is or may reasonably be expected to be involved in the decisional process of the proceeding relevant to the merits of the proceeding to whom a prohibited oral ex parte communication is attempted to be made, shall refuse to listen to the communicaton, inform the communicator of this rule, and advise such person that if the person has anything to say it should be said in writing with copies to all parties. Any such Board member or Authority employee who is or may reasonably be expected to be involved in the decisional process of the proceeding relevant to the merits of the proceeding who receives, or who makes or knowlingly causes to be made, an unauthorized ex parte communication, shall place or cause to be placed on the public record of the proceeding: (a) The communication, if it was written; (b) a memorandum stating the substance of the communication, if it was oral; (c) all written responses to the prohibited communication; and (d) memoranda stating the substance of all oral responses to the prohibited communication. The Executive Director of the Authority, if the proceeding is then pending before the Board, the Administrative Law Judge, if the proceeding is then pending before any such judge, or the Regional Director, if the proceeding is then pending before a Hearing Officer or the Regional Director, shall serve copies of all such materials placed on the public record of the proceeding on all other parties to the proceeding and on the attorneys of record for the parties. Within ten (10) days after the mailing of such copies, any party may file with the Executive Director of the Authority, Administrative Law Judge, or Regional Director serving the communication, as appropriate, and serve on all other parties, a statement setting forth facts or contentions to rebut those contained in the prohibited communication. All such responses shall be placed in the public record of the proceeding, and provision may be made for any further action, including reopening of the record, which may be required under the circumstances. No action taken pursuant to this provision shall constitute a waiver of the power of the Board to impose an appropriate penalty under § 1414.9

§ 1414.9 Penalties and enforcement.

(a) Where the nature and circumstances of a prohibited communication made by or caused to be made by a party to the proceeding are such that the interests of justice and statutory policy may require remedial action, the Board, Administrative Law Judge, or Regional Director, as appropriate, may issue to the party making the communication a notice to show cause, returnable before the Board, Administrative Law Judge, or Regional Director, within a stated period not less than seven (7) days from the date thereof, why the Board, Administrative Law Judge, or Regional Director should not determine that the interests of justice and statutory policy require that the claim or interest in the proceeding of a party who knowingly makes a prohibited communication or knowingly causes a phohibited communication to be made, should be dismissed, denied, disregarded or otherwise adversely affected on account of such violation.

(b) Upon notice and hearing, the Board may censure, suspend or revoke the privilege of practice before the agency of any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication. However, before the Board institutes formal proceedings under this subsection, it shall first advise the person or persons concerned in writing that it proposes to take such action and that they may show cause, within a period to be stated in such written advice, but not less than seven (7) days from the date thereof, why it should not take such action.

(c) The Board may censure, or, to the extent permitted by law, suspend, dismiss, or institute proceedings for the dismissal of, any Board agent who knowingly and willfully violates the prohibitions and requirements of this rule.

SUBCHAPTER C—FOREIGN SERVICE LABOR RELATIONS BOARD AND GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY

PART 1420—PURPOSE AND SCOPE

§ 1420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of the Foreign Service Labor-Management Relations Statute. They prescribe the procedures and basic principles or criteria under which the Foreign Service Labor Relations Board or the General Counsel of the Federal Labor Relations Authority, as applicable, will:

(a) Supervise or conduct elections and determine whether a labor organization has been selected as an exclusive representative by a majority of the employees who cast valid ballots and otherwise administer the provisions of the Statute relating to the according of exclusive recognition to a labor organization;

(b) Resolve complaints of alleged unfair labor practices;

(c) Resolve issues relating to the obligation to bargain in good faith;

(d) Resolve disputes concerning the effects, the interpretation, or a claim of breach of collective bargaining agreement, in accord with 22 U.S.C. 4114; and

(e) Take any action considered necessary to administer effectively the provisions of the Foreign Service Labor-Management Relations Statute.

(22 U.S.C. 4107(c))

PART 1421—MEANING OF TERMS AS USED IN THIS SUBCHAPTER

Sec.

1421.1 Foreign Service Labor-Management Relations Statute.
1421.2 Terms defined in section 1002 of the Foreign Service Act of 1980 (22 U.S.C. 4102).
1421.3 Exclusive Recognition; Unfair Labor Practices.
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1421.16 Showing of interest.
1421.17 Grievance Board.
1421.18 Regular and substantially equivalent employment.

Authority: 22 U.S.C. 4107(c).

§ 1421.1 Foreign Service Labor-Management Relations Statute.

The term "Foreign Service Labor-Management Relations Statute" means chapter 10 of title 1 of the Foreign Service Act of 1980, codified as chapter 41 of title 22 of United States Code.

§ 1421.2 Terms defined in section 1002 of the Foreign Service Act of 1980 (22 U.S.C. 4102).

(a) The terms "Authority," "Board," "collective bargaining," "collective bargaining agreement" "conditions of employment," "confidential employee," "dues," "exclusive representative," "General Counsel," "labor organization," "management official," "Panel," and "person," as used herein shall have the meaning set forth in 22 U.S.C. 4102.

(b) The term "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

§ 1421.3 Exclusive Recognition; Unfair Labor Practices.

(a) "Exclusive Recognition" has the meaning as set forth in 22 U.S.C. 4111; and

(b) "Unfair Labor Practices" has the meaning as set forth in 22 U.S.C. 4115.

§ 1421.4 Department.

"Department" means the Department of State, except that with reference to the exercise of functions under this Act with respect to another agency authorized by law to utilize the Foreign Service personnel system, such term means that other agency.

§ 1421.5 Regional Director.

"Regional Director" means the Director of a region of the Authority with geographical boundaries as fixed by the Authority.

§ 1421.6 Executive Director.

"Executive Director" means the Executive Director of the Authority.

§ 1421.7 Hearing Officer.

"Hearing Officer" means the individual designated to conduct a hearing involving a question concerning the appropriateness of a unit or such other matters as may be assigned.

§ 1421.8 Administrative Law Judge.

"Administrative Law Judge" means the Chief Administrative Law Judge or any Administrative Law Judge designated by the Chief Administrative Law Judge to conduct a hearing in cases under 22 U.S.C. 4115, and such other matters as may be assigned.

§ 1421.9 Chief Administrative Law Judge.

"Chief Administrative Law Judge" means the Chief Administrative Law Judge of the Authority.

§ 1421.10 Secretary.

"Secretary" means the Secretary of State, except that (subject to 22 U.S.C. 3921) with reference to the exercise of functions under the Foreign Service Act of 1980 with respect to any agency authorized by law to utilize the Foreign Service personnel system, such term means the head of that agency.

§ 1421.11 Party.

"Party" means (a) any person: (1) Filing a charge, petition, or request; (2) named in a charge, complaint, petition, or request; (3) whose intervention in a proceeding has been permitted or directed by the Board; (4) who participated as a party (i) in a matter that was decided by an agency head under 22 U.S.C. 4105 or (ii) in a matter where action by the Grievance Board was taken; and (b) the General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

§ 1421.12 Intervenor.

"Intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Authority, its agents or representatives.

§ 1421.13 Certification.

"Certification" means the determination by the Board, its agents or representatives, of the results of an election.

§ 1421.14 Bargaining unit.

"Bargaining unit" has the meaning as set forth in 22 U.S.C. 4112 for the purpose of exclusive recognition under 22 U.S.C. 4111, and for purposes of allotments to representatives under 22 U.S.C. 4118.

§ 1421.15 Secret ballot.

"Secret ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 1421.16 Showing of interest.

"Showing of interest" means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions

authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; and existing or recently expired agreement; current exclusive recognition or certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently recognized or certified labor organization; or other evidence approved by the Authority.

§ 1421.17 Grievance Board.

"Grievance Board" means the Foreign Service Grievance Board established under 22 U.S.C. 4135.

§ 1421.18 Regular and substantially equivalent employment.

"Regular and substantially equivalent employment" means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, and seniority rights if any, of an employee prior to the cessation of employment in a Department because of any unfair labor practice under 22 U.S.C. 4115.

PART 1422—REPRESENTATION PROCEEDINGS

Sec.

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1422.21 Preferential Voting.
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Authority: 22 U.S.C. 4107.

§ 1422.1 Who may file petitions.

(a) A petition for exclusive recognition may be filed by a labor organization requesting an election to determine whether it should be recognized as the exclusive representative of employees of the Department in the unit described in 22 U.S.C. 4112 or should replace another labor organization as the exclusive representative of employees in such unit.

(b) A petition for any election to determine if a labor organization should cease to be the exclusive representative because it does not represent a majority of employees in the unit described in 22 U.S.C. 4112 may be filed by an employee or employees or an individual acting on behalf of any employee(s).

(c) A petition seeking to clarify a matter relating to representation may be filed by the Department where the Department has a good faith doubt, based on objective considerations, that the currently recognized or certified labor organization represents a majority of the employees in the unit described in 22 U.S.C. 4112.

(d) A petition for clarification of the unit described in 22 U.S.C. 4112 or for amendment of recognition or certification may be filed by the Department or by a labor organization which is currently recognized by the Department as the exclusive representative.

(e) A petition for determination of eligibility for dues allotment may be filed by a labor organization in accordance with 22 U.S.C. 4118(c).

§ 1422.2 Contents of petition; filing and service of petition; challenges to petition.

(a) *Petition for exclusive recognition.* A petition by a labor organization for exclusive recognition shall be submitted on a form prescribed by the Board and shall contain the following:

(1) The name of the Department, its address, telephone number, and the persons to contact and their titles, if known;

(2) A description of the unit described in 22 U.S.C. 4112. Such description shall indicate the classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the unit;

(3) Name, address, and telephone number of the recognized or certified representative, if any, and the date of such recognition or certification and the expiration date of any applicable agreement, if known to the peitioner;

(4) Names, addresses, and telephone numbers of any other interested labor organizations, if known to the petitioner;

(5) Name and affiliation, if any, of the petitioner and its address and telephone number;

(6) A statement that the petitioner has submitted to the Department and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(7) A declaration by such person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(8) The signature of the petitioner's representative, including such person's title and telephone number; and

(9) The petition shall be accompanied by a showing of interest of not less than thirty percent (30%) of the employees in the unit described in 22 U.S.C. 4112 and an alphabetical list of names constituting such showing.

(b) *Department petition seeking clarification of a matter relating to representation; employee petition for an election to determine whether a labor organization should cease to be an exclusive representative.* (1) A petition by the Department shall be submitted on a form prescribed by the Board and shall contain the information set forth in paragraph (a) of this section, except paragraphs (a) (6), and (9), and a statement that the Department has a good faith doubt, based on objective considerations, that the currently recognized or certified labor organization represents a majority of the employees in the unit described in 22 U.S.C. 4112. Attached to the petition shall be a detailed explanation of the reasons supporting the good faith doubt.

(2) A petition by any employee or employees or an individual acting on behalf of any employee(s) shall contain the information set forth in paragraph (a) of this section, except paragraphs (a) (6) and (9), and it shall be accompanied by a showing of interest of not less than thirty percent (30%) of the employees in the unit indicating that the employees no longer desire to be represented for the purposes of exclusive recognition by the currently recognized or certified labor organization and an alphabetical list of names constituting such showing.

(c) *Petition for clarification of unit or for amendment of recognition or certification.* A petition for clarification of unit or for amendment of recognition or certification shall be submitted on a form prescribed by the Board and shall contain the information required by paragraph (a) of this section, except paragraphs (a) (2), (6) and (9), and shall set forth:

(1) A description of the unit and the date of recognition or certification;

(2) The proposed clarification or amendment of the recognition or certification; and

(3) A statement of reasons why the proposed clarification or amendment is requested.

(d) *Petition for determination of eligibility for dues allotment.* A petition for determination of eligibility for dues allotment in the unit may be filed if there is no exclusive representative. The petition shall be submitted on a form prescribed by the Board and shall contain the information required in paragraphs (a) (1), (4), (5), (6), (7), and (8) of this section, and shall set forth:

(1) A description of the unit described in 22 U.S.C. 4112. Such description shall indicate the classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the unit; and

(2) The petition shall be accompanied by a showing of membership in the petitioner of not less than ten percent (10%) of the employees in the unit and an alphabetical list of names constituting such showing.

(e) *Filing and service of petition and copies.* (1) A petition for exclusive recognition, for an election to determine if a labor organization should cease to be the exclusive representative, for clarification of unit, for amendment of recognition or certification, or for determination of eligibility for dues allotment, filed pursuant to paragraphs (a), (b), (c), or (d) of this section respectively, shall be filed with the Regional Director for the region in which the unit exists, or, if the claimed unit exists in two or more regions, the petition shall be filed with the Regional Director for the region in which the affected employees are located.

(2) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence relating to the question concerning representation.

(3) Copies of the petition together with any attachments shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Regional Director: *Provided, however,* That the showing of interest or the showing of membership submitted with a petition filed pursuant to paragraphs (a), (b)(2), (d), or (h) of this section shall not furnished to any other person.

(f) *Adequacy and validity of showing of interest or showing of membership.* (1) The Regional Director shall determine the adequacy of the showing of interest or the showing of membership administratively, and such determination shall not be subject to collateral attack at a unit or representation hearing. If the petition is dismissed or the intervention sought pursuant to § 1422.5 is denied, a request for review of such dismissal or denial may be filed with the Board in accordance with the procedures set forth in § 1422.6(d).

(2) Any party challenging the validity of any showing of interest or showing of membership of a petitioner, or a cross-petitioner filing pursuant to § 1422.5(b), or of a labor organization seeking to intervene pursuant to § 1422.5, must file its challenge with the Regional Director, with respect to the petitioner or a cross-petitioner, within twenty (20) days after the initial date of posting of the notice of petition as provided in § 1422.4(a), and with respect to any labor organization seeking to intervene, within twenty (20) days of service of a copy of the request for intervention on the challenging party. The challenge shall be supported with evidence including signed statements of employees and any other written evidence. The Regional Director shall investigate the challenge and thereafter shall take such action as the Regional Director deems appropriate which shall be final and not subject to review by the Board, unless the petition is dismissed or the intervention is denied on the basis of the challenge. Such request for review shall be filed with the Board in accordance with the procedures set forth in § 1422.6(d).

(g) *Challenge to status of a labor organization.* Any party challenging the status of a labor organization under chapter 41 of title 22 of the United States Code must file its challenge with the Regional Director and support the challenge with evidence. With respect to the petitioner or a cross-petitioner filing pursuant to § 1422.5(b), such a challenge must be filed within twenty (20) days after the initial date of posting of the notice of petition as provided in § 1422.4(a), and with respect to a labor organization seeking to intervene pursuant to § 1422.5, within twenty (20) days after service of a copy of the request for intervention on the challenging party. The Regional Director shall investigate the challenge and thereafter shall take such action as the Regional Director deems appropriate, which shall be subject to review by the Board. Such request for review shall be filed with the Board in accordance with the procedures set forth in § 1422.6(d).

§ 1422.3 Timeliness of petition.

(a) When there is no certified exclusive representative of the employees, a petition will be considered timely filed provided a valid election has not been held within the preceding twelve (12) month period in the unit described in 22 U.S.C. 4112.

(b) When there is a certified exclusive representative of the employees, a petition will not be considered timely if filed within twenty-four (24) months after the certification as the exclusive representative of employees in unit described in 22 U.S.C. 4112, unless a signed and dated collective bargaining agreement covering the unit has been entered into in which case paragraphs (c) and (d) of this section shall be applicable.

(c) When a collective bargaining agreement covering the unit described in 22 U.S.C. 4112 has been signed and dated by the Department and the incumbent exclusive representative, a petition for exclusive recognition or other election petition will not be considered timely if filed during the period of review by the Secretary as set forth in 22 U.S.C. 4113(f), absent unusual circumstances.

(d) A petition for exclusive recognition or other election petition will be considered timely when filed as follows:

(1) Not more than one hundred and five (105) days and not less than (60) days prior to the expiration date of a collective bargaining agreement having a term of three (3) years or less from the date it became effective.

(2) Not more than one hundred and five (105) days and not less than sixty (60) days prior to the expiration of the initial three (3) year period of a collective bargaining agreement having a term of more than three (3) years from the date it became effective, and any time after the expiration of the initial three (3) year period of such a collective bargaining agreement; and

(3) Any time when unusual circumstances exist which substantially affect the unit or the majority representation.

(e) When a collective bargaining agreement having a term of three (3) years or less is in effect between the Department and the incumbent exclusive representative, and a petition has been filed challenging the representation status of the incumbent exclusive representative and the petition is subsequently withdrawn or dismissed less than sixty (60) days prior to the expiration date of that collective bargaining agreement, or any time thereafter, the Department and incumbent exclusive representative shall be afforded a ninety (90) day period from the date the withdrawal is approved or the petition is dismissed free from rival claim within which to

consummate a collective bargaining agreement: *Provided, however,* That the provisions of this paragraph shall not be applicable when any other petition is pending which has been filed pursuant to paragraph (d)(1) of this section.

(f) When an extension of a collective bargaining agreement having a term of three (3) years or less has been signed more than sixty (60) days before its expiration date, such extension shall not serve as a basis for the denial of a petition submitted in accordance with the time limitations provided herein.

(g) Collective bargaining agreements which go into effect automatically pursuant to 22 U.S.C. 4113(f) and which do not contain the date on which the agreement became effective shall not constitute a bar to an election petition.

(h) A petitioner who withdraws a petition after the issuance of a notice of hearing or after the approval of an agreement for an election, shall be barred from filing another petition for the unit described in 22 U.S.C. 4112 for six (6) months, unless a withdrawal request has been received by the Regional Director not later than three (3) days before the date of the hearing.

(i) The time limits set forth in this section shall not apply to a petition for clarification of unit or for amendment of recognition or certification, or to a petition for dues allotment.

§ 1422.4 Investigation of petition and posting of notice of petition; action by Regional Director.

(a) Upon the request of the Regional Director, after the filing of a petition, the Department shall post copies of a notice to all employees in places where notices are normally posted affecting the employees in the unit described in 22 U.S.C. 4112.

(b) Such notice shall set forth:

(1) The name of the petitioner;

(2) The description of the unit;

(3) If appropriate, the proposed clarification of unit or the proposed amendment of recognition or certification; and

(4) A statement that all interested parties are to advise the Regional Director in writing of their interest and position within twenty (20) days after the date of posting of such notice: *Provided, however,* That the notice in a petition for determination of eligibility for dues allotment shall contain the information required in paragraphs (a) (1), (2), and (4) of this section.

(c) The notice shall remain posted for a period of twenty (20) days. The notice shall be posted conspicuously and shall not be covered by other material, altered or defaced.

(d) The Department shall furnish the Regional Director and all known interested parties with the following:

(1) Names, addresses and telephone numbers of all labor organizations known to represent any of the employees in the unit described in 22 U.S.C. 4112;

(2) A copy of all relevant correspondence;

(3) A copy of existing or recently expired agreement(s) covering any of the employees described in the petition;

(4) A current alphabetized list of employees included in the unit, together with their job classifications; and

(5) A current alphabetized list of employees described in the petition as excluded from the unit, together with their job classifications.

(e) The parties are expected to meet as soon as possible after the expiration of the twenty (20) day posting period of the notice of petition as provided in paragraph (a) of this section and use their best efforts to secure agreement on the unit.

(f) The Regional Director shall make such investigation as the Regional Director deems necessary and thereafter shall take action which may consist of the following, as appropriate:

(1) Approve an agreement for consent election in the unit as provided under § 1422.7;

(2) Approve a withdrawal request;

(3) Dismiss the petition; or

(4) Issue a notice of hearing.

(g) In processing a petition for clarification of unit or for amendment of recognition or certification, or dues allotment, where appropriate, the Regional Director shall prepare and serve a report and findings upon all parties to the proceedings and shall state therein, among other pertinent matters, the Regional Director's conclusions and the action contemplated. A party may file with the Board a request for review of such action of the Regional Director in accordance with the procedures set forth in § 1422.6(d). If no request for review is filed, or if one is filed and denied, the Regional Director shall take such action as may be appropriate, which may include issuing a clarification of unit or an amendment of recognition or certification, or determination of eligibility for dues allotment.

(h) A determination by the Regional Director to issue a notice of hearing shall not be subject to review by the Board.

§ 1422.5 Intervention.

(a) No labor organization will be permitted to intervene in any proceeding involving a petition filed pursuant to § 1422.2 (a) or (b) unless it has submitted to the Regional Director a showing of interest of ten percent (10%) or more of the employees in the unit described in 22 U.S.C. 4112 together with an alphabetical list of names constituting such showing, or has submitted a current or recently expired agreement with the Department covering any of the employees involved, or has submitted evidence that it is currently recognized or certified exclusive representative of any of the employees involved: *Provided, however,* That an incumbent exclusive representative shall be deemed to be an intervenor in the proceeding unless it serves on the Regional Director a written disclaimer of any representation interest for the employees involved: *Provided, further,* That any such incumbent exclusive representative that declines to sign an agreement for consent election because of a disagreement on the matters contained in § 1422.7(c) as decided by the Regional Director, or fails to appear at a hearing held pursuant to § 1422.9, shall be denied its status as an intervenor.

(b) No labor organization may participate to any extent in any representation proceeding unless it has notified the Regional Director in writing, accompanied by its showing of interest as specified in paragraph (a) of this section, of its desire to intervene within twenty (20) days after the initial date of posting of the notice of petition as provided in § 1422.4(a), unless good cause is shown for extending the period. A copy of the request for intervention filed with the Regional Director, excluding the showing of interest, shall be served on all known interested parties, and a written statement of such service should be filed with the Regional Director: *Provided, however,* That an incumbent exclusive representative shall be deemed to be an intervenor in the proceeding in accordance with paragraph (a) of this section.

(c) Any labor organization seeking to intervene in a proceeding involving a petition for determination of eligibility for dues allotment filed pursuant to § 1422.2(d) may intervene solely on the basis it claims to be the exclusive representative of some or all the employees specified in the petition and shall submit to the Regional Director a current or recently expired agreement with the Department covering any of the employees involved, or evidence that it is the currently recognized or certified exclusive representative of any of the employees involved.

(d) Any labor organization seeking to intervene must submit to the Regional Director a statement that it has submitted to the Department and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives.

(e) The Regional Director may grant intervention to a labor organization in a proceeding involving a petition for clarification of unit or a petition for amendment of recognition or certification filed pursuant to § 1422.2(c), or a petition for determination of eligibility for dues allotment filed pursuant to § 1422.2(d), based on a showing that the proposed clarification, amendment or dues allotment affects that labor organizations's existing exclusively recognized unit(s) in that it would cover one or more employees who are included in such unit(s).

§ 1422.6 Withdrawal, dismissal or deferral of petitions; consolidation of cases; denial of intervention; review of action by Regional Director.

(a) If the Regional Director determines, after such investigation as the Regional Director deems necessary, that the petition has not been timely filed, the unit is not as described in 22 U.S.C. 4114, the petitioner has not made a sufficient showing of interest, the petition is not otherwise actionable, or an intervention is not appropriate, the Regional Director may request the petitioner or intervenor to withdraw the petition or the request for intervention. In the absence of such withdrawal within a reasonable period of time, the Regional Director may dismiss the petition or deny the request for intervention.

(b) If the Regional Director determines, after investigation, that a valid issue has been raised by a challenge under § 1422.2 (f) or (g), the Regional Director may take action which may consist of the following, as appropriate:

(1) Request the petitioner or intervenor to withdraw the petition or the request for intervention;

(2) Dismiss the petition and/or deny the request for intervention if a withdrawal request is not submitted within a reasonable period of time;

(3) Defer action on the petition or request for intervention until such time as issues raised by the challenges have been resolved pursuant to this part; or

(4) Consolidate such issues with the representation matter for resolution of all issues.

(c) If the Regional Director dismisses the petition and/or denies the request for intervention, the Regional Director shall serve on the petitioner or the party requesting intervention a written statement of the grounds for the dismissal or the denial, and serve a copy of such statement on the Department, and on the petitioner and any intervenors, as appropriate.

(d) The petitioner or party requesting intervention may obtain a review of such dismissal and/or denial by filing a request for review with the Board within twenty-five (25) days after service of the notice of such action. Copies of the request for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the request for review. Requests for extensions of time shall be in writing and received by the Board not later than five (5) days before the date the request for review is due. The request for review shall contain a complete statement setting forth facts and reasons upon which the request is based. Any party may file an opposition to a request for review with the Board within ten (10) days after service of the request for review. Copies of the opposition to the request for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the opposition to the request for review. The Board may issue a decision or ruling affirming or reversing the Regional Director in whole or in part or making any other disposition of the matter as it deems appropriate.

§ 1422.7 Agreement for consent election.

(a) All parties desiring to participate in an election being conducted pursuant to this section or § 1422.16, including intervenors who have met the requirements of § 1422.5, must sign an agreement providing for such an election on a form prescribed by the Board. An original and one (1) copy of the agreement shall be filed with the Regional Director.

(b) The Department, a petitioner, and any intervenors who have complied with the requirements set forth in § 1422.5 may agree that a secret ballot election shall be conducted among the employees in the unit to determine whether the employees desire to be represented for purposes of exclusive recognition by any or none of the labor organizations involved.

(c) The parties shall agree on the eligibility period for participation in the election, the date(s), hour(s), and place(s) of the election, the designations on the ballot and other related election procedures.

(d) In the event that the parties cannot agree on the matters contained in paragraph (c) of this section, the Regional Director, acting on behalf of the Board, shall decide these matters without prejudice to the right of a party to file objections to the procedural conduct of the election under § 1422.20(b).

(e) If the Regional Director approves the agreement, the election shall be conducted by the Department, as appropriate, under the supervision of the Regional Director, in accordance with § 1422.17.

(f) Any qualified intervenor who refuses to sign an agreement for an election may express its objections to the agreement in writing to the Regional Director. The Regional Director, after careful consideration of such objections, may approve the agreement or take such other action as the Regional Director deems appropriate.

§ 1422.8 Notice of hearing; contents; attachments; procedures.

(a) The Regional Director may cause a notice of hearing to be issued involving any matters related to the petition.

(b) The notice of hearing shall be served on all interested parties and shall include:

(1) The name of the Department, petitioner, and intervenors, if any;

(2) A statement of the time and place of the hearing, which shall be not less than twenty (20) days after service of the notice of hearing, except in extraordinary circumstances;

(3) A statement of the nature of the hearing; and

(4) A statement of the authority and jurisdiction under which the hearing is to be held.

(c) A copy of the petition shall be attached to the notice of hearing.

(d) Hearings on matters related to the petition pursuant to paragraph (a) of this section shall be conducted by a Hearing Officer in accordance with §§ 1422.9 through 1422.15.

§ 1422.9 Conduct of hearing.

(a) Hearings shall be conducted by a Hearing Officer and shall be open to the public unless otherwise ordered by the Hearing Officer. At any time another Hearing Officer may be substituted for the Hearing Officer previously presiding. It shall be the duty of the Hearing Officer to inquire fully into all matters in issue and the Hearing Officer shall obtain a full and complete record upon which the Board can make an appropriate decision. An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript may be examined in the appropriate regional office during normal working hours. Requests by

parties for copies of transcripts should be made to the official hearing reporter.

(b) Hearings under this section are considered investigatory and not adversary. Their purpose is to develop a full and complete factual record. The rules of relevancy and materiality are paramount; there are no burdens of proof and the technical rules of evidence do not apply.

§ 1422.10 Motions.

(a) *General.* (1) A motion shall state briefly the order or relief sought and the grounds for the motion: *Provided, however,* That a motion to intervene will not be entertained by the Hearing Officer. Intervention will be permitted only to those who have met the requirements of § 1422.5.

(2) A motion prior to, and after a hearing and any response thereto, shall be made in writing. A response shall be filed within five (5) days after service of the motion. An original and two (2) copies of such motion and any response thereto shall be filed and copies shall be served on the parties and the Regional Director. A statement of such service shall be filed with the original.

(3) During a hearing a motion may be made and responded to orally on the record.

(4) The right to make motions, or to make objections to rulings on motions, shall not be deemed waived by participation in the proceeding.

(5) All motions, rulings, and orders shall become part of the record.

(b) *Filing of motions.* (1) Motions and responses thereto prior to a hearing shall be filed with the Regional Director. During the hearing motions shall be made to the Hearing Officer.

(2) After the transfer of the case to the Board, except as otherwise provided, motions and responses thereto shall be filed with the Board: *Provided,* That following the close of a hearing, motions to correct the transcript should be filed with the Hearing Officer within ten (10) days after the transcript is received in the regional office.

(c) *Rulings on motions.* (1) Regional Directors may rule on all motions filed with them, or they may refer them to the Hearing Officer. A ruling by a Regional Director granting a motion to dismiss a petition may be reviewed by the Board upon the filing by the petitioner of a request for review pursuant to § 1422.6(d).

(2) Hearing Officers shall rule, either orally on the record or in writing, on all motions made at the hearing or referred to them, except that a motion to dismiss a petition shall be referred for appropriate action at such time as the record is considered by the Regional Director or the Board. Rulings by a Hearing Officer reduced to writing shall be served on the parties.

(3) The Board shall consider the rulings by the Regional Director and the Hearing Officer when the case is transferred to it for decision.

§ 1422.11 Rights of the parties.

(a) A party shall have the right to appear at any hearing in person, by counsel, or by other representative, and to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence. Two (2) copies of documentary evidence shall be submitted and a copy furnished to each of the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

(b) A party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Such oral argument shall not preclude a party from filing a brief under § 1422.14.

§ 1422.12 Duties and powers of the Hearing Officer.

It shall be the duty of Hearing Officers to inquire fully into the facts as they relate to the matters before them. With respect to cases assigned to them between the time they are designated and the transfer of the case to the Board, Hearing Officers shall have the authority to:

(a) Grant requests for subpenas pursuant to § 1429.7 of this subchapter;

(b) Rule upon offers of proof and receive relevant evidence and stipulations of fact;

(c) Take or cause depositions or interrogatories to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are immaterial, irrelevant or unduly repetitious;

(e) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in misconduct;

(f) Strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(g) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon the Hearing Officer's own motion;

(h) Dispose of procedural requests, motions, or similar matters, which shall be made part of the record of the proceedings, including motions referred to the Hearing Officer by the Regional Director and motions to amend petitions;

(i) Call and examine and cross-examine witnesses and introduce into the record documentary or other evidence;

(j) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(k) Continue the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(l) Rule on motions to correct the transcript which are received within ten (10) days after the transcript is received in the regional office; and

(m) Take any other action necessary under this section and not prohibited by the regulations in this subchapter.

§ 1422.13 Objections to conduct of hearing.

Any objection to the introduction of evidence may be stated orally or in writing and shall be accompanied by a short statement of the grounds of such objection, and be included in the record. No such objection shall be deemed waived by further participation in the hearing. Automatic exceptions will be allowed to all adverse rulings.

§ 1422.14 Filing of briefs.

A party desiring to file a brief with the Board shall file the original and three (3) copies within thirty (30) days from the close of the hearing. Copies thereof shall be served on all other parties to the proceeding. Requests for additional time in which to file a brief under authority of this section shall be made to the Regional Director, in writing, and copies thereof shall be served on the other parties and a statement of such service shall be filed with the Regional Director. Requests for extension of time shall be in writing and received not later than five (5) days before the date such briefs are due. No reply brief may be filed in any proceeding except by special permission of the Board.

§ 1422.15 Transfer of case to the Board; contents of record.

Upon the close of the hearing the case is transferred automatically to the Board. The record of the proceeding shall include the petition, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing with any corrections thereto, stipulations, objections, depositions, interrogatories, exhibits, documentary evidence, and any briefs or other documents submitted by the parties.

§ 1422.16 Decision.

The Board will issue a decision directing an election or dismissing the petition, or making other disposition of the matters before it.

§ 1422.17 Election procedure; request for authorized representation election observers.

This section governs all elections conducted under the supervision of the Regional Director pursuant to § 1422.7 or § 1422.16. The Regional Director may conduct elections in unusual circumstances in accordance with terms and conditions set forth in the notice of election.

(a) Appropriate notices of election shall be posted by the Department. Such notices shall set forth the details and procedures for the election, the unit described in 22 U.S.C. 4112, the eligibility period, the date(s), hour(s) and place(s) of the election and shall contain a sample ballot.

(b) The reproduction of any document purporting to be a copy of the official ballot, other than one completely unaltered in form and content and clearly marked "sample" on its face, which suggests either directly or indirectly to employees that the Board endorses a particular choice, may constitute grounds for setting aside an election upon objections properly filed.

(c) All elections shall be by secret ballot. An exclusive representative shall be chosen by a majority of the valid ballots cast.

(d) Whenever two or more labor organizations are included as choices in an election, any intervening labor organization may request the Regional Director to remove its name from the ballot. The request must be in writing and received not later than seven (7) days before the date of the election. Such request shall be subject to the approval of the Regional Director whose decision shall be final.

(e) In a proceeding involving an election to determine if a labor organization should cease to be the exclusive representative filed by the Department or any employee or employees or an individual acting on behalf of any employee(s) under § 1422.2(b), an organization currently recognized or certified may not have its name removed from the ballot without having served the written request submitted pursuant to paragraph (d) of this section on all parties. Such request shall contain an express disclaimer of any representation interest among the employees in the unit.

(f) Any party may be represented at the polling place(s) by observers of its own selection, subject to such limitations as the Regional Director may prescribe.

(g) A party's request to the Regional Director for named observers shall be in writing and filed with the Regional Director not less than fifteen (15) days prior to an election to be supervised or conducted pursuant to this part. The request shall name and identify the authorized representation election observers sought, and state the reasons therefor. Copies thereof shall be served on the other parties and a written statement of such service shall be filed with the Regional Director. Within five (5) days after service of a copy of the request, a party may file objections to the request with the Regional Director and state the reasons therefor. Copies thereof shall be served on the other parties and a written statement of such service shall be filed with the Regional Director. The Regional Director shall rule upon the request not later than five (5) days prior to the date of the election. However, for good cause shown by a party, or on the Regional Director's own motion, the Regional Director may vary the time limits prescribed in this paragraph.

§ 1422.18 Challenged ballots.

Any party or the representative of the Board may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded.

§ 1422.19 Tally of ballots.

Upon the conclusion of the election, the Regional Director shall cause to be furnished to the parties a tally of ballots.

§ 1422.20 Certification; objections to election; determination on objections and challenged ballots.

(a) The Regional Director shall issue to the parties a certification of results of the election or a certification of representative, where appropriate: *Provided, however,* That no objections are filed within the time limit set forth below; the challenged ballots are insufficient in number to affect the results of the election; and no rerun election is to be held.

(b) Within twenty (20) days after the tally of ballots has been furnished, a party may file objections to the procedural conduct of the election, or to conduct which may have improperly affected the results of the election, setting forth a clear and concise statement of the reasons therefor. The objecting party shall bear the burden of proof at all stages of the proceeding regarding all matters raised in its objections. An original and two (2) copies of the objections shall be filed with the Regional Director and copies shall be served on the parties. A statement of such service shall be filed with the Regional Director. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Within ten (10) days after the filing of the objections, unless an extension of time has been granted by the Regional Director, the objecting party shall file with the Regional Director evidence, including signed statements, documents and other material supporting the objections.

(c) If objections are filed or challenged ballots are sufficient in number to affect the results of the election, the Regional Director shall investigate the objections or challenged ballots, or both.

(d) When the Regional Director determines that no relevant question of fact exists, the Regional Director (1) shall find whether improper conduct occurred of such a nature as to warrant the setting aside of the election and, if so, indicate an intention to set aside the election, or (2) shall rule on determinative challenged ballots, if any, or both. The Regional Director shall issue a report and findings on objections and/or challenged ballots which shall be served upon all parties to the proceeding. Such report and findings shall state therein any additional pertinent matters such as an intent to rerun the election or count ballots at a specified date, time, and place, and if appropriate, that the Regional Director will cause to be issued a revised tally of ballots.

(e) When the Regional Director determines that no relevant question of fact exists, but that a substantial question of interpretation or policy exists, the Regional Director shall notify the parties in the report and findings and transfer the case to the Board in accordance with of this subchapter.

(f) Any party aggrieved by the findings of a Regional Director with respect to objections to an election or challenged ballots may obtain a review of such action by the Board by following the procedure set forth in § 1422.6(d) of this subchapter: *Provided, however,* That a determination by the Regional Director to issue a notice of hearing shall not be subject to review by the Board.

(g) Where it appears to the Regional Director that the objections or challenged ballots raise any relevant question of fact which may have affected the results of the election, the Regional Director shall cause to be issued a notice of hearing. Hearings

shall be conducted and decisions issued by Administrative Law Judges and exceptions and related submissions filed with the Board in accordance with §§ 1423.14 through 1423.28 of this subchapter excluding § 1423.18 and § 1423.19(j), with the following exceptions:

(1) The Administrative Law Judge may not recommend remedial action to be taken or notices to be posted, as provided under § 1423.26(a); and

(2) Reference to "charge, complaint" in § 1423.26(b) shall be read as "report and findings of the Regional Director."

(h) At a hearing conducted pursuant to paragraph (g) of this section the party filing the objections shall have the burden of proving all matters alleged in its objections by a preponderance of the evidence. With respect to challenged ballots, no burden of proof is imposed on any party.

(i) The Board shall take action which may consist of the following, as appropriate:

(1) Issue a decision adopting, modifying, or rejecting the Administrative Law Judge's decision;

(2) Issue a decision in any case involving a substantial question of interpretation or policy transferred pursuant to paragraph (e) of this section; or

(3) Issue a ruling with respect to a request for review filed pursuant to paragraph (f) of this section affirming or reversing, in whole or in part, the Regional Director's findings, or make such other disposition as may be appropriate.

§ 1422.21 Preferential voting.

In any election in which more than two choices are on the ballot and no choice receives a majority of first preferences the Board shall distribute to the two choices having the most first preferences the preferences as between those two of the other valid ballots cast. The choice receiving a majority of preferences shall be declared the winner. A labor organization which is declared the winner of the election shall be certified by the Board as the exclusive representative.

§ 1422.22 Inconclusive elections.

(a) An inconclusive election is one in which none of the choices on the ballot is declared the winner. If there are no challenged ballots that would affect the results of the election, the Regional Director may declare the election a nullity and may order another election providing for a selection from among the choices afforded in the previous ballot.

(b) Only one further election pursuant to this section may be held.

PART 1423—UNFAIR LABOR PRACTICE PROCEEDINGS

Sec.

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Authority: 22 U.S.C. 4107.

§ 1423.1 Applicability of this part.

This part is applicable to any charge of alleged unfair labor practices filed with the Board on or after February 15, 1981.

§ 1423.2 Informal proceedings.

(a) The purposes and policies of the Foreign Service Labor-Management Relations Statute can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges with the Board.

(b) In furtherance of the policy referred to in paragraph (a) of this section, and noting the six (6) month period of limitation set forth in 22 U.S.C. 4116(d), it shall be the policy of the Board and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the issuance of a complaint by the Regional Director.

§ 1423.3 Who may file charges.

The Department or labor organization may be charged by any person with having engaged in or engaging in any unfair labor practice prohibited under 22 U.S.C. 4115.

§ 1423.4 Contents of the charge; supporting evidence and documents.

(a) A charge alleging a violation of 22 U.S.C. 4115 shall be submitted on forms prescribed by the Board and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;

(2) The name, address and telephone number of the Department or labor organization against whom the charge is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 41 of title 22 of the United States Code alleged to have been violated, and the date and place of occurrence of the particular acts; and

(4) A statement of any other procedure invoked involving the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been raised previously in a grievance procedure; (ii) has been referred to the Foreign Service Impasse Disputes Panel or the Foreign Service Grievance Board for consideration or action; or (iii) involves a negotiability issue raised by the charging party in a petition pending before the Board pursuant to Part 1424 of this subchapter.

(b) Such charge shall be in writing and signed and shall contain a declaration by the person signing the charge, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief.

(c) When filing a charge, the charging party shall submit to the Regional Director any supporting evidence and documents.

§ 1423.5 Selection of the unfair labor practice procedure or the negotiability procedure.

(a) Where a labor organization files an unfair labor practice charge pursuant

to this part which involves a negotiability issue, and the labor organization also files pursuant to Part 1424 of this subchapter a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously.

(b) Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the appropriate Regional Director and all parties to both the unfair labor practice case and the negotiability case.

(c) Cases which solely involve an agency's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under Part 1424 of this subchapter.

§ 1423.6 Filing and service of copies.

(a) An original and four (4) copies of the charge together with one copy for each additional charged party named shall be filed with the Regional Director for the region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more regions may be filed with the Regional Director for any such region.

(b) Upon the filing of a charge, the charging party shall be responsible for the service of a copy of the charge (without the supporting evidence and documents) upon the person(s) against whom the charge is made, and for filing a written statement of such service with the Regional Director. The Regional Director will, as a matter of course, cause a copy of such charge to be served on the person(s) against whom the charge is made, but shall not be deemed to assume responsibility for such service.

§ 1423.7 Investigation of charges.

(a) The Regional Director, on behalf of the General Counsel, shall conduct such investigation of the charge as the Regional Director deems necessary.

(b) During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the Regional Director.

(c) In connection with the investigation of charges, all persons are expected to cooperate fully with the Regional Director.

(d) The purposes and policies of the Foreign Service Labor-Management Relations Statute can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information they submit or which is obtained during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

§ 1423.8 Amendment of charges.

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in § 1423.6.

§ 1423.9 Action by the Regional Director.

(a) The Regional Director shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;

(2) Refuse to issue a complaint;

(3) Approve a written settlement agreement in accordance with the provisions of § 1423.11;

(4) Issue a complaint;

(5) Upon agreement of all parties, transfer to the Board for decision, after issuance of a complaint, a stipulation of facts in accordance with the provisions of § 1429.1(a) this subchapter; or

(6) Withdraw a complaint.

(b) Parties may request the General Counsel to seek appropriate temporary relief (including a restraining order) under 22 U.S.C. 4109(d). The General Counsel will initiate and prosecute injunctive proceedings under 22 U.S.C. 4109(d) only upon approval of the Board. A determination by the General Counsel not to seek approval of the Board for such temporary relief is final and may not be applied to the Board.

(c) Upon a determination to issue a complaint, whenever it is deemed advisable by the Board to seek appropriate temporary relief (including a restraining order) under 22 U.S.C. 4109(d), the Regional Attorney or other designated agent of the Board to whom the matter has been referred will make application for appropriate temporary relief (including a restraining order) in the United States District Court for the District of Columbia. Such temporary relief will not be sought unless the record establishes probable cause that an unfair labor practice is being committed, or if such temporary relief will interfere with the ability of the Department to carry out its essential functions.

(d) Whenever temporary relief has been obtained pursuant to 22 U.S.C. 4109(d) and thereafter the Administrative Law Judge hearing the complaint, upon which the determination to seek such temporary relief was predicated, recommends dismissal of such complaint, in whole or in part, the Regional Attorney or other designated agent of the Board handling the case for the Board shall inform the United States District Court for the District of Columbia of the possible change in circumstances arising out of the decision of the Administrative Law Judge.

§ 1423.10 Determination not to issue complaint; review of action by the Regional Director.

(a) If the Regional Director determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the Regional Director may request the charging party to withdraw the charge, and in the absence of such withdrawal within a reasonable time, decline to issue a complaint.

(b) If the Regional Director determines not to issue a complaint on a charge which is not withdrawn, the Regional Director shall provide the parties with a written statement of the reasons for not issuing a complaint.

(c) The charging party may obtain a review of the Regional Director's decision not to issue a complaint by filing an appeal with the General Counsel within twenty-five (25) days after service of the Regional Director's decision. The appeal shall contain a complete statement setting forth the facts and reasons upon which it is based. A copy of the appeal shall also be filed with the Regional Director. In addition, the charging party should notify all other parties of the fact that an appeal has been taken, but any failure to give such notice shall not affect the validity of the appeal.

(d) A request for extension of time to file an appeal shall be in writing and received by the General Counsel not later than five (5) days before the date the appeal is due. The charging party should notify the Regional Director and all other parties that it has requested an extension of time in which to file an appeal, but any failure to give such

notice shall not affect the validity of its request for an extension of time to file an appeal.

(e) The General Counsel may sustain the Regional Director's refusal to issue or re-issue a complaint, stating the grounds of affirmance, or may direct the Regional Director to take further action. The General Counsel's decision shall be served on all the parties. The decision of the General Counsel shall be final.

§ 1423.11 Settlement or adjustment of issues.

General settlement policy

(a) At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Regional Director with whom the charge was filed, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

Precomplaint informal settlements

(b)(1) Prior to the issuance of any complaint or the taking of other formal action, the Regional Director will afford the charging party and the respondent a reasonable period of time in which to enter into an informal settlement agreement to be approved by the Regional Director. Upon approval by the Regional Director and compliance with the terms of the informal settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the informal settlement agreement, the Regional Director may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to an informal settlement agreement offered by the respondent, if the Regional Director concludes that the offered settlement will effectuate the policies of the Foreign Service Labor-Management Relations Statute, the agreement shall be between the respondent and the Regional Director and the latter shall decline to issue a complaint. The charging party may obtain a review of the Regional Director's action by filing an appeal with the General Counsel in accordance with § 1423.10(c). The General Counsel shall take action on such appeal as set forth in § 1423.10(e).

Post complaint settlement policy

(c) Consistent with the policy reflected in paragraph (a) of this section, even after the issuance of a complaint, the Board favors the settlement of issues. Such settlements may be either informal or formal. Informal settlement agreements shall be accomplished as provided in paragraph (b) of this section. Formal settlement agreements are subject to the approval of the Board. In such formal settlement agreements, the parties shall agree to waive their right to a hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily the formal settlement agreement also contains the respondent's consent to the Board application for the entry of a decree by the United States Court of Appeals for the District of Columbia enforcing the Board's order.

Post complaint—prehearing formal settlements

(d)(1) If, after issuance of a complaint but before opening of the hearing, the charging party and the respondent enter into a formal settlement agreement, and such agreement is accepted by the Regional Director, the formal settlement agreement shall be submitted to the Board for approval.

(2) If, after issuance of a complaint but before opening of the hearing, the charging party fails or refuses to become a party to a formal settlement agreement offered by the respondent, and the Regional Director concludes that the offered settlement will effectuate the policies of the Foreign Service Labor-Management Relations Statute, the agreement shall be between the respondent and the Regional Director. The charging party will be so informed and provided a brief written statement by the Regional Director of the reasons therefor. The formal settlement agreement together with the charging party's objections, if any, and the Regional Director's written statements, shall be submitted to the Board for approval. The Board may approve or disapprove any formal settlement agreement or return the case to the Regional Director for other appropriate action.

Post complaint—prehearing informal settlements

(3) After the issuance of a complaint but before opening of the hearing, if the Regional Director concludes that it will effectuate the policies of the Foreign Service Labor-Management Relations Statute, the Regional Director may withdraw the complaint and approve an informal settlement agreement pursuant to paragraph (b) of this section.

Informal settlements after the opening of the hearing

(e)(1) After issuance of a complaint and after opening of the hearing, if the Regional Director concludes that it will effectuate the policies of the Foreign Service Labor-Management Relations Statute, the Regional Director may request the Administrative Law Judge for permission to withdraw the complaint and, having been granted such permission to withdraw the complaint, may approve an informal settlement pursuant to paragraph (b) of this section.

Formal settlements after the opening of the hearing

(2) If, after issuance of a complaint and after opening of the hearing, the parties enter into a formal settlement agreement, the Regional Director may request the Administrative Law Judge to approve such formal settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a formal settlement agreement offered by the respondent, and the Regional Director concludes that the offered settlement will effectuate the policies of the Foreign Service Labor-Management Relations Statute, the agreement shall be between the respondent and the Regional Director. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the formal settlement, the Regional Director may request the Administrative Law Judge to approve such formal settlement agreement, and upon such approval, to transmit the agreement to the Board for approval. The Board may approve or disapprove any formal settlement agreement or return the case to the Administrative Law Judge for another appropriate action.

§ 1423.12 Issuance and contents of the complaint.

(a) After a charge is filed, if it appears to the Regional Director that formal proceedings in respect thereto should be instituted, the Regional Director shall issue and cause to be served on all other parties a formal complaint: *Provided, however,* That a determination by a Regional Director to issue a complaint shall not be subject to review.

(b) The complaint shall include:

(1) Notice of the charge;

(2) Notice that a hearing will be held before an Adminsitrative Law Judge;

(3) Notice of the time and place fixed for the hearing which shall not be earlier than five (5) days after service of the complaint;

(4) A statement of the nature of the hearing;

(5) A clear and concise statement of the facts upon which assertion of jurisdiction by the Board is predicated;

(6) A reference to the particular sections of chapter 41 of title 22 of the

United States Code and the rules and regulations involved; and

(7) A clear and concise description of the acts which are claimed to constitute unfair labor practices, including, where known, the approximate dates and places of such acts and the names of respondent's agents or other representatives by whom committed.

(c) The Chief Administrative Law Judge may, upon such judge's own motion or upon proper cause shown by any other party, extend the date of the hearing or may change the place at which it is to be held.

(d) A complaint may be amended, upon such terms as may be deemed just, prior to the hearing, by the Regional Director issuing the complaint; at the hearing and until the case has been transmitted to the Board pursuant to § 1423.26, upon motion by the Administrative Law Judge designated to conduct the hearing; and after the case has been transmitted to the Board pursuant to § 1423.26, upon motion by the Board at any time prior to the issuance of an order based thereon by the Board.

(e) Any such complaint may be withdrawn before the hearing by the Regional Director.

§ 1423.13 Answer to the complaint; extension of time for filing; amendment.

(a) Except in extraordinary circumstances as determined by the Regional Director, within twenty (20) days after the complaint is served upon the respondent, the respondent shall file the original and four (4) copies of the answer thereto, signed by the respondent or its representative, with the Regional Director who issued the complaint. The respondent shall serve a copy of the answer on the Chief Administrative Law Judge and on all other parties.

(b) The answer: (1) Shall specifically admit, deny, or explain each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) Shall state that the respondent admits all of the allegations in the complaint. Failure to file an answer or to plead specifically to or explain any allegation shall constitute an admission of such allegation and shall be so found by the Board, unless good cause to the contrary is shown.

(c) Upon the Regional Director's own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

(d) The answer may be amended by the respondent at any time prior to the hearing. During the hearing or subsequent thereto, the answer may be amended in any case where the complaint has been amended, within such period as may be fixed by the Administrative Law Judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the Administrative Law Judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the Administrative Law Judge or the Board.

§ 1423.14 Conduct of hearing.

(a) Hearings shall be conducted not earlier than five (5) days after the date on which the complaint is served. The hearing shall be open to the public unless otherwise ordered by the Administrative Law Judge. A substitute Administrative Law Judge may be designated at any time to take the place of the Administrative Law Judge previously designated to conduct the hearing. Such hearing shall, to the extent practicable, be conducted in accordance with the provisions of subchapter II of chapter 5 of title 5 of the United States Code, except that the parties shall not be bound by the rules of evidence, whether statutory, common law, or adopted by a court.

(b) An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript may be examined in the appropriate regional office during normal working hours. Requests by parties for copies of transcripts should be made to the official hearing reporter.

§ 1423.15 Intervention.

Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in § 1423.22. The motion shall state the grounds upon which such person claims involvement.

§ 1423.16 Rights of parties.

A party shall have the right to appear at any hearing in person, by counsel, or by other representative, and to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence, and to submit rebuttal evidence, except that the participation of any party shall be limited to the extent prescribed by the Administrative Law Judge. Two (2) copies of documentary evidence shall be submitted and a copy furnished to each of the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

§ 1423.17 Rules of evidence.

The parties shall not be bound by the rules of evidence, whether statutory, common law, or adopted by court. Any evidence may be received, except that an Administrative Law Judge may exclude any evidence which is immaterial, irrelevant, unduly repetitious or customarily privileged.

§ 1423.18 Burden of proof before the Administrative Law Judge.

The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

§ 1423.19 Duties and powers of the Administrative Law Judge.

It shall be the duty of the Administrative Law Judge to inquire fully into the facts as they relate to the matter before such judge. Subject to the rules and regulations of the Board and the General Counsel, an Administrative Law Judge presiding at a hearing may:

(a) Grant requests for subpenas pursuant to § 1429.7 of this subchapter;

(b) Rule upon petitions to revoke subpenas pursuant to § 1429.7 of this subchapter;

(c) Administer oaths and affirmations;

(d) Take or order the taking of a deposition whenever the ends of justice would be served thereby;

(e) Order responses to written interrogatories whenever the ends of justice would be served thereby unless it would interfere with the Board's and the General Counsel's policy of protecting the personal privacy and confidentiality of sources of information as set forth in § 1423.7(d);

(f) Call, examine and cross-examine witnesses and introduce into the record documentary or other evidence;

(g) Rule upon offers of proof and receive relevant evidence and stipulations of fact with respect to any issue;

(h) Limit lines of questioning or testimony which are immaterial, irrelevant, unduly repetitious, or customarily privileged;

(i) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in contemptuous conduct and strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(j) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon the judge's own motion;

(k) Dispose of procedural requests, motions, or similar matters, including motions referred to the Administrative Law Judge by the Regional Director and motions for summary judgment or to amend pleadings; dismiss complaints or portions thereof; order hearings reopened; and, upon motion, order proceedings consolidated or severed prior to issuance of the Administrative Law Judge's decision;

(l) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(m) Continue the hearing from day-to-day or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(n) Prepare, serve and transmit the decision pursuant to § 1423.26;

(o) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice: *Provided, however,* That the parties shall be given adequate notice, at the hearing or by reference in the Administrative Law Judge's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary;

(p) Approve requests for withdrawal of complaints based on informal settlements occurring after the opening of the hearing pursuant to § 1423.11(e)(1), and transmit formal settlement agreements to the Board for approval pursuant to § 1423.11(e) (2) and (3);

(q) Grant or deny requests made at the hearing to intervene and to present testimony;

(r) Correct or approve proposed corrections of the official transcript when deemed necessary;

(s) Sequester witnesses where appropriate; and

(t) Take any other action deemed necessary under the foregoing and not prohibited by the regulations in this subchapter.

§ 1423.20 Unavailability of Administrative Law Judges.

In the event the Administrative Law Judge designated to conduct the hearing becomes unavailable, the Chief Administrative Law Judge shall designate another Administrative Law Judge for the purpose of further hearing or issuance of a decision on the record as made, or both.

§ 1423.21 Objection to conduct of hearing.

(a) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Such objection shall not stay the conduct of the hearing.

(b) Formal exceptions to adverse rulings are unnecessary. Automatic exceptions will be allowed to all adverse rulings. Except by special permission of the Board, and in view of § 1429.11 of this subchapter, rulings by the Administrative Law Judge shall not be appealed prior to the transmittal of the case to the Board, but shall be considered by the Board only upon the filing of exceptions to the Administrative Law Judge's decision in accordance with § 1423.27. In the discretion of the Administrative Law Judge, the hearing may be continued or adjourned pending any such request for special permission to appeal.

§ 1423.22 Motions.

(a) *Filing of Motions.* (1) Motions made prior to a hearing and any response thereto shall be made in writing and filed with the Regional Director: *Provided, however,* That after the issuance of a complaint by the Regional Director any motion to postpone the hearing should be filed with the Chief Administrative Law Judge at least five (5) days prior to the opening of the scheduled hearing. Motions made after the hearing opens and prior to the transmittal of the case to the Board shall be made in writing to the Administrative Law Judge or orally on the record. After the transmittal of the case to the Board, motions and any response thereto shall be filed in writing with the Board: *Provided, however,* That a motion to correct the transcript shall be filed with the Administrative Law Judge.

(2) A response to a motion shall be filed within five (5) days after service of the motion, unless otherwise directed.

(3) An original and two (2) copies of the motions and responses shall be filed, and copies shall be served on the parties. A statement of such service shall accompany the original.

(b) *Rulings on motions.* (1) Regional Directors may rule on all motions filed with them before the hearing, or they may refer them to the Chief Administrative Law Judge.

(2) Except by special permission of the Board, and in view of § 1429.11 of this subchapter, rulings by the Regional Director shall not be appealed prior to the transmittal of the case to the Board, but shall be considered by the Board when the case is transmitted to it for decision.

(3) Administrative Law Judges may rule on motions referred to them prior to the hearing and on motions filed after the beginning of the hearing and before the transmittal of the case to the Board. Such motions may be ruled upon by the Chief Administrative Law Judge in the absence of an Administrative Law Judge.

(4) Except by special permission of the Board, and in view of § 1429.11 of this subchapter, rulings by Administrative Law Judges shall not be appealed prior to the transmittal of the case to the Board, but shall be considered by the Board when the case is transmitted to it for decision. In the discretion of the Administrative Law Judge, the hearing may be continued or adjourned pending any such request for special permission to appeal.

§ 1423.23 Waiver of objections.

Any objection not made before an Administrative Law Judge shall be deemed waived.

§ 1423.24 Oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.

§ 1423.25 Filing of brief.

Any party desiring to submit a brief to the Administrative Law Judge shall file the original and two (2) copies within a reasonable time fixed by the Administrative Law Judge, but not in excess of thirty (30) days from the close of the hearing. Copies of any brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the Administrative Law Judge. Requests for additional time to file a brief shall be made to the Chief Administrative Law Judge, in writing, and copies thereof shall be served on the other parties. A statement of such service shall be furnished. Requests for extension of time shall be received not later than five (5) days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

§ 1423.26 Transmittal of the Administrative Law Judge's decision to the Board; exceptions.

(a) After the close of the hearing, and the receipt of brief, if any, the Administrative Law Judge shall prepare the decision expeditiously. The Administrative Law Judge shall prepare a decision even when the parties enter into a stipulation of fact at the hearing. The decision shall contain findings of

fact, conclusions, and the reasons or basis therefor including credibility determinations, and conclusions as to the disposition of the case including, where appropriate, the remedial action to be taken and notices to be posted.

(b) The Administrative Law Judge shall cause the decision to be served promptly on all parties to the proceeding. Thereafter, the Administrative Law Judge shall transmit the case to the Board including the judge's decision and the record. The record shall include the charge, complaint, service sheet, answer, motions, rulings, orders, official transcript of the hearing, stipulations, objections, depositions, interrogatories, exhibits, documentary evidence and any briefs or other documents submitted by the parties.

(c) An original and three (3) copies of any exception to the Administrative Law Judge's decision and briefs in support of exceptions may be filed by any party with the Board within twenty-five (25) days after service of the decision: *Provided, however,* That the Board may for good cause shown extend the time for filing such exceptions. Requests for additional time in which to file exceptions shall be in writing, and copies thereof shall be served on the other parties. Requests for extension of time must be received no later than five (5) days before the date the exceptions are due. Copies of such exceptions and any supporting briefs shall be served on all other parties, and a statement of such service shall be furnished to the Board.

§ 1423.27 Contents of exceptions to the Administrative Law Judge's decision.

(a) Exceptions to an Administrative Law Judge's decision shall:

(1) Set forth specifically the questions upon which exceptions are taken;

(2) Identify that part of the Administrative Law Judge's decision to which objection is made; and

(3) Designate by precise citation of page the portions of the record relied on, state the grounds for the exceptions, and include the citation of authorities unless set forth in a supporting brief.

(b) Any exception to a ruling, finding or conclusion which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

§ 1423.28 Briefs in support of exceptions; oppositions to exceptions; cross-exceptions.

(a) Any brief in support of exceptions shall contain only matters included within the scope of the exceptions and shall contain, in the order indicated, the following:

(1) A concise statement of the case containing all that is material to the consideration of the questions presented;

(2) A specification of the questions involved and to be argued; and

(3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

(b) Any party may file an opposition to exceptions and cross-exceptions and a supporting brief with the Board within ten (10) days after service of any exceptions to an Administrative Law Judge's decision. Copies of the opposition to exceptions and the cross-exceptions and any supporting briefs shall be served on all other parties, and a statement of service shall be filed with the opposition to exceptions and cross-exceptions and any supporting briefs.

§ 1423.29 Action by the Board.

(a) After considering the Administrative Law Judge's decision, the record, and any exceptions and related submissions filed, the Board shall issue its decision affirming or reversing the Administrative Law Judge, in whole, or in part, or making such other disposition of the matter as it deems appropriate: *Provided, however,* That unless exceptions are filed which are timely and in accordance with § 1423.27, the Board may, at its discretion, adopt without discussion the decision of the Administrative Law Judge, in which event the findings and conclusions of the Administrative Law Judge, as contained in such decision shall, upon appropriate notice to the parties, automatically become the decision of the Board.

(b) Upon finding a violation, the Board shall issue an order:

(1) To cease and desist from any such unfair labor practice in which the Department or labor organization is engaged;

(2) Requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) Requiring reinstatement of an employee with backpay in accordance with 5 U.S.C. 5596; or

(4) Including any combination of the actions described in paragraphs (b) (1) through (3) of this section or such other action as will carry out the purpose of the Foreign Service Labor-Management Relations Statute.

(c) Upon finding no violation, the Board shall dismiss the complaint.

§ 1423.30 Compliance with decisions and orders of the Board.

When remedial action is ordered, the respondent shall report to the appropriate Regional Director within a specified period that the required remedial action has been effected. When the General Counsel finds that the required remedial action has not been effected, the General Counsel shall take such action as may be appropriate, including referral to the Board for enforcement.

§ 1423.31 Backpay proceedings.

After the entry of a Board order directing payment of backpay, or the entry of a court decree enforcing such order, if it appears to the Regional Director that a controversy exists between the Board and a respondent which cannot be resolved without a formal proceeding, the Regional Director may issue and serve on all parties a backpay specification accompanied by a notice of hearing or a notice of hearing without a specification. The respondent shall, within twenty (20) days after the service of a backpay specification accompanied by a notice of hearing, file an answer thereto in accordance with § 1423.13 with the Regional Director issuing such specification. No answer need be filed by the respondent to a notice of hearing issued without a specification. After the issuance of a notice of hearing, with or without a backpay specification, the procedures provided in §§ 1423.14 to 1423.29, inclusive, shall be followed insofar as applicable.

PART 1424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

Sec.

1424.1 Conditions governing review.
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Authority: 22 U.S.C. 4107(c).

§ 1424.1 Conditions governing review.

Pursuant to the authority contained in 22 U.S.C. 4107 (a)(3) and (c)(1) the Board will consider a direct appeal concerning

whether a matter proposed to be bargained is within the obligation to bargain under the Foreign Service Act of 1980 as follows: If the Department is involved in collective bargaining with an exclusive representative and alleges that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with applicable law, rule or regulation the exclusive representative may appeal the allegation to the Board when it disagrees with Department's allegation that the matter as proposed to be bargained is inconsistent with applicable law, rule or regulation.

§ 1424.2 Who may file a petition.

A petition for review of a negotiability issue may be filed by the exclusive representative which is a party to the negotiations.

§ 1424.3 Time limits for filing.

(a) The time limit for filing an appeal under this Part is fifteen (15) days from the Department's allegation, which was requested in writing by the exclusive representative, is served on the exclusive representative. The Department shall make the allegation in writing and serve a copy on the exclusive representative: *Provided, however,* That review of a negotiability issue may be requested by the exclusive representative under this part without a prior written allegation by the Department if a written allegation has not been served upon the exclusive representative within ten (10) days after the date of receipt by any Department bargaining representative at the negotiations of a written request for such allegation.

§ 1424.4 Content of petition; service.

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the matter proposed to be bargained as submitted to the Department;

(2) A copy of all pertinent material, including the Department's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(3) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor parctice charge filed by such labor organization under part 1423 of this subchapter and pending before the General Counsel.

(b) A copy of the petition including all attachments thereto shall be served on the Secretary and on the principal Department bargaining representative at the negotiations.

§ 1424.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to Part 1423 of this subchapter which involves a negotiability issue, and the labor organization also files pursuant to this part a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the appropriate Regional Director and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve the Department's allegation that the duty bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under this part.

§ 1424.6 Position of the Department; time limits for filing; service.

(a) Within thirty (30) days after the date of receipt by the Secretary of a copy of the petition for review of a negotiability issue the Department shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained; or

(2) Setting forth in full its position on any matters relevant to the petition which it wishes the Board to consider in reaching its decision, including a full and detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation.

(b) A copy of the Department's statement of position including all attachments thereto shall be served on the exclusive representative.

§ 1424.7 Response of the exclusive representative; time limits for filing; service.

(a) Within fifteen (15) days after the date of receipt by an exclusive representative of a copy of the Department's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons for disagreeing with the Department's allegation that the matter, as proposed to be bargained, is inconsistent with applicable law or rule or regulation.

(b) A copy of the response of the exclusive representative including all attachments thereto shall be served on the Secretary and on the Department's representative of record in the proceedings before the Board.

§ 1424.8 Additional submissions to the Board.

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under §§ 1424.2 through 1424.7 unless such submission is requested by the Board; or unless, upon written request by any party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

§ 1424.9 Hearing.

A hearing may be held, in the discretion of the Board, before a determination is made under 22 U.S.C. 4107(a)(3). If a hearing is held, it shall be expedited to the extent practicable and shall not include the General Counsel as a party.

§ 1424.10 Board decision and order; compliance.

(a) Subject to the requirements of this part the Board shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the Department a written decision on the allegation and specific reasons therefor at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Board shall include an order that the Department shall upon request (or as otherwise agreed to by the parties) bargain concerning such matter. If the Board finds that the duty to bargain does not extend to the matter proposed to be bargained, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of

the Department, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the Department or exclusive representative shall report to the appropriate Regional Director within a specified period failure to comply with an order that the Department shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter. If the Board finds such a failure to comply with its order, the Board shall take whatever action it deems necessary, including enforcement under 22 U.S.C. 4109(b).

PART 1425—REVIEW OF IMPLEMENTATION DISPUTE ACTIONS

Sec.
1425.1 Who may file an exception; time limits for filing; opposition; service.
1425.2 Content of exception.
1425.3 Grounds for review.
1425.4 Board decision.

Authority: 22 U.S.C. 4107(c).

§ 1425.1 Who may file an exception; time limits for filing; opposition; service.

(a) Either party to an appeal to the Foreign Service Grievance Board under the provisions of 22 U.S.C. 4114 may file an exception to the action of the Foreign Service Grievance Board taken pursuant to the appeal.

(b) The time limit for filing an exception to a Foreign Service Grievance Board action is thirty (30) days after such action is communicated to the parties.

(c) An opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.

(d) A copy of the exception and any opposition shall be served on the other party.

§ 1425.2 Content of exception.

An exception must be a dated, self-contained document which sets forth in full:

(a) A statement of the grounds on which review is requested;

(b) Evidence or rulings bearing on the issues before the Board;

(c) Arguments in support of the stated grounds, together with specific reference to the pertinent documents and citations of authorities; and

(d) A legible copy of the decision or other document representing the action taken by the Foreign Service Grievance Board, together with legible copies of other pertinent documents pertaining to the action.

§ 1425.3 Grounds for review.

The Board will review an action of the Foreign Service Grievance Board to which an exception has been filed to determine if it is deficient—

(a) Because it is contrary to any law, rule, or regulation; or

(b) On other grounds similar to those applied by Federal courts in private sector labor-managment relations.

§ 1425.4 Board decision.

The Board shall issue its decision taking such action and making such recommendations concerning the Foreign Service Grievance Board action as it considers necessary, consistent with applicable laws, rules, and regulations.

PART 1427—GENERAL STATEMENTS OF POLICY OR GUIDANCE

Sec.
1427.1 Scope.
1427.2 Requests for general statements of policy or guidance.
1427.3 Content of request.
1427.4 Submissions from interested parties.
1427.5 Standards governing issuance of general statements of policy or guidance.

Authority: 22 U.S.C. 4107(c).

§ 1427.1 Scope.

This part sets forth procedures under which requests may be submitted to the Board seeking the issuance of general statements of policy or guidance under 22 U.S.C. 4107(c)(2)(F).

§ 1427.2 Requests for general statements of policy or guidance.

(a) The head of the Department (or designee), the national president of a labor organization (or designee), or the president of a labor organization not affiliated with a national organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any lawful association not qualified as a labor organization may also ask the Board for such a statement provided the request is not in conflict with the provisions of the Foreign Service Labor-Management Relations Statute.

(b) The Board ordinarily will not consider a request related to any matter pending before the Board, General Counsel, Panel or Assistant Secretary.

§ 1427.3 Content of request.

(a) A request for a general statement of policy or guidance shall be in writing and must contain:

(1) A concise statement of the question with respect to which a general statement of policy or guidance is requested together with background information necessary to an understanding of the question;

(2) A statement of the standards under § 1427.5 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties

(4) Identification of any cases or other proceedings known to bear on the question which are pending under the Foreign Service Labor-Management Statute.

(5) Identification of other known interested parties.

(b) A copy of each document also shall be served on all known interested parties, including the General Counsel, the Panel, and the Assistant Secretary, where appropriate.

§ 1427.4 Submissions from interested parties.

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

§ 1427.5 Standards governing issuance of general statements of policy or guidance.

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

(a) Whether the question presented can more appropriately be resolved by other means;

(b) Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;

(c) Whether the resolution of the question presented would have general applicability under the Foreign Service Labor-Management Relations Statute.

(d) Whether the question currently confronts parties in the context of a labor-management relationship;

(e) Whether the question is presented jointly by the parties involved; and

(f) Whether the issuance by the Board of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the Foreign Service and would otherwise promote the purposes of the Foreign Service Labor-Management Relations Statute.

PART 1428—ENFORCEMENT OF ASSISTANT SECRETARY STANDARDS OF CONDUCT DECISIONS AND ORDERS

Sec.
1428.1 Scope.
1428.2 Petitions for enforcement.
1428.3 Board decision.

Authority: 22 U.S.C. 4107(c).

§ 1428.1 Scope.

This part sets forth procedures under which the Board, pursuant to 22 U.S.C. 4107(a)(5) enforce decisions and orders of the Assistant Secretary in standards of conduct matters arising under 5 U.S.C. 7120.

§ 1428.2 Petitions for enforcement.

(a) The Assistant Secretary may petition the Board to enforce any Assistant Secretary decision and order in a standards of conduct case arising under 22 U.S.C. 4117. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(b) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such position. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

§ 1428.3 Board decision.

(a) A decision and order of the Assistant Secretary shall be enforced unless it is arbitrary and capricious or based upon manifest disregard of the law.

(b) The Board shall issue its decision on the case enforcing, enforcing as modified, refusing to enforce, or remanding the decision and order of the Assistant Secretary.

PART 1429—MISCELLANEOUS AND GENERAL REQUIREMENTS

Subpart A—Miscellaneous

Sec.

1429.1 Transfer of cases to the Board.
1429.2 Transfer and consolidation of cases.
1429.3 Transfer of record.
1429.4 Referral of policy questions to the Board.
1429.5 Matters not previously presented; official notice.
1429.6 Oral argument.
1429.7 Subpenas.
1429.8 Stay of action taken by Grievance Board; requests.
1429.9 Amicus curiae.
1429.10 Advisory opinions.
1429.11 Interlocutory appeals.
1429.12 Service of process and papers by the Board.
1429.13 Official time.
1429.14 Witness fees.
1429.15 Board requests for advisory opinions.
1429.16 General remedial authority.

Subpart B—General Requirements

1429.21 Computation of time for filing papers.
1429.22 Additional time after service by mail.
1429.23 Extension; waiver.
1429.24 Place and method of filing; acknowledgement.
1429.25 Number of copies.
1429.26 Other documents.
1429.27 Service; statement of service.
1429.28 Petitions for amendment of regulations.

Authority: 22 U.S.C. 4107(c).

Subpart A—Miscellaneous

§ 1429.1 Transfer of cases to the Board.

(a) In any representation case under Part 1422 of this subchapter in which the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may transfer the case to the Board; and the Board may decide the case on the basis of the papers alone after having allowed twenty-five (25) days for the filing of briefs. In any unfair labor practice case under Part 1423 of this subchapter in which, after the issuance of a complaint, the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may upon agreement of all parties transfer the case to the Board; and the Board shall decide the case on the basis of the case papers alone after having allowed twenty-five (25) days for the filing of briefs. The Board may remand any such case to the Regional Director if it determines that a material question of fact does exist. Orders of transfer and remand shall be served on all parties.

(b) In any case under Parts 1422 and 1423 of this subchapter in which it appears to the Regional Director that the proceedings raise questions which should be decided by the Board, the Regional Director may, at any time, issue an order transferring the case to the Board for decision or other appropriate action. Such an order shall be served on the parties.

§ 1429.2 Transfer and consolidation of cases.

In any matter arising pursuant to Parts 1422 and 1423 of this subchapter, whenever it appears necessary in order to effectuate the purposes of the Foreign Service Labor-Management Relations Statute or to avoid unnecessary costs or delay, Regional Directors may consolidate cases within their own region or may transfer such cases to any other region, for the purpose of investigation or consolidation with any proceedings which may have been instituted in, or transferred to, such region.

§ 1429.3 Transfer of record.

In any case under Part 1425 of this subchapter, upon request by the Board, the parties jointly shall transfer the record in the case, including a copy of the transcript, if any, exhibits, briefs and other documents filed with the Grievance Board, to the Board.

§ 1429.4 Referral of policy questions to the Board.

Notwithstanding the procedures set forth in this subchapter, the General Counsel, the Assistant Secretary, or the Panel may refer for review and decision or general ruling by the Board any case involving a major policy issue that arises in a proceeding before any of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Board shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate.

§ 1429.5 Matters not previously presented; official notice.

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Regional Director, Hearing Officer, Administrative Law Judge, or Grievance Board. The Board may, however, take official notice of such matters as would be proper.

§ 1429.6 Oral argument.

The Board or the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances and conditions as they deem appropriate.

§ 1429.7 Subpenas.

(a) Any member of the Board, the General Counsel, any Administrative Law Judge appointed by the Board under 5 U.S.C. 3105, and any Regional Director, Hearing Officer, or other employee of the Board designated by the Board may issue subpenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence. However, no subpena shall be issued under this section which requires the disclosure of intramanagement guidance, advice, counsel, or training within an agency or between an agency and the Office of Personnel Management.

(b) Where the parties are in agreement that the appearance of witnesses or the production of documents is necessary, and such witnesses agree to appear, no such subpena need be sought.

(c) A request for a subpena by any person, as defined in 22 U.S.C. 4102 shall be in writing and filed with the Regional Director, in proceedings arising under Parts 1422 and 1423 of this subchapter, or filed with the Board, in proceedings arising under Parts 1424 and 1425 of this subchapter, not less than fifteen (15) days prior to the opening of a hearing, or with the appropriate presiding official(s) during the hearing.

(d) All requests shall name and identify the witnesses or documents sought, and state the reasons therefor. The Board, General Counsel, Administrative Law Judge, Regional Director, Hearing Officer, or any other employee of the Board designated by the Board, as appropriate, shall grant the request upon the determination that the testimony or documents appear to be necessary to the matters under investigation and the request describes with sufficient particularity the documents sought. Service of an approved subpena is the responsibility of the party on whose behalf the subpena was issued. The subpena shall show on its face the name and address of the party on whose behalf the subpena was issued.

(e) Any person served with a subpena who does not intend to comply, shall, within five (5) days after the date of service of the subpena upon such person, petition in writing to revoke the subpena. A copy of any petition to revoke a subpena shall be served on the party on whose behalf the subpena was issued. Such petition to revoke, if made prior to the hearing, and a written statement of service, shall be filed with the Regional Director, who may refer the petition to the Board, General Counsel, Administrative Law Judge, Hearing Officer, or any other employee of the Board designated by the Board, as appropriate, for ruling. A petition to revoke a subpena filed during the hearing, and a written statement of service, shall be filed with the appropriate presiding official(s). The Regional Director, or the appropriate presiding official(s) will, as a matter of course, cause a copy of the petition to revoke to be served on the party on whose behalf the subpena was issued, but shall not be deemed to assume responsibility for such service. The Board, General Counsel, Administrative Law Judge, Regional Director, Hearing Officer, or any other employee of the Board designated by the Board, as appropriate, shall revoke the subpena if the evidence the production of which is required does not relate to any matter under investigation or in question in the proceedings, or the subpena does not describe with sufficient particularity the evidence the production of which is required, or if for any other reason sufficient in law the subpena is invalid. The Board, General Counsel, Administrative Law Judge, Regional Director, Hearing Officer, or any other employee of the Board designated by the Board, as appropriate, shall make a simple statement of procedural or other ground for the ruling on the petition to revoke. The petition to revoke, any answer thereto, and any ruling thereon shall not become part of the official record except upon the request of the party aggrieved by the ruling.

(f) Upon the failure of any person to comply with a subpena issued, upon the request of the party on whose behalf the subpena was issued, the General Counsel shall, on behalf of such party, institute proceedings in the appropriate district court for the enforcement thereof, unless, in the judgment of the General Counsel, the enforcement of such subpena would be inconsistent with law and the policies of the Foreign Service Labor-Management Relations Statute. The General Counsel shall not be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court thereafter.

§ 1429.8 Stay of action taken by Grievance Board; requests.

(a) A request for a stay shall be entertained only in conjunction with and as a part of an exception to an action taken by the Grievance Board under Part 1425 of this subchapter. The filing of an exception shall not itself operate as a stay of the action involved in the proceedings.

(b) A timely request for a stay of an action taken by the Grievance Board to which an exception has been filed shall operate as a temporary stay of the award. Such temporary stay shall be deemed effective from the date of the action and shall remain in effect until the Board issues its decision and order on the exception, or the Board or its designee otherwise acts with respect to the request for the stay.

(c) A request for a stay of an action taken by the Grievance Board will be granted only where it appears, based upon the facts and circumstances presented, that:

(1) There is a strong likelihood of success on the merits of the appeal; and

(2) A careful balancing of all the equities, including the public interest, warrants issuance of a stay.

§ 1429.9 Amicus curiae.

Upon petition of an interested person, a copy of which petition shall be served on the parties, and as the Board deems appropriate, the Board may grant permission for the presentation of written and/or oral argument at any stage of the proceedings by an amicus curiae and the parties shall be notified of such action by the Board.

§ 1429.10 Advisory opinions.

The Board and the General Counsel will not issue advisory opinions.

§ 1429.11 Interlocutory appeals.

The Board and the General Counsel ordinarily will not consider interlocutory appeals.

§ 1429.12 Service of process and papers by the Board.

(a) *Methods of service.* Notices of hearings, reports and findings, decisions of Administrative Law Judges, complaints, written rulings on motions, decisions and orders, and all other papers required by this subchapter to be issued by the Board, the General Counsel, Regional Directors, Hearing Officers and Administrative Law Judges, shall be served personally or by certified mail or by telegraph.

(b) *Upon whom served.* All papers required to be served under paragraph (a) of this section shall be served upon all counsel of record or other designated representative(s) of parties, and upon parties not so represented. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) *Proof of service.* Proof of service shall be the verified return by the individual serving the papers setting forth the manner of such service, the return post office receipt, or the return telegraph receipt. When service is by mail, the date of service shall be the day when the matter served is deposited in the United States mail. When service is to be made to an addressee outside the United States, the date of service shall be the date received, as evidenced by official receipt.

§ 1429.13 Official time.

If the participation of any employee in any phase of any proceeding before the Board, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed

necessary by the Board, the General Counsel, any Administrative Law Judge, Regional Director, Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status. In addition, necessary transportation and per diem expenses shall be paid by the Department.

§ 1429.14 Witness Fees.

(a) Witnesses (whether appearing voluntarily, or under a subpena) shall be paid the fee and mileage allowances which are paid subpenaed witnesses in the courts of the United States: *Provided,* That any witness who is employed by the Federal Government shall not be entitled to receive witness fees in addition to compensation received pursuant to §1429.13.

(b) Witness fees and mileage allowances shall be paid by the party at whose instance the witnesses appear, except when the witness receives compensation pursuant to (the preceding section).

§ 1429.15 Board requests for advisory opinions.

(a) Whenever the Board, pursuant to section 1007(c)(2)(f) of the Foreign Service Act of 1980 (22 U.S.C. 4107) requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.

(b) The parties shall have fifteen (15) days from the date of service a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the parties in the manner and upon the Office of Personnel Management.

§ 1429.16 General remedial authority.

The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of chapter 41 of title 22 of the United States Code.

Subpart B—General Requirements.

§ 1429.21 Computation of time for filing papers.

In computing any period of time prescribed by or allowed by this subchapter, except in agreement bar situations described in § 1422.3(c) of this subchapter, the day of the act, event, or default from or after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or a Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or a Federal legal holiday: *Provided, however,* In agreement bar situations described in § 1422.3 (c) and (d), if the sixtieth (60th) day prior to the expiration date of an agreement falls on Saturday, Sunday or a Federal legal holiday, a petition, to be timely, must be received by the close of business of the last official workday preceding the sixtieth (60th) day. When the period of time prescribed or allowed is seven (7) days or less, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computations. When this subchapter requires the filing of any paper, such document must be received by the Board or the officer or agent designated to receive such matter before the close of business on the last day of the time limit, if any, for such filing or extension of time that may have been granted.

§ 1429.22 Additional time after service by mail.

Whenever a party has the right or is required to do some act pursuant to this subchapter within a prescribed period after service of a notice or other paper upon such party, and the notice or paper is served on such party by mail, five (5) days shall be added to the prescribed period.

§ 1429.23 Extension; waiver.

(a) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be filed in writing no later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

(b) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may waive any expired time limit in this subchapter in extraordinary circumstances. Request for a waiver of time limits shall state the position of the other parties and shall be served on the other parties.

(c) The time limits established in this subchapter may not be extended or waived in any manner other than that described in this subchapter.

(d) The time limits prescribed by 22 U.S.C. 4114(c) may not be waived.

§ 1429.24 Place and method of filing; acknowledgement.

(a) A document submitted to the Board pursuant to this subchapter shall be filed with the Board at the address set forth in the Appendix.

(b) A document submitted to the General Counsel pursuant to this subchapter shall be filed with the General Counsel at the address set forth in the Appendix.

(c) A document submitted to a Regional Director pursuant to this subchapter shall be filed with the appropriate regional office, as set forth in the Appendix.

(d) A document submitted to an Administrative Law Judge pursuant to this subchapter shall be filed with the appropriate Administrative Law Judge, as set forth in the Appendix.

(e) All documents filed pursuant to paragraphs (a), (b), (c) and (d) of this section shall be filed by certified mail or in person, or if the filing party is outside the United States, by the most appropriate available means.

(f) All matters filed under paragraphs (a), (b), (c) and (d) of this section shall be printed, typed, or otherwise legibly duplicated: Carbon copies of typewritten matter will be accepted if they are clearly legible.

(g) Documents in any proceedings under this subchapter, including correspondence, shall show the title of the proceeding and the case number, if any.

(h) The original of each document required to be filed under this subchapter shall be signed by the party or by an attorney or representative of record for the party, or by an officer of the party, and shall contain the address and telephone number of the person signing it.

(i) A return postal receipt may serve as acknowledgement of receipt by the Board, General Counsel, Administrative Law Judge, Regional Director, or Hearing Officer, as appropriate. The receiving officer will otherwise acknowledge receipt of documents filed only when the filing party so requests

and includes an extra copy of the document or its transmittal letter which the receiving office will date stamp upon receipt and return. If return is to be made by mail, the filing party shall include a self-addressed, stamped envelope for the purpose.

§ 1429.25 Number of copies.

Unless otherwise provided by the Board or the General Counsel, or their designated representatives, as appropriate, or under this subchapter, any document or paper filed with the Board, General Counsel, Administrative Law Judge, Regional Director, or Hearing Officer, as appropriate, under this subchapter, together with any enclosure filed therewith, shall be submitted in an original and four (4) copies. A clean copy capable of being used as an original for purposes such as further reproduction may be substituted for the original.

§ 1429.26 Other documents.

(a) The Board or the General Counsel, or their designated representatives, as appropriate, may in their discretion grant leave to file other documents as they deem appropriate.

(b) A copy of such other documents shall be served on the other parties.

§ 1429.27 Service; statement of service.

(a) Except as provided in § 1423.10 (c) and (d), any party filing a document as provided in this subchapter is responsible for serving a copy upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any interested person who has been granted permission by the Board pursuant to § 1429.9 to present written and/or oral argument as amicus curiae. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Service of any document or paper under this subchapter, by any party, including documents and papers served by one party on another, shall be made by certified mail or in person. A return post office receipt or other written receipt executed by the party or person served shall be proof of service.

(c) A signed and dated statement of service shall be submitted at the time of filing. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be in the day when the matter served is deposited in the U.S. mail or is delivered in person. When service is to be made to an addressee outside the United States, the date of service shall be the date received, as evidenced by official receipt.

§ 1429.28 Petitions for amendment of regulations.

Any interested person may petition the Board or General Counsel in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

SUBCHAPTER D—FOREIGN SERVICE IMPASSE DISPUTES PANEL

PART 1470—GENERAL

Subpart A—Purpose

Sec.
1470.1 Purpose.

Subpart B—Definitions

1470.2 Definitions.

Authority: 22 U.S.C. 4107(c), 4110.

Subpart A—Purpose.

§ 1470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of section 4110 of title 22 of the United States Code. They prescribed procedures and methods which the Foreign Service Impasse Disputes Panel may utilize in the resolution of negotiation impasses.

Subpart B—Definitions

§ 1470.2 Definitions.

(a) The term "Department" as used herein shall have the meaning set forth in 22 U.S.C. 3902 and 4103, and § 1421.4 of subchapter C of these regulations.

(b) The terms "labor organization," and "conditions of employment" as used herein shall have the meanings set forth in 22 U.S.C. 4102.

(c) The term "Executive Director" means the Executive Director of the Federal Service Impasses Panel as defined in 5 U.S.C. 7119(c).

(d) The terms "designated representative" or "designee" of the Panel means a Panel member, a staff member, or other individual designated by the Panel to act on its behalf pursuant to 22 U.S.C. 4110(c)(1).

(e) The term "hearing" means a factfinding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 22 U.S.C. 4110.

(f) The term "impasse" means that point in the negotiation of a collective bargaining agreement at which the parties are deadlocked, notwithstanding their efforts to reach agreement by direct negotiations and other voluntary arrangements, if any.

(g) The term "Panel" means the Foreign Service Impasses Disputes Panel described in 22 U.S.C. 4110(a) or a quorum thereof.

(h) The term "party" means the Department or the labor organization participating in the negotiation of a collective bargaining agreement.

(i) The term "quorum" means three (3) or more members of the Panel.

(j) The term "voluntary arrangements" means any appropriate technique, not inconsistent with the provisions of 22 U.S.C. 4110, used by the parties to assist in the negotiation of a collective bargaining agreement.

PART 1471—PROCEDURES OF THE PANEL

Sec.
1471.1 Request for Panel consideration.
1471.2 Content of request.
1471.3 Where to file.
1471.4 Copies and service.
1471.5 Investigation of request; Panel recommendation and assistance.
1471.6 Preliminary hearing procedures.
1471.7 Conduct of hearing and prehearing conference.
1471.8 Report and recommendations.
1471.9 Duties of each party following receipt of recommendations.
1471.10 Final action by the Panel.

Authority: 22 U.S.C. 4107(c), 4110.

§ 1471.1 Request for Panel consideration.

If direct negotiations and other voluntary arrangements for settlement, if any, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Panel to consider the matter by filing a request as hereinafter provided; or

(b) The Panel may, pursuant to 22 U.S.C. 4110(a), undertake consideration of the matter upon request of the Executive Director.

§ 1471.2 Content of request.

A request from a party or parties to the Panel for consideration of an impasse must be in writing and include the following information:

(a) Identification of the parties and individuals authorized to act on their behalf;

(b) Statement of issues at impasse and the summary of positions of the initiating party or parties with respect to those issues; and

(c) Number, length, and dates of negotiation sessions held, including the

nature and extent of all other voluntary arrangements utilized.

§ 1471.3 Where to file.

Requests to the Panel provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be directed to the Executive Director, Federal Service Impasses Panel, Suite 209, 1730 K Street NW., Washington, D.C. 20006.

§ 1471.4 Copies and service.

Any party submitting a request for Panel consideration of an impasse and any party submitting a response to such requests shall file an original and one copy with the Panel, shall serve a copy promptly on the other party to the dispute, and shall file a statement of such service with the Executive Director. When the Panel acts on a request from the Executive Director, it will notify the parties to the dispute.

§ 1471.5 Investigation of request; Panel recommendation and assistance.

Upon receipt of a request for consideration of an impasse, the Panel or its designee will promptly conduct an investigation. After due consideration, the Panel shall either:

(a) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(b) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Panel considers appropriate.

§ 1471.6 Preliminary hearing procedures.

When the Panel determines that a hearing is necessary under 1471.5 it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) Issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state (1) the names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representative appointed by the Panel; and (5) the issues to be resolved.

§ 1471.7 Conduct of hearing and prehearing conference.

(a) A designated representative of the Panel, when so appointed to conduct a hearing, shall have the authority on behalf of the Panel to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpenas;

(2) Conduct the hearing in open or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted (an original and one (1) copy of each brief, accompanied by a statement of service, shall be submitted to the designated representative of the Panel with a copy to the other party); and

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriated procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Panel in order to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

(c) An official reporter shall make the only official transcript of a hearing. Copies of the official transcript may be examined and copied at the Office of the Executive Director in accordance with Part 1411 of this chapter.

§ 1471.8 Report and recommendations.

(a) When a report is issued after a hearing conducted pursuant to §§ 1471.6 and 1471.7, it normally shall be in writing and, when authorized by the Panel, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Panel with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Panel shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

§ 1471.9 Duties of each party following receipt of recommendations.

(a) Within thirty (30) days after receipt of a report containing recommendations of the Panel or its designated representative, each party shall, after conferring with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

(c) All papers submitted to the Executive Director under this section shall be filed in duplicate, along with a statement of service showing that a copy has been served on the other party to the dispute.

§ 1471.10 Final action by the Panel.

(a) If the parties do not arrive at a settlement as a result of or during action taken under §§ 1471.5(a)(2), 1471.6, 1471.7, 1471.8, and 1471.9, the Panel may take whatever action is necessary and not inconsistent with 22 U.S.C. 4110 to resolve the impasse, including but not limited to methods and procedures which the Panel considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Panel deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Panel may hold hearings, administer oaths, take the testimony or deposition of any person under oath, and issue subpenas as provided in 22 U.S.C. 4110(c)(2), or it may appoint or designate one or more individuals pursuant to 22 U.S.C. 4110(c)(1) to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in § 1471.7 shall apply.

(d) Notice of any final action of the Panel shall be promptly served upon the parties, and the action shall be binding

on such parties during the term of the agreement, unless they agree otherwise.

(e) All papers submitted to the Executive Director under this section shall be filed in duplicate, along with a statement of service showing that a copy has been served on the other party to the dispute.

Appendix A to Chapter XIV

Current Addresses and Geographic Jurisdictions

(a) The Office address of the Board is as follows: 1900 E Street, NW., Room 7469, Washington, D.C. 20424. Telephone: Office of Executive Director, FTS—254–9595; Commercial—(202) 254–9595. Office of Operations, FTS—254–7362; Commercial—(202) 254–7362

(b) The Office address of the General Counsel is as follows: 1900 E Street, NW., Room 7469, Washington, D.C. 20424. Telephone: FTS—632–6264; Commercial—(202) 632–6264

(c) The Office address of the Chief Administrative Law Judge is as follows: 1111 20th Street, NW., Room 416, Washington, D.C. 20036. Telephone: FTS—653–7375; Commercial—(202) 653–7375

(d) The Office addresses of Regional Directors of the Authority are as follows:

(1) *Boston Regional Office,* 441 Stuart Street, 9th Floor, Boston, MA 02116. Telephone: FTS—223–0920; Commercial—(617) 223–0920

(2) *New York Regional Office,* 26 Federal Plaza, Room 241, New York, NY 10278. Telephone: FTS—264–4934; Commercial—(212) 264–4934

(a) *Philadelphia Sub-Regional Office,* 325 Chestnut Street, Mall Building, Room 5000, Philadelphia, PA 19106. Telephone: FTS—597–1527; Commercial—(215) 597–1527

(3) *Washington Regional Office,* 1133 15th Street, NW., Suite 300, Washington, D.C. 20005. Telephone: FTS—653–8452; Commercial—(202) 653–8452

(4) *Atlanta Regional Office,* 1776 Peachtree Street, NW., Suite 501, North Wing, Atlanta, GA 30309. Telephone: FTS—257–2324; Commercial—(404) 881–2324 or 881–2325

(5) *Chicago Regional Office,* 175 W. Jackson Blvd., Suite 1359–A, Chicago, IL 60604. Telephone: FTS—886–3468 or 886–3469; Commercial—(312) 353–6306

(a) *Cleveland Sub-Regional Office,* 1301 Superior Avenue, Suite 230, Cleveland, OH 44114. Telephone: FTS—293–2114; Commercial—(216) 522–2114

(6) *Dallas Regional Office,* Downtown Post Office Station, Bryan and Ervay Streets, P.O. Box 2640, Dallas, TX 75221. Telephone: FTS—729–4996; Commercial—(214) 767–4996

(7) *Kansas City Regional Office,* City Center Square, 1100 Main Street, Suite 680, Kansas City, MO 64105. Telephone: FTS—758–2199; Commercial—(816) 374–2199

(a) *Denver Sub-Regional Office,* 1531 Stout Street, Suite 301, Denver, CO 80202. Telephone: FTS—327-5224; Commercial—(303) 837-5224

(8) *Los Angeles Regional Office,* 350 So. Figueroa Street, 10th Floor, World Trade Center, Los Angeles, CA 90071. Telephone: FTS—798–3805; Commercial—(213) 688–3805

(a) *Honolulu Sub-Regional Office,* Room 3206, 300 Alamoana Blvd., Honolulu, Hawaii 96850. Telephone: FTS—556–0220 through San Francisco FTS Operator; Commercial—(808) 546–8355

(9) *San Francisco Regional Office,* 530 Bush Street, Room 542, San Francisco, CA 94108. Telephone: FTS—556–8105; Commercial—(415) 556–8105

(e) The Office address of the Panel is as follows: 1730 K Street, NW., Suite 209, Washington, D.C. 20006. Telephone: FTS—653–7078; Commercial—(202) 653–7078

(f) The geographic jurisdictions of the Regional Directors of the Authority, are as follows:

State or other locality	Regional office
Alabama	Atlanta
Alaska	San Francisco
Arizona	Los Angeles
Arkansas	Dallas
California	Los Angeles/San Francisco [1]
Colorado	Kansas City
Connecticut	Boston
Delaware	New York
District of Columbia	Washington, D.C.
Florida	Atlanta
Georgia	Atlanta
Hawaii and all land and water areas west of the continents of North and South America (except coastal islands) to long. 90¼E	Los Angeles
Idaho	San Francisco
Illinois	Chicago
Indiana	Chicago
Iowa	Kansas City
Kansas	Kansas City
Kentucky	Atlanta
Louisiana	Dallas
Maine	Boston
Maryland	Washington, D.C.
Massachusetts	Boston
Michigan	Chicago
Minnesota	Chicago
Mississippi	Atlanta
Missouri	Kansas City
Montana	Kansas City
Nebraska	Kansas City
Nevada	San Francisco
New Hampshire	Boston
New Jersey	New York
New Mexico	Dallas
New York	Boston/New York [2]
North Carolina	Atlanta
North Dakota	Kansas City
Ohio	Chicago
Oklahoma	Dallas
Oregon	San Francisco
Pennsylvania	New York
Puerto Rico	New York
Rhode Island	Boston
South Carolina	Atlanta
South Dakota	Kansas City
Tennessee	Atlanta
Texas	Dallas
Utah	Kansas City
Vermont	Boston
Virginia	Washington, D.C./ Atlanta [3]
Washington	San Francisco
West Virginia	Washington, D.C.
Wisconsin	Chicago
Wyoming	Kansas City
Virgin Islands	New York
Panama/Limited FLRA jurisdiction	Dallas
All land and water areas east of the continents of North and South America to long. 90¼E, except the Virgin Islands, Panama (limited FLRA jurisdiction), Puerto Rico and coastal islands	Washington

[1] San Francisco includes the following California counties: Monterey, Kings, Tulare, Inyo, and all counties north thereof. All counties in California south thereof are within the Los Angeles jurisdiction.

[2] New York includes the following counties: Ulster, Sullivan, Greene, Columbia and all counties south thereof. All counties in New York state north thereof are in the jurisdiction of Boston.

[3] Washington, D.C. includes the following counties in Virginia: Alexandria, Fairfax, Fauquier, Loudoun and Prince William. All other counties within Virginia are in the jurisdiction of Atlanta.

Note.—The Foreign Service Labor Relations Board, the Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority, and the Foreign Service Impasses Disputes Panel have determined that this document does not require preparation of a Regulatory Flexibility Analysis as required under section 605(b) of the Regulatory Flexibility Act of 1980.

Dated: September 9, 1981.

Ronald W. Haughton,
Chairperson.
Arnold Ordman,
Member.
Arnold M. Zack,
Member.
H. Stephen Gordon,
General Counsel.

[FR Doc 81–26694 Filed 9–14–81; 8:45 am]
BILLING CODE 6727–01–M

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22 CFR Ch. XIV

Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority Under the Foreign Service Labor-Management Relations Statute

AGENCY: Foreign Service Labor Relations Board.

ACTION: Foreign Service Labor Relations Board memorandum describing the authority and assigned responsibilities of the General Counsel of the Federal Labor Relations Authority under the Foreign Service Labor-Management Relations Statute.

SUMMARY: This memorandum of the Foreign Service Labor Relations Board describes the statutory authority and sets forth the prescribed duties and authority of the General Counsel of the Federal Labor Relations Authority under the Foreign Service Labor-Management Relations Statute.

EFFECTIVE DATE: February 15, 1981.

FOR FURTHER INFORMATION CONTACT:
James J. Shepard, Executive Director, Board (202) 254–9595
S. Jesse Reuben, Deputy General Counsel, (202) 254–8305

SUPPLEMENTARY INFORMATION: The Foreign Service Labor Relations Board was established by Chapter 10 of title 1 of the Foreign Service Action of 1980, effective February 15, 1980 (94 Stat. 2128). Pursuant to 5 U.S.C. 552(a)(1), the Board hereby publishes, the following memorandum of the Board describing the authority and assigned responsibilities of the General Counsel of the Federal Labor Relations Authority under the Foreign Service Labor-Management Relations Statute (Foreign Service Statute).

22 CFR Chapter XIV is amended by adding the following Appendix B to read as follows:

Appendix B to Ch. XIV—Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the Federal Labor Relations Authority Under the Foreign Service Labor-Management Relations Statute

The statutory authority and responsibility of the General Counsel of the Federal Labor Relations Board are stated in section 4108 subsections (1), (2) and (3), of the Foreign Service Labor-Management Relations Statute as follows:

Section 4108 Functions of the General Counsel

The General Counsel may—

(A) investigate alleged unfair labor practices under this chapter,

(B) file and prosecute complaints under this chapter, and

(C) exercise such other powers of the Board as the Board may prescribe.

This memorandum is intended to describe the statutory authority and set forth the prescribed duties and authority of the General Counsel of the Federal Labor Relations Authority under the Foreign Service Statute, effective February 15, 1981.

I. *Case handling.* A. *Unfair labor practice cases.* The General Counsel has full and final authority and responsibility, on behalf of the Board, to accept and investigate charges filed, to enter into and approve the informal settlement of charges, to approve withdrawal requests, to dismiss charges, to determine matters concerning the consolidation and severance of cases before complaint issues, to issue complaints and notices of hearing, to appear before Administrative Law Judges in hearings on complaints and prosecute as provided in the Board's and the General Counsel's rules and regulations, and to initiate and prosecute injunction proceedings as provided for in section 4109(d) of the Foreign Service Statute. After issuance of the Administrative Law Judge's decision, the General Counsel may file exceptions and briefs and appear before the Board in oral argument, subject to the Board's and the General Counsel's rules and regulations.

B. *Compliance actions (injunction proceedings).* The General Counsel is authorized and responsible, on behalf of the Board, to seek and effect compliance with the Board's orders and make such compliance reports to the Board as it may from time to time require.

On behalf of the Board, the General Counsel will, in full accordance with the directions of the Board, initiate and prosecute injunction proceedings as provided in section 4109(d) of the Foreign Service Statute: *Provided however,* That the General Counsel will initiate and conduct injunction proceedings under section 4109(d) of the Foreign Service Statute only upon approval of the Board.

C. *Representation cases.* The General Counsel is authorized and has responsibility, on behalf of the Board, to receive and process, in accordance with the decisions of the Board and with such instructions and rules and regulations as may be issued by the Board from time to time, all petitions filed pursuant to sections 4111 and 4118(c) of the Foreign Service Statute. The General Counsel is also authorized and has responsibility to supervise or conduct elections pursuant to section 4111 of the Foreign Service Statute and to enter into consent election agreements in accordance with section 4111(g) of the Foreign Service Statute.

The authority and responsibility of the General Counsel in representation cases shall extend, in accordance with the rules and regulations of the Board and the General Counsel, to all phases of the investigation through the conclusion of the hearing (if a hearing should be necessary to resolve disputed issues), but all matters involving decisional action after such hearings are reserved by the Board to itself. In the event a direction of election should issue by the Board, the authority and responsibility of the General Counsel, as herein prescribed, shall attach to the conduct of the ordered election, the initial determination of the validity of challenges and objections to the conduct of the election and other similar matters, except that if appeals shall be taken from the General Counsel's action on the validity of challenges and objections, such appeals will be directed to and decided by the Board in accordance with its procedural requirements. If challenged ballots would not affect the election results and if no objections are filed within five days after the conduct of the Board-directed election under the provisions of section 4111 of the Foreign Service Statute, the General Counsel is authorized and has responsibility, on behalf of the Board, to certify to the parties the results of the election in accordance with regulations prescribed by the Board and the General Counsel.

Appeals from the refusal of the General Counsel to issue a notice of hearing, from the conclusions contained in a report and findings issued by the General Counsel, or from the dismissal by the General Counsel of any petition, will be directed to and decided by the Board, in accordance with its procedural requirements.

In processing election petitions filed pursuant to section 4111 of the Foreign Service Statute and petitions filed pursuant to section 4118(c) of the Foreign Service Statute, the General Counsel is authorized to conduct an appropriate investigation as to the authenticity of the prescribed showing of interest and, upon making a determination to proceed, where appropriate, to supervise or conduct a secret ballot election or certify the validity of a petition for determination of eligibility for dues allotment. After an election, if there are no challenges or objections which require a hearing by the Board, the General Counsel shall certify the results thereof, with appropriate copies lodged in the Washington, D.C., files of the Board.

II. *Liaison with other governmental agencies.* The General Counsel is authorized and has responsibility, on behalf of the Board, to maintain appropriate and adequate liaison and arrangements with the Office of the Assistant Secretary of Labor for Labor-Management Relations with reference to the financial and other reports required to be filed with the Assistant Secretary pursuant to section 4117 of the Foreign Service Statute and the availability to the Board and the General Counsel of the contents thereof. The General Counsel is authorized and has responsibility, on behalf of the Board, to

maintain appropriate and adequate liaison with the Foreign Service Grievance Board with respect to functions which may be performed by the Foreign Service Grievance Board.

III. To the extent that the above-described duties, powers and authority rest by statute with the Board, the foregoing statement constitutes a prescription and assignment of such duties, powers and authority, whether or not so specified.

Dated: September 9, 1981.

Foreign Service Labor Relations Board.

Ronald W. Haughton,

Chairperson.

Arnold Ordman,

Member.

Arnold M. Zack,

Member.

[FR Doc. 81-26695 Filed 9-14-81; 8:45 am]

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federal register

Tuesday
September 15, 1981

Part III

Department of the Interior

Bureau of Land Management

Oil and Gas Leasing; Increase in Filing Fees Accompanying Noncompetitive Oil and Gas Lease Applications

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3100 and 3110

[Circular No. 2491]

Oil and Gas Leasing; Increase in Filing Fees Accompanying Noncompetitive Oil and Gas Lease Applications

AGENCY: Bureau of Land Management, Interior.

ACTION: Interim final rulemaking.

SUMMARY: This interim final rulemaking will increase the filing fee that accompanies noncompetitive oil and gas lease applications from the current $10 to $25 as required by the Omnibus Budget Reconciliation Act. The change will be applicable to all lease applications filed on or after October 1, 1981.

EFFECTIVE DATE: October 1, 1981.

ADDRESS: Any comments, suggestions or inquiries should be sent to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles Weller, (202) 343–7753.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act provides in part that "* * *, effective October 1, 1981, all applications for noncompetitive oil and gas leases shall be accompanied by a filing fee of not less than $25 for each such application: * * *". Consistent with that Congressional mandate, the Department of the Interior is amending the Oil and Gas Leasing regulations to increase the filing fee for noncompetitive oil and gas lease applications from $10 to $25. In the absence of this interim final rulemaking, the existing regulations would be invalid because they would be inconsistent with the Omnibus Budget Reconciliation Act and, therefore, noncompetitive oil and gas lease applications could be accepted.

This change in filing fees will apply to all noncompetitive oil and gas lease applications filed on or after October 1, 1981, the effective date of this rulemaking. Any applications received in the proper Bureau of Land Management office after the effective date and not accompanied by a $25 filing fee will be considered unacceptable and will be returned to the applicant, along with the filing fee.

Since the Omnibus Budget Reconciliation Act requires that the filing fee increase be made effective as of October 1, 1981, there is insufficient time to publish the change in the regulations as a proposed rulemaking. This rulemaking is therefore published as an interim final rulemaking giving the public an opportunity to comment. Comments received on this interim final rulemaking will be reviewed and incorporated with comments on any subsequent revision of 43 CFR Part 3100 which covers filing fees and changes thereto. In addition, the Department of the Interior has determined that good cause exists for publishing this rulemaking in the **Federal Register** less than 30 days prior to its effective date.

The Omnibus Budget Reconciliation Act, in addition to requiring that the filing fee for noncompetitive oil and gas lease applications be set at $25, gives the Secretary of the Interior authority to increase the filing fee above that figure. The public is requested to give its views on the question of whether the filing fee should be increased above $25. While the Department of the Interior has no discretion concerning the increase of the filing fee to $25, it will receive and review any and all comments, suggestions or inquiries concerning this final rulemaking.

The Bureau of Land Management State offices will post notices explaining this change. They will also take whatever action is deemed necessary to ensure the broadest possible coverage in publicizing the increase in the filing fee.

The principal author of this final rulemaking is Rob Cervantes, Division of Onshore Energy Resources, Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Reform Act (Pub. L. 96–354).

Under the authority of the Omnibus Budget Reconciliation Act, Parts 3100 and 3110, Group 3100, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations are amended as follows.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

August 31, 1981.

PART 3100—OIL AND GAS LEASING

§ 3103.1–3 [Amended]

1. Section 3103.1–3 is amended by deleting the figure "$10" where it appears and replacing it with the figure "$25".

§ 3103.2–1 [Amended]

2. Section 3103.2–1(a) is amended by deleting the figure "$10" where it appears and replacing it with the figure "$25".

PART 3110—NONCOMPETITIVE LEASES

§ 3111.1–3 [Amended]

3. Section 3111.1–3(a) is amended by deleting the figure "$10" where it appears and replacing it with the figure "$25".

§ 3112.2–2 [Amended]

1. Section 3112.2–2(a) is amended by deleting the figure "$10" where it appears and replacing it with the figure "$25".

[FR Doc. 81–26824 Filed 9–14–81; 8:45 am]

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federal register

Tuesday
September 15, 1981

Part IV

Department of Commerce

National Oceanic and Atmospheric Administration

Deep Seabed Mining Regulations for Exploration Licenses: Final Rules

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 970

Deep Seabed Mining Regulations for Exploration Licenses

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rules.

SUMMARY: Pub. L. 96–283, the Deep Seabed Hard Mineral Resources Act (the Act), establishes a program pursuant to which the Administrator of the National Oceanic and Atmospheric Administration (NOAA) is authorized to issue to eligible United States citizens licenses for exploration for deep seabed hard mineral resources and permits for the commercial recovery of such resources. The Act calls for NOAA to issue such regulations as are required by or are necessary and appropriate to implement this program. These rules set forth the procedures and substantive requirements according to the terms of the Act pursuant to which U.S. citizens may apply for and NOAA will issue exploration licenses.

DATES: These rules will become effective October 15, 1981.

ADDRESSES: Inquiries and submissions should be mailed to: Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: James P. Lawless, Acting Director, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, Telephone: (202) 653–7695.

SUPPLEMENTARY INFORMATION: The Act was signed into law on June 28, 1980. It establishes a legal structure pursuant to which United States citizens may proceed with the exploration for and commercial recovery of deep seabed hard minerals (commonly referred to as "manganese nodules"), pending conclusion of an acceptable Law of the Sea Treaty which would address the same issue. The Act authorizes the Administrator of NOAA to issue to eligible U.S. citizens licenses for the exploration for deep seabed hard minerals (which licenses may not be issued before July 1, 1981) and permits for the commercial recovery of such minerals (which permits may not authorize commercial recovery to commence before January 1, 1988). The Act also authorizes NOAA, in consultation with the Secretary of State and the heads of other appropriate departments and agencies, to designate as reciprocating states those other nations which establish seabed mining programs which are compatible with and recognize the U.S. program. These reciprocal arrangements will provide a mechanism whereby each nation will recognize the rights of the others' miners.

These regulations for the issuance of exploration licenses have been developed, consistent with the purposes of the Act, to establish a legal framework to facilitate the development of the new seabed mining industry in the United States, while assuring that such efforts proceed in a responsible and environmentally sensitive manner. The regulations are intended to provide the necessary degree of certainty to the industry in the United States, while also recognizing the need for flexibility in order to promote the development of deep seabed mining technology, and the usefulness of allowing initiative on behalf of miners to develop mining techniques and systems in a manner compatible with requirements of the Act and these regulations. In this regard the regulations reflect an approach, pursuant to the Act, whereby the issues discussed ultimately will be addressed and evaluated on the basis of the application and exploration plan submitted by each applicant.

Structure of the Regulations

The proposed regulations are structured to present procedures and requirements in the approximate chronological order they will be encountered in the application process. They begin by setting out their underlying purpose and the basic legal premises established by the Act, as well as the definitions applicable to the rules. Next, the steps that the applicant and NOAA will follow are set forth mostly in Subparts B through E, while the more substantive discussion of major issues that arise during the course of issuing and operating under a license are found primarily in Subparts F, G, and H. Miscellaneous provisions, plus the primary procedural subparts, follow.

Public Comment Opportunities

In developing these regulations, NOAA has pursued a continuing effort to provide for and encourage public participation. On July 28, 1980, NOAA published in the **Federal Register** and distributed an advance notice of proposed rulemaking (45 FR 49953), seeking comments and information for use in this rulemaking. In November 1980, after considering the responses received on the advance notice, NOAA issued a discussion paper on the major issues to be addressed in regulations. This paper was sent to interested persons and organizations, and a notice published in the **Federal Register** (45 FR 79089, November 28, 1980), seeking comments. Also, a public hearing was held on December 17, 1980, to receive comments. With the benefit of these earlier comments NOAA published proposed rules on pages 18448–18475 of the **Federal Register** of March 24, 1981, and invited comments to be submitted by May 29, 1981. Also during this period public hearings were held in Honolulu, San Francisco and Washington, D.C. Comments on the proposed rules were received from 25 sources, including industry, state representatives, environmental groups, academia and other Federal agencies. Copies of the comments are available for review at the above address.

Summary of Comments and Responses

The comments submitted were useful in assisting NOAA to consider further the issues raised by the requirements of the Act and the related provisions in the regulations. A number of such comments provided improvements and refinements to the general approach proposed by NOAA, while many were the basis for clarification of specific provisions. The following summarizes the major comments and NOAA's responses.

Subpart A—General

Two commentors proposed that NOAA define or distinguish in greater detail those activities for which a license is not required. In the preamble to its proposed rules, NOAA indicated its initial view that a definitive and useful expansion in defining these exempted activities could not be provided, and that there were sufficient other incentives for a person to file an application for a license, if required, that such expansion was not necessary. Since these commentors did not offer any specific provisions or any reason why NOAA's initial view was invalid, and having reconsidered this issue, NOAA has concluded that it still is not necessary to expand on these exemptions.

Another commentor suggested that the regulations require parties, when undertaking in a license area those activities authorized to occur without a license, to give prior notice thereof, so as to allow for preventing conflicts with the activities of the licensee. Since such exempted activities do not require a

NOAA license, NOAA believes the Act does not provide authority to require such notice in the absence of conflict. However, NOAA believes that the public nature of issuing a license will provide adequate notice to such interested parties so as to alert them to the possibility of conflict and thus reduce the likelihood of its occurring.

Subpart B—Applications

Pre-application consultations. It was suggested that, with respect to the pre-application consultation provided for in § 970.200(d), the regulations should specify that in appropriate circumstances NOAA would provide written confirmation to the applicant of and verbal guidance resulting from such consultations. This has been incorporated into the regulations.

Statement of financial resources. The point was made that, at the time of submitting a license application, it is unlikely that an applicant would have actual assurance of the funding necessary for his entire exploration program. Rather, the comment suggested that a more realistic test should be whether the applicant can demonstrate a reasonable capability to commit or raise sufficient resources. (Thereafter, periodic review could be maintained satisfactorily through diligence requirements.) This revision was incorporated in § 970.201(a) and also is reflected in § 970.401. Commentors also suggested that the application need contain financial information with respect to only the applicant and those entities upon which the applicant will rely to finance his exploration activities and further suggested reliance on current Securities and Exchange Commission filings as sufficient documentation for publicly-held companies. NOAA agrees that these are reasonable revisions to this portion of the regulations, and has incorporated changes to this effect. Thus, the regulations no longer rely on the § 970.101(d) definition of "affiliate" in addressing the financial resources of the applicant. In addition, NOAA has incorporated the suggestion that § 970.201(b) request credit and bond ratings only if relevant. NOAA does not believe, however, that it can justify incorporating the suggested automatic exclusion of such information because it is proprietary or not reasonably available. Such information is still likely to be necessary for NOAA's determination. With respect to the former, § 970.902 specifically provides for protection of proprietary information, so that such exclusion is unnecessary. As for the latter, it would be impossible to define in these regulations what constitutes reasonable availability. Rather, individual difficulties can be addressed during pre-application consultations in each case.

Technological capabilities. In regard to this issue, it was suggested that an applicant be allowed to present technological knowledge and skills to which he can demonstrate access, as well as that which he possesses. This clarification has been incorporated in both §§ 970.202 and 970.402. The latter section, in response to a comment, also clarifies that the applicant need not demonstrate existing availability of all technology for the full exploration plan, particularly pertaining to the later stages of exploration. Rather, to allow for the future evolution of such technology, he need only show a reasonable expectation of obtaining the necessary technology.

Exploration plan. Several comments proposed that, rather than indicating that an exploration plan must reflect the actual initiation of commercial recovery by the end of the ten-year license period, it would be more appropriate for the regulations to provide that the plan must reflect the development of information within the license period which is sufficient to provide a basis for an application for a commercial recovery permit. NOAA concurs with this concept and has incorporated language in § 970.203(a) to reflect it. Related provisions in § 970.602(b) pertaining to diligence requirements also have been revised to reflect this approach. In addition, in response to comment, NOAA has clarified its view that the intended exploration schedule in an exploration plan can be sufficiently flexible to take into account the different concepts and chronologies to be employed by different applicants. This clarification includes the recognition in the regulations that a proposed licensee's approach could rely on the future participation by other entities to develop a mine site. If so, the plan should include a general description of how the applicant proposes to dovetail its activities with those of the other entities. The regulations also clarify, in response to comment, that at the time of application descriptions of planned designs and tests of recovery and processing systems can be general. These provisions were accompanied by other clarifications on the contents for an exploration plan, in response to comments. In particular, NOAA has added the specific recognition that the plan may include a retrospective element in the form of a description of any relevant activity, i.e., exploration and prospecting work completed by the applicant prior to the submission of the application. One commentor also proposed that the provisions in § 970.203(b)(7), pertaining to plans for environmental monitoring and protection, be deleted and deferred until commercial recovery. However, NOAA believes this would be contrary to the Act since section 103(a)(2)(B) thereof specifies this as one element of an exploration plan.

Environmental information. Comments requested some clarification of the information needed for the site-specific EIS which NOAA must issue for each license, including clarification on the timeliness of submission of such information. The regulations have been revised in § 970.204(a) in this regard. They set forth the approach which has been developed in more detail in the technical guidance document referenced in that subsection. The clarification includes the minimum information which NOAA will need with an application, as well as the explanation of the need for all information at least one year prior to the testing of integrated mining systems. Although the regulations strongly encourage the submission of all needed information with the application, this need for any remaining information one year in advance of testing is based upon the possibility that, to the extent that detailed information on system tests is submitted subsequent to the basic application, NOAA may be required to issue a supplement to the site-specific EIS relating to the license. Until its EIS responsibilities are met, NOAA cannot authorize such system testing activities. NOAA did not feel it could accept one comment, that information need be submitted only on prototype or large-scale equipment tests since small-scale tests will not require the filing of a supplement. NOAA believes it is premature to make this distinction and determination in the absence of more specific information. Thus, the regulations provide for information on all tests of integrated mining systems.

Vessel safety. One comment received questioned the authority of the Administrator to require foreign flag vessels to comply with structural and safety requirements for United States vessels when the flag state is not a party to either SOLAS 74 or SOLAS 60. It was suggested that flag state requirements in conjunction with satisfaction of the applicable rules of an international classification society would provide adequate protection for the safety of life and property at sea. NOAA believes the commentor was not correct in stating that Congress did not convey authority

to the Administrator to require adherence by foreign flag vessels to standards adequate to insure the safety of life and property at sea, whether the standards be those of the United States or some other adequate criterion. The United States has adhered to the position that minimum design and construction standards should be implemented through competent international organizations. Thus, the suggestion that satisfaction of flag state requirements would suffice to enable the Administrator to make the necessary findings is not compelling. Further, such an approach would demand a case-by-case review of the design and construction standards for non-SOLAS flag states. However, consideration of the suggestion that certification of international classification societies would adequately address the safety concerns at issue has led to the conclusion that the small percentage of vessels not registered under SOLAS flags could most effectively be handled by requiring their certification to the applicable published rules of a member of the International Association of Classification Societies (IACS). Therefore, § 970.205(b)(3) has been altered to allow such certification to provide the basis for the necessary determinations with respect to safety of life and property at sea, pursuant to §§ 970.507, 970.521 and Subpart H of these regulations.

NPDES requirements. Although section 109(e) of the Act provides that requirements pertaining to National Pollutant Discharge Elimination System (NPDES) permits, pursuant to the Clean Water Act, apply to any discharge of a pollutant from a vessel or other floating craft engaged in deep seabed mining exploration, there is no legal requirement for an applicant to obtain such a permit prior to NOAA's issuance of an exploration license. Nevertheless, in its proposed rules NOAA had included a mechanism, as part of the NOAA application, for facilitating the efforts of both prospective miners and the Environmental Protection Agency (EPA) with respect to NPDES permits. This effort also included the assessment in NOAA's programmatic environmental impact statement of the effects on water quality of discharges from deep seabed mining exploration activities. However, in subsequent discussions with NOAA, EPA has advised of its intention to issue a general NPDES permit to cover all deep seabed mining exploration activities which are covered by these regulations, and has initiated efforts to do so. Since EPA's regulations providing for the issuance of general NPDES permits eliminate the need for applications, NOAA has deleted from its application regulations reference to EPA's requirements for NPDES applications. However, owners or operators of deep seabed mining facilities will be required under EPA procedures to notify EPA of their intent to be covered by the general permit when it is issued. If EPA's procedures should result in that agency's not issuing a final general NPDES permit to cover these activities, the individual explorer would be required to apply for an individual NPDES permit under 40 CFR 122.53.

Antitrust information. Comments urged that the information requested in the original § 970.208, to assist the Attorney General and the Federal Trade Commission in the antitrust review provided for in section 103(d) of the Act, in part was overly broad and unduly burdensome. In response to these concerns, NOAA has eliminated the requirement for market studies, surveys and other memoranda on the future prospects for deep seabed mining, as well as the requirement for supplementary information upon request. Furthermore, in lieu of the original request for certain business information pertaining to all affiliates of the applicant, the final regulations require such information only if such affiliate, or parent or subsidiary of the affiliate, is engaged in production in, or the purchase or sale in or to, the United States of copper, nickel, cobalt or manganese minerals, or any metals refined from these minerals.

Fee. In response to suggestions to allow for adjustment in the application fee so as to reflect more closely the actual cost of reviewing and processing the application, the regulations now specify that NOAA will subsequently adjust the fee if costs incurred are significantly less than the original fee, as well as if they are significantly greater. In addition, NOAA has responded to the suggestion for a substantially reduced fee, in case of transfer of a license to an applicant previously found qualified, by providing for an appropriate fee reduction in advance in such cases, on the basis of pre-application consultations pursuant to § 970.200(d). NOAA cannot specify in advance how extensive such reduction may be, and thus believes that a case-by-case review will be necessary.

Substantial compliance. It was suggested that the regulations provide that, if an application is in substantial but not full compliance with the regulations, NOAA's notice thereof should specify the information which the applicant must submit in order to bring it into full compliance, and why the additional information is necessary. NOAA believes this would be appropriate and has incorporated language to this effect. However, NOAA has determined that the Act does not grant it the discretion to employ a "good faith" test for pre-enactment explorers, rather than the substantial compliance test, as was suggested by one commentor.

Federal consultation and cooperation. In response to requests that NOAA identify those other agencies which have indicated statutory responsibilities which would be affected by proposed seabed mining exploration activities, and thus automatically would be sent copies of each application, NOAA has listed these other agencies in the regulations.

Public hearings. A commentor pointed out that NOAA's procedures could be interpreted to require a public hearing on a license application both before certification of the application and after preparation of the draft EIS on such application. NOAA does not believe that it generally would be necessary to hold multiple public hearings on each application, and did not intend to so require in its regulations. Therefore, new § 970.212(b) clarifies that the required public hearing will be held after preparation of the draft EIS on an application.

Subpart C—Procedures for Applications Based on Exploration Commenced before June 28, 1980

In its preamble to its proposed rules, NOAA pointed out that, in developing the final version of this subpart involving resolution of potential conflicts among applications of pre-enactment explorers, NOAA would consider procedures being developed in negotiations among reciprocating states. This was because NOAA recognizes that, for the most part, the procedures should be compatible. Although a number of comments were submitted on this subpart of the proposed rules, a primary thrust likewise was that NOAA should assure that the domestic procedures in these rules and comparable procedures agreed to among reciprocating states should be conformed. Since the terms of such procedures have not been completely resolved among reciprocating states, NOAA has concluded that it would be premature to publish Subpart C at the present time. Thus, it has been reserved in the final regulations, so that NOAA can assure adequate compatibility between this subpart and the terms

established among reciprocating states. When those terms are resolved, which should be in the near future, NOAA will publish the final regulations for Subpart C. NOAA will not accept applications from any person until after Subpart C is published.

Subpart D—Certification of Applications

Denial of certification. A commentor urged that, contrary to NOAA's proposed rules, the only basis for denial of certification is failure to meet the requirements of Subpart D of the regulations pertaining to certification, and that reference to the requirements for issuance or transfer should be deleted as a requirement at this stage. As a general rule, prior to certification NOAA intends to devote its efforts to review of the application only in the context of the certification requirements specified in Subpart D of the regulations. However, NOAA cannot concur with the particular comment that the agency has no authority to deny certification on the basis of failure to meet a requirement for issuance or transfer of a license. This authority is set forth in section 106(a) of the Act. Therefore, although NOAA views this occurrence as rather unlikely, if in the course of reviewing an application for certification the Administrator becomes aware of the fact that one or more of the requirements for issuance or transfer of a license will not be met, NOAA believes that it would be an unwarranted and useless expenditure of public resources to continue with the review and procedures associated with the issuance of a license. Thus, the general concept has been retained, although the regulations have been clarified to reflect that review of issuance requirements is not expected as a matter of course.

Subpart E—Issuance/Transfer/Terms, Conditions and Restrictions

Terms, conditions, and restrictions. In response to comment, NOAA has included in the regulations the provision from the Act that proposed and final terms, conditions and restrictions will be uniform in all licenses, except to the extent that differing physical and environmental conditions require the establishment of special terms, conditions and restrictions for the conservation of natural resources, protection of the environment, or the safety of life and property at sea.

Freedom of the high seas. One commentor objected to the inclusion of specific factors in § 970.503(c)(2) pertaining to the Administrator's decision on whether proposed exploration activities would unreasonably interfere with the exercise of the freedoms of the high seas by other nations, as recognized under general principles of international law. NOAA has deleted the list of factors. However, NOAA believes that it would be inappropriate, as recommended by another commentor, to specify in this section that this applies to "superior" freedoms. Rather, NOAA believes it more appropriate to refer to the general principles of international law as the basis for such determination.

Suspension or modification of activities; suspension or revocation of licenses. NOAA has incorporated the suggested addition to the new § 970.511 that the Administrator will immediately rescind a suspension order as soon as he has determined that the cause for suspension has been removed. A commentor also suggested providing for appeal of agency decisions pursuant to the Administrative Procedure Act; this is already included in § 970.511(g).

Revision of a license. In response to comment, § 970.513 has been revised to clarify that applications for revisions to licenses are required only for major changes in exploration activities, and a description has been included as to what constitutes a major change.

Duration of a license. One commentor suggested that, with respect to the extension of a license, the Administrator should make allowance for deviations from the original exploration plan for good cause. NOAA concurs with this concept and has included provision in the regulations to this effect. The regulations also now specify that a request for extension must be accompanied by an amended exploration plan.

License transfers. A commentor urged that, in instances where only the form or ownership of a licensee is changed, the application for a transfer should not be required. NOAA does not believe it appropriate to delete the requirement altogether, but it recognizes that full application procedures may be unduly burdensome and believes that the regulations should allow the Administrator to take account of such circumstances. Therefore, the regulations have been revised to allow him to waive relevant determinations for requirements for which no changes have occurred since the preceding application. Another commentor requested that, since section 105(a) of the Act contained no requirement for a public interest determination for license transfers, this provision should be deleted from the regulations. Section 115(b) of the Act does require such a determination, however, so the provision has been retained.

Subpart F—Resource Development Concepts

Logical mining unit. One commentor suggested that the 1866 Clarke Spheroid may be an inappropriate reference, and that perhaps another method should be prescribed for delineating an applicant's logical mining unit. After discussions with representatives of cognizant Federal agencies, NOAA has revised the regulations to specify that the applicant must present the geodetic coordinates of the points defining the boundaries, referred to the World Geodetic System (WGS) Datum, and that a boundary between points must be a geodesic. If grid coordinates are desired, the Universal Transverse Mercator Grid System must be used. NOAA believes this approach is consistent with another comment which supported the concept that there should be no restriction on the shape of a logical mining unit, so long as it can be explored and ultimately mined effeciently, and the boundaries are described by north-south and east-west lines. In response to another commentor's query as to the justification for a presumed limit of 80,000 square kilometers as the size of an exploration area, and in recognition of the relationship of any presumed size to conflict resolution among pre-enactment explorers' applications, NOAA has presently deleted the reference in § 970.601(b) to any presumed number. However, the application still must describe how the size and location selection constitutes a logical mining unit. If a presumed number is agreed to as a part of the reciprocating state discussions, this will be incorporated in Subpart C and § 970.601(b). Finally, while one commentor objected to the inclusion in § 970.601(b) of an optional double logical mining unit for satisfying a possible obligation under a future Law of the Sea Treaty, another proposed that this provision should be mandatory. Due to the presently undefined nature of such a treaty, NOAA believes the proposed approach remains the most appropriate, whereby the regulations provide a mechanism if an applicant wants to plan accordingly, but they do not mandate tying into a presently undefined system.

Conservation of resources. Two commentors proposed that conservation of resources is a concept which applies only to commercial recovery, and that therefore the conservation requirements referred to in §§ 970.519 and 970.603 should be deleted from these regulations, which deal only with exploration. NOAA agrees that it presently appears unnecessary to

impose conservation measures during exploration. However, because of the potential significance of this issue during subsequent commercial recovery, NOAA also believes that the agency cannot justify ignoring the issue altogether during exploration. Rather, NOAA views license phase mining system tests as an opportunity to examine with industry, the conservation implications of any mining patterns used during exploration. Thus, in order to develop information needed during commercial recovery, the regulations now provide for license terms, conditions and restrictions only for the submission of collector track and nodule production data. Only if the information submitted reflects that the integrated system tests are resulting in undue waste or threatening the future opportunity for commercial recovery of the unrecovered balance of hard mineral resources will NOAA modify the terms, conditions or restrictions pertaining to the conservation of natural resources, in order to address such problem.

Subpart G—Environmental Effects

Effects of exploration activities. In the draft programmatic EIS, NOAA listed four impacts which may have the potential for significant environmental impact. One of these, the effect on zooplankton and their predators of trace metals associated with abraded nodules, has been the subject of further review by the National Marine Fisheries Service. In summary, this review has concluded that there is a low probability of significant ecological effect from such trace metals, even at the commercial recovery stage. Accordingly, NOAA has reduced in § 970.701(b) the list of impacts with potential for significance to three, with the trace metal issue among those subject to further studies and monitoring, as appropriate, to verify the above preliminary conclusion. The final programmatic EIS summarizes the reasoning behind the conclusion. In response to one comment, NOAA also has clarified in § 970.701(a) that the list of exploration activities with no significant impact refers to all similar types of activities. Another commentor suggested that NOAA identify the limited number of effects from exploration activities (e.g., from the testing of mining systems) that are expected to have potential for significant environmental effect. NOAA has clarified under § 970.701(b)(2) that the three effects presented in that subsection as having the potential for significance also occur during mining system tests that may be conducted under a license, but are expected to be insignificant during exploration.

Environmental monitoring. In response to concern expressed over the possibility of undue restrictions on equipment to be used for monitoring NOAA has inserted in § 970.702 the clarification that a monitoring plan, which will be included in terms, conditions and restrictions specified by the agency, will be based on the monitoring plan proposed by an applicant and reviewed by NOAA for completeness, accuracy and statistical reliability. In response to another comment, NOAA has reviewed this section further to specify that monitoring plans will look at parameters relating to verification of NOAA's findings concerning potential impacts, but relating mainly to the three concerns listed in § 970.701(b)(2), and not just the effects of the benthic plume. With respect to the comment that nothing in the regulations indicates an intention to require the mitigation of adverse environmental effects during exploration, nor are any measures prescribed for mitigation, NOAA believes that the provision in § 970.702(b), for modification of license terms, conditions or restrictions to specify mitigation measures if found necessary, does address this potential and is appropriate at this stage since no significant adverse effects from exploration have been identified. As for another comment, NOAA agrees with the suggested need for field studies on this issue; that will be the function of the monitoring requirements in each license. However, NOAA disagrees with the proposal to include a requirement in these regulations for the use of best available technologies, since the Act directs this provision only to commercial recovery permits. With respect to the suggestion to require reports on environmental information and effects from exploration, including notice of circumstances that may create a significant adverse effect on the environment, NOAA believes that both the monitoring as referred to in § 970.702(a), which will include the reporting of results of monitoring, and submission of the annual report specified in § 970.901(b), accomplish this purpose.

Subpart I—Miscellaneous

Proprietary information. Commentors expressed some concern that greater protection should be afforded to applicants' proprietary information. Some techniques or procedures were suggested, such as providing for the presumptive proprietary status of material so designated by an applicant or licensee, and equal opportunity for an applicant to participte in procedures triggered by another's request for such information. In response to comments, NOAA has revised § 970.902 in several respects. Although NOAA believes it cannot provide in advance in these regulations for the presumptive proprietary status of all material so designated by an applicant or licensee, the rules now provide for a possible case-by-case determination by the Administrator in advance of receipt of a request for the information in question. The regulations also now provide for notice and opportunity for response from an applicant or licensee in case a request is received for information for which confidential treatment was requested. Also, the rules now provide for coordinating confidential treatment between NOAA and other Federal agencies.

Subpart J—Uniform Procedures

In response to comment, NOAA has incorporated several minor revisions to these procedures.

Subpart K—Enforcement

NOAA also has incorporated several refinements in this subpart, in response to comment. Primarily, these clarify in § 970.1105 the arrangements for, and the role and functions of, NOAA-designated observers on licensees' vessels. These clarifications include notice by NOAA of: whether it proposes to place an observer on a vessel, the name of the observer, if known, the nature of proposed activities and a description of the intended monitoring equipment. NOAA has not specified the time period for such notice, since flexibility will be needed in that regard. The notice also will not include medical histories of proposed observers, since NOAA believes this would be an unwarranted invasion of privacy. NOAA plans to assure that all observers are physically fit, however, before so assigning them. The above notice is complemented by a provision for notice from the licensee to NOAA of planned voyages and mining system tests. The rules also provide, in response to comment, that observers will have no authority over the operation of the vessel or its activities, or over the officers, crew or personnel of the vessel, and that observers will comply with all rules and regulations issued by the licensee and all orders from the Master or senior operating official pertaining to vessel and personnel safety. There also is a provision for protection of confidential information, including review by the licensee of relevant parts of any observer's report.

Other Comments

One commentor suggested that there may be some jurisdictional question as to the U.S. legal regime for seabed mining within 200 nautical miles of the U.S. (which the commentor refers to as an exclusive economic zone) but seaward of the outermost limit of the continental shelf. This comment proposed that the regulation should provide for an alternative seabed mining regime within this area. NOAA believes that the Act in its present form, based on its definition in section 4(4) of "deep seabed," calls for a single U.S. seabed mining regime. Although the Act recognizes a potential Law of the Sea treaty and regime in the future, at this time NOAA believes that only a single regime, as presented in the regulations, is authorized under the Act.

Certain commentors also proposed that NOAA explicitly provide in the regulations that specific actions under a license such as modification of terms, conditions and restrictions, as well as modification to the regulations, are subject to the procedures and cost-benefit analysis in Executive Order 12291. NOAA has concluded that, with respect to individual license actions, the actual procedures in the executive order do not apply, so their incorporation into these rules would be inappropriate. In implementing such actions, however, NOAA intends to consider the relative costs and benefits thereof, keeping in mind the requirements of the Act. As for future amendments to these regulations, it is impossible for NOAA to predict whether any such amendments, if undertaken, would be classified as "major" under the executive order, and thus to specify the applicable procedures. Nevertheless, the terms of the executive order apply regardless of NOAA's reference in these regulations.

Classification Under Executive Order 12291

The NOAA Administrator considers these regulations to be major with respect to the criteria of Executive Order 12291 (E.O. 12291) of February 17, 1981, because they will foster and govern development of the United States deep seabed mining industry. NOAA has prepared and transmitted to the Office of Management and Budget a final regulatory impact analysis as specified by section 3 of E.O. 12291. The Administrator of NOAA has determined that these final rules are clearly within the authority delegated by law and consistent with Congressional intent. The rules are authorized by section 308 of the Act, and respond to specific provisions or requirements found in sections 101 through 117 of Title I of the Act as well as the NOAA enforcement provisions in Title III of the Act.

Regulatory Impact Analysis

NOAA has prepared a final regulatory impact analysis on these regulations. This analysis, which examines the potential impact of the proposed regulations, is available to all interested parties. The analysis examines the various alternatives NOAA considered as it addressed the major issues in the regulations, considers benefit and cost implications of the alternatives, and explains NOAA's reasons for making the choices reflected in these regulations. The analysis has been done in such a way as to include a final regulatory flexibility analysis in compliance with the Regulatory Flexibility Act, Pub. L. 96-354. Copies of the analysis may be obtained by writing to the Director, NOAA Office of Ocean Minerals and Energy, at the address specified in the ADDRESS section of this rulemaking.

Summary of Final Regulatory Flexibility Analysis

Because of the large scale and costs of deep seabed mining operations, the primary involvement of small business concerns in this industry is expected to be as contractors or subcontractors, rather than as sole owners or operators of such operations. Only one license, obtained by the overall operator, is required. The general regulatory approach selected by NOAA for these regulations was designed to provide the greatest flexibility for, and to minimize any adverse economic impact on, any entity—large or small—which may be involved in deep seabed mining development. The regulations do not impose any reporting, record-keeping, or other compliance requirements on small governmental jurisdictions or small organizations. Copies of the combined final regulatory flexibility analysis and final regulatory impact analysis may be obtained by writing to the Director, NOAA Office of Ocean Minerals and Energy, at the address in the ADDRESS section of this rulemaking.

Paperwork Reduction Act, Pub. L. 96-511

Because of the limited number of persons initially subject to these regulations (historically there have been four consortia with U.S. companies participating which are involved in deep seabed mining development, and these four will apply to NOAA for exploration licenses), NOAA believes the regulations do not contian "collection of information" requests within the meaning of 44 U.S.C. 3502(4) and 3502(11). Accordingly, § 970.906 of these regulations contains a statement that the information requested is not subject to the requirements of 44 U.S.C. 3507. NOAA plans to review these regulations periodically, and to revise them if necessary based on that review. During the review, or earlier if necessary, NOAA will review its projections of the expected number of license applications and take any actions necessary under the Paperwork Reduction Act on that basis.

Environmental Impact Statement

Pursuant to section 109(c) of the Act and the National Enviornmental Policy Act of 1969, NOAA has prepared a final programmatic environmental impact statement (PEIS) assessing the environmental impacts of exploration and commercial recovery in the area of the oceans in which such activities by any United States citizen will likely first occur under the authority of the Act. The PEIS has been filed with the Environmental Protection Agency. Copies may be obtained by writing the Director, NOAA Office of Ocean Minerals and Energy, at the address specified in the ADDRESS section of this rulemaking.

Accordingly, new Subparts A, B and D through K are added to Part 970 of Title 15 of the Code of Federal Regulations. The text of these Subparts read as follows:

Dated: September 10, 1981.

John V. Byrne,

Administrator.

PART 970—DEEP SEABED MINING REGULATIONS FOR EXPLORATION LICENSES

Subpart A—General

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970.101 Definitions.
970.102 Nature of licenses.
970.103 Prohibited activities and restrictions.

Subpart B—Applications

970.200 General.

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970.203 Exploration plan.
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970.205 Vessel safety.
970.206 Statement of ownership.
970.207 Antitrust information.
970.208 Fee.

Procedures

970.209 Substantial compliance with application requirements.
970.210 Reasonable time for full compliance.
970.211 Consultation and cooperation with Federal agencies.
970.212 Public notice, hearing and comment.
970.213 Amendment to an application.

Subpart C—Procedures for Applications Based on Exploration Commenced Before June 28, 1980

[Reserved]

Subpart D—Certification of Applications

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970.407 Denial of certification.
970.408 Notice of certification.

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Issuance/Transfer; Modification/Revision; Suspension/Revocation

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970.502 Consultation and cooperation with Federal agencies.
970.503 Freedom of the high seas.
970.504 International obligations of the United States.
970.505 Breach of international peace and security involving armed conflict.
970.506 Environmental effects.
970.507 Safety at sea.
970.508 Denial of issuance or transfer.
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970.602 Diligent exploration.
970.603 Conservation of resources.

Subpart G—Environmental Effects

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Subpart H—Safety of Life and Property at Sea

970.800 General.
970.801 Criteria for safety of life and property at sea.

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970.902 Public disclosure of documents received by NOAA.
970.903 Relinquishment and surrender of licenses.
970.904 Amendment to regulations for conservation, protection of the environment and safety of life and property at sea.
970.905 Computation of time.
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Subpart J—Uniform Procedures

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970.1001 Formal hearing procedures.
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Subpart K—Enforcement

970.1100 General.
970.1101 Assessment procedure.
970.1102 Hearing and appeal procedures.
970.1103 License sanctions.
970.1104 Remission of forfeitures.
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970.1106 Proprietary enforcement information.
970.1107 Advance notice of civil actions.

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Authority: 30 U.S.C. 1401 *et seq.*

Subpart A—General

§ 970.100 Purpose.

(a) *General.* The purpose of this part is to implement those responsibilities and authorities of the National Oceanic and Atmospheric Administration (NOAA), pursuant to Pub. L. 96–283, the Deep Seabed Hard Mineral Resources Act (the Act), to issue to eligible United States citizens licenses for the exploration for deep seabed hard minerals.

(b) *Purposes of the Act.* In preparing these regulations NOAA has been mindful of the purposes of the Act, as set forth in section 2(b) thereof. These include—

(1) Encouraging the successful conclusion of a comprehensive Law of the Sea Treaty, which will give legal definition to the principle that the hard mineral resources of the deep seabed are the common heritage of mankind and which will assure, among other things, nondiscriminatory access to such resources for all nations;

(2) Establishing, pending the ratification by, and entering into force with respect to, the United States of such a treaty, an interim program to regulate the exploration for and commercial recovery of hard mineral resources of the deep seabed by United States citizens;

(3) Accelerating the program of environmental assessment of exploration for and commercial recovery of hard mineral resources of the deep seabed and assuring that such exploration and recovery activities are conducted in a manner which will encourage the conservation of such resources, protect the quality of the environment, and promote the safety of life and property at sea;

(4) Encouraging the continued development of technology necessary to recover the hard mineral resources of the deep seabed; and

(5) Pending the ratification by, and entry into force with respect to, the United States of a Law of the Sea Treaty, providing for the establishment of an international revenue-sharing fund the proceeds of which will be used for sharing with the international community pursuant to such treaty.

(c) *Regulatory approach.* (1) These regulations incorparate NOAA's recognition that the deep seabed mining industry is still evolving and that more information must be developed to form the basis for future decisions by industry and by NOAA in its implementation of the Act. They also recognize the need for flexibility in order to promote the development of deep seabed mining technology, and the usefulness of allowing initiative by miners to develop mining techniques and systems in a manner compatible with the requirements of the Act and regulations. In this regard, the regulations reflect an approach, pursuant to the Act, whereby their provisions ultimately will be addressed and evaluated on the basis of exploration plans submitted by applicants.

(2) In addition, these regulations reflect NOAA's recognition that the difference in scale and effects between exploration for and commercial recovery of hard mineral resources normally requires that they be distinguished and addressed separately. This distinction is also based upon the evolutionary stage of the seabed mining industry referenced above. Thus, NOAA will issue separate regulations

pertaining to commercial recovery, in Part 971 of this chapter.

§ 970.101 Definitions.

For purposes of this part, the term:

(a) "Act" means the Deep Seabed Hard Mineral Resources Act (Pub. L. 96-283; 94 Stat. 553; 30 U.S.C. 1401 *et seq.*);

(b) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration, or a designee;

(c) "Applicant" means an applicant for an exploration license pursuant to the Act and this part;

(d) "Affiliate" means any person—

(1) In which the applicant or licensee owns or controls more than 5% interest;

(2) Which owns or controls more than 5% interest in the applicant or licensee; or

(3) Which is under common ownership or control with the applicant or licensee.

(e) "Commercial recovery" means—

(1) Any activity engaged in at sea to recover any hard mineral resource at a substantial rate for the primary purpose of marketing or commercially using such resource to earn a net profit, whether or not such net profit is actually earned;

(2) If such recovered hard mineral resource will be processed at sea, such processing; and

(3) If the waste of such activity to recover any hard mineral resource, or of such processing at sea, will be disposed of at sea, such disposal;

(f) "Continental Shelf" means—

(1) The seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such submarine area; and

(2) The seabed and subsoil of similar submarine areas adjacent to the coast of islands;

(g) "Controlling interest", for purposes of paragraph (t)(3) of this section, means a direct or indirect legal or beneficial interest in or influence over another person arising through ownership of capital stock, interlocking directorates or officers, contractual relations, or other similar means, which substantially affect the independent business behavior of such person;

(h) "Deep seabed" means the seabed, and the subsoil thereof to a depth of ten meters, lying seaward of and outside—

(1) The Continental Shelf of any nation; and

(2) Any area of national resource jurisdiction of any foreign nation, if such area extends beyond the Continental Shelf of such nation and such jurisdiction is recognized by the United States;

(i) "Exploration" means—

(1) Any at-sea observation and evaluation activity which has, as its objective, the establishment and documentation of—

(i) The nature, shape, concentration, location, and tenor of a hard mineral resource; and

(ii) The environmental, technical, and other appropriate factors which must be taken into account to achieve commercial recovery; and

(2) The taking from the deep seabed of such quantities of any hard mineral resource as are necessary for the design, fabrication and testing of equipment which is intended to be used in the commercial recovery and processing of such resource;

(j) "Hard mineral resource" means any deposit or accretion on, or just below, the surface of the deep seabed of nodules which include one or more minerals, at least one of which contains manganese, nickel, cobalt, or copper;

(k) "International agreement" means a comprehensive agreement concluded through negotiations at the Third United Nations Conference on the Law of the Sea, relating to (among other matters) the exploration for and commercial recovery of hard mineral resources and the establishment of an international regime for the regulation thereof;

(l) "Licensee" means the holder of a license issued under this part to engage in exploration;

(m) "New entrant" means a person who was not engaged in exploration prior to the date of enactment of the Act (June 28, 1980);

(n) "NOAA" means the National Oceanic and Atmospheric Administration;

(o) "Permittee" means the holder of permit issued under NOAA regulations to engage in commercial recovery;

(p) "Person" means any United States citizen, any individual, and any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any nation;

(q) "Pre-enactment explorer" means a person who was engaged in exploration prior to the date of enactment of the Act (June 28, 1980);

(r) "Reciprocating state" means any foreign nation designated as such by the Administrator under section 118 of the Act;

(s) "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States; and

(t) "United States citizen" means

(1) Any individual who is a citizen of the United States;

(2) Any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any of the United States; and

(3) Any corporation, partnership, joint venture, association, or other entity (whether organized or existing under the laws of any of the United States or a foreign nation) if the controlling interest in such entity is held by an individual or entity described in paragraph (t)(1) or (t)(2) of this section.

§ 970.102 Nature of licenses.

(a) A license issued under this part will authorize the holder thereof to engage in exploration within a specific portion of the sea floor consistent with the provisions of the Act, this part, and the specific terms, conditions and restrictions applied to the license by the Administrator.

(b) Any license issued under this part will be exclusive with respect to the holder thereof as against any other United States citizen or any citizen, national or governmental agency of, or any legal entity organized or existing under the laws of, any reciprocating state.

(c) A valid existing license will entitle the holder, if otherwise eligible under the provisions of the Act and implementing regulations, to a permit for commercial recovery from an area selected within the same area of the sea floor. Such a permit will recognize the right of the holder to recover hard mineral resources, and to own, transport, use, and sell hard mineral resources recovered, under the permit and in accordance with the requirements of the Act.

§ 970.103 Prohibited activities and restrictions.

(a) *Prohibited activities and exceptions.* (1) Except as authorized under Subpart C of this part, no United States citizen may engage in any exploration or commercial recovery unless authorized to do so under—

(i) A license or a permit issued pursuant to the Act and implementing regulations;

(ii) A license, permit, or equivalent authorization issued by a reciprocating state; or

(iii) An international agreement which is in force with respect to the United States.

(2) The prohibitions of paragraph (a)(1) of this section will not apply to any of the following activities:

(i) Scientific research, including that concerning hard mineral resources;

(ii) Mapping, or the taking of any geophysical, geochemical, oceanographic, or atmospheric measurements or random bottom samplings of the deep seabed, if such taking does not significantly alter the surface or subsurface of the deep seabed or significantly affect the environment;

(iii) The design, construction, or testing of equipment and facilities which will or may be used for exploration or commercial recovery, if such design, construction or testing is conducted on shore, or does not involve the recovery of any but incidental hard mineral resources;

(iv) The furnishing of machinery, products, supplies, services, or materials for any exploration or commercial recovery conducted under a license or permit issued under the Act and implementing regulations, a license or permit or equivalent authorization issued by a reciprocating state, or under an international agreement; and

(v) Activities, other than exploration or commercial recovery activities, of the Federal Government.

(3) No United States citizen may interfere or participate in interference with any activity conducted by any licensee or permittee which is authorized to be undertaken under a license or permit issued by the Administrator to a licensee or permittee under the Act or with any activity conducted by the holder of, and authorized to be undertaken under, a license or permit or equivalent authorization issued by a reciprocating state for the exploration or commercial recovery of hard mineral resources. For purposes of this section, interference includes physical interference with activities authorized by the Act, this part, and a license issued pursuant thereto; the filing of specious claims in the United States or any other nation; and any other activity designed to harass deep seabed mining activities authorized by law. Interference does not include the exercise of any rights granted to United States citizens by the Constitution of the United States, any Federal or State law, treaty, or agreement or regulation promulgated pursuant thereto.

(4) United States citizens must exercise their rights on the high seas with reasonable regard for the interests of other states in their exercise of the freedoms of the high seas.

(b) *Restrictions on issuance of licenses or permits.* The Administrator will not issue—

(1) Any license or permit after the date on which an international agreement is ratified by and enters into force with respect to the United States, except to the extent that issuance of such license or permit is not inconsistent with such agreement;

(2) Any license or permit the exploration plan or recovery plan of which, submitted pursuant to the Act and implementing regulations, would apply to an area to which applies, or would conflict with:

(i) Any exploration plan or recovery plan submitted with any pending application to which priority of right for issuance applies under this part;

(ii) Any exploration plan or recovery plan associated with any existing license or permit; or

(iii) Any equivalent authorization which has been issued, or for which formal notice of application has been submitted, by a reciprocating state prior to the filing date of any relevant application for licenses or permits pursuant to the Act and implementing regulations;

(3) A permit authorizing commercial recovery within any area of the deep seabed in which exploration is authorized under a valid existing license if such permit is issued to a person other than the licensee for such area;

(4) Any exploration license before July 1, 1981, or any permit which authorizes commercial recovery to commence before January 1, 1988;

(5) Any license or permit the exploration plan or recovery plan for which applies to any area of the deep seabed if, within the 3-year period before the date of application for such license or permit:

(i) The applicant therefor surrendered or relinquished such area under an exploration plan or recovery plan associated with a previous license or permit issued to such applicant; or

(ii) A license or permit previously issued to the applicant had an exploration plan or recovery plan which applied to such area and such license or permit was revoked under section 106 of the Act; or

(6) A license or permit, or approve the transfer of a license or permit, except to a United States citizen.

Subpart B—Applications

§ 970.200 General.

(a) *Who may apply; how.* Any United States citizen may apply to the Administrator for issuance or transfer of an exploration license. Applications must be submitted in the form and manner prescribed in this subpart.

(b) *Place, form and copies.* Applications for the issuance or transfer of exploration licenses must be submitted in writing, verified and signed by an authorized officer or other authorized representative of the applicant, in 30 copies, to the following address: Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Suite 410, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

(c) *Use of application information.* The contents of an application, as set forth below, must provide NOAA with the information necessary to make determinations required by the Act and this part pertaining to the issuance or transfer of an exploration license. Thus, each portion of the application should identify the requirement in this part to which it responds. In addition, the information will be used by NOAA in its function under the Act of consultation and cooperation with other Federal agencies or departments in relation to their programs and authorities, in order to reduce the number of separate actions required to satisfy Federal agencies' responsibilities.

(d) *Pre-application consultation.* To assist in the development of adequate applications and assure that applicants understand how to respond to the provisions of this subpart, NOAA will be available for pre-application consultations with potential applicants. This includes consultation on the procedures in Subpart C. In appropriate circumstances, NOAA will provide written confirmation to the applicant of any oral guidance resulting from such consultations.

(e) *Priority of right.* (1) Priority of right for issuance of licenses to pre-enactment explorers will be established pursuant to Subpart C of this part.

(2) Priority of right for issuance of licenses to new entrants will be established on the basis of the chronological order in which license applications, which are in substantial compliance with the requirements established under this subpart, pursuant to § 970.209, are filed with the Administrator.

(3) Applications must be received by the Office of Ocean Minerals and Energy on behalf of the Administrator before a priority can be established.

(4) Upon (i) a determination that:

(A) An application is not in substantial compliance in accordance with § 970.209 or Subpart C, as applicable;

(B) An application has not been brought into substantial compliance in

accordance with § 970.210 or Subpart C, as applicable;

(C) A license has been relinquished or surrendered in accordance with § 970.903; or

(ii) A decision to:

(A) Deny certification of a license pursuant to § 970.407; or

(B) Deny issuance of a license pursuant to § 970.508,

and after the exhaustion of any administrative or judicial review of such determination or decision, the priority of right for issuance of a license will lapse.

(f) *Request for confidential treatment of information.* If an applicant wishes to have any information in his application treated as confidential, he must so indicate pursuant to § 970.902.

Contents

§ 970.201 Statement of financial resources.

(a) *General.* The application must contain information sufficient to demonstrate to the Administrator the financial resources of the applicant to carry out, in accordance with this part, the exploration program set forth in the applicant's exploration plan. The information must show that the applicant is reasonably capable of committing or raising sufficient resources to cover the estimated costs of the exploration program. The information must be sufficient for the Administrator to make a determination on the applicant's financial responsibility pursuant to § 970.401.

(b) *Contents.* In particular, the information on financial resources must include:

(1) A description of how the applicant intends to finance the exploration program;

(2) The estimated cost of the exploration program;

(3) With respect to the applicant and those entities upon which the applicant will rely to finance his exploration activities, the most recent audited financial statement (for publicly-held companies, the most recent annual report and Form 10–K filed with the Securities and Exchange Commission will suffice in this regard); and

(4) The credit rating and bond rating of the applicant, and such financing entities, to the extent they are relevant.

§ 970.202 Statement of technological experience and capabilities.

(a) *General.* The application must contain information sufficient to demonstrate to the Administrator the technological capability of the applicant to carry out, in accordance with the regulations contained in this part, the exploration program set out in the applicant's exploration plan. It must contain sufficient information for the Administrator to make a determination on the applicant's technological capability pursuant to § 970.402.

(b) *Contents.* In particular, the information submitted pursuant to this section must demonstrate knowledge and skills which the applicant either possesses or to which he can demonstrate access. The information must include:

(1) A description of the exploration equipment to be used by the applicant in carrying out the exploration program;

(2) A description of the environmental monitoring equipment to be used by the applicant in monitoring the environmental effects of the exploration program; and

(3) The experience on which the applicant will rely in using this or similar equipment.

§ 970.203 Exploration plan.

(a) *General.* Each application must include an exploration plan which describes the applicant's projected exploration activities during the period to be covered by the proposed license. Generally, the exploration plan must demonstrate to a reasonable extent that the applicant's efforts, by the end of the 10-year license period, will likely lead to the ability to apply for and obtain a permit for commercial recovery. In particular, the plan must include sufficient information for the Administrator, pursuant to this part, to make the necessary determinations pertaining to the certification and issuance or transfer of a license and to the development and enforcement of the terms, conditions and restrictions for a license.

(b) *Contents.* The exploration plan must contain the following information. In presenting this information, the plan should incorporate the applicant's proposed individual approach, including a general description of how projected participation by other entities will relate to the following elements, if appropriate. The plan must present:

(1) The activities proposed to be carried out during the period of the license;

(2) A description of the area to be explored, including its delineation according to § 970.601;

(3) The intended exploration schedule which must be responsive to the diligence requirements in § 970.602. Taking into account that different applicants may have different concepts and chronologies with respect to the types of activities described, the schedule should include an approximate projection for the exploration activities planned. Although the details in each schedule may vary to reflect the applicant's particular approach, it should address in some respect approximately when each of the following types of activities is projected to occur.

(i) Conducting survey cruises to determine the location and abundance of nodules as well as the sea floor configuration, ocean currents and other physical characteristics of potential commercial recovery sites;

(ii) Assaying nodules to determine their metal contents;

(iii) Designing and testing system components onshore and at sea;

(iv) Designing and testing mining systems which simulate commercial recovery;

(v) Designing and testing processing systems to prove concepts and designing and testing systems which simulate commercial processing;

(vi) Evaluating the continued feasibility of commercial scale operations based on technical, economic, legal, political and environmental considerations; and

(vii) Applying for a commercial recovery permit and, to the extent known, other permits needed to construct and operate commercial scale facilities (if application for such permits is planned prior to obtaining a commercial recovery permit);

(4) A description of the methods to be used to determine the location, abundance, and quality (i.e., assay) of nodules, and to measure physical conditions in the area which will affect nodule recovery system design and operations (e.g., seafloor topography, seafloor geotechnic properties, and currents);

(5) A general description of the developing recovery and processing technology related to the proposed license, and of any planned or ongoing testing and evaluation of such technology. To the extent possible at the time of application, this description should address such factors as nodule collection technique, seafloor sediment rejection subsystem, mineship nodule separation scheme, pumping method, anticipated equipment test areas, and details on the testing plan;

(6) An estimated schedule of expenditures, which must be responsive to the diligence requirements as discussed in § 970.602;

(7) Measures to protect the environment and to monitor the effectiveness of environmental safeguards and monitoring systems for commercial recovery. These measures must take into account the provisions in

§§ 970.506, 970.518, 970.522 and Subpart G of this part; and

(8) A description of any relevant activity that the applicant has completed prior to the submission of the application.

§ 970.204 Environmental and use conflict analysis.

(a) *Environmental information.* To enable NOAA to implement better its responsibility under section 109(d) of the Act to develop an environmental impact statement (EIS) on the issuance of an exploration license, the application must include information for use in preparing NOAA's EIS on the environmental impacts of the activities proposed by the applicant. The applicant must present physical, chemical and biological information for the exploration area. This information should include relevant environmental information, if any, obtained during past exploration activities, but need not duplicate information obtained during NOAA's DOMES Project. Planned activities in the area, including the testing of integrated mining systems which simulate commercial recovery, also must be described. NOAA will need information with the application on location and boundaries of the proposed exploration area, and plans for delineation of features of the exploration area including baseline data or plans for acquiring them. The applicant may at his option delay submission of baseline and equipment data and system test plans. However, applicants so electing should plan to submit this latter information at least one year prior to the initial test, to allow time for the supplement to the site-specific EIS, if one is required, to be prepared by NOAA, circulated, reviewed and filed with EPA. The submission of this information with the application is strongly encouraged, however, to minimize the possibility that a supplement will be required. If such latter information is submitted subsequent to the original application such tests may not be undertaken in the absence of concurrence by NOAA (which, if applicable, will be required in a term, condition, or restriction in the license). NOAA has developed a technical guidance document which will provide assistance for the agency and the applicant, in consultation, to identify the details on information needed in each case. NOAA may refer to such information for purposes of other determinations under the Act as well. NOAA also will seek to facilitate other Federal and, as necessary, state decisions on exploration activities by functioning as lead agency for the EIS on the application and related actions by other agencies, including those pertaining to any onshore impacts which may result from the proposed exploration activities.

(b) *Use conflict information.* To assist the Administrator in making determinations relating to potential use conflicts between the proposed exploration and other activities in the exploration area, pursuant to §§ 970.503, 970.505, and 970.520, the application must include information known to the applicant with respect to such other activities.

§ 970.205 Vessel safety.

In order to provide a basis for the necessary determinations with respect to the safety of life and property at sea, pursuant to §§ 970.507, 970.521 and Subpart H of this part, the application must contain the following information, except for those vessels under 300 gross tons which are engaged in oceanographic research if they are used in exploration.

(a) *U.S. flag vessel.* The application must contain a demonstration or affirmation that any United States flag vessel utilized in exploration activities will possess a current valid Coast Guard Certificate of Inspection (COI). To the extent that the applicant knows which United States flag vessel he will be using, the application must include a copy of the COI.

(b) *Foreign flag vessel.* The application must also contain information on any foreign flag vessels to be used in exploration activities, which responds to the following requirements. To the extent that the applicant knows which foreign flag vessel he will be using, the application must include evidence of the following:

(1) That any foreign flag vessel whose flag state is party to the International Convention for Safety of Life at Sea, 1974 (SOLAS 74) possesses current valid SOLAS 74 certificates;

(2) That any foreign flag vessel whose flag state is not party to SOLAS 74 but is party to the International Convention for the Safety of Life at Sea, 1960 (SOLAS 60) possesses current valid SOLAS 60 certificates; and

(3) That any foreign flag vessel whose flag state is not a party to either SOLAS 74 or SOLAS 60 meets all applicable structural and safety requirements contained in the published rules of a member of the International Association of Classification Societies (IACS).

(c) *Supplemental certificates.* If the applicant does not know at the time of submitting an application which vessels he will be using, he must submit the applicable certification for each vessel before the cruise on which it will be used.

§ 970.206 Statement of ownership.

The application must include sufficient information to demonstrate that the applicant is a United States citizen, as required by § 970.103(b)(6), and as defined in § 970.101(t). In particular, the application must include:

(a) Name, address, and telephone number of the United States citizen responsible for exploration operations to whom notices and orders are to be delivered; and

(b) A description of the citizen or citizens engaging in such exploration, including:

(1) Whether the citizen is a natural person, partnership, corporation, joint venture, or other form of association;

(2) The state of incorporation or state in which the partnership or other business entity is registered;

(3) The name of registered agent or equivalent representative and places of business;

(4) Certification of essential and nonproprietary provisions in articles of incorporation, charter or articles of association; and

(5) The name of each member of the association, partnership, or joint venture, including information about the participation of each partner and joint venturer and/or ownership of stock.

§ 970.207 Antitrust information.

(a) *General.* Section 103(d) of the Act specifically provides for antitrust review of applications by the Attorney General of the United States and the Federal Trade Commission.

(b) *Contents.* In order to provide information for this antitrust review, the application must contain the following:

(1) A copy of each agreement between any parties to any joint venture which is applying for a license, provided that said agreement relates to deep seabed hard mineral resource exploration or mining;

(2) The identity of any affiliate of any person applying for a license; and

(3) For each applicant, its affiliate, or parent or subsidiary of an affiliate which is engaged in production in, or the purchase or sale in or to, the United States of copper, nickel, cobalt or manganese minerals or any metals refined from these minerals:

(i) The annual tons and dollar value of any of these minerals and metals so purchased, sold or produced for the two preceding years;

(ii) Copies of the annual report, balance sheet and income statement for the two preceding years; and

(iii) Copies of each document submitted to the Securities and Exchange Commission.

§ 970.208 Fee.

(a) *General.* Section 104 of the Act provides that no application for the issuance or transfer of an exploration license will be certified unless the applicant pays to NOAA a reasonable administrative fee, which must reflect the reasonable administrative costs incurred in reviewing and processing the application.

(b) *Amount.* In order to meet this requirement, the application must include a fee payment of $100,000, payable to the National Oceanic and Administration, Department of Commerce. If costs incurred by NOAA in reviewing and processing an application are significantly less than or in excess of the original fee, the agency subsequently will determine those differences in costs and adjust the fee accordingly. If the costs are significantly less, NOAA will refund the difference. If they are significantly greater, the applicant will be required to submit the additional payment prior to issue or transfer of the license. In the case of an application for transfer of a license to an entity which has previously been found qualified for a license, the Administrator may, on the basis of pre-application consultations pursuant to § 970.200(d), reduce the fee in advance by an appropriate amount which reflects costs avoided by reliance on previous findings made in relation to the proposed transferee.

Procedures

§ 970.209 Substantial compliance with application requirements.

(a) Priority of right for the issuance of licenses to new entrants will be established on the basis of the chronological order in which license applications which are in substantial compliance with the requirements established under this subpart are filed with the Administrator pursuant to § 970.200.

(b) In order for an application to be in substantial compliance with the requirements of this subpart, it must include information specifically identifiable with and materially responsive to each requirement contained in §§ 970.201 through 970.208. A determination on substantial compliance relates only to whether the application contains the required information, and does not constitute a determination on certification of the application, or on issuance or transfer of a license.

(c) The Administrator will make a determination as to whether the application is in substantial compliance. Within 30 days after receipt of an application, he will issue written notice to the applicant regarding such determination. The notice will identify, if applicable, in what respects the application is not in either full or substantial compliance. If the application is in substantial but not full compliance, the notice will specify the information which the applicant must submit in order to bring it into full compliance, and why the additional information is necessary.

§ 970.210 Reasonable time for full compliance.

Priority of right will not be lost in case of any application filed which is in substantial but not full compliance, as specified in § 970.209, if the Administrator determines that the applicant, within 60 days after issuance to the applicant by the Administrator of written notice that the application is in substantial but not full compliance, has brought the application into full compliance with the requirements of this subpart.

§ 970.211 Consultation and cooperation with Federal agencies.

(a) Promptly after his receipt of an application, the Administrator will distribute a copy of the application to each other Federal agency or department which, pursuant to section 103(e) of the Act, has identified programs or activities within its statutory responsibilities which would be affected by the activities proposed in the application (i.e., the Departments of State, Transportation, Justice, Interior, Defense, Treasury and Labor, as well as the Environmental Protection Agency, Federal Trade Commission, Small Business Administration and National Science Foundation). Based on its legal responsibilities and authorities, each such agency or department may, not later than 60 days after it receives a copy of the application which is in full compliance with this subpart, recommend certification of the application, issuance or transfer of the license, or denial of such certification, issuance or transfer. The advice or recommendation by the Attorney General or Federal Trade Commission on antitrust review, pursuant to § 970.207, must be submitted within 90 days after their receipt of a copy of the application which is in full compliance with this subpart. NOAA will use the benefits of this process of consultation and cooperation to facilitate necessary Federal decisions on the proposed exploration activities, pursuant to the mandate of section 103(e) of the Act to reduce the number of separate actions required to satisfy Federal agencies' statutory responsibilities.

(b) In any case in which a Federal agency or department recommends a denial, it will set forth in detail the manner in which the application does not comply with any law or regulation within its area of responsibility and will indicate how the application may be amended, or how terms, conditions or restrictions might be added to the license to assure compliance with such law or regulation.

(c) A recommendation from another Federal agency or department for denying or amending an application will not affect its having been in substantial compliance with the requirements of this subpart, pursuant to § 970.209, for purposes of establishing priority of right. However, pursuant to section 103(e) of the Act, NOAA will cooperate with such agencies and with the applicant with the goal of resolving the concerns raised and satisfying the statutory responsibilities of these agencies.

§ 970.212 Public notice, hearing and comment.

(a) *Notice and comments.* The Administrator will publish in the **Federal Register**, for each application for an exploration license, notice that such application has been received. Subject to § 970.902, interested persons will be permitted to examine the materials relevant to such application. Interested persons will have at least 60 days after publication of such notice to submit written comments to the Administrator.

(b) *Hearings.* (1) After preparation of the draft EIS on an application pursuant to section 109(d) of the Act, the Administrator shall hold a public hearing on the application and the draft EIS in an appropriate location, and may employ such additional methods as he deems appropriate to inform interested persons about each application and to invite their comments thereon.

(2) If the Administrator determines there exists one or more specific and material factual issues which require resolution by formal processes, at least one formal hearing will be held in the District of Columbia in accordance with the provisions of Subpart J of this part. The record developed in any such formal hearing will be part of the basis of the Administrator's decisions on an application.

(c) Hearings held pursuant to this section and other procedures will be consolidated insofar as practicable with

hearings held and procedures employed by other agencies.

§ 970.213 Amendment to an application.

After an application has been submitted to the Administrator, but before a determination is made on the issuance or transfer of a license, the applicant must submit an amendment to the application if required by a significant change in the circumstances represented in the original application and affecting the requirements of this subpart. Applicants should consult with NOAA to determine if changes in circumstances are sufficiently significant to require submission of an amendment. The application, as amended, would then serve as the basis for determinations by the Administrator under this part. For each amendment judged by the Administrator to be significant, he will provide a copy of such amendment to each other Federal agency and department which received a copy of the original application, and also will provide for public notice, hearing and comment on the amendment pursuant to § 970.212. Such amendment, however, will not affect the priority of right established by the filing of the original application. After the issuance of or transfer of a license, any revision by the licensee will be made pursuant to § 970.513.

Subpart C—Procedures for Applications Based on Exploration Commenced Before June 28, 1980 [Reserved]

Subpart D—Certification of Applications

§ 970.400 General.

(a) Certification is an intermediate step between receipt of an application for issuance or transfer of a license and its actual issuance or transfer. It is a determination which focuses on the eligibility of the applicant.

(b) Before the Administrator may certify an application for issuance or transfer of a license, he must determine that issuance of the license would not violate any of the restrictions in § 970.103(b). He also must make written determinations with respect to the requirements set forth in §§ 970.401 through 970.406. This will be done after consultation with other departments and agencies pursuant to § 970.211.

(c) To the maximum extent possible, the Administrator will endeavor to complete certification of an application within 100 days after submission of an application which is in full compliance with Subpart B of this part. If final certification or denial of certification has not occurred within 100 days after such submission of the application, the Administrator will inform the applicant in writing of the pending unresolved issues, the agency's efforts to resolve them, and an estimate of the time required to do so.

§ 970.401 Financial responsibility.

(a) Before the Administrator may certify an application for an exploration license he must find that the applicant has demonstrated that, upon issuance or transfer of the license, the applicant will be financially responsible to meet all obligations which he may require to engage in the exploration proposed in the application.

(b) In order for the Administrator to make this determination, the applicant must show to the Administrator's satisfaction that he is reasonably capable of committing or raising sufficient resources to carry out, in accordance with the provisions contained in this part, the exploration program set forth in his exploration plan.

§ 970.402 Technological capability.

(a) Before the Administrator may certify an application for an exploration license, he must find that the applicant has demonstrated that, upon issuance or transfer of the license, the applicant will possess, or have access to or a reasonable expectation of obtaining, the technological capability to engage in the proposed exploration.

(b) In order for the Administrator to make this determination, the applicant must demonstrate to the Administrator's satisfaction that the applicant will possess or have access to, at the time of issuance or transfer of the license, the technology and expertise, as needed, to carry out the exploration program set forth in his exploration plan.

§ 970.403 Previous license and permit obligations.

In order to certify an application, the Administrator must find that the applicant has satisfactorily fulfilled all past obligations under any license or permit previously issued or transferred to the applicant under the Act.

§ 970.404 Adequate exploration plan.

Before he may certify an application, the Administrator must find that the proposed exploration plan of the applicant meets the requirements of § 970.203.

§ 970.405 Appropriate exploration site size and location.

Before the Administrator may certify an application, he must approve the size and location of the exploration area selected by the applicant. The Administrator will approve the size and location of the area unless he determines that the area is not a logical mining unit pursuant to § 970.601.

§ 970.406 Fee payment.

Before the Administrator may certify an application, he must find that the applicant has paid the license fee as specified in § 970.208.

§ 970.407 Denial of certification.

(a) The Administrator may deny certification of an application if he finds that the requirements of this subpart have not been met. If, in the course of reviewing an application for certification, the Administrator becomes aware of the fact that one or more of the requirements for issuance or transfer under §§ 970.503 through 970.507 will not be met, he may also deny certification of the application.

(b) When the Administrator proposes to deny certification he will send to the applicant, and publish in the **Federal Register**, written notice of intention to deny certification. Such notice will include:

(1) The basis upon which the Administrator proposes to deny certification; and

(2) If the basis for the proposed denial is a deficiency which the Administrator believes the applicant can correct:

(i) The action believed necessary to correct the deficiency; and

(ii) The time within which any correctable deficiency must be corrected (the period of time may not exceed 180 days except as specified by the Administrator for good cause).

(c) The Administrator will deny certification:

(1) On the 30th day after the date the notice is sent to the applicant, under paragraph (b) of this section, unless before such 30th day the applicant files with the Administrator a written request for an administrative review of the proposed denial; or

(2) On the last day of the period established under paragraph (b)(2)(ii) of this section in which the applicant must correct a deficiency, if such deficiency has not been corrected before such day and an administrative review requested pursuant to paragraph (c)(1) of this section is not pending or in progress.

(d) If a timely request for administrative review of the proposed denial is made by the applicant under paragraph (c)(1) of this section, the Administrator will promptly begin a formal hearing in accordance with Subpart J of this part. If the proposed denial is the result of a correctable

deficiency, the administrative review will proceed concurrently with any attempts to correct the deficiency, unless the parties agree otherwise or the administrative law judge orders differently.

(e) If the Administrator denies certification, he will send to the applicant written notice of the denial, including the reasons therefor.

(f) Any final determination by the Administrator granting or denying certification is subject to judicial review as provided in Chapter 7 of Title 5, United States Code.

§ 970.408 Notice of certification.

Upon making a final determination to certify an application for an exploration license, the Administrator will promptly send written notice of his determination to the applicant.

Subpart E—Issuance/Transfer/Terms, Conditions and Restrictions

§ 970.500 General.

(a) *Proposal.* After certification of an application pursuant to Subpart D of this part, the Administrator will proceed with a proposal to issue or transfer a license for the exploration activities described in the application.

(b)(1) *Terms, conditions and restrictions.* Within 180 days (or such longer period as the Administrator may establish for good cause shown in writing) after certification, the Administrator will propose terms and conditions for, and restrictions on, the proposed exploration which are consistent with the provisions of the Act and this part as set forth in §§ 970.517 through 970.524. Proposed and final terms, conditions and restrictions will be uniform in all licenses, except to the extent that differing physical and environmental conditions require the establishment of special terms, conditions and restrictions for the conservation of natural resources, protection of the environment, or the safety of life and property at sea. The Administrator will propose these in writing to the applicant. Also, public notice thereof will be provided pursuant to § 970.501, and they will be included with the draft of the EIS on the issuance of a license which is required by section 109(d) of the Act.

(2) If the Administrator does not propose terms, conditions and restrictions within 180 days after certification, he will notify the applicant in writing of the reasons for the delay and will indicate the approximate date on which the proposed terms, conditions and restrictions will be completed.

(c) *Findings.* Before issuing or transferring an exploration license, the Administrator must make written findings in accordance with the requirements of §§ 970.503 through 970.507. These findings will be made after considering all information submitted with respect to the application and proposed issuance or transfer. He will make a final determination on issuance or transfer of a license, and will publish a final EIS on that action, within 180 days (or such longer period of time as he may establish for good cause shown in writing) following the date on which proposed terms, conditions and restrictions, and the draft EIS, are published.

Issuance/Transfer; Modification/Revision; Suspension/Revocation

§ 970.501 Proposal to issue or transfer and of terms, conditions and restrictions.

(a) *Notice and comment.* The Administrator will publish in the **Federal Register** notice of each proposal to issue or transfer, and of terms and conditions for, and restrictions on, an exploration license. Subject to § 970.902, interested persons will be permitted to examine the materials relevant to such proposals. Interested persons will have at least 60 days after publication of such notice to submit written comments to the Administrator.

(b) *Hearings.* (1) The Administrator will hold a public hearing in an appropriate location and may employ such additional methods as he deems appropriate to inform interested persons about each proposal and to invite their comments thereon.

(2) If the Administrator determines there exists one or more specific and material factual issues which require resolution by formal processes, at least one formal hearing will be held in the District of Columbia in accordance with the provisions of Subpart J of this part. The record developed in any such formal hearing will be part of the basis for the Administrator's decisions on issuance or transfer of, and of terms, conditions and restrictions for, the license.

(c) Hearings held pursuant to this section will be consolidated insofar as practicable with hearings held by other agencies.

§ 970.502 Consultation and cooperation with Federal agencies.

Prior to the issuance or transfer of an exploration license, the Administrator will continue the consultation and cooperation with other Federal agencies which were initiated pursuant to § 970.211. This consultation will be to assure compliance with, among other statutes, the Endangered Species Act of 1973, as amended, the Marine Mammal Protection Act of 1972, as amended, and the Fish and Wildlife Coordination Act. He also will consult, prior to any issuance, transfer, modification or renewal of a license, with any affected Regional Fishery Management Council established pursuant to section 302 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852) if the activities undertaken pursuant to such license could adversely affect any fishery within the Fishery Conservation Zone, or any anadromous species or Continental Shelf fishery resource subject to the exclusive management authority of the United States beyond such zone.

§ 970.503 Freedom of the high seas.

(a) Before issuing or transferring an exploration license, the Administrator must find that the exploration proposed in the application will not unreasonably interfere with the exercise of the freedoms of the high seas by other nations, as recognized under general principles of international law.

(b) In making this finding, the Administrator will recognize that exploration for hard mineral resources of the deep seabed is a freedom of the high seas. In the exercise of this right, each licensee must act with reasonable regard for the interests of other nations in their exercise of the freedoms of the high seas.

(c)(1) In the event of a conflict between the exploration program of an applicant or licensee and a competing use of the high seas by another nation or its nationals, the Administrator, in consultation and cooperation with the Department of State and other interested agencies, will enter into negotiations with that nation to resolve the conflict. To the maximum extent possible the Administrator will endeavor to resolve the conflict in a manner that will allow both uses to take place in a manner in which neither will unreasonably interfere with the other.

(2) If both uses cannot be conducted harmoniously in the area subject to the exploration plan, the Administrator will decide whether to issue or transfer the license.

§ 970.504 International obligations of the United States.

Before issuing or transferring an exploration license, the Administrator must find that the exploration proposed in the application will not conflict with any international obligation of the United States established by any treaty

or international convention in force with respect to the United States.

§ 970.505 Breach of international peace and security involving armed conflict.

Before issuing or transferring an exploration license, the Administrator must find that the exploration proposed in the application will not create a situation which may reasonably be expected to lead to a breach of international peace and security involving armed conflict.

§ 970.506 Environmental effects.

Before issuing or transferring an exploration license, the Administrator must find that the exploration proposed in the application cannot reasonably be expected to result in a significant adverse effect on the quality of the environment, taking into account the analyses and information in any applicable EIS prepared pursuant to section 109(c) or 109(d) of the Act. This finding also will be based upon the considerations and approach in § 970.701.

§ 970.507 Safety at sea.

Before issuing or transferring an exploration license, the Administrator must find that the exploration proposed in the application will not pose an inordinate threat to the safety of life and property at sea. This finding will be based on the requirements reflected in §§ 970.205 and 970.801.

§ 970.508 Denial of issuance or transfer.

(a) The Administrator may deny issuance or transfer of a license if he finds that the applicant or the proposed exploration activities do not meet the requirements of this part for the issuance or transfer of a license.

(b) When the Administrator proposes to deny issuance or transfer, he will send to the applicant, and publish in the **Federal Register**, written notice of such intention to deny issuance or transfer. Such notice will include:

(1) The basis upon which the Administrator proposes to deny issuance or transfer; and

(2) If the basis for the proposed denial is a deficiency which the Administrator believes the applicant can correct:

(i) The action believed necessary to correct the deficiency; and

(ii) The time within which any correctable deficiency must be corrected (the period of time may not exceed 180 days except as specified by the Administrator for good cause).

The **Federal Register** notice will not include the coordinates of the proposed exploration area.

(c) The Administrator will deny issuance or transfer:

(1) On the 30th day after the date the notice is sent to the applicant under paragraph (b) of this section, unless before such 30th day the applicant files with the Administrator a written request for an administrative review of the proposed denial; or

(2) On the last day of the period established under paragraph (b)(2)(ii) of this section in which the applicant must correct a deficiency, if such deficiency has not been corrected before such day and an administrative review requested pursuant to paragraph (c)(1) of this section is not pending or in progress.

(d) If a timely request for administrative review of the proposed denial is made by the applicant under paragraph (c)(1) of this section, the Administrator will promptly begin a formal hearing in accordance with Subpart J of this part. If the proposed denial is the result of a correctable deficiency, the administrative review will proceed concurrently with any attempt to correct the deficiency, unless the parties agree otherwise or the administrative law judge orders differently.

(e) If the Administrator denies issuance or transfer, he will send to the applicant written notice of the denial, including the reasons therefor.

(f) Any final determination by the Administrator granting or denying issuance of a license is subject to judicial review as provided in Chapter 7 of Title 5, United States Code.

§ 970.509 Notice of issuance or transfer.

If the Administrator finds that the requirements of this part have been met, he will issue or transfer the license along with the appropriate terms, conditions and restrictions. Notification thereof will be made in writing to the applicant and in the **Federal Register**.

§ 970.510 Objections to terms, conditions and restrictions.

(a) The licensee may file a notice of objection to any term, condition or restriction in the license. The licensee may object on the grounds that any term, condition or restriction is inconsistent with the Act or this part, or on any other grounds which may be raised under applicable provisions of law. If the licensee does not file notice of an objection within the 60-day period immediately following the licensee's receipt of the notice of issuance or transfer under § 970.509, he will be deemed conclusively to have accepted the terms, conditions and restrictions in the license.

(b) Any notice of objection filed under paragraph (a) of this section must be in writing, must contain the precise legal basis for the objection, and must provide information relevant to any underlying factual issues deemed by the licensee as necessary to the Administrator's decision upon the objection.

(c) Within 90 days after receipt of the notice of objection, the Administrator will act on the objection and publish in the **Federal Register**, as well as provide to the licensee, written notice of his decision.

(d) If, after the Administrator takes final action on an objection, the licensee demonstrates that a dispute remains on a material issue of fact, the Administrator will provide for a formal hearing which will proceed in accordance with Subpart J of this part.

(e) Any final determination by the Administrator on an objection to terms, conditions or restrictions in a license after the formal hearing provided in paragraph (d) of this section is subject to judicial review as provided in Chapter 7 of Title 5, United States Code.

§ 970.511 Suspension or modification of activities; suspension or revocation of licenses.

(a) The Administrator may:

(1) In addition to, or in lieu of, the imposition of any civil penalty under Subpart K of this part, or in addition to the imposition of any fine under Subpart K, suspend or revoke any license issued under this part, or suspend or modify any particular activities under such a license, if the licensee substantially fails to comply with any provision of the Act, this part, or any term, condition or restriction of the license; and

(2) Suspend or modify particular activities under any license, if the President determines that such suspension or modification is necessary:

(i) To avoid any conflict with any international obligation of the United States established by any treaty or convention in force with respect to the United States; or

(ii) To avoid any situation which may reasonably be expected to lead to a breach of international peace and security involving armed conflict.

(b) Any action taken by the Administrator in accordance with paragraph (a)(1) of this section will proceed pursuant to the procedures in § 970.1103. Any action taken in accordance with paragraph (a)(2) of this section will proceed pursuant to paragraphs (c) through (i) of this section.

(c) Prior to taking any action specified in paragraph (a)(2) of this section the Administrator will publish in the **Federal Register**, and send to the

licensee, written notice of the proposed action. The notice will include:

(1) The basis of the proposed action; and

(2) If the basis for the proposed action is a deficiency which the Administrator believes the licensee can correct:

(i) The action believed necessary to correct the deficiency; and

(ii) The time within which any correctable deficiency must be corrected (this period of time may not exceed 180 days except as specified by the Administrator for good cause).

(d) The Administrator will take the proposed action:

(1) On the 30th day after the date the notice is sent to the licensee, under paragraph (c) of this section, unless before such 30th day the licensee files with the Administrator a written request for an administrative review of the proposed action; or

(2) On the last day of the period established under paragraph (c)(2)(ii) of this section in which the licensee must correct the deficiency, if such deficiency has not been corrected before such day and an administrative review requested pursuant to paragraph (d)(1) of this section is not pending or in progress.

(e) If a timely request for administrative review of the proposed action is made by the licensee under paragraph (d)(1) of this section, the Administrator will promptly begin a formal hearing in accordance with Subpart J of this part. If the proposed action is the result of a correctable deficiency, the administrative review will proceed concurrently with any attempt to correct the deficiency, unless the parties agree otherwise or the administrative law judge orders differently.

(f) The Administrator will serve on the licensee, and publish in the **Federal Register**, written notice of the action taken including the reasons therefor.

(g) Any final determination by the Administrator to take the proposed action is subject to judicial review as provided in Chapter 7 of Title 5, United States Code.

(h) The issuance of any notice of proposed action under this section will not affect the continuation of exploration activities by a licensee, except as provided in paragraph (i) of this section.

(i) The provisions of paragraphs (c), (d), (e) and (h) of this section will not apply when:

(1) The President determines by Executive Order that an immediate suspension of a license, or immediate suspension or modification of particular activities under such license, is necessary for the reasons set forth in paragraph (a)(2) of this section; or

(2) The Administrator determines that immediate suspension of such a license, or immediate suspension or modification of particular activities under a license, is necessary to prevent a significant adverse effect on the environment or to preserve the safety of life or property at sea, and the Administrator issues an emergency order in accordance with § 970.1103(d)(4).

(j) The Administrator will immediately rescind the emergency order as soon as he has determined that the cause for the order has been removed.

§ 970.512 Modification of terms, conditions and restrictions.

(a) After issuance or transfer of any license, the Administrator, after consultation with interested agencies and the licensee, may modify any term, condition, or restriction in such license for the following purposes:

(1) To avoid unreasonable interference with the interests of other nations in their exercise of the freedoms of the high seas, as recongnized under general principles of international law. This determination will take into account the provisions of § 970.503;

(2) If relevant data and other information (including, but not limited to, data resulting from exploration activities under the license) indicate that modification is required to protect the quality of the environment or to promote the safety of life and property at sea;

(3) To avoid a conflict with any international obligation of the United States, established by any treaty or convention in force with respect to the United States, as determined in writing by the President; or

(4) To avoid any situation which may reasonably be expected to lead to a breach of international peace and security involving armed conflict, as determined in writing by the President.

(b) The procedures for objection to the modification of a term, condition or restriction will be the same as those for objection to an original term, condition or restriction under § 970.510, except that the period for filing notice of objection will run from the recipient of notice of proposed modification. Public notice of proposed modifications under this section will be made according to § 970.514. On or before the date of publication of public notice, written notice will be provided to the licensee.

§ 970.513 Revision of a license.

(a) During the term of an exploration license, the licensee may submit to the Administrator an application for a revision of the license or the exploration plan associated with it. NOAA recognizes that changes in circumstances encountered, and in information and technology developed, by the licensee during exploration may require such revisions. In some cases it may even be advisable to recognize at the time of filing the original license application that although the essential information for issuing or transferring a license as specified in §§ 970.201 through 920.208 must be included in such application, some details may have to be provided in the future in the form of a revision. In such instances, the Administrator may issue or transfer a license which would authorize exploration activities and plans only to the extent described in the application.

(b) The Administrator will approve such application for a revision upon a finding in writing that the revision will comply with the requirements of the Act and this part.

(c) A change which would require an application to and approval by the Administrator as a revision is a major change in one or more of:

(1) The bases for certifying the original application pursuant to §§ 970.401 through 970.408;

(2) The bases for issuing or transferring the license pursuant to §§ 970.503 through 970.507; or

(3) The terms, conditions and restrictions issued for the license pursuant to §§ 970.517 through 970.524.

A major change is one which is of such significance so as to raise a question as to:

(i) The applicant's ability to meet the requirements of the sections cited in subparagraph (1) and (2) of paragraph (c) of this section; or

(ii) The sufficiency of the terms, conditions and restrictions to accomplish their intended purpose.

§ 970.514 Scale requiring application procedures.

(a) A proposal by the Administrator to modify a term, condition or restriction in a license pursuant to § 970.512, or an application by a licensee for revision of a license or exploration plan pursuant to § 970.513, is significant, and the full application requirements and procedures will apply, if it would result in other than an incidental:

(1) Increase in the size of the exploration area; or

(2) Change in the location of the area.

An incidental increase or change is that which equals two percent or less of the original exploration area, so long as such adjustment is contiguous to the licensed area.

(b) All proposed modifications or revisions other than described in paragraph (a) of this section will be acted on after a notice thereof is published by the Administrator in the Federal Register, with a 60-day opportunity for public comment. On a case-by-case basis, the Administrator will determine if other procedures, such as a public hearing in a potentially affected area, are warranted. Notice of the Administrator's decision on the proposed modification will be provided to the licensee in writing and published in the Federal Register.

§ 970.515 Duration of a license.

(a) Each exploration license will be issued for a period of 10 years.

(b) If the licensee has substantially complied with the license and its associated exploration plan and requests an extension of the license, the Administrator will extend the license on terms, conditions and restrictions consistent with the Act and this part for a period of not more than 5 years.

In determining substantial compliance for purposes of this section, the Administrator may make allowance for deviation from the exploration plan for good cause, such as significantly changed market conditions. However, a request for extension must be accompanied by an amended exploration plan to govern the activities by the licensee during the extended period.

(c) Successive extensions may be requested, and will be granted by the Administrator, based on the criteria, and for the length of time, specified in paragraph (b) of this section.

§ 970.516 Approval of license transfers.

(a) The Administrator may transfer a license after a written request by the licensee. After a licensee submits such a request to the Administrator, the proposed transferee will be deemed an applicant for an exploration license, and will be subject to the requirements and procedures of this part.

(b) The Administrator will transfer a license if the proposed transferee and exploration activities meet the requirements of the Act and this part, and if the proposed transfer is in the public interest. The Administrator will presume that the transfer is in the public interest if it meets the requirements of the Act and this part. In case of mere change in the form or ownership of a licensee, the Administrator may waive relevant determinations for requirements for which no changes have occurred since the preceding application.

Terms, Conditions, and Restrictions

§ 970.517 Diligence requirements.

The terms, conditions and restrictions in each exploration license must include provisions to assure diligent development. The Administrator will establish these pursuant to § 970.602.

§ 970.518 Environmental protection requirements.

(a) Each exploration license must contain such terms, conditions and restrictions, established by the Administrator, which prescribe actions the licensee must take in the conduct of exploration activities to assure protection of the environment. The Administrator will establish these pursuant to § 970.702.

(b) Before establishing the terms, conditions and restrictions pertaining to environmental protection, the Administrator will consult with the Administrator of the Environmental Protection Agency, the Secretary of State and the Secretary of the department in which the Coast Guard is operating. He also will take into account and give due consideration to the information contained in the final EIS prepared with respect to that proposed license.

§ 970.519 Resource conservation requirements.

For the purpose of conservation of natural resources, each license issued under this part will contain, as needed, terms, conditions and restrictions which have due regard for the prevention of waste and the future opportunity for the commercial recovery of the unrecovered balance of the hard mineral resources in the license area. The Administrator will establish these pursuant to § 970.603.

§ 970.520 Freedom of the high seas requirements.

Each license issued under this part must include such restrictions as may be necessary and appropriate to ensure that the exploration activities do not unreasonably interfere with the interests of other nations in their exercise of the freedoms of the high seas, as recognized under general principles of international law, such as fishing, navigation, submarine pipeline and cable laying, and scientific research. The Administrator will consider the provisions in § 970.503 in establishing these restrictions.

§ 970.521 Safety at sea requirements.

The Secretary of the department in which the Coast Guard is operating, in consultation with the Administrator, will require in any license issued under this part, in conformity with principles of international law, that vessels documented under the laws of the United States and used in activities authorized under the license comply with conditions regarding the design, construction, alteration, repair, equipment, operation, manning and maintenance relating to vessel and crew safety and the promotion of safety of life and property at sea. These requirements will be established with reference to Subpart H of this part.

§ 970.522 Monitoring requirements.

Each exploration license must require the licensee:

(a) To allow the Administrator to place appropriate Federal officers or employees as observers aboard vessels used by the licensee in exploration activities to:

(1) Monitor such activities at such time, and to such extent, as the Administrator deems reasonable and necessary to assess the effectiveness of the terms, conditions, and restrictions of the license; and

(2) Report to the Administrator whenever such officers or employees have reason to believe there is a failure to comply with such terms, conditions, and restrictions;

(b) To cooperate with such officers and employees in the performance of monitoring functions; and

(c) To monitor the environmental effects of the exploration activities in accordance with a monitoring plan approved and issued by the Administrator as license terms, conditions and restrictions, and to submit such information as the Administrator finds to be necessary and appropriate to assess environmental impacts and to develop and evaluate possible methods of mitigating adverse environmental effects. This environmental monitoring plan and reporting will respond to the concerns and procedures discussed in Subpart G of this part.

§ 970.523 Special terms, conditions, and restrictions.

Although the general criteria and standards to be used in establishing terms, conditions, and restrictions for a license are set forth in this part, as referenced in §§ 970.517 through 970.522, the Administrator may impose special terms, conditions, and restrictions for the conservation of natural resources, protection of the environment, or the safety of life and property at sea when required by differing physical and environmental conditions.

§ 970.524 Other Federal requirements.

Pursuant to § 970.211, another Federal agency, upon review of an exploration license application submitted under this part, may indicate how terms, conditions, and restrictions might be added to the license, to assure compliance with any law or regulation within that agency's area of responsibility. In response to the intent, reflected in section 103(e) of the Act, to reduce the number of separate actions to satisfy the statutory responsibilities of these agencies, the Administrator may include such terms, conditions, and restrictions in a license.

Subpart F—Resource Development Concepts

§ 970.600 General.

Several provisions in the Act relate to appropriate mining techniques or mining efficiency. These raise what could be characterized as resource development issues. In particular, under section 103(a)(2)(D) of the Act, the applicant will select the size and location of the area of an exploration plan, which will be approved unless the Administrator finds that the area is not a "logical mining unit." Also, pursuant to section 108 of the Act the applicant's exploration plan and the terms, conditions and restrictions of each license must be designed to ensure diligent development. In addition, for the purpose of conservation of natural resources, section 110 of the Act provides that each license is to contain, but only as needed, terms, conditions, and restrictions which have due regard for the prevention of waste and the future opportunity for the commercial recovery of the unrecovered balance of the resources.

§ 970.601 Logical mining unit.

(a) In the case of an exploration license, a logical mining unit is an area of the deep seabed which can be explored under the license, and within the 10-year license period, in an efficient, economical and orderly manner with due regard for conservation and protection of the environment, taking into consideration the resource data, other relevant physical and environmental characteristics, and the state of the technology of the applicant as set forth in the exploration plan. In addition, it must be of sufficient size to allow for intensive exploration.

(b) Approval by the Administrator of a proposed exploration logical mining unit will be based on a case-by-case review of each application. In order to provide a proper basis for this evaluation, the applicant's exploration plan should describe the seabed topography, the location of mineral deposits and the nature of planned equipment and operations. Also, the exploration plan must show the relationship between the area to be explored and the applicant's plans for commercial recovery volume, to the extent projected in the exploration plan.

(c) In delineating an exploration area, the applicant need not include unmineable areas. Thus, the area need not consist of contiguous segments, as long as each segment would be efficiently mineable and the total proposed area constitutes a logical mining unit. In describing the area, the applicant must present the geodetic coordinates of the points defining the boundaries, referred to the World Geodetic System (WGS) Datum. A boundary between points must be a geodesic. If grid coordinates are desired, the Universal Transverse Mercator Grid System must be used.

(d) At the applicant's option, for the purpose of satisfying a possible obligation under a future Law of the Sea Treaty, the exploration area proposed may be up to twice the size of a logical mining unit, which can be divided into two exploration sites of equal estimated commercial value. The application should specify if this option is chosen.

§ 970.602 Diligent exploration.

(a) Each licensee must pursue diligently the activities described in his approved exploration plan. This requirement applies to the full scope of the plan, including environmental safeguards and monitoring systems. To help assure this diligence, terms, conditions and restrictions which the Administrator issues with a license will require such periodic reasonable expenditures for exploration by the licensee as the Administrator may establish, taking into account the size of the area of the deep seabed to which the exploration plan applies and the amount of funds which is estimated by the Administrator to be required during exploration for commercial recovery of hard mineral resources to begin within the time limit established by the Administrator. However, such required expenditures will not be established at a level which would discourage exploration by persons with less costly technology than is prevalently in use.

(b) In order to fulfill the diligence requirement, the applicant first must propose to the Administrator an estimated schedule of activities and expenditures pursuant to § 970.203(b) (3) and (6). The schedule must show, and the Administrator must be able to make a reasonable determination, that the applicant can complete his exploration activities within the term of the license. In this regard, there must be a reasonable relationship between the size of the exploration area and the financial and technological resources reflected in the application. Also, the exploration must clearly point toward developing the ability, by the end of the 10-year license period, to apply for and obtain a permit for commercial recovery.

(c) Ultimately, the diligence requirement will involve a retrospective determination by the Administrator, based on the licensee's reasonable conformance to the approved exploration plan. Such determination, however, will take into account the need for some degree of flexibility in an exploration plan. It also will include consideration of the needs and stage of development of each licensee, again based on the approved exploration plan. In addition, the determination will take account of legitimate periods of time when there is no or very low expenditure, and will allow for a certain degree of flexibility for changes encountered by the licensee in such factors as its resource knowledge and financial considerations.

(d) In order for the Administrator to make determinations on a licensee's adherence to the diligence requirements, the licensee must submit a report annually reflecting his conformance to the schedule of activities and expenditures contained in the license. In case of any changes requiring a revision to an approved license and exploration plan, the licensee must advise the Administrator in accordance with § 970.513.

§ 970.603 Conservation of resources.

(a) With respect to the exploration phase of seabed mining, the requirement for the conservation of natural resources, encompassing due regard for the prevention of waste and the future opportunity for the commercial recovery of the unrecovered balance of the hard mineral resources in the area to which the license applies, may not be particularly relevant. Thus, since the Act requires such terms, conditions and restrictions only as needed, exploration licenses will require such provisions only as the Administrator deems necessary.

(b) NOAA views license phase mining system tests as an opportunity to examine, with industry, the conservation implications of any mining patterns used. Thus, in order to develop information needed for future decisions during commercial recovery, NOAA will

include with a license a requirement for the submission of collector track and nodule production data. Only if information submitted reflects that the integrated system tests are resulting in undue waste or threatening the future opportunity for commercial recovery of the unrecovered balance of hard mineral resources will the Administrator modify the terms, conditions or restrictions pertaining to the conservation of natural resources, in order to address such problems.

(c) If the Administrator so modifies such terms, conditions and restrictions relating to conservation of resources, he will employ a balancing process in the consideration of the state of the technology being developed, the processing system utilized and the value and potential use of any waste, the environmental effects of the exploration activities, economic and resource data, and the national need for hard mineral resources.

Subpart G—Environmental Effects

§ 970.700 General.

Congress, in authorizing the exploration for hard mineral resources under the Act, also enacted provisions relating to the protection of the marine environment from the effects of exploration activities. For example, before the Administrator may issue a license, pursuant to section 105(a)(4) of the Act he must find that the exploration proposed in an application cannot reasonably be expected to result in a significant adverse effect on the quality of the environment. Also, the Act requires in section 109(b) that each license issued by the Administrator must contain such terms, conditions and restrictions which prescribe the actions the licensee must take in the conduct of exploration activities to assure protection of the environment. Furthermore, the Act in section 105(c)(1)(B) provides for the modification by the Administrator of any term, condition or restriction if relevant data and other information indicates that modification is required to protect the quality of the environment. In addition, section 114 of the Act specifies that each license issued under the Act must require the licensee to monitor the environmental effects of the exploration activities in accordance with guidelines issued by the Administrator, and to submit such information as the Administrator finds to be necessary and appropriate to assess environmental impacts and to develop and evaluate possible methods of mitigating adverse environmental effects.

§ 970.701 Significant adverse environmental effects.

(a) *Activities with no significant impact.* NOAA believes that exploration activities of the type listed below are very similar or identical to activities considered in section 6(c)(3) of NOAA Directives Manual 02–10, and therefore have no potential for significant environmental impact, and will require no further environmental assessment.

(1) Gravity and magnetometric observations and measurements;

(2) Bottom and sub-bottom acoustic profiling or imaging without the use of explosives;

(3) Mineral sampling of a limited nature such as those using either core, grab or basket samplers;

(4) Water and biotic sampling, if the sampling does not adversely affect shellfish beds, marine mammals, or an endangered species, or if permitted by the National Marine Fisheries Service or another Federal agency;

(5) Meteorological observations and measurements, including the setting of instruments;

(6) Hydrographic and oceanographic observations and measurements, including the setting of instruments;

(7) Sampling by box core, small diameter core or grab sampler, to determine seabed geological or geotechnical properties;

(8) Television and still photographic observation and measurements;

(9) Shipboard mineral assaying and analysis; and

(10) Positioning systems, including bottom transponders and surface and subsurface buoys filed in *Notices to Mariners.*

(b) *Activities with potential impact.* (1) NOAA research has identified at-sea testing of recovery equipment and the operation of processing test facilities as activities which have some potential for significant environmental impacts during exploration. However, the research has revealed that only the following limited effects are expected to have potential for significant adverse environmental impact.

(2) The programmatic EIS's documents three at-sea effects of deep seabed mining which cumulatively during commercial recovery have the potential for significant effect. These three effects also occur during mining system tests that may be conducted under a license, but are expected to be insignificant. These include the following:

(i) *Destruction of benthos in and near the collector track.* Present information reflects that the impact from this effect during mining tests under exploration licenses will be extremely small.

(ii) *Blanketing of benthic fauna and dilution of food supply away from mine site subareas.* The settling of fine sediments disturbed by tests under a license of scale-model mining systems which simulate commercial recovery could adversely affect benthic fauna by blanketing, diluation of their food supply, or both. Because of the anticipated slow settling rate of the sediments, the affected area could be quite large. However, research results are insufficient to conclude that this will indeed be a problem.

(iii) *Surface plume effect on fish larvae.* The impact of demonstration-scale mining tests during exploration is expected to be insignificant.

(3) If processing facilities in the United States are planned to be used for testing during exploration, NOAA also will assess their impacts in the site-specific EIS developed for each license.

(c) *NOAA approach.* In making determinations on significant adverse environmental effects, the Administrator will draw on the above conclusions and other findings in NOAA's programmatic environmental statement and site-specific statements issued in accordance with the Act. He will issue licenses with terms, conditions and restrictions containing, as appropriate, environmental protection or mitigation requirements (pursuant to § 970.518) and monitoring requirements (pursuant to § 970.522). The focus of NOAA's environmental efforts will be on environmental research and on monitoring during mining tests to acquire more information on the environmental effects of deep seabed mining. If these efforts reveal that modification is required to protect the quality of the environment, NOAA then may modify terms, conditions and restrictions pursuant to § 970.512.

§ 970.702 Monitoring and mitigation of environmental effects.

(a) *Monitoring.* If an application is determined to be otherwise acceptable, the Administrator will specify an environmental monitoring plan as part of the terms, conditions and restrictions developed for each license. The plan will be based on the monotoring plan proposed by the applicant and reviewed by NOAA for completeness, accuracy and statistical reliability. This monitoring strategy will be devised to insure that the exploration activities do not deviate significantly from the approved exploration plan and to determine if the assessment of the plan's acceptability was sound. The monitoring plan, among other things, will include monitoring environmental parameters

relating to verficiation of NOAA's findings concerning potential impacts, but relating mainly to the three unresolved concerns with the potential for significant environmental effect, as identified in § 970.701(b)(2). NOAA has developed a technical guidance document, which includes parameters pertaining to the upper and lower water column and operational aspects, which document will provide assistance in developing monitoring plans in consultation with applicants.

(b) *Mitigation.* Monitoring and continued research may develop information on future needs for mitigating environmental effects. If such needs are identified, terms, conditions and restrictions can be modified appropriately.

Subpart H—Safety of Life and Property at Sea

§ 970.800 General.

The Act contains requirements, in the context of several decisions, that relate to assuring the safety of life and property at sea. For instance, before the Administrator may issue a license, section 105(a)(5) of the Act requires that he find that the proposed exploration will not pose an inordinate threat to the safety of life and property at sea. Also, under section 112(a) of the Act the Coast Guard, in consultation with NOAA, must require in any license or permit issued under the Act, in conformity with principles of international law, that vessels documented in the United States and used in activities authorized under the license comply with conditions regarding the design, construction, alteration, repair, equipment, operation, manning and maintenance relating to vessel and crew safety and the safety of life and property at sea. In addition, under section 105(c)(1)(B) of the Act, the Administrator may modify terms, conditions and restrictions for a license if required to promote the safety of life and property at sea.

§ 970.801 Criteria for safety of life and property at sea.

Response to the safety at sea requirements in essence will involve vessel inspection requirements. These inspection requirements may be identified by reference to present laws and regulations. The primary inspection statutes pertaining to United States flag vessels are: 46 U.S.C. 86 (Loadlines); 46 U.S.C. 395 (Inspection of seagoing barges over 100 gross tons); 46 U.S.C. 367 (Inspection of sea-going motor vessels over 300 gross tons); and 46 U.S.C. 404 (Inspection of vessels above 15 gross tons carrying freight for hire). All United States flag vessels will be required to meet existing regulatory requirements applicable to such vessels. This includes the requirement for a current valid Coast Guard Certificate of Inspection, as specified in § 970.205. Being United States flag, these vessels will be under United States jurisdiction on the high seas and subject to domestic enforcement procedures. With respect to foreign flag vessels, the SOLAS 74 or SOLAS 60 certificate requirements or alternative IACS requirements, as specified in § 970.205, apply.

Subpart I—Miscellaneous

§ 970.900 General.

This subpart contains miscellaneous provisions pursuant to the Act which are relevant to exploration licenses.

§ 970.901 Records to be maintained and information to be submitted by licensees.

(a)(1) In addition to the information specified elsewhere in this part, each licensee must keep such records, consistent with standard accounting principles, as the Administrator may specify with each license. Such records must include information which will fully disclose expenditures for exploration for hard mineral resources in the area under license, and such other information as will facilitate an effective audit of such expenditures.

(2) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of licensees which are necessary and directly pertinent to verify the expenditures referred to in paragraph (a)(1) of this section.

(b) In addition to the information specified elsewhere in this part, each applicant or licensee will be required to submit to the Administrator at his request such data or other information as he may reasonably need for purposes of making determinations with respect to the issuance, revocation, modification, or suspension of the license in question; compliance with the biennal Congressional report requirement contained in section 309 of the Act; and evaluation of the exploration activities conducted by the licensee. At a minimum, licensees must submit an annual written report, within 90 days after each anniversary of the license issuance or transfer, of exploration activities and expenditures to address the diligence requirements in § 970.602, and of environmental monitoring to address the requirements of § 970.522(c) and § 970.702(a).

§ 970.902 Public disclosure of documents received by NOAA.

(a) *Purpose.* This section provides a procedure by which persons submitting information pursuant to this part may request that certain information not be subject to public disclosure. The substantiation requested from such persons is intended to assure that NOAA has a complete and proper basis for determining the legality and appropriateness of withholding or releasing the identified information if a public request for disclosure is received.

(b) *Written requests for confidential treatment.* (1) Any person who submits any information pursuant to this part, which information is considered by him to be protected by the Trade Secrets Act (18 U.S.C. 1905) or otherwise to be a trade secret or commercial or financial information which is privileged or confidential, may request that the information be given confidential treatment.

(2)(i) Any request for confidential treatment of information:

(A) Should be submitted at the time of submission of information;

(B) Should state the period of time for which confidential treatment is desired (e.g., until a certain date, or until the occurrence of a certain event, or permanently);

(C) Must be submitted in writing; and

(D) Must include the name, mailing address, and telephone number of an agent of the submitter who is authorized to receive notice of requests for disclosure of such information pursuant to paragraph (d) of this section.

(ii) If information is submitted to NOAA without an accompanying request for confidential treatment, the notice referred to in paragraph (d)(2) of this section need not be given. If a request for confidential treatment is received after the information itself is received, NOAA will make such efforts as are administratively practicable to associate the request with copies of the previously submitted information in the files of NOAA and the Federal agencies to which NOAA distributed the information.

(3)(i) Information subject to a request for confidential treatment must be segregated from information for which confidential treatment is not being requested, and each page (or segregable portion of each page) subject to the request must be clearly marked with the name of the person requesting confidential treatment, the name of the applicant or licensee, and an identifying legend such as "Proprietary Information" or "Confidential Treatment Requested." Where this marking proves

impracticable, a cover sheet containing the identifying names and legend must be securely attached to the compilation of information for which confidential treatment is requested. Each copy of the information for which confidential treatment has been requested must be cross-referenced to the appropriate section of the application or other document. All information for which confidential treatment is requested pertaining to the same application or other document must be submitted to NOAA in a package separate from that information for which confidential treatment is not being requested.

(ii) Each copy of any application or other document with respect to which confidential treatment of information has been requested must indicate, at each place in the application or document where confidential information has been deleted, that confidential treatment of information has been requested.

(iii) With respect to information submitted as part of an application, twenty-five copies of the information for which confidential treatment is requested must be submitted.

(4) Normally, NOAA will not make a determination as to whether confidential treatment is warranted until a request for disclosure of the information is received. However, on a case-by-case basis, the Administrator may decide to make a determination in advance of a request for disclosure, where it would facilitate NOAA's obtaining voluntarily submitted information (rather than information required to be submitted under this part).

(c) *Substantiation of request for confidential treatment.* (1) Any request for confidential treatment may include a statement of the basis for believing that the information is deserving of confidential treatment which addresses the issues relevant to a determination of whether the information is a trade secret, or commercial or financial information which is privileged or confidential. To the extent permitted by applicable law, part or all of any such statement submitted will be treated as confidential if so requested by the person requesting confidential treatment. Any such statement for which confidential treatment is requested must be segregated, marked, and submitted in accordance with the procedures described in paragraph (b)(3) of this section.

(2) Issues addressed in the statement should include:

(i) The commercial or financial nature of the information;

(ii) The nature and extent of the competitive advantage enjoyed as a result of possession of the information;

(iii) The nature and extent of the competitive harm which would result from public disclosure of information;

(iv) The extent to which the information has been disseminated to employees and contractors of the person submitting the information;

(v) The extent to which persons other than the person submitting the information possess, or have access to, the same information; and

(vi) The nature of the measures which have been and are being taken to protect the information from disclosure.

(d) *Requests for disclosure.* (1) Any request for disclosure of information submitted, reported or collected pursuant to this part shall be made in accordance with 15 CFR 903.7.

(2) Upon receipt of a request for disclosure of information for which confidential treatment has been requested, the Administrator immediately will issue notice by an expeditious means (such as by telephone, confirmed by certified or registered mail, return receipt requested) of the request for disclosure to the person who requested confidential treatment of the information or to the designated agent. The notice also will:

(i) Inquire whether such person continues to maintain the request for confidential treatment;

(ii) Notify such person of the date (generally, not later than the close of business on the fourth working day after issuance of the notice) by which the person is strongly encouraged to deliver to NOAA a written statement that the person either:

(A) Waives or withdraws the request for confidential treatment in full or in part; or

(B) Confirms that the request for confidential treatment is maintained;

(iii) Inform such person that by such date as the Administrator specifies (generally, not later than the close of business on the fourth working day after issuance of the notice), the person:

(A) Is strongly encouraged to deliver to NOAA a written statement addressing the issues listed in paragraph (c)(2) of this section, describing the basis for believing that the information is deserving of confidential treatment, if such a statement was not previously submitted;

(B) Is strongly encouraged to deliver to NOAA an update of or supplement to any statement previously submitted under paragraph (c) of this section; and

(C) May present to the Administrator in such forum as the Administrator deems appropriate (such as by telephone or in an informal conference), such person's arguments against disclosure of the information; and

(iv) Inform such person that the burden is on him to assure that any response to the notice is delivered to NOAA within the time specified in the notice.

(3) To the extent permitted by applicable law, part or all of any statement submitted in response to any notice issued under paragraph (d)(2) will be treated as confidential if so requested by the person submitting the response. Any such response for which confidential treatment is requested must be segregated, marked and submitted in accordance with the procedures described in paragraphs (b)(3)(i) and (b)(3)(ii) of this section;

(4) Upon the expiration of the time allowed for response under paragraph (d)(2) of this section, the Administrator will determine, in consultation with the Assistant General Counsel for Administration, whether confidential treatment is warranted based on the information then available to NOAA;

(5) If the person who requested confidential treatment waives or withdraws that request, the Administrator will proceed with appropriate disclosure of the information;

(6) If the Administrator determines that confidential treatment is warranted, he will so notify the person requesting confidential treatment, and will issue an initial denial of the request for disclosure of records in accordance with 15 CFR 903.8;

(7) If the Administrator determines that confidential treatment is not warranted for part or all of the information, the Administrator immediately will issue notice by an expeditious means (such as by telephone, confirmed by certified or registered mail, return receipt requested) to the person who requested confidential treatment. The notice will state:

(i) The basis for the Administrator's determination;

(ii) That the Administrator's determination constitutes final agency action on the request for confidential treatment;

(iii) That such final agency action may be subject to judicial review under Chapter 7 of Title 5, United States Code; and

(iv) That on the fourth working day after issuance of the notice described in this paragraph (d)(7), the Administrator will make the information available to the person who requested disclosure unless NOAA has first been notified of

the filing of an action in a Federal court to obtain judicial review of the determination, and the court has issued an appropriate order preventing or limiting disclosure.

(8) NOAA will keep a record of the date any notice is issued, and of the date any response is received, by NOAA under this paragraph (d).

(9) In all other respects, procedures for handling requests for records containing information submitted to, reported to, or collected by the Administrator pursuant to this part will be in accordance with 15 CFR Part 903. For example, if 10 working days have passed after the receipt of a request for disclosure and, dispite the exercise of due diligence by the agency, the Administrator cannot make a determination as to whether confidential treatment is warranted, the Administrator will issue appropriate notice in accordance with 15 CFR 903.8(b)(5).

(e) *Direct submissions of confidential information.* If any person (for example, an affiliate) has reason to believe that it would be prejudiced by furnishing information required from it to the applicant or licensee, such person may file the required information directly with NOAA. Information for which the person requests confidential treatment must be segregated, marked, and submitted in accordance with the procedures described in paragraph (b)(3) of this section.

(f) *Protection of confidential information transmitted by NOAA to other agencies.* Each copy of information for which confidential treatment has been requested which is transmitted by NOAA to other Federal agencies will be accompanied by a cover letter containing:

(1) A request that the other Federal agency maintain the information in confidence in accordance with applicable law (including the Trade Secrets Act, 18 U.S.C. 1905) and any applicable protective agreement entered into by the Administrator and the Federal agency receiving the information;

(2) A request that the other Federal agency notify the Administrator immediately upon receipt of any request for disclosure of the information; and

(3) A request that all copies of the information be returned to NOAA for secure storage or disposal promptly after the Federal agency determines that it no longer needs the information for its official use.

§ 970.903 Relinquishment and surrender of licenses.

(a) Any licensee may at any time, without penalty:

(1) Surrender to the Administrator a license issued to the licensee; or

(2) Relinquish to the Administrator, in whole or in part, any right to conduct any exploration activities authorized by the license.

(b) Any licensee who surrenders a license or relinquishes any such right will remain liable with respect to all violations and penalties incurred, and damage to persons or property caused, by the licensee as a result of activities engaged in by the licensee under such license.

§ 970.904 Amendment to regulations for conservation, protection of the environment and safety of life and property at sea.

The Administrator may at any time amend the regulations in this part as the Administrator determines to be necessary and appropriate in order to provide for the conservation of natural resources, protection of the environment, and the safety of life and property at sea. Such amended regulations will apply to all exploration activities conducted under any license issued or maintained pursuant to this part; except that any such amended regulations which provide for conservation of natural resources will apply to exploration conducted under an existing license during the present term of such license only if the Administrator determines that such amended regulations providing for conservation of natural resources will not impose serious or irreparable economic hardship on the licensee. Any amendment to regulations under this section will be made pursuant to the procedures in Subpart J of this part, except that § 970.1001(f)(1) will not apply. Instead, the parties of right to the hearing will be limited to the Administrator. Other persons may file a request under § 970.1001(f)(2) or (3) to participate in the hearing.

§ 970.905 Computation of time.

Saturdays, Sundays, and Federal Government holidays will be included in computing the time period allowed for filing any document or paper under this part, but when such time period expires on such a day, such time period will be extended to include the next following Federal Government work day. Also, filing periods expire at the close of business on the day specified, and for the office specified.

§ 970.906 Compliance with Paperwork Reduction Act.

In accordance with 44 U.S.C. 3506(c) and 3512 NOAA hereby informs affected persons that the requests for information under this part requiring:

(a) Submissions of specified information with applications; and

(b) Compliance with specified recordkeeping and reporting requirements;

Are not subject to the requirements of Chapter 35 of title 44, United States Code, including 44 U.S.C. 3705.

Subpart J—Uniform Procedures

§ 970.1000 Applicability.

The regulations of this subpart govern the following proceedings conducted by NOAA under this part.

(a) All adjudicatory hearings required by section 116(b) of the Act to be held on the following actions upon a finding by the Administrator that one or more specific and material issues of fact exist which require resolution by formal process, including but not limited to:

(1) All applications for issuance or transfer of license;

(2) All proposed terms, conditions and restrictions on a license; and

(3) All proposals to significantly modify a license;

(b) Hearings conducted under section 105(b)(3) of the Act on objection by a licensee to any term, condition or restriction in a license, or to modification thereto, where the licensee demonstrates, after final action by the Administrator on the objection, that a dispute remains as to a material issue of fact;

(c) Hearings conducted in accordance with section 106(b) of the Act pursuant to a timely request by an applicant or a licensee for review of:

(1) A proposed denial of issuance or transfer of a license; or

(2) A proposed suspension or modification of particular activities under a license after a Presidential determination pursuant to section 106(a)(2)(B) of the Act;

(d) Hearings conducted in accordance with section 308(c) of the Act to amend regulations for the purpose of conservation of natural resources, protection of the environment, and safety of life and property at sea;

(e) Hearings conducted in accordance with § 970.407 on a proposal to deny certification of an application; and

(f) Hearings conducted in accordance with Subpart C of this part to determine priority of right among pre-enactment explorers.

§ 970.1001 Formal hearing procedures.

(a) *General.* (1) All hearings described in paragraph (a) of § 970.1000 are governed by 5 U.S.C. sections 554–557 and the procedures contained in this section.

(2) Hearings held under this section will be consolidated insofar as practicable with hearings held by other agencies.

(b) *Decision to hold a hearing.* Whenever the Administrator finds that a formal hearing is required by the provision of this part he will provide for a formal hearing.

(c) *Assignment of administrative law judge.* Upon deciding to hold a formal hearing, the Administrator will refer the proceeding to the NOAA Office of Administrative Law Judges for assignment to an Administrative Law Judge to serve as presiding officer for the hearing.

(d) *Notice of formal hearing.*

(1) The Administrator will publish notice of the formal hearing in the **Federal Register** at least 15 days before the beginning of the hearing, and will send written notice by registered or certified mail to any involved applicant or licensee, and to all persons who submitted written comments upon the action in question, testified at any prior informal hearing on the action or filed a request for the formal hearing under this part.

(2) Notice of a formal hearing will include, among other things:

(i) Time and place of the hearing;

(ii) The name and address of the person(s) requesting the formal hearing or a statement that the formal hearing is being held by order of the Administrator;

(iii) The issues in dispute which are to be resolved in the formal hearing;

(iv) The due date for filing a written request to participate in the hearing in accordance with paragraphs (f)(2) and (f)(3) of this section; and

(v) Reference to any prior informal hearing from which the issues to be determined arose.

(e) *Powers and duties of the administrative law judge.* Judges have all the powers and duties necessary to preside over the parties and proceedings and to conduct fair and impartial hearings, as specified by 5 U.S.C 554–557 and this section, including the power to:

(1) Regulate the course of the hearing and the conduct of the parties, interested persons and others submitting evidence, including but not limited to the power to require the submission of part or all of the evidence in written form if the judge determines a party will not be prejudiced thereby, and if otherwise in accordance with law;

(2) Rule upon requests submitted in accordance with paragraph (f)(2) of this section to participate as a party, or requests submitted in accordance with paragraph (f)(3) of this section to participate as an interested person in a proceeding, by allowing, denying, or limiting such participation;

(3) Hold conferences in accordance with paragraph (i) of this section for the simplification or, if appropriate, settlement of the issues by consent of the parties or to otherwise expedite the proceedings;

(4) Administer oaths and affirmations;

(5) To the extent authorized by law, rule upon requests for, and issue, subpoenas for the attendance and testimony of witnesses and the production of books, records, and other evidence upon proper application under paragraph (p) of this section;

(6) Rule on discovery requests, establish discovery schedules, and take or cause depositions or interrogatories to be taken;

(7) Rule on requests for protective orders to protect persons in the discovery process from undue burden or expense, or for other good cause;

(8) Require, at or prior to any hearing, the submission and exchange of evidence;

(9) Rule upon offers of proof and evidence and receive, exclude and limit evidence as set forth in paragraph (j)(3) of this section;

(10) Introduce documentary or other evidence into the record;

(11) Examine and cross-examine witnesses;

(12) Consider and rule upon motions, procedural requests, and similar matters;

(13) Take such measures as may be necessary, such as sealing of portions of the hearing record, to protect classified information, proprietary and privileged information and information consisting of trade secrets and confidential commercial and financial information;

(14) Schedule the time and place of the hearing, or the hearing conference, continue the hearing from day-to-day, adjourn the hearing to a later date or a different place, and reopen the hearing at any time before issuance of the recommended or initial decision, all in the judge's discretion, having due regard for the covenience and necessity of the parties;

(15) Establish rules, consistent with applicable law, for media coverage of the proceedings and for the closure of the hearing in the interest of justice;

(16) Strike testimony of a witness refusing to answer a question ruled to be proper;

(17) Make and file decisions in conformity with this subpart; and

(18) Take any action authorized by the rules in this section or in conformance with 5 U.S.C. sections 554–557.

Hearings

(f) *Participation.* (1) Parties to the formal hearing will include:

(i) The NOAA General Counsel;

(ii) Any involved applicant or licensee; and

(iii) Any other person determined by the judge, in accordance with paragraph (f)(2) below, to be eligible to participate as a full party.

(2) Any person desiring to participate as a party in a formal hearing must submit a request to the judge to be admitted as a party. The request must be submitted within 10 days after the date of mailing or publication of notice of a decision to hold a formal hearing, whichever occurs later. Such person will be allowed to participate if the judge finds that the interests of justice and a fair determination of the issues would be served by granting the request. The judge may entertain a request submitted after the expiration of the 10 days, but such a request may only be granted upon an express finding on the record that:

(i) Special circumstances justify granting the request;

(ii) The interests of justice and a fair determination of the issues would be served by granting the request;

(iii) The requestor has consented to be bound by all prior written agreements and stipulations agreed to by the existing parties, and all prior orders entered in the proceedings; and

(iv) Granting the request will not cause undue delay or prejudice the rights of the existing parties.

(3)(i) Any interested person who desires to submit evidence in a formal hearing must submit a request within 10 days after the dates of mailing or publication of notice of a decision to hold a formal hearing, whichever occurs later. The judge may waive the 10 day rule for good cause, such as if the interested person, making this request after the expiration of the 10 days, shows that he lacked actual notice of the formal hearing during the 10 days, and the evidence he proposes to submit may significantly affect the outcome of the proceedings.

(ii) The judge may permit an interested person to submit evidence at any formal hearing if the judge determines that such evidence is relevant to facts in dispute concerning the issue(s) being adjudicated. The fact that an interested persor may submit

evidence under this paragraph at a hearing does not entitle the interested person to participate in other ways in the hearing unless allowed by the judge under paragraph (f)(3)(iii) of this section.

(iii) The judge may allow an interested person to submit oral testimony, oral arguments or briefs, or to cross-examine witnesses or participate in other ways, if the judge determines:

(A) That the interests of justice would be better served by allowing such participation by the interested person; and

(B) That there are compelling circumstances favoring such participation by the interested person.

(g) *Definition of issues.* Whenever a formal hearing is conducted pursuant to this section the Administrator may certify the issues for decision to the judge, and if the issues are so certified, the formal hearing will be limited to those issues.

(h) *Obligation to raise issues before a formal hearing is held.* Whenever a formal hearing is conducted pursuant to an objection to any term, condition, or restriction in a license in accordance with section 105 (b)(3) or (c)(4) of the Act, no issues may be raised by any party or interested person that were not submitted to the administrative record on the action unless good cause is shown for the failure to submit them. Good cause includes the case where the party seeking to raise the new issues shows that it could not reasonably have ascertained the issues at a prior stage in the administrative process.

(i) *Conferences.* (1) At any time the judge considers appropriate, he may upon his own motion or the motion of any party or interested person, direct the parties and interested persons, or their attorneys, to meet (in person, by telephone conference call, or otherwise) in a conference to consider:

(i) Simplification of the issues;

(ii) Settlements, in appropriate cases;

(iii) Stipulations and admissions of fact, and contents and authenticity of documents;

(iv) Exchange of evidence, witness lists, and summaries of expected testimony;

(v) Limitation of the number of witnesses; and

(vi) Such other matters as may tend to expedite the disposition of the proceedings.

(2) The record will show how the matters were disposed of by order and by agreement in such conferences.

(j) *Appearance and presentation of evidence.* (1) A party or interested person may appear at a hearing under this section in person, by attorney, or by other representative.

(2) Absent a showing of good cause, failure of a party to appear at a hearing:

(i) Constitutes waiver of the right to a hearing under this section;

(ii) Constitutes consent of the party to the making of a decision on the record of the hearing; but

(iii) Will not be deemed to be a waiver of the right to be served with a copy of the judge's decision.

(3) *Evidence.* (i) The order of presentation of evidence will be at the judge's discretion.

(ii) The testimony of wtinesses will be upon oath or affirmation administered by the judge and will be subject to such cross-examination as may be required for a full and true disclosure of the facts. The formal rules of evidence do not apply, but the judge will exclude evidence which is immaterial, irrelevant, nonprobative, or unduly repetitious. Hearsay evidence is not inadmissable as such.

(iii) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, the party must state briefly the grounds for such objections. Rulings on each objection will appear in the record.

(iv) Formal exception to an adverse ruling is not required.

(v) At any time during the proceedings, the judge may require a party or a witness to state his position on any issue, and theory in support of such position.

(vi) Upon the failure of a party or interested person to effect the appearance of a witness or the production of a document or other evidence ruled relevant and necessary to the proceeding, the judge may take appropriate action as authorized by law.

(4) *Authority of judge to expedite adjudication.* To prevent unnecessary delays or an unnecessarily large record, the judge may:

(i) Limit the number of witnesses whose testimony may be cumulative;

(ii) Strike argumentative, repetitious, cumulative, immaterial, nonprobative or irrelevant evidence;

(iii) Take necessary and proper measures to prevent argumentative, repetitious, or cumulative cross-examination; and

(iv) Impose such time limitations on arguments as the judge determines appropriate, having regard for the volume of the evidence and the importance and complexity of the issues involved.

(5) *Official notice.* Official notice may be taken of any matter not appearing in evidence in the record, which is among the traditional matters of judicial notice, or concerning which the Department of Commerce, by reason of its functions, is deemed to be expert, or of a nonprivileged document required by law to be filed with, or prepared or published by a government body, or of any reasonably available public document. The parties will be given adequate notice, at the hearing or otherwise before the judge's decision, of the matters so noticed, and upon timely request by a party will be given reasonable opportunity to show the contrary.

(6) *Argument.* At the close of the formal hearing, each party shall be given the opportunity to submit written arguments on the issues before the judge.

(7) *Record.* (i) The judge or the Administrator will arrange for a verbatim tape or other record of any oral hearing proceedings. An official transcript will be prepared and copies may be obtained upon written request filed with the reporter and upon payment of the fees at the rate provided in the agreement with the reporter.

(ii) The official transcript, exhibits, briefs, requests, and other documents and papers filed will constitute the exclusive record for the decision on the issues concerning which the hearing was held.

(iii) The record developed in any hearing held pursuant to section 116(b) of the Act will be part of the basis for the Administrator's decision to take any action referred to in section 116(a) of the Act.

(k) *Interlocutory appeals.* (1) At the request of a party or on the judge's own motion, the judge may certify to the Administrator for review a ruling which does not finally dispose of the proceeding if the judge determines that such a ruling involves a controlling question of law and that an immediate appeal therefrom may materially advance the ultimate disposition of the matter.

(2) Upon certification by the judge of an interlocutory ruling for review, the Administrator will expeditiously decide the matter, taking into account any briefs in this respect filed by the parties within 10 days after certification. The Administrator's order on an interlocutory appeal will not be considered the final decision of the Administrator except by operation of other provisions in this section.

(3) No interlocutory appeal will lie as to any ruling not certified to the Administrator by the judge. Objections to non-certified rulings will be a part of the record and will be subject to review at the same time and in the same

manner as the Administrator's review of the judge's initial or recommended decision.

(l) *Decisions.*—(1) *Proposed findings of fact and conclusions of law.* The judge will allow each party to file with the judge proposed findings of fact, and in appropriate cases conclusions of law, together with a supporting brief expressing the reasons for such proposals. Such proposals and briefs must be filed within 20 days after the hearing or within such additional time as the judge may allow. Such proposals and briefs must refer to all portions of the record and to all authorities relied upon in support of each proposal. Reply briefs must be submitted within 10 days after receipt of the proposed findings and conclusions to which they respond, unless the judge allows additional time.

(2) *Recommended decision.* As soon as practicable, but normally not later than 90 days after the record is closed, the judge will evaluate the record of the formal hearing and prepare and file a recommended decision with the Administrator. The decision will contain findings of fact, when appropriate, conclusions regarding all material issues of law, and a recommendation as to the appropriate action to be taken by the Administrator. The judge will serve a copy of the decision on each party and upon the Administrator.

(3) *Final decision.* (i) As soon as practicable, but normally not later than 60 days after receipt of the recommended decision, the Administrator will issue a final decision. The final decision will include findings of fact and conclusions regarding material issues of law or discretion, as well as reasons therefor. The final decision may accept or reject all or part of the recommended decision.

(ii) With respect to hearings held pursuant to section 116(b), the Administrator may defer announcement of his findings of fact until the time he takes final action with respect to any action described in section 116(a).

(iii) The Administrator will base the final decision upon the record already made except that the Administrator may issue orders:

(A) Specifying the filing of supplemental briefs; or

(B) Remanding the matter to the judge for the receipt of further evidence, or otherwise assisting in the determination of the matter.

Miscellaneous

(m) *Motions and requests.* Motions or requests must be filed in writing with the judge or must be stated orally and made part of the hearing record. Each motion or request must state the particular order, ruling or action desired, and the grounds therefor.

(n) *Witnesses and fees.* Witnesses subpoenaed will be paid the same fees and mileage, and in the same manner, as are paid for like services in the District Court of the United States for the district in which the hearing is located.

(o) *Depositions.* (1) Any party desiring to take the deposition of a witness must make application in writing to the judge, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and mailing address of the person before whom the deposition is requested to be taken; the name and address of each witness to appear for deposition; and the subject matter concerning which each witness is expected to testify.

(2) Depositions may be taken orally or upon written interrogatories before any person designated by the judge.

(3) Such notice as the judge may order will be given for the taking of a deposition, but this ordinarily will not be less than 5 days' written notice when the deposition is to be taken within the United States and ordinarily will not be less than 20 days' written notice when the deposition is to be taken elsewhere.

(4) Each witness testifying upon deposition will be sworn and any party will have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, will be reduced to writing, read to the witness, signed by the witness unless waived, and certified by the person presiding. Thereafter, the person presiding will deliver or mail a copy of the document to each party. Subject to such objection to the questions and answers as were noted at the time of taking the deposition which would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by any party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

(p) *Extension of time.* The time for the filing of any document under this section may be extended by the judge if:

(1) The request for the extension of time is made before or on the final date allowed for the filing; and

(2) The judge, after giving written or oral notice to and considering the views of all other parties (when practicable), determines that there is good reason for the extension.

(q) *Filing and service of documents.* (1) Whenever the regulations in this subpart or in an order issued hereunder require a document to be filed within a certain period of time, such document will be considered filed as of the date of the postmark, if mailed, or (if not mailed) as of the date actually delivered to the office where filing is required. Time periods will begin to run on the day following the date of the document, paper, or event which begins the time period.

(2) All submissions must be signed by the person making the submission, or by the person's attorney or other authorized agent or representative.

(3) Service of a document must be made by delivering or mailing a copy of the document to the known address of the person being served.

(4) Whenever the regulations in this subpart require service of a document, such service may effectively be made on the agent for the service of process or on the attorney for the person to be served.

(5) Refusal of service of a document by the person, his agent, or attorney will be deemed effective service of the document as of the date of such refusal.

(6) A certificate of the person serving the document by personal delivery or by mailing, setting forth the manner of the service, will be proof of the service.

§ 970.1002 Ex parte communications.

(a) "Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but does not include requests for status reports.

(b) Except to the extent required for disposition of *ex parte* matters as authorized by law, upon assignment of a matter to an administrative law judge and until the final decision of the Administrator is effective under these regulations, no *ex parte* communication relevant to the merits of the proceeding shall be made, or knowingly caused to be made:

(1) By the judge or by an agency employee involved in the decisional process of the proceeding to any interested person outside the Department of Commerce; or

(2) By an interested person outside the Department of Commerce to the judge or to any agency employee involved in the decisional process of the proceeding.

(c) The judge may not consult any person or party on a fact in issue unless on notice and opportunity for all parties to participate.

(d) An agency employee or judge who makes or receives a prohibited communication must place in the hearing record the communication and any response thereto and the judge, or Administrator, as appropriate, may take action in this respect consistent with this part, the Act, and 5 U.S.C. 556(d) and 557(d).

(e) This section does not apply to communications to or from the attorney representing the Administrator in the proceedings (the agency representative); however, the agency representative may not participate or advise in the initial or recommended decision of the judge or the Administrator's review thereof except as witness or counsel in the proceeding in accordance with this subpart. In addition, the judge may not consult any person or party on the substance of the matter in issue unless on notice and opportunity for all parties to participate.

(f) Paragraphs (b) through (d) of this section do not apply to communications concerning national defense or foreign policy matters. Any such Ex Parte communications on those subjects to or from an agency employee or from employees of the United States Government involving intergovernmental negotiations are permitted if the communicator's position with respect to those matters cannot otherwise be fairly presented for reasons of foreign policy or national defense.

Ex Parte communications subject in this paragraph shall be made a part of the public record to the extent that they do not include information classified pursuant to Executive Order. Classified information shall be included in a classified portion of the record which shall be available for review only in accordance with applicable law.

Subpart K—Enforcement

§ 970.1100 General.

(a) *Purpose and scope.* (1) Section 302 of the Act authorizes the Administrator to assess a civil penalty, in an amount not to exceed $25,000 for each violation, against any person found to have committed an act prohibited by section 301 of the Act. Each day of a continuing violation is a separate offense.

(2) Section 106 of the Act describes the circumstances under which the Administrator may suspend or revoke a license, or suspend or modify activities under a license, in addition to or in lieu of imposing of a civil penalty, or in addition to imposing a fine.

(3) Section 306 of the Act makes provisions of the customs laws relating to, among other things, the remission or mitigation of forfeitures, applicable to forfeitures of vessels and hard mineral resources. The Administrator is authorized to entertain petitions for administrative settlement of property seizures made under the Act which would otherwise proceed to judicial forfeiture.

(4) Section 114 of the Act authorizes the Administrator to place observers on vessels used by a licensee under the Act to monitor compliance and environmental effects of activities under the license.

(5) Section 117 of the Act describes the circumstances under which a person may bring a civil action against a alleged violator or against the Administrator for failure to perform a nondiscretionary duty, and directs the Administrator to issue regulations governing procedures prerequisite to such a civil action.

(6) The regulations in this subpart provide uniform rules and procedures for the assessment of civil penalties (§§ 970.1101–970.1102), and license sanctions (§ 970.1103); the remission or mitigation of forfeitures (§ 970.1104); observers (§ 970.1105); protection of certain information related to enforcement (§ 970.1106); and procedures requiring persons planning to bring a civil action under section 117 of the Act to give advance notice (§ 970.1107).

(b) *Filing and service of documents.* (1) Filing and service of documents required by this subpart shall be in accordance with § 970.1001(r). The method for computing time periods set forth in § 970.1001(r) also applies to any action or event, such as payment of a civil penalty, required by this subpart to take place within a specified period of time.

(2) If an oral or written request is made to the Administrator within 10 days after the expiration of a time period established in this subpart for the required filing of documents, the Administrator may permit a late filing if the Administrator finds reasonable grounds for an inability or failure to file within the time periods. All extensions will be in writing. Except as provided by this paragraph, by § 970.1101(b) or by order of an administrative law judge, no requests for an extension of time may be granted.

§ 970.1101 Assessment procedure.

(a) *Notice of violation and assessment (NOVA).* (1) A notice of violation and assessment (NOVA) will be issued by the Administrator and served personally or by registered or certified, mail, return receipt requested, upon the person alleged to be subject to a civil penalty (the respondent). A copy of the NOVA will similarly be served upon the affected licensee, and the owner of an affected vessel (defined in paragraph (f) of this section), if the licensee or owner is not the respondent. Although no specific form is prescribed, the NOVA will contain:

(i) A concise statement of the facts believed to show a violation;

(ii) A specific reference to the provisions of the Act, regulations, license, or order allegedly violated;

(iii) The findings and conclusions upon which the Administrator based the proposed assessment; and

(iv) The amount of penalty proposed to be assessed.

(2) In respect to the amount of civil penalty, the Administrator will take into account information available to the agency concerning the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the respondent, any history of prior offenses, good faith demonstrated in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require.

(3) The NOVA may also contain an initial proposal for compromise or settlement of the case. The Administrator may also attach documents which illuminate the facts believed to show a violation. The NOVA will advise the respondent of the respondent's rights at that point in the proceeding, and will be accompanied by a copy of regulations governing civil enforcement procedures, this subpart and the applicable provisions of Subpart J of this part.

(b) *Procedures upon receipt of NOVA.* (1) The respondent shall have 30 days from receipt of the NOVA in which to respond. During this time the respondent may:

(i) Accept the proposed penalty or compromise penalty, if any, by taking the actions specified in the NOVA;

(ii) Seek to have the NOVA amended or modified as prescribed in paragraph (b)(2) of this section;

(iii) Request a hearing, as prescribed in paragraph (b)(5) of this section;

(iv) Take no action, in which case the NOVA becomes final in accordance with paragraph (c) of this section; or

(v) Request an extension of the time allowed to respond to the NOVA under paragraph (b)(3) of this section.

Options in paragraph (b)(1), (ii), (iii), (iv) and (v) of this section may also be exercised by the affected licensee or the owner of an affected vessel.

(2) The respondent, the affected licensee or the owner of an affected vessel may seek amendment or modification of the NOVA to conform to the facts or law as that person sees them by notifying the Administrator at the telephone number or address specified in the NOVA. Where amendment or modification is sought, the Administrator will either amend the

NOVA or decline to amend it, and will so notify the respondent, affected licensee or owner, as appropriate.

(3) The respondent, affected licensee or owner of an affected vessel may, within the 30-day period specified in paragraph (b)(1) of this section, request an extension of time to respond. The Administrator may grant an extension of up to 30 days unless the Administrator determines that the requestor could, exercising reasonable diligence, prepare a response within the 30-day period specified in paragraph (b)(1) of this section. If the Administrator does not respond to the request within 48 hours of its receipt by the Administrator, the request will be granted automatically for the extension requested, up to a maximum of 30 days. A telephonic response to the request within the 48-hour period will be considered effective response, and will be followed by written confirmation.

(4) The Administrator may, for good cause, grant an additional extension beyond the 30-day period specified in paragraph (b)(3) of this section.

(5) If the respondent, the affected licensee, or the owner of an affected vessel wishes a hearing, a written and dated request shall be served either in person or by certified or registered mail, return receipt requested, at the address specified in the NOVA. The requestor shall either attach a copy of the relevant NOVA or refer to the relevant NOAA case number.

(6) Any denial, in whole or in part, of any request under this section which is based upon untimeliness will be made in writing.

(7) The Administrator may, in the Administrator's discretion, treat any communication from a respondent, an affected licensee, or owner as a request for a hearing pursuant to paragraph (b)(5).

(c) *Final decision.* (1) If no request for a hearing is filed under paragraph (b)(5) of this section, the NOVA becomes effective and constitutes the final decision and order of the Administrator on the 30th calendar day after service of the NOVA, or on the last day of any delay period granted under § 970.1100(b)(2) or paragraph (b)(3) or (b)(4) of this section.

(2) If a request for hearing is filed in accordance with paragraph (b)(5) of this section, the date of the final decision will be as provided in § 970.1102.

(d) *Payment of final assessment.* (1) The respondent shall make full payment of the civil penalty assessed within 30 days after the date upon which the assessment becomes effective as the final decision and order of the Administrator under paragraph (c) of this section or § 970.1102(k); or, if judicial review of the assessment is initiated under section 302(b) of the Act during the 30-day period, within 10 days after the appropriate court has entered final judgment in favor of the Administrator, unless the court's order provides otherwise. Payment shall be made by mailing or delivering to the Administrator at the address specified in the NOVA a check or money order made payable in United States currency in the amount of the assessment to the "Treasurer of the United States."

(2) Upon any failure to pay the civil penalty assessed, the Administrator may request the Attorney General of the United States to recover the amount assessed in any appropriate district court of the United States, or may take action under paragraph (e) of this section. In any court action under this paragraph (d)(2) of this section, the validity and appropriateness of the final order imposing the civil penalty is not subject to review.

(e) *Compromise of civil penalty.* (1) In his or her sole discretion, the Administrator may compromise, modify, remit, or mitigate, with or without conditions, any civil penalty, imposed under this subpart, or which is subject to imposition, unless a court action, brought either under section 302(b) of the Act to review a civil penalty or under section 302(c) of the Act to recover a civil penalty, is pending in a court of the United States.

(2) The compromise authority of the Administrator under this paragraph (e) is in addition to any similar authority provided in the Act or in this subpart, and may be exercised either upon the initiative of the Administrator or in response to a request by the alleged violator or other interested person.

(3) If the Administrator acts under this paragraph (e) prior to issuing of a NOVA or after a final assessment becomes payable under paragraph (d) of this section, the Administrator will prepare a document indicating the action taken and citing this paragraph (e) and section 302(d) of the Act as authority. Once the case has been assigned for hearing under § 970.1102 (a), the Administrator will, except in unusual circumstances, defer any compromise action under this paragraph (e) until the administrative law judge has rendered an initial decision in the matter. Neither the existence of the compromise authority of the Administrator under this paragraph (e) nor the Administrator's exercise thereof at any time changes the date upon which an assessment becomes final or payable.

(4) If compromise action is requested or otherwise becomes appropriate for the Administrator's consideration during the pendency of a petition for relief from forfeiture filed under § 970.1104, the Administrator may consolidate, consistent with the provisions of § 970.1104, consideration of the two matters.

(f) *Application of this section to licensees and vessel owners.* (1) This section applies to affected licensees. "Affected licensee" means the holder of a license issued under the Act which license may be subject to sanctions as a result of civil penalty proceedings under this subpart.

(2) This section also applies to owners of affected vessels. "Affected vessel" means any vessel of the United States that may be liable *in rem* for any civil penalty assessed as a result of civil penalty proceedings under this subpart.

§ 970.1102 Hearing and appeal procedures.

(a) *Beginning of hearing procedures.* Following receipt of a written request for hearing timely filed under § 970.1101(b), the Administrator will begin procedures under this section by forwarding the request, a copy of the NOVA, and any response thereto to the NOAA Office of Administrative Law Judges, which will docket the matter for hearing. Written notice of the referral will promptly be given to the respondent, the affected licensee, and the owner of an affected vessel (if the licensee or owner is not the respondent), with the name and address of the attorney representing the Administrator in the proceedings (the agency representative). Thereafter, all pleadings and other documents shall be filed directly with the NOAA Office of Administrative Law Judges, and a copy shall be served on the opposing party (respondent or agency representative).

(b) *Ex parte communications.* Upon assignment of the case to an administrative law judge and until an assessment or other action on the matter becomes effective under these regulations as the final administrative decision of the Administrator, ex parte communications shall be governed by the regulations set forth in § 970.1002. However, § 970.1002 will not be interpreted to diminish the authority of the Administrator under § 970.1101(e).

(c) *Duties and powers of judge.* To the extent consistent with this subpart, the administrative law judge has all powers and responsibilities enumerated in § 970.1001(e) except that paragraph (e)(2) thereof does not apply. Instead, the judge has the power to rule on a

request to participate as a party in the proceedings by allowing, denying, or limiting such participation, except that the respondent, the affected licensee, the owner of an affected vessel, and the agency representative will be parties. The judge will, prior to ruling, ascertain the views of the other parties and base the ruling on whether the request is from a person who could be directly and adversely affected by the final decision and who may contribute materially to the disposition of the proceedings.

(d) *Participation by parties.* (1) The respondent, the affected licensee, the owner of an affected vessel, the agency representative, and, to the extent permitted by the judge, any other party, may appear in person, by counsel, or by other representative, and may examine and cross-examine witnesses to the extent required for a full and true disclosure of the facts, present documentary or other evidence in support of that party's case or defense, and conduct oral argument at the close of testimony. This paragraph shall not be interpreted to diminish the powers and duties of the judge provided in paragraph (c) of this section.

(2) Failure of any party to appear at the hearing will be deemed a waiver of the right to a hearing and consent to the making of a decision on the record of the hearing.

(e) *Appearance and presentation of evidence.* Appearance and the presentation of evidence are governed by in § 970.1001(k).

(f) *Settlements.* An agreement by respondent and the agency representative to settle the matter, if filed before an assessment or other action in the case becomes effective under these regulations as the final decision of the Administrator, will terminate the proceedings, and vacate any initial or administrative appellate decision which has been issued. However, if settlement is reached before the judge submits the initial decision and certifies the record under paragraph (i) of this section, the judge may require submission of a copy of the agreement solely to assure that the judge's consideration of the case is completed and to order the matter dismissed on the basis of the agreement.

(g) *Interlocutory appeals.* Appeals of interlocutory rulings by the judge under this subpart are governed by § 970.1001(k), except that objections to rulings not certified to the Administrator by the judge are subject to review at the same time and in the same manner as the Administrator's review of the initial decision of the judge upon any appeal therefrom under paragraph (j) of this section.

(h) *Proposed findings and conclusions.* Unless a different schedule is established in the discretion of the judge, the parties may file proposed findings of fact and conclusions of law, together with supporting briefs, within 30 days after the judge closes the hearing. Reply briefs may be submitted within 15 days after receipt of the proposed findings and conclusions to which they respond, unless the judge sets a different schedule.

(i) *Initial decision.* (1) After expiration of the period provided in paragraph (h) of this section for filing reply briefs, the judge will render a written initial decision upon the record in the case, setting forth:

(i) Findings and conclusions, and reasons or basis therefor, on all material issues of fact, law, or discretion presented on the record. In determining the amount of a penalty assessment, the judge is not bound by the amount proposed or assessed in the NOVA, or elsewhere, but will decide the matter *de novo*, stating the reasons in view of the factors as set forth in section 302(a) of the Act and § 970.1101(a)(2);

(ii) Reasons for rejecting fundings and conclusions proposed by the parties;

(iii) A statement of facts officially noticed and relied upon in the decision, if the parties have not previously been advised of such notice; and

(iv) Such other matters as the judge considers appropriate, including recommendations, if any, regarding forfeiture action and license sanctions.

(2) The judge will submit the initial decision to the Administrator, serve copies on the parties, and transmit to the Administrator the record of the proceeding together with a certification to the effect that, to the best of the judge's knowledge and belief, the record is a complete and accurate compilation of all evidence and other documents in the proceeding, except in such particulars as are specified.

(j) *Appeals.* (1) Any party may appeal the initial decision of the judge by filing a notice of appeal with the Administrator, within 45 days after the date of the initial decision. The notice of appeal shall concisely state such exceptions as the appellate takes to the initial decision and shall contain citations to the record or other authority relied upon. The appellant shall serve a copy of the notice of appeal on the other parties.

(2) The Administrator will decide the appeal upon the record already made, except that the Administrator may issue orders:

(i) Specifying the filing of supplemental briefs; or

(ii) Remanding the matter to the judge for receipt of further evidence other assistance in the determination of the matter. The decision of the Administrator will be in writing and will state the reasons for accepting or rejecting the exceptions taken by the appellant. To the extent the Administrator's decision is silent as to a material issue of fact, law, or discretion presented on the record, the decision will be deemed to adopt the findings and conclusions thereon, and the reasons or basis therefor, contained in the initial decision.

(k) *Final decision.* (1) Unless notice of appeal is timely filed in accordance with paragraph (j) of this section, the initial decision of the judge becomes effective and constitutes the final decision and order of the Administrator on the 45th calendar day after the date it is rendered.

(2) If a notice of appeal is timely filed as provided in paragraph (j) of this section, the Administrator's decision becomes effective and constitutes the final decision and order of the Administrator on the date the decision is issued, or as otherwise specified by the Administrator in the decision.

(3) Payment of any assessment which becomes final under this paragraph (k) shall be made in accordance with § 970.1101(d).

(l) *Application of this section to affected licensees and vessel owners.* The provisions of this section apply to affected licensees and owners of affected vessels as defined in § 970.1101(f).

§ 970.1103 License sanctions.

(a) *Application of this section.* This section governs the suspension or revocation of any license issued under the Act, or the suspension or modification of any particular activity or activities under a license, which suspension, revocation or modification is undertaken in addition to, or in lieu of, imposing a civil penalty under this subpart, or in addition to imposing a fine.

(b) *Basis for sanctions.* The Administrator may act under this section with respect to a license issued under the Act, or any particular activity or activities under such a license, if the licensee substantially fails to comply with any provision of the Act, any regulation or order issued under the Act, or any term, condition, or restriction in the license.

(c) *Nature of sanctions.* In the Administrator's discretion and subject to the requirements of this section, the Administrator may take any of the

following actions or combinations thereof with respect to a license issued under the Act:

(1) Revoke the license;

(2) Suspend the license, either for a specified period of time or until certain stated requirements are met, or both; or

(3) Suspend or modify any activity under the license, such as by imposing additional requirements or restraints on the activity.

(d) *Notice of sanction.* (1) The Administrator will prepare a notice of sanction (NOS) setting forth the sanction to be imposed and the basis therefor. The NOS will state:

(i) A concise statement of the facts believed to show a violation;

(ii) A specific reference to the provisions of the Act, regulation, license, or order allegedly violated;

(iii) The nature and duration of the proposed sanction;

(iv) The effective date of the sanction, which is 30 days after the date of the notice unless the Administrator establishes a different effective date under paragraph (d)(4) or paragraph (e) of this section;

(v) That the licensee has 30 calendar days from receipt of the notice in which to request or waive a hearing, under paragraph (f) of this section; and

(vi) The determination made by the Administrator under paragraph (e)(1) of this section, and any time period that the Administrator provides the licensee under paragraph (e)(1) of this section to correct a deficiency.

(2) If a hearing is requested in a timely manner, the sanction becomes effective under paragraph (g) of this section, unless the Administrator provides otherwise under paragraph (d)(4) of this section.

(3) The NOS will be served personally or by registered or certified mail, return receipt requested, on the licensee. The Administrator will also publish in the **Federal Register** a notice of his intention to impose a sanction.

(4) The Administrator may make the sanction effective immediately or otherwise earlier than 30 days after the date of the NOS if the Administrator finds, and issues an emergency order summarizing such finding and the basis therefor, that an earlier date is necessary to:

(i) Prevent a significant adverse effect on the environment; or

(ii) Preserve the safety of life and property at sea.

If the Administrator acts under this paragraph (d)(4), the Administrator will serve the emergency order as provided in paragraph (d)(3) of this section.

(5) The NOS will be accompanied by a copy of regulations governing civil enforcement procedures, this subpart and the applicable provisions of Subpart J of this part.

(e) *Opportunity to correct deficiencies.* (1) Prior to issuing the NOS, the Administrator will determine whether the reason for the proposed sanction is a deficiency which the licensee can correct. Such determination, and the basis therefor, will be set forth in the NOS.

(2) If the Administrator determines that the reason for the proposed sanction is a deficiency which the licensee can correct, the Administrator will allow the licensee a reasonable period of time, up to 180 days from the date of the NOS, to correct the deficiency. The NOS will state the effective date of the sanction, and that the sanction will take effect on that date unless the licensee corrects the deficiency within the time prescribed or unless the Administrator grants an extension of time to correct the deficiency under paragraph (e)(3) of this section.

(3) The licensee may, within the time period prescribed by the Administrator under paragraph (e)(2) of this section, request an extension of time to correct the deficiency. The Administrator may, for good cause shown, grant an extension. If the Administrator does not grant the request, either orally or in writing before the effective date of the sanction, it will be considered denied.

(4) When the licensee believes that the deficiency has been corrected, the licensee shall so advise the Administrator in writing. The Administrator will, as soon as practicable, determine whether or not the deficiency has been corrected and advise the licensee of such determination.

(5) If the Administrator determines that the deficiency has not been corrected by the licensee within the time prescribed under paragraph (e)(2) or (e)(3) of this section, the Administrator may:

(i) Grant the licensee additional time to correct the deficiency, for good cause shown;

(ii) If no hearing has been timely requested under paragraph (f)(1) of this section, notify the licensee that the sanction will take effect as provided in paragraph (e)(2) or (e)(3) of this section; or

(iii) If a request for a hearing has been timely filed under paragraph (f)(1) of this section, and hearing proceedings have not already begun, or if the Administrator determines under paragraph (f)(3) of this section to hold a hearing, notify the licensee of the Administrator's intention to proceed to a hearing on the matter.

(f) *Opportunity for hearing.* (1) The licensee has 30 days from receipt of the NOS to request a hearing. However, no hearing is required with respect to matters previously adjudicated in an administrative or judicial hearing of which the licensee has been given notice and has had an opportunity to participate.

(2) If the licensee requests a hearing, a written and dated request shall be served either in person or by certified or registered mail, return receipt requested, at the address specified in the NOS. The request shall either attach a copy of the relevant NOS or refer to the relevant NOAA case number.

(3) If no hearing is requested under paragraph (f)(2) of this section, the Administrator may nonetheless order a hearing if the Administrator determines that there are material issues of fact, law, or equity to be further explored.

(g) *Hearing and decision.* (1) If a timely request for a hearing under paragraph (f) of this section is received, or if the Administrator orders a hearing under paragraph (f)(3) of this section, the Administrator will promptly begin proceedings under this section in the manner provided in § 970.1102.

(2) The hearing and appeal procedures in § 970.1102 apply to any hearing held under this section.

(3) If the proposed sanction is the result of a correctable deficiency, the hearing will proceed concurrently with any attempt to correct the deficiency unless the parties agree otherwise or the administrative law judge orders differently.

(4) The Administrator will serve notice of the initial and final decision on the licensee in the manner described by paragraph (d)(3) of this section.

§ 970.1104 Remission of forfeitures.

(a) *Application of subpart.* (1) Authorized enforcement officers are empowered by section 304 of the Act to seize any vessel (together with its gear, furniture, appurtenances, stores, and cargo) which reasonably appears to have been used in violation of the Act, if necessary to prevent evasion of the enforcement of this Act, or of any regulation, order or license issued pursuant to the Act. Enforcement agents may also seize illegally recovered or processed hard mineral resources, as well as other evidence related to a violation. Section 306 of the Act provides for the judicial forfeiture of vessels and hard mineral resources. This section establishes procedures for filing with the Administrator a petition for

relief from forfeitures incurred or pending.

(2) For purposes of this subpart, the "remission or mitigation of a forfeiture" or "relief from forfeiture" means action by the Administrator, following coordination as necessary with other Federal agencies and the courts, to release from the custody of the United States property seized and subject to forfeiture under the Act, or part of such property, upon compliance with any terms and conditions set by the Administrator, such as payment of a stated amount in settlement of the forfeiture aspects of a violation. Although the Administrator may properly combine consideration of a petition for relief from forfeiture with other consequences of a violation of the Act, the Administrator's remission or mitigation of a forfeiture is not dispositive of a criminal charge under section 303 of the Act, or a civil penalty or sanction under this subpart, unless the Administrator expressly so states in the decision. Remission or mitigation of a forfeiture is in the nature of executive clemency granted in the sole discretion of the Administrator only when consistent with the purposes of the Act and the provisions of this section.

(b) *Petition for relief from forfeiture.* (1) Any person having an interest in a vessel, hard mineral resource, or other property seized and subject to forfeiture under the Act may file a petition for relief from the forfeiture. The petition shall be addressed to the Administrator and filed, within 60 days after the seizure, by mailing or delivering it to the Director, Office of Ocean Minerals and Energy at the address specified in § 970.200(b).

(2) The petition need not be in any particular form, but shall set forth the following:

(i) A description of the property seized;

(ii) The date and place of the seizure;

(iii) The interest of petitioner in the property, supported as appropriate by bills of sale, contracts, mortgages, or other satisfactory evidence;

(iv) The facts and circumstances relied upon by the petitioner to justify the remission or mitigation;

(v) Any request for release under paragraph (f) of this section of all or part of the seized property pending final decision on the petition, together with any offer of payment to protect the Government's interest that petitioner makes in return for such release, and the facts and circumstances relied upon by petitioner in the request; and

(vi) The signature of petitioner, petitioner's attorney, or other authorized agent.

(3) A false statement in a petition will subject petitioner to prosecution under 18 U.S.C. 1001.

(c) *Investigation.* The Administrator will promptly investigate the facts and circumstances shown by the petition and the seizure, and may appoint an examiner to find the facts, by informal hearing on sworn testimony or otherwise, and to prepare a report with recommendations.

(d) *Decision on petition.* (1) After the investigation specified in paragraph (c) of this section, the Administrator will decide the matter and notify petitioner. The Administrator may remit or mitigate the forfeiture, on such terms and conditions as under the Act and the circumstances the Administrator deems reasonable and just, if the Administrator finds:

(i) That the forfeiture to which the property is subject was incurred without willful negligence and without any intention on the part of the petitioner to violate the Act, regulation, order, or license;

(ii) That other circumstances justify remission or mitigation of the forfeiture.

(2) Unless the Administrator determines no valid purpose would thereby be served, the Administrator will condition a decision to remit or mitigate a forfeiture upon the submission by petitioner of an agreement, in a form satisfactory to the Administrator, to hold the United States and its officers or agents harmless from any claim based on loss of or damage to seized property. If the petitioner is not the beneficial owner of the property, the Administrator may also require petitioner to submit such an agreement executed by the beneficial owner.

(e) *Compliance with decision.* A decision by the Administrator to remit or mitigate the forfeiture upon stated conditions, as upon payment of a specified amount, is effective for 60 days after the date of the decision. If the petitioner does not within such period comply with the stated conditions, in the manner prescribed by the decision, or make arrangements satisfactory to the Administrator for later compliance, the matter will promptly be referred to the Attorney General of the United States to effect judicial forfeiture in full of the seized property to the United States under section 306 of the Act.

(f) *Release of seized property pending decision.* (1) Upon request in the petition for relief from forfeiture, and taking account of any interim report or recommendation of an examiner appointed under paragraph (c) of this section, the Administrator may order the release, pending final decision on the petition, of all or part of the seized property upon payment by petitioner of the full value of the property to be released or such lesser amount as the Administrator in the Administrator's sole discretion deems sufficient to protect the interests served by the Act.

(2) If the Administrator grants the request, the Administrator will deposit the amount paid by petitioner in a suspense account maintained for that purpose. The amount deposited will for all purposes be considered to represent property seized and subject to forfeiture under the Act, and payment of the amount by petitioner constitutes a waiver of any claim of defective seizure, custody and control, commingling of proceeds, or related defenses. The Administrator will keep records of amounts deposited in the suspense account and will retain the deposits pending the Administrator's further order under section 304 of the Act or a court order under section 306 of the Act.

(3) The provisions of paragraph (d)(2) of this section apply to a release of property made under this paragraph (f).

§ 970.1105 Observers.

(a) *Purpose of observers.* Each licensee shall allow, at such times and to such extent as the Administrator deems reasonable and necessary, an observer (as used in this section, the term "observer" means "one or more observers") duly authorized by the Administrator to board and accompany any vessel used by the licensee in exploration activities (hereafter referred to in this section as a "vessel"), for the purposes of observing and reporting on:

(1) The effectiveness of the terms, conditions, and restrictions of the license;

(2) Compliance with the Act, regulations and orders issued under the Act, and the license terms, conditions, and restrictions; and

(3) The environmental and other effects of the licensee's activities under the license.

(b) *Notice to licensee.* (1) The Administrator may notify a licensee that the Administrator plans to place an observer aboard a vessel.

(2) The Administrator normally will issue any such notice as far in advance of placement of the observer as is practicable.

(3) *Contents of notice.* The notice given by the Administrator may include, among other things.

(i) The name of the observer, if known at the time the notice is issued;

(ii) The length of time which the observer likely will be aboard the vessel.

(iii) Information concerning activities the observer is likely to conduct, such as:

(A) Identification of special activities that the observer will monitor;

(B) Planned tests of equipment used for monitoring; and

(C) Activities of the observer that are likely to require assistance from the vessel's personnel or crew or use of the vessel's equipment; and

(iv) Information concerning the monitoring equipment that will be brought aboard the vessel, such as a description of the monitoring equipment, and any special requirements concerning the handling, storage, location or operation of, or the power supply for, the equipment.

(c) *Licensee's response.* Upon request by the Administrator, a licensee shall facilitate observer placement by promptly notifying the Administrator regarding the timing of planned system tests and the departure date of the next exploration voyager, or, if the vessel is at sea, suggesting a time and methods for transporting the observer to the vessel.

(d) *Duties of licensee, owner or operator.* Each licensee, owner or operator of a vessel aboard which an observer is assigned shall:

(1) Allow the observer access to and use of the vessel's communications equipment and personnel when the observer deems such access necesssary for the transmission and receipt of messages;

(2) Allow the observer access to and use of the vessel's navigation equipment and personnel when the observer deems such access necessary to determine the vessel's location;

(3) Provide all other reasonable cooperation and assistance to enable the observer to carry out the observer's duties; and

(4) Provide temporary accommodations and food to the observer aboard the vessel which are equivalent to those provided to officers of the vessel.

(e) *Reasonableness of observer activities.* (1) To the maximum extent practicable, observation duties will be carried out in a manner that minimizes interference with the licensee's activities under the license.

(2) The Administrator will assure that equipment brought aboard a vessel by the observer is reasonable as to size, weight, and electric power and storage requirements, taking into consideration the necessity of the equipment for carrying out the observer's functions.

(3) The observer will have no authority over the operation of the vessel or its activities, or the officers, crew or personnel of the vessel. The observer will comply with all rules and regulations issued by the licensee, and all orders of the Master or senior operations official, with respect to ensuring safe operation of the vessel and the safety of its personnel.

(f) *Non-interference with observer.* Licensees and other persons are reminded that the Act (see, for example, sections 301(3) and 301(4)) makes it unlawful for any person subject to section 301 of the Act to interfere with any observer in the performance of the observer's duties.

(g) *Confidentiality of information.* NOAA recognizes the possibility that an observer, in performing observer functions, will record information which the licensee considers to be proprietary. NOAA intends to protect such information consistent with applicable law. The Administrator may in appropriate cases provide the licensee an opportunity:

(1) To review those parts of the observer's reports which may contain proprietary information; and

(2) To request confidential treatment of such information under § 970.902.

§ 970.1106 Proprietary enforcement information.

(a) Proprietary and privileged information seized or maintained under Title III of the Act concerning a person or vessel engaged in exploration will not be made available for general or public use or inspection.

(b) Although presentation of evidence in a proceeding under this subpart is not deemed general or public use of information, the Administrator will, consistent with due process, move to have records sealed, under § 970.1101(e)(13) or other applicable provisions of law, in any administrative or judicial proceeding where the use of proprietary or privileged information is required to serve the purposes of the Act.

§ 970.1107 Advance notice of civil actions.

(a) *Actions against alleged violators.* (1) No civil action may be filed in a United States District Court under section 114 of the Act against any person for alleged violation of the Act, or any regulation, or license term, condition, or restriction issued under the Act, until 60 days after the Administrator and any alleged violator receive written and dated notice of alleged violation.

(2) The notice shall contain:

(i) A concise statement of the facts believed to show a violation;

(ii) A specific reference to the provisions of the Act, regulation or license allegedly violated; and

(iii) Any documentary or other evidence of the alleged violation.

(b) *Actions against the Administrator.* (1) No civil action may be filed in a United States District Court under section 114 of the Act against the Administrator for an alleged failure to perform any act or duty under the Act which is not discretionary until 60 days after receipt by the Administrator of a written and dated notice of intent to file the action.

(2) The notice shall contain:

(i) A specific reference to the provisions of the Act, regulation or license believed to require the Administrator to perform a nondiscretionary act or duty;

(ii) A precise description of the nondiscretionary act or duty believed to be required by such provision;

(iii) A concise statement of the facts believed to show a failure to perform the act or duty; and

(iv) Any documentary or other evidence of the alleged failure to perform the act or duty.

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Tuesday
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Part V

National Labor Relations Board

Procedural Rules; Restatement and Clarification

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedural Rules; Restatement and Clarification

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: These revisions to National Labor Relations Board (NLRB) procedural rules (1) restate the standard applicable to determine when a hearing on objections to an election or on challenges to ballots is to be conducted, (2) clarify the rules defining the contents of the record before the Board in representation proceedings, and (3) clarify the circumstances under which a party may augment the record before the Board in a proceeding in which no hearing is held on post-election issues.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, NW, Room 701, Washington, D.C. 20570, Telephone: (202) 254–9430.

SUPPLEMENTARY INFORMATION:

I. *The Standard for Conducting a Post-Election Hearing.* The Board has recently been criticized on several occasions by the Courts for not holding hearings on election objections in situations when, in the opinions of the courts, the "substantial and material factual issues" standard of § 102.69(d) of the rules required it to do so. The rule changes restate this standard to make clear that *ex parte* investigations are not to be used to resolve "substantial and material factual issues," particularly when the factual issues turn on credibility. The proposed procedural changes are as follows:

A. 1. A time limit of 5 days after the filing of objections for the submission of supporting evidence has been incorporated in § 102.69(a). This reflects existing practice.

2. Section 102.69(c)(1) has been modified to provide for an investigation of objections only when "timely" filed. Challenges still are to be investigated whenever they are sufficient in number to affect the election.

3. The standard for going to a hearing, set forth in § 102.69(d), has been revised to make clear that the Regional Director should go to hearing with respect to those objections or challenges which the Director "concludes raise substantial and material factual issues."

II. *Clarification of Definition of Record in Representation Proceedings.* Several Court decisions have held, although not without divergent views, that the Board is required by its rules to review the entire administrative record in a no-hearing case in ruling upon exceptions or petitions for review. The revisions to §§ 102.68 and 102.69(g) clarify the ambiguity perceived by the Courts in those sections as to what materials are in the record, and also as to who has the responsibility of forwarding those materials to the Board.

a. The phrase "conducted pursuant to the foregoing section" has been added to § 102.68 to make clear that it applies only to preelection proceedings.

b. Section 102.69(g) has been restructured to provide different definitions of the record depending upon whether or not a hearing is held. These definitions are set forth in § 102.69(g)(1)(i) and (ii) respectively. § 102.69(g)(2) then specifically refers to those definitions in setting out the Regional Director's obligation to transmit the record to the Board.

c. The revision to the proposed § 102.69(g)(1)(ii) specifically provides for inclusion in the record in a no-hearing case of documents relied upon by the Regional Director, other than witnesses' statements. Witnesses' statements still are excluded from the record material considered by the Board and certified to the court, unless supplied by the parties under § 102.69(g)(3). The objective of this revision is to meet, to the greatest extent possible, the concerns of the courts, while preserving the confidentiality of affidavits submitted to the Board. It does not expand the record on review automatically to include witnesses' statements because the Board continues to adhere to the policy upheld in the decision of the Supreme Court in *N.L.R.B.* v. *Robbins Tire Co.*, 437 U.S. 214 (1978), which protects investigatory affidavits in the possession of the Board from disclosure where the witness has not testified at a hearing. By providing that the record includes all documentary evidence relied upon by the Regional Director, other than witnesses' statements, all relevant evidentiary material, other than statements protected by *Robbins Tire*, will now become part of the official record in a no-hearing post-election case.

In sum, under this procedure, the question whether the Regional Director properly overruled election objections without an evidentiary hearing will be determined by the Board, and then the court, on the basis of (1) the Director's report and the documents attached thereto, (2) the objecting party's exceptions and (3) affidavits and other documents timely submitted to the Director by the objecting party and attached to its exceptions. If the objections and the evidence in support thereof do not present substantial grounds for setting aside the election, it is clear that the objections were properly overruled without a hearing. On the other hand, if the objections and the supporting evidence do present substantial grounds, the Director ordinarily should either have set the election aside or ordered a hearing thereon (if investigation revealed a material conflict in the evidence); having failed to do so, the case should be remanded to the Director to follow one of those courses. Because the issue before the Board and the court on this review is not whether conduct sufficient to set aside the election in fact occurred, but only whether the objecting party has established that it could produce at a hearing evidence which, if credited, would warrant nullification of the election, there is no unfairness to the objecting party in making that determination on the basis of the evidence presented by it to the Regional Director in support of its objections.

d. The procedures whereby a party may enlarge the record and provide the Board with copies of material timely submitted to the Regional Director but not included in the report or decision, have been clarified and are now set forth in § 102.69(g)(3). The material which may be attached is defined as "documentary evidence," and it is specified that that term includes "affidavits." The section also now includes a statement of the Board's policy that the failure timely to submit documentary evidence to the Regional Director, or to the Board on exceptions or review (if it is not already included in the record by attachment to the report or decision), will preclude reliance on such evidence in a subsequent certification-test proceeding.

PART 102—STATEMENTS OF PROCEDURE, SERIES 8

Accordingly, 29 CFR Part 102 is amended as follows:

1. Section 102.68 is revised.

§ 102.68 Record; what constitutes; transmission to Board.

The record in a proceeding conducted pursuant to the foregoing section shall consist of: the petition, notice of hearing with affidavit of service thereof, motions, rulings, orders, the stenographic report of the hearing and of any oral argument before the regional director, stipulations, exhibits, affidavits of service, and any briefs or other legal memoranda submitted by the parties to the regional director or to the Board, and

the decision of the regional director, if any. Immediately upon issuance by the regional director of an order transferring the case to the Board, or upon issuance of an order granting a request for review by the Board, the regional director shall transmit the record to the Board.

2. Section 102.69 is amended by revising paragraphs (a), (c)(1), (2), (3) and (4), (d), (g)(1)(i), (ii), (2) and (g)(3) to read as follows:

§ 102.69 Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exemptions; action of the Board; hearing.

(a) Unless otherwise directed by the Board, all elections shall be conducted under the supervision of the regional director in whose region the proceeding is pending. All elections shall be by secret ballot. Whenever two or more labor organizations are included as choices in an election, either participant may, upon its prompt request to and approval thereof by the regional director, whose decision shall be final, have its name removed from the ballot: Provided, however, that in a proceeding involving an employer-filed petition or a petition for decertification the labor organization certified, currently recognized, or found to be seeking recognition may not have its name removed from the ballot without giving timely notice in writing to all parties and the regional director, disclaiming any representation interest among the employees in the unit. Any party may be represented by observers of his own selection, subject to limitations as the regional director may prescribe. Any party and Board agents may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded. Upon the conclusion of the election, the regional director shall cause to be furnished to the parties a tally of ballots. Within 5 days after the tally of ballots has been furnished, any party may file with the regional director an original and three copies of objections to the conduct of the election or conduct affecting the results of the election which shall contain a short statement of the reasons therefor. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Copies of such objections shall immediately be served on the other parties by the party filing them, and a statement of service shall be made. Within 5 days after the filing of objections, or such additional time as the regional director may allow, the party filing objections shall furnish to the regional director the evidence available to it to support the objections.

* * * * *

(c) * * *

(1) If timely objections are filed to the conduct of the election or conduct affecting the result of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the regional director shall, consistent with the provisions of § 102.69(d), initiate an investigation, as required, of such objections or challenges.

(2) If a consent election has been held pursuant to § 102.62(b), the regional director shall prepare and cause to be served on the parties a report on challenged ballots or objections, or both, including his recommendations, which report, together with the tally of ballots, he shall forward to the Board in Washington, D.C. Within 10 days from the date of issuance of the report on challenged ballots or objections, or both, or within such further period as the Board may allow upon written request to the Board for an extension received not later than 3 days before such exceptions are due in Washington, D.C., with copies of such request served on the other parties, any party may file with the Board in Washington, D.C., eight copies of exceptions to such report, with, if desired, supporting documents as permitted by § 102.69(g)(3) and/or a supporting brief, which shall be printed or otherwise legibly duplicated, except that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Immediately upon the filing of such exceptions and supporting documents, if any, the party filing the same shall serve a copy thereof together with a copy of any brief filed on the other parties and shall file copies with the regional director. A statement of service shall be made to the Board simultaneously with the filing of exceptions. Within 7 days from the last date on which exceptions and any supporting documents and/or supporting brief may be filed, or such further period as the Board may allow, a party opposing the exceptions may file an answering brief, with supporting documents as permitted by § 102.69(g)(3), if desired, with the Board in Washington, D.C.; except that if personal service of the exceptions and any supporting brief is made upon the Board, 10 days will be allowed. However, 3 days as provided in § 102.114 will not be added to the prescribed time for filing an answering brief. Such brief, and any supporting documents, shall be submitted in eight copies, printed or otherwise legibly duplicated, except that carbon copies shall not be filed and if submitted will not be accepted. Immediately upon the filing of such brief and supporting documents, the party filing the same shall serve a copy thereof on the other parties and shall file a copy with the regional director. A statement of service shall be made to the Board simultaneously with the filing of the answering brief. In no exceptions are filed to such report, the Board, upon expiration of the period for filing such exceptions, may decide the matter forthwith upon the record or may make other disposition of the case. The report on challenged ballots may be consolidated with the report on objections in appropriate cases.

(3) If the election has been conducted pursuant to a direction of election issued following any proceeding under § 102.67, the regional director may (i) issue a report on objections or challenged ballots, or both, as in the case of a consent election pursuant to paragraph (b) of § 102.62, or (ii) exercise his authority to decide the case and issue a decision disposing of the issues, and directing appropriate action or certifying the results of the election.

(4) If the regional director issues a report on objections and challenges, the parties shall have the rights set forth in paragraph (c)(2) of this section, and in § 102.69(f); if the regional director issues a decision, the parties shall have the rights set forth in § 102.67 to the extent consistent herewith, including the right to submit documents supporting the request for review or opposition thereto as permitted by § 102.69(g)(3).

(d) In issuing a report on objections or challenged ballots, or both, following proceedings under §§ 102.62(b) or 102.67, or in issuing a decision on objections or challenged ballots, or both, following proceedings under § 102.67, the regional director may act on the basis of an administrative investigation or upon the record of a hearing before a hearing officer. Such hearing shall be conducted with respect to those objections or challenges which the regional director concludes raise substantial and material factual issues.

* * * * *

(g)* * *

(1)* * *

(i) In a proceeding pursuant to this section in which a hearing is held, the record in the case shall consist of the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exhibits, together with the objections to the conduct of the election or to conduct affecting the results of the election, any report on

such objections, any report on challenged ballots, exceptions to any such report, any briefs or other legal memoranda submitted by the parties, the decision of the regional director, if any, and the record previously made as defined in § 102.68. Materials other than those set out above shall not be a part of the record.

(ii) In a proceeding pursuant to this section in which no hearing is held, the record shall consist of the objections to the conduct of the election or to conduct affecting the results of the election, any report on objections or on challenged ballots and any exceptions to such a report, any regional director's decision on objections or challenged ballots and any request for review of such a decision, any documentary evidence, excluding statements of witnesses, relied upon by the regional director in his decision or report, any briefs or other legal memoranda submitted by the parties, and any other motions, rulings or orders of the regional director. Materials other than those set out above shall not be a part of the record, except as provided in paragraph (g)(3) of this section.

(2) Immediately upon issuance of a report on objections or challenges, or both, upon issuance by the regional director of an order transferring the case to the Board, or upon issuance of an order granting a request for review by the Board, the regional director shall transmit to the Board the record of the proceeding as defined in paragraph (g)(1) of this section.

(3) In a proceeding pursuant to this section in which no hearing is held, a party filing exceptions to a regional director's report on objections or challenges, a request for review of a regional director's decision on objections or challenges, or any opposition thereto, may support its submission to the Board by appending thereto copies of documentary evidence, including copies of any affidavits, it has timely submitted to the regional director and which were not included in the report or decision. Documentary evidence so appended shall there upon become part of the record in the proceeding. Failure to timely submit such documentary evidence to the regional director, or to append that evidence to its submission to the Board in the representation proceeding as provided above, shall preclude a party from replying on such evidence in any subsequent related unfair labor proceeding.

* * * * *

Dated, Washington, D.C., September 9, 1981.

By direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.
**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

REMINDERS

List of Public Laws

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